



Dear Mr. Attorney General,

The community groups listed below write to you on behalf of the people of East Baton Rouge Parish (EBR), Louisiana to request a pattern or practice investigation into policing in EBR.

Law enforcement agencies in EBR have a long history of violent and discriminatory police practices. Despite urgent calls for reform after the Baton Rouge Police Department (BRPD) killed Alton Sterling in 2016, EBR's law enforcement agencies continue to use excessive force on civilians. Notably, the vast majority of police violence in EBR is inflicted on Black people.ⁱ Below are examples of police brutality that illustrate the urgent need and justification for a Civil Rights investigation.

- In June 2017, BRPD Officer Hamadeh shot Jordan Frazier in his back while he ran away, killing him.ⁱⁱ Hamadeh was not disciplinedⁱⁱⁱ and was later awarded a Medal of Honor.^{iv} Just over a year later, in August 2018, Officer Hamadeh shot a second person, Raheem Howard, claiming that Howard had shot at him first.^v Audio recording later revealed that only one shot—Officer Hamadeh's—had been fired.^{vi} Until the audio was uncovered, Howard was charged with attempted murder of an officer.^{vii} Both Mr. Frazier and Mr. Howard were young Black men when Officer Hamadeh shot them.^{viii}
- In October 2018, during an arrest for a single marijuana cigarette, BRPD officers punched, pepper sprayed, tased, and choked Steven Young in an assault that lasted almost six minutes.^{ix} Mr. Young's "eyes [were] nearly swollen shut [and] he ha[d] an open wound on the right side of his temple."^x
- In January 2020, after stopping a car for "suspicious driving," officers handcuffed two brothers inside, one a minor and "pulled down their underwear while they stood on the public street, exposing their genitals."^{xi} Officers then entered the boys' home, guns

drawn, and searched it without a warrant.^{xii} In an order dismissing the older brother's resulting criminal case with prejudice, the judge wrote that "the state agents in this case demonstrated a serious and wanton disregard for Defendant's constitutional rights" and that the officers' actions "may justifiably be considered to be a trespass subject to prosecution."^{xiii} While Officer Camallo was disciplined for executing the warrantless search, "Chief Murphy Paul said those [strip searches] did not violate BRPD policies given the circumstances."^{xiv}

- From 2017 to 2019, BRPD's police dogs bit almost 150 people, more 90% of whom were Black.^{xv} Nearly all people bitten were unarmed, and "in nearly every case, police were responding to suspected nonviolent property crimes."^{xvi} More than a third of those bitten were minors, reflecting BRPD's indiscriminate violence and general disregard for children's safety.^{xvii} In one instance, police deployed a dog on a middle school child after he surrendered to police with his hands up.^{xviii} The dog "ripped right through a pair of jeans and into his right leg 'almost to the bone.'"^{xix} In another instance, BRPD deployed dogs to drag out and bite a teenager hiding under a house, simply to get him to come out; he was harming no one and had seemingly been approached for a traffic violation.^{xx} In response to criticism about its K-9 unit, Baton Rouge law enforcement officials have defended the department's practices.^{xxi}
- Between 2015 and 2019, there were 26 in-custody deaths at East Baton Rouge Parish Prison, making it the deadliest parish prison in Louisiana.^{xxii} The East Baton Rouge Sheriff's Office oversees the prison.^{xxiii}
- In July 2020, a BRPD officer used a "knee restraint" on a teenaged boy, leaving the boy with injuries requiring a neck brace and possible surgery.^{xxiv} Video confirms that BRPD assaulted the boy after he exited a car with his hands raised.^{xxv}
- In February 2021, BRPD was caught on video throwing a Black 13-year-old boy to the ground and choking him.^{xxvi}
- In a June 2021 complaint, a Southern University student alleged that a BRPD officer took her phone, threatened her into meeting him at a warehouse where he made "sexual advances," and instructed her to leave her apartment unlocked so that he could come over to have sex with her.^{xxvii}

Alarming, law enforcement leadership has done little to hold officers accountable after violent incidents or to address widespread misconduct and racism. Despite civilian complaints, public outrage, a litany of lawsuits, and even formal complaints by officers from other police departments, EBR law enforcement agencies have made no meaningful change to the brutal practices of its departments. To the contrary, law enforcement officials and city leaders have often responded to criticism with efforts to silence and retaliate against those who speak out against them. It has been made plain that EBR's law enforcement leadership is uninterested in and even hostile to review, necessitating an external investigation.

We ask the DOJ to investigate whether EBR law enforcement agencies use excessive force, police in a racially discriminatory manner, and retaliate against their critics. The United States Attorney General is authorized to conduct such an investigation per The Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14141 ("Section 14141"). A pattern or practice investigation is urgently needed to preserve the rights and safety of EBR civilians.

Sincerely,

A Bella LaFemme Society
Decarcerate Louisiana
The East Baton Rouge Parish Prison Reform Coalition
Families and Friends of Louisiana's Incarcerated Children
The Justice and Accountability Center of Louisiana
Louisiana Center for Children's Rights
Louisiana Survivors for Reform
PREACH
The Promise of Justice Initiative

ⁱ Will Sentell, 'Stark disparities' in police shootings in Louisiana under Review in state legislature, THE ADVOCATE (Sept. 1, 2020, 11:50 PM), https://www.theadvocate.com/baton_rouge/news/politics/article_f0180bdc-ec5e-11ea-97ea-f7a2348c5cf8.html.

ⁱⁱ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

ⁱⁱⁱ Clarissa Sosin & Daryl Khan, *Controversial Baton Rouge Police Shooting Case Slated to Go Before Grand Jury*, JUV. JUST.: INFO. EXCH. (Jan. 11, 2020), <https://jjie.org/2020/01/11/controversial-baton-rouge-police-shooting-case-slated-to-go-before-grand-jury/>.

^{iv} THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

^v Grace Toohey, *Man released from jail after August Baton Rouge police shooting case was dropped*, THE ADVOCATE (Oct. 2, 2018, 12:45 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b988c480-c5f5-11e8-8ead-43b5db599fac.html.

^{vi} *Id.*; THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

^{vii} Toohey, *supra* note v.; THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

^{viii} Sosin et al., *supra* note iii.

^{ix} Grace Toohey, *Judge denies request to release body cam footage of 'troubling' arrest: attorneys call for transparency*, THE ADVOCATE (Dec. 20, 2018, 12:15 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_1a132706-03ee-11e9-b41c-4bce7b14ab97.html; Daryl Khan & Clarissa Sosin, *Video Shows Baton Rouge Police Pinning Man to the Ground and Beating Him*, THE APPEAL (Dec. 20, 2018), <https://theappeal.org/video-shows-baton-rouge-police-pinning-man-to-the-ground-and-beating-him/>.

^x Khan et al., *supra* note ix.

^{xi} Billy Binion, *Baton Rouge Cops Strip-Searched a Minor During a Traffic Stop and Entered a Family's Home Without a Warrant. The City Just Settled for \$35,000*, REASON (May 25, 2021, 5:10 PM), <https://reason.com/2021/05/25/baton-rouge-cops-strip-searched-minor-traffic-stop-ken-camallo-clarence-green/>.

^{xii} *Id.*

^{xiii} United States v. Green, No. 20-00046-BaJ-SDJ (M.D. La. Dec. 29, 2020) (order granting dismissal with prejudice).

^{xiv} Lea Skene, *BRPD officer demoted and suspended over warrantless search that was lambasted by federal judge*, THE ADVOCATE (June 22, 2021, 1:53 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_15614278-d38b-11eb-b7bf-833be235e1f3.html.

^{xv} Bryn Stole & Grace Toohey, *The City Where Police Unleash Dogs on Black Teens*, THE MARSHALL PROJECT (Feb. 12, 2021, 6:00 AM), <https://www.themarshallproject.org/2021/02/12/the-city-where-police-unleash-dogs-on-black-teens>.

^{xvi} *Id.*

^{xvii} *Id.*

^{xviii} *Id.*

^{xix} *Id.*

^{xx} *Id.*

^{xxi} *Id.*

^{xxii} JC Canicosa, *In five years, 786 people died in Louisiana's jails and prisons, a new report finds*, LOUISIANA ILLUMINATOR (June 2, 2021), <https://lailluminator.com/2021/06/02/in-five-years-786-people-died-in-louisianas-jails-and-prisons-a-new-report-finds/>.

^{xxiii} *Who We Are*, EAST BATON ROUGE SHERIFF'S OFFICE, <https://www.ebrso.org/WHO-WE-ARE>.

^{xxiv} Lea Skene, *Investigation of BRPD officers: 2 on leave after chase, officer used knee restraint*, THE ADVOCATE (July 13, 2020, 5:14 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_f032a124-c538-11ea-b7bb-cb26d45f0dd4.html.

^{xxv} *Id.*

^{xxvi} ArLuther Lee, *Video shows Baton Rouge officer with arm around Black teen's neck*, THE ATLANTA J.-CONST. (Feb. 24, 2021), <https://www.ajc.com/news/video-shows-baton-rouge-officer-with-arm-around-black-teens-neck/PR7J3GOPA5AOJATW7IGHCQORGY/>.

^{xxvii} Lea Skene, *Did BR officer solicit sexual favors from Southern student he pulled over? Here's her complaint*, THE ADVOCATE (June 20, 2021, 10:00 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b0667760-d904-11eb-a570-63d5f165c2d1.html.



July 28, 2021

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

Re: Request for Pattern or Practice Investigation into Misconduct by East Baton Rouge, Louisiana
Law Enforcement Agencies

Dear Mr. Attorney General,

We write to you on behalf of the people of East Baton Rouge Parish, Louisiana with a request for the Department of Justice to investigate and bring a civil action to address the pattern and practice of constitutional violations in East Baton Rouge Parish.

Police brutality in East Baton Rouge Parish (EBR) gained national attention in 2016 when Baton Rouge Police Department (BRPD) officers shot Alton Sterling, a local African American man, at point-blank range and killed him.¹ Peaceful protestors filled the streets of Baton Rouge, outraged at BRPD's murder of Mr. Sterling.² Protestors familiar with EBR's history knew that the brutality against Mr. Sterling was not unusual or new in the parish. EBR law enforcement agencies have long abused civilians, used excessive force, and policed discriminatorily. Despite decades of police violence and public outrage, incidents of fatal shootings and other forms of police brutality in EBR still abound today.

African American communities have been and continue to be the primary targets of EBR police brutality. Institutional racism and racist sentiment among EBR officers have led to the over-policing of African American communities and youth, discriminatory law enforcement, and frequent use of excessive violence against African Americans.

¹ German Lopez, *Alton Sterling shooting: video from Baton Rouge police's cameras released*, VOX (updated Mar. 30, 2018, 8:37 PM), <https://www.vox.com/2016/7/6/12105380/alton-sterling-police-shooting-baton-rouge-louisiana>.

² *Id.*

Alarming, law enforcement leadership has done little to hold officers accountable for their violence or to address widespread misconduct and racism. Despite civilian complaints, public outcry, a litany of lawsuits, and even formal complaints by officers from other police departments, EBR's law enforcement leadership has made no meaningful change to the brutal and violent practices of its departments. To the contrary, law enforcement officials and city leaders have often responded to criticism with efforts to silence and retaliate against those who speak out against them.

We are writing to ask the Department of Justice to investigate whether EBR law enforcement agencies have a pattern or practice of civil rights violations. In particular, we ask the DOJ to investigate whether EBR law enforcement agencies use excessive force, police in a racially discriminatory manner, and retaliate against their critics. The United States Attorney General is authorized to conduct such an investigation per The Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 (re-codified at 34 U.S.C. § 12601). A pattern or practice investigation is urgently needed to preserve the rights and safety of EBR civilians.

I. Background on East Baton Rouge Parish and its History of Racism

East Baton Rouge Parish (EBR) is one of Louisiana's sixty four parishes³ and encompasses Louisiana's capitol city, Baton Rouge, as well as surrounding smaller cities and unincorporated land.⁴ EBR has approximately 440,000 residents, making it the most populated parish in Louisiana.⁵ The parish's residents are roughly half white and half African American, and the parish is "essentially segregated."⁶ EBR has a long history of segregation, with efforts to resist school desegregation continuing into the 1980s.⁷ The most recent effort to preserve segregation was a 2019 vote for a mostly white, unincorporated area of EBR to secede from Baton Rouge to form the independent city of St. George.⁸

EBR is policed by a multitude of law enforcement agencies, primarily the Baton Rouge Police Department (BRPD), the East Baton Rouge Sheriff's Office (EBRSO), and the Louisiana State Police (LSP). BRPD is the primary law enforcement agency in the city,⁹ with a recent budget for about 700 police officers.¹⁰ EBRSO also polices the parish and has the additional duty of overseeing the East Baton Rouge Parish Prison;¹¹ it employs almost 850 full-time sheriff deputies.¹² And LSP is a

³ Louisiana Parishes, LOUISIANA.GOV, <https://www.louisiana.gov/local-louisiana/#:~:text=The%20state%20of%20Louisiana%20is.being%20used%20within%20the%20parishes.>

⁴ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 6 (2021).

⁵ *Id.*

⁶ *Id.*

⁷ William Horne, *How racial segregation exacerbates flooding in Baton Rouge*, WASH. POST (Nov. 12, 2019), <https://www.washingtonpost.com/outlook/2019/11/12/how-racial-segregation-exacerbates-flooding-baton-rouge/>.

⁸ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 6 (2021).

⁹ *Baton Rouge Police Department*, CITY OF BATON ROUGE, <https://www.brla.gov/203/Police-Department>.

¹⁰ Jacqueline DeRobertis & Grace Toohey, *As Baton Rouge police officer numbers plummet, the agency tries new recruiting efforts*, THE ADVOCATE (Aug. 4, 2019),

https://www.theadvocate.com/baton_rouge/news/crime_police/article_86894dce-b574-11e9-a8b0-3fd1fa8ccfd9.html.

¹¹ *Who We Are*, EAST BATON ROUGE SHERIFF'S OFFICE, <https://www.ebrso.org/WHO-WE-ARE>.

¹² *East Baton Rouge Parish*, LOUISIANA SHERIFFS' ASSOCIATION, <https://www.lsa.org/east-baton-rouge-parish>.

statewide law enforcement agency with Troop A assigned to patrol EBR.¹³ The majority of this complaint focuses on misconduct by BRPD, though EBR's and LSP's police practices suggest a similar pattern and practice of racial discrimination and excessive force.

To fully appreciate the pattern and practice of police brutality in EBR, it is essential to recognize and examine the institutional racism in EBR law enforcement agencies as well as the racist sentiment pervasive among officers. While EBR police brutality is not confined to communities of color, the vast majority of police violence is inflicted on African Americans.¹⁴

The racism in today's police practices can be traced back to the origins of EBR and Louisiana police departments. "The foundation for modern policing was built on decades of enforcing racist and violently oppressive laws."¹⁵ Until the late 19th century, militias in Louisiana enforced the Black Code, which "regulate[d] the sale, labor, freedom, and daily lives of enslaved people and free people of color."¹⁶ This sweeping enforcement power was later transferred to the sheriff.¹⁷ From 1877 to 1950, more than 500 African Americans were lynched in Louisiana.¹⁸ "These extra-judicial murders were either tacitly or expressly allowed by law enforcement as punishment for suspected crimes. The police also served as the primary enforcers of Jim Crow laws that existed principally in order to denigrate and dehumanize Black people."¹⁹

BRPD was established in 1865 as an all-white police force, and it did not hire African American officers for almost 100 years.²⁰ For *nearly forty years*, until 2019, BRPD was under a federal consent decree for racial and gender discrimination in hiring; it trailed neighboring police departments in compliance.²¹ Still, there remains a troubling gap between the racial makeup of EBR and that of BRPD officers: in 2019, roughly 55% of Baton Rouge was African American, but only 34.4% of BRPD officers were African American.²²

That racist sentiment still pervades EBR law enforcement agencies has been made plain by the slew of officers' racist text messages, emails, and online posts that have come to light in the last decade. Some examples include:

- In 2014, just weeks after a Ferguson, Missouri, police officer shot and killed Michael Brown, 15-year BRPD veteran Officer Elsbury texted: "I wish someone would pull a Ferguson on

¹³ *Troop A*, LOUISIANA STATE POLICE: PUBLIC SAFETY SERVICES, <http://www.lsp.org/troopa.html>.

¹⁴ Will Sentell, 'Stark disparities' in police shootings in Louisiana under Review in state legislature, THE ADVOCATE (Sept. 1, 2020, 11:50 PM), https://www.theadvocate.com/baton_rouge/news/politics/article_f0180bdc-ec5e-11ea-97ea-f7a2348c5cf8.html; Bryn Stole & Grace Toohey, *The City Where Police Unleash Dogs on Black Teens*, THE MARSHALL PROJECT (Feb. 12, 2021, 6:00 AM), <https://www.themarshallproject.org/2021/02/12/the-city-where-police-unleash-dogs-on-black-teens>.

¹⁵ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 9 (2021).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 22; Complaint at 14, Imani, et al. v. City of Baton Rouge, et al., No. 17-439-JWD-EWD (M.D. La. July 9, 2017).

²² THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 22 (2021).

them and take them out. I hate looking at those African monkeys at work ... I enjoy arresting those thugs with their saggy pants.”²³ Elsbury resigned from BRPD before an internal investigation was completed.²⁴

- Just a few weeks earlier, an unnamed BRPD officer emailed a U.S. Army Sergeant: “fucking n*****.”²⁵ (See Appendix A). The officer returned to work after completing a diversity training.²⁶
- In November 2015, in a back-and-forth email correspondence with a Denham Springs police officer, an unnamed BRPD officer responded affirmatively to the Denham officer’s hateful and racist comments, including their statement that “no n***** will ever bring me down.”²⁷ (See Appendix B). The BRPD officer returned to work after completing a diversity training.²⁸
- In May 2017, during a discussion of protests about Alton Sterling’s death, BRPD Officer Dupuy sent text messages to his squad with “an animated photo depicting a chimpanzee with racial undertones.”²⁹ Dupuy was suspended for 20 days before returning to work.³⁰
- In November 2017, BRPD officers complained that Officer Steele made a racist comment to an officer of Middle Eastern descent.³¹ Steele was suspended for three days before returning to work.³²
- In September 2020, it was discovered that Sergeant Kuhn, a 20-year veteran of BRPD, had posted “racist, sexist, insulting and other offensive and insensitive language” on an online blog.³³ Kuhn resigned from BRPD before being interviewed for the investigation.³⁴

While the police chiefs serving during these incidents described the comments as “disturbing,” “unacceptable,”³⁵ and “gut-wrenching,”³⁶ they did little to hold those who wrote them accountable. Many of the officers who sent these racist messages returned quickly to policing communities of

²³ Daniel Bethencourt, *Baton Rouge cop resigns, accused of sending racist texts*, THE ADVOCATE (Sept. 5, 2014, 6:00 PM), https://www.theadvocate.com/baton_rouge/news/article_d0199f31-8256-5acb-adf1-81cfac494e92.html.

²⁴ *Id.*

²⁵ Lamar White, Jr., *Baton Rouge Police Officers Disciplined After Records Request Reveals Racist Emails*, BAYOU BRIEF (Sept. 10, 2019), <https://www.bayoubrief.com/2019/09/10/baton-rouge-police-officers-disciplined-after-records-request-reveals-racist-e-mails/>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Lea Skene, *Civil service board upholds suspension of Baton Rouge police officer accused of making racially charged comments*, THE ADVOCATE (Nov. 16, 2017, 1:15 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_9d399df0-cadc-11e7-9e16-bb22c9a2682e.html.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Jacqueline DeRobertis, *BRPD officer placed on leave and is accused of making ‘offensive’ posts on website*, THE ADVOCATE (Sept. 24, 2020, 11:54 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b1b6ad30-feb0-11ea-8ec3-db1833b75637.html; Lea Skene, *BRPD officer accused of racist online posts resigns amid ongoing internal investigation*, THE ADVOCATE (Oct. 14, 2020, 4:19 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_dedb8d6e-0e62-11eb-983a-67cf2e57b08a.html.

³⁴ Skene, *supra* note 33.

³⁵ DeRobertis, *supra* note 33.

³⁶ Bethencourt, *supra* note 23.

color.³⁷ None of the officers were fired.³⁸ And despite the recurring demonstrations of racist sentiment in BRPD, law enforcement leadership chose not to investigate wider patterns of racism within the department.³⁹ During his tenure, Police Chief Dabadie maintained that the offending officers were not reflective of the department, despite many indications to the contrary.⁴⁰

A. Impact of Institutional Racism

The racist culture of EBR law enforcement has had concrete, dangerous consequences for African American communities.

In just one month in November 2018, BRPD arrested more than 1,000 people in a sweep promised to reduce violent crime.⁴¹ “70% of individuals arrested during the sweeps were Black in a parish that is only 47.2% Black” and 81% of the arrests were for non-violent crime.⁴² Both statistics suggest a practice of racial profiling and executing frivolous arrests.

BRPD’s arrests for noise ordinance violations are also demonstrative of BRPD’s discriminatory policing. Of 1,660 traffic stops made under the noise ordinance from 2011 to 2017, the “vast majority...occurred in predominantly [B]lack neighborhoods.”⁴³ From December 2015 to June 2018, 93% of people stopped for allegedly violating the noise ordinance were African American men.⁴⁴ The disparate enforcement was so problematic that the Metro Council sought to change the ordinance in 2019 to reduce the subjectivity of arrests.⁴⁵ However, there was no response internally by the Department to address the root issues.

In a 2017 study of drug use and arrests in EBR’s African American and white communities, Together Baton Rouge found that a person in a predominantly African American neighborhood is .06% less likely to use drugs than a person in a predominantly white neighborhood but 513% more likely to be arrested for drug use.⁴⁶ The enormous disparity between drug arrests in African American and white communities highlights BRPD’s brazen discriminatory policing.

BRPD’s discrimination is apparent not only in its unduly aggressive treatment of people of color, but also in its passive treatment of white people. For example, in August 2020, Jace Boyd, a white man,

³⁷ See *supra* notes 23-34.

³⁸ *Id.*

³⁹ White, *supra* note 25.

⁴⁰ Bethencourt, *supra* note 23.

⁴¹ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 3 (2021).

⁴² *Id.* at 4, 15.

⁴³ Blake Paterson, *Baton Rouge’s revised noise ordinance set for 2020 after scathing report; BRPD to use decibel readers*, THE ADVOCATE (Sept. 25, 2019, 9:30 PM), https://www.theadvocate.com/baton_rouge/news/article_6a5dc296-dfe1-11e9-9493-c358ab4f644b.html.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 7 (2021).

shot and killed Danny Buckley, an African American man.⁴⁷ Despite Mr. Boyd telling responding officers that he had shot Mr. Buckley, police allowed Mr. Boyd to leave.⁴⁸

That disparate policing practices were racially motivated was confirmed by BRPD Officer Ardoin after he was arrested for buying stolen property in 2020. Ardoin reported that narcotics supervisors targeted African American communities in Baton Rouge, stopped and searched people without probable cause, and planted drugs on people.⁴⁹ Since Ardoin's report, prosecutors dismissed more than 600 criminal charges and BRPD reassigned four narcotics supervisors.⁵⁰

In East Baton Rouge, police use their authority to maintain and reinforce a racist power structure, as is evidenced by the over-policing of African American neighborhoods and the frequent unjustified use of force against African American residents. The remainder of this request documents violence against individual civilians, and notably, nearly every victim of police brutality is African American. EBR law enforcement has failed to examine its own racist culture and practices, making an external investigation essential.

II. The Long History of Brutality in EBR

While BRPD's killing of Alton Sterling in 2016 brought national attention to police brutality in EBR, EBR law enforcement officers have long used excessive force against civilians, especially people of color.⁵¹ Historically, officers have rarely been held accountable for demonstrable misconduct or, alternatively, have been given minor suspensions or pay deductions before returning to work. EBR law enforcement have policed the parish with impunity for decades, leaving EBR civilians fearful and vulnerable.

A particularly vicious assault on an African American EBR community occurred nearly 80 years ago in December 1942.⁵² Baton Rouge police "for no apparent reason launched a raid into one of South Baton Rouge's [B]lack neighborhoods. Armed with sawed-off shotguns, submachine guns, revolvers, and tear gas, they combed the area, terrorizing the citizenry and arresting sixty-nine African Americans."⁵³ White leaders ignored calls for investigation and reform.⁵⁴

⁴⁷ Neil Vigdor, *Louisiana Man Faces Murder Charge in Fatal Shooting of a Panhandler*, N.Y. TIMES (updated Sept. 8, 2020), <https://www.nytimes.com/2020/09/03/us/Danny-Buckley-shooting-jace-Boyd.html>.

⁴⁸ *Id.*

⁴⁹ Lea Skene, *BRPD narcotics detective, already facing drug charges, arrested again amid ongoing probe*, THE ADVOCATE (updated Apr. 14, 2021, 4:59 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_8d3f483c-9d6a-11eb-8cc5-b7ae9ee4227e.html.

⁵⁰ Lea Skene, *After BRPD corruption probe halts 100+ cases, will narcotics officers change who they arrest?*, THE ADVOCATE (Apr. 6, 2021, 11:00 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b2584338-93d0-11eb-a60d-f78e2d7d84d9.html.

⁵¹ Sentell, *supra* note 14.

⁵² Mary Jacqueline Hebert, *Beyond Black and White: the Civil Rights Movement in Baton Rouge, Louisiana, 1945 – 1972*, 33 (1999) (Ph.D. dissertation, La. State Univ. and Agric. & Mech. Coll.) (on file with LSU Digital Commons).

⁵³ *Id.*

⁵⁴ *Id.*

Violence against African American communities continued throughout the Civil Rights Movement and into the late 20th century. In the 1960s, “no longer were officers merely harassing African Americans; they were also killing them.”⁵⁵ “Between 1967 and 1972, ‘officers shot and killed at least one young [B]lack male suspect each year.’”⁵⁶ In November 1972, the Louisiana Governor sent 300 officers to Southern University, an Historically Black College and University, to quash student protests.⁵⁷ In what was later named the Southern University Massacre, officers fired indiscriminately at a crowd of student protestors, killing two of them.⁵⁸ No officers were charged for the students’ deaths.⁵⁹ “In 1992, BRPD officers killed Patrick Esco, a 28-year-old Black man with intellectual disabilities, and Chauncey Thomas, a 15-year-old boy who was shot to death while running away.”⁶⁰ In just four years, from 1988 to 1991, BRPD received 153 complaints of excessive force; there were three times as many complaints from African Americans as white people.⁶¹

In perhaps the most stunning rebuke of EBR law enforcement’s practices, other police officers accused BRPD of abusive and racist policing. In the immediate aftermath of Hurricane Katrina in 2005, New Mexico State Police and Michigan State Police responded to Baton Rouge to help police the city.⁶² Within two days of arriving, both departments withdrew from Baton Rouge, citing BRPD’s violence and racism.⁶³ Out-of-state officers reported that BRPD officers were “striking suspects in handcuffs, shooting innocent bystanders with taser guns and destroying property for no apparent reason.”⁶⁴ BRPD officers reportedly stated that African Americans were “heathens” and “animals” that “needed to be beaten down.”⁶⁵ One visiting officer was invited to “beat down” an incarcerated person as a thank-you gift.⁶⁶ An out-of-state trooper wrote that BRPD was “engaging in racially motivated enforcement” and “questioning and searching people without any legal justification.”⁶⁷ The New Mexico State Police and Michigan State Police collectively filed twelve complaints documenting their observations.⁶⁸ According to the head of New Mexico State Police’s Criminal

⁵⁵ *Id.* at 328.

⁵⁶ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 10 (2021).

⁵⁷ Mike Scott, *1972 Southern University shooting highlighted in new PBS doc*, NOLA.COM (July 12, 2019, 10:20 AM), https://www.nola.com/entertainment_life/movies_tv/article_716fdffa-5904-5d67-8678-5b2cd5362fb8.html.

⁵⁸ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 10 (2021).

⁵⁹ Scott, *supra* note 57.

⁶⁰ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 10 (2021).

⁶¹ *Id.*

⁶² *Id.* at 11.

⁶³ *Id.*

⁶⁴ Dan Frosch, *Cop Out*, NOLA.COM, Nov. 14, 2005, https://www.nola.com/gambit/news/article_7ff8d123-d833-5725-9161-ed5f1cea19aa.html.

⁶⁵ A.C. Thompson, *In Baton Rouge, More Allegations of Police Misconduct After Hurricane Katrina*, PROPUBLICA: LAW AND DISORDER (Mar. 15, 2010, 3:00 PM), <https://www.propublica.org/article/in-baton-rouge-more-allegations-of-police-misconduct-after-hurricane-katrin>.

⁶⁶ Jarvis DeBerry, *Before killing Alton Sterling, Baton Rouge police had a history of brutality complaints*, NOLA.COM (July 7, 2016, 3:00 AM), https://www.nola.com/news/crime_police/article_06a6bb1e-014c-5e8a-9b02-9f7485705d7e.html.

⁶⁷ *Id.*

⁶⁸ Maya Lau, *Katrina to Alton Sterling: Baton Rouge once again part of national debate on law enforcement, race*, THE ADVOCATE (July 16, 2016, 11:35 AM), https://www.theadvocate.com/baton_rouge/news/alton_sterling/article_58e03b44-4b73-11e6-82d3-1b917785e584.html.

Investigations Division, “without a doubt,” BRPD’s actions would “be considered misconduct in New Mexico.”⁶⁹

Even despite the source of the allegations—*other police officers*—BRPD leadership responded dismissively: “Did some officers give us black eyes? Yes...Did some officers stumble? Yes. But wholesaley, the men and women of the Baton Rouge Police Department remain committed, they remain diligent.”⁷⁰ Police Chief Le Duff added that some allegations were “maybe blown out of proportion.”⁷¹ BRPD did almost nothing to hold its officers accountable for the egregious misconduct. One officer was suspended for three days, one officer was reprimanded, and three officers received counseling.⁷²

BRPD’s excessive force continued consistently in the decade after the Hurricane Katrina scandal. Between 2005 and 2016, BRPD killed 16 people, 14 of whom were African American.⁷³ In 2007, BRPD officers responded to a noise complaint with such force that they ruptured the bladder of the person they arrested.⁷⁴ In 2008, BRPD officers fractured the skull of a person they were arresting for smoking marijuana.⁷⁵ In 2011, a BPRD officer told a man to move his car, knowing the man was drunk; when the man crashed his car, a BRPD officer shot and killed him.⁷⁶ In 2013, police brutally beat Dontrunner Robinson during a drug arrest, causing him to choke and die according to his family.⁷⁷

In 2014, BRPD officers strip-searched and beat Brett Percle, an innocent bystander to a police operation.⁷⁸ Even after a jury found that BRPD had used excessive force⁷⁹ and after a federal judge expressed alarm about BRPD’s pattern of warrantless strip-searches,⁸⁰ BRPD Lieutenant Dunnam stated: “We feel that our officers acted within the bounds of the law” and “Chief Dabadie stands by the actions of his officers.”⁸¹

⁶⁹ Frosch, *supra* note 64.

⁷⁰ Lau, *supra* note 68.

⁷¹ Thompson, *supra* note 65.

⁷² Lau, *supra* note 68.

⁷³ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 11 (2021).

⁷⁴ Complaint at 17, Imani, et al., No. 17-439-JWD-EWD.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Ryan Broussard, *BRPD target of suit over suspect’s in-custody death*, THE ADVOCATE (May 12, 2014, 5:34 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_22470f5c-fc41-55a6-b6ca-3427542557b5.html.

⁷⁸ Cheryl Mercedes, *The Investigators: Federal jury rules against BRPD in excessive force case*, WAFB 9 (updated Mar. 14, 2016 7:07 PM), <https://www.wafb.com/story/31436790/the-investigators-federal-jury-rules-against-brpd-in-excessive-force-case/>.

⁷⁹ Verdict Form at 1, *Percle v. City of Baton Rouge, et al.*, No. 14-449-SDD-RLB (M.D. La. Mar. 10, 2016).

⁸⁰ Lau, *supra* note 68.

⁸¹ Mercedes, *supra* note 78.

In 2016, BRPD Officer Salamoni “repeatedly punch[ed]” a 16-year-old African American boy as other officers held the boy down.⁸² Three months later, that same officer shot and killed Alton Sterling.⁸³

EBRSO’s policing was similarly violent in the decade after Hurricane Katrina. A lawsuit against EBRSO alleges that in 2007, EBRSO beat, tased, and pepper sprayed Joseph Davis while he lay handcuffed on the ground.⁸⁴ In a lawsuit against EBRSO’s sheriff, Aaron Martinez alleges that in 2010, a sheriff’s deputy tased him without probable cause as he walked away.⁸⁵ In a third lawsuit, Samuel Plaisance sued EBRSO for assaulting and tasing him without cause in 2015.⁸⁶

Other EBR police departments have exhibited similar disregard for civilians’ lives and safety. In 2011, Louisiana State University police beat Roderick Carolina while he was handcuffed.⁸⁷ And “some LSP arrest reports involving officer uses of force show that the LSP troopers write up the arrest report and then later rewrite the report to add allegations of resisting arrest.”⁸⁸

EBR law enforcement officers have also been sexually violent toward civilians over the last few decades. Throughout the 1990s and 2000s, there were multiple reported incidents of BRPD officers forcing women to have sex with them under threat of arrest.⁸⁹ In 2006, the Southern University Police Chief was investigated for sexual misconduct,⁹⁰ and in 2007, a BRPD officer was arrested for raping two women, one at gun point, while in uniform.⁹¹ It is likely that sexual violence by police officers has been underreported given the risk of retaliation against victims.

Excessive force has become commonplace in EBR, and law enforcement leadership has demonstrated that it is either incapable of or uninterested in true reform or accountability. The routine violence perpetrated against EBR communities was the backdrop for the 2016 shooting of Alton Sterling and the public outrage that followed his death.

⁸² Robb Hays, *BRPD settles 2016 Earth Day excessive force arrest case*, WAFB 9 (Oct. 19, 2018, 3:19 PM), <https://www.wafb.com/2018/10/19/brpd-settles-earth-day-excessive-force-arrest-case/>.

⁸³ *Id.*

⁸⁴ *Davis v. E. Baton Rouge Sheriff's Off.*, No. CV 08-00708-BAJ-EWD, 2016 WL 2347893, at *1 (M.D. La. May 2, 2016).

⁸⁵ *Martinez v. Gautreaux, III*, No. 10-847-BAJ-CN, at *2 (M.D. La. May 15, 2012) (order granting in part and denying in part a motion to dismiss).

⁸⁶ Complaint at 2-3, *Plaisance v. E. Baton Rouge Sheriff's Off., et al.*, No. 16-365 (M.D. La. June 6, 2016).

⁸⁷ *New developments in case accusing LSU police of excessive force*, WAFB 9 (Mar. 14, 2014, 10:00 PM), <https://www.wafb.com/story/24980698/new-developments-in-case-accusing-lsu-police-of-excessive-force/>.

⁸⁸ Complaint at 18-19, *Imani et al.*, No. 17-439-JWD-EWD.

⁸⁹ THE PROMISE OF JUSTICE INITIATIVE, *BRUTALITY IN THE NAME OF “SAFETY,”* 10 (2021).

⁹⁰ Elizabeth Crisp and Mark Ballard, *Records: Louisiana paid \$1.3 million to settle sexual harassment claims over past decade; see list of accused, payouts*, THE ADVOCATE (Jan. 5, 2018, 7:19 PM), https://www.theadvocate.com/baton_rouge/news/politics/article_a860e720-f254-11e7-82c0-434f338d1687.html.

⁹¹ *BR Officer Arrested, Accused of Raping Two Women*, WAFB 9 (Feb. 16, 2007, 4:28 PM), <https://www.wafb.com/story/6083348/br-officer-arrested-accused-of-raping-two-women/>.

