Internal Email Reveals Racism in Madison County Sheriff’s Department


These are the words that have been pre-filled on a cover sheet to the Madison County Sheriff’s Department Narcotics Unit’s case files. All other fields have been left blank. These words tell the story of racially biased policing in the county that begins before officers even go into the community.

The internal racism of the department represented in this form is just one piece of a larger body of compelling evidence that the sheriff’s department has a culture of racism that threatens Madison County’s Black community.

In June of 2009, current Sheriff Randall Tucker, while a deputy under former Sheriff Toby Trowbridge, received and forwarded a racist email titled, “White Pride.” It contained the statements, “when I call you Nigger, Kike, Towel head, Sand-nigger, Camel Jockey, Beaner, Gook, or Chink... You call me a racist.” The email concludes by encouraging the reader to express support for its sentiments by forwarding it along, which Sheriff Tucker did.

The ACLU of Mississippi, along with its co-counsel at Simpson Thacher & Bartlett LLP and the ACLU’s national office, uncovered these and other documents during six months of legal discovery before proceeding to file a motion for class certification on March 14, 2018, in Brown v. Madison County. In the case, we sued Madison County and its sheriff’s department for operating a policing program that targets Black people on the basis of race.

The problem, however, runs deeper — much deeper — than racist sheriff emails.

The Madison County Sheriff’s Department’s policy of racialized policing stretches back at least as far as the prior sheriff’s administration. In 2006, Black residents of Canton, Mississippi — a predominantly Black town in Madison County and the county seat — presented a petition bearing 664 signatures to the Madison County Board of Supervisors demanding an end to “frequent roadblocks in the predominantly black neighborhoods” and “racial profiling.”

The response? Former Sheriff Toby Trowbridge refused to even meet with the protestors.

Trowbridge denied using racial profiling and vowed to continue using roadblocks as a policing tactic, despite the evidence that they were disproportionately affecting Black people. His casual brushing aside of community outrage dovetails with the casual racism exhibited by the sheriff’s department. Tellingly, current Sheriff Tucker later pledged to “maintain the quality of law enforcement that we have under Sheriff Trowbridge,” and upon taking office in 2012, officially adopted all of Trowbridge’s policies.

The roadblocks and racial profiling continue to this day.

During his deposition in this case, former Sheriff Trowbridge testified about the use of racial slurs at the sheriff’s department by MCSD personnel, including by him, and a MCSD patrol supervisor testified that he has used racial slurs in the course of his duties and had not been disciplined. Far from being punished for racism, the department appears to have institutionalized it.

Other evidence and data collected during the discovery phase support the fact that MCSD has a longstanding policy of stopping and searching Black drivers and pedestrians who travel in Madison County on the basis of their race. For example, over 30 people, including the named plaintiffs, submitted declarations explaining their experiences with MCSD that reflect this racism — testimony that corroborates the existence of a racially biased policing program and the department’s abuse of authority.

Lawrence Blackmon, one of our named plaintiffs, was tackled, made to lay face down, and then handcuffed at gunpoint after he asked to see a warrant before allowing deputies to enter his home. He asked them to show the warrant. They did not. Instead, they searched his home, looking in drawers and cabinets for a full-grown man they claimed to have a warrant for.
**LETTER FROM THE EXECUTIVE DIRECTOR**

The beginning of a new year typically brings with it a renewed hope for better outcomes. The ACLU of Mississippi began 2018 with the same hope, anticipation and expectation for a better Mississippi. We entered the year with progressively minded legislation in hand that would have standardized policing policy when body cameras are deployed, made equitable opportunities for career educators, and increased access for voter participation in our electoral process. We called on the state to commemorate its 200-year history by unfurling freedom for all.

It did not take the Legislature and state leadership long to remind us that this is still Mississippi. We were ready! When legislators filed bills to codify discrimination, to criminalize association, and to label free speech as terrorism - we fought back. When women’s pay equality and personal healthcare decisions became fodder for the “old boys” club, we stood in solidarity with partner organizations.

