

JOINT MODIFICATION NO. 2

TO

JUNE 13, 2001

MEMORANDUM OF AGREEMENT

Between the United States Department of Justice

and the

District of Columbia and

the District of Columbia Metropolitan Police Department,

September 30, 2003

JOINT MODIFICATION NO. 2

TO

JUNE 13, 2001

MEMORANDUM OF AGREEMENT

Between the United States Department of Justice

and the

District of Columbia and

the District of Columbia Metropolitan Police Department,

I. BACKGROUND

1. Pursuant to provision 194 of the June 13, 2001, Memorandum of Agreement (“MOA”) between the United States Department of Justice (“DOJ”), the District of Columbia, and the District of Columbia Metropolitan Police Department (“MPD”), the Parties hereby enter into this Second Modification (“Modification No. 2”).

2. The Parties agree that MPD has failed to meet certain timelines identified in the MOA, specifically those related to development of a Personnel Performance Management System (“PPMS”). DOJ acknowledges, however, that MPD has satisfied and continues to satisfy many of its other obligations under the MOA. In light of MPD’s continuing commitment to the goals and contents of the MOA, the Parties have agreed to modify the MOA.

3. Upon execution of this Modification No. 2, MPD and the City shall be discharged from

their current status of breach of the established timelines related to the PPMS, in MOA paragraphs 114, as well as other PPMS requirements in MOA paragraphs 106-117 and any other portions of the MOA which pertain to PPMS.

## II. SCOPE OF MODIFICATION

4. This Modification No. 2 modifies the implementation and deliverable dates outlined in the MOA. This Modification No. 2 does not alter the substantive provisions of the MOA.

## III. REVISED DELIVERABLE SCHEDULE

5. With respect to deliverables, MPD shall produce the policies, procedures, protocols, or other documentation, as appropriate, required by the MOA to the DOJ according to the agreed upon deadlines on the attached Joint DOJ/MPD MOA Modification Chart No. 2. The following provisions are modified:

- a. MOA paragraph 106;
- b. MOA paragraph 107;
- c. MOA paragraph 109;
- d. MOA paragraph 110;
- e. MOA paragraph 111;
- f. MOA paragraph 112;
- g. MOA paragraph 113;
- h. MOA paragraph 114;
- i. MOA paragraph 115;
- j. MOA paragraph 116;
- k. and MOA paragraph 117.

## IV. COMPLIANCE

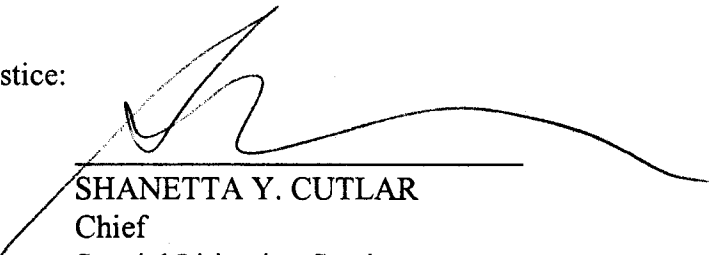
6. The implementation schedule and the revised deadlines for deliverables contained in this Modification No. 2 are firm. Nonetheless, the parties agree that if MPD is unable to complete a deliverable on schedule due to articulable, unforeseen emergency circumstances, MPD shall contact DOJ and seek a revised mutually acceptable deliverable date or revised deadline.

7. The parties agree that if MPD is unable to meet a deadline outlined in this Modification No. 2 due to a failure of the PPMS selected vendor, MPD shall be granted an automatic 30 calendar-day extension to the deadline upon written notification to DOJ that the deadline will not be met. Vendor failure is defined as a failure that is not caused in any way by MPD, but for which the vendor is solely responsible. Within the 30 calendar-day extension, MPD agrees to submit to DOJ, in writing, the cause for the vendor failure and agrees to work with DOJ to seek a mutually acceptable deliverable date or revised deadline. MPD will not be held in breach when a deliverable is late due to failure of the vendor. Nothing in this paragraph relieves MPD of its obligation to use its best efforts to comply with the MOA and to assist the vendor in meeting deadlines.

