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Supplemental Report on the Shooting Death of Tamir Rice

Subsequent to my report of November 27, 2015, an enhanced video produced by the prosecutor and written statements (dated November 30, 2015) by Officers Garmback and Loehmann were released to the public. I have viewed and studied the video (as it was broadcast via the internet) and the statements by Officers Garmback and Loehmann. In response to the release of this data, I am offering the following brief points and opinion:

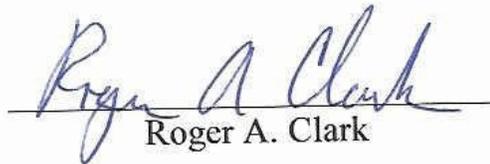
- Nothing in the new video or the recent statements of Officers Garmback and Loehmann changes my previously expressed opinions regarding their lack of the required reasonable assurance that Tamir had been sufficiently identified as the certain target of their dispatch, or that any reasonably trained officer would have considered that the very general description as broadcast was insufficient for the immediate use of lethal force without further confirmation.
- Nothing in the video or the recent statements of Officers Garmback and Loehmann changes my previously expressed opinions regarding the lack of reasonable justification for their hasty rush to the gazebo and positioning of the police unit (driven by Officer Garmback) within just a few feet of Tamir.
- As previously stated, reasonably trained officers presented with this set of facts would have observed that Tamir was not an immediate threat as they approached the gazebo. He was by himself and was not a threat to anybody. Neither Tamir's walking a step forward (as the police car was rushing up to him), nor the fact that his hands were not in view as he walked would constitute an immediate threat.
- My review of the video enhancement does not change my opinion that Tamir's arm and hand movements were understandably natural and do not demonstrate him deliberately reaching into his waist for a

gun or pulling out a gun. Other significant benign possibilities including natural arm movement were apparent. Officer Loehmann in this circumstance would not be justified in believing that Tamir posed an imminent threat to his life without seeing a weapon.

- The timing of the shooting has not changed. Officer Loehmann is still shown in the enhanced video as jumping out of the patrol unit just as it pulled up to the gazebo and immediately shooting Tamir. It was unreasonable to consider that Officer Loehmann could shout any reasonable warning in the time shown in the video. The enhanced video also indicates that Officer Loehmann had his gun already in hand when he jumped out of the car, having apparently upholstered it while he was en route to the scene. Finally, I note that the crime scene photos confirm that the windows of the patrol car were rolled up, making it impossible to communicate any commands before the car door opened.

In my opinion, to a reasonable degree of professional certainty, the newly released video continues to document reckless, unreasonable, provocative, and dangerous actions by both Officers Loehmann and Garmback that resulted in the shooting death of Tamir Rice. I therefore continue with my originally expressed opinions.

Sincerely,



Roger A. Clark