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

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

November 3, 2015

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

Dear Attorney General Lynch:

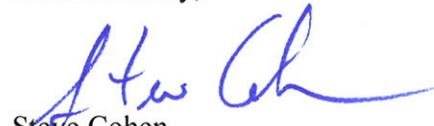
In July, I wrote to you to request that the Department of Justice (DOJ) open an investigation into the recent shooting death of Darrius Stewart, a 19 year old African American man, by a Memphis police officer, to determine whether any federal civil rights laws were violated. I understand that DOJ has since been monitoring the state investigation, awaiting its completion to determine what federal investigation or other federal steps may be necessary, including the possible prosecution of violations of federal criminal civil rights statutes. Enclosed are copies of our previous correspondence.

This afternoon, it was announced that a Shelby County grand jury declined to indict the police officer after District Attorney General Amy Weirich asked for indictments on voluntary manslaughter and a related felony weapons charge.<sup>1</sup>

I respectfully urge DOJ to open an investigation immediately. We need to know whether any federal civil rights laws have been violated, and only the federal government has the resources, expertise and independence to give this matter the full, fair and public review it deserves.

As always, I remain,

Most sincerely,



Steve Cohen  
Member of Congress

<sup>1</sup> 11/3/15 *Commercial Appeal* <http://www.commercialappeal.com/news/naacp-ministers-to-hold-press-conference-about-darrius-stewart-case-23a5fe6d-7257-2df1-e053-0100007f-339933631.html>; 11/3/15 WHBQ-TV <http://www.myfoxmemphis.com/story/30424699/mpd-officer-will-not-be-charged-in-death-of-darrius-stewart>

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(U.S. HELSINKI COMMISSION)

July 22, 2015

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.<sup>1</sup> Mr. Stewart was a passenger in the car.<sup>2</sup>

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.<sup>3</sup>

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."<sup>4</sup>

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

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

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

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

<sup>4</sup> Id.

<sup>5</sup> 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.<sup>6</sup> However the matter has been referred to the Tennessee Bureau of Investigation, whose records are sealed under state law.<sup>7</sup>

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

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

<sup>7</sup> 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."



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

*Washington, D.C. 20530*

October 16, 2015

The Honorable Steve Cohen  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Cohen:

This responds to your letter to the Attorney General, dated July 22, 2015, regarding your request that the Department of Justice (the Department) conduct an investigation into the circumstances surrounding the shooting death of Darrius Stewart by a Memphis police officer. You further request that the Department investigate the practices of the Memphis Police Department and suggest that we deploy our Community Relations Service to Memphis to address tensions stemming from the shooting incident. We apologize for our delay in responding to your letter.

As noted in your letter, the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, authorizes the Department to investigate whether law enforcement officers have engaged in conduct that constitutes a pattern or practice of violating the Constitution or other federal law. The Department may also seek relief for a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or federal laws.

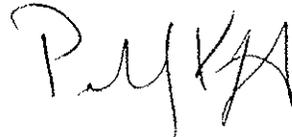
In addition, under the Civil Rights Act of 1964, 42 U.S.C. § 2000g-1, and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, P.L. 111-84, § 4707, the Department's Community Relations Service is authorized to assist state and local governments, private and public organizations, law enforcement, and community groups with preventing and resolving tensions within communities and facilitating open discussion that can lead to collaborative solutions to conflicts arising from differences of race, color, national origin, gender, gender identity, sexual orientation, religion, or disability.

Federal authorities are aware of Mr. Stewart's death and are monitoring the state investigation. Once that investigation is completed, we will determine what, if any, additional investigation or steps are necessary. If this matter involves a prosecutable violation of federal criminal civil rights statutes, we will take appropriate action.

The Honorable Stephen I. Cohen  
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We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "PJKA", written in a cursive style.

Peter J. Kadzik  
Assistant Attorney General