



U. S. Department of Justice

Washington, D.C. 20530

August 25, 2014

VIA HAND DELIVERY

The Honorable Michael E. Duggan
Coleman A Young Municipal Center
2 Woodward Ave
Detroit, MI 48226

Dear Mayor Duggan:

The United States Department of Justice Civil Rights Division and the United States Attorney's Office for the Eastern District of Michigan ("DOJ") have concluded our review of the Detroit Police Department's ("DPD") use of force practices under the Use of Force and Witness Arrest and Detention Consent Judgment ("Consent Judgment"). This review was conducted to evaluate whether the DPD's efforts to comply with the Consent Judgment have resulted in just, fair, and constitutional encounters with the citizens of Detroit, and to identify any areas in which additional work is needed. The results of this review were intended to supplement the Monitor's assessments of technical compliance with the Consent Judgment and provide guidance for our work together during the period of the Transition Agreement.

We are pleased to inform you that our review revealed that the nature and frequency of use of force by DPD officers has changed significantly since our initial investigation began in 2000. Through implementation of the Consent Judgment, the City has now put into place systems of supervision and accountability that are designed to identify excessive force when used and to undertake corrective measures. As a result, the patterns and practices of excessive use of force and unconstitutional detentions identified in our original investigation are no longer present.

The details of our review as described below, and the City's achievement in reaching 90% compliance with the Consent Judgment's provisions, gave us confidence that termination of the Consent Judgment and entry of the Transition Agreement was an appropriate next step. Ultimately, the DPD must be primarily accountable to the community it serves and be able to self-identify and correct problems. The Transition Agreement will facilitate this goal by allowing the DPD to independently demonstrate that it will continue pursuing reforms achieved under the Consent Judgment and that the changes in the practices and culture of the DPD will be sustained. The Transition Agreement also allows the DPD and the DOJ to continue working together to better ensure constitutional policing, improve officer and public safety and increase public confidence in the police department through increased transparency. Public transparency

permits the various communities that make up the City of Detroit to have confidence that the changes implemented are effective and sustainable.

The importance of constitutional policing cannot be understated, and the reforms the DPD has made and continues to make are crucial to the community. Unconstitutional policing practices erode the community's trust, and perceptions of insufficient accountability undermine confidence in the community. Whether perceived or real, these problems work against the community's and department's interests. When people do not trust police, they are less likely to report crimes or cooperate with the police, making officers' jobs harder and more dangerous, while also decreasing public safety. Going forward, the DPD must make additional effort to foster cooperation and respect with the various communities of Detroit.

Use of force is a necessary part of providing police services. The goal of the Consent Judgment was never to limit police officers' options to do their job. Rather it was our goal to ensure that the use of force was guided by constitutional principles. To achieve this end, the Consent Judgment required the DPD to provide officers with appropriate policy guidance, adequate training and supervision. The DPD also was required to implement adequate mechanisms to track and review use of force and accountability structures to identify problems and address them through policy, practice and training reforms as well as discipline. We look forward to continuing to work with the City of Detroit on maintaining and expanding its achievements in these areas.

We recognize the significant challenges facing the DPD in light of the City's financial crisis, decreased number of officers and a changing set of demographics in the City. Despite these challenges, the DPD has remained focused on correcting its problems and in implementing the Consent Judgment. We have welcomed the open and candid relationship we have developed with the City and DPD in recent years.

Background

In 2000, the DOJ initiated an investigation, which was prompted in part by then-Mayor Dennis Archer's 2000 request for DOJ intervention following a series of fatal shootings by the DPD. Mayor Archer's letter to Attorney General Janet Reno indicated that from 1995 through 2000, DPD officers had fatally shot at least 47 people, including six unarmed suspects who were shot in the back. Between 1987 and 2000, the City had paid over \$124 million to settle civil suits against DPD officers, including \$46 million for claims that involved officers who had been previously sued. And at least 19 pretrial detainees had died in DPD custody between 1994 and 2000, although no officer had reportedly ever been disciplined for neglect of duty in any of the incidents.

