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The Honorable Eric H. Holder, Jr.
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

**Re.: Request for DOJ “Pattern and Practice” Investigation of the
Little Rock Police Department Pursuant to 42 U.S.C. § 14141**

Dear Attorney General Holder:

My office and the People’s Law Office of Chicago represent Sgt. Troy Ellison in a civil rights lawsuit filed in the Eastern District of Arkansas. Sgt. Ellison’s father, Eugene Ellison, a 67-year-old African-American, was shot and killed by Little Rock Police Department (LRPD) officers, Donna Leshar and Tabitha McCrillis, both white, on December 9, 2010, after they entered his home without a warrant. There was no crime or emergency. Leshar and McCrillis walked in because they thought Mr. Ellison was going to shut his front door on them, which they admit he had the legal right to do. However, the officers prevented this, and despite the arrival of additional officers, and though Mr. Ellison was unarmed, and did not present any threat of death or great bodily harm, Leshar shot him from a considerable distance. Leshar has stated that she could have walked away rather than shooting.

My reason for contacting you is twofold, and the fact that you are today in Little Rock hosting a forum on race and community policing, makes this communication all the more timely. First, as a devoted civil rights attorney, I applaud your recent decision to open a “pattern and practice” investigation of the Ferguson Police Department and St. Louis County, pursuant to 42 U.S.C. § 14141. After a series of meetings, listening sessions and informal conversations with local citizens, you identified that a deep mistrust existed between African-Americans and local law enforcement, and decided to pursue an investigation. I watched with rapt attention your September 4, 2014 press conference where you announced the decision, and guaranteed the aggrieved citizens of Ferguson a “fair, thorough and independent” review of matters, the type of which historically had been sorely lacking.

Section 14141 authorizes your office to conduct such investigations and, if warranted, file civil litigation to eliminate a “pattern or practice of conduct by law enforcement officers...that deprives persons of rights, privileges, or immunities secreted or protected by the Constitution or

laws of the United States.” Sect. 14141 prohibits law enforcement agencies from regularly violating constitutional protections against police misconduct, such as excessive force, false arrests, unreasonable searches or seizures, and intentional racial or ethnic discrimination. In determining which law enforcement agencies to investigate, the DOJ considers a variety of factors, including the seriousness of the alleged misconduct, the type of misconduct alleged, the size and type of law enforcement agency, the amount of detailed, credible information available and the potential precedential impact.

With these criteria in mind, and based on the disturbing facts presented below, I turn to the second aspect of my letter, which is to respectfully request that your office open a Sect. 14141 “pattern and practice” investigation of the LRPD, based on a well-documented custom of tolerance of unwarranted police shootings, excessive force, and violent misconduct, all of which disproportionately affect Little Rock’s African-American citizens. Based on my experience litigating federal civil rights actions against the City of Little Rock, including those with *Monell* custom allegations, I can personally attest to widespread conspiratorial conduct among high-ranking LRPD officials, bogus internal investigations and the concealment of material incriminating facts. This misconduct represents the norm rather than the exception.

Though St. Louis is larger than Little Rock, there are clear demographic similarities. By way of background data, Little Rock is the capital of Arkansas, with a population of 193,524. It is the 118th largest city in the U.S., and the home of a major university, the University of Arkansas-Little Rock. It has a law school, the Bowen School of Law at UALR. Among its attractions are the thriving downtown River Market District, the Little Rock Zoo, and the William J. Clinton Presidential Museum. The LRPD is Arkansas’ largest police force, with the most officers, and it boasts a sizable SWAT arsenal. Table 1 below compares key racial and crime statistics for Little Rock and St. Louis, the 58th largest U.S. city.

TABLE 1: St. Louis/Little Rock statistical comparison

City	2010 Pop.	%age White	%age Black	# of officers	%age of officers who are White	%age of officers who are Black	Total Crime Index	Criminal homicides (2010)
St. Louis	319,294	43.87%	50.03%	1389	64.6%	32.9%	33,782	144
Little Rock	193,524	48.9%	42.3%	540	67.59%	28.89%	16,538	24

As I understand it, one of the statistical comparisons your office found concerning in St. Louis and Ferguson was that African-Americans were considerably underrepresented among police officers. Examining the figures in Table 1, which are derived from the U.S. Census Bureau and the municipalities’ websites, one can see the percentages of African-American citizens in St. Louis and Little Rock are comparable, hovering between 40-50%. One can also see that, like St. Louis, Little Rock has a considerably higher percentage of white police officers compared to the general population. Based on the number of criminal homicides, St. Louis is the more dangerous city, based on the fact that its officers are confronted with potential deadly force situations more often than Little Rock officers.

Among the African-American citizens of Little Rock who seek out, and are fortunate enough to gain, employment with the LRPD, the chances of them at any time occupying a high-

ranking position are relatively quite low, when compared to their white counterparts.¹ The LRPD's internal statistics reflect this disparity within higher-ranking or supervisory positions:

- Captains (87.5% white; 12.5% black);
- Lieutenants (66.7% white; 33.3% black);
- Special Investigation Division (86.4% white; 13.7% black); and
- Major Crimes Unit (77.1% white; 16.7% black).

Moreover, at the level of patrol officer, the position most responsible for understanding, anticipating, and avoiding, excessive force incidents, there is a significant disparity in numbers. Of LRPD's 424 patrol officers, 69.8% are white, while a mere 26.4% are black. These distorted figures, like those in Table 1 above, are the present-day remnants of generations of preferential hiring, training and promoting of white officers. This is racial discrimination pure and simple, and it is ever-present at the LRPD.

Training Failures are the Root Cause of Police Misconduct

Experts in police practice have identified the root cause of improper police shootings to be a lack of training and accountability. In a recent article, *Fatal Encounter: A police shooting in Missouri puts the spotlight on race and lethal force*, TIME Magazine concluded, "the root of the [misuse of lethal force] problem is lack of training and accountability. Researchers...have found that better training and discipline can sharply reduce the use of lethal force without endangering cops on the beat." For proof, the article emphasized that by instituting more circumspect hiring and discipline procedures, the NYPD reduced the number of police shootings from a staggering 314 in 1971, to 16 in 2012.

To this point, recently, on July 28, 2014, the Arkansas-Democrat Gazette, Little Rock's flagship newspaper, ran an article which highlighted use of force training deficiencies at the LRPD. The article, *Some LR police not trained in all conflict tactics*, revealed troubling facts. Of 541 officers employed in 2014, about half (264) are not trained or certified to use a Taser device, a less-than-lethal alternative to firearms. Included among these untrained officers, is the LRPD's training supervisor, Captain Ken Temple, a telling fact. Worse yet, of the 264 officers not trained to use a Taser, almost half of them (127) are patrol officers and sergeants who handle potentially dangerous calls every day. The article continued:

"Gaps in training aren't limited to Tasers. There are 44 [LRPD] officers who are not qualified to carry a baton, 29 who can't use pepper spray, and another eight who are not certified in 'ground control tactics,' a program that incorporates physical takedowns, strikes and techniques that officers might need when dealing with a combative suspect."

¹ On October 19, 2012, the Little Rock Black Police Officers' Association alleged racial discrimination within the LRPD, and sent a letter to the police chief highlighting patterns of "inequities within the police department" relating to transfers, promotions, and discipline for black officers. The letter detailed "a disparity in disciplinary actions and critical decision-making, which affects the overall service provided to all citizens of Little Rock, and the morale of the officers." It noted overall feelings of mistrust among the public and within the black employees of the department. This informative letter is enclosed.

What is galling here is that high-ranking supervisors within the LRPD, acting in their official capacity, have actually flaunted this lack of training to defend abusive police officers in suspension hearings, while simultaneously denying it in court settings. To wit, at the suspension hearing for high-ranking LRPD officer, Lieutenant David Hudson, who was captured on video (enclosed) severely beating Chris Erwin, a non-threatening tavern patron, his former academy mate, Captain Terry Hastings, testified that Lt. Hudson had no choice but to pummel Erwin because Lt. Hudson was not properly trained to use a Taser. Of course, during his deposition months earlier in *Ellison v. Leshner, et al.*, where inadequate training was alleged, Capt. Hastings voiced no complaints about the training at the LRPD whatsoever.

Nonetheless, Capt. Hastings' efforts at the hearing were apparently effective, because the Civil Service Commission overturned his friend Lt. Hudson's suspension, "in part because it thought Hudson was being punished by the same people responsible for not preparing him." It must be mentioned that at the time of Erwin's videotaped beating, Lt. Hudson was a high-ranking, decorated 20-year veteran, who was previously chosen by the LRPD to perform security detail for visiting former U.S. President Bill Clinton.

Indeed, there is much in the public record about poorly-trained and dangerous LRPD officers, but nothing ever comes of it. The issue is willingly ignored, regardless of the consequences to the public. Donna Leshner is one of these bad officers. At her deposition in *Ellison*, she casually admitted to severe professional shortcomings, and she was absolutely oblivious to the fact that her ineptitude could likely lead to dangerous encounters in Little Rock neighborhoods:

ATTORNEY: You said that you don't carry a baton because you're not proficient in its usage. Correct?

LESHNER: Correct.

Q: Do you mean to say that you're not very good at using it?

A: Yes.

Q: Some things we're not good at when we start, but we have to practice and learn how to use them. Correct?

A: Yes.

Q: Did the thought ever occur to you to practice baton usage through perhaps career counseling services and become skilled to a level where you could feel comfortable carrying a baton?

A: No.

Q: By not carrying a baton with you, you have eliminated an intermediate level of force that would otherwise be at your disposal. Correct?

A: Yes.

Q: Do you think that not having a baton and putting yourself in situations where intermediate levels of control might be necessary increases the level of danger in use of force incidents that you encounter?

A: Yes.

Lesher's deficiencies unfortunately are not limited to the baton. She repeatedly demonstrated her ignorance of fundamental constitutional concepts regarding the limits of police power, which are essential for a reasonable officer to understand and practice:

Q: Are you familiar with the phrase "probable cause?"

A: Yes.

Q: Can you define that for me?

A: Not like a - I can't define it. I know what it means to me.

Q: Officer Lesher, I'll take whatever you can throw my way. Please tell me what it means to you.

A: You have to have probable cause to have - to react to something.

Q: The only - I don't quite understand your answer because you're using the term that I'm asking you to explain. So do you have a definition in mind that you can give me that doesn't involve the phrase "probable cause" when I ask you for your definition of probable cause?

A: No.

Remarkably, at the time of her deposition, while giving these answers, Lesher was an active 18-year, armed patrol veteran of the LRPD. Further, she was cleared by the LRPD to do armed, off-duty security work for private businesses in bad neighborhoods. This is totally unconscionable.

Moreover, Lesher was trained in the U.S. Constitution by the Little Rock City Attorney, who represents her in the *Ellison* litigation. So, from a tactical perspective, because he entered an appearance on Lesher's behalf (as his custom for all of the LRPD officers he trains who are later sued for civil rights violations), he has effectively insulated himself from becoming a witness regarding the training he provided her, and has even defeated a motion to disqualify him based on this conflict, among others. Thus, the person possibly responsible for Lesher's ignorance of the Constitution cannot be questioned about it in a lawsuit setting. This informal custom perpetuates the LRPD's pattern of protecting bad officers, and it continues.

POLICE-INVOLVED SHOOTINGS AND SERIOUS CRIMES BY THE LRPD

Table 2 reflects instances of police-involved shootings committed by LRPD officers from 2001-2014. Table 3 reflects complaints of serious crime and misconduct, such as domestic and sexual abuse, terroristic threats and 3rd degree battery. Note that Table 3 represents allegations of non-scope of employment crimes and not excessive force complaints. Each of the incidents in Tables 2 and 3 has been officially acknowledged by the LRPD, and all of the information therein is derived from official documents and media reports regarding same. In each table, repeat offenders are highlighted in red.

TABLE 2: Police-involved shootings/in-custody deaths

Date & case #	Officer name	Victim name	Brief facts/LRPD findings
4/14/01	Greg Smith (1st)	Norman Rollins	Police shooting. Mentally ill victim. LRPD investigation: EXONERATED.
4/22/2001	Letricia Cross Angela Boyer		Police shooting. LRPD investigation: EXONERATED.
10/9/2001	Jerry Hart (1st) Andre Dyer		Police shooting. LRPD investigation: EXONERATED.
10/26/2001	Robert Dodson		Police shooting. LRPD investigation: EXONERATED.
12/19/2001	Hayward Finks		Police shooting. LRPD investigation: EXONERATED.
2/1/2002	Johnny Gravett Jack Cooper		Police shooting. LRPD investigation: EXONERATED.
3/7/2002	Mike Gray Josh Black (1st)	Michael Braggs B/M	Police shooting. Officers claim victim shot himself in the head. LRPD investigation: EXONERATED.
3/22/2002	Van Watson (1st)		Police shooting. LRPD investigation: EXONERATED.
4/11/2002	Kenny Baer		Police shooting. LRPD investigation: EXONERATED.
4/17/2002	Marcus Paxton Anthony Moore		Police shooting. LRPD investigation: EXONERATED.
5/1/2002	Richard Glascock (1st)		Police shooting. LRPD investigation: EXONERATED.
5/4/2002	Marc Collins		Police shooting. LRPD investigation: EXONERATED.
6/3/2002	Dennis Ball Joshua Scherrey	Terren Brown B/M Jermaine Bennett B/M	Police shooting. Sgt. Ball shoots at unarmed, injured victim of assault. Scherrey shoots and kills suspect who allegedly pointed a gun while exiting window. Gun found far from dead suspect. LRPD investigation: EXONERATED.
7/24/2002	Alma Glascock		Police shooting. LRPD investigation: EXONERATED.
8/31/2002	J.T. Alexander		Police shooting. LRPD investigation: EXONERATED.
9/8/2002	Charles Johnson		Police shooting. LRPD investigation: EXONERATED.
1/1/2003	Jeff King Matthew Smith Van Watson (2nd)		Police shooting. LRPD investigation: EXONERATED.
1/17/2003	Joe Hill		Police shooting. LRPD investigation: EXONERATED.
3/2/2003	Heath Atkinson (1st)		Police shooting. LRPD investigation: EXONERATED.
3/19/2003	Edward Moring		Police shooting. LRPD investigation: EXONERATED.
12/16/2003	Jarmall Lovelace (1st)		Police shooting. LRPD investigation: EXONERATED.
12/31/2003	Roger Wallis		Police shooting. LRPD investigation: EXONERATED.
1/12/2004	Greg Smith (2nd)		Police shooting. LRPD investigation: EXONERATED.
1/31/2004	Jana Rayburn Timothy Dillon (1st)	Dolandon Mack B/M	Police shooting. Dillon and Rayburn were married and cohabitating, and, in later civil suit, Court noted City acted in bad faith, feigning no notice of lawsuit in motion to dismiss for Rayburn. LRPD investigation: EXONERATED.
2/23/2004	David Green (1st) Tagos Robinson Rick Harmon (1st)	Marcus Harris	Police shooting. Officers say victim had gun but it was a screwdriver. LRPD investigation: EXONERATED.
4/17/2004	Rick Wilson Kelly Lepore (1st)	Michael Allen B/M	Taser. Elderly post-surgery amputee victim killed after multiple jolts with Taser. Witnesses say officers laughed at the man hobbling around prior to his death. LRPD investigation: EXONERATED.
11/26/2004	Kristian Davenport		Police shooting. LRPD investigation: EXONERATED.
1/1/2005 05-3480	Greg Birkhead	Gloria Brown B/F	Police shooting. LRPD investigation: EXONERATED.

