

Police Civilian Review Panel

September 14, 2020

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-20-24

Members Present:

Doug Kay, Review Liaison

Shirley Norman-Taylor, Review Liaison

Sris Sriskandarajah, Subcommittee Chair

Others Present:

Gentry Anderson, OIPA

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

NOTE: The Panel’s subcommittee meeting was conducted electronically due to the COVID-19 Pandemic. The electronic meeting was hosted on WebEx and allowed for members of the public to virtually attend via WebEx or conference call.

The Initial Disposition Subcommittee was called to order at 5:31 p.m.

Motions to Conduct Electronic Meeting: Mr. Sriskandarajah took roll call to verify a quorum of the Panel’s subcommittee was present and to ensure each subcommittee member’s voice could be heard clearly. He asked each subcommittee member to state their name and the location from which they were participating.

Mr. Kay was present and participated from Fairfax, Virginia.

Ms. Norman-Taylor was present and participated from Lorton, Virginia.

Mr. Sriskandarajah was present and participated from Fairfax, Virginia.

Mr. Sriskandarajah moved that each member’s voice may be adequately heard by each other member of this Panel. The motion was seconded by Mr. Kay and it carried by unanimous vote.

Mr. Sriskandarajah moved that the State of Emergency caused by the COVID-19 pandemic makes it unsafe for the subcommittee to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, FOIA’s usual procedures, which require the physical assembly of this Panel and the physical presence of the public, cannot be implemented safely or practically. He further moved that the subcommittee may conduct this meeting electronically through a dedicated WebEx platform and audio-conferencing line, and that the public may access this meeting by using the WebEx attendee access link or by calling 408-418-9388 and entering access code 173 603 5123 as noted in the Public Meeting Notice. Mr. Kay seconded the motion and it carried by unanimous vote.

Mr. Sriskandarajah moved that that all matters addressed on the agenda are necessary to continue operations and the discharge of the Panel's lawful purposes, duties, and responsibilities. Mr. Kay seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-20-24:

Mr. Sriskandarajah provided a brief overview of complaint CRP-20-24 and noted that the complainant alleged racial bias and excessive use of force. Mr. Kay explained it was his understanding that the Independent Police Auditor would review the allegation of excessive use of force and the Panel would be able to review allegations in the complaint if they rise to the Panel's threshold of abuse of authority or serious misconduct. The subcommittee members agreed with this assessment. Mr. Kay asked the Independent Police Auditor or staff to confirm whether a review of the allegation of excessive use of force is underway. Ms. Anderson replied that the Independent Police Auditor has reviewed the FCPD's investigation into the complaint specific to the allegation of excessive use of force and that a public review report will be issued detailing the findings of his review. Mr. Sriskandarajah asked that the subcommittee review the abuse of authority and serious misconduct checklist on the Initial Review Report.

The subcommittee found that the complainant's allegations of racial bias and that the officer acted in a rude and retaliatory manner meets the criteria for "harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability," and "acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense." The subcommittee also found that the criterion of "other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty" was met as the allegation of racial bias could be a violation of FCPD General Order 201.13.

The subcommittee acknowledged that the Independent Police Auditor will review the allegation of excessive use of force which meets the criterion of "reckless endangerment of detainee or person in custody" and "violation of laws or ordinances."

Mr. Kay moved that the subcommittee recommend that the Panel undertake a review of CRP-20-24 because the complaint meets the scope of review criteria as discussed by the subcommittee. Mr. Sriskandarajah seconded the motion and it carried by unanimous vote.

Mr. Kay moved to adjourn the meeting. Mr. Sriskandarajah seconded the motion and it carried by unanimous vote.

*Ms. Anderson informed the subcommittee that she would draft the subcommittee meeting summary and initial review report and provide it to the subcommittee members for their review. The materials will be presented to the full Panel at the meeting scheduled for September 24.*

The meeting adjourned at 5:46 p.m.