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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Manuel de Jesus Ortega Melendres, on  
behalf of himself and all others similarly  
situated; et al.

Plaintiffs,

v.

Joseph M. Arpaio, in his individual and  
official capacity as Sheriff of Maricopa  
County, AZ; et al.

Defendants.

No. CV-07-2513-PHX-GMS

**ORDER**

**IT IS HEREBY ORDERED** setting a Status Conference for **April 3, 2014 at 2:00 p.m.** in Courtroom 602, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003-2151. Counsel for all parties are required to attend in person or with prior authorization by telephone for out-of-state counsel only.

This Court held a hearing with the parties on March 24, 2014, to address the concerns identified in the Order setting the hearing (Doc. 656). During the hearing the Court heard arguments from counsel for Defendants and Plaintiffs. It also heard from Chief Deputy Sheriff Sheridan. The court-appointed Monitor, Chief Robert Warshaw, was also present.

**I. The Training Held Before the Significant Operation in October 2013**

The Court will require the following: Defendants and Plaintiffs shall agree on an accurate and brief summary of this Court's Findings of Fact and Conclusions of Law

1 from May 2013 and the Supplemental Permanent Injunction/Judgment Order from  
2 October 2013. In particular this summary shall identify and correct the errors in the  
3 comments given during the training in October 2013. The summary will also particularly  
4 emphasize that deputies are to give their best effort in documenting their perceived  
5 impression of the race and ethnicity of the driver and passengers after every stop.

6 In order to ensure that this corrective summary is understood as being the official  
7 position of the MCSO and as a correction of the misinformation provided during the  
8 October 2013 meeting, this corrective summary shall be signed by Sheriff Arpaio and  
9 Chief Deputy Sheriff Sheridan. The parties shall submit this summary to the Monitor and  
10 the Court for approval. The draft corrective summary shall be submitted to the Court  
11 within 14 days of the date of this order. After it has been approved by the Court, the  
12 Defendants shall immediately distribute it to all MCSO personnel, and direct them to read  
13 it in its entirety.

## 14 **II. The Community Outreach Program and Community Liaison Officer**

15 At the hearing, the Defendants noted their continued objection to participation in  
16 any aspect of the Community Outreach Program set forth in Section XII of the  
17 Injunction. Defendants expressed their opposition to holding public meetings or working  
18 with the Community Advisory Board in any capacity. Defendants have not selected three  
19 members for the board as required by paragraph 116 of the injunction. The Plaintiffs  
20 noted significant reservations about the adequacy and suitability of the Defendants'  
21 compliance with these aspects of the Court's order to date. The Court understands such  
22 concerns.

23 In light of the significant deprivation of constitutional rights suffered by the  
24 Plaintiff class in both time and scope, the Court observed the need as part of the  
25 ameliorative injunctive relief, to engage both the community and representatives of the  
26 Plaintiff class in ensuring compliance with this Order and the effectiveness of its  
27 measures. The Court will transfer the responsibility for conducting the Community  
28 Outreach Programs set forth in the Injunction from Sheriff Arpaio and the MCSO to the

1 Monitor. The Court further orders the County to pay to the Monitor the increased costs  
2 incurred by the Monitor's assumption of these functions, which is in addition to his  
3 original duties under the terms of the original injunction. The Court files, as Appendix A  
4 to this order, its proposed order amending the existing Injunction.

5 The parties are required to provide any written comments to the Court on the  
6 proposed amendments before the Status Conference on April 3, and should be prepared to  
7 discuss the amendments at that Conference. In the interim, the Court will stay the  
8 requirements of Section XII, Community Engagement, of its order including the  
9 Community Outreach Program, Community Liaison Officer, and Community Advisory  
10 Board.

11 **III. Publication of the Court's Previous Orders**

12 The MCSO has withdrawn any objection to the publication of any of the Court's  
13 orders in this matter. The Court will direct West to publish its Findings of Fact and  
14 Conclusions of Law from May 2013. (Doc. 579.) The Court will determine at a later date  
15 whether it will direct other orders to be published.

