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# Police Civilian Review Panel

## Meeting Agenda

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Location: James Lee Community Center, 2855 Annandale Road Falls Church, VA  
22042

Date: December 1, 2022

Time: 7:00 pm

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### Agenda details:

#### I. Call to Order

#### II. Agenda Items

- a. Approval of Agenda
- b. Approval of October 1, 2022 Draft Training Summary
- c. Approval of November 10, 2022 Draft Reception Summary
- d. Review of Subcommittee Initial Review Report for CRP-22-12
- e. CRP-22-12 Complainant appealing for reconsideration for review by full Panel
- f. Approval of the Consumer Protection Commission Remote Participation Policy
- g. Reconsideration of tabled discussion regarding the Magistrate's office

#### III. Executive Director's Report

#### IV. PCRCP Matters

#### V. New Business

#### VI. Adjournment

#### Panel Meeting Schedule:

- January 5, 2023 at 7:00 p.m.
- February 2, 2023 at 7:00 p.m.
- March 2, 2023 at 7:00 p

Police Civilian Review Panel

October 1, 2022

Fairfax County Government Center, Conference Room 232

Training Summary

Dirck A. Hargraves, Chair (virtually, for 30 mins)

Panel Members Present:

Jimmy Bierman

Todd Cranford, Vice-Chair

Bryon Garner

Celeste Peterson

William Ware

Janell Wolfe

Others Present:

Marcia K. Thompson, Esq., Director, Community Investment

Jeffrey Magee, Program Manager, Community Investment

Sanjida Lisa, PCRCP

Steven Richardson, Executive Director, PCRCP

The Panel held a strategic planning session on October 1, 2022. The meeting was called to order at 10:00 a.m. Mr. Hargraves, Chairman, who joined the meeting remotely, welcomed everyone to the meeting. Everyone who was present in Conference Room 232 stated their name and their position.

Executive Director Richardson introduced Marcia K. Thompson, Director of Community Innovation at Amazon, who will lead the strategic planning discussion. Her colleague, Jeffrey Magee, Program Manager at Amazon introduced himself to the Panel.

Ms. Thompson reviewed the agenda and facilitated discussion of the Panel members by posing the following questions:

- What would you like to do as an entity, and why?
- Currently, what are you doing well as an entity?
- What can you do as an entity with your current authority and mandate?
- Is there something that you should be doing as an entity?
- Are there any gaps that need to close between what you would like to do and should do as an entity? What do you envision this entity to look like in the future?

The Panel took a break from 11:20 a.m. to 11:30 a.m.

Discussion ensued on the Panel members' reflections on their work, their accomplishments, and vision for the future. Some of the goals discussed included increasing public participation in meetings, enhanced visibility in the community, and outreach to vulnerable populations. Panel members voiced a desire for monitoring authority and some degree of independent investigative authority.

The Panel took a break from 12:50 p.m. to 1:00 p.m.

Panel members said they wanted the Executive Director to maintain an outreach calendar so they can participate in outreach as they are available and that the calendar be accessible to the public.

Discussion ensued on the Panel's desire for additional training opportunities. One Panel member asked for information on trainings provided to County employees. The Executive Director provided information on upcoming training opportunities provided by NACOLE. Ms. Thompson offered to return to provide additional training to the Panel.

The training adjourned at 1:27 p.m.

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Police Civilian Review Panel

November 10, 2022

Fairfax County Government Center, The Forum

Meeting Summary

Panel Members Present:

Cheri Belkowitz

Jimmy Bierman

Todd Cranford, Vice-Chair

Dirck A. Hargraves, Chair

Janell Wolfe

Others Present:

Steven Richardson, PCRCP

Sanjida Lisa, PCRCP

Community Members

Government Officials

The Panel held a reception to celebrate the opening of the Office of the Police Civilian Review Panel from 6:30 p.m. – 9:30 p.m. on November 10, 2022. Reception attendees included current and former Panel members, staff from the Office of the Police Civilian Review Panel, other County leadership, and community stakeholders.

Participants heard remarks from:

- Steven Richardson, Executive Director, Office of the Police Civilian Review Panel
- Kevin Davis, Chief, Fairfax County Police Department
- Jeffrey C. McKay, Chairman, Fairfax County Board of Supervisors
- Bryan Hill, Fairfax County Executive
- Steve Descano, Commonwealth's Attorney and Former Panel Member
- Dirck Hargraves, Chair, Police Civilian Review Panel
- Richard Schott, Independent Police Auditor
- USDOJ Deputy Chief Paul Killebrew

Police Civilian Review Panel

November 28, 2022

Fairfax County Government Center, Conference Room 232

Subcommittee Meeting Summary

Panel Members Present:

Todd Cranford, Vice Chair

Bryon Garner

Janell Wolfe

Others Present:

Angel Rodrigo Garcia, Complainant

Marlena Cancooke, Complainant

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.**



**THE FAIRFAX COUNTY CONSUMER PROTECTION COMMISSION POLICY**  
**FOR THE REMOTE PARTICIPATION OF MEMBERS**

1. **AUTHORITY AND SCOPE**

a. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Fairfax County Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

2. **DEFINITIONS**

a. “**BAC**” means the Fairfax County Consumer Protection Commission or any committee, subcommittee, or other entity of the Consumer Protection Commission.

b. “**Member**” means any member of the Consumer Protection Commission.

c. “**Remote participation**” means participation by an individual member of the Consumer Protection Commission by electronic communication means in a public meeting where a quorum of the Consumer Protection Commission is physically assembled, as defined by Va. Code § 2.2-3701.

d. “**Meeting**” means a meeting as defined by Va. Code § 2.2-3701.

e. “**Notify**” or “**notifies**,” for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

3. **MANDATORY REQUIREMENTS**

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

a. A quorum of the Consumer Protection Commission must be physically assembled at the primary or central meeting location; and

b. Arrangements have been made for the voice of the remotely participating member to be heard (or if such member’s preferred method of communication is non-verbal, such method shall apply in lieu of verbal) by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

**THE FAIRFAX COUNTY CONSUMER PROTECTION COMMISSION POLICY  
FOR THE REMOTE PARTICIPATION OF MEMBERS**

**4. PROCESS TO REQUEST REMOTE PARTICIPATION**

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Consumer Protection Commission Chairperson (or the Vice-Chairperson if the requesting member is the Chairperson) that they are unable to physically attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

b. The requesting member shall also notify the Consumer Protection Commission staff liaison of their request, but their failure to do so shall not affect their ability to remotely participate.

c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) – (iii) above.

d. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.

e. The Chairperson (or the Vice-Chairperson if the requesting member is the Chairperson) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

**5. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION**

When a quorum of the Consumer Protection Commission has assembled for the meeting, the Consumer Protection Commission shall vote to determine whether:

a. The Chairperson's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and

**THE FAIRFAX COUNTY CONSUMER PROTECTION COMMISSION POLICY**  
**FOR THE REMOTE PARTICIPATION OF MEMBERS**

b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

6. **RECORDING IN MINUTES**

a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the Consumer Protection Commission shall record in its minutes (1) the Consumer Protection Commission's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated.

c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

7. **CLOSED SESSION**

If the Consumer Protection Commission goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

8. **STRICT AND UNIFORM APPLICATION OF THIS POLICY**

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The Chairperson (or Vice Chairperson) shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.