# Maricopa County Sheriff's Office Paul Penzone, Sheriff

#### **COURT IMPLEMENTATION DIVISION**

## **Twentieth Quarterly Compliance Report**



## **COVERING THE**

1st Quarter of 2019, January 1, 2019 – March 31, 2019

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#### Section 1: Executive Summary

This is the 20th Quarterly Report ("Report") assessing the Maricopa County Sheriff's Office ("MCSO" or "Office")'s compliance with the Hon. G. Murray Snow's October 2, 2013 Supplemental Permanent Injunction/Judgment Order (Doc. 606), as amended (the "First Order"), and the Second Supplemental Permanent Injunction/Judgment Order (Doc. 1765), as amended (the "Second Order") (collectively, the "Court's Order"). MCSO submits this Report to comply with Paragraph 11 of the Court's Order.

MCSO is committed to achieving its goal of "Full and Effective Compliance" as the Court's Order defines it. The purpose of this Report is to describe and document the steps MCSO has taken to implement the Court's Order, as well as MCSO's plans to correct any difficulties encountered in its implementation of the Court's Order. Lastly, this Report includes responses to concerns raised in the Monitor's 19th Quarterly Report covering October 1, 2018 – December 31, 2018 and filed with the Court on May 14, 2019 (the "Monitor's 19th Quarterly Report").

Please note the reporting period for this Report covers the first quarter of 2019 (January 1, 2019 –March 31, 2019). It is important to convey a few points:

- MCSO is a multifaceted and complex organization with over 3,300 compensated employees and hundreds of volunteers. MCSO's operations cover sworn law enforcement services as well as the care, custody, and control of an average of over 8,000 inmates in our jails on any given day.
- Pertaining to the First Order, Phase 1 compliance rates remained the same, while Phase 2 compliance rates decreased slightly. The Monitor's 19th Quarterly Report reports the following:
  - o Phase 1 compliance is 97% no change from last quarter.
  - o Phase 2 compliance is 75% a 2% decrease from last quarter.
- Pertaining to the Second Order, Phase 1 and Phase 2 compliance rates increased significantly. The Monitor's 19th Quarterly Report reports the following:
  - O Phase 1 compliance is 99% an increase of 21%
  - Phase 2 compliance is 90% an increase of 9%.

			Report 1	Report 2	Report 3	Report 4	Report 5	Report 6	Report 7	Report 8	Report 9	Report 10	Report 11	Report 12	Report 13	Report 14	Report 15	Report 16	Report 17	Report 18	Report 19
0/2013 "First	er"	Phase 1	4%	10%	44%	40%	51%	57%	61%	60%	67%	60%	63%	79%	88%	85%	85%	85%	85%	97%	97%
10/201 "First	Orc	Phase 2	0%	0%	26%	25%	28%	37%	38%	39%	44%	49%	50%	57%	67%	62%	65%	64%	66%	77%	75%
7/2016 "Second	er"	Phase 1					N/A					1%	10%	12%	72%	75%	77%	77%	78%	78%	99%
7/2010 "Secon		Phase 2					N/A					43%	46%	60%	63%	66%	72%	75%	80%	81%	90%

#### **Melendres Court's Order Compliance Chart**

The *Melendres* Court's Order Compliance Chart (Appendix A) was developed from information provided in the Monitor's 19th Quarterly Report. This Report from MCSO includes compliance ratings from the First and Second Orders issued by the Hon. G. Murray Snow. The Monitor rates MCSO compliance in two phases. Phase 1 compliance assessment entails a consideration of "whether requisite policies and procedures have been developed and approved and agency personnel have received documented training on their content." Phase 2 compliance is "generally considered operational implementation" and must comply "more than 94% of the time or in more than 94% of the instances being reviewed." The status of "deferred" is used in circumstances in which the Monitor is unable to fully determine compliance due to a lack of data or information or in situations where MCSO is fulfilling the requirements of the Paragraph in practice but has not yet published a formal policy memorializing the Paragraph's requirements.

The Monitor assesses MCSO's compliance with 99 Paragraphs of the First Order, and 113 Paragraphs of the Second Order, for a total of 212 Paragraphs. According to the Monitor's 19th Quarterly Report, MCSO is in Phase 1 compliance with 83 of the First Order Paragraphs and 102 of the Second Order Paragraphs. MCSO is in Phase 2 compliance with 74 of the First Order Paragraphs and 102 of the Second Order Paragraphs. Factoring the requirements of both Court Orders, MCSO is in Phase 1 compliance with 185 Paragraphs, an 98% overall rating, and in Phase 2 compliance with 176 Paragraphs, an 83% overall rating.

#### Please see Appendix A.

#### **Melendres Compliance Highlights**

Communication, coordination and collaboration remain key components in the progress and success MCSO has seen this past quarter in *Melendres* compliance. Continuing in this manner will be instrumental in MCSO's success.

MCSO also continues to work with and receive feedback from several community advisory boards which were created at the direction of Sheriff Penzone to advise the Office on important matters that affect the community as well as be a voice to and for the communities they represent:

- SPEAR Sheriff Penzone's Executive Advisory Review. SPEAR is made up of diverse community members from across the County.
- The Hispanic Advisory Board is made up of Dreamers, businesspeople, activists, educators, and community leaders.
- The Sheriff has also formed an African American Advisory Board and an LGBTQ Advisory Board.
- The Community Advisory Board ("CAB").

The quarterly community meeting, which coincides with the Monitor site visit, was held on January 15, 2019 at Elisio C. Felix Elementary School located at 540 La Posada Boulevard, Goodyear. This school is located within the jurisdiction of District 2. In an attempt to garner more attendance and offer a less formal setting to encourage dialogue, this community meeting was held in the morning hours much like the successful "Coffee with a Cop" model. The District 2 Commander, Captain Johnson, was in attendance and led the meeting.

Sheriff Penzone presented to those in attendance by discussing the history of the *Melendres* litigation and highlighting the policy changes and training efforts of MCSO. One community

member spoke and addressed concerns about an MCSO investigation involving the arrest of her daughter. It was determined that this incident is currently being investigated by PSB and investigators met with her privately at the conclusion of her remarks.

A handout was provided with summary compliance information, contact for the Professional Standards Bureau (PSB), and the website for the audits and inspections. Despite significant advertising and outreach efforts, which were discussed with the Monitoring team, there is a marked decline in community members interested in attending these quarterly meetings and attendance is very low.

This quarter continued to be busy for MCSO Training Division. The Court's Order Related Training unit continues to review, update, adjust and deliver all Court's Order related training.

At the end of First Quarter 2019, the Training Division reported the following status for Court's Order related training:

- 2017 ACT was not delivered during this quarter.
- 2018 ACT was delivered 32 times this quarter and attended by 978 personnel 611 Sworn, 327 Posse, 13 Reserve and 27 Retired Reserve. 7 Remediations. All passed.
- 4<sup>th</sup> and 14<sup>th</sup> Amendment was delivered 2 times this quarter and attended by 24 personnel 19 Sworn and 5 Posse. All passed.
- Bias Free Training was delivered 2 times this quarter and attended by 24 personnel 19
   Sworn and 5 Posse. All passed.
- 2017 EIS was delivered once during this quarter and attended by 28 personnel 4 Sworn, 20 Detention and 4 Civilian. All passed.
- 2017 EPA was delivered once during this quarter and attended by 22 personnel 1 Sworn, 20 Detention and 1 Civilian. 4 Remediations. All passed.
- 2018 SRELE was delivered once during this quarter and attended by 3 personnel 1 Sworn and 2 Civilian. All passed.
- 2015 Blue Team was delivered once during this quarter and attended by 17 personnel 10 Sworn and 7 Detention. All passed.
- 2015 Body Worn Camera was delivered once during this quarter and attended by 41 Sworn personnel. All passed.
- 2018 TraCS was delivered once during this quarter and attended by 10 Sworn personnel. All passed.
- 2017 PSB40 was delivered once during this quarter and attended by 22 personnel 2 Sworn and 20 Detention.
- 2018 PSB Internal was not delivered during this quarter.
- 2018 PSB 8 was delivered 2 times this quarter and attended by 54 Sworn personnel. All passed.

In February 2019, following community listening sessions, technical assistance with the Monitor and internal stakeholder discussions, MCSO proposed several tactical revisions to the plan in response to Paragraph 70 to better meet the needs of the community, the agency, and the spirit of

the Order. The plan proposes a Community Policing Philosophy and agency-wide non-enforcement community interactions. The Office continues to wait for the Court to decide the pending motions regarding Paragraph 70. In the interim, the portions of the approved Paragraph 70 Plan that are covered by other paragraphs continue to be worked on.

In June of 2018, MCSO published its third agency-wide comprehensive annual evaluations of traffic stop data. The Traffic Stop Annual Report ("TSAR") consisted of agency-wide comprehensive analyses of self-initiated traffic stops by deputies for activity from July 1, 2016 through June 30, 2017.

This report indicates improvements over time by MCSO in two key areas: a reduction in the likelihood of Hispanic drivers receiving a citation when compared to White drivers and a decrease in the length of stop for Hispanic drivers. The report indicates there is still a disparity in post-stop outcomes between races/ethnicities, including Latinos, as well as some inconsistent behavioral patterns by some deputies. MCSO has made "significant progress" in data collection, and the report states there is a considerable reduction in missing data with duplications reduced or eliminated.

Sheriff Penzone takes seriously the findings in this report that MCSO's traffic enforcement activity has led to different outcomes for different racial/ethnic groups. MCSO will continue to develop training and oversight in response to this report and push forward with its Plan to address the findings. MCSO remains steadfast in its intolerance of bias and/or racial profiling.

MCSO developed an improved methodology in response to the findings in the 3rd TSAR and submitted the methodology to the Monitor Team and Parties. That submittal was approved and implemented in the 3rd Quarter of 2018. MCSO continues to meet all associated deadlines specific to the 3rd Annual Traffic Stop Report intervention process.

On August 29, 2018, MCSO contracted with a new vendor that will be conducting the annual, monthly, and quarterly traffic stop analyses – CNA Analysis & Solutions ("CNA"). CNA provides independent analysis across a wide range of topics and expertise, but most relevant to MCSO, CNA has 75 years of experience working with military and law enforcement. Their team is made up of experts in the analytics field that know and understand law enforcement. We expect they will be a tremendous resource in reviewing, analyzing, and comprehending the results of our traffic stop data.

MCSO, in partnership with CNA, began developing a refined methodology for the Monthly and Annual Traffic Stop Report processes. The Monthly and Annual analytical plans were drafted during the 4th quarter of 2018 and assessed by all involved parties with intent of being finalized for implementation. The goal for exchange, review and finalization of the revised Monthly and Annual analysis processes was 1st Quarter of 2019. The exchange and review process of both analytical plans between the Parties and the MCSO continued through the 1st Quarter of 2019.

Members of CNA attended an Internal Town Hall hosted by the Compliance Bureau held on March 13, 2019 at the MCSO Training Center. This was an excellent opportunity to address employees of the MCSO interested in learning more about CNA, and for those who had questions or comments about the analyses and the TSAR process. The event was well attended by more than 100employees. The event allowed for open dialogue to further explain the analyses. Many questions and concerns were addressed. The feedback in reference to increasing communication was positive. MCSO is continuing these Internal Town Hall events.

The Bureau of Internal Oversight ("BIO") continues to assist MCSO in its efforts to maintain and gain compliance by providing timely and professional auditing of MCSO personnel to assure compliance with the Court's Order. During this quarter, BIO completed the following inspections to verify compliance with the Court's Order requirements and identify any deficiencies:

- Quarterly Bias-Free Reinforcement Inspection: The Quarterly Bias-Free Reinforcement
  Inspection was conducted to ensure that detention and sworn supervisors unequivocally
  reinforced to their subordinates that discriminatory policing is unacceptable through
  documentation in Blue Team Supervisor Note entries or Briefing Note entries in accordance
  with Office Policy and the Court's Order. However, due to a change in policy in September
  2018, this inspection will be conducted on a semiannual basis going forward.
- Quarterly Incident Report ("IR") Inspection: The Quarterly Incident Report Inspection ensures that Incident Reports adhere to Office policy, federal and state laws, promotes proper supervision, and supports compliance with the Court's Order. The Audits and Inspections Unit ("AIU") completes the IR inspection on a quarterly basis by taking a sample of IRs provided each month to the CID by the Monitor Team. IRs are uniformly inspected utilizing the AIU matrix. The results for the First Quarter of 2019 indicated a compliance rate of 100%.
- Facility/Property & Evidence Inspection: The Facility/Property & Evidence Inspections are conducted to ensure that MCSO facilities are operating within Office Policy, that Property and Evidence is being properly secured and stored at the respective facility, and to ensure that facilities are not being used in any way that discriminates against or denigrates anyone. In January the Estrella Jail, which houses all classifications of adult female inmates and provides housing and programming space for the men's and women's Mosaic program, was inspected and had a compliance rate of 100%. In February, the Criminal Intelligence Division was inspected and had a compliance rate of 94%. In March, the Central Services, Food Services Division was inspected and resulted in a compliance rate of 100%. The overall First Quarter of 2019 compliance rate for Facility and Property Inspections was 98%.
- County Attorney Dispositions Inspection: The County Attorney Dispositions Inspection is conducted to ensure that there were no irreversible errors in cases declined for prosecution by the prosecuting authority or court. To achieve this, inspectors utilized "IAPro" to generate all County Attorney turndowns processed for the respective month. The County Attorney turndowns are uniformly inspected utilizing the Records Division "FileBound" database and the AIU matrix developed in accordance with Policies GF-4 and ED-3, and Court's Order Paragraph 75. The overall compliance rate for the First Quarter of 2019 was 100%. All three months had compliance rates of 100%. This inspection continues to maintain a high compliance rate since it began in January of 2015.
- Supervisory Note Inspection: The Supervisory Note Inspection is conducted on sworn, detention, and civilian personnel to ensure that Supervisory Note entries in the Blue Team application are compliant with Office Policy and the Court's Order. This inspection is conducted by uniformly inspecting the Supervisor Note entries within the IAPro database for the random employees, utilizing the matrix developed by AIU in accordance with policies CP-8, EA-11, EB-1, and EB-2, GB-2, and GJ-35.

- Supervisory Notes-Civilian: The overall compliance rate for the First Quarter of 2019 for civilian personnel was 97%. January had a 100% compliance score, February had 97% and March had 93%.
- Supervisory Notes-Detention: The overall compliance rate for the First Quarter of 2019 for detention personnel was 95%. The monthly compliance rates were 96% for January, 96% for February, and 94% for March.
- Supervisory Note-Sworn (Patrol): The overall compliance rate for the First Quarter of 2019 for sworn personnel was 99%. In January the compliance rate was 99%, February had 97%, and March had 100%.
- Traffic Stop Data Collection Inspection: The Traffic Stop Data Collection inspection reviews monthly traffic stop data to ensure compliance with Office Policy and Paragraphs 54-57 of the Court's Order. This inspection is based on Paragraph 64 of the Court's Order and is conducted using the traffic stop data sample that is randomly chosen by the Monitor Team. This inspection ensures that MCSO: a) collected all traffic stop data to comply with MCSO Policy, EB-2, Traffic Stop Data Collection; b) accurately completed all forms associated to traffic stops; c) closed and validated all TraCS forms; and d) used the correct CAD codes and sub codes. The overall compliance rate for the First Quarter of 2019 was 85%. The monthly compliance rates were 94% for January, 86% for February, and 74% for March.
- Employee Email Inspection: The Employee Email Inspection is conducted to ensure that employee email accounts are utilized in compliance with Office Policy and the Court's Order. This inspection is conducted by reviewing a random sample of Office email accounts for 35 employees during the month inspected, utilizing the AIU matrix. January had a compliance rate of 99%, and February and March both had compliance rates of 100%. The overall compliance rate for the First Quarter of 2019 was 99%. The inspection rates for the Employee Email inspection have remained consistently high.
- CAD Messaging/Alpha Paging System Inspection: The CAD Messaging/Alpha Paging System inspection is to ensure that CAD and Alpha Paging Messaging system entries adhere to Office Policy and that County systems were not used by employees to discriminate or denigrate any persons, in compliance with the Court's Order. The AIU conducts a CAD Messaging/Alpha Paging Inspection monthly by selecting a random sample of all CAD messages and Alpha Paging messages. This inspection had an overall compliance rate for the First Quarter of 2019 of 100%. The monthly compliance rates were 100% for all months in the quarter.
- Patrol Shift Roster Inspection: The Patrol Shift Roster Inspection is conducted to ensure consistency with MCSO Policy GB-2, Command Responsibility, and with Paragraphs 82, 84, and 86 of the Court's Order. This inspection is conducted by reviewing all Patrol Shift Rosters for the month inspected. The overall compliance rate for the First Quarter of 2019 was 99%. The Patrol Shift Roster Inspection's compliance rates were 99% for January and February, and 100% for March. The Sheriff's Office has continued to adhere to proper span of control for deputy to sergeant patrol squad ratios and has eliminated acting patrol supervisors.

- TraCS Supervisory Review Inspection: The TraCS Traffic Stop Review Inspection is completed to determine supervisory compliance with Office Policy and the Court's Order, as well as to promote proper supervision. This inspection is conducted using the TraCS System to review a sample of randomly selected employee's traffic stops from each District selected by the Monitor Team. The inspector uniformly inspects the information utilizing the AIU matrix in accordance with the procedures outlined in Policies EA-11, EB-1, and MCSO Administrative Broadcast Number 16-56. The overall compliance rate for the First Quarter of 2019 was 96%. The month of January had a 92% compliance rate, February had 98%, and March was 99%.
- TraCS Discussion Inspection: The TraCS Discussion Inspection is completed to determine supervisory compliance with Office Policy and the Court's Order, as well as to promote proper supervision. This inspection is conducted using the TraCS System to review a sample of randomly selected employee's traffic stops from each District selected by the Monitor Team. The inspector uniformly inspects the information utilizing the AIU matrix in accordance with the procedures outlined in Policies EA-11, EB-1, and GB-2. The compliance rate for January was 91%, February had 100%, and March had 97%, for an overall First Quarter of 2019 compliance rate of 96%.
- Patrol Activity Log Inspection: The Patrol Activity Log Inspection is conducted to ensure compliance with Office Policy and the Court's Order, as well as promoting proper supervision. Patrol Activity Logs are uniformly inspected utilizing the AIU matrix in accordance with procedures outlined in MCSO Administrative Broadcast Numbers 16-53, 16-100, and 17-48. The overall compliance rate for the First Quarter of 2019 was 99%, with January having 100%, February and March having 99%.
- Misconduct Investigations Inspection: The Misconduct Investigations Inspection is conducted to ensure compliance with Office Policy and the Court Order, as well as to promote proper supervision. This inspection is conducted by reviewing misconduct investigations selected by the Monitor Team that were initiated after November 1, 2017 and completed during the month inspected. The administrative investigations to be reviewed are then grouped into three strata: (1) those conducted by sworn supervisors at the division/District level, (2) those conducted by sworn personnel assigned the PSB, and (3) those conducted by detention personnel assigned to the PSB. It was agreed that starting with January, there will be an additional month between the investigations to be inspected and the inspection. Therefore, there were only two inspections conducted in the First Quarter of 2019 since January was the transition month. The compliance rate for both February and March was 99% for an overall First Quarter of 2019 compliance rate of 99%.
- Complaint Intake Testing: Complaint Intake Testing inspection is conducted to ensure consistency with MCSO Policy GH-4, Bureau of Internal Oversight, AIU Operations Manual, and with Paragraphs 254-260 of the Court's Order. This testing program is designed to assess whether MCSO employees are providing civilians appropriate and accurate information about the complaint process and whether MCSO employees are notifying PSB upon the receipt of a civilian complaint. The First Quarter of 2019 overall compliance rate for Complaint Intake Testing inspections was 94%. The compliance rate was 87% for February and 100% for March since there were no tests conducted in January.

MCSO is dedicated to achieving full and effective compliance with the Court's Order. Compliance is a top priority for Sheriff Penzone and the leadership he has in place. All believe gaining full and effective compliance with the Court's Orders is also the fastest way to ensure MCSO is deploying and following the current best police practices.

## Section 2: Implementation Division & Internal Agency-Wide Assessment

#### **General Comments regarding CID**

MCSO has taken major steps to implement Section III of the Court's Order. In October 2013, MCSO formed a division titled the Court Compliance and Implementation Division consistent with Paragraph 9 of the Court's Order. In February 2015, MCSO changed the name of this division to the CID. The CID is currently comprised of 11 MCSO personnel with interdisciplinary backgrounds and various ranks: 1 Captain, 1 Lieutenant, 3 Sergeants, 2 Deputies, 1 Management Analyst, 1 Management Assistant, and 2 Administrative Assistants. Lieutenant Todd Hoggatt is assigned the role of single point of contact with the Court and the Monitor, although MCSO's legal team and MCSO's upper Command Staff also communicate with the Monitor Team and Parties as needed. CID coordinates site visits and other activities with each of the parties, as the Court's Order requires. Members of CID work very closely with MCSO counsel and MCSO Command Staff to ensure that MCSO maintains a sustained effort to achieve its goal of full and effective compliance with the Court's Order.

#### **Document Production**

CID is responsible for facilitating data collection and document production. During the subject three-month period of this Report, CID responded to three large document requests (*See* Table #1.). In addition to the document requests, CID facilitates the production of training materials and policies and procedures to the Monitor for review and approval. As a reflection of MCSO's efforts to achieve full and effective compliance with the Court's Order, CID, through MCSO counsel, produced approximately 51,778 documents during the three-month period of January 1, 2019 – March 31, 2019 alone.

Compliance with the Court's Order and Monitor's requests truly comprises a monumental task that those without involvement could not possibly comprehend. Yet MCSO readily accepts its responsibilities to achieve full and effective compliance with the Court's Order.

CID enjoys and strives to continue to foster a positive working relationship with the Monitor and Parties. This positive attitude continues to be reflected in MCSO's ongoing collaboration with the Monitor and Parties in Technical Assistance meetings.

Monitor Production Requests						
Title	General Description					
January Monthly Request (Approximately 67 Requests)	Monitor's Monthly Production Request					
February Monthly Request (Approximately 66 Requests)	Monitor's Monthly Production Request					
March Monthly Request (Approximately 63 Requests)	Monitor's Monthly Production Request					
January Site Visit Requests (Approximately 19 Requests)	Monitor's Site Visit Request					

Quarterly Requests (January 2019) (Approximately 18 Requests)	Monitor's Quarterly Production Request
Miscellaneous Requests (Approximately 54 Requests)	Various Miscellaneous Requests received between 01/01/2019 and 03/31/2019

Table 1: Monitor Production Requests

CID, with the Sheriff's approval, ensures the proper allocation of document production requests to the appropriate MCSO units to achieve full and effective compliance with the Court's Order. Thus, the efforts to achieve compliance and to fulfill the Monitor's requests involve the efforts of MCSO divisions, bureaus, personnel and command staff, as well as personnel from the Maricopa County Attorney's Office ("MCAO"). The shared effort and allocation of compliance assignments are set forth in Table #2 immediately below.

MCSO Unit Assignments for Court's Order						
Section	Unit Name					
III. MCSO Implementation Unit and Internal Agency-Wide	Court Implementation Division					
Assessment (First Order)	Maricopa County Attorney's Office					
IV. Monitor Review Process (First Order)	Court Implementation Division					
	Maricopa County Attorney's Office					
V. Policies and Procedures (First	Court Implementation Division					
Order)	Human Resources Bureau, Compliance Division - Policy Section					
	Maricopa County Attorney's Office					
VI. Pre-Planned Operations (First Order)	Court Implementation Division					
(3.201)	Compliance Division – Policy Section					
	Detective and Investigations Bureau					

VII. Training (First Order)	<ul><li> Court Implementation Division</li><li> Maricopa County Attorney's Office</li><li> Training Division</li></ul>
VIII. Traffic Stop Documentation and Data Collection and Review (First Order)	Court Implementation Division     Bureau of Internal Oversight

IX. Early Identification System	
("EIS") (First Order)	Court Implementation Division
	Bureau of Internal Oversight/Early Intervention Unit
X. Supervision and Evaluation of	Court Implementation Division
Officer Performance (First Order)	Command Staff
	<ul> <li>Human Resources Bureau, Compliance Division and Personnel Services Division</li> </ul>
	Bureau of Internal Oversight/Early Intervention Unit
	Enforcement Bureau
XI. Misconduct and Complaints	Court Implementation Division
(First Order)	Command Staff
	Professional Standards Bureau
	• Supervisors in each unit
XII. Community Engagement	
(First Order)	• Court Implementation Division
	Community Outreach Division
XV. Misconduct Investigations, Discipline, and Grievances	Court Implementation Division
(Second Order)	Professional Standards Bureau
	MCSO Training
	Community Outreach Division
	<ul> <li>MCSO Command Staff and District Commanders</li> </ul>
XVI. Community Outreach and	Court Implementation Division
the Community Advisory Board (Second Order)	Community Outreach Division
(Coord Class)	Professional Standards Bureau
XVII. Supervision and Staffing	Court Implementation Division
(Second Order)	Command Staff
	<ul> <li>Human Resources Bureau, Compliance Division and Personnel Services Division</li> </ul>
	Bureau of Internal Oversight/Early Intervention Unit
	• Enforcement Bureau
XIX. Additional Training	Court Implementation Division
(Second Order)	Maricopa County Attorney's Office
	Training Division

XX. Complaint and Misconduct
Investigations Relating to
Members of the Plaintiff class
(Second Order)

- Court Implementation Division
- Maricopa County Attorney's Office
- Professional Standards Bureau

Table 2: MCSO Unit Assignments for the Court's Order

Paragraph 9. Defendants shall hire and retain or reassign current MCSO employees to form an interdisciplinary unit with the skills and abilities necessary to facilitate implementation of this Order. This unit shall be called the MCSO Implementation Unit and serve as a liaison between the Parties and the Monitor and shall assist with the Defendants' implementation of and compliance with this Order. At a minimum, this unit shall: coordinate the Defendants' compliance and implementation activities; facilitate the provision of data, documents, materials, and access to the Defendants' personnel to the Monitor and Plaintiffs representatives; ensure that all data, documents and records are maintained as provided in this Order; and assist in assigning implementation and compliance-related tasks to MCSO Personnel, as directed by the Sheriff or his designee. The unit will include a single person to serve as a point of contact in communications with Plaintiffs, the Monitor and the Court.

#### MCSO is in Full and Effective Compliance with Paragraph 9.

MCSO remains in full and effective compliance with the requirements for Paragraph 9 in accordance with Paragraph 13. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this Paragraph on June 30, 2018. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 9.

Phase 1 compliance is demonstrated by the Court Implementation Division Operations Manual, most recently revised on August 17, 2018. This manual establishes specific instructions governing the organization, supervision, and functional operations of CID. The Mission of CID is to act as a liaison between MCSO and the Monitor Team to streamline the process of achieving full compliance with the Court's Orders.

Phase 2 compliance is established through the operations and staffing of CID. CID is currently staffed with one captain, one lieutenant, three sergeants, one management assistant, and two administrative assistants. CID is in the process of staffing two additional management analyst positions to assist with document production and compliance reports. CID is committed to its mission to act as a liaison between MCSO and the Monitor Team to streamline the process of achieving full compliance with the Court's Orders. CID is committed to ensuring all compliance activities are produced and implemented in a constitutional, lawful, and bias-free manner. CID continues to provide documents via an Internet-based application to the Monitoring Team in accordance with the requirements of this paragraph. CID is an integral and necessary part of MCSO and will continue to function in its capacity to ensure compliance throughout the Office.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 9 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

Paragraph 10. MCSO shall collect and maintain all data and records necessary to: (1) implement this order, and document implementation of and compliance with this Order, including data and records necessary for the Monitor to conduct reliable outcome assessments, compliance reviews, and audits; and (2) perform ongoing quality assurance in each of the areas addressed by this Order. At a minimum, the foregoing data collection practices shall comport with current professional standards, with input on those standards from the Monitor.

#### MCSO is in Full and Effective Compliance with Paragraph 10.

MCSO remains in full and effective compliance with the requirements of Paragraph 10 in accordance with Paragraph 13. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this Paragraph on June 30, 2018. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 10.

Phase 1 compliance is demonstrated by the Court Implementation Division Operations Manual, most recently revised on August 17, 2018. This manual establishes specific instructions governing the organization, supervision, and functional operations of CID.

Phase 2 compliance is demonstrated through the consistent production of data and records as well as the performance of ongoing quality assurance. CID is committed to acting as a liaison between MCSO and the Monitor Team by collecting and maintaining all data and records necessary to implement this order and documenting implementation of and compliance with this order. CID is responsive to the requests of the Monitoring Team and addresses issues encountered with immediacy. These requirements are delineated in the CID Operations Manual and will continue to be performed to achieve and maintain compliance with the remaining paragraphs.

BIO conducts regular audits of work products that directly affect compliance with this order. These audits will continue to ensure compliance throughout MCSO and its operations.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 10 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

Paragraph 11. Beginning with the Monitor's first quarterly report, the Defendants, working with the unit assigned for implementation of the Order, shall file with the Court, with a copy to the Monitor and Plaintiffs, a status report no later than 30 days before the Monitor's quarterly report is due. The Defendants' report 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.

#### MCSO is in Full and Effective Compliance with Paragraph 11.

On March 22, 2019, MCSO filed with the Court its 19th Quarterly Report.

MCSO remains in full and effective compliance with the requirements for Paragraph 11 in accordance with Paragraph 13. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this paragraph on June 30, 2018. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 11.

Phase 1 compliance is demonstrated by the Court Implementation Division Operations Manual, most recently revised on August 17, 2018. This manual establishes specific instructions governing the organization, supervision, and functional operations of CID.

Phase 2 compliance is established by the consistent production and publication of the quarterly report. CID publishes a quarterly report as required by the Court's Order and the CID Operations Manual. The quarterly reports provide an overview of MCSO's efforts to obtain compliance as well as compliance status for each paragraph and responds to concerns raised in the Monitor's quarterly report. Completion of the quarterly report is a necessary function for CID and the quarterly reports will continue to be published.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 11 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved

Paragraph 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.

#### MCSO is in Full and Effective Compliance with Paragraph 12.

On September 17, 2018, MCSO filed the 2018 Annual Report which covers the time period from July 01, 2017 to June 30, 2018. MCSO will continue to file the annual comprehensive assessment as required by Paragraphs 12 and 13 in a timely manner.

MCSO remains in full and effective compliance with the requirements for Paragraph 12 in accordance with Paragraph 13. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with the requirements of Paragraph 12 on September 30, 2018. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 12.

Phase 1 compliance is demonstrated by the Court Implementation Division Operations Manual, most recently revised on August 17, 2018. This manual establishes specific instructions governing the organization, supervision, and functional operations of the CID.

Phase 2 compliance is demonstrated by the consistent production and publication of the Annual Report. MCSO submits its Annual Compliance Report on or before September 15 of each year. This comprehensive annual assessment runs according to MCSO's fiscal year cycle, July 1-June 30. Completion of this report is required by the CID Operations Manual. MCSO will continue to file the annual comprehensive assessment as required by Paragraphs 12 and 13 in a timely manner.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 12 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

Paragraph 13. The internal assessments prepared by the Defendants will state for the Monitor and Plaintiffs' representatives the date upon which the Defendants believe they are first in compliance with any subpart of this Order and the date on which the Defendants first assert they are in Full and Effective Compliance with the Order and the reasons for that assertion. When the Defendants first assert compliance with any subpart or Full and Effective Compliance with the Order, the Monitor shall within 30 days determine whether the Defendants are in compliance with the designated subpart(s) or in Full and Effective Compliance with the Order. If either party contests the Monitor's determination it may file an objection with the Court, from which the Court will make the determination. Thereafter, in each assessment, the Defendants will indicate with which subpart(s) of this Order it remains or has come into full compliance and the reasons therefore. The Monitor shall within 30 days thereafter make a determination as to whether the Defendants remain in Full and Effective Compliance with the Order and the reasons therefore.

The Court may, at its option, order hearings on any such assessments to establish whether the Defendants are in Full and Effective Compliance with the Order or in compliance with any subpart(s).

#### MCSO is in Full and Effective Compliance with Paragraph 13.

On September 17, 2018, MCSO filed the 2018 Annual Report which covers the time period from July 01, 2017 to June 30, 2018. MCSO will continue to file the annual comprehensive assessment as required by Paragraphs 12 and 13 in a timely manner.

MCSO remains in full and effective compliance with the requirements for Paragraph 13. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this Paragraph on September 30, 2018. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 13.

MCSO submits its Annual Compliance Report on or before September 15 of each year. This comprehensive annual assessment runs according to MCSO's fiscal year cycle, July 1-June 30. Completion of this report is required by the CID Operations Manual. MCSO will continue to file the annual comprehensive assessment as required by Paragraphs 12 and 13 in a timely manner.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 13 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

#### Section 3: Policies and Procedures

#### **General Comments Regarding Policies and Procedures**

Consistent with Paragraph 18 requirements that MCSO deliver police services consistent with the Constitution, and the laws of the United States and Arizona, MCSO continually reviews its Office Policies and Procedures. In fulfillment of its duties and obligations under federal and Arizona law, MCSO is committed to ensuring equal protection under the law and bias-free policing. To ensure compliance with the Court's Order, MCSO continues to comprehensively review all Patrol Operations Policies and Procedures, consistent with Paragraph 19 of the Court's Order.

In addition to its annual review of all Critical Policies, consistent with Paragraph 34 requirements that MCSO review each policy and procedure on an annual basis to ensure that the policy provides effective direction to personnel and remains consistent with the Court's Order, the MCSO Policy Section continues with its annual review of all policies relevant to the Court's Order.

During this reporting period, MCSO published thirteen (13) Policies relevant to the Court's Order:

- CP-2, Code of Conduct (Annual Review)
- CP-3, Workplace Professionalism: Discrimination and Harassment (Annual Review)
- EA-2, Patrol Vehicles (Annual Review)
- EB-7, Traffic Control and Services (Annual Review)
- GA-1, Development of Written Orders (Annual Review)
- GC-11, Employee Probationary Periods (Annual Review)
- GC-13, Awards (Annual Review)
- GF-1, Criminal Justice Data Systems (Annual Review)
- GF-5, Incident Report Guidelines (Annual Review)
- GH-5, Early Identification System (Annual Review)
- GI-5, Voiance Language Line Services (Annual Review)
- GM-1, Electronic Communications and Voice Mail (Annual Review)
- GJ-36, Use of Digital Recording Devices (Non Body-Worn Cameras) (Annual Review)

#### MCSO Policy Section is working on revisions to the following policies:

- CP-2, Code of Conduct (Annual Review)
- CP-3, Workplace Professionalism: Discrimination and Harassment (Annual Review)
- CP-5, Truthfulness (Annual Review)
- EA-2, Patrol Vehicles (Annual Review)
- EA-3, Non-Traffic Contact (Annual Review)
- EA-11, Arrest Procedures (Annual Review)
- EB-1, Traffic Enforcement, Violator Contacts, and Citation Issuance (Annual Review)
- EB-2, Traffic Stop Data Collection (Annual Review)
- EB-4, Traffic Records (Annual Review)
- EB-7, Traffic Control and Services (Annual Review)

- ED-2, Covert Operations (Annual Review)
- GA-1, Development of Written Orders (Annual Review)
- GB-2, Command Responsibility (Annual Review)
- GC-4, Employee Performance Appraisals (Annual Review)
- GC-7, Transfer of Personnel (Annual Review)
- GC-11, Employee Probationary Periods (Annual Review)
- GC-12, Hiring and Promotional Procedures (Annual Review)
- GC-13, Awards (Annual Review)
- GC-16, Employee Grievance Procedures (Annual Review)
- GC-17, Employee Disciplinary Procedures (Annual Review)
- GE-3, Property Management and Evidence Control (Annual Review)
- GE-4, Use, Operation, and Assignment of Vehicles (Annual Review)
- GF-1, Criminal Justice Data Systems (Annual Review)
- GF-3, Criminal History Record Information and Public Records (Annual Review)
- GF-5, Incident Report Guidelines (Annual Review)
- GH-2, Internal Investigations (Annual Review)
- GH-4, Bureau of Internal Oversight Audits and Inspections (Annual Review)
- GH-5, Early Identification System (Annual Review)
- GI-1, Radio and Enforcement Communications Procedures (Annual Review)
- GI-7, Processing Bias-Free Tips (Annual Review)
- GJ-2, Critical Incident Investigations (Annual Review)
- GJ-3, Search and Seizure (Annual Review)
- GJ-5, Crime Scene Management (Annual Review)
- GJ-26, Sheriff's Reserve Deputy Program (Annual Review)
- GJ-27, Sheriff's Posse Program (Annual Review)
- GJ-28, Prison Rape Elimination Act (GH-2 Related)
- GJ-33, Significant Operations (Annual Review)
- GJ-35, Body-Worn Cameras (Annual Review)
- GJ-36, Use of Digital Recording Devices (Non Body-Worn Cameras)(Annual Review)
- GM-1, Electronic Communications and Voice Mail (Annual Review)

#### Policies pending legal review: (None)

Policies sent to Community Advisory Board ("CAB") during the 2018/19 Annual Review period:

- CP-2, Code of Conduct (Annual Review)
- CP-8, Preventing Racial and Other Bias-Based Profiling (Annual Review)
- CP-11, Anti-Retaliation (Annual Review)
- EA-3, Non-Traffic Contacts (Annual Review)
- EA-11, Arrest Procedures (Annual Review)
- EB-1, Traffic Enforcement, Violator Contacts, and Citation Issuance (Annual Review)
- GC-13, Awards (Annual Review)
- GH-2, Internal Investigations (Annual Review)
- GI-5, Voiance Language Line Services (Annual Review)
- GI-7, Processing of Bias-Free Tips (Annual Review)
- GJ-24, Community Relations and Youth Programs (Annual Review)

#### Policies submitted to the Monitor for review:

- CP-2, Code of Conduct (Annual Review)
- CP-5, Truthfulness (Annual Review)
- EA-2, Patrol Vehicles (Annual Review)
- EA-3, Non-Traffic Contact (Annual Review)
- EA-11, Arrest Procedures (Annual Review)
- EB-2, Traffic Stop Data Collection (Annual Review)
- EB-7, Traffic Control and Services (Annual Review)
- ED-2, Covert Operations (Annual Review)
- GA-1, Development of Written Orders (Annual Review)
- GC-11, Employee Probationary Periods (Annual Review)
- GC-12, Hiring and Promotional Procedures (Annual Review)
- GC-16, Employee Grievance Procedures (Annual Review)
- GC-17, Employee Disciplinary Procedures (Annual Review)
- GF-1, Criminal Justice Data Systems (Annual Review)
- GF-3, Criminal History Record Information and Public Records (Annual Review)
- GH-2, Internal Investigation (Annual Review)
- GH-4, Bureau of Internal Oversight (Annual Review)
- GH-5, Early Identification System (Annual Review)
- GI-1, Radio and Enforcement Communications Procedures (Annual Review)
- GJ-33, Significant Operations (Annual Review)
- GJ-36, Use of Digital Recording Devices (Non Body-Worn Cameras)(Annual Review)

Pursuant to the Second Order, MCSO Policy Section has submitted twenty-six (26) policies to the Monitor Team. The Monitor Team has approved twenty-five (25) of these policies:

- CP-2, Code of Conduct (Monitor Approved)
- CP-3, Workplace Professionalism: Discrimination and Harassment (Monitor Approved)
- CP-5, Truthfulness (Monitor Approved)
- CP-11, Anti-Retaliation (Monitor Approved)

- EA-2, Patrol Vehicles (Monitor Approved)
- GA-1, Development of Written Orders (Monitor Approved)
- GB-2, Command Responsibility (Monitor Approved)
- GC-4, Employee Performance Appraisals (Monitor Approved)
- GC-7, Transfer of Personnel(Monitor Approved)
- GC-11, Employee Probationary Periods (Monitor Approved)
- GC-12, Hiring and Promotional Procedures (Monitor Approved)
- GC-16, Employee Grievance Procedures (Monitor Approved)
- GC-17, Employee Disciplinary Procedure(Monitor Approved)
- GC-22, Critical Incident Stress Management Program (Monitor Approved)
- GD-9, Receipt of Litigation Notice or Subpoena (Monitor Approved)
- GE-4, Use, Assignment, and Operation of Vehicles (Monitor Approved)
- GG-1, Peace Officer Training Administration (Monitor Approved)
- GG-2, Detention/Civilian Training Administration (Monitor Approved)
- GH-2, Internal Investigations(Monitor Approved)
- GH-4, Bureau of Internal Oversight (Monitor Approved)
- GH-5, Early Identification System (EIS)(Monitor Approved)
- GI-4, Calls for Service (Monitor Approved)
- GI-5, Voiance Language Services (Monitor Approved)
- GJ-24, Community Relations and Youth Programs (Monitor Approved)
- GJ-26, Sheriff's Reserve Deputy Program (Monitor Approved)
- GJ-27, Sheriff's Posse Program

In addition to expeditiously implementing the Court's directives, MCSO disseminated one (1) MCSO Briefing Board and zero (0) MCSO Administrative Broadcasts that referenced Court's Order related topics during this reporting period. The Briefing Board is listed in the following table:

MCSO Administrative Broadcasts/Briefing Boards							
<b>A.B./B.B.</b> #	Subject	<b>Date Issued</b>					
BB 19-09	Immediate Policy Change EB-1, Traffic Enforcement, Violator Contacts, and Citation Issuance	03/12/19					

Table 3: MCSO Administrative Broadcasts/Briefing Boards

MCSO Briefing Board 19-09, published March 12, 2019 announced an immediate policy change to Office Policy EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance* providing updated procedures for submitting Incident Reports under the 910MI radio code.

