

**Questions of Fairfax County Administration &
Preliminary Observations by Individual Members
Use of Force Subcommittee
Ad Hoc Police Practices Review Commission
Updated as of: 06.15.2015**

Question	Source	Status
1. The subcommittee expressed interest in learning more about the use of SWAT and the risk assessment process (including the SWAT matrix which is used and who gives final approval to the use of SWAT).	Subcommittee-[05.06.15 Minutes]	ONGOING
2. Captain McGowan also mentioned and agreed to provide a link to the April 2013 Fairfax County Internal Audit Office Report – FCPD Administrative Investigation Process Audit.	Subcommittee-[05.06.15 Minutes]	COMPLETED (Posted May 7)
3. Mr. Culosi indicated that he would like the questions for Deputy Chief Ryan that he has circulated be answered. It was agreed that those questions would be discussed in our next meeting.	Subcommittee-[05.06.15 Minutes]	PENDING
4. Index of SOPs	Subcommittee-[05.20.15 Minutes]	COMPLETED (Posted on June 1)
5. Index of memos issuing orders (eventually incorporated into General Orders)	Subcommittee-[05.20.15 Minutes]	COMPLETED (Posted on June 1)
6. Use of Force training materials, including “ready gun” policies and protocols	Subcommittee-[05.20.15 Minutes]	COMPLETED (Posted on June 1)
7. Comprehensive SWAT policies and protocols, including assessment, approval and training materials and post-use review and debriefing	Subcommittee-[05.20.15 Minutes]	PENDING [Also see Minutes for subcommittee Q&A with FCPD]
8. Table identifying the 62 officer involved shootings (OISs), including race of the “victim,” with a synopsis of the circumstances of each shooting, including the circumstances of the 8 shootings where administrative action was taken and the reasons for such action	Subcommittee-[05.20.15 Minutes]	PENDING
9. IAB and CIB reports for high visibility OISs, including Salvatore Culosi, Jr. (2006), David Masters (2009), Nicholas Kaelber (2012), and James Bryant (2013)	Subcommittee-[05.20.15 Minutes]	PENDING
10. Definition of “barricade” situation	Subcommittee-[05.20.15 Minutes]	COMPLETED (Posted on June 1)
11. Use of Force committee documents -- what its responsibilities are, when it meets, who is on it, and what actions it can take/recommend? (These may be provided in connection with the scheduled June 3 FCPD presentation on the UOF Committee)	Subcommittee-[05.20.15 Minutes]	COMPLETED (See minutes of June 3 rd meeting)
12. Meetings should be recorded	Subcommittee-[05.20.15 Minutes]	COMPLETED (Audio recordings will be made and posted to website)

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Use of SWAT Questions/Responses:		
1. What are the conditions under which SWAT can be used by FCPD today?	Culosi	COMPLETED (Posted on June 2)
2. What kind of threat assessment is conducted as part of possible uses of SWAT?	Culosi	COMPLETED (Posted on June 2)
3. What is the final document that certifies assessment of risk?	Culosi	COMPLETED (Posted on June 2)
4. When risk other than “low” is certified, is there any accompanying documentation to support a risk assessment other than “Low risk”?	Culosi	COMPLETED (Posted on June 2)
5. What factors determine “high risk”?	Culosi	COMPLETED (Posted on June 2)
6. How many people in the chain of command must approve the use of SWAT?	Culosi	COMPLETED (Posted on June 2)
7. What changes in the use of SWAT have been made in the last 9 years? In particular, I am looking for a change that says SWAT will never be used when the FCPD certified threat assessment is “Low”?	Culosi	COMPLETED (Posted on June 2)
Firearms Training Questions/Responses:		
8. Is there a written definition used by FCPD for “Ready Gun”? If not, to what extent are officers required to conform to the Universal Control Mode (UCM). I know you are aware of UCM, which seems reasonable to me for both police and public safety based on a video I have seen. I also found the following information on UCM at the link below: https://www.facebook.com/TopGunTraining/posts/905539429460834 . To the extent that UCM is not followed by FCPD, I would like to know why?	Culosi	COMPLETED (Posted on June 2)
9. Does FCPD still claim to adhere to the 4 Cardinal Rules of Gun Safety?	Culosi	COMPLETED (Posted on June 2)
10. What is the policy, training and procedure regarding the pointing of a muzzle of a weapon at the center of mass of an individual who does not poses an imminent danger to anyone and is not a risk of flight?	Culosi	COMPLETED (Posted on June 2)
11. Please clarify the current policies on “muzzle control” and whether or not FCPD policies, procedures and training address the use of a muzzle for purposes of control, intimidation, and compliance of persons who	Culosi	COMPLETED (Posted on June 2)

