


Fairfax County Police Civilian Review Panel Procedural Memorandum	
No: O-2	Subject: Intake and Processing of Review Requests
Approval Date: January 12, 2024	Review Date: January, 2026
Signed by Todd Cranford, Chair	

Purpose: To provide procedures for filing and processing Review Requests submitted to the Fairfax County Police Civilian Review Panel (the “Panel”) in a timely, responsive, and consistent manner.

Filing a Review Request

- A Complainant can file a Review Request with the Panel in the same manner in which they can file an Initial Complaint (see page one of Panel Procedure: Intake and Processing of Initial Complaints).
- A Complainant must include in the Review Request a statement describing the reason(s) for the Review Request.
- Upon receipt of a Review Request:
 - PCRP staff (Staff), will determine whether the Review Request is timely filed (within 60 days of the date of the Fairfax County Police Department (FCPD) Disposition Letter). The Panel may, however, determine there is good cause to extend the filing deadline.
 - Staff will determine whether the matter described in the Review Request is the subject of pending civil, criminal, or administrative proceedings. Staff may consult with legal counsel, the Independent Police Auditor, the Chief of Police, or the County Attorney to determine whether pending litigation exists.
 - If the allegations in the Complaint are the subject of pending legal or administrative proceedings, Staff will inform the Chair, and the Panel will defer action on the Review Request until the proceeding(s) is concluded, pursuant to Panel Bylaws. If a pending proceeding is not associated with the allegations made within the Complaint, the review process will continue as detailed below.
 - Staff will forward the Review Request to the FCPD and request a copy of the FCPD Disposition Letter if not attached to the Review Request.

- Staff, in consultation with the Chair, will draft and send a letter to the Complainant acknowledging receipt of the Review Request and explaining the Panel's process for review.

Initial Review Process

- Staff, in consultation with the Chair, will designate membership of the Initial Review Subcommittee, unless it is determined that the Initial Review should be completed by a committee of the whole.
 - The Initial Review Subcommittees shall be comprised of three Panel members, with rotating membership, and one Subcommittee member will be appointed Chair of the Subcommittee.
- Staff will coordinate with the FCPD to set the dates and times for the Initial Review Subcommittee to review the Investigation File. Subcommittee members should be scheduled to review the file no sooner than the month preceding the full Panel meeting during which the Subcommittee will make its recommendation.
- Staff will schedule the meeting date for the Initial Review Subcommittee Meeting and develop the agenda. Staff will post a public meeting notice and meeting materials in accordance with VFOIA.
- Staff will notify the Complainant of the date of the Initial Review Subcommittee meeting and the date of the full Panel meeting at which the Subcommittee intends to make its recommendation. Correspondence to the Complainant will include instructions on how they can address the Panel regarding their Review Request at upcoming meetings. The Subcommittee meeting may be rescheduled upon request by the Complainant, at the discretion of the Panel Chair.
- After the review of the Investigation File, the Subcommittee will meet at an Initial Review Meeting to (i) determine whether the Complaint meets the minimum criteria for review and consideration by the full Panel, and (ii) complete the Initial Review Report Template (Attachment 1), which will note the Subcommittee's findings and recommendation.
- The Subcommittee reviews Complaints to determine whether: (Article VI.D.3.(a))
 - The Complaint alleges Serious Misconduct or Abuse of Authority as defined in its Bylaws; and
 - The evidence contained in the investigative file could lead a reasonable Panel to conclude that there is sufficient evidence to support the allegations.

- The Subcommittee does not determine whether the Investigation is thorough, complete, accurate, objective and impartial. This is determined at the time of full Panel Review Meeting.
- At the Initial Review Subcommittee Meeting, the Subcommittee will vote on whether to recommend that the full Panel conduct a Review of the Complaint. A unanimous vote of the Subcommittee is required to recommend that a Complaint not be considered by the full Panel.
- At the Initial Review Subcommittee Meeting, the Complainant, or their Representative, is given their first opportunity to address the Panel. The Complainant will have up to 15 minutes to explain why they requested a review. Additional time to address the Subcommittee may be allowed at the discretion of the Subcommittee Chair. Subcommittee members may ask questions of the Complainant to complete their Initial Review and develop a recommendation.
 - When requested in advance, Staff will use its best efforts to obtain translation services for Complainants that need assistance to present to the Panel or respond to questions from Panel members.
- If there are indications that relevant information is missing from the Investigative File:
 - The Subcommittee should describe the type of missing information in the Initial Review Report.
 - The Subcommittee should provide FCPD with details regarding the type of information the Subcommittee believes is missing from the Investigation File (e.g., persons who were not interviewed, body-worn camera footage, or interview transcripts).
- Staff will complete the Initial Review Report and prepare a summary of the Initial Review Subcommittee meeting. Both documents will be provided to the Panel in the meeting materials for the full Panel meeting during which the Subcommittee will make its recommendation.
- After the Initial Review Subcommittee meeting, Staff will send correspondence to the Complainant informing them of the Subcommittee's recommendation, the date of the meeting when the Subcommittee will make its recommendation to the full Panel, and that the Complainant has the opportunity to address the Panel.

