

PRESS RELEASE

May 17, 2016

REGARDING THE CUYAHOGA COUNTY PROSECUTOR'S OFFICE FINDINGS ON THE OCTOBER 15, 2015 SHOOTING OF MICHAEL BRENNAN

CLEVELAND – The family of Michael Brennan is disappointed in the ruling released by Cuyahoga County Prosecutor Timothy McGinty justifying the shooting and death of Michael Brennan by 6 officers, who fired over 70 shots, as Mr. Brennan tried to get out of his seriously damaged vehicle.

While we have yet to see the complete investigative file, we did view the dash camera video from the Parma Heights police vehicle stopped directly in front of Mr. Brennan's truck as it crashed into a median cement barrier on I-480. That video contradicts McGinty's findings: the video shows that within seconds of the crash, officers ran toward the vehicle and started shooting as soon as truck's door began to open. The video does not depict Brennan raising a gun, nor warnings by officers on the scene. Instead, it appeared the officers overreacted after putting themselves in a vulnerable position, contrary to basic training tactics, leading to dangerous contagion fire. Michael had no chance to surrender.

McGinty wrote that his Office "concluded that the use of force by [the involved officers] was legally justified." McGinty's announcement further notes that the Prosecutor's Office presented this case to a Grand Jury. Though the announcement states that the Grand Jury found that "the actions of these officers were objectively reasonable and justified under the law," it does not indicate whether the Grand Jury voted on whether to indict, and does not reference the issuance of a No Bill or True Bill with respect to criminal charges considered against the involved officers.

It is critical to note that questions about whether the involved officers committed criminal offenses are separate and distinct from questions about whether the officers engaged in unconstitutional policing or whether they violated Michael Brennan's civil rights. Any conclusion by the Prosecutor's Office and any vote by the Grand Jury, if it has indeed been taken, does not address, nor resolve, the question of whether the use of force against Michael Brennan was constitutional.

Though Michael Brennan struggled with serious drug addiction issues, and though his alleged participation in a robbery on October 15, 2015 is troubling, he – like any one of us – did not deserve to be shot and killed without justification. Mr. Brennan had a loving family, and his loss is felt deeply by all of those who cared for him. The family will demand the full investigative file and will seek to engage in an independent review to determine what steps are available in getting to the truth and seeking justice.

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