

Police Civilian Review Panel

February 1, 2018

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members present:

Kathleen Davis-Siudut

Hollye Doane

Doug Kay

Randy Sayles

Jean Senseman

Adrian Steel, Panel Chairman

Rhonda VanLowe

Panel Members absent:

Hansel Aguilar

Steve Descano

Others present:

Julia Judkins

Rachelle Ramirez

Major Gervais Reed

Richard Schott

The Panel's business meeting was called to order at 7:01 p.m.

Recess/Closed Session: At 7:01 p.m., Mr. Kay moved that the Panel recess and go into closed session for discussion and consideration of personnel matters enumerated in Virginia Code Section 2.2-3711(a)(1). Those matters involve the Panel seeking consult with legal counsel provided by Fairfax County government. Ms. VanLowe seconded the motion and it carried by a recorded vote of six, with Mr. Aguilar, Ms. Davis-Siudut, and Mr. Descano being absent.

Certification Regarding Items Discussed in Closed Session: The Panel came out of closed session at 7:16 p.m. Mr. Kay moved that the Panel certify that, to the best of each member's knowledge, only public matters lawfully exempted from the open meeting requirement, and only such public business matters as were identified in the motion by which the Closed Session was convened, were heard, discussed or considered by the Panel during the Closed Session. The motion carried by a recorded vote of seven, with Mr. Aguilar and Mr. Descano being absent.

Review Deliberations: The Panel continued its discussion of the FCPD's investigation into the complaint submitted by Laxmi Chegu. Chairman Steel acknowledged that the Panel received comments and concerns regarding the Panel's authority to review the complaint and noted that the Panel will consider the lessons learned from its first review. The Panel is in process of developing procedures and standards to determine jurisdiction and to document its rationale for accepting or rejecting review requests in the future. Mr. Steel then reviewed the history of the complaint submission, Panel decision making process, and correspondence with the complainant.

Review Findings: Panel members took a vote to determine the conclusion of the Panel in the matter of the FCPD's investigation into the complaint submitted by Laxmi Chegu. Ms. Davis-Siudut, Mr. Sayles, Ms. Senseman, Ms. VanLowe, Mr. Kay, and Ms. Doane voted to concur with the findings and determinations

detailed in the FCPD investigation report. Mr. Kay moved to adopt this as the official conclusion of the Panel. Mr. Sayles seconded the motion, and it carried by a recorded vote of six, with Mr. Steel abstaining, and with Mr. Aguilar and Mr. Descano being absent.

Proposed FCPD Policy or Practice Changes: Some individual Panel members previously raised concerns regarding the FCPD process to track and monitor subpoenas served on officers; whether training was needed for officers regarding court appearances; and whether all internal affairs interviews (at IAB and at the station level) should be audio recorded. Panel members took a vote to determine whether the Panel would recommend policy or practice changes to the FCPD as a result of this review. It was noted by multiple Panel members that they would prefer to wait for a larger body of reviews before making recommendations to the FCPD. Ms. Doane moved that the Panel not recommend policy or practice changes at this time. Ms. Senseman seconded the motion, and it carried by a unanimous vote, with Mr. Aguilar and Mr. Descano being absent.

Next Steps in Response to Review: Mr. Steel noted that the Panel has 90 days to write a findings report from the date when the investigative file was made available to the Panel. *Mr. Kay volunteered to draft the report. Mr. Steel and Ms. VanLowe will draft a response to the complainant to inform her of the Panel's findings.*

Meeting Summaries: Mr. Kay moved to approve the meeting summary from the Panel's January 4 meeting. Ms. Senseman seconded the motion, and it carried by unanimous vote, with Mr. Aguilar and Mr. Descano being absent. Panel members provided no comments or corrections to the two Public Forum meeting summaries. *Ms. Ramirez will save the summaries as final versions and post them.*

