

Annual Report of
the Fairfax County
Independent Police Auditor

2023



Richard G. Schott
Independent Police Auditor

2023 Annual Report of the Fairfax County Independent Police Auditor

Publication Date: March 1, 2024



A Fairfax County, Va., Publication

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

www.fairfaxcounty.gov/policeauditor

Contact Us: IPAPoliceAuditor@fairfaxcounty.gov

To request this information in an alternate format, call 703-324-3459, TTY 711.

TABLE OF CONTENTS

SECTION I: OVERVIEW	1
SECTION II: INDIVIDUAL CASE REVIEWS	2
Active Caseload During 2023	2
Cases to be Reviewed Retroactively by the IPA.....	3
Case Reviews Closed During 2023	4
Active Case Reviews to Rollover to 2024	6
Status of OIS Case Reviews	6
SECTION III: NEW OIPA PROCEDURES	9
Procedure on Intake of Cases and Public Reporting	9
Procedure on Monitoring and Reviewing Activities	9
SECTION IV: POLICY REVIEW & RECOMMENDATIONS	10
IPA Input on PERF Recommendations on Officer-Involved Shootings.....	10
IPA Input on Reform Matrix Work Group Action Plan.....	12
SECTION V: OTHER OIPA ACTIVITIES IN 2023	14
Support to the Panel and the Office of the Police Civilian Review Panel	14
Community Outreach.....	15
Professional Development.....	16
SECTION VI: CITIZEN COMPLAINTS TO THE FCPD	17
SECTION VII: ANTICIPATED 2024 ACTIVITIES	19
APPENDICES	
APPENDIX A: OIPA Cases Opened in 2023.....	A1
APPENDIX B: OIPA Cases Active in 2023.....	A2
APPENDIX C: OIPA Retroactive Cases Started in 2023	A3
APPENDIX D: OIPA Active Cases Ongoing at End of 2023	A4
APPENDIX E: OIPA Case Status: FCPD Officer-Involved Shootings	A5

SECTION I: OVERVIEW

The Office of the Independent Police Auditor (“OIPA”) was established by the Fairfax County Board of Supervisors (“BOS”) on September 20, 2016,¹ in response to recommendations from the Ad Hoc Police Practices Review Commission² and became operational on April 17, 2017. OIPA’s mission is to bolster trust between the citizens of Fairfax County and the Fairfax County Police Department (“FCPD”) by providing accountability, fairness, transparency, and trust in the complaint system and investigative process.

The Independent Police Auditor’s (“Auditor”) responsibilities include monitoring and reviewing the administrative investigations conducted by the FCPD Internal Affairs Bureau (“IAB”) into officer-involved shootings, in-custody deaths, and use of force cases in which an individual is killed or seriously injured.

The Auditor also monitors and reviews FCPD administrative investigations of public complaints of use of force (“UOF”)³ and coordinates with the Office of the Police Civilian Review Panel (“OPCRP”)⁴ to provide an accessible, safe, impartial, and responsive intake venue for complaints against the Fairfax County Police Department and its employees. Citizen complaints concerning use of force are exclusively handled by the OIPA, while complaints concerning allegations of serious misconduct and abuse of authority by the FCPD are exclusively handled by the OPCR and the Police Civilian Review Panel (“Panel”).

The Auditor reviews FCPD administrative investigations to determine their thoroughness, completeness, accuracy, objectivity, and impartiality, and issues a public report following each review with his findings. When warranted, the Auditor provides in his public reports any recommendations on changes to FCPD policies, training, and practices based on individual

¹ [Board of Supervisors September 20, 2016 Meeting](#)

² [Ad Hoc Police Practices Review Commission](#)

³ Use of Force investigations which are subject of a public complaint made to the FCPD or to the Auditor and which meet the definition of police use of force as incorporated in Police Department General Orders (“G.O.”) as of the date of the UOF.

⁴ In February 2022, the Office of the Police Civilian Review Panel (“OPCRP”) was established to provide direct support to the Panel and operate autonomously from the OIPA.

reviews. The OIPA also produces reports on FCPD policy recommendations, trend analyses, or data reviews, in addition to its annual report.

This Annual Report provides a description of key OIPA activities that occurred during 2023 with an emphasis on individual case reviews, complaint intake, recommendations made by the Auditor, and the resumption of administrative support provided to the OPCRP.

SECTION II: INDIVIDUAL CASE REVIEWS

In 2023 the OIPA opened 27 new cases encompassing incidents that occurred in 2019 (1), 2021 (1), 2022 (7), and 2023 (18).⁵

- The OIPA opened 5 new cases automatically due to the nature of the incident in 2023. Three (3) of these were officer-involved shootings (“OIS”). One was a serious injury case and one was the death of an individual while in the custody of the FCPD.
- The OIPA opened 22 new cases resulting from public complaints submitted during 2023. These new complaints included 16 complaints that were originally submitted to the FCPD and then forwarded to the IPA due to the excessive force allegations, and 6 complaints that were submitted directly to the OIPA from the public. Of the 6 complaints of excessive force submitted directly to the OIPA, 5 also included non-use of force allegations⁶ that fall under the authority of the Panel and were, therefore, processed concurrently by the OIPA and the OPCRP.

Active Caseload During 2023

The OIPA had a total of 41 active cases during the calendar year of 2023.⁷ The majority of the active cases (30) were being monitored by the Auditor, meaning that at the time of the incident—or shortly thereafter—the IPA was able to provide immediate feedback and/or

⁵ See Appendix A: OIPA Cases Opened in 2023.

⁶ The Panel processes complaints alleging serious misconduct or abuse of authority.

⁷ See Appendix B: OIPA Cases Active in 2023.

recommendations, as warranted, to the FCPD concerning the ongoing FCPD investigations. Eleven (11) active cases were being reviewed by the IPA as the FCPD's investigation had already concluded by the time it was received by the OIPA.

