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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,

and

United States of America,

Plaintiff-Intervenor,

vs.

Paul Penzone, in his official capacity as
Sheriff of Maricopa County, Arizona, et
al.,

Defendants.

No. CV-07-2513-PHX-GMS

**STIPULATION TO MODIFY
DEADLINE FOR STAFFING STUDY**

As referenced at the August 11, 2023, hearing, MCSO believes that the modified policies for investigations must be adopted and certification of the backlog of PSB investigations must be completed before it can finish the staffing study required by Paragraph 361 of the Court's Amended Third Supplemental Permanent Injunction/Judgment Order (Doc. 2830) ("Third Order"). The parties now stipulate to modify the deadline for the staffing study to require that MCSO submit the staffing study to the parties, the Monitor and the Court within eight weeks after certification of the

1 backlog by the Monitor pursuant to Paragraph 356 of the Third Order or by November 8,
2 2023, whichever is later.

3 The Third Order sets out a process by which the Monitor would develop new
4 policies and procedures to divert certain cases from full PSB investigations into more
5 streamlined resolutions. (Third Order ¶¶ 353-357.) This process began with the
6 Monitor submitting proposed new policies to the Court on March 8, 2023, followed by
7 comments on those proposals from MCSO and the parties on March 23, 2023. (*Id.*
8 ¶¶ 353-354.) Thereafter, the Court is to review and approve the policies and, after that
9 approval, MCSO and the Monitor will apply the revised policies to the current backlog
10 of cases to determine which cases could be diverted from PSB investigations. (*Id.* ¶
11 355.) After that analysis is complete, the Monitor is to certify to the Court and the
12 parties “the number of administrative investigations remaining in the backlog.” (*Id.* ¶
13 356.) Because the Court has not yet approved the pending policies, the Monitor has yet
14 to certify the number of investigations remaining in the backlog.

15 Relatedly, Paragraph 361 of the Third Order directs MCSO to “commission an
16 independent study” of MCSO’s staffing and personnel allocation in light of the
17 “existing backlog of PSB investigations.” The Third Order sets the completion time
18 for this study as “within one year of the entry” of the Third Order. As the Third Order
19 was entered on November 8, 2022, MCSO’s current deadline under Paragraph 361 is
20 November 8, 2023. To properly assess staffing levels in compliance with the Court’s
21 Orders and effectuate “the timely elimination of the existing backlog of PSB
22 investigations” (*id.*), the applicable policies and the precise number of cases in the
23 backlog must be known. However, that cannot be calculated until the Court approves
24 the policies currently pending before it and the Monitor certifies “the number of
25 administrative investigations remaining in the backlog” (*id.* ¶ 356).

26 Because of the need for the information described above, the parties request that
27 the Court modify the deadline in Paragraph 361 of the Third Order so that MCSO must
28

complete the staffing study within eight weeks after the Monitor's certification of the backlog number under Paragraph 356 or by November 8, 2023, whichever is later.

Dated this 28th day of August, 2023.

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