


Office of the Independent Police Auditor Procedural Memorandum	
No: 04	Subject: Case Intake and Public Reports
Approval Date: September 11, 2023	Review Date: September 11, 2026
Signed by Richard Schott, Independent Police Auditor	

Purpose: This procedure outlines the parameters for the OIPA to determine which cases will be opened by the office, and how it will issue reports to the public on its reviews of FCPD administrative investigations.

Case Intake and Review Parameters:

The OIPA receives or opens cases in the following ways:

- Automatically when notified by FCPD that its officers used force which resulted in death or serious injury;
- Automatically when notified by FCPD that there was an officer-involved shooting;
- Automatically when notified by FCPD that there was an in-custody (of the FCPD) death;
- When notified by the FCPD that the FCPD received a complaint from the public of a use of force;
- When a complaint from the public is submitted directly to the OIPA.

The OIPA assigns a unique number based on the year the case was opened or received by the OIPA, such as IPA-23-01.¹

The OIPA receives monthly updates from the FCPD Internal Affairs Bureau (IAB) of any instances of serious injury or death, or complaints of force that are being investigated. The FCPD reports, what the department calls, “External Complaints” of uses of force to the OIPA, which are defined as complaints received from the public.² Upon alert of FCPD administrative investigations into complaints of uses of force, the OIPA conducts a preliminary review to determine if the IPA will open a case and conduct a review of the complaint and associated administrative investigation.

¹ In May 2023, the OIPA was informed of a backlog of complaints to the FCPD in 2018-2022 that were not previously provided to the OIPA. These cases were assigned retroactive numbers, such as IPA-XX-XXR based on the year the complaint was made to the FCPD.

² The FCPD also investigates “Internal” UOF reports, which are self-reported by FCPD officers when they use force. Since these are not complaints from the public, the OIPA does not have authority to review FCPD investigations into internal reports.

Reporting Parameters:

The OIPA is mandated to issue a “public report with respect to each reviewed investigation” as set forth in the Action Item³ which established the OIPA. The OIPA generally issues two types of public reports based on reviews of incidents and internal investigations:

The OIPA will complete an Incident Report for the following:

- Use of force resulting in death or serious injury, in-custody deaths, and officer-involved shootings (automatic review); and
- Complaints submitted directly to the OIPA.

In Incident Reports, the OIPA provides information on the incident and the complaint, and issues findings on whether the FCPD administrative investigation was complete, thorough, accurate, objective and impartial. The OIPA also provides any recommendations for improved policies, training, and practices.

The OIPA may issue a Summary Memo for the following:

- Complaints of force when there is no use of force captured on technology (i.e., a finding of “Exonerated by Technology”).⁴
- Complaints of pointed firearms.⁵
- Complaints to the FCPD that are not provided to the OIPA until more than two calendar years following the lodging of the complaint.

In Summary Memos, the OIPA provides information on the incident and the complaint and determines whether the FCPD adequately addressed the concerns presented by the complainant.⁶

The OIPA will not review—and therefore, will not issue a public report for—the following:

- Complaints of (non-serious) injuries where there is no complaint about the force used. This includes complaints about handcuffing.⁷
- Administrative investigations into FCPD uses of force, which are not subject to a public complaint (i.e., internal reporting of force).
- Non-specific complaints, that cannot be clearly defined or related to a use of force, even if force is used during the incident.

³ Fairfax County Board of Supervisors Board Agenda Item, Action 15, September 20, 2016.

⁴ Defined in FCPD G.O. 301 Internal Investigations.

⁵ Unless the OIPA deems there are extenuating factors (i.e., public outcry or media attention, questionable motivation for pointing of firearms based on the allegations) that warrant a more detailed Incident Report.

⁶ The FCPD does not open Administrative Investigations into all complaints, but at times conducts Administrative Inquiries (FCPD G.O. 301 VII.) or takes other actions.

⁷ Handcuffing is not defined as a use of force by the FCPD (G.O. 540 III. 10.).