- Including the new cases opened in 2023, a total of fourteen (14) investigations were monitored automatically by the OIPA during 2023 including: 10 officer-involved shootings, one officer-involved shooting of a domesticated animal, 2 deaths of individuals while in the custody of the FCPD, and one serious injury case.
- Including the complaints submitted during 2023, the OIPA had a total of 27 FCPD active investigations into complaints of uses of force, 20 of which were submitted to the FCPD, and 7 of which were submitted to the OIPA. The type of allegations in these complaint cases included takedowns (6), assaults (5), forces to cuff (3), brandishing of firearms (2), grabbing/holding (2), being struck (2), being dragged (1), use of an electronic control weapon ("ECW") (1), and a push (1). Seven individuals alleged excessive force or injury but did not provide specific details about the type of force used on them.

Cases to be Reviewed Retroactively by the IPA

In April 2023, the IPA requested the FCPD's Internal Affairs Bureau ("IAB") to conduct a query of all use of force incidents between 2017-2022 wherein a complaint was made regarding the use of force. The department determined and shared with OIPA in May 2023, that there were 39 such matters that had not previously been provided to the OIPA.⁸ The majority involved a complaint of injury and/or minor use of force wherein the allegation of excessive force was secondary to, or combined with, a separate complaint. While all 39 of the newly discovered complaints had been made to the FCPD between 2018–2022, 35 of them dated back to incidents which occurred between 2017-2021, with 4 having occurred in 2022.

The FCPD has since improved its querying of use of force complaints and taken additional steps to prevent cases from being overlooked in the future. IAB staff proactively sends OIPA monthly reports on all use of force complaints for OIPA to track alongside its active caseload. The

⁸ See Appendix C: OIPA Retroactive Cases Started in 2023.

improved awareness to these matters is evident in the number of total new use of force complaints to the FCPD that were referred to OIPA for review in 2023. Below is a chart that summarizes the number of use of force complaints referred to OIPA since its inception.

Year	FCPD Complaints Referred to OIPA by Year	FCPD Complaints Referred Retroactively in 2023	Total FCPD Complaints Referred
2017	0	1	1
2018	8	11	19
2019	4	13	17
2020	3	8	11
2021	3	2	5
2022	4	4	8
2023	16	0	16
All Years	38	39	77

Case Reviews Closed During 2023

In 2023, the OIPA published 6 Incident Reports and 3 Summary Memos on incidents that occurred during 2020 (2), 2021 (2), 2022 (4), or 2023 (1). In 8 of the 9 reports and memos published during 2023, the IPA found the FCPD investigation met the standards of being complete, thorough, accurate, objective, and impartial. In one summary review⁹, the IPA did not address whether the investigation was complete, thorough, accurate, objective, and impartial because a very limited administrative investigation determined—and the IPA concurred—that the officer was “exonerated by technology”¹⁰ based on viewing body-worn camera (“BWC”) footage of the incident. The BWC footage revealed that no force had been used during the individual’s arrest; rather, she was merely placed in handcuffs as a restraint due to her arrest.

⁹ IPA-23-12.

¹⁰ FCPD General order 301 XII. B. 3. provides that a finding of “exonerated by technology” is appropriate when “an initial review reveals that an allegation can be quickly dispelled by available technology, to include Body Worn Camera (BWC), In-Car Video (ICV), or other available audio/visual recording(s).”

Below is a chart that summarizes the case reviews that were completed in 2023.

OIPA Case #	Incident Date	Incident or Allegation Description	Initiated By	IPA Review Start Date	Report/Memo Date
IPA-20-02	1/28/2020	OIS	Automatic	1/29/2020	1/11/2023 Report
IPA-20-10	12/17/2020	OIS	Automatic	12/18/2020	1/11/2023 Report
IPA-22-01	1/4/2022	OIS	Automatic	1/4/2022	4/28/2023 Report
IPA-22-05	11/14/2021	UOF (Strike)	Complaint to FCPD	1/6/2022	2/3/2023 Memo
IPA-22-07	6/30/2022	OIS	Automatic	6/30/2022	8/29/2023 Report
IPA-22-09	7/9/2022	UOF (Brandished Firearm)	Complaint to OIPA	7/11/2022	6/6/2023 Report
IPA-23-03	3/15/2021	UOF (Assault Allegation)	Complaint to OIPA	4/17/2023	6/16/2023 Report
IPA-23-12	8/19/2022	UOF (Excessive Force)	Complaint to FCPD	8/28/2023	9/11/2023 Memo
IPA-23-15	7/17/2023	UOF (Assault Allegation)	Complaint to FCPD	8/1/2023	12/15/2023 Memo

KEY:

- OIS – Officer-Involved Shooting
- ICD – In-Custody Death
- UOF – Use of Force

In addition to publishing reports, the Auditor summarizes his incident reports to the Panel, so that Panel members can ask clarifying questions about his findings and recommendations regarding FCPD use of force incidents. While the Panel does not itself conduct reviews of use of force incidents, the Panel is authorized to discuss the results of the IPA’s reviews and consider whether it wants to make recommendations to the FCPD or to the BOS regarding use of force policies and practices. The Auditor presented his reports, and the findings therein, to the Panel during Panel meetings on January 5, March 16, August 3, and November 2, 2023.