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do not pose an imminent danger to anyone or a flight risk.		
12. What is the specified written policy for announcing “Police” when SWAT executes its approved tactics and procedures in making an arrest or document search? Is it policy to announce “Police” (or some command to identify your presence) prior to “Ready Gun”, at “Ready Gun” or after “Ready Gun”? If this is discretionary, why?	Culosi	COMPLETED (Posted on June 2)
1. The FCPD should provide details on all deadly use of force cases since 2006, and all criminal and IAD investigations since 2009. If there are ongoing UOF cases by MCD or IAD, aside from Pfc Torres, the subcommittee should at least know that they are happening and be given as many details as possible, e.g., use pseudonyms for the officer under investigation.	Shumaker	Pending
Regarding “Fairfax County Police Department Use of Force Statistical Summary”:		
2. Can FCPD explain why slide 2 shows the yearly totals of discipline cases was so small out of the total number of UOF cases on slide 3? E.g., in 2010 three discipline cases out of 408.	Shumaker	Pending
3. Can FCPD provide the number of uniformed officers in FCPD per each year in the report? Percentage of Use of Force Incidents Versus Total Criminal Traffic and Service Calls is not a normal metric from what I’ve read in DOJ and PERF reports, a better one is number of UOF/officers.	Shumaker	COMPLETED (Posted on June 17 th)
4. Can FCPD explain why as the number of criminal cases dropped by 11% from 2010 to 2013, the UOF cases rose by 8.5%?	Shumaker	Pending
5. Can FCPD explain why the above report shows UOF incidents numbering over 400 in 2010-13 but page 6 of http://www.fairfaxcounty.gov/policecommission/materials/2013-iab-annual-report.pdf shows UOF for 2009-2013 ranged from 84-102 (the same upward trend as in #3 above) then p. 11 shows the same years ranged from 539 to 443?	Shumaker	COMPLETED (Posted on June 17 th)
6. Can FCPD explain why the second figure on p. 11 states “all reported use of force incidents do not require an administrative investigation?”	Shumaker	COMPLETED (Posted on June 17 th)

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7. Can FCPD explain why the second figure suggests that only 20% of UOF cases result in admin investigation and the sustained rate is 1-4/year.	Shumaker	Pending
8. Overall, FCPD needs to explain both reports where UOF is mentioned and explain the data so the subcommittee can do some data analysis. How could IA be the subject of UOF incidents (slide 12) and how does IAD investigate its own?	Shumaker	Pending
9. Can FCPD address the types and quantity of Dept of Defense equipment it has received, how it has used it, which equipment was involved in UOF incidents? Can FCPD explain whether it has returned DOD equipment?	Shumaker	Pending
10. Does FCPD have a similar Law Enforcement Code of Conduct that includes UOF to that of Sheriff David Clarke, Jr., of Milwaukee Co, WI? That is: “A police officer will never employ unnecessary force or violence and will use only such forces in discharge of duty as is reasonable in all circumstances. The use of force should be used only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.”	Shumaker	COMPLETED (Posted on June 17 th)
11. Provide definition of barricade situation	Shumaker	COMPLETED (Posted on June 1); follow-up info requested (see q. 67)
12. Which individual cases prompted SWAT to create the Warrant Risk Assessment Matrix and how each case would have scored had the matrix existed at the time?	Shumaker	COMPLETED (Posted on June 17 th)
13. Which of the individual cases caused FCPD to employ UOF and what type(s)?	Shumaker	COMPLETED (Posted on June 17 th)
14. It was my understanding that none of the cases before the Matrix resulted in problems.	Shumaker	COMPLETED (Posted on June 17 th)
15. When did use of the Matrix become mandatory?	Shumaker	COMPLETED (Posted on June 17 th)

