

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

COURT IMPLEMENTATION DIVISION

NINTH QUARTERLY COMPLIANCE REPORT



**COVERING THE
1ST QUARTER OF 2016, APRIL 1 – JUNE 30**

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Section 1: Introduction

This is the 9th Quarterly Report assessing the Maricopa County Sheriff's Office's (MCSO) level of compliance with the Hon. G. Murray Snow's October 2, 2013 *Supplemental Permanent Injunction/Judgment Order* (Doc. 606), as amended, (the "Court Order"). MCSO submits this Quarterly Report to comply with Paragraph 11 of the Court's Order.

Please note that the reporting period for this report covers the second quarter of 2016 (i.e. March 1, 2016-June 30, 2016).

The Court Order, Paragraph 11, requires that MCSO file with the Court, no later than 30 days before the Monitor's quarterly report is due, a report that shall:

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

MCSO intends to achieve its goal of "Full and Effective Compliance" as the Court's Order defines it. The purpose of this Quarterly Report is to describe and document the steps MCSO has taken to implement the Court's Order, as well as to MCSO's plans to correct any problems. Lastly, this Quarterly Report includes responses to concerns raised in the Monitor's previous 8th Quarterly Report filed on July 21, 2016.

MCSO is committed to achieving full and effective compliance with the Court's Order and has dedicated unprecedented financial and personnel resources to advance the organization towards compliance. As noted in MCSO's last quarterly report, the pace of compliance may appear slow, but it is a result of the collaborative effort and process among MCSO, the Monitor, and the multiple attorneys representing the Plaintiffs and the DOJ; it is also the result of vast changes to MCSO as a result of the Order and implementation of changes in the organization of MCSO, including changes in the structure, functions and training of MCSO divisions and personnel.

Increased Pace of Compliance

During the July 2016 Monitor Site Visit, the Monitor Team provided MCSO with several ideas calculated to increase the pace of compliance. MCSO appreciates the input from the Monitor Team, and certainly welcomes any suggestion to streamline the process to enable MCSO to attain its goal of full and effective compliance with the Court's Orders.

Document Review Protocol

Among the ideas to accelerate the pace of compliance of compliance was the circulation of a draft policy and curriculum review proposal. Under this proposal, the parties will have established deadlines to provide their respective revisions to and voice any concerns with MCSO

policies and training curricula at issue. As noted above and in the 8th Quarterly Report, the collaborative efforts of the parties and their respective, multiple attorneys, often decelerates the pace of compliance. MCSO has previously voiced its concern regarding such deceleration, as the perception is that any delay was solely MCSO's responsibility—something it wholeheartedly refutes. The Monitor, Parties, and MCSO finalized this document review proposal in August 2016, and believe adherence to the adopted procedures and established deadlines will decrease the amount of time necessary to finalize and deliver MCSO policies and curricula to MCSO personnel.

Monitor Consulting and MCSO/Monitor Meetings

In addition, although outside of the reporting period, it is of utmost importance to inform the Court and the public of efforts and changes that will impact the compliance process. Recently, the Monitor Team has worked with MCSO in a consulting capacity. This entailed meetings between Monitor Team members and MCSO personnel and counsel. These “technical assistance meetings” are in addition to the Monitor Team site visits in which multiple attorneys and representatives of the plaintiffs and plaintiff intervener participate. MCSO found these Monitor Team/MCSO meetings to be extremely fruitful and anticipates that future “one on one” technical assistance sessions with the Monitor Team will have a positive effect on the pace of compliance. While MCSO welcomes the input of the representatives of plaintiffs and plaintiff intervener, MCSO expects that these separate, additional Monitor Team/MCSO meetings will enable MCSO to achieve its goal of full and effective compliance sooner, rather than later. In fact, the finalizing of the 2016 Annual Combined Training (“ACT”) curriculum is one recent example of the positive impact that resulted from an all-day meeting between MCSO Training personnel and Major Alfred Peters of the Monitor Team.

While MCSO extols the virtues of the Monitor Team/MCSO meetings, these meetings, by no means, sacrifice the input of plaintiffs and plaintiff intervener. Rather, they allow the Monitor Team and MCSO to work collaboratively and efficiently together, while still incorporating the concerns of plaintiffs and plaintiff interveners. For example, while the MCSO and the Monitor Team meeting undoubtedly facilitated the finalization the 2016 ACT, that approved curriculum still addressed plaintiffs' concerns regarding domestic violence, gender identity, sexual orientation, LGBT, and cultural awareness issues. Please see the attached email from Attorney Brenda Munoz Furnish of the American Civil Liberties Union of Arizona, in which Attorney Munoz Furnish commended MCSO **“for doing a great job including”** these issues and that MCSO's inclusion of these issues **“truly makes the [2016 ACT] training unique and could be a model for other agencies in the future”**. *See* Exhibit 1. (emphasis added) In addition, DOJ and ACLU attorneys also provided information regarding administrative warrants and sample policies addressing transgender issues, which MCSO used in creating the 2016 ACT. *See* Exhibit 2. In the end, the additional Monitor consulting will streamline the compliance process, while ensuring that plaintiffs' voices are still heard and incorporated. MCSO looks forward to additional Monitor Team/MCSO meetings in the future.

Transfer of Additional Personnel to PSB and CID

Pursuant to Paragraph 268 of the Second Amended Second Supplemental Permanent Injunction/Judgment Order (Doc. 1765) MCSO, with the Monitor's approval, has increased the number of PSB personnel by four (4) Lieutenants and five (5) Sergeants. These nine (9) personnel are in addition to those retained in PSB as explained in MCSO's response comments regarding Paragraph 32, *infra*. This increase in personnel will have a positive effect on PSB's ability to process internal investigations.

Similarly, and also pursuant to Paragraph 268, MCSO, with the Monitor's approval, has also increased the number of CID personnel by two sergeants and 1 lieutenant. The transfer of these personnel to CID will ensure the quality and speed of MCSO's responses to Monitor and party requests.

Additional Compliance Developments Outside the Reporting Period

Furthermore, two more important, noteworthy developments have occurred outside this rating period. The reporting of such developments to the Court and the public must not wait months to be reported in the next quarterly report. Despite the compliance reporting process followed in this action, informing the Court and the public of compliance efforts and accomplishments, as they arise, is essential.

Approval of Supervisor Responsibilities Lesson Plan

First, on June 7, 2016, the Monitor approved the lesson plan for the Supervisor Responsibilities: Effective Law Enforcement Training course. As a result, MCSO began to deliver associated supervisor training on June 13, 2016, just six (6) days later. By July 15, 2016, MCSO concluded this training. Although completion of this training is a significant and positive step towards full and effective compliance, strict adherence to the reporting process would prevent the Court and the public from knowing of this important, compliance accomplishment. Compliance information received now is better than information received later.

MCSO Approach to Ensure Compliance with the New Order

Second, the Honorable G. Murray Snow issued the Second Supplemental Permanent Injunction/Judgment Order (Doc. 1748) in this case on July 20, 2016. MCSO's CID ("Court Implementation Division", a division specifically created to ensure compliance with court orders) immediately disseminated the Order to the Executive level employees at MCSO. MCSO personnel from several heavily impacted areas such as CID, BIO ("Bureau of Internal Oversight"), Training, PSB ("Professional Standards Bureau"), and Policy Development, as well as Executive Level employees, met and read the Order together, line by line, and developed a preliminary plan to meet deadlines set forth in the Order. MCSO personnel also used that meeting as an opportunity to attempt to forecast what additional resources would be required to achieve compliance with the Order. MCSO wishes to make clear to the reader of this 9th Quarterly Report the unwavering commitment by Sheriff Joseph M. Arpaio, MCSO leadership,

and all MCSO personnel to achieve full and effective compliance with the Second Amended Second Supplemental Injunction/Order as soon as possible. To that end, MCSO informs the Court and the public of some of its accomplishments under the Order to date.

Paragraph 165 Compliance; Review and Revision of Policies, Manuals and Procedures

Paragraph 165 of the Second Amended Second Supplemental Permanent Injunction/Judgment Order (Doc. 1765) requires MCSO to conduct a comprehensive review of all policies, procedures, manuals and other written directives related to misconduct investigations, employee discipline, and grievances, and to provide to the Monitor and Plaintiffs revised policies and procedures that incorporate all the requirements of the Order within thirty (30) days of the date of the Order. After conducting a comprehensive review pursuant to the Order, MCSO revised thirty-five (35) policies, procedures and manuals, and produced them to the Monitor and the plaintiffs over three dates on and before the thirty day deadline. Please see Defendant Joseph M. Arpaio's Notice of Compliance with Paragraph 165 of the Second Amended Second Supplemental (Doc. 1797) attached as Exhibit 3.

Paragraph 273 Summary Approved; Paragraph 273 Training Underway

The Court's recent Order also required MCSO to brief and present terms of the Order, along with relevant background information about the Court's May 13, 2016 Findings of Fact (Doc. 1677), to all MCSO employees within sixty (60) days of the Order. The Monitor approved the summary that MCSO created to accomplish the additional training pursuant to paragraph 273. Please see the email exchange in which the Monitor approved the training document proposed by MCSO attached as Exhibit 4. As of September 9, 2016, over 2,600 of MCSO employees have completed "paragraph 273 training".

Again, MCSO provides the above information despite the confines of the reporting procedure. By doing so, it hopes that the Court and the public will realize not only the delay in reporting of MCSO's compliance efforts and accomplishments throughout this compliance process, but of MCSO's sustained, sincere effort to achieve full and effective compliance with the Court's Orders.

Melendres Court Order Compliance Chart

The *Melendres* Court Order Compliance Chart (Appendix A) was developed from information provided in the Monitor's 8th Quarterly Report (covering the reporting period of January 1, 2016 – March 31, 2015). According to the Monitor's 8th Quarterly Report, the Monitor will evaluate MCSO on 89 paragraphs for compliance. The Monitor will assess these paragraphs 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".

According to the Monitor's 8th Quarterly Report, MCSO is in compliance with forty-seven (47) of the seventy-five (75) paragraphs assessed for Phase 1 compliance and with thirty-six (36) of the eighty-nine (89) paragraphs assessed for Phase 2 Compliance. Fourteen (14) paragraphs are not applicable to Phase 1 compliance as they do not require a corresponding policy or procedure.

Please see Appendix A.