Active Case Reviews to Rollover to 2024

The OIPA will rollover 71 active case reviews into 2024.¹¹

- Eight (8) cases opened in 2022 were not completed during 2023 and will continue into 2024. These cases include: 3 officer-involved shootings,¹² 1 in-custody death,¹³ 1 officer-involved shooting of a domesticated animal,¹⁴ and 3 complaints of force from incidents occurring in 2021.
- Twenty-four (24) cases that were opened in 2023 were still underway at the end of year and will continue into 2024. These include: 3 officer-involved shootings,¹⁵ 1 in-custody death,¹⁶ 1 death/serious injury case,¹⁷ and 19 complaints of force.
- Thirty-nine (39) retroactive complaint cases that were added to OIPA's caseload in May 2023 will be addressed in 2024.

These OIPA reviews will continue during 2024 and public reports will be issued as they are completed.

Status of OIS Case Reviews

Since OIPA became operational in 2017, there have been 15 FCPD officer-involved shootings.¹⁸ To date, the Auditor has conducted and completed reviews of 9 shootings that occurred in 2017 (1), 2018 (1), 2019 (1), 2020 (2), 2021 (1), and 2022 (3). The Auditor continues to monitor and review the investigations that are ongoing in 3 OISs that occurred in 2022 and 3 that occurred in 2023. The chart below provides a summary of all 15 officer-involved shooting investigations that the Auditor has or is currently reviewing since the inception of the office in 2017.

¹¹ See Appendix D: OIPA Active Cases Ongoing at End of 2023.

¹² IPA-22-08, IPA-22-10, and IPA-22-11.

¹³ IPA-22-12.

¹⁴ IPA-22-13.

¹⁵ IPA-23-01, IPA-23-02, IPA-23-08.

¹⁶ IPA-23-18.

¹⁷ IPA-23-20.

¹⁸ See Appendix E: OIPA Case Status: FCPD Officer-Involved Shootings. In addition, there have been 3 FCPD officer-involved shootings of domesticated animals since 2017.

OIPA Case #	Incident Date	Description	Location	Review Start Date	Report/Memo Date
IPA-17-01	1/16/2017	Caller reported being shot in townhome; potential hostage	Covered Wagon Lane, Herndon	4/25/2017	1/28/2018 Report
IPA-18-01	3/15/2018	Caller reported discharge of firearm in residence; suicide threat	Hunter Road, Fairfax	3/15/2018	6/20/2019 Report
IPA-19-07	10/21/2019	Caller reported domestic violence and person shot; potential hostage	Wicklow Drive, Burke	10/22/2019	7/30/2021 Report
*IPA-20-02	1/28/2020	Execution of search warrant at residence	Lee Landing Drive, Falls Church	1/29/2020	1/11/2023 Report
*IPA-20-10	12/17/2020	Caller reported shots fired in apartment; hostage	Peach Orchard Drive, Falls Church	12/18/2020	1/11/2023 Report
IPA-21-03	7/19/2021	Caller report suicide threat and threats to kill others inside group home	Gosport Lane, Springfield	7/19/2021	8/2/2022 Report
*IPA-22-01	1/4/2022	Domestic call for service; execution of Emergency Custody Order (ECO)	Briarton Drive, Sully District	1/4/2022	4/28/2023 Report
IPA-22-02	2/15/2022	Caller reported a suspicious vehicle and person	Fitt Court, Lorton	3/3/2022	11/30/2022 Report
*IPA-22-07	6/30/2022	Execution of arrest warrant by Summer Crime Initiative unit in shopping mall parking lot	Springfield Town Center, Springfield	6/30/2022	8/29/2023 Report
IPA-22-08	7/7/2022	Caller reported a man in crisis inside home	Arbor Lane, McLean	7/8/2022	<i>In process</i>
IPA-22-10	8/2/2022	Street Crimes Unit traffic stop; narcotics investigation	Arlington Blvd./Patrick Henry Dr., Falls Church	8/3/2022	<i>In process</i>
IPA-22-11	10/6/2022	Vehicle pursuit to assist Arlington County Police Department	Arlington Blvd./Graham Rd., Falls Church	10/6/2022	<i>In process</i>

OIPA Case #	Incident Date	Description	Location	Review Start Date	Report/Memo Date
IPA-23-01	2/22/2023	Foot pursuit after asset protection report of shoplifting at mall	Tysons Corner Center, McLean	2/22/2023	<i>In process</i>
IPA-23-02	4/5/2023	Assist Virginia State Police in vehicle pursuit starting in Fairfax County	I-95 in Prince William County	4/14/2023	<i>In process</i>
IPA-23-08	5/11/2023	Pedestrian stop; stolen U-Haul investigation	Richmond Highway, Alexandria	5/11/2023	<i>In process</i>

*** indicates a case review completed in 2023**

In the 9 shootings reviewed to date, the Auditor found that the FCPD investigations were thorough, complete, accurate, objective, and impartial. He made recommendations in two of his reviews of officer-involved shootings (IPA-17-01 and IPA-21-03) which were reviewed in previous years.

In the four OIS investigation reviews published in 2023 (IPA-20-02, IPA-20-10, IPA-22-01, IPA-22-07), the Auditor did not make any recommendations for policy changes. It is worth noting, however, that the FCPD revised its policy on use of force (General Order 540) twice since the two OIS incidents (IPA-20-02 and IPA-20-10) that occurred in 2020 and once since the two OIS incidents (IPA-22-01 and IPA-22-07) that occurred in 2022. The Auditor reviewed both draft policies before the revisions were implemented, and he provided his independent input for inclusion in the revised policies.

SECTION III: NEW OIPA PROCEDURES

Procedure on Intake of Cases and Public Reporting

In response to the May 2023 discovery of the backlog of cases, the OIPA instituted a new procedure in September 2023 on case intake, and to document how it prepares reports on the IPA's review of incidents.¹⁹

The OIPA is mandated to issue a “public report with respect to each reviewed investigation” as set forth in the Action Item²⁰ which established the OIPA. The OIPA issues two types of public reports based on reviews of incidents and internal investigations.

