

EXHIBIT A

In The Matter Of:

Melendres v

Arpaio

Mike Olson

September 17, 2015

Griffin & Associates Court Reporters

2398 E. Camelback Road, Suite 260 Phoenix, AZ 85016

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1 meeting?

2 A. I'm not sure if we had two meetings or one
3 meeting, so you may know that, I don't know, but at some
4 point we worked on guiding Mr. Vogel on how MCSO
5 internal affairs are written up as far as to make the
6 allegations that fit his investigation, and that's why
7 Tiffani Shaw helped because that's what her section does
8 for MCSO. So we sat in my office and worked on that
9 that morning.

10 Q. Did you discuss the -- the findings of fact
11 that Mr. Vogel had made?

12 A. He didn't make findings of facts. He had
13 written the investigation and then we helped him make
14 allegations. It was up to me to determine the findings.

15 Q. Okay. Did you talk about any of the -- any
16 part of his report during that?

17 A. I'm sure that we did, yeah. I mean, to get to
18 the allegations, we had to have.

19 Q. Okay. So in this email the first line says, "I
20 met with Chief Olson this morning to assist him as he
21 worked to identify potential policy violations on
22 14-542." Do you see that?

23 A. Yes, sir.

24 Q. It says, "Chief Olson was under the impression
25 it is my responsibility to identify policy violations

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1 A. It would have been much the same as the earlier
2 meeting except it would have, for the most part, focused
3 on the 543 investigation and his making allegations
4 again in that report.

5 Q. And did you discuss his report on 543 during
6 that meeting?

7 A. I believe we did. I believe that was the focus
8 of that meeting was to get the allegations hammered down
9 on that one.

10 Q. And what did you discuss about those
11 allegations?

12 A. Which policy violations fit his report.

13 Q. Did you discuss -- did you discuss any findings
14 that he had made as to who was responsible for any
15 policy violations?

16 A. Again, he didn't make findings, I made the
17 findings. He did the allegations and the investigative
18 work.

19 Q. Did you -- did you discuss anything that he had
20 written in his report about any of the principals in the
21 543 investigation?

22 A. Not that I'm aware of or I remember.

23 Q. But you were assigning the policy violations?

24 A. We were assigning the policy violations.

25 Q. Those were according to each principal?

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1 A. Correct.

2 Q. So did you discuss whether he had sufficient to
3 find certain policy violations against certain
4 individuals?

5 A. We discussed which -- which policies fit the
6 specific area that he was targeting in his
7 investigation.

8 Q. Based on?

9 A. Based on what he had written.

10 Q. Based on his investigation in his report?

11 A. Correct.

12 Q. And so those were, again, sort of initial
13 findings of --

14 A. Preliminary findings or preliminary allegations
15 and then I issued findings on those over the next few
16 days.

17 Q. And those were findings as to potential policy
18 violations?

19 A. Yes.

20 Q. So would you take information contained in his
21 report and determine whether that information could
22 consist of a policy violation?

23 A. Correct.

24 Q. And so at the time did you agree that there
25 were initial findings of policy violations?

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1 MR. SEGURA: Sure. It's 1170.

2 MR. POPOLIZIO: Okay. Thank you.

3 Q. BY MR. SEGURA: There's sort of an initial
4 finding, correct, of whether it's sustained or not
5 sustained and then a subsequent finding?

6 A. Correct. We call it a preliminary finding and
7 a final finding.

8 Q. Can you explain how -- how the preliminary
9 finding and the final findings are made?

10 A. Certainly. The preliminary finding was based
11 solely upon Mr. Vogel's investigation. The final
12 finding was based upon the investigation and then the
13 information provided at the predetermination or the
14 name-clearing hearing.

15 Q. So in order for a finding to change from the
16 initial to the final, there would have to be some
17 additional information provided?

18 A. Correct.

19 Q. Who were the -- who decided the principals for
20 this investigation?

21 A. Mr. Vogel, I assume, through his investigation.

22 Q. Did you have any input in who the principals
23 would be?

24 A. No, sir.

25 Q. Did you ever suggest people added -- that other

1 that he had made here in Task E. Do you agree that
2 there was evidence to support each of these --

3 MR. POPOLIZIO: Form, foundation.

4 Q. BY MR. SEGURA: -- findings or determinations?

5 A. I believe that -- that he felt that way. I
6 think that there's more information provided at the
7 predetermination hearing and the name-clearing hearings
8 that Mr. Vogel wasn't involved in, so I think that that
9 changes some things.

