

February 10, 2009

Mr. Tom Orloff  
District Attorney, Alameda County  
1225 Fallon Street, Room 900  
Oakland, CA 94612

Dear Mr. Orloff,

Nearly 45,000 members of our community have expressed concern about your handling of the Oscar Grant case. Most recently, more than 20,000 ColorOfChange members signed a petition lamenting your decision not to charge Officer Tony Pirone for his actions in the moments leading up to Grant's murder. Our demand is simple: explain why you do not see Pirone's actions as criminal or charge him. We find ourselves looking for evidence that you are aggressively pursuing justice in all matters surrounding Grant's death, and your lack of action in pursuing Pirone indicates that you are not. Please know that the ColorOfChange community is ready to take whatever steps it can to ensure that justice is served.

With more than half a million members, ColorOfChange.org is the largest African-American online political organization in the country. We began mobilizing our members days after Grant's murder when we perceived your reluctance to arrest former BART police officer Johannes Mehserle. It took less than a day for nearly 25,000 members to join our call for Mehserle's immediate arrest. We were encouraged when law enforcement officials arrested him in Nevada. But now it appears that you are ignoring another serious crime committed by another police officer against Grant.

We are aware of your office's historical reluctance to prosecute police officers. A *San Francisco Chronicle* article published soon after Grant's death reported that staffers in your office could not remember a single case in the last 20 years where an on-duty officer had been charged in a fatal shooting in Alameda County. Our members believe you did the right thing by bringing charges against Mehserle. But we're determined to make sure that those charges stick and that all officers who attacked Grant that night are held accountable.

You should also know that our members have called on California Attorney General Jerry Brown to return a state-level observer to your office for the duration of this case to ensure that your staff has the resources it needs to devote all necessary attention to successfully prosecuting the offending officers.

This letter accompanies electronic signatures and comments from our members who have spoken out in the past two weeks. Please read them and understand the seriousness of our collective concern and dedication to this cause.

Below is the text of the appeal that more than 20,000 of our members signed:

*Dear District Attorney Orloff,*

*I demand an explanation as to why you are not pursuing charges against Officer Tony Pirone given his role in the New Year's Day assault and murder of Oscar Grant.*

*For weeks, footage has circulated online showing that Pirone viciously punched Grant, without any physical provocation, moments before Mehserle murdered Grant. Upon seeing the video, U.C. Hastings law professor Peter Keane stated, "That punch was totally unjustified ... That officer is committing a crime ... If the District Attorney is saying he's not going to charge any officer except Mehserle, in my opinion he's not doing his job." Yet that's been the case up until now--you've said that you are not pursuing charges against any of the other officers present when Grant was killed.*

*Pirone appears to have committed a serious crime. How can ignoring it possibly be in the interest of justice? For the sake of the Grant family and the trust of the citizens of the Bay Area and the state of California, it is important that you answer clearly and immediately. Many of us have wondered why it took two weeks to charge Mehserle. Similarly, this most recent development further calls into question your commitment to pursuing justice in the murder of Oscar Grant.*

*Sincerely,*

*[ Member's name ]*

Thank you for your time and attention. Should you have any questions, please feel free to call me at 510-444-0144. We look forward to a public response.

Respectfully,

A handwritten signature in dark ink, appearing to read 'James Rucker', with a long horizontal flourish extending to the right.

James Rucker  
Executive Director  
ColorOfChange.org