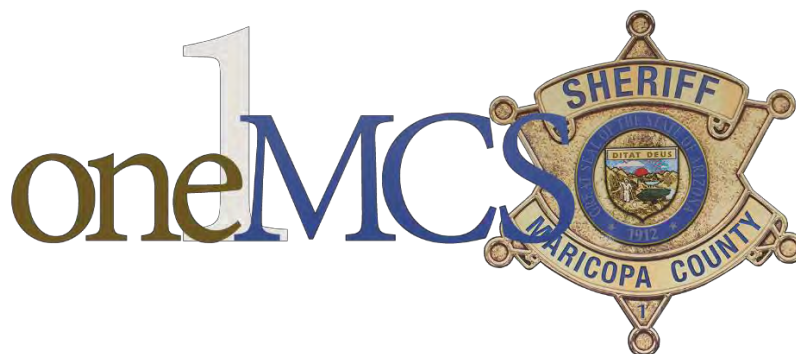


*Maricopa County Sheriff's Office*  
*Paul Penzone, Sheriff*

**COURT IMPLEMENTATION DIVISION**

**Nineteenth Quarterly Compliance Report**



**COVERING THE**  
**4th Quarter of 2018, October 1, 2018 – December 31, 2018**

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## Section 1: Executive Summary

This is the 19th 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 18th Quarterly Report covering July 1, 2018 – September 30, 2018 and filed with the Court on February 21, 2019 (the “Monitor’s 18th Quarterly Report”).

Please note the reporting period for this Report covers the fourth quarter of 2018 (October 1, 2018 – December 31, 2018). 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, both Phase 1 and Phase 2 compliance rates increased noticeably. The Monitor’s 18th Quarterly Report reports the following:
  - Phase 1 compliance is 97% - a 12% increase from last quarter.
  - Phase 2 compliance is 77% - an 11% increase from last quarter.
- Pertaining to the Second Order, Phase 1 compliance rates remained the same, while Phase 2 compliance rates improved. The Monitor’s 18th Quarterly Report reports the following:
  - Phase 1 compliance is 78%.
  - Phase 2 compliance is 81% - an increase of 1%.

		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
10/2013 “First Order”	Phase 1	4%	10%	44%	40%	51%	57%	61%	60%	67%	60%	63%	79%	88%	85%	85%	85%	85%	97%
	Phase 2	0%	0%	26%	25%	28%	37%	38%	39%	44%	49%	50%	57%	67%	62%	65%	64%	66%	77%
7/2016 “Second Order”	Phase 1	N/A									1%	10%	12%	72%	75%	77%	77%	78%	78%
	Phase 2	N/A									43%	46%	60%	63%	66%	72%	75%	80%	81%

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

The *Melendres* Court's Order Compliance Chart (Appendix A) was developed from information provided in the Monitor's 18th 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 114 Paragraphs of the Second Order, for a total of 213 Paragraphs. According to the Monitor's 18th Quarterly Report, MCSO is in Phase 1 compliance with 83 of the First Order Paragraphs and 81 of the Second Order Paragraphs. MCSO is in Phase 2 compliance with 76 of the First Order Paragraphs and 92 of the Second Order Paragraphs. Factoring the requirements of both Court Orders, MCSO is in Phase 1 compliance with 164 Paragraphs, an 86% overall rating, and in Phase 2 compliance with 168 Paragraphs, a 79% 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 October 17, 2018 at Queen Creek Middle School located at 20435 S. Old Ellsworth Road, Queen Creek. This school is located within the jurisdiction of District 6. 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. A handout was provided with summary compliance information, contact for the Professional Standards Bureau (PSB), and the website for the audits and inspections. Overall the meeting gave the opportunity for meaningful dialogue to take place and for MCSO to hear directly from community members.

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 Fourth Quarter 2018, the Training Division reported the following status for Court's Order related training:

- 2017 ACT was not delivered during this quarter.
- 2018 ACT Train-the-Trainer was held this quarter and attended by 6 personnel – 5 Sworn and 1 Civilian, as well as 4 members of MCAO and 1 from the ACLU. One (1) 2018 ACT class was delivered during this quarter and attended by 40 personnel – 21 Sworn, 1 Reserve and 18 Posse.
- 4th and 14th Amendment/Bias Free Training was not delivered during this quarter.
- 2017 EIS was delivered once during this quarter and attended by 24 personnel – 19 Sworn and 5 Civilian. Two (2) Sworn required remediation and passed.
- 2017 EPA was delivered once during this quarter and attended by 22 personnel – 20 Sworn and 2 Civilian.
- 2018 SRELE was delivered once during this quarter and attended by 22 personnel – 20 Sworn and 2 Civilian. Two (2) Sworn required remediation and passed.
- 2015 Blue Team was not delivered during this quarter.
- 2015 Body Worn Camera was delivered once during this quarter and attended by 2 Sworn personnel.
- 2018 TraCS was delivered once during this quarter and attended by 20 Sworn personnel.
- 2017 PSB40 was delivered once during this quarter and attended by 35 personnel – 19 Sworn and 16 Detention.
- 2018 PSB Internal was delivered once during this quarter and attended by 41 personnel – 20 Sworn and 21 Detention.

2018 PSB 8 Train-the-Trainer was delivered this quarter and attended by 12 Sworn personnel, 8 of whom previously attended PSB Internal but took this class so they could act as proctors. PSB 8 was delivered 7 times during this quarter and attended by 113 Sworn personnel.

The Office continued to develop its Plan to Promote Constitutional Policing (the "Plan"). In addition to working on the goals laid out in the Plan filed with the Court on September 21, 2017, MCSO held several listening sessions with the community to get their feedback and input on the next version of the plan republished in February 2019, which is now known as the "Community Policing Philosophy." Several technical assistance sessions with the Monitor have also taken place to develop the revision of the Plan.

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.

The 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.

Also, in the 3rd Quarter of 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.

Members of the CNA attended an Internal Town Hall hosted by the Compliance Bureau held on November 15, 2018 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 and 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.

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 IR’s provided each month to the CID by the Monitor Team. IRs are uniformly

inspected utilizing the AIU matrix. The results for the Fourth Quarter of 2018 indicated a compliance rate of 99%.

- **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 October the District One headquarters, the busiest District in Maricopa County, was inspected and had a compliance rate of 95%. In November, Medical Transport Services (MTS) Division was inspected and had a compliance rate of 100%. In December the Court Implementation Division (C.I.D.) was inspected and resulted in a compliance rate of 94%. The overall Fourth Quarter of 2018 compliance rate for Facility and Property Inspections was 96%.
- **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 Fourth Quarter of 2018 was 99%. October and December each had compliance rates of 100% and November had a compliance rate of 98%. 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 Fourth Quarter of 2018 for civilian personnel was 98%. October had a 99% compliance score, November had 94% and December had 100%.
  - *Supervisory Notes-Detention:* The overall compliance rate for the Fourth Quarter of 2018 for detention personnel was 97%. The monthly compliance rates were 99% for October, 97% for November and 96% for December.
  - *Supervisory Note-Sworn (Patrol):* The overall compliance rate for the Fourth Quarter of 2018 for sworn personnel was 98%. In October the compliance rate was 97%, November had 99%, and December had 98%.
- **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 Fourth Quarter of 2018 was 90%. The monthly compliance rates were 91% for October, 88% for November, and 91% for December.

- 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. October and December had compliance rates of 100%, and November had 99%. The overall compliance rate for the Fourth Quarter of 2018 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 Fourth Quarter of 2018 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 Fourth Quarter of 2018 was 99%. The Patrol Shift Rosters compliance rates were 100% for November and 99% for October and December. 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 Fourth Quarter of 2018 was 97%. The month of October had a 96% compliance rate, November had 100%, and December's was 96%.
- 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 October was 100%, November had 100%, and December had 98%, for an overall Fourth Quarter compliance rate of 99%.

- **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 third quarter of 2018 was 99%, with July having 99%, August and September having 100%.
- **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 all misconduct investigations 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. The compliance rates for October was 92%, November 97%, and December had 93%, for an overall Fourth Quarter compliance rate of 94%.
- **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 Fourth Quarter overall compliance rate for Complaint Intake Testing inspections was 83%. The compliance rate for December was 83%.

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 10 MCSO personnel with interdisciplinary backgrounds and various ranks: 1 Captain, 1 Lieutenant, 3 Sergeants, 2 Deputies, 1 Management Assistant, and 2 Administrative Assistants. Captain Frank McWilliams 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 39,121 documents during the three-month period of October 1, 2018 – December 31, 2018 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.

<b>Monitor Production Requests</b>	
<b>Title</b>	<b>General Description</b>
October Monthly Request (Approximately 64 Requests)	Monitor's Monthly Production Request
November Monthly Request (Approximately 67 Requests)	Monitor's Monthly Production Request
December Monthly Request (Approximately 67 Requests)	Monitor's Monthly Production Request
October Site Visit Requests (Approximately 21 Requests)	Monitor's Site Visit Request

Quarterly Requests (October 2018) (Approximately 21 Requests)	Monitor's Quarterly Production Request
Miscellaneous Requests (Approximately 39 Requests)	Various Miscellaneous Requests received between 10/01/2018 and 12/31/2018

*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.

