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

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

11 Plaintiffs,

12 and

13 United States of America,

14 Plaintiff-Intervenor,

15 v.

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

18 Defendants.

No. CV-07-2513-PHX-GMS

ORDER

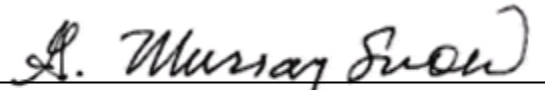
19 In its July 26, 2016 Order (Doc 1765, ¶ 199) this Court established qualifications
20 for service as an internal affairs investigator. That same order, ¶ 268, requires any transfer
21 of sworn personnel into or out of the Professional Standards Bureau (“PSB”) be approved
22 by the Monitor. Thereafter in light of MCSO’s difficulty in transferring additional sworn
23 personnel in the PSB, the Court approved the use by MCSO of civilian and/or non-sworn
24 investigators. In so doing, the Court apparently did not specifically order that the
25 credentials of all such investigators had to be pre-approved by the Monitor. The MCSO
26 then assumed the ability to hire civilian persons to investigate MCSO sworn officers
27 without the pre-approval of the Monitor. This has been the topic of additional briefing and
28 proceedings before the Court, with the last hearing on the topic occurring on August 11,

1 2023. As the Court observed at that hearing there appears to be more reason to pre-approve
2 the transfer of civilian investigative personnel into the investigative positions at the PSB to
3 insure appropriate qualifications, than there does to pre-approve the transfer of sworn
4 personnel into the PSB.

5 Despite the attempts of the parties to adopt a cooperative procedure of pre-approval
6 with the monitor, they have been unable to do so. As a result,

7 **IT IS HEREBY ORDERED** that all PSB investigators including civilian
8 investigators shall be pre-approved by the Monitor before assuming their positions as PSB
9 investigators. The MCSO shall timely provide the Monitor with the necessary information
10 requested by the Monitor by which to assess the various candidates, and when it receives
11 such information, the Monitor shall make a timely decision concerning the approval of the
12 candidate.

13 Dated this 3rd day of January, 2024.

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16 G. Murray Snow
17 Chief United States District Judge
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