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DISTRICT SECRETARY'S OFFICE

U. S. Department of Justice

Civil Rights Division

copies to:  
Board-Appointed Officers  
Deputy General Manager  
Chief Gee

Office of the Assistant Attorney General

Washington, D.C. 20530

Mr. Thomas M. Blalock  
President, Board of Directors  
San Francisco Bay Area Rapid Transit District  
300 Lakeside Drive  
P.O. Box 12688  
Oakland, CA 94612-2831

JUN 12 2009

Dear Mr. Blalock:

This responds to your letter to Attorney General Eric H. Holder dated March 6, 2009, regarding the recent fatal shooting of Mr. Oscar Grant by Bay Area Rapid Transit District (BART) Police Officer Johannes Mehserle in Oakland, California. In your letter you requested assistance from the Department of Justice in determining whether civil rights violations occurred as a result of the shooting and whether a pattern of civil rights violations exists within the BART Police Department.

The Criminal Section of the Civil Rights Division is responsible for enforcing the federal criminal civil rights statutes. Much of our enforcement activity relates to the investigation and prosecution of deprivations of civil rights under color of law. These matters generally involve allegations of excessive physical force or sexual abuse by law enforcement officers.

On January 14, 2009, the Alameda County District Attorney's Office brought state homicide charges against Mr. Mehserle. Experienced federal prosecutors from the Department's Civil Rights Division and the United States Attorney's Office for the Northern District of California, as well as agents from the Federal Bureau of Investigation, are monitoring the prosecution of this case. At the conclusion of the state investigation, we will determine whether federal criminal action may be warranted.

The Special Litigation Section of the Civil Rights Division is responsible for enforcing the police misconduct provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, a federal statute that allows the Department to seek equitable relief to remedy patterns or practices of misconduct by law enforcement agencies, such as police departments. When a systemic pattern or practice of misconduct is determined to exist, the Section has the authority to initiate a civil action against state or local officials to remedy misconduct.

Your correspondence has been provided to the Special Litigation Section. That Section will consider the concerns raised about a possible pattern and practice of misconduct by BART officers, along with other information it may obtain, in determining whether a pattern or practice investigation is warranted. For further information about the Special Litigation Section, you may wish to review its website: [www.usdoj.gov/crt/split](http://www.usdoj.gov/crt/split).

We hope this information is helpful. Please do not hesitate to contact the Department if we may be of assistance with this, or any other matter.

Sincerely,

A handwritten signature in black ink that reads "Loretta King". The signature is written in a cursive, flowing style.

Loretta King  
Acting Assistant Attorney General