



# Maricopa County Sheriff's Office

Joseph M. Arpaio, Sheriff

*Court Compliance & Implementation Division*

*3rd Quarter Report, from July 1, 2014 - September 30, 2014*

## **Background**

This is the Quarterly Report for the time period of July 1, 2014 through September 30, 2014. This Quarterly Status Report is submitted as required by paragraph 11 of Judge Snow's Supplemental Permanent Injunction/Judgment Order of October 2, 2013; as amended (the "Court Order").

Paragraph 11 of the Court Order requires that the MCSO file with the Court, within 30 days before the Monitor's quarterly report is due, a report that shall:

- (i) delineate the steps taken by the Defendants during the reporting period to implement this Order;
- (ii) delineate the Defendants' plans to correct any problems; and
- (iii) include responses to any concerns raised in the Monitor's previous quarterly report.

## **Purpose**

The purpose of this Quarterly Status Report is to clearly state that the MCSO intends to achieve "Full and Effective Compliance" as defined by the Court Order, and to delineate both the "steps taken" by the MCSO to implement the Court Order, and MCSO's "plans to correct any problems" going forward. This status report covers the progress made by MCSO from July 1, 2014 to September 30, 2014.

This Quarterly Report also solicits the Monitor's feedback on clear and practical steps that it recommends the MCSO take to achieve full and effective compliance as effectively, efficiently, and soon as practical. Lastly, this Quarterly Report includes responses to concerns raised in the Monitor's previous Quarterly Report published September 18, 2014, to address Paragraph 11, item iii.

## **Report Structure**

*Part I* of this document provides an overview summary of the MCSO's major efforts toward compliance to date;

*Part II* provides in narrative format, the specific steps taken by the MCSO during this reporting period to implement the Court Order and the MCSO’s plans to achieve full and effective compliance with the Court Order.

*Part III* provides in narrative format, responses to the concerns raised in the Monitor’s previous Quarterly Report.

**Part I. Overview of Major Efforts toward Compliance**

Since July 1, 2014, the MCSO has proceeded with the implementation of the Court Order and made foundational achievements in each substantive area:

Section	Overview of Steps Taken	Overview of Plans
III. Implementation Unit & Internal Assessment	The Court Compliance and Implementation Division was restructured to include 1 captain, 1 lieutenant, 4 sergeants, 2 detectives and one administrative assistant, and is in the process of hiring one management analyst. CCID has: Coordinated the creation of two Court Order related Briefing Boards (BB 14-58, Policy Revisions-New Policy CP-2, CP-8, EA-5, EA-11, GC-17, GH-2, GJ-33); BB 14-60, Policy Revisions EB-1 and EB-2) and one Court Order related Administrative Broadcast (AB 14-34, Professional Standards Bureau); disseminated nine approved, new and/or amended Office Policies (CP-2, Code of Conduct, CP-8, Preventing Racial and Other Biased Based Profiling; EA-5, Enforcement Communications; EA-11, Arrest Procedures; EB-1, Traffic Enforcement, Violator Contacts, and Citation Issuance; EB-2, Traffic Stop Data Collection; GC-17, Employee Disciplinary Procedure; GH-2, Internal Investigations; GJ-33, Significant Operations; continued draft and submission of one new Policy to the Monitor (Early Intervention System {EIS}); Prepared three document requests and continued work on the 06-16-14 Document Request from the Monitors; improved the record maintenance system for Court Order documents; conducted 13 separate inspection/audits; maintained record keeping of Attestation Logs and tracked compliance with weekly reporting; Monitored deputies’ compliance with electronic data input; Assisted other Divisions in obtaining resources to fulfill Court Order requirements; Regularly answered inquiries from other divisions/units concerning the Order’s implementation; Coordinated needs and scheduling of two monitor site visits and community outreach meetings; created the Bureau of Internal Oversight (BIO) responsible for ensuring Office wide accountability and adherence to policy and procedure, Constitutional Law, and laws of the State of Arizona (see Section III).	Ensure all requirements of the Court Order are implemented; Ensure promulgation of Policies and Procedures currently under review; Ensure completion of pending directives (see Section V.) Ensure continued document requests are promptly addressed; Ensure Training promptly implemented upon approval by Monitor; Ensure collection and analysis of Traffic Stop data; Coordinate with other Divisions/Units to ensure full implementation; Ensure that the RFP is issued by Technology Bureau for audio/video equipment.

<p>V. Policies &amp; Procedures</p>	<p>Issued two Briefing Boards and one Administrative Broadcast; Completed and promulgated nine amended and/or new policies, with an additional six policies in draft form (GB-2, Command Responsibility; GA-1, Development of Written Orders; GM-1, Electronic Communications and Voicemail; GJ-27, Sheriff's Posse Program; GJ-26, Sheriff's Reserve Deputy Program; and GF-5, {formally EA-18} Report Writing); Early Intervention System (EIS) policy is pending Monitor approval/comments (comments were received 10-16-14, following the close of this reporting period); Emphasized in directives the requirement of race-neutral Bias-Free Policing and directed the prohibition of enforcement of Immigration Related Laws for unauthorized presence in the United States; Ensured existing Order-related directives were made available and read by all relevant personnel.</p>	<p>Continue to work with Monitor on approval of pending draft policies and procedures; Develop additional directives as required consistent with implementation of Court Order; Continue to ensure all relevant Office Policies, Procedures, and directives are read and understood by required personnel and adhered to.</p>
<p>VI. Pre-Planned Operations</p>	<p>Completed and promulgated Office Policy GJ-33, Significant Operations and corresponding Significant Operation Protocol Template/Operational Plan.</p>	<p>Ensure Significant Operation Protocols are thorough and complete and provided to the monitors for review in advance of any Significant Operation.</p>
<p>VII. Training</p>	<p>Submitted 3 training curricula to the Monitor for review (Bias-Free Policing; 4<sup>th</sup> Amendment; and Supervision). Training for Bias-Free Policing and 4<sup>th</sup> Amendment started September 8, 2014. As of September 30, 2014, 499 Office personnel (sworn, reserve, posse, civilian) attended and completed the required training/e-Learning; Training Division continued to modify the e-Learning system to allow personnel to acknowledge receipt, reading, and comprehension of policies, procedures and other directives to be known as e-Policy.</p>	<p>Develop and implement a training schedule for each outstanding curriculum upon approval by Monitor; Train all personnel initially and annually thereafter consistent with the content and hour requirements of the Court Order; Ensure supervisors have comprehensive training regarding EIS and IA requirements; continue to develop the e-Policy system.</p>
<p>VIII. Traffic Stop Documentation &amp; Data Collection</p>	<p>Continued development and implementation of TraCS to electronically capture data of vehicle stops consistent with the Court Order; Revised, approved, and disseminated policies EB-1 and EB-2 concerning the conducting of traffic stops and traffic stop data collection; Modified MDT to allow input of required data; Conducted audits of traffic stop data; Prepared data to provide to Monitor consistent with requests for the months of July, August and September 2014; Used traffic stop data through EIS to identify warning signs/indicia of possible racial profiling and other misconduct; Directed supervisors to conduct monthly personnel reviews of traffic stops and patrol data with each deputy to ensure order compliance and identify any indicia of misconduct.</p>	<p>Continue direction and training to ensure 100% compliance with electronic input of traffic stop data; Continue development of RFP for audio/video recording devices and ensure purchase, distribution, and use within two years; Ensure creation and issuance of Policies/Procedures for use of audio/video equipment; Establish technology for retention of audio/video recordings for time periods specified by Court Order; Utilize EIS and IA Pro in the annual analyses of traffic stop data.</p>
<p>IX. Early Identification</p>	<p>Early Identification Unit expanded to include one Detention</p>	<p>MCSO will engage in Office-wide</p>

