

Police Civilian Review Panel

April 29, 2021

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-21-02

Members Present:

Jimmy Bierman, Subcommittee Chair

Todd Cranford, Review Liaison

Shirley Norman-Taylor, Review Liaison

Others Present:

Rachelle Ramirez, OIPA

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 6:37 p.m.

Motions to Conduct Electronic Meeting: Mr. Bierman 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. Bierman was present and participated from Mclean, Virginia.

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

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

Mr. Bierman 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. Bierman 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 129 390 7374 as noted in the Public Meeting Notice. Mr. Cranford seconded the motion and it carried by unanimous vote.

Mr. Bierman 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. Ms. Norman-Taylor seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-21-02:

Mr. Bierman described the incident subject of the complaint. He stated that it appeared to be a swatting incident. An individual called 911 and told the dispatcher that someone had been shot in the shoulder and someone inside the house was still wielding a gun. FCPD officers dispatched to the address and engaged in a tactical assessment on how to approach the house given that someone was believed to be inside the house with a gun. The officers knocked hard on window and yelled that they were FCPD, according to the body-worn camera footage. Since it was 2:00 am, the resident prepared to defend himself not knowing it was the police outside and eventually came outside with his hands up, without his shirt. He later complained that the FCPD officers did not go inside and do a sweep of the house. The police said that it became clear they were at the wrong address.

Mr. Bierman reviewed the Panel's authority and the Panel's checklist that outlines the criteria for abuse of authority and serious misconduct. He said the subcommittee looks at the allegations contained in the complaint. The subcommittee also, having reviewed the FCPD investigation file, considers whether there is a scintilla of evidence that the investigation was not complete, thorough, accurate, objective, or impartial. Ms. Norman-Taylor asked clarifying questions and discussion ensued regarding the goal of the subcommittee.

The subcommittee reviewed each of the criteria in the Initial Review Report checklist. Panel members discussed specifically whether the word "careless" in the third criteria might apply. Ms. Norman-Taylor noted that the complainant said that the officers did not do a good enough job of keeping him safe. Mr. Bierman stated that the Panel may consider the criteria about "reckless endangerment". Further discussion ensued and the subcommittee members agreed that the evidence in the record simply did not support the criteria for abuse of authority or serious misconduct.

Mr. Bierman noted that this is the second swatting case before the Panel and it seems the FCPD does not have a plan to deal with these incidents. He said the caller did not face any consequences for placing the call. Mr. Cranford stated that the officers cannot be faulted for responding to an incident in an appropriate manner, despite the complainant being shaken. He also said that the FCPD may be limited in what they can do after a swatting incident based on current statutes. Ms. Norman-Taylor stated that the Panel should consider making a recommendation in regard to swatting incidents. Mr. Bierman stated that he would like to raise the issue with the Panel so that it can consider making a comment or recommendation, even though the Panel is not doing a full review in this case.

Mr. Cranford moved that the subcommittee recommend to the full Panel that it not review the Complaint filed by the complainant because it does not meet the criteria of abuse of authority

or serious misconduct. Ms. Norman-Taylor seconded the motion and it carried by unanimous vote.

Mr. Cranford moved to adjourn the meeting. Ms. Norman-Taylor seconded the motion and it carried by unanimous vote.

The meeting adjourned at 7:12 p.m.