16 **IV. Deadline Dates**

17 For the reasons discussed during the hearing and in the order setting the hearing,  
18 some adjustments to the compliance deadlines are in order. The monitoring team will ask  
19 the Defendants to produce the various items required by the order in stages. The time set  
20 forth in the Monitor's request for the delivery of the materials to it and to the Plaintiffs  
21 will initiate the time periods specified in the injunction. After the Defendants have  
22 submitted each round of material, as requested by the Monitor, the time periods specified  
23 in the Injunction will commence for Plaintiff response, Monitor review, and so forth.

24 After the curriculum and instructors are approved, the Court expects the  
25 Defendants to proceed as quickly as practicable with scheduling and providing the  
26 required training. Defendants will submit a proposed firm date by which training will be  
27 completed. That proposed date shall be submitted to the Court by the hearing scheduled  
28

1 above. The Court will discuss the proposed date with the parties at the hearing and set a  
2 deadline. The Defendants will then be required to complete the training by that deadline.

3 **V. Additional Video Recording**

4 At the hearing the Court required the Defendants to produce any video recording  
5 they made at their community meeting on March 15 in the west valley. Defendants shall  
6 provide a copy of that recording to the Court before the Status Conference on April 3.

7 **IT IS THEREFORE ORDERED, that**

8 1. Defendants shall work with Plaintiffs to **draft a corrective summary** and  
9 shall submit it to the Court within **fourteen (14) days** of the date of this order. After it  
10 has been approved by the Court, the Defendants shall distribute it to all MCSO personnel,  
11 and direct them to read it in its entirety.

12 2. A Status Conference is set for **April 3, 2014 at 2:00 p.m.** in Courtroom  
13 602, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix,  
14 Arizona 85003-2151.

15 3. The Community Engagement section of the Injunction, **Section XII, is**  
16 **suspended**. The Court's proposed amendments to the Injunction are attached to this  
17 Order as Appendix A. The parties submit any written comment to the Court on the  
18 proposed amendments before the Status Conference on April 3 and shall arrive prepared  
19 to discuss the proposed amendments.

20 4. The Court will publish its Findings of Fact and Conclusions of Law from  
21 May 2013 (Doc. 579) in West but will not publish its other orders at this time.

22 5. The Monitor will issue requests for documents and the dates set forth in  
23 those requests will replace the current due dates in the Injunction.

24 6. Defendants shall be prepared at the Status Conference to discuss a firm date  
25 by which the training shall be completed.

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**APPENDIX A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Manuel de Jesus Ortega Melendres, on behalf of himself and all others similarly situated; et al.,

Plaintiffs,

v.

Joseph M. Arpaio, in his individual and official capacity as Sheriff of Maricopa County, AZ; et al.,

Defendants.

No. CV-07-02513-PHX-GMS

**PROPOSED AMENDMENTS TO SUPPLEMENTAL PERMANENT INJUNCTION/JUDGMENT ORDER**

This exhibit presents the proposed amendments to the Supplemental Permanent Injunction/Judgment Order. The parties submit any written comment to the Court on the proposed amendments before the Status Conference on April 3 and shall arrive prepared to discuss the proposed amendments.

This amendment document presents only the paragraphs with changes. All other paragraphs not mentioned shall remain the same. Unchanged language is presented in normal font. Additions are indicated by underlined font. ~~Deletions are indicated by crossed-out font.~~ Where an entire paragraph has been removed, that is indicated with brackets, but the numbering remains unchanged. For example: "108. [REMOVED]".

**PROPOSED AMENDMENTS**

....

**REMEDIES**

**I. DEFINITIONS**

1. The following terms and definitions shall apply to this Order:

....

1 r. "Full and Effective Compliance" means compliance with all relevant provisions of  
2 this Order. The Defendants shall begin to be in Full and Effective Compliance with  
3 this Order when all of the following have been both completed and consistently  
4 maintained:

5 . . . .