<b>MCSO Unit Assignments for Court's Order</b>	
<b>Section</b>	<b>Unit Name</b>
III. MCSO Implementation Unit and Internal Agency-Wide Assessment (First Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Maricopa County Attorney's Office</li> </ul>
IV. Monitor Review Process (First Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Maricopa County Attorney's Office</li> </ul>
V. Policies and Procedures (First Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Human Resources Bureau, Compliance Division - Policy Section</li> <li>• Maricopa County Attorney's Office</li> </ul>
VI. Pre-Planned Operations (First Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Compliance Division – Policy Section</li> <li>• Detective and Investigations Bureau</li> </ul>
VII. Training (First Order)	<ul style="list-style-type: none"> <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)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Bureau of Internal Oversight</li> </ul>

IX. Early Identification System (“EIS”) (First Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Bureau of Internal Oversight/Early Intervention Unit</li> </ul>
X. Supervision and Evaluation of Officer Performance (First Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Command Staff</li> <li>• Human Resources Bureau, Compliance Division and Personnel Services Division</li> <li>• Bureau of Internal Oversight/Early Intervention Unit</li> <li>• Enforcement Bureau</li> </ul>
XI. Misconduct and Complaints (First Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Command Staff</li> <li>• Professional Standards Bureau</li> <li>• Supervisors in each unit</li> </ul>
XII. Community Engagement (First Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Community Outreach Division</li> </ul>
XV. Misconduct Investigations, Discipline, and Grievances (Second Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Professional Standards Bureau</li> <li>• MCSO Training</li> <li>• Community Outreach Division</li> <li>• MCSO Command Staff and District Commanders</li> </ul>
XVI. Community Outreach and the Community Advisory Board (Second Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Community Outreach Division</li> <li>• Professional Standards Bureau</li> </ul>
XVII. Supervision and Staffing (Second Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Command Staff</li> <li>• Human Resources Bureau, Compliance Division and Personnel Services Division</li> <li>• Bureau of Internal Oversight/Early Intervention Unit</li> <li>• Enforcement Bureau</li> </ul>
XIX. Additional Training (Second Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Maricopa County Attorney’s Office</li> <li>• Training Division</li> </ul>

XX. Complaint and Misconduct Investigations Relating to Members of the Plaintiff class (Second Order)	<ul style="list-style-type: none"> <li>• Court Implementation Division</li> <li>• Maricopa County Attorney’s Office</li> <li>• Professional Standards Bureau</li> </ul>
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*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 remains in Phase 1 and Phase 2 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 remains in Phase 1 and Phase 2 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 remains in Phase 1 and Phase 2 compliance with Paragraph 11.***

On December 28, 2018, MCSO filed with the Court its 18<sup>th</sup> 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 remains in Phase 1 and Phase 2 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 remains in Phase 1 and Phase 2 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 they provide effective direction to personnel and remain consistent with the Court's Order, MCSO's Policy Section initiated its annual review of all policies relevant to the Court's Order. During this reporting period, MCSO published two (2) Policies relevant to the Court's Order:

- CP-11, *Anti Retaliation (Annual Review)*
- GH-4, *Bureau of Internal Oversight Audits and Inspections (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)*
- CP-11, *Anti-Retaliation (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)*
- GC-11, *Employee Probationary Periods (Annual Review)*
- GC-13, *Awards (Annual Review)*
- GC-16, *Employee Grievance Procedures (Annual Review)*
- GC-17, *Employee Disciplinary Procedures (Annual Review)*
- GE-4, *Use, Operation, and Assignment of Vehicles (Annual Review)*
- GF-1, *Criminal Justice Data Systems (Annual Review)*

- GF-5, *Incident Report Guidelines (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-5, *Voiance Language Line Services (Annual Review)*
- GJ-2, *Critical Incident Investigations (Annual Review)*
- GJ-3, *Search and Seizure (Annual Review)*
- GJ-5, *Crime Scene Management (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-3, *Workplace Professionalism: Discrimination and Harassment (Annual Review)*
- CP-11, *Anti-Retaliation (Annual Review)*
- EB-4, *Traffic Records, (Annual Review)*
- EB-7, *Traffic Control and Services (Annual Review)*
- GC-13, *Awards (Annual Review)*
- GF-5, *Incident Report Guidelines (Annual Review)*
- GH-5, *Early Identification System (EIS) (Annual Review)*
- GI-5, *Voiance Language Line Services (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)*

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 six (6) MCSO Briefing Board and zero (0) MCSO Administrative Broadcasts that referenced Court's Order related topics during this reporting period. The Briefing Boards are listed in the following table:

<b>MCSO Administrative Broadcasts/Briefing Boards</b>		
<b>A.B./B.B. #</b>	<b>Subject</b>	<b>Date Issued</b>
BB 18-41	Immediate Policy Change GB-2, Command Responsibilities	10/29/18
BB 18-42	Immediate Policy Change GE-3, Property Management and Evidence Control, and GJ-5, Crime Scene Management	10/31/18

BB 18-47	Immediate Policy Change GB-2, Command Responsibilities	12/04/18
BB 18-49	Immediate Policy Change EB-1, Traffic Enforcement, Violator Contacts and Citation Issuance	12/13/18
BB 18-50	Special Briefing Board – Information Every Employee Needs to Know	12/13/18

*Table 3: MCSO Administrative Broadcasts/Briefing Boards*

MCSO Briefing Board 18-41, published October 29, 2018 announced an immediate policy change to Office Policy GB-2, Command Responsibilities providing updated procedures to the BIO Action Form and Procedures, and Audits and Inspections Unit.

MCSO Briefing Board 18-42, published October 31, 2018 announced an immediate policy change to Office Policy GE-3, Property Management and Evidence Control, and GJ-5, Crime Scene Management, providing updates for proper packaging, labeling, impounding and evidence request procedures of prints.

MCSO Briefing Board 18-47, published December 04, 2018 announced an immediate policy change to Office Policy GB-2, Command Responsibilities providing updates to the span of control for first-line patrol supervisors.

MCSO Briefing Board 18-49, published December 13, 2018 announced an immediate policy change to Office Policy EB-1, Traffic Enforcement, Violator Contacts, and Citation Issuance providing updates regarding contact with vehicle occupants.

MCSO Briefing Board 18-50, published December 13, 2018 announced information every employee needs to know. This is an annual announcement to remind all Office employees of their obligations with respect to Office Policies and to reinforce the Office's commitment to ensure full compliance.

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 thirteen (13) Policies. This includes six (6) 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:

<b>2018 INSPECTIONS</b>	<b>October</b>	<b>November</b>	<b>December</b>	<b>Overall Compliance Rate</b>
Quarterly Incident Reports	N/A	N/A	99%	99%
Facility and Property Inspection	95%	100%	94%	96%
County Attorney Dispositions	100%	98%	100%	99%
Supervisory Notes-Civilian	99%	94%	100%	98%
Supervisory Notes-Detention	99%	97%	96%	97%

Supervisory Notes-Sworn	97%	99%	98%	98%
Traffic Stop Data	91%	88%	91%	90%
Employee Emails	100%	99%	100%	99%
CAD/Alpha Paging	100%	100%	100%	100%
Patrol Shift Rosters	99%	100%	99%	99%
TraCS Review of Traffic Stops	96%	100%	96%	97%
TraCS Discussion of Traffic Stops	100%	100%	98%	99%
Patrol Activity Logs	99%	99%	99%	99%

*Table 4: 2018 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 Phase 1 and Phase 2 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 remains in Phase 1 and Phase 2 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 remains in Phase 1 and Phase 2 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.***

Phase 1 compliance is not applicable. ***MCSO remains in Phase 2 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.*

Phase 1 compliance is not applicable. ***MCSO remains in Phase 2 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.***

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. In January of 2018, MCSO transitioned to TheHUB online system.

During the subject three-month reporting period, MCSO used the TheHUB system to distribute and obtain attestation of thirteen (13) Policies. This includes six (6) Policies related to the Court's Order.

***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 18th Quarterly Report, MCSO is not in Phase 2 compliance.

The Monitor's 18th 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.***

## 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 Phase 1 and Phase 2 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 Phase 1 and Phase 2 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 Phase 1 and Phase 2 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 Phase 1 and Phase 2 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 Phase 1 and Phase 2 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.

The Training Division has experienced some personnel movement. 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. Sergeant Lance Hunzeker was transferred to the Training Division and is currently supervising the AOT and CORT Units.

The Training Division is attempting to staff several needed positions. The AOT/CORT Unit has one sworn Sergeant vacancy, 1 Operation Program Specialist vacancy, 3 Management Analyst vacancies, and 1 Administrative/Operations Specialist vacancy. MCSO Training interviewed and selected a candidate for the Operations Program Specialist and hope to be able to fill that position soon. Interviews for the 3 Management Analyst vacancies are tentatively planned for March 2019. An internal candidate requesting a transfer was selected for the administrative/operations position. The Training Division is anticipating her joining in March of 2019.

MCSO Training is working to implement many of the good suggestions for Training Operations. Based on staffing levels and resources available, Lt. Armer believes that concentrating on specific Order mandated components should be the priority. Other non-mandated suggestions will be developed as time and resources permit. MCSO Training seeks to clarify which Monitor and Party ideas are suggestions or non-binding recommendations, and which Monitor, and Party ideas are Order requirements. While MCSO appreciates and considers all suggestions, this clarification is requested to aid MCSO Training in prioritizing projects and job tasks.

The CORT Unit received final approval and began the delivery of several Court's Order-Related Lesson Plans including the PSB-8 Internal, PSB-8 External, and the 2018 Annual Combined Training ("ACT") which consists of 6 hours of Bias Free Policing Training along with 4 hours of 4th and 14th Amendment Training. The Monitor approved MCSO's request for Technical Assistance on both the Train-the-Trainers for the PSB-8 External and the 2018 ACT. MCSO finds the Technical Assistance from the Monitor to be very beneficial as it helps streamline the final approval process. A representative from the Parties attended the 2018 ACT Train-the-Trainer. MCSO found her presence to be beneficial to the final approval process and thanks her for her input and participation. During this quarter, MCSO implemented the Monitor recommendation that all instructors teach a portion of the lesson plan at the Train-the-Trainer. Additionally, MCSO Training invited some members of MCSO Command to attend the 2018 ACT Train-the-Trainer and found their input to be very valuable.

MCSO Training reviewed the Monitor's January 28, 2019 Letter to Sheriff Penzone referencing MCSO's assertions of Full and Effective Compliance with certain Court's Order Paragraphs. While the Training Division understands and appreciates some of the comments documented in the letter and has been attempting to address them, other of the Monitor's remarks we respectfully disagree with and do not feel are warranted.

The Training Division finds it specifically concerning that the overall tone of the letter as it relates to Training could lead the reader to conclude that collaborating with the Monitor and Parties on the development and refinement of CORT lesson plans is seen as a sign of incompetence or inability to independently develop the training and eventually gain full and effective compliance. The Training Division hopes this is not the intent of the message. If the goal is to truly institute long-lasting and meaningful reform, MCSO Training believes collaboration and idea sharing is important and should not be viewed in a negative light. MCSO Training has a long history of collaborating with the Monitor and Parties. While sometimes disagreements occur, MCSO more often than not accepts their suggestions and incorporates them into the Training lesson plans. When several educated individuals with varying experience from the Monitor Team, the DOJ, the ACLU, and MCSO review and discuss aspects of a proposed lesson plan, there are many differing opinions. The difference in opinions should not be construed as an inability for MCSO to develop and deliver an effective CORT lesson plan. MCSO Training wishes to continue to foster a culture of collaboration between MCSO, the Monitor, and the Parties. During the Fourth Quarter 2018 the following CORT related training courses were offered for the listed personnel:

2017 ACT was not delivered during this quarter.

2018 ACT Train-the-Trainer was held this quarter and attended by 6 personnel – 5 Sworn and 1 Civilian, as well as 4 members of MCAO and 1 from the ACLU. One (1) 2018 ACT class was delivered during this quarter and attended by 40 personnel – 21 Sworn, 1 Reserve and 18 Posse.

