
Police Civilian Review Panel

Meeting Agenda

Location: Conducted electronically due to COVID-19 Pandemic

Date: February 4, 2021

Time: 7:00 pm

Agenda details:

I. Call to Order

II. Agenda Items

- a. Motions to Conduct Electronic Meeting
- b. Approval of January 7th Meeting Summary
- c. Approval of Subcommittee Initial Review Report for CRP-20-37
- d. Approval of Review Report for CRP-20-19 and CRP-20-27
- e. Updates to the Panel's Recommendations Matrix
- f. Discussion of Draft 2020 Annual Report

III. New Business

IV. Adjournment

Panel Meeting Schedule:

- February 25, 2021 at 7:00 pm
- March 4, 2021 at 7:00 pm
- April 1, 2021 at 7:00 pm

Police Civilian Review Panel

January 7, 2021

Conducted Electronically due to COVID-19 Pandemic

Meeting Summary

Panel Members Present:

Hansel Aguilar

Jimmy Bierman

Bob Cluck

Hollye Doane, Panel Chair

Frank Gallagher

Doug Kay

Shirley Norman-Taylor

Sris Sriskandarajah, Panel Vice-Chair

Rhonda VanLowe

Others Present:

Major Lay, FCPD

Anita McFadden, Interim Counsel

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

NOTE: The Panel's January 7 meeting was conducted electronically due to the COVID-19 Pandemic. The electronic meeting was hosted on WebEx and allowed for members of the public to virtually attend via WebEx or conference call.

The Panel's business meeting was called to order at 7:00 p.m. and all Panel Members were present. Ms. Doane welcomed everyone to the Panel's January 7, 2021 meeting and noted a few housekeeping rules.

Motions to Conduct Electronic Meeting: Ms. Doane took roll call to verify a quorum of the Panel was present and to ensure each Panel Member's voice could be heard clearly. She asked each Panel Member to state their name and the location from which they were participating.

Mr. Aguilar was present and participated from the Centreville, Virginia.

Mr. Bierman was present and participated from McLean, Virginia.

Mr. Cluck was present and participated from Reston, Virginia.

Mr. Kay was present and participated from Fairfax, Virginia.

Ms. Norman-Taylor was present and participated from Lorton, Virginia.

Mr. Sriskandarajah was present and participated from Fairfax, Virginia.

Ms. VanLowe was present and participated from Reston, Virginia.

Mr. Gallagher was present and participated from Burke, Virginia.

Ms. Doane was present and participated from Oakton, Virginia.

Ms. Doane moved that each member's voice may be adequately heard by each other member of this Panel. The motion was seconded by Mr. Sriskandarajah and it carried by unanimous vote.

Ms. Doane moved that the State of Emergency caused by the COVID-19 pandemic makes it unsafe for the Panel to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, FOIA's usual procedures, which require the physical assembly of this Panel and the physical presence of the public, cannot be implemented safely or practically. She further moved that the Panel may conduct this meeting electronically through a dedicated WebEx platform and audio-conferencing line, and that the public may access this meeting by using the WebEx attendee access link or by calling 1-844-621-3956 and entering access code 179 968 5171 as noted in the Public Meeting Notice. Mr. Sriskandarajah seconded the motion and it carried by unanimous vote.

Ms. Doane moved that all matters addressed on the agenda are necessary to continue operations and the discharge of the Panel's lawful purposes, duties, and responsibilities. The second to the motion was inaudible and it carried by unanimous vote.

Approval of December 10 Meeting Summary: Ms. VanLowe moved approval of the Panel's December 10 meeting summary. Mr. Bierman seconded the motion and it carried by unanimous vote.

Extend Deadline of Completion of Review Report for CRP-20-19 and CRP-20-27: Ms. Doane stated that the deadline to complete the written report for CRP-20-19 and CRP-20-27 is January 20, 2021, which is 90 days after the "Receipt of the Investigation Report" defined as the first Panel meeting subsequent to FCPD making an Investigation Report available to the Panel. The Panel met on October 22, 2020, following the subcommittee members reviewing the file at IAB. The Panel was unable to conduct its review during the November meeting because Panel members needed more time to review the two large investigative files. The report is not ready for the Panel to consider but will be ready for the February meeting. The Panel must advise the Board of Supervisors that we are missing the deadline and provide good cause. Mr. Kay moved that good cause exists to extend the deadline for the Panel's completion of the report. Mr. Gallagher seconded the motion and it carried by unanimous vote.

Approval of Subcommittee Initial Review Report for CRP-20-34: Mr. Sriskandarajah provided information on the incident underlying the complaint, which entailed the complainant encountering a man at a gas station who threatened him and whom he believed might be a

police officer. Mr. Sriskandarajah stated that the FCPD investigation was unable to identify that the subject of the complaint was in fact an FCPD officer. The subcommittee discussed the steps taken by the investigator and concluded there were not enough facts to warrant this going to the Panel. Mr. Cluck said that the subcommittee did not find the allegations rose to a level of abuse of authority or serious misconduct.

Discussion ensued regarding the ability of the FCPD to check the license plate number in VCIN and whether there was probable cause for them to do so. Mr. Aguilar expressed concerns that the subject threatened the complainant by saying he knows where he lives and that he may be misusing the system if he was in fact a law enforcement officer.

Mr. Aguilar asked if the department has a registry of license plates used by officers, other than VCIN. Major Lay stated that they looked in all the databases in which they legally could and did not find a correlation with an active employee of the FCPD.

Mr. Kay moved that the Panel accept the subcommittee's recommendation to not review CRP-20-34. The motion was seconded by Mr. Gallagher and carried by a vote of eight, with Mr. Aguilar voting Nay.

Consideration of Good Cause for CRP-20-31: Ms. Doane said that the Complainant in this case informed the Panel that she did not receive correspondence concerning her complaint, including the Panel's request that she provide information to consider as good cause. The Panel voted at its last meeting to not hear the complaint since such information was not provided by the deadline. The complainant has since provided an explanation for the Panel to consider good cause. Discussion ensued on whether the provided explanation should make the Panel reconsider reviewing her complaint.

Mr. Gallagher moved that the subcommittee not consider CRP-20-31. The motion was seconded by Mr. Sriskandarajah and it carried by a vote of seven, with Ms. Doane and Mr. Cluck voting Nay.

Elections for 2021 Panel Leadership: Ms. Doane asked for any objections to Mr. Sriskandarajah, the Vice-Chair, assuming the role of Chair of the Panel. Hearing none, Ms. Doane announced that Mr. Sriskandarajah will become the Panel's next Chair on March 1, 2021.

Ms. Doane then asked for nominations for Vice-Chair. Ms. Doane nominated Mr. Bierman and Mr. Sriskandarajah nominated Mr. Cluck. Mr. Sriskandarajah explained his reasons for nominating Mr. Cluck. Ms. VanLowe expressed her appreciation to Ms. Doane for serving as Chair this year and that she was happy that there were two candidates for vice-chair. Ms. Doane explained her reasons for nominating Mr. Bierman. Ms. Doane expressed her desire that the Panel focus on building its relationships with community groups and the FCPD rank and file, and said she thought that Mr. Bierman was well suited to lead this effort. Mr. Cluck reviewed his experience with participating and leading various groups and described his skills in being objective and unbiased. Mr. Bierman described his efforts in conducting a thorough

review of the Panel's work and developing recommendations for how the Panel should operate going forward.

Ms. Doane called for a roll call vote. Mr. Gallagher, Mr. Cluck, and Mr. Sriskandarajah voted for Mr. Cluck to serve as the new Vice-Chair. Mr. Aguilar, Mr. Bierman, Mr. Kay, Ms. Norman-Taylor, Ms. VanLowe and Ms. Doane voted for Mr. Bierman. With a vote of six, Mr. Bierman will serve as the new Vice-Chair for the Panel.

Four Year Review Action Plan Update: Mr. Bierman informed the Panel of some of the key takeaways that he is incorporating into the Four-Year Review. He said that he plans to circulate a first draft of the report to the Panel members by January 14. He asked for edits and comments before the meeting so that the Panel can focus on the substance of the report (i.e., analysis and recommendations) at the January 28 meeting.

Next Quarterly Meeting: Ms. Doane informed the Panel members that there is an upcoming Quarterly Meeting with the Board of Supervisors Chairman's and Supervisor Lusk's Chiefs of Staff, representatives of the FCPD, and the Police Auditor's office. She said that one item on the agenda is to review the latest version of the Panel's recommendations matrix to get input from the FCPD. If anyone has items that they would like her to raise, they should send them to Ms. Doane before next Friday.

Meeting Schedule: Ms. Doane reviewed the Panel's upcoming meeting schedule. The Panel will meet on January 28 to discuss the Four-Year Review. They will also meet on February 4 and again on February 25.

Recognition of FCPD Chief Roessler: Ms. Doane stated that the Panel would like to publicly recognize Chief Roessler, who is retiring in February, at the Panel's meeting on January 28. Major Lay indicated he would ask Chief Roessler to attend.

Adjournment: Mr. Gallagher moved to adjourn the meeting. Mr. Bierman seconded the motion and it carried unanimously.

The meeting adjourned at 8:36 p.m.

Next Meeting: The Panel's next meeting will be held on Thursday, January 28 at 7:00 p.m. The meeting will be conducted electronically and information for public access will be included in the public meeting notice.

