

# POLICE CIVILIAN REVIEW PANEL RECOMMENDATIONS MATRIX

Updated 2-11-2021

<b><u>Report</u></b>	<b><u>Panel Recommendation</u></b>	<b><u>FCPD Action</u></b>	<b><u>Status (as determined by the Panel)</u></b>
<a href="#"><u>CRP-20-19 and CRP-20-27</u></a> (Published February 9, 2021)	The FCPD should create a policy requiring all district station interviews be recorded.	Pending	Pending
<a href="#"><u>CRP-20-19 and CRP-20-27</u></a> (Published February 9, 2021)	The FCPD should ensure that all FCPD Officers are informed of its policy 501.2 Investigative Responsibilities.	Pending	Pending
<a href="#"><u>CRP-20-19 and CRP-20-27</u></a> (Published February 9, 2021)	The FCPD should encourage the Fairfax County Sheriff to record and preserve video taken from inside the Fairfax County Adult Detention Center.	Pending	Pending

<p><a href="#">CRP-19-29</a> (Published October 23, 2020)</p>	<p>“The FCPD should develop objective criteria and processes to evaluate allegations of bias or profiling (as pertains to race, ethnicity, sexuality, religion or sexual orientation) in internal investigations of complaints against officers. These criteria may include (1) searching the officer’s public social media profiles; (2) interviewing coworkers in the officer’s unit and other potential witnesses; (3) quantitatively and/or qualitatively analyzing data (by trained analysts) from community contacts, stops, searches and arrests; and (4) comparing the circumstances and claims of the current complaint to any prior complaints.</p> <p>Quantitative analysis of data should not be limited to descriptive analyses, but when appropriate, should include bivariate and multivariate analyses to ensure that appropriate variables are considered. The investigation file should contain a clear evaluation and summary of the officer’s actions under each of the criteria listed above.”</p>	<ol style="list-style-type: none"> <li>1) All Internal Affairs investigations receive an open-source social media inquiry as of April 1, 2020.</li> <li>2) General Order 301, Internal Investigations, states that witnesses shall be interviewed if they would assist in an investigation. Regulation 201.3, Obedience to Laws, Regulations, and Training, as it pertains to Regulation 201.5, Reporting Violation, states any employee shall immediately report any violation, including bias-based policing.</li> <li>3) Arrests and traffic statistics are publicly shared on the FCPD website. IAB is in the process of procuring a Management Analyst to perform quantitative and qualitative analysis of public safety data.</li> </ol>	<ol style="list-style-type: none"> <li>1) Implemented by FCPD.</li> <li>2) Not Implemented by FCPD. Presently being reviewed by the FCPD following the January 26, 2021 decision by the Board of Supervisors in CRP-29-19 directing the FCPD to take further action, including conducting interviews with the officer’s co-workers.</li> <li>3) Pending further analysis by the FCPD. Data analysis conducted for investigations must include quantitative and qualitative analysis of community contacts and stops by officers, as well an analysis of publicly shared data</li> </ol>
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<p><a href="#">CRP-19-29</a> (Published October 23, 2020)</p>	<p>“All community contacts, stops, searches and arrests by the FCPD should be entered into the data management system. Data analysis of an officer’s community contacts, stops, searches and arrests should be broken down by the race and ethnicity of community members. Data on community contacts should be broken down as follows: (1) community contacts that remain consensual for the duration of the encounter; (2) community contacts that evolve into detentions by virtue of reasonable suspicion; and (3) community contacts that evolve into detentions by</p>	<p>General Order 603.4, Police Community Member Contacts, and General Order 601, Arrest Procedures, requires specific documentation regarding all community member contacts, including voluntary contacts. FCPD is currently in the process of upgrading agency record management systems which will further enhance tracking.</p>	<p>Pending upgrade to FCPD’s data management system.</p>

	<p>virtue of probable cause. Officers should also enter into the data base the reasons for the community contact, stop, search or arrest. Such rationale should be coded (i.e., by a particular violation of law, type of behavior, appearance, time, place, etc.). If a community contact evolves into a detention, the officer should enter into the data base the reasons for such detention.”</p>		
<p><a href="#">CRP-19-29</a> (Published October 23, 2020)</p>	<p>“Data analysis of an officer’s community contacts, stops, searches and arrests should be compared and contrasted with comparable data from the district station where the incident occurred and the county as a whole. The data analysis should also take into account the racial and ethnic composition of each district as compared to the county overall.”</p>	<p>For all bias allegations, the Internal Affairs Bureau conducts an 18-month examination of the officer’s arrests and citations. This data is compared to pertinent station demographics. The demographics of each district station and the County are publicly available in the IAB annual report.</p>	<p>Explanation of FCPD is not responsive.</p> <p>The Panel recommended data analysis of an officer’s community contacts, stops, searches and arrests in investigations of racial bias. The FCPD response addresses only arrests and citations and directs the Panel to IAB Annual Report. The Panel’s recommended data analysis should be a part of every IAB investigation where racial bias is alleged and the analysis should be included in the</p>

