



# City of Virginia Beach

INVESTIGATION REVIEW PANEL  
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## MINUTES INVESTIGATION REVIEW PANEL

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**JUNE 26, 2017**

Municipal Center, Building 18 – Room 228, 2:00 – 3:00 p.m.

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### Call to Order

Chair Susan T. Mayo called the meeting to order at 2:07 p.m.

### Roll Call

Present: Susan Mayo (Chair), Brian Dewan, William Hearst, and Robert Beasley

Absent: Barbara Booker-Williams, Nony Abrajano, and William Baldwin

Staff: Director of Human Resources, Regina Hilliard, Deputy City Attorney Rod Ingram, Public Safety Attorney Elizabeth DeJarnette (**Case No 2017-007 CC only**), Executive Assistant Shelley Johnson, Administrative Specialist Kathryn Hinson, Captain M.P. Ronan, Deputy Chief Patrick Gallagher, and Sgt. Shawn Hoffman.

### REVIEW HEARING

#### 1. Case No. 2017-007 CC – Cyrus Manley

Chair Mayo called for a review of the information in the case of Mr. Cyrus Manley at 2:07 p.m.

Both Mr. Manley and his witness Andrei Burgis were not present for the hearing but participated via conference call. Members from the IRP Panel and the staff of the Department of Human Resources City Attorney's office and the Virginia Beach Police Department introduced themselves to everyone in attendance.

- **Complainant Statement:** The complainant provided a statement regarding his complaint. Mr. Manley stated that on the night of January 15, he and Ms. Burgis were driving westbound on I-264 when they were suddenly pulled over by Officers Smith and Shelton. Officer Shelton asked for both Mr. Manley and Ms. Burgis to exit their vehicle and walk back to the police car. Officer Shelton placed handcuffs on Mr. Manley and asked him to remain seated in the back of the police car. Mr. Manley stated that he repeatedly told the officer the handcuffs were "too tight" on his wrists and that it was hurting him. Mr. Manley also stated that he continued to question the officer about why they were pulled over. At this time, the Police Officer offered both Mr. Manley and Ms. Burgis an opportunity to listen to the audio tape of the 911 call placed earlier that night. Mr. Manley stated that the Police Officers should be able to determine the difference between a black Toyota Avalon vs. a Chevy Impala.

- **Internal Affairs Statement:** Captain Ronan spoke on behalf of the Department and provided information regarding the traffic stop on the night of January 15. According to 911 dispatch officers were alerted to be on the lookout for a black Chevy-type vehicle. The traffic stop that occurred that night is called a traffic/safety stop. Based on various factors including time of night and for the safety of both the Officers and the citizen, multiple vehicles will respond to these types of calls. The direction that the Officer gave was appropriate and according to Internal Affairs and findings from the witness statements, Mr. Manley and Ms. Burgis were both walked to the car where Officer Shelton greeted Mr. Manley and Ms. Burgis and then put Mr. Manley in handcuffs. During this investigation, it was noted that the complainant and Ms. Burgis were very polite and everyone acted respectfully. At approximately 23:11 hours it was determined that Mr. Manley was not involved with the robbery. Sgt. Fox arrived to the scene of the traffic stop and stated that Ms. Burgis indicated that no one was harmed or hurt they were returned to their vehicle and the case was closed.
- Deputy Chief Patrick Gallagher provided the panel with a photo comparing the similarities of the Toyota Avalon and a Chevy Impala.
- **Vote:** 4-0 (Mayo, Dewan, Beasley, and Hearst) to concur with the findings of the Virginia Beach Police Department. The hearing in this case was concluded at 2:19 p.m.
- **Discussion:** The Panel notified Mr. Manley via conference call of their findings and the case was concluded at 2:35 p.m.

2. **Request for Review – Franklin C. Smith Case No. 2017-022 CC** (*Use of Physical Force*)

The panel discussed the request, which alleges MPO P.J. Mantoni used excessive force on Mr. Smith during an arrest in July 2016.

By a vote of 4-0 (Mayo, Dewan, Beasley, and Hearst) the Panel determined the case was not appropriate for review by the IRP.

**AGENDA ITEMS**

**Approved Changes to the Investigative Review Panel Policy (Open Discussion)**

Director of Human Resources, Regina Hilliard provided an overview of the approved changes to the Investigative Review Panel Policy approved by City Manager Hansen. The changes include the following items:

- Upon notification by the Police Department, the Human Resources Director or designee shall promptly send a subsequent notification and Request for Review Form to the complainant.
- Requests for review shall be made in writing, addressed to the Director of Human Resources and shall be delivered or postmarked within thirty (30) calendar days from the date the Police Department Internal Affairs Office investigative findings are mailed to the complainant. The time for filing may be extended by the Panel for good cause shown.

**ADJOURNMENT**

The meeting was adjourned by Chair Mayo at 2:47 p.m.