



February 22, 2021

Via Electronic Mail (TPDChief@cityoftulsa.org; Wfranklin@cityoftulsa.org)

Mayor G.T. Bynum
City of Tulsa
175 East 2nd Street, Suite 690
Tulsa, Oklahoma 74103

Chief of Police Wendell Franklin
Tulsa Police Department
600 Civic Center
Tulsa, Oklahoma 74103

Dear Mayor G.T. Bynum and Chief Wendell Franklin:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF),¹ Demanding a JUSTulsa, Terence Crutcher Foundation, and SolomonSimmonsLaw, we urge you, in light of events in Washington D.C. last month, to launch a full investigation into whether any officers or employees of the Tulsa Police Department (TPD) attended, assisted with, or participated in, the attack on the United States Capitol on January 6, 2021, and to ensure that any officers or employees found to have participated are held accountable for their actions.²

Our organizations have been working collectively to improve policing practices in Tulsa for a number of years. In May 2018, following the release of the inaugural Tulsa Equality Indicators Annual Report, LDF and 50 Tulsa leaders called on Mayor G.T. Bynum and City Councilors to hold public hearings to address racial disparities in policing immediately.³ In March 2019, after ten months of inaction by public officials, LDF and our community partners, including the Terence Crutcher Foundation and Demanding a JUSTulsa, held a community hearing to enable the public to share their thoughts and concerns regarding racial disparities in policing in Tulsa.⁴ Our current demands are a continuation of our work in holding TPD accountable to treating Black and other Tulsans of color equitably: LDF remained actively engaged with our partners through Tulsa City Council's own public hearings on racial disparities,⁵ the hiring of the new police chief, and the continued efforts to ensure public safety for all in Tulsa.

Across the nation, law enforcement agencies have identified a number of officers⁶ who participated in the violent raid of the U.S. Capitol, that resulted in the deaths of five individuals, including one law enforcement officer.⁷ During the raid, some insurrectionists engaged in racially-motivated acts of violence, threats, and wanton destruction, including a Texas man who was charged with threatening to assassinate U.S. Democratic Representative Alexandria Ocasio-Cortez.⁸ People who have yet to be identified affixed a noose—symbolic of the virulent racial

violence committed by white supremacists against Black Americans—to a wooden beam in front of the Capitol,⁹ and another noose around a mannequin labeled “traitor.”¹⁰ Individuals hurled racial slurs at Black officers,¹¹ destroyed and overtook barricades, dragged an officer down a set of steps only to beat him with an American flag,¹² and caused the death of another officer.¹³

The violence continued inside the Capitol, with staff and members forced to evacuate or hide from the violent mob. This mob—comprised of individuals who were armed with weapons¹⁴ or plastic restraints¹⁵—carried a Confederate flag¹⁶ and assorted white supremacist iconography¹⁷ through the halls of the Capitol and sought to halt the certification of the 2020 presidential election. In addition to terrorizing employees within the Capitol, these insurrectionists committed violent acts of destruction and theft inside:¹⁸ damaging wood, placards, and doorframes, breaking glass, ransacking offices, and stealing a number of items.¹⁹ Pipe bombs were discovered in the vicinity of both the Republican National Committee and Democratic National Committee headquarters.²⁰

The individuals who participated in the January 6, 2021 storming of the U.S. Capitol did not engage in protest. Rather, they spearheaded an orchestrated attack on this nation’s democratic process and showed an alarming capacity for violence and lawlessness, demanding that their candidate remain in office, despite his electoral loss. For too long, the threat of law enforcement officers who support white nationalist groups has been ignored.²¹ The involvement of law enforcement officers—who take an oath to “defend, enforce, and obey, the Constitution and Laws of the United States”²²—in the violence of the January 6 attack on the U.S. Capitol cannot be ignored or dismissed. Some police chiefs have rightly recognized the problem this presents and have begun to address this issue.²³ TPD is not immune from this issue, demonstrated by its need to terminate Officer Wayne Brown in September 2019 for anti-government and Islamophobic social media posts he made before his hiring. TPD must comprehensively address this issue.²⁴

To address this outgrowth of racial violence and attempt at insurrection, TPD must do the following:

- Conduct an investigation to determine whether any sworn officer was present during the raid on the Capitol and participated in unlawful or unethical acts. Though individuals’ First Amendment rights must be respected, any individual who participated in the destruction and attacks that took place on January 6 should be investigated to determine whether they violated any laws, departmental policies, or codes of conduct and be disciplined as appropriate.
- Evaluate whether any presently employed officers have displayed support for white supremacist ideology, used racist symbols, or otherwise expressed or supported explicitly racist ideas. If found, TPD must evaluate those officers’ complete history of law enforcement activity (e.g. stops, searches, arrests, uses of force) while with TPD, develop remedies for prior discriminatory or otherwise unlawful conduct, and discipline supervisors who failed to exercise proper oversight over such officers.
- At the conclusion of this investigation, produce a report and statement detailing both the determination that was reached and the investigative steps taken to arrive at this determination.

