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# Police Civilian Review Panel

## Meeting Agenda

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Location: Conducted electronically due to COVID-19 Pandemic

Date: February 3, 2022

Time: 7:00 pm

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### Agenda details:

#### I. Call to Order

#### II. Agenda Items

- a. Motions to Conduct Electronic Meeting
- b. Introductions of New Panel Members
- c. Approval of Agenda
- d. Approval of January 6 Meeting Summary
- e. Approval of Subcommittee Initial Review Report for CRP-21-24
- f. Consideration of Good Cause in CRP-21-29
- g. Discussion: Panel 2021 Annual Report & Panel Recommendations Matrix

#### III. New Business

#### IV. Adjournment

#### Panel Meeting Schedule:

- February 28, 2022 at 7:00 p.m.
- March 3, 2022 at 7:00 p.m.
- April 7, 2022 at 7:00 p.m.
- May 5, 2022 at 7:00 p.m.

Police Civilian Review Panel

January 6, 2022

Conducted Electronically due to COVID-19 Pandemic

Meeting Summary

Panel Members Present:

Jimmy Bierman, Chair  
Cheri Belkowitz (joined at 7:05 p.m.)  
Todd Cranford  
Frank Gallagher  
Dirck Hargraves, Vice-Chair  
Shirley Norman-Taylor  
William Ware (joined at 7:11 p.m.)

Others Present:

Rachelle Ramirez, OIPA  
Richard Schott, Independent Police Auditor  
Dre-Ana Whitfield, OIPA

NOTE: The Panel's January 6 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 Panel's business meeting was called to order at 7:00 p.m.

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

Mr. Cranford was present and participated from Fairfax, Virginia.

Mr. Gallagher was present and participated from Burke, Virginia.

Mr. Hargraves was present and participated from Kingstown, Virginia.

Ms. Norman-Taylor was present and participated from Lorton, Virginia.

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

Ms. Belkowitz joined the meeting at 7:05 p.m. and participated from Fairfax Station, Virginia.

Mr. Ware joined the meeting at 7:11 p.m. and participated from Alexandria, Virginia.

Mr. Bierman moved that each member's voice may be adequately heard by each other member of this Panel. Mr. Hargraves seconded the motion, and it carried with a vote of five, without the votes of Ms. Belkowitz and Mr. Ware who were absent due to technical difficulties.

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 2335 103 8481 as noted in the Public Meeting Notice. Mr. Hargraves seconded the motion, and it carried with a vote of six, without the vote of Mr. Ware who was absent.

Mr. Bierman moved that all matters addressed on the agenda are necessary to continue operations and the discharge of the Panel's lawful purposes, duties, and responsibilities. Mr. Hargraves seconded the motion, and it carried with a vote of six, with Mr. Ware being absent.

Approval of Agenda: Mr. Bierman explained that due to the winter weather advisory he was not able to travel to the FCPD to review the file for CRP-21-24. He stated that the Panel will not discuss the subcommittee review at this time. The subcommittee meeting has been rescheduled to a later date in January. Mr. Bierman stated that the subcommittee will be ready to present the findings to the Panel at the February 3, 2022, meeting. Mr. Gallagher moved approval of the Panel's agenda. Mr. Hargraves seconded the motion, and it carried with a vote of six, with Mr. Ware being absent.

Approval of December 2 Meeting Summary: Mr. Hargraves moved approval of the Panel's December 2 meeting summary. Mr. Gallagher seconded the motion and it carried with a vote of six, with Mr. Ware being absent.

Report from the 2021 NACOLE Conference: Mr. Hargraves, Ms. Ramirez (OIPA), and Mr. Schott (OIPA) provided a brief report of the 2021 National Association for Civilian Oversight of Law Enforcement (NACOLE) annual conference. Mr. Hargraves recommended that Panel members try to attend the next NACOLE Conference. Mr. Hargraves stated that the NACOLE conference allows attendees to receive information on how other entities are responding to different challenges. He expressed that it was fascinating to learn about the different challenges faced by other jurisdictions and noted the benefit of attending breakout sessions. He mentioned learning about challenges faced by international jurisdictions, such as Mexico and Sierra Leone. Ms. Ramirez explained that NACOLE organizes an excellent conference. She stated that NACOLE presents on and provides numerous resources on effective practices that relate to a variety of oversight models. Ms. Ramirez stated that she will send the most recent reports from NACOLE to the Panel members. She also said that NACOLE will be hosting a webinar series starting January 20, 2022, with the topic of implicit bias training in law enforcement. She said if any Panel members are available to attend the webinar, they should let her know and she will register them. Mr. Schott expressed that it is striking to hear the level of training that other oversight entities receive, and he encouraged Panel members to attend NACOLE training if possible. Mr. Schott stated that the next NACOLE conference will be in October of 2022 in Fort Worth, Texas. He also said that the FCPD plans on providing training to the Panel and OIPA later this year. Mr. Hargraves emphasized the benefit of being able to develop connections and relationships with other professionals in other jurisdictions so that they may serve as a future resource. Ms. Belkowitz asked if there will be a regional event held. Ms. Ramirez said that she is not aware of a regional in-person event planned, but

only the webinar series at this time. Mr. Hargraves said he spoke with a former Panel member about the possibility of forming a coalition of Virginia localities on law enforcement oversight.