6 xvii. ~~[REMOVED] The MCSO has developed and implemented a~~  
7 ~~community outreach program pursuant to Paragraphs 107-112 of this~~  
8 ~~Order.~~

9 xviii. ~~[REMOVED] The MCSO has selected or hired a Community Liaison~~  
10 ~~Officer pursuant to Paragraphs 113-114 of this Order.~~

11 xix. ~~[REMOVED] The MCSO has worked with Plaintiffs' representatives~~  
12 ~~and community representatives and created a Community Advisory Board~~  
13 ~~pursuant to Paragraphs 115-116 of this Order.~~

14 . . . .

## 15 VI. PRE-PLANNED OPERATIONS

16 . . . .

17 38. If the MCSO conducts any Significant Operations or Patrols involving 10 or more MCSO  
18 Personnel excluding posse members, it shall create the following documentation and  
19 provide it to the Monitor and Plaintiffs within ~~30~~10 days after the operation:

20 . . . .

21 39. ~~The MCSO-Monitor shall hold a community outreach meeting no more than 30-40 days~~  
22 ~~after any Significant Operations or Patrols in the affected District(s). MCSO shall work~~  
23 ~~with the Community Advisory Board to ensure that the community outreach meeting~~  
24 ~~adequately communicates information regarding the objectives and results of the~~  
25 ~~operation or patrol. The Monitor shall communicate the operational details provided to it~~  
26 ~~by the MCSO and shall hear any complaints or concerns raised by community members.~~  
27 The Monitor may investigate and respond to those concerns. The community outreach  
28 meeting shall be advertised and conducted in English and Spanish.

1 . . . .

2 **XII. COMMUNITY ENGAGEMENT**

3 a. **Community Outreach Program**

- 4 107. To rebuild public confidence and trust ~~in the MCSO and~~ in the reform process, the  
5 MCSO Monitor shall work to improve community relationships and engage  
6 constructively with the community during the period that this Order is in place. ~~To this~~  
7 ~~end, the MCSO shall create the following district community outreach program.~~
- 8 108. [REMOVED] ~~Within 180 days of the Effective Date, MCSO shall develop and~~  
9 ~~implement a Community Outreach and Public Information program in each MCSO~~  
10 ~~District.~~
- 11 109. ~~As part of its Community Outreach and Public Information program, t~~The MCSO  
12 Monitor shall hold a public meeting in each of MCSO's patrol Districts within ~~90~~180  
13 ~~days of the Effective Date~~issuance of this amendment to the Order, and at least ~~one~~three  
14 meetings in each District annually thereafter. The meetings shall be under the direction of  
15 the Monitor and/or his designee. These meetings shall be used to inform community  
16 members of the policy changes or other significant actions that the MCSO has taken to  
17 implement the provisions of this Order. Summaries of audits and reports completed by  
18 the MCSO pursuant to this Order shall be provided. The ~~MCSO Monitor~~ shall clarify for  
19 the public at these meetings that ~~it~~the MCSO does not ~~lacks the authority to~~ enforce  
20 immigration laws except to the extent that it is enforcing Arizona and federal criminal  
21 laws.
- 22 110. The meetings present an opportunity for ~~MCSO representatives~~the Monitor to listen to  
23 community members' experiences and concerns about MCSO practices implementing  
24 this Order, including the impact on public trust. ~~MCSO representatives shall make~~  
25 ~~reasonable efforts to address such concerns during the meetings and afterward.~~The  
26 Monitor may investigate and respond to those concerns. To the extent that the Monitor  
27 receives concerns at such meetings that are neither within the scope of this order nor  
28



1 useful in determining the Defendants' compliance with this order, it may assist the  
2 complainant in filing an appropriate complaint with the MCSO.

3 111. English- and Spanish-speaking MCSO-Monitor Personnel shall attend these meetings and  
4 be available to answer questions from the public about its publicly available reports  
5 concerning MCSO's implementation of this Order and other publicly-available  
6 information. At least one MCSO Supervisor with extensive knowledge of the agency's  
7 implementation of the Order, as well as the Community Liaison Officer (described  
8 below) shall participate in the meetings. The Monitor may request Plaintiffs' and/or  
9 Defendants' representatives shall be invited to attend such meetings and assist in  
10 answering inquiries by the community. The Defendants are under no obligation to attend  
11 such meetings, but to the extent they do not attend such meetings after being requested by  
12 the Monitor to do so, the Monitor shall report their absence to the public and the Court.