1/4/2005 05-3481	Robert Martin Ian Ward (1st) Timothy Dillon (2nd) John Brawley (1st)	Daniel Baker	Police shooting. 4 officers shot at stolen car suspect 43 times, hitting him once in the hand. Said Martin: "I fired 15 or 16, I fired everything I had." LRPD investigation: EXONERATED.
5/8/2005 05-3538	Josh Black (2nd)	Cleveland West B/M	Police shooting. LRPD investigation: EXONERATED.
5/18/2005 05-3543	Aaron Oncken	Greg Colwey B/M	Police shooting. LRPD investigation: EXONERATED.
7/14/2005 05-3567	Bruce Maxwell Kelly Lepore (2nd)	Alexander Jones B/M	Police shooting. LRPD investigation: EXONERATED.
7/15/2005 05-3568	Ian Ward (2nd) Robbie Kelley John Brawley (1st)	Timothy Boyd B/M	Police shooting. Victim was holding cell phone when shot. Police never found gun at scene. Shooting officers hit second victim's body several times. LRPD investigation: EXONERATED.
9/14/2005 05-3598	Clark Sheffield (1st)	Ronald Jacobs B/M	Police shooting. Nearby home hit with bullets. LRPD investigation: EXONERATED.
1/9/2006 06-3647	Allen Quattlebaum	Lisa Wiley W/F	Police shooting. Victim was unarmed, female drug-seeker trying to cash a bad check. Bank calls LRPD. Officer claims she tried to run him over with car but he was behind brick pillar the entire time. 7 gunshots (6 errant) in parking lot during business hours. EXONERATED.
1/17/2006 06-3650	Tommy Moore James Tankersley (1st)	Unidentified black male B/M	In-custody death. LRPD investigation: EXONERATED.
7/1/2006 06-3749	Charles Allen (1st) Eliot Young W/M (1st)	Ervin Owens B/M	Police shooting. LRPD investigation: EXONERATED.
8/22/2006 06-3769	Mark Knowles	Jackie Grider W/M	Police shooting. LRPD investigation: EXONERATED.
9/3/2006 06-3773	Stephanie Berthia David Blackman Ronnie Carr Jessica Eubanks Bryon Harper (1st) Wade Neihouse Jarmall Lovelace (2nd) Maurice Sanders	Jaime Alvarez H/M	Police shooting. Mentally-ill victim killed when 8 officers shoot 31x, hitting him 10x (including to back) and putting 2 bullets in church altar and pew on Sunday morning. Though victim has knife to throat, and was described as "confused," "agitated," with "lost look," LRPD investigators never ask about victim's mental health or GO 309 "Handling Mentally Ill Persons." 7 police cars but no audio . LRPD investigation: EXONERATED.
11/8/2006	Heath Atkinson (2nd) Mitchell Jackson James Tankersley (2nd) Pat Hall		Police shooting. LRPD investigation: EXONERATED.
12/6/2006 06-3817	Chris Littleton Ryan Hudson	Andre Glenn B/M	Police shooting. LRPD investigation: EXONERATED.
12/27/2006 06-3826	Randy Brown	Andre Pride B/M	Police shooting. LRPD investigation: EXONERATED.
3/13/2007 07-3864	Spurgeon Levy	Kendrick Webb B/M	Police shooting. Mentally-ill black victim killed. Officer shot 9x at gas station, striking his own squad car 3x, and lodging bullet in kitchen refrigerator of nearby home. LRPD investigation: EXONERATED.
4/26/2007 07-3874	Carrie Mauldin	David Veasey B/M	Police shooting. Victim shot while handcuffed and lying prone during drug botched raid. LRPD investigation: EXONERATED.
7/7/2007 07-3907	David Green (2nd)	Terry Mudge W/M	Police shooting. Officers shoot 19x (one of them shot 15x), victim hit 1x with bullets lodged in nearby gas station. LRPD investigation: EXONERATED.
9/5/2007	Brandon Middleton (1st) Crystal Haskins Byron Harper (2nd)		Police shooting. LRPD investigation: EXONERATED.
10/30/2007 07-3953	Josh Black (3rd) Erik Temple	Lance Stucker W/M	Police shooting. Officers shot 14x, hit side of truck 7x and passenger 1x, claim victim tried to run them over. One bullet lodged in bathroom of nearby home. EXONERATED.
4/14/2008 08-4015	George Wilson Timothy Pope	Brent Mosley B/M	Police shooting. LRPD investigation: EXONERATED.
7/16/2008 08-4046	Steve Woodall Michael Ford (1st) Clay Hastings	Collin Spradling W/M	Police shooting. Victim killed, shot in back of head and back, when officers try to arrest without warrant. Witnesses' statements altered by LRPD to falsely reflect that they saw victim with gun prior to shooting. Video damaged. LRPD investigation: EXONERATED.

8/13/2008 08-4058	David Green (3rd)	Timothy Johnson W/M	Police shooting. LRPD investigation: EXONERATED.
9/17/2008 08-4071	Kayward Jolly (1st) David Caplinger	Mario Collins B/M	Police shooting. LRPD investigation: EXONERATED.
1/9/2009 09-4122	Matthew White	Leo Darrough Jr. B/M	Police shooting. LRPD investigation: EXONERATED.
1/23/2009 09-4131	Sheva Howard Kayward Jolly (2nd) Ernest Hilgeman Dustin Derrick Chris Ringgold	Christopher Cahill W/M	Police shooting. LRPD investigation: EXONERATED.
1/30/2009 09-4134	Jackie Parker	Denzel Couch B/M	Police shooting. LRPD investigation: EXONERATED.
4/1/2009 09-4166	Michael Ford (2nd)	Justin Watson B/M	Police shooting. LRPD investigation: EXONERATED.
4/17/2009 09-4179	Brandon Middleton (2nd) James Stanchak	Matthew Cheatham W/M	Police shooting. LRPD investigation: EXONERATED.
11/3/2009 09-4276	Richard Glascock (2nd)	Shawn Burton B/M	Police shooting. LRPD investigation: EXONERATED.
11/3/2009 09-4277	Jason Roberts James Christ	Landris Hawkins B/M	Police shooting. LRPD investigation: EXONERATED.
3/26/2010 10-4327	Eliot Young (2nd) Kevin Duncan James Jenkins	Harry Porter B/M Irma Rogers B/F	Police shooting. Victim shot and 43-year-old B/F bystander killed . Botched entry during drug raid, clearly fudged reports. LRPD investigation: EXONERATED.
6/2/2010 10-4351	Arthur McDaniel (1st)	Millis Farnam W/M Jason Farnam W/M	Police shooting. Victim killed, another shot in the face after r/o claims they were burglary suspects. R/o shot 16x times in residential area, including several times at unarmed occupants and another after he tried to flee scene . LRPD investigation: EXONERATED.
6/12/2010 10-4352	Walker Johnston (1st)	Carlos Thurman B/M	Police shooting. LRPD investigation: EXONERATED.
12/9/2010 10-4414	Donna Leshar Tabitha McCrillis	Eugene Ellison B/M	Police shooting. Victim killed after struggle when officer entered his home without warrant or emergency. Leshar admitted victim had a legal right to shut his door on r/os, that r/o walked in home because victim got "mouthy," and r/o could have walked away rather than shoot victim. Multiple GO violations, including improper uniform. No discipline. LRPD investigation: EXONERATED.
4/16/2011	Grant Humphries (1st)		Police shooting. LRPD investigation: EXONERATED.
7/16/2011	Robbie Hinman	Jacobe Malone B/M	Police shooting. LRPD investigation: EXONERATED.
7/18/2011	Walker Johnston (2nd)	Jerron Taylor B/M	Police shooting. LRPD investigation: EXONERATED.
12/8/2011	Jason Deno		Police shooting. LRPD investigation: EXONERATED.
12/27/2011	Chris Johannes	Joseph Williams B/M Keith Pettus B/M	Police shooting. Victim shot, passenger shot in face after report they were talking to white girl at shopping mall. Johannes claimed victims tried to run him over with car but independent witness refutes, states no one in path of car. Zero bullet holes to front of car . Police shooting. LRPD investigation: EXONERATED.
1/17/2012	Jeff Holt	Angelo Clark B/M	Police shooting. LRPD investigation: EXONERATED.
5/22/2012	Terry McDaniel (1st)	Charles Murry Jr. B/M	Police shooting. 19-yr-old victim shot after r/o claims he pulled out small gun. LRPD investigation: EXONERATED.
7/7/2012	David Green (4th) Kelly Lepore (3rd) Nura Austin Roy Williams		In-custody death. LRPD investigation: EXONERATED.
8/10/2012	Matthew Hoffine James Anderson	Donald O'Fallon W/M	Police shooting. LRPD investigation: EXONERATED.
8/12/2012	Josh Hastings	Bobby Moore B/M	Police shooting. Victim killed. Officer concocts false story to justify killing. Receives preferential treatment between shooting and eventual charging.
1/11/2013	Todd Hurd Ken Blankenship	Michael Daniel B/M	Police shooting. Friend/suspect Marcus Davis charged with capital murder for victim's shooting death. LRPD investigation: STATUS UNKNOWN
4/25/2013	Stephen Gorbet	Kenzell Hobbs B/M	Police shooting. 18-year-old burglary suspect shot and killed as he fled scene. LRPD investigation:

			STATUS UNKNOWN
7/15/2013	Terry McDaniel (2nd) Grant Humphries (2nd)	Deon Williams B/M	Police shooting. Victim shot and killed at rally protesting police-involved shootings. Claimed victim was in stolen car. Car was not stolen said owner. LRPD investigation: STATUS UNKNOWN
10/13/2013	Barry Kingston	Etavious Smith B/M	Police shooting. Police allege residents of home brandished weapons on front porch and then went inside. LRPD shot at home until residents came out. LRPD investigation: STATUS UNKNOWN
10/20/2013		Zachary Loring B/M	Police shooting. Victim allegedly pointed gun at officers on loitering call. LRPD investigation: STATUS UNKNOWN
11/14/2013	Eliot Young W/M (3rd)	Antoine Wilbert B/M	Police shooting. Victim shot. LRPD claimed victim had gun but no gun found. LRPD investigation: STATUS UNKNOWN
11/14/2014	Eric Barnes Clark Sheffield (2nd)	John Williams	Police shooting. Officers called to the scene of an attempted suicide. Victim, inside, shot and killed by officers outside residence. LRPD investigation: STATUS UNKNOWN
3/5/2014	Paul Evans	Michael McCormack W/M	Police shooting. LRPD investigation: STATUS UNKNOWN

Per the numbers in Table 2 above, 107 different LRPD officers participated in police-involved shootings—including twenty-six (26) repeat offenders—over the course of about thirteen (13) years. There were eighty (80) police shootings/in-custody deaths during this timeframe. This equals six (6) deadly force incidents per year, or one every other month. Note that figures for 2014 are incomplete so it is likely that the total figures are actually higher. Of fifty-seven (57) deadly force victims identified in discovery, forty-one (41) were African-American, which represents 72%, a disproportionately high percentage. This overrepresentation reflects racial discrimination.

TABLE 3: Complaints of serious police misconduct and violent acts

Date	Officer	Victim	Charge
3/5/2001	James Hathcock		Sexual misconduct, domestic abuse.
4/28/2001	Michelle McGregor	Boyfriend	Domestic abuse, reported by officer boyfriend.
8/8/2001	David Green (5th)	Wife	Domestic abuse
12/17/2001	Gary Shelton		Domestic abuse
3/19/2002	Fred Hopkins (1st)	Searcy, AR	DWI
3/6/2002	David Green (6th)	Wife	Domestic abuse
8/26/2002	Wallace Poole	Hot Springs, AR	3 rd degree battery/criminal mischief
11/14/2002	Tyrone Eason	Girlfriend	Domestic abuse
2/5/2003	Fred Hopkins (2nd)	Rose Bud, AR	DWI (2 nd)
4/30/2003	Matthew Cain	Wife	Domestic abuse
5/6/2003	Charles Johnson		Rape
6/30/2003	David Green (7th)	Wife	Domestic abuse
8/14/2003	Scott Dettmer		Child abuse
3/17/2003	Tammy Nelson	Saline County, AR	DWI
3/5/2004	Todd Payne	North Little Rock, AR	DWI
4/26/2004	Roy Howard	Wife	Domestic abuse
6/8/2004	John Gilchrist (1st)	Girlfriend	Domestic abuse
7/12/2004	Kevin Tindle	Girlfriend	Domestic abuse
8/6/2004	Damon Whitener	Wife	Domestic abuse
9/3/2004	John Gilchrist (2nd)	Girlfriend	Domestic abuse
8/6/2005	Heath Atkinson (3rd) Joe Hill Steve Taylor Marcus Paxton	Failure to initiate internal investigation into excessive force claim.	Civil rights violation
9/1/2005	John Gilchrist (3rd)	Saline County, AR	Disorderly conduct/refusal to submit
9/22/2005	Chris Gregory		Domestic abuse
11/6/2005	Jarmall Lovelace (3rd)		Child abuse
12/4/2005	Jarmall Lovelace (4th)		Domestic abuse
2/8/2006	Charles Allen (2nd)	Wife	Domestic abuse

