

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
THE CITY OF ALBUQUERQUE,)	14-cv-1025 RB/SMV
)	
Defendant,)	
)	
vs.)	
)	
THE ALBUQUERQUE POLICE)	
OFFICERS' ASSOCIATION,)	
)	
Intervenor.)	

**JOINT MOTION TO CLARIFY COURT'S DIRECTIVE
REGARDING CITY OF ALBUQUERQUE'S REPORT AND ACTION PLAN**

Plaintiff United States of America and Defendant City of Albuquerque (the City),¹ with the consent of Independent Monitor James Ginger, respectfully move this Court for an order clarifying the Court's directive that the City file a "report and action plan" addressing certain matters raised during the May 10, 2017 hearing. Specifically, the United States and the City seek guidance on whether the Court intended for the *Amici* and the civilian-comprised entities created by the Court-Approved Settlement Agreement (CASA Stakeholders)² to participate in the review process preceding the filing of the City's report and action plan.

¹ Intervenor Albuquerque Police Officers' Association has informed the other parties that it takes no position on the relief sought in this motion.

² The CASA created several civilian-comprised entities, including the Police Oversight Board (POB), Civilian Police Oversight Agency (CPOA), Mental Health Response Advisory

1. During the May 10, 2017 public hearing in this case, the Court directed the City to file a “written report and action plan” that addresses the issues raised by the *Amici* and CASA Stakeholders and certain other compliance-related issues within 30 days. May 10, 2017 Hearing Transcript (Tr.), Doc. 280, at p. 37, ll. 10-18; p. 72, ll. 21-25; p. 81, ll. 10-19; p. 180, ll. 18-24.
2. The City’s 30-day period for filing the report and action plan would have been June 9, 2017, but for the United States’ request that the Parties and the *Amici* and CASA Stakeholders have the opportunity to review and comment on the City’s report and action plan. Tr. at p. 175, ll. 1-11. The Court responded to the United States’ request by stating that the City should get a draft report and action plan to the Parties within 30 days and file its final report and action plan at 45 days, or June 24, 2017. *Id.* at ll. 12-16.
3. The United States and the City seek to ascertain whether the City is to provide its draft report and action plan to the Parties and the *Amici* and CASA Stakeholders by June 9, 2017, and then file its report and action plan within 15 days thereafter (by June 24, 2017), after considering input from the Parties and the *Amici* and CASA Stakeholders.
4. While the Court did not expressly state that the City should share its draft with the *Amici* and CASA Stakeholders and consider their input in finalizing its report and action plan, the Court made clear that the primary purpose of the City’s report and action plan is to address the issues raised by the *Amici* and CASA Stakeholders.

Committee (MHRAC), and Community Policing Councils (CPCs), to support the reform process for the Albuquerque Police Department. The Parties have collectively referred to these entities as the “CASA Stakeholders.”

5. Additionally, the Court modified its directive to the City in response to the United States' request that the Parties and the *Amici* and CASA Stakeholders have an opportunity to review and comment on the City's report and action plan.
6. For these reasons, the United States and the City seek clarification regarding whether it is the Court's expectation that the *Amici* and CASA Stakeholders would participate in the review and comment process preceding the filing of the City's report and action plan.

WHEREFORE, the United States and the City respectfully request an order of this Court clarifying whether the City should provide its draft report and action plan to the *Amici* and CASA Stakeholders when it provides the draft to the Parties on or before June 9, 2017, and consider their input in finalizing the report and action plan that it files with the Court on or before June 24, 2017.

Respectfully submitted this 2nd day of June, 2017.

For Plaintiff UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2017, I filed the foregoing pleading through the Court's Case Management and Electronic Filing (CM/ECF) System, which caused the Parties, Counsel of Record, and the Independent Monitor on the case service list to be served by electronic means.

/s/ Paul Killebrew
PAUL KILLEBREW