

Public Report

Aug. 2, 2022: Officer-Involved
Shooting
IPA-22-10



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NOTE TO THE READER: The Fairfax County Police Department revised its comprehensive policy addressing the use of force on August 12, 2022, and again on April 29, 2024. The force used during this incident will be analyzed using the policy provisions that were in effect on August 2, 2022 (i.e., General Order 540, et. seq., effective March 1, 2021).

The Fairfax County Police Department also revised its policy addressing vehicle stopping techniques on September 2, 2022. The techniques employed during this incident will be analyzed using the policy provisions that were in effect on August 2, 2022 (i.e., General Order 505, effective February 2022.

INCIDENT

On August 2, 2022, members of the Fairfax County Police Department’s (hereinafter “FCPD”) Street Crimes Unit (hereinafter “SCU”) conducted an undercover narcotics operation¹ in the parking lot of a fast-food establishment on Arlington Boulevard in the Seven Corners area of Fairfax County. The operation called for the controlled purchase of illegal drugs from an individual (hereinafter referred to by his initials, “J.P.”), and for the immediate arrest of J.P. following the controlled purchase.² Officers from the SCU were in unmarked vehicles close to the proposed drug sale so they could make the arrest following the illegal transaction.

Shortly after arriving at the parking lot with a passenger in his car, J.P. pulled next to the prospective buyer, but then backed out of his parking spot without making any sale. Although no drugs were exchanged, the SCU chose to stop J.P.’s vehicle to effect his arrest;³ however, it became obvious to the members of the arrest team that J.P. was trying to get away from the area. When officers in one of the five police vehicles involved in the operation tried to intercept J.P.’s vehicle, J.P. jumped a curb to avoid getting blocked and exited the parking lot to a service road. At this point, drivers of several of the police vehicles activated their lights and sirens, which prompted J.P. to increase his speed in his continuing effort to avoid the police.

¹ Because of the undercover nature of the operation, none of the SCU members activated their body-worn camera, nor did any wear a concealed camera. Likewise, none of the vehicles they were in were equipped with in-car video or dashboard cameras.

² This technique is often referred to as a “buy-bust.”

³ The SCU had probable cause to believe J.P. was in possession with intent to distribute a scheduled I/II drug, in violation of Va. Code § 18.2-248 (C).

At approximately 10:40 p.m., Detective #1 (hereinafter “DET#1”) utilized a successful “Precision Immobilization Technique” (hereinafter “PIT”),⁴ causing J.P.’s car to rotate and come to rest on the service road next to Arlington Boulevard. At this point, three police vehicles blocked J.P.’s car from moving. FCPD Sergeant #1 (hereinafter “SGT#1”) was in the front passenger seat in a vehicle—driven by Detective #2 (hereinafter “DET#2”)—that was perpendicular to J.P.’s vehicle and effectively prevented J.P. from opening his door and getting out of his car. SGT#1 opened his door and remained behind the “A” pillar⁵ of the vehicle. He and other officers gave numerous commands for J.P. to put his hands up. SGT#1, who could see J.P.’s upper body (including his left shoulder), observed J.P. look to his left (in the direction of SGT#1 and DET#2); reach down to his right (appearing to move toward the glove box or the floor on the passenger side); raise back up; and, finally, start to raise his left arm. SGT#1 aimed at J.P.’s left shoulder and fired one round from his firearm, which struck J.P. in his left shoulder. No other use of force was used, and J.P. was removed from the car and provided medical treatment.⁶

RELEASE OF INVOLVED OFFICER’S IDENTITY

FCPD Chief Kevin Davis complied with the departmental policy directive to release the name(s) of officers involved in an officer involved shooting within 10 days of the incident by releasing a statement and SGT#1’s identity on August 3, 2022.⁷

CRIMINAL INVESTIGATION/ PROSECUTIVE DECISION

The FCPD conducted both a criminal and an administrative investigation into SGT#1’s use of deadly force. The results of the criminal investigation were provided to the Office of the Commonwealth’s Attorney (hereinafter “CWA”). On December 30, 2022, the CWA released a report advising that no criminal charges would be pursued against SGT#1 for his use of force

⁴ Defined in FCPD General Order 505 III. E. as “[a] vehicle stopping technique that involves the intentional act of using a police vehicle to physically force a fleeing vehicle from its course of travel to immobilize it.” It should be noted that the successful PIT was executed one minute after the unsuccessful intercept attempt and eliminated any potential pursuit of J.P.