Section 2: Implementation Division & Internal Agency-Wide Assessment

General Comments regarding Court Implementation Division (CID)

MCSO took major steps to implement Section III of the Court Order. In October 2013, MCSO formed a division titled the Court Compliance and Implementation Division consistent with paragraph 9. In February 2015, MCSO changed the name of this division to the Court Implementation Division (CID). Captain Fred Aldorasi assumed command in September 2015. The CID is comprised of eleven (11) MCSO personnel with interdisciplinary backgrounds and various ranks: 1 lieutenant, 4 sergeants, 2 deputies, 1 management assistant (vacant), and 1 administrative assistant. CID is currently in the process of hiring for the management assistant position, which was left vacant when CID's Management Analyst was promoted. As Captain of CID, Captain Aldorasi functions as the single point of contact with the Court and the Monitor. Along with his CID staff, Captain Aldorasi coordinates visits and other activities with each of the parties, as the Court Order requires.

Document Production

The CID is responsible for facilitating data collection and document production. During the subject three month period of this report, CID responded to 11 (eleven) document requests. (See Table #1.). Additional document production is underway as part of CID's efforts to assist the Monitor and the Monitor Team's quarterly review. 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 Order, CID through MCSO counsel, produced over 58,000 pages of documents during the three month period of April 1, 2016 to June 30, 2016.

The CID enjoys and will continue to enjoy a positive working relationship with the Monitor. CID is committed to its vital role in the reform process and reaching MCSO Command Staff's directive and sincere goal to be in full and effective compliance.

Table #1	
Monitor Production Requests	
Title	General Description
04/04/2016 Quarterly Request (9 Requests)	Quarterly Document Request: 01/01/2016 thru 03/31/2016
March Monthly Request (Approx. 87 Requests)	Monitor's Monthly Production Request
04/18/2016 Site Visit Request (49 Requests)	Document Request following the April Site Visit
April Monthly Request (Approx. 87 Requests)	Monitor's Monthly Production Request
May Monthly Request (Approx. 87 Requests)	Monitor's Monthly Production Request

05/01/2016 Misc. EIS Information Request	Dr. Carnevale Request for EIS Data Information
05/03/2016 Misc. Request	Monitor's Request for information on sale of weapons
05/18/2016 Misc. Request	Paragraph 31 Misc. Skills Manager document request
05/19/2016 Miscellaneous Request	Response to memorandum from Chief Martinez dated 05/06/2016
05/20/2016 Miscellaneous Request	Document Request from Chief Kiyler related to Tip# 8282
05/24/2016 Miscellaneous Request	MCSO Advising Monitor of Command Level Promotions/Transfers

The 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 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 law firm of Jones, Skelton & Hochuli, P.L.C. and the Maricopa County Attorney's Office. Before its recent addition to the compliance phase, Jones, Skelton & Hochuli, P.L.C. was solely involved in the litigation aspect of this lawsuit. MCSO welcomes the Jones, Skelton & Hochuli's overall assistance with its compliance efforts. The shared effort and allocation of compliance assignments are set forth in Table #2 immediately below.

Table #2	
MCSO Unit Assignments for Court Order	
Section	Unit Name
III. MCSO Implementation Unit and Internal Agency-Wide Assessment	<ul style="list-style-type: none"> • Court Implementation Division • Jones, Skelton, & Hochuli, P.L.C.
IV. Monitor Review Process	<ul style="list-style-type: none"> • Court Implementation Division • Jones, Skelton, & Hochuli, P.L.C.
V. Policies and Procedures	<ul style="list-style-type: none"> • Court Implementation Division • Human Resources Bureau, Compliance Division - Policy Section • Maricopa County Attorney's Office • Jones, Skelton, & Hochuli, P.L.C.
VI. Pre-Planned Operations	<ul style="list-style-type: none"> • Court Implementation Division • Compliance Division – Policy Section • Detective and Investigations Bureau
VII. Training	<ul style="list-style-type: none"> • Court Implementation Division • Maricopa County Attorney's Office • Jones, Skelton, & Hochuli, P.L.C. • Training Division

VIII. Traffic Stop Documentation and Data Collection and Review	<ul style="list-style-type: none"> • Court Implementation Division • Bureau of Internal Oversight/Early Intervention Unit
IX. Early Identification System (EIS)	<ul style="list-style-type: none"> • Court Implementation Division • Bureau of Internal Oversight/Early Intervention Unit
X. Supervision and Evaluation of Officer Performance	<ul style="list-style-type: none"> • Court Implementation Division • Command Staff • Human Resources Bureau, Compliance Division and Personnel Services Division • Bureau of Internal Oversight/Early Intervention Unit • Enforcement Bureau • Maricopa County Attorney's Office • Training Division
XI. Misconduct and Complaints	<ul style="list-style-type: none"> • Court Implementation Division • Command Staff • Professional Standards Bureau • Supervisors in each unit
XII. Community Engagement	<ul style="list-style-type: none"> • Court Implementation Division • Community Outreach Division

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

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 9.

During this Quarter, MCSO experienced a change in legal representation. With that change MCSO began delivering documents via a different and more secure electronic platform named ShareFile. As some of the documents produced contain personal, identifiable, and sensitive information, ShareFile continues to allow secure, simultaneous document production to the Monitor and parties. In addition to being more secure than the previous document sharing vehicle, ShareFile allows the Monitor Team and the parties to access produced documents

without restriction. As expected with any change of procedure, the parties had to adjust to the use of ShareFile; however, the adjustment period was a short one. With ShareFile's increased upload and download speeds and increased document access, the Monitor and Parties the parties have given ShareFile positive reviews as a document delivery platform. The introduction of ShareFile has facilitated the exchange of documents and, thus, increased the speed of the compliance process. CID constantly reviews its processes in an attempt to provide the fastest delivery of documents possible. CID will continue to work diligently to remain in compliance with this paragraph and will strive to maintain a positive and cooperative working relationship with the Monitor and parties.

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

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 10.

As explained above in response to Paragraph 9, MCSO continually strives to improve and streamline the document production process to be responsive to Monitor Requests.

Paragraph 11. *Beginning with the Monitor's first quarterly report, the Defendants, working with the unit assigned for implementation of the Order, shall file with the Court, with a copy to the Monitor and Plaintiffs, a status report no later than 30 days before the Monitor's quarterly report is due. The Defendants' report shall (i) delineate the steps taken by the Defendants during the reporting period to implement this Order; (ii) delineate the Defendants' plans to correct any problems; and (iii) include responses to any concerns raised in the Monitor's previous quarterly report.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 11.

MCSO will continue to file quarterly reports in a timely manner.

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

relations. The first assessment shall be conducted within 180 days of the Effective Date. Results of each assessment shall be provided to the Court, the Monitor, and Plaintiffs' representatives.

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 12.

MCSO will continue to file the annual comprehensive assessment as required by Paragraph 12 and 13 in a timely manner.

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

MCSO is in Phase 1 and Phase 2 compliance with Paragraphs 12 and 13. CID will continue to file the annual comprehensive assessment as required by Paragraph 12 and 13.

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, United States, and Arizona law, MCSO continually reviews its Office Policies and Procedures. MCSO is committed to ensuring equal protection and bias-free policing. To ensure compliance with the Court Order, MCSO continues to comprehensively review all Patrol Operations Policies and Procedures, consistent with the Court Order, paragraph 19.

MCSO published one policy relevant to the Court Order during this reporting period, Office Policy EA-11, *Arrest Procedures*.

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

MCSO Policy Section is working on the following drafts:

- CP-2, *Code of Conduct*
- CP-3, *Workplace Professionalism*
- CP-5, *Truthfulness*
- CP-11, *Anti-Retaliation*
- EA-3, *Field Interviews*
- EB-2, *Traffic Stop Data Collection*
- ED-2, *Covert Operations*
- GA-1, *Development of Written Orders*
- GB-2, *Command Responsibility*
- GC-7, *Transfer of Personnel*
- GC-13, *Awards* – received Monitor comments 06/23/16
- GE-3, *Property Management* – received Monitor comments 06/29/16
- GG-1, *Peace Officer Training Administration* – received Monitor comments 06/06/16
- GH-5, *Early Identification System*
- GJ-3, *Search and Seizure*
- GJ-4, *Evidence Control* – received Monitor comments 06/29/16
- GJ-26, *Sheriff's Reserve Deputy Program*
- GJ-27, *Sheriff's Posse Program*
- GJ-35, *Body-Worn Cameras*
- GJ-36, *Use of Digital Recording Devices*
- GN-1, *Criminal Intelligence Operations*

Policies pending legal review:

(None)

Policies submitted to the Monitors for review:

- EA-5, *Enforcement Communications*
- EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*
- EB-7, *Traffic Control and Services*
- GC-17, *Employee Discipline Procedures*
- GF-1, *Criminal Justice Data Systems*
- GF-3, *Criminal History Record Information and Public Records*
- GF-5, *Incident Report Guidelines*
- GH-2, *Internal Investigations*
- GH-4, *Bureau of Internal Oversight*
- GI-7, *Bias Free Tips and Information Processing*
- GJ-33, *Significant Operations*
- GJ-35, *Body-Worn Cameras*
- GM-1, *Electronic Communications and Voicemail*

Policies pending publication:

- GC-4, *Employee Performance Appraisals*

To quickly implement the Court's directives, MCSO disseminated two *Briefing Boards* and six Administrative Broadcast that referenced court order related topics during this reporting period¹. The published *Briefing Boards* and Administrative Broadcasts are listed in the following table:

Table #3		
MCSO Briefing Boards/Administrative Broadcasts		
B.B. /A.B. #	Subject	Date Issued
BB 16-17	Addendum to Policy GJ-35, <i>Body-Word Cameras</i>	04-14-16
AB 16-37	TraCS Update	04-14-16
AB 16-42	EIS Alerts	05-05-16
AB 16-49	Daily Activity Patrol Logs	05-18-16
AB 16-53	Supervisory Review of Patrol Logs	05-27-16
AB 16-56	TraCS Processes Update	06-02-16
BB 16-22	Policy Publication - EA-11, <i>Arrest Procedures</i>	06-14-16
AB 16-62	TraCS Auto-Populate Update	06-29-16

MCSO *Briefing Board* 16-17, published on April 14, 2016, announced an addendum to Office Policy GJ-35, *Body-Worn Cameras*.

¹ *Briefing Boards* have the full effect of an Office Policy. MCSO Administrative Broadcasts provide written directives and information to employees on material other than Policy.

MCSO *Briefing Board* 16-22, published June 14, 2016, announced a revised policy publication for Court Order a related policy. *The Briefing Board* announced the publication of Office Policy EA-11, *Arrest Procedures*.

MCSO Administrative Broadcast 16-37, published on April 14, 2016, announced an update to the TraCS system.

MCSO Administrative Broadcast 16-42, published on May 5, 2016, announced an update to the EIS Alerts.

MCSO Administrative Broadcast 16-49, published on May 18, 2016, announced the Daily Activity Patrol Logs.

MCSO Administrative Broadcast 16-53, published on May 27, 2016, announced the Supervisory Review of the Patrol Logs.

MCSO Administrative Broadcast 16-56, published on June 2, 2016, announced an update to the TraCS processes.

