



# Fairfax County Police Civilian Review Panel Independent Police Auditor

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FAIRFAX COUNTY, VA

*December 2018*

# Our Goal Today

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- Who We Are
- What We Do
- Our Jurisdiction
- The Complaint Process
- How to File a Complaint
- What to Expect After Filing a Complaint
- 2018 Activity Update

# Who We Are

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- Panel approved by Board of Supervisors (Dec 2016)
- 9 members appointed by and report directly to Board of Supervisors (Feb 2017)
- Enhance police legitimacy and **build and maintain trust** between citizens, Board of Supervisors, and Police Department by reviewing certain police investigations to ensure investigations are:
  - Accurate
  - Complete
  - Thorough
  - Objective
  - Impartial

# What We Do

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- Provide an independent process for commencing an Initial Complaint against the FCPD or its officers
- Review completed investigations of complaints of **abuse of authority** or **serious misconduct** by a FCPD officer when requested
- Hold public meetings to hear from complainants and to review investigations
- Hold public meetings on issues within our jurisdiction and on law enforcement policies and practices
- Issue an annual report on our activities and recommendations on FCPD policies, training, and practices
- Meet with Auditor on recommendations on use of force cases

# Our Jurisdiction: Abuse of Authority and Serious Misconduct

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- Use of abusive racial, ethnic or sexual language or gestures
- Harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability
- Acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense
- Reckless endangerment of detainee or person in-custody; violation of laws or ordinances
- Other serious violations of the county or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur on or off duty

# What the Independent Auditor Does

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- Monitors and reviews FCPD internal investigations of officer involved shootings, in-custody deaths and use of force cases in which an individual is seriously injured or killed
- Monitors and reviews administrative investigations of public complaints of use of force
- Issues public reports for each reviewed internal/administrative investigation and an annual report including those reviews
- Makes public recommendations concerning revisions of Police Department policies, training, and practices
- Provides administrative support to the Police Civilian Review Panel and delivers the Panel's annual report to the Board of Supervisors


# Independent Auditor Jurisdiction

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- Officer Involved Shooting
- In-Custody Death
- Use of Force
  - Any physical strike or instrumental contact with an individual, or any significant physical contact that restricts an individual's movement
  - Force does not include escorting or handcuffing an individual who is exhibiting minimal or no resistance
  - Merely placing an individual in handcuffs as a restraint in arrest or transport activities, simple presence of officers or patrol dogs, or police issuance of tactical commands does not constitute a reportable action

# How to File a Complaint

- Submit complaint forms via email, mail, or in-person
- Contact us for assistance or questions



**Office of the Independent Police Auditor  
Fairfax County Police Civilian Review Panel**

**Complaint Form**

Hand Deliver or Mail to:

Office of the Independent Police Auditor  
12000 Government Center Parkway – Suite 233A  
Fairfax, VA 22035

Call: 703/324-3459

E-mail:  
[IPAPoliceAuditor@fairfaxcounty.gov](mailto:IPAPoliceAuditor@fairfaxcounty.gov)

Your Name:\* Last: \_\_\_\_\_ First: \_\_\_\_\_  
Phone:\* (Day): \_\_\_\_\_ (Night): \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Date of Birth: \_\_\_/\_\_\_/\_\_\_  
Gender: \_\_\_\_\_ Race/Ethnicity/National Origin: \_\_\_\_\_

\*Required Information

Initial Complaint: Yes No  
Complaint Previously Made to Fairfax County P.D.: Yes No



