

May 9, 2022

*Delivered by First Class Mail and Email (jbuckley@medfordpolice.com)*

Chief Jack D. Buckley  
Medford Police Department  
99 School Street  
Medford, MA 02492

**Re: Unlawful Search and Seizure and Racial Profiling by Medford Police**

Dear Chief Buckley:

We serve as counsel to Mr. Jeremiah Mamousette and Ms. Hibaq Warsame in connection with their unlawful search and seizure and racial profiling by members of the Medford Police Department (“MPD”). On Thursday, July 8, 2021, at approximately 2:30 p.m., several MPD officers suddenly and without lawful cause stopped Mr. Mamousette on High Street. Our clients were subsequently held at gun point and handcuffed in full public view on a main road without explanation for an extended period of time. Both Mr. Mamousette and Ms. Warsame identify as Black. At the time of the incident, both were 19 years old and recent graduates of Medford High School. Mr. Mamousette and Ms. Warsame are now college students.

As set forth in clear detail below, MPD violated Mr. Mamousette and Ms. Warsame’s civil rights under both state and federal law. Accordingly, our clients have directed us to seek redress on their behalf through any lawful means available. In order to resolve this matter, our clients are seeking an apology, an independent investigation of the incident, compensation for the emotional and physical harm suffered, remediation efforts to ensure that incidents such as this will not occur again, and attorneys’ fees.

**Factual Background**

On July 8, 2021, Mr. Mamousette and Ms. Warsame were traveling by car in Medford, Massachusetts. Mr. Mamousette was driving. While rounding the Winthrop Street rotary onto High Street, Mr. Mamousette noticed a police cruiser following closely behind him and several other police cruisers in the general vicinity, some of which were making u-turns in order to travel in his direction. The cruiser behind him turned on the blue lights atop his vehicle and Mr. Mamousette immediately pulled his vehicle to the side of High Street.

After pulling over, MPD Officer James L. Grubb III (“Officer Grubb”) began speaking to him and Ms. Warsame through the loudspeaker installed in his cruiser. Mr. Mamousette turned down the radio and heard Officer Grubb instruct him to lower his window, open the car door from the

outside, step out, and walk backwards toward the cruiser. At this time, there were a number of police cruisers in the immediate area, including a police cruiser that was being used to block passing traffic. Several officers, at least 3 or 4, were standing outside their respective vehicles with their weapons drawn and pointed at Mr. Mamousette and Ms. Warsame.

Mr. Mamousette fully complied with all of Officer Grubb's requests. He exited his vehicle, and walked about six steps backwards towards the cruiser. Sergeant Carl Brooks ("Sergeant Brooks") then forcefully pulled him towards the rear of the cruiser, handcuffed him and patted him down. Mr. Mamousette perceived Sergeant Brooks' use of force as an attempt to demonstrate that he had control over him. It is clear, however, that Mr. Mamousette had complied with all instructions, and the force was excessive, unnecessary and unlawful.

While Mr. Mamousette was being forcefully handcuffed, Ms. Warsame remained in the vehicle with a weapon trained on her. She tried to turn her head to observe what was happening to Mr. Mamousette, but was instructed by an officer through the loudspeaker to face forward and not move. After several minutes, the officers instructed Ms. Warsame to raise her hands while in the car. She was then told to lower the window, open the door from the outside, step out, and walk backwards, like Mr. Mamousette. After walking approximately three to four steps backwards, Ms. Warsame was also handcuffed. Ms. Warsame was brought to the area between Mr. Mamousette's vehicle and a police cruiser.

An officer asked Mr. Mamousette if he had a gun in the car, to which Mr. Mamousette responded no. Mr. Mamousette asked several times why he was being detained, but the officers surrounding him refused to respond. At this point, the driver's side door of Mr. Mamousette's vehicle was still open and at least one of the officers unlawfully put his head through the doorframe of the driver's side to conduct a visual inspection without our client's consent. Only after, did the officer seek consent for a search, which Mr. Mamousette gave under duress.

Mr. Mamousette and Ms. Warsame continued to ask why they had been pulled over and detained, but the surrounding officers refused to answer. Instead, several MPD officers unlawfully held two Black teenagers standing on the side of a high traffic road in full view first with weapons pointed at them and later with their hands cuffed behind their backs. Mr. Mamousette and Ms. Warsame were highly embarrassed to be restrained on the side of a main road in broad daylight in their hometown, where they attended high school. They were easily identifiable to anyone who passed by. At one point, Ms. Warsame asked the officers if she could pull up her hood to cover her face and avoid public embarrassment, but the officer denied her request.

Mr. Mamousette and Ms. Warsame were fearful for their safety, acutely aware of the increasing number of fatal encounters nationwide between police and Black individuals. In addition, our clients observed several nearby officers appearing nervous while their guns were drawn. That observation only added to our clients' fear for their safety. Ms. Warsame was particularly concerned about the officers' treatment of Mr. Mamousette, as they continued to manhandle him despite his compliance. Mr. Mamousette and Ms. Warsame attempted to diffuse the situation, by explaining that they were just kids and recent high school graduates from the area. Their attempts were futile.

The officers found nothing during their unlawful search of the vehicle. After the search was completed, and after Mr. Mamousette and Ms. Warsame were handcuffed at the back of the vehicle

in full public view for nearly 10 minutes, Officer Grubb stated that they had been detained because of an anonymous tip that there was a gun in the vehicle, and that this was “procedure.” An officer then removed the handcuffs from Mr. Mamousette and Ms. Warsame and asked whether it was possible that one of their friends was playing a prank on them by calling in the tip. Both Mr. Mamousette and Ms. Warsame responded no. The officers never apologized for the mistreatment; rather they just stated “we take this stuff very seriously.” Sergeant Brooks then took down Mr. Mamousette and Ms. Warsame’s names for their report.

Our clients were extremely shaken and distressed as a result of their confrontation with MPD. To date, they are still traumatized by the confrontation. Further, Mr. Mamousette and Ms. Warsame’s humiliation did not end when the officers released them. Several days after their unlawful stop and seizure, Ms. Warsame traveled to the MPD station to request information about the incident. However, MPD informed her that no report existed. Additionally, since the incident, Ms. Warsame has been followed by MPD officers on numerous occasions without cause or explanation. Ms. Warsame has also observed an MPD officer at the end of her street on several occasions.

## **Argument**

MPD’s actions violated Mr. Mamousette and Ms. Warsame’s right against unreasonable search and seizure. Moreover, the unprofessional conduct by MPD officers in detaining Mr. Mamousette and Ms. Warsame without explanation, improperly using force, and handcuffing them, raises concerns of racial profiling and stereotyping that violate their right to Equal Protection.<sup>1</sup>

Mr. Mamousette and Ms. Warsame’s experience is particularly problematic in light of recent, fatal encounters involving law enforcement and members of the Black community. Black people should not have to live in fear that every police encounter could end in bodily injury or death. Nor should they be subject to pretextual stops pursuant to racial profiling practices. For far too long, the Black community has faced humiliation, injury, and even death when interacting with police because of the color of their skin. The nationwide protests following the killing of George Floyd have thrown this reality into sharp relief, and underscore to Mr. Mamousette and Ms. Warsame the importance of seeking accountability for police misconduct.

The Commonwealth has also recognized the importance of police accountability through legislation and recent court decisions. Indeed, “[i]n Massachusetts, legislators responded with a sweeping police reform bill, which the governor signed into law on December 31, 2020. Calls for police reform in [communities] have become more vocal in recent years amid highly publicized incidents of abuse and corruption.” *Springfield City Council v. Sarno*, 2079CV00515, 2021 WL 1919719, at \*4 (Mass. Super. Apr. 16, 2021). Similarly, the Supreme Judicial Court recently noted it “is very concerned about the disparate impact automobile stops have on persons of color and the national

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<sup>1</sup> The officers’ conduct was also contrary to MPD’s Use of Force Policy, which states “[a] law enforcement officer shall utilize appropriate level of force and shall be no greater than is necessary and reasonable in each situation.” MPD Use of Force Policy, 6. Under the Policy, “[a] law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed . . .” *Id.*, 15. Here, our clients complied with all instructions and requests immediately.

statistics on the fatalities suffered by such communities at the hands of police officers.” *Commonwealth v. Sweeting-Bailey*, 178 N.E. 3d 356 (Mass. 2021).

**In light of the mistreatment endured by Mr. Mamousette and Ms. Warsame, they request the following:**

Materials

- As previously requested, any and all complaints, whether initiated by a civilian or internally, including documents and materials supporting those complaints, including the outcome and any resulting discipline or policy changes, against the Medford Police Department relating to use of force, traffic stops, detentions, vehicle searches, drawing of firearms, and anonymous tips for the past 5 years.

Actions

- An apology to Mr. Mamousette and Ms. Warsame.
- An immediate and thorough independent investigation of the incident in question.
- Compensation for the physical and emotional harm suffered by Mr. Mamousette and Ms. Warsame.
- Confirmation of the steps you will take to ensure that this type of incident could not occur again, including, at a minimum, providing mandatory, enhanced and ongoing training of all Medford Police Officers on implicit bias and deescalation techniques by a culturally competent private expert.
- Attorneys’ fees for time spent investigating the incident and pursuing an appropriate resolution.

Given the present national conversation regarding the fraught relationship between police and the Black community, we are hopeful that MPD will respond with a constructive approach that protects other members of the Black community from unlawful stops and searches. We would appreciate a response within fourteen (14) days of receipt of this letter.

Sincerely,

*Sophia L. Hall*

Sophia L. Hall

Deputy Litigation Director

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