			investigation file for Panel members to review.
<a href="#">CRP-19-29</a> (Published October 23, 2020)	“For the purposes of investigations into allegations of bias or profiling, data analysis of the officer’s community contacts, stops, searches and arrests should cover a period of 3-5 years, or if the officer has less tenure, for the duration of his service in the FCPD. If during the prescribed time period the officer has worked in different districts within the county, the review and analysis of the officer’s community contacts, stops, searches and arrests should not be limited to the district where the officer is assigned at the moment, but rather should include all such encounters in every county district where the officer served during the time period.”	Bias investigations include an 18-month statistical analysis of the officer’s arrests and citations, comparing them with other officers at the same station. Historic database software is only capable of tracking certain data. System replacement and procurement will permit advances to add tracking fields and information categories.	Pending upgrade to FCPD’s data management system.
<a href="#">CRP-19-29</a> (Published October 23, 2020)	“Like the efforts the FCPD has undertaken to analyze and identify use of force incidents, the FCPD should consider creating an early warning system to alert commanders as to whether an officer’s community contacts, stops, searches or arrests are excessive and disproportionate for a particular race or ethnic group.”	Since November 2012, per policy, the FCPD has utilized an Early Identification System.	FCPD explanation is not responsive.  A fuller explanation is necessary regarding the Panel’s specific recommendation.
<a href="#">CRP-19-29</a> (Published October 23, 2020)	“The FCPD should retain an independent expert on implicit bias to examine all law enforcement policies, practices and training for the purpose of	In addition to mandatory County and/or agency training on bias, the Fairfax County Police Department is currently engaging an outside	Training implemented. Further explanation is required as to the examination of all law

	recommending evidence-based strategies to mitigate the impact of implicit bias on policing.”	<p>independent expert to train implicit bias, the understanding of implicit bias; procedural justice; “<i>trust building</i>,” and detecting and addressing institutional and structural racism.</p> <p>Independent subject matter experts on bias have lectured to Command Staff.</p> <p>Bias and culture-based training has been offered to employees through academy and other venture partnerships.</p>	enforcement policies and practices.
<a href="#">CRP-19-29</a> (Published October 23, 2020)	“Officers should receive implicit bias training on an annual basis.”	The FCPD Equity Team and its Ambassadors will receive specialized independent bias-based training. This education will provide a unique, cutting-edge platform for organizations to build a foundational capacity to address or discuss equity gaps, race, equality, cultures, and unity. The independent expert will also train-the-trainer for annual refresher courses on implicit bias, procedural justice, and <i>trust building</i> .	Implemented by FCPD.
<a href="#">2019 Annual Report</a> (Published February 28, 2020)	“Where the evidence gathered during an Investigation into a Complaint of racial bias does not offer a race-neutral explanation for the conduct of the accused officer, the FCPD should continue to investigate seeking some explanation for the officer’s conduct by	The Fairfax County Police Department Internal Affairs Bureau conducts investigations into all complaints involving any allegation of perceived bias. Bias-based	<p>Not fully implemented.</p> <p>The Panel’s recommendation is that the FCPD proactively</p>

	<p>obtaining reasonably available evidence that will corroborate either a race-neutral or race-biased explanation such as examining the officer’s social media accounts and/or interviewing witnesses.”</p>	<p>complaints will include obtaining all available evidence; such as, but not limited to, witness statements, videos, publicly available social media, statistics, reports, etc. Consistent with all investigations completed by the police department; any available evidence is thoroughly examined for appropriate response and lawful action.</p>	<p>continue to investigate to find corroborating evidence, if the available evidence does not offer a “race-neutral explanation” for the conduct of the officer. The Panel recommends (see recommendation in CRP-19-29) that the FCPD develop objective criteria and processes to evaluate allegations of bias or profiling separate from its normal investigation processes.</p>
<p><a href="#">CRP-19-11</a> (Published January 15, 2020)</p>	<p>“With respect to obvious, known witnesses who are not interviewed, Investigation Reports should include an explanation for why such an interview failed to occur.”</p>	<p><u>General Order 301</u>, Internal Investigations, states that witnesses shall be interviewed if they would assist in an investigation of a complaint or incident. Commanders were reminded of this policy in a March 2020 Command Staff meeting. Furthermore, Bureau Commanders are responsible for ensuring all investigative tasks have been properly completed as an additional quality control and review oversight protocol.</p>	<p>Implemented by FCPD.</p>

