

Police Civilian Review Panel

November 3, 2022

Gum Springs Community Center, Multi-Purpose room

8100 Fordson Rd. Alexandria, VA 22306

Meeting Summary

Panel Members Present:

Jimmy Bierman
Cheri Belkowitz
Todd Cranford, Vice-Chair
Dirck Hargraves, Chair
Janell Wolfe

Others Present:

Madison Gibbs, Counsel
Steven Richardson, Executive Director, PCR
Sanjida Lisa, PCR
Richard Schott, Independent Auditor, OIPA
Rachelle Ramirez, OIPA
2nd Lt. Tim Forrest, Internal Affairs Bureau
Lt. Todd Sweeney, Internal Affairs Bureau
2nd Lt. Matthew Lane, Internal Affairs Bureau
Community members

The Panel's business meeting was called to order at 7:08 p.m. Mr. Hargraves, Chairman, welcomed everyone to the Panel's November 3, 2022, meeting. Everyone who was present in multi purpose room of the Gum Springs Community Center stated their name and their position. Mr. Hargraves welcomed the Chief of the Fairfax County Police Department, Chief Kevin Davis, to address the Panel and the Community members present at the meeting. Chief Davis shared a few remarks, then called up the Deputy County Executive for Safety and Security, Tom Arnold, to address the Panel and the community members present. After remarks were made and questions were answered from the community, Chief Davis and Deputy County Executive Arnold left the meeting.

Mr. Hargraves asked everyone in attendance to state their name and title to see who was present. Panel member Cheri Belkowitz and Vice Chair Todd Cranford were virtually present at this time via telephone.

Approval of Agenda: Mr. Bierman moved approval of the meeting agenda. Ms. Wolfe seconded the motion, and it carried unanimously.

Mr. Bierman reminded Chair Hargraves that a quorum was needed to conduct a Panel meeting. Mr. Hargraves moved to continue to the Executive Director's Report, as the Panel cannot conduct official business without a quorum.

Executive Director's Report: Executive Director Richardson reminded the Panel that a training was scheduled for Saturday, November 12, 2022, from 9:00 am to 4:00 pm with the former President of the National Association for Civilian Oversight of Law Enforcement (NACOLE) at the Pennino building. Mr.

Richardson discussed the staff's efforts to rebrand the Police Civilian Review Panel and do more outreach with the community. Mr. Richardson also reminded everyone of the upcoming November 10th Reception, being held at the Government Center Forum.

Ms. Cheri Belkowitz arrived to the meeting in person at approximately 7:30 p.m. Mr. Hargraves moved next to the Office of the Independent Auditor's (OIPA) report

Office of the Independent Auditor's (OIPA) Report: Mr. Richard Schott addressed the Panel and the community and began to go over the summary of the September 14th OIPA report. Mr. Schott mentioned that his office was monitoring the October 6th investigation regarding the tasing incident and referred to the press conference with Chief Davis. Mr. Schott then discussed the official roll out of the pilot use of the bolo device with the Fairfax County Police Department. Mr. Schott next discussed the recent NACOLE conference and his presentation with NACOLE's virtual conference. Mr. Schott concluded his report and update.

Mr. Hargraves explained the bifurcation of the Office of the Independent Auditor (OIPA) and the Office of the Police Civilian Review Panel (PCRP) and the purview that each office has.

Mr. Todd Cranford arrived to the meeting in person at approximately 7:49p p.m., and the Panel was officially in a quorum and able to conduct Panel business. Mr. Hargraves brought up the John Geer case and how that case raised a lot of issues with the County of Fairfax. Mr. Hargraves mentioned that Board of Supervisors Chairwoman Bulova directed the County to create an oversight department in 2013, which led to the inception of OIPA and PCRP.

Approval of October 6, 2022 Draft Meeting Summary: Mr. Hargraves asked for a motion to approve the draft meeting summary of the October 6, 2022 Panel meeting. Mr. Bierman moved to approve the summary and Ms. Belkowitz seconded and it carried unanimously. Mr. Hargraves confirmed again that with the presence of the two additional panel members, the Panel is now at a quorum and can proceed with Panel business.

