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December 6, 2018

Via Overnight Mail and Fax

The Honorable Jay E. Town
United States Attorney for the Northern District of Alabama
1801 4th Avenue North
Birmingham, AL 35203

**RE: Request for federal investigation of the officer-involved killing of
Emantic Bradford, Jr.**

Dear U.S. Attorney Town:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), I write to you with urgency to request an independent investigation of the fatal shooting of Emantic “E.J.” Fitzgerald Bradford, Jr. on Thanksgiving night, November 22, 2018, by a Hoover Police Department (HPD) officer. The HPD’s initial investigation of that critical incident was riddled with errors, and the release of Mr. Bradford’s autopsy findings on December 3 raises additional questions about the conduct of Hoover police officers that demand answers. Accordingly, we request that you conduct a separate criminal investigation into this matter and consider any credible evidence of Hoover officers’ willful deprivation of civil rights, in violation of 18 U.S.C. § 242, to determine whether further federal action is necessary.

LDF is the nation’s oldest civil rights legal organization. Since our founding in 1940 by Thurgood Marshall, we have advanced equitable opportunities for Black people and other communities of color in the areas of voting, education, economic justice, and criminal justice. LDF has worked with local attorneys and community leaders in Alabama for decades to advocate for civil rights, and earlier this year filed a U.S. Supreme Court petition on behalf of the mother of a Lee County, Alabama man

who died as a result of police officers' excessive use of a Taser.¹ We have also been at the forefront of police reform efforts around the country, a role that has equipped us to understand when federal investigations and interventions are needed.²

On Thanksgiving evening—November 22, 2018—E.J. Bradford, a 21-year-old Black man from Hueytown, Alabama went to the Riverchase Galleria, the local mall in Hoover, Alabama. At approximately 10 p.m., Hoover police officers responded to an incident at the mall that led to the nonfatal shooting of two youth—18-year-old Brian Wilson and 12-year-old Molly Davis, who was standing nearby.³ When an unidentified officer saw Mr. Bradford in the crowd, the officer shot him three times from behind—once in the head, once in the neck, and once in the lower back.⁴

The HPD initially issued a statement claiming that Mr. Bradford was the gunman who fired the shots and wounded two people, lauding the officer who killed

¹ Petition for Writ of Certiorari, *Callwood v. Jones*, 2018 WL 2318254 (U.S.) (May 18, 2018) (No. 17-1569), <https://www.naacpldf.org/files/our-work/Callwood%20Cert%20Petition%20FINAL.pdf>.

² See Written Comments of the NAACP Legal Defense and Educational Fund, Inc. on the Proposed Consent Decree in *United States of America v. Police Dep't of Baltimore City and the Police Department of Baltimore City, et al.*, No. 17-00099 (JKB) (D. Md. Mar. 14, 2017), https://www.naacpldf.org/files/about-us/NAACP%20LDF%20written%20comments%20on%20Baltimore%20Consent%20Decree%20-%20FINAL_0.pdf; Letter from Sherrilyn A. Ifill, Monique L. Dixon, & Katurah Topps to the Hon. Robert Dow Jr. submitting written comments on the proposed consent decree in the matter of *State of Illinois v. City of Chicago*, No. 17-6260 (N.D. Ill.), <https://www.naacpldf.org/wp-content/uploads/Chicago-Consent-Decree-Comments-1.pdf>.

³ Didi Martinez and Alex Johnson, *1 Dead, 2 Hurt in Alabama Mall Shooting*, NBCNews, (Nov. 23, 2018), <https://www.nbcnews.com/news/crime-courts/authorities-kill-gunman-alabama-mall-police-say-n939396>; Molly Olmstead, *Autopsy on Black Alabama Man Killed at Mall on Thanksgiving Finds Police Shot Him from Behind*, Slate (Dec. 3, 2018), <https://slate.com/news-and-politics/2018/12/alabama-mall-shooting-ej-bradford-autopsy-police.html>.

⁴ Colin Dwyer, *Alabama Police Shot EJ Bradford From Behind, Family Says: 'My Son Was Murdered'*, NPR (Dec. 4, 2018), <https://www.npr.org/2018/12/04/673155825/alabama-police-shot-ej-bradford-from-behind-family-says-my-son-was-murdered>.

him as “heroic.”⁵ The HPD issued this statement, however, before conducting a competent investigation. Indeed, one of the indications that Mr. Bradford was not the shooter was a photograph of a pistol on the floor of the Santa’s Village display posted by a reporter, something Hoover police apparently failed to observe in reviewing the crime scene.⁶ After the Jefferson County Sheriff’s Office conducted an investigation and interviewed witnesses, Hoover police officials retracted their initial statement, explaining that it was “not totally accurate.”⁷ They added, however, that Mr. Bradford may have been involved “in some aspect of the altercation.”⁸ It remains unclear what, if any, evidence this statement was based on.