MCSO Administrative Broadcast 16-04, published on June 29, 2016, announced an update to the TraCS Auto-Populating.

Consistent with the Court 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. MCSO utilizes the system to distribute and require attestation of all *Briefing Boards* and published policies. E-Policy memorializes and tracks employee compliance with the required reading of MCSO Policy and Procedures, acknowledging an understanding of them, and expressing an agreement to abide by the requirements of the policies and procedures. MCSO makes available the Critical, Detention, Enforcement, and General Policies via E-Policy as a resource for all MCSO personnel.

During this reporting period, MCSO utilized the E-Policy system to distribute and obtain attestation of 15 policies, including one policy related to the Court Order (Policies EA-11, *Arrest Procedures*).

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 Compliance with Paragraph 19.

In furtherance of its goal to achieve full and effective compliance with the Court's Order, MCSO requested a list from the Monitor of what policies should be considered "Patrol Operations Policies" to assist with developing a plan to gain full compliance with this paragraph. MCSO thanks the Monitor for providing a list of what policies are to be considered "Patrol Operations Policies" during the July 2016 Monitor Site Visit. The Monitor Team

instructed MCSO to review all policies on the provided list and determine what policies reflect the Court's Permanent Injunction Order and what policies would need to be opened and updated. The Monitor team stated that if MCSO completed this task prior to September 01, 2016, MCSO would receive Phase 2 Compliance. MCSO completed this task and sent the Monitor documentation of its review of the patrol related policies on August 19, 2016, twelve (12) days early. Since then, MCSO has responded to the Monitor's September 2, 2016 request for additional information on September 8, 2106.

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 was deferred due to the implementation of related policies being rated by the Monitor in other paragraphs.

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 compliance with Paragraph 22.

Based on consultation with the Monitor Team, MCSO will reach Phase 2 compliance by using monthly supervisor note inspections, facility and vehicle inspections, email and CAD inspections, and quarterly bias free reinforcement inspections to demonstrate MCSO leadership unequivocally and consistently reinforces to subordinates that discriminatory policing is unacceptable.

To this end, during the subject reporting quarter, MCSO's Bureau of Internal Oversight (BIO) completed the following inspections:

Quarterly Bias Free Reinforcement:

In the second quarter of 2016, BIO, for the first time, implemented a quarterly inspection of Bias Free Reinforcement for Detention and Sworn personnel. BIO inspects the Blue Team notes for a random sample of employees to verify that Bias Free Policing Reinforcement has occurred within the quarter.

The second quarter of 2016 sworn inspection was 100% in compliance. The detention inspection was 79% in compliance.

CAD Messaging/Alpha Paging System Inspection:

BIO inspected random 10-day monthly samples for all messaging entries. The inspection complies with MCSO Policies CP-2, *Code of Conduct*, CP-3, *Work Place Professionalism*, and GM-1, *Electronic Communications and Voicemail*. This inspection is consistent with the requirements of Paragraph 23 of the Court Order.

This inspection had an overall compliance rate for the Quarter of 99.66%. The monthly compliance rates were 100% in April 2016, 99% in May 2016 and 100% in June 2016.

Employee Email Inspection:

BIO inspected a random sample of all MCSO employees' email accounts from the previous month. The inspection complies with MCSO Policies GM-1, *Electronic Communications and Voicemail* and CP-2, *Code of Conduct*; and is consistent with requirements of Paragraph 23 of the Court Order.

The employee email compliance rates were 99% for April, 99% in May and 100% in June. The overall compliance rate for the second quarter of 2016 was 99.33%. The inspection rates for e-mails have remained consistently high.

Supervisory Notes Inspection:

BIO conducted a random sampling of all Blue Team supervisory note entries from the prior month. The inspection complies with MCSO Policy GB-2, *Command Responsibility*; and is consistent with the requirements of Paragraphs 85, 87, 92, 95, and 99 of the Court Order.

Supervisory Notes-Detention:

The compliance rates were 96% for April, 100% in May, and 92% in June. The overall compliance rate for the second quarter of 2016 was 96% with an increase of 8.34% from the first quarter of 2016.

Supervisory Notes-Civilian:

The compliance rates were 94% for April, 97% in May; and 91% in June. The overall compliance rate for the second quarter of 2016 was 94% with an increase of 3.4% from the first quarter of 2016.

Supervisory Note-Sworn (Patrol):

The compliance rates were 93% for April, 97% in May; and 91% in June. The overall

compliance rate for the second quarter of 2016 was 93.66% with an increase of 12.66% from the first quarter of 2016.

District Operations Inspection:

BIO Chief Bill Knight identified 1 or 2 districts/divisions for uniform inspections using a matrix of random facility employees. District/Division operations were inspected at the District 3 Patrol Division.

During the second quarter of 2016, there were transfers in the Audits and Inspections Unit (AIU) that limited this inspection to one for the quarter. For the month of June, at District-3 the compliance rate was 98%. In this inspection there was no evidence that MCSO was using Maricopa County property or equipment in any way that discriminates against or denigrates anyone.

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 remains in Phase 1 and Phase 2 compliance with Paragraph 23. MCSO continues to provide the Monitor with all relative information to enable the Monitor to continue to assess compliance with Paragraph 23.

During this quarter MCSO's Bureau of Internal Oversight (BIO) completed the following inspections related to Paragraph 23:

CAD Messaging/Alpha Paging System Inspection:

BIO inspected random 10-day monthly samples for all messaging entries. The inspection complies with MCSO Policies CP-2, *Code of Conduct*, CP-3, *Work Place Professionalism*, and GM-1, *Electronic Communications and Voicemail*; and is consistent with the requirements of the Court's Order, Paragraph 23.

This inspection had an overall compliance rate for the Quarter of 99.66%. The monthly compliance rates were 100% in April 2016, 99% in May and 100% in June 2016.

Employee Email Inspection:

BIO inspected a random sample of all MCSO employees' email accounts from the previous month. The inspection complies with MCSO Policies GM-1, *Electronic Communications and Voicemail* and CP-2, *Code of Conduct*; and is consistent with the requirements of the Court's Order, Paragraph 23.

The employee email compliance rates were 99% for April, 99% in May and 100% in June. The overall compliance rate for the second quarter of 2016 was 99.33%.

District Operations Inspection:

BIO Chief Bill Knight identified 1 or 2 districts/divisions for uniform inspections using a matrix of random facility employees. District/Division operations were inspected at the District 3 Patrol Division.

During the second quarter of 2016, there were transfers in AIU that limited this inspection to one for the quarter. For the month of June, at District-3 the compliance rate was 98%. The

inspection did not reveal any evidence that MCSO was using Maricopa County property or equipment in any way that discriminates against or denigrates anyone.

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.*

The Monitors have stated that MCSO is not in Phase 1 or Phase 2 compliance with this paragraph. MCSO vehemently disagrees with the Monitor's assessment in this regard. 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.

Apparently, the Monitor's basis for determining that MCSO is not in compliance with this paragraph is that MCSO was not employing a consistent methodology or tracking system for its tip-lines or other community complaints of potential criminal activity and MCSO does not have a policy that governs the use of tip lines/hotlines. To address the Monitor's concern, MCSO created a new unit called the Sheriff's Intelligence Leads and Operations (SILO) whose sole purpose will be to receive tips/information and vet the information appropriately and consistently and within compliance of the Order. MCSO has hired personnel to staff SILO. MCSO provided the Monitor with the first draft of Policy GI-7 (Bias Free Tips and Information Processing) on July 01, 2016. MCSO received comments back from the Monitor on August 18, 2016 and is currently addressing the comments in the second draft of GI-7 which will be re-submitted as soon as possible.

In addition, CID provides the Monitor with information on tip-line/hotlines on a monthly basis to enable the Monitor and the Monitor Team to assess MCSO's compliance with Paragraph 24. In the Monitor's 8th Quarterly Report, the Monitor documented the information that MCSO provided; the Monitor also indicated that the Monitor found no information or request for law enforcement action that appeared to be based on race or ethnicity with the exception of one drug line complaint. The monitor confirmed with MCSO that MCSO was only addressing the narcotics portion of the complaint. Accordingly, it appears that the Monitor's own assessment indicates that MCSO is in compliance with Paragraph 24.

In addition, MCSO Policy CP-8, Preventing Racial and Other Biased-Based Profiling specifically addresses Paragraph 24 with the following language:

Reliability of Information: *Deputies 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 deputy. Such independent corroboration shall be documented in writing, and reliance on the information shall be consistent with all Office policies.*

- A. ***Consideration of Group Traits in Law Enforcement Decisions:*** *Racial and biased-based profiling is strictly prohibited. Race, ethnicity, national origin, and other group traits shall not be considered as factors in deciding law enforcement actions unless those characteristics are part of a description received of a specific suspect, perpetrator, or witness for whom a deputy is then searching.*
1. *Laws shall not be selectively enforced, or not enforced, based on race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or national origin.*
 2. *Deputies are prohibited from selecting or rejecting particular policing tactics, strategies, or locations based to any degree on race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or national origin.*
 3. *Deputies are prohibited from relying on a suspect's speaking Spanish, 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, is committing, or is about to commit any crime; or reasonable suspicion to believe that an individual is in the country without authorization.*

Accordingly, MCSO requests that the Monitor reconsider its position that MCSO is not in compliance with Paragraph 24.

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;*
- i. *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*
- j. *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. MCSO will continue to provide the Monitor with monthly traffic stop data and any other requested documentation so that the Monitor can continue to assess MCSO's compliance with Paragraph 25.

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

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

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 26. MCSO provides the Monitor with monthly traffic stop data and any other requested documentation so that the Monitor can continue to assess MCSO compliance with Paragraph 26.

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 provides any documentation that the Monitor requests to enable the Monitor to assess MCSO's compliance with Paragraph 27.

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 check 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 provides the Monitor with monthly documentation related to Paragraph 28, and will provide the Monitor with any documentation he requests to enable the Monitor to assess MCSO's continued compliance with Paragraph 28.

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

MCSO remains in Phase 2 compliance with Paragraph 29 (Phase 1 is not applicable). MCSO will provide any documentation that the Monitor requests to enable him to assess MCSO's continued compliance with Paragraph 29.

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 to Paragraph 30. MCSO remains in Phase 2 compliance. MCSO will provide any documentation requested by the Monitor to enable the Monitor to assess MCSO's continued compliance with Paragraph 30.

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 compliance with Paragraph 31. Phase 2 compliance was deferred. MCSO provides monthly documentation related to this paragraph and will provide any documentation that the Monitor requests to enable the Monitor to assess MCSO's continued compliance with Paragraph 31.

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 8th Quarterly Report, MCSO is not in Phase 2 compliance with Paragraph 32. However, MCSO is endeavoring to achieve Phase 2 compliance. To that end, MCSO accomplished the following during the subject reporting period.

