

Police Civilian Review Panel

January 4, 2021

Conducted Electronically due to COVID-19 Pandemic

Initial Disposition Subcommittee – CRP-20-34

Members Present:

Jimmy Bierman, Review Liaison

Bob Cluck, Review Liaison

Sris Sriskandarajah, Subcommittee Chair

Others Present:

Rachelle Ramirez, OIPA

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 5:30 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. Cluck was present and participated from Reston, 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 179 095 5222 as noted in the Public Meeting Notice. Mr. Cluck seconded the motion and it carried by unanimous vote.

Mr. Sriskandarajah 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. Mr. Bierman seconded the motion and it carried by unanimous vote.

Completion of 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 he believed might be a police officer due to his Fraternal Order of Police license plates. After the complainant completed filling up his gas tank and while the complainant was cleaning his windshield, the man yelled at the complainant to "hurry up." He then took a picture of the complainant. The complainant alleged that the individual threatened him by saying "Now I know where you live."

The complainant filed a complaint directly with the Panel the same night as the incident. Following Panel procedures, the complaint was forwarded to the FCPD, which investigated it. The FCPD issued a disposition letter to the complainant, who then requested a review of the FCPD response by the Panel. The request for review was received by the Panel in an email from the Complainant on November 30, 2020.

Mr. Sriskandarajah stated that the complainant alleged that the man threatened him and caused a sense of fear.

Mr. Cluck suggested that a threshold issue concerned whether reviewing this complaint was within the scope of the Panel's responsibilities because it was not determined whether the individual was a FCPD officer.

Mr. Bierman questioned whether the Panel could review it if an officer does not identify himself or establish his authority as a police officer. He added that there were allegations in the complainant's emails to the Panel that this was a terroristic threat and a criminal act.

Mr. Sriskandarajah reviewed the steps taken by the FCPD to determine whether the person was an FCPD officer or not. He said that there was no evidence found that tied the person to the FCPD.

Discussion ensued whether the allegations met the threshold for abuse of authority or serious misconduct. Mr. Bierman said that allegations of terroristic threats should be investigated as a criminal matter and not an Internal Affairs matter. Mr. Bierman said while he agreed that the allegations did not appear to rise to the level of abuse of authority or serious misconduct by a police officer specifically, he still was left with many questions based on the investigative file. Mr. Cluck said that he believed the investigator concluded that the actions did not rise to the level of a crime. Mr. Sriskandarajah agreed and said that the investigator could not find probable cause and that was why the FCPD could not run the license plate to identify the man.

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 it could not be determined that a Fairfax County Police Department officer was involved.

Mr. Bierman moved that the subcommittee recommend to the Panel that it not review this complaint as it does not sufficiently establish an abuse of authority or serious misconduct by an FCPD officer. Mr. Sriskandarajah seconded the motion and it carried by unanimous vote.

Mr. Bierman moved to adjourn the meeting. Mr. Sriskandarajah seconded the motion and it carried by unanimous vote.

The meeting adjourned at 6:03 p.m.