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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

8 Manuel de Melendres, 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

**ORDER**

15 Pending before the Court is Defendant's Objection/Response re Status Conference  
16 (Doc. 749). After having reviewed the briefing on this question as well as the *in camera*  
17 materials provided to the Court last Friday, the public hearing will go forward as follows:

18 1. To the extent that previously sealed matters pertaining to the Armendariz  
19 investigation have since been unsealed, (Doc. 706), the discussion of these matters is  
20 public and need not take place under seal.

21 2. To the extent that matters are publicly disclosed in the MCSO's response to  
22 the Monitor's Report (Doc. 753) the matters have been made public and the Court  
23 assumes that MCSO claims no confidentiality in them. The Plaintiffs have lodged their  
24 response to the report under seal (Doc. 753). The Court sees no reason why the  
25 Monitor's Report and the Plaintiff's response should not also be made public, and the  
26 matters contained therein discussed, except to the limited extent discussed below. To the  
27 extent that Plaintiffs' object to the disclosure of the Monitor's Report or their response,  
28 they should let the Court know at the beginning of the hearing.

1           3.       On May 15 2014 (Doc. 706), this Court unsealed its previous Order (Doc.  
2       693), and a number of sealed hearings in which it directed that MCSO take certain action  
3       to uncover and obtain the disclosure of departmental recordings that had previously been  
4       undisclosed in the action that gave rise to the current injunctive relief order. The steps  
5       taken by the MCSO to implement this Order, both upon its oral issuance and the  
6       subsequent written Order by the Court, are public and do not require a sealed hearing.  
7       MCSO has represented that the appropriate personnel to testify as to the MCSO's  
8       implementation of this Court's Orders in response to the Court's questions will be there.  
9       The Court presumes that they will include, but not necessarily be limited to, Chief  
10      Deputy Jerry Sheridan, Captains Holmes and Bailey and Christine Stutz.

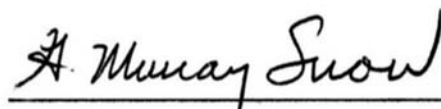
11          4.       In its Response to the Monitor's Report, the MCSO has publicly disclosed  
12      the existence of both criminal and administrative investigations that arose or are related  
13      in part to the Armendariz investigation. Those investigations involve both: (1) the cause  
14      of death of Deputy Armendariz; (2) investigations that relate to the potential criminal  
15      conduct of Deputy Armendariz when he was the only participant in the potentially  
16      criminal activity; (3) investigations into the property and videos taken from Deputy  
17      Armendariz's home; (4) investigations into the statements of the allegations of former  
18      deputy Cisco Perez concerning the conduct of HSU generally and the monitor's  
19      evaluation concerning the efficacy of that investigation; (5) Deputy Armendariz's  
20      personnel history; (6) the pending investigation of Deputy Armendariz's supervisors; (7)  
21      other pending investigations; and (8) other matters. These matters are public and the  
22      discussion of them does not require a sealed hearing. While the discussion of ongoing  
23      investigations has been disclosed and may be generally discussed without the necessity of  
24      sealing the hearing, any specific questions regarding such investigations relating to the  
25      status of the investigations and their targets shall take place under seal. MCSO has  
26      represented that it will have present the appropriate personnel to answer the Court's  
27      questions. The Court presumes that such personnel may include Chief Deputy Jerry  
28      Sheridan, Captain Ken Holmes, Captain Bailey, and Sergeant Dave Tennyson. The

1 presence of Ed Leiter may also be helpful. The Court further notes that the Monitor's  
2 Report was complementary of the investigative work of Lieutenant Kim Seagraves and  
3 Sergeant Fax. The Court does not anticipate questions for them, but to the extent the  
4 Defendants believe their presence may be helpful they are, of course, welcome to attend.

5 5. The Court does not understand any party to suggest that as the hearing  
6 relates either to the contact between the Maricopa County Administration and the Court's  
7 Monitor concerning the cost of order compliance, or those comments attributed to Sheriff  
8 Arpaio that have caused the Court concern pertaining to MCSO's obligation to  
9 appropriately instruct its personnel, should be under seal. They will not be. The Court  
10 has not previously required the presence of Sheriff Arpaio, and so will not require it now.  
11 But the Court believes his presence may prove beneficial to the appropriate  
12 implementation of the Court's Order. Of course, to the extent that Sheriff Arpaio wishes  
13 to address those comments attributed to him that give the Court concern, he will be  
14 provided the opportunity to do so.

15 6. As has been stated above, based on the submission by the MCSO of *in*  
16 *camera* materials, the Court may at the end of the hearing seal the remaining proceedings  
17 to ask specific questions regarding specific ongoing investigations identified by the  
18 MCSO *in camera*. MCSO has represented to the Court that the appropriate personnel  
19 will be there to answer any such questions.

20 Dated this 27th day of October, 2014.

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23 G. Murray Snow  
24 United States District Judge  
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