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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

4 Manuel de Jesus Ortega Melendres,) CV-07-2513-PHX-GMS
5 et al.,)
6 Plaintiff(s),) **SUPPLEMENTAL DECLARATION**
7 v.) **OF ANNE LAI IN SUPPORT OF x**
8) **PLAINTIFFS' MOTION TO**
9 Joseph M. Arpaio, et al.,) **COMPEL TESTIMONY RE:**
10 Defendants(s).) **JULY 17, 2015 MEETING AND**
11) **MCSO'S NONDISCLOSURE OF**
12) **THE "1500 IDS"**
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12 I, Anne Lai, declare as follows:

13
14 1. I make the following statements based on my personal knowledge and I am
15 prepared to testify to the matters set forth.

16 2. I make this declaration in support of Plaintiffs' Motion to Compel
17 Testimony Re: July 17, 2015 Meeting and MCSO's Disclosure of the "1500 IDs" in the
18 above-referenced matter.

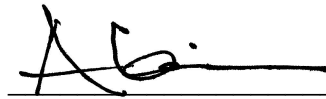
19 3. I am a cooperating attorney with the ACLU Foundation of Arizona and
20 admitted to practice *pro hac vice* in this Court.

21 4. Attached hereto as Exhibit A is a true and correct copy of excerpts from
22 the transcript of the deposition of Steve Bailey taken in this matter on September 8,
23 2015.

24 5. Attached hereto as Exhibit B is a true and correct copy of excerpts from
25 the transcript of the deposition of Gerald Sheridan taken in this matter on September 15,
26 2015.

1 I hereby declare that the foregoing is true and correct under penalty of perjury
2 pursuant to 28 U.S.C. § 1746.
3

4 Executed on this 17th day of September, 2015, in Phoenix, Arizona.
5

6 
7 _____

8 Anne Lai
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Exhibit A

Steve Bailey - September 8, 2015

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

**Manuel de Jesus Ortega Melendres,
et al.,**

Plaintiffs,

vs.

Joseph M. Arpaio, et al.,

Defendants.

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) **No. CV 07-02513-PHX-GMS**
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)
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)

VIDEOTAPED DEPOSITION OF STEVE BAILEY

**Phoenix, Arizona
September 8, 2015
9:40 a.m.**

**REPORTED BY:
CATHY J. TAYLOR, RPR
Certified Reporter
Certificate No. 50111**

**PREPARED FOR:
ASCII/CONDENSED**

(CERTIFIED COPY)

Steve Bailey - September 8, 2015

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1 THE VIDEOTAPED DEPOSITION OF STEVE BAILEY was taken
2 at 9:40 a.m., on September 8, 2015, at the Offices of
3 LEGAL VIDEO SPECIALISTS, 3033 North Central Avenue,
4 Suite 100, Phoenix, Arizona, 85012, before CATHY J. TAYLOR, a
5 Certified Reporter in and for the State of Arizona, County of
6 Maricopa, pursuant to the Rules of Civil Procedure.

7
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Steve Bailey - September 8, 2015

7

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23

24

25

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1 did you know that he had the IDs before he turned them in --

2 A. Oh --

3 Q. -- to PSB?

4 A. -- no. No, not until the case came up.

5 Q. So let's talk about the 1459 IDs that

6 Sergeant Knapp came forward with. Okay?

7 You're familiar with those?

8 A. Yes.

9 Q. You told Don Anders from the monitor team that you
10 were formally told of the 1459 IDs, or rather the fact
11 that -- let me start over.

12 You told the monitor team that you were
13 formally told of the IDs that Sergeant Knapp had on about
14 July 8th of 2015; is that correct?

15 A. That sounds right.

16 Q. How did you find out about them?

17 A. Sergeant Darriell Bone and Lieutenant Kratzer
18 walked into my office and -- and told me at -- it's probably
19 that day, the morning of that day.

20 Q. And can you tell me the gist of that conversation.

21 A. You're not going to believe this.

22 What's that?

23 Knapp just showed up at Property with a
24 thousand IDs, is what it originally came out to.

25 Q. Have you seen the IDs personally?

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1 THE WITNESS: -- remember reading that
2 necessarily. At that time, the lawyers interpreted -- or our
3 attorney would interperate -- interpret that stuff for us.

4 So I may have been made aware of it, but I
5 didn't -- I don't remember specifically reading it.

6 BY MS. WANG:

7 Q. Okay. Sitting here now, you're aware that the
8 Court did issue an order in February 2015 requiring IDs to be
9 turned over?

10 MR. MASTERSON: Form.

11 THE WITNESS: I -- yes.

12 BY MS. WANG:

13 Q. Well, on July 8th of 2015, you were certainly
14 aware that the monitor wanted to know about any IDs that came
15 to light; is that correct?

16 MR. MASTERSON: Form. Foundation.

17 THE WITNESS: I would expect that they would.

18 BY MS. WANG:

19 Q. Well, you knew that they had been very interested
20 in finding up -- out about all the prior times that IDs came
21 to light somewhere at MCSO; correct?

22 A. Yes.

23 MR. MASTERSON: Foundation.

24 MR. JIRAUCH: Object to form and foundation.

25 (Next page, please.)

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1 with the chief?

2 A. Probably later that day. Later that afternoon.

3 Q. So you had two conversations with Chief Sheridan
4 the day that the IDs came to your attention?

5 A. I don't remember how many I had with him that day,
6 but I had at least two of them, yeah.

7 Q. Did you tell Chief Sheridan that you had pulled an
8 IA number and were initiating an IA case?

9 A. I believe so, yes. I -- I believe I -- I told him
10 I had already pulled a number -- or I made sure a number was
11 pulled.

