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# Police Civilian Review Panel

## Meeting Agenda

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Location: Fairfax County Government Center – Room 232  
12000 Government Center Parkway  
Fairfax, VA 22035

Date: February 1, 2024

Time: 7:00 pm

Website: [www.fairfaxcounty.gov/policecivilianreviewpanel/](http://www.fairfaxcounty.gov/policecivilianreviewpanel/)

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### Agenda details:

#### I. Call to Order

#### II. Agenda Items

- a. Approval of Agenda
- b. Approval of January 4, 2024 Draft Meeting Summary
- c. Discussion of Panel 2023 Annual Report
- d. Subcommittee Report on CRP-23-01
- e. Subcommittee Report on CRP-23-13

#### III. New Business

#### IV. Adjournment

Panel Meeting Schedule:

- March 7, 2024 at 7:00 p.m.
- April 4, 2024 at 7:00 p.m.

# Fairfax County Police Civilian Review Panel: Annual Report 2023



A Fairfax County, VA Publication

Publication Date: **March 1, 2024**

## PANEL MEMBERS

Todd Cranford (Chair)

Cheryl ("Cheri") Belkowitz (Vice-Chair)

Fazia Deen

Bryon Garner

Dirck Hargraves

Michael Lau

Celeste Peterson

William Ware

Janell Wolfe

**Fairfax County Police Civilian Review Panel**  
**12000 Government Center Parkway, Suite 150A**  
**Fairfax, VA 22035**  
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To request this information in an alternate format, call 703-324-2502, TTY 711.

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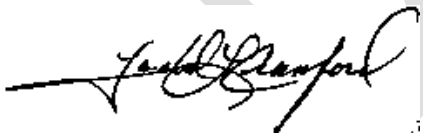
## MESSAGE FROM THE CHAIR

The dedicated volunteers of the Fairfax County Police Civilian Review Panel (“PCR” or “Panel”) continue to build upon the foundation our predecessors laid for this important work. All members of the Fairfax County community have a right to be treated with fairness and courtesy when interacting with officers and staff of the Fairfax County Police Department (“FCPD”).

I am proud of the commitment to achieving these principles that each member of the Panel exemplifies. With each year, the Panel has increased awareness of its visibility in the community and, hopefully, increased trust in law enforcement in Fairfax County. Similarly, we strive to maintain and improve the necessary working relationship with have with FCPD. As this system of “checks and balances” is designed, we believe that a strong relationship with FCPD benefits the community. We also know, however, that there is work to do and we welcome the challenge. The PCR is as determined to give voice to community members’ concerns in a respectful manner as it is to identifying and addressing shortcomings in FCPD policies and practices, when appropriate.

We welcome your observations, recommendations, and constructive feedback – we are here for you!

Sincerely,

A handwritten signature in black ink, appearing to read "Todd L. Cranford", is written over a white rectangular background.

Todd L. Cranford

## EXECUTIVE SUMMARY

The PCRCP joins hundreds of similar civilian oversight bodies across the country in working to foster better communication and trust between law enforcement and the communities they have sworn to serve. Through their efforts, civilian oversight also seeks to improve policing, directly and indirectly. This is certainly true of the PCRCP. Through the intentional steps the PCRCP takes in the Fairfax County community to increase awareness of its role and activities, as well as the cooperative working relationship it continues to build with the Fairfax County Police Department (FCPD), the PCRCP seeks to improve policing in Fairfax County. Building these relationships and creating a culture of respect and understanding does not, however, happen overnight. It takes time and effort. This Annual Report highlights the PCRCP's activities and successes during 2023 in furthering these foundational goals. Appropriate oversight by both public officials and community members is essential to creating a culture of transparency and cooperation. In Fairfax County, the nine-member PCRCP and the Office of the Independent Police Auditor (OIPA) provide civilian oversight.

## HISTORY OF THE POLICE CIVILIAN REVIEW PANEL

The PCRCP was born out of frustration with the perceived lack of transparency by the FCPD in connection with officer involved shootings. The PCRCP's origins can be traced to the work of the late Nicholas Beltrante, Jr., a retired District of Columbia homicide detective who, more than a decade ago, created the Citizens Coalition for Police Accountability (CCPA). The CCPA and others in the community worked diligently to persuade the Fairfax County Board of Supervisors (Board of Supervisors) to establish a civilian oversight body following the November 2009 fatal shooting of David Masters by an FCPD officer. A lack of communication from FCPD and Fairfax County officials about the investigation into the shooting caused suspicion and unease among many community members. This resulted in a demand for greater transparency and accountability, including some level of civilian oversight. Neither the Board of Supervisors nor FCPD, however, took significant steps to incorporate any measure of civilian oversight at that time.

Frustration with the process by which officer involved shootings were investigated arose again in the wake of the August 2013 fatal shooting of John Geer by an FCPD officer. The officer shot Mr. Geer, who had his hands raised above his head while a holstered gun laid on the ground nearby. This time, community outrage, combined with significant media attention and a more receptive Board of Supervisors, led to the establishment in 2013 of the Ad Hoc Police Practices Review Commission (the Commission). The Commission, in a contentious environment, submitted recommendations to the Board of Supervisors in October 2015, which resulted in a hybrid civilian oversight model, which includes both the PCRCP and an Independent Auditor. In December 2016, the Board of Supervisors approved the creation of the PCRCP based on a 2015 Commission recommendation.

## PURPOSE, STRUCTURE, AND SCOPE

PCRCP is comprised of nine (9) Fairfax County residents appointed by the Board of Supervisors and who represent a cross-section of the community. PCRCP members serve voluntarily for a three-year term. The PCRCP's Bylaws state that, its mission is to "enhance police legitimacy and to build and maintain trust between the FCPD, the Board of Supervisors, and the public." The PCRCP is empowered to review completed FCPD Internal Affairs Bureau (IAB) investigations of complaints alleging **abuse of authority** or **serious misconduct** by an FCPD officer or civilian employee. The PCRCP's scope of review of the IAB's investigatory files is limited to considering the accuracy, completeness, thoroughness, objectivity, and impartiality of the investigation. The Panel does not have independent investigatory authority and is governed both by the Board of Supervisors-approved Bylaws and a Code of Ethics adopted by the PCRCP.

