

MELENDRES Frequently Asked Questions

1. What is the Melendres case?

Melendres is a class action lawsuit against former Sheriff Joe Arpaio. The judge found that Arpaio and the agency had engaged in racial profiling and unlawful traffic stops of Latinos.

The Judge issued an order mandating necessary reforms by Arpaio and MCSO to prevent continued misconduct and safeguard the community from future violations of their constitutional rights. A monitor was appointed by the Court to determine when the MCSO was in compliance with the provisions of the Judge's order.

2. Who won the Melendres case?

The plaintiffs, or people who had been racially profiled, won the case.

3. Have damages been paid in the Melendres case, and if so, how much, and to whom?

A victim's compensation fund has been set up. More information can be found here: If you are not sure whether you are eligible to participate in the Compensation Fund you may call 1-844-500-6327 with questions or visit www.MaricopaSheriffCompensationFund.org or www.FondoDeCompensacionDelSheriffDeMaricopa.org. You may also contact an attorney or call 602-650-1854 to ask about attorneys who may be able to help you for free.

4. Why is the case described as "Melendres v. Penzone" and not "Melendres v. Arpaio"?

As of January 1, 2017, Paul Penzone became Sheriff of Maricopa County. The Sheriff is sued in his official capacity. All litigation against the former Sheriff in his official capacity was changed to "Penzone."

5. What is the Plaintiffs Class and who represents them in court?

The Plaintiffs Class are people who were racially profiled by former Sheriff Joe Arpaio and the agency. Manuel Ortega Melendres, Manuel Nieto, Velia Meraz, David and Jessika Rodriguez are all plaintiffs. They are represented by the ACLU.

6. Who represents MCSO and Maricopa County in court?

Sheriff Penzone, in his official capacity, is represented by Bill Montgomery and the Maricopa County Attorney's Office. Maricopa County is represented by Richard Walker.

7. What is the First Supplemental Injunction?

The First Supplemental Injunction is a court order that MCSO must follow. The order permanently prohibits MCSO from the following: detaining, holding or arresting Latino occupants of vehicles based on a reasonable belief, without more, that such persons are in the country without authorization.

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8. What is the [Second Supplemental Injunction](#)?

The Second Supplemental Injunction is another court order issued in this matter that MCSO must follow. It defines procedures and process that are to be taken regarding employee misconduct investigations, employee discipline and grievances. It outlines how MCSO must accept and process all complaints received from community members and that MCSO will ensure:

- All allegations of employee misconduct, whether internally discovered or based on a civilian complaint, are fully, fairly, and efficiently investigated;
- All investigative findings are supported by the appropriate standard of proof and documented in writing;
- • All officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair, consistent, unbiased and provides due process.

9. Define the term “compliance with the Order.”

“Full and Effective Compliance” means compliance with all relevant provisions of the court orders. To achieve this MCSO will update or create policy, procedures, operation manuals and training. Then after implementing those new processes, they must be followed and consistently maintained no less than three consecutive years. To demonstrate compliance and consistency MCSO will audit its divisions and their personnel and produce public audit reports to the Monitor for concurrence with the audit findings.

10. What is the [ASU study](#) that is often referred to by the Plaintiffs?

As part of meeting the requirements of the court order, MCSO shall conduct one agency-wide comprehensive analysis of its data per year. MCSO contracted with Arizona State University and their Center for Violence Prevention and Community Safety (CVPCS) to receive technical assistance on increasing the data and analytical infrastructure surrounding MCSO’s traffic stop data analysis work group and enhancing MCSO’s capacity to collect, maintain, analyze, and disseminate traffic stop data. The CVPCS research team compiles an annual report of its findings and makes recommendations related to data collection, supervisory oversight, and further understanding of racial/ethnic disparities, for consideration by MCSO administrators.

11. Why hasn’t MCSO been able to rapidly come into compliance? I thought that when Sheriff Arpaio wasn’t re-elected, this would be quickly resolved?

