

Police Civilian Review Panel

September 1, 2022

Fairfax County Government Center, Conference Room 232

Meeting Summary

Panel Members Present:

Jimmy Bierman  
Cheri Belkowitz  
Todd Cranford, Vice-Chair  
Bryon Garner  
Celeste Peterson  
Dirck Hargraves, Chair  
William Ware  
Janell Wolfe

Others Present:

Kenneth Bynum, Counsel  
Madison Gibbs, Counsel  
2nd Lt. Tim Forrest, Internal Affairs Bureau  
Steven Richardson, Executive Director, PCRCP  
Richard Schott, Independent Police Auditor  
Dre'Ana Whitfield, PCRCP

The Panel's business meeting was called to order at 7:02 p.m. Mr. Hargraves, Chairman, welcomed everyone to the Panel's September 1, 2022, meeting. Everyone that was present in Conference Room 232 stated their name and their position.

Approval of Agenda: 2<sup>nd</sup> Lt. Tim Forrest provided a patrol ride-a-long form for each Panel member. He informed the Panel that he will be the point of contact to coordinate ride-a-alongs. He explained to the Panel that a signature is required on the waiver and the hard copy signature must be returned. 2<sup>nd</sup> Lt. Forrest informed the Panel to return the signed waiver form to the Executive Director. Mr. Richardson explained that each shift presents different challenges and informed the Panel that they can sign up for more than one ride-a-along and more than one shift. Panel members should direct any questions to the Executive Director.

Mr. Cranford moved approval of the meeting agenda. Mr. Bierman seconded the motion, and it carried unanimously.

Approval of August 11, 2022 Draft Meeting Summary: Mr. Hargraves stated that a community member raised concerns about the comments made in the August meeting about the subcommittee meeting. Mr. Cranford clarified the basis upon which the subcommittee made their recommendation to the Panel for CRP-22-08 during the August 11, 2022, meeting. He explained that, per the Bylaws, the subcommittee is charged with determining whether the complaint alleges serious misconduct or abuse of authority and that the evidence contained in the investigative file could lead a reasonable Panel to conclude that there is sufficient evidence to support the allegations. Mr. Cranford stated after reviewing the investigation file the subcommittee determined that there was not sufficient evidence to support the allegations. It was suggested that the August 11 Meeting Summary be amended.

Mr. Garner moved approval of the Panel's August 11, 2022, meeting summary as amended. Mr. Bierman seconded the motion, and it carried unanimously.

Consideration of Good Cause to Review CRP-22-12: Mr. Hargraves explained that the complainant stated that the 60-day timeframe in which they were to respond to the disposition letter was not noted in the correspondence by the FCPD. Mr. Hargraves stated that although it is in the Panel's Bylaws, he did not see the 60-day notice in the correspondences. He further explained that the complainant believes an extension should be granted based on the fact that he was not aware of the 60-day notice.

Mr. Bierman asked if the 60-day notice was on the disposition letter. Mr. Hargraves stated that the boilerplate language did not state the 60-day notice.

Discussion ensued on whether there is consideration of good cause to review CRP-22-12. Mr. Hargraves voiced that the Panel should speak with the FCPD when a disposition letter is sent and when the PCRCP sends their correspondence to ensure that it states the 60-day deadline so that complainants are aware upfront.

Ms. Belkowitz suggested providing the date on the letter to avoid confusion for complainants. Mr. Hargraves explained that this is an exception given that they want to ensure complainants are provided proper notice.

Mr. Bierman moved to accept "good cause" to review CRP-22-12. Mr. Ware seconded the motion and it carried unanimously.

Review of Additional Investigation in CRP-22-06: Mr. Hargraves provided an overview of the Panel's request for additional FCPD investigation into CRP-22-06:

- That the statistics and/or arrest and stop record of the primary officer be considered and made available to the Panel;
- That an independent legal analysis regarding instances in which a gun is held, but not "brandished" be conducted and provided;
- That an additional and complete investigation of the actions of the supervising officer be performed; and
- That the investigation, into the original matter, considers the crucial element of fear articulated by the Complainant and whether it was adequately addressed.

Executive Director Richardson said that he believes the FCPD addressed each of the four matters sufficiently. He expressed that the legal analysis was still unclear and would like more clarification.

Mr. Hargraves invited the Panel to discuss whether the FCPD investigation was accurate, complete, thorough, objective, and impartial. The Panel openly deliberated.

