



Brian Kazy COUNCIL MEMBER, WARD 16

COMMITTEES: Utilities - *Chair* • Finance, Diversity, Equity & Inclusion • Municipal Services & Properties
Transportation & Mobility

March 28, 2025

Judge Oliver,

I am taking the unusual step of contacting you directly about this case because of my urgent concerns about the fitness of the court's monitor based on recent conduct as reported in the media. In addition, I have reached out to Mr. Racine and have not heard from him or his law firm, Hogan Lovells. I strongly ask you to consider removing or asking for the resignation of Monitor Karl Racine.

According to numerous reports, on January 7th, 2025, Mr. Racine, was involved in an incident at or about 2:30 am at the Cleveland JACK Casino. This incident included having an encounter with an off-duty member of the Cleveland Division of Police. During this encounter, Mr. Racine's alleged behavior resulted in a call to the Cleveland Division of Police Department's 3rd District. Prior to the arrival of the on-duty police, he had vacated the premises and was no longer on scene when they arrived. The following day, he met with Cleveland Police Chief Dorothy Todd to inform her of the alleged inappropriate, unprofessional behavior of the Cleveland Police officer. However, he refused to file a complaint against the officer. Throughout this encounter with the police officer, he allegedly 'threw his weight around' as being a Federal Monitor and a representative of the Department of Justice. Because of this incident, it has been reported that the City of Cleveland's Office of Professional Standard has opened an investigation into his interaction with the police officer and his honesty after the fact.

Under the settlement agreement between the federal government and Cleveland, overseen by the court, when a monitor has "failed to satisfactorily perform his duties" he is charged with, the "replacement of the monitor" can be called for. (This is in paragraph 359 of the settlement agreement). Mr. Racine should spare the City of Cleveland the disruption of remaining in office while the investigation into his conduct is ongoing. The City of Cleveland, Cleveland City Council and the residents of the City of Cleveland expect and demand the utmost professionalism when it comes to the Federal Monitors who are here, in part to monitor the behaviors of the Cleveland Police Department.

This incident – and the reported investigation by the Office of Professional Standards – creates a shadow of bias and a cloud of suspicion of impropriety that can't be undone.

If OPS terminates its investigation, is that because of the fear of the Monitor?

If OPS finds that there is no wrongdoing by Monitor Racine, are they worried about retaliation?

If the Monitor gives a positive evaluation of OPS or the City, is that a reward?

If the Monitor gives a negative evaluation of OPS or the City, is that retaliation?

Now that the Monitor has dragged in Cleveland Police Chief Dorothy Todd as a witness, how can he fairly evaluate the police department?

The investigation will inevitably have to inquire about questions that are distracting and demeaning to this court, such as Mr. Racine's conduct, his veracity in his report to the Cleveland Police Chief, and his explanation of the incident.

This shadow severely prejudices the important work of the monitor. There cannot be any credibility left to any actions or evaluations by this Monitor.

Due to this incident and the current investigation, I am formally requesting that you consider and ask that Mr. Racine and his law firm, Hogan Lovells step aside as the leaders of the Federal Monitoring Team. He is a federal monitor and therefore, an arm of the court. Federal Monitors cannot bring the court or the City into disrepute.

This is the case of 'somebody needing to monitor 'the monitors' and I believe in this case that until the investigation is complete, the integrity, credibility and appropriateness of the process that he and his law firm are tasked to complete are in jeopardy and questionable.

The fact that we are even at this point, there is an open investigation, and this incident is a news story is an embarrassment to the Department of Justice, the court, himself, Hogan Lovells, the Cleveland Police Department and all of the monitoring team.

This is a mess that can't be cleaned up – except by resignation or removal.

It would behoove him to do the right thing, display leadership and remove himself and his law firm, Hogan Lovells from leadership of the City of Cleveland consent decree.

On behalf of the City of Cleveland, Cleveland City Council and the 374,000 + residents, I am asking that you request his resignation.

Thank you for your time and attention to this matter.



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