In Fairfax County, civilian oversight of FCPD operates under a hybrid model. The PCRCP reviews abuse of authority and serious misconduct complaints, while the Independent Police Auditor monitors and reviews internal investigations of FCPD officer-involved shootings, FCPD in-custody deaths, and use of force cases in which an individual is killed or seriously injured, or about which there is a public complaint.

## **Abuse of Authority and Serious Misconduct**

The PCRP reviews complaints where a community member alleges that an FCPD officer or civilian employee has engaged in any of the following:

- Use of abusive racial, ethnic, or sexual language or gestures.
- Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status, or disability.
- Acting in a rude, careless, angry, retaliatory, or threatening manner not necessary for self-defense.
- Reckless endangerment of a detainee or person in-custody; violation of laws or ordinances.
- Other serious violations of the county or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur on or off duty.

The PCRP may hold public meetings on issues within the PCRP's jurisdiction and on law enforcement policies and practices at which community members are invited to provide comments to assist the PCRP in making recommendations for policy and practice changes to the Chief of Police and Board of Supervisors. The PCRP may also meet periodically with the Independent Police Auditor concerning its findings and conclusions in use of force cases so that the PCRP can provide its views to the Board of Supervisors and the Chief of Police as to changes in policies and practices that may be warranted.

## **INCREASING COMMUNITY IMPACT**

In February 2022, the PCRP expanded its administrative capacity and ability to engage in community outreach with the Board of Supervisors' hiring of the PCRP's first Executive Director, Steven Richardson. Mr. Richardson and the Panel received additional support with the hiring of Sanjida Lisa, a Management Analyst I, who joined the Panel from the FCPD. Both hires significantly expanded the Panel's visibility and ability to engage with community members. The addition of full-time staff to support the Panel's work has improved the Panel's operational capacity. We continue to strive to bring greater awareness of the PCRP and its activities to the

community and build upon the good work of the Panel's staff. This progress was, however, slowed in 2023 following Mr. Richardson's resignation as our Executive Director. We thank him for his contributions to the Panel and the Fairfax County community. The Panel anticipates that the Board of Supervisors will hire a new Panel Liaison to build upon the advances we have made.

In 2024, the Panel will continue to periodically hold some of its public meetings in locations around the county in addition to the Fairfax County Government Center to increase awareness of and accessibility to the Panel's work.

## **YEAR IN REVIEW**

### **PCRP Meetings**

The PCRP conducts regular business meetings once per month and meets in subcommittee to conduct initial review of complaints. In 2023<sup>1</sup>, the PCRP held 12 business meetings and conducted 6 subcommittee meetings. The following meetings were held in various locations around the community:

- March 16, 2023 at First Baptist Church of Vienna
- April 6, 2023 at George Mason University
- May 4, 2023 at the WISH Center in Alexandria
- June 1, 2023 at Temple Rodef Shalom
- July 6, 2023 at the Cathy Hudgins Community Center in Reston
- August 3, 2023 at the Woodrow Wilson Library

### **Complaint Intake and Case Review**

The Panel processes complaints from the public and forwards them to the FCPD for investigation (see Appendix). In 2023<sup>2</sup>, the Panel received 17 Initial Complaints from the public,

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<sup>1</sup> Meetings are summarized for the term in which Chair Cranford served as Panel Chair: March 1, 2023-February 29, 2024.

<sup>2</sup> Complaints and Review Requests are summarized by calendar year.



which are complaints that are not yet investigated. When the FCPD completes its investigation into complaints, the public can request a review by the Panel if they are not satisfied with the outcome of the investigation. Three (3) of the 8 complainants who submitted their Initial Complaint to the Panel in 2023 and received the investigation results, have requested that the investigation be reviewed by the Panel.

In 2023, the PCRCP received 10 Request for Reviews from individuals who were not satisfied after receiving the results of an FCPD investigation into their complaint. The Panel conducted an Initial Review of 6 Request for Reviews using their subcommittee process. A three-person subcommittee reviewed the IAB investigative file and considered whether the complaint alleged serious misconduct or abuse of authority, and made a recommendation of whether the full Panel should review the investigation. In 2023, the full Panel did not believe that any of the complaints filed met the stated criteria for review.

### **Training**

Panel members participated in a Community Workshop on Use of Force hosted by the FCPD on April 29, 2023, where they learned about FCPD procedures, training, and use of force options, participated in interactive scenarios, and viewed force demonstrations to gain a better understanding of FCPD officer responses to critical incidents.

In November, 2023, several Panel members, along with the Independent Police Auditor and staff, attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in Chicago, IL. The NACOLE conference brings together civilian oversight bodies, citizen watchdog groups, and law enforcement agencies from around the world. NACOLE is a non-profit organization “that works to create a community of support for independent, civilian oversight entities that seek to make their local law enforcement agencies, jails, and prisons more transparent, accountable, and responsive to the communities they serve.”

## INCREASED EFFICACY IN PCRCP REVIEW OF COMPLAINTS

The Panel and staff constantly consider ways in which the Panel can be more efficient and effective in its review of complaints. In 2023, the Panel initiated a review of its policies and practices relating to complaint review by subcommittees and the full Panel. This review resulted in changes to Panel procedure that include increased opportunities for community feedback in public forums and codifying opportunities for complainants to address the Panel during public meetings. The goal of these and similar changes is to increase access to and understanding of Panel procedures.

