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COMMITTEE ON THE JUDICIARY
COMMITTEE ON THE BUDGET



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Washington, DC 20515

August 13, 2014

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Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Holder:

We write to urge the Department of Justice (DOJ) to open a formal investigation into the death of Eric Garner and the alleged constitutional and civil rights violations connected with the broken windows law enforcement strategy undertaken by the New York Police Department (NYPD).

On July 17, 2014, during an attempt to arrest Mr. Garner on suspicion of selling untaxed cigarettes, NYPD Officer Daniel Pantaleo put Eric Garner into a dangerous chokehold. This technique was deployed notwithstanding the fact that chokeholds have been banned by the NYPD since 1994.¹ The entire incident was video-taped, including Mr. Garner's desperate pleas for help. His request for assistance was ignored by Officer Pantaleo and other NYPD officials who were on the scene.

The Office of Chief Medical Examiner of the City of New York recently ruled Mr. Garner's death a homicide due to compression of the chest and neck.² Despite the medical examiner's conclusion that a homicide occurred, Officer Pantaleo remains free and on the police department's payroll. The lack of action is deeply troubling.

Equally problematic, there is no indication that the local district attorney is prepared to aggressively prosecute this case. Absent DOJ intervention, we may be marching toward a miscarriage of justice.

Mr. Garner's death has taken place in the context of a broken windows policing strategy that appears to target communities of color for the enforcement of minor violations and low-level criminal offenses. Conversely, there is reason to believe that similar activity is ignored by the

¹ *Difficult Decisions Ahead in Responding to Police Chokehold Homicide*, New York Times, Aug. 4, 2014, http://www.nytimes.com/2014/08/05/nyregion/after-eric-garner-chokehold-prosecuting-police-is-an-option.html?_r=0

² *Id.*

NYPD in the majority-white neighborhoods of New York City.³ To the extent the NYPD is engaging in a racially selective law enforcement campaign pursuant to its broken windows approach, the constitutional and federal civil rights of black and Latino residents may be in jeopardy.

To date, DOJ has publicly indicated that it is “closely monitoring the city’s investigation into the incident.”⁴ More is required. We strongly urge the Department of Justice to open a formal investigation into the police custody death of Eric Garner and the alleged constitutional and civil rights violations connected with the broken windows law enforcement strategy.

Sincerely,



HAKEEM JEFFRIES
Member of Congress



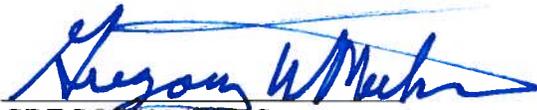
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³ *Daily News Analysis Finds Racial Disparities in Summons for Minor Violations in “Broken Windows Policing,”* The New York Daily News, Aug. 4, 2014, <http://www.nydailynews.com/new-york/summons-broken-windows-racial-disparity-garner-article-1.1890567>

⁴ *Attorney General Eric Holder says Justice Department is ‘monitoring’ chokehold probe as Rev. Al Sharpton meets with feds,* Daily News, July 25, 2014, <http://www.nydailynews.com/new-york/rev-al-sharpton-eric-garner-family-meet-feds-article-1.1880131#Kwm596bm6b6ptsE8.97>