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Re: Patterns and Practices of Civil Rights Violations by the Raleigh Police Department

Date: April 18, 2023

Thank you to Attorney Clarke and Mr. Jenkins for visiting North Carolina on March 19, 2023, and for USDOJ's interest in protecting the civil rights of North

Carolina's residents. With a current General Assembly and judiciary that is captured by forces that are antagonistic to the civil rights of vulnerable groups of people in our State, we look to the United States Department of Justice for assistance in defending the constitutional rights of our diverse residents.

[Emancipate NC](#) is a nonprofit organization dedicated to ending mass incarceration and structural racism in the legal system in North Carolina. We utilize community education, narrative shifting strategies, and litigation to assist North Carolina's residents to free themselves from the injustices they face.

As Attorney Clarke will recall at the meeting at the church in Durham, our Director of Policy and Program, Kerwin Pittman, spoke about the unlawful and unjust patterns and practices of misconduct by the Raleigh Police Department. Kerwin sits with Justice Anita Earls on the Governor's Task Force for Racial Equity in the Criminal Justice System as a directly-impacted representative, after serving over 11 years in our state's prisons. He is now a leader in Raleigh and North Carolina on criminal legal reform.

A local newsmagazine summarized some of RPD's issues [here](#) and the Raleigh Police Department was recently profiled nationally in the [Rolling Stone](#). We would appreciate an opportunity to meet with you about these issues facing Raleigh's community.

RPD Has a Practice of Racially-Profiling Drivers for Traffic Stops and Searches

For the last twenty years, state law has mandated the City of Raleigh maintain records on every traffic stop it has conducted, including every search and use of force to occur pursuant to a traffic stop. By virtue of the city's size and the fact that North Carolina was the first state to adopt such a law, the resulting Raleigh data set is one of the largest of its kind. The data reveals that, even though Black people account for just 27.9% of the City's population—and even less of its driving population—they have accounted for the most traffic stops of any racial group in each of the last 15 years. In addition, Black drivers have accounted for the large majority of searches (62.3%) and uses of force (66.5%) over the last 20 years.

This troubling pattern has persisted for at least two decades, although the evidence indicates that there are not significant differences in the rate that people of different races are observed carrying contraband. In 2020, for instance, RPD's contraband hit rate was 34.3% of whites, 34.7% for Blacks, 33.6% for Hispanics, and 33.3% for Asians. The

most reliable source of contraband hit rate data—that of the NC Highway Patrol, which makes a high volume of stops statewide—indicates a 1% difference at the rate that Black and white drivers have been found carrying contraband over the past 22 years.

These disparities exist at a departmental level, but they are also apparent within the stop data of many individual police officers, some of whom focus the overwhelming majority of their traffic stops on Black motorists. In a recent case now before the Supreme Court of North Carolina, the Court of Appeals noted that one officer’s “statistics certainly appear ‘stark,’” where “[o]ut of 299 traffic stops initiated by [the officer], 245, or 82% were Black drivers[.]” State v. Johnson, 275 N.C. App. 980, 852 S.E.2d 733 (2020), review allowed, writ allowed, 379 N.C. 150, 863 S.E.2d 599 (2021).

RPD Has a Practice of Entering Homes Too Quickly on Knock & Announce Search Warrant Executions

The Raleigh Police Department systematically enters private residences too quickly when executing “Knock and Announce” warrants in violation of residents’ civil rights. As part of litigation in the *Irving et al. v. City of Raleigh, et. al.*, 22-cv-68 (EDNC), Emancipate NC and co-counsel at private law firm Tin Fulton Walker & Owen, has obtained body camera videos from 7 home entries conducted by RPD’s Special Enforcement Unit (SEU) Team. All these videos demonstrate, and depositions with SEU officers confirm, that the SEU Team has a standard practice of breaching and entering private homes on a standard narcotics search warrant within 1-3 seconds of the knock and announcement. These types of entries occur approximately 2-3 times per week in the City of Raleigh.

While one result of the *Irving* litigation has been RPD formally [banning “No Knock”](#) warrants for the first time, the agency continues to evade the spirit of that rule by executing warrants in a “Quick Knock” style without the presence of any exigencies that would demand such a sudden entry.

