



Fairfax County  
Police Civilian Review Panel  
**Annual Report 2017**

**Building Community Trust Through Accountability**



# Fairfax County Police Civilian Review Panel: Annual Report 2017



A Fairfax County, VA Publication

Publication Date: February 28, 2018

## PANEL MEMBERS

Hansel Aguilar, Fairfax

Kathleen Davis-Siudut, Springfield

Steve Descano, Burke

Hollye Doane, Oakton

Douglas Kay, Fairfax

Randy Sayles, Oak Hill

Jean Senseman, Lorton

Adrian L. Steel, Jr., McLean (Chair)

Rhonda VanLowe, Reston (Vice-Chair)

**Fairfax County Police Civilian Review Panel**  
**12000 Government Center Parkway, Suite 233A**  
**Fairfax, VA 22035**  
**[PoliceCivilianReviewPanel@fairfaxcounty.gov](mailto:PoliceCivilianReviewPanel@fairfaxcounty.gov)**  
**[www.fairfaxcounty.gov/policecivilianreviewpanel](http://www.fairfaxcounty.gov/policecivilianreviewpanel)**

To request this information in an alternate format, call 703-324-3459, TTY 711.

# TABLE OF CONTENTS

Section I: Overview and Background .....	2
Establishment and Mission of the Civilian Review Panel.....	2
Scope of Panel Authority .....	2
Panel Members .....	4
Section II: 2017 Activities .....	5
Bylaws and Code of Ethics .....	5
Materials Development .....	5
Training and Education .....	6
Public Outreach.....	6
Public Forums.....	7
Meeting with Auditor.....	8
Section III: Initial Complaints and Requests for Review.....	9
Panel Processes and Procedures under the Bylaws .....	9
Initial Complaints .....	10
Requests for Review .....	11
Section IV: Plans for 2018 .....	11
Section V: Conclusion/Appreciation .....	12
Appendices.....	13

## SECTION I: OVERVIEW AND BACKGROUND

### Establishment and Mission of the Civilian Review Panel

The Fairfax County Police Civilian Review Panel (“Panel”) was established by the Board of Supervisors on December 6, 2016, in response to recommendations from the Ad Hoc Police Practices Review Commission.<sup>1</sup> The nine-member Panel’s mission is to enhance police legitimacy and to build and maintain trust between the citizens of Fairfax County, the Board of Supervisors, and the Fairfax County Police Department (“Department” or “FCPD”) by reviewing certain FCPD investigations to ensure the accuracy, completeness, thoroughness, objectivity and impartiality of the investigations. The Panel is appointed by, and reports directly to, the Board of Supervisors. The Panel is governed both by the Bylaws approved by the Board of Supervisors and a Code of Ethics adopted by the Panel.<sup>2</sup>

The Panel generally meets the first Thursday of each month at the Fairfax County Government Center. It will meet more often as needed based on the volume of investigations under review. Meeting locations are expected to vary to encourage citizen participation throughout the county. Panel meeting dates and locations are announced on the County’s Public Meetings Calendar (<https://www.fairfaxcounty.gov/calendar/ShowCalendar.aspx>). Pursuant to the Action Item and Bylaws, the Office of the Independent Police Auditor (“OIPA”) provides all administrative support to the Panel. This support includes coordinating meeting logistics, preparing draft meeting summaries, receiving and disseminating Complaints and Requests for Review, assistance with marketing and outreach activities, and related correspondence.

### Scope of Panel Authority

The Panel serves as an independent avenue or “portal” for members of the public to submit Initial Complaints (i.e., a complaint not previously submitted to the FCPD) concerning

---

<sup>1</sup> The December 6, 2016 Action Item and February 28, 2017 clarifications can be found in the February 28, 2017 Final Board Package (pp. 268-279) from the County’s website: <https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting%20materials/board/2017/feb28-final-board-package.pdf>

<sup>2</sup> Capitalized terms in this Report have the meaning set forth in the Defined Terms attached to the Bylaws, unless the context indicates otherwise.

allegations of abuse of authority or serious misconduct by an FCPD Officer. The Panel also has the authority to review completed FCPD internal administrative investigations regarding a complaint of the same nature filed with the Department against an officer. The Panel may conduct a Review of an investigation within its scope only upon a request from the complainant. All FCPD letters to complainants advising them of the results of the Department's investigation of their complaints also inform them of their right to seek a review of the investigation by the Auditor or the Panel depending on the nature of their complaint.

As a part of its Review, the Panel may hold a public meeting at which an FCPD representative will review and answer questions about the Investigation, including findings of fact, evidence collected and received, witness statements, and action taken or not. Only Complaints as to incidents occurring on or after December 6, 2016, may be considered by the Panel. Examples of Complaints that the Panel may receive and/or review include:

- The use of abusive, racial, ethnic or sexual language or gestures;
- Harassment or discrimination based on race, color, gender, sexual orientation, religion, national origin, marital status, age, familial status, immigration status, or disability
- Acting in a rude, crude, angry, retaliatory or threatening manner not necessary for self-defense;
- The reckless endangerment of a detainee or person in custody;
- Violations laws or ordinances; or
- Other serious violations of Fairfax County of FCPD policies or procedures.

The Civilian Review Panel does not address the potentially criminal use of force or police-involved shootings. Cases of that magnitude would likely involve an investigation by the Commonwealth's Attorney and would be monitored and reviewed by the Independent Police Auditor ("Auditor" or "IPA"), Richard G. Schott.

The Panel may hold public meetings on issues within the Panel's jurisdiction and on law enforcement policies and practices at which the public is invited to comment to assist the Panel in making recommendations for policy and practices changes to the Chief of Police and Board of Supervisors. The Panel may also meet periodically with the Auditor concerning his findings and conclusions as to use of force cases so that the Panel can provide its views to the Board of

Supervisors and the Chief of Police as to changes in policies and practices that may be warranted.

The Panel will issue an annual public report describing its activities for the year, including recommendations to the Board of Supervisors, the Auditor and the Chief of Police for revisions to FCPD policies, training and practices that the Panel concludes are needed.<sup>3</sup>

## Panel Members

The Panel members appointed by the Board were sworn in at a ceremony on March 20, 2017. The Honorable William H. Webster, former Director of the Federal Bureau of Investigation as well as the Central Intelligence Agency, gave remarks to commemorate the occasion. Judge Webster related how his experiences as a judge and as FBI and CIA Director led him to have a strong belief that transparency is necessary in order to maintain public trust. He said that civilian oversight of police is key to having a country where people are safe, feel safe, and have trust in law enforcement.



*Pictured from left: Deputy Clerk of the Circuit Court Gerarda Culipher, Randy Sayles, Rhonda VanLowe, Kathleen Davis-Siudut, Adrian Steel, Board of Supervisors Chairman Sharon Bulova, Judge William Webster, Braddock District Supervisor John Cook, Jean Senseman, Douglas Kay, Hollye Doane, Steve Descano, and Hansel Aguilar.*

---

<sup>3</sup> Consistent with the Action Item and Bylaws which set the due date for the first Annual Report to be March 31, 2018, this Report covers the period from March 1, 2017, to February 28, 2018. In future years, the reporting year will be January 1 to December 31, with the Report due on the subsequent March 1.

The Board of Supervisors appointed Adrian L. Steel, Jr. to serve as the first Chair of the Civilian Review Panel. All subsequent Chairs will be selected by members of the Panel. Panel members serve three year terms with a two-term limit, although some inaugural members serve for less time to allow for staggered terms. Rhonda VanLowe was elected by the Panel to serve as Vice-Chair. Biographies of the Panel members are attached as Appendix A.

The nine Panel members are:

- Hansel Aguilar, Fairfax
- Kathleen Davis-Siudut, Springfield
- Steve Descano, Burke
- Hollye Doane, Oakton
- Douglas Kay, Fairfax
- Randy Sayles, Oak Hill
- Jean Senseman, Lorton
- Adrian L. Steel, Jr., McLean (Chair)
- Rhonda VanLowe, Reston (Vice-Chair)

## **SECTION II: 2017 ACTIVITIES**

### **Bylaws and Code of Ethics**

After an initial meeting to discuss organizational issues and the roles and responsibilities of the Panel, the Panel focused its attention on drafting bylaws and a code of ethics. On June 1, 2017, the Panel approved draft bylaws and a code of ethics. Both drafts were submitted to the Board of Supervisors, and, on July 11, 2017, the Board approved both, with modifications to the bylaws. The Panel accepted the modified bylaws at its August 3, 2017 meeting. The Panel's Bylaws and Code of Ethics can be found on the Panel's website and in Appendices B and C.

### **Materials Development**

In addition to developing the Bylaws and Code of Ethics, the Panel, in partnership with the Auditor, developed a complaint form and a brochure for distribution across the County. The complaint form and brochure are being translated into Korean, Spanish and Vietnamese. A



website ([www.fairfaxcounty.gov/policecivilianreviewpanel/](http://www.fairfaxcounty.gov/policecivilianreviewpanel/)) was also developed for the Panel to include a description of its purpose and mission, a link to the Complaint form, and an archive of meeting materials. The Complaint form and instructions on how to file a Complaint are also available on the Panel website.

