

Police Civilian Review Panel

January 7, 2021

Conducted Electronically due to COVID-19 Pandemic

Meeting Summary

Panel Members Present:

Hansel Aguilar
Jimmy Bierman
Bob Cluck
Hollye Doane, Panel Chair
Frank Gallagher
Doug Kay
Shirley Norman-Taylor
Sris Sriskandarajah, Panel Vice-Chair
Rhonda VanLowe

Others Present:

Major Lay, FCPD
Anita McFadden, Interim Counsel
Rachelle Ramirez, OIPA
Richard Schott, Independent Police Auditor

NOTE: The Panel's January 7 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 Panel's business meeting was called to order at 7:00 p.m. and all Panel Members were present. Ms. Doane welcomed everyone to the Panel's January 7, 2021 meeting and noted a few housekeeping rules.

Motions to Conduct Electronic Meeting: Ms. Doane took roll call to verify a quorum of the Panel was present and to ensure each Panel Member's voice could be heard clearly. She asked each Panel Member to state their name and the location from which they were participating.

Mr. Aguilar was present and participated from the Centreville, Virginia.

Mr. Bierman was present and participated from McLean, Virginia.

Mr. Cluck was present and participated from Reston, Virginia.

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

Ms. Norman-Taylor was present and participated from Lorton, Virginia.

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

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

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

Ms. Doane was present and participated from Oakton, 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. Sriskandarajah 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 Panel 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 Panel 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 179 968 5171 as noted in the Public Meeting Notice. Mr. Sriskandarajah seconded the motion and it carried by unanimous vote.

Ms. Doane 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. The second to the motion was inaudible and it carried by unanimous vote.

Approval of December 10 Meeting Summary: Ms. VanLowe moved approval of the Panel's December 10 meeting summary. Mr. Bierman seconded the motion and it carried by unanimous vote.

Extend Deadline of Completion of Review Report for CRP-20-19 and CRP-20-27: Ms. Doane stated that the deadline to complete the written report for CRP-20-19 and CRP-20-27 is January 20, 2021, which is 90 days after the "Receipt of the Investigation Report" defined as the first Panel meeting subsequent to FCPD making an Investigation Report available to the Panel. The Panel met on October 22, 2020, following the subcommittee members reviewing the file at IAB. The Panel was unable to conduct its review during the November meeting because Panel members needed more time to review the two large investigative files. The report is not ready for the Panel to consider but will be ready for the February meeting. The Panel must advise the Board of Supervisors that we are missing the deadline and provide good cause. Mr. Kay moved that good cause exists to extend the deadline for the Panel's completion of the report. Mr. Gallagher seconded the motion and it carried by unanimous vote.

Approval of Subcommittee Initial Review Report for CRP-20-34: Mr. Sriskandarajah provided information on the incident underlying the complaint, which entailed the complainant encountering a man at a gas station who threatened him and whom he believed might be a

police officer. Mr. Sriskandarajah stated that the FCPD investigation was unable to identify that the subject of the complaint was in fact an FCPD officer. The subcommittee discussed the steps taken by the investigator and concluded there were not enough facts to warrant this going to the Panel. Mr. Cluck said that the subcommittee did not find the allegations rose to a level of abuse of authority or serious misconduct.

Discussion ensued regarding the ability of the FCPD to check the license plate number in VCIN and whether there was probable cause for them to do so. Mr. Aguilar expressed concerns that the subject threatened the complainant by saying he knows where he lives and that he may be misusing the system if he was in fact a law enforcement officer.

Mr. Aguilar asked if the department has a registry of license plates used by officers, other than VCIN. Major Lay stated that they looked in all the databases in which they legally could and did not find a correlation with an active employee of the FCPD.

Mr. Kay moved that the Panel accept the subcommittee's recommendation to not review CRP-20-34. The motion was seconded by Mr. Gallagher and carried by a vote of eight, with Mr. Aguilar voting Nay.

Consideration of Good Cause for CRP-20-31: Ms. Doane said that the Complainant in this case informed the Panel that she did not receive correspondence concerning her complaint, including the Panel's request that she provide information to consider as good cause. The Panel voted at its last meeting to not hear the complaint since such information was not provided by the deadline. The complainant has since provided an explanation for the Panel to consider good cause. Discussion ensued on whether the provided explanation should make the Panel reconsider reviewing her complaint.

Mr. Gallagher moved that the subcommittee not consider CRP-20-31. The motion was seconded by Mr. Sriskandarajah and it carried by a vote of seven, with Ms. Doane and Mr. Cluck voting Nay.

Elections for 2021 Panel Leadership: Ms. Doane asked for any objections to Mr. Sriskandarajah, the Vice-Chair, assuming the role of Chair of the Panel. Hearing none, Ms. Doane announced that Mr. Sriskandarajah will become the Panel's next Chair on March 1, 2021.

Ms. Doane then asked for nominations for Vice-Chair. Ms. Doane nominated Mr. Bierman and Mr. Sriskandarajah nominated Mr. Cluck. Mr. Sriskandarajah explained his reasons for nominating Mr. Cluck. Ms. VanLowe expressed her appreciation to Ms. Doane for serving as Chair this year and that she was happy that there were two candidates for vice-chair. Ms. Doane explained her reasons for nominating Mr. Bierman. Ms. Doane expressed her desire that the Panel focus on building its relationships with community groups and the FCPD rank and file, and said she thought that Mr. Bierman was well suited to lead this effort. Mr. Cluck reviewed his experience with participating and leading various groups and described his skills in being objective and unbiased. Mr. Bierman described his efforts in conducting a thorough

review of the Panel's work and developing recommendations for how the Panel should operate going forward.

Ms. Doane called for a roll call vote. Mr. Gallagher, Mr. Cluck, and Mr. Sriskandarajah voted for Mr. Cluck to serve as the new Vice-Chair. Mr. Aguilar, Mr. Bierman, Mr. Kay, Ms. Norman-Taylor, Ms. VanLowe and Ms. Doane voted for Mr. Bierman. With a vote of six, Mr. Bierman will serve as the new Vice-Chair for the Panel.

Four Year Review Action Plan Update: Mr. Bierman informed the Panel of some of the key takeaways that he is incorporating into the Four-Year Review. He said that he plans to circulate a first draft of the report to the Panel members by January 14. He asked for edits and comments before the meeting so that the Panel can focus on the substance of the report (i.e., analysis and recommendations) at the January 28 meeting.

Next Quarterly Meeting: Ms. Doane informed the Panel members that there is an upcoming Quarterly Meeting with the Board of Supervisors Chairman's and Supervisor Lusk's Chiefs of Staff, representatives of the FCPD, and the Police Auditor's office. She said that one item on the agenda is to review the latest version of the Panel's recommendations matrix to get input from the FCPD. If anyone has items that they would like her to raise, they should send them to Ms. Doane before next Friday.

Meeting Schedule: Ms. Doane reviewed the Panel's upcoming meeting schedule. The Panel will meet on January 28 to discuss the Four-Year Review. They will also meet on February 4 and again on February 25.

Recognition of FCPD Chief Roessler: Ms. Doane stated that the Panel would like to publicly recognize Chief Roessler, who is retiring in February, at the Panel's meeting on January 28. Major Lay indicated he would ask Chief Roessler to attend.

Adjournment: Mr. Gallagher moved to adjourn the meeting. Mr. Bierman seconded the motion and it carried unanimously.

The meeting adjourned at 8:36 p.m.

Next Meeting: The Panel's next meeting will be held on Thursday, January 28 at 7:00 p.m. The meeting will be conducted electronically and information for public access will be included in the public meeting notice.