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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 Manuel de Jesus Ortega Melendres, et al.,
14
Plaintiffs,
15 vs.
16 Joseph M. Arpaio, et al.,
17 Defendants.

No. CV 07-02513-PHX-GMS

**DEFENDANTS' NOTICE OF LODGING
THE FIRST COMPREHENSIVE
INTERNAL ASSESSMENT BY THE
MARICOPA COUNTY SHERIFF'S
OFFICE PURSUANT TO THE COURT'S
OCTOBER 2, 2013 ORDER**

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19
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21 NOTICE is hereby given that pursuant to the Court's October 2, 2013 Order (Dkt
22 #606) Defendants Joseph M. Arpaio and the Maricopa County Sheriff's Office ("MCSO")
23 have, on the date set forth below, lodged with the Court the first Comprehensive Internal
24 Assessment by the Maricopa County Sheriff's Office attached hereto as Exhibit A.

25 DATED this 7th day of April, 2014.

26 SCHMITT SCHNECK SMYTH CASEY & EVEN,
P.C.

27 s/Timothy J. Casey
Timothy J. Casey
James L. Williams

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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2014, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

The Honorable G. Murray Snow
United States District Court
401 West Washington Street,
Phoenix, Arizona 85003-2158

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6 Co-counsel for Defendants Joseph M. Arpaio and
7 the Maricopa County Sheriff's Office

8 COPY of the foregoing e-mailed and regular mailed
9 this 7th day of April, 2014, to:

10 Mr. Robert Warshaw
11 COURT APPOINTED MONITOR
12 Warshaw and Associates, Inc.
13 348 Wabash Drive
14 Sylvania, NC 28779
15 rochtopcop@aol.com

16 *s/Eileen Henry*
17 Eileen Henry, Paralegal
18 SCHMITT SCHNECK SMYTH CASEY & EVEN, P.C.
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EXHIBIT A



Maricopa County Sheriff's Office

Joseph M. Arpaio, Sheriff

*Court Compliance & Implementation Division
Initial Comprehensive Internal Assessment 4/1/2014*

This is the first Comprehensive Internal Assessment, by the Maricopa County Sheriff's Office (MCSO) per the Melendres v. Arpaio Court Order (Order).

On 10/2/13, Judge Snow issued the Order stating the MCSO's Operations had violated the Plaintiffs' Fourth and Fourteenth Amendments to the United States Constitution.

The Maricopa County Sheriff's Office comprehends the seriousness of the Order and has been diligently working to improve the operations and be in compliance with the Order. This comprehensive report details the actions taken to date by the MCSO, in compliance of the March 31, 2014 deadline directive provided by the Order.

MARCH 31, 2014

¶ 12 - The Defendants, working with the unit assigned for implementation of the Order, shall conduct a comprehensive internal assessment of their Policies and Procedures affecting Patrol Operations regarding Discriminatory Policing and unlawful detentions in the field as well as overall compliance with the Court's orders and this Order on an annual basis. The comprehensive Patrol Operations assessment shall include, but not be limited to, an analysis of collected traffic-stop and high-profile or immigration-related operations data; written Policies and Procedures; Training, as set forth in the Order; compliance with Policies and Procedures; Supervisor review; intake and investigation of civilian Complaints; conduct of internal investigations; Discipline of officers; and community relations. The first assessment shall be conducted within 180 days of the Effective Date. Results of each assessment shall be provided to the Court, the Monitor, and Plaintiffs' representatives.

Patrol Operations Assessment:

Evaluation of collected traffic-stop and high-profile or immigration-related operations data:

As of 03/31/2014 only two Significant Operations have been conducted since the Supplemental Order was issued on 10/02/2013. Those operations were the Vargas Operation and the Holiday DUI Task Force Operation. No Immigration related operations were conducted. No patrol related traffic stop data has been collected up to this point. Data collection for basic patrol operations began on 04/01/2014.

The Vargas Operation consisted of a Crime Suppression/Enforcement Operation in the southwestern portion of Maricopa County. This operation was in response to the murder



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of Detention Officer Jorge Vargas. The Operation was from 10/18/2013 at 1800 hours through 10/19/2013 at 2359 hours.