Consistent with the Court's Order, Paragraph 31 requirements regarding MCSO personnel's receipt and comprehension of the Policies and Procedures, MCSO implemented the E-Policy system in January 2015 which has now been transitioned into TheHUB effective January 2018. MCSO utilizes the system to distribute and require attestation of all Briefing Boards and published policies. TheHUB system memorializes and tracks employee compliance with the required reading of MCSO Policies and Procedures, employee acknowledgements that he or she understands the

subject Policies and Procedures and employee expression of his or her agreement to abide by the requirements of the Policies and Procedures. MCSO provides the Critical, Detention, Enforcement, and General Policies via TheHUB as a resource for all MCSO personnel.

During the subject three-month reporting period, MCSO used the TheHUB system to distribute and obtain attestation of seventeen (17) Policies. This includes fifteen (15) Policies related to the Court's Order.

**Paragraph 19.** To further the goals in this Order, the MCSO shall conduct a comprehensive review of all Patrol Operations Policies and Procedures and make appropriate amendments to ensure that they reflect the Court's permanent injunction and this Order.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 19.

MCSO has completed a comprehensive review of all Patrol Operations Policies and Procedures and have found them to be following compliance with the First and Second Order.

**Paragraph 21.** The MCSO shall promulgate a new, department-wide policy or policies clearly prohibiting Discriminatory Policing and racial profiling. The policy or policies shall, at a minimum:

- a. define racial profiling as the reliance on race or ethnicity to any degree in making law enforcement decisions, except in connection with a reliable and specific suspect description;
- b. prohibit the selective enforcement or non-enforcement of the law based on race or ethnicity;
- c. prohibit the selection or rejection of particular policing tactics or strategies or locations based to any degree on race or ethnicity;
- d. specify that the presence of reasonable suspicion or probable cause to believe an individual has violated a law does not necessarily mean that an officer's action is race-neutral; and
- e. include a description of the agency's Training requirements on the topic of racial profiling in Paragraphs 48–51, data collection requirements (including video and audio recording of stops as set forth elsewhere in this Order) in Paragraphs 54–63 and oversight mechanisms to detect and prevent racial profiling, including disciplinary consequences for officers who engage in racial profiling.

MCSO is in Phase 1 compliance with Paragraph 21. Phase 2 compliance is not applicable.

**Paragraph 22.** MCSO leadership and supervising deputies and detention officers shall unequivocally and consistently reinforce to subordinates that discriminatory policing is unacceptable.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 22.

MCSO utilizes monthly supervisor note inspections, facility and vehicle inspections, email and CAD inspections, and bias free reinforcement to demonstrate that MCSO leadership unequivocally and consistently reinforces to subordinates that discriminatory policing is unacceptable.

Beginning in the 2nd Quarter of 2018, MCSO utilized an alternative means of the reinforcement requirements of this Paragraph to ensure the discussions taking place are more meaningful. Sheriff Penzone produced a video message to all MCSO employees. All employees were required to log into The Hub and view the video, review CP-8, *Preventing Racial and Other Bias-Based Profiling*, answer questions associated to the Policy and complete an attestation acknowledging the viewing of the video and the understanding of the content in CP-8.

To this end, during the subject reporting quarter, MCSO's BIO found the following compliance rates for the related inspections:

2018 INSPECTIONS	October	November	December	Overall Compliance Rate
Quarterly Incident Reports	N/A	N/A	100%	100%
Facility and Property Inspection	100%	94%	100%	98%
County Attorney Dispositions	100%	100%	100%	100%
Supervisory Notes-Civilian	100%	97%	93%	97%
Supervisory Notes-Detention	96%	96%	94%	95%
Supervisory Notes-Sworn	99%	97%	100%	99%
Traffic Stop Data	94%	86%	74%	85%
Employee Emails	99%	100%	100%	99%
CAD/Alpha Paging	100%	100%	100%	100%
Patrol Shift Rosters	99%	99%	100%	99%
TraCS Review of Traffic Stops	92%	98%	99%	96%
TraCS Discussion of Traffic Stops	91%	100%	97%	96%
Patrol Activity Logs	100%	99%	99%	99%

Table 4: 2019 Inspections

**Paragraph 23.** Within 30 days of the Effective Date, MCSO shall modify its Code of Conduct to prohibit MCSO Employees from utilizing County property, such as County e-mail, in a manner that discriminates against, or denigrates, anyone on the basis of race, color, or national origin.

#### MCSO is in Full and Effective Compliance with Paragraph 23.

MCSO remains in full and effective compliance with the requirements for Paragraph 23 in accordance with Paragraph 13. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this Paragraph on September 30, 2018. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 23.

Phase 1 compliance is demonstrated by MCSO Policy CP-2, Code of Conduct, most recently amended on May 9, 2018. In accordance with this Paragraph, MCSO Policy CP-2, *Code of Conduct*, prohibits MCSO employees from utilizing Office and Maricopa County equipment in a manner that discriminates or denigrates anyone on the basis of race, color, national origin, age, religious beliefs, gender, culture, sexual orientation, veteran status, or disability.

Phase 2 compliance is established through audits and inspections. The BIO Division conducts monthly CAD/Alpha Paging audits, Facility Inspections and Email Inspections to ensure compliance with MCSO Policies such as CP-2, *Code of Conduct*, CP-3 *Workplace Professionalism*, and GM-1 *Electronic Communications and Voicemail*. The BIO Division and the inspections conducted to ensure that MCSO Employees do not utilize County property, such as County e-mail, in a manner that discriminates against, or denigrates, anyone on the basis of race, color, or national origin, will continue as part of MCSO's operations.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 23 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

Paragraph 24. The MCSO shall ensure that its operations are not motivated by or initiated in response to requests for law enforcement action based on race or ethnicity. In deciding to take any law enforcement action, the MCSO shall not rely on any information received from the public, including through any hotline, by mail, email, phone or in person, unless the information contains evidence of a crime that is independently corroborated by the MCSO, such independent corroboration is documented in writing, and reliance on the information is consistent with all MCSO policies.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 24.

On September 11, 2017, the new Sheriff's Intelligence Leads and Operations Unit ("SILO") became fully operational. This unit is guided by MCSO Policy GI-7, *Processing of Bias-Free Tips*, which was published on August 23, 2017.

MCSO does not rely on any information received from the public, including information received through any hotline, by mail, email, phone, or in person, unless the information contains evidence of a crime that can be independently corroborated by MCSO.

**Paragraph 25.** The MCSO will revise its policy or policies relating to traffic enforcement to ensure that those policies, at a minimum:

- a. prohibit racial profiling in the enforcement of traffic laws, including the selection of which vehicles to stop based to any degree on race or ethnicity, even where an officer has reasonable suspicion or probable cause to believe a violation is being or has been committed;
- b. provide Deputies with guidance on effective traffic enforcement, including the prioritization of traffic enforcement resources to promote public safety;
- c. prohibit the selection of particular communities, locations or geographic areas for targeted traffic enforcement based to any degree on the racial or ethnic composition of the community;
- d. prohibit the selection of which motor vehicle occupants to question or investigate based to any degree on race or ethnicity;
- e. prohibit the use of particular tactics or procedures on a traffic stop based on race or ethnicity;
- f. require deputies at the beginning of each stop, before making contact with the vehicle, to contact dispatch and state the reason for the stop, unless Exigent Circumstances make it unsafe or impracticable for the deputy to contact dispatch;
- g. prohibit Deputies from extending the duration of any traffic stop longer than the time that is necessary to address the original purpose for the stop and/or to resolve any apparent criminal violation for which the Deputy has or acquires reasonable suspicion or probable cause to believe has been committed or is being committed; h. require the duration of each traffic stop to be recorded;

- h. provide Deputies with a list and/or description of forms of identification deemed acceptable for drivers and passengers (in circumstances where identification is required of them) who are unable to present a driver's license or other state-issued identification; and
- i. instruct Deputies that they are not to ask for the Social Security number or card of any motorist who has provided a valid form of identification, unless it is needed to complete a citation or report.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 25.

**Paragraph 26.** The MCSO shall revise its policy or policies relating to Investigatory Detentions and arrests to ensure that those policies, at a minimum:

- a. require that Deputies have reasonable suspicion that a person is engaged in, has committed, or is about to commit, a crime before initiating an investigatory seizure;
- b. require that Deputies have probable cause to believe that a person is engaged in, has committed, or is about to commit, a crime before initiating an arrest;
- c. provide Deputies with guidance on factors to be considered in deciding whether to cite and release an individual for a criminal violation or whether to make an arrest;
- d. require Deputies to notify Supervisors before effectuating an arrest following any immigration-related investigation or for an Immigration-Related Crime, or for any crime by a vehicle passenger related to lack of an identity document;
- e. prohibit the use of a person's race or ethnicity as a factor in establishing reasonable suspicion or probable cause to believe a person has, is, or will commit a crime, except as part of a reliable and specific suspect description; and
- f. prohibit the use of quotas, whether formal or informal, for stops, citations, detentions, or arrests (though this requirement shall not be construed to prohibit the MCSO from reviewing Deputy activity for the purpose of assessing a Deputy's overall effectiveness or whether the Deputy may be engaging in unconstitutional policing).

#### MCSO is in Full and Effective Compliance with Paragraph 26.

MCSO remains in full and effective compliance with the requirements for Paragraph 26 in accordance with Paragraph 13. Three consecutive years of Phase 1 and Phase 2 compliance was achieved on June 30, 2018. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 26.

Phase 1 compliance is established by MCSO Policies EA-11, *Arrest Procedures*, and EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*. These policies also undergo a yearly review. EA-11, *Arrest Procedures*, was most recently amended on June 14, 2018. EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*, was most recently amended on January 11, 2018.

Phase 2 compliance is demonstrated through the review of arrests and investigations related to this Paragraph. MCSO has provided copies of all immigration-related arrests and investigations, copies of all arrests and investigations related to identity fraud, and copies of arrests and investigations

related to lack of identity documents. MCSO has consistently provided the necessary documentation to support its compliance with the requirements of Paragraph 26.

MCSO personnel have also received 4th and 14th Amendment training to reinforce the policies which adopts the requirements of this Paragraph.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 26 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

**Paragraph 27.** The MCSO shall remove discussion of its LEAR Policy from all agency written Policies and Procedures, except that the agency may mention the LEAR Policy in order to clarify that it is discontinued.

#### MCSO remains in Phase 1 and Phase 2 compliance with Paragraph 27.

MCSO asserts that it has been in compliance with the requirements of Paragraph 27 for at least three consecutive years. Phase 1 and Phase 2 compliance with Paragraph 27 was first achieved on June 30, 2014. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this Paragraph on June 30, 2017.

MCSO does not have a LEAR policy, which is described as the detaining persons believed to be in the country without authorization but whom they cannot arrest on state charges, in order to summon a supervisor and communicate with federal authorities. The Monitor has verified through document reviews and site visits that MCSO does not have a LEAR policy.

MCSO asserts full and effective compliance with the requirements for Paragraph 27 in accordance with Paragraph 13.

**Paragraph 28.** The MCSO shall promulgate a new policy or policies, or will revise its existing policy or policies, relating to the enforcement of Immigration-Related Laws to ensure that they, at a minimum:

- a. specify that unauthorized presence in the United States is not a crime and does not itself constitute reasonable suspicion or probable cause to believe that a person has committed or is committing any crime;
- b. prohibit officers from detaining any individual based on actual or suspected "unlawful presence," without something more;
- c. prohibit officers from initiating a pre-textual vehicle stop where an officer has reasonable suspicion or probable cause to believe a traffic or equipment violation has been or is being committed in order to determine whether the driver or passengers are unlawfully present;
- d. prohibit the Deputies from relying on race or apparent Latino ancestry to any degree to select whom to stop or to investigate for an Immigration-Related Crime (except in connection with a specific suspect description);
- e. prohibit Deputies from relying on a suspect's speaking Spanish, or speaking English with an accent, or appearance as a day laborer as a factor in developing reasonable suspicion or probable cause to believe a person has committed or is committing any crime, or reasonable suspicion to believe that an individual is in the country without authorization;
- f. unless the officer has reasonable suspicion that the person is in the country unlawfully and probable cause to believe the individual has committed or is committing a crime, the MCSO

shall prohibit officers from (a) questioning any individual as to his/her alienage or immigration status; (b) investigating an individual's identity or searching the individual in order to develop evidence of unlawful status; or (c) detaining an individual while contacting ICE/CBP with an inquiry about immigration status or awaiting a response from ICE/CBP. In such cases, the officer must still comply with Paragraph 25(g) of this Order. Notwithstanding the foregoing, an officer may (a) briefly question an individual as to his/her alienage or immigration status; (b) contact ICE/CBP and await a response from federal authorities if the officer has reasonable suspicion to believe the person is in the country unlawfully and reasonable suspicion to believe the person is engaged in an Immigration-Related Crime for which unlawful immigration status is an element, so long as doing so does not unreasonably extend the stop in violation of Paragraph 25(g) of this Order;

- g. prohibit Deputies from transporting or delivering an individual to ICE/CBP custody from a traffic stop unless a request to do so has been voluntarily made by the individual;
- h. require that, before any questioning as to alienage or immigration status or any contact with ICE/CBP is initiated, an officer checks with a Supervisor to ensure that the circumstances justify such an action under MCSO policy and receive approval to proceed. Officers must also document, in every such case, (a) the reason(s) for making the immigration-status inquiry or contacting ICE/CBP, (b) the time approval was received, (c) when ICE/CBP was contacted, (d) the time it took to receive a response from ICE/CBP, if applicable, and (e) whether the individual was then transferred to ICE/CBP custody.

#### MCSO is in Full and Effective Compliance with Paragraph 28.

MCSO remains in full and effective compliance with the requirements for Paragraph 28 in accordance with Paragraph 13. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with the requirements for Paragraph 28 on December 31, 2017. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 28.

Phase 1 compliance is demonstrated by the production and revision of Policies relating to the enforcement of immigration-related laws. The Policies required to be created or revised as required by this paragraph have been produced. These Policies undergo an annual review. CP-8, *Preventing Racial and Other Bias-Based Policing*, was most recently amended on September 26, 2018. EA-11, *Arrest Procedures*, was most recently amended on June 14, 2018. EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*, was most recently amended on January 11, 2018.

Phase 2 compliance is established through the reviews of incidents involving contact with the public, including traffic stops, arrests, and investigative stops. MCSO has provided arrest reports, criminal citations, traffic stops, NTSCF's, and incident reports as documentation of compliance with this Paragraph. Applicable MCSO personnel are trained in the required policies in addition to receiving annual Bias Free policing, and 4th and 14th Amendment training.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 28 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

**Paragraph 29.** MCSO Policies and Procedures shall define terms clearly, comply with applicable law and the requirements of this Order, and comport with current professional standards.

#### MCSO is in Full and Effective Compliance with Paragraph 29.

MCSO remains in full and effective compliance with the requirements for Paragraph 29 in accordance with Paragraph 13. MCSO achieved three consecutive years of Phase 2 compliance with the requirements for Paragraph 29 on December 31, 2017. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 29. MCSO has consistently provided drafts of all Order-related policies and procedures to the Monitor and Parties prior to publication. The finalized drafts have received approval from the Monitoring Team prior to being published.

MCSO delivers law enforcement services consistent with the Constitution, and the laws of the United States and Arizona. The MCSO continually reviews its Office Policies and Procedures to provide guidance and direction to personnel to fulfill their duties and obligations under federal and Arizona law. MCSO is committed to ensuring equal protection under the law and bias-free policing. MCSO will continue to comprehensively review all Patrol Operations Policies and Procedures as an adopted best practice.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 29 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

**Paragraph 30.** Unless otherwise noted, the MCSO shall submit all Policies and Procedures and amendments to Policies and Procedures provided for by this Order to the Monitor for review within 90 days of the Effective Date pursuant to the process described in Section IV. These Policies and Procedures shall be approved by the Monitor or the Court prior to their implementation.

#### MCSO is in Full and Effective Compliance with Paragraph 30.

MCSO remains in full and effective compliance with the requirements for Paragraph 30 in accordance with Paragraph 13. Phase 1 compliance with this Paragraph is not applicable. Phase 2 compliance with Paragraph 30 was first achieved on December 31, 2014. MCSO achieved three consecutive years of compliance with this Paragraph on December 31, 2017. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 30.

MCSO has consistently provided drafts of all Order-related policies and procedures to the Monitor and Parties prior to publication. The finalized drafts have received approval from the Monitoring Team prior to being published.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 30 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

**Paragraph 31.** Within 60 days after such approval, MCSO shall ensure that all relevant MCSO Patrol Operation Personnel have received, read, and understand their responsibilities pursuant to the Policy or Procedure. The MCSO shall ensure that personnel continue to be regularly notified of any new Policies and Procedures or changes to Policies and Procedures. The Monitor shall assess and report to the Court and the Parties on whether he/she believes relevant personnel are

provided sufficient notification of, and access to, and understand each policy or procedure as necessary to fulfill their responsibilities.

#### MCSO remains in Phase 1 and Phase 2 compliance with Paragraph 31.

Phase 1 compliance is demonstrated by MCSO Policy GA-1, *Development of Written Orders*, which establishes uniform procedures for the development, distribution, acknowledgement, and availability of Office Policy.

Phase 2 compliance is demonstrated by the requirements regarding MCSO personnel's receipt and comprehension of the Policies and Procedures. MCSO implemented the E-Policy system in January 2015 to meet these requirements. In January of 2018, MCSO transitioned to TheHUB online system to meet the requirement for employees to review and acknowledge an understanding of the relevant policies.

**Paragraph 32.** The MCSO shall require that all Patrol Operation personnel report violations of policy; that Supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command; and that personnel be held accountable for policy and procedure violations. The MCSO shall apply policies uniformly.

*MCSO is in Phase 1 compliance with Paragraph 32*. Based on the Monitor's 19th Quarterly Report, MCSO is not in Phase 2 compliance.

The Monitor's 19th Quarterly Report notes an overall improvement in investigations the Monitor reviewed, particularly in those cases initiated after the 40-hour PSB training was completed. MCSO continues to work towards Phase 2 compliance with Paragraph 32.

**Paragraph 33.** MCSO Personnel who engage in Discriminatory Policing in any context will be subjected to administrative Discipline and, where appropriate, referred for criminal prosecution. MCSO shall provide clear guidelines, in writing, regarding the disciplinary consequences for personnel who engage in Discriminatory Policing.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 33.

MCSO policy strictly prohibits discriminatory policing and clearly outlines the consequences for personnel who engage in discriminatory policing. Complaints alleging discriminatory policing are investigated and any employee found responsible for such conduct will be disciplined in accordance with established MCSO policy. MCSO has and will continue to investigate all allegations of discriminatory policing. When a sustained finding has been made in the past, appropriate discipline was issued, and additional training needs were assessed.

Paragraph 34. MCSO shall review each policy and procedure on an annual basis to ensure that the policy or procedure provides effective direction to MCSO Personnel and remains consistent with this Order, current law and professional standards. The MCSO shall document such annual review in writing. MCSO also shall review Policies and Procedures as necessary upon notice of a policy deficiency during audits or reviews. MCSO shall revise any deficient policy as soon as practicable.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 34.

MCSO asserts that it has been in compliance with the requirements of Paragraph 34 for at least three consecutive years. Phase 1 and Phase 2 compliance with Paragraph 34 was first achieved on December 31, 2015. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this Paragraph on December 30, 2018.

Phase 1 compliance is demonstrated by MCSO Policy GA-1, *Development of Written Orders*, which establishes uniform procedures for the development, distribution, acknowledgement, and availability of Office Policy. All Critical Policies, as well the specific policies related to the Orders are reviewed annually.

Phase 2 compliance is demonstrated by the statements of annual review, copies of published policies which clearly indicate the effective date of the policies, and if applicable, copies of policies reviewed as a result of deficiencies identified during audits or reviews.

MCSO asserts full and effective compliance with the requirements for Paragraph 34 in accordance with Paragraph 13.

## **Section 4: Pre-Planned Operations**

#### **General note regarding Pre-Planned Operations:**

MCSO did not conduct any Significant Operations during this rating period.

MCSO is in Phase 1 and Phase 2 compliance with the Paragraphs that pertain to Pre-Planned Operations. MCSO has achieved full and effective compliance with the requirements for Paragraphs 35, 36, 37, 38, and 40 by remaining in both Phase 1 and Phase 2 compliance for at least three consecutive years. Although MCSO is in compliance with Paragraph 39, MCSO has not yet achieved three consecutive years of compliance. This is due to the Amendments to the Supplemental Permanent Injunction/Judgment Order ("Document 2100") issued on August 3, 2017 that returned the responsibility for compliance with Paragraph 39 to MCSO.

The requirements of conducting Pre-Planned Operations as outlined in these Paragraphs have been fully adopted by MCSO as evident in Policy GJ-33, the SID Operations Manual, and the CID Operations Manual. MCSO has demonstrated through practice and implementation of Policy and operations manuals that it is committed to conducting significant operations in accordance with these recognized and adopted procedures.

**Paragraph 35.** The Monitor shall regularly review the mission statement, policies and operations documents of any Specialized Unit within the MCSO that enforces Immigration-Related Laws to ensure that such unit(s) is/are operating in accordance with the Constitution, the laws of the United States and State of Arizona, and this Order.

#### MCSO is in Full and Effective Compliance with Paragraph 35.

MCSO remains in full and effective compliance with the requirements for Paragraph 35 in accordance with Paragraph 13. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with the requirements for Paragraph 35 on September 30, 2018. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 35.

There are no specialized units within MCSO that enforce Immigration-Related laws. The Special Investigations Division (SID) Operations Manual is required to be reviewed annually and has an effective date of April 1, 2018. The SID organizational chart and the SID Operations Manual support that the Anti-Trafficking Unit no longer exists and that there are no specialized units in MCSO that enforce Immigration-Related Laws. MCSO does not enforce Immigration-Related laws.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 35 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

Paragraph 36. The MCSO shall ensure that any Significant Operations or Patrols are initiated and carried out in a race-neutral fashion. For any Significant Operation or Patrol involving 10 or more MCSO personnel, excluding posse members, the MCSO shall develop a written protocol including a statement of the operational motivations and objectives, parameters for supporting documentation that shall be collected, operations plans, and provide instructions to supervisors, deputies and posse members. That written protocol shall be provided to the Monitor in advance of any Significant Operation or Patrol.

#### MCSO is in Full and Effective Compliance with Paragraph 36.

MCSO remains in full and effective compliance with the requirements for Paragraph 36 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 36.

MCSO achieved compliance with the requirements of Paragraph 36 on December 31, 2014 and has remained in compliance since that time. MCSO implemented the requirements for conducting significant operations beginning with the initial publication of GJ-33, Significant Operations, on September 5, 2014. Policy GJ-33 is reviewed annually and was most recently amended on May 10, 2018. In addition to Policy GJ-33, MCSO has a Significant Operations Protocol Template that includes a statement of the operational motivations and objectives, parameters for supporting documentation that shall be collected, and instructions to supervisors, deputies and posse members. Since the requirements for conducting significant operations have been implemented, MCSO has conducted only one significant operation. That one significant operation was "Operation Borderline" and it was conducted in October 2014. MCSO met all requirements for pre-planned operations during "Operation Borderline".

The requirements for pre-planned operations outlined in MCSO Policy GJ-33, Significant Operations, have been adopted as best practice and will continue to be utilized and adhered to by MCSO.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 36 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

Paragraph 37. The MCSO shall submit a standard template for operations plans and standard instructions for supervisors, deputies and posse members applicable to all Significant Operations or Patrols to the Monitor for review pursuant to the process described in Section IV within 90 days of the Effective Date. In Exigent Circumstances, the MCSO may conduct Significant Operations or Patrols during the interim period, but such patrols shall be conducted in a manner that is in compliance with the requirement of this Order. Any Significant Operations or Patrols thereafter must be in accordance with the approved template and instructions.

#### MCSO is in Full and Effective Compliance with Paragraph 37.

MCSO remains in full and effective compliance with the requirements for Paragraph 37 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 37.

MCSO achieved compliance with the requirements of paragraph 37 on December 31, 2014 and has remained in compliance since that time. MCSO implemented the requirements for conducting significant operations beginning with the initial publication of GJ-33, Significant Operations, on September 5, 2014. Policy GJ-33 is reviewed annually and was most recently amended on May 10, 2018. In addition to Policy GJ-33, MCSO has a Significant Operations Protocol Template that includes a statement of the operational motivations and objectives, parameters for supporting documentation that shall be collected, and instructions to supervisors, deputies and posse members. Since the requirements for conducting significant

operations have been implemented, MCSO has conducted only one significant operation. That one significant operation was "Operation Borderline" and it was conducted in October 2014. MCSO met all requirements for pre-planned operations during "Operation Borderline".

The requirements for pre-planned operations outlined in MCSO Policy GJ-33, Significant Operations, have been adopted as best practice and will continue to be utilized and adhered to by MCSO.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 37 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

## (Note: Amendments to Paragraphs 38 and 39 were ordered on August 03, 2017. See Doc. 2100).

**Paragraph 38.** If the MCSO conducts any Significant Operations or Patrols involving 10 or more MCSO Personnel excluding posse members, it shall create the following documentation and provide it to the Monitor and Plaintiffs within 30 days after the operation:

- a. documentation of the specific justification/reason for the operation, certified as drafted prior to the operation (this documentation must include analysis of relevant, reliable, and comparative crime data);
- b. information that triggered the operation and/or selection of the particular site for the operation;
- c. documentation of the steps taken to corroborate any information or intelligence received from non-law enforcement personnel;
- d. documentation of command staff review and approval of the operation and operations plans;
- e. a listing of specific operational objectives for the patrol;
- f. documentation of specific operational objectives and instructions as communicated to participating MCSO Personnel;
- g. any operations plans, other instructions, guidance or post-operation feedback or debriefing provided to participating MCSO Personnel;
- h. a post-operation analysis of the patrol, including a detailed report of any significant events that occurred during the patrol;
- i. arrest lists, officer participation logs and records for the patrol; and
- j. data about each contact made during the operation, including whether it resulted in a citation or arrest.

#### MCSO is in Full and Effective Compliance with Paragraph 38.

MCSO remains in full and effective compliance with the requirements for Paragraph 38 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 38.

MCSO achieved compliance with the requirements of Paragraph 38 on December 31, 2014 and has remained in compliance since that time. Policy GJ-33, Significant Operations, was initially published on September 5, 2014. Since the initial publication of GJ-33, MCSO has conducted only one significant operation. That one significant operation was "Operation Borderline" and it was conducted in October 2014. MCSO met all the requirements of this Paragraph during "Operation Borderline". MCSO has not conducted any significant operations since.

The requirements and protocols required by Paragraph 38 are fully implemented in MCSO Policy GJ-33. Furthermore, the requirements for notification and production of supporting documentation to the Monitor and Plaintiffs is required and outlined in the Court Implementation Division Operations Manual. Should MCSO conduct any future pre-planned operations that meet the requirements as outlined in this Paragraph, the requirements and protocols established in Policy GJ-33 and the CID Operations Manual will be followed. MCSO is committed to adhering to Policy GJ-33 as a best practice for conducting significant operations.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 38 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

**Paragraph 39.** The MCSO shall hold a community outreach meeting no more than 40 days after any Significant Operations or Patrols in the affected District(s). MCSO shall work with the Community Advisory Board to ensure that the community outreach meeting adequately communicates information regarding the objectives and results of the operation or patrol. The community outreach meeting shall be advertised and conducted in English and Spanish.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 39.

On August 3, 2017, the Court ordered the above noted amendments to Paragraphs 38 and 39 at the request of MCSO.

MCSO Policy GJ-33, *Significant Operations*, amended on May 10, 2018, incorporates the language of this Paragraph. MCSO conducted one significant operation from October 20-27, 2014 and comported to the requirements of this paragraph by hosting a meeting to discuss the operation on November 18, 2014.

Paragraph 40. The MCSO shall notify the Monitor and Plaintiffs within 24 hours of any immigration related traffic enforcement activity or Significant Operation involving the arrest of 5 or more people unless such disclosure would interfere with an on-going criminal investigation in which case the notification shall be provided under seal to the Court, which may determine that disclosure to the Monitor and Plaintiffs would not interfere with an on-going criminal investigation. In any event, as soon as disclosure would no longer interfere with an on-going criminal investigation, MCSO shall provide the notification to the Monitor and Plaintiffs. To the extent that it is not already covered above by Paragraph 38, the Monitor and Plaintiffs may request any documentation related to such activity as they deem reasonably necessary to ensure compliance with the Court's orders.

#### MCSO is in Full and Effective Compliance with Paragraph 40.

MCSO remains in full and effective compliance with the requirements for Paragraph 40 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order

Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 40.

MCSO achieved compliance with the requirements of Paragraph 40 on December 31, 2014 and has remained in compliance since that time. Since implementing Policy GJ-33 in 2014, MCSO has conducted just one significant operation, "Operation Borderline", that required compliance with Paragraph 40. "Operation Borderline" met all required notifications and protocols outlined in Paragraph 40. Beginning in November 2015, MCSO has been providing an affirmative statement as a clarification request that no immigration related traffic enforcement activity or Significant Operation involving the arrest of 5 or more people took place. The requirements for pre-planned operations outlined in MCSO Policy GJ-33, *Significant Operations*, have been adopted as best practice and will continue to be utilized and adhered to by MCSO.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 40 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

## Section 5: Training

The MCSO Training Division continues to strive to develop and offer meaningful training that also meets the requirements of the Court's Order and allows MCSO to achieve full and effective compliance.

MCSO delivered a great deal of Training during the 1st Quarter of 2019. This included delivering CORT curriculum to 1,223 students. In addition to the significant delivery of Training, the MCSO Training Division worked on developing the 2019 curriculum for CORT courses.

In August 2018, Lt. Ben Armer assumed command of the Court Order Related Training (CORT) Unit and the Advanced Officer Training (AOT) Unit. In October 2018, the Operations Program Specialist, who was mainly responsible for tracking CORT related statistics and assisting in CORT related document production, severed employment with MCSO. In November 2018, the CORT Unit Sergeant severed his employment with MCSO. In November 2018, the AOT Unit Sergeant was promoted to Lieutenant and transferred to another Division. In November 2018, Sergeant Lance Hunzeker was transferred to the Training Division and was responsible for supervising the AOT and CORT Units.

As of the authoring of this quarterly report the AOT/CORT Units have increased staffing. Two deputies, including the FTO Coordinator, were promoted from Deputy to Sergeant. One of the promoted deputy's, Sergeant Waylon Holderman, stayed at Training and assumed command of the AOT Unit on 03/11/2019. This allows Sgt. Hunzeker to concentrate all his effort on CORT related Training. An Operation Program Supervisor was hired and started on 03/11/2019. The CORT/AOT Units selected one internal candidate for the Administrative/Operations Specialist vacancy and she started on 03/11/2019. The Training Division plans to hire two additional analysts in the future.

MCSO Training reviewed the Monitor's January 28, 2019 Letter to Sheriff Penzone reference MCSO's assertions of Full and Effective Compliance with certain Order Paragraphs. While the Training Division understands and appreciates some of the criticism documented in the letter and has been attempting to rectify some of the shortcomings noted, other criticisms we respectfully disagree with and do not feel are warranted.

Listed below is the status on CORT related Training for the 1st Quarter of 2019:

2017 ACT was not delivered during this quarter.

2018 ACT was delivered 32 times this quarter and attended by 978 personnel – 611 Sworn, 327 Posse, 13 Reserve and 27 Retired Reserve. 7 Remediations. All passed.

 $4^{th}$  and  $14^{th}$  Amendment was delivered 2 times this quarter and attended by 24 personnel – 19 Sworn and 5 Posse. All passed.

Bias Free Training was delivered 2 times this quarter and attended by 24 personnel – 19 Sworn and 5 Posse. All passed.

2017 EIS was delivered once during this quarter and attended by 28 personnel – 4 Sworn, 20 Detention and 4 Civilian. All passed.

2017 EPA was delivered once during this quarter and attended by 22 personnel – 1 Sworn, 20 Detention and 1 Civilian. 4 Remediations. All passed.

2018 SRELE was delivered once during this quarter and attended by 3 personnel -1 Sworn and 2 Civilian. All passed.

2015 Blue Team was delivered once during this quarter and attended by 17 personnel - 10 Sworn and 7 Detention. All passed.

2015 Body Worn Camera was delivered once during this quarter and attended by 41 Sworn personnel. All passed.

2018 TraCS was delivered once during this quarter and attended by 10 Sworn personnel. All passed.

2017 PSB40 was delivered once during this quarter and attended by 22 personnel – 2 Sworn and 20 Detention.

2018 PSB Internal was not delivered during this quarter.

2018 PSB 8 was delivered 2 times this quarter and attended by 54 Sworn personnel. All passed.

**Paragraph 42.** The persons presenting this Training in each area shall be competent instructors with significant experience and expertise in the area. Those presenting Training on legal matters shall also hold a law degree from an accredited law school and be admitted to a Bar of any state and/or the District of Columbia.

# MCSO is in Phase 1 and Phase 2 compliance.

MCSO completed two field rides during this quarter. MCSO plans to continue to assess the value of the field ride program.

MCSO has improved documentation and the process for vetting active FTO's and active General Instructors. We are continuing to perfect these processes as we move forward.

**Paragraph 43.** The Training shall include at least 60% live training (i.e., with a live instructor) which includes an interactive component and no more than 40% on-line training. The Training shall also include testing and/or writings that indicate that MCSO Personnel taking the Training comprehend the material taught whether via live training or via on-line training.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 43.

MCSO continues to comply with the Court's Order requirements that Court's Order-related training consist of no less than 60% live training and no more than 40% online training. All Court's Order-related training has included a testing component to indicate comprehension.

Paragraph 44. Within 90 days of the Effective Date, MCSO shall set out a schedule for delivering all Training required by this Order. Plaintiffs' Representative and the Monitor shall be provided with the schedule of all Trainings and will be permitted to observe all live trainings and all on-line training. Attendees shall sign in at each live session. MCSO shall keep an up-to- date list of the live and on-line Training sessions and hours attended or viewed by each officer and Supervisor and make that available to the Monitor and Plaintiffs.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 44.

