

Police Civilian Review Panel

August 12, 2021

Fairfax County Government Center, Conference Room 232

Initial Disposition Subcommittee – CRP-21-13

Members Present:

Jimmy Bierman, Subcommittee Chair
Shirley Norman-Taylor, Review Liaison
William Ware, Review Liaison (by phone)

Others Present:

Rachelle Ramirez, OIPA
Richard Schott, Independent Police Auditor
Lt. Derek Gray, Internal Affairs Bureau
Capt. Camille Stewart, FCPD

The Initial Disposition Subcommittee was called to order at 6:00 p.m.

Mr. Bierman took roll call to verify a quorum of the Panel’s subcommittee was present. He announced that Mr. Ware was participating remotely and asked him to state for the record his location and reason for participating remotely. Mr. Ware stated that he was participating from Madison Heights, Virginia, due to prearranged travel (personal matter).

Completion of Initial Review Report for CRP-21-13:

Mr. Bierman summarized the event subject of the complaint, CRP-21-13. He said that the Complainant referenced two interactions with the FCPD. In the first, an FCPD officer took her report by phone that people were hacking her cell phone and the government was listening in on her phone calls. In a second, another FCPD officer met her in person at a district station and took her claims about the conspiracy to hack her phone. That officer also conducted a wellness check. The Complainant alleged that the officers dismissed her claims and were rude because of her race.

Ms. Norman-Taylor said that the officers were patient, listened and were compassionate towards her. At one point she was asked a question of whether the officer was blowing her off and she responded that no, she was just overwhelmed. She had made many allegations towards agencies throughout the country and the officer assisted her in scanning her documents. Ms. Norman-Taylor said that she did not see anything related to race and that the officers went over and above to help her.

Mr. Ware said that he thought the officers were more than accommodating and did the best they could do to help the Complainant, but the FCPD is not able to provide the services that she needs. He said he was satisfied with the review of investigation into the complaint.

Mr. Bierman expressed agreement that the officers acted professionally and worked to find out what was going on. He said the officer had an obligation to perform a wellness check and explained that he had to do it because of the law. He said that they behaved like trained social workers even though they were not.

Mr. Bierman reviewed the Panel's subcommittee practice for determining if it has jurisdiction, specifically whether the complaint alleges serious misconduct or abuse of authority, whether there is any substantiation in the record related to the complaint, and whether there is any reason to think the FCPD's investigation was not complete, thorough, accurate, impartial and objective.

Mr. Bierman said he believed there was no substantiation of the complaint and there was no evidence that the investigation was not complete, thorough, accurate, impartial or objective. He said that the investigative file was thorough and included a 94-page complaint, notes taken by the investigators, and body-camera footage. He referenced the Panel's abuse of authority and serious misconduct checklist and said that, while the allegations include harassment or discrimination based on race, there is no substantiation in the record. He said the criteria for full Panel review is not met.

Ms. Norman-Taylor moved that CRP-21-13 not be presented to the full Panel. She said that while there was an allegation that fell into the second criteria there was no substantiation. Mr. Ware seconded the motion and it carried unanimously.

Mr. Bierman stated for the record that the police officers did a good job under difficult circumstances.

Ms. Norman-Taylor will present the subcommittee's recommendation to the full Panel at the 7:00 p.m. meeting.

Ms. Norman-Taylor moved to adjourn the meeting. Mr. Ware seconded the motion and it carried by unanimous vote.

The meeting adjourned at 6:13 p.m.

Fairfax County Police Civilian Review Panel Subcommittee Initial Review Report

Request for Review – Basic Information

CRP Complaint Number: CRP-21-13

Subcommittee Meeting Date: August 12, 2021

Subcommittee Members:

- Jimmy Bierman, Subcommittee Chair (Panel Chair)
- Shirley Norman-Taylor, Subcommittee Member
- William Ware, Subcommittee Member

Complaint Submission Date: Review Request received on 7/13/2021.

Other Key Dates: Incident Date: Dec. 2020 – Mar. 2021; Initial Complaint to Panel (CRP-21-07): 4/9/2021; FCPD Disposition letter: 6/28/2021

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 FCPD officers engaged in racial discrimination, refused to investigate crimes, and engaged in unprofessional conduct.

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-21-13 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.	
Yes*	Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability.	<i>*While the allegation met this criterion, there was no substantiation in the record.</i>
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.	
No	Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.	

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