CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCIL BILL NO. <u>R-22-1</u> ENACTMENT NO	
SPONSORED BY: Dan Lewis	
1	RESOLUTION
2	DIRECTING THE CITY ADMINISTRATION TO EVALUATE RECENT ATTORNEY
3	GENERAL GUIDANCE AND ASSESS REOPENING AND RENEGOTIATING THE
4	COURT APPROVED SETTLEMENT AGREEMENT BETWEEN THE CITY OF
5	ALBUQUERQUE AND THE U.S. DEPARTMENT OF JUSTICE
6	WHEREAS, In November 2014, the City of Albuquerque entered into a Court
7	Approved Settlement Agreement (CASA) with the United States Department of
8	Justice regarding agreed upon changes in the management and operations of
9	the Albuquerque Police Department (APD) in response to identified use-of-
10	force and related issues; and
11	WHEREAS, In 2015, Dr. James Ginger, CEO of Public Management
12	Resources, Inc., was jointly selected as the Independent Monitor to oversee
13	and evaluate APD's response to the requirements of the CASA; and
14	WHEREAS, On November 12, 2021, Dr. Ginger submitted his Fourteenth
15	Independent Monitor's Report (IMR), evaluating compliance levels of the
16	Albuquerque Police Department and the City of Albuquerque with
17	requirements of the CASA; and
18	WHEREAS, On September 13, 2021, the Office of the Attorney General
19	published a memorandum entitled Review of the Use of Monitors in Civil
20	Settlement Agreements and Consent Decrees Involving State and Local
21	Governmental Entities (AG Memorandum); and
22	WHEREAS, The AG Memorandum outlines principles and recommended
23	implementation actions for the use of monitors in civil settlement agreements
24	and consent decrees involving local governmental entities; and
25	WHEREAS, Among other things, the AG Memorandum recommends
26	placing a cap on independent monitor fees and assessing termination of
27	monitorships after no more than five years; and

WHEREAS, The AG Memorandum notes that because "existing consent
 decrees and monitorships are the product of extensive negotiation between
 the parties, with approval by a federal court, the specific recommendations
 outlined . . . should apply only to consent decrees and monitorships used in
 future cases."; and

6 WHEREAS, The principles and recommended implementation actions
7 outlined in the AG Memorandum may be beneficial to the City of Albuquerque
8 as it works toward compliance with the CASA; and

9 WHEREAS, The guidance contained in the AG Memorandum may
10 constitute cause to reopen and renegotiate the terms of the CASA, to include
11 not only the recommendations contained in the AG Memorandum, but a
12 reevaluation of the CASA as a whole.

13 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF14 ALBUQUERQUE:

SECTION 1. The City shall evaluate each of the principles and
recommended implementation actions outlined in the AG Memorandum to
determine whether they are beneficial to the City's compliance efforts, and
analyze and reevaluate the terms of the CASA as a whole. The City Legal
Department, or appropriate designee, shall report its findings to the Council
no later than three months following the enactment of this Resolution.

SECTION 2. To the extent advisable, the City shall petition to reopen the
 CASA and renegotiate its terms, including but not limited to, incorporating the
 recommendations contained in the AG Memorandum and any additional
 changes as may be necessary. Such petition shall specifically address the AG
 Memorandum recommendations regarding capping independent monitor fees

- and assessing termination of monitorships after no more than five years.
- 27
- 28
- 29
- 30
- 31
- 32