## ACKNOWLEDGEMENTS

The Panel thanks the Board of Supervisors, and in particular, Chairman Jeff McKay and Safety and Security Committee Chairman Rodney Lusk, for their continued leadership and support. The PCRCP extends its gratitude to our community partners. The PCRCP thanks County Executive Bryan Hill and Deputy County Executive for Public Safety Thomas Arnold, FCPD Chief Kevin Davis, Majors Todd Billeb and John Lieb, the IAB team, and the men and women of FCPD, for their support of the Panel's work. Finally, we also recognize and thank our OIPA colleagues, Richard Schott and Rachelle Ramirez, who, in the absence of an Executive Director, were instrumental in assisting Ms. Lisa and the Panel to ensure that the Panel's work proceeded. They are valued partners in this work of civilian oversight.

## APPENDIX A: Complaints and Requests for Review Received by the Panel, 2019 – 2023

<b>2019-2023: Panel Data Trends</b>						
<i>Prepared January 30, 2024</i>						
	2019	2020	2021	2022	2023	All Years
Number of All Complaints filed against the FCPD (Panel Authority)	29	35	28	24	27	143
Number of Initial Complaints brought to the Panel	20	21	14	21	17	93
Number of Initial Complaints filed with the Panel for which no review request is made	14	10	2	7	5	38
Number of Initial Complaints that are later requested to be reviewed by the Panel	5	11	8	1	3	28
Number of Initial Complaints in progress (FCPD investigation ongoing as of 12/31/2023)	0	0	0	0	9	9
Number of Review Requests Filed with the Panel*	9	14	14	3	10	50
Number of Review Requests Accepted for Full Panel Review	5	5	0	1	0	11
Number of Review Requests Reviewed by a Subcommittee	8	9	9	5	6	37
Number of Review Requests Declined by the Panel (No full Panel Review)	4	9	11	4	5	33
Number of Review Requests in process (as of 12/31/2023)	0	0	0	0	4	4
<b>Allegations<sup>#</sup></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>All Years</b>
Bias - race/ethnicity	6	4	6	3	3	22
Bias - other discrimination	1			1	4	6
False arrest/Malicious prosecution	3	4	2	1	3	13
FCPD communication issue	1	4			3	8
Harassment	3	4	2	1	2	12
Hostile/threatening manner	2	3	2	2	5	14
Illegal search	1	1	1			3
Illegal stop						0
Failed to File Report or Investigate/Incomplete investigation	1		4	1	2	8
Law/FCPD policy violation	6	9	7	19	7	48
Misconduct					1	1
Negligence	4				1	5
Officer did not identify		1	1			2
Officer had unprofessional manner	1	9		4	6	20
Officer was untruthful	4	5		3	4	16
Other	4	1	2			7
Use of Force	1	3		8	2	14
<b>Grand Total</b>	<b>38</b>	<b>48</b>	<b>27</b>	<b>43</b>	<b>43</b>	<b>199</b>
<i>Notes:</i>						
<i># There may be multiple allegations associated with a single complaint.</i>						
<i>* In 2023, 1 Review Request was denied due to pre-dating the Panel's inception in 2016.</i>						

**2019-2023: Panel Data Trends**

Prepared January 31, 2024

	2019	2020	2021	2022	2023	All Years
<b>Number of All Complaints filed against the FCPD (includes Initial Complaints &amp; Review Requests)</b>	<b>29</b>	<b>35</b>	<b>28</b>	<b>24</b>	<b>27</b>	<b>143</b>

<b>Number of Initial Complaints Filed with the Panel</b>	20	21	14	21	17	93
Number of Initial Complaints received that year that are later requested to be reviewed by the Panel (data as of 1/31/2024)	5	11	9	3	3	31
Number of Initial Complaints in progress at end of 2023 (Active Initial Complaint Cases as of 12/31/2023) (FCPD investigation ongoing as of 12/31/2023)	N/A	N/A	N/A	N/A	9	9

<b>Number of Review Requests Filed with the Panel*</b>	9	14	14	3	10	50
Number of Review Requests Reviewed by a Subcommittee in year (Initial Review)	8	9	9	5	6	37
Number of Review Requests Reviewed by Full Panel in year	3	5	0	1	0	9
Number of Review Requests in progress at end of 2023 (Active Review Request Cases as of 12/31/2023)	N/A	N/A	N/A	N/A	4	4

<b>Allegations<sup>#</sup></b>	2019	2020	2021	2022	2023	All Years
Bias - race/ethnicity	6	4	6	3	3	22
Bias - other discrimination	1			1	4	6
False arrest/Malicious prosecution	3	4	2	1	3	13
FCPD communication issue	1	4			3	8
Harassment	3	4	2	1	2	12
Hostile/threatening manner	2	3	2	2	5	14
Illegal search	1	1	1			3
Illegal stop						0
Failed to File Report or Investigate/Incomplete investigation	1		4	1	2	8
Law/FCPD policy violation	6	9	7	19	7	48
Misconduct					1	1
Negligence	4				1	5
Officer did not identify		1	1			2
Officer had unprofessional manner	1	9		4	6	20
Officer was untruthful	4	5		3	4	16
Other	4	1	2			7
Use of Force	1	3		8	2	14
<b>Grand Total</b>	<b>38</b>	<b>48</b>	<b>27</b>	<b>43</b>	<b>43</b>	<b>199</b>

Notes:

\* Some Review Requests are denied due to being time-barred and do not go to an Initial Review subcommittee.

In 2023, 1 Review Request was denied due to pre-dating the Panel's inception in 2016.