Mr. Bierman informed the Panel members that they are invited to a use of force discussion by Chief Davis. He stated that the event has been rescheduled from January to March 26, 2022.

2022 Panel Leadership Elections: Mr. Bierman reminded the Panel that his term as Chair ends March 1, 2022. He stated that he intends to ask the Board of Supervisors' Chairman to be reappointed for an additional three-year term. Mr. Hargraves will be requesting to be appointed for another three-year term. Mr. Gallagher informed the Panel that he is not requesting another three-year term. Mr. Bierman said there will be additional turnover on the Panel in addition to the two seats are currently vacant on the Panel. He stated that the interviews for Executive Director will be held on January 18, 2022. He said that he will not be able to serve on the interview Panel but hopes the next elected Vice-Chair will serve on the interview panel.

Mr. Bierman then asked for nominations for Vice-Chair. Mr. Hargraves nominated Mr. Cranford, and it was seconded by Ms. Norman-Taylor. Mr. Cranford expressed his gratitude for being considered for the Vice-Chair position. He stated that he is honored to be serving on the Panel.

Mr. Bierman called the question, and it carried unanimously. Panel members congratulated Mr. Cranford, who will serve as the new Vice-Chair for the Panel starting on March 1, 2022. Mr. Gallagher asked whether Mr. Hargraves will automatically assume the role of chairman of the Panel in March, 2022. Mr. Bierman replied affirmatively as it is stated in the Bylaws.

New Business: Ms. Belkowitz informed the Panel that Fairfax County Special Education PTA (SEPTA) will be hosting a meeting about police in public schools. The meeting will be held virtually on January 18, 2022, at 7:00 p.m. She stated that Mr. Bierman will be a speaker at the event, as will Chief Davis and other FCPD representatives. She stated that she will be sending out the flyer for the Panel members to register.

Mr. Bierman said that a decision will be made later whether the next Panel meeting in February will be held virtually or in person.

**Adjournment:** Mr. Hargraves moved to adjourn the meeting. Mr. Gallagher seconded the motion, and it carried unanimously.

The meeting adjourned at 7:34 p.m.

Next Meeting: The Panel's next business meeting will be held on February 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-21-24

**Subcommittee Meeting Date:** February 1, 2022

### Subcommittee Members:

- James Bierman, Subcommittee Chair
- Frank Gallagher, Subcommittee Member
- Dirck Hargraves, Subcommittee Member

**Complaint Submission Date:** Review Request received on 11/18/2021. Initial Complaint (CRP-21-18) received on 8/18/2021.

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 the FCPD failed to properly investigate the crimes against her that occurred on or about 9/1/2020, 9/24/2020, and 12/2/2020.

The Subcommittee finds that the subject matter of the investigation **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-21-24 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.	
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.**

Police Civilian Review Panel

February 1, 2022

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-21-24

Members Present:

James Bierman, Subcommittee Chair

Dirck Hargraves, Review Liaison

Frank Gallagher, Review Liaison

Others Present:

Rachelle Ramirez, OIPA

Dre-Ana Whitfield, OIPA

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 5:33 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.

Mr. Bierman was present and participated from Mclean, Virginia

Mr. Gallagher was present and participated from Burke, Virginia.

Mr. Hargraves was present and participated from Kingstowne, 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 Mr. Hargraves 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 2333 220 5838 as noted in the Public Meeting Notice. Mr. Gallagher 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. Mr. Gallagher seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-21-24:

Mr. Bierman outlined three dates in the complaint. On September 1, 2020, the FCPD was called to the house of the complainant and her former husband due to a dispute. The police officers spoke with the complainant and former husband. The police officer wrote a report on the incident and left without any further action taken. The complainant alleged that she suffered a serious head injury that should have been recognized by the police officer. He stated that the complainant submitted medical documentation and alleged that the FCPD was ignoring and improperly responding to the incident. On September 24, 2020, the complainant alleged another incident of abuse by her former husband. Mr. Bierman noted that the September 24, 2020, incident was investigated by the police and the former husband was interviewed. On December 2, 2020, the FCPD was called where the complainant was found unconscious. Having overdosed on narcotics, the police took pictures, and the complainant was taken to the hospital where she suffered serious injuries.