System (EIS)	Sergeant and one Information Technology Specialist; Monitored over 30 criteria/computer fields to include areas consistent with Court Order to provide indicia for the identification of problematic behavior and intervention; Continued development of a technology platform utilizing the Dashboard and IA Pro Blue Team; Conducted quality assurance audit of traffic stops; Created and submitted EIS Policy for monitor review and drafted optional EIS training, approved by the monitor for delivery in the next quarter.	optional EIS training to ensure all relevant personnel and supervisors are able to utilize the computer program to input or access information consistent with the identified fields to ensure quality assurance efforts; Supervisors are to be instructed on how to perform interventions. The EIU will continue to develop its auditing and quality assurance efforts concerning traffic stops and other areas where indicia of Court Order violations may surface.
X. Supervision & Evaluation of Officer Performance	Promoted 17 sergeants to ensure that qualified first line supervisors are available to provide effective supervision and created a standardized shift roster to ensure a 1:12 ratio of supervisor to subordinate (consistent with the requirements of paragraphs 82 and 84); Continued to draft Policy GB-2, Command Responsibility.	Supervisors to receive required training upon approval of the training curriculum; Supervisors to conduct bi-monthly review of IA-Pro, Blue Team upon completion of training; Ensure supervisors are making required notifications to IA and EIU; develop quality assurance to verify supervisor response to required incidents and to supervise employees at least bi-monthly.
XI. Misconduct & Complaints	Revised, approved and disseminated Policy CP-2, Code of Conduct, GH-2, Internal Investigations, and GC-17, Disciplinary Procedure; Began training personnel on these new policies on September 8, 2014 during the Detentions, Arrests, and Immigration Related Laws and Bias Free Policing trainings; adopted the IA Pro technology as sole tracking/recording of internal complaint system; Improved case management system through IA Pro tracking.	Training all personnel on new rules and procedures; increased evaluation and investigation of allegations or citizen's complaints; coordination with EIS program; increased familiarity and use of IA Pro.
XII. Community Outreach	Office personnel voluntarily participated in the Monitor's community outreach meetings and engaged with the community. Community Outreach Division is involved in a wide variety of community events, including events held in neighborhoods mostly comprised of a minority population.	Continue participation with community through outreach programs; addition of personnel to community outreach as funding and personnel become available.
4/17/14 Court Order Injunctions	Maintained compliance of the Corrective Statement of 04-17-14: Compensated deputies-99.81% ( <u>one</u> on FMLA leave) Supervisors-100% Reserve deputies-100% Detention-99.09% Supervisors-97.26%	Continue to ensure compliance with those compensated employees on military or extended medical leave and volunteer posse through the use of Attestation Logs; and continue

	Civilian-99.85% Posse-95%	compliance for the newly promoted.
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**Part II: Steps Taken by MCSO and its Plans to achieve Full and Effective Compliance with the Order.**

**BACKGROUND**

The Court Order of May 24, 2013 and the subsequent Supplemental Permanent Injunction/Judgment Order of October 2, 2013 permanently enjoined the MCSO from engaging in seven distinct areas of enforcement activity involving investigation, detention, or arrest of vehicle occupants based in part or whole on a person’s race, Latino ancestry, or possible unauthorized presence within the country. While the Court recognizes an exception when deputies are acting based on a specific suspect description, the MCSO must ensure it only engages in race-neutral bias-free policing.

The MCSO’s commitment to full and effective compliance is outlined in a more comprehensive manner in the sections that follow. The MCSO believes it is at a pivotal point in implementation and it has laid a solid foundation for proceeding by having established a skilled Court Compliance and Implementation Division; having prepared many applicable policies, procedures, and directives; and having engaged respected training consultants whose lesson plans have been delivered effectively during this reporting period to large numbers of sworn personnel, reserves and posse members..

The MCSO has successfully acquired and initially implemented hardware and software technology that are being used to collect traffic stop data, data needed for the new Early Identification System, and data to improve the record-keeping, tracking, and the quality of the Professional Standards Bureau’s investigations. This technology has helped the MCSO initiate additional quality assurance activities and preliminary analysis of statistical data based on documentation in both electronic and paper format collected from traffic stops under paragraph 54, as will be further discussed Section IX.

The MCSO has promulgated all Office Policies and Procedures related to Patrol Operations and initiated the comprehensive instruction required in each of these substantive areas. A key component of overall compliance is increased supervision, which is mandated by the Court and delineated in these

proposed MCSO directives. The need for increased supervision will be consistently emphasized in these training events.

The promulgation of these policies and procedures, the implementation of training, and the increased supervision, has combined to create a uniform awareness and greater compliance as the MCSO proceeds in fully implementing the Court Order. Additionally, while ongoing dialogue is occurring between the MCSO and the Monitor with respect to these efforts, the MCSO has progressively implemented many aspects of the Court Order to ensure compliance.

