

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

JOSE RIOS-DIAZ, ELIGIO DURAN-
SANCHEZ, DELFIO MEJIA-OCHOA,
and EDUARDO BARRAGAN-
NARANJO, on behalf of themselves and
all others similarly situated, and
MONTANA IMMIGRANT JUSTICE
ALLIANCE,

Plaintiffs,

v.

COLONEL TOM BUTLER, in his official
capacity as Chief Administrator of the
MONTANA HIGHWAY PATROL,
ATTORNEY GENERAL TIM FOX, in
his official capacity as head of the
MONTANA DEPARTMENT OF
JUSTICE,

Defendants.

CV-13-77-BU-DLC-CSO

JUDGMENT

FILED

APR 03 2015

Clerk, U.S. District Court
District Of Montana
Missoula

Defendants served on Plaintiffs an Offer of Judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure and that Offer of Judgment has been accepted. Accordingly, the Court enters the following Judgment:

1. **Adherence to policy:** The Montana Highway Patrol shall adhere to its policy, Montana Highway Patrol GR-9, attached as Exhibit A, which has been duly adopted, and shall adhere to the guidelines for civil immigration issues stated therein in all traffic stops and detentions conducted by the Montana Highway Patrol. The policy may be revoked or amended by the Montana Highway Patrol based upon subsequent changes in controlling case law or if the State enters into a 287(g) agreement.

2. **Training:** All Montana Highway Patrol Troopers are to receive training regarding the application of GR-9.

3. **Monitoring:** Provided funding is appropriated, Defendants shall, for a period of five years, hire and pay for annual racial-profiling studies similar in nature and content to the December 18, 2013 study conducted by Washington State University researchers titled "MHP Traffic Stop Data Analysis Project." Defendants shall retain the Washington State University researchers who conducted the December 18, 2013 study subject to that entity's williness and ability to conduct the required analysis. All future studies will conform substantially with the 2013 study and be conducted by the same Washington State University researchers so long as they are able and willing to continue. If unavailable, a similarly-qualified and experienced entity will be retained to conduct the studies. All monitoring reports shall be public and posted on the Montana Department of Justice website.

4. **Additional traffic stop and detention data:** Defendants shall collect additional traffic stop and detention data by providing a box on the Montana Highway Patrol “Citizen Contact Log” that will require a trooper to check the box to indicate whether in the course of a traffic stop the trooper contacted Department of Homeland Security personnel for any reason.

5. **Payment of costs, including attorney’s fees:** Plaintiffs shall be entitled to costs, including attorney’s fees, as allowed by law and in an amount to be determined by the Court.

6. **Racial profiling reports.** The Montana Highway Patrol will submit annual reports to the Montana Department of Justice regarding racial profiling and what actions have been taken by the Montana Highway Patrol to avoid racial profiling in each period covered by the report. The Montana Highway Patrol shall continue to provide such reports so long as it has a legal or policy obligation to do so. These annual reports shall be public and posted on the Montana Department of Justice website.

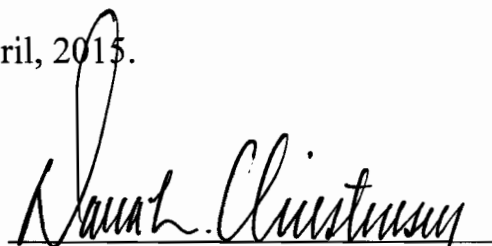
7. **Independent Police Auditor.** The Montana Highway Patrol and the Attorney General shall establish an internal procedure within the Montana Highway Patrol providing for appointment and payment of an Independent Police Auditor (IPA) to review the Montana Highway Patrol’s investigation of and response to complaints from motorists or their representatives relating to claims or allegations of

racial profiling and to determine whether that investigation was adequate. The IPA will provide an objective, third-party analysis of the scope and execution of any such investigation and shall provide the results of IPA reviews to the Montana Highway Patrol. The IPA may not be an employee of the Montana Department of Justice or the Montana Highway Patrol and must be qualified by training and experience to perform the duties of the IPA. The Montana Attorney General shall have sole authority and discretion to make final decisions concerning the appointment of the IPA, the structure and operation of the IPA process, and whether to take actions based on the IPA report.

8. **No determination of liability.** The Defendants have not admitted and do not admit liability. This Judgment is not based upon any admission of liability or determination of liability by the Court. It is based upon the terms of a Rule 68 Offer of Judgment. Liability has not been determined by the Court and is not determined by this Judgment.

9. **Effect of judgment.** This Judgment shall be effective for all purposes in this litigation, including actions to enforce the terms of the Judgment and any proceedings that shall be had to determine fees. It shall not, however, be used in or have any other effect of any kind or nature in any other proceeding and, in particular, shall not have any res judicata or collateral estoppel effect in any other action of any kind, including any action for damages that may be brought in the future.

Dated this 3rd day of April, 2015.


Dana L. Christensen, Chief Judge
United States District Court