# There may be multiple allegations associated with a single complaint.

## Initial Review Report – Subcommittee Recommendation to the Fairfax County Police Civilian Review Panel

Request for Review – Basic Information		
<b>CRP Complaint Number:</b> CRP-23-01		
<b>Subcommittee Members:</b> <ul style="list-style-type: none"><li>• Fazia Deen, Panel Member</li><li>• Celeste Peterson, Panel Member</li><li>• Michael Lau, Chair of Subcommittee</li></ul>		
<b>Key Dates:</b> Incident Date: 10/31/2022; Date of Initial Complaint to FCPD: 11/2/2022; FCPD Disposition Letter: 12/20/2022; Review Request to Panel: 12/31/2022		
<b>Subcommittee Meeting Date:</b> Jan. 23, 2024	<input type="checkbox"/> <b>Complainant Present</b> <input checked="" type="checkbox"/> <b>Complainant Not Present</b>	<input type="checkbox"/> <b>Complainant spoke</b>

Subcommittee Authority and Purpose
<p>The Subcommittee conducts an Initial Review of the subject Complaint to determine whether the Complaint meets the minimum criteria for review and consideration by the full Panel. (See Panel Bylaws Article VI.D.2.(d))</p> <p>The Subcommittee reviews complaints to determine whether: (Panel Bylaws Article VI.D.3.(a))</p> <ol style="list-style-type: none"><li>(1) The Complaint alleges Serious Misconduct or Abuse of Authority as defined in its Bylaws; and</li><li>(2) The evidence contained in the investigative file could lead a reasonable Panel to conclude that there is sufficient evidence to support the allegations.</li></ol>

Subcommittee’s Role in Initial Review Process
<p>The Subcommittee Initial Review Report sets forth the Subcommittee’s recommendation. A unanimous Subcommittee vote is required to recommend that the Panel not consider a complaint. The full Panel may or may not accept the Subcommittee’s recommendation on whether to review a complaint.</p> <p>The full Panel will consider the Subcommittee recommendation and vote to determine whether it accepts a Review Request. If the full Panel accepts the recommendation, it will conduct a full Panel Review Meeting. (Panel Bylaws Article VI.F.)</p>

Categories of Abuse of Authority or Serious Misconduct
<p>The Panel determines whether allegations can be categorized as one or more of the following: (Panel Bylaws Article VI(B))</p> <ol style="list-style-type: none"><li>A. Use of abusive racial, ethnic or sexual language or gestures.</li><li>B. Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability.</li><li>C. Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense.</li><li>D. Reckless endangerment of detainee or person in custody.</li><li>E. Violation of laws or ordinances.</li><li>F. Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.</li></ol>

## Complainant Allegations

The Panel subcommittee considered the following allegation(s) by the Complainant to determine (1) whether each constitutes Serious Misconduct or an Abuse of Authority as defined above, and, if yes, (2) whether the Investigation Report reveals sufficient substantiation.

Allegation(s)	(1) Abuse of Authority or Serious Misconduct Identify Category (A-F)	(2) Substantiated in Investigative File Indicate Yes/No
<i>List each allegation below as stated by the Complainant. Indicate in the next two columns whether the two criteria are met for each allegation.</i>		
1. The FCPD did not charge the complainant's ex-wife with a crime (making a false police report)	No	No
2. An FCPD officer lied when he attributed a statement to the complainant that the complainant did not make	No	No
3. The FCPD investigator (of his complaint) lied in saying that the complainant was interviewed during his complaint investigation when he was not	No	No

## Missing Information

None identified

## Subcommittee Findings and Recommendation

*Check the Subcommittee's recommendation to the full Panel and keep one statement below that applies based on criteria met.*

<input checked="" type="checkbox"/> <b>Subcommittee Does Not Recommend full Panel Review</b>       <input type="checkbox"/> <b>Subcommittee Recommends full Panel Review</b>	<p><b>Criterion 1 is not met:</b> The Subcommittee unanimously finds that the allegation(s) made by the Complainant <u>do not</u> meet the threshold of Serious Misconduct or Abuse of Authority and therefore the Panel <u>does not</u> have authority to review the complaint. The Subcommittee <u>does not</u> recommend that the full Panel take up review of this Complaint.</p>
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Police Civilian Review Panel

January 23, 2024

Fairfax County Government Center, Conference Room 232

Subcommittee Meeting Summary (CRP-23-01)

Subcommittee Members Present:

Fazia Deen, Panel Member (participated remotely)

Celeste Peterson, Panel Member

Michael Lau, Chair of Subcommittee

Others Present:

Cheri Belkowitz, Panel Vice-Chair

Janell Wolfe, Panel Member

Dirck Hargraves, Panel Member

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

The Panel's meeting was called to order at 5:07 p.m. Mr. Lau welcomed everyone to the Panel's January 23, 2024, Subcommittee meeting.

Mr. Lau described the purpose of the subcommittee and its procedures to conduct an initial review of a complaint. He stated that subcommittee will complete the Initial Review Report, which was included in the meeting materials, and will make its recommendation to the full Panel at its Feb. 1, 2024, meeting.

Mr. Lau and Ms. Peterson were present in the room. Ms. Deen participated remotely by telephone from Chicago, Illinois due to a personal matter.

Initial Review of CRP-23-01:

Mr. Lau stated that the subcommittee members reviewed the complainant's statements, the Fairfax County Police Department (FCPD) disposition letter, and the FCPD's investigative files, which included body-worn camera (BWC) recordings. Mr. Lau provided a summary of the events of the incident that led to the complaint (CRP-23-01) and took comments from Ms. Peterson and Ms. Deen. He identified the allegations made by the complainant in his correspondence to the Panel:

1. The FCPD did not charge the complainant's ex-wife with a crime (making a false police report).
2. An FCPD officer lied when he attributed a statement to the complainant that the complainant did not make.
3. The FCPD investigator (of his complaint) lied in saying that the complainant was interviewed during his complaint investigation when he was not.

The complainant was not present at the subcommittee meeting.

The subcommittee members considered whether each allegation was considered Serious Misconduct or Abuse of Authority, which is required for recommending full Panel review.