## **Training and Education**

In coordination with Major Gun Lee of the Department who served as the Panel's liaison, the Panel members received training from the FCPD on April 8, May 13, and September 30, 2017. Training content included an overview FCPD operations, including the various bureaus, and a review of FCPD general orders pertinent to the Panel's work. During a meeting on June 27, 2017, the Panel conducted a "mock review" of an alleged racial profiling incident. Individual Panel members have participated in numerous "ride-alongs" with FCPD officers. At the Panel's September 7, 2017, meeting, Paul Ashton, Chair of the D.C. Police Complaints Board (PCB), presented to the Panel on the structure, mission, jurisdiction, and the process for review of citizen complaints against the Metropolitan Police Department. Some Panel members observed CIT training on November 15, 2017. Panel members toured the new FCPD headquarters on December 7, 2017.

## **Public Outreach**

Throughout 2017, the Panel focused on developing its plans for outreach to the community, which included planning two public forums and developing a schedule of meetings with various community groups. The Chair attended two public meetings for the purpose of updating the community on the Ad Hoc Commission's progress report and on the Panel. The Chair (and the Auditor) answered questions about their respective positions. The May 22, 2017 meeting took place at the Government Center, and the November 1, 2017 meeting took place in Mount Vernon. Other outreach to community groups included attendance by the Chair at an NAACP Forum, attendance by the Vice-Chair at a Citizen Advisory Committee ("CAC") meeting at the Reston FCPD Station, and attendance by Panel members at a County's Criminal Justice Advisory Board meeting. Panel members also presented information about the Panel to CAC meetings, a Council of Citizens Associations meeting, and a church congregation. The Chair and Vice Chair

appeared, in concert with the Auditor, in various videos to introduce the Panel and the Auditor to the public. Videos included an interview on the show “Connecting with Supervisor Hudgins” and a public service announcement YouTube video.

## Public Forums

The Panel conducted public forums to raise awareness about the Panel and the Auditor and the services they provide on November 16, 2017, in Annandale and December 12, 2017, in Reston. Both forums were advertised through the County’s website, social media (e.g., Facebook and Twitter), and through local media. Board Chairman Sharon Bulova attended the Annandale forum and expressed her support for the work of the Panel and indicated her view that the Panel will promote transparency and openness in community policing. Supervisor Catherine Hudgins attended the Reston forum and noted that the process put in place by the Board is an important opportunity for County residents to have greater oversight of the FCPD. At both forums, members of the public were offered an opportunity to provide comments or ask questions about matters within the Auditor’s and Panel’s scopes. Among the questions asked were:

- Whether the Auditor or Panel have authority to entertain complaints pertaining to the Sheriff’s Office or ICE?
- Whether the Auditor or Panel can recommend a change to the discipline imposed by the FCPD?
- How, given the racial and ethnic makeup of the Panel, minorities can be assured that the Panel will be sensitive to the concerns of minority populations in the County?
- Why do the Auditor and Panel not have the power to investigate alleged FCPD misconduct?
- Why are there two oversight bodies?
- Do you have to be involved in an incident to submit a complaint?
- How can citizens be assured that the FCPD is forthcoming with all evidence it collected or received and the Department’s findings?
- How many attorneys sit on the Panel?
- How did the Board of Supervisors select the Panel members?
- Can the Panel make policy recommendations to the FCPD?

- What are the time limits for the Auditor or Panel to take a complaint, particularly for an ongoing incident?
- What is being done to advertise the Auditor's and Panel's services to different groups within the community, particularly minorities?
- Do you only look at individual cases? My organization would like to see a systematic review of the FCPD's use of force cases, including the apparent racial disparities.
- Are all complaints received by the Auditor and Panel available to the public for viewing?

In addition to the questions above, a concern was expressed that FCPD officers (who are usually white and not from the community) routinely harass young people of color, as well as individuals at the homeless shelters in the Mason District. A forum participant indicated that he has witnessed police officers targeting low income neighborhoods (e.g., apartment buildings in Bailey's Crossroads), conducting searches of individuals without getting proper consent due to the individuals' inability to understand English, driving around in unmarked vehicles and in plain clothes (no badge visible), and switching cars often, making it difficult for citizens to identify the officer and make a complaint. The forum participant also wanted to know why no one (especially a young person) from the "east side" of the County (i.e., Alexandria/Route 1, Mount Vernon, Bailey's Crossroads) is on the Panel.

The Panel provided responses to these questions and comments. The responses are reflected in the Summaries of the two forums which are attached as Appendices D and E and are on the Panel's website.

### **Meeting with Auditor**

As provided in the Action Item and Bylaws, the Panel met with the Auditor concerning his findings and conclusions as to the use of force investigations he has monitored and reviewed so that the Panel can provide its views to the Board of Supervisors and the Chief of Police as to changes in policies and practices that may be warranted. The Auditor summarized his findings and conclusions with respect to the two incident reports he has released (Herndon Officer Involved Shooting ("OIS") – January 2017, and Electronic Control Weapon Use – April 2017) and the IPA's 2017 Annual report. The Auditor's use of force recommendations included that: (1) additional numbers of "less-lethal" options in the form of Kinetic Energy Impact Systems and

PepperBall systems be made available to FCPD patrol officers and SWAT team members; (2) the FCPD incorporate new factors into current policy which may be considered when determining whether a particular use of force used on an individual not engaged in criminal activity was reasonable; and (3) the FCPD revert to the use of the term “non-deadly” force, and to eliminate the term “less-lethal” force in its general orders. In response to a question from a Panel member, the Auditor confirmed that it was his view that there were no communication issues during the Herndon OIS incident.

## **SECTION III: INITIAL COMPLAINTS AND REQUESTS FOR REVIEW**

### **Panel Processes and Procedures under the Bylaws**

- Upon receipt of an Initial Complaint, the Panel will immediately refer the Complaint to the FCPD for investigation. Under its Bylaws, the Panel does not conduct investigations. The Department is required to complete its investigation of the Complaint and provide an Investigation Report to the Panel within sixty (60) days (absent a finding of good cause for delay by the Panel).
- The Panel may conduct a Review Meeting if requested by a complainant to evaluate the accuracy, completeness, thoroughness, objectivity and impartiality of the FCPD Investigation. At the Meeting, the complainant will have the opportunity to state the reasons for filing the Review Request, and the Panel may ask the complainant about those reasons. At the Panel’s request, an FCPD representative knowledgeable about the Investigation will attend the Meeting to review and answer questions about the Investigation, including all findings of fact, evidence collected and received, witness statements and action taken or not. At the Panel’s discretion, the Panel may request further investigation by the FCPD, and the FCPD is required to conduct that investigation within a reasonable time and report the results to the Panel.
- After completing a requested Investigation Review, the Panel may reach one of three Findings: (i) concur with the FCPD’s findings and determination detailed in the Investigation Report; (ii) advise the Board of Supervisors that the FCPD’s findings are not supported by the information reasonably available to the Department and recommend

further review and consideration by the Chief of Police; or (iii) advise the Board of Supervisors that, in the Panel's judgment, the Investigation is incomplete and recommend additional investigation.

- Based on its review of Investigations, the Panel may recommend to the Chief of Police and the Board of Supervisors revisions to FCPD policies and practices that the Panel concludes are needed.
- At its December 7, 2017 meeting, the Panel discussed the need for documenting protocols and operating procedures for the Panel. These include responding to Initial Complaints and Requests for Review, determining Panel jurisdiction, and determining the appropriate protocol at public Review Meetings.

### Initial Complaints

- In August 2017, the Panel received an Initial Complaint from [REDACTED] regarding an incident that occurred in May 2016. The incident was not reviewed because the date it occurred preceded the establishment of the Panel on December 6, 2016. The Panel informed the complainant that he could attend a Panel public forum to voice concerns about FCPD policies and practices.
- In October 2017, the OIPA received two Initial Complaints concerning an arrest by the FCPD which took place in Annandale VA. One of those complaints was directed to both the Auditor and the Panel. At the request of the Chair of the Board of Supervisor's Public Safety Committee and the Chief of Police, the Auditor is monitoring and reviewing the FCPD administrative investigation of the arrest. The Panel determined at its November 9, 2017 meeting to defer any discussion of the Annandale arrest or any Panel action until the FCPD has completed that investigation.
- In January 2018, the Panel received an Initial Complaint concerning an incident that occurred in 2012, which made it ineligible for Panel or Auditor review. The Complaint was forwarded to the Department because it is FCPD policy to review all complaints regardless of when they are received.
- A second Initial Complaint was received in January 2018. It concerned an incident of alleged officer rudeness that occurred in January 2018. As required, the Complaint was

referred to the FCPD for investigation. The FCPD will complete its investigation and provide an Investigation Report to the Panel within sixty (60) days (absent a finding of good cause by the Panel).

## Requests for Review

- The Panel received a Request for Review in November 2017 from ██████████ ██████████ regarding her complaint to the FCPD that an officer failed to comply with a subpoena requiring the officer to appear in court. The Panel voted at its December 7, 2017, to review the FCPD's investigation of ██████████'s Complaint, subject to ██████████'s confirmation of her understanding of the Panel's limited jurisdiction. The Review Meeting was held on January 4, 2018. ██████████ and the Chief of Police appeared at the Meeting. At its February 1, 2018 meeting, the Panel voted to concur with the Department's findings and determination. Some individual Panel members raised concerns regarding the FCPD process to track and monitor subpoenas served on officers; whether training was needed for officers regarding court appearances; and whether all internal affairs interviews (at the Internal Affairs Bureau and at the station level) should be audio recorded. The Panel voted not to recommend policy or practice changes at the meeting with respect to the concerns raised.
- The Panel received a Request for Review in February 2018 of a completed FCPD investigation involving alleged false arrest and abuse. As with all Requests for Review, the Panel will proceed initially to determine whether it has jurisdiction over the Request under the Bylaws.