While it is believed that the information provided in this report and the preliminary statistical analysis indicate significant implementation efforts and understanding of the Court Order by MCSO personnel, it is the desire of the MCSO to continue to work with the Monitor to reach agreement on metrics for specific areas of the Court Order. In doing so, the MCSO believes it will be able to bring greater focus to the specifics required for full compliance.

The MCSO has proceeded to fully implement the requirements of the Court as all employees have read and acknowledged the Court's Corrective Statement of 4/17/14, and all Supervisors have read and acknowledged the Finding of Facts, 05/24/13 and the Supplemental Permanent Injunction/Order of 10/02/13. The MCSO has accomplished this and quality control systems have been put in place including audits and the use of Attestation Logs to ensure full compliance by current compensated personnel, the newly hired, and those promoted, who need to read, understand, and abide by, additional Court documents.

As of September 30, 2014, 99.9% of compensated deputies are in compliance with acknowledgement (one on FMLA leave), while 99.09% of compensated detention staff are in compliance. Ninety-nine point eighty-five percent of MCSO civilian staff is in compliance. Those who are not in compliance are unable to do so due to extended Family Medical Leave or Military Leave. As of September 30, 2014, 95% of volunteer posse members are compliant, while 100% of volunteer, active reserve deputies are in compliance. The Enforcement Support Division is in the process of attaining full compliance from posse and/or removing posse members from the program for failing to comply.

Because Sections I and II of the Court Order focus on definitions, effective date, and jurisdictional matters, this report begins with assessment under Section III of the Order below.

### **Section III – MCSO IMPLEMENTATION DIVISION AND INTERNAL AGENCY-WIDE ASSESSMENT**

The MCSO has taken major steps forward in the implementation of Section III of the Court Order. Consistent with the paragraph 9, a division titled the Court Compliance and Implementation Division (CCID) was formed in October of 2013. This Division, currently comprised of nine members with interdisciplinary backgrounds, is headed by Captain Russ Skinner who assumed command in July 2014. The Division is comprised of one Captain, one Lieutenant, four Sergeants, two Deputies and one Office Assistant. The Division is in the process of hiring one Management Analyst. Captain Skinner has been appointed the single point of contact with the Court and Monitor and is coordinating visits and other activities with each of the parties as required by the Court Order. In order to ensure that the Court Order is fully and effectively implemented throughout the Office, this division continues to report directly to the Chief Deputy who has agency-wide authority to demand full compliance.

As part of CCID's duties to coordinate the MCSO's compliance and implementation activities, the Division has taken the following steps:

#### **A. Amendment/Creation of New Policies and Procedures**

In response to paragraph 19 of the Court Order concerning review of existing Policy and Procedures, and paragraph 30 regarding timely submissions, the CCID, working with the Human Resource Bureau's Compliance Division-Policy Section has amended and disseminated nine MCSO Policies and Procedures (see Section V). In addition, two Briefing Boards and one Administrative Broadcast have been issued to ensure prompt compliance with new or amended policy (see Section V).

#### **B. Document Production**

The CCID is also responsible for facilitating data collection and document production. CCID has responded to three document requests from the Monitor Team. Additional document production is currently underway as part of CCID's efforts to assist the Monitor in its quarterly review.

The collection and review of the produced documents has served the Agency well in allowing for quality control and increased accountability among enforcement commands. CCID will continue to provide documentation promptly as requested. In addition, it is working to systematize data collection and improve audit/quality assurance capabilities to more effectively respond to the wide variety of record requests.

Date of Request	General Description of Documents Requested	Date Submitted
07-02-14	Submitted documentation pertaining to 11 paragraphs related mostly to traffic stop data and in-car video recordings.	07-22-14; 07-24-14; 07-26-14; 07-25-14; 08-05-14
07-24-14	Amendment of 07-02-14 Production Request for Chapter X, Supervision and Evaluations of Officer Performance.	08-04-14
09-08-14	Submitted documentation pertaining to 47 paragraphs within the Court Order.	10-17-14; 10-22-14; on-going.

**C. Maintenance of Records**

The CCID is responsible for record maintenance as provided by the Court Order and has adopted the following procedure to ensure compliance.

1. CCID continues to electronically catalogue all documents and Office Policies and Procedures related to the Court Order.
2. CCID continues to collect all production requests pursuant to the Court Order and maintain records of the documents as they are forwarded to the Monitor.

The CCID continues to expand its record keeping capacity and develop systems increasing efficiency in providing access.

**D. Assist in Providing Inspections/Quality Assurance/Audits**

Consistent with the Court Order’s mandate to engage in periodic audits, between July 1, 2014 and September 30, 2014, the CCID conducted 13 separate inspections/audits specifically related to the Order. Five inspections/audits were traffic stop related (see Section VIII), five were related to the quality of Incident Reports, and two were related to immigration status inquiry. Where any deficiencies were identified, steps were taken to correct the conditions as indicated in the chart that follows.

**Inspections/Audits/Quality Assurance**

Date	Nature of Inspection/Audit/ Quality Assurance	Issue Identified	Corrective action taken
08-12-14 #14-8-2	Judgmental Sampling of IR's on 07-23-14 from 1900-0000 hours -Use of Force	IR was not memorialized.	Deficiency Memo was authored and forwarded to the responsible division.
08-12-14 #14-8-3	Judgmental Sampling of IR's on 07-29-14 from 1100-1400 hours-  -Property and Evidence	Evidentiary photos were not forwarded to the Scientific Analysis Section/MCSO Crime Lab; one IR taken in error and not forwarded to the Records and AFIS Division-Records Section.	Two Memorandums requiring follow-up were issued to the responsible divisions.
08-12-14 #14-8-4	Judgmental Sampling of IR's on 07-12-14 from 1500-1900 hours-  -Supervisor Review and PC for arrests	No deficiencies noted.	
08-12-14 #14-8-5	Judgmental Sampling of IR's on 07-20-14 from 0100-0600 hours-  -Report completeness -Victim's Rights Forms -Inflammatory language -Supervisor memorialization	IR was not memorialized within MCSO Policy; IR did not contain DV Packet; Victim's Rights forms not attached to IR.	Two Deficiency Memorandums were authored and forwarded to the responsible divisions; one Inspection Summary Memorandum authored and forwarded to the responsible division.
08-13-14 #14-8-6	Judgmental Sampling of Identity Theft IR's from 07-06-14 at 0001 hours to 07-13-14 at 2359 hours-  -Supervisor notification -Probable cause for arrest -Supervisor memorialization	Supervisor notification not documented in IR; supervisor did not memorialize IR with legible signature and/or serial number.	Six Deficiency Memorandums were authored and forwarded to the responsible divisions.
08-15-14	Judgmental Sampling	Articulate facts for	One Deficiency Memorandum