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16. What are details of each case for which use of the Matrix resulted in SWAT being deployed and employed UOF?	Shumaker	Pending
17. Can we see the completed Matrix so that we can see EINS to see if there are any patterns at all levels in the chain of command?	Shumaker	Pending
18. What is the definition of “advanced tactics”? Is it SWAT? <small>[see http://www.fairfaxcounty.gov/policecommission/materials/statistical-summary-risk-assessments.pdf “illustrate[s] the event types where advanced tactics were recommended.</small>	Shumaker	Pending
19. Which & how many recommendations were accepted?	Shumaker	Pending
20. How many of each type of case occurred in the same period but didn’t require “advanced tactics”?	Shumaker	Pending
21. Can FCPD provide a table showing entities across the top (Patrol Bureau thru Organized Crime/Narc) and on the left all event types and numbers for each event by entity with totals on the far right and across the bottom?	Shumaker	COMPLETED (Posted on June 17 th)
According to “Fairfax County Police Department Internal Affairs Bureau 2013 Annual Statistical Report”		
22. In 2013, were there 66 investigated UOF cases (p. 2, par 6) OR were there 102 Administrative Investigation cases for UOF (p. 6 bottom table)?	Shumaker	Pending
23. p. 2: In par. 3, what is the definition of PIT (Precision immobilization technique)?	Shumaker	COMPLETED (Posted on June 17 th)
24. P. 2, par. 5: the 1 termination isn’t shown on pp 8-9?	Shumaker	Pending
25. p. 2, par. 6: For FCPD, explain the benefit to the taxpayers and appropriateness of “retirement in lieu of discipline” vs. “termination.”	Shumaker	COMPLETED (Posted on June 17 th)
26. p. 8: only 1 written and 1 suspension, the lowest forms of administrative punishment for 443 UOF cases (p. 11).	Shumaker	Clarification is required; no question posed.
27. There were no barricade cases in 2013. Is that true or which UOF situations are not in this report? Where are they?	Shumaker	COMPLETED (Posted on June 17 th)
28. p. 11 says under the 2nd table: all reported use of force incidents do not require an administrative investigation. The above chart depicts Use of Force incidents that required documentation as an administrative investigation. The above chart depicts	Shumaker	Clarification is required; no question posed.

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Use of Force incidents that required documentation as an administrative investigation”		
29. Who decides that an administrative investigation is N/A?	Shumaker	COMPLETED (Posted on June 17 th)
30. How is it decided that an administrative investigation is N/A?	Shumaker	COMPLETED (Posted on June 17 th)
31. What GO or SOP applies?	Shumaker	COMPLETED (Posted on June 17 th)
32. Which UOF incidents require documentation? What’s the reference?	Shumaker	COMPLETED (Posted on June 17 th)
33. p. 11 Use of Force Investigative Outcome histogram: 2012 “Not sustained” bar is too short; it should be 52 per the table above that figure.	Shumaker	COMPLETED (Posted on June 17 th)
34. Can FCPD provide details on all “discharge firearm” cases shown on p. 13? The # of discharges went from 2 in 2009 upward every year until 6 in 2013.	Shumaker	COMPLETED (Posted on June 17 th)
35. The asterisk on p. 13 shows discharge firearm includes against 2 animals. Can we see data for firearm discharges only against people in 2009-2012?	Shumaker	COMPLETED (Posted on June 17 th)
36. p. 27: can we see details of the Annual Comparison by Type of Litigation 2009-2013 for years 2010-13 involving the six Excessive Force?	Shumaker	Pending
37. Does FCPD have a formal, written after action report (AAR) system for UOF cases? Does it address what went right and what didn’t and identify the persons and supervisors responsible for good and bad decisions? SOP 12-045 mentions “report” twice but its contents and what becomes of it aren’t stated.	Shumaker	Pending
38. [See attached “Preparedness Cycle] Without collecting AARs and taking corrective action (11 o'clock on the figure), an organization or system never improves and keeps making the same errors. At our 5/20 meeting, I asked the SWAT team whether after action reports (AAR) are used. AARs are crucial feedback to prepare officers for incidents as demonstrated in the preparedness cycle.	Shumaker	Pending
39. At one of our subcommittee meetings, FCPD mentioned its Threat Assessment (TA). Does the TA equal the Warrant Risk Assessment Matrix? If not,	Shumaker	Pending