4th and 14th Amendment/Bias Free Training was not delivered during this quarter.

2017 EIS was delivered once during this quarter and attended by 24 personnel – 19 Sworn and 5 Civilian. Two (2) Sworn required remediation and passed.

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

2018 SRELE was delivered once during this quarter and attended by 22 personnel – 20 Sworn and 2 Civilian. Two (2) Sworn required remediation and passed.

2015 Blue Team was not delivered during this quarter.

2015 Body Worn Camera was delivered once during this quarter and attended by 2 Sworn personnel.

2018 TraCS was delivered once during this quarter and attended by 20 Sworn personnel.

2017 PSB40 was delivered once during this quarter and attended by 35 personnel – 19 Sworn and 16 Detention.

2018 PSB Internal was delivered once during this quarter and attended by 41 personnel – 20 Sworn and 21 Detention.

2018 PSB 8 Train-the-Trainer was delivered this quarter and attended by 12 Sworn personnel, 8 of whom previously attended PSB Internal but took this class so they could act as proctors. PSB 8 was delivered 7 times during this quarter and attended by 113 Sworn personnel.

***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 one field ride during this quarter and continues to develop the process for completing the field rides. MCSO plans to continue the field ride program and assess value received from the field rides.

MCSO has improved documentation and the process for vetting active FTO's and active General Instructors.

During the 2018 ACT Train-the-Trainer as well as the 2018 PSB-8 External, MCSO adopted the recommendation that all trainers teach a portion of the Train-the-Trainer. MCSO also invited members of command to the 2018 ACT Train-the-Trainer and found their attendance and feedback to be valuable.

***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.

***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.

***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 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 this Paragraph indicates that it "may" incorporate adult-learning methods.

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 continuously reviews and updates all lesson plans annually. The Training Division is in the process of reviewing and updating CORT lessons plans.

**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 bias-free 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.**

The 2018 ACT Train-the-Trainer was held this quarter and attended by 6 personnel – 5 Sworn and 1 Civilian, as well as 4 members of MCAO, 1 representative from the ACLU, and one member of the Monitor Team. Once again, MCSO found the input from Command Staff, the ACLU representative, and the Monitor Team Member valuable and insightful. One (1) 2018 ACT class was delivered during this quarter and attended by 40 personnel – 21 Sworn, 1 Reserve and 18 Posse.

MCSO has been in compliance with the requirements of paragraph 48 for at least three consecutive years. Phase 1 compliance with this Paragraph is not applicable. Phase 2 compliance with Paragraph 48 was first achieved on December 31, 2014. MCSO achieved three consecutive years of compliance with paragraph 48 on December 31, 2017. MCSO met the initial requirements of providing 12 hours of comprehensive and interdisciplinary Training on bias-free policing for all sworn deputies, including supervisors and chiefs, and posse members.

In the MCSO 18th Quarterly Report, MCSO asserted full and effective compliance with the requirements for Paragraph 48 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 did not concur with MCSO's assertion of full and effective compliance with the requirements for Paragraph 48. In its' determination, the Monitor notes that the development and delivery of the 4th and 14th Amendment training and the ACT has required significant intervention from the Monitoring Team and the Parties.

MCSO continues to provide this training for new deputies or posse members, within 90 days of the start of their service. MCSO has continued to provide 6 hours annually of this training for all sworn deputies, including supervisors and chiefs, and posse members. The requirements of this Paragraph have been adopted into MCSO policy, GG-1, Peace Officer Training Administration.

**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 non-discriminatory 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;*
- l. *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.**

The 2018 ACT Train-the-Trainer was held this quarter and attended by 6 personnel – 5 Sworn and 1 Civilian, as well as 4 members of MCAO and 1 from the ACLU. One (1) 2018 ACT class was delivered during this quarter and attended by 40 personnel – 21 Sworn, 1 Reserve and 18 Posse. MCSO remains in compliance with this Paragraph.

MCSO has been in compliance with the requirements of Paragraph 49 for at least three consecutive years. Phase 1 compliance with this Paragraph is not applicable. Phase 2 compliance with paragraph 49 was first achieved on December 31, 2014. MCSO achieved three consecutive years of compliance with Paragraph 49 on December 31, 2017.

In the MCSO 18th Quarterly Report, MCSO asserted full and effective compliance with the requirements for Paragraph 49 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 did not concur with MCSO's assertion of full and effective compliance with the requirements for Paragraph 49.

MCSO has delivered the comprehensive and interdisciplinary Training on bias-free policing to all sworn deputies, including supervisors and chiefs, and posse members for 12 hours initially and 6 hours annually thereafter. This training is reviewed annually and has met the requirements of this Paragraph consistently each year. The requirements of this paragraph have been adopted in policy, applicable operations manuals and in practice.

***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 Train-the-Trainer was held this quarter and attended by 6 personnel – 5 Sworn and 1 Civilian, as well as 4 members of MCAO and 1 from the ACLU. One (1) 2018 ACT class was delivered during this quarter and attended by 40 personnel – 21 Sworn, 1 Reserve and 18 Posse. MCSO remains in compliance with this Paragraph.

MCSO has been in compliance with the requirements of Paragraph 50 for at least three consecutive years. Phase 1 compliance with this Paragraph is not applicable. Phase 2 compliance with Paragraph 50 was first achieved on December 31, 2014. MCSO has delivered the Training on the Fourth Amendment, including on detentions, arrests and the enforcement of Immigration-Related Laws to all sworn deputies, including supervisors and chiefs, and posse members. This training is provided to all deputies 4 hours annually.

In the MCSO 18th Quarterly Report, MCSO asserted full and effective compliance with the requirements for Paragraph 50 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 did not concur with MCSO's assertion of full and effective compliance with the requirements for Paragraph 50.

The requirements of this Paragraph have been adopted in MCSO policy, applicable operations manuals and in practice. This training is reviewed annually and has met the requirements of this Paragraph consistently each year.

**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 MCSO 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.**

The 2018 ACT Train-the-Trainer was held this quarter and attended by 6 personnel – 5 Sworn and 1 Civilian, as well as 4 members of MCAO, 1 representative from the ACLU, and one member of the Monitor Team. Once again, MCSO found the input from Command Staff, the ACLU representative, and the Monitor Team Member valuable and insightful. One (1) 2018 ACT class was delivered during this quarter and attended by 40 personnel – 21 Sworn, 1 Reserve and 18 Posse. MCSO remains in compliance with this Paragraph.

MCSO has been in compliance with the requirements of Paragraph 51 for at least three consecutive years. Phase 1 compliance with this Paragraph is not applicable. Phase 2 compliance with Paragraph 51 was first achieved on December 31, 2014.

In the MCSO 18th Quarterly Report, MCSO asserted full and effective compliance with the requirements for Paragraph 51 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 did not concur with MCSO's assertion of full and effective compliance with the requirements for Paragraph 51.

MCSO has delivered the Training on the Fourth Amendment, including on detentions, arrests and the enforcement of Immigration-Related Laws to all sworn deputies, including supervisors and chiefs, and posse members. This training is provided to all deputies 4 hours annually. This training is reviewed annually and has met the requirements of this paragraph consistently each year. The requirements of this Paragraph have been adopted in MCSO policy, applicable operations manuals and in practice.

***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 22 personnel – 20 Sworn and 2 Civilian. Two (2) Sworn required remediation and 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 22 personnel – 20 Sworn and 2 Civilian. Two (2) Sworn required remediation and 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 October 1, 2018 and December 31, 2018, 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 fourth quarter of 2018 had an overall compliance rate of 90%. This was a slight increase from the third quarter's rate of 89%. The monthly compliance rates were 91% for October, 88% for November and 91% for December. With the implementation of BWCs, 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 190, 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
11/06/2018	CR17-5859 Forms	Form request called Domestic Violence Packet in TraCS	Added form Domestic Violence Packet
11/06/2018	CR18-7004 Multiple Forms	The Vehicle Stop Contact and Incidental Contact forms have fields labeled "Location of Traffic Stop/Contact" as well as "City/Area" as a follow-up field. Currently, these fields are auto populated from other forms such as Citation and Warning. The problem lies in this auto population. The fields being used to mine that information from those forms are from offense locations ( <i>see attachment</i> ). These two locations are more than likely never the same; a violation is observed at one location ( <i>violation location</i> ) but the patrolmen stops the vehicle further down the road at a different location ( <i>stop location</i> ).	These fields for the Vehicle Stop Contact and Incidental Contact forms should <u>not</u> be auto populated from the Citation or Warnings <u>but rather</u> from CAD, since what is given/voiced by patrolmen to dispatch is the stop location. In addition, still allow the author to change locations if the information given by CAD is incorrect for any reason.

