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The Honorable Eric Holder
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder:

I am writing to urge the United States Department of Justice (DOJ) to take immediate action to address the unjustified use of lethal and excessive force by police officers in jurisdictions throughout this country against unarmed black people. This is not a new phenomenon, nor are these isolated incidents. They reflect pervasive and long-standing deficiencies in police practice and supervision and the widespread failure to deal forthrightly with issues of racial bias – both implicit and explicit – in policing.

The shooting death of Ezell Ford, an unarmed 25-year-old black man, by a Los Angeles Police Department officer on August 11, 2014 is the most recent tragic killing of a black person at the hands of law enforcement. Mr. Ezell's death followed the killing of college-bound teenager Michael Brown by a St. Louis-area police officer on August 9, 2014. Just weeks earlier, on July 17, 2014, Eric Garner, an unarmed black man, was choked and killed by a New York City police officer. These deaths are not unique occurrences, but are instead emblematic of the deeply flawed relationship between the police and the communities they are sworn to protect and serve. We recognize that criminal justice is, first and foremost, a locally controlled and executed function. However, when the integrity and transparency of local law enforcement is in question, federal authorities must step in and exercise their significant influence to maintain the public's trust and confidence in the criminal justice system. We request, therefore, that the Department of Justice employ its authority to help bring to an end the wholly unjustifiable police violence being perpetrated on communities of color.



We know, from the killings of Mr. Ezell, Mr. Brown, Mr. Garner, and countless others, that race can shape citizen-police encounters in significant ways. Experience and science confirm that false and biased connections between race and criminality far too often turn citizen-police interactions into deadly confrontations. The DOJ is the nation’s chief law enforcement body, tasked with ensuring the fair and impartial administration of justice for all Americans. As long as tragedies like these continue unabated, justice is denied to us all. Federal investigation, prosecution, and oversight of police departments are essential components of the Justice Department’s work. Yet, these piecemeal measures cannot serve as a substitute for the wholesale policy changes necessary to end police violence nationwide. You have shown extraordinary leadership on criminal justice reform during your tenure as United States Attorney General. The time for further action on this front has come. The DOJ must utilize its substantial resources to take significant, proactive steps to curb police violence on communities of color.

Undertake a Comprehensive Review of Police-Involved Assaults and Killings

As a first step, the DOJ should undertake a comprehensive and thorough accounting of police-involved assaults and killings of, unarmed individuals, with a particular focus on killings of unarmed black people. Examples of such killings and assaults abound. They include, but are not limited to:

- On December 31, 2008, in Bellaire, Texas, Robbie Tolan—an unarmed 23-year-old minor league baseball player—was shot and seriously wounded by police in his own driveway.
- On February 20, 2009, in Homer Louisiana, Bernard Monroe—a 73-year-old cancer survivor and retired electrician—was shot and killed by police as he sat unarmed in his front yard.
- On November 19, 2011, in White Plains, New York, Kenneth Chamberlain—a 68-year-old Marine veteran—was shot and killed by police in his own home after they responded to his medical alert.
- On February 2, 2012, in the Bronx, New York, Ramarley Graham—an unarmed 18-year-old—was shot and killed by a police officer after being chased into his family’s home.



- On February 29, 2012, in Galveston, Texas, Raymond Allen, a 34-year-old father of three was tasered to death by police officers responding to reports of Mr. Allen’s erratic, though non-violent, behavior.
- On December 30, 2012, in Hearne, Texas, 28-year-old Tederalle Satchell was shot and killed by police responding to reports of people assembling in the parking lot of a public housing complex.
- On March 10, 2013, in Dallas, Texas, 25-year-old Clinton Allen was shot and killed by police responding to a 911 call from Mr. Allen’s girlfriend.
- On September 26, 2013, in Charlotte, North Carolina, 24-year-old Jonathan Ferrell—a former college football player—was shot and killed by a police officer while seeking assistance after a car accident.
- On October 8, 2013, in Waycross, Georgia, Jack Lamar Roberson—a 43-year-old man—was shot and killed by police responding to a call about complications arising from Mr. Roberson’s diabetes medication.
- On July 1, 2014, in Los Angeles, California, 51-year-old Marlene Pinnock was repeatedly and brutally punched in the face and upper body by a police officer during a stop on the side of a freeway.

