

August 9, 2024

**SENT VIA ELECTRONIC MAIL**

Kristen Clarke, Assistant Attorney General  
United States Department of Justice, Civil Rights Division

Honorable Tessa Gorman  
United States Attorney

Dear Assistant Attorney General Clarke and Honorable Gorman:

The Tacoma/Pierce County Coalition, composed of eight community organizations (Tacoma Urban League, Tacoma Ministerial Alliance, The Black Collective, Associated Ministries, the Tacoma Branch of the NAACP, the Tacoma Chapter of A. Philip Randolph Institute, Tacoma Cease Fire, and LegallyBLACK), and the individual members listed below request that the Civil Rights Division of the Department of Justice (DOJ) open a pattern-or-practice investigation into the Tacoma Police Department (TPD). TPD's dangerous and inadequate policies, practices, and disciplinary rules have caused widespread excessive force and discriminatory policing in Tacoma, Washington. We believe that civil rights violations have occurred, and we request that the DOJ investigate the causes underlying the excessive use of force and discriminatory policing, and bring suit if necessary to change the practices and policies to remedy these issues.

Our Coalition has engaged extensively with local authorities, including the Tacoma City Council, City Manager, and Tacoma Police Chief, as well as the Charter Review Committee and Community Police Advisory Council, providing recommendations to address practices, policies, and procedures that have marginalized our residents' ability to receive fair treatment from the Tacoma Police Department. However, these recommendations have not been adequately implemented. We recognize that Tacoma's mayor and police chief have inherited this system, which has failed to properly serve the Black community in Tacoma for many years. Our Coalition is now moving forward to seek federal intervention and oversight to enact the necessary reforms. It is our considered opinion that, through collective bargaining processes, management's capacity to responsibly operate the police department has been significantly compromised, hindering the establishment of appropriate accountability measures. A recent and deeply troubling example of this accountability deficit was evident in the December 2023 trial of three Tacoma police officers for the death of Manuel Ellis, which highlighted the persistent challenges in holding law enforcement officers accountable for their conduct. These ongoing issues underscore the urgent need for a comprehensive, external investigation to address the systemic problems within the Tacoma Police Department and to institute meaningful, lasting reforms.

The American Civil Liberties Union (ACLU) has conducted a comprehensive legal analysis. Their review of the legal grounds for an investigation by the Department of Justice has yielded the following findings:

- 1. The trial and acquittal of three officers who chose to beat, tase, handcuff, hogtie, and hold Mr. Manny Ellis down with a spit hood over his head despite his cries that he could not breathe, revealed embedded patterns of excessive force, poor policy, and patterns of obfuscating police reporting that must be further investigated.**

The recent trial of three officers who killed Manny Ellis in 2020, shortly before the murder of George Floyd, raised questions about the culture and practices at TPD. Mr. Ellis was walking home from a convenience store the evening of March 3, 2020, when he was stopped by police. Officers hit him with their car door, slammed him to the ground, punched him, tased him, put him in a chokehold, hog tied him, sat on him, and ultimately killed him.<sup>1</sup> The jury trial unearthed a number of concerns about TPD’s practices.

One concern raised by the chief medical examiner was that police withheld vital information<sup>2</sup> that would have aided his initial report about the cause of death. Officers had not furnished information about the fact that officers had put their weight on Mr. Ellis while he was handcuffed and hogtied, restricting his breathing.<sup>3</sup> This led him to question other in-custody deaths where TPD officers restrained people.<sup>4</sup> Each of TPD’s in-custody deaths should be investigated to understand whether and why officers intentionally withheld critical information from another government official.

Moreover, the trial also raised questions about the officers’ initial claims that Mr. Ellis resisted arrest – claims that were used to justify using force, when there was no evidence of an underlying crime for which Mr. Ellis was being arrested. When questioned about the immediate escalation to violence, Officer Matthew Collins testified to using force, including elbow strikes, as a form of de-escalation used to get someone into compliance. Officer Collins lifted and slammed Mr. Ellis to the ground, and yelled at Mr. Ellis to “shut the [expletive] up!” while Mr. Ellis said repeatedly that he couldn’t breathe.<sup>5</sup> Officer Collins reportedly only heard Mr. Ellis

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<sup>1</sup> See Mayowa Aina, Jared Brown, Will James, Kari Plog, *The Walk Home*, podcast series KNKX Public Radio, (Sept. 7, 2022), <https://www.knkx.org/podcast/the-walk-home>.

