



**SHARON BULOVA  
CHAIRMAN**

COMMONWEALTH OF VIRGINIA  
**County of Fairfax**  
BOARD OF SUPERVISORS

12000 GOVERNMENT CENTER PKWY  
SUITE 530  
FAIRFAX, VIRGINIA 22035-0071  
TELEPHONE: 703/324-2321  
FAX: 703/324-3955  
TTY: 711

chairman@fairfaxcounty.gov

**BOARD MATTER**  
Jointly with Supervisor John Foust  
County Procedures – Officer Involved Shooting  
January 13, 2015

Officer involved shootings are rare in Fairfax County, in large measure because of the courage, training and professionalism of the men and women who serve and protect the public as officers of the Fairfax County Police Department. Almost daily, County police officers use their training and expertise to defuse potentially violent situations without the use of force. However, when something as serious as an officer involved shooting does occur, Fairfax County residents deserve a government that is open and transparent and they deserve to know the facts relating to the incident in a timely manner, subject only to legitimate concerns such as the proper conduct of the investigation and the safety of officers and witnesses who may have been involved.

Until John Geer was shot on August 20, 2013, the procedures adopted by the Police Chief for public disclosure regarding officer involved shootings seemed to establish a reasonable balance between the County's duty to make timely disclosure and the concerns the Police Chief has expressed about conducting a professional investigation and the safety of officers involved in a shooting incident.

However, the investigation of the shooting of Mr. Geer has gone on for more than 16 months without closure and other events have occurred, including the Commonwealth Attorney's decision to transfer the matter to the United States Department of Justice, that were not considered when the Police Department's procedures for disclosure were established. Understandably, and as a consequence, many residents have expressed concern about the lack of information that has been disclosed about the shooting of Mr. Geer as well as a perceived lack of transparency by the Police Chief, the County Attorney's office and other County officials, including this Board of Supervisors.

In the Geer case, there are three separate investigations and a civil lawsuit filed on behalf of Mr. Geer's children. The County Attorney's office objected to producing documents requested in the civil suit. Recently, a judge ordered the Police Chief to produce documents in response to numerous requests made by the plaintiffs. The Board of Supervisors has directed the Police Chief and the County Attorney to fully comply with the letter and the spirit of the Judge's order.

Although compliance with the Judge's order in the Geer case should go a long way to meet the demands for transparency relating to the shooting of Mr. Geer, the Board of Supervisors does not believe it should take a court order, entered 16 months after the shooting, for information about an incident like this to be released. The Board of Supervisors does not want to see similar delays occur in the future. As I recently

said, “our Board is committed to making sure Fairfax County policies will not result in delays should similar situations arise in the future.”

The Fairfax County Board of Supervisors is committed to reviewing and revising disclosure rules as appropriate. The Board is also aware of concerns expressed by some members of the public to the effect that the Police Chief should not be responsible for both establishing and implementing the policies for disclosures relating to police involved shootings. The Board of Supervisors is sensitive to these concerns.

Our Board has decided to seek and consider outside, independent expertise to review our current practices and to advise us on the establishment of appropriate changes to policies and procedures regarding the release of information in police-involved shooting incidents for Fairfax County. To initiate this process, I have reached out to Attorney General Mark Herring for his suggestions for professional organizations and/or resources that can work with us to review our policies and recommend appropriate changes.

Therefore, I move that the Board of Supervisors direct the County Executive to:

- Immediately, working with the Attorney General’s office, initiate a search for independent expertise in the field of Police Department operations and, specifically, in the area of policies and procedures with respect to information disclosures in the case of police involved shootings and other serious incidents involving the police department. Such organization should be familiar with national best practices in this area.
- Identify an available funding source that would enable the Board of Supervisors to retain such expertise with a goal for contracting with that organization within the February/March timeframe.
- Advise the Board with respect to any and all procurement procedures that must be followed with respect to retention of such independent expertise or resource.