2/8/2006	Jerry Hart (2nd)	State of Arkansas	Money laundering
4/5/2006	Mark Jones (1st)	Girlfriend	Domestic abuse
4/17/2006	James Forester		Sexual indecency with a minor, physical abuse.
1/31/2007	Rick Harmon (2nd)	Vilonia, AR	Disorderly conduct (warrant)
3/13/2007	Rian Heck	Heber Springs, AR	DWI
7/11/2007	Mark Ison	Ex-girlfriend	Domestic abuse
12/31/2007	Tina Moore	Significant other (at PCSO)	Domestic abuse Disturbance with a weapon
6/10/2008	Willie Davis		Child abuse
8/14/2008	Russ Littleton	Bryant, AR	DWI. 90 mph DWI, Littleton asks for "professional courtesy," makes threats to arresting officers when they refuse. "If you come through Little Rock, you'll be taken care of. Good luck in Little Rock. 30-day suspension. Found guilty June 2009.
12/24/2008	Jamie Parker	Sherwood, AR	Hot check/failure to appear (warrant)
1/9/2009	Corey Hall	Girlfriend	Domestic abuse
1/16/2009	Jason Knowles	Pulaski Co. AR	DWI (with accident)
8/22/2009	Carl Turner	Sherwood, AR	DWI
11/18/2009	Charles Allen (3rd)	North Little Rock, AR	Domestic 3 rd /aggravated assault
11/20/2009	Charles Allen (4th)	Wife	Domestic abuse
11/9/2009	Kendrick Hawkins	Conway, AR	Theft by receiving
10/2/2010	Bryant King	Hot Springs, AR	DWI
10/28/2010	Jason Gilbert	State of Arkansas	DWI/violation of federal law (robbery of armored truck)
2/14/2011	Don Hampton	Wife	Domestic abuse
2/21/2011	Rick Harmon (3rd)	State of Arkansas	DWI
7/8/2011	Michael Ford (3rd)		Sexual abuse
7/22/2011	Cristie Young	Husband	Domestic abuse
8/1/2011	Domikia Davis		Domestic battery
8/11/2011	Arthur McDaniel (2nd)	Sheridan, AR	Terroristic threatening (warrant)
9/11/2011	Fred Lee (1st)	Sherwood, AR/Saline Co. AR	Domestic battery
9/26/2011	David Green (8th)	Wife	Domestic abuse
9/26/2011	Fred Lee (2nd)	Wife	Domestic abuse
10/29/2011	David Hudson	Chris Erwin	Battery
12/12/2011	John Bracey	Wife	Domestic abuse
3/11/2012	Marquis Goodlow	Crittenden Co. AR	DWI
5/14/2012	Thaddeus McRae	Sherwood, AR	DWI
5/24/2012	Randall Robinson Mark Jones (2nd)	United States	Violation of federal criminal law (federal drug sting). CONVICTED.
12/7/2012	Jeremy Palmer	Wife	Domestic abuse
12/17/2012	James Youngblood	Wife	Domestic battery

As reflected in Table 3 above, a Little Rock citizen—often a family member—came forward and complained of off-duty physical abuse at the hands of a LRPD officer forty (40) times, or every three months for a period of over ten years. Moreover, sixteen (16) different jurisdictions and law enforcement agencies have had to spend their time, money and resources arresting and processing LRPD officers for various serious crimes over the course of about twelve (12) years. In one of those instances, an LRPD officer (Ryan Littleton) and his supervisor (Lt. Hudson, again) made threats of bodily injury to the arresting officer who was just trying to do his job, and issue a legitimate DWI, which is in the interest of public safety.

The repeat offenders highlighted in Tables 2 and 3 were not terminated after their first offense despite its very serious nature. In terms of cause and effect, some of these officers committed these initial offenses before later shooting an African-American Little Rock citizen. Intuitively, I submit that if these officers had been appropriately disciplined (including termination) as a result of these infractions, those citizens probably would not have been later shot.

EVIDENCE OF CONSPIRACY AND CONCEALMENT OF MISCONDUCT

An examination of Fourth Amendment-type complaints investigated by the LRPD from 2005 through 2010 yields the figures in Table 4 below:

TABLE 4: Sustain rate for citizen complaints of Fourth Amendment violations

Type of misconduct	Number investigated by LRPD	Number sustained by LRPD.
Police-involved shooting	33	0
Harassment	24	2
Excessive force	85	2
Sexual misconduct	4	0
Unlawful arrest	15	1
Unlawful entry	2	0
Illegal search	11	2
Threatening, retaliation	11	0
TOTALS	185	7

These numbers speak for themselves. The abysmal sustain rate for constitutional violations is due to a rigged internal investigation system which conceals and condones police-involved shootings and other violent police misconduct through a variety of improper means.

Tampering with Evidence and Witness Statements

My experience handling police-involved shooting cases against the LRPD unequivocally demonstrates to me that it engages in a systematic process of tampering with evidence and concealing incriminating information in order to protect officers who have engaged in misconduct. In *Spradling v. City of Little Rock, et al.*, for instance, Little Rock citizen, Christina Hatfield witnessed LRPD officers shoot her daughter's boyfriend, Collin Spradling, in the head and back, at point blank range, after they entered her backyard to allegedly question him. The shooters defended the killing, claiming that Collin pointed a gun at them, necessitating the use of deadly force. With police liability hinging on the issue of whether Collin did or did not have a gun, Ms. Hatfield was taken to the LRPD for a recorded interview. The LRPD-produced official transcript reflects that Ms. Hatfield stated a belief that Collin had a gun when he was shot.

However, this was false. The audio recording from which the transcript was produced, reveals that Ms. Hatfield actually told LRPD investigators the opposite, specifically, that Collin did *not* have a gun when he was shot, let alone one pointed at the officers, and she confirmed this at her deposition. Thus, the incriminating statement of an eyewitness to a police-involved shooting was transcribed by the LRPD to falsely reflect that she stated the victim was armed at the time of the shooting, when, in fact, she did not. This is a serious problem, and it does not occur in a vacuum. Ms. Hatfield's faulty transcript was used to clear the involved officers, and then submitted to the prosecuting attorney's office, which exonerated them based, in part, on this "exculpatory" statement of an impartial witness.

Another eyewitness who believes that Collin's shooting was terribly unjustified, Rachael Mayhew, demonstrated line-by-line how she was repeatedly interrupted during her police statement, and how her audio recording was misinterpreted and transcribed in error by the LRPD. At her deposition, she described constant instances of the LRPD detective trying to cut

her off whenever she was critical of the involved officers. She identified transcribed statements erroneously attributed to her. She complained that the detective “just never would let us—he wouldn’t ever let me fully finish answering a question. [He] would just cut off and move on to the next thing.” She testified that the detective was only interested in trying to justify the shooting. Ms. Mayhew’s inaccurate, biased LRPD-transcribed statement also went to the prosecuting attorney’s office and was used to exonerate the shooters. At their depositions, Ms. Hatfield and Ms. Mayhew cried, and lamented that no one at the LRPD would listen to them.

In the *Ellison* case, a Det. Matt Nelson interviewed an eyewitness to the shooting, Christie Harris, and recorded the interview. Ms. Harris explained at her deposition that she told Det. Nelson that Mr. Ellison never left his apartment prior to the shooting, an observation material to whether the use of deadly force committed by Leshner—who was outside when she shot—was justifiable. Yet, in the course of discovery, it was determined that Ms. Harris’ interview transcript lacked this critical information and, moreover, the audio recording was “damaged” and inoperable at the exact spot where Ms. Harris gave that incriminating testimony. The LRPD has provided no explanation for this. Quite simply, if the LRPD had its way, and a very reluctant Ms. Harris had not been tracked down and convinced to come forward, this important information surely would never have come to light.

Furthermore, during the *Ellison* I.A. investigation, just over two weeks after his interview of Ms. Harris, Det. Nelson was asked if he took any witness statements during the criminal investigation. He stated that he had not. At his deposition, he had no explanation why he made this false statement during the official I.A. investigation of a police-involved shooting. Of course, one reason might be that Det. Nelson tampered with the audio recording or otherwise knew what happened, and wanted to avoid detection. Another reason could be that his career and professional advancement relied upon Sgt. Leshner’s approval, and Det. Nelson clearly had an opportunity to protect his boss’ wife from a criminal homicide charge. Or perhaps he was just trying to help out his colleagues and friends. Either way, his false statements during an I.A. investigation were never addressed by the Internal Affairs Division or the LRPD.

Whatever the reason for Det. Nelson’s untruthful I.A. statement, it is a fact that the prosecuting attorney never knew that Ms. Harris stated that Mr. Ellison did not go outside, never knew that crucial audio recordings of witness statements were lost or damaged, and never knew that the detective responsible for collecting evidence in the criminal matter later disavowed having collected it to his supervisors during an official investigation.

LRPD’s False and Misleading Statements Are Intended to Exonerate Offending Officers

The LRPD has a routine practice of knowingly supplying the media with false and misleading official police statements in regard to police-involved shootings. These false representations are intended to paint the offending officer(s) in a favorable light, and assist with the officer’s eventual exoneration. These statements are the City of Little Rock’s first official word on a matter of extreme public importance. As such, the LRPD plants the seeds which influence public opinion and set the tone for the investigation. This insidious practice also demonstrates the need for federal intervention.

For instance, the day after the *Ellison* shooting, Capt. Hastings (at the time, the Public Information Officer) convened a press conference, and provided the media with false pro-police statements about the shooting that were absolutely unfounded. Consistent with the historic customs at the LRPD, Capt. Hastings sought to justify the killing of Mr. Ellison, and make it seem more reasonable in the eyes of the public. He told reporters that Mr. Ellison charged on the officers when they were at the front door. Yet, McCrillis stated that Mr. Ellison was seated on his couch when she entered his home, and sarcastically asked him “What’s your problem?” Without hesitation, she told the LRPD she entered because Mr. Ellison got “mouthy” with her.

Capt. Hastings told the hastily assembled media that Mr. Ellison was “swinging a big wooden cane” at Leshler and McCrillis. In fact, Leshler testified that he merely had his walking cane out in front of him, and did not swing it at all. This was a fabrication that provided a defense for the offending officers. Capt. Hastings told reporters that even though Mr. Ellison was an older man, he was “still in very good shape, was very strong.” Yet, Officer Vincent Lucio, who actually observed Mr. Ellison before Leshler shot him, described Mr. Ellison, a disabled senior citizen, as fairly tall but “not muscular” and stated he did not present a threat of death or great bodily injury.

Capt. Hastings never spoke with Leshler or McCrillis before his press conference. Yet he felt compelled to offer his own personal opinions regarding Mr. Ellison’s physical strength and mental state, which had the obvious effect of making the officers’ deadly force seem more justifiable. General Order (GO) 109 (“Media Relations and Information Releases”) states that “personal opinions regarding the suspect, evidence or any matter pertaining to an investigation” shall not be released. Capt. Hastings’ rendition of facts was knowingly false, and the LRPD has never corrected the record, even after its officers refuted his statements under oath. At deposition, Capt. Hastings finally admitted that telling the media that Mr. Ellison “very strong” was a personal opinion. His statement that Mr. Ellison “advanced on our officers” was also false. Yet, Capt. Hastings was not disciplined. The falsehoods he knowingly perpetuated to the media—in violation of GO 109—quickly took root among the citizens of Little Rock, and this obviously made seeking redress much more difficult, which was the intention.

The chief of police also uses the LRPD bully pulpit to mislead the public. On October 17, 2011, after the filing of the *Ellison* lawsuit, then-Chief Stuart Thomas released the following press statement “...I will at this time state that this incident has undergone intense Departmental review and that the actions of the officers were exonerated by both the Prosecuting Attorney and Department...” Truly, the LRPD investigation was anything but “intense” as reflected in the following publicly-suppressed instances of favoritism and review irregularities during the investigation of Mr. Ellison’s shooting:

- While Leshler was on Extended Medical Leave (*i.e.*, physically unfit to work as a patrol officer), she was nonetheless allowed by the LRPD to moonlight as an armed security officer, a fact known at the LRPD, but withheld from the media and public, including her private business employers who might face liability for her actions in the scope of employment.
- Leshler and McCrillis were each dressed inappropriately and in violation of GO 203 (“Uniform Regulations”). Leshler was wearing white sneakers, earrings, a

long-sleeve T shirt with no badge and no nametag. McCrillis' uniform was incomplete, she too lacked a police nametag and she had her hair in a ponytail, all in violation of GO 203.

- Neither officer was disciplined for any of their uniform violations, even though the purpose of GO 203 is to ensure that the public is able to easily identify police officers as police officers, and whether they identified themselves as officers before they entered Mr. Ellison's home is at issue.
- The first words out of Leshar's mouth after she shot Mr. Ellison was "Somebody call my husband, somebody call my husband!," referring to Sgt. James Leshar, the supervisor of the homicide unit, which she knew was charged with investigating the propriety of the shooting.²
- As requested by his wife, Sgt. Leshar, who was not on duty, was called on McCrillis' cell phone, and he discussed matters with his wife moments after Mr. Ellison was killed, but before assigned LRPD investigators arrived.
- Moments later, Sgt. Leshar arrived at the scene of the shooting in his personal car, in parked in a dark adjacent lot.
- In violation of protocol, and proven by a dashboard video, Leshar and McCrillis were not separated after the shooting, and can be seen speaking with each other and several other officers, including Sgt. Leshar, the arriving officers and supervisors, who should have immediately separated all of them and taken their statements.
- Leshar and her husband left the scene together, in Sgt. Leshar's personal car, and their whereabouts and activities for the next three (3) hours are unclear.
- LRPD investigators immediately took control of surveillance video from the apartment complex which somehow became damaged,³ affecting the only camera fixed on Mr. Ellison's front door, and only during the time of the shooting of Mr. Ellison. LRPD has given no explanation for this spoliation of evidence.
- Leshar and McCrillis each claimed that they pepper sprayed Mr. Ellison in his face prior to the shooting, yet his face was never swiped by LRPD crime scene investigators to determine if this was, in fact, accurate and true.
- LRPD never tested Mr. Ellison's home for pepper spray residue.
- First responders who treated Mr. Ellison on the scene detected no pepper spray, and gave official police statements regarding same.
- Official reports from the first responder, emergency room, county coroner and medical examiner are all silent regarding any pepper spray on Mr. Ellison or in the area of the treatment provided to him.

² See *Ellison* police video, which is enclosed on CD.

³ See *Ellison* apartment complex surveillance video, which is enclosed on CD.