MCSO continues to maintain and publish the Master Training Calendar. The Training Division welcomes the Monitor and Parties to attend CORT Training as allowed by this Paragraph. The calendar is published online. CORT courses are highlighted for ease of identification.

**Paragraph 45.** The Training may incorporate adult-learning methods that incorporate roleplaying scenarios, interactive exercises, as well as traditional lecture formats.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 45.

MCSO will provide any documentation requested by the Monitor to enable the Monitor to assess MCSO's continued compliance with this Paragraph.

MCSO Training has embraced and incorporated adult-learning methods that include roleplaying scenarios (if appropriate), interactive exercises (if appropriate), and traditional lecture. MCSO Training Division works with the Monitor and Parties to develop Court-related Training curricula, including deciding what appropriate adult learning methods should be incorporated in specific Training curricula. MCSO notes and reiterates this Paragraph indicates that it "may" incorporate adult-learning methods.

MCSO has found it counterproductive and distracting to the learning environment to use MCSO-specific body worn camera recordings, IR's, misconduct investigations, etc. in training modules. MCSO remains open to developing training based on relevant training issues found in body worn camera recordings, IR's, and misconduct.

MCSO will continue to work with the Monitor and Parties to ensure that acceptable adult learning methods are incorporated in Court's Order-related Training, allowing MCSO to maintain compliance with this Paragraph.

**Paragraph 46.** The curriculum and any materials and information on the proposed instructors for the Training provided for by this Order shall be provided to the Monitor within 90 days of the Effective Date for review pursuant to the process described in Section IV. The Monitor and Plaintiffs may provide resources that the MCSO can consult to develop the content of the Training, including names of suggested instructors.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 46.

**Paragraph 47.** MCSO shall regularly update the Training to keep up with developments in the law and to take into account feedback from the Monitor, the Court, Plaintiffs and MCSO Personnel.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 47.

MCSO will provide any documentation requested by the Monitor to enable the Monitor to assess MCSO's continued compliance with this Paragraph.

**Paragraph 48.** The MCSO shall provide all sworn Deputies, including Supervisors and chiefs, as well as all posse members, with 12 hours of comprehensive and interdisciplinary Training on biasfree policing within 240 days of the Effective Date, or for new Deputies or posse members, within 90 days of the start of their service, and at least 6 hours annually thereafter.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 48.

2018 ACT was delivered 32 times this quarter and attended by 978 personnel – 611 Sworn, 327 Posse, 13 Reserve and 27 Retired Reserve. 7 Remediations. All passed.

**Paragraph 49.** The Training shall incorporate the most current developments in federal and Arizona law and MCSO policy, and shall address or include, at a minimum:

- a. definitions of racial profiling and Discriminatory Policing;
- b. examples of the type of conduct that would constitute Discriminatory Policing as well as examples of the types of indicators Deputies may properly rely upon;
- c. the protection of civil rights as a central part of the police mission and as essential to effective policing;

- d. an emphasis on ethics, professionalism and the protection of civil rights as a central part of the police mission and as essential to effective policing;
- e. constitutional and other legal requirements related to equal protection, unlawful discrimination, and restrictions on the enforcement of Immigration-Related Laws, including the requirements of this Order;
- f. MCSO policies related to Discriminatory Policing, the enforcement of Immigration-Related Laws and traffic enforcement, and to the extent past instructions to personnel on these topics were incorrect, a correction of any misconceptions about the law or MCSO policies;
- g. MCSO's protocol and requirements for ensuring that any significant pre-planned operations or patrols are initiated and carried out in a race-neutral fashion; h. police and community perspectives related to Discriminatory Policing;
- h. the existence of arbitrary classifications, stereotypes, and implicit bias, and the impact that these may have on the decision-making and behavior of a Deputy;
- i. methods and strategies for identifying stereotypes and implicit bias in Deputy decision-making;
- j. methods and strategies for ensuring effective policing, including reliance solely on nondiscriminatory factors at key decision points;
- k. methods and strategies to reduce misunderstanding, resolve and/or de-escalate conflict, and avoid Complaints due to perceived police bias or discrimination; m. cultural awareness and how to communicate with individuals in commonly encountered scenarios;
- 1. problem-oriented policing tactics and other methods for improving public safety and crime prevention through community engagement;
- m. the benefits of actively engaging community organizations, including those serving youth and immigrant communities;
- n. the MCSO process for investigating Complaints of possible misconduct and the disciplinary consequences for personnel found to have violated MCSO policy;
- o. background information on the Melendres v. Arpaio litigation, as well as a summary and explanation of the Court's May 24, 2013 Findings of Fact and Conclusions of Law in Melendres v. Arpaio, the parameters of the Court's permanent injunction, and the requirements of this Order; and
- p. Instruction on the data collection protocols and reporting requirements of this Order.

Phase 1 compliance is not applicable. *MCSO is in Phase 2 compliance with Paragraph 49*. MCSO remains in compliance with this Paragraph.

**Paragraph 50.** In addition to the Training on bias-free policing, the MCSO shall provide all sworn personnel, including Supervisors and chiefs, as well as all posse members, with 6 hours of Training on the Fourth Amendment, including on detentions, arrests and the enforcement of Immigration-Related Laws within 180 days of the effective date of this Order, or for new

Deputies or posse members, within 90 days of the start of their service. MCSO shall provide all Deputies with 4 hours of Training each year thereafter.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 50.

2018 ACT was delivered 32 times this quarter and attended by 978 personnel – 611 Sworn, 327 Posse, 13 Reserve and 27 Retired Reserve.

MCSO remains in compliance with this Paragraph.

**Paragraph 51.** The Training shall incorporate the most current developments in federal and Arizona law and MCSO policy, and shall address or include, at a minimum:

- a. an explanation of the difference between various police contacts according to the level of police intrusion and the requisite level of suspicion; the difference between reasonable suspicion and mere speculation; and the difference between voluntary consent and mere acquiescence to police authority;
- b. guidance on the facts and circumstances that should be considered in initiating, expanding or terminating an Investigatory Stop or detention;
- c. guidance on the circumstances under which an Investigatory Detention can become an arrest requiring probable cause;
- d. constitutional and other legal requirements related to stops, detentions and arrests, and the enforcement of Immigration-Related Laws, including the requirements of this Order;
- e. MCSO policies related to stops, detentions and arrests, and the enforcement of Immigration-Related Laws, and the extent to which past instructions to personnel on these topics were incorrect, a correction of any misconceptions about the law or EMCSO policies;
- f. the circumstances under which a passenger may be questioned or asked for identification;
- g. the forms of identification that will be deemed acceptable if a driver or passenger (in circumstances where identification is required of them) is unable to present an Arizona driver's license;
- h. the circumstances under which an officer may initiate a vehicle stop in order to investigate a load vehicle;
- i. the circumstances under which a Deputy may question any individual as to his/her alienage or immigration status, investigate an individual's identity or search the individual in order to develop evidence of unlawful status, contact ICE/CBP, await a response from ICE/CBP and/or deliver an individual to ICE/CBP custody;
- j. a discussion of the factors that may properly be considered in establishing reasonable suspicion or probable cause to believe that a vehicle or an individual is involved in an immigration-related state crime, such as a violation of the Arizona Human Smuggling Statute, as drawn from legal precedent and updated as necessary; the factors shall not include actual or apparent race or ethnicity, speaking Spanish, speaking English with an accent, or appearance as a Hispanic day laborer;
- k. a discussion of the factors that may properly be considered in establishing reasonable suspicion or probable cause that an individual is in the country unlawfully, as drawn

- from legal precedent and updated as necessary; the factors shall not include actual or apparent race or ethnicity, speaking Spanish, speaking English with an accent, or appearance as a day laborer;
- l. an emphasis on the rule that use of race or ethnicity to any degree, except in the case of a reliable, specific suspect description, is prohibited;
- m. the MCSO process for investigating Complaints of possible misconduct and the disciplinary consequences for personnel found to have violated MCSO policy;
- n. provide all trainees a copy of the Court's May 24, 2013 Findings of Fact and Conclusions of Law in Melendres v. Arpaio and this Order, as well as a summary and explanation of the same that is drafted by counsel for Plaintiffs or Defendants and reviewed by the Monitor or the Court; and
- o. Instruction on the data collection protocols and reporting requirements of this Order, particularly reporting requirements for any contact with ICE/CBP.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 51.

2018 ACT was delivered 32 times this quarter and attended by 978 personnel – 611 Sworn, 327 Posse, 13 Reserve and 27 Retired Reserve.

MCSO remains in compliance with this Paragraph.

Paragraph 52. MCSO shall provide Supervisors with comprehensive and interdisciplinary Training on supervision strategies and supervisory responsibilities under the Order. MCSO shall provide an initial mandatory supervisor training of no less than 6 hours, which shall be completed prior to assuming supervisory responsibilities or, for current MCSO Supervisors, within 180 days of the Effective Date of this Order. In addition to this initial Supervisor Training, MCSO shall require each Supervisor to complete at least 4 hours of Supervisor- specific Training annually thereafter. As needed, Supervisors shall also receive Training and updates as required by changes in pertinent developments in the law of equal protection, Fourth Amendment, the enforcement of Immigration-Related Laws, and other areas, as well as Training in new skills.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 52.

2018 SRELE was delivered once during this quarter and attended by 3 personnel – 1 Sworn and 2 Civilian. All passed.

MCSO remains in compliance with this Paragraph.

**Paragraph 53.** The Supervisor-specific Training shall address or include, at a minimum:

- a. techniques for effectively guiding and directing Deputies, and promoting effective and constitutional police practices in conformity with the Policies and Procedures in Paragraphs 18–34 and the Fourth and Fourteenth Amendment Training in Paragraphs 48–51;
- b. how to conduct regular reviews of subordinates;
- c. operation of Supervisory tools such as EIS; evaluation of written reports, including how to identify conclusory, "canned," or perfunctory language that is not supported by specific facts;

- d. how to analyze collected traffic stop data, audio and visual recordings, and patrol data to look for warning signs or indicia of possible racial profiling or unlawful conduct;
- e. how to plan significant operations and patrols to ensure that they are race-neutral and how to supervise Deputies engaged in such operations;
- f. incorporating integrity-related data into COMSTAT reporting;
- g. how to respond to calls from Deputies requesting permission to proceed with an investigation of an individual's immigration status, including contacting ICE/CBP;
- h. how to respond to the scene of a traffic stop when a civilian would like to make a complaint against a Deputy;
- i. how to respond to and investigate allegations of Deputy misconduct generally;
- j. evaluating Deputy performance as part of the regular employee performance evaluation; and
- k. building community partnerships and guiding Deputies to do the Training for Personnel Conducting Misconduct Investigations.

Phase 1 compliance is not applicable. MCSO remains in Phase 2 compliance with Paragraph 53.

2018 SRELE was delivered once during this quarter and attended by 3 personnel – 1 Sworn and 2 Civilian. All passed.

MCSO remains in compliance with this Paragraph.

# Section 6: Traffic Stop Documentation and Data Collection

# General Comments regarding Traffic Stop Documentation and Data Collection

Between January 1, 2019 and March 31, 2019, BIO conducted three traffic stop related inspections to comply with Paragraph 64 of the Court's Order. The Traffic Stop Data Collection inspection reviews monthly traffic stop data to ensure compliance with Office Policy and Paragraphs 54-57 of the Court's Order. This inspection is based on Paragraph 64 of the Court's Order and is conducted using the traffic stop data sample that is randomly chosen by the Monitor Team. This inspection ensures that MCSO: a) collected all traffic stop data to comply with MCSO Policy, EB-2, Traffic Stop Data Collection; b) accurately completed all forms associated to traffic stops; c) closed and validated all TraCS forms; and d) used the correct CAD codes and sub codes. The first quarter of 2019 had an overall compliance rate of 85%. This was a slight decrease from the previous quarter's rate of 90%. The monthly compliance rates were 94% for January, 86% for February and 74% for March.

With the implementation of body-worn cameras, the AIU's inspection matrix increased beyond the scope of the Court's Order or Monitor.

The MCSO implemented the TraCS system which enables deputies to electronically record traffic stop data and issue printed contact receipts to vehicle occupants. All marked patrol vehicles, approximately 189, assigned to the Patrol Bureau are equipped with the TraCS system to capture the traffic stop data as required by Paragraph 54.

### As of May 16, 2016, body-worn cameras were assigned to and deployed with all patrol deputies.

During this reporting period, MCSO changed the TraCS system to more accurately track data. MCSO made the following changes:

Summary of TraCS Changes								
Date	Entity	Issue	Resolution					
01/09/2019	CR19-7831 Tow Sheet	address. The TraCS tow sheet now is	Removed the previous email address and replaced it with mharvey@rmtowing.com					
		Old email: cmartinez@rmtowing.com						
01/09/2019	CR19-7817	Tow company addresses incorrect	Correct tow company addresses					
	Tow Sheet							
01/31/2019	CR19-7552 Violation Codes	Municipality codes needed to be added in TraCS	Added Municipality Violation codes in TraCS					
02/26/2019		Periodic TraCS version upgrade	Upgraded TraCS to version 18.01(TEG software upgrade)					

Table 5: Summary of TraCS Changes

**Paragraph 54.** Within 180 days of the Effective Date, MCSO shall develop a system to ensure that Deputies collect data on all vehicle stops, whether or not they result in the issuance of a citation or arrest. This system shall require Deputies to document, at a minimum:

- a. the name, badge/serial number, and unit of each Deputy and posse member involved;
- b. the date, time and location of the stop, recorded in a format that can be subject to geocoding;
- c. the license plate state and number of the subject vehicle;
- d. the total number of occupants in the vehicle;
- e. the Deputy's subjective perceived race, ethnicity and gender of the driver and any passengers, based on the officer's subjective impression (no inquiry into an occupant's ethnicity or gender is required or permitted);
- f. the name of any individual upon whom the Deputy runs a license or warrant check (including subject's surname);
- g. an indication of whether the Deputy otherwise contacted any passengers, the nature of the contact, and the reasons for such contact;
- h. the reason for the stop, recorded prior to contact with the occupants of the stopped vehicle, including a description of the traffic or equipment violation observed, if any, and any indicators of criminal activity developed before or during the stop;
- i. time the stop began; any available data from the E-Ticketing system regarding the time any citation was issued; time a release was made without citation; the time any arrest was made; and the time the stop/detention was concluded either by citation, release, or transport of a person to jail or elsewhere or Deputy's departure from the scene;
- j. whether any inquiry as to immigration status was conducted and whether ICE/CBP was contacted, and if so, the facts supporting the inquiry or contact with ICE/CBP, the time Supervisor approval was sought, the time ICE/CBP was contacted, the time it took to complete the immigration status investigation or receive a response from ICE/CBP, and whether ICE/CBP ultimately took custody of the individual;
- k. whether any individual was asked to consent to a search (and the response), whether a probable cause search was performed on any individual, or whether a pat-and-frisk search was performed on any individual;
- l. whether any contraband or evidence was seized from any individual, and nature of the contraband or evidence; and
- m. the final disposition of the stop, including whether a citation was issued or an arrest was made or a release was made without citation.

# MCSO is in Phase 1 compliance with Paragraph 54. Phase 2 compliance is Deferred.

In order to achieve Phase 2 compliance for Paragraph 54, MCSO needs to re-gain compliance with subsection "k".

Paragraph 54 – Subsection "k" requires MCSO to document whether any individual was asked to consent to a search (and the response), whether a probable-cause search was performed on any individual, or whether a pat-and-frisk search was performed on any individual. MCSO Policy GJ-3,

Search and Seizure, as well as a Monitor approved English and Spanish Consent to Search form was published on March 2, 2018.

MCSO is working for responsive solutions to this identified issue. Some potential considerations include policy revision and training opportunities for Deputies to assist them in properly identifying the various searches.

**Paragraph 55.** 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 is in Full and Effective Compliance with Paragraph 55.

MCSO remains in full and effective compliance with the requirements for Paragraph 55 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 55.

MCSO has been in compliance with the requirements of Paragraph 55 for at least three consecutive years. Phase 1 and Phase 2 compliance with Paragraph 55 was first achieved on September 30, 2014. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this Paragraph on September 30, 2017.

Phase 1 compliance is demonstrated by MCSO Policy GI-1, *Radio and Enforcement Communications Procedures*, most recently amended on April 19, 2018 and MCSO Policy EB-2, *Traffic Stop Data Collection*, most recently amended on April 13, 2018.

In support of Phase 2 compliance, MCSO has provided the Vehicle Stop Contact Forms, CAD printouts, I/Viewer documentation, citations, warning forms, and any Incident Report that may have been generated as a result of the traffic stop. The unique identifying number is automatically generated by the CAD software and is sent to the deputy's MDT at the time the deputy advises Communications of the traffic stop. The unique identifier is visible and displayed at the top of the CAD printout and also visible on the Vehicle Stop Contact Form, the Arizona Traffic Citation, and the Warning/Repair Form. The Monitoring Team reviews 105 traffic stop cases each quarter. The unique identification number assigned to each event was listed correctly on all CAD printouts for every stop.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 55 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

**Paragraph 56.** The traffic stop data collection system shall be subject to regular audits and quality control checks. MCSO shall develop a protocol for maintaining the integrity and accuracy of the traffic stop data, to be reviewed by the Monitor pursuant to the process described in Section IV.

MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 56.

MCSO is diligently working to complete the Early Intervention Unit ("EIU") Operations Manual which memorializes the agreed upon protocols. After the relevant sections of the EIU Operations Manual are completed and approved, MCSO should achieve compliance with this Paragraph.

**Paragraph 57.** MCSO shall explore the possibility of relying on the CAD and/or MDT systems to check if all stops are being recorded and relying on on-person recording equipment to check

whether Deputies are accurately reporting stop length. In addition, MCSO shall implement a system for Deputies to provide motorists with a copy of non-sensitive data recorded for each stop (such as a receipt) with instructions for how to report any inaccuracies the motorist believes are in the data, which can then be analyzed as part of any audit. The receipt will be provided to motorists even if the stop does not result in a citation or arrest.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 57.

**Paragraph 58.** The MCSO shall ensure that all databases containing individual-specific data comply with federal and state privacy standards governing personally-identifiable information. MCSO shall develop a process to restrict database access to authorized, identified users who are accessing the information for a legitimate and identified purpose as defined by the Parties. If the Parties cannot agree, the Court shall make the determination.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 58.

Paragraph 59. Notwithstanding the foregoing, the MCSO shall provide full access to the collected data to the Monitor and Plaintiffs' representatives, who shall keep any personal identifying information confidential. Every 180 days, MCSO shall provide the traffic stop data collected up to that date to the Monitor and Plaintiffs' representatives in electronic form. If proprietary software is necessary to view and analyze the data, MCSO shall provide a copy of the same. If the Monitor or the Parties wish to submit data with personal identifying information to the Court, they shall provide the personally identifying information under seal.

### MCSO is in Full and Effective Compliance with Paragraph 59.

MCSO remains in full and effective compliance with the requirements for Paragraph 59 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 59.

MCSO has been in compliance with the requirements of Paragraph 59 for at least three consecutive years. Phase 1 compliance with this paragraph is not applicable. Phase 2 compliance with Paragraph 59 was first achieved on June 30, 2014. MCSO achieved three consecutive years of compliance with Paragraph 59 on June 30, 2017.

MCSO has captured traffic stop data electronically since April 1, 2014. All marked patrol vehicles are equipped with the TraCS system. All patrol deputies have been trained in TraCS data entry. BIO provides the traffic stop data to the Monitoring Team on a monthly basis. This traffic stop data includes a spreadsheet of all traffic stops for the reporting period and a listing of event numbers. MCSO has historically provided full access to all available collected electronic and written data for traffic stops.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 59 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

**Paragraph 60.** Within one year of the Effective Date, the MCSO shall develop a system by which Deputies can input traffic stop data electronically. Such electronic data system shall have the capability to generate summary reports and analyses, and to conduct searches and queries. MCSO will explore whether such data collection capability is possible through the agency's existing CAD and MDT systems, or a combination of the CAD and MDT systems with a new data collection

system. Data need not all be collected in a single database; however, it should be collected in a format that can be efficiently analyzed together. Before developing an electronic system, the MCSO may collect data manually but must ensure that such data can be entered into the electronic system in a timely and accurate fashion as soon as practicable.

### MCSO is in Full and Effective Compliance with Paragraph 60.

MCSO remains in full and effective compliance with the requirements for Paragraph 60 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 60.

MCSO has been in compliance with the requirements of Paragraph 60 for at least three consecutive years. Phase 1 and Phase 2 compliance with Paragraph 60 was first achieved on September 30, 2015. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this paragraph on September 30, 2018.

Phase 1 compliance is demonstrated by MCSO Policy EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*, most recently amended on January 11, 2018 and MCSO Policy EB-2, *Traffic Stop Data Collection*, most recently amended on April 13, 2018.

Phase 2 compliance is demonstrated through the use of the TraCS system and the ability for BIO to generate summary reports and analyses, and to conduct searches and queries. All marked patrol vehicles are equipped with the TraCS system and deputies have the ability to input traffic stop data electronically.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 60 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

Paragraph 61. The MCSO will issue functional video and audio recording equipment to all patrol deputies and sergeants who make traffic stops and shall commence regular operation and maintenance of such video and audio recording equipment. Such installation must be complete within 120 days of the approval of the policies and procedures for the operation, maintenance, and data storage for such on-person body cameras and approval of the purchase of such equipment and related contracts by the Maricopa County Board of Supervisors. Subject to Maricopa County code and the State of Arizona's procurement law, The Court shall choose the vendor for the video and audio recording equipment if the Parties and the Monitor cannot agree on one.

## MCSO is in Phase 1 and Phase 2 compliance with Paragraph 61.

**Paragraph 62.** Deputies shall turn on any video and audio recording equipment as soon the decision to initiate the stop is made and continue recording through the end of the stop. MCSO shall repair or replace all non-functioning video or audio recording equipment, as necessary for reliable functioning. Deputies who fail to activate and to use their recording equipment according to MCSO policy or notify MCSO that their equipment is nonfunctioning within a reasonable time shall be subject to Discipline.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 62.

As of May 16, 2016, all personnel required to utilize a BWC have been issued cameras and they are in use office wide. Deputies are appropriately documenting technology issues that are outside

their individual control as required by Policy. Unforeseen and unexpected technology issues should not be factored against MCSO in rating compliance and it is MCSO's understanding that the Monitor agrees with this position. In any event, the planned implementation of the new BWC should greatly reduce technical issues.

The Monitor's 19th Quarterly Report notes that cases were identified in which deputies did not use the BWC according to policy. Some of these cases are identified as deputies that respond to assist at traffic stops and do not complete the Assisting Deputy and Body-Worn Camera Log. Paragraph 54a merely requires that deputies document the name, badge/serial number, and unit of each deputy on scene of a traffic stop. MCSO is complying with this requirement as this information is captured on the "Vehicle Stop Contact form" that is completed by the primary deputy on a traffic stop. In discussion with the Monitor's during the April site visit, the redundancy of the information contained on both the Vehicle Stop Contact form and the Body Worn Camera Assist log is to MCSO's benefit as compliance is retained if the information is documented on either form.

The Monitor's 19th Quarterly Report notes that the compliance rate for the sample of 85 cases reviewed is 96%. MCSO is in Phase 1 and Phase 2 compliance for Paragraph 62.

**Paragraph 63.** MCSO shall retain traffic stop written data for a minimum of 5 years after it is created, and shall retain in-car camera recordings for a minimum of 3 years unless a case involving the traffic stop remains under investigation by the MCSO or the Monitor, or is the subject of a Notice of Claim, civil litigation or criminal investigation, for a longer period, in which case the MCSO shall maintain such data or recordings for at least one year after the final disposition of the matter, including appeals. MCSO shall develop a formal policy, to be reviewed by the Monitor and the Parties pursuant to the process described in Section IV and subject to the District Court, to govern proper use of the on-person cameras; accountability measures to ensure compliance with the Court's orders, including mandatory activation of video cameras for traffic stops; review of the camera recordings; responses to public records requests in accordance with the Order and governing law; and privacy protections. The MCSO shall submit such proposed policy for review by the Monitor and Plaintiff's counsel within 60 days of the Court's issuance of an order approving the use of on-body cameras as set forth in this stipulation. The MCSO shall submit a request for funding to the Maricopa County Board of Supervisors within 45 days of the approval by the Court or the Monitor of such policy and the equipment and vendor(s) for such onbody cameras.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 63.

**Paragraph 64.** Within 180 days of the Effective Date, MCSO shall develop a protocol for periodic analysis of the traffic stop data described above in Paragraphs 54 to 59 ("collected traffic stop data") and data gathered for any Significant Operation as described in this Order ("collected patrol data") to look for warning signs or indicia or possible racial profiling or other improper conduct under this Order.

Based on the Monitor's 19th Quarterly Report (a review of the 1st Quarter of 2019), the MCSO is not in Phase 1 or Phase 2 Compliance with Paragraph 64.

In order to achieve Phase 1 compliance, the following policies and processes are or will be finalized:

- GH-5, Early Identification System (EIS), amended January 3, 2019.
- EIU Operations Manual, currently under development.

To obtain Phase 1 Compliance of Paragraph 64, the MCSO must receive Monitoring Team approval and publish the EIS Operations Manual. Phase 2 Compliance is obtained when the MCSO demonstrates the ongoing use of the methodologies described in the EIU Operations Manual to identify warning signs or indicia of possible racial profiling or other biased-based conduct on a monthly, quarterly and annual basis. It should be noted that a portion of the EIU Operations Manual includes the monthly, quarterly and annual traffic stop analysis process.

The first draft of the EIU Operations Manual was submitted to the Monitoring Team and Parties on April 24, 2017. The Monitoring Team responded with combined comments made to the EIU Operations Manual to the MCSO on May 30, 2017. The MCSO submitted a second draft of the EIU Operations Manual to the Monitoring Team and Parties in September 2017. The Monitor approved one-third of the contents within the Operations Manual on October 10, 2017.

During the April 2018 Monitor Site Visit, the MCSO informed the Monitoring Team and Parties that in future the Operations Manual would be submitted in sections for review and approval, prioritizing compliance related content. The Operations Manual was separated into thirty sections. The MCSO gained approval of sixteen of the thirty sections (53%) related to Early Intervention procedures, Early Identification System processes, and traffic stop data collection, quality control, validation and analyses to all involved Parties by end of 2018.

During the latter of 2018, the MCSO continued to develop new processes and methodologies as the Traffic Stop Analysis process continued to evolve, as did the development and staffing expansion involved with the addition of the Traffic Stop Analysis Unit (TSAU). The TSAU was delegated to conduct and oversee functions associated with traffic stop data analyses, review, and employee intervention processes. The MCSO contracted with a new vendor, CNA, to conduct the annual, monthly, and quarterly analyses of traffic stop data. CNA was hired on August 29, 2018 and the relationship with the previous traffic stop vendor concluded. The MCSO, in partnership with CNA, began developing a refined methodology for the Monthly and Annual Traffic Stop Report processes. The Monthly and Annual analytical plans were drafted during the 4<sup>th</sup> quarter of 2018 and assessed by all involved parties with intent of being finalized for implementation. The goal for exchange, review and finalization of the revised Monthly and Annual analysis processes was 1<sup>st</sup> Quarter of 2019. The exchange and review process of both analytical plans between the Parties and the MCSO continued through the 1<sup>st</sup> Quarter of 2019.

In the 1st Quarter of 2019, the MCSO worked aggressively toward gaining compliance of this Paragraph and continued exchanging sections of the Operations Manual with the Monitoring Team and Parties. The MCSO submitted ten sections in draft format for approval on March 1 of this quarter relating to the duties and responsibilities of the newly established TSAU, the Quarterly Analysis process, Monitor Production Requests, personnel transfers and training specific to the EIU and TSAU, in addition to the Monthly and Annual analytical plans.

In the 1st Quarter of 2019, the MCSO gained the approval of seven additional Operations Manual sections increasing the compliance rate to 77% (23 of the 30 sections). MCSO continued to reconcile Monitoring team comments and develop content in the remaining unapproved seven sections of the Operation Manual throughout this quarter. It is projected the MCSO will gain approval of the Annual Traffic Stop analytical plan early 2nd Quarter of 2019.

MCSO continues to prioritize and work diligently to achieve compliance with this Paragraph.

**Paragraph 65.** MCSO shall designate a group with the MCSO Implementation Unit, or other MCSO Personnel working under the supervision of a Lieutenant or higher-ranked officer, to

analyze the collected data on a monthly, quarterly and annual basis, and report their findings to the Monitor and the Parties. This review group shall analyze the data to look for possible individual-level, unit-level or systemic problems. Review group members shall not review or analyze collected traffic stop data or collected patrol data relating to their own activities.

MCSO is in Phase 1 compliance with Paragraph 65. MCSO is not in Phase 2 compliance.

To achieve Phase 2 compliance, the Monitor indicates MCSO must successfully implement monthly, quarterly, and annual analysis of traffic stop data.

MCSO developed an improved methodology to the TSAR process in response to the findings in the 3rd Annual Traffic Stop Report and submitted the methodology to the Monitor Team and parties. That submittal, Section 311. Traffic Stop Annual Report (TSAR) Process, was approved and implemented in the 3rd Quarter of 2018. MCSO continues to meet all associated deadlines specific to the 3rd Annual Traffic Stop Report intervention process.

During the 3rd Quarter of 2018, MCSO contracted with a new vendor, CNA, to assist with the annual, monthly, and quarterly analysis of traffic stop data. CNA was hired on August 29, 2018 and the relationship with the previous traffic stop vendor concluded. MCSO, in partnership with CNA, began developing a refined methodology for the Monthly and Annual Traffic Stop Report process.

The development of the Monthly analytical plan was reinstated in the 4<sup>th</sup> Quarter of 2018 and continued though the 1<sup>st</sup> Quarter of 2019. New development and revisions were commenced by the MCSO during this period. For further information on the monthly, quarterly, and annual analyses, please refer to the summary for Paragraph 64.

Paragraph 66. MCSO shall conduct one agency-wide comprehensive analysis of the data per year, which shall incorporate analytical benchmarks previously reviewed by the Monitor pursuant to the process described in Section IV. The benchmarks may be derived from the EIS or IA-PRO system, subject to Monitor approval. The MCSO may hire or contract with an outside entity to conduct this analysis. The yearly comprehensive analysis shall be made available to the public and at no cost to the Monitor and Plaintiffs.

MCSO is in Phase 1 compliance with Paragraph 66. MCSO is not in Phase 2 compliance.

MCSO has completed three agency-wide comprehensive annual evaluations of traffic stop data. The TSAR's consisted of agency-wide comprehensive analyses for years 2014 –2015, 2015 –2016 and 2016–2017.

MCSO developed an improved methodology to the TSAR process in response to the findings in the 3rd Annual Traffic Stop Report and submitted the methodology to the Monitor Team and parties. That submittal, *Section 311. TSAR Process*, was approved and implemented in the 3rd Quarter of 2018. MCSO continues to meet all associated deadlines specific to the 3rd Annual Traffic Stop Report intervention process.

MCSO requested Phase 2 compliance with this Paragraph during the 4th Quarter of 2018 with the belief that the MCSO completed comprehensive agency-wide evaluations utilizing the approved methodologies described within *Section 311. TSAR Process*, meeting the requirements of this Paragraph.

Per the Monitoring Team, due to problematic implementation of the previous Annual analytical plan, serious miscoding of the underlying data, and failure to successfully implement the approved methodologies on behalf of previous vendor(s), Phase 2 compliance was not achieved by MCSO.

During the 3rd Quarter of 2018, the MCSO contracted with a new vendor, CNA, to assist with the annual, monthly, and quarterly analysis of traffic stop data. CNA was hired on August 29, 2018 and the relationship with the previous traffic stop vendor concluded.

In the Monitor's Report on the Fourth Quarter of 2018, verbiage reads "MCSO will achieve Phase 2 compliance with this Paragraph when it demonstrates an ability to conduct the annual comprehensive evaluation of traffic stop data in a consistent fashion each year using a statistical methodology supported by the peer-review literature and data that accurately represents deputy traffic stop behavior.

MCSO is requesting Phase 2 compliance with Paragraph 66.

**Paragraph 67.** In this context, warning signs or indicia of possible racial profiling or other misconduct include, but are not limited to:

- a. racial and ethnic disparities in deputies', units' or the agency's traffic stop patterns, including disparities or increases in stops for minor traffic violations, arrests following a traffic stop, and immigration status inquiries, that cannot be explained by statistical modeling of race neutral factors or characteristics of deputies' duties, or racial or ethnic disparities in traffic stop patterns when compared with data of deputies' peers;
- b. evidence of extended traffic stops or increased inquiries/investigations where investigations involve a Latino driver or passengers;
- c. a citation rate for traffic stops that is an outlier when compared to data of a Deputy's peers, or a low rate of seizure of contraband or arrests following searches and investigations;
- d. indications that deputies, units or the agency is not complying with the data collection requirements of this Order; and
- e. other indications of racial or ethnic bias in the exercise of official duties.

# MCSO is in Phase 1 compliance with Paragraph 67. Phase 2 compliance is deferred.

MCSO continued to work collaboratively with the traffic stop analysis vendor and the Parties during the 1st Quarter of 2019 to refine the methodology to address the unworkably high number of monthly Alerts.

The development of the Monthly analytical plan was reinstated in the 4th Quarter of 2018 and continued though the 1st Quarter of 2019. New development and revisions to the analytical plan and Traffic Stop Monthly Report (TSMR) Alert Process were commenced by MCSO during this period. For further information on the monthly, quarterly, and annual analyses, please refer to the summary for Paragraph 64.

Paragraph 68. When reviewing collected patrol data, MCSO shall examine at least the following:

- a. the justification for the Significant Operation, the process for site selection, and the procedures followed during the planning and implementation of the Significant Operation;
- b. the effectiveness of the Significant Operation as measured against the specific operational objectives for the Significant Operation, including a review of crime data before and after the operation;
- c. the tactics employed during the Significant Operation and whether they yielded the desired results;

- d. the number and rate of stops, Investigatory Detentions and arrests, and the documented reasons supporting those stops, detentions and arrests, overall and broken down by Deputy, geographic area, and the actual or perceived race and/or ethnicity and the surname information captured or provided by the persons stopped, detained or arrested;
- e. the resource needs and allocation during the Significant Operation; and
- f. any Complaints lodged against MCSO Personnel following a Significant Operation.

### MCSO is in Full and Effective Compliance with Paragraph 68.

MCSO remains in full and effective compliance with the requirements for Paragraph 68 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 68.

MCSO has been in compliance with the requirements of Paragraph 68 for at least three consecutive years. Phase 1 and Phase 2 compliance with Paragraph 68 was first achieved on September 30, 2014. MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this Paragraph on September 30, 2017.

Phase 1 compliance is demonstrated by MCSO policy GJ-33, *Significant Operations*, most recently amended on May 10, 2018. Phase 2 compliance is confirmed through monthly document requests and site visits.

Since the initial publication of GJ-33, MCSO has conducted only one significant operation. That one significant operation was "Operation Borderline" and it was conducted in October 2014. MCSO met all the requirements of this Paragraph during "Operation Borderline". MCSO has not conducted any significant operations since.

The requirements for notification and production of supporting documentation to the Monitor and Plaintiffs is required and outlined in the Court Implementation Division Operations Manual. Should MCSO conduct any future pre-planned operations that meet the requirements as outlined in this Paragraph, the requirements and protocols established in Policy GJ-33 and the CID Operations Manual will be followed. MCSO is committed to adhering to Policy GJ-33 as a best practice for conducting significant operations.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 68 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

**Paragraph 69.** In addition to the agency-wide analysis of collected traffic stop and patrol data, MCSO Supervisors shall also conduct a review of the collected data for the Deputies under his or her command on a monthly basis to determine whether there are warning signs or indicia of possible racial profiling, unlawful detentions and arrests, or improper enforcement of Immigration-Related Laws by a Deputy. Each Supervisor will also report his or her conclusions based on such review on a monthly basis to a designated commander in the MCSO Implementation Unit.

MCSO is in Phase 1 compliance with Paragraph 69. MCSO is not in Phase 2 compliance.

Based on the Monitor's 19th Quarterly Report, MCSO is not in Phase 2 compliance with this Paragraph.

MCSO has improved the tracking and closures of alert investigations by supervisors by forming a review group consisting of EIU personnel to ensure selected intervention types are appropriate and using a case tracking report. The case tracking report was developed with the Technology Bureau to be an automated report which would also send email alerts to supervisors to ensure the timely completion of alert investigations by supervisors.

The TSMR's have been undergoing revisions since April 2016. For further information on the monthly analysis, please refer to the summary for Paragraph 64.

Paragraph 70. If any one of the foregoing reviews and analyses of the traffic stop data indicates that a particular Deputy or unit may be engaging in racial profiling, unlawful searches or seizures, or unlawful immigration enforcement, or that there may be systemic problems regarding any of the foregoing, MCSO shall take reasonable steps to investigate and closely monitor the situation. Interventions may include but are not limited to counseling, Training, Supervisor ride-alongs, ordering changes in practice or procedure, changing duty assignments, Discipline, or of other supervised, monitored, and documented action plans and strategies designed to modify activity. If the MCSO or the Monitor concludes that systemic problems of racial profiling, unlawful searches or seizures, or unlawful immigration enforcement exist, the MCSO shall take appropriate steps at the agency level, in addition to initiating corrective and/or disciplinary measures against the appropriate Supervisor(s) or Command Staff. All interventions shall be documented in writing.

### MCSO is in Phase 1 compliance with Paragraph 70. MCSO is not in Phase 2 Compliance.

MCSO developed an improved methodology in response to the findings in the 3rd TSAR and submitted the methodology to the Monitor Team and Parties. That submittal was approved and implemented in the 3rd Quarter of 2018. MCSO continues to meet all associated deadlines specific to the 3rd TSAR intervention process. MCSO is committed to identifying behavioral patterns of concern and delivering a fair and thorough review leading to appropriate responses for the best interest of all involved and the community.

