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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Judge Oliver
)	Cleveland, Ohio
vs.)	
)	Civil Action
CITY OF CLEVELAND,)	Number 1:15CV1046
)	
Defendant.)	

- - - - -

TRANSCRIPT OF PROCEEDINGS HAD BEFORE

THE HONORABLE SOLOMON OLIVER

JUDGE OF SAID COURT,

ON FRIDAY, JUNE 12, 2015

- - - - -

Official Court Reporter:	Shirle M. Perkins, RDR, CRR
	U.S. District Court
	801 West Superior, #7-189
	Cleveland, OH 44113-1829
	(216) 357-7106

Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription.

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APPEARANCES:

For the Plaintiff:

CAROLE S. RENDON,
RASHIDA OGLETREE,
EMILY GUNSTON,
Office of the US Attorney
Suite 400
801 W. Superior
Cleveland, OH 44113
(216) 622-3600

For the Defendant:

JOSEPH F. SCOTT, ESQ.
Scott & Winters
Suite 1325
815 Superior Ave., E
Cleveland, OH 44114
(440) 498-9100

GARY S. SINGLETARY,
City of Cleveland
Department of Law
Ste. 106
601 Lakeside Avenue
Cleveland, OH 44114
216-664-2737

1 FRIDAY SESSION, JUNE 12, 2015, AT 9:00 A.M.

2 * * * * *

3 THE COURT: All right.

4 Well, I've taken quite a bit of time here, but I don't
10:51:21 5 regret taking any of it. This is an important matter. And
6 first, let me say congratulations to the City of Cleveland,
7 and to the United States in working cooperatively to bring
8 this agreement about. It -- it is comprehensive, and I
9 think it addresses that which should be done anyway. I know
10:52:03 10 there are some who may view this decree negatively, but I
11 hope it's not very many. And I should hope that those who
12 do view it negatively, when they are fully educated about
13 its intent, its purposes, that those views will be changed.

14 Just as I'm a Judge and I take an oath as a public
10:52:35 15 official to do equal right to the rich and the poor and take
16 an oath to uphold the constitution of the United States, so
17 do police officers take an oath. And there are many other
18 Government officials, law directors and Assistant United
19 States Attorneys, we have the public trust, and I think
10:53:11 20 we're all proud of the fact that we have the public trust.
21 And it imposes a special obligation on us with regard to the
22 public.

23 We are accountable to the public. We are not the
24 enemy of the public. And we don't want to be perceived that
10:53:30 25 way. And at the same time, we want sufficient flexibility

1 to carry out responsibilities that we have. And so as -- I
2 think that any right thinking police officer would want to
3 do what the law requires. To me that's not hard to
4 envision. If I were an officer, I think that I would want
10:54:10 5 the trust of the people. I would want them to perceive me
6 as a friend, but I would also want them to perceive me as
7 someone who would defend their rights, who would protect
8 them, and would uphold the law, but do it in a firm and fair
9 way. That's what we want from police officers, and I think
10:54:37 10 most police officers would want to be perceived that way and
11 to serve that way.

12 I think we have to call on the highest ideals of a
13 profession, and I think if we do, people will rise to the
14 occasion, at least that's my hope.

10:55:00 15 In some communities, police officers are viewed as
16 friends, as protectors, and other communities, they're
17 viewed as enemies and people who disregard the rights of
18 citizens, and I'm not here to judge in any particular case,
19 but that's a reality.

10:55:33 20 And we know that some of that is -- depends on which
21 community you live in. And we know that too many people in
22 minority communities, African-American communities, do have
23 a perception that the police are not their friend, and in
24 other communities.

10:55:51 25 This we want to alleviate, this notion, and I think

1 this consent decree, first of all, works to address that
2 problem by having Commissions that directly respond to the
3 people, where the people are not separated from the police,
4 they're not separated from governance, they are brought in
10:56:14 5 as part of the process and solution. It's a process which
6 allows input. It allows feedback to people who are being
7 served. And that can't be bad.

8 Police want that. That's protection for them. They
9 will feel safer themselves in communities where people trust
10:56:38 10 them, where people are involved in understanding police
11 practices and how they operate, where people come to trust
12 they're there to help and assist.

13 There's no question in my mind that that's good for
14 citizens and it's good for the police. Everybody feels
10:57:01 15 safer. Sometimes officers say they feel afraid. They feel
16 threatened, they go into certain communities. Well, we're
17 working toward helping alleviate the distance between
18 citizens and police and trying to build trust. So that's
19 built into this decree. Who can disagree with it in a
10:57:22 20 reasonable way?

21 The other thing has to do with training. Police
22 officers have heavy responsibility. They can use force
23 where citizens cannot, and they need the opportunity to do
24 that, to carry out their job, but it cannot be unreasonable.

