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# Police Civilian Review Panel

## Meeting Agenda

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Location: Fairfax County Government Center, Conference Room 8

Date: March 9, 2020

Time: 7:30 pm

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### Agenda details:

#### I. Call to Order

#### II. Administrative Matters

- a. Approval of February 10 Meeting Summary

#### III. Agenda Items

- a. Review Meeting for CRP-19-29
- b. Approval of Initial Review Report for CRP-20-03
- c. Panel 2019 Annual Report

#### IV. New Business

#### V. Adjournment

Police Civilian Review Panel

February 10, 2020

Fairfax County Government Center, Conference Room 8

Meeting Summary

Panel Members Present:

Hansel Aguilar

Jimmy Bierman

Bob Cluck

Hollye Doane, Panel Vice-Chair

Doug Kay, Panel Chair

Shirley Norman-Taylor

Sris Sriskandarajah

Rhonda VanLowe (Arrived at 7:39 p.m.)

Panel Member Absent:

Frank Gallagher

Others Present:

Gentry Anderson, OIPA

Julia Judkins, Counsel

Major Owens, FCPD

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

The Panel's business meeting was called to order at 7:32 p.m.

Meeting Summary Approval: Mr. Kay proposed minor edits to the January 9<sup>th</sup> Meeting Summary. Ms. Doane moved approval of the summary from the Panel's January 9<sup>th</sup> meeting as amended. Ms. Norman-Taylor and Mr. Sriskandarajah jointly seconded the motion and it carried by a vote of seven, with Ms. VanLowe having not yet arrived, and Mr. Gallagher being absent.

Approval of Initial Review Report for CRP-19-29: Mr. Bierman provided a summary of the incident and the allegations stated in the review request. The Subcommittee, consisting of Mr. Bierman and Mr. Kay, found that the allegations of racial profiling and harassment meet the Panel's threshold for serious misconduct and abuse of authority. Ms. Doane reminded the Panel that the complainant submitted an initial complaint to the Panel anonymously but later identified himself at the conclusion of the FCPD's investigation when he requested a review by the Panel. Ms. Doane moved approval of the Initial Review Report for CRP-19-29. Ms. Norman-Taylor and Mr. Sriskandarajah jointly seconded the motion and it carried by a vote of seven, with Ms. VanLowe having not yet arrived, and Mr. Gallagher being absent.

Mr. Kay announced that the Review Meeting will be scheduled for the Panel's March 9<sup>th</sup> meeting and directed Panel Members to review the FCPD investigation related to the Review Request by the March meeting.

Amendment to Intake and Processing of Review Request Procedure: Ms. Doane reminded the Panel of a discussion at the January 9<sup>th</sup> meeting related to developing a procedure to address Review Requests when multiple individuals file initial complaints. She referenced CRP-19-11 (the subject of a Review

Meeting on December 17, 2019) where an individual who accompanied the complainant at the Review Meeting was unable to speak due to provisions in the Panel's Bylaws. This individual had submitted a complaint to the FCPD but did not submit a Review Request to the Panel. The proposed amended procedure would require the Panel to notify complainants in a letter confirming receipt of the Review Request that only the individual who submits a Review Request can be heard during a Review Meeting. The letter would also clarify that if others would like an opportunity to address the Panel, they must submit a Review Request. Panel discussion ensued related to the notification of a complainant's ability to request a review found in the FCPD's disposition letter and the logistics involved in hearing from multiple complainants. Ms. VanLowe suggested that the amendment should be broadened to capture additional issues related to processing Review Requests that involve multiple complainants.

Mr. Bierman moved that the Panel table the amended procedure and review it at the Panel's March business meeting. Ms. Doane seconded the motion and it carried by a vote of eight, with Mr. Gallagher being absent.

2019 Annual Report: The Panel's 2019 Annual Report summarizes the Panel's activities from calendar year 2019 and includes one recommendation. Mr. Kay directed the Panel to review the report paragraph by paragraph and raise edits or concerns. Panel Members provided minor edits to the report.

Panel Members discussed the issue of FCPD extension requests found in Section III of the report and discussed whether it should be included. Mr. Kay pointed out that Appendix B of the draft report includes a chart outlining each initial complaint, the due date of the disposition letter, and how many days past due the disposition letter was received. It was ultimately decided that it would remain in the report so that the Board of Supervisors and the public are aware that the Panel is monitoring the issue.