The ACLU of MS knows that change does not come easily and must be defended. Even when change does come, there are often deliberate efforts to undermine advances that would secure “justice for all.” It is this reality that keeps us on the frontline of the fight to protect freedom.

We continue to litigate against unequal treatment in the court systems. When students show solidarity and desire to protest, we prepare them with tools and knowledge to protect their right to peaceful protests. We stood with legislators who understand that innovation and technology can be used as tools of improper surveillance. We stand with citizens with Mississippians who want to balance protection and privacy by requiring police accountability and governmental transparency.

We remain encouraged, however, because of you! You responded to our call for Liberty Lobbyists by participating in webinars, attending trainings and showing up at the Capitol to advocate alongside us. We cannot stand with our partners or legislators who take the right policy positions without you. We cannot stand against and oppose tyranny without you. As an organization we cannot stand for rights, fairness and justice without you. You have shown us that we don’t have to stand alone. You stood with us. Together, we stand determined to make Mississippi a just and equitable state. Thank you for your continued support.

Sincerely,
Jennifer Riley Collins
The ACLU of Mississippi remains your Capitol’s watchdog and this year we knew we would need all hands on deck. Our legislative strategy sent all of the advocacy staff to the Capitol to lobby legislators using their specific expertise. With a robust legislative agenda, this year’s session was yet another challenge to the rights of individuals in Mississippi. Having the support of the full team made a huge difference.

Our team of advocates took to the State Capitol, promoting nine bills that endorsed freedom, transparency, and equal opportunity and access, and fought back against bills that threaten the rights of people across the state.

Improved Policing and Criminal Justice Reform

Leading our legislative package was the Body Cams Bill, SB 2283. While not mandating purchase or use of body-worn cameras (BWCs) by law enforcement agencies, this bill would have established standard policies for agencies’ use across the state. The legislative initiative was supported by the only statewide analysis of BWC policies that we released at the start of the session. “Striking the Balance: An Analysis of Body-worn Camera Policies in Mississippi” found key gaps in policies across the state and provided recommendations regarding BWC use. Read more about this bill and the report on page 6.

Our team vigorously fought back against SB 2868 – the Anti-Gang Bill – alongside partners, such as the Mississippi NAACP, the Mississippi Public Defender's Office, Families As Allies, and others. We were especially concerned about the bill’s overbroad definition of gangs and vague language and the potential harmful effects for juveniles, specifically minority children. SB 2868 would have increased the incarceration rate and costs for the state and diminished the progress of 2014’s HB 585 that has resulted in our prison population decrease. We effectively killed the bill in the Youth and Family Affairs committee.

An amendment to SB 2197 would have also authorized the establishment of mental health courts throughout the state but it did not pass. These courts would reduce counterproductive over-reliance on incarceration to handle mental health patients. We supported the amendment. However, the final bill approved by the governor was simplified to only provide that a person will not be taken into custody when medical assistance has been requested due to consuming alcohol if that person meets certain protocols.

Equal Opportunities for Educators and Students

Education has been at the forefront of state politics this session, including a major re-write to the controversial MAEP funding formula, the introduction of school vouchers, and a robust debate on school choice. The ACLU of MS stood in solidarity with the education equity coalition, “A Seat at the Table,” to actively oppose HB 957 and demand transparency in the rewrite of the education funding formula and equitable funding for all Mississippi school districts. The new funding formula bill was effectively killed in the Senate.

We also sought equity for educators with our proposed HB 753. This amendment would change the qualifications of superintendents to support equal opportunities for educators in low-resourced districts, who are predominantly African American. The current law prevents 98% of African American superintendents from seeking employment in other districts based on their current school accountability rating. Our efforts to amend the law

CONTINUE READING ON PG. 4
to protect educators from stunted career growth died in committee, but we will continue to fight for equity in education for students and educators alike.

Increasing Access to the Polls

Common-sense voting reforms, including early voting and online voter registration, were also major components of our legislative package. A progressive push to modernize voting systems in the state gained bi-partisan support; however, the bill died in committee. We also supported a bill to study the current disenfranchisement laws that died in the Senate. Mississippi ranks second worst in the nation at disenfranchising its citizens. Our goal moving forward is to mobilize Mississippians to advocate for these measures by directly engaging lawmakers and local elected officials statewide. Modernizing Mississippi’s voting system will not only improve access and increase efficiency, but will also help to improve civic engagement and decrease barriers to the polls.

