

Police Civilian Review Panel

November 28, 2022

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Todd Cranford, Vice Chair

Bryon Garner

Janell Wolfe

Others Present:

Angel Rodrigo Garcia, Complainant

Marlena Kent Cooke, Complainant's mother

Sanjida Lisa, PCR

Steven Richardson, PCR

2nd Lt. Tim Forrest, Internal Affairs Bureau

2nd Lt. Matthew Lane, Internal Affairs Bureau

The Panel's business meeting was called to order at 5:35 p.m. Mr. Cranford, Vice-Chairman, welcomed everyone to the Panel's November 28, 2022, Subcommittee meeting. Everyone who was present in Conference Room 232 stated their name and their position.

Motions to Subcommittee Meeting: Mr. Cranford provided a brief explanation of the Subcommittee review process and how the subcommittee would assess whether a complaint will get forwarded to the full Panel for a review via the By-Laws and Code of Ethics.

Mr. Cranford explained the purview of the Panel and the function of the Panel meeting would be to examine the information present in the investigation and determine whether it was thorough, complete, accurate, objective and impartial.

Mr. Cranford provided a brief summary of the events that led to the complaint and the reason for the request for a review by the Panel. Mr. Cranford asked Mr. Garner and Ms. Wolfe if they had anything to add to his summary, neither Panel member had anything further to add.

Mr. Cranford gave the Complainant and his mother time to make a statement. The Complainant briefly described the events of his arrest and what led to it. He alleged that the responding officer was given information regarding the incident and a conversation was had regarding origins, which were not included in the police report. The Complainant alleged that the officer was lying or not remembering the conversation and is wondering why the conversation would not have been included in the police report. The complainant also alleged that the officer never followed up with him prior to responding to his home with ten officers on scene. The Complainant's mother provided details of the event leading up to the 9-1-1 call and emphasized that she was embarrassed to have the officers and surround her home based on what she felt was a misunderstanding. She also stated that the mother of the baby was well-aware that the baby was at the Complainant's home and there was no reason for them to call the police. The Complainant further stated that the stories and explanations provided to the officers on scene were vastly different from the information provided in the police report.

Mr. Cranford thanked the Complainant and his mother for providing their statement and reiterated the purpose of the Panel and how the Panel does not re-investigate the events independently.

Ms. Wolfe addressed the Complainant and his mother to convey her appreciation for them remaining calm and respectful throughout the police process. Ms. Wolfe went on to state that she did not find any evidence of racial bias or profiling. She believed that that officers were being truthful when they stated they were not aware of any exculpatory text messages. Ms. Wolfe expressed that she felt the Commonwealth's Attorney could have done further investigation into the matter and that it was out of the police officers' hands. Ms. Wolfe concluded that she felt that the IAB investigation was very thorough.

Mr. Garner shared that the case being presented initially as a child abduction shaped the way the investigation was conducted and in how the Panel reviewed the case notes and files. Mr. Garner stated that he did not see any evidence of racial bias or profiling and shared that the Panel's view in this instance was very narrow, based on what he observed from the investigative notes and report.

Mr. Cranford shared that he co-signed with what Ms. Wolfe and Mr. Garner had shared. He furthered expressed that he wished that the Complainant and his mother could have avoided the trauma and pain caused by this incident. Mr. Cranford stated that based on the investigation and case notes, he did not see a reason for any further investigation. Mr. Cranford stated that he does not recommend that the complaint be forwarded to the full Panel for review and Mr. Garner and Ms. Wolfe both concurred.

Initial Review of CRP-22-12: Mr. Cranford read aloud the first criterion on the Panel Bylaws Abuse of Authority and Serious Misconduct Checklist. Panel members agreed the first criterion was not alleged and was not met.

Mr. Cranford read aloud the second criterion on the checklist. Panel members agreed the first criterion was not alleged and was not met.

Mr. Cranford read aloud the third criterion on the checklist. Panel members agreed the first criterion was not alleged and was not met.

Mr. Cranford read aloud the fourth criteria on the checklist. Panel members agreed the first criterion was not alleged and was not met.

Mr. Cranford read aloud the fifth criterion on the checklist. Mr. Cranford stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Cranford read aloud the sixth criterion on the checklist. Mr. Cranford stated that this was alleged, but does not believe it was met. All Panel members agreed.

Mr. Cranford concluded that the complaint did not fall within the Panel's purview of jurisdiction for a review due to the allegations not fitting the criteria on the checklist. Mr. Cranford moved that the Subcommittee Panel not recommend that the full Panel undertake this matter. All vote unanimously to not take the matter to the full Panel for review.

Meeting adjourned at 6:21pm.

Next Meeting: The Panel's next business meeting will be held on December 1, 2022, at 7:00 p.m.

Fairfax County Police Civilian Review Panel Subcommittee Initial Review Report

Request for Review – Basic Information

CRP Complaint Number: CRP-22-12

Subcommittee Meeting Date: November 28, 2022

Subcommittee Members:

- Todd Cranford, Subcommittee Vice-Chair (Panel Chair)
- Bryon Garner, Subcommittee Member
- Janell Wolfe, Subcommittee Member

Complaint Submission Date: Review Request received on 8/17/2022. Other Key Dates: Incident Date: 5/28/2021; Complaint to Panel: 8/19/2022; Complaint to FCPD: 8/19/2022; FCPD Disposition letter: 3/28/2022

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 by the Complainant that officers of the Fairfax County Police Department (FCPD) violated policy/law when they racially profiled the Complainant and falsely arrested him.

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-22-12 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. | While alleged, no substantiation in the investigative file. |
| 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. | While alleged, no substantiation in the investigative file. |

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