

Police Civilian Review Panel

May 5, 2022

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Jimmy Bierman

Cheri Belkowitz

Todd Cranford, Vice-Chair

Bryon Garner

Dirck Hargraves, Chair

William Ware

Janell Wolfe

Panel Members Absent:

Celeste Peterson

Others Present:

2nd Lt. Tim Forrest, Internal Affairs Bureau

Lt. Derek Gray, FCPD

Rachelle Ramirez, OIPA

Steven Richardson, Executive Director, PCRCP

Richard Schott, Independent Police Auditor

Dre'Ana Whitfield, PCRCP

The Panel's business meeting was called to order at 7:02 p.m. Mr. Hargraves, Chairman, welcomed everyone to the Panel's April 7, 2022, meeting.

Approval of Agenda: Mr. Cranford moved approval of the meeting agenda. Mr. Bierman seconded the motion, and it carried with a vote of seven, with Ms. Peterson absent.

Approval of April 7, 2022, Draft Meeting Summary: Mr. Bierman moved the approval of the Panel's April 7, 2022, meeting summary. Ms. Bierman seconded the motion, and it carried with a vote of six, with an abstention from Mr. Cranford, and with Ms. Peterson being absent.

Approval of Subcommittee Initial Review Report for CRP-22-06: Mr. Ware provided a brief overview of the complaint. Mr. Ware explained that the incident occurred on November 10, 2021. He stated the complainant was delivering packages for Amazon. The complainant arrived at an apartment complex where she parked in a space that was labeled as a reserved space. While parking in the reserved space, another driver pulled beside the complainant. The complainant asked the individual whether she was parked in their parking space and did not receive a response from the driver. Another individual asked the complainant if she was going to move her vehicle. The complainant moved her vehicle and proceeded to the apartment building elevator to deliver the packages. The complainant alleged that one of the individuals in the vehicle walked past her with a pistol in his hand. The complainant became fearful and retreated to her vehicle. The complainant called her mother, and the mother called the FCPD. Mr. Ware noted that there were some allegations regarding the timeliness of the FCPD's response. He further explained that it took 21 minutes for an officer to arrive at the scene. Mr. Ware explained that the FCPD officer interviewed the complainant. The two FCPD officers located the alleged

perpetrator's residence to ask further questions. The FCPD officers concluded that it was a miscommunication.

Ms. Wolfe noted that the FCPD officers determined that the alleged perpetrator had a concealed carry permit. She explained that when the FCPD officers spoke to the alleged perpetrator, the alleged perpetrator stated that the handgun was holstered. Ms. Wolfe further explained that the complainant was adamant that the handgun was at the alleged perpetrator's side. Ms. Wolfe expressed that she does not believe that it was fully investigated whether the gun was in the holster and that the officer did not question the perpetrator about it being holstered. She stated that she believed the complaint was represented well, however, the alleged perpetrator should have been questioned fully.

Mr. Hargraves provided a brief overview of the subcommittee process for the public. Mr. Hargraves went through the Panel Bylaws Abuse of Authority and Serious Misconduct Checklist for the Panel members and the public. Mr. Hargraves explained that the allegations could fall into the category of harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status, or disability. He further explained that the complainant's mother alleged that the FCPD response time was lacking and that the alleged perpetrator was not arrested because the complainant was Black. He noted that there may also be a gender-bias allegation and specifically that the FCPD handled the case differently because the complainant is a Black woman. Mr. Hargraves further explained that the allegations could fall into the violation of laws or ordinances category due to a misstatement made by an FCPD supervisor regarding the law. Mr. Hargraves stated that the FCPD will resolve this specific issue by providing proper training.

Mr. Bierman moved that the Panel accept the recommendation of the subcommittee and approve the initial review report for CRP-22-06. The motion was seconded by Ms. Belkowitz, and it carried with a vote of seven, with Ms. Peterson being absent.

Further discussion ensued regarding the complaint. The full Panel will review CRP-22-06 at the next meeting which will be held on June 2, 2022.

Debrief on Panel's Quarterly Meeting: Mr. Hargraves stated that a quarterly meeting was held with Chief of Police Kevin Davis, the FCPD, and Chiefs of Staff to the Board of Supervisors. Mr. Richardson provided the key takeaways from the quarterly meeting. He explained that Chief Davis agreed to allow Panel members to go to their district stations to review cases. Panel members were asked to email their request to Mr. Richardson regarding the date, time, and which district station they would like to review case files moving forward. Mr. Cranford asked if weekends and after-hours access will be granted. Mr. Richardson said yes.

Mr. Hargraves provided further details from the quarterly meeting. He stated that there was a discussion regarding the need for a new independent Counsel. He reminded Panel members to forward the contact information of potential candidates who fit the role and is knowledgeable about FOIA laws to staff. Mr. Hargraves informed the Panel that he has made a recommendation for counsel. He stated that the County Attorney has some recommendations as well. Mr. Hargraves informed the Panel that this matter must be addressed quickly. He further explained that outreach methods were discussed to better inform the community about the Civilian Police Review Panel. He said that the annual review was discussed along with the recommendations. Discussion ensued on the recommendations discussed at the quarterly meeting.

Discussion ensued on the Community Police Academy 2022 fall session. Mr. Richardson informed the Panel that he can provide further details regarding the Community Police Academy fall session.

Mr. Hargraves explained that Chief Davis would like majors and captains of the FCPD to set up a half-day of training for the Panel. A date for the training will be decided soon. Mr. Hargraves noted that to ensure the FCPD is competitive in hiring the best talent, there have been several pay increases within the FCPD.

Panel Member Training: Bylaws, Mission, and Procedures: All present Panel members received a copy of Panel foundational documents, procedures, and resources. The Panel watched a video regarding VFOIA and public meetings laws. Mr. Hargraves asked staff to send the VFOIA video link to the Panel members. Mr. Bierman provided an overview of the Bylaws, Mission, and Procedures of the Police Civilian Review Panel. He suggested that the Panel members review the procedures and resources provided.

Mr. Bierman informed the members that the purpose of the Panel 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. He went through the Panel's three main functions. He stated that the Panel must review certain investigations to ensure that there are complete, thorough, accurate, objective, and impartial. Mr. Bierman explained the second function of the Panel is to provide an independent process for initiating a complaint against an FCPD officer. He explained that the third function of the Panel is to make recommendations on law enforcement policies, practices, and procedures to assist the FCPD, Chief of Police, and the Board of Supervisors in their policy review.

Mr. Bierman explained the scope of the Panel's review authority. He provided definitions of Abuse of Authority and Serious Misconduct. Mr. Bierman further provided an informative overview of the Bylaws and procedures for the Panel members. The Panel thanked Mr. Bierman.

Mr. Hargraves informed the Panel that they should be committed to getting familiar with the new procedures and resources provided, as well as other training. He recommended that the Panel attend the next NACOLE training.

New Business: Mr. Hargraves stated that Chairman McKay is working to fill the seat of the ninth Panel member.

Adjournment: Mr. Cranford moved to adjourn the meeting. Mr. Bierman seconded the motion, and it carried with a vote of seven, with Ms. Peterson being absent.

The meeting adjourned at 8:41 p.m.

Next Meeting: The Panel's next business meeting will be held on June 2, 2022, at 7:00 p.m.