Police Civilian Review Panel

February 2, 2021

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-20-37

Members Present:

Jimmy Bierman, Review Liaison

Frank Gallagher, Review Liaison

Sris Sriskandarajah, Subcommittee Chair

Others Present:

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

NOTE: The Panel’s subcommittee meeting was conducted electronically due to the COVID-19 Pandemic. The electronic meeting was hosted on WebEx and allowed for members of the public to virtually attend via WebEx or conference call.

The Initial Disposition Subcommittee was called to order at 5:33 p.m.

Motions to Conduct Electronic Meeting: Mr. Sriskandarajah took roll call to verify a quorum of the Panel’s subcommittee was present and to ensure each subcommittee member’s voice could be heard clearly. He asked each subcommittee member to state their name and the location from which they were participating.

Mr. Bierman was present and participated from McLean, Virginia.

Mr. Gallagher was present and participated from Burke, Virginia.

Mr. Sriskandarajah was present and participated from Fairfax County, Virginia.

Mr. Sriskandarajah moved that each member’s voice may be adequately heard by each other member of this Panel. The motion was seconded by Mr. Bierman and it carried by unanimous vote.

Mr. Sriskandarajah moved that the State of Emergency caused by the COVID-19 pandemic makes it unsafe for the subcommittee to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, FOIA’s usual procedures, which require the physical assembly of this Panel and the physical presence of the public, cannot be implemented safely or practically. He further moved that the subcommittee may conduct this meeting electronically through a dedicated WebEx platform and audio-conferencing line, and that the public may access this meeting by using the WebEx attendee access link or by calling 1-844-621-3956 and entering access code 179 138 2871 as noted in the Public Meeting Notice. Mr. Bierman seconded the motion and it carried by unanimous vote.

Mr. Sriskandarajah moved that that all matters addressed on the agenda are necessary to continue operations and the discharge of the Panel's lawful purposes, duties, and responsibilities. Mr. Bierman seconded the motion and it carried by unanimous vote.

Completion of Initial Review Report for CRP-20-37:

Mr. Sriskandarajah reviewed the incident subject of the complaint, which occurred in May 2020. The complainant called the police for help when she was locked inside an Office Depot. Officers responded and found the complainant pushing a cart filled with items in bags. The store manager also returned to the store in response to the store security alarm. The complainant was asked for proof of receipt and she claimed it was emailed to her. The store manager said that emailing receipts was not a current practice. The complainant then got into a car, locked the door and refused to open it. Officers then extracted the complainant from the car and detained her.

The complainant makes numerous allegations including uses of force. Mr. Sriskandarajah stated that the allegations of force will not be reviewed by the Panel but will be reviewed by the Independent Police Auditor (IPA).

Mr. Bierman outlined the allegations that may be considered by the Panel: that the complainant was falsely arrested, that she should have been read a Miranda warning, that she should have been given a lawyer at scene, that the car seizure and towing was illegal, that officers intimidated EMTs into not helping her, and that she should have been given a ride home from the Adult Detention Center (ADC).

Discussion ensued whether the allegations met the threshold for abuse of authority or serious misconduct. Panel members agreed that there appeared to be probable cause for the complainant's arrest, and that a Miranda warning was not necessary. While an allegation of not appointing a lawyer could be considered an abuse of authority, there was no evidence that it applied in this situation. Mr. Gallagher and Mr. Bierman did not see the towing of the car as an abuse of authority. Mr. Bierman said there was no scintilla of evidence that officers intimidated the EMTs and pointed out that two EMTs interviewed stated that the officers acted professionally. Mr. Sriskandarajah said that the Sheriff Department, not the FCPD, manages the release of individuals from the ADC. Mr. Bierman said nor does this allegation rise to a serious misconduct or abuse of authority. The subcommittee will not comment on the allegations of use of force, as these will be reviewed by the IPA.

The subcommittee reviewed each of the criteria in the Initial Review Report checklist and found that none of the complainant's allegations met the criteria for abuse of authority or serious misconduct because there was no scintilla of evidence to support any of the allegations.

Mr. Sriskandarajah moved that the subcommittee not recommend to the full Panel that it review the Complaint. Mr. Bierman seconded the motion and it carried by unanimous vote.

The meeting adjourned at 6:00 p.m.

Fairfax County Police Civilian Review Panel

Subcommittee Initial Review Report

Request for Review – Basic Information

CRP Complaint Number: CRP-20-37

Subcommittee Meeting Date: February 2, 2021

Subcommittee Members:

- Jimmy Bierman, Subcommittee Member
- Frank Gallagher, Subcommittee Member
- Sris Sriskandarajah, Subcommittee Chair (Panel Vice Chair)

Complaint Submission Date: Review Request received on December 17/21, 2020 via voicemail and phone call with the IPA. Incident Date: May 27, 2020. Initial Complaint (CRP-20-17) submitted to the Panel (via the Auditor): June 22, 2020. FCPD Disposition Letter date: December 11, 2020.

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 she was falsely arrested by officers of the Fairfax County Police Department (FCPD), that she should have been read a Miranda warning, that she should have been given a lawyer at scene, that the car seizure and towing was illegal, that officers intimidated EMTs into not helping her, and that she should have been given a ride home from the Adult Detention Center (ADC). 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-20-37 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.	Allegation was wholly unfounded.
No	Reckless endangerment of detainee or person in custody.	Allegation was wholly unfounded.
No	Violation of laws or ordinances.	
No	Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.	

***Confidential and sensitive information shall not be disclosed in this document. Contact the Chair or Panel Legal Counsel for questions and/or additional information.**

DRAFT



County of Fairfax, Virginia

MEMORANDUM

DATE: 2/4/2021

TO: Fairfax County Board of Supervisors
Col. Edwin C. Roessler, Jr., Chief of Police
Mr. Richard G. Schott, Independent Police Auditor

FROM: Fairfax County Police Civilian Review Panel

SUBJECT: Report of Panel Findings for Complaints CRP-20-19 and CPR-20-27

I. Introduction

The Panel held a Panel Review Meeting on December 10, 2020, to review an investigation resulting from a complaint (CRP-20-19) first submitted to the Panel on July 20, 2020. The requested review resulted from a disposition letter issued on July 10, 2020, after FCPD received a complaint from a community member (the “Complainant”) at the Franconia District Station on June 26, 2019 and turned over to IAB for investigation (the “Investigation”). A later complaint (CPR-20-27) was also reviewed in conjunction with CRP 20-19 as allegations were from the same Complainant. This resulted in a separate IAB investigation (the “Second Investigation”) and requested review resulting from a disposition letter issued on September 15, 2020. This report encompasses both CRP-20-19 and CRP-20-27.

After reviewing both investigation files, speaking with members of the FCPD along with the Investigating Officers, and speaking with the Complainant, Panel Members voted 8-1 that the Investigation and the Second Investigation (sometimes collectively the “Investigations”) were both complete, thorough, accurate, objective, and impartial, and concurred with the findings of the FCPD.

II. Background Facts

On April 28, 2019, the Complainant's vehicle was parked when a uniformed FCPD Officer (the "Subject Officer") pulled up behind the vehicle for what he characterized as a "consensual contact." However, the Investigation revealed that the Subject Officer initiated contact with the Complainant in an undercover capacity using an unauthorized social media application (the "App") to arrange the purchase of narcotics prior to the encounter.¹

The Subject Officer reported that, upon contacting the Complainant, and calling for backup, he could see the Complainant trying to conceal something under the front passenger seat. The Complainant rolled down his window and the Subject Officer said he smelled an odor of marijuana coming from within the vehicle.

The Subject Officer asked the Complainant to step out of the vehicle. The Subject Officer searched the vehicle and found illegal drugs (including marijuana) and drug paraphernalia.

A backup Officer ("Officer 2") arrived to assist with the stop. The Investigation revealed Officer 2 was made aware that the Complainant's arrest had been orchestrated using the above-mentioned App. It further revealed that Officer 2 had previous knowledge of the use of the App to contact suspected drug dealers.

The Subject Officer took the Complainant before a magistrate and procured several misdemeanor and felony charges. A preliminary hearing for these charges was set for June 11, 2019.

On June 26, 2019, the Complainant contacted the Franconia District Station to inquire about the process for filing a complaint because he believed "the Subject Officer" "broke the law" when he arrested Complainant. He alleged being criminally assaulted by "the Subject Officer" twice while in custody following the April 28, 2019 arrest.

According to the Complainant, the first assault occurred in the interview room at the Franconia District Station and the second upon arrival at the Fairfax County Adult Detention Center. Both matters fall within the jurisdiction of the Independent Police Auditor (IPA) who investigated these specific allegations of use of force.²

In addition to these use of force allegations, the complaint included several allegations that fell within the jurisdiction of the Panel. The Complainant said he was told "bad things" were going to happen to him. He claimed he was detained longer than necessary to get him to cooperate with a narcotics investigation. The Complainant said he was given personal information during detention which appeared to be an Officer reaching out for help, but the Complainant said he took the brunt of the Officer's frustrations with life. The Complainant also said he asked to be buckled into his seatbelt on the transport to the Franconia District Station, but his request was refused.

¹ The App is used by specialized undercover units within the FCPD for the purpose of interdiction of narcotics traffickers; however, use of the App is not authorized for the rank-and-file FCPD patrol officers.

² The IPA's reports are available on its website: [IPA-20-07](#) and [IPA-20-08](#).

The Investigation revealed an acknowledgement by the Subject Officer that during on the transport to the Franconia District Station the Subject Officer lost his temper with the Complainant and that he used vulgar language when addressing the Complainant.

