

Prosecutor in Cleveland police killing hired “independent” investigators who favor law enforcement

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Information has come to light in recent days which indicates that Cuyahoga County prosecutor Timothy McGinty is seeking to whitewash the police killing of 12-year-old Tamir Rice last November in Cleveland, Ohio.

Nearly one year since Rice's death a secret grand jury impaneled by McGinty has yet to make a decision on charges.

Saturday night McGinty took the extraordinary step of publicly releasing two reports produced by supposedly independent experts which concluded that the shooting was “objectively reasonable.”

Both of the so-called outside experts who reviewed the killing, Denver, Colorado prosecutor S. Lamar Sims and retired FBI agent Kimberly A. Crawford, are themselves long time members of law enforcement and are well known to prosecutors as staunch defenders of the police.

Video of the police shooting, taken by a surveillance camera, refutes their conclusion and confirms that the young boy never posed a threat to the police officers or anyone else in the area. The video, which includes the minutes leading up to the shooting, shows the bored 12-year-old, playing with a toy gun in a nearly empty park on a cold and rainy November day.

Timothy Loehmann and his partner Frank Garmback arrived in their patrol car stopping within feet of Rice despite the fact that no one else was around. Loehmann exited his patrol car and shot the boy within two seconds. Neither officer made any effort to stop the bleeding or provide other medical assistance.

Sims, the senior chief deputy district attorney for Denver, Colorado who authored one of the reports, concluded that the Cleveland police officers' actions

were “objectively reasonable.”

However, Sims had already reached this conclusion when he appeared on Denver public television two months before he was hired by McGinty to investigate the legality of the Cleveland police officers' actions.

“The community may react to facts learned later, for example, looking around the nation, say you have a 12- or 13-year-old boy, with a toy gun. We learn that later,” Sims told an interviewer last May.

“The question is, what did the officer know at the time, what should a reasonable police officer have known at the time when he or she took the steps that led to the use of physical force or deadly physical force?” he concluded.

Sims has a long history of justifying police violence. He is also listed as a contributing researcher in a report by the Denver District Attorney's office that cleared Denver police in the shooting death of 17-year-old Jessica Hernandez this past January.

Hernandez was driving a stolen car at the time with four other teenagers inside. Police claim she ignored orders to stop, and hit an officer. The other teenagers say the officer was hit after Hernandez lost control of the car after being shot. The autopsy found that none of the shots were from close range.

The Denver DA's report stated: “Hernandez chose to not comply with those orders. Perhaps she feared being caught driving a stolen car. Perhaps her judgment was impaired by marijuana and alcohol. We can draw these inferences from the facts. However, what is clear from the facts and needs no inference, is that her decisions created a very dangerous situation—not just to herself and to the officers, but also to her friends who were in the car with her.” No charges were filed against the

officer who killed Hernandez.

Crawford, the author of the second report, is a retired Supervisory Special Agent with the FBI's Legal Instruction Unit. Her report reads more as a defense motion to dismiss charges than an investigation for the prosecutor. She repeatedly cites court rulings that have expanded the power of the police to use deadly force even when there is no actual threat to themselves or others.

Crawford concludes her report saying, "use of deadly force falls within the realm of reasonableness under the dictates of the Fourth Amendment."

She is well known for her strong views supporting the use of excessive violence by police officers. Local news station WKYC reports, "In a past case of police use of deadly force, Crawford's opinion was rejected by the Department of Justice for being outside the law, 'overly protective of law enforcement' and going 'too far to exonerate the use of force.'"

Lawyers for the family of Rice have denounced the two reports saying that they were produced and subsequently released to the public for the purpose of exonerating Loehmann and Garmback and lay the groundwork for a decision by the grand jury not to file charges.

"It's clear to the Rice family that these so-called experts were selected to present a point of view to defend the officer's conduct," Subodh Chandra, one of the attorneys representing the Rice family told *The Guardian*. The reports, he said had "tainted the grand jury process."

Walter Madison, another attorney representing the family told RT that the prosecutor produced the reports to "make opinion early to soften the blow."

"What he [McGinty] should be doing, as in any other grand jury, he should be looking to answer a simple question: 'Is there probable cause that a crime has occurred?' That's it."



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