



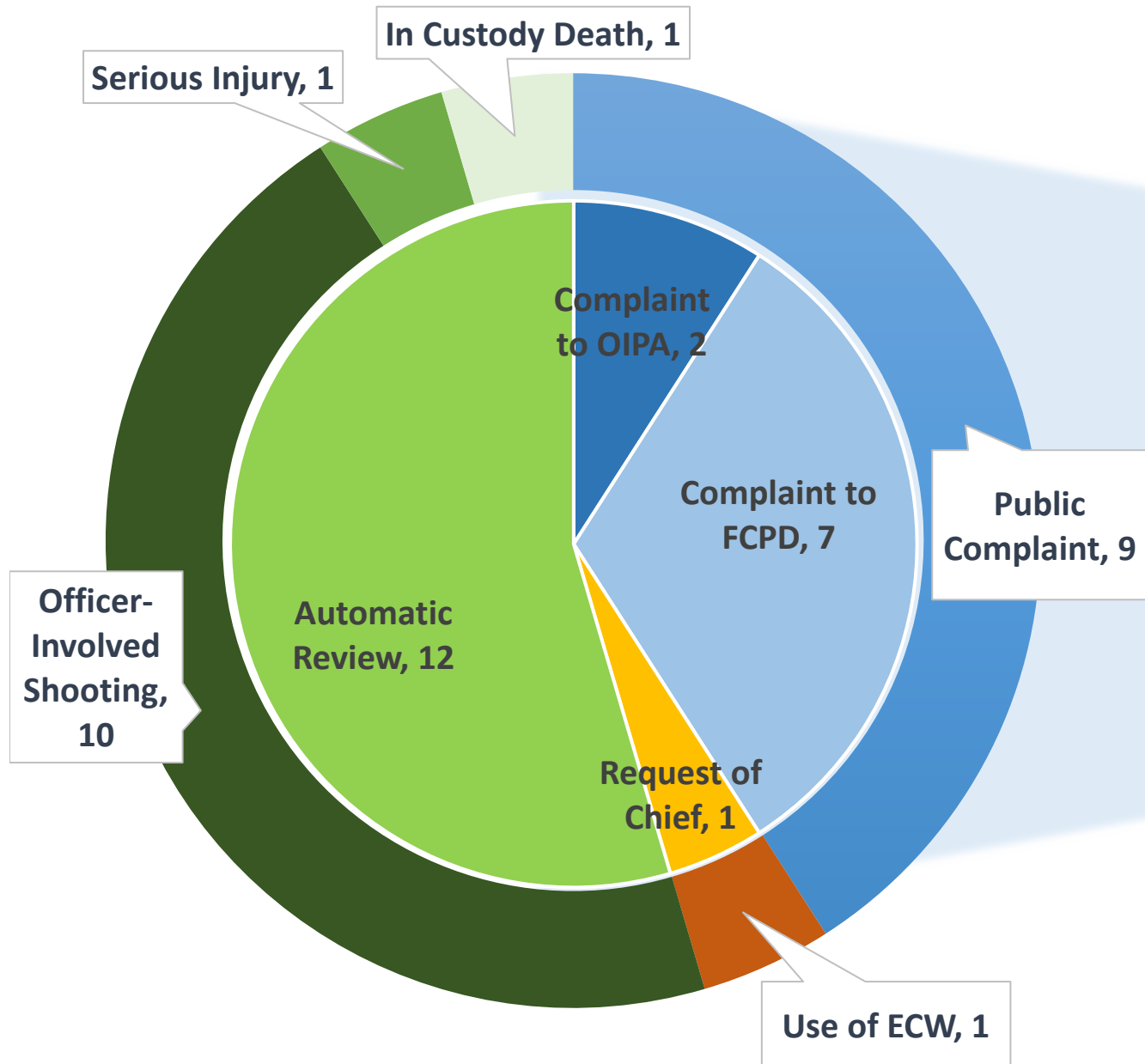
# Independent Police Auditor

OIPA 2022 Annual Report

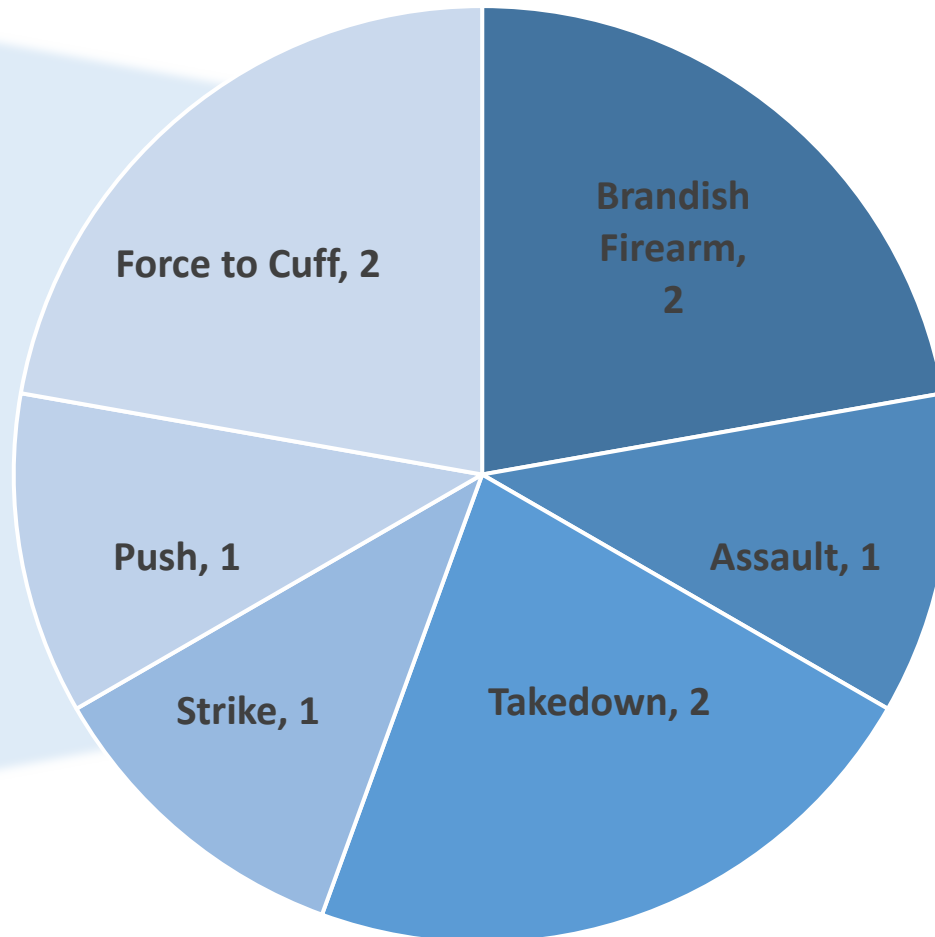
Richard G. Schott, Independent Police Auditor

June 13, 2023

# 22 Case Reviews Open in 2022



## 9 Complaints of Excessive Force including Allegations:



# 2022 Incident Reports: Summary of Findings

OIPA Case #	Incident Date	Incident or Allegation Description	Investigation Complete, Thorough, Objective, Impartial, Accurate	Recommendations Made
IPA-19-08	12/4/2019	D/SI (Canine Bite)	Yes	Yes
IPA-20-05	6/5/2020	UOF (ECW)	Yes	No
IPA-20-09	11/10/2020	UOF (Push)	Yes	No
IPA-21-01	6/7/2019	UOF (Brandished Firearms)	Yes	No
IPA-21-02	11/23/2020	UOF (Assault)	Yes	Yes
IPA-21-03	7/19/2021	OIS	Yes	Yes
IPA-21-04	1/18/2021	UOF (Takedown)	Yes	No
IPA-22-02	2/15/2022	OIS	Yes	No

# 2022 Incident Reports: Recommendations

- ✓ 3 recommendations—from incident reports completed in 2022—implemented by FCPD

Report Type/ Incident Date	Recommendation	Status
19-08 12/4/2019	G.O. 530.1 should be revised to require a warning before releasing a patrol service dog anytime the dog is being released for the purpose of apprehending an individual.	Implemented (see G.O. 531, effective 8/11/2022)
IPA-21-03 7/19/2021	Reiterated recommendation from 17-02: adding non-criminal factors to consider when determining whether force was objectively reasonable during a non-criminal situation, or when the individual is experiencing a medical or mental health crisis while engaged in criminal activity.	OIPA's alternative recommendation implemented (see G.O. 540, effective 8/12/2022)