The Holiday DUI Task Force Operation consisted of Driving while Under the Influence (DUI) Enforcement Patrols throughout various locations within Maricopa County. This operation was in response to an invitation by the Arizona Governor's Office of Highway Safety to participate in the statewide Annual Holiday DUI Task Force's and is also considered a contractual obligation. Every year the Maricopa County Sheriff's Office participates with various agencies throughout Maricopa County to arrest impaired drivers. This Operation occurred from 11/29/2013 at 1800 hours through 01/01/2014 at approximately 0500 hours.

During both of these operations; Vargas and the Holiday DUI Task Force, traffic stop data was collected. The traffic stop data was evaluated by Command Staff of the Maricopa County Sheriff's Office and no indicia of biased policing was discovered. During the Vargas Operation an incident was discovered involving a deputy who stopped a vehicle on private property, portions of this incident were found to not fall within Arizona Revised Statue and MCSO Policy. This was quickly discovered and addressed. This issue as well as the remedial actions were revealed and provided to the Court and the Plaintiffs. These two operations, the supporting documents and traffic stop data were produced to the Court and Plaintiffs in different Court Filings. The documentation for the Significant Operations was provided to the Judge Snow in the absence of an appointed Court Monitor.

Collection of Traffic Stop Data began effective 04/01/2014 during all significant operations and traffic stop activities. This data will be collected from new MCSO Vehicle Stop Contact Face and Supplemental Sheets, Arizona Traffic Citations, MCSO Written Warnings, and MCSO Incidental Contact Forms.

Currently, MCSO in in the process of developing/implementing electronic data collection programs for traffic and law enforcement activities. These data collection programs are *TraCS*, *E-Ticket*, and *Field Base Reporting*. *TraCS* and *E-Ticket* should be largely in place in the Patrol Bureau by 07/01/2014. Once *TraCS* and *E-Ticket* are in place this data will be collected from the Patrol Bureau electronically, all prior hard copies collected since 04/01/2014 will be entered into the system manually as the systems become available. This information will be retained for 5 years. All other MCSO Bureaus who conduct vehicle traffic stops will collect the information in hard copy form and the forms will be entered into the system manually until all of the other Bureaus have the



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equipment and programs available to them. This information will also be retained for 5 years. Field Base Reporting should be available to all MCSO Bureaus by the end of 2014. This system will allow the collection of all Incident Reports, Arrests, and other pertinent data to be captured electronically.

An Early Intervention System, *IA Pro* has been researched and procured. *IA Pro* will assist in the analysis of traffic stop data and bias policing.

The Early Intervention Unit has been formed in the Internal Affairs Division. This unit consists of a Sworn Lieutenant and three Sworn Sergeants. The unit is currently vetting applications for an Analysis and Administrative Assistant. The Early Intervention Unit is developing tools, training, procedures, protocols, and programs in order to assist with the analysis of the traffic stop data collection and early intervention system.

Written Policies and Procedures:

As of 03/31/2014 the following policies have been drafted, reviewed, or revised since 10/02/2013. Briefing Boards have been disseminated to all employees via email, to address some of these issues prior to the finalization and distribution of these policies. A Briefing Board has the same authority and function as a policy until a policy is issued which superseded the Briefing Board. A number of policies and other documents have been submitted to the Monitor and are currently awaiting review and/or are currently in the revision process by MCSO, including the following.

CP-2, Code of Conduct;

CP-3, Workplace Professionalism;

CP-5, Truthfulness;

CP-8, Preventing Racial and Other Biased-Based Profiling;

EA-5, Enforcement Communications;

EA-11, Arrest Procedures;

EA-18, Report Writing

EB-1, Traffic Law Enforcement Guidelines;



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EB-2, Traffic Violator Contacts and Citation Issuance;

GA-1, Development of Written Orders;

GB-2, Command Responsibility;

GC-4, Employee Performance Appraisals;

GC-7, Transfer of Personnel;

GC-17, Employee Disciplinary Procedure;

GF-1, Criminal Justice Data Systems;

GF-3, Criminal History Record Information

GG-2, Training Administration;

GH-2, Internal Investigations;

GJ-24, Community Relations

GM-1, Electronic Communications and Voice Mail

Briefing Boards have been disseminated to all employees via email, to address some of these issues prior to the finalization and distribution of these policies.