Further, the Subject Officer acknowledged that water was taken from the Complainant at the District Station and that he failed to activate the camera in the interview room during a custodial interrogation of the Complainant.

III. Procedural Background and Investigative Findings

Due to the serious nature of the allegations that included possible criminal conduct, the Franconia District Station Commander referred the matter to the Major Crimes Bureau on July 1, 2019. A Lieutenant from that Bureau was assigned to investigate to determine if any criminal acts had been committed in dealing with the Complainant. A parallel investigation was conducted simultaneously by a Lieutenant from the Internal Affairs Bureau (IAB). These two officers simultaneously interviewed a number of witnesses.

On August 16, 2019, the Deputy Commonwealth's Attorney for Fairfax County decided that no probable cause existed as it related to the assault alleged in the Complainant's statement, and no Probable Cause existed for the charge of perjury citing the "high bar" for proving that charge. Based on the decision from the Office of the Commonwealth's Attorney, the criminal investigation concluded with no charges being filed.

The IAB continued its investigation which was substantial and thorough. The IAB interviewed the Complainant, the Subject Officer, the Supervisor of the Subject Officer, two Detectives, and at least four Patrol Officers. IAB reviewed the reports which documented the arrest and the In-Car Video (ICV) footage from the Subject Officer's cruiser. Review of the ICV revealed that the body microphone was not synced, and the interior microphones were not functional. As a result, there was no audio for the ICV.

The IAB attempted the retrieve video from inside the sally port of the Fairfax County Adult Detention Center. However, no footage was obtained because those cameras only show footage in real-time but make no recording. The Investigation addressed all misconduct alleged.

The Investigation also revealed the Subject Officer failed to disclose the use of the App to the Commonwealth's Attorney which led to that information not being turned over in pretrial discovery as required by the United States Supreme Court case *Brady v. Maryland*.³ This omission ultimately lead to the Office of the Commonwealth's Attorney obtaining dismissal of charges against the Complainant on September 20, 2019. Additionally, and for similar reasons, several other cases involving the Subject Officer were dismissed by motions of the Commonwealth's Attorney. The Subject Officer was later added to the Brady List⁴ by the

³ *Brady v. Maryland*, 373 U.S. 83 (1963) which held that withholding evidence violates due process "where the evidence is material either to guilt or to punishment."

⁴ This is a list of police officers deemed unreliable by local prosecutors.

Commonwealth's Attorney. The FCPD Investigation into CPR-20-19 found a total of 34 Sustained Violations.

On July 10, 2020, the FCPD informed the Complainant that it had "completed its investigation into the allegation of your complaint." It said it included a "comprehensive examination of the facts and circumstances surrounding the incident and the actions taken by the Police Officer on April 28, 2019." The letter goes on to address the alleged complaint that the Complainant had been "criminally assaulted and otherwise mistreated during your arrest and interrogation."

The letter states in relevant part the following:

"[B]ased upon my review and the opinion of the Office of the Commonwealth's Attorney for Fairfax County, there was insufficient evidence to establish the elements of a criminal act." However, "based upon the recommendation of the Commander of the Patrol Division, I have concluded that the facts demonstrate that the Subject Officer was in violation of our policies and procedures."

Significantly, the Investigation revealed that at least one FCPD Detective ("Detective 1") had direct knowledge of the use of the App by the Subject Officer, and another FCPD Detective ("Detective 2") had suspicions of its use by the Subject Officer. Moreover, at least four officers either knew or heard of the use of the App, the use of which, could have placed other officers in danger or compromised investigations.

At the time of the Investigation, the FCPD offered no clear guidance regarding required actions by FCPD officers aware of the use of an App by a fellow officer (not in a specialized unit) to make contact with community members.⁵

On July 20, 2020, the Complainant requested a review by the Panel asking, "what specific measures were taken to prevent this from happening again." Also, he wanted to know, "why there wasn't sufficient evidence of criminal activity."

IV. The Second Investigation

While the Investigation was pending for several months, the charges for Complainant's second arrest – that occurred on June 11, 2019 (the "June 11 Charges") the same day as his preliminary hearing for his arrest by the Subject Officer – proceeded through the court process. On November 7, 2019, the Complainant made additional complaints to IAB including:

1. A detective in charge of the investigation of the June 11 Charges provided insufficient discovery to Complainant's attorney;
2. During his arrest for the June 11 Charges, the FCPD allegedly deployed too many officers displaying guns and violently threw him from his car causing scratch on his knee⁶;

⁵ FCPD has since created a Policy 501.2 Investigative Responsibilities to address this issue.

⁶ Again, the IPA handled all use of force complaints lodged by Complainant.

3. The FCPD improperly seized Complainant's vehicle; and
4. One of the arresting detectives made inappropriate and unprofessional comments to Complainant about a search of the Complainant's living quarters that happened to be in his parent's home.

Collectively, all four complaints will be referred to as the Second Complaint. The FCPD assigned another detective (Det. Giacco) to investigate the Second Complaint. Det. Giacco interviewed Complainant who refused to cooperate with the Second Investigation in the fall of 2019. The Complainant stated he was focused on his claims against the Subject Officer outlined above. Consequently, the Second Investigation sat dormant until July 21, 2020 when the FCPD noted – in the course of making his complaint on July 20 to the Panel about the outcome of the Investigation – the Complainant's alleged knee injury outlined in the Second Complaint.

Det. Giacco began in July 2020 his investigation of the four items in the Second Complaint. As to the lack of discovery, Det. Giacco interviewed the Detective who provided discovery and concluded that the information provided was appropriate and complied with law.

As to the manner of the arrest, Det. Giacco determined that two officers had guns drawn and two officers had tasers at the ready, and that this high level of control was appropriate for a narcotics arrest. As to vehicle seizure, the officer met all standards: the FCPD returned Complainant's vehicle in a reasonable period and charged him no fees for storage or towing.

As to the complaint that the officer made inappropriate comments, Det. Giacco concluded the detective in question merely explained what could happen if Complainant's residence was searched, warning that others there could be hurt in the process. The questions – though forcefully asked – were designed to keep the community safe.

Det. Giacco noted that Complainant made no complaints about the arresting officers involved in the June 11 Arrest until *after* Complainant had his charges dismissed related to the Subject Officer. The timing of the Second Complaint was very suspicious. Complainant could document no injury alleged and no request for treatment contemporaneously with June 11 arrest. Det. Giacco did call the nurse who treated Complainant at the ADC, and she confirmed she provided a Band Aid but would not release any additional information without a release. The Complainant neglected to provide one, even after requested by IAB to do so.

V. Panel Meeting and Finding

A subcommittee of the Panel met on October 14, 2020 to discuss the request for review of both CRP-20-19 and CRP-20-27. The subcommittee determined that both matters involved allegations of abuse of authority and serious misconduct. The full nine-member Panel met on October 22, 2020 where the Panel accepted the subcommittee's recommendation and determined to review the Investigation and the Second Investigation.

Due to the size of the file and time needed to review it, along with the number of matters on the agenda for the November Panel meeting, the Panel Chair moved the review of CRP-20-19 and CRP-20-27 to the December Panel meeting, which was held on December 10, 2020.

The Complainant was present for the Panel Review. Also, both IAB Investigators were present along with other members of the FCPD. Major Lay was the primary spokesperson for the Department who introduced Captain Hanson who in turn introduced Lt. Giacco and Lt. Ferreira.

Due to audio technical difficulties, the Complainant was not able to address the Panel at first, which is the regular order of presentation. When able to do so, the Complainant shared that while he could not be heard, he was able to hear the entirety of the meeting and the presentation by the FCPD. The Panel Chair explained that this was the Complainant's opportunity to share with the Panel why he filed his complaint.

The Complainant shared that he was satisfied with the outcome of the Investigation. He stated he learned for the first time from the FCPD presentation that the Subject Officer had been fired. He complained that he never knew what happened because the disposition letter he received from the FCPD was vague. However, he shared that he was not satisfied with the length of time that it took to conduct the investigation and once it was completed, he did not understand why it took so long to notify him.

The Panel had no questions for the Complainant. However, the Panel had a number of questions for the FCPD.

Some members of the Panel were concerned about what appeared to be a wide use of the App by patrol officers to contact community members to set-up narcotics buy busts. Also, one member wanted to know whether the witnesses interviewed were aware of the technique being used, and if the FCPD had concerns that this technique was being used at other stations within the FCPD. Major Lay interjected that when the issue of the use of the App was brought to the attention of the FCPD, it created a Policy 501.2 Investigative Responsibilities (the "Policy") which specifically addressed appropriate uses of the App within the FCPD. However, pending formal roll-out of the policy, the FCPD issued a verbal directive to all station commanders that the use of this procedure should not be done in the field. Major Lay said a copy of the Policy would be shared with the Panel.

There were concerns expressed by Panel members that the Subject Officer was involved in an earlier Panel Review. Panel Members asked if the FCPD tracked officers involved in previous Panel reviews. Lt. Ferreira informed the Panel that each investigation stands on its own. Therefore, while he was aware of the previous investigation, it was not a part of the Investigation. Major Lay shared that the FCPD has an Early Warning System in place to alert commanders about problem officers.

Another Panel member asked if the Early Warning System would have caught the officer in this case if there had not been a complaint. The FCPD responded that the Early Warning System checks for a certain number of triggering events and once that threshold is met a report is generated and sent to the officer's supervisor. Capt. Hanson interjected to say that the Subject Officer had already been identified as having some issues with his written reports and the lack of details and his failure to properly use ICV. The supervisor was working with the officer to correct these and other issues when the complaint was brought.