⁵ Between the vehicle’s frame and the open door.

⁶ A member of the SCU arrest team was a certified Emergency Medical Technician.

⁷ [Officer-Involved Shooting in Seven Corners | Fairfax County Police Department News \(wordpress.com\)](https://www.fairfaxcounty.gov/police/news/officer-involved-shooting-in-seven-corners).

during this incident because he determined that SGT#1's actions did not violate criminal law.⁸ J.P. was charged with possession with intent to distribute a scheduled I/II drug.⁹

INTERNAL ADMINISTRATIVE INVESTIGATION

Because this was an officer-involved shooting, the FCPD Internal Affairs Bureau (hereinafter "IAB") conducted the internal administrative investigation. That internal investigation into this incident was, in my opinion, complete, thorough, objective, impartial, and accurate.

The IAB investigators were apprised of and provided access to the comprehensive criminal investigation conducted by the FCPD Major Crimes Bureau (hereinafter "MCB") which included: a canvas of the area looking for any available third-party (non-police) video camera footage of the incident; scene imaging and evidence collection; a re-enactment of the actions of the officers; interviews of all involved FCPD personnel as well as interviews of J.P.;¹⁰ a search—authorized by a search warrant—of J.P.'s car; and the acquisition of medical records detailing the treatment provided to J.P. at INOVA Fairfax Hospital where he was taken after being shot.

The administrative investigation also included the collection and review of: photographs, a diagram, and an aerial map of the location of the incident; Department of Public Safety Communications data related to the incident and the response to it; computer-aided dispatch data; Fairfax County Fire and Rescue Department records pertaining to its response to the incident; SGT#1's training records; and the training records of the officers involved in the initial vehicle stop attempt and the successful PIT maneuver.

The FCPD concluded that SGT#1's use of deadly force was within departmental policy, specifically FCPD General Order (hereinafter "G.O.") 540 on use of force and G.O. 540.8 on deadly force. The department also concluded that the use of the PIT maneuver and the other "vehicle-stopping techniques" used during the incident complied with its relevant policies.¹¹ I agree with the FCPD's conclusions and will articulate my reasons in the following section of this report.

⁸ [December 30, 2022, Report from Commonwealth's Attorney Steve Descano.](#)

⁹ Va. Code § 18.2-248 (C).

¹⁰ Detectives from the FCPD's Major Crimes Bureau tried to interview J.P.'s passenger. After being advised of his right to not speak to them, he declined. Like J.P., the passenger was charged with possession with intent to distribute a scheduled I/II drug in violation of Va. Code § 18.2-248 (C).

¹¹ G.O. 505 Vehicle Stopping Techniques (effective February 2022).

CONCLUSIONS

I. Legal Compliance

A. Federal Law

In its Graham v. Connor¹² opinion, the United States Supreme Court analyzed the use of force—including deadly force—by law enforcement officers in this country and recognized that “police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”¹³ In the same opinion, Chief Justice William Rehnquist stated that the Fourth Amendment to the United States Constitution¹⁴ is the standard by which an officer’s actions in these situations must be judged. Because it is the Fourth Amendment standard, an officer’s use of force must be objectively reasonable to be lawful. The use of deadly force¹⁵ is objectively reasonable only when an “officer has probable cause to believe that the suspect poses a significant threat of death or serious injury to the officer or others.”¹⁶ Finally, probable cause is based on the “totality of the circumstances,”¹⁷ known to the officer at the time, and the probable cause [to believe] standard is met when there is a “fair probability”¹⁸ that the belief is accurate.

