

From: Baucom, Kimberly <Kimberly.PaceBaucom@fairfaxcounty.gov>
Sent: Wednesday, January 17, 2018 7:55 AM
To: Victor M. Glasberg <vmg@robinhoodesq.com>
Subject: RE: Mateusz Fijalkowski

Vic,

The chief isn't planning to respond further, the information that the police department provided publicly explains what occurred and the department's conclusion that the officers acted appropriately.

Thanks,

Kimberly P. Baucom

Senior Assistant County Attorney
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From: Victor M. Glasberg [<mailto:vmg@robinhoodesq.com>]
Sent: Tuesday, January 16, 2018 11:43 AM
To: Baucom, Kimberly <Kimberly.PaceBaucom@fairfaxcounty.gov>
Subject: Mateusz Fijalkowski

Kim,

Please let me know within a week if I am to expect a further explanation of the police action/inaction in Mateusz's case beyond the interesting PR materials you sent me a while back, and if so, when I can expect to receive it. I would also like to know if an Internal Affairs or other inquiry was conducted of this matter at the time, and if not, whether one was opened following my request for same, and if not, why not.

I will be most grateful for your actual responses to these questions. It is best to take action based on the best available information, and that is what I seek to do here. If we can resolve these issues privately, so much the better. But I can do nothing informally without more information from the police.

Thank you.

Vic

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From: Baucom, Kimberly <Kimberly.PaceBaucom@fairfaxcounty.gov>
Sent: Wednesday, January 3, 2018 1:06 PM
To: Victor M. Glasberg <vmg@robinhoodesq.com>
Subject: RE: new matter

Vic,

The police department put out public information close in time with the incident, it's contained at this link:

<https://fcpdnews.wordpress.com/2016/06/03/update-chief-shares-details-of-mount-vernon-area-pool-incident/>

PIO gave an interview to WUSA 9 with the resulting report posted online by the WUSA 9: <http://www.wusa9.com/news/local/va-lifeguard-tries-to-drown-himself-in-front-of-police/226943769>

Thanks,

Kimberly P. Baucom

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From: Victor M. Glasberg [<mailto:vmg@robinhoodesq.com>]
Sent: Wednesday, January 03, 2018 11:59 AM
To: Baucom, Kimberly <Kimberly.PaceBaucom@fairfaxcounty.gov>
Subject: RE: new matter

Kim,

My client is Mateusz Fijalkowski. He is in Poland. I have granted you access to the private YouTube I posted of his almost-drowning, and you should receive notice to that effect from Google or YouTube. Let me know if you do not. (I am not adept at computer stuff and have no idea if this video is otherwise available on YouTube. I thought it appropriate not to publicize it pending discussions with the FCPD.) This is the only video I have.

Please advise when I can expect to hear back from you or someone else about the explanation for the officers' insouciance. I am not prepared to wait very long. It would be remarkable if an I.A. investigation into the officers' conduct had not taken place long ago, and I assume that the only discussions currently

at issue are what I am to be told. If I am incorrect and there has been no inquiry, please accept this as a request for an immediate and prompt investigation.

May I hear back from you before the end of this week, please, with a substantive response or, that failing, a firm schedule including a target date for a substantive response.

Thank you.

Vic

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From: Baucom, Kimberly [<mailto:Kimberly.PaceBaucom@fairfaxcounty.gov>]
Sent: Wednesday, January 3, 2018 7:08 AM
To: Victor M. Glasberg <vmg@robinhoodesq.com>
Subject: RE: new matter

Vic,

I've forwarded your email to the PD. Who is your client? If it's Mateusz, is he in the US? If you have a video that begins with the first time that he entered the water, please forward that. I believe that the video originally posted to YouTube only showed the final time he entered the water, and that there may have been additional times that he was in the water while the police were there, although I may be mistaken about that. The easiest way to avoid confusion on that issue – even if it's just my personal confusion – would be for you to send me your video instead of assuming that the PD has the same one that you have.

Thanks,

Kimberly P. Baucom

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From: Victor M. Glasberg [<mailto:vmg@robinhoodesq.com>]
Sent: Tuesday, January 02, 2018 4:05 PM
To: Baucom, Kimberly <Kimberly.PaceBaucom@fairfaxcounty.gov>
Subject: FW: new matter

Kim,

Please let me know when I can expect to hear from you (or the Police Department) about the almost-drowning incident that I raised with you a month ago. I understand from you that you have the complete video, from the time Mateusz walked into the water until the time that the EMTs showed up, so I am not forwarding it to you.

To be clear, what I request on behalf of my client is a cogent explanation for the insouciant behavior of half a dozen or so Fairfax officers as Mateusz nearly drowns in their presence. And things being what they are these days, after the John Geer stonewalling and more recently the Bijan Ghaisar stonewalling (the latter not by your client), I cordially request to be informed promptly if there will be a delay of, say, more than ten more days before I receive a substantive response. The incident happened half a year ago. I assume -- certainly hope, for the sake of the department and the residents it serves -- that police brass promptly caused this incident to be investigated. So I assume that all that is being considered at this time is not how to investigate this matter but whether to release the results to me, in however summary or sanitized a fashion. Given the intervening holidays it has made sense to wait, but now that we are all back at work, it seems appropriate for us to move forward. How we do so, at this point, is largely up to your clients.

Thank you.

Good wishes for the new year.

Vic

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From: Victor M. Glasberg
Sent: Thursday, December 7, 2017 3:55 PM
To: 'Baucom, Kimberly' <Kimberly.PaceBaucom@fairfaxcounty.gov>
Subject: new matter

Kim,

I have a disturbing video I wish to share with you and have you discuss with your police clients. I have put it on YouTube for access by authorized persons only, so as to be able to share it with you. I would like to give you the relevant information, but I would ask for your agreement to keep the video confidential, and for your client(s) to keep it confidential, within the limits of professional necessity, until and unless I make it publicly available, should I ever do so. Upon your agreement I will send it, with some additional information.

Please let me know.

Thank you.

Vic

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