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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE DISTRICT OF ARIZONA

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

9 Plaintiffs,

10 v.

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

14 Defendants.

No. CV-07-02513-PHX-GMS

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

15 At the status conference held on March 24, 2014, and in a previous order (Doc.
16 663 App. A) this Court proposed amendments to the Supplemental Permanent Injunction/
17 Judgment Order (Doc. 606). The parties were given an opportunity to respond in writing and at
18 the April 2, 2014, status conference. As a result of those conferences, the Court orders the
19 following amendments to the Supplemental Permanent Injunction/Judgment Order (Doc. 606).

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

25 **PROPOSED AMENDMENTS**

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27 **REMEDIES**

28 **I. DEFINITIONS**

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

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

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

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

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

....

VI. PRE-PLANNED OPERATIONS

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

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39. ~~The MCSO-Monitor shall hold a community outreach meeting no more than 30-40 days after any Significant Operations or Patrols in the affected District(s). MCSO shall work with the Community Advisory Board to ensure that the community outreach meeting adequately communicates information regarding the objectives and results of the operation or patrol.~~ The Monitor shall communicate the operational details provided to it by the MCSO and shall hear any complaints or concerns raised by community members.

1 The Monitor may investigate and respond to those concerns. The community outreach
2 meeting shall be advertised and conducted in English and Spanish.

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4 **XII. COMMUNITY ENGAGEMENT**

5 a. **Community Outreach Program**

- 6 107. To rebuild public confidence and trust ~~in the MCSO and~~ in the reform process, the
7 ~~MCSO Monitor~~ shall ~~work to improve community relationships and~~ engage
8 constructively with the community during the period that this Order is in place. ~~To this~~
9 ~~end, the MCSO shall create the following district community outreach program.~~
- 10 108. [REMOVED] ~~Within 180 days of the Effective Date, MCSO shall develop and~~
11 ~~implement a Community Outreach and Public Information program in each MCSO~~
12 ~~District.~~
- 13 109. ~~As part of its Community Outreach and Public Information program, the MCSO~~ The
14 Monitor shall hold a public meeting ~~in each of MCSO's patrol Districts~~ within ~~90-180~~
15 ~~days of the Effective Date~~ issuance of this amendment to the Order, and ~~at least~~ between
16 one and three meetings in each of MCSO's patrol Districts annually thereafter. The
17 meetings shall be under the direction of the Monitor and/or his designee. These meetings
18 shall be used to inform community members of the policy changes or other significant
19 actions that the MCSO has taken to implement the provisions of this Order. Summaries
20 of audits and reports completed by the MCSO pursuant to this Order shall be provided.
21 The ~~MCSO Monitor~~ shall clarify for the public at these meetings that ~~it~~ the MCSO does
22 ~~not~~ lacks the authority to enforce immigration laws except to the extent that it is
23 enforcing Arizona and federal criminal laws.
- 24 110. The meetings present an opportunity for ~~MCSO representatives~~ the Monitor to listen to
25 community members' experiences and concerns about MCSO practices implementing
26 this Order, including the impact on public trust. ~~MCSO representatives shall make~~
27 ~~reasonable efforts to address such concerns during the meetings and afterward.~~ The
28 Monitor may investigate and respond to those concerns. To the extent that the Monitor

1 receives concerns at such meetings that are neither within the scope of this order nor
2 useful in determining the Defendants' compliance with this order, it may assist the
3 complainant in filing an appropriate complaint with the MCSO.

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

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

27 **b. ~~Community Liaison Officer~~ Monitor**

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1 113. ~~[REMOVED] Within 90 days of the Effective Date, MCSO shall select or hire a~~
2 ~~Community Liaison Officer (“CLO”) who is a sworn Deputy fluent in English and~~
3 ~~Spanish. The hours and contact information of the CLO shall be made available to the~~
4 ~~public including on the MCSO website. The CLO shall be directly available to the public~~
5 ~~for communications and questions regarding the MCSO.~~

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

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

21 **c. Community Advisory Board**

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

1 116. The CAB shall have ~~six~~three members, ~~three to be selected by the MCSO and three to be~~
2 selected by Plaintiffs' representatives. Members of the CAB shall not be MCSO
3 Employees or any of the named class representatives, nor any of the attorneys involved in
4 this case. ~~However, a member of the MCSO Implementation Unit and at least one~~
5 ~~representative for Plaintiffs shall attend every meeting of the CAB.~~ The CAB shall
6 continue for at least the length of this Order.

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

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

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24 **XIII. INDEPENDENT MONITOR AND OTHER PROCEDURES REGARDING**
25 **ENFORCEMENT**

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27 **b. Role of the Monitor**

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1 126. The Monitor shall be subject to the supervision and orders of the Court, consistent with
2 this Order. The Monitor shall have the duties, responsibilities and authority conferred by
3 the Court and this Order, including, but not limited to: (1) reviewing the MCSO Patrol
4 Operations Policies and Procedures provided for by this Order and making
5 recommendations to the Court regarding the same; (2) reviewing a protocol with the
6 Parties to ensure that any Significant Operations conducted by the MCSO are conducted
7 in a race-neutral fashion; (3) reviewing the curriculum, materials and proposed instructors
8 for Training required by this Order; (4) reviewing the collected traffic stop data and the
9 collected Saturation Patrol data to determine whether the data required to be gathered by
10 this Order is, in fact, being collected by the MCSO; (5) reviewing protocols regarding the
11 collection, analysis, and use of such data and determining whether the MCSO is in
12 compliance with those protocols; (6) reviewing the collected data to determine whether,
13 in the opinion of the Monitor, MCSO is appropriately reviewing the collected data to
14 determine possible isolated or systemic racial profiling occurring, and if so, reporting the
15 factual basis supporting that judgment to the Parties and the Court; (7) evaluating the
16 effectiveness of the MCSO's changes in the areas of supervision and oversight and
17 reporting the same to the parties and the Court; (8) reviewing the corrective action taken
18 by the MCSO concerning any possible violations of this Order or MCSO policy and
19 procedures and reporting the same to the parties and the Court; (9) ~~evaluating the~~
20 ~~MCSO's~~ providing engagement with the communities affected by ~~its~~ the activities as set
21 forth by this Order; and (10) assessing the MCSO's overall compliance with the Order.

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

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

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

....

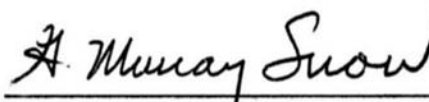
End of amendments.

IT IS THEREFORE ORDERED amending the Supplemental Permanent Injunction/Judgment Order (Doc. 606) as indicated above. The Court’s injunctions of December 23, 2011; May 24, 2013; and October 2, 2013 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.

IT IS FURTHER ORDERED that this Order is an appealable final judgment. The Clerk of Court is directed to enter judgment accordingly.

1 **IT IS FURTHER ORDERED** that this Court retains jurisdiction over this case for the
2 purposes of implementing the October 2, 2013, Supplemental Permanent Injunction/Judgment
3 Order (Doc. 606) and these amendments to it.

4 Dated this 4th day of April, 2014.

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8 G. Murray Snow
9 United States District Judge
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