

**Maricopa County Sheriff's Office
Joseph M. Arpaio, Sheriff**

**MCSO COMMENTS ON DRAFT FIFTH QUARTERLY
COMPLIANCE REPORT FROM THE INDEPENDENT
MONITOR**



2ND QUARTER 2015, APRIL 1 – JUNE 30

MELC668601

The Maricopa County Sheriff's Office requests the Independent Monitor take the following comments into consideration before publishing the final draft of the Fifth Report covering a review period for the Second Quarter of 2015.

- As stated in the introduction on page 3, the report is to comment on "activities occurring during the second quarter of 2015". However, this is not an accurate statement. The Monitor deviated from this statement to include comments regarding activities that occurred as recently as three weeks ago—specifically, the promotions and transfers of key individuals to new locations. This appears to be a critical comment on the Monitor's part for activities that occurred outside the defined period in question. The Monitor called the situation of promotion and/or transfer of highly qualified individuals, some of whom the Monitor has previously praised, as "troubling". If the Monitor intends to do this, we request the Monitor would likewise include the substantial progress made subsequent to the close of the quarter in areas of policy, training, and BIO.
- In the last bullet point on page 7, and in the second paragraph of page 127, the report states a community meeting took place in Tempe and then identified said location as part of MCSO Patrol District 2. Tempe is actually within MCSO Patrol District 1.
- On page 10, in relation to paragraph 11, MCSO would like to point out the Second Quarter Report for 2015 was filed in a timely fashion.
- The second paragraph on page 16, in relation to paragraph 23, the report states: "Between January and March, the BIO conducted two CAD audits." There is no mention of the March CAD inspection. During this time frame, the BIO conducted three CAD and Alpha Paging inspections (January, February and March). BIO forwarded the March inspection titled "MCSO Computer Aided Dispatch (CAD) and Alpha Paging Messaging, #A2015-0029" to CID and it was placed in Drop Box on June 30, 2015.
- The second paragraph on page 16, in relation to paragraph 23, the report states: "In the January audit, the BIO identified only one concern and reported a compliance rate of 100% for January." The compliance rate was actually 99.97% as documented in the report titled, "MCSO Computer Aided Dispatch (CAD) and Alpha Paging Messaging" (#A2015-0009).
- The Third and Fourth Paragraphs on page 16, in relation to paragraph 23, the report states, in part: "In the April 2015 CAD audit conducted by BIO..." The first sentence in paragraph 4 reads, "In the June 2015 CAD audit conducted by BIO, there were, collectively, 4,931 CAD and Alpha Paging Messaging entries". Please note during this time period, there were three CAD and Alpha Paging inspections (April, May, and June). There was no mention of the May inspection titled "May 2015 CAD and Alpha Paging Messaging, #A2015-0050", which was forwarded by BIO to CID and placed in Drop Box on July 21, 2015. Also, the correct number of CAD and Alpha Paging message entries for June was 4, 930 and not 4,931 as documented in the Monitor report.
- In the first paragraph of page 19, the report states during the April site visit the Monitor discussed with CID the need to receive any operations plans developed even those not meeting the criteria of a "Significant Operation" as defined by the Order. MCSO is in the

process of developing a standardized operation plan to be utilized office wide. However, MCSO would ask the Monitor to identify what paragraph of the Order gives them the authority to review all operation plans.

- In the first paragraph of page 79, in relation to paragraph 67, the report states: “EB-2 explicitly lists the language of Paragraph 67 as part of its policy for periodic analyses of traffic stop data collection and therefore is in Phase 1 compliance.” At the end of paragraph 67, under the “Compliance Status”, the report indicates MCSO is not in phase 1 compliance. This appears to be a typographical error.
- As to the Monitor’s discussion regarding paragraph 91, on page 103 thru 113, one of the Monitor’s concerns was: “in [] stops, the CAD times did not match the times annotated on the Vehicle Stop Contact Forms.” During their site visits, MCSO asked the Monitor representatives to present the time differential. Additionally, we discussed explanations for slight variances. The monitor representatives agreed to investigate this point and provide MCSO with the information. To date, MCSO has not received this information and are unable to provide reasonable explanations should one exist.
- In the second paragraph of page 118, the report makes the assumption a decrease in IR Memorialization forms from last quarter to this quarter... “may indicate that supervisors are failing to identify serious issues or not properly reviewing subordinates’ work products”. Based on BIO audits, it may also indicate training and policies are working and improvements have been made in this area. Additionally, we respectfully ask the Monitor to recall report memorialization forms are completed only when significant issues with the report are identified, to include: conclusory language; boilerplate language; arrest with no probable cause; lack of reasonable suspicion; missing elements of the crime; bias policing; inconsistent information; lack of articulation of the legal basis for the action; indicia information on report is not authentic; or other significant issues with the content of the report.
- In the Monitor’s concluding remarks, it appears the Monitor negatively twisted a positive situation:
 - The finalization of the GJ-35 Body-Worn Cameras policy was not “premature”. It was created and finalized ahead of schedule to ensure it was in place and ready for use once the technology was ready.
 - Next, the Monitor comments “multiple requests” were made reference a training schedule for 2015. However, once the training schedule was provided to the Monitor, MCSO was criticized as providing it “prematurely”.
 - The Sheriff continues to make compliance of the Court’s Order an agency-wide priority as evident by the amount of staff, man-hours, and expenditures associated with its implementation.