

October 26, 2017

Via Overnight Mail, Facsimile, & Electronic Mail

Mayor R. Keith Summey
City of North Charleston
2500 City Hall Lane
North Charleston, SC 29406
Email: mayor@northcharleston.org
Fax: 843-308-0133

Edward Driggers, Police Chief
North Charleston Police Department
2500 City Hall Lane
North Charleston, SC 29406
Email: edriggers@northcharleston.org
Fax: 843-745-1009

RE: Meeting with U.S. Justice Department's Office of Community Oriented Policing Services

Dear Mayor Summey and Chief Driggers:

For over two years, our organizations have worked on behalf of the North Charleston community to support real solutions to the long-standing policing problems plaguing the city. In July 2015, over two dozen local and national leaders sent a letter to then-U.S. Attorney General Loretta Lynch asking her to open a civil rights investigation of the North Charleston Police Department (NCPD) following the fatal police-involved shooting death of Walter Scott during a routine traffic stop.¹ Although we hoped you would support our request for a civil rights probe, in April 2016 you invited the U.S. Justice Department's Office of Community Oriented Policing Services (COPS Office) to perform a voluntary collaborative assessment of the police department. Even as we continue to believe a more intensive civil rights investigation is warranted, we have actively supported your request to the COPS Office by meeting with representatives of that office and sharing ideas for reform.

We were therefore very dismayed to learn that the COPS Office does not intend to release the long-awaited assessment of the NCPD, and that the city is in the process of negotiating a new memorandum of understanding (MOU) with the COPS Office without any input from the community.² We understand the new MOU is in response to the September 19, 2017, COPS Office correspondence offering North Charleston the option of modifying the MOU to provide technical assistance only,³ and that you are scheduled to meet with federal officials in Washington D.C. on Monday, October 30, 2017.

In anticipation of that meeting, we write to urge you to join the growing chorus of residents and elected officials who are demanding release of the existing NCPD

¹ Letter from Sherrilyn A. Ifill et al. to Loretta Lynch, U.S. Att'y Gen., U.S. Dep't of Justice (July 13, 2015), <http://www.naacpldf.org/document/naacp-ldf-et-al-letter-attorney-general-lynch-re-north-charleston>.

² Dustin Waters, *The slow death of the North Charleston Police Department's federal review*, CHARLESTON CITY PAPER, Oct. 20, 2017, <https://www.charlestoncitypaper.com/charleston/the-slow-death-of-the-north-charleston-police-departments-federal-review/Content?oid=12114081>.

³ Letter from Russell Washington, Acting Director, Office of Community Oriented Policing Services, U.S. Dep't of Justice, to Edward Driggers, Police Chief, North Charleston Police Dep't, North Charleston, South Carolina (Sept. 19, 2017), https://www.charlestoncitypaper.com/media/pdf/north_charleston_-_collaborative_reform_notification.pdf.

assessment conducted pursuant to the 2016 MOU.⁴ The collaborative assessment the COPS Office is withholding will likely include helpful findings and recommendations that can immediately be deployed to inform NCPD's policing practices. We urge you to impress this message upon federal officials during your October 30 meeting. We further recommend that you request that the technical assistance from the COPS Office be consistent with your original request for help. Specifically, the COPS Office should assist NCPD, in concert with the community, with promoting "community-oriented policing practices, transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust, taking into account national standards, best practices, current and emerging research, and community expectations."⁵ The assistance should also "identif[y] ways to improve the understanding and trust between local law enforcement and the community at-large."⁶

Relatedly, as detailed in our July 2017 letter to the COPS Office, allegations of police misconduct and racially-biased policing practices continue, and they must be addressed.⁷ Indeed, as a recipient of federal funding—e.g., the grant award to North Charleston from the COPS Office to hire fifteen neighborhood resource officers—federal civil rights laws require that you take steps to address discrimination based on race, national origin, and color.⁸ We urge you to ensure that compliance with these laws is a part of your discussion with representatives of the COPS Office.