12 Q. And did he give you any instructions about an IA
13 investigation of the Knapp IDs?

14 A. I don't believe so.

15 Q. Well, you told the monitor team that Chief Sheridan
16 instructed you not to initiate a case until he could confer
17 with others; is that right?

18 A. No. I didn't have that conversation with him that
19 day. I believe it was the next day. I suggested -- I -- I
20 don't remember the exact chronology, but I said, we should at
21 least interview Knapp so we have some idea of what this is
22 aside from his memo.

23 After that was done, he gave me those
24 instructions to stop the investigation until he could confer
25 with others.

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1 Q. Okay. And did you question him about why he wanted
2 you to stop the investigation?

3 A. I don't think I questioned him. I think he just
4 told me.

5 Q. All right. But he agreed that you should go
6 forward with an interview of Knapp; is that right?

7 A. Yes.

8 Q. And did you subsequently interview Sergeant Knapp,
9 or did someone at PSB?

10 A. Yes.

11 Q. All right. When did that interview happen?

12 A. I want to say the very next day, but I'm -- which
13 is within a day or two, I believe.

14 Q. Okay. So let me just make sure I have the
15 chronology correct. You discovered the Knapp IDs from
16 Sergeant Bone and Lieutenant Kratzer on July 8th of 2015?

17 A. Is that a Tuesday? Can somebody confirm that?

18 Q. Oh.

19 A. I can look at my phone.

20 Q. Yeah. Why don't you go ahead and look on your
21 phone.

22 A. Oops.

23 MR. KILLEBREW: July 8th was a Wednesday.

24 MS. WANG: Thank you.

25 THE WITNESS: Thanks.

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1 THE COURT REPORTER: 2066.

2 (Exhibit 2066 marked for identification.)

3 BY MS. WANG:

4 Q. 2066. This is the transcript of the interview of
5 Captain Bailey by the Don Anders of the monitor team.

6 And if you just look at the cover, it
7 indicates the date.

8 Was that on July 23rd, 2015?

9 A. I believe so.

10 Q. As of the time of that interview, you had not yet
11 received any direction from Chief Sheridan to continue with
12 the IA investigation of the Knapp IDs; correct?

13 A. Right. I don't -- I don't think I had at all.

14 Q. They asked you whether you had gotten any further
15 instruction?

16 A. Yeah.

17 Q. And you said no; correct?

18 A. Yeah. I think it happens later.

19 Q. Okay. You said in August?

20 A. Yeah.

21 Q. Were you present at a meeting on July 17th, 2015,
22 where the Knapp IDs were discussed?

23 A. Yes.

24 Q. I believe you characterized that to Don Anders as
25 it was a -- a -- what you called a rehearsal meeting for the

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1 monitor's site visit, which was going to take place the
2 following week; correct?

3 A. Yes.

4 Q. Who was present at that meeting?

5 A. Lieutenant Seagraves. Kratzer.

6 MR. JIRAUCH: Captain, I can't hear you.

7 THE WITNESS: Kratzer. Bone. At some point,
8 our administrative assistant, Lauren Sanchez.

9 BY MS. WANG:

10 Q. She's the PSB admin?

11 A. Yes.

12 Chief deputy. Michele Iafrate.

13 I'm going through the seating arrangement in
14 the building.

15 Not -- I don't believe any of the criminal
16 folks were there. It would have been Sergeant Sparman would
17 have been there as well.

18 Q. Anyone else there?

19 A. Bone. Kratzer. Sparman. I think that's about it.

20 Q. Okay. And during --

21 A. Mike -- Mike Bocchino maybe.

22 Q. All right.

23 A. Sergeant Bocchino.

24 MR. MASTERSON: How do you spell that one?

25 (Next page, please.)

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1 BY MS. WANG:

2 Q. Anyone else?

3 THE WITNESS: Bocchino is B-O-C-C-H-I-N-O.

4 MR. MASTERSON: Thanks.

5 BY MS. WANG:

6 Q. Did -- did anyone take notes during that meeting?

7 A. Lauren Sanchez would normally take notes.

8 Q. Do you remember whether she was taking notes at
9 that meeting?

10 A. I -- I believe she did, yes.

11 Q. Was her function at that meeting to take notes? As
12 a general matter, did she take notes at those --

13 A. She --

14 Q. -- rehearsal meetings?

15 A. It wasn't her only function, but one of hers is to
16 help scribe for me or the other people in PSB so we remember
17 to do certain things.

18 Q. And during the meeting -- well, what was the
19 purpose of that meeting?

20 A. It's more of a -- it's a -- it's a time for us to
21 prepare for our -- our interaction with the monitors the next
22 week. The monitors send out a -- an agenda -- a meeting
23 agenda and a schedule. And what I would typically do is take
24 each topic that they were expecting to hear from us about and
25 make sure that we had the requested information, that whoever

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1 was going to present it was ready to present it, and that we
2 didn't miss anything for information so we could provide, you
3 know, the best information to the monitor team we could.

4 Q. And was Michele Iafrate typically at those meetings
5 where you prepared for the monitor's site visit?

6 MR. MASTERSON: Form.

7 THE WITNESS: Not typically, but not
8 completely uncommon either. And there's -- not -- not
9 typ- -- completely uncommon.

10 BY MS. WANG:

11 Q. In this instance, do you -- how did Michele Iafrate
12 come to be present at that meeting? How did that happen?

13 MR. MASTERSON: Form. Foundation.

14 THE WITNESS: I already had the meeting
15 scheduled in a -- in -- with my staff. I -- I believe
16 Michele was out the week prior. I hadn't talked to her in
17 some time, and a lot had happened because we had that
18 seven-week stay.

