June 4, 2020

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Barr:

Last week, our nation witnessed yet another senseless and horrific loss of life as police officers killed George Floyd in Minneapolis, Minnesota. On behalf of The Leadership Conference on Civil and Human Rights (The Leadership Conference) and the 213 undersigned organizations, we urge the U.S. Department of Justice (DOJ) to fully investigate the circumstances surrounding Mr. Floyd’s death as well as the Minneapolis Police Department’s (MPD) long history of brutality against Black and Brown individuals in the community it serves.

While we believe DOJ’s pledge to work “diligently and collaboratively” on a federal civil rights investigation of the officers involved in Mr. Floyd’s death is a first step, it alone is insufficient to meet our current moment. As the Minnesota Department of Human Rights conducts its investigation to uncover potential violations of state civil rights laws by MPD, DOJ, we urge DOJ to pursue a pattern or practice investigation of MPD for persistent federal civil rights violations. We also urge DOJ to strengthen its role in addressing systemic issues of police misconduct across the country, and to step in if the resolution of the state criminal matter does not sufficiently vindicate the interests of justice. As our nation continues to reel at the string of recent tragedies that have once again highlighted the racial disparities in American policing, it is critical that DOJ use all of the statutes over which it has jurisdiction to take a leading role in demanding accountability from its state and local law enforcement partners.

We recognize that we are calling on you to enforce federal civil rights statutes at a critical time in our nation’s history, and at a time when you continue to give us ample reason to doubt your willingness to fulfill your oath to “support, protect, and defend the Constitution of the United States.” We watched you abandon that oath when you ordered federal police and security officials to use tear gas on peaceful demonstrators protesting police violence and exercising their First Amendment rights outside of the White House. We join the rest of the


country and the world in watching to see if you will now begin to fulfill that oath, and we urge you to uphold your solemn obligation to do justice not just in this case, but in all cases seeking to support, protect, and defend the Constitution.

DOJ Must Conduct a Thorough Criminal Investigation of All of the Officers Involved in the Killing of George Floyd

On May 25, 2020, 46-year old George Floyd, an African-American man, was killed by an MPD officer despite his desperate cries for help and the pleas of bystanders witnessing the horror. Responding to a call about the alleged use of a $20 counterfeit bill, MPD officers pulled Mr. Floyd from a car, handcuffed him, and pinned him to the ground just after 8:00 p.m. Harrowing video recordings then show Mr. Floyd repeatedly gasping “I can’t breathe,” and calling out for his deceased mother as MPD officer Derek Chauvin kneels on his neck for nearly nine minutes—including nearly three minutes during which Mr. Floyd appears nonresponsive. During this time, three other officers at the scene can be seen doing nothing to help Mr. Floyd, with one instead holding down his back and another his legs. At no time did any of the officers attempt to render medical assistance to Mr. Floyd, who lay lifeless on the pavement by the time first responders were finally called to the scene.

Since Mr. Floyd’s death, all four officers involved have been fired from the MPD, and on June 3, 2020, Office Chauvin was charged with second-degree murder, and the three other officers have each been charged with aiding and abetting second-degree murder. In addition to the state investigation led by the Minnesota Bureau of Criminal Apprehension, the investigations into the incident by both the Federal Bureau of Investigation and DOJ are welcome steps. We urge DOJ to be diligent in conducting its expedited investigation under 18 U.S.C. § 242, which makes it unlawful for any person acting under the color of law—including police officers who are functioning or appear to be functioning in their official duties—

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capacity\textsuperscript{10}—to willfully deprive an individual of a right or privilege protected by the Constitution or laws of the United States.\textsuperscript{11} We also urge DOJ to be transparent regarding the scope of its investigation, and look forward to the outcome because we believe there is clear evidence to support a finding that federal civil rights violations occurred in this case.

