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# Police Civilian Review Panel

## Subcommittee Meeting Agenda

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

Date: January 23, 2024

Time: 6:00 pm

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### Agenda details:

**I.** Call to Order

**II.** Agenda Items

a. Initial Review of CRP-23-13

**III.** Adjournment

## 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 type="checkbox"/> <b>Complainant 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. Crossing Guard (a) failed to direct traffic properly, (b) failed to identify herself, and (c) was unprofessional		
2. Master Police Officer/School Resource Officer (“SRO”) failed to activate his BWC at the outset of his response to the Incident		
3. SRO and MPO#2 (a) refused to identify the Crossing Guard, (b) unlawfully detained complainant, and (c) were unprofessional		
4. SRO cursed at complainant		
5. The over-response of 6 officers was a form of intimidation		
6. MPO#3 told complainant’s companion to drive after being told that she did not have a driver’s license		
7. SRO lied on the DMV MED 3 form		
8. 2LT retaliated against complainant by obtaining a Summons		
9. CAPT failed to meet/follow-up with complainant		
10. MAJ refused to separate complainant’s claims into two separate investigations		

Missing Information
If there is any indication there may be missing information from the investigative file, describe it here.

Subcommittee Findings and Recommendation	
<i>Check the Subcommittee’s recommendation to the full Panel and keep one statement below that applies based on criteria met.</i>	
<input type="checkbox"/> Subcommittee Does Not Recommend full Panel Review	<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> <p><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.</p>

<input type="checkbox"/> <b>Subcommittee Recommends full Panel Review</b>	<b>Criteria 1 and 2 are both met:</b> The Subcommittee finds that the allegation(s) made by the Complainant meet the threshold of Serious Misconduct or Abuse of Authority as defined above AND that the evidence contained in the investigative file could lead a reasonable Panel to conclude that there is sufficient evidence to support the allegations. Therefore, the Panel subcommittee recommends that the full Panel take up review of this Complaint.
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