IPA-21-02 11/23/2020	FCPD should place an increased emphasis on the importance of <b>and</b> training on the proper conduct of such search incidents to a lawful arrest.	Implemented in part because of earlier OIPA recommendation to incorporate 4th Circuit Court of Appeals ruling in <i>United States v. Davis</i> (see Regulation 203, effective 7/22/2022, and G.O. 601, effective 6/24/2022)

- ✓ 12 additional recommendations—from incident reports completed prior to 2022—implemented by FCPD during 2022

# FCPD G.O. 540 Use of Force Revisions

Implemented	Not Implemented
<ul style="list-style-type: none"> <li>• Add definitions for Impact Weapons, Oleoresin Capsicum Spray (OC), and Kinetic Energy Impact Systems in the list of definitions.</li> <li>• Reflect that low level control is not "likely" to cause injury, rather than not "intended" to cause injury.</li> <li>• Reflect that more than one type or level of force may be objectively reasonable.</li> <li>• Reflect that officers shall use a proportional amount of force which is "objectively reasonable", rather than "necessary".</li> <li>• Use of Deadly Force - reflect that no other force options to gain control of the individual(s) can be deployed safely or effectively.</li> </ul>	<ul style="list-style-type: none"> <li>• Replace the term "less-lethal" with "non-deadly" force.</li> <li>• Remove the language that deadly force is "intended" to cause death or serious injury.</li> <li>• Replace the word "immediate" with "imminent" in regards to a threat to the safety of the officers or others.</li> <li>• Define what is meant by "officers must have an elevated level of justification prior to deploying an ECW" on certain individuals</li> <li>• Include verbatim the factors enumerated in Graham v. Connor as part of the totality of the circumstances related to a use of deadly force.</li> </ul>

