

**From:** mburkons@aol.com  
**Sent:** Friday, November 27, 2020 4:08 PM  
**To:** mburkons@aol.com  
**Subject:** FW: Beachwood and George Floyd and real things the City can do!

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**From:** Mike Burkons  
**Sent:** Monday, July 13, 2020 9:42 AM  
**To:** [clevelandheightscouncil@clvhts.com](mailto:clevelandheightscouncil@clvhts.com)  
**Cc:** [amn38@case.edu](mailto:amn38@case.edu)  
**Subject:** FW: Beachwood and George Floyd and real things the City can do!

Cleveland Hts. City Manager and Council,

I am a Beachwood City Councilmember and am very disappointed to receive the emails below from Alix Nouredine, a person listed as the Assistant Law Director in Cleveland Hts.

In his position, he must know that once a Councilmember is made aware that a complaint has been filed in regards to the behavior/conduct of an employee in the police department, and that it was addressed almost two years ago by the Chief, Mayor and law director to our satisfaction, that Councilmember should not decide to insert themselves into this issue that may result in employee discipline.

Let me ask you this. If there was an issue in Cleveland Hts., where 1) potential discipline of a police department employee was a possibility, 2) Council was made aware of it and felt that the complaint had been taken seriously and handled appropriately by the Chief, Law Director, HR person and Mayor, and 3) almost two years after the incident happened, the assistant law director from a different city emails Council expressing his dismay at the issue and its resolution and wants Councilmembers to insert ourselves in this issue that has already been resolved, would it be appropriate for a Councilman to insert themselves into this issue two years later?

I understand he wrote this as a resident and not as the assistant law director of Cleveland Hts. but in that position, he must know it would be completely inappropriate for a Councilmember to insert themselves into this situation which was already resolved simply because a resident demanded so. The entire email trail is below but it's troubling that he wrote the following...

***“Regardless, during a time when conversations need be had and responses are necessary, it is deeply unfortunate that you and your colleagues were instructed not to respond—and actually listened. Poor demonstration of leadership and accountability on behalf of Council and the Mayor. I expect more from my elected officials.***

***As a member of the legislative body of the City, there is very much you and your colleagues could do, as you have already identified. So instead of worrying about competitive bidding or when you get your Council packets, maybe Council should refocus on matter of particular import. Oh, and actually respond to their constituents rather than hide.”***

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**From:** Mike Burkons

**Sent:** Monday, July 13, 2020 8:26 AM

**To:** Alix Nouredine <[amn38@case.edu](mailto:amn38@case.edu)>

**Cc:** James Pasch <[James.Pasch@beachwoodohio.com](mailto:James.Pasch@beachwoodohio.com)>; Martin S. Horwitz <[mayor@beachwoodohio.com](mailto:mayor@beachwoodohio.com)>; Barbara Janovitz <[Barbara.Janovitz@beachwoodohio.com](mailto:Barbara.Janovitz@beachwoodohio.com)>; Justin Berns <[Justin.Berns@beachwoodohio.com](mailto:Justin.Berns@beachwoodohio.com)>; Alec Isaacson <[Alec.Isaacson@beachwoodohio.com](mailto:Alec.Isaacson@beachwoodohio.com)>; Eric Synenberg <[Eric.Synenberg@beachwoodohio.com](mailto:Eric.Synenberg@beachwoodohio.com)>; June Taylor <[June.Taylor@beachwoodohio.com](mailto:June.Taylor@beachwoodohio.com)>

**Subject:** Re: Beachwood and George Floyd and real things the City can do!

Alix,

I am glad you got what you were seeking. The likely reason no other Council member got involved was that this was an matter of potential discipline of a city employee, we are told not to involve ourselves in those matters and I didn't see how it would help when it was made clear to us that the law director was already getting you the documents you were seeking.

As the Assistant Law Director of the City of Cleveland Hts, I would think you would understand that?

Mike Burkons

Sent from my iPhone

On Jul 13, 2020, at 8:10 AM, Alix Nouredine <[amn38@case.edu](mailto:amn38@case.edu)> wrote:

Yes, I did receive it — thank you. And thank you for being proactive and reaching out to me. The same cannot be said for the mayor or your colleagues on council.

Sent from my iPhone; please excuse brevity and errors

On Jul 12, 2020, at 10:25 PM, James Pasch <[James.Pasch@beachwoodohio.com](mailto:James.Pasch@beachwoodohio.com)> wrote:

Hi Alix:

Just to clarify, I do want to make sure that you received the police report sent over from our law department to you in June. If you did not receive it, please let me know and I can resend.

Thank you,

James

**James Pasch**  
**Vice-President of Council**  
(216) 630-9671 - Office  
- Fax  
[James.Pasch@beachwoodohio.com](mailto:James.Pasch@beachwoodohio.com)

[<image403987.PNG>](#)

[<image0ac62a.PNG>](#)

[<image8fe4b9.PNG>](#)

25325 Fairmount Blvd  
Beachwood, OH 44122

[<image7b2a05.PNG>](#)

[<image3d215a.PNG>](#)

[<image96e59b.PNG>](#)

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**From:** James Pasch  
**Sent:** Sunday, July 12, 2020 10:16:43 PM  
**To:** Alix Nouredine; Mike Burkons  
**Cc:** Martin S. Horwitz; Barbara Janovitz; Justin Berns; Alec Isaacson; Eric Synenberg; June Taylor  
**Subject:** Re: Beachwood and George Floyd and real things the City can do!

Hi Mike - Since you asked (in your typical fashion) ... I spoke with Mr. Nouredine after I spoke with our former Chief and law department to figure out exactly what happened after he made his original call to our police department. I then also spoke with our law director who did some follow up on the matter so that we could provide Mr. Nouredine with any available details.