DOJ Must Pursue a Pattern or Practice Investigation of the Minneapolis Police Department

George Floyd’s fatal encounter with the MPD unfortunately represents just one of many incidents of police brutality committed by members of the MPD, particularly against people of color. The MPD’s longstanding and recent history support the opening of an investigation into whether the Department engaged in a pattern or practice of excessive use of force and race discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and relevant statutes. Documented racism on the force dates back to the 1940s, when the MPD’s “morals squad” targeted the African-American community,\textsuperscript{12} and have persisted to the point that MPD’s own chief, who is African-American, sued the Department for race discrimination earlier in his career.\textsuperscript{13} The numerous instances of police violence that have devastated the people of Minneapolis in recent years reflect this longstanding history of racism within the Department. In 2015, MPD officers fatally shot unarmed 24-year old Jamar Clark in the head while he was handcuffed,\textsuperscript{14} and in 2018, Thurman Blevins was killed by police during a foot chase as he begged, “Please don’t shoot me; Leave me alone.”\textsuperscript{15} Data show that one-third of the individuals killed by MPD officers between 2000 and 2018 were unarmed, and approximately 63 percent of those killed were black, though African Americans comprise just 19 percent of the city’s population.\textsuperscript{16}

According to a 2015 DOJ report, MPD “lacked either the authority or the will to discipline and remove bad officers from patrol” and “failed to set clear criteria on the use of force and de-escalation.”\textsuperscript{17} MPD

\textsuperscript{10} U.S. Department of Justice. Deprivation of Rights Under Color of Law. \url{https://www.justice.gov/crt/deprivation-rights-under-color-law}
\textsuperscript{11} 18 U.S.C. § 242.
also continues to allow officers to use chokeholds, a dangerous practice responsible for the death of Eric Garner in 2014, and banned in cities like New York, Atlanta, Miami, and Washington, D.C.\textsuperscript{18} In fact, MPD policy currently authorizes the use of two forms of neck restraints in instances where individuals resist arrest\textsuperscript{19} despite the fact that such maneuvers create a high risk of restricting blood or oxygen flow to an individual’s brain.\textsuperscript{20} Records reveal that MPD officers have used neck restraints at least 237 times since 2015, including in at least one instance where an individual was deemed “verbally noncompliant” during a traffic stop.\textsuperscript{21} The practice has resulted in MPD officers rendering 44 individuals unconscious—60 percent of whom were African-American—in just the last five years. The knee-to-neck restraint used in George Floyd’s death, and particularly the length of time for which it was deployed, runs directly in the face of expert opinions that such practice is “excessive”\textsuperscript{22} as well as DOJ use of force guidance recommending that individuals only be kept on their stomachs until successfully handcuffed.\textsuperscript{23} Moreover, MPD’s use of a knee-to-neck restraint similar to the one used in Mr. Floyd’s death was scrutinized a decade ago, in September 2010, when it resulted in the death of David Cornelius Smith, an African-American man battling mental health issues.\textsuperscript{24}


Additionally, two of the officers involved in George Floyd’s death had a history of violence. Officer Chauvin was the subject of at least 18 complaints—including for his use of force—over the course of his 19-year MPD career, and as well as a lawsuit that alleged constitutional rights violations. He had previously been involved in at least three officer-involved shootings, one of which was fatal. Another officer present for Mr. Floyd’s final moments had also been the subject of six complaints, and settled a lawsuit involving his alleged use of force in 2017 for $25,000. Together, these facts strongly support the opening of an investigation into a pattern of systemic constitutional violations, in which the MPD violates the rights of Black people in Minneapolis.

DOJ is authorized to investigate police departments for patterns or practices of systemic, unconstitutional policing under 34 U.S.C. § 12601 (previously codified at 42 U.S.C. § 14141) and may obtain a court order requiring law enforcement agencies to address systemic institutional failures. As detailed above, MPD has a terrifying history of police brutality, particularly toward people of color, which merits immediate DOJ intervention. The incidents described above are not just one-off incidents or the result of a few bad apples in the Department, but an indicator of systemic problems that continue to threaten the constitutional rights of Minneapolis residents.

DOJ Must Fulfill its Obligation to Investigate Police Departments for Patterns or Practices of Unconstitutional Policing Across the Country

In addition to requesting the continued federal investigation into the officers involved in the death of George Floyd and a pattern or practice investigation into the MPD, we also urge DOJ to exercise its jurisdiction to enforce the federal civil rights statutes that allow it to take action to hold accountable state and local law enforcement agencies across the country. The political leadership at DOJ has abdicated its responsibility to enforce laws such as Title VI of the Civil Rights Act of 1964 and conduct oversight of these agencies in a way that will restore public trust and ensure every department respects the common humanity of everyone in our communities, regardless of the color of their skin. This administration’s decision to abandon its commitment to enforce the pattern or practice statute means that it has deprived the country of the service of the dedicated career DOJ attorneys with the expertise and experience to effectively investigate pattern or practice cases and negotiate settlement agreements and consent

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28 Ibid.
DOJ has continued to ignore the importance of these investigations in revealing racially-biased and unconstitutional practices in cities across the country.

