



# Fairfax County National Association for the Advancement of Colored People (NAACP)

## 2016 - 2017 Criminal Justice County Report Card



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## INTRODUCTION

At the beginning of the year, Fairfax County NAACP published our 2017-2018 Advocacy Agenda which highlighted our organization's priorities. The agenda was intended to challenge complacency in the school system, champion criminal justice reform, and encourage economic development and job growth in minority neighborhoods here in Fairfax County. Since that time our Political Action, Criminal Justice, Economic Development, and Education Committees have been monitoring the actions of Fairfax County leaders to evaluate their responsiveness to our concerns.

This Criminal Justice Report Card serves as a follow-up to the Advocacy Agenda. It indicates how well we believe each County official tasked with creating or enforcing criminal justice policies has performed against our agenda items. We hope you find this report card insightful and a useful tool for evaluating our county officials' efforts to address the needs and concerns of the county's minority community, who are often the most vulnerable with regard to criminal justice issues.

Thank you to all the NAACP members, advocacy groups, and supporting organizations that provided input to this collaborative project. Thank you to all of the members of the Board of Supervisors who graciously took time out of their busy schedules to meet with us to provide input, and to discuss our concerns. Please direct your feedback or information requests to me at [president@fairfaxnaacp.org](mailto:president@fairfaxnaacp.org).

Sincerely,

Kofi Annan  
President, Fairfax NAACP  
"Because Freedom isn't Free"

## METHODOLOGY

The period evaluated was from September 2016 to September 2017. Since this was our first report card, we concluded that it would be unfair to completely ignore county officials' efforts on long-term projects that commenced prior to the beginning of evaluation period. Therefore we exercised some flexibility on such projects for this iteration. We used three primary inputs to generate the grades. The first input was an evaluation of the positions county officials adopted during the evaluated time period. This included statements made on record, as well as votes cast during public meetings. The second input was to convene with other community leaders and advocacy organizations that follow the issues. Lastly, we reached out to the county officials themselves to get their input. After compiling all the relevant data, the Criminal Justice committee met to assign the grades.

Grade Definitions		
Good	A	Led effort to implement measures with demonstrated success
	B	Supported favorable efforts initiated by others; or led favorable albeit less effective measures
Fair	C	Provided only faint verbal/intangible support for favorable actions; generally ineffective at implementing or advocating for effective policy changes
Poor	D	Lacked knowledge, exhibited indifference and/or mildly opposed
	F	Strongly Opposed

## EXECUTIVE SUMMARY

Fairfax County has made some great strides with regard to criminal justice reform in the past two years. Thanks in large part to the leadership of Chairman Sharon Bulova, the county created an Ad-Hoc Commission<sup>1</sup> review county police practices on topics such as use of force, civilian oversight, treatment of mentally ill, and diversity. Recognizing that Fairfax County was not immune from the factors that led to the riots in Baltimore, Maryland or Ferguson, Missouri, Chairman Bulova proactively initiated a process to examine the county's shortcomings with regard to criminal justice. Two years later, we're now only the second jurisdiction in the state with both a Civilian Review Panel and an Independent Police Auditor. These changes were not easy, and faced stiff opposition from some members of the board who either wanted to toss out the recommendations altogether or render them ineffective. The only issue that received almost unanimous support was the Diversion First program which aims to divert mentally ill patients who commit non-violent offenses to mental health treatment facilities.

<sup>1</sup> Ad Hoc Police Practices Review Commission Final Report; Michael Hershman; 2015; <http://www.fairfaxcounty.gov/chairman/pdf/adhoc-final-10.8.15.pdf>

Much work remains to be done to implement all the recommendations of the Commission; and even some the ones that were implemented need to be bolstered either financially or from a policy perspective. The good news is that with a few exceptions, the majority of the Board of Supervisors, Chief of Police, and Sheriff generally support the reform efforts laid out by the board. The bad news is that a lot of their support is either weak or contingent on the county realizing tangible immediate financial benefits, whereas many of the biggest benefits of the changes are intangible such as improvement in civilian trust, or in other cases it takes several years to recognize cost savings. With a few exceptions, most county officials need to do a better job engaging with minority groups to better understand their collective concerns.

