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# Police Civilian Review Panel

## Meeting Agenda

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Location:	Temple Rodef Shalom 2100 Westmoreland St. Falls Church, VA 22043
Date:	June 1, 2023
Time:	7:00 pm
Website:	<a href="http://www.fairfaxcounty.gov/policecivilianreviewpanel/">www.fairfaxcounty.gov/policecivilianreviewpanel/</a>

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### Agenda details:

#### I. Call to Order

#### II. Agenda Items

- a. Approval of Agenda
- b. Approval of May 4, 2023, Draft Meeting Summary
- c. Review of May 10, 2023 Draft Subcommittee Meeting Summary
- d. Review of Subcommittee Initial Review Report for CRP-23-04
- e. CRP-23-04 Complainant appealing for reconsideration for review by full Panel

#### III. Executive Director's Report

#### IV. General PCRCP Matters

#### V. Closed Session (Personnel Matter)

#### VI. New Business

#### VII. Adjournment

#### Panel Meeting Schedule:

- July 6, 2023
- August 3, 2023
- September 7, 2023

Police Civilian Review Panel

May 4, 2023

WISH Center (Workforce, Innovation, Skills Hub)

7950 Audubon Ave. Alexandria, VA 22306

Meeting Summary

Panel Members Present:

Todd Cranford, Chair

Cheri Belkowitz, Vice Chair

Michael Lau

Celeste Peterson

Janell Wolfe

Others Present:

Madison Gibbs, Counsel

Sanjida Lisa, PCRCP

Rachelle Ramirez, OIPA

Lt. Todd Sweeney, Internal Affairs Bureau

Community members

Chair Cranford called the Police Civilian Review Panel's (PCRCP) business meeting to order at 7:18 p.m. and after taking attendance noted the presence of a quorum. He welcomed everyone to the Panel's May 4, 2023, meeting and thanked the WISH (Workforce, Innovation, Skills Hub) Center and Supervisor Rodney Lusk for hosting the Panel's meeting.

Approval of Agenda: Ms. Wolfe moved approval of the meeting agenda. Mr. Lau seconded the motion, and it carried unanimously.

Chair Cranford invited WISH Center representative, Carla Claire, to share information on the different workshops and resources the WISH Center provided to the community in Hybla Valley. Carla explained that the programs were specifically aimed at the low income residents in the community and the different range of classes that were offered for skills development. Chair Cranford also provided historical background and context to the community members in attendance of the creation of the Panel and the different kinds of cases the PCRCP reviews. He also noted the difference between the types cases that the Panel and the Office of the Independent Police Auditor review.

Approval of April 6, 2023, Draft Meeting Summary: Ms. Wolfe moved approval of the Panel's April 6, 2023, meeting summary. Mr. Lau seconded the motion, and it carried with Ms. Belkowitz abstaining.

Executive Director's Report: Ms. Lisa presented the Executive Director's report, as Mr. Richardson was attending the Institute for Constitutional Policing Conference with the Independent Police Auditor (OIPA), Mr. Richard Schott. Ms. Lisa reported that the PCRCP continued to work with the Office of Immigrant Community Affairs on a comprehensive outreach strategy for the County's Spanish speaking communities. Ms. Lisa presented that there would be various opportunities for the Panel to participate in outreach endeavors in June and throughout the summer with more information to come for a "Safe Summer" event for the County's youth populations.

Ms. Lisa read that the next Panel meeting would take place at the Temple Rodef Shalom on June 1<sup>st</sup> and that future venues for meetings were being considered. If any Panel member had any suggestions on future locations, they were encouraged to share the information with PCRCP staff.

PCRCP Matters: Ms. Wolfe mentioned that the Use of Force training on April 29<sup>th</sup> was very informative and commended Lt. Sweeney for his presentation. Ms. Wolfe also mentioned that the demonstration of the BOLO device was interesting to look at and that she would be interested in learning more about cultural humility. Ms. Wolfe also mentioned that she learned that Fairfax County Police officers always have available to them a non-lethal weapon and a lethal weapon when responding to a scene.

Mr. Lau expressed that he enjoyed attending the Use of Force training and that he found it to be very informative and refreshing.

Chair Cranford mentioned that FCPD had responded to the recommendations matrix request and would give the Panel time to review the FCPD responses, so he recommended deferring discussion to the next Panel meeting.

Ms. Belkowitz echoed what Ms. Wolfe and Mr. Lau had expressed about the Use of Force training.

New Business: Ms. Wolfe asked that the Magistrate's office phone number and other resources, such as the Suicide Hotline, be added to the PCRCP website.

Ms. Lisa shared that there was a Subcommittee empaneled to review case CRP-23-04, but the originally scheduled meeting for the subcommittee to discuss the initial review report needed to be rescheduled in deference to the complainant's unavailability to attend the meeting. Ms. Lisa shared that a new date would be forthcoming and she would share the new date with the Panel when confirmed.

The Panel members listened to the community members' remarks and answered questions.

Adjournment: Ms. Belkowitz motioned to adjourn the meeting, Ms. Peterson seconded, and it carried unanimously. The meeting adjourned at 8:23 p.m.

