

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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

Plaintiffs,

v.

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

Defendants.

No. CV-07-2513-PHX-GMS

ORDER

(UNDER SEAL)

The Court held a sealed hearing in this matter on May 14, 2014. The Court after the hearing became aware of facts that caused it certain concerns regarding the MCSO's implementation of matters discussed at the hearing. A preliminary report by the MCSO has been transmitted to the Court regarding those events. Therefore, without waiving or altering any of the other direction given or orders made by the Court at the closed hearing on the 14th, the Court issues the following order under seal. Giving consideration to legitimate need to act so as to maximize the preservation of evidence the MCSO shall immediately, or as quickly as possible:

(a) identify all of its officers, volunteers, and employees both current and former who used or had access to any kind of recording device during traffic stops from 2007 forward;

(b) identify specifically what kinds of devices each officer/volunteer/employee used (e.g. audio, video, dashcam, eyeglass cam, bodymount camera, etc.); when those devices were acquired; and whether the devices were issued by the MCSO,

1 provided by the officer/volunteer/employee him or herself, or how the devices
2 were otherwise acquired or came into use;

3 (c) identify each patrol car that may have had such a device mounted in it and the
4 current location of that device and/or patrol car;

5 (d) identify as specifically as possible the recordings that were made on each
6 device, and when the recordings began and how long they continued;

7 (e) for each such officer/volunteer/employee and device identified, further identify

8 (1) all methods in which each recordings from such devices were stored;

9 (2) all locations in which such recordings were stored;

10 (f) if any such recordings were deleted or are no longer in existence or the control
11 of the MCSO or its officer/volunteer, identify:

12 (1) the specific location of each recording when it was destroyed and/or left
13 the control of the MCSO or officer/volunteer/employee;

14 (2) when the destruction, deletion or loss of control of the recording
15 occurred;

16 (3) with as great a specificity as possible which specific recordings were
17 destroyed or left the control of the MCSO or its current or former
18 officer/volunteer/employee;

19 (g) identify and provide any such recordings that have been previously, or are
20 currently in the possession of the Maricopa County Attorney's Office for any
21 purpose including but not limited to criminal matters or the furtherance of any
22 civil action or defense;

23 (h) identify any governing policies, other than the pending policy under the
24 review of the monitor, that was in effect or has been promulgated since 2007
25 which addresses the use of recording devices and the retention of their data;

26 (i) identify any instances of imposed disciplinary actions as a proximate result of
27 video or audio recordings or retention of data;

28 (j) identify any and all instances where deputies presented audio or video
recordings in their possession for exculpatory purposes including both for Internal
Affairs and District Level;

1 (k) identify and provide copies of all investigations of complaints lodged against
2 former deputy Charley Armendariz ; their outcomes and dispositions;

3 (l) identify any video or audio recordings known to be in the custody of the MCSO
4 property or evidence room;

5 (m) explain the history and current status of the 32 County owned body cams
6 procured through State highway funding;

7 (n) provide a full explanation of representations made to the Court regarding the
8 number of seized DVD's seized from Armendariz's residence compared with the
9 number cited in Captain Holmes May 14, 2014 correspondence to the Court's
10 Monitor.

11 The MCSO shall provide this information to the Monitor at least weekly as it is gathered,
12 with the understanding that such information must be updated in subsequent reports.
13 Finally, the MCSO will prepare a report detailing the process they undertook to
14 thoroughly and timely complete the above tasks.

15 **IT IS HEREBY ORDERED** that the MCSO shall investigate the issues identified
16 in the hearing and this Order, and it shall provide the documentation listed in this Order
17 on an ongoing basis as specified.

18 **IT IS FURTHER ORDERED** that as the MCSO learns of any possible
19 recordings by any current or former officer/volunteer/employee on any form of recording
20 device, the MCSO will take all possible steps to identify, secure and preserve all such
21 recordings still in existence, whether in whole or part.

22 **IT IS FURTHER ORDERED** that pursuant to this Court's determination that the
23 status hearing on May 14, 2014, should be sealed, this Order is also sealed. The seal on
24 the hearing and this Order shall remain in effect until the Court determines that it can
25 appropriately be lifted. Nevertheless, in light of the events subsequent to the May 14
26 hearing, a telephonic hearing is set at on **May 16, 2014 at 3:00 p.m.** to determine why
27 the seal on this matter should not be lifted. The Court will send the conference call in
28 number by separate email to the parties who will be participating.