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can FCPD provide a copy of a blank TA & a completed TA from an actual situation for our review?		
40. Has the Chief of Policy shared UOF lessons learned from the deaths caused by FCPD officers within FCPD to prevent recurrence? Which shootings? What lessons were implemented from each case? How quickly did officers receive those lessons?]	Shumaker	Pending
41. What is the UOF culture within FCPD?	Shumaker	Pending
42. Will the FCPD and Commonwealth's Attorney explain to the UOF subcommittee why the FCPD officer who killed Mr. Geer on Aug. 29, 2013, has not been charged or exonerated 20 months after the fatal shooting and remains on paid administrative leave?	Shumaker	Pending
43. In November 2011, Officer Oluwa was the subject of a civil rights lawsuit after Oluwa and another officer beat James Darden. Per p. 30 of the minutes of the 4/10/12 Board of Supervisors' meeting, business discussed in recess/closed session included: " <i>James Darden v. Colonel David M. Rohrer, Officer Christian J. Chamberlain, Officer Mohammed S. Oluwa, and Fairfax County, Case No. 1:11cv828 (E.D. Va.)</i> ." Was the homeless man beaten in the face? Was a baton used? How did such a beating comport with General Order 540.1?	Shumaker	COMPLETED (Posted on June 17 th)
44. In a 2005 incident, did Officer Oluwa employ UOF with a man described in the media as potentially suicidal? How did such a UOF comport with General Order 540.1?	Shumaker	Pending
45. UOF when others, including fellow officers are in the line of fire.	Shumaker	Pending
46. Does FCPD have use of force continuum from non-lethal to lethal? I don't see that in Gen'l Order 540.1	Shumaker	Pending
47. What is the FCPD definition of defense of self and defense of others?	Shumaker	Pending
48. Are officers taught only to shoot to kill? Why?	Shumaker	Pending
49. How often do FCPD officers review UOF guidelines? Is there a written and practical (simulator) exam? How often? Do any fail? How are they remediated?	Shumaker	Pending
50. Does an officer under investigation retain his firearm?	Shumaker	Pending
51. What metrics does FCPD employ for UOF? See p. 19.	Shumaker	Pending

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http://www.cops.usdoj.gov/pdf/taskforce/interim_tf_report.pdf		
52. p. 19 Not only should there be policies for deadly and nondeadly uses of force but a clearly stated “sanctity of life” philosophy must also be in the forefront of every officer’s mind.	Shumaker	Pending
53. p. 21 item 2.2.1 and 2.2.2 (who & how to investigate officer-involved shootings resulting in injury or death, or in-custody deaths)	Shumaker	Pending
54. p. 22 item 2.2.3 - 2.2.6 & 2.3	Shumaker	Pending
55. p. 45 item 4.4 How does FCPD do this?	Shumaker	Pending
56. p. 91 recommendation 2.2 and associated action items	Shumaker	Pending
57. Would body worn camera have expedited investigation of any officer-involved shootings in Fairfax? How?	Shumaker	Pending
From Police Executive Research Forum’s <i>An Integrated Approach to De-Escalation and Minimizing Use of Force</i> :		
58. Does FCPD have CIT? How many? Crisis Intervention Team (CIT) model was first developed in Memphis in 1988 following a tragic incident in which a Memphis police officer shot a mentally ill man. The police department teamed up with local mental health experts, advocates, and academics to design a comprehensive plan for police training and policies for managing individuals with mental illness. The model was successful, and other police departments began implementing their own CIT programs.	Shumaker	COMPLETED (Posted on June 17 th)
59. Is there an SOP for a Sgt to arrive at the scene and take charge?	Shumaker	COMPLETED (Posted on June 17 th)
I recall that at our 5/20 mtg something was said about sharing/posting the UOF cases shown on p. 2 of http://www.fairfaxcounty.gov/policecommission/subcommittees/materials/use-of-force-statistical-summary.pdf		
60. If my memory is wrong, I'd like the FCPD to provide those cases and similar ones back to 2006 which is the period specified in our Scope of Work.	Shumaker	COMPLETED (Posted on June 17 th)
61. For 2006-15, how many UOF cases resulted in each type of Administrative Discipline shown across the top of the table on p. 8? Please add a column showing for 2006-15, how UOF incidents there were each year and how many were investigated by IAD?	Shumaker	Pending
62. Why does the above report state on p. 2 that there	Shumaker	Pending

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were 10 suspensions in 2013, but the table on pp. 8-9 shows a total of 20? Perhaps the answer is the * on p. 9. If so, it indicates that some suspended officers violated UOF in 2 or more categories.		
63. I'd like an explanation of the second table on p. 9. Is it saying one civilian was suspend for UOF? What are the details as to why one officer was terminated?	Shumaker	Pending
64. How many FCPD officers are married or related to attorneys in the Commonwealth Attorney's office?	Shumaker	COMPLETED (Posted on June 17 th)
65. We need a copy of SOP 06-925. It would also be helpful if FCPD clarified whether conductive energy devices (CED) = Conducted Energy Weapons (CEW). [Rationale: per p. 13 of Gen'l Order 540.1 - "Conducted Energy Weapons are designed to offer the police officer an alternative to physical force in many situations. The use of the CEW is regulated by SOP 06-025."]	Shumaker	Pending
66. Sounds like the definition of barricade would permit SWAT action short of a known, unarmed suspect in the open. <ul style="list-style-type: none"> ▪ As defined by SWAT: BARRICADE "A person who uses any shelter, conveyance, structure, or building as a barrier against law enforcement and refuses to exit and submit to lawful authority. A person who is known or believed to be armed and in a position of hiding and refuses to submit to lawful authority." ▪ Does standing behind a closed screen door inside one's home constitute a "barrier" under the definition of "barricade"? ▪ How is "lawful authority" defined for a barricade and where? ▪ 1st sentence is mute on weapon. So, if I don't open my door to someone who claims to be FCPD, but unknown to me is, am I a barricade candidate? 2nd sentence mentions being armed. Does being armed make a difference? 	Shumaker	

