
Police Civilian Review Panel

Meeting Agenda

Location: Gum Springs Community Center, 8100 Fordson Road Alexandria, VA 22306

Date: November 3, 2022

Time: 7:00 pm

Agenda details:

I. Call to Order

II. Agenda Items

- a. Approval of Agenda
- b. Approval of October 6, 2022 Draft Meeting Summary
- c. Approval of Subcommittee Initial Review Report for CRP-21-22
- d. Reconsideration of tabled discussion regarding the Magistrate's office

III. Executive Director's Report

IV. Office of the Independent Auditor's (OIPA) Report

V. PCRCP Matters

VI. New Business

VII. Adjournment

Panel Meeting Schedule:

- December 1, 2022 at 7:00 p.m.
- January 5, 2023 at 7:00 p.m.
- February 2, 2023 at 7:00 p.m.

Police Civilian Review Panel

October 6, 2022

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Jimmy Bierman
Cheri Belkowitz
Todd Cranford, Vice-Chair
Bryon Garner
Celeste Peterson
Dirck Hargraves, Chair
William Ware
Janell Wolfe

Others Present:

Kenneth Bynum, Counsel
Madison Gibbs, Counsel
Sanjida Lisa, PCRCP
2nd Lt. Tim Forrest, Internal Affairs Bureau
Steven Richardson, Executive Director, PCRCP
Lt. Todd Sweeney, Internal Affairs Bureau
Dre'Ana Whitfield, OIPA
2nd Lt. Matthew Lane, Internal Affairs Bureau

The Panel's business meeting was called to order at 7:04 p.m. Mr. Hargraves, Chairman, welcomed everyone to the Panel's October 6, 2022, meeting. Everyone who was present in Conference Room 232 stated their name and their position.

Approval of Agenda: Mr. Garner moved approval of the meeting agenda. Mr. Bierman seconded the motion, and it carried unanimously.

Approval of September 1, 2022, Draft Meeting Summary: Mr. Garner moved approval of the Panel's September 1, 2022, meeting summary. Mr. Cranford seconded the motion, and it carried unanimously.

Consideration of Draft Review Report for CRP-22-06: Mr. Bierman provided a brief explanation of the draft review report. He stated that he did his best to capture the various views, suggestions, and discussions of the Panel.

Ms. Wolfe expressed that she wanted to ensure that each Panel member and the complainant were heard through this report. She stated that she believed the recommendations are straightforward.

Ms. Belkowitz commended Mr. Bierman for his hard work on the report. She asked if the Panel wanted to use politically correct language if it is in the Panel's voice. Mr. Bierman stated if the Panel feels more comfortable with using different words, he is open to that friendly amendment. Mr. Hargraves stated that the Panel can find what the correct language is and will incorporate it in the next report.

Discussion ensued on concerns about specific language in the report. A friendly amendment was made on page 15. Mr. Bierman proposed to add a sentence on page 15 to, "other Panel Members explained

that the responding officers' comments opining on the likely outcome of the complaint seemed inappropriate at the time."

Ms. Belkowitz expressed concerns with a sentence on page 2 of the report. Mr. Cranford said that he had the same concern. Further discussion ensued on the language. The Panel agreed to change the sentence on page 2 to "Several members were candid about their concerns that a call for service may have been handled differently if the races of the individuals involved were reversed."

Ms. Belkowitz referenced page 3 of the report and stated that she thinks it is important to add how long it took for the officers to arrive after the 911 call started. Mr. Hargraves agreed with Ms. Belkowitz. Mr. Bierman proposed adding the exact figures to the sentence. Mr. Bierman proposed to change the sentence to, "Two male officers were dispatched to the scene, an apartment complex in McLean, with the first officer arriving approximately ten minutes after clearing prior incident in another part of the service district and a total of 24 minutes after the 911 call started."

Ms. Belkowitz referenced page 24 of the report and suggested adding social economics to a sentence. Mr. Bierman proposed to change the sentence of the first recommendation to "The FCPD should, if not already a part of its training, develop a training based on the facts and circumstances of this case that considers how race, gender, age, and social economic status affect policing and de-escalation."

