

**Hearing: The Monitoring Racket: The Grift that Keeps on Giving
February 13, 2026**

Location: Arizona State Senate, Room SHR109, 1700 W. Washington St. Phoenix, AZ 85007

Chairman Biggs:

On behalf of the United Coalition of Public Safety (UCOPS), a national organization dedicated to advancing the interests and integrity of law enforcement, we want to thank you for holding this hearing to examine the role of the federal monitor in federal consent decrees. UCOPS proudly represents thousands of dedicated police officers across the country, some of whom have been working under federal consent decrees for over a decade.

UCOPS has been sounding the alarm on the systematic abuses by federal monitors across the country and highlighting the reverse incentive they have for releasing their hold on their lucrative contracts that entrap law enforcement agencies and taxpayers. Once a department is placed under a federal consent decree, the city must cover the costs to both come into compliance and to pay for the appointed monitor and their monitoring team.

Similarly to Maricopa County, the City of Seattle was under a consent decree for over 13 years. During that time, the city spent upwards of \$250 million on compliance with constantly moving targets. While the original objectives around constitutional policing and operational reform were appropriate and have been undertaken, the “unresolved issues” were generally those added later at the discretion of the court and unnecessarily delayed closure. This prolonged oversight was counterproductive. It prevented the Seattle Police Department (SPD) from focusing on its most urgent mission: recruiting, retaining, and rebuilding the police force to ensure the safety of Seattle’s residents. The inability to fully exit the consent decree has created uncertainty, impacted morale, and hampered efforts to restore a fully staffed and mission-driven department.

The abuses by the monitor(s) in Maricopa County and Seattle are not isolated – Cleveland dealt with a monitor charging over \$750 per hour initiating invoice challenges and a refusal of payment by the City. Many of the appointment monitors and their staffs are associated with the same or interconnected organizations who are also providing reporting on the efficacy of federal monitoring and the need for federal consent decrees to provide continued oversight for local and state police departments. There is one individual who served on Springfield and Baltimore monitoring teams simultaneously while a colleague served on both Baltimore and Cleveland. Seattle even had a monitor whose listed employer was a company that did not exist.

Thankfully, with the help of Assistant Attorney General Harmeet Dhillon, and her staff at the U.S. Department of Justice- Civil Rights Division, Seattle was able to conclude their consent decree at the end of 2025. Seattle’s experience underscores the risks of indefinite federal oversight that strays from original objectives and inhibits the ability of police departments to serve their communities effectively.

As you continue to investigate the abuses within federal consent decrees and ways to reform the system, we would like to provide you a bit of background that we believe is important for the overall discussion.

In 1994, Congress passed the Violent Crime Control and Law Enforcement Act that authorized DOJ to address systemic civil rights violations in police departments (34 U.S.C. § 12601). Per the law, when the Attorney General (AG) has reasonable cause to believe that a law enforcement agency is engaged in a “pattern or practice” of unconstitutional policing, a civil action may be filed in federal court to “obtain appropriate equitable and declaratory relief to eliminate the pattern or practice”. “Pattern or practice” is not defined in the statute, but the AG has the burden of proving that a “pattern or practice” exists before any relief may be granted.

§12601. Cause of action

(a) Unlawful conduct

It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) Civil action by Attorney General

Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) ¹ has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

Over the last 30 years, DOJ has subverted this process in more than 80 pattern or practice investigations failing to follow the letter of the law. Instead, DOJ releases its investigative findings to the public and negotiates a settlement agreement before any action is filed in federal court. Most local governments have entered negotiations and signed the resulting consent decrees under threat of federal lawsuits and intense political and public pressure brought by the now public findings.

Once the local government has agreed, the DOJ asks the federal court to approve the consent decree. The approving judge oversees the process, including appointing a DOJ-approved monitor. The federal monitor, and their chosen expert consulting team of lawyers and retired law enforcement officials, reports to the judge and determines whether the department is in compliance on each of the points outlined in the agreement. The settlement agreements force local governments to pay 100% of the costs of reforms, including the costs of the federal monitor and their team. Compensation for monitors can be millions of dollars per year, and local government must pay as long as the judge and monitor say they are not in compliance.

Cities like New Orleans, Cleveland, and Seattle have faced decades-long consent decrees, costing the cities and their taxpayers hundreds of millions in oversight and compliance efforts and creating both departmental challenges in police recruitment and retention and citywide budgetary issues. It is essential to examine these agreements critically, identify areas for improvement, and explore advancements that can better the profession, enhance accountability, and ensure that law enforcement serves communities effectively and equitably.

Federal consent decrees imposed on police departments lack a clear, evidence-based standardized structure, resulting in inconsistent implementation and prolonged timelines. In the past, DOJ officials have claimed that consent decrees are the only possible remedy for an identified pattern or practice of unconstitutional policing. However, there has not been a comprehensive audit to determine if any consent decree has achieved this goal or provide a quality return on investment for the taxpayers. Compliance is based solely on the successful completion of tasks regardless of the effectiveness of the mandated reforms or the impact on officers.

Since the term “pattern or practice” has never been defined, DOJ has been given broad authority with its declaration. This imprecision and ambiguity has resulted in DOJ findings letters that make scathing accusations against local law enforcement agencies with no legal standards or evidence to back up the claims. Under the Biden Administration, DOJ would withhold their findings letters from local jurisdictions – notably Minneapolis and Louisville – unless Agreement in Principle was signed to immediately begin negotiating a consent decree.