The DOJ investigation found that the DPD engaged in a pattern or practice of unconstitutional use of force. Specifically, we found that DPD officers too frequently used firearms, chemical spray and physical force in situations in which there was no reasonable basis to use force, and that the DPD's policies sanctioned the practices and contributed to constitutional violations. We found that the DPD's inadequate investigative practices and common failure to take corrective action were significant factors contributing to the DPD's

pattern of excessive force. Nearly half the investigations we reviewed were inadequate, and at the time of our investigation, the DPD had almost 600 cases in a disciplinary backlog, some as much as three years old.

Our investigation also found a pattern of unconstitutional conditions of confinement in the DPD's holding cells with regard to environmental health and safety, medical and mental health care, detainee safety, and fire safety. The DPD's cell block areas were extremely dirty with accumulated dirt, trash, feces, blood and debris. The holding cells themselves were poorly maintained and many lacked functional lighting or plumbing. The DPD's intake screening and documentation did not adequately identify detainees in need of medical and mental health care, and medication was stored and administered inappropriately. And the DPD lacked adequate fire and life safety procedures and systems, including a lack of smoke detection and fire suppression, emergency generators, and holding cell evacuation plans.

Finally, we found that the DPD engaged in a pattern or practice of unlawful arrest and detention practices based on evidence that arose during the investigation. We learned of the DPD Homicide Section's practice of regularly arresting and detaining persons they believed to have information concerning a homicide-related offense, including suspects' family members and individuals who lived in the vicinity of the crime. This practice was convincingly demonstrated in the FBI Uniform Crime Report statistics for 1998, which indicated that the DPD arrested more than three people for every homicide that occurred, but solved only 47% of them.¹

In 2002, the DOJ provided the City with three technical assistance letters addressing concerns in the three subject areas of the investigation, and began working cooperatively with the City to implement reforms prior to seeking a formal remedy. On July 18, 2003, the court entered the Consent Judgment,² ordering widespread reforms of the DPD and resolving the United States' claims alleging a pattern or practice of excessive force and unlawful detentions by the DPD. The court also appointed an independent monitor to assess and report on the City's efforts to implement the required reforms. Over the past eleven years, the DOJ has worked with the City and Monitor to bring the DPD into compliance with the Consent Judgment.

Improved Use of Force Practices

In the Spring of 2014, the DOJ conducted a review of the DPD's current practices that was intended to complement the quarterly compliance reviews conducted by the Monitor. The review was conceived to provide an assessment of the DPD's recent activities to help determine whether the Consent Judgment's goals were being achieved from the perspective of outcomes rather than compliance. With the assistance of two police practices consultants, we reviewed a selection of the DPD's use force and witness detention records for the period of January 2014 through March 2014. This review focused primarily on completed investigations by the DPD's Force Investigations Division, which investigates the DPD's most serious uses of force, but also

¹ The Uniform Crime Report indicated that there were 430 homicides in Detroit in 1998 and that the DPD made 1,310 homicide arrests. The Michigan State Police Uniform Crime Report contained similar totals from 1999 and 2000.

² The Court also ordered the Conditions of Confinement Consent Decree on July 18, 2003, which was dismissed on January 27, 2014.

included reviews of Command Level investigations of lower level force, DPD's reports documenting violations of its stop and frisk policies, citizen complaints and a sample of officers' daily activity logs. We also evaluated aggregated data of DPD regarding force and arrest activity from 2009 through 2013.

The DPD has changed significantly under the Consent Judgment, and even as it continues working to finish implementing the remaining non-compliant provisions, it engages in policing that appears to be constitutional. During our 2000 investigation, we found that DPD officers too often used force in situations where there was no reasonable basis to justify its use, and that DPD's policies and enforcement practices sanctioned and contributed to constitutional violations through a failure to adequately train, supervise and discipline officers. Today, as a result of the Consent Judgment, the DPD has revised its policies to provide officers appropriate guidance on the use of force, including prohibiting some types of force like spraying handcuffed prisoners and shooting at moving vehicles, and encouraging alternatives to force such as verbal commands and de-escalation tactics (U14 – U26).³ The DPD has improved its training practices (U106 – U114), and successfully developed and implemented a comprehensive risk management system to track and correct officer behavior (U78 – U90). Finally, the DPD has overhauled its documentation, supervisory and investigative practices (U27 – U41). This is an area in which the Monitor did not find the DPD to be fully compliant with the Consent Judgment due to concerns related to the timeliness and adequacy of some investigations. Even so, the changes the DPD has accomplished so far have shown great improvement over its past practices, and with additional effort and time under the Transition Agreement the DPD should be able to complete these reforms.

