



December 27, 2018

Mr. Emmet C. Davitt
Maryland State Prosecutor
300 East Joppa Road, Suite 410
Towson, Maryland 21286

Dear Mr. Prosecutor:

We are citizens and community leaders of Pocomoke City, Maryland, as well as concerned civil rights and police accountability advocates, writing to you in follow up to the Maryland Court of Special Appeals ruling last month overturning the wrongful conviction of former Pocomoke City Police Chief Kelvin D. Sewell.¹ We understand you

¹ Joining this letter are **Citizens for a Better Pocomoke**, **Pocomoke City Councilwoman Diane Downing**, **Worcester County Branch of the NAACP**, **Caucus of African American Leaders**, **Hispanic National Law Enforcement Association**, the **United Black Police Officers Association**, **Anne Arundel County Branch of the NAACP**, **Howard University Law School Civil Rights Clinic**, **Washington Lawyers**

are currently considering retrying this case, but urge you not to do so, and instead to redirect the resources of your office to the many disturbing acts of corruption by police and other public officials that go uninvestigated every day here in Maryland.

As we understand it, your job as the Maryland State Prosecutor is to promote good government. For this reason, we want to take this opportunity to share with you our firsthand knowledge about the tremendous job Mr. Sewell did for the Pocomoke community as its Police Chief. Many of us reside in Pocomoke City, and feel fortunate to have been served by Mr. Sewell as Chief of Police. We are deeply troubled by your continued efforts to characterize Chief Sewell's conduct in the worst light possible, instead of in context, as the actions of a small-town police chief trying his best to serve his community. Not only is this prosecution wholly unjustified in our view, but its pursuit has been terribly destructive to race relations in the Pocomoke community, exacerbating preexisting tensions, and reigniting fears of law enforcement in the Black community that Chief Sewell had worked so effectively to overcome during his time as Chief.

If you knew the Eastern Shore as we do, we believe that you might be far more skeptical of any claims against Chief Sewell, and would see the role that his race played in ginning up anger against him from local law enforcement officials who he challenged. Perhaps you might see that ostensibly "neutral" language objecting to Mr. Sewell's time as Chief was, in fact, racially coded. You might see that the very premise of the State's charge against Chief Sewell here is infected with the presumptions of the "Good Ole Boy" network – that he favored another Black man, someone he barely knew, just because he was a "fellow Mason," in determining whether to process an incident as a traffic accident or something more serious. The discretion Chief Sewell exercised in carrying out the duties of his job has been painted as something sinister, not by the community of people who knew him as their Chief, but rather by the white officials who were angry with Chief Sewell for refusing to stand down when another Black officer drew attention to race discrimination in local law enforcement.

We do not know if you have had the opportunity to review the lawsuit Chief Sewell, Detective Franklin Savage, Lieutenant Lynell Green and the United States Department of Justice are pursuing against Worcester County and Pocomoke City challenging the race discrimination and retaliation that Mr. Sewell and the other plaintiffs suffered there. If not, we urge you please to do so now, before you make a decision about retrying Chief Sewell. We enclose copies of both the individual plaintiffs' Complaint and the United States' Complaint in Intervention for you to consider. We know prosecutors made a point to keep information about the civil rights case out of evidence in the criminal trial. But nevertheless, this background is critically important for you as the prosecutor to know about and understand.

Committee for Civil Rights and Urban Affairs, the **Public Justice Center**, and the **American Civil Liberties Union of Maryland**. With the exception of Councilwoman Downing, we sign on behalf of our organizations, and our tens of thousands of members collectively, in addition to ourselves individually.

We believe, as we sadly informed the Court of Special Appeals in *friend-of-the-court* briefs filed in this case, that the charges against Chief Sewell never would have been brought if he had not taken a stand against race discrimination in Worcester County law enforcement. It is evident that Chief Sewell's activism played a part in the drive for his prosecution by white law enforcement officials and leaders in Pocomoke and Worcester County. Living in this community, knowing our history, and facing the kind of racism and, equally important, denial of that racism, that we face daily, it is all but impossible to suggest otherwise.

Additionally, we urge you to try to better understand the difficult line that Black law enforcement officers like Chief Sewell are forced to walk and the cloud of suspicion under which they operate due to the structural and individual racism that pervade every aspect of American life. Officers of Color often are not afforded the benefit of the doubt in their decisions, especially when those decisions could be construed as somehow favoring other People of Color in a highly-segregated small town where almost all the elected leaders are white. These difficulties are explained in great detail in a new lawsuit filed in mid-December by Prince George's County Black and Latinx police officers – led by signatories here with the Hispanic National Law Enforcement Association and the United Black Police Officers Association – challenging years of egregious race-based discrimination and retaliation both within that Department and against the community it is sworn to serve. *Hispanic National Law Enforcement Association v. Prince George's County*, Civil Action No. 18-TDC-3821 (D.Md. Filed December 12, 2018). See *New York Times*, “Lawsuit: Police Chief Condone White Officers' Racism, Abuse,” <https://www.nytimes.com/aponline/2018/12/12/us/ap-us-police-chief-sued.html>. Notably, months before this lawsuit was filed, HNLEA's President, Captain Joseph Perez, sought the assistance of your office in investigating criminal misconduct and corruption at the highest level of the Prince George's County Police Department, but was unable to get any response or call back.²

