

Police Civilian Review Panel

October 24, 2022

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Cheri Belkowitz

Dirck Hargraves, Chair

Janell Wolfe

Others Present:

Theresa Caffey, Complainant

Sanjida Lisa, 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 6:35 p.m. Mr. Hargraves, Chairman, welcomed everyone to the Panel's October 24, 2022, Subcommittee meeting. Everyone who was present in Conference Room 232 stated their name and their position.

Motions to Subcommittee Meeting: Mr. Hargraves 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.

Ms. Belkowitz continued to review the process and explained that the subcommittee reviewed the initial complaint, any interviews, any video and audio footage, and pictures pertaining to the complaint. Ms. Belkowitz briefly presented the complaint and went on to suggest that she did not personally see any evidence that the complainant's ex-husband's affiliation with the Loudoun County (Loudoun County Fire & Rescue Benevolent Association) had any influence on the outcome of the situation leading to the complaint.

Mr. Hargraves 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.

Ms. Wolfe stated that she did not feel that the four photos provided in the complaint file was sufficient and concurred with Ms. Belkowitz on her opinion of the complainant's ex-husband being involved with Loudoun County.

Ms. Belkowitz and Ms. Wolfe both remarked that the police officers did an exemplary job with the investigation, with the handling of the case and the dissemination of the disposition letters.

The Complainant remarked that the surveillance footage from her initial contact with the officers was deleted. Mr. Hargraves explained that Fairfax County Police Department (FCPD) surveillance gets erased every sixty days and the footage can generally be requested through the Central Records department at FCPD.

Mr. Hargraves asked the FCPD representatives if they wanted to make any comments before continuing to review the Initial Review Checklist. The representatives did not have any comments and Mr. Hargraves commenced with the review.

Initial Review of CRP-21-22: Mr. Hargraves read aloud the first criterion on the Panel Bylaws Abuse of Authority and Serious Misconduct Checklist. Panel members agreed the first criterion was not met.

The Complainant mentioned that she had informed the officer that she had a disability and Mr. Hargraves responded that another criteria might address that concern more fully.

Mr. Hargraves read aloud the second criterion on the checklist. Ms. Wolfe stated there was no allegation of that. All panel members voiced the second criterion was not met.

Mr. Hargraves read aloud the third criterion on the checklist. Ms. Wolfe stated that the allegation of the loss of photographs could potentially fit this criterion. Ms. Belkowitz disagreed and defined that the criterion was making reference to an intentional destruction of evidence. Ms. Wolfe concurred. All panel members agreed this criterion was not met.

Mr. Hargraves read aloud the fourth criteria on the checklist. All panel members agreed that the allegations did not fit this criterion.

Mr. Hargraves expressed that he felt there was an allegation of destroying records and thought it might fit under the fifth criterion, violation of laws or laws or ordinances. Ms. Belkowitz and Ms. Wolfe both concurred.

Mr. Hargraves read aloud the sixth criterion on the checklist which includes other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Cannon of Ethics, that occur both on or off duty. Ms. Belkowitz stated that she thought the allegations fit and remarked that it was unethical to destroy records. Both Mr. Hargraves and Ms. Wolfe agreed that the sixth criterion was met.

Mr. Hargraves concluded that the complaint fell within the Panel's purview of jurisdiction for a review due to the allegations fitting two of the criteria. Mr. Hargraves posed whether the complaint should be forwarded to the full Panel for a review and whether there was sufficient information presented.

Ms. Belkowitz asked the Complainant whether there was a friend present with her at the time of the Complainant's situation, for clarification. The Complainant clarified that there was no friend present and was unsure as to how that information was written in her report.

Mr. Hargraves mentioned that he reviewed the entire case file and video footage, looking for any markings on the Complainant, which he was unable to locate.

The Complainant stated that she made a second visit to the FCPD station to speak with someone about potentially filing a complaint against her son and is confused as to why the Lieutenant present at the station refused to accept that in the report. Mr. Hargraves explained that it is unlikely that a supervising Lieutenant would be present at a FCPD station for intake of reports or complaints.

The Complainant stated that she wanted to present new information, specifically a letter written by her daughter.

Ms. Wolfe interjected that the new information was not a part of the original investigation or case file and would not be appropriate for the subcommittee panel to review without letting FCPD investigate the information beforehand.

Mr. Hargraves reviewed the process of FCPD investigation for clarification to the Complainant.

Ms. Belkowitz made a motion that this case not be forwarded to the full Panel for review, due to lack of corroborating evidence. Ms. Wolfe seconded the motion. All Panel members voted in favor for the complaint not to be reviewed by the full Panel and the vote carried unanimously.

The Complainant mentioned the error of a friend being written into her report when there was no one else present. Ms. Belkowitz stated that since the Complainant confirmed that there was no friend present, there was no one else to interview and believed that the investigation was thorough, complete, accurate, objective and impartial.

Mr. Hargraves explained that the Complainant had an opportunity to address the full Panel at the next Panel meeting, on November 3, 2022, along with the FCPD representatives. Mr. Hargraves mentioned that the Complainant would be able to present her complaint to the full Panel at that meeting.

Mr. Hargraves stated that he felt it was important for community members to have input and be taken seriously by the Panel to give each allegation their due diligence.

The Complainant mentioned that she alleged the officers had taken photographs of her legs. Ms. Wolfe stated that after reviewing the footage in the case file, she concluded that there was no video evidence showing any officers taking any photographs.

Mr. Hargraves stated that the Executive Director of the Police Civilian Review Panel would reach out to the Complainant to let her know when and where the next full Panel meeting would be.

Ms. Wolfe reiterated that the Panel subcommittee's role was to review the complaint already investigated by FCPD and the subcommittee was unable to review any new allegation or information at the present meeting.

Ms. Belkowitz shared her empathy with the Complainant and referred her to reach out to the Community Service Board and possible counseling services for assistance.

Ms. Wolfe passed a motion to adjourn the meeting. Ms. Belkowitz seconded the motion, and it carried unanimously.

The meeting adjourned at 7:20 p.m.

Next Meeting: The Panel's next business meeting will be held on November 3, 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-21-22

Subcommittee Meeting Date: October 24, 2022

Subcommittee Members:

- Dirck Hargraves, Subcommittee Chair (Panel Chair)
- Cheryl Belkowitz, Subcommittee Member
- Janell Wolfe, Subcommittee Member

Complaint Submission Date: Review Request received on 10/15/2021. Other Key Dates: Incident Date: 9/6/2020; Complaint to Panel: 8/4/2021; Complaint to FCPD: 8/6/2021; FCPD Disposition letter: 10/5/2021

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 destroyed evidence (i.e., pictures taken of her legs) when she went to the Sully District police station to file a report and that officers lied to her when they told her there were no pictures.

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-21-22 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.**