



Police Civilian Review Panel

Jimmy Bierman, Chair (2021)

Public Safety Committee Meeting
May 17, 2022

The Panel's Purpose, Structure, and Means

- Purpose: **Enhance legitimacy and trust between the FCPD and the community.**
- Means:
 - Review investigations
 - Complete, thorough, accurate, impartial, and objective
 - Provide independent avenue for making a complaint against the police
 - Make recommendations regarding policies and practices

2021 Annual Report Overview

- March of 2021 to March of 2022 marked by change and transition
 - New Police Chief
 - Six New Members
 - Panel's first Executive Director appointed
- Systematize and streamline its processes
 - Clarifying the subcommittee process
 - Adopting new rules surrounding complainant comments at meetings
 - Implementing new communication templates
- Implement recommendations from the prior year's Four-Year Review into practice

Annual Report by the numbers

	2017	2018 ^{&}	2019	2020	2021 ^{&}	All Years
Number of All Complaints filed against the FCPD (Panel Authority)	2	31	29	35	28	125
Number of Initial Complaints brought to the Panel	1	24	20	21	14	80
Number of Initial Complaints filed with the Panel but for which there is no ultimate review request	1	18	14	10	2	45
Number of Initial Complaints that are later requested to be reviewed by the Panel	0	2	5	11	8	26
Number of Initial Complaints in process (investigation ongoing as of 12/31/2021)	0	0	0	0	4	4
Number of Review Requests Brought to the Panel	1	7	9	14	14	45
Number of Review Requests Accepted for Full Panel Review	1	4	5	5	0	15
Number of Review Requests Reviewed by a Subcommittee	0	1	8	9	9	27
Number of Review Requests Rejected by the Panel (No full Panel Review)	0	2	4	9	11 [^]	26
Number of Review Requests in process (as of 12/31/2021)	0	0	0	0	4	4
Number of FCPD Investigations still pending (as of 12/31/2021)	0	0	0	0	3	3

& In 2021, 1 Review Request was unclear so no action was taken. In 2018, 3 Initial Complaints and 1 Review Request were withdrawn.

^ In 2021, 3 Review Requests were denied due to late submission.

Key Takeaways from the Annual Report

- Updated the latest version of its matrix with FCPD responses to Panel recommendations
- Reaffirms request for the Board to consider additional recommendations made in its Four-Year Review
- Two complaints reviewed concerned police procedures when responding to 9-1-1 calls
- Easier access to investigation files
- Looking ahead: Training and Outreach



