May 24, 2021

Attorney General Merrick B. Garland
Deputy Attorney General Lisa Monaco
Associate Attorney General Vanita Gupta
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland, Deputy Attorney General Monaco, Associate Attorney General Gupta:

On behalf of the Pasquotank County Branch of the NAACP, the North Carolina State Conference of the NAACP, Repairers of the Breach, faith leaders and concerned community members of Pasquotank County and North Carolina, including Rev. Dr. William Barber II, Rev. Dr. T. Anthony Spearman, and Mr. Keith Rivers, we write to you today to urgently request that you immediately commit the full powers of the U.S. Department of Justice to further justice, accountability, transparency, and lasting change for our community in the wake of the law enforcement killing of Andrew Brown, Jr.

On Wednesday, April 21, Andrew Brown, Jr., a 42-year-old Black man, father of seven and native of Elizabeth City, was killed by a fatal shot to the back of his head at the hands of Pasquotank County Sheriff deputies.1 At the time of his death, Mr. Brown was unarmed, seated inside his vehicle backing out of his driveway, surrounded by more than a half-dozen heavily armed deputies, who had arrived at his home to serve search and arrest warrants. Pasquotank County District Attorney Andrew Womble acknowledged Brown was not armed with guns or other weapons.2 According to official accounts, including a statement by the District Attorney, in the 44 second fatal encounter, 14 shots were fired.3 Mr. Brown was hit by at least 5 bullets.4 His family described the scene of Andrew Brown Jr.’s death as an execution.5 We join the Brown family unreservedly in their grief and in mourning their loss.

On Tuesday May 18, local District Attorney Andrew Womble gave a national press conference to announce and justify his decision to pursue no criminal charges against any officer involved in Mr. Brown’s death. Under questioning from the media, he publicly defended the actions of the deputies as justified, disparaged Mr. Brown’s family’s attorneys, emphasized Mr. Brown’s past criminal history, and displayed select portions of the body camera footage of Mr. Brown’s death with no pre-notification to his family.6 Tuesday’s announcement, and the local District Attorney’s description of his interpretation of the law of deadly force as applied to the circumstances here, leaves our community with urgent questions about the commitment to government protection of Black people’s civil rights, and our safety in our community.

Full and unredacted body camera footage has been withheld from the public and from the family’s view at the request of the District Attorney, a request upheld by local Superior Court Judge Jeffrey Foster, in a decision that spurred deep public distrust and doubt in the legitimacy of a fair investigation.7 Our communities doubt was

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further compounded by District Attorney Womble’s decision to maintain his *personal* jurisdiction over the investigation and charging determinations in Mr. Brown’s death, rather than engage a special independent prosecutor to ensure impartiality in the case -- defying the course of action recommended by both the Governor\(^8\) and Attorney General of North Carolina\(^9\) and as requested by Mr. Brown’s family\(^10\), the community, faith and civil rights leaders in the state and nationally.\(^11\)

As our community reckons with increasing tensions and rising distrust in local county law enforcement and prosecutorial leadership—tensions deepened by the bias evidenced in the month since Mr. Brown’s death amid a national reckoning with racial injustice embedded in our criminal legal system—we, the undersigned civil rights, faith, and grassroots community leaders, respectfully request the Civil Rights Division of the U.S. Department of Justice take three immediate actions:

- Expedite and ensure the full independence of the Federal civil rights investigation into the death of Mr. Andrew Brown Jr.
- Open a “pattern-or-practice” civil rights investigation into the Pasquotank County Sheriff’s Department.
- Open a “pattern-or-practice” civil rights investigation into the District Attorney’s Office in the First Judicial District of North Carolina which encompasses all of Dare, Gates, Pasquotank, Camden, Currituck, Perquimans, and Chowan Counties.

Mr. Brown’s murder exposed what the Elizabeth City community has lived with for decades: a longstanding history of racial discrimination by law enforcement and government officials that must be addressed by independent intervention. Upon information and belief, an investigation is both warranted and necessary into both these offices, where our community has raised significant concerns of persistent patterns of misconduct by each office, including in the context of Mr. Brown’s death at the hands of Pasquotank County Sheriffs. The Department of Justice’s action is necessary to address the crisis of trust and the legitimate calls for accountability and change boiling over in Elizabeth City, Pasquotank County, and surrounding jurisdictions as well as to identify and help rectify systemic deficiencies which contribute to misconduct and enable it to persist.

Our community cannot rest without impartial justice, accountability, and transformative change. We stand ready to provide further information in support of this request and to facilitate the Department of Justice’s independent investigations in the ways most beneficial to your office, the movement for justice, and that will assist in ensuring transparency and accountability to the family of Andrew Brown, Jr. as well as the community of Elizabeth City and Pasquotank County.

Sincerely In the Struggle for Truth and Justice,

Rev. Dr. T. Anthony Spearman    Rev. Dr. William Joseph Barber II    Mr. Keith Rivers

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8 https://twitter.com/NC_Governor/status/1387129382213496834?c=20