Equality

We aggressively lobbied to protect citizens from housing discrimination based on their sexual orientation and/or gender identity, but were met with push back from legislators, who said they were unaware of any sort of discrimination, and HB 597 was subsequently killed in committee. We also lobbied for SB 2489, which protected state employees from discrimination based on sexual orientation and/or gender identity. This bill also died in committee but our fervor for protecting LGBTQ rights has not. We will continue to stand in the gap for Mississippians who face discrimination and are not protected by state laws.

*Please note this chart is reflective of legislation that is relevant to the ACLU of Mississippi’s areas of focus.

It’s the Law: Bills that Survived the 2018 Legislative Session

CRIMINAL JUSTICE REFORM

**HB 387**

DISMANTLES PRACTICE OF DEBTORS’ PRISON

- Mississippians can no longer be jailed for failure to pay fees & fines
- Judges must assess a person’s ability to pay

**SB 2841**

GOVERNOR VETOED ON 4/16

STOPS STATE FROM SUSPENDING LICENSES

- Related to all drug violations that federal law authorizes unless offense involves driving under the influence
- Traffic violations no longer result in license suspension

**INCREASES RE-ENTRY**

- Parole officers can meet individuals at work or via technology
- Expands parole eligibility for non-violent offenders

**REDUCES PRISON POPULATION**

**CREATES TASK FORCE TO STUDY CRIMINAL SENTENCES FOR RACIAL DISPARITIES**

EQUAL ACCESS

**HB 1510**

LIMITS ABORTION TO 15 WEEKS

MOST RESTRICTIVE ABORTION BILL IN THE U.S.

*If you or someone you know has experienced discrimination, please contact Malaysia Walker at mwalker@aclu-ms.org.*
LEGISLATIVE ADVOCACY DAY 2018

The ACLU of MS kicked off its 2018 Liberty Lobbyists program in early January and culminated its efforts during our Legislative Advocacy Day on January 23, 2018. We equipped about 45 Mississippians with the tools and resources they need to become citizen lobbyists so that they can help us push for equity and justice in state law. Board members, coalition partners, volunteers, and ACLU supporters got the opportunity to meet with their legislator and targeted committee members to lobby for our legislative package.

HOUSE BILL 1523—THE ANTI-LGBTQ LAW

Mississippi is home to the most discriminatory, anti-LGBTQ law in the country. House Bill 1523 allows wide-ranging discrimination against LGBTQ individuals, including in marriage, employment, housing, adoption and health care. Cities, counties and states, as well as foreign countries, have condemned the law and issued travel warnings and travel bans to Mississippi as a result of it. Mississippi’s government remains defiant. While a federal district court struck down the law as unconstitutional, the Fifth Circuit Court of Appeals reversed that decision, and the U.S. Supreme Court declined to hear the case. Accordingly, HB 1523 is now the law in Mississippi.

GERRYMANDERING

The Supreme Court’s decisions in three cases tackling the issue of gerrymandering could literally reshape the American political map. Two cases involve maps in Wisconsin and Maryland, where political parties drew election maps to favor one party over another. The Wisconsin map favored republicans, while the Maryland map favored democrats. Justice Anthony Kennedy, thought to be the pivotal vote in these cases, has contemplated whether partisan gerrymandering violates the First Amendment rights of voters by retaliating against them for their past support of a party’s candidates. A third case out of Texas involves alleged racial gerrymandering – electoral maps that discriminate against people of color.

SCOTUS UPDATE

DACA

The Supreme Court refused to hear the Trump administration’s appeal of a federal district judge’s nationwide injunction that halted the President’s decision to rescind the DACA program – a win for the immigrant community. The Trump administration took the unusual move to seek review of the injunction from the Supreme Court before a federal appeals court had decided the issue. The Supreme Court did not bite, so this case as well as the political processes around DACA will continue to roil Washington and the country. DACA temporarily gives protection to immigrants brought to the U.S. as children from deportation and the ability to work.

