



CASE WESTERN RESERVE
UNIVERSITY
STUDENT BAR ASSOCIATION

SBA | STUDENT BAR
ASSOCIATION

Friday June 5, 2020

Dear Mayor Jackson,

We write to you in frustration and disappointment following years of tragedy and ineffective action by your administration. In 2014, after a Cleveland Division of Police (“CDP”) officer fatally shot twelve-year-old Tamir Rice, Cleveland agreed to a federal consent decree.¹ While that consent decree has led to some minor improvements, they are not enough. Your administration has failed to make meaningful changes to Cleveland’s broken policing system. This failure was laid bare when an off-duty CDP officer shot and killed Desmond Franklin in a moving car on April 9, 2020.² We stand in solidarity with Desmond’s family and the Black communities of our City.

On May 30, 2020, peaceful protesters gathered in downtown Cleveland to exhibit their grief and to demand justice for Desmond Franklin, George Floyd, Breonna Taylor, and Ahmaud Arbery among others. Your joint statement with Chief Williams assured citizens that they would be *protected* while they were expressing their constitutional rights.³ CDP, however, confronted those protesters with violent force—failing to distinguish between peaceful and non-peaceful protesters.⁴ CDP employed disproportionate force when they indiscriminately used tear gas, rubber bullets, and pepper spray on protesters.⁵

¹ Settlement Agreement, *United States v. City of Cleveland*, 1:15-cv-01046-SO (N.D. Ohio May 26, 2015), available at https://www.justice.gov/sites/default/files/crt/legacy/2015/05/27/cleveland_agreement_5-26-15.pdf.

² Jim Nelson, *Lawyers for Man Killed by Off-Duty Cleveland Policeman Say New Evidence Reveals Inconsistencies with Officer’s Story*, CLEVELAND 19 NEWS (May 13, 2020, 7:52 PM), <https://www.cleveland19.com/2020/05/13/lawyers-man-killed-by-off-duty-cleveland-policeman-say-new-evidence-reveals-inconsistencies-with-officers-story/>.

³ Cleveland Police (@CLEpolice), TWITTER (May 30, 2020, 1:24 PM), <https://twitter.com/CLEpolice/status/1266782605921456128>.

⁴ Cory Shaffer, *Video, Photo Show Cleveland Police Pepper Spraying, Shooting Projectiles at Legal Observers During George Floyd Protests*, CLEVELAND.COM (Jun. 4, 2020, 8:00 AM), <https://www.cleveland.com/crime/2020/06/video-photo-show-cleveland-police-pepper-spraying-shooting-projectiles-at-legal-observers-during-george-floyd-protests.html>.

⁵ Sam Allard, *Cleveland Police Used These Launchable Chemical Grenades at Saturday Protest*, CLEVELAND SCENE (Jun. 3, 2020, 2:53 PM), <https://www.clevescene.com/scene-and-heard/archives/2020/06/03/cleveland-police-used-these-launchable-chemical-grenades-at-saturday-protest>.

The law students of Northeast Ohio have listened patiently for years, recognizing that change will not come overnight. But we cannot wait any longer for justice; we are compelled to speak now. Your administration must take action for the sake of the citizens of Cleveland. This letter is merely the beginning of our commitment to improve the standard of living for all citizens in our City.

We demand that your administration take immediate action to:

- Identify and bring disciplinary or criminal actions against police officers who have used aggressive and excessive force—including against the officer who shot Desmond Franklin;
- Direct the CDP to stop using tear gas, non-lethal bullets, and other violent methods of crowd control, especially against non-violent protestors;
- Eliminate curfews as a method of preventing peaceful protestors from expressing their constitutional right to protest;
- Halt CDP budget increases and release a plan to gradually reduce CDP’s budget while allocating those funds to Cleveland’s most vulnerable citizens—such as the Cleveland Metropolitan School District;
- Require CDP officers to exhaust all means of de-escalation before using lethal force, and implement Campaign Zero’s recommended policies (as laid out in its 2016 Police Use of Force Policy Analysis);⁶
- Refrain from purchasing military-grade equipment (such as purchases under the Department of Defense’s 1033 Program);⁷ and
- Implement a civilian review board to review all uses of force and police misconduct—especially officer-involved shootings and deaths.

We look forward to working with you towards implementing these demands. Further, we ask that you provide a public response within 48 hours of your receipt of this letter.

In solidarity,

Student Bar Association of Case Western Reserve University School of Law

Student Bar Association of Cleveland-Marshall College of Law

Student Bar Association of University of Akron School of Law⁸

⁶ DERAY MCKESSON ET AL., CAMPAIGN ZERO: POLICE USE OF FORCE POLICY ANALYSIS (2016), <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/57e1b5cc2994ca4ac1d97700/1474409936835/Police+Use+of+Force+Report.pdf>.

⁷ See Brian Barrett, *The Pentagon’s Hand-Me-Downs Helped Militarize Police. Here’s How*, WIRED (Jun. 2, 2020, 4:54 PM), <https://www.wired.com/story/pentagon-hand-me-downs-militarize-police-1033-program/>.

⁸ SBA is a registered student organization at the University of Akron. Registration shall not be construed as approval, endorsement, or sponsorship by the University of Akron of these student organizations publications, activities, purposes, actions, or positions.