III. The Shooting of Alton Sterling, the Resulting Protests, and the Police Response

On July 5, 2016, two white BRPD officers responded to a convenience store to investigate a report of a man with a gun.⁹² At the store, they encountered Alton Sterling, an African American man who often sold CDs there.⁹³ Officers quickly confronted Mr. Sterling, who complied with their commands as he asked why he was being stopped.⁹⁴ The officers tackled Mr. Sterling to the ground, restrained him, and tased him.⁹⁵ And within 90 seconds of arriving, Officer Salamoni shot Mr. Sterling at point-blank range and killed him.⁹⁶

Bystander video of the shooting went viral, prompting nationwide protests against police brutality.⁹⁷ Disturbingly, EBR law enforcement responded to protests against police brutality with more brutality. Baton Rouge police donning riot gear tased, maced, choked, tackled, and assaulted peaceful protestors.⁹⁸ Police treated protestors “like enemy combatants.”⁹⁹ Protestors “were blasted repeatedly with an LRAD, a disorienting and deafening sonic weapon,” threatened with assault rifles, and blocked from entering or exiting protest areas.¹⁰⁰ Police made mass arrests, rounding up almost 200 people, including journalists and other members of the media.¹⁰¹ More than 67% of people arrested were African American.¹⁰²

There were shockingly insufficient repercussions for the two officers involved in killing Alton Sterling. Neither federal nor state criminal charges were brought against Officer Salamoni or his partner, Officer Lake.¹⁰³ Almost two years after killing Alton Sterling, Officer Salamoni was fired from BRPD, though a later settlement allowed him to substitute a resignation letter for his termination.¹⁰⁴ Officer Lake only ever received a three-day suspension.¹⁰⁵

Following criticism of the violent police response to protestors, BRPD Police Chief Carl Dabadie and Governor John Bel Edwards both defended the department’s conduct.¹⁰⁶ Multiple lawsuits were filed

⁹² THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 12 (2021).

⁹³ *Id.*

⁹⁴ Karen Savage, *Reporter’s Notebook: Remembering the Brutal Tactics of the Baton Rouge Police*, JUV. JUST.: INFO. EXCH. (Apr. 2, 2018), <https://jjiie.org/2018/04/02/reporters-notebook-remembering-the-brutal-tactics-of-the-baton-rouge-police/>.

⁹⁵ *Id.*

⁹⁶ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 12 (2021).

⁹⁷ *Id.*

⁹⁸ Complaint at 4, North Baton Rouge Matters, et al. v. City of Baton Rouge, et al., No. 3-16-cv-00463-JWD-RLB (M.D. La. July 13, 2016); Savage, *supra* note 94.

⁹⁹ Savage, *supra* note 94.

¹⁰⁰ Complaint at 2, 12, North Baton Rouge Matters, et al., No. 3-16-cv-00463-JWD-RLB.

¹⁰¹ Savage, *supra* note 94.

¹⁰² THE PROMISE OF JUSTICE INITIATIVE, PUNISHED PROTESTORS IN BATON ROUGE, 2 (2017).

¹⁰³ Michael Levenson, *\$4.5 Million Settlement in Police Killing of Alton Sterling, Lawyers Say*, N.Y. TIMES (June 13, 2021), <https://www.nytimes.com/2021/06/13/us/alton-sterling-settlement.html>.

¹⁰⁴ Katie Mettler, *The ex-police officer who killed Alton Sterling is allowed to undo his firing and resign instead*, N.Y. TIMES (Aug. 2, 2019), <https://www.washingtonpost.com/nation/2019/08/02/ex-police-officer-who-killed-alton-sterling-is-allowed-undo-his-firing-resign-instead/>.

¹⁰⁵ Levenson, *supra* note 78.

¹⁰⁶ Julia Jacobo, *Alton Sterling Protesters Confronted with ‘Militarized’ Police, Suit Says*, ABC NEWS (July 13, 2016, 8:30 PM), <https://abcnews.go.com/US/alton-sterling-protesters-confronted-militarized-police-suit/story?id=40561582>.

by protestors alleging illegal treatment by the police.¹⁰⁷ Alarming, in recent depositions for one such case, at least two BRPD officers invoked their Fifth Amendment right against self-incrimination when asked about (1) perjuring themselves on sworn arrest affidavits; (2) manufacturing false evidence; and (3) committing false imprisonment.¹⁰⁸ Another officer testified that an arrest affidavit with his signature was forged.¹⁰⁹ The absence of a robust internal investigation and discipline following the police response to protestors is especially concerning in light of these depositions.

IV. Brutality in East Baton Rouge Since Alton Sterling’s Death

In the five years since BRPD killed Alton Sterling, EBR law enforcement has continued its practices of excessive force and racist policing, revealing the utter lack of self-regulating and reform within local agencies. While the city introduced police reform and EBR residents heard “soaring rhetoric from politicians about transparency and openness,”¹¹⁰ there has not been meaningful change. “What happened to Sterling was not new, and since his death, activists said, it has remained business as usual.”¹¹¹ EBR law enforcement has continued its pattern of harassing and assaulting people, shooting and killing civilians, and violently policing Baton Rouge’s African American youth. And as in past decades, law enforcement agencies have done very little to hold offending officers accountable.

A. Shootings of Civilians

In June 2017, as the one-year anniversary of Alton Sterling’s murder approached, BRPD Officer Hamadeh shot Jordan Frazier in his back while he ran away, killing him.¹¹² Officer Hamadeh was not disciplined¹¹³ and was later awarded a Medal of Honor.¹¹⁴ Just over a year later, in August 2018, Officer Hamadeh shot a second person, Raheem Howard, claiming that Howard had shot at him first.¹¹⁵ Audio recording later revealed that only one shot—Officer Hamadeh’s—had been fired.¹¹⁶

¹⁰⁷ Complaint, Imani, et al., No. 17-439-JWD-EWD; Complaint, North Baton Rouge Matters, et al., No. 3-16-cv-00463-JWD-RLB.

¹⁰⁸ Deposition of Jonathan Abadie at 45-48, Imani, et al. v. City of Baton Rouge, et al., No. 17-439-JWD-EWD (M.D. La. June 9, 2021); Deposition of Willie Williams at 80-82, Imani, et al. v. City of Baton Rouge, et al., No. 17-439-JWD-EWD (M.D. La. June 9, 2021).

¹⁰⁹ Deposition of Billy Walker at 46-47, Imani, et al. v. City of Baton Rouge, et al., No. 17-439-JWD-EWD (M.D. La. June 9, 2021).

¹¹⁰ Clarissa Sosin & Daryl Khan, *A Year After Police Shot Calvin Toney, His Family Still Doesn’t Know What Happened*, THE APPEAL (Nov. 19, 2018), <https://theappeal.org/a-year-after-police-shot-calvin-toney-his-family-still-doesnt-know-what-happened/>.

¹¹¹ *Id.*

¹¹² THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 21 (2021); Grace Toohey, *Man released from jail after August Baton Rouge police shooting case was dropped*, THE ADVOCATE (Oct. 2, 2018, 12:45 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b988c480-c5f5-11e8-8ead-43b5db599fac.html.

¹¹³ Clarissa Sosin & Daryl Khan, *Controversial Baton Rouge Police Shooting Case Slated to Go Before Grand Jury*, JUV. JUST.: INFO. EXCH. (Jan. 11, 2020), <https://jjie.org/2020/01/11/controversial-baton-rouge-police-shooting-case-slated-to-go-before-grand-jury/>.

¹¹⁴ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 21 (2021).

¹¹⁵ Toohey, *supra* note 112.

¹¹⁶ *Id.*

Until the audio was uncovered, Mr. Howard was charged with attempted murder of an officer.¹¹⁷ Mr. Howard's case reveals a larger pattern whereby police officers criminally charge the person they have brutalized, presumably to cover up and justify their own use of force. Both Mr. Frazier and Mr. Howard were young African American men when Officer Hamadeh shot them.¹¹⁸

In November 2017, BRPD shot and killed Calvin Toney, a young African American father, during an investigative visit by the Department of Children and Family Services.¹¹⁹ A witness reported that Mr. Toney was handcuffed when BRPD shot him, though police dispute this and claim that they handcuffed Mr. Toney after shooting him.¹²⁰ Notably, the officer's body worn camera fell off and did not capture the shooting.¹²¹ The officer who shot Mr. Toney was cleared of wrongdoing and even received an award for the shooting.¹²² It read: "He was able to draw and discharge his service weapon, firing a shot into the chest of the individual."¹²³

In April 2019, EBRSO fired into a car, shooting Benjamine Chambers in the face and neck.¹²⁴ Officers were responding to a report of a suspicious car parked at a dentist's office, and Mr. Chambers was inside, unconscious from using heroin.¹²⁵ Though EBRSO claims that Mr. Chambers reached for a weapon and tried to drive his car into the EBRSO car as he woke up, the fact that no charges were ever brought against Mr. Chambers suggests otherwise.¹²⁶

B. Excessive Force in Response to Non-Violent and Minor Offenses

In October 2018, during an arrest for a single marijuana cigarette, BRPD officers punched, pepper sprayed, tased, and choked Steven Young in an assault that lasted almost six minutes.¹²⁷ Mr. Young was criminally charged and, in his mugshot, "his eyes are nearly swollen shut [and] he has an open wound on the right side of his temple."¹²⁸ Police officials cleared the BRPD officers of wrongdoing, though they would not release the officers' body worn camera footage.¹²⁹

¹¹⁷ *Id.*; THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

¹¹⁸ Sosin et al., *supra* note 113.

