

Initial Review Report – Subcommittee Recommendation to the Fairfax County Police Civilian Review Panel

Request for Review – Basic Information		
CRP Complaint Number: CRP-23-01		
Subcommittee Members: <ul style="list-style-type: none">• Fazia Deen, Panel Member• Celeste Peterson, Panel Member• Michael Lau, Chair of Subcommittee		
Key Dates: Incident Date: 10/31/2022; Date of Initial Complaint to FCPD: 11/2/2022; FCPD Disposition Letter: 12/20/2022; Review Request to Panel: 12/31/2022		
Subcommittee Meeting Date: Jan. 23, 2024	<input type="checkbox"/> Complainant Present <input checked="" type="checkbox"/> Complainant Not Present	<input type="checkbox"/> Complainant spoke

Subcommittee Authority and Purpose
<p>The Subcommittee conducts an Initial Review of the subject Complaint to determine whether the Complaint meets the minimum criteria for review and consideration by the full Panel. (See Panel Bylaws Article VI.D.2.(d))</p> <p>The Subcommittee reviews complaints to determine whether: (Panel Bylaws Article VI.D.3.(a))</p> <ol style="list-style-type: none">(1) The Complaint alleges Serious Misconduct or Abuse of Authority as defined in its Bylaws; and(2) The evidence contained in the investigative file could lead a reasonable Panel to conclude that there is sufficient evidence to support the allegations.

Subcommittee’s Role in Initial Review Process
<p>The Subcommittee Initial Review Report sets forth the Subcommittee’s recommendation. A unanimous Subcommittee vote is required to recommend that the Panel not consider a complaint. The full Panel may or may not accept the Subcommittee’s recommendation on whether to review a complaint.</p> <p>The full Panel will consider the Subcommittee recommendation and vote to determine whether it accepts a Review Request. If the full Panel accepts the recommendation, it will conduct a full Panel Review Meeting. (Panel Bylaws Article VI.F.)</p>

Categories of Abuse of Authority or Serious Misconduct
<p>The Panel determines whether allegations can be categorized as one or more of the following: (Panel Bylaws Article VI(B))</p> <ol style="list-style-type: none">A. Use of abusive racial, ethnic or sexual language or gestures.B. Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability.C. Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense.D. Reckless endangerment of detainee or person in custody.E. Violation of laws or ordinances.F. Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.

Complainant Allegations

The Panel subcommittee considered the following allegation(s) by the Complainant to determine (1) whether each constitutes Serious Misconduct or an Abuse of Authority as defined above, and, if yes, (2) whether the Investigation Report reveals sufficient substantiation.

Allegation(s) <i>List each allegation below as stated by the Complainant. Indicate in the next two columns whether the two criteria are met for each allegation.</i>	(1) Abuse of Authority or Serious Misconduct <i>Identify Category (A-F)</i>	(2) Substantiated in Investigative File <i>Indicate Yes/No</i>
1. The FCPD did not charge the complainant's ex-wife with a crime (making a false police report)	No	No
2. An FCPD officer lied when he attributed a statement to the complainant that the complainant did not make	No	No
3. The FCPD investigator (of his complaint) lied in saying that the complainant was interviewed during his complaint investigation when he was not	No	No

Missing Information

None identified

Subcommittee Findings and Recommendation

Check the Subcommittee's recommendation to the full Panel and keep one statement below that applies based on criteria met.

<input checked="" type="checkbox"/> Subcommittee Does Not Recommend full Panel Review <input type="checkbox"/> Subcommittee Recommends full Panel Review	Criterion 1 is not met: The Subcommittee unanimously finds that the allegation(s) made by the Complainant <u>do not</u> meet the threshold of Serious Misconduct or Abuse of Authority and therefore the Panel <u>does not</u> have authority to review the complaint. The Subcommittee <u>does not</u> recommend that the full Panel take up review of this Complaint.
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