

STEVE COHEN
9TH DISTRICT, TENNESSEE

2404 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

TELEPHONE: (202) 225-3265
FAX: (202) 225-5663

CLIFFORD DAVIS/ODELL HORTON
FEDERAL BUILDING
167 NORTH MAIN STREET
SUITE 369
MEMPHIS, TN 38103

TELEPHONE: (901) 544-4131
FAX: (901) 544-4329

www.cohen.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515-4209

July 22, 2015

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEES:
CONSTITUTION AND CIVIL JUSTICE - RANKING MEMBER
COURTS, INTELLECTUAL PROPERTY AND THE INTERNET

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES:
AVIATION
HIGHWAYS AND TRANSIT
WATER RESOURCES AND ENVIRONMENT

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
(U.S. HELSINKI COMMISSION)

The Honorable Loretta E. Lynch
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Lynch:

I write to ask that the Department of Justice open an investigation into the recent shooting death of Darrius Stewart, a 19 year old African American man, by a white Memphis police officer, to determine whether any federal civil rights laws were violated. While I recognize this incident is still under investigation in Tennessee and that no firm conclusions can be drawn, initial reports are deeply concerning.

According to Memphis police, the officer pulled over a vehicle for a headlight problem.¹ Mr. Stewart was a passenger in the car.²

The officer placed Mr. Stewart in the back of a squad car -- without handcuffs -- while he tried to verify whether Mr. Stewart was subject to active warrants.³

According to the *Commercial Appeal*, "Shortly after verifying the warrants, police said, the officer reported by radio that the suspect had been shot and requested an ambulance. According to police, the officer opened the door to handcuff Stewart. Police said Stewart then kicked the door and attacked the officer, using the handcuffs to strike him. Police said the officer then pulled his weapon and fired."⁴

It has also been reported that the officer was previously investigated for use of excessive-force, but the charge was not sustained.⁵

¹ 7/20/15 *Commercial Appeal* <http://www.commercialappeal.com/news/local-news/crime/tbi-to-investigate-memphis-police-shooting-of-darrius-stewart>

² 7/20/15 WREG-TV <http://wreg.com/2015/07/20/memphis-police-department-holds-news-conference-regarding-officer-involved-shooting/>

³ 7/20/15 *Commercial Appeal* <http://www.commercialappeal.com/news/local-news/crime/tbi-to-investigate-memphis-police-shooting-of-darrius-stewart>

⁴ Id.

⁵ 7/21/15 *Commercial Appeal* <http://www.commercialappeal.com/news/local-news/memphis-police-id-officer-involved-in-fatal-shooting-of-darrius-stewart>

This all raises many serious questions.

The local prosecutor, Shelby County District Attorney General Amy Weirich, has rightly called for an, "open and transparent," investigation.⁶ However the matter has been referred to the Tennessee Bureau of Investigation, whose records are sealed under state law.⁷

Without federal intervention, I fear we might never receive answers about whether the police acted properly and whether civil rights were violated.

I respectfully request the Department of Justice to investigate both the facts of this incident as well as any possible pattern or practice of police misconduct. Only the federal government has the resources, expertise, and independence to give this matter the full, fair, and public review that Memphians deserve. As you know, a pattern or practice of misconduct would be a clear violation of federal law, including 42 U.S.C. § 14141. Such conduct could include excessive force by police.

I also request that the Department consider deploying its Community Relations Service to Memphis to address rising community concerns resulting from this incident.

As a former Police Legal Advisor, I understand the difficult and dangerous job that law enforcement officials do on a daily basis, I know that it is imperative that the citizenry have faith and confidence in law enforcement. That can only be achieved when the facts are properly investigated and reported to the public.

Thank you for your consideration of this matter.

As always, I remain,

Most sincerely,



Steve Cohen
Member of Congress

⁶ 7/20/15 *Commercial Appeal* <http://www.commercialappeal.com/news/local-news/crime/tbi-to-investigate-memphis-police-shooting-of-darrius-stewart>

⁷ Tennessee Code 10-7-504 (a)(2)(A) "All investigative records of the Tennessee bureau of investigation . . . shall be treated as confidential and shall not be open to inspection by members of the public."