MCSO contracted with a new vendor, CNA, to conduct the annual, monthly, and quarterly analyses of traffic stop data. CNA was hired on August 29, 2018 and the relationship with the previous traffic stop vendor concluded. The MCSO, in partnership with CNA, began developing a refined methodology for the Monthly and Annual Traffic Stop Report processes. The Monthly and Annual analytical plans were drafted during the 4th quarter of 2018 and assessed by all involved parties with intent of being finalized for implementation. The goal for exchange, review and finalization of the revised Monthly and Annual analysis processes was 1st Quarter of 2019. The exchange and review process of both analytical plans between the Parties and the MCSO continued through the 1st Quarter of 2019.

In February 2019, following community listening sessions, technical assistance with the Monitor and internal stakeholder discussions, MCSO proposed several tactical revisions to the plan in response to Paragraph 70 to better meet the needs of the community, the agency, and the spirit of the Order. The plan proposes a Community Policing Philosophy and agency-wide non-enforcement community interactions. The Office continues to wait for the Court to decide the pending motions regarding Paragraph 70. In the interim, the portions of the approved Paragraph 70 Plan that are covered by other paragraphs continue to be worked on.

**Paragraph 71.** In addition to the underlying collected data, the Monitor and Plaintiffs' representatives shall have access to the results of all Supervisor and agency level reviews of the traffic stop and patrol data.

### MCSO is in Full and Effective Compliance with Paragraph 71.

MCSO remains in full and effective compliance with the requirements for Paragraph 71 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 71.

MCSO has been in compliance with the requirements of Paragraph 71 for at least three consecutive years. Phase 1 compliance with this Paragraph is not applicable. Phase 2 compliance with Paragraph 71 was first achieved on June 30, 2014. MCSO achieved three consecutive years of compliance with Paragraph 71 on June 30, 2017. MCSO has consistently provided the Monitor and Parties access to the data and reports relevant to this paragraph. The CID Operations Manual requires personnel to collect and disseminate data and/or information as requested by the Monitor Team through the document production request process.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 71 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

# Section 7: Early Identification System (EIS)

# **General Comment regarding BIO and BIO Inspections**

The inspection process is a valuable and successful tool in achieving and maintaining compliance with various Office Policies and stipulations of the Court's Order.

These general comments represent BIO's inspection activities for the time period of January 1, 2019 through March 31, 2019. BIO completed 41 inspection reports, broken down as follows:

- One Quarterly Incident Report inspection
- Three Facility and Property inspections
- Three County Attorney Disposition inspections
- Three Civilian Supervisory Note inspections
- Three Detention Supervisory Note inspections
- Three Sworn Supervisory Note inspections
- Three Traffic Stop Data inspections
- Three Employee Email inspections
- Three CAD/Alpha Paging inspections
- Three Patrol Shift Roster inspections
- Three TraCS Review of Traffic Stops inspections
- Three TraCS Discussion of Traffic Stop inspections
- Three Patrol Activity Log inspections
- Two Misconduct Investigations inspections
- Two Complaint Intake Testing inspections

The following paragraphs represent compliance rates and brief progress assessments for the inspections through the First Quarter of 2019.

**Quarterly Bias Free Reinforcement-Detention:** Late in the Third Quarter, a policy revision changed the timing of this inspection to a semi-annual review of compliance through TheHUB. The semi-annual inspection will commence in the first six months of 2019.

**Quarterly Bias Free Reinforcement-Sworn:** Late in the Third Quarter, a policy revision changed the timing of this inspection to a semi-annual review of compliance through TheHUB. The semi-annual inspection will commence in the first six months of 2019.

**Quarterly Incident Reports:** The First Quarter of 2019 compliance rate was 100%, a 1% increase from the Fourth Quarter of 2018.

**Facility/Property and Evidence:** The First Quarter of 2019 overall compliance rate for this inspection was 98%, which was a 2% increase from the Fourth Quarter of 2018. In January, Estrella Jail was inspected and had a compliance rate of 100%. In February, Criminal Intelligence Division was inspected and had a compliance rate of 94%. In March, Central Services, Food Services Division was inspected and resulted in a compliance rate of 100%. These inspections

found no evidence that Maricopa County property or equipment was being used in any way that discriminates against or denigrates anyone and the compliance rates have continued to be high.

**County Attorney Dispositions:** The overall compliance rate for the First Quarter of 2019 was 100%, which was a 1% increase from the Fourth Quarter of 2018. All three months had compliance rates of 100%. This inspection continues to maintain a high compliance rate.

**Supervisory Notes-Civilian:** The overall compliance rate for the First Quarter of 2019 was 97%. This was a 1% decrease from the Fourth Quarter of 2018. January had a 100% compliance score, February had 97% and March had 93%.

**Supervisory Notes-Detention:** The overall compliance rate for the First Quarter of 2019 was 95%. This was a 2% decrease from the Fourth Quarter of 2018. January had a 96% compliance score, February had 96% and March had 94%.

**Supervisory Note-Sworn (Patrol):** The overall compliance rate for the First Quarter of 2019 was 99%. This was a 1% increase from the Fourth Quarter of 2018. January had a 99% compliance score, February had 97% and March had 100%.

**Traffic Stop Data Collection:** The overall compliance rate for the First Quarter of 2019 was 85%. This was a 5% decrease from the Fourth Quarter of 2018. January had a 94% compliance score, February had 86% and March had 74%.

**Employee Email:** The employee email compliance rate for the First Quarter of 2019 was 99%. This score remained the same as the Fourth Quarter of 2018. January had a compliance rate of 99%, and February and March had compliance rates of 100%. The Employee Email inspection has also maintained a high compliance rate.

**CAD/Alpha Paging:** This inspection had an overall compliance rate of 100% for the First Quarter of 2019. This score remained the same as the Fourth Quarter of 2018. The monthly compliance rates were 100% for all three months of the quarter. This inspection has also maintained a high compliance score.

**Patrol Shift Rosters:** The overall compliance rate for the First Quarter of 2019 was 99%. This was the same score as the Fourth Quarter of 2018. The Patrol Shift Rosters compliance rates were 99% for January and February, and 100% for March. The MCSO has continued to adhere to the proper span of control for deputy-to-sergeant patrol squad ratios and has eliminated acting patrol supervisors.

**Reviewed Traffic Stop Data:** The First Quarter of 2019 overall compliance rate for the Reviewed Traffic Stop Data inspections was 96%, which was down 1% from the previous quarter. The month of January had a 92% compliance rate, February had 98%, and March's was 99%.

**Discussed Traffic Stop Data:** The overall compliance rate for the First Quarter of 2019 for the Discussed Traffic Stop Data inspections was 96%, which was a 3% increase from the Fourth Quarter of 2019. The month of January had a 91% compliance rate, February had 100%, and March's was 97%.

**Patrol Activity Logs:** The First Quarter of 2019 overall compliance rate for Patrol Activity Log inspections was 99%. This was the same score as the Fourth Quarter of 2018. The month of January had a compliance rate of 100%, and both February and March had a compliance rate of 99%.

**Misconduct Investigations:** The First Quarter of 2019 overall compliance rate for Misconduct Investigations inspections was 99%, which was up 5% from the previous quarter. The month of January had no inspection conducted due to a change in timing of the inspection, and both February and March had a compliance rates of 99%.

**Complaint Intake Testing:** The First Quarter of 2019 overall compliance rate for Complaint Intake Testing inspections was 94%. This was an increase of 11% from the Fourth Quarter of 2018, of which only one month was inspected. Although First Quarter of 2019 was the first full quarter for this inspection, there were no tests to inspect in the month of January. Therefore, the compliance rate was 87% for February, and 100% for March.

During this quarter, BIO Senior Internal Auditors completed the inventory-taking phase of the organization-wide firearms inventory project managed by the Major Crimes Division. An initial report documenting the results was drafted and submitted for Executive Command review. With Phase I of the firearms inventory project completed, fieldwork was resumed on the Special Investigations Division Audit, and the Victim Assistance Notification Unit (VANU) Audit Final Report was submitted for approval.

The Office is committed to cultivating a professional law enforcement agency and enhancing its enforcement and detention services for our communities and citizens. As MCSO moves forward during this transition, AIU is committed to providing the tools necessary in the improvement of supervision, Policy compliance, and compliance with the Court's Order, all with the goal of achieving accountability and maintaining a level of professionalism our employees are held to. It is vital for all leaders to embrace these opportunities to improve and move our agency forward. Employees of AIU recognize the hard work and challenges that lie ahead, and their efforts will be crucial to future successes and the accomplishment of fulfilling the Office mission.

The following table indicates inspection monthly compliance rates and the overall compliance rates for the First Quarter of 2019.

Bureau of Internal Oversight - Monthly Inspections Compliance Rate						
2019 INSPECTIONS	January	February	March	Overall Compliance Rate		
<b>Quarterly Incident Reports</b>	N/A	N/A	100%	100%		
<b>Facility and Property Inspection</b>	100%	94%	100%	98%		
<b>County Attorney Dispositions</b>	100%	100%	100%	100%		
Supervisory Notes-Civilian	100%	97%	93%	97%		
<b>Supervisory Notes-Detention</b>	96%	96%	94%	95%		
Supervisory Notes-Sworn	99%	97%	100%	99%		
Traffic Stop Data	94%	86%	74%	85%		
<b>Employee Emails</b>	99%	100%	100%	99%		
CAD/Alpha Paging	100%	100%	100%	100%		
Patrol Shift Rosters	99%	99%	100%	99%		
TraCS Review of Traffic Stops	92%	98%	99%	96%		

TraCS Discussion of Traffic Stops	91%	100%	97%	96%
Patrol Activity Logs	100%	99%	99%	99%
<b>Misconduct Investigations</b>	N/A	99%	99%	99%
<b>Complaint Intake Testing</b>	N/A	87%	100%	94%

Table 6: Monthly Inspections Compliance Rate

# **General Comments Regarding EIS**

The Early Identification System ("EIS") continues to evolve as the EIU continues to refine its processes to improve efficiency. While the EIS has been developed and fully operational incorporating basic requirements, The EIU utilizes the full potential of the EIS for the identification of employee behaviors that required additional review and interventions when appropriate and works improve it further through refinements and adjustments. EIU command and supervision regularly work to build upon and enhance the EIS program further by working closely with the MCSO Technology Bureau, CNA, the Monitor Team, the Parties, and IA Pro vendor, CI Technologies.

During this reporting period, the IA Pro system generated 143 alerts. EIU forwarded 42 alerts to supervisors for further review and utilizes a review group consisting of members from EIU who review and verify the assigned alerts were properly completed before marking them as completed.

EIU processed and quality-assured the following:

- Academy Notes 109
- Action Plan 4
- Award Recipient 192
- Briefing Notes 356
- Coaching 49
- Commendations 197
- Data Validation 6
- EIS Action 105
- EIS Alert 42
- Employee Reported Activity 133
- Firearms Discharge 4
- Forced Entry − 0
- Higher Award Nomination 61
- IR Memorialization 5

- Line Level Inspection 845
- MCAO Final Disposition 0
- MCAO Further Notice 101
- MCAO Turndown Notice 167
- Minor Award Nomination 15
- Performance Assessment Measure 117
- Probationary Release 4
- Supervisor Notes 14,380
- Training 87,296
- Use of Force 19
- Vehicle Accident 30
- Vehicle Pursuit 0

Paragraph 72. MCSO shall work with the Monitor, with input from the Parties, to develop, implement and maintain a computerized EIS to support the effective supervision and management of MCSO Deputies and employees, including the identification of and response to potentially problematic behaviors, including racial profiling, unlawful detentions and arrests, and improper enforcement of Immigration-Related Laws within one year of the Effective Date. MCSO will regularly use EIS data to promote lawful, ethical and professional police practices; and to evaluate the performance of MCSO Patrol Operations Employees across all ranks, units and shifts.

### MCSO is in Phase 1 compliance with Paragraph 72. MCSO is not in Phase 2 compliance.

EIS training will continue for new supervisors and continuing training for current supervisors is in development and is planned to be provided in the 2019 SRELE training course for sworn supervisors and through the Hub for civilian and detention supervisors. Additionally, training courses for specific EIS related tasks are being developed as resources on the HUB website. The goal is to provide resources that are readily available to supervisors in the field. Once available, these resources along with automated notifications should promote the timely completion of EIS generated items while also improving quality of response/intervention by supervisors. These efforts further assist in promoting EIU's goal to support effective supervision of MCSO deputies and employees.

EIU staff are currently also working to implement a liaison program assist supervisors with EIS related tasks. Members of the TSAU (Traffic Stop Analysis Unit) have assisted the EIU by contacting divisions regarding issues with alerts and action plans. This allows supervisors and employees the opportunity ask questions, provide feedback, and will help to improve communication between employees and the EIU.

The EIU utilizes the full potential of the EIS for the identification of employee behaviors that required additional review and interventions when appropriate and works improve it further through refinements and adjustments. In response to capability issues, EIU staff regularly

communicates and meets with staff from the IAPro vendor CI Technologies. It is during these discussions and meetings that necessary changes to IAPro are made. It is through this effort that the IAPro system will be able to be used to facilitate the goals of the EIU.

Paragraph 73. Within 180 days of the Effective Date, MCSO shall either create a unit, which shall include at least one full-time-equivalent qualified information technology specialist, or otherwise expand the already existing role of the MCSO information technology specialist to facilitate the development, implementation, and maintenance of the EIS. MCSO shall ensure that there is sufficient additional staff to facilitate EIS data input and provide Training and assistance to EIS users. This unit may be housed within Internal Affairs ("IA").

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 73.

**Paragraph 74.** MCSO shall develop and implement a protocol setting out the fields for historical data, deadlines for inputting data related to current and new information, and the individuals responsible for capturing and inputting data.

MCSO is in Phase 1 compliance with Paragraph 74. MCSO is not in Phase 2 Compliance.

Following the first quarter of 2019, MCSO has received approval on the EIU Operations Manual. The only exception to this is sections related to the Traffic Stop Analysis Unit (TSAU) which remain in development.

The EIU Operations Manual and MCSO Policy GH-5, Early Identification System outline the roles of varies MCSO entities involved in data collection/analysis including MCSO Technology, MCSO BIO, and the Office's contracted vendor.

**Paragraph 75.** The EIS shall include a computerized relational database, which shall be used to collect, maintain, integrate, and retrieve:

- a. all misconduct Complaints or allegations (and their dispositions), excluding those made by inmates relating to conditions of confinement or conduct of detention officers (i.e., any complaint or allegation relating to a traffic stop shall be collected and subject to this Paragraph even if made by an inmate);
- b. all internal investigations of alleged or suspected misconduct;
- c. data compiled under the traffic stop data collection and the patrol data collection mechanisms;
- d. all criminal proceedings initiated, as well as all civil or administrative claims filed with, and all civil lawsuits served upon, the County and/or its Deputies or agents, resulting from MCSO Patrol Operations or the actions of MCSO Patrol Operation Personnel;
- e. all arrests;
- f. all arrests in which the arresting Deputy fails to articulate probable cause in the arrest report, or where an MCSO Supervisor, court or prosecutor later determines the arrest was not supported by probable cause to believe a crime had been committed, as required by law;
- g. all arrests in which the individual was released from custody without formal charges being sought;
- h. all Investigatory Stops, detentions, and/or searches, including those found by the Monitor, an MCSO supervisor, court or prosecutor to be unsupported by reasonable suspicion of or probable cause to believe a crime had been committed, as required by law;

- i. all instances in which MCSO is informed by a prosecuting authority or a court that a decision to decline prosecution or to dismiss charges, and if available, the reason for such decision;
- j. all disciplinary action taken against employees;
- k. all non-disciplinary corrective action required of employees;
- l. all awards and commendations received by employees;
- m. Training history for each employee; and
- n. bi-monthly Supervisory observations of each employee.

# MCSO is in Phase 1 compliance with Paragraph 75. MCSO is not in Phase 2 Compliance.

MCSO asserts that it has an EIS that is a computerized relational database, which is used to collect, maintain, integrate, and retrieve all of the required information stipulated in Paragraph 75. The collected information is available to supervisors. The necessary interfaces are in place to retrieve the data. Some inspections and audits of the information are requirements of other Paragraphs, however there is no requirement for inspections or audits contained in Paragraph 75.

MCSO requests Phase 2 compliance for Paragraph 75.

**Paragraph 76.** The EIS shall include appropriate identifying information for each involved Deputy (i.e., name, badge number, shift and Supervisor) and civilian (e.g., race and/or ethnicity).

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 76.

MCSO will provide the Monitor with any information that the Monitor requests to enable the Monitor to evaluate MCSO's continued compliance with Paragraph 76.

**Paragraph 77.** MCSO shall maintain computer hardware, including servers, terminals and other necessary equipment, in sufficient amount and in good working order to permit personnel, including Supervisors and commanders, ready and secure access to the EIS system to permit timely input and review of EIS data as necessary to comply with the requirements of this Order.

### MCSO is in Full and Effective Compliance with Paragraph 77.

MCSO remains in full and effective compliance for Paragraph 77 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 77.

MCSO has been in compliance with the requirements of Paragraph 77 for at least three consecutive years. Phase 1 compliance with this Paragraph is not applicable. MCSO achieved three consecutive years of Phase 2 compliance with this Paragraph on December 31, 2017.

MCSO has been responsive to ensuring that deputies and supervisors have access to the necessary equipment, in sufficient amount and in good working order, to meet the requirements of this Paragraph. MCSO commanders and supervisors have ready and secured access to the EIS system.

All marked patrol vehicles are properly equipped with TraCS equipment. Each District office has available computers for any occurrence of system failures with vehicle equipment. MCSO Policy GH-5, *Early Identification System*, delineates the purpose, use, and requirements of the EIS. MCSO has demonstrated its commitment to utilizing the EIS system as a part of necessary

operations. The technology and equipment available at MCSO meet the requirements of the Court's Order.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 77 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

Paragraph 78. MCSO shall maintain all personally identifiable information about a Deputy included in the EIS for at least five years following the Deputy's separation from the agency. Information necessary for aggregate statistical analysis will be maintained indefinitely in the EIS. On an ongoing basis, MCSO shall enter information into the EIS in a timely, accurate, and complete manner, and shall maintain the data in a secure and confidential manner. No individual within MCSO shall have access to individually identifiable information that is maintained only within EIS and is about a deputy not within that individual's direct command, except as necessary for investigative, technological, or auditing purposes.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 78.

MCSO will provide the Monitor with any information that the Monitor requests to enable the Monitor to evaluate MCSO's continued compliance with Paragraph 78.

**Paragraph 79.** The EIS computer program and computer hardware will be operational, fully implemented, and be used in accordance with policies and protocols that incorporate the requirements of this Order within one year of the Effective Date. Prior to full implementation of the new EIS, MCSO will continue to use existing databases and resources to the fullest extent possible, to identify patterns of conduct by employees or groups of Deputies.

### MCSO is in Phase 1 compliance with Paragraph 79. MCSO is not in Phase 2 compliance.

The monthly analysis was deferred at the direction of the Monitoring Team prior to the 1st Quarter of 2019. New development and revisions were commenced by the MCSO during this period. For further information on the monthly, quarterly, and annual analyses, please refer to the summary for Paragraph 64. EIU continues to work with the Technology Bureau to automate processes such as reports and notifications to ensure the EIS and available resources are being used to the fullest extent possible.

Paragraph 80. MCSO will provide education and training to all employees, including Deputies, Supervisors and commanders regarding EIS prior to its implementation as appropriate to facilitate proper understanding and use of the system. MCSO Supervisors shall be trained in and required to use EIS to ensure that each Supervisor has a complete and current understanding of the employees under the Supervisor's command. Commanders and Supervisors shall be educated and trained in evaluating and making appropriate comparisons in order to identify any significant individual or group patterns. Following the initial implementation of the EIS, and as experience and the availability of new technology may warrant, MCSO may propose to add, subtract, or modify data tables and fields, modify the list of documents scanned or electronically attached, and add, subtract, or modify standardized reports and queries. MCSO shall submit all such proposals for review by the Monitor pursuant to the process described in Section IV.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 80.

**Paragraph 81.** MCSO shall develop and implement a protocol for using the EIS and information obtained from it. The protocol for using the EIS shall address data storage, data retrieval, reporting, data analysis, pattern identification, identifying Deputies for intervention, Supervisory

use, Supervisory/agency intervention, documentation and audit. Additional required protocol elements include:

- a. comparative data analysis, including peer group analysis, to identify patterns of activity by individual Deputies and groups of Deputies;
- b. identification of warning signs or other indicia of possible misconduct, including, but not necessarily limited, to:
  - *i.* failure to follow any of the documentation requirements mandated pursuant to this Order;
  - ii. racial and ethnic disparities in the Deputy's traffic stop patterns, including disparities or increases in stops for minor traffic violations, arrests following a traffic stop, and immigration status inquiries, that cannot be explained by statistical modeling of race neutral factors or characteristics of Deputies' specific duties, or racial or ethnic disparities in traffic stop patterns when compared with data of a Deputy's peers;
  - iii. evidence of extended traffic stops or increased inquiries/investigations where investigations involve a Latino driver or passengers;
  - iv. a citation rate for traffic stops that is an outlier when compared to data of a Deputy's peers, or a low rate of seizure of contraband or arrests following searches and investigations;
  - v. complaints by members of the public or other officers; and
  - vi. other indications of racial or ethnic bias in the exercise of official duties;
- c. MCSO commander and Supervisor review, on a regular basis, but not less than bimonthly, of EIS reports regarding each officer under the commander or Supervisor's direct command and, at least quarterly, broader, pattern-based reports;
- d. a requirement that MCSO commanders and Supervisors initiate, implement, and assess the effectiveness of interventions for individual Deputies, Supervisors, and units, based on assessment of the information contained in the EIS;
- e. identification of a range of intervention options to facilitate an effective response to suspected or identified problems. In any cases where a Supervisor believes a Deputy may be engaging in racial profiling, unlawful detentions or arrests, or improper enforcement of Immigration-Related Laws or the early warning protocol is triggered, the MCSO shall notify the Monitor and Plaintiffs and take reasonable steps to investigate and closely monitor the situation, and take corrective action to remedy the issue. Interventions may include but are not limited to counseling, Training, Supervisor ride-alongs, ordering changes in practice or procedure, changing duty assignments, Discipline, or other supervised, monitored, and documented action plans and strategies designed to modify activity. All interventions will be documented in writing and entered into the automated system;

- f. a statement that the decision to order an intervention for an employee or group using EIS data shall include peer group analysis, including consideration of the nature of the employee's assignment, and not solely on the number or percentages of incidents in any category of information recorded in the EIS;
- g. a process for prompt review by MCSO commanders and Supervisors of the EIS records of all Deputies upon transfer to their supervision or command;
- h. an evaluation of whether MCSO commanders and Supervisors are appropriately using the EIS to enhance effective and ethical policing and reduce risk; and
- i. mechanisms to ensure monitored and secure access to the EIS to ensure the integrity, proper use, and appropriate confidentiality of the data.

# MCSO is in Phase 1 compliance with Paragraph 81. MCSO is not in Phase 2 compliance.

To achieve Phase 2 compliance, the monthly traffic stop analyses must resume using an approved methodology and be included in the monthly Alert report in addition to producing traffic stop Quarterly reports. For further information on the monthly, quarterly, and annual analyses, please refer to the summary for Paragraph 64.

MCSO continued to work collaboratively with CNA during the 1st Quarter of 2019 to refine the Monthly analytical plan and methodology to address the unworkably high number of monthly Alerts.

The development of the Monthly analytical plan was reinstated in the 4th Quarter of 2018 and continued though the 1st Quarter of 2019. New development and revisions were commenced by the MCSO during this period. For further information on the monthly, quarterly, and annual analyses, please refer to the summary for Paragraph 64.

# Section 8: Supervision and Evaluation of Officer Performance

On September 05, 2017, MCSO published an administrative broadcast launching the Chain of Command program which delineates the reporting structure for every employee in the Office. The program is used to align every employee with their current supervisor so that necessary and/or required documentation is routed/captured by the all systems that currently link into the program such as:

- Employee Performance Appraisal ("EPA")
- EIU alerts
- Transfer Evaluations ("EPA")
- Training (HUB) approvals
- BIO Action Form
- EI Pro
- Blue Team entries/reviews

Additionally, the MCSO Training Division continues to deliver training to newly promoted employees to ensure they have the training and skills necessary to be successful. This rating period the Training Division offered the following applicable courses:

- 4th and 14th Amendment training
- EIS training
- Supervisor Responsibilities: Effective Law Enforcement ("SRELE") Training
- Blue Team training

Paragraph 82. MCSO and the County shall ensure that an adequate number of qualified first-line Supervisors are available to provide the effective supervision necessary to ensure that Deputies are following the Constitution and laws of the United States and State of Arizona, MCSO policy, and this Order. First-line Supervisors shall ensure that Deputies are policing actively and effectively, are provided with the instruction necessary to correct mistakes, and are held accountable for misconduct. To achieve these outcomes, MCSO shall undertake the following duties and measures:

**Paragraph 83.** MCSO Supervisors shall provide the effective supervision necessary to direct and guide Deputies. Effective supervision requires that Supervisors: respond to the scene of certain arrests; review each field interview card and incident report; confirm the accuracy and completeness of Deputies' daily activity reports; respond to each Complaint of misconduct; ensure Deputies are working actively to engage the community and increase public trust and safety; provide counseling, redirection, support to Deputies as needed, and are held accountable for performing each of these duties.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 83.

**Paragraph 84.** Within 120 days of the Effective Date, all patrol Deputies shall be assigned to a single, consistent, clearly identified Supervisor. First-line field Supervisors shall be assigned to supervise no more than twelve Deputies.

### MCSO remains in Phase 1 and Phase 2 compliance with Paragraph 84.

The requirements of this Paragraph are outlined in MCSO Policy GB-2, *Command Responsibility*. This is a Monitor-approved policy. MCSO will continue to ensure it meets the requirements of this Paragraph.

**Paragraph 85.** First-line field Supervisors shall be required to discuss individually the stops made by each Deputy they supervise with the respective Deputies no less than one time per month in order to ensure compliance with this Order. This discussion should include, at a minimum, whether the Deputy detained any individuals stopped during the preceding month, the reason for any such detention, and a discussion of any stops that at any point involved any immigration issues.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 85.

Supervisors are completing the required discussions of traffic stops with deputies. There is improvement in the thoroughness of supervisory reviews of traffic stop documentation.

**Paragraph 86.** On-duty field Supervisors shall be available throughout their shift to provide adequate on-scene field supervision to Deputies under their direct command and, as needed, to provide Supervisory assistance to other units. Supervisors shall be assigned to and shall actually work the same days and hours as the Deputies they are assigned to supervise, absent exceptional circumstances.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 86.

**Paragraph 87.** MCSO shall hold Commanders and Supervisors directly accountable for the quality and effectiveness of their supervision, including whether commanders and Supervisors identify and effectively respond to misconduct, as part of their performance evaluations and through non-disciplinary corrective action, or through the initiation of formal investigation and the disciplinary process, as appropriate.

### MCSO is in Phase 1 compliance with Paragraph 87. MCSO is not in Phase 2 compliance.

MCSO Policy GC-4, *Employee Performance Evaluations*, was published on September 6, 2017. Since the publication of this Policy and the completion of the training, MCSO has been actively reinforcing the expectations and addressing the quality of performance evaluations.

MCSO is also working to revamp the EPA formats and requirements to specifically address quality and effectiveness of supervision and a supervisor's ability to identify and effectively respond to misconduct. MCSO continues to work towards Phase 2 compliance.

**Paragraph 88.** To ensure compliance with the terms of this Order, first-line Supervisors in any Specialized Units enforcing Immigration-Related Laws shall directly supervise the law enforcement activities of new members of the unit for one week by accompanying them in the field, and directly supervise the in-the-field-activities of all members of the unit for at least two weeks every year.

### MCSO is in Full and Effective Compliance with Paragraph 88.

MCSO remains in full and effective compliance for Paragraph 88 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 88.

MCSO has been in Phase 1 and Phase 2 compliance with Paragraph 88 for at least three consecutive years. MCSO first achieved Phase 1 and Phase 2 compliance on September 30, 2015. There are no specialized units within MCSO that enforce Immigration-Related laws. The Special Investigations Division Operations Manual is required to be reviewed annually and has an effective date of April 1, 2018. The SID organizational chart and the SID Operations Manual support that the Anti-Trafficking Unit no longer exists and that there are no specialized units in MCSO whose mission includes the enforcement of human smuggling laws as part of their duties.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 88 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

Paragraph 89. A Deputy shall notify a Supervisor before initiating any immigration status investigation, as discussed in Paragraph 28. Deputies shall also notify Supervisors before effectuating an arrest following any immigration-related investigation or for an Immigration Related Crime, or for any crime related to identity fraud or lack of an identity document. The responding Supervisor shall approve or disapprove the Deputy's investigation or arrest recommendation based on the available information and conformance with MCSO policy. The Supervisor shall take appropriate action to address any deficiencies in Deputies' investigation or arrest recommendations, including releasing the subject, recommending non-disciplinary corrective action for the involved Deputy, and/or referring the incident for administrative investigation.

### MCSO remains in Phase 1 and Phase 2 compliance with Paragraph 89.

Paragraph 90. MCSO Deputies shall submit documentation of all stops and Investigatory Detentions conducted to their Supervisors by the end of the shift in which the action occurred. Absent exceptional circumstances, within 72 hours of receiving such documentation, a Supervisor shall independently review the information. Supervisors shall review reports and forms for Boilerplate or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct. Appropriate disciplinary action should be taken where Deputies routinely employ Boilerplate or conclusory language.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 90.

MCSO supervisors are conducting timely reviews of stops and detentions.

Paragraph 91. As part of the Supervisory review, the Supervisor shall document any Investigatory Stops and detentions that appear unsupported by reasonable suspicion or are otherwise in violation of MCSO policy or stops or detentions that indicate a need for corrective action or review of agency policy, strategy, tactics, or Training. The Supervisor shall take appropriate action to address all violations or deficiencies in Investigatory Stops or detentions, including recommending non-disciplinary corrective action for the involved Deputy, and/or referring the incident for administrative or criminal investigation.

### MCSO is in Phase 1 compliance with Paragraph 91. MCSO is not in Phase 2 compliance.

The Monitor's 19th Quarterly Report states, "Paragraph 91 requires supervisors to identify policy violations, deficiencies, and training issues noted in stops and detentions. Of the 105 stops inspected for this reporting period, the documentation for 13 of the stops had deficiencies that supervisors failed to identify during their reviews. This is a compliance rate of 89%." This is an

improvement from the previous quarter and indicates that supervisors are improving the thoroughness of their reviews.

MCSO has been stressing the importance of a thorough review of traffic related documentation to ensure supervisors are identifying deficiencies. MCSO will continue to work towards Phase 2 compliance with this Paragraph.

Paragraph 92. Supervisors shall use EIS to track each subordinate's violations or deficiencies in Investigatory Stops or detentions and the corrective actions taken, in order to identify Deputies needing repeated corrective action. Supervisors shall notify IA. The Supervisor shall ensure that each violation or deficiency is documented in the Deputy's performance evaluations. The quality and completeness of these Supervisory reviews shall be taken into account in the Supervisor's own performance evaluations. MCSO shall take appropriate corrective or disciplinary action against Supervisors who fail to conduct complete, thorough, and accurate reviews of Deputies' stops and Investigatory Detentions.

### MCSO is in Phase 1 compliance with Paragraph 92. MCSO is not in Phase 2 compliance.

MCSO has been actively reinforcing the expectations and addressing the quality of performance evaluations. A possible revision to the performance evaluation process is being explored. MCSO continues to work towards Phase 2 compliance.

**Paragraph 93.** Absent extraordinary circumstances, MCSO Deputies shall complete all incident reports before the end of shift. MCSO field Supervisors shall review incident reports and shall memorialize their review of incident reports within 72 hours of an arrest, absent exceptional circumstances.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 93.

According to the Monitor's 19th quarterly report, MCSO submits and reviews reports within the timeframes required by this Paragraph.

**Paragraph 94.** As part of the Supervisory review, the Supervisor shall document any arrests that are unsupported by probable cause or are otherwise in violation of MCSO policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or Training. The Supervisor shall take appropriate action to address violations or deficiencies in making arrests, including notification of prosecuting authorities, recommending non-disciplinary corrective action for the involved Deputy, and/or referring the incident for administrative or criminal investigation.

### MCSO is in Phase 1 compliance with Paragraph 94. MCSO is not in Phase 2 compliance.

The Monitor's 19th Quarterly Report rates MCSO's compliance for this Paragraph at 92%. The noted deficiencies are based on a review of the supervisor's Blue Team entries related to the MCAO Turndown Notice Report. MCSO asserts that the requirements of Paragraph 94 do not include or necessitate a review of the MCAO Turndown Notice Report unless it specifically identifies an arrest that is unsupported by probable cause or is otherwise in violation of MCSO policy, or that indicates a need for corrective action or review of agency policy, strategy, tactics, or Training.

As discussed with the Monitoring Team, the current practice of reviewing the County Attorney Turndown Notices to determine if there are arrests that are unsupported by probable cause or are otherwise in violation of MCSO policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training is not the most accurate means of assessing MCSO's

compliance. MCSO has submitted a proposal for a new BIO inspection and the documentation produced for compliance with Paragraphs 94 and 96. The initial reviews have been positive, and MCSO is optimistic that these changes may be implemented soon.

Paragraph 95. Supervisors shall use EIS to track each subordinate's violations or deficiencies in the arrests and the corrective actions taken, in order to identify Deputies needing repeated corrective action. The Supervisor shall ensure that each violation or deficiency is noted in the Deputy's performance evaluations. The quality of these supervisory reviews shall be taken into account in the Supervisor's own performance evaluations, promotions, or internal transfers. MCSO shall take appropriate corrective or disciplinary action against Supervisors who fail to conduct reviews of adequate and consistent quality.

MCSO is in Phase 1 compliance with Paragraph 95. MCSO is not in Phase 2 compliance.

MCSO has been actively reinforcing the expectations and addressing the quality of performance evaluations.

**Paragraph 96.** A command-level official shall review, in writing, all Supervisory reviews related to arrests that are unsupported by probable cause or are otherwise in violation of MCSO policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or Training. The commander's review shall be completed within 14 days of receiving the document reporting the event. The commander shall evaluate the corrective action and recommendations in the Supervisor's written report and ensure that all appropriate corrective action is taken.

MCSO is in Phase 1 compliance with Paragraph 96. MCSO is not in Phase 2 compliance.

The Monitor's 19th Quarterly Report rates MCSO's compliance for this Paragraph at 84%. MCSO has been working with the Monitor to provide appropriate documentation to reflect MCSO's compliance for this Paragraph.

Basing compliance with the requirements of this Paragraph on a command review of the MCAO Turndown Notice not being conducted within 14 days is outside the scope of the requirements of Paragraph 96 and inconsistent with MCSO policy and practice. This Paragraph only requires a Commander's review of the corrective action taken within 14 days if a deficiency had been identified.

As discussed with the Monitoring Team, the current practice of reviewing the County Attorney Turndown Notices to determine if there are arrests that are unsupported by probable cause or are otherwise in violation of MCSO policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training is not the most accurate means of assessing MCSO's compliance. MCSO has submitted a proposal for a new BIO inspection and the documentation produced for compliance with Paragraphs 94 and 96. The initial reviews have been positive, and MCSO is optimistic that these changes may be implemented soon.

MCSO will continue to work with the Monitor to ensure MCSO provides adequate documentation to rate compliance to ensure only cases which are identified as deficient are used to assess compliance.

**Paragraph 97.** MCSO Commanders and Supervisors shall periodically review the EIS reports and information, and initiate, implement, or assess the effectiveness of interventions for individual Deputies, Supervisors, and units based on that review. The obligations of MCSO Commanders and Supervisors in that regard are described above in Paragraphs 81(c)—(h).

MCSO is in Phase 1 compliance with Paragraph 97. MCSO is not in Phase 2 compliance.

The Monitor's 19th Quarterly Report rates MCSO's compliance for the two required EIS reviews per month at 88%. MCSO will continue to emphasize that supervisors meet this requirement.

EIU has developed a methodology for assessing the effectiveness of employee interventions for the EIU Operations Manual. This section of the EIU Operations Manual, Section 302, was reviewed and approved by the Monitor.

**Paragraph 98.** MCSO, in consultation with the Monitor, shall create a system for regular employee performance evaluations that, among other things, track each officer's past performance to determine whether the officer has demonstrated a pattern of behavior prohibited by MCSO policy or this Order.

MCSO is in Phase 1 compliance with Paragraph 98. MCSO is not in Phase 2 compliance.

The Monitor's 19th Quarterly Report notes that MCSO is not in compliance with Paragraph 100 in the assessment for Paragraph 98. MCSO meets the requirements of Paragraph 98. MCSO created a system, in consultation with the Monitor, for regular employee performance evaluations that, among other things, tracks each officer's past performance to determine whether the officer has demonstrated a pattern of behavior prohibited by MCSO policy or this Order. Adherence to Policy and Procedures is a rated category of all completed performance evaluations.

MCSO Policy GC-4, *Employee Performance Evaluations*, was published on September 6, 2017. Since the publication of this Policy and the completion of the training, MCSO has been actively reinforcing the expectations and addressing the quality of performance evaluations.

MCSO requests Phase 2 compliance for Paragraph 98.

**Paragraph 99.** The review shall take into consideration all past Complaint investigations; the results of all investigations; Discipline, if any, resulting from the investigation; citizen Complaints and commendation; awards; civil or administrative claims and lawsuits related to MCSO operations; Training history; assignment and rank history; and past Supervisory actions taken pursuant to the early warning protocol.

