

August 18, 2020

Sally,

Here are my comments on the draft Community Policing Advisory Committee ("CPAC"). While I was in the U.S. Attorney's Office in D.C., which prosecutes both federal and local crimes, I benefitted from Chief Jerry Wilson's community policing efforts during the tumultuous period after the assassinations of MLK and RFK and the violent riots anti-war protests. The community had lost faith in its police force. Through his leadership, however, he won over the local community, including President Nixon and Attorney General Mitchell. I strongly believe in community policing. For more, see *Rise of the Warrior Cop*, by Radley Balko.

Chief McAlister was a finalist and ultimately received a unanimous vote to recommend her to the Town Manager. One of the things she said during her interviews was her strong belief in community policing and how she believed it would fit well in Purcellville. She was right then and is correct today. Like Chief Wilson in D.C., I think she deserves a leadership role, where she can be held accountable to the TC and CPAC. To be the leader does not require that she be a member of CPAC.

The underlying premise of the initiative started by CPAC is good, and I am not trying to impede it. But I am uncertain just what CPAC is trying to remedy through this document. In my opinion Purcellville is, fortunately, a very law-abiding community. The crimes reported to PPD are by and large minor matters. To my knowledge, PPD has the trust of the community and performs its duties professionally.

In my view CPAC is trying to address issues that are not present in Purcellville. If CPAC's objective is to achieve TC's approval for a meaningful role for citizens in the enforcement of the criminal laws here in Purcellville, then its role should be a supportive role that permits CPAC to accomplish this objective.

I think this proposal may be premature. This week starts what may be a month-long special session of the legislature. Multiple proposals are expected to be considered that may impact law enforcement procedures state-wide. Perhaps most relevant is the proposal to strengthen the laws related to Citizen Review Panels. I think this matter should not be finalized until we see what the legislature accomplishes that may impact the relationship between PPD and CPAC.

#### Comments on the untitled 4-page document

I am not going to try to rewrite the 4-page document, but I would be willing to work on a revision with a few persons. The document recently circulated is simply too long, has duplicative and vague statements, and contains many things that in my opinion should not be included in this "charter-type" document. Many of the itemized provisions should be included, if at all, in a separate operational document that lays out how CPAC will carry out whatever

duties TC entrusts it with. These operational duties would be prepared in draft form by CPAC and should then be presented to TC for its consent.

This draft can be read as unnecessarily confrontational. For example, in my opinion it is unnecessary to state that town officials will be held accountable when they reject enforcement policies based on CPAC's advice. This is what elections are for. CPAC has an established means of making the public aware of CPAC's concerns about enforcement issues by presenting remarks at a public TC meeting.

The approach I believe should be approved by TC is one that calls for leadership by PPD, and meaningful cooperation with CPAC. I believe the community should allow PPD to carry out community policing, subject to the oversight of TC and the advice and cooperation of CPAC.

Here are a few of my comments for your review, which essentially set out a new procedure pertaining to community policing.

1. My proposal would make it clear that the TC and Chief have the leadership roles and the CPAC has a secondary, but important supportive role to advise the Chief on how they react to PPD initiatives, efforts and programs to improve the relationship of PPD with both the residential and business community. This could be stated in the "Mission" section.
2. The entire document under review puts PPD in a passive, secondary role. My version would make it clear that CPAC is the liaison between TC, PPD, and the community but the responsibility for law enforcement is immediately with the PPD and ultimately with the TC. After all, PPD is responsible for enforcement of criminal laws, not CPAC. More important, PPD is responsible for managing whatever budget authority TC provides it each year.
3. Under my proposed procedure, at all times, PPD would be responsible for preparing its budget and initiatives. Prior to the presentment to TC of PPD's budget and community initiative, PPD would submit them to CPAC for the assessment and reaction of its members. CPAC's assessment and suggestions should be in writing to PPD. PPD would advise TC that CPAC has reviewed the proposed budget and provided its comments and suggestions, which PPD has incorporated to the extent possible into a revised or amended budget. If the PPD does not agree with the CPAC's assessment, then PPD should attach the CPAC's assessments and suggestions and explain to TC in writing why PPD has rejected them or modified them. TC would resolve any differences.
4. Under my proposed document, relevant matters that come directly to CPAC in the first instance should be presented in writing by CPAC to PPD for its comments and reactions. This would include questions about any shortcomings in the PPD's community outreach programs. IF CPAC is dissatisfied with PPD's response, then CPAC may raise its concerns with TC.
5. The subject of bylaws and procedures needs a lot of work. I would add to the bylaws that CPAC should elect a chair and co-chair and include a designated secretary from CPAC membership. As CPAC secretary, this person should have the responsibility to take

meeting minutes which shall be approved by the CPAC membership. Given the role CPAC seeks to carry out and its effort to be independent of public officials, minutes should not be prepared by a member of the town staff. Many of the itemized duties and membership matters should be included the bylaws and/or rules of operation.

6. All CPAC meetings must be open to public, properly publicized, and comply with the provisions of Va. Code on open meetings, including the "2-person rule." Members of CPAC can be expected to be unfamiliar with this restriction and will need the guidance of the Town Attorney to comply. You've already prepared written guidance on this and I think it's more than adequate for CPAC.
7. I haven't figured out what the role of the Town Manager is in this matter. It is to be expected that the TC will ask the Town Manager for his/her opinion on a community policing matter under the TC's consideration. Additionally, the Town Manager has to be at least copied on many of the communications and documents because the chief reports to the Town Manager.

Should you need additional information from me pertaining to this matter, please let me know.

Doug McCollum