



Legislation Text

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CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-22-1 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis

RESOLUTION

Directing The City Administration To Evaluate Recent Attorney General Guidance And Assess Reopening And Renegotiating The Court Approved Settlement Agreement Between The City Of Albuquerque And The U.S. Department Of Justice (Lewis)

DIRECTING THE CITY ADMINISTRATION TO EVALUATE RECENT ATTORNEY GENERAL GUIDANCE AND ASSESS REOPENING AND RENEGOTIATING THE COURT APPROVED SETTLEMENT AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE AND THE U.S. DEPARTMENT OF JUSTICE.

WHEREAS, In November 2014, the City of Albuquerque entered into a Court Approved Settlement Agreement (CASA) with the United States Department of Justice regarding agreed upon changes in the management and operations of the Albuquerque Police Department (APD) in response to identified use-of-force and related issues; and

WHEREAS, In 2015, Dr. James Ginger, CEO of Public Management Resources, Inc., was jointly selected as the Independent Monitor to oversee and evaluate APD's response to the requirements of the CASA; and

WHEREAS, On November 12, 2021, Dr. Ginger submitted his Fourteenth Independent Monitor's Report (IMR), evaluating compliance levels of the Albuquerque Police Department and the City of Albuquerque with requirements of the CASA; and

WHEREAS, On September 13, 2021, the Office of the Attorney General published a memorandum entitled *Review of the Use of Monitors in Civil Settlement Agreements and Consent Decrees Involving State and Local Governmental Entities* (AG Memorandum); and

WHEREAS, The AG Memorandum outlines principles and recommended implementation actions for the use of monitors in civil settlement agreements and consent decrees involving local governmental entities; and

WHEREAS, Among other things, the AG Memorandum recommends placing a cap on independent monitor fees and assessing termination of 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

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

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

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 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.

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