
Police Civilian Review Panel

Meeting Agenda

Location: Woodrow Wilson Library
6101 Knollwood Dr. Falls Church, VA 22041

Date: August 3, 2023

Time: 7:00 pm

Website: www.fairfaxcounty.gov/policecivilianreviewpanel/

Agenda details:

I. Call to Order

II. Agenda Items

a. Approval of Agenda

b. Review of FCPD Responses to Panel Recommendations Matrix

III. OIPA Update

IV. New Business

V. Adjournment

Panel Meeting Schedule:

- September 7, 2023 at 7:00 p.m.

POLICE CIVILIAN REVIEW PANEL RECOMMENDATIONS MATRIX

8-3-23 DRAFT Version

<u>Report</u>	<u>Panel Recommendation</u>	<u>FCPD Action</u>	<u>Status (as determined by the Panel)</u>
<p>As per the February 2, 2023 Panel Meeting</p>	<p>The Panel requests a 30 day response on all recommendations moving forward - either by taking action or making a request for more time if needed.</p>	<p>FCPD will continue to respond to PCRPs requests in a timely manner. When achievable, the FCPD will respond within 30 business days to panel requests that are independently communicated in writing to the FCPD...</p> <p><i>See complete response from FCPD in its May 4, 2023 Response Letter to the Panel.</i></p>	<p>1 Status TBD</p> <p><u>Potential Status Options:</u></p> <p>Panel Satisfaction with FCPD Response:</p> <ul style="list-style-type: none"> A. FCPD Response Pending B. FCPD Response Accepted C. FCPD Response Not Accepted <p>Implementation Status:</p> <ul style="list-style-type: none"> A. Implementation Ongoing B. Implemented by FCPD C. FCPD Implemented Prior to Recommendation D. Not Implemented by FCPD
<p>CRP-22-06 (Published October 14, 2022)</p>	<p>The FCPD should, if not already a part of its training, develop a training based on the facts and circumstances of this case that considers how race, gender, age, and socioeconomic status affect policing and de-escalation. This training should be provided to trainees at the</p>	<p>In 2021 FCPD implemented an agency wide procedural justice training program. This class addresses the influence race, gender, age, sexual orientation, occupation, mental illness, disability, and other identifiers may potentially have on decision-</p>	<p>2 Status TBD</p>

	<p>Criminal Justice Academy and to officers throughout the FCPD.</p>	<p>making processes by officers. This training was mandatory for all FCPD officers.</p> <p>The FCPD, through G.O. 002 (Human Relations), strictly prohibits its members from performing any law enforcement activity conducted solely upon the basis of race, sex, gender, gender identity, sexual orientation, color, national origin, ethnicity, creed, religion, disability, or other personal characteristic(s). All FCPD officers receive mandatory annual training on this topic and FCPD recruits receive initial training while attending the Criminal Justice Academy.</p>	
<p>CRP-22-06 (Published October 14, 2022)</p>	<p>In order to emphasize and maintain compliance with General Order 201.1 “Knowledge and Obedience to Laws, Regulations, and Training,” FCPD officers should be encouraged to directly consult criminal code language when in the field when time and circumstances permit. Such consultation can aid both in proper application of the criminal code and in providing accurate and useful information to alleged victims.</p>	<p>Regulation 201.1 requires officers to maintain a working knowledge of laws and ordinances in effect in both the Commonwealth of Virginia and Fairfax County. Officers have direct access to the Code of Virginia and the Fairfax County Code of Ordinances through the FCPD Intranet site which can be accessed in the field or at any police facility. As part of maintaining DCJS accreditation, police officers are required to comply with legal training hours biennially, which are provided through in-service training at the Fairfax County Criminal Justice Academy via the Fairfax County Attorney’s Office. Patrol officers are also routinely encouraged to consult with both their supervisors and members of the Office of the Commonwealth’s Attorney for legal guidance when available and feasible under</p>	<p>3 Status TBD</p>

		<p>the circumstances. The department's Planning and Research Bureau also disseminates annual legal updates to all members of the agency as they originate from the Virginia General Assembly, as well as provides case synopsis summaries stemming from the case holdings of the Supreme Court of the United States, the United States Court of Appeals for the 4th Circuit, and any other court of applicable jurisdiction.</p>	
<p>CRP-22-06 (Published October 14, 2022)</p>	<p>FCPD officers should directly consult the criminal code in advance of all follow-up interactions with alleged victims.</p>	<p>Regulation 201.1 requires officers to maintain a working knowledge of laws and ordinances in effect in both the Commonwealth of Virginia and Fairfax County. Officers have direct access to the Code of Virginia and the Fairfax County Code of Ordinances through the FCPD Intranet site which can be accessed in the field or at any police facility, as well as access to the Office of the Commonwealth's Attorney, County Attorney's Office, their direct supervisors and commanders, and other legal resources as available.</p> <p>Though each individual officer, based upon their training and years of experience may have varying levels of expertise with the Code of Virginia based on their assignment and experience, a mandatory requirement of consulting the criminal code may not always be necessary in every instance. FCPD officers, like most police officers</p>	<p>4 Status TBD</p>

		around the nation, are routinely called upon to address, mitigate, and resolve a myriad of disputes, issues, and quandaries, not all of which are predicated upon legal interpretation of a statute, ordinance, or judicial precedent. FCPD concurs that it is generally deemed a best practice for an officer to provide a victim with the most accurate information available whenever discussing the elements of the Code of Virginia and routinely encourages officers to review pertinent sections of the Code of Virginia whenever possible and applicable under the circumstances.	
CRP-22-06 (Published October 14, 2022)	General Order 501.II should be revised to add the italicized language that follows: “Victims and witnesses shall be provided with assistance pertaining to victim’s rights, their role in the court process, <i>the magistrate’s role in the court process</i> , support services, and any other needed resources required by law or Department policy.”	Revised version of G.O. 501 Section IV (A)(&) states, “Furnish information to victims whenever appropriate in order for them to seek warrants from a magistrate or seek appropriate civil resources as necessary.”	5 Status TBD
CRP-22-06 (Published October 14, 2022)	General Order 501 should be revised to require that responding officers take all deliberate care to follow up with crime victims and complainants before the end of their shifts and leave voicemail messages when necessary.	GO 501 was revised in September 2022, to include the following language: “It is the policy of the FCPD that law enforcement investigations be conducted in a manner that treats all community members fairly, equitably, and with due respect. ... Victims and witnesses shall be provided with assistance pertaining to victim’s rights their role in the court process, support services, and any other needed	6 Status TBD

