



County of Fairfax, Virginia

MEMORANDUM

DATE: 2/3/2023

TO: Fairfax County Board of Supervisors

Colonel Kevin Davis
Chief of Police

Major Todd Billeb
Commander - Internal Affairs Bureau

FROM: Richard G. Schott
Independent Police Auditor

SUBJECT: Non-Use of Force Incident Review (IPA-22-05)

A complaint was submitted to the Fairfax County Police Department (“FCPD”) alleging an improper use of force by an FCPD officer. The FCPD investigated and determined that no force had been used by any of its officers during the incident. Based on the initial complaint and allegation, the Office of the Independent Police Auditor (“OIPA”) opened a review of the investigation. My review confirmed that no FCPD officer used force during the incident. I am submitting this Memorandum (rather than a formal report) to document my review of the internal investigation.

INCIDENT

On November 17, 2021, an individual bearing the initials S.B. (“SB”) submitted an online complaint to the FCPD that Police Officer First Class #1 (“PFC#1”) arrested SB on November 14, 2021, while he was walking home from the Tiki Thai restaurant in Reston, Virginia. According to SB’s online complaint, he was “beaten after being handcuffed to an extent where [he] suffered a concussion, a right knee sprain, a left wrist sprain, and several contusions and abrasions.” He also alleged that while PFC#1 drove SM to the Fairfax County Adult Detention Center, PFC#1 pulled his police cruiser into an alley and stated to SB, “I could have shot you.”

An FCPD Internal Affairs Bureau (hereinafter “IAB”) investigation into the SB’s allegations was initiated, and SB was interviewed on November 18, 2021. After a complete investigation into his allegations, the IAB determined that SB had been asked to leave Tiki Thai on November 14, 2021, because he was overly intoxicated. When he tried to return, private security officers confronted him, and SB assaulted one of the security officers. After being handcuffed he tried to run away several times. Consequently, the security officers placed zip-tie restraints around SB’s ankles. PFC#1 responded to the scene of the disturbance because the restaurant requested a police response. When PFC#1 arrived, SB was already handcuffed, and his ankles were restrained. He was placed under arrest, transported to the Fairfax County Adult Detention Center, and charged with being drunk in public.

A review of PFC#1’s body-worn camera footage and in-car video footage refuted SB’s allegations against any FCPD officer. On December 30, 2021, SB was afforded the opportunity to view a portion of PFC#1’s body-worn camera footage. After doing so, SB recanted his allegations against any FCPD officer.

INTERNAL ADMINISTRATIVE INVESTIGATION

Based on SB’s allegations, the FCPD conducted an internal administrative investigation. The investigation determined that no force was used by any FCPD officer during the incident. SB also recanted his allegations after viewing body-worn camera footage captured by PFC#1 on the night of the incident. Based on my review of this investigation, I believe it was complete, thorough, objective, impartial, and accurate.