<sup>2</sup> Patrick Malone, *Six weeks into Tacoma officers’ trial, stark differences in police and eyewitness accounts*, The Seattle Times, (Nov. 8, 2023), <https://www.seattletimes.com/seattle-news/times-watchdog/six-weeks-into-tacoma-officers-trial-stark-differences-in-police-and-eyewitness-accounts/>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Patrick Malone, *Tacoma officer charged with killing Manny Ellis defends self on stand*, The Seattle Times, (Dec. 4, 2023), <https://www.seattletimes.com/seattle-news/times-watchdog/tacoma-officer-charged-with-killing-manny-ellis-defends-self-on-stand/>.

make “animal noises” and testified that “[w]e can deal with the air thing after we get him in handcuffs.”<sup>6</sup>

Despite these egregious remarks, this approach to using force did not violate department policies at the time. The current Chief Avery Moore mostly cleared the officers of discipline, but acknowledged that the policies in place when Mr. Ellis was killed “failed to serve the best interests of the police department or the community.”<sup>7</sup> The Chief’s statement on the officers’ acquittal also recognized the “detrimental impact of policing on Black, Indigenous, and People of Color (BIPOC) communities.”<sup>8</sup> In response, the Tacoma Police Union President bristled at the Chief’s statement, seeing it as part of the growing rift between TPD officers and leadership – a sign that the culture within TPD has not shifted along with the new Chief.<sup>9</sup>

Ultimately, the officers were acquitted, and each were given \$500,000 prior to resigning, in addition to collecting hundreds of thousands of dollars while on administrative leave awaiting trial.<sup>10</sup> This sends a message to both officers and community members that abusive behavior not only goes unpunished but is in fact rewarded.

While TPDs policies around using force may have changed in 2024, officers who harmed people for the years preceding the change have not been held accountable and are still interacting with the public. Additionally, the culture that allowed Mr. Ellis to be gravely mistreated has not changed. In 2022, after Washington passed a new use of force law requiring minimal force and nonviolent de-escalation, TPD killed five people,<sup>11</sup> indicating that a change in policy has not been effective in changing culture or practices. Nor has a change in leadership succeeded in changing the culture of TPD.

An investigation is needed to root out the policies, disciplinary systems, and practices that failed Black, Indigenous and communities of color in Tacoma before and since Mr. Ellis was brutally killed. TPD has exhibited a culture of significant resistance to mere policy change – an investigation is necessary to unearth and shift the practices at the department that are causing harm.

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<sup>6</sup> *Id.*

<sup>7</sup> Brown, Jared. “Tacoma Police Chief Clears Ex-Officers in 2020 Death of Manny Ellis.” KNKX Public Radio, January 16, 2024.

<https://www.knkx.org/tacoma/2024-01-16/tacoma-police-chief-clears-all-officers-manny-ellis-death>.

<sup>8</sup> “Tacoma Police Department Statements.” Home - City of Tacoma, January 16, 2024.

<https://cityoftacoma.org/cms/One.aspx?portalId=169&pageId=256844>.

<sup>9</sup> Rantz, Jason, and Henry Betts. Henry Betts, Tacoma Police Union president. Other. Highlights- The Jason Rantz Show. SoundStack, January 17, 2024.

<sup>10</sup> Johnson, Gene. “The 3 Officers Cleared in Manuel Ellis’ Death Will Each Receive \$500,000 to Leave Tacoma Police.” AP News, January 16, 2024.

