
Police Civilian Review Panel

Meeting Agenda

Location:	Fairfax County Government Center – Room 4/5 12000 Government Center Parkway Fairfax, VA 22035
Date:	April 4, 2024
Time:	7:00 pm
Website:	www.fairfaxcounty.gov/policecivilianreviewpanel/

Agenda details:

- I. Call to Order
- II. Agenda Items
 - a. Approval of Agenda
 - b. Approval of March 7, 2024 Draft Meeting Summary
 - c. Closed Session
 - d. Review Meeting for CRP-23-25
- III. New Business
- IV. Adjournment
 - Panel Meeting Schedule:
 - May 2, 2024 at 7:00 p.m.

Panel's Purpose:

The nine-member Police Civilian Review Panel's mission is to enhance police legitimacy and to build and maintain trust between the citizens of Fairfax County, the Board of Supervisors and the Fairfax County Police Department (FCPD) by reviewing certain FCPD investigations to ensure the accuracy, completeness, thoroughness, objectivity and impartiality of the investigation. It is appointed by, and reports directly to, the Board of Supervisors. The Panel is governed both by the bylaws approved by the Board of Supervisors and a code of ethics adopted by the Panel.

Police Civilian Review Panel

March 7, 2024

Fairfax County Government Center

12000 Government Center Pkwy Fairfax, VA 22035

Meeting Summary

Panel Members Present:

Cheri Belkowitz, Chair (virtual)
Todd Cranford
Fazia Deen
Bryon Garner
Dirck Hargraves
Michael Lau (virtual)
Celeste Peterson
Janell Wolfe

Others Present:

Sanjida Lisa, PCRP
Rachelle Ramirez, OIPA
Richard Schott, OIPA
Kenneth Bynum, Counsel
Madison Gibbs, Counsel
Lt. Brian Geschke, Internal Affairs Bureau
Lt. Chris Cosgriff, Internal Affairs Bureau

Chair Belkowitz called the Police Civilian Review Panel's (PCR) business meeting to order at 7:06 p.m., and after taking attendance, noted the presence of a quorum. She welcomed everyone to the Panel's March 7, 2024, meeting. Chair Belkowitz also introduced Craig Miles, the new PCR Liaison.

Approval of Agenda: Mr. Cranford moved approval of the meeting agenda. Mr. Garner seconded the motion and it carried unanimously.

Approval of February 1, 2024 Draft Meeting Summary: Mr. Hargraves moved approval of the February 1, 2024 draft meeting summary. Mr. Garner seconded the motion and it carried unanimously.

Public Comment: There were no sign ups for public comment.

Internal Affairs Bureau (IAB) Presentation: Lieutenants Cosgriff and Geschke provided everyone in attendance a presentation on IAB procedures.

Discussion of Subcommittee CRP-23-15: Mr. Garner provided details of the allegations and a brief overview of the complaint. Mr. Garner presented the initial disposition of the subcommittee and provided a brief explanation of the Panel's subcommittee process. Mr. Cranford and Ms. Peterson further provided a summary of the facts of the case. Mr. Garner moved to accept the subcommittee's recommendation. Vice Chair Wolfe seconded the motion and it carried with a majority, with Mr. Lau's vote not recording due to connection issues. Mr. Garner offered recommendations the subcommittee had in relation to the complaint. Their first question was about the SWAT team procedure and how it is determined how many SWAT officers are dispatched to a location. The second question was regarding

whether SWAT officers were required to wear name tags when conducting an arrest warrant. The third question was whether the robots that get deployed are lethal or non-lethal.

Discussion of Subcommittee CRP-23-25: Vice Chair Wolfe presented the allegations made by the complainant and provided a brief summary of the facts of the case. Vice Chair Wolfe provided a brief statement and shared her opinion on the case. She also presented the FCPD's General Orders (GO) 501 and 204 on search and arrest warrants and the connection with the Magistrates' office. Ms. Deen and Mr. Lau provided additional information. The complainant was present at the meeting and was given 15 minutes to address the Panel and present the reasons for the complaint.

Mr. Hargraves moved to accept the subcommittee recommendation of moving forward with a full review by the Panel. Mr. Garner seconded the motion and it carried with a majority, with Mr. Cranford voting against it. Mr. Cranford questioned whether the investigation by IAB was incomplete and needed to be sent back for further investigation before the full Panel review.

New Business: Chair Belkowitz announced that she had a long conversation with the new Liaison and discussed a number of topics the liaison would address once he started. Chair Belkowitz also iterated the importance for all Panel members to have access to their PCRCP email addresses for FOIA compliance purposes. She also announced the FCPD's Use of Force workshop day on April 27th which the Panel had been invited to. Chair Belkowitz announced that Mr. Miles would be providing training to the Panel on investigations and would be coordinating additional training on implicit bias.

Chair Belkowitz also announced that the Panel had subcommittees on a variety of topics before and would like to restart some of them, such as subcommittees on outreach, procedures, working with counsel, training, and the recommendations matrix.

Mr. Bynum provided an update on the general assembly in relation to the Gloss v. Wheeler case, Senate bill numbers 36 and 415, which stated that public members can attend a meeting or event and have it not be considered a public meeting, so long as there is no public business discussed.

Ms. Deen announced that Ramadan would be starting soon and wanted to invite the Panel to an Iftar dinner on behalf of Dar al Hijrah mosque.

Vice Chair Wolfe reminded the Panel that since they had voted on a full Panel review, the timeline for the Review would be quick and Panel members would be responsible for scheduling their review of the case in a timely manner, prior to the April 4th Panel meeting.

Mr. Hargraves provided an update on the reform matrix working group.

