

US Department of Justice
50 Pennsylvania Avenue, NW
Civil Rights Division
Racial Discrimination Section
Washington, D.C. 20530

COMPLAINT AGAINST THE FOLLOWING FOR RACIAL DISCRIMINATION

Molly J. Moran
Acting Assistant Attorney General
Civil Rights Division

Copy: Attorney General Eric Holder

ON this day the 22nd of October in the year 2014.

I, Jack Shepard “see attached complainant consent/release form” filled this complaint with you office against the following 4 individuals and the 4 agencies they are responsible for as listed below:

COMPLAINT AGAINST:

1) Janeé Harteau Chief of Police of the Minneapolis Police

350 South 5th Street

Minneapolis, MN 55415-1389

2) Mr. Mike Freeman

Hennepin County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, MN 55487

3) John J. Choi

Ramsey County Attorney Office
15 West Kellogg Blvd, Saint Paul, MN 55102

4) Chief Tom Smith of the St Paul Police Department

St Paul Police Department
367 Grove St -Saint Paul, MN

COMPLAINT STATES AS FOLLOWS:

There is a pattern or practice of discrimination in Ramsey and Hennepin Counties of Minnesota which has increased over the past 14 years; also this complaint raises an issue of general public importance because it is presently costing the Minnesota Taxpayers unneeded over 44 millions of dollars, in this time of recession these funds I think can better well spend fighting dangerous criminal, not non- violent kid going to prison for possession of Marijuana.

I find even more troubling that the above 4 people; who this complaint is against aggressive enforcement of marijuana possession laws has a proven pattern or practice of discrimination against Black's; which needlessly mires thousands of people in the criminal justice system, crowding our Minnesota jails, wastes millions of taxpayers' dollars, fails to reduce marijuana use and availability, diverts precious police resources away from solving serious crimes, and is carried out with staggering racial bias.

These arrests have a significant detrimental impact on people's lives, as well as on the communities in which they live. When people are arrested for possessing even tiny amounts of marijuana, they can be disqualified from public housing or student financial aid, lose or find it more difficult to obtain employment, lose custody of their child, or be deported.

Hennepin County has the 5th Largest Percent Increases in Racial Disparities in Marijuana Possession Arrest Rates (2001-2010) with an increase of 328%. How could Minnesota be the 5th high increase when America has 3143 county, this cannot be an accident from testimony and statistics my Complaint Merit please urgently Correct and these civil rights policies violations must be corrected.

The above named law enforcement agencies and County Attorneys offices have systematically deprives Black Men and Women under their jurisdiction

of their basic civil rights by using illegal policing practices, including racial profiling as well as unconstitutional stops, frisks, and searches. These law enforcement agencies and district attorney offices have prioritized enforcement of marijuana possession laws because their measure and success is the productivity by the number of arrests they make.

Several policemen who only made statements if their names were never included in their statements stated recently, “That their precincts are often encouraged make arrests of low-level offenses such as marijuana possession. To increase the number of arrests to get more federal funding; Because they are the simplest and they were told that their precincts will get financial incentives and rewards that enable and encourage them to make large numbers of arrests.

The Bureau of Justice Assistance should take the following steps to reform the existing JAG process:

Cease including marijuana possession arrests as a performance measure for purposes of federal funding

I ask the United States Department of Justice, Civil Rights Division urgently of act because I found a long term pattern or practice by the Minneapolis and St. Paul departments have often employed aggressive stop, frisk, and search tactics that bend if not flaunt the Fourth Amendment’s proscriptions. This shift to pre-emptive policing has likely been a major contributor to the increase in arrests for marijuana possession in Hennepin County and Ramsey Counties.

Just in the year 2010 they are responsible for the Annual Fiscal Cost of Marijuana Possession Enforcement in Minnesota of \$ 21,132,200 spent for police costs only on Marijuana arrests; for the Judicial & Legal of \$15,231,101, and \$5,707,988 on corrections.

The description of the Laws the above named agencies all have violated that I ask the United States Department of Justice, Civil Rights Division urgently investigate fall under:

1) The Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, allows us to review the practices of law enforcement agencies that may be violating people's federal rights. If a law enforcement agency receives federal funding, we can also use the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968

2) Title VI of the Civil Rights Act of 1964, which forbid discrimination on the basis of race, color, sex or national origin by agencies receiving federal funds.

There is a proven pattern or practice of discrimination against Black's by the about name County Prosecutors and the about named Police Chief's who are responsible for and that the fact is that this discrimination has increased over the past 14 years; also this complaint raises an issue of general public importance because it is presently costing the Minnesota Taxpayers unneeded millions of dollars.

The above name 4 people in this complaint are all guilty of violating: Constitutional protections, federal civil and criminal statutes, and the Minnesota Human Rights Act all prohibit racial discrimination in the enforcement of the criminal law.

