

*An open letter from the Democratic members of the Fairfax County Board of Supervisors to the members of the Fairfax County Democratic Committee.*

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May 20, 2021

Fairfax County Democratic Committee Members,

We know there have been some questions and concerns surrounding Fairfax County's new Chief of Police, Kevin Davis. As a Board, we appreciate the opportunity to ensure that FCDC members hear from us before considering the resolution before the Committee, which we are concerned presents a woefully incomplete picture of the new chief and his ability to implement progressive reforms.

Let us address the hiring process itself. As you may know, interviews were conducted by the entire Board in Closed Session, as the Board always does. Maintaining confidentiality in the hiring process is key to attracting an experienced and diverse pool of candidates, many of whom are serving in senior roles in other jurisdictions and whose careers would be at risk if their interest in serving Fairfax County were revealed publicly.

This year's process has been compared to that of 2013 and we wanted to take a moment to explain the differences. In 2013, there was a pre-screening panel that was made up of a small number of community members, police professionals, and police unions. This panel, however, was not responsible for any hiring action. This year, the Board was deliberate in invoking One Fairfax to design a process that attempted to ensure the voice of the broader community was heard. The pre-screening panel this time was made up overwhelmingly of individuals not affiliated with the police and was more diverse and equity driven, including the involvement of our Chief Equity Officer (a position that did not even exist in 2013).

In terms of engagement, a survey was released to the community, giving every resident of Fairfax the opportunity to tell us what they were looking for in the next Police Chief. This survey received over 3,000 responses. In addition, an extensive public outreach campaign resulted in more than 275 community meetings and calls and more than 450 emails to stakeholders. These meetings and calls ensured that the Board heard the perspectives of diverse voices, advocacy organizations, and the faith community, among others.

Chairman McKay and Supervisor Lusk also held a community input session where they heard directly from the community about the skill set they hoped our next Police Chief would have. This input session was open to every Fairfax resident and was publicized widely through our Board offices. Following all of this outreach, the Board was provided a complete summary of community input to guide their thinking and formulation of interview questions. This summary informed what the community, and thus the Board, was looking for in the hiring of a new chief.

While we are always improving community engagement in a county of more than 1.1 million people, we are confident that this year's process was the broadest and incorporated both extensive public input and intentional inclusivity. Regardless, we commit to looking at our entire public participation process for future personnel decisions and establishing a framework for further improvement.

Our Board, including all nine Democratic members, unanimously supported Chief Davis because of his demonstrated ability to implement reform under the most difficult circumstances, and in the face of fierce opposition. But we also understand the concerns caused by recent media coverage of incidents from early in his career. We take those incidents and that concern seriously, but believe that his commitment to robust community outreach and to advancing a comprehensive reform agenda will ensure that Fairfax County continues to lead the nation in progressive police and criminal justice reform. Chief Davis told us during the interview process, and has since reiterated with the media and in community forums, that his experiences as a young police officer in the 1990's sparked a passion and commitment to reform the profession he loves. He recognized early in his career that some communities felt protected by the Police and some communities – all too often communities of color – felt “policed” by the Police. Those experiences and that recognition put him on a path to becoming one of the leading reform police chiefs in the nation, while earning the trust of civil rights leaders and organizations.

In fact, Chief Davis is on of a short list of large jurisdiction police chiefs who have led departments through the very reforms our County and community has implemented and continues to pursue -- body-worn cameras, establishment of a compliance and accountability division, transparency in officer-involved shootings, data transparency, co-response with mental health professionals, de-escalation training, and more. He worked with the Obama Administration to use data to reduce disproportionate policing in Baltimore, rewrote use of force policies to mandate de-escalation and a duty to intervene, and revised policies to reduce the use of electronic control weapons (tasers).

When Donald Trump and Jeff Sessions blamed rising crime rates on reform efforts and declared that “Law and Order must be restored,” then-Commissioner Davis spoke out against their rhetoric, declaring we can’t “roll back the clock on the advancements we’ve made” in police reform. When Jeff Sessions threatened to abandon the consent decree process that was facilitating reform in Baltimore and across the country, then-Commissioner Davis again spoke out and said he would continue his work to “break the culture of zero-tolerance policing.”

