



February 17, 2022

VIA US Mail & E-Mail To:

James E. Davis
Chief of Police
Jackson Police Department
327 East Pascagoula St.
Jackson, MS 39205
JPDChief@jacksonms.gov

Re: *Checkpoint Initiative by Jackson Police Department*

Dear Chief Davis:

We write regarding Jackson Police Department's checkpoint initiative, titled either Ticket, Arrest, Tow or, alternatively, Ticket and Tow (the "Checkpoint Initiative"), that began in January 2022. We have seen both reporting and a JPD press conference on the Checkpoint Initiative, which appears to be designed for general crime control.

The Checkpoint Initiative is first and foremost unconstitutional. It is also bad policy. Lastly, it exposes JPD and the City of Jackson to substantial legal risk.

The Checkpoint Initiative is Unconstitutional

It is established law that checkpoint programs that have the primary purpose of general crime control violate the Fourth Amendment. *See Edmond v. City of Indianapolis*, 531 U.S. 32, 44 (2000).

From reporting and a February 10, 2022, JPD press conference, it is evident that the Checkpoint Initiative's stated primary purpose is general crime control. It is therefore unconstitutional under established federal law.

The Checkpoint Initiative is Bad Policy

Concentrating traffic stops in high crime areas is not a proven way to reduce crime. Indeed, studies have shown that this tactic has no immediate or long-term impact on serious crime. It does however result in the disproportionate stopping of black drivers.¹

In addition, fines and fees resulting from traffic stops disproportionately impact communities of color and people who are poor.² This criminal debt can

¹ "An Analysis of the Metropolitan Nashville Police Department's Traffic Stop Practices," Alex Chohlas-Wood, Sharad Goel, Amy Shoemaker and Ravi Shroff, *Stanford Computational Policy Lab*, Nov. 19, 2018, available at <http://www.rshroff.com/uploads/6/2/3/5/62359383/nashville-traffic-stops.pdf>.

² *See generally*, "2021 Driving Injustice: Consequences and Disparities in North Carolina Criminal Legal and Traffic Debt," Wilson Center for Science and Justice at Duke Law, available at <https://wcsj.law.duke.edu/wp-content/uploads/2021/09/Driving-Injustice->

accumulate and create an unending cycle of citation, arrest, fine, court, and even jail.

This is not news to JPD and the City of Jackson of course. Jackson Mayor Chokwe Lumumba ran on and continues to espouse the principle that you cannot out-police crime and must rather address the conditions leading to crime. “[W]e have to acknowledge that we must look for holistic solutions to crime, understanding that you can never out-police crime. If you’re serious about eradicating crime, you must eradicate the conditions that lead to crime, conditions of poverty, and lack of access to opportunity,” said Mayor Lumumba.

The Checkpoint Initiative Creates Substantial Legal Exposure

Addressing crime in our City is important. Doing so in a way that complies with the Constitutional rights of its residents is equally so.

The ACLU of Mississippi and its partner organizations, the ACLU and the law firm Simpson, Thacher & Bartlett, sued the Madison County Sheriff’s Department in federal court in 2017 in part over a checkpoint program designed for general crime control. Madison County expended significant time, money, and resources defending itself over the course of two-and-a-half years, only to enter a court-supervised, four-year consent decree under which, amongst many other things, the Madison County Sheriff agreed to change its policies, procedures, training, and tracking of its checkpoints.³

Conclusion

The ACLU of Mississippi has worked with the City of Jackson and JPD successfully on several occasions in the past. We look forward to doing so again. If JPD continues to engage in unconstitutional policing like the Checkpoint Initiative, however, we are ready to vindicate the rights of our fellow Jacksonians.

Please respond by Tuesday, February 22, 2022 about how you intend to proceed with the Checkpoint Initiative.

[Report.pdf](#). “Unfortunately, what we observed in North Carolina is likely not an aberration, but represents patterns seen across the country in states that still maintain such practices.” *Id.* at 4.

³ See “Order and Consent Decree,” *Brown v. Madison County, MS*, No. 3:17-cv-00347-CWR-LRA, Dkt. 374-1 (N.D. Miss, Oct. 11, 2019).

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Do not hesitate to contact me at my phone or email listed below.

Sincerely,



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