



COMMONWEALTH of VIRGINIA

Office of the Governor

Commission to Examine Racial Inequity in the Law

MINUTES

Topic: Criminal Justice & Police Reform

Tuesday, June 17, 2020

12pm – 2:30pm

Via [WebEx](#)

1. Call to Order
 - a. Cynthia Hudson: calls to order, notes that meeting is over electronic communication due to COVID, public is welcome to attend in accordance with FOIA.

2. Administrative Items:
 - a. Approval of Meeting Minutes – Motion Approved to adopt the meeting minutes

 - b. Attendance & Roll Call – Commissioners in Attendance
 - i. Andrew Block
 - ii. Cynthia Hudson
 - iii. Carla Jackson
 - iv. Jerrauld Jones
 - v. Henry Chambers
 - vi. Jill Hanken
 - vii. Leslie Chambers-Mehta
 - viii. Birdie Jamison
 - ix. Mike Herring – (arrived later in the meeting)

3. Presentation by Laurie Robinson, Professor of Criminology, Law, and Society, George Mason University & Former Co-Chair, The President’s Task Force on 21st Century Policing
 - a. Professor Robinson gave the history of President Obama’s Federal Task Force on policing which started in 2014 after the Ferguson protests and a summary of the work the task force presented. The taskforce focused its work on identifying best practices on building trust between law enforcement and communities.

The central recommendations of this task force report were:



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- Needing to build community trust through fair, impartial and respectful policing.
- Moving law enforcement toward ‘guardian’ rather than ‘warrior’ mindsets.
- Instituting procedural justice mindsets – regarding respectful interactions with citizens.
- Needing to establish transparency and accountability, especially with use of force.
 - Ex. Departments should be annually surveying communities to determine how they are doing, by neighborhood or zip code.
- Needing data to be distinguishable. Recommends adding community surveys to Commission’s policy memorandum.
- Policy and oversight: agencies should clearly articulate use of force policies and get feedback from the community. Consider adding provisions about “duty to intervene” which might have been critical in George Floyd case. Also regarding individuals injured in interactions with police and policies about community intervention or assistance with police interactions.

The Task Force supported external investigations and prosecutions covering police use of force. These cases should likely be investigated by State AG. Need local civilian review boards. Local political science departments can evaluate the experience of the local review boards that are working with the police departments.

Community policing: crime reduction should be based on engaging with citizens to co-operate to reduce crime.

- Joint partnership: identifying and problems and solutions together.
- Positive engagement with youth is critical.
- Ending police involvement with school discipline is vital to improving relations with youth and police over involvement with school discipline has had negative effects on youth outcomes.

Education & Training: New approaches to law enforcement education and training, for both new recruits and in-service training relies on de-escalation techniques, procedural justice, and better handling of persons with mental illness



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and alter-abled individuals. Need more training on interpersonal / inter-social interactions and skills. Social interaction skills have become more critical with younger generations. These skills can measurably reduce use of force cases.

Where we are today: police leaders are more receptive to change today than pre-Ferguson. Reports of police organizations have recommended changes to use of force policies. 34 states and DC adopted new laws regarding use of force and de-escalation.

There are three major challenges to reform efforts:

1. We have a highly decentralized policing system, from federal to local, of thousands of agencies. This poses problems for quick policy changes that are recommended.
2. Buy-in from rank and file officers. This has yet to occur generally. But this is key to successful implementation to reforms. Culture change is the toughest challenge.
3. Federal push for change is more difficult because the federal government has stepped back from a leadership role since the beginning of the Trump administration. The Justice Department needs to provide grant funding and technical assistance, collection and research, and use their 'bully pulpit' to get changes made.

Recruitment & Hiring: Insufficient attention has been given to police recruitment and hiring. This is the one area that the commission should focus on more. Gender diversity, as well as racial and ethnic diversity is critical in the hiring practices, to improve policing culture, and build legitimacy with the community.

"Defund the Police:" There is a need to step back and look at how we want to use police and enforce the law. Fewer than 5% of arrests are for serious violent crimes, nationally. These other 95% disproportionately affect people of color. Need to challenge the number of issues that we have police handling. Funding is going to be a challenge.

b. Questions asked of presenter:

Q: Should we raise minimum age of qualification for recruitment from 18 to 21?



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A -Robinson: No recommendations in this area. Potentially would lose out on some younger men and women who are looking at this for a career before attending college (instead go to military, for example). Recruitment is difficult right now though generally, but the need for maturity is well taken. No easy answer here.

Q: Other states that have adopted legislative proposals – what kind of enforcement of those new legislative dictates are used to ensure that the policies announced have actually been implemented / taken effect / studied after the fact?

A -Robinson: a number of states have adopted such legislation. As an example, NJ has adopted a number of changes regarding training and policy, but it has more centralized control through the state AG. Unsure what evaluation they have done, possibly worked with the policing institute at Rutgers. Ohio has possibly done some evaluation and follow up there as well. Working with a University would be really helpful so that data can be collected from larger and smaller departments and see what kind of impact the changes are having.

Q: If the nature of policing is possibly going to change, will this require more or fewer police officers doing different things?

A -Robinson: It depends on whether crime ends up increasing, cyber-crime, etc. Assuming everything stays at current levels, don't need to increase police numbers. The 1033 program changes are good ones – the initial draft was too extreme. Most requests here were jackets and flashlights, etc. Limiting to those things allowed states to get the stuff that is non-military and helpful.