## DEFINITION OF TERMS

**Equitable Use of Force:** Use of Force (UoF) in a law enforcement context is defined as “physical force required by police to compel compliance by an unwilling subject.” According to the FCPD’s 2015 data, 47% of all the UoF cases involved African American residents. This statistic is especially alarming after considering that the county’s African American population is only roughly 8% of the total population. We evaluated county officials’ efforts to understand the causes for this glaring disparity, track progress, propose, and implement solutions to make the distribution of UoF more equitable.

**Diversity of the Department:** According to FCPD data, the percentage of minority members of the department have remained fairly flat. The department was roughly 15% percent minority in 2013 and it is 15% today. The lack of progress in achieving a force which better reflects the demographics of Fairfax County remains a challenge for the FCPD. The most striking is the number of Latinos who are most under-represented while disproportionately being subject to arrest.

**Civilian Oversight/Accountability:** Implementing mechanisms for civilian oversight and being accountable to county residents is critical to building trust between the civilian population and the law enforcement organizations. We evaluated county officials’ degree of support for the Civilian Oversight Committee, the Police Auditor, and the use of Police Body Worn Cameras.

**Support for Incarceration Alternatives:** According to the [Sentencing Project](#), African Americans are incarcerated in state prisons at a rate that is 5.1 times the imprisonment of whites. Here in Virginia, more than half the prison population is black even though only about 20% of the overall population is black. Here in the county the percentage of black inmates is 33% even though they only make up 8% of the County. We evaluated county officials efforts to understand the causes for this glaring disparity, track progress, propose, and implement solutions to reduce the number of African American inmates, and support prison alternatives, such as the [Diversion First](#) Program, Work Release, and Community Labor Force.

**Minority Community Outreach:** Given the well-publicized, long and troubled history of the nation’s law enforcement relations with communities of color, it is imperative that law enforcement and elected county officials alike make a concerted effort to engage these communities to understand their concerns and strengthen relations. We evaluated each county official on the emphasis placed on improving community outreach on the topic of criminal justice.

## SCORECARD

	Use of Force	Diversity	Civilian Oversight/ Accountability	Incarceration Alternatives	Minority Community Outreach	Overall Grade
Chief Roessler	C	C	B	A	A	B
Sheriff Kincaid	C	A	F	A	A	C+
Chairman Bulova	B	C	A	A	A	B
Sup. Cook	C	C	B	A	B	C+
Sup. Foust	C	C	B	B	C	C
Sup. Hudgins	B	C	A	B	A	B
Sup. McKay	C	C	B	B	C	C
Sup. Gross	D	D	D	B	B	D+
Sup. Storck	C	C	A	B	B	C+
Sup. L. Smyth	C	C	C	B	D	C
Sup. Herrity	D	C	F	C	D	D
Sup. K. Smith	D	D	F	B	D	D

## SUPPORTING NARRATIVES

### Chairman Bulova: B

Chairman Bulova has been a champion of minority issues with regard to criminal justice. She led the charge for the creation of the Ad Hoc Police Practices Review Commission and continues to work toward implementing the recommendations. The Commission recommended over 200 changes, most of which were advanced by the Board of Supervisors in the 15 months following the release of the Commission's report. Thanks in large part to the Chairman's leadership on this issue, the Fairfax County Police Department (FCPD) now has a much improved level of transparency and civilian oversight with the implementation of the Civilian Review Panel (CRP) and Independent Police Auditor (IPA) making Fairfax County the only jurisdiction in the Commonwealth to have both, and bolstered efforts to get mentally ill residents treatment instead of sending them to jail through implementation of the Diversion First Program. The County's Diversion First program won the National Association of Counties 2017 Achievement Award in the category of criminal justice and public safety. Bulova also demonstrated a commitment to transparency with the planned implementation of police body-worn cameras (BWC), the establishment of a policy to release the names of officers involved in critical incidents within 10 days, and the hiring of a County Freedom of Information Act (FOIA) Officer in March of 2017.

