

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 03-cv-72258

-vs-

Hon. Julian Abele Cook, Jr.
United States District Judge

CITY OF DETROIT, MICHIGAN,

Defendant.

STIPULATION AND ORDER TO AMEND CONSENT JUDGMENTS

The parties hereby stipulate to the entry of the following Order.

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Hon. Julian Abele Cook, Jr.
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ORDER TO AMEND CONSENT JUDGMENTS

The parties have stipulated to the following amendments to the Consent Judgments in this case, and the Court, having fully considered the stipulation and proposed amendments hereby amends the Consent Judgments in the following manner:

1. The Use of Force and Arrest and Witness Detention Consent Judgment (Doc. #22), paragraph 38(c) currently reads as follows:

"the investigation to be completed within 30 days of the incident. If a Garrity statement is necessary, then that portion of the investigation may be deferred until 30 days from the declination or conclusion of the criminal prosecution."

The amended paragraph¹ shall read as follows:

"the investigation to be completed within 60 days of the incident. If a Garrity statement is necessary, then the investigation shall be completed within 30 days from the declination or conclusion of the criminal prosecution."

2. The Use of Force and Arrest and Detention Consent Judgment paragraph 40(a) currently reads as follows:

¹ After consultation with the Monitor, the Parties have agreed to this modification so that there will be consistency in the command reviews of use of force incidents.

"complete its review of critical firearm discharges that result in injury and in-custody deaths within 90 days of the resolution of any criminal review and/or proceedings and all other critical firearm discharges within 60 days and require the Chief of Police to complete his or her review of the team's report within 14 days."

The amended sub-paragraph² shall read as follows:

"complete its review of critical firearm discharge investigations and in-custody death investigations within 21 days from the completion of the investigation and require the Chief of Police to complete his or her review of the team's report within 14 days."

3. The Conditions of Confinement Consent Judgment (Doc. #23) paragraph 44 reads as follows:

"The DPD shall ensure that lighting in all cell block areas is sufficient to reach 20 foot candles of illumination at desk level and personal grooming areas"

The amended paragraph³ shall read as follows:

"The DPD shall ensure that the lighting in all cell block areas is maintained at an appropriate level for all tasks related to the housing of DPD detainees, including but not necessarily limited to, security, safety, cleaning and disinfection of housing areas."

IT IS SO ORDERED.

Date: April 23, 2012

s/Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
U.S. District Court Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on April 23, 2012.

s/ Kay Doaks
Case Manager

² The parties, in consultation with the Monitor, agree that the time limits for completion of the review by the CLFRT should be based upon the Department's internal investigation rather than an external review by the County Prosecutor, or another agency.

³ This amendment is intended to clarify the original intent of the parties regarding lighting in the holding cells.