19 MR. MASTERSON: Well, you're getting close. I
20 don't want you to testify --

21 THE WITNESS: No.

22 MR. MASTERSON: -- as to any communications
23 you had with Michele or she had with you.

24 THE WITNESS: Understood.

25 MR. MASTERSON: Okay.

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1 BY MS. WANG:

2 Q. How long was the meeting on July 17th, if you
3 recall, roughly?

4 A. Hour, hour and 15 minutes maybe.

5 Q. And you mentioned that -- already that the
6 identification documents that Knapp had were discussed at
7 that meeting; correct?

8 A. I don't know if I said that today or not, but --

9 MR. MASTERSON: If you -- wait. If -- if
10 that's -- again, you're -- you're -- I don't think he said
11 that today.

12 THE WITNESS: I didn't.

13 MR. MASTERSON: So I'm instructing him not to
14 answer, because that's a communication that was made at the
15 meeting with Ms. Iafrate present.

16 MS. WANG: Well, Captain Bailey testified --
17 discussed that meeting and the communications during that
18 meeting at length during the monitor's interview.

19 MR. MASTERSON: Okay. And I was -- I'm
20 good -- I'm glad you brought that up, because I have -- I
21 have some concerns with the interview as well. And I'm
22 objecting to any use of any of these interviews that were
23 conducted by the monitor -- monitor in this case.

24 I think there was a denial of my clients' due
25 process rights during all of those interviews. They were --

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1 direction, guidance, order, or anything in that vein did the
2 chief deputy provide to you and/or any other MCSO member at
3 that meeting regarding the upcoming meeting with the
4 Monitor?"

5 So first I want to ask you, was chief deputy
6 Sheridan at that July 17th, 2015, meeting?

7 A. I believe, yes.

8 Q. Okay. You did not --

9 A. I believe so.

10 Q. You did not mention him before, so --

11 MR. WOODS: Sure, he did.

12 MR. JIRAUCH: Yes, he did.

13 MR. WOODS: It's right here in my notes.

14 MR. JIRAUCH: He did.

15 BY MS. WANG:

16 Q. Oh, you're right. I apologize. You did mention
17 him.

18 And you responded to Chief Anders that
19 Chief Sheridan did not give any direction regarding the
20 meeting with the monitor.

21 Do you see that?

22 A. Yes.

23 Q. Was that correct?

24 MR. MASTERSON: Okay. Hold on.

25 I -- like I said, I'm going to instruct him

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1 not to answer any questions about communications made at that
2 meeting. But you can ask him, did you say that in your
3 interview, and that's fine with me.

4 BY MS. WANG:

5 Q. Well, let me ask you this: Why don't you read
6 pages WAI 17023 through -- well, just -- let me go through it
7 specifically.

8 Captain, did you tell the monitor team that
9 Chief Sheridan did not give you any direction at the July 17,
10 2015, meeting?

11 A. Yes.

12 Q. Did you tell them you did not receive guidance on
13 which topics to discuss with the monitor team from the chief
14 deputy?

15 A. I -- I'm sorry? Ask that again, please.

16 Q. Did you tell Chief Anders during your -- during his
17 interview of you that the chief deputy did not give you
18 directions on which topics to discuss with the monitor?

19 A. Yeah. He did not.

20 Q. And you also stated to Chief Anders that you
21 yourself did not provide any guidance on which topics people
22 should address or not address during the meeting with the
23 monitor.

24 Did you -- was that your statement to the
25 monitor?

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1 A. Yes.

2 Q. And did you tell the monitor that no lieutenant
3 present at the meeting gave any direction on topics to avoid
4 discussing with the monitor?

5 A. That's correct.

6 Q. Did you tell the monitor that a direction was given
7 to avoid a certain topic during the meeting on July 17th,
8 2015?

9 A. This is -- this is accurate.

10 Q. And was that direction specific -- did you tell the
11 monitor specifically that a direction was given during the
12 July 17, 2015, meeting not to discuss the Knapp IDs?

13 A. That's -- yes.

14 Q. And were all of your statements to the monitor
15 accurate?

16 A. Yes.

17 Q. Captain, there -- what you just -- what we just
18 covered among your statements to the monitor team did not run
19 through everybody that was present at the July 17th
20 meeting; correct?

21 A. Say that again.

22 Q. There -- you -- you made statements to the monitor
23 about whether any of the lieutenants at the meeting gave any
24 directions; is that right?

25 A. Yes.

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1 Q. You covered whether you had given any instructions
2 on whether to discuss the 15 -- the 1459 IDs; correct?

3 A. Yes.

4 Q. You mentioned Chief Sheridan not giving any
5 direction about avoiding that topic; correct?

6 A. Yes.

7 Q. Okay. There were also three sergeants present at
8 the meeting; correct?

9 A. I believe so, yes.

10 MR. MITCHELL: So are you asking about what's
11 in the transcripts, Cecillia, or are you asking the --

12 MS. WANG: Now I'm just asking who was at the
13 meeting.

14 MR. MITCHELL: Okay. But, so you're doing the
15 same thing that Andrew [sic] did that -- that apparently I
16 wasn't quick enough on the uptake to understand. It was by
17 process of elimination, which -- so you're narrowing it down
18 to what's going to be attorney-client privilege advice.

19 And you shouldn't answer the question.

20 MS. WANG: Okay. Well, I think that the cat
21 was out of the bag during Lieutenant Seagraves' deposition.

22 MR. MASTERSON: Well, I think you can ask him
23 who was present at the meeting. And I think you've done
24 that.

25 MS. WANG: Right. But Barry just instructed

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1 him not to answer.

