

Police Civilian Review Panel

August 25, 2020

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-20-20 and CRP-20-21

Members Present:

Doug Kay, Review Liaison

Sris Sriskandarajah, Subcommittee Chair

Rhonda VanLowe, Review Liaison

Others Present:

Gentry Anderson, OIPA

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 5:34 p.m.

Motions to Conduct Electronic Meeting: Mr. Sriskandarajah 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. Kay was present and participated from Fairfax, Virginia.

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

Ms. VanLowe was present and participated from Reston, Virginia.

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

Mr. Sriskandarajah 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 408-418-9388 and entering access code 129 440 9175 as noted in the Public Meeting Notice.

Ms. VanLowe seconded the motion and it carried by unanimous vote.

Mr. Sriskandarajah 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. Kay and Ms. VanLowe jointly seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-20-20 and CRP-20-21:

Mr. Sriskandarajah confirmed that all members of the subcommittee reviewed the Fairfax County Police Department's (FCPD) investigation file related to complaints CRP-20-20 and CRP-20-21. Mr. Sriskandarajah asked that the subcommittee review the abuse of authority and serious misconduct checklist on the Initial Review Report.

The subcommittee found that the allegations made in the complaints meet the criteria for "Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense." Mr. Kay explained he believed that an officer loudly knocking on someone's door without announcing themselves can be considered rude and threatening. The subcommittee members agreed with this assessment. Mr. Sriskandarajah noted that after reviewing the file, there seemed to be confusion as to whether the officer announced himself upon the first request or second request of the complainants. Ms. VanLowe replied that the subcommittee cannot make that as a statement of fact, but it is where the complaint emanates from. She added that the question is about how and when the officers made themselves known to the individuals in the house as there was much confusion as to what the officers were responding to as the call for service was for domestic violence however there was not an event at the residence according to the complaint.

Mr. Kay explained that the Panel concluded that so long as a claim is made by a complainant in a complaint, the Panel would not try to resolve the discrepancy. Ms. VanLowe agreed with Mr. Kay and explained that the subcommittee should make its decision based on the four corners of the complaint and use their review of the file to ensure that there is something within the file that supports the allegations made in the complaint.

Mr. Kay reminded the subcommittee that the discussion of the statement of the police under Garrity cannot be disclosed in public and that the subcommittee needs to raise this to the Panel's attention when the subcommittee's recommendation is presented. The subcommittee members agreed.

The subcommittee discussed the criterion titled "violation of laws or ordinances." Mr. Kay explained this criterion could be met. The subcommittee further discussed this criterion.

The subcommittee also found that the allegations made in the complaint meet the criteria for "other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty." Mr. Kay pointed the subcommittee's attention to the FCPD's General Order 601.14 titled "Domestic Incidents and Protective Orders." He explained that this General Order requires officers to announce themselves as

police officers and explain the reason for their presence. Because the complaint alleged the officers did not announce themselves, the subcommittee found that the allegation met this criterion.

Mr. Sriskandarajah asked for clarification on the subcommittee's determination related to the criterion of "violation of laws or ordinances." The subcommittee determined that the allegations made in the complaints do not allege a violation of law or ordinance.

Mr. Kay moved that the subcommittee recommend that the Panel undertake a review of CRP-20-20 and CRP-20-21 because the complaints meet the scope of review criteria as set forth in the Panel's Bylaws as discussed by the subcommittee. Ms. VanLowe seconded the motion and it carried by unanimous vote.

The subcommittee discussed presenting the subcommittee's initial review at the Panel's business meeting on August 27. Mr. Sriskandarajah agreed to present the initial review report to the Panel.

Mr. Kay moved to adjourn the meeting. Ms. VanLowe seconded the motion and it carried by unanimous vote.

The meeting adjourned at 5:53 p.m.