Mr. Ware voiced that he did not see any issues with the additional information provided by the FCPD. He noted that it did not reflect any bias or discrimination. Mr. Ware commended the Panel for giving the case the attention it deserved. He noted that in cases where there are allegations of discrimination or bias, he thinks that it is in the interest of the public to look a little deeper and ask additional questions. Mr. Ware referred to the government attorney's response that the fear must be objective versus subjective fear, he voiced that because someone does not display the motive responses that you would

expect them to display, it does not mean that they did not suffer trauma or feel fear during the interaction.

Mr. Garner expressed concerns regarding the legal analysis received by the FCPD. He said that he would of liked to have a more substantive analysis in the report.

Ms. Peterson voiced that the term brandishing should be defined more for the public. Further discussion ensued on brandishing and the complaint.

Mr. Cranford said that it is important that the Panel not conflate issues when reviewing investigations. He stated that he is satisfied with the supplemental report.

Mr. Bierman voiced that he would like to see arrest or stop statistics by the FCPD when there are racial bias allegations. He suggested that the Panel not see this as an either-or. He expressed that this case can be a useful learning tool. Mr. Bierman voiced that the Panel can make recommendations about what the FCPD should do to improve in the future.

Ms. Belkowitz stated that at this point she believes the Panel's investigation has been very thorough and there is a lot that the Panel can learn from the investigation.

Ms. Wolfe agreed with Mr. Ware. She stated that the report was thorough, complete, and impartial.

Mr. Hargraves emphasized that the investigation is a teachable moment. He noted that the Panel takes these cases seriously. He further noted that, regarding racial bias cases, he thinks statistical analysis along with viewing the social media profile of the officer in question to see if there are any biases in their background can be an element for improvement. Mr. Hargraves stated that he believes the FCPD investigation is accurate, complete, thorough, objective, and impartial.

Mr. Hargraves voiced that he believes the Panel can concur with the investigation outcome and record the Panel's concerns and make recommendations.

Mr. Bierman said it is a problem for officers to use external factors and noted that the outcome would have been different if the races were reversed. He said he thinks the Panel should acknowledged that standards do play a role and that the FCPD should follow objective reasonableness standards.

Mr. Ware questioned the Panel's role in analyzing the brandishing of the gun, and whether they analyze through the lens of the government legal opinion or the law. Mr. Bierman said that there were no documents in the investigative file about the holding of a gun. Further discussion ensued.

Mr. Bierman moved that the Panel concur with the findings of the IAB investigation. He further moved that a report be drafted that reflects the considerations and deliberations of the Panel. He further moved that recommendations be made for the Panel's consideration at the next meeting based on what was learned from CRP-22-06. Mr. Ware seconded the motion.

Ms. Belkowitz made a friendly amendment to the motion that the Panel finds the report to be accurate, complete, thorough, objective, and impartial. Mr. Bierman accepted the amendment.

Mr. Cranford made a friendly amendment to the motion to add supplemental investigation.

Mr. Bierman moved that the Panel will concur with the supplemental investigation and find that the supplemental investigation and the original investigation are complete, thorough, accurate, impartial,

and objective; that the Chair assigns individuals from the Panel to work with the Executive Director in drafting a report that reflects the deliberations of the Panel; and before the next meeting provide potential recommendations to the Panel to vote on at the end of the report.

Discussion ensued on potential recommendations including: that this case be used as a teachable moment at the academy, and that FCPD take care to make contact or follow up with the complainant at the disposition of cases. Mr. Hargraves reminded the Panel that the Panel has a recommendations matrix.

Mr. Hargraves called the question and the motion carried unanimously.

Mr. Bierman and the Executive Director will draft the review report with assistance from Ms. Wolfe. All Panel members should send suggested recommendations to the Executive Director for inclusion in the draft report before the next meeting.

Discussion: Template for Executive Director Investigative File Report: Discussion ensued on what information should be included in the future investigative file reports created by the Executive Director.

Mr. Bierman stated that he would like the Executive Director to create a table of contents that Panel members can bring to a review meeting, which identifies all documents in the FCPD's investigative file and that summarizes each document. He also said he would like a bulleted list of chronological facts of the incident. Mr. Richardson asked questions about the level of detail to be included.

Ms. Peterson agreed that the Executive Director should create a table of contents and highlight to what the Panel should pay specific attention. She expressed concern about the Executive Director providing his own summary and wants to read the file independently.