Mr. Bierman went through the Panel Bylaws Abuse of Authority and Serious Misconduct Checklist listed in the meeting materials for the public. He expressed to the subcommittee that some of the allegations could fall into the violation of laws or ordinances, or a serious violation of Fairfax County or FCPD policies or procedures category.

Mr. Bierman explained to the public what the subcommittee does. He further explained that the subcommittee's purpose is to find out if the complaint meets the criteria of abuse of authority and or serious misconduct as defined by the Panel Bylaws.

Mr. Gallagher stated that the FCPD conducted their investigation of the allegations that occurred on the dates in the complaint. He said that when the investigation was complete, it was reviewed by two different detectives and two supervisors from the victim services division. He noted that the victim services specialist, domestic violence detective, and the police department commander reviewed the file and found no issues with how the police department handled the case. Mr. Gallagher expressed that while he has sympathy for the complainant, he does not think that any of the allegations made rise to the level that the Panel would normally be involved in.

Mr. Hargraves explained that the issue is whether the police engaged in serious misconduct or abuse of authority in the way they handled the complainant's allegations. He further explained that he tried to find areas where the FCPD did not do what they were supposed to, or where the FCPD investigation was not complete, thorough, accurate, impartial or objective. Mr.



Hargraves questioned if there should have been further review into the allegations from the September 24 incident.

Mr. Bierman stated that two of the allegations related to the police not pressing charges. He said the police department's decision to charge or not charge someone is outside the Panel's purview. He said that in the September 2 incident, the allegation is that the police officer misrepresented the scene and did not document the complainant's injuries. He said that there is no evidence that the injuries occurred prior to the police responding to the scene.

Mr. Hargraves said that the complainant sent pictures of her injuries to a person who went out on date with her husband and that a wellness visit was made. He said he was unsure if the police interviewed that person and whether there were discrepancies in what was in the photos and what the police saw when they arrived. Mr. Gallagher clarified that the police did make a welfare check on September 2 and found the complainant with no signs of injury. He said the department documented what they found in a report and therefore interviews of the responding officers was unnecessary. He also said the complainant's son also did not report any injuries.

Mr. Bierman said that the Panel can't review allegations that a police officer investigated and came to a different conclusion. There must be active misrepresentation. He said that based on the totality of the circumstances, the FCPD was not wrong or incomplete in not finding misconduct.

Mr. Hargraves agreed and said that it would be different if the police asked if there was abuse in the home, the complainant said yes, and then the police declined to do anything about it. He noted that in the incidences when the police were called out, the complainant and her husband were asked whether there was abuse or need for their services, and both parties declined.

Mr. Gallagher said that everything presented to the police department was investigated. He stated that he listened to the whole interview of the complainant conducted by the Internal Affairs Bureau, and he did not find any serious violation of FCPD policies or procedures.

Mr. Gallagher moved that after having reviewed and discussed the complaint, CRP-21-24 should not be referred to the full Panel for review. Mr. Hargraves seconded the motion and further discussion ensued.

Mr. Hargraves expressed that the Panel is very sympathetic to those who allege abuse and may not first report it due to embarrassment or fear. He stated that based on the totality of the complaint, the FCPD, and the interviewing of witnesses, there did not appear to be negligence or serious misconduct by the FCPD.

Mr. Bierman expressed his agreement that they take abuse very seriously and that by not reporting it does not mean abuse is not happening or that it cannot be reported later. He said he earlier provided an example of what did not occur in this case: misrepresentation of the facts.

Mr. Bierman called the question and it carried by unanimous vote.

Mr. Bierman noted that the complaint will have the opportunity to address the Panel.

The meeting adjourned at 6:13 p.m.

DRAFT

**POLICE CIVILIAN REVIEW PANEL RECOMMENDATIONS MATRIX** *Version for 2/3/2022 Panel Meeting*

<u>Report</u>	<u>Panel Recommendation</u>	<u>FCPD Action</u>	<u>Status (as determined by the Panel)</u>
<a href="#">CRP-20-20 and CRP-20-21</a> (Published May 10, 2021)	The FCPD should consider how officers respond to swatting incidents where the scene does not match the description in a 911 call, provide the necessary training to officers on these situations, and whether they can investigate calls as potential false police reports.	FCPD has taken this recommendation under consideration and will research best practices to ensure General Order 520.3 (Hostage/Barricaded Persons) reflects these suggestions in future revisions.	Pending
<a href="#">CRP-20-20 and CRP-20-21</a> (Published May 10, 2021)	The FCPD should review and revise General Order 601.4 regarding how officers identify and announce themselves when responding to domestic service calls, clarify the situations when they are permitted to delay in announcing or otherwise identifying themselves, and ensure that officers are properly trained in implementing a revised general order.	Current version of 601.4 Section IV, Subsection C, states officers <i>“shall identify themselves as police officers, explain the reason for their presence, and request entry into the home.”</i> Officers are also expected to use proper discretion when circumstances indicate or suggest there are potential weapons involved in an event, or a potential subject could be looking to ambush an officer arriving at a domestic event, as domestic events constitute highly unpredictable and dangerous events for responding officers.  All officers are required to acknowledge General Order revisions via Power DMS. Supervisors are required to ensure officers under their guise are up to date on new policies and procedures and schedule squad	Pending

