

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:15 CV 1046
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
CITY OF CLEVELAND,)	
)	
Defendant)	<u>ORDER</u>

In accordance with paragraph 350 of the parties' Settlement Agreement, an independent monitor was established to "assess and report whether the requirements of this Agreement have been implemented, and whether this implementation is resulting in constitutional and effective policing, professional treatment of individuals, and increased community trust of CDP." (Settlement Agreement at PageID #164, ECF No. 3-1.) Paragraph 355 of the Settlement Agreement provides that:

[t]he Monitor will be appointed for a period of five years from the Effective Date and will have its appointment extended automatically should the City and CDP not demonstrate Substantial and Effective Compliance at the end of this five-year period. The extension of the Monitor beyond seven years will be allowed only if the Court determines that it is reasonably necessary in order to assess and facilitate Substantial and Effective Compliance with this Agreement. The Monitor's appointment will terminate prior to five years if the City has achieved Substantial and Effective Compliance for the time specified in paragraph 401.

(*Id.* at PageID #165.) In compliance with paragraph 355, on October 1, 2015, the court approved the

parties' joint Motion to approve selection of a monitor to serve for a five-year period. (ECF No. 25.) Having determined that the City and CDP was not in compliance with the Settlement Agreement, the Monitor was automatically extended for an additional two-year period, pursuant to paragraph 355. Seven years have passed since the court's Order (ECF No. 25), approving the Monitor. Accordingly, for the continued use of the Monitor in this case, the court must determine "that it is reasonably necessary in order to assess and facilitate Substantial and Effective Compliance with" the parties' Settlement Agreement. (Settlement Agreement at PageID #165, ECF No. 3-1.) Based on the Monitor's 11th Semiannual Report and information provided by the Monitor and the parties at the September 22, 2022 Status Conference, it is clear that, while the City has made substantial progress, it has not yet achieved substantial and effective compliance at this time. Therefore, the court finds that the continued use of the Monitor is necessary to assess and facilitate substantial and effective compliance with the parties' Settlement Agreement. Accordingly, the court extends the Monitor for a period of two (2) years from the date of this Order.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

October 13, 2022