A Panel Member inquired about FCPD protocol regarding observation and recording of interviews at the various district stations. The FCPD said it is a policy for another officer to observe all station interviews via CCTV at a minimum. Maj. Lay informed the Panel that this is no FCPD requirement that officers record stationhouse interviews.

A Panel Member asked how the FCPD ensures that its officers turn on ICV and how the FCPD prevents officers from disabling the ICV. The FCPD responded that escalating discipline encourages compliance with policy and that supervisors conduct ICV audits. In addition, IAB inspects ICV records to identify noncompliance. Also, the FCPD possesses multiple layers of technology to track officer locations including radios, cellphones and body-worn cameras.

Panel Members expressed concerns about the officers failing to report policy violations by fellow officers since it was clear several were aware of questionable use of the App by fellow officers followed by failure to report policy violations. The FCPD explained that, before the Policy was in place, officers were uncertain about reporting obligations.

The Panel heard extensively from the FCPD and from the Complainant. Based on the statements made and responses to questions along with each Panel Member's review of the file, the Panel voted 8-1 that the Investigation and the Second Investigation were both accurate, complete, thorough, objective, and impartial after lengthy open deliberation. The Panel Member who voted Nay noted that his objection related to the Second Investigation (CRP-20-27). He did not agree that one element was thoroughly investigated, but otherwise he concurred with the FCPD's findings.

VI. Recommendations

1. The FCPD should create a policy requiring all district station interviews be recorded.
2. The FCPD should ensure that all FCPD Officers are informed of its policy regarding the use of Apps.
3. FCPD disposition letters to Complainants should uniformly meet the high standards that the FCPD now requires.
4. The FCPD should encourage the Fairfax County Sheriff to record and preserve video taken from inside the Fairfax County Adult Detention Center.

CC: Complainant



Fairfax County
Police Civilian Review Panel
Annual Report 2020

Building Community Trust Through Accountability

Fairfax County Police Civilian Review Panel: Annual Report 2020



A Fairfax County, VA Publication

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TABLE OF CONTENTS

INTRODUCTION.....	1
RACIAL BIAS AND RACIAL PROFILING ISSUES.....	2
PUBLIC OUTREACH.....	5
PANEL RECOMMENDATIONS.....	6
PANEL WORKLOAD AND NEED FOR AN EXECUTIVE DIRECTOR.....	6
QUARTERLY MEETINGS.....	8
TRAINING.....	9
WITH APPRECIATION.....	9
APPENDICES.....	11

DRAFT

INTRODUCTION

The Fairfax Police Civilian Review Panel (Panel) has navigated through two serious challenges during its fourth year of operation. The COVID-19 pandemic forced the Panel in mid-March of 2020 to temporarily stop holding public meetings and reviewing investigation files. While the Panel continued to refer complaints to the Fairfax County Police Department (FCPD) for investigation, it did not resume meeting until June 23, 2020. That meeting and all subsequent meetings to date have been conducted electronically. Although the Panel has adapted successfully to this new mode of operating, the lack of personal contact among Panel members and with community members has presented challenges, especially as they relate to important community outreach.

As COVID-19 loomed over the nation and restricted personal contacts, the horrific murder of George Floyd by police in Minneapolis occurred in late May, raising, once again, issues of racial disparity in the nation. Anger at long-festered racial injustices boiled to the surface in many communities, and Fairfax County was not immune. As county leaders and the FCPD accelerated their efforts to reassure the community, an FCPD officer was arrested for deploying his stun gun multiple times on a Black man in the Mount Vernon district. Although this use-of-force incident fell under the authority of the Independent Police Auditor (IPA) and not the Panel, numerous stakeholder groups in the county demanded to know what the Panel was doing to address issues of racial bias. The Panel held numerous electronic meetings and listening sessions with concerned community members following the Floyd murder and the Mount Vernon incident, listening to their concerns and explaining the role of the Panel and its mission to increase accountability and transparency in the FCPD.

The Panel faced these significant challenges while also attending to its regular business of reviewing police investigations during its electronic public meetings. Front and center for the Panel was reviewing a particular investigation (CRP-19-29), where the Complainant alleged racial profiling by an FCPD officer. It was at the conclusion of this review that the Panel, for the

first time, refused to concur with the police investigation and informed the Board of Supervisors that the investigation was incomplete and required additional investigation.

During the summer and fall of 2020, the Virginia Assembly addressed several criminal justice issues, including the role of civilian review panels. Legislation was passed to allow local jurisdictions to expand the authority of civilian review. It became apparent to the Panel that it needed to review its activities over the last four years to determine what worked, what needed improvement, and what changes, if any, should be recommended for the future. We commenced a Four-Year Review.¹ All of the Panel's recommendations were included in that report, so this Annual Report contains no additional recommendations. This report addresses the important issues that the Panel faced from March of 2020 to February of 2021. Despite this tumultuous year, the Panel is happy to report that it surmounted the challenges it faced, and it has successfully carried out its important work of reviewing investigations and making recommendations to promote accountability and transparency in the FCPD.

RACIAL BIAS AND RACIAL PROFILING ISSUES

In its 2019 Annual Report, the Panel noted that it had reviewed several investigations containing allegations of racial bias and/or racial profiling. Some of these Complaints were demonstrably unfounded, while others were concerning to the Panel. The Panel pointed out in the report that the FCPD had disagreed with certain Panel suggestions that additional investigation into the background of an accused officer may be necessary to rule out racial bias. Therefore, the Panel specifically recommended that “where the evidence gathered during an Investigation into a Complaint of racial bias does not offer a race-neutral explanation for the conduct of the accused officer, the FCPD should continue to investigate seeking some explanation for the officer’s conduct by obtaining reasonable available evidence that will corroborate either a race-neutral or race-biased explanation, such as examining the officer’s social media accounts and/or interviewing witnesses.”

¹ Insert weblink to Four-Year Review

This recommendation was put to the test in the very first investigation review (CRP-19-29) following the publishing of the 2019 Annual Report. The Four-Year Review report outlines the specific facts in that investigation, and the Panel's [review report on CRP-19-29](#) is a thorough account of the complaint, investigation and Panel finding. In summary, the Panel initially requested that the FCPD conduct additional investigation relating to the racial profiling allegation.² When the FCPD refused to fully comply with the Panel's request, the Panel informed the Board of Supervisors that the investigation was incomplete.³ On January 26, 2021, the Board of Supervisors voted to direct the FCPD to take further action on the Panel's findings in CRP-19-29. In its Review Report, the Panel also made several policy recommendations with regard to improving future FCPD investigations of allegations of racial bias and profiling.⁴ The FCPD's response to those recommendations are discussed under the Panel Recommendations section of this report.

The Panel is pleased to report that the FCPD has agreed to examine an officer's public social media accounts when the officer is accused of racial bias. However, the FCPD has not agreed to interview co-workers of an officer accused of racial bias. In a letter to the Panel, FCPD Chief Edwin Roessler wrote, "The mere curiosity seeking, through interviews of random employees, absent any reasonable suspicion and/or probable cause, would violate the procedural rights of employees as established by prevailing laws and personnel regulations." The Panel explained in its report on CRP-19-29 that "random interviews" with co-workers is not necessary, but interviews with members of the same squad, consisting of a few officers who know the accused officer well, would help corroborate either a race-neutral or race-biased explanation for the officer's actions.

² The Panel requested that the FCPD (1) conduct a search of the officer's publicly available social media profiles to ensure an absence of racial bias; (2) interview the officer's co-workers for evidence of racial bias; (3) review data related to the officer's community contacts and stops; and (4) compare the circumstances and claims of the current complaint to any prior complaints against the officer.

³ The FCPD refused to interview the officer's co-workers, did not adequately respond to the data request, and provided no evidence that it had compared the circumstances and claims of the current complaint to any prior complaints against the officer, claiming that the information was confidential.

⁴ See the Recommendations Matrix in Appendix A.

The Panel remains concerned that future investigations of racial bias of police officers will not be thorough and complete without the FCPD taking additional steps to adopt objective criteria by which to evaluate whether an officer's actions were racially biased. These would include not only interviews with co-workers, but also better statistical analysis of the accused officer's past community contacts, stops, arrests and searches.

The Panel is encouraged by the FCPD's recent public release of data pertaining to arrests and traffic statistics and its commitment to update its data management systems and analysis to improve transparency. However, the Panel believes that such data analysis will fall short if it does not include data analysis of an officer's community contacts and other stops that are not the result of traffic violations. Furthermore, future data analysis for the purpose of comprehensively evaluating racial and ethnic disparities in policing in the county will be incomplete without a thorough analysis of FCPD community contacts and stops. Inferences from arrest data pertaining to only use-of-force incidents are insufficient to evaluate identified racial and ethnic disparities, where they occur and how pervasive they might be.

As the Panel pointed out in its report on CRP-19-29, the FCPD is in the best position to evaluate and improve its investigative process. The Panel has made several suggestions, but it is up to the FCPD to ensure that it has procedures in place to ensure that allegations of racial bias are thoroughly and properly investigated. By their very nature, allegations of racial bias are difficult to investigate, because it is difficult to determine the intent of the accused officer. However, the Panel continues to believe that the FCPD can improve its investigations of racial bias by adopting clear, objective criteria that involve a thorough analysis of data, witness interviews, an examination of past complaints against the accused officer, and a search of the officer's public social media accounts.