These policy and procedure reforms are mirrored in officers' encounters on the streets. First, there has been a decline in the rate of fatalities and of shootings at persons overall since the Consent Judgment was entered. The DPD had 47 fatal shootings in the five years prior to our initial investigation, compared to 17 fatal shootings in the past five years. Plus, the Department averaged 69 shootings at persons per year in 2000, but now averages fewer than 28 shootings at persons per year.

The DPD's compliance efforts under the Consent Judgment were an important factor in this decline. The Consent Judgment's general use of force requirements encouraged the use of less serious force when appropriate, and established enhanced supervisory review mechanisms to help the DPD attain that objective. In addition, it included several provisions specifically related to firearms, such as: requiring bi-annual qualification (U19); the prohibition of shooting at moving vehicles (U22); and more rigorous response to, and investigation of, shooting incidents (U37 – U38, U40). Our review of recent incidents included 13 officer-involved shootings, only one of which appeared to be an unreasonable use of force. The DPD investigation recognized the shooting as a policy violation and recommended corrective action.

The DPD's use of chemical spray is another area that was specifically addressed by the Consent Judgment. In our 2000 investigation, we found that more than a quarter of DPD officers' uses of chemical spray were unconstitutional and that many incidents could have been

³ References to the Use of Force Consent Judgment are indicated by the letter "U" followed by the Use of Force Consent judgment provision number.

avoided through the use of verbal commands and warnings. One issue of significant concern was officers' frequent use of chemical spray against people who were already handcuffed or secured in a police vehicle. In fact, the use of chemical spray in relation to attempted handcuffing was so prevalent that it raised concerns that DPD officers were not being adequately trained in handcuffing technique, or simply not being truthful in their justifications for using chemical spray. The latter was consistent with another trend we identified of officers using chemical spray in retaliation for behavior such as subjects spitting at officers.

The Consent Judgment addressed the chemical spray issues by requiring officers to issue verbal warnings before spraying a subject, to offer an opportunity for decontamination promptly after spraying a subject, and to seek medical attention if necessary (U25). The Consent Judgment also expressly prohibited spraying handcuffed individuals in police vehicles (U26). By pursuing these measures, and the broader reforms applicable to all uses of force, the DPD has greatly diminished its reliance on the use of chemical spray. During the 2000 investigation the DPD averaged 460 chemical spray incidents per year, while over the past five years that rate has declined to approximately 50 incidents per year. The DPD had five chemical spray incidents in the first quarter of 2014: all were preceded by verbal warnings and none involved a restrained individual.

Our original investigation in 2000 also identified a significant deficiency in the DPD's force reporting and supervision practices. At that time, DPD policy only required officers to report uses of force that resulted in visible injury or if the subject complained of pain or injury. The Consent Judgment increased the DPD's force reporting requirements to include lower level uses of force and officer controls, and required the DPD to more closely scrutinize all uses of force (U27 – U41). As a result, the DPD now responds to, reviews and tracks the entire spectrum of officers' uses of force, from low level physical force, such as compliance controls, strikes, kicks and takedowns, to critical incidents like officer-involved shootings.

The Management Awareness System ("MAS") developed pursuant to the Consent Judgment (U78 – U90) is another key component in the DPD's review and oversight process. It was designed to facilitate the use of force review process from the initial report through the final review of an incident. All records and information are maintained in its databases. Incident reports, officer histories and summary reports for officers and units are accessible to supervisors and commanders through a familiar web-based dashboard. From the dashboard they are able to review force incidents, record their conclusions or concerns, and initiate corrective actions, or review and compare the activities of officers and units those of their peers. The MAS has replaced paper documentation for a great portion of the review process, allowing for more efficient and effective management and review of officers' behavior throughout the DPD.