Initial Review Disposition

- The Initial Review Subcommittee will make its recommendation to the full Panel at the next meeting of the Panel following the Subcommittee meeting.
- As part of its report to the full Panel, the Subcommittee will summarize the Complaint, the FCPD investigation, and any information presented by the Complainant. The Subcommittee will present its recommendation as to whether the full Panel should consider Review of the Complaint.
- The Complainant, or their Representative, will have the opportunity to address the Panel before the Panel votes. This is the second opportunity the Complainant, or their representative, has to address the Panel. The Complainant will have up to 15 minutes to explain why they requested a review.
 - When requested in advance, Staff will use its best efforts to obtain translation services for Complainants that need assistance to present to the Panel or respond to questions from Panel members.
- Additional time for the Complainant to address the Panel may be granted at the discretion of the Panel Chair.
- Panel members will have the opportunity to ask questions of the Complainant and/or the Subcommittee members who reviewed the investigative file.
- The full Panel will consider the recommendation from the Subcommittee and any statements made by the Complainant and vote to determine whether it accepts a Review Request and conducts a full Panel Review of the Complaint.
 - If the Subcommittee recommends that the full Panel not review a complaint, a vote of two (2) or more Panel members against the recommendation will result in the full Panel conducting a review of the Complaint.
- Staff will draft and send the Initial Disposition Notice to the Complainant notifying the Complainant of the Panel's vote whether to undertake a full Panel Review of the subject Investigation.
 - Staff will send the Initial Disposition Notice to the Complainant within 30 days of receipt of the Investigation Report.
 - If the Panel concludes that it will conduct a Review, the letter will notify the Complainant of the date and time of the Panel Review Meeting and invite the Complainant(s) to attend the Panel Review Meeting.

- If the Panel will conduct a Review Meeting, Staff, in consultation with the Chair, will set the date for the Panel Review Meeting and notify the Complainant at least fourteen (14) days before the Review Meeting in accordance with Article VI.F.1.(c).
 - A Review Meeting may be rescheduled upon request by the Complainant, at the discretion of the Panel Chair.
- Staff will coordinate with the FCPD the dates and times for the Panel members to review the Investigation File.
- Staff, in consultation with the Chair, will determine whether the Panel would like FCPD officers, other than Internal Affairs Bureau (IAB) representatives, to be present at the Panel Review Meeting. If so determined, Staff will notify the Chief that the Panel requests a representative of the FCPD knowledgeable about the subject Investigation to appear at the Panel Review Meeting.

Panel Review Meetings

- The Staff, in consultation with the Chair, will prepare and post the Panel Review Meeting Notice in accordance with Article VI.F.1 of the Bylaws.
- Staff will send an email notification of the date of the Review Meeting to the Panel members, the Panel's Counsel, the County Attorney, the FCPD Chief, and the IAB Major in command at least fourteen days in advance of the Review Meeting, as required by Article VI.F.1.c of the Panel's Bylaws.
- When opening a Panel Review Meeting, the Chair will outline the process for conducting the Panel Review Meeting, reminding those in attendance that:
 - The purpose of the Panel's review of the Investigation is to determine whether the Investigation is thorough, complete, accurate, objective and impartial.
 - The Complainant, or their Representative, will have up to 15 minutes to address the Panel to state their reasons for filing the Review Request and Panel Members may ask questions. The Complainant may be granted additional time upon request at the discretion of the Chair.
 - Panel Members may ask the FCPD representative questions regarding the process of the Investigation and the conclusions reached in the Investigation.
 - Questions regarding officer discipline are personnel matters that must be discussed in closed session.

- Panel Members may also request consultation with Panel legal counsel during the Panel Review Meeting, which must also be discussed in closed session.
- If the Complainant does not attend the Panel Review Meeting, or attends and chooses not to address the Panel, the Panel may complete the Investigation review process.
- If other witnesses attend the Panel Review Meeting, their contact information will be obtained and given to the FCPD for follow-up.

