

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Clerk's Minutes  
Before the Honorable Robert C. Brack

**CASE NO.** 14cv1025 RB/SMV

**DATE:** September 7, 2017

**Time in court: 57 minutes**

**TITLE:** United States v City of Albuquerque

**COURTROOM CLERK:** Jessica Chavez

**COURT REPORTER:** Vanessa Alyce

( ) Albuquerque (X) Las Cruces ( ) Santa Fe ( ) Roswell

( ) Bench warrant ordered

**INTERPRETER:** none

**ATTORNEYS PRESENT FOR PLAINTIFF(S):**

Elizabeth Martinez, Steve Ryals  
Paul Killebrew

**ATTORNEYS PRESENT FOR DEFENDANT(S):**

Jessica Hernandez, JeramySchmehl

**Intervenor Attorney: John D'Amato**

**Other person: Dr. James Ginger, monitor**

**TYPE OF PROCEEDING:** Status conference

**PROCEEDINGS:**

11:20 am Court in session

Court – counsel appearances.

1. Update on Independent Monitor Report6 Dr. Ginger: on schedule, may be interrupted by Hurricane Irma. Report to be filed November 2, 2017. Moving public hearing to November 16, 2017 At 9:00 am. Ms. Martinez: Recommendation by parties; solicit input from Amici and CASA stakeholder, to be notified of hearing date, alert to the fact report will be filed on November 2, 2017. Would request written notice by Amici and CASA by November 7, 2017 so parties have opportunity to meet. Court will approve process recommended.
2. Update on City's outreach to Amici and CASA Stakeholders – City's Report and Action Plan. Mr. Schmehl: Details as to last few weeks with Amici and CASA Stakeholders. Ms. Martinez: have not been invited to participate in meetings. Trust if issues not addressed, City would raise those at weekly/monthly meetings.
3. Joint recommendation by Parties and Monitor re addressing communications from members of community. Ms. Martinez: Proposal in handling, parties conferred and recommendation to the Court. Ms. Hernandez: concurs with process proposed. Mr. D'Amato concurs. Dr. Ginger concurs.
4. Status City's Proposed Motion for Protective Order re IPRA Requests. Mr. Schmehl: comments to the Court. Anticipate filing, waiting for position by Government. Mr. Killebrew: addresses the Court. Legal research. Mr. D'Amato: nothing to add. Dr. Ginger: nothing to add.

5. Update Status of Mediation MOU Mr. Ryals: addresses the Court, proposal. Working on MOU to send to parties. Mr. Schmehl: City's position, concurs. Mr. D'Amato: addresses Court. Dr. Ginger: addresses the Court.

6. Notice regarding discussions regarding change in supervisory review use of force levels. Mr. Killebrew: Talking with City, approval quality/proficiency investigations by immediate supervisor vs. specialized team. Mr. Schmehl: Weight placed on supervisors, burden of investigations. Look forward to working with government, APOA and monitor. Mr. D'Amato; Have not been involved in discussions. Mr. Killebrew: discussion preliminary, but, intent to have APOA on board. Dr. Ginger: Response and concerns. Will need to see proposal.

Court – Next status conference October 5, 2017 at 11:15 am

12:17 a.m. Court in recess