- Incident Reports are issued for use of force incidents resulting in death or serious injury; in-custody deaths; officer-involved shootings; and for complaints of force submitted directly to OIPA.
- Summary Memos will be completed for complaints of force when technology (e.g., BWC footage) reveals there was no use of force; for complaints of pointed firearms; and for complaints to the FCPD that are not provided to the OIPA until more than two calendar years after the complaint is made.
- The OIPA will not review, nor provide a report for, complaints of (non-serious) injuries where there is no complaint about the force used; administrative investigations into FCPD uses of force, which are not subject to a public complaint; non-specific complaints, that cannot be clearly defined or related to a use of force, even if force is used during the incident.

Procedure on Monitoring and Reviewing Activities

In November, 2023, the OIPA memorialized its activities related to monitoring and reviewing FCPD administrative investigations in a new procedure.²¹ The procedure specifies that the IPA

¹⁹ See [OIPA Procedural Memorandum 04: Case Intake and Public Reports](#).

²⁰ [BOS Action Item 15, September 20, 2016](#).

²¹ See [OIPA Procedural Memorandum 05: Monitoring and Reviewing Investigations](#).

monitors cases that are opened automatically (i.e., use of force resulting in serious injury or death, officer-involved shootings, and in-custody deaths) and complaints submitted by the public to the FCPD or OIPA that have not yet been investigated. The procedure describes how cases are received and the activities the IPA engages in when reviewing or monitoring investigations in order to reach conclusions. This procedure was presented at the Panel’s December 7, 2023, meeting so that the Panel could consider expanding their authority to include monitoring certain FCPD investigations.

SECTION IV: POLICY REVIEW & RECOMMENDATIONS

The OIPA makes public recommendations—based on individual incident reviews or independent of any individual incident review—to the FCPD Chief of Police concerning the revision of FCPD policies, training, and practices. The BOS is notified when the Auditor issues recommendations to the FCPD through the IPA’s public reports. Recommendations made by the OIPA on FCPD policies, practices, and training are compiled in a Recommendations Matrix, which is periodically updated to reflect their implementation status to keep the BOS and the public informed.²²

The IPA at times also provides input on policing matters directly to the BOS, separate from its recommendations for the FCPD to adopt a change to its policies or procedures, and did so in 2023.

IPA Input on PERF Recommendations on Officer-Involved Shootings

In an August 23, 2023, OIPA Memo to the BOS, the Auditor provided input on five recommendations made to the FCPD by the Police Executive Research Forum (“PERF”).²³ In February 2023, the FCPD requested the assistance of PERF because of an increase in officer-involved shootings by FCPD officers. The FCPD requested that PERF conduct an independent assessment of existing Department trends, practices, and policies that may have inadvertently

²² An update to the [matrix](#) was published on the OIPA webpage in March, 2023.

²³ See [August 23, 2023 Memo: IPA Input on PERF Recommendations Made to the FCPD](#).

contributed to the uptick in police shootings. PERF's review focused on seven police shootings, one of which occurred in 2021 and six of which occurred in 2022. Following its review, PERF provided 15 separate recommendations to the FCPD for it to consider.²⁴ In response, the Auditor provided input on 5 of PERF's 15 recommendations, including the following:

- He agreed with PERF's recommendation²⁵ that the FCPD should add "proportionality" to the definitions in its use-of-force policy. He recommended also adding a definition of "necessary" if the FCPD ultimately adopts the "necessary and proportional" standard when analyzing a use of force.
- The IPA expressed disagreement with PERF's recommendation²⁶ that FCPD should update its use-of-force policy to indicate that force may not be used against a person unless, under the totality of the circumstances, that force is "necessary and proportional." PERF's recommendation is to replace the "objective reasonableness" standard with the "necessary and proportional" standard. The IPA argues that it is difficult to define when force is "necessary" without reverting to the "objective reasonableness" standard.
- The IPA disagreed with PERF's recommendation²⁷ that the FCPD should update its policy on shooting into vehicles. He believes that the FCPD already prohibits shooting at, into, or from a moving vehicle unless there is a threat of serious injury or death to the officer or another person.
- The IPA maintained that the FCPD already does what PERF suggests in its recommendation²⁸ that Internal Affairs detectives examine all related actions to determine whether personnel acted according to departmental policy.
- The IPA agreed with PERF's recommendation²⁹ that the FCPD should adopt a foot pursuit policy. Even though the FCPD issued a new Regulation 203.8, effective March 14,

²⁴ See PERF's report, [Fairfax County Police Department: Review of Issues Surrounding Recent Police-Shooting Incidents](#), April 2023.

²⁵ PERF Recommendation #6, pg. 9.

²⁶ PERF Recommendation #7, pg. 9.

²⁷ PERF Recommendation #8, pg. 9.

²⁸ PERF Recommendation #10, pg. 11.

²⁹ PERF Recommendation #12, pg. 15.

2023, he does not believe it satisfies the contemplated policy being recommended by PERF.

IPA Input on Reform Matrix Work Group Action Plan

From February through May 2023, the Auditor served as a non-voting, ex-officio member of the Police Reform Matrix Work Group (“Work Group”). The Work Group was assembled by Supervisor Rodney Lusk, Chair of the Board’s Safety and Security Committee, to study and discuss the police reform matrix³⁰ compiled during 2020 in response to community calls for police reform. The Work Group was tasked with creating a plan with actionable priorities for the Board of Supervisors and FCPD to consider from the over 300 recommendations included in the matrix. The Work Group concluded its work and presented its Action Plan—including numerous recommendations for the BOS and the FCPD to consider—to the BOS during the Board’s Safety and Security Committee Meeting in May 2023.³¹

In August 2023, the Auditor provided his own independent assessment of several of the Work Group’s recommendations made to the BOS.³² Some of the Auditor’s input included the following:

- He agreed with the Work Group that conduct leading up to a use of force should be evaluated, but he disagreed that the “objective reasonableness” standard should be replaced with “necessary and proportional” to judge the actual use of force. The FCPD already recognizes that unnecessary force is excessive and that de-escalation efforts are always expected, which seems to fulfill the objective of this Work Group recommendation.
- The IPA agreed with the Work Group that a foot pursuit policy should be implemented by the FCPD, as he noted in his response to PERF’s recommendations.