#14-8-7	of IR's on 06-18-14 from 0001-2359 hours-  -Probable cause -Inflammatory language -Supervisor memorialization	detentions, search, and charges not documented in IR.	authored and forwarded to the responsible division.
09-20-14 #14-9-3	Judgmental Sampling of Immigration Related Inquires on Vehicle Contact Forms	No deficiencies noted	
09-17-14 #14-9-4	Immigration Related Inquiries on Vehicle Contact Forms- -Policy/Procedure	Immigration status inquiry occurred during booking process, not during traffic stop, however the status inquiry box was marked on the Vehicle Contact form.	Pending Administrative Broadcast clarifying that deputies are not to check the box "Immigration Status Inquired" if the citizenship questions are asked during the booking process.

The newly created Bureau of Internal Oversight (BIO) will continue to develop and expand the efforts of the MCSO in conducting audits and inspections to provide quality assurance throughout the Office. The BIO was created on September 29, 2014 to address Order Compliance, inspections, and employee performance and misconduct. It is currently comprised of one deputy chief, one captain, three lieutenants, one detention sergeant, and one civilian auditor. The BIO will conduct audits based on General Accepted Government Auditing Standards (GAGAS). In addition to monitoring and ensuring compliance with the Order, some of the procedures performed by the auditors will include: review programs; evaluate compliance with rules, regulations, policies and procedures; appraise the quality of performances, and evaluate safeguards in place to limit losses of all kinds in regards to department resources. All audits and inspections conducted will be documented and tracked using a unique audit number, which will be included in the IA Pro database. The BIO is in the process of establishing a Sheriff's Office Policy and a unit Operations Manual for future activities. The BIO is also structured for future expansion to conduct oversight, quality assurance, inspections, and audits of jail operations and use of force by enforcement and detention personnel.

**E. Assisting in assigning implementation and compliance related-tasks to MCSO personnel as directed by the Sheriff or his designee.**

The CCID worked with the Sheriff’s approval, to ensure the assignment of implementation responsibilities to particular bureaus, divisions, and personnel in order to achieve full and effective compliance of the Order. Assignments are as follows:

<i>Section of Order</i>	<i>Unit Assigned</i>
III. MCSO Implementation Unit and Internal Agency-Wide Assessment	CCID with assistance Agency-wide
IV. Monitor Review Process	CCID
V. Policies and Procedures	Human Resources Bureau, Compliance Division-Policy Unit, MCAO, CCID
VI. Pre-Planned Operations	Investigations and Intelligence Bureau, Human Resources Bureau, Compliance Division-Policy Section, CCID
VII. Training	Training Bureau, CCID
Viii. Traffic Stop Documentation and Data Collection and Review	CCID, Early Identification Unit (EIS), Bureau of Internal Oversight (BIO)
IX. Early Identification System ("EIS")	EIU
X. Supervision and Evaluations of Officer Performance	Human Resources Bureau, Compliance Division, Enforcement Bureau, Command Staff, CCID, Training, EIU
XI. Misconduct and Complaints	Professional Standards Bureau (PSB), Command Staff and Supervisors in each Bureau
XII. Community Engagement	Community Outreach Division

**Section IV – MONITOR REVIEW PROCESS**

Section IV of the Court Order provides significant guidance to both the MCSO and the Monitor concerning submission of policies, appeals, and deadlines. Consistent with Paragraph 14, the MCSO is aware of the submission requirements to the Monitor and Plaintiff’s representative and continues to respond expeditiously to all requests for documentation. Consistent with Paragraph 15, the MCSO has made resubmissions when requested (e.g., format changes to document requests, changes to training curriculum via the consultant, etc.). Additionally as per paragraph 16 and paragraph 31, the MCSO is prepared to promptly promulgate Office Policies and Procedures, and other documents upon approval by the Monitor.

**Section V- POLICIES AND PROCEDURES**

Consistent with the requirements of paragraph 18 for the MCSO to deliver police services consistent with the Constitution and laws of the United States and the State of Arizona, the MCSO is proceeding with the creation of new or amended Office Policies and Procedures. In doing so, the MCSO is committed to ensuring equal protection and bias-free policing. To ensure compliance with the Court Order, the MCSO has conducted, consistent with Paragraph 19, a comprehensive review of all Patrol Operations and Policies and Procedures. Nine policies were identified; and the MCSO has amended and/or newly drafted these nine policies. These policies were reviewed and approved by the Monitor, and disseminated, as indicated in the below chart.

Consistent with the requirements of paragraph 31, the MCSO ensured that Office personnel received, read, and understood these policies as they were disseminated via the Briefing Board, made available on the MCSO Intranet, and provided and discussed during Order related training (see Section VII). The e-Learning system was also utilized to memorialize and track compliance for these policies and procedures, with a compliance deadline of October 31, 2014.

**SECTION V PARAGRAPH CHART WITH CORRESPONDING MONITOR APPROVED POLICY AND PROCEDURES-**

Para.	Paragraph Addresses:	Policy #	Major Related Policies and procedures Title/Status
21	Discriminatory Policing and Racial Profiling	CP-8	Preventing Racial and Other Biased-Based Profiling
		EB-1	Traffic Enforcement, Violator Contacts, and Citation Issuance
		CP-2	Code of Conduct CP-2
		GC-17	Employee Discipline Procedures
		GJ-33	Significant Operations

