



County of Fairfax, Virginia

MEMORANDUM

DATE: July 24, 2025

TO: Fairfax County Board of Supervisors

Bryan Hill
County Executive

Tom Arnold
Deputy County Executive for Safety and Security

FROM: Richard G. Schott
Independent Police Auditor

SUBJECT: Disposition of Independent Police Auditor Review for
IPA-22-17R

As set forth in the Office of the Independent Police Auditor's Procedural Memorandum 04, dated September 11, 2023, the following Fairfax County Police Department ("FCPD") investigation was reviewed and will not be the subject of a detailed Office of the Independent Police Auditor ("OIPA") Incident Report.¹ Rather, this Summary Memo documents my review of the investigation into two complaints made by an individual about the minimal use of force used on him during two separate incidents. One incident occurred on December 27, 2021, and the second occurred on January 11, 2022. The three officers involved in the two separate incidents were found to be "exonerated by technology" at the conclusion of the investigations.²

¹ [OIPA Procedural Memorandum 04: Case Intake and Public Reports](#)

² Both incidents were reviewed under FCPD G.O. 540, effective March 1, 2021, which was in effect until G.O. 540 was revised, effective August 12, 2022. Also, General Order 301 was revised—effective May 4, 2022—and included the new classification of "exonerated by technology." The prior version of General Order 301—effective March 20, 2015—pre-dated the FCPD's use of body-worn cameras and did not include the classification of "exonerated by technology."

On May 28, 2022, an individual (hereinafter identified by his initials, “I.B.”) submitted a letter to the Fairfax County Attorney’s Office complaining that he had been unjustly arrested on December 27, 2021, and again on January 11, 2022. Specifically, I.B. stated that on both occasions, he had been slammed to the ground and his possessions had been taken from him. He also alleged that during the December 27, 2021, incident, an officer “grabbed [him] by [his] groin from the back.” The County Attorney’s Office forwarded the letter to the FCPD.

A lieutenant assigned to the FCPD’s Mount Vernon District Station investigated both incidents simultaneously, and the FCPD resolved both incidents based on that one investigation. The FCPD provided the complaint regarding the alleged excessive uses of force to the OIPA on May 1, 2023, and the OIPA consolidated both incidents into IPA-22-17R. In this Summary Memo, the two incidents will be discussed separately.

1. December 27, 2021, Incident

On December 27, 2021, FCPD Police Officer First Class #1 (hereinafter “PFC#1”) located I.B.—whom he knew to be the subject of an outstanding arrest warrant based on his violation of a protective order issued against him—outside of I.B.’s apartment. PFC#1 approached I.B. to arrest him, but I.B. tried to elude arrest by running away from PFC#1. PFC#1 quickly caught up to I.B. and conducted a controlled takedown of him. He then held I.B. down until additional officers arrived. When the other officers arrived, they handcuffed I.B., helped him to his feet, and placed him in a police cruiser for transport to the Fairfax County Adult Detention Center (hereinafter “ADC”).

Pursuant to FCPD policy, and as authorized by law,³ PFC#1 conducted a search of I.B. following his lawful arrest. Before completing the search, PFC#1 told I.B. that he was going to check his groin area to ensure there were no weapons secreted there. The entire arrest and subsequent search incident to the arrest were captured on PFC#1’s body-worn camera (hereinafter “BWC”).

³ *Chimel v. California*, 395 U.S. 752 (1969), recognizing that a warrantless search of an arrestee is allowed pursuant to that person’s lawful, custodial arrest.

Following the administrative investigation into this incident, the FCPD determined that PFC#1 was “exonerated by technology” for both the force used on and the search of I.B. A finding of exonerated by technology is appropriate when “[t]he allegation and/or incident has been captured by technology and a review of the technology has proven the actions of the employee were in compliance with Department rules and regulations.”⁴ After reviewing the administrative investigation into this incident, to include the relevant BWC footage, I agree with the FCPD’s determination.

PFC#1 executed a controlled “takedown” of I.B. to overcome the active resistance⁵ I.B. engaged in when he ran from PFC#1. The takedown was a “reasonably necessary” use of “less-lethal force,”⁶ which officers are allowed to use “to gain compliance by individuals offering resistance”⁷ when officers are taking lawful action. PFC#1 was taking lawful action when he arrested I.B. because he was aware of the outstanding arrest warrant for I.B.

PFC#1 was also “exonerated by technology” for the search he conducted of I.B. following the lawful arrest. FCPD General Order (hereinafter “G.O.”) 601 VI. A.⁸ provides that “in effecting the arrest of a suspect, officers should perform a systematic search of the person at the earliest possible time and, unless conditions dictate otherwise, prior to transporting prisoners in police vehicles. The search is made by sliding the hand over the suspect’s body, feeling for weapons, other objects, evidence, and contraband with special attention to the waistband, armpit, collar, and groin areas.” Clearly, PFC#1 complied with departmental policy when conducting the search incident to I.B.’s lawful arrest, and his being exonerated by technology was appropriate.

⁴ FCPD General Order 301 XIII. A. 4., effective May 4, 2022, and note 2, *supra*.

⁵ Defined in FCPD General Order 540.4 I. A. 2. As “[w]here 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.”

⁶ FCPD General Order 540.4 II. A. 2. a. includes takedowns as an example of “less-lethal force,” which is defined in FCPD General Order 540.1 I. I. as “[a]ny level of force not designed to cause death or serious injuries.”

⁷ *Id.*

⁸ G.O. 601 VI.A., effective January 1, 2021. General Order 601 covering ARREST PROCEDURES was later revised on June 24, 2022, and again on September 22, 2023.

2. January 11, 2022, Incident

On January 11, 2022, I.B. assaulted his neighbor,⁹ causing a laceration of the neighbor's ear. The neighbor pleaded for help, and a UPS driver held I.B. on the ground while the neighbor sat on a stoop and tended to his ear. Two FCPD officers arrived and assumed custody of I.B. The UPS driver relinquished control of I.B., and the officers simply controlled I.B. in order to handcuff him. After developing probable cause to arrest I.B. they arrested him and conducted a search incident to his lawful arrest.¹⁰ A review of the administrative investigation—especially the BWC footage that shows that the assaulted neighbor and the UPS driver took control of and subdued I.B. before the officers arrived—makes clear that the officers were appropriately exonerated by technology because they did not “slam” I.B. to the ground as I.B. alleged, and his items were secured as part of a search incident to his lawful arrest.

cc: Chief Kevin Davis, Chief of Police - FCPD
Commander John Lieb, Internal Affairs Bureau - FCPD

⁹ After going before a magistrate, I.B. was charged with malicious assault (Va. Code § 18.2-51.2 (A)), as well as three other charges related to the assault.

¹⁰ *Supra*, notes 3 and 8.