During the second quarter of 2016, one PSB Detention Lieutenant was promoted to Captain and remained in the Professional Standards Bureau to assist with oversight of administrative investigations occurring within the detention facilities. The Detention Captain is detective certified, received his IA certification, is a Reid School graduate, and has received his Jail Management Certification in 2016.

Ten investigators (four sworn sergeants, two detectives, one detention sergeant, and three detention lieutenants) were temporarily assigned to the Professional Standards Bureau to assist in reducing the bureau caseload. After two months of assistance, most of the temporarily assigned investigators returned to their full time duty assignments; however, the PSB permanently kept three sworn sergeants and one detention sergeant to increase the size of the bureau. The increase in the size of the bureau will aid in the completion of investigations within the 180 day time frame, pursuant to MCSO Policy GH-2, Internal Investigations and Arizona Revised Statutes.

Also during this reporting period, the PSB continued to focus on the training and development of the members of the PSB.

In order to enhance the investigative abilities and performance of PSB investigators, to assist the investigators' accountability for conducting quality investigations, and to ensure that MCSO continues to conduct quality administrative investigations, MCSO now requires all PSB personnel to obtain their detective certification. Two detention sergeants; and five detention lieutenants, who conduct administrative investigations in the jail facilities, are in the process of obtaining their certifications.

Additionally, three members of PSB attended the Public Agency Training Council's Internal Affairs 2.5 day course. This conference provided PSB personnel with an enhanced understanding of various elements of the professional standards system, including investigative control measures, proactive administrative enforcement, and training in administrative interviews, issues concerning Garrity, Brady/Giglio, and civil litigation.

Lastly, four members of PSB attended the Reid Interview and Interrogation training class this quarter.

To assure that MCSO's actions comply with the Court Order and the high standards the Office expects, MCSO took a multiple-step approach to address misconduct and complaints.

First, PSB took a proactive approach and continued 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. The PSB also provided feedback regarding the efficiency and thoroughness with which the divisions undertake and complete administrative investigations. Lastly, the PSB reviewed division cases for quality control prior to final submission to the appointing authority for final findings.

A sworn lieutenant was permanently assigned to PSB to act as a liaison with the other divisions; and tasked with the primary responsibility of reviewing all division level cases for thoroughness and accuracy. A secondary responsibility of this lieutenant is the oversight and investigation of critical incident investigations.

Second, although MCSO revised, disseminated, and delivered during the Court Order-related training (4th Quarter 2014), Policy GH-2, Internal Investigations, the PSB worked with the Policy Section to revise Office Policy GH-2, to include the investigative process, direct guidance in conducting a preliminary inquiry, and a clear definition of "procedural complaints." The PSB submitted the policy to the Monitor for review and comments in June 2016. Although outside of this reporting period, the Second Amended Second Supplemental Injunction/Judgement Order was filed in July 2016, and the PSB again revised GH-2, Internal Investigations, in addition to the PSB Operations Manual, to incorporate additional compliance elements listed in the Second Court Order. These drafts were submitted to the Monitor for review and comment in August 2016.

To ensure quality and efficiency, the PSB created an Administrative Investigation Checklist to ensure that investigators complete all required tasks during an administrative investigation, and revised administrative investigative forms to ensure consistent investigative reporting. The Monitor reviewed and approved the checklist and associated forms, and the PSB began utilizing them during the last reporting period. The PSB developed a training curriculum for the implementation of these forms; and PSB disseminated the checklist and investigative template to the division level, along with instruction on how to use them. As of June 2016, all sworn supervisors, ranked sergeant and above, received training and are required to utilize the MCSO Administrative Investigations Process Checklist and standardized forms.

The PSB also conducted an inventory of all administrative and criminal investigations, created a tracking mechanism to systemize data collection, and improved quality assurance capabilities for a more effective response to the Monitor and the Court Implementation Division. In addition, PSB also generated new reporting formats for the Monitor's monthly document requests. Once

the administrative and criminal investigation inventory was complete, PSB began an inventory of all critical incident investigations conducted since 2010. PSB completed the critical incident investigation inventory and noted areas in which improvement was needed. Subsequently, PSB began the process of revising its critical incident operations manual to become consistent with industry standards.

Consistent with the Court's Order, Paragraph 32, requiring that all patrol operations personnel report violations of policy, PSB received 65 complaints from patrol personnel during this reporting period.

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 compliance with Paragraph 33. MCSO is not in Phase 2 Compliance.

The MCSO's Professional Standards Bureau will continue to work with the Monitor to identify steps that need to be taken to gain compliance with this paragraph.

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

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 34. MCSO will provide any documentation that the Monitor requests to enable the Monitor to assess MCSO's continued 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.

***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 will provide any documentation that the Monitor requests to enable the Monitor to assess MCSO's continued compliance with Paragraph 35.*

***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 provides monthly documentation to the Monitor regarding Paragraph 36 and will provide any additional documentation that the Monitor requests to enable the Monitor to assess MCSO's continued compliance with Paragraph 36.*

***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 provides monthly documentation to the Monitor regarding Paragraph 37 and will provide any additional documentation that the Monitor requests to enable the Monitor to assess MCSO's continued compliance with Paragraph 37.*

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 10 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 provides monthly documentation to the Monitor regarding Paragraph 38 and will provide any additional documentation that the Monitor requests to enable the Monitor to assess MCSO's continued compliance with Paragraph 38.

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 provides monthly documentation to the Monitor regarding Paragraph 40 and will provide any additional documentation that the Monitor requests to enable the Monitor to assess MCSO's continued compliance with Paragraph 40.

Section 5: Training

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.

The Monitor rates MCSO in non-compliance with Phase 1 and Phase 2 of this paragraph. MCSO made certain that this paragraph's requirements were followed when selecting instructors for the Court Ordered Required 4th and 14th Amendment Training along with the Bias-Free Policing Training.

In the Monitor's 8th Quarterly Report, the Monitor expressed a concern that, *"It (MCSO Training) also adopted a limited seven-step "Training Cycle." We expressed a concern with the limited, partial application of this methodology to only the Bias-Free Policing Training; Detentions, Arrests, and Immigration-Related Law Enforcement Training; and Court Order-related Supervisory Training. We believe the application of the Training Cycle to non-Order-related training should not be discretionary; a discretionary application of best practice methodology will undermine the training reform effort."* MCSO appreciates the Monitor's feedback and will apply the seven-step training cycle to all training as recommended.

In relation to Policy GG-1 (Peace Officer Training Administration), the Monitor's 8th Quarterly Report noted this policy had not been approved during this quarter, but the Monitor did review two different versions of the policy. The Monitor recommended that MCSO prioritize the finalization of this policy. The finalization of Policy GG-1 and GG-2 are high on the priority list for MCSO, as a 5% increase in Phase 1 Compliance is anticipated once the policies are published.

Prior to the Court Order, MCSO had one Training policy for continuing training (GG-2 Training Administration). After the Order was issued, MCSO split the continuing training policy into two separate policies. Policy, GG-1, Peace Officer Training Administration, was created to provide guidelines and administrative procedures for sworn training and all Court Ordered Training. Policy GG-2 Training Administration was created to provide guidelines and administrative procedures for all other training for civilian and detention employees.

In MCSO's 8th Quarterly Report, MCSO disagreed with the Monitor's assessment that GG-2 must be reviewed and approved by the Monitor to gain compliance with this paragraph. The Monitor responded in the 8th Quarterly Report by stating, *"A review of GG-2 is required to ensure that organizationally training development and delivery, instructor selection and retention, and documentation of training are consistent and standardized."* MCSO agrees that GG-2 requires approval from the Monitor and Parties especially when considering the Training requirements of the Second Amended Second Supplemental Permanent Injunction. MCSO produced Policy GG-2 to the Monitor and parties on August 19, 2016.

Policy GG-1, Peace Officer Training Administration, was provided to the Monitor on

September 11, 2015. This version of the GG-1 was returned with Monitor comments. MCSO submitted a new version of GG-1 on January 22, 2016 in which the previous comments were addressed. The Monitor returned this version of GG-1 to MCSO with additional, different comments on February 26, 2016. MCSO then received further direction from the Monitor on this policy on March 1, 2016. MCSO subsequently sent a third version of GG-1 to the Monitor on April 28, 2016. The Monitor returned this version of GG-1 to MCSO with comments from the Monitor and Parties on June 06, 2016. MCSO revised GG-1 to address comments and was preparing to re-submit it to the Monitor when the Second Supplemental Permanent Injunction was issued on July 20, 2016. MCSO did not submit GG-1 due to the fact if needed to be updated to reflect the requirements of the Second Supplemental Permanent Injunction. MCSO produced this version of GG-1 to the Monitor and parties on August 19, 2016.

The Monitor's 8th Quarterly Report stated, "*The Training Division Operations Manual was not reviewed during this reporting period. During our February site visit, the Director of Training informed us that on January 26, 2016, he had signed a revised version of this operations manual. This revelation was troubling. Defense counsel advised that she had no prior knowledge of the document. We reinforced with the Director of Training and Defense counsel that this operations manual, as directed by Section IV of the Order, must be reviewed for consistency with GG-1.*"

MCSO provided a copy of the Training Division Operations Manual in April 2016. The Monitor and Parties provided comments on the Operations Manual on June 06, 2016. The version the Monitor and Parties utilized to comment was not the same as the PDF version that MCSO produced. It is believed that during the conversion of the document from PDF to Word, the document was changed to include extensive grammatical and formatting errors throughout the document. MCSO made an agreement with the Monitor Team that the substantive comments from this draft would be used to revise the Training Division Operation Manual which would be re-submitted. Part of the agreement was that MCSO would ignore all the comments regarding grammatical and formatting issues that were created by the document conversion process and did not reflect MCSO's work product. MCSO forecasts the new version of the Training Division Operation Manual will be produced in the 3rd Quarter of 2016.

The Monitor's 8th Quarterly Report documented that MCSO had initiated a new class for Field Training Officers (FTOs) without completing a PSB review on the prospective FTOs. This was an oversight by MCSO. Since receiving this direction from the Monitor, MCSO completed PSB reviews on all FTOs and determined that five FTOs were ineligible to continue serving as FTO's. The Training Division is currently in the process of building instructor files for each of the eligible FTOs.

The Monitor's 8th Quarterly Report noted the Training Division did not conduct annual PSB reviews of incumbent instructors during this rating period. MCSO plans to conduct the annual PSB reviews of incumbent instructors during the first quarter of every year.

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.

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 nor Phase 2 compliance with this paragraph.

