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**BY ELECTRONIC MAIL**

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**Re: Placement Needs Assessment**

Dear Judy, Kathleen, David, Jim, and Steve:

We write to address Additional Commitment 1 to Part Two, Section II (Placements) of the Modified Consent Decree, which requires Defendants to conduct a biennial needs assessment of unmet placement needs for Plaintiffs. At the conclusion of the most recent June 23 Problem-Solving Forum, where the authors of the assessment presented and discussed their work, Judy laid out the following plan regarding the Placement Needs Assessment:

[Judy] highlighted that the next steps regarding the placement need assessment were for **the State and Department to communicate to the forum participants what they take from the needs assessment report and how it will impact planning**. Judy noted that plaintiffs would have to decide if this was acceptable and develop ideas for improvement.

Final minutes of 6/23/22 Forum (emphasis in original). This has not occurred. Defendants have not provided any comments or plans in response to the assessment. As we explained at the Forum, the submitted (non-final) assessment does not comply with the MCD in multiple respects, and, as a result, triggers additional MCD violations. We have submitted the attached critique to the IVA explaining our concerns. We have been waiting for Defendants to respond to Judy's direction first before we submitted our comments, but we cannot wait any further. The IVA has determined that, like its two predecessors, this assessment (if made final) does not comply with the MCD requirements. We concur.



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We therefore ask that Defendants please provide their response, if any, as directed by Judy, as soon as possible and no later than September 30. If this is not or cannot be done, we request dispute resolution under Part I Section IV.A of the MCD to address Defendants' failure to comply with the clear and vitally important requirements of Additional Commitment 1.

Thank you for your prompt consideration.

Very truly yours,

/s/ Mitchell Y. Mirviss

/s/ Stephanie S. Franklin

Encl.

cc: Sarah Esposito  
Rhonda Lipkin  
Lisa Mathias