		<p>resources required by law or Department policy.” (pg.1)</p> <p>“Periodic contact via telephone or in-person shall be made with crime victims for additional information as needed and to notify them of changes in case status in a timely manner...” (pg.5)</p> <p>“B. Officer Responsibilities: In the absence of a VSP specialist, officers and detectives shall be responsible for addressing the immediate needs and concerns of victims and witnesses...” (pg. 11)</p> <p>...This aforementioned language fully addresses an officer’s critical responsibility to follow up in a timely manner with a victim or complainant, as well as outlines the inherently valuable role VSD victim’s specialists provide on a daily basis to victims of serious criminal offenses... The Panel’s suggested language of a blanket requirement of following up prior to the end of a shift does not take into account factors that may prohibit or intentionally limit an officer’s ability from doing so...</p> <p><i>See complete response from FCPD in its May 4, 2023 Response Letter to the Panel.</i></p>	
<p>CRP-22-06</p>	<p>FCPD implicit bias training should, to the extent that it does not, consider how implicit biases may affect how FCPD officers interact with</p>	<p>In 2021 all FCPD officers began participation in mandatory implicit bias and procedural justice training. These classes</p>	<p>7 Status TBD</p>

<p>(Published October 14, 2022)</p>	<p>alleged <i>victims</i> and <i>witnesses</i> in addition to alleged perpetrators.</p>	<p>work through the concepts of implicit bias and daily encounters. This includes defining implicit bias, the types of situations specific to law enforcement where implicit bias can affect outcomes and provides strategies to reduce the influence of implicit bias. The training is designed to teach intervention strategies and minimize the impact of implicit bias. The concepts of both implicit bias and procedural justice are not merely relegated to alleged perpetrators of crime or traffic offenses, nor does the curriculum suggest at any time this to be the case. Rather, these bedrock principles of effective and meaningful police-community relationships incorporate dialogue and actions between all members of the community, not just those suspected of potential wrongdoing...</p> <p>GO 002 Humans Relations requires officers to apply [procedural justice] principles to all interactions with community members...</p> <p>FCPD mandates annual training on bias-based policing. (SOP 13-050)</p> <p><i>See complete response from FCPD in its May 4, 2023 Response Letter to the Panel.</i></p>	
<p>CRP-22-06</p>	<p>With respect to Complaints that include allegations of bias and/or racial profiling, the arrest, stop, community contacts, and search statistics of the officers involved shall be</p>	<p>Internal Affairs will continue to provide applicable statistics when germane to the case investigation and when a statistically significant amount of data is available.</p>	<p>8 Status TBD</p>

<p>(Published October 14, 2022)</p>	<p>provided to the Police Civilian Review Panel in the IAB investigation file.</p>	<p>Statistics are currently included in every case involving an allegation of racial bias.</p>	
<p>CRP-20-20 and CRP-20-21 (Published May 10, 2021)</p>	<p>The FCPD should consider how officers respond to incidents where the scene does not match the description in a 911 call, provide the necessary training to officers on these situations, and whether they can investigate calls as potential false police reports.</p>	<p>FCPD has taken this recommendation under consideration and will research best practices to ensure General Order 520.3 (Hostage/Barricaded Persons) reflects these suggestions in future revisions.</p>	<p>Under Review by FCPD</p>
<p>CRP-20-20 and CRP-20-21 (Published May 10, 2021)</p>	<p>The FCPD should review and revise General Order 601.4 regarding how officers identify and announce themselves when responding to domestic service calls, clarify the situations when they are permitted to delay in announcing or otherwise identifying themselves, and ensure that officers are properly trained in implementing a revised general order.</p>	<p>Current version of 601.4 Section IV, Subsection C, states officers <i>“shall identify themselves as police officers, explain the reason for their presence, and request entry into the home.”</i> Officers are also expected to use proper discretion when circumstances indicate or suggest there are potential weapons involved in an event, or a potential subject could be looking to ambush an officer arriving at a domestic event, as domestic events constitute highly unpredictable and dangerous events for responding officers.</p> <p>All officers are required to acknowledge General Order revisions via Power DMS. Supervisors are required to ensure officers under their guise are up to date on new policies and procedures and schedule squad training initiatives as necessary to ensure compliance.</p>	<p>Implemented by FCPD</p> <p>Panel requests that the FCPD consider adding the explanatory sentence highlighted to the next version of the General Order.</p>

<p>CRP-20-20 and CRP-20-21 (Published May 10, 2021)</p>	<p>The FCPD should consider how it can better communicate with Complainants the outcomes of its investigations, including whether such communication should go beyond standard disposition letters.</p>	<p>Complaints in all formats are accepted by the FCPD and proper acknowledgment is provided at the time of receipt that the complaint will be investigated and followed-up on. Investigating supervisors are expected to inform complainants that their cases will be investigated thoroughly and as expeditiously as possible depending upon the nature and complexity of the specific allegation(s). Once an investigation has concluded, supervisors are expected to notify complainants as such and note the case is under a review and action process at the command level. Disposition letters are sent once the investigation has resolved, with a thorough recitation of the facts and circumstances of the allegation, as well as a recitation of FCPD investigative findings. These letters also include contact information for appeals to both CRP and the Office of the Independent Police Auditor. Any inquiry regarding case status during the investigative process from a complainant is required to be responded to in a timely manner.</p>	<p>FCPD explanation is not wholly responsive</p> <p>Panel recognizes the FCPD's efforts to improve the disposition letters but requests the FCPD to consider specific circumstances when letters can be followed up with an alternative method of communication, like a phone call to complainants.</p>
<p>CRP-20-19 and CRP-20-27</p>	<p>The FCPD should create a policy requiring all district station interviews be recorded.</p>	<p>FCPD General Order 501.2 covers Investigative Responsibilities but makes no reference to recording of interviews. Since the last revision (04-01-13), all district station interview rooms have been equipped with audio/video technology. In-</p>	<p>Implemented by FCPD</p>