Consideration of Subcommittee Initial Review Report for CRP-21-22: Mr. Hargraves asked the Subcommittee members that reviewed CRP-21-22 to provide a summary of the case. Ms. Wolfe summarized the complaint, the underlying charges and what the complainant had alleged. Mr. Hargraves discussed the procedure of PCRP and how the initial review request works and what the purpose of the subcommittee group is, which is to determine whether the complaint should be forwarded for a full Panel review.

Mr. Bierman further explained the process of the subcommittee meeting and what they determine can be forwarded to the full Panel. Ms. Wolfe added that the complainant was present at the last subcommittee meeting, which she emphasized does not always occur.

There was a question from a community member, who asked "What type of weight does a Panel recommendation have?" Mr. Hargraves answered by saying that if the subcommittee recommends that the full Panel review the case, the full Panel would review it. Mr. Bierman further clarified that the full Panel would have a review meeting where they meet with the complainant and Fairfax County Police Department (FCPD) officers from the Internal Affairs Bureau (IAB) and explained the directive of the Panel By-Laws. Mr. Bierman further explained that the Panel would then write a report on whether

there is concurrence, whether any additional investigation was needed or to inform the Board of Supervisors that the investigation was not accurate, complete, thorough, objective or impartial.

Ms. Belkowitz explained the Panel's day to day, their review of the body-worn camera footage and interviews, the review of the additional documents and videos of the drives, providing a glimpse of the thoroughness of the Panel's review of the case. Mr. Richardson provided that FCPD and Chief Davis had continued to have a very cooperative relationship with PCRCP.

Mr. Bierman then proceeded to go over the Recommendations Matrix, which is available on the Panel's website. Mr. Bierman continued to provide that FCPD periodically made changes and updates to the Panel's recommendations, which the Panel then reviews and prepares to send to the Board of Supervisors for implementation. Mr. Bierman provided examples of when the Panel Recommendations were implemented, such as station interviews being videotaped.

A community member asked how the community could find out about the Panel meetings. Mr. Hargraves explained that Panel meetings had historically been held at the Government Center. Mr. Cranford further provided that in an effort to increase the Panel's visibility, PCRCP staff were reaching out to hold Panel meetings at different areas around Fairfax County so that more residents could be aware of the meetings. A community member recommended that there needs to be more visibility and more documentation alerting the community to Panel meetings and Panel business. Mr. Hargraves encouraged community members to make recommendations to the Panel and PCRCP staff on how to further do outreach and raise awareness.

Ms. Belkowitz shared that Mr. Bierman had done a lot of outreach, such as appearing on Inside Scoop and speaking at different events. Ms. Wolfe provided that all the Panel members are volunteers and the PCRCP staff had recently joined to further increase visibility. Neighborhood and Community Services (NCS) additionally voiced their commitment to help PCRCP increase visibility and awareness of Panel proceedings and distributing more documentation.

Mr. Richardson reminded the Panel and community members of the upcoming PCRCP Reception on Thursday, November 10, 2022. NCS staff provided that there would be transportation provided to Gum Springs community members to the reception on that date.

Ms. Wolfe moved to accept the Subcommittee Report and Mr. Bierman seconded. Ms. Belkowitz stated that she was on the Subcommittee Panel and she concurred with the findings of the report. Mr. Hargraves summarized the nature of the report and the complaint.

Mr. Hargraves started going through the criteria in the Initial Review Report.

Mr. Hargraves read aloud the first criterion on the Panel Bylaws Abuse of Authority and Serious Misconduct Checklist. Panel members agreed the first criterion was not alleged and was not met.

Mr. Hargraves read aloud the second criterion on the checklist. Panel members agreed this criterion was not alleged and was not met.

Mr. Hargraves read aloud the third criterion on the checklist. Panel members agreed this criterion was not alleged and was not met. Ms. Belkowitz mentioned that the officers in this case were considerate with the complainant. Mr. Hargraves further noted how important body worn camera footage is.

Mr. Hargraves read aloud the fourth criteria on the checklist. Panel members agreed this criterion was not alleged and was not met.

Mr. Hargraves read aloud the fifth criterion on the checklist. Mr. Hargraves stated that this was alleged but does not believe it was met. Mr. Hargraves provided that while there was an allegation of a destruction of photos, there was no substantiation to the alleged destruction. All Panel members agreed.