MCSO understands Phase 1 Compliance is dependent on the finalization and publication of Policy GG-1. Please refer to the Paragraph 42 section of this document for further information on the status of Policy GG-1 (Peace Officer Training Administration). MCSO has provided Policy GG-1 to the Monitor on August 19, 2016.

MCSO believes it currently meets the requirements of Paragraph 43 and asks that it be placed in a deferred status for Phase 2 Compliance. MCSO complies with the Order requirements that Order related training consists of no less than 60% Live Training and no more than 40% online training. All Order related Training has included a testing component. If the Monitor disagrees, MCSO respectfully requests assistance in identifying what additional steps need to be taken to gain Phase 2 Compliance with this Paragraph.

MCSO has read the Monitor comment in the 8th Quarterly Report that indicates, "*MCSO has displayed a propensity for the use of open book tests. Although the methodology has merit, we recommend that MCSO refrain from universal use.*" MCSO is not opposed to administering closed book tests and encourages the Monitor to suggest when a closed book tests should be considered during the curriculum review/approval process.

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

However, MCSO should gain Phase 1 Compliance once Policy GG-1 is approved and published. Please refer to the Paragraph 42 section of this document for further information on the status of Policy GG-1 (Peace Officer Training Administration).

MCSO understands the concerns the Monitor raises in regard to the Master Training Schedule. The responsibility for the Master Training Calendar has been assigned to a command level employee who will address these concerns.

MCSO asks the Monitor to identify what MCSO must take to gain Phase 2 Compliance with this Paragraph, other than adequately maintaining a Master Training Schedule as noted above.

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

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 2 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 works with the Monitor and Parties to develop Court related Training curriculum including what appropriate adult learning methods should be incorporated in specific Training curriculum. All Order related Training is ultimately approved by the Monitor. MCSO contends that it should be in Phase 2 Compliance with this Paragraph. If the Monitor disagrees with this contention, MCSO respectfully requests that the Monitor explain what steps that MCSO must take to achieve Paragraph 45 compliance.

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.*

The Monitor rated MCSO in non-compliance with Paragraph 46.

MCSO acknowledges in the past that it has failed to meet the requirements of this Paragraph while trying to deliver Training as promptly as possible. However, MCSO is unaware of any recent failures and has provided the Monitor with curriculum, materials, and information on proposed instructors for the Training required under the Order.

MCSO contends it should be in Phase 2 Compliance with Paragraph 46. If MCSO is not in Phase 2 Compliance, it respectfully requests that the Monitor identify what steps MCSO must take to achieve compliance.

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.*

In the 8th Quarterly Report, the Monitor rates MCSO in noncompliance with both Phase 1 and Phase 2.

MCSO understands Phase 1 Compliance is dependent on the approval and publishing of Policy GG-1 (Peace Officer Training Administration). Please refer to the Paragraph 42 section of this document for further information on the status of Policy GG-1 (Peace Officer Training Administration). MCSO has provided Policy GG-1 to the Monitor on August 19, 2016.

MCSO Training is currently reviewing and updating the following Order Related lesson plans: TraCS, Body Worn Camera, and the initial 2014 Combined Annual Training. Furthermore, MCSO plans to review and update (if necessary) all lesson plans on an annual basis as required by Policy GG-1, during the first quarter of each year starting in 2017.

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 to Paragraph 48. However, MCSO is in Phase 2 compliance with Paragraph 48.

MCSO was developing the lesson plan for the required 6 hours of Training related to this paragraph for 2016. MCSO, the Monitor, and the Parties conducted a very productive conference call on July 29, 2016 during which they reviewed the 2016 Annual Combined Lesson Plan line by line. While this conference call occurred outside the rating period, it is important to note it took place, was productive, and MCSO anticipates finalizing the lesson plan in the 3rd Quarter of 2016.

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;*
- i. *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;*
- j. *methods and strategies for identifying stereotypes and implicit bias in Deputy decision-making;*
- k. *methods and strategies for ensuring effective policing, including reliance solely on non-discriminatory factors at key decision points;*
- l. *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;*
- n. *problem-oriented policing tactics and other methods for improving public safety and crime prevention through community engagement;*
- o. *the benefits of actively engaging community organizations, including those serving youth and immigrant communities;*
- p. *the MCSO process for investigating Complaints of possible misconduct and the disciplinary consequences for personnel found to have violated MCSO policy;*
- q. *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*
- r. *Instruction on the data collection protocols and reporting requirements of this Order.*

Phase 1 compliance is not applicable to Paragraph 49. However, MCSO is in Phase 2 compliance with Paragraph 49.

MCSO was developing the lesson plan for the required 6 hours of Training related to this paragraph for 2016 during this rating period.

MCSO, the Monitor, and the Parties conducted a very productive conference call on July 29, 2016 during which they reviewed the 2016 Annual Combined Lesson Plan line by line. While this conference call occurred outside the rating period, it is important to note it took place, was productive, and MCSO anticipates finalizing the lesson plan in the 3rd Quarter of 2016.

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 to Paragraph 50. However, MCSO is in Phase 2 compliance with Paragraph 50.

MCSO was developing the lesson plan for the required 4 hours of Training related to this paragraph for 2016 during this rating period.

MCSO, the Monitor, and the Parties conducted a very productive conference call on July 29, 2016 during which they reviewed the 2016 Annual Combined Lesson Plan line by line. While this conference call occurred outside the rating period, it is important to note it took place, was productive, and MCSO anticipates finalizing the lesson plan in the 3rd Quarter of 2016.

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

- a. *an explanation of the difference between various police contacts according to the level of police intrusion and the requisite level of suspicion; the difference between reasonable suspicion and mere speculation; and the difference between voluntary consent and mere acquiescence to police authority;*
- b. *guidance on the facts and circumstances that should be considered in initiating, expanding or terminating an Investigatory Stop or detention;*
- c. *guidance on the circumstances under which an Investigatory Detention can become an arrest requiring probable cause;*
- d. *constitutional and other legal requirements related to stops, detentions and arrests, and the enforcement of Immigration-Related Laws, including the requirements of this Order;*
- e. *MCSO policies related to stops, detentions and arrests, and the enforcement of Immigration-Related Laws, and the extent to which past instructions to personnel on these topics were incorrect, a correction of any misconceptions about the law or EMCSO policies;*
- f. *the circumstances under which a passenger may be questioned or asked for identification;*
- g. *the forms of identification that will be deemed acceptable if a driver or passenger (in circumstances where identification is required of them) is unable to present an*

Arizona driver's license;

- h. the circumstances under which an officer may initiate a vehicle stop in order to investigate a load vehicle;*
- i. the circumstances under which a Deputy may question any individual as to his/her alienage or immigration status, investigate an individual's identity or search the individual in order to develop evidence of unlawful status, contact ICE/CBP, await a response from ICE/CBP and/or deliver an individual to ICE/CBP custody;*
- j. a discussion of the factors that may properly be considered in establishing reasonable suspicion or probable cause to believe that a vehicle or an individual is involved in an immigration-related state crime, such as a violation of the Arizona Human Smuggling Statute, as drawn from legal precedent and updated as necessary; the factors shall not include actual or apparent race or ethnicity, speaking Spanish, speaking English with an accent, or appearance as a Hispanic day laborer;*
- k. a discussion of the factors that may properly be considered in establishing reasonable suspicion or probable cause that an individual is in the country unlawfully, as drawn from legal precedent and updated as necessary; the factors shall not include actual or apparent race or ethnicity, speaking Spanish, speaking English with an accent, or appearance as a day laborer;*
- l. an emphasis on the rule that use of race or ethnicity to any degree, except in the case of a reliable, specific suspect description, is prohibited;*
- m. the MCSO process for investigating Complaints of possible misconduct and the disciplinary consequences for personnel found to have violated MCSO policy;*
- n. provide all trainees a copy of the Court's May 24, 2013 Findings of Fact and Conclusions of Law in Melendres v. Arpaio and this Order, as well as a summary and explanation of the same that is drafted by counsel for Plaintiffs or Defendants and reviewed by the Monitor or the Court; and*
- o. Instruction on the data collection protocols and reporting requirements of this Order, particularly reporting requirements for any contact with ICE/CBP.*

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

MCSO was developing the lesson plan for the required 6 hours of Training related to this paragraph for 2016 during this rating period.

MCSO, the Monitor, and the Parties conducted a very productive conference call on July 29, 2016 during which they reviewed the 2016 Annual Combined Lesson Plan line by line. While this conference call occurred outside the rating period, it is important to note it took place, was

productive, and MCSO anticipates finalizing the lesson plan in the 3rd Quarter of 2016.

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 to Paragraph 52. MCSO is not in Phase 2 compliance with Paragraph 52.

The most recent lesson plan for the Supervisor Responsibilities: Effective Law Enforcement Training course was sent to the Monitor on May 19, 2016. The Monitor observed and gave MCSO valuable feedback regarding the train the trainer which occurred on June 01, 2016 and June 02, 2016. The Monitor then gave MCSO the final approval on the lesson plan on June 07, 2016. MCSO began delivering the Supervisor Responsibilities: Effective Law Enforcement Training course on June 13, 2016 and delivered the concluding course on July 15, 2016. During that time period, MCSO delivered the Training to all sworn supervisors, with the exception of three supervisors. Two of the three supervisors that did not attend are retiring by the end of 2016. The one remaining supervisor who did not attend was sick and was scheduled for the last offering of the course. MCSO anticipates delivering additional courses of the Supervisor Responsibilities: Effective Law Enforcement Training when new sergeants are promoted as a result of the Second Amended Second Supplemental Permanent Injunction. MCSO will make certain the supervisor who was unable to attend the original offering of the course due to an illness is scheduled to attend one of the future offerings of this very important course.

MCSO understands that the Supervisor Responsibilities: Effective Law Enforcement Training lesson plan did not incorporate the requirements of paragraph 53, subparagraph “I” or subparagraph “H”. These subparagraphs address how supervisors should respond to the scene of a traffic stop for a complaint and how the supervisor should respond to and investigate allegations of deputy misconduct. These topics will be covered in detail in the stand alone PSB/IA training.