V. MISCELLANEOUS

8. The signatories below represent by their signatures that they are authorized to enter into this Modification No. 2 and are signing on behalf of their party and the original signatories to the MOA.

For the United States Department of Justice:




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SHANETTA Y. CUTLAR  
Chief  
Special Litigation Section  
Civil Rights Division

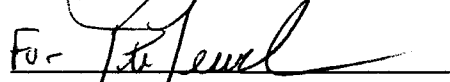
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For the District of Columbia and the Metropolitan Police Department:

  
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Mayor of the District of Columbia

MARGARET NEDELKOFF KELLEMS  
Deputy Mayor of Public Safety and Justice  
for the District of Columbia


MARK JORDAN  
Special Assistant to the Deputy Mayor of Public  
Safety and Justice for the District of Columbia

  
CHARLES H. RAMSEY  
Chief of Police  
District of Columbia  
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MICHAEL J. FITZGERALD  
Executive Assistant Chief of Police  
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Captain  
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District of Columbia  
Metropolitan Police Department

  
TERRENCE D. RYAN  
General Counsel  
District of Columbia  
Metropolitan Police Department

Joint DOJ/MPD MOA Modification No. 2

106	<p>Develop and implement a computerized relational database</p> <p>Use the computerized relational database regularly and affirmatively</p>	<p>February 25, 2005</p> <p>Ongoing beginning February 25, 2005</p>
107	<p>Submit to DOJ for approval a memorandum outlining MPD's plan for compliance with the minimum informational requirements of PPMS</p>	<p>August 29, 2003</p>
109	<p>Submit to DOJ for approval a memorandum outlining MPD's plan for compliance with the requirement that PPMS include specified relevant numerical and descriptive information, copies of relevant documents, and minimum search and retrieval capabilities</p>	<p>August 29, 2003</p>
110	<p>Submit to DOJ for approval a memorandum outlining MPD's plan for compliance with the requirement that PPMS use a common control number and employee identification number to facilitate cross-referencing</p>	<p>August 29, 2003</p>

111	<p>Submit PPMS Protocol to DOJ</p> <p>Revise, modify and edit PPMS protocol based on DOJ's comments and as necessary to reflect developments in the PPMS system. Revisions will be promptly submitted to DOJ for review and approval</p> <p>Submit final PPMS protocol to DOJ.</p>	<p>November 18, 2003</p> <p>Ongoing beginning November 18, 2003</p> <p>Due the date beta testing begins (see ¶ 114 (d))</p>
112	<p>Submit PPMS Protocol to DOJ for technical assistance</p> <p>Train managers and supervisors for risk management and use of PPMS</p> <p>Hold managers and supervisors accountable for implementation of PPMS protocol</p>	<p>November 18, 2003</p> <p>Ongoing beginning within 8 weeks of DOJ's final approval of the PPMS Protocol (see ¶ 111)</p> <p>Ongoing beginning within 8 weeks of DOJ's final approval of the PPMS Protocol (see ¶ 111)</p>
113	<p>Submit plan for maintaining personally identifiable information about officers for at least five years and information necessary for aggregate statistical analysis indefinitely; for entering information in a timely, accurate; and complete manner; and for maintaining officer data in a secure and confidential manner</p>	<p>November 14, 2003</p>



114 (b)	Select the PPMS contractor	September 16, 2003
114 (c)	Submit PPMS Protocol to DOJ	See ¶ 111
114 (d)	Have ready for DOJ testing a beta version of PPMS	June 25, 2004
114 (e)	PPMS computer program and computer hardware operational and fully implemented	February 25, 2005
115	Until implementation of PPMS, utilize existing data for the purposes set forth for the PPMS	Ongoing until PPMS is operational (see ¶ 114 (e))
116	Following implementation of PPMS, modify tables and fields, documents included, standardized reports, and queries, as warranted	Ongoing once PPMS is operational (see ¶ 114 (e))
117	Submit to DOJ for approval OPR plan for taking responsibility for MPD-wide risk assessments and PPMS operation and entering of information	October 17, 2003
	Submit to DOJ for approval OPR plan for providing assistance to managers and supervisors using PPMS and ensuring that appropriate reports and queries are programmed	October 17, 2003