

Police Civilian Review Panel

January 3, 2019

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Hansel Aguilar

Bob Cluck

Hollye Doane

Colonel Gregory Gadson

Doug Kay, Panel Vice-Chair

Anna Northcutt

Adrian Steel

Rhonda VanLowe, Panel Chair

Others Present:

Gentry Anderson, OIPA

Julia Judkins, Counsel

Lindsey Murphy, D.C. Office of Police Complaints

Rachelle Ramirez, OIPA

Major Gervais Reed, FCPD

Richard Schott, Independent Police Auditor

The Panel's business meeting was called to order at 6:31 p.m.

Language Access Presentation: Mr. Aguilar and his colleague, Ms. Lindsey Murphy of the D.C. Office of Police Complaints, presented to the Panel on language access and its importance in communities with diverse populations. A scene from the Spanish telenovela "Al Otro Lado Del Muro" was played for the Panel. Ms. Murphy presented a PowerPoint presentation which focused on policies and procedures of the D.C. Metropolitan Police Department related to language access and how officers should interact with persons of limited English proficiency. Ms. VanLowe thanked Mr. Aguilar and Ms. Murphy for the presentation. Mr. Steel commented on the use of mediation and that the Panel should consider bringing it to the attention of the Board of Supervisors. Ms. VanLowe reminded Panel Members that they each are members of the National Association for Civilian Oversight of Law Enforcement (NACOLE) and she urged Panel Members to review the NACOLE website and think about attending the annual conference.

Meeting Summary Approval: Mr. Kay moved approval of the Meeting Summary from the Panel's December 6<sup>th</sup> meeting. Mr. Steel and Ms. Northcutt jointly seconded the motion and it carried by unanimous vote.

Initial Review Report for CRP-18-26 Approval: Mr. Kay moved to adopt the Initial Review Report for the Robinson matter. Ms. Doane seconded the motion and it carried by unanimous vote.

Public Forum Summary Approval: Mr. Steel proposed edits to the Public Forum Summary. The first suggestion was to include that the Panel can process anonymous complaints. Ms. VanLowe referenced the bylaws, which require that complaints include identification information to be processed. Mr. Steel

referenced number eighteen under “Questions and Answers” and asked that the word “unable” be replaced with “able”. This was accepted. Mr. Steel referenced the second bullet point under “Comments from the Audience” and asked that the commenter’s inquiry regarding the delay in publishing Panel reports to the website be captured. This was also accepted. Mr. Steel moved approval of the Public Forum Summary from the Panel’s December 10<sup>th</sup> Public Forum as amended. Mr. Aguilar seconded the motion and it carried by a vote of seven, Mr. Kay abstaining.

Election of Panel Vice-Chair: Ms. VanLowe announced that Ms. Doane agreed to self-nominate for the role of Vice-Chair and that Mr. Kay will be taking over the role of Panel Chair for the term beginning in March. There were no additional nominations from the floor. Ms. VanLowe gave Mr. Kay and Ms. Doane the opportunity to address the Panel. Mr. Steel moved that Mr. Kay take over the role as Panel Chair and Ms. Doane become Vice-Chair for the upcoming term. Col. Gadson and Mr. Cluck jointly seconded the motion and it carried by unanimous vote.

January 3<sup>rd</sup> Subcommittee Update: Ms. VanLowe announced that a Subcommittee of the Panel met prior to the regular business meeting and found that the Panel has authority to undertake a review of the complaint submitted by Ms. Utey. The complaint is the first instance of joint jurisdiction between the Panel and the Auditor. Discussion ensued regarding coordination of efforts and timing with the Auditor. Mr. Kay told the Panel that it took himself and Col. Gadson roughly one and a half to two hours to review the completed Fairfax County Police Department (FCPD) Investigation File and that Panel Members should plan accordingly. Mr. Aguilar suggested that Panel Members begin to log hours spent on Panel business. He explained that the number of hours could be published in the Annual Report and could provide an insight on workload to incoming Panel Members. *Ms. Doane asked Ms. Anderson to prepare a log to maintain the number of hours Panel Members spend reviewing investigations.*

Review Report for CRP-18-12 Approval: Mr. Kay reviewed the timeline of the review process and reminded the Panel that the Review Report must be approved. Mr. Steel expressed concern with the lack of information contained in the Review Report. Ms. Doane moved approval of the Review Report for the Allen matter. Mr. Kay seconded the motion and it carried by a vote of seven, Mr. Steel concurring. Ms. Doane shared the same concern as Mr. Steel and discussion ensued regarding the amount of information that is shared in Panel Review Reports.

Overview of the Review Process: Ms. VanLowe confirmed that Mr. Robinson, the complainant, was not present for the Review Meeting. She gave a summary of Mr. Robinson’s complaint.