Finally, the North Charleston community must be involved in your ongoing request for assistance from the COPS Office. We share your commitment to promoting public safety—yet distrust of police by community members undermines crime-fighting strategies. Trust and transparency are key, and North Charleston residents simply cannot be left out of police reform and public safety planning processes if the city is serious about finding a path forward. The COPS Office and Justice Department's

⁴ See Letter from Tim Scott, United States Senator, South Carolina, to Jeff Sessions, U.S. Att'y, Gen., U.S. Dep't of Justice (Oct. 18, 2017), http://www.postandcourier.com/tim-scott-letter-to-jeff-sessions/pdf_0c6123d0-b4fb-11e7-9b7d-bbbf3180ac63.html; Brian Hicks, *Hicks column: Justice Dep't isn't helping North Charleston – or its police*, THE POST AND COURIER, Oct. 25, 2017, http://www.postandcourier.com/columnists/hicks-column-justice-department-isn-t-helping-north-charleston-/article_4e681934-b8e6-11e7-85f6-efc4f84840ec.html; Dwayne Green, *Dear DOJ, it's time to release the COPS Report*, CHARLESTON CITY PAPER, Oct. 25, 2017, <https://www.charlestoncitypaper.com/charleston/dear-doj-its-time-to-release-the-cops-report/Content?oid=12258247>; Andrew Knapp, *Feds deny request for report on North Charleston police, but senator joins growing calls for release*, THE POST AND COURIER, Oct. 20, 2017, http://www.postandcourier.com/news/feds-deny-request-for-report-on-north-charleston-police-but/article_722b4c34-b34f-11e7-823d-f32f669ef8e1.html;

⁵ OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, U.S. DEP'T OF JUSTICE, GOAL AND OBJECTIVES STATEMENT FOR THE COLLABORATIVE REFORM INITIATIVE FOR TECHNICAL ASSISTANCE WITH THE NORTH CHARLESTON POLICE DEPARTMENT, https://cops.usdoj.gov/pdf/crita/CRITA_Goal_and_Objectives_NCPD.pdf.

⁶ Statement, U.S. Dep't of Justice, Office of Community Oriented Policing Services, Department of Justice moves forward with review and assessment of the North Charleston Police Department (May 17, 2016), <https://cops.usdoj.gov/Default.asp?Item=2867>.

⁷ Letter from Sherrilyn A. Ifill et al. to Russell Washington, Acting Director, Office of Community Oriented Policing Services, U.S. Dep't of Justice (July 13, 2017), http://www.naacpldf.org/files/about-us/NAACP%20LDF%20and%20North%20Charleston%20Leaders%20Letter%20to%20COPS%20Office%20-%20FINAL%207.2017_0.pdf.

⁸ Civil Rights Act of 1964, tit. VI, 42 U.S.C. § 2000d et seq. (1964).

professed “commitment to respecting local control and accountability”⁹ will ring hollow if the voices of the impacted community—your constituents—are ignored.

Public safety can only follow from transparency and mutual trust between city residents and the police. We have worked in good faith with NCPD, the Mayor’s office, members of the North Charleston City Council, and the COPS Office to ensure community voices are represented in reform efforts at NCPD. We hope to continue to work towards positive community engagement.

Thank you for considering this request. Please contact Ed Bryant at 843-327-9660 with any questions or concerns.

Sincerely yours,

Edward R. Bryant
North Charleston Branch of the
NAACP

Shaundra Scott
ACLU of South Carolina

Louis Smith
Community Resource Center

Rev. Charles Heyward
Charleston Area Justice Ministry

Monique L. Dixon
NAACP Legal Defense and
Educational Fund, Inc.

cc: The Honorable Tim Scott, United States Senate
The Honorable Lindsey Graham, United States Senate
The Honorable James E. Clyburn, United States House of Representatives
Bob King, Chair, Public Safety Committee, North Charleston City Council
Virginia Jamison, North Charleston City Council
Keon Rhodan, Chairman, North Charleston Citizens’ Advisory Commission on
Community-Police Relations
Daniel O’Neal, Vice Chairman, North Charleston Citizens’ Advisory Commission
on Community-Police Relations

⁹ Letter from Russell Washington, *supra* note 3.