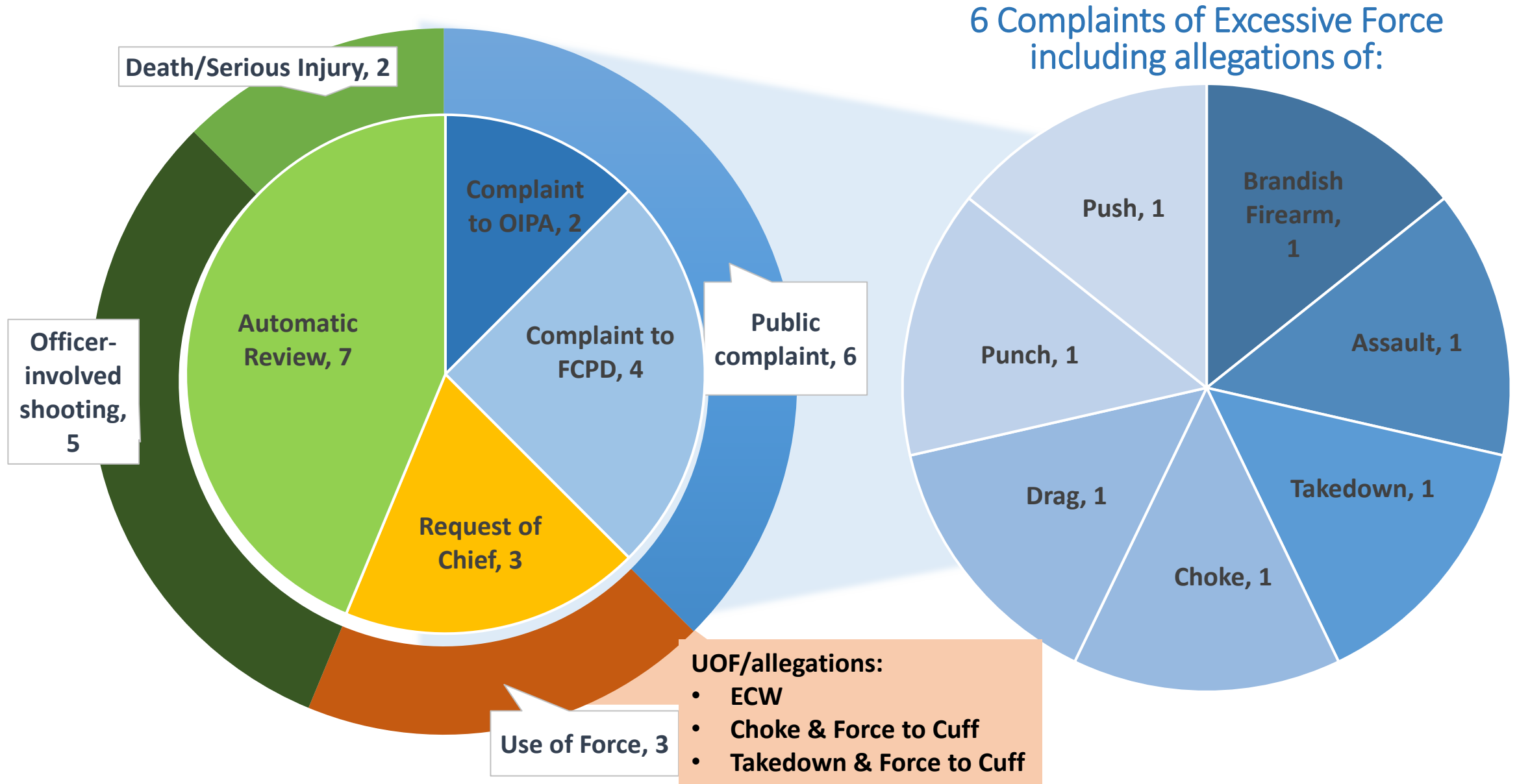
Independent Police Auditor

Public Safety Committee Meeting

Richard G. Schott, Independent Police Auditor

May 17, 2022

16 Case Reviews Open in 2021



2021 Incident Reports: Summary of Findings

IPA Case #	Incident Date	Incident Type/ Allegation	Report Date	Investigation Complete, Thorough, Objective, Impartial, Accurate	Recommendations Made
IPA-19-04	4/25/2019	UOF (Takedown, Force to Cuff)	IPA-19-04	Yes	No
IPA-19-05	6/25/2019	OIS (Domesticated Animal)	IPA-19-05	Yes	No
IPA-19-06	7/20/2019	UOF (Force to Cuff, Choke)	IPA-19-06	Yes	Yes
IPA-19-07	10/21/2019	OIS	IPA-19-07	Yes	No
IPA-20-01	10/20/2019	Death/Serious Injury	IPA-20-01	Yes	Yes
IPA-20-03	10/25/2019	UOF (Choke)	IPA-20-03	Yes	Yes
IPA-20-06	5/27/2020	UOF (Punch; Drag)	IPA-20-06	Yes	Yes

Recommendations & Implementation Status

Report Type/ Incident Date	Report Date	Recommendation	Status
Memo	12/11/2018	Clarifying in G.O. 610.3 III. C. that warrants must be served within 15 days after being obtained and removing the possibility of an exception to this timeline and ensuring adherence to VA code § 19.2-56.	Implemented (see G.O. 611, effective 7/1/2021)
Memo	12/11/2018	Specifying within G.O. 610.3 IV. B. that the presence of domesticated animals should be presented at the briefing prior to executing a search warrant to make it consistent with G.O. 540.10 I. B.	Implemented (see G.O. 611, effective 7/1/2021)
Memo	12/11/2018	Clarifying in G.O. 610.3 V. B. that a member of the search team should “document” the execution of a search warrant, not “record” it, which could be construed as audio or video recording.	Implemented (see G.O. 611, effective 7/1/2021)
Memo	12/11/2018	Adding language to G.O. 610.3 VI. to specify that the knock and announce requirements prior to entry still apply when a search site is known or thought to be vacant.	Implemented (see G.O. 611, effective 7/1/2021)
Memo	12/11/2018	Clarify in G.O. 610.3 VII. C. that no frisk can occur unless the officer conducting the frisk can articulate reasonable suspicion that the individual frisked is armed and poses a danger.	Implemented (see G.O. 611, effective 7/1/2021)
Memo	12/11/2018	In G.O. 610.3 IX. B. removing confusing language regarding where a statement should be filed when no items are seized in a search.	Implemented with modifications (see G.O. 611, effective 7/1/2021)

Recommendations & Implementation Status

Report Type/ Incident Date	Report Date	Recommendation	Status
Memo	5/26/2020	Policy changes to G.O. 603.4 POLICE CITIZEN CONTACT, including clarifying elements of reasonable suspicion and making the reasonable suspicion standard consistent throughout the G.O.	Implemented (see G.O. 002 Human Relations, 7/9/2021)
Memo	5/26/2020	Policy changes to G.O. 601 ARREST PROCEDURES, including to recognize the full extent of and limitations on the lawful search incident to arrest.	Implemented (G.O. 601, effective 1/1/2021)
20-06 5/27/2020	2/25/2021	Reiterated recommendation from 20-07	In progress
19-06 7/20/2019	3/5/2021	Revise the language in FCPD Regulation 201.22 to reflect that bias-based policing is prohibited even during consensual law enforcement activity and that the department's IAB will investigate all allegations of bias-based policing in an effort to prove or disprove them.	Implemented (see G.O. 002, effective 7/9/2021)
20-01 10/20/2019	3/25/2021	FCPD G.O 502 on "normal vehicle operations" should be revised to fix grammatical errors and reduce redundant language.	In progress

Recommendations & Implementation Status

Report Type/ Incident Date	Report Date	Recommendation	Status
20-03 10/25/2019	5/7/2021	Add the “preponderance of the evidence” burden of proof standard to both the “Unfounded” and the “In Compliance” findings listed in FCPD G.O. 301 VI.	In progress
20-03 10/25/2019	5/7/2021	Whenever possible, any vehicle used to transport an arrestee shall be equipped with forward-facing and rear-facing in-car video capability and shall be equipped with safety partitions between the front and rear seats.	In progress
Memo	6/9/2021	Revision to FCPD G.O. 601 ARREST PROCEDURES to reflect 4th Circuit ruling in U.S. v. Davis.	In progress

Other 2021 Activities

- UTSA study, *An Investigation of the Use of Force by the Fairfax County Police Department*, presented to the Board in June 2021 and to the community in October 2021
- Support to the Police Civilian Review Panel and establishment of Panel Executive Director position
- Outreach and media events
- Independent intake venue for complaints against the FCPD
- Reviewed IAB complaint status to ensure timely and adequate responses to complainants
- Professional development – NACOLE Use of Force Policy Development Committee