10 Q. But upon reading his report, you agreed that
11 there was evidence to support these determinations?

12 A. To support the allegations, yes.

13 Q. Okay. And so turning back to Tab 1, which is
14 page 166, third or fourth page, when you made your I
15 think we called them initial findings, for example, the
16 one on 170 as to Trombi, did you make those initial
17 findings based on Mr. Vogel's determinations?

18 A. Yes, sir.

19 Q. And could that initial determination stand on
20 its own if, for example, the person against whom it's
21 issued doesn't seek a predetermination hearing?

22 A. Yes, sir.

23 Q. Are there times when you make an initial
24 finding and that's that?

25 A. If the person doesn't show for his

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2) ss.
3 COUNTY OF MARICOPA)

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

12 I CERTIFY that I am in no way related to any of
13 the parties hereto nor am I in any way interested in
14 the outcome hereof.

15 [X] [] Review and signature was requested.
16 [] [] Review and signature was waived.
17 [] [] Review and signature not required.

18 I CERTIFY that I have complied with the ethical
19 obligations set forth in ACJA 7-206(F)(3) and ACJA
20 7-206 J(1)(g)(1) and (2). Dated at Phoenix, Arizona,
21 this 20th of September, 2015.

22 _____
23 Jennifer Hanssen, RPR
24 Certified Reporter
25 Arizona CR No. 50165

* * * *

18 I CERTIFY that GRIFFIN & ASSOCIATES, LLC, has
19 complied with the ethical obligations set forth in ACJA
20 7-206 (J)(1)(g)(1) through (6).

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23 Registered Reporting Firm
24 Arizona RRF No. R1005
25

EXHIBIT B

In The Matter Of:

Melendres v

Arpaio

Don Vogel

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1 any post-investigation that may or may not have happened. I
2 don't know if one did or one didn't. But my opinion is the
3 same for every one of these charging sheets.

4 BY MR. YOUNG:

5 Q. So you thought that there was information that
6 would be sufficient to sustain each of the charges on the
7 charging sheets?

8 A. Yes, sir.

9 Q. And then it was up to Chief Olson thereafter to
10 make decisions as to what would happen with each of those
11 charges?

12 A. Yes.

13 Q. Did you confer with Chief Olson with respect to his
14 preliminary findings as shown on these forms where -- for
15 example, as to allegation 2 as to Lieutenant Sousa, he's
16 filled in sustained.

17 Did you talk with him about those findings?

18 A. I haven't spoken to Chief -- how this process
19 works, I met with Chief Olson and -- and Ms. Shaw, and I hope
20 I'm remembering her name correctly, and we completed these
21 documents. Chief Olson --

22 Q. That is the forms without the handwriting? Is that
23 what you're referring to?

24 A. That's correct.

25 Q. Okay.

1 Go ahead and call.

2 And I don't remember if I got her on the first
3 call or if she called me back, whatever, but she told me that
4 the 543 resulted in -- in no sustained complaints.

5 So that's how -- how I found out. I didn't
6 find out individually that Sousa was or wasn't responsible
7 and Trombi and -- you know, I -- it's my understanding that
8 virtually all of this was not sustained.

9 Q. What was your reaction when you found out that none
10 of the findings had been sustained in the 543 investigation?

11 A. I was --

12 MR. MASTERSON: Form.

13 THE WITNESS: I was, again, shocked.

14 BY MR. YOUNG:

15 Q. Why were you shocked?

16 A. Because I -- I thought there was evidence to
17 support -- support these -- these -- these charges. I don't
18 know what happened to them after April 16th. I don't know
19 what happened in the hearings. I don't know what happened,
20 if they did any additional investigation. But with the
21 information I gave them -- gave them when I was done with
22 this, I -- I felt that there was certainly information to
23 support these charges.

24 Q. Did you ever ask anyone in the MCSO about what
25 happened on the 543 findings?

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1 A. You mean after I found out they were cleared?

2 Q. Correct.

3 A. I don't -- I don't think -- I never -- I never
4 asked. And I'm just trying to remember if I ever made --
5 maybe made a comment to somebody, but I never asked, you
6 know, what happened here? You know, how did -- how did this
7 happen? I didn't ask for an explanation. I was hired to do
8 the investigation, and that's what I did.

9 Q. Do you feel in any way that any of your work went
10 to waste as a result of the across-the-board findings of not
11 sustained in the 543 investigation?

