

January 3, 2017

Via U.S. Mail and email to CWilliams@city.cleveland.oh.us

Calvin Williams
Chief of Police
1300 Ontario St.
Cleveland, OH 44113

Re: Termination of Officers Timothy Loehmann and Frank Garmback for killing 12-year-old Tamir Rice

Dear Chief Williams:

Samaria Rice has now spent three Christmases without her son Tamir—that's three Christmases with you failing to terminate the officers responsible for her son's slaying, and otherwise account for or explain the incident. We write on behalf of Ms. Rice and her family to

- (1) request that you terminate Officer Timothy Loehmann for killing 12-year-old Tamir Rice over two-years ago, and Officer Frank Garmback for poor policing tactics that resulted in Rice's death;
- (2) request that you explain why it is taking so long to announce such accountability;
- (3) request a written account of how it is that an officer with Loehmann's well-documented, dubious work history in law enforcement got hired;
- (4) request that you announce a policy that ensures that unqualified police officers like Loehmann are never hired again; and
- (5) request that you explain why police dispatchers failed to convey important information—and what you are doing to address this problem in the future.

As you know, on November 22, 2014, Cleveland Police Officers Loehmann and Garmback rushed into Cudell Park where they found Tamir standing alone under a gazebo. *Immediately* upon arrival, Officer Loehmann fatally shot Tamir, who died the next day. As you also well know, Loehmann and Garmback's aggressive tactics were contrary to normal, proper police practice. Officers may not rush upon a child and fire immediately—especially in response to a call in which there is no report of active shooting.

As you also know, the Cudell Recreation Center video recording of the incident contradicts the story the officers told the grand jury—reading from prewritten statements in a manner no prosecutor has ever afforded any other target of criminal investigation. The recording also contradicts the officers’ *Garrity* statements about the incident. (It is our understanding that the officers’ *Garrity* statements were taken before the officers were aware of the video’s existence.) Officer Loehmann claims, for example, that he shouted out several warnings before he got out of the car and shot the child. But the video reveals that that did not have occur. The video depicts the police car rushing upon the boy and Loehmann firing immediately after getting out of the car. Garmback admits that the windows were rolled up on that frigid day.

So plainly, no warnings were given.

City officials, including you, have repeatedly stated that they would conduct an administrative review of the officers’ actions, regardless of a criminal case’s outcome. On CBS’s “60 Minutes” program in January 25, 2015, you lamented Tamir’s death and said that you were then looking for a “second, third, and fourth time” into the issue of how it is that someone like Loehmann could get hired. *Yet you have never provided a public accounting of the answer.*

On December 28, 2015, County Prosecutor Timothy McGinty announced that he was not going to hold the officers accountable. At a press conference that same day—which you attended and at which you spoke—Mayor Frank Jackson stressed to reporters that the grand jury’s decision would not affect the City’s internal investigation into the officers’ actions.

“I want to say to the family, the mother in particular, that we are sorry for their loss,” the mayor stated. “We know that it has been a long process, but we do not intend to add to whatever anxiety or agony that they feel in terms of the process. We are concerned about due process. And now that the criminal side is over with...we are now going proceed with the administrative review of what happened.... And the Chief will start immediately on that process.”

Yet two years after Tamir’s death, and nearly a year after that press conference, you have still failed to announce the results of the division’s administrative review, which surely must be complete by now. If it is not complete, you have given the family no idea how long it will take, or why it is taking so long.

The police division’s continued foot-dragging adds daily to the family’s “anxiety” and “agony,” as Mayor Jackson accurately characterized it. The Rice family has waited over two years too long for you and the City to announce your decision. In the meantime, both officers continue to enjoy taxpayer-funded salaries after killing a child while flouting standard police policies and procedures. To the family, it looks like the objective is to increase the chance that the community will forget the need for accountability and answers.

And it prevents the family from having any closure.

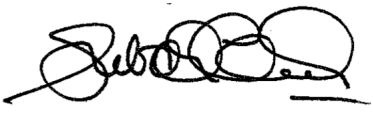
Simply put, Chief Williams, Samaria Rice and her family are in anguish and your failure to act contributes substantially to this.

We ask that you promptly announce the results of the division's administrative review into Officers Loehmann and Garmback's slaying of Tamir. The Rice family and the Cleveland community deserve the reassurance that your office efficiently, expeditiously, and accurately conducts internal investigations to curb abusive behavior within the division. The success of the City's Consent Decree with the U.S. Department of Justice depends on the division changing its culture and proving that accountability is not merely an illusion.

Finally, on a personal note, I want to observe that as a resident of the police district you commanded before you became chief, I had immense respect for you. You seemed like a sincere public servant devoted to doing what is right and being responsive to your constituents. That is what makes your radio silence to this family, and your continued inaction, all the more baffling. How resolving this matter cannot be among your top two or three leadership priorities defies comprehension.

Please tell me what I may tell the family what to expect. Please do not ignore them. And please do not blindsides them.

Sincerely,

A handwritten signature in black ink, appearing to read "Subodh Chandra", written over a horizontal line. The signature is stylized and cursive.

Subodh Chandra

Cc: Mayor Frank L. Jackson
Michael McGrath, Director of Public Safety