11/06/2018	CR18-6237 Citation, Warning	Currently the Citation/Warning in TraCS has four check boxes to choose from referencing what type of offense was committed: "Criminal", "Criminal Traffic", "Civil Traffic" and "Petty Offense". The original hard copy Citations had five boxes which included the four existing ones PLUS a " <i>Civil</i> " box for violations of Town, City and County codes.	Added a " <i>Civil</i> " check box to the field which would also move the "Domestic Violence Case" check box to the left
11/06/2018	CR18-6071 Custody IR, Sworn IR	Request new button to be added in the Persons and Vehicle Group for a list of groups from the Orig and Sups	Modified 'Last Name' to make it an Instant Search field for persons. Added 'Search Caption'  Modified 'Vehicle Plate' field to make it an Instant Search field for vehicles. Added 'Search Caption'
11/06/2018	CR18-6238 Multiple forms	Currently, there are two titles of forms in TraCS which are not correct or true representations of form	<b>Changed:</b> <i>Incorrect:</i> MCSO Contact Form correct: Vehicle Stop Contact <i>Incorrect:</i> Incidental Contact Form <i>correct:</i> Incidental Contact Receipt
11/06/2018	CR18-7411 Form	Request to add the Community Policing form (Radio Code 412) to TraCS	Added the Community Policing form (Radio Code 412) to TraCS
11/06/2018	CR18-6238 Multiple forms	Currently, there are two titles of forms in TraCS which are not correct or true representations of form	Modified 'Last Name' to make it an Instant Search field for persons. Added 'Search Caption'  Modified 'Vehicle Plate' field to make it an Instant Search field for vehicles. Added 'Search Caption'
11/06/2018	CR18-7411 Form	Request to add the Community Policing form (Radio Code 412) to TraCS	<b>Changed:</b> <i>Incorrect:</i> MCSO Contact Form <i>correct:</i> Vehicle Stop Contact <i>Incorrect:</i> Incidental Contact Form <i>correct:</i> Incidental Contact Receipt
11/26/2018	CR18-7446 Form	Add an additional sentence in the Notice Section of Property Receipt form	After the sentence: "Release of property may be dependent on court's instruction upon case adjudication," added "Certain

11/26/2018	CR18-7445 Form	There is no 'MVD Admin PerSe' in the dropdown list in the 'Property Type' field. This is used for the deputies to use when an AZ DL is taken for a DUI and send to MVD.	Add MVD Admin PerSe to the dropdown list in the 'Property Type' field with a Help Field box to explain how to use the 'Property Type' field.  In the Help Field, add help text: "Please select MVD Admin PerSe when you are seizing a driver's license as a result of a DUI and sending it to MVD."  In the Help Field, add help text: "Please select MVD Admin PerSe when you are seizing a driver's license as a result of a DUI and sending it to MVD."
11/26/2018	CR18-6237 Form	Currently the Citation in TraCS has four check boxes to choose from referencing what type of offense was committed: "Criminal", "Criminal Traffic", "Civil Traffic" and "Petty Offense". The original hard copy Citations had five boxes which included the four existing ones PLUS a "Civil" box for violations of Town, City and County codes	Need to add a "Civil" check box to the field which would also move the "Domestic Violence Case" check box to the left. We can also shorten the verbiage of "Domestic Violence Case" to just "Domestic Violence".
12/19/2018	CR18-7683	Verbiage change in the 3511 tow sheet	Tow Request form in TraCS updated so that the word 'Suspended' is removed in the wording

*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 Phase 1 and Phase 2 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.*

Phase 1 compliance is not applicable. ***MCSO is in Phase 2 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 Phase 1 and Phase 2 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 compliance with Paragraph 62.*** MCSO is not in Phase 2 compliance.

The Monitor's 18th Quarterly Report notes that the compliance rate for the sample of 93 cases reviewed is 95%.

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 18th 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 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.

Requiring assisting deputies to complete the Deputy Assist & Body-Worn Camera Log is not necessary and is furthermore redundant. MCSO is working to correct this policy.

**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 on-body 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 18th Quarterly Report (a review of the 3rd Quarter of 2018), 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-4, *Bureau of Internal Oversight*, amended and approved October 30, 2018.
- GH-5, *Early Identification System (EIS)*, to be amended January 2019; 1st Quarter 2019.
- EIU Operations Manual, currently under development.

To obtain Phase 1 Compliance of Paragraph 64, 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 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

developed and submitted six sections related to Early Identification System processes and the Traffic Stop Data Quality Control Process in May of 2018.

During the Second and Third Quarter of 2018, the MCSO continued to develop new processes and methodologies as the Traffic Stop Analysis Program and the TSAR process evolved, as did the development, delegation, and staffing expansion of the Traffic Stop Analysis Unit. During this time, MCSO received Monitoring Team approval on two sections of the Operations Manual, 304. *Traffic Stop Data Quality Control Process: Data Handling Procedures* and 311. *Traffic Stop Annual Report (TSAR) Process*.

Also, in 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 Monthly and Annual will continue to be assessed by all Parties and once finalized will be revised accordingly in the EIU Operations Manual and scheduled for implementation. The goal for submittal, exchange, and finalization of the revised Monthly and Annual analysis processes is 1st Quarter of 2019.

During the 4th Quarter of 2018, MCSO continued exchanging sections of the Operations Manual with the Monitoring Team. MCSO submitted ten sections in draft format for approval in early October of this quarter; to include sections involving 1) Early Identification System Incident, Allegation, and Alert processes, 2) EIS Information Disclosures, 3) Traffic Stop Data Quality Control and Verification processes, 4) and Traffic Stop Weekly and Monthly Analysis processes.

Of the ten sections submitted during this quarter, MCSO gained the approval of five related to EIS Allegation and Incident Thresholds, Standardized Alert verbiage, and Traffic Stop Data Quality Control processes increasing the overall approval rate to 57%, or a total of seventeen of the thirty sections. The Monitoring Team and Parties comments contained within the unapproved five sections were reviewed in depth by MCSO to reconcile said comments. In addition, five other sections were commenced, developed, or revised relating to the duties and responsibilities of the expanded Traffic Stop Analysis Unit, the Quarterly Analysis process, Monitor Production Requests, and personnel transfers and training specific to the EIU and TSAU. MCSO is aggressively working toward the submittal and approval of the ten sections discussed above, in addition to the Monthly and Annual analyses, in the 1<sup>st</sup> Quarter of 2019 which would increase the approval rate to 97%, or a total of twenty-nine of the thirty sections. The last section to be submitted is the section defining terms used within the Operation Manual. Submitting this section last allows for the inclusion of defined terms as developed in the exchange of the various sections.

MCSO continues to prioritize and work diligently on achieving 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 monthly analysis was deferred at the direction of the Monitoring Team prior to this quarter. New development and revisions 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 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.

According to the Monitors 18th quarterly report MCSO will achieve Phase 2 compliance when it demonstrates the ability to conduct the TSAR consistently each year using a statistical methodology that accurately represents deputy traffic stop behavior.

MCSO believes it has completed comprehensive agency-wide evaluations utilizing the approved methodologies described within Section 311. *Traffic Stop Annual Report (TSAR) Process*, meeting the requirements of this Paragraph.

During the 3rd Quarter of 2018 a new traffic stop vendor was hired 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 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 will continue to work collaboratively with the Parties to refine the methodology to address the unworkably high number of monthly alerts.

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 Report process.

The monthly analysis was deferred at the direction of the Monitoring Team prior to the 4th Quarter of 2018. 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 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 Phase 1 and Phase 2 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 18th 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.

During the second quarter of 2018, MCSO published its third TSAR consisting of an agency-wide comprehensive analysis of self-initiated traffic stops by deputies for activity from July 1, 2016 through June 30, 2017.

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.

Additionally, after much collaboration with the Monitor and Parties, on September 21, 2017, MCSO filed the Plan with the Court. The Plan continues to give MCSO a roadmap to meet the expectations of the community, address issues identified in the TSARs, and to be a leader in 21st Century Policing.

The Plan continues to develop as it is an effective and significant priority of MCSO's mission toward addressing the issues found in the TSAR and rebuilding the relationship with the community. The Plan is a collaborative process among the stakeholders, community, and interested parties. MCSO considers the involvement and contributions of all involved to be paramount in the eventual success of the Plan and achieving its goals.

The continued collaborative effort has aided the ongoing revision and focusing of the Plan as it transitions through development. This Plan has evolved significantly since its inception and continues to evolve, which is expected and highly beneficial considering the scope and objectives of such an endeavor. MCSO has implemented multiple directives aimed toward the goals outlined in the Plan such as creating a new EPA that represents the requirements outlined in the Court's Order, and better serves MCSO organizationally in its' goals.

Additionally, other items that continue to be evaluated for improvement show MCSO progress in other areas. The development of a standard process for the presentation of educational material, ensures that the transfer of knowledge continues from the presentation, all the way to the line-level organizational stage. The involvement of the community, including the Advisory Boards and others have provided resources and perspective that help MCSO in this foundational mission, and further the improvements to the Plan.

An update to the Plan is scheduled for the first quarter of 2019.

MCSO has and will continue to work with the Monitor to develop appropriate reporting mechanisms to demonstrate Phase 2 compliance.

***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.*

Phase 1 compliance is not applicable. ***MCSO is in Phase 2 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 October 1, 2018 through December 31, 2018. 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
- Three Misconduct Investigations inspections
- One Complaint Intake Testing inspection

The following paragraphs represent compliance rates and brief progress assessments for the inspections through the Fourth Quarter of 2018.

**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 Quarter 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 Quarter of 2019.

**Quarterly Incident Reports:** The Fourth Quarter of 2018 compliance rate was 99%, a 5% increase from the Third Quarter of 2018.

**Facility/Property and Evidence:** The Fourth Quarter overall compliance rate for this inspection was 96%, which was a 1% increase from the Third Quarter of 2018. In October, District 1 headquarters, the busiest District in Maricopa County, was inspected and had a compliance rate of 95%. In November, MTS Division was inspected and had a compliance rate of 100%. In December CID was inspected and resulted in a compliance rate of 94%. 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 Fourth Quarter of 2018 was 99%, which was a 1% increase from the Third Quarter of 2018. October and December each had compliance rates of 100% and November had a compliance rate of 98%. This inspection continues to maintain a high compliance rate.

**Supervisory Notes-Civilian:** The overall compliance rate for the Fourth Quarter of 2018 was 98%. This score remained the same as the Third Quarter of 2018. October had a 99% compliance score, November had 94% and December had 100%.

**Supervisory Notes-Detention:** The overall compliance rate for the Fourth Quarter of 2018 was 97%. This score remained the same as the Third Quarter of 2018. The monthly compliance rates were 99% for October 97% for November and 96% for December.

**Supervisory Note-Sworn (Patrol):** The overall compliance rate for the Fourth Quarter of 2018 was 98%. This score remained the same as the Third Quarter of 2018. In October the compliance rate was 97%, November had 99%, and December had 98%.

**Traffic Stop Data Collection:** The Fourth Quarter of 2018 had an overall compliance rate of 90%, which was a 1% increase from the Third Quarter of 2018. The monthly compliance rates were 91% for October, 88% for November, and 91% for December.

**Employee Email:** The employee email compliance rate for the Fourth Quarter of 2018 was 99%. This score remained the same as the Third Quarter of 2018. October and December had compliance rates of 100%, and November had 99%. The Employee Email inspection has also maintained a high compliance rate.

