

Police Civilian Review Panel

October 4, 2018

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Bob Cluck

Steve Descano

Hollye Doane

Anna Northcutt

Adrian Steel (Remote Participation)

Rhonda VanLowe, Panel Chair

Panel Members Absent:

Hansel Aguilar

Doug Kay, Panel Vice-Chair

Others Present:

Gentry Anderson

Gerarda Culipher, Deputy Clerk of the Fairfax County Circuit Court

Julia Judkins

The Panel's business meeting was called to order at 7:00 p.m.

Remote Participation by a Panel Member: Ms. VanLowe announced that Mr. Steel would be participating telephonically. She asked Mr. Steel to state for the record his reason for remote participation. Mr. Steel stated that his reason for remote participation was travelling out of town for his 50th Highschool reunion in St. Louis, Missouri.

Welcoming of New Panel Member: Ms. VanLowe welcomed, on behalf of all Panel Members, Mr. Cluck, to his first meeting, who was recently appointed by the Board of Supervisors to fill a vacant seat. Ms. VanLowe thanked Mr. Cluck for his willingness to serve on the Panel. Ms. Gerarda Culipher, Deputy Clerk of the Fairfax County Circuit Court, was present and administered the Oath of Office to Mr. Cluck.

Review of Complaint Status: Ms. VanLowe referenced the handout that summarized the status of Complaints received by the Panel to date. Ms. VanLowe noted that some recently received complaints are subject to pending litigation. They will be deferred until they are processed out of the judicial system. She explained that this is the first instance of the Panel receiving complaints that are subject to pending litigation.

Meeting Summary Approval: Mr. Descano moved approval of the Meeting Summary from the Panel's September 6 meeting. Ms. Northcutt seconded the motion, and it carried with a vote of six, Mr. Aguilar and Mr. Kay being absent.

Allen Review: Determination of Authority to Review the Investigation: Ms. VanLowe explained that the Panel must determine if it has authority to review the Investigation into the complaint submitted by Mr. Allen. Mr. Descano and Mr. Kay, the assigned Review Liaisons to the complaint recommended that the Panel has authority to review the Investigation into Mr. Allen's the complaint and referenced a report in which they outline the reasons behind the recommendations. *Mr. Steel requested that the report be*

circulated among Panel members. Ms. Doane moved that the Panel find it has the authority to review the Investigation of Mr. Allen's complaint. Ms. Northcutt seconded the motion and it carried by a vote of five, Mr. Cluck abstaining, and Mr. Aguilar and Mr. Kay being absent. The Panel discussed whether Mr. Allen's presence is required for the Review Meeting to be held. The Panel agreed that Mr. Allen will be invited to attend, but his presence is not required for the Review Meeting to be held. The Panel decided that they will impose a fifteen-minute time limit for the complainant to address the Panel and that questions and answers could commence at the completion of the complainant's remarks. The Panel also agreed to invite a representative from the FCPD to be present for the Review Meeting. *Mr. Allen will be notified that his complaint will be reviewed by the Panel and will be given the opportunity to speak at the Review Meeting. The FCPD will also be asked to send to the Review Meeting a representative with knowledge about Mr. Allen's Investigation.*

Establishing a Subcommittee to Determine Authority to Review: Ms. VanLowe referred to the Panel's Bylaw section VI.C.2 (a), which provides that a subcommittee of at least three Panel Members may conduct the Initial Review of a complaint to determine the authority of the Panel to review an Investigation. In her proposed procedure, the subcommittee would be composed of the two assigned liaisons and the Chair or Vice-Chair on a rotating basis. She explained that this process, if established, would be an efficient way to determine Panel authority to review an Investigation and could speed up the complaint process. Discussion ensued regarding the possibility of a two to one vote and how the Panel would operate under that circumstance. Ms. VanLowe clarified that liaisons will not be assigned on a monthly basis but will be assigned as complaints are received. The Panel discussed their desire for liaisons to produce summary reports in a consistent manner to then be shared with the entire Panel Membership. Ms. VanLowe moved that the Panel implement section VI.C.2 (a) of the Panel's Bylaws to establish subcommittees that will be comprised of the two Review Liaisons and either the Chair or Vice-Chair, who shall alternate serving on the subcommittee. Ms. Doane proposed an amendment to the motion to include that the decision made by the subcommittee be distributed to the entire Panel membership in the form of a summary report. The amendment was accepted, and Mr. Descano seconded the amended motion. The motion carried by a vote of six, Mr. Aguilar and Mr. Kay being absent.

