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April 17, 2013

The Honorable Eric Holder  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Holder:

I write to you concerning the recent tragic shooting of my constituent, Kimani Gray, who was killed by the New York Police Department (NYPD) in East Flatbush, Brooklyn. I believe the circumstances and context of his shooting may be a violation of his civil rights, and I respectfully request you to do a comprehensive and objective investigation of his shooting and death. Additionally, as a principal cause of the context in which Kimani Gray's shooting occurred, I am also requesting that you investigate the NYPD's racially-based Stop-and-Frisk program that presumptively criminalizes young African American and Hispanic men.

As you may know, I joined a delegation of nearly a dozen elected officials from the New York State Legislature and New York City Council last June that met with Jonathan Smith, the chief of the Special Litigation Section in the Civil Rights Division. At the time we impressed upon him the need for an investigation into the NYPD's use of Stop-and-Frisk, and our concerns that its derivation from racial profiling and overuse of searches without suspicion of wrongdoing was tantamount to a massive violation of the civil rights of New York City's young men of color. We were informed at that time that the Justice Department (DOJ) was actively examining the issue, but have had no follow-up communication on that examination. Today, I renew my call and urge you once again to commence an investigation into this clearly discriminatory policy.

With regard to the context against which Kimani Gray's shooting occurred, I believe that there is a clear link from the NYPD's application of its Stop-and-Frisk program, to the treatment of vast numbers of young African American and Hispanic men as a "criminal class," to the shooting of Kimani Gray. Here are the broadly agreed upon facts concerning Kimani's shooting, as provided by initial media reports and community comments. The police fired eleven rounds and according to autopsy report Kimani was struck by seven bullets, including three in his back. In addition,

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according to press reports witnesses did not see Kimani raise a gun at the police officers. Kimani's tragic encounter occurred against the background of the 5 million street stops conducted by the NYPD between 2002 and 2012. Nearly 88 percent of those persons stopped – approximately 4.4 million – were of innocent of any wrongdoing. African Americans and Hispanics comprised 87 percent of the people stopped. Even more disconcerting statistics reveal that in 2011, the NYPD stopped more young African American men than the entire city population of young African American men (168,126 as compared to 158,406). We also know that the NYPD used physical force more often on African Americans and Hispanics than during stops of Whites.

The NYPD's abuse of the Stop-and-Frisk policy jeopardizes the safety and constitutional rights of New Yorkers. While the City argues that Stop-and-Frisk has reduced gun violence in New York City, guns were not found in 99.85 percent of stops. Additionally, Stop-and-Frisk has not reduced the number of people who fall victim to shootings. In fact, in 2002 there were 1,892 victims of gunfire and 97,296 stops. By comparison in 2011, there were still 1,821 victims of gunfire but a record 685,724 stops.

The abuse of Stop-and-Frisk has had a terrible psychological impact upon the targets of this practice – young African American and Hispanic men – and upon the NYPD. Being a young African American or Hispanic male in New York City is not a crime, and those young men should not be treated as criminals. They are entitled to the same civil rights and constitutional protections against unreasonable search as the majority of New York City. Ultimately, the continuation of this discriminatory practice also erodes the objective judgment of the police who carry it out.

In conclusion, I respectfully request you to investigate the shooting of Kimani Gray and the New York Police Department's abuse of Stop-and-Frisk.

Thank you for your attention to this crisis we are facing in New York City. If I may be of assistance, please do not hesitate to contact me at 718-629-6401.

Yours in Partnership,

  
KEVIN PARKER