

Police Civilian Review Panel

November 9, 2020

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-20-29

Members Present:

Jimmy Bierman, Review Liaison

Hollye Doane, Subcommittee Chair

Frank Gallagher, Review Liaison

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 5:30 p.m.

Motions to Conduct Electronic Meeting: Ms. Doane 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. She 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.

Ms. Doane was present and participated from Oakton, Virginia.

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

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

Ms. Doane 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. She 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 173 481 9002 as noted in the Public Meeting Notice. Mr. Gallagher seconded the motion and it carried by unanimous vote.

Ms. Doane 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. Bierman seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-20-29:

Ms. Doane initiated a discussion on the complainant's allegations that one officer, referred to as Officer A, failed to properly document her investigation and provided false testimony. Discussion ensued on whether the allegations met the threshold for abuse of authority or serious misconduct. Mr. Gallagher stated that the officer's failure to record details of an investigation in a report may violate certain FCPD General Orders, but he does not believe it rises to the level of serious misconduct. Ms. Doane and Mr. Bierman agreed with this notion. Mr. Bierman and Ms. Doane both noted that there was no evidence in the investigative file that the officer conspired to provide false testimony.

Ms. Doane stated that the file indicated that there was a sustained violation of a different officer at the McLean District station. However, the complainant did not make any allegations against this officer in his complaint or request for review, so the subcommittee will not consider it.

Next, the subcommittee considered the allegations that the complainant was not served properly by officers, specifically that there should not have been three officers present to serve him and the police should not have stepped in front of his car. Ms. Doane stated that an improperly served warrant is a serious allegation but there is no evidence that the police acted improperly. She said the police did not seem to violate any procedures in serving the warrant. Mr. Gallagher and Mr. Bierman agreed that the allegation does not rise to the level of serious misconduct.

Mr. Bierman stated he would like the Panel to have a discussion on how they should deal with malicious prosecution allegations. Ms. Doane suggested that they consider if there is any evidence to substantiate the allegation. If the answer is no, then they ask whether the investigation into the allegation is complete. And if the answer is yes, then the Panel would not review it. Mr. Bierman and Mr. Gallagher expressed their agreement with this proposal.

The subcommittee reviewed each of the criteria in the Initial Review Report checklist and found that none of the complainant's allegations met the criteria for abuse of authority or serious misconduct.

Mr. Gallagher moved that the subcommittee recommend to the full Panel that it not review the Complaint filed by the complainant. Mr. Bierman seconded the motion and it carried by unanimous vote.

Mr. Gallagher moved to adjourn the meeting. Mr. Bierman seconded the motion and it carried by unanimous vote.

The meeting adjourned at 5:52 p.m.