

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

UNITED STATES OF AMERICA,)	CASE NO.: 1:15CV1046
)	
Plaintiff,)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
CITY OF CLEVELAND,)	<u>REPLY IN SUPPORT OF MOTION TO</u>
)	<u>ENFORCE THE CLEVELAND</u>
Defendant.)	<u>COMMUNITY POLICE COMMISSION'S</u>
)	<u>RIGHT TO ACCESS INFORMATION</u>

The City of Cleveland's Response (Dkt. # 370) to the United States' Motion to Enforce the Cleveland Community Police Commission's ("CPC") Right to Access Information (Dkt. #365) underscores why the relief requested is necessary. The United States' Proposed Order seeks to establish a reasonable and predictable timetable for responses to CPC information requests and a consistent method to timely resolve disputes over the City's obligation to provide information. The City's response continues to dispute the CPC's entitlement to the requested information, admits that many CPC requests are still outstanding, and includes no commitments

on when it will provide the requested information. The City's opposition to orderly resolution exemplifies the need for the Court-ordered procedure requested by the United States.¹

The City has taken a firm position on the scope of the CPC's mandate under the Settlement Agreement ("SA") between it and the United States (Dkt. #7-1) (*see, e.g.*, Response, Dkt. #370 at pp. 1-2, 8), and it acknowledges that this position is at odds with the view of the Monitoring Team, the CPC, and the United States on the issue. (*see, e.g.*, Dkt. #370 at pp. 3, 5, 8). The City does not deny that this fundamental disagreement on the CPC's role in the reform process has created numerous disputes over the CPC's access to information that have taken months and even years to resolve, and that in some cases remain unresolved to this day.² Accordingly, the City's position—denying the Motion and an orderly process it would establish—would only serve to further frustrate the SA provisions providing the CPC access to information (Dkt #7-1, par. 19) and breed further protracted conflict over future CPC requests.

The City does not deny that while in many cases it has ultimately provided some of the requested information to the CPC, it has often done so only after repeated requests, months of delay, and intervention by the Monitoring Team and the United States. Indeed, the City acknowledges that there are currently outstanding data requests from the CPC, but even in the

¹ The City asserts that the United States filed its Motion "unexpectedly," ignoring the numerous protracted discussions the parties have held to try to resolve these issues and the notice given by the United States that it would be filing such motions on issues where the parties have been unable to reach resolution.

² While the City unilaterally declares that the Parties, the Monitoring Team, and the CPC have reached a "compromise and agreement" on the City's obligation to directly provide the CPC with discipline letters, only the City considers this matter resolved. (Dkt. #370 at p. 6). The City's arguments against providing this information also fail. The City gives no meaning to the word "disclose" in the SA while conceding that the letters are public records, demonstrating that the letters would not "disclose" any personnel action. And the City is willing to allow CPC access to the letters as long as it does not bear the burden of production, further undermining its position that the letters are beyond the scope of the CPC's mandate.

face of a motion seeking to compel that information, the City does not commit to when—or even whether—it will do so. (Dkt. #370 at pp. 7-8). Without the United States’ Proposed Order establishing deadlines for responses and a mechanism for resolving disputes, the City will continue its longstanding pattern of unreasonable restrictions on the information it provides to the CPC and of lengthy delays in providing that information.

CONCLUSION

The City’s Response highlights the need for the deadlines and dispute-resolution process outlined in the Proposed Order attached to the United States’ Motion. The Court should grant the Motion and enter the Proposed Order.

Respectfully submitted,

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