The situation under review was certainly tense, uncertain, and rapidly evolving. Members of FCPD’s SCU attempted to arrest J.P. after an unsuccessful, pre-planned narcotics transaction. An officer attempted to use his vehicle to prevent J.P. from getting away from them but J.P. was able to maneuver around the police vehicle and get out of the parking lot. Another officer executed a successful PIT maneuver to disable J.P.’s car. Officers were then able to prevent J.P. from opening his door. From his vantage point, SGT#1 had a clear view of J.P.’s

¹² 490 U.S. 386 (1989).

¹³ *Id.* at 397.

¹⁴ Amendment IV to the U.S. Constitution: The right of the people to be free in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

¹⁵ See GLOSSARY.

¹⁶ Tennessee v. Garner, 471 U.S. 1, at p. 4 (1985).

¹⁷ Illinois v. Gates, 462 U.S. 213 (1983).

¹⁸ *Id.*

upper body.¹⁹ After several commands were given to J.P. to show his hands²⁰ (with which he did not comply), SGT#1 observed J.P. look to his left, reach down to his right (in the direction of the glove box or floorboard), raise back up, and start to raise his left arm. SGT#1—fearing that J.P. had accessed a firearm to use against him or DET#2 (the driver of the vehicle SGT#1 was in)—fired one shot from his own firearm.

A thorough search of J.P. and of his car revealed that J.P. did not have a gun on his person nor in his car. In spite of this, SGT#1 reasonably believed at the time that J.P. had reached for and accessed a weapon to use against him and/or his fellow officer(s),²¹ thereby posing a significant threat of death or serious injury to himself or his fellow officers.²²

Before the attempted purchase of drugs from J.P., the officers were informed that J.P. possessed firearms, and that he may have one with him during this sale. During his interview with MCB detectives on August 3, 2022, SGT#1 recounted being briefed that J.P. was “known . . . to have or carry a firearm in previous interactions.” In addition to this specific information relating to J.P., courts have consistently recognized—and SGT#1 had received training on—the “general knowledge that guns are common in drug transactions,” that “drug trafficking activity carries all too real dangers to law enforcement officers,” and that there is a “settled connection between firearms and drug activities.”²³

Because SGT#1 had probable cause to believe that J.P. posed a significant threat of death or serious injury to himself or others, his use of deadly force was objectively reasonable and, therefore, lawful under the Fourth Amendment.

B. State Law

Virginia state law provides guidance similar to the federal law to determine whether force (to include deadly force) complied with the state law. First, Virginia Code § 19.2-83.3 defines “excessive force” as “any force that is objectively unreasonable given the totality of the circumstances, including the severity of the crime at issue, whether the suspect poses an

¹⁹ The vehicle’s windows were tinted, but SGT#1 activated the light affixed to his firearm enabling him to see J.P.’s upper body.

²⁰ FCPD G.O. 540.8 I. B. mandated that “[i]f feasible, prior to the use of deadly force, officers shall provide a warning to the subject of deadly force.”

²¹ IAB interview of SGT#1, conducted on October 19, 2022.

²² Note 16, *supra*.

²³ United States v. Everett, No. 22-4536 (4th Cir. 2024), at page 19 (see, also, United States v. Kennedy, 32 F.3d 876, 882 (4th Cir. 1994) and United States v. Manigan, 592 F.3d 621, 629 (4th Cir. 2010)).

immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.”²⁴

Specific to the use of deadly force, Virginia law provides specific guidance by expressly prohibiting the use of “deadly force against a person unless:

1. The law-enforcement officer reasonably believes that deadly force is immediately necessary to protect the law-enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death;
2. If feasible, the law-enforcement officer has provided a warning to the subject of the deadly force that he will use deadly force;
3. The law-enforcement officer's actions are reasonable, given the totality of the circumstances; and
4. All other options have been exhausted or do not reasonably lend themselves to the circumstances.”²⁵

