

Police Civilian Review Panel  
February 10, 2020  
Fairfax County Government Center, Conference Room 8  
Meeting Summary

Panel Members Present:

Hansel Aguilar  
Jimmy Bierman  
Bob Cluck  
Hollye Doane, Panel Vice-Chair  
Doug Kay, Panel Chair  
Shirley Norman-Taylor  
Sris Sriskandarajah  
Rhonda VanLowe (Arrived at 7:39 p.m.)

Panel Member Absent:

Frank Gallagher

Others Present:

Gentry Anderson, OIPA  
Julia Judkins, Counsel  
Major Owens, FCPD  
Rachelle Ramirez, OIPA  
Richard Schott, Independent Police Auditor

The Panel's business meeting was called to order at 7:32 p.m.

Meeting Summary Approval: Mr. Kay proposed minor edits to the January 9<sup>th</sup> Meeting Summary. Ms. Doane moved approval of the summary from the Panel's January 9<sup>th</sup> meeting as amended. Ms. Norman-Taylor and Mr. Sriskandarajah jointly seconded the motion and it carried by a vote of seven, with Ms. VanLowe having not yet arrived, and Mr. Gallagher being absent.

Approval of Initial Review Report for CRP-19-29: Mr. Bierman provided a summary of the incident and the allegations stated in the review request. The Subcommittee, consisting of Mr. Bierman and Mr. Kay, found that the allegations of racial profiling and harassment meet the Panel's threshold for serious misconduct and abuse of authority. Ms. Doane reminded the Panel that the complainant submitted an initial complaint to the Panel anonymously but later identified himself at the conclusion of the FCPD's investigation when he requested a review by the Panel. Ms. Doane moved approval of the Initial Review Report for CRP-19-29. Ms. Norman-Taylor and Mr. Sriskandarajah jointly seconded the motion and it carried by a vote of seven, with Ms. VanLowe having not yet arrived, and Mr. Gallagher being absent.

Mr. Kay announced that the Review Meeting will be scheduled for the Panel's March 9<sup>th</sup> meeting and directed Panel Members to review the FCPD investigation related to the Review Request by the March meeting.

Amendment to Intake and Processing of Review Request Procedure: Ms. Doane reminded the Panel of a discussion at the January 9<sup>th</sup> meeting related to developing a procedure to address Review Requests when multiple individuals file initial complaints. She referenced CRP-19-11 (the subject of a Review

Meeting on December 17, 2019) where an individual who accompanied the complainant at the Review Meeting was unable to speak due to provisions in the Panel's Bylaws. This individual had submitted a complaint to the FCPD but did not submit a Review Request to the Panel. The proposed amended procedure would require the Panel to notify complainants in a letter confirming receipt of the Review Request that only the individual who submits a Review Request can be heard during a Review Meeting. The letter would also clarify that if others would like an opportunity to address the Panel, they must submit a Review Request. Panel discussion ensued related to the notification of a complainant's ability to request a review found in the FCPD's disposition letter and the logistics involved in hearing from multiple complainants. Ms. VanLowe suggested that the amendment should be broadened to capture additional issues related to processing Review Requests that involve multiple complainants.

Mr. Bierman moved that the Panel table the amended procedure and review it at the Panel's March business meeting. Ms. Doane seconded the motion and it carried by a vote of eight, with Mr. Gallagher being absent.

2019 Annual Report: The Panel's 2019 Annual Report summarizes the Panel's activities from calendar year 2019 and includes one recommendation. Mr. Kay directed the Panel to review the report paragraph by paragraph and raise edits or concerns. Panel Members provided minor edits to the report.

Panel Members discussed the issue of FCPD extension requests found in Section III of the report and discussed whether it should be included. Mr. Kay pointed out that Appendix B of the draft report includes a chart outlining each initial complaint, the due date of the disposition letter, and how many days past due the disposition letter was received. It was ultimately decided that it would remain in the report so that the Board of Supervisors and the public are aware that the Panel is monitoring the issue.

Panel Members next discussed the recommendation in Section III of the report, which asks the FCPD to further investigate allegations of racial bias by obtaining reasonably available evidence such as reviewing officer social media accounts and/or interviewing witnesses. Ms. Doane indicated her support of the recommendation because it would further the Panel's mission of ensuring investigations are complete, thorough, accurate, objective, and impartial. Panel discussion ensued regarding data collected by the FCPD and CRP-18-27, a complaint the Panel reviewed where a complainant alleged racial bias and the FCPD investigated the complainant's social media posts. Mr. Cluck suggested that the Panel discuss the recommendation with the FCPD before it is officially made in its annual report to see if it is logistically and legally feasible. Ms. Judkins advised the Panel that the FCPD may not possess the authority to investigate their own employees since they are governed by multiple policies and procedures, such as general orders and the Law Enforcement Protection Act.

Discussion ensued related to amending the recommendation language, with the final amended language reading as follows: "Where the evidence gathered during an Investigation into a Complaint of racial bias does not offer a race-neutral explanation for the conduct of the accused officer, the FCPD should continue to investigate seeking some explanation for the officer's conduct by obtaining reasonably available evidence that will corroborate either a race-neutral or race-biased explanation such as examining the officer's social media accounts and/or interviewing witnesses."

Ms. Doane moved that the Panel approve the recommendation as amended. Mr. Sriskandarajah seconded the motion and it carried by a vote of seven, with Mr. Cluck voting "Nay," and Mr. Gallagher being absent.

Mr. Bierman moved approval of the Panel's 2019 Annual Report as amended. Ms. VanLowe seconded the motion and it carried by a vote of eight, with Mr. Gallagher being absent.

*The Panel's 2019 Annual Report will be made available to the Board of Supervisors and the public via the Panel's website once it is finalized. The Panel Chair will present the Annual Report to the Board of Supervisors at an upcoming Public Safety Committee Meeting.*

New Business: Mr. Cluck presented three meeting materials titled "AP Style Book on Race," "National Association of Black Journalists Style Guide," and "Columbia Journalism Review's Black and white: Why Capitalization Matters," to the Panel to be used as resources and guidance for the Panel to determine how it references race in its documents and reports. Ms. VanLowe suggested the Panel adopt a model so that it can be consistent moving forward. *Ms. VanLowe agreed to present a memo with a recommendation to the Panel on how to reference race at the Panel's March meeting.* Ms. Ramirez told the Panel that the OIPA is consulting with the County's Chief Equity Officer to see if there is a Countywide procedure for reporting race in County documents and will report back to the Panel.

Ms. Doane thanked Mr. Kay for his leadership and dedication to the Panel during his tenure as Chair.

Next Meeting: The Panel's next business meeting is Monday, March 9<sup>th</sup>, 2020, at 7:30 p.m. in the Government Center, Conference Room 8.

The meeting adjourned at 9:20 p.m.