

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 Motion for Leave *Instanter* to Submit the Attached Brief of *Amici Curiae*, The Cleveland Branch of the National Association for the Advancement of Colored People (NAACP), Collaborative for a Safe, Fair, and Just Cleveland, and the Ohio Chapter of the National Lawyers Guild (collectively, “Interested Groups”) Regarding Concerns about the Parties’ Settlement Agreement. (ECF No. 11.) Plaintiff United States of America (“United States”) and Defendant City of Cleveland (“City”) filed separate Responses on July 8, 2015. (ECF Nos. 18 and 19.) The parties indicated that there is no need for *amicus* assistance at this time, as there are no legal issues pending. Moreover, the United States stressed that community groups were accorded a substantial opportunity to be heard on issues governed by the Consent Decree. Finally, the parties stated that, as the court has already approved the Consent Decree, the focus must now be on its implementation. After giving serious and careful consideration to these arguments and the Brief of the Interested Groups, the court denies the Motion for the reasons stated herein.

On June 12, 2015, the court approved the settlement embodied in the Consent Decree, finding it to be fair, adequate and reasonable. Before reaching this conclusion, the court examined the Consent Decree itself and listened to the arguments of counsel, including their representation that the parties sought, received and considered input from various community groups before reaching an agreement. Indeed, the Interested Groups acknowledge that they were consulted during this process. The court was also aware of the numerous mechanisms built into the Consent Decree that allow for continued community involvement. Moving forward, the court was aware that the Interested Groups, as well as other groups, would have various opportunities for input, including through communications with the parties and the Monitor, and involvement with the Community Police Commission and the District Policing Committees. Ultimately, the court was acutely aware that the Consent Decree embodies a compromise between the parties. And, in approving this settlement, the court, was not indicating that the Consent Decree was immune from improvement. Rather, the court took into consideration the fact that the Consent Decree might be amended in light of the parties' experiences, albeit in limited circumstances.

Currently, the court does not find it appropriate to engage in discussions with the Interested Groups about amendment of the Consent Decree. The court reiterates its finding that the settlement was fair, reasonable and adequate. It has clearly articulated goals, measurements and time frames. The Interested Groups currently have methods to communicate their views regarding the Consent Decree that are more appropriate than a grant of *amicus* status. Ordinarily, the purpose of an *amicus* brief is to assist the court by offering a novel perspective on unresolved questions or issues not fully addressed by the parties. *See, e.g., United States v. Michigan*, 940 F.2d 143, 164-65 (6th Cir. 1991). However, there are presently no unresolved questions or issues before the court. To the extent that

the Interested Groups wish to have the United States or the City address issues in a manner different than that provided by the Consent Decree, the better course is to continue to work with and through them to provide input. And, while issues may arise in the future that the court may be called upon to address, there are simply no issues requiring *amicus* assistance at this time. Therefore, the Motion (ECF No. 11) is hereby denied.

IT IS SO ORDERED.

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

October 6, 2015