Under the standard in *Hudson v. Michigan*, 547 U.S. 586 (2006), police officers must knock, announce their presence, and wait a reasonable amount of time before entering a private residence. Failure to do so constitutes a violation of the Fourth Amendment right to be free from unreasonable searches and seizures. The purpose of the announcement rule is to give residents fair warning of an impending entry into the privacy of their homes, so that they have an opportunity to permit entry voluntarily, and so they are not unduly surprised. Surprise may lead to residents misapprehending the

situation, and believing they are subject to a home invasion, leading them to grab a weapon. This can lead to tragic consequences, including loss of life of either residents and/or law enforcement.

Raleigh Police regularly places lives at risk by executing narcotics search warrants so quickly. Another pending case related to this practice, *Knight v. City of Raleigh*, 22-cv-486 (EDNC), entails a woman who was not fully clothed when the SEU team entered her home *by mistake* and in an unduly Quick Knock fashion. RPD intended to enter a different home. She suffered grave trauma from the breach of her privacy in this manner.

RPD Was Marked By a Massive Corruption Scandal Leading to False Convictions Against Black Men

The RPD has also been marked by a [massive corruption scandal](#). This scandal was recently profiled in [Rolling Stone](#). A Vice Team detective, Omar Abdullah, was fired and eventually, under massive media and community pressure, indicted for a scheme to frame Black men for trafficking heroin. RPD apparently promotes informal quotas on trafficking charges, which carry a lengthy minimum sentence and are a source of pride to the Vice unit. Abdullah, along with his confidential informant, a person nicknamed “Aspirin” because he was *known* for producing counterfeit narcotics, systematically set up Black men who were selling personal quantities of marijuana with large quantities of brown sugar. Abdullah then secured search warrants for heroin based on false information. This led to charges, convictions, and incarceration for over 20 Black men, with over 50 known impacted individuals. These convictions have now been overturned and many of the men have settled civil suits for damages.

As part of discovery in the [civil lawsuit](#), *Irving, et al. v. City of Raleigh, et al.*, 22-cv-68 (EDNC), attorneys at Emancipate NC and Tin Fulton have received discovery indicating that other Vice officers were aware of Abdullah’s corruption but permitted it to continue without reporting it; furthermore, supervisors’ laxity around procedures to monitor the use and payment of confidential informants and rules regarding checking lab reports promptly to ensure narcotics come back real, contributed to the problems at RPD. A group text thread among the Vice detectives indicated they were joking about the likelihood of encountering brown sugar (rather than heroin) prior to the raid that traumatized the Irving family.

In the *Irving* case, an apparent scrivener's error led to SEU team raiding the home of Ms. Yolanda Irving and her children, innocent neighbors of the Black man that Abdullah was attempting to frame for trafficking heroin. Ms. Irving and her children lived at 1628B Burgundy Street, while the target lived at 1620B Burgundy Street. Ms. Irvings' children were surprised when the SEU team came upon them hanging out outside of their apartment with neighbor children from 1620A Burgundy Street and they ran inside their homes. The SEU team followed them into 1628B, and also entered 1620A without any warrant at all. The lawsuit seeks damages for all of the residents of these two apartments, none of whom were involved in any illegal activity, and the majority of whom were children.

RPD Has a Practice of Permitting Supervisors to Disregard Departmental Policies and Procedures Without Consequence

Part of the department's cultural problems appear to stem from its willingness to elevate to leadership roles people who demonstrate a disregard for civil rights and departmental policy. Last year, our office settled a wrongful arrest and excessive force claim against an RPD Sergeant, Brian Scioli, who directed the false arrest of a 17-year-old girl. As discussed in a separate section below, the case represented just the latest episode of Scioli engaging in threatening and violent conduct with a teenager. A previous encounter covered in the local news apparently resulted in no significant discipline, and Scioli was permitted to rise to a position of supervision over other officers, despite clear evidence of a violent temperament.

In a recent deposition with our office relating to a separate case, a sergeant for the Raleigh Police Department, William Rolfe, stated under oath that "there are hundreds of policies that are on paper that are supposed to be followed as a practice and are not." Speaking about the informant scandal that resulted in the wrongful conviction of a dozen people and the violation of the rights of dozens of others, Rolfe laid responsibility with the department "for, basically, allowing . . . practices that were . . . against policy" and "continu[ing] to kick the can down the road" instead of dealing with a corrupt officer. Rolfe added that "[Lieutenant] Bunch, Captain Quick, Captain Amstutz, everybody[,] I mean, literally everybody, . . . anybody that was a upper-level supervisor in the drug unit," knew that it is "extremely common" for drug detectives to disregard department policies designed to guard against informant-related misconduct. The drug unit, he said, the source of many of the department's abuses, is a "dumping ground of . . . [people that] have no particular skill set."