## SECTION IV: PLANS FOR 2018

- The Panel will continue its community outreach and engagement strategy in 2018 to ensure that it is reaching broader portions of the public. Outreach activities will include conducting meetings with various community groups, inviting police associations to meet with the Panel about its responsibilities and scope of authority, and distributing informational brochures (made available in four languages) across the county. Panel members will also participate in segments for a magazine-style video in 2018.

- In 2018, the Panel will continue to refine its operating procedures, including, for example, the intake process for Initial Complaints and Requests for Review, and the Panel's disposition decision-making process.
- Another key effort in the coming year will include strengthening the Panel's working relationships with the Board of Supervisors and the Police Department.

## **SECTION V: CONCLUSION/APPRECIATION**

The Civilian Review Panel has had an active first year in beginning its task to provide effective civilian oversight. We successfully organized ourselves and drafted and adopted the Bylaws which govern our work. We are receiving and processing Initial Complaints and Requests for Review, and we held our first Review Meeting. We are reaching out to the public through forums and speaking before numerous community groups and organizations. We have more to do. We need to work to more broadly spread the word about what it is we do. We need to adopt clear procedures and standards to govern our work and to ensure that there is a clear record detailing the Panel's rationale for our actions. We look forward to working with the public and the FCPD in the next year in achieving the goals set for us by the Board of Supervisors when it created the Panel.

We would like to express our appreciation to the Board of Supervisors for entrusting us with the responsibility of serving on the inaugural Panel and to the FCPD for its support and continuing recognition of the need for effective oversight to build trust and transparency. As Judge Webster said at our swearing in ceremony, civilian oversight of police is key to having a country where people are safe, feel safe, and have trust in law enforcement. We also want to express our particular appreciation to Major Gun Lee for the many hours that he devoted serving as our liaison to the FCPD this past year. His efforts ranged from extensive training to ensure that Panel members are familiar with FCPD policies and practices to ensuring that we had various opportunities to join FCPD officers in the field to answering our numerous questions. His work and guidance have been invaluable.

## APPENDICES

Appendix A: Biographies of the Panel Members

Appendix B: Bylaws of the Fairfax County Police Civilian Review Panel

Appendix C: Fairfax County Police Civilian Review Panel Code of Ethics

Appendix D: Summary of the November 16, 2017 Annandale Public Forum

Appendix E: Summary of the December 12, 2017 Reston Public Forum



**Fairfax County Police Civilian Review Panel Members (2017-18)****Hansel Aguilar, Fairfax**

Mr. Aguilar, originally from Honduras, investigates allegations of police misconduct at the D.C. Office of Police Complaints. Mr. Aguilar is a former police officer for the George Mason University Police Department and previously worked as a case manager and internal investigator for Youth for Tomorrow. He has served with the Vinson Hall Retirement Community in McLean and with the Fairfax County Office for Women & Domestic and Sexual Violence Services. Mr. Aguilar is bilingual in Spanish and English and believes that oversight is an important tenet of maintaining justice and equality in a democratic society.

**Kathleen Davis-Siudut, Springfield**

Ms. Davis-Siudut has spent the past 15 years providing training as well policy development and implementation in the areas of sexual violence, human trafficking, and cultural diversity. Ms. Davis-Siudut is of Korean descent and has previously worked for the National Underground Railroad Freedom Center, Polaris Project, and the US Marine Corps. She currently works with the Air Force as a sexual assault prevention and response subject matter expert.

**Steve Descano, Burke**

Mr. Descano served as a federal prosecutor for six years in various positions: Special Assistant United States Attorney in the Eastern District of Virginia, Trial Attorney in the Criminal Tax Division, and Trial Attorney in the Consumer Protection Branch. He focused on prosecuting complex frauds and crimes targeting vulnerable victims. While at the Department of Justice, he was awarded Tax Division Outstanding Attorney Awards in 2012, 2013, and 2014. Mr. Descano currently works as the Chief Operating Officer and General Counsel for Paragon Autism Services, a provider of behavioral therapy to children with Autism Spectrum Disorder. Mr. Descano serves on the Fairfax County NAACP's Criminal Justice Committee and was nominated by the Fairfax County NAACP to serve on the Civilian Review Panel.

**Hollye Doane, Oakton**

A Fairfax County resident for more than 30 years, Ms. Doane spent most of her career as an attorney in Washington D.C. representing an array of clients, including the National Down Syndrome Society and Down Syndrome Research and Treatment Foundation. Ms. Doane has been an advocate for the disability community for more than 20 years and understands the importance of building positive relationships between law enforcement officers and people with disabilities. Her experience as a journalist prior to attending law school gave her an appreciation for clear, timely and transparent communication between government officials and the community. After her retirement, Ms. Doane trained as a mediator and facilitator and currently serves as a lay pastoral minister in her church.

**Douglas Kay, Fairfax**

Mr. Kay is a trial lawyer who has handled civil litigation, criminal defense and personal injury cases for over 20 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.

**Randy Sayles, Oak Hill**

Mr. Sayles has over 35 years of law enforcement and criminal investigations experience. He worked as a Federal Agent for the U.S. Drug Enforcement Administration (DEA), U.S. Department of Justice (DOJ), and served as a police officer for the Denver, Colorado Police Department. Mr. Sayles enjoys giving back to the community by volunteering for the Clean Fairfax Council and Creekside Homeowners Association, and was the recipient of a Fairfax County 2016 Environmental Excellence Award for removing 800 bags of trash and over 1200 illegal signs along nine miles of Centreville Road. Mr. Sayles served as a member of Fairfax County's Ad Hoc Police Practices Review Commission and has continued to work with the Board of Supervisors and Fairfax County Police to implement the Commission's recommendations.

**Jean Senseman, Lorton**

Ms. Senseman is a licensed clinical social worker who has spent many years working with clients who experience mental illness, PTSD and substance use disorders. Ms. Senseman has worked in private practice providing treatment and therapy for individuals young and old who experience a wide variety of mental health disorders. Ms. Senseman taught at George Washington University Medical School and volunteers for her Condo Association Finance Committee. Previously, Ms. Senseman worked at the Woodburn Community Mental Health Center and at the Bailey's Crossroads Community Shelter helping residents of all socio-economic backgrounds receive mental health treatment.

**Adrian L. Steel, Jr., McLean (Chair)**

Mr. Steel served on Fairfax County's Ad Hoc Police Practices Review Commission and has continued to work with the Board of Supervisors to implement the Commission's recommendations. Mr. Steel has been appointed by the Board of Supervisors to serve as the first chair of the Police Civilian Review Panel. Mr. Steel has extensive knowledge and a strong commitment regarding 21st Century police policies and best practices, including civilian oversight. Mr. Steel currently works as a senior counsel at Mayer Brown LLP where he has practiced law for over 35 years, and previously served as a Special Assistant to FBI Director, William H. Webster, handling criminal and counterintelligence intelligence matters.

**Rhonda VanLowe, Reston (Vice-Chair)**

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.

**BYLAWS OF THE FAIRFAX COUNTY POLICE CIVILIAN REVIEW PANEL**

Approved by the Board of Supervisors on July 11, 2017

Accepted by the Police Civilian Review Panel on August 3, 2017

**ARTICLE I. NAME<sup>1</sup>**

The name of this organization is the **Fairfax County Police Civilian Review Panel**

**ARTICLE II. PURPOSE**

The Board of Supervisors, pursuant to Virginia law, established the Panel on December 6, 2016, to enhance police legitimacy and to build and maintain public trust between the Fairfax County Police Department (FCPD), the Board of Supervisors and the public. The Panel will:

- A. Review certain Investigations to ensure the thoroughness, completeness, accuracy, objectivity, and impartiality of the Investigations;
- B. Provide an independent process for commencing an Initial Complaint against the FCPD or its officers; and
- C. Make recommendations on law enforcement policies and practices as they pertain to case reviews to assist the FCPD Chief of Police (Chief) and Board of Supervisors in policy review.

The Panel shall report directly to the Board of Supervisors.

**ARTICLE III. COMPOSITION OF THE PANEL AND TERM OF OFFICE FOR PANEL MEMBERS****A. Composition and Qualifications.**

1. The Board of Supervisors shall appoint each Panel Member.
2. The Panel shall be comprised of nine Fairfax County residents with expertise and experience relevant to the Panel's responsibilities. At least one Panel Member shall have prior law enforcement experience other than as a member of the FCPD or the Fairfax County Sheriff's Office (FCSO).
3. The Board of Supervisors shall endeavor to create an independent and fair body giving due consideration to the following factors, among others it may choose: community and civic involvement; diversity; law enforcement and/or criminal investigative experience;

---

<sup>1</sup> Certain terms used in these Bylaws are defined in the attached Exhibit A incorporated herein by this reference.

reputation in the community; geographical representation; and other factors designed to ensure a balanced Panel representative of Fairfax County.

