
Police Civilian Review Panel

Meeting Agenda

Location: Workforce, Innovation, Skills Hub (WISH) Center
7950 Audubon Avenue
Alexandria, VA 22306

Date: December 5, 2024

Time: 7:00 pm

Website: www.fairfaxcounty.gov/policecivilianreviewpanel/

Agenda details:

I. Call to Order

II. Attendance

III. Agenda Items

- a. Approval of Agenda & Roll Call
- b. Approval of November 7, 2024, Draft Meeting Summary
- c. Public Comment
- d. Subcommittee Report for CRP-24-06

IV. New Business

- a. Nomination for Panel Vice Chair for 2025
- b. Rescheduled January 2, 2025 meeting

V. Adjournment

Panel Meeting Schedule:

- January 9, 2025, 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

November 7, 2024

Fairfax County Government Center

12000 Government Center Parkway, Fairfax, VA 22035

Meeting Summary

Panel Members Present:

David Adams

Cheryl Belkowitz, Chair

Todd Cranford

Fazia Deen

Dirck Hargraves

Others Present:

Craig Miles, Office of the Police Civilian Review Panel (OPCRP)

Sanjida Lisa, OPCRP

Rachelle Ramirez, Office of Independent Police Auditor (OIPA)

Richard Schott, OIPA

Kenneth Bynum, Panel Counsel

Madison Gibbs, Panel Counsel

Captain Christopher Cosgriff, Fairfax County Police Department (FCPD) Internal Affairs Bureau (IAB)

Major Erica Webb, FCPD IAB

Ms. Belkowitz called the Police Civilian Review Panel's (Panel) business meeting to order at 7:00 p.m. and took attendance.

Approval of Agenda: Mr. Hargraves made a motion for the approval of the meeting agenda. Mr. Adams seconded the motion. Mr. Cranford moved to amend the original motion, relocating the closed session of the Panel to the end of the agenda. Mr. Hargraves seconded Mr. Cranford's motion. The motion was unanimously approved.

Approval of October 9th Draft Meeting Summary: Mr. Cranford made a motion to approve the October 9, 2024, draft meeting summary. Mr. Adams seconded the motion, and the motion was unanimously approved.

CRP-24-08R – Panel Review: Mr. Hargraves provided the subcommittee report including a summary of the traffic stop that triggered the complaint to FCPD IAB. Ms. Deen added additional information about the traffic stop. Mr. Hargraves read the allegations made by the complainant. Mr. Hargraves said the subcommittee found the allegations rose to the level of abuse of authority or serious misconduct but

were not substantiated by the evidence in the file. Additionally, the subcommittee found there was no additional information IAB needed to provide.

Mr. Adams made a motion to accept the recommendations of the subcommittee, and Mr. Cranford seconded the motion. The motion was unanimously approved.

Report by Independent Police Auditor: Independent Police Auditor Richard Schott provided the Panel with a summary of use of force reviews conducted by the Office of the Independent Police Auditor since Mr. Schott last presented to the Panel in July 2024.

CRP-24-03 – Draft Report Approval: Mr. Hargraves made a motion to approve the draft report. Mr. Cranford seconded the motion. Mr. Cranford reiterated concerns he had at the previous Panel meeting concerning the draft report. Mr. Cranford said he did not agree with most of the recommendations in the report. Ms. Belkowitz concurred with Mr. Cranford's concerns. There was further discussion of the report by Ms. Belkowitz and recommendations by the Panel.

Mr. Hargraves recommended the Panel consider making edits and reviewing the draft report again rather than voting on the report. Ms. Belkowitz asked Mr. Hargraves if he was proposing the vote on the draft report be postponed. The Panel voted on the motion to accept the draft report, and the motion failed, with a vote of two in favor of approval and three in opposition to approval.

CRP-24-05 – Draft Report Approval: Mr. Hargraves made a motion to approve the draft report. Mr. Cranford seconded the motion. After a brief discussion concerning clarification of the vote in the report, the motion was unanimously approved.

New Business: Panel Counsel pointed out the next meeting of the Panel would occur at the WISH Center. Ms. Deen reminded Panel members about the cultural norms and practices of the different and diverse people who live in Fairfax County, based on discussion during the subcommittee's review of CRP-24-08R.

Closed Session: Mr. Hargraves made a motion that the Panel go into a closed session. Mr. Cranford seconded the motion. The Panel initially voted 4-1 to go into closed session. One Panel member changed their vote, and the final vote was 3-2 in favor of going into closed session.

After returning from the closed session, Mr. Hargraves made a motion to certify the Panel only discussed public matters lawfully exempted from public meeting requirements. Ms. Deen seconded the motion, and the motion passed unanimously. The meeting was adjourned.