Panel Findings

- At the discretion of the Chair, Panel Members may continue the Panel Review Meeting with a discussion of their findings from the review. If not, discussion of Panel review findings can be deferred to the next Panel Meeting.
- Opening the deliberations, the Chair will restate the Panel Findings options for Panel Members, as outlined in Article VI.G.2.a of the Panel's Bylaws. The Panel may:
 - Concur with the findings detailed in the Investigation Report.
 - 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 of the FCPD.
 - Advise the Board of Supervisors that, in the Panel's judgment, the Investigation is incomplete and recommend additional investigation.
- A majority of the appointed Panel Members must vote to concur with the Panel Findings for the Panel Findings to be the authorized conclusion of the Panel.
- Panel Members who do not agree with the majority may offer a written dissent that explains their rationale for dissenting. The dissent will be included in the Panel's Review Report.
- Panel Members may offer policy recommendations or other comments that the Panel will consider for inclusion in the Panel's Review Report.
- After the Panel votes on the Panel Findings, Staff, in consultation with the Chair, will draft and send correspondence informing the Complainant of the Panel's Findings and the next steps in the process.

The Panel Review Report

- Staff will draft the Panel Review Report. The Chair, or their designee, will review the draft report prior to its distribution to the full Panel.
- The Review Report will not contain an officer's personnel record or specific officer discipline, other than what is specifically disclosed by the FCPD in a disposition letter or at a Panel meeting.
- The Review Report will not reveal information that jeopardizes the safety of an individual.
- In writing the Review Report, respect will be given to the language that the Complainant or others involved may use to identify or describe themselves. In other words, Review Reports will refer to Complainants and others as they refer to themselves (e.g., Black, African American, White, Caucasian, Hispanic, Latinx, Native American). Where the race or ethnicity of the Complainant or others is used in the Review Report, the identifying term will be designated as a proper noun and capitalized. References to a Complainant's (or other's) race or ethnicity will be written in a consistent manner throughout the Review Report. (The source for this policy is the Publication Manual of American Psychological Association, 7th Edition).
- If the Complainant does not indicate their race, ethnicity, gender, or sexual orientation, the Panel will contact the Complainant to determine their preference, if relevant to the nature of the Complaint.
- If the FCPD notifies the Panel that certain information in the investigative file may reveal specific sensitive investigative techniques or contain information that is likely to jeopardize ongoing or future investigations if disclosed, and such information is not contained in the Complaint itself, the Panel will address FCPD concerns with the Panel's counsel in a closed meeting to resolve the issues.
- Staff will circulate the draft report for comment with the agenda prior to the meeting during which the Panel Review Report will be discussed.
- The report author(s) will present the draft Panel Review Report at the Panel Meeting.
- The Panel will discuss the draft Panel Review Report. A separate vote will be taken on each proposed recommendation or comment to determine its inclusion in the final Panel Review Report.
- Based on the discussion and vote, the author(s) will finalize the Panel Review Report, if necessary.

- Staff, when approved by the Chair, will send the final Panel Review Report to the Board of Supervisors, the Chief of the FCPD, and the Independent Police Auditor, and will post the Panel Review Report on the Panel's website.
- Staff, when approved by the Chair, will send correspondence, along with the final Panel Review Report, to the Complainant.

Handling of Confidential Information During Review Process

- Panel members should not disclose confidential or sensitive information during meetings.
 - Panel members should refrain from stating the names of Complainant(s), officer(s), and other involved individuals during its meetings and should refer to cases by their assigned CRP case number.
 - Complainants should not be introduced by name.
 - Complainants who attend a meeting to speak to the Panel will be reminded that the meeting is open to the public and they can choose whether to state their names.
 - The Complainant should be reminded that the meeting is being recorded and the public will have access to that recording in the future.
- Panel members should not disclose confidential or sensitive information in reports.
 - Panel reports will not contain identifying information for either the police officer(s), the Complainant(s), or witnesses, confidential informants, victims, personal information including names, social security numbers, dates of birth, driver's license numbers, agency issued identification numbers, student identification numbers, criminal or employment records, or residential addresses unless the information has been disclosed by the FCPD in a disposition letter or at a Panel meeting, or by the Complainant, and is not otherwise specifically prohibited by separate statute or ordinance under Virginia Law.
 - Staff should not include Complainants' names or officers' names in meeting summaries and should refer to cases by their assigned CRP case number.
- Staff will release information as required by law when in receipt of a Virginia Freedom of Information (VFOIA) request.

