



## City of Albuquerque Office of the Mayor

**Timothy M. Keller** | Mayor  
**Lawrence Rael** | Chief Administrative Officer  
**Kevin Sourisseau** | Chief Operations Officer  
**Sanjay Bhakta** | Chief Financial Officer  
**Matthew Whelan** | Deputy Chief Administrative Officer

Dear Council President Davis,

Today the Department of Justice announced the most significant milestone in the Court-Approved Settlement Agreement (CASA) to date. Nearly a quarter of the oversight requirement will be terminated. This is a reflection of so much hard work by all those involved, and another tangible point of transformation for our approach toward the CASA in the last two years.

After nine years, the City is close to achieving an even more important milestone – 100% compliance with the Court-Approved Settlement Agreement. In the past two years, the City has seen its CASA compliance increase from 62% to 92%, and the City expects that there will be a further increase when the report for IMR 18 is released in November. Based on this rating, the City may be able to seek a determination that it is in full and effective compliance with the CASA and thus begin the process of bringing federal oversight to an end. But there is a significant obstacle that could derail this progress – the performance of the Civilian Police Oversight Advisory Board (Board) and the Civilian Police Oversight Agency (Agency).

In January, Council disbanded the existing Board and implemented significant changes to the structure of both the Board and the Agency. It did so with the goal of addressing areas where the Board and the Agency were deficient in CASA compliance and were not delivering effective civilian oversight. Unfortunately, subsequent reports regarding the CASA specifically highlight that Council has not taken key steps needed to implement these changes. In particular:

- Council has not hired the Chief Compliance Officer – the outside contractor responsible for reviewing applications for the CPOA Executive Director and recommending candidates to Council. Council’s failure to fill this position has had significant negative effects on the operations of the CPOA and its ability to fulfill CASA requirements. Because there is no CCO in place, Council has not hired a permanent Executive Director for the Agency. And because there is no permanent Executive Director, CPOA has not made progress in the key areas of deficiency identified by the Monitor – the timeliness and thoroughness of its investigations.
- Council has appointed only two of the five Board positions. As a result, the Board has not had a quorum, and therefore has been unable to meet and unable to fulfill its duties under the CASA, since January.

- Council Services has not provided the CPOA with training materials regarding the revised ordinance, despite promising to do so. This is training that must be provided to Board members before they can participate in Board meetings. This means that even if Council were to quickly fill the three open Board seats, the Board could not yet meet because the City cannot provide the required training.

As a result of these inactions, it has become clear that Board and the Agency are moving backward. Because of these issues, we expect they will lose compliance in IMR 18, even as APD continues to gain. Indeed, the Board and Agency will be out of compliance with more paragraphs than APD. This trend will continue if the Board is not reconstituted and there is no permanent CPOA Executive Director. The lack of effective civilian oversight could prevent a determination that the City is in full and effective compliance with the CASA.

I believe that none of these deficiencies are the intent of Council, but just as items pertaining to APD are the responsibility of my Administration, these items are directly the responsibility of Council. I would not be fulfilling my duty as our city's Chief Executive if I did not convey in clear terms, that we do not believe Council, as a lawmaking body, has the ability to oversee either a volunteer board or an administrative agency. As such, our forecast for ever reaching full CASA conclusion remains out of reach, and the Administration has been legislated out of being able to help. So, I am asking, on behalf of our officers, and on behalf our entire community, please take immediate action to remedy this issue to not further prolong this CASA process.

My team and I are more than happy to work with you and collaborate on various options. At this point, after all that has been attempted for over seven years, I do believe there is one answer that meets the DOJ's goals, and also Council's stated desire to not enable the Administration to fix this issue. The best option, at this junction, is to transfer oversight of the Agency to the Office of Inspector General and vetting process for Board to the Administration. If Council is not willing to do that, then it must do whatever is necessary to resolve these outstanding issues before year's end; otherwise, the Council paragraph will inevitably be one of only a few remaining out of compliance.

I have assigned Associate CAO Bob White to advise and help on this effort as needed. I hope we can be of assistance in helping Council finish this critical part of the CASA.

In the Spirit of Albuquerque,



Timothy M. Keller  
Mayor