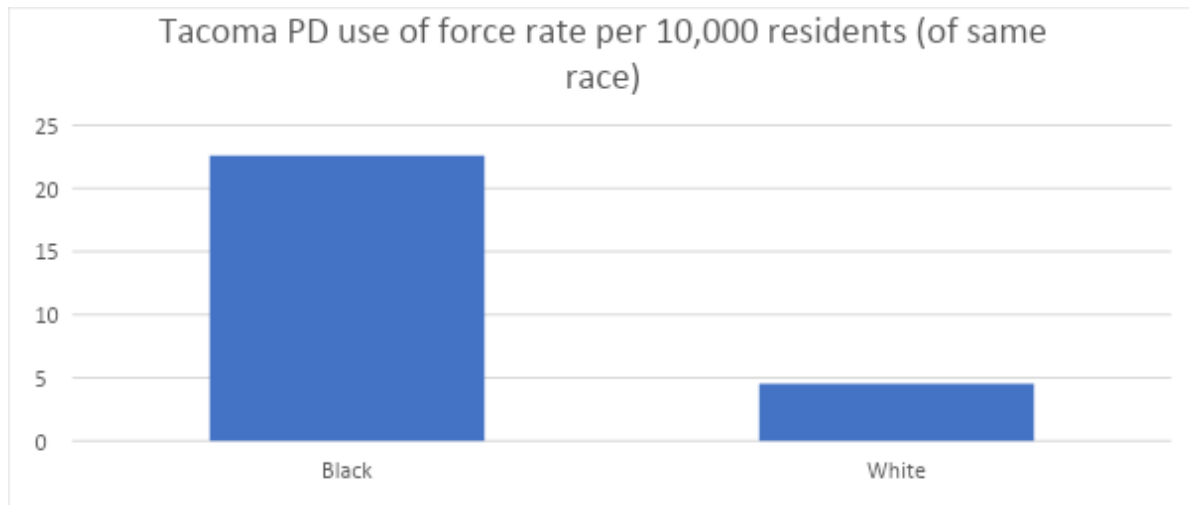
<https://apnews.com/article/manuel-ellis-police-charged-use-of-force-36b51c89a9102c1db7ae4cebc574ac2e..>

<sup>11</sup> Next Steps Washington, *Homicides by Police in WA since 2015* (May 3, 2024)

[https://rpubs.com/moxbox/wa\\_since2015](https://rpubs.com/moxbox/wa_since2015)

**2. TPD has a documented history of excessive force against, and discriminatory policing of, Black people, and a lack of accountability.**

TPD’s own data shows that officers use force against Black people at roughly five times the rate they use force against white people.<sup>12</sup> A 2022 Tacoma News Tribune (TNT) study found that “[r]ecords and department statistics from 2015 to 2019 show a majority of officers used force, primarily against people of color, and few officers were disciplined.”<sup>13</sup> The TNT study discovered force was used about 22.6 times per every 10,000 Black Tacoma residents and about 4.5 times per every 10,000 white Tacoma residents.<sup>14</sup>



Furthermore, Black people are overrepresented in TPD’s use of force statistics and arrests as compared to white Tacoma residents, making up only 11% of the population but 38% of the uses of force and 30% of arrests.<sup>15</sup> White residents made up about 65% of the population but only 45% of the uses of force.<sup>16</sup>

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<sup>12</sup> Glenn, Stacia, and Allison Needles. “Tacoma Police Disproportionately Use Force against People of Color, TNT Analysis Shows.” The News Tribune, March 4, 2021.

<https://www.thenewstribune.com/news/local/article249640233.html>.

<sup>13</sup> Glenn, Stacia, and Allison Needles. “With 8 Dead and Hundreds Injured, Tacoma Grapples with How Much Police Force Is Too Much.” The News Tribune, March 4, 2021.

<https://www.thenewstribune.com/news/local/article249608173.html>.