³⁰ See, [FCPD and BOS Police Reform Tracker](#), last updated on September 28, 2021.

³¹ See the Police Reform Matrix Work Group’s [Community Recommendations for More Equitable Policing in Fairfax County: A Proposed Action Plan](#), dated May 12, 2023.

³² See [August 23, 2023 Memo: IPA Input on Police Reform Matrix Work Group Action Plan Recommendations Presented to the Board of Supervisors](#).

- He disagreed with the Work Group’s recommendation that the Panel and the Auditor should be granted investigative authority at this time and under the current oversight structure. Rather, based in part on the high quality of investigations he has reviewed, he thinks that the FCPD should continue to conduct its own internal investigations. He did, however, share ideas on how Panel and Auditor authority could be expanded incrementally over time.
- The IPA agreed with the Work Group’s recommendation for the FCPD to provide public access to demographic data through an online searchable database and annual reports for all key police actions (to include pedestrian and traffic stops, frisks, searches, citations and warnings, summons, custodial arrests, and uses of force). He further suggested that demographic data be collected and shared on (1) all requests for consent to search and (2) incidents in which force would have been justified by law and policy, but during which no (or lesser) force was used.
- He agreed with the Work Group’s recommendation to capture each act of civilian resistance and each officer’s use of force—sequentially—for any incident during which force is used.

IPA Participation on FCPD Performance Review Board

In 2023, the FCPD invited the Auditor to participate on the FCPD’s Performance Review Board (“PRB”). The PRB reviews all designated Department “critical” incidents and other incidents as directed by Chief Kevin Davis and assesses whether improvements can be made to departmental training, policy, or equipment, with the goal of the PRB being the improvement of officer safety and performance. After each PRB meeting, a report is generated and forwarded to Chief Davis for his review. The reports outline the topics discussed and points elicited by the group for the Chief’s awareness. Any recommendations for changes to training, policy, or equipment are included for the Chief’s consideration.

The Auditor participated in five PRB meetings in 2023.

SECTION V: OTHER OIPA ACTIVITIES IN 2023

Support to the Panel and the Office of the Police Civilian Review Panel

In the first half of 2023, OIPA worked alongside the OPCRP, which was still a relatively new office.³³ During that time, the OIPA worked with the OPCRP on complaint intake and processing so that complaints of force were reviewed by the Auditor and complaints of serious misconduct and abuse of authority were processed by the Panel. In 2023, OIPA staff received and processed 6 complaints from the public alleging use of force and referred 12 complaints to the OPCRP because the allegations did not include a use of force component.

During the first half of 2023, the Auditor and staff were not involved in the day-to-day operations of the Panel but supported the Panel in various ways. The OIPA continued to attend Panel meetings, to provide guidance and input to the OPCRP and the Panel on its procedures, to help maintain data on complaints and Panel processes, and to assist OPCRP staff in fulfilling its administrative functions and reporting duties. Notably, the Auditor and staff spearheaded the development of a comprehensive training curriculum for the Panel. In February 2023, OIPA staff worked closely with the Inaugural Chair of the Panel and presented a full day of training for the Panel on its history, Bylaws, and procedures. The Auditor also took the initiative in developing a curriculum for additional training days for Panel members.

In July 2023, the OPCRP's Executive Director resigned and OIPA resumed its role of providing day-to-day operational support to the Panel alongside the OPCRP's Management Analyst (MA). This support included the IPA and the OIPA MA taking a direct role in complaint intake and processing and supporting the OPCRP's MA in providing administrative support to the Panel. Specifically, the Auditor and the OIPA MA met weekly with the Panel Chair to ensure that the Panel's operations continued smoothly in the absence of its Executive Director.

The OIPA MA facilitated the Panel in revising its procedures on the handling of review requests and in developing a new procedure on Public Comment. This included attending subcommittee

³³ In February 2022, the Office of the Police Civilian Review Panel ("OPCRP") was established to provide direct support to the Panel and operate autonomously without relying on the OIPA for administrative support.

meetings, recording discussion and decisions, developing new documents and correspondence templates, and assisting the subcommittee members in presenting their recommendations to the full Panel.

Additionally, the Auditor initiated a process whereby he reviewed FCPD investigative files which were to be reviewed by a Panel subcommittee and/or the full Panel. The Auditor created a template for and completed Investigative Worksheets summarizing four FCPD investigative files to assist Panel members in their subsequent reviews. Panel members have expressed that the work of the Auditor in preparing investigative files helped them in their reviews and it is expected that this task will be assumed by the OPCR Liaison³⁴ when the position is filled in 2024.

Community Outreach

During 2023, OIPA staff participated in several community meetings and FCPD functions to inform the community about civilian oversight in the County, including the Auditor, the Panel, and their respective responsibilities. Among those outreach events were the following:

- Presented to FCPD Police Recruits during their Academy training in January 2023.
- Served as an ex-officio, non-voting member of the Police Reform Matrix Work Group which met from February-May 2023. This included advising the Work Group members on civilian oversight of law enforcement generally, and the work of the Office of the Independent Police Auditor specifically.
- Participated as a Panelist at the Virginia Coalition for Open Government's Annual Conference to address civilian oversight entities' access to police records in March 2023.
- Participated in and presented during the FCPD's Use of Force Community Workshop in April 2023.
- Presented to the Fairfax County Criminal Justice Advisory Board in August 2023.
- Presented to the Neighborhood and Community Services' Community Provider Strategy Team with the Panel's Vice-Chair in August 2023.

