

June 17, 2021

**Attorney General Merrick Garland and the Justice Department**

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

Via U.S. Mail



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Alanah Odoms  
Executive Director

Dear Mr. Attorney General,

We write to ask that the Department of Justice (“the Department”) open a pattern or practice investigation into police misconduct by the Louisiana State Police (“LSP”).<sup>1</sup> The Violent Crime Control and Law Enforcement Act of 1994 provides that the Attorney General open a pattern or practice investigation whenever he has “reasonable cause to believe that police are engaging in patterns or practices that deprive[] rights, privileges or immunities protected by the Constitution or laws of the United States.”<sup>2</sup> The Louisiana State Police is a state police agency of Louisiana, which has jurisdiction anywhere in the state, headquartered in Baton Rouge. It falls under the authority of the Louisiana Department of Public Safety and Corrections. It is officially known in that organization as the Office of State Police.<sup>3</sup> As this letter will further detail, this standard has been satisfied. By way of example:

- On May 10, 2019, LSP officers beat Ronald Greene to death with a flashlight.
- 20 days later, on May 30, 2019, LSP officers beat Aaron Bowman with a flashlight.
- One year later, on May 23, 2020, Antonio Harris was beaten by LSP officers.

Each of the aforementioned individuals have filed a lawsuit protesting their unconstitutional treatment at the hands of the State Police. But these three black men’s stories merely scratch the surface. The American Civil Liberties Union (ACLU) of Louisiana’s “[Justice Lab](#)” has identified additional victims of LSP. Each story points to the same concerning pattern: *LSP officers targeting and using objectively unreasonable force against Black people, which the office then goes to great lengths to conceal.*

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<sup>1</sup> 32 U.S.C. §12601 states: “It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.” 34 U.S.C.S. § 12601(a).

<sup>2</sup> 42 USC §14141(b).

<sup>3</sup> LA. REV. STAT. § 36:401; LA. REV. STAT. § 40:1379.

Even now, in response to the overwhelming national outcry over Mr. Greene’s killing, LSP has chosen obfuscation over transparency, insisting that the investigation into widespread racism and malfeasance within the agency be hidden from outside view, and instead be examined by a secret LSP panel.<sup>4</sup> This response falls woefully short. Louisiana needs the Department to intervene immediately, in the manner it did in 2003, when it found “troubling disparities in treatment of the [New Orleans] African-American community, and an urgent need to implement systems to ensure that [the New Orleans Police Department] is providing services and enforcing the law in a fair, equitable, and nondiscriminatory manner.”<sup>5</sup> Absent a similar investigation here and, in all likelihood, a similar consent decree, LSP will continue indiscriminately violating the rights of those they are sworn to serve and protect.



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The trust between LSP and Louisianians has been broken. This lack of trust calls into question every death the agency has ever investigated in the state of Louisiana. LSP is authorized to investigate any police killing that takes place across the entire state and frequently handles investigations at the request of local agencies.<sup>6</sup> Its reports provide the foundation for granting officers qualified immunity when families sue to vindicate the rights of their loved ones slain unlawfully by police. [Data](#) compiled by the ACLU of Louisiana shows that Black men comprise less than 20% percent of Louisiana’s population, but police kill them at nearly twice the rate of white men.<sup>7</sup> In a significant number of these lethal encounters, LSP has been the investigating agency.

For years, LSP officers, acting under color of law, have systematically violated Black people’s fundamental constitutional rights. Federal intervention is appropriate to investigate and remedy LSP’s pattern and practice of racially profiling, assaulting, and

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<sup>4</sup> The Associated Press, *Louisiana police unit probed over Black driver arrests after death of Ronald Greene*, NBCNews.com (2021), <https://www.nbcnews.com/news/us-news/louisiana-police-unit-probed-over-black-driver-arrests-after-death-n1270283> (last visited Jun 11, 2021); *see also* Jim Mustian, *Louisiana police unit probed over Black driver arrests*, ASSOCIATED PRESS (June 9, 2021), <https://apnews.com/article/la-state-wire-louisiana-death-of-ronald-greene-arrests-4a47c5e0ef720019d15818cf32eb2a2a> last visited Jun 11, 2021).