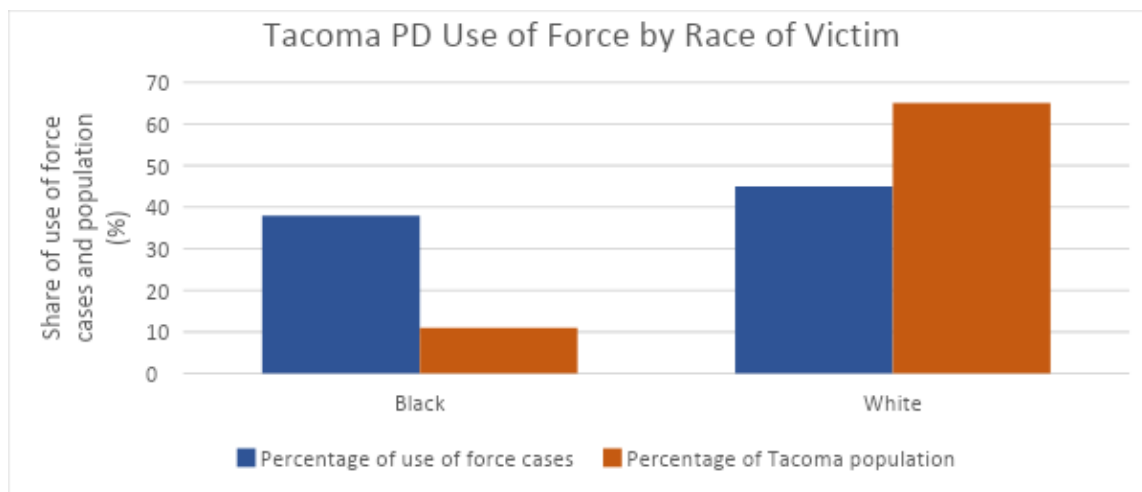
<sup>14</sup> *Id.*

<sup>15</sup> Glenn, Stacia, and Allison Needles. “Tacoma Police Disproportionately Use Force against People of Color, TNT Analysis Shows.” The News Tribune, March 4, 2021.

<https://www.thenewstribune.com/news/local/article249640233.html>.

<sup>16</sup> *Id.*

In the five years that TNT studied, 78% of TPD officers used force, culminating in 1,452 uses of force.<sup>17</sup> Only 14 incidents, or less than 1%, were found to be out of policy and only one officer was fired because of improper use of force in the five year period.<sup>18</sup> In the five years preceding the 2021 change in law limiting the use of deadly force, TPD officers killed seven people.<sup>19</sup> However, in the three years since the law passed, officers have already killed seven people including [Steven Wohlwend](#) (31), [Michael Mercado](#) (37), [Ronald Hasek](#) (35), [Peter T Collins](#) (40), [Dillion Pugsley](#) (39), [Cody Kuzior](#) (41), and [Rhoda Butler](#) (61). The data shows that TPD’s rate of using lethal force has increased since the passage of the law as compared to the five years preceding it. In 2022 alone, TPD officers killed five people.<sup>20</sup>



Even the surveillance of protestors by TPD seem to target Black community members. During the protests following the murder of George Floyd, Breonna Taylor, and the killing of Manny Ellis in 2020, public records<sup>21</sup> show that a TPD officer was engaged in extensive monitoring and surveilling of social media posts of individuals and groups peacefully supporting Black Lives Matter protests and protests critical of police. The officer made pejorative comments about those viewpoints, characterizing them as a greater public safety threat than activities of extremist groups supporting white supremacy. TPD resources were used to monitor peaceful activities – a Juneteenth Pride Celebration, a Father’s Day balloon release for Manny Ellis, and a Black history book drive. The TPD officer recorded names of organizers of these events and many more in police reports for engaging in constitutionally protected speech.

<sup>17</sup> Glenn, Stacia, and Allison Needles. “With 8 Dead and Hundreds Injured, Tacoma Grapples with How Much Police Force Is Too Much.” The News Tribune, March 4, 2021.

<https://www.thenewstribune.com/news/local/article249608173.html>

<sup>18</sup> *Id.*

<sup>19</sup> Next Steps Washington, Homicides by Police in WA since 2015 (May 3, 2024) [https://rpubs.com/moxbox/wa\\_](https://rpubs.com/moxbox/wa_)

<sup>20</sup> *Id.*

<sup>21</sup> Records on file with the ACLU-WA.

