

August 5, 2022

Mayor Daniel Horrigan
166 South High St., Suite 200 Municipal Building
Akron, OH 33408

Margo Sommerville
President of Akron City Council
1911 Collier Rd.
Akron, OH 44320

Police Chief Stephen Mylett
Akron Police Department
217 South High St.
Akron, OH 44308

Dear Mayor Horrigan, City Council President Sommerville, and Chief Mylett:

The Legal Defense Fund (LDF)¹ is the nation’s first and foremost civil rights and racial justice legal organization. Founded in 1940 under the leadership of Thurgood Marshall, LDF was launched at a time when the nation’s aspirations for equality and due process of law were stifled by widespread, state-sponsored racial inequality.² From that era to the present, LDF’s mission has been transformative—to achieve racial justice, equality, and an inclusive society, using the power of law, narrative, research, and people to defend and advance the full dignity and citizenship of Black people in America. LDF’s litigation, policy advocacy, organizing, and public education programs seek to ensure the fundamental rights of all people, including the right to a fair and just judicial system. As part of that tradition, for more than 80 years, LDF has fought to address unconstitutional and racially discriminatory law enforcement conduct,³ as well as racial bias throughout the criminal legal system.

Given LDF’s mission and purpose, especially our concerns with the harms of abusive policing in Black communities, we are deeply disturbed by the police killing of Jayland Walker and the city’s response to protestors seeking justice and accountability for the shooting. On June 27, 2022, an attempted stop of Jayland Walker for an alleged equipment violation resulted in eight officers of the Akron Police Department (“APD”)

¹ LDF has been an entirely separate organization from the NAACP since 1957.

² In 2015, LDF launched its Policing Reform Campaign, now called the Justice in Public Safety Project, which works through litigation, policy, community organizing, research and communications to (1) ensure accountability for police brutality and misconduct; (2) promote public safety practices that eliminate the pernicious influence of racial bias; and (3) support a new paradigm of public safety that drastically reduces the presence of armed law enforcement in communities of color.

³ See, e.g., *Tennessee v. Garner*, 471 U.S. 1 (1985) (a seminal case that held, for the first time, that police officers cannot shoot “fleeing felons” who do not pose a threat to officers or members of the public); see also *Davis, et al. v. City of New York, et al.*, 902 F. Supp. 2d 405 (S.D.N.Y. 2012).

firing a barrage of nearly 100 bullets at Mr. Walker, who was unarmed.⁴ After he had been shot over 40 times, officers inexplicably handcuffed him.⁵ Police killings of Black people in the United States are all too frequent, yet each act of violence has deep, long-lasting, and reverberating consequences, particularly for the families and communities that lose a member of their own. We have repeatedly witnessed the destabilizing impact of police violence—from the beating of Rodney King in Los Angeles to the killing of Michael Brown in Ferguson, Missouri, Eric Garner in New York City, Breonna Taylor in Louisville, Kentucky, and countless others. In the aftermath of such police violence, the response of local law enforcement agencies and government officials to protests, demonstrations of grief, and calls for accountability and justice can either exacerbate the harms or begin the long-term process of repairing underlying injustices. We urge you, as leaders of Akron, to choose a path that will resolve any inequities and injustices that contributed to the fatal police shooting of Jayland Walker by addressing the demands of local and regional community leaders that have been recently outlined.

Understandably, the police killing of Jayland Walker sparked protests in the city of Akron.⁶ As part of their responsibilities to fully protect First Amendment rights, city officials must do their best to facilitate peaceful protests stemming from that tragedy. Yet, in Akron, the militarized law enforcement response to recent protests, and reports of law enforcement harassment of protesters, give us serious concern. In one alarming incident, video footage from July 6, 2022, shows three officers restraining Michael Harris, a 37-year-old Black man, holding his arms behind his back, while a fourth officer repeatedly punched the restrained Harris in the face with a closed fist.⁷ The officer did not stop punching Harris until the group of five fell to the ground. We understand this incident is under investigation, and await the results as such excessive force should not be tolerated. Such incidents must also be prevented by facilitating and protecting protestors rather than utilizing militarized police presence, which can escalate tensions, impede peaceful protestors, and result in unnecessary uses of force.

The arrests of—and force used on—Bianca Austin and Jacob Blake, Sr. are also deeply troubling. Ms. Austin, Breonna Taylor’s aunt, was reportedly arrested and charged with rioting, disorderly conduct, and failure to disperse, and a warrant has been issued for Jacob Blake Sr., whose own son was shot by police in Kenosha, Wisconsin.⁸

⁴ Dakin Andone, *What we know about the fatal police shooting of Jayland Walker*, CNN (July 5, 2022, 3:57 PM ET), <https://www.cnn.com/2022/07/04/us/jayland-walker-shooting-what-we-know/index.html>.

⁵ Mark Gillispie, *Medical examiner: Jayland Walker shot more than 40 times*, AP News (July 15, 2022), <https://apnews.com/article/jayland-walker-autopsy-results-7ebf893daf626dca6dd1bc287480b53c>.

⁶ Daniel McGraw & Luke Vander Ploeg, *Videos of Jayland Walker Shooting by Police Raise More Questions*, N.Y. Times (July 6, 2022), <https://www.nytimes.com/2022/07/03/us/akron-police-shooting-jayland-walker-video.html>.