2 MR. MASTERSON: Well, but I think your
3 question was, were there sergeants at the meeting?

4 BY MS. WANG:

5 Q. Were there sergeants at the meeting?

6 A. Yeah. I think I stated their names earlier when
7 you asked.

8 Q. Okay. As a general matter, would sergeants at a
9 monitor prep meeting, like the July 17th one, give
10 directions about topics to avoid discussing with the monitor?

11 MR. MASTERSON: Form. Foundation.

12 THE WITNESS: No.

13 BY MS. WANG:

14 Q. Did they do so during this July 17, 2015, meeting?

15 MR. MASTERSON: Now you've crossed into the
16 protected area, I think. And I understand your position.

17 MS. WANG: Is there an instruction not to
18 answer?

19 MR. MASTERSON: There is.

20 MS. WANG: Okay.

21 BY MS. WANG:

22 Q. And I'll just ask. Lauren Sanchez was also present
23 at that meeting?

24 A. Yes.

25 Q. And she's the administrative assistant for PSB?

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1 A. Yes.

2 Q. She would not have given a direction at that
3 meeting, or others like it, not to discuss certain topics
4 with the monitor; right?

5 MR. MASTERSON: Form. Foundation.

6 THE WITNESS: No. Our administrative
7 assistant wouldn't give direction.

8 BY MS. WANG:

9 Q. So we've eliminated -- of the people at the
10 July 17, 2015, meeting, we have already gone through that
11 lieutenants Seagraves and Kratzer did not give a direction to
12 avoid the topic of the 1500 IDs with the monitor; right?

13 MR. MASTERSON: Wait. Are we back to the
14 interview now, what you read?

15 BY MS. WANG:

16 Q. You said that during the interview; correct?

17 A. Yes.

18 Q. And that was accurate; correct?

19 A. Yes.

20 Q. And you stated that you did not give any direction
21 to avoid discussing the 1500 IDs in your interview with the
22 monitor; correct?

23 A. That's correct.

24 Q. And that was accurate; correct?

25 A. Yes.

Steve Bailey - September 8, 2015

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1 Q. And you also stated that Chief Sheridan did not
2 give any direction regarding avoiding discussing the 1500 IDs
3 with the monitor team; correct?

4 A. Yes.

5 Q. And that was accurate; correct?

6 A. Yes.

7 Q. And you've already been instructed by your lawyers
8 now not to answer whether Sergeants Bone, Sparman, or
9 Bocchino gave a direction not to discuss the 1500 IDs; is
10 that right?

11 MR. MASTERSON: That's correct.

12 BY MS. WANG:

13 Q. Okay. But, as a general matter, you wouldn't
14 expect a sergeant in that meeting to give such an
15 instruction --

16 MR. MITCHELL: Asked and answered.

17 BY MS. WANG:

18 Q. -- is that right?

19 MR. MITCHELL: Form.

20 MR. MASTERSON: Form. Foundation.

21 THE WITNESS: Am I still answering this?

22 MR. MASTERSON: You can go ahead and answer
23 that.

24 THE WITNESS: Yes, that's true.

25 (Next page, please.)

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1 BY MS. WANG:

2 Q. Did anything happen at the July 17, 2015, meeting
3 that was unusual in terms of a sergeant speaking out of turn?

4 MR. MASTERSON: No. No. That causes --
5 that -- that's asking for communication that occurred.

6 You're instructed not to answer.

7 BY MS. WANG:

8 Q. Did Michele Iafrate -- well, let me say this: You
9 told the monitor that somebody gave a direction during the
10 July 17, 2015, meeting not to discuss the Knapp IDs with the
11 monitor; is that right?

12 MR. MASTERSON: Form.

13 THE WITNESS: I think it's mentioned in here,
14 yes.

15 BY MS. WANG:

16 Q. Was that accurate?

17 A. Yes.

18 Q. Did Michele Iafrate give that direction during the
19 meeting on July 17, 2015?

20 MR. MASTERSON: Objection. Privileged.

21 You're instructed not to answer.

22 MS. WANG: Okay. Let me e-mail the Court and
23 see if the judge is available, and then I'll keep going with
24 other questions.

25 MR. JIRAUCH: Could we take a break so that

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1 defense counsel, if we're going to talk to the judge, may
2 just call in, have an opportunity --

3 MS. WANG: Yeah, sure.

4 MR. JIRAUCH: -- to talk --

5 MS. WANG: Well --

6 MR. JIRAUCH: -- among themselves --

7 MS. WANG: -- do you want to just email -- why
8 don't we go off the record for a second, but let's everybody
9 stay in the room.

10 THE VIDEOGRAPHER: The time is 2:56 p.m.

11 We're now going off the record ending media 3.

12 (Recess from 2:56 p.m. to 3:18 p.m.)

13 (Conference call with Judge Snow 3:18 p.m. to
14 3:31 p.m.)

15 (Recess from 3:31 p.m. to 3:48 p.m.)

16 (Mr. Dodd joins proceedings replacing
17 Mr. Como.)

18 THE VIDEOGRAPHER: The time is 4:00 --

19 3:48 p.m. We're now back on record beginning media 5.

20 MS. WANG: Gentlemen? I think you said you
21 have a revised instruction for the witness?

22 MR. MASTERSON: I am going to limit my
23 instruction to the witness, the instruction not to answer to
24 communications at the July 17 meeting made or between the
25 witness and Ms. Iafrate and other persons present at that

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1 meeting and Ms. Iafrate to the extent that communications
2 were -- or involved legal advice by Ms. Iafrate.