- Make these documents digitally accessible to the public in accordance with departmental policies and law.
- Likewise, ensure the department has robust background check procedures and policies to prevent individuals with ties to white supremacist groups to become TPD officers and employees.

In addition, it is critical for these steps to be documented in a manner that alerts communities that TPD is diligently investigating the ability of its officers to serve communities of color without racial bias and animus.

The severity and breadth of the violence and threats involved in the January 6 attack summarized in this letter highlights the urgent need for an investigation to be initiated by your office. As numerous officers across the nation have been identified as involved parties, it is incumbent upon your office to promptly conduct a thorough and impartial investigation to determine if any of your officers participated in this incident. Additionally, TPD should make clear that it does not support or condone any unlawful or unethical conduct by officers who participated in the January 6 attack on the U.S. Capitol. If any officer is found to have violated departmental policy or law, TPD should ensure that these officers are held accountable for their actions. This is not only an issue of police accountability, but a matter of our nation's security and safety.

We urge you to act swiftly and in accordance with the requests made in this letter. If you have any questions, please do not hesitate to contact Puneet Cheema, LDF, at 202-682-1300.

Sincerely,

Puneet Cheema
Manager, Justice in Public Safety Project
NAACP Legal Defense and
Educational Fund, Inc.

Dr. Tiffany Crutcher
Founder & Executive Director
Terence Crutcher Foundation

Damario Solomon-Simmons
SolomonSimmonsLaw

Demanding a JUSTulsa

cc: Vanessa Hall-Harper, City of Tulsa Council Chair

¹ LDF is the nation's first and premier civil rights legal organization devoted to racial justice. Founded in 1940 by Thurgood Marshall, LDF's mission is to achieve racial justice, equality, and an inclusive society and to fulfill the promise of full and equal citizenship for Black people and other people of color guaranteed by the 14th Amendment

to the United States Constitution. Since its inception, LDF has worked to address unconstitutional policing practices and to promote accountability for misconduct.

² Law enforcement agencies across the country have already begun this type of investigative process. See, Janelle Griffith and Phil McCausland, *Law enforcement and the military probing whether members took part in Capitol riot*, NBC News, Jan. 12, 2021, <https://www.nbcnews.com/news/us-news/law-enforcement-military-probing-whether-members-took-part-capitol-riot-n1253801>.

³ Letter from Sherrilyn Ifill, President and Director Counsel, NAACP Legal Defense and Educational Fund, Inc., *et. al.* to George Theron Bynum IV, Mayor, City of Tulsa and Tulsa City Councilors (May 31, 2018), <https://www.naacpldf.org/wp-content/uploads/Coalition-Letter-to-Mayor-Bynum-and-Council-Chair-Patrick-FINAL-5.31.2018-2.pdf>; Kevin Canfield, *NAACP Legal Defense Fund along with community leaders demand changes to Tulsa's policing practices*, TULSA WORLD (May 31, 2018), https://tulsaworld.com/news/local/naACP-legal-defense-fund-along-with-community-leaders-demand-changes-to-tulsas-policing-practices/article_9c76d005-68a6-54a1-80a9-013539509882.html.

⁴ Stetson Payne, *Community leaders, activists push for city hearing, accountability on discriminatory policing*, TULSA WORLD (Mar. 7, 2019), https://tulsaworld.com/news/local/community-leaders-activists-push-for-city-hearing-accountability-on-discriminatory/article_962d3f53-8b91-5998-a991-d2cc0305f6f6.html.

⁵ Letter from Monique Dixon, Director of State Advocacy/Deputy Director of Policy, NAACP Legal Defense and Educational Fund, Inc. to Tulsa City Councilors (June 20, 2019), available at <https://www.naacpldf.org/wp-content/uploads/NAACP-LDF-Written-Comments-on-Tulsa-Equality-Indicators-Public-Hearings.pdf>.

⁶ See NPR Staff, *The Capitol Siege: The Arrested And Their Stories*, NPR (Feb. 12, 2021), <https://www.npr.org/2021/02/09/965472049/the-capitol-siege-the-arrested-and-their-stories> (“14% of those charged [for their actions at the January 6 insurrection] had possible ties to the military or to law enforcement.”).

⁷ See Jack Date, Mark Osborne, and Emily Shapiro, *Federal murder probe opened for Capitol Police officer Brian Sicknick who died following riots*, ABC NEWS (Jan. 8, 2021), <https://abcnews.go.com/Politics/capitol-police-officer-dies-injuries-suffered-riots/story?id=75124131>.

⁸ Marshall Cohen, *Capitol rioter charged with threatening to 'assassinate' Rep. Ocasio-Cortez*, CNN (Jan. 23, 2021), <https://edition.cnn.com/2021/01/23/politics/garret-miller-capitol-riot-threaten-alexandria-ocasio-cortez/index.html>.

