

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 03-cv-72258-DT

v.

HON. JULIAN A. COOK, JR.

CITY OF DETROIT, MICHIGAN,

MAG. JUDGE: DONALD A. SCHEER

Defendant.

\_\_\_\_\_ /

**STIPULATION TO AMEND CONSENT JUDGMENT  
USE OF FORCE AND ARREST AND WITNESS DETENTION**

The parties stipulate to entry of the following order.

TERRENCE BERG  
United States Attorney

s/Judith E. Levy \_\_\_\_\_  
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w/consent Allan Charlton \_\_\_\_\_  
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**ORDER AMENDING CONSENT JUDGMENTS**

The Court has considered the above stipulation and is fully informed in the matter.

IT IS ORDERED that the Consent Judgment Use of Force and Arrest and Witness Detention (“UF”) (Document No. 22, 7/18/03), and the Consent Judgment Conditions of Confinement (“COC”) (Document No. 23, 7/18/03) are amended to read as follows:

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UF Paragraph 50 shall read:

The DPD shall require that, for each arrestee, a warrant request for arraignment on the charges underlying the arrest is submitted to the prosecutor's office within 48 hours of the arrest.

UF Paragraph 51 shall read:

The DPD shall document on an auditable form all instances in which the request for an arraignment warrant is submitted more than 48 hours after the arrest. The DPD shall also document on an auditable form all instances in which it is not in compliance with the prompt judicial review policy and in which extraordinary circumstances delayed the arraignment. The documentation shall occur by the end of the shift in which there was:

- 1) a failure to request an arraignment warrant within 48 hours,
- 2) a failure to comply with the prompt judicial review policy, or
- 3) an arraignment delayed because of extraordinary circumstances.

UF Paragraph 53 shall read:

The DPD shall document all holds, including the time each hold was identified and the time each hold was cleared. The DPD shall document on an auditable form each instance in which a hold is not cleared within 48 hours of the arrest. The documentation shall occur within 24 hours of each instance of a hold not being cleared.

COC Paragraph 72 shall read:

The audits required by paragraphs 65 to 71 in this Agreement shall be submitted on a semiannual basis with the first and second semiannual periods ending on January 31 and August 31, 2004. Subsequent semiannual periods shall end on January 31, 2005, and every six months thereafter. Each of these audits may be conducted on an annual rather than a semiannual basis when the Monitor concludes that the most recently submitted audit for the same topic is compliant, and the remaining requirements of this paragraph have been met for the prior audit of that topic. The DPD shall issue all audit reports to the Chief of Police and also provide copies to each precinct or specialized unit commander. The commander of each precinct and specialized unit shall review all audit reports regarding employees under their command and, if appropriate, shall take non-disciplinary corrective action or disciplinary action.

Dated: April 15, 2009

s/Julian Abele Cook, Jr.  
Hon. Julian A. Cook, Jr.  
United States District Judge