¹¹⁹ Sosin et al., *supra* note 110.

¹²⁰ *Id.*

¹²¹ Adam H. Johnson, *The Appeal Podcast: Brutality in Baton Rouge*, THE APPEAL (Jan. 17, 2019), <https://theappeal.org/the-appeal-podcast-brutality-in-baton-rouge/>.

¹²² Sosin et al., *supra* note 110.

¹²³ *Id.*

¹²⁴ Complaint at 2-3, *Benjamine Chambers v. Sid Gautreaux, et al.*, No. 3:20-cv-00428-SDD-EWD (M.D. La. July 6, 2020).

¹²⁵ *Id.*

¹²⁶ *Id.* at 4; Jacqueline DeRobertis, *Man sues East Baton Rouge Sheriff's Office, claims he was unjustly shot in the face*, THE ADVOCATE (Aug. 15, 2020, 4:45 PM),

https://www.theadvocate.com/baton_rouge/news/crime_police/article_e9aec28c-d1eb-11ea-b9c9-d323bcfc8882.html.

¹²⁷ Grace Toohey, *Judge denies request to release body cam footage of 'troubling' arrest: attorneys call for transparency*, THE ADVOCATE (Dec. 20, 2018, 12:15 PM),

https://www.theadvocate.com/baton_rouge/news/crime_police/article_1a132706-03ee-11e9-b41c-4bce7b14ab97.html;

Daryl Khan & Clarissa Sosin, *Video Shows Baton Rouge Police Pinning Man to the Ground and Beating Him*, THE APPEAL (Dec. 20, 2018), <https://theappeal.org/video-shows-baton-rouge-police-pinning-man-to-the-ground-and-beating-him/>.

¹²⁸ Khan et al., *supra* note 127.

¹²⁹ *Id.*

In April 2020, two correctional officers and an East Baton Rouge Sheriff's Deputy choked Bradford Skinner until he became unconscious.¹³⁰ The East Baton Rouge Parish Prison Warden claimed the assault was a response to Mr. Skinner's attempted escape from the jail and insisted that the officers' conduct was justified.¹³¹ Suspiciously, earlier that same day, Mr. Skinner had been threatened by facility staff when he sought medical treatment.¹³²

A recently filed complaint alleges that in August 2020, after a father became upset during a police welfare check and cursed in front of BRPD officers, the officers entered his home without permission or a warrant and assaulted and tased him.¹³³ The father sustained six broken ribs and a punctured lung.¹³⁴ The police report documenting his arrest "skims over the violent struggle...saying only that [the father] resisted arrest."¹³⁵ Officers were cleared of wrongdoing.¹³⁶

C. Infringement on Civilians' Bodily Autonomy and Privacy

In January 2020, after stopping a car for "suspicious driving," officers handcuffed two brothers inside, one a minor, and "pulled down their underwear while they stood on the public street, exposing their genitals."¹³⁷ Officers then entered the boys' home, guns drawn, and searched it without a warrant.¹³⁸ One officer threatened to "fuck you up" to the older brother when he urged his mother to call an attorney.¹³⁹ In an order dismissing with prejudice the older brother's resulting criminal case, the judge wrote that "the state agents in this case demonstrated a serious and wanton disregard for Defendant's constitutional rights" and that the officers' actions "may justifiably be considered to be a trespass subject to prosecution."¹⁴⁰ All charges in conjunction with the search were dropped by the district attorney's office and the family was given a monetary settlement.¹⁴¹ While Officer Camallo was disciplined for executing the warrantless search, "Chief Murphy Paul said those [strip searches] did not violate BRPD policies given the circumstances."¹⁴² The officer who threatened to "fuck [] up" the older brother has no record of the incident in his disciplinary file.¹⁴³

¹³⁰ Jerry Iannelli, *'That Man Can't Breathe'*, THE APPEAL (Apr. 16, 2020), <https://theappeal.org/baton-rouge-sheriff-choking/>.

¹³¹ *Id.*

¹³² *Id.*

¹³³ Lea Skene, *After cussing out policed during welfare check, Baton Rouge attorney alleges excessive force*, THE ADVOCATE (June 17, 2021, 3:20 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_4c0ab678-cfa4-11eb-b729-8b504f9c4ca7.html.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Billy Binion, *Baton Rouge Cops Strip-Searched a Minor During a Traffic Stop and Entered a Family's Home Without a Warrant. The City Just Settled for \$35,000*, REASON (May 25, 2021, 5:10 PM), <https://reason.com/2021/05/25/baton-rouge-cops-strip-searched-minor-traffic-stop-ken-camallo-clarence-green/>.

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *United States v. Green*, No. 20-00046-BAJ-SDJ, *1 n.1 (M.D. La. Dec. 29, 2020) (order granting dismissal with prejudice).

¹⁴¹ Binion, *supra* note 137.

¹⁴² Lea Skene, *BRPD officer demoted and suspended over warrantless search that was lambasted by federal judge*, THE ADVOCATE (June 22, 2021, 1:53 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_15614278-d38b-11eb-b7bf-833be235e1f3.html.

¹⁴³ Binion, *supra* note 137.

In November 2020, BRPD officers drew their guns on African American LSU football player, Koy Moore, and “falsely accused him of being armed and having drugs.”¹⁴⁴ Officers forced Moore to unzip his pants to be searched and took his phone so he could not record the incident.¹⁴⁵

In a June 2021 complaint, a Southern University student alleged that a BRPD officer took her phone, threatened her into meeting him at a warehouse where he made “sexual advances,” and instructed her to leave her apartment unlocked so that he could come over to have sex with her.¹⁴⁶ The investigation against the officer is ongoing.¹⁴⁷

As with historical reports, it is likely that recent police sexual violence is underreported.

D. Abnormally Harmful Use of Police Dogs

BRPD’s excessive force practices extend to its use of police dogs. The Marshall Project and The Advocate studied the use of K-9 units in the country’s twenty largest cities and another thirty police agencies whose K-9 use has raised concerns.¹⁴⁸ BRPD had the “second highest per-capita rate of dogs biting suspects” of all of the cities.¹⁴⁹ Particularly concerning was BRPD’s use of police dogs on juveniles.

From 2017 to 2019, BRPD’s police dogs bit almost 150 people, more than 90% of whom were African American.¹⁵⁰ All but two children bitten were African American.¹⁵¹ Nearly all people bitten were unarmed, and “in nearly every case, police were responding to suspected nonviolent property crimes.”¹⁵²

More than a third of those bitten were minors,¹⁵³ reflecting BRPD’s indiscriminate violence and general disregard for children’s safety. In one instance, “police sent a dog into an occupied car, where it bit a child.”¹⁵⁴ Police deployed a dog on a middle school child after he surrendered to police with his hands.¹⁵⁵ The dog “ripped right through a pair of jeans and into his right leg ‘almost to the bone.’”¹⁵⁶ In another instance, BRPD had dogs drag out and bite a teenager hiding under a house,

¹⁴⁴ ArLuther Lee, *LSU football player alleges Baton Rouge officers ‘violated’ him*, THE ATLANTA J.-CONST. (Nov. 10, 2020), <https://www.ajc.com/news/lsu-football-player-alleges-baton-rouge-officers-violated-him/KAL2ZJNOO5HITC2UFVAM3EJGME/>.

¹⁴⁵ *Id.*

¹⁴⁶ Lea Skene, *Did BR officer solicit sexual favors from Southern student he pulled over? Here’s her complaint*, THE ADVOCATE (June 20, 2021, 10:00 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b0667760-d904-11eb-a570-63d5f165c2d1.html.

