

November 14th, 2018

TO THE GREENSBORO CITY COUNCIL:

On the night of September 8, 2018, Marcus Deon Smith, a beloved member of our community, died in the custody of the Greensboro Police Department. We, the undersigned, are very concerned with the way in which Marcus passed away and urge the council to review this incident and take appropriate action in response.

Following Marcus's death, the police provided a brief press release regarding the incident which included only scant details regarding how he died. After reviewing the police body cam footage, Marcus' family and attorney are confident that the police withheld crucial details and have provided the public with a false narrative concerning his death. As a community, we deserve an explanation from our elected officials as to what actually happened. We believe it is within the public's interest to have all pertinent information reviewed and released to the public as soon as possible. And we believe it is the council's responsibility to review the video footage of this incident and to take appropriate action accordingly.

The entirety of police's press release is printed below:

“GREENSBORO, NC (Sept. 8, 2018) – At 12:45 AM Greensboro Police located a disoriented suicidal subject running in and out of traffic in the 100 block of North Church Street. Officers worked with the subject for several minutes in an effort to give him assistance. EMS arrived at the scene at 12:50 AM. While officers were attempting to transport him for mental evaluation, the subject became combative and collapsed. Both EMS and on scene officers began rendering aid. The subject was transported by EMS to a local hospital for additional treatment. The subject passed away at approximately 1:50 AM. This incident is currently under investigation by the Greensboro Police Department and the State Bureau of Investigation. The officers involved will be placed on administrative duty, as according to policy of the Greensboro Police Department.”

Marcus' family and attorney believe that this account is misleading and presents a false narrative. After watching the body cam footage, they believe Marcus was in the throws of a mental health crisis, and therefore acting erratically, but **not combatively or aggressively**. They also contest the idea that Marcus was suicidal, as this was not characteristic of him.

Furthermore, **the police's account fails to mention that Marcus stopped breathing while being 'hogtied' by four police officers**. 'Hogtying' is a term used to describe a dangerous form of restraint where a person's hands are tied behind their back, and their legs are bound together and forced to bend and be tied to the person's hands also. This has been shown to be an incredibly unsafe form of restraint, and police departments around the country have begun barring their officers from using such restraints because of the risk of death associated with such restraints.

After watching the bodycam footage, Marcus's father recalled watching his son's breathing become strained and then stopping shortly after being hogtied. Marcus's family members believe that he choked as a result of being hogtied (referred to in medical terms as 'positional asphyxia') and that any attempts to revive him after the fact were too little too late.

The claims made by Marcus's family deserve to be acknowledged and answered. Following this incident, we understand that the four officers who came in physical contact with Marcus (AG Lewis, JC Payne, LA Andrews and RR Duncan) were put on administrative duty and that an SBI investigation has begun. We know, however, that these investigations take a significant amount of time and that justice should not be delayed. Marcus's family and community deserve to know what happened to their loved one as soon as possible. And we believe it is within the interest of the public for the council, as representatives of the public, to take the following actions, which are in keeping with the council's constitutionally mandated responsibilities;

- 1) We urge each of you to immediately watch the police recording. And
- 2) The city council ought to take immediate steps, including seeking a court order if deemed necessary, to ensure your ability to speak publicly about what you saw on the police video, and
- 3) Use your authority, or seek court authority, to release the full police recordings for public viewing immediately; and
- 4) Take immediate appropriate action, including punitive action, if warranted by your viewing of the police recordings.

Furthermore, we urge the city to review and, if necessary, amend its policies regarding the practice of hogtying individuals. We would like a clear answer as to whether GPD officers are trained to hogtie people, and if they are trained about the life-threatening dangers associated with these restraints. It is unfathomable that the city could endorse or defend such practices when there is substantial medical evidence showing that hogtying individuals puts them at severe risk of positional asphyxia and consequently, death.

We look forward to a prompt response regarding these issues. Please contact Marcus Hyde at homelessunionso@gmail.com or 303-507-8065 with your response.

Sincerely,

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*SEE ATTACHED ADDENDUM

Statement by the League of Women Voters of the Piedmont Triad Regarding the Death of Marcus Deon Smith While in Police Custody

Because the League of Women Voters of the Piedmont Triad (LWVPT) works for “open, accountable, representative and responsive government at every level,” we are very disturbed by the events of September 8, 2018 in which Marcus Deon Smith, apparently in the throes of a mental health crisis, died under questionable circumstances while in police custody. Of particular concern is the great discrepancy in the information contained in the police account as reported in the News & Record on September 10, and the subsequent report of those same events by Mr. Smith’s father and his attorney Graham Holt after they viewed them on police body camera footage.

The LWVPT, therefore, supports the 4 requests made in the letter to the Greensboro City Council from Marcus Hyde of the Homeless Union of Greensboro on behalf of a coalition of signatories to the letter, of which we are one. We concur completely with these 4 points urging the members of the City Council to fulfill their responsibilities by: viewing all footage of the events, taking all possible action to ensure that Council members are not prevented from speaking about what they see in that footage, seeking to have the footage released to the public, and taking any possible action warranted by what they see in the footage.

This case cries out for a public explanation of police behavior as it relates to training in best practices, standard departmental procedures, and the overall preparedness of the Greensboro Police Department (GPD) for dealing with the mentally ill. In the absence of a thorough and transparent investigation, citizens can have no confidence that justice has been served for Marcus, his family and the GPD. A Greensboro City Council that does not insist upon the transparency that alone can assure the accountability of City employees when dealing with the public calls into question its legitimacy as representatives of all our citizens.