Subcommittee members discussed the first allegation and agreed that the police not charging the ex-wife with a crime was not Serious Misconduct or Abuse of Authority. Ms. Deen said that the police explained to the complainant that there was no crime element.

Subcommittee members discussed the second allegation and agreed that it did not rise to the level of Serious Misconduct or Abuse of Authority. Mr. Lau stated that a supplemental report was made to clarify what the complainant said to the police.

Subcommittee members discussed the third allegation. Ms. Peterson said the investigator tried to get in touch with the complainant and Mr. Lau agreed that there were interviews conducted over the phone. The subcommittee members stated that they did not think the officer lied and, therefore, this did not rise to the level of Serious Misconduct or Abuse of Authority.

Mr. Lau moved that the subcommittee does not recommend full Panel review based on the subcommittee voting no on each of the allegations. Ms. Deen seconded the motion and it passed unanimously.

The meeting adjourned at 5:51 p.m.



## Initial Review Report – Subcommittee Recommendation to the Fairfax County Police Civilian Review Panel

Request for Review – Basic Information		
<b>CRP Complaint Number:</b> CRP-23-13		
<b>Subcommittee Members:</b>		
<ul style="list-style-type: none"> <li>Dirck Hargraves, Panel Member</li> <li>Janell Wolfe, Panel Member</li> <li>Cheri Belkowitz, Chair of Subcommittee</li> </ul>		
<b>Key Dates:</b> Incident Date: 8/24/2022; Initial Complaint to Panel: 9/19/2022 & 10/11/2022; FCPD Disposition Letter: 6/16/2023, Review Request Date: 6/21/2023		
<b>Subcommittee Meeting Date:</b> Jan. 23, 2024	<input checked="" type="checkbox"/> <b>Complainant Present</b> <input type="checkbox"/> <b>Complainant Not Present</b>	<input checked="" type="checkbox"/> <b>Complainant spoke</b>

Subcommittee Authority and Purpose
<p>The Subcommittee conducts an Initial Review of the subject Complaint to determine whether the Complaint meets the minimum criteria for review and consideration by the full Panel. (See Panel Bylaws Article VI.D.2.(d))</p> <p>The Subcommittee reviews complaints to determine whether: (Panel Bylaws Article VI.D.3.(a))</p> <ol style="list-style-type: none"> <li>(1) The Complaint alleges Serious Misconduct or Abuse of Authority as defined in its Bylaws; and</li> <li>(2) The evidence contained in the investigative file could lead a reasonable Panel to conclude that there is sufficient evidence to support the allegations.</li> </ol>

Subcommittee’s Role in Initial Review Process
<p>The Subcommittee Initial Review Report sets forth the Subcommittee’s recommendation. A unanimous Subcommittee vote is required to recommend that the Panel not consider a complaint. The full Panel may or may not accept the Subcommittee’s recommendation on whether to review a complaint.</p> <p>The full Panel will consider the Subcommittee recommendation and vote to determine whether it accepts a Review Request. If the full Panel accepts the recommendation, it will conduct a full Panel Review Meeting. (Panel Bylaws Article VI.F.)</p>

Categories of Abuse of Authority or Serious Misconduct
<p>The Panel determines whether allegations can be categorized as one or more of the following: (Panel Bylaws Article VI(B))</p> <ol style="list-style-type: none"> <li>A. Use of abusive racial, ethnic or sexual language or gestures.</li> <li>B. Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability.</li> <li>C. Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense.</li> <li>D. Reckless endangerment of detainee or person in custody.</li> <li>E. Violation of laws or ordinances.</li> <li>F. Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.</li> </ol>

## Complainant Allegations

The Panel subcommittee considered the following allegation(s) by the Complainant to determine (1) whether each constitutes Serious Misconduct or an Abuse of Authority as defined above, and, if yes, (2) whether the Investigation Report reveals sufficient substantiation.

Allegation(s)	(1) Abuse of Authority or Serious Misconduct Identify Category (A-F)	(2) Substantiated in Investigative File Indicate Yes/No
<i>List each allegation below as stated by the Complainant. Indicate in the next two columns whether the two criteria are met for each allegation.</i>		
1.The crossing guard failed to direct traffic properly.	No	No
2.The crossing guard failed to identify herself to complainant.	No	No
3.The crossing guard's behavior was unprofessional.	No	No
4.The School Resource Officer ("SRO") failed to activate his body-worn camera before his response.	No	No
5.Two officers failed to identify the Crossing Guard.	No	No
6.Two officers unlawfully detained the complainant.	D, E, F	No
7.The SRO cursed at the complainant.	A, C, F	No
8.Two officers acted unprofessionally.	No	No
9.The over-response of six officers was a form of intimidation.	No	No
10.After knowing that she had no license, one of the officers told the complainant's companion to drive the vehicle.	E	No
11.The SRO lied on the DMV Medical 3 form.	E, F	No
12.The Supervisor on the scene retaliated against the complainant by obtaining a warrant.	No	No
13.An officer failed to follow-up with the complainant.	No	No

## Missing Information

None identified

## Subcommittee Findings and Recommendation

*Check the Subcommittee's recommendation to the full Panel and keep one statement below that applies based on criteria met.*

<input checked="" type="checkbox"/> <b>Subcommittee Does Not Recommend full Panel Review</b>  <input type="checkbox"/> <b>Subcommittee Recommends full Panel Review</b>	<b>Criterion 1 is met, but Criterion 2 is not met:</b> The Subcommittee unanimously finds that the complaint alleges Serious Misconduct or Abuse of Authority, however, the evidence contained in the investigative file <u>could not</u> lead a reasonable Panel to conclude there is sufficient evidence to support allegations. Further, the Subcommittee has no reason to believe there is missing information from the Investigation Report. Therefore, the Subcommittee <u>does not</u> recommend that the full Panel take up review of this Complaint.
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Police Civilian Review Panel

January 23, 2024

Fairfax County Government Center, Conference Room 232

Subcommittee Meeting Summary (CRP-23-13)

Subcommittee Members Present:

Cheri Belkowitz, Chair of Subcommittee

Dirck Hargraves, Panel Member

Janell Wolfe, Panel Member

Others Present:

Michael Lau, Panel Member

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

The Panel's meeting was called to order at 6:00 p.m. Ms. Belkowitz welcomed everyone to the Panel's January 23, 2024, Subcommittee meeting on CRP-23-13.