<p>(Published February 9, 2021)</p>		<p>progress revisions to this General Order will note that all investigating officers/detectives ensure interviews are recorded unless unusual/unforeseen circumstances (ex: technology failures, interviews in outdoor environments) exist. Also, it should be noted that officers equipped with body-worn cameras are required to activate them during any rendering of police service unless unusual circumstances exist (ex: hospital, schools, bathrooms) or whenever interviewing victims of sexual assault for their privacy concerns.</p>	
<p>CRP-20-19 and CRP-20-27 (Published February 9, 2021)</p>	<p>The FCPD should ensure that all FCPD Officers are informed of its policy 501.2 Investigative Responsibilities.</p>	<p>All officers are required to acknowledge via PowerDMS signature any revisions to Department policy, to include General Orders, SOPs, and Department-wide Command Staff Memorandums. These signatures are audited and any officer failing to acknowledge is notified via their direct supervisor. As mentioned above, General Order 501.2 is under revision and once completed will necessitate officer acknowledgement.</p>	<p>Implemented by FCPD</p>
<p>CRP-20-19 and CRP-20-27 (Published February 9, 2021)</p>	<p>The FCPD should encourage the Fairfax County Sheriff to record and preserve video taken from inside the Fairfax County Adult Detention Center.</p>	<p>As the FCSO constitutes a separate agency run via an elected official (Sheriff Stacey Kincaid), it would be inappropriate for FCPD to make best practices recommendations to her agency. CRP recommendations on FCSO policies and practices should be made directly to the FCSO by the Panel.</p>	<p>Not Implemented by FCPD. The Panel understands that the Sheriff is an elected official, but given the degree to which the FCPD does</p>

			ultimately interact with and work with the Sherriff's office, we think such encouragement is entirely appropriate.
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“The FCPD should develop objective criteria and processes to evaluate allegations of bias or profiling (as pertains to race, ethnicity, sexuality, religion or sexual orientation) in internal investigations of complaints against officers. These criteria may include (1) searching the officer’s public social media profiles; (2) interviewing coworkers in the officer’s unit and other potential witnesses; (3) quantitatively and/or qualitatively analyzing data (by trained analysts) from community contacts, stops, searches and arrests; and (4) comparing the circumstances and claims of the current complaint to any prior complaints.</p> <p>Quantitative analysis of data should not be limited to descriptive analyses, but when appropriate, should include bivariate and multivariate analyses to ensure that appropriate variables are considered. The investigation file should contain a clear evaluation and summary of the officer’s actions under each of the criteria listed above.”</p>	<ol style="list-style-type: none"> 1) All Internal Affairs investigations receive an open-source social media inquiry as of April 1, 2020. 2) General Order 301, Internal Investigations, states that witnesses shall be interviewed if they would assist in an investigation. Regulation 201.3, Obedience to Laws, Regulations, and Training, as it pertains to Regulation 201.5, Reporting Violation, states any employee shall immediately report any violation, including bias-based policing. 3) Arrests and traffic statistics are publicly shared on the FCPD website. IAB is in the process of procuring a Management Analyst to perform quantitative and qualitative analysis of public safety data. 	<ol style="list-style-type: none"> 1) Implemented by FCPD. 2) Not Implemented by FCPD. Presently being reviewed by the FCPD following the January 26, 2021 decision by the Board of Supervisors in CRP-29-19 directing the FCPD to take further action, including conducting interviews with the officer’s co-workers. 3) Pending further analysis by the FCPD. Data analysis conducted for investigations must include quantitative and qualitative analysis of community

		<p>4) To ensure qualitative analysis, consistency and thoroughness, the administrative due process includes several levels of review up to the Chief of Police in each administrative investigation. These levels of review include prior consideration of sustained allegations against the subject employee, and appropriate action to be taken for further sustained violations of patterns of conduct. Use of criterion of “circumstances and claims of the current complaint to any prior complaints” is subjectively vague and non-definitive as it pertains to whether or not an officer engaged in either unlawful or procedurally violative conduct.</p>	<p>contacts and stops by officers, as well an analysis of publicly shared data on arrests and traffic statistics.</p> <p>4) FCPD explanation is responsive.</p>
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“All community contacts, stops, searches and arrests by the FCPD should be entered into the data management system. Data analysis of an officer’s community contacts, stops, searches and arrests should be broken down by the race and ethnicity of community members. Data on community contacts should be broken down as follows: (1) community contacts that remain consensual for the duration of the encounter; (2) community contacts that evolve into detentions by virtue of reasonable suspicion; and (3) community contacts that evolve into</p>	<p>General Order 603.4, Police Community Member Contacts, and General Order 601, Arrest Procedures, requires specific documentation regarding all community member contacts, including voluntary contacts. FCPD is currently in the process of upgrading agency record management systems which will further enhance tracking.</p>	<p>Pending upgrade to FCPD’s data management system.</p>

	<p>detentions by virtue of probable cause. Officers should also enter into the data base the reasons for the community contact, stop, search or arrest. Such rationale should be coded (i.e., by a particular violation of law, type of behavior, appearance, time, place, etc.). If a community contact evolves into a detention, the officer should enter into the data base the reasons for such detention.”</p>		
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“Data analysis of an officer’s community contacts, stops, searches and arrests should be compared and contrasted with comparable data from the district station where the incident occurred and the county as a whole. The data analysis should also take into account the racial and ethnic composition of each district as compared to the county overall.”</p>	<p>For all bias allegations, the Internal Affairs Bureau conducts an 18-month examination of the officer’s arrests and citations. This data is compared to pertinent station demographics. The demographics of each district station and the County are publicly available in the IAB annual report.</p> <p>FCPD is assessing capabilities of reviewing officer field contacts and searches in future RMS programs. Currently searches of these descriptions are limited to technological limitations inherent in I/LEADS RMS. With implementation of a new RMS in the future, the hope is that tracking of contacts and searches, the two recommended data points, will be more feasible, changing policy on how the Department tracks field contacts and searches.</p>	<p>Pending upgrade to FCPD’s data management system.</p>
<p>CRP-19-29 (Published</p>			

