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June 17, 2019

Steven Rosenbaum  
Chief of Special Litigation Section  
Office for Civil Rights  
950 Pennsylvania Avenue, N.W.  
Office of the Assistant Attorney General, Main  
Washington, D.C., 20530

RE: Request for Federal Investigation of the Euclid Police Department

Dear Mr. Rosenbaum:

The Legal Advocacy and Writ Resources (L.A.W.R.S.) Foundation, is based in Ohio and has been active in ensuring that there is equal discrimination of all members of society concerning civil rights and social/human justice. Our members are also a part of the Euclid NAACP. Our membership is comprised of activists, organizations, and individuals with permanent interest. We are a non-partisan, non-profit, apolitical foundation with a soul interest in better life chance opportunities for all.

We are writing concerning recent incidents that have taken place within the boundaries of the City of Euclid, Ohio, in which officer Michael Amiott violently beat a man during a routine traffic stop in August 2017, in which the passenger sustained massive injuries. The following relative events which are available to the public are as follows:

- a vehicle was stopped for rolling through an intersection, which then resulted in the driver of the vehicle being thrown onto the concrete, severely beaten, arrested, and then released;
- civil lawsuit claiming excessive force and police brutality was filed against the officer,
- local news Channel 5 launched an investigation into the complaints and discovered that there are approximately 13 officers who are repeat offenders of excessive and deadly force and police brutality complaints, including Officer Amiott;
- city has failed to respond to numerous complaints accordingly and has continued to put residents, business owners, and commuters at risk;
- Euclid NAACP issued a travel advisory due to the high probability that people of color were likely to be pulled over without warrant;
- officer Amiott was rehired after an arbitration hearing;
- massive protest erupted within the City of Euclid that was attended by vocal citizens, activists, and organizations. Some members of the Euclid City council also voiced their concern about the rising unrest within the community.
- an officer employed by the City of Euclid filed a federal lawsuit alleging discrimination and retaliation; including being the victim of racist attacks as a Hispanic;
- The City of Euclid hires a special prosecutor to review the excessive force and police brutality case against officer Amiott,

The pattern of behavior does demonstrate the use of excessive force, intimidation, racial profiling, and police brutality which violates **Title 42, U.S.C., Section 14141 - Pattern and Practice.** This case is but one of several events that support the concerns aforementioned.

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Freeman, Kevin, Fox 8 News, Euclid police officer suing his own department, <https://fox8.com/2019/03/14/euclid-police-officer-suing-his-own-department/> (last visited June 13, 2019)

Schaffer, Corey, The Plain Dealer, Cleveland.com, Euclid has asked special prosecutor to investigate officer Michael Amiott's violent 2017 beating of motorist, but won't say who it is. (Last visited May 12, 2019)

Forbes, Glenn, IdeaStream.org, Arbitrator reinstates Euclid police officer who punched suspect in traffic stop, (last visited May 12, 2019)

Read, Tracey, The News-Herald, Euclid police excessive force lawsuit transferred to federal court, (last visited June 8, 2019)

Steer, Jen, Fox 8 Cleveland News, Euclid NAACP issues travel advisory for city following police incidents, (last visited June 15, 2019)

Buduson, S., Assd, S., Lasso, G., Ackerman, M., Euclid officers named in police brutality lawsuits showed warning signs in use of force reports; handful of cops involved in majority of incidents, (last visited June 15, 2019)

In comparison to the neighboring municipality of Cleveland, Ohio and under the **Violent Crime and Law Enforcement Act of 1994, 42 U.S.C. § 14141** (“**Section 14141**”), which focused on allegations of excessive force by Cleveland police officers, there is a substantial reasons to be concerned that both practices and patterns of the Euclid police department are egregious in nature and in violation of the Fourth Amendment which protects citizens against unreasonable and excessive force by police officers which include deadly force or excessive force that put both citizens and officers in unnecessary risk.

The pattern of excessive and deadly force, police brutality, and intimidation deprives citizens of the City of Euclid and the State of Ohio of their fundamental rights as prescribed by the U.S. Constitution, the Bill of Rights, and has interfered with Due Process. We request the assistance of the Department of Justice to intervene and participate in the criminal investigation in this matter and others listed, and to likewise pursue a civil investigation into the matters so that citizens are relieved of further unjust and inappropriate behaviors such as in police brutality, excessive an deadly force, and intimidation by officers of the City of Euclid Police Department.

There have been several other cases that have occurred; both previous to and after this case. The community, activists and other civil, human and social justice organizations have demonstrated both concern and outrage over the incidents. The Mayor of the City of Euclid did state that she had reached out to the Department of Justice for assistance, in which she announced during a city council meeting concerning the issue of police brutality, excessive and deadly force, and intimidation. However, upon receiving correspondence from the Law Director of the city, there had not been any attempt to reach out to the Department of Justice as documents from the City of Euclid would demonstrate.