- The Arkansas State Crime Lab tested the samples they were given by the LRPD, and found absolutely zero pepper spray on Mr. Ellison’s neck, right hand, left hand, jacket, vest, shirt, pants, belt, shoes clothing or glasses.
- One of the LRPD detectives assigned an officer to stand outside Mr. Ellison’s front door in the early morning hours after the shooting to “protect” important evidence, yet there is no report reflecting this order, no one admits to actually giving the order and no officer has stepped forward to identify themselves as the night watchperson.
- Leshner and McCrillis’ pepper spray canisters were not taken from them at the crime scene after the shooting, but instead five (5) days later, after they were taken home by the officers.
- Every single LRPD report generated on December 9, 2010, the night of the shooting, is totally silent to any pepper spray usage or remnants on Mr. Ellison or in the vicinity of the shooting, which would have been standard practice to document.
- On December 10, 2010, the day after the shooting, the Pulaski County coroner, who is African-American and whose job is to serve as a liaison between the county and the public relating to the deaths of county residents, stated to the media that his office detected no pepper spray on Mr. Ellison.
- The very next day after the coroner’s statement, several white LRPD officers supplemented the official file with additional reports that now mentioned pepper spray.
- Several weeks after the media statement, after more than 20 years of service, the coroner was forced to resign by the County Commissioner, a close personal friend of the police chief. The coroner has filed a racial discrimination lawsuit.
- Leshner and McCrillis’ uniforms were not taken from them after the shooting but instead four (4) days later, after any evidentiary value had already been lost.
- Sgt. Leshner was in the vicinity of his wife’s questioning until a FOP lawyer—and not LRPD investigation supervisors—asked that he leave the station.
- In violation General Order 303 (“Use of Force”), neither Leshner nor McCrillis ever drafted use of force reports for the shooting, their physical blows upon Mr. Ellison or their alleged use of pepper spray. To this day, neither officer has drafted one.
- While the interview of homicide suspects are routinely video-streamed for investigators, Det. Tommy Hudson, a close personal friend of the Leshners with whom he has vacationed and gone hunting, decided to turn off the video device, preventing other officers from viewing the questioning of Leshner and McCrillis. This was called “highly unusual” by African-American officers on the force.

- Lesher was questioned by Det. Hudson, a longtime friend. Lesher and McCrillis were friends with all of their investigators, and had vacationed with several of them prior to the shooting. They were asked favorable leading questions almost exclusively, and were spoon-fed deadly force terminology and factors to justify the shooting.
- Lesher's interview was stopped midway for no apparent reason and when she resumed, she read from a prepared statement without stating it on the record.
- Lesher, who is 5 feet, 6 inches in height, stated that Mr. Ellison, 6 feet, 1 inch, was upright and approaching her in violent fashion. She was never asked how close Mr. Ellison got to her before she shot him. There was no stippling and, more importantly, the bullet trajectory went from front-to-back, at a downward angle, absolutely contradicting Lesher's account, and suggesting that Mr. Ellison was somehow below her when she shot him. Being on the ground or kneeling is consistent with the trajectory. Yet LRPD investigators never addressed this obvious inconsistency with Lesher or among themselves.
- They gave materially different versions of what happened to the criminal investigation versus the I.A. investigation, and were never questioned about these major inconsistencies; the police chief read all of the reports, was fully aware that the officers changed their stories and thought nothing of it.
- And when two African-American officers openly voiced their disapproval of what they perceived to be preferential treatment for Lesher and McCrillis, they were cited with general order violations, and harshly disciplined by the police chief for their opinions.
- Unbelievably, the LRPD did not collect DNA samples from Lesher and McCrillis until May 26, 2011, over six (6) months after the shooting, and days after they had already been exonerated by the prosecuting attorney's office (based, again, on the incomplete file provided by LRPD).

One wonders what the public would think of the LRPD's training and practices if it knew that it allowed Lesher to perform armed, off-duty security for private businesses despite years of repeated failures on physical fitness tests. Clearly, then, the investigation into Mr. Ellison's shooting was not at all "intense," but rather typical of those historically performed by the LRPD: lax, biased and designed to exonerate the offending officers. This goal was accomplished in *Ellison*. After his deposition, Stuart Thomas announced his early retirement.

As I write this, Lesher still patrols the streets of Little Rock with her gun, her severely limited knowledge of fundamental police concepts and, still, without a baton. As a matter of fact, the LRPD has recently seen fit to appoint this careless, poorly-trained officer to the LRPD Uniform Regulation Committee, which reviews officers' compliance with GO 203, the very general order that she and McCrillis completely disregarded the day they shot Mr. Ellison, violations which were totally ignored by the LRPD during the internal investigation. This might be comical if the lives of Little Rock citizens did not hang in the balance.

LRPD Code of Silence

An historical hallmark of the LRPD's flawed discipline system is a recurring "code of silence," where LRPD investigators discourage, ignore or cover-up evidence of police misconduct. In the matter of *Curtis v. Temple, et al.*, African-American, Demetrius Curtis, alleged that he was beaten while handcuffed during a traffic stop.⁴ He told investigators that Officer Eric Temple "just reached in and hit me across my jaw" with a closed fist. Though there was no video of the alleged assault due to a mysterious "six-minute gap" (another LRPD custom), audio of the incident captured not only the sounds from the beating, but also Temple's partner, Officer Chris Johannes, confronting Temple about his improper actions.

Officer Johannes: That's the reason I told you don't go over there to begin with...

Officer Temple: Dude I was *talking* to him.

Officer Johannes: It is clear on camera all you hear is smack.

Officer Temple: I didn't smack him.

Officer Johannes: Dude I heard the fucking skin hit from over here.

Officer Temple: No you didn't.

Officer Johannes: I told you not to talk to him because you were pissed off.

Officer Temple: I don't know what *you* fucking heard.

Officer Johannes: Well not on paperwork. Don't get mad at me.

Clearly, Johannes was aware that his partner, Temple, physically struck a defenseless, handcuffed black man during this traffic arrest, and even chastised him for it. However, during the official LRPD investigation to determine whether Mr. Curtis' was a victim of excessive force, Johannes used the "code of silence" to protect his partner:

"I did hear Mr. Curtis scream at one point uh-why'd you hit me? You hit me or something along those lines of that and I walked back there. Officer Temple shut the door and I walked back there and asked kind of did you hit him and he said no, and I just kind of left. I went down there and Officer Temple said he didn't hit him. Officer Temple didn't hit him then...Uh, to my understanding Officer Temple said that the guy tried to step out and he told him to get back in the car and the guy wouldn't get back in the car and he had to shove him. When I turned around [Temple's] hand was extended out but I never saw any closed fists, open hand smack to the face, anything along the lines of that. I just saw an arm extended out and that was- he said he didn't and I said well I turned around and that was it."

⁴ The LRPD citizen complaint file for Curtis is enclosed. It shows the lengths to which the LRPD will go to exonerate officers who engage in excessive force and untruthfulness.

LRPD investigators then played the audio recording wherein Johannes clearly states his belief that Temple struck Mr. Curtis so that “Johannes could refresh his memory of the incident.” Confronted with the recording, Johannes changed his story, stating now that he did hear “something striking- a striking noise. Uh, a flat I guess kind of noise. I hear uh- sort of a clapping sound...like a striking sound, open-open hit. I guess open palm.” Johannes could not explain what he meant by “not on paperwork.” He did not mention Temple striking Mr. Curtis in his official report. Nor did he tell a supervisor. Both lapses are violations of LRPD GO 303, pertaining to the use of force.

Unbelievably, despite Mr. Curtis’ allegations and the irrefutable audio recording that absolutely substantiates his claims, all charges against the officers (unnecessary use of force, failure to act, failure to report, untruthfulness, harassment and MVR violations) were deemed unfounded. Investigator, Sgt. Lyn Forrester, summed up the mindset of LRPD internal investigations quite well when he said “I have considerably less faith in MVR systems than I do in Officer Temple’s word...I conclude that both officers were attempting to be truthful under the challenging circumstances...” Though Mr. Curtis’ complaints were deemed unfounded by the LRPD, and though the Civil Service Commission upheld this decision, Mr. Curtis filed a civil rights lawsuit which the City of Little Rock later settled for \$10,000.

Evidence of a code of silence abounds. A well-respected, 14-year homicide detective at the LRPD, Det. J.C. White, was one of the early case detectives in *Ellison* but he requested to be removed from the investigation because of irregularities, such as the decision by Det. Tommy Hudson to disconnect the video monitoring system. He testified that the basis for Leshner and McCrillis’ entry into Mr. Ellison’s home was a subject the LRPD intentionally avoided. He found this deliberate lack of attention to such a crucial aspect “disturbing from a professional standpoint.” Det. White testified that the LRPD took efforts to portray Mr. Ellison as a “monster,” to take focus away from what actually happened the evening of the shooting. He felt that Leshner and McCrillis clearly received preferential treatment during the investigation, and that this spoke to his belief that whatever the facts, the LRPD strives to exonerate officers accused of police misconduct. Det. White observed Mr. Ellison’s body at the coroner’s office. He confirmed that there was no pepper spray on Mr. Ellison.

My office is also handling *Hawkins v. Roberts, et al.*, a case where two white LRPD officers shot and killed Landris Hawkins, an African-American, mentally-ill man who held a knife to his throat in his home. Not only was this an unjustified police-involved shooting, but it also demonstrates the systematic concealment of material facts during LRPD’s internal investigations. On November 3, 2009, Mr. Hawkins’ family called 911 for help getting him to a hospital but instead, LRPD officers arrived, guns drawn, and within 1 ½ minutes, they shot and killed him from his front porch through a glass storm door. It is clear from video/audio recording (enclosed) that the officer planned to shoot Mr. Hawkins the very next time they saw him, whether he posed a threat of death or great bodily harm at that particular time or not. This decision-making reflects a total disregard for the protections of the Constitution, which require a reasonable fear of death or great bodily harm before deadly force may be used. The officers’ calm exchange leading up to the shooting is extremely telling:

“You ready?” “Yep.” “When he comes back around, let’s do it. We’re gonna have to shoot him....Come up even, Jimmy.”

Thus, one of the officers is actually instructing the other on his positioning so that their potential for deadly force is maximized. These officers sound like they are hunting an animal, and it is quite chilling to hear. Though they have the time to discuss killing Mr. Hawkins and getting positioned to shoot him, they never announce to him that deadly force is imminent. Mr. Hawkins' grandmother has testified that he did not have a knife at the time he was shot. Indeed, after he was gunned down, the knife was actually fifteen (15) feet from his body, in another room altogether.⁵ Conveniently, the one of the officers said he moved the knife from near Mr. Hawkins' body because he was still alive and presented a danger, even though the officers' verbal exchange absolutely contradicts this:

"He's down, he's down....He's here in the hallway." "Where's the knife? Where's the knife?" "I don't know where the knife is." "Okay."

Tragically, another officer was actually enroute to the scene with less-than-lethal force alternative. He drafted a report wherein he stated "I prepared the Taser for possible employment (sic). While we were approximately 4 blocks away, Officer Christ came over the radio stating that shots had been fired and that the suspect, Mr. Hawkins was down." Thus, this killing was not only an egregious misuse of deadly force, but it was totally avoidable for a reasonable officer. Had the officers been properly trained in deadly force or had they followed GO 309 ("Handling Mentally Ill Persons"), Mr. Hawkins might very well be alive today.

As is the custom practice at the LRPD, the knife was never tested during the investigation to determine if anyone's fingerprints or DNA was on it. Fairly gruesome post-mortem photographs of Mr. Hawkins strongly suggest that he was not a threat to anyone after he was shot by the officers.⁶ Though Mr. Hawkins was clearly having a mental episode, investigators ignored this fact, and did not once mention the possibility that GO 309 was violated, or even implicated. Further, the shooting was not even logged in one of the officers' subsequent Early Intervention System report (explained below). This means the officer is less likely to trigger an alert for use of force in the future, and the next time he does commit deadly force, the matter will be reviewed without reference to Mr. Hawkins' shooting. It is truly as though it never happened. This is strong, direct evidence of a code of silence at the LRPD.

Willfully Disregarding Early Intervention System Alerts

As explained in the 2003 DOJ management guide, *COPS Early Intervention Systems for Law Enforcement Agencies*, Early Intervention Systems (EIS) is a data-based management tool designed to identify officers whose performance exhibits problems, and then to provide interventions, often re-training, to correct those performance problems. EIS is an important mechanism for ensuring police accountability. It is a "proactive management tool useful for identifying a wide range of problems..." In an EIS, performance data are entered into a computerized database. These data include departmental use of force reports, citizen complaints

⁵ See LRPD crime scene overhead diagram from Hawkins, which is enclosed.

⁶ See LRPD post-mortem photograph of Landris Hawkins, which is enclosed.

and other performance indicators.⁷ The major contribution of the EIS is its capacity to spot patterns of performance and to intervene before problems lead to a serious incident such as a lawsuit, a citizen complaint over excessive force, or some other public crisis involving the department.

Yet, at the LRPD, this crucial method for identifying problem officers and, ultimately protecting the citizens of Little Rock, is disregarded, often with disastrous results. To this point, from 2005 to 2010, some 1670 uses of force were identified among EIS officers, all of which were deemed justified. In 2008 alone, there were 236 separate EIS alerts, and none of the officers was recommended for monitoring. In 2009, the EIS sounded alerts 189 times, and, again, none of the identified officers was recommended for monitoring. In 2010, the year Mr. Ellison was killed, officers were identified by EIS 207 times. None were monitored for use of force. Again, the total number of LRPD officers runs at an average of about 540, so these numbers represent a sizable portion of problem officers.

These unmonitored officers include Johannes who triggered seven (7) alerts, before, on December 27, 2011, he recklessly shot two black young men who were alleging speaking to a white girl in a crowded shopping mall parking lot. Also included is Officer Walker Johnston, who set off nine (9) alerts before he shot Jerron Taylor, a black male, three times including in the back on July 18, 2011. Clearly lacking any consistency or moral authority, Capt. Hastings jumped in and defended Johnston's training to the media, stating, "[o]fficers are trained to use deadly force in certain circumstances and that's what we have to rely on, is their knowledge and ability when they are on the scene to make those clear judgments." The LRPD is basically playing a shell game here, but the cost is African-American lives.