Moreover, Rolfe did not sound particularly hopeful the department would fix what ails it. At the Raleigh Police Department, he said, “nothing gets fixed until there’s some catastrophic failure.” Breaking departmental policy “was just the status quo” among detectives. “There was nobody around saying, ‘This is okay, that’s okay.’ You just do it. You’ve learned to do [it] from your predecessors.”

RPD Has a Practice of Spreading Victim-Blaming Propaganda After Officer-Involved Killings

The Raleigh Police also have a practice of releasing victim-blaming propaganda about individuals who have been killed by RPD in order to skew the initial media coverage into framing these killings as warranted. Once Emancipate NC has interviewed eyewitnesses and obtained videos, we have worked to set the public narrative straight about recent incidents. The stories of Daniel Turcios and Rafael Reuel Rodriguez-Nunez are illustrative.

- **Daniel Turcios** was driving with his family on Interstate 440 around Raleigh in January 2022 when they suffered a serious car accident. Their vehicle rolled multiple times; Daniel was pulled out of the car by a bystander before regaining consciousness. Turcios awoke disoriented. Police that arrived on the scene identified him as a threat due to the pocket knife that he pulled out, tased him in the back as he was walking away from them, and – as he attempted to rise with the knife – fatally shot him multiple times in front of his family, including small children. Police established a media narrative that Turcios was intoxicated and threatening people with the knife to justify the excess force and subsequent killing. Toxicology reports later revealed Turcios was not under the influence of any substances other than caffeine or nicotine at the time, proving RPD had lied to discredit the victim. Turcios did not speak English and was clearly disoriented and unable to understand commands; his pocket knife was small and not a serious threat to life.
- **Rafael Reuel Rodriguez-Nunez** was killed by the more than 30 gunshots fired at him by Raleigh police officers. RPD’s reports of this case focused on painting Rodriguez-Nunez as a threat; they recited that he set two police cars on fire and threw cups of gasoline he had ignited at officers who arrived afterwards. RPD’s narrative omitted the clear indicators that this man was suffering a mental health episode. Many signs indicate Rodriguez-Nunez was suicidal and was seeking

“death by cop.” Attempting to bait police into killing him, he threw a cup of feces and urine on the adjacent police building. After igniting small fires under the two police cars, he laid down in the trunk of the van he arrived in until police officers arrived; at one point during the confrontation that follows, he says, “Today... is my day... to... move on.” RPD took no responsibility for a lethal disregard for how to manage mental health breaks. As a final example of this, the last officer that arrived urges Rodriguez-Nunez, gun drawn, to throw another incendiary device, yelling, “Go ahead, go ahead motherf***er do it! Do it!” This tactic and RPD’s reporting after the death painted the incident as a confrontation with a serious threat, when Rodriguez-Nunez’s greatest threat was to himself.

While our public narrative shifting work on these types of cases has led to RPD adopting their [first-ever Deescalation Policy](#) on October 6, 2022, the policy does not appear to have explicit-enough guidance to create real accountability, and it appears to Emancipate NC to be a public relations strategy, rather than an authentic change in philosophy about how to approach encounters with individuals suffering from mental illness or potential head trauma. Emancipate NC released an analysis of the De-Escalation Policy [here](#).

RPD Has a Practice of Violating the Rights of People Engaged in First Amendment Activity

Raleigh Police Department has a practice of arresting individuals engaged in First Amendment activity in violation of their rights and without legitimate probable cause. The National Lawyers Guild has a North Carolina chapter and several other student chapters at various law schools throughout the state. Law students and attorneys volunteer through the organization to provide support for the community through the service of legal observing. Legal observing is the practice of monitoring law enforcement officials present at protests and other community events to ensure they are not violating the First Amendment rights of protestors and to document any police misconduct. Legal observers wear bright neon green hats labeled ‘legal observer’ to make it obvious that they are there in a monitoring capacity.

