



County of Fairfax, Virginia

MEMORANDUM

DATE: 10/22/2019

TO: Fairfax County Board of Supervisors
Colonel Edwin C. Roessler Jr.
Chief of Police
Major Matt Owens
Commander - Internal Affairs Bureau

FROM: Richard G. Schott
Independent Police Auditor

SUBJECT: Non-Use of Force Incident Review

A complaint was submitted to the Fairfax County Police Department (“FCPD”) alleging an improper use of force by one of its officers. The FCPD investigated and determined that no force had been used during the incident. However, based on the initial allegation and the complaint, the FCPD referred the matter to me for review. Rather than issuing a formal report, I am submitting this Memorandum to document my review of the internal investigation.

INCIDENT

On September 6, 2018, a complaint was electronically submitted to the Fairfax County Police Department (hereinafter “FCPD”) McLean District Station against Police Officer First Class #1 (hereinafter “PFC#1”). The complainant made the complaint on behalf of her daughter (hereinafter “KO”).

The complainant alleged that on August 31, 2018, PFC#1 confronted KO during a high school football game being played at Marshall High School in the Falls Church area of Fairfax County. According to the complaint, PFC#1 confronted KO in the school after a group of individuals went inside to seek refuge from a rainstorm. Specifically, the complaint stated that

PFC#1 “pushed [KO] out of the school,” and that this action was “unnecessarily confrontational” and that [PFC#1] should have contacted [complainant] before engaging in actions that could have instigated a more serious situation.”

PFC#1’s Incident Report revealed that when he observed KO in the school, he was aware of a “trespassing letter” on file which prohibited KO from being on school property. When he confronted KO with this fact, KO explained that her mother had told her the “trespassing letter” had expired, and that she, therefore, could be at the school. Regardless, KO voluntarily left the building and school property. PFC#1 confirmed that the “trespassing letter” against KO was still active, but that school officials did not wish to pursue charges against KO. PFC#1 did not document any use of force in the Incident Report.

INTERNAL ADMINISTRATIVE INVESTIGATION

Based on the complaint, the FCPD conducted an internal administrative investigation. Marshall High School security camera footage was reviewed and supported PFC#1’s version of the incident, capturing no physical contact between PFC#1 and KO. During an interview of the complainant on September 14, 2018, she advised that she had been misinformed by KO as to the incident. She explained that KO had been upset because of the confusion surrounding the “trespassing letter;” and had since learned that when PFC#1 told KO to leave the school property, KO did so voluntarily. KO clarified to her mother that no force was used against her. KO declined to be interviewed as part of the investigation.

Based on my review of this investigation, I believe it was complete, thorough, objective, impartial, and accurate.

CONCLUSIONS

When interviewed as part of the FCPD’s internal investigation into KO’s allegation, the complainant concurred that no force had been used during the incident. Therefore, FCPD General Order (hereinafter “G.O.”) 540.2, Use of Force, De-escalation, is applicable to PFC#1’s handling of the matter. PFC#1 gained KO’s compliance by explaining the situation to

her, and later confirmed the validity of the “trespassing letter.” By doing so PFC#1 conformed with G.O. 540.2 B., which states that “[w]hen possible, officers should seek to utilize de-escalation strategies to prevent situations from deteriorating to the point where they would need to use force,” and that “[o]fficers should attempt to gain voluntary compliance and reduce the level of force required in a situation through verbal communication efforts.”

RECOMMENDATIONS

Because no force was used during this incident, the FCPD analyzed PFC#1’s actions based on its policy provision requiring de-escalation efforts. PFC#1 abided by the department’s principle promoting de-escalation whenever possible to avoid the need for force. Consequently, I have no recommendations to make based on this incident review.