When there is harm, and complaints are filed against TPD officers, very few officers are ultimately held accountable. Citizen complaints against TPD officers are reviewed by the Internal Affairs Unit which includes a TPD lieutenant, two sergeant investigators, and a secretary.<sup>22</sup> A 2024 TNT study into TPD's disciplinary system found that over the past nine years, less than 9% of over 1,100 complaints investigated by TPD's Internal Affairs Unit were sustained.<sup>23</sup> These rates are low in comparison to similarly sized departments across the country where 32% of citizen complaints are founded.<sup>24</sup> In 2022, only 6% of citizen complaints against TPD were founded. Moreover, use of force complaints were even less likely to be sustained: "Only one of 36 allegations since 2015, or 2.7 percent[,] were founded."<sup>25</sup>

Recent TPD violence and bias is illustrative. In 2021, during a street racing incident, a TPD officer chose to drive into a crowd of people, running over Anthony Huff McKay, and striking five others. Rather than deescalating by reversing or proceeding slowly, the officer reversed and then accelerated through the crowd.<sup>26</sup> Investigations of the incident took over seven months, and many community members present reported that investigating officers were more interested in criminalizing the bystanders observing the street racing than holding the officer accountable.<sup>27</sup> The Pierce County Prosecuting Attorney's Office declined to bring charges against the officer, and the officer retired before being disciplined by the department.<sup>28</sup> Also in 2021, an officer was caught on body camera uttering a racial slur against a Black driver he had pulled over for a traffic stop.<sup>29</sup> That officer also retired before discipline was imposed.<sup>30</sup>

Even in internal practices, racial discrimination against Black employees has been a concern. A lawsuit filed in April 2024, by the former TPD chief of staff, alleges that "the department's hiring practices were biased and discriminatory toward Black applicants; discipline was handed down unevenly between Black and non-Black employees; and TPD had stripped down a program teaching about racial bias and violence in policing because it was "too harsh for

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<sup>22</sup> "Internal Affairs." Home - City of Tacoma, 2020.

[https://www.cityoftacoma.org/government/city\\_departments/police/administrative\\_services\\_bureau/internal\\_affairs](https://www.cityoftacoma.org/government/city_departments/police/administrative_services_bureau/internal_affairs).

<sup>23</sup> Johnson, Shea. "Citizens Often File Complaints against Tacoma Police. Rarely Are Those Claims Sustained." The News Tribune, January 17, 2024. <https://www.thenewstribune.com/news/local/article283974288.html>.

City of Tacoma GIS. "Complaint Allegations with Findings (Tacoma)." Tacoma Open Data, December 22, 2021.

<https://tacomaopendata-tacoma.hub.arcgis.com/datasets/tacoma::complaint-allegations-with-findings-tacoma/about>.

<sup>24</sup> Harris, Chris, and Sean Perry. Rep. Internal Affairs Survey Report, 2022.

<https://www.niaia.org/assets/docs/2022/Internal%20Affairs%20Survey%20Report%202022.pdf>.

<sup>25</sup> Johnson, Shea. "Citizens Often File Complaints against Tacoma Police. Rarely Are Those Claims Sustained." The News Tribune, January 17, 2024. <https://www.thenewstribune.com/news/local/article283974288.html>.

<sup>26</sup> Booker, Brakkton. "Protests Sparked in Tacoma after Police Officer Drives into Crowd." KUOW, January 25, 2021. <https://www.kuow.org/stories/protests-sparked-in-tacoma-after-police-officer-drives-into-crowd>.

<sup>27</sup> Glenn, Stacia. "Numerous Challenges Bugged down Investigation into TPD Officer Who Drove through Crowd." The News Tribune, September 6, 2021. <https://www.thenewstribune.com/news/local/crime/article253946933.html>.

<sup>28</sup> Johnson, Shea. "Man Run over by Tacoma Officer Files Lawsuit against City | Tacoma News Tribune." The News Tribune, January 23, 2024. <https://www.thenewstribune.com/news/local/article284562425.html>.

