

Police Civilian Review Panel

September 6, 2018

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Hansel Aguilar (arrived at 7:07 p.m.)

Kathleen Davis-Siudut

Steve Descano (arrived at 7:04 p.m.)

Hollye Doane (arrived at 7:05 p.m.)

Doug Kay, Panel Vice-Chair

Anna Northcutt

Randy Sayles

Adrian Steel

Panel Members Absent:

Rhonda VanLowe, Panel Chair

Others Present:

Gentry Anderson

Brian Conley, County Archivist

Jeff Porter, Dept. of Information Technology

Richard Schott, Independent Police Auditor

The Panel's business meeting was called to order at 7:01 p.m.

Meeting Summary Approval: Mr. Steel moved approval of the Meeting Summary from the Panel's August 2 meeting. Mr. Sayles seconded the motion, and it carried with a vote of five, Mr. Aguilar, Mr. Descano, and Ms. Doane not present, and Ms. VanLowe being absent.

Review of Complaint Status: Mr. Kay referenced the handout that summarizes the status of Complaints received by the Panel to date. Mr. Steel noted that the Independent Police Auditor's webpage has a general status update of reviews conducted by the Auditor and asked if the Panel's webpage could have something similar for the public to refer to as the Panel processes complaints. *Mr. Kay agreed to ask Ms. VanLowe, Chair, to add this topic to the October meeting agenda and speak with Panel Counsel.*

Records Retention: Mr. Kay introduced Mr. Brian Conley, County Archivist, to the Panel. Mr. Conley spoke to the Panel about the county's process for records management, his agency's role in that process, and challenges in the field of records management. Mr. Conley distinguished that the Virginia Public Records Act (VPRA) was intended to help organize public records for easy retrieval and efficiency and that the Virginia Freedom of Information Act (VFOIA) was intended to make all records available to the public, unless otherwise prevented by an exemption. Under the VPRA, a public officer includes staff and volunteers who conduct business on behalf of the county. He noted that the VPRA requires public officers to categorize records by type, adopt a sound records management policy, and document their actions regarding the disposal of public records. Mr. Conley explained that maintaining electronic records, such as email, can be challenging when it is not organized well. Because it can be a public record, he cautioned against using email in a casual manner. Panel Members asked Mr. Conley why they could not retain all records and correspondence. He explained that this results in increased costs for the county in storing electronic records, makes responding to FOIA requests more difficult, and could

result in increased liability for the Panel or its individual members, particularly if information of a sensitive nature is released. He noted that there are different retention schedules for different types of records, such as drafts, routine administrative, and complaints. Mr. Conley reminded Panel Members that a good faith argument applies to the management of public records, and that the consistent application of a sound records management policy can be defended. He also noted that only official copies of records need to be maintained, not copies of the official record. *Mr. Kay asked for Panel Members to retain all documents until the Panel adopts the records management policy.*

The draft policy on records management was referenced, specifically the retention schedules for different records that are relevant to the Panel's work. Mr. Schott noted that Ms. Ramirez developed the draft policy, in consultation with Mr. Conley and County Attorneys. Mr. Jeff Porter, DIT, announced that Panel Members will be receiving county email addresses before October. Mr. Schott explained that Ms. Ramirez will send correspondence to Panel Members requesting that they certify the disposal of records on a semi-annual basis and that she will complete a Certificate of Records Destruction form on the Panel's behalf. Mr. Conley recommended that Panel Members use a similar file and folder naming scheme to maintain consistency among the Panel and allow for easy retrieval of records. Discussion ensued regarding transferring emails from current email accounts to new email accounts, retention schedules, and Outlook functions. Mr. Kay said that an Outlook training for Panel Members may be helpful once the email accounts are ready for use.

Community Outreach: Mr. Descano announced that Ms. Northcutt and Ms. VanLowe will be representing the Panel at two outreach meetings with community groups in October in the McLean area of the county. Panel discussion ensued regarding outreach efforts to areas of the county that the Panel has not had contact with to date. Mr. Sayles noted that members of the Board of Supervisors have a newsletter system in place that reaches a broad audience of county residents and hoped that members of the Board of Supervisors could help market the Panel's outreach efforts. The Panel discussed reaching out to FCPD District Stations and the possibility of hosting a public forum by the end of the year. Mr. Steel moved that the Panel host a public forum before the end of the year at a date and location to be determined at the October Panel Meeting. Mr. Descano seconded the motion and it carried by a vote of eight, Ms. VanLowe being absent. The Panel continued to discuss outreach opportunities with FCPD officers and police unions. Mr. Kay said that an option for outreach to FCPD officers could be Panel Members hosting a segment during in-service trainings at the county's Police Training Academy. *Mr. Kay will discuss Panel outreach opportunities to the FCPD with Deputy County Executive Rohrer.*

Review of Complaint Status: Panel Members reviewed the handout summarizing the status of Complaints received by the Panel to date. Panel discussion ensued regarding the FCPD findings letters received by the Panel. Ms. Doane requested to see all Complaints and FCPD findings letters. Mr. Kay agreed that complaints and FCPD findings letters should be shared with the entire Panel membership, rather than only the Chair and Vice-Chair. Mr. Schott explained that all personal identifiable information will be redacted from the Complaints and the FCPD findings letters before they will be shared with the Panel. *Ms. Anderson is to send all Panel Members redacted versions of all Complaints and corresponding FCPD findings letters for Panel Member review and will do so going forward.*

New Business: Mr. Kay reported to the Panel that he, along with Ms. VanLowe, met with Supervisor Cook regarding the Panel's Bylaw amendments that were approved at the August 2 Panel Meeting. The

Bylaw amendments must be approved by the Board of Supervisors at a regular business meeting before they take effect. Mr. Kay said that Supervisor Cook advised that the Panel should provide notice to complainants of the date when their Complaint will be discussed and that they will be given the opportunity to express their reasons for submitting their Request for Review. Mr. Kay noted that the Panel could establish a time limit for complainants who attend a Review Meeting and choose to speak, and that this practice follows Board of Supervisors Public Hearing procedures. Mr. Steel reminded the Panel that this information is not clearly stated on the website, other than being found in the bylaws.

Farewell to Ms. Davis-Siudut: The Panel acknowledged that this was Ms. Davis-Siudut's last meeting as a Panel Member and they thanked her for her service and for her major contributions to the Panel.

The Use of Subcommittees: Mr. Kay directed the Panel's attention to Section VI.C.2(a) of the Bylaws which gives the Panel authority to conduct an initial review of each Review Request as either a committee of the whole or as a subcommittee. He expressed his belief that the use of subcommittees for the initial review of a completed FCPD Investigation File maybe helpful and efficient, especially when the Panel receives multiple Requests for Review at a time. *He asked the Panel Members to consider this section of the Bylaws in preparation for future discussions.*

Next Meeting: The Panel's next meeting is scheduled for Thursday, October 4, 2018, at 7:00 p.m. in the Government Center, Conference Room 232.

The meeting adjourned at 8:48 p.m.