

**Joint Statement of Principles by  
the United States Department of Justice and the City of Albuquerque  
Regarding the Albuquerque Police Department**

The United States Department of Justice and the City of Albuquerque, NM (collectively, “the Parties”) are committed to working together and with the many communities that make up the City to ensure that the Albuquerque Police Department (“APD”) delivers services in a manner that respects the rights of residents, promotes mutual confidence between the police and the community, and improves public and officer safety. To this end, the Parties are engaged in good-faith negotiations on a blueprint for reform that will sustainably address the systemic issues identified by the Department of Justice in its April 10, 2014, findings letter. We issue this Joint Statement of Principles to publicly specify the measures that the Parties are undertaking to resolve the findings resulting from the Department of Justice’s investigation into use of force by APD.

On April 10, 2014, the Department of Justice completed its investigation of APD and concluded that it had reasonable cause to believe that APD engages in a pattern or practice of use of excessive force in violation of the Fourth Amendment and the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141. The investigation was conducted with the full and open cooperation of the City and APD. While it may disagree with certain assertions in the findings letter, the City recognizes the need for systemic reform.

The Parties have engaged on solutions with community stakeholders in Albuquerque and are continuing to do so. We agree that the recommendations and suggestions received through the community engagement process are critical factors to consider in crafting a comprehensive and effective remedial plan for APD. We recognize that the successful implementation and sustainability of reforms will depend, in part, on the active participation of, and input from, the Albuquerque community. The Parties also agree that the input of APD officers and their representatives is a critical factor to consider in ensuring that the Agreement provides officers with the practical guidance, tools, and support they need to effectively and efficiently carry out the Agreement’s requirements and enhance safety for both officers and the community they serve. We recognize that APD officers and employees are APD’s greatest resource and that the vast majority of officers are committed to upholding the Constitution while carrying out their important duties to ensure public safety with honor and distinction.

The Parties are committed to negotiating in good faith to ensure that a carefully crafted, court-enforceable agreement is reached as expeditiously as possible, and to provide the Albuquerque community with transparency into the negotiation process under the following terms:

1. The Parties are negotiating and seeking agreement on reform measures consistent with constitutional standards and best practices that will address the following eight areas that are outlined in the Department of Justice’s April 10, 2014 findings letter: APD’s (a) use of force policies; (b) interactions with individuals with mental illness and other disabilities; (c) tactical units; (d) training; (e) internal investigations and civilian complaints; (f) management and

supervision; (g) recruitment and selection of officers; and (h) community engagement and oversight.

2. The Agreement will include multiple mechanisms that will facilitate the full and ongoing participation of community members in the implementation of the reform process. The Agreement, however, will not substitute or foreclose other initiatives by the community or the City to promote reform and oversight of, or partnerships with, APD, including the City collaborative engagement process. The measures in the Agreement will supplement, not supplant, existing or recommended oversight mechanisms.

3. The Agreement will include outcome measures to assist the Parties and the public in determining whether APD's policies and practices are resulting in more effective and constitutional policing. The outcome measures will also assist the Parties and the public in assessing the Parties' progress toward compliance.

4. An independent monitor will be selected to assist the Parties in determining whether the Agreement is being implemented and whether the goals of the Agreement have been achieved. While negotiations are pending, the Parties intend to issue a Request for Information to solicit responses from potential candidates who may be interested in serving as independent monitor. The Request for Information will describe the qualifications and experience required for the position and will be distributed nationally. The Request for Information is intended to assist the Parties in identifying qualified candidates who will provide objective, cost-effective, and thorough assessments of the Parties' compliance with the Agreement. The Agreement will specify the selection and appointment process for the independent monitor.

5. The Parties recognize the urgency of this matter and seek to complete negotiations expeditiously.

6. Once the Parties reach an Agreement that resolves the Department of Justice's findings, the Agreement will be presented to the City Council. The Parties commit to engage community stakeholders, including officers, to ensure a broad understanding of the terms of the Agreement. The Parties agree to seek to have the Agreement approved by and entered as a court order by the U.S. District Court for the District of New Mexico to ensure that the terms of the Agreement are implemented fully and faithfully.

The Parties recognize that the process of reform is complex and will require sustained effort. Reform will not occur overnight and will require clear goals and objectives. The entire Albuquerque community must be engaged if it is to be a success. To this end, the Parties commit to work collaboratively and earnestly and with necessary urgency. The Parties agree to work to implement the Agreement for as long as necessary to ensure that they have achieved their goals for sustainable reform.

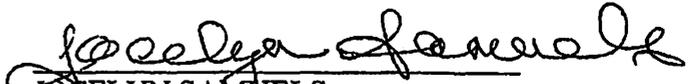
This Joint Statement of Principles shall not be construed as an admission or evidence of liability by or against the City under any federal, state or municipal law including, but not limited to, 42 U.S.C. § 1983. This Joint Statement is not intended to limit or expand the right of any person or entity seeking relief against the City, APD, or any officer or employee thereof, for their

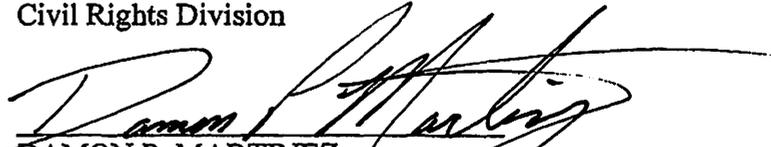
conduct or the conduct of APD officers. No person or entity is or is intended to be a third-party beneficiary of this Joint Statement for the purposes of any civil, criminal, or administrative action. This Statement does not limit or restrict the Department of Justice's ability to initiate a civil action under 42 U.S.C. § 14141, or seek other enforcement action, to protect the rights, privileges, or immunities of individuals that are secured or protected by the Constitution or laws of the United States.

Agreed to this 24<sup>th</sup> day of July, 2014,

  
HON. RICHARD J. BERRY  
Mayor  
City of Albuquerque

  
SCOTT T. GREENWOOD  
Special Counsel  
City of Albuquerque

  
JOCELYN SAMUELS  
Acting Assistant Attorney General  
Civil Rights Division

  
DAMON P. MARTINEZ  
United States Attorney  
District of New Mexico