Legal observers are not permitted to participate in the protest and are there solely as a neutral party monitoring police conduct. Legal observers often stand away from protestors and take notes, video, and other documentation of the law enforcement officials present. The Raleigh Police Department has a practice of continuously arresting

legal observers, despite the observers' neutrality, their engaging in the First Amendment protected activity of videoing or documenting police, and the bright neon green hats that identify the individuals as legal observers. In 2020, at the height of the unrest about George Floyd's murder, RPD arrested several legal observers, including a UNC law student named J Hallen. A News & Observer article discussing the arrests can be found [here](#).

In addition to arresting individuals for participating in First Amendment protected activity, RPD also has a policy of using excessive force to harm protestors and end protests. Raleigh Police Department has a practice of using tear gas and foam batons, also known as rubber bullets, on individuals engaged in peaceful protest. During one 2020 demonstration, over 1,000 individuals gathered in downtown Raleigh to peacefully protest the murders of Ahmaud Arbery, George Floyd, and Breonna Taylor. Raleigh Police Department repeatedly launched [expired tear gas](#) and rubber bullets at protestors, despite the expired tear gas possibly containing dangerous levels of chemicals. In 2020 alone, the Raleigh Police Department spent over [\\$1 million dollars on tear gas and used tear gas on protestors 252 times](#), with the Chief of police claiming that only [one of the uses of tear gas was inappropriate](#). This was just for protests pertaining to George Floyd, Ahmaud Arbery, and Breonna Taylor.

RPD has a practice of not holding accountable officers routinely engaged in illegal and unethical behavior. In fact, these officers often receive promotions as a result of their conduct. An example illustrative of this occurred in June 2020. Nyee'ya Williams, who was 17 at this time, was engaging in a protest on Juneteenth. An RPD officer, Brian Scioli, approached on a motorcycle and had discussions with the protestors, including Nyee'ya. Nyee'ya yelled at Scioli and he drove away on his motorcycle shortly thereafter, running over Nyee'ya's foot in the process. [The body cam footage](#) showed that at no point in time did Nyee'ya ever make contact with Scioli. However, after Nyee'ya approached Scioli, asking for his name and other identifying information, Scioli told subordinate officers that she assaulted him, resulting in the officers [dragging Nyee'ya through the street](#) by her arm and arresting her.

After the body cam footage revealed that Scioli lied, Nyee'ya's [charges were dropped](#) and RPD conducted an internal investigation. However, Scioli was not terminated and appears to have suffered no meaningful consequences as a result of the matter. Emancipate NC represented Nyee'ya in a civil claim against the city as a result of the interaction, which was [settled](#) for \$37,500. Body cam footage of the incident can be

found [here](#). Brian Scioli had a history of threatening teenagers. In 2016, Scioli was recorded telling a group of teenagers that he could “assault them all [he] wants” because of his status as a police officer. Video of the incident and Scioli’s remarks can be found [here](#). Four years later, Scioli has continued to abuse his power and threaten individuals with violence while maintaining his position as a Sergeant.

RPD Has a Practice of Using Excessive Force and Abusing Its Power

The following are a few of the examples of excessive force and abuse of power within our knowledge based on community contact.

- **Wingstop:** In early 2022, police officers responded to a 911 call at a Wingstop over a dispute between customers and staff. When they arrived, police identified two people as matching the description provided of an involved individual. They sought to detain one of them, Mekhi Alante Lucky. However, Lucky had arrived *after* the altercation and he was not the perpetrator. Lucky told the officers and the store manager confirmed Lucky was not involved. Regardless, the officers escalated their use of force to detain him. Three of them brought him to the ground and one kneeled on his neck for ten seconds. The store manager, Lucretia Tenell Godwin, stood by filming and asked the officers to de-escalate. One officer slapped her phone away twice. Then another got up from Lucky, lunged towards Godwin as she was recording, shoved her back, pursued her, grabbed her by her braids, and threw her to the ground.
 - [Full video from Tiktok](#) (no audio)
 - [WRAL coverage and video](#) (with audio)
- **Car beating:** Two of the same two officers, Mick Styers and Kendal Alan Strachan, were involved in another violent beating as part of an arrest. In January 2020, Braily Andres Batista-Concepcion was suspected of driving while intoxicated and hit-and-runs. When stopped, Batista-Concepcion questioned why the arresting officer had pulled him over and wanted him to get out of the car. The officer escalated the situation by trying to remove him from the car by force, pulling and striking aggressively at Batista-Concepcion. Batista-Concepcion tried to defend from attack by clinging to the steering wheel. He was eventually pulled out of the car when a second officer arrived, hitting him and helping to drag him out onto the concrete to handcuff him while the other officer held Batista-Concepcion down by his neck.
 - [Footage of car beating](#) (no audio)