3 Does that make sense?

4 MS. WANG: I think so. We might have to deal
5 with that question by question.

6 MR. KILLEBREW: Excuse me. I apologize. This
7 line is cutting in and out. Could I just call in --

8 MS. WANG: Yes.

9 MR. KILLEBREW: -- again?

10 I'm --

11 MS. WANG: Yeah. We'll wait for you, Paul.

12 MR. KILLEBREW: I'm very sorry.

13 THE VIDEOGRAPHER: Should we go off or leave
14 it on for a second?

15 MS. WANG: Why don't we go off.

16 THE VIDEOGRAPHER: The time is 3:49 p.m.
17 We're now going off the record ending media 5.

18 (Recess from 3:49 p.m. to 3:50 p.m.)

19 THE VIDEOGRAPHER: The time is 3:50 p.m.
20 We're now back on record beginning media 6.

21 BY MS. WANG:

22 Q. Okay. Captain, going back to the July 17, 2015,
23 meeting, did you express any views about -- to your team or
24 to Chief Sheridan about whether the Knapp identification
25 documents should be disclosed to the monitor during the

Steve Bailey - September 8, 2015

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1 upcoming site visit?

2 A. Did I express my views?

3 Q. Correct.

4 A. No, I don't -- I don't think I had a particular
5 opinion about it, about disclosure.

6 Q. Did you list as one of the items on your agenda for
7 that meeting the Knapp IDs?

8 A. I didn't write it down, but it was going to come
9 up.

10 Q. At the monitor meeting?

11 A. Or during that meeting.

12 Q. During the July 17 meeting?

13 A. Yes.

14 Q. And why was it obvious to you that it was going to
15 come up during the July 17, 2015, meeting?

16 A. Because we had just recently received them, and it
17 was the first time we had Michele there collectively all
18 together with us.

19 Q. Okay. Did you also discuss at your July 17 meeting
20 the Leroy and -- who was the other deputy?

21 A. Dickner.

22 Q. Dickner IDs.

23 A. The -- I don't believe we did. There's no reason
24 to. I mean, they -- they were already previously disclosed.
25 We'd already worked on them, so they weren't -- they weren't

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1 a topic.

2 Q. All right. But they were still pending IA cases as
3 of July 17th, 2015?

4 A. I believe so, yes.

5 Q. All right. Did Chief Sheridan express any views
6 during the July 17th meeting to MCSO staff about whether to
7 disclose the Knapp IDs to the monitor team during their
8 upcoming meeting --

9 A. No.

10 Q. -- site visit?

11 A. No.

12 Q. Did any of your PSB subordinates discuss the issue
13 of whether to raise the issue of the Knapp IDs with the
14 monitor team?

15 A. No. It wouldn't have been their place to, if that
16 makes sense.

17 Q. Okay. Did -- did somebody at the July 17th,
18 2015, meeting raise the topic of whether to disclose the
19 identification documents to the monitor team?

20 MR. MASTERSON: Hold it. I'm going to
21 instruct you not to answer that question based on privilege.

22 THE WITNESS: Okay.

23 BY MS. WANG:

24 Q. Before the July 17 meeting -- let me withdraw it.

25 Between the time you discovered the Knapp IDs,

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1 July 7th or 8th, and July 17th when you had this
2 rehearsal meeting for the monitor site visit, did you have
3 any meetings with Michele Iafrate about the subject of the
4 Knapp IDs?

5 Just yes or no. Did you meet with her?

6 MR. MASTERSON: Wait. Wait, wait, wait, wait.
7 I -- I think he can -- I'm going to instruct him not to
8 answer that specific question based upon the attorney-client
9 privilege because the question, did you meet with
10 Ms. Iafrate, and then you gave him a subject, I -- I think
11 that's improper, because that gets into the privilege. And
12 the -- the -- the topic of the meeting, I suppose, gets into
13 the privilege, as far as I'm concerned.

14 If you want to ask him if he met with
15 Ms. Iafrate during any particular week and how many times and
16 for how long, I don't have any problem with that.

17 MS. WANG: I think the subject -- the general
18 subject would be log information. I mean, on a privilege
19 log, you would say whether -- what the subject line of an
20 e-mail was, for example.

21 MR. MASTERSON: Ask your question -- let me
22 listen to your question again.

23 MS. WANG: Okay. Can you read it back, Cathy.

24 THE COURT REPORTER: Sure.

25 (The requested record was read.)

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1 THE WITNESS: No.

2 BY MS. WANG:

3 Q. Do you know whether Chief Sheridan had any such
4 meetings with Michele Iafrate before the July 17 meeting?

5 A. I don't know. I don't think he did, but I don't
6 know.

7 Q. Why do you -- why do you have the impression that
8 he did not meet with her before July 17?

9 A. She was out of town the previous week.

10 Q. Okay. Did you say anything to the PST -- PSB team
11 assembled at the July 17th meeting about the Knapp IDs?

12 A. Did I say anything?

13 Q. Yeah.

14 A. Yes.

15 Q. What did you say?

16 THE WITNESS: This is going to get into
17 potentially a privileged area.

18 MR. MASTERSON: Well, you -- I think you can
19 tell her about conversations you had with others on your team
20 but not -- not --

21 THE WITNESS: Okay.

22 MR. MASTERSON: -- statements you made to
23 Ms. Iafrate for the purpose of seeking legal advice --

24 THE WITNESS: Okay.

25 MR. MASTERSON: -- or statements that

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1 Ms. Iafrate gave you for the purpose of providing legal
2 advice.

3 THE WITNESS: Okay.

4 We were all waiting for direction on what we
5 were going to do next. And the questions to me would have
6 been, do you know what we're doing yet?

