

HAKEEM S. JEFFRIES

8TH DISTRICT, NEW YORK

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COMMITTEE ON EDUCATION AND
THE WORKFORCE

WHIP, CONGRESSIONAL BLACK CAUCUS



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January 10, 2017

Attorney General Loretta Lynch
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Lynch:

On August 13, 2014, several members of Congress wrote the Department of Justice (DOJ) requesting a formal investigation into the death of Eric Garner, an unarmed man killed by police in connection with the selling of individual cigarettes. In December, the DOJ commenced an investigation into whether officers violated Mr. Garner's civil rights in his fatal encounter with the police. More than two years later there is still no decision on whether to indict those responsible for the victim's death.

On July 17, 2014, Mr. Garner, a father of six, was killed as a result of an unauthorized chokehold deployed by Police Officer Daniel Pantaleo. Mr. Garner's desperate pleas that he could not breathe were ignored by Pantaleo and his fellow officers. The chokehold technique has been banned by the New York Police Department (NYPD) since 1994.¹ After Mr. Garner lost consciousness, officers failed to resuscitate him, leaving him to die without assistance on the sidewalk.² The entire incident was filmed by a bystander, shocking the conscience of Americans across the country. The Office of Chief Medical Examiner of the City of New York ruled Mr. Garner's death a homicide due to compression of the chest and neck.³ Despite the compelling evidence of criminal conduct, a Staten Island grand jury failed to indict Pantaleo on a single charge.⁴

¹ *Difficult Decisions Ahead in Responding to Police Chokehold Homicide*, New York Times, Aug. 4, 2014, http://www.nytimes.com/2014/08/05/nyregion/after-eric-garner-chokehold-prosecuting-police-is-an-option.html?_r=0

² *New York Man Dies After Chokehold by Police*, CNN, Dec. 8, 2014, <http://www.cnn.com/2014/07/20/justice/ny-chokehold-death/>

³ *Eric Garner's Death Ruled a Homicide: NYC Medical Examiner*, New York Daily News, Aug. 2, 2014, <http://www.nydailynews.com/new-york/nyc-crime/eric-garner-death-ruled-homicide-medical-examiner-article-1.1888808>

⁴ *An Interpretation of the Grand Jury's Decision on Eric Garner's Death*, Boston Globe, Dec. 4, 2014, <https://www.bostonglobe.com/metro/2014/12/04/understanding-eric-garner-death-and-grand-jury-decision/s9uQPMvcKPD2mAmFy2ln9J/story.html>

While the DOJ began its own inquiry following the state grand jury's abdication of responsibility, over the past two years it has not been completed. When a police officer crosses the line and violates the civil rights of a citizen, particularly one who is unarmed, there must be accountability in the criminal justice system. Often, that does not occur. In this instance, given the strong videotaped evidence, failure to act would be a miscarriage of justice.

At minimum, this case should be tried and considered by a jury of Officer Pantaleo's peers. In approximately two weeks, there will be a new DOJ less committed to civil rights enforcement. Consequently, the investigation into Mr. Garner's death may itself be suffocated and die. This result is not only unacceptable for Mr. Garner and his family, but for all communities where the use of excessive force and overly aggressive policing tactics threaten life and liberty.

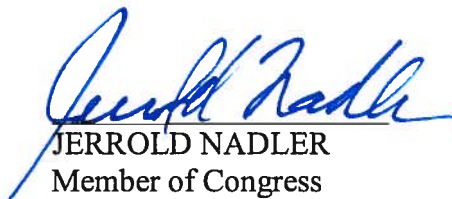
The DOJ's window for meaningful action on Mr. Garner's case is closing. Accordingly, we respectfully request that a final prosecutorial decision be made prior to the arrival of the new administration.

Sincerely,



HAKEEM JEFFRIES

Member of Congress



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Member of Congress



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