<sup>29</sup> Glenn, Stacia. "Tacoma Officer Who Used Racial Slur Retires after Internal Investigation Launched." The News Tribune, March 5, 2021. <https://www.thenewstribune.com/news/local/article249731793.html>.

<sup>30</sup> *Id.*

officers” among other concerns.<sup>31</sup> The lawsuit alleges only 3% of TPD officers are Black, which is underrepresentative of Tacoma’s population, and Black candidates are given more scrutiny than non-Black candidates.<sup>32</sup> He detailed discriminatory behavior within the department and a hostile work environment. This anti-Black discrimination in employment practices illustrates the culture of anti-Black discrimination in the department and raises questions about TPD’s ability to serve Black residents. All in all, these internal dynamics leave community asking the same question his lawyer raised, “If the Tacoma Police Department cannot police and stop discrimination within its own ranks, a big concern is how can the public trust it to protect and serve them impartially and fairly?”<sup>33</sup>

This lack of accountability discourages Tacoma community members from filing complaints since they are unlikely to be addressed. An investigation is needed to determine whether this lack of accountability is due to a failure of the policy not capturing misconduct, or a failure of the disciplinary system itself to identify and address harm caused by officers.

**3. Our collective experiences of harm at the hands of TPD show what the data cannot: TPD officers are hostile towards the Black community they are tasked to serve, and little has changed.**

Police brutality and bias is underreported in Tacoma because people are afraid to report the harm they have experienced, and do not believe that the officers would be held accountable. However, among the members of our coalition, too many of us have stories of harm.

To further substantiate our request, we present a series of documented grievances from community members who have reported violations by the Tacoma Police Department. While the following accounts illustrate the gravity and urgency of the situation, they represent only a fraction of the concerns raised by the community. Upon request and with appropriate approvals, we are prepared to provide the Department with additional testimonies and evidence that underscore the need for a thorough and impartial investigation. These accounts, in conjunction with the ACLU's legal analysis, reinforce our appeal for immediate action to address the systemic issues within the Tacoma Police Department.

- On June 7, 2020, Ms. Trinice Nelson<sup>34</sup> experienced a deeply distressing series of Events following the reported death of her son, AJ Nelson. Ms. Nelson learned of her son's passing through informal channels, including text messages and social media posts. Upon arriving at the scene, she alleges that she was met with

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<sup>31</sup> Johnson, Shea. “He Joined Tacoma Police to Help Address Racial Biases. He Now Claims He Became a Victim.” The News Tribune, April 26, 2024. <https://www.thenewstribune.com/news/local/article288023985.html>.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Trinice Nelson, informed consent obtained by The Tacoma/Pierce County Coalition, July 11, 2024

aggressive treatment from police officers, who reportedly restrained her physically. Despite her evident state of shock and grief, Ms. Nelson reports that she was not provided with any official information regarding her son's death. Furthermore, she encountered significant delays in the process of identifying and releasing her son's remains. Ms. Nelson contends that both the Tacoma Police Department and the Pierce County Medical Examiner's office failed to adhere to standard protocols for care and communication in such sensitive situations, thereby compounding her emotional trauma.

- On May 24, 2014, a deeply troubling incident occurred involving Ms. Monique Tillman<sup>35</sup> and her brother, Mr. Eric Branch, both minors at the time. The siblings reported being subjected to excessive force by Tacoma police officers while cycling in the Tacoma Mall parking area. According to their account, Officer Jared Williams, along with a security guard, detained them without apparent justification. Ms. Tillman alleges she was violently thrown during the encounter, while Mr. Branch was also forcibly detained. The siblings subsequently filed a lawsuit citing violations of their constitutional rights. This legal action culminated in a settlement of \$500,000<sup>36</sup> for Ms. Tillman and \$50,000 for Mr. Branch. This case is particularly noteworthy as it exemplifies concerns regarding the use of excessive force and misconduct by Tacoma law enforcement, especially in interactions with African American youth.
- On September 8, 2019, a tragic incident occurred resulting in the death of Mr. Bennie Branch<sup>37</sup> during a traffic stop conducted by Tacoma police officers. According to reports, officers, suspecting Mr. Branch was armed, initially employed less-lethal methods including stun guns and physical force. The situation escalated, culminating in multiple gunshots fired at Mr. Branch, causing his death. This incident led to significant legal proceedings, resulting in a \$3.1 million settlement approved by the Tacoma City Council for Mr. Branch's family. It should be noted that while this settlement was reached, it did not include an admission of legal liability by the city. This case underscores critical concerns regarding the use of lethal force and highlights the pressing need for