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WORKPLACE DISCRIMINATION

The Second Circuit Court of Appeals ruled that Title VII of the Civil Rights Act of 1964, which bans sex-based discrimination, also bans workplace discrimination on the basis of sexual orientation. The Trump administration had argued that Title VII does not encompass sexual orientation. In a strange turn of events, the Equal Employment Opportunity Commission (“EEOC”), which handles workplace civil rights disputes, had decided that Title VII did ban discrimination on the basis of sexual orientation. The Justice Department under Jeff Sessions took the opposite view, which resulted in the federal government arguing against itself. For now, the EEOC’s interpretation has prevailed. The Supreme Court is the Trump administration’s only avenue of appeal.
The Continued Struggle for Body Cam Policies that Strike the Right Balance

Following a clarion call from the family of Michael Brown, who was killed in August of 2014 in Missouri by Ferguson Police Officer Darren Wilson, a campaign ensued arm police officers with body-worn cameras (BWCs). Since then, more and more law enforcement agencies have acquired body cameras. Yet even in the wake of officer-involved shootings happening across the country and in around Mississippi, we bear witness to law enforcement agencies equipped with body cameras continue to resist transparency and evade accountability.

Throughout this post-Ferguson era, the ACLU of Mississippi has monitored the increasing reports of law enforcement agencies acquiring BWCs. We have consistently maintained that while body cams are not a silver bullet to end police misconduct, they can be part of the solution when adopted alongside policies that effectively balance police protection and citizen privacy. Recording police-civilian encounters can help promote police accountability, but without good policies in place, body cams risk becoming just another surveillance device.

In 2015, we supported legislation that would have mandated body cameras be used by law enforcement and established uniform procedures for their use. During the 2016 and 2017 sessions, we again prioritized legislation standardizing policies and procedures for body cam use. 65 body cam policies, we determined that Mississippi’s police and sheriff’s departments using body cameras largely fail to ensure that BWCs are deployed in a way that promotes transparency, accountability, and trust. The report served as an empirical and credible catalyst to revamp our advocacy efforts to pass legislation establishing a statewide policy for BWC use that would carefully balance the needs for promoting transparency and accountability while also protecting privacy.

The report found key gaps in policies across the state, including

- zero require individuals to be notified that they are being recorded;
- less than 20% require officers deactivate the camera when entering a home if the resident requests the camera be turned off;
- no policies provide provisions to protect victims of domestic violence; and,
- most do not lift the activation of BWCs in school settings.

Regrettably, for the fourth consecutive session, the state legislature failed to establish policy parameters for law enforcement use of body-worn cameras. While we are deeply disappointed with the legislature’s failure to establish statewide policy, we are pleased that collaboration with government officials at the county and city level lead to positive improvements in individual policies. Where 64 of the 65 policies analyzed do not require officers to complete initial reports before viewing BWC footage, the Tupelo Police Department does just that. We applaud them for accepting our input before undertaking a revision process which led to it.

With our report, residents are equipped with the knowledge necessary to challenge local law enforcement leaders who may attempt to pay lip service to calls for true transparency and accountability while merely using public funds to acquire body cameras that ultimately do nothing more than bolster the agencies surveillance arsenal.

Decriminalizing Marijuana in Capitol City

Black people are arrested four times as often as white Americans for low-level marijuana possession despite statistics showing roughly equal use, according to an ACLU study that shows disproportionate enforcement of small-scale marijuana possession laws. So when the Council of the city of Jackson announced it was considering a proposed amendment to decriminalize simple possession of marijuana, we called upon the city to consider policy and practice changes that would further the proposal. Executive Director Jennifer Riley Collins submitted public comments supporting Councilman DeKeither Stamps’ proposal, but also asked the city council for two things: ensure that indigent individuals are not simply incarcerated because they cannot afford the fines, fees, and costs associated with the charge; and, deprioritize enforcement against marijuana possession. As a result, the city council unanimously passed the amendment, which reduces fines to $100 and prohibits jail time for possession of 30 grams or less of marijuana in the city.
Title IX Presentations

The often-conceptualized image of sexual violence is an unknown stranger lurking in a back alley. In reality, around 90% of women on college campuses know their attackers. They are friends, peers, and in many cases, romantic partners, who use sexual violence as a means of control. Katherine Klein, Equality for All/Equal Access Advocacy Coordinator, conducted a general information presentation about Title IX to the general student body with student athletes about sexual violence during Alcorn State University’s sexual assault awareness and prevention week. The discussion explored how a range of actions, from sexual jokes to rape, is considered sexual violence and sexual harassment.