This representative sample of incidents demonstrates the breadth of this problem in small and large police departments in urban centers, and small towns, involving physical force, the use of batons and tasers, and shootings.

Provide Strong Incentives for Racial Bias Training and Avoiding the Use of Force in the DOJ Grant Process

After assessing the nature and scope of this phenomenon, the DOJ, in partnership with communities, institutional stakeholders, policing experts, and advocates, should make specific recommendations for police training aimed at curtailing the use of deadly force in citizen-police encounters nationwide. The DOJ should further condition the significant financial support provided by the federal government to state and local law enforcement through the Edward Byrne Memorial Justice Assistance Grant Program and other available funding streams on the adoption of police training on implicit racial bias, the development and



implementation of national standards that govern police use of force and de-escalation of police-citizen encounters, and the reduction of police violence against communities.

Hold Police Officers Accountable to the Full Extent of the Law

The DOJ has the authority to review the practices of law enforcement agencies, as well as the duty to enforce federal criminal and civil statutes that address police misconduct, the use of excessive force, and discriminatory policing by individual officers and police departments. In some instances, the DOJ has successfully pursued criminal charges against individual police officers for official misconduct. The DOJ has also undertaken investigations of, and enforcement efforts against, police departments in Albuquerque, New Mexico, Los Angeles, California, Miami, Florida, Newark, New Jersey, and New Orleans, Louisiana. The DOJ must continue and intensify its efforts to hold police departments accountable for misconduct and discrimination, while also imposing criminal liability on individual officers for their blatant violations of the law. Doing so sends a powerful message to law enforcement and the communities they are sworn to serve.

Encourage the Use of Police Officer Body-Worn Cameras

Transparency, accountability, oversight, and deterrence are critical elements in the effort to curtail police violence. Police officer body-worn video cameras that record interactions between the police and the public may serve all of these purposes. Consistent with its financial and practical influence over state and local law enforcement agencies, the DOJ should promote the use of body-worn video cameras. Properly obtained video evidence produces an objective account of interactions between police and citizens. This improves the accuracy of investigations into police brutality and misconduct, contextualizes citizen encounters with the police, provides training opportunities to officers about appropriate police practices, and serves as an independent check on police conduct. Indeed, police departments in Rialto, California and Mesa, Arizona, and Phoenix, Arizona have experimented with body-worn video cameras and seen positive effects on police behavior. For example, Rialto saw a 60 percent reduction in use of force by police officers and an 88 percent decline in citizen complaints against police following the implementation of body worn cameras from 2011 to 2012. Potential



benefits like these led Judge Shira Scheindlin of the Federal District Court in Manhattan to order New York Police Department officers in particular precincts to wear video cameras in an effort to prevent racial profiling. Without question, strict protocols must be developed to address the valid privacy and civil liberties concerns raised by this technology, and to ensure that body-worn cameras cannot be manipulated, subverted, or rendered ineffective by law enforcement. With such measures in place, body-worn cameras can be a powerful tool for police oversight.

These requests are not a panacea for police violence, but are instead suggestions for an initial response to a problem that has persisted for generations. Brutality, violence and killings of black people at the hands of law enforcement have severely damaged the relationship between the police and the communities they are supposed to serve. Accountability and comprehensive oversight—with the imprimatur of the DOJ—can begin to mend that relationship. To be sure, a collaborative dialogue—that includes the voices of those being policed—may yield an additional range of viable solutions to the entrenched and tragic crisis of police violence against communities of color. Racial, ethnic, and gender diversity within police departments, residency requirements that ensure that police officers are members of the communities they serve, and community partnerships with law enforcement are just a few examples of structural reforms that can be furthered by the Justice Department’s support. My colleagues and I are at your service to assist the DOJ in this effort, and I would welcome the opportunity to talk with you about potential next steps to move ahead.

Sincerely,

Sherrilyn Ifill
Director-Counsel and President
NAACP Legal Defense &
Educational Fund, Inc.