		training initiatives as necessary to ensure compliance.	
<p><a href="#"><u>CRP-20-20 and CRP-20-21</u></a> (Published May 10, 2021)</p>	<p>The FCPD should consider how it can better communicate with Complainants the outcomes of its investigations, including whether such communication should go beyond standard disposition letters.</p>	<p>Complaints in all formats are accepted by the FCPD and proper acknowledgment is provided at the time of receipt that the complaint will be investigated and followed-up on. Investigating supervisors are expected to inform complainants that their cases will be investigated thoroughly and as expeditiously as possible depending upon the nature and complexity of the specific allegation(s). Once an investigation has concluded, supervisors are expected to notify complainants as such and note the case is under a review and action process at the command level. Disposition letters are sent once the investigation has resolved, with a thorough recitation of the facts and circumstances of the allegation, as well as a recitation of FCPD investigative findings. These letters also include contact information for appeals to both CRP and the Office of the Independent Police Auditor. Any inquiry regarding case status during the investigative process from a complainant is required to be responded to in a timely manner.</p>	<p>Pending</p>

<p><a href="#">CRP-20-19</a>  <a href="#">and CRP-20-27</a>  (Published February 9, 2021)</p>	<p>The FCPD should create a policy requiring all district station interviews be recorded.</p>	<p>FCPD General Order 501.2 covers Investigative Responsibilities but makes no reference to recording of interviews. Since the last revision (04-01-13), all district station interview rooms have been equipped with audio/video technology. In-progress revisions to this General Order will note that all investigating officers/detectives ensure interviews are recorded unless unusual/unforeseen circumstances (ex: technology failures, interviews in outdoor environments) exist. Also, it should be noted that officers equipped with body-worn cameras are required to activate them during any rendering of police service unless unusual circumstances exist (ex: hospital, schools, bathrooms) or whenever interviewing victims of sexual assault for their privacy concerns.</p>	<p>Pending</p>
<p><a href="#">CRP-20-19</a>  <a href="#">and CRP-20-27</a>  (Published February 9, 2021)</p>	<p>The FCPD should ensure that all FCPD Officers are informed of its policy 501.2 Investigative Responsibilities.</p>	<p>All officers are required to acknowledge via PowerDMS signature any revisions to Department policy, to include General Orders, SOPs, and Department-wide Command Staff Memorandums. These signatures are audited and any officer failing to acknowledge is notified via their direct supervisor. As</p>	<p>Pending</p>

		mentioned above, General Order 501.2 is under revision and once completed will necessitate officer acknowledgement.	
<a href="#">CRP-20-19 and CRP-20-27</a> (Published February 9, 2021)	The FCPD should encourage the Fairfax County Sheriff to record and preserve video taken from inside the Fairfax County Adult Detention Center.	As the FCSO constitutes a separate agency run via an elected official (Sheriff Stacey Kincaid), it would be inappropriate for FCPD to make best practices recommendations to her agency. CRP recommendations on FCSO policies and practices should be made directly to the FCSO by the Panel.	Pending
<a href="#">CRP-19-29</a> (Published October 23, 2020)	<p>“The FCPD should develop objective criteria and processes to evaluate allegations of bias or profiling (as pertains to race, ethnicity, sexuality, religion or sexual orientation) in internal investigations of complaints against officers. These criteria may include (1) searching the officer’s public social media profiles; (2) interviewing coworkers in the officer’s unit and other potential witnesses; (3) quantitatively and/or qualitatively analyzing data (by trained analysts) from community contacts, stops, searches and arrests; and (4) comparing the circumstances and claims of the current complaint to any prior complaints.</p> <p>Quantitative analysis of data should not be limited to descriptive analyses, but when appropriate, should include bivariate and multivariate analyses to ensure that appropriate variables are considered. The investigation file should contain a clear evaluation</p>	<ol style="list-style-type: none"> <li>1) All Internal Affairs investigations receive an open-source social media inquiry as of April 1, 2020.</li> <li>2) General Order 301, Internal Investigations, states that witnesses shall be interviewed if they would assist in an investigation. Regulation 201.3, Obedience to Laws, Regulations, and Training, as it pertains to Regulation 201.5, Reporting Violation, states any employee shall immediately report any violation, including bias-based policing.</li> <li>3) Arrests and traffic statistics are publicly shared on the FCPD</li> </ol>	<ol style="list-style-type: none"> <li>1) Implemented by FCPD.</li> <li>2) Not Implemented by FCPD. Presently being reviewed by the FCPD following the January 26, 2021 decision by the Board of Supervisors in CRP-29-19 directing the FCPD to take further action, including conducting interviews with the officer’s co-workers.</li> <li>3) Pending further analysis by the</li> </ol>

