

# United States Senate

WASHINGTON, DC 20510-3205

July 31, 2019

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, D.C. 20530

Dear Inspector General Horowitz,

On behalf of Eric Garner's family and the people of New York, I write to request that the Office of the Inspector General conduct a review of Attorney General William Barr's decision not to prosecute anyone in connection with the death of Eric Garner. Mr. Garner died in 2014 after being placed in an illegal chokehold during his arrest. Given that Mr. Garner's death, which was ruled a homicide, was captured on video and the Civil Rights Division reportedly recommending charges be filed, it is in the public's interest to have an independent review of the Garner investigation and the ultimate decision not to file charges.

As you are aware, the investigation into Mr. Garner's death spanned five years, two Administrations, four U.S. Attorneys General, and five U.S. Attorneys for the Eastern District of New York. I am deeply troubled by the length of time it took the Department to come to a final decision and am concerned by media reports that have outlined the internal disputes between the Justice Department and Eastern District investigators and prosecutors involved in this case. It was publicly reported that under former Attorney General Jeff Sessions, "(The) Civil rights division prosecutors recommended to the deputy attorney general, Rod Rosenstein, that charges be brought, but he declined to move forward."<sup>1</sup> Moreover, according to statements made by US Attorney Richard P. Donohue on July 16, 2019, in announcing the Department's decision, Attorney General Barr "made the decision himself" not to press charges against anyone, suggesting a disregard for the recommendations of career federal civil rights prosecutors.<sup>2</sup>

When allegations of police misconduct and excessive use of force are reported, it is imperative that the Justice Department uphold its duty to conduct oversight over local law enforcement and ensure that communities of color are protected from racial profiling and excessive use of force. Moreover, it is important that the public is able to have confidence in the

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<sup>1</sup> Katie Benner, *Eric Garner's Death Will Not Lead to Federal Charges for N.Y.P.D. Officer*, N.Y. Times (July 16, 2019) <https://www.nytimes.com/2019/07/16/nyregion/eric-garner-case-death-daniel-pantaleo.html>

<sup>2</sup> Amber Jamieson and Tasneem Nashrulla, *The Police Officer Who Killed Eric Garner Will Officially Not Be Charged With Any Crimes*, BuzzFeed News (July 16, 2019) <https://www.buzzfeednews.com/article/amberjamieson/nypd-officer-eric-garner-federal-charges>

Department leadership's willingness to conduct unbiased investigations and engage in fair prosecutorial decision-making based on the evidence in the case, even where—indeed, especially where—the accused party is a member of law enforcement.

Thank you for your consideration of this request. I look forward to your reply.

Sincerely,

A handwritten signature in blue ink that reads "Kirsten Gillibrand". The signature is written in a cursive, flowing style.

Kirsten Gillibrand  
United States Senator