Ms. Belkowitz, Mr. Hargraves, and Ms. Wolfe introduced themselves and were all present in the room.

Ms. Belkowitz described the authority of the Panel and the purpose of the subcommittee and its procedures to conduct an initial review of a complaint.

Initial Review of CRP-23-13:

Ms. Belkowitz noted that the complainant was present for the meeting and would be given an opportunity to address the subcommittee later on.

She stated that the subcommittee members reviewed the Fairfax County Police Department's (FCPD) investigative file prior to this meeting and will complete the Initial Review Report, which is included in the meeting materials. The subcommittee will make its recommendation to the full Panel at its Feb. 1, 2024, meeting.

Ms. Belkowitz identified the allegations made by the complainant:

1. The crossing guard failed to direct traffic properly.
2. The crossing guard failed to identify herself to complainant.
3. The crossing guard's behavior was unprofessional.
4. The School Resource Officer (SRO) failed to activate his body-worn camera (BWC) before his response.
5. Two officers failed to identify the Crossing Guard.
6. Two officers unlawfully detained the complainant.
7. The SRO cursed at the complainant.
8. Two officers acted unprofessionally.
9. The over-response of six officers was a form of intimidation.
10. After knowing that she had no license, one of the officers told the complainant's companion to drive the vehicle.

11. The SRO lied on the DMV Medical 3 form.
12. The Supervisor on the scene retaliated against the complainant by obtaining a warrant.
13. An officer failed to follow-up with the complainant.
14. Another officer/supervisor refused to separate the complainant's complaints into two separate cases.

Ms. Belkowitz provided a summary of the facts of the incident that occurred on Aug. 24, 2022, that led to the complaint (CRP-23-13) and took comments from Mr. Hargraves and Ms. Wolfe. The complainant lodged a complaint against a crossing guard at Oakton High School for improperly controlling traffic and for not providing her identity to the complainant when he requested it. The SRO, school administrators, and two additional officers responded to the scene. A supervising officer also responded upon request by the complainant.

The complainant, according to PCR Bylaws, was provided fifteen minutes to provide a statement to the subcommittee to provide his perspective on what occurred. The complainant refused to yield the floor to the subcommittee and continued speaking for approximately an additional five minutes. The complainant told the subcommittee that there were many factual errors in the summary of the incident read by Ms. Belkowitz and accused the subcommittee and the FCPD of lying in their reports. For instance, the complainant accused Ms. Belkowitz of lying when she referred to his companion in the car as his "wife." He also accused Ms. Belkowitz of lying when she described his statements to the crossing guard. He stated that he only called her a "bitch" who was "whoring herself out," which were statements that were appropriate in that context. When asked, he said that the reason he was not satisfied with the FCPD's investigation into his complaint was they only found performance of duty transgressions for miniscule issues, including the crossing guard not identifying herself and the SRO not turning on his BWC. The complainant stated he should not have been detained because he was not on school property but in the public right of way. The complainant also said that the officer who completed the DMV form never saw his driving behaviors. The complainant also said that the Internal Affairs Bureau refused to take over his complaint investigation from the district station commander. The complainant said he had other complaints such as civil right violations and he provided a packet of documents to the subcommittee for their consideration.

Ms. Belkowitz then led the subcommittee members to consider whether they believed each allegation was considered a Serious Misconduct or Abuse of Authority, which is required for the subcommittee to recommend that there be a full Panel review.

Subcommittee members discussed the first allegation and agreed that the crossing guard directing traffic improperly was not Serious Misconduct or Abuse of Authority. Ms. Belkowitz said that the crossing guard received training and was told by the school administration to prioritize getting the traffic out of the school.

Subcommittee members discussed the second allegation and agreed that the crossing guard not identifying herself may have been a violation of General Orders but it did not rise to the level of Serious Misconduct or Abuse of Authority.

Subcommittee members discussed the third allegation and agreed that the crossing guard clapping her hands may have been impolite but did not rise to the level of Serious Misconduct or Abuse of Authority.

The complainant continually interrupted the proceedings. He expressed disagreement with the subcommittee's statements and claimed that the crossing guard's behavior was disrespectful.

Subcommittee members discussed the fourth allegation that the SRO failed to activate his BWC. Mr. Hargraves stated that SROs do not turn BWCs on while in the school. The SRO admitted once he left the school he forgot to turn it on right away. The complainant interrupted the proceedings and said that he thought the subcommittee was making misstatements and lies. Panel members agreed that this was unintentional and was not a Serious Misconduct or Abuse of Authority.

Subcommittee members discussed the fifth allegation that two officers failed to identify the crossing guard. Ms. Belkowitz noted that the officer told the complainant he would get him the crossing guard's information. The complainant interrupted the proceedings. Panel members agreed that this did not rise to the level of Serious Misconduct or Abuse of Authority.

Subcommittee members discussed the sixth allegation that two officers unlawfully detained the complainant. Mr. Hargraves thought that this allegation could be considered D, E, or F, in the checklist. Panel members said they thought the police had the right to detain him for trespassing. The complainant interrupted the proceedings and indicated he thought there were misstatements. Panel members agreed that this did not rise to the level of Serious Misconduct or Abuse of Authority.