<sup>5</sup> NOPD Consent Decree, <https://www.nola.gov/nopd/nopd-consent-decree>; *see also* Press Release, *Justice Department Announces Findings of Investigation into Ville Platte, Louisiana, Police Department and Evangeline Parish Sheriff’s Office*, U.S. DEP’T OF JUST. (Dec. 19, 2016), <https://www.justice.gov/opa/pr/justice-department-announces-findings-investigation-ville-platte-louisiana-police-department> (last visited June 15, 2021).

<sup>6</sup> Jacqueline DeRobertis, *Four years after Alton Sterling, here’s what reviews of police shootings look like in Baton Rouge*, THE ADVOCATE, July 20, 2020, [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/article\\_f426ed42-1608-11ea-967f-afd8215f0bff.html](https://www.theadvocate.com/baton_rouge/news/crime_police/article_f426ed42-1608-11ea-967f-afd8215f0bff.html) (last visited June 14, 2021); *see also* Emily Enfinger, *State police investigates officer-involved shooting in Bossier City*, SHREVEPORT TIMES, August 11, 2020, <https://www.shreveporttimes.com/story/news/crime/2020/08/09/state-police-investigate-officer-involved-shooting-bossier-city/3329802001/> (last visited June 14, 2021).

<sup>7</sup> From January 1, 2013 to June 30, 2020 there were 160 documented police killings in Louisiana across 39 parishes; 84 (or ~53%) of deaths were of Black individuals, as compared to 54 (or ~34%) of White individuals. The Parishes with the highest numbers of police killings also have highly disproportionate Black death rates relative to Black population and non-Black death rates. For example, in East Baton Rouge Parish, which is the state’s largest and includes the capital, Baton Rouge, 16 of these 19 killings, or ~84%, were of Black individuals. Less than half (~47%) of East Baton Rouge’s sizeable population is Black. In Jefferson Parish, 12 of 17 killings, or ~71%, were of Black individuals. Only ~28% of Jefferson Parish’s population is Black.

killing Black people, and subsequently hindering impartial investigations. We urge the Department to use all applicable authority to investigate LSP.

We attach the Greene, Bowman and Harris civil rights complaints to this letter as Exhibits A, B, and C, respectively. Summaries of each case appear below.

### Greene

Mr. Ronald Greene died in Union Parish in LSP's custody after being brutally beaten by multiple LSP officer. On May 10, 2019, an LSP officer attempted to stop Mr. Greene while traveling along US-80 near Monroe, Louisiana.<sup>8</sup> The officer did not identify a violation that justified the stop, instead saying that he observed a "traffic violation."<sup>9</sup> When Mr. Greene did not stop his vehicle, a pursuit ensued.<sup>10</sup> During the pursuit, Mr. Greene's car swerved, spun, and crashed into a wooded area.<sup>11</sup> The impact sustained by the car was moderate, and Mr. Greene was not injured. He was able to walk, speak, and otherwise function after the crash.<sup>12</sup>

Almost immediately thereafter, additional LSP officers arrived at the scene.<sup>13</sup> When Mr. Greene exited his car, he apologized to the officers, telling them he knew he should have stopped the vehicle earlier.<sup>14</sup> In response, LSP officers pinned Mr. Greene to the ground.<sup>15</sup> Mr. Greene repeatedly told officers he was scared, saying "I'm sorry!" and "I'm your brother! I'm scared!"<sup>16</sup> LSP officers beat, smothered, and choked Mr. Greene despite the fact that he had surrendered, was not resisting, was in custody, and posed no threat.<sup>17</sup> LSP officers repeatedly tased and punched Mr. Greene, and restricted his breathing by choking him.<sup>18</sup> Mr. Greene was handcuffed and shackled around the ankles.<sup>19</sup> The officers dragged Mr. Greene on the ground, and after using lethal force, left him without medical aid for an extended period of time.<sup>20</sup> Mr. Greene was pronounced dead on arrival at the hospital.<sup>21</sup>



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<sup>8</sup> Second Amended Complaint ("Compl.") at 4–5, *Greene v. Demoss*, No. 3:20-CV-00578 (W.D. La. May 20, 2021), ECF No. 72.

<sup>9</sup> *Id.* at 5.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *AP obtains video of deadly arrest of Black man*, ASSOCIATED PRESS (May 10, 2019), <https://www.youtube.com/watch?v=gxb00hQNRBg&t=6s>.

<sup>17</sup> Compl. at 6.

<sup>18</sup> *Id.* at 6–7.