³⁴ The Panel Liaison position was formerly the Panel's Executive Director.

- Presented to the FCPD Community Police Academy Session 44 in October 2023.
- Presented to attendees of a Deadly Force In-service training session at the Northern Virginia Criminal Justice Academy in November 2023.

The Auditor also participated in a Channel 16 film, *Civilian Police Oversight in Fairfax County*, and was interviewed on *Inside Scoop*, a program on Fairfax Public Access, to further share information with the community about the oversight resources available to them by virtue of the Auditor and the Panel.³⁵

OIPA staff continued to lead a Virginia-specific alliance on civilian oversight, which it had launched in 2022 together with an oversight representative from Charlottesville, Virginia. Following the passing of Virginia Senate Bill 5035 in 2022—which authorized localities in Virginia to establish law-enforcement civilian oversight bodies—OIPA staff convened the alliance in May 2022. OIPA staff facilitated five meetings of the expanding alliance during 2023, during which representatives from Alexandria, Arlington, Charlottesville, Fairfax County, George Mason University, Norfolk, and the University of Virginia shared information, effective practices, and resources. Members are currently in discussions with the National Association for the Civilian Oversight of Law Enforcement (“NACOLE”) to determine how these two entities can work together, and support and complement each other in the future.

Professional Development

OIPA participated in professional development opportunities throughout the year to continue to learn and keep informed of national trends and research:

- The Auditor attended the 2023 Consent Decree Symposium in Fort Worth, Texas, from October 18-20, 2023. The annual symposium brings together oversight experts from across the country and personnel from the Department of Justice to discuss issues of police reform and accountability, latest trends, and “best practices.”
- The Auditor and the OIPA MA attended the in-person annual NACOLE Conference in Chicago, Illinois, from November 12-16, 2023, which included presentations on and

³⁵ Both videos are available from: [Video Content | Independent Police Auditor \(fairfaxcounty.gov\)](#).

discussion of topics such as “The Police Shot & Killed Her Eldest Child: A Mother Who Turned Grief & Tragedy into Advocacy & Reform,” “How Politics and Collective Bargaining Impact Oversight: Case Studies on the Road to Independent Investigations,” and “The Role of the DOJ in Accelerating Reform Efforts.” OIPA staff was joined by three Panel members and the OPCR MA, further strengthening the working relationship between the OIPA and the Panel.

- The Auditor and staff attended various webinars offered by NACOLE, the International Association of Chiefs of Police (“IACP”), Lexipol, and Justice Clearinghouse during the year. Both the Auditor and staff maintained their status of being NACOLE-certified practitioners of oversight during 2023.
- In June 2023, the Auditor began serving on the IACP Working Group on “Specialized Units” within policing. The issues associated with specialized units within police departments came under scrutiny following the killing of Tyre Nichols in Memphis, Tennessee in January of 2023. The working group completed its work in November 2023, and the IACP is scheduled to publish its Model Policy and Concepts and Issues document during 2024.

SECTION VI: CITIZEN COMPLAINTS TO THE FCPD

As mandated by the BOS,³⁶ the FCPD provides a public report to the Auditor on the disposition of all citizen complaints made against the FCPD so that the Auditor can ensure the FCPD is “properly responding to” and investigating these complaints in a “timely manner.”

The following chart depicts the status of all citizen complaints lodged against the FCPD during 2023:

³⁶ See [September 20, 2016, BOS Action Item](#) establishing the OIPA.

Quarterly Case Status by Received Date
Fairfax County Police Department
Internal Affairs Bureau

Citizen Complaint Status	2023 Quarter 1 Jan/March	2023 Quarter 2 April/June	2023 Quarter 3 July/Sept	2023 Quarter 4 Oct/Dec	Total
Active	2	8	31	36	77
Exonerated/ Exonerated by Technology	11	21	18	1	51
Not Sustained	3	3	1	0	7
Policy Infraction	5	5	1	0	11
Sustained	4	3	1	0	8
Unfounded	19	22	14	0	55
Total	44	62	66	37	209

Last Updated: January 24, 2024
Source: IAPRO RMS System

At the end of 2023, only 37% of investigations into complaints received during the year remained active, with 47% of those complaints being received by the FCPD during the final three months of the year (October – December) and another 40% of those being received during the third quarter (July – September). On the other hand, 96% of complaints received during the first quarter of the year (January – March) had been resolved by year’s end, while 87% of second quarter (April – June) complaints were resolved by the end of 2023. In 14% of the completed investigations throughout the year, the FCPD determined there to be a “sustained” allegation or it identified another “policy infraction.” Based on these numbers, as well as the Auditor’s knowledge of matters reviewed by the Panel and his review of numerous disposition letters sent by the FCPD to complainants in 2023, he remains satisfied that the FCPD is “properly responding to” and investigating complaints in a “timely manner.”

SECTION VII: ANTICIPATED 2024 ACTIVITIES

During 2024, the OIPA will continue to monitor and review FCPD internal investigations, and recommend changes to FCPD policies, training, and practices. The OIPA will also continue to take complaints from the public and monitor and review investigations into incidents which occur in 2024.