**CAD/Alpha Paging:** This inspection had an overall compliance rate for the Fourth Quarter of 100%. This score remained the same as the Third 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 Fourth Quarter of 2018 was 99%. This was the same score as the Third Quarter of 2018. The Patrol Shift Rosters compliance rates were 100% for November and 99% for October and December. 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 Fourth Quarter of 2018 overall compliance rate for the Reviewed Traffic Stop Data inspections was 97%, which was down 2% from the previous quarter. The month of October had a 96% compliance rate, November had 100%, and December's was 96%.

**Discussed Traffic Stop Data:** The overall compliance rate for the Fourth Quarter of 2018 for the Discussed Traffic Stop Data inspections was 99%, which was a 3% increase from the Third Quarter of 2018. Both October and November had a compliance rate of 100%. December had a 98% compliance rate.

**Patrol Activity Logs:** The Fourth Quarter overall compliance rate for Patrol Activity Log inspections was 99%. This was the same score as the Third Quarter of 2018. The months of October, November and December had a compliance rate of 99%.

**Misconduct Investigations:** The Fourth Quarter overall compliance rate for Misconduct Investigations inspections was 94%, which was down 3% from the previous quarter. The month of October had a compliance rate of 92%, November had 97%, and December's was 93%.

**Complaint Intake Testing:** The Fourth Quarter overall compliance rate for Complaint Intake Testing inspections was 83%. This is the first quarter for this inspection and only one month's data is available; therefore, no comparative data is available. The compliance rate for December was 83%.

During this quarter, BIO Senior Internal Auditors submitted the draft report for the Victim Assistance Notification Unit (VANU) Audit. Due to the urgency of another project that took priority and required the involvement of the Audit Team, activity on the Special Investigations Division Audit and the Use of Force advisory service engagement was deferred until sometime later in 2019. BIO Auditors actively participated in the organization-wide firearms inventory project managed by the Major Crimes Division.

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 rate for the Fourth Quarter 2018.

<b>Bureau of Internal Oversight - Monthly Inspections Compliance Rate</b>				
<b>2018 INSPECTIONS</b>	<b>October</b>	<b>November</b>	<b>December</b>	<b>Overall Compliance Rate</b>
<b>Quarterly Incident Reports</b>	N/A	N/A	99%	99%
<b>Facility and Property Inspection</b>	95%	100%	94%	96%
<b>County Attorney Dispositions</b>	100%	98%	100%	99%
<b>Supervisor Notes-Civilian</b>	99%	94%	100%	98%
<b>Supervisory Notes-Detention</b>	99%	97%	96%	97%
<b>Supervisory Notes- Sworn</b>	97%	99%	98%	98%
<b>Traffic Stop Data</b>	91%	88%	91%	90%
<b>Employee Emails</b>	100%	99%	100%	99%
<b>CAD/Alpha Paging</b>	100%	100%	100%	100%
<b>Patrol Shift Rosters</b>	99%	100%	99%	99%
<b>TraCS Review of Traffic Stops</b>	96%	100%	96%	97%
<b>TraCS Discussion of Traffic Stops</b>	100%	100%	98%	99%
<b>Patrol Activity Logs</b>	99%	99%	99%	99%
<b>Misconduct Investigations</b>	92%	97%	93%	94%
<b>Complaint Intake Testing</b>	N/A	N/A	83%	83%

*Table 6: Monthly Inspections Compliance Rate***General Comments Regarding EIS**

The Early Identification System (“EIS”) continues to evolve as the EIU moves to refine its processes to improve efficiency. While the EIS has been developed and fully operational incorporating basic requirements, MCSO continues to work toward utilizing the full potential of an EIS through refinements and adjustments. EIU command and supervision continues to build upon and enhance the EIS program, 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 93 alerts. EIU forwarded 65 alerts to supervisors for further review and implemented 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 – 47
- Action Plan – 16
- Award Recipient – 5
- Briefing Notes – 408
- Coaching – 45
- Commendations – 275
- Data Validation – 5
- EIS Action – 74
- EIS Alert – 66
- Employee Reported Activity – 151
- Firearms Discharge – 0
- Forced Entry – 0
- Higher Award Nomination – 0
- IR Memorialization – 6
- Line Level Inspection – 958
- MCAO Final Disposition – 0
- MCAO Further Notice – 61
- MCAO Turndown Notice – 160
- Minor Award Nomination – 1
- Performance Assessment Measure – 109
- Probationary Release – 0

- Supervisor Notes – 14,347
- Training – 87,161
- Use of Force – 50
- Vehicle Accident – 27
- 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 was concluded for all current supervisors on October 30, 2017 and all new supervisors continue to receive the training as needed. The training instructed supervisors how to properly utilize the EIS to access, review, and search the relational database. It is through the use of the EIS that effective supervision and management of MCSO Deputies will be attained.

EIU implemented Case Tracking for EIS Alerts to identify the timeframe taken to complete the alerts assigned to supervisors. EIU also worked with MCSO Technology Bureau to develop automated notifications to supervisors assigned EIS Alerts and BIO Action Forms to promote their timely completion. EIU continues to work with the Technology Bureau to develop, implement and maintain automated processes for the purpose of supporting effective supervision of employees.

EIU participated in Internal Town Hall events which provided all MCSO employees with an opportunity to ask questions and provide feedback regarding the EIS and the operations of 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.

During the fourth Quarter of 2018 MCSO received approval on 5 sections of the EIU Operations Manual and received comments on several others. EIU continues to refine the EIU Operations Manual and will submit the final section under development upon its completion.

The EIU Operations Manual and MCSO Policy GH-5, *Early Identification System* outline the roles of various 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 developed a refined methodology for the Monthly Traffic Stop Report process which would allow for a manageable number of generated alerts. These benchmarks continue to be assessed by all Parties and once finalized will be revised accordingly in the EIU Operations Manual and scheduled for implementation.

**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.*

Phase 1 compliance is not applicable. **MCSO is in Phase 2 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 4th Quarter of 2018. 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.

## 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.***

The timely reviews of Vehicle Crash Reports show significant improvement following an update MCSO has addressed this with our reporting mechanism through the TraCS system to accurately reflect the timely supervisory review.

**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.**

**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 in order to simplify them. 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 remains in Phase 1 and Phase 2 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 showed marked improvement with the timely supervisory reviews. The Monitor's 18th Quarterly Report notes, "Supervisors reviewed all VSCFs within 72 hours, for a compliance rate of 100%."

**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 18th 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 26 of the stops had deficiencies that supervisors failed to identify during their reviews. This is a compliance rate of 75%.”

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 18th quarterly report, MCSO has addressed the previously noted issue of documentation or proof of compliance with reviews of Vehicle Crash Reports.

***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 and Phase 2 compliance with Paragraph 94.***

The Monitor’s 18th Quarterly Report rates MCSO’s compliance for this Paragraph at 72%. 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.

MCSO respectfully proposes that utilizing the MCAO Turndown Notice to rate compliance for this Paragraph presents an inaccurate picture of MCSO’s compliance with this Paragraph. Few, if any, of the reports declined for prosecution “lack probable cause, are in violation of policy, or have a need for corrective action or review of policy, strategy, tactics, or training.” The incident report

associated with the MCAO Turndown Notice would need to be reviewed to determine if the incident report required corrective action.

**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 and Phase 2 compliance with Paragraph 96.**

Although the Monitor's 18th Quarterly Draft Report shows MCSO as in compliance for phase 2, the report states that there were 24 of 36 cases in compliance with Paragraph 96, for a compliance rate of 67%. MCSO has been working with the Monitor to provide appropriate documentation to reflect MCSO's compliance for this Paragraph.

Those cases determined to be out of compliance for this rating period were due specifically to the review of the County Attorney Turndown Notices not containing documentation of either a supervisor's investigation, a command review, or a Blue Team entry. MCSO asserts that the requirements of Paragraph 96 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.

None of these cases involved "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" as required by this Paragraph. A commander's review within 14 days to evaluate the corrective action and recommendations in the supervisor's written report and ensure that all appropriate corrective action is taken is not required for all MCAO Turndown Notices.

MCSO respectfully proposes that utilizing the MCAO Turndown Notice to rate compliance for this paragraph presents an inaccurate picture of MCSO's compliance with this Paragraph. Few, if any, of the reports declined for prosecution "lack probable cause, are in violation of policy, or have a need for corrective action or review of policy, strategy, tactics, or training." The incident report associated with the MCAO Turndown Notice would need to be reviewed to determine if the incident report required corrective action.

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.

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.

EIU developed a methodology for assessing the effectiveness of employee interventions for the EIU Operations Manual. This section of the EIU Operations Manual is pending review and approval by the Monitor.

MCSO also continues to explore processes to increase compliance rates with regard to this Paragraph.

***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.

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 in order to simplify them. MCSO continues to work towards Phase 2 compliance.

***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 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 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 and Phase 2 compliance with Paragraph 100.***

***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 Phase 1 and Phase 2 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 quarter, PSB worked with the contracted vendor to develop the annual 8-hour continuing Misconduct Training to those supervisors assigned outside of the PSB; and worked with the Department of Justice (“DOJ”) to identify a subject matter expert to provide specialized misconduct training to investigators assigned to PSB. During the Fourth Quarter of 2018, the PSB-Internal annual continuing training was completed for all members of the PSB. The PSB annual continuing training began for supervisors outside of PSB who conduct these types of investigations; and continued into 2019.

Additionally, PSB completed and published its Operations Manual. Also, the 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 provided feedback regarding the efficiency and thoroughness with which the divisions undertake and complete administrative investigations. PSB reviewed 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. The 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 102, requiring all personnel to report without delay alleged or apparent misconduct by other MCSO personnel, PSB received 53 internal complaints, demonstrating compliance with the Court's Order. Of the 53 internal complaints received, 48 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, PSB received 56 complaints regarding patrol personnel during this reporting period.

Consistent with Court's Order, Paragraph 33, requiring personnel engaging in discriminatory policing to be subject to administrative investigation and discipline, PSB received 4 complaints and completed one investigation alleging discriminatory policing during this reporting period.

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. PSB received one complaint and did not complete investigations alleging unlawful stops, searches, seizures, or arrests during this reporting period.

Consistent with the Court's Order, Paragraph 24, requiring a response to hotline complaints, PSB did not receive any complaints via the PSB hotline. during this reporting period.

Consistent with Court's Order, Paragraph 33, requiring personnel engaging in discriminatory policing to be subject to administrative investigation and discipline, PSB received 11 complaints and completed 1 investigation alleging discriminatory policing during this reporting period.

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, PSB continues to publish, on the MCSO website, detailed summaries of completed internal affairs investigations.

