

# **Re: Demand for Independent Investigation and Prosecution in the Killing of Da'Quain Tre Johnson – Grand Rapids, Michigan**

**To Whom It May Concern:**

**This correspondence constitutes a formal grievance and demand for an immediate, independent, and transparent**

**investigation into the killing of Da'Quain Tre Johnson in Grand Rapids, Michigan.**

**The circumstances surrounding his death raise grave concerns regarding excessive force, constitutional violations, and potential criminal misconduct under color of law.**

**The community is entitled to a full accounting of the events that led to Mr. Johnson's death and to assurances that those responsible will be held accountable under state and federal law.**

# **I. Basis for Grievance**

**Available reports and community accounts raise serious concerns including, but not limited to:**

**Excessive and unreasonable use of force in violation of the Fourth Amendment.**

**Failure to employ de-escalation techniques and proportional response.**

**Potential violation of duty-of-care obligations owed to persons in custody or under police control.**

**Pattern-and-practice concerns regarding use-of-force practices and accountability mechanisms.**

**Possible obstruction or suppression of evidence if body-camera footage, reports, or witness accounts are incomplete, delayed, or altered.**

**Where lethal force is used, transparency and independent review are essential to preserve public trust and ensure justice.**

## **II. Constitutional & Federal Law Concerns**

**The killing implicates fundamental civil rights protections, including:**

**Fourth Amendment – protection against unreasonable seizures and excessive force.**

**Tennessee v. Garner, 471 U.S. 1 (1985).**

**Graham v. Connor, 490 U.S. 386 (1989).**

**Fourteenth Amendment – due process and equal protection violations arising from unlawful or discriminatory enforcement actions.**

**18 U.S.C. § 242 – Deprivation of Rights Under Color of Law.**

**34 U.S.C. § 12601 – Pattern-or-Practice Police Misconduct (DOJ Civil Rights Division authority).**

## **III. Michigan Statutory & Use-of-Force Standards**

**Michigan law permits use of force only when objectively reasonable and necessary.**

**Relevant provisions include:**

**Michigan Compiled Laws § 780.972 – Justification for use of deadly force in self-defense.**

**Michigan Compiled Laws § 764.15 & § 764.21 – lawful arrest authority and limitations.**

**Michigan law enforcement training standards require force to be proportional, necessary, and objectively reasonable. If force exceeded what a reasonable officer would consider necessary under the circumstances, criminal liability may attach.**

#### **IV. Required Investigative Actions**

**To ensure integrity and public confidence, the following actions are necessary:**

**Appointment of an independent special prosecutor.**

**Release of all body-worn camera footage, dash camera footage, dispatch recordings, and incident reports.**

**Preservation and disclosure of forensic evidence.**

**Interviews with all civilian witnesses.**

**Review of involved officers' prior use-of-force history.**

**DOJ Civil Rights Division review for potential federal civil rights violations.**

## **V. Public Transparency & Community Impact**

**Mr. Johnson's death has intensified community concerns regarding policing practices and accountability. Failure to conduct a transparent and independent investigation risks further erosion of public trust and may expose the jurisdiction to significant civil liability.**

## **VI. Demand for Action**

**Accordingly, I demand:**

**A fully independent investigation and public findings;**

**Referral for criminal prosecution where warranted;**

**Federal civil rights review;**

**Public disclosure of investigative outcomes;**

**Policy review and reform if violations are identified.**

## **VII. National Use-of-Force Data and Research Context**

**The circumstances surrounding Mr. Johnson's death must be evaluated within the broader national framework governing police use of force. Federal data systems, academic research, and civil rights investigations collectively demonstrate**

**that lethal force incidents require heightened scrutiny, independent review, and transparent public accountability.**

## **A. Scope of Police Use of Force**

### **Nationwide**

**National surveys and federal reporting systems indicate that the threat or use of force occurs in a small percentage of police encounters, yet carries profound constitutional and public safety implications. The Bureau of Justice Statistics (BJS) reports that force or threat of force occurs in a minority of contacts between police and civilians, underscoring the expectation that force be used only when necessary and objectively reasonable.**

**The FBI's National Use-of-Force Data Collection was established to improve transparency and accountability in**

incidents involving serious bodily injury or death.

## **B. Disparities Documented in Use-of-Force Outcomes**

A substantial body of peer-reviewed research and federal statistical analysis has documented racial disparities in police use of force:

BJA surveys have found Black individuals are more likely than white individuals to experience the threat or use of force during police encounters.

Epidemiological research estimates that Black Americans face more than twice the mortality rate from police use of lethal force compared to white Americans.

Lifetime risk modeling indicates that Black men face approximately a 1 in 1,000 lifetime risk of being killed by police.

