

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

UNITED STATES OF AMERICA,)	CASE NO.: 1:15-CV-01046
)	
Plaintiff,)	
)	JUDGE SOLOMON OLIVER, JR.
vs.)	
)	<u>NOTICE SUBMITTING INTERIM</u>
CITY OF CLEVELAND)	<u>MONITOR’S MEMORANDA and CITY</u>
)	<u>RESPONSE MEMORANDA</u>
Defendant.)	<u>REGARDING OFFICER INVOLVED</u>
)	<u>SHOOTING</u>
)	

The Monitor respectfully notifies the Court of the attached Memoranda and correspondence between the Interim Monitor and to the City of Cleveland (“the City”) regarding a July 20, 2020 officer involved shooting.

The Consent Decree requires the City to “[a]s soon as practical following a use of force, CDP will ensure that the incident is accurately and properly reported, documented, and investigated. A fundamental goal of the revised use of force policy will be to account for, review, and investigate every reportable use of force and reduce any improper uses of force.”¹ It further requires that the Cleveland Division of Police will, among other things, “track and analyze officers’ uses of force to hold officers accountable for unreasonable uses of force.”² Additionally, the Decree requires the Force Investigation Team to employ the skills, expertise, and independence of investigators capable of conducting full and fair investigations of out-of-policy shootings that are supported by a preponderance of the evidence and that ensures “all officers who commit

¹ Dkt. 413-1, Ex. A ¶47; Dkt. 416.

² *Id.* at ¶48.

misconduct are held accountable pursuant to a disciplinary system that is fair, consistent, and provides due process.”³ Finally, the Force Review Board created under the Consent Decree requires the Board to serve as a quality control mechanism for use of force investigations, to ensure that their findings are supported by a preponderance of the evidence, and to evaluate “use of force incidents from a tactics, training, policy, and agency improvement perspective,” among other things.⁴

The following Exhibits accompany this Notice: OIS Interim Monitor Memorandum 112122 (Ex. A); City Response FRB Hearing Gannon Kilnapp 121622 (Ex. B); Interim Monitor Correspondence Re: OIS 010523; City of Cleveland Gannon Kilnapp Accountability Response 202301 (Ex. D); City Supplemental Response Gannon Kilnapp 03012023 (Ex. E); and MT Response to Gannon Kilnapp OIS 040323.

Respectfully submitted,

/s/ Ayesha Bell Hardaway
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Former Interim Monitorⁱ
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³ *Id.* at ¶111, ¶176.

⁴ *Id.* at ¶124, ¶127, ¶128.

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2023, I served the foregoing document entitled **Notice Submitting Interim Monitor's Memoranda and City Response Memoranda Regarding Officer Involved Shooting** via the court's ECF system to all counsel of record.

/s/ Ayesha Bell Hardaway
AYESHA BELL HARDAWAY

ⁱ The information included in this filing and the related work were completed during the filer's service as Interim Monitor. Attorney Karl Racine was appointed Monitor by Order of the Court on April 12, 2023 and is aware of this filing.