Specific monitoring and reviewing activities anticipated in 2024 will include the following:

- The Auditor will continue to monitor or review the 32 internal investigations in cases that were not completed in 2023. This includes 1 death/serious injury case, 2 in-custody deaths, 6 officer-involved shootings, 1 shooting of a domesticated animal, and 22 use of force complaints.
- The IPA will address the 39 retroactive cases on public complaints lodged with the FCPD since 2018, but not provided to the OIPA until May 2023. The Auditor will prioritize his review and reporting on these cases as follows:
 - Complaints of pointed firearms (7 complaints)
 - Complaints alleging non-serious injury resulting from a use of force (6 complaints)
 - Complaints of excessive force lodged with the FCPD in 2022 (5 complaints)
 - All other complaints of excessive force lodged with the FCPD in 2020 (7 complaints), 2019 (7 complaints) and 2018 (7 complaints).

During 2024, OIPA will continue to provide administrative support to the Panel while the new Panel Liaison position is filled. OIPA anticipates working with the Liaison to identify ways both offices can work together to promote effective police oversight in the County. This will include identifying and working together on mutual goals, developing new procedures for processing citizen complaints, conducting ongoing outreach to the Fairfax County community, and providing training for the Police Civilian Review Panel.

Finally, in 2024, OIPA expects to continue or resume its:

- Discussions with other jurisdictions planning or hoping to implement civilian oversight.
- Involvement with NACOLE's Policy Development Committee.
- Review of Virginia General Assembly bills addressing criminal justice and reform measures to provide input to the county's Government Relations Office.
- Involvement with a newly established IACP Working Group. (In December 2023, the Auditor was selected to be on IACP's Working Group to develop guidance for police department's "Field Training Officer" programs, which will begin in 2024.)

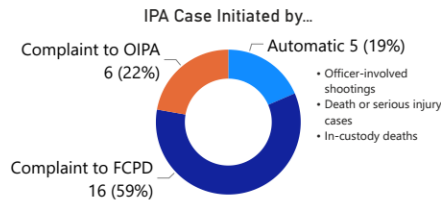
APPENDIX A: OIPA Cases Opened in 2023

27

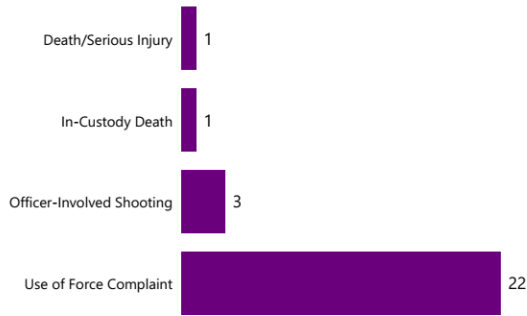
Cases Opened in 2023*

Incident Year	# Cases
2019	1
2021	1
2022	7
2023	18

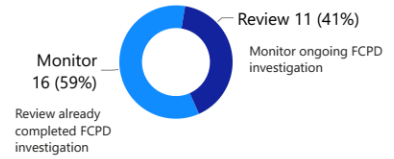
*Does not include 39 cases, which were retroactively opened in 2023.



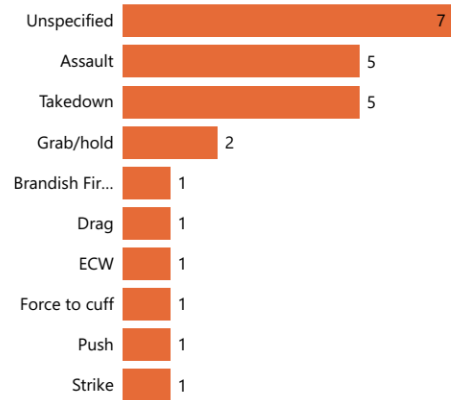
Cases Opened in 2023 by Incident Type



IPA Method Employed



Type of Complaint Allegations Made in 2023



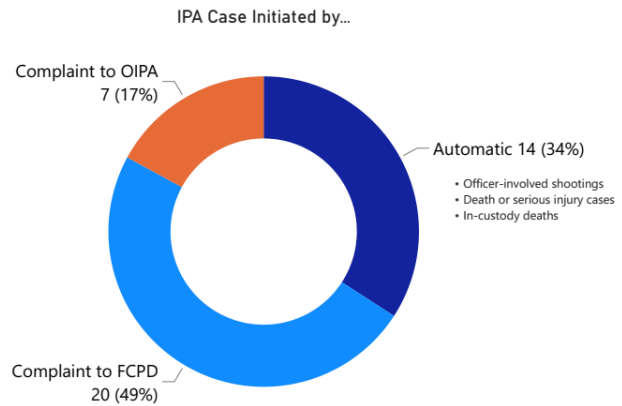
APPENDIX B: OIPA Cases Active in 2023

41

OIPA Active Cases in 2023*

Incident Year	# Cases
2019	1
2020	2
2021	5
2022	15
2023	18

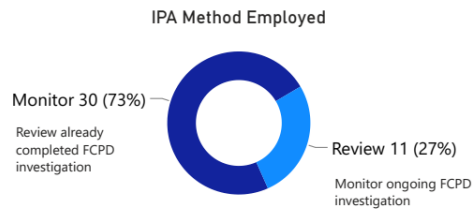
*Does not include 39 cases, which were retroactively opened in 2023.