13 112. The meetings shall be held in locations convenient and accessible to the public. At least  
14 one week before such meetings, the MCSO-Monitor shall widely publicize the meetings  
15 using English and Spanish-language television, print media and the internet. The  
16 Defendants shall either provide a place for such meetings that is acceptable to the  
17 Monitor, or pay the Monitor the necessary expenses incurred in arranging for such  
18 meeting places. The Defendants shall also pay the reasonable expenses of publicizing the  
19 meetings as required above, and the additional reasonable personnel and other expenses  
20 that the Monitor will incur as a result of performing his obligations with respect to the  
21 Community Outreach Program. If the Monitor determines there is little interest or  
22 participation in such meetings among community members, or that they have otherwise  
23 fulfilled their purpose, he can file a request with the Court that this requirement be  
24 revised or eliminated.

25 **b. Community Liaison Officer-Monitor**

26 113. [REMOVED] Within 90 days of the Effective Date, MCSO shall select or hire a  
27 Community Liaison Officer ("CLO") who is a sworn Deputy fluent in English and  
28 Spanish. The hours and contact information of the CLO shall be made available to the

1 public including on the MCSO website. The CLO shall be directly available to the public  
2 for communications and questions regarding the MCSO.

3 114. In addition to the duties set forth in Title XIII of this order, The CLO—the Monitor shall  
4 have the following duties in relation to community engagement:

- 5 a. to coordinate the district community meetings described above in Paragraphs 109 to  
6 112;
- 7 b. to provide administrative support for, coordinate and attend meetings of the  
8 Community Advisory Board described in Paragraphs 117 to 118;
- 9 c. to compile any Complaints, concerns and suggestions submitted to ~~CLO~~ him by  
10 members of the public about the implementation of this Order and the Court’s order  
11 of December 23, 2011, and its findings of fact and conclusions of law dated May 24,  
12 2013, even if they don’t rise to the level of requiring formal action by IA or other  
13 component of the MCSO, and to respond to Complainants’ concerns;
- 14 d. [REMOVED] ~~to communicate concerns received from the community at regular~~  
15 ~~meetings with the Monitor and MCSO leadership; and~~
- 16 e. [REMOVED] ~~to compile concerns received from the community in a written report~~  
17 ~~every 180 days and share the report with the Monitor and the Parties.~~

18 **c. Community Advisory Board**

19 115. ~~MCSO~~ The Monitor and Plaintiffs’ representatives shall work with community  
20 representatives to create a Community Advisory Board (“CAB”) to facilitate regular  
21 dialogue between the ~~MCSO~~ Monitor and community leaders, and to provide specific  
22 recommendations to MCSO about policies and practices that will increase community  
23 trust and ensure that the provisions of this Order and other orders entered by the Court in  
24 this matter are met.

25 116. The CAB shall have ~~six~~ three members, ~~three to be selected by the MCSO and three to be~~  
26 selected by Plaintiffs’ representatives. Members of the CAB shall not be MCSO  
27 Employees or any of the named class representatives, nor any of the attorneys involved in  
28 this case. ~~However, a member of the MCSO Implementation Unit and at least one~~

1 ~~representative for Plaintiffs shall attend every meeting of the CAB.~~ The CAB shall  
2 continue for at least the length of this Order.

3 117. The CAB shall hold ~~public~~ meetings at regular intervals of no more than four months.  
4 The meetings may be either public or private as the purpose of the meeting dictates, at the  
5 election of the Board. The Defendants shall either provide a suitable place for such  
6 meetings that is acceptable to the Monitor, or pay the Monitor the necessary expenses  
7 incurred in arranging for such a meeting place. The Defendants shall also pay to the  
8 Monitor the additional reasonable expenses that he will incur as a result of performing his  
9 obligations with respect to the CAB including providing the CAB with reasonably  
10 necessary administrative support. ~~The meeting space shall be provided by the MCSO.~~  
11 The ~~CLO~~ Monitor shall coordinate the meetings and communicate with Board members,  
12 and provide administrative support for the CAB.