Subcommittee members discussed the seventh allegation that the officer cursed at the complainant. Mr. Hargraves thought that this allegation could be considered A, C, or F, in the checklist. He noted that there was no BWC footage that captured the cursing. The complainant interrupted the proceedings and stated his disagreement. Ms. Wolfe stated that there was a lack of evidence of cursing and so she did not find it to be Serious Misconduct or Abuse of Authority. Ms. Belkowitz agreed there was no substantiation in the file. Mr. Hargraves noted that the officer was reprimanded for not immediately turning on his BWC.

Subcommittee members discussed the eighth allegation that two officers acted unprofessionally. The complainant interrupted the proceedings. Ms. Wolfe found they were professional, and Mr. Hargraves noted that the officers did not react unprofessionally when the complainant was cursing at them. Panel members agreed that this did not rise to the level of Serious Misconduct or Abuse of Authority.

Subcommittee members discussed the ninth allegation that there was an overresponse of six officers. Mr. Hargraves said he did not think this was an overresponse given the complainant's behavior at a school. Ms. Wolfe stated the complainant requested the supervisor to come to the scene. The complainant interrupted the proceedings. Panel members agreed that this did not rise to the level of Serious Misconduct or Abuse of Authority.

Subcommittee members discussed the tenth allegation that an officer told the companion to drive. The complainant interrupted the proceedings. Panel members agreed that this did not rise to the level of Serious Misconduct or Abuse of Authority.

Subcommittee members discussed the eleventh allegation that an officer lied on a DMV Medical 3 Form. Mr. Hargraves thought that this allegation could be considered E, or F, in the checklist. He said the officer does not need to see the behavior and can file a form based on evidence. Ms. Wolfe thought the form was accurate based on information the officer collected on the scene. The complainant interrupted the proceedings and stated his disagreement. Panel members agreed that there was not substantiation

of this allegation in the file and so this did not rise to the level of Serious Misconduct or Abuse of Authority.

Subcommittee members discussed the twelfth allegation that the supervisor on the scene retaliated against the complainant by issuing a warrant. Ms. Belkowitz noted that the complainant thanked the supervisor for his good work on the scene and that she did not think there was retaliation. The complainant interrupted the proceedings. Ms. Wolfe said the supervisor researched the charge and sought counsel from Assistant Commonwealth Attorney. She said the magistrate issued the summons. Panel members agreed that this allegation did not rise to the level of Serious Misconduct or Abuse of Authority.

Subcommittee members discussed the thirteenth allegation that there was no follow up with the complainant. Ms. Wolfe and Ms. Belkowitz stated there was follow-up and correspondence regarding his complaint. They agreed this was not Serious Misconduct or Abuse of Authority.

Ms. Belkowitz read the last allegation and the complainant said he did not know the allegation. The subcommittee will remove that allegation from consideration and will not include it in the report.

Mr. Hargraves noted that the complainant alleged he was on public property but there was a GIS study that showed otherwise. He said utility easements give the utility right of way, not the public. He said that the First Amendment is not absolute. The complainant interrupted the proceedings and stated his disagreement. Ms. Belkowitz stated her agreement and said there was enhanced security around school properties.

Mr. Hargraves moved that while the complainant made allegations within purview of the Panel's authority, the evidentiary file does not substantiate the complaints, and therefore he recommends that the subcommittee not recommend this complaint be reviewed by the full Panel. Ms. Wolfe seconded the motion and it passed unanimously.

The meeting adjourned at 7:11 p.m.

Police Civilian Review Panel

January 4, 2024

Fairfax County Government Center

12000 Government Center Pkwy Fairfax, VA 22035

Meeting Summary

Panel Members Present:

Cheri Belkowitz, Vice Chair  
Todd Cranford, Chair  
Fazia Deen (virtual)  
Bryon Garner  
Michael Lau  
William Ware  
Janell Wolfe

Others Present:

Sanjida Lisa, PCRP  
Rachelle Ramirez, OIPA  
Richard Schott, OIPA  
Lt. Matt Lane, Internal Affairs Bureau  
Lt. Chris Cosgriff, Internal Affairs Bureau

Chair Cranford called the Police Civilian Review Panel's (PCR) business meeting to order at 7:05 p.m., and after taking attendance, noted the presence of a quorum. He welcomed everyone to the Panel's January 4, 2024, meeting.

Approval of Agenda: Mr. Garner moved approval of the meeting agenda. Ms. Wolfe seconded the motion and it carried unanimously.

Approval of December 7, 2023 Draft Meeting Summary: Mr. Ware moved approval of the December 7, 2023 draft meeting summary. Mr. Garner seconded the motion and it carried unanimously.

2024 Panel Elections: Chair Cranford announced that we will hold the 2024 Panel elections. Vice Chair Cheri Belkowitz will become the new Chair of the Panel, effective March 2024. Chair Cranford opened the floor for nominations for the position of Vice Chair. Mr. Garner self-nominated for Vice Chair and Mr. Ware seconded the motion.

Vice Chair Belkowitz nominated Ms. Wolfe for Vice Chair and Mr. Lau seconded the motion. Ms. Wolfe accepted the nomination and stated that she had been on the Panel for a couple years and understood how the Panel and various processes worked. Ms. Wolfe further stated that she likes the work of the Panel and does not take the work lightly. Mr. Garner stated that he wanted to engage more with the Panel and with the Fairfax County community. Mr. Garner also stated that he previously served on the review board in San Diego and had experience working with a department that wanted to grow.

Mr. Ware suggested that the Panel defer the vote for Vice chair to the end of the meeting and Chair Cranford agreed to do so.

New Business: Chair Cranford provided a brief overview of the topics discussed at the December 21, 2023, quarterly meeting held at the Fairfax County Government Center. In attendance were:

PCRPP Chair Cranford; PCRPP Vice Chair Belkowitz; PCRPP Project Analyst Sanjida Lisa; Independent Police Auditor Richard Schott; Rachelle Rameriz; Fairfax County Police Department (FCPD) Chief Davis; List others and his Internal Affairs Bureau (IAB) leadership team, the Board of Supervisor representatives.