Research examining non-lethal force has

**found higher rates of force used against Black and Hispanic individuals during police interactions.**

**These findings do not determine the facts of any individual incident, but they underscore the necessity of independent review and careful scrutiny whenever lethal force is used.**

### **C. Structural and Environmental Risk Factors Identified in Research**

**Research examining patterns of police encounters has identified systemic and environmental factors associated with increased use-of-force incidents, including:**

**greater law enforcement exposure in heavily policed neighborhoods, concentrated enforcement strategies, and community social vulnerability indicators. Public health and policy research has**

further identified correlations between neighborhood disadvantage and fatal police encounters, highlighting the importance of evaluating incidents within their broader social context.

#### **D. Federal Civil Rights Oversight Findings**

Department of Justice civil rights investigations into law enforcement agencies nationwide have identified recurring constitutional concerns, including:

use of force against individuals posing minimal threat,

disproportionate or discriminatory enforcement practices,

failure to de-escalate encounters, and delays in rendering medical assistance following force incidents.

These findings demonstrate why independent investigation and federal civil

rights review mechanisms exist and why transparency is essential following a lethal force incident.

## VIII. National Policy Standards and Professional Policing Practices

Modern policing standards and professional guidance emphasize: force as a last resort, necessity and proportionality, duty to intervene to prevent excessive force, duty to render medical aid, de-escalation whenever feasible.

These principles are reflected in guidance from the U.S. Department of Justice, the Police Executive Research Forum (PERF), and the International Association of Chiefs of Police (IACP).

Failure to adhere to these principles may indicate policy violations, civil rights

**infringements, or potential criminal liability depending on the circumstances.**

## **IX. Relevance to the Killing of Da'Quain Tre Johnson**

**Given national research findings, civil rights oversight history, and established policing standards:**

**any use of lethal force warrants**

**heightened scrutiny;**

**disparities documented in national data require careful examination of**

**proportionality and bias;**

**independent investigation is necessary to preserve public trust;**

**federal civil rights review is appropriate where constitutional violations may have occurred.**

**A transparent, independent investigation is essential to ensure accountability and maintain community confidence in the**

justice system.

## Research References (APA Style)

Edwards, F., Lee, H., & Esposito, M. (2019). Risk of being killed by police use of force in the United States. *Proceedings of the National Academy of Sciences*, 116(34), 16793–16798.

Fryer, R. G. (2016). An empirical analysis of racial differences in police use of force. National Bureau of Economic Research Working Paper No. 22399.

Hyland, S. S. (2018). Police use of nonfatal force, 2002–2011. Bureau of Justice Statistics.

Schwartz, S. A., & Jahn, J. L. (2020). Mapping fatal police violence across U.S. metropolitan areas. *The Lancet*.

U.S. Department of Justice Civil Rights Division. (various reports). Pattern-or-practice investigations of law

**enforcement agencies.**

**Bureau of Justice Statistics. (2022).**

**Contacts Between Police and the Public.**

## **X. Michigan Use-of-Force Standards and Policy Requirements**

**Michigan law permits officers to use force only when it is objectively reasonable, necessary, and proportionate under the circumstances.**

### **A. Statutory Authority and Limitations**

**Michigan Compiled Laws § 780.972**

**permits deadly force only when an individual honestly and reasonably believes it is necessary to prevent imminent death, great bodily harm, or sexual assault.**

**Michigan Compiled Laws § 764.15**

**authorizes warrantless arrests under limited conditions but does not permit**

**unreasonable or excessive force.**

**Michigan Compiled Laws § 764.21**

**requires that an arresting officer inform a person of the cause of arrest and act within lawful authority.**

**Use of deadly force outside these narrow circumstances may expose an officer to criminal liability.**

## **B. Michigan Law Enforcement Training Standards (MCOLES)**

**The Michigan Commission on Law Enforcement Standards (MCOLES)**

**requires officers to adhere to the following principles:**

**Force must be objectively reasonable under the totality of the circumstances.**

**Officers must use only the amount of force necessary to accomplish lawful objectives.**

**De-escalation techniques should be used**

when feasible.

Officers have a duty to intervene when excessive force is used.

Officers have a duty to render medical aid following force incidents.

Deviation from these standards may indicate policy violations and potential negligence.

### C. Grand Rapids Policy Framework (Typical Municipal Standards)

While departmental policies vary, modern municipal use-of-force policies typically require:

proportional response to threat level,  
verbal warnings when feasible,

de-escalation efforts,

immediate medical aid following use of  
force,

supervisory review and reporting.

Failure to follow departmental policy may

support findings of misconduct or civil liability.

