

Johnny Ray Carpenter
Chief of Police
Winnfield Police Department
405 South Jones Street
Winnfield, LA 71483

Via postal mail and e-mail: police@cityofwinnfield.com

November 12, 2018

Re: Winnfield Police Use of Taser

Dear Chief Carpenter:



PO Box 56157
New Orleans, LA 70156
504-522-0617
laaclu.org

Alanah Odoms Hebert
Executive Director

The American Civil Liberties Union of Louisiana writes to demand that you swiftly and transparently complete an investigation into your officer's apparent use of excessive force against Winnfield resident Tanisha White. According to news reports and Ms. White's family, a Winnfield Police Department officer deployed a Taser against Ms. White, shooting it at Ms. White's face on Nov. 5, 2018.

We ask that you not only investigate whether your officer used excessive and unlawful force, but also that you determine whether your Police Department has in place policies and procedures necessary to regulate and limit officers' use of force, including policies on Taser use, de-escalation, and racially-biased policing. Attached is a formal public records request for those documents and other information.

Ms. White has reportedly lost sight in her right eye, and she suffered other injuries that required her to be hospitalized. Too often in this country, police treat communities like enemies—a problem that disproportionately impacts people of color. It has been reported that Ms. White was unarmed and standing outside a private residence at the time your officer made contact with her, and we have serious questions about the level of force, including the deployment of a Taser, on someone who did not appear to be armed or otherwise presenting a danger to herself or anyone else. From the facts reported, it does not appear your officer's actions were justified.

As you probably know, Tasers should never be used punitively or for the purpose of coercion, and officers should be instructed to avoid targeting a person's head. Tasers operate by delivering up to a 50,000-volt shock designed to override a subject's central nervous system and disable her by causing uncontrollable muscle contractions and instant collapse. They can cause serious injury and death. An ongoing Reuters investigation into Taser use has now documented 1,042 Taser-related deaths in the United States, a quarter of which were victims suffering from a mental illness or neurological disorder, and 90 percent of which were unarmed.¹

¹ *Reuters finds 1,005 deaths in U.S. involving Tasers, largest accounting to date*, Reuters, Aug. 22, 2017, available at: <https://www.reuters.com/article/us-axon-taser-toll/reuters-finds-1005-deaths-in-u-s-involving-tasers-largest-accounting-to-date-idUSKCN1B21AH>; Peter Eisler, Jason Szep, Ti Reid and Grant Smith, *Shock Tactics, Part I*, Reuters, Aug. 22, 2017, available at: <https://www.reuters.com/investigates/special-report/usa-taser-911/>; *The Reuters Tracker: Deaths involving Tasers*, available at: <https://www.reuters.com/investigates/special-report/usa-taser-tracker/>



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Data also show that law enforcement use Tasers on Black people far more frequently than people of other races and that Black people in particular make up a disproportionate number of those exposed to Taser.² In lethal cases, available data show that Black people make up at least a third to nearly a half of all Taser deaths. The disparate application of Taser use by law enforcement against people of color signals troubling racial bias in the deployment of these weapons.

The public deserves to know what happened to Ms. White, why, and what can be done to ensure that police do not use excessive force, such as deployment of a Taser, against an unarmed person who poses no safety risk. Therefore, we request that you release the results of your investigation publicly and provide copies of the above-referenced policies to the ACLU.

As the chief law enforcement officer in Winnfield, Chief Carpenter, it is your duty to protect all residents of that community. That includes protecting them from police misconduct, especially excessive force. We look forward to your response.

If we can provide any clarification, please contact Staff Attorney Bruce Hamilton at (504) 522-0628, ext. 122.

Sincerely,

A handwritten signature in dark ink that reads "Alanah O. Hebert". The script is fluid and cursive, with the first name "Alanah" and last name "Hebert" clearly legible.

