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April 7, 2021

## Via Electronic Mail

The Honorable Merrick Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Re: **Request for release of the Department of Justice's collaborative reform assessment of the North Charleston Police Department**

Dear Attorney General Garland:

The NAACP Legal Defense and Educational Fund, Inc. (LDF),<sup>1</sup> in partnership with Anthony and Dee Scott on behalf of the Scott Family, Charleston Area Justice Ministry (CAJM), and the American Civil Liberties Union of South Carolina (ACLU), submit this letter to request that the U.S. Department of Justice (DOJ) release an unredacted or reasonably redacted<sup>2</sup> assessment of the North Charleston Police Department (NCPD) conducted through its Collaborative Reform Initiative beginning in September 2016. It has been six years since Michael Slager, a North Charleston police officer, killed Walter Scott on April 4, 2015. Since then, the North Charleston community has consistently worked to improve transparency and accountability, and to decrease racial bias in the North Charleston Police Department's law enforcement activities.<sup>3</sup>

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<sup>1</sup> Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957. LDF's work to address police violence and misconduct dates back to its inception. *See, e.g., Shepherd v. Florida*, 341 U.S. 50 (1951) (reversing the convictions of Black men falsely accused of raping a white woman in 1949; the men were brutally beaten by sheriff's deputies to force confessions). Today, LDF's Justice in Public Safety Project uses litigation, policy advocacy, research, community organizing, and strategic communications to: (1) ensure accountability for police brutality and misconduct through community oversight and changes to laws and policies; (2) promote policing and public safety practices that eliminate the pernicious influence of racial and other biases; and (3) support a new paradigm of public safety that drastically reduces the presence of armed law enforcement in communities of color.

<sup>2</sup> A reasonably redacted assessment should contain the findings and recommendations related to the North Charleston Police Department made by the Community Oriented Policing Services Office.

<sup>3</sup> Jeff Stein, *It wasn't just Walter Scott: The North Charleston Police Department has a shocking record of abuse allegations*, SALON (April 9, 2015), [https://www.salon.com/2015/04/08/it\\_wasnt\\_just\\_walter\\_scott\\_the\\_north\\_charleston\\_police\\_department\\_has\\_a\\_shocking\\_record\\_of\\_abuse\\_allegations/](https://www.salon.com/2015/04/08/it_wasnt_just_walter_scott_the_north_charleston_police_department_has_a_shocking_record_of_abuse_allegations/).



After the shooting of Walter Scott in 2015, LDF, the ACLU of South Carolina, the North Charleston Branch of the NAACP, and Community Resource Center (CRC) held multiple townhall meetings where community members shared stories of negative interactions with NCPD, particularly during traffic stops.<sup>4</sup> Thousands of community members demanded transparency and accountability, calling on NCPD to address concerns of systemic racism in the department. As part of these demands, in April of 2016, the Charleston Area Justice Ministry's (CAJM) called for the City of North Charleston to hire a qualified firm to conduct an independent racial bias audit of NCPD.<sup>5</sup>

In 2015, LDF sent a letter co-signed by dozens of local organizations and concerned residents to then Attorney General Loretta Lynch requesting that the DOJ conduct a pattern-or-practice investigation of NCPD.<sup>6</sup> In response, in May 2016, the DOJ's Community Oriented Policing Services Office (COPS) announced it would conduct a Collaborative Reform Assessment of NCPD with the city of North Charleston to "open[] [NCPD] to review" and provide "a record that the City can use in addressing its policies and practices."<sup>7</sup>

Unfortunately, in 2017, former Attorney General Jeffrey B. Sessions announced an end to DOJ's Collaborative Reform Assessments and the COPS report regarding the NCPD

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<sup>4</sup> Press Release, NAACP Legal Defense and Educational Fund, Inc., LDF Hosts North Charleston Town Hall Meeting on Policing (Oct. 13, 2015), <https://www.naacpldf.org/press-release/ldf-hosts-north-charleston-town-hall-meeting-on-policing/>; Press Release, NAACP Legal Defense and Educational Fund, Inc., LDF and Community and Civil Rights Organizations to Host Town Hall Meeting Addressing Discriminatory Policing Practices in North Charleston, SC (March 9, 2016), <https://naacpldf.org/press-release/ldf-and-community-and-civil-rights-organizations-to-host-town-hall-meeting-addressing-discriminatory-policing-practices-in-north-charleston-sc/>.

<sup>5</sup> Live5WCSC, *Charleston ministry group calls for better policing, end go discrimination*, LIVE5WCSC (April 18, 2016), <https://www.live5news.com/story/31748728/charleston-ministry-group-calls-for-better-policing-end-to-discrimination/>.