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<ul style="list-style-type: none"> ▪ What constitutes being armed in the barricade definition? Does a knife constitute being armed? If so, then any person who refuses to exit their home or allow FCPD entry could be considered potentially armed, i.e., knives in kitchen and therefore justify SWAT. ▪ The definition of “barricade” in the SWAT SOP is different than the one used in the draft GO distributed at the 06/03/15 meeting; which is operable? ▪ For example, “open field” is in the draft GO, but not the SWAT SOP. How can a barricade situation be in an open field? 		
67. Can FCPD post its policies regarding officers going out on or staying on patrol who are experiencing stress in their domestic life that could impact their performance on patrol?	Shumaker	
68. Why did FCPD allow its internal Use of Force Committee to become dormant circa 2012? Who and on what date decided to revive it? Why? When will it be revitalized?	Shumaker	
69. What is the written Commonwealth or County directive that made past internal Use of Force Committee written reports “sensitive” and in need of “a determination made of how much, if anything, can be provided to the Subcommittee for review” according to Mr. Ryan? Are there Use of Force Committee written reports we can’t see? Who made that determination? By what and whose authority would anything be redacted that’s given to us?	Shumaker	
70. “Mr. Ryan said psychological effects on involved officers of seeing the public retelling of the event is a factor in considering release of this information.” Weren’t most of the UOF cases reported in open source media which suggests the psychological effects have already been experienced? How will the officer in the report know we’re looking at a report about him? Why does he right (to what	Shumaker	

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exactly?) trump the right of the public to know? Is there a law barring the UOF subcommittee or public from seeing them? Does the public have a right to know what its employees are doing?		
71. Why does FCPD uniformly distribute Tasers to all stations rather than those with the most incidents of UOF? Why does FCPD not require that all Tasers at each station that can be issued on each shift are issued?	Shumaker	
1. It would be very helpful to have the presentation we had at the last meeting, but about a specific case and the details involved. In the case of David Masters, it appears the case is closed and it would be appropriate to understand the investigation step by step through this particular case.	Kim	COMPLETED (Posted on June 17 th)
2. Can we see everything involved in at least one closed case, the incident reports, the investigation reports, etc. all of the documents that parallel the documents ordered released in the Geer case. What video exists? Other evidence? Again, it appears the Masters case might be a good case study. What can we see?	Kim	COMPLETED (Posted on June 17 th)
3. Was the video released in the Masters case the only video? It appeared that another patrol car would have had a better view of the final moments of the event.	Kim	COMPLETED (Posted on June 17 th)
4. Are all police cars equipped with dashboard cameras at this point? How is the video triggered? Does it run continuously? When is it reviewed?	Kim	COMPLETED (Posted on June 17 th)
5. What are the policies, standard operating procedures, concerning giving chase?	Kim	COMPLETED (Posted on June 17 th)
6. How do officers and supervisors evaluate the risk to the public when chasing a suspect? Can there be any real time feedback? What about drawing guns in traffic/public/when people are present? Lunchtime on Richmond Highway seems like a circumstance where you would give chase or draw guns only in extreme circumstances, like the kidnapping of a child. This is a screenshot from the video: http://www.connectionnewspapers.com/photos/2015/may/13/74239/	Kim	COMPLETED (Posted on June 17 th)
7. Who is making the choices about how the police department and the county communicate with	Kim	COMPLETED (Posted on June 17 th)

