

Shooting of Tamir Rice

The **shooting of Tamir Rice**, a 12-year-old boy (June 25, 2002 – November 23, 2014), occurred on November 22, 2014, in **Cleveland, Ohio**. Two police officers, 26-year-old Timothy Loehmann and 46-year-old Frank Garmback, responded after receiving a police dispatch call “of a male black sitting on a swing and pointing a gun at people” in a city park.^{[1][2][3]} A caller reported that a male was pointing “a pistol” at random people in the Cudell Recreation Center. At the beginning of the call and again in the middle he says of the pistol “it’s probably fake.”^[4] Toward the end of the two-minute call, the caller stated “he is probably a juvenile.”^[5] However, this information was not relayed to Loehmann or Garmback on the initial dispatch.^{[6][7]} The officers reported that upon their arrival, Rice reached towards a gun in his waistband. Loehmann fired two shots before the zone car came to a halt^[8] and within two seconds of arriving on the scene,^[9] hitting Rice once in the torso.^{[2][10]} Neither officer administered any first aid to Rice after the shooting. He died on the following day.^[11]

Rice’s gun was later found to be an **Airsoft replica** that lacked the orange safety feature marking it as a replica and not a true firearm.^{[12][13]} A surveillance video of the shooting was released by police four days later, on November 26.^[14] On June 3, the County Sheriff’s Office released a statement in which they declared their investigation to be completed and that they had turned their findings over to the county prosecutor, who will review the report and decide whether to present evidence to a grand jury.^[15]

In the aftermath of the shooting, it was reported that Loehmann, in his previous job as a policeman in **Independence, Ohio**, had been deemed an emotionally unstable recruit and unfit for duty.^[16] The incident received national and international coverage, in part due to the time of its occurrence, coming shortly after the police shootings of several other black males.

1 Shooting

In a 9-1-1 call, a caller, who was sitting in a nearby gazebo, reported that someone, possibly a juvenile, was pointing “a pistol” at random people in the Cudell Recreation Center. The caller twice said that the gun was “probably fake,” but was unable to identify if the weapon was real or not; the orange barrel markings used to identify toy weapons had been removed.^[17] According to police spokesmen, it was initially unclear if that information was

relayed to the dispatched officers, Loehmann and Garmback, and it was later revealed that the dispatcher did not elaborate beyond referencing “a gun.”^{[12][18]} According to one report, the 9-1-1 responder twice asked whether the boy was black or white^[19] before dispatching officers to the park at around 3:30 p.m.^[17] The actual recording of the phone call reveals that the 9-1-1 responder asked whether the boy was black or white three times; however, the question was repeated only after the caller continued describing the color of Rice’s clothing.^[20] The caller then left the gazebo, and Rice sat down in it sometime later.^[18]

According to information reported to the press on the day of the shooting by Cleveland Police Patrolmen’s Association President Jeffrey Follmer, “[Loehmann and Garmback] pulled into the parking lot and saw a few people sitting underneath a pavilion next to the center. [Loehmann] saw a black gun sitting on the table, and he saw the boy pick up the gun and put it in his waistband.”^[21] Also on that date, Cleveland Deputy Chief Tomba stated, “The officer got out of the car and told the boy to put his hands up. The boy reached into his waistband, pulled out the gun and [Loehmann] fired two shots.” According to Chief Tomba, “the child did not threaten the officer verbally or physically.”^{[12][13][21]} On November 26, the day a video of the shooting was released, Chief Tomba is quoted as saying, “Loehmann shouted from the car three times at Tamir to show his hands as he approached the car.”^[2] The entire incident happened in less than two seconds.^[22] The officers later found that the gun was an **Airsoft gun**, which are air gun replicas of real guns and are designed to shoot non-lethal plastic pellets, which had had its orange safety tip removed. Rice died the day after the shooting at **MetroHealth Medical Center**. The medical examiner clarified the cause of death as being a gunshot wound to the torso, with injuries to major vessels, intestines, and the pelvis.^[11] The Cuyahoga County Medical Examiner’s Office autopsy says Tamir was 5 feet 7 inches (1.70 m) and weighed 195 pounds (88 kg).^[23]

A surveillance video without audio of the shooting was released by police on November 26 after pressure from the public and Rice’s family.^[14] It showed Rice pacing around the park, occasionally extending his right arm with what could be a gun in his hand, talking on a cellphone, and sitting at a picnic table in a gazebo. The video shows a patrol car driving at a high rate of speed across the park lawn and then stopping abruptly by the gazebo. Loehmann then jumps out of the car and immediately shoots Rice from a distance of less than 10 feet (3.0 m).^{[17][18][24]} According to Judge Ronald B. Adrine in a judgement entry on the

case “this court is still thunderstruck by how quickly this event turned deadly.... On the video the zone car containing Patrol Officers Loehmann and Garmback is still in the process of stopping when Rice is shot.”^[8]