Panel Members next discussed the recommendation in Section III of the report, which asks the FCPD to further investigate allegations of racial bias by obtaining reasonably available evidence such as reviewing officer social media accounts and/or interviewing witnesses. Ms. Doane indicated her support of the recommendation because it would further the Panel's mission of ensuring investigations are complete, thorough, accurate, objective, and impartial. Panel discussion ensued regarding data collected by the FCPD and CRP-18-27, a complaint the Panel reviewed where a complainant alleged racial bias and the FCPD investigated the complainant's social media posts. Mr. Cluck suggested that the Panel discuss the recommendation with the FCPD before it is officially made in its annual report to see if it is logistically and legally feasible. Ms. Judkins advised the Panel that the FCPD may not possess the authority to investigate their own employees since they are governed by multiple policies and procedures, such as general orders and the Law Enforcement Protection Act.

Discussion ensued related to amending the recommendation language, with the final amended language reading as follows: "Where the evidence gathered during an Investigation into a Complaint of racial bias does not offer a race-neutral explanation for the conduct of the accused officer, the FCPD should continue to investigate seeking some explanation for the officer's conduct by obtaining reasonably available evidence that will corroborate either a race-neutral or race-biased explanation such as examining the officer's social media accounts and/or interviewing witnesses."

Ms. Doane moved that the Panel approve the recommendation as amended. Mr. Sriskandarajah seconded the motion and it carried by a vote of seven, with Mr. Cluck voting "Nay," and Mr. Gallagher being absent.

Mr. Bierman moved approval of the Panel's 2019 Annual Report as amended. Ms. VanLowe seconded the motion and it carried by a vote of eight, with Mr. Gallagher being absent.

*The Panel's 2019 Annual Report will be made available to the Board of Supervisors and the public via the Panel's website once it is finalized. The Panel Chair will present the Annual Report to the Board of Supervisors at an upcoming Public Safety Committee Meeting.*

New Business: Mr. Cluck presented three meeting materials titled "AP Style Book on Race," "National Association of Black Journalists Style Guide," and "Columbia Journalism Review's Black and white: Why Capitalization Matters," to the Panel to be used as resources and guidance for the Panel to determine how it references race in its documents and reports. Ms. VanLowe suggested the Panel adopt a model so that it can be consistent moving forward. *Ms. VanLowe agreed to present a memo with a recommendation to the Panel on how to reference race at the Panel's March meeting.* Ms. Ramirez told the Panel that the OIPA is consulting with the County's Chief Equity Officer to see if there is a Countywide procedure for reporting race in County documents and will report back to the Panel.

Ms. Doane thanked Mr. Kay for his leadership and dedication to the Panel during his tenure as Chair.

Next Meeting: The Panel's next business meeting is Monday, March 9<sup>th</sup>, 2020, at 7:30 p.m. in the Government Center, Conference Room 8.

The meeting adjourned at 9:20 p.m.



**Fairfax County**  
**Police Civilian Review Panel**  
**Annual Report 2019**

**Building Community Trust Through Accountability**

# Fairfax County Police Civilian Review Panel: Annual Report 2019



A Fairfax County, VA Publication

Publication Date: February 28, 2020

## PANEL MEMBERS

Hansel Aguilar, Fairfax

James Bierman, McLean

Robert Cluck, Reston

Frank Gallagher, Burke

Shirley Norman-Taylor, Lorton

Sris Sriskandarajah, Fairfax

Rhonda VanLowe, Reston

Douglas Kay, Fairfax (Chair)

Hollye Doane, Oakton (Vice-Chair)

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## SECTION I: INTRODUCTION

In its third full year of operation, the Panel has settled into its principal role – reviewing completed Fairfax County Police Department (“FCPD”) Investigations where a citizen complains of abuse of authority or serious misconduct by an FCPD officer. In year one, the Panel focused on establishing [Bylaws](#)<sup>1</sup> and receiving necessary training to carry out its mission. In year two, the Panel carried out its mission, and in the process, identified several critical impediments to its success and reported them to the Board of Supervisors in its [2018 Annual Report](#). The Panel is pleased to report that in 2019 the Panel addressed each of the obstacles identified in last year’s annual report with the cooperation of key stakeholders including the Board of Supervisors and the FCPD.

## SECTION II: 2019 ACTIVITIES

### Quarterly Meetings

As recommended in the Panel’s 2018 Annual Report, the Panel Chair and Vice-Chair met on five occasions with the chiefs of staff for the Chairman of the Board of Supervisors and the Chair of the Board of Supervisors’ Public Safety Committee, FCPD representatives and County Attorney representatives to discuss Panel business. These “Quarterly Meetings” were occasionally attended by the Chairman of the Board of Supervisors, the Chair of the Public Safety Committee, the Chief of Police, and the County Attorney. During the Quarterly Meetings, attendees discussed and addressed various Panel concerns including, but not limited to, (1) FCPD disposition letters, (2) limitations on transparency imposed on the Panel by the Action Item and (3) recommendations of the Panel reflected in its Public Reports. All three critical issues have been addressed as explained below. The Quarterly Meetings will continue in 2020.