In Baltimore, he faced fierce criticism in large part because he pushed too hard for reform, fired bad cops, and refused to abandon reforms even when support from some political leaders was lacking. He ended stop and frisk, zero tolerance policies, and the unconstitutional practice of “clearing corners” that contributed to the mass incarceration of young Black men. His critics demanded these policies be reinstated. He refused.

For these reasons, he was praised by both the NAACP Legal Defense Fund and the Open Society Institute -- Baltimore. The Open Society Institute – part of George Soros’ Open Society Foundation -- then awarded him a fellowship that is granted to only four individuals who have “advanced social change.” Chief Davis specifically was chosen to discuss how policing can be improved.

As Police Chief in Anne Arundel County, he was the first to require police officers to carry and administer naloxone (Narcan) to persons suffering from drug overdoses and created a blended Crisis Intervention Team of police and mental health professionals to deploy as first responders to calls for service likely to involve persons suffering from a mental illness and/or behavioral

crises. He led the nation in working to ensure that substance use, mental health, and behavioral health are treated as health care challenges, not as criminal offenses. Developing a robust co-responder model here in Fairfax County is one of this Board's top priorities. Chief Davis is one of the few police chiefs who has already done it.

Chief Davis has received accolades and strong endorsements from civil rights, community, faith and political leaders who have worked directly with him to strengthen bonds between the police and communities of color, including former Prince George's County Executive Rushern Baker. The former President of the Baltimore NAACP, Tessa Hill-Aston, recently told us:

“As President of Baltimore's NAACP, I worked closely with Kevin Davis. He listened and acted. He will be a great partner to the NAACP in Fairfax as well.”

The Board fully understands that the history of policing has not centered around the safety and well-being of all members of the community. These are systemic problems that exist in the United States and Fairfax County and we do not take this issue lightly. This Board has proudly led the Commonwealth of Virginia in bringing real police reform centered around justice and equity long before these things made national headlines last summer. As you would expect, Fairfax County is ahead the curve. Over the past several years, our actions have included:

- The adoption One Fairfax, a social and racial justice equity policy
- The creation of the region's first Chief Equity Officer
- Initiated, nurtured, and supported an active Civilian Review Panel
- Appointed and provide ongoing annual support for an Independent Police Auditor
- Implemented 179 community-recommended police reforms recommended by the Ad Hoc Police Practices Review Commission.
- Approved full funding and expedited implementation of police body-worn cameras
- Added funding for positions in Commonwealth's Attorney Descano's office
- Passed the TRUST Policy to protect our immigrant community
- Led the adoption of a new Police General Order to prohibit civil immigration enforcement
- Funded a new Immigrant Liaison position to help implement the TRUST Policy
- Implemented Diversion First program, which allows individuals who come into contact with our law enforcement the opportunity for treatment instead of jail

While these bold initiatives have set the standard for innovative police reforms in Fairfax County, we are successful because we never stop advancing. In that light, we remain committed to making these systems work to lift our community higher. We can assure you we will not stand for anything short of those priorities from ourselves and our Chief of Police. Our record demonstrates that time and again. The police chief is hired by the Board of Supervisors, serves at our pleasure, and as such, his performance will be evaluated regularly. He is well aware of our expectation that he deliver smart and meaningful reforms that benefit all in our community.

In closing, Chief Davis has already been talking and most importantly, listening, to members of our community. He has his line of communication open to any community member who wishes to speak with him. We encourage you to reach out to him at [chief@fairfaxcounty.gov](mailto:chief@fairfaxcounty.gov).

Thank you for taking the time to read this letter. We recognize the pain experienced by many of you during the past weeks and as we always do, remain committed to improving our processes. We hope it helps you understand why each of us, as FCDC members and supporters felt that it was important that we share our thoughts on the proposed resolution. We always appreciate the support our Board has received from FCDC as we continue to move our shared priorities forward. We are proud to live in and represent a community that supports our progressive Democratic agenda.

Sincerely,

Jeff McKay  
Chairman of the Board of Supervisors

Rodney Lusk  
Chairman of the Public Safety Committee  
Lee District Supervisor

Penny Gross  
Chairman of the Personnel Committee  
Mason District Supervisor

James Walkinshaw  
Braddock District Supervisor

John Foust  
Dranesville District Supervisor

Walter Alcorn  
Hunter Mill District Supervisor

Dan Storck  
Mount Vernon District Supervisor

Dalia Palchik  
Providence District Supervisor

Kathy Smith  
Sully District Supervisor

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