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April 13, 2006

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PRESS CONFERENCE

*DiMuro Ginsberg, P.C. and the Family of Dr. Salvatore J. Culosi
Prepared Statements*

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Opening Remarks – Bernard DiMuro, DiMuro Ginsberg, P.C., Culosi Family Attorney

Good afternoon. I'm Ben DiMuro with DiMuro Ginsberg and our law firm represents the family of Dr. Salvatore J. Culosi. I'm joined by the Culosi family today – Dr. Culosi's parents Sal and Anita – Dr. Culosi's siblings Constance and Christopher – and Dr. Culosi's and the family's friends and supporters.

Dr. Culosi was unjustly shot and killed on January 24, 2006 by a Fairfax County police officer. As of next Tuesday, three months will have passed and the family is still not getting adequate answers from the Fairfax County police department or the county's elected officials. We continue to have serious reservations over whether the police are capable of fairly and impartially investigating themselves.

The Culosi family recently learned disturbing new information related to how Fairfax County Police treated the death of their son, Sal. We're here today to share that with you and to provide other updates equally disturbing on the status of the case. Dr. Culosi's sister Constance is going to come to the microphone now and make a statement. Following her statement, I will provide an update on additional information we have learned or are seeking. We ask that you hold your questions until we have both completed our statements. Constance?

Remarks by Constance Culosi Gulley, Sister of Dr. Salvatore J. Culosi

First we'd like to thank everyone who has visited our website www.justiceforsal.com. We urge the community to continue contacting elected officials to express your feelings about the unjust death of my brother, Dr. Salvatore J. Culosi. There is more information that we would like to know about this case that we are still not getting and we ask your continued support.

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From the moment Sal was unjustly shot and killed by an officer who Fairfax County still refuses to publicly name, our family has experienced delays, lack of full disclosure and shielding of information all designed to protect the police. That alone is hard enough to bear, but what police did that night at the hospital is just morally repugnant.

On the night Sal was shot and killed, Fairfax County police delayed notifying my parents for 5 hours. When the detectives arrived at my parents' home to inform them of Sal's death, the response when questioned about the delay was that they were busy taking statements from the police witnesses. Is that another way of saying they needed time to get their story straight? And couldn't another police official have notified us while the detectives spent those 5 hours questioning their fellow officers?

Hospital records recently released to our family show that the social worker on call that night in the Emergency Room had the authority to contact the next of kin. My mother's name and phone number were immediately available in the hospital's database and my parents live less than 3 miles away.

However, Detective John Wallace with the Fairfax County police requested that the social worker relinquish her authority to notify our family. Detective Wallace indicated that Fairfax County police wanted to be the ones to inform us of what happened.

Five hours later the police did just that - giving themselves the time they needed to get their story straight and simultaneously denying Sal his opportunity to receive the Sacrament of Last Rites.

We are a practicing Catholic family. This is Holy Week and we focus our attention on the promises of the Resurrection of Christ. As we do this, we are again stung by the protocols of a legal system that not only allows unarmed, cooperative citizens to be shot to death with no penalty, but also denies families the right to confer upon their loved ones the religious sacraments that we cherish.

In addition to precluding access to the Last Rites for Sal, the record shows that police instructed hospital personnel to prevent our family from viewing my brother until he was released to the funeral parlor two days later. These actions are reprehensible



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They killed my brother Sal, denied our family access to him and denied him access to his religious rights. The police not only fire the shots, they are calling all of the shots. Who wants to live, work and do business in Fairfax County when police are protected by our elected officials and a Commonwealth Attorney with little regard for the rights of its citizens?

Bernard DiMuro, DiMuro Ginsberg, P.C., Culosi Family Attorney

The delays in notifying the family and Detective Wallace's actions in denying Dr. Culosi his last rites are good examples of why we have serious misgivings on whether the Fairfax County police department possesses the judgment skills necessary to properly and impartially investigate themselves. But there are more.

Fairfax County still refuses to publicly name the officer who unjustly shot and killed Dr. Culosi. It should not be the family's or the media's responsibility to "out" this officer. The officer is clearly responsible for pulling the trigger on his 45 caliber H&K. Guns don't just go off – guns are generally safe in the hands of people who follow safety policies and procedures – triggers take some strength. With the exception of Fairfax County, Virginia law holds people accountable for the natural and probable causes of their actions whether or not malice is involved.