For more information about Title IX and sexual assault, visit http://www.aclu.org/know-your-rights/title-ix-and-sexual-assault. If you would like more information about having the ACLU of Mississippi conduct a Title IX training for your school, email us at office@aclu-ms.org.

Student Protests

On March 14 at 10 a.m., the one-month anniversary of the Parkland shooting, students from across the nation left their classrooms to stand for seventeen minutes outside of their schools. The seventeen minutes represented a minute for each of the lives lost to violence on that day. Some students prayed, some reflected in silence, and some used the time to contact their representatives and demand sensible gun reform. Mississippi students across the state participated in this strong show of solidarity by organizing walkouts at their schools. The ACLU of MS assisted in making sure the organizers knew their First Amendment rights and was on hand to help in case any of the schools tried to violate those rights.

According to the organizers, an estimated one million students participated in National School Walkout Day. Whether you agree with the goals of this movement or not, the collective organizing and social media skills of these young people is impressive, and has certainly accomplished the task of keeping the gun reform debate in the center of the public sphere. This display of students exercising their First Amendment rights goes to show how effective well-coordinated events of civil disobedience can be, and why we must continue to fight for their protection.

Let People Vote

Inclement weather, busy schedules, long work hours, lack of access to transportation are all reasonable issues faced by voters on Election Day. These barriers were evident when Mississippi experienced unusual weather conditions, causing a delay in our voter engagement panel. That is why the ACLU of MS advocated for early voting and online voter registration, common-sense reforms that were the nexus of the “Be Counted” forum at Mississippi College School of Law in January. Panelists included Senator David Blount, Secretary of State Elections Attorney Kim Turner, and Mississippi NAACP Executive Director Dr. Corey Wiggins. Partners included Mississippi Votes, League of Women Voters, and Women for Progress of Mississippi. Panelists and about 65 participants discussed these voting reforms that are in place in more than 37 states, and have shown to increase voter turnout, make the voting process easier, and save taxpayer dollars. To learn more about how you can advocate for early voting and online registration, download our Advocacy Voting Toolkit on our Voting Rights Resource Center page at www.aclu-ms.org.
My Experience at the Mississippi Youth Advocacy Summit

BY ZION MORGAN, STUDENT

It always makes me happy to see a group of adults come together and invite youth to have a seat at the table when brainstorming on strategies and policies to advance to better the communities, promoting social equality and justice for all. The Mississippi Youth Advocacy Summit, sponsored by the ACLU of Mississippi, HRC Mississippi, and Teen Health Mississippi, did just that. The plan was to reach out to youth all over the state, gather them as a collective, and teach them about their rights and the types of advocacy work they could engage in.

If I had to use one word to describe my experience at the 2018 Mississippi Youth Advocacy Summit, it would be exhilarating. Not only did I find the Summit stimulating, it was also refreshing to witness first-hand a collective of adults who were genuinely interested in educating the youth on the importance of awareness on equality, state laws that affect youth rights, fairness, and freedom in our respective communities. In addition to providing us with opportunities to advance our knowledge base in a variety of areas, the Summit enabled youth from all over Mississippi to network with each other, with the possibility of bridging gaps to new gateways.

One of the most enjoyable aspects of the Summit was the option to choose the sessions attended and the educational flexibility. This enabled me to not only attend sessions that were geared toward informing students of the rights of an LGBTQ student, but a general sexual education course as well. In the former course, I found out that the ACLU of Mississippi is actively looking for cases that could potentially help Mississippi’s LGBTQ community, the benefits of non-discrimination policies, and the civil rights laws that affect me as a public school student. More importantly, I learned that I was not alone in the fight for youth advocacy. Overall the 2018 Mississippi Youth Advocacy Summit was an enormous success and I cannot wait to attend next year.