<p>October 23, 2020)</p>	<p>“For the purposes of investigations into allegations of bias or profiling, data analysis of the officer’s community contacts, stops, searches and arrests should cover a period of 3-5 years, or if the officer has less tenure, for the duration of his service in the FCPD. If during the prescribed time period the officer has worked in different districts within the county, the review and analysis of the officer’s community contacts, stops, searches and arrests should not be limited to the district where the officer is assigned at the moment, but rather should include all such encounters in every county district where the officer served during the time period.”</p>	<p>Bias investigations include an 18-month statistical analysis of the officer’s arrests and citations, comparing them with other officers at the same station. Historic database software is only capable of tracking certain data. System replacement and procurement will permit advances to add tracking fields and information categories.</p>	<p>Pending upgrade to FCPD’s data management system.</p>
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“Like the efforts the FCPD has undertaken to analyze and identify use of force incidents, the FCPD should consider creating an early warning system to alert commanders as to whether an officer’s community contacts, stops, searches or arrests are excessive and disproportionate for a particular race or ethnic group.”</p>	<p>Since November 2012, per policy, the FCPD has utilized an Early Identification System.</p> <p>Monitored incidents include administrative investigations (including cruiser crashes), initial inquiries, forced entries, de-arrests, off-duty traffic citations, off-duty civil and criminal court actions, use of force, and pursuits. Community contacts, stops, searches, and/or arrests are non-dispositive of whether or not an officer has potentially engaged in bias-based policing which FCPD has an absolute prohibition against its employees engaging in. These actions are based upon legally defined standards of probable cause and reasonable suspicion,</p>	<p>FCPD explanation is responsive.</p>

		<p>regardless of race or ethnicity. Where these legally defined standards are non-existent, searches, stops, and arrests would be improper and ultimately unlawful. Where a complaint is made that any officer engaged in disproportionate policing, that complaint would automatically initiate an administrative investigation, which would account as stated above as a qualifying EIS event. This also includes supervisor audits and reviews of officer BWC and ICV footage to ensure stops, arrest, and searches are within FCPD policy.</p>	
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“The FCPD should retain an independent expert on implicit bias to examine all law enforcement policies, practices and training for the purpose of recommending evidence-based strategies to mitigate the impact of implicit bias on policing.”</p>	<p>In addition to mandatory County and/or agency training on bias, the Fairfax County Police Department is currently engaging an outside independent expert to train implicit bias, the understanding of implicit bias; procedural justice; “<i>trust building</i>,” and detecting and addressing institutional and structural racism.</p> <p>Independent subject matter experts on bias have lectured to Command Staff.</p> <p>Bias and culture-based training has been offered to employees through academy and other venture partnerships.</p>	<p>Training implemented. Further explanation is required as to the examination of all law enforcement policies and practices.</p>
<p>CRP-19-29 (Published October 23, 2020)</p>	<p>“Officers should receive implicit bias training on an annual basis.”</p>	<p>The FCPD Equity Team and its Ambassadors will receive specialized independent bias-based training. This education will provide a unique, cutting-</p>	<p>Implemented by FCPD.</p>

		<p>edge platform for organizations to build a foundational capacity to address or discuss equity gaps, race, equality, cultures, and unity. The independent expert will also train-the-trainer for annual refresher courses on implicit bias, procedural justice, and <i>trust building</i>.</p>	
<p>2019 Annual Report (Published February 28, 2020)</p>	<p>“Where the evidence gathered during an Investigation into a Complaint of racial bias does not offer a race-neutral explanation for the conduct of the accused officer, the FCPD should continue to investigate seeking some explanation for the officer’s conduct by obtaining reasonably available evidence that will corroborate either a race-neutral or race-biased explanation such as examining the officer’s social media accounts and/or interviewing witnesses.”</p>	<p>This recommendation is counter intuitive. Where there is no “race-neutral explanation,” to explain officer conduct, then by default the conduct would fall within the purview of bias-based or discriminatory conduct and appropriate action would be taken swiftly by the Department. Where conduct falls within these parameters, all available investigatory measures will be taken to ascertain the root of why the action took place.</p> <p>The Fairfax County Police Department Internal Affairs Bureau conducts investigations into all complaints involving any allegation of perceived bias. Bias-based complaints will include obtaining all available evidence; such as, but not limited to, witness statements, videos, publicly available social media, statistics, reports, etc. Consistent with all investigations completed by the police department; any available evidence is thoroughly examined for appropriate response and lawful action.</p>	<p>FCPD explanation is responsive.</p> <p>The Panel’s recommendation is that the FCPD proactively continue to investigate to find corroborating evidence, if the available evidence does not offer a “race-neutral explanation” (including times when there simply is no explanation) for the conduct of the officer. The Panel recommends (see recommendation in CRP-19-29) that the FCPD develop objective criteria and processes to evaluate allegations of bias or profiling separate from</p>

			its normal investigation processes.
CRP-19-11 (Published January 15, 2020)	“With respect to obvious, known witnesses who are not interviewed, Investigation Reports should include an explanation for why such an interview failed to occur.”	<u>General Order 301</u> , Internal Investigations, states that witnesses shall be interviewed if they would assist in an investigation of a complaint or incident. Commanders were reminded of this policy in a March 2020 Command Staff meeting. Furthermore, Bureau Commanders are responsible for ensuring all investigative tasks have been properly completed as an additional quality control and review oversight protocol.	Implemented by FCPD.
CRP-19-11 (Published January 15, 2020)	“FCPD civilian ride-a-long individuals should be tracked and recorded in all instances. A police ride-a-long individual should never be unknown such that when an incident containing alleged misconduct is investigated, the civilian witness cannot be determined.”	<u>General Order 430.3</u> sets policy and procedure for each Ride-Along to include maintenance of the application and required documentation for every Ride-Along. Commanders were reminded of this importance during a Command Staff meeting in March 2020.	Implemented by FCPD.
CRP-19-11 (Published January 15, 2020)	“The FCPD should implement a clear policy for what officers should do in situations where children are left unattended by detained individuals to make sure that such children are safe during such incidents.”	FCPD policy requires officers to “ <i>preserve the sanctity of life</i> ” and, as community caretakers, officers must attend to the needs of any person who is unable to care for themselves as expeditiously as possible. <u>Regulation 201.6, Preservation of Peace and Protection of Life and Property</u> , states:	Implemented by FCPD.