This finding as demonstrated in a public records request, shows a continue pattern of unaccountability which has exacerbated an already volatile outcry for help from the citizens of the City of Euclid and Ohio as a failure to respond according to **O.R.C. 733.35, [T]he mayor of a municipal corporation shall have general supervision over each department and the officers provided for in Title VII [7] of the Revised Code. When the mayor has reason to believe that the head of a department or such officer has been guilty, in the performance of his official duty, of bribery, misfeasance, malfeasance, nonfeasance, misconduct in office, gross neglect of duty, gross immorality, or habitual drunkenness, he shall immediately file with the legislative authority....”**

This conflict, including within the Mayor’s cabinet and administration also raises questions concerning violations of **Article XVIII, Section II of the Ohio Constitution in which the Mayor has failed to ... “adopt and enforce within the limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.”**

From the period of 2016 through current there have been numerous incidents involving police brutality, excessive and deadly force and intimidation. As an example:

- In March 2017, Melissa Highsmith was slammed to the ground by officer Ferrito causing her head to bleed after charging into her home using a knife to unlock the door because he felt she was hiding from him. Charges were dismissed against HighSmith.
- In December 2016, Erimius Spencer was pulled over and caught with a small amount of marijuana. Officer Amriott (previously mentioned in another case), pulled Spencer out the car, kned him in the groin, threw him on the ground, used a taser, and kicked him in the face which fractured his orbital bone. Officer Rivera was also involved in the excessive use of force and brutality incident.
- In November 2016, Lamar Wright, pulled into his girlfriend's driveway. He then was approached by officers Flagg, and Williams who were doing surveillance of a nearby home. They ordered Wright out of his car. Mr. Wright recently had surgery and was wearing a colostomy bag. Officer Flagg threw him on the ground, used a taser on him, and pepper sprayed him. Charges in the case against Wright were also dismissed.
- In March 2017, Luke Stewart was fatally shot by Euclid police officer Matthew Rhodes while in his car. A federal lawsuit was filed against the City of Euclid in which the city was victorious. However, US District Judge James Gwin made it clear that he was not in favor of the use of force "or" training tactics of the Euclid Police Department. (Cleveland.com, 2018)
- In March 2017, Shajuan Gray was in her home when Euclid police officer James Aoki responded to a noise disturbance call. Ms. Gray stated that she was listening to music while she was cleaning during the mid-afternoon hours. Gray responded Aoki's knocks with the chain on the door as she was only dressed in a towel and head wrap. Officer Aoki forced himself into her apartment took her by her arm, slammed her into a freezer causing her to bruise and then took her outside topless refusing to give her anything to cover up. The officer was found to have been untruthful in his police report. The charges against Ms. Gray were also dismissed. A federal lawsuit is currently pending.
- In June 2019, a group of youth, ages 10 and up were attending a skating event at a local skating rink. The event space had reached maximum capacity. Police arrived to say that no more could be admitted into the building. The police used excessive force in dispersing the group of youth by pepper spraying them and shooting them with paintballs. A city council meeting was held where frequent patrons of the establishment came from cities as far as Akron, Ohio to support the business owner and advocate for the children and against excessive use of force and to demand changes to special event permit processes, security needs, as well as de-escalation training for the police.

There are a number of events that have not been highlighted in this request for investigation. However, it demonstrates a pattern of excessive and deadly force, police brutality, and intimidation. The officers have either: been rehired, have not been discharged of duties, received additional training, or have also filed a federal lawsuit against the City of Euclid on their behalf.

None of the remedies are sufficient to be proactive in ensuring the right to equal, just and fair treatment. Therefore, an investigation conducted by the Department of Justice is appropriate.

Currently, there are 13 officers with repetitive incidences of police brutality, misconduct, abuse, and excessive force complaints against them, totaling 83% of all incidents between 2016 through 2018 (Buduson, S.)

This misconduct has resulted in unnecessary death, hospitalizations, and undue mental and emotional stress upon the citizens that these officers have come in contact with. Likewise, citizens as a whole have raised issues which justify concerns for their safety when encountering a Euclid Police officer. We understand that officers put their lives in danger on a regular basis. It is an oath that they took to protect and to serve. We are grateful for their commitment. However, in these instances, the concern for safety cannot continue to be ignored.

The City of Euclid is unfortunately historical for racial tension within the community. We are asking for the assistance of the Department of Justice to come in to do a thorough criminal and civil investigation into these cases. We are confident that your investigation will reveal a pattern of police misconduct and brutality including the use of excessive and deadly force.

The City of Euclid has failed to govern itself accordingly as a municipality under the direction of the State of Ohio Constitution; Article XVIII, Section II, has failed to comply with federal laws as it relates to equal civil rights and anti-discrimination based on race, gender, and socioeconomic status, as well as violates O.R.C. 733.35 for neglecting to exercise the duty to file a complaint with the legislative authority against any officer that the Mayor has reason to believe that an officer has failed to perform in his official duty.

In conclusion, we respectfully request the assistance of the Department of Justice to prompt an investigation into this urgent matter as soon as possible.

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Gray, Shajuan, Legal Document: Filing of Federal Lawsuit: <https://www.scribd.com/document/391141073/Gray-Complaint-and-Civil-Cover-Sheet-1>

Heisig, Eric, Cleveland.com, Euclid police win lawsuit over unarmed man shot by officer; judge criticizes cities training, (last visited May 2019)

<https://www.news5cleveland.com/longform/euclid-officers-named-in-police-brutality-lawsuits-showed-warning-signs-in-use-of-force-reports>

Euclid Police Department Blog: Mayor reaches out to the DOJ, <http://euclidpd.org/response-to-resistance/>

Please feel free to contact me at: (216) 356-1882 should you have any questions pertaining to this request. Your assistance is greatly appreciated.

Sincerely,

Cassandra McDonald  
President/Legal Analyst  
LAWRS Foundation

Cc: Justin E. Herdman, United States Attorney, Northern District of Ohio