22	Supervisors to reinforce prohibition on Discriminatory Policing	CP-8 CP-2 EB-1 EA-11	Preventing Racial and Other Biased-Based Profiling Code of Conduct Traffic Enforcement, Violator Contacts, and Citation Issuance Arrest Procedures
23	Code of Conduct	CP-2 GM-1	Code of Conduct CP-2 Electronic Communications and Voicemail-(draft)
24	Enforcement not motivated by race or ethnicity.	CP-8 EA-11 CP-2 EB-1 GJ-33	Preventing Racial and Other Biased-Based Profiling Arrest Procedures Code of Conduct Traffic Enforcement, Violator Contacts, and Citation Issuance Significant Operations
25	Traffic Enforcement revised to include: prohibit racial profiling, prohibit targeting areas based upon ethnic composition of community, and prohibit law enforcement based upon race or ethnicity, notifications during Traffic Stops.	EB-1 EB-2 CP-8 EA-5 GJ-33	Traffic Enforcement, Violator Contacts, and Citation Issuance Traffic Stop Data Collection Preventing Racial and Other Bias-Based Profiling Enforcement Communications Significant Operations
26	Investigatory Detention and Arrests	EA-11 EB-1	Arrest Procedures Traffic Enforcement, Violator Contacts, and Citation Issuance
28	New Policy relating to Immigration-Related Laws	EA-11 EB-1	Arrest Procedures Traffic Enforcement, Violator

		CP-8	Contacts, and Citation Issuance Preventing Racial and Other Biased-Based Profiling
32	MCSO to require all Patrol Operation personnel to report policy violations	CP-2 CP-8 GH-2 GC-17	Code of Conduct Preventing Racial and Other Biased-Based Profiling Internal Investigations Employee Discipline Procedure
33	Personnel who engage in Discriminatory Policing will be subject to discipline or referred for criminal prosecution	CP-8 GC-17	Preventing Racial and Other Biased-Based Profiling Employee Discipline Procedure
34	Review each policy on annual basis	GA-1	Development of Written Orders (draft)
36	Significant Operations written protocol, including statement of operational motivations and objectives, parameters for supporting documentation; race neutral fashion	GJ-33	Significant Operations
37	Standard template for operation plans and standard instructions applicable to Significant Operations.	GJ-33	Significant Operations
38	Significant Operations involving 10 or more MCSO personnel shall prepare written protocol.	GJ-33	Significant Operations
40	MCSO to notify Monitor and Plaintiff within 24 hours of Traffic Enforcement Activity or Significant Operations involving the arrest of 5 or more people.	EB-1 GJ-33	Traffic Enforcement, Violator Contacts, and Citation Issuance Significant Operations

Because of the need to quickly implement the directions of the Court, two Briefing Boards and one Administrative Broadcast, which have the full effect of Office policy, have also been promulgated. These Briefing Boards and Administrative Broadcast are listed in the charts below:

**MCSO BRIEFING BOARDS**

<b>B.B.#</b>	<b>Subject</b>	<b>Date Issued</b>
14-58	Policy Revisions-New Policy CP-2, CP-8, EA-5, EA-11, GC-17, GH-2, GJ-33	09-05-14
14-60	Policy Revisions EB-1 and EB-2	09-22-14

## MCSO ADMINISTRATIVE BROADCASTS

A.B.#	Subject	Date Issued
14-34	Professional Standards Bureau	07-22-14

The MCSO Policy Section continues to amend existing policy as required to ensure full and effective compliance with the Court Order, including Policies GA-1, Development of Written Orders; GB-2, Command Responsibility; GF-5, Incident Report Guidelines (formerly EA-18); GJ-27, Posse Programs; GJ-26, Reserve Deputy Program; and GM-1, Electronic Communications and Voicemail.

Consistent with the requirements of paragraph 31 of the Order regarding receipt and comprehension of the policies and procedures by MCSO personnel, the e-Policy system continues to be developed through the purchase of additional software. This software will be used to memorialize and track compliance with the required reading of MCSO Policy and Procedures, acknowledging an understanding of them, and expressing an agreement to abide by the requirements of the policies and procedures.

Until full implementation of the e-Policy system, the MCSO will continue to use the e-Learning system to memorialize and track compliance for new/amended policies and procedures.

### **Section VI – PRE-PLANNED OPERATIONS**

Consistent with the requirements of paragraph 36 for the MCSO to develop a written protocol including a statement of operational motivations and objectives, parameters for supporting documentation, operations plans, and instructions for supervisors, deputies, and posse members, the MCSO developed and promulgated Office Policy, GJ-33, Significant Operations, which included protocol templates and instructions for Significant Operations and Patrols as set out in Section VI of the Court Order.

### **Section VII – TRAINING**

The MCSO has taken significant steps toward the implementation of all required Training. The Court Order requires the development of three types of training: Bias-Free Training (paras. 41-48-50); Training on Detentions, Arrests, and the Enforcement of Immigration-Related Laws (paras. 50-51); and Supervisor and Command Level Training (paras. 52-53). In order to develop this training, the service of a consultant firm, the

Thomas and Means Law Firm, was retained. The firm developed curricula consistent with paragraphs 49, 51, 52, and 53 of the Order’s content requirements. Bias-Free and Detentions/Arrests curricula were submitted and approved by the Monitor. The MCSO, consistent with paragraph 44, promulgated a training schedule for Bias-Free and Detentions, Arrests, and Enforcement of Immigration-Related Laws and began delivering the training on September 8, 2014. The MCSO is adhering to the instructional requirements of paragraphs 42 and 43, including limitations concerning the extent of online training and the requirements concerning educational background of the training staff. The training is delivered by both MCSO staff and outside instructors who were approved by the MCSO, Plaintiffs, and Monitor.

As of 09-30-14, 518 compensated deputies, reserve deputies, volunteer posse, and civilian personnel have attended Bias-Free/4<sup>th</sup> Amendment training. Of the 518, there are 359 compensated deputies; 7 reserve deputies; 131 volunteer posse members; and 2 civilians, for a total of 499 personnel who have completed the required training and passed the test administered on e-Learning. Of the 518, there remained 9 compensated deputies, 1 reserve deputy, 8 volunteer posse members, and 1 civilian who attended the training, however have not completed the test administered on e-Learning as of 9-30-14.

<b>Training-Type</b>	<b>Development</b>	<b>Status</b>
Bias-Free	Training curricula submitted and approved. Training schedule completed and in process of instruction.	As of 09-30-14 the following attended and completed the required training/e-Learning: Sworn-359 Reserve-7 Posse-131 Civilian-2
Training on Detentions, Arrests, and the Enforcement of Immigration-Related Laws	Training curricula submitted and approved. Training schedule completed and in process of instruction.	As of 09-30-14 the following attended and completed the required training/e-Learning: Sworn-359 Reserve-7 Posse-131 Civilian-2
Supervisor and Command Level	Curriculum submitted; In the process of obtaining approval for delivering the training in multiple phases rather than one instructional block.	