FCPD Representative Statement: Major Reed, representing the FCPD, provided a summary of the incident that was subject of the complaint submitted by Mr. Robinson and how the FCPD Internal Affairs Bureau (IAB) conducted its investigation.

FCPD Representative Questioning: Next, each Panel member was given the opportunity to ask Major Reed questions regarding the Investigation into the complaint under review.

Col. Gadson: Can you share the citation statistics by race for the officer that the complaint was against? Major Reed provided the citation statistics by race for the officer and for the district station.

Mr. Aguilar: Are the statistics reviewed by crime analysts? Major Reed replied in the affirmative.

Mr. Aguilar commented that reviewing demographics of the overall county population would be helpful to use as a comparison. Col. Gadson raised the point that drivers in Fairfax County are not necessarily county residents. Further discussion ensued regarding the statistics presented.

Mr. Kay: When the FCPD investigates racial profiling allegations, is it common for statistics to be reviewed? Major Reed replied in the affirmative.

Mr. Steel suggested that Panel Members be able to view videotaped officer interviews, if it exists, in addition to the audio recording of the interviews when reviewing the FCPD Investigation file.

Ms. VanLowe: In his Request for Review, Mr. Robinson alleged bias by the IAB investigator during the investigation process. Was this allegation considered? Major Reed replied that there was not sufficient information provided by the complainant to investigate this claim.

Col. Gadson noted that there seemed to be inconsistencies in the complaint that were not corroborated by the body worn camera footage. Ms. Doane also commented on the body worn camera footage and emphasized that it was a very helpful tool when she reviewed the file.

Mr. Aguilar: Do investigators receive training on statistical analysis? Major Reed replied in the negative. Discussion ensued regarding whether the statistics provided by Major Reed are helpful in identifying discrimination in citation practices.

Ms. VanLowe thanked Major Reed for his participation.

Review Deliberations: Ms. VanLowe directed Panel Members to the three types of findings from which Panel Members can choose to vote when reviewing a FCPD Investigation, which are found in the Panel's Bylaws. She asked each Panel Member to discuss their thoughts on whether the FCPD Investigation was accurate, complete, thorough, objective, and impartial. Discussion ensued regarding the inclusion of comments on the body worn camera footage in the Panel's Review Report.

Review Findings: After Panel Members discussed the FCPD Investigation, a vote was called to determine the conclusion of the Panel's findings in their review of the FCPD's Investigation into the complaint submitted by Mr. Robinson. Mr. Kay moved that the Panel concur with the findings and determinations of the FCPD as detailed in their Investigation Report. Ms. Doane seconded the motion and it carried by unanimous vote. *Mr. Aguilar and Ms. Northcutt are to write a first draft of the Review Report to embody the conclusion of the Panel and its recommendations. Panel Members are to submit comments to Mr. Aguilar and Ms. Northcutt for inclusion in the draft report.* Panel discussion ensued regarding the inclusion of additional factual details in the Panel's Review Report.

Public Forum Comments and the 2018 Annual Report: Ms. VanLowe, as Panel Chair, announced that she is tasked with drafting the Panel's 2018 Annual Report and asked Panel Members for information to be included in the draft report. Col. Gadson noted the public's expectation that the Panel identify trends and noted his belief that the Panel lacks the volume of complaints needed to make policy recommendations. Mr. Steel asked that all recommendations made by the Panel be compiled in the report and a request be made that the FCPD respond to the recommendations. Mr. Steel also noted that the Board of Supervisors should be aware that an audience member at the Public Forum commented that the Panel's review of investigations should be automatic if the Panel received the Initial Complaint. Ms. Doane suggested that a summary of the Panel's outreach efforts be included in

the report. Mr. Kay asked for the number of times the Panel's website has been accessed. *Staff is to report back to the Panel with the number of visits the Panel's website has received. Ms. VanLowe asked for Panel Members to send her additional comments and suggestions for inclusion in the draft Annual Report.*

New Business: Ms. VanLowe announced that the Panel's website will be restructured to provide more information related to Panel processes. She also mentioned that staff is looking into the possibility of an online comment box and a complaint form that can be submitted directly from the website. *New proposed website language will be circulated among the Panel Members for their review.*

Next Meeting: The Panel's next business meeting is Thursday, February 7<sup>th</sup>, 2018, at 7:00 p.m. in the Government Center, Conference Room 232.

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

After the adjournment of the meeting, a member of the audience announced that he wished to address the Panel and ask questions. The request was declined because the Panel's agenda did not include time for public comment.

Mr. Steel made a motion to re-open the meeting and allow the audience member to address the Panel for five minutes. Mr. Aguilar seconded the motion. The motion failed with a recorded vote of two, Mr. Aguilar and Mr. Steel voting "Aye," Ms. Doane, Col. Gadson, Mr. Kay, Ms. Northcutt, and Ms. VanLowe voting "Nay," and Mr. Cluck abstaining.

The meeting was adjourned at 9:00 p.m.