

Police Civilian Review Panel

October 14, 2020

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-20-19 and CRP-20-27

Members Present:

Doug Kay, Review Liaison

Shirley Norman-Taylor, Review Liaison

Sris Sriskandarajah, Subcommittee Chair

Others Present:

Gentry Anderson, OIPA

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

NOTE: The Panel’s subcommittee meeting was conducted electronically due to the COVID-19 Pandemic. The electronic meeting was hosted on WebEx and allowed for members of the public to virtually attend via WebEx or conference call.

The Initial Disposition Subcommittee was called to order at 5:30 p.m.

Motions to Conduct Electronic Meeting: Mr. Sriskandarajah took roll call to verify a quorum of the Panel’s subcommittee was present and to ensure each subcommittee member’s voice could be heard clearly. He asked each subcommittee member to state their name and the location from which they were participating.

Mr. Kay was present and participated from Fairfax, Virginia.

Ms. Norman-Taylor was present and participated from Lorton, Virginia.

Mr. Sriskandarajah was present and participated from Fairfax, Virginia.

Mr. Sriskandarajah moved that each member’s voice may be adequately heard by each other member of this Panel. The motion was seconded by Ms. Norman-Taylor and it carried by unanimous vote.

Mr. Sriskandarajah moved that the State of Emergency caused by the COVID-19 pandemic makes it unsafe for the subcommittee to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, FOIA’s usual procedures, which require the physical assembly of this Panel and the physical presence of the public, cannot be implemented safely or practically. He further moved that the subcommittee may conduct this meeting electronically through a dedicated WebEx platform and audio-conferencing line, and that the public may access this meeting by using the WebEx attendee access link or by calling 1-844-621-3956 and entering access code 173 613 9326 as noted in the Public Meeting Notice.

Mr. Kay seconded the motion and it carried by unanimous vote.

Mr. Sriskandarajah moved that that all matters addressed on the agenda are necessary to continue operations and the discharge of the Panel's lawful purposes, duties, and responsibilities. Mr. Kay seconded the motion and it carried by unanimous vote.

Subcommittee Discussion:

Prior to conducting the initial review of the complaints, Mr. Sriskandarajah disclosed that he had only reviewed the FCPD investigation file for one of the complaints. The subcommittee discussed which allegations were associated with the complaints. Ms. Anderson confirmed that complaint CRP-20-19 included allegations that the complainant was criminally assaulted and mistreated during arrest and interrogation. She confirmed that complaint CRP-20-27 included allegations that the complainant was not provided with sufficient discovery in court, that his vehicle was improperly impounded for seizure, that the officer was unprofessional, and that excessive use of force was used when taken into custody.

Completion of Initial Review Report for CRP-20-19:

Mr. Kay expressed his view that the Panel had clear authority to undertake a review of this complaint due to allegations of threats and improper police behavior. The subcommittee members agreed. Ms. Norman-Taylor reminded the subcommittee of a provision in the Panel's Bylaws related to complaints where the Panel and Independent Police Auditor have joint jurisdiction. Mr. Kay replied that the jurisdiction question would be worked out with the Independent Police Auditor at a later time and that the Independent Police Auditor exclusively reviews use of force. He added that traditionally, the Panel and Independent Police Auditor conduct simultaneous reviews of the allegations that each entity is authorized to review. Mr. Sriskandarajah asked that the subcommittee review the abuse of authority and serious misconduct checklist on the Initial Review Report.

The subcommittee found that the complainant's allegations meet the following conditions:

- Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense.
- Reckless endangerment of detainee or person in custody.
- Violation of laws or ordinances.
- Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Cannon of Ethics, that occur both on or off duty.

The subcommittee acknowledged that the Independent Police Auditor will review the allegation of excessive use of force.

Mr. Sriskandarajah explained that he does not want members of the public to see the subcommittee taking the initial review lightheartedly. He acknowledged that all three members of the subcommittee are attorneys and that they found a range of obvious violations present that took place during the incident. Mr. Kay acknowledged that the purpose of the subcommittee is to take a first look at the complaint and review the FCPD investigation file to

make a recommendation related to the Panel's authority to undertake a review of the complaint. He added that the subcommittee is to look for allegations of abuse of authority and serious misconduct just as the allegations are written.

Mr. Sriskandarajah moved that the subcommittee recommend that the Panel undertake a review of CRP-20-19 because the complaint meets the scope of review criteria as discussed by the subcommittee. Ms. Norman-Taylor seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-20-27:

Mr. Sriskandarajah acknowledged that he did not review the FCPD investigation file related to this complaint. The subcommittee discussed how to proceed. Mr. Kay asked if the Panel's Bylaws include guidance on quorum requirements for a subcommittee. Ms. Anderson cited Article VI.2.a of the Panel's Bylaws and noted that past subcommittee meetings were held when the third member of the subcommittee was absent. The subcommittee proceeded with the initial review of CRP-20-27. Ms. Norman-Taylor and Mr. Kay reviewed the abuse of authority and serious misconduct checklist on the Initial Review Report.

The subcommittee found that the complainant's allegations meet the following conditions:

- Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense.
- Reckless endangerment of detainee or person in custody.
- Violation of laws or ordinances.
- Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.

The subcommittee acknowledged that the Independent Police Auditor will review the allegation of excessive use of force.

Mr. Kay moved that the subcommittee recommend that the Panel undertake a review of CRP-20-27 because the complaint meets the scope of review criteria as discussed by the subcommittee. Ms. Norman-Taylor seconded the motion and it carried by a vote of two with Mr. Sriskandarajah abstaining.

Mr. Sriskandarajah moved to adjourn the meeting. Mr. Kay seconded the motion and it carried by unanimous vote.

Ms. Anderson confirmed that the Independent Police Auditor will review the use of force components of the complaints. She also informed the subcommittee that she would draft the subcommittee meeting summary and initial review report and provide it to the subcommittee members for their review. The materials will be presented to the full Panel at the meeting scheduled for October 22.

The meeting adjourned at 5:54 p.m.