

March 7, 2022

The Honorable Vanita Gupta
Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable Kristen Clarke
Assistant Attorney General for Civil Rights
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

RE: Investigation Request of Brookside, Alabama Police Department

Dear Associate Attorney General Gupta and Assistant Attorney General Clarke:

We write to request a federal investigation¹ of unlawful police use of force, profiling, and the aggressive use of fines, fees, and forfeitures to fund police and municipal operations in Brookside, Alabama. The Southern Poverty Law Center's attorneys and staff have been tracking and documenting constitutional abuses committed by public officials, the police chief, and court staff for a number of years. We respectfully call upon the Department of Justice to investigate and bring the full range of federal resources and expertise to remedy the situation in Brookside and protect its most vulnerable residents.

Brookside is a small town in a rural area just north of Alabama's second-largest city, Birmingham. It has six miles of roads and a mile-and-a-half jurisdiction with 1,243 residents. No homicides or rapes have been reported in the town for several years. However, the residents of this small town have been subjected to relentless and abusive policing in a coordinated effort to derive revenue from minority residents and motorists to fund municipal operations. In 2020, Brookside had more misdemeanor arrests than residents. In 2018, the town towed 50 vehicles; in 2020, that number skyrocketed to 789 towed vehicles. That increase represents a rate of 1.7 vehicles towed per household in Brookside.² When Mike Jones became police chief in 2018, he was the city's only full-time officer. From 2018 to his resignation in 2022, he hired at least eight full-time and several part-time officers and purchased an armored riot control vehicle.³

Investigative reporting conducted by Alabama Media Group's Al.com uncovered evidence that, "Brookside's finances are rocket-fueled by tickets and aggressive policing. In a two-year period between 2018 and 2020 Brookside revenues from fines and forfeitures soared more than 640 percent and now make up half the city's total income."⁴

¹ Title 42 USC, Section 14141

² Archibald, John. "Police in This Tiny Alabama Town Suck Drivers into Legal 'Black Hole.'" *AL.com*, 19 Jan. 2022, <https://www.al.com/news/2022/01/police-in-this-tiny-alabama-town-suck-drivers-into-legal-black-hole.html>.

³ Id.

⁴ Id.

Several citizens have filed complaints and there are multiple lawsuits detailing instances of the police fabricating charges, using racist language, and concocting charges against residents. There are also reports of police officers threatening citizens who post about their negative police interactions on social media and retaliatory police property seizures. Additionally, there are several reports of residents and motorists saying they did nothing wrong when they were stopped and cited for violations.

During Brookside town hall meetings held on February 1 and February 10, 2022, residents testified about excessive fines as high as \$5,000 for broken tag lights, confiscation of property and cash, living in fear of frivolous outstanding warrants, strip searches and other abusive behavior at the jail, and being left stranded by the police on the rural highway after their car was impounded.⁵ Several of these incidents occurred on a short stretch of Interstate 22, which is beyond the Brookside police department's jurisdiction. The use of police power without legal justification to generate profit has been disproportionately directed at Black residents and motorists in Brookside and the surrounding area. We believe this a violation of federal civil rights laws and call upon the Department of Justice to conduct a thorough investigation of this conduct as well as the abusive conduct at the Brookside jail.

In 2020, staff members from the Southern Poverty Law Center attempted to visit Brookside Municipal Court. After being accosted by several officers posted outside the small courthouse, they were improperly denied entry because the lawyers were not directly issued citations. Preliminary facts gathered through local investigative media reports, town hall testimonials, and first-hand experiences of SPLC attorneys strongly indicate Brookside Municipal Court and its police department, have conspired to deprive the citizens of Brookside - and motorists passing by - their constitutional rights to travel, freedom from unreasonable searches and seizures, and freedom from excessive fines and fees. Moreover, there is compelling evidence that the police are targeting individuals based on race and engaging in racial profiling. Black motorists are disproportionately subject to police stops in Brookside, where 71 percent of residents are white.⁶ Brookside Police Department, in likely collaboration with courthouse staff, has instituted procedures to shield the illegal activity of police from public view. Brookside residents who are interested in observing court proceedings must present photo identification prior to entry. After admission, observants are prevented from leaving to use the bathroom, make a phone call, or exit the courtroom for any reason. The procedures enforced by Brookside Police Department and the Brookside Municipal Court defy judicial precedent and deny public access to both civil and criminal hearings in a public government building.⁷ The courts serve an important role as a check on illegal and abusive police conduct. For this reason, the Southern Poverty Law Center requests a full investigation by the Department of Justice into the policies and procedures of the Brookside

⁵ Eliasoph, Jeff. More allegations brought against Brookside police officers at second town hall. *WVTM 13 News*. 11 Feb 2022. <https://www.wvtm13.com/article/brookside-alabama-police-allegations-second-town-hall-meeting/39041525>

