

# No witnesses heard cops warn 12-year-old Tamir Rice before killing him

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Nearly six months after the police killing of 12-year old Tamir Rice in Cleveland, Ohio, the Cuyahoga County Sheriff's Department has released a redacted version of the findings of its investigation into the circumstances surrounding the child's death.

Significantly, the report does not provide a single witness account to back police officials' claims that one of the officers gave verbal commands for Tamir to drop the toy gun he was playing with and surrender. On the contrary, several witnesses recall hearing gunshots before any commands were given.

Tamir's death occurred November 22, 2014 at the hands of officers Timothy Loehmann and Frank Garmback at a neighborhood recreation center. A surveillance video shows Loehmann shooting Rice at least twice at point blank range within two seconds after pulling up in a squad car.

Shortly after the shooting, Loehmann told a fellow officer that he had ordered Tamir to drop the toy gun, but "he gave me no choice. He reached for the gun and there was nothing I could do."

These claims, repeated ad nauseam by police officials, were flatly contradicted by witness testimony. One 31-year-old female witness "described hearing two gunshots, 'Bang Bang,' then hearing someone yell, 'Freeze...Show me your hands,'" according to an officer who interviewed her. "Then she heard a third and final 'Bang.'"

According to statements by an unnamed FBI Special Agent who arrived on the scene three to four minutes after the shooting to provide medical assistance to Tamir, the youth had suffered "an incredibly disturbing looking injury" to his abdomen at the hands of officers Garmback and Loehmann and neither had provided any first aid to the victim. A longer version of the security video shows both Loehmann and Garmback physically

restraining Tamir's older sister as she sought to come to her brother's aid.

The killing of Tamir Rice occurred as mass protests against police brutality swept across the US in the wake of the police killings of Michael Brown in Ferguson, Missouri and Eric Garner in Staten Island, New York.

The report notes that officer Garmback was the subject of four registered complaints for violation of professional standards since being appointed to the department in 2008. He was also named in a 2012 suit alleging that he violated residents' civil rights. Loehmann, who was appointed to the department in 2013, had applied to five other law enforcement departments before acquiring his position in the CPD, and has a record of mental instability while on the force.

Despite its damning findings, the report declares "[a]s unbiased collectors of fact, the CCSD's investigative team has not, and will not, render any opinion of the legality of the officers' actions." Instead, the report places this responsibility in the hands of the county's prosecutor, Timothy J. McGinty.

The report comes days after Cleveland Municipal Judge Ronald B. Adrine, in response to affidavits filed by local civil rights groups requesting charges be brought against Rice's killers, ruled that there were justifiable grounds to bring charges of murder, reckless homicide, negligent homicide and involuntary manslaughter against Loehmann as well as negligent homicide against Garmback for their roles in the slaying of Rice.

In the finding, which was non-binding, Adrine declared that he had been "thunderstruck by how quickly this event turned deadly."

Despite the ruling, McGinty has declined to issue arrest warrants for officers Loehmann and Garmback.

Declaring his determination to present Tamir Rice's case to a grand jury, McGinty said, "This case, as with all other fatal use of deadly force cases involving law enforcement officers, will go to the grand jury," after Thursday's finding, concluding that "[u]ltimately, the grand jury decides whether police officers are charged or not charged."

In seeking to bring the case before a grand jury, McGinty is no doubt seeking to replicate the results of the fraudulent and rigged grand jury proceedings that failed to bring charges against the officers who killed Michael Brown in Missouri and Eric Garner in New York.

Over the weekend, the *New York Times* reported that during the grand jury proceeding following the death of Eric Garner, witnesses were prodded by prosecutors not to give statements that were incriminating of the police, at one point interviewing a woman who had been advised to "watch her words."

The sheriff's report also comes after the acquittal of Cleveland Police Department officer Michael Brelo last month for his role in the 2012 shooting death of Timothy Russell and Malissa Williams, who were shot to death by the CPD after they failed to pull over at a traffic stop. In that case, Judge John P. O'Donnell declared that "the state did not prove beyond a reasonable doubt" that Brelo, who fired at point blank range over a dozen times atop Russell's stopped vehicle, had fired the fatal bullets that killed the unarmed couple.



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