Officer Eliot Young shot and killed a black man, Ervin Owens, on July 1, 2006, and was promptly exonerated. Then, he sounded an EIS alarm six (6) days later, on July 7, 2006, for which no action was taken. On February 9, 2007, he again triggered an EIS alert, and again, no action was taken. Then, on March 26, 2010, he shot and killed an innocent bystander (Irma Rogers, a black female) during a botched drug raid. Finally, on November 14, 2013, Young shot Antoine Wilbert, an African-American male, who he claimed had a gun. No gun was ever found. One wonders who is next for Officer Young.

Tabitha McCrillis had two (2) EIS alerts prior to her involvement in the *Ellison* shooting, both of which reflected excessive of uses of force, one of which was committed upon a 12-year-old African-American girl. Nothing was done. Officer Kelly Lepore triggered the EIS system for high number of uses of force on nine (9) separate occasions spanning four (4) years, each of which resulted in LRPD supervisors disregarding the alerts, and recommending no action. Subsequently, on July 7, 2012, she was involved in an in-custody death with Officer David Green, who himself has major misconduct baggage which is thoroughly described below. Clearly, if the LRPD took these matters seriously, and these reckless and poorly-trained officers

⁷ If use of force reports are not drafted, however, they cannot be included in the EIS to track officers' performance. Because Leshner and McCrillis never drafted use of force reports for the killing of Mr. Ellison, that information was not included in any EIS tracking for either of them. In terms of tracking their use of force proclivities, it is as though the killing of Mr. Ellison—like the killing of Mr. Hawkins before him—never happened.

had been monitored as the EIS intended, some—if not all—of the lives of their subsequent excessive force victims would have been spared.

Officer Untruthfulness and Violations of *Brady v. Maryland*

In 1963, the U.S. Supreme Court decided the case of *Brady v. Maryland*, 373 U.S. 83 (1963), establishing the rule that prosecutors have a due process affirmative duty to disclose to a charged criminal defendant all “material evidence” that is favorable to the defense. Recent Supreme Court decisions have enforced *Brady* to include evidence maintained in a police officer’s personnel files. Police practices expert and former police chief, Jeffrey Noble, has said “[u]nder *Brady*, evidence affecting the credibility of the police officer as a witness may be exculpatory evidence and should be given to the defense during discovery. Indeed, evidence that the officer has had in his personal file a sustained finding of untruthfulness is clearly exculpatory to the defense.”⁸ Failing to comply with the rules under *Brady* results in what is commonly known as a “*Brady* violation.” A *Brady* violation will likely lead to a reversal of a conviction on appeal and/or a new trial for the accused.

The LRPD police chief has testified that his department does not maintain a *Brady* list. Nor has the prosecuting attorney ever requested one. What this means is that untruthful officers routinely give prosecution testimony in criminal trials against criminal defendants, without the defense (and ultimately, the jury) being apprised of their history of official untruthfulness. This obviously prejudices the defense and, when one considers the disparity in criminal charging, the result is that more African-Americans are being funneled through the prison system. Aside from criminal prosecution aspect of *Brady*, the failure to terminate untruthful officers creates an environment which fosters excessive force and police misconduct, as well as more untruthfulness. Because officers clearly are not terminated for lying during official investigations, they are incentivized to lie if it means they can keep their job. Thus, the LRPD has created a climate where it is actually rational for an officer to lie when he or she has been accused of serious misconduct.

Untruthful Supervising Officers Such as Captain Tom Bartsch

Take for example high-ranking LRPD officer, Captain Tom Bartsch. On May 30, 2004, Capt. Bartsch worked off-duty security at Little Rock’s River Market Festival. During his paid shift, Capt. Bartsch, who was dressed in his official LRPD uniform, filled the trunk of his squad car with alcohol, and invited several younger officers to join him drinking. The impressionable, subordinate officers naturally obliged. Later during the shift, Capt. Bartsch and his crew—surely intoxicated at this point—got into a physical fight with a group of African-American teenagers in the middle of the street, in open view of the public, causing fairly significant injuries to the teens who scattered from the area, fearing more violence from the officers.

Evidencing the clear impropriety of the incident, none of the officers—including Capt. Bartsch—drafted any reports about what happened or notified anyone of anything, though they

⁸ See Noble, J., *Police Officer Truthfulness and the Brady Decision*, Police Chief Magazine, Volume 70, No. 10 (2003); see also Noble, J., and Alpert, G., *Lies, True Lies and Conscious Deception: Police Officers and the Truth*, Police Quarterly, Volume 12, No. 2 (June 2009).

would later claim to be the victims in the incident. These are serious, immoral violations of GO 303 and basic police protocol. The LRPD only learned about the incident when one of the young victims came forward. He claimed he and his friends were “jumped” by the officers when one of the friends remarked about uniformed officers drinking alcohol in open view. Capt. Bartsch and the three other officers were cited for public intoxication, improper handling of city vehicle, failure to document use of force, battery, failure to carry ID, conduct unbecoming an officer, failure to supervise and untruthfulness. After wasting City time, money and resources with two lengthy, formal LRPD investigations which pulled officers off of the street to give and take interviews, and which generated a thousand pages of materials, Capt. Bartsch was eventually disciplined with a 30-day suspension.

Ever true to its pattern, LRPD did not terminate Capt. Bartsch for these very serious transgressions, despite the clear message it sends not only to the younger officers he encouraged to join him drinking and fighting the teens, but also those rank-and-file officers who learned of the incident during any of the multiple LRPD and Civil Service Commission hearings which followed. In fact, most incredibly, again demonstrating a clear custom of disregard for brazen police misconduct, Capt. Bartsch was actually appointed chairman of the Deadly Force Review Board (DFRB) in three subsequent police-involved shooting cases in February 2006 (*Colwey*), April 2007 (*Glenn*) and 2010 (*Burton*). The DFRB is a LRPD committee that analyzes deadly force incidents, identifies problem areas in supervision and training, and then makes recommendations so that similar situations can be avoided.⁹

So, Capt. Bartsch, who drank booze out of the back of his LRPD squad car while working, who encouraged his subordinates to do the same, who physically battered black teenagers, who lied about it, and then tried to cover it up by blaming the teens, was later given the responsibility of reviewing uses of force, and protecting the interests of potential future victims of police misconduct. Needless to say, Capt. Bartsch and his DFRB cohorts did not detect any problems with the uses of force or supervision they later reviewed, and this willful neglect predictably facilitated similar incidents in the future. Such a scenario makes a mockery of the system, and shows a total disrespect for Little Rock’s African-American community.

NUMEROUS REPEAT OFFENDERS IN THE LRPD¹⁰

The following LRPD officers are just a few who could be called serious “repeat offenders.” Despite the gravity and number of allegations against these officers, the LRPD fails to appropriately discipline them, creating a vicious cycle of recurring police misconduct that worsens in nature, and as shown below, often culminates in a deadly police-involved shooting or serious violence.

⁹ The DFRB inquiry (enclosed) into the Ellison shooting was, again, nothing but a rubber stamp on the pre-determined decision to exonerate Leshner and McCrillis, despite their constitutional violations and disregard for general orders. Where the LRPD could have used the terrible incident to enhance its training efforts, it instead endorsed the officers’ actions, signaling to officers its tolerance of unwarranted shootings and illegal entries.

¹⁰ Because the overwhelming majority of allegations against these repeat offenders were determined by the LRPD to be not sustained or unfounded, I only indicate dispositions for those that were SUSTAINED.

Officer Christopher Johannes

In his first six years at the LRPD, Johannes amassed a sterling 69-0 “justified” record for his uses of force. When reviewing Johannes’ history of citizen complaints, a trend emerges. First, a citizen complains that Johannes has committed excessive force, and Johannes denies it, creating a “he said/she said” situation, which is only resolvable by consulting the dashboard video. Next, the LRPD checks Johannes’ video but to the befuddlement of all, his system was inoperable or the recording was somehow damaged, even though each LRPD officer is required to assure that their squad car has a fully-functioning recording system at the beginning of their shift, per GO 316 (“Mobile Video Recording Equipment”). Lastly, because there is no video to corroborate the complaining citizen, Johannes’ position is given more weight—regardless of the evidence—and the allegation is deemed not sustained or unfounded.

The “lack of video” problem is widespread. Because LRPD officers are never seriously disciplined for MVR violations, if they wish to commit excessive force unabated and unpunished, it behooves them to disengage their video systems before they commit it. That way, if the victimized citizen actually has the courage to seek redress for their injuries and humiliation, they will not be able to prove any misconduct by the offending officer, who will not be seriously disciplined for the violation of GO 316, if at all. This is an identifiable pattern at the LRPD. Many officers know it, and take advantage of it. In Johannes’ case, he was not even punished after he defied several times a direct order to never be in a car without a functioning MVR system.

In terms of EIS, Johannes triggered alerts six (6) times: on February 8, 2006, July 14, 2008, January 11, 2007, May 21, 2007, December 29, 2007, and December 19, 2008. All of these were considered “false alarms,” and no action was recommended and authorized. As noted above, Johannes was caught lying during an official investigation and not disciplined at all (*Curtis*). Then, in December 2011, two days after Christmas, he shot two black teenagers in a crowded shopping mall parking lot. An independent witness refuted the basis for Johannes’ use of deadly force on the victims, claiming no one was when he shot, but this crucial information was ignored, and Johannes was exonerated. The victims have filed a civil rights lawsuit which is being vigorously fought, costing the City of Little Rock more time, resources and money.

TABLE 4: Officer Christopher Johannes

Date	Number	Complainant	Facts
1/12/05	06-4558	Shawn Porter	UOF after MVP, suspect refused to comply with commands and was taken down with strong arm bar. Per EIS, Capt. Bartsch was assigned investigator.
3/18/05	05-29503	Michael Benedict	UOF suspect pulls away during arrest and Johannes does strong arm bar takedown, also forced against trunk.
4/15/05	05-41559	Gregory Brown	UOF arrestee forced to ground after he pulled a knife on officers.
4/22/05	05-44673	Sheba Moore	UOF OC to kicking arrestee female.
5/30/05	05-3554 05-60844 05-60857	Victoria Avery William Gray III	False arrest, excessive force. Johannes and Hill arrive, no fight. William Gray keeps walking and pulls away. OC’ed and hit with baton in neck, fell to ground and kicked. Kicked again after handcuffed. Johannes, Hill and R. Littleton reports whited out where post-handcuff kicking described. MVR audio “malfunction” due to POs being in close proximity to each other. Victoria Avery “...nothing wrong with people making mistakes. It’s just that they need to pay for them if they’re wrong.” 3 written witness statements provided by Avery disregarded by LRPD.
7/17/05	05-83284	Terrence Stigall	MVP pursued suspect approx 2 miles.
9/6/05	05-105312	Sergio Jackson	MVP pursued suspect that fled from him and UOF, pinned and

			handcuffed.
9/11/05	05-107649	Candayce Tabron	UOF female interfering with ongoing fight taken to ground with strong arm bar and handcuffed.
9/16/05	05-3628 05-109686		Violated 1/3009.00, backed into pillar in a parking deck at 4 th and Broadway. SUSTAINED. 1 day susp. 12/22/05.
11/12/05	06-134184	Jacob Kacena	UOF "suspect was banging his head on the car and officer Johannes administrated OC to prevent him from injuring himself." Johannes EIS says "injuries to subject were cause during prior incident."
11/25/05	05-3634	Sydney Macfoy	Excessive force security room beating with lights turned off. Head put through wall, forehead injured. Alleges he was hit after handcuffs applied. POs say hit when he attempted to pull away. 4 strikes to common peroneal. Victim said "I don't want them to ever...have a chance to do this to nobody else again." Johannes claims lights went off by accident and victim ran into wall himself.
12/2/05	05-142446	Earl Perkins	MVP pursued suspect that fled from him.
2/21/06	06-20773	Grady Carnahan	Arrested at zoo, pulled away, taken down. 3 knee strikes to peroneal when suspect refused to give hands.
5/6/06		EIS alert based on use of force	Johannes triggers EIS based on UOF, but it is disregarded. "No common theme or circumstance to uses of force."
5/8/06	06-52764	Calvin Tayborn Jr.	POs approach traffic stop, Johannes did 2 knee strikes to peroneal while commanding Tayborn to stop resisting.
5/14/06	06-3747	Sheldon Wheaton	Conduct unbecoming. Victim's head slammed against car divider, forehead injured. Df said something that pissed him off. Says Johannes is "just trying to cover it up, its completely ridiculous."
6/3/06	06-78508	Reginald Surratt	UOF.
7/28/06	06-90156	Victor Bogan	With leavy, off-duty at mall, suspect stole 2 pairs jeans. Johannes does 4 knee strikes to peroneal.
10/23/06	06-12784	Eddie Erwin	Arm bar and pushed against wall and taken into custody.
11/9/06	06-133853	Melvin Speed	UOF
11/14/06	06-136197	Chester Lee	POs dispatched to check condition of subject, somehow fight starts and suspect OC'ed and in custody.
12/14/06	06-152148	Leslie Carter	Female loitering, when POs tried to place her in cuffs, she pulled away and POs "had to hold her head against the vehicle." Later "noticed" blood on car hood. Suspect had "small cut on lip."
1/11/07	07-3832	Henry Peer	Theft of property \$200. Johannes vehicle had no MVR video. Audio recording malfunction. Johannes removes necklace and gives it back? Johannes claims victim "automatically just became aggressive and he was belligerent." Johannes says new jail policy is to take personal items in the field. Claims victim was "definitely intoxicated."
1/21/07	07-8212 07-8183	Thomas Warborg	Shotgun drawn, window smashed, df OC'ed and taken into custody. MVR "malfunction." Johannes ordered never to be in a car w/o MVR unless first approved by a supervisor.
1/23/07	07-8873	Heather Keeteon	With Justin Tyer, responding to fight in progress, POs saw df arguing with Travis Welch. Pulled out of car and arrested.
2/11/07	07-15897	Calvin Williams Jr.	UOF
3/6/07	07-25588 07-25562	Marcus Johnson	With Ford. POs respond to assault call. Df arrested and taken to LRPD for questioning. "...as they entered the interview room, Mr. Johnson took an aggressive stance, doubled up his fist and refused to enter the interview room." Taken down, pinned and cuffed. No video of situation. Suspect handcuffed at scene then not in handcuffs during use of force.
3/28/07	07-35160		MVP. SUSTAINED. Letter of rep 6/12/07.
4/10/07	07-40000	Ray Neal	Passenger in traffic stop moved around and reached under seat. Johannes took him out and while escorting df to vehicle, he "pulled away and attempted to flee." strong arm bar to ground.
5/10/07	07-53865	Antoine Gibson	Johannes attempting to arrest shoplifting suspect and df yelled at Johannes to leave her alone. Johannes OC'ed.
5/10/07	07-53888	Sandrea Simbler	Tried to pull away as Johannes tried cuffing her. strong arm bar takedown. Off-duty at Dillard's.
6/12/07			2 day susp. for an on-duty accident in the 400 block of Schiller St. but details not available. SUSTAINED.
7/10/07		EIS alert based on use of force	Johannes triggers EIS based on UOF, but it is disregarded. "Each and every incident was investigated fully and actions were 'Exonerated' in each and every case..."
8/29/07	07-3933	Glen Ferguson	UOF
9/5/07	07-103606	Adrian Burks	UOF when Johannes OC'ed suspect.
9/22/07	07-3938	Kelly Smith	Excessive force spitting suspect. Df spit at Johannes because of taunting and then punched. No MVR in car and exonerated without seeing video from NLRPD. Johannes "struck" Smith according to Sgt.