It is currently unclear if any of the DOJ findings issued for existing and ongoing consent decrees have a legal and factual basis to determine that there is reasonable cause that a pattern or practice of unconstitutional policing existed. If not, then there would be no statutory authority for DOJ to enter into a settlement agreement under 34 U.S.C. § 12601.

The larger question we should all be asking: Are federal consent decrees effective?

“But we must pursue change without putting an undue financial burden on our city. For context, consent decrees in cities like Chicago have exceeded \$500 million, Seattle around \$200 million, and New Orleans more than \$100 million, often spanning over a decade. In many cases, even more troubling, crime rates have risen under such decrees. We cannot allow this to happen in the city I love - the city WE love.”

– Memphis Mayor Paul Young

New Orleans Police Department (NOPD): Over \$150M spent

Implemented in 2013, New Orleans is subject to one of the most comprehensive and long-standing reform agreements between a local police department and the U.S.D.O.J. The decree stemmed from the 2011 DOJ findings of widespread unconstitutional practices, including excessive force, racial profiling, and inadequate oversight and accountability mechanisms within the NOPD. Over its 110 pages, the consent decree mandates significant changes in policies, training, officer supervision, and community engagement, alongside the implementation of robust data collection and reporting systems. After over a decade of federal oversight, the decree has faced public criticism for its high cost to taxpayers, lack of clarity on the end goals, and its impact on officer morale, which has contributed to recruitment and retention challenges. Questions about its overall effectiveness and the prolonged nature of federal oversight highlight the need for a comprehensive audit to evaluate its progress and explore opportunities for further improvement.

August 4th, 2022: Mayor LaToya Cantrell:

“The consent decree handcuffs our officers by making their jobs harder, pestering them with punitive punishment and burying them with paperwork that is an overburden.”

December 17th, 2024: Louisiana Attorney General Liz Murrill’s Office:

“Over the last decade, the consent decree has cost the city an estimated \$150 million, with much of that money lining “D.C. lawyers’ pockets,” referring to the court-appointed monitoring team that measures the department’s progress toward compliance.”

Cleveland Police Department (CPD): Over \$80M spent

The Cleveland Police Department (CPD) Federal Consent Decree, established in 2015, followed a DOJ investigation citing excessive use of force, poor accountability, and a lack of community trust. The decree mandates updated use-of-force policies, improved training, enhanced community engagement, and robust oversight mechanisms. However, the high costs to taxpayers have strained resources available to the department, complicating efforts to balance reform with maintaining officer morale and operational effectiveness. Progress is monitored by an independent team, with ongoing efforts focused on building public trust and achieving sustainable improvements in public safety practices.

Over the last 10 years, three different federal monitors have been appointed and teams hired, leading to further confusion on the progress on the goals and the criteria reviewed to meet said goals. The current monitor team is reportedly submitting billings at a rate 3x that of the prior team and, based on audits from city’s budget office, with little detail in the invoice. It is long past time for an evaluation to be made and a standard to be set for the federal monitors and their work with the cities.

September 12th, 2022: The Marshall Project:

“With no end date in sight to free Cleveland’s police force from federal oversight, residents and elected leaders question whether the \$60 million spent so far has improved the department’s relationship with the public.”

Seattle Police Department (SPD): > \$200 million since 2012

The Seattle Police Department (SPD) Federal Consent Decree, enacted in 2012, mandates reforms following findings of excessive force, inadequate accountability, and crisis intervention. Key requirements include updated use-of-force policies, enhanced training, improved community policing, and modernized technology for transparency.

In 2023, despite both parties to the agreement – the City of Seattle and DOJ – petitioning to terminate the consent decree, the federal judge ruled to sustain the consent decree, but provided 15 steps SPD could take to have the agreement terminated, one of which will require a change in law, another with the unions collective bargaining agreement.

September 8, 2023 – The Urbanist – OpEd by Amy Sundberg:

“Unfortunately, the consent decree has not lived up to hopes and promises; instead, it has been inordinately expensive, taken key decisions out of the hands of community members, and failed to achieve the low bar of ensuring constitutional policing by the SPD.”

As we saw in the whiplash effect of the Biden Administration's intervention and the rogue actions by the State of Illinois following the consent decree pause during the first Trump Administration, additional reforms to the consent decree process are needed to ensure lasting change that will not place the burden elsewhere or for another day. While legislative, statutory change is the ultimate goal, the current make-up of Congress will not allow for a complete removal of the policy or change without proper justification.

As we noted, federal consent decrees have yet to undergo comprehensive, independent audits to assess whether they were justified in the first place and if they were whether they were effective in achieving meaningful and sustainable police reform and eliminating a pattern or practice of unconstitutional policing. While "pattern and practice" investigations form the basis of these decrees, the term remains undefined and much of the process occurs without sufficient community input, transparency, or accountability for the substantial taxpayer investments required. This lack of evaluation also extends to understanding the broader impact on police departments, including challenges in recruitment and retention, as well as officer morale. Addressing these gaps with structured assessments and greater collaboration with communities and stakeholders can ensure these reform efforts are both effective and fiscally responsible, fostering trust and long-term success for all involved.