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families of people who have been affected by police use of force? Written policy vs discretion?		
Information I assume we will receive:		
8. A list of all police involved incidents that resulted in death or injury that includes the date of the incident, a summary of the events and outcome (since 2006).	Kim	COMPLETED (Posted on June 17 th)
9. A timeline of information released, plus an explanation of why certain kinds of information were and weren't released.	Kim	COMPLETED (Posted on June 17 th)
10. Policy what information is made public in general. History and epistemology of the FCPC communications policy. Exactly what is it? (I assume this will come in communications committee)	Kim	COMPLETED (Posted on June 17 th)
11. Who does the Chief of Police report to? Under what circumstances does he need to communicate with superiors about use of force and the ongoing investigation? What did the Board of Supervisors know and when did they know it?	Kim	COMPLETED (Posted on June 17 th)
12. Question about the statement that accompanied the release of the name of the officer who shot John Geer. In January 2015, this statement still asserts the explanation of the shooting officer, even though documents ordered released by the court show that four other officers agreed with each other and disagreed with the shooting officer. Why does the statement repeat the assertion that Geer lowered his hands?	Kim	COMPLETED (Posted on June 17 th)
1. From the 05/20 th meeting, "Are there parts of the PD that have staffing shortages?" The answer is "No response offered." Can we get a response to this?	Smith	Pending
2. Related to the above question is a two part question: How many officers are assigned to the unit (whatever its name) responsible for investigation of police shootings (I'm assuming obviously that there is one) and what is their usual length of assignment there? How many officers are assigned to Internal Affairs and what is the usual length of assignment there?	Smith	Pending
3. In connection with Mr. Shumaker's chart on Preparedness Cycle, does the PD have a separate unit whose function it is to follow the needed changes and	Smith	Pending

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<p>evaluate policies after they have been adopted by FCPD?</p> <p>For example, the FBI has a Critical Incident Response Division which, among other things, evaluates critical incidents in terms of tactics; the Bureau (at least used to) an Office of Planning & Evaluation which looked more at what I think is the type of planning to which Mr. Shumaker refers. It is this latter function to which I refer as to whether the FCPD has an office for such evaluation.</p>		
<p>4. Attached is a PDF copy of an article from the Sunday, May 31, 2015 Outlook Section of the Washington Post called "Five Myths." Does FCPD agree or disagree with the claims made in this article?</p>	Smith	Pending
<p>1. The issue of access by the Subcommittee (and the full Commission) to the IAB and CIB reports for the closed "high visibility" UOF incidents which have been identified needs to be resolved in a way that is consistent with the VFOIA but still allows us to fully understand what happened in those situations so that we can evaluate whether policies changes should be considered and recommended.</p> <p>As I mentioned, the example of Dr. Culosi could provide valuable information on the decision to use SWAT and the manner in which weapons were held as the attempted service of the warrant proceeded. I spoke with Deputy Chief Ryan about the issue after the meeting, and he said that he would look into how we could resolve the issue and provide access, but we need to follow up timely.</p> <p>Maybe, if the full reports can't be made available, then redactions could be made as necessary to protect confidential sources and the like before release. These are all closed cases so there would be no administrative or criminal proceedings that would still be ongoing. Synopses of the reports are not sufficient.</p>	Steele	Pending
<p>2. As to SWAT, some have questioned why SWAT was used recently in Great Falls in connection with a</p>	Steele	Pending

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gambling situation involving a high stakes poker game. I don't think that we have ever asked about that, and it seems that we should understand why SWAT was used given that it would appear to be a low risk situation in terms of possible violence or resistance.		
1. Is there is annual FCPD climate survey to monitor the operating culture, including police officer attitudes about their work or if there are issues about which they are concerned?	Niedzielski-Eichner	Pending

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<p>1. Here's the link to the County Internal Audit Office's final report entitled "Police Dept Administrative Investigation Process Audit" of April 2013. It is all we have until the PERF report arrives. http://www.fairfaxcounty.gov/audit/pdf/reports/2013reports/12-10-02_pd_final_report.pdf</p> <p>High points for UOF subcommittee members:</p> <ul style="list-style-type: none"> ▪ Page 1: FCPD has 7 sworn officers for a force of 1360 officers; a ratio of 1:194. App. A shows that's 33% above the average in 24 comparable PDs where it was 1:146 ▪ Page 1: FCPD % of allegations sustained was 49% (2010) & 47% (2011) vs. average of 39.1% for 24 other PDs. ▪ Page 2: FCPD didn't use an early identification system. See also recommendation on p. 6-7. How many times had complaints been made against Pfc Torres or how many times had he been involved in UOF before killing Geer? Had Pfc Torres been flagged by FCPD in any way before killing Geer? ▪ Page 3: see four bullets on "areas identified for improvement" for FCPD. ▪ Pages 5-8 contain detailed Findings & Recommendations. How has FCPD addressed each? ▪ Page 5 at the end of paragraph 2 seems to say FCPD asked to have six "judgmentally selected" UOF shootings reviewed but upon advice of County Attorney's Office that didn't happen. Ask the County Attorney's Office (CAO) to (1) explain to the UOF sub-committee (1) its answer to the Internal Audit Office (IAO) and (2) whether CAO sees any circumstances where IAO can review any UOF cases. Was CAO's answer binding on IAO or advisory? Did IAO understand that? ▪ App. B - Introduction, #6, #7, #11, #15b (FCPD should show the UOF subcommittee a policy document explaining the role and membership of its "special investigative team." Gen'l Order 5401 doesn't list all these team members; it cites only IAD and Major Crimes Division - see B4 on p. 5 of 540.1), #15c, #16, #18. <p>Recommendation to UOF subcommittee: FCPD should address the status, as of 2015, of the Findings & Recommendations in the Audit.</p>	Shumaker	TBD
<p>2. UOF cases spreadsheet (sample attached). Create a separate entry for each use of deadly force, use of less-lethal force, & use of non-lethal force. Show:</p> <ul style="list-style-type: none"> ▪ date of UOF 	Shumaker	TBD