Additionally, state law provides more specific guidance by dictating that “[i]n determining if a law-enforcement officer's use of deadly force is proper, the following factors shall be considered:

1. The reasonableness of the law-enforcement officer's belief and actions from the perspective of a reasonable law-enforcement officer on the scene at the time of the incident; and
2. The totality of the circumstances, including (i) the amount of time available to the law-enforcement officer to make a decision; (ii) whether the subject of the use of deadly force (a) possessed or appeared to possess a deadly weapon and (b) refused to comply with the law-enforcement officer's lawful order to surrender an object believed to be a deadly weapon prior to the law-enforcement officer using deadly force; (iii) whether the law-enforcement officer engaged in de-escalation measures prior to the use of deadly force, including taking cover, waiting for backup, trying to calm the subject prior to the use of force, or using non-deadly force prior to the use of deadly force; (iv) whether any conduct by the law-enforcement officer prior to the use of deadly force intentionally increased the risk of a confrontation resulting in deadly force being used; and (v) the seriousness of the suspected crime.”²⁶

Based on the law in the Commonwealth, and the specific guidance provided therein, SGT#1’s use of deadly force was legal for many of the same reasons it was legal under federal law.

²⁴ These three factors were articulated in Graham v. Connor, *supra*, note 12, and are often referred to as the Graham factors.

²⁵ Va. Code § 19.2-83.5 A.

²⁶ Va. Code § 19.2-83.5 B.

II. Policy Compliance

Lastly, for the same reasons that SGT#1's use of deadly force was objectively reasonable and legal under federal and state law, his use of deadly force also comported with FCPD policy.

The FCPD policy regarding the use of force—up to and including deadly force—mirrors the aforementioned pronouncements from the Supreme Court in its Graham and Garner opinions. FCPD G.O. 540.0 on USE OF FORCE states, in part: “Force is to be used only to the extent it is objectively reasonable to defend oneself or another, to control an individual during an investigative or mental detention, or to lawfully effect an arrest. Force should be based upon the totality of the circumstances known by the officer at the time force is applied, without regard to the officer's underlying intent or motivation, and weighs the actions of the officer against their responsibility to protect public safety as well as the individual's civil liberties. Force shall not be used unless it is reasonably necessary in view of the circumstances confronting the officer. The application of deadly force should only be used in the most extreme circumstances where all lesser means of force have failed or could not reasonably be utilized.”²⁷ FCPD G.O. 540.1, Use of Force-Definitions, goes on to define “Objectively Reasonable” as follows: “The level of force that is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same set of circumstances. Objective reasonableness is not analyzed with the benefit of hindsight, but rather takes into account the fact that officers must make rapid and necessary decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.”²⁸

Finally, FCPD policy provides that “[d]eadly force shall not be used unless it is objectively reasonable. The officer must believe, based on the totality of the circumstances known at the time, that deadly force is immediately necessary to protect the officer or another person, other than the subject of the use of deadly force, from the threat of serious injury or death and that all other force options to control the individual(s) are not feasible, or have already proven to be ineffective.”²⁹ SGT#1 did not have time or another feasible option after J.P. refused to comply with commands and appeared to reach for something in his car. Based on the information about J.P. provided to SGT#1 before the undercover operation, on what SGT#1

²⁷ FCPD G.O. 540.0 II.

²⁸ FCPD G.O. 540.1 I. L.

²⁹ FCPD G.O. 540.8 I. A.

observed during the incident, and on his training, SGT#1 reasonably believed that J.P. posed an immediate threat of serious injury or death to himself and his fellow officers—especially to DET#2—when he used deadly force. Because that threat was immediate, no other force options were feasible. Therefore, MPO#1’s use of deadly force met the policy standards required by the FCPD.

