

Police Civilian Review Panel

April 4, 2019

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Jimmy Bierman

Bob Cluck

Hollye Doane, Panel Vice-Chair

Doug Kay, Panel Chair

Anna Northcutt (Arrived at 7:10 p.m.)

Shirley Norman-Taylor

Rhonda VanLowe

Panel Members Absent:

Hansel Aguilar

Colonel Gregory Gadson

Others Present:

Gerarda Culipher, Chief Deputy Clerk to the Circuit Court

Julia Judkins, Counsel

Rachelle Ramirez, OIPA

Major Gervais Reed, FCPD

Richard Schott, Independent Police Auditor

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

Welcoming of New Panel Member: Mr. Kay welcomed, on behalf of all Panel Members, Mr. Bierman, who was recently appointed by the Board of Supervisors to fill a vacant seat, to his first meeting. Mr. Kay thanked Mr. Bierman for his willingness to serve on the Panel.

Meeting Summary Approval: Ms. Doane moved approval of the Meeting Summary from the Panel's March 7<sup>th</sup> meeting. Ms. VanLowe and Ms. Norman-Taylor jointly seconded the motion and it carried by a vote of six, with Ms. Northcutt having not yet arrived, and Mr. Aguilar and Colonel Gadson being absent.

Administration of the Oath: Ms. Gerarda Culipher, Chief Deputy Clerk of the Fairfax County Circuit Court, administered the Oath of Office to Mr. Bierman.

March 20<sup>th</sup> Meeting Debrief: Mr. Kay reminded Panel Members that he and Ms. VanLowe attended a meeting on March 20<sup>th</sup> with the Chairman of the Board of Supervisors, Supervisor Cook, Deputy County Executive Rohrer, Chief Roessler, Major Reed, and the Independent Police Auditor, to deliver the Panel's 2018 Annual Report and set the precedent for Panel leadership to meet with members of the Board of Supervisors at the beginning of each new Panel term. Mr. Kay relayed the items that were discussed during the meeting to the Panel, such as the enhancement of transparency and the amount of detail in the Fairfax County Police Department's (FCPD) disposition letters. He reported that the letters are currently being internally audited by the FCPD. Ms. VanLowe expressed that the Panel must continue a dialogue with the FCPD related to the disposition letters. Mr. Kay announced that the first quarterly meeting between Panel leadership, the FCPD, and chiefs of staff for the Chairman of the Board of

Supervisors and Public Safety Committee Chair will be held on Friday, April 12<sup>th</sup>. Mr. Kay asked Panel Members if they had issues of concern that they would like to be addressed during the quarterly meeting. Panel discussion ensued related to the Panel's authorizing Action Item and information that can be included in the Panel's Review Reports. Ms. VanLowe noted the Chairman's appreciation of the Panel's work and that it serves as an oversight model within the Commonwealth.

Mr. Kay shared the items he intends to raise at the quarterly meeting. These include:

- determining a process to address Panel recommendations and comments made in Panel Reports with the FCPD.
- revising the Panel's authorizing action item regarding the information that can be included in review reports.
- continuing the discussion regarding the enhancement of FCPD disposition letters.
- training from the National Association of Civilian Oversight for Law Enforcement (NACOLE) and the FCPD.
- accessibility of FCPD Investigation files for Panel Members' review.
- public comment at Panel Meetings.
- panel member vacancies.

Panel Members did not immediately offer additional items to be raised during the quarterly meeting. *Panel Members are to send additional items to be raised at the quarterly meeting to Mr. Kay.*

Discussion Regarding CRP-18-27: Mr. Kay announced that the FCPD completed the additional investigation requested by the Panel during its February 7<sup>th</sup> meeting. The FCPD letter responding to the request for additional investigation should be available to the Panel soon, and members will have the opportunity to review materials related to the additional investigation. Mr. Kay reminded the Panel that the Review Meeting related to this complaint has not been completed due to the Panel's request for additional investigation and that the Review Meeting will be picked up during the Panel's May meeting. The complainant and Major Reed will be invited to attend. When the FCPD letter related to the additional investigation is received, the Panel will inform the Complainant of the results of the additional investigation.

Public Forums: Mr. Kay referenced the Panel's Bylaws related to public meetings and noted that there is not a great appetite for the Panel to conduct public forums. He reminded the Panel that its primary work includes conducting Review Meetings, and that the Panel should prioritize its reviews and upcoming training opportunities over planning a public forum. Ms. VanLowe suggested bringing up public forums specifically focused on topics at the quarterly meetings. Panel discussion ensued related to Board of Supervisors election in the fall and the timing of holding public forums. *Mr. Kay and Ms. Doane will gather input regarding public forums at the quarterly meeting to report back to the Panel.*

Panel Training: Mr. Kay referenced the Panel's Bylaws related to training and discussed training received by the inaugural Panel in 2017. He reminded Panel Members of their membership to NACOLE and that there is an opportunity to receive Panel specific training from NACOLE. Panel Members expressed their interest and discussed potential dates for the training. The general Panel consensus was to schedule the NACOLE training on June 15<sup>th</sup> or June 22<sup>nd</sup> when most of the members are available to attend.

Mr. Kay proposed rescheduling the Panel's June business meeting. The Panel discussed the possibility of covering regular Panel business during a segment at the Panel's June training. It was decided that the Panel's June business meeting will be tentatively moved to June 20<sup>th</sup>, and later cancelled, if it is not needed.

Panel Outreach Representative: Mr. Kay asked for a Panel Member to volunteer to spearhead outreach efforts for the Panel. Panel discussion ensued related to past Panel outreach efforts and the role of the Panel member who lead the efforts. Mr. Kay announced that he will remind Panel Members of this opportunity again at the May meeting.

New Business: Mr. Kay announced that the Panel recently received a Review Request in which the principle allegations within the complaint are over a year old. The Panel, to be in accordance with its Bylaws, must determine whether there is good cause to be able to fulfill the Review Request. Mr. Kay noted that the incident that is the subject of the complaint was pending litigation for a year after the incident occurred, and the Complainant submitted his complaint to the Panel at the conclusion of the criminal prosecution. Mr. Kay summarized that the subcommittee's role in the review process is to conduct the initial review of the request to determine the Panel's authority. Mr. Kay expressed that it would be appropriate for the Panel to provide the Complainant with the opportunity to offer the reasoning for the delay in submitting the complaint. Panel discussion ensued related to options the Panel has in determining good cause. It was determined that the Complainant would have the opportunity to provide good cause in writing, if they choose to do so. Panel discussion ensued related to amending the Bylaws to reflect the timing of complaint submission when there is pending litigation. *Mr. Kay agreed to bring this issue up during a future quarterly meeting.*

Ms. VanLowe asked Mr. Kay to check in with the FCPD related to complaint CRP-18-28 to follow up on its status.

Mr. Schott announced that Mr. Steel and Mr. Sayles, former Panel Members, will be recognized at the June 4<sup>th</sup> Board of Supervisors meeting for their service and commitment to the Panel. A reception prior to the Board Meeting is currently being scheduled and all Panel Members are welcome to attend.

Next Meeting: The Panel's next business meeting is Thursday, May 9<sup>th</sup>, 2019, at 7:00 p.m. in the Government Center, Conference Room 232.

The meeting was adjourned at 8:27 p.m.