



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

**FEB 04 2013**

The Honorable Marcia L. Fudge  
U.S House of Representatives  
Washington, DC 20515

Dear Congresswoman Fudge:

This responds to your letters to Jonathan Smith, Chief of the Special Litigation Section of the Civil Rights Division, and Stephen Anthony, Special Agent in Charge, FBI Cleveland Field Division, dated December 11, 2012, regarding the Cleveland Division of Police ("CPD"). Specifically, your letters express concerns regarding the November 29, 2012, fatal shooting of Malissa Williams and Timothy Russell. You urge the United States Department of Justice and the FBI to conduct an independent review of this matter so that the "Cleveland community can have confidence that all circumstances surrounding this incident have been thoroughly examined."

The Special Litigation Section of the United States Department of Justice is responsible for enforcing the provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, that allows the Department to seek equitable relief to remedy a pattern or practice of misconduct by law enforcement agencies, such as police departments. When a systemic pattern or practice of misconduct is determined to exist, we have the authority to initiate civil action against state or local officials to remedy the misconduct. The Department also has authority to enforce the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, which together prohibit discrimination on the basis of race, color, sex or national origin by police departments receiving federal funds.

The Special Litigation Section, along with the United States Attorney's Office for the Northern District of Ohio and other components of the Department of Justice, is currently reviewing complaints regarding CPD. We will carefully consider your letter and the concerns you express, along with any other information we may receive, in determining whether a pattern or practice investigation is warranted in this case. If you receive any additional information that you believe may be helpful to us, you should forward that information to:


The Honorable Marcia L. Fudge  
Page Two

Jonathan Smith  
Chief  
Special Litigation Section – PHB  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
re: Cleveland Police Department

In response to your inquiry regarding the recent shooting incident, please be advised that the Federal Bureau of Investigation and the Department of Justice are monitoring the criminal investigation and, at the appropriate time, will review the results.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter

Sincerely,

A handwritten signature in black ink, appearing to read "Judith C. Appelbaum", with a long horizontal flourish extending to the right.

Judith C. Appelbaum  
Principal Deputy Assistant Attorney General

The Honorable Marcia L. Fudge  
Page Two

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