4. Virtual Bill Signing with Governor Ralph Northam

Governor Northam notes he appreciates the work everyone is doing. 91 pieces of discriminatory language have already been proposed to be struck from the VA legal books. Need to expand more over the next year. Thanks the legislators for carrying these bills.



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a. Remarks from 2020 Bill Patrons: Senator Mamie Locke & Delegate Jay Jones

Jay Jones: thanks the group for their hard work. Thanks the Governor.

b. Northam: signed HB 1325. SB 636. SB 555. HB 1086. SB 896. HB 914. HB 1638. SB 722. SB 874. HB 857. SB 850. HB 1521. SB 600. HB 973.

c. Senator Locke: thanks the group for their hard work. Thanks the Governor.

5. Review of Police Reform Policy Memo from University of Virginia Law School Students

a. Presentation by Andrew Block

Improve data collection and transparency: Report includes recommended changes to FOIA, collection of data with regard to individual officers and complaints against them. Related to this is the idea of civilian review boards. Possibility of recommending every agency adopting these. There is an investigator model that is a heavier financial lift and would have subpoena power; functions in tandem with a police department.

Improving officer accountability: Create more teeth to de-certify officers who engage in misconduct so that this is picked up by other policing departments who might have hired the officer. Possibly have commonwealth attorneys from different jurisdictions handle officer misconduct. There is also the issue of sovereign immunity – legislate specific liability standards that put more department responsibility on the line for who they’re employing. Mandate statewide adoption of an ‘early warning system’ that identifies the ‘bad apple’ officers.

Use-of-Force: Address use-of-force through legislation and trainings. Increase adoption of use of force policies, force as last resort strategies, and add more community members to this conversation.

Military Grade Equipment: Revise VA’s laws on military grade equipment. Recommended that the Commission examine, or request the



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study of, implications of militarization of the police from both operation and in the budget.

Reduce Arrests: decriminalize high volume, low level offenses and use an administrative or civil court to handle citations, tickets and fines. NY City managed to handle a reduction in arrests. Decriminalizing marijuana is one such approach.

Police funding reallocation: recommended to invest in crime prevention through education, healthcare, and social services. Look at budget opportunities to increase treatment of mental health and homelessness. Each locality should establish crisis response units.

Prior Criminal Justice Recommendations: Reminder that there were other recommendations discussed at the last meeting as well.

b. Comments and questions on the presentation

Q: Should there also be a focus on analyzing the policy impacts of the War on Drugs and policing?

A - Block: Looking more comprehensively at budgets and not in one specific area would also include War on Drugs enforcement type of tactics. We recommend taking a more global look at police budgeting to see what opportunities there are.

Jamison (comment): Notes that there should be more focus on traffic stops and looking at enforcement tactics. Treatment and rehab should be applied more equitably across the board; too many sentencing disparities between types of drugs. Too much disparate treatment. Also important is improved data collection and transparency.

Q: Question from the Commission regarding recruitment of new police officers and trying to build police forces that are more diverse – is that going to appear more in this UVA memo and recommendations? What about recruiting 18 vs 21 year olds?

A - Block: we can look more into this.



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Hudson (comment): There may be a jumping off point for researchers to look at recruitment more closely. Back in 2015/2016 the VA AG sponsored a study at VSU where they piloted and collected data on what prevents or deters people of color from seeking to become law enforcement officers and what those deterrents are and how to address them. That research should be a part of this.

J. Jones (comment): in conversations with police and sheriff, one of the most challenging aspects is recruitment into their academies. Police become generational, families with multiple officers. Background checks make joining difficult. Current movement around relaxing standards around prior drug use and minor convictions. Had to reduce the age out of necessity and not wanting to come up short in recruitment. There is pay disparity between different police departments as well.

c. Data collection category:

Q: What does expanding data collection statute into an enforceable racial profiling law mean exactly?

A - Block: this applies to issues around sanctions where there is a lack of reporting. Tying funding to compliance with data reporting is important. Reports end up being incomplete – needs to add teeth to these rules. Perhaps add liability for racial profiling if that is what the reports ultimately show.

d. Civilian Review Boards Category

Block: a few cities in VA already have civilian review boards in some capacity. These boards are all recently created; less than 4 years. Not a lot of information on outcomes for these yet. Note that in NY, the civilian boards are investigating more HR type complaints. Not criminal complaints. The AG would be investigating the criminal complaints. No overlap on that. The investigator model contemplates civilian membership, but also professional staff. Blend of both. But they have subpoena power. Possible for other models to have subpoena power though as well but this is not common.



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The group notes that actually picking which category of review board would be likely a combination executive / legislative decision to make, not a decision of the Commission.

e. Improve Officer Accountability Category

- Comment that a regional group of detectives might be a good strategy.
- Group support for police certifications and early warning systems.
- Sovereign immunity issues is very broad based and requires refinement, and would be a difficult task to take on.
- Address Use of Force through Legislation and Trainings Category

6. Criminal Justice & Police Reform Discussion & Next Steps

- a. Hudson: proposes that the Commission may need to start meeting twice a month. Start looking at how much can be done by the Governor's EO or agency action and what should be moved toward a legislative session. Group agrees.

Hudson: we might want to think about raising this all as an issue of a public health as well, i.e., multiplier effect of racism across all areas as a public health issue.

- b. Group agrees to find a date to meet electronically in the next two weeks.

7. Public Comment

None offered.

8. Adjournment - Adjourned at 2:40 pm