In any other county in the State of Virginia, this level of recklessness could have easily resulted in a charge of involuntary manslaughter as other cases against Virginia citizens show. And in those cases, the inability to explain what happened would not have prevented the defendant from being charged with a criminal offense under existing Virginia laws. Does anyone believe that a citizen's "non-answer" would be treated like the officers? We believe the officer's "non-answer" is nothing more than a flimsy maneuver to avoid the moral and legal consequences of his actions.

Beyond that, we believe the actions of others in the Fairfax County police department ranging from the undercover detective who was investigating Dr. Culosi and every other person involved in the decision making process up to and including Detective



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Wallace deserve scrutiny. Chief among those whose actions we continue to question is Chief David Rohrer.

- Over two weeks ago, Fairfax County Supervisor Gerry Connolly specifically requested that Chief Rohrer share an estimated time frame for completing the internal affairs investigation with the Culosi's and with the many people in the community who have contacted the Supervisors in support of the family. Chief Rohrer has ignored Chairman Connolly's direct request. Chief Rohrer's failure to be responsive to the Culosi's, to the citizens of Fairfax County, and now to the Board of Supervisors to whom he reports further reduces our confidence that he and his department are capable of conducting a fair and impartial investigation of what policies, circumstances and people contributed to the death of Dr. Culosi. The family wants to know why the Chief has not responded to Chairman Connolly's request and what Chairman Connolly and the Supervisors think about this or intend to do? What possible reason exists for the Chief not to be able to make an estimate of the time frame for concluding this investigation and to share with the public their methodology for conducting it?
- We are also distressed to learn that Officer David Baucom of the Fairfax County Police Department, using names listed on Dr. Culosi's cell phone and computer, is contacting witnesses to the potential federal civil rights suit against the county and inquiring about their alleged "betting" with Dr. Culosi. Officer Baucom does so notwithstanding the fact that Dr. Culosi was killed and can no longer be the subject of any criminal investigation concerning petty gambling. In our view there is no purpose in delaying public knowledge of the events of January 24, 2006 and in making these contacts other than to deny the Culosi's the facts of how their son and brother was killed and to intimidate and harass potential witnesses to a federal civil rights claim – matters that we will address with the courts. We have notified Assistant County Attorney Robert Ross of these outrageous actions and will be notifying the FBI as well.

I have a couple of other brief updates and then we will be happy to take your questions.



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- The family reached out to the Fairfax County Board of Supervisors and appreciates hearing back from Chairman Connolly who has asked Chief Rohrer to provide a report directly to the Supervisors. In a reply from the family, the Culosi's requested that the report and all the underlying incidents or inquiries of this investigation be shared with the family. It's been over two weeks and the Culosi's have still not heard back from the Supervisors as to whether or not they intend to honor the request. Maybe the media can find out for us.
- The family intends to take Commonwealth Prosecutor Robert Horan up on his offer to meet and discuss why he elected not to bring criminal charges against the officer who killed Dr. Culosi or to present the case to a grand jury for consideration. The meeting has not yet been scheduled but we will keep the public posted on the outcome.
- The County Police Department has indicated that the county would finally return certain property taken from Dr. Culosi's person and home the night he was killed, specifically his computer and thumb drive. We have asked that all his personal property be accounted for and returned. We will keep the public posted on the outcome.

Finally, related to the Culosi Family's Federal Civil Rights claim:

- It's been three weeks and we have not yet received any response from the FBI or Mr. McNulty at the Justice Department acknowledging receipt of the request for an FBI investigation. We are disappointed and surprised that our overture has not been acknowledged.
- This week, the family will also be reaching out to Representative Tom Davis and Senators George Allen and John Warner to ask for their assistance with the family's request for an independent investigation of the Fairfax County police department and whether or not Dr. Culosi's civil rights were violated. No one in America should lose their life because of overzealous and reckless police tactics. Fairfax County citizens expect and deserve better.



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These new developments and the stunning lack of disclosure at the three month point in the investigation clearly suggest that the Fairfax County police internal affairs department is incapable of investigating themselves in any kind of competent or impartial manner or with compassion for a family whose son was recklessly killed by an officer sworn to protect the county's citizens.

We are now calling upon Chief Rohrer, Chairman Connolly, the Board of Supervisors and Commonwealth Attorney Horan to join in our request to the FBI for an independent and impartial investigation. This would remove any stigma that could be attached to the manner in which this investigation is being conducted. If Chief Rohrer and Fairfax County's elected officials are confident that this investigation is above scrutiny, they should have no problem inviting the FBI to conduct an independent review. Additional information on how to help is available at the family's website: www.justiceforsal.com.