

Police Civilian Review Panel

October 7, 2019

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Hansel Aguilar  
Jimmy Bierman  
Bob Cluck  
Doug Kay, Panel Chair  
Sris Sriskandarajah  
Shirley Norman-Taylor  
Rhonda VanLowe

Panel Members Absent:

Hollye Doane, Panel Vice-Chair

Others Present:

Gentry Anderson, OIPA  
Gerarda Culipher, Chief Deputy Clerk of the Fairfax County Circuit Court  
Julia Judkins, Counsel  
Major Owens, FCPD  
Rachelle Ramirez, OIPA  
Richard Schott, Independent Police Auditor

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

Welcoming of New Panel Member: Mr. Kay welcomed, on behalf of all Panel Members, Mr. Sriskandarajah, who was recently appointed by the Board of Supervisors to fill a vacant seat, to his first meeting. Mr. Kay thanked Mr. Sriskandarajah for his willingness to serve on the Panel.

Administration of the Oath: Ms. Gerarda Culipher, Chief Deputy Clerk of the Fairfax County Circuit Court, administered the Oath of Office to Mr. Sriskandarajah.

Meeting Summary Approval: Ms. VanLowe moved approval of the Meeting Summary from the Panel's September 16<sup>th</sup> meeting. Mr. Bierman seconded the motion and it carried by a vote of seven, with Ms. Doane being absent.

Initial Review Report for CRP-19-18: Ms. VanLowe provided the Panel with a summary of the allegation made within the complaint. The complainant received a ticket for an expired inspection sticker and was concerned that the officer could not void the ticket after the complainant provided evidence that the violation was corrected. The officer explained that police officers do not have the authority to void tickets, but told the complainant to appear in court with evidence of the corrected violation. The charge was dismissed, and the issue was resolved. Ms. VanLowe reported that the Subcommittee determined that there was not an allegation of serious misconduct or abuse of authority in this incident. Mr. Cluck moved that the Panel approve the Subcommittee's recommendation to not undertake a review of

Complaint CRP-19-18 because the allegation does not rise to the Panel's standard of abuse of authority or serious misconduct. Mr. Bierman seconded the motion and it carried by a vote of seven, with Ms. Doane being absent.

Initial Review Report for CRP-19-19: Ms. VanLowe told the Panel that there is currently pending litigation associated with the allegations made within this Review Request and that the Subcommittee recommendation is that the Panel defer any action on the Review Request until the pending litigation is concluded. Ms. VanLowe noted that the complainant and her family appeared at the subcommittee meeting. Mr. Kay referenced the upcoming amendment to the Review Request Procedure to address how to efficiently process Review Requests with pending litigation. Ms. VanLowe pointed out that the Panel's Bylaws obligate the Panel to monitor the pending litigation from an administrative standpoint and asked how the Panel would like to track pending litigation. The Panel discussed checking in with the complainant every 60 days to ask for a status update on the pending litigation. Mr. Bierman moved that the Panel approve the Subcommittee's recommendation to defer complaint CRP-19-19 since it is subject to pending litigation. Ms. Norman-Taylor seconded the motion and it carried by a vote of seven, with Ms. Doane being absent. *Mr. Kay will discuss with Ms. Anderson how to track Review Requests with pending litigation.*

Updated Panel Action Item and Amendments to Panel Bylaws: Mr. Kay told the Panel that the Board of Supervisors approved amendments to the Panel's authorizing Action Item at their meeting on September 24, 2019. The revisions prohibit the Panel from reviewing employee grievances and provides clear authority on what information the Panel can include in Review Reports. Ms. Judkins prepared a revised version of the Panel's Bylaws to address the updated Action Item. Ms. Norman-Taylor moved to approve the Bylaws as amended. Mr. Cluck seconded the motion and it carried by a vote of seven, with Ms. Doane being absent.

Amendments to Panel Procedure on Review Requests: Mr. Kay explained that there are two amendments to the procedure. The first amendment allows for the Chair of the Panel to analyze Review Requests with pending litigation to ensure that the pending litigation is associated with the allegations made within the complaint and to make a recommendation to the full Panel, rather than forming a Subcommittee. The second amendment to the procedure reflects the amendments to the Action Item and Bylaws. Mr. Bierman asked if the word "resolve" could be replaced with "address" and the Panel agreed to the amendment. Ms. VanLowe moved approval of the updated Panel procedure on Review Requests as amended. Mr. Bierman seconded the motion and it carried by a vote of seven, with Ms. Doane being absent.

October 11<sup>th</sup> Quarterly Meeting: Mr. Kay announced that the next quarterly meeting is scheduled for Friday, October 11<sup>th</sup>. The items he intends to discuss include Panel recommendations and the FCPD's response, FCPD disposition letters, and public comment. Mr. Kay announced that he is working with staff to publish Panel recommendations with the FCPD's response on the Panel's website in order to report to the public on the Panel's progress.

FCPD Training on November 16<sup>th</sup>: Mr. Kay reminded Panel Members that the FCPD is providing the Panel and staff training on Saturday, November 16<sup>th</sup> in Conference Room 232 from 8:00 a.m. to 12:00 p.m. Major Owens provided a draft training agenda which addresses topics the Panel has expressed interest in, and Mr. Kay asked for Panel Members to let him know if they have any concerns with the agenda.

New Business:

- National Association for Civilian Oversight of Law Enforcement (NACOLE) Regional Training: Ms. Anderson reminded the Panel about the NACOLE regional training event in Washington D.C. on Friday, November 15<sup>th</sup>. The training will cover community-police relationships and communication, civilian oversight and discipline, and an in-depth look at the review-focused oversight model. Mr. Aguilar asked Ms. Judkins how participation in this training would be impacted by the FOIA. Ms. Judkins said Panel Members would be in compliance with FOIA if Panel business is not discussed.
  
- NACOLE Annual Conference Debrief: Ms. Anderson told the Panel that she, Mr. Schott, Ms. Ramirez, and Ms. Doane attended NACOLE's 25<sup>th</sup> annual conference in Detroit, Michigan. She noted that the Independent Police Monitor in Austin, Texas created a community leadership group made up of leaders of civic associations and religious groups that meets regularly to conduct outreach, build relationships, and have a dialogue about police and community relations. Mr. Schott added that an alternate form of community outreach targeted at FCPD officers is to take a ride along and inform the officer about the work of the Panel and Independent Police Auditor. He noted that it was the conference's 25<sup>th</sup> anniversary and the Detroit Board of Police Commissioners is one of the oldest and continually operating civilian oversight boards in the country. Ms. Ramirez added that the Panel and Auditor's commemorative page was included in the NACOLE commemorative brochure. At the conference, she found that there was an emphasis on collecting and analyzing data related to racial disparity and how some data driven policies can result in disparate treatment across different groups, particularly those in targeted enforcement areas. She informed the Panel that NACOLE is partnering with the COPS office within the Department of Justice to create an interactive database of all oversight agencies across the country.
  
- 2020 Panel Meeting Dates: Ms. Anderson provided the proposed meeting dates for 2020. The meeting dates are:
  - January 9, 2020
  - February 6, 2020
  - March 5, 2020
  - April 2, 2020
  - May 7, 2020
  - June 11, 2020
  - July 9, 2020
  - August 6, 2020
  - September 3, 2020
  - October 1, 2020
  - November 5, 2020
  - December 3, 2020

Next Meeting: The Panel's next business meeting is Tuesday, November 19<sup>th</sup>, 2019, at 7:00 p.m. in the Government Center, Conference Room 232.

The meeting was adjourned at 7:57 p.m.