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<sup>1</sup> Capitalized terms will have the same meaning noted in the Bylaws.



## Disposition Letters

In last year's Annual Report, the Panel recommended that the FCPD improve the format and content of the letter sent to the complainant upon completion of an investigation (the "Disposition Letter"). At the Chief's direction, the Commander of the Internal Affairs Bureau ("IAB") formed a working group to study the issue and make recommendations. The working group, including the Panel Vice-Chair, former commissioners of the Ad Hoc Police Practices Commission, and a representative from the Communities of Trust, met several times and prepared a template for the Disposition Letter to address the Panel's concern that the Disposition Letters lacked details about the FCPD's Investigation or the reasons for the FCPD's conclusion. We are pleased to report that Chief Roessler accepted the group's template Disposition Letter in Summer 2019 and required the FCPD command staff to receive appropriate instruction. If fully implemented as designed, the improved Disposition Letters will better address concerns raised by complainants and lead to greater community trust through greater transparency. The Panel will continue to monitor progress.

## Action Item and Bylaw Amendments

The Bylaws state that the purpose of the Panel is "to enhance police legitimacy and to build and maintain public trust between the FCPD, the Board of Supervisors and the public." Reviewing Investigation Reports is one of the principal ways the Panel carries out this mission. However, the original [Action Item](#) dated December 6, 2016, provided as follows:

During the Panel's review of a completed FCPD investigation where it is necessary for Panel members to review an officer's personnel record reflecting discipline or a Police Department internal administrative investigative case file, each Panel member who is provided the opportunity to review that record or case file shall be required to sign a Notice of Confidentiality, affirming that the file and case record is deemed a personnel record and shall not be disclosed nor shall copies be provided to the public. [Emphasis supplied.] (Page 622 of Board of Supervisors December 6, 2016, Agenda Package)

While this provision did not inhibit the Panel's ability to review the Investigative Report and evaluate the conduct in question, the Panel recognized that this provision stifled the Panel's ability to author fulsome Review Reports that informed the public about the Panel's work. Simply put, this provision constituted a barrier to transparency.

Having surfaced this issue in its 2018 Annual Report, the Panel presented the problem at the first Quarterly Meeting and worked with key stakeholders to amend the Action Item and the Bylaws to enable the Panel to report to the Board of Supervisors and the public all non-confidential relevant information found in the Investigation Report. Critically, the Chief of Police supported the Panel's effort. The Board of Supervisors approved the Panel's amended authorizing Action Item on September 24, 2019, and the Bylaws were subsequently updated to be consistent with the revised Action Item.<sup>2</sup> The first Review Report authored after these amendments evidence the Panel's ability to publish comprehensive Review Reports providing greater transparency to the public. *Compare [Review Report: CRP-19-11](#) to [Review Report: CRP-18-02](#).*

### **Publication of Panel Recommendations**

Making recommendations on FCPD policies and practices to assist the Chief of Police and the Board of Supervisors is one of only three imperatives noted in Article II of the Bylaws. The Panel is committed to meeting this obligation where appropriate and carefully considers opportunities to offer the FCPD recommendations while seeking always to strike the appropriate balance between offering too many suggestions and remaining mute where the appropriate opportunity presents itself. Since its inception, the Panel has authored a dozen recommendations; however, said recommendations were previously scattered about in a variety of documents sometimes buried in multipage reports. Moreover, no mechanism existed for the Panel to attain some response from the FCPD to the recommendations.

The Panel is pleased to report that it resolved both issues through the publication of a Panel Recommendation Matrix ("Matrix"). The Matrix offers a single repository for Panel recommendations while offering the FCPD the opportunity to comment upon the recommendations and to note any actions taken in response. Finally, the Matrix records the Panel's assessment of the FCPD's actions in response to the recommendation. Below is an example of a Panel recommendation from the Matrix:

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<sup>2</sup> The revised Action Item is found [here](#).

<u>Report</u>	<u>Panel Recommendation</u>	<u>FCPD Action</u>	<u>Status (as determined by the Panel)</u>
<a href="#">CRP-18-26</a> (Published March 8, 2019)	“During FCPD administrative investigations, where statistical evidence is used, [the Panel] recommends the Crime Analyst Unit (CAU) be consulted in the gathering, preparation and reporting of the statistical data.”	The compilation of statistical evidence is the responsibility of the Analyst assigned to the Internal Affairs Bureau.	Implemented by FCPD

The complete Matrix and updates to the Matrix are available to the Board of Supervisors and the public on the Panel’s website. See Appendix A for a copy of the Matrix as of the date of this report.