		<p><i>“It shall be the duty of each sworn officer of the Department to:</i></p> <ul style="list-style-type: none"> • <i>Preserve the public peace;</i> • <i>Protect life and property; and</i> • <i>Enforce and uphold the laws of the Commonwealth of Virginia and the ordinances of the County of Fairfax.”</i> <p>This policy requires officers to attend to children, and any other person who is left alone and unable to care for themselves, under their oath as a sworn officer to protect life. Furthermore, officers are provided guidance from <u>the Fairfax County Family Services Child Supervision Guidelines</u> regarding unattended minors and children.</p>	
<p>CRP-18-27 (Published July 12, 2019)</p>	<p>“[T]he Panel recommends that in the future the Department refrain from publicly releasing [investigatory information pertaining to the Complainant’s social media accounts], because it “discourages individuals from filing future complaints, and it undermines community trust in the Panel.” If the FCPD believes such information is relevant to the investigation, “that information should be included only in the Department’s investigative file.”</p>	<p>Respectfully disagree. Open source information is by definition, available publicly to all individuals and entities. Where an individual posts publicly available information of relevance to an investigation, the Department will examine this content for relevancy as it pertains to either a criminal or administrative investigation. The Department does not publicly release the findings of administrative investigations, except in the rarest of occasions where, due to public request, the Department would be compelled to disclose whether an</p>	<p>Implemented by FCPD, as the Panel understands the response to be to the Panel’s prior belief that this was “not implemented” because in fact the FCPD will not be publicly releasing social media information of complaints.</p>

		accused officer was found in violation of Department policy. The Department does not publicly post administrative investigatory information in any event, and that information is kept confidential within the Department unless subjected to court-ordered discovery or in accordance with the Code of Virginia. All of the information was obtained via public websites from a Google search. The information that was released was already publicly available on the internet.	
2018 Annual Report (Published March 21, 2019)	FCPD disposition letters to the complainant upon conclusion of FCPD investigations, “must contain sufficient, specific detail to provide complainant with a clear understanding of the scope of the FCPD investigation and the rationale for the FCPD findings.”	The FCPD co-produced a disposition letter with members of the community. Commanders who author these letters were then trained on the new form in September. Since that time, the new form has been in use.	New format for more explanatory disposition letters has been adopted by the FCPD and is being implemented.
2018 Annual Report (Published March 21, 2019)	“Action Item 17, dated December 6, 2016 (p. 278), limits the Panel’s ability to include salient facts in public reports. This restriction inhibits “the Panel’s ability to achieve its purpose “to enhance police legitimacy and to build and maintain public trust between the FCPD, the Board of Supervisors and the public.”	During Quarterly Meetings, FCPD representatives coordinated with the CRP in preparation of the proposed Action Item that was adopted by the Board of Supervisors on September 24, 2019, giving the Panel the authority to disclose facts of the investigation in the Panel’s Review Reports, with certain restrictions.	Action Item adopted by the Board of Supervisors on September 24, 2019, gives the Panel authority to disclose facts of the investigation in Review Reports with certain limited restrictions.

<p>2018 Annual Report (Published March 21, 2019)</p>	<p>“The Panel suggests that the Board of Supervisors require a quarterly meeting among the Chiefs of Staff for the Chairman of the Board of Supervisors and the Chairman of the Public Safety Committee, the FCPD Chief, and the Chair and Vice-Chair of the Panel to review Panel comments and recommendations and discuss the implementation of the same.</p>	<p>The FCPD supports the quarterly meetings and the sharing of information regarding Panel comments and recommendations. These meetings began in June 2019 and are continuing to occur with FCPD staff present for each of them.</p>	<p>Implemented by FCPD</p>
<p>CRP-18-26 (Published March 8, 2019)</p>	<p>“During FCPD administrative investigations, where statistical evidence is used, [the Panel] recommends the Crime Analyst Unit (CAU) be consulted in the gathering, preparation and reporting of the statistical data.”</p>	<p>The compilation of statistical evidence is the responsibility of the Analyst assigned to the Internal Affairs Bureau.</p>	<p>Implemented by FCPD</p>
<p>CRP-18-26 (Published March 8, 2019)</p>	<p>“The FCPD should make BWC and In-Car Video (ICV) footage available for viewing at Panel Review Meetings as requested by the Panel.”</p>	<p>Requests for the Panel to view video and audio footage will be approved on a case-by-case basis.</p>	<p>FCPD explanation noted. The Chief has committed to review any Panel request for footage and determine whether to release of requested footage on a case-by-case basis.</p>
<p>CRP-18-26 (Published March 8, 2019)</p>	<p>“The Panel recommends that the FCPD ensures that individuals involved in incidents with FCPD officers which are subject to a complaint be provided with an opportunity to review the video footage of the incidents.”</p>	<p>It has been the policy of the Police Department to allow complainants to view video footage consistent with <u>Body Worn Camera Pilot Program SOP 18-506, Section VII, Paragraph B</u> and <u>General</u></p>	<p>Implemented by FCPD</p>

