



Fairfax County Police Association

A Not For Profit Organization

Corporate Office:

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Officers:

Nick Boffi, President
Mark Kidd, Vice President
Vince Porter, Secretary
Dean Tran, Treasurer

Board Members:

Dan Custer
Max DeAvies
Mike Fox
Rebecca Gray
Craig Guyton
Jeremy Hoffmann
Jeff Rockenbaugh
Bryan Russo

Life Member Representative:

Bonnie Kraut

Director of Administration

Patti Kidd

Counsel

Jennifer Leffler
Jonathan Phillips

November 29, 2018

Chief Roessler,

On November 28, 2018, the Fairfax County Police Department held a media conference and publicly released body worn camera (BWC) footage related to an in-custody death that occurred on June 26, 2018.

The Fairfax County Police Association Board of Directors (FCPA BOD) recognizes the difficult role and responsibility of the Chief of Police to weigh the Department's goals against the privacy interests of individuals. The FCPA BOD knows the unenviable task of deciding whether or not to release the BWC footage required careful consideration of any compelling public interest, the Department's commitment to transparency, the Department's obligations to the decedent's family, and the safety of the officers involved.

The FCPA BOD has viewed the footage that was released and on behalf of our membership, we condemn the release of this footage under these circumstances. In an effort at transparency, the Department publicly memorializing the tragic and unfortunate death of a valued community member who succumbed to the perils of a nationwide opioid epidemic. The FCPA BOD is aware that the footage was released over the objection of the decedent's family who were adamantly opposed to having the horror of their loss posted to the Internet where it could be viewed around the world in perpetuity. The video footage provided limited probative value to a tragedy that was not the subject of public outcry, nor was there misinformation that needed to be dispelled. The Department cannot prioritize "transparency" above the individuals they are entrusted to serve. Our community will now fear an imminent public release should their worst calamity be captured on Department cameras. The FCPA BOD believes that the release of this video in the manner in which it was conducted worked to undermine the very trust it was meant to support. This decision was not a matter of policy over people; it was preference over people.

The FCPA BOD concedes that the release of the BWC footage may have ultimately been inevitable under current public records laws or through other legal process. Had the Department been forced to release this footage under a provision of law, the responsibility for the handling or public release of the video would have been the recipient's burden to bear. Instead, the Department took onus and ownership for any additional pain brought to the family by this release.



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The FCPA BOD supports the release of BWC footage as a general practice. The Department's obligation to share information with the public has never been greater. While we support those efforts, they cannot be administered in a manner that threatens the public trust they are intended to build. The FCPA BOD, on behalf of our membership, respectfully requests an independent review of the decision making process that lead to releasing of this footage. The review must include input from the Victim Services Section and trusted members of our community. The FCPA BOD's goal in this request is to identify best practices for the decision making process that appropriately weighs all relevant factors.

In your email sent to the Department on November 28, 2018, regarding the release of the BWC footage, you stated, "The BWC footage contains pixilation to protect the privacy of all involved." The FCPA BOD commends you for this decision and respectfully requests that the decision be extended to any future release of proprietary video of the Department that involves a critical incident. We ask that this not only be accepted as standard practice, but that it be enshrined in policy.

Respectfully,

A handwritten signature in black ink, appearing to read "Nickolas Boffi".

Nickolas Boffi, President
Fairfax County Police Association