Mr. Hargraves expressed that these reports must serve all audiences. He thanked all the Panel members for their comments and recommendations.

Ms. Peterson stated that commonly used acronyms should be added to the report. She expressed concerns that the public may not know what it means. Mr. Richardson stated that he will make a standard acronym page for the Panel.

Mr. Ware referenced page 3 of the report and suggested an edit to a sentence. Mr. Bierman proposed to change the sentence to, "Two officers were dispatched to the scene, an apartment complex in McLean, with the first officer arriving approximately ten minutes after clearing prior incident in another part of the service district and a total of 24 minutes after the 911 call started". He further proposed to change the next sentence to, "The officers, both of whom were White males met the complainant at the apartment complex, finding her several minutes after arriving when she got back to her van from delivering more packages."

Mr. Bierman moved to accept the friendly amendments of the review report. Mr. Ware seconded the motion and it carried unanimously.

Recommendations:

Mr. Hargraves invited the Panel to discuss the proposed recommendations in the report. The Panel openly deliberated.

Mr. Bierman moved to accept recommendation 1 in the report with the friendly amendments provided by Ms. Belkowitz and Ms. Wolfe. Mr. Garner seconded the motion.

Mr. Hargraves and Ms. Belkowitz recommended merging recommendation 1 and recommendation 7. Mr. Bierman proposed to change recommendation 1 to, "The FCPD should, if not already a part of its training, develop a training based on the facts and circumstances of this case that considers how race,

gender, age, and social economic status affect policing and de-escalation. Such a training should also consider how implicit biases may affect how FCPD officers interact with alleged victims and witnesses in addition to alleged perpetrators.”

Mr. Hargraves called the question and the motion carried with a unanimous vote.

Ms. Wolfe moved to accept recommendation 2 in the report. Mr. Ware seconded the motion. Discussion ensued on the second recommendation.

Mr. Hargraves called the question and the motion carried with a unanimous vote.

Mr. Bierman moved to accept recommendation 3 in the report. Mr. Garner seconded the motion.

Mr. Ware made a friendly amendment to remove “be encouraged to” in the language.

Mr. Hargraves called the question to remove “be encouraged to”, and the motion carried with a vote of six, with Ms. Belkowitz abstaining and Mr. Bierman opposing.

Ms. Wolfe voiced that the word “should” is not mandatory. Further discussion ensued on whether the language should be further amended for recommendation 3 and none were made.

Mr. Hargraves called the question and the motion carried with a unanimous vote.

Mr. Bierman moved to accept recommendation 6 in the report. Mr. Hargraves seconded the motion. Further discussion ensued on the recommendation and no amendments were made.

Mr. Hargraves called the question and the motion carried with a unanimous vote.

Mr. Bierman moved to accept recommendation 4 in the report. Mr. Garner seconded the motion.

Discussion ensued on the recommendation and no amendments were made. Mr. Hargraves called the question and the motion carried with a unanimous vote

Mr. Bierman moved to accept recommendation 5 in the report. Mr. Garner seconded the motion. Discussion ensued on the magistrate process. Mr. Richardson asked should the magistrate process be described on the Police Civilian Review Panel website. Mr. Bierman suggested tabling the discussion for a later date.

Mr. Hargraves asked for a motion to table recommendation 5. Mr. Bierman withdrew the motion to accept recommendation 5.

Ms. Belkowitz asked if the Panel would like to add a recommendation regarding requesting arrest data in reports since it was not provided in this case. Further discussion ensued on including arrest data in the recommendations section. Mr. Bierman proposed the recommendation that in any cases with allegations of racial bias and profiling, data shall be provided.

Ms. Belkowitz moved to include the recommendation: In all cases involving allegations of bias or profiling, arrest, stop, community contacts, and search statistics shall be provided in the file for the PRCP to review. Mr. Bierman seconded the motion and it carried unanimously.