A review of force data contained in the MAS revealed a declining trend in use of force data over the last four years. The review focused on data from 2009 through 2013 for three reasons. First, appointment of the second Independent Monitor in late 2009 marked a turning point in the Consent Judgment process. The Independent Monitor brought a new methodology and attitude which revitalized the City's and efforts to achieve full compliance. Second, the development of the MAS was completed in that same time frame and data recorded directly through the system was anticipated to be more reliable and accurate than data collected in the

Interim Management Awareness System that preceded it, and the older historical data that was manually entered. Finally, concerns of officers' underreporting of uses of force prior to 2010 (which appear to be reflected in the data) limited the reliability and value of older records in assessing the scope of the DPD's use of force. We have included 2009 data below to demonstrate the effect of more accurate reporting under the consent decree.

Not only has the DPD's use of serious force declined since our initial review, the DPD's use of force rates overall have declined every year since 2010.

Year	Force Incidents
2009	440
2010	873
2011	770
2012	617
2013	473
2014 (Q1)	136

Some of these incidents involved multiple types of force, but the numbers for type of force also reflect a declining trend:

Year	OIS	OC Spray	Interm	PR-24	Physical	Phys Other	Compl Cntrl	Total
2009	28	63	63	13	278	69	131	645
2010	28	63	112	42	575	184	201	1205
2011	21	55	93	36	539	183	209	1136
2012	34	42	61	28	437	163	147	912
2013	28	25	47	25	347	121	125	718
2014 (Q1)	6	5	14	5	88	41	35	194

The trend in use of force is consistent with DPD's progress under the Consent Judgment. After early concerns that DPD officers were underreporting their use of force, the use of force numbers show a spike that would have been expected as officers began complying with increased reporting requirements. Reported uses of force nearly doubled from 2009 to 2010, increasing from 514 to 1004 incidents. In that same year, the DPD's reforms really started to come online and its overall compliance rate improved from 23% to 62%. This included compliance with various use of force provisions, including U16, which requires officers to use verbal commands and provide an opportunity to submit to arrest before using force; U17, U19 and U26, which collectively prohibit choke holds, head strikes with impact weapons, and the use of chemical spray against handcuffed subjects; and U112, the provision requiring annual use of force training.

As the DPD's overall compliance improved to 79% in 2011, uses of force totaled 927, a decline of 7.7%. In the second quarter of 2011, the DPD achieved compliance with U73's

requirements of ensuring an adequate ratio of supervisors to officers in the field, and U107's requirement to comply with the state officer training standards.

By the final quarter of 2011, the DPD was in compliance with the majority of the Consent Judgment's risk management requirements (U79 – U90) with the successful implementation of the MAS after its troubled development process. With the MAS, DPD supervisors' ability to identify and correct officers' at-risk behavior became easier, and was more directly emphasized as a critical part of supervisors' job duties. The MAS dashboard automatically identifies and alerts supervisors to investigations they must review. In 2012, over the course of its first year in operation, the DPD experienced a 17.5% decline in uses of force, for a total of 765 total uses of force. The decline continued in 2013, as DPD drew closer to 90% compliance with the Consent Judgment, with 593 uses of force.

Our review of Force Investigations Division files revealed further evidence of the Consent Judgment's positive effects on constitutional policing. The Force Investigations Division is responsible for reviewing the most serious uses of force by the DPD. We reviewed 36 investigations that were completed by the DPD in the first quarter of 2014. Some incidents involved multiple types of force, but overall the sample comprised 13 officer-involved shootings, seven uses of physical force, six vehicle pursuits, and three uses of an impact weapon. Nine of the investigative files dealt with issues other than the use of force: one suicide by an individual with an officer's service weapon, one freak discharge of a loose round of ammunition, six injuries to prisoners that were not directly attributable to officers' actions (e.g., falling from a fence or tripping while fleeing), and an in-custody death determined to be caused by septic shock from an infected injury that had already been medically treated.

