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JUSTICE NEWS

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Thursday, December 20, 2012

Justice Department Files Civil Rights Lawsuit Against the Alamance County, N.C., Sheriff's Office

Complaint Alleges Pattern or Practice of Discriminatory Policing Against Latinos

The Justice Department today filed a civil rights lawsuit against Terry S. Johnson, in his official capacity as head of the Alamance County Sheriff's Office (ACSO) in North Carolina. The complaint alleges that ACSO routinely discriminates against and targets Latinos for enforcement action, in violation of the U.S. Constitution and Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994.

The lawsuit follows a comprehensive investigation of ACSO's police practices. The department's investigation included interviews with over 125 individuals, a review of ACSO policies, procedures, training materials and analysis of data on traffic stops, arrests, citations, vehicle checkpoints, and other documentary evidence. On Sept. 18, 2012, the department issued a formal findings letter detailing ACSO's discriminatory policing practices and inviting ACSO to negotiate a court-enforceable agreement to remedy the violations found. ACSO declined to enter into meaningful settlement negotiations.

The complaint alleges that ACSO engages in a pattern or practice of discriminatory policing against Latinos in violation of the Equal Protection Clause of the Fourteenth Amendment, the Fourth Amendment and the Violent Crime Control and Law Enforcement Act. The complaint alleges that ACSO's discriminatory policing activities include:

- ACSO deputies unlawfully target Latino drivers for traffic stops:

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- o A study of ACSO's traffic stops on three major county roadways found that deputies were between four and 10 times more likely to stop Latino drivers than non-Latino drivers;
- o ACSO deputies arrest Latinos for minor traffic violations while issuing citations or warnings to non-Latinos for comparable violations;
- o ACSO deputies use vehicle checkpoints in a discriminatory manner to target Latinos.
- ACSO uses jail booking and detention practices, including practices related to immigration status checks, that discriminate against Latinos.

The complaint further alleges that these discriminatory practices are deeply rooted in a culture that begins with Sheriff Johnson and permeates the entire agency. For example:

- The sheriff and ACSO's leadership explicitly instruct deputies to target Latinos with discriminatory traffic stops and other enforcement activities;
- The sheriff and ACSO leadership foster a culture of bias by using anti-Latino epithets; and
- ACSO engages in substandard reporting and monitoring practices that mask its discriminatory conduct.

Taken together, these practices violate the constitutional and federal rights of Latinos in Alamance County and undermine ACSO's ability to serve and protect Alamance County's Latino residents and the community at large.

"This is an abuse of power case involving a sheriff who misuses his position of authority to unlawfully target Latinos in Alamance County," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "Sheriff Johnson's directives and leadership have caused ACSO to violate the constitutional rights of Latinos in Alamance County and eroded public trust in ACSO."

In this lawsuit, the Justice Department seeks a court enforceable, comprehensive, written agreement that will ensure long term structural, cultural and institutional change at ACSO. In particular, ACSO must develop and implement new policies, procedures and training in effective and constitutional policing. Any reform efforts must also include systems of accountability to ensure that ACSO has eliminated unlawful bias from its decision making at all levels.

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Members of the Alamance County community who wish to provide information to the Department may call 1-877-871-9726 or email alamance.info@usdoj.gov . For more information on the Justice Department's Civil Rights Division, please visit www.justice.gov.crt .

Related Materials:

ACSO Complaint

12-1534

Civil Rights Division

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