Vice Chair Belkowitz discussed the new information FCPD shared regarding the Panel's recommendations matrix and the Panel questions that FCPD clarified during the meeting. She also shared that FCPD had informed the group that some of the General Orders (GO) mentioned in the matrix were outdated and new GO's in place would be more applicable.

Chair Cranford also shared that going forward these meeting would likely occur approximately three times a year, instead of meeting quarterly. Vice Chair Belkowitz reiterated the Panel's request that the Panel have access to the investigative file throughout the subcommittee review process, instead of having it for a finite amount of time prior to the subcommittee.

Ms. Wolfe inquired whether the administrative changes the Panel made to its procedures at the December 7, 2023, were adopted or if they needed to be voted on. Chair Cranford responded that the changes were already adopted and effective.

Vice Chair Belkowitz asked whether the Panel was able to have remote participation or remote meetings for subcommittees, emergency meetings and regular Panel business meetings. Counsel and staff responded that Panel members are can participate remotely at Panel business meetings, as long as there is at least a quorum physically present at the meeting.

Ms. Deen joined the meeting virtually at 7:32 p.m.

Chair Cranford stated that the Panel will consider the 2023 Annual Report at the next Panel meeting on February 1, 2024.

2024 Panel Elections continued: The vote for Vice Chair commenced, with two votes for Mr. Garner and four votes for Ms. Wolfe. Ms. Wolfe was elected the new Vice Chair of the Panel for 2024.

Adjournment: Mr. Garner motioned to adjourn the meeting. Mr. Lau seconded the motion and it carried unanimously. The meeting adjourned at 7:54 p.m.



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SENATE BILL NO. 36

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology  
on January 24, 2024)

(Patron Prior to Substitute—Senator Locke)

A BILL to amend and reenact § 2.2-3701 of the Code of Virginia, relating to the Virginia Freedom of Information Act; definitions.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3701 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information," as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, and no discussion or transaction of public business takes place among the members of the public body or (b) at a public forum, informational gathering, candidate appearance, or debate, the purpose of which is to inform the electorate or to gather information from the public and not to transact public business or to hold discussions relating to the transaction of public business, where no discussion or transaction of public business takes place among the members of the public body, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter. The attendance of members of a public body at the meeting of another public body does not constitute a meeting of the first public body so long as those members attending the other public body's meeting do not discuss or transact any public business. For purposes of the gatherings referenced in clauses (a) and (b), and educational trainings open to and actually attended by members of multiple public bodies from multiple jurisdictions, no discussion or transaction of public business shall be deemed to occur so long as the primary purpose of the meeting is not to discuss or transact public business and a majority of members of a particular public body do not discuss among themselves public business.

"Official public government website" means any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district, or agency of the Commonwealth or of any political subdivision of the Commonwealth, including counties, cities, and towns, municipal councils, governing bodies of counties, school boards, and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated of the public body created to perform delegated functions of the public

SENATE SUBSTITUTE

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60 body or to advise the public body. It shall not exclude any such committee, subcommittee, or entity  
61 because it has private sector or citizen members. Corporations organized by the Virginia Retirement  
62 System are "public bodies" for purposes of this chapter.

63 For the purposes of the provisions of this chapter applicable to access to public records,  
64 constitutional officers and private police departments as defined in § 9.1-101 shall be considered public  
65 bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose  
66 public records as other custodians of public records.

67 *"Public business" means activity that a public body has undertaken or proposed to undertake on*  
68 *behalf of the people it represents.*

69 "Public records" means all writings and recordings that consist of letters, words, or numbers, or their  
70 equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse,  
71 optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation,  
72 however stored, and regardless of physical form or characteristics, prepared or owned by, or in the  
73 possession of a public body or its officers, employees, or agents in the transaction of public business.

74 "Regional public body" means a unit of government organized as provided by law within defined  
75 boundaries, as determined by the General Assembly, which unit includes two or more localities.

76 "Remote participation" means participation by an individual member of a public body by electronic  
77 communication means in a public meeting where a quorum of the public body is otherwise physically  
78 assembled.

79 "Scholastic records" means those records containing information directly related to a student or an  
80 applicant for admission and maintained by a public body that is an educational agency or institution or  
81 by a person acting for such agency or institution.

82 "Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336  
83 et seq.).

84 **2. That the provisions of this act are declarative of existing law.**

24103187D

SENATE BILL NO. 415

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact § 2.2-3701 of the Code of Virginia, relating to the Virginia Freedom of Information Act; definition of "meeting."

Patron—Stuart

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3701 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information," as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, or (c) at a local political party meeting, the purpose of which is to conduct political party business and not to discuss or transact any public business, shall be deemed a "meeting" subject to the provisions of this chapter.

"Official public government website" means any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district, or agency of the Commonwealth or of any political subdivision of the Commonwealth, including counties, cities, and towns, municipal councils, governing bodies of counties, school boards, and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee, or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public

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59 bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose  
60 public records as other custodians of public records.

61 "Public records" means all writings and recordings that consist of letters, words, or numbers, or their  
62 equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse,  
63 optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation,  
64 however stored, and regardless of physical form or characteristics, prepared or owned by, or in the  
65 possession of a public body or its officers, employees, or agents in the transaction of public business.

66 "Regional public body" means a unit of government organized as provided by law within defined  
67 boundaries, as determined by the General Assembly, which unit includes two or more localities.

68 "Remote participation" means participation by an individual member of a public body by electronic  
69 communication means in a public meeting where a quorum of the public body is otherwise physically  
70 assembled.

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72 applicant for admission and maintained by a public body that is an educational agency or institution or  
73 by a person acting for such agency or institution.

74 "Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336  
75 et seq.).