4. No Panel Member may be a current employee of Fairfax County, a current or former member of the FCPD or the FCSO, have a relative (i.e., an immediate or extended family member) who is a member of the FCPD or FCSO, hold public office, or be a candidate for public office.

B. Terms of Service.

1. Panel Members shall be appointed for three year terms, except for the inaugural Panel (which shall have terms as described below) and may be appointed to no more than two consecutive terms.
2. Panel Member terms shall be staggered.
3. With respect to the inaugural Panel, three Panel Members shall be appointed for three-year terms, three Panel Members shall be appointed for two-year terms and three Panel Members shall be appointed to a one-year term.
4. The Panel Members of the inaugural Panel are eligible to be appointed to a second three-year term upon expiration of the Panel Member's initial term.

C. Resignations, Removals, and Vacancies.

1. Panel Members serve at the pleasure of the Board of Supervisors.
2. The Chair shall notify the Board of Supervisors if a Panel Member is absent from three consecutive Panel meetings or is absent from five Panel meetings in any calendar year (unless the absence is for good reason as determined by the Chair).
3. Any Panel Member may resign from the Panel at any time by delivering written notice of termination to the Board of Supervisors with a copy to the Chair. The resignation will be effective upon receipt, unless an effective date of the resignation is specified in the notice.
4. The Board of Supervisors may appoint a new Panel Member for the unexpired Panel Member term resulting from a vacancy that occurs for any reason.

**ARTICLE IV. CHAIR, VICE CHAIR, OTHER OFFICERS AND COMMITTEES**

A. The Initial Chair and Vice-Chair.

The Board of Supervisors may choose to designate one of the Panel Members as the initial Chair. At a time agreed by the Panel Members, the Panel shall elect the initial Vice-Chair.

B. Succession; Annual Election of Officers; Vacancies.

1. Unless the Panel Members agree otherwise, the Vice-Chair shall succeed to the Chair position upon expiration of the Chair's term.
2. Panel Members shall elect the Vice-Chair and other officers (as determined by the Panel Members) who shall be responsible for those functions as assigned by the Panel and the Chair.
3. All Panel officers shall be elected at the first meeting of each calendar year. Terms of office for Panel Officers shall be for one year, effective March 1<sup>st</sup> of each calendar year.
4. No Panel Member may serve more than one, one year term as Chair.
5. If there is an officer vacancy, the Panel may elect a replacement officer at any time after the vacancy occurs to serve the balance of the unexpired term.
6. Before the election of any replacement officer, the Chair or Vice-Chair shall provide the Panel Members with at least two weeks written notice of the proposed election before the meeting at which the replacement is to be elected.
7. Election of Panel officers must take place in a meeting duly called as provided for in Article V.

C. Duties of the Chair and Vice-Chair.

1. The Chair shall:
  - (a) Preside over all Panel meetings at which the Chair is present;
  - (b) Act as a liaison between the Panel and (i) the Board of Supervisors, (ii) the FCPD, and (iii) the Independent Police Auditor (Auditor), as needed;
  - (c) Serve as the Panel's official spokesperson;
  - (d) Oversee the preparation of the Panel's annual report described in Article IX.B;
  - (e) Perform any other duties as the Panel may delegate; and
  - (f) Delegate any of these duties to other Panel Members.
2. The Vice-Chair shall:
  - a. Preside over Panel meetings in the absence of the Chair; and
  - b. Perform any other responsibilities delegated by the Chair or requested by the Panel.
3. Panel Committees.
  - a. The Panel may establish as many committees as the Panel deems necessary to perform the Panel's duties. All Panel committee meetings shall comply with the

notice and other requirements of the Virginia Freedom of Information Act.

## **ARTICLE V. QUORUM, VOTING AND MEETINGS**

### **A. Quorum.**

At any Panel meeting, the presence of five Panel Members shall constitute a quorum. Any Panel meeting may be adjourned from time to time by a majority of the votes cast upon the question, whether or not a quorum is present, and the meeting may be held as adjourned without further notice.

### **B. Voting.**

The vote of a majority of Panel Members present at a meeting with a quorum is necessary for the Panel to take an action. Notwithstanding the previous sentence, the affirmative vote of a majority of all Panel Members is required to approve Panel Findings or the Annual Report. All votes of Panel Members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All Panel Members who are present at a meeting, including the Chair, may vote at any meeting.

### **C. Meetings.**

1. The Panel shall meet as often as necessary to conduct Panel business.
2. All Panel Meetings shall be conducted in accordance with VFOIA, and, except for closed sessions, all Panel Meetings shall be open to the public.
3. All Panel Meetings shall be preceded by a Panel Meeting Notice, and, except for emergency Panel Meetings, a Panel Meeting Notice shall be published at least three working days before the Panel Meeting. Notice, reasonable under the circumstances for emergency Panel Meetings, shall be given contemporaneously with the notice provided to Panel Members.
4. Panel Meeting Notices shall be:
  - (a) provided to the Office of Public Affairs for posting at the Government Center and on the County Internet site, and
  - (b) placed at a prominent public location by the Clerk of the Board of Supervisors.
5. All Panel Meetings shall be conducted in:
  - (a) places that are accessible to persons with disabilities,
  - (b) public buildings whenever practical; and

- (c) accordance with Robert's Rules of Order, Newly Revised (except as otherwise provided by Virginia law or these Bylaws).
6. Except as specifically authorized by VFOIA, no Panel Meeting shall be conducted through telephonic, video, electronic, or other communication means where the Panel Members are not all physically assembled to discuss or transact public business.
  7. At any Panel Meeting, at least one copy of the agenda and, unless exempt from disclosure under VFOIA, all materials furnished to Panel Members shall be made available for public inspection at the same time the documents are furnished to the Panel Members.
  8. Any person may photograph, film, record, or otherwise reproduce any portion of a Panel Meeting required to be open, but no person broadcasting, photographing, filming, or recording any open Panel Meeting may interfere with any of the proceedings.
  9. The Panel shall keep minutes of its Panel Meetings, and those minutes shall include:
    - (a) the date, time, and location of each meeting;
    - (b) the Panel Members present and absent;
    - (c) a summary of the discussion on matters proposed, deliberated, or decided; and
    - (d) a record of any votes taken.
  10. The Panel meeting minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.

## **ARTICLE VI. PANEL AUTHORITY TO REVIEW INVESTIGATIONS AND REVIEW PROCEDURES**

### **A. Scope of Panel Review Authority.**

1. 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 Panel shall not review:
  - (a) alleged misconduct that is subject to the exclusive review by the Auditor;
  - (b) any Complaint related to an incident that occurred before December 6, 2016;
  - (c) an Initial Complaint that is filed more than one (1) year after the date of the incident that is the subject of the Investigation (unless the Panel determines that there is good cause to extend the filing deadline);
  - (d) a Review Request filed more than sixty (60) days after the date of the notice sent to the complainant by the FCPD informing the complainant of the Investigation's

- completion (unless the Panel determines that there is good cause to extend the filing deadline); or
- (e) a Complaint concerning matters that are subject of a pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or filed complaint), or any administrative proceeding.
2. The Panel may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed. The Panel shall not act on any Review Request that is the subject of an administrative proceeding until any administrative appeals are resolved.
  3. Where a Complaint alleges misconduct within both the Panel's scope of authority and the Auditor's scope of authority, the Panel and the Auditor shall each conduct a review of the Investigation within their requisite scope of authority. The Auditor and Chair shall coordinate the work of the Panel and Auditor to ensure efficient use of resources and avoid duplication of effort. If the matter cannot be divided between the Auditor and the Panel in an efficient manner, then the Auditor shall conduct the review of all portions of the investigation.
  4. If there is a conflict in the scope of authority between the Auditor and the Panel, then the matter shall be resolved by the Auditor.

B. Definition of "abuse of authority" or "serious misconduct".

For purposes of determining the Panel's authority to review an Investigation, "abuse of authority" or "serious misconduct" by an FCPD police officer includes, but is not limited to:

- (i) the use of abusive racial, ethnic or sexual language or gestures;
- (ii) harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability;
- (iii) acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense;
- (iv) reckless endangerment of detainee or person in custody;
- (v) violation of laws or ordinances; or
- (vi) other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.

C. The Complaint.

1. Content and Filing of a Complaint.

- (a) An Initial Complaint and a Review Request shall be in writing and shall be deemed filed when delivered or emailed to the Office of the Independent Police Auditor



- (b) A Complaint shall contain:
  - (i) identifying information for the person filing the Complaint;
  - (ii) a statement describing the reasons for the Review Request, unless the Complaint is an Initial Complaint;
  - (iii) the specific police behavior of concern;
  - (iv) a description of the incident in which the behavior occurred; and
  - (v) a list of the names, addresses and phone numbers of all witnesses to or persons with knowledge of the incident known by the complainant.
  
- (c) The Panel shall immediately forward an Initial Complaint to the FCPD for investigation. The FCPD shall complete its investigation and provide an Investigation Report to the Panel within sixty (60) days. The Panel shall extend the 60-day period upon request of the Chief to protect an ongoing criminal or internal administrative investigation, or for other good cause, with notice to the complainant and the Board of Supervisors.

## 2. Initial Disposition Notice.

- (a) The Panel shall conduct an initial review of each Review Request and may conduct the initial review as a committee of the whole or establish a subcommittee of at least three Panel Members (with rotating membership) to conduct the initial review.
  
