

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case number 03-72258
Honorable Julian Abele Cook, Jr.

CITY OF DETROIT, MICHIGAN
and the DETROIT POLICE DEPARTMENT,

Defendants.

ORDER

This case involves two Consent Judgments, both of which were filed on July 18, 2003, by the Plaintiff, the United States of America through its Department of Justice (“DOJ”), and the Defendants, the City of Detroit, Michigan, and its Police Department (collectively referred to as the “City”). These Consent Judgments arose in response to accusations by the DOJ that the City, through its Police Department (“DPD”), had engaged in a pattern or practice of (1) using unlawful levels of force in its arrests and detentions and (2) providing unconstitutional or otherwise unlawful living conditions to prisoners who had been confined in its holding cells.

Over nine years later, the City has made meaningful progress in its efforts to comply with the two Consent Judgments. However, the Monitor’s most recent Quarterly Report clearly indicates that the City - after the expiration of nearly a decade - is in compliance with only 86% of the Consent Judgments’ requirements. As a result, the Court continues to be extremely frustrated when it realizes that the City remains out of compliance with 24 of the requirements. It should be noted that these 24 outstanding requirements are not mere technicalities. Each of them is vital, in that each

goes to the very heart of the City's obligation to ensure that its practices and policies are constitutional and enforceable. Furthermore, the Court is extremely disappointed with the failure or the inability of the City to comply with its own self-imposed time frame that it had established for coming into compliance. Although the City recently advised the Court that it would reach full compliance with the Consent Judgments not later than July 18, 2012, it is evident that this date has now come and gone. Against this backdrop, the Court now finds it necessary to insert additional procedural measures that, hopefully, will be sufficient to assist the City into achieving full compliance expeditiously.

First, the Chief of the DPD is directed to submit a biweekly report to the Monitor (with copies to the Court and the DOJ) which will outline- with reasonable specificity - the actions that have been taken by his Department during this reporting period to fully satisfy its remaining obligations under the Consent Judgments. These biweekly reports should include any internal audits, changes to procedure, or such other action that may have a reasonable impact upon the City's efforts to comply with the Consent Judgments. The first report will be due on Friday, December 14, 2012.

Second, the City is directed to designate those individuals by name, rank, and governmental position who will be personally responsible for ensuring compliance within the following areas: (1) the use, documentation, investigation, and review of the use of force; (2) arrest and detention policies and practices; (3) external complaints; (4) management and supervision; (5) training and videos; and (6) conditions of confinement. This designation must be filed under seal with the Court on or before noon on Friday, December 14, 2012.

Third, effective immediately, the Chief shall regularly consult with the Monitor on all major decisions that may have some impact upon the ability of the City to comply with the Consent

Judgements, including but not limited to (1) changes to policies, special orders, the manual of rules or standard operating procedures, and (2) procurement of equipment, including software, that is intended for compliance with the Consent Judgments.

IT IS SO ORDERED.

Date: November 16, 2012

s/Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
U.S. District 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 November 16, 2012.

s/ Kay Doaks
Case Manager