

Police Civilian Review Panel  
December 1, 2022  
James Lee Community Center  
2855 Annandale Rd, Falls Church, VA 22042  
Meeting Summary

Panel Members Present:

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

Others Present:

Kenneth Bynum, Counsel  
Madison Gibbs, Counsel  
Steven Richardson, Executive Director, PCRCP  
Sanjida Lisa, PCRCP  
Richard Schott, Independent Auditor, OIPA  
Rachelle Ramirez, OIPA  
2nd Lt. Tim Forrest, Internal Affairs Bureau  
Lt. Todd Sweeney, Internal Affairs Bureau  
2nd Lt. Matthew Lane, Internal Affairs Bureau  
Community members

The Panel's business meeting was called to order at 7:02 p.m. Mr. Hargraves, Chairman, welcomed everyone to the Panel's December 1, 2022, meeting. Everyone who was present in at the James Lee Community Center stated their name and their position. Panel members Celeste Peterson and Cheri Belkowitz were enroute to the meeting and not yet present. Panel member Bryon Garner was not present.

Approval of Agenda: Mr. Bierman moved approval of the meeting agenda. Mr. Cranford seconded the motion. Mr. Hargraves made a comment to remove the approval item of the Consumer Protection Commission (item F) from the Agenda. There was no further discussion and the motion carried unanimously.

Mr. Hargraves presented Ms. Alma Amaker to the Panel and asked her to provide further background information on the James Lee Community Center. Ms. Amaker provided remarks discussing the history of the community center and how long it has been operational.

At approximately 7:08 P.M., Panel members Cheri Belkowitz and Celeste Peterson arrived.

Mr. Hargraves provided an overview of the different acronyms the Panel uses and would continue to use throughout the duration of the meeting. Mr. Hargraves also provided an overview and background of the Panel and the reasons behind its inception. Mr. Hargraves emphasized that the purpose of the

Panel was to create greater transparency with the community and the Fairfax County Police Department.

Mr. Hargraves asked Mr. Richardson to present the recent trainings the Panel has had. Mr. Richardson provided a brief synopsis of the content of the trainings held on October 1, 2022 and November 12, 2022.

Approval of the October 1, 2022 Draft Training Summary: Mr. Bierman moved to table the approval of the October 1, 2022 draft summary to be able to amend the summary and provide further background and biographical information for Ms. Marcia Thompson in the summary. Ms. Belkowitz seconded the motion and it carried unanimously.

Approval of November 10, 2022 Draft Reception Summary: Mr. Cranford moved to approve the November 10, 2022 Reception draft summary and Mr. Bierman seconded the motion. Mr. Bierman moved to amend the summary to include the full title of Paul Killebrew. Ms. Belkowitz recommended adding that there were more than 100 people in attendance at the Reception. There was no further discussion and it carried unanimously.

Review of Subcommittee Initial Review Report for CRP-22-12: Mr. Cranford presented the Subcommittee Meeting draft summary and provided further background information on complaint CRP-22-12 that the Panel held a Subcommittee meeting for on November 28, 2022. Mr. Cranford explaining the basis of the complaint and the related events that led up to the incident. Mr. Cranford also explained briefly the Subcommittee meeting process and how the Panel reviews received requests.

Mr. Cranford went over the findings of the Subcommittee meeting from the checklist and concluded that the Subcommittee Panel found the Fairfax County Police Department (FCPD) Internal Affairs Bureau (IAB) investigation to be accurate, thorough, complete, objective and impartial and that the Panel would not recommend the complaint to the full Panel for review.

Mr. Hargraves presented the purpose of the Subcommittee Panel and their process, including the review of files and whether to recommend the complaint to the full Panel for a review.

Ms. Wolfe clarified that that the custody of the child was released to FCPD officers, who then released the child to its parents. Ms. Wolfe reiterated that she was impressed with the conduct of the complainant as he was arrested by officers 11 days later. Ms. Wolfe further provided that she found no evidence of racial bias or prejudice of the allegation that there was a prejudice due towards the complainant based on his nationality. Ms. Wolfe explained that the she thought it was very clear that the officer was unaware of any text messages that would have been exculpatory. She further provided that she felt the complainant should have followed up with the Commonwealth Attorney's office.

Mr. Bierman asked whether there was any body-worn camera footage, to which Mr. Cranford explained that there was body worn camera footage and the footage did not provide any evidence o the allegations.