- [Cellphone footage from a passenger in the car](#)
- **TJ Sanders:** Two teens were staying at a Motel 8 and had not left by check-out time. The motel called Raleigh Police with a trespassing complaint. One teen attempted to record the police as they arrested his friend; police beat him up, bashed his teeth in, smacked his phone to the ground, and slammed him. Body camera footage corroborating this is in the possession of his attorney.
 - [Photo of TJ after the beating](#)
- **Alexa Avery** was a passenger in a car that was pulled over by RPD. The car was pulled over under the pretense of expired tags. However, it appears the stop was pretextual and actually prompted by racial profiling. Both the driver and Alexa are Latinx. The officers approached the car and immediately opened the car doors and demanded to search the vehicle. The driver complied, but Alexa explicitly denied consent and in the alternative asked for a woman officer to search her because she has previously been the victim of sexual assault and was triggered by unfamiliar men touching her. Alexa immediately began filming the interaction in her phone. The driver was detained and put in the back of a squad car. Alexa continued to record and raise objections to the way she and the driver were being treated. Unprovoked, an RPD officer viciously grabbed Alexa and slammed her to the ground. She sustained multiple facial abrasions and bruises. A complaint was filed and investigated. Internal affairs determined that no policy had been violated by the officers.
 - [Photos of Alexa after the beating](#)
- **Javier Torres:** Police were called about a man carrying a gun. Torres ran once police arrived, carrying his takeout pizza and the gun initially in his waistband, then in his hand. A police officer shot him..
 - [Police body camera footage](#)
- **Raleigh PD enables this aggressive behavior.** In at least two cases, officers that killed a resident of their community were subsequently promoted. Officer TJ Coates, the one who yelled “Do it mother*****!” to Rafael Reuel Rodriguez-Nunez, was reprimanded for his conduct in that incident before later being promoted. Officer DC Twiddy was also promoted after killing Akiel Denkins (see below).

Since 2013, RPD has killed 13 residents:

- Darryl Tyree Williams (January 17, 2023) (death by taser)

- This incident involved “proactive policing.” RPD was not responding to a call for service or incident, but on a proactive patrol. Upon allegedly viewing contraband (potential marijuana and/or open container) through a tinted window inside of Mr. Williams’ parked car, police opened the car door and engaged with him. In fear, he attempted to flee. Police tased him multiple times, violating the policies related to deployment of tasers, and despite his audible warning that he suffered from heart problems. Mr. Williams died. His estate is represented by Ben Crump and Emancipate NC.
- Reuel Rodriguez Nunez (May 7, 2022) (mentally ill individual described above)
- Jose Daniel Argueta Turcios (January 11, 2022) (suffering concussion after traffic accident; RPD accused him of being intoxicated, described above)
- David Tylek Atkinson (May 13, 2020)
- Keith Dutree Collins (January 30, 2020) (mentally and physically disabled)
- Hugo Yaret Cortes-Ramirez (September 24, 2019) (suicidal individual)
- Soheil Antonio Mojarrad (April 20, 2019) (mentally ill individual)
- Curtis Roeman Mangum (January 10, 2018) (died in police custody)
- Jaqwan Julius Terry (August 29, 2016)
- Akiel Rakim LaKeith Denkins (February 29, 2016) (dispute as to whether individual was armed, Officer Twiddy subsequently promoted after this shooting death and involved in the *Irving* raid described above)
- Trindell Thomas (June 5, 2013) (hit by police patrol car)
- Maurice A. Harden (June 5, 2013) (hit by police patrol car)
- Thomas Jeffrey Sadler (April 10, 2013) (mentally ill; death by taser)

Thank you for your interest in these matters. We look forward to scheduling a video conference meeting with you and our team to discuss them in further detail.

Sincerely,

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