RECOMMENDATIONS

Use of Force Policy

As the preceding section of this report indicated, SGT#1 complied with the relevant laws and policy provisions governing his use of deadly force during this incident. FCPD policy on the use of force—both at the time of this incident and at present³⁰—thoroughly addresses the use of both deadly and “less-lethal” force, aligns with constitutional standards, and provides FCPD officers extensive guidance on resolving incidents with the concept that the sanctity of life is always paramount.³¹ In this incident, SGT#1 had probable cause to believe that J.P. posed an immediate danger of death or serious injury to himself or his fellow officers when he used deadly force. The FCPD analyzed his decision to use deadly force by examining that decision against the policies in place. The investigation determined that SGT#1’s actions were lawful and complied with departmental policy. I agree with those conclusions for the reasons stated in the preceding section of this report. Consequently, I have no policy recommendations relating to the use of force based on this incident review. However, I do have recommendations separate from the FCPD’s policies on the use of force.

Recording Equipment in Undercover Operations

The prevalence of technology being used in law enforcement today has led community members to expect video footage of almost every police incident. In addition to officers wearing body-worn cameras, community members often record these incidents using their own personal electronic devices, most often their cellphones. Although recorded video footage is rarely (if ever) a perfect depiction of what occurred during an incident—and while use of force incidents

³⁰ As noted at the beginning of this report, the FCPD revised its policy on use of force twice since this incident occurred, first on August 12, 2022, and again on April 29, 2024.

³¹ Currently in effect, FCPD G.O. 540.0 II. states that “[i]t is the policy of the Fairfax County Police Department that officers hold the *highest regard for the sanctity of human life, dignity, and liberty of all individuals.*” (*emphasis added*). The policy in effect when this incident occurred on August 2, 2022, included the same statement.

need to be analyzed from the perspective of the officer(s) involved³²—it is helpful to review footage from a use of force event to better understand how the event unfolded.

This incident started with a pre-planned undercover narcotics exchange. Because of the undercover nature of the initial operation, no officer activated their body-worn camera or wore a concealed camera and none of the vehicles were equipped with in-car video systems. I acknowledge that body-worn cameras are not practical for every officer in undercover operations. However, I believe that unmarked police cars and some involved officers can be outfitted with body-worn or covert recording devices to record some, if not most, undercover operations. The recordings could be helpful in the subsequent prosecution of the criminal subjects of the operations; and, they can assist in evaluating the tactics employed by the police (including uses of force) during the operations. Therefore, I recommend equipping at least some officers and unmarked police vehicles with recording equipment for use in undercover operations. Implementing this recommendation will, of course, have to be coordinated with the Office of the Commonwealth’s Attorney because of criminal discovery obligations and evidentiary issues that will be created by using the recording equipment.

Monitoring Legislation and Best Practices/Forfeiture of Fleeing Vehicles

When individuals flee from police officers, there is inherent danger to the community at large. The Police Executive Research Forum indicates that vehicle pursuits pose risk to innocent bystanders, officers, suspects, and other occupants of the car being pursued and that collisions occur approximately 30% of the time and fatalities up to 17% of the time.³³ A police department’s policy dictates when its officers are allowed to engage in a pursuit. Many departments nationwide have revised their policies in recent years to limit the circumstances under which pursuits are authorized. The same is true for the FCPD, which updated its pursuit policy since this incident occurred in August 2022,³⁴ and last revised G.O. 505—covering Vehicle Stopping Techniques—on September 2, 2022. According to its recently published 2023

³² In *Graham v. Connor*, note 12, *supra*, at 396, the Supreme Court went as far as to say that “[t]he ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”

³³ See [PERF \(2023\) Vehicular Pursuits: A Guide for Law Enforcement Executives on Managing the Associated Risks. COPS, U.S. Department of Justice.](#)

³⁴ FCPD G.O. 504 became effective on March 16, 2024, revising the prior iteration which became effective on September 8, 2021.