### Use of Statistics

Review of racial bias complaints against FCPD officers are among the most challenging duties of the Panel. Where such complaints are received, the FCPD routinely includes in its Investigation Reports, among other things, the officer’s arrest statistics broken down by race as compared to his or her peers. The Panel expressed concerns about conclusions expressed in the Investigation Reports based upon these statistics and recommended that investigators consult qualified professionals within the department who have the appropriate statistical expertise. As indicated above, the FCPD concurred with the Panel’s recommendation in this regard. In the future, statistical data included in Investigation Reports will be compiled by an analyst with appropriate statistical proficiency. The Panel will be monitoring Investigation Reports for compliance.

### Panel Training

Training is critical the Panel’s mission. The Panel received a full day training session from representatives of the National Association for Civilian Oversight of Law Enforcement (“NACOLE”) which focused on the historical origins of civilian oversight, working with key stakeholders, promoting the work of the Panel in the community, and effective practices for reviewing investigations<sup>3</sup>. Panel Vice-Chair, Hollye Doane, attended the 2019 NACOLE Annual

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<sup>3</sup> The agenda for the full day NACOLE training is [here](#)

Conference in Detroit, Michigan with staff from the Office of the Independent Police Auditor (“OIPA”). The theme of the 2019 Annual Conference was “Courage, Collaboration, and Community,” and covered topics such as data driven policing, strategies for community engagement, and oversight from a law enforcement perspective. Several Panel Members attended NACOLE’s regional training session in Washington D.C., which focused on community police relationships and communication, and an in-depth study of the review focused oversight model. Finally, the Panel received a half day of training from the FCPD which encompassed FCPD recruiting practices, the FCPD Criminal Justice Academy curriculum, intrinsic bias training, and the FCPD’s investigation and review process<sup>4</sup>. Special thanks to Major Owens and his staff for putting together an outstanding and informative program.

## **SECTION III: ISSUES FOR BOARD OF SUPERVISORS CONSIDERATION**

### **Extension Requests**

Article VI. C.1.c of the Panel’s Bylaws provide in relevant part:

The Panel shall immediately forward an Initial Complaint to the FCPD for investigation. FCPD shall complete its investigation and provide an Investigation Report to the Panel within sixty (60) days. The Panel shall extend the 60-day period upon request of the Chief to protect an ongoing criminal or internal administrative investigation, or for other good cause, with notice to the complainant and the Board of Supervisors.

Of the twenty Initial Complaints the Panel received in 2019, the FCPD extended the 60-day period or otherwise failed to timely deliver the Disposition Letter more often than not. On average, the Disposition letters were delivered 92 days after the Panel forwarded the Initial Complaint to the FCPD. See Appendix B for a summary of FCPD extension requests for Initial Complaints.

As per the Bylaws, the FCPD received an extension each time it sought one (and the Panel notified the complainant and the Board of Supervisors of each extension). The subject of these extension requests has been the topic of discussion at the Quarterly Meetings. It may be that the 60-day period for investigation of an Initial Complaint set forth in the Bylaws should be

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<sup>4</sup> The agenda for the half day FCPD training is [here](#).

lengthened to 90 days. The FCPD has offered a number of reasonable explanations for the delays, which requires them to request extensions. The Panel will continue to monitor this situation but makes no request for action at this time.

## Recommendation

The Panel has reviewed several complaints involving claims of racial bias which are just as difficult for the Panel as they are important to the mission of the Panel. The racial bias complaints reviewed by the Panel vary widely. At least one was demonstrably unfounded. For example, in the Panel's Review Report for [CRP-18-26](#), the Panel unanimously concluded upon review of in-car video and body worn camera footage that the accused officer could not have known the race of the complainant before stopping him for a traffic infraction. Other complaints have been much more difficult for the Panel to determine. For example, in the Panel's Review Report for [CRP-18-27](#) the Panel concurred with the results of the FCPD's investigation concluding that the Investigation, taken in its totality, supported the conclusion of a race-neutral basis for investigatory detention despite troubling statistically suspicious arrest records of accused officer.

During Review Meetings, in training and elsewhere in interactions with the Panel, the FCPD has disagreed with suggestions by the Panel that in certain racial bias cases additional investigation into the background of the accused officer may be necessary to rule out racial bias. Moreover, the FCPD investigated the social media of the complainant in CRP-18-27 for evidence of bias on the part of the complainant. Notwithstanding its willingness to investigate potential bias of a complainant (who was not even physically present for arrest in question) and publish her social media information, the FCPD has been unwilling to conduct a similar investigation of accused officers.