PUBLIC OUTREACH

Community concern over alleged racial disparities in policing has highlighted the need for more community outreach by the Panel. As noted, the Panel stepped up its meetings with community stakeholder groups throughout 2020. Panel members held approximately 20 meetings with community stakeholder groups during the year, and even though those meetings were held virtually, they helped to build community relationships and trust.⁵ Many of the meetings involved not only Panel members, but also the FCPD Chief Edwin Roessler, various Supervisors, county officials and the Independent Police Auditor (IPA). Panel members were involved in two community Listening Sessions chaired by Supervisor Rodney Lusk, a Town Hall meeting held by Supervisor Alcorn, various meetings with the NAACP, People Power Fairfax, interfaith community groups, churches, advocacy organizations, and neighborhood groups. Panel members also were interviewed for a feature story on civilian review of complaints against police by WUSA Channel 9 television.

These meetings could not include all nine members of the Panel because of a Bylaw provision that was interpreted as prohibiting the full Panel from holding public meetings for comment. Therefore, no more than two Panel members could attend each meeting. The Panel requested the Board of Supervisors to change the Action Item and Bylaws to permit the full Panel to hold up to six public comment meetings a year for the purpose of listening to community concerns on public safety issues. The Board moved expeditiously to grant the Panel's request during the fall of 2020 and approved changes to the Panel's Action Item and Bylaws. The Panel appreciates the continued support of the Board in listening to the concerns of the Panel and taking actions to help the Panel fulfill its mission of building and maintaining public trust. Towards that end, the Panel is also appreciative of the FCPD for respecting the Panel as an important contributor to its "co-production" method of policing that emphasizes the need for community engagement and input in addressing public safety issues.

⁵ See Appendix B for a summary of outreach contacts.

PANEL RECOMMENDATIONS

Making recommendations on law enforcement policies, practices and procedures to assist the FCPD Chief and Board of Supervisors in policy review is an important function of the Panel. The Panel has made seven new recommendations for the FCPD to consider since its last Annual Report. The Panel has also made eleven recommendations in its Four-Year Review concerning the authority of the Panel and its future operation.

[At the Panel's February 4, 2021 meeting, the Panel will discuss the FCPD responses to the recommendations included on the Panel Matrix. This paragraph of the final Annual Report will include that discussion].

PANEL WORKLOAD AND NEED FOR AN EXECUTIVE DIRECTOR

Over the course of the last four years, the workload of the Panel has increased substantially. In 2019⁶ the Panel received 10 requests for review of completed FCPD investigations. In 2020 the Panel received 15 requests for review.⁷ For most of these requests, a subcommittee of three Panel members reviewed the investigative file and met virtually in order to make a recommendation to the full Panel on whether the Panel has jurisdiction to review the complaint.⁸ This required many hours of work – travel time during week day business hours to review files at police headquarters, hours spent reviewing and taking notes on complex and often lengthy investigation documents and video, and time spent in virtual subcommittee meetings. The full Panel held five review meetings from March of 2020 through

⁶ March 2019 – March 2020

⁷ See Appendix C for a summary of complaints and review requests received.

⁸ Ten separate subcommittees met from March of 2020 to February of 2021. Of these, four subcommittees recommended that the full Panel not review requests because the complaints were time-limited or were not allegations of serious misconduct or abuse of authority. In addition, three requests for Review were not initially reviewed by subcommittees because the incident occurred before December 6, 2016, and the Panel could not consider good cause as a justification for the delay. See Panel Bylaws Article VI (A)(1)(b).

February of 2021.⁹ For each of these reviews, all nine members reviewed the investigation file, and often they returned to police headquarters two or three times to complete their work.

The most time-consuming aspect of the Panel is the writing of Review Reports. For each review, one or two Panel members are assigned to write a draft report. Each of these reports takes a large amount of time to complete. For a complicated investigation, writing a review report can take a week or longer. During this past year – one with substantial challenges due to the pandemic – the Panel issued four reports, including a 20-page detailed report on CRP-19-29.¹⁰ In addition, the Panel undertook the task of writing a Four-Year Review. Panel members Jimmy Bierman and Hansel Aguilar were assigned to this massive undertaking and spent months preparing the draft report. The report summarizes all the Panel’s activities during its four years of operation and makes several recommendations. The Panel owes a debt of gratitude to these Panel members for their dedication to the Panel and for their hard work.

As previously discussed, many Panel members also spent considerable time meeting with community stakeholder groups. These meetings were often held during business hours, requiring Panel members to interrupt their day jobs. Needless to say, the time commitment required of a Panel member has become substantial for a volunteer.

In addition to the time required to review investigations and conduct outreach, the day-to-day work of the Panel falls mainly on the Chair and the staff. This daily work includes corresponding with Complainants, the FCPD, and the Board of Supervisors and processing all incoming complaints and requests for review. The Chair decides what is included on the meeting agendas, assigns members to and participates on subcommittees¹¹, reviews meeting materials, organizes Quarterly Meetings with the FCPD and county officials, coordinates and often writes the Review Reports, coordinates and participates in outreach meetings, chairs Panel meetings, drafts the Annual Report, helps to arrange training opportunities for Panel

⁹ The Panel conducted a Review Meeting on CRP-19-29 on March 9, 2020 and continued its review at its September 10, 2020 meeting after receiving additional FCPD investigation findings.

¹⁰ The Panel has not yet issued its report on CRP-20-20 and CRP-20-21 because it requested that the FCPD conduct additional investigation on September 24, 2020. The Panel is still awaiting the FCPD findings from the additional investigation.

¹¹ The Panel Chair or Vice-Chair must be a member of every subcommittee.

members, and addresses (sometimes daily) unforeseen issues. Over time, this work has become a full-time job for an unpaid volunteer. In 2020, the Panel began discussing with the Board of Supervisors the need for a full-time Executive Director and is pleased that the Board recognizes the need. The Panel is hopeful that during 2021 the county will hire a new Executive Director for the Panel who can supervise staff, help with reviews of investigations, write reports as directed by the Panel, and help the Chair carry out other responsibilities of the Panel.

QUARTERLY MEETINGS

Since 2019, the Panel has held Quarterly Meetings that have been attended by the Panel Chair and Vice Chair, staff representatives of the Chair of the Board of Supervisors and the Public Safety Committee, the Deputy County Executive, the Chief of Police, the Commander of the Internal Affairs Bureau (IAB), representatives of the County Attorney's Office, the IPA, and others. Because of the COVID-19 pandemic, only two Quarterly Meetings were held electronically this year. During those meetings, the attendees discussed the Panel's recommendations and how the FCPD was responding to them, the need for a new Action Item and a Bylaw change to allow the Panel to conduct public meetings for comment, the hiring of a new Independent legal counsel for the Panel, the need for the hiring of a new Panel Executive Director, how to handle emails and phone calls received by the Panel when there is no complaint against the police but where mental health issues are indicated, the request of Panel members to review investigation files electronically, and the Panel's work load.

These meetings have been helpful as a way to air concerns, improve coordination, and build relationships with the FCPD and across county departments. Although the number of Quarterly Meetings was cut by half this past year, there was frequent communication between Panel members and Board of Supervisors Chair Jeffrey McKay and his staff, and Supervisor Lusk and his staff. Chair McKay attended the Panel's June meeting and addressed the public safety issues facing the county. Supervisor Lusk included Panel members at two of his listening sessions with the community and asked for Panel input for his matrix of community public safety concerns. The Panel is highly appreciative of the strong working relationship it has with the Board, especially during a year of many challenges. Likewise, cooperation between the

Panel and the FCPD is at a high level. The daily processing of complaints is smooth, and when there are questions or issues, the IAB has been responsive, respectful and cooperative. During the COVID-19 pandemic, the IAB has also taken great care to provide a safe environment at police headquarters for Panel members to review investigative files.

TRAINING

Because of the COVID-19 pandemic, in-person training sessions did not take place in 2020. However, Panel members had the opportunity to participate in the virtual annual conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE).¹² After March 1, 2021, the Panel will welcome five new members who will be replacing three Panel members who will be ending their terms and two who have resigned. The Panel recognizes the need to provide immediate training for these new members, even if the training must be conducted virtually.

WITH APPRECIATION

The Panel offers thanks to Hansel Aguilar, Robert Cluck, Hollye Doane, Sris Sriskandarajah, and Rhonda VanLowe for their service to the Panel that came to an end in 2021. The Panel also said farewell to a valuable staff member, Gentry Anderson.

Mr. Aguilar, Ms. Doane and Ms. VanLowe were inaugural members of the Panel. Ms. VanLowe and Ms. Doane served as Chairs. The Panel thanks them for their four years of dedication, perseverance and passion for the work of civilian oversight. Each in their own way left an indelible mark on the Panel. The Panel also owes a debt of gratitude to Mr. Cluck and Mr. Sriskandarajah for their important contributions.

¹² Five Panel members and staff participated in numerous sessions during the NACOLE Annual conference, and all Panel members tuned in to the session offered on “Strategies for Analyzing Police Stops.”

The departure of Ms. Anderson was particularly difficult for members of the Panel, who came to love and respect her sunny disposition, can-do attitude and outstanding work. We wish her well and know that she will succeed in her new position.

The Panel also recognizes retiring Chief Roessler for his support for the creation of the Panel and for his many important contributions to the FCPD. The Panel has been fortunate to have a police chief who recognizes the benefits of civilian oversight. His commitment to community engagement, accountability and transparency will be an enduring legacy of his leadership of the FCPD.