<sup>19</sup> *Video Shows Ronald Greene Apologizing As He is Killed by Louisiana Troopers: 'I'm Your Brother! I'm Scared!'* AL.COM (May 19, 2021), <https://www.al.com/news/2021/05/video-shows-ronald-greene-apologizing-as-he-is-killed-by-louisiana-troopers-im-your-brother-im-scared.html>.

<sup>20</sup> Compl. at 8.

<sup>21</sup> *Id.*



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LSP officers and other law enforcement authorities have persistently attempted to conceal the misconduct that caused Mr. Greene’s death.<sup>22</sup> Specifically, the emergency room physician on the night of the incident said LSP officers’ accounts of what happened to Mr. Greene were “disjointed and [did] not add up.”<sup>23</sup> Further, authorities in the parish and LSP officials repeatedly lied to Mr. Greene’s family.<sup>24</sup> They claimed, for example, that Mr. Greene died by crashing his vehicle into a tree, and, importantly, that no recording existed of his interaction with the police.<sup>25</sup> LSP officers refused to release body-worn camera footage, logs, use of force reports, and various other investigative materials.<sup>26</sup> Lieutenant John Clary, the ranking officer on the scene, claimed for nearly two years to have had his body-worn camera turned off during the incident, until media published video footage acquired from his camera.<sup>27</sup> Mr. Greene’s family was finally able to watch nearly thirty minutes of bodycam footage in 2020.<sup>28</sup> Over a year later, in May 2021, the Associated Press obtained and released clips of the footage to the public, which showed that several LSP officers either did not activate or deactivated their body cameras at key times during the killing of Mr. Greene.<sup>29</sup> Even as Officer DeMoss faced criminal charges in connection with Mr. Greene’s killing, LSP initially suspended him for only fifty hours.<sup>30</sup> Currently, Lieutenant Clary remains employed by LSP and has faced no discipline.<sup>31</sup>

### **Bowman**

Mr. Aaron Bowman was also subjected to the unconstitutional and violent actions of LSP officers. On May 30, 2019, LSP officers exerted excessive, unreasonable, and unjustifiable force in detaining Mr. Bowman outside his Monroe home.<sup>32</sup> While Mr. Bowman lay prone on the ground, an LSP officer repeatedly struck Mr. Bowman in the

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<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 9.

<sup>24</sup> *Id.* at 8–9.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 6.

<sup>27</sup> Mike Perlstein, *Bodycam footage shows a veteran State Trooper may not have been truthful in Ronald Greene Case*, 4WWL NEW ORLEANS (June 16, 2021), <https://www.wvltv.com/article/news/investigations/bodycam-footage-shows-a-veteran-state-trooper-may-not-have-been-truthful-in-ronald-greene-case/289-96ee83a4-3cd6-4c71-8635-8207d2b683f8>.

<sup>28</sup> Jim Mustian & Melinda Deslatte, *Black Man’s Family Views Graphic Video of In-Custody Death*, ASSOCIATED PRESS (Oct. 15, 2020), <https://apnews.com/article/john-bel-edwards-ahmaud-arbery-racial-injustice-louisiana-dc51668ec596f27e81c2c0c27d6f08c0>.

<sup>29</sup> Hannah Knowles, *Body-cam video shows Louisiana troopers stunned, hit and dragged Black man before his death*, ASSOCIATED PRESS (May 20, 2021), <https://www.washingtonpost.com/nation/2021/05/20/ronald-greene-louisiana-police-video/>.

<sup>30</sup> Chris Nakamoto, *Two state troopers will remain on payroll despite excessive force arrests*, WBRZ 2 (April 8, 2021), <https://www.wbrz.com/news/two-state-troopers-will-remain-on-payroll-despite-excessive-force-arrests/>.

<sup>31</sup> Jim Mustian, *La. governor criticizes police in deadly arrest of Black man*, ASSOCIATED PRESS (May 25, 2021), <https://apnews.com/article/arrests-death-of-ronald-greene-f0b0db33225685cdd6a43f0bb3aa4f79>.

