



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County

Colonel  
Edwin C. Roessler Jr.  
Chief of Police

August 7, 2015



Dear [REDACTED]:

The Fairfax County Police Department's Internal Affairs Bureau (IAB) has completed the inquiry, which I directed, concerning the events of June 14, 2015. I have reviewed the findings of the IAB inquiry and will share all factual information obtained from interviews with all parties involved in the event.

In order to fully understand my findings on this matter, I am providing you with the following documents in addition to items already provided to you:

- The Fairfax County Department of Public Safety Communications (DPSC) 9-1-1 call on CD.
- The DPSC initial dispatch of Fairfax County Police Officers to the call for service from the 9-1-1 call on CD.
- The applicable General Orders and other policies and procedures for responses to unlawful entry calls for service and related calls for service on CD.

## The Response to the 9-1-1 Call by Police Officers

Officers responded to the apartment complex for an unlawful entry in progress. The complex is a gated community with restricted vehicle access guarded by a private security officer within a security booth. The common practice for the security officer on duty is to allow immediate access onto the property for responding public safety personnel by lifting the barrier gate. The first arriving officer asked the security officer about the call for service they were dispatched to and the security guard advised they were unaware of any events at the location the officers were dispatched to. The officer was then given a key fob to enter the building where the model apartment was, to go meet the complainant and investigate the call for service.

**Fairfax County Police Department**  
4100 Chain Bridge Road  
Fairfax, Virginia 22030  
703-246-2195, TTY 711  
Facsimile 703-246-3876  
[www.fairfaxcounty.gov](http://www.fairfaxcounty.gov)



The officers met with the caller who is very familiar with the surroundings and provided credible information to the officers that an unlawful entry was in progress. Additionally, all of the evidence gathered from our interviews determined efforts were made prior to the 9-1-1 call to ascertain if the man observed sleeping in the model apartment bedroom (which was you) had permission to be there.

The inquiry determined the following actions were taken by the complainant prior to the 9-1-1 call:

- Entry was made through the front door, which was ajar, to the model unit and clothing was observed on the floor with a person in the bed.
- An attempt to contact the onsite maintenance office was fruitless as the office was closed which prevented asking if the occupant had permission to be in the model apartment.
- Attempts to make contact with the management company were not successful as the management company was closed.

Upon arrival the officers conducted an interview of the 9-1-1 caller in the building lobby to verify the above intelligence gathering steps before making a decision to investigate further.

Based upon the dispatched information from the 9-1-1 call received, the security guard having no information, and the interview of the 9-1-1 caller, officers now concluded there was reasonable suspicion that the crime of unlawful entry had or was occurring. Therefore, as law enforcement officers entrusted to investigate criminal activity, they set out to conduct further investigation under the law.

#### The Entry to the Apartment

After gathering all available intelligence, the officers (all in full duty standard patrol uniforms) went to the door of the model apartment and found it ajar. The following was then conducted by the officers:

- They loudly knocked on the apartment door and yelled the phrase, "Fairfax County Police." They waited for a response and heard none.
- The officers then again knocked on the apartment door and yelled the phrase, "Fairfax County Police." They waited for a response and heard none.
- As the officers were already informed a male (you) was asleep in a bedroom, they went down the hall toward the bedroom door and announced their presence by loudly stating "Fairfax County Police."
- After listening for a response they heard a voice say "what?"

- Based upon the reasonable suspicion a crime of unlawful entry was in progress coupled with an unknown person responding verbally; the officers entered the bedroom by performing a protective sweep. These actions were:
  - Two officers entered with handguns at the ready position with their fingers off the trigger and alongside the slide (in compliance with our training) to contain any persons in the room.
  - The third officer heard the two officers challenge you by saying “Let me see your hands - don’t move” and entered the bedroom as well.
  - One officer holstered his weapon after seeing you already face down on the bed and removed his handcuffs to detain you for an investigative detention. A second officer holstered her weapon to assist in handcuffing you. The third officer provided cover while the other officers took you into custody for an investigative detention.
  - Once you were secured in handcuffs, the third officer holstered their weapon.

#### The Actions Taken after Investigative Detention

After handcuffing you, the officers guided you to a seated position to talk to you. By all accounts you calmly explained to the officers why you were in the apartment and that your identification was in your wallet in your pants which were on the floor. You gave permission for an officer to retrieve your identification from your wallet and the officer determined you were a resident of another apartment tower at the complex. Shortly thereafter you were released from investigative detention by removal of the handcuffs as your explanation was credible for being in the apartment.

The officers then had a conversation with you to explain the overall call for service while another officer conducted a follow-up investigation which verified your statement.

#### The First Inquiry Conducted by the Commander of the District Station

Later in the same day on June 14, 2015, you responded to the Mount Vernon District Station to convey your dissatisfaction with the actions of the police officers. Your complaint to the supervisor you met was subjected to an investigative inquiry and the station commander concluded the officers’ actions were in compliance with all applicable rules, laws, and regulations (you received a letter dated June 18, 2015 of same).

The station commander filed the completed inquiry, as required, with the Internal Affairs Bureau. District station commanders have the authority to investigate certain levels of complaints (see attached General Order 301) and your initial complaint was handled as dissatisfaction with police policies and procedures. The letter from the commander provided you contact information in case you had any additional questions or concerns regarding the matter. No additional communication was received by the commander.

#### The Second Inquiry Conducted by the Internal Affairs Bureau

As detailed above in the first inquiry findings, the caller to 9-1-1 attempted to prevent the need to call the Fairfax County Department of Public Safety Communications by prudently trying to gather intelligence from the apartment management. The second inquiry consisted of additional interviews of all involved including management staff and security staff. I have found the management staff that allowed you to use the model apartment did not notify other tenants and the security staff that you were granted permission to use the model apartment in another tower as your apartment was undergoing repairs by management. When the first officer arrived at the security gate to obtain information about the model apartment from the security guard on duty, the guard did not have any information to convey. However, for some reason after the officers conversed with you, a second attempt to obtain information from the security officer on duty yielded a reply back that a management person verified you had permission to be in the model apartment. Both the 9-1-1 caller and the primary police officer made good faith attempts to gather information from those responsible for security and management of the property prior to taking action to enter your apartment.

The review of the chain of events demonstrates the officers acted based upon reasonable suspicion that a crime was occurring and took appropriate actions to safely resolve their investigation into this matter. I fully understand what you have articulated well about the officers' tactics in this situation. However, based upon sound policies coupled with current best-practices training that incorporates the sanctity of life; I have determined the actions of the officers were conducted safely and lawfully.

Police officers are entrusted to protect and serve all members of the community and part of that mission is to put their lives on the line every shift they work while responding to over 400,000 calls for services each year. These officers demonstrated service to the community by investigating an initial call for an

unlawful entry with an unknown person in the apartment. The event was resolved safely and reflected the use of tactics that are reasonably necessary.

I thank you for your service to our great nation. I also sincerely appreciate your professionalism in providing valuable assistance with the investigative process by meeting with the IAB investigators. Your legal representative contacted my office yesterday and was provided information on how to facilitate further communications should any questions arise.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Roessler Jr.", with a long horizontal flourish extending to the right.

Edwin C. Roessler Jr., Colonel  
Chief of Police

Attachments