✓ 3 additional recommendations related to Arrest Procedures (G.O. 601) were implemented by FCPD in 2022

# UTSA & CAC UOF Recommendations



County of Fairfax, Virginia

## MEMORANDUM

**DATE:** 05/13/2022

**TO:** Fairfax County Board of Supervisors

Colonel Kevin Davis  
Chief of Police

Major Todd Billeb  
Commander - Internal Affairs Bureau

**FROM:** Richard G. Schott  
Independent Police Auditor

**SUBJECT:** Response to UTSA and Fairfax County Use of Force Community Advisory Committee Recommendations on Use of Force

### UTSA Recommendation

Recommends that policy stipulate “if force is required, officers will use only the amount of force reasonably needed to overcome an individual’s resistance and to gain control.”

### CAC Recommendation

Capturing Data on All Potential Deadly Force Incidents:

Disagrees with UTSA’s recommendation because it does not see the value/ purpose of capturing information and because of possible selection bias.

Clarifying in Policy When Force May be Used:

The “objective reasonableness” standard should be replaced with “necessary and proportional” to judge an officer’s actual use of force.

Clarifying in Policy Permissible Force Where No Probable Cause to Arrest:

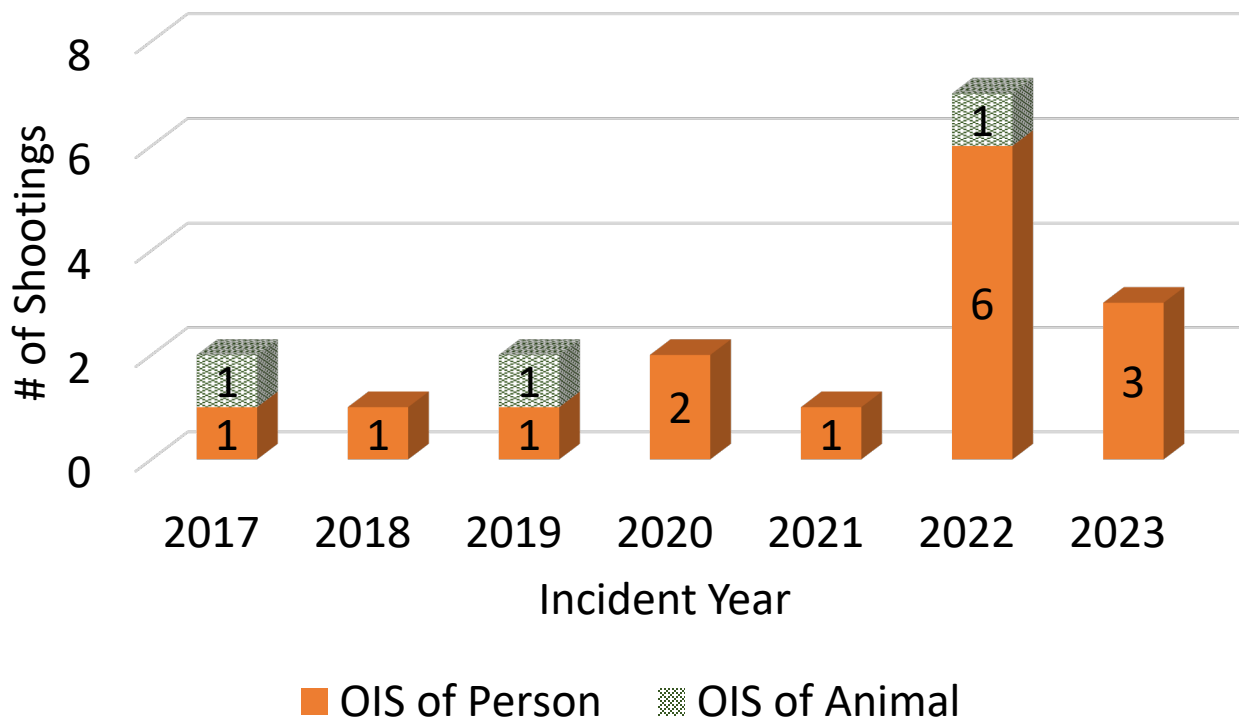
Only allow force during an investigative detention for “safety reasons” since investigative detentions only require reasonable suspicion (not probable cause).

# Other 2022 Activities

- Support to the Police Civilian Review Panel
  - Provided administrative support to the Panel during the Office of the Police Civilian Review Panel start up
  - Completed the transfer of administrative support duties to the Panel Executive Director and OPCR
- Outreach and media events
- Independent intake venue for complaints against the FCPD
- Reviewed IAB complaint status to ensure timely and adequate responses to complainants
- Presentation to national oversight audience at NACOLE annual conference
- Lead effort to establish Virginia-specific alliance on civilian oversight

# FCPD Officer-involved Shootings, 2017-2023

FCPD Officer-Involved Shootings Reviewed by  
IPA



Totals	
Persons	15
Domesticated Animals	3



# QUESTIONS