

# Partial Settlement Announcement

**Background:** The ACLU, ALC, and Covington & Burling law firm represent plaintiffs challenging three areas of the County's conduct. 1) Unlawful and harassing traffic stops and searches. 2) Illegal property liens. 3) Water access violations targeting Asian Americans.

**Settlement Summary:** We've reached a settlement with the County for *part* of the lawsuit, requiring ongoing changes to how the Sheriff conducts traffic stops and prohibiting the use of illegal liens. ***The legal battle for the community's water rights will continue in court.*** The following summarizes the main points of the settlement agreement and answers basic questions about its scope and limitations.

## TRAFFIC STOPS

The settlement ***requires the Sheriff's Department to comply with a new, court-ordered traffic stop policy.*** The Department will remain under outside oversight to monitor the Sheriff's traffic stop activity and ensure it follows the settlement, first by the attorneys in this case and then by an independent monitor. If there are issues with compliance, the Court will retain oversight so we can ask the Court to enforce the agreement.

- The policy prohibits race-based stops, requires strict documentation, and limits the scope of investigations.
- Deputies must record all aspects of interactions during traffic stops (with limited exceptions).
- Traffic stops must be limited in time and scope and deputies cannot ask questions or conduct investigation unrelated to the traffic violation unless they have a legal basis to suspect criminal activity.
- Deputies are required to tell a person of their right to say no to a consent search of their vehicle or belongings, and cannot ask for consent from a person who does not speak English without interpretation.

## MONITORING

- While the lawsuit over the water issues is ongoing, Plaintiffs' attorneys will be responsible for monitoring and asking the Court to enforce the settlement.
- Once the remainder of the case is resolved, an independent auditor will be appointed to monitor compliance with the traffic stop policy for four years.
- The monitoring period may be shortened by Court order, and may also be extended if the Sheriff's Office fails to comply with the policy.
- The monitor will have access to Sheriff's Office records, including traffic stop records, and community feedback from twice yearly listening sessions.

- The monitor is required to prepare a report evaluating current compliance and making recommendations for how to improve future compliance, twice yearly.

### **IMPLEMENTATION TIMELINE**

- The Sheriff's Department has 3 months once the settlement is approved to train deputies on the new policy.

### **LIENS**

- We alleged the County was using illegal liens, which would give the County a legal stake in people's properties and the ability to foreclose (force the sale of) property due to unpaid fines.
- The County has already removed all illegal property liens as a result of this lawsuit and agrees not to reinstate any unlawful liens (unless future California law changes grant the County the authority to do so).

### **MONETARY TERMS**

The goal of this lawsuit was to obtain changes in the County's practices, not win money. However, there are a few pieces of the settlement that relate to money.

- The County will be required to pay the cost of the independent monitor.
- The County will pay the pro bono legal organizations who brought this case \$350,000 in attorneys' costs and fees. This amount does not cover the actual costs the attorneys have paid in this case thus far to cover interpreters and other litigation costs.
- The County may also have to pay the pro bono legal organizations who brought the case for any future work required to monitor and enforce the settlement agreement.
- The three individual plaintiffs who volunteered to represent the community for traffic and liens issues will receive modest "service awards," which are commonly provided to named plaintiffs out of recognition of the time and effort they have put into being part of the case. Two plaintiffs who owe fines to the County will have those fines forgiven, and the third will receive an award of \$2,000.

**What's Next:** The legal organizations in this case will continue to fight the water case in court until it is resolved. We will also continue to monitor the County's compliance with the settlement agreement. **It is important that community members continue to report negative experiences should they occur during a Sheriff's Department traffic stop**, as this will help us enforce the agreement if necessary. We will organize community sessions to discuss the settlement and answer questions. In the meantime, community members are encouraged to contact us with questions. You can reach us at 628-264-4516.