12 MR. MASTERSON: Form. Foundation.

13 MR. WALKER: Join.

14 THE WITNESS: Well, at first I wondered why I
15 did all this work and nothing came of it. But -- but then
16 after, you know, kind of thinking about it and considering
17 and -- the work wasn't wasted. Information was gathered, and
18 information was documented. I think -- I think that some
19 things were -- they were memorialized. And if people choose
20 to -- what they choose to do with it, that's their -- that's
21 their choice.

22 But at first, I -- I wondered, but then, I
23 guess, as a -- as a small period of time passed, I did what I
24 was hired to do. What people do with the product is -- it's
25 up to them.

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1 BY MR. YOUNG:

2 Q. Okay. Did you have any sense from your
3 investigation that the same people within the department were
4 concerned about the well-being of the civilians whom
5 Deputy Armendariz's actions affected?

6 MR. MASTERSON: Form. Foundation.

7 MR. WALKER: Join.

8 THE WITNESS: I -- I don't have any
9 information to support an opinion that -- that that was
10 considered or not considered by MCSO as far as their actions
11 that they chose or chose not to do with Armendariz.

12 BY MR. YOUNG:

13 Q. Well, would you agree with me that it should have
14 been a consideration?

15 A. I agree with you.

16 MR. MASTERSON: Form. Foundation.

17 BY MR. YOUNG:

18 Q. Do you think that the issues that you discussed in
19 your 542 report show problems in the IA process at MCSO?

20 MR. MASTERSON: Form.

21 MR. WALKER: Join.

22 THE WITNESS: I never had an opportunity to
23 review the IA process. I know that there were breakdowns in
24 some of the cases that I was specifically -- that were --
25 that were specifically part of this case. But as a general

1 whole, I -- I couldn't comment on -- on the Internal Affairs
2 area at MCSO.

3 BY MR. YOUNG:

4 Q. What are the IA breakdowns that you specifically
5 have in mind when you answered my last question?

6 A. Getting a case from the Patrol Division to Internal
7 Affairs for investigation, getting it logged in, getting it
8 to case management and assigned to an investigator. I think
9 that that's very evident in the Amber Murphy case. I think
10 that there was some -- a -- again, tracking, I guess you
11 could say. There was a problem with the -- taking the patrol
12 car to the bar. That seemed to disappear. Trombi's failure
13 to complete the administrative end of the Amber Murphy
14 investigation by issuing the -- the discipline.

15 Q. Anything else?

16 A. That's all that -- that's all that's coming to mind
17 right now. If something comes, you know...

18 Q. Do you have any views as to how those deficiencies,
19 at least as displayed in the examples that you know of, can
20 be solved?

21 MR. MASTERSON: Form. Foundation.

22 MR. WALKER: Join.

23 THE WITNESS: I don't have any experience
24 administratively in administer -- being an administrator over
25 an IA Unit. The common trend is there always is a case

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1 to -- that a chief deputy at the top, a sworn official -- I
2 don't know if Arpaio's sworn or not, but I know that
3 Chief Sheridan is. I think it's a tough situation for the
4 person the next level down in his -- his command is -- has to
5 make a decision on a violation of policy against him.

6 BY MR. YOUNG:

7 Q. Do you know why Chief Sheridan was a principal in
8 the 543?

9 MR. MASTERSON: Foundation.

10 MR. WALKER: Join.

11 BY MR. YOUNG:

12 Q. Well, did you ever have any discussion with anyone
13 about whether or not Chief Sheridan should be a principal in
14 the 543?

15 A. I think it was obvious that he should be.

16 Q. Did you have any discussion or input into the issue
17 of whether Chief Olson should be the person making the final
18 findings?

19 A. After April 16th, I don't -- had no idea where
20 this was going.

21 Q. Okay.

22 A. I -- I knew that Olson was going to have to do it.
23 That wasn't my decision. I didn't have any standing. I
24 didn't have a say. That was not part of my retention.

25 Q. When did you find out that Chief Olson would be the

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1 THE WITNESS: That's what I thought you were
2 asking.

3 I don't know what their motivation was, but I
4 know that I did an independent investigation.

5 BY MR. YOUNG:

6 Q. Knowing what you know now about the outcome of the
7 investigation, do you have any reason to think that in any
8 way you were being used so that the MCSO could portray itself
9 as capable of investigating itself?