Neither Loehmann nor Garmback administered any first aid to Rice after the shooting.^[25] Almost four minutes later, a police detective and an agent from the Federal Bureau of Investigation, the latter of whom was working a bank robbery detail nearby, arrived on the scene and treated the boy. Three minutes after that, paramedics arrived and took him to MetroHealth Medical Center.^{[26][27][28]}

Rice’s mother said that the toy gun had been given to him to play with by a friend minutes before the police arrived, that police tackled and put her 14-year-old daughter in handcuffs after the incident, and that police threatened her with arrest if she did not calm down after being told about her son’s shooting.^[29]

A second video obtained by the Northeast Ohio Media Group and released on January 7, 2015, shows Rice’s 14-year-old sister being forced to the ground, handcuffed and placed in a patrol car after she ran toward her brother about two minutes after the shooting. It also shows that police waited for four minutes before providing any first aid to Rice.^[30]

2 Police officers involved

In the aftermath of the shooting, media outlets reported on the background of the police officers involved. Both officers have been placed on administrative leave.^[31]

2.1 Timothy Loehmann

Loehmann, who fired the shots that killed Rice, joined Cleveland’s police force in March 2014. In 2012, he had spent five months with the police department in Independence, about 13 miles (21 km) south of Cleveland, with four of those months spent in the police academy.

In a memo to Independence’s human resources manager, released by the city in the aftermath of the shooting, Independence deputy police chief Jim Polak wrote that Loehmann had resigned rather than face certain termination due to concerns that he lacked the emotional stability to be a police officer. Polak said that Loehmann was unable to follow “basic functions as instructed”. He specifically cited a “dangerous loss of composure” that occurred in a weapons training exercise, during which Loehmann’s weapons handling was “dismal” and he became visibly “distracted and weepy” as a result of relationship problems. The memo concluded, “Individually, these events would not be considered major situations, but when taken together they show a pattern of a lack of maturity, indiscretion and not following instructions, I do not believe

time, nor training, will be able to change or correct these deficiencies.” It was subsequently revealed that Cleveland police officials never reviewed Loehmann’s personnel file from Independence prior to hiring him.^{[16][32]}

2.2 Frank Garmback

Garmback, who was driving the police cruiser, has been a police officer in Cleveland since 2008. In 2014, the City of Cleveland paid US\$100,000 to settle an excessive force lawsuit brought against him by a local woman; according to her lawsuit, Garmback “rushed and placed her in a chokehold, tackled her to the ground, twisted her wrist and began hitting her body” and “such reckless, wanton and willful excessive use of force proximately caused bodily injury”. The woman had called the police to report a car blocking her driveway.^[33] The settlement does not appear in Garmback’s personnel file.^[34]

3 Aftermath

3.1 Investigation

The Cleveland Police Department received statements from both Loehmann and Garmback. They announced they were looking for additional witnesses to the shooting, including a man who was recorded walking with Rice in the park before the shooting. Their results will be presented to a grand jury for possible charges.^[28]

On January 1, 2015, the Associated Press reported that Cleveland police department officials were looking for an outside agency to investigate the Rice shooting, as well as handle all future investigations related to deadly use-of-force incidents.^[35]

On May 15, *Mother Jones* magazine reported that, six months after the shooting, while the sheriff’s department announced that it had almost concluded its investigation of the shooting, neither of the two officers involved had yet been interviewed by investigators from the Cuyahoga County Sheriff’s Office. It also reported that as of that time Frank Garmback, the officer who drove the police car, was not under criminal investigation.^[36]

On June 3, the Cuyahoga County Sheriff’s Office released a statement in which they declared their investigation to be completed and that they turned their findings over to prosecutor Tim McGinty, who is expected to review the report and decide whether to present evidence to a grand jury.^[15] In response to a petition from citizens, on June 11 Municipal Court Judge Ronald Adrine agreed that “Officer Timothy Loehmann should be charged with several crimes, the most serious of them being murder but also including involuntary manslaughter, reckless homicide, negligent homicide and dereliction of duty.” Judge Adrine also found probable cause to charge Officer Frank Garmback with “negligent homicide and dereliction of duty.”