We reached two significant conclusions based upon our review. First, the force incidents that we determined to be unreasonable were generally of a less severe nature than the incidents that we found unreasonable during our initial investigation. In 2000, we found a high number of officer-involved shootings, nearly half of which were problematic with respect to the force used by the officer or the subsequent investigation the DPD.⁴ In our current review, the uses of force that appeared excessive involved more low-level uses of force than improper shootings. Second, and even more importantly, we found that, in each of these investigations, the DPD took appropriate corrective action with respect to officers who violated DPD policy and/or engaged in excessive force. DPD's ability to self-monitor and self-correct demonstrates achievement of one of the primary goals of the Consent Judgment.

⁴ In the initial investigation, we reviewed all of the DPD's shootings at people between January 1998 and September 2001, a total of 259 incidents and found that 81 (31%) of the shootings were not legally justified under the standards of *Graham v. Conner*, 490 U.S. 386, 394 (1989), and *Tennessee v. Garner*, 471 U.S. 1 (1985). These incidents included shootings when no imminent threat of harm existed to officers or the public, shooting at fleeing vehicles, and even shooting at persons suspected only of committing misdemeanors. In addition, we found 53 (21%) other shootings that, although justified at the time of the discharge, might have been avoided had officers made better tactical situations. These included incidents where officers unnecessarily placed themselves in harm's way, fired shots without first establishing a clear target, or separated from their partners to pursue subjects alone. There were also several accidental or unnecessary shootings by officers inappropriately running, climbing fences, or engaging in physical struggles while holding their service weapons. Nearly a quarter of the shootings occurred while officers were off duty, many of which could have been avoided if the involved officers had contacted the DPD and waited for on-duty officers to respond. Finally, 19 (7%) of the shootings were investigated so poorly by the DPD that no conclusion could be reached as to the reasonableness of the use of force.

More specifically, in our sample, we found that only four incidents involved unreasonable force by officers. The most serious incident involved the discharge of a firearm. Out of 13 shooting investigations in our sample, two of the discharges occurred in alleged domestic violence incidents unrelated to police action.⁵ The other nine firearms incidents all involved subjects who were threatening officers with a firearm or actively engaged in serious assaults upon officers or civilians. This marks a significant turnaround from trends identified during the original investigation, when DPD officers routinely fired their weapons when no threat of imminent harm existed to justify the force. In the incident we found to be unreasonable, an officer fired multiple shots at a fleeing vehicle occupied by a homicide suspect who did not present an imminent threat of harm. Shooting at vehicles was a specific concern identified the original investigation and addressed by the Consent Judgment and DPD policy now generally prohibits such behavior. In this case, the officer who discharged his firearm was the only one of several officers on the scene to do so. The officer's claim that he fired his weapon because the fleeing vehicle was racing toward his fellow officers was directly contradicted by the other officers' accounts. As a result, the DPD's investigation properly found that the use of force violated DPD policy.

The other incidents that we found to be unreasonable involved lesser physical force. In one incident an officer overreacted to the actions of a combative juvenile during processing in a precinct building, and used unjustified force to quell the juvenile's resistance. The encounter was captured on video equipment installed and maintained in the prisoner processing area as required by the Conditions of Compliance Consent Judgment (C64). The presence of this video was instrumental in the DPD's multiple findings misconduct by the officer. In another incident that we found to be unreasonable and which was also captured on video, the DPD sustained misconduct allegations for officers' lack of probable cause in engaging and detaining juveniles they had followed into a restaurant. Finally, we found an incident in which efforts to control a domestic violence suspect included a purportedly inadvertent head strike with a baton to be unreasonable. The officer also allowed the man to fall to the ground incurring additional injuries. The DPD sustained misconduct allegations for the head strike, failure to care for the individual and failure to report the use of force.

The issue of investigative delays—which were often referenced in the Monitor's quarterly reports and had limited the DPD's compliance with the Consent Judgment—was also evident in our sample, because we reviewed all investigations that were completed during the period. As a result, our review comprised incidents from recent months as well as some extending back to late 2011. While untimely investigations are a continuing concern that we will closely monitor under the Transition Agreement, here it had the unanticipated benefit of providing broader perspective for our review, allowing us to see how the DPD's recent changes have affected its investigative processes. Our consultants noted a marked improvement in the quality and timeliness of the more recent investigations compared to the earlier ones in the review. These improvements appear to be attributable to changes in leadership and the implementation of revised practices at the Professional Standards Bureau and the Force Investigations Division that were made by the DPD to improve compliance with the Consent

⁵ One of the domestic violence incidents was a clear case of self-defense. The other incident involved an unconfirmed allegation of a discharged during a domestic dispute. The DPD found policy violations and took corrective action in both situations.