Mr. Hargraves thanked the Panel for their recommendations.

Executive Director's Report: Executive Director Richardson stated that the Police Civilian Review Panel, Office of the Executive Director is now fully staffed and functional. He thanked Management Analyst, Sanjida Lisa, who began her tenure on September 26, 2022.

The Executive Director stated that on October 1, 2022, the Panel had its first, in a series of trainings to effectuate Chairman Hargraves' vision of establishing a "best in class oversight body." He stated that the session was facilitated by attorney Marcia K. Thompson, Esq., to help the Panel look back at its genesis, evaluate its current operations and brainstorm ways to move their perspective. He said that he hopes to bring attorney Thompson back before the end of the year for a follow-up session.

The Executive Director informed the Panel that the next training will be held on Saturday, November 12, 2022, from 9:00 am – 4:00 pm at the Pennino Building. He stated that this will be a training conducted by past National Association of Civilian Oversight of Law Enforcement (NACOLE) President Brian Corr.

The Executive Director discussed his outreach efforts with the Panel. He informed the Panel that to bring further awareness to the Panel the office will be finalizing two locations for this year's remaining public meetings.

The Executive Director informed the Panel that on November 10, 2022, from 6:30 pm - 9:30 pm the Office of the Executive Director will be hosting a PCRPs Reception in the Government Center Forum. He stated that they are inviting the Board of Supervisors, other County leaders, the Fairfax County Police Chief, his command staff, station commanders, Internal Affairs leadership, community leaders and organizations, as well as members of the general public. Formal invitations will be going out on October 10, 2022, and RSVPs are required.

PCRPs Matters: Mr. Hargraves informed the Panel that there is a complaint that the subcommittee must review. Mr. Hargraves stated they will have to meet by October 24, 2022. Ms. Wolfe volunteered to replace Mr. Bierman and she will join Mr. Hargraves and Ms. Belkowitz on the subcommittee.

Mr. Hargraves informed the Panel that the Virginia General Assembly Legislative session starts January 8, 2023 and goes until February 4, 2023.

Ms. Belkowitz provided a summary of her experience doing a ride-along in the Franconia District. Mr. Hargraves thanked Ms. Belkowitz for attending the ride-along. The Executive Director encouraged the Panel to attend two different shifts when doing ride-alongs.

Panel members thanked the authors of the Review Report for their hard work and drafting of recommendations.

Adjournment: Mr. Bierman moved to adjourn the meeting. Ms. Belkowitz seconded the motion, and it carried unanimously.

The meeting adjourned at 9:06 p.m.

Next Meeting: The Panel's next business meeting will be held on November 3, 2022, at 7:00 p.m.

Fairfax County Police Civilian Review Panel Subcommittee Initial Review Report

Request for Review – Basic Information

CRP Complaint Number: CRP-21-22

Subcommittee Meeting Date: October 24, 2022

Subcommittee Members:

- Dirck Hargraves, Subcommittee Chair (Panel Chair)
- Cheryl Belkowitz, Subcommittee Member
- Janell Wolfe, Subcommittee Member

Complaint Submission Date: Review Request received on 10/15/2021. Other Key Dates: Incident Date: 9/6/2020; Complaint to Panel: 8/4/2021; Complaint to FCPD: 8/6/2021; FCPD Disposition letter: 10/5/2021

This report is subject to Federal and Virginia Freedom of Information Acts. Panel members will maintain to the greatest extent possible under the law and in accordance with the Bylaws all sensitive and confidential information not intended for a public release.

Purpose

The Subcommittee Initial Review Report sets forth the Subcommittee's recommendation on whether the Complainant's allegation(s) meet the standard for review provided in the Panel's Bylaws. The Panel may accept or not accept the Subcommittee's recommendation on whether to review a complaint.

Findings

The Panel's review authority states in Article VI (A)(1) of its Bylaws: "The Panel shall review Investigations to ensure their thoroughness, completeness, accuracy, objectivity and impartiality where (1) the subject matter of an Investigation is an allegation of 'abuse of authority' or 'serious misconduct' by a FCPD officer, and (2) a Review Request is filed."

