

The Fairfax County Police Civilian Review Panel

Public Forum on November 16, 2017

Heritage Human Services Center, Annandale

Meeting Summary

Panel Members present:

Hansel Aguilar

Kathleen Davis-Siudut

Steve Descano

Hollye Doane

Doug Kay

Randy Sayles

Jean Senseman

Adrian Steel, Panel Chairman

Others present:

Sharon Bulova, Chairman, Board of Supervisors

Richard Schott, Independent Police Auditor

Panel Member absent:

Rhonda Van Lowe, Vice Chair

The forum began at 7:05 p.m.

Panel Chairman Adrian Steel and Board of Supervisors Chairman Sharon Bulova welcomed attendees to the Panel's first Public Forum. Chairman Bulova provided some framing remarks on the Ad Hoc Police Practices Review Commission and the subsequent establishment of the Fairfax County Police Civilian Review Panel and the Office of the Independent Police Auditor.

Panel Chairman Steel reviewed the agenda.

Each Panel Member present introduced him or herself, and shared information on related expertise and experiences and what brought them to the panel. Richard Schott, the Independent Police Auditor, also introduced himself and provided background on his career.

Panel Chairman Steel provided an overview of the Civilian Review Panel including: how they were formed, how panel members were selected, terms of service, the panel's purpose, and work conducted to date. The Panel has reviewed best practices in police oversight and developed Bylaws and a Code of Ethics (available at <https://www.fairfaxcounty.gov/policecivilianreviewpanel/>). The Panel's purpose is to provide an independent process for commencing an initial complaint against the Fairfax County Police Department (FCPD). The panel will review completed investigations of public complaints of abuse of authority or serious misconduct by a FCPD officer when requested. Definitions of "abuse of authority" and "serious misconduct" were provided.

Next, Independent Police Auditor Richard Schott provided an overview of the purpose and scope of the Office of the Independent Police Auditor. The Auditor is responsible for monitoring and reviewing Internal Affairs investigations of: police officer involved shootings; in-custody deaths; and use of force

cases that result in death or serious injury. The Auditor also reviews any other use of force cases in which a public complaint is received.

Panel members Kathleen Davis-Siudut and Doug Kay reviewed the complaint filing process. Written complaints or requests for review can be submitted to the Panel via the Auditor's office in person, by mail, or online (email). Complaints are shared with the FCPD, which conducts the investigation and sends findings to the complainant and the Panel/Auditor. The Panel will conduct public meetings to review investigations, during which it may hear from the complainant and an FCPD representative. Some limitations were noted, including that neither the Auditor nor the Panel has investigative authority but may only review completed investigations by the FCPD. They do not have jurisdiction over the Sheriff's Office or federal law enforcement (i.e., ICE). Also, they cannot review complaints related to incidents that occurred before December 6, 2016 and, absent a finding of good cause, must abide by established time limits for the submission of an initial complaint or a request for review.

The meeting was then opened up for audience questions about the Panel and Auditor processes and comments on related issues. A summary of questions and responses is provided below.

The forum adjourned at 8:50 p.m.

Questions and Answers

1. To the majority of residents, the Fairfax County Police Department (FCPD) and the Sheriff's Department are considered law enforcement officials. Does the Panel or the Auditor have authority to take complaints about the Sheriff's Department?

No. The Sheriff's Department does not fall under the authority of the Board of Supervisors due to the fact that the Sheriff is an elected Constitutional Officer. The Sheriff's Department has its own internal process for investigating complaints. Complaints against the Sheriff's Department do not fall within the scope of the Civilian Review Panel or the Independent Police Auditor, which only have authority to respond to complaints against the FCPD.

2. How much business/how many complaints do you expect to receive?

At this time, we cannot estimate the volume of complaints that the Panel and Auditor will receive. The purpose of the public forums is to inform county residents about the work of the Panel and the Auditor and provide information on how to submit a complaint or request for review. Regardless of the number of complaints received, it is our intention to provide another layer of transparency of FCPD practices, as well as an intake venue in which no citizen is afraid to come forward and submit a complaint.

3. Where will your meetings be held?

The Panel will generally meet the first Thursday of each month. They will meet more often as needed based on the volume of investigations under review. Meeting locations are expected to vary to encourage citizen participation throughout the county. Panel meeting dates and locations will be announced on the County's Public Meetings Calendar

(<https://www.fairfaxcounty.gov/calendar/ShowCalendar.aspx>). The next meeting of the Panel is December 7th at 7:00 p.m. in the Government Center.

4. If the Auditor reviews an investigation and disagrees with the FCPD's decision in regards to disciplining an officer, does he have the authority to change the discipline imposed or charge an officer with a crime?

No. The Police Chief has the authority to impose or change disciplinary decisions and only the Commonwealth's Attorney has authority to bring criminal charges. The Auditor has authority to monitor investigations as they are ongoing. In this role, he meets regularly with the FCPD to provide input and recommendations regarding the thoroughness, accuracy, and impartiality of the investigation. The Auditor may request further investigation if he determines that the internal investigation was deficient or that the conclusions were not supported by the evidence. If the Auditor and the Chief of Police cannot resolve a disagreement, the issue will be reported to the Board of Supervisors.

5. Is there anything this panel can do to respond to complaints about the Sheriff's Department or ICE? Is there a legal impediment if the Sheriff wants this Panel to review? Why not invite the Sheriff's Department and ICE to attend these forums?

We are not aware of a legal impediment, however, as the Sheriff's Department is not under the authority of the Board of Supervisors, it is up to the Sheriff to determine that Department's process for oversight and internal review of complaints. The Panel has the authority to issue a public annual report in which it can identify the concerns expressed by residents. This may be an opportunity for those concerns to be shared with the Sheriff's Department.

6. A speaker noted that many individuals who would want to submit a complaint would likely be minorities. Given the racial and ethnic makeup of the Panel, how can the community be assured that the Panel will be sensitive to the concerns of minority populations in the county and help them to navigate the complaint process (which may be seen as complex and lengthy)?

The individuals on the Panel were chosen based on a variety of factors including expertise and experience relevant to the Panel's responsibilities, previous civic involvement, and diversity of membership. Panel members are currently conducting outreach to various community groups representing different racial and ethnic minorities to hear their concerns and explain the complaint and review process. In addition, they encourage community members to invite the Panel to meet with their groups individually to discuss their specific concerns about the FCPD or ask questions about the complaint and review process.