¹⁴⁷ *Id.*

¹⁴⁸ Stole et al., *supra* note 14.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

simply to get him to come out; he was harming no one and had seemingly been approached for a traffic violation.¹⁵⁷ Unlike the BRPD, the New Orleans Police Department (NOPD) forbids the use of dogs in such situations.¹⁵⁸ Per NOPD policy, K-9 cannot be deployed on minors who “pose no immediate threat of serious injury” and “mere flight alone is insufficient” justification to use a police dog.¹⁵⁹

In response to criticism about its K-9 unit, Baton Rouge law enforcement officials defended the department’s practices.¹⁶⁰ They stated that officers do not always know if the person they are apprehending is armed or not and minimized the physical and emotional seriousness of sustaining a dog bite.¹⁶¹ A former Department of Justice official who oversaw a federal investigation of a K-9 unit stated that “a dog bite is ‘much more akin to being shot’ than almost any other use of police force.”¹⁶²

E. Excessive Force on Children

The last few years have revealed that BRPD does not spare children in its excessive violence and over-policing. In addition to the stunning statistics on its use of K-9 to attack children, there are documented incidents of police officers using excessive force on children. In July 2020, a BRPD officer used a “knee restraint” on a teenage boy, leaving the boy with injuries requiring a neck brace and possible surgery.¹⁶³ Video confirms that BRPD assaulted the boy after he exited a car with his hands raised.¹⁶⁴ Baton Rouge police officials insisted that the restraint was different than that used on George Floyd, and that it was entirely appropriate and consistent with police training.¹⁶⁵ The teenager was criminally charged.¹⁶⁶ In February 2021, BRPD was caught on video throwing a 13-year-old African American boy to the ground and choking him.¹⁶⁷ The boy was criminally charged with battery of an officer and disturbing the peace.¹⁶⁸ Civil Rights attorney Ron Haley commented: “If that officer did not have a badge or a uniform on, and was an adult on the ground with a child in that manner, he’d be arrested...nowhere should an unarmed 13-year-old, who is not a danger to himself or others, be treated like a grown-up.”¹⁶⁹

Arrest data further illustrates that EBR’s discriminatory practices terrorize EBR’s African American residents from the time they are children. Data published by EBR’s juvenile detention facility reveals

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Lea Skene, *Investigation of BRPD officers: 2 on leave after chase, officer used knee restraint*, THE ADVOCATE (July 13, 2020, 5:14 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_f032a124-c538-11ea-b7bb-cb26d45f0dd4.html.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ ArLuther Lee, *Video shows Baton Rouge officer with arm around Black teen’s neck*, THE ATLANTA J.- CONST. (Feb. 24, 2021), <https://www.ajc.com/news/video-shows-baton-rouge-officer-with-arm-around-black-teens-neck/PR7J3GOPA5AOJATW7IGHCQORGY/>.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

that 90% of all children arrested and detained in EBR in the last two and a half years were African American.¹⁷⁰

F. Brutality at East Baton Rouge Parish Prison

Exacerbating the harm of EBR’s illegal and discriminatory arrests is the violence arrestees face if jailed at the East Baton Rouge Parish Prison (EBRPP). EBRPP’s violence is perhaps most apparent in its management of EBRPP, which is notorious for its abhorrent conditions¹⁷¹ and high in-custody death rate.¹⁷² From 2015 to 2019, twenty-six people died while incarcerated at EBRPP, making it the deadliest parish prison in Louisiana.¹⁷³ This is no new phenomenon. In 2012, the mortality rate at EBRPP was “four times the national average.”¹⁷⁴

A 2017 report documenting conditions in EBRPP contained numerous firsthand accounts of “large groups of inmates being pepper sprayed for various reasons, none of which included threats to officer or prison safety.”¹⁷⁵ Many people arrested during the protests following Alton Sterling’s death were taken to the EBRPP, where they faced “verbal abuse from police officers, denial of food and water, frequent threats of losing access to phones, and cancellation of court hearing dates.”¹⁷⁶ “The jail’s warden, Dennis Grimes, defended the actions of his guards as ‘appropriate, professional and well within constitutional standards.’”¹⁷⁷ Unsanitary living conditions, overcrowding, humiliation, and inadequate medical care under the sheriff’s watch are all forms of EBRPP’s brutality.¹⁷⁸

G. Louisiana State Police’s Pattern of Violence and Racism

Louisiana State Police (LSP) perpetrates similar violence on EBR residents and African American residents, in particular. In the last two months, both the ACLU and Louisiana law makers filed separate pattern or practice complaints with the DOJ, urging the Department to investigate systemic misconduct and constitutional violations by LSP.¹⁷⁹ “The demand comes after growing concern over LSP’s pattern of targeting and using objectively unreasonable force against Black people, which the

¹⁷⁰ *Juvenile Detention Facility*, CITY OF BATON ROUGE, <https://www.brla.gov/QuickLinks.aspx?CID=40>.

¹⁷¹ THE PROMISE OF JUSTICE INITIATIVE, PUNISHED PROTESTORS IN BATON ROUGE, 2-3 (2017).

¹⁷² JC Canicosa, *In five years, 786 people died in Louisiana’s jails and prisons, a new report finds*, LOUISIANA ILLUMINATOR (June 2, 2021), <https://lailluminator.com/2021/06/02/in-five-years-786-people-died-in-louisianas-jails-and-prisons-a-new-report-finds/>.

¹⁷³ *Id.*

¹⁷⁴ Teresa Mathew, *Most Recent Deaths at East Baton Rouge Jail Could Have Been Avoided*, THE APPEAL (Aug. 15, 2018), <https://theappeal.org/new-report-louisiana-jail-conditions-deaths/>.

¹⁷⁵ THE PROMISE OF JUSTICE INITIATIVE, PUNISHED PROTESTORS IN BATON ROUGE, 2 (2017).

¹⁷⁶ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 13 (2021).

¹⁷⁷ Jim Mustian, *Alton Sterling protestors treated ‘like animals’ in Baton Rouge prison, advocacy group claims*, THE ADVOCATE (July 8, 2017, 3:50 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_83d4ec44-626c-11e7-86ae-dbcc39e06536.html.

¹⁷⁸ THE PROMISE OF JUSTICE INITIATIVE, PUNISHED PROTESTORS IN BATON ROUGE, 2-3 (2017).

¹⁷⁹ Sam Karlin, *Black lawmakers back ‘top-to-bottom’ federal probe into abuse, coverup at Louisiana State Police*, THE ADVOCATE (July 6, 2021, 3:29 PM), https://www.theadvocate.com/baton_rouge/news/politics/legislature/article_81e811dc-de86-11eb-bb9f-1372ef33907f.html; Letter from Alanah Odoms, ACLU Louisiana, to The Honorable Merrick B. Garland, U.S. Dept. of Justice (June 17, 2021) (on file with author).

office then goes to great lengths to conceal.”¹⁸⁰ Both complaints highlight LSP’s 2019 fatal assault on Ronald Greene and coverup of the cause of his death.¹⁸¹ While Mr. Greene’s death gained national attention, LSP’s record of violence against African American people is extensive. Recent incidents include “three other violent stops of Black men: one who was punched, stunned and hoisted to his feet by his hair braids in a body-camera video obtained by the AP, another who was beaten after he was handcuffed, and yet another who was slammed 18 times with a flashlight.”¹⁸²

Law enforcement’s unending and unchecked excessive force against EBR civilians demands an immediate and robust investigation.

V. Lack of Accountability in East Baton Rouge Law Enforcement

Despite the multitude of brutal and unjustified attacks on civilians, law enforcement leadership has consistently failed to hold individual officers sufficiently accountable or to investigate and address department- and city-wide misconduct. This was apparent in the absence of real discipline following officer complaints of BRPD brutality after Hurricane Katrina,¹⁸³ the rejection of an investigation into department-wide racism after discovering multiple officers’ racist statements,¹⁸⁴ the decision not to charge anyone for Alton Sterling’s death,¹⁸⁵ and the minimal internal response to the militarized and violent reaction to Alton Sterling protests.¹⁸⁶ The lack of repercussions after these large and very public incidents is staggering. But just as concerning is the lack of or minimal discipline following the individual incidents enumerated above. In at least two cases, the same officer used excessive violence against a civilian only to return to the police force and do so again.¹⁸⁷

Law enforcement agencies have also tried to block access to public police records, thwarting efforts to hold city agencies accountable for their officers. For example, in 2006, the City of Baton Rouge and BRPD refused to release internal affairs documents related to investigations of BRPD’s response to Hurricane Katrina.¹⁸⁸ The Advocate, a local newspaper, sued the City and BRPD for the records, which they received only after a judge ordered their release, noting that BRPD business should be subject to “public scrutiny.”¹⁸⁹ Those with fewer means to bring legal action have no similar recourse when denied public records by the City or BRPD.

In addition to law enforcement’s inability or refusal to self-police, there are structural barriers to police accountability in EBR.

¹⁸⁰ Letter from Alanah Odoms to Merrick Garland, *supra* note 179, at 1.

¹⁸¹ Karlin, *supra* note 179; Letter from Alanah Odoms to Merrick Garland, *supra* note 179, at 3-4.

¹⁸² *Louisiana police unit probed over Black driver arrests after death of Ronald Greene*, NBC NEWS (June 10, 2021, 7:18 AM), <https://www.nbcnews.com/news/us-news/louisiana-police-unit-probed-over-black-driver-arrests-after-death-n1270283>.

¹⁸³ Lau, *supra* note 68.

¹⁸⁴ White, *supra* note 25.

¹⁸⁵ Levenson, *supra* note 103.

¹⁸⁶ Jacobo, *supra* note 106.

¹⁸⁷ Toohey, *supra* note 112; Hays, *supra* note 82.

¹⁸⁸ *City of Baton Rouge/Parish of E. Baton Rouge v. Capital City Press, L.L.C.*, 4 So. 3d 807, 810 (La. Ct. App. 2008).

¹⁸⁹ *Id.* at 821-22.