Mr. Hargraves allowed the complainants to make a brief statement and address the full Panel. The Complainant began sharing his perspective of the events that occurred on May 28, 2022 and the events leading up to the situation that ended with the officers being called to the scenes on charges of child abduction. The Complainant provided that the follow up phone call the very next day to the

Complainant by the responding officer was not recorded and the contents of that phone call were the basis of his allegations in his complaint to the Panel.

Ms. Belkowitz asked the Complainant about his interaction with the police officer about their ethnicities and nationalities. The Complainant explained that the conversation occurred the next day, May 29, 2022, over the phone. Mr. Hargraves asked whether the body worn cameras and the phone conversations were recorded. Mr. Cranford provided that the phone conversations were not recorded and that only the interviews and body worn cameras were recorded. The Complainant's mother provided that she spoke with the police officer at least three times and that each conversation was more than thirty minutes long in duration.

Mr. Bierman asked whether there was anything in the investigative file to suggest that IAB had tried to substantiate the allegation that there were three thirty minute phone conversations between the officer and the Complainant. Mr. Cranford provided that there was nothing recorded outside of the interviews and body worn camera footage.

Ms. Wolfe clarified that she had not heard about the three phone calls prior to the full Panel meeting. She provided that the officer mentioned in the report that they were going to take the child on a walk and never brought them back.

Ms. Belkowitz asked the Subcommittee Panel if members had reviewed the arrest data of the officer involved in the complaint. Ms. Wolfe provided that the arrest data was not provided. Mr. Richardson clarified that the officer had been on the force for 18 months, six months in the Police Academy and 12 months on the force, and was unaware as to why the officer's arrest data was not provided.

Mr. Ware asked whether there was a racial bias that led to the false arrest of the complainant. Mr. Cranford clarified that he and the rest of the Subcommittee Panel did not find evidence to support that allegation. Mr. Bierman asked whether IAB had brought the case to the Commonwealth Attorney's office and if there was a discussion about a follow-up investigation. Ms. Wolfe reiterated that she had not heard about the three 30 minute phone calls prior to this meeting. Mr. Cranford agreed that the information was new and that they had not heard about these phone conversations prior from the Complainants nor were they included in the IAB investigation files.

Mr. Hargraves asked for a motion to suggest that the IAB investigation needs further investigation. Mr. Cranford made a motion to ask IAB for further investigation, Ms. Wolfe seconded the motion. Mr. Hargraves explained to the community members present as to what the Panel conversation was entailing. Mr. Hargraves questioned whether conversations now arising allows the full Panel to review the complaint and have IAB investigate further. Mr. Cranford asked whether the Panel has the authority to bring additional external information to the investigation after the Subcommittee meeting. Mr. Cranford further clarified that the mandate was to review the existing file and if information learned at the Panel meeting post the conclusion of the IAB investigation can be reviewed or reexamined since it was not a part of the original existing file. Ms. Belkowitz provided that the Panel could argue and say the investigation was incomplete. Mr. Cranford argued that the information was completely brand new and that IAB cannot further investigate a new detail.

Mr. Bierman clarified that the question he had asked was in trying to determine whether IAB was aware of the existence of the phone conversations and whether they were not investigated due to lack of a

thorough investigation versus a lack of knowledge of the phone calls. Mr. Bierman concluded that IAB did conduct a proper follow up and conducted a thorough and complete investigation, further adding that they cannot go back to investigate the existence of new evidence or new allegations when they were not aware of them from the beginning of the initial investigation.

Mr. Cranford restated that he felt the allegations in the complaint were unsubstantiated and that IAB conducted a complete investigation. Mr. Bynum clarified that IAB conducted an investigation of the evidence and allegations known at the time and on record.

Mr. Hargraves provided that at present, the Panel does not have independent investigative authority. Ms. Peterson added that the Panel is very sensitive to the emotions and trauma of the Complainants and wanted to make it clear that the Panel is sympathetic and sensitive to their concerns and experiences. Mr. Hargraves provided that even if the Panel cannot go add new evidence to the investigative file, the Panel could still make recommendations to the police via the Recommendations Matrix.