The Panel also wishes to thank Major Matt Owens, Major Tonny Kim, Captain Alan Hanson and Major Dean Lay, who all led the IAB at various times during the last year. The Panel thanks them for the time they spent answering questions at Panel meetings and facilitating the Panel's review of investigation files during a pandemic.

Finally, the Panel thanks Rachelle Ramirez, who stepped in to provide needed administrative support to the Panel after Mr. Anderson's departure. Ms. Ramirez also supports the work of the IPA, and the Panel is most appreciative that she has taken on two demanding jobs during a period of transition for the Panel.

APPENDICES

Appendix A: Panel Recommendation Matrix

Appendix B: Panel Outreach in 2020

Appendix C: Complaints and Requests for Review Received by the Panel

Appendix D: Status of FCPD Investigations into Initial Complaints Received in 2020

Appendix E: Police Civilian Review Panel Member Biographies

DRAFT

<u>Report</u>	<u>Panel Recommendation</u>	<u>FCPD Action</u>	<u>DRAFT Status</u> <u>(as determined by</u> <u>the Panel)</u>
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“The FCPD should develop objective criteria and processes to evaluate allegations of bias or profiling (as pertains to race, ethnicity, sexuality, religion or sexual orientation) in internal investigations of complaints against officers. These criteria may include (1) searching the officer’s public social media profiles; (2) interviewing coworkers in the officer’s unit and other potential witnesses; (3) quantitatively and/or qualitatively analyzing data (by trained analysts) from community contacts, stops, searches and arrests; and (4) comparing the circumstances and claims of the current complaint to any prior complaints.</p> <p>Quantitative analysis of data should not be limited to descriptive analyses, but when appropriate, should include bivariate and multivariate analyses to ensure that appropriate variables are considered. The investigation file should contain a clear evaluation and summary of the officer’s actions under each of the criteria listed above.”</p>	<p>1) All Internal Affairs investigations receive an open-source social media inquiry as of April 1, 2020.</p> <p>2) General Order 301, Internal Investigations, states that witnesses shall be interviewed if they would assist in an investigation. Regulation 201.3, Obedience to Laws, Regulations, and Training, as it pertains to Regulation 201.5, Reporting Violation, states any employee shall immediately report any violation, including bias-based policing.</p> <p>3) Arrests and traffic statistics are publicly shared on the FCPD website. IAB is in the process of procuring a Management Analyst to perform quantitative and qualitative analysis of public safety data.</p>	<p>1) Implemented by FCPD.</p> <p>2) Not Implemented by FCPD. Presently being reviewed by the FCPD following the January 26, 2021 decision by the Board of Supervisors in CRP-29-19 directing the FCPD to take further action, including conducting interviews with the officer’s co-workers.</p> <p>3) Pending further analysis by the FCPD. Data analysis conducted for investigations must include quantitative and qualitative analysis of community contacts and stops</p>

		<p>4) To ensure qualitative analysis, consistency and thoroughness, the administrative due process includes several levels of review up to the Chief of Police in each administrative investigation.</p>	<p>by officers, as well as an analysis of publicly shared data on arrests and traffic statistics.</p> <p>4) Explanation by FCPD not accepted. A comparison of the “circumstances and claims of the current complaint to any prior complaints” requires a full reporting and analysis in the investigation file. All personnel information will be regarded as privileged pursuant to Section VI (E) (2) of the Panel’s Bylaws.</p>
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“All community contacts, stops, searches and arrests by the FCPD should be entered into the data management system. Data analysis of an officer’s community contacts, stops, searches and arrests should be broken down by the race and ethnicity of community members. Data on community contacts should be broken down as follows: (1) community contacts that remain consensual for the duration of</p>	<p>General Order 603.4, Police Community Member Contacts, and General Order 601, Arrest Procedures, requires specific documentation regarding all community member contacts, including voluntary contacts. FCPD is currently in the process of upgrading</p>	<p>Pending upgrade to FCPD’s data management system.</p>

	<p>the encounter; (2) community contacts that evolve into detentions by virtue of reasonable suspicion; and (3) community contacts that evolve into detentions by virtue of probable cause. Officers should also enter into the data base the reasons for the community contact, stop, search or arrest. Such rationale should be coded (i.e., by a particular violation of law, type of behavior, appearance, time, place, etc.). If a community contact evolves into a detention, the officer should enter into the data base the reasons for such detention.”</p>	<p>agency record management systems which will further enhance tracking.</p>	
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“Data analysis of an officer’s community contacts, stops, searches and arrests should be compared and contrasted with comparable data from the district station where the incident occurred and the county as a whole. The data analysis should also take into account the racial and ethnic composition of each district as compared to the county overall.”</p>	<p>For all bias allegations, the Internal Affairs Bureau conducts an 18-month examination of the officer’s arrests and citations. This data is compared to pertinent station demographics. The demographics of each district station and the County are publicly available in the IAB annual report.</p>	<p>Explanation of FCPD is not responsive.</p> <p>The Panel recommended data analysis of an officer’s community contacts, stops, searches and arrests in investigations of racial bias. The FCPD response addresses only arrests and citations and directs the Panel to IAB Annual Report. The Panel’s recommended data analysis should be a part of every IAB investigation where</p>

			racial bias is alleged and the analysis should be included in the investigation file for Panel members to review.
CRP-19-29 (Published October 23, 2020)	“For the purposes of investigations into allegations of bias or profiling, data analysis of the officer’s community contacts, stops, searches and arrests should cover a period of 3-5 years, or if the officer has less tenure, for the duration of his service in the FCPD. If during the prescribed time period the officer has worked in different districts within the county, the review and analysis of the officer’s community contacts, stops, searches and arrests should not be limited to the district where the officer is assigned at the moment, but rather should include all such encounters in every county district where the officer served during the time period.”	Bias investigations include an 18-month statistical analysis of the officer’s arrests and citations, comparing them with other officers at the same station. Historic database software is only capable of tracking certain data. System replacement and procurement will permit advances to add tracking fields and information categories.	Pending upgrade to FCPD’s data management system.
CRP-19-29 (Published October 23, 2020)	“Like the efforts the FCPD has undertaken to analyze and identify use of force incidents, the FCPD should consider creating an early warning system to alert commanders as to whether an officer’s community contacts, stops, searches or arrests are excessive and disproportionate for a particular race or ethnic group.”	Since November 2012, per policy, the FCPD has utilized an Early Identification System.	FCPD explanation is not responsive. A fuller explanation is necessary regarding the Panel’s specific recommendation.

<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“The FCPD should retain an independent expert on implicit bias to examine all law enforcement policies, practices and training for the purpose of recommending evidence-based strategies to mitigate the impact of implicit bias on policing.”</p>	<p>In addition to mandatory County and/or agency training on bias, the Fairfax County Police Department is currently engaging an outside independent expert to train implicit bias, the understanding of implicit bias; procedural justice; “<i>trust building</i>,” and detecting and addressing institutional and structural racism. Independent subject matter experts on bias have lectured to Command Staff. Bias and culture-based training has been offered to employees through academy and other venture partnerships.</p>	<p>Implemented by FCPD.</p>
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“Officers should receive implicit bias training on an annual basis.”</p>	<p>The FCPD Equity Team and its Ambassadors will receive specialized independent bias-based training. This education will provide a unique, cutting-edge platform for organizations to build a foundational capacity to address or discuss equity gaps, race, equality, cultures, and unity. The independent expert will also train-the-trainer for annual refresher courses on implicit bias, procedural justice, and <i>trust building</i>.</p>	<p>Implemented by FCPD.</p>
<p>2019 Annual Report</p>	<p>“Where the evidence gathered during an Investigation into a Complaint of racial bias does not offer a race-</p>	<p>The Fairfax County Police Department Internal Affairs Bureau</p>	<p>Not fully implemented.</p>

<p>(Published February 28, 2020)</p>	<p>neutral explanation for the conduct of the accused officer, the FCPD should continue to investigate seeking some explanation for the officer's conduct by obtaining reasonably available evidence that will corroborate either a race-neutral or race-biased explanation such as examining the officer's social media accounts and/or interviewing witnesses."</p>	<p>conducts investigations into all complaints involving any allegation of perceived bias. Bias-based complaints will include obtaining all available evidence; such as, but not limited to, witness statements, videos, publicly available social media, statistics, reports, etc. Consistent with all investigations completed by the police department; any available evidence is thoroughly examined for appropriate response and lawful action.</p>	<p>The Panel's recommendation is that the FCPD proactively continue to investigate to find corroborating evidence, if the available evidence does not offer a "race-neutral explanation" for the conduct of the officer. The Panel recommends (see recommendation in CRP-19-29) that the FCPD develop objective criteria and processes to evaluate allegations of bias or profiling separate from its normal investigation processes.</p>
<p>CRP-19-11 (Published January 15, 2020)</p>	<p>"With respect to obvious, known witnesses who are not interviewed, Investigation Reports should include an explanation for why such an interview failed to occur."</p>	<p><u>General Order 301, Internal Investigations</u>, states that witnesses shall be interviewed if they would assist in an investigation of a complaint or incident. Commanders were reminded of this policy in a March 2020 Command Staff meeting. Furthermore, Bureau Commanders are responsible for ensuring all investigative tasks have been</p>	<p>Implemented by FCPD.</p>

		properly completed as an additional quality control and review oversight protocol.	
CRP-19-11 (Published January 15, 2020)	“FCPD civilian ride-a-long individuals should be tracked and recorded in all instances. A police ride-a-long individual should never be unknown such that when an incident containing alleged misconduct is investigated, the civilian witness cannot be determined.”	General Order 430.3 sets policy and procedure for each Ride-Along to include maintenance of the application and required documentation for every Ride-Along. Commanders were reminded of this importance during a Command Staff meeting in March 2020.	Implemented by FCPD.
CRP-19-11 (Published January 15, 2020)	“The FCPD should implement a clear policy for what officers should do in situations where children are left unattended by detained individuals to make sure that such children are safe during such incidents.”	FCPD policy requires officers to “ <i>preserve the sanctity of life</i> ” and, as community caretakers, officers must attend to the needs of any person who is unable to care for themselves as expeditiously as possible. Regulation 201.6, Preservation of Peace and Protection of Life and Property , states: <i>“It shall be the duty of each sworn officer of the Department to:</i> <ul style="list-style-type: none"> • <i>Preserve the public peace;</i> • <i>Protect life and property; and</i> 	Implemented by FCPD.