7 And I said, no. I'm waiting to be advised on
8 what -- how we're going to handle this.

9 BY MS. WANG:

10 Q. When you say what we're going to do next, what did
11 you mean?

12 A. If we were going to take any additional
13 investigative steps on the case.

14 Q. As an IA case?

15 A. Right.

16 Q. Did you include in your question -- so you were
17 saying you posed those questions during the meeting?

18 A. I -- not with the staff. They were more posing
19 that to me. Like, do you have any direction yet, Captain?

20 And I said, no, I don't.

21 Q. Did you pose the question to Chief Sheridan? He
22 was there; right?

23 A. Yes.

24 Q. And did you -- what did he say in response to you?

25 A. We're waiting for a response.

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1 Q. And that was -- response was from counsel?

2 A. Yes.

3 Q. Okay. Was that response given during the
4 July 17th meeting, without telling me what it was?

5 MR. MASTERSON: Hold it.

6 THE WITNESS: I can answer it yes or no.

7 MR. MASTERSON: Well, but the question asks --
8 asks, was a response given on a particular -- particular
9 topic, so I -- I think that violates the privilege. I'm
10 going to instruct you not to answer.

11 I'm trying to limit it as much as I can here,
12 but I think that crosses into their --

13 MS. WANG: Understood.

14 MR. MASTERSON: It's kind of gray, but --

15 MS. WANG: I understood -- understood. We'll
16 make our record and deal with what we've got at the end of
17 today.

18 BY MS. WANG:

19 Q. So there were two -- two separate issues that I've
20 heard you discuss. Tell me if this is right.

21 There was an issue about whether to go forward
22 with the IA case, and there was an issue about whether to
23 disclose those identifications to the monitor; correct?

24 A. Yes.

25 Q. Okay. Did -- did anyone -- did any MCSO personnel

Steve Bailey - September 8, 2015

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1 A. Okay.

2 Q. Who was present at that meeting?

3 A. Myself. Larry Kratzer. Kim Seagraves. I -- I
4 believe Lauren Sanchez. Sherry Kiyler. Chief Warshaw. Al
5 Peters. I believe Raul Martinez was there. And I don't know
6 which of the sergeants were there off the -- right now, I
7 can't remember which of the sergeants were there, but
8 probably a couple of them were there.

9 Q. A couple of your PSB sergeants?

10 A. Yes.

11 Q. Okay. During that meeting, did Chief Kiyler ask
12 you about the pending IA cases involving the Dickner and
13 Leroy IDs?

14 A. Yes.

15 Q. Did she subsequently ask you a question about
16 whether there were any other IDs that had come to light?

17 A. She asked me if there was any other pending cases
18 regarding IDs.

19 Q. And what was your response?

20 A. No.

21 MR. WOODS: Who made that -- who asked that
22 question?

23 THE WITNESS: Chief Kiyler.

24 MR. WOODS: Thanks.

25 (Next page, please.)

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1 BY MS. WANG:

2 Q. Was that response accurate?

3 A. In terms of a pending case?

4 MR. MITCHELL: That's -- that's what the
5 question is.

6 THE WITNESS: Yes, that was accurate.

7 BY MS. WANG:

8 Q. You believe that was an accurate answer?

9 A. Yes.

10 Q. You had pulled an IA number for the Knapp ID case;
11 correct?

12 A. I had.

13 Q. And you'd already interviewed Knapp; correct?

14 A. That's correct.

15 Q. But it's still your position that your answer to
16 Chief Kiyler was truthful?

17 A. Yes.

18 Q. You obviously knew about the Knapp IDs at the time
19 you answered that question; correct?

20 A. I did.

21 Q. Did you understand that Chief Kiyler and other
22 members of the monitor team would have wanted to know about
23 the Knapp IDs on July 20th?

24 MR. MASTERSON: Form. Foundation.

25 THE WITNESS: I believe they would have wanted

1 to know.

2 BY MS. WANG:

3 Q. But you still did not feel that your answer to
4 Chief Kiyler's question was inaccurate?

5 A. No.

6 Q. You stand by it today?

7 A. I do.

8 Q. Did you give that answer based on direction you got
9 during the July 17th meeting?

10 MR. MASTERSON: Hold it. I instruct you not
11 to answer the question. And objection. Attorney-client
12 privilege.

13 THE WITNESS: Okay.

14 BY MS. WANG:

15 Q. Did you meet with Michele Iafrate between the
16 July 17th meeting and the July 20th meeting with the
17 monitor team?

18 A. No.

19 Q. Do you know whether Chief Sheridan met with Michele
20 Iafrate between the July 17th MCSO meeting and the
21 July 20th monitor meeting?

22 A. I don't know.

23 MR. WOODS: Excuse me. I don't know if you
24 left it out on purpose, but in -- in learning -- in getting a
25 record as to who was at the meeting, Michele's name wasn't

Steve Bailey - September 8, 2015

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1 belonging to the plaintiff class or apparent members of the
2 plaintiff class were to be disclosed?

3 MR. MASTERSON: Form.

4 THE WITNESS: I don't remember that being
5 discussed.

6 BY MS. WANG:

7 Q. Were you aware of that court order on July 17th,
8 2015?

9 MR. MASTERSON: Form.

10 THE WITNESS: I was aware of all the orders
11 generally. I -- I don't know them probably like the
12 attorneys do. I know them generally.

13 BY MS. WANG:

14 Q. Well, you knew that the monitor team was very
15 interested in knowing about any identification documents that
16 cropped up --

17 MR. MASTERSON: Form. Foundation.

18 BY MS. WANG:

19 Q. -- correct?

20 A. I did.

21 Q. And there were many pending IA cases over the year
22 and more that you were the commander of PSB; correct?

23 A. Yes.

24 MR. MASTERSON: Form.

25 (Next page, please.)