Mr. Ware asked if there was any mention of the exculpatory messages in the file. Mr. Cranford provided that the officer was asked about exculpatory messages in the interviews and the officer said they were not aware of them. Mr. Bierman provided that the officer's prerogative was to investigate the allegations and since the situation is very 'he said she said', it was up to IAB to investigate and the Panel's job to conclude if that investigation was conducted properly.

Mr. Hargraves moved to vote that the Panel accept the Subcommittee's recommendation to not have the full Panel review the complaint. Mr. Bierman, Mr. Cranford, Mr. Hargraves, and Ms. Wolfe voted in favor of accepting. Ms. Belkowitz and Mr. Ware voted against accepting. Ms. Peterson abstained from voting. The vote to accept the recommendation passed with a majority of the Panel agreeing to accept.

Mr. Hargraves reiterated that the Panel does not have investigative authority yet but they could make recommendations to FCPD. Mr. Hargraves noted that there seemed to be a lack of follow-up by FCPD officers and offered that any conversation an officer has with a community member should be recorded for posterity and to protect both the citizen and the officer. Mr. Hargraves provided that would be included in the Recommendations Matrix.

Mr. Ware agreed with Mr. Hargraves' recommendation and wanted to ask if there was any place to ask the community members for suggestions that they can make from their interactions with officers in relation to exculpatory evidence. Mr. Richardson provided that there might be a way to provide exculpatory evidence via cell phones or electronically.

Approval of the Remote Participation Policy: Mr. Hargraves moved to table the conversation around Remote Participation Policy, pending confirmed by PCR staff that it had already been voted on and ratified.

Reconsideration of Tabled Discussion Regarding the Magistrate's Office: Independent Counsel shared that they drafted a memo regarding the tabled discussion and Ms. Gibbs went over the memo to provide more information on Magisterial review. Ms. Gibbs provided that there was a Magistrates Manual available online as well as a complaint form online, allowing citizens to request information. Ms. Gibbs concluded by saying that she recommended the Panel get this information out to the public in

some form. Ms. Belkowitz asked whether the Magistrate's office would be taught to the police recruits at the Academy.

Mr. Hargraves briefly explained to the community members the history behind the tabled discussion. He further recommended that PCRP staff and FCPD find the best ways to disseminate that information.

Executive Director's Report: Mr. Richardson announced that Panel member William Ware would be filling the law enforcement seat in the Panel and a new Panel member would be appointed soon. Mr. Richardson reminded the Panel that Mr. Garner's and Ms. Wolfe's Panel seat terms would be ending and they would need to get renewed should they want to re-commit their time to the Panel. Mr. Richardson briefly discussed the positive feedback and response the Panel received from the Reception and an upcoming Panel training session with Ms. Marcia Thompson in February 2023. Mr. Richardson discussed the implementation of PCRP Panel training modules that would be developed by the PCRP and Office of the Independent Auditor (OIPA) offices. Mr. Richardson confirmed the location of the next Panel meeting on January 5, 2023 at the Pozez Jewish Community Center.

PCR Matters: Mr. Hargraves wanted to highlight the importance of Panel member attendance to the monthly Panel meetings and the emphasized the need to share the location and times of the meetings more effectively. Mr. Hargraves addressed the community members present and discussed that many community members may have less than ideal experiences with the police and that there is trauma and trauma-adjacent language that can help Panel members navigate those difficult conversations. He also mentioned the national hotline for Mental Health awareness and issues, which is 988.

Mr. Cranford had nothing further to add.

Mr. Bierman discussed his ride-along experience with the Mt. Vernon police station and highly recommended to the other Panel members to complete their ride-alongs.

OIPA had nothing further to add

Ms. Belkowitz announced that there would be a IEP-Palooza for special education families at the Annandale High School from 9 a.m. to 12 p.m. on December 3, 2022.

Mr. Ware had nothing further to add.

Ms. Peterson had nothing further to add.

Ms. Wolfe mentioned wanting to review the By-Laws to ascertain how much time a Complainant was given to address the Panel at both Subcommittee and full Panel meetings.

Counsel had nothing further to add.

Mr. Richardson had nothing further to add.

Adjournment: Mr. Cranford made a motion to adjourn the meeting, Mr. Bierman seconded the motion and it carried unanimously.

Meeting adjourned at 9:03 p.m.

The next Panel meeting will be held on January 5, 2023 at the Pozez Jewish Community Center at 7:00 p.m.