Briefing Board 13-68 10/03/2013 (Important Message from the Sheriff in regards to We Are America V. Maricopa County)

Briefing Board 13-75 10/31/2013 (Immediate Traffic Stop Procedure Change)

Briefing Board 14-09 02/04/2014 (Reminder Traffic Stop Procedure Change)

Briefing Board 14-12 02/12/2014 (Immediate procedure change regarding an immigration-related inquiry, investigation and/or arrest: and an identity theft or lack of an identity document investigation and/ or arrest)

Briefing Board 14-26 03/28/2014 (New Vehicle Stop Patrol Procedures)

Briefing Board 14-28 04/03/2014 (Immediate Incident Report Submittal and Supervisor Review Change)



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Significant Operations Draft Policy including Significant Operations Checklist, Significant Operations Supervisor Daily Checklist, and Community Meeting Checklist.

These following policies have not been created due to technology and programs that are not yet in place.

Early Intervention System (this will be added to MCSO Policy GH-2 once it is in place)

In-Vehicle Recording Devices (policy is being drafted)

Training:

Training in accordance with the Court Order has not been scheduled as of this reporting date. The Training has been delayed due to Curriculum selection and approval process with the Plaintiffs, the Monitor, and the Defendants and approval of funding. MCSO is in the process of purchasing training curriculum from an outside vendor; the vendor (Randy Means) is a recognized national expert in Law Enforcement Training as required in the Order. Funding from Maricopa County Board of Supervisors is pending approval on 4/9/14, in order to continue with the purchase.

Schedule for Training due 12/31/13

A proposed schedule was delivered to the Plaintiffs' representative and the Court through Counsel on 12/31/2013, the curriculum and instructors have not been agreed upon or approved.

Operational law enforcement challenges are being considered in scheduling additional training for all Sworn Deputies to attend, while maintaining minimum staffing in patrol. Overtime money has been allocated and will be used for the Melendres Training and so that it does not affect patrol operations/responses.

Bias Free Policing due 5/30/14

Curriculum was submitted on Bias Free Policing training for all Sworn personnel, on 12/31/13 to the Plaintiff's Representative and the Court through Counsel on 12/31/13.

Training is currently working on refining scenario for final training and will submit to the Plaintiff and Monitor upon completion for final approval.



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MCSO is in process of contract negotiations with Randy Means providing curriculum related to the Melendres Training. Mr. Means is a nationally recognized expert in Law Enforcement Training, Curriculum Development, and Bias Free Policing.

4th Amendment Training due by 3/31/14

A basic/preliminary curriculum for 4th Amendment training for all Sworn Personnel was submitted on 12/31/13 the Plaintiff's Representative and the Court through Counsel on 12/31/13.

The Training Division is working on refining scenarios for this training and will be submitted to the Plaintiff and Monitor upon completion for final approval.

MCSO is in process of contract negotiations with Randy Means relating to this training. Mr. Means is a nationally recognized expert in Law Enforcement Training and Curriculum Development.

Supervisor Training due by 3/31/14

A basic/preliminary curriculum for Supervision and Supervisory Responsibility Training for all Sworn Supervisory Personnel was submitted on 12/31/13 to the Plaintiff's Representative and the Court through Counsel on 12/31/13.

Supervisor Review:

MCSO has developed a system for Supervisors to review Subordinates' reports , arrests, and detentions. This system was described in Briefing Board 14-28, April 3, 2014.

Intake and Investigation of Civilian Complaints:

As of 12/4/13, all civilian Complaints have been tracked through the Internal Affairs Division (IA). Complaints are assigned an IA Number then forwarded to the appropriate Division where the employee is assigned for investigation. For complaints of a significant nature, Internal Affairs will be assigned the investigation from the initiation of the complaint. MCSO Policy GC-17 has been revised to provide guidance on the new system.

Citizens can file a complaint and commendations through the MCSO.org website regarding their contacts with Deputies or other Office personnel. The English version of



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this complaint tab has been available to the community since 10/11/12. The Spanish version of this complaint tab has been available to the community since 10/3/13.

Currently MCSO has developed and is working on placing new MCSO Public Contact Posters outside of all sworn facilities. These posters will provide contact information to the general public for filing complaints, compliments, and suggestions. Citizen Comment Forms will also be available at all sworn facilities to facilitate the complaints, compliments and suggestions process.

