

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE PROPOSED SETTLEMENT OF A CLASS ACTION COULD AFFECT YOUR RIGHTS IF YOU ARE NOW, EVER WERE, OR EVER WILL BE DETAINED AT THE METROPOLITAN DETENTION CENTER. PLEASE READ THIS NOTICE CAREFULLY. YOUR LEGAL RIGHTS MAY BE AFFECTED WHETHER YOU ACT OR DON'T ACT.

1. What are the case and this settlement about?

The case, *McClendon v. City of Albuquerque, et al.*, No. 95-CV-24 JAP, involves both conditions at the Metropolitan Detention Center (MDC) and practices of the City of Albuquerque, including the Albuquerque Police Department (APD). This proposed settlement does *not* involve conditions at the MDC. That part of the case has already been settled separately. This proposed settlement would only resolve claims that certain practices of the City of Albuquerque violate federal law. The City of Albuquerque denies these claims.

The goal of this lawsuit is only to improve practices—not to get money damages.

2. What are the terms of the proposed settlement?

If the Court approves the proposed settlement, the City of Albuquerque will:

1. issue a standard operating procedure (SOP) that (a) reminds officers of an earlier Court Order to issue citations instead of making arrests whenever appropriate in cases involving non-violent misdemeanors (not including DWIs) and instructing officers how to do so and (b) states that whether a person has a current address may not be the sole factor in determining whether to arrest rather than issue a citation;
2. issue an SOP requiring all officers to, whenever possible, obtain and record telephone numbers and email addresses from people to whom they issue citations, within 30 days after the State of New Mexico has issued an anticipated revised Uniform Traffic Citation form including such fields;

3. issue revised SOPs (to the extent that current SOPs may not be sufficiently clear in these regards) that (a) require officers to have reasonable suspicion before stopping, searching, asking for identification from, frisking, or searching people who appear to have a mental disability, and/or to be homeless; and (b) state that officers may seize or dispose of property or personal identification only when authorized by law to do so;
4. revise its SOP regarding responses to behavioral health issues;
5. implement all of these SOPs, including through training of city employees;
6. issue a public report regarding (a) the notation of phone numbers and email addresses on citations, (b) bookings on certain citable misdemeanor offenses; (c) disposition data for individuals involved in Crisis Intervention Team incidents; and (d) arrests arising from calls for service involving domestic violence;
7. continue to collaborate with Bernalillo County to develop jail diversion programs, to establish such programs, and to allocate resources to implement those programs, subject to appropriations;
8. meet with representatives of Bernalillo County four times before June 30, 2018, to explore the possibility of establishing teams comprised of mental health professionals who are not part of APD to provide mental health follow up and case management services;
9. continue to collaborate with Bernalillo County to develop and fund mobile crisis teams to respond to mental health calls, subject to appropriations; and
10. continue to provide approximately 700 supportive housing slots for people, including those with mental illness or disability who have been booked into the MDC, and collaborate with Bernalillo County about the opportunity for additional slots, subject to appropriations.

The foregoing is a brief summary of the obligations of the City of Albuquerque under the proposed Settlement Agreement, the complete terms and conditions of which are available as set forth under the "GETTING MORE INFORMATION" heading below.

The proposed settlement would not provide money damages to any person.

3. What are your legal rights?

OBJECT IN WRITING	Write a letter to the Court or the lawyers for the inmates about why you don't like the settlement.
OBJECT IN PERSON	Ask to be heard in court about the fairness of the settlement.
DO NOTHING	If you do not object, the Court will not consider your views when it decides whether to accept or reject the settlement.

LAWYERS REPRESENTING YOU

Peter Cubra
Kelly Waterfall
Katherine Loewe
3500 Comanche NE, Suite H
Albuquerque, NM 87107
phone 505.256.7690

Nancy Simmons
120 Girard Blvd. SE
Albuquerque, NM 87106
phone 505.232.2575

Ryan Villa
2501 Rio Grande Blvd. NW, Ste A
Albuquerque, NM 87104
phone 505.639.5709

Zach Ives
924 Second St NW, Suite A
Albuquerque, NM 87102
phone 505.899.1030

Mark Donatelli
1215 Paseo De Peralta
P.O. Box 8180
Santa Fe, NM 87504
phone 505.988.8004

Mark Baker
20 First Plaza, Suite 725
Albuquerque, NM 87102
phone 505.247.4800

OBJECTING TO THE SETTLEMENT

If you accept the proposed settlement, you do not need to do anything.

If you object to the proposed settlement in general or if you object to specific parts of the agreement, you may tell the Court or the lawyers for the inmates. If you object, you may communicate your objection by either:

1. Mailing a written objection to the Clerk of the Court, U.S. District Court, 333 Lomas Blvd NW, Albuquerque NM 87102 by **August 30, 2017**; or
2. Explaining your objection to the lawyers for the people detained at the MDC by **August 30, 2017**. The lawyers will then describe your objection to the Court before or during the fairness hearing.

Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement.

If you do not submit your objection by **August 30, 2017**, the only way you can inform the Court of your objection is to appear in person to address the Court at the fairness hearing.

THE COURT'S FAIRNESS HEARING

The United States District Court will hold a hearing to decide whether to approve the proposed settlement of the claims against the City of Albuquerque in the *McClendon* class action case. The hearing is scheduled for **September 11, 2017 at 1:30 pm** at the United States Courthouse at 421 Gold Avenue SW, Sixth Floor.

At the hearing, the Court will consider all timely written objections it has received directly, all objections that have been shared with counsel for the inmates, and all objections stated in open court during the hearing.

After considering all objections and analyzing the settlement agreement to determine whether it is fair, the Court will decide whether to accept the settlement.

GETTING MORE INFORMATION

Complete copies of the settlement agreement, including are available:

1. on-line at the City of Albuquerque's web site www.cabq.gov; and
2. City Clerk's Office.

If you have questions, please *do not* send them to the Court. Please contact the lawyers and their staff.