Records Management Policy Adoption: Ms. VanLowe explained that the records management policy adopted by the Panel should be consistent with the Office of the Independent Police Auditor's procedures for records management. Ms. Doane asked for a status update on Panel Members receiving county email addresses. Ms. Anderson replied that she has followed up with the Department of Information Technology and that the email accounts are still in process of being set up. Mr. Descano moved to adopt the records management policy. Ms. Doane and Ms. Northcutt jointly seconded the motion and it carried by a vote of six, Mr. Aguilar and Mr. Kay being absent.

Confidentiality Discussion: Ms. VanLowe highlighted the Panel's responsibilities under the Virginia Freedom of Information Act (VFOIA), including that the Panel is limited in its ability to keep information confidential and must be able to manage expectations of complainants who wish for their information to remain confidential. Panel discussion ensued, and the Panel agreed that the confidentiality check box should be removed from the complaint form. The Panel also discussed confidentiality as it relates to juveniles and victims of sexual assault and expressed a desire that, if possible under law, information regarding these types of matters be kept confidential. Ms. VanLowe expressed that she believes the Panel needs to develop a confidentiality policy. Panel discussion ensued regarding the use of

complainant and officer names in public meetings. Panel members discussed maintaining transparency and public trust, redacting personally identifiable information from complaint forms, and the use of aliases. *The Panel asked Ms. Anderson to research and report back on how other oversight boards address confidentiality, specifically using the names of complainants and officers in public meetings.* Ms. Judkins does not see that the Panel is obligated to keep an officer's name confidential and that only officer discipline and personnel matters are barred from being disclosed. Ms. Northcutt expressed that the Panel should be sensitive to their relationship with the FCPD and that if a complainant's name is used in a public meeting, the officer's name should be used as well. Ms. Doane asked for clarification on what can be discussed in a regular business meeting versus closed session. *Ms. VanLowe will make a "cheat sheet" for Panel members regarding what can be discussed in open session during a Review Meeting versus closed session. Ms. VanLowe and Mr. Kay, along with Ms. Judkins, will draft a Confidentiality Policy for the Panel's review. Panel Members are to contact Ms. VanLowe with comments and thoughts regarding the draft policy.*

Public Forum Discussion: Two inaugural public forums were held in 2017, which were designed to introduce the work of the Panel to the public. Ms. VanLowe explained that the Panel's Bylaws describe the type of public forums the Panel can host. Mr. Steel reminded Panel Members of the discussion on Public Forums during the September 6th Panel Meeting, where the Panel voted unanimously to hold a public forum before the end of the year. Panel discussion ensued regarding potential topics of the public forum, such as mental health or reporting a comprehensive overview of Panel data to date and conducting a question and answer dialogue between the Panel and the public during the public forum. The need for gaining support from members of the Board of Supervisors was discussed, including help with advertising the event. Panel Members agreed to target the Mount Vernon magisterial district for the public forum. *Ms. VanLowe will speak with Chairman Bulova, Supervisor Cook, and Supervisor Storck regarding a Panel public forum in the Mount Vernon District. She will also get input from Supervisor Storck related to potential dates and topics that would engage community members within his district.*

Outreach Updates: Mr. Descano explained that he feels that many people in the community are still unaware of the Panel and the business it conducts. Discussion regarding the public forum and outreach to specific community groups ensued. Ms. Doane announced that she will be meeting with the board of directors of the Autism Society of Northern Virginia this month and asked if another Panel Member would like to attend. The Panel discussed requesting a CIT trained officer to attend the outreach event with Ms. Doane, if the group so desired. *Ms. VanLowe will contact the Panel's FCPD liaisons regarding this opportunity.*

Next Meeting: The Panel's next meeting is scheduled for Thursday, November 1, 2018, at 7:00 p.m. in the Government Center, Conference Room 232.

The meeting was adjourned at 8:52 p.m.