Vehicle Pursuits Annual Summary, the FCPD engaged in more than 100 pursuits each year from 2014-2021; but after changing its policy in 2021, engaged in 37 in 2022 and 30 in 2023.³⁵

The most notable revision that the FCPD made to its pursuit policy was to limit the initiation of a pursuit to situations “when the pursuing officer has reasonable articulable suspicion that the fleeing driver and/or passenger is wanted for, or has committed, attempted to commit, or has threatened to commit:

1. A violent felony as defined in this policy.
2. Any felony or misdemeanor offense involving the criminal display, threat, or discharge of a firearm or explosive device (ex: brandishing, reckless discharge).
3. When authorized by a supervisor or commander as outlined in Section VII of this policy.”³⁶

Prior to the change, FCPD policy also allowed officers to pursue for non-violent felonies, certain misdemeanors, and for traffic violations.³⁷

The new pursuit policy would not have allowed officers to pursue J.P. in the incident under review. However, when J.P. first attempted to flee from officers, they tried to intercept his vehicle by blocking it in, and then successfully stopped him by using a PIT maneuver one minute later. Consequently, the FCPD analyzed the officers’ actions as the use of “vehicle stopping techniques,” but not as an actual pursuit.³⁸ Regardless, J.P. did attempt to flee, and the following recommendation is based on an offender’s flight, not on any ensuing pursuit.

As new police policies (including the FCPD’s) limit pursuits, there may be a concern that more people will flee from police. However, there is research to suggest that if the police do not chase, there will be no significant increase in the number of suspects who flee.³⁹ Research also shows that, historically, more than 90% of all pursuits are initiated after traffic violations.⁴⁰ Ideally, even when individuals choose to flee, police pursuits and the need for “vehicle stopping

³⁵ [FCPD 2023 Vehicle Pursuits Annual Summary](#).

³⁶ This language first appeared in the policy which became effective on September 8, 2021, and remains in the current policy, effective March 16, 2024. See, FCPD G.O. 504 V. A.

³⁷ See, Chief Kevin Davis’s presentation to the Fairfax County Board of Supervisor’s Public safety Committee Meeting on May 25, 2021.

³⁸ Note 11, *supra*.

³⁹ Note 33, *supra*, fn. 19, citing Alpert, Dunham, and Strohshine, *Policing: Continuity and Change*.

⁴⁰ *Id.*, fn. 13, citing Fennessy and Joscelyn, “A National Study of Hot Pursuit” and Alpert and Lum, *Police Pursuit Driving*.

techniques” will decrease over time because of advances in and the use of evolving technology (e.g., the use of drones).

The goal, of course, should be to not only reduce police pursuits, but to reduce the number of individuals who flee from police in the first place. If fewer people flee from the police, then the inherent risks involved in their flight will also decrease. I recommend that the FCPD continue to monitor national trends in policy on police pursuit of fleeing vehicles and whether best practices emerge in the deterrence of fleeing vehicles. For example, I am aware of two separate jurisdictions that have recently enacted legislation allowing for the forfeiture⁴¹ of those vehicles driven by individuals who choose to flee from police officers.⁴² Based on future data collected in these jurisdictions on the impact of forfeiture laws on fleeing vehicles, the FCPD could explore the possibility of Fairfax County lobbying the General Assembly of Virginia to enact similar legislation.

It is worth noting that vehicles used during the commission of certain underlying crimes are already subject to forfeiture in Virginia. The Code of Virginia provides that “[a]ny vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of § [18.2-346](#), [18.2-346.01](#), [18.2-347](#), [18.2-348](#), [18.2-348.1](#), [18.2-349](#), [18.2-355](#), [18.2-356](#) or [18.2-357](#) or of a similar ordinance of any county, city or town or knowingly used for the transportation of any stolen goods, chattels or other property, when the value of such stolen goods, chattels or other property is \$1,000 or more, or any stolen property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited to the Commonwealth.”⁴³ At this point, I am recommending that the FCPD consider emerging data and best practices and engage the County Attorney’s Office and the County’s Legislative Affairs Office to examine the possibility of

⁴¹ Defined in Barron’s Law Dictionary (Second Edition) as “the permanent loss of property for failure to comply with the law; the divestiture of the title to property to the sovereign power without compensation, as a result of a default or an offense.” The process for the legal forfeiture of vehicles in Virginia is set forth in Va. Code § [19.2-386.1](#), et seq.