First, historically, the Baton Rouge Union of Police contract has allowed officers immediate access to their own misconduct investigations, giving them time to review and adjust their account, and “deter[ring] people from bringing complaints in the first place because there is no anonymity.”¹⁹⁰

Second, “Louisiana [is] less likely to strip law enforcement officers of credentials than any other state.”¹⁹¹ Essentially, police officers lose their credentials only if they are criminally charged and convicted.¹⁹² Despite a 2017 Louisiana bill intended to “make it easier to permanently ban rogue cops from the force,” it remains common for officers to retain their law enforcement credentials after misconduct.¹⁹³ For example, BRPD Officer Melvin Cosey, who was arrested for choking his wife, was fired from BRPD but retained his credentials, making him eligible to be hired elsewhere in Louisiana.¹⁹⁴ The current credentialing system “also relies on police departments to self-report when officers are fired for civil rights violations or convictions.”¹⁹⁵ Advocates for reform report that “nobody’s playing their roles; they all support and cover for each other.”¹⁹⁶ And departments are not punished for insufficient reporting or internal review.¹⁹⁷

Third, the Louisiana State Police is charged with investigating police shootings by local Louisiana police departments.¹⁹⁸ Rife with corruption and allegations of excessive force itself,¹⁹⁹ LSP is poorly positioned to discipline officers and create meaningful systems of accountability.

With the current disciplinary systems and the expectation that officers will be minimally punished, if at all, it is no surprise that EBR law enforcement have policed with impunity for decades.

VI. Pattern of Retaliation Against Critics of East Baton Rouge Law Enforcement

Just as alarming as the general lack of accountability for officer misconduct is the documented pattern of law enforcement agencies and city leadership responding to their critics with abusive retaliation.

Baton Rouge law enforcement’s retaliation against critics dates at least as far back as 1960, when state and county police officers arrested a peaceful protestor who participated in a demonstration

¹⁹⁰ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 32 (2021).

¹⁹¹ Bryn Stole & Rebekah Allen, *Louisiana less likely to strip law enforcement officers of credentials than any other state; lawmakers aim to change that*, THE ADVOCATE (June 3, 2017, 6:45 PM),

https://www.theadvocate.com/baton_rouge/news/crime_police/article_e3f12332-464b-11e7-a4f4-f369e513d850.html.

¹⁹² *Id.*

¹⁹³ Andrew Fan et al., *Louisiana tried to crack down on police misconduct. It hasn’t worked*, THE DAILY ADVERTISER (Nov. 20 2019, 5:08 PM), <https://www.theadvertiser.com/story/news/2019/11/20/police-shooting-alton-sterling-new-louisiana-law-hasnt-helped/423144002/>.

¹⁹⁴ Stole et al., *supra* note 191.

¹⁹⁵ Fan et al., *supra* note 193.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ Sosin et al., *supra* note 110; *Across Louisiana, law enforcement officers have shot 3 people – 2 fatally – in 3 days*, THE ADVOCATE, (June 3, 2021, 1:17 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_8d5142ec-c495-11eb-9198-5bc897514e0c.html.

¹⁹⁹ Karlin, *supra* note 179.

decriing police practices.²⁰⁰ In the 1965 case of *Cox v. Louisiana*, the United States Supreme Court ruled that the officers' arrest was a "clear" violation of the protestor's First Amendment rights.²⁰¹ The Court stated that the police's "dispersal order had nothing to do with any time or place limitation," suggesting that the anti-police subject of the protest had triggered the order.²⁰²

In 2013, Mayor Kip Holden fired Police Chief Dewayne White, who had publicly condemned racial profiling by BRPD officers.²⁰³ Referring to BRPD's treatment of African American people, White had stated that some officers "believe that everybody they come across or most people they come across with that color of skin is probably a criminal."²⁰⁴ The police union and mayor quickly disavowed White.²⁰⁵ The president of the union stated that he "disagreed 100%" that officers were racially profiling civilians.²⁰⁶ In defense of his firing of White, Mayor Holden stated that White "inappropriately accused a large segment of the BRPD of racial bias."²⁰⁷

In 2015, reporters were handcuffed and arrested for photographing an arrest.²⁰⁸

As discussed already, during the 2016 protests against police brutality, police responded in militarized fashion, arresting and brutalizing peaceful protestors.²⁰⁹

In 2017, African American community leaders were expelled from a council meeting when they voiced concerns about policing and Alton Sterling's death.²¹⁰ Then-Mayor Pro Tem Scott Wilson claimed that they were expelled for speaking about a topic not under discussion.²¹¹ But when other members of the public spoke off topic on a subject unrelated to police brutality, they were allowed to speak and remain in the hearing.²¹² There is a pending lawsuit against Wilson and the city-parish for discrimination and other constitutional violations.²¹³

²⁰⁰ *Cox v. Louisiana*, 379 U.S. 559, 560, 564 (1965).

²⁰¹ *Id.* at 573.

²⁰² *Id.*

²⁰³ Albert Samaha, *Baton Rouge's Mayor Fired a Police Chief Who Wanted to Reduce Racial Profiling*, BUZZFEED NEWS (July 13, 2016, 11:24 AM), <https://www.buzzfeednews.com/article/albertsamaha/baton-rouges-mayor-fired-a-police-chief-who-wanted-to-reduce>.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ Complaint at 17, Imani, et al., No. 17-439-JWD-EWD.

²⁰⁹ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 12 (2021).

²¹⁰ Plaintiff's Proposed Findings of Fact and Conclusions of Law at 12, 14, 16, 19, 20-23, McClanahan, et al. v. Wilson et al., No. 17-cv-01720-JWD-RLB (M.D. La., Mar. 17, 2021); Joe Gyan Jr., *Did Metro Council leader target Black men for removal after Alton Sterling remarks?*, THE ADVOCATE (Mar. 18, 2021, 4:00 AM) https://www.theadvocate.com/baton_rouge/news/courts/article_49166b64-86d0-11eb-ac68-1b89eea36ef9.html.

²¹¹ Plaintiff's Proposed Findings of Fact and Conclusions of Law at 12, 14, 16, 19, 20-23, McClanahan, et al., No. 17-cv-01720-JWD-RLB.

²¹² *Id.* at 25.

²¹³ *Id.* at 39.

Just this year, BRPD Officer Ardoin alleged that, after raising internal complaints about narcotics division practices, he was set up by fellow officers to illegally buy stolen property.²¹⁴ Ardoin was arrested after he bought technology from a person later discovered to be a fellow officer's confidential informant.²¹⁵

Also this year, the Baton Rouge Parish Attorney's office charged attorney and associate professor of law Thomas Frampton with contempt and threatened him with jail time after he released an already-public body worn camera video that showed police strip-searching a minor in public.²¹⁶ "This attempt to hold an attorney in contempt for bringing public scrutiny to the Baton Rouge Police Department demonstrates how the department is more concerned about protecting its reputation than children's dignity and safety."²¹⁷ Mr. Frampton filed a civil suit against the City of Baton Rouge and city officials alleging First Amendment retaliation, abuse of process, and Louisiana Constitution violations.²¹⁸ During the first hearing for Mr. Frampton's civil suit, the federal judge expressed shock at the City's and Parish's behavior.

EBR and Louisiana law enforcement are inclined to retaliate against those who criticize them, making the need for an external agency, immune from such influence, to investigate its police agencies.

²¹⁴ Chris Nakamoto, *BRPD Narcotics officer exposes wrongdoing, coverups, and quotas in bombshell interview with Nakamoto*, WBRZ TV (Apr. 28, 2021, 3:22 PM), <https://www.wbrz.com/news/brpd-narcotics-officer-exposes-wrongdoing-coverups-and-quotas-in-bombshell-interview-with-nakamoto/>.

²¹⁵ *Id.*

²¹⁶ Complaint at 1-2, *Frampton v. City of Baton Rouge et al.*, No. 3:21-cv-00362-BAJ-SDJ (M.D. La. June 23, 2021).

²¹⁷ Madalyn K. Wasilczuk, *Rules are meant to protect children, but police use them to shield themselves*, THE ADVOCATE (June 30, 2021, 6:00 PM), https://www.theadvocate.com/baton_rouge/opinion/article_b6ae8b04-d688-11eb-9cb4-cb56948ed5c2.html.

²¹⁸ Complaint at 9-11, *Frampton v. City of Baton Rouge, et al.*, No. 3:21-cv-00362-BAJ-SDJ (M.D. La. June 23, 2021).

VII. Conclusion

After decades of unchecked police brutality in EBR, the 2016 shooting of Alton Sterling sparked calls to reform EBR law enforcement. Still, five years later, EBR law enforcement agencies continue to brutalize civilians and terrorize African American communities. The racist sentiment and structures that shaped the establishment of EBR law enforcement agencies over 100 years ago have endured and continue to result in staggering racial disparities in enforcement and brutality. Law enforcement leadership has demonstrated that it will not hold its own officers accountable for their misconduct or initiate the investigations necessary for department- and parish-wide police reform. EBR law enforcement agencies' repeated retaliation against those who criticize them further illustrates that the agencies are uninterested in and even hostile to review. We implore the Department of Justice to open a pattern or practice investigation into EBR law enforcement. The civil liberties and physical safety of EBR residents rely on an external investigation.

Sincerely,

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