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;*
- d. *evaluation of written reports, including how to identify conclusory, “canned,” or perfunctory language that is not supported by specific facts;*
- e. *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;*
- f. *how to plan significant operations and patrols to ensure that they are race-neutral and how to supervise Deputies engaged in such operations;*
- g. *incorporating integrity-related data into COMSTAT reporting;*
- h. *how to respond to calls from Deputies requesting permission to proceed with an investigation of an individual’s immigration status, including contacting ICE/CBP;*
- i. *how to respond to the scene of a traffic stop when a civilian would like to make a complaint against a Deputy;*
- j. *how to respond to and investigate allegations of Deputy misconduct generally;*
- k. *evaluating Deputy performance as part of the regular employee performance evaluation; and*
- l. *building community partnerships and guiding Deputies to do the Training for Personnel Conducting Misconduct Investigations.*

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

The most recent lesson plan for the Supervisor Responsibilities: Effective Law Enforcement Training course was sent to the Monitor on May 19, 2016. The Monitor observed and gave MCSO valuable feedback regarding the “train the trainer” which occurred on June 01, 2016 and June 02, 2016. The Monitor then gave MCSO the final approval on the lesson plan on June 07, 2016. MCSO began delivering the Supervisor Responsibilities: Effective Law Enforcement Training course on June 13, 2016 and delivered the concluding course on July 15, 2016. During that time period, MCSO delivered the Training to all sworn supervisors with the exception of three supervisors. Two of the three supervisors that did not attend are retiring by the end of 2016. The one remaining supervisor who did not attend was sick and was scheduled for the last offering of the course. MCSO anticipates delivering additional courses of the Supervisor Responsibilities: Effective Law Enforcement Training when new sergeants are promoted as a result of the Second Supplemental Permanent Injunction. MCSO will make certain the supervisor who was unable to attend the original offering of the course due to an illness is scheduled to attend one of the future offerings of this very important course.

MCSO understands that the Supervisor Responsibilities: Effective Law Enforcement Training lesson plan did not incorporate the requirements of paragraph 53, subparagraph “I” or subparagraph “H”. These subparagraphs address how supervisors should respond to the scene of a traffic stop for a complaint and how the supervisor should respond to and investigate allegations of deputy misconduct. These topics will be covered in detail in the stand alone PSB/IA training.

Section 6: Traffic Stop Documentation and Data Collection

General Comments regarding Traffic Stop Documentation and Data Collection

Between March 1, 2016 and June 30, 2016, the BIO conducted three (3) traffic stop related inspections to comply with Paragraph 64 of the Court's Order. These inspections were for traffic stop data, consistent with Paragraphs 54-57, to ensure that MCSO: a) collected all traffic stop data to comply with MCSO Policy, EB-2, Traffic Stop Data Collection; b) accurately completed all forms; c) closed and validated all TraCS forms; d) used the correct CAD codes and sub codes; and e) supervisors review and memorialize Incident Reports within guidelines. The first quarter of 2016 showed an overall compliance rate of 96%. In the second quarter of 2016, April, May and June revealed a compliance rates of 96%, 77%, and 74%, respectively, and an overall compliance rate of 82.33%. With the implementation of body worn cameras, the AIU's inspection matrix increased beyond the scope of the Melendres Court Order or Court Monitors, giving some explanation for the 13.67% decrease.

MCSO implemented a system that allows deputies to input traffic stop data electronically. As of March 31, 2016, MCSO installed all of the approximately one hundred-seventy-four (174) marked patrol vehicles assigned to the Patrol Bureau with the electronic equipment, including the TraCS system, to capture the traffic stop data that Paragraph 54 requires, and issue a contact receipt to the vehicle occupants.

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:

Table #4			
Summary of TraCS Changes			
Date	Entity	Issue	Resolution
04/20/2016	Tow Companies	Phone number incorrect for Coldwater Towing. Address incorrect for 1st Class Towing.	Corrected phone number and address.
04/20/2016	Driver Exchange Form	Docview.us.com has been replaced by BuyCrash.com.	Replaced reference to Docview.us.com with BuyCrash.com on the Driver Exchange form in the Crash Report.
04/20/2016	Additional Deputy Camera Log	Was not displaying Form Activity correctly (was repeating it).	Corrected the Form Activity display.

5/24/2016	DUI Affidavit	Changes required by MVD.	New form from ADOT has been installed..
5/24/2016	Tow Sheet	Printed copies for Deputy and Tow Truck driver were truncating Tow Truck driver's DOB.	DOB field was made larger
5/24/2016	Additional Deputy Assist Cam Log	Last digit of MC# was being truncated on the form. The data was captured correctly but not displayed correctly.	MC# field expanded on the form.
5/24/2016	Warning	The 'Form Activity' message created when no signature was obtained was formatted incorrectly.	Formatting was corrected.
6/02/2016	Contact	Needs Supervisor Approval	Implemented Supervisor Approval process that requires all Vehicle Stop Contact Forms to be reviewed and approved (signed off) by a Supervisor.
6/02/2016	Admin Per Se	Contained an error that prevented form from being transmitted to MVD.	Form was corrected by ADOT
6/02/2016	Tow Companies	Apache Sands phone number was changed	Tow Companies table was updated with new phone number.
6/29/2016	Contact	Retrieving certain header data from CAD is optional.	CAD data will always be retrieved when an MC# is entered into the form or when the form is created using auto populate. Data includes IR Number, Event Date, Radio Code (Event Type), Primary Unit and End Time. "Start" time is populated from the associated traffic form's 'Stop Time'.
6/29/2016	Tow Sheet	Lien Holder address was printing the Driver's Address when Registered Owner was the same as Driver.	Form has been changed so correct address prints for Lien Holder.
6/29/2016	Tow Companies	Address for Superhook Towing changed.	Tow Companies table was updated with new address.

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 and Phase 2 compliance with Paragraph 54. MCSO will continue to provide monthly documentation to the Monitor to enable the Monitor to assess MCSO's continued compliance with Paragraph 54.

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 will continue to provide monthly documentation to the Monitor to enable the Monitor to assess MCSO's continued compliance with Paragraph 55.

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 in Phase 1 and Phase 2 compliance with Paragraph 56. MCSO will continue to provide monthly documentation to the Monitor to enable the Monitor to assess MCSO's continued compliance with Paragraph 56.

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 compliance with Paragraph 57.

Phase 2 compliance is dependent on MCSO *“rectifying the verification of motorist receipts of the traffic stop, and utilizing the body-worn camera recordings in all districts to verify stop length.”*

In January of 2016, body-worn cameras were deployed in District 1, District 2, District 3, District 7, SWAT Division, Enforcement Support, and the Anthem Deputies assigned to District 4. Body-worn cameras were not deployed to personnel assigned to the Cave Creek substation at District 4. The District 4 Cave Creek office did not have the connectivity infrastructure to support downloading the cameras at the end of each shift. Since November 2015, MCSO has been working with Qwest Communication to have the infrastructure updated at the District 4 Cave Creek Office. Qwest has not been able to update the infrastructure to provide the connectivity and bandwidth to download the cameras at the end of each shift. Similarly, the Lake Patrol Division lacks connectivity and bandwidth at the substation to

download the cameras at the end of each shift. In May 2016, as a temporary measure, MCSO issued all personnel assigned to Cave Creek/District 4 and Lake Patrol with two (2) body-worn cameras each, until these technical obstacles can be resolved. ***Therefore, as of May 16, 2016, all personnel required to utilize a body-worn camera have been issued cameras and they are in use office wide.*** While MCSO attempts to verify that motorists received a receipt by obtaining a signature from the motorist, the body-worn camera video could also visually verify that a deputy provide the motorist a receipt. MCSO asks that body-worn camera video be used to verify that the motorist received a receipt when a signature was not captured. This should allow MCSO to become Phase 2 Compliant with this Paragraph.

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. MCSO will continue to provide the Monitor with any documentation that the Monitor requests to enable the Monitor to assess MCSO's continued 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 for Paragraph 59 is not applicable. However, MCSO is in Phase 2 compliance with Paragraph 59. MCSO will continue to provide any documents requested that the Monitor requests to enable the Monitor to assess MCSO's continued compliance with Paragraph 59.

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 will provide the Monitor

with any requested documents so continued compliance with this paragraph can be assessed.

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 compliance with Paragraph 61. MCSO believes it achieved Phase 2 compliance with this paragraph during this quarter.

For MCSO to achieve Phase 2 compliance with Paragraph 61, the Monitor has stated, "*MCSO will not be in compliance with this Paragraph until all deputies and sergeants who make traffic stops are equipped with body-worn cameras, and they are used in accordance with the Order.*"

Body-worn cameras were deployed initially in District 6 as a test group during the 4th Quarter of 2015. In January of 2016, body-worn cameras were deployed in District 1, District 2, District 3, District 7, SWAT Division, Enforcement Support, and the Anthem Deputies assigned to District 4. Body-worn cameras were not deployed to personnel assigned to the Cave Creek substation at District 4. The District 4 Cave Creek office did not have the connectivity infrastructure to support downloading the cameras at the end of each shift. Since November 2015, MCSO has been working with Qwest Communication to have the infrastructure updated at the District 4 Cave Creek Office. Qwest has not been able to update the infrastructure to provide the connectivity and bandwidth to download the cameras at the end of each shift. Similarly, the Lake Patrol Division also lacks connectivity and bandwidth at the substation to download the cameras at the end of each shift. In May 2016, as a temporary measure, MCSO issued all personnel assigned to Cave Creek/District 4 and Lake Patrol with 2 body-worn cameras each, until these technical obstacles can be resolved. ***Therefore, as of May 16, 2016, all personnel required to utilize a body-worn camera have been issued cameras and they are in use office wide.***

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.

For MCSO to achieve Phase 2 compliance with Paragraph 62, the Monitor has stated in the 7th Quarterly Report, "*MCSO will not be in compliance with this Paragraph until the body-*

worn cameras are deployed and used in accordance with policy and the Order.”

Body-worn cameras were deployed initially in District 6 as a test group during the 4th Quarter of 2015. In January 2016, body-worn cameras were deployed in District 1, District 2, District 3, District 7, SWAT Division, Enforcement Support, and the Anthem Deputies assigned to District 4. Body-worn cameras were not deployed to personnel assigned to the Cave Creek substation at District 4. The District 4 Cave Creek office did not have the connectivity infrastructure to support downloading the cameras at the end of each shift. Since November 2015, MCSO has been working with Qwest Communication to have the infrastructure updated at the District 4 Cave Creek Office. Qwest has not been able to update the infrastructure to provide the connectivity and bandwidth to download the cameras at the end of each shift. Similarly, the Lake Patrol Division also lacks connectivity and bandwidth at the substation to download the cameras at the end of each shift. In May 2016, as a temporary measure, MCSO issued all personnel assigned to Cave Creek/District 4 and Lake Patrol with 2 body-worn cameras each, until these technical obstacles can be resolved. ***Therefore, as of May 16, 2016, all personnel required to utilize a body-worn camera have been issued cameras and they are in use office wide.***

MCSO published an Addendum to Policy GJ-35, Body-Word Cameras by issuing Briefing Board 16-17 on April 14, 2016. This Briefing Board covered instances when the body camera could be deactivated during a contact along with other policy guidance. This Briefing Board was reviewed by the Parties and approved by the Monitor.