13 118. During the meetings of the CAB, members will relay or gather concerns from the  
14 community about MCSO practices that may violate the provisions of this Order and the  
15 Court's previous injunctive orders entered in this matter ~~and make reasonable efforts to~~  
16 ~~address such concerns.~~ and transmit them to the Monitor for his investigation and/or  
17 action. Members ~~will~~ may also hear from MCSO Personnel on matters of concern  
18 pertaining to the MCSO's compliance with the orders of this Court.

19  
20 **XIII. INDEPENDENT MONITOR AND OTHER PROCEDURES REGARDING**  
21 **ENFORCEMENT**

22 . . . .

23 **b. Role of the Monitor**

24 126. The Monitor shall be subject to the supervision and orders of the Court, consistent with  
25 this Order. The Monitor shall have the duties, responsibilities and authority conferred by  
26 the Court and this Order, including, but not limited to: (1) reviewing the MCSO Patrol  
27 Operations Policies and Procedures provided for by this Order and making  
28 recommendations to the Court regarding the same; (2) reviewing a protocol with the

1 Parties to ensure that any Significant Operations conducted by the MCSO are conducted  
2 in a race-neutral fashion; (3) reviewing the curriculum, materials and proposed instructors  
3 for Training required by this Order; (4) reviewing the collected traffic stop data and the  
4 collected Saturation Patrol data to determine whether the data required to be gathered by  
5 this Order is, in fact, being collected by the MCSO; (5) reviewing protocols regarding the  
6 collection, analysis, and use of such data and determining whether the MCSO is in  
7 compliance with those protocols; (6) reviewing the collected data to determine whether,  
8 in the opinion of the Monitor, MCSO is appropriately reviewing the collected data to  
9 determine possible isolated or systemic racial profiling occurring, and if so, reporting the  
10 factual basis supporting that judgment to the Parties and the Court; (7) evaluating the  
11 effectiveness of the MCSO's changes in the areas of supervision and oversight and  
12 reporting the same to the parties and the Court; (8) reviewing the corrective action taken  
13 by the MCSO concerning any possible violations of this Order or MCSO policy and  
14 procedures and reporting the same to the parties and the Court; (9) ~~evaluating the~~  
15 ~~MCSO's~~ providing engagement with the communities affected by ~~its~~ the activities as set  
16 forth by this Order; and (10) assessing the MCSO's overall compliance with the Order.

17 . . . .

18 **c. Monitoring Plan and Review Methodology**

19 . . . .

20 136. In conducting the outcome assessments, the Monitor should measure not only the  
21 MCSO's progress in implementing the provisions of this Order, but the effectiveness of  
22 the reforms. To do so, the Monitor shall take into account the following performance-  
23 based metrics and trends:

24 . . . .

- 25 i. disciplinary outcomes for any violations of departmental policy; and
- 26 j. whether any Deputies are the subject of repeated misconduct Complaints, civil suits,  
27 or criminal charges, including for off-duty conduct; ~~and~~

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k. ~~[REMOVED] the level of MCSO engagement and participation with the community advisory board;~~

....

**f. Public Statements, Testimony, Records, and Conflicts of Interest**

141. Except as required or authorized by the terms of this Order or the Parties acting together: neither the Monitor, nor any agent, employee, or independent contractor thereof, shall make any public statements, outside of statements to the Court as contemplated in this Order, with regard to any act or omission of the Defendants, or their agents, representatives, or employees; or disclose non-public information provided to the Monitor pursuant to the Order. As required and authorized, the Monitor shall conduct the public community outreach meetings provided in this order and the CAB meetings. Any press statement made by the Monitor regarding its employment or monitoring activities under this Order shall first be approved by the Parties.

....