⁴² Based on a New York state law (the “Craig J. Todeschini Unlawful Fleeing a Police Officer Act”), Suffolk County, New York, recently enacted a local provision allowing for the forfeiture of fleeing vehicles; and the Pinellas County, Florida, Sheriff’s Office began seizing and forfeiting fleeing vehicles in June 2024, pursuant to the Florida Contraband Forfeiture Act.

⁴³ Va. Code § 19.2-386.16 A. Section B. of the same code section includes additional underlying offenses allowing for the forfeiture of vehicles used during the commission of those crimes.

formally requesting the General Assembly to add the act of fleeing from police to the list of offenses which already allow for the forfeiture of vehicles in the Commonwealth of Virginia.

Any disincentive for people to flee from police—combined with the more restrictive pursuit policies recently enacted by the FCPD—could further decrease police pursuits and keep Fairfax County’s roadways safer for everyone.

APPENDIX: GLOSSARY OF TERMS

FCPD – Fairfax County Police Department

FCSO – Fairfax County Sheriff's Office

G.O. – General Order

SOP – Standard Operating Procedure

UOF – Use of Force

BWC – Body-worn Camera

ICV – In-Car Video

ADC – Adult Detention Center

CWA – Commonwealth's Attorney

Fourth Amendment to the United States Constitution - The right of the people to be free in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Force – defined in Fairfax County Police Department General Order 540.1 I. G. as any physical strike or instrumental contact with an individual, or any significant physical contact that restricts an individual's movement. Force does not include escorting or handcuffing an individual who is exhibiting minimal or no resistance. Merely placing an individual in handcuffs as a restraint in arrest or transport activities, simple presence of officers or patrol dogs, or police issuance of tactical commands does not constitute a reportable action.

Less-Lethal Force – defined in Fairfax County Police Department General Order 540.1 I. I. as any level of force not designed to cause death or serious injuries.

Deadly Force – defined in Fairfax County Police Department General Order 540.1 I. B. as any level of force that is likely to cause death or serious injury.

Serious Injury – defined in Fairfax County Police Department General Order 540.1 I. R. as an injury which creates a substantial risk of death, disfigurement, prolonged hospitalization, impairment of the functions of any bodily organ or limb, or any injury that medical personnel deem to be potentially life-threatening.

ECW – Electronic Control Weapon; considered less-lethal force. Defined in Fairfax County Police Department General Order 540.1 I. C. as a device which disrupts the sensory and motor nervous system of an individual by deploying battery-powered electrical energy sufficient to cause sensory and neuromuscular incapacitation. Often referred to as a Taser.

Empty-Hand Tactics – considered less-lethal force. Described in Fairfax County Police Department General Order 540.4 II. A. 2. as including strikes, kicks, and takedowns.

OC Spray – Oleoresin Capsicum; considered less-lethal force; often referred to as “pepper spray.”

PepperBall System – defined in Fairfax County Police Department General Order 540.1 I. O. as a high-pressure air launcher that delivers projectiles from a distance. Typically, the projectile contains PAVA powder which has similar characteristics to Oleoresin Capsicum. Considered less-lethal force.

Passive Resistance – defined in Fairfax County Police Department General Order 540.4 I. A. 1. as where an individual poses no immediate threat to an officer but is not complying with lawful orders and is taking minimal physical action to prevent an officer from taking lawful action.

Active Resistance – defined in Fairfax County Police Department General Order 540.4 I. A. 2. as where an individual’s verbal and/or physical actions are intended to prevent an officer from taking lawful action, but are not intended to harm the officer.

Aggressive Resistance – defined in Fairfax County Police Department General Order 540.4 I. A. 3. as where an individual displays the intent to cause injury, serious injury, or death to others, an officer, or themselves and prevents the officer from taking lawful action.