The Training Bureau and the CCID will ensure that all relevant personnel receive training initially and annually thereafter as required by the Court's requirements of paragraphs 48, 50, and 52. To assist in this compliance, MCSO Policy, Training Administration GG-2, was initially submitted to the Monitor for review on May 19, 2014, and is being resubmitted with the Monitor's September 8, 2014. This Policy delineates the required initial and subsequent annual training related to the Order.

In addition to the required training described above, the MCSO submitted to the Monitor a proposal for Early Identification System (EIS) training, as it pertains to the IA Pro/Blue Team application, consistent with paragraph 80. The training curricula for this application was approved 09-26-14 and became available as in-person training, conducted by Early Intervention Unit personnel, to all employees in the Patrol Bureau, until such time as the IA Pro - Blue Team process is implemented Office-wide.

#### **Section VIII – TRAFFIC STOP DOCUMENTATION AND DATA COLLECTION AND REVIEW**

The MCSO revised and/or created, disseminated, and delivered in the Order related training, two traffic-related policies, EB-1, Traffic Enforcement, Violator Contacts, and Citation Issuance and EB-2, Traffic Stop Data Collection, which specifically address the requirements for traffic stops, including ensuring that they are Bias-Free. With the dissemination of these policies, the MCSO continues to ensure the traffic stop data collection requirement of paragraph 54 is adhered to and every person contacted on a traffic stop is issued a receipt.

Consistent with the requirements of paragraph 60 of the order for MCSO to have a system by which deputies can input traffic stop data electronically, as of 10-14-14, 181 of 183 marked patrol vehicles have been installed with the electronic equipment, including the TraCs system, to capture the traffic stop data required in paragraph 54; and issue a contact receipt to the vehicle occupants. Incidental Contact receipts, Written Warnings/Repair Orders, and Citizen Complaint forms are not yet collected in electronic form; only paper copies of these forms have been collected. Once collected, the data is manually input into the computer.

TraCs was initially implemented to facilitate the electronic collection of existing handwritten Traffic Stop Data collection forms to collect data as required by the court. The ultimate goal was to eventually minimize the collection of the required data on paper forms and transition to electronic collection of the data. During this quarter, changes were made to the TraCs system to more accurately track data:



		Data forms (Vehicle Contact forms)	
08-12-14 #14-8-1	Statistical Stratified Sampling of Traffic Stop Data from 07-01-14 to 07-31-14  -Reason for stop voiced over radio -Reason for stop recorded by dispatch -Traffic stop data collection -Vehicle Stop Contact forms -Receipts	Missing Traffic Stop Data forms (Vehicle Stop Contact forms or receipts); times not matching CAD printouts to Vehicle Stop Contact forms; missing data on Traffic Stop forms; dispatch audio recording from Traffic Event and CAD did not indicate the specific law enforcement reasons for the traffic stop.	13 Deficiency Memorandums were authored and forwarded to the responsible divisions.
09-08-14 #14-9-1	Statistical Stratified Sampling of Traffic Stop related events from 08-01-14 to 08-31-14  --Reason for stop voiced over radio -Reason for stop recorded by dispatch -Traffic stop data collection -Vehicle Stop Contact forms -Receipts	Missing Traffic Stop Data forms (Vehicle Stop Contact forms or receipts); times not matching CAD printouts to Vehicle Stop Contact forms; missing data on Traffic Stop forms; dispatch audio recording from Traffic Event and CAD did not indicate the specific law enforcement reasons for the traffic stop; receipt not issued; post stop ethnicity on Vehicle Stop Contact form did not match Arizona Traffic Ticket and Complaint; no supervisor memorialization or within the time frame.	17 Deficiency Memorandums were authored and forwarded to the responsible divisions.
09-08-14 #14-9-2	Statistical Stratified Sampling of Traffic Stop related events from 08-01-14 to 08-31-14  -Policy/Procedure	Discovered errors on Vehicle Stop Contact form regarding ethnicity box (Asian/Other Pacific Islander); Arizona Traffic Ticket and Complaint does not allow for "Hispanic" in the race box; data pursuant to paragraph 54f not captured to its fullest extent	Pending Administrative Broadcast clarifying ethnicity and race boxes; inspection methodology changes to capture data related to paragraph 54(f) of the Court Order.

These audits and quality control checks will continue through the Bureau of Internal Oversight. BIO will continue to develop and expand the efforts of the MCSO in conducting traffic related audits and inspections as previously discussed in Section III.

The MCSO is committed to developing and implementing a system for the audio and video recording of traffic stops and a protocol for storing and reviewing the recordings pursuant to paragraphs 61-63 of the Order. On 10-10-14, the Order was amended pursuant to a stipulation between MCSO and the Plaintiffs, wherein the Court approved the purchase of on-person audio and video equipment to be used by all patrol deputies and sergeants who conduct traffic stops and the maintenance of all such equipment. The MCSO is following the recommendation of the Monitor made during the September 2014 visit, and, in November 2014, is scheduled to visit the Oakland Police Department to obtain information regarding the usage, maintenance, and security of audio and video recording equipment. The MCSO has also begun to collect policies from other agencies, local and nationwide, to assess, develop and revise its draft policy, EA-4, on Recording Devices.

The MCSO is cognizant of the data storage requirements of paragraph 63 of the Order for the MCSO to maintain video for at least 3 years for each stop and of the complexity of functioning in areas where digital connectivity may not be available. The MCSO is preparing a Request for Proposal and will proceed in identifying the most appropriate equipment and storage systems.

#### **Section IX – EARLY IDENTIFICATION SYSTEM (EIS)**

The Early Identification System (EIS) continues to evolve following the major steps outlined in the previous quarterly statement. During this quarter, specifically in September 2014, the Early Intervention Unit (EIU) was moved to the newly created Bureau of Internal Oversight. The third sergeant position was filled with a detention sergeant and the hiring process for the analyst position was completed.