		<u>Order 430.8, In Car Video Program Procedures, Section IV, Paragraph C-5.</u>	
<u>CRP-18-12</u> (Published January 9, 2019)	“The Panel recommends that FCPD periodically summarize and publish all FCPD discipline across the entire FCPD without specifically identifying the disciplined officer by name.”	In keeping with our commitment to transparency, the FCPD annually publishes an <u>Internal Affairs Bureau Statistical Report</u> , which is made available both within and outside of the Department. IAB is currently researching best practices. Once a template is developed, it will be discussed with the County Attorney for legal review. These reports are posted quarterly, and identify rank of the accused officer, allegation, disciplinary measures implemented, and disposition.	Under Review by FCPD.
<u>CRP-18-12</u> (Published January 9, 2019)	“The Panel recommends that the FCPD ensure that all concerns outlined in future Complaints be fully investigated and separately addressed in the Investigation Report.” (Officer’s demeanor was not explicitly discussed in the Investigation Report, even though it had been an issue in the Complaint).”	Complaints received by the FCPD are thoroughly investigated. As stated in your report, Major Reed assured the Civilian Review Panel (CRP) members that investigators take a holistic approach to ensure that all aspects of a complaint are addressed. Upon completion, all investigations are subject to a multi-layer review. This investigative review may be conducted by Station Commanders, Bureau Commanders, Deputy Chiefs, and the Chief of Police to ensure accuracy and thoroughness.	FCPD explanation noted.
<u>CRP-18-12</u> (Published	“The Panel recommends that the FCPD develop an efficient methodology to reintegrate	Under the Traffic Records Electronic Data System (<u>TREDS</u>) system, which is a VA	The Panel accepts explanation of FCPD

<p><u>January 9, 2019)</u></p>	<p>some level of supervision over the submission of [FR300P accident report] forms [by FCPD officers].” The Panel concluded that the consequences for errors could be problematic, as certain insurance claims were initially denied based on erroneous information in the initial FR300P.”</p>	<p>State Program, when an officer submits an FR300P, a layered approval process begins. The first layer is the TREDs system itself, which provides a real-time review to ensure all required fields are populated. After the TREDs system review, the report is submitted for internal review by the FCPD Central Records Division. The Central Records Division has received specialized training on TREDs and have the delegated authority to accept or reject accident reports if they are not in compliance. In addition, the Central Records Staff distributes error reports to supervisory staff to ensure quality control and accountability.</p>	<p>regarding supervision under TREDs System.</p>
<p><u>CRP-17-10 (Published March 26, 2018)</u></p>	<p>“[T]he 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.”</p>	<p>Letter signed by Station Commander was sent to the complainant indicating the officer’s violation was addressed and how to seek additional recourse. Internal Affairs Bureau (IAB) personnel also had a phone conversation with the complainant to address their concerns.</p>	<p>Implemented by FCPD</p>



County of Fairfax, Virginia

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

Kevin Davis
Chief of Police

May 4, 2023

Executive Director Steven Richardson
Fairfax County Police Civilian Review Panel
12000 Government Center Parkway, Suite 150A
Fairfax VA, 22035

**Lt. Colonel
Brian J. Reilly**
*Executive Deputy
Chief of Police*

Dear Executive Director Richardson:

The Police Civilian Review Panel (PCRP) requested a response to recommendations from the recommendations matrix on April 7, 2023.

**Lt. Colonel
Brooke D. Wright**
*Deputy Chief of Police
for Administration*

The panel requested a Fairfax County Police Department (FCPD) response on the following recommendations:

**Lt. Colonel
Eli Cory**
*Deputy Chief of Police
for Investigations*

1. The panel requests a 30 day response on all recommendations moving forward - either by taking action or making a request for more time if needed

**Lt. Colonel
Robert A. Blakley**
*Deputy Chief of Police
for Operations*

2. The FCPD should, if not already a part of its training, develop a training based on the facts and circumstances of this case that considers how race, gender, age, and socioeconomic status affect policing and de-escalation. This training should be provided to trainees at the Criminal Justice Academy and to officers throughout the FCPD.

**Major
Todd W. Billeb**
*Commander Internal
Affairs Bureau*

3. In order to emphasize and maintain compliance with General Order 201.1 "Knowledge and Obedience to Laws, Regulations, and Training," FCPD officers should be encouraged to directly consult criminal code language when in the field when time and circumstances permit. Such consultation can aid both in proper application of the criminal code and in providing accurate and useful information to alleged victims.

**Captain
Jane A. Burns**
*Commander,
Investigations Division
- Internal Affairs
Bureau*

4. FCPD officers should directly consult the criminal code in advance of all follow-up interactions with alleged victims.

**Lieutenant
Todd B. Sweeney**
*Assistant Commander,
Investigations Division
-Internal Affairs Bureau*

Fairfax County Police Department
12099 Government Center Parkway
Fairfax, Virginia 22035
703-246-2195, TTY 711
Facsimile 703-246-3876
www.fairfaxcounty.gov



5. General Order 501.II should be revised to add the italicized language that follows: "Victims and witnesses shall be provided with assistance pertaining to victim's rights, their role in the court process, *the magistrate's role in the court process*, support services, and any other needed resources required by law or Department policy."
6. General Order 501 should be revised to require that responding officers take all deliberate care to follow up with crime victims and complainants before the end of their shifts and leave voicemail messages when necessary.
7. FCPD implicit bias training should, to the extent that it does not, consider how implicit biases may affect how FCPD officers interact with alleged *victims* and *witnesses* in addition to alleged perpetrators.
8. With respect to complaints that include allegations of bias and/or racial profiling, the arrest, stop, community contacts, and search statistics of the officers involved shall be provided to the PCRCP in the Internal Affairs Bureau investigation file.

The Fairfax County Police Department's Internal Affairs Bureau worked with the Planning and Research Bureau to provide the following responses to the PCRCP recommendations.

Recommendation One: *The panel requests a 30 day response on all recommendations moving forward - either by taking action or making a request for more time if needed*

FCPD will continue to respond to PCRCP requests in a timely manner. When achievable, the FCPD will respond within 30 business days to panel requests that are independently communicated in writing to the FCPD. Recent miscommunications have caused delays in the FCPD receiving recommendations from the PCRCP. This process has been addressed and should prevent any future avoidable delays. The reconstitution of previous best practices of the FCPD receiving the PCRCP requests in independently written and dated form will prevent any future ambiguity of the request(s) itself or the date requested.

Recommendation Two: *The FCPD should, if not already a part of its training, develop a training based on the facts and circumstances of this case that considers how race, gender, age, and socioeconomic status affect policing and de-escalation. This training should be provided to trainees at the Criminal Justice Academy and to officers throughout the FCPD.*

In 2021 FCPD implemented an agency wide procedural justice training program. This class addresses the influence race, gender, age, sexual orientation, occupation, mental illness, disability, and other identifiers may potentially have on decision-making processes by officers. This training was mandatory for all FCPD officers.