<p><a href="#">CRP-19-11</a> (Published January 15, 2020)</p>	<p>“FCPD civilian ride-a-long individuals should be tracked and recorded in all instances. A police ride-a-long individual should never be unknown such that when an incident containing alleged misconduct is investigated, the civilian witness cannot be determined.”</p>	<p><u>General Order 430.3</u> sets policy and procedure for each Ride-Along to include maintenance of the application and required documentation for every Ride-Along. Commanders were reminded of this importance during a Command Staff meeting in March 2020.</p>	<p>Implemented by FCPD.</p>
<p><a href="#">CRP-19-11</a> (Published January 15, 2020)</p>	<p>“The FCPD should implement a clear policy for what officers should do in situations where children are left unattended by detained individuals to make sure that such children are safe during such incidents.”</p>	<p>FCPD policy requires officers to “<i>preserve the sanctity of life</i>” and, as community caretakers, officers must attend to the needs of any person who is unable to care for themselves as expeditiously as possible. <u>Regulation 201.6, Preservation of Peace and Protection of Life and Property</u>, states:</p> <p><i>“It shall be the duty of each sworn officer of the Department to:</i></p> <ul style="list-style-type: none"> <li>• <i>Preserve the public peace;</i></li> <li>• <i>Protect life and property; and</i></li> <li>• <i>Enforce and uphold the laws of the Commonwealth of Virginia and the</i></li> </ul>	<p>Implemented by FCPD.</p>

		<p><i>ordinances of the County of Fairfax.”</i></p> <p>This policy requires officers to attend to children, and any other person who is left alone and unable to care for themselves, under their oath as a sworn officer to protect life. Furthermore, officers are provided guidance from <a href="#">the Fairfax County Family Services Child Supervision Guidelines</a> regarding unattended minors and children.</p>	
<p><a href="#">CRP-18-27</a> (Published July 12, 2019)</p>	<p>“[T]he Panel recommends that in the future the Department refrain from publicly releasing [investigatory information pertaining to the Complainant’s social media accounts], because it “discourages individuals from filing future complaints, and it undermines community trust in the Panel.” If the FCPD believes such information is relevant to the investigation, “that information should be included only in the Department’s investigative file.”</p>	<p>All of the information was obtained via public websites from a Google search. The information that was released was already publicly available on the internet.</p>	<p>Not Implemented by FCPD</p>

<p><a href="#">2018 Annual Report</a> (Published March 21, 2019)</p>	<p>FCPD disposition letters to the complainant upon conclusion of FCPD investigations, “must contain sufficient, specific detail to provide complainant with a clear understanding of the scope of the FCPD investigation and the rationale for the FCPD findings.”</p>	<p>The FCPD co-produced a disposition letter with members of the community. Commanders who author these letters were then trained on the new form in September. Since that time, the new form has been in use.</p>	<p>New format for more explanatory disposition letters has been adopted by the FCPD and is being implemented.</p>
<p><a href="#">2018 Annual Report</a> (Published March 21, 2019)</p>	<p>“Action Item 17, dated December 6, 2016 (p. 278), limits the Panel’s ability to include salient facts in public reports. This restriction inhibits “the Panel’s ability to achieve its purpose ‘to enhance police legitimacy and to build and maintain public trust between the FCPD, the Board of Supervisors and the public.”</p>	<p>During Quarterly Meetings, FCPD representatives coordinated with the CRP in preparation of the proposed Action Item that was adopted by the Board of Supervisors on September 24, 2019, giving the Panel the authority to disclose facts of the investigation in the Panel’s Review Reports, with certain restrictions.</p>	<p>Action Item adopted by the Board of Supervisors on September 24, 2019, gives the Panel authority to disclose facts of the investigation in Review Reports with certain limited restrictions.</p>
<p><a href="#">2018 Annual Report</a> (Published March 21, 2019)</p>	<p>“The Panel suggests that the Board of Supervisors require a quarterly meeting among the Chiefs of Staff for the Chairman of the Board of Supervisors and the Chairman of the Public Safety Committee, the FCPD Chief, and the Chair and Vice-Chair of the Panel to review Panel comments and recommendations and discuss the implementation of the same.</p>	<p>The FCPD supports the quarterly meetings and the sharing of information regarding Panel comments and recommendations. These meetings began in June 2019 and are continuing to occur with FCPD staff present for each of them.</p>	<p>Implemented by FCPD</p>

