

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
NOV 2 2 1999
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
CLEVELAND, OHIO

LYNN KEY, et al,

Plaintiffs,

v.

CITY OF CLEVELAND,

Defendant.

Case No. 1:99 CV 3143

Judge Kathleen McDonald O'Malley

AGREED JUDGMENT ENTRY

WHEREAS, on December 23, 1999, Lynn Key, Ronald Russell, Thomas Jackson, Jr., Jason Maiden, and the Northeast Ohio Coalition for the Homeless ("Plaintiffs") filed in the United States District Court for the Northern District of Ohio a lawsuit (Case No. 99-CV-3143) against the City of Cleveland ("City"), alleging that the City is violating the constitutional rights of homeless individuals by virtue of a City policy targeting homeless individuals for innocent conduct; and

WHEREAS, the City denies the institution of any policy targeting homeless individuals, and further states that in November of 1999, in response to citizen complaints, the City instructed its police officers to enforce City ordinances against all violators, including homeless individuals, in the interest of preserving and protecting public health, safety, and welfare; and

WHEREAS, the Plaintiffs are interested in protecting innocent conduct by homeless individuals whom they believe have suffered under the City's alleged policy; and

WHEREAS, the City asserts it has never, and does not now, target innocent conduct by homeless individuals for enforcement of its ordinances; and

WHEREAS, the parties wish to resolve their differences without resort to further litigation and without incurring the costs and expenditure of resources associated therewith;

NOW, THEREFORE, in consideration of the promises and of the mutual agreements contained in this Agreement, the parties, without making any concessions regarding the validity of their respective positions, and intending to be legally bound, agree to, and the Court hereby **ORDERS**, the following:

1. The City, through its Police Department, agrees not to arrest, or threaten to arrest or detain, any individuals, including homeless individuals, for performing innocent, harmless, inoffensive acts such as sleeping, eating, lying, or sitting in or on public property.

2. For purposes of this Agreement, a "homeless individual" is defined as a person who lacks a fixed or regular night-time address or whose only residence is a supervised shelter designed to provide temporary accommodations.

3. Nothing in this Agreement prevents the City from: (a) arresting any individual for any criminal activity or for any conduct that is harmful to himself or others; or (b) encouraging its police officers to enforce validly any existing Ordinances (e.g., Prohibition of Sidewalk Obstructions, Disorderly Conduct, Trespass, Peddler's Permits, Public Intoxication, and so on).

4. The parties understand and agree that any determinations regarding the guilt of any homeless individual arrested by the City's police officers, pursuant to a state statute or local ordinance, shall be made by state courts with proper jurisdiction. It is further understood and agreed that nothing in this Agreed Judgment Entry abrogates any rights granted to homeless individuals under the laws or the Constitution of the United States.

5. The parties agree that this Agreed Judgment Entry resolves all claims asserted in

Case No. 93-CV-3143. Accordingly, this case is **DISMISSED**. All pending motions are **DENIED AS MOOT**.

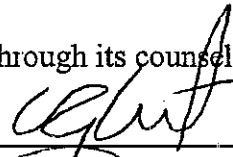
Signed:

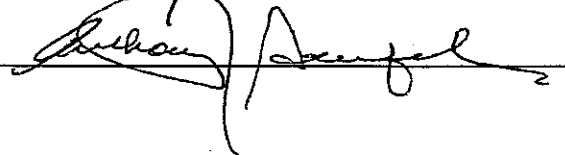
THE DEFENDANT, City of Cleveland,

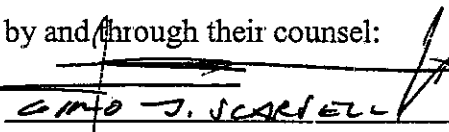
THE PLAINTIFFS, Northeast Ohio Coalition
for the Homeless, Lynn Key, Ron Russell,
Thomas Jackson, Jr., and Jason Maiden,

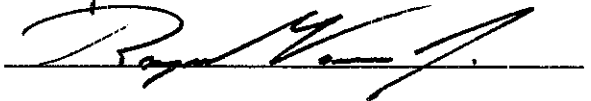
by and through its counsel:

by and through their counsel:

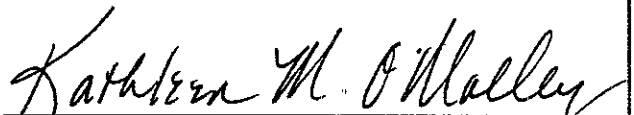








IT IS SO ORDERED.



KATHLEEN MCDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE