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JOHN L. BURRIS

www.johnburrislaw.com

John L. Burris
Ben Nisenbaum
Adanté D. Pointer
DeWitt M. Lacy
Lateef H. Gray
James A. Cook

john.burris@johnburrislaw.com
bnisenbaum@gmail.com
adante.pointer@johnburrislaw.com
dewitt.lacy@johnburrislaw.com
lateef.gray@johnburrislaw.com
james.cook@johnburrislaw.com

January 6, 2015

The Honorable Loretta Lynch
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Criminal Section, PHB
Washington, D.C. 20530

The Honorable Vanita Gupta
Assistant Attorney General for
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Room 1145
Washington, D.C. 20530

Re: Request for Department of Justice to both Investigate and Prosecute San Francisco Police Officers for Civil Rights Violations and Conduct a Pattern and Practice Investigation for Unconstitutional Policing by the San Francisco Police Department

Dear Honorable Gentlewoman,

I am the attorney for Mario Wood's mother, Gwendolyn Woods. This letter serves as a formal request for the Department of Justice to investigate and/or prosecute City of San Francisco Police Officers Charles August, Nicholas Cuevas, Winson Seto, Antonio Santos and Scott Phillips, for violating the civil rights of Mr. Woods pursuant to 18.U.S.C. section 252 and that the Department of Justice investigate the San Francisco Police Department for engaging in an unconstitutional, decades long pattern and practice of using deadly force against the citizens of San Francisco, and particularly the African American and Latino community in the City of San Francisco.

First, in support a criminal prosecution, there are videotapes and witnesses of this latest egregious incident. Factually, on December 2, 2015, the above listed San Francisco Police Officers confronted Mr. Woods, who roughly matched the description

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of a suspect in an earlier knife attack and who was believed to be armed with a knife. The officers confronted Mr. Woods on a San Francisco street, in the Bay View section in San Francisco. After deploying less lethal weapons, the officers physically confronted Mr. Woods as he was stumbling away and without provocation shot Mr. Woods 15-20 times, killing him.

Within days of the incident, San Francisco Police Chief Greg Suhr held a press conference and displayed still images of what he claimed were the seconds leading up to the fatal shooting of Mr. Woods. Chief Suhr claimed Mr. Woods raised his arm in a threatening manner just prior to the shooting, which he claim justified the officers' use of force.

However, our office conducted our own investigation and enhanced the video evidence of the shooting, which revealed that Mr. Woods was walking with his arms flat to his sides when the barrage of gunfire began, a stark contrast to the public claims made by Chief Suhr.

It is our strong belief that Chief Suhr intentionally misled the public with the intent to further violate Mr. Wood's civil rights, by demonizing Mr. Woods, in order to fraudulently justify the officers' actions. It should be noted that Chief Suhr had technology at his disposal to accurately depict the incident, but chose to display select images displaying a "phantom" move by Mr. Woods, which grossly and maliciously misrepresented Mr. Wood's actions. The Chief's actions are an outrageous slap in the face to the citizens of San Francisco and an egregious attempt to cover up his officers' unconstitutional actions. The community cannot tolerate this level of corruption by the Chief of Police.

Moreover, we are very concerned that the officers involved will continue to patrol the streets of San Francisco, despite at least two of them having documented histories of excessive force violations prior to gunning down Mr. Woods. If these officers are permitted to continue unchecked it would be a miscarriage of justice and an insult to Mario Wood's family as well as the rest of the world that believes this shooting was unjustified and a gross display of excessive force. In our view, the officers' conduct should be criminally prosecuted for violating Mr. Wood's civil rights.

Secondly, we are requesting that the DOJ conduct a pattern and practice investigation into the San Francisco police department, pursuant to section 42 USC section 14140. The City of San Francisco has a long and infamous history of displaying excessive and/or deadly force against its citizens.

San Francisco Police Officers have engaged in countless, egregious, civil rights violations. Officers have been caught lying in open court, in order to cover up constitutional violations; using racial slurs in the course of their duties; and have beaten and/or shot numerous unarmed men, and this is just a sampling of their outrageous behaviors. The active Chief of Police, Greg Suhr, leads the way, despite his own

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ominous history, including disciplinary actions and accusations of skirting the law.

Since 2000, San Francisco officers have shot at least 103 people. Of those 103 shootings we are aware of, 37 people have died and at least 35 people have been injured. In each and every one of the shooting cases wherein a person died as a result of the Officers' use of deadly force, San Francisco police department has found the Officer used deadly force within policy even under the most questionable of circumstances. The department's failure to discipline or retrain any of the involved Officers is evidence of an official policy, entrenched culture and posture of deliberate indifference toward protecting citizen's rights and the resulting deaths and injuries is a proximate result of San Francisco police department's failure to properly supervise its Police Officers and ratify their unconstitutional conduct. Chief Suhr's action in this matter show a continuance of this pattern and his complicity in the concealing of vital facts, and demonstrate the existence of a system wide defect, even at the highest level of management.

Finally, the death of Mr. Woods, in the prime of his life is a tragic loss. We can not bring him back, but we can hope to ensure that from this loss the African American and Latino community and all people of goodwill can have confidence that there is a place to seek justice for a horrendous wrong when one aspect of the criminal justice system fails to appropriately acknowledge the wrong. The citizens of San Francisco, particularly the dwindling African American population, fear the San Francisco police department and more so now that we have all witnessed officers gun down a feeble young man. As such, in this case, it is imperative that the Department of Justice address this injustice and prosecute these officers for wrongs committed against Mario Woods and investigate the San Francisco Police Department.

Please feel free to contact my office if you have any questions.

Respectfully,

John L. Burris, Attorney at Law
Law Offices of John L. Burris

Enclosures

cc: Kamala Harris, Attorney General, State of California
Brian Stretch, Acting United States Attorney, Northern District of California
Gwendolyn Woods