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1 BY MS. WANG:

2 Q. And were you generally aware that the Court was
3 requiring those IDs to be turned over in the Melendres case?

4 MR. MASTERSON: Form. Foundation.

5 THE WITNESS: I would have expected, yes.

6 BY MS. WANG:

7 Q. And was that discussed during the July 17th
8 meeting?

9 MR. MASTERSON: Form.

10 THE WITNESS: No.

11 BY MS. WANG:

12 Q. So court orders were not discussed during the
13 July 17th meeting?

14 A. Orders in a general form, but not specific detail
15 or verbiage from an order.

16 Q. You mentioned earlier today that Chief Sheridan,
17 when he discussed the Knapp IDs with you one on one,
18 expressed a view that he was going to confer with others
19 before deciding how to proceed with the Knapp case because he
20 wanted to check into timeline issues?

21 Was that how you put it?

22 A. Yes.

23 Q. Can you explain what that meant to you when you
24 heard that from Chief Sheridan.

25 MR. MASTERSON: Foundation.

7 I CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

11	[] Review and signature not required.
----	--

15 Dated at Phoenix, Arizona, this 10th day of
September, 2015.

19	*	*	*	*	*
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24 GRIFFIN & ASSOCIATES, LLC
25 Registered Reporting Firm
Arizona RRF No. R1005

Exhibit B

Sheridan, Gerard - Vol. 4 9/15/2015 9:16:00 AM

IN AND FOR THE DISTRICT OF ARIZONA

MANUEL DE JESUS ORTEGA)

MELENDRES, et al.,)

)

Plaintiffs,)

)

vs.)No. CV-07-2513-PHX-GMS

)

JOSEPH M. ARPAIO, et al.,)

)

Defendants.)

)

VIDEOTAPED DEPOSITION OF GERARD SHERIDAN

VOLUME IV

(Pages 355 to 685, inclusive)

Phoenix, Arizona

September 15, 2015

9:16 a.m.

REPORTED BY:

PAMELA A. GRIFFIN, RPR, CRR

Certified Reporter

Certificate No. 50010

PREPARED FOR:

CONDENSED/ASCII

(Certified Copy)

Sheridan, Gerard - Vol. 4 9/15/2015 9:16:00 AM

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6	Examination By Mr. Como	648

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EXHIBITS

12

Deposition

13	Exhibits: Description	Page
14	No. 2510 Outlook Calendar Note dated 4/3/12, Bates No. MELC833475	369
15	(1 page)	
16	No. 2511 E-mail dated 9/25/12 to John MacIntyre and Others from Tim Casey, Bates Nos. MCAO00025 to MCAO00027 (3 pages)	373
17		
18	No. 2512 E-mail dated 10/12/12 to Lisa Allen from Tim Casey, Bates Nos. MCAO00028 to MCAO00038	375
19	(11 pages)	
20	No. 2513 E-mail dated 10/11/12 to Brian Jakowinicz from Tim Casey, Bates Nos. CaseySub 000174 to CaseySub 000176 (3 pages)	385
21		
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23	No. 2514 E-mail dated 10/18/12 to Brian Sands and Others from Tim Casey, Bates Nos. MCAO00043 to MCAO00048 (6 pages)	389
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4	No. 2515 E-mail dated 10/22/14 to David Garland from Kelly Grennan, Bates No. MELC1016121 (1 page)	431
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6	No. 2516 E-mail dated 10/30/14 to Jerry Sheridan from Don Vogel, Bates Nos. DV000256 (1 page)	433
7		
8	No. 2517 Maricopa County Sheriff's Office Internal Affairs Investigation 14-0543, Bates Nos. MELC209720 to MELC209970 (251 pages)	437
9		
10	No. 2518 Transcript of Recorded Interview of Chief Deputy Jerry Sheridan, 2/23/15, Bates Nos. MELC210080 to MELC210162 (83 pages)	437
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13	No. 2519 Maricopa County Sheriff's Office Administrative Investigation (IA No. 2014-0580), Bates Nos. MELC676786 to MELC676814 (29 pages) CONFIDENTIAL - AEO	466
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15		
16	No. 2520 Memorandum dated 6/1/15 to Jesus Cosme from Steve Bailey, Bates Nos. MELC229076 to MELC229093 (18 pages)	485
17		
18	No. 2521 Maricopa County Sheriff's Office Internal Affairs Division IA No. 12-0011, Bates Nos. MELC820994 to MELC821177 (184 pages) CONFIDENTIAL - AEO	540
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21	No. 2522 E-mail dated 10/2/12 to Jerry Sheridan and Others from Tiffani Shaw, Bates No. MELC1002784 (1 page)	567
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1	E X H I B I T S (Continued)	
2	Deposition	
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3		
4	No. 2523 Maricopa County Sheriff's Office Professional Standards Bureau IA	569
5	No. 2014-0546, Bates	
6	Nos. MELC158578 to MELC158624 (47 pages)	
7	No. 2524 Declaration of Cecillia Wang in Support of Plaintiffs' Response	587
8	in Opposition to Sheriff Arpaio and Chief Deputy Sheridan's	
9	Motion for Recusal or Disqualification of The Court	
10	(61 pages)	
11	No. 2525 E-mail dated 3/10/14 to Travis Anglin and Others from Beverly	600
12	Owens-Prindle, Bates	
13	Nos. MELC198446 and MELC198447 (2 pages) CONFIDENTIAL - AEO	
14	No. 2526 E-mail dated 10/29/13 to Cindy Allen from Brian Mackiewicz,	604
15	Bates No. MELC198291 (1 page)	
16	CONFIDENTIAL - AEO	
17	No. 2527 E-mail dated 2/3/14 to Travis Anglin from Carmen Hernandez,	605
18	Bates No. MELC198515 (1 page)	
19	CONFIDENTIAL - AEO	
20	No. 2528 Memorandum dated 2/2/14 to Kim Seagraves from Travis Anglin,	606
21	Bates No. MELC187093 (1 page)	
22	No. 2529 E-mail dated 7/22/14 to Sara Bagley from Brian Mackiewicz,	608
23	Bates Nos. MELC198277 to MELC198279 (3 pages)	
24	CONFIDENTIAL - AEO	
25	No. 2530 Memorandum dated 1/21/14 to Brian Stutsman from Travis	610
	Anglin, Bates No. MELC187111	
	(1 page) CONFIDENTIAL - AEO	