Judgment. For example, we were advised of a recent revision to the Force Investigations Division's protocol that requires a follow-up two weeks after an investigation is opened to ensure that available videos have been requested and the process of obtaining *Garrity* statements has been initiated. Lapses and delays in both of these areas were not only regular barriers to full compliance with the Consent Judgment, but limited the effectiveness of the investigative process. These new practices should lead to great improvement.

Stops and Frisks

The Consent Judgment also addressed the DPD's arrest, stop and frisk practices, by requiring supervisors to review all arrests for probable cause (U43), prohibiting officers from frisking individuals without reasonable suspicion to fear for their safety (U44), and requiring documentation and review by the end of each shift of all stops and frisks that are not supported by reasonable suspicion (U45). The DPD had been in compliance with these provisions, but experienced a decline in recent quarters with respect to documentation. As a result, these issues were also considered as part of our review.

We evaluated the stop and frisk exception reports generated by the DPD pursuant to U45 for the period of January 2014 through March 2014. These reports document only violations of the stop and frisk policy, rather than all stops and frisks. Currently, DPD policy requires officers to document their stop and frisk activity on daily logs, which are then reviewed by supervisors at the end of their shift. This is not an ideal approach and we encourage the DPD to adopt a more modern and effective reporting method in the future. Nevertheless, based on our review, violations of the stop and frisk policy appear to be infrequent. The 35 exception reports generated during the three months of our review documented 27 unique encounters. Most resulted from documentation issues and unclear policy directives.

Eight of the stops and frisks appeared to involve stops or frisks that were conducted without the justification required by the Consent Judgment and each resulted in verbal counseling or reinstruction intended to correct the officers' behavior. However, the DPD should closely monitor the effectiveness of this corrective action, for there were four officer teams that each appeared twice in this sample for failing to include critical information in their reports. In each of those eight reports, DPD supervisors concluded that the officers actually had the requisite probable cause or reasonable suspicion, but had failed to adequately document it. The supervisors' reviews also indicated that the officers had been verbally counseled or reinstructed in each instance. However, there were no indications in the subsequent reviews that the officers had been previously counseled for the same behavior. For one pair of officers, this was reasonable as both policy violations occurred on the same day. For the remaining officers, the interval ranged from one to six days. If corrective action does not have the intended effect on officers' behavior only a day or week later, further action is necessary. DPD supervisors should pursue more effective interventions to ensure their officers' compliance with the stop and frisk policy. The DPD has informed us it does not have in place a process to systemically identify such recurrences, except if they are present in a sample drawn for a compliance audit. However, the DPD has informed us it will attempt to address this concern as it explores potential revisions to its documentation practices for stops and frisks. We intend to follow this issue closely.

Closure of the DPD's Holding Cells

For most of the past 11 years, the DPD has also operated under the Conditions of Confinement Consent Judgment (“COC”), which addressed the deficiencies identified in the DPD’s holding cells. At the time of the original investigation, the DPD operated holding cells in all of its precincts, including two floors in the former DPD headquarters building. The COC required the DPD to implement comprehensive reforms to policies and practices related to its handling of detainees, as well as physical improvements to some of the cell blocks. Progress under the COC was gradual over the decade it was in effect, but as with use of force, the City remained committed to ensuring it operated its holding cells in a constitutional manner. Even as the City negotiated for the transfer of its prisoner detention responsibilities to the Michigan Department of Corrections, the DPD remained focused on achieving full compliance with the COC, and had done so by the end of June 2013. The transfer of custodial operations to the newly renovated Detroit Detention Center took place in the months that followed, and in December 2013, the Independent Monitor confirmed that the DPD had ceased detention operations and decommissioned its holding cells.