Definitions

- Initial Review Subcommittee Meeting: A meeting when a subcommittee of the Panel considers whether the full Panel should review the subject Investigation based on the allegations made and whether there is substantiation in the file to support the allegations. The Subcommittee completes an Initial Review Report to submit its recommendation to the full Panel.
- Initial Review Disposition Meeting: A meeting of the full Panel when it considers the recommendation from the Initial Review Subcommittee and votes to determine whether it accepts a Review Request. If it accepts a Review Request, a Panel Review Meeting is scheduled.
- Panel Review Meeting: A Panel Meeting where a Review Request is reviewed by the full Panel, including a Panel Meeting where a complainant or FCPD representative is present to discuss an Investigation.
- Complainant's Representative: A person who can speak on behalf of the Complainant at Panel meetings and answer questions on their behalf.

Initial Review Report – Subcommittee Recommendation to the Fairfax County Police Civilian Review Panel

Request for Review – Basic Information		
CRP Complaint Number: CRP-#-#		
Subcommittee Members:		
<ul style="list-style-type: none"> Panel Member Name, Panel Member Panel Member Name, Panel Member Panel Member Name, Chair of Subcommittee 		
Key Dates: Date of Review Request, Date of Incident, Date of Initial Complaint (to Panel or FCPD), Date of FCPD Disposition Letter		
Subcommittee Meeting Date:	<input type="checkbox"/> Complainant present	<input type="checkbox"/> Complainant spoke

Subcommittee Authority and Purpose
<p>The Subcommittee conducts an Initial Review of the subject Complaint to determine whether the Complaint meets the minimum criteria for review and consideration by the full Panel. (See Panel Bylaws Article VI.D.2.(d))</p> <p>The Subcommittee reviews complaints to determine whether: (Panel Bylaws Article VI.D.3.(a))</p> <ol style="list-style-type: none"> (1) The Complaint alleges Serious Misconduct or Abuse of Authority as defined in its Bylaws; and (2) The evidence contained in the investigative file could lead a reasonable Panel to conclude that there is sufficient evidence to support the allegations.

Subcommittee’s Role in Initial Review Process
<p>The Subcommittee Initial Review Report sets forth the Subcommittee’s recommendation. A unanimous Subcommittee vote is required to recommend that the Panel not consider a complaint. The full Panel may or may not accept the Subcommittee’s recommendation on whether to review a complaint.</p> <p>The full Panel will consider the Subcommittee recommendation and vote to determine whether it accepts a Review Request. If the full Panel accepts the recommendation, it will conduct a full Panel Review Meeting. (Panel Bylaws Article VI.F.)</p>

Categories of Abuse of Authority or Serious Misconduct
<p>The Panel determines whether allegations can be categorized as one or more of the following: (Panel Bylaws Article VI(B))</p> <ol style="list-style-type: none"> A. Use of abusive racial, ethnic or sexual language or gestures. B. Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability. C. Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense. D. Reckless endangerment of detainee or person in custody. E. Violation of laws or ordinances. F. Other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.

Complainant Allegations

The Panel subcommittee considered the following allegation(s) by the Complainant to determine (1) whether each constitutes Serious Misconduct or an Abuse of Authority as defined above, and, if yes, (2) whether the Investigation Report reveals sufficient substantiation.

Allegation(s)	(1) Abuse of Authority or Serious Misconduct Identify Category (A-F)	(2) Substantiated in Investigative File Indicate Yes/No
<i>List each allegation below as stated by the Complainant. Indicate in the next two columns whether the two criteria are met for each allegation.</i>		

Missing Information

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

Subcommittee Findings and Recommendation

Check the Subcommittee’s recommendation to the full Panel and keep one statement below that applies based on criteria met.

Subcommittee Does Not Recommend full Panel Review

Criterion 1 is not met: The Subcommittee unanimously finds that the allegation(s) made by the Complainant do not meet the threshold of Serious Misconduct or Abuse of Authority and therefore the Panel does not have authority to review the complaint. The Subcommittee does not recommend that the full Panel take up review of this Complaint.

Criterion 1 is met, but Criterion 2 is not met: The Subcommittee unanimously finds that the complaint alleges Serious Misconduct or Abuse of Authority, however, the evidence contained in the investigative file could not lead a reasonable Panel to conclude there is sufficient evidence to support allegations. Further, the Subcommittee has no reason to believe there is missing information from the Investigation Report. Therefore, the Subcommittee does not recommend that the full Panel take up review of this Complaint.

Subcommittee Recommends full Panel Review

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