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

Request for Review – Basic Information		
CRP Complaint Number: CRP-24-06		
Subcommittee Members: <ul style="list-style-type: none"> David Adams, Panel Member Todd Cranford, Panel Member Cheri Belkowitz, Chair of Subcommittee 		
Key Dates: Incident Date: July 28, 2023, Date of Initial Complaint: November 6, 2023, Date of FCPD Disposition Letter: February 5, 2024, Date of Review Request: February 12, 2024		
Subcommittee Meeting Date: November 25, 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)	(1) Abuse of Authority or Serious Misconduct Identify Category (A-F)	(2) Substantiat- ed 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. Complainant alleged the officer was rude.	C	No
2. Complainant alleged that the traffic stop extended for almost three hours.	No	No
3. Complainant alleged age discrimination.	B	No

Missing Information

There was no indication there was information missing from the investigative file.

Subcommittee Findings and Recommendation

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

☒ Subcommittee Does
Not Recommend full Panel
Review

Criterion 1 is not met: The Subcommittee unanimously finds that the allegation(s) made by the Complainant do not meet the threshold of Serious Misconduct or Abuse of Authority and therefore the Panel does not have authority to review the complaint. The Subcommittee does not recommend that the full Panel take up review of this Complaint.

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 could not 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 does not recommend that the full Panel take up review of this Complaint.

☐ Subcommittee
Recommends full Panel
Review

Criteria 1 and 2 are both met: The Subcommittee finds that the allegation(s) made by the Complainant meet the threshold of Serious Misconduct or Abuse of Authority as defined above AND that the evidence contained in the investigative file could lead a reasonable Panel to conclude that there is sufficient evidence to support the allegations. Therefore, the Panel subcommittee recommends that the full Panel take up review of this Complaint.



County of Fairfax, Virginia

MEMORANDUM

DATE: December ?, 2024

TO: Fairfax County Board of Supervisors
Chief Kevin Davis, Fairfax County Police Department
Mr. Richard G. Schott, Independent Police Auditor

FROM: Fairfax County Police Civilian Review Panel

SUBJECT: Report of Panel Findings in Case of Complaint No. CRP-24-03

I. Introduction

The Police Civilian Review Panel (Panel) held a Review Meeting on October 9, 2024, to complete the review of the Fairfax County Police Department (FCPD) Internal Affairs Bureau (IAB) investigation resulting from a complaint against an FCPD Second Lieutenant, an FCPD Master Police Officer (MPO), an FCPD Police Officer First Class (PFC), and an FCPD Police Officer. The complainant alleged that on July 19, 2023, the PFC did not thoroughly investigate the assault allegation between the complainant and the alleged assailant. The complainant also alleged the PFC, MPO, and Second Lieutenant demonstrated racial bias during the investigation of a call for service for an assault. In addition, the complainant said she was sexually battered by the FCPD Police Officer during her arrest on August 8, 2023.

Members of the Panel reviewed the FCPD IAB investigation file and heard from the complainant at a Panel Initial Review Subcommittee meeting on September 3, 2024. On September 5, 2024, the full Panel accepted the Review Request, and a full Panel Review of the complaint was scheduled for the October 3, 2024, Panel meeting.

Members of the Panel reviewed the FCPD IAB investigation file and heard from the complainant and the FCPD at the Panel Review Meeting which occurred on October 9, 2024. The Panel voted during the October 9, 2024, meeting, 4-3 with one abstention, concurring with the findings of the FCPD IAB investigation. Four of the Panel members concluded the investigation conducted by the FCPD IAB was thorough, complete, accurate, objective, and impartial.

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II. Background Facts

On July 19, 2023, the complainant said she was attempting to get her son with special needs, who had not been picked up by the school bus at his normal bus stop, on his assigned school bus. The complainant followed her son's assigned school bus in her vehicle. The complainant said she stopped behind the school bus at its next stop, but the bus left before she was able to get her son on the school bus. The complainant, who was on the telephone with pupil transportation, caught and passed the school bus at the next bus stop, where the alleged assailant was waiting for his child to be picked up by the school bus. The alleged assailant stepped into the roadway and struck some part of the complainant's vehicle (hood or glass possibly) with his fists as the complainant drove by the school bus. The alleged assailant said he was contacted by the complainant's vehicle as she drove by the school bus.