## **XI. Case Law Governing Use of Deadly Force and Constitutional Standards**

**United States Supreme Court precedent establishes clear limits on police use of force:**

**Tennessee v. Garner, 471 U.S. 1 (1985)**

**Deadly force may not be used against a fleeing suspect unless the officer has probable cause to believe the suspect poses a significant threat of death or serious physical harm.**

**Graham v. Connor, 490 U.S. 386 (1989)**

**Use of force must be evaluated under an “objective reasonableness” standard based on the totality of the circumstances.**

**Kingsley v. Hendrickson, 576 U.S. 389 (2015)**

**Force against individuals in custody must**

**be objectively reasonable and not excessive relative to the governmental interest.**

**Estate of Hill v. Miracle, 853 F.3d 306 (6th Cir. 2017)**

**Officers may be liable where force used is disproportionate to the threat presented. These standards govern federal civil rights liability and investigative review.**

## **XII. Basis for Appointment of an Independent Special Prosecutor**

**An independent special prosecutor is necessary where:**

**the incident involves potential criminal conduct by local law enforcement;**

**conflicts of interest may arise due to professional relationships between**

**investigators and involved officers;**

**public confidence requires demonstrable neutrality.**

**Michigan courts recognize the appointment of a special prosecutor where a conflict or appearance of impropriety exists.**

**People v. Herrick, 216 Mich. App. 594 (1996).**

**Given the gravity of a fatal force incident, independent prosecutorial review is essential to ensure integrity and public trust.**

### **XIII. Federal Civil Rights Liability and Criminal Exposure**

**Where excessive force results in death, officers may face federal criminal liability under:**

**18 U.S.C. § 242**

**Deprivation of rights under color of law. Federal civil enforcement authority also exists under:**

**34 U.S.C. § 12601**

**Pattern-or-practice misconduct investigations.**

**Municipalities may be subject to civil liability under:**

**42 U.S.C. § 1983 for constitutional violations.**

**Under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), a municipality may be liable when constitutional violations result from policy, custom, or failure to train.**

#### **XIV. Civil Liability Exposure and Risk to the Municipality**

**Failure to adhere to constitutional standards and accepted policing practices exposes jurisdictions to substantial civil liability.**

**Civil rights litigation arising from excessive force cases commonly includes: wrongful death claims,**

constitutional violations under §1983, failure to train or supervise, negligent hiring or retention, deliberate indifference to civil rights. Jury verdicts and settlements in police excessive force cases routinely reach multi-million-dollar amounts, placing significant financial burdens on municipalities and taxpayers. Transparent investigation and accountability are therefore not only constitutional obligations but essential risk-management measures.

**XV. Investigative Standards and Evidentiary Preservation Requirements**  
To ensure integrity and accountability, investigators must:  
preserve all body-camera and dash-camera footage;  
secure dispatch recordings and radio

**traffic logs;  
preserve forensic and ballistic evidence;  
collect and document civilian witness  
statements;  
review prior use-of-force history of  
involved officers;  
document adherence to policy and  
training standards.**

**Failure to preserve evidence may raise  
spoliation concerns and compromise  
prosecutorial review.**

**XVI. Conclusion: Legal Necessity for  
Independent Review and Accountability  
Michigan statutory law, federal  
constitutional standards, and national  
policing best practices establish clear  
limits on the use of deadly force. When  
those limits may have been exceeded,  
independent investigation, prosecutorial  
review, and federal civil rights oversight**

are required.

Transparent accountability is essential to uphold constitutional protections, preserve public trust, and mitigate civil liability exposure.

### **Additional Authorities**

**Tennessee v. Garner, 471 U.S. 1 (1985).**

**Graham v. Connor, 490 U.S. 386 (1989).**

**Kingsley v. Hendrickson, 576 U.S. 389 (2015).**

**Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978).**

**Estate of Hill v. Miracle, 853 F.3d 306 (6th Cir. 2017).**

**People v. Herrick, 216 Mich. App. 594 (1996).**

## **XVII. Formal Demand for Criminal Investigation, Prosecution, and Federal Review**

**The death of Da'Quain Tre Johnson**

**presents serious and credible concerns of excessive force, constitutional violations, and potential criminal conduct under color of law. When a life is taken by state authority, the rule of law requires scrutiny that is independent, transparent, and uncompromising.**

**Accordingly, the undersigned formally demands the following actions:**

**A. Immediate Criminal Investigation and Charging Determination**

**A full and independent criminal investigation conducted outside the chain of command of the involved agency;**

**Presentation of all investigative findings to an independent prosecutorial authority or special prosecutor;**

**Filing of appropriate criminal charges if evidence demonstrates violations of Michigan law or federal civil rights statutes.**

**No officer acting under color of law is above criminal accountability where unlawful force results in death.**

## **B. Appointment of an Independent Special Prosecutor**

**To eliminate conflicts of interest and preserve public confidence, an independent special prosecutor should be appointed to review all evidence and determine whether criminal charges are warranted. Fatal force incidents involving law enforcement require prosecutorial independence to ensure impartial justice.**