MCSO is in Phase 1 compliance with Paragraph 99. MCSO is not in Phase 2 compliance.

MCSO has been actively reinforcing the expectations and addressing the quality of performance evaluations.

MCSO notes that the EPA training that included the use of Blue Team notes as comments was approved by the Monitor Team. The attestation page documenting the requirements of Paragraph 99 was also approved by the Monitoring Team.

MCSO continues to work towards Phase 2 compliance.

**Paragraph 100.** The quality of Supervisory reviews shall be taken into account in the Supervisor's own performance evaluations.

MCSO is in Phase 1 with Paragraph 100. MCSO is not in Phase 2 compliance.

MCSO is working to revamp the EPA formats and requirements in order to simplify them. The requirements to address the quality and effectiveness of supervision, the supervisors' demonstrated ability to identify and effectively respond to misconduct, and the quality of a supervisor's reviews, will be built into the EPA format. MCSO continues to work towards Phase 2 compliance.

**Paragraph 101.** Within 180 days of the Effective Date, MCSO shall develop and implement eligibility criteria for assignment to Specialized Units enforcing Immigration-Related Laws.

### MCSO is in Full and Effective Compliance with Paragraph 101.

MCSO remains in full and effective compliance for Paragraph 101 in accordance with Paragraph 13. In the memorandum dated January 28, 2019 and in reference to the subject of MCSO's Assertions of Full and Effective Compliance with Various First Order Paragraphs, the Monitoring Team concurred with MCSO's assertion of full and effective compliance with the requirements for Paragraph 101.

MCSO asserts that it has been in Phase 1 and Phase 2 compliance with Paragraph 101 for at least three consecutive years. MCSO first achieved Phase 1 and Phase 2 compliance on September 30, 2015.

There are no specialized units within MCSO that enforce Immigration-Related laws. The Special Investigations Division Operations Manual is required to be reviewed annually and has an effective date of April 1, 2018. The SID organizational chart and the SID Operations Manual support that the Anti-Trafficking Unit no longer exists and that there are no specialized units in MCSO whose mission includes the enforcement of human smuggling laws as part of their duties.

In accordance with Paragraph 134, the Monitor may refrain from conducting an audit or review of the requirements of Paragraph 101 as previous assessments of the requirements have been found to have been fully implemented in practice and the intended outcome has been achieved.

# Section 9: Misconduct and Complaints

### **General Comments Regarding Misconduct and Complaints:**

During the previous two quarters PSB worked with a contracted vendor to develop the annual 8-hour continuing Misconduct Training to those supervisors assigned outside of the PSB who conduct these types of investigations. This training began during the Fourth Quarter of 2018 and was completed in the First Quarter 2019

Consistent with the Court's Order, Paragraph 251c, PSB continues to develop a survey in order to collect demographic information from its complainants to ensure that complainants are treated fairly and without bias.

In January 2019, PSB implemented the use of Spanish language notification and closure letters to complainants whose primary language is Spanish.

To ensure transparency and consistency with the Court's Order, Paragraphs 251 and 252, PSB continued to publish on its website the Semi-Annual Public Report of Misconduct and monthly website summaries of completed investigations.

Lastly, PSB continued to classify some external complaints; those that involve inadequate policy, procedure, practice, service level, or legal standard or statute required by the Office, as Service Complaints. PSB initiated a process and tracking system for these complaints that do not involve employee misconduct. The PSB Commander also has the discretion to determine that internal complaints alleging minor policy violations can be documented and addressed without a formal investigation if certain criteria exist. To assure that MCSO's actions comply with the Court's Order and the high standards the Office expects, MCSO continued with a multiple-step approach to address misconduct and complaints:

First, PSB reviews all division level investigations and provides written feedback to division level investigators and their chains of command in order to improve the thoroughness of the investigations, obtain structure and consistency in format, ensure the inclusion of proper forms, and provide assistance with future investigations. The intent of the feedback is to evaluate, educate, assist and provide suggestions for future division level investigations. PSB also provides feedback regarding the efficiency and thoroughness with which the divisions undertake and complete administrative investigations. PSB reviews division cases for quality control prior to final submission to the appointing authority for final findings.

Two sworn sergeants are permanently assigned to PSB to act as liaisons with the other divisions. They are tasked with the primary responsibility of reviewing all division level cases for thoroughness and accuracy; providing investigative feedback to the investigator and his chain of command; and documenting and tracking investigative deficiencies, pursuant to the Second Order, Paragraph 211. PSB continues to monitor and track investigative deficiencies that occur at the division level.

Second, although MCSO revised, disseminated, and delivered the Court's Order-related training (Fourth Quarter 2014), Policy GH-2, *Internal Investigations*, PSB worked with the Policy Section to annually revise Office Policy GH-2, to include the investigative process, direct guidance in conducting a preliminary inquiry and a clear definition of "service complaints." The updated policy includes additional compliance elements listed in the Second Order. The revised GH-2, *Internal Investigations* was published in July 2018.

In addition to GH-2, PSB worked with the Policy Section to annually revise Office Policy GC-17, *Employee Disciplinary Procedure*, to include revised discipline matrices and protocols for coaching as a non-disciplinary action between a supervisor and employee that supports an individual in achieving personal and professional goals by providing training, advice, and guidance in response to a specific situation. GC-17, *Employee Disciplinary Procedure* was reviewed and most recently published in April 2018.

Consistent with the Court's Order, Paragraph 104, requiring deputies to cooperate with administrative investigations and requiring supervisors be notified when a deputy under their supervision is summoned as part of an administrative investigation, the Administrative Investigation Checklist collects the data necessary to track compliance with this paragraph. Consistent with the Court's Order, Paragraph 105, requiring investigators to take into account collected traffic stop and patrol data, training records, discipline history, performance evaluations, and past complaints; the investigative format also collects the necessary data to track compliance with this paragraph.

Consistent with the Court's Order, Paragraph 102, the MCSO mandated that any internal or external misconduct allegations must be reported to PSB. Whenever misconduct is alleged, PSB must assign an IA case number. During this reporting period, PSB assigned 136 IA case numbers and completed and closed 156 IA cases. PSB assigned eight CIA (criminal) cases and closed 11 CIA cases.

Consistent with the Court's Order, Paragraph 102, requiring all personnel to report without delay alleged or apparent misconduct by other MCSO personnel, during this reporting period, PSB received 64 internal complaints during this reporting period, demonstrating compliance with the Court's Order. Of the 64 internal complaints received, 59 were administrative investigations and five were criminal investigations.

Consistent with the Court's Order, Paragraph 32, requiring that all patrol operations personnel report violations of policy; during this reporting period, PSB received 48 complaints regarding patrol personnel during this reporting period. Of the 48 complaints received, 44 were administrative investigations and four were criminal investigations.

Consistent with Court's Order, paragraph 33, requiring personnel engaging in discriminatory policing to be subject to administrative investigation and discipline; during this reporting period PSB received three complaints and completed one investigation alleging discriminatory policing.

Consistent with the Court's Order, Paragraphs 90, 91, and 249, requiring that PSB track as a separate category, allegations of unlawful stops, searches and seizures, or arrests; during this reporting period PSB received two complaint and completed four investigations alleging unlawful stops, searches, seizures, or arrests.

Consistent with the Court's Order, Paragraph 24, requiring a response to hotline complaints, during this reporting period the PSB received four complaints via the PSB hotline.

Consistent with the Court's Order, Paragraph 251, PSB publishes its Semi-Annual Public Report on Misconduct Investigations on the MCSO website.

Consistent with the Court's Order, Paragraph 252, the PSB publishes detailed summaries of completed internal affairs investigations monthly on the MCSO website.

Upon the filing of the Second Order in July 2016, PSB immediately began working toward compliance. Pursuant to the following Paragraphs, PSB:

• Conducted disciplinary checks on all sworn supervisors to ensure their eligibility to conduct misconduct investigations (Paragraph 199);

- Obtained BWCs for PSB personnel to conduct audio and video recorded interviews outside of the office. Video camera systems were also purchased for use at the District levels (Paragraph 200.f);
- Continued to review all division level cases for thoroughness and accuracy; provided investigative feedback to the investigator and his chain of command; and documented and tracked investigative deficiencies (Paragraph 211);
- Established a free, 24-hour hotline for members of the public to make complaints. The hotline was activated in August 2016, with greetings and instructions in both English and Spanish (Paragraph 243);
- Sought and received approval from the Monitor prior to transferring additional personnel to the division (Paragraph 268);
- Reviewed the Finding of Facts, Doc 1677 in order to determine and identify other acts of
  potential misconduct (Paragraph 291). Additionally, PSB identified active administrative
  investigations that posed potential conflicts of interest and referred those investigations to
  an outside investigative authority (Paragraph 196). Lastly, PSB retained a qualified
  outside investigative authority to conduct the investigations determined to be conflicts of
  interest (Paragraphs 291 and 300);
- Worked with the Training Division and the Monitor to develop a training curriculum to provide 40 hours of comprehensive training on conducting employee misconduct investigations (Paragraph 178);
- Provided 40 hours of comprehensive training on conducting employee misconduct investigations to all supervisors and members of PSB who conduct these types of investigations (Paragraph 178);
- Worked with the Training Division, Monitor Team, and outside vendor to develop a training curriculum to provide 8 hours of continuing training on conducting misconduct investigations (Paragraph 179);
- Provided 8 hours of continuing training on conducting misconduct investigations to all supervisors and members of PSB (Paragraph 179);
- Worked with the IT Bureau to designate a section on the MCSO website to provide detailed summaries of completed internal affairs investigations and make them readily available to the public (Paragraph 252);
- Published the Semi-Annual Public Report on Misconduct Investigations, July December 2018 (Paragraph 251);
- Hired a Management Analyst whose responsibilities include tracking separate categories of
  complaints and allegations (Paragraphs 248-249); conducting assessments of the types of
  complaints received to identify and assess potential problematic patterns and trends
  (Paragraph 250); and producing a semi-annual public report on misconduct investigations
  (Paragraph 251). The Management Analyst started work in January 2017.
- In order to promote the independence and confidentiality of investigations, MCSO identified the Maricopa County Superior Court East Court Building as a viable location for the PSB off site location. This location is separate from other MCSO facilities, is

- easily accessible to the public, and has sufficient space for personnel to receive members of the public, allowing them to file comments and complaints (Paragraph 198).
- Published the PSB Operations Manual and continues to assist the Policy Section with the annual review of Office Policies GH-2, Internal Investigations and GC-17, Employee Disciplinary Procedures.

Pursuant to Paragraph 275 of the Second Order, the Monitor is vested with the authority to supervise and direct all administrative investigations pertaining to Class Remedial Matters ("CRMs"). PSB met with the Monitor to determine and establish protocols on how to proceed with the reporting, investigation, and review of CRM investigations (Paragraph 278). The PSB Commander continues to meet weekly with members of the Monitor Team to review and discuss CRM investigations and subsequent discipline in sustained investigations.

In addition to PSB's efforts to address misconduct and complaints, EIU continues to utilize IA Pro and Blue Team to monitor and analyze behavior that may lead to misconduct (*see* Section IX) and BIO continues to address Court's Order compliance by conducting audits and inspections of employee performance and misconduct, as well as; audits of misconduct investigations (*see* Section III).

Paragraph 102. MCSO shall require all personnel to report without delay alleged or apparent misconduct by other MCSO Personnel to a Supervisor or directly to IA that reasonably appears to constitute: (i) a violation of MCSO policy or this Order; (ii) an intentional failure to complete data collection or other paperwork requirements required by MCSO policy or this Order; (iii) an act of retaliation for complying with any MCSO policy; (iv) or an intentional provision of false information in an administrative investigation or any official report, log or electronic transmittal of information. Failure to voluntarily report or document apparent misconduct described in this Paragraph shall be an offense subject to Discipline.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 102.

**Paragraph 103.** Within one year of the Effective Date, MCSO shall develop a plan for conducting regular, targeted, and random integrity audit checks to identify and investigate Deputies possibly engaging in improper behavior, including: Discriminatory Policing; unlawful detentions and arrests; improper enforcement of Immigration-Related Laws; and failure to report misconduct.

MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 103.

According to the Monitor's 19th Quarterly Report, in order to achieve Phase 1 compliance, the following policies need to be finalized:

- GH-4, Bureau of Internal Oversight (most recently amended on October 30, 2018)
- Audits and Inspections Unit Operations Manual (currently under revision)

MCSO is continuing to work on the development of BIO's AIU Operations Manual. Due to the size and scope of that manual, the Monitor Team agreed that it would be advantageous for the unit to submit the Manual in sections with a focus on the integrity testing process. A draft version of this section was submitted to the Monitor Team and Parties which was returned with comments on July 30, 2018. AIU has been awaiting the addition of a lieutenant in order to resume work on addressing the comments. A lieutenant was added to the unit late in the quarter. AIU anticipates having all comments addressed and returned for further review during the second quarter of 2019.

AIU currently conducts random and regular integrity audit checks through monthly and quarterly inspections. Although the unit's Operations Manual is still under development, the Monitor Team credits the organization with meeting the requirements of this paragraph regarding "regular" and "random" inspections through inspections such as Supervisory Note inspections, County Attorney Turndown inspections, and Employee Email inspections.

Targeted integrity audit checks will be conducted by AIU once the associated section of the Operations Manual is approved by the Monitor Team. Prior to drafting the integrity audit test section of the Operations Manual, AIU personnel discussed potential options for meeting this requirement of the Court's Order and included some of the suggestions the Monitor Team made into the Operations Manual.

The Monitor's 19th Quarterly Report noted, "While the review process of the operations manual is still underway, for this reporting period, BIO again submitted several completed inspections in support of the "regular" and "random" elements of this Paragraph. The inspections examined, for example, Supervisory Notes, Patrol Activity Logs, Traffic Stop Discussions, County Attorney turndown dispositions, Patrol Shift Rosters, and employee email usage. We reviewed these reports and believe that they comport with the Paragraph 103 requirement for "regular" and "random" integrity audit checks."

**Paragraph 104.** Subject to applicable laws, MCSO shall require Deputies to cooperate with administrative investigations, including appearing for an interview when requested by an investigator and providing all requested documents and evidence. Supervisors shall be notified when a Deputy under their supervision is summoned as part of an administrative investigation and shall facilitate the Deputy's appearance, absent extraordinary and documented circumstances.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 104.

In addition to the general comments at the beginning of this section and consistent with the Court's Order, Paragraph 104, requiring deputies to cooperate with administrative investigations and requiring that supervisors be notified when a deputy under their supervision is summoned as part of an administrative investigation, the Administrative Investigation Checklist collects the data necessary to track compliance with this Paragraph. As of June 1, 2016, the Administrative Investigation Checklist was mandatory for all administrative investigations.

**Paragraph 105.** Investigators shall have access to, and take into account as appropriate, the collected traffic stop and patrol data, Training records, Discipline history, and any past Complaints and performance evaluations of involved officers.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 105.

PSB and Compliance Bureau Commanders created a worksheet that provides information on how disciplinary decisions are made, which include the discipline range determined by the PSB Commander and the consideration of an employee's work history. The worksheet is included with all administrative investigations.

**Paragraph 106.** Records of Complaints and investigations shall be maintained and made available, un-redacted, to the Monitor and Plaintiffs' representatives upon request. The Monitor and Plaintiffs' representatives shall maintain the confidentiality of any information therein that is not public record. Disclosure of records of pending investigations shall be consistent with state law.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 106.

MCSO asserts that it has been in compliance with the requirements of Paragraph 106 for at least three consecutive years. Phase 1 compliance is not applicable. Phase 2 compliance with Paragraph 106 was first achieved on December 31, 2015. MCSO achieved three consecutive years of Phase 2 compliance with this Paragraph on December 30, 2018.

Phase 2 compliance is demonstrated by MCSO's maintenance of the required records as well as making the required records available to the Monitor, Plaintiffs, and Plaintiff-Intervenors. MCSO distributes documents via a document-sharing website. MCSO has consistently met the requirements of Paragraph 106.

MCSO asserts full and effective compliance with the requirements for Paragraph 106 in accordance with Paragraph 13.

# Section 10: Community Engagement

On August 3, 2017, the Court granted Sheriff Penzone's Motion to Modify Document 670 Pertaining to Community Engagement. Sheriff Penzone's requested and adopted changes are a demonstration of his commitment to the community members he serves and his dedication to rebuilding the community's trust and confidence in MCSO. The resulting amended Order requires MCSO to be responsible for community engagement through the Community Outreach Division ("COrD") and the CAB. While Sheriff Penzone and MCSO realize these amendments require hard work and come with challenges, MCSO prioritizes rebuilding a relationship with the community it serves.

MCSO leadership has enjoyed working directly with the affected community and CAB to obtain community input into compliance with the Court's Order. MCSO also has the responsibility for planning, organizing, advertising, and hosting the Court's Order mandated community meetings with the intention of improving community relations and repairing the damaged relationship between MCSO and the Plaintiff class.

The quarterly *Melendres* community meeting, which coincides with the Monitor site visit, was held on January 15, 2019 at Elisio C. Felix Elementary School located at 540 La Posada Boulevard, Goodyear. This school is located within the jurisdiction of District 2. In an attempt to garner more attendance and offer a less formal setting to encourage dialogue, this community meeting was held in the morning hours much like the successful "Coffee with a Cop" model. The District 2 Commander, Captain Johnson, was in attendance and led the meeting.

Sheriff Penzone presented to those in attendance by discussing the history of the Melendres litigation and highlighting the policy changes and training efforts of MCSO. One community member spoke and addressed concerns about an MCSO investigation involving the arrest of her daughter. It was determined that this incident is currently being investigated by PSB and investigators met with her privately at the conclusion of her remarks.

A handout was provided with summary compliance information, contact for the Professional Standards Bureau (PSB), and the website for the audits and inspections. Despite significant advertising and outreach efforts, which were discussed with the Monitoring team, there is a marked decline in community members interested in attending these quarterly meetings and attendance is very low.

MCSO also continues providing youth and adults tools for success through sustainable partnerships with community members and local businesses in addition to the Court's Order related Paragraphs. In furtherance of community engagement activity, the Office organized the Community Outreach Team in January 2017. The division facilitates, promotes, and participates in events that unite MCSO personnel with community members in comfortable, non-law enforcement environments.

MCSO's quarterly register records community policing activities performed by MCSO Patrol Deputies across the County. For the period of January 1, 2019 through March 31, 2019, the Sheriff's Office registered 132 events where public attendance approached approximately 18,336. During this same period, MCSO recorded 885 occasions of community policing utilizing the Computer Aided Dispatch System. Those engagements totaled over 1,783 staff hours and are primarily attributed to the community policing activities of Patrol Deputies.

The Community Outreach Division works on bringing MCSO and the community together with existing programs along with developing new relationships within the community by attending and

hosting various community events. A brief overview of these activities conducted during the first quarter of 2019 are listed below.

During the month of January, the MCSO Community Outreach Division, in partnership with the Tempe Police Department, created a soccer league with the Arizona Boys and Girls Club. Each team is coached by law enforcement officers. The Guadalupe branch of the Arizona Boys and Girls Club is coached by two MCSO deputies. The season has begun and will culminate in May with a tournament in the Town of Guadalupe.

On January 12, COrD staff assisted with the creation of a Little Library at the Arizonan's for Children Foster Center. The concept of a Little Library is for the community to "take a book, leave a book" from a small from and accessible depository. MCSO donated 500 children's books during this event to ensure that each child would have an opportunity to take a book. COrD's engagement with foster children, who often have a negative experience with law enforcement, allowed them to create a positive experience and encourage trust.

During the week of January 15, COrD staff assisted with CPR instruction. The training was provided to constables. This was the largest CPR class taught by MCSO with 65 total students.

On January 15, COrD staff participated as part of a recruitment panel for a recruitment and hiring event. The recruitment panel was available to answer questions and provide insight regarding career opportunities with MCSO.

The three-day Community Academy began in January. The Community Academy was conducted on three consecutive Saturdays in English on January 26, February 2, and February 9, and in Spanish on March 9, 16, and 23. The Community Academy provides community members an opportunity to learn of the many responsibilities of MCSO.

On February 6, the Community Outreach Team facilitated a tour of the Maricopa County Sheriff's Office Headquarters. Students from the East Valley Institute of Technology (EVIT) High School had an opportunity to tour and speak to employees from Court Implementation, Community Outreach, Communications Division, Executive Staff and the Bureau of Internal Oversight. All 70 students were exposed to job opportunities within MCSO.

On February 16th, MCSO participated in a Diversity in Policing Panel. The panel was hosted by Northern Arizona University Justice Studies Program. The panel was comprised of law enforcement agencies from across the metropolitan Phoenix area. A member of COrD was MCSO's representative on the panel. Following the panel discussion, a recruitment fair took place with agencies from across the United States. This was the third year of the Diversity in Policing Panel. This was the first year that MCSO participated.

COrD staff assisted with coordinating the initial Neighborhood Watch program for Patrol Districts 1, 2, 3, and 6. District 6 partnered with local community members for their Neighborhood Watch Program. MCSO deputies enlisted help from residents in a cooperative effort to reduce crime in their communities by develop strong neighborhoods, through encouraging communication.

On February 22, Community Outreach gave a presentation on the use of force and methods used in the jails at Franklin Police & Fire High School. This provided an opportunity to be more engaging with the youth within the community and allow them to gain a better understanding of MCSO.

On February 23 Community Outreach participated in the Annual Foster Festival Event at Enchanted Island. This event is solely for foster children and families, with a focus on introducing them to career opportunities. When foster children reach 18 years of age, they are released from

the foster program and left to make it on their own. Some of these individuals become homeless because they don't know where to turn. This event provides the foster children with information on employment opportunities. COrD was able to provide information about employment opportunities with MCSO. Thousands of people attended this event to support the Foster Children in Arizona.

On March 7, Jobs for Arizona's Graduates (JAG) invited MCSO and other partner agencies to conduct mock interviews at the Phoenix College. JAG students were interviewed and critiqued based off of an evaluation form. COrD staff interviewed 5 Spanish speaking students from different high schools throughout the Phoenix metropolitan area. Participants received feedback on their performance. This was a great opportunity for MCSO to encourage high school students to consider a career in law enforcement.

On March 26, COrD staff conducted a presentation at Sierra Linda High School in West Phoenix. The presentation covered a lot of material highlighting "Knowing Your Rights," and the use of illicit drugs. At the conclusion of the presentation, COrD staff had interaction with students who shared their personal life experiences. One student shared that she would be the first in her family to graduate high school and she was considering the possibility of pursuing a law enforcement career. This served as a reminder for the importance of interacting with the youth of Maricopa County.

COrD staff coordinated an event honoring Dr. Seuss on his birthday with assistance from deputies in District 1 and District 2. Over 15 Detention Officers, and Community Outreach team visited the students of Taft Elementary School and read them their favorite Dr. Seuss stories.

MCSO Deputies, Detention Officers, and the Community Outreach team played in the 15th annual basketball challenge against Aguila Elementary School teachers. Students cheered from the bleachers. MCSO came out on top with the victory win! This was a great event that allowed the school, community, and MCSO deputies an opportunity to strengthen their partnership and continue to gain the community's trust.

COrD staff organized the St. Patrick's Day parade that occurred on March 16. Deputies, detention officers, and civilian staff participated in the parade hosted by the Arizona Law Enforcement Emerald Society, a nonprofit organization.

On March 27, the Community Outreach team and Detention recruits from class #951 had the opportunity to build, assemble, and deliver bunk beds to children and families in need. The Training Division Captain coordinated this special event with the charity organization, Sleep in Heavenly Peace. COrD staff and class #951 detention recruits were honored to help build 30 bunk beds for children in need.

COrD is committed to continuing their work to collaborate with the multiple Advisory Boards by consulting with them and seeking their feedback on array of issues important to the community. Community Outreach personnel continue to educate the Districts with community policing ideas and encourage their participation in public events within the community to help rebuild community relations, confidence and trust.

(Note: Amendments to Paragraphs 107-118 were ordered on August 03, 2017, reference Document 2100. The changes are included below).

**Paragraph 109.** As part of its Community Outreach and Public Information program, the MCSO shall hold at least one public meeting per quarter to coincide with the quarterly site visits by the

Monitor in a location convenient to the Plaintiffs class. The MCSO shall consult with Plaintiffs' representatives and the Community Advisory Board on the locations of the meetings. These meetings shall be used to inform community members of the policy changes or other significant actions that the MCSO has taken to implement the provisions of this Order. Summaries of audits and reports completed by the MCSO pursuant to this Order shall be made available. The MCSO shall clarify for the public at these meetings that it does not enforce immigration laws except to the extent that it is enforcing Arizona and federal criminal laws.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 109.

The quarterly community meeting, which coincides with the Monitor site visit, was held on January 15, 2019 at Elisio C. Felix Elementary School located at 540 La Posada Boulevard, Goodyear. This school is located within the jurisdiction of District 2. In an attempt to garner more attendance and offer a less formal setting to encourage dialogue, this community meeting was held in the morning hours much like the successful "Coffee with a Cop" model. The District 2 Commander, Captain Johnson, was in attendance and led the meeting.

Sheriff Penzone presented to those in attendance by discussing the history of the Melendres litigation and highlighting the policy changes and training efforts of MCSO. One community member spoke and addressed concerns about an MCSO investigation involving the arrest of her daughter. It was determined that this incident is currently being investigated by PSB and investigators met with her privately at the conclusion of her remarks.

MCSO consulted with the CAB and the Plaintiff's representatives in the selection of this location for this meeting as a place that would be convenient to the Plaintiff class. Handouts were made available to those in attendance with summary compliance information, contact for PSB, and the website for the audits and inspections. The CAB, Monitor, ACLU and DOJ were introduced and they were available to answer the community's questions.

MCSO also explicitly stated it does not enforce immigration laws except to the extent that it is enforcing Arizona and federal criminal laws.

**Paragraph 110.** The meetings present an opportunity for MCSO representatives to listen to community members' experiences and concerns about MCSO practices implementing this Order, including the impact on public trust. MCSO representatives shall make reasonable efforts to address such concerns during the meetings and afterward as well as explain to attendees how to file a comment or complaint.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 110.

The quarterly community meeting, which coincides with the Monitor site visit, was held on January 15, 2019 at Elisio C. Felix Elementary School located at 540 La Posada Boulevard, Goodyear. This school is located within the jurisdiction of District 2. MCSO consulted with CAB and the Plaintiff's representatives in the selection of this location for this meeting as a place that would be convenient to the Plaintiff's class.

A handout was provided with summary compliance information, contact for PSB, and the website for the audits and inspections.

Sheriff Penzone and executive command staff presented to those in attendance by discussing the history of the *Melendres* litigation and highlighting the policy changes and training efforts of MCSO.

MCSO also explicitly stated it does not enforce immigration laws except to the extent that it is enforcing Arizona and federal criminal laws. Handouts were also made available to those in attendance with summary compliance information, contact for PSB, and the website for the audits and inspections. The CAB, Monitor, ACLU and DOJ were introduced and they were available to answer the community's questions.

Paragraph 111: English and Spanish-speaking MCSO Personnel shall attend these meetings and be available to answer questions from the public. At least one MCSO supervisor with extensive knowledge of the agency's implementation of the Order, as well as an MCSO Community Liaison, shall participate in the meetings. The Monitor, Plaintiffs' and Plaintiff-Intervenor's representatives shall be invited to attend, and MCSO shall announce their presence and state their availability to answer questions.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 111.

English and Spanish-speaking personnel from MCSO attended the January 15, 2019 meeting. MCSO personnel from CID, PSB, District 2 Patrol Division, COrD and Executive Command staff were in attendance. MCSO was prepared to provide live, consecutive Spanish interpretation throughout the meeting. In addition, the Monitor and representatives from ACLU of Arizona, DOJ, and CAB were present and Sheriff Penzone announced their presence and their availability to answer questions.

Paragraph 112. At least ten days before such meetings, the MCSO shall widely publicize the meetings in English and Spanish after consulting with Plaintiffs' representatives and the Community Advisory Board regarding advertising methods. Options for advertising include, but are not limited to, television, radio, print media, internet and social media, and any other means available. If any party determines there is little interest or participation in such meetings among community members, or that they have otherwise fulfilled their purpose, it can file a request with the Court that this requirement be revised or eliminated.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 112.

The quarterly community meeting held on January 15, 2019 at Elisio C. Felix Elementary School located at 540 La Posada Boulevard, Goodyear was widely advertised.

MCSO also constructively sought to share the details of the event with local community partners including local church leaders, local school administrators, and community-based organizations to include the parent/teacher's organization. The event was also advertised by MCSO via social media, flyers, and on English and Spanish radio as well as in Spanish newspaper.

The flyers created for advertising this event were shared with CAB, Plaintiff's representatives, and the Monitor.

**Paragraph 113.** MCSO shall select or hire a Community Liaison who is fluent in English and Spanish. The hours and contact information of the MCSO Community Outreach Division ("COD") shall be made available to the public including on the MCSO website. The COD shall be directly available to the public for communications and questions regarding the MCSO.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 113.

MCSO selected a Community Liaison Officer who is fluent in English and Spanish.

Information for COrD and hours of availability is documented on MCSO's website. The website also states that COrD team members are available, upon request, seven days a week. This

information was updated on the webpage on January 12, 2018. In addition, at public events such as the quarterly community meeting, COrD's contact information is publicized and their presence and willingness to answer to questions is stated.

**Paragraph 114.** The COD shall have the following duties in relation to community engagement:

- a. to coordinate the district community meetings described above in Paragraphs 109 to 112;
- b. to provide administrative support for, coordinate and attend meetings of the Community Advisory Board described in Paragraphs 117 to 118; and
- c. to compile any complaints, concerns and suggestions submitted to the COD by members of the public about the implementation of this Order and the Court's order of December 23, 2011, and its findings of fact and conclusions of law dated May 24, 2013, even if they don't rise to the level of requiring formal action by IA or other component of the MCSO, and to respond to Complainants' concerns; and
- d. to communicate concerns received from the community at regular meetings with the Monitor and MCSO leadership.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 114.

On August 3, 2017 Document 670 was amended by the Court at MCSO's request, shifting the responsibility of community engagement back to MCSO.

MCSO representatives in attendance at public meetings encourage questions, comments and concerns in order to create dialogue between the community and MCSO. Complaints, concerns and suggestions are tracked by COrD personnel utilizing a form developed with input from the Monitor. Complaint/Comments forms are routinely promoted to document any concerns or complaints by those who choose not to publicly speak.

All MCSO employees assigned to the COrD have received the Monitor approved Complaint Intake and Processing training.

During this reporting period there was minimal administrative support requested by CAB although MCSO stands ready and willing to provide that assistance.

**Paragraph 115.** MCSO and Plaintiffs' representatives shall work with community representatives to create a Community Advisory Board ("CAB") to facilitate regular dialogue between MCSO and the community, and to provide specific recommendations to MCSO about policies and practices that will increase community trust and ensure that the provisions of this Order and other orders entered by the Court in this matter are met.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 115.

MCSO routinely communicates with CAB and appreciates the feedback it has provided to us on various topics such as the MCSO website, Training curriculum, and site selection for the community meeting.

**Paragraph 116.** The CAB shall have five members, two to be selected by MCSO and two to be selected by Plaintiffs' representatives. One member shall be jointly selected by MCSO and Plaintiffs' representatives. Members of the CAB shall not be MCSO Employees or any of the named class representatives, nor any of the attorneys involved in this case. A member of the MCSO COD and at least one representative for Plaintiffs shall attend every meeting of the CAB, but the

CAB can request that a portion of the meeting occur without COD or the Plaintiffs' representative. The CAB shall continue for at least the length of this Order.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 116.

On September 1, 2017, MCSO announced their selection of the two CAB members and announced the Plaintiffs' representatives and MCSO's joint selection.

MCSO was not advised of any public meetings held by CAB during this rating period. MCSO continues to frequently communicate with CAB via email and phone calls.

**Paragraph 117.** The CAB shall hold meetings at regular intervals. The meetings may be either public or private as the purpose of the meeting dictates, at the election of the CAB. The Defendants shall provide a suitable place for such meetings. The MCSO shall coordinate the meetings and communicate with CAB members and provide administrative support for the CAB.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 117.

During this reporting period there was minimal administrative support requested by CAB, although MCSO stands ready and willing to provide that assistance. MCSO has previously assisted in producing business cards for CAB and MCSO also facilitated the use of a conference room for CAB so they could hold their private meetings.

**Paragraph 118.** During the meetings of the CAB, members will relay or gather concerns from the community about MCSO practices that may violate the provisions of this Order and the Court's previous injunctive orders entered in this matter and transmit them to the COD for investigation and/or action. Members may also hear from MCSO Personnel on matters of concern pertaining to the MCSO's compliance with the orders of this Court.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 118.

MCSO continues to be responsive to the concerns and recommendations brought forth by CAB. MCSO is readily available to provide information on matters of concern pertaining to compliance with the Court's Order.

# Section 11: Second Supplemental Permanent Injunction/Judgment Order (Doc. 1748)

Paragraph 165. Within one month of the entry of this Order, the Sheriff shall conduct a comprehensive review of all policies, procedures, manuals, and other written directive related to misconduct investigations, employee discipline, and grievances, and shall provide to the Monitor and Plaintiffs new policies and procedure or revise existing policies and procedures. The new or revised policies and procedures that shall be provided shall incorporate all of the requirements of this Order. If there are any provisions as to which the parties do not agree, they will expeditiously confer and attempt to resolve their disagreements. To the extent that the parties cannot agree on any proposed revisions, those matters shall be submitted to the Court for resolution within three months of the date of the entry of this Order. Any party who delays the approval by insisting on provisions that are contrary to this Order is subject to sanction.

Phase 1 compliance for this Paragraph is not applicable. Phase 2 compliance is deferred. On August 25, 2016, MCSO filed a notice of compliance for Paragraph 165 with the Court.

Pursuant to Paragraph 165, the MCSO Policy Section has submitted the following 31 policies along with other operations manuals and protocols to the Monitor and Parties related to this Paragraph:

- CP-2, *Code of Conduct* (Re-Published 03/15/2019)
- CP-3, Workplace Professionalism (Re-Published 01/24/2019)
- CP-5, *Truthfulness* (Published 10/24/2017)
- CP-8, Preventing Racial and Other Biased Based Profiling (Re-Published 09/26/2018)
- CP-11, Anti-Retaliation (Re-Published 12/13/2018)
- EA-2, *Patrol Vehicles* (Re-Published 02/20/2019)
- GA-1, Development of Written Orders (Re-Published 03/28/2019)
- GB-2, Command Responsibility (Re-Published 05/10/2018)
- GC-4, *Employee Performance Appraisals* (Published 09/06/2017)
- GC-7, Transfer of Personnel (Re-Published 09/27/2018)
- GC-11, *Employee Probationary Periods* (Re-Published 03/28/2019)
- GC-12, *Hiring and Promotional Procedures* (Re-Published 04/10/2018)
- GC-16, Employee Grievance Procedures (Re-Published 04/06/2018)
- GC-17, *Employee Disciplinary Procedure* (Re-Published 04/06/2018)
- GD-9, *Receipt of Litigation and Subpoenas* (Published 10/13/2017)
- GE-4, Use, Assignment, and Operation of Vehicles (Published 10/07/2017)
- GG-1, Peace Officer Training Administration (Re-Published 05/16/2018)
- GG-2, Detention/Civilian Training Administration (Re-Published 05/16/2018)
- GH-2, *Internal Investigations* (Re-Published 07/17/2018)

- GH-4, Bureau of Internal Oversight (Published 10/30/2018)
- GH-5, Early Identification System (EIS) (Re-Published 01/04/2019)
- GI-5, *Voiance Language Line Services* (Re-Published 12/08/2017)
- GJ-24, Community Relations and Youth Services (Re-Published 09/07/2018)
- GJ-26, Sheriff's Reserve Deputy Program (Published 03/30/2018)
- GJ-27, Sheriff's Posse Program (Currently under revision)
- GJ-35, *Body-Worn Cameras* (Published 01/07/2017)
- Audits and Inspections Unit Operations Manual (Currently under revision)
- Body-Worn Camera Operations Manual (Re-Published on 01/17/2017)
- Compliance Division Operations Manual (Published 08/17/2018)
- Professional Standards Bureau Operations Manual (Published 12/13/2018)
- Training Division Operations Manual, (Approved 09/21/2017)

All outstanding operations manuals and policies are currently in a phase of review or revision. MCSO is actively working on the outstanding operations manuals listed as currently under revision.

# **Paragraph 167.** The policies shall include the following provisions:

- a. Conflicts of interest in internal affairs investigations or in those assigned by the MCSO to hold hearings and make disciplinary decisions shall be prohibited. This provision requires the following:
  - i. No employee who was involved in an incident shall be involved in or review a misconduct investigation arising out of the incident.
  - ii. No employee who has an external business relationship or close personal relationship with a principal or witness in a misconduct investigation may investigate the misconduct. No such person may make any disciplinary decisions with respect to the misconduct including the determination of any grievance or appeal arising from any discipline.
  - iii. No employee shall be involved in an investigation, whether criminal or administrative, or make any disciplinary decisions with respect to any persons who are superior in rank and in their chain of command. Thus, investigations of the Chief Deputy's conduct, whether civil or criminal, must be referred to an outside authority. Any outside authority retained by the MCSO must possess the requisite background and level of experience of internal affairs investigators and must be free of any actual or perceived conflicts of interest.
- b. If an internal affairs investigator or a commander who is responsible for making disciplinary findings or determining discipline has knowledge of a conflict of interest affecting his or her involvement, he or she should immediately inform the Commander of the Professional Standards Bureau or, if the holder of that office also suffers from a conflict, the highest-ranking, non-conflicted chief-level officer at MCSO or, if there is no non-conflicted chief-level officer at MCSO, an outside authority. Any outside authority

retained by the MCSO must possess the requisite background and level of experience of internal affairs investigators and must be free of any actual or perceived conflicts of interest.