⁷ Talia Naquin & Kevin Freeman, *Video shows Akron police officer punching protester*, Fox 8 News (July 7, 2022, 10:44 PM EDT), <https://fox8.com/news/jayland-walker/video-shows-akron-police-punching-protester/>.

⁸ Deon J. Hampton and David K. Li, *Breonna Taylor’s aunt arrested, Jacob Blake’s father sought by police in Jayland Walker protest*, NBC News, (July 7, 2022), <https://www.nbcnews.com/news/us-news/breonna-taylors-aunt-arrested-jacob-blakes-father-sought-police-jaylan-rcna37120>.

Blake Sr. was hospitalized following Akron police officers' violent arrest of him,⁹ which had caused him to have seizures and become unresponsive.¹⁰ Bianca Austin has spoken publicly about her arrest, lamenting that protesters "have been treated like terrorists," that they have been "chased down. . . [and] assaulted by the police."¹¹ Ms. Austin also expressed that her arrest was "by far the worst" experience she has had with a police department.¹²

The intimidation, threats, and harassment by Akron police officers extended beyond designated demonstration areas. At the local hospital where Jacob Blake Sr. was taken after his arrest, several activists, who arrived later that same night to show their support, were quickly met by police officers who formed a physical barrier to block the activists from the hospital.¹³ A local advocate shared with us that, the following day, eight police cruisers arrived and remained outside of the Freedom BLOC offices,¹⁴ despite Executive Director Reverend Raymond Greene Jr.'s repeated requests for them to leave.¹⁵ Meanwhile, local advocates have shared that "white lives matter" stickers have been posted around the city, which is alarming because White Lives Matter is a neo-Nazi group.¹⁶

Rather than the heavy-handed treatment of protestors seen thus far, we urge you to listen to the demands of local community leaders, who have long been advocating on behalf of Black communities in Akron. After Jayland Walker's killing, these community leaders have identified urgent measures to prevent future tragedies from occurring and to ensure accountability when they do occur.¹⁷ It is essential for city officials to engage and partner with these community groups to reduce police violence. Some of their demands include: the establishment of an Independent Truth and Reconciliation Commission, creation of a Citizen Review Board, disclosure of the officers involved in Jayland Walker's killing, ending the use of tear gas, pepper spray, and rubber bullets

⁹ Talia Naquin, *Video shows Akron police officer punching protester*, WBKN First News 27 (July 7, 2022, 4:24 PM EDT), <https://www.wkbn.com/news/ohio/video-shows-akron-police-officer-punching-protester/>.

¹⁰ Black Information Network, *Jacob Blake Sr. Says Cops "Beat" Him Into "Seizure" During Walker Protest*, Chicago Defender (July 13, 2022), <https://chicagodefender.com/jacob-blake-sr-says-cops-beat-him-into-seizure-during-walker-protest/>.

¹¹ Kristen Anzuini, *Breonna Taylor's aunt speaks out about her arrest in Akron*, Spectrum News 1, (July 10, 2022), <https://spectrumnews1.com/oh/cleveland/news/2022/07/09/breonna-taylor-s-aunt-speaks-out-about-her-arrest-in-akron>.

¹² *Id.*

¹³ *Jacob Blake's father, Breonna Taylor's aunt arrested at Jayland Walker protest in Akron*, Akron Beacon J. (July 7, 2022, 3:34 PM ET), <https://www.beaconjournal.com/story/news/2022/07/07/jayland-walker-akron-police-arrest-protesters-jacob-blake-bianca-taylor/7827915001/>.

¹⁴ @thefreedomBLOC, Twitter (July 7, 2022, 10:26 PM), <https://twitter.com/thefreedomBLOC/status/1545232828098650112>.

¹⁵ Video on file with LDF.

¹⁶ Southern Poverty Law Center, *Extremist Files*, <https://www.splcenter.org/fighting-hate/extremist-files/group/white-lives-matter>.

¹⁷ Statement from the Freedom BLOC, Akron Democratic Socialists of America, & Serve the People Akron, (July 6, 2022), https://drive.google.com/file/d/1UjHYFr9sNih8c8QoAKJpnRz4mQKKq_zM/view.

against protestors, among others. These reasonable demands are an important starting point to begin needed conversations and address the disturbing actions by the city and Akron Police Department in recent weeks.

We understand that, on July 15, 2022, you announced updates related to recommendations from a Racial Equity and Social Justice Taskforce.¹⁸ However, these measures do not address the broader and deeper systemic issues identified in the demands made by local community groups and will fail to fully resolve the present crisis underway. As we have seen countless times before, only through true partnership with impacted communities can there be substantive progress towards a fair and just criminal legal system. For the benefit of all residents of Akron, we urge you to engage in that community partnership.

Thank you for your consideration of these important matters. Should you have any questions, please do not hesitate to contact Puneet Cheema, Manager of LDF's Justice in Public Safety Project, at pcheema@naacpldf.org, or myself at jlee@naacpldf.org.

Sincerely,



Jin Hee Lee
Director of Strategic Initiatives
NAACP Legal Defense & Educational Fund

¹⁸ Press Release, City of Akron, Mayor Horrigan Announces Updates Related To Racial Equity And Social Justice Taskforce Recommendations (July 15, 2022), <https://www.akronohio.gov/cms/news/65c1a779c76d2760/index.html>.