Deputies have been instructed (MCSO Briefing Board 14-26 Mar 28, 2014) that every person contacted during a vehicle stop will be issued a receipt for the traffic contact. This receipt has been incorporated with the Arizona Traffic Citation, MCSO Written Warning/ Repair Order, and the MCSO Incidental Contact Receipt. The receipt says: *This shall act as an official receipt of the contact between you and the Maricopa County Sheriff's Office. If you have any compliments, concerns, or suggestions for this contact please feel free to contact us at WWW.MCSO.Org/Contactus/Feedback.ASPX, 602 876-5429, in person at any Maricopa County Sheriff's Office facility or in writing:*

*Maricopa County Sheriff's Office
Internal Affairs Division
550 W. Jackson Street
Phoenix, AZ 85003*

The date, time, location deputy information and the reason for the stop will also be part of the receipt received by the person stopped by the deputy.

Discipline of Officers:

MCSO has revised its current Discipline Policy, GC-17, which now includes a discipline matrix.

Community Relations:

Community Action Board:

MCSO is currently in the process of selecting 3 Community Action Board Members. Resumes have been received from potential candidates and are currently being vetted. Two candidates have been chosen for the Maricopa County Sheriff's Office CAB and three other candidates are being vetted for the last CAB position.

Community Liaison Deputy:



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Early in November of 2013, the MCSO initiated the creation of the Community Liaison Deputy position pursuant to the Melendres Order. As part of the creation, the MCSO Personnel Division was notified, an Assignment Announcement (also referred to as a Briefing Board) was drafted for review and approval and questions for the Oral Board were developed.

On 11/27/2013, MCSO published and distributed an office-wide Briefing Board soliciting an assignment announcement (internal) for a bilingual Community Liaison Deputy. The Briefing Board included a basic job description and minimum criteria the applicants needed to meet (applicants had to have at least 2 years of experience as a Deputy Sheriff, had to "meet minimum standards" on their last employee appraisal and be fluent in Spanish communication per the Order and MCSO policy). Deputies had until 12/06/2013 to submit a memo of interest and copies of their most recent employee appraisal to the Implementation Division.

In addition to the Briefing Board, the Implementation Division contacted deputies who were known to have fluent Spanish communications skills; the contacts were made to inform, recruit/solicit interested deputies. The primary focus was selection of a deputy sheriff with the commitment to work with the community, have knowledge of the Hispanic Culture, fluent in bilingual Spanish communication skills, possess a strong desire to positively display and influence the future of the Sheriff's Office. After the closing of the recruitment, the Implementation Division proceeded with conducting oral board interviews between 12/11/13 and 12/17/13. Interviews were conducted with all Deputies who had submitted memos and possessed the desire to carry out the duties of the CLO Position. Five panel members, two of which were fluent in Spanish to evaluate the applicant's Spanish speaking ability/competency, conducted these interviews. Deputy Hector Martinez was selected as the Community Liaison Deputy, and transferred to the Court Compliance and Implementation Division on 12/23/2013. Pending his selection, a complete review of his Personnel File and Internal Affairs File was conducted and revealed no signs of complaints or misconduct.

Deputy Martinez' high level of Spanish communication, competency, and his desire to improve community relations, made him the best choice for the position. Deputy Martinez has family members that are citizens of Mexico and grew up along the border of Mexico. MCSO wanted to make sure a candidate was selected who was genuinely sincere about community outreach and had the ability to communicate effectively both in Spanish and English. Deputy Martinez, who was a well-rounded Deputy Sheriff, was



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clearly genuine in his desire to help improve the Sheriff's Office relationship with the Hispanic Community.

Deputy Martinez has already met and spoken with numerous members and community organizations (Chicanos Por La Causa, Several Hispanic Community Pastors, Guadalupe Town Council and Mayor, and the Dream Act Coalition) as well as the local Spanish Media. He has also met with the Mexican, Guatemalan, and El Salvador Consulates to help build positive relations. The Implementation Division has received numerous commendations from the public on his professionalism.

On 1/16/14, the Community Liaison Officers page was added to the MCSO.org website. Information is available relating to the Community Liaison including Deputy Martinez' contact information; telephone, email and mailing address for any community concerns.