⁹ See Elaine Godfrey, *It Was Supposed to Be So Much Worse*, THE ATLANTIC (Jan. 9, 2021), <https://www.theatlantic.com/politics/archive/2021/01/trump-rioters-wanted-more-violence-worse/617614/>.

¹⁰ See Rhea Mahbubani, *Nooses spotted as pro-Trump rioters spark chaos and lawlessness on Capitol Hill*, BUSINESS INSIDER (Jan. 7, 2021), <https://www.businessinsider.in/politics/world/news/nooses-spotted-as-pro-trump-rioters-spark-chaos-and-lawlessness-on-capitol-hill/articleshow/80143978.cms>.

¹¹ See Sean Neumann, *Black Officers Say They Endured Racial Slurs During Violent Riots at U.S. Capitol*, PEOPLE (Jan. 11, 2021), <https://people.com/politics/black-officers-endured-racist-remarks-during-Capitol-riots/>.

¹² See Katie Shepherd, *Video shows Capitol mob dragging a police officer down stairs. One rioter beat the officer with a pole flying the U.S. flag*, WASH. POST (Jan. 11, 2021), <https://www.washingtonpost.com/nation/2021/01/11/police-beating-capitol-mob/>.

¹³ See Zolan Kanno-Youngs and Tracey Tully, *He Dreamed of Being a Police Officer, Then Was Killed by a Pro-Trump Mob*, N.Y. TIMES (Jan. 8, 2021), <https://www.nytimes.com/2021/01/08/us/politics/police-officer-killed-capitol.html>.

¹⁴ See Associated Press, *Capitol riot more sinister than it looked as gallows, pipes and guns turn up*, TAMPA BAY TIMES (Jan. 11, 2021) <https://www.tampabay.com/news/florida-politics/2021/01/11/capitol-riot-more-sinister-that-it-looked-as-gallows-pipes-and-guns-turn-up/>.

¹⁵ See Adam Goldman and Katie Benner, *FBI Arrests Man Who Carried Zip Ties Into Capitol*, N.Y. TIMES (Jan. 10, 2021), <https://www.nytimes.com/2021/01/10/us/politics/capitol-zip-ties-arrest.html>.

¹⁶ See Maria Cramer, *Confederate Flag an Unnerving Sight in Capitol*, N.Y. TIMES (Jan. 9, 2021) <https://www.nytimes.com/2021/01/09/us/politics/confederate-flag-Capitol.html>.

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- ¹⁷ See Mallory Simon and Sara Sidner, *Decoding the extremist symbols and groups at the Capitol Hill insurrection*, CNN (Jan. 11, 2021), <https://www.cnn.com/2021/01/09/us/capitol-hill-insurrection-extremist-flags-soh/index.html>.
- ¹⁸ See Wilson Wong, *Shattered glass, ransacked offices: Images of damage at U.S. Capitol left by pro-Trump mob*, NBC NEWS (Jan. 7, 2021), <https://www.nbcnews.com/news/us-news/shattered-glass-ransacked-offices-images-damage-u-s-capitol-left-n1253302>
- ¹⁹ See Jack Brewster and Andrew Solender, *Clyburn's Ipad, Laptop From Pelosi's Office: Items Stolen, Destroyed In Capitol Attack*, FORBES (Jan. 7, 2021), <https://www.forbes.com/sites/jackbrewster/2021/01/08/clyburns-ipad-laptop-from-pelosis-office-items-stolen-destroyed-in-capitol-attack/?sh=505970f59632>.
- ²⁰ See Michael Balsamo, *Discovery of pipe bombs in DC obscured by riot at Capitol*, ASSOCIATED PRESS NEWS (Jan. 11, 2021), <https://apnews.com/article/donald-trump-joe-biden-inaugurations-capitol-siege-8828a6a920198d0ea1ee0c73a49d8847>.
- ²¹ See FBI Counterterrorism Division, *White Supremacist Infiltration of Law Enforcement* (Oct. 17, 2006), https://oversight.house.gov/sites/democrats.oversight.house.gov/files/White_Supremacist_Infiltration_of_Law_Enforcement.pdf.
- ²² See Tulsa Police Department, *Value Oath*, <https://www.jointpd.com/our-mission>.
- ²³ See Neil MacFarquhar, *Police Forces Have Long Tried to Weed Out Extremists in the Ranks. Then Came the Capitol Riot*, N.Y Times (Feb. 16, 2021), <https://www.nytimes.com/2021/02/16/us/police-extremists-capitol-riot.html?action=click&module=Top%20Stories&pgtype=Homepage>.
- ²⁴ Stetson Payne, *Recent Tulsa Police Academy Graduate Fired After Anti-government, Islamophobic Posts Discovered on Personal Facebook Page*, Tulsa World (Sept. 6, 2019), https://tulsaworld.com/news/recent-tulsa-police-academy-graduate-fired-after-anti-government-islamophobic/article_ac778ffc-a487-55a0-882f-85ee50b8dec2.html.