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Cleveland, OH 44109

Jan. 28, 2015

Barbara Langhenry
Law Director
City of Cleveland,
601 Lakeside
Cleveland, OH 44114

Steven Dettlebach
U.S. Attorney, Northern District of Ohio
U.S. Court House
801 West Superior Ave.
Cleveland, OH 44113

Dear Director Langhenry and Attorney Dettlebach,

We are the conveners of a community effort seeking to have charges brought against the police officers involved in the shooting death of Tamir Rice. Enclosed is a copy of the petition we are circulating to County Prosecutor Timothy McGinty in this regard and the current list of public officials, clergy, labor and community leaders sponsoring this effort. We wanted to share some suggestions we have regarding the impending Consent Decree on Police Reform. These are our personal views, not necessarily those of the other petition sponsors.

1. Duration of enforcement

The problems identified by the Justice Department in its Dec. 4, 2014 letter to Mayor Jackson are not new. The Patterns and Practice of excessive and unwarranted use of force by the Cleveland Police and the culture they represent have existed for many, many decades and it will take a long time to root them out. Therefore, the Consent Decree and the Justice Department monitoring process must be in place for a long time, probably at least 20 years, to assure that an entirely different culture and personnel cohort are in place.

2, Addressing racial bias

While this is not mentioned in the DOJ letter, it is obvious to everyone that the issue of excessive and unwarranted use of force cannot be separated from the issue of race and attitudes of prejudice present in the police department. This must be addressed in the Consent Decree if there is to be any serious approach to the problem. There is no way police officers can adequately serve the public if they harbor hostile attitudes toward African American people. Combatting such attitudes must be included in the curriculum of the police academy. Supervisory personnel from the Safety Director down to the sergeants should recognize they have a responsibility to address expressions of hostile racial stereotypes. The goal should be that all members of the force understand and fight for the idea that racial prejudice is incompatible with being a Cleveland police officer.

3. Accountability

Some have claimed that, while what happened to Tamir Rice was tragic, the police acted according to accepted procedures and are trained to “shoot to kill.” If this is true, it obviously must be corrected in both training and supervision and “shoot to kill” must be clearly understood as permissible only when there is no alternative. Certainly, there were alternatives with Tamir Rice. A simple bullhorn order to this child to drop his weapon and come out with his hands up would have averted this horrible tragedy. No one can be secure if a 911 caller can claim they may be holding a gun and police have a license to shoot to kill when other options are available. No civilized society can tolerate that. It must be made clear to all police officers that if they shoot to kill when other options exist they will be liable to face charges of murder and forced to defend their actions in court. The case of Tamir Rice was aggravated by the fact that once the officers realized they were dealing not with a man with a gun, but a boy with a toy, they displayed complete indifference to his condition and allowed him to lie on the ground bleeding profusely while they focused instead on preventing his sister and mother from coming to his aid and comfort. That is, in this case there are even more compelling grounds for charging the officers present with murder. Whenever there is probable cause to believe police have used excessive and unwarranted force, the City Prosecutor must have the authority and responsibility, as was the case in the past, to bring charges in open court so that the initial official response cannot be shrouded in the secrecy of a grand jury. The point is, it must be made clear to all police officers that they will be held accountable and there will be serious consequences if they commit such criminal acts. Unfortunately, at the present time there is widespread cynicism among both the police and the community that this will ever happen. The essence of the Consent Decree must be to make sure it does.

Sincerely,

Richard Peery

Rick Nagin