Therefore, the Panel makes the following recommendation to the FCPD: where the evidence gathered during an Investigation into a Complaint of racial bias does not offer a race-neutral explanation for the conduct of the accused officer, the FCPD should continue to investigate seeking some explanation for the officer's conduct by obtaining reasonably available evidence that will corroborate either a race-neutral or race-biased explanation such as examining the officer's social media accounts and/or interviewing witnesses.

## SECTION IV: WITH APPRECIATION

The Panel welcomed four new members during 2019:

- James Bierman
- Frank Gallagher
- Shirley Norman-Taylor
- Sris Srisikandarajah

We are grateful for their talents and willingness to serve. Thanks also for the continued service of the other Panel Members.<sup>5</sup> In addition, the Panel offers thanks to Adrian Steel, Randy Sayles, Anna Northcutt and Col. Gregory Gadson (Ret.) for their service to the Panel which came to an end in 2019.

Adrian Steel was the inaugural Panel Chair and deserves special recognition. His enthusiasm and dedication to the Panel's foundation left an indelible mark on this body. His unflagging support of the Panel's mission is an inspiration to all.

Randy Sayles was an inaugural member of the Panel. He sadly passed away in 2019 far too early. A retired law enforcement officer and an eyewitness to racial injustice, Randy provided an invaluable perspective to the Panel. But it was Randy's infectious smile, warm demeanor and common-sense approach to Panel business that we will miss the most.

The Panel also wishes to thank the Independent Police Auditor and Staff for their continued support – especially Gentry Anderson, who has demonstrated remarkable dedication to day-to-day operations of the Panel and shown herself again and again to be wise and capable. Thanks also to Major Owens, the IAB Commander, for his excellent work on Panel training, his calm demeanor, and remarkable patience during the many Panel meetings he attended this year. The Panel also acknowledges all the complainants who came forward in 2019 and entrusted the Panel with their complaints. We look forward to continuing the Panel's work in the coming year.

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<sup>5</sup> See Appendix C for Panel Member Biographies

<b><u>Report</u></b>	<b><u>Panel Recommendation</u></b>	<b><u>FCPD Action</u></b>	<b><u>Status (as determined by the Panel)</u></b>
<a href="#"><u>CRP-17-10</u></a> (Published March 26, 2018)	“[T]he Complainant indicated in her statement to the Panel that, other than the Notification, she had not received any further explanation from the FCPD. The Panel recommends that the FCPD contact the complainant and offer her whatever additional explanation that is legally permissible and appropriate under the circumstances.”	Letter signed by Station Commander was sent to the complainant indicating the officer’s violation was addressed and how to seek additional recourse. Internal Affairs Bureau (IAB) personnel also had a phone conversation with the complainant to address their concerns.	Implemented by FCPD
<a href="#"><u>CRP-18-12</u></a> (Published January 9, 2019)	“The Panel recommends that the FCPD develop an efficient methodology to reintegrate some level of supervision over the submission of [FR300P accident report] forms [by FCPD officers].” The Panel concluded that the consequences for errors could be problematic, as certain insurance claims were initially denied based on erroneous information in the initial FR300P.”	Under the Traffic Records Electronic Data System ( <a href="#"><u>TREDS</u></a> ) system, which is a VA State Program, when an officer submits an FR300P, a layered approval process begins. The first layer is the TREDS system itself, which provides a real-time review to ensure all required fields are populated. After the TREDS system review, the report is submitted for internal review by the FCPD Central Records Division. The Central Records Division has received specialized training on TREDS and have the delegated authority to accept or reject accident reports if they are not in compliance. In addition, the Central Records Staff distributes error reports to supervisory staff to ensure quality control and accountability.	The Panel accepts explanation of FCPD regarding supervision under TREDS System.

