

# CLEVELAND COMMUNITY POLICE COMMISSION

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Ms. Victoria Marion  
Lt. Gail Maxwell (retired)  
Mr. Mayele Ngemba  
Dr. Megan Testa

## **Executive Director**

Mr. Jason Goodrick

## **SENT VIA EMAIL AND FAX**

July 16, 2020

Eric S. Dreiband  
Assistant Attorney General  
United States Department of Justice Civil Rights Division,  
Special Litigation Section  
950 Pennsylvania Ave. NW, Washington, D.C. 20530

Justin E. Herdman  
United States Attorney  
Office of the United States Attorney  
801 West Superior Avenue, Suite 400  
Cleveland, OH 44113-1852

Dear Mr. Dreiband and Mr. Herdman,

The Cleveland Community Police Commission (CPC), on behalf of the people of Cleveland Ohio, request that the Civil Rights Division of the Department of Justice (DOJ) open a probe into multiple incidents of excessive force, unconstitutional policing and other civil rights violations by the Cleveland Division of Police (CDP), Cuyahoga County Sheriff's Department, and possibly the Greater Cleveland Regional Transit Authority Police (RTA PD). The focus of the inquiry requested is specifically centered on the response tactics and policies of these agencies when deploying to lawful assemblies and protests. The scope includes events occurring in Cleveland, Ohio on May 30th, 2020. Ideally, this probe would complement but not repeat the 2014 pattern and practice investigation of the Cleveland Division of Police and would address issues specifically related to exercising first amendment rights in the City of Cleveland.

### **Incidents of Excessive Force Documented by Media on May 30th**

Over the past month, Cleveland's media outlets have documented chaotic events that occurred Downtown on May 30th, 2020. The City's residents witnessed a series of incidents involving Cleveland police officers, Cuyahoga County Sheriff's deputies and possibly Greater Cleveland Regional Transit Authority Police (RTA PD) which seem to have escalated a lawful protest into a violent and chaotic situation resulting in harm to participants and property damage. In at least one case, serious physical harm was inflicted by the police (a matter that may meet its own criteria for a criminal investigation by the DOJ). We believe, despite court order reforms to the Cleveland Police Division, a DOJ investigation is warranted.

The following are brief descriptions of incidents, brought to the CPC by community members that have raised concerns and lead us to make this request.

Witness accounts<sup>1</sup> and video verification<sup>2</sup> showed that unprovoked police began shooting tear gas, flash grenades, pepper balls and wooden bullets into the crowd that had gathered around the Cuyahoga County Justice Center.

1

<https://www.cleveland.com/court-justice/2020/06/cleveland-police-gave-order-for-george-floyd-protesters-to-disperse-legal-observers-witnesses-said-no-one-heard-it.html>

2

<https://www.cleveland.com/court-justice/2020/07/video-from-clevelands-george-floyd-protest-contains-no-mention-of-protesters-throwing-rocks-before-police-used-pepper-spray-tear-gas-on-crowd.html>

At some point during the attack by police on demonstrators, John Sanders was shot in the face with a beanbag round. Mr. Sanders, 24, who was exercising his constitutional right to protest, lost forever the use of his left eye. The officer responsible has still not been identified publicly.<sup>3</sup>

At least one video shows<sup>4</sup> an officer striking a man with a baton who was attempting to create a safe space between protesters and police. Complaints against the Cleveland Division of Police to the Office of Professional Standards doubled in June of 2020 corresponding with this event and other protests.<sup>5</sup>

**This Day of Unconstitutional Response to a Lawful Assembly Warrants a Second Look at Issues Specific to the First Amendment.**

The Cleveland Community Police Commission asks that the DOJ once again take a look at law enforcement in Cleveland centering around the practices and policies of these agencies in Northeast Ohio that may deprive persons of their right to lawfully assemble. The Constitutional violations specific to exercising first amendment rights appear to have continued despite current reform efforts mandated by the DOJ.

Additionally, there are more departments involved than previous DOJ investigations which only encompassed the actions of the Cleveland Division of Police. Residents of Northeast Ohio deserve equal and professional treatment by all police officers when exercising their right to assemble and protest. City and county official's subsequent defensive responses to the incidents outlined above show little regard for the trust our current Consent Decree is designed to improve. For example, the media has recently highlighted numerous contradictory statements between the agencies involved.<sup>6</sup>

Although there may be multiple concurrent investigations of these events, the DOJ is uniquely equipped to handle complex questions regarding constitutional rights.

We request that the Civil Rights Division promptly examine whether any or all of these agencies were engaged in violations of civil rights via attacks on peaceful protesters, unlawful arrests of protesters and the use of excessive force on protesters.

Sincerely,

The members of the Cleveland Community Police Commission,

*Terry Echols      Gordon Friedman      Harriet Hadley*

*Lewis Katz      Frederick Knuckles      LaToya Logan*

*Victoria Marion      Mayele Ngemba      Megan Testa*

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3

<https://www.cleveland.com/court-justice/2020/06/man-who-lost-eye-to-police-fired-bean-bag-round-during-clevelands-george-floyd-protests-i-did-not-deserve-this.html>

4

<https://www.cleveland.com/court-justice/2020/06/cleveland-police-launch-internal-investigation-after-officer-captured-on-video-hitting-peaceful-protester-with-baton-during-justice-center-standoff.html>

5

<https://www.cleveland.com/metro/2020/06/cleveland-dispatcher-accused-of-calling-black-lives-matter-terrorist-organization-on-facebook-as-police-complaints-double-in-june.html>

6

<https://www.msn.com/en-us/news/us/cuyahoga-county-sheriff-contradicts-cleveland-chief-calvin-williams-claim-that-may-30-protesters-breached-the-justice-center/ar-BB16aqQl>