	<p>and summary of the officer's actions under each of the criteria listed above.”</p>	<p>website. IAB is in the process of procuring a Management Analyst to perform quantitative and qualitative analysis of public safety data.</p> <p>4) To ensure qualitative analysis, consistency and thoroughness, the administrative due process includes several levels of review up to the Chief of Police in each administrative investigation. <b>These levels of review include prior consideration of sustained allegations against the subject employee, and appropriate action to be taken for further sustained violations of patterns of conduct. Use of criterion of “circumstances and claims of the current complaint to any prior complaints” is subjectively vague and non-definitive as it pertains to whether or not an officer engaged in either unlawful or procedurally violative conduct.</b></p>	<p>FCPD. Data analysis conducted for investigations must include quantitative and qualitative analysis of community contacts and stops by officers, as well an analysis of publicly shared data on arrests and traffic statistics.</p> <p>4) Explanation by FCPD not accepted. A comparison of the “circumstances and claims of the current complaint to any prior complaints” requires a full reporting and analysis in the investigation file. All personnel information will be regarded as privileged pursuant to Section VI (E) (2) of the Panel's Bylaws.</p>
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<p><a href="#">CRP-19-29</a> (Published October 23, 2020)</p>	<p>“All community contacts, stops, searches and arrests by the FCPD should be entered into the data management system. Data analysis of an officer’s community contacts, stops, searches and arrests should be broken down by the race and ethnicity of community members. Data on community contacts should be broken down as follows: (1) community contacts that remain consensual for the duration of the encounter; (2) community contacts that evolve into detentions by virtue of reasonable suspicion; and (3) community contacts that evolve into detentions by virtue of probable cause. Officers should also enter into the data base the reasons for the community contact, stop, search or arrest. Such rationale should be coded (i.e., by a particular violation of law, type of behavior, appearance, time, place, etc.). If a community contact evolves into a detention, the officer should enter into the data base the reasons for such detention.”</p>	<p>General Order 603.4, Police Community Member Contacts, and General Order 601, Arrest Procedures, requires specific documentation regarding all community member contacts, including voluntary contacts. FCPD is currently in the process of upgrading agency record management systems which will further enhance tracking.</p>	<p>Pending upgrade to FCPD’s data management system.</p>
<p><a href="#">CRP-19-29</a> (Published October 23, 2020)</p>	<p>“Data analysis of an officer’s community contacts, stops, searches and arrests should be compared and contrasted with comparable data from the district station where the incident occurred and the county as a whole. The data analysis should also take into account the racial and ethnic composition of each district as compared to the county overall.”</p>	<p>For all bias allegations, the Internal Affairs Bureau conducts an 18-month examination of the officer’s arrests and citations. This data is compared to pertinent station demographics. The demographics of each district station and the County are publicly available in the IAB annual report.</p>	<p>Explanation of FCPD is not responsive.</p> <p>The Panel recommended data analysis of an officer’s community contacts,</p>



		<p>FCPD is assessing capabilities of reviewing officer field contacts and searches in future RMS programs. Currently searches of these descriptions are limited to technological limitations inherent in I/LEADS RMS. With implementation of a new RMS in the future, the hope is that tracking of contacts and searches, the two recommended data points, will be more feasible, changing policy on how the Department tracks field contacts and searches.</p>	<p>stops, searches and arrests in investigations of racial bias. The FCPD response addresses only arrests and citations and directs the Panel to IAB Annual Report. The Panel's recommended data analysis should be a part of every IAB investigation where racial bias is alleged and the analysis should be included in the investigation file for Panel members to review.</p>
<p><a href="#">CRP-19-29</a> (Published October 23, 2020)</p>	<p>“For the purposes of investigations into allegations of bias or profiling, data analysis of the officer’s community contacts, stops, searches and arrests should cover a period of 3-5 years, or if the officer has less tenure, for the duration of his service in the FCPD. If during the prescribed time period the officer has worked in different districts within the county, the review and analysis of the officer’s community contacts, stops, searches and arrests should not be limited to the district where the officer is assigned at the moment, but rather should include all such encounters in every county district where the officer served during the time period.”</p>	<p>Bias investigations include an 18-month statistical analysis of the officer’s arrests and citations, comparing them with other officers at the same station. Historic database software is only capable of tracking certain data. System replacement and procurement will permit advances to add tracking fields and information categories.</p>	<p>Pending upgrade to FCPD’s data management system.</p>

