



Fairfax County NAACP Statement to Members Regarding the Unnecessary Killing of Unarmed Black Man Fleeing Police at Tysons Corner Shopping Center on Wednesday Evening, February 22, 2023.

On February 22, 2023, an unarmed Black man, Timothy Johnson, was shot and killed by two Fairfax County Police Department (FCPD) officers after allegedly stealing some sunglasses from a Tysons Corner department store. Mr. Johnson was chased through a parking garage, a parking lot, and into a wooded area where he was killed by a bullet wound to the chest.

The Fairfax County NAACP is shocked and deeply saddened by what appears to be an unnecessary, brutal slaying of a Black community member, Mr. Timothy Johnson, 37, by the FCPD. The alarming rise in “Officer-Involved Shootings” throughout Fairfax County—six in 2022 compared to one the prior year (as reported on the [Fairfax County website](#))—is deeply troubling. The Branch has publicly demanded:

- an independent investigation into the death of Mr. Johnson
- an immediate release of camera footage
- release of the identity of the officers involved and their complaint history, and
- a review of the rise in Officer-Involved Shootings
- the immediate development and implementation of a Foot Pursuit Policy, which has been recommended by an independent study of policing in Fairfax County as well as by community groups

The family and the community have many questions about how suspicion of a non-violent crime—theft of sunglasses—turned into a foot chase, the discharge of a firearm by police, and another senseless death. When Officer Involved Shootings have occurred in the recent past, FCPD has released video footage 30 days after-the-fact, then taken many months to investigate shootings. For example, on June 7, 2022 (more than eight months ago), a troubling and fatal Officer-Involved Shooting occurred at a home in McLean, and no investigative or internal affairs findings have been made public. Although we appreciate that officers who used deadly force are entitled to due process, substantial delay between these events and the findings have the effect of brushing troubling actions under the rug.



The Branch believes public accountability requires prompt release of information and findings. The Officer-Involved Shooting at Tysons mall involved a suspected non-violent crime (theft of sunglasses), a suspect who fled when approached by two FCPD officers, the officers' giving chase on foot, and the killing of Mr. Johnson—all of which occurred during the span of a few minutes. Even if there are additional complicating facts, an investigation should occur promptly and be released to Mr. Johnson's family and then the public at large so we can witness for ourselves the way in which our police engage with the community.

Although the Branch is not privy to all the facts known by FCPD, as stated above, this Officer-Involved Shooting is troubling. FCPD's own Use of Force Policy makes clear that a deadly force cannot be used against a fleeing suspect who does not present an imminent danger to the police or general public. Under FCPD's Use of Force policy, deadly force can only be deployed against a fleeing offender when:

- (1) the officer has "probable cause to believe the individual committed a felony involving violence," **and**
- (2) the officer has exhausted "all other means to effect an arrest," **and**
- (3) the alleged offender's escape "poses a significant threat of serious injury or death to the officer or others."

Suspicion of stealing a few pairs of sunglasses without the use or possession of a weapon does not satisfy any—much less all—of these requirements. Whether or not Mr. Johnson was guilty of a crime, he had the right to due process and for the sanctity of his life to be respected by police officers. As Fairfax County NAACP President, Michelle Leete, stated: "The tragic killing of Mr. Johnson reminds us once again how unjust America's policing truly is. The facts as we know them signal that the officers' actions were entirely out of step with FCPD's Use of Force policy."

Fairfax County NAACP is disappointed that the FCPD has failed to date to produce substantive information about this fatal shooting, nor has it produced any information about the disciplinary records of the veteran police officers involved in this incident. The FCPD may release body-worn camera footage, and any other footage from cameras capturing the events, before 30 days after an event. To date, the FCPD has refused to release any camera footage. Although FCPD has released all footage regarding recent Officer-Involved Shootings, members of the community believe these releases should occur more rapidly to reduce concerns regarding the possibility that this evidence is being curated (or used selectively) to support the officers involved in the shooting, and its release is being delayed unnecessarily to reduce the public's reaction (*i.e.*, to old news) and the community's ability to hold officers accountable. The Branch also believes that to have better public accountability, FCPD should explain how much time elapses after shootings before officers were first questioned, whether the officer was

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permitted to view body-worn or other footage before providing a statement to investigators, and the involvement of police fraternal or other organizations during the investigations and adjudications of an Officer-Involved Shooting.

During his press conference after the shooting, FCPD Chief Kevin Davis was quick to point out Mr. Johnson's alleged "violent history" and past offenses. It is unclear how this statement was anything other than an attempt to smear the victim, as (given the facts disclosed to date) the officers involved in the chase and shooting of Mr. Johnson could not have known of that history. And regardless of Mr. Johnson's history, the facts revealed to date show that he was unarmed and suspected to be in possession of stolen sunglasses when fatally shot by officers. Even if the officers knew that Mr. Johnson purportedly had a "violent history" and past offenses, on the day of the shooting, his suspected theft of a few pairs of sunglasses did not merit deadly force.

In June 2021, researchers from the University of Texas at San Antonio published a [study](#) about the use of force in Fairfax County. They analyzed 1,360 use-of-force cases between 2016 and 2018, and made a series of recommendations including the adoption of a Foot Pursuit Policy. FCPD still has no such policy. The troubling increase in Officer-Involved Shootings during this last year must be thoroughly analyzed. From 2013 through 2021, there were zero or one Officer-Involved Shootings most years—with two shootings during 2014 and 2020, and three in 2012. During 2022, there were six Officer-Involved Shootings, with two fatalities. Now Mr. Johnson is dead at the beginning of 2023. The Fairfax County NAACP and the community want to know what has been done to understand and address the dramatic increase (tripling) of Officer-Involved Shootings during 2022 relative to 2013 to 2021?

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To provide accountability to the public, the Fairfax County NAACP demands that FCPD conduct and promptly release the results of an independent, transparent and comprehensive investigation into the death of Mr. Johnson. FCPD also needs to immediately release the unedited body-worn and other camera footage of the chase, shooting, and any surrounding events, the identities of the officers involved, the officers' complaint history, and the medical examiner's report. The Branch further demands a review of Fairfax County Officer-Involved Shootings during 2022 and that a Foot Pursuit Policy be developed and implemented immediately.

Finally, the Johnson Family has set-up a [Go Fund Me](#) to assist with the funeral costs and provide some financial support to the two children Mr. Johnson leaves behind. We urge members of the Fairfax County Branch to support this worthwhile cause.