- (b) Within 30 days of Receipt of the Investigation Report, the Panel shall send an Initial Disposition Notice to the complainant with the Panel's determination of its authority to undertake a review of the subject Investigation.
  
- (c) The Panel will determine if the Panel has authority to review the subject Investigation taking into account whether the underlying Complaint:
  - (i) is timely filed; or
  - (ii) is a Review Request of alleged misconduct that is subject to exclusive review of the Auditor.
  
- (d) If the Panel determines that the Panel does not have authority to review the subject Investigation, the Initial Disposition Notice shall state the reasons for the Panel's decision.
  
- (e) Where the Panel finds that a review of the subject Investigation is warranted, the Initial Disposition Notice shall include a description of the review process, a deadline for completion of the review, and a date for the Panel Review Meeting.

- (f) If the underlying Complaint alleges police misconduct that requires the Auditor's review, the Panel shall (i) promptly forward the matter to the Auditor and (ii) send an Initial Disposition Notice to the complainant explaining the reasons for the referral.

#### D. Pending Proceedings.

1. If at any point in the review process the Panel learns that the matters of a Review Request are the subject of pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or filed complaint), or any administrative proceeding, the Panel shall:
  - (a) suspend its review;
  - (b) defer the review pending resolution of the criminal, civil or administrative proceeding by the trial court;
  - (c) notify the complainant and the Board of Supervisors, in writing, of any deferrals; and
  - (d) track any deferred matter and notify the complainant and the Board of Supervisors once the proceedings are closed and the request for review may proceed.
2. The panel may request assistance of Counsel, the Auditor, the Chief, or the County Attorney in making its determination that matters of a Review Request are the subject of pending proceedings.
3. The Panel may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed. The Panel shall not act on any Review Request that is the subject of an administrative proceeding until any administrative appeals are resolved.

#### E. Panel Meetings to Review Investigations.

##### 1. Additional Requirements for Panel Review Meetings.

In addition to the requirements for Panel Meetings generally set forth in Article V.C., Panel Review Meetings shall be conducted as follows:

- (a) The Panel may convene a Panel Review Meeting to review an Investigation as to which a Review Request has been submitted within sixty (60) days of Receipt of the Investigation Report.
- (b) The Panel Review Meeting Notice shall not only comply with Article V.C.4., but shall also include a statement inviting any person with information about the Investigation or the incident that is the subject of the Panel Review Meeting to submit the information in writing to the Chief or the Auditor.

- (c) Notwithstanding Article V.C.4, Panel Review Meeting Notices shall be published and sent to Panel Members, the FCPD Internal Affairs Office, the County Attorney's Office, and the complainant at least fourteen (14) days before the Review Meeting.
- (d) The Panel may conduct as many Panel Review Meetings as the Panel deems necessary to complete the requested review.
- (e) The Panel shall not take testimony or receive evidence.
- (f) At a Panel Review Meeting, the complainant shall have the opportunity to state the reasons for filing the Review Request, and the Panel may ask questions of the complainant regarding those reasons. The Panel shall submit to the FCPD contact information for those persons who were not interviewed with a request for further investigation of the matters under review.
- (g) At the request of the Panel, a FCPD representative knowledgeable of the Investigation under review shall appear before the Panel at a Panel Review Meeting (as determined by the Panel) to review and answer questions from the Panel about the Investigation, including all findings of fact, evidence collected and received, witness statements and action taken or not.
- (h) At the Panel's discretion, it may request further investigation by the FCPD, and the FCPD shall, within a reasonable time, conduct further investigation and provide to the Panel a supplemental report that details the findings of the additional investigation.
- (i) Translation services will be provided for a complainant or other person that needs translation assistance to present to the Panel or respond to questions from Panel Members.

## 2. Closed Sessions, and Confidential Matters During Panel Review Meetings.

- (a) The Panel may conduct portions of any Panel Meeting (including Panel Review Meetings) in closed session, so long as the purpose for and conduct of the closed session is consistent with VFOIA.
- (b) Any statement made by a FCPD police officer to the FCPD that the FCPD required under the provisions of Garrity v. New Jersey, 385 U.S. 493 (1967), shall not be disclosed in public. The Panel shall have confidential access to the entire statement for its review. Unless the FCPD officer consents to the public release of the entire statement given during an Investigation, the FCPD representative(s) presenting information to the Panel on a Complaint may publicly state only that the officer admitted or denied the allegation.
- (c) Panel Members shall not reveal the identity of (i) any juvenile, or (ii) victim of sexual assault (unless authorized to do so by the victim in writing).

- (d) Each Panel Member who reviews a FCPD officer's personnel record or a FCPD internal administrative investigative case file shall sign a Notice of Confidentiality affirming that the file and case record is a personnel record that shall not be disclosed to anyone or copied.
- (e) If information subject to the Panel's review concerns an identifiable juvenile, the requested information shall first be forwarded to the County Attorney's Office for redaction in conformance with Code of Virginia §16.1-301, as amended.

#### F. Disposition of Review Requests.

##### 1. Timely Completion.

- (a) The Panel shall complete the review of an Investigation and issue a public written report detailing the Panel Findings (defined below) within ninety (90) days of Receipt of the Investigation Report.
- (b) The Panel may extend the deadline for completion for good cause. The Chair shall report all deadline extensions (and the reason for the extension) to the Board of Supervisors. The Panel shall send written notice to the complainant, if the deadline for completion is extended. The notice shall include an approximate date for completion.

##### 2. Panel Findings.

- (a) Upon completing a requested Investigation review, the Panel may reach one of the following Panel Findings:
  - (i) Concur with the findings and determination detailed in the Investigation Report;
  - (ii) Advise the Board of Supervisors that the findings are not supported by the information reasonably available to the FCPD and recommend further review and consideration by the Chief; or
  - (iii) Advise the Board of Supervisors that, in the Panel's judgment, the Investigation is incomplete and recommend additional investigation.
- (b) If the Panel Finding is either (ii) or (iii) above, the Board of Supervisors may direct the Chief to take further action as the Board of Supervisors deems appropriate.
- (c) A majority of the appointed Panel Members must concur in the Panel Findings for the Panel Findings to be the authorized conclusion of the Panel.
- (d) The Chair may assign to one or more Panel Members concurring in the conclusions of the Panel Findings the responsibility for drafting the Panel's final review report that shall be sent to the complainant, the Board of Supervisors, the Chief and the Auditor.

## **ARTICLE VII. RECOMMENDATIONS FOR REVISIONS TO FCPD POLICIES, TRAINING AND PRACTICES**

### **A. Review of Law Enforcement Policies and Practices.**

1. Based on the Panel's review of Investigations, the Panel may recommend to the Chief and the Board of Supervisors revisions to FCPD policies and practices that the Panel concludes are needed.
2. The Panel may conduct Public Meetings to assist the Panel in making recommendations for policy and practice changes to the Chief and the Board of Supervisors.

### **B. Meetings with the Auditor.**

The Panel may meet periodically with the Auditor concerning the findings and recommendations of the Auditor as to use of force cases so that the Panel can provide the Panel's view to the Board of Supervisors and the Chief as to changes in policies and practices that may be warranted.

## **ARTICLE VIII. OTHER DUTIES OF PANEL MEMBERS**

### **A. Training.**

All Panel Members shall complete all training mandated by the Board of Supervisors, which may include police ride alongs. The Panel shall determine the calendar for the presentation and completion of the required training. The Panel shall conduct other training as it determines would be helpful.

### **B. Confidentiality.**

Each Panel Member shall maintain the confidentiality of all confidential or privileged information that Panel Members receive during service on the Panel.

### **C. Conflicts of Interest.**

Panel Members shall avoid conflicts of interest with the provisions of Chapter 31 – State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100, *et seq.* A Panel Member shall consult with counsel to the Panel if the Panel Member believes that the Panel Member has or may have a conflict of interest with respect to a matter that the Panel will consider. A Panel Member with a conflict of interest shall not participate in or vote on the matter.

### **D. Communications.**

1. Only the Chair or the Chair's designee shall make public statements on behalf of the Panel. The primary means for the Panel to communicate to the public shall be the Panel's written reports that are approved by a majority of the Panel Members.
2. Except as expressly authorized by the Chair in furtherance of a Panel Member's duties, Panel Members shall make diligent efforts to avoid individual discussion of a matter before the Panel with any person with an interest in the matter, including but not limited to a complainant, a witness to events giving rise to a complaint, or an FCPD officer that is the subject of a Complaint. The Panel Member shall inform the Chair if any interested party communication occurs and provide the Chair with any information about the communication that the Chair requests.

#### **ARTICLE IX. RECORDKEEPING; ANNUAL REPORT**

##### **A. Recordkeeping.**

1. All Panel meetings, including Panel Review Meetings and Public Comment Meetings, but excluding closed sessions within a Panel Meeting, shall be recorded and records maintained in accordance with the Library of Virginia Records Retention and Disposition Schedule.
2. The Auditor shall maintain a copy of all Complaints together with the reports detailing the disposition of each Complaint.