<p><a href="#">CRP-19-29</a> (Published October 23, 2020)</p>	<p>“Like the efforts the FCPD has undertaken to analyze and identify use of force incidents, the FCPD should consider creating an early warning system to alert commanders as to whether an officer’s community contacts, stops, searches or arrests are excessive and disproportionate for a particular race or ethnic group.”</p>	<p>Since November 2012, per policy, the FCPD has utilized an Early Identification System.</p> <p>Monitored incidents include <b>administrative investigations</b> (including cruiser crashes), initial inquiries, forced entries, de-arrests, off-duty traffic citations, off-duty civil and criminal court actions, use of force, and pursuits. Community contacts, stops, searches, and/or arrests are non-dispositive of whether or not an officer has potentially engaged in bias-based policing which FCPD has an absolute prohibition against its employees engaging in. These actions are based upon legally defined standards of probable cause and reasonable suspicion, regardless of race or ethnicity. Where these legally defined standards are non-existent, searches, stops, and arrests would be improper and ultimately unlawful. Where a complaint is made that any officer engaged in disproportionate policing, that complaint would automatically initiate an administrative investigation, which would account as stated above as a</p>	<p>FCPD explanation is not responsive.</p> <p>A fuller explanation is necessary regarding the Panel’s specific recommendation.</p>

		qualifying EIS event. This also includes supervisor audits and reviews of officer BWC and ICV footage to ensure stops, arrest, and searches are within FCPD policy.	
<a href="#">CRP-19-29</a> (Published October 23, 2020)	“The FCPD should retain an independent expert on implicit bias to examine all law enforcement policies, practices and training for the purpose of recommending evidence-based strategies to mitigate the impact of implicit bias on policing.”	<p>In addition to mandatory County and/or agency training on bias, the Fairfax County Police Department is currently engaging an outside independent expert to train implicit bias, the understanding of implicit bias; procedural justice; “<i>trust building</i>,” and detecting and addressing institutional and structural racism.</p> <p>Independent subject matter experts on bias have lectured to Command Staff.</p> <p>Bias and culture-based training has been offered to employees through academy and other venture partnerships.</p>	Training implemented. Further explanation is required as to the examination of all law enforcement policies and practices.
<a href="#">CRP-19-29</a> (Published October 23, 2020)	“Officers should receive implicit bias training on an annual basis.”	The FCPD Equity Team and its Ambassadors will receive specialized independent bias-based training. This education will provide a unique, cutting-edge platform for organizations to build a foundational capacity to address or discuss equity gaps, race, equality, cultures, and	Implemented by FCPD.

		<p>unity. The independent expert will also train-the-trainer for annual refresher courses on implicit bias, procedural justice, and <i>trust building</i>.</p>	
<p><a href="#">2019 Annual Report</a> (Published February 28, 2020)</p>	<p>“Where the evidence gathered during an Investigation into a Complaint of racial bias does not offer a race-neutral explanation for the conduct of the accused officer, the FCPD should continue to investigate seeking some explanation for the officer’s conduct by obtaining reasonably available evidence that will corroborate either a race-neutral or race-biased explanation such as examining the officer’s social media accounts and/or interviewing witnesses.”</p>	<p><b>This recommendation is counter intuitive. Where there is no “race-neutral explanation,” to explain officer conduct, then by default the conduct would fall within the purview of bias-based or discriminatory conduct and appropriate action would be taken swiftly by the Department. Where conduct falls within these parameters, all available investigatory measures will be taken to ascertain the root of why the action took place.</b></p> <p>The Fairfax County Police Department Internal Affairs Bureau conducts investigations into all complaints involving any allegation of perceived bias. Bias-based complaints will include obtaining all available evidence; such as, but not limited to, witness statements, videos, publicly available social media, statistics, reports, etc. Consistent with all investigations completed by the police department; any available evidence is thoroughly examined for appropriate response and lawful action.</p>	<p>Not fully implemented.</p> <p>The Panel’s recommendation is that the FCPD proactively continue to investigate to find corroborating evidence, if the available evidence does not offer a “race-neutral explanation” for the conduct of the officer. The Panel recommends (see recommendation in CRP-19-29) that the FCPD develop objective criteria and processes to evaluate allegations of bias or profiling separate from its normal investigation processes.</p>