The EIU continued to analyze traffic stop data and added six incident type allegations to the IA Pro system to track data which may indicate racial profiling or provide indicia of racial bias consistent with the requirements of paragraph 75. These include use of “Unknown” for post stop perceived ethnicity; asking

immigration status; requesting supervisor approval to contact ICE/CBP; contacting ICE/CBP; significant deviation from normal for pre-stop perceived ethnicity; and significant deviation from normal for post stop perceived ethnicity. The TraCs data analysis expanded to include length of traffic stop by ethnicity and length of traffic stop by ethnicity where extended detention is not documented, for all deputies having over 15 traffic stops and for deputies having over 10 traffic stops in a specific zip code. Searches and alerts for both driver and passenger are analyzed for all deputies having over 15 traffic stops and for deputies having over 10 traffic stops in a specific zip code.

The EIU worked with the Maricopa County Sheriff's Office Information Technology Section to provide to first line patrol supervisors, a deputy activity log which shows all calls for service, reports taken, calls assisted on, on-view activity, traffic accidents taken, and warrants served. It also has a table listing all activity documented in CAD with a link to CAD by selecting the event number for the activity.

To ensure the Early Intervention System has data to set alerts, the EIU entered all sworn use of force reports from 01-01-13 into IA Pro. The EIU entered all vehicle accidents where Office personnel are listed as responsible since 01-01-13 into IA Pro. All vehicle pursuit reports since 01-01-13 have been gathered and are ready to be entered. Detention use of force reports since 01-01-13 have been gathered and are being entered into IA Pro but are only about 20% completed.

Consistent with the requirements of paragraphs 80 and 81, the EIU completed the Early Identification System Policy and submitted it to the Monitor team for approval. The EIU completed the Blue Team lesson plan and submitted it to the Monitor team for approval. The EIU drafted a Supervisor Guide to Blue Team and EIS to be submitted to the Monitor team for approval in conjunction with Supervisor training.

## **Section X – SUPERVISION AND EVALUATIONS OF OFFICER PERFORMANCE**

On July 20, 2014 the MCSO promoted 17 Sergeants to meet the requirements for the Supervision ratio pursuant to paragraph 82 of no more than 12 Deputies for every one Supervisor; and so that Deputies are assigned to a single consistent and clearly identified Supervisor, pursuant to paragraph 84. Additionally, the MCSO has fulfilled the requirement that each Deputy be assigned to a single, consistent, clearly identified supervisor; and has required that when a supervisor is not available to work, another supervisor must be assigned to duty. The supervision requirements have been previously codified with the amendment of Policy

GB-2, Command Responsibility and issued in Briefing Boards 14-43 and 14-48. In order to ensure continued compliance with the ratio requirement, the Deputy Chief of the Patrol Bureau developed a standardized shift roster for all Patrol Districts and usage of such roster went into effect on 09-01-14, and is currently utilized throughout the Patrol Bureau. The Deputy Chief will continue to conduct reviews of supervisory staffing levels and assignments throughout Patrol to ensure continued compliance.

The requirement for increased supervision of deputies as required by the Court Order is being met in a number of ways. First, by achieving 100% of supervisory compliance with the mandate to read the required Court documents, thus providing them with an extensive understanding of their duties. Additionally, the Patrol Bureau Chief holds monthly meetings with District Commanders to discuss progress and future measures to be taken in accordance with Court Order to ensure implementation and compliance. Most notably, the duties of a supervisor will be reinforced with the delivery of required Order-related Supervisor training and through the EIS and quality assurance efforts which will occur as implementation continues. Lastly, the newly created BIO Division will conduct office wide audits and inspections, further ensuring supervisory responsibility and accountability.

#### **Section XI – MISCONDUCT AND COMPLAINTS**

In order to assure that the actions of the MCSO comply with the Court Order and the high standards that are expected of its personnel, the MCSO has taken a multiple-step approach to addressing misconduct and complaints. The MCSO revised, disseminated, and delivered in the Order-related training, Policy CP-2, Code of Conduct, to make clear to all MCSO personnel exactly what is expected of them and what conduct is prohibited. Policy CP-8, Preventing Racial and Other Biased-Based Profiling was also revised, disseminated, and delivered in the Order-related training, to ensure that personnel are fully aware of the scope of prohibitions and of the content of the *Melendres* Order.

The MCSO revised, disseminated, and delivered in the Order-related training, Policy GH-2, Internal Investigations. The Policy lists 9 categories of complaints, one specifically called “External or Internal – Racial & Other Biased-Based Profiling” and designates the Professional Standards Bureau as the investigatory body for these complaints. Designating the Professional Standards Bureau as responsible to conduct these investigations is an indication of the seriousness of the MCSO’s commitment to fully investigate and address them.

Lastly, Policy GC-17, Employee Disciplinary Procedure was amended, disseminated, and delivered in the Order-related training, to provide clear guidance concerning prohibitions against discrimination in any form. As part of the Policy, a disciplinary schedule was introduced that designates violations of Sheriff's Office Policy concerning racial or other biased-based profiling, as well as discrimination based on a person's race or ethnicity, to be a Category 6 offense with penalties ranging from 40 hours suspension to termination of employment. The same policy also designates the failure to report actual or alleged incidents of misconduct as a Category 2 offense with penalties ranging from written reprimands to dismissal from the Agency.

All of these policies were approved by the Monitor following input from the Plaintiffs.

Consistent with the requirements of paragraph 102 of the Order, the MCSO has also mandated that any allegations of misconduct, whether from the public, observed or reported to an MCSO Supervisor, deputy, detention officers or civilian personnel, must be reported to the Professional Standards Bureau. In all cases in which an allegation of misconduct is made, it must be assigned an IA case number. From July 1, 2014 to September 30, 2014, 283 IA case numbers have been assigned and 185 IA cases have been completed and closed.

Additionally, the EIU continues to utilize IA Pro and Blue Team to monitor and analyze behavior that may lead to misconduct (see Section IX) and the Bureau of Internal Oversight was created to address Order compliance, audits and inspections of employee performance and misconduct (see Section III).

## **XII. COMMUNITY ENGAGEMENT**

While this section of the Court Order was amended by the Supplemental Permanent Injunction/Judgment Order dated 04-04-14, the MCSO continues its efforts at community engagement. The Community Outreach Division continues to facilitate, promote, and participate in events that unite MCSO personnel with members of the community in comfortable, non-law enforcement environments. Between July 1, 2014 and September 30, 2014, personnel from the Community Outreach Division participated in a wide variety of public events, including:

- Collected, delivered, and donated back-to school supplies to Ignacio Conchos School and Garcia Elementary.

