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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,

and

United States of America,

Plaintiff-Intervenor,

v.

Paul Penzone, in his official capacity as
Sheriff of Maricopa County, Arizona; et al.

Defendants.

No. CV-07-2513-PHX-GMS

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

Pending before the Court is Defendant Penzone’s Motion to Modify Document 670 Pertaining to Community Engagement (Doc. 2065). The parties were given an opportunity to respond in writing and were heard at the July 21, 2017, status conference. As a result of those discussions, the Court orders the following amendments to the Amendments to the Supplemental Permanent Injunction/Judgment Order (Doc. 670). This amendment order presents only the paragraphs wherein changes were made. All other paragraphs not mentioned shall remain the same. Where an entire paragraph has been removed, that is indicated with brackets, but the numbering remains unchanged. For example: “108 [REMOVED].”

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1 **PROPOSED AMENDMENTS**

2

3 **REMEDIES**

4 **I. Definitions**

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

6

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

11

12 xvii. The MCSO has developed and implemented a community outreach
13 program pursuant to Paragraphs 107-112 of this Order.

14 xviii. The MCSO has selected or hired a Community Liaison Officer pursuant to
15 Paragraphs 113-114 of this Order.

16
17 xix. The MCSO has worked with Plaintiffs' representatives and community
18 representatives and created a Community Advisory Board pursuant to
19 Paragraphs 115-116 of this Order.

20

21 **VI. Pre-Planned Operations**

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

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1 39. The MCSO shall hold a community outreach meeting no more than 40 days after
2 any Significant Operations or Patrols in the affected District(s). MCSO shall work
3 with the Community Advisory Board to ensure that the community outreach
4 meeting adequately communicates information regarding the objectives and results
5 of the operation or patrol. The community outreach meeting shall be advertised
6 and conducted in English and Spanish.

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9 **XII. Community Engagement**

10 a. Community Outreach Program

11 107. To rebuild public confidence and trust in the MCSO and in the reform process, the
12 MCSO shall work to improve community relationships and engage constructively
13 with the community during the time that this order is in place. To this end, the
14 MCSO shall conduct following the district community outreach program.

15 108. [REMOVED].

16 109. As part of its Community Outreach and Public Information program, the MCSO
17 shall hold at least one public meeting per quarter to coincide with the quarterly site
18 visits by the Monitor in a location convenient to the Plaintiffs class. The MCSO
19 shall consult with Plaintiffs' representatives and the Community Advisory Board
20 on the locations of the meetings. These meetings shall be used to inform
21 community members of the policy changes or other significant actions that the
22 MCSO has taken to implement the provisions of this Order. Summaries of audits
23 and reports completed by the MCSO pursuant to this Order shall be made
24 available. The MCSO shall clarify for the public at these meetings that it does not
25 enforce immigration laws except to the extent that it is enforcing Arizona and
26 federal criminal laws.

27 110. The meetings present an opportunity for MCSO representatives to listen to
28 community members' experiences and concerns about MCSO practices

1 implementing this Order, including the impact on public trust. MCSO
2 representatives shall make reasonable efforts to address such concerns during the
3 meetings and afterward as well as explain to attendees how to file a comment or
4 complaint.

5 111. English and Spanish-speaking MCSO Personnel shall attend these meetings and be
6 available to answer questions from the public. At least one MCSO supervisor with
7 extensive knowledge of the agency's implementation of the Order, as well as an
8 MCSO Community Liaison, shall participate in the meetings. The Montior,
9 Plaintiffs' and Plaintiff-Intervenor's representatives shall be invited to attend and
10 MCSO shall announce their presence and state their availability to answer
11 questions.

12 112. At least ten days before such meetings, the MCSO shall widely publicize the
13 meetings in English and Spanish after consulting with Plaintiffs' representatives
14 and the Community Advisory Board regarding advertising methods. Options for
15 advertising include, but are not limited to, television, radio, print media, internet
16 and social media, and any other means available. If any party determines there is
17 little interest or participation in such meetings among community members, or that
18 they have otherwise fulfilled their purpose, it can file a request with the Court that
19 this requirement be revised or eliminated.

20 b. MCSO Community Liaison

21 113. MCSO shall select or hire a Community Liaison who is fluent in English and
22 Spanish. The hours and contact information of the MCSO Community Outreach
23 Division ("COD") shall be made available to the public including on the MCSO
24 website. The COD shall be directly available to the public for communications
25 and questions regarding the MCSO.