Alanah Odoms Hebert

Executive Director

² Andrea J. Ritchie & Joey L. Mogul, In the Shadows of the War on Terror: Persistent Police Brutality and Abuse of People of Color in the United States, DEPAUL J. SOC. JUST. 175, 193-194 (2008); David A. Harris, *Taser Use by Law Enforcement: Report of the Use of Force Working Group of Allegheny County, Pennsylvania*, 71 U. PITT. L. REV. 719, 744, n. 44 (2010) (quoting Roma Khanna, *Audit says Houston Police More Likely to Taser Blacks*, HOUSTON CHRONICLE, Sept. 9, 2008 available at: <https://www.chron.com/news/houston-texas/article/Audit-Anglos-on-HPD-more-likely-than-black-cops-1757423.php>); OFFICE OF THE CITY COMPTROLLER, CITY OF HOUSTON, REPORT NO. 2009-09, CONDUCTED ENERGY DEVICE PROGRAM PERFORMANCE AUDIT 5-6, 27 (2008); available at: <https://www.houstontx.gov/controller/audit/reports/2009-09.pdf>; AMNESTY INTERNATIONAL, 'LESS THAN LETHAL?' THE USE OF STUN WEAPONS IN US LAW ENFORCEMENT at 22 (Dec. 2008), available at <https://www.amnesty.org/en/documents/AMR51/010/2008/en/>; MARYLAND TASK FORCE ON ELECTRONIC WEAPONS, REPORT OF THE MARYLAND ATTORNEY GENERAL'S TASK FORCE ON ELECTRONIC WEAPONS 15 (2009), available at: <https://www.nccpsafety.org/resources/library/report-of-the-maryland-attorney-generals-task-force-on-electronic-weapons>; Mark Puente and Doug Donovan, *Shocking force: Police in Maryland didn't follow Taser safety recommendations in hundreds of incidents*, THE BALTIMORE SUN, Mar. 19, 2016, available at: <https://www.baltimoresun.com/news/maryland/investigations/bal-tasers-in-maryland-story.html>

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Re: Public records request

Dear Chief Carpenter:



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Executive Director

Pursuant to the Public Records Act of Louisiana, R.S. 44:1 et seq., we request copies of the public records described below. For purposes of this request, the term “documents” includes, but is not limited to, any memoranda, letters, electronic mail or “e-mail,” handwritten, typed, or electronic notes, recordings of any kind and in any form (video, audio, digital, etc.)

1. Your Police Department’s policies and procedures regarding use of force, deployment or use of Tasers, de-escalation, and racially-biased policing; and
2. Complaints filed against the officer who deployed his Taser against Tanisha White, reportedly officer Justin Curry; and
3. Disciplinary records for the officer who deployed his Taser against Tanisha White, reportedly officer Justin Curry.

Under the provisions of R.S. 44:32, if you raise a question as to whether any of the records requested is a public record, you are required to notify in writing the person making the request of your determination and the reasons, including the legal basis therefor. Notice shall be made within three days of the receipt of the request, exclusive of Saturdays, Sundays and legal public holidays. If you claim exemption for a record or records under the Public Records Act, or any other statute, include for each record the section of law under which exemption is claimed and your reasons for believing the statute is applicable to the record.

Under the provisions of R.S. 44:33, if the public record is not immediately available, you are required to certify this in writing promptly, and in your certificate fix a day and hour within three days, exclusive of Saturdays, Sundays and legal public holidays, for the exercise of the right granted in the Public Records Act.

Under R.S. 44:34, “If any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody and control. He shall include in the certificate ample and detailed answers to inquiries of the applicant which may facilitate the exercise of the right granted by this Chapter.”

If you are invoking R.S. 44:34 to deny this request, please answer the following questions in detail.

1. Is a copy of the requested public record usually located in your office?
2. Why is your copy of the requested public record absent from your office?
3. Where is your copy of the requested public record?
4. Who has received a copy of the requested public record?
5. How and from whom did the present custodian gain control of your copy of the requested public record?
6. What was the exact time your copy of the public record was taken from your custody and control?
7. When will your copy of the requested public record be returned to your office?
8. Is there any other public official who has a copy of the requested record?
9. What is/are the name(s) of anyone who has a copy of the requested public record?
10. What is/are the location(s) where the public record can be viewed?
11. What are the hours and dates when the requested public record can be viewed?



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Please contact us at the number above when the requested materials are ready to be mailed. We request that any and all documents that are available be made available in electronic form. This request includes any documents that are in paper form but that can be scanned to electronic form, as well as digital copies of any recordings. For those documents that cannot be produced in electronic form, if the cost of copies does not exceed \$50.00, proceed without further approval and send us an invoice with the records; otherwise, call to advise and gain approval to proceed. As you are aware, failure to abide by the Public Records Law may result in certain penalties and the award of attorney's fees. We trust that you will comply without the necessity of any further action on our part.

Sincerely,

A handwritten signature in dark ink that reads "Alanah O. Hebert". The signature is written in a cursive, flowing style.

Alanah Odoms Hebert,
Executive Director