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<ul style="list-style-type: none"> ▪ Officer’s name or pseudonym (if more than one office implicated then create a separate row with the data for that officer) ▪ Name of supervisors (not just job titles in separate cells) associated with each officer so it's clear the supervisory chain of command for each officer in each incident all the chief recommendation/determination by each supervisor in chain of command ▪ MCD recommendation ▪ Judicial outcome ▪ IAD recommendation ▪ “yes” if deadly force, less-lethal force, or non-lethal force used ▪ what kind of force was used: pistol, rifle, baton, etc. ▪ first name of the person of interest (POI) ▪ surname of the POI ▪ Indicate for each officer any specific prior complaints (cite row number(s)) or if s/he used different types of UOF and provide details. <p>Recommendation to UOF subcommittee: Ask the FCPD to advise the UOF subcommittee of the feasibility and timeline to populate the spreadsheet from 2006-present, perhaps populate it with the 10 most recent incidents, then let the UOF subcommittee review that data and make any adjustments before compiling all data from 2006-present.</p>		
<p>3. Department of Justice report on Use of Force by Fairfax County PD. Given the delays in PERF report and the success of DOJ in reviewing various PDs, it may be prudent to ask DOJ for such a review. Media reports of the killing of Mr. Geer indicated that five officers saw no reason to kill him. Thus the actions of one officer are besmirching the reputation of the others. One might wonder why the supervisors, through the chief, allow such situations to fester. According to the AP, the Mayor of Baltimore asked for a DOJ review of the city’s PD. http://www.washingtontimes.com/news/2015/may/7/baltimore-mayor-wins-praise-for-seeking-federal-po/ Meanwhile, the ACLU is suing FCPD over collection of license-plate data which is again a leadership decision.</p> <p>Recommendation to UOF subcommittee: That we consider recommending a DOJ review and report on Use of Force by FCPD.</p>	Shumaker	TBD
<p>4. On May 6, the UOF subcommittee voted against establishing a</p>	Shumaker	TBD

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<p>Serious Incident Review Board. Upon reviewing the <u>Interim Report of the President’s Task Force on 21st Century Policing</u> I found on p. 22: “2.2.6 ACTION ITEM: Law enforcement agencies should establish a Serious Incident Review Board comprising sworn staff and community members to review cases involving officer involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency. The purpose of this board should be to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed.”</p> <p>Recommendation to UOF subcommittee: In view of this information, we should reconsider our vote.</p>		
<p>5. The following quotes come from a 5/13/15 <i>Wall Street Journal</i> book review by Howard Schultz, chairman and CEO of Starbucks Coffee Co. Text in [Bold] suggests how points made in <u>Team of Teams</u> may be relevant to the UOF subcommittee.</p> <p>“<u>Team of Teams</u> shows how civilian organizations, from [Relevance: FCPD to] hospitals to corporations, can benefit from Gen. McChrystal’s recommendations. The book, co-written with two former Navy SEALs and a former student of Gen. McChrystal’s leadership course at Yale, combines a compelling war story with insights from history and lessons from the military’s transformation under Gen. McChrystal.</p> <p>“How, for instance, should leaders today adapt their thinking for our “information-rich, densely interconnected” world? Any executive with a smartphone knows that mobile devices, digital technologies and social networks have shifted power from the few to the many. Today 140 characters tweeted from someone’s living room can ignite a revolution, eviscerate a stranger’s reputation or hijack a company’s well-intended message.</p> <p>“For leaders, this means a shift in focus. We must...become more comfortable sharing information, and thus “sharing power,” with our own people, with our customers and even with our critics. Gen. McChrystal’s effort to “normalize sharing” among people used to secrets—his daily video conferences reached hundreds of military personnel—made our troops more informed so they could “connect dots on the fly” and make life-saving decisions.</p>	Shumaker	TBD

