

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

Request for Review – Basic Information		
CRP Complaint Number: CRP-23-13		
Subcommittee Members:		
<ul style="list-style-type: none"> Dirck Hargraves, Panel Member Janell Wolfe, Panel Member Cheri Belkowitz, Chair of Subcommittee 		
Key Dates: Incident Date: 8/24/2022; Initial Complaint to Panel: 9/19/2022 & 10/11/2022; FCPD Disposition Letter: 6/16/2023, Review Request Date: 6/21/2023		
Subcommittee Meeting Date: Jan. 23, 2024	<input checked="" type="checkbox"/> Complainant Present <input type="checkbox"/> Complainant Not Present	<input checked="" 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)	(1) Abuse of Authority or Serious Misconduct Identify Category (A-F)	(2) Substantiated in Investigative File Indicate Yes/No
<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.The crossing guard failed to direct traffic properly.	No	No
2.The crossing guard failed to identify herself to complainant.	No	No
3.The crossing guard's behavior was unprofessional.	No	No
4.The School Resource Officer ("SRO") failed to activate his body-worn camera before his response.	No	No
5.Two officers failed to identify the Crossing Guard.	No	No
6.Two officers unlawfully detained the complainant.	D, E, F	No
7.The SRO cursed at the complainant.	A, C, F	No
8.Two officers acted unprofessionally.	No	No
9.The over-response of six officers was a form of intimidation.	No	No
10.After knowing that she had no license, one of the officers told the complainant's companion to drive the vehicle.	E	No
11.The SRO lied on the DMV Medical 3 form.	E, F	No
12.The Supervisor on the scene retaliated against the complainant by obtaining a warrant.	No	No
13.An officer failed to follow-up with the complainant.	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	<p>Criterion 1 is met, but Criterion 2 is not met: The Subcommittee unanimously finds that the complaint alleges Serious Misconduct or Abuse of Authority, however, the evidence contained in the investigative file <u>could not</u> lead a reasonable Panel to conclude there is sufficient evidence to support allegations. Further, the Subcommittee has no reason to believe there is missing information from the Investigation Report. Therefore, the Subcommittee <u>does not</u> recommend that the full Panel take up review of this Complaint.</p>
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