The subject matter of this investigation concerns allegations by the Complainant that officers of the Fairfax County Police Department (FCPD) violated policy/law when they destroyed evidence (i.e., pictures taken of her legs) when she went to the Sully District police station to file a report and that officers lied to her when they told her there were no pictures.

The Subcommittee finds that the subject matter of the investigation, as stated in the allegations, **does not meet** the threshold requirement for "abuse of authority" and "serious misconduct."

Recommendation

The Subcommittee recommends that the Panel **not undertake** a review of CRP-21-22 because the complaint **does not meet** the scope of review criteria set forth in its Bylaws.

Panel Bylaws Abuse of Authority and Serious Misconduct Checklist

Criteria Met?	Abuse of Authority and/or Serious Misconduct	Complainant Details*
No	Use of abusive racial, ethnic or sexual language or gestures.	
No	Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability.	
No	Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense.	
No	Reckless endangerment of detainee or person in custody.	
No	Violation of laws or ordinances.	While alleged, no substantiation in the investigative file.
No	Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Cannon of Ethics, that occur both on or off duty.	While alleged, no substantiation in the investigative file.

***Confidential and sensitive information shall not be disclosed in this document. Contact the Chair or Panel Legal Counsel for questions and/or additional information.**

Police Civilian Review Panel

October 24, 2022

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Cheri Belkowitz

Dirck Hargraves, Chair

Janell Wolfe

Others Present:

Theresa Caffey, Complainant

Sanjida Lisa, PCR

2nd Lt. Tim Forrest, Internal Affairs Bureau

2nd Lt. Matthew Lane, Internal Affairs Bureau

The Panel's business meeting was called to order at 6:35 p.m. Mr. Hargraves, Chairman, welcomed everyone to the Panel's October 24, 2022, Subcommittee meeting. Everyone who was present in Conference Room 232 stated their name and their position.

Motions to Subcommittee Meeting: Mr. Hargraves provided a brief explanation of the Subcommittee review process and how the subcommittee would assess whether a complaint will get forwarded to the full Panel for a review via the By-Laws and Code of Ethics.

Ms. Belkowitz continued to review the process and explained that the subcommittee reviewed the initial complaint, any interviews, any video and audio footage, and pictures pertaining to the complaint. Ms. Belkowitz briefly presented the complaint and went on to suggest that she did not personally see any evidence that the complainant's ex-husband's affiliation with the Loudoun County (Loudoun County Fire & Rescue Benevolent Association) had any influence on the outcome of the situation leading to the complaint.

Mr. Hargraves explained the purview of the Panel and the function of the Panel meeting would be to examine the information present in the investigation and determine whether it was thorough, complete, accurate, objective and impartial.

Ms. Wolfe stated that she did not feel that the four photos provided in the complaint file was sufficient and concurred with Ms. Belkowitz on her opinion of the complainant's ex-husband being involved with Loudoun County.

Ms. Belkowitz and Ms. Wolfe both remarked that the police officers did an exemplary job with the investigation, with the handling of the case and the dissemination of the disposition letters.

The Complainant remarked that the surveillance footage from her initial contact with the officers was deleted. Mr. Hargraves explained that Fairfax County Police Department (FCPD) surveillance gets erased every sixty days and the footage can generally be requested through the Central Records department at FCPD.

Mr. Hargraves asked the FCPD representatives if they wanted to make any comments before continuing to review the Initial Review Checklist. The representatives did not have any comments and Mr. Hargraves commenced with the review.

Initial Review of CRP-21-22: Mr. Hargraves read aloud the first criterion on the Panel Bylaws Abuse of Authority and Serious Misconduct Checklist. Panel members agreed the first criterion was not met.

The Complainant mentioned that she had informed the officer that she had a disability and Mr. Hargraves responded that another criteria might address that concern more fully.

Mr. Hargraves read aloud the second criterion on the checklist. Ms. Wolfe stated there was no allegation of that. All panel members voiced the second criterion was not met.