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

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 18th 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 Audits 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 continued to work on addressing the comments and anticipates having all comments addressed and returned for further review during the 1st 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.

During this quarter, the AIU completed its annual review of Policy GH-4. This included an updated version of the BIO Action Form, to include additional supervisory actions to address deficiencies. The updated Policy GH-4 received Monitor approval and became effective on October 30, 2018.

The Monitor's 18th 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.***

## 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 ("COoD") 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 October 17, 2018 at Queen Creek Middle School located at 20435 S. Old Ellsworth Road, Queen Creek. This school is located within the jurisdiction of District 6. 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. A handout was provided with summary compliance information, contact for PSB, and the website for the audits and inspections. Overall the meeting gave the opportunity for meaningful dialogue to take place and for MCSO to hear directly from community members. 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 October 1, 2018 through December 31, 2018, the Sheriff's Office registered 121 events where public attendance approached approximately 36,877. During this same period, MCSO recorded 1,115 occasions of community policing utilizing the Computer Aided Dispatch System. Those engagements totaled over 2,052 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.

During the month of October, the MCSO Community Outreach Division participated in Constitutional Policing Plan Listening Sessions. The first of these events was conducted at the Ramada by Wyndham Hotel near the Town of Guadalupe and was attended by members of the African American Advisory Board, Community Advisory Board, Hispanic Advisory Board, and the Mayor of Guadalupe. Several people expressed concerns about neighborhood and quality of life issues affecting their community. Another session was held at District 2. This session was attended

by community and HOA leaders, local business owners, and educators. These sessions provided valuable input and information for the development of the Community Policing Philosophy (CPP). In addition, these listening sessions allowed MCSO the opportunity to continue building trust and forming partnerships with the community.

CORd conducted an English Community Academy during the month of October. Over 40 people responded and indicated that they were interested in attending. Almost 30 community members showed up to attend the 3-day academy. Everyone in attendance stated they had a great time and they learned a lot about the responsibilities of MCSO.

On October 4, 2018, CORd participated in Jose Guzman's first Spanish speaking community forum via Facebook Live. His organization, Padres y Parientes de Hijos Asesinados, conducts a weekly forum with victims of crimes and law enforcement. MCAO and Phoenix Police Department were the invited guests. This provided the opportunity to address community members and encourage them to report crimes via Silent Witness and the Sheriff's Intelligence, Leads, and Operations Unit ("SILO"). It was also stated that MCSO no longer enforces immigration laws. The Facebook Live cast was shared and viewed by over 5,000 community members.

On October 23, 2018, CORd attended a law enforcement community forum, which brought Spanish speaking officers from the following agencies; Phoenix Police Department, Chandler Police Department, Mesa Police Department, Tempe Police Department, Arizona Attorney General's Office and MCSO. This event was held at Hamilton School in Chandler. This forum occurs quarterly in different cities across Maricopa County. The forum is facilitated by Jose Guzman, the founder of the non-profit organization Padres y Parientes de Hijos Asesinados. Mr. Guzman has a substantial following of Spanish speaking community members. The forum was a success with over 200 community members in attendance. It was also stated that MCSO does not enforce immigration laws.

On October 30, 2018, the Community Outreach Team and Public Information Office participated in a live segment of "Contacto Total". This radio program is broadcast completely in Spanish and is the number one rated Spanish talk show in the metropolitan Phoenix area. Sergeant Vanegas and Officer Caro answered questions taken from callers, and via social media to include text messages from the Spanish speaking community. Both representatives provided listeners with requested information and briefly explained some of the day-to-day operations of the Sheriff's Office. It was also stated that MCSO does not enforce immigration laws.

In October 2018, CORd participated in the "Cooking with the Chief's" event for the Special Olympics. Chief Rustenburg represented the Sheriff's Office by making Guacamole to raise money for Special Olympics. MCSO came in 1st Place for Booth, 2nd Place for best Guacamole and 3rd Place in raising the most money. Another Special Olympics event in October was "Fry's Fuel of Dreams." MCSO had two locations and raised over \$1500 in just 4 hours by helping people pump gas and answering questions to bring awareness of the Special Olympics Arizona to the community. CORd participated in the 2nd Annual MCSO Trunk or Treat. This event is held for MCSO employees and their families.

CORd additionally participated in a Red Ribbon event at an elementary school in Queen Creek. Members spoke to over 100 students about the duties of MCSO and its Deputies. The children were excited to meet the deputies and attend the presentation. The students had many questions about the uniform, the duties and Sheriff Penzone. The students expressed their appreciation actively.

Also, in October 2018, COrD attended a meeting titled, “Rise in Bias and Hate Crime in the Valley”. The event was attended by representatives from the Phoenix Police Department and MCSO. The purpose for this meeting was to have a round table discussion regarding bias hate crime in the Valley and invite members of the community to participate.

In November, COrD, along with staff from District 1, coordinated a super hero theme event for Girl Scouts. This event was designed to help prepare them for emergency situations. The event taught the girls to be a hero for others. The event also focused on recognizing safety aspects in parking lots, using safe words, identifying the difference between strangers/safe folks, and recognizing safe routes when walking home from school or the bus.

On November 3rd, COrD hosted the MCSO Spanish Community Academy. There were 28 attendees. The attendees were presented with information detailing the many different functions of the Office. There were presentations about the Aviation Services Division, Civil Process Services, BIO, CID, Cyber-Crimes Investigations and Enforcement Support Division. They were also provided a thorough explanation of the annual training Deputies and Detention Officers receive regarding the 4th & 14th amendment. Attendees also experienced tours of the Food Factory, Lower Buckeye Jail, and an interactive experience at the MCSO Firearms Range.

On November 5th, MCSO was awarded a National Police Athletic/Activities League (“NPAL”) Grant for the Guadalupe Boxing Gym. The grant was a partial grant due to the closing of the yearly budget. This approval allows for the opportunity to apply for the 2019 fiscal year, which is currently being submitted. The funds received in 2018 allowed MCSO to enter into an agreement with the Guadalupe Boxing Gym to provide mentorship training to the youth of the Guadalupe Boxing Gym.

On November 9th & 10th, COrD participated in a Veterans Day event titled “No Vet Alone”. This non-profit organization focuses on reducing suicide through resilience with support systems through group activity, community service, and family support. No Vet Alone targets isolation related issues, which is a fundamental, overarching cause of suicide. The program and networks change the lives of veterans, first responders and their families, by improving the issues they face.

On December 8th, COrD participated with Arizona Law Enforcement Officers & Support (“AZLEO”) in a “Shop with a Cop” event. This event created a unique experience for children from ages 6 to 12 to shop for gifts with uniformed first responders. Prior to shopping, children had the opportunity to socialize with the first responder they were partnered with. Several valley agencies participated in the festivities, which included a sit-down breakfast and holiday themed activities. MCSO accompanied 12 children selected by deputies from the Town of Guadalupe and some referrals by the Mexican Consulate.

On December 11, 2018, the COrD organized a “Coffee with the Sheriff”. The event was launched as an opportunity for Latina mothers to share questions and concerns that impact families directly to Sheriff Penzone. The event was well intentioned and attended. A group of activists also attended the event and shared their perceptions regarding Immigration and Customs Enforcement in the 4th Avenue Jail. Although the event was overshadowed by the activists, it was a genuine demonstration of community members in attendance utilizing an uninhibited atmosphere to share their experiences about MCSO to Sheriff Penzone.

On December 13, 2018 COrD was invited to participate in a group discussion regarding the topic of domestic violence. The discussion was hosted by Chicanos Por La Causa, a non-profit organization. The attendees were Spanish-speaking domestic violence survivors. This forum provided the survivors an opportunity to openly discuss their encounters and ask questions. This made for candid



conversation and provided the survivors with a sense of security and allowed for comfortable conversation. It was also stated that MCSO does not enforce immigration laws.

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.*

According to the Monitor's 18th Quarterly Report, ***MCSO achieved Phase 1 and Phase 2 compliance with Paragraph 109.***

The quarterly community meeting was held on October 17, 2018 at the Queen Creek Middle School located at 20435 Old Ellsworth Road in Queen Creek. This school is located within the jurisdiction of District 6. 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.

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. Sheriff Penzone introduced the CAB, Monitor, ACLU and DOJ and said they were available to answer the community's questions.

***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.*

According to the Monitor's 18th Quarterly Report, ***MCSO achieved Phase 1 and Phase 2 compliance with Paragraph 110.***

The quarterly community meeting was held on October 17, 2018 at the Queen Creek Middle School located at 20435 Old Ellsworth Road in Queen Creek. This school is located within the

jurisdiction of District 6. 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. Sheriff Penzone introduced the CAB, Monitor, ACLU and DOJ and said 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.*

According to the Monitor's 18th Quarterly Report, ***MCSO achieved Phase 1 and Phase 2 compliance with Paragraph 111.***

English and Spanish-speaking personnel from MCSO attended the October 17, 2018 meeting. MCSO personnel from CID, PSB, District 6 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.*

According to the Monitor's 18th Quarterly report, ***MCSO achieved Phase 1 and Phase 2 compliance with Paragraph 112.***

The quarterly community meeting was held on October 17, 2018 at the Queen Creek Middle School located at 20435 Old Ellsworth Road in Queen Creek 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.*

According to the Monitor's 18th Quarterly Report, **MCSO achieved 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.*

According to the Monitor's 18th Quarterly Report, **MCSO achieved 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.*

According to the Monitor's 18th Quarterly Report, ***MCSO achieved 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, in addition to MCSO Policies.

***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.*

According to the Monitor's 18th Quarterly Report, ***MCSO achieved 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.*

According to the Monitor's 18th Quarterly Report, ***MCSO achieved 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.*

According to the Monitor's 18th Quarterly Report, ***MCSO achieved 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 05/09/2018)
- CP-3, *Workplace Professionalism* (Re-Published 04/10/2018)
- 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* (Published 10/24/2017)
- EA-2, *Patrol Vehicles* (Published 12/08/2017)
- GA-1, *Development of Written Orders* (Re-Published 01/09/2018)
- 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 03/30/2018)
- 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)* (Published 03/24/2017)
- 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 (Published on 12/22/2016)
- 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 remains in Phase 1 compliance with Paragraph 173 and has now achieved Phase 2 compliance.**

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.

**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 compliance with Paragraph 175.** MCSO is not in Phase 2 compliance.

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.