		<ul style="list-style-type: none"> • <i>Enforce and uphold the laws of the Commonwealth of Virginia and the ordinances of the County of Fairfax.</i> <p>This policy requires officers to attend to children, and any other person who is left alone and unable to care for themselves, under their oath as a sworn officer to protect life. Furthermore, officers are provided guidance from the Fairfax County Family Services Child Supervision Guidelines regarding unattended minors and children.</p>	
CRP-18-27 (Published July 12, 2019)	“[T]he Panel recommends that in the future the Department refrain from publicly releasing [investigatory information pertaining to the Complainant’s social media accounts], because it “discourages individuals from filing future complaints, and it undermines community trust in the Panel.” If the FCPD believes such information is relevant to the investigation, “that information should be included only in the Department’s investigative file.”	All of the information was obtained via public websites from a Google search. The information that was released was already publicly available on the internet.	Not Implemented by FCPD

<p>2018 Annual Report (Published March 21, 2019)</p>	<p>FCPD disposition letters to the complainant upon conclusion of FCPD investigations, “must contain sufficient, specific detail to provide complainant with a clear understanding of the scope of the FCPD investigation and the rationale for the FCPD findings.”</p>	<p>The FCPD co-produced a disposition letter with members of the community. Commanders who author these letters were then trained on the new form in September. Since that time, the new form has been in use.</p>	<p>New format for more explanatory disposition letters has been adopted by the FCPD and is being implemented.</p>
<p>2018 Annual Report (Published March 21, 2019)</p>	<p>“Action Item 17, dated December 6, 2016 (p. 278), limits the Panel’s ability to include salient facts in public reports. This restriction inhibits “the Panel’s ability to achieve its purpose ‘to enhance police legitimacy and to build and maintain public trust between the FCPD, the Board of Supervisors and the public.”</p>	<p>During Quarterly Meetings, FCPD representatives coordinated with the CRP in preparation of the proposed Action Item that was adopted by the Board of Supervisors on September 24, 2019, giving the Panel the authority to disclose facts of the investigation in the Panel’s Review Reports, with certain restrictions.</p>	<p>Action Item adopted by the Board of Supervisors on September 24, 2019, gives the Panel authority to disclose facts of the investigation in Review Reports with certain limited restrictions.</p>
<p>2018 Annual Report (Published March 21, 2019)</p>	<p>“The Panel suggests that the Board of Supervisors require a quarterly meeting among the Chiefs of Staff for the Chairman of the Board of Supervisors and the Chairman of the Public Safety Committee, the FCPD Chief, and the Chair and Vice-Chair of the Panel to review Panel comments and recommendations and discuss the implementation of the same.</p>	<p>The FCPD supports the quarterly meetings and the sharing of information regarding Panel comments and recommendations. These meetings began in June 2019 and are continuing to occur with FCPD staff present for each of them.</p>	<p>Implemented by FCPD</p>

<p>CRP-18-26 (Published March 8, 2019)</p>	<p>“During FCPD administrative investigations, where statistical evidence is used, [the Panel] recommends the Crime Analyst Unit (CAU) be consulted in the gathering, preparation and reporting of the statistical data.”</p>	<p>The compilation of statistical evidence is the responsibility of the Analyst assigned to the Internal Affairs Bureau.</p>	<p>Implemented by FCPD</p>
<p>CRP-18-26 (Published March 8, 2019)</p>	<p>“The FCPD should make BWC and In-Car Video (ICV) footage available for viewing at Panel Review Meetings as requested by the Panel.”</p>	<p>Requests for the Panel to view video and audio footage will be approved on a case-by-case basis.</p>	<p>FCPD explanation noted. The Chief has committed to review any Panel request for footage and determine whether to release of requested footage on a case-by-case basis.</p>
<p>CRP-18-26 (Published March 8, 2019)</p>	<p>“The Panel recommends that the FCPD ensures that individuals involved in incidents with FCPD officers which are subject to a complaint be provided with an opportunity to review the video footage of the incidents.”</p>	<p>It has been the policy of the Police Department to allow complainants to view video footage consistent with Body Worn Camera Pilot Program SOP 18-506, Section VII, Paragraph B and General Order 430.8, In Car Video Program Procedures, Section IV, Paragraph C-5.</p>	<p>Implemented by FCPD</p>
<p>CRP-18-12 (Published January 9, 2019)</p>	<p>“The Panel recommends that FCPD periodically summarize and publish all FCPD discipline across the entire FCPD without specifically identifying the disciplined officer by name.”</p>	<p>In keeping with our commitment to transparency, the FCPD annually publishes an Internal Affairs Bureau Statistical Report, which is made available both within and outside of</p>	<p>Under Review by FCPD.</p>

		the Department. IAB is currently researching best practices. Once a template is developed, it will be discussed with the County Attorney for legal review.	
<u>CRP-18-12</u> (Published January 9, 2019)	“The Panel recommends that the FCPD ensure that all concerns outlined in future Complaints be fully investigated and separately addressed in the Investigation Report.” (Officer’s demeanor was not explicitly discussed in the Investigation Report, even though it had been an issue in the Complaint).”	Complaints received by the FCPD are thoroughly investigated. As stated in your report, Major Reed assured the Civilian Review Panel (CRP) members that investigators take a holistic approach to ensure that all aspects of a complaint are addressed. Upon completion, all investigations are subject to a multi-layer review. This investigative review may be conducted by Station Commanders, Bureau Commanders, Deputy Chiefs, and the Chief of Police to ensure accuracy and thoroughness.	FCPD explanation noted.
<u>CRP-18-12</u> (Published January 9, 2019)	“The Panel recommends that the FCPD develop an efficient methodology to reintegrate some level of supervision over the submission of [FR300P accident report] forms [by FCPD officers].” The Panel concluded that the consequences for errors could be problematic, as certain insurance claims were initially denied based on erroneous information in the initial FR300P.”	Under the Traffic Records Electronic Data System (<u>TREDS</u>) system, which is a VA State Program, when an officer submits an FR300P, a layered approval process begins. The first layer is the TREDS system itself, which provides a real-time review to ensure all required fields are populated. After the TREDS system review, the report is submitted for	The Panel accepts explanation of FCPD regarding supervision under TREDS System.

		internal review by the FCPD Central Records Division. The Central Records Division has received specialized training on TREDIS and have the delegated authority to accept or reject accident reports if they are not in compliance. In addition, the Central Records Staff distributes error reports to supervisory staff to ensure quality control and accountability.	
<u>CRP-17-10</u> <u>(Published March 26, 2018)</u>	"[T]he Complainant indicated in her statement to the Panel that, other than the Notification, she had not received any further explanation from the FCPD. The Panel recommends that the FCPD contact the complainant and offer her whatever additional explanation that is legally permissible and appropriate under the circumstances."	Letter signed by Station Commander was sent to the complainant indicating the officer's violation was addressed and how to seek additional recourse. Internal Affairs Bureau (IAB) personnel also had a phone conversation with the complainant to address their concerns.	Implemented by FCPD

APPENDIX B: PANEL OUTREACH IN 2020

Faith and Community Organizations

- ❖ ACLU People Power Fairfax (2 events)
- ❖ NAACP Fairfax County (2 events)
- ❖ National Alliance on Mental Illness (NAMI) NOVA
- ❖ Northern Virginia Association of Black Attorneys
- ❖ Rotary Club of South Alexandria
- ❖ Rotary Club of Mt. Vernon
- ❖ Community Reformation of Wholeness Network
- ❖ Faith Communities in Action
- ❖ Floris United Methodist Church
- ❖ VOICE/CURE Clergy Leadership Team

Public Forums

- ❖ Listening Sessions with Supervisor Lusk (2 events)
- ❖ Supervisor Alcorn's Town Hall

Other Outreach

- ❖ FCPD Data Portal Review
- ❖ City of Falls Church Use of Force Review Committee
- ❖ NAACP Henrico County
- ❖ WUSA 9
- ❖ Georgetown University
- ❖ Virginia Tech

APPENDIX C: Complaints and Requests for Review Received by the Panel

Chair Term Years: March 1 - February 28

	2019-20	2020-21	Total
Number of Complaints filed against the FCPD (Panel Authority)	32	35	67
Number of Initial Complaints brought to the Panel	18	20	38
Number of Initial Complaints filed with the Panel but for which there is no ultimate review request	13	4	17
Number of Initial Complaints that are later requested to be reviewed by the Panel	5	8	13
Number of Review Requests Brought to the Panel	10	15	25
Number of Review Requests Taken by the Panel	5	4 [#]	9
Number of Review Requests Declined by the Panel	5	7	12
Number of Subcommittee Meetings Held	8	10	18
Number of Review Meetings Held	3	5	8
Number of Review Requests in process	0	2	2
Number of FCPD Investigations still pending	0	10 [^]	10

Notes:

[^]In 2020, 8 investigations are ongoing into Initial Complaints; 2 investigations are ongoing into Review Requests

[#] One review request included two complainants. Another Complainant submitted two separate review requests that were reviewed together.

