

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:15-CV-01046
)	
Plaintiff,)	
vs.)	JUDGE SOLOMON OLIVER, JR.
)	
CITY OF CLEVELAND,)	<u>CITY OF CLEVELAND’S FILING</u>
)	<u>CONCERNING THE EVENTS OF</u>
Defendant.)	<u>MAY 30 ADDRESSED IN THE</u>
)	<u>MONITOR’S NINTH SEMIANNUAL</u>
)	<u>REPORT</u>

The City of Cleveland (“City”) files the After Action Report (“AAR”) undertaken by the Cleveland Division of Police’s (“CDP”) following the events of May 30, 2020. The document supplements the information contained in the Monitor’s Ninth Semiannual Report. As noted in the AAR:

The demonstrations in downtown Cleveland began peacefully on May 30, 2020, with many citizens assembling at the Free Stamp sculpture with signs and banners. The City of Cleveland continues to commend and support those who choose to express their First Amendment rights peacefully and lawfully. Throughout the course of the day, events escalated to civil unrest that culminated in violence and property damage throughout the area. (Exhibit 1, AAR p.1)

The AAR was undertaken:

[f]ollowing the institution of a downtown curfew and the restoration of order, [and] a complete after-action review was ordered as an analysis of the collective response to this incident by the Cleveland Division of Police. After-action reviews are conducted on many high-profile police involved incidents and prove helpful in identifying areas needing improvement as well as strategies that can be proactively adopted into future plans. This comprehensive review includes analysis of data, intelligence, deployment strategies, radio communications, police reports, body worn camera footage and other materials. (Exhibit 1, AAR p. 1)

As prominently recognized in the AAR the “Cleveland Police has and will continue to support

citizens rights of free speech and assembly, and actively protect people exercising those rights.” (Exhibit 1, p.3).

The AAR provides much detail concerning the events of the May 30, and addresses CDP’s preparations for the events of that date, the location and sequence of events occurring on that date, and areas of focus and recommendations to be addressed following the CDP’s AAR review. Also attached is a short CDP follow-up document that advises concerning the status of actions undertaken regarding recommendations contained in the AAR. (Attached as Exhibit 2).

Additionally, the City provides responsive comments from the CDP that address selected sections of the Ninth Report. (Attached as Exhibit 3). Following the events of May 30, from May 31, 2020 until June 24, 2020, the CDP managed twenty-eight separate additional George Floyd related demonstrations, with crowd sizes ranging from over fifteen-hundred to fifty participants. The Division handled these events and others in 2020 without firing a single munition or using any type of force, while other cities across this nation experienced a constant cycle of protest violence.

The Monitor’s Ninth Report addresses documentation of use of force during the protest and subsequent riotous activity downtown on May 30. CDP acknowledges the need for timely and consistent reporting concerning use of force. As was addressed in CDP’s AAR following the May 30 events, the Division formed a committee to address reporting requirements relating to the immediate circumstances arising in a riot situation as developed on May 30 compared to reporting requirements associated with a demonstration/protest event. Both the Use of Force and Crowd Management General Police Orders are being reviewed and will be amended, with officers receiving training relating to peaceful demonstrations, riots, and civil disobedience.

The Monitor's Ninth Report confirms the use of hard objects against law enforcement officers prior to the initial use of force being undertaken by the CDP:

"Officers were descriptive about the threats used against them. Generally, officers reported thrown objects – plastic and glass bottles some filled with liquids (unknown, vinegar), eggs (reportedly frozen), traffic cones, rocks, concrete, bricks, aluminum bottles, frozen ice packs, wrenches, water balloons with unknown liquids, wine and beer bottles, batteries, and a railroad spike. Officers reported being hit in the head with a "chunk of concrete," "with an orange traffic cone, a piece of concrete, and a frozen orange Gatorade," a "water bottle filled with suspected vinegar," A sergeant reported being hit in the hand with a bat, causing him to drop his pepper spray (which was allegedly then used against the police line).

The Monitoring Team was able to confirm many of the officers' allegations that they were hit with a variety of hard objects prior to the initial deployment of OC spray through review of body-worn camera video. This does not mean that any particular deployment was appropriate, but that the narrative that CDP used wholly unprovoked force is not supported by the available evidence."

(Monitor's Ninth Report, pp. 35-36).

The City provides the attached AAR and comments as a supplement to the events of May 30 addressed in the Monitor's Ninth Report.

Respectfully submitted,

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Director of Law

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CERTIFICATE OF SERVICE

The undersigned certifies that the “City of Cleveland’s Filing Concerning the Events of May 30 Addressed in the Monitor’s Ninth Semiannual Report” was filed electronically on February 24, 2021. Notice of this filing will be sent to all parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system. Pursuant to the requirements of the Consent Decree the Monitor Team has been delivered a copy of this filing.

/s/ Gary S. Singletary
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