Police Civilian Review Panel

Meeting Agenda

Location:	Fairfax County Government Center – Room 7 12000 Government Center Parkway Fairfax, VA 22035
Date:	December 9, 2024
Time:	6:00 pm
Website:	www.fairfaxcounty.gov/policecivilianreviewpanel/

Agenda details:

I. Call to Order

II. Agenda Items

a. Approval of Agenda

b. Subcommittee CRP-23-27R

III. Adjournment

Panel Meeting Schedule:

- January 9, 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.

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

Request for Review – Basic Information

CRP Complaint Number: CRP-23-27R

Subcommittee Members:

- Bryon Garner, Chair of Subcommittee
- Michael Lau, Panel Member
- James Yang, Panel Member

Key Dates: Incident Date: December 17, 2022, Date of Initial Complaint: December 16, 2023, Date of FCPD Disposition Letter: July 24, 2024, Date of Review Request: September 23, 2024

Subcommittee Meeting Date: December 9, 2024	☐ **Complainant Present** ☐ **Complainant Not Present**	☐ **Complainant spoke**

Subcommittee Authority and Purpose

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))

The Subcommittee reviews complaints to determine whether: (Panel Bylaws Article VI.D.3.(a))

(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

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.

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.)

Categories of Abuse of Authority or Serious Misconduct

The Panel determines whether allegations can be categorized as one or more of the following: (Panel Bylaws Article VI(B))

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.

DRAFT

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) *List each allegation below as stated by the Complainant. Indicate in the next two columns whether the two criteria are met for each allegation.*	**(1) Abuse of Authority or Serious Misconduct** *Identify Category (A-F)*	**(2) Substantiated in Investigative File** *Indicate Yes/No*
1. Complainant was discriminated against based on race and gender.		
2. Complainant was searched without giving consent.		
3. Complainant's child was left unattended in her vehicle.		

Missing Information

If there is any indication there may be missing information from the investigative file, describe it here.

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.

DRAFT