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<p>[Relevance: Has the Chief of Policy shared UOF lessons learned from the deaths caused by FCPD officers within FCPD to prevent recurrence? Which shootings? What lessons were implemented from each case? How quickly did officers receive those lessons?]</p> <p>“Today’s leader, the authors write, must transition from an “all-knowing puppet master” to an “empathetic crafter of culture.”</p> <p>[Relevance: What is the UOF culture within FCPD?] Defining and maintaining guiding principles—basically, why a company exists, other than to make a profit—is as important as any growth strategy.... Gen. McChrystal discusses at length the importance of transparency and trust within a large organization. “A leader’s words matter,” he writes, “but actions ultimately do more.”</p> <p>[Relevance: Aside from the Masters case raised by Commissioner Kimm, another case the UOF subcommittee should examine involves Officer Mohamed Oluwa, who killed a homeless man on Rte 1 a couple of months after the Geer killing.]</p> <p>[Recommendation: We should review the Oluwa MCD or CIB and IAD investigations.]</p> <p>“By 2006, Gen. McChrystal’s task force had evolved into “a new command for a new age.” Yet three years later, in 2009, he told “60 Minutes” from his base in Afghanistan that “we must change the way we think, act and operate.” In other words, modern leaders should never embrace the status quo but constantly seek to redefine it. “Feeling comfortable or dodging criticism should not be our measure of success,” Gen. McChrystal contends in his book. I could not agree more.”</p>		
<p>6. Background/Position: Gen’l Order 540.1 doesn’t meet Supreme Court ruling. In the 1989 case Graham v. Connor, the Supreme Court decided that an “objective reasonableness” standard should apply to claims of excessive use of force by police officers.</p> <p>The decision states that “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.”</p>	Shumaker	Pending

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<p>US Senate Sgt-at-Arms Terry Gainer told PERF, “Because Graham v. Connor requires the actions to be objectively reasonable, not merely reasonable in the officer’s own mind, this decision makes these situations a bit more complicated for us.”</p>		
<p>7. Position: We should [benchmark] FFX Co. against other PD that have [history] of police shooting citizens. Consider UOF by Arlington, Alexandria, Fairfax City, Fairfax Co. Sheriff, other local PDs, and the San Jose, CA, PD.</p>	Shumaker	TBD
<p>8. Position:</p> <ul style="list-style-type: none"> • Screening: Improved initial screening of candidates and periodic evaluation. Cops tend to get cold and callous as time goes by and require period screenings to ensure they maintain the integrity and impartiality that they demonstrated upon initial hire. • Judgmental: A lot of talk about muzzle control & trigger finger positioning in the attached, but no mention of judgmental education, training, and practice. • Accountability: Investigations must be via outside agency (DOJ, FBI, other) with visibility by members of a citizen board of review. This will limit the possibility of self-protectionism on the part of the police and ensure transparency to the public / press. 	Shumaker	NA
<p>9. Position: Tactical Disengagement is an Essential Tool.</p> <p>Traditionally, we haven’t trained our officers to walk away from a situation. We haven’t trained them to think, “If I make a decision to walk away and nothing happens, I’ve resolved the situation.”</p>	Shumaker	NA
<p>10. Position: Officers Come Out of the Academy With a Bias Toward Using Force.</p> <p>We have found that by the time officers leave their academy training, they’re already more prone to want to use force to resolve any kind of situation rather than talk to people.</p>	Shumaker	NA
<p>11. Suggested addition to the reading/listening list:</p> <ul style="list-style-type: none"> ▪ DOJ Community Policing recommendations, use of deadly force, Las Vegas, October, 2012 ▪ http://www.cops.usdoj.gov/pdf/e10129513-Collaborative-Reform-Process_FINAL.pdf 	Kim	NA

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<p>Are we asking the right questions? When we ask for current policies or standard operating procedures, are those the correct words? Are there any other things we should be asking for? Are we in a situation where later police will say that the real guiding principles are contained in Document ABC123, but that's not what we asked for?</p>	<p>Kim</p>	<p>TBD</p>
<p>During the last meeting of the Use of Force Subcommittee questions were raised related to training of SWAT, use of force in general, and what I perceived as a desire to know what is the source that establishes the approach and/or need for training.</p> <p>I went to the state website and downloaded the information for law enforcement training (all available on line/ or to print) for law enforcement officers. There are mandated topics that are required of "training academies" on the how and why matters are taught. Specifically use of force, firearms, electronic immobilization devices, chemical munitions, etc.</p> <p>This may provide an historical background for some members allowing the committee to move forward on the issues at hand.</p>	<p>Moncure</p>	<p>NA</p>