The FCPD, through General Order 002 (Human Relations), strictly prohibits its members from performing any law enforcement activity conducted solely upon the basis of race, sex, gender, gender identity, sexual orientation, color, national origin, ethnicity, creed, religion, disability, or other personal characteristic(s). All FCPD officers receive mandatory annual training on this topic and FCPD recruits receive initial training while attending the Criminal Justice Academy.

In order to emphasize and maintain compliance with General Order 201.1 "Knowledge and Obedience to Laws, Regulations, and Training," FCPD officers should be encouraged to directly consult criminal code language when in the field when time and circumstances permit. Such consultation can aid both in proper application of the criminal code and in providing accurate and useful information to alleged victims.

Regulation 201.1 requires officers to maintain a working knowledge of laws and ordinances in effect in both the Commonwealth of Virginia and Fairfax County. Officers have direct access to the Code of Virginia and the Fairfax County Code of Ordinances through the FCPD Intranet site which can be accessed in the field or at any police facility. As part of maintaining DCJS accreditation, police officers are required to comply with legal training hours biennially, which are provided through in-service training at the Fairfax County Criminal Justice Academy via the Fairfax County Attorney's Office. Patrol officers are also routinely encouraged to consult with both their supervisors and members of the Office of the Commonwealth's Attorney for legal guidance when available and feasible under the circumstances. The department's Planning and Research Bureau also disseminates annual legal updates to all members of the agency as they originate from the Virginia General Assembly, as well as provides case synopsis summaries stemming from the case holdings of the Supreme Court of the United States, the United States Court of Appeals for the 4th Circuit, and any other court of applicable jurisdiction.

Recommendation Three: *In order to emphasize and maintain compliance with General Order 201.1 "Knowledge and Obedience to Laws, Regulations, and Training," FCPD officers should be encouraged to directly consult criminal code language when in the field when time and circumstances permit. Such consultation can aid both in proper application of the criminal code and in providing accurate and useful information to alleged victims..*

Regulation 201.1 requires officers to maintain a working knowledge of laws and ordinances in effect in both the Commonwealth of Virginia and Fairfax County. Officers have direct access to the Code of Virginia and the Fairfax County Code of Ordinances through the FCPD Intranet site which can be accessed in the field or at any police facility. As part of maintaining DCJS accreditation, police officers are

required to comply with legal training hours biennially, which are provided through in-service training at the Fairfax County Criminal Justice Academy via the Fairfax County Attorney's Office. Patrol officers are also routinely encouraged to consult with both their supervisors and members of the Office of the Commonwealth's Attorney for legal guidance when available and feasible under the circumstances. The department's Planning and Research Bureau also disseminates annual legal updates to all members of the agency as they originate from the Virginia General Assembly, as well as provides case synopsis summaries stemming from the case holdings of the Supreme Court of the United States, the United States Court of Appeals for the 4th Circuit, and any other court of applicable jurisdiction.

Recommendation Four: *FCPD officers should directly consult the criminal code in advance of all follow-up interactions with alleged victims.*

As previously mentioned, Regulation 201.1 requires officers to maintain a working knowledge of laws and ordinances in effect in both the Commonwealth of Virginia and Fairfax County. Officers have direct access to the Code of Virginia and the Fairfax County Code of Ordinances through the FCPD Intranet site which can be accessed in the field or at any police facility, as well as access to the Office of the Commonwealth's Attorney, County Attorney's Office, their direct supervisors and commanders, and other legal resources as available.

Though each individual officer, based upon their training and years of experience may have varying levels of expertise with the Code of Virginia based upon their assignment and experience, a mandatory requirement of consulting the criminal code may not always be necessary in every instance. FCPD officers, like most police officers around the nation, are routinely called upon to address, mitigate, and resolve a myriad of disputes, issues, and quandaries, not all of which are predicated upon legal interpretation of a statute, ordinance, or judicial precedent. FCPD concurs that it is generally deemed a best practice for an officer to provide a victim with the most accurate information available whenever discussing the elements of the Code of Virginia and routinely encourages officers to review pertinent sections of the Code of Virginia whenever possible and applicable under the circumstances.

Recommendation Five: *General Order 501.11 should be revised to add the italicized language that follows: "Victims and witnesses shall be provided with assistance pertaining to victim's rights, their role in the court process, the magistrate's role in the court process, support services, and any other needed resources required by law or Department policy."*

Revised version of GO 501 Section IV (A)(7) states, "*Furnish information to victims whenever appropriate in order for them to seek warrants from a magistrate or seek appropriate civil resources as necessary.*"

Recommendation Six: *General Order 501 should be revised to require that responding officers take all deliberate care to follow up with crime victims and complainants before the end of their shifts and leave voicemail messages when necessary.*

GO 501 was revised in September 2022, to include the following language:

Policy Section (pg. 1): "It is the policy of the FCPD that law enforcement investigations be conducted in a manner that treats all community members fairly, equitably, and with due respect. Investigations begin with the arrival of the first officer on scene, are divided into preliminary and follow-up stages, and eventually conclude once adjudicated through the courts. Follow-up responsibilities are determined by the nature of the act and necessity for further investigation. Victims and witnesses shall be provided with assistance pertaining to victim's rights, their role in the court process, support services, and any other needed resources required by law or Department policy."

Follow-Up Investigations Section (pg. 5) "Periodic contact via telephone or in-person shall be made with crime victims for additional information as needed and to notify them of changes in case status in a timely manner. All victim contacts should be documented in supplements to the original incident report."

Services to Crime Victims, Witnesses, and Survivors Section (pg. 11):

A. "The Victim Services Division (VSD) shall provide services to crime victims to ensure their rights as provided for by the Code of Virginia are protected and reduce the reoccurrence of secondary trauma that might potentially be experienced after an initial crime results."