Chairman Bulova did a very good job reaching out to minority communities. She not only participated in multiple NAACP events, including our Immigration Panel and Kids vs. Cops Basketball Game, but she also hosted multiple events to combat hate speech, and regularly conducts outreach to other organizations that are focussed on minority concerns about law enforcement. She invited the NAACP to nominate a candidate to serve on the inaugural CRP. She also established the Communities of Trust Committee, whose goal is to enhance the relationships between public safety agencies and the communities they serve.

There is still more work to do to continue forward momentum regarding equal justice in Fairfax County. We believe both the CRP and the IPA were denied some investigative authority necessary for them to most effectively, and we would like for the Chairman to be a stronger advocate for expanding those authorities as much as State regulations allow. The pace of the BWC implementation has been painfully slow, and early drafts of the accompanying policy demonstrates a reluctance on the part of the FCPD to make video footage easily accessible to the public. The Chairman said she shares our concerns and will advocate for increased accessibility. In August 2017, we formally submitted a request to the Chairman that the County partner with an independent organization, like a university, to commission a study to determine the causes and implications of the disparity in UoF data; and conduct annual studies to measure whether or not FCPD is making progress in this area. She quickly responded with a letter informing us that in addition to the IPA, George Mason University's Center for Evidence-Based Crime Policy will also analyze the data.



According to FCPD data, the percentage of minority members of the department have remained fairly flat. The department was roughly 15% percent minority in 2013 and it is 15% today. Chairman Bulova supports the FCPD efforts to make the department more reflective of the County's demographics, however, the results are still lagging, and there does not appear to be plan currently being considered to re-engineer the diversity recruitment program or hold the FCPD accountable for reaching set goals or timelines.

## Supervisor Cook: C+

Supervisor Cook has been a force for positive change with regard to criminal justice. Under his leadership of the Public Safety Committee, we believe the FCPD is on the right path to becoming more transparent and accountable to its citizens.

Cook supported the creation of the Ad Hoc Police Practices Review Commission and worked to implement most of the recommendations. He supports the implementation of the BWC, as well as our efforts to ensure access to viewing the footage under Commonwealth's FOIA standards. He supported the Independent Oversight and Investigation Subcommittee of the Ad Hoc Police Practices Review Commission recommendations to establish an Office of Independent Police Auditor and Civilian Review Panel. However, we feel his advocacy for ensuring these bodies were given the strongest tools available to investigate police actions left a lot to be desired. Ultimately, while we feel these bodies are great steps in the right direction, we object to Cook's "wait and see" approach to see if the Panel and Auditor have the tools necessary.

Supervisor Cook supports investigating FCPD's disproportionate UoF towards African Americans. In April of this year, he submitted a board matter requesting that the IPA "investigate the statistical disparity between the level of African American arrests and the African American population in Fairfax County." However, as of September 2017 he was reluctant to support our call for an outside organization to investigate the issue, preferring to depend solely on the IPA. Even though we approve of the IPA looking into the matter, it we do not feel his office was provided adequate resources and guidance conduct an adequate investigation given the scope of the task and the size of the county. His office currently consists of only two people, and he will also be tasked to review the investigations of all new UoF cases. In addition, the office of the IPA were not given any specific instructions establishing parameters of the study or a timeline for completion. Therefore, at this time we are skeptical that Supervisor Cook is committed to ensuring the IPA has adequate resources and is paying enough attention to this matter. Cook supports the Diversion First program, as well as our advocacy to ensure all citizens who come in contact with law enforcement have an equal chance to take advantage of the program. He expressed support for desire to start collecting demographic data such as race and ethnicity on who is being diverted under the program.