<sup>32</sup> WAFB Staff, *Bowman describes 2019 encounter with authorities in Monroe, attorneys call for release of bodycam video*, KNOE NEWS (Dec. 14, 2020), <https://www.knoe.com/2020/12/14/soon-attorneys-for-man-who-said-he-was-beaten-in-monroe-by-lsp-trooper-to-hold-news-conference/>.

head and ribs with a police-issued flashlight while other LSP officers watched.<sup>33</sup> Mr. Bowman was hit eighteen times in twenty-four seconds by the LSP officer.<sup>34</sup> As a result of that attack, Mr. Bowman received multiple hematomas, lacerations, and contusions. He also suffered a fractured rib, wrist, and lacerated scalp.<sup>35</sup>

### Harris

Mr. Antonio Harris is another victim of the unconstitutional and violent actions of LSP officers. On May 23, 2020, LSP officers beat Mr. Harris after he complied with orders to lie on the ground.<sup>36</sup> Officers pummeled him, struck him with their knees, swatted him in the face, and punched him in the head while holding a flashlight and pulling him by his hair.<sup>37</sup> One LSP officer involved in the beating, Officer Jacob Brown, was previously arrested in the beating of Mr. Aaron Bowman, while another, LSP Officer Dakota DeMoss, was involved in the killing of Ronald Greene.<sup>38</sup> The officers bragged to each other via text message that Mr. Harris would “be sore tomorrow” and that they “[b]et he don’t (*sic*) even cross into [Louisiana] anymore.”<sup>39</sup> Officer Brown remarked, “it warms my heart knowing we could educate that young man.”<sup>40</sup> Officer Brown’s report, which was approved by two supervisors, failed to disclose that any body-worn camera footage from the incident existed. He also failed to disclose to prosecutors that any such footage existed. Upon further investigation, Officer Brown’s sworn account of the event was found to be “wholly untrue.”<sup>41</sup>



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<sup>33</sup> *Id.*

<sup>34</sup> Ashley Mott, *Louisiana trooper struck man 18 times in 24 seconds, concealed video: LSP warrant*, MONROE NEWS-STAR (Dec. 11, 2020), <https://www.thenewsstar.com/story/news/crime/2020/12/11/lsp-trooper-hit-aaron-bowman-18-times-concealed-video-warrant/3896936001/>.

<sup>35</sup> Wesley Muller, *Trooper who struck Black man 18 times with flashlight resigns louisianaweekly.com*, LOUISIANA WEEKLY (Mar. 22, 2021), <http://www.louisianaweekly.com/trooper-who-struck-black-man-18-times-with-flashlight-resigns/>.

<sup>36</sup> John Simerman, *Louisiana State Police face federal suit over ‘ass whoopin’ of Mississippi man in traffic stop*, THE TIMES-PICAYUNE (Jun 2, 2021), [https://www.nola.com/news/courts/article\\_89b721ac-c336-11eb-82f7-bb5075ff3ac7.html](https://www.nola.com/news/courts/article_89b721ac-c336-11eb-82f7-bb5075ff3ac7.html)

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

LSP's documented history of racism against Black people unsurprisingly leads to a discriminatory use of excessive force against them.<sup>42</sup> In addition to the Greene, Bowman, and Harris cases, numerous other state and federal lawsuits demonstrate a need to investigate LSP's unconstitutional policy, practices and customs.<sup>43</sup>

The ACLU of Louisiana looks forward to assisting the Department in this effort and stands ready to facilitate communication among Department officials and the community.

Sincerely,



A handwritten signature in black ink that reads "Alanah Odoms". The signature is written in a cursive, flowing style.

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American Civil Liberties Union of Louisiana  
Enclosure

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c.c. The Honorable John Bel Edwards, Governor of Louisiana  
The Honorable Alexander C. Van Hook, Acting United States Attorney for the  
Western District of Louisiana  
The Honorable Jeff Landry, Attorney General of Louisiana  
The Honorable John Belton, District Attorney of the Third Judicial District of  
Louisiana

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<sup>42</sup> See, e.g., Kirsten Weir, *Policing in black & white*, American Psychological Association, Dec. 2016, <https://www.apa.org/monitor/2016/12/cover-policing.html> (discussing how implicit and explicit racial biases impact police officers' decisions to utilize excessive force against people of color).

<sup>43</sup> See, e.g., *Betts v. Brennan*, No. CV 19-14680, 2021 WL 230242 (E.D. La. Jan. 22, 2021); *Terrell v. Pichon*, 413 F. Supp. 3d 515 (E.D. La. 2019), *aff'd*, 795 F. App'x 935 (5th Cir. 2020); *Thomas v. Louisiana State Police*, No. CV 18-10200, 2019 WL 2009245, at \*1 (E.D. La. May 7, 2019); *Kokesh v. Curlee*, 422 F. Supp. 3d 1124 (E.D. La. 2019).