

Police Civilian Review Panel

February 2, 2021

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-20-37

Members Present:

Jimmy Bierman, Review Liaison

Frank Gallagher, Review Liaison

Sris Sriskandarajah, Subcommittee Chair

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 5:33 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. Bierman was present and participated from McLean, Virginia.

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

Mr. Sriskandarajah was present and participated from Fairfax County, 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. Bierman 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 1-844-621-3956 and entering access code 179 138 2871 as noted in the Public Meeting Notice. Mr. Bierman 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. Bierman seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-20-37:

Mr. Sriskandarajah reviewed the incident subject of the complaint, which occurred in May 2020. The complainant called the police for help when she was locked inside an Office Depot. Officers responded and found the complainant pushing a cart filled with items in bags. The store manager also returned to the store in response to the store security alarm. The complainant was asked for proof of receipt and she claimed it was emailed to her. The store manager said that emailing receipts was not a current practice. The complainant then got into a car, locked the door and refused to open it. Officers then extracted the complainant from the car and detained her.

The complainant makes numerous allegations including uses of force. Mr. Sriskandarajah stated that the allegations of force will not be reviewed by the Panel but will be reviewed by the Independent Police Auditor (IPA).

Mr. Bierman outlined the allegations that may be considered by the Panel: that the complainant was falsely arrested, that she should have been read a Miranda warning, that she should have been given a lawyer at scene, that the car seizure and towing was illegal, that officers intimidated EMTs into not helping her, and that she should have been given a ride home from the Adult Detention Center (ADC).

Discussion ensued whether the allegations met the threshold for abuse of authority or serious misconduct. Panel members agreed that there appeared to be probable cause for the complainant's arrest, and that a Miranda warning was not necessary. While an allegation of not appointing a lawyer could be considered an abuse of authority, there was no evidence that it applied in this situation. Mr. Gallagher and Mr. Bierman did not see the towing of the car as an abuse of authority. Mr. Bierman said there was no scintilla of evidence that officers intimidated the EMTs and pointed out that two EMTs interviewed stated that the officers acted professionally. Mr. Sriskandarajah said that the Sheriff Department, not the FCPD, manages the release of individuals from the ADC. Mr. Bierman said nor does this allegation rise to a serious misconduct or abuse of authority. The subcommittee will not comment on the allegations of use of force, as these will be reviewed by the IPA.

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 because there was no scintilla of evidence to support any of the allegations.

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

The meeting adjourned at 6:00 p.m.