Supervisor Cook is supportive of the NAACP. He also agreed to participate in our Criminal Justice Committee Panel, and hosts similar panels in areas of the county with high minority populations. However, more deliberate and pro-active outreach to organizations that specifically cater to minority concerns would better inform the supervisor's policy decisions. Cook also supports the FCPD efforts to make the department more reflective of the County's demographics, however, the results are still lagging, and there does not appear to be plan currently being considered to re-engineer the diversity recruitment program or hold the FCPD accountable for reaching set goals or timelines.

## Chief Ed Roessler: B

In a profession that has developed a reputation for resisting civilian oversight or reform efforts, Chief Roessler stands apart from the field. Over the last year he has guided FCPD through the challenging implementation of over 200 new reform recommendations from the Ad Hoc Police Practices Review Commission - many of which faced stiff internal opposition. The most challenging of these recommendations were the creation of the office of the IPA and the CRP. Recognizing the need to bolster public trust, Chief Roessler supported the creation of both, and generated new policies such as a policy to release the names of officers involved in critical incidents within 10 days.

Col. Roessler supports the implementation of BWC. However, we are strongly opposed to his desire to place heavy, and in our opinion, unnecessary restrictions on the public's ability to view the footage from these cameras. He prefers to retain the right to grant citizens access to the footage. We feel that instituting body-worn police cameras that only the officers have access to would not provide citizens with any greater transparency, and would in fact produce even more angst and suspicion among the general public in the event of another police-involved shooting or accusation of police misconduct. Our position is that footage should be made available to citizens - particularly those that are the subject of the video or their legal representatives - after completing a FOIA Request. If all goes according to plan, a pilot program should be deployed in late 2017.

On the issue of equitable UoF, by Roessler's own admission, nothing has been done thus far to investigate the disproportionality of force being applied to African Americans, even though the findings are two years old at this point. However, in recent conversations, he expressed optimism that both the IPA and an outside institution would be researching the matter; and he committed to offer the department's full support in this effort. Officers are now also mandated to take de-escalation training. Even though this may not address the disparity with regard to race, he is optimistic that this could reduce the overall numbers. He also claimed that the use of the taser has decreased over the past year. It should be noted that an approved Ad Hoc Commission implementation of mandatory wear of "Tasers" for ALL uniformed officers on duty has not been implemented and it's unclear whether it's due to training or budgetary reasons; which the Chief has indicated in the past would be the only delay for full implementation. Regardless, it's unacceptable that trained officers continue to have the option to not wear "Tasers."

The lack of diversity in the department remains a glaring area of concern to us. Even though the Chief has highlighted efforts to expand his recruiting base in an attempt to reach more diverse populations, and commissioned a Council on Diversity, the results remain stagnant. As of the time of this report, 82% of the force was White, just over 7% Black, 5% Hispanic, and 4% Asian, which were virtually identical to what they were four years ago. It is the Chief's hope that the efforts by the Diversity Council will start to pay off in the long-term. However, the near term results look pretty dismal. Of the 46 members of the current recruiting class, 35 are White. To his credit, Roessler has promoted three highly qualified minority officers to senior leadership roles in the past year.

FCPD does an outstanding job when it comes to minority community outreach. Chief Roessler has consistently maintained open lines of communication between the department and the NAACP. He has invited us to participate in the Diversity Council, and be a part of committee charged with crafting the

policy for the BWC. This year we hosted the first Cops vs. Kids (Blue and Gold) basketball game, which brought officers together with community members to socialize, but also to provide an opportunity to ask questions pertaining to police interaction and policies. Chief Roessler attended this event and fielded questions from the public. He also attend our Criminal Justice Panel discussion in September.

## Sheriff Stacey Kincaid: C+

The Sheriff Department is one of the most diverse agencies in Fairfax County, and a lot of that can be directly attributed to the leadership of Sheriff Stacey Kincaid. Sheriff Kincaid makes minority community outreach and recruiting a priority and that is reflected in the demographic breakdown of both her total staff as well her sworn officers. As of August 2017, 33% of her officers were minorities, of which just over 20% were black, 6% Latino, and 5% Asian. Even though there's definitely room for improvement, particularly with regard to the number of Latino officers, and the demographic breakdown of her command staff which only has one African American officer and one female, it certainly reflects a commendable effort and effectiveness on her part to promote diversity in her organization.

