

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Eleventh Congress

May 19, 2010

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

Dear Attorney General Holder:

Tragedy came again to Detroit this weekend when seven year old Aiyana Jones was killed during an overnight police raid on her family home. According to press reports, Miss Jones was fatally shot by a member of the city police Special Response Team, who entered the home pursuant to a no-knock warrant and after tossing a "flash bang" grenade through the window.¹ Reports also assert that neighbors told the approaching police that children were in the home (apparently three children were present at the time of the raid), and that there were toys in the yard through which the SRT members approached.² While a suspect was arrested that evening, it is not clear if the suspect was present in the Jones home or was located in the other, separate unit of the duplex building.³

I appreciate that the facts of this matter are still coming to light, and I do not prejudge the incident. However, with Detroit suffering through a disturbing wave of violence, it is imperative that we take all possible steps to calm the situation, reassure the community that their safety is a national priority, and lessen the chance of future bloodshed.

Towards these ends, please respond to the following questions as soon as possible:

1. Will the Department of Justice investigate the shooting of Aiyana Jones, looking at both the facts of the specific incident as well as the police practices and procedures that, at a minimum, failed to ensure Miss Jones' safety? I understand that the Michigan State Police will be looking at the matter, but only the federal

¹Farikoo et al, *Police, Family Look for Answers in Girl's Death in Detroit*, Detroit Free Press, May 17, 2010.

²Hunter et al, *Detroit Police Shoot 7-year-old Girl in House Search*, Detroit News, May 16, 2010.

³*Detroit Police Chief on Aiyana Jones Shooting: Findings 'Won't Be Pretty, But Will Be Honest,'* Associated Press, May 19, 2010.

government has the resources, the expertise, and the independence to give this case the close scrutiny that the citizens of Detroit deserve. This is particularly appropriate and necessary given the longstanding federal oversight of the city police pursuant to the 2003 Use of Force consent decree.⁴

2. Reports state the raid on Miss Jones' home was filmed by the A&E network, which has featured the Detroit SRT in the past.⁵ This raises the question whether police tactics may have been influenced by the presence of film cameras, and whether the SRT's publicity efforts may have increased the risks associated with this raid. One commenter at the conservative National Review puts it bluntly: "Was the flash-bang grenade used because it makes for good television?"⁶ Do you believe that the presence of entertainment network film crews can negatively impact public safety in such settings? If entertainment cameras are present, are there particular steps that should be taken to ensure that focus remains on sound police practice and not television drama?
3. Paramilitary type police raids are apparently becoming more and more common in the United States. One expert on these matters states that, in 2001 alone, more than 40,000 such raids were conducted by local police alone, and that number has surely only increased.⁷ A recent drug raid in Columbia, Missouri that was captured on film, has alarmed many commentators – in that case, police investigating marijuana offenses raided the home of Jonathan Whitworth, Brittany Montgomery and their seven year old son.⁸ During the raid, the police shot two dogs, one fatally, apparently while the child was present. In my opinion, such aggressive practices are, in part, an outgrowth of the unsuccessful "War on Drugs"

⁴*United States v. City of Detroit*, Consent Judgement Use of Force and Arrest and Witness Detention, No. 03-72258 (June 12, 2003 E.D. Mich.).

⁵Farikoo et al, *Police, Family Look for Answers in Girl's Death in Detroit*, Detroit Free Press, May 17, 2010.

⁶Pollowitz, *A&E Reality Show Films Police Raid That Kills Seven-Year-Old in Detroit*, National Review, May 17, 2010.

⁷Balko, *Overkill: The Rise of Paramilitary Police Raids in America*, at 11.

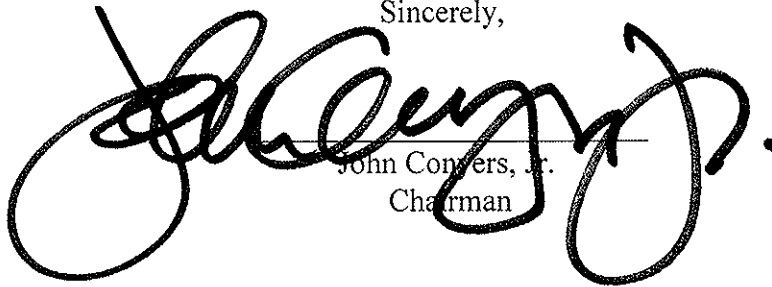
⁸Balko, *A Drug Raid Video Goes Viral*, Reason.com, May 11, 2010.

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approach to the nation's narcotics problems, and are often counterproductive.⁹ Will you evaluate the use of paramilitary practices and aggressive SWAT-type raids by local police around the United States, and report back to the Judiciary Committee regarding the effectiveness and appropriateness of these tactics, and whether current practices or developing trends in this area causes you any concern?

Please direct your response to the Committee on the Judiciary, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951; fax: 202-225-7680). Thank you for your attention to this matter.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "John Conyers, Jr." The signature is written over a horizontal line.

John Conyers, Jr.
Chairman

cc: The Honorable Lamar S. Smith
Ron Weich, Assistant Attorney General for the Office of Legislative Affairs

⁹I understand that the police raid in which Miss Jones was killed was part of a homicide investigation, and not a drug raid. However, even a murder investigation requires appropriate police procedures that ensure the safety of law enforcement and innocents at the scene.