The Justice Department (see U.S. Dep't of Justice, Civil Rights Div., *Investigation of the Baltimore City Police Dep't* (Aug. 2016) (<https://www.justice.gov/opa/file/883866/download>), *The Baltimore Sun*, and *The Washington Post* have all reported extensively on police abuse of force and corruption in Baltimore City, Prince George's County, and elsewhere in Maryland. Indeed, civil rights officials at the U.S. Department of Justice have joined Chief Sewell in civilly charging Worcester County and Pocomoke City law enforcement officials with outrageous race discrimination and retaliation. In the exercise of your responsibility to investigate misconduct by public officials and employees, we have trouble understanding why your office would use its full powers to pursue a petty case against Chief Sewell, in which no one was injured, while pursuing no charges in identified cases of extreme corruption.

²Should you be interested in following up on this serious charge, HNLEA and UBPOA leaders remain more than willing to discuss the matter with you.

The incident that gives rise to your office's pursuit of Chief Sewell cannot compare with the type of police abuse we witness and read about in Maryland every day. In late 2014, on his way home one evening, Douglas Matthews hit two parked cars, three blocks away from his home. Shaken, Mr. Matthews drove the short distance to his home, then immediately called police to report the accident. As the first police officer on the scene confirmed over a radio transmission, Mr. Matthews was not intoxicated, but "just scared." No one was in the cars at the time of the accident, and no one was injured. Mr. Matthews' insurance fully reimbursed the cars' owners for the damage he had caused.

We believe that Chief Sewell was correct when he made the judgment call at the core of the case your office brought against him: Mr. Matthews' mistake was just a "mistake of the heart," as Chief Sewell testified. He fell asleep, and had an accident, and panicked. That's all.

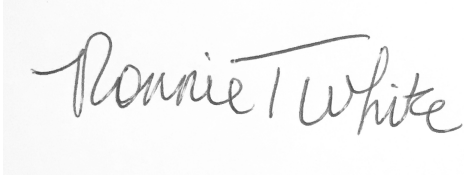
But even if that were not the case, we believe it is an indefensible waste of public resources for you to prosecute – and now to propose *to retry* – a highly-respected, history-making Black police official like Mr. Sewell for, essentially, disagreement with his judgment, when there is so much evidence that there are real and egregious acts of corruption your office could be pursuing.

We hope that the controversy your prosecution of Chief Sewell has provoked locally and across the state, and the November 29, 2018 ruling of the Maryland Court of Special Appeals overturning Mr. Sewell's conviction as unfair, give you pause.

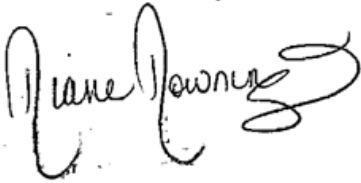
We accept that you believe you are doing good by pursuing your investigations and prosecution of Mr. Sewell, although we vehemently disagree. But it is time now for your office to accept that your resources are better spent elsewhere going forward. Regardless of your personal beliefs and your faith that your investigators were not influenced by their relationships with white law enforcement officials on the Shore, it is difficult to deny that there are more serious cases, with actual victims, in need of your attention.

We urge you to take to heart appellate court Judge Daniel Friedman's finding that the evidence of wrongdoing produced against Chief Sewell was so completely inadequate that the case should have been dismissed outright. We urge you to drop this matter, and to focus your efforts, and the resources of the Office of the State Prosecutor, on real injustices and corruption that are all too common in our state.

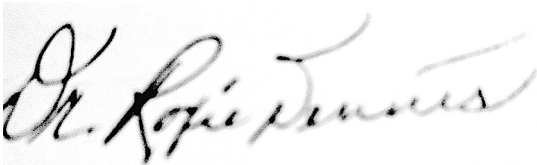
Respectfully,

A handwritten signature in cursive script that reads "Ronnie White". The signature is written in dark ink on a light-colored background.

Pastor Ronnie White
Citizens for a Better Pocomoke

A handwritten signature in cursive script that reads "Diane Downing". The signature is written in dark ink on a light-colored background.

Diane Downing
City Council Member, Pocomoke City Council

A handwritten signature in cursive script that reads "Dr. Roxie Dennis". The signature is written in dark ink on a light-colored background.

Dr. Roxie Dennis
President, Worcester County NAACP

A handwritten signature in cursive script that reads "Thomas Boone". The signature is written in dark ink on a light-colored background.

Thomas Boone
President, United Black Police Officers Association

A handwritten signature in cursive script that reads "Joe Perez". The signature is written in dark ink on a light-colored background.

Joe Perez,
President, Hispanic National Law Enforcement Association



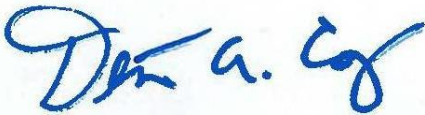
Rev. Stephen Tillett
President, Anne Arundel County NAACP



Carl O. Snowden
Convener, Caucus of African American Leaders



Ajmel Quereshi
Co-Director, Civil Rights Clinic, Howard Law School



Dennis Corkery
Counsel, Washington Lawyers' Committee for Civil Rights and Urban Affairs



Debra Gardner
Legal Director, Public Justice Center



Dana Vickers Shelley
Executive Director, ACLU of Maryland