Mr. Hargraves read aloud the third criterion on the checklist. Ms. Wolfe stated that the allegation of the loss of photographs could potentially fit this criterion. Ms. Belkowitz disagreed and defined that the criterion was making reference to an intentional destruction of evidence. Ms. Wolfe concurred. All panel members agreed this criterion was not met.

Mr. Hargraves read aloud the fourth criteria on the checklist. All panel members agreed that the allegations did not fit this criterion.

Mr. Hargraves expressed that he felt there was an allegation of destroying records and thought it might fit under the fifth criterion, violation of laws or laws or ordinances. Ms. Belkowitz and Ms. Wolfe both concurred.

Mr. Hargraves read aloud the sixth criterion on the checklist which includes other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Cannon of Ethics, that occur both on or off duty. Ms. Belkowitz stated that she thought the allegations fit and remarked that it was unethical to destroy records. Both Mr. Hargraves and Ms. Wolfe agreed that the sixth criterion was met.

Mr. Hargraves concluded that the complaint fell within the Panel's purview of jurisdiction for a review due to the allegations fitting two of the criteria. Mr. Hargraves posed whether the complaint should be forwarded to the full Panel for a review and whether there was sufficient information presented.

Ms. Belkowitz asked the Complainant whether there was a friend present with her at the time of the Complainant's situation, for clarification. The Complainant clarified that there was no friend present and was unsure as to how that information was written in her report.

Mr. Hargraves mentioned that he reviewed the entire case file and video footage, looking for any markings on the Complainant, which he was unable to locate.

The Complainant stated that she made a second visit to the FCPD station to speak with someone about potentially filing a complaint against her son and is confused as to why the Lieutenant present at the station refused to accept that in the report. Mr. Hargraves explained that it is unlikely that a supervising Lieutenant would be present at a FCPD station for intake of reports or complaints.

The Complainant stated that she wanted to present new information, specifically a letter written by her daughter.

Ms. Wolfe interjected that the new information was not a part of the original investigation or case file and would not be appropriate for the subcommittee panel to review without letting FCPD investigate the information beforehand.

Mr. Hargraves reviewed the process of FCPD investigation for clarification to the Complainant.

Ms. Belkowitz made a motion that this case not be forwarded to the full Panel for review, due to lack of corroborating evidence. Ms. Wolfe seconded the motion. All Panel members voted in favor for the complaint not to be reviewed by the full Panel and the vote carried unanimously.

The Complainant mentioned the error of a friend being written into her report when there was no one else present. Ms. Belkowitz stated that since the Complainant confirmed that there was no friend present, there was no one else to interview and believed that the investigation was thorough, complete, accurate, objective and impartial.

Mr. Hargraves explained that the Complainant had an opportunity to address the full Panel at the next Panel meeting, on November 3, 2022, along with the FCPD representatives. Mr. Hargraves mentioned that the Complainant would be able to present her complaint to the full Panel at that meeting.

Mr. Hargraves stated that he felt it was important for community members to have input and be taken seriously by the Panel to give each allegation their due diligence.

The Complainant mentioned that she alleged the officers had taken photographs of her legs. Ms. Wolfe stated that after reviewing the footage in the case file, she concluded that there was no video evidence showing any officers taking any photographs.

Mr. Hargraves stated that the Executive Director of the Police Civilian Review Panel would reach out to the Complainant to let her know when and where the next full Panel meeting would be.

Ms. Wolfe reiterated that the Panel subcommittee's role was to review the complaint already investigated by FCPD and the subcommittee was unable to review any new allegation or information at the present meeting.

Ms. Belkowitz shared her empathy with the Complainant and referred her to reach out to the Community Service Board and possible counseling services for assistance.

Ms. Wolfe passed a motion to adjourn the meeting. Ms. Belkowitz seconded the motion, and it carried unanimously.

The meeting adjourned at 7:20 p.m.

Next Meeting: The Panel's next business meeting will be held on November 3, 2022, at 7:00 p.m.