

Police Civilian Review Panel

August 4, 2022

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-22-08

Members Present:

Todd Cranford, Subcommittee Chair

Bryon Garner, Review Liaison

Celeste Peterson, Review Liaison

Others Present:

Rachelle Ramirez, OIPA

Steven Richardson, Executive Director,
OPCRP

Dre-Ana Whitfield, OPCR

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 7:05 p.m.

Motions to Conduct Electronic Meeting: Mr. Cranford 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. Garner was present and participated from Massachusetts.

Ms. Peterson was present and participated from Centreville, Virginia.

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

Mr. Cranford moved that each member’s voice may be adequately heard by each other member of this Panel. The motion was seconded by Mr. Garner and it carried by unanimous vote.

Mr. Cranford 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 2336 551 8867 as noted in the Public Meeting Notice. Ms. Peterson seconded the motion and it carried by unanimous vote.

Mr. Cranford moved 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. Peterson seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-22-08:

Mr. Cranford provided a summary of the complaint. The complainant rented a unit from a storage facility in Herndon, Virginia. On August 20, 2021, a fire broke out in the complainant's storage unit. The Fairfax County Fire and Rescue Department (FCFRD) and the Fairfax County Police Department (FCPD) were called to the scene to assist with extinguishing the fire. The storage facility contacted the complainant and other renters of the fire and informed them that they could examine their units the next day. On August 21, 2021, a fire reignited in the complainant's unit, and the FCFRD and FCPD were called again to extinguish the fire. Due to the second fire, the FCFRD believed that it was too dangerous to leave the items in the unit. The FCFRD recommended that everything be removed from the unit immediately and discarded. The storage facility agreed and removed all items and discarded them. The complainant did not have the opportunity to examine her unit. When the complainant arrived later that day, the complainant found that all her belongings in the unit had been removed. The complainant claimed that there was a jewelry box containing several valuable pieces that was missing. A complaint was filed at the Fair Oaks Police Station on February 28, 2022, after seeing what the complainant believed to be several of her missing pieces of jewelry being sold on eBay. The complainant alleged that the FCPD, FCFRD, and the storage facility colluded to steal her jewelry. The Internal Affairs Division of Fairfax County Police Department investigated the matter and interviewed the complainant, the FCPD officers who responded to both fires, the FCFRD personnel that were on the scene of both fires, and the storage facility personnel. The investigation concluded that no FCPD officer was near the storage unit at any time and that their role was limited to traffic control. The Internal Affairs Division found no evidence to support any claim of misconduct or inappropriate behavior by any FCPD officer.

Mr. Cranford stated that from reviewing the file there was no provable misconduct from the investigation. He expressed that the investigation was complete, impartial, and fair. Mr. Cranford voiced that he does not think the complaint should be considered by the full Panel. Subcommittee members expressed that there was no scintilla of evidence to support these allegations, and therefore, the criteria for full Panel review were not met.

Ms. Peterson explained to the public that the Panel can only make judgments on how the FCPD conducted themselves.

Mr. Cranford moved that CRP-22-08 not be presented to the full Panel. Ms. Peterson seconded the motion and it carried by unanimous vote.

Mr. Cranford moved to adjourn the meeting. Mr. Garner seconded the motion and it carried by unanimous vote.

The meeting adjourned at 7:19 p.m.

Fairfax County Police Civilian Review Panel Subcommittee Initial Review Report

Request for Review – Basic Information

CRP Complaint Number: CRP-22-08

Subcommittee Meeting Date: August 4, 2022

Subcommittee Members:

- Todd Cranford, Subcommittee Chair (Panel Vice-Chair)
- Bryon Garner, Subcommittee Member
- Celeste Peterson, Subcommittee Member

Complaint Submission Date: Review Request received on 5/2/2022. Other Key Dates: Incident Date: 8/20/2021; Initial Complaint to Panel (CRP-22-05): 2/28/2022; FCPD Disposition letter: 4/28/2022

This report is subject to Federal and Virginia Freedom of Information Acts. Panel members will maintain to the greatest extent possible under the law and in accordance with the Bylaws all sensitive and confidential information not intended for a public release.

Purpose

The Subcommittee Initial Review Report sets forth the Subcommittee's recommendation on whether the Complainant's allegation(s) meet the standard for review provided in the Panel's Bylaws. The Panel may accept or not accept the Subcommittee's recommendation on whether to review a complaint.

Findings

The Panel's review authority states in Article VI (A)(1) of its Bylaws: "The Panel shall review Investigations to ensure their thoroughness, completeness, accuracy, objectivity and impartiality where (1) the subject matter of an Investigation is an allegation of 'abuse of authority' or 'serious misconduct' by a FCPD officer, and (2) a Review Request is filed."

The subject matter of this investigation concerns allegations that an FCPD officer refused to provide the complainant with a report related to an alleged larceny during a fire in the complainant's storage unit.

The Subcommittee finds that the subject matter of the investigation, as stated in the allegations, **does not meet** the threshold requirement for "abuse of authority" and "serious misconduct."

Recommendation

The Subcommittee recommends that the Panel **not undertake** a review of CRP-22-08 because the complaint **does not meet** the scope of review criteria set forth in its Bylaws.

Panel Bylaws Abuse of Authority and Serious Misconduct Checklist

Criteria Met?	Abuse of Authority and/or Serious Misconduct	Complainant Details*
No	Use of abusive racial, ethnic or sexual language or gestures.	
No	Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability.	
No	Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense.	
No	Reckless endangerment of detainee or person in custody.	
No	Violation of laws or ordinances.	
No	Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Cannon of Ethics, that occur both on or off duty.	

***Confidential and sensitive information shall not be disclosed in this document. Contact the Chair or Panel Legal Counsel for questions and/or additional information.**