Police Civilian Review Panel

May 10, 2023

Fairfax County Government Center, Conference Room 232

Subcommittee Meeting Summary (CRP-23-04)

Panel Members Present:

Bryon Garner, Subcommittee Chair

William Ware

Michael Lau

Others Present:

Sanjida Lisa, PCRCP

Steven Richardson, PCRCP

2nd Lt. Tim Forrest, Internal Affairs Bureau

2nd Lt. Matthew Lane, Internal Affairs Bureau

The Panel's business meeting was called to order at 7:11 p.m. Mr. Bryon Garner welcomed everyone to the Panel's May 10, 2023 Subcommittee meeting. Everyone who was present in Conference Room 232 stated their name and their position.

Motions to Subcommittee Meeting: Mr. Ware moved approval of the subcommittee meeting agenda, Mr. Lau seconded the motion and it carried unanimously.

Mr. Ware provided a brief summary of the events that led to the complaint and the reason for the request for a review by the Panel. Mr. Ware provided the details of the traffic incident involving the complainant in April of 2022. Mr. Garner and Mr. Lau both agreed with Mr. Ware's description of the incident.

Mr. Ware presented the allegations of the complaint, based on his review and notes. Mr. Lau presented his perspective while reviewing the file and his notes. Mr. Garner presented his recollections and notes and provided a brief overview of what the Subcommittee is tasked to do. Mr. Garner also explained what falls under the Police Civilian Review Panel's purview when reviewing a case.

Mr. Garner then noted that while he did think that there were some details in the police report that were misrepresented, such as the complainant's race and eye color, however he did not believe that those misrepresentations rose to abuse of authority or discrimination against the complainant.

Initial Review of CRP-23-04: Mr. Garner read aloud the first criterion on the Panel Bylaws Abuse of Authority and Serious Misconduct Checklist. Panel members agreed the first criterion was not alleged and was not met.

Mr. Garner read aloud the second criterion on the checklist. Mr. Garner stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Garner read aloud the third criterion on the checklist. Mr. Garner stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Garner read aloud the fourth criterion on the checklist. Panel members agreed the fourth criterion was not alleged and was not met.

Mr. Garner read aloud the fifth criterion on the checklist. Mr. Garner stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Garner read aloud the sixth criterion on the checklist. Mr. Garner stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Garner concluded that the complaint did not fall within the Panel's purview of jurisdiction for a review due to the allegations not fitting the criteria on the checklist. Mr. Garner moved that the Subcommittee Panel not recommend that the full Panel undertake this matter. All vote unanimously to not take the matter to the full Panel for review.

Meeting adjourned at 7:49 p.m.

Next Meeting: The Panel's next business meeting will be held on June 1, 2023, at 7:00 p.m.

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# Fairfax County Police Civilian Review Panel Subcommittee Initial Review Report

## Request for Review – Basic Information

**CRP Complaint Number:** CRP-23-04

**Subcommittee Meeting Date:** May 10, 2023

### Subcommittee Members:

- Bryon Garner, Subcommittee Chair (Panel Member)
- William Ware, Subcommittee Member
- Michael Lau, Subcommittee Member

**Complaint Submission Date:** Review Request received on 3/13/2023. Other Key Dates: Incident Date: 4/15/2022; Complaint to FCPD: 11/21/2022; FCPD Disposition letter: 2/27/2023

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) of its Bylaws: "The Panel shall review Investigations to ensure their thoroughness, completeness, accuracy, objectivity and impartiality where (1) the subject matter of an Investigation is an allegation of 'abuse of authority' or 'serious misconduct' by a FCPD officer, and (2) a Review Request is filed."

The subject matter of this investigation concerns allegations by the Complainant that officers of the Fairfax County Police Department (FCPD), when responding to a traffic incident, abused their authority and engaged in misconduct by discriminating against him based on race and/or color, acting in a rude, careless and threatening manner, and in violating FCPD policy/procedure and FCPD Canon of Ethics.

The Subcommittee finds that the subject matter of the investigation, as stated in the allegations, **does not meet** the threshold requirement for "abuse of authority" and "serious misconduct."

## Recommendation

The Subcommittee recommends that the Panel **not undertake** a review of CRP-23-04 because the complaint **does not meet** the scope of review criteria set forth in its Bylaws.

## Panel Bylaws Abuse of Authority and Serious Misconduct Checklist

Criteria Met?	Abuse of Authority and/or Serious Misconduct	Complainant Details*
No	Use of abusive racial, ethnic or sexual language or gestures.	
No	Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability.	While alleged, no substantiation in the investigative file.
No	Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense.	While alleged, no substantiation in the investigative file.
No	Reckless endangerment of detainee or person in custody.	Not applicable
No	Violation of laws or ordinances.	While alleged, no substantiation in the investigative file.
No	Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.	While alleged, no substantiation in the investigative file.

**\*Confidential and sensitive information shall not be disclosed in this document. Contact the Chair or Panel Legal Counsel for questions and/or additional information.**