Mr. Hargraves read aloud the sixth criterion on the checklist. Mr. Hargraves stated that this was alleged, but does not believe it was met. He stated that there was an allegation of lying by an officer and behavior, but there was no substantiation to the alleged destruction. All Panel members agreed.

Mr. Hargraves stated that under preponderance of the initial review report, the subcommittee voted unanimously that the full Panel would not get forwarded the complaint for review.

Ms. Wolfe motioned for the full Panel not to review the complaint, all the Panel members voted in acquiescence and it carried unanimously.

PCRP Matters:

Mr. Hargraves continued onto Panel matters and suggested tabling the discussion regarding the Magistrates' office. He further stated that the Panel wanted to take a moment to discuss the process and recommended Ms. Wolfe to share some thoughts. Ms. Wolfe stated that she went to the Magistrate's office hoping to find a brochure or some kind of documentation that PCRP could refer to on their website and have FCPD officers pass along to community members who needed more information. Ms. Wolfe was unable to find anything of the sort; she further tried to reach out to the Magistrate's office to inquire and stated that she did not receive a response that could be shared. Ms. Wolfe provided that she visited a satellite office prior to the Panel meeting and learned the following information: Magistrates do not necessarily call FCPD officers in regards to warrants. Ms. Wolfe further provided that she wanted to follow up with Major Brooke Wright in terms of what kind of information the Police Academy was providing their students and what was being taught about the Magistrate's office.

Ms. Wolfe shared that she was able to get a lot of information from the Arlington County's Magistrate's website, such as how their Magistrate's office would provide information on what was considered a misdemeanor or higher. Mr. Bierman mentioned that FCPD advised community members that they can go to the Magistrate's office with their case number and further information would be shared with them. A community member mentioned that she was a former Magistrate and a trainer with FCPD on community engagement and what the procedure used to be like. Mr. Bierman clarified that the specific situation was an officer not providing information to a community member making a complaint. Mr. Bierman motioned to table the Magistrate discussion again and asked that the Executive Director try to convene and gather more information on the topic. Ms. Belkowitz questioned whether a motion was needed to table the discussion, all Panel members agreed unanimously that a motion was not required to table the discussion.

Ms. Wolfe mentioned that PCRP had maintained an outreach tracker that contained what each of the Panel members had been working on or had participated in and inquired if the tracker could be kept up to date by the PCRP staff.

Mr. Bierman had nothing further to add.

OIPA had nothing further to add.

Vice-chair Cranford had nothing further to add.

Ms. Belkowitz stated that there would be an Annandale High School Individualized Education Program (IEP) Palooza on December 3, 2022 at 9:00 a.m. She added that it was a large community resource fair. Ms. Belkowitz additionally wanted to commend Major Wright and what they had done for District of Columbia Public School (DCPS) students that had been stranded in Virginia and how the FCPD Police Academy had taken these students in while they waited for DCPS bus drivers to arrive and transport them back.

Ms. Lisa had nothing further to add.

A community member asked whether there had been a recommendation on the case from the previous year regarding the person that had been tasered by FCPD officers. Mr. Bierman provided that the Panel did not make comments on cases that don't fall under their purview, such as use of force cases.

Mr. Schott from OIPA provided that he is preparing a report on his findings and investigation of that case and explained that the officer was charged criminally, which meant there was pending litigation and that led to delays for him releasing his report. A community member provided that there was a video that everyone had seen regarding this case. Mr. Hargraves clarified that the FCPD officer who had deployed his taser gun had been charged, and Mr. Schott further clarified that that the officer had been acquitted.

A community member recommended that that one of the purposes of the Panel should be to review use of force cases as well. He further stated that there was a lack of trust between the community and the police and he was often scared to walk home because of the way he looks.

A community member asked, in reference to the tasered individual case from the previous year, if the officer was not found to be criminally negligent, then was the victim paid off. Mr. Schott repeated what had been published in the newspaper, that the officer had been found not guilty and that the County had entered into a settlement with the individual on an undisclosed amount, with neither side admitting to any wrongdoing.

Adjournment: Ms. Belkowitz motioned to adjourn the meeting. Mr. Bierman seconded the motion and it carried unanimously.

Meeting adjourned at 8:57 p.m.

Next Meeting: The Panel's next business meeting will be held on December 1, 2022, at 7:00 p.m.