26 114. The COD shall have the following duties in relation to community engagement:
27 a. to coordinate the district community meetings described above in Paragraphs
28 109 to 112;

- b. to provide administrative support for, coordinate and attend meetings of the Community Advisory Board described in Paragraphs 117 to 118; and
- c. to compile any complaints, concerns and suggestions submitted to the COD by members of the public about the implementation of this Order and the Court's order of December 23, 2011, and its findings of fact and conclusions of law dated May 24, 2013, even if they don't rise to the level of requiring formal action by IA or other component of the MCSO, and to respond to Complainants' concerns; and
- d. to communicate concerns received from the community at regular meetings with the Monitor and MCSO leadership.

c. Community Advisory Board

- 115. MCSO and Plaintiffs' representatives shall work with community representatives to create a Community Advisory Board ("CAB") to facilitate regular dialogue between MCSO and the community, and to provide specific recommendations to MCSO about policies and practices that will increase community trust and ensure that the provisions of this Order and other orders entered by the Court in this matter are met.
- 116. The CAB shall have five members, two to be selected by MCSO and two to be selected by Plaintiffs' representatives. One member shall be jointly selected by MCSO and Plaintiffs' representatives. Members of the CAB shall not be MCSO Employees or any of the named class representatives nor any of the attorneys involved in this case. A member of the MCSO COD and at least one representative for Plaintiffs shall attend every meeting of the CAB, but the CAB can request that a portion of the meeting occur without COD or the Plaintiffs' representative. The CAB shall continue for at least the length of this Order.
- 117. The CAB shall hold meetings at regular intervals. The meetings may be either public or private as the purpose of the meeting dictates, at the election of the CAB. The Defendants shall provide a suitable place for such meetings. The MCSO shall

1 coordinate the meetings and communicate with CAB members, and provide
2 administrative support for the CAB.

3 118. During the meetings of the CAB, members will relay or gather concerns from the
4 community about MCSO practices that may violate the provisions of this Order
5 and the Court's previous injunctive orders entered in this matter and transmit them
6 to the COD for investigation and/or action. Members may also hear from MCSO
7 Personnel on matters of concern pertaining to the MCSO's compliance with the
8 orders of this Court.

9 **XIII. INDEPENDENT MONITOR AND OTHER PROCEDURES**
10 **REGARDING ENFORCEMENT**

11

12 **b. Role of the Monitor**

13 126. The Monitor shall be subject to the supervision and orders of the Court, consistent
14 with this Order. The Monitor shall have the duties, responsibilities and authority
15 conferred by the Court and this Order, including, but not limited to: (1) reviewing
16 the MCSO Patrol Operations Policies and Procedures provided for by this Order
17 and making recommendations to the Court regarding the same; (2) reviewing a
18 protocol with the Parties to ensure that any Significant Operations conducted by
19 the MCSO are conducted in a race-neutral fashion; (3) reviewing the curriculum,
20 materials and proposed instructors for Training required by this Order; (4)
21 reviewing the collected traffic stop data and the collected Saturation Patrol data to
22 determine whether the data required to be gathered by this Order is, in fact, being
23 collected by the MCSO; (5) reviewing protocols regarding the collection, analysis,
24 and use of such data and determining whether the MCSO is in compliance with
25 those protocols; (6) reviewing the collected data to determine whether, in the
26 opinion of the Monitor, MCSO is appropriately reviewing the collected data to
27 determine possible isolated or systemic racial profiling occurring, and if so,
28 reporting the factual basis supporting that judgment to the Parties and the Court;

1 (7) evaluating the effectiveness of the MCSO's changes in the areas of supervision
2 and oversight and reporting the same to the parties and the Court; (8) reviewing
3 the corrective action taken by the MCSO concerning any possible violations of
4 this Order or MCSO policy and procedures and reporting the same to the parties
5 and the Court; (9) evaluating the MCSO's engagement with the communities
6 affected by its activities as set forth by this Order; and (10) assessing the MCSO's
7 overall compliance with the Order.

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

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

14 i. disciplinary outcomes for any violations of departmental policy; and

15 j. whether any Deputies are the subject of repeated misconduct Complaints, civil
16 suits, or criminal charges, including for off-duty conduct; and

17 k. the level of MCSO engagement and participation with the CAB, and the
18 adequacy of the community meetings it holds pursuant to this Order.

19

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

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

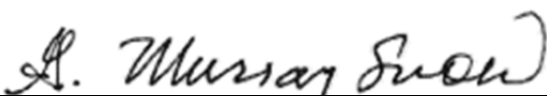
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End of amendments.

IT IS THEREFORE ORDERED amending the Amendments to the Supplemental Permanent Injunction/Judgment Order (Doc. 670) as indicated above. The Court's injunctions of December 23, 2011; May 24, 2013; October 2, 2013, and April 4, 2014 shall remain permanent as amended by this Order until and unless specifically dissolved or modified by the Court or an appellate court of competent jurisdiction.

Dated this 3rd day of August, 2017.



Honorable G. Murray Snow
United States District Judge