<sup>6</sup> Press Release, NAACP Legal Defense and Educational Fund, Inc., LDF and South Carolina Leaders Ask U.S. Attorney General Loretta Lynch to Open Federal Investigations in the Aftermath of the Police Killing of Walter Scott and the Emanuel Nine Massacre (July 13, 2015), <https://www.naacpldf.org/press-release/ldf-and-south-carolina-leaders-ask-u-s-attorney-general-loretta-lynch-to-open-federal-investigations-in-the-aftermath-of-the-police-killing-of-walter-scott-and-the-emanuel-nine-massacre/>.

<sup>7</sup> WISNews, *US DOJ, No. Charleston PD moves forward with department review*, WISNEWS (May 17, 2016), <https://www.wistv.com/story/31993645/us-doj-no-charleston-pd-moves-forward-with-department-review/>.

was withheld from the public.<sup>8</sup> Calls from community members,<sup>9</sup> local officials,<sup>10</sup> and U.S. Senator Tim Scott<sup>11</sup> for the DOJ to release its report were rejected.<sup>12</sup> Because DOJ refused to release any findings or recommendations from its Collaborative Reform Assessment, LDF filed a Freedom of Information Act (FOIA) request to obtain the draft COPS report.<sup>13</sup> The DOJ also refused to disclose the report pursuant to the FOIA request, citing exceptions to disclosure. LDF then engaged in litigation challenging the refusal to disclose the report in response to its FOIA request, eventually receiving a heavily redacted report that largely consisted of entirely redacted pages and which provided no information regarding the COPS' evaluation of the NCPD.<sup>14</sup>

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<sup>8</sup> CBSNews, *Trump administration's overhaul of police reform initiative was "a punch in the gut" to North Charleston, S.C.*, CBSNEWS (July 13, 2017), <https://www.cbsnews.com/news/trump-administration-police-reform-north-charleston/>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*; Letter from R. Keith Summey, Mayor, City of North Charleston, South Carolina to Tawana Elliott, Office of Community Oriented Policing Services, U.S. Dep't of Justice (Aug. 9, 2017) (on file with NAACP Legal Defense and Educational Fund, Inc.).

<sup>11</sup> Letter from Tim Scott, Senator, U.S. Senate to Jeffrey B. Sessions, Att'y Gen., U.S. Dep't of Justice (Oct. 18, 2017) (on file with NAACP Legal Defense and Educational Fund, Inc.); Andrew Knapp, *Feds deny request for report on North Charleston police, but senator joins growing calls for release*, POST AND COURIER (Oct. 20, 2017), [https://www.postandcourier.com/news/feds-deny-request-for-report-on-north-charleston-police-but-senator-joins-growing-calls-for/article\\_722b4c34-b34f-11e7-823d-f32f669ef8e1.html](https://www.postandcourier.com/news/feds-deny-request-for-report-on-north-charleston-police-but-senator-joins-growing-calls-for/article_722b4c34-b34f-11e7-823d-f32f669ef8e1.html).

<sup>12</sup> Letter from Stephen E. Boyd, Assistant Att'y Gen., U.S. Dep't of Justice to Tim Scott, Senator, U.S. Senate (Nov. 8, 2017) (on file with NAACP Legal Defense and Educational Fund, Inc.).

<sup>13</sup> Press Release, NAACP Legal Defense and Educational Fund, Inc., LDF Files FOIA Request with the U.S. Justice Department for Documents Relating to the North Charleston, S.C. Police Department (Aug. 24, 2017), <https://www.naacpldf.org/press-release/ldf-files-foia-request-with-the-u-s-justice-department-for-documents-relating-to-the-north-charleston-s-c-police-department/>.

<sup>14</sup> Ex. to Pl's Mem. of Law in Opp'n to Def.'s Mot. for Summ. J. and in Supp. of Pl's Mot. for *In Camera* Review, *NAACP Legal Defense and Educational Fund, Inc. v. U.S. Dep't of Justice*, No. 18-04354, Doc. 53, (S.D.N.Y. Jan. 6, 2020), (on file with NAACP Legal Defense and Educational Fund, Inc.).

Meanwhile, incidents of police violence and other misconduct by NCPD officers have continued.<sup>15</sup> And data continues to show racial disparities in NCPD's traffic stops.<sup>16</sup> Without the COPS report, members of the North Charleston community have received no information regarding the underlying systemic issues within NCPD which may contribute to the continuing misconduct of NCPD officers and racial disparities in enforcement activity. Residents of North Charleston have been deprived of the "record" that the City was to "use in addressing its policies and practices" which DOJ committed to when the COPS inquiry was opened in 2016.<sup>17</sup>

Following the closure of the COPS evaluation of NCPD, in 2020, LDF, the ACLU of South Carolina, the North Charleston NAACP Chapter, and CAJM advocated for the City of North Charleston to engage an independent entity to conduct a racial bias audit of the NCPD.<sup>18</sup> In response to online petitions<sup>19</sup> and sustained public pressure, the City Council of North Charleston agreed to do so.<sup>20</sup> The audit is now underway.<sup>21</sup>