His opinion was forwarded to city prosecutors and Cuyahoga County Prosecutor Timothy McGinty, who as of that date had not yet come to a decision on whether to present the evidence to a grand jury.^[37]

3.1.1 Report

On June 13, Cuyahoga County Prosecutor Tim McGinty released a redacted 224-page report of the investigation.^[38] The report includes interviews with at least 27 people, including teachers, friends, and the person that called 911. Loehmann and Garmback declined to be interviewed.^[39]

The report includes accounts from several witnesses, none of whom heard officers issue a warning to Rice before opening fire, contradicting statements made by police that Loehmann shouted “show your hands” three times before firing.^[40]

Two independent conclusions about the use of force were submitted to the Cuyahoga County prosecutor’s office by outside experts, one by retired FBI agent Kimberly Crawford, a second by Colorado prosecutor S. Lamar Sims. Both reported that the shooting of Tamir Rice was reasonable under the circumstances.^[41]

3.2 Inconsistencies in police account

The initial account was given by Deputy Chief of Field Operations Ed Tomba, before the video emerged:^[21]

1. Police said that Rice was seated at a table with other people. The video showed that Rice was alone.^[42]
2. Police said that as they pulled up, they saw Rice grab the toy gun and put it in his waistband. This is not supported by the video.^[43] Judge Adrine said the video does not show the toy gun in Rice’s hands in the moments immediately before as the zone car approaches.^[8]
3. Police said they got out of the car and told Rice three times to put his hands up but he refused. The video shows Rice being shot almost immediately after Loehmann exits the vehicle.^{[8][44]}
4. Police said that Rice then reached into his waistband and pulled out the toy gun, and was then shot and killed by Officer Timothy Loehmann. The video shows that Rice did not pull out the toy gun.^[44] In the video, Rice is using both hands to hold his shirt up and expose the pellet gun to view just before he falls to the ground.
5. Police described the toy gun as looking real and later explained that the neon tip of the toy gun was missing.^[9] However the police never saw Rice brandish or point the pistol at them to determine if the orange cap was actually missing or not.^[9]

3.3 Wrongful death claim

On December 5, 2014, Rice’s family filed a wrongful death claim against Loehmann, Garmback, and the City of Cleveland in the United States District Court for the Northern District of Ohio. The eight-page claim accused Loehmann and Garmback of acting “unreasonably, negligently [and] recklessly” and that “[h]ad the defendant officers properly approached Tamir and properly investigated his possession of the replica gun they would undoubtedly have determined ... that the gun was fake and that the subject was a juvenile”. It also accused the City of Cleveland for failing to properly train both officers, as well as failing to learn about the Independence police department’s internal memo about Loehmann.^{[45][46][47]} A U.S. District Court will hold a hearing in June 2015 to decide whether to delay the lawsuit while the criminal investigation is still pending.^[48]

3.4 Protests

In the wake of the shooting, protests and public outcry broke out in Cleveland, although they were relatively minor. However, on November 25, 2014, a day after a grand jury decision to not indict the police officer who fatally shot Michael Brown, the Cleveland protests became more prominent. That day, about 200 protesters marched from Public Square to the Cleveland Memorial Shoreway, causing the latter to be shut down temporarily.^{[14][28]} Rice’s family pleaded with the protesters to remain peaceful in their activities, saying, “Again, we ask for the community to remain calm. Please protest peacefully and responsibly.”^[49]

On December 5, Ohio Governor John Kasich established a task force to address community-police relations in response to Rice’s shooting and other similar incidents.^[50]

Rice’s death has been cited as one of several police killings which ‘sparked’ the nationwide Black Lives Matter movement.^{[51][52][53]}

3.5 Media coverage

The incident received national and international coverage, in part due to the time of its occurrence, coming shortly after the recent police shooting of Michael Brown in Ferguson, Missouri; the death of Eric Garner in Staten Island, New York; the police shooting of Akai Gurley in Brooklyn, New York just two days before; the shooting of John Crawford III in Dayton, Ohio; and the subsequent unrest following these incidents had attracted worldwide attention.

The Northeast Ohio Media Group was criticized for publishing a news story on Rice’s parents’ criminal records.^{[54][55]}

3.6 Funeral service

A funeral service for Rice was held at the Mount Sinai Baptist Church on December 3, 2014, with about 250 people in attendance. He was remembered “for his budding talents and described [him] as a popular child who liked to draw, play basketball and perform in the school’s drum line.” Family members criticized Loehmann for acting too quickly in Rice’s shooting.^{[56][57]}

4 See also

- Shooting of Andy Lopez
- Shooting of Michael Brown
- Shooting of John Crawford III
- Shooting of Ezell Ford
- Death of Eric Garner

5 References

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6 External links

- Video footage of the shooting
- Use of Deadly Force by Law Enforcement Officers (Connecticut)

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7.1 Text

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