

Wednesday, August 26, 2015

Open Letter to Frank G. Jackson, Mayor of Cleveland, and Steven Dettelbach, United States Attorney, Northern District of Ohio

Dear Mayor Jackson and U.S. Attorney Dettelbach:

This letter is being written to express our concerns relative to the process for selecting a monitor to oversee the implementation of the Settlement Agreement and Consent Decree between the City of Cleveland and the U.S. Department of Justice. We believe that the current selection process lacks transparency, community involvement, and public accountability.

Unlike the Cleveland Community Police Commission (CPC) process, which has included two public meetings and a measure of transparency, the process to select the monitor appears to be taking place in the shadows with no known established or open selection criteria. This is particularly disconcerting since (1) the cost to the public will amount to several million dollars for at least the next five years, and (2) it remains unclear whether the monitoring team will be required to answer to either the citizens of Cleveland or the CPC. Of course, we all hope that the monitoring team will be experienced, have knowledge of best police practices, be committed to the community's best interest, and not have any conflict of interests. However, as this current selection process unfolds, the community has no assurances that the monitor will possess any of these attributes.

With so much at stake, we believe that to continue the selection process largely under a veil of secrecy will be detrimental to community's confidence in the reform process and reaffirm the perception that political and police interests are more important than the citizens whom the law enforcement community is obligated to serve.

To remedy this situation and prior to the actual selection, we recommend that all of the prospective bids – with the proposed budgets – be made immediately available for public scrutiny, and that any applicant that has any present or pending business with the City or the Division of Police be eliminated from consideration.

Moreover, we believe there should be a series of public forums during which the prospective monitors should present their proposals and take audience questions. There should also be an appropriate period of public comment on the prospective monitors and their plans, and public comment should be factored into the decision-making.

Minimally, the federal monitoring team must:

1. have the appropriate subject matter expertise, credentials and experience.
2. show a demonstrated record of cost containment sufficient to assure the public of an efficient and cost-effective monitoring process that saves taxpayers' resources, protects against exorbitant salaries and consulting fees, and preserves resources for the implementation of programs that will actually transform local conditions.
3. provide concrete and detailed plans as to how the monitor intends to engage the grassroots community and local civil society stakeholders in the reform process.
4. provide an outline as to how the monitor intends to engage and communicate openly and meaningfully with the Community, CPC, and the District Policing Committees.

5. demonstrate a record for establishing and valuing meaningful consultative relationships with grassroots community groups, the CPC, and the District Policing Committees.
6. provide actual “letters of recommendation” from local community advocacy groups and community police commissions or their equivalents with which the monitoring team has previously worked on effecting police reform.
7. have a demonstrated record for actual diversity with the monitoring team consisting of a diverse group of racial, ethnic, and gender members who play significant roles in the monitoring process. A disproportionate number or percentage of former law enforcement officials and/or corporate attorneys would not be in the public’s best interests, or instill confidence in the process. To be truly effective and convince the community of sincerity and commitment to the process, the monitoring team must include social-justice minded academics, social workers, public defenders and defense counsel, criminal justice reform experts, mental health experts, community engagement specialists, among others, who have a record of working with diverse communities and whose philosophies of police reform have a strong component of authentic community engagement and collaboration.
8. have team members with demonstrated knowledge of the local community and conditions, as well as qualified local experts who have credibility in the community and are committed to working with a diverse constituency.

We understand the review and selection process for a monitor is underway. However, the City of Cleveland and U.S. Department of Justice must ensure that the items that we have identified are factored into the process. Doing so will help improve the potential for a better outcome, and will demonstrate to the public that the parties are committed to ongoing community involvement in the reform process.

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