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.*

The Monitor’s 8th Quarterly Report stated, in pertinent part:

“MCSO will achieve Phase 1 compliance with this Paragraph when the Body-Worn Camera Operational Manual is finalized, approved, and issued.” And “Accordingly, MCSO will not be in Phase 2 compliance with this Paragraph until the retention requirements of the written traffic stop data are implemented, the body-worn camera recordings can be verified, and the

Body-Worn Camera Operational Manual is approved.”

MCSO submitted the Body-Worn Camera Operational Manual to the Monitor on or about March 7, 2016. The Monitor provided comments to MCSO regarding Body-Worn Camera Operational Manual on April 14, 2016. MCSO incorporated the Monitor’s comments into a second draft of the manual and submitted it to the Monitor on or about May 6, 2016. On July 12, 2016, the Monitor advised that the requested comments on the Body-Worn Camera Operation Manual had been adopted by MCSO and it was approved as long as it was not affected by the updated to Policy GJ-35 (Body Worn Cameras). MCSO determined the operations manual did need to be updated with information from the updated GJ-35 Policy. MCSO resubmitted the Body Worn Camera Manual to the Monitor on July 27, 2016. MCSO received comments back from the Monitor on operations manual on August 23, 2016 and is preparing the next draft for submission. MCSO hopes to publish the Body-Worn Camera Operation Manual in the 3rd Quarter of 2016.

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 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

The 8th Quarterly Report stated in pertinent part: *“To achieve Phase 1 compliance with this Paragraph, MCSO must develop a protocol for periodic analyses that is based on transparent, documented methodology to identify racial profiling or other biased-based policing. A protocol required by this Paragraph must also include documentation of thresholds as well as the means to memorialize changes to them over time. To achieve Phase 2 compliance with this Paragraph, MCSO must then utilize the methodology established in the protocol established for Phase 1 compliance in the monthly, quarterly, and annual analyses used to identify racial profiling or other biased-based problems in the monthly, quarterly, and annual analyses required by the Order.”*

In its effort to achieve full and effective compliance, and with the assistance of the Monitor Team and Parties, MCSO is transitioning to a rule based system to conduct traffic stop analysis to identify racial profiling or other biased-based problems. The rule based system would be a more statistically sound and research based method of evaluating all deputies’ traffic stop data. The methodology associated with this transition to a rule based system will be approved by the Monitor.

During April 2016 Monitor Site visit, MCSO asked the Monitor Team to provide recommendations to MCSO regarding how to establish benchmarks and identify methodology for compliance with traffic stop analysis with this Order. In May 2016, the Monitor provided us the methodology for some of the benchmarks for the monthly analysis. MCSO is in the process of documenting the methodology and the actual syntax to gain compliance related to the monthly analysis of traffic stop data.

Regarding the ASU Annual Report, ASU completed and published their annual report May 25, 2016. The report contains several recommendations for MCSO. MCSO has either completed the recommendations or is working towards implementing the recommendations. In response to the April site visit and the ongoing data issues identified by the Monitor Team, ASU, and MCSO, MCSO drafted a data validation process which was submitted to the Monitor team on April 29, 2016. Comments regarding the data validation process were returned and discussed during the July 2016 Monitor site visit. Based on the comments received and discussions during the site visit, MCSO made revisions and resubmitted the data validation process on July 20, 2016. MCSO received approval from the Monitor to publish the administrative broadcast on August 27, 2016.

MCSO drafted an implementation plan outlining projected timelines for when the new biased-policing alert thresholds will become operational and projected date for the finalization of the training plan to teach supervisors about the new thresholds. MCSO submitted this implementation plan as discussed during the July Monitor site visit.

Regarding the issues discussed relevant to the accurate capture of the length of each traffic stop, MCSO established a technology based solution to the length of stop not being captured in uniform manner, by capturing the end of stop time using the CAD system, as well as addressing issues relevant to the definition of an extended stop.

MCSO will continue to work 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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 compliance or Phase 2 compliance with this paragraph.

The Monitor's 8th quarterly report indicates: *"MCSO will achieve Phase 1 compliance with Paragraph 65 once it has trained to this policy. MCSO will only achieve Phase 2 compliance with this Paragraph after successful implementation of the policy and the sustained organization of EIU."*

Originally, the EIS Training was to be combined with the Supervisor Training mandated by Paragraphs 52 and 53. The EIS Training has been separated from the Supervisor Training and will be delivered as stand-alone training. MCSO submitted a second version of the EIS Training on or about February 18, 2016. MCSO received the Monitor's comments on the Training on or about March 25, 2016. MCSO, the Monitor, and the Parties participated in a conference call on March 31, 2016 to attempt to resolve any issues arising from the Monitor's comments. MCSO sent the third version of the EIS Training to the Monitor on April 23, 2016. MCSO received comments from the Monitor and Parties on June 13, 2016. MCSO discussed the lesson plan during the Monitor's July 2016 Site Visit along with the expansion of this Training to

incorporate instruction to Supervisors on the methodology to use when interpreting and analyzing the new monthly and quarterly traffic stop data. It should be noted this Training is dependent on the approval and finalization of Policy GH-5 (Early Identification System).

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 compliance or Phase 2 compliance with this paragraph.

The Monitor's 8th Quarterly report indicates MCSO will be in Phase 1 Compliance once it delivers Training on Policy GH-5 (Early Intervention System). Please see paragraph 65 for a complete status on this Training.

The Monitor's 8th Quarterly report states the following must be accomplished to gain Phase 2 Compliance: *"Phase 2 compliance with this Paragraph requires that MCSO finalize and implement annually a valid statistical methodology that is based on the scientific literature; and that the methodology include the use of benchmarks and thresholds reviewed by the Monitor, pursuant to the process described in Section IV of the Order."*

During April 2016 Monitor Site visit, the Monitor Team was asked to provide recommendations to MCSO regarding how to establish benchmarks and identify methodology for compliance with traffic stop analysis with this order. In May 2016, the Monitor provided us the methodology for some of the benchmarks for the monthly analysis. MCSO is in the process of documenting the methodology and the actual syntax to gain compliance related to the monthly analysis of traffic stop data.

MCSO drafted an implementation plan outlining projected timelines for when the new biased-policing alert thresholds will become operational and the projected date for the finalization of the training plan to teach supervisors about the new thresholds. MCSO submitted this implementation plan as discussed during July Monitor site visit.

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. According to the Monitor's 8th Quarterly Report, MCSO is not in phase 2 compliance with Paragraph 67.

The Monitor's 8th Quarterly Report indicated: *"To achieve Phase 2 compliance with this Paragraph, MCSO must establish and memorialize in a protocol benchmarks and thresholds that are not arbitrary or static, but instead are statistically based, reflect local area variation in traffic stop behavior, and are subject to Monitor approval pursuant to the process described in Section IV of the Order."*

During April 2016 Monitor Site visit, MCSO asked the Monitor Team to provide recommendations to MCSO regarding how to establish benchmarks and identify methodology for compliance with traffic stop analysis under this Order. In May 2016, the Monitor provided MCSO the methodology for some of the benchmarks for the monthly analysis. MCSO is in the process of documenting the methodology and the actual syntax to gain compliance related to the monthly analysis of traffic stop data.

Regarding the ASU Annual Report, ASU completed and published their annual report May 25, 2016. The report contains several recommendations for MCSO. MCSO has either completed the recommendations or is working towards implementing the recommendations. In response to the April site visit and the ongoing data issues identified by the Monitor Team, ASU, and MCSO, MCSO drafted a data validation process and submitted it to the Monitor team on April 29, 2016. The Monitor provided comments regarding the data validation process and discussed them during the July 2016 Monitor site visit. Based on the comments received and discussions during the site visit, MCSO made revisions and resubmitted the data validation process on July 20, 2016. MCSO received approval from the Monitor to publish the associated administrative broadcast on August 27, 2016.

MCSO drafted an implementation plan outlining projected timelines for when the new biased-policing alert thresholds will become operational and the projected date for the finalization of the training plan to teach supervisors about the new thresholds. MCSO submitted this implementation plan as discussed during July Monitor site visit.

Regarding the issues discussed relevant to the accurate capture of the length of each traffic stop, MCSO established a technology based solution to the length of stop not being captured in uniform manner, by capturing the end of stop time using the CAD system, as well as addressing

issues revolving around the definition of an extended stop.

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 will continue to provide the Monitor with documents that that the Monitor requests to enable the Monitor to assess MCSO's continued compliance with Paragraph 68.

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

The 8th Quarterly Report stated Phase 1 Compliance is dependent on MCSO delivering Training on Policy GH-5 (Early Intervention System). Please see Paragraph 65 for a complete status on this Training.

During this quarter, details on closed internal and external complaints are now viewable by supervisors. MCSO continues to work on a solution to allow supervisors to view details related to open internal and external complaints. MCSO is continuing to work with a software vendor to give supervisor's access to completed complaint investigations regarding their subordinates. The software vendor has been responsive to MCSO's need for a solution to this issue.

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

The 8th quarterly report indicates MCSO will achieve Phase 1 compliance once Training is delivered on Policy GH-5 (Early Intervention System). Please see Paragraph 65 for a complete status on this Training.

MCSO submitted to the Monitor Team and parties an Administrative Broadcast with an attached supervisory guide to establish a uniform agency protocol for the proper handling and routing of EIS alerts within the Blue Team Application. The publication of this Administrative Broadcast and supervisor guide is pending the review of the Monitor Team and Parties. MCSO continues to work with the Monitor and Parties to develop steps that must be accomplished to achieve 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 to this paragraph. MCSO is in Phase 2 compliance with Paragraph 71.

MCSO will provide the Monitor with access to all data requested to assist the Monitor in determining MCSO's continued compliance with Paragraph 71.

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 *Melendres* Court Order.

These general comments represent the Bureau of Internal Oversight (BIO) inspection activities for the time period of April through June 2016. The BIO completed 33 inspection reports broken down as follows:

- Three (3) CAD and Alpha Paging Inspections;
- Three (1) Administrative Investigation Inspections;
- One (1) Patrol Incident Report Inspection;
- Three (3) Patrol Shift Roster Inspections;
- Three (3) Traffic Stop Data Collection Inspections;
- Three (1) District/Division Property and Evidence Inspections;
- Three (3) County Attorney Disposition Inspections;
- Three (3) Employee Email Inspections;
- Nine (9) Supervisory Note Inspections,
- One (1) Discussed and Reviewed Inspection;
- Two (2) Bias Free Reinforcement Inspections; and
- Three (3) Cash Inspections.

The following paragraphs represent compliance rates and brief progress assessments for the inspections through the 2nd quarter of 2016.

