



June 26, 2023

The Honorable Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Dear Attorney General Garland:

On behalf of Color Of Change, one of the nation's foremost racial justice organizations, and the Freedom BLOC, a Black community organizing collaborative that serves as a vehicle for political expression, education and mobilization in Ohio, and the 23 additional undersigned national and local justice reform and civil rights organizations, we call on the U.S. Department of Justice (DOJ) to investigate the fatal police shooting of Jayland Walker on June 27, 2022, in Akron, Ohio, as well as the Akron Police Department (APD)'s extensive record of disproportionate violence against Black communities, including high rates of deadly use of force and non-lethal use of force and racial disparities in police killings and arrests. **We specifically urge the DOJ to open a federal civil rights investigation of the officers involved in the killing of Jayland Walker and to pursue a pattern or practice investigation of the APD for civil rights violations.**

Police in the United States shoot and kill more than 1,000 people every year.¹ The number of fatal police shootings has risen in recent years, with the highest number of people killed by police recorded in 2022.² Despite being roughly 14 percent of the U.S. population, Black people are killed by police at more than twice the rate of white Americans.³ In your recent remarks delivered on the civil rights violations by the Louisville Metro Police Department and Louisville/Jefferson County Metro Government, you underscored that the DOJ is charged by Congress with ensuring that the constitutional and federal statutory rights of the people are protected, and that the DOJ is authorized to conduct pattern or practice investigations to help fulfill this responsibility.⁴ We acknowledge that the DOJ has significantly increased the Civil Rights Division's capability to investigate police departments with the goal of detecting and correcting patterns of unconstitutional conduct.⁵ However, more work needs to be done to expand these efforts especially in the absence of federal legislation. Since George Floyd's killing in May 2020, police killings and significant unlawful racial disparities in policing have continued to increase.⁶

¹ Police shootings database: 2015-2023, *Washington Post*, updated May 8, 2023, <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

² Ibid.

³ Ibid.

⁴ Attorney General Merrick B. Garland Delivers Remarks on Civil Rights Violations by the Louisville Metro Police Department and Louisville/Jefferson County Metro Government - remarks as delivered, *U.S. Department of Justice*, March 8, 2023, <https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-civil-rights-violations-louisville>

⁵ Katie Benner, "Justice Dept. Restores Use of Consent Decrees for Police Abuses," *New York Times*, April 16, 2021, <https://www.nytimes.com/2021/04/16/us/politics/justice-department-consent-decrees.html>

⁶ Police shootings database: 2015-2023.

DOJ Must Open a Federal Civil Rights Investigation of Officers Involved in Walker Shooting

On June 27, 2022, APD officers shot and killed Jayland Walker, an unarmed 25-year-old Black man, after an attempted traffic stop and subsequent foot pursuit that ended in a large, empty parking lot.⁷ Eight officers fired more than 90 shots at Mr. Walker within 6.7 seconds, and they continued to shoot even after Mr. Walker collapsed.⁸ Three of the eight officers fired 18 shots each during the incident.⁹ Autopsy results show that Mr. Walker's body was hit 46 times.¹⁰ Even so, police officers handcuffed Mr. Walker's bullet-riddled body after the shooting.¹¹ There is no evidence in the video of Mr. Walker's shooting that threatening gestures were made when police began shooting.¹² In addition, the family's legal team continues to raise questions about the police report's narrative that Mr. Walker fired a gun while he was initially driving away from officers.¹³ One of their attorneys, Bobby DiCello, notes that police allege Mr. Walker discharged a gun while he was driving, but their statements do not specify how they knew that.¹⁴ He also confirmed that all of the side windows, as well as the front and rear windshields of Mr. Walker's car, are *all* intact.¹⁵

By Oct. 10, 2022, the officers "directly involved" in the shooting were reinstated on administrative duty after initially being placed on administrative leave.¹⁶ Last month, an Ohio grand jury declined to indict the eight officers.¹⁷ Following the grand jury decision, Akron Police Chief Stephen Mylett announced an internal APD investigation into the fatal shooting. When asked about department policy violations related to Mr. Walker's death, Chief Mylett stated, "Nothing is jumping out at me right now... but there could be, I don't know."¹⁸

Mr. Walker's family, and the Akron community, deserve accountability and justice. Local authorities have shown themselves unwilling or unable to deliver justice in this case of deadly force. The DOJ has a duty to open a separate, independent federal civil rights investigation of the officers involved in the fatal shooting of Mr. Walker.