<p><a href="#">CRP-18-26</a> (Published March 8, 2019)</p>	<p>“During FCPD administrative investigations, where statistical evidence is used, [the Panel] recommends the Crime Analyst Unit (CAU) be consulted in the gathering, preparation and reporting of the statistical data.”</p>	<p>The compilation of statistical evidence is the responsibility of the Analyst assigned to the Internal Affairs Bureau.</p>	<p>Implemented by FCPD</p>
<p><a href="#">CRP-18-26</a> (Published March 8, 2019)</p>	<p>“The FCPD should make BWC and In-Car Video (ICV) footage available for viewing at Panel Review Meetings as requested by the Panel.”</p>	<p>Requests for the Panel to view video and audio footage will be approved on a case-by-case basis.</p>	<p>FCPD explanation noted. The Chief has committed to review any Panel request for footage and determine whether to release of requested footage on a case-by-case basis.</p>
<p><a href="#">CRP-18-26</a> (Published March 8, 2019)</p>	<p>“The Panel recommends that the FCPD ensures that individuals involved in incidents with FCPD officers which are subject to a complaint be provided with an opportunity to review the video footage of the incidents.”</p>	<p>It has been the policy of the Police Department to allow complainants to view video footage consistent with <a href="#">Body Worn Camera Pilot Program SOP 18-506, Section VII, Paragraph B</a> and <a href="#">General Order 430.8, In Car Video Program Procedures, Section IV, Paragraph C-5</a>.</p>	<p>Implemented by FCPD</p>
<p><a href="#">CRP-18-12</a> (Published January 9, 2019)</p>	<p>“The Panel recommends that FCPD periodically summarize and publish all FCPD discipline across the entire FCPD without specifically identifying the disciplined officer by name.”</p>	<p>In keeping with our commitment to transparency, the FCPD annually publishes an <a href="#">Internal Affairs Bureau Statistical Report</a>, which is made available both within and outside of</p>	<p>Under Review by FCPD.</p>

		the Department. IAB is currently researching best practices. Once a template is developed, it will be discussed with the County Attorney for legal review.	
<a href="#"><u>CRP-18-12</u></a> (Published January 9, 2019)	“The Panel recommends that the FCPD ensure that all concerns outlined in future Complaints be fully investigated and separately addressed in the Investigation Report.” (Officer’s demeanor was not explicitly discussed in the Investigation Report, even though it had been an issue in the Complaint).”	Complaints received by the FCPD are thoroughly investigated. As stated in your report, Major Reed assured the Civilian Review Panel (CRP) members that investigators take a holistic approach to ensure that all aspects of a complaint are addressed. Upon completion, all investigations are subject to a multi-layer review. This investigative review may be conducted by Station Commanders, Bureau Commanders, Deputy Chiefs, and the Chief of Police to ensure accuracy and thoroughness.	FCPD explanation noted.
<a href="#"><u>CRP-18-12</u></a> (Published January 9, 2019)	“The Panel recommends that the FCPD develop an efficient methodology to reintegrate some level of supervision over the submission of [FR300P accident report] forms [by FCPD officers].” The Panel concluded that the consequences for errors could be problematic, as certain insurance claims were initially denied based on erroneous information in the initial FR300P.”	Under the Traffic Records Electronic Data System ( <a href="#"><u>TREDS</u></a> ) system, which is a VA State Program, when an officer submits an FR300P, a layered approval process begins. The first layer is the TREDS system itself, which provides a real-time review to ensure all required fields are populated. After the TREDS system review, the report is submitted for	The Panel accepts explanation of FCPD regarding supervision under TREDS System.

		internal review by the FCPD Central Records Division. The Central Records Division has received specialized training on TREDIS and have the delegated authority to accept or reject accident reports if they are not in compliance. In addition, the Central Records Staff distributes error reports to supervisory staff to ensure quality control and accountability.	
<a href="#"><u>CRP-17-10</u></a> <u>(Published March 26, 2018)</u>	"[T]he Complainant indicated in her statement to the Panel that, other than the Notification, she had not received any further explanation from the FCPD. The Panel recommends that the FCPD contact the complainant and offer her whatever additional explanation that is legally permissible and appropriate under the circumstances."	Letter signed by Station Commander was sent to the complainant indicating the officer's violation was addressed and how to seek additional recourse. Internal Affairs Bureau (IAB) personnel also had a phone conversation with the complainant to address their concerns.	Implemented by FCPD