10:57:48 25 Lines can be drawn, and that's what we're trying to

1 do. There are people who understand police practices,
2 people who understand how force should be used, how it
3 should be employed, under what circumstances. It's not a
4 guessing game when you're out there policing. Who would not
10:58:09 5 want to know when it's appropriate to use force and how and
6 under what circumstances?

7 First thing is if it takes the police, if they know
8 because if they're sued for violating someone's rights, and
9 they were acting consistent with practices, they're not
10:58:36 10 going to be held in violation.

11 It's important to the City, in a very important way,
12 that this training takes place and that it be good training
13 and appropriate training because the City is not liable for
14 every bad apple. Some people don't understand that. The
10:58:54 15 City is only liable in a police case, where one can say that
16 the City's policy or practice wasn't the moving cause behind
17 the violation.

18 One way that can happen is if the City has
19 inadequately trained its officers. If it has, however,
10:59:20 20 adequately trained the officers, then the City would not be
21 liable even if an officer took it upon himself to violate
22 constitutional rights of parties.

23 So there's a tremendous incentive for the City of
24 Cleveland to be involved in training, which reflects
10:59:42 25 appropriate policies relative to the use of force.

1 I don't see how someone could disagree with the
2 importance of knowing how to use force, under what
3 circumstances, and there are acceptable standards in some of
4 these areas.

11:00:03 5 Now, I understand it's not a rote type thing. It's a
6 hard job being a police officer. We should all understand
7 and respect that. And you can't do it by formula. Real
8 human beings are involved, and there are difficult
9 circumstances. But, at least all officers ought to know
11:00:31 10 kind of what general protocol they ought to follow.

11 The City has not agreed to any violations in this
12 case. But, they certainly have agreed to providing training
13 of the type which is aimed at ensuring that the policing is
14 constitutional, whether it's use of force or search and
11:00:58 15 seizures. That's commendable.

16 But, it's also good sense for the City. It's also
17 good practice for the City to do so, with the Department of
18 Justice's agreement because if the Justice Department
19 agrees, they can't guarantee the City won't be used, but I
11:01:17 20 can tell you it's a good thing to work cooperatively with
21 them because they have experience across the United States.

22 Now, if the Justice Department came before me, and
23 they are suing the City, of course, they'd be treated like
24 any other litigant and they would have to prove their case.
11:01:41 25 So I don't want to overstate that importance, but I do want

1 to say that this is something that they do. They offer
2 advice and consent, work with parties throughout the United
3 States. And if the City of Cleveland is willing, and has
4 been, to take some other advice, and of the Department in
5 entering into an agreement about the proper use of force and
6 with regard to police practices, that that's a positive
7 thing.

8 Public policy favors consent decrees. Parties
9 entering into agreements saves resources of the Court, and
10 it also takes away the kind of risk that's intended in every
11 lawsuit.

12 My job, as the parties said earlier, was to decide
13 whether this agreement is fair, reasonable, and adequate.
14 It is my determination after fully reviewing this agreement,
15 and after hearing from counsel of the parties, that this
16 agreement is fair, is reasonable, and is adequate to address
17 the issues which are before the Court. And, therefore, I am
18 prepared to sign the agreement and make this agreement
19 enforceable in this court.

20 I look forward to working with the parties to ensure
21 that provisions of the agreement are carried out. I
22 certainly hope that we can create the good will that is
23 necessary to see that it is carried out and enforced. My
24 view is that this is not a document that's the enemy of any
25 party or any person, that it should be affirmatively

1 embraced by police and citizens because I think it is a
2 forward step in relationships between police and community.

3 It's a document that will protect police under
4 circumstances if they follow their training, which will be
11:04:09 5 provided. It provides protection to the City, if the City
6 carries out its training program in a way which is
7 effective. And it accomplishes the goals of the Department
8 of Justice who are charged with the heavy responsibility of
9 making sure that the laws of the United States are enforced.

11:04:34 10 And so I will today, in a few minutes, sign this
11 agreement.

12 I've discussed with you the things I wanted to
13 discuss. I wanted to clarify the role of the monitor to
14 some extent. A lot of this will be evolving and things
11:04:52 15 we'll have to discuss further, but let the word go forward
16 that this Judge thinks this is a good agreement, a sound
17 agreement. It's one that we all ought to be happy to
18 embrace, and let Cleveland be a model in terms of how we
19 carry this out. That's all I have to say.

11:05:14 20 Ms. Rendon, is there anything further.

21 MS. RENDON: Not on behalf of the United
22 States. Thank you, your Honor.

23 THE COURT: All right.

24 Mr. Singletary, is there anything further?

11:05:22 25 MR. SINGLETARY: Nothing further, your Honor.

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THE COURT: Okay. That is all.

(Proceedings adjourned at 11:05 a.m.)

C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

s/Shirle Perkins
Shirle M. Perkins, RDR, CRR
U.S. District Court - Room 7-189
801 West Superior Avenue
Cleveland, Ohio 44113
(216) 357-7106