- c. Investigations into an employee's alleged untruthfulness can be initiated by the Commander of the Professional Standards Bureau or the Chief Deputy. All decisions not to investigate alleged untruthfulness must be documented in writing.
- d. Any MCSO employee who observes or becomes aware of any act of misconduct by another employee shall, as soon as practicable, report the incident to a Supervisor or directly to the Professional Standards Bureau. During any period in which a Monitor is appointed to oversee any operations of the MCSO, any employee may, without retaliation, report acts of alleged misconduct directly to the Monitor.
- e. Where an act of misconduct is reported to a Supervisor, the Supervisor shall immediately document and report the information to the Professional Standards Bureau.
- f. Failure to report an act of misconduct shall be considered misconduct and may result in disciplinary or corrective action, up to and including termination. The presumptive discipline for a failure to report such allegations may be commensurate with the presumptive discipline for the underlying misconduct.
- g. No MCSO employee with a rank lower than Sergeant will conduct an investigation at the District level.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 167.

Following the issuance of the Second Order, PSB identified active administrative investigations that posed potential conflicts of interest and referred three of these investigations to the Arizona Department of Public Safety. Additionally, PSB retained a qualified outside investigative authority and referred additional active investigations determined to be conflicts of interest. PSB also reviewed the Finding of Facts of Document 1677 to determine and identify other acts of potential misconduct. PSB continues to identify potential conflicts of interest and continues to utilize the outside investigative authority to refer these investigations.

**Paragraph 168.** All forms of reprisal, discouragement, intimidation, coercion, or adverse action against any person, civilian, or employee because that person reports misconduct, attempts to make or makes a misconduct complaint in good faith, or cooperates with an investigation of misconduct constitute retaliation and are strictly prohibited. This also includes reports of misconduct made directly to the Monitor, during any period in which a Monitor is appointed to oversee any operations of MCSO.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 168.

**Paragraph 169.** Retaliating against any person who reports or investigates alleged misconduct shall be considered a serious offense and shall result in discipline, up to and including termination.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 169.

**Paragraph 170.** The Sheriff shall investigate all complaints and allegations of misconduct, including third-party and anonymous complaints and allegations. Employees as well as civilians shall be permitted to make misconduct allegations anonymously.

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 170.

**Paragraph 171.** The MCSO will not terminate an administrative investigation solely on the basis that the complainant seeks to withdraw the complaint, or is unavailable, unwilling, or unable to cooperate with an investigation, or because the principal resigns or retires to avoid discipline. The MCSO will continue the investigation and reach a finding, where possible, based on the evidence and investigatory procedures and techniques available.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 171.

**Paragraph 172.** Employees are required to provide all relevant evidence and information in their custody and control to internal affairs investigators. Intentionally withholding evidence or information from an internal affairs investigator shall result in discipline.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 172.

**Paragraph 173.** Any employee who is named as a principal in an ongoing investigation of serious misconduct shall be presumptively ineligible for hire or promotion during the pendency of the investigation. The Sheriff and/or the MCSO shall provide a written justification for hiring or promoting an employee or applicant who is a principal in an ongoing investigation of serious misconduct. This written justification shall be included in the employee's employment file and, during the period that the MCSO is subject to Monitor oversight, provided to the Monitor.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 173.

When a promotional list is established, PSB receives the eligibility list, and prior to any finalized promotion, PSB conducts a disciplinary check, the results of which are provided to those in executive command who are responsible for considering eligible candidates for promotion.

The Monitor's 19th Quarterly Report states that MCSO must give greater consideration to the requirements of this Paragraph, with regard to promoting employees with open serious misconduct investigations. The Monitor's 19th Quarterly Report further notes that they have previously expressed concerns over the justification of promotions of individuals who have serious issues in their disciplinary histories and if MCSO is non-compliant with this Paragraph in the next quarter, we will withdraw compliance.

The requirements of Paragraph 173 state that MCSO shall provide a written justification for hiring or promoting an employee or applicant who is a principal in an ongoing investigation of serious misconduct. MCSO consistently meets these requirements by providing the required justification. The justifications provided and signed by executive command staff fully consider the employee's full employment history – including open investigations and previously issued discipline. Compliance with this Paragraph should not be based on the Monitor's agreement or disagreement with the justification.

Paragraph 174. Employees' and applicants' disciplinary history shall be considered in all hiring, promotion, and transfer decisions, and this consideration shall be documented. Employees and applicants whose disciplinary history demonstrates multiple sustained allegations of misconduct, or one sustained allegation of a Category 6 or Category 7 offense from MCSO's disciplinary matrices, shall be presumptively ineligible for hire or promotion. MCSO shall provide a written justification for hiring or promoting an employee or applicant who has a history demonstrating multiple sustained allegations of misconduct or a sustained Category 6 or Category 7 offense. This written justification shall be included in the employee's employment file and, during the period that the MCSO is subject to Monitor oversight, provided to the Monitor.

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 174.

**Paragraph 175.** As soon as practicable, commanders shall review the disciplinary history of all employees who are transferred to their command.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 175.

In relationship to Paragraph 174, MCSO developed a tracking sheet for all personnel being transferred. This tracking sheet is accompanied by either 5 or 10 years of discipline history as well as 5 or 10 years of EPA's. The gaining Commander of a transferee is required to review the discipline history as well as the EPA's before signing that this information has been reviewed. The gaining Commander of a transferee is fulfilling and exceeding the requirements of Paragraph 175 by reviewing the documentation and signing for that review on the transfer tracking sheet for all personnel, regardless of rank and classification.

**Paragraph 176.** The quality of investigators' internal affairs investigations and Supervisors' reviews of investigations shall be taken into account in their performance evaluations.

MCSO is in Phase 1 compliance with Paragraph 176. MCSO is not in Phase 2 compliance.

MCSO will continue to provide the Monitor with copies of completed EPA's so that Phase 2 compliance can be assessed. MCSO continues to strive for compliance.

**Paragraph 177.** There shall be no procedure referred to as a "name-clearing hearing." All pre-disciplinary hearings shall be referred to as "pre-determination hearings," regardless of the employment status of the principal.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 177.

Since the issuance of the Second Order there have been no name clearing hearings conducted.

**Paragraph 178.** Within three months of the finalization of these policies consistent with ¶ 165 of this Order, the Sheriff will have provided all Supervisors and all personnel assigned to the Professional Standards Bureau with 40 hours of comprehensive training on conducting employee misconduct investigations. This training shall be delivered by a person with subject matter expertise in misconduct investigation who shall be approved by the Monitor. This training will include instruction in:

- a. investigative skills, including proper interrogation and interview techniques, gathering and objectively analyzing evidence, and data and case management;
- b. the particular challenges of administrative law enforcement misconduct investigations, including identifying alleged misconduct that is not clearly stated in the complaint, or that becomes apparent during the investigation;
- c. properly weighing the credibility of civilian witnesses against employees;
- d. using objective evidence to resolve inconsistent statements;
- e. the proper application of the appropriate standard of proof;
- f. report-writing skills;
- g. requirements related to the confidentiality of witnesses and/or complainants;
- h. considerations in handling anonymous complaints;
- i. relevant MCSO rules and policies, including protocols related to administrative investigations of alleged officer misconduct; and

j. relevant state and federal law, including Garrity v. New Jersey, and the requirements of this Court's orders.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 178.

- 2017 PSB40 was delivered once during this quarter and attended by 22 personnel − 2 Sworn and 20 Detention.
- 2018 PSB Internal was not delivered during this quarter.
- 2018 PSB 8 was delivered 2 times this quarter and attended by 54 Sworn personnel. All passed.

MCSO remains in compliance with this Paragraph.

**Paragraph 179.** All Supervisors and all personnel assigned to the Professional Standards Bureau also will receive eight hours of in-service training annually related to conducting misconduct investigations. This training shall be delivered by a person with subject matter expertise in misconduct investigation who shall be approved by the Monitor.

*MCSO is in Phase 1 compliance with Paragraph 179*. Phase 2 compliance is deferred with Paragraph 179 based on the Monitor's 19th Quarterly Report.

MCSO Training decided to offer two PSB Training curriculums for the 8-hour continuing misconduct investigations in-service training: one curriculum for PSB personnel (PSB-8 Internal) and the second curriculum for all other supervisors (PSB-8 External).

MCSO contracted with Ms. Anne Munch to deliver the PSB-8 Internal Training to personnel assigned to PSB. It should be noted Ms. Anne Munch was recommended to MCSO by the Parties and is an example of the value of collaboration not being viewed in a negative light. This training was delivered on 11/16/2018 to personnel assigned to PSB. Any PSB personnel who were unable to attend are required to attend the PSB-8 External Training that will be delivered to supervisors not assigned to PSB.

The PSB-8 External train-the-trainer was conducted on 12/4/2018. The Monitor provided technical assistance during this session that was beneficial to the final approval of the lesson plan. MCSO concluded the PSB-8 training on or about 01/10/2019 with 98% compliance rate.

MCSO asserts it is in Phase 1 and Phase 2 Compliance with Paragraph 179.

**Paragraph 180.** Within three months of the finalization of these policies consistent with ¶ 165 of this Order, the Sheriff will provide training that is adequate in quality, quantity, scope, and type, as determined by the Monitor, to all employees on MCSO's new or revised policies related to misconduct investigations, discipline, and grievances. This training shall include instruction on identifying and reporting misconduct, the consequences for failing to report misconduct, and the consequences for retaliating against a person for reporting misconduct or participating in a misconduct investigation.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 180.

The Monitor agreed to assist MCSO by providing subject matter expertise in the initial development of the 40-hour comprehensive training on conducting employee misconduct investigations required pursuant to Paragraph 178. PSB actively consulted with the Monitor and provided information and feedback on a plan of instruction, proposed lesson plan, and training schedule.

During the previous reporting period, PSB finalized the 40-hour curriculum; completed the Trainthe-Trainer sessions with technical assistance from the Monitor Team; and provided training to supervisors who conduct misconduct investigations. The training was completed in November 2017 with over 94% compliance.

**Paragraph 181.** Within three months of the finalization of these policies consistent with ¶ 165 of this Order, the Sheriff will provide training that is adequate in quality, quantity, scope, and type, as determined by the Monitor, to all employees, including dispatchers, to properly handle civilian complaint intake, including how to provide complaint materials and information, and the consequences for failing to take complaints.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 181.

MCSO delivers this training through TheHUB and is available to new employees and those employees needing a refresher.

**Paragraph 182.** Within three months of the finalization of these policies consistent with ¶ 165 of this Order, the Sheriff will provide training that is adequate in quality, quantity, scope, and type, as determined by the Monitor, to all Supervisors on their obligations when called to a scene by a subordinate to accept a civilian complaint about that subordinate's conduct and on their obligations when they are phoned or emailed directly by a civilian filing a complaint against one of their subordinates.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 182.

MCSO anticipates delivering this training quarterly; or as needed to those who may be under consideration for promotion.

**Paragraph 184.** All findings will be based on the appropriate standard of proof. These standards will be clearly delineated in policies, training, and procedures, and accompanied by detailed examples to ensure proper application by internal affairs investigators.

# MCSO is in Phase 1 and Phase 2 compliance.

MCSO will continue to provide documents to the Monitor on a monthly basis to assess continued compliance with this Paragraph.

**Paragraph 185.** Upon receipt of any allegation of misconduct, whether internally discovered or based upon a civilian complaint, employees shall immediately notify the Professional Standards Bureau.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 185.

Paragraph 186. Effective immediately, the Professional Standards Bureau shall maintain a centralized electronic numbering and tracking system for all allegations of misconduct, whether internally discovered or based upon a civilian complaint. Upon being notified of any allegation of misconduct, the Professional Standards Bureau will promptly assign a unique identifier to the incident. If the allegation was made through a civilian complaint, the unique identifier will be provided to the complainant at the time the complaint is made. The Professional Standards Bureau's centralized numbering and tracking system will maintain accurate and reliable data regarding the number, nature, and status of all misconduct allegations, from initial intake to final disposition, including investigation timeliness and notification to the complainant of the interim status, if requested, and final disposition of the complaint. The system will be used to determine the status of misconduct investigations, as well as for periodic assessment of compliance with relevant

policies and procedures and this Order, including requirements of timeliness of investigations. The system also will be used to monitor and maintain appropriate caseloads for internal affairs investigators.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 186.

MCSO practices the requirements of this Paragraph by utilizing the IA Pro database. It serves as the centralized electronic numbering and tracking system for all allegations of misconduct, whether internally or externally discovered; provides a unique identifier to all misconduct complaints; maintains electronic investigative files of all documents relating to misconduct investigations and discipline; and sends alerts when deadlines are not met. The Monitor has access to the IA Pro database and has periodically audited and reviewed the system.

**Paragraph 187.** The Professional Standards Bureau shall maintain a complete file of all documents within the MCSO's custody and control relating to any investigations and related disciplinary proceedings, including pre-determination hearings, grievance proceedings, and appeals to the Maricopa County Law Enforcement Merit System Council or a state court.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 187.

PSB continues to comply with this Paragraph as it maintains both hard copy and electronic files, which contain all documents required for compliance with this Paragraph. The Monitor has access to the IA Pro database and has periodically audited and reviewed the content of both hard copy and electronic files to ensure the file is complete.

**Paragraph 188.** Upon being notified of any allegation of misconduct, the Professional Standards Bureau will make an initial determination of the category of the alleged offense, to be used for the purposes of assigning the administrative investigation to an investigator. After initially categorizing the allegation, the Professional Standards Bureau will promptly assign an internal affairs investigator.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 188.

During the Monitor technical assistance visit in August 2016, it was determined that compliance with this Paragraph would be based upon PSB's determination of the initial allegations, not which category of offense is determined once the investigation is completed.

PSB also classifies some complaints as service complaints. PSB initiated a process and complaint tracking system for these complaints. Lastly, the PSB Commander has the discretion to determine that internal complaints alleging minor policy violations can be documented and addressed without a formal investigation if certain criteria exist.

**Paragraph 189.** The Professional Standards Bureau shall administratively investigate:

- a. misconduct allegations of a serious nature, including any allegation that may result in suspension, demotion, or termination; and
- b. misconduct indicating apparent criminal conduct by an employee.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 189.

**Paragraph 190.** Allegations of employee misconduct that are of a minor nature may be administratively investigated by a trained and qualified Supervisor in the employee's District.

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 190.

**Paragraph 191.** If at any point during a misconduct investigation an investigating Supervisor outside of the Professional Standards Bureau believes that the principal may have committed misconduct of a serious or criminal nature, he or she shall immediately notify the Professional Standards Bureau, which shall take over the investigation.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 191.

**Paragraph 192.** The Professional Standards Bureau shall review, at least semi-annually, all investigations assigned outside the Bureau to determine, among the other matters set forth in ¶ 251 below, whether the investigation is properly categorized, whether the investigation is being properly conducted, and whether appropriate findings have been reached.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 192.

PSB reviews all cases assigned outside of PSB to determine whether the investigation has been properly conducted, are thorough and complete, and appropriate findings have been reached, prior to the final acceptance at PSB. Additionally, PSB personnel have visited the Districts to provide assistance during the investigation to assist in identifying allegations and Policy violations; assist with interviews and report writing; and the determination of findings. This is done in "real time."

Lastly, the PSB Management Analyst assesses the required data necessary to produce semi-annual reviews of misconduct investigations pursuant to Paragraph 251. Consistent with the Court's Order, Paragraph 251, PSB publishes on the MCSO website its Semi-Annual Public Report on Misconduct Investigations.

During the October 2017 and January 2018 Site Visits, PSB advised that the requirements for this Paragraph are satisfied in the Semi-Annual Public Report on Misconduct Investigations as the report documents whether division investigations are properly categorized, properly conducted, and appropriate findings reached.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this paragraph, was completed and published on December 13, 2018.

**Paragraph 193.** When a single act of alleged misconduct would constitute multiple separate policy violations, all applicable policy violations shall be charged, but the most serious policy violation shall be used for determining the category of the offense. Exoneration on the most serious offense does not preclude discipline as to less serious offenses stemming from the same misconduct.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 193.

**Paragraph 194.** The Commander of the Professional Standards Bureau shall ensure that investigations comply with MCSO policy and all requirements of this Order, including those related to training, investigators' disciplinary backgrounds, and conflicts of interest.

MCSO achieved Phase 1 compliance with Paragraph 194. MCSO is not in Phase 2 compliance.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018. MCSO continues to work toward Phase 2 compliance with Paragraph 194.

**Paragraph 195.** Within six months of the entry of this Order, the Professional Standards Bureau shall include sufficient trained personnel to fulfill the requirements of this Order.

MCSO achieved Phase 1 compliance with Paragraph 195. MCSO is not in Phase 2 compliance.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

During the Third Quarter of 2017, PSB finalized curriculum for the 40 hours of comprehensive training on conducting employee misconduct investigations; completed Train-the-Trainer sessions with technical assistance from the Monitor Team in September 2017; and completed the training in September 2017. The PSB completed the 8-hour annual continued training on Conducting Misconduct Investigations during the last reporting period.

During this and previous reporting periods, PSB was insufficiently staffed to investigate the increased number of complaints it received within the requisite statutory time frames. Since the issuance of the Supplemental Permanent Injunction and the Second Supplemental Permanent Injunction, MCSO has demonstrated progress and that it can conduct a fair, impartial, thorough and complete misconduct investigation, and issue fair and equitable discipline when warranted. The demands of the Court's orders continue to be realized as we move forward, and the number of complaints increase.

By March 2017 PSB was implementing all remedies cited in the Court's Second Order, the result of which was a decrease in cases closed. As caseload increased, so did investigative times.

MCSO PSB investigators carry a caseload that is well above what is standard in policing as compared to police departments of similar size. MCSO received approval from the Maricopa County Board of Supervisors to increase staffing to include four sworn sergeants, four detention officers, and two sworn lieutenants. Even with the additional eight investigators, the average caseload per investigator would be 25, still well above the average of other agencies. In order to remain on par with the investigator/caseload ratio of the Phoenix Police Department, PSB would need a total of 95 investigators and an increase in supervisors and support staff. These numbers are unrealistic. The crux of the issue is the total number of complaint investigations.

PSB has demonstrated that it conducts fair, impartial, thorough and complete misconduct investigations, and issues fair and equitable discipline when warranted. PSB has sufficient trained personnel to fulfill the requirements of this Order. The overwhelming number of complaint investigations that are initiated to meet the requirements of the Order should not adversely affect MCSO's compliance with this Paragraph.

MCSO requests Phase 2 compliance with Paragraph 195.

**Paragraph 196.** Where appropriate to ensure the fact and appearance of impartiality, the Commander of the Professional Standards Bureau or the Chief Deputy may refer administrative misconduct investigations to another law enforcement agency or may retain a qualified outside investigator to conduct the investigation. Any outside investigator retained by the MCSO must possess the requisite background and level of experience of Internal Affairs investigators and must be free of any actual or perceived conflicts of interest.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 196.

Paragraph 197. The Professional Standards Bureau will be headed by a qualified Commander. The Commander of the Professional Standards Bureau will have ultimate authority within the MCSO for reaching the findings of investigations and preliminarily determining any discipline to be imposed. If the Sheriff declines to designate a qualified Commander of the Professional Standards Bureau, the Court will designate a qualified candidate, which may be a Civilian Director in lieu of a sworn officer.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 197.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this paragraph, was completed and published on December 13, 2018.

Paragraph 198. To promote independence and the confidentiality of investigations, the Professional Standards Bureau shall be physically located in a facility that is separate from other MCSO facilities, such as a professional office building or commercial retail space. This facility shall be easily accessible to the public, present a non-intimidating atmosphere, and have sufficient space and personnel for receiving members of the public and for permitting them to file complaints.

Based on the Monitor's 19th Quarterly Report, Phase 1 compliance is not applicable, and *MCSO* is in *Phase 2 compliance with Paragraph 198*.

MCSO identified the Maricopa County Superior Court East Court Building as a viable location for the PSB off site location. This location is separate from other MCSO facilities, is easily accessible to the public, and has sufficient space for personnel to receive members of the public, allowing them to file comments and complaints. In February 2017, the Monitor had no objections to the utilization of this facility. PSB worked with the Deputy County Manager to facilitate the capital improvements needed to house PSB. PSB moved into the new facility in May 2018.

**Paragraph 199.** The MCSO will ensure that the qualifications for service as an internal affairs investigator shall be clearly defined and that anyone tasked with investigating employee misconduct possesses excellent investigative skills, a reputation for integrity, the ability to write clear reports, and the ability to be fair and objective in determining whether an employee committed misconduct Employees with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 or Category 7 offense from MCSO's disciplinary matrices, will be presumptively ineligible to conduct misconduct investigations. Employees with a history of conducting deficient investigations will also be presumptively ineligible for these duties.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 199.

Upon issuance of the Second Order, the PSB Commander conducted disciplinary checks on all sworn supervisors and all PSB Investigators to ensure their eligibility to conduct misconduct investigations in compliance with Paragraph 199.

Paragraph 200. In each misconduct investigation, investigators shall:

- a. conduct investigations in a rigorous and impartial manner designed to determine the facts;
- b. approach investigations without prejudging the facts and without permitting any preconceived impression of the principal or any witness to cloud the Investigation;
- c. identify, collect, and consider all relevant circumstantial, direct, and physical evidence, including any audio or video recordings;
- d. make reasonable attempts to locate and interview all witnesses, including civilian witnesses;
- e. make reasonable attempts to interview any civilian complainant in person;
- f. audio and video record all interviews;
- g. when conducting interviews, avoid asking leading questions and questions that may suggest justifications for the alleged misconduct;

- h. make credibility determinations, as appropriate; and
- i. attempt to resolve material inconsistencies between employee, complainant, and witness statements.

# MCSO is in Phase 1 compliance and MCSO achieved Phase 2 compliance with Paragraph 200.

Paragraph 201. There will be no automatic preference for an employee's statement over a non-employee's statement. Internal affairs investigators will not disregard a witness's statement solely because the witness has some connection to either the complainant or the employee or because the witness or complainant has a criminal history but may consider the witness's criminal history or any adjudicated findings of untruthfulness in evaluating that witness's statement. In conducting the investigation, internal affairs investigators may take into account the record of any witness, complainant, or officer who has been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 201.

**Paragraph 202.** Internal affairs investigators will investigate any evidence of potential misconduct uncovered during the course of the investigation, regardless of whether the potential misconduct was part of the original allegation.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 202.

**Paragraph 203.** If the person involved in the encounter with the MCSO pleads guilty or is found guilty of an offense, internal affairs investigators will not consider that information alone to be determinative of whether an MCSO employee engaged in misconduct, nor will it by itself justify discontinuing the investigation. MCSO training materials and policies on internal investigations will acknowledge explicitly that the fact of a criminal conviction related to the administrative investigation is not determinative of whether an MCSO employee engaged in misconduct and that the mission of an internal affairs investigator is to determine whether any misconduct 2 occurred.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 203.

**Paragraph 204.** Internal affairs investigators will complete their administrative investigations within 85 calendar days of the initiation of the investigation (60 calendar days if within a Division). Any request for an extension of time must be approved in writing by the Commander of the Professional Standards Bureau. Reasonable requests for extensions of time may be granted.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 204.

**Paragraph 205.** The Professional Standards Bureau shall maintain a database to track all ongoing misconduct cases and shall generate alerts to the responsible investigator and his or her Supervisor and the Commander of the Professional Standards Bureau when deadlines are not met.

# MCSO achieved Phase 1 compliance with Paragraph 205. MCSO is in Phase 2 compliance.

PSB continues to comply with this Paragraph by utilizing the IA Pro database. It serves as the centralized electronic numbering and tracking system for all allegations of misconduct, whether internally or externally discovered; provides a unique identifier to all misconduct complaints; maintains electronic investigative files of all documents relating to misconduct investigations and discipline; and sends alerts when deadlines are not met. The Monitor has access to the IA Pro database and has periodically audited and reviewed the system.

Pursuant to Paragraph 165, MCSO published MCSO Policies GH-2, *Internal Investigations* and GC-17, *Employee Disciplinary Procedure*.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

**Paragraph 206.** At the conclusion of each investigation, internal affairs investigators will prepare an investigation report. The report will include:

- a. a narrative description of the incident;
- b. documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report will specifically state this fact. In situations in which witnesses were present but circumstances prevented the internal affairs investigator from determining the identification, phone number, or address of those witnesses, the report will state the reasons why. The report will also include all available identifying information for anyone who refuses to provide a statement;
- c. documentation of whether employees were interviewed, and a transcript or recording of those interviews;
- d. the names of all other MCSO employees who witnessed the incident;
- e. the internal affairs investigator's evaluation of the incident, based on his or her review of the evidence gathered, including a determination of whether the employee's actions appear to be within MCSO policy, procedure, regulations, orders, or other standards of conduct required of MCSO employees;
- f. in cases where the MCSO asserts that material inconsistencies were resolved, explicit credibility findings, including a precise description of the evidence that supports or detracts from the person's credibility;
- g. in cases where material inconsistencies must be resolved between complainant, employee, and witness statements, explicit resolution of the inconsistencies, including a precise description of the evidence relied upon to resolve the inconsistencies;
- h. an assessment of the incident for policy, training, tactical, or equipment concerns, including any recommendations for how those concerns will be addressed;
- i. if a weapon was used, documentation that the employee's certification and training for the weapon were current; and
- j. documentation of recommendations for initiation of the disciplinary process; and
- k. in the instance of an externally generated complaint, documentation of all contacts and updates with the complainant.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 206.

**Paragraph 207.** In assessing the incident for policy, training, tactical, or equipment concerns, investigation reports will include an assessment of whether:

- a. the law enforcement action was in compliance with training and legal standards;
- b. the use of different tactics should or could have been employed;

- c. the incident indicates a need for additional training, counseling, or other non-disciplinary corrective actions; and
- d. the incident suggests that the MCSO should revise its policies, strategies, tactics, or training.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 207.

**Paragraph 208.** For each allegation of misconduct, internal affairs investigators shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:

- a. "Unfounded," where the investigation determines, by clear and convincing evidence, that the allegation was false or not supported by fact;
- b. "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur and justifies a reasonable conclusion of a policy violation;
- c. "Not Sustained," where the investigation determines that there is insufficient evidence to prove or disprove the allegation; or
- d. "Exonerated," where the investigation determines that the alleged conduct did occur but did not violate MCSO policies, procedures, or training.

#### MCSO is Phase 1 and Phase 2 compliance with Paragraph 208.

**Paragraph 209.** For investigations carried out by Supervisors outside of the Professional Standards Bureau, the investigator shall forward the completed investigation report through his or her chain of command to his or her Division Commander. The Division Commander must approve the investigation and indicate his or her concurrence with the findings.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 209.

**Paragraph 210.** For investigations carried out by the Professional Standards Bureau, the investigator shall forward the completed investigation report to the Commander.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 210.

Paragraph 211. If the Commander—meaning the Commander of the PSB or the Commander of the Division in which the internal affairs investigation was conducted—determines that the findings of the investigation report are not supported by the appropriate standard of proof, the Commander shall return the investigation to the investigator for correction or additional investigative effort, shall document the inadequacies, and shall include this documentation as an addendum to the original investigation. The investigator's Supervisor shall take appropriate action to address the inadequately supported determination and any investigative deficiencies that led to it. The Commander shall be responsible for the accuracy and completeness of investigation reports prepared by internal affairs investigators under his or her command.

# MCSO is in Phase 1 compliance with Paragraph 211. MCSO is not in Phase 2 compliance.

PSB takes a proactive approach and continues to review all division level investigations and provide written feedback to division level investigators and their chains of command to: improve the thoroughness of the investigations; obtain structure and consistency in format; ensure the inclusion of proper forms; and provide assistance with future investigations. The intent of the feedback is to evaluate, educate, assist and provide suggestions for future division level investigations. PSB also provided feedback regarding the efficiency and thoroughness with which

the divisions undertake and complete administrative investigations. Lastly, PSB reviewed division cases for quality control prior to final submission to the appointing authority for final findings. PSB continues to monitor and track investigative deficiencies that occur at the division level. Deficiencies are documented, and the case is returned to the division level. The deficiency documentation is placed with the case file.

MCSO continues to work toward Phase 2 compliance with Paragraph 211.

Paragraph 212. Where an internal affairs investigator conducts a deficient misconduct investigation, the investigator shall receive the appropriate corrective and/or disciplinary action. An internal affairs investigator's failure to improve the quality of his or her investigations after corrective and/or disciplinary action is taken shall be grounds for demotion and/or removal from a supervisory position or the Professional Standards Bureau.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 212.

Paragraph 213. Investigations of minor misconduct conducted outside of the Professional Standards Bureau must be conducted by a Supervisor and not by line-level deputies. After such investigations, the investigating Supervisor's Commander shall forward the investigation file to the Professional Standards Bureau after he or she finds that the misconduct investigation is complete, and the findings are supported by the evidence. The Professional Standards Bureau shall review the misconduct investigation to ensure that it is complete and that the findings are supported by the evidence. The Professional Standards Bureau shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings. Where the findings of the investigation report are not supported by the appropriate standard of proof, the Professional Standards Bureau shall document the reasons for this determination and shall include this documentation as an addendum to the original investigation.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 213.

**Paragraph 214.** At the discretion of the Commander of the Professional Standards Bureau, a misconduct investigation may be assigned or re-assigned to another Supervisor with the approval of his or her Commander, whether within or outside of the District or Bureau in which the incident occurred or may be returned to the original Supervisor for further investigation or analysis. This assignment or re assignment shall be explained in writing.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 214.

**Paragraph 215.** If, after an investigation conducted outside of the Professional Standards Bureau, an employee's actions are found to violate policy, the investigating Supervisor's Commander shall direct and ensure appropriate discipline and/or corrective action. Where the incident indicates policy, training, tactical, or equipment concerns, the Commander shall also ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 215.

Paragraph 216. If, after an investigation conducted by the Professional Standards Bureau, an Employee's actions are found to violate policy; the Commander of the Professional Standards Bureau shall direct and ensure appropriate discipline and/or corrective action. Where the incident indicates policy, training, tactical, or equipment concerns, the Commander of the Professional Standards Bureau shall also ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 216.

Once an investigation is completed and the allegations are sustained, the PSB Commander initiates the discipline process. The PSB Commander reviews the case and provides a presumptive range of discipline for consideration. The Compliance Division then coordinates the discipline process with the Appointing Authority. If the investigation indicates a policy, training, tactical, or equipment deficiency, the PSB Commander notifies the Policy Section or the Training Division of an employee's training deficiency to ensure the necessary training is delivered.

**Paragraph 217.** The Professional Standards Bureau shall conduct targeted and random reviews of discipline imposed by Commanders for minor misconduct to ensure compliance with MCSO policy and legal standards.

MCSO is in Phase 1 compliance with Paragraph 217. Phase 2 compliance is not applicable.

District and Division Commanders do not impose discipline for minor misconduct. In all cases, the PSB Commander determines the final findings and the presumptive range of discipline for those sustained investigations. The Appointing Authority makes the final determination of discipline. All discipline is coordinated through the Compliance Division.

**Paragraph 218.** The Professional Standards Bureau shall maintain all administrative investigation reports and files after they are completed for record-keeping in accordance with applicable law.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 218.

PSB continues to comply with this Paragraph by utilizing the IA Pro database. It serves as the centralized electronic numbering and tracking system for all allegations of misconduct, whether internally or externally discovered; provides a unique identifier to all misconduct complaints; maintains electronic investigative files of all documents relating to misconduct investigations and discipline; and sends alerts when deadlines are not met. The Monitor has access to the IA Pro database and has periodically audited and reviewed the system.

**Paragraph 220.** To ensure consistency in the imposition of discipline, the Sheriff shall review the MCSO's current disciplinary matrices and, upon approval of the parties and the Monitor, will amend them as necessary to ensure that they:

- a. establish a presumptive range of discipline for each type of violation;
- b. increase the presumptive discipline based on an employee's prior violations;
- c. set out defined mitigating and aggravating factors;
- d. prohibit consideration of the employee's race, gender, gender identity, sexual orientation, national origin, age, or ethnicity;
- e. prohibit conflicts, nepotism, or bias of any kind in the administration of discipline;
- f. prohibit consideration of the high (or low) profile nature of the incident, including media coverage or other public attention;
- g. clearly define forms of discipline and define classes of discipline as used in policies and operations manuals;
- h. provide that corrective action such as coaching or training is not considered to be discipline and should not be used as a substitute for discipline where the matrix calls for discipline;

- i. provide that the MCSO will not take only non-disciplinary corrective action in cases in which the disciplinary matrices call for the imposition of discipline;
- j. provide that the MCSO will consider whether non-disciplinary corrective action is also appropriate in a case where discipline has been imposed;
- k. require that any departures from the discipline recommended under the disciplinary matrices be justified in writing and included in the employee's file; and
- l. provide a disciplinary matrix for unclassified management level employees that is at least as demanding as the disciplinary matrix for management level employees.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 220.

**Paragraph 221.** The Sheriff shall mandate that each act or omission that results in a sustained misconduct allegation shall be treated as a separate offense for the purposes of imposing discipline.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 221.

**Paragraph 222.** The Sheriff shall also provide that the Commander of the Professional Standards Bureau shall make preliminary determinations of the discipline to be imposed in all cases and shall document those determinations in writing, including the presumptive range of discipline for the sustained misconduct allegation, and the employee's disciplinary history.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 222.

The PSB Commander documents in writing the presumptive range of discipline based upon the disciplinary matrix outlined in GC-17, *Employee Disciplinary Procedure*. Additionally, the category and offense number are provided, and the investigative file includes the employee's disciplinary history.

**Paragraph 223.** If the Commander of the Professional Standards Bureau makes a preliminary determination that serious discipline (defined as suspension, demotion, or termination) should be imposed, a designated member of MCSO's command staff will conduct a pre-determination hearing and will provide the employee with an opportunity to be heard.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 223.

**Paragraph 224.** Pre-determination hearings will be audio and video recorded in their entirety, and the recording shall be maintained with the administrative investigation file.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 224.

Paragraph 225. If an employee provides new or additional evidence at a pre-determination hearing, the hearing will be suspended, and the matter will be returned to the internal affairs investigator for consideration or further investigation, as necessary. If after any further investigation or consideration of the new or additional evidence, there is no change in the determination of preliminary discipline, the matter will go back to the pre-determination hearing. The Professional Standards Bureau shall initiate a separate misconduct investigation if it appears that the employee intentionally withheld the new or additional evidence during the initial misconduct investigation.

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 225.

Paragraph 226. If the designated member of MCSO's command staff conducting the predetermination hearing does not uphold the charges recommended by the Professional Standards Bureau in any respect, or does not impose the Commander of the Professional Standards Bureau's recommended discipline and/or non-disciplinary corrective action, the Sheriff shall require the designated member of MCSO's command staff to set forth in writing his or her justification for doing so. This justification will be appended to the investigation file.

# MCSO is in Phase 1 compliance. MCSO achieved Phase 2 compliance with Paragraph 226.

The Monitor's 19th Quarterly Report notes that the Appointing Authority provided a justification for the final decision for all cases reviewed.

**Paragraph 227.** The Sheriff shall promulgate MCSO policy which shall provide that the designated member of MCSO's command staff conducting a pre-determination hearing should apply the disciplinary matrix and set forth clear guidelines for the grounds on which a deviation is permitted. The Sheriff shall mandate that the designated member of MCSO's command staff may not consider the following as grounds for mitigation or reducing the level of discipline prescribed by the matrix:

- a. his or her personal opinion about the employee's reputation;
- b. the employee's past disciplinary history (or lack thereof), except as provided in the disciplinary matrix;
- c. whether others were jointly responsible for the misconduct, except that the MCSO disciplinary decision maker may consider the measure of discipline imposed on other employees involved to the extent that discipline on others had been previously imposed and the conduct was similarly culpable.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 227.

**Paragraph 228.** The Sheriff or his designee has the authority to rescind, revoke or alter any disciplinary decision made by either the Commander of the Professional Standards Bureau or the appointed MCSO disciplinary authority so long as:

- a. that decision does not relate to the Sheriff or his designee;
- b. the Sheriff or his designee provides a thorough written and reasonable explanation for the grounds of the decision as to each employee involved;
- c. the written explanation is placed in the employment files of all employees who were affected by the decision of the Sheriff or his designee; and
- d. the written explanation is available to the public upon request.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 228.

Paragraph 229. Whenever an internal affairs investigator or Commander finds evidence of misconduct indicating apparent criminal conduct by an employee, the Sheriff shall require that the internal affairs investigator or Commander immediately notify the Commander of the Professional Standards Bureau. If the administrative misconduct investigation is being conducted by a Supervisor outside of the Professional Standards Bureau, the Sheriff shall require that the Professional Standards Bureau immediately take over the administrative investigation. If the evidence of misconduct pertains to someone who is superior in rank to the Commander of the Professional Standards Bureau and is within the Commander's chain of command, the Sheriff shall require the Commander to provide the evidence directly to what he or she believes is the

appropriate prosecuting authority—the Maricopa County Attorney, the Arizona Attorney General, or the United States Attorney for the District of Arizona—without notifying those in his or her chain of command who may be the subject of a criminal investigation.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 229.

Paragraph 230. If a misconduct allegation will be investigated criminally, the Sheriff shall require that the Professional Standards Bureau not compel an interview of the principal pursuant to Garrity v. New Jersey, 385 U.S. 493 (1967), until it has first consulted with the criminal investigator and the relevant prosecuting authority. No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Commander of the Professional Standards Bureau in consultation with the entity conducting the criminal investigation. The Sheriff shall require the Professional Standards Bureau to document in writing all decisions regarding compelling an interview, all decisions to hold any aspect of an administrative investigation in abeyance, and all consultations with the criminal investigator and prosecuting authority.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 230.

**Paragraph 231.** The Sheriff shall require the Professional Standards Bureau to ensure that investigators conducting a criminal investigation do not have access to any statements by the principal that were compelled pursuant to Garrity.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 231.

