



County of Fairfax, Virginia

MEMORANDUM

DATE: 3/26/2018

TO: Fairfax County Board of Supervisors

FROM: Fairfax County Police Civilian Review Panel

SUBJECT: Report of Panel Findings for Complaint CRP-17-01

I. Introduction

This memorandum informs you of the findings of the Fairfax County Police Civilian Review Panel (the "Panel") following its review of the case submitted by a complainant. Having completed its investigation review, the Panel concurs with the findings and determination detailed in the Investigative Report prepared by the Fairfax County Police Department ("FCPD").¹

II. Review Request

The complainant was a party to a civil action in the Fairfax County General District Court. She subpoenaed an FCPD officer (the "Officer") to the trial of that case scheduled for July 28, 2017. The Officer timely received the subpoena, but failed to attend the trial as required by Virginia law and FCPD general orders. Thereafter, the complainant filed a complaint with the FCPD against the Officer principally contending that the absence of the Officer prejudiced the complainant's case, which resulted in a judgment against complainant. The FCPD investigated the complainant's complaint and issued an undated notification of its findings to the her (the "Notification"). The Notification states, among other things, that "[the Officer's] actions were improper and in violation of Departmental regulations" and that "measures have been imposed to prevent a recurrence of this type of incident in the future."

III. Procedural Background

On November 20, 2017, the complainant delivered an email to the Independent Police Auditor (the "IPA") complaining about the FCPD's investigation. The next day, the IPA forwarded her Email together with the Notification to the Panel for possible action.

On December 7, 2017 at a public meeting, the Panel discussed whether the complainant's Email constituted a Review Request. Uncertain whether the complainant wanted relief the Panel could provide, the Panel decided by majority vote to deliver to the complainant a letter seeking clarification from her. Attached as Exhibit 1 is the letter sent to the complainant on December 8, 2018. She confirmed by email dated December 18, 2017 that she wanted the Panel to review the FCPD investigation. On December 20, 2018, the Panel's Chairman sent the complainant a letter attached as Exhibit 2.

Thereafter, the Panel issued a Panel Review Meeting Notice and the Panel Members each reviewed the contents of the investigative file made available by the FCPD.

IV. Panel Review Meeting

On January 4, 2018 at a public meeting, the Panel afforded the complainant the opportunity to state the reasons for seeking the Panel's review. The complainant attended the meeting and made a statement that was followed by questioning of her by Panel Members. Thereafter, the Chief appeared before the Panel to discuss the investigation. An audio recording and a summary of the Panel Review Meeting may be reviewed here: www.fairfaxcounty.gov/policecivilianreviewpanel/panel-meetings

V. Panel Findings

On February 1, 2018 at a public meeting, a majority of the Panel voted to concur with the findings and determinations detailed in the Investigation Report. On March 1, 2018, the Panel voted to approve publication of this report.

VI. Additional Conclusions and Recommendations

Several Panel Members noted that the interview notes of the initial interview of the complainant were not included in the investigative file. In addition, the complainant indicated in her statement to the Panel that, other than the Notification, she had not received any further explanation from the FCPD. The Panel recommends that the FCPD contact the complainant and offer her whatever additional explanation that is legally permissible and appropriate under the circumstances.

CC: Col. Edwin C. Roessler, Jr., Chief of Police
Mr. Richard G. Schott, Independent Police Auditor
Complainant

ⁱ Unless stated, capitalized terms shall have the same meaning stated in the Bylaws.



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 8, 2017

Ms. Laxmi Chegu
[REDACTED]

Dear Ms. Chegu:

Thank you for submitting your complaint to the Panel dated November 20, 2017. The Panel discussed the process for reviewing your complaint in our meeting last evening and determined that we need to clarify with you the scope of the Panel's jurisdiction before moving forward.

With respect to your complaint, the Panel has authority: to review the completed internal police department investigation for thoroughness, completeness, accuracy, objectivity, and impartiality. Our review of your complaint and others may also lead to recommendations on law enforcement policies and practices to assist the Chief and the Board of Supervisors in policy review.

As a result, when reviewing investigations the Panel may conclude one of the following:

- (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.

Your November 20th email suggests that you would like the Panel to consider the award of monetary compensation. The Panel is not authorized to award or recommend the payment of monetary compensation to complainants.

With this information in mind, please advise whether you would like for the Panel to proceed with the review consistent with the Panel's authority. If you do, the Panel will move forward to review the investigation and schedule an opportunity for you to appear before the Panel.

Sincerely,

Adrian L. Steel, Jr.

Chairman

Fairfax County Police Civilian Review Panel



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 20, 2017

Ms. Laxmi Chegu
[REDACTED]

Dear Ms. Chegu:

Thank you for your e-mail of December 18, 2017, indicating that you want to proceed with the Panel's review of the FCPD's investigation of the missed court appearance by a subpoenaed FCPD officer. The Panel has concluded that it has jurisdiction to review that investigation. However, the Panel does not have jurisdiction under its Bylaws to review concerns that you may have pertaining to the Virginia state court system. Please plan to address matters related to the officer's failure to appear and not broader concerns about the court system.

The Panel has tentatively set the date and time for the meeting to review the FCPD investigation for Thursday, January 4, 2018, at 7:00 pm at the Fairfax County Government Center, Conference Room 232. Please confirm that you will be able to attend the meeting at that date and time. If that date and time do not work for you, our next scheduled Panel meeting is set for February 1, 2018. We will provide you with further information concerning the details on the meeting as the date nears.

Sincerely,

Adrian L. Steel, Jr.

Chairman

Fairfax County Police Civilian Review Panel