##### **B. The Annual Report.**

1. The Panel shall prepare the Annual Report describing its activities for the reporting year, including any recommendations to the Board of Supervisors, Auditor, and the Chief for revisions to FCPD policies, training, and practices that the Panel concludes are needed.
2. The Annual Report must be approved by a majority of the appointed Panel Members before the Annual Report is released publicly.
3. The Panel shall deliver the Annual Report to the Board of Supervisors through the Auditor and the Chair of the Board's Public Safety Committee. The Annual Report shall then be released to the public.
4. The initial Annual Report of the Panel shall be due on March 31, 2018. Subsequent Annual Reports shall be published in accordance with this section no later than March 1<sup>st</sup> of each year.

#### **ARTICLE X. COMPLIANCE WITH LAW AND COUNTY POLICY; CONFLICTS OF LAW AND POLICY; PANEL IMMUNITY**

A. Compliance with Law and County Policy.

The Panel and each Panel Member shall comply with all Virginia laws, including, but not limited to, VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100 through -3131, as amended, all County ordinances, the Panel Code of Ethics and with all County policies concerning the activities of its boards, authorities, and commissions.

B. Conflicts of law and policy.

These Bylaws are not intended to conflict with Laws or policies of the Board of Supervisors. To the extent there is a conflict between any Law or any other resolution or matter passed by the Board, and these Bylaws, the Law or Board action shall govern.

C. Panel Immunity.

Panel Members shall enjoy the protection of sovereign immunity to the extent allowed and provided under Virginia law whether common law or statutory, including, but not limited to, the Virginia State Government Volunteers Act, Virginia Code §§ 2.2-3600, *et seq.*, and the provisions of Virginia Code § 15.2-1405.

**ARTICLE XI. DUTIES OF THE COUNTY EXECUTIVE AND THE AUDITOR; BOARD OF SUPERVISORS**

A. The County Executive.

1. The County Executive shall cause the attendance of any County employee, other than the involved officer(s), at any Panel meeting whose appearance is requested by the Panel, unless the required attendance violates a statutory or constitutional right of the employee.
2. The County Executive shall cause the submission (from any County agency including the FCPD) of any relevant documents or other relevant materials requested by the Panel, including the full FCPD internal administrative investigative case file, unless legal privilege to withhold exists and is not waived.

B. The Auditor.

The staff of the Office of the Auditor shall provide administrative support for the Panel.

C. The Board of Supervisors.

1. The Board of Supervisors may conduct a review of the Panel at any time, except that the initial review shall be conducted within six months of receipt of the Panel's first annual report.

2. The Board of Supervisors shall ensure the Panel and Panel Members, as necessary, have the benefit of legal counsel.

**ARTICLE XII. EFFECTIVE DATE OF THE BYLAWS; AMENDMENT OF THE BYLAWS**

A. Effective Date of the Bylaws.

The Bylaws shall become effective upon approval by the Board of Supervisors.

B. Amendment of the Bylaws.

These Bylaws may be amended by the Panel by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to the Bylaws shall become effective upon approval of the Board of Supervisors.



## Exhibit A

**DEFINED TERMS**

The following terms used in these Bylaws of the Fairfax County Police Civilian Review Panel mean the following:

***Abuse of Authority*** has the meaning assigned to the term in Article VI.B.

***Annual Report*** means the written annual report the Panel shall deliver to the Board of Supervisors as described in Article IX.B.1.

***Auditor*** means the Fairfax County Independent Police Auditor.

***Board of Supervisors*** means the Board of Supervisors of Fairfax County.

***Bylaws*** means the Bylaws of the Fairfax County Police Civilian Review Board.

***Chief*** means the FCPD Chief of Police.

***Complaint*** means collectively, unless the context otherwise indicates, an Initial Complaint and a Review Request.

***Counsel*** means the legal counsel that the Board of Supervisors designates to support the Panel.

***FCPD*** means the Fairfax County Police Department.

***FCSO*** means the Fairfax County Sheriff's Office.

***Initial Complaint*** means a complaint from any person about the FCPD or its officers that has been first submitted to the Panel and not the FCPD.

***Initial Disposition Notice*** means the notice that the Panel sends to a complainant detailing the Panel's disposition of the Review Request after the initial review described in Article VI.C.2.

***Investigation(s)*** means a FCPD internal administrative investigation.

***Investigation Report*** means the completed written FCPD report setting forth the findings of the Investigation.

***Laws*** means collectively any Virginia or Fairfax County law, ordinance, regulation, resolution, or other Fairfax County policy duly authorized by the Board of Supervisors.

**Meeting(s)** has the meaning assigned to the term in VFOIA and includes work sessions, when sitting physically, or through telephonic or video equipment, as defined in VFOIA, as a body or entity, or as an informal assemblage of (i) as many as three Panel Members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.

**Panel** means the Fairfax County Police Civilian Review Panel.

**Panel Findings** means those conclusions that the Panel can adopt in response to a Review Request that are delineated in Article VI.F.2(a).

**Panel Meeting** means a meeting of the Panel.

**Panel Meeting Notice** means the written notice stating the date, time, and location of a Panel Meeting.

**Panel Member(s)** means each of the persons that the Board of Supervisors appoints to the Panel.

**Panel Review Meeting** means a Panel Meeting where a Review Request is reviewed by the Panel, including a Panel Meeting where a complainant or FCPD representative is present to discuss an Investigation.

**Panel Review Meeting Notice** means the Panel Meeting Notice for a Panel Review Meeting.

**Public Meeting(s)** means a Panel Meeting open to the public conducted on issues within the Panel's jurisdiction and on law enforcement policies and practices where the public is invited to comment on such issues and policies and practices.

**Receipt of the Investigation Report** is deemed to occur at the first Panel meeting subsequent to FCPD making an Investigation Report available to the Panel in response to a Review Request.

**Review Request** means a person's request for the Panel to review an Investigation.

**Serious Misconduct** has the meaning assigned to the term in Article VI.B.

**VFOIA** means the Virginia Freedom of Information Act, as amended from time to time.

## FAIRFAX COUNTY POLICE CIVILIAN REVIEW PANEL CODE OF ETHICS

***Panel Approved: 15 May 2017***

### **PREAMBLE<sup>1</sup>**

Civilian Police Review Panel members have a unique and critical role as public servants in reviewing law enforcement agency actions. Accordingly, the public, government, and law enforcement agencies have entrusted these individuals to conduct their oversight in a professional, informed, fair, and impartial manner. They earn this trust through a firm commitment to the public good, to the mission of their review panel, and to the ethical and professional standards described herein. The spirit of these ethical and professional standards shall guide panel members' conduct when conflicts of interest or ethical uncertainties arise as well as provide standards to which the public shall hold panel members accountable for their actions. The Code shall be a constant reminder that panel members are beholden to the interest of and fidelity to the public, which requires regularly promoting public trust, integrity, and transparency.

### **I. DIGNITY AND RESPECT<sup>2</sup>**

Treat all persons with dignity, respect, equality, equity, and fairness and without preference, prejudice, or discrimination based on, but not limited to: age, ethnicity, culture, race, color, disability, sex, gender, religion, sexual orientation, gender identity or expression, socioeconomic status, housing status, marital status, parental status, citizenship, nationality, immigration status, language, political beliefs, and all other protected classes.

### **II. PERSONAL INTEGRITY<sup>3</sup>**

Demonstrate the highest standards of personal and professional conduct to inspire and maintain public and stakeholder confidence and trust. Act honestly and responsibly and promote the ethical practices at all times.

### **III. COMMITMENT<sup>4</sup>**

Represent the public's interest, uphold the constitutions and laws, and adhere to the mission and objectives of this panel, while seeking to improve policies and procedures to promote the public good in accordance with the Fairfax County Police Civilian Review Panel Bylaws. Place service to the public above personal and organizational self-interest.

---

<sup>1</sup> National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics ([Link](#))

<sup>2</sup> NACOLE Code of Ethics; included equality, equity, and fairness as they are not necessarily covered under respect and dignity. Language focuses on ability to communicate in native languages or for hearing impaired that may not necessarily be covered under ethnicity, culture, or disability.

<sup>3</sup> American Society of Public Administration Code of Ethics (ASPA) ([Link](#)); NACOLE Code of Ethics; National Association of Social Workers (NASW) Code of Ethics ([Link](#))

<sup>4</sup> NACOLE Code of Ethics; ASPA Code of Ethic

#### **IV. COMMUNITY ENGAGEMENT<sup>5</sup>**

Engage in open, candid, and culturally sensitive outreach with community stakeholders in order to share information and to learn about community policing issues and concerns impacting communities throughout the county.

#### **V. IMPARTIAL OVERSIGHT**

Conduct reviews with diligence, objectivity, fairness, inquisitiveness, comprehensiveness, and in a timely matter. Present facts and findings without regard to personal beliefs or concerns for personal, professional, or political consequences.

#### **VI. TRANSPARENCY<sup>6</sup>**

Be open, transparent, responsive, and explanative to the public about the panel's role and processes, while in accordance with the Fairfax County Police Civilian Review Panel Bylaws, to include, but not limited to, maintaining meeting minutes and releasing regular annual reports on oversight activities.

#### **VII. CONFIDENTIALITY<sup>7</sup>**

Recognize that individual lives are impacted regardless of who they are and what the panel determines. Accordingly, maintain confidentiality of information, and in accordance with the Fairfax County Police Civilian Review Panel Bylaws, that cannot or should not be disclosed and protect the security of confidential records and identities of crime victims and police officers. Any disclosure of confidential information shall require written consent from the complainant and/or victim.