The policemen and women in Hennepin County and Ramsey County are guilty of "Racial Profiling" refers to the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual's race, ethnicity, religion or national origin.

Criminal profiling, generally, as practiced by police, is the reliance on a group of characteristics they believe to be associated with crime. Examples of racial profiling are the use of race to determine which drivers to stop for minor traffic violations (commonly referred to as "driving while black or

brown"), or the use of race to determine which pedestrians to search for illegal contraband.

Evidence source comes is from police officers and Blacks arrested who only would talk to me, or my sources in Minneapolis and St. Paul if they will not be named in this complaint and an official facts from the New ACLU Report which finds Overwhelming Racial Bias in Marijuana Arrests which was released on June 4, 2013.

Black people are 3.7 times more likely to be arrested for marijuana possession than white people despite comparable usage rates, according to a report released on June 4, 2013 by the American Civil Liberties Union. The report also found that marijuana arrests now make up nearly half of all drug arrests.

The American Civil Liberties Union "The War on Marijuana in Black and White" states Billions of Dollars Wasted on Racially Biased Arrests" is the first-ever report to examine nationwide state and county marijuana arrest data by race.

The Minnesota has the 3rd largest racial disparities in Marijuana possession arrest rates per 100,000; Minnesota is the 3rd highest in the nation, in 2010 "ACLU* figures are 835 blacks were arrested for marijuana possession to only 107 Whites ; this means in Minnesota Blacks as 7.81 times more likely to be arrested then Whites for Marijuana possession. *ACLU Report

There is staggering racial disparities in marijuana possession arrest exist in Hennepin County, Minnesota irrespective of the overall Black population. In Hennepin County, MN (includes Minneapolis), where Blacks are only 12% of the population, but are 9.1 times more likely to be arrested than whites. *ACLU Report

To prove my charges of racial profiling according to the ACUL report;

As the overall number of marijuana arrests has increased over the past decade, the white arrest rate has remained constant while over the past decade. The disparities have increased the most since 2001, The Black to White disparity in Minnesota increased from in 2001 2.4 to in 2010 to 7.8 which was the percentage change in Black/White disparity of 231% the second highest State; increase in Racial disparity in America. *ACLU Report

In every year from 2001 to 2010, more whites than Blacks between the ages of 18 and 25 reported using marijuana in the previous year. In 2010, 34% of whites and 27% of Blacks reported having last used marijuana more than one year ago — a constant trend over the past decade. In the same year, 59% of Blacks and 54% of whites reported having never used marijuana. *ACLU Report

A. Data

Sources

The marijuana possession arrest data presented in the ACUL report was obtained largely from the FBI/UCR Program. This program annually collects data from state and local law enforcement agencies. In particular, the two main FBI/UCR data sets used in the report are:

Uniform Crime Reporting Data [United States]: Arrests by Age, Sex, and Race [Alternative Title: ASR], 2001-2010

Uniform Crime Reporting Data [United States]: County-Level Detailed Arrest and Offense Data, 1995-2010

Annual county population estimates by age, sex, race, and ethnicity were drawn from the United States Census:

U.S. Census Bureau, *Annual County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin: April 1, 2000 to July 1, 2010 Q*

Data on marijuana use were obtained from the National Survey on Drug Use and Health (NSDUH):

Substance Abuse and Mental Health Services Administration, *Results from the 2010 National Survey on Drug Use and Health: Summary of National Findings*, NSDUH Series H-41, HHS Publication No. (SMA) 11-4658: 2011 Q

This report's sole focus on Black-white racial disparities is the result of the fact that the FBI/UCR arrest data does not identify Latinos as a distinct racial group and thus does not distinguish between white and Latino arrests. In other words, an arrest of a Latino is overwhelmingly categorized as a "white" arrest. . *ACLU Report

So arrest rate disparities between Blacks and whites will be even more pronounced than the disparities as captured by the FBI/UCR data. ACLU Report

In Minnesota the 3rd highest state with Largest Racial Disparities in Marijuana Possession Arrest Rates (2010) with 835 Blacks arrest and only 107 white arrest for Marijuana Possession which that a Black person is 7.81 times more likely in Minnesota the 3rd highest State in America for black to get arrested before Whites.

Causes underlying the disparity problem,

“According to a report reIn Minnesota, the counties with the largest racial disparities in marijuana possession arrests were Hennepin, Ramsey, from Race Disparities

- Nationwide, Blacks were over 3.7 times more likely to be arrested for marijuana possession than whites, despite comparable usage rates.

In Minnesota, Blacks were on average nearly 8 times as likely to be arrested for marijuana possession as whites. In Ramsey County alone, increased its black/white racial disparity from 2010 from 7.4 to 8.8 times more likely to be arrested for marijuana possession than whites. In 2013 “ ACUL

Remedies to address intentional discrimination, legal remedies alone have not stemmed nor will they stem the increasing racial disparity within our state

At this very moment Racial profiling has been a hot issue in Minnesota. What is new, however, is the increase in the level of racial disparity, particularly here in Minnesota. Minnesota now has the largest disparity between black and white imprisonment rates of any state in the nation.