⁷ Associated Press, "A Black man who was killed by police was unarmed at the time of the shooting," *NPR*, July 3, 2022, <https://www.npr.org/2022/07/03/1109624745/jayland-walker-akron-ohio>

⁸ Phil McCausland, "Akron officers may not have pursued or shot Jayland Walker if they had met Ohio standards for police," *NBC News*, July, 8 2022, <https://www.nbcnews.com/news/us-news/akron-officers-may-not-shot-jayland-walker-if-ohio-police-standard-met-rcna37371>

⁹ Dave DeNatale and Carmen Blackwell, "'I was terrified': Inside BCI's video interviews with Akron police officers who fatally shot Jayland Walker," *WKYC Studios*, April 20, 2023, <https://www.wkyc.com/article/news/special-reports/jayland-walker/inside-bci-video-interviews-akron-police-officers-fatally-shot-jayland-walker/95-76b62129-eb3e-4461-af3f-22093554826d>

¹⁰ Ryan Haidet, Neil Fischer, and Marisa Saenz, "Jayland Walker autopsy report from deadly Akron shooting," *WKYC Studios*, July 14, 2022, <https://www.wkyc.com/article/news/special-reports/jayland-walker/jayland-walker-autopsy-summit-county-medical-examiner-akron-police-shooting/95-397de7bd-c72c-4f1e-b8ba-d85552db76c3>

¹¹ Eric Levenson, Dakin Andone, and Polo Sandoval, "Grand jury declines to indict Akron police officers in killing of Jayland Walker," *CNN*, April 17, 2023, <https://www.cnn.com/2023/04/17/us/jayland-walker-police-shooting-grand-jury/index.html>

¹² Amanda Holpuch, "Akron Police Officers Placed on Leave After Fatal Shooting of Black Man," *New York Times*, July 2, 2023, <https://www.nytimes.com/2022/07/02/us/jayland-walker-akron-police-shooting.html>

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Levenson, et al.

¹⁷ *Ibid.*

¹⁸ Jennifer Pignolet, Akron police chief: 'Nothing is jumping out' yet as policy violation in Jayland Walker case, *Akron Beacon Journal*, April 18, 2023, <https://www.beaconjournal.com/story/news/2023/04/18/akron-police-chief-steve-mylett-no-obvious-policy-violations-in-jayland-walker-death/70126110007/>

DOJ Must Pursue a Pattern or Practice Investigation into Akron Police Department

The actions of the APD during and after the death of Mr. Walker highlight serious questions and concerns about the department's patterns and practices. Interviews conducted by the Ohio Bureau of Criminal Investigation days after Mr. Walker's fatal shooting with "directly involved" officers suggest a normalized culture of excessive force.¹⁹ Unfortunately, Mr. Walker's case is not the first of this kind. **Between 2013 and 2021, APD officers killed eight people,²⁰ 40% of whom were Black, despite Black people representing 29% of the city's population.²¹** While police violence is rampant across the country, the APD is particularly lethal: Akron officers killed more people per arrest than 58% of police departments nationwide from 2013 to 2021.²² During that same time period, APD officers also killed more unarmed people per arrest than 87% of police departments in the U.S.²³

