

Police Civilian Review Panel

May 10, 2023

Fairfax County Government Center, Conference Room 232

Subcommittee Meeting Summary (CRP-23-04)

Panel Members Present:

Bryon Garner, Subcommittee Chair

William Ware

Michael Lau

Others Present:

Sanjida Lisa, PCRCP

Steven Richardson, PCRCP

2nd Lt. Tim Forrest, Internal Affairs Bureau

2nd Lt. Matthew Lane, Internal Affairs Bureau

The Panel's business meeting was called to order at 7:11 p.m. Mr. Bryon Garner welcomed everyone to the Panel's May 10, 2023 Subcommittee meeting. Everyone who was present in Conference Room 232 stated their name and their position.

Motions to Subcommittee Meeting: Mr. Ware moved approval of the subcommittee meeting agenda, Mr. Lau seconded the motion and it carried unanimously.

Mr. Ware provided a brief summary of the events that led to the complaint and the reason for the request for a review by the Panel. Mr. Ware provided the details of the traffic incident involving the complainant in April of 2022. Mr. Garner and Mr. Lau both agreed with Mr. Ware's description of the incident.

Mr. Ware presented the allegations of the complaint, based on his review and notes. Mr. Lau presented his perspective while reviewing the file and his notes. Mr. Garner presented his recollections and notes and provided a brief overview of what the Subcommittee is tasked to do. Mr. Garner also explained what falls under the Police Civilian Review Panel's purview when reviewing a case.

Mr. Garner then noted that while he did think that there were some details in the police report that were misrepresented, such as the complainant's race and eye color, however he did not believe that those misrepresentations rose to abuse of authority or discrimination against the complainant.

Initial Review of CRP-23-04: Mr. Garner read aloud the first criterion on the Panel Bylaws Abuse of Authority and Serious Misconduct Checklist. Panel members agreed the first criterion was not alleged and was not met.

Mr. Garner read aloud the second criterion on the checklist. Mr. Garner stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Garner read aloud the third criterion on the checklist. Mr. Garner stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Garner read aloud the fourth criterion on the checklist. Panel members agreed the fourth criterion was not alleged and was not met.

Mr. Garner read aloud the fifth criterion on the checklist. Mr. Garner stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Garner read aloud the sixth criterion on the checklist. Mr. Garner stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Garner concluded that the complaint did not fall within the Panel's purview of jurisdiction for a review due to the allegations not fitting the criteria on the checklist. Mr. Garner moved that the Subcommittee Panel not recommend that the full Panel undertake this matter. All vote unanimously to not take the matter to the full Panel for review.

Meeting adjourned at 7:49 p.m.

Next Meeting: The Panel's next business meeting will be held on June 1, 2023, at 7:00 p.m.

# Fairfax County Police Civilian Review Panel Subcommittee Initial Review Report

## Request for Review – Basic Information

**CRP Complaint Number:** CRP-23-04

**Subcommittee Meeting Date:** May 10, 2023

### Subcommittee Members:

- Bryon Garner, Subcommittee Chair (Panel Member)
- William Ware, Subcommittee Member
- Michael Lau, Subcommittee Member

**Complaint Submission Date:** Review Request received on 3/13/2023. Other Key Dates: Incident Date: 4/15/2022; Complaint to FCPD: 11/21/2022; FCPD Disposition letter: 2/27/2023

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), when responding to a traffic incident, abused their authority and engaged in misconduct by discriminating against him based on race and/or color, acting in a rude, careless and threatening manner, and in violating FCPD policy/procedure and FCPD Canon of Ethics.

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-23-04 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*
<b>No</b>	Use of abusive racial, ethnic or sexual language or gestures.	
<b>No</b>	Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability.	While alleged, no substantiation in the investigative file.
<b>No</b>	Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense.	While alleged, no substantiation in the investigative file.
<b>No</b>	Reckless endangerment of detainee or person in custody.	Not applicable
<b>No</b>	Violation of laws or ordinances.	While alleged, no substantiation in the investigative file.
<b>No</b>	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.**