Adjournment: Mr. Hargraves motioned to adjourn the meeting. Mr. Garner seconded the motion and it carried unanimously. The meeting adjourned at approximately 9:20 p.m.

A. Panel Meetings to Review Investigations.

1. Additional Requirements for Panel Review Meetings.

In addition to the requirements for Panel Meetings generally set forth in Article V.C., Panel Review Meetings shall be conducted as follows:

- (a) If the Panel determines it has authority to review an Investigation under article VI.A.1, the Panel shall convene a Panel Review Meeting to review an Investigation as to which a Review Request has been submitted within sixty (60) days of Receipt of the Investigation Report.
- (b) The Panel Review Meeting Notice shall not only comply with Article V.C.4., but shall also include a statement inviting any person with information about the Investigation or the incident that is the subject of the Panel Review Meeting to submit the information in writing to the Chief or the Auditor.
- (c) Notwithstanding Article V.C.4, Panel Review Meeting Notices shall be published and sent to Panel Members, the FCPD Internal Affairs Office, the County Attorney's Office, and the complainant at least fourteen (14) days before the Review Meeting.
- (d) The Panel may conduct as many Panel Review Meetings as the Panel deems necessary to complete the requested review.
- (e) The Panel shall not take testimony or receive evidence.
- (f) At the request of the Panel or if the Complainant attends and requests an opportunity to be heard at the Panel Review Meeting, the complainant shall have the opportunity to state the reasons for filing the Review Request, and the Panel may ask questions of the complainant regarding those reasons. The Panel shall submit to the FCPD contact information for those persons who were not interviewed with a request for further investigation of the matters under review.
- (g) At the request of the Panel, an FCPD representative knowledgeable of the Investigation under review shall appear before the Panel at a Panel Review Meeting (as determined by the Panel) to review and answer questions from the Panel about the Investigation, including all findings of fact, evidence collected and received, witness statements and action taken or not.
- (h) At the Panel's discretion, it may request further investigation by the FCPD, and the FCPD shall, within a reasonable time, conduct further investigation and provide to the Panel a supplemental report that details the findings of the additional investigation.
- (i) Translation services will be provided for a complainant or other person that needs translation assistance to present to the Panel or respond to questions from Panel Members.

2. Closed Sessions, and Confidential Matters During Panel Review Meetings.

- (a) The Panel may conduct portions of any Panel Meeting (including Panel Review Meetings) in closed session, so long as the purpose for and conduct of the closed session is consistent with VFOIA.

- (b) Any statement made by a FCPD police officer to the FCPD that the FCPD required under the provisions of *Garrity v. New Jersey*, 385 U.S. 493 (1967), shall not be disclosed in public. The Panel shall have confidential access to the entire statement for its review. Unless the FCPD officer consents to the public release of the entire statement given during an Investigation, the FCPD representative(s) presenting information to the Panel on a Complaint may publicly state only that the officer admitted or denied the allegation.
- (c) Panel Members shall not reveal the identity of (i) any juvenile, or (ii) victim of sexual assault (unless authorized to do so by the victim in writing).
- (d) Each Panel Member who reviews a FCPD officer's personnel record or a FCPD internal administrative investigative case file shall sign a Notice of Confidentiality affirming that an officer's personnel record and those portions of the investigative case file reflecting officer discipline, other officers, confidential informants, victims, or witnesses, personal information including names, social security number, date of birth, driver's license number, agency-issued identification number, student identification number, criminal or employment record, shall not be disclosed or disseminated unless the information has been disclosed by the FCPD in a disposition letter or at a Panel meeting, or by the Complainant, and is not otherwise specifically prohibited by separate statute or ordinance under Virginia Law.
- (e) Portions of records of law-enforcement agencies, including the FCPD, that contain specific tactical plans or investigative procedures, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public, shall also not be disclosed or disseminated unless such information has been disclosed by the FCPD in a disposition letter or at a Panel meeting, or by the Complainant, and is not otherwise specifically prohibited by separate statute or ordinance under Virginia law.
- (f) If information subject to the Panel's review concerns an identifiable juvenile, the requested information shall first be forwarded to the County Attorney's Office for redaction in conformance with Code of Virginia §16.1-301, as amended.

B. Disposition of Review Requests.

1. Timely Completion.

- (a) The Panel shall complete the review of an Investigation and issue a public written report detailing the Panel Findings (defined below) within ninety (90) days of Receipt of the Investigation Report.
- (b) The Panel may extend the deadline for completion for good cause. The Chair shall report all deadline extensions (and the reason for the extension) to the Board of Supervisors. The Panel shall send written notice to the complainant, if the deadline for completion is extended. The notice shall include an approximate date for completion.

2. Panel Findings.

- (a) Upon completing a requested Investigation review, the Panel may reach one of the following Panel Findings:

- (i) Concur with the findings and determination detailed in the Investigation Report;
 - (ii) Advise the Board of Supervisors that the findings are not supported by the information reasonably available to the FCPD and recommend further review and consideration by the Chief; or
 - (iii) Advise the Board of Supervisors that, in the Panel's judgment, the Investigation is incomplete and recommend additional investigation.
- (b) If the Panel Finding is either (ii) or (iii) above, the Board of Supervisors may direct the Chief to take further action as the Board of Supervisors deems appropriate.
 - (c) A majority of the appointed Panel Members must concur in the Panel Findings for the Panel Findings to be the authorized conclusion of the Panel.
 - (d) The Chair may assign to one or more Panel Members concurring in the conclusions of the Panel Findings the responsibility for drafting the Panel's final review report that shall be sent to the complainant, the Board of Supervisors, the Chief and the Auditor.