This racial disparity especially in Hennepin County and Ramsey County is a problem with immense implications that deserve your immediate attention and action.

The racial profiling allegation is that police use a minority driver's race as a factor, either alone or in combination, in determining which vehicles to stop.

In Minnesota, the police departments in Minneapolis and St. Paul have voluntarily begun to collect data on the race of the drivers they stop. Which they would not give to me, but which you can easily get.

African Americans account for a significant percentage of the minority stops -- almost 40 percent -- even though African Americans are 18% percent of the population in Minneapolis.

The data further suggest these stops occur more frequently within certain neighborhoods within the city. Approximately 40 percent of all stops of black drivers occurred within five Minneapolis neighborhoods. “In the Black inner city often referred to as the North Side of Minneapolis”

St. Paul data showed black motorists were more likely than whites to be frisked and searched as a result of a traffic stop.

The data from Minneapolis also showed that minorities are more likely to be arrested as a result of having been stopped. In Minneapolis, blacks are about two and one half times more likely to be arrested and booked than whites following a traffic stop; American Indians about three times more likely.

For felony-level crimes, the national disparity in the arrest rate between minorities and whites is roughly 7:1, which means that minorities are seven times more likely to be arrested for felony level crimes than whites.

In Minnesota, the disparity is even wider, particularly for African Americans. For Part 1 crimes, the disparity in arrest rates between African Americans and whites is 14:1

The Minnesota Sentencing Guidelines Commission keeps extensive data on the race of all offenders who are sentenced at the felony level to prove my complaint about Black civil rights violation in their arrest for Marijuana possession.

From this data, I have found out for felony-level crimes, whites are less likely than minorities to serve time in prison. Minnesota now has the largest disparity between black and white imprisonment rates of any state in the nation: a ratio of 19:1.

As Minnesota's prison population has increased over the past decade, so has the racial disparity. Over half of Minnesota's prison population is minority, and Minnesota now has the largest disparity between black and white imprisonment rates of any state in the nation: a ratio of 19:1.

Constitutional protections, federal civil and criminal statutes, and the Minnesota Human Rights Act all prohibit racial discrimination in the enforcement of the criminal law.

The 4th Amendment prohibits unreasonable searches and seizures. Violations of the 4th Amendment can result in the suppression of evidence in a criminal trial and potential civil liability under federal statutes such as 42 U.S.C. § 1983

We know enough about the racial disparity within the criminal justice system to know that Minnesota leads the nation in the disproportionate imprisonment of minorities. Minnesota now has the largest disparity between black and white imprisonment rates of any state in the nation: a ratio of 19:1.

Thank You Dr. Jack Shepard

I hope my complaint can foster better community relationship between the Black, Hispanic Communities and the police.

The goal of my complaint is for your Civil Right Division, of the U. S Department of Justice to investigate my complaint; with the goal of having the Minneapolis and St. Paul Police Departments: End their use of suspicion less stops, suspicion less frisks, and searches without probable cause of the Black and Hispanic people of Minnesota.

Such stop, frisk, and search policies violate the Fourth Amendment's prohibition against unreasonable searches and seizures and disproportionately impact innocent Blacks and Latinos. They are humiliating and can be traumatic.

They are also ineffective and foster community resentment against the police.

Police departments of St. Paul and Minneapolis must establish explicit guidelines outlining the specific, limited circumstances under which the

Fourth Amendment permits a stop, frisk, and subsequent search, and train officers on the guidelines annually.

No pedestrian or motorist shall be detained beyond the point when there is no reasonable suspicion of criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's informed voluntary consent.

I wish the Black and Latino Communities create a more friendly and trusting relationship in the future; and they the Police in their neighborhoods.

Police Departments Should Cease Using Raw Numbers of Stops, Citations, Summons, and Arrests as a Metric to Measure Their Productivity and Effectiveness in Serving Communities and Addressing Crime

The Bureau of Justice Assistance should take the following steps to reform the existing JAG process:

Cease including marijuana possession arrests as a performance measure for purposes of federal funding

Ensure that federal funds are not provided or used by state and local law enforcement agencies to make arrests for marijuana possession

Require law enforcement agencies receiving federal funding to enforce a ban on racial profiling and document their pedestrian and traffic stops, arrests, and searches by race, ethnicity, and gender (designating money for data collection if needed)

Reform performance measures to include factors such as the numbers of citizen complaints, surveys measuring community satisfaction with the police, including community views on the legitimacy and fairness.

Thank You Dr. Jack Shepard

Via R. Marengo 20 "temporary work address"

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a legal resident of the State of Minnesota

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I hope my compliant, will help you correct this civil rights violation it will foster better community relations between the Black and Hispanic Communities of Minneapolis and St. Paul and the police.