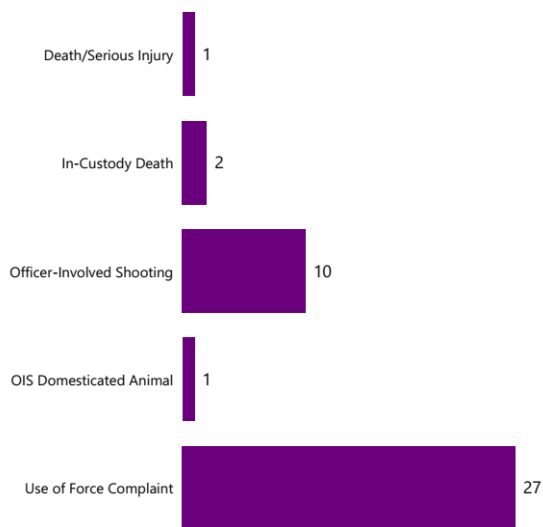
Status of OIPA Cases at end of 2023

Closed
9

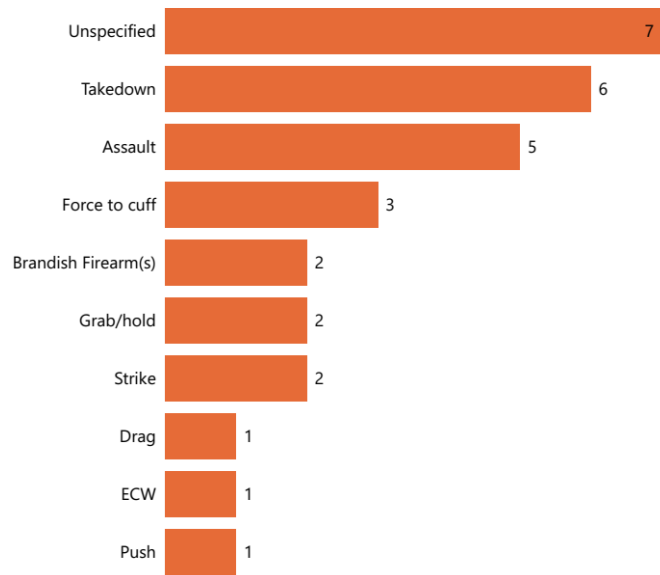
Open
32



of Cases Active in 2023 by Incident Type



of Cases Active in 2023 by Force Type or Allegation



* Each case may have more than one allegation made.

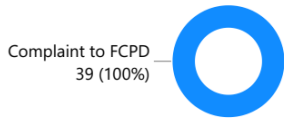
APPENDIX C: OIPA Retroactive Cases Started in 2023

39

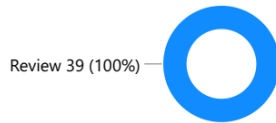
Cases Opened Retroactively in 2023

Incident Year	# Retroactive Cases Open
2017	1
2018	11
2019	13
2020	8
2021	2
2022	4

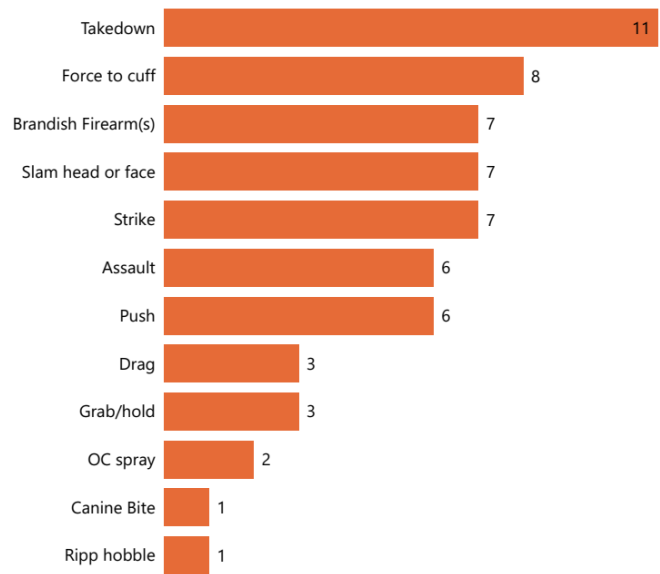
All Retroactive Cases Initiated by



IPA Method Employed for all Retroactive Cases



of Cases Opened Retroactively 2023 by Allegation*



* Each case may have more than one allegation made.

APPENDIX D: OIPA Active Cases Ongoing at End of 2023

71

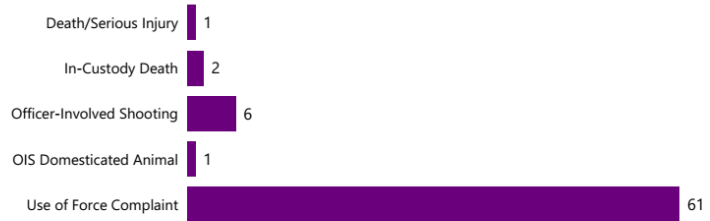
Active Cases Ongoing at the End of 2023

Incident Year	# Cases
2017	1
2018	11
2019	14
2020	8
2021	5
2022	15
2023	17

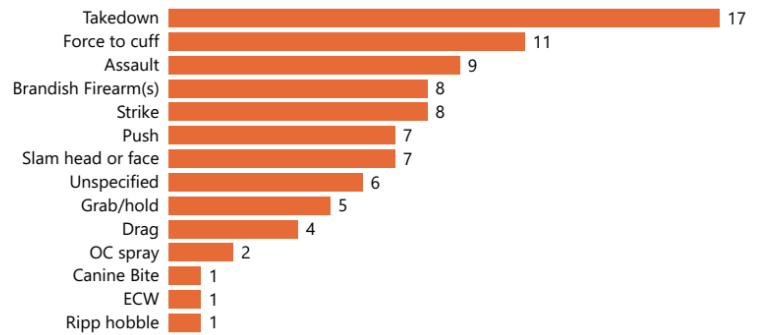
Active Cases at End of 2023 by Case Type

Initiated by	Regular	Retro	Total
Automatic	10		10
Complaint to FCPD	17	39	56
Complaint to OIPA	5		5
Total	32	39	71

Active Cases at End of 2023 by Incident Type



Active Cases at End of 2023 by Force Type or Allegation



APPENDIX E: OIPA Case Status: FCPD Officer-Involved Shootings

15

FCPD OIS Cases Since OIPA Started

Incident Year	# Cases
2017	1
2018	1
2019	1
2020	2
2021	1
2022	6
2023	3