<p><a href="#">CRP-19-11</a> (Published January 15, 2020)</p>	<p>“With respect to obvious, known witnesses who are not interviewed, Investigation Reports should include an explanation for why such an interview failed to occur.”</p>	<p><u>General Order 301</u>, Internal Investigations, states that witnesses shall be interviewed if they would assist in an investigation of a complaint or incident. Commanders were reminded of this policy in a March 2020 Command Staff meeting. Furthermore, Bureau Commanders are responsible for ensuring all investigative tasks have been properly completed as an additional quality control and review oversight protocol.</p>	<p>Implemented by FCPD.</p>
<p><a href="#">CRP-19-11</a> (Published January 15, 2020)</p>	<p>“FCPD civilian ride-a-long individuals should be tracked and recorded in all instances. A police ride-a-long individual should never be unknown such that when an incident containing alleged misconduct is investigated, the civilian witness cannot be determined.”</p>	<p><u>General Order 430.3</u> sets policy and procedure for each Ride-Along to include maintenance of the application and required documentation for every Ride-Along. Commanders were reminded of this importance during a Command Staff meeting in March 2020.</p>	<p>Implemented by FCPD.</p>
<p><a href="#">CRP-19-11</a> (Published January 15, 2020)</p>	<p>“The FCPD should implement a clear policy for what officers should do in situations where children are left unattended by detained individuals to make sure that such children are safe during such incidents.”</p>	<p>FCPD policy requires officers to “<i>preserve the sanctity of life</i>” and, as community caretakers, officers must attend to the needs of any person who is unable to care for themselves as expeditiously as possible. <a href="#">Regulation 201.6, Preservation of</a></p>	<p>Implemented by FCPD.</p>

		<p><a href="#">Peace and Protection of Life and Property</a>, states:</p> <p><i>“It shall be the duty of each sworn officer of the Department to:</i></p> <ul style="list-style-type: none"><li>• <i>Preserve the public peace;</i></li><li>• <i>Protect life and property; and</i></li><li>• <i>Enforce and uphold the laws of the Commonwealth of Virginia and the ordinances of the County of Fairfax.”</i></li></ul> <p>This policy requires officers to attend to children, and any other person who is left alone and unable to care for themselves, under their oath as a sworn officer to protect life. Furthermore, officers are provided guidance from <a href="#">the Fairfax County Family Services Child Supervision Guidelines</a> regarding unattended minors and children.</p>	
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<p><a href="#">CRP-18-27</a> (Published July 12, 2019)</p>	<p>“[T]he Panel recommends that in the future the Department refrain from publicly releasing [investigatory information pertaining to the Complainant’s social media accounts], because it “discourages individuals from filing future complaints, and it undermines community trust in the Panel.” If the FCPD believes such information is relevant to the investigation, “that information should be included only in the Department’s investigative file.”</p>	<p>Respectfully disagree. Open source information is by definition, available publicly to all individuals and entities. Where an individual posts publicly available information of relevance to an investigation, the Department will examine this content for relevancy as it pertains to either a criminal or administrative investigation. The Department does not publicly release the findings of administrative investigations, except in the rarest of occasions where, due to public request, the Department would be compelled to disclose whether an accused officer was found in violation of Department policy. The Department does not publicly post administrative investigatory information in any event, and that information is kept confidential within the Department unless subjected to court-ordered discovery or in accordance with the Code of Virginia. All of the information was obtained via public websites from a Google search. The information that was released was already publicly available on the internet.</p>	<p>Not Implemented by FCPD</p>
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<p><a href="#">2018 Annual Report</a> (Published March 21, 2019)</p>	<p>FCPD disposition letters to the complainant upon conclusion of FCPD investigations, “must contain sufficient, specific detail to provide complainant with a clear understanding of the scope of the FCPD investigation and the rationale for the FCPD findings.”</p>	<p>The FCPD co-produced a disposition letter with members of the community. Commanders who author these letters were then trained on the new form in September. Since that time, the new form has been in use.</p>	<p>New format for more explanatory disposition letters has been adopted by the FCPD and is being implemented.</p>
<p><a href="#">2018 Annual Report</a> (Published March 21, 2019)</p>	<p>“Action Item 17, dated December 6, 2016 (p. 278), limits the Panel’s ability to include salient facts in public reports. This restriction inhibits “the Panel’s ability to achieve its purpose ‘to enhance police legitimacy and to build and maintain public trust between the FCPD, the Board of Supervisors and the public.”</p>	<p>During Quarterly Meetings, FCPD representatives coordinated with the CRP in preparation of the proposed Action Item that was adopted by the Board of Supervisors on September 24, 2019, giving the Panel the authority to disclose facts of the investigation in the Panel’s Review Reports, with certain restrictions.</p>	<p>Action Item adopted by the Board of Supervisors on September 24, 2019, gives the Panel authority to disclose facts of the investigation in Review Reports with certain limited restrictions.</p>
<p><a href="#">2018 Annual Report</a> (Published March 21, 2019)</p>	<p>“The Panel suggests that the Board of Supervisors require a quarterly meeting among the Chiefs of Staff for the Chairman of the Board of Supervisors and the Chairman of the Public Safety Committee, the FCPD Chief, and the Chair and Vice-Chair of the Panel to review Panel comments and recommendations and discuss the implementation of the same.</p>	<p>The FCPD supports the quarterly meetings and the sharing of information regarding Panel comments and recommendations. These meetings began in June 2019 and are continuing to occur with FCPD staff present for each of them.</p>	<p>Implemented by FCPD</p>