Visibility Helps Push for Trans Rights

BY MALAYSIA WALKER, TEAP-MS ADVOCACY COORDINATOR

Transgender Day of Visibility (TDOV) was March 31. It is an international holiday celebrated to bring attention to the accomplishments of trans and gender non-conforming (GNC) people around the globe while fighting discrimination, miseducation, and transphobia. We celebrated the observance by collecting books all month long for the Literacy Achievement Bonanza program for middle and elementary students. We also partnered with G.V. (Sonny) Montgomery VA Medical Center for its LGBTQ+ Resource Fair and volunteered at The Grace House, a non-profit organization that offers housing and support services for homeless men and women living with HIV/AIDS and women recovering from substance abuse.

TDOV presents the opportunity to shine a positive light on trans and GNC people, and to strive for acceptance and support needed within our communities. Although visibility is not enough alone to bring the acceptance our community deserves, we can use visibility as a vital tool to educate the state of Mississippi on the importance of non-discrimination policies and protections for a population that face more egregious treatment from others.

You can help increase this visibility all year long in your own community. Here are just a few ideas:

1. Post trans-specific facts, a photo, or blog on social media using #TDOVMS
2. Take a transgender person to lunch and talk.
3. Donate to TEAP-MS or a transgender organization in your community.
4. Reach out to your state and local elected officials about the need for policy protections.
5. Coordinate public education activities in your communities.

For more information, visit www.aclu-ms.org/campaigns/teap-ms.
Did you know...

Mississippi is one of few states that has yet to secure civil rights protections for everyone. Outside of sex discrimination protections for state employees only, you could be fired and denied housing and services, just because of who you are.

**We Are All Mississippi**

is a coalition of social justice organizations dedicated to civil rights protections in the state. For the past 3 years, we've introduced the Mississippi Civil Rights Act, and locally we advocate for cities to adopt non-discrimination ordinances. Mayors and city council members are more likely to listen to their own constituents, so we need your help!

**We Are All Mississippi's Website is LIVE!**

Visit [www.weareallmississippi.com](http://www.weareallmississippi.com) to learn how you can help bring local and statewide civil rights protections to Mississippi.

#WeAreAllMS

@weareallMS
President Trump’s visit to the opening of the Mississippi Civil Rights and Mississippi History Museums sparked controversy and protests along High Street in downtown Jackson. ACLU of MS Legal Observers were on-hand to ensure the protestors’ rights were not violated.

Intern Spotlight

Courtney Williams

Originally from Hickory, MS, Courtney is a senior at Mississippi College. Courtney is involved with multiple organizations on campus, including Phi Theta Kappa, Social Justice Club, and Chenoa Social Tribe. She plans to graduate in May 2018 with a degree in Public Relations and hopes to use her career in communications as a way to help build up others. She is also a graduate from East Central Community College with Honors.

Stella Ambassa

A native of Cameroon and Russia, Stella received her law degree in 2014 and a Master’s degree in law in 2015 from the university in Cameroon. She graduated Magna Cum Laude from Mississippi College School of Law with an LLM in American Legal System in 2016. After graduation, Stella interned with Disability Rights Mississippi and worked as a Law Clerk for McRae Law Firm. She chose to volunteer at the ACLU for the same reason that she went to law school - her desire to defend and protect people’s rights.

Welcome Rakesia Gray, Director of Operations

Rakesia is a native of Waynesboro, MS. She graduated from Belhaven University with a Bachelor’s and MBA in Business Administration. She is married and the mother of one son. In her spare time, she enjoys reading, sports, and spending time mentoring teenage girls in her hometown.

Visitors from Thailand visited the ACLU of MS to learn about the TEAP program and our efforts to promote equality and equal access for the LGBTQ community. The struggles faced by the trans community are universal, which makes our work for trans equality that much more important.