Community Meetings:

The Maricopa County Sheriff's Office has held two Significant Operations Community Meetings since October 2, 2013. Those two community meetings were in response to the Vargas Operation and the Holiday DUI Task Force Operation. The Vargas Operation Meeting was held on November 5, 2013 and the Holiday DUI Task Force Operation Meeting was held on January 29, 2014. The meetings documentation was provided to the Court, Plaintiff's, and Court Monitor.

The Maricopa County Sheriff's Office held the first community outreach meetings on Saturday, 12/21/13 at 9:30 am in all patrol districts throughout Maricopa County. The meetings were extensively advertised through community announcements (television, radio, internet, twitter, Spanish language stations) and posters. All interested community members were encouraged to attend. The purpose of these meetings was to answer public questions or concerns about the Sheriff's Office Patrol Operations, to outline the changes to patrol policy regarding traffic stops and to inform the public of the upcoming changes to policy, training, data collection and records management. English and Spanish-speaking Sheriff's Office personnel were present, as well as Melendres Order Subject Matter Experts and Community Liaison Personnel (the respective Patrol District Commander) were available to answer questions from the public.

- These public meetings were published and held at the following locations:
 - District 1: 9531 East Riggs Road, Sun Lakes Posse Facility
 - District 2: 920 East Van Buren, Avondale 85323, District Substation
 - District 3: Sun City: 10831 Sunland Drive 85351, Sun City Posse Building



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- District 4:Cave Creek: 37622 N. Cave Creek Rd 85331, Cave Creek Town Hall
- District 6:Queen Creek: 21802 S. Ellsworth Rd 85142, Queen Creek Library,
- District 7:Fountain Hills: 13001 N. La Montana Dr. 85268, Fountain Hills Community Center
- Lakes: 7307 North Bush Highway, Mesa AZ 85215, Lake Patrol Substation
- Community Relations
 - MCSO has documented all Community Relations contacts (of various types) District wide since the beginning of 2014. The following is a breakdown of Districts, number of hours spent and citizens and MCSO personnel involved in these community contacts.

District	Duration (Hr.)	Citizens	MCSO
District I	66.5	2716	44
District II	13.75	3775	28
District III	164.5	3842	295
District IV	42.5	2291	58
District VI	65	12,566	186
District VII	60	1295	9
Enforcement Supt.	60.5	2350	36
SWAT	24.25	2918	40
TOTAL	497	31,753	696

Other Procedures Adopted or implemented:

On 1/17/14, the Maricopa County Sheriff's Office evaluated the staffing needs and requirements for each of the Patrol Districts and because of the Melendres Court Order; the MCSO created three new Sworn Lieutenant Classifications and twelve new Sworn Sergeant Classifications. This resulted in the promotion of three Lieutenants and fifteen Sergeants; ten of the Sergeants were assigned directly to the Patrol Bureau to address paragraph #84 of the Order. The Sergeants were promoted and assigned to ensure every deputy is to report to one single and consistent supervisor and no more than twelve deputies will be assigned to a first-line supervisor.

Requirement for Audio/Video Recording Devices (A/V RD) installed in all the vehicles which make traffic stops used by specialized units that enforce immigration and related laws.



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- MCSO has selected a vendor and (A/V RD) System, which would meet the requirements set forth by the Order. This information has been submitted to the Plaintiff's Representatives and the Monitor. The Court Compliance Implementation Division is currently working with questions from the Monitor regarding the vendor and system. Pending the Monitor's final approval, MCSO is required to follow County Procurement guidelines established by Maricopa County to obtain the equipment prior to installation into the required vehicles. A draft operations policy for the utilization of the (A/V RD) System is being developed.

MCSO shall assign a unique ID for each incident/stop so that any other documentation (e.g., citations, incident reports, tow forms) can be linked back to the stop. MCSO current Intergraph CAD System assigns a unique ID for each incident/stop. This system has been in place since Fall 2013 and prior to that the previous system did the same. These unique ID numbers are known by MCSO personnel as Event Numbers or MC Numbers.

- MCSO Briefing Board 14-26 Mar 28, 2014 addressed this issue.
- MCSO policy EA-5 Enforcement Communication is being revised to address this issue.