
Police Civilian Review Panel

Meeting Agenda

Location: Fairfax County Government Center, Conference Room 232

Date: May 5, 2022

Time: 7:00 pm

Agenda details:

I. Call to Order

II. Agenda Items

- a. Approval of Agenda
- b. Approval of April 7, 2022 Draft Meeting Summary
- c. Approval of Subcommittee Initial Review Report for CRP-22-06
- d. Debrief on Panel's Quarterly Meeting
- e. Panel Member Training: Bylaws, Mission and Procedures

III. New Business

IV. Adjournment

Panel Meeting Schedule:

- June 2, 2022 at 7:00 p.m.
- July 7, 2022 at 7:00 p.m.
- August 4, 2022 at 7:00 p.m.

Police Civilian Review Panel

April 7, 2022

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Jimmy Bierman

Cheri Belkowitz

Celeste Peterson

Dirck Hargraves, Chair

Janell Wolfe

Panel Members Joined Remotely:

William Ware

Panel Members Absent:

Todd Cranford

Bryon Garner

Others Present:

Lt. Derek Gray, FCPD

Rachelle Ramirez, OIPA

Steven Richardson, Executive Director, PCR

2nd Lt. Tim Forrest, Internal Affairs Bureau

Dre'Ana Whitfield, OIPA

The Panel's business meeting was called to order at 7:02 p.m. Mr. Hargraves, Chairman, welcomed everyone to the Panel's April 7, 2022, meeting. Mr. Hargraves thanked Mr. Bierman for his past chairmanship. Mr. Hargraves took a roll call to verify a quorum of the Panel was present. Everyone that was present in Conference Room 232 stated their name and their position.

Approval of Agenda: Mr. Bierman moved approval of the meeting agenda. Ms. Belkowitz seconded the motion, and it carried with a vote of six, with Mr. Cranford and Mr. Garner being absent.

Approval of February 28, 2022 Draft Meeting Summary: Mr. Bierman moved the approval of the Panel's February 28 meeting summary. Ms. Wolfe seconded the motion, and it carried with a vote of six, with Mr. Cranford and Mr. Garner being absent.

Introductions of New and Current Panel Members: Each member of the Panel and the Panel's new Executive Director, provided a brief introduction of themselves to the full Panel. Mr. Hargraves expressed his happiness to serve as Chair of the Panel. He stated that he looks forward to working with the Panel. Ms. Belkowitz stated that she is an attorney. She welcomed the new Panel members and the new Executive Director. Ms. Belkowitz said that it is a pleasure to serve on the Panel. Ms. Peterson introduced herself and stated that she has a non-profit organization. She said that she is very involved in the community and has many active programs within the community. Ms. Wolfe introduced herself to the Panel. She stated that her background is in criminal defense and that she is happy to be on the Panel. Mr. Bierman stated that he has served on the Panel since April of 2019. He stated that he is an attorney and is looking forward to another three-year term on the Panel. Mr. Richardson introduced himself to the Panel and stated that he has experience in both law enforcement and government. Mr. Richardson said that he is glad to be working with the Panel and expressed that this work is extremely

important. Mr. Ware introduced himself to the Panel. He stated that his experience has been focused on reentry issues related to community supervision and positive outcomes for citizens re-entering society.

Panel Foundations: Review of Bylaws and Code of Ethics: Mr. Bierman provided a brief background of the Bylaws and Code of Ethics as former Chair of the Panel. He explained that in October of 2021 the full Panel approved the amendment of the Bylaws to clarify the subcommittee process. He further explained that the subcommittee process allows the Panel to consider whether a complaint merits a full review by the Panel. Mr. Bierman provided more detail about the subcommittee process and briefly discussed tasks for the Panel to work on moving forward. He stated that the revised Bylaws need to be approved by the Board of Supervisors. He explained that the Panel's former independent counsel moved away and so the Panel currently needs new counsel. He said the Panel's Counsel advises on the Panel followings its Bylaws, when it can go into closed session, and other FOIA issues. Mr. Hargraves thanked Mr. Bierman for the overview.