After passing the school bus and stopping her vehicle, the complainant placed her child on the school bus and had words with the school bus driver (she was on the phone with pupil transportation while she followed the bus because the bus had left earlier than scheduled without her child on previous occasions). The complainant moved her vehicle after placing her son on the school bus and then went back to the alleged assailant, who had by this time placed his child on the school bus. The school bus left, and the complainant confronted the alleged assailant. At some point during the confrontation, the complainant said the alleged assailant pushed her causing her to fall backward to the ground, and the alleged assailant punched her in the chest. The alleged assailant told responding police officers the complainant pushed him first, and he responded by pushing her to the ground. The alleged assailant said the complainant got up and smacked him in the head, and he responded by hitting the complainant.

There were three independent witnesses to the confrontation who stayed at the scene until FCPD officers arrived. Witnesses and the alleged assailant made calls to the Fairfax County Department of Public Safety Communications. Many of the callers stated they were calling because a man was assaulting a woman. All three of the witnesses who stayed at the scene until FCPD officers arrived, including one who identified himself as an off-duty federal agent, said the alleged assailant pushed or struck the complainant. None of the three witnesses who remained at the scene said they saw the complainant assault the alleged assailant. The FCPD MPO and PFC decided that the complainant and alleged assailant engaged in mutual combat, and both parties could attempt to obtain criminal arrest warrants from a magistrate as the alleged assaults would have been misdemeanors not committed in the officers' presence. Both parties were provided with the other's information to include personal identifiable information (PII) other than addresses.

The complainant was able to obtain a summons for the alleged assailant from a magistrate, and there were issues related to the complainant having all the information necessary to get a warrant other than the alleged assailant's address. The alleged assailant was served with that summons, which did not require a physical arrest and appearance before a magistrate. The alleged assailant obtained a warrant for the complainant for assault, and additional charges for reckless driving from a magistrate. The complainant, who was physically arrested for the assault warrant, alleged she was sexually assaulted when the officer conducted a groin sweep when she turned herself in at the Fairfax County Adult Detention Center. The complainant alleges the alleged assailant

should have been arrested at the scene, and he was not because of racism (The complainant identifies herself as a Black female and the alleged assailant appears to be a White male).

III. Procedural Background and Investigative Findings

In a letter dated January 17, 2024, the FCPD informed the complainant the FCPD IAB had completed the investigation of the complaint, dated July 20, 2023. The letter stated the complaint alleged:

- The PFC did not thoroughly investigate the assault allegation between the complainant and the alleged assailant.
- The PFC, MPO, and Second Lieutenant demonstrated a racial bias during the investigation.
- The complainant was sexually battered by the Police Officer during her arrest on August 8, 2023.

In response to the allegations, the letter stated the PFC, MPO, Second Lieutenant, and Police Officer's "actions were lawful and in compliance with FCPD Regulations."

The complainant was advised she could seek a review of the FCPD IAB investigation by the Panel or the Office of the Independent Police Auditor. The complainant talked to the Independent Police Auditor on January 24, 2024, and during that conversation she requested a review by the Panel.

A subcommittee of the Panel met on September 3, 2024, to discuss the request for a review of the FCPD IAB investigation, assigned case number CRP-24-03 by the Panel. On the date of the subcommittee meeting, each Panel subcommittee member had previously reviewed the FCPD IAB investigation file. After discussion by the subcommittee, they voted unanimously in favor of recommending the full Panel review the allegation. The subcommittee made its recommendation during the September 5, 2024, full Panel meeting. During that meeting the eight-member Panel [there was one vacant seat at the time of the meeting] voted unanimously to conduct a full Panel Review of the investigation during the October 3, 2024, Panel meeting.

IV. Panel Meeting and Findings

During the October 9, 2024, meeting the Panel conducted a Full Panel review of CRP-24-03. The complainant was present and was given up to 15 minutes to provide a statement. Panel members asked the complainant clarifying questions. A representative of the FCPD provided a statement and answered questions.

After discussion, the Panel voted 4-3 with one abstention, that the FCPD IAB investigation was accurate, complete, thorough, objective, and impartial.

V. Analysis and Conclusions

One Fairfax Policy, paragraph V(c) discusses the application of social equity tools, specifically structured questions, equity impact analysis, and disparity studies.¹ FCPD General Order 002,

¹ /<https://www.fairfaxcounty.gov/topics/sites/topics/files/assets/documents/pdf/one-fairfax-policy.pdf>.

Human Relations, Paragraph II establishes that FCPD employees are “expected to adhere to the fundamental principles of procedural justice whenever interacting with a member of the community by treating them with respect, listening to and answering their questions, and taking all reasonably appropriate measures to maintain and ultimately preserve the public trust.”¹ FCPD General Order 002, Paragraph III(I), defines Procedural Justice as “the concept of fairness in a process that fundamentally strives to achieve effective dispute resolution...” by “treating all people with respect, explaining their actions and dutifully listening to individuals and answering questions.”² The investigation into the discrimination allegation revealed a significant lack of equity tools and potential implicit bias.