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<sup>15</sup> Gregory Yee, *Lawsuit alleges North Charleston police used excessive force against Joshua Lewis, friends*, POST AND COURIER (Aug. 27, 2020), [https://www.postandcourier.com/news/lawsuit-alleges-north-charleston-police-used-excessive-force-against-joshua-lewis-friends/article\\_62759118-e8c7-11ea-b88c-d7e847f93035.html](https://www.postandcourier.com/news/lawsuit-alleges-north-charleston-police-used-excessive-force-against-joshua-lewis-friends/article_62759118-e8c7-11ea-b88c-d7e847f93035.html); Kyle Jordan, *Lawsuit accuses North Charleston Police and former chief of excessive force*, LIVE5WCSC (Dec. 23, 2019), <https://www.live5news.com/2019/12/23/lawsuit-accuses-north-charleston-police-former-chief-excessive-force/>; WLTX, *Former South Carolina police officer charged with misconduct, obstruction*, WLTX (Feb. 25, 2020), <https://www.wltx.com/article/news/crime/northcharleston-police-brettbull-sled-investigation-obstruction-misconduct-southcarolina-2020/101-1403b1b6-4e4d-48a9-80e1-52e57ed17c30>.

<sup>16</sup> Letter from North Charleston Residents and Organizations to North Charleston Mayor and City Council (April 13, 2020), <https://www.naacpldf.org/wp-content/uploads/April-2020-Letter-to-Mayor-Summey-and-Council-FINAL.pdf>.

<sup>17</sup> See *supra* n.6.

<sup>18</sup> Press Release, NAACP Legal Defense and Educational Fund, Inc., Religious, Civil Rights and Civil Liberties Organizations Call On North Charleston Mayor and Councilmembers to Commission Independent, Comprehensive Racial Bias Audit of Police Department (April 13, 2020), <https://naacpldf.org/press-release/religious-civil-rights-and-civil-liberties-organizations-call-on-north-charleston-mayor-and-councilmembers-to-commission-independent-comprehensive-racial-bias-audit-of-police-department/>; Letter from Monique L. Dixon, Deputy Director of Policy NAACP Legal Defense and Educational Fund, Inc., to North Charleston City Council Members, North Charleston, South Carolina (June 22, 2020), <https://naacpldf.org/wp-content/uploads/2020.06.22-NAACP-LDF-Letter-to-N.-Charleston-City.pdf>.

<sup>19</sup> NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., ET. AL., *Mayor Summey & North Charleston City Council: Police Department NEEDS a Racial Bias Audit* (March 30, 2020), [https://form.jotform.com/MAACP\\_LDF/north-charleston-police-department-](https://form.jotform.com/MAACP_LDF/north-charleston-police-department-).

<sup>20</sup> Live5WCSC, *City of North Charleston hires firm to perform racial bias audit on police department*, LIVE5WCSC (Oct. 8, 2020), <https://www.live5news.com/2020/10/08/city-north-charleston-hires-firm-perform-racial-bias-audit-police-department/>.

<sup>21</sup> CITY OF NORTH CHARLESTON, NCPD Racial Bias Audit, <https://www.northcharleston.org/government/police/ncpd-racial-bias-audit/> (last visited Mar. 30, 2021).



The racial bias audit comes after COPS provided technical assistance to NCPD to improve issues identified during the COPS evaluation, however, North Charleston community members have little to no information regarding these issues. North Charleston community members are now attempting to provide input into a racial bias audit without knowledge of the problems and infirmities that COPS has previously identified within the NCPD. The racial bias audit currently being conducted would benefit from understanding the prior systemic issues that COPS identified, and the remedies recommended and implemented. Data analyzed in the COPS evaluation may also provide a baseline for a current evaluation on NCPD officers' activity. Thus, the DOJ's release of the COPS assessment report is vital to the North Charleston community's efforts to improve public safety. We urge the DOJ to demonstrate its commitment to addressing racial bias and excessive force in law enforcement, and to achieve more equitable public safety systems for our communities by releasing the COPS evaluation of the NCPD.

We welcome the opportunity to meet with you to further discuss this request. If you have any questions or concerns, please do not hesitate to contact Puneet Cheema, Manager of the Justice in Public Safety Project, LDF, at [pcheema@naacpldf.org](mailto:pcheema@naacpldf.org).

Sincerely yours,

Anthony and Dee Scott  
On Behalf of the Scott Family

Mavis Huger  
Suzanne Hardie  
Co-Chairs of the Policing Committee  
Charleston Area Justice Ministry

Frank Knaack  
Executive Director  
ACLU of South Carolina

Puneet Cheema  
Manager, Justice in Public Safety Project  
NAACP Legal Defense and  
Educational Fund, Inc.

cc: Keith Summey, Mayor, North Charleston, South Carolina  
Reginald Burgess, Police Chief, North Charleston Police Department