<p><a href="#">CRP-18-12</a> (Published January 9, 2019)</p>	<p>“The Panel recommends that the FCPD ensure that all concerns outlined in future Complaints be fully investigated and separately addressed in the Investigation Report.” (Officer’s demeanor was not explicitly discussed in the Investigation Report, even though it had been an issue in the Complaint).”</p>	<p>Complaints received by the FCPD are thoroughly investigated. As stated in your report, Major Reed assured the Civilian Review Panel (CRP) members that investigators take a holistic approach to ensure that all aspects of a complaint are addressed. Upon completion, all investigations are subject to a multi-layer review. This investigative review may be conducted by Station Commanders, Bureau Commanders, Deputy Chiefs, and the Chief of Police to ensure accuracy and thoroughness.</p>	<p>FCPD explanation noted.</p>
<p><a href="#">CRP-18-12</a> (Published January 9, 2019)</p>	<p>“The Panel recommends that FCPD periodically summarize and publish all FCPD discipline across the entire FCPD without specifically identifying the disciplined officer by name.”</p>	<p>In keeping with our commitment to transparency, the FCPD annually publishes an <a href="#">Internal Affairs Bureau Statistical Report</a>, which is made available both within and outside of the Department. IAB is currently researching best practices. Once a template is developed, it will be discussed with the County Attorney for legal review.</p>	<p>Under Review by FCPD.</p>
<p><a href="#">CRP-18-26</a> (Published March 8, 2019)</p>	<p>“The Panel recommends that the FCPD ensures that individuals involved in incidents with FCPD officers which are subject to a complaint be provided with an opportunity to review the video footage of the incidents.”</p>	<p>It has been the policy of the Police Department to allow complainants to view video footage consistent with <a href="#">Body Worn Camera Pilot Program SOP 18-506, Section VII, Paragraph B</a> and <a href="#">General Order 430.8, In Car Video Program Procedures, Section IV, Paragraph C-5</a>.</p>	<p>Implemented by FCPD</p>



<p><a href="#">CRP-18-26</a> (Published March 8, 2019)</p>	<p>“The FCPD should make BWC and In-Car Video (ICV) footage available for viewing at Panel Review Meetings as requested by the Panel.”</p>	<p>Requests for the Panel to view video and audio footage will be approved on a case-by-case basis.</p>	<p>FCPD explanation noted. The Chief has committed to review any Panel request for footage and determine whether to release of requested footage on a case-by-case basis.</p>
<p><a href="#">CRP-18-26</a> (Published March 8, 2019)</p>	<p>“During FCPD administrative investigations, where statistical evidence is used, [the Panel] recommends the Crime Analyst Unit (CAU) be consulted in the gathering, preparation and reporting of the statistical data.”</p>	<p>The compilation of statistical evidence is the responsibility of the Analyst assigned to the Internal Affairs Bureau.</p>	<p>Implemented by FCPD</p>
<p><a href="#">CRP-18-27</a> (Published July 12, 2019)</p>	<p>“[T]he Panel recommends that in the future the Department refrain from publicly releasing [investigatory information pertaining to the Complainant’s social media accounts], because it “discourages individuals from filing future complaints, and it undermines community trust in the Panel.” If the FCPD believes such information is relevant to the investigation, “that information should be included only in the Department’s investigative file.”</p>	<p>All of the information was obtained via public websites from a Google search. The information that was released was already publicly available on the internet.</p>	<p>Not Implemented by FCPD</p>

<p><a href="#">2018 Annual Report</a> (Published March 21, 2019)</p>	<p>FCPD disposition letters to the complainant upon conclusion of FCPD investigations, “must contain sufficient, specific detail to provide complainant with a clear understanding of the scope of the FCPD investigation and the rationale for the FCPD findings.”</p>	<p>The FCPD co-produced a disposition letter with members of the community. Commanders who author these letters were then trained on the new form in September. Since that time, the new form has been in use.</p>	<p>New format for more explanatory disposition letters has been adopted by the FCPD and is being implemented.</p>
<p><a href="#">2018 Annual Report</a> (Published March 21, 2019)</p>	<p>“Action Item 17, dated December 6, 2016 (p. 278), limits the Panel’s ability to include salient facts in public reports. This restriction inhibits “the Panel’s ability to achieve its purpose ‘to enhance police legitimacy and to build and maintain public trust between the FCPD, the Board of Supervisors and the public.”</p>	<p>During Quarterly Meetings, FCPD representatives coordinated with the CRP in preparation of the proposed Action Item that was adopted by the Board of Supervisors on September 24, 2019, giving the Panel the authority to disclose facts of the investigation in the Panel’s Review Reports, with certain restrictions.</p>	<p>Action Item adopted by the Board of Supervisors on September 24, 2019, gives the Panel authority to disclose facts of the investigation in Review Reports with certain limited restrictions.</p>
<p><a href="#">2018 Annual Report</a> (Published March 21, 2019)</p>	<p>“The Panel suggests that the Board of Supervisors require a quarterly meeting among the Chiefs of Staff for the Chairman of the Board of Supervisors and the Chairman of the Public Safety Committee, the FCPD Chief, and the Chair and Vice-Chair of the Panel to review Panel comments and recommendations and discuss the implementation of the same.</p>	<p>The FCPD supports the quarterly meetings and the sharing of information regarding Panel comments and recommendations. These meetings began in June 2019 and are continuing to occur with FCPD staff present for each of them.</p>	<p>Implemented by FCPD</p>