APPENDIX D: Status of FCPD Investigations into Initial Complaints Received in 2020

CRP Case Number	Date Forwarded to FCPD	Date Findings Due	Number of Extensions	Date Findings Received	Number of Days Past Due #
CRP-20-01	1/8/2020	3/8/2020	0	2/28/2020	On time
CRP-20-02	1/13/2020	3/13/2020	0	2/28/2020	On time
CRP-20-04	2/20/2020	4/20/2020	4	12/18/2020	242
CRP-20-05	3/9/2020	5/8/2020	1	6/8/2020	31
CRP-20-06	3/10/2020	5/9/2020	2	9/16/2020	130
CRP-20-07	3/16/2020	5/15/2020	1	6/2/2020	18
CRP-20-08	3/16/2020	5/15/2020	1	6/2/2020	18
CRP-20-09	5/8/2020	7/7/2020	1	8/21/2020	45
CRP-20-10	5/18/2020	7/17/2020	0	7/17/2020	On time
CRP-20-11	5/26/2020	7/25/2020	0	7/17/2020	On time
CRP-20-12	6/8/2020	8/7/2020	3	12/11/2020	126
CRP-20-13	6/9/2020	8/8/2020	3	12/17/2020	131
CRP-20-17	6/23/2020	8/22/2020	3	12/14/2020	114
CRP-20-22	8/11/2020	10/10/2020	4	^	^
CRP-20-23	8/14/2020	10/13/2020	1	11/18/2020	36
CRP-20-25	9/1/2020	10/31/2020	2	12/17/2020	47
CRP-20-26	9/29/2020	11/28/2020	2	^	^
CRP-20-28	10/8/2020	12/7/2020	2	^	^
CRP-20-32	11/12/2020	1/11/2021	1	^	^
CRP-20-35	12/8/2020	2/6/2021	0	^	^
CRP-20-36	12/8/2020	2/6/2021	0	^	^

^ Outstanding as of January 31, 2021

Average days overdue is 85 days.

APPENDIX E: Police Civilian Review Panel Member Biographies

Hansel Aguilar, Fairfax

Mr. Aguilar, originally from Honduras, has resided in the County for 10 years. For the better part of the past decade, he has put his studies in sociology and criminal justice to use by serving some time as a former police officer at the George Mason University Police Department and as a civilian investigator of police misconduct at the D.C. Office of Police Complaints. Additionally, he worked as a case manager and internal investigator for Youth for Tomorrow. In the County, his service also includes managing the volunteer program at Vinson Hall Retirement Community in McLean and serving as a volunteer with the Fairfax County Office for Women & Domestic and Sexual Violence Services. Mr. Aguilar is a native Spanish speaker and believes that oversight is an important tenet of maintaining justice and equality in a democratic society. He is one of the inaugural panelists serving out his last year.

James Bierman, McLean

Mr. Bierman is a resident of McLean, where he grew up, and is a litigator who represents clients in complex litigation such as antitrust, securities, pharmaceutical defense, false advertising, trade secrets, copyright infringement, trademark infringement, commercial paper, and domestic matters in federal and state courts across the country as well as before federal administrative agencies. Mr. Bierman also maintains a large pro bono practice in which he has represented undocumented immigrants in wage disputes against predatory employers, disabled individuals in Social Security benefit matters, and criminal defendants in state court at both the trial and appellate levels. Further, he advises nonprofits and community organizations in disputes with state and local governments. Mr. Bierman previously served as a law clerk to the Honorable Beverly B. Martin of the U.S. Court of Appeals for the Eleventh Circuit. Aside from his practice, Mr. Bierman is a leader in the Washington legal community and beyond where he serves as an Associate Trustee of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, and serves on the Board of the Washington, D.C. Chapter of the American Constitution Society.

Robert Cluck, Reston

Mr. Cluck has resided in Fairfax County for 40 years. He was on the Fairfax County Ad Hoc Polices Practices Commission. He served in the US Army and worked for the federal government for over 30 years in finance and administration. Since retirement, he has been active with the National Alliance on Mental Illness (NAMI), including as a member and officer of the Board of the State level organization and as a volunteer in many capacities for the Northern Virginia affiliate. Over period of six years, he gave family member presentations to Fairfax and

Arlington County police officers as part of their Crisis Intervention Team training. He is strongly committed to helping enhance public trust between the public and the Police Department.

Frank Gallagher, Burke

Mr. Gallagher is a U.S. Army veteran and a retired FBI Agent with over 32 years of service. He first moved to Fairfax County in 1977 and was transferred out of the area several times. During his time in the FBI, Mr. Gallagher served as the Deputy Assistant Director of the Criminal Division, Special Agent in Charge of a Field Office and as the Chief Inspector for the FBI. He has lived continuously in Fairfax County for the past 19 years. After his retirement from the FBI, he worked for a major global management and information technology consulting firm for 11 years. Subsequent to that he served for two years as the Chairman of the DC Chapter of the Society of Former Special Agents of the FBI. He is a graduate of FBI's National Executive Institute (NEI) and was on the Board of Directors of the NEI Associates for five years. For the past four years he has been the Braddock District representative on the Fairfax County Criminal Justice Advisory Board

Shirley Norman-Taylor, Lorton

Ms. Norman-Taylor has resided in Fairfax County for the past 21 years. She is licensed to practice as an attorney in Virginia and Washington D.C. The focus of her practice includes Domestic Relations and Criminal and Traffic Defense, however, her greatest joy comes from representing children who are in the Abuse and Neglect system as their Guardian ad litem (GAL). Ms. Norman-Taylor also serves on the Fairfax County School Board's Minority Student Achievement Oversight Committee (MSAOC). Ms. Norman-Taylor is a former military officer and served as a Commander during Operations Desert Shield/Desert Storm.

Sris Sriskandarajah, Fairfax (Vice-Chair)

Mr. Sriskandarajah is a resident of Fairfax, Virginia. Everybody calls him "Sris". He has lived in Fairfax since 2006 and has his law firm in the City of Fairfax. He assists clients with criminal defense and family law cases. He is licensed to practice before the state and federal court of Virginia & Maryland. He is also licensed to practice in DC. Mr. Sris is the legal advisor to the Valluvan Tamil Academy on a pro bono basis. He is also on the panel of listed attorneys for ASHA – a pro bono organization that helps South Asian women in Virginia who are victims of domestic violence or sexual violence. Aside from his practice, Mr. Sris is the father of two children who attend school in Fairfax County. Mr. Sris is a native Tamil speaker and is an active member of the Indian community in Virginia & Maryland.

Rhonda VanLowe, Reston

Ms. VanLowe was appointed to the Governor's Taskforce for Improving Mental Health Services and Crisis Response and served on the Public Safety workgroup. She has devoted much of her community service work to serving those with unique physical, mental, emotional, intellectual

or cognitive backgrounds. Ms. VanLowe practiced law in law firm and corporate settings, served as Board Chair of The Northern Virginia Therapeutic Riding Program, Inc., and received the National Women of Color Special Recognition Award at the 2008 STEM Conference. Ms. VanLowe is a 36-year resident of Fairfax County and looks forward to working together with members of the Panel to develop procedures that will set the foundational tone and tenor for the work of the Panel.

Douglas Kay, Fairfax

Mr. Kay is a trial lawyer who has handled civil litigation, criminal defense and personal injury cases for over 25 years. He currently focuses his practice on commercial litigation matters. As a criminal defense attorney, he has represented individuals charged with everything from simple traffic matters to the most serious felony offenses in state and federal courts. Mr. Kay previously served as a judge advocate in the U.S. Navy and Assistant Commonwealth's Attorney for Fairfax County. A lifelong Fairfax County resident, Mr. Kay attended Fairfax County Public Schools, coaches his son's youth basketball team, and served on Fairfax County's Ad Hoc Police Practices Review Commission. Mr. Kay was nominated to serve on the Civilian Review Panel by the South Fairfax Chamber of Commerce and the Fairfax Bar Association. Mr. Kay has served on the Panel since its inception.

Hollye Doane, Oakton (Chair)

Ms. Doane is a retired attorney who spent most of her career serving in government, practicing law in the private sector, and representing companies and trade associations. Her career focused on energy regulatory law and federal government affairs issues relating to natural gas policy, telecommunications policy and science funding for high energy physics and Down syndrome research. She has been an advocate for the disability community for more than 30 years. Her experience as a journalist before attending law school and as a government regulator gave her an appreciation for the importance of government transparency and accountability. After her retirement, Ms. Doane trained as a certified mediator and as a lay pastoral care minister. She served as a Stephen Minister in her church and as a hospice volunteer. She also completed, by extension, the four-year Education for Ministry program at the University of the South School of Theology. She has resided in Fairfax County for 34 years and has served on the Panel since its inception.

