

Congress of the United States
Washington, DC 20515

April 23, 2021

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland:

Tamir Rice should be alive today. We write to urge the Department of Justice (DOJ) to immediately reopen its civil rights investigation into his death.

On November 22, 2014, Tamir Rice was playing in a park in Cleveland, Ohio, when someone called the police on him, an experience all too familiar to Black Americans. Officers arrived on the scene to find a boy playing with a toy gun by himself in the middle of a park. Within moments, an officer fired upon Tamir, striking and killing the 12-year-old boy while the police car was still rolling. Standing by himself in the middle of a park, Tamir did not pose an imminent threat of bodily harm. Let us repeat: Tamir should be alive today. Data shows that young Black Americans like Tamir are more likely to die from police gunfire than young white Americans.¹

It is also important to consider the context in which this incident occurred. In March 2013, DOJ conducted a review of 600 use-of-force incidents involving the Cleveland Police Department that occurred between 2010 and 2013². Based upon this review, DOJ found reasonable cause to believe that the Cleveland Police Department had engaged in a pattern or practice of using excessive force, violating Ohioans' rights under the Fourth Amendment.³ They found a wide range of systemic deficiencies, including a lack of accountability, inadequate training, ineffective policies, and poor engagement with the community.⁴

In 2015, the Obama Administration's DOJ opened federal investigations into both the officer that shot and killed Tamir Rice and the entire Cleveland Police Department. The latter resulted in a consent decree between DOJ and the Cleveland Police Department. While this consent decree is an important tool to prevent instances like this from happening again, it did not provide accountability for Tamir's death. The DOJ's investigation into the officer that killed Tamir was

¹ Gia M. Badolato, Meleah D. Boyle, Robert McCarter, April M. Zeoli, William Terrill and Monika K. Goyal *Pediatrics* December 2020, 146 (6) e2020015917; DOI: <https://doi.org/10.1542/peds.2020-015917>.

² Eric Holder, ATTORNEY GENERAL HOLDER DELIVERS REMARKS AT PRESS CONFERENCE ON INVESTIGATION INTO CLEVELAND DIVISION OF POLICE OFFICE OF PUBLIC AFFAIRS (2015), <https://www.justice.gov/opa/speech/attorney-general-holder-delivers-remarks-press-conference-investigation-cleveland>.

³ *Id.*

⁴ *Id.*

not completed by the end of President Obama's term, and the Trump Administration abruptly closed the investigation in 2020, providing very little insight or information about the process.⁵

Justice delayed is justice denied, and accountability for Tamir Rice's death has been delayed for more than six years. Therefore, we strongly support the request of Samaria Rice, the mother of Tamir Rice, that DOJ reopen its investigation into her son's case.⁶

Sincerely,



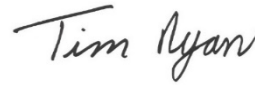
Sherrod Brown
United States Senator



Joyce Beatty
Member of Congress



Marcy Kaptur
Member of Congress



Tim Ryan
Member of Congress

⁵ Justice Department Announces Closing of Investigation into 2014 Officer Involved Shooting in Cleveland, Ohio, OFFICE OF PUBLIC AFFAIRS (2020), <https://www.justice.gov/opa/pr/justice-department-announces-closing-investigation-2014-officer-involved-shooting-cleveland>.

⁶ Abady, Jonathan S., Earl S. Ward, Zoe Salzman, William J. Mills, and Subodh Chandra. Letter to Attorney General Merrick Garland. "Re-Open DOJ's Investigation in Tamir Rice Police-Shooting Case," April 16, 2021.