<b>2019 Initial Complaints and Disposition Letter Due Dates</b>			
<b>Complaint #</b>	<b>Disposition Letter Due Date</b>	<b>Actual Date Disposition Letter Received</b>	<b># of Days Past Due Date</b>
CRP-19-01	March 29	April 18	20 days past
CRP-19-02	April 1	April 2	1-day past
CRP-19-03	March 4	March 6	2 days past
CRP-19-04	April 15	April 15	On time
CRP-19-06*	June 7	*complainant withdrew complaint*	-
CRP-19-08	June 14	September 4	82 days past
CRP-19-09	June 18	June 27	9 days past
CRP-19-10	July 12	October 31	111 days past
CRP-19-12	July 22	July 22	On time
CRP-19-13	July 23	December 20	150 days past
CRP-19-14	August 12	October 17	66 days past
CRP-19-16	August 28	August 28	On time
CRP-19-17	September 9	August 30	On time
CRP-19-21	October 20	December 4	45 days past
CRP-19-22*	October 26	*Pending Litigation – letter to be received once litigation concludes*	-
CRP-19-23	November 8	December 19	41 days past
CRP-19-25	December 2	November 26	On time
CRP-19-26	December 30	November 26	On time
CRP-19-27*	February 7, 2020	*Date in Future*	TBD
CRP-19-28*	February 14, 2020	*Date in Future*	TBD
<b>*Average: 32 Days Past Due Date</b>			

\*Note – this calculation does not include CRP-19-06, CRP-19-22, CRP-19-27, and CRP-19-28 due to the reasons listed in the table.

## **Fairfax County Police Civilian Review Panel Member Biographies**

### **Hansel Aguilar, Fairfax**

Mr. Aguilar, originally from Honduras, has resided in the County for 10 years. For the better part of the past decade, he has put his studies in sociology and criminal justice to use by serving some time as a former police officer at the George Mason University Police Department and as a civilian investigator of police misconduct at the D.C. Office of Police Complaints. Additionally, he worked as a case manager and internal investigator for Youth for Tomorrow. In the County, his service also includes managing the volunteer program at Vinson Hall Retirement Community in McLean and serving as a volunteer with the Fairfax County Office for Women & Domestic and Sexual Violence Services. Mr. Aguilar is a native Spanish speaker and believes that oversight is an important tenet of maintaining justice and equality in a democratic society. He is one of the inaugural panelists serving out his last year.

### **James Bierman, McLean**

Mr. Bierman is a resident of McLean, where he grew up, and is a litigator who represents clients in complex litigation such as antitrust, securities, pharmaceutical defense, false advertising, trade secrets, copyright infringement, trademark infringement, commercial paper, and domestic matters in federal and state courts across the country as well as before federal administrative agencies. Mr. Bierman also maintains a large pro bono practice in which he has represented undocumented immigrants in wage disputes against predatory employers, disabled individuals in Social Security benefit matters, and criminal defendants in state court at both the trial and appellate levels. Further, he advises nonprofits and community organizations in disputes with state and local governments. Mr. Bierman previously served as a law clerk to the Honorable Beverly B. Martin of the U.S. Court of Appeals for the Eleventh Circuit. Aside from his practice, Mr. Bierman is a leader in the Washington legal community and beyond where he serves as an Associate Trustee of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, and serves on the Board of the Washington, D.C. Chapter of the American Constitution Society.

### **Robert Cluck, Reston**

Mr. Cluck has resided in Fairfax County for 40 years. He was on the Fairfax County Ad Hoc Polices Practices Commission. He served in the US Army and worked for the federal government for over 30 years in finance and administration. Since retirement, he has been active with the National Alliance on Mental Illness (NAMI), including as a member and officer of the Board of the State level organization and as a volunteer in many capacities for the Northern Virginia affiliate. Over period of six years, he gave family member presentations to Fairfax and

Arlington County police officers as part of their Crisis Intervention Team training. He is strongly committed to helping enhance public trust between the public and the Police Department.

**Frank Gallagher, Burke**

Mr. Gallagher is a U.S. Army veteran and a retired FBI Agent with over 32 years of service. He first moved to Fairfax County in 1977 and was transferred out of the area several times. During his time in the FBI, Mr. Gallagher served as the Deputy Assistant Director of the Criminal Division, Special Agent in Charge of a Field Office and as the Chief Inspector for the FBI. He has lived continuously in Fairfax County for the past 19 years. After his retirement from the FBI, he worked for a major global management and information technology consulting firm for 11 years. Subsequent to that he served for two years as the Chairman of the DC Chapter of the Society of Former Special Agents of the FBI. He is a graduate of FBI's National Executive Institute (NEI) and was on the Board of Directors of the NEI Associates for five years. For the past four years he has been the Braddock District representative on the Fairfax County Criminal Justice Advisory Board

**Shirley Norman-Taylor, Lorton**

Ms. Norman-Taylor has resided in Fairfax County for the past 21 years. She is licensed to practice as an attorney in Virginia and Washington D.C. The focus of her practice includes Domestic Relations and Criminal and Traffic Defense, however, her greatest joy comes from representing children who are in the Abuse and Neglect system as their Guardian ad litem (GAL). Ms. Norman-Taylor also serves on the Fairfax County School Board's Minority Student Achievement Oversight Committee (MSAOC). Ms. Norman-Taylor is a former military officer and served as a Commander during Operations Desert Shield/Desert Storm.

