

Police Civilian Review Panel

June 16, 2021

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-21-10

Members Present:

Cheri Belkowitz, Review Liaison

Jimmy Bierman, Subcommittee Chair

Others Present:

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

NOTE: The Panel’s subcommittee meeting was conducted electronically due to the COVID-19 Pandemic. The electronic meeting was hosted on WebEx and allowed for members of the public to virtually attend via WebEx or conference call.

The Initial Disposition Subcommittee was called to order at 5:39 p.m.

Motions to Conduct Electronic Meeting: Mr. Bierman took roll call to verify a quorum of the Panel’s subcommittee was present and to ensure each subcommittee member’s voice could be heard clearly. He asked each subcommittee member to state their name and the location from which they were participating.

Ms. Belkowitz was present and participated from Fairfax Station, Virginia.

Mr. Bierman was present and participated from McLean, Virginia.

Mr. Bierman moved that each member’s voice may be adequately heard by each other member of this Panel. The motion was seconded by Ms. Belkowitz and it carried by unanimous vote.

Mr. Bierman moved that the State of Emergency caused by the COVID-19 pandemic makes it unsafe for the subcommittee to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, FOIA’s usual procedures, which require the physical assembly of this Panel and the physical presence of the public, cannot be implemented safely or practically. He further moved that the subcommittee may conduct this meeting electronically through a dedicated WebEx platform and audio-conferencing line, and that the public may access this meeting by using the WebEx attendee access link or by calling 1-844-621-3956 and entering access code 173 465 0950 as noted in the Public Meeting Notice. Ms. Belkowitz seconded the motion and it carried by unanimous vote.

Mr. Bierman moved that that all matters addressed on the agenda are necessary to continue operations and the discharge of the Panel's lawful purposes, duties, and responsibilities. Ms. Belkowitz seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-21-10:

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 complaint, and whether there is any reason to think the FCPD's investigation was not complete, thorough, accurate, impartial and objective.

Mr. Bierman summarized the event subject of the complaint, CRP-21-10. He said the Complainant claims that her family received four parking tickets on three parked cars, and it was unfair and racially discriminatory. He said allegations of racial profiling fall under serious misconduct or abuse of authority in the Panel's Bylaws and Initial Review Report checklist. Mr. Bierman said after reviewing all of the evidence, it was clear to him that the officer on the scene had no knowledge of the races of the owners of the parked cars in the cul-de-sac. The officer ticketed the cars consistently, including some cars for not parking parallel to the curb and one car for blocking a driveway. He said this was evident on the body-worn camera (BWC) footage. The officer was called to the scene for cars improperly parked in front of a driveway and the individual from the house did not come outside until after the officer placed the tickets on the cars. The Panel has asked the IAB to look into the background of officers for past evidence of racial bias. Mr. Bierman said that in this case, all statistics pulled on the officer showed that she had cited and arrested people of color at lower rates than her colleagues. He said he thinks the investigation was complete, thorough, and accurate, and noted that the file included interviews with the Complainant and officers.

Ms. Belkowitz expressed her agreement that the investigation was thorough, and she said it does not support a claim of racial bias. She said there was discontent among neighbors and appreciated that the FCPD sent an officer to mediate. Ms. Belkowitz said that assuming it is correct that the officer cannot see the race of vehicle owner in a DMV search, there is no reason to believe she was racial profiling when giving the tickets.

Mr. Bierman stated that the officer went by the book and ticketed all four cars in the same way, including one car not owned by the Complainant. He said that the driver's license and car registration does not contain race information. Mr. Bierman said there was also no evidence that the officer dispatched to the location was given any information on the races of the individuals involved. He said there is no evidence to necessitate further investigation by the FCPD.

Mr. Bierman moved that the Panel not undertake a review of CRP-21-10 because the complaint does not meet scope of review criteria set forth in its Bylaws. Ms. Belkowitz seconded the motion and it carried unanimously.

Mr. Bierman said that the Panel is considering the subcommittee process and will formalize it to ensure it is clear. He said that this subcommittee will make a recommendation to the full Panel at its next meeting, and if they disagree, the Panel can overturn it.

The meeting adjourned at 5:55 p.m.