Mr. Bierman stated that he would like a table of contents and the summary in advance of seeing the case as a guide. He said that Panel members can choose not to read the summary if they are concerned. Mr. Richardson asked if the Panel wanted the report in advance of the meeting. Mr. Bierman replied affirmatively and said that the Executive Director's job description specifies that he provide a summary to the Panel before the Panel reviews. He said in the past the Panel has gotten hung up on basic facts and the Executive Director was hired to aid the volunteer Panel members with reviews.

Further discussion ensued on how detailed the report should be, when it should be provided to Panel members, and which Panel members would utilize it.

Ms. Peterson suggested that the Executive Director provide his summary of the case at the meeting once the Panel has had their discussion on the case file. She further suggested that the Executive Director develop a table of contents and see how that works for the Panel initially. Mr. Bierman agreed. Mr. Richardson expressed that he did not want to taint the review by Panel members. Mr. Richardson said he will call Mr. Bierman next week to discuss further.

Executive Director's Report: The Executive Director stated that he has conducted outreach efforts throughout Fairfax County. He voiced that he hosted a meeting with a representative of the County Health Department to participate in their Barbershop Tours, where they engage county residents at the locations where they congregate to discuss topics of community concern and to share information on county resources. The Executive Director stated that his office participated in a meeting with the Department of Family Services to discuss ways to work with their Fatherhood Engagement Group. He

noted that he was invited to take part in their “Pocket Dad” productions, which are short video vignettes designed to entice and inform their viewers.

The Executive Director informed the Panel that the former president of the National Association for Civilian Oversight of Law Enforcement (NACOLE) and current Executive Secretary for the Cambridge Massachusetts Police Review and Advisory Board, Brian Corr, would like to conduct a full day of oversight training for the Panel on November 12, 2022, from 9:00 am to 4:00 pm.

The Executive Director is working with the National Organization of Black Law Enforcement Executive (NOBLE), past general counsel, attorney Marcia K. Thompson on putting together a Panel Strategic Planning Discussion, tentatively scheduled for October 1, 2022, from 9:30 am – 1:30 pm. The location will tentatively be at Fairfax County Government Center.

The Executive Director encourages the Panel to participate in the patrol ride-a-longs. He informed the Panel that he will be meeting with Chief Davis to discuss police operations and "calls for service" training and IAB training.

The Executive Director announced the selection of Ms. Sanjida Lisa to be the Management Analyst for the Police Civilian Review Panel. He publicly thanked Dre’Ana Whitfield for her interim service to the Panel and the Office of the Independent Police Auditor for providing administrative and institutional support to the Panel throughout the staffing of his office.

Ms. Wolfe asked Mr. Richardson to clarify from whom he has heard concerns about the Panel being window dressing without real authority. Mr. Richardson said he has heard that from various levels and that people don’t know about the Panel. He suggests that more people be invited to the Panel’s meetings.

Mr. Hargraves asked the Executive Director to prepare a calendar of outreach so that the Panel can see upcoming events and potentially join. Mr. Bierman said the Executive Director should track all interactions with the public so that the Panel and the public will know what outreach is occurring. Mr. Hargraves suggested the keeping of a matrix.

OIPA Update: Mr. Schott informed the Panel that no new cases have been initiated in the past three weeks since his last report. He stated that there are no automatic reviews because of a death, serious injuries, or officer-involved shooting.

PCRP Matters: Mr. Hargraves told the Panel that they should be receiving communications from NACOLE. More information will be sent out about the upcoming annual conference. He informed the Panel that there is a Virginia group organizing to address issues specific to oversight in the Commonwealth. Mr. Schott informed the Panel that he will join a Panel and present on oversight in the Commonwealth at the virtual conference day in October.

Ms. Peterson said she was interested in learning about how other panels have dealt with issues and implemented best practices.

Discussion ensued on the Panel’s lacking investigative authority. Mr. Bierman stated that the Panel had recommended to the Board of Supervisors that it be given some level of investigative authority. The response was that hiring a professional to conduct investigations was a precursor. Mr. Hargraves said that as the Panel improves its operations it can better advocate for investigative authority.

Mr. Cranford asked the Executive Director for the outreach plan and suggested that Panel members send any ideas for additional constituencies to him.

Ms. Wolfe suggested that the Panel reach out to the complainant to let her know that she was heard. Mr. Hargraves stated that he will discuss this with the counsel and that she will receive the standard correspondence from the Panel.

Adjournment: Mr. Garner moved to adjourn the meeting. Mr. Cranford seconded the motion, and it carried unanimously.

The meeting adjourned at 9:17 p.m.

Next Meeting: The Panel's next business meeting will be held on October 6, 2022, at 7:00 p.m.