

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:14-cv-1025 RB/SMV

THE CITY OF ALBUQUERQUE,

Defendant,

v.

**THE ALBUQUERQUE POLICE
OFFICERS' ASSOCIATION,**

Intervenor.

**[PROPOSED] ORDER CLARIFYING THE SCOPE AND PURPOSE OF
PARAGRAPH 315 OF THE COURT-APPROVED SETTLEMENT AGREEMENT**

Having considered the Joint Motion for Clarification submitted by the Parties and approved by the Independent Monitor, the Court provides the following clarification of the scope and purpose of Paragraph 315 of the Court-Approved Settlement Agreement (“CASA”).

Paragraph 315 of the CASA provides as follows:

The Monitor is not a state or local agency or an agent thereof, and accordingly, the records maintained by the Monitor or communications between the Monitor and the Parties shall not be deemed public records subject to public inspection.

(Doc. 247-1, ¶ 315.) Paragraph 315 requires the Parties and Monitor to protect “communications between the Monitor and the Parties” from disclosure. This provision aids the Court’s jurisdiction over this matter and supports the compliance process by protecting the Parties’ and Monitor’s ability to: engage in a free exchange of proposals, positions, and information; quickly identify and address problems in the compliance process; and resolve misunderstandings on their

own rather than involving the Court. Furthermore, it is necessary to protect the Monitor's draft reports from disclosure to the public to ensure that each report has one authoritative, public version that the Parties have vetted for possible errors or omissions.

IT IS SO ORDERED.

ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE