



Fairfax County Police Department Updates and Action Plan on the PERF and Matrix Working Group Reports

Fairfax County Board of Supervisors
Safety and Security Committee Meeting

October 3, 2023

Objectives

- Review of suggestions offered by the Police Executive Research Forum (PERF) and Matrix Working Group.
- Assessment and response to most recommendations provided.
- Detailed responses on all recommendations have been provided to the Board of Supervisors.
- Discussion of accomplishments, points of common ground, and elaboration on those few areas where consensus has not been reached.

FCPD Response to the PERF Recommendations

- FCPD is completing mandatory ICAT training and is seeking to further reinforce the Critical-Decision Making Model throughout the Department.
- FCPD General Order 609 (Mental Health Calls for Service) requires first-line supervisors to respond to mental-health related crisis calls whenever possible and remains fully committed to the co-responder program and Department CIT training.
- All operational FCPD members and specialized units are now equipped with Body-Worn Cameras and required to utilize them in accordance with Department policy.
- The FCPD Internal Affairs Bureau conducts thorough, complete, and objective investigations into all allegations against Department members.
- The FCPD is now strictly meeting the 45-day time limit for convening the Department's Performance Review Board in the aftermath of any reviewable critical incident.

FCPD Response to PERF Recommendations

- Tactical debriefs routinely occur with members of the Department's Executive and Administrative staffs, along with agency SMEs the morning of the next workday following a critical incident.
- The FCPD has adopted a foot pursuit data collection policy applicable to all sworn Department members.
- FCPD concurs with the recommendation to capture calls for service that include behavioral health components and is currently evaluating how to better record this data in its new Records Management System.
- The “necessary and proportional” use of force standard is not currently reflected in legal precedent, the Code of Virginia or DCJS training standards, and the Department's current restrictions on shooting into or from moving vehicles establishes a clear standard for officers that concurrently protects themselves and the community from harm.

Response to the Working Group's Recommendations

▪ Rethinking Policing

- FCPD remains committed to the co-responder program and fully supports County diversion programs.
- FCPD partners with:
 - ❖ Diversion First
 - ❖ County Detox/INOVA
 - ❖ Alternative Accountability Program
 - ❖ Veterans, Drug, Mental Health Dockets

Response to the Working Group's Recommendations

▪ Use of Force and Accountability

- Any level of force that exceeds what is reasonably necessary to accomplish lawful purpose is in violation of Department policy.
- Consistent with the United States Court of Appeals for the Fourth Circuit and the recommendation of the County Attorney's Office, pointing of a firearm is not considered or captured as a use of force but is thoroughly documented, investigated, and reported annually by the FCPD.
- FCPD's de-escalation and duty to intervene policies reflect the Code of Virginia and community expectations.
- FCPD has policies and training addressing chokeholds, prone restraints, the use of ketamine, spit hoods, strip searches.

Response to the Working Group's Recommendations

▪ Independent Oversight

- FCPD does not concur with recommendations to expand the role of the Police Civilian Review Panel (PCRCP) and the Independent Police Auditor (IPA).
 - ❖ FCPD and the PCRCP have had only one disagreement.
 - ❖ No disagreements between FCPD and IPA.
- FCPD also does not concur with the recommendation for the IPA to request criminal investigations be conducted by the Office of the Commonwealth's Attorney.

Response to the Working Group's Recommendations

▪ Community Engagement and Participation

- The FCPD proudly maintains a strong and valued relationship, predicated upon preservation of the public trust, with the Fairfax County community.
 - ❖ Department Policy, Training, Equipment/Tactics, and Internal Initiatives
 - ❖ Community Transparency and Outreach Initiatives
- FCPD Community Advisory Council (CAC) programs meet several months during the year with FCPD commanders to ensure community members can provide continual feedback to the Department.
- The FCPD has partnered with independent vendors who afford community members the opportunity to participate in online surveys pertaining to public sentiment about crime and the FCPD.
- The FCPD has routinely, and as a matter of practice since 2015, opened its core Department policies for community input and feedback.

Response to the Working Group's Recommendations

▪ Officer Excellence

- FCPD concurs with the recommendation for competitiveness of salary and benefits and has prioritized diversity recruiting efforts.
- FCPD prioritizes, incentivizes, and rewards positive police behavior such as the duty to intervene, de-escalation CIT, and accepts complaints of employee misconduct in any form.
- FCPD Well Fit Program provides members access to wellness and mental health resources.
- FCPD members can be subjected to immediate drug/alcohol testing as appropriate during a criminal or administrative investigation.
- FCPD has utilized an Early Identification System since 2012.

Response to the Working Group's Recommendations

▪ Data Reporting, Analysis and Transparency

- Data is reported in accordance with the Community Policing Act and is now being routinely posted on the Department's Open Data Portal as well as the Virginia State Police's Community Policing Act data webpage.
- FCPD actively monitors arrest trends to promptly identify and correct any evident disparities.
- FCPD routinely monitors use of force trends and instances to evaluate potential trends and/or disparities. All police encounters that result in a use of force are investigated, documented, and undergo multiple levels of review.

Response to the Working Group's Recommendations

▪ Data Reporting, Analysis and Transparency

- Requiring a 10-day mandatory release of body-worn camera footage for police affiliated critical incidents would compromise the Department's ability to conduct thorough criminal and administrative investigations.
- BWC footage is audited monthly throughout the Department, all officers are required to be audited at a minimum every three months by their supervisors, and all use of force cases require BWC review.
- Requiring mandatory publishing of disciplinary records of officers would violate the Virginia Freedom of Information Act (VFOIA).
- FCPD General Order 402 (Release of Information) has implemented a "predisposition to disclose" approach with FCPD public records.

Response to the Working Group's Recommendations

▪ Specialized Police Units

- FCPD Specialized Units are created to address statically-based increases in specific types of crime and utilize intelligence-based strategies to identify typically violent offenders.
- The FCPD does not concur that further limiting the roles of School Resource Officers is supportive of the best interests of Fairfax County students and/or teachers.

Future of Policing in Fairfax County

Next Steps

One Fairfax Roundtable

■ Purpose of the Roundtable

- To leverage community member insights, experiences, and drivers of inequity in Fairfax County wherever and whenever it occurs.
- Composed of 19 members from each supervisory district and community stakeholders.
- Members serve two-year terms.
- Provides guidance and support to county staff, informs development of County equity goals, recommends innovative strategies, and monitors effectiveness.
- Organized around five key equity drivers, including Community Safety and Justice.

FCCPD Response to PERF and the Matrix Working Group's Recommendations



Conclusion and Questions