Ms. Wolfe referenced E.1.(f) of the Bylaws and expressed concerns about the clarity of the second section. She expressed concerns that the second section of E.1.(f) may not belong there. Discussion ensued on section E.1.(f) of the Bylaws and Ms. Wolfe suggested that E.1.(f) be amended for clarification. Mr. Hargraves stated that revisions need to be made and will be part of the process once the Panel receives a new counsel. He encouraged Panel members to share input on other revisions that they may see appropriate.

Panel Mission and Processes: Mr. Hargraves discussed the mission of the Panel. He stated that the Panel's mission is to ensure or enhance the credibility of the police department with community members. He explained that the Panel wants to ensure transparency of the FCPD. Mr. Hargraves stated that the Panel wants community members to feel that there is a resource available to initiate complaints. He explained that the Panel is in charge of helping community members initiate their complaints with the Panel or the FCPD. He further explained that for complaints alleging abuse of authority or serious misconduct, the Panel reviews the investigation to ensure it was complete thorough, accurate, objective, and impartial. Mr. Hargraves provided more details about the Panel's mission and processes. Mr. Bierman shared that the Panel may hold up to six public comment meetings per year.

Mr. Richardson stated that he had the opportunity to meet with the County Attorney to discuss the importance of independent Counsel for the Panel. He stated that the Panel must be mindful of FOIA. He explained that the County Attorney is putting together a list of potential individuals for the role and he suggested that Panel members do the same. He stated that if a Panel member knows someone who fits the role and is knowledgeable about FOIA laws to forward their contact information. Mr. Hargraves stated that he has contacts within the Dominion Bar Association that have the skillset and will be submitting those names to the list. Discussion ensued on the responsibilities of the Counsel position and the Freedom of Information Act.

Mr. Bierman suggested that the Panel cover in its May meeting a full review of the Bylaws, FOIA, the subcommittee process, and other information for the new Panel members. Mr. Hargraves concurred.

Discussion ensued on communication methods with complainants, including the FCPD disposition letter and other correspondence from the Panel to complainants. Mr. Hargraves stated that Mr. Ware assisted with revising the letter concerning "good cause" to make it easier to understand for complainants.

Debrief on FCPD Community Day: Mr. Hargraves stated that the Panel is working with the FCPD to increase its visibility and credibility. The Panel members and the Executive Director provided insight on the FCPD community day. Ms. Peterson encouraged the FCPD to include the youth of the community at the next FCPD community day. She stated that the youth should be just as involved as adults. Panel members expressed agreement with Ms. Peterson. Mr. Bierman expressed appreciation to the FCPD for their efforts and time putting together the event. Ms. Belkowitz noted that the event can be used to recruit new officers. Mr. Richardson stated that the event was informative and also agrees with enhancing the Panel's outreach to more community members and youth. He agreed with Ms. Belkowitz that the FCPD community day can be used as a recruitment tool.

Mr. Hargraves asked Panel members to reach out to Mr. Richardson regarding their areas of and share with him any ideas they have about Panel outreach.

Training Needs: Mr. Bierman suggested training that should be on the Panel's calendar. He stated that the Panel should have three types of training: the Panel's Bylaws and procedures, training with NACOLE, and training with the FCPD. Mr. Hargraves agreed with Mr. Bierman's suggestions.

Outreach Goals: Discussion ensued on outreach. Mr. Stevenson expressed that moving forward his office will be able to engage in community outreach and provide information to community members.

Mr. Hargraves expressed concerns regarding community members not knowing what the Panel does. He stated that 2022 is hopefully the year that the Panel can do more outreach.

Mr. Richardson briefly provided his outreach goals. He emphasized that one of the goals of the Office of the Executive Director is to do outreach to every part of the county. He explained that his goal is to visit schools, places of worship, and community-based organizations. Mr. Richardson further explained that his goal is to introduce himself and the Panel to the people that are affected by the work of the Panel. He stated that he hopes to create relationships where community members know that they can send in their concerns to the Panel. Mr. Richardson asked Panel members to email him with any ideas or suggestions.