During this investigation, equity tools such as active listening, transparency, flexibility, and adaptability were not employed regarding the complainant’s discrimination allegation. For example, IAB investigators only asked officers two questions about their use of race in decision-making for this incident. No questions were asked or answered evaluating whether implicit bias – which does not require overt acts of racism – was a factor in how the complainant was treated during the officer’s initial investigation into the incident. Body-worn camera recordings reveal that the initial officer spent 2:35 minutes interviewing the complainant before leaving her to speak with a second officer who never left his vehicle. The initial officer talked to the alleged assailant for six minutes and the second officer for seven minutes before attempting to return to the complainant.

Implicit bias normalizes how discrimination allegations are investigated by failing to employ an equity lens in daily interactions fully. IAB investigators did not question the officers, asking them to explain the disparity in the interview times. Panel members observed that one officer, the second officer to arrive on the scene, never left his vehicle, spoke with the alleged assailant through his passenger side window, and determined the disposition of the case by the time the initial officer arrived at the second officer’s vehicle; again, IAB investigators did not ask probative questions to determine whether social equity tools were employed.

Existing policy provides the framework for FCPD to take more robust actions regarding discrimination allegations. Observing the totality of this investigation with a social equity lens, it appears that the IAB placed the burden on the complainant to prove discrimination rather than substantively reviewing the context of the officers’ actions or inactions. For example, an IAB investigator was observed reviewing all body-worn camera footage with the complainant. During this investigation phase, the complainant was asked to specify which action or actions were discriminatory to her, reflecting limited cultural awareness of the power dynamics of race.

The disposition of UNFOUNDED for the discrimination allegation is determined by IAB with minimal questions and the entire process of the determination in cases involving discrimination allegations should be reviewed by IAB. Despite these clear policy directives, investigating the discrimination allegation highlights a critical gap in implementing social equity principles within the FCPD. It underscores the need for more rigorous adherence to procedural justice guidelines

¹ /<https://www.fairfaxcounty.gov/police/sites/police/files/Assets/GeneralOrders/GO-002.pdf>.

² /<https://www.fairfaxcounty.gov/police/sites/police/files/Assets/GeneralOrders/GO-002.pdf>.

and the consistent application of equity tools in all interactions and investigations. The summary of key observations includes:

Absence of Equity Tools:

Essential equity tools such as active listening, transparency, flexibility, and adaptability were not employed during the investigation. This has undermined the process's fairness and thoroughness.

Limited Questioning on Racial Factors

IAB investigators asked only two questions about the officers' use of race in decision-making, neglecting to explore the possibility of implicit bias influencing the officers' actions.

Disparities in Interview Times

Body-worn camera footage revealed stark disparities in interview durations:

- The complainant was interviewed for only 2:35 minutes.
- The alleged assailant was interviewed for 6:00 minutes by the first officer and 7:00 minutes by the second officer.

The IAB investigators did not address or explain these discrepancies.

Impact of Implicit Bias

The investigation's approach suggests a normalization of discriminatory practices through the lens of implicit bias. The failure to employ an equity lens in daily interactions and the lack of probing questions about interview time disparities and officer conduct indicate a systemic issue in how discrimination allegations are handled.

VI. Recommendations

The Panel recommends FCPD officers making arrests of persons who are surrendering at the Fairfax County Adult Detention Center, if possible, offer the option of the arrestee being searched by an FCPD officer of a different gender than the arresting officer. The Panel understands that call volume, staffing, and other factors may impact the ability to facilitate this request.

FCPD should provide training to officers, clarifying the fact that in circumstances like those in this case, the first alleged victim who goes to the magistrate's office to obtain an arrest warrant does not automatically receive an advantage over another person who also wishes to obtain an arrest warrant.

An audio recording of the October 9, 2024, Panel Review Meeting may be reviewed here:

[Stream Police Civilian Review Panel Oct. 9, 2024 Panel Meeting by fairfaxcounty | Listen online for free on SoundCloud](#)

An audio recording of the November 7, 2024, Panel Review Meeting may be reviewed here:

[Stream Police Civilian Review Panel Nov. 7, 2024, Panel Meeting with Closed Session by fairfaxcounty | Listen online for free on SoundCloud](#)

On December 5, 2024, the Panel discussed and approved this Report of Panel Findings; an audio recording of that meeting may be reviewed here:

CC: Complainant