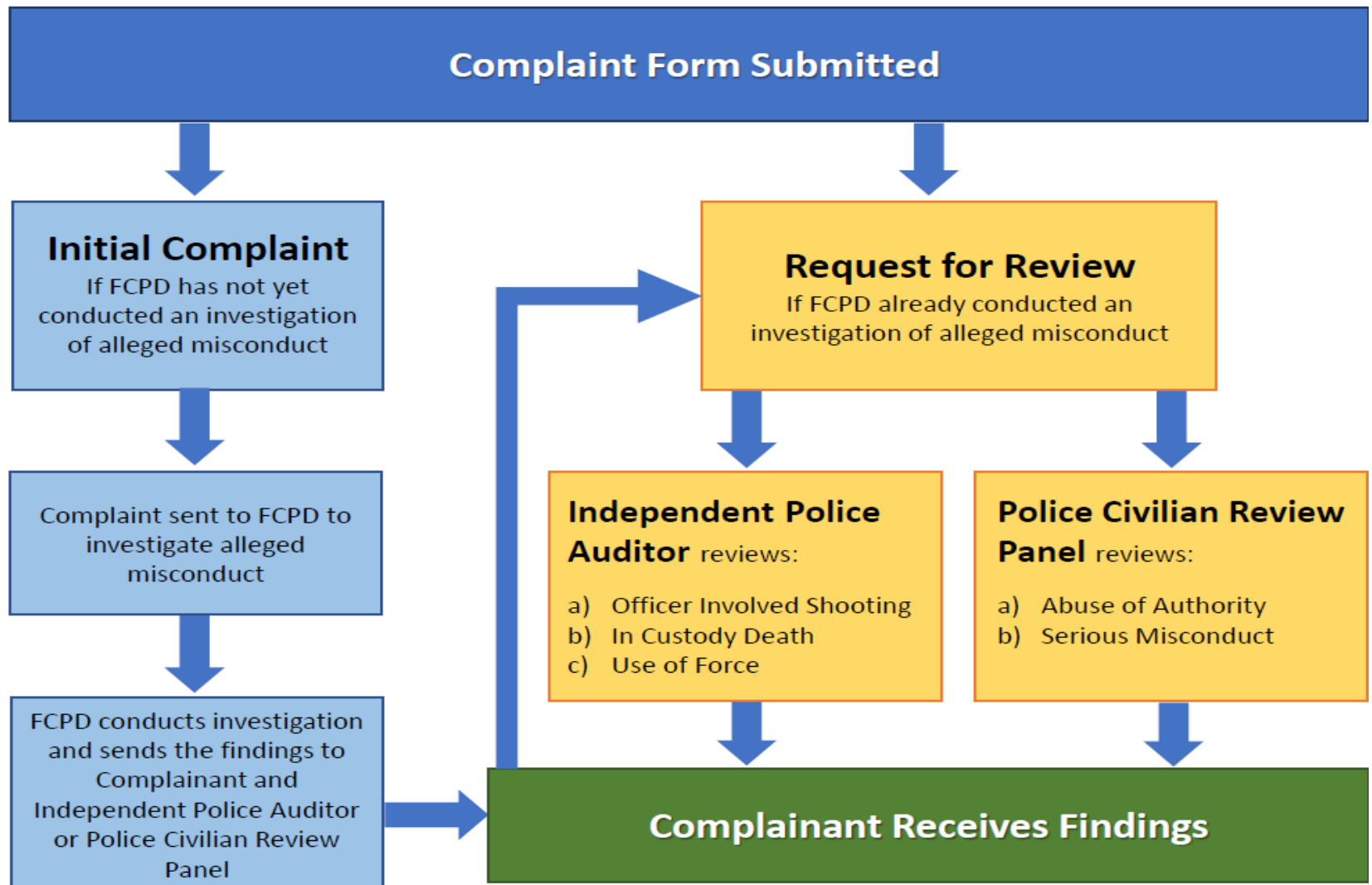
# Our Limitations

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- Panel cannot review complaints if the:
  - Complaint is under IPA's exclusive review
  - Incident occurred before Dec 6, 2016
  - Initial Complaint is filed more than 1 year after incident\*
  - Review Request is filed more than 60 days after FCPD sends investigation completion notice to complainant\*
  - Review Request is subject to pending criminal or civil proceeding in any trial court
- Panel has no jurisdiction to review Sheriff's Office or Federal law enforcement (i.e., ICE)
- Panel cannot take testimony or receive evidence

*\* Absent good cause.*

# Complaint Process



# What to Expect After Filing

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- **Initial Complaint** – Forward to FCPD for investigation; FCPD to provide Investigation Report within 60 days\*
- **Review Request** – Conduct initial review of the request
  - Initial Disposition Notice sent regarding jurisdiction (~30 days after receiving Investigation Report)
  - Suspend or defer review for pending criminal/civil proceeding
  - Panel Review Meeting may be convened to allow:
    - Complainant to state reasons for filing
    - Panel to ask questions regarding reasons
    - FCPD to answer questions about the investigation (i.e., evidence)
    - Invite anyone with investigation/incident information to contact FCPD
- Issue public report on Panel's findings within 90 days after receiving Investigation Report\*

*\* Panel may extend the deadline for completion for good cause.*

# 2018 Panel Updates

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- Total Initial Complaints Received in 2018: 23
- Total Request for Reviews Received in 2018: 3
- Total Outreach Events with Organizations in the Community: 18
- In the process of documenting Panel Procedures and Policies
- Updated Complaint Form
- Bylaw Amendments submitted to the Board of Supervisors and approved on October 16, 2018

# 2018 Auditor Updates

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- Annual Report and 7 Incident Reports issued
- Report issued outlining analysis of 2015 UOF data
- 16 Panel Meetings and Community Outreach Events
- In the process of documenting IPA Procedures and Policies

## Public Report

Jan. 16, 2017: Officer Involved Shooting; Deployment of Electronic Control Weapon; Use of .40mm Impact Projectile Weapon



Richard G. Schott  
Fairfax County  
Independent Police Auditor

## Public Report

June 22, 2017: Use of Precision Immobilization Technique



Richard G. Schott  
Fairfax County  
Independent Police Auditor

## Public Report

April 14, 2017: Deployment of Electronic Control Weapon



Richard G. Schott  
Fairfax County  
Independent Police Auditor

Annual Report of  
the Fairfax County  
Independent Police Auditor

# 2017



Richard G. Schott  
Fairfax County  
Independent Police Auditor

## Public Report

A Review of the Disparity in FCPD Use of Force Incidents by Race in 2015



Richard G. Schott  
Fairfax County  
Independent Police Auditor



# Questions?

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# Resources

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- **Police Civilian Review Panel:**  
[www.fairfaxcounty.gov/policecivilianreviewpanel/](http://www.fairfaxcounty.gov/policecivilianreviewpanel/)
- **Independent Police Auditor:**  
[www.fairfaxcounty.gov/government/board/policeauditor/](http://www.fairfaxcounty.gov/government/board/policeauditor/)
- **Ad Hoc Police Practices Review Commission:**  
[www.fairfaxcounty.gov/policecommission/](http://www.fairfaxcounty.gov/policecommission/)

\*Complaint forms can be found on the Panel and Auditor webpages.

# How to Reach Us

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- Telephone:

Panel: 703-324-2502 (TTY:711)

Auditor: (703) 324-3459 (TTY: 711)

- Email: [PoliceCivilianReviewPanel@fairfaxcounty.gov](mailto:PoliceCivilianReviewPanel@fairfaxcounty.gov) or [IPAPoliceAuditor@fairfaxcounty.gov](mailto:IPAPoliceAuditor@fairfaxcounty.gov)

- Address:

12000 Government Center Parkway, Suite 233A  
Fairfax, Virginia 22035





Thank You!

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