Mr. Hargraves stated that he discussed with Mr. Richardson about having an Executive Director report on the agenda that will include monthly outreach objectives. He explained that this will ensure that the Panel has input and that everyone is moving in the same direction.

Mr. Hargraves stated that a Panel member should be a part of the FCPD's Community Police Academy moving forward. He stated that it would be a great opportunity for outreach and to know what goes on. Mr. Hargraves explained that it would be great for the Panel to know the curriculum moving forward and be able to visit if feasible and works for everyone's schedule.

Mr. Hargraves encouraged Panel members to participate in the next NACOLE event.

Adjournment: Mr. Bierman moved to adjourn the meeting. Ms. Belkowitz seconded the motion, and it carried with a vote of six, with Mr. Cranford and Mr. Garner being absent.

The meeting adjourned at 8:22 p.m.

Next Meeting: The Panel's next business meeting will be held on May 5, 2022, at 7:00 p.m.

Police Civilian Review Panel

April 28, 2022

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-22-06

Members Present:

Dirck Hargraves, Subcommittee Chair

William Ware, Review Liaison

Janell Wolfe, Review Liaison

Others Present:

Rachelle Ramirez, OIPA

Steven Richardson, Panel Executive Director

Dre’Ana Whitfield, PCRP

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 5:32 p.m.

Motions to Conduct Electronic Meeting: Mr. Hargraves 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. Hargraves was present and participated from Rockville, Maryland.

Mr. Ware was present and participated from Alexandria, Virginia.

Ms. Wolfe was present and participated from Fairfax, Virginia.

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

Mr. Hargraves 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 843 0407 as noted in the Public Meeting Notice. Ms. Wolfe seconded the motion and it carried by unanimous vote.

Mr. Hargraves 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. Ware seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-22-06:

Mr. Hargraves provided a brief overview of the Panel's subcommittee process for the public's information. He summarized the key dates regarding the complaint as referenced in the Initial Review Report template in the meeting materials.

Mr. Ware provided a summary of the complaint. On November 10, 2021, the complainant was delivering packages for Amazon. The complainant arrived at an apartment complex in Fairfax County. The complainant parked in a space that was labeled as a reserved space within the apartment complex. The complainant alleged that as she parked, another vehicle was within her vicinity. The complainant asked the individual whether she was parked in their parking space and did not receive a response from the driver. Another individual asked the complainant if she was going to move her vehicle. The complainant moved her vehicle and proceeded to the apartment building elevator to deliver the packages. The complainant alleged that one of the individuals in the vehicle walked past her with a pistol in his hand. Mr. Ware noted that the complainant became fearful and went back to her vehicle.

Ms. Wolfe noted that the complainant knew that the individual was behind her and was unhappy about the parking situation.

Mr. Hargraves concurred with the observations of the subcommittee members. Mr. Hargraves provided more information regarding the complaint, including that the complainant called her mother from the scene and it was her mother who called the police.

Mr. Hargraves expressed questions about whether the position of the pistol was considered brandishing under the Virginia Code.

He stated that the first FCPD officer responded to the delivery truck but did not immediately see the complainant. A second officer responded to the scene and provided backup.

He explained that after the FCPD officers interviewed the complainant, they ran the perpetrator's license plate number. The two FCPD officers located the alleged perpetrator's residence to ask further questions.

Mr. Hargraves noted that he believed that the police officers responded professionally to the complainant and the alleged perpetrator. He said it was confirmed that the alleged perpetrator had a concealed carry permit. He further explained that the two FCPD officers did not see a need for them to arrest the alleged perpetrator, as there was no hostility or words exchanged

between the complainant and the alleged perpetrator. He said the complainant could go to a magistrate to bring charges against the perpetrator.

Mr. Ware noted that as the complainant went back to her vehicle after seeing the handgun, the complainant encountered another person who advised that the complainant did not have to be concerned about the actions of the alleged perpetrator.

Ms. Wolfe noted that the complainant was very adamant about the gun not being in the holster. She expressed that she does not believe that it was fully investigated whether the gun was in the holster and that the officer did not question the perpetrator about it being holstered. She said the holster may have been black like the gun.

