



August 25, 2020

Via Electronic mail

Mayor Kate Gallego
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Maricopa County Attorney Allister Adel
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RE: An Independent and Thorough Investigation into the Killing of Muhammad Muhaymin Jr.

Dear Mayor Gallego and County Attorney Adel:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we join community members and advocates across the country in calling for a reopening of the administrative investigation into the tragic killing of Muhammad Muhaymin Jr., and a parallel criminal investigation conducted by an independent and qualified authority,¹ followed by timely and appropriate discipline of, or criminal charges against, the Phoenix Police Department (PPD) officers involved in Mr. Muhaymin's untimely death, as warranted by the results of thorough investigations.

According to news reports, Mr. Muhaymin was a 43-year-old Black man with a mental health disability, experiencing homelessness. Mr. Muhaymin was known to carry his emotional support dog Chiquita, a small Chihuahua, with him at all times. On January 4, 2017, PPD officers were called because Mr. Muhaymin needed to use the restroom and sought to enter a public restroom in a community center with his emotional support dog. The manager of the community center physically blocked Mr. Muhaymin's entrance into the restroom and ordered him to leave his support dog outside. When Mr. Muhaymin refused, the manager directed an employee to call 911. Multiple PPD officers arrived shortly thereafter. One of the officers on the scene was aware

¹ See for example, joint letter from Muslim Advocates and 61 additional organizations calling for an independent investigation into Mr. Muhaymin's death and holding the officers involved accountable, Aug. 20, 2020, available at https://muslimadvocates.org/wp-content/uploads/2020/08/8-20-2020_LettertoMayorGallegoandCountyAttorneyAdel_HoldOfficersAccountablefortheMurderofMuhammadMuhayminJr.pdf.

of Mr. Muhaymin's mental health disability and notified the other officers about it, soon after arriving on the scene.

After some discussion, Mr. Muhaymin was permitted to use the restroom. However, officers conducted a search of his name for warrants and discovered that he had an outstanding arrest warrant for failure to appear in court, after a PPD officer stopped him for jaywalking, and discovered a single marijuana pipe in his possession. For this, the officers attempted to take Mr. Muhaymin into custody.

Painfully similar to the graphic police killing of George Floyd, a newly released video of Mr. Muhaymin has revealed he died after eight excruciating minutes² of being handcuffed, frisked, and placed on the ground, while multiple PPD officers pressed his face and body into the concrete—with one officer's knee on his back, and other officers pressing their weight onto his head, neck, and legs. Mr. Muhaymin cried out in pain, gasped for air, and repeatedly told officers "I can't breathe." As PPD officers ignored his pleas for help and continued to press on his already-restrained body, Mr. Muhaymin vomited, lost consciousness, and died. One officer at the scene is heard stating matter-of-factly "he's dead."³

The events causing Mr. Muhaymin's death reflect yet another instance where an individual's experience of race, poverty, and mental health disability is met with unnecessary policing and violence, resulting in death. Mr. Muhaymin encountered officers because, as a homeless man, he needed to use the restroom. And police attempted to take him into custody, despite his known mental health disability, for an arrest warrant for the minor charge of possession of a marijuana pipe. For this, officers took his life.

Though the PPD conducted its own investigation, and concluded that the officers committed no wrongdoing, recently released body-cam footage demonstrates additional scrutiny is warranted. Therefore, we call on Phoenix and Arizona state officials to ensure an independent and thorough criminal investigation by an independent and qualified authority into Mr. Muhaymin's death. PPD must also reopen its administrative investigation into officers' conduct to evaluate their compliance with internal policy, and provide timely and appropriate discipline, up to and including termination, as warranted.

In the aftermath of the heinous police killing of George Floyd, American policing is at a critical juncture as protesters across the nation call for an end to police violence and a new approach to public safety that reduces reliance on law enforcement to address challenges such as homelessness and behavioral health crises. And you, Mayor Gallego, have expressed your desire

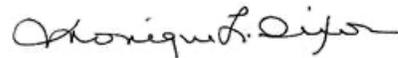
² Robert Kuznia, Scott Bronstein and Drew Griffin, *Bodycam footage from Phoenix arrest reveals new details about Black man's death in custody*, ("Muhaymin wound up face down on the pavement just outside the facility with at least four officers on top of him struggling to put his hands in cuffs. Within eight minutes, Muhaymin was dead. His dog has not been seen since."), July 9, 2020, CNN, available at <https://www.cnn.com/2020/07/09/us/phoenix-muhammad-muhaymin-invs/index.html>.

³ See Uriel J. Garcia, 'When my brother loved, he really loved': Sister of Muhammad Muhaymin shares his story, June 11, 2020, THE ARIZONA REPUBLIC, <https://www.azcentral.com/story/news/local/phoenix/2020/06/11/sister-muhammad-muhaymin-killedphoenix-police-cant-breathe-shares-his-story/5327511002/02/>; see also Phoenix has its own 'I can't breathe' case, footage of Muhammad Muhaymin Jr and police in 2017, June 5, 2020, YOUTUBE.COM, available at <https://www.youtube.com/watch?v=-FPrK13-sBU>.

for change in policing.⁴ That change starts with accountability. Police departments must hold officers accountable for their actions. Investigations into misconduct must be thorough and conducted by an impartial body. The changes required to prevent another death like Mr. Muhaymin's extend beyond the PPD, however. The city of Phoenix must invest in community-based services for people with mental health disabilities, housing for people experiencing homelessness, and alternatives to policing to resolve disputes like Mr. Muhaymin's need to use a restroom.

Please do not hesitate to contact Monique Dixon or Puneet Cheema with any questions or concerns at or 202-682-1300.

Sincerely yours,



Monique L. Dixon
Deputy Director of Policy and Director of
State Advocacy

Puneet Cheema
Manager, Policing Reform Campaign

⁴ Jessica Boehm, *Phoenix Mayor Kate Gallego promises changes, talks about her son and George Floyd*, June 8, 2020, AZ CENTRAL, <https://www.azcentral.com/story/news/local/phoenix/2020/06/07/phoenix-mayor-kate-gallego-promises-lead-way-police-reform-george-floyd-use-of-force-shootings/3157294001/>.