

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>

Currently pending before the court in the above-captioned case is the City of Cleveland and the United States of America’s (collectively, the “Parties”) Joint Motion to Modify Paragraph 178 of the Settlement Agreement (“Motion”) (ECF No. 172). The Parties request that the court approve a modification to the Settlement Agreement, which allows for joint modification of its terms with court approval. (ECF No. 7, at ¶ 398.) Specifically, the Parties propose that Paragraph 178 of the Settlement Agreement be modified to remove the prohibition on current or retired law enforcement officers serving as the Superintendent of the Cleveland Division of Police’s (“CDP” or the “Division”) Internal Affairs Unit (“IAU”). Paragraph 178 currently provides that:

Internal Affairs will be headed by a qualified civilian who is not a current or former employee of CDP, and who is not a current or retired law enforcement officer. The civilian head of Internal Affairs will report directly to the Chief of Police.

The Parties propose the following modification: “Internal Affairs will be headed by a qualified civilian who is not a current or former employee of CDP. The civilian head of Internal Affairs will report directly to the Chief of Police.” (Mot. 4.)

The Parties indicate that “this modification is necessary to permit the Division to hire a qualified civilian to oversee the Division’s Internal Affairs Unit and to begin implementing the reforms to the Unit that are required by the [Settlement Agreement].” (Mot. 1.) The City has

identified, and would like to hire, a candidate who has prior experience as a prosecutor. (*Id.* at 2.)

Having carefully reviewed the Motion, Monitor Matthew Barge recommends that the court approve the Parties' request for the proposed modification. (Resp. to Joint Mot., ECF No. 174, at 1.) The Monitor states that "[i]t is critical to hire an IA Superintendent – even one with former prosecutorial experience – to begin overseeing reform of the Division's IA Unit." (*Id.* at 2.) The court, having fully considered the Parties' Joint Motion to Modify Paragraph 178 of the Settlement Agreement (ECF No. 172), approves the jointly proposed modification.

IT IS SO ORDERED.

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

January 19, 2018