The PSB Criminal Section and Administrative Section are located on different floors within the new PSB facility. The Criminal Investigators do not have access to the IA Pro data base for administrative investigations; and there are separate file rooms for criminal and administrative investigative documents.

Paragraph 232. The Sheriff shall require the Professional Standards Bureau to complete all such administrative investigations regardless of the outcome of any criminal investigation, including cases in which the prosecuting agency declines to prosecute or dismisses the criminal case after the initiation of criminal charges. The Sheriff shall require that all relevant provisions of MCSO policies and procedures and the operations manual for the Professional Standards Bureau shall remind members of the Bureau that administrative and criminal cases are held to different standards of proof, that the elements of a policy violation differ from those of a criminal offense, and that the purposes of the administrative investigation process differ from those of the criminal investigation process.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 232.

**Paragraph 233.** If the investigator conducting the criminal investigation decides to close the investigation without referring it to a prosecuting agency, this decision must be documented in writing and provided to the Professional Standards Bureau. The Commander of the Professional Standards Bureau shall separately consider whether to refer the matter to a prosecuting agency and shall document the decision in writing.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 233.

**Paragraph 234.** If the investigator conducting the criminal investigation decides to refer the matter to a prosecuting agency, the Professional Standards Bureau shall review the information provided to the prosecuting agency to ensure that it is of sufficient quality and completeness. The Commander of the Professional Standards Bureau shall direct that the investigator conduct

additional investigation when it appears that there is additional relevant evidence that may improve the reliability or credibility of the investigation. Such directions shall be documented in writing and included in the investigatory file.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 234.

**Paragraph 235.** If the prosecuting agency declines to prosecute or dismisses the criminal case after the initiation of criminal charges, the Professional Standards Bureau shall request an explanation for this decision, which shall be documented in writing and appended to the criminal investigation report.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 235.

**Paragraph 236.** The Sheriff shall require the Professional Standards Bureau to maintain all criminal investigation reports and files after they are completed for record-keeping in accordance with applicable law.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 236.

PSB continues to comply with this Paragraph by utilizing the IA Pro database. It serves as the centralized electronic numbering and tracking system for all allegations of misconduct, whether internally or externally discovered; provides a unique identifier to all misconduct complaints; maintains electronic investigative files of all documents relating to misconduct investigations and discipline; and sends alerts when deadlines are not met. The Monitor has access to the IA Pro database and has periodically audited and reviewed the system.

**Paragraph 238.** The Sheriff shall require the MCSO to accept all civilian complaints, whether submitted verbally or in writing; in person, by phone, by mail, or online; by a complainant, someone acting on the complainant's behalf, or anonymously; and with or without a signature from the complainant. MCSO will document all complaints in writing.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 238.

**Paragraph 239.** In locations clearly visible to members of the public at the reception desk at MCSO headquarters and at all District stations, the Sheriff and the MCSO will post and maintain permanent placards clearly and simply describing the civilian complaint process that is visible to the public at all hours. The placards shall include relevant contact information, including telephone numbers, email addresses, mailing addresses, and Internet sites. The placards shall be in both English and Spanish.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 239.

Paragraph 240. The Sheriff shall require all deputies to carry complaint forms in their MCSO vehicles. Upon request, deputies will provide individuals with complaint forms and information about how to file a complaint, their name and badge number, and the contact information, including telephone number and email address, of their immediate supervising officer. The Sheriff must provide all supervising officers with telephones. Supervising officers must timely respond to such complaints registered by civilians.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 240.

**Paragraph 241.** The Sheriff will ensure that the Professional Standards Bureau facility is easily accessible to members of the public. There shall be a space available for receiving walk-in visitors and personnel who can assist the public with filing complaints and/or answer an individual's questions about the complaint investigation process.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 241.

Based on the Monitor's previous Quarterly Reports, MCSO was not in Phase 2 compliance with Paragraph 241. Monitor comments regarding the requirements of this Paragraph identify and discuss the facility for PSB's future off-site location. PSB's location within the MCSO Headquarters building, until its relocation in May 2018, met all the requirements of this Paragraph; and compliance with this Paragraph should consider the MCSO Headquarter location rather than the future location.

MCSO again requests Phase 2 compliance with Paragraph 241 beginning with the issuance of the Second Amended Permanent Injunction Order; or deferred compliance as in Paragraph 198. (Phase 1 compliance is not applicable.)

**Paragraph 242.** The Sheriff will also make complaint forms widely available at locations around the County including: the websites of MCSO and Maricopa County government; the lobby of MCSO's headquarters; each patrol District; and the Maricopa County government offices. The Sheriff will ask locations, such as public library branches and the offices and gathering places of community groups, to make these materials available.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 242.

**Paragraph 243.** The Sheriff shall establish a free, 24-hour hotline for members of the public to make complaints.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 243.

PSB established a free, 24-hour hotline for members of the public to make complaints. The hotline was activated in August 2016, with greetings and instructions in both English and Spanish.

**Paragraph 244.** The Sheriff shall ensure that the MCSO's complaint form does not contain any language that could reasonably be construed as discouraging the filing of a complaint, such as warnings about the potential criminal consequences for filing false complaints.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 244.

Paragraph 245. Within two months of the entry of this Order, complaint forms will be made available at a minimum, in English and Spanish. The MCSO will make reasonable efforts to ensure that complainants who speak other languages (including sign language) and have limited English proficiency can file complaints in their preferred language. The fact that a complainant does not speak, read, or write in English, or is deaf or hard of hearing, will not be grounds to decline to accept or investigate a complaint.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 245.

**Paragraph 246.** In the course of investigating a civilian complaint, the Professional Standards Bureau will send periodic written updates to the complainant including:

a. within seven days of receipt of a complaint, the Professional Standards Bureau will send non-anonymous complainants a written notice of receipt, including the tracking number assigned to the complaint and the name of the investigator assigned. The notice will inform the complainant how he or she may contact the Professional Standards Bureau to inquire about the status of a complaint;

- b. when the Professional Standards Bureau concludes its investigation, the Bureau will notify the complainant that the investigation has been concluded and inform the complainant of the Bureau's findings as soon as is permitted by law; and
- c. in cases where discipline is imposed, the Professional Standards Bureau will notify the complainant of the discipline as soon as is permitted by law.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 246.

**Paragraph 247.** Notwithstanding the above written communications, a complainant and/or his or her representative may contact the Professional Standards Bureau at any time to determine the status of his or her complaint. The Sheriff shall require the MCSO to update the complainant with the status of the investigation.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 247.

Paragraph 248. The Professional Standards Bureau will track, as a separate category of complaints, allegations of biased policing, including allegations that a deputy conducted an investigatory stop or arrest based on an individual's demographic category or used a slur based on an individual's actual or perceived race, ethnicity, nationality, or immigration status, sex, sexual orientation, or gender identity. The Professional Standards Bureau will require that complaints of biased policing are captured and tracked appropriately, even if the complainant does not so label the allegation.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 248.

Each month PSB provides to the Monitor a list of new complaints alleging bias policing. PSB also provides all closed investigations where bias policing was alleged. Only allegations of bias policing that does not affect the Plaintiff class are reported as they are tracked in a separate category.

**Paragraph 249.** The Professional Standards Bureau will track, as a separate category of complaints, allegations of unlawful investigatory stops, searches, seizures, or arrests.

# MCSO is in Phase 1 and Phase 2 compliance with Paragraph 249.

Each month, PSB provides a list of complaints alleging unlawful investigatory stops, searches and seizures, and arrests. PSB also provides all closed investigations where unlawful investigatory stops, searches, seizures, or arrests were alleged.

**Paragraph 250.** The Professional Standards Bureau will conduct regular assessments of the types of complaints being received to identify and assess potential problematic patterns and trends.

#### MCSO achieved 1 compliance with Paragraph 250. MCSO is in Phase 2 compliance.

The responsibilities of the PSB Management Analyst include tracking separate categories of complaints and allegations (Paragraphs 248-249); conducting assessments of the types of complaints received to identify and assess potential problematic patterns and trends (Paragraph 250); and producing a semi-annual public report on misconduct investigations (Paragraph 251).

Consistent with the Court's Order, Paragraph 251, during this reporting period, PSB published on the MCSO website its Semi-Annual Public Report on Misconduct Investigations, January - June 2018.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

**Paragraph 251.** The Sheriff shall require the Professional Standards Bureau to produce a semi-annual public report on misconduct investigations, including, at a minimum, the following:

- a. summary information, which does not name the specific employees involved, about any sustained allegations that an employee violated conflict-of-interest rules in conducting or reviewing misconduct investigations;
- b. aggregate data on complaints received from the public, broken down by district; rank of principal(s); nature of contact (traffic stop, pedestrian stop, call for service, etc.); nature of allegation (rudeness, bias-based policing, etc.); complainants' demographic information; complaints received from anonymous complainants or third parties; and principals' demographic information;
- c. analysis of whether any increase or decrease in the number of civilian complaints received from reporting period to reporting period is attributable to issues in the complaint intake process or other factors;
- d. aggregate data on internally-generated misconduct allegations, broken down by similar categories as those for civilian complaints;
- e. aggregate data on the processing of misconduct cases, including the number of cases assigned to Supervisors outside of the Professional Standards Bureau versus investigators in the Professional Standards Bureau; the average and median time from the initiation of an investigation to its submission by the investigator to his or her chain of command; the average and median time from the submission of the investigation by the investigator to a final decision regarding discipline, or other final disposition if no discipline is imposed; the number of investigations returned to the original investigator due to conclusions not being supported by the evidence; and the number of investigations returned to the original investigator to conduct additional investigation;
- f. aggregate data on the outcomes of misconduct investigations, including the number of sustained, not sustained, exonerated, and unfounded misconduct complaints; the number of misconduct allegations supported by the appropriate standard of proof; the number of sustained allegations resulting in a non-disciplinary outcome, coaching, written reprimand, suspension, demotion, and termination; the number of cases in which findings were changed after a pre-determination hearing, broken down by initial finding and final finding; the number of cases in which discipline was changed after a pre-determination hearing, broken down by initial discipline and final discipline; the number of cases in which findings were overruled, sustained, or changed by the Maricopa County Law Enforcement Merit System Council, broken down by the finding reached by the MCSO and the finding reached by the Council, broken down by the discipline imposed by the MCSO and the disciplinary ruling of the Council; and similar information on appeals beyond the Council; and
- g. aggregate data on employees with persistent or serious misconduct problems, including the number of employees who have been the subject of more than two misconduct investigations in the previous 12 months, broken down by serious and minor misconduct; the number of employees who have had more than one sustained allegation of minor misconduct in the previous 12 months, broken down by the number of sustained allegations; the number of employees who have had more than one sustained allegation of serious misconduct in the

previous 12 months, broken down by the number of sustained allegations; and the number of criminal prosecutions of employees, broken down by criminal charge.

# MCSO achieved Phase 1 compliance and Phase 2 compliance with Paragraph 251.

The responsibilities of the PSB Management Analyst include tracking separate categories of complaints and allegations (Paragraph 248-249); conducting assessments of the types of complaints received to identify and assess potential problematic patterns and trends (Paragraph 250); and producing a semi-annual public report on misconduct investigations (Paragraph 251). The Management Analyst started work in January 2017.

In June 2017, PSB began publishing on the MCSO website its Semi-Annual Public Report on Misconduct Investigations. The report is published in June and December of each year.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

**Paragraph 252.** The Sheriff shall require the MCSO to make detailed summaries of completed internal affairs investigations readily available to the public to the full extent permitted under state law, in electronic form on a designated section of its website that is linked to directly from the MCSO's home page with prominent language that clearly indicates to the public that the link provides information about investigations of misconduct alleged against MCSO employees.

# MCSO achieved Phase 1 compliance with Paragraph 252. MCSO is in Phase 2 compliance.

A designated section on the MCSO website provides detailed summaries of completed internal affairs investigations. PSB identified data fields for public disclosure: IA number, Date Opened, Incident Type, Original Complaint, Policy Violation, Alleged Outcome, Discipline, Investigative Summary, and Date Completed. PSB began publishing on the website detailed summaries of completed internal affairs investigations in April 2017.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

**Paragraph 253.** The MCSO Bureau of Internal Oversight shall produce a semi-annual public audit report regarding misconduct investigations. This report shall analyze a stratified random sample of misconduct investigations that were completed during the previous six months to identify any procedural irregularities, including any instances in which:

- a. complaint notification procedures were not followed;
- b. a misconduct complaint was not assigned a unique identifier;
- c. investigation assignment protocols were not followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau;
- d. deadlines were not met:
- e. an investigation was conducted by an employee who had not received required misconduct investigation training;
- f. an investigation was conducted by an employee with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 or Category 7 offense from the MCSO's disciplinary matrices;

- g. an investigation was conducted by an employee who was named as a principal or witness in any investigation of the underlying incident;
- h. an investigation was conducted of a superior officer within the internal affairs investigator's chain of command;
- i. any interviews were not recorded;
- j. the investigation report was not reviewed by the appropriate personnel;
- k. employees were promoted or received a salary increase while named as a principal in an ongoing misconduct investigation absent the required written justification;
- *l. a final finding was not reached on a misconduct allegation;*
- m. an employee's disciplinary history was not documented in a disciplinary recommendation; or
- n. no written explanation was provided for the imposition of discipline inconsistent with the disciplinary matrix.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 253.

AIU believed that a monthly inspection of closed misconduct investigations, as opposed to a semi-annual inspection, would hold more value to the agency for many reasons, but most importantly the timeliness of identifying and addressing deficiencies. AIU proposed to the Monitor Team that it would develop a monthly inspection which would include all of the Court's Ordered requirements outlined in this Paragraph for the semi-annual public audit report. A monthly inspection methodology was created and provided to the Monitor Team and parties and approved on 6/25/18. AIU began the monthly inspection in July 2018 and has continued to complete the monthly inspection during each month of the quarter to fulfill the requirements of this Paragraph. These monthly inspections have been published on the BIO website.

**Paragraph 254.** The Sheriff shall initiate a testing program designed to assess civilian complaint Intake. Specifically, the testing program shall assess whether employees are providing civilians appropriate and accurate information about the complaint process and whether employees are notifying the Professional Standards Bureau upon the receipt of a civilian complaint.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 254.

Currently, MCSO is conducting a testing program designed to assess the civilian complaint intake through the services of two contracted vendors – The Arizona Fair Housing Center (AZFHC) and Progressive Management Resources (PMR).

Both vendors have provided their own operations manuals to AIU for approval and both companies have begun testing the complaint intake process for MCSO.

During this quarter, AIU personnel have continued to work with both vendors to ensure adequate testing is occurring and that audio/video quality is meeting the expectations of the agency. AIU has also worked with both vendors to ensure testing to include Hispanic surnames and Spanish only speaking individuals is occurring on occasion.

AIU has continued to provide the Monitor Team with the pertinent information for each test conducted on a monthly basis for their review and the Monitor Team has made AIU aware of issues/concerns regarding specific tests as they are identified. AIU believes that a monthly inspection of all complaint intake tests conducted in the month would be beneficial for the unit and

the agency in being able to identify any perceived deficiencies in the process, as well as having a mechanism to address the deficiency when one is identified.

No tests were conducted by either vendor during the month of January due to updating the contracts with the vendors. PMR conducted one test via telephone in the month of February and one test by e-mail in March.

**Paragraph 255.** The testing program is not intended to assess investigations of civilian complaints, and the MCSO shall design the testing program in such a way that it does not waste resources investigating fictitious complaints made by testers.

#### MCSO achieved Phase 1 and Phase 2 compliance with Paragraph 255.

The Complaint Intake Testing Plan and the Methodology were approved by the Monitor Team on November 9, 2018.

AIU has completed Section 304 of the Operations Manual, which is the section that pertains to Complaint Intake Testing. This section was approved by the Monitor Team and parties on November 13, 2018.

Currently, MCSO is conducting a testing program designed to assess the civilian complaint intake through the services of two contracted vendors- The Arizona Fair Housing Center (AZFHC) and Progressive Management Resources (PMR).

Both vendors have provided their own operations manuals to AIU for approval and both companies have begun testing the complaint intake process for MCSO.

During this quarter AIU personnel have continued to work with both vendors to ensure adequate testing is occurring and that audio/video quality is meeting the expectations of the agency. AIU has also worked with both vendors to ensure testing to include Hispanic surnames and Spanish only speaking individuals is occurring on occasion.

For a more detailed status on the testing program, please review the summary provided in relation to Paragraph 254.

**Paragraph 256.** The testing program shall assess complaint intake for complaints made in person at MCSO facilities, complaints made telephonically, by mail, and complaints made electronically by email or through MCSO's website. Testers shall not interfere with deputies taking law enforcement action. Testers shall not attempt to assess complaint intake in the course of traffic stops or other law enforcement action being taken outside of MCSO facilities.

#### MCSO achieved Phase 1 and Phase 2 compliance with Paragraph 256.

The Complaint Intake Testing Plan and the Methodology were approved by the Monitor Team on November 9, 2018.

AIU has completed Section 304 of the Operations Manual, which is the section that pertains to Complaint Intake Testing. This section was approved by the Monitor Team and parties on November 13, 2018.

**Paragraph 257.** The testing program shall include sufficient random and targeted testing to assess the complaint intake process, utilizing surreptitious video and/or audio recording, as permitted by state law, of testers' interactions with MCSO personnel to assess the appropriateness of responses and information provided.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 257.

During this quarter AIU personnel have continued to work with both vendors to ensure adequate testing is occurring and that audio/video quality is meeting the expectations of the agency. Each month, AIU provides the Monitor Team with all documentation of tests conducted, including the audio as well as video recordings utilized in assessing appropriateness of responses and information provided by MCSO personnel in the course of the complaint intake process.

**Paragraph 258.** The testing program shall also assess whether employees promptly notify the Professional Standards Bureau of civilian complaints and provide accurate and complete information to the Bureau.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 258.

The Complaint Intake Testing Plan and the Methodology were approved by the Monitor Team on November 9, 2018.

AIU has completed Section 304 of the Operations Manual, which is the section that pertains to Complaint Intake Testing. This section was approved by the Monitor Team and parties on November 13, 2018.

Paragraph 259. MCSO shall not permit current or former employees to serve as testers.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 259.

MCSO has notified the contracted vendors of this requirement. No current or former MCSO employees have served or will serve as a tester.

**Paragraph 260.** The MCSO shall produce an annual report on the testing program. This report shall include, at a minimum:

- a. a description of the testing program, including the testing methodology and the number of tests conducted broken down by type (i.e., in-person, telephonic, mail, and electronic);
- b. the number and proportion of tests in which employees responded inappropriately to a tester;
- c. the number and proportion of tests in which employees provided inaccurate information about the complaint process to a tester;
- d. the number and proportion of tests in which employees failed to promptly notify the Professional Standards Bureau of the civilian complaint;
- e. the number and proportion of tests in which employees failed to convey accurate information about the complaint to the Professional Standards Bureau;
- f. an evaluation of the civilian complaint intake based upon the results of the testing program;
- g. a description of any steps to be taken to improve civilian complaint intake as a result of the testing program.

MCSO achieved Phase 1 compliance with Paragraph 260. MCSO is not in Phase 2 compliance.

MCSO comports to the requirements of this Paragraph.

The Complaint Intake Testing Plan and the Methodology were approved by the Monitor Team on November 9, 2018.

AIU has completed Section 304 of the Operations Manual, which is the section that pertains to Complaint Intake Testing. This section was approved by the Monitor Team and parties on November 13, 2018.

**Paragraph 264.** The Sheriff shall ensure that all patrol deputies shall be assigned to a primary, clearly identified, first-line supervisor.

### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 264.

**Paragraph 265.** First-line patrol supervisors shall be responsible for closely and consistently supervising all deputies under their primary command.

MCSO is in Phase 1 compliance with Paragraph 265. MCSO is not in Phase 2 compliance.

According to the Monitor's 19th Quarterly Report, MCSO must attain compliance standards with Paragraph 91 and 94 in order to achieve Phase 2 compliance with this Paragraph.

In reference to Paragraph 94, the Monitor's 19th Quarterly Report notes that MCAO Turndown Notice Reports and Blue Team entries of the Turndown Notice Reports are reviewed for compliance. Specifically, the supervisor's entries are reviewed to see if a supervisor notes the reason for MCAO's decision to decline prosecution. MCSO asserts that basing compliance with requirements of Paragraph 94 on a supervisor's review of the MCAO Turndown Notice is outside the scope of the requirements for Paragraph 94 and inconsistent with MCSO policy and practice.

In order for MCSO to attain Phase 2 compliance with Paragraph 91, supervisors must improve at noting deficiencies in their reviews of traffic stops.

Paragraph 266. First-line patrol supervisors shall be assigned as primary supervisor to no more persons than it is possible to effectively supervise. The Sheriff should seek to establish staffing that permits a supervisor to oversee no more than eight deputies, but in no event should a supervisor be responsible for more than ten persons. If the Sheriff determines that assignment complexity, the geographic size of a district, the volume of calls for service, or other circumstances warrant an increase or decrease in the level of supervision for any unit, squad, or shift, it shall explain such reasons in writing, and, during the period that the MCSO is subject to the Monitor, shall provide the Monitor with such explanations. The Monitor shall provide an assessment to the Court as to whether the reduced or increased ratio is appropriate in the circumstances indicated.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 266.

MCSO complies with the requirements of this Paragraph and is guided in doing so by MCSO Policy GB-2, *Command Responsibility*, which states, "First-line Patrol supervisors shall be assigned as primary supervisor to no more persons than it is possible to effectively supervise. First-line Patrol supervisors shall be assigned to supervise no more than eight deputies, but in no event, should a patrol supervisor be responsible for more than ten deputies. If circumstances warrant an increase or decrease in the level of supervision for any unit, squad, or shift, the reason shall be documented in a memorandum."

**Paragraph 267.** Supervisors shall be responsible for close and effective supervision of deputies under their command. Supervisors shall ensure that all deputies under their direct command comply with MCSO policy, federal, state and local law, and this Court's orders.

MCSO is in Phase 1 compliance with Paragraph 267. MCSO is not in Phase 2 compliance.

According to the Monitor's 19th Quarterly Report, MCSO must gain Phase 2 compliance with Paragraphs 91 and 96 in order to achieve Phase 2 compliance with this Paragraph.

As stated in the comments for Paragraph 96, the current practice of reviewing the County Attorney Turndown Notices to determine if there are arrests that are unsupported by probable cause or are otherwise in violation of MCSO policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training is not the most accurate means of assessing MCSO's compliance. MCSO has submitted a proposal for a new BIO inspection and the documentation produced for compliance with Paragraphs 94 and 96. The initial reviews have been positive, and MCSO is optimistic that these changes may be implemented soon.

Paragraph 268. During the term that a Monitor oversees the Sheriff and the MCSO in this action, any transfer of sworn personnel or supervisors in or out of the Professional Standards Bureau, the Bureau of Internal Oversight, and the Court Implementation Division shall require advanced approval from the Monitor. Prior to any transfer into any of these components, the MCSO shall provide the Court, the Monitor, and the parties with advance notice of the transfer and shall produce copies of the individual's résumé and disciplinary history. The Court may order the removal of the heads of these components if doing so is, in the Court's view, necessary to achieve compliance in a timely manner.

#### MCSO achieved Phase 1 compliance with Paragraph 268. MCSO is in Phase 2 compliance.

MCSO published the Court Implementation Divisions (CID) operations manual in August of 2018.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

MCSO will continue to meet the requirements of Paragraph 268.

**Paragraph 269.** The Sheriff shall ensure that when the MCSO receives a document preservation notice from a litigant, the MCSO shall promptly communicate that document preservation notice to all personnel who might possibly have responsive documents.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 269.

**Paragraph 270.** The Sheriff shall ensure that when the MCSO receives a request for documents in the course of litigation, it shall:

- a. promptly communicate the document request to all personnel who might possibly be in possession of responsive documents;
- b. ensure that all existing electronic files, including email files and data stored on networked drives, are sequestered and preserved through a centralized process; and
- c. ensure that a thorough and adequate search for documents is conducted, and that each employee who might possibly be in possession of responsive documents conducts a thorough and adequate search of all relevant physical and electronic files.

Based on the Monitor's 19th Quarterly Report, MCSO is not in Phase 1 compliance and Phase 2 compliance is deferred.

In order to achieve Phase 1 compliance, the following policies will be finalized:

- GD-9, Receipt of Litigation and Subpoenas (Published 10/13/2017)
- Open Axes Operations Manual (Under development)

MCSO complies with the requirements of this Paragraph and continues to work towards gaining full compliance.

**Paragraph 271.** Within three months of the effective date of this Order, the Sheriff shall ensure that the MCSO Compliance Division promulgates detailed protocols for the preservation and production of documents requested in litigation. Such protocols shall be subject to the approval of the Monitor after a period of comment by the Parties.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 271.

**Paragraph 272.** The Sheriff shall ensure that MCSO policy provides that all employees must comply with document preservation and production requirements and that violators of this policy shall be subject to discipline and potentially other sanctions.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 272.

**Paragraph 273.** Within two months of the entry of this Order, the Sheriff shall ensure that all employees are briefed and presented with the terms of the Order, along with relevant background information about the Court's May 13, 2016 Findings of Fact, (Doc. 1677), upon which this Order is based.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 273.

Based upon an audit of MCSO training records, all MCSO employees have received this training.

Paragraph 276. The Monitor shall have the authority to direct and/or approve all aspects of the intake and investigation of Class Remedial Matters, the assignment of responsibility for such investigations including, if necessary, assignment to his own Monitor team or to other independent sources for investigation, the preliminary and final investigation of complaints and/or the determination of whether they should be criminally or administratively investigated, the determination of responsibility and the imposition of discipline on all matters, and any grievances filed in those matters.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 276.

PSB met with the Monitor in August 2016 to determine how compliance would be addressed. Both determined initial factors for consideration in assessing whether a complaint was a CRM based on the complainant having a Latino surname, or any other information in the complaint that would suggest any possible bias affecting the Plaintiff class. PSB and the Monitor meet weekly to discuss existing and incoming complaints.

**Paragraph 278.** The Sheriff shall alert the Monitor in writing to all matters that could be considered Class Remedial Matters, and the Monitor has the authority to independently identify such matters. The Monitor shall provide an effective level of oversight to provide reasonable assurance that all Class Remedial Matters come to his attention.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 278.

Upon issuance of the Second Order, PSB completed an initial review of all open administrative and criminal investigations and has consistently notified the Monitor in writing of any potential CRMs. The PSB Commander and the Monitor meet on a weekly basis to discuss potential CRMs and those investigations that have been determined to be CRMs. PSB also provided to the Monitor access to IA Pro to complete independent case reviews.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

**Paragraph 279.** The Monitor shall have complete authority to conduct whatever review, research, and investigation he deems necessary to determine whether such matters qualify as Class Remedial Matters and whether the MCSO is dealing with such matters in a thorough, fair, consistent, and unbiased manner.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 279.

Upon issuance of the Second Order, PSB completed an initial review of all open administrative and criminal investigations and has consistently notified the Monitor in writing of any potential CRMs. The PSB Commander and the Monitor meet on a weekly basis to discuss potential CRMs and those investigations that have been determined to be CRMs. PSB also provided to the Monitor access to IA Pro to complete independent case reviews.

Paragraph 281. Subject to the authority of the Monitor, the Sheriff shall ensure that the MCSO receives and processes Class Remedial Matters consistent with: (1) the requirements of this Order and the previous orders of this Court, (2) MCSO policies promulgated pursuant to this Order, and (3) the manner in which, pursuant to policy, the MCSO handles all other complaints and disciplinary matters. The Sheriff will direct that the Professional Standards Bureau and the members of his appointed command staff arrive at a disciplinary decision in each Class Remedial Matter.

#### MCSO achieved Phase 1 compliance with Paragraph 281. MCSO is in Phase 2 compliance.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

Paragraph 282. The Sheriff and/or his appointee may exercise the authority given pursuant to this Order to direct and/or resolve such Class Remedial Matters, however, the decisions and directives of the Sheriff and/or his designee with respect to Class Remedial Matters may be vacated or overridden in whole or in part by the Monitor. Neither the Sheriff nor the MCSO has any authority, absent further order of this Court, to countermand any directions or decision of the Monitor with respect to Class Remedial Matters by grievance, appeal, briefing board, directive, or otherwise.

#### MCSO achieved Phase 1 compliance with Paragraph 282. MCSO is in Phase 2 compliance.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

**Paragraph 284.** The Sheriff and the MCSO shall expeditiously implement the Monitor's directions, investigations, hearings, and disciplinary decisions. The Sheriff and the MCSO shall also provide any necessary facilities or resources without cost to the Monitor to facilitate the Monitor's directions and/or investigations.

#### MCSO achieved Phase 1 compliance with Paragraph 284. MCSO is in Phase 2 compliance.

PSB and the Monitor meet weekly to discuss existing and incoming CRM complaints in an appropriate location. PSB also provided to the Monitor access to IA Pro to complete independent case reviews.

The Professional Standards Bureau Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

**Paragraph 286.** Should the Monitor believe that a matter should be criminally investigated, he shall follow the procedures set forth in ¶¶ 229–36 above. The Commander of the Professional Standards Bureau shall then either confidentially initiate a Professional Standards Bureau criminal investigation overseen by the Monitor or report the matter directly and confidentially to the appropriate prosecuting agency. To the extent that the matter may involve the Commander of the Professional Standards Bureau as a principal, the Monitor shall report the matter directly and confidentially to the appropriate prosecuting agency. The Monitor shall then coordinate the administrative investigation with the criminal investigation in the manner set forth in ¶¶ 229–36 above.

### MCSO achieved Phase 1 compliance with Paragraph 286. MCSO is in Phase 2 compliance.

Pursuant to Paragraph 165, MCSO published MCSO Policies GH-2, *Internal Investigations* and GC-17, *Employee Disciplinary Procedure* in May of 2017. The PSB Operations Manual, which incorporates the requirements of this Paragraph, was completed and published on December 13, 2018.

**Paragraph 287.** Any persons receiving discipline for any Class Remedial Matters that have been approved by the Monitor shall maintain any right they may have under Arizona law or MCSO policy to appeal or grieve that decision with the following alterations:

- a. When minor discipline is imposed, a grievance may be filed with the Sheriff or his designee consistent with existing MCSO procedure. Nevertheless, the Sheriff or his designee shall immediately transmit the grievance to the Monitor who shall have authority to and shall decide the grievance. If, in resolving the grievance, the Monitor changes the disciplinary decision in any respect, he shall explain his decision in writing.
- b. disciplined MCSO employee maintains his or her right to appeal serious discipline to the Maricopa County Law Enforcement Merit System Council to the extent the employee has such a right. The Council may exercise its normal supervisory authority over discipline imposed by the Monitor.

#### MCSO is in Phase 1 and Phase 2 compliance with Paragraph 287.

**Paragraph 288.** The Monitor's authority over Class Remedial Matters will cease when both:

- a. The final decision of the Professional Standards Bureau, the Division, or the Sheriff, or his designee, on Class Remedial Matters has concurred with the Monitor's independent decision on the same record at least 95% of the time for a period of three years.
- b. The Court determines that for a period of three continuous years the MCSO has complied with the complaint intake procedures set forth in this Order, conducted appropriate internal affairs procedures, and adequately investigated and adjudicated all matters that come to its attention that should be investigated no matter how ascertained, has done so consistently, and has fairly applied its disciplinary policies and matrices with respect to all MCSO employees regardless of command level.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 288.

**Paragraph 292.** To make this assessment, the Monitor is to be given full access to all MCSO internal affairs investigations or matters that might have been the subject of an internal affairs investigation by the MCSO. In making and reporting his assessment, the Monitor shall take steps to comply with the rights of the principals under investigation in compliance with state law.

While the Monitor can assess all internal affairs investigations conducted by the MCSO to evaluate their good faith compliance with this Order, the Monitor does not have authority to direct or participate in the investigations of or make any orders as to matters that do not qualify as Class Remedial Matters.

Phase 1 compliance is not applicable. MCSO is in Phase 2 compliance with Paragraph 292.

PSB has provided the Monitor access to the IA Pro database. The Monitor has periodically audited and reviewed the IA Pro system and hard copy file rooms; is provided all closed investigations on a monthly basis; and is provided a list of new administrative investigations monthly. Additionally, the PSB Commander and Monitor meet weekly to discuss CRMs, and to provide updates on both administrative and criminal investigations.

**Paragraph 300.** The following potential misconduct is not sufficiently related to the rights of the members of the Plaintiff class to justify any independent investigation:

- a. Uninvestigated untruthful statements made to the Court under oath by Chief Deputy Sheridan concerning the Montgomery investigation. (Doc. 1677 at ¶ 385).
- b. Uninvestigated untruthful statements made to the Court under oath by Chief Deputy Sheridan concerning the existence of the McKessy investigation. (Id. at ¶ 816).
- c. Chief Deputy Sheridan's untruthful statements to Lieutenant Seagraves made during the course of an internal investigation of Detective Mackiewicz to the effect that an investigation into the overtime allegations against Detective Mackiewicz had already been completed. (Id. at ¶ 823).
- d. Other uninvestigated acts of misconduct of Chief Deputy Sheridan, Captain Bailey, Sergeant Tennyson, Detective Zebro, Detective Mackiewicz, or others that occurred during the McKessy investigation. (Id. at ¶¶ 766–825).

Phase 1 compliance is not applicable. Phase 2 compliance with this Paragraph is deferred.

**Paragraph 337.** Nevertheless, when discipline is imposed by the Independent Disciplinary Authority, the employee shall maintain his or her appeal rights following the 1 imposition of administrative discipline as specified by Arizona law and MCSO policy with the following exceptions:

- a. When minor discipline is imposed, a grievance may be filed with the Sheriff or his designee consistent with existing MCSO procedure. Nevertheless, the Sheriff or his designee shall transmit the grievance to the Monitor who shall have authority to decide the grievance. If in resolving the grievance the Monitor changes the disciplinary decision in any respect, he shall explain his decision in writing.
- b. A disciplined MCSO employee maintains his or her right to appeal serious discipline to the Maricopa County Law Enforcement Merit System Council to the extent the employee has such a right. The Council may exercise its normal supervisory authority over discipline imposed by the Independent Disciplinary Authority with one caveat. Arizona law allows the Council the discretion to vacate discipline if it finds that the MCSO did not make a good faith effort to investigate and impose the discipline within 180 days of learning of the misconduct. In the case of any of the disciplinary matters considered by the Independent Disciplinary Authority, the MCSO will not have made that effort. The delay, in fact, will have resulted from MCSO's bad faith effort to avoid the appropriate imposition of discipline on MCSO employees to the detriment of the members of the Plaintiff class. As such, the

Council's determination to vacate discipline because it was not timely imposed would only serve to compound the harms imposed by the Defendants and to deprive the members of the Plaintiff class of the remedies to which they are entitled due to the constitutional violations they have suffered at the hands of the Defendants. As is more fully explained above, such a determination by the Council would constitute an undue impediment to the remedy that the Plaintiff class would have received for the constitutional violations inflicted by the MCSO if the MCSO had complied with its original obligations to this Court. In this rare linstance, therefore, the Council may not explicitly or implicitly exercise its discretion to reduce discipline on the basis that the matter was not timely investigated or asserted by the MCSO. If the Plaintiff class believes the Council has done so, it may seek the reversal of such reduction with this Court pursuant to this Order.

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 337.

### Section 12: Conclusion

This Report covers the First Quarter of 2019 (January 1, 2019–March 31, 2019) and attempts to both quantitatively and qualitatively highlight MCSO's compliance efforts and achievements during this specific rating period.

MCSO achieved noteworthy gains in compliance this quarter. Phase 1 compliance with the Second Order showed a marked increase of 21%, going from 78% to 99%. Phase 2 compliance with the Second Order also showed a positive increase going from 81% to 90%, a 9% gain. Guided by a commitment to law enforcement best practices, procedural justice, constitutional, and bias-free policing, MCSO will continue to focus efforts towards achieving the goal of "Full and Effective Compliance" as the Court's Order defines it. These noteworthy gains in compliance were achieved through the consistent efforts and commitment of all MCSO personnel.

MCSO has achieved full and effective compliance with 23 Paragraphs of the First Order. For this quarter, MCSO asserted full and effective compliance with three additional Paragraphs of the First Order, Paragraphs 27, 34, and 106. If the Monitor agrees with these additional assertions of full and effective compliance, MCSO will have achieved full and effective compliance with 26 Paragraphs of the Court's Order. These compliance achievements demonstrate MCSO's consistency and dedication to embracing the positive transformational change and adopting it as a best practice to make MCSO a leader in the profession.

MCSO, in partnership with CNA, has continued developing a refined methodology for the Monthly and Annual Traffic Stop Report processes. The Monthly and Annual analytical plans were drafted during the 4th quarter of 2018 and assessed by all involved parties with the intent of being finalized for implementation. The exchange and review process of both analytical plans between the Parties and MCSO continued through the 1st Quarter of 2019. MCSO is hopeful that the methodology will soon be approved and the analyses can begin.

Compliance Bureau staff and members of CNA attended an Internal Town Hall held on March 13, 2019 at the MCSO Training Center. This was an excellent opportunity to address employees of MCSO interested in learning more about CNA, and for those who had questions or comments about the analyses, the TSAR process, or other compliance-related concerns. The Internal Town Hall was well-attended by more than 100 employees. The event allowed for open dialogue to further explain the analyses. Many questions and concerns were addressed. The feedback in reference to increasing communication was positive. MCSO plans to continue these Internal Town Hall events.

BIO continues to assist MCSO in its efforts to maintain and gain compliance by providing timely and professional auditing of MCSO personnel to assure compliance with the Court's Order. A newly proposed IR Inspection Methodology to more accurately reflect MCSO supervisor's and commander's reviews of arrests that are unsupported by probable cause or are otherwise in violation of MCSO policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or Training. was submitted to the Monitor and Parties. The initial reviews have been positive, and MCSO is optimistic that these changes may be implemented during the second quarter of 2019.

