

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

JIMMY (BILLY) McCLENDON, et al.,

Plaintiffs,

vs.

Civ. No. 95-24 JAP/KBM

CITY OF ALBUQUERQUE, et al.,

Defendants,

vs.

E.M., R.L., W.A., D.J., P.S., and N.W.
on behalf of themselves and all others
similarly situated,

Plaintiff-Intervenors.

ORDER

On November 5, 2011, Defendants City of Albuquerque et al. (Defendants) filed DEFENDANT BERNALILLO COUNTY BOARD OF COMMISSIONERS' MOTION FOR FINDING OF INITIAL COMPLIANCE AND TO SET SELF-MONITORING PERIOD REGARDING DOMAIN #5 (Doc. 1381) (Motion). Defendants' Motion requests that the Court find Defendants in initial substantial compliance with Domain #5, Population Management (Domain #5), as of September 18, 2018. Defendants ask the Court to find that the Defendants' self-monitoring plan for Domain #5 is adequate and to set a six (6) month self-monitoring period to begin from the date of the order the Court enters on Defendants' Motion.

On November 19, 2011, Plaintiff Jimmy (Billy) McClendon et al. and Plaintiff-Intervenors, E.M., R.L., W.A., D.J., P.S., and N.W. on behalf of themselves and all others similarly situated (jointly, Plaintiffs) filed PLAINTIFF AND PLAINTIFF INTERVERNORS'

JOINT RESPONSE TO DEFENDANT BERNALILLO COUNTY BOARD OF COMMISSIONERS' MOTION FOR FINDING OF INITIAL COMPLIANCE AND TO SET SELF-MONITORING PERIOD REGARDING DOMAIN #5 (Doc. 1384) (Response). In their Response, Plaintiffs agree that Defendants are in substantial compliance with Domain #5 and that Defendants' initial substantial compliance began on September 18, 2018, but "Plaintiffs believe that six (6) months is an insufficient period of time for Defendants to demonstrate consistent, sustained compliance through self-monitoring." Response (Doc. 1384) at p. 3. Plaintiffs name some inadequacies in Defendants' written Community Custody Program as one of the reasons why Plaintiffs believe a longer self-monitoring period is proper. Plaintiffs ask the Court to find that a period of eighteen (18) months of self-monitoring is most reasonable.

On December 3, 2019, Defendants replied in DEFENDANT BERNALILLO COUNTY BOARD OF COMMISSIONERS' REPLY IN SUPPORT OF MOTION FOR FINDING OF INITIAL COMPLIANCE AND TO SET SELF-MONITORING PERIOD REGARDING DOMAIN #5 (Doc. 1385) (Reply). In their Reply, Defendants object to Plaintiffs' request for an eighteen (18) month self-monitoring period and again urge the Court to set a six (6) month self-monitoring period.

The parties do not oppose a finding that Defendants have reached initial substantial compliance of Domain #5 as of September 18, 2018 and the Court so finds. After reviewing the briefings and consulting with the Jail Operations Expert, Margo Frasier, the Court makes the following added findings:

- 1) Defendants have shown determined effort to follow the requirements of Domain 5;
- 2) Jail Operations Expert Margo Frasier has found that the Defendants have made impressive sustained compliance with the obligations of Domain #5;