#### **VIII. PROFESSIONAL EXCELLENCE<sup>8</sup>**

Acquire the necessary knowledge and understanding of law enforcement, community dynamics, and current social, cultural, legal, and professional issues that impact the community, law enforcement agencies, and county government. Seek and encourage other members to seek professional development opportunities to enhance the ability to act competently, culturally sensitively, appropriately, and ethically in the capacity of a panel member.

#### **IX. ACCOUNTABILITY AND SELF-EXAMINATION<sup>9</sup>**

Seek continuous improvement in the effectiveness, efficiency, and advocacy of the panel, the law enforcement agencies it works with, and their relations with the communities they serve. Gauge this through community and cross-organizational feedback and evaluation as well as through internal panel policy and procedural reviews to advance performance, organizational reforms, and accountability. Sustain a respectful relationship with the Fairfax County Board of Supervisors, to whom the panel reports.

---

<sup>5</sup> NASW Code of Ethics, NACOLE Code of Ethics

<sup>6</sup> ASPA Code of Ethics; NACOLE Code of Ethics

<sup>7</sup> NACOLE Code of Ethics; ASPA Code of Ethics

<sup>8</sup> NACOLE Code of Ethics; ASPA Code of Ethics

<sup>9</sup> NACOLE Code of Ethics

**X. COURAGE<sup>10</sup>**

Have the mental, moral, and physical fortitude to see through challenges, make tough decisions under stress and pressure, and to do what is right in the face of adversity.

**XI. CONFLICTS OF INTEREST**

Panel members shall avoid conflicts of interest, as set forth in the Fairfax County Police Civilian Review Panel Bylaws, that compromise or have the perception of interfering with their fair, impartial, and independent judgment and execution of their roles and responsibilities.

---

<sup>10</sup> United States Marine Corps Core Values ([Link](#))

**The Fairfax County Police Civilian Review Panel**

**Public Forum on November 16, 2017**

**Heritage Human Services Center, Annandale**

**Meeting Summary**

Panel Members present:

Hansel Aguilar

Kathleen Davis-Siudut

Steve Descano

Hollye Doane

Doug Kay

Randy Sayles

Jean Senseman

Adrian Steel, Panel Chairman

Others present:

Sharon Bulova, Chairman, Board of Supervisors

Richard Schott, Independent Police Auditor

Panel Member absent:

Rhonda Van Lowe, Vice Chair

The forum began at 7:05 p.m.

Panel Chairman Adrian Steel and Board of Supervisors Chairman Sharon Bulova welcomed attendees to the Panel's first Public Forum. Chairman Bulova provided some framing remarks on the Ad Hoc Police Practices Review Commission and the subsequent establishment of the Fairfax County Police Civilian Review Panel and the Office of the Independent Police Auditor.

Panel Chairman Steel reviewed the agenda.

Each Panel Member present introduced him or herself, and shared information on related expertise and experiences and what brought them to the panel. Richard Schott, the Independent Police Auditor, also introduced himself and provided background on his career.

Panel Chairman Steel provided an overview of the Civilian Review Panel including: how they were formed, how panel members were selected, terms of service, the panel's purpose, and work conducted to date. The Panel has reviewed best practices in police oversight and developed Bylaws and a Code of Ethics (available at <https://www.fairfaxcounty.gov/policecivilianreviewpanel/>). The Panel's purpose is to provide an independent process for commencing an initial complaint against the Fairfax County Police Department (FCPD). The panel will review completed investigations of public complaints of abuse of authority or serious misconduct by a FCPD officer when requested. Definitions of "abuse of authority" and "serious misconduct" were provided.

Next, Independent Police Auditor Richard Schott provided an overview of the purpose and scope of the Office of the Independent Police Auditor. The Auditor is responsible for monitoring and reviewing Internal Affairs investigations of: police officer involved shootings; in-custody deaths; and use of force

cases that result in death or serious injury. The Auditor also reviews any other use of force cases in which a public complaint is received.

Panel members Kathleen Davis-Siudut and Doug Kay reviewed the complaint filing process. Written complaints or requests for review can be submitted to the Panel via the Auditor's office in person, by mail, or online (email). Complaints are shared with the FCPD, which conducts the investigation and sends findings to the complainant and the Panel/Auditor. The Panel will conduct public meetings to review investigations, during which it may hear from the complainant and an FCPD representative. Some limitations were noted, including that neither the Auditor nor the Panel has investigative authority but may only review completed investigations by the FCPD. They do not have jurisdiction over the Sheriff's Office or federal law enforcement (i.e., ICE). Also, they cannot review complaints related to incidents that occurred before December 6, 2016 and, absent a finding of good cause, must abide by established time limits for the submission of an initial complaint or a request for review.

The meeting was then opened up for audience questions about the Panel and Auditor processes and comments on related issues. A summary of questions and responses is provided below.

The forum adjourned at 8:50 p.m.

**Questions and Answers**

1. To the majority of residents, the Fairfax County Police Department (FCPD) and the Sheriff's Department are considered law enforcement officials. Does the Panel or the Auditor have authority to take complaints about the Sheriff's Department?

No. The Sheriff's Department does not fall under the authority of the Board of Supervisors due to the fact that the Sheriff is an elected Constitutional Officer. The Sheriff's Department has its own internal process for investigating complaints. Complaints against the Sheriff's Department do not fall within the scope of the Civilian Review Panel or the Independent Police Auditor, which only have authority to respond to complaints against the FCPD.

2. How much business/how many complaints do you expect to receive?

At this time, we cannot estimate the volume of complaints that the Panel and Auditor will receive. The purpose of the public forums is to inform county residents about the work of the Panel and the Auditor and provide information on how to submit a complaint or request for review. Regardless of the number of complaints received, it is our intention to provide another layer of transparency of FCPD practices, as well as an intake venue in which no citizen is afraid to come forward and submit a complaint.

3. Where will your meetings be held?

The Panel will generally meet the first Thursday of each month. They will meet more often as needed based on the volume of investigations under review. Meeting locations are expected to vary to encourage citizen participation throughout the county. Panel meeting dates and locations will be announced on the County's Public Meetings Calendar

(<https://www.fairfaxcounty.gov/calendar/ShowCalendar.aspx>). The next meeting of the Panel is December 7<sup>th</sup> at 7:00 p.m. in the Government Center.

4. If the Auditor reviews an investigation and disagrees with the FCPD's decision in regards to disciplining an officer, does he have the authority to change the discipline imposed or charge an officer with a crime?

No. The Police Chief has the authority to impose or change disciplinary decisions and only the Commonwealth's Attorney has authority to bring criminal charges. The Auditor has authority to monitor investigations as they are ongoing. In this role, he meets regularly with the FCPD to provide input and recommendations regarding the thoroughness, accuracy, and impartiality of the investigation. The Auditor may request further investigation if he determines that the internal investigation was deficient or that the conclusions were not supported by the evidence. If the Auditor and the Chief of Police cannot resolve a disagreement, the issue will be reported to the Board of Supervisors.

5. Is there anything this panel can do to respond to complaints about the Sheriff's Department or ICE? Is there a legal impediment if the Sheriff wants this Panel to review? Why not invite the Sheriff's Department and ICE to attend these forums?

We are not aware of a legal impediment, however, as the Sheriff's Department is not under the authority of the Board of Supervisors, it is up to the Sheriff to determine that Department's process for oversight and internal review of complaints. The Panel has the authority to issue a public annual report in which it can identify the concerns expressed by residents. This may be an opportunity for those concerns to be shared with the Sheriff's Department.

6. A speaker noted that many individuals who would want to submit a complaint would likely be minorities. Given the racial and ethnic makeup of the Panel, how can the community be assured that the Panel will be sensitive to the concerns of minority populations in the county and help them to navigate the complaint process (which may be seen as complex and lengthy)?

The individuals on the Panel were chosen based on a variety of factors including expertise and experience relevant to the Panel's responsibilities, previous civic involvement, and diversity of membership. Panel members are currently conducting outreach to various community groups representing different racial and ethnic minorities to hear their concerns and explain the complaint and review process. In addition, they encourage community members to invite the Panel to meet with their groups individually to discuss their specific concerns about the FCPD or ask questions about the complaint and review process.



**The Fairfax County Police Civilian Review Panel**

**Public Forum on December 12, 2017**

**Reston Community Center**

**Meeting Summary**

Panel Members present:

Hansel Aguilar

Steve Descano

Hollye Doane

Doug Kay

Randy Sayles

Adrian Steel, Panel Chairman

Rhonda Van Lowe, Vice Chair

Others present:

Catherine Hudgins, Hunter Mill District, Board of Supervisors

Richard Schott, Independent Police Auditor

Panel Member absent:

Kathleen Davis-Siudut

Jean Senseman

The forum began at 7:07 p.m.

Panel Chairman Adrian Steel, Panel Member Randy Sayles, and Supervisor Hudgins welcomed attendees to the Panel's second Public Forum. Supervisor Hudgins provided some framing remarks on the establishment of the Fairfax County Police Civilian Review Panel and the Office of the Independent Police Auditor, and noted that the process put in place is an important opportunity for County residents to have greater oversight of the Fairfax County Police Department (FCPD).

Mr. Sayles reviewed the agenda.

Each Panel member introduced him or herself, and shared information on related expertise and experiences and what brought them to the Panel. Richard Schott, the Independent Police Auditor, also introduced himself and provided background on his career.

Mr. Sayles provided an overview of the Civilian Review Panel including: how they were formed, how Panel members were selected, terms of service, the Panel's purpose, and work conducted to date. The Panel has reviewed best practices in police oversight and developed Bylaws and a Code of Ethics (available at <https://www.fairfaxcounty.gov/policecivilianreviewpanel/>). The Panel's purpose is to provide an independent process for commencing an initial complaint against the Fairfax County Police Department (FCPD). The Panel will review completed investigations of public complaints of abuse of authority or serious misconduct by a FCPD officer when requested. Definitions of "abuse of authority" and "serious misconduct" were provided. It was noted that the Panel does not investigate, but reviews investigations completed by the FCPD to ensure they are accurate, complete, thorough, objective, and impartial.

Next, Independent Police Auditor Richard Schott provided an overview of the purpose and scope of the Office of the Independent Police Auditor. The Auditor is responsible for monitoring and reviewing

Internal Affairs investigations of: police officer involved shootings; in-custody deaths, while under FCPD custody; and use of force cases that result in death or serious injury. The Auditor also reviews any other use of force cases in which a public complaint is received.

Panel members Steve Descano and Hansel Aguilar reviewed the complaint filing process. Written complaints or requests for review can be submitted to the Panel via the Auditor's office in person, by mail, or online (email). Complaints are forwarded to the FCPD, which conducts the investigation and sends findings to the complainant and the Panel/Auditor. The Panel will conduct public meetings to review investigations, during which it may hear from the complainant and an FCPD representative. The Panel will inform the Complainant and FCPD of its findings, issue a public report, and may also recommend policy changes to the FCPD based on the complaints received.

Some limitations of the Panel's authority were noted, including that neither the Auditor nor the Panel has investigative authority but may only review completed investigations by the FCPD. They do not have jurisdiction over the Fairfax County Sheriff's Office or federal law enforcement (i.e., ICE). Also, they cannot review complaints related to incidents that occurred before December 6, 2016 and, absent a finding of good cause, must abide by established time limits for the submission of an initial complaint or a request for review.

The meeting was then opened up for audience questions about the Panel and Auditor processes and comments on related issues. A summary of questions and responses is provided below.

The forum adjourned at 9:02 p.m.

### **Questions and Answers**

1. Why doesn't the Auditor, nor the Panel, have the authority to investigate complaints against the FCPD?

There is no clear enabling legislation to permit the Panel to investigate. Therefore, both entities review investigations that are conducted by the FCPD. The Auditor has authority to review and monitor ongoing investigations. The Auditor and the Panel have the right to request further investigation by the FCPD if it finds the investigation deficient.

2. Why are there two oversight bodies – the Auditor and the Panel – rather than one?

The Ad Hoc Police Practices Review Commission noted a strong public interest in having citizen input and so it recommended that two entities be created: the Auditor to provide oversight in cases of police use of force that lead to serious injury or death, including officer involved shootings; and the Civilian Review Panel to respond to community concerns or complaints about alleged incidents of FCPD abuse of authority and serious misconduct.

3. Do you have to be involved in the incident to submit a complaint?

No. Any individual, whether or not they were involved or witness to an incident, can submit a complaint.

4. How is the FCPD involved in the Auditor and Panel's review processes? How can citizens be assured that the FCPD is forthcoming with all evidence received and findings?

Initial complaints submitted to the Auditor or Panel (i.e. those not previously submitted to the FCPD) are forwarded to the FCPD for investigation.

- If the case falls under the Auditor's authority, the Auditor will monitor the ongoing investigation and provide input to the FCPD as the investigation is unfolding. (Note: The Auditor automatically monitors and reviews all officer involved shootings, uses of force resulting in death or serious injury, and deaths of individuals while in the custody of the FCPD, regardless of whether a complaint is received.) Concerns about the investigation being deficient or the need for further investigation will be brought forward to the Chief of Police. If the Auditor and the Chief of Police cannot resolve a disagreement, the issue will be reported to the Board of Supervisors and the Chief's resolution will be shared in a public statement. The Auditor will also issue a public report on each incident monitored.
- If the case falls under the Panel's authority, the Panel will receive notice of the FCPD's findings (along with the Complainant) when the FCPD completes its investigation. The Complainant will be advised in that notice of their right to request a review by the Panel.

Citizens may request a review of a completed FCPD investigation.

- If the case falls under the Auditor's authority, the Auditor will review the completed investigation and issue a public report with its findings. (Note: The Auditor automatically monitors and reviews all officer involved shootings, uses of force resulting in death or serious injury, and deaths of individuals while in the custody of the FCPD, regardless of whether a complaint is received.)
- If the case falls under the Panel's authority, the FCPD makes the investigative file available for Panel members to review. An FCPD representative knowledgeable about the investigation will appear at the public meeting to review and answer questions about the investigation, including all findings of fact, evidence collected and received, witness statements, and action taken or not.
- If the Panel or Auditor is made aware that there is additional evidence or witnesses not previously considered in an investigation by the FCPD, they can forward that information to the FCPD as a part of their review and request that the FCPD conduct further investigation. The FCPD is required to conduct the requested investigation and to report back to the Panel.

5. Why can't the Auditor and Panel take complaints about ICE?

Complaints against ICE do not fall within the scope of the Civilian Review Panel or the Independent Police Auditor, which only have authority to respond to complaints against the FCPD.

6. Can you tell me more about Chairman Steel's background? How many attorneys sit on the Panel?

Mr. Steel is a Senior Counsel with the law firm Mayer Brown LLP. Prior to joining Mayer Brown, he was a Special Assistant to Director William H. Webster at the Federal Bureau of Investigation where he handled criminal and counterintelligence matters. Currently, six Panel members are attorneys and three are not. Two Panel members have previous law enforcement experience.

7. How did the Board of Supervisors select individuals to serve on the Panel?

The Board of Supervisors announced the creation of the Panel and requested nominations from community organizations and self-nominations from interested individuals in December 2016. More than 140 resumes or letters of interest were reviewed. The individuals on the Panel were selected based on criteria including expertise and experience relevant to the Panel's responsibilities, previous civic involvement, and diversity of membership.

8. Can the Panel make policy recommendations to the FCPD?

The Panel has the authority to issue a public annual report in which it can identify concerns expressed by residents. If patterns emerge from the complaints received, the Panel can make policy recommendations and include them in their annual report.

9. What are the time limits for the Auditor or Panel to take a complaint, particularly for an ongoing incident?

Absent good cause, initial complaints must be made within one year of the incident, and the incident must not have occurred before December 6, 2016, for the Panel to review. Requests for review must be submitted by the complainant within 60 days of their receiving the FCPD's notice that an investigation is complete, absent good cause. For ongoing incidents, the Panel will consider the nearest date when determining whether a complaint falls within time constraints.

10. What are you doing to advertise the Auditor's and Panel's services to different groups within the community, particularly minorities?

We are in the process of translating our brochure and complaint form to three other languages (Korean, Spanish, and Vietnamese) for distribution across the county. We are seeking recommendations for venues where these brochures should be posted to ensure the greatest reach. (Recommendations from forum participants for posting brochures included: retail and restaurant locations (e.g., the Eden Center), schools, hospitals, community health centers, and churches.) The Panel is currently conducting outreach to various community groups representing different racial and ethnic minorities to hear their concerns and explain the complaint and review process. The Panel encourages community members to invite the Panel to meet with their groups individually to discuss their specific concerns about the FCPD or ask questions about the complaint and review process. Announcements and information on the

Auditor and Panel have been publicized in multiple places on the County's website, through social media, in Supervisors' newsletters, and other news sources, such as WTOP and the Fairfax County Connection (McLean, Reston, and Burke editions).

11. A concern was expressed that police officers (who are usually white and not from the community) routinely harass young people of color, as well as individuals at the homeless shelters, in the Mason District. A forum participant indicated that he has witnessed police officers targeting low income neighborhoods (e.g. apartment buildings in Bailey's Crossroads); conducting searches of individuals without getting proper consent due to the individuals' inability to understand English; driving around in unmarked vehicles and in plain clothes (no badge visible); and switching cars often, making it difficult for citizens to identify the officer and make a complaint.

The Panel encouraged citizens at the forum to file an official complaint (along with any documentation, video footage, etc.) so that the FCPD and the Panel can be made aware of these concerns. If someone does not want to make a complaint directly to the FCPD, they can submit it to the Auditor/Panel, who will facilitate the submission of an initial complaint. It was reiterated that anyone can file a complaint, including witnesses and individuals who want to file a complaint on behalf of someone else.

12. Do you only look at individual cases? My organization would like to see a systematic review of the FCPD's use of force cases.

The Auditor is currently reviewing the data regarding racial disparities in use of force cases from 2015 and 2016. Also, if the Panel were to receive numerous complaints about the inappropriate use of force based on race, they will also be able to identify racial disparity as a concern in their annual report and make public recommendations on FCPD policies and practices.

13. Are all complaints received by the Auditor and Panel available to the public for viewing?

Yes. The Panel's meetings, during which reviews will be conducted, are open to the public. Also, both the Auditor and the Panel will issue public annual reports summarizing complaints received.

