



County of Fairfax, Virginia

MEMORANDUM

DATE: September 11, 2023

TO: 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: IPA-23-12

The following Fairfax County Police Department (“FCPD”) investigation has been reviewed and will not be the subject of a detailed Office of the Independent Police Auditor (“OIPA”) Incident Report. Rather, this Summary Memo documents my review of the investigation into a complaint made about force used by an FCPD officer. The investigation determined that the officer was “exonerated by technology.”¹

IPA-23-12

On August 19, 2022, an individual was arrested for being drunk in public and for endangering her young child who was with her. The individual was of Korean descent and struggled with English. The arresting officer utilized the Language Line service, but the Korean speaker on the phone had trouble communicating with the individual because of her intoxication. A suitable adult was identified and located, and that person agreed to provide for the young child while his mother was in police custody.

On December 19, 2022, the FCPD received a complaint, on behalf of the individual arrested in August, from the Republic of Korea Embassy. The complaint alleged that excessive force had been used during her arrest and that she had not been provided language assistance.

¹ FCPD General order 301 XII. B. 3. provides that a finding of “exonerated by technology” is appropriate when “an initial review reveals that an allegation can be quickly dispelled by available technology, to include Body-Worn Camera (BWC), In-Car Video (ICV), or other available audio/visual recording(s).”

The FCPD conducted a limited administrative investigation by reviewing the BWC footage from the arrest. The BWC revealed that no force had been used during the individual's arrest; rather, she was merely placed in handcuffs as a restraint due to her arrest.²

Furthermore, the review of the BWC footage reflected the officer's use of the Language Line service in an effort to overcome the language barrier.

Based on the limited administrative investigation, the department determined that the officer was "exonerated by technology."

² FCPD General Order 540 III. 10. specifically excludes mere handcuffing from the definition of "force."