



February 22, 2021

Via Electronic Mail

Chief Jason Armstrong
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Honorable Ella M. Jones
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Dear Chief Armstrong and Mayor Jones:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we urge you, in light of events in Washington D.C. last month, to launch a full and thorough investigation into whether any officers or employees of the Ferguson Police Department (FPD) 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.

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. Additionally, for the past six years, LDF has supported the police accountability and public safety efforts of community members, activists, and civil rights attorneys in Ferguson and St. Louis, including during the implementation of the consent decree between the City of Ferguson and the U.S. Department of Justice.¹

Across the nation, law enforcement agencies have identified a number of officers² who participated in the violent raid of the U.S. Capitol, that resulted in the deaths of five individuals, including one law enforcement officer.³ During the raid, some insurrectionists engaged in racially-

¹ For more detail on LDF's work in Ferguson, see *Policing Reform Campaign: Ferguson/St. Louis County, Missouri*, <https://tminstituteldf.org/ldf-action/fergusonst-louis-county-missouri/>.

² 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.").

³ 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>.

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.⁴ 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,⁵ and another noose around a mannequin labeled “traitor.”⁶ Individuals hurled racial slurs at Black officers,⁷ destroyed and overtook barricades, dragged an officer down a set of steps only to beat him with an American flag,⁸ and caused the death of another.⁹

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 weapons¹⁰ or plastic restraints¹¹—carried a Confederate flag¹² and assorted white supremacist iconography¹³ 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:¹⁴ damaging wood, placards, and doorframes, breaking glass, ransacking offices, and stealing a number of items.¹⁵ Pipe bombs were discovered in the vicinity of both the Republican National Committee and Democratic National Committee headquarters.¹⁶

⁴ 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>.

⁵ 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/>.

⁶ 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>.

⁷ 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/>.

⁸ 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*, Washington Post (Jan. 11, 2021), <https://www.washingtonpost.com/nation/2021/01/11/police-beating-capitol-mob/>.

⁹ See Zolan Kanno-Youngs and Tracey Tully, *He Dreamed of Being a Police Officer, Then Was Killed by a Pro-Trump Mob*, The New York Times (Jan. 8, 2021), <https://www.nytimes.com/2021/01/08/us/politics/police-officer-killed-capitol.html>.

¹⁰ 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/>.

¹¹ See Adam Goldman and Katie Benner, *The F.B.I. Arrests Man Who Carried Zip Ties Into Capitol*, New York Times (Jan. 10, 2021), <https://www.nytimes.com/2021/01/10/us/politics/capitol-zip-ties-arrest.html>.

¹² See Maria Cramer, *Confederate Flag an Unnerving Sight in Capitol*, The New York Times (Jan. 9, 2021) <https://www.nytimes.com/2021/01/09/us/politics/confederate-flag-Capitol.html>.

¹³ 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>.

¹⁴ 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>.

¹⁵ See Jack Brewster and Andrew Solender, *Clyburn's Ipad, Laptop From Pelosi's Office: Items Stolen, Destroyed In Capitol Attack* (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>.

¹⁶ 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>.

The individuals who participated in the January 6, 2020 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, who has himself dehumanized minorities and stoked racial violence throughout his candidacy and presidency,¹⁷ remain in office, despite his electoral loss. For too long, the threat of law enforcement officers who support white nationalist groups has been ignored.¹⁸ The involvement of law enforcement officers in the violence of the January 6th 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.¹⁹ FPD must do the same.

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

- FPD should investigate to determine whether any officer it employs 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.
- FPD must also 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, FPD must evaluate those officers' complete history of law enforcement activity (e.g. stops, searches, arrests, uses of force) while with FPD and develop remedies for prior discriminatory or otherwise unlawful conduct, and discipline supervisors who failed to exercise oversight over such officers.
- At the conclusion of this investigation, a report and statement should be produced detailing both the determination that was reached and the investigative steps that were taken to arrive at this determination.
- These documents should be made digitally accessible to the public in accordance with departmental policies and law.
- Likewise, FPD must ensure that it has a robust background check procedure and policy to prevent individuals with ties to white supremacist groups to become FPD officers and employees.

¹⁷ See Glenn Kessler, *The 'very fine people' at Charlottesville: Who were they?*, Washington Post (May 8, 2020), <https://www.washingtonpost.com/politics/2020/05/08/very-fine-people-charlottesville-who-were-they-2/>; Lydia O'Connor and Daniel Marans, *Trump Condemned Racism As 'Evil.' Here Are 20 Times He Embraced It*, Huffington Post (Aug. 14, 2017), https://www.huffpost.com/entry/trump-racism-examples_n_5991dcabe4b09071f69b9261; Yamiche Alcindor, *Trump insists on using racist language. Will that approach win him support?*, PBS (July 2, 2020), <https://www.pbs.org/newshour/show/trump-insists-on-using-racist-language-will-that-approach-win-him-support>.

¹⁸ 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.

¹⁹ 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>.

In addition, it is critical for these steps to be taken in a manner that alerts communities that FPD 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 6th 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 thoroughly and promptly conduct an impartial investigation to determine if any of your officers participated in this incident. Additionally, FPD 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, FPD 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 hope that you will act accordingly. If you have any questions, please do not hesitate to contact Katurah Topps at 212-965-2200 or Emily Davis at 314-522-1998.

Sincerely,

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