The Department of Justice must take swift and strong action not only to conduct criminal investigations of individual officers, but also to recommit itself to conducting true oversight and requiring full accountability of law enforcement agencies throughout the country. DOJ must redirect its efforts to using its statutory authority to conduct federal civil rights pattern and practice investigations, investigate and sue law enforcement agencies, and enter into federal agreements, rather than undermining the DOJ’s mission and stifling the tireless civil rights work of its dedicated career staff. It should condition federal grants on agencies’ adoption of 21st century policing practices, and take steps to ensure that departments across the country honor the constitutional rights of the individuals they serve.

A pattern or practice investigation and the reform process that follows can enable police departments to address problems identified and engage in more effective policing that is constitutional and responds to the needs of communities. It can also help make sure that police officers have resources, training, and policies they need, and help earn trust in the communities they serve.

Conclusion

George Floyd, like so many others, did not have to die at the hands of police. This administration claims that it supports the interests of law enforcement through President Trump’s exhortation for police to “rough up” people in their custody, or his most recent calls last week for racist violence against protestors. However, these racist and dangerous calls for unconstitutional policing threaten the safety of officers as well as the people they serve.

As the head of the Department of Justice, you are sworn to protect the Constitution and to pursue justice and must demand full accountability from law enforcement agencies across the nation. That is why we again ask that DOJ be transparent with its investigation into the officers involved in Mr. Floyd’s death, open a civil rights pattern or practice investigation into the historically fraught practices of the Minneapolis Police Department, and ultimately, reconsider its broader approach to addressing our nation’s systemic issues of police violence and brutality. To follow up, please contact Sakira Cook of the Leadership Conference on Civil and Human Rights at cook@civilrights.org.

