



SIMMS SHOWERS LLP

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

305 Harrison Street, S.E., 3rd Floor ■ Leesburg, Virginia 20175 ■ (703)771-4671 ■ Fax: (703)771-4681 ■ www.simmsshowers.com

March 26, 2021

FOR IMMEDIATE RELEASE

Media Contact:
J. Caleb Jones, Esq. 703-771-4671
jcjones@simmsshowerslaw.com

**GMU OFFICERS FILE COMPLAINT ALLEGING
PATTERN AND PRACTICE OF POLICE CORRUPTION
AT GMU, SEEKING \$5,620,000
Case No. 2021-03914**

On March 15, 2021, two George Mason University (GMU) police officers filed a suit in Fairfax Circuit Court alleging a pattern and practice of police corruption at GMU. The officers' complaint alleges retaliation for reporting a use of excessive force by a GMU police officer against a handcuffed arrestee, who was taken into custody for a non-violent offense on January 28, 2018, at the EagleBank Arena on the Fairfax GMU campus.

In addition to the excessive force, the two officers noted their suspicion that the official written police report of the incident contained deliberately fabricated facts, designed to place blame on the arrestee for the force used and cover up the actions of the officer by describing violence of the arrestee against officers, which the body-worn camera video does not corroborate. Counsel for the officers has been able to contact the arrestee, who has confirmed in a sworn affidavit that the facts in the police report describing his attempts to "kick, bite, and strike officers" are not true, even during the short moments when the officer's body-worn camera does not directly capture the arrestee and the officer.

The use of excessive force was captured on the body-worn camera of an officer at a time when the body-worn camera system was first being introduced at GMU. As such, most GMU police officers did not know that their actions were regularly being recorded.

As a result of the plaintiffs' attempts to have these allegations of excessive force and false police report properly investigated, GMU has removed the plaintiffs from job duties, demoted or transferred them, and even defamed an officer before the Fairfax County Commonwealth's Attorney, claiming that he was found to be guilty of dishonesty in his role at the department. The officers' complaint alleges that multiple departments and senior administrators at GMU, up to and including the Office of the President, participated in the cover-up, punishment, and retaliation of the two officers who reported this matter in good faith. Sworn testimony already taken from some defendants supports many of these claims.

In contrast to the treatment of the reporting officers, the officer who was allegedly recorded using excessive force has since been promoted twice; this officer now holds a significant supervisory

position in the department. At the time of the incident in the video, presently known information seems to suggest this officer reported directly to the GMU Chief of Police. He now directly reports to one of the co-defendants involved in the retaliation of the plaintiffs.

The plaintiffs have attempted to correct these wrongful actions through ordinary channels, to no avail. One plaintiff **was not** able to successfully challenge his discipline through the Virginia State Office of Equal Employment and Dispute Resolution (EEDR). In his matter, the hearing officer **did not** allow the video of the incident to be included as evidence. The other plaintiff **was** able to successfully challenge his discipline before the EEDR on the same set of facts. In his matter, the hearing officer **did** allow the video of the incident to be included as evidence.

Despite limited relief – receiving an order from a state official for GMU to return the officer's previous job duties to him – GMU has refused to return this officer to his previous position. Due to the impossibility of finding relief through ordinary internal channels, the officers have filed a complaint in the Circuit Court of Fairfax County, through their attorneys at Simms Showers, LLP, in Leesburg, Virginia. Their complaint seeks to enforce the order of the hearing officer of the EEDR, and seeks equitable relief and monetary damages for whistleblower retaliation, conspiracy to obstruct justice, defamation, conspiracy to defame, fraud, conspiracy to defraud, and breach of contract. Plaintiffs have alleged total damages of \$5,620,000.

Because GMU has strenuously fought against both a proper investigation of this matter, and strenuously fought to keep the undisputed facts from public view, the plaintiffs, through their counsel, deliver this press release so that both this matter and the continuing pattern of police corruption at GMU receive the appropriate light of public scrutiny.