National Urban League | *Empowering Communities. Changing Lives. For An Equitable Future.* | Urban League of Louisiana

August 30, 2024

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland,

The National Urban League and the Urban League of Louisiana write jointly to follow up on our letter dated April 11, 2023, regarding persistent issues of police accountability and misuse of force in Louisiana, specifically in Bogalusa. Our original correspondence stemmed from the failure of District Attorney Warren Montgomery of the 22nd Judicial District in Louisiana to pursue charges against the officers involved in the death of Eric Nelson while he was in police custody.[1] We write today about another incident of police misconduct in Bogalusa.

We are troubled by the continuing actions of the Bogalusa Police Department and reiterate the need for the Department of Justice ("DOJ") to use its authority under 34 U.S.C § 12601 ("Section 12601"), to initiate a pattern and practice investigation into the Bogalusa Police Department. DOJ has an obligation and a responsibility to determine whether these repeated acts of brutality without consequences by Bogalusa police officers can be considered a pattern and practice of misuse of force and evading accountability.

On August 2, 2024, Alesha Shamberger was arrested on suspicion of shoplifting. While in police custody, eyewitnesses recorded video of the arresting officer punching and choking Ms. Shamberger while she was handcuffed in the back of his police vehicle.[2] Despite outcry from the community, the Bogalusa Police Department has been dismissive of their concerns. Within a week of the incident, the Department had already determined that, "the administration has reviewed the body camera footage. As far as we're concerned, there were no policy violations."[3] We are disturbed by both the eyewitness footage and the Department's posture in response. At this time, now three weeks since Ms. Shamberger's arrest, the Department has not released information indicating what investigatory steps were taken to reach this conclusion, if any. We are also concerned about the lack of information surrounding the policies and procedures that led to this outcome. We believe that a review of Department policies and/or additional officer training may be necessary in order to ensure compliance with federal civil rights laws.

Under Section 12601, DOJ has the authority to investigate law enforcement agencies to ensure they do not have a pattern or practice of violating the constitutional rights of the

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[1] Press Release, District Attorney Warren Montgomery, Statement from 22nd JDC District Attorney Warren Montgomery Regarding the Investigation of the Death of Eric Nelson (Jan. 20, 2023) (on file with author).
[2] Shawanda Jones, Bogalusa.Officer.Accused.of.Choking.a.Woman.During.Shoplifting.Arrest, WDSU6 (August 9, 2024) https://www.wdsu.com/article/bogalusa-officer-accused-of-choking-a-woman-during-shoplifting-arrest/61839396.
[3] Id¡.

community members they are sworn to protect and serve. In the case of Eric Nelson, Bogalusa officers tased him three separate times in less than seven minutes to gain "pain compliance", failed to turn on their body worn cameras, and never provided aid as Mr. Nelson pleaded for help.[4] Although we believe the investigation was flawed and the outcome unjust, the Louisiana State Police and District Attorney Montgomery's office did pursue an official investigation. In the case of Ms. Shamberger, eyewitness video shows the arresting officer repeatedly punching and choking her, only pausing the abuse in an attempt to prevent bystanders from recording his actions.[5] Despite what can be seen on the eyewitness footage, the Department only indicated that they reviewed the arresting officer's body worn camera footage and summarily cleared the officer of any wrongdoing.[6] To date, the Department has not made any statements outlining their internal investigatory procedures, nor publicly released the body worn camera footage they relied on to make their determination. Despite the Department's assessment that the arresting officer followed protocols, Ms. Shamberger's mother told reporters that she believes her daughter is only alive today because of the eyewitnesses.[7]

In our previous correspondence we expressed frustration with the investigation by the Louisiana State Police and the decision by the District Attorney not to pursue criminal charges and urged DOJ to step in. This most recent incident of violence by the Bogalusa Police Department shows our fears were well founded as the Bogalusa Police Department is no longer even attempting to investigate the actions of their officers or taking steps towards accountability that would build trust with the community.

We again urge the DOJ to open a pattern and practice investigation into the Bogalusa Police Department. It is our understanding that the officers involved in these two incidents remain in good standing with the Department and have experienced no professional or criminal consequences for their actions. Without federal oversight, we believe that Bogalusa officers that abuse their power will continue to evade accountability and violate the constitutional rights of the community members they have sworn to protect.

Thank you for considering our request. For more information, please contact Tara Muray, Executive Director of the Washington Bureau (tmurray@nul.org) and Jerika Richardson, Senior Vice President for Equitable Justice and Strategic Initiatives (jrichardson@nul.org).

Respectfully,

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National Urban League

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Urban League of Louisiana

CC: Acting Associate Attorney General Benjamin C. Mizer
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[4] 22nd JDC District Attorney, supra.note 1.
[5] WDSU6, supra note 2.
[6] Id¡
[7] Id.