			Briggs. Johannes says he "instinctively pushed," etc.
10/17/07	07-115971		UOF
12/6/07	08-3978?		Violated 1/3009.00. SUSTAINED. 2 day susp notified 2/6/08.
12/29/07	07-145791	Chris Simmons	UOF discrepancy on whether suspect removed hands from pocket or not, the basis for UOF. Johannes says yes, witness says no.
1/13/08	08-5220	Larry Moore	With Tyer, responded to disturbance when df began cursing and being belligerent. Smelled of intox. Df became combative and tried to enter home after fire. Small abrasion to L side of temple when taken down. Johannes "gently pushed" df. MVRs not working.
2/24/08		EIS alert based on use of force	Johannes triggers EIS based on UOF, but it is disregarded. "Each and every incident was investigated fully and actions were 'Exonerated' in each and every case..." "False alarm."
3/26/08	08-32234	Ynontha Carroll	Df pulled over for speeding, red light and striking curb. While Johannes tries cuffing df "lunged back and attempted to pull away." Johannes pinned df against car and took him down but car was never in park and hit patrol car.
3/28/08			Johannes wrecks another car but not suspended.
4/9/08	08-37953	Reginald Travis Jr.	Johannes responds to disturbance with a weapon. Johannes told df to leave but he wouldn't. Johannes started to cuff when df "pulled away and refused to put his hands behind his back." Struggle, df and Johannes "slipped on wet boards of the front porch and fell to the ground."
4/10/08	08-4014	Demetrius Curtis	Victim claimed Off. Temple punched him, smashed his head into a store window and a police cruiser when arresting him for driving car with stolen license plate. Johannes lies about knowledge of punch, and was confronted during interview. 6 minutes of crucial MVR missing. LRPD still concluded Curtis' allegations were false and the officers cleared. Yet city paid \$10K to settle. 4:09CV519 DPM.
4/22/08	08-43429	Hal Yarborough	POs respond to disturbance and df was yelling and cursing out the window. Df threw a drink at POs. strong arm bar, baton to peroneal. Johannes OC'ed.
6/1/08			Johannes named officer of month June 2008 per letter from chief.
6/13/08	08-66302	Jared Sutton	Off-duty at mall, Johannes saw df and woman in argument. Df threw her between 2 cars. Johannes grabbed, threw against car and arrested.
6/25/08	08-71509	Monica Williams	UOF.
7/3/08	08-75176	Latasha Briggs	UOF.
7/28/08	08-86915	Carlos Gomez	Off-duty at mall, theft in progress call. Df pushed himself off of Johannes in an attempt to flee. Johannes put him against wall. Strong arm bar takedown and several knee strikes.
8/12/08		EIS alert based on use of force	EIS alert, but it is disregarded. McVay has "thoroughly reviewed the incidences involving Johannes UOF...and have concluded that no further action is necessary at this time."
9/10/08	08-105123	Jose Canales	With David Wilson, traffic stop, df "cont to attempt to pull free" from Johannes, cont struggling while Johannes tried putting in cuffs. Johannes kneed df in peroneal.
10/11/08	08-119041	Greg Mosley	Johannes observed df on street unsteady, yelling and instigating a conflict. Df "pulled away" and Johannes applied pressure to clavicle and gained control.
10/20/08	08-122350	Robert Martin	With Leundra Davis, df was passenger in vehicle involved in MVP. Defendant taken to ground and cuffed.
12/1/08	08-139028	Andre Plummer	Off-duty Johannes responds re. shoplifter at mall and sees df flee. Johannes gave chase "and made contact with Mr. Plummer when he fell to the ground." Several/2x knee strikes to R side of body and applied pressure to R mandibular angle with L hand.
4/2/09		EIS alert based on use of force	Johannes triggers EIS, but it is disregarded. Supervisor says Johannes "will continue to be flagged by the system on a regular basis" but since all UOF were exonerated, nothing to indicate Johannes should be a "concern."
8/31/09	09-100505	Bill Bailey	UOF
10/4/09	09-114059	Roy Richards	UOF
10/9/09	09-4265 09-116191	Zachary Tyner	Excessive force shopping mall ban, tackled 2x, choked and knee strike to ribs but not in mall camera view. Witnesses say Johannes "rough" and "too aggressive" and victim resist or struggle. Witness says victim's face was purple. Head of mall security is former LRPD officer.
10/14/09	09-117998	Jessica Christy	Victim has DUI, Johannes and J. Hastings OC, tackle, leg restrain her during arrest. Scratches to her face. No video.
11/8/09	09-4283	Brittany Oden	Victim says Johannes was fabricating things that she did in front of POs while detained. Husband says POs followed them in car saying they looked suspicious.

3/15/10	10-26278	Anthony Johns	Victim loitering at store when previously banned and Johannes gives chase. Johannes caught Johns but then Johns reached for waistband and Johannes swung at victim's torso but he moved so Johannes punched L side of face and victim then fell to the ground. Johannes did 3-4 PPCT knee strikes to victim's L common peroneal.
3/23/10	10-29331	Leon Eskridge	Mentally ill man swings bat at POs and is beaten.
3/25/10	10-29730	Jamaal McJunkin	Fight at Underground Pub, Johannes uses baton in L common peroneal.
4/23/10		EIS alert based on use of force	Johannes triggers EIS alert for 7 UOF in 1 year, but it is disregarded. 32 UOF in past 3 yrs. 69 UOF through 6/10/10. Later, on 6/10/10, Sgt. Sue Johnston stepped in and recommends cursory counseling.
9/24/10			Completes defensive driving course. Johannes approved by chief to drive LRPD vehicles.
12/27/11	11-4540 11-140828	Joseph Williams	Shoots up car in shopping mall parking lot, 12 shots. Johannes says she was "in dead center of vehicle's path" and he was in danger too, so he fired 12x. He didn't fire until the car pulled forward. Victim says no one was in front of him when he drove forward. Security guard refutes Johannes; she and Johannes were "clearly out of the way" of the car when it went forward.
3/31/12	12-33668	Joe Thompson	Johannes claims "disorderly conduct, hostile demeanor towards officers, and refusal to comply with their lawful orders" when placing Arkansas Surgeon General under arrest. Victim "tensed up and pulled away" and was thrown down and handcuffed. Victim denies resisting.

Officer Walker Johnston

Officer Johnston was hired by the LRPD on March 17, 2006, and accrued three sustained violations of police policy—one of which resulted in an escaped prisoner—by the end of the calendar year. Then, Johnston triggered seven (7) EIS alerts for uses of force in a mere three (3) years. All of them were deemed “false alarms” by the LRPD, and no action was taken. Then, on June 1, 2010, Johnston shot multiple times at narcotics suspect, Carlos Thurman, after he claimed Mr. Thurman pointed a gun at him while fleeing. While he missed Mr. Thurman each of the several times he shot, a nearby home was hit with his bullets. Mr. Thurman claimed he was not armed. Johnston notched two (2) more alerts (for a total of (9)) before he shot Jerron Taylor, a 19-year-old black male, on July 18, 2011.

TABLE 5: Officer Walker Johnston

Date	Number	Complainant	Facts
10/23/06	06-126893	Darrell Artis	MVP.
11/13/06	06-103		Imp. handcuff/escaped prisoner (counseling). SUSTAINED.
11/27/06	06-141407		MVP, fail to active MVR during MVP (counseling) SUSTAINED.
12/19/06	06-150334	Kenneth Payne	MVP .
12/31/06	07-009		MVP, GO 302 (oral) SUSTAINED.
1/29/07	07-3836	Michael Barbee	MVR violation (counseling) SUSTAINED.
3/5/07	07-25110	Glen Dean	MVP, UOF. .
3/10/07	07-27296	Patrick Brown	MVP, UOF.
5/4/07	07-51202	Gloria Weatherspoon	UOF.
5/31/07	07-63621	James Brown Sr.	UOF.
6/29/07	07-77213	Jamelle Arnold	UOF while victim handcuffed. .
7/12/07	07-83576	Jerri Hodge	UOF psych .
9/24/07	07-116730	Gregory Williams	MVP, UOF.
9/27/07	07-118008	Devon Hansberry	UOF.
10/19/07	07-127718	Paul Goolsby	UOF where inmate “ran into door.” .
11/2/07	07-133369	Matthew Barnett	UOF with Kelly Lepore. .
11/11/07	07-3962		Discharge firearm on animal. .
12/3/07		EIS alert based on use of force	False alarm. No action taken.
12/21/07	07-152830	Billy Simmons	MVP, UOF. .
12/23/07	07-153665	Ricky Neal	UOF.
1/7/08	07-153665		UOF.

1/8/08	07-152830-2		UOF.
1/10/08		EIS alert based on use of force	False alarm. No action taken.
1/18/08	08-031		Violation of GO 302, MVP (oral) SUSTAINED.
1/18/08	08-7756		MVA.
	08-026		
2/28/08	08-4005		MVP, violations of GO 302, 3009, 3009.01, 4003 (let rep) SUSTAINED.
3/1/08	08-22645	Larry Williams	UOF, illegal search/seizure.
3/8/08	08-25258	Derrick Hodges	UOF, OC
3/15/08	08-28030-2	Danta Smith	UOF (baton x 2 "fluid shockwave strikes").
3/26/08	08-22645		UOF.
4/4/08	08-25258		UOF.
4/16/08	08-41251	Charles Buckner	UOF, punch.
4/22/08	08-28030-2		UOF.
5/7/08	08-41251		UOF.
5/11/08	08-51843	Leslie Marks	UOF, punched in face/palm heel brachial stun.
5/11/08	08-51766	Juan Sanchez	UOF, punched..
5/11/08*	08-036		Violations of MVR, GO 316, fail to check battery (oral) SUSTAINED.
5/22/08	08-51843		UOF.
5/28/08	08-51766		UOF.
5/29/08	08-59772		MVA, not looking. SUSTAINED.
6/9/08		EIS alert based on use of force	18-0 in last 18 uses of force. False alarm. No action taken.
6/13/08*	08-4033	Carolyn Dawkins	RU, profanity (discipline not required) SUSTAINED.
6/28/08	08-73105	Byron Wilbert	UOF (baton x 2, OC, punch to neck).
7/2/08	08-75017	Christopher Raper	UOF.
7/20/08	08-83385	Nicolas Long, Chad Bartelt	UOF, OC.
7/24/08	08-4055		MVR violation (let rep) SUSTAINED.
8/16/08	08-94461	Jamie Budd	UOF, OC.
8/23/08	08-93560-2	Christopher Cleveland	MVP, UOF.
9/10/08		EIS alert based on use of force	False alarm. No action taken.
11/12/08	08-13211	Christopher Jones	UOF, OC, handcuffed victim. .
11/14/08	08-132854	Art Downs	UOF.
12/19/08	08-4113	Julian Jones	Harassment, theft of prop > \$500.
12/25/08	08-148261	Johnathan Graydon	UOF, punched, OC while victim handcuffed..
1/12/09		EIS alert based on use of force	25-0 in last 25 uses of force. False alarm. No action taken.
1/21/09	09-7725	Patrick Leonard	UOF, OC, tackle..
1/29/09	09-10479	Lawrence Childress	UOF.
2/18/09	09-4150		MVP violations (1 day susp); SUSTAINED.
2/24/09	09-20145	Jacqueline Lightner	UOF.
3/22/09	09-30530	James Maxwell	UOF, MVP.
4/9/09	09-38053	Brandon Caffey	UOF.
4/17/09	09-41537	Matthew Cheatham	UOF, taser.
5/12/09		EIS alert based on use of force	32-0 in last 32 uses of force. False alarm. No action taken.
5/20/09*	09-55882	Earnest Jefferson	UOF, tackle.
5/30/09	09-055		Stolen city property, GO 108.
6/11/09	09-65787	Thurston Harris	UOF, OC.
7/26/09	09-85285	Darnell Britt	UOF on juvenile.
8/11/09	09-92087	Franklin Warfe	UOF, OC, tackle.
9/23/09	09-109900	Nikista Jackson	UOF, OC, punch x 5.
11/3/09	09-126378	Christopher Higgins	UOC, K-9, MVP.
2/4/10		EIS alert based on use of force	38-0 in last 38 uses of force. False alarm. Sgt. Phillips recommends no action, Capt. Bartsch concurs.
6/1/10	10-4352	Carlos Thurman	Police-involved shooting. LRPD investigation: EXONERATED.
3/28/11	11-4447	Robert Wooten	Rude/unbecoming, cite w/o cause, MVR SUSTAINED.
5/6/11	11-54194		Lost city ID card, violation of GO 108 (counseling) SUSTAINED.
7/18/2011	11-	Jerron Taylor	LRPD investigation: EXONERATED.

Officer David Green

On September 10, 2007, after a fifth domestic abuse complaint against Officer David Green, the police chief reviewed the complaint allegations and investigation reports, and acknowledged what was plain: “Green has a history of domestic issues...”¹¹ Yet, rather than terminate Green outright for this identified pattern of abuse and violence, he recommended Green be “cautioned.” Following this inappropriate and ineffective discipline, and as illustrated below in Table 6, Green would go on to be involved in two (2) more domestic abuse situations, two (2) more police-involved shooting/in-custody death incidents, and an excessive force incident where he was videotaped beating a handcuffed suspect while yelling racial obscenities. Green currently patrols the streets of Little Rock.