Kincaid is a big proponent for Diversion First. This is significant since, according to her, at least 4 out of 10 inmates currently incarcerated in Fairfax County Adult Detention Center (ADC) suffer from mental illness. In other words, 4 out of 10 inmates at the ADC are not only being punished for behavior that they may not be fully capable of processing, but likely are not receiving the appropriate treatment needed for them to live productive lives after their release. In 2016 375 people were diverted from serving jail time in the ADC. After touring the ADC, we sensed the facility intake process was optimized to evaluate inmates' mental and emotional state, and divert them to get appropriate treatment if necessary.

Sherif Kincaid reported to us that she followed all the recommendations of the ad-hoc commission on the use of force. The department was heavily criticized by us and other mental-health advocates for its handling of Natasha McKenna, a schizophrenic inmate who died in 2015 after being tased several times. Prosecutors decided not to press charges in the McKenna's death, however we stand firm in our criticism of Kincaid's handling of the incident and the deputies involved. While we commend Kincaid's decision to prohibit further use of tasers in the ADC, as far as we know, none of the officers involved in the McKenna incident were reprimanded. Ironically, one of those officers later shot and killed another individual outside a Fairfax hospital while he too was in the midst of mental health episode. The officer was in fact Crisis Intervention Training (CIT) certified, which should have made him prepared to recognise that the person was in the midst of a mental health crisis, and de-escalate the situation; but that did not happen. In fairness to the officer, we must also note that the perpetrator was armed with a metal rod. According to the Sheriff's office, assaults on staff dropped since the implementation of CIT training, and there were only 20 incidents of UoF in the jail in 2017. Still, two incidents in the last two years that ended in the death of two mentally ill Fairfax residents (neither of whom were armed with a knife or gun), where no officers were held accountable, leave us skeptical that enough is being done to minimise UoF. The office currently does not track the racial or ethnic breakdown of those involved in UoF incidents, but the Sheriff verbally committed to doing so moving forward.

Unlike FCPD, the Sheriff's office has not submitted itself to either the CRP or the IPA. While Sheriff Kincaid boasts her office's many accreditations from government organizations such as the National Commission on Correctional Health Care, American Correctional Association, Virginia Department of

Corrections and Virginia Law Enforcement Professional Standards Commission, her refusal to submit the UoF incidents involving her officers to external civilian oversight is unacceptable. We feel civilian oversight is especially important considering the fact that most of the interactions between her officers and inmates of the ADC do not come under public scrutiny because they are rarely even made public.

## Supervisor John Foust: C

Supervisor Foust privately expressed concern about the disparity in FCPD's application of UoF towards African Americans, but like many of his counterparts on the Board of Supervisors, he is not on record as having expressed his displeasure, and has not taken any action that would indicate that it is a priority of his office. He also stated he would support our efforts to formally task an external organization to investigate the disparity. Foust appears to have given a little more attention to the lack of diversity within the department; but appears to have no nuanced solutions other than to indicate that the department needs to do a better job recruiting, and he highlighted the possibility that low pay may be a contributing factor.

On the issue of civilian oversight and accountability, Foust stated to us that he was "generally satisfied" with the authorities given to CRP and IPA; however, he shared our concern regarding the fact that neither body had the ability to hear testimony directly. Still, he is content with their governing policies as written for now, and prefers to give both bodies time before making a determination regarding the need for additional resources or authorities. He described the slow implementation of the BWC as the "biggest disappointment", and was perplexed as to why Fairfax County was so far behind the rest of the region. Nevertheless, he was optimistic that the County would eventually fully fund both the pilot program and the full implementation. He described it as one of his top priorities.

Foust does not make a deliberate effort to proactively reach out to any organizations that specifically cater to minority concerns. However, he did state that he places a high emphasis on recruiting and appointing minorities to serve on county commissions.