As noted above, there are over 200 paragraphs that the MCSO must be in compliance with for three consecutive years. Many of these paragraphs have sub-parts and require an investment of people, training and technology. While these investments have been made over the last few years, the compliance cannot happen overnight. It is an ongoing process, which Sheriff Penzone has made a top priority.

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12. Will compliance ever be achieved?

MCSO is working diligently to achieve full compliance with the court orders. In fact, since taking office, Sheriff Penzone has said compliance is a top priority. The gains in compliance over time can be found on the [Compliance page](#) on www.mcso.org:

13. Who pays for the fees for the attorneys in the Melendres case?

Maricopa County (and the taxpayers) pay for the attorneys' fees in Melendres for the Plaintiffs and, prior to Sheriff Penzone, for outside counsel for former Sheriff Arpaio.

14. How much taxpayer money has been and will be spent on this case?

To date, nearly \$70 million has been spent on the case with another \$26 million budgeted for FY 2018. The costs include the Court-appointed Monitor and related costs, the independent investigator and independent disciplinary authority, Plaintiff legal costs, defense legal costs, compliance operating costs and compliance non-recurring costs.

15. Is there a way for Maricopa County to recover the money spent defending Sheriff Arpaio?

No.

16. Is there any way to reduce the amount of money spent on this case for attorneys and other expenses?

Sheriff Penzone reduced the amount of attorneys' fees after taking office by using the County Attorney's Office as his counsel in Melendres. The other attorneys' fees relate to plaintiff's legal costs and are outside the control of the agency.

17. Who are the Court Monitors?

The Court selected Chief (Retired) Robert Warshaw as the Monitor. He has a full team that has the duties, responsibilities and authority to review the MCSO patrol operations policies, procedures and training provided for by the Orders and make recommendations to the Court regarding them. They provide approval for Court Order related policies and training.

18. What do the Court Monitors do?

The Court Monitors assess and report to the Court on MCSO implementation of the Orders and whether implementation is resulting in the constitutional and professional treatment of individuals by MCSO. The Monitor will conduct the audits, compliance reviews and outcome assessments as specified in the Court Order and additional audits and assessments as the Monitor or the Parties deem appropriate. On a quarterly basis the Monitors compile a report detailing their findings of MCSO action in attaining full and complete compliance and submit that report to the Court.

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19. How much money has been paid and will be paid to the Court Monitors?

To date, over \$10 million has been paid to the Court Monitor. An additional \$5 million has been budgeted for FY 2018.

20. How does the 4th and 14th Amendment to the U.S. Constitution apply in the Melendres case?

The 4th Amendment articulates the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. The 14th Amendment articulates that the state may not deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Both amendments apply to a traffic stop by law enforcement officers. The Melendres Court Order was the result of MCSO not abiding with these requirements during some traffic stops involving the plaintiff class.

21. What kind of training does MCSO have to do to be in compliance and who administers the training?

The MCSO Training Division will develop and administer all Court Order related training with input from the parties and approval by the Monitors. In addition to training on bias-free policing, the MCSO provides all sworn personnel, including Supervisors and Chiefs, as well as all posse members, with training on the Fourth and Fourteenth Amendments. The training incorporates the most current developments in federal and Arizona law and MCSO policy and is provided to all deputies annually.

MCSO also provides additional training to supervisors with a comprehensive and interdisciplinary training on supervision strategies and supervisory responsibilities under the Order. In addition, each supervisor will complete supervisor-specific training annually thereafter. As needed, supervisors shall also receive training and updates as required by pertinent developments in the law, as well as training in new skills.

22. What is the Community Advisory Board and when do they meet?

The Community Advisory Board (CAB) was established by the Court to facilitate regular dialogue between MCSO and the community and to provide specific recommendations to MCSO about policies and practices that will increase community trust and ensure that the provisions of the Melendres orders are met. The CAB determines when meetings will take place.