TABLE 6: Officer David Green

Date	Number	Complainant	Facts
10/29/95	95-2031	Gabe Hannahs	S/S, profanity, vehicle damage
4/8/96	96-2102	Rosetta Williams	S/S, theft \$140
5/22/96	96-2154	Kenya Black	Theft of \$11K in property
11/8/96	96-2181	Raricos Batten	EF (struck on head with weapon), profanity
11/26/96	96-173917		MVA \$1100
2/6/97	97-2214		Police-involved shooting.
4/5/97	97-2229		Fight with girlfriend, LRPD called, RR 4002, 4003 SUSTAINED- 3 days susp
8/9/97	97-2289	Denise White	Rude/unbecoming- but counseling on citizen contact
8/16/97	97-2280	Earl Moore Jr.	Rude/unbecoming- but counseling
3/4/98	98-31707		MVA, \$25
9/8/99	99-83		MVA, RR 3009 SUSTAINED- oral
2/22/00	00-2573	Vellis Redden	Rude/unbecoming-
3/6/00	00-021		Missed court. SUSTAINED- oral
7/2/00	00-062		Inappropriate language on MVR. SUSTAINED- counseling
9/4/00	00-043		MVA with bicycle, \$80 total.
11/9/00	01-017		Missed court, 8007, 3 rd offense SUSTAINED- 11/20/00 letter of rep
3/20/01	01-018		MVA \$700 total, 3009 SUSTAINED- 4/26/01 letter of rep
6/8/01	01-2806	Vernon Mull	Rude/unbecoming, improper investigation
7/27/01	01-2820	Kim Green	Domestic disturbance with wife, LRPD called, criminal investigation, 4001, 4002, 4003 SUSTAINED- 3 day susp
3/6/02	02-2911	Kim Green	Domestic disturbance/abuse
7/11/02	02-3161		Release of unauthorized information
8/19/02			***Lt. Hudson recommends Green be assigned as an FTO mentor.
3/12/03	03-032		Damage to city property, RR 3009 SUSTAINED- 3/21/03 oral
6/29/03	03-3200	Kim Green	Disturbance with ex-wife in uniform in presence of public, at nightclub, 4003 SUSTAINED- 5 day susp
8/29/03	03-3245		Conduct unbecoming, parking violation, profanity, dereliction of duty, 4001 SUSTAINED- 11/26/03 LOR
10/23/03	04-3331		MVA, damage to city property, 3009 SUSTAINED- 5/5/04 letter of rep
2/23/04	04-22066, 04-1670	Marc Harris	Deadly force with Harmon, Robinson: LRPD investigation: EXONERATED.
2/23/04	04-3317		Police-involved shooting, GO 303.
3/21/05			Green recommended to be driving school instructor
4/21/05	05-3569	Bennie Gibson	Rude/unbecoming- with Greg Smith, Ryan Hudson
4/21/05	05-3535*	Oak Forest Cleaners	IA initiated by chief for conduct unbecoming, 4002 SUSTAINED- 2 day susp
5/5/04	04-3379	Rhonda Creech	Excessive force.
5/13/04	04-3361		Police officer disturbance SUSTAINED- 11/13/05 letter of rep
11/11/04	04-3453	Miranda Goings	Rude/unbecoming, improper investigation
5/13/05			Green and another LRPD officer in fight in bar with patrons and outside with bar employees, 4003 SUSTAINED- letter of rep 11/10/05

¹¹ See LRPD memorandum regarding Officer David Green history of domestic abuse, which is enclosed.

8/2/05	05-214		Violation of GO 316/failure to activate microphone SUSTAINED- 9/13/05 doc counseling
1/20/06	06-023		MVR/failure to activate microphone SUSTAINED- 2/7/06 letter of rep
1/29/06	06-3657	Brandi Mojica	Rude/unbecoming, MC off-duty violations, failure to submit 5500-10 and 5600-86 forms, failed to call in for off-duty work, GO 210 SUSTAINED- 2 day susp
2/7/06	06-016		Violation of GO 302II5 & 302II5C SUSTAINED- 2/23/07 oral
2/10/06	06-021	Melba Ramsey	MVR/GO 316 S – 2/6/06 oral
2/16/06	06-3681		Failed to return replacement badge from 1997 after locating original badge and then failing to report losing the replacement badge, GO 108, 3010 SUSTAINED- 2 day susp
4/12/06	06-3702	Carolyn Gray	Rude/unbecoming- during accident investigation
5/22/06	06-3742	Melba Ramsey	Inadequate investigation
8/22/06	06-104515		MVA/MVP
9/21/06			Green recommended for driver instruct school
10/21/06	06-040		MVA SUSTAINED- 12/8/07 oral
12/26/06	06-153044		MVA
2/4/07	07-3843		Failure to make police report working off-duty SUSTAINED- 6/12/07 counseling
7/7/07	07-3907	Terry Mudge	UOF
9/7/07	07-108879	Andrea Stephens (ex-girlfriend)	Green threatens to damage ex- girlfriend's car, Chief agrees with no further action but says "Green has a history of domestic issues and is to be cautioned" (CHIEF AWARE OF HISTORY AND DOES NOTHING.) Ex-girlfriend opts not to file complaint.
3/6/08	08-4007	Phillip Robinson	Missing property, fail to store property, RR 4001.03 with Christ
7/5/08			Green transferred to the Extended Leave Unit of the support services division and currently on restricted duty assignment.
8/14/08	08-4058	Timothy Johnson	Deadly force, police involved shooting E 12/23/08
10/15/08	08-4085	Hillery Gray	Imp. stop, detain w/o cause, Temple, Maack
1/22/09	10-007, 10-7607		Escaped prisoner, violation of GO 306 SUSTAINED- counseling
3/2/09	09-063		Missed firearms qualifications, GO 207 SUSTAINED- counseling
4/9/10	10-4356, 10-35900		MVA with 2 nd police car, violations of GO 302, 3009, found to have been driving over 100 mph SUSTAINED- 1 day susp 7/20/10
4/13/10	10-4336		Domestic disturbance with wife at residence, LRPD called, conduct unbecoming, 4003, SUSTAINED- letter of rep 7/14/10
7/8/10	10-057, 10-74044		Failure to notify communications of Code 3 response, reckless driving, GO 302 SUSTAINED– letter of rep 8/3/10
8/26/10	10-93864		MVA with 2 nd police car
10/26/10	10-087, 10-118447		MVR violation, GO 316 SUSTAINED- counseling
12/29/10	11-003		Violations of MVR GO 316 SUSTAINED- oral rep 1/20/11
	11-4538		UOF, excessive force with Renar Benson
1/18/11	11-004		MVA backed car into pole, 3009 SUSTAINED– letter of rep
1/28/11	11-012		MVR violation, failed to activate mic. SUSTAINED – letter of rep 2/25/11
3/6/11	11-4443	Fitzgerald Moore	Missing money and wallet with Brandon Smith
3/16/11			After MVP failed to conduct proper veh search and store items, GO 305 SUSTAINED– letter of rep 6/15/11
9/17/11	11-4511	Sara Green	Disturbance with estranged wife at the Valero which resulted in her sustaining scratch to face when Green reached into her window as she tried to drive off, CU, 4002, 4003 SUSTAINED- 15 day susp
12/10/11 5/22/12?	11-4538	Anthony Wheeler (Hall video)	Excessive, unnecessary force, untruthfulness, violation of GO 303, 4001, dereliction of duty, 8005, suspect was in custody and handcuffed SUSTAINED- 30 day susp
1/19/12			Reported another lost badge on 1/19/12, stated hadn't seen it since 10/1/11. 2 nd time Green claims missing badge, 3009
7/7/12			Death in custody with Kelly Lepore and others. LRPD investigation: STATUS UNKNOWN

By the time Green was involved in a July 7, 2012 in-custody death, he had amassed at least thirty-six (36) sustained misconduct allegations, resulting in sixty-three (63) days of suspension, eight (8) counseling sessions, twelve (12) letters of reprimand and seven (7) oral reprimands. This is very weak discipline for a violent repeat offender like Green, and it obviously had no effect.

Lt. David Hudson

In short, Lt. Hudson cannot control his temper, and likes to punch people for no good reason. He has also been accused of theft on several occasions, with one of them resulting in restitution. Remarkably, despite his violent and immoral tendencies, from 2006 to 2010, Hudson was actually a member of the DFRB. And despite his later defense to punching Chris Erwin, there were apparently no issues identified with his lack of training for his DFRB role which, among other things, had him reviewing an officer's "adherence to training" and "adequacy of training."

Even more unbelievably, on the DFRB, Lt. Hudson advises on the adequacy of supervision and investigation, even though in 2006, when he learned that several drunk, off-duty LRPD officers viciously beat a Little Rock citizen while they were tailgating at an Arkansas-LSU football game, he helped the officers cover it up. They were undoubtedly aware of Lt. Hudson's history of violence when they called him, and, as hoped, he conspired with the rogue officers, and never reported the incident. This breach of public trust was only discovered by the LRPD when the victim meagerly came forward. Still, Lt. Hudson was merely disciplined with a letter of reprimand, and continued his supervisory duties as a high-ranking lieutenant on the DFRB. Note that most of the records containing Lt. Hudson's history prior to 2006 have been destroyed per LRPD policy so Table 7 below is woefully incomplete.

TABLE 7: Lt. David Hudson

Date	Number	Complainant	Facts
9/1/83	83-932	David Reed	Hudson strikes David Reed with open hand while out of assigned district. There were other citizen witnesses to incident that observed these actions. Violations of 4002.00, 2003.00, 5009.00, 4001.07, 4006.00. 10 days susp. SUSTAINED.
5/2/86	33		MVA, too fast for conditions. 2 days susp. SUSTAINED.
8/5/87	87-1229		Misconduct.
11/24/87	122		5 days in December 1987 for MVA SUSTAINED.
9/15/88	88-1294		Misconduct.
2/2/89	89-1320		
4/22/91	295		1 day in April 1991 for MVA, violation of 1/3009.00. SUSTAINED.
11/26/93	93-1811	Bobby Francois	Hudson punched victim. Misconduct. Physical and verbal abuse.
10/19/95	95-2031	Gabe Hannahs	Misconduct. Illegal search and seizure. Victim stopped and detained for no apparent reason, vehicle damaged, handcuffed, weapons drawn, profanity.
5/22/96	96-2154	Kenya Black	Misconduct. Theft: complainant claims that \$11,629 worth of property went missing during the execution of a search warrant.
7/23/96	96-2131	Lois Clark	Misconduct. Theft \$2400 jewelry during search and seizure warrant.
10/23/96	96-2171	Gary McDaniel	Misconduct. Theft of \$100 bill from wallet following execution of search and seizure warrant. Outcome: MC- inappropriate handling of money" violation of GO 304IIB5. Victim reimbursed \$100, counseling.
7/20/00	00-2650		Traffic ticket altering.
6/20/06	06-3748	Hope Davis	3 white females allege illegal s/s cars, persons and purses. Hudson makes threat re. if they come back to LR, then "get the fuck out right fucking now." LRPD investigator belittles her complaints. "Anything else he did?" victim has anxiety attack & taken to hospital. No one has MVR on.
July 2006			Misconduct. Theft: July 1996: complainant claims that \$2400 worth of jewelry went missing during execution of search and seizure warrant. Outcome: not sustained.
11/24/06	06-3811	Justin Gill	Hudson learns that LRPD officers beat victim at an Ark/LSU game and does not report it. Says he did not know that situation warranted it. Hudson's failure to supervise was SUSTAINED. Disciplined with letter of reprimand. Several officers mildly disciplined for failure to notify supervisor, discredit to dept. but all excessive force allegations NOT SUSTAINED.
12/18/06	06-3819	Jay Parks	Hudson punches victim when angered by sarcastic remarks. Victim was

	06-149972		then pushed into a friend's crotch and taunted as being gay. Victim picked up and thrown into a door 3x, roughed up more outside. Hudson claims victim lunged at him while he was picking up money, causing him to fall. Parks' head was injured when he was restrained. No MVR.
2/15/07	07-3863	Deshawn Porter	Hudson punches victim during dubious arrest. Victim claims he was tackled, dragged, punched and kicked approaching uncle's home. No MVR because complaint made after 30 days. Hudson's 4/20/07 statement not recorded due to tape malfunction, taken later. POs claim victim surrendered without resistance and no force was used; therefore, no UOF report made.
6/1/07	07-39		Misconduct. Theft: "lost or stole property Glock model 22 .40 pistol and clock paddle holster." Letter of reprimand is discipline. SUSTAINED.
12/12/07	07-149429		MVA
10/30/09	09-4285	Ralph Jackson Sr.	Victim "thrown to the ground and spit on by Lt. Hudson." J. Bartsch drafts memo in favor of Lt. Hudson. Withdrawn after 25 days in the hole. MVR issues, "somewhat limited."
11/24/09	09-43		MVA. SUSTAINED.
2/7/11		Chase Cooper	Hudson punches 21-year-old patron while working off-duty security at Ferneau's restaurant. Charges victim with battery.
10/29/11	11-4523	Chris Erwin	Hudson punches patron while working off-duty security at Ferneau's. Victim charged with battery which is dismissed by court based on video.

Officer Josh Hastings

The son of a Capt. Terry Hastings, Josh Hastings (Hastings) was by all accounts not a strong candidate for the LRPD. After failing a polygraph, Hastings finally admitted to attending a KKK meeting two years before he entered the academy. African-American LRPD officers strenuously voiced their objections, calling Hastings a "potential liability,"¹² but he was hired nonetheless. Hastings committed all kinds of misconduct (dereliction of duty, excessive force, profanity, reckless driving, failure to communicate, loafing, disengaging his video camera, untruthfulness, disobeying direct orders, missing court, failing to submit report regarding a dead body, etc.) during his short career, until he shot and killed 15-year-old African-American Bobby Moore, who he falsely claimed was trying to run him over in a car. Even though the LRPD was forced to finally terminate him in 2012, it literally took the life of a young boy to make it happen.

The unsuccessful criminal prosecution of Hastings may also be reflective of the problems in Little Rock, generally. Critics report the prosecutor's office—which works in tandem with the LRPD in criminal trials and which does not request *Brady* lists of untruthful officers—did not desire to prosecute Hastings, and gave a half-hearted effort. The first jury impaneled contained zero African-Americans. The second jury contained two. Both juries were hung, resulting in mistrials, and the prosecutor's office announced it would not seek to re-try Hastings. Currently, unbelievably, Hastings has begun laying the groundwork to get his old police job back.