MCSO began providing this documentation for this quarter as proof of compliance for Paragraph 175. This process resulted in an improvement and MCSO continues to work towards gaining Phase 2 compliance with Paragraph 175.

***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 94% 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 35 personnel – 19 Sworn and 16 Detention.

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 not in Phase 1 compliance and Phase 2 compliance is deferred with Paragraph 179 based on the Monitor's 18th Quarterly Report.

The Professional Standards Bureau Operations Manual was completed and published on December 13, 2018.

PSB developed two training curricula for the 8-hour continuing misconduct investigations in-service training. One curriculum was for PSB personnel and the second curriculum was for all other supervisors. The PSB Commander believes that division supervisors would benefit from a more fundamental class refresher while the PSB staff would benefit from more advanced topics. The PSB and the Training Division collaborated with the DOJ and a third-party vendor to develop the curricula for those assigned to PSB. MCSO contracted a third-party vendor to develop the annual 8-hour continuing Misconduct Training to those supervisors assigned outside of PSB. MCSO delivered the annual eight-hour in-service training to those investigators assigned to PSB in November 2018. MCSO also delivered the annual eight-hour in-service training to investigators assigned outside of PSB in December 2018.

MCSO requests 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 Train-the-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.*

Based on the Monitor's 18th Quarterly Report, MCSO is not in compliance with Phase 1 and Phase 2 is deferred.

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.

MCSO requests Phase 1 and Phase 2 compliance with Paragraph 192.

***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.*

Based on the Monitor's 18th Quarterly Report, MCSO is not in compliance with Phase 1 or Phase 2 of Paragraph 194.

In order to achieve Phase 1 compliance, the following policies will be finalized:

- CP-2, *Code of Conduct* (Published 05/09/2018)
- CP-3, *Workplace Professionalism* (Published 04/10/2018)
- CP-5, *Truthfulness* (Published 10/24/2017)
- CP-11, *Anti-Retaliation* (Published 10/24/2017)
- GH-2, *Internal Investigations* (Re-Published 07/17/2018)
- GC-16, *Employee Grievance Procedures* (Published 04/06/2018)
- GC-17, *Employee Disciplinary* (Published 04/06/2018)
- Compliance Division Operations Manual (Published 08/17/2018)
- PSB Operations Manual (Published 12/13/2018)

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.

MCSO requests Phase 1 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.*

Based on the Monitor's 18th Quarterly Report MCSO is not in compliance with Phase 1 or Phase 2 of Paragraph 195.

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

PSB consistently reassesses staffing needs and adjusts accordingly based upon the fluctuating number of complaints received. During the third quarter of 2017, PSB finalized the curriculum for the 40 hours of comprehensive training on conducting employee misconduct investigations; completed Train the Trainer sessions with technical assistance from the Monitor in September 2017; and commenced with the training in September 2017. The training was completed in November 2017.

During this and the previous three reporting periods, PSB was insufficiently staffed to investigate the increased number of complaints it received and division reviews it conducted.

MCSO will continue to strive toward Phase 2 compliance.

MCSO requests Phase 1 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.*

Based on the Monitor's 18th Quarterly Report, MCSO is not in Phase 1 compliance. **MCSO is in Phase 2 compliance with Paragraph 197.**

In order to achieve Phase 1 compliance, the following policies will be finalized:

- GH-2, *Internal Investigations* (Re-Published 07/17/2018)
- GC-17, *Employee Disciplinary* (Re-Published 04/06/2018)
- Compliance Division Operations Manual (Approved 04/13/2018)
- PSB Standards Bureau Operations Manual, (Published 12/13/2018)

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

MCSO requests Phase 1 compliance with Paragraph 197.

**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 18th Quarterly Report, MCSO 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 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.*

Based on the Monitor's 18th Quarterly Report, MCSO is not in Phase 1 compliance. ***MCSO is in Phase 2 compliance with Paragraph 205.***

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.

MCSO requests Phase 1 compliance with Paragraph 205.

**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 will continue to work toward Phase 2 compliance.

***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 pre-determination 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 with Paragraph 226.** MCSO is not in Phase 2 compliance.

The Monitor asserts in the 18th Quarterly Report that the Appointing Authority does in fact provide justification. However, the Monitor does not agree with the reasons for mitigation. Paragraph 226 only requires that the member of the MCSO's command staff provide justification for deviating from the recommendations of the PSB Commander regarding findings, discipline, or non-disciplinary corrective action; not agreement.

MCSO requests Phase 2 compliance with Paragraph 226.

**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.**

Paragraph 198 requires that PSB be located in a facility that is separate from other MCSO facilities; and be easily accessible to the public, with sufficient space and personnel for receiving members of the public. 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 2018 the Monitor had no objections to the utilization of this facility.

During the second quarter of 2018, and consistent with Paragraph 198, the PSB moved into the new off-site facility located at 101 West Jefferson Street in Phoenix. This location is separate from other MCSO facilities, is easily accessible to the public and public transportation, and has sufficient space for personnel to receive members of the public, allowing them to file comments and complaints to PSB.

Based on the Monitor's 12th, 13th, 14th, 15th, and 16th 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.

The MCSO 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 is not in Phase 1 compliance. **MCSO is in Phase 2 compliance with Paragraph 250.**

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.

MCSO requests Phase 1 compliance with Paragraph 250.

**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; and the number of cases in which discipline was altered 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.*

Based on the Monitor's 18th Quarterly Report, MCSO is not in Phase 1 compliance and Phase 2 compliance is Deferred.

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.

MCSO requests Phase 1 compliance with Paragraph 251.

***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 is not in Phase 1 compliance. ***MCSO is in Phase 2 compliance with Paragraph 252.***

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.

MCSO requests Phase 1 compliance with Paragraph 252.

***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.*

Based on the Monitor's 18th 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:

- GH-4, *Bureau of Internal Oversight* (most recently amended on October 30, 2018)
- AIU Operations Manual, Section 304 (approved and published 11/13/2018)

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.

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.

PMR conducted 2 tests in November and 6 tests in December. In January 2019, AIU will inspect the tests conducted in December for compliance with MCSO policy.

During this quarter, both 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.

MCSO requests Phase 1 compliance with Paragraph 254.

***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.*

Based on the Monitor's 18th 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:

- GH-4, *Bureau of Internal Oversight* (most recently amended on October 30, 2018)
- AIU Operations Manual (approved and published 11/13/2018)

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.

During this quarter, both 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.

MCSO requests Phase 1 compliance with Paragraph 255.

***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.*

Based on the Monitor's 18th 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:

- GH-4, *Bureau of Internal Oversight* (most recently amended on October 30, 2018)
- AIU Operations Manual (approved and published 11/13/2018)

During this quarter, both 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.

MCSO requests Phase 1 compliance with Paragraph 256.

**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.*

Based on the Monitor's 18th 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:

- GH-4, *Bureau of Internal Oversight* (most recently amended on October 30, 2018)
- AIU Operations Manual (approved and published 11/13/2018)

During this quarter, both 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.

MCSO meets the requirements of this paragraph.

MCSO requests Phase 1 and Phase 2 compliance with Paragraph 257.

**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.*

Based on the Monitor's 18th 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:

- GH-4, *Bureau of Internal Oversight* (most recently amended on October 30, 2018)
- AIU Operations Manual (approved and published 11/13/2018)

During this quarter, both 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.

MCSO requests Phase 1 compliance with Paragraph 258.

**Paragraph 259.** *MCSO shall not permit current or former employees to serve as testers.*

Based on the Monitor's 18th 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:

- GH-4, *Bureau of Internal Oversight* (most recently amended on October 30, 2018)
- AIU Operations Manual (approved and published 11/13/2018)

During this quarter, both 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.

MCSO has notified the contracted vendors of this requirement. No current or former MCSO employees have served or will serve as a tester. MCSO comports to the requirements of this Paragraph. For a more detailed status on the testing program, please review the summary provided in relation to Paragraph 254.

MCSO requests Phase 1 and Phase 2 compliance with Paragraph 259.

**Paragraph 260.** *The MCSO shall produce an annual report on the testing program. This report shall include, at a minimum:*

- 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);*
- the number and proportion of tests in which employees responded inappropriately to a tester;*
- the number and proportion of tests in which employees provided inaccurate information about the complaint process to a tester;*
- the number and proportion of tests in which employees failed to promptly notify the Professional Standards Bureau of the civilian complaint;*
- the number and proportion of tests in which employees failed to convey accurate information about the complaint to the Professional Standards Bureau;*
- an evaluation of the civilian complaint intake based upon the results of the testing program; and*
- a description of any steps to be taken to improve civilian complaint intake as a result of the testing program.*

Based on the Monitor's 18th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance.

In order to achieve Phase 1 compliance, the following policies will be finalized:

- GH-4, *Bureau of Internal Oversight* (most recently amended on October 30, 2018)
- AIU Operations Manual (approved and published 11/13/2018)

MCSO comports to the requirements of this Paragraph.

During this quarter, both 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.

MCSO requests Phase 1 compliance with Paragraph 260.

***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 18th Quarterly Report, MCSO must retain Phase 2 compliance with Paragraph 94 and attain compliance with Paragraph 91 in order to achieve Phase 2 compliance with this Paragraph.

In reference to Paragraph 94, the Monitor's 18th 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 18th Quarterly Report, MCSO must gain Phase 2 compliance with Paragraph 96 in order to achieve Phase 2 compliance with this Paragraph.

As stated in the comments for Paragraph 96, those cases determined to be out of compliance were due specifically to the review of the County Attorney Turndown Notices not containing documentation of either a supervisor’s investigation, a command review, or a Blue Team entry. MCSO respectfully submits that utilizing the MCAO Turndown Notice to rate compliance for Paragraph 96 presents an inaccurate picture of MCSO’s compliance. Few, if any, of the reports declined for prosecution “lack probable cause, are in violation of policy, or have a need for corrective action or review of policy, strategy, tactics, or training.” The incident report associated with the MCAO Turndown Notice would need to be reviewed to determine if the incident report required corrective action.

Basing compliance with the requirements of Paragraph 96 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.

MCSO requests Phase 1 and Phase 2 compliance with Paragraph 267.