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1 E X H I B I T S (Continued)

2 Deposition

Exhibits: Description Page

3

No. 2531 E-mail dated 11/14/14 to Jerry 611

4

Sheridan from Brian Mackiewicz,

Bates Nos. MELC198093 to

5

MELC198095 (3 pages)

CONFIDENTIAL - AEO

6

No. 2532 Interview of Chief Deputy Jerry 625

7

Sheridan, Bates Nos. WAI 18461

to WAI 18719 (259 pages)

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1 VIDEOTAPED DEPOSITION OF GERARD SHERIDAN was
2 taken on September 15, 2015, commencing at 9:16 a.m. at
3 the offices of Legal Video Specialists, 3033 North Central
4 Avenue, Suite 100, Phoenix, Arizona, before PAMELA A.
5 GRIFFIN, a Certified Reporter in the State of Arizona.

6

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8

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25

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Stutz:

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12 By: Mr. Dane A. Dodd

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14

ALSO PRESENT:

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Mr. Craig Onuschak

16 Legal Video Specialists

Videographer

17

18

19

20

21

22

23

24

25

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1 A. It's a small conference room.

2 Q. Sorry -- conference table?

3 A. Yes.

4 Q. Do you recall how many chairs are around that
5 conference table? Is it as big as this table?

6 A. No. No. No. There's probably 15, 16 chairs
7 around the table.

8 Q. Was your --

9 A. I'm guessing.

10 Q. Was it your impression all the chairs were taken?

11 A. Many of them.

12 Q. Okay. Do you recall whether anyone who was not a
13 member of PSB other than Michele lafrate was present?

14 A. No.

15 MS. WANG: Okay. We can take a break now.

16 THE VIDEO TECHNICIAN: The time is 12 --
17 2:24 p.m. We are now going off record, ending Media 3.

18 (Recess taken, 2:24 - 2:42.)

19 THE VIDEO TECHNICIAN: The time is 2:42 p.m.

20 We're now back on record, beginning Media 4.

21 BY MS. WANG:

22 Q. All right. Chief, are you aware that on
23 July 20th of 2015, Captain Bailey and other PSB members
24 did meet with members of the monitor team?

25 A. Yes, ma'am.

Sheridan, Gerard - Vol. 4 9/15/2015 9:16:00 AM

1 Q. And were you present at that meeting?

2 A. No.

3 Q. You've discussed it with Captain Bailey since
4 then, the meeting, the July 20th meeting?

5 A. That the meeting took place, yes.

6 Q. Okay. Are you aware that Chief Sherry Kiyler of
7 the monitor team asked Captain Bailey and other PSB
8 personnel about various IA cases about ID documents?

9 A. Yes.

10 Q. And are you aware that after asking about some
11 specific pending cases, she asked whether there were other
12 cases?

13 MR. MASTERSON: Form.

14 BY MS. WANG:

15 Q. Involving IDs?

16 A. Yes.

17 MR. MASTERSON: Form.

18 BY MS. WANG:

19 Q. And that Captain Bailey said no in response to
20 that question.

21 Are you aware of that?

22 MR. MASTERSON: Form. Foundation.

23 THE WITNESS: Yes.

24 BY MS. WANG:

25 Q. Do you have an opinion about whether that

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1 statement by Captain Bailey was true or false?

2 MR. MASTERSON: Form. Foundation.

3 MR. WALKER: Join.

4 THE WITNESS: Yes.

5 BY MS. WANG:

6 Q. What's your opinion?

7 MR. MASTERSON: Form. Foundation.

8 MR. WALKER: Join.

9 THE WITNESS: I don't think I can answer

10 that question.

11 BY MS. WANG:

12 Q. Why not?

13 A. Goes back to the attorney-client privilege issue
14 from earlier.

15 Q. So are you saying you do have an opinion about
16 whether Captain Bailey's answer was truthful, but your
17 opinion is based on advice of counsel?

18 MR. MASTERSON: Form. Foundation.

19 MR. WALKER: Join.

20 THE WITNESS: Yes.

21 BY MS. WANG:

22 Q. So you were aware in July of 2015 of court orders
23 regarding production of documents generally; correct?

24 A. Yes, ma'am.

25 MR. MASTERSON: Form.

1 STATE OF ARIZONA)
) ss.

BE IT KNOWN that the foregoing proceedings were taken before me; that the witness before testifying was duly sworn by me to testify to the whole truth; that the foregoing pages are a full, true, and accurate record of the proceedings, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

8 I CERTIFY that I am in no way related to any of
the parties hereto, nor am I in any way interested in the
outcome hereof.

10 [X] Review and signature was requested.

11 [] Review and signature not required.

13 I CERTIFY that I have complied with the ethical obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206 J(1)(g)(1) and (2).

15

17 PAMELA A. GRIFFIN, RPR, CRR
Certified Reporter
18 Arizona CR No. 50010

* * * * *

21 I CERTIFY that GRIFFIN & ASSOCIATES, LLC, has
 22 complied with the ethical obligations set forth in ACJA
 7-206 (J)(1)(g)(1) through (6).

24 GRIFFIN & ASSOCIATES, LLC
Registered Reporting Firm
25 Arizona RRF No. R1005