Panel Jurisdiction and Operating Procedures: Prior to the meeting a draft outline of Panel procedures was circulated to Panel members to review and provide comments. Ms. VanLowe, Ms. Davis-Siudut, and Ms. Ramirez are developing a more detailed document outlining proposed procedures on the complaint intake process and jurisdiction decision-making process. *Ms. VanLowe will share the draft procedure at the Panel's March 1 meeting. Panel members should share any comments with Ms. VanLowe as soon as possible so that she may incorporate their input into the draft. Mr. Steel recommended that Panel members prepare for the discussion by rereading the bylaws and action item in advance of the March meeting.*

Outreach: Ms. Davis-Siudut and Mr. Descano will meet with a church group on February 7. Mr. Steel and Mr. Schott (Independent Auditor) will meet with the County's Criminal Justice Advisory Board on February 7. Mr. Sayles and Mr. Kay will meet with the Fair Oaks Citizen Advisory Committee on March 27. Mr. Schott requested that the IPA be advised of the Panel's outreach plans for documentation purposes. Mr. Steel noted that he would like the Panel to focus on developing and refining its outreach process over the next year to ensure that it is reaching broader portions of the public. Mr. Steel also offered to meet with the different police associations to discuss the role of the Panel, answer their questions, and hear their concerns. Ms. Ramirez informed the Panel that the brochure's translation is complete and requested that the Panel determine the number of printed copies needed for each brochure version: English, Spanish, Korean, and Vietnamese. *Ms. Doane will work with Ms. Ramirez to determine the number of copies needed based on the Panel's distribution strategy.* It was noted that there may be a benefit to having the PSA videos, which were recently completed, translated (or closed captioned) into other languages as well. *IPA staff will inquire about this possibility in a future meeting with Channel 16 staff.*

Complaints Received: Two complaints were received by the IPA since the Panel's last meeting. The first complaint concerned an incident that occurred in 2012, which makes it ineligible for the Panel or the Auditor's review. This complaint was forwarded and will still be investigated by the FCPD. The second complaint received by IPA staff concerns an incident of alleged officer rudeness that occurred in January, 2018. The complainant requested confidentiality on the submitted form. Mr. Steel and Ms. VanLowe are consulting with Panel legal counsel on how to handle complaints with confidentiality requested. Since this is an initial complaint, it was forwarded to FCPD and a letter was sent from the Panel to inform the complainant of the process. The Panel will receive a copy of the FCPD findings letter when the investigation is complete. The Panel will not conduct a review unless the complainant requests one.

Panel Membership: The vote for the next Panel Vice-Chair will occur at the March 1, 2018 meeting. Panel member term lengths were noted. One-year term: Mr. Aguilar, Ms. Doane, and Ms. VanLowe. Two-year term: Mr. Sayles, Ms. Senseman, and Mr. Steel. Three-year term: Ms. Davis-Siudut, Mr. Descano, and Mr. Kay. Ms. Senseman informed the Panel that she will be leaving prior to her term expiring, likely in or before May, 2018.

Social Media/Marketing: Mr. Steel will ask Mr. Descano to address social media and marketing efforts at the Panel's next meeting.

Independent Auditor Reports: Mr. Schott summarized his findings and conclusions with respect to the two incident reports released and the IPA's 2017 Annual report. The Auditor's recommendations included that: (1) additional numbers of "less-lethal" options in the form of Kinetic Energy Impact Systems and PepperBall systems be made available to FCPD patrol officers and SWAT team members; (2) the FCPD incorporate new factors into current policy which may be considered when determining whether a particular use of force used on an individual not engaged in criminal activity was reasonable; and (3) the FCPD revert to the use of the term "non-deadly" force, and to eliminate the term "less-lethal" force in its general orders. Mr. Steel asked whether the Auditor believed that there was effective communications in the command process during the Jan. 16, 2017 incident. Mr. Schott stated that based on his review of the investigation, there were no communication issues during the situation.

Panel's Annual Report: *Ms. VanLowe will draft the Panel's 2017 annual report.* The Panel would like to finish its annual report in advance of the March 31 deadline, so that it can be reviewed and approved during the Panel's March 1 meeting. Supervisor Cook has requested that the Auditor and the Panel present their annual reports to the Public Safety Committee at a meeting in the Spring.

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

The meeting adjourned at 7:55 p.m.