Evidence has since revealed that, not only did Mr. Bradford pose no threat when he was shot three times from behind, he was trying to assist others and usher them away from the area where the shooting had occurred.⁹ Mr. Bradford was reportedly given no verbal warnings or commands before he was shot in the back of the head, neck, and back. Witnesses reportedly also refute the HPD’s claim that Mr. Bradford had his gun in his hand, stating instead that Mr. Bradford’s gun—which he

⁵ *Alabama Police Suggest Black Man Killed by Officer Shouldn’t Have Held His Gun*, Assoc. Press (Nov. 26, 2018), <https://www.nbcnews.com/news/us-news/alabama-police-suggest-black-man-killed-officer-shouldn-t-have-n940036>.

⁶ See Avi Selk, *‘They Shot the Wrong Man!’: Police Said They Killed a Mall Shooter – Then Said They Made a Mistake*, Wash. Post (Nov. 25, 2018), https://www.washingtonpost.com/nation/2018/11/24/police-said-they-killed-mall-shooter-now-they-say-they-might-have-shot-wrong-man/?utm_term=.df7d82bd6ffd.

⁷ Amanda Covarrubias, *Gunman in Black Friday Shooting Remains At Large, Alabama Police Say*, NBCNews (Nov. 24, 2018), <https://www.nbcnews.com/news/us-news/gunman-black-friday-shooting-remains-large-alabama-police-say-n939601>.

⁸ *Id.*

⁹ See Daniel Victor, *Black Man Killed by Police in Alabama Was Shot from Behind, Autopsy Shows*, N.Y. Times (Dec. 4, 2018), <https://www.nytimes.com/2018/12/04/us/alabama-mall-shooting-autopsy.html>.

was licensed to carry—was tucked in his waistband.¹⁰ Moreover, according to Mr. Bradford’s attorney, police prevented a nurse who was nearby to attend to Mr. Bradford as he lay dying on the mall floor.¹¹

As the above narrative demonstrates, this matter has been grossly mishandled by local law enforcement from the start, beginning with a police officer shooting a young Black man three times from behind, including in the back of the head, as he tried to flee a dangerous situation and help others in doing the same. By baselessly and wrongly blaming Mr. Bradford for the shootings before conducting a competent investigation, the HPD has caused tremendous pain to Mr. Bradford’s family and to the local community, resulting in days of protests and a deepening mistrust that will only make an investigation into this matter by local authorities more difficult.

The incidents summarized in this letter provide ample support for an investigation to be initiated by your office into why Mr. Bradford was singled out by police officers, why he was shot as he ran away and killed without warning, and why he was falsely identified as the shooter. Moreover, an investigation is necessary to clarify the circumstances that led to Mr. Bradford’s death, including the altercation that resulted in the shooting of two other young victims. While charges have been brought against a person suspected of shooting Brian Wilson, little, if any, information is available regarding the circumstances under which 12-year-old Molly Davis was shot. Answers to other critical questions, including whether Mr. Bradford was administered aid and why a nurse was prevented from tending to Mr. Bradford, will surely be informed by the body-worn and surveillance camera footage, which, despite repeated requests from family members, the community, and advocates, police officials have refused to release to the public or to Mr. Bradford’s family.

Therefore, we urge you to conduct a criminal investigation pursuant to your authority under 18 U.S.C. § 242 to determine whether law enforcement officers willfully deprived Mr. Bradford of his civil rights under federal law. In the course of

¹⁰ Roy Johnson, *Police ‘Saw Young Black Man with a Gun’ and Shot Him, Father Says After Galleria Police Killing*, AL.com (Nov. 29, 2018), <https://www.al.com/news/2018/11/police-shot-my-son-in-the-head-and-let-him-bleed-out-says-father-of-galleria-police-killing.html>.

¹¹ *Id.*



your investigation, if you uncover evidence that HPD officers have engaged in a pattern or practice of violating individuals' civil rights, then we ask that you refer the information to the Civil Rights Division of the U.S. Department of Justice to investigate potential systemic misconduct by law enforcement under 32 U.S.C § 12601. A federal investigation is urgently needed to serve as an independent probe into what happened, to hold accountable those responsible, and to bring some measure of closure to all those affected by the tragic death of E.J. Bradford.

Thank you for considering this request. Please do not hesitate to contact me at (212) 965-2200.

Sincerely yours,

A handwritten signature in cursive script that reads 'Sherrilyn A. Ifill'.

Sherrilyn A. Ifill
President and Director Counsel