Police Civilian Review Panel

May 8, 2025

Fairfax County Government Center, Conference Room 7

12000 Government Center Parkway, Fairfax, VA 22035

Subcommittee Meeting Summary (CRP-23-24R)

Subcommittee Members Present:

Cheri Belkowitz, Subcommittee Chair

Todd Cranford, Panel Member

Dirck Hargraves, Panel Member

Others Present:

Craig Miles, Office of Police Civilian Review Panel Liaison

Shaquishe Ferguson, Office of Police Civilian Review Analyst

Richard Schott, Independent Police Auditor

Rachelle Ramirez, Office of the Independent Police Auditor Analyst

The Fairfax County Police Civilian Review Panel's (Panel's) subcommittee meeting was called to order at 6:11 p.m. Subcommittee Chair Belkowitz welcomed everyone to the Panel's May 8, 2025 subcommittee meeting and took attendance.

CRP-23-24R Subcommittee's Initial Review: Panel Member Belkowitz described the purpose of the subcommittee and explained its procedures and authority, based on the Panel Bylaws, to conduct an initial review of completed Fairfax County Police Department (FCPD) investigations of complaints for thoroughness, completeness, accuracy, objectivity, and impartiality. Panel Member Belkowitz said the subcommittee would determine whether the FCPD engaged in serious misconduct or abuse of authority. Panel Member Belkowitz explained that all members of the subcommittee had reviewed the investigative file prepared by the Internal Affairs Bureau. Panel Member Belkowitz stated the subcommittee must determine whether the complaint alleges abuse of authority or serious misconduct and whether the evidence contained in the file could lead a reasonable Panel to believe there is sufficient evidence to support the allegations. Panel Member Belkowitz explained the process for completion of the Initial Review Report.

Panel Member Hargraves asked Panel Member Belkowitz if the meeting was formally called to order and the agenda was approved. Panel Member Belkowitz said she called the meeting to order, and Panel Member Cranford made a motion to approve the agenda for the meeting.

Panel Member Hargraves seconded the motion. The subcommittee voted unanimously to approve the meeting agenda.

Panel Member Belkowitz read the allegation made by the complainant, which was:

1. The complainant alleged the police officer was complicit in Walmart's discrimination and bias towards the complainant, and thus the officer's behavior was also biased.

Panel Member Belkowitz provided a summary of the events of the incident that led to the complaint (CRP-23-24R). Panel Member Belkowitz said on November 4, 2023, a loss prevention manager called 911 because she saw a man [the complainant] walking through the aisles of the Walmart wearing a hat and surgical mask and carrying what she described as a pipe. Employees and customers were feeling uncomfortable and reported the man to the store employees. An officer was dispatched to Walmart and spoke with the loss prevention manager and an employee after arriving. The man carrying the pipe described it as a baton. The man was asked to leave the store and agreed to, although he stated he was uncomfortable having the police officer walk behind him. The man described what the police officer was wearing as combat gear. The man complained that this action was discriminatory, and the officer said he was enforcing Walmart's request.

Panel Member Cranford stated it was a good summary of the statement of the facts. Panel Member Cranford added that the complainant alleged he had a First Amendment right to carry the pipe [The complainant was carrying an 18-inch pipe in a Walmart store]. The officer stated Walmart was private property, and Walmart had the right to refuse service or limit the type of weapons carried in the store. Panel Member Belkowitz added the fact that in addition to carrying the baton, surgical mask, and a hat the complainant was wearing what was described as a body-worn camera.

Panel Member Hargraves added the complainant alleged that even private facilities that operate as public accommodations are subject to providing service to everyone, or they violate U.S., state, and local laws. Panel Member Hargraves said the complainant also said that he observed other people who might be suspect that did not receive the same treatment the complainant received. Panel Member Hargraves said the complainant thought he was being treated unfairly when others might be there illegally in the establishment. Panel Member Hargraves said while the complainant disagreed with the police, he was respectful and filed a complaint.

<u>Allegations and Comments:</u>
Subcommittee Chair Belkowitz read the allegation again and asked if the allegation was abuse of authority or serious misconduct. Panel Member Cranford said the complainant was respectful through the process, and the officer was respectful and professional and did not escalate the matter. Panel Member Cranford said he did not believe there was anything said or done to indicate racial animus. Panel Member Cranford said he saw no basis for the allegation in the complaint. Panel Member Belkowitz agreed and said the officer was doing his job, and

Walmart can ask someone to leave. Panel Member Belkowitz did not see any racial bias in the phone call made by Walmart. Panel Member Hargraves stated the complainant was carrying the pipe near the glass cases in the electronics section of the store where there had been previous “smash and grabs.”

Panel Member Hargraves stated that the arrest records for the officer did not indicate a pattern of racial bias. Panel Member Cranford said the arrest record may be less relevant because the officer did not initiate the stop.

Panel Member Belkowitz said the initial review form should include a sentence about missing information in the file.

Panel Member Belkowitz said there was no evidence to substantiate the claim and asked if Panel Members Hargraves and Cranford agreed. They both said they agreed. Panel Member Belkowitz said she was interested to see the video footage from Walmart’s cameras.

Panel Member Belkowitz stated that if true, the action [by the police officer] did not constitute serious misconduct or abuse of authority. Panel Member Cranford agreed. Panel Member Hargraves said the officer could be complicit in a racially biased event. Panel Hargraves said that allegation would give the Panel authority to review the complaint because it would be abuse of authority or serious misconduct, even though it did not occur in this case.

Full Panel Recommendation:
Panel Member Belkowitz said there was not sufficient evidence for a full Panel review and Panel Members Cranford and Hargraves concurred.

Meeting Adjourned:
Panel Member Cranford made a motion to adjourn the meeting of the subcommittee, and Panel Member Hargraves seconded the motion. The motion was unanimously approved, and Panel Member Belkowitz adjourned the meeting at 6:39 p.m.