B. Officer Responsibilities: In the absence of a VSD specialist, officer and detectives shall be responsible for addressing the immediate needs and concerns of victims and witnesses, to include but not be limited to, providing case numbers, phone numbers, addresses for police or county services, transportation to shelters or medical facilities, protection from harm or threat arising out of cooperation with either law enforcement or prosecutorial efforts, assistance in petitioning for protective orders, scheduling line-ups, interviews and other appearances at the convenience of the victim or witness, notification of court dates and hearings, updates on case status, and return of victim property held as evidence in a timely manner when no longer required for prosecution."

Additionally, it should be noted that, depending upon the crime, the FCPD has staffed a 24/7 Victim Services Division (VSD), staffed by non-sworn victim services specialist trained in advocacy, care, and crisis intervention strategies and techniques for victims of many serious offenses. As it specifically pertains to crime victims covered by VSD, they include victims of the following criminal offenses (pg. 11):

1. Homicide/Manslaughter
2. Adult/Child Rape and Sexual Assault
3. Child Physical Abuse
4. Domestic and Intimate Partner Violence
5. Stalking
6. Assault/Battery
7. Malicious Wounding
8. Vehicular Manslaughter
9. Home Invasions
10. Robbery
11. Human Trafficking
12. Carjacking

When counseling victims of these crimes, VSD specialists are required to perform provide services, information, and referrals to victims and witnesses of crimes on the following resources:

1. **Emergency Aid:** On-scene crisis intervention, information pertaining to victim and witness rights and services, safety planning, referral for emergency financial aid, emergency transportation, response and accompaniment to a medical facility for sexual assault, intimate partner examination, emergency restraining or protective orders, information assistance on recovery of stolen property, crime scene clean-up, and interpreter services.
2. **Counseling and Advocacy:** Crisis intervention services, referrals for short and long-term counseling, access and referrals to support groups and group counseling, community crisis response, access to counseling during criminal and juvenile justice adjudication procedures, intervention with employers, creditors, and landlords, and intervention with public agencies.
3. **Investigations:** Regular updates on investigation status as appropriate, basic information on the criminal justice system (but not provide legal advice), assistance with scheduling of line-ups, interviews, and other required appearances at victim and witness convenience, compensation claim filing and processing assistance, protection from intimidation and/or harassment, notification of pretrial release of an accused individual, input into bail and bond release decisions, and transportation/parking assistance for appearances associated with the investigation.
4. **Prosecution:** Orientation with the criminal justice system, updates on case status, accompaniment to court, assistance in being provided separate waiting areas during court proceedings when appropriate, witness alert/on-call technology 24/7, employer intervention services, assistance in recovery of property held as evidence, restitution routinely requested or an explanation in writing, landlord/creditor intervention, and notification of plea negotiations and victim consultation in plea decisions.

5. Post-Prosecution: Notification of the right to submit a victim impact statement, distribution of victim impact statements to probation and parole, victim impact statement in allocutions, information/notifications of appeal of parole hearings, and notifications of change in status.

As noted above, the FCPD has devoted a bevy of resources to victims of crime and witnesses to criminal offenses. This aforementioned language fully addresses an officer's critical responsibility to follow up in a timely manner with a victim or complainant, as well as outlines the inherently valuable role VSD victim's specialists provide on a daily basis to victims of serious criminal offenses. The FCPD's VSD serves as the gold benchmark standard for many agencies throughout the country, and its members are routinely called upon to present at various law enforcement seminars around the country, as well as community meetings throughout Fairfax County. The panel's suggested language of a blanket requirement of following up prior to the end of a shift does not take into account factors that may prohibit or intentionally limit an officer's ability from doing so, (late case or arrest, victims who wish to find a safe place to stay the night and do not wish to have the whereabouts known at the time, group living homes, victims who return to their respective workplace and do not wish to have law enforcement contact them at work, victims who are temporarily unavailable, time of day, etc.).

Recommendation Seven: *FCPD implicit bias training should, to the extent that it does not, consider how implicit biases may affect how FCPD officers interact with alleged victims and witnesses in addition to alleged perpetrators.*

In 2021 all FCPD officers began participation in mandatory implicit bias and procedural justice training. These classes work through the concepts of implicit bias and daily encounters. This includes defining implicit bias, the types of situations specific to law enforcement where implicit bias can affect outcomes and provides strategies to reduce the influence of implicit bias. The training is designed to teach intervention strategies and minimize the impact of implicit bias. The concepts of both implicit bias and procedural justice are not merely relegated to alleged perpetrators of crime or traffic offenses, nor does the curriculum suggest at any time this to be the case. Rather, these bedrock principles of effective and meaningful police-community relationships incorporate dialogue and actions between all members of the community, not just those suspected of potential wrongdoing.

FCPD General Order 002, Human Relations, specifically defines procedural justice as follows:

"The idea of fairness in the process that resolve disputes and allocate resources. It is a concept that, when embraced, promotes positive organizational change, and bolster better relationships. Police officers engage in procedural justice when they treat people with respect, explain the reason for the encounter, listen, and answer people's questions. Procedural justice speaks to four principles:

1. Being fair in process.
2. Being transparent in actions.
3. Providing opportunity for voice.
4. Being impartial in decision making.

Additionally, GO 002 Humans Relations, requires officers apply those principles to all interactions with community members: "Members of the Department will provide equitable service and treatment to all community members and other Department members regardless of known or perceived age, race, color, sex, pregnancy, gender, gender identity, ethnicity, creed, religious preferences, sexual orientation, disability, immigration status, citizenship, or national origin, except where otherwise required by state or federal law." FCPD mandates annual training on bias-based policing.(SOP 13-050)

Recommendation Eight: *With respect to Complaints that include allegations of bias and/or racial profiling, the arrest, stop, community contacts, and search statistics of the officers involved shall be provided to the Police Civilian Review Panel in the IAB investigation file.*

Internal Affairs will continue to provide applicable statistics when germane to the case investigation and when a statistically significant amount of data is available. Statistics are currently included in every case involving an allegation of racial bias.

In closing, I have reviewed and concur with the responses above and believe they satisfy the concerns brought forth by the PCRCP recommendations. FCPD looks forward to continued cooperation with the PCRCP.

Sincerely,



Todd B. Sweeney
Assistant Commander - Investigations Division
Internal Affairs Bureau

TBS/mdl

cc: Chair Todd Cranford, Police Civilian Review Panel