## Supervisor Catherine Hudgins: B

Supervisor Hudgins attended several NAACP events throughout the year, often unprompted; and was also a frequent visitor to other minority organizations' events as well. As result, she was very in-tune with the needs and concerns of the minority community. Her support for minority concerns was not only symbolic, as these concerns were also reflected in her policy advocacy. She was one of the more vocal advocates for more robust civilian oversight including body cameras, the CRP, and IPA, and incarceration alternatives on the board last year, even when that meant standing up to her counterparts in opposition to these implementations. During the October 2016 Public Safety Meeting, she rebuffed Supervisor Herry's opposition to the CRP, stating that while she has confidence in the Department's efforts, it was also important that the public felt there there was transparency and fairness built into the process. Nevertheless, we feel she could have been stronger advocate for the two issues which most

disproportionately affect minorities in the county, diversification of the police department, and the disparity of the FCPD's application of UoF towards African Americans.

## Supervisor Jeffrey McKay: C

Supervisor McKay voted to adopt the recommendations of the Ad-Hoc Commission on Police Use of Force. He supported the implementation of the CRP and the IPA, but did not advocate to strengthen them. He also supported the implementation of the police BWC. However, he was not a particularly strong or vocal advocate for these issues, often focusing more on budgetary factors rather than the need to increase public trust. In his approved Budget Guidance document, he directed staff to develop a five-year, "fiscally-constrained plan" to implement the "most important" recommendations for the Commission. In a letter to us he expressed his support for our advocacy to make the FCPD demographics more reflective of the community, but we lack tangible evidence that he has taken any steps to see positive change. He has been more active in support for Diversion First, describing it as a "must." In his role as Budget Chairman, he allocated \$1.9 million dollars from the FY2018 budget to fund the program, including money for 18 positions. He also directed his staff to address future funding needs and requests as part of a five-year plan.

## Supervisor Penelope A. "Penny" Gross: D+

Supervisor Gross hedges on the most critical criminal justice issues. While she supports the recommendations of the Ad-Hoc Commission, her support usually comes with conditions or reservations, some of which we found troubling because they were attached to negative stereotypes about African Americans. While she agreed that the FCPD data showing disparity in UoF is troubling and needs to be investigated further, and supports our call for an outside organization's support, she also appeared to defend the data during our interview by insinuating that younger generations have "an attitude problem." While she did not explicitly state that young *black* people have a particularly bad attitude compared to their white peers, that was our logical conclusion given the fact that the topic of discussion was about the disparity towards African Americans. On the topic of diversity of the force, she expressed support for greater diversity, citing her claim that she attends every police and fire department graduation in the county, and makes it a point to examine the diversity of the graduating class. However, here again she hedged her support by stating that she did not want to "lower the standards" for joining the force in the process, again introducing a negative stereotype that blacks may not be as capable of meeting the current standards.

On the issue of police oversight, Gross was equally ambivalent and only willing to support these initiatives with constraints and reservations. While she supported the creation of the CRP and the IPA, she admitted there was a power struggle between the Chairman of the CRP and the Board of Supervisors, and she felt it necessary to limit the power of the CRP to ensure that the BoS maintains ultimate final oversight, and prevent the CRP from "putting political pressure on investigations."

Supervisor Gross supports the Diversion First program, and expressed frustration that the County was unable to expand funding for the program in the FY2018 budget. However, she has expressed optimism

that in the long-term the program would bare dividends, citing the fact that other jurisdictions that adopted similar programs took fifteen years to produce the dramatic benefits they are today.

Gross' most notable achievement with regard to minority community outreach is her creation of an outreach effort she named kaleidoscope. The goal of the initiative is to bring community members together from different races and cultures to discuss community concerns, particularly as the pertain to race, ethnicity or religion. While we applaud the Supervisor's initiative and believe the effort has potential, by her own admission the program has not produced notable solutions recently, and has gotten "whiter" over the years.