<p><a href="#">CRP-18-26</a> (Published March 8, 2019)</p>	<p>“During FCPD administrative investigations, where statistical evidence is used, [the Panel] recommends the Crime Analyst Unit (CAU) be consulted in the gathering, preparation and reporting of the statistical data.”</p>	<p>The compilation of statistical evidence is the responsibility of the Analyst assigned to the Internal Affairs Bureau.</p>	<p>Implemented by FCPD</p>
<p><a href="#">CRP-18-26</a> (Published March 8, 2019)</p>	<p>“The FCPD should make BWC and In-Car Video (ICV) footage available for viewing at Panel Review Meetings as requested by the Panel.”</p>	<p>Requests for the Panel to view video and audio footage will be approved on a case-by-case basis.</p>	<p>FCPD explanation noted. The Chief has committed to review any Panel request for footage and determine whether to release of requested footage on a case-by-case basis.</p>
<p><a href="#">CRP-18-26</a> (Published March 8, 2019)</p>	<p>“The Panel recommends that the FCPD ensures that individuals involved in incidents with FCPD officers which are subject to a complaint be provided with an opportunity to review the video footage of the incidents.”</p>	<p>It has been the policy of the Police Department to allow complainants to view video footage consistent with <a href="#">Body Worn Camera Pilot Program SOP 18-506, Section VII, Paragraph B</a> and <a href="#">General Order 430.8, In Car Video Program Procedures, Section IV, Paragraph C-5</a>.</p>	<p>Implemented by FCPD</p>
<p><a href="#">CRP-18-12</a> (Published January 9, 2019)</p>	<p>“The Panel recommends that FCPD periodically summarize and publish all FCPD discipline across the entire FCPD without specifically identifying the disciplined officer by name.”</p>	<p>In keeping with our commitment to transparency, the FCPD annually publishes an <a href="#">Internal Affairs Bureau Statistical Report</a>, which is made available both within and outside of</p>	<p>Under Review by FCPD.</p>

		<p>the Department. IAB is currently researching best practices. Once a template is developed, it will be discussed with the County Attorney for legal review.</p> <p>These reports are posted quarterly, and identify rank of the accused officer, allegation, disciplinary measures implemented, and disposition.</p>	
<p><a href="#">CRP-18-12</a> (Published January 9, 2019)</p>	<p>“The Panel recommends that the FCPD ensure that all concerns outlined in future Complaints be fully investigated and separately addressed in the Investigation Report.” (Officer’s demeanor was not explicitly discussed in the Investigation Report, even though it had been an issue in the Complaint).”</p>	<p>Complaints received by the FCPD are thoroughly investigated. As stated in your report, Major Reed assured the Civilian Review Panel (CRP) members that investigators take a holistic approach to ensure that all aspects of a complaint are addressed. Upon completion, all investigations are subject to a multi-layer review. This investigative review may be conducted by Station Commanders, Bureau Commanders, Deputy Chiefs, and the Chief of Police to ensure accuracy and thoroughness.</p>	<p>FCPD explanation noted.</p>
<p><a href="#">CRP-18-12</a> (Published January 9, 2019)</p>	<p>“The Panel recommends that the FCPD develop an efficient methodology to reintegrate some level of supervision over the submission of [FR300P accident report] forms [by FCPD officers].” The Panel concluded that the consequences for errors could be</p>	<p>Under the Traffic Records Electronic Data System (<a href="#">TREDS</a>) system, which is a VA State Program, when an officer submits an FR300P, a layered approval process begins. The first layer is the TREDS system itself,</p>	<p>The Panel accepts explanation of FCPD regarding supervision under TREDS System.</p>

	<p>problematic, as certain insurance claims were initially denied based on erroneous information in the initial FR300P.”</p>	<p>which provides a real-time review to ensure all required fields are populated. After the TREDIS system review, the report is submitted for internal review by the FCPD Central Records Division. The Central Records Division has received specialized training on TREDIS and have the delegated authority to accept or reject accident reports if they are not in compliance. In addition, the Central Records Staff distributes error reports to supervisory staff to ensure quality control and accountability.</p>	
<p><a href="#"><u>CRP-17-10</u></a> (Published <u>March 26,</u> <u>2018)</u></p>	<p>“[T]he Complainant indicated in her statement to the Panel that, other than the Notification, she had not received any further explanation from the FCPD. The Panel recommends that the FCPD contact the complainant and offer her whatever additional explanation that is legally permissible and appropriate under the circumstances.”</p>	<p>Letter signed by Station Commander was sent to the complainant indicating the officer’s violation was addressed and how to seek additional recourse. Internal Affairs Bureau (IAB) personnel also had a phone conversation with the complainant to address their concerns.</p>	<p>Implemented by FCPD</p>