Sincerely,

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The Leadership Conference on Civil and Human Rights
9to5
A Better Balance
ACCESS
Accountable.US
ACLU People Power Fairfax
African American Ministers In Action
Alabama Institute for Social Justice
Alianza Nacional de Campesinas
All Our Kin
America’s Voice
American Association of People with Disabilities
American Association of University Women (AAUW)
American Atheists
American Federation of State, County, and Municipal Employees (AFSCME)
American Federation of Teachers
American Humanist Association
American Muslim Empowerment Network (AMEN)
American-Arab Anti-Discrimination Committee (ADC)
American Civil Liberties Union (ACLU)
Americans for Democratic Action (ADA)
Amnesty International USA
Andrew Goodman Foundation
Arab American Institute (AAI)
Arms Control Association
Asian & Pacific Islander American Health Forum
Asian American Legal Defense and Education Fund (AALDEF)
Association of People Supporting Employment First
Augustus F. Hawkins Foundation
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Bazelon Center for Mental Health Law
Black and Pink NYC
Blacks in law Enforcement of America
Brain Injury Association of America
Brennan Center for Justice
Center for American Progress
Center for Biological Diversity
Center for Disability Rights
Center for Law and Social Policy (CLASP)
Center for Policing Equity
Center for Responsible Lending
Center for the Study of Hate & Extremism-California State University, San Bernardino
Child Care Services Association, Chapel Hill, NC
Church World Service
Clearinghouse on Women’s Issues
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition for Justice
Coalition of Labor Union Women
Coalition on Human Needs
Colorado Coalition Against Sexual Assault
Common Cause
Community Alliance on Prisons
Community Catalyst
Community Change Action
Council on American-Islamic Relations (CAIR)
DC Coalition Against Domestic Violence
Defending Rights & Dissent
Detention Watch Network
Disability Rights Advocates
Disability Rights Education & Defense Fund (DREDF)
Drug Policy Alliance
Earthjustice
Earthworks
Eating Disorders Coalition for Research, Policy & Action
Engage Action
Empowering Pacific Islander Communities (EPIC)
End Citizens United // Let America Vote Action Fund
Endangered Species Coalition
Faith in Public Life
Family Crisis Center, Inc.
Feminist Majority Foundation
Franciscan Action Network
Friends of Human Rights
Friends of the Earth
Girls Inc.
GLSEN
Health Care Voter
Hindu American Foundation
Hip Hop Caucus
Hispanic Federation
Housing Choice Partners
Human Rights Campaign
Idaho Coalition Against Sexual & Domestic Violence
Illinois Accountability Initiative
Illinois Coalition Against Domestic Violence
Indiana Coalition Against Domestic Violence
Indivisible
Interfaith Alliance
Iowa Coalition Against Sexual Assault
Japanese American Citizens League
Jetpac
Jewish Council for Public Affairs
Jewish Women International
Justice for Migrant Women
Justice in Aging
Justice Strategies
JustLeadershipUSA
Juvenile Law Center
Labor Council for Latin American Advancement
Lake Research Partners
Lambda Legal
LatinoJustice PRLDEF
Lawyers for Good Government
League of United Latin American Citizens (LULAC)
League of Women Voters of the United States
Legal Aid Justice Center
Marion County Commission On Youth, Inc.
Matthew Shepard Foundation
Media Alliance
MomsRising.org
Movement Advancement Project
Muslim Advocates
Muslim Caucus of America
NAACP
NAACP Legal Defense and Educational Fund, Inc.
NAPAFASA
NARAL Pro-Choice America
National Action Network
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance for Partnerships in Equity (NAPE)
National Alliance to End Sexual Violence
National Association of Human Rights Workers
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Consumer Law Center (on behalf of its low-income clients)
National Council of Churches
National Council of Jewish Women
National Council of Negro Women
National Council on Independent Living
National Crittenton
National Disability Right Network
National Domestic Violence Hotline
National Domestic Workers Alliance
National Education Association
National Employment Law Project
National Health Care for the Homeless Council
National Hispanic Media Coalition
National Immigration Project of the National Lawyers Guild
National Juvenile Justice Network
National LGBTQ Task Force
National Network to End Domestic Violence
National Organization for Women
National Partnership for Women & Families
National Urban League
National Women's Law Center
National Youth Employment Coalition
Nay's Little Rascals Pre-School
NETWORK Lobby for Catholic Social Justice
New American Leaders
NextGen America
OCA Greater Chicago
Open Primaries
Our Revolution
Pax Christi USA
Pennsylvania Coalition Against Rape (PCAR)
People For the American Way
People's Action
PFLAG National
Poder Latinx
Poligon Education Fund
Positive Women's Network-USA
Poverty & Race Research Action Council
Progress Virginia
Project on Government Oversight
Public Advocacy for Kids (PAK)
Public Citizen
Religious Action Center of Reform Judaism
RespectAbility
Rethinking Foreign Policy, Inc.
ReThink Media
Reviving the Islamic Sisterhood for Empowerment
Revolutionary Love Project
Rhode Island Coalition Against Domestic Violence
Rutgers University
SEIU
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
Stand Up America
States United to Prevent Gun Violence
Strategies for Youth
T'ruah: The Rabbinic Call for Human Rights
Tahirih Justice Center
Tampa Bay Center for Community Transformation
Texas Progressive Action Network
The Black Sex Worker Collective
The Climate Reality Project
The Education Trust
The Humanization Project
The Opportunity Agenda
The Ounce of Prevention Fund
The Sikh Coalition
TNTP
Trustees for Alaska
Tyer Temple United Methodist Church
Ujima Inc., The National Center on Violence Against Women in the Black Community
UltraViolet
UndocuBlack Network
UnidosUS
Union For Reform Judaism
United Farm Workers Foundation
Virginia Coalition for Immigrant Rights
Virginia Coalition of Latino Organizations
Virginia Prison Justice Network
Voices for Progress
Washington Lawyers' Committee for Civil Rights and Urban Affairs
West Virginia Coalition Against Domestic Violence
Western Watersheds Project
Whitman-Walker Health and Whitman-Walker Institute
Women's Action for New Directions (WAND)
Young Center for Immigrant Children's Rights
YWCA USA
ZERO TO THREE
Cc:

Christopher Wray
Director
Federal Bureau of Investigation