

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 1:15-CV-01046
	)	
Plaintiff,	)	
	)	JUDGE SOLOMON OLIVER, JR.
vs.	)	
	)	<b><u>NOTICE SUBMITTING MONITOR'S</u></b>
CITY OF CLEVELAND	)	<b><u>RECOMMENDATION REGARDING</u></b>
	)	<b><u>THE UNITED STATES OF</u></b>
Defendant.	)	<b><u>AMERICA'S MOTION TO ENFORCE</u></b>
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The Monitor respectfully submits this recommendation to the Court regarding the Cleveland Community Police Commission's Access to Information. This recommendation is made following a review and analysis of the *Motion to Enforce the Cleveland Community Police Commission's Access to Information* filed by United States of America on July 15, 2021, the City of Cleveland's *Response to Motion to Enforce the Cleveland Community Police Commission's Access to Information* filed on July 29, 2021, and Monitoring Teams' continued engagement on issues relevant to this matter throughout the implementation of the Consent Decree.

The longstanding and seemingly unrelenting divide between the City of Cleveland and the Cleveland Community Police Commission (CPC), specifically regarding the CPC's limited access to information was a key topic discussed during a March 2021 meeting requested by the Monitoring Team. As follow-up, the CPC produced a list of all its requests, both outstanding and fulfilled. The City of Cleveland reviewed the list and provided its response. As evident from the

list and the discussion at the March 2021 meeting, the scope afforded to the CPC under the Settlement Agreement remains a constant question and source of objection from the City.

The Settlement Agreement envisions a broad role for the CPC. Paras. 15, 17(c), 18(b). The objections the City has placed to date on CPC access to information and documents is not consistent with its broad mandate and will serve to inhibit its ability to make recommendations to the Chief and report to the “City and community...to provide transparency on police department reforms.” Para. 15 (a-c). Moreover, the often-extensive delay in responses from the City – as detailed in the attached list of requests – also is not in line with the broad CPC mandate.

The Monitoring Team is not the day-to-day arbiter of these specific intra-city disputes. The Monitoring Team will report to the Court whether the City is in compliance with the terms of the Settlement Agreement and will advise along those lines, but it is the responsibility of the City to help the CPC and CDP come to terms about information flow and access. Ultimately, if the City cannot resolve the workings of the CPC, which is a component of the Settlement Agreement, it cannot come into compliance. It is in that context that the Monitoring Team believes guidance from the Court to the City is essential – inclusive of CDP and CPC – with some rules of engagement.

While the Settlement Agreement is silent on timelines, the Monitoring Team advises the Court that the requirement that the “City will provide access to all information related to its mandate” necessarily implies a timeliness requirement. Some CPC requests for information and documents have languished without meaningful response for many months, and too often, for more than a year.

In order to avoid future impasses and to provide the City with a roadmap to compliance regarding these matters, the Monitoring Team recommends that the Court issue the Order

requested by the DOJ in the Motion filed on July 15, 2021. Further, the Monitor and members of the Monitoring Team are prepared to testify regarding these matters in detail.

Respectfully submitted,

/s/ Hassan Aden

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2021, I served the foregoing document entitled **NOTICE**  
**SUBMITTING MONITOR'S RECOMMENDATION REGARDING THE UNITED**  
**STATES OF AMERICA'S MOTION TO ENFORCE** via the court's ECF system to all counsel  
of record.

/s/ Ayesha Hardaway  
AYESHA HARDAWAY