⁶ Archibald, John. "Brookside investigator finds police in Alabama town preyed upon the poor." *AL.com*. 2 Mar 2022. <https://www.al.com/news/2022/03/brookside-investigator-finds-police-in-alabama-town-preyed-on-the-poor.html>

⁷ "It is desirable that the trial of [civil] causes should take place under the public eye, [...] not because the controversies of one citizen with another are of public concern, but because it is of the highest moment that those who administer justice should always act under the sense of public responsibility, and that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed." *Cowley v. Pulsifer*, 137 Mass 392, 394 (1884). (See also *Richmond Newspapers Inc. v. Virginia*, 448 US 555 (1980) and *Press-Enterprise Co. v. Superior Court of California*, 464 US 501 (1984))

Municipal Court and any possible collusion by the court to further or shield the Brookside Police Department's civil rights abuses.

While incurring an unlawful ticket issued beyond Brookside's jurisdiction may be merely an annoyance for some individuals, it can prove financially devastating for individuals with less income. Poor residents struggle to pay court-imposed fines and fees resulting from the Brookside Police Department's illegal targeting of residents and motorists. Brookside residents living in poverty accrue additional financial penalties if they fail to make their original payment. Some residents struggled to retain employment and pay other legal obligations after being left on the side of the interstate while their vehicle was seized and towed. This debtor's prison, and the accompanying civil and criminal consequences, is impossible to escape, especially when residents are forced to pay expensive fees to both the Town of Brookside and the local towing company. These hardships have only grown more pronounced due to the economic impact of the Coronavirus pandemic.

The Brookside Police Department's illegal activity is not limited to traffic stops and profiling. It extends to the seizure of cars, guns, cash, and even homes – directly violating the Supreme Court's Eight Amendment proportionality holding in *Timbs v. Indiana*. Research by SPLC and Alabama Appleseed details how the predatory practice of civil asset forfeiture has been rampant throughout Alabama for years. Over 1,100 civil asset forfeiture cases were reviewed by the SPLC and Alabama Appleseed. These cases yielded over \$670,000 worth of confiscated property for the state, the majority of which involved only minor offenses, with some resulting in no charges at all.⁸ According to the SPLC's report, 64% of these forfeiture cases involved Black Alabamians even though Blacks only make up 27% of the state population.⁹

Extracting municipal profits through the use of police power creates an environment ripe for civil rights abuses and forces communities to live in fear. If citizens cannot turn to the police to report criminal behavior or seek protection from the local courts, the only recourse is a federal investigation. The SPLC applauds the thorough and well documented investigation conducted by the Department of Justice in Ferguson, Missouri which brought to light the dangerous effects of public officials engaged in the abuse of their respective public offices. According to a DOJ press release, "the combination of Ferguson's focus on generating revenue over public safety, along with racial bias, has a profound effect on the FPD's police and court practices, resulting in conduct that routinely violates the Constitution and federal law."¹⁰ These patterns of racial discrimination, harassment, and predation were all precursors to the murder of Michael Brown and provided the fuel for the town's explosive unrest in 2014. The SPLC believes a similar pattern of racial discrimination, harassment, and predation exists in Brookside.

The Department of Justice has an opportunity to put other municipalities, both here in Alabama and across the nation, on notice that these practices are unacceptable and prevent the next Ferguson, Doraville, Monroeville, or Brookside. Policing for profit is not rule by law. Instead, it

⁸ Nelson, Leah et. Al. "Forfeiting Your Rights: How Alabama's Profit-Driven Civil Asset Forfeiture Scheme Undercuts Due Process and Property Rights". *Alabama Appleseed and Southern Poverty Law Center*.

2018. https://www.splcenter.org/sites/default/files/com_civil_asset_forfeiture_report_finalnocrops.pdf

⁹ Id.

¹⁰ "Justice Department Announces Findings of Two Civil Rights Investigations in Ferguson, Missouri: *Justice Department Finds a Pattern of Civil Rights Violations by the Ferguson Police Department*". *United States Department of Justice*. 4 Mar

2015. <https://www.justice.gov/opa/pr/justice-department-announces-findings-two-civil-rights-investigations-ferguson-missouri>

is a form of extortion and breeds mistrust for law enforcement and creates racial animus. The gravity and scope of the violations in Brookside cannot be overstated. Local authorities and officials have refused reform and will not investigate themselves. A federal investigation using the full resources and expertise of the Department of Justice is necessary to stop these civil rights abuses and protect the residents of Brookside.

We look forward to scheduling a meeting with you and your staff to discuss this important matter.

Sincerely,



LaShawn Warren
Chief Policy Officer



A. Jerome Dees, II
Alabama Policy Director



Nina Patel
Senior Policy Counsel, Decarceration & Criminal Legal System Reform