10 MR. MASTERSON: Form. Foundation.

11 THE WITNESS: That I don't know.

12 BY MR. YOUNG:

13 Q. You don't know one way or the other?

14 MR. MASTERSON: Form. Foundation.

15 THE WITNESS: I don't. I don't know what
16 happened to this once it left my -- my pen, so I don't
17 have -- I don't have the information to make that
18 determination.

19 BY MR. YOUNG:

20 Q. Did you ever feel that anyone at MCSO really did
21 not want to find out or did not want you to find out the
22 reason for the violation of the preliminary injunction?

23 MR. MASTERSON: Form. Foundation.

24 THE WITNESS: I'm sorry. Are you asking if I
25 ever met any resistance in the investigation or --

1 BY MR. YOUNG:

2 Q. Well, let's start with that. Did you ever meet any
3 resistance?

4 MR. MASTERSON: Form.

5 THE WITNESS: I didn't. I'm not -- I'm not --
6 I don't have the knowledge and the IT background that
7 certainly you have or that Mr. McAndrews had, who did some
8 work here, but it seemed that that moved pretty slow.

9 BY MR. YOUNG:

10 Q. This is the attempt to find the metadata on the
11 December 23, 2011, e-mail?

12 A. Yes.

13 Q. Okay. Can you elaborate on why you thought it went
14 slowly.

15 MR. MASTERSON: Foundation.

16 THE WITNESS: I think Mr. -- Mr. McAndrews'
17 report speaks for -- my opinion is based on -- on his
18 documentation that's included in here.

19 BY MR. YOUNG:

20 Q. Did you just run out of time to pursue that issue?
21 Is that what happened?

22 A. The next step in that investigation -- in the
23 retrieval of the metadata would have been to contact a
24 third-party outside vendor at the proposed cost of \$30,000 to
25 take the next step to whatever it is that had to happen,

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1 THE WITNESS: In my mind, I can't marry the
2 results of these two investigations with the entire operation
3 of that division. I've never visited, you know, went through
4 the process there, looked at cases to see how they're being
5 handled. I've never done any of that.

6 So I -- I can't say that my opinion on these
7 two, 42 and 43, are a good representation of -- give me
8 enough information to form an opinion on a whole unit and
9 their daily operations. I don't know.

10 BY MR. YOUNG:

11 Q. The whole unit you're referring to is what?

12 A. IA.

13 Q. Okay. Well, you'd be concerned if every IA
14 investigation ended up the way the 542 and 543 did; right?

15 MR. MASTERSON: Form. Foundation.

16 MR. WALKER: Join.

17 THE WITNESS: I can't -- that -- that's not --
18 that's not a great question, to be honest with you. If every
19 investigation -- I think that every investigation would need
20 to be looked at on its face and reviewed, because just
21 because somebody's investigated and nothing happens to them,
22 like happened in 543, that's not a process.

23 So I -- I think that just because there's an
24 investigation doesn't mean somebody's got to be charged with
25 something and found guilty. It means that there's an

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1 investigation. So I -- I don't know. I can only make a
2 determination of 42 and 43. The other ones I haven't looked
3 at. I don't know.

4 BY MR. YOUNG:

5 Q. Okay. You think something should have happened to
6 somebody as a result of the 543 investigation; correct?

7 MR. MASTERSON: Form.

8 THE WITNESS: Based on the -- based on the
9 information that's contained in my report, yes, I do.

10 BY MR. YOUNG:

11 Q. And what you said earlier about the findings that
12 are in the charging sheets, those are things that as a result
13 of what you did and heard, those are allegations that
14 you've -- you thought ought to be sustained on the basis of
15 some result; is that right?

16 MR. MASTERSON: Form.

17 THE WITNESS: Yes.

18 BY MR. YOUNG:

19 Q. When you suggested that the MCSO assemble a band of
20 people outside itself --

21 A. A board.

22 Q. -- to handle --

23 A. A board of people.

24 Q. A board of people. I'm sorry. A board. Yes. I'm
25 having trouble reading my handwriting. Let me start over

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1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF MARICOPA)

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

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

14 [X] Review and signature was requested.

15 [] Review and signature was waived.

16 [] Review and signature not required.

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

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

22 _____
23 CATHY J. TAYLOR, RPR
24 Certified Reporter
25 Certificate No. 50111

* * * * *

26 I CERTIFY that GRIFFIN & ASSOCIATES, LLC, has
27 complied with the ethical obligations set forth in ACJA
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