Community Involvement and Oversight

During the course of the Consent Judgment, the City and the DPD have worked to improve accountability to the Detroit community. The DPD holds quarterly Command Accountability Meetings that are open to the public, allowing the community to observe and engage DPD command staff in a constructive forum. In 2013, the DPD established the Chief of Police Advisory Board, which consists of representatives from the community, including clergy, business owners and other individuals, and meets monthly to further the Chief’s goals of transparency and inclusion.

Finally, the City Charter provides that citizen complaints are to be received and investigated by civilian investigators in the Office of the Chief Investigator (“OCI”) under the purview of the Board of Police Commissioners. The Consent Judgment included provisions to strengthen this aspect of civilian oversight and required the City to improve the OCI’s process for receiving and investigating citizen complaints about the DPD, effectively requiring OCI investigations to adhere to the same investigative standards of the DPD’s internal investigations (U61 – U69). The City and the OCI have successfully overcome their challenges with meeting investigative timelines, backlogged complaints, turnover in leadership, and a shortfall in qualified civilian investigators which had prompted the temporary loan of police officers from the DPD. Today the OCI is effectively managed and fully staffed with civilian investigators whose independent investigations help ensure the DPD remains accountable to the community. Going forward, the Transition Agreement presents an opportunity for the DOJ and the DPD to build upon this foundation and explore additional avenues for community engagement to further improve community trust and confidence in the DPD.

Sustainability

We believe that, with a continued focus and commitment to the Consent Judgment's core values, the DPD can sustain these hard-fought reforms. The groundwork of sustainability has already been established, as the DPD has incorporated the requirements of the Consent Judgment into its policies, and has implemented systems to ensure they are maintained. For example, the Consent Judgment required the DPD to appoint a compliance coordinator who would be responsible for managing the Department's compliance efforts (U140). The DPD went beyond that and established a new Civil Rights Division (formerly the Civil Rights Integrity Bureau), which is responsible for all matters related to Consent Judgment compliance and their continuation after its termination, including annual officer reviews (U91), and the implementation of a quarterly audit process to assure continued compliance (U92 – U97). The audit process was vital to the DPD's efforts to further its compliance with the Consent Judgment, at times identifying compliance issues prior to regular monitoring, enabling the DPD to be able to take corrective action.

Furthermore, the Consent Judgment required other reforms that have become part of the fabric of the DPD, including changes to training practices that go beyond the core constitutional concerns of use of force and arrest practices to address issues like leadership and risk management (U106 – U123). Additionally, the DPD's augmented reporting and oversight processes are built into the MAS, which was designed and implemented as an integral part of the DPD's regular operations. The performance of the MAS and officers' adherence to DPD policy are monitored by the DPD's Civil Rights Division. These practices are woven into the DPD's routine operations and will continue well after the Consent Judgment, allowing the DPD to remain focused on maintaining constitutional and effective policing.

Transition Agreement

The Transition Agreement gives the DPD time to demonstrate full compliance with the Consent Judgment's requirements. The DPD needs to continue working on the 11 paragraphs that were identified as non-compliant by the Independent Monitor, as well as the other concerns described in this report. At the same time, the DPD must also ensure that it can sustain the reforms in the areas where it has been compliant. As it returns to a mode of self-monitoring, the DPD must also become directly accountable to the community through additional transparency and outreach.

The DOJ looks forward to continuing its partnership with the DPD under the Transition Agreement. Although we will maintain an oversight role through our reviews of the DPD's quarterly audits, and our own outreach efforts to engage and respond to community concerns, we will also stand as a resource with which the DPD can collaborate on new policies and initiatives to promote the interests of constitutional policing, community trust, and public safety.

Conclusion

The DPD and the City are to be commended for their accomplishments under the Consent Judgment over the past 11 years. We look forward to continuing to work with you during the

Transition Agreement to complete the reforms of the Consent Judgment and ensure continued constitutional policing in the City of Detroit. If you have any questions regarding this letter, please contact Jonathan Smith, Chief of the Civil Rights Division's Special Litigation Section, at (202) 514-6255.

Sincerely,



Barbara L. McQuade
United States Attorney



Molly J. Moran
Acting Assistant Attorney General