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<sup>35</sup> Clarridge, Christine. "Teen tossed 'like a child's doll' by Tacoma cop awarded \$500,000." The Seattle Times, March 23, 2018, <https://www.seattletimes.com/seattle-news/law-justice/teen-tossed-like-a-childs-doll-by-tacoma-cop-awarded-500k/>

<sup>36</sup> *Id.*

<sup>37</sup> \$3.1M settlement reached in fatal police shooting of Black man in Tacoma, Washington. Associated Press. May 24, 2023. <https://apnews.com/article/tacoma-police-shooting-bennie-branch-settlement-dd9809a2bd3d2bdba26cae660f6bce00>



comprehensive reforms within the Tacoma Police Department to rebuild community trust and enhance accountability measures.

- On October 2, 2011, a deeply troubling incident occurred involving Curtis Escalante and his brother, Zachariah<sup>38</sup>, who were subjected to aggressive and unjustified apprehension by Tacoma police officers. The young men were leaving an Arco gas station on Center Street when officers surrounded them, drawing their weapons and issuing loud commands, despite no apparent connection to any prior incident. Zachariah, who is reported to have a developmental disability, was subjected to excessive force, including multiple deployments of a taser<sup>39</sup>. This resulted in his hospitalization and ongoing mental health issues. This distressing event appears to be part of a broader pattern of discriminatory policing practices, raising significant concerns about the treatment of African American individuals by members of the Tacoma Police Department.

In light of these deeply concerning incidents and the broader pattern they suggest, we, the Coalition and its member organizations, respectfully and urgently request that the United States Department of Justice conduct a comprehensive investigation into the Tacoma Police Department. We believe there is substantial evidence to warrant an inquiry into whether the civil rights of Black residents and other marginalized communities have been systematically violated through the department's policies, procedures, and practices.

This investigation is crucial not only to address past injustices but also to prevent future occurrences and to restore trust between law enforcement and the communities they serve. We firmly believe that such an intervention by the Department of Justice is necessary to catalyze meaningful reform, ensure accountability, and ultimately safeguard the constitutional rights of all Tacoma residents.

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<sup>38</sup> Lynn, Adam. "Lawsuit: Tacoma Police Used Racial Profiling, Excessive Force Against Men." The News Tribune, October 2, 2014. <https://www.thenewstribune.com/news/local/crime/article25884931.html>

<sup>39</sup> *Id.*

We stand ready to provide any additional information or assistance that may be required to facilitate this vital investigation. The residents of Tacoma deserve a police force that protects and serves all members of our community equitably and with respect for their fundamental rights. We thank you for your attention to this urgent matter and look forward to your timely response.

Respectfully submitted,

**The Tacoma/Pierce County Coalition**

Bishop Dr. Lawrence White, President – Tacoma Ministerial Alliance & Tacoma-Pierce County Coalition

Lyle Quasim, Chair – The Black Collective

Janice Davis Lee, CEO – Tacoma Urban League

Bishop Dr. Lawrence White, President – Tacoma Ministerial Alliance

Jonathan Johnson, President – NAACP Tacoma Branch

Sherrilla Bivens, Chapter President – A. Phillip Randolph Institute, Tacoma Chapter

Tisha Marie Wosencroft Donovan, Founder - LegallyBLACK

Candace Wesley and James Watson, Founders – Tacoma Cease Fire

Michael Yoder, Executive Director - Associated Ministries