Mr. Hargraves went through the Panel Bylaws Abuse of Authority and Serious Misconduct Checklist listed in the meeting materials for the public. The subcommittee agreed that the allegations could fall into two categories in the checklist: the harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability (#2), and violation of laws or ordinances (#5).

Mr. Hargraves stated that the complainant alleged the FCPD response time was lacking and that the perpetrator was not arrested because the complainant was black.

Ms. Wolfe noted that there may also be a gender-bias allegation and specifically that the FCPD handled the case differently because the complainant is a black woman.

Discussion ensued on whether, following the incident, there was a misstatement made by an FCPD supervisor regarding the law or whether a violation of laws or ordinances occurred. Specifically, Mr. Hargraves noted the supervisor stated to the complainant that brandishing a weapon only occurs if it is pointed at a victim and that the police had to be present to witness a brandishing to issue a warrantless arrest.

Mr. Hargraves recommended that CRP-22-06 be referred to the full Panel for review. The subcommittee members concurred with Mr. Hargraves's recommendation.

Mr. Ware summarized the elements of the investigation that the subcommittee was able to review in the investigative file. Mr. Ware and Ms. Wolf discussed the reference in the FCPD disposition letter to *Dezfuli v. Commonwealth* and its applicability to brandishing in this case. Mr. Ware said in reviewing the cases referenced in the investigation and Virginia statute, that he was concerned that this person may be in violation of a brandishing statute. He said that the FCPD followed up with the Commonwealth Attorney office which said it will not prosecute based on facts provided. He noted that this complaint is of enough interest to be considered by the full Panel. Ms. Wolf expressed her agreement and stated that factually the *Dezfuli* case has no bearing on this incident and that she was able to identify another case more applicable that has to do with holding a weapon (*Crewe v. Commonwealth*).

Ms. Wolfe moved that after having reviewed and discussed the complaint, CRP-22-06 should be referred to the full Panel for review. Mr. Ware seconded the motion and it carried by a unanimous vote.

Mr. Hargraves stated that there will be elements in the investigation that will be discussed further by the full Panel. He thanked the complainant for filing the complaint and commended the Internal Affairs Bureau for conducting the investigation. Mr. Hargraves stated that he believed the Internal Affairs Bureau provided a responsive disposition to the matter but would like the full Panel to review further.

Ms. Wolf, being a new Panel member, asked for clarity about how the complaint moves to the full Panel. Mr. Hargraves stated that the subcommittee will present their recommendation to the Panel at the next meeting. Ms. Ramirez stated that the subcommittee meeting summary and a completed Initial Review Report will be shared in the meeting materials.

The meeting adjourned at 6:16 p.m.

Fairfax County Police Civilian Review Panel Subcommittee Initial Review Report

Request for Review – Basic Information

CRP Complaint Number: CRP-22-06

Subcommittee Meeting Date: April 28, 2022

Subcommittee Members:

- Dirck Hargraves, Subcommittee Chair (Panel Chair)
- William Ware, Subcommittee Member
- Janell Wolfe, Subcommittee Member

Complaint Submission Date: Review Request received on 3/26/2022. Other Key Dates: Incident Date: 11/10/2021; Initial Complaint to Panel (CRP-21-23): 11/12/2021; FCPD Disposition letter: 1/25/2022

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 of dissatisfaction with the FCPD in concluding there was no crime and in not releasing the name of the perpetrator for the complainant to file a restraining order.

The Subcommittee finds that the subject matter of the investigation, as stated in the allegations, **meets** the threshold requirement for "abuse of authority" and "serious misconduct."

Recommendation

The Subcommittee recommends that the Panel **undertake** a review of CRP-22-06 because the complaint **meets** 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.	Alleged the FCPD response time was lacking and that the perpetrator was not arrested because the complainant is black. There may also be gender discrimination as the complainant is a woman.
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.	
Yes	Violation of laws or ordinances.	Potential misstatement by FCPD supervisor regarding brandishing law.
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.	

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