**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.*

Based on the Monitor’s 18th Quarterly Report, Phase 1 compliance is deferred. **MCSO is in Phase 2 compliance with Paragraph 268.**

In order to achieve Phase 1 compliance, the Monitor indicates the following policies must be finalized:

- PSB Operations Manual (Published 12/13/2018)
- Court Implementation Operations Manual (published 8/17/2018)

The 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 requests Phase 1 compliance with 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 18th 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 is not in Phase 1 compliance. **MCSO is in Phase 2 compliance with Paragraph 281.**

In order to achieve Phase 1 compliance, the following policies will be finalized:

- GH-2, *Internal Investigations* (Re-Published 07/18/2018)
- GC-16, *Employee Grievance Procedures* (Re-Published 04/06/2018)

- GC-17, *Employee Disciplinary Procedure* (Re-Published 04/06/2018)
- Compliance Division Operations Manual (Approved 04/13/2018)
- PSB Operations Manual, (Published 12/13/2018)

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

MCSO requests Phase 1 compliance with Paragraph 281.

***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 is not in Phase 1 compliance. ***MCSO is in Phase 2 compliance with Paragraph 282.***

In order to achieve Phase 1 compliance, the following policies will be finalized:

- GB-2, *Command Responsibility* (Re-Published 05/10/2018)
- GC-16, *Employee Grievance Procedures* (Re-Published 04/06/2018)
- GC-17, *Employee Disciplinary Procedure* (Re-Published 04/06/2018)
- Compliance Division Operations Manual (Published 08/17/2018)
- PSB Operations Manual (Published 12/13/2018)

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

MCSO requests Phase 1 compliance with Paragraph 282.

***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 is not in Phase 1 compliance. ***MCSO is in Phase 2 compliance with Paragraph 284.***

In order to achieve Phase 1 compliance, the following policies will be finalized:

- GH-2, *Internal Investigations* (Re-Published 07/17/2018)
- GC-16, *Employee Grievance Procedures* (Re-Published 04/06/2018)
- GC-17, *Employee Disciplinary Procedure* (Re-Published 04/06/2018)
- Compliance Division Operations Manual (Published 08/17/2018)
- PSB Operations Manual (Published 12/13/2018)

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.

MCSO requests Phase 1 compliance with Paragraph 284.

**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.*

Based on the Monitor's 18th Quarterly Report, MCSO is not in Phase 1 compliance. ***MCSO is in Phase 2 compliance with Paragraph 286.***

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.

MCSO requests Phase 1 compliance with Paragraph 286.

**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 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.*

Based on the Monitor's 18th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance. In order to achieve Phase 1 compliance, the following policies will be finalized:

- CP-2, *Code of Conduct* (Re-Published 05/09/2018)
- CP-3, *Workplace Professionalism* (Re-Published 04/10/2018)
- CP-5, *Truthfulness* (Re-Published 10/24/2017)
- CP-11, *Anti-Retaliation* (Re-Published 10/24/2017)
- GC-16, *Employee Grievance Procedures* (Re-Published 04/06/2018)
- GC-17, *Employee Disciplinary Procedure* (Re-Published 04/06/2018)
- GH-2, *Internal Investigations* (Re-Published 07/17/2018)
- Compliance Division Operations Manual ((Published 08/17/2018)
- PSB Operations Manual (Published 12/13/2018)

MCSO continues to improve on the upon the quality of investigations.

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

MCSO requests Phase 1 compliance with Paragraph 289.

***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 instance, 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 Fourth Quarter of 2018 (October 1, 2018–December 31, 2018) and attempts to both quantitatively and qualitatively highlight MCSO’s compliance efforts and achievements during this specific rating period.

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.

The end of this rating period also marks the second full year of Sheriff Penzone’s administration. Since taking office, Sheriff Penzone has made compliance with the *Melendres* Court Orders a priority. MCSO continues to work collaboratively with the Monitor, ACLU, and DOJ to achieve compliance. Upon taking office in January of 2017, Sheriff Penzone created the Compliance Bureau, headed by the Chief of Staff/Special Counsel and Executive Chief. The Compliance Bureau consolidated many division and units working to ensure MCSO was operating more efficiently and effectively. MCSO is dedicated to following the best police practices and gaining full and effective compliance with the Court’s Orders. The concentrated emphasis on compliance has benefited MCSO and the vast, diverse community it serves. MCSO continues to make great strides in these efforts.

In the previous quarter, MCSO asserted full and effective compliance with 27 Paragraphs of the First Order. 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 for 23 Paragraphs. Achieving full and effective compliance with 23 paragraphs of the Court’s Order demonstrates 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.

While MCSO generally practices the requirements of the Court’s Order, and has appropriate policies to guide its employees, the completion of the various operations manuals is a priority. This quarter, the PSB Operations Manual was completed and approved by the Monitoring Team. Also completed and approved by the Monitoring Team was Section 304 of the BIO and AIU Operations Manuals. The completion of these two manuals allowed MCSO to request Phase 1 compliance with 22 paragraphs of the Second Order. Further work is being completed on additional sections of the BIO Operations Manual and various other operations manuals. MCSO has made significant gains in achieving Phase 1 and Phase 2 compliance with several Paragraphs.

MCSO continues to meet all associated deadlines specific to the Third Annual Traffic Stop Report 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, that will be conducting the annual, monthly, and quarterly traffic stop analyses. 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 law enforcement and the military. Their team is made up of experts in the analytics field that know and understand law enforcement. MCSO expects they will be a tremendous resource in reviewing, analyzing, and comprehending the results of our traffic stop data.

Additionally, staff throughout the Office in many different divisions and units are actively working on MCSO’s Community Policing Philosophy. This continues to be developed with ongoing input

from subject matter experts and the community. This quarter has also sought input and feedback from the community in order to update and republish the Plan in February 2019. MCSO is looking forward to the positive change this Plan will bring.

It is the continued efforts by MCSO that demonstrate MCSO's commitment to its employees, the community, and compliance with the Court's Order

Appendix A: MCSO *Melendres* Court's Order Compliance Chart

Paragraph No.	Requirement	07/01/2018-09/30/2018		Date of Full Compliance	Projected Date
		18 <sup>th</sup> Report			
		Phase 1	Phase 2		
<b>Section III. MCSO Implementation Unit and Internal Agency-wide Assessment</b>					
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
<b>Section IV. Policies and Procedures</b>					
19	Conduct Comprehensive Review of All Patrol Policies and Procedures	In Compliance	In Compliance	03/31/18	03/30/21
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	09/30/17
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

32	All Personnel shall Report Violations of Policy; and Employees shall be Held Accountable for Policy Violations	In Compliance	Not in Compliance		
33	Personnel Who Engage in Discriminatory Policing shall be Subject to Discipline	In Compliance	In Compliance	12/31/17	12/30/20
34	On Annual Basis, Review Policy and Document It in Writing	In Compliance	In Compliance	12/31/15	12/30/18
<b>Section V. Pre-Planned Operations</b>					
35	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
36	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
37	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
38	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
39	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
40	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
<b>Section VI. Training</b>					
42	Selection and Hiring of Instructors for Supervisor Specific Training	In Compliance	In Compliance	9/30/18	9/30/21
43	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

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
<b>Section VII. Traffic Stop Documentation and Data Collection and Review</b>					
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	Not in Compliance		
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
<b>Section IX. Early Identification System (EIS)</b>					
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		
<b>Section X. Supervision and Evaluation of Officer Performance</b>					
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	In Compliance	09/30/16	09/30/19
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	In Compliance	6/30/18	6/30/21
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	In Compliance	6/30/2018	06/29/21
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

<b>Section XI. Misconduct and Complaints</b>					
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
<b>Section XII. Community Engagement</b>					
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		
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		

111	English and Spanish-speaking MCSO Personnel shall attend these meetings and be available to answer questions from the public.	In Compliance	In Compliance		
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		
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		
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		
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		
116	CAB members must be selected by MCSO and Plaintiffs' representatives.	In Compliance	In Compliance		
117	MCSO shall coordinate the meeting as dictated by the CAB members and provide administrative support for the CAB.	In Compliance	In Compliance		
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		
<b>SECOND ORDER Section XV. Misconduct Investigations, Discipline and Grievances</b>					
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	Not in Compliance		
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	Not in Compliance	Deferred		
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	Not in Compliance	Not in Compliance		
195	PSB shall include sufficient trained personnel to fulfill requirements of Order within six months	Not in Compliance	Not in Compliance		
196	Commander of PSB or the Chief Deputy may 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	Not in Compliance	In Compliance		
198	PSB shall be physically located in 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 thorough 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 whether 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	Not in Compliance	In Compliance		

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	Not in Compliance		
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	Not in Compliance	In Compliance		
251	PSB shall produce a semi-annual public report on misconduct investigations	Not in Compliance	Deferred		
252	Make detailed summaries of completed IA investigations readily available to the public	Not in Compliance	In Compliance		
253	BIO shall produce a semi-annual public audit report regarding misconduct investigations	In Compliance	In Compliance		
254	Initiate a testing program designed to assess civilian complaint intake	Not in Compliance	Deferred		
255	Testing program for investigation of civilian complaints should not use fictitious complaints	Not in Compliance	Deferred		
256	Testing program shall assess complaint intake for complaints made in person, telephonically, by mail, email or website.	Not in Compliance	Deferred		
257	Testing program shall include sufficient random and targeted testing to assess the complaint intake process	Not in Compliance	Deferred		
258	Testing program shall assess if employees promptly notify PSB of citizen complaints with accurate and complete information	Not in Compliance	Deferred		
259	Current or former employees cannot serve as testers	Not in Compliance	Deferred		
260	Produce annual report on the testing program	Not in Compliance	Not in Compliance		

<b>SECOND ORDER Section XVI. Community Outreach and Community Advisory Board</b>					
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		
<b>SECOND ORDER Section XIV. Supervision and Staffing</b>					
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 complies 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	Deferred	In Compliance		
<b>SECOND ORDER Section XVIII. Document Preservation and Production</b>					
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	06/29/21
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

<b>SECOND ORDER Section XIX. Additional Training</b>					
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
<b>SECOND ORDER Section XX. Complaints and Misconduct Investigation Relating to Members of the Plaintiff Class</b>					
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	Not in Compliance	In Compliance		
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.	Not in Compliance	In Compliance		
284	MCSO must expeditiously implement the Monitor's directions, investigations, hearings and disciplinary decisions	Not in Compliance	In Compliance		
286	Monitor shall instruct PSB to initiate a confidential criminal investigation and oversee the matter or report to the appropriate prosecuting agency	Not Applicable	In Compliance		
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 in Compliance	Not in Compliance		
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

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