## **C. Federal Civil Rights Investigation**

**If evidence suggests deprivation of constitutional rights, the matter must be referred to the U.S. Department of Justice Civil Rights Division for investigation under:**

**18 U.S.C. § 242 (Deprivation of Rights Under Color of Law); and**

**34 U.S.C. § 12601 (Pattern-or-Practice Misconduct).**

**Federal review is essential where local processes may be compromised or constitutional violations are implicated.**

#### **D. Preservation and Public Release of Evidence**

**To maintain investigative integrity and public trust, authorities must:**

**preserve all video, audio, forensic, and documentary evidence;**

**release body camera and dash camera footage consistent with law;**

**disclose investigative findings promptly and transparently.**

**Any failure to preserve or disclose evidence may constitute spoliation and obstruct justice.**

#### **E. Administrative Action and Officer Decertification Review**

**If violations of policy, training standards,**

**or constitutional rights are substantiated, authorities must:**

**initiate termination proceedings where appropriate;**

**refer findings to the Michigan**

**Commission on Law Enforcement**

**Standards (MCOLES) for decertification review;**

**implement corrective training and policy reforms.**

**F. Civil Liability and Duty to Mitigate Harm**

**Failure to pursue accountability where unlawful force is substantiated exposes the municipality and supervising**

**authorities to substantial civil liability**

**under 42 U.S.C. § 1983 and related**

**wrongful death claims.**

**Transparent accountability is essential to**

**mitigate further harm to the community**

**and financial risk to taxpayers.**

## **XVIII. Final Notice**

**This correspondence places all relevant agencies on notice that the community expects:**

**a thorough and independent investigation, prosecutorial decisions based solely on evidence and law, federal civil rights review where warranted, full transparency in findings and outcomes.**

**Should authorities fail to pursue accountability consistent with constitutional and statutory obligations, all available remedies – including federal civil rights complaints, civil litigation, and congressional oversight referral – remain appropriate and necessary avenues for justice.**

**The preservation of constitutional rights and the integrity of the justice system require nothing less.**

## **WHERE TO SEND**

**Federal Oversight**

**U.S. Department of Justice – Civil Rights  
Division**

**Special Litigation Section**

**950 Pennsylvania Avenue NW**

**Washington, DC 20530**

**Email: [special.litigation@usdoj.gov](mailto:special.litigation@usdoj.gov)**

**Federal Bureau of Investigation (FBI) –  
Civil Rights Unit**

**Submit tips: <https://tips.fbi.gov> **

**Detroit Field Office: (313) 965-2323**

**State Oversight**

**Michigan Department of Attorney General  
Public Integrity Unit**

**P.O. Box 30212**

**Lansing, MI 48909**

**Phone: (517) 335-7622**

**Online complaint: [michigan.gov/ag](http://michigan.gov/ag)**

**Michigan State Police – Internal Affairs**

**7150 Harris Drive**

**Dimondale, MI 48821**

**Phone: (517) 241-4545**

**County & Local Authorities**

**Kent County Prosecutor's Office**

**180 Ottawa Ave NW, Suite 4500**

**Grand Rapids, MI 49503**

**Phone: (616) 632-6710**

**Kent County Sheriff's Office**

**701 Ball Ave NE**

**Grand Rapids, MI 49503**

**Phone: (616) 632-6100**

**Grand Rapids Police Department –  
Internal Affairs**

**1 Monroe Center NW**

**Grand Rapids, MI 49503**

**Phone: (616) 456-3300**

**Email: [grp@grcity.us](mailto:grp@grcity.us)**

**City Leadership & Oversight**

**Grand Rapids City Commission**

**300 Monroe Ave NW**

**Grand Rapids, MI 49503**

**Phone: (616) 456-3168**

**Grand Rapids Civilian Appeal Board**

**c/o City Clerk's Office**

**300 Monroe Ave NW**

**Grand Rapids, MI 49503**

**Congressional Oversight**

**U.S. House Judiciary Committee**

**2138 Rayburn House Office Building**

**Washington, DC 20515**

**U.S. Senate Judiciary Committee**

**224 Dirksen Senate Office Building**

**Washington, DC 20510**

## **Conclusion**

**The killing of Da'Quain Tre Johnson demands full transparency, independent scrutiny, and accountability consistent with the Constitution and laws of the United States and the State of Michigan. Justice requires nothing less.**

**Failure to ensure a thorough and impartial investigation will only deepen public mistrust and undermine the legitimacy of law enforcement institutions.**

**Respectfully submitted,**

**[Name]**

**[Position]**

**[Address or city & state]**

**[Phone]**

**[Email]**