

Process for Settlement Agreement Modifications

1. The authority to make modifications to the settlement agreement is contained in paragraph 175 of the settlement agreement and occurs in the context of DOJ's 2-year assessment of whether the outcomes intended by the agreement have been achieved. Here is the relevant language of that paragraph: "Based on this comprehensive assessment, DOJ may recommend modifications to the Agreement that are necessary to achieve and sustain intended outcomes. Where the City agrees with DOJ's recommendations, the Parties shall stipulate to modify the Agreement accordingly. Nothing in this assessment shall empower DOJ to unilaterally modify the terms of this Agreement."

2. Prior to DOJ recommending any modifications to the Agreement, we are seeking stakeholder input on the outcomes of the Agreement thus far. Part of the stakeholder input is information from COAB members. Other stakeholders we have or will consult with include: the AMAC, the PPA (Union for patrol officers and sergeants), the COCL, individual police officers, and community mental health stakeholders.

3. After DOJ collects stakeholder input, we would meet with the City Attorney's office to determine if the City (to include PPB and City Commissioners) agrees with DOJ's recommendations.

4. If the City agrees, then we may circle back to the AMAC for additional conferral on our recommendations because of their role as amicus curiae in the litigation.

5. Any recommendations agreed to by the City Attorney's Office would need approval of the City Council.

6. If approved by City Council, the Parties would likely file a joint motion or notice with the court, seeking approval of a stipulation to modify the agreement. If the parties do not agree or if City Council does not approve, then the Parties would determine whether it is an issue for Judge Simon.