- Collected and donated books to libraries and youth groups in the towns of Guadalupe and Aguila; and Chicanos Por La Causa Parenting Arizona.
- Conducted speaking and material presentations to Esperanza Elementary school.
- Conducted jail facility tours to senior high school students studying Police Science.
- Assisted District 3 in speaking with farm workers from Aguila's Matori Farms to educate workers about safety and the importance of calling 911 or Sheriff's dispatch to report crimes.
- Participated in Queen Creek Founder's Day.
- Attended the Muslim Police Advisory meeting; Arizona Black Law Enforcement Employees Conference; and Hispanic Women's Corporation's annual conference.
- Other community events held within Maricopa County.

Additionally, the Chief Deputy, Command personnel, and members from the Patrol Bureau, Professional Standards Bureau, and the CCID, at the direction of the Sheriff, attended the Monitor's Community Outreach Meetings throughout the County in order to further constructively engage with the community and work towards reform, improving community relations, and rebuilding public confidence and trust in the MCSO.

**Part III: Response to concerns raised in the Monitor's previous Quarterly Report, 09-18-14.**

The Monitor team provided a copy of the First Quarterly Report, 09-18-14 to the Court Compliance and Implementation Division. In review of the report, CCID responds to the following areas:

- *Page 7, paragraph 1* of the Report states, "However, we have also noted that some of the most crucial policies pertaining to this Order, such as a detailed Early Identification System (EIS) policy, have yet to be produced." And,
- *Page 9, paragraph 4* states, "No Early Identification System Policy has been created as yet."
  - "The EIS Unit is particularly enthusiastic and has compiled its own data system using hardcopies of TraCS, Vehicle Contact Sheets, and forms generated in April, May and June, to conduct evaluations of traffic stops before reports were automated. However, they conducted these evaluations without any protocols or guidelines to use in their

investigations. Their reports appear thorough, but without guidelines the results and their use is ambiguous.”

- “It remains a concern that without a policy, the EIS process will be interpreted as a punishment system rather than an early warning and correction process.”

In response to these statements, MCSO was already drafting a policy to address these concerns. On September 8, 2014, MCSO Policy titled Early Identification System was submitted to the Monitor and Plaintiffs for review and comment. The purpose of the policy is to provide procedures for an Early Identification System that is designed to: identify Office operation procedures that may need reevaluation and assist supervisors with consistently evaluating employees; identify those whose performance warrants further review, and when appropriate, provide intervention.

- *Page 8, paragraph 1*, of the Report states, “I also recommended to command staff that while it is not an element of the Order, they may want to develop an internal auditing unit that can work with the Court Compliance and Implementation Division to preemptively address issues before they come to the attention of the Monitoring Team or the court.”

In response to this section of the report, the Bureau of Internal Oversight was in the process of development and was formally created on September 29, 2014 to address Order Compliance, inspections, and employee performance and misconduct, among other issues, as discussed in Section III of this report.

- *Page 8, paragraph 5-Page 9, paragraph 1* the Report states, “Although each member of the Court Compliance and Implementation Division appears committed and knowledgeable, it appears that agency policies are developed in a vacuum.”
  - “There is no requirement for review or input by District commanders and/or the Command Staff of any affected Unit.”

In response to this statement, Policy GA-1, Development of Written Orders establishes uniform procedures for the development, distribution, and availability of Office policy. Bureau Commanders and Division Commanders review all proposed, new, or revised policies that may impact their division. Bureau commanders are requested to review all proposed, new, or revised policies prior to final approval; and all new policies, revisions, and rescissions are approved by the Chief Deputy or his designee prior to distribution.

Policy GA-1, Development of Written Orders was submitted to the Monitor on 05-31-14, pursuant to the Monitor Document Request, 03-21-14.

Additionally, the Operational Manual for the Policy Section outlines the development and revision process. The revision process begins with a Review period during which time Policy staff gathers information from other components, employees, model policies, those requesting the revision and statues regarding the specific policy under revision. Once the policy has been reviewed by one Policy Analyst, all analysts will evaluate the policy and assist in addressing any issues brought forth during the review process. After the changes from the Policy Unit evaluation and changes are incorporated, the Policy is forwarded to the Advance period. This part of the process allows Office command staff the opportunity to provide feedback to the proposed changes and/or provide recommendations for change. Once feedback from the Advance period has been considered and all necessary reviews have been completed, the policy is prepared and forwarded for approval to the Chief Deputy.

- *Page 9, paragraph 5* states, “MCSO has advised the Monitor that it has yet to send out a request for proposals for In-Car Recording. Moreover, while MCSO staff realizes the limited capabilities of standard police car mounted cameras, they have not sought out additional information about other options.”

In response to this statement, the MCSO is committed to developing and implementing a system for the audio and video recording of traffic stops and a protocol for storing and reviewing the recordings. Discussions with the Monitor, Plaintiffs, and the MCSO took place regarding the MCSO’s desire to utilize on-person audio and video equipment rather than dash cameras. The Order was subsequently amended, approving the purchase of on-person audio and video equipment to be used by all patrol deputies and sergeants who make traffic stops; and the maintenance of all such equipment. The MCSO is following the recommendation of the Monitor made during the September 2014 visit, and in November 2014, is scheduled to visit the Oakland Police Department to obtain information regarding the usage, maintenance, and security of audio and video recording equipment (see Section VIII).

## **Conclusion**

The MCSO has taken major steps toward implementation and full compliance with the Court Order. The ability in the near future to implement training and promulgate additional policies and procedures, upon

the Monitor's approval, will further assist in these efforts. A large amount has been achieved in many areas particularly involving: the creation of directives; preparation and delivery of training; technology acquisition and programming to allow for data collection; the implementation of electronic data collection; creation of the EIS and BIO; increased supervision; improvements to the Professional Standards Bureau data collection and process, and community outreach. The MCSO is currently developing comprehensive and specific metrics and guidelines to measure full and effective compliance and will be seeking feedback and approval from the Monitor Team to ensure that our measures of success are congruent with the Court's Order.