In February 2019, following community listening sessions, technical assistance with the Monitor and internal stakeholder discussions, MCSO proposed several tactical revisions to the plan in response to Paragraph 70 to better meet the needs of the community, the agency, and the spirit of the Order. The plan proposes a Community Policing Philosophy and agency-wide non-

enforcement community interactions. The Office continues to wait for the Court to decide the pending motions regarding Paragraph 70. In the interim, the portions of the approved Paragraph 70 Plan that are covered by other paragraphs continue to be worked on.

Combining the requirements of both the First and Second Order, MCSO's overall compliance rating is 98% for Phase 1 and 83% for Phase 2. MCSO has developed and published nearly all requisite policies and procedures necessary for Phase 1 compliance. All that remains are sections of operations manuals for MCSO to achieve 100% Phase 1 compliance. As an organization, MCSO can refine its' focus on achieving the operational implementation necessary for Phase 2 compliance.

MCSO is dedicated to following the best police practices and gaining full and effective compliance with the Orders. The concentrated emphasis on compliance has benefited MCSO and the vast, diverse community it serves.

## Appendix A: MCSO Melendres Court's Order Compliance Chart

Paragraph No.	Requirement	07/01/2018-09/30/2018 18 <sup>th</sup> Report		Date of Full Compliance	Projected Date
		Phase 1	Phase 2		
Section	III. MCSO Implementation Unit and Internal Agency-wide Asses	sment			
9	Form a Court Order Implementation Unit	In Compliance	In Compliance	06/30/15	06/29/18
10	Collection and Maintenance of All Data and Records	In Compliance	In Compliance	06/30/15	06/29/18
11	MCSO Quarterly Report	In Compliance	In Compliance	06/30/15	06/29/18
12	MCSO Annual Internal Assessment - Information	In Compliance	In Compliance	09/30/15	09/29/18
13	MCSO Annual Internal Assessment - Dates/Compliance	In Compliance	In Compliance	09/30/15	09/29/18
Section	IV. Policies and Procedures				
19	Conduct Comprehensive Review of All Patrol Policies and Procedures	In Compliance	In Compliance	03/31/18	03/29/21
21	Create and Disseminate Policy Regarding Biased-Free Policing	In Compliance	Not Applicable	12/31/16	12/31/19

22	Reinforce Discriminatory Policing is Unacceptable	In Compliance	In Compliance	06/30/17	06/29/20
23	Modify Code of Conduct Policy (CP-2): Prohibited Use of County Property	In Compliance	In Compliance	09/30/15	09/29/18
24	Ensure Operations are Not Motivated, Initiated, or Based on Race or Ethnicity	In Compliance	In Compliance	12/31/17	12/30/20
25	Revise Policies to Ensure Bias-Free Traffic Enforcement	In Compliance	In Compliance	09/30/17	09/29/20
26	Revise Policies to Ensure Bias-Free Investigatory Detentions and Arrests	In Compliance	In Compliance	06/30/15	06/29/18
27	Remove LEAR Policy from Policies and Procedures	In Compliance	In Compliance	09/30/14	09/29/17
28	Revise Policies Regarding Immigration- Related Law	In Compliance	In Compliance	12/31/14	12/30/17
29	All Policies and Procedures shall Define Terms Clearly, Comply with Applicable Law and Order Requirements, and Use Professional Standards	Not Applicable	In Compliance	12/31/14	12/30/17
30	Submit All Policies to Monitor within 90 Days of Effective Date; and Have Approval by Monitor Prior to Implementation	Not Applicable	In Compliance	12/31/14	12/30/17
31	Ensure Personnel Receive, Read, and Understand Policy	In Compliance	In Compliance	03/31/16	03/31/19

All Personnel shall Report Violations of Policy; and Employees shall be Held Accountable for Policy Violations	In Compliance	Not in Compliance		
Personnel Who Engage in Discriminatory Policing shall be Subject to Discipline	In Compliance	In Compliance	12/31/17	12/30/20
On Annual Basis, Review Policy and Document It in Writing	In Compliance	In Compliance	12/31/15	12/30/18
V. Pre-Planned Operations				
Monitor shall Regularly Review Documents of any Specialized Units Enforcing Immigration- Related Laws to Ensure Accordance with Law and Court Order	In Compliance	In Compliance	09/30/15	09/29/18
Ensure Significant Ops or Patrols are Race- Neutral in Fashion; Written Protocol shall be Provided to Monitor in Advance of any Significant Op or Patrol	In Compliance	In Compliance	12/31/14	12/30/17
Have Standard Template for Op Plans and Standard Instructions for Supervisors, Deputies, and Posse Members	In Compliance	In Compliance	12/31/14	12/30/17
Create and Provide Monitor with Approved Documentation of Significant Op within 10 Days After Op	In Compliance	In Compliance	12/31/14	12/30/17
Hold community outreach meeting within 40 days after any significant operations or patrol in the affected District(s)	In Compliance	In Compliance	09/30/17	09/29/20
Notify Monitor and Plaintiffs within 24 hrs. of any Immigration Related Traffic Enforcement Activity or Significant Op Arrest of 5 or more People	In Compliance	In Compliance	12/31/14	12/30/17
VI. Training				
Selection and Hiring of Instructors for Supervisor Specific Training	In Compliance	In Compliance	9/30/18	9/30/21
Training at Least 60% Live Training, 40% On- line Training, and Testing to Ensure Comprehension	In Compliance	In Compliance	06/30/17	06/29/20
	Personnel Who Engage in Discriminatory Policing shall be Subject to Discipline  On Annual Basis, Review Policy and Document It in Writing  V. Pre-Planned Operations  Monitor shall Regularly Review Documents of any Specialized Units Enforcing Immigration- Related Laws to Ensure Accordance with Law and Court Order  Ensure Significant Ops or Patrols are Race- Neutral in Fashion; Written Protocol shall be Provided to Monitor in Advance of any Significant Op or Patrol  Have Standard Template for Op Plans and Standard Instructions for Supervisors, Deputies, and Posse Members  Create and Provide Monitor with Approved Documentation of Significant Op within 10 Days After Op  Hold community outreach meeting within 40 days after any significant operations or patrol in the affected District(s)  Notify Monitor and Plaintiffs within 24 hrs. of any Immigration Related Traffic Enforcement Activity or Significant Op Arrest of 5 or more People  VI. Training  Selection and Hiring of Instructors for Supervisor Specific Training  Training at Least 60% Live Training, 40% On-line Training, and Testing to Ensure	Accountable for Policy Violations  Personnel Who Engage in Discriminatory Policing shall be Subject to Discipline  On Annual Basis, Review Policy and Document It in Writing  In Compliance  V. Pre-Planned Operations  Monitor shall Regularly Review Documents of any Specialized Units Enforcing Immigration- Related Laws to Ensure Accordance with Law and Court Order  Ensure Significant Ops or Patrols are Race- Neutral in Fashion; Written Protocol shall be Provided to Monitor in Advance of any Significant Op or Patrol  Have Standard Template for Op Plans and Standard Instructions for Supervisors, Deputies, and Posse Members  Create and Provide Monitor with Approved Documentation of Significant Op within 10 Days After Op  Hold community outreach meeting within 40 days after any significant operations or patrol in the affected District(s)  Notify Monitor and Plaintiffs within 24 hrs. of any Immigration Related Traffic In Compliance  VI. 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44	Training Schedule, Keeping Attendance, and Training Records	In Compliance	In Compliance	06/30/17	06/29/20
45	Training may Incorporate Role-Playing Scenarios, Interactive Exercises, and Lectures	Not Applicable	In Compliance	06/30/16	06/30/19
46	Curriculum, Training Materials, and Proposed Instructors	Not Applicable	In Compliance	06/30/16	06/30/19
47	Regularly Update Training (from Feedback and Changes in Law)	In Compliance	In Compliance	06/30/17	06/29/20
48	Bias-Free Policing Training Requirements (12 hrs. Initially, then 6 hrs. Annually)	Not Applicable	In Compliance	12/31/14	12/30/17
49	Bias-Free Policing Training Shall Incorporate Current Developments in Federal and State Law and MCSO Policy	Not Applicable	In Compliance	12/31/14	12/30/17
50	Fourth Amendment Training (6 hrs. Initially, then 4 hrs. Annually)	Not Applicable	In Compliance	12/31/14	12/30/17
51	Fourth Amendment Training Shall Incorporate Current Developments in Federal and State Laws and MCSO Policy	Not Applicable	In Compliance	12/31/14	12/30/17
52	Supervisor Responsibilities Training (6 hrs. Initially, then 4 hrs. Annually)	Not Applicable	In Compliance	09/30/16	09/30/19
53	Supervisor Responsibilities Training Curriculum	Not Applicable	In Compliance	09/30/16	09/30/19
Section	VII. Traffic Stop Documentation and Data Collection and Review	/			
54	Collection of Traffic Stop Data	In Compliance	Deferred		
55	Assign Unique ID for Each Incident/Stop, So Other Documentation Can Link to Stop	In Compliance	In Compliance	12/31/14	12/30/17
56	Maintaining Integrity and Accuracy of Traffic Stop Data	Not in Compliance	Not in Compliance		
57	Ensure Recording of Stop Length Time and Providing Signed Receipt for Each Stop	In Compliance	In Compliance	06/30/17	06/29/20
58	Ensure all Databases Containing Individual- Specific Data Comply with Federal and State Privacy Standards; Develop Process to Restrict Database Access	In Compliance	In Compliance	12/31/16	12/31/19

59	Providing Monitors and Plaintiffs' Representative Full Access to Collected Data	Not Applicable	In Compliance	06/30/14	06/29/17
60	Develop System for Electronic Data Entry by Deputies	In Compliance	In Compliance	09/30/15	09/29/18
61	Installing Functional Video and Audio Recording Equipment (Body-Cameras)	In Compliance	In Compliance	06/30/16	06/30/19
62	Activation and Use of Recording Equipment (Body-Cameras)	In Compliance	In Compliance	12/31/18	12/31/21
63	Retaining Traffic Stop Written Data and Camera Recordings	In Compliance	In Compliance	12/31/16	12/31/19
64	Protocol for Periodic Analysis of Traffic Stop Data and Data Gathered for Significant Ops	Not in Compliance	Not in Compliance		
65	Designate Group to Analyze Collected Data	In Compliance	Not in Compliance		
66	Conduct Annual, Agency-Wide Comprehensive Analysis of Data	In Compliance	Not in Compliance		
67	Warning Signs or Indicia of Possible Racial Profiling or Other Misconduct	In Compliance	Deferred		
68	Criteria for Analysis of Collected Patrol Data (Significant Ops)	In Compliance	In Compliance	12/31/14	12/30/17
69	Supervisor Review of Collected Data for Deputies under Their Command	In Compliance	Not in Compliance		
70	Response to/Interventions for Deputies or Units Involved in Misconduct	In Compliance	Not in Compliance		
71	Providing Monitor and Plaintiffs' Representative Full Access to Supervisory and Agency Level Reviews of Collected Data	Not Applicable	In Compliance	12/31/14	12/30/17
Section	IX. Early Identification System (EIS)				
72	Develop, implement, and maintain a computerized EIS	In Compliance	Not in Compliance		
73	Create Unit or Expand Role of MCSO IT to Develop, Implement, and Maintain EIS	In Compliance	In Compliance	03/31/17	03/30/20

74	Develop and Implement Protocol for Capturing and Inputting Data	In Compliance	Not in Compliance		
75	EIS shall Include a Computerized Relational Database	In Compliance	Not in Compliance		
76	The EIS shall include appropriate identifying information for each involved Deputy (i.e., name, badge number, shift and Supervisor) and civilian (e.g., race and/or ethnicity).	In Compliance	In Compliance	06/30/17	06/29/20
77	Maintaining Computer Hardware and Software, All Personnel Have Ready and Secure Access	Not Applicable	In Compliance	12/31/14	12/30/17
78	Maintaining All Personally Identifiable Information	In Compliance	In Compliance	09/30/17	09/29/20
79	The EIS computer program and computer hardware will be operational, fully implemented, and be used in accordance with policies and protocols	In Compliance	Not in Compliance		
80	EIS Education and Training for all Employees	In Compliance	In Compliance	12/31/17	12/30/20
81	Develop and Implement Protocol for Using EIS and Information Obtained from It	In Compliance	Not in Compliance		
Section	X. Supervision and Evaluation of Officer Performance				
83	Provide Effective Supervision of Deputies	In Compliance	In Compliance	03/31/17	03/30/20
84	Adequate Number of Supervisors (1 Field Supervisor to 12 Deputies)	In Compliance	In Compliance	03/31/16	03/31/19
85	Supervisors Discuss and Document Traffic Stops with Deputies	In Compliance	In Compliance	03/31/17	03/30/20
86	Availability of On-Duty Field Supervisors	In Compliance	In Compliance	03/31/17	03/30/20
87	Quality and Effectiveness of Commanders and Supervisors	In Compliance	Not in Compliance		
88	Supervisors in Specialized Units (Those Enforcing Immigration-Related Laws) Directly Supervise LE Activities of New Members	In Compliance	In Compliance	09/30/15	09/29/18

89	Deputies Notify a Supervisor Before Initiating any Immigration Status Investigation and/or Arrest	In Compliance	In Compliance	06/30/16	06/30/19
90	Deputies Submit Documentation of All Stops and Investigatory Detentions Conducted to Their Supervisor by End of Shift	In Compliance	In Compliance	09/30/17	09/29/20
91	Supervisors Document any Investigatory Stops and Detentions that Appear Unsupported by Reasonable Suspicion or Violate Policy	In Compliance	Not in Compliance		
92	Supervisors Use EIS to Track Subordinate's Violations or Deficiencies in Investigatory Stops and Detentions	In Compliance	Not in Compliance		
93	Deputies Complete All Incident Reports Before End of Shift. Field Supervisors Review Incident Reports and Memorialize Their Review within 72 hrs. of an arrest	In Compliance	In Compliance	09/30/16	09/30/19
94	Supervisor Documentation of Any Arrests that are Unsupported by Probable Cause or Violate Policy	In Compliance	Not in Compliance		
95	Supervisors Use EIS to Track Subordinate's Violations or Deficiencies in Arrests and the Corrective Actions Taken	In Compliance	Not in Compliance		
96	Command Review of All Supervisory Review Related to Arrests that are Unsupported by Probable Cause or Violate Policy	In Compliance	Not in Compliance		
97	Commander and Supervisor Review of EIS Reports	In Compliance	Not in Compliance		
98	System for Regular Employee Performance Evaluations	In Compliance	Not in Compliance		
99	Review of All Compliant Investigations, Complaints, Discipline, Commendations, Awards, Civil and Admin. Claims and Lawsuits, Training History, Assignment and Rank History, and Past Supervisory Actions	In Compliance	Not in Compliance		
100	The quality of Supervisory reviews shall be taken into account in the Supervisor's own performance evaluations	In Compliance	Not in Compliance		
101	MCSO shall develop and implement eligibility criteria for assignment to Specialized Units enforcing Immigration-Related Laws.	In Compliance	In Compliance	09/30/15	09/29/18

Section	XI. Misconduct and Complaints				
102	MCSO shall require all personnel to report without delay alleged or apparent misconduct by other MCSO Personnel to a Supervisor or directly to IA	In Compliance	In Compliance	06/30/17	06/29/20
103	MCSO shall develop a plan for conducting regular, targeted, and random integrity audit checks to identify and investigate Deputies possibly engaging in improper behavior	Not in Compliance	Not in Compliance		
104	MCSO shall require Deputies to cooperate with administrative investigations	In Compliance	In Compliance	09/30/16	09/30/19
105	Investigator Access to Collected Data, Records, Complaints, and Evaluations	In Compliance	In Compliance	03/31/17	03/30/20
106	Disclosure of Records of Complaints and Investigations	Not Applicable	In Compliance	12/31/15	12/30/18
Section	XII. Community Engagement	l			
109	As part of its Community Outreach and Public Information program, the MCSO shall hold at least one public meeting per quarter to coincide with the quarterly site visits by the Monitor in a location convenient to the Plaintiffs class.	In Compliance	In Compliance	9/30/18	09/29/21
110	At public meetings MCSO representatives are to listen to community members' experiences and concerns about MCSO practices implementing this order including the impact on public trust. MCSO representatives shall make reasonable effort to address such concerns during the meetings and afterward as well as explain to attendees how to file a comment or complaint.	In Compliance	In Compliance	9/30/18	09/29/21

111	English and Spanish-speaking MCSO Personnel shall attend these meetings and be available to answer questions from the public.	In Compliance	In Compliance	9/30/18	09/29/21
112	At least ten days before such meetings, the MCSO shall widely publicize the meetings in English and Spanish after consulting with Plaintiffs' representatives and Community Advisory Board regarding advertising methods.	In Compliance	In Compliance	9/30/18	09/29/21
113	MCSO shall select or hire a Community Liaison who is fluent in English and Spanish. The hours and contact information of the MCSO Community Outreach Division (COD) shall be made available to the public including on the MCSO website.	In Compliance	In Compliance	9/30/18	09/29/21
114	COD shall coordinate the district community meetings and provide administrative support for, coordinate and attend meetings of the Community Advisory Board and compile any complaints, concerns and suggestions submitted to the COD. Communicate concerns received from the community with the Monitor and MCSO leadership.	In Compliance	In Compliance	9/30/18	09/29/21
115	MCSO and Plaintiffs' representatives shall work with community representatives to create a Community Advisory Board (CAB) to facilitate regular dialogue between MCSO and the community.	In Compliance	In Compliance	9/30/18	09/29/21
116	CAB members must be selected by MCSO and Plaintiffs' representatives.	In Compliance	In Compliance	9/30/18	09/29/21
117	MCSO shall coordinate the meeting as dictated by the CAB members and provide administrative support for the CAB.	In Compliance	In Compliance	9/30/18	09/29/21
118	CAB members will relay or gather community concerns about MCSO practices that may violate the Order and transmit them to the COD for investigation and/or action.	In Compliance	In Compliance	9/30/18	09/29/21
SECOND	ORDER Section XV. Misconduct Investigations, Discipline and G	rievances			
165	Conduct comprehensive review all policies, procedures, manuals and written directives related to misconduct investigations, employee discipline and grievances	Not Applicable	Deferred		
167	Ensure provision of policies pertaining to any and all reports of misconduct	In Compliance	In Compliance	06/30/17	06/29/20

168	All forms of alleged reprisal, discouragement, intimidation, coercion or adverse action against any person reporting or attempting to report misconduct is strictly prohibited.	In Compliance	In Compliance	06/30/17	06/29/20
169	Ensure policies identify no retaliation to an employee for reporting misconduct	In Compliance	In Compliance	06/30/17	06/29/20
170	Ensures completed investigations of all complaints including third-party	In Compliance	In Compliance	06/30/17	06/29/20
171	Ensures administrative investigations are not terminated due to withdrawal, unavailability or unwillingness of complainant	In Compliance	In Compliance	06/30/17	06/29/20
172	Provide instruction to employees that all relevant evidence and information for investigations be submitted and intention withholding shall result in discipline	In Compliance	In Compliance	06/30/17	06/29/20
173	Ensure disciplinary checks are conducted by PSB prior to any promotion process	In Compliance	In Compliance	03/31/18	03/30/21
174	Ensure disciplinary history is considered and documented prior to hiring, promotion and transfers	In Compliance	In Compliance	03/31/17	03/30/20
175	Ensure Commanders review disciplinary history who are transferred to their command in timely fashion	In Compliance	In Compliance	12/31/18	12/30/21
176	Quality of IA investigations and Supervisors review of investigations be taken into account in performance evaluations	In Compliance	Not in Compliance		
177	Removal of name-clearing hearings and referenced as pre-determination hearings	In Compliance	In Compliance	06/30/17	06/29/20
178	Provide 40 hours of comprehensive training to all Supervisors and PSB staff for conducting employee misconduct investigations	Not Applicable	In Compliance	12/31/17	12/30/20
179	Provide 8 hours annually of in-service to all Supervisors and PSB staff for conducting misconduct investigations	Not in Compliance	Deferred		
180	Provide training to all employees on MCSO's new or revised policies related to misconduct investigation, discipline and grievances	In Compliance	In Compliance	09/30/17	09/29/20

181	Provide adequate training to all employees to properly handle civilian complaint intake and providing information	In Compliance	In Compliance	12/31/17	12/30/20
182	Provide adequate training to all Supervisors as their obligations to properly handle civilian complaints	In Compliance	In Compliance	09/30/17	09/29/20
184	Standards will be clearly delineated in policies, training and procedures. Samples must be included	In Compliance	In Compliance	12/31/17	12/30/20
185	Any allegation of misconduct must be reported to PSB upon receipt	In Compliance	In Compliance	06/30/17	06/29/20
186	PSB must maintain a centralized electronic numbering and tracking system for all allegations of misconduct	In Compliance	In Compliance	06/30/17	06/29/20
187	PSB must maintain a complete file of all documents relating to any investigations, disciplinary proceedings, pre-determination hearings, grievance proceeding and appeals to the Law Enforcement Merit System Council or a state court	In Compliance	In Compliance	06/30/17	06/29/20
188	PSB will promptly assign IA investigator after initial determination of the category of alleged offense	In Compliance	In Compliance	06/30/17	06/29/20
189	PSB shall investigate misconduct allegation of a serious nature, or that result in suspension, demotion, termination or indication apparent criminal conduct by employee	In Compliance	In Compliance	06/30/17	06/29/20
190	Allegations of employee misconduct that are of a minor nature may be administratively investigated by a trained and qualified Supervisor in the employee's District.	In Compliance	In Compliance	03/31/18	03/30/21
191	Trained Supervisor must immediately contact PSB if it is believed the principal may have committed misconduct of a serious or criminal nature	In Compliance	In Compliance	06/30/17	06/29/20
192	PSB shall review investigations outside of the Bureau at least semi-annually	In Compliance	In Compliance	12/31/18	12/30/21
193	The most serious policy violation shall be used for determination of category of offense when multiple separate policy violations are present in a single act of alleged misconduct	In Compliance	In Compliance	06/30/17	06/29/20

194	PSM Commander ensures investigations comply with MCSO policy, requirement of this Order including those related to training, investigators disciplinary backgrounds and conflicts of interest	In Compliance	Not in Compliance		
195	PSB shall include sufficient trained personnel to fulfill requirements of Order within six months	In Compliance	Not in Compliance		
196	Commander of PSB or the Chief Deputy many refer misconduct investigations to another law enforcement agency or retain qualified outside investigator to conduct the investigation	In Compliance	In Compliance	06/30/17	06/29/20
197	PSB will be headed by qualified Commander. If designation is declined by Sheriff, the Court will designate a qualified candidate	In Compliance	In Compliance	12/31/18	12/30/21
198	PSB shall be physically located is separate facility of MCSO facilities and must be accessible to public and present a non- intimidating atmosphere to file complaints	Not Applicable	In Compliance	6/30/2018	06/29/21
199	Ensure qualifications for an internal affairs investigator are clearly defined and candidates are eligible to conduct investigations	In Compliance	In Compliance	06/30/17	06/29/20
200	Investigations shall be conducted in a rigorous and impartial manner without prejudging the facts, and completed in a through manner	In Compliance	In Compliance	09/30/17	09/29/20
201	No preference shall be given for an employee's statement over a non-employee statement, nor disregard a witness's statement solely because the witness has connection to the complainant or the employee or due to a criminal history of either party	In Compliance	In Compliance	06/30/17	06/29/20
202	Investigate any evidence of potential misconduct uncovered during the course of the investigation regardless weather the potential misconduct was part of the original allegation	In Compliance	In Compliance	06/30/17	06/29/20
203	Despite a person being involved in an encounter with MCSO and pleading guilty or found guilty of offense, IA investigators will not consider that information alone to determine whether the MCSO employee engaged in misconduct	In Compliance	In Compliance	06/30/17	06/29/20
204	Complete investigations within 85 calendar days of the initiation of the investigation, or 60 calendar days if within a Division	In Compliance	In Compliance	06/30/18	06/29/21
205	PSB maintain database to track cases which generates alerts when deadlines are not met	In Compliance	In Compliance	12/31/18	12/30/21

206	At conclusion of each investigation, IA will prepare an investigation report which includes elements from the eleven subsections of this paragraph	In Compliance	In Compliance	06/30/17	06/29/20
207	When investigating the incident for policy, training, tactical or equipment concerns, the report must include compliance with standards, use of tactics and indicate need for training and suggestion of policy changes	In Compliance	In Compliance	06/30/17	06/29/20
208	Each allegation of misconduct shall explicitly identify and recommend a disposition for each allegation	In Compliance	In Compliance	12/31/17	12/30/20
209	Investigation forms completed by Supervisors outside of PSB shall be sent through Chain of Command to Division Commander for approval	In Compliance	In Compliance	06/30/17	06/29/20
210	Investigation forms completed by PSB shall be sent to the Commander	In Compliance	In Compliance	06/30/17	06/29/20
211	Commander shall return report to investigator for correction when inadequacies are noted	In Compliance	Not in Compliance		
212	IA investigator shall receive corrective or disciplinary action for a deficient misconduct investigation. Failure to improve is grounds for demotion or removal from PSB	In Compliance	In Compliance	6/30/2018	06/29/21
213	Minor misconduct investigations must be conducted by Supervisor (not by line-level deputies) and file forwarded to PSB	In Compliance	In Compliance	06/30/17	06/29/20
214	Misconduct investigation can be assigned or re-assigned at the discretion of the PSB Commander	In Compliance	In Compliance	06/30/17	06/29/20
215	Investigations conducted by Supervisors (outside of PSB) shall direct and ensure appropriate discipline and/or corrective action	In Compliance	In Compliance	06/30/17	06/29/20
216	PSB Commander shall direct and ensure appropriate discipline and/or corrective action for investigations conducted by PSB	In Compliance	In Compliance	06/30/17	06/29/20
217	PSB shall conduct targeted and random reviews of discipline imposed by Commanders for minor misconduct	In Compliance	Not Applicable	06/30/17	06/29/20
218	Maintain all administrative reports and files for recording keeping in accordance with applicable law	In Compliance	In Compliance	06/30/17	06/29/20
220	Sheriff shall review MCSO disciplinary matrices and ensure consistency discipline	In Compliance	In Compliance	12/31/17	12/30/20

221	Sheriff shall mandate misconduct allegation is treated as a separate offense for imposing discipline	In Compliance	In Compliance	06/30/17	06/29/20
222	Sheriff shall provide that Commander of PSB make preliminary determinations of the discipline and comment in writing	In Compliance	In Compliance	06/30/17	06/29/20
223	MCSO Command staff shall conduct a pre- determination hearing if serious discipline should be imposed based on the preliminary determination	In Compliance	In Compliance	06/30/17	06/29/20
224	Pre-determination hearings will be audio and video recorded in their entirety, and the recording shall be maintained with the administrative investigation file.	In Compliance	In Compliance	06/30/17	06/29/20
225	Pre-determination hearings will be suspended and returned to investigator if employee provides new or additional evidence	In Compliance	In Compliance	06/30/17	06/29/20
226	If designated member of MCSO command staff conducting the pre-determination hearing does not uphold charges and/or discipline recommended by PSB a written justification by that member is required	In Compliance	In Compliance	12/31/18	12/30/21
227	MCSO shall issue policy providing the designated member conducting the pre- determination hearing with instructions to apply the disciplinary matrix and set guidelines when deviation is permitted.	In Compliance	In Compliance	06/30/17	06/29/20
228	Sheriff or designee has authority to rescind, revoke or alter disciplinary decisions	In Compliance	In Compliance	06/30/17	06/29/20
229	When an IA investigator or Commander finds evidence of misconduct indicating apparent criminal conduct by employee the PSB Command must be immediately notified, PSB will assume any admin misconduct investigation outside PSB, Commander will provide evidence directly to the appropriate prosecuting authority when necessary	In Compliance	In Compliance	06/30/17	06/29/20
230	PBS must first consult with the criminal investigator and the relevant prosecuting authority if a misconduct allegation is being investigated criminally, prior to a compelled interview pursuant to Garrity v. New Jersey. No admin investigation shall be held in abeyance unless authorized by Commander of PSB. Any deviations must be documented by PSB.	In Compliance	In Compliance	06/30/17	06/29/20

231	Sheriff shall ensure investigators conducting a criminal investigation do not have access to any statement by the principal that were compelled pursuant to Garrity	In Compliance	In Compliance	06/30/17	06/29/20
232	PBS shall complete admin investigations regardless of the outcome of any criminal investigation. MCSO policies and procedures and the PSB Ops manual shall remind members of PSB that administrative and criminal cases are held to different standards of proof and the investigative processes differ.	In Compliance	In Compliance	06/30/17	06/29/20
233	Criminal investigations closed without referring it to a prosecuting agency must be documented in writing and provided to PSB	In Compliance	In Compliance	06/30/17	06/29/20
234	Criminal investigations referred to a prosecuting agency shall be reviewed by PSB to ensure quality and completeness	In Compliance	In Compliance	06/30/17	06/29/20
235	PSB shall request explanation and document any decisions by the prosecuting agency to decline or dismiss the initiation of criminal charges	In Compliance	In Compliance	06/30/17	06/29/20
236	Sheriff shall require PSB to maintain all criminal investigation reports and files as applicable by law	In Compliance	In Compliance	06/30/17	06/29/20
238	Sheriff shall require MCSO to accept all forms of civilian complaints and document in writing	In Compliance	In Compliance	06/30/17	06/29/20
239	Clearly display placards (English and Spanish) describing the complaint process at MCSO headquarters and all district stations	In Compliance	In Compliance	03/31/17	03/30/20
240	Sheriff shall require all deputies to carry complaint forms in their MCSO vehicles	In Compliance	In Compliance	03/31/17	03/30/20
241	Sheriff shall ensure that PSB is easily accessible to member of public and available for walk-ins	Not Applicable	In Compliance	6/30/2018	06/29/21
242	Make complaint forms widely available at locations around the County: website, HQ lobby, Districts, MC offices and public locations	In Compliance	In Compliance	03/31/17	03/30/20
243	Establish a free 24-hour hotline for reporting complaints	In Compliance	In Compliance	06/30/17	06/29/20
244	Ensure complaint form does not contain language that can be construed as to discourage the filing of a complaint	In Compliance	In Compliance	12/31/16	12/31/19

245	Complaints forms will be made available in English and Spanish	In Compliance	In Compliance	12/31/16	12/31/19
246	PSB will send periodic written updates to the complainant during investigation	In Compliance	In Compliance	03/31/18	03/30/21
247	Complainant make contact the PAS at any time to obtain status of their complaint	In Compliance	In Compliance	06/30/17	06/29/20
248	PSB will track allegations of biased policing as a separate category of complaints	In Compliance	In Compliance	06/30/17	06/29/20
249	PSB will track allegations of unlawful investigatory stops, searches, seizures or arrests as a separate category of complaints	In Compliance	In Compliance	06/30/17	06/29/20
250	PSB will conduct regular assessments of complaints to identify potential problematic patterns and trends	In Compliance	In Compliance	12/31/2018	12/30/21
251	PSB shall produce a semi-annual public report on misconduct investigations	In Compliance	In Compliance	12/31/2018	12/30/21
252	Make detailed summaries of completed IA investigations readily available to the public	In Compliance	In Compliance	12/31/18	12/30/21
253	BIO shall produce a semi-annual public audit report regarding misconduct investigations	In Compliance	In Compliance	12/31/18	12/30/21
254	Initiate a testing program designed to assess civilian complaint intake	In Compliance	In Compliance	12/31/18	12/30/21
255	Testing program for investigation of civilian complaints should not use fictitious complaints	In Compliance	In Compliance	12/31/18	12/30/21
256	Testing program shall assess complaint intake for complaints made in person, telephonically, by mail, email or website.	In Compliance	In Compliance	12/31/18	12/30/21
257	Testing program shall include sufficient random and targeted testing to assess the complaint intake process	In Compliance	In Compliance	12/31/18	12/30/21
258	Testing program shall assess if employees promptly notify PSB of citizen complaints with accurate and complete information	In Compliance	In Compliance	12/31/18	12/30/21
259	Current or former employees cannot serve as testers	In Compliance	In Compliance	12/31/18	12/30/21
260	Produce annual report on the testing program	In Compliance	Not in Compliance		

261	Community Advisory Board may conduct a study to identify barriers to the filing of civilian complaints against MCSO personnel	Not Applicable	Not Applicable		
262	The Boards shall be provided annual funding to support activities	Not Applicable	Not Applicable		
ECONI	O ORDER Section XIV. Supervision and Staffing				
264	Sheriff to ensure all patrol deputies are assigned to clearly identified first-line supervisor	In Compliance	In Compliance	09/30/16	09/30/19
265	First-line Supervisors shall be responsible for closely and consistently supervising all	In Compliance	Not in Compliance		
266	Provide written explanation of deficiencies for number of Deputies assigned to a First-line Supervisors (no more than 10 deputies)	In Compliance	In Compliance	12/31/16	12/31/19
267	Supervisors shall be responsible for close and effective supervision and ensure staff compiles with MCSO policy, federal, state and local law, and this Court Order	In Compliance	Not in Compliance		
268	Approval by Monitor for any transfers of sworn personnel or Supervisors in or out of PSB, BIO or CID	In Compliance	In Compliance	12/31/18	12/30/21
ECONI	O ORDER Section XVIII. Document Preservation and Production				
269	Promptly communicate any document preservation notices to all personnel who have responsive documents	In Compliance	In Compliance	6/30/2018	06/29/21
270	Sheriff shall ensure a request for documents in the course of litigation is promptly communicated to all personnel and the need	Not in Compliance	Deferred		
271	Sheriff shall ensure Compliance Division promulgates detailed protocols for the preservation and production of documents requested in litigation	In Compliance	In Compliance	6/30/2018	06/29/22
272	Ensure MCSO policy provides that all employees comply with document preservation and production requirements and maybe subject to discipline if violated	In Compliance	In Compliance	09/30/17	09/29/20

	ORDER Section XIX. Additional Training	T .		<u> </u>	1
273	Within two months of the entry of this Order, the Sheriff shall ensure that all employees are briefed and presented with the terms of the Order, along with relevant background information about the Court's May 13, 2016 Findings of Fact, (Doc. 1677) upon which this order is based	Not Applicable	In Compliance	09/30/16	09/30/19
ECON	ORDER Section XX. Complaints and Misconduct Investigation R	elating to I	Members of	the Plaintif	f Class
276	Monitor shall have the authority to direct and/or approve all aspects of the intake and investigation of Class Remedial Matters and the assignment of these investigations	Not Applicable	In Compliance	09/30/16	09/30/19
278	Sheriff shall alert the Monitor in writing to matters that could be considered Class Remedial Matters and has the authority to independently identify such matters	Not Applicable	In Compliance	09/30/16	09/30/19
279	Monitor has complete authority to conduct review, research and investigation deemed necessary to determine if matters qualify as Class Remedial Matters and MCSO is dealing in a thorough, fair, consistent and unbiased manner	Not Applicable	In Compliance	09/30/16	09/30/19
281	Sheriff shall ensure MCSO receives and processes Remedial Matters consistently with the requirements of the orders of the Court, MCSO policies, and the manner in which all other disciplinary matters are handled per policy	In Compliance	In Compliance	12/31/18	12/30/22
282	Sheriff and/or appointee may exercise the authority given pursuant to this Order to direct and/or resolve such Class Remedial Matters. The decisions and/or directives maybe vacated or overridden by the Monitors.	In Compliance	In Compliance	12/31/18	12/30/23
284	MCSO must expeditiously implement the Monitor's directions, investigations, hearings and disciplinary decisions	In Compliance	In Compliance	12/31/18	12/30/21
286	Monitor shall instruct PSB to initiate a confidential criminal investigation and oversee the matter or report to the appropriate prosecuting agency	In Compliance	In Compliance	12/31/18	12/30/22
287	Persons receiving discipline approved by Monitor shall maintain any rights they have under Arizona law or MCSO policy	In Compliance	In Compliance	06/30/17	06/29/20

288	Monitor's authority will cease when the elements of the two subsections of this paragraph have been met	Not Applicable	In Compliance	09/30/17	09/29/20
289	To make the determination required by subpart (b), the Court extends the scope of the Monitor's authority to inquire and report on all MCSO internal affairs investigations and not those merely that are related to Class Remedial Matters	Not Applicable	Not Applicable		
292	Monitor is to be given full access to all MCSO Internal affairs investigation or matters that have been the subject of investigation, Monitor shall comply with rights of principals under investigation	Not Applicable	In Compliance	09/30/16	09/30/19
300	Uninvestigated untruthful statements made to the Court under oath by Chief Deputy Sheridan concerning the Montgomery investigation, the existence of the McKessy investigation, the untruthful statements to Lt. Seagraves and other uninvestigated acts of his do not justify an independent investigation	Not Applicable	Deferred		
337	When discipline is imposed by the Independent Disciplinary Authority, the employee shall maintain his or her appeal rights following the imposition of administrative discipline as specified by Arizona law and MCSO policy with the following exceptions with the two exceptions documented within the two subparagraphs.	In Compliance	In Compliance	06/30/17	06/29/20

### Appendix B: List of MCSO Acronyms

ATU: Anti-Trafficking Unit

AIU: Audits and Inspections Unit

BIO: Bureau of Internal Oversight

CAD: Computer Aided Dispatch

CID: Court Implementation Division

CEU: Criminal Employment Unit

EIS: Early Identification System

EIU: Early Intervention Unit

FMLA: Family Medical Leave Act

MCAO: Maricopa County Attorney's Office

PPMU: Posse Personnel Management Unit

PSB: Professional Standards Bureau

SID: Special Investigations Division

SRT: Special Response Team

TraCS: Traffic and Criminal Software

VSCF: Vehicle Stop Contact Form

# Appendix C: List of Tables

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