

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. CIV 14-1025 RB/SMV
)	
THE CITY OF ALBUQUERQUE,)	
)	
Defendant.)	

ORDER

THIS MATTER came before the Court upon the parties’ Joint Motion Requesting an Order Appointing Dr. James D. Ginger as Independent Monitor. (Doc. 76.) Ultimately, the Independent Monitor will be responsible for assessing and reporting whether the parties are fulfilling their obligations under the consent decree. (Agmt. ¶ 294.) As the Independent Monitor, Dr. Ginger will ensure that the decree’s implementation will produce a police force that provides constitutional, effective, and high-quality service to all Albuquerque residents. To accomplish these critical tasks, Dr. Ginger will have the duty and authority to conduct audits, gather data, analyze outcomes, make recommendations, and report his findings to the parties, the Court, and the public. (Agmt. ¶¶ 294-327.)

The parties agree that Dr. Ginger has all of the qualifications necessary to serve as Independent Monitor. Dr. Ginger is a former police officer, executive staff trainer, policymaker, and researcher. He has extensive experience in police training, community and problem-oriented policing, use of force evaluation, crisis intervention, and police supervision. Having served as the independent monitor for consent decrees in Pittsburgh and New Jersey, Dr. Ginger is an

experienced independent monitor. He has a proven record of overseeing timely and durable reform for both decrees.

The parties believe that Dr. Ginger, who will directly handle the implementation of internal affairs as the lead monitor, is well-suited to the role. Both the Chief of Police and the City leadership have spoken with Dr. Ginger and respect his knowledge, skills, and abilities. At the fairness hearing, the Amici largely supported Dr. Ginger's appointment.

Dr. Ginger will assemble a team of experienced law enforcement professionals and subject-matter experts to assist him in providing technical assistance, assessing compliance, preparing reports, and engaging with the community. The Court listened to the Amici's concerns that a diverse city such as Albuquerque deserves a diverse monitoring team. In consideration of this thoughtful critique, the Court continues to work with Dr. Ginger to address the issue.

The Court recognizes that many qualified applicants expressed an interest in serving as the Independent Monitor and commends the parties for working collaboratively to select a consensus candidate. After reviewing Dr. Ginger's application and holding a meeting with him, the Court agrees that Dr. Ginger has the necessary skills, experience, and temperament to assist the parties and the Court with the implementation of the consent decree.

The Court previously entered a provisional approval of the parties' Proposed Settlement Agreement. (Doc. 35.) The Court hereby selects and appoints Dr. Ginger as the Independent Monitor, effective *nunc pro tunc* to January 20, 2015. The parties shall determine the terms and conditions of Dr. Ginger's engagement, including his budget, payment, and office space. The parties must file the agreed-upon terms with the Court by March 4, 2015. The Court will resolve any issues remaining in dispute at that time.

IT IS ORDERED that Dr. James D. Ginger is appointed as the Independent Monitor pursuant to the Settlement Agreement effective, *nunc pro tunc*, to January 20, 2015.

A handwritten signature in black ink, appearing to read "Robert C. Brack", is written over a horizontal line.

ROBERT C. BRACK
United States District Judge