**Sris Sriskandarajah, Fairfax**

Mr. Sriskandarajah is a resident of Fairfax, Virginia. Everybody calls him "Sris". He has lived in Fairfax since 2006 and has his law firm in the City of Fairfax. He assists clients with criminal defense and family law cases. He is licensed to practice before the state and federal court of Virginia & Maryland. He is also licensed to practice in DC. Mr. Sris is the legal advisor to the Valluvan Tamil Academy on a pro bono basis. He is also on the panel of listed attorneys for ASHA – a pro bono organization that helps South Asian women in Virginia who are victims of domestic violence or sexual violence. Aside from his practice, Mr. Sris is the father of two children who attend school in Fairfax County. Mr. Sris is a native Tamil speaker and is an active member of the Indian community in Virginia & Maryland.

**Rhonda VanLowe, Reston**

Ms. VanLowe was appointed to the Governor's Taskforce for Improving Mental Health Services and Crisis Response and served on the Public Safety workgroup. She has devoted much of her community service work to serving those with unique physical, mental, emotional, intellectual

or cognitive backgrounds. Ms. VanLowe practiced law in law firm and corporate settings, served as Board Chair of The Northern Virginia Therapeutic Riding Program, Inc., and received the National Women of Color Special Recognition Award at the 2008 STEM Conference. Ms. VanLowe is a 36-year resident of Fairfax County and looks forward to working together with members of the Panel to develop procedures that will set the foundational tone and tenor for the work of the Panel.

**Douglas Kay, Fairfax (Chair)**

Mr. Kay is a trial lawyer who has handled civil litigation, criminal defense and personal injury cases for over 25 years. He currently focuses his practice on commercial litigation matters. As a criminal defense attorney, he has represented individuals charged with everything from simple traffic matters to the most serious felony offenses in state and federal courts. Mr. Kay previously served as a judge advocate in the U.S. Navy and Assistant Commonwealth's Attorney for Fairfax County. A lifelong Fairfax County resident, Mr. Kay attended Fairfax County Public Schools, coaches his son's youth basketball team, and served on Fairfax County's Ad Hoc Police Practices Review Commission. Mr. Kay was nominated to serve on the Civilian Review Panel by the South Fairfax Chamber of Commerce and the Fairfax Bar Association. Mr. Kay has served on the Panel since its inception.

**Hollye Doane, Oakton (Vice-Chair)**

Ms. Doane is a retired attorney who spent most of her career in government relations and regulatory law. She has also been an advocate for the disability community for more than 30 years. Her experience as a government regulator and as a journalist prior to attending law school gave her an appreciation for the importance of government transparency. After her retirement, Ms. Doane trained as a mediator and pastoral care lay minister. She has resided in Fairfax County for 33 years and has served on the Panel since its inception.



# Fairfax County Police Civilian Review Panel

## Subcommittee Initial Review Report

### Request for Review – Basic Information

**CRP Complaint Number:** CRP-20-03

#### Subcommittee Members:

- Jimmy Bierman, Review Liaison
- Doug Kay, Review Liaison

**Complaint Submission Date:** January 25, 2020 (Initial Complaint: submitted to FCPD on January 16, 2019)

This report is subject to Federal and Virginia Freedom of Information Acts. Panel members will maintain to the greatest extent possible under the law and in accordance with the Bylaws all sensitive and confidential information not intended for a public release.

### Purpose

The Subcommittee Initial Review Report sets forth the Subcommittee's recommendation on whether the Complainant's allegation(s) meet the standard for review provided in the Panel's Bylaws. The Panel may accept or not accept the Subcommittee's recommendation on whether to review a complaint.

### Findings

The Panel's review authority states in Article VI (A)(1)(d):

"The Panel shall not review: ... a Review Request filed more than sixty (60) days after the date of the FCPD notice sent to the complainant that informs the complainant of the completion of the FCPD's investigation of the complainant's Initial Complaint (unless the Panel determines that there is good cause to extend the filing deadline)."

### Recommendation

The Subcommittee recommends that the Panel **not undertake** a review of CRP-20-03 because the complaint was untimely.