### Supervisor Dan Storck: C+

Supervisor Storck supported fully implementing the Ad-Hoc Commission's recommendations. He was a strong supporter of Diversion First, and in the case of the CRP, he wanted the committee to have more robust capabilities. While he also supported the creation of the office of the IPA, he stated that he has reservations about the scope of his work, and is actually concerned that the IAP, Mr. Richard Schott, may not be fully gainfully employed. He was also a strong supporter of adopting a robust BWC policy that minimizes officers' ability to use his/her discretion to turn the camera off, and easy access to civilians. He believes integrating the BWC will "radically" improve policing in the county.

According to Storck, minority community outreach happens naturally by virtue of his district's diverse demographics. While he admits he does not make a concerted effort to meet with minority groups, he felt he was able to get a good handle on the concerns of the minorities in his district during the course of conducting regular town halls, public safety meetings, and visiting religious institutions. Still, it is not clear that minority concerns are the focus of these meetings.

### Supervisor Pat Herrity: D

Supervisor Herrity opposed several of the reform initiatives proposed by the Ad-Hoc Commission, often using cost as his justification. He not only expressed verbal opposition to them, but also actively lobbied and voted against many of them. While we recognize the importance of weighing cost with any public program, his apparent oversight of the obvious social benefit of getting mentally ill residents treatment as opposed to jail time, or improving public trust of our law enforcement officials is striking. In his attempt to paint himself as being pro-law enforcement, he makes the unfortunate and misguided mistake of taking anti-transparency and anti-accountability positions. The one area he expressed clear support for was the implementation of BWC. While he mentioned that BWC will not be a solution to all concerns, he said he wished the program was moving a lot faster. He also supported Diversion First program, but said he was eager to see the financial benefits for the county.

Although Herrity ultimately supported the IPA, he initially tried to undermine or prevent the office from being created, by stating - among other things - it would create additional work for FCPD, as well as highlighted cost concerns. Both arguments were refuted by FCPD. In December of last year, Herrity was

the lone “NAY” vote against the establishment of the CRP, again chastising his fellow board members for making an irresponsible financial decision, and supporting it out of “political correctness.” He remains opposed to the implementation of the CRP.

## Supervisor Kathy Smith: D

Supervisor Smith also opposed some of the initiatives proposed by the Ad-Hoc Commission; and like Herrity, she too often cited cost as the reason for her opposition. This, despite by her own admittance, not actually knowing how much the CRP would cost the county. During the September 2016 Public Safety Meeting, Herrity attempted to negate the establishment of the office of the IPA by proposing a motion that would simply add additional officers to the FCPD Internal Affairs Bureau. The vote subsequently failed with Smith and Herrity being the lone “AYE” votes. Smith later questioned the need for three auditor positions, we think in an attempt to reduce the strength and capability of the office.

When asked about the disparity on the UoF directed towards African Americans, she admitted she was not very familiar with the issue, and therefore needed more time and more recent data before commenting or committing to support our effort to bring in outside support. She seemed equally unaware and perhaps even disinterested in the issue of diversity of the police department. She did express support Diversion First - despite the significantly greater cost concerns; and for the BWC, which she appeared eager to implement. Other than the hiring or appointing of a few minorities to key commission positions, she did not make a concerted effort to conduct minority outreach, particularly on the topic of criminal justice concerns.

## Supervisor Linda Smyth: C

Supervisor Smyth was not a leader on issues related to criminal justice; and it was unclear to us if her faint and often muted support indicated a lack of interest or passion. Nevertheless, she generally supported the recommendations of the Ad-Hoc Commission, and did not play an obstructionist role or put up any tangible opposition to any of the recommendations that we are aware of. She stopped short on offering support for inviting in an outside organization to study the UoF disparity figures, stating that she would like to see the most current data to see if the disparity still exists. To her credit, of all the supervisors we interviewed, she was the only one willing to acknowledge that a possible trust deficit between police and the African American and Latino community could be a contributing factor to the department’s difficulty recruiting from these communities. She generally supported the implementation of the Diversion First Program, but was hesitant to make a long-term commitment unless she started seeing tangible [financial] benefits. She did not make any concerted efforts to reach out to the minority communities or organizations that specifically cater to minority concerns.