

July 14, 2022

Charlottesville Police Civilian Oversight Board  
605 E Main St  
Charlottesville, VA 22902

To the Charlottesville Police Civilian Oversight Board:

I am writing on behalf of my client, LaQuandra Ross, to request a review request of three completed internal affairs investigations, with complaint numbers 2022-90005-C (against Officer Middleton), 2022-90006-C (against Officer Stein), and C2021-90038-C (against Officer Stein) AND to request a procedures and practices review. Ms. Ross was notified via closure letters of the first two complaints on May 3, 2022, and the last one on January 27, 2022. Ms. Ross requests an extension of the review request time limits of the latter complaint due to these complaints covering a pattern of conduct by the two officers, as described below.

In or around late November 2021, Ms. Ross noticed an officer following her for several minutes after she left a parking lot. She would later learn this officer was Officer Stein. On November 30, 2021, Officer Middleton attempted to serve a protective order on Ms. Ross at a store in Charlottesville. Ms. Ross did not approve of being served in public (versus at home) and left the store. Presumably, Officer Middleton looked up Ms. Ross's driving status because he obtained a warrant for her arrest for driving with a suspended license. Ms. Ross went to the Charlottesville Police Department (CPD) the following morning to be served the protective order on her own initiative and her arrest warrant from the night before was processed while she was there.

Later that day (December 1, 2021), Ms. Ross was again at a store and Officer Stein came in to arrest her on the already served warrant. According to CPD's closure letter of January 27, 2021, Officer Stein checked his system for warrants for Ms. Ross before he contacted her and the system flagged the already served warrant anyway. The warrant still being unlawfully present in the system, however, does NOT explain why Officer Stein chose to look Ms. Ross up in the system in the first place. Ms. Ross and her mother explained to him that she was already arrested that morning, and according to the closure letter, he double checked with CPD which still resulted in an error. Only after he tried to pull the warrant for service did anyone at CPD realize the warrant was already served on Ms. Ross.

Ms. Ross encountered Officer Middleton on March 6, 2022 for a red light issue, when, in addition to Officer Middleton, two other officers also responded for a minor traffic incident. Ms. Ross encountered Officer Middleton again on March 22, 2022 while she was the passenger in her vehicle while another was driving. He did not pull the car over, but Ms. Ross did attempt to film him following her car. Ms. Ross would later learn that Officer Middleton put a warrant out for her arrest for driving without having confirmed whether she was driving. This warrant led to an arrest, a visit to the magistrate who considered it when determining whether to incarcerate her pretrial, and to Ms. Ross'

loss of meaningful input in her traffic cases at court.<sup>1</sup> Officer Stein encountered Ms. Ross on April 5, 2022 and arrested her for the warrant Officer Middleton submitted and for another driving under suspension charge.<sup>2</sup>

In addition to the review of these three complaints, Ms. Ross is also requesting a review of CPD's practices and procedures/guidelines for 1) promptly removing served warrants from the system and ensuring employees have done so; 2) when officers are searching information about a person that can lead to an arrest and ensuring they are not doing so for retaliatory reasons; 3) for ensuring an officer has probable cause for a warrant; and 4) ensuring officers are not seeking convictions to forestall or influence IA investigations of complaints against them.

Being arrested is extremely disruptive to a person's life and, if done in a public place, a mortifying experience. A warrant that has already been served remaining in a system for *any* length of time after service puts a person's liberty at great risk, and an officer looking this information up without legitimate basis increases that risk. It took three attempts to check on the warrant in the December incident for the warrant's status to be correctly reported, lengthening the amount of time Ms. Ross was deprived of her liberty. CPD sustained the complaint against the employee who did not remove the warrant from the system, but Ms. Ross requests the PCOB to review what steps were taken to ensure this mistake does not reoccur and to review why Officer Stein looked her name up in the first place.

In conclusion, Ms. Ross is requesting review of the following:

- 1) Complaint C2021-90038-C (against Officer Stein);
- 2) Complaint 2022-90005-C (against Officer Middleton);
- 3) Complaint 2022-90006-C (against Officer Stein);
- 4) Policies/procedures/practices about immediate removal of processed warrants from the system;
- 5) Policies/procedures/practices about the bases on which officers have to look up people's information;
- 6) Policies/procedures/practices for ensuring officers have probable cause for a warrant; and
- 7) Policies/procedures/practices about the use of convictions to influence IA investigations.

Sincerely,

Teresa Hepler, Esq.

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<sup>1</sup> CPD's May 3, 2022 closure letter claims that Ms. Ross admitted to Officer Middleton that she was driving. Ms. Ross denies that she made an admission to driving and asserts that she would not have brought this complaint had she actually been driving. Ms. Ross pleaded guilty to the charge that followed from this arrest on May 3<sup>rd</sup> (the same day the closure letters were sent to her) but was unaware that she pleaded guilty to this specific charge. She had four driving charges scheduled for that court date and was told all but two would be dropped for a small fine. She made the parties aware that she was not driving on the March 22<sup>nd</sup> charge, yet that charge became one of the two she pleaded guilty to, unbeknownst to her. Ms. Ross maintains that she was not driving and that Officer Middleton never confirmed that she was the driver.

<sup>2</sup> Out of four driving charges Ms. Ross resolved on her May 3<sup>rd</sup> court date, the two that were chosen for her to plead guilty to were the two that involved the officers she had open IA complaints against.