These findings are based on the Police Scorecard project, which also found that the Akron Police Department exhibited more racial disparities in use of deadly force than 43% of U.S. police departments.²⁴ The racial disparities are not limited to deadly force. Between 2013 and 2021, Black people in Akron were more than twice as likely to be arrested for low-level, nonviolent offenses than white residents.²⁵ In 2016, APD's police chief demoted a longtime officer — an apparent act of retaliation after the officer wrote about the department's use of force in the police union's private newsletter.²⁶ The APD's practice of hiding the truth about their excessive use of force is a pattern, not an outlier. From 2017 to 2022, the department failed to report cases to a state-run agency that tracks use-of-force incidents.²⁷ Since Mr. Walker's killing, there has been no transparency. The APD has refused to identify the officers who shot Mr. Walker and also recently allowed officers to not wear name tags. Additionally, APD improperly withheld public records requested by media and has redacted officers' names from routine reports.²⁸

We are aware of the steps the DOJ has taken to provide technical assistance to the Columbus Division of Police (CDP), another police department in Ohio riddled with well-documented evidence of violence against Black communities.²⁹ We commend the efforts behind the DOJ's recently released *Columbus (Ohio) Division of Police Roadmap for Implementation* report.³⁰ Police violence that Black people face in Columbus, Akron and localities all over the country are symptoms of deep, systemic issues that will require multi-pronged, transformative reforms.

¹⁹ Dave DeNatale and Carmen Blackwell.

²⁰ "Akron Police Scorecard," *Mapping Police Violence*, <https://policescorecard.org/oh/police-department/akron>

²¹ "QuickFacts - Akron City, Ohio, United States," *U.S. Census Bureau*, 2022, <https://www.census.gov/quickfacts/akroncityohio>

²² "Akron Police Scorecard." Note: These findings are based on a study of 16,000 municipal and county law enforcement agencies, covering nearly 100% of the U.S. population.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ Adam Ferrise, "Akron police officer wins \$30,000 settlement in lawsuit against chief, city," *Cleveland.com*, January 14, 2016, https://www.cleveland.com/akron/2016/01/akron_police_officer_wins_3000.html

²⁷ Sarah Goldenberg, Akron Police not reporting use of force cases to public database, *Cleveland 19 News*, July 5, 2022, <https://www.cleveland19.com/2022/07/05/akron-police-not-reporting-use-force-cases-public-database/>

²⁸ Akron Beacon Journal Editorial Board, "Why we're challenging Akron's increasingly secretive police department," *Akron Beacon Journal*, September 13, 2022, <https://www.beaconjournal.com/story/opinion/editorials/2022/09/13/jayland-walker-akron-police-public-records-body-camera-videos/69486195007/>

²⁹ "Department of Justice Releases Roadmap for Implementation for Columbus, Ohio, Division of Police," *Department of Justice*, February 7, 2023, <https://www.justice.gov/opa/pr/department-justice-releases-roadmap-implementation-columbus-ohio-division-police>

³⁰ *Ibid.*

The DOJ has the authority to help ensure full and real accountability of local law enforcement agencies engaged in disparate, excessive violence counterintuitive to public safety. We again ask that the DOJ swiftly open a civil rights investigation of the officers involved in the killing of Jayland Walker and to pursue a pattern or practice investigation of the Akron Police Department for civil rights violations. To follow up, please reach out to Queen Adesuyi with Color Of Change at queen.adesuyi@colorofchange.org.

Sincerely,

Akron NAACP
Akron Urban League
Atlas Strategy Group
Black Church PAC
Black Freedom Collective
Black Voters Matter Fund
Church World Service
Color Of Change
Community Change
Community First Solutions
Emancipate NC
Faith for Black Lives
Freedom BLOC
Harriet's Wildest Dreams
Intercommunity Justice and Peace (IJPC)
Little Rock Freedom Fund
Live Free USA
Make it Plain
NAACP
NAACP DC Branch
NAACP Legal Defense and Educational Fund
National Council of Churches
National Council of Negro Women (NCNW)
National Newspaper Publishers Association (NNPA)
National Organization for Women
National Urban League
Rainbow PUSH Coalition
Repairers Of the Breach
Samuel DeWitt Proctor Conference
Until Freedom

Cc: Assistant U.S. Attorney General Kristen Clarke