

PRESS RELEASE

Cases against Brelo Protesters Dismissed, Shows Arrests were Unfounded and Unlawful, Says Ohio Chapter of the National Lawyers Guild and Cleveland Branch of the NAACP

CLEVELAND, OHIO — On May 23, 2015 over 70 individuals were arrested during the protests following the acquittal of Cleveland Police Officer Michael Brelo. After several hours of peaceful protest, protesters were herded into a small alley in downtown Cleveland. The police advanced toward the peaceful protesters in full riot gear, blocking off all exits, and giving no opportunity to disperse. Protesters were trapped in the alley. Approximately 53 protesters, who were exercising their free speech rights, were hauled away in an unlawful mass arrest and subsequently charged with “failure to disperse.” Additionally, four individuals were arrested on felony charges.

On orders from Cleveland City officials, police held protesters in jail without a legal basis for 36 hours violating the protesters’ right to prompt due process. The protesters were held in deplorable conditions. Cleveland Police intentionally ignored protesters’ constitutional rights, punishing them for engaging in peaceful demonstrations.

During the protests, the Ohio Chapter of the National Lawyers Guild (NLG) coordinated multiple teams of Legal Observers throughout the day and throughout the city. Legal Observers act in defense of free speech and constitutional rights, documenting law enforcement/government conduct in violation of these fundamental rights. Notably, two Legal Observers were also arrested while serving in their capacity as third-party observers of the protests and police. A member of the media was also mistakenly arrested.

In response to the arrests, attorneys from the Cleveland Branch of the NAACP, the Ohio NLG, the Office of the Ohio Public Defender, and a cadre of volunteer lawyers provided free representation for arrested protesters to protect their constitutional right to peacefully assemble.

The attorneys were present at all arraignments, and for those who chose to contest their cases, the attorneys worked the cases for over five months before final resolution. We are pleased to announce that as of this week all of the misdemeanor cases have been resolved. The persistence of the fourteen protesters who fought their cases was worthwhile: their cases were either dismissed by the Prosecutor or dismissed by the Court. The dismissals of these cases indicates that the arrest and prosecution of the protesters who were engaged in peaceful demonstrations were unfounded.

The actual cost to the City of Cleveland and taxpayers for these cases should not be ignored. The City spent approximately \$1.8 Million related to the protests, including salaries and unnecessary overtime for police, support staff and court personnel to process, prosecute, and eventually dismiss the charges.

The public has a right to be concerned about systemic problems regarding the manner in which police interact with the public. The public has a right to demand more accountability from the Cleveland Police, who are sworn to “protect and serve.” Likewise, the public has a right to question the City’s decision to prosecute peaceful demonstrators by forcing them to go through protracted judicial proceedings and conclude, several months later, that there is a “lack of evidence.”

There are lessons to be learned here. Hopefully the City of Cleveland and, particularly, the Cleveland Division of Police will respect the constitutional rights of citizens to assemble and express their dissatisfaction without being arrested and persecuted.

Signed,

Jocelyn Rosnick, Esq.
Co-Coordinator
Ohio Chapter of the National Lawyers Guild

Michael L. Nelson, Sr., Esq.
President-Elect
Cleveland Chapter of the NAACP

Jacqueline C. Greene, Esq.
Co-Coordinator
Ohio Chapter of the National Lawyers Guild

James L. Hardiman, Esq.
Attorney for the Cleveland NAACP
Cleveland Chapter of the NAACP

###