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January 14, 2009

Attention: DA Tom Orloff

This statement is being issued by the 100 Black Men of the Bay Area, Inc. in response to the wrongful shooting and killing of Oscar Grant, a 22 year old African American man, and member of our community, at the hands of BART Police Officer Johannes Mehserle. Since becoming available to the public, our membership has watched in horror and utter disbelief the video that shows Mr. Grant, unarmed and lying face down on the platform of the Fruitvale BART station, being shot in the back by Officer Mehserle. Needless to say, the image, which is being played over and over in every living room in this country, conjures up atrocities of bygone eras of lynching and shooting of young black men in this country. In our opinion, the senseless shooting and death of Oscar Grant has stark similarities to an era we thought long gone and we are outraged that it continues to this day.

For 20 years the 100 Black Men of the Bay Area has been an organization that is deeply involved in this community. A large part of our mission focuses on programs that address the psychological, physical and nutritional needs necessary for the health and wellness of the African American community and our youth in particular. Our programs go beyond mentoring to nurture development that can shield African American children from violence and harmful behaviors, while instilling in them the principles of community building. With this as our core mission, the killing of Oscar Grant by Officer Johannes Mehserle goes against everything we stand for. Let it be known we will NOT stand for this and we will use every opportunity to ensure that justice is served in this matter. We can not, and will not, stand silently by and let this deed go unpunished. To do so, would make us hypocrites to the community and the young people we have promised to mentor, guide and support.

DA Orloff, it is our current understanding an arrest warrant for murder has been issued and Johannes Mehserle has been taken into custody. While we are pleased action has been taken, we are extremely disappointed with how long it took to issue such a warrant. With all due respect, the fact that it took 13 days after Oscar was shot and killed for your department to issue an arrest warrant is simply unacceptable. We recognize much of this time was taken by the BART led "investigation" and that their findings were only recently turned over to your office. Please note we find BART's handling of this situation unacceptable to say the least. We firmly support additional oversight and involvement in this matter to ensure justice is imposed in a timely fashion. Toward this end, we support the efforts of State AG, Jerry Brown to send down a special investigator to help oversee and monitor your efforts. We will also be forwarding this statement to the Deputy US Attorney, Civil Rights Division, to request they investigate this matter from a Civil Rights perspective.

It seems obvious to us a serious crime has been committed and we want Officer Mehserle held to the same criminal standards as any other potential defendant. To this end and to resolve ALL culpability as it pertains to this matter, the 100 Black Men of the Bay Area are formally demanding that your office and/or other offices/agencies, as appropriate, take the following actions immediately:

1. Charge Officer Mehserle with an appropriate crime, which in turn will be tried in a manner consistent with other cases of this type and severity. To be clear, it is our view a serious crime was committed which resulted in the death of Oscar Grant and would warrant significant jail time for Officer Mehserle.
2. That a further investigation be initiated into the actions of the other six BART Police Officers present during the time of this fatal shooting. This investigation should be led by a special independent task force to explore if the actions of the other police officers present were inconsistent with BART Police Department policies and regulations. Based on the findings, we would ask that appropriate disciplinary action be taken, up to and including dismissal from the BART Police Department and the subsequent filing of charges by your office should it be deemed appropriate.
3. In addition we are asking that further investigations be undertaken with regard to BART Police Chief Gary Gee and GM Dorothy Puggier. We would expect the special task force to investigate if Gee's and Puggier's actions or inaction contributed to an environment or culture that would contribute to the shooting of Oscar Grant. We would again ask for them to be disciplined accordingly, up to and including their dismissal if appropriate.

4. That the action item referred to in 1 above be forwarded to the State Attorney General for review and determination if the action and/or inaction gives rise to criminal conduct prosecutable under its respective jurisdictional authority.

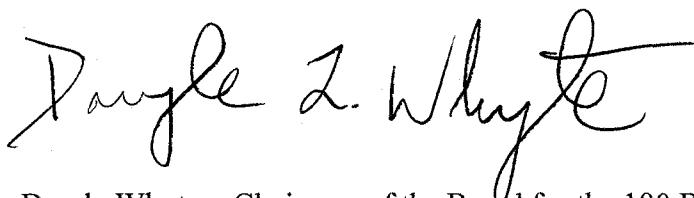
5. That your office also contacts the U.S. Department of Justice to request a review for any civil right violations that may have occurred in the shooting death of Oscar Grant.

This horrific tragedy has exposed serious deficiencies in BART's internal processes and policies. While nothing can undo the wrongful shooting and death of Oscar Grant, the above stated actions provide a means by which we can begin to address the deficiencies, heal the wounds, provide an environment of accountability and establish the foundation to restore community trust. We fear that unless immediate action is taken, the violence of the past week may continue. These acts, which we absolutely denounce, place our city, our police force, our businesses and, even more importantly, our citizens in harms way. We must act now in a decisive manner to minimize the chance for further injury to the very community that we must endeavor to heal.

Our hearts and prayers go out to the family and friends of Oscar Grant. While our words could never ease any pain they may feel, we want them all to know they are firmly in our prayers and we are so very sorry for their loss. We also want them to know that the 100 Black Men of the Bay Area are firmly committed to helping ensure that justice is served in this matter.

DA Orloff, we look forward to your response to our statement and the opportunity to partner with you to implement these strategies and other strategies as may be appropriate to resolve this tragic event.

Sincerely,

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

Daryle Whyte – Chairman of the Board for the 100 Black Men of the Bay Area

Note: This letter has been approved by the Board of the 100 Black Men of the Bay Area, Inc. and is further supported by the following;

Frank Tucker – Board Member

George Dewey – Co-Chair of the Mentoring Committee and Board Member

Bryan Parker – Member

cc Attorney General Jerry Brown

US Attorney Joseph Russoniello

Congresswoman Barbara Lee

Mayor Ronald Dellums