TABLE 9: Officer Josh Hastings

Date	Number	Complainant	Facts
5/18/06			After failing police recruit polygraph, J. Hastings admits to attending KKK meeting with friends a couple of years prior. Still hired.
1/25/07			African-American Lt. Johnny Gilbert drafts memo stating Josh Hastings is not fit to be police officer for moral, aptitude reasons.
3/26/07			Chief Thomas approves J. Hastings' employment.
2/7/08	08-014		Violation of GO 316, MVR. Counseling 2/22/08. SUSTAINED.
3/1/08			Hastings "continues to have problems in writing police incident reports. I have again spoken with PPO Hastings about this issue."
7/4/08			Hastings released a possible suspect following a burglary, failed to

¹² See LRPD Memorandum written by Lt. Johnny D. Gilbert, an African-American officer, which is enclosed. The disregard of Lt. Gilbert's prophetic warnings demonstrates the lack of clout black supervisors possess at the LRPD.

			properly store the driver license in suspect veh and failed to notify CSSU. IA #08-4074
8/7/08	08-074		Improper investigation, improper storing, failure to notify CSSU to process vehicle. 1 day susp. 12/1/08 SUSTAINED.
10/9/08	08-0075		Viol of GO 110A, missed court. Letter of counseling 10/26/08.
11/17/08			DI order into allegations hastings failed to submit reports on several calls for service in which he responded, coded calls which should not have been coded and submitted incorrect reports.
11/24/08			Letter of suspension (1 day) for violation of 304IB, 305IIC1, DOP 5500-8IIA3.
12/31/08			PO eval. 74% Hastings "has shown problems with writing and turning in reports in a timely manner. Hastings has been counseled and is working hard to improve."
2/6/09			Letter of reprimand from Dustin Robertson for violation of 301IIB1, 301IIF3
4/1/09			J. Hastings named April 2009 officer of the month.
5/13/09	09-52433	Mario Greer	UOF with Koehler.
5/20/09			Sgt. McVay memo re. EIS alarm for UOF. He has concluded that no further action is necessary at this time." Should be considered a "false alarm."
5/31/09	09-607-83	Felicia Young	UOF.
6/8/09	08-4100		Failure to write and submit reports, inadequate coding and incorrect reports. Letter of rep 2/9/09.
7/17/09	09-058		Failure to report UOF to supervisor (GO 303IV1). Oral rep 7/29/09. SUSTAINED.
7/17/09	09-81626	Cleavone Dixon	UOF
8/8/09	09-064		Violation of 3009.00, property damage. Counseling 8/29/09. SUSTAINED.
8/12/09	09-92562	Gabe Hannahs	UOF
12/2/09	09-137157 09-4313		Violation of 3009.00, MVA. Lost control on wet pavement causing car to hit guardrail several times. 1 day susp (4/13/10) SUSTAINED.
1/24/10	10-8330	Perry Echols	UOF with Thomas Moore. Hastings used OC while df in squad, presumably cuffed.
	10-4383		Reckless driving, failure to communicate, insubordination. 10 day susp. SUSTAINED.
2/6/10	10-12756 10-0010		MVP and profanity at suspect, violation of 4001.00, profanity. Letter of rep (3/5/09). SUSTAINED.
2/14/10	10-15337	John Siitonen	UOF with Sexson.
3/1/10			Violation of 4001.09 profanity. Letter of reprimand
3/6/10	10-22452	Brandy Ford	UOF with Stanchak.
3/23/10	10-29331	Leon Eskridge	UOF with Johannes and B. Smith. Mentally ill suspect with bat.
3/25/10	10-29730	Jamaal McJunkin	UOF with Johannes, fight at Underground Pub.
4/5/10			Letter of suspension (1 day) for violation of 3009 improper handling/negligent handling.
4/13/10			Sgt. Young memo re. EIS alarm. 10 UOF in last year. 19 UOF and 14 MVP total. average is 1 UOF every 3 wks. Hastings "young and energetic and hard working" "I have reviewed the file information and find no pattern of behavior or actions that cause me to be concerned with Off. Hastings performance."
4/18/10	10-39604	Carl Walker	UOF after call to check condition.
4/30/10			Rowan memo to chief re. Young figures incorrect. 21 UOF, 15 MVP, 6 DI. "I believe Off Hastings needs additional monitoring and intervention by his supervisors. Rec "bi-weekly employee counseling sessions with his sgt and that bi-weekly supervisor progress reports be submitted through his chain of command documenting these mtgs and Off. Hastings progress for a period of at least 6 mos from 5/1/10. I believe this recommendation is consistent with the intent of the EIS and is in the best interest of Off. Hastings and the LRPD."
6/4/10			Snook memo EIS session 2 progress report. J. Hastings returned to work 6/1/10, called in sick 6/2/10 and returned 6/3/10. No incidents of importance to report. Performance at an acceptable level.
6/18/10			Profanity during field sobriety test. SUSTAINED.
6/13/10			Snook memo re. reviewing the IA Pro re. Hastings UOF from 1/24/10 to 4/18/10. "None of these uses of force create any additional concern than what is already being addressed from his last eval."
7/4/10			Young memo re. J. Hastings not following instruction to remain below 85 mph. Was in MVP which resulted in suspect crashing car into Children's Hospital.

7/8/10			Young memo re. EIS mtg. J. Hastings over 85 mph ruled justified. Hastings "has been given a direct order to remain below 85 mph."
7/22/10			Young memo, during last 2 wks, Hastings was the subject of 2 disciplinary files.
8/11/10			UOF. J. Hastings uses force on double-amputee. Writes moronic report re. guy with "hooks for hands," claims they are deadly weapons.
8/12/10			Hastings "disregarded on running code by a fellow supervisor during this wk; however, Hastings continues to have a positive attitude." Discussed use of force with guy with hooks with Hastings and reviewed what objects should be considered deadly weapons.
8/14/10			Young memo re. chief requiring J.Hastings to attend remedial Training Recruit Class #70, UOF. J. Hastings complied and completed his training requirement.
8/16/10			Letter of reprimand for violation of 4001.09 re. profanity during field sobriety test.
9/23/10			Letter of suspension (10 days) for violation of 300VID, 302IA, 302IC1, 302III1, 5006, DOP 5500-3IIIB1, DOP 5500-4IIA1, IA #10-4383.
	10-33786	Carolyn Armstrong	UOF. "Reason for use-of-force: Mental."
5/8/11			Failure to activate MVR
5/26/11			Letter of reprimand for violation of 316IIID, failure to activate body mic on 5/8/11.
6/24/11			Letter of reprimand for violation of 4002, 4006 on 4/9/11 re. conduct unbecoming and taunting during UOF arrest.
10/13/11			Letter of suspension (1 day) for violation of 316IIID on 8/6/11. "You have been disciplined on 3 prior occasions for similar violations."
12/3/11			City atty Carpenter memo re. J. Hastings missed court dates for prosecution, identifies a "frequency here [with missed court dates] that has caused problems for this office." DWIs dismissed, drunk drivers go free.
12/12/11			Letter of reprimand for failure to timely submit report from 11/9/11 dead body call (2 wks late) in violation of 301IIIF3 and DOP 5500-9IIIA4.
2/24/12			Letter of suspension (6 days) for missing court dates in violation of 110IA.
3/5/12			Found asleep in car behind Second Baptist Church while LRPD looked for him, called him several times.
4/20/12			Letter of suspension (15 days) for violations of 4002, 5020, and 5020.01 when found asleep in parked squad while another PO and his supervisor were trying to contact him.
	12-00027	Melvin Bradford	Dereliction of duty and untruthfulness with David Moore.
5/1/12			Hastings report (not in his pen) to Sgt. Parker re. off-duty work. Supervisor approves off-duty work despite it being a violation of GO 210 based on officer's disciplinary status.
8/12/12		Bobby Moore	J. Hastings shoots and kills 15-yr-old Bobby Moore and concocts false story to justify killing.
8/28/12			Sgt. Parker memo re. notifying Hastings of 6 day suspension (why necessary?)
3/15/13	10-4323	Cedric McSwain	Failure to document UOF, UOF.

On May 7, 2013, after the shooting of Bobby Moore, and after being shown the array of official LRPD documents which comprise Hastings' misconduct file, Capt. Hastings was asked about his son's performance as a Little Rock police officer. Incredibly, without missing a beat, he responded "I think he was a very good officer." He then complemented his son's "work ethic," when just prior to his shooting of Bobby Moore, Hastings was literally found asleep in his squad car behind a church, during his on-duty shift, while his partner and dispatch searched for him. Capt. Hastings' opinions of his son are absolutely delusional, but they accurately reflect the current state of affairs at the LRPD. Simply, the LRPD is a department that prefers to bury its head in the sand rather than address glaring police misconduct. This results in death, serious injury and incarceration¹³ for the citizens of Little Rock, *ad nauseum*, especially black citizens.

¹³ When LRPD officers engage in excessive force and kill a Little Rock citizen during a claimed felony, they often will charge the decedent's accomplice with felony murder, and that person then does the time for the shooting.

Former police chief, Stuart Thomas, sat through the entirety of all depositions in *Ellison*, and signed off on all DFRB reports and EIS recommendations. He has been aware of all of this from the start, and it was further explained and cataloged for him at his deposition, using LRPD internal documents as exhibits. When he was asked if he was surprised by anything he heard—be it that McCrillis walked in to Mr. Ellison’s home because he was “mouthy,” be it that Lucio testified that Mr. Ellison was not a threat, or even that Lesher could have walked away from Mr. Ellison rather than shooting him—he unequivocally stated “no.” When asked if he heard anything that sounded inconsistent with the quality of police training provided by the LRPD, he paused, looked skyward, and responded “I don’t necessarily know that I did.”

Concerned Little Rock Citizens Support a DOJ Investigation of LRPD

It is important to note that, while presented in statistical form, the above use of force victims are not merely numbers. To be sure, each of the 250 or so people identified above (as well as the many who are not identified) signifies a potential, if not likely, improper use of force. Worse yet, when these victims’ complaints are disregarded and jettisoned, the result is not only justice denied, but also the perpetuation—especially within the African-American community—of humiliation and hopelessness, which are detrimental to the City of Little Rock and to the human spirit. The current atmosphere simply must change.

There is therefore a strong desire in Little Rock to for a federal investigation of the LRPD’s practices. I have conferred with the NAACP-Little Rock Branch President, Dale Charles, I can report that not only does that organization support the request for a DOJ pattern and practice investigation of the LRPD, but it intends to make its own formal request. Moreover, my office and the NAACP are currently circulating a petition among the citizens of Little Rock, which will further show the need. We will forward it to your office when it is complete.

African-American Little Rock civil rights leader and attorney, John W. Walker, supports the request for a pattern investigation “without any hesitation whatsoever.” Former county judge, Hon. Marion Humphrey, strongly backs federal review of LRPD practices. Willard Proctor, a Little Rock civil rights attorney, is also in favor of a thorough pattern investigation. Austin Porter, another African-American lawyer, who wrote an op-ed piece in the *Arkansas Times* regarding the Michael Brown shooting, supports a federal investigation of the LRPD. The Rev. C.E. McAdoo, Senior Pastor at St. Andrew United Methodist Church, unequivocally desires a thorough federal investigation to save black lives.

The former editor of the Little Rock-based *Arkansas Times*, Max Brantley, states that Little Rock citizens have a clear belief that the LRPD routinely misuses their authority. He stated that the mere suspension (now overturned) of Lt. Hudson for his videotaped beating of Chris Erwin sent a “chilling signal” to the public, because it shows that “[e]ven with multiple witnesses and video, a beating of a non-criminal for back-talking an officer acting as a private security guard is not a firing offense. It gave the public every reason to wonder what happens when the lights are out, no videos are running and confrontations occur in poorer parts of town.” Mr. Brantley urges a “thorough review of Little Rock police department’s use of force, lawsuits or no lawsuits.”

CONCLUSION

In closing, I respectfully submit to you that if the state of affairs at the Ferguson and St. Louis Co. police departments warrants federal intervention to determine if unconstitutional patterns and practices exist there, than surely the LRPD deserves a similar fair and independent examination, based on the undisputed evidence above. There is certainly more evidence if your office is interested, and I would be happy to provide it.¹⁴ In sum, it has been amply demonstrated and it is clear, that the LRPD engages in a predictable pattern of racial discrimination, improper deadly force, excessive force, domestic abuse, physical abuse, repeat offenders, conspiracy, untruthfulness, supervision failures, evidence tampering, evidence withholding, slanted investigations, all of which are knowingly tolerated by the LRPD. In truth, it is more than mere toleration. The LRPD essentially advances these troubling practices, and has done so for many years. Sect. 14141 is tailor-made to remedy the unfortunate, chronic situation the LRPD has created and sustains.

My co-counsel and I would very much appreciate the opportunity to meet with you or your office to discuss these important matters more extensively or answer any questions you might have. Additionally, if any additional evidentiary support is desired for any of the facts or assertions above in order to better assist you to reach a decision, please let me know and we will surely provide it. I certainly understand the rigors of the important work your office does, and the frequency of requests you receive. However, I assure you that this matter is of vital importance, one most deserving of your office's attention. I thank you in advance for your involvement in the matter.

Sincerely,
LAUX LAW GROUP

Michael J. Laux

Michael J. Laux

and

PEOPLE'S LAW OFFICE
G. Flint Taylor
Ben H. Elson

¹⁴ See enclosed non-exhaustive listing of LRPD misconduct and general order violations.

- Enclosures:
1. LRBPOA letter to police chief
 2. CD containing:
 - a. Lt. Hudson beating of Chris Erwin
 - b. police video from Ellison shooting
 - c. “damaged” apartment complex video from Ellison
 - d. police video from Hawkins shooting
 3. Demetrius Curtis citizen complaint materials (excessive force)
 4. LRPD overhead diagram of Hawkins crime scene
 5. Post-mortem photograph of Landris Hawkins
 6. DFRB report re. Ellison shooting
 7. I.A. memo re. Officer Green history of domestic abuse complaints
 8. Lt. Gilbert memo re. Josh Hastings’ background, KKK meeting
 9. LRPD Fourth Amendment violations complaint list: 2005-2011

cc: Ms. Molly J. Moran (*with enclosures*)
Acting Assistant Attorney General
Department of Justice, Civil Rights Division