James

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**From:** Alix Nouredine <[amn38@case.edu](mailto:amn38@case.edu)>  
**Sent:** Sunday, July 12, 2020 9:43:47 PM  
**To:** Mike Burkons  
**Cc:** Martin S. Horwitz; James Pasch; Barbara Janovitz; Justin Berns; Alec Isaacson; Eric Synenberg; June Taylor  
**Subject:** Re: Beachwood and George Floyd and real things the City can do!

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Think before you click links or open attachments.

Why were you instructed not to respond? If the officer acted appropriately, there'd be no reason not to respond.

Regardless, during a time when conversations need be had and responses are necessary, it is deeply unfortunate that you and your colleagues were instructed not to respond—**and actually listened**. Poor demonstration of leadership and accountability on behalf of Council and the Mayor. I expect more from my elected officials.

As a member of the legislative body of the City, there is very much you and your colleagues could do, as you have already identified. So instead of worrying about competitive bidding or when you get your Council packets, maybe Council should refocus on matter of particular import. Oh, and actually respond to their constituents rather than hide.

Sent from my iPhone; please excuse brevity and errors

On Jul 12, 2020, at 9:08 PM, Mike Burkons  
<[mike@burkonsforbeachwood.com](mailto:mike@burkonsforbeachwood.com)> wrote:

We were instructed not to respond.

Please explain what James did besides respond? Please tell me and explain why his response isn't lip service. I didn't respond bc I know there is nothing I (or James) has the authority to do, or will do. I think it would be lip service to call and represent it differently.

However, if I can get 3 more people to vote for this, it can be an impactful policy.

Mike

Sent from my iPhone

On Jul 12, 2020, at 8:28 PM, Alix Nouredine  
<[amn38@case.edu](mailto:amn38@case.edu)> wrote:

You, and your colleagues on council with the exception of James, literally didn't respond to my email identifying a white beachwood officer harassing a black child. And now this? Mere lip service. Thanks, though.

Sent from my iPhone; please excuse brevity and errors

On Jul 12, 2020, at 8:10 PM,  
Mike Burkons  
<[mike@burkonsforbeachwood.com](mailto:mike@burkonsforbeachwood.com)> wrote:

**Beachwood and George Floyd and  
real things the City can do!**

The reaction we are seeing in the wake of George Floyd's murder is almost identical to protests and civil unrest that came after other high-profile police killings captured on video like Tamir Rice, Freddie Gray, Walter Scott, Philando Castile. After each of these incidents there are protests and town hall meetings where everyone agrees that status quo thinking needs to be challenged along with some uncomfortable

conversations in order for real change to happen. Sadly, I haven't heard anything that challenges status quo thinking or makes anyone feel uncomfortable.

Let's be honest, unless you are in a room full of racists, there is nothing uncomfortable about publicly condemning and expressing outrage about George Floyd's murder, racism and unjust use of force. Doing so is about as brave as coming out publicly against Cancer. Despite what I believe are authentic intentions, these events usually end up being a discussion where the only takeaway is the promise of more discussions.

I wouldn't be writing this if I didn't have the following idea/suggestion I feel should be discussed and considered. Please hear me out...

I propose that the City of Beachwood pass an ordinance mandating that anytime a death or injury is caused by police use of force, the City will publicly post all the relevant audio and video of the incident in their possession, within 7 days unless a compelling reason is provided to explain the detriment from doing so. Here is why this is important...

It is not a coincidence that since Rodney King in 1991, almost every instance that triggered public outrage was a result of video footage captured by private individuals, instead from police body or dash cameras, despite their increased acceptance and prevalence. This is because when an incident happens and the police-controlled footage is requested, rarely is it released immediately and the status quo reason provided for the denial is almost always, "we don't

release footage of a potential pending investigation". If it is released at all, it is usually months or even more than a year later when the outrage isn't as raw and most people have moved on.

Can anyone explain why no one has challenged this status quo response and asked why it matters if there is a pending investigation? In all these high profile instances where the footage was from a private citizen (Rodney King, Eric Gardner, Walter Scott, George Floyd) there were pending investigations and the immediate release of the footage didn't hamper them. Why would that be any different if the footage came from a police body or dash camera?

Last November there was a police shooting in East Cleveland and they released the footage to the media the same day despite a pending investigation. If you go to the City of San Diego Police Department Facebook page, they post the footage of all officer involved shootings usually within 2-3 days of their occurrence. The latest post is on June 10<sup>th</sup> with footage from a shooting the previous day. The non video part of the post reads, "We are committed to being open and transparent with the public. This is a critical incident video regarding an officer involved shooting that took place yesterday, July 9<sup>th</sup>, 2020. Viewer discretion is advised". We like to talk about our desire for Beachwood to be leader and ahead of the curve on these things. However, if we want to be a leader, we first have to catch up to East Cleveland and San Diego.

My hope and belief is in a City like Beachwood, it will be rare when these incidents happen. If and when they



do, I hope and believe the footage will show the use of force was reasonable and justified. If it doesn't, we will deal with it. We won't run from it. We won't try to sweep it under the rug and hide it and at a minimum the public will know there will be accountability and transparency. Some may view this proposed policy as anti-police or that I am anti-police for suggesting it. Neither are true. I won't hesitate to publicly defend a police officer's use of force when I believe it to be justified. However, if it is not, I will also share that belief and call for accountability.

I am not naïve enough to believe that this proposal is a magic bullet that will solve all the complicated issues part of this discussion. That magic bullet doesn't exist but this policy will move the ball forward and give the public confidence that we take this issue and transparency extremely seriously.

There is a huge difference between espousing the importance of transparency and actually living those words and operating in a transparent way. As a City, Beachwood needs to make the choice to do the latter.

Sincerely,

Mike Burkons