

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

Request for Review – Basic Information

CRP Complaint Number: CRP-23-25

Subcommittee Members:

- Fazia Deen, Panel Member
- Michael Lau, Panel Member
- Janell Wolfe, Chair of Subcommittee

Key Dates: Date of Review Request: December 3, 2024, Date of Incident: August 2, 2022, Date of Initial Complaint (to FCPD): April 12, 2023, Date of FCPD Disposition Letter: October 19, 2023

Subcommittee Meeting

Date: March 4, 2024

Complainant 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 determine that a Complaint does not meet the criteria set forth in the Bylaws. The full Panel may or may not accept the Subcommittee's recommendation on whether to review a complaint.

The full Panel will consider the recommendation from the Subcommittee 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.

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 any observable substantiation.

Allegation(s) <i>List each allegation below as stated by the Complainant. Indicate in the next two columns whether the two criteria are met for each allegation.</i>	(1) Abuse of Authority or Serious Misconduct <i>Identify Category (A-F)</i>	(2) Substantiated in Investigative File <i>Indicate Yes/No</i>
1. Failure to interview two witnesses and document their statements	F	Yes
2. Failure to accurately document the assault	F	Yes
3. FCPD officer provided inaccurate information to the involved individual regarding obtaining a warrant from the Magistrate	F	Yes
4. FCPD officer failed to follow up with the involved individual after a contact attempt was made	F	Yes
5. Allegation of systemic racism within FCPD	N/A	No
6. Failure to obtain camera footage from Home Depot	F	Yes
7. Denial of access to the police report and body worn camera (BWC) footage	N/A	No

Missing Information

Subcommittee Findings and Recommendation

Check the Subcommittee's recommendation to the full Panel and keep one statement below that applies based on criteria met.

<input checked="" type="checkbox"/> 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.
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