- CAD Messaging/Alpha Paging System Inspection: BIO inspected random 10-day monthly samples for all messaging entries. The inspection complies with MCSO Policies CP-2, *Code of Conduct*, CP-3, *Work Place Professionalism*, and GM-1, *Electronic Communications and Voicemail*, and with Paragraph 23 of the Court's Order. *This inspection had an overall compliance rate of 99.6% for the Quarter. The monthly compliance rates were 100% in April 2016, 99% in May and 100% in June 2016.*
- Administrative Investigations (Complaints) Inspection: This Inspection is now moving to a semiannual inspection as directed by Judge G. Murray Snow in the Supplemental Permanent Injunction/Judgement Order dated July 20, 2016. The second quarter of 2016 had only one I.A. inspection with a 97% compliance rate in April 2016.
- Quarterly Patrol Incident Report Inspection: The Monitor Team chose random samples of incident reports from all patrol districts and divisions. From this sampling, 20% were randomly obtained by MCSO for inspection. These inspections comply with MCSO Policies EA-11, *Arrest Procedures*, EB-1, *Traffic Enforcement, Violator Contacts, and Citations Issuance*, EB-2, *Traffic Stop Data Collection*, CP-2, *Code of Conduct*, and CP-

8, *Preventing Racial and Other Biased-Based Profiling*, and are consistent with Paragraphs 89, 90, 91, 93, 94, and 96 of the Court Order. *The second quarter of 2016 compliance rate was 68%, which was a decrease of 29% from the previous quarter. During this quarter body worn cameras were implemented with the requirement to document the use or non-use of the cameras in the IR's. Half of the deficiencies for this quarter were for the failure to document use or non-use.*

- Patrol Shift Roster Inspection: The inspection is consistent with MCSO Chief of Patrol, Deputy Chief Rodriguez's directives along with pending changes to MCSO Policy GB-2, *Command Responsibility*, and is consistent with Paragraphs 82, 84, and 86 of the Court's Order. *The overall compliance rate for the second quarter of 2016 was 99.66%. 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.*
- Traffic Stop Data Collection Inspection: The Monitor team chose a random sample of traffic stops. The inspection complies with MCSO Policies EB-1, *Traffic Enforcement, Violator Contacts, and Citations Issuance*, and EB-2, *Traffic Stop Data Collection*, and is consistent with Paragraphs 54 a-m, 55, 56, and 57 of the Court's Order. *The first quarter of 2016 showed an overall compliance rate of 96%. In the second quarter of 2016, April had 96%, May had 77% and June had 74%, with an overall compliance rate of 82.33%. With the implementation of body worn cameras, the AIU's inspection matrix increased beyond the scope of the Melendres Court Order or Court Monitors, giving some explanation for the 13.67% decrease.*
- County Attorney Disposition Inspection: MCSO conducted a 100% random sampling of all County Attorney complaint dispositions submitted. The inspection complies with MCSO Policy GF-4, *Office Reports* and ED-3, *Review of Cases Declined for Prosecution*, and is consistent with Paragraph 75 of the Court's Order. *This inspection continues to maintain a high compliance rate since it began in January of 2015. In April 2016, the compliance rate was 100%, in May 97% and in June 98%. The overall compliance rate for the second quarter of 2016 was 98.33%.*
- Employee Email Inspection: BIO inspected a random sample of all MCSO employees' email accounts from the previous month. The inspection complies with MCSO Policies GM-1, *Electronic Communications and Voicemail* and CP-2, *Code of Conduct*, and is consistent with Paragraph 23 of the Court's Order. *The employee email compliance rates were 99% in April, 99% in May and 100% in June. The overall compliance rate for the second quarter of 2016 was 99.33%. The inspection rates for e-mails have remained consistently high for the past nine months.*
- Supervisory Notes Inspection: MCSO conducts a random sampling of all Blue Team supervisory note entries from the prior month. The inspection complies with MCSO Policy GB-2, *Command Responsibility* and is consistent with Paragraphs 85, 87, 92, 95, and 99 of the Court's Order. It should be noted that MCSO anticipates that the compliance rate related to the BIO Inspection of Supervisory Notes will increase and become more consistent once the EIS Training has been approved and delivered.

- Supervisory Notes – Sworn (Patrol): *The compliance rates were 93% in April, 97% in May; and 91% in June. The overall compliance rate for the second quarter of 2016 was 93.66% with an increase of 12.66% from the first quarter of 2016.*
- Supervisory Notes – Detention: *The compliance rates were 96% in April, 100% in May, and 92% in June. The overall compliance rate for the second quarter of 2016 was 96% with an increase of 8.34% from the first quarter of 2016.*
- Supervisory Notes – *The compliance rates were 94% in April, 97% in May; and 91% in June. The overall compliance rate for the second quarter of 2016 was 94% with an increase of 3.4% from the first quarter of 2016.*
- Facility/Property and Evidence: BIO Chief Bill Knight identified 1 or 2 districts/divisions for uniform inspections using a matrix of random facility employees. During the second quarter of 2016, there were transfers in AIU that limited this inspection to one for the quarter. For the month of June, at District-3 the compliance rate was 98%. In this inspection there was no evidence that Maricopa County property or equipment was being used in any way that discriminates against or denigrates anyone.

During this quarter, BIO Senior Auditors continued to work on three separate audits of the patrol districts. The audits focus on case management, first line supervisor responsibilities and district tracking. It is anticipated the audits will be completed during the 3rd quarter of 2016.

The following is a table of all inspections that also represent overall inspection compliance rates of each month during the second quarter of 2016.

2016 INSPECTIONS	April	May	June	Overall Compliance Rate
CAD/Alpha Paging	100%	99%	100%	99.66%
Administrative Investigation	97%	N/A	N/A	97%
Quarterly Incident Reports	N/A	N/A	68%	68%
Patrol Shift Rosters	99.40%	100%	99.81%	99.73%
Traffic Stop Data Collection	96%	77%	74%	82.33%
County Attorney Dispositions	100%	97%	98%	98.33%

Employee Email	99%	99%	100%	99.33%
Supervisory Notes-Detention	96%	100%	92%	96%
Supervisory Notes-Civilian	94%	97%	91%	94%
Supervisory Note-Sworn	93%	97%	91%	93.66%
Facility/Property and Evidence	N/A	N/A	98%	98%
Cash	100%	100%	100%	100%
Quarterly Bias Free Reinforcement-Detention	N/A	N/A	79%	79%
Quarterly Bias Free Reinforcement-Sworn	N/A	N/A	100%	100%
Discussed and reviewed	N/A	N/A	N/A	N/A

General Comments regarding EIS

The Early Identification System (EIS) continues to evolve as the Early Intervention Unit (EIU) moves to refine its processes to improve efficiency. EIU command and supervision continues to build upon and enhance the EIS program, working closely with the MCSO Technology Bureau, Arizona State University and IA Pro vendor, CI Technologies.

During this reporting period, the IA Pro system triggered 1,568 alerts:

The EIU forwarded 284 alerts to supervisors for further review. 200 of these alerts were completed and 84 alerts remain open.

The EIU processed and quality-assured the following:

County Attorney Actions – 502
 Notices of Claim / Law Suits / Summons – 33
 Supervisor Notes – 14,395
 Briefing Notes – 1,014
 Commendations – 230
 Firearm Discharges – 4
 Forced Entries – 5
 Higher Award Commendation - 9
 IR Memorialization – 14
 Line Level Inspections - 408
 Vehicle Accidents - 36
 Vehicle Pursuits - 5
 Uses of Force - 117
 Other Tracked Behavior - 2,958

(Off-Duty Police Contact; Loss of Badge/ID; Loss of Equipment; Exposure/Injuries; Failure to Show for Training; Missed Logbook Entry; Missed Security Walks; Money Shortages; Property and Evidence Rejection; Security Breaches; Unscheduled Absences; TraCS Incidental Contacts; TraCS Citation Rate Deviation; TraCS Post-Stop Perceived Race/Ethnicity 30% deviation from benchmark; TraCS Unknown Post-Stop Ethnicity)

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph. To achieve Phase 1 Compliance, MCSO must deliver Training on Policy GH-5, Early Intervention System. Originally, the EIS Training was to be combined with the Supervisor Training mandated by Paragraphs 52 and 53. The EIS Training has been separated from the Supervisor Training and will be delivered as stand-alone training. MCSO submitted a second version of the EIS Training on or about February 18, 2016. MCSO received the Monitor's comments on the Training on or about March 25, 2016. MCSO, the Monitor, and the Parties participated in a conference call on March 31, 2016 to attempt to resolve any issues arising from the Monitor's comments. MCSO sent the third version of the EIS Training to the Monitor on April 23, 2016. MCSO received comments from the Monitor and Parties on June 13, 2016. MCSO discussed the lesson plan during the Monitor's July 2016 Site Visit along with the expansion of this Training to incorporate instruction to Supervisors on the Methodology to use when interpreting and analyzing the new monthly and quarterly traffic stop data. It should be noted this Training is dependent on the approval and finalization of Policy GH-5 (Early Identification System).

During this quarter, details on closed internal and external complaints are now viewable by supervisors. MCSO continues to work on a solution to allow supervisors to view details related to open internal and external complaints. MCSO is continuing to work with a software vendor to give supervisors access to completed complaint investigations regarding their subordinates. The software vendor has been responsive to MCSO's need for a solution to this issue.

In an effort to achieve its overall goal of full and effective compliance, and specifically Phase 2 Compliance under Paragraph 72, MCSO is working with the Monitor and the Parties to identify steps necessary for MCSO to achieve compliance.

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”).

Based on the Monitor’s 8th Quarterly Report, MCSO is not in Phase 1 compliance. Phase 2 compliance is deferred.

To achieve Phase 1 Compliance, MCSO must deliver Training on Policy GH-5, Early Intervention System. For details on the status of the EIS Training, please refer to Paragraph 72 of this section.

Phase 2 Compliance with this Paragraph is deferred.

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.*

Based on the Monitor’s 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

To achieve Phase 1 Compliance, MCSO must deliver Training on Policy GH-5, Early Intervention System. For details on the status of the EIS Training, please refer to Paragraph 72 of this section.

MCSO is committed to gaining full and effective compliance with this paragraph and continues to accept guidance from the Monitor on items which need to be accomplished to gain Phase 2 Compliance with this Paragraph.

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.*

To achieve Phase 1 Compliance, MCSO must deliver Training on Policy GH-5, Early Intervention System. For details on the status of the EIS Training, please refer to Paragraph 72 of this section.

MCSO submitted Policy GC-13, Awards to the Monitor on May 25, 2016 in an attempt to gain compliance with subparagraph "L" of this paragraph which states, "All awards and commendations received by employees" must be maintained in the EIS. The Monitor returned the policy to MCSO with comments on June 23, 2016. MCSO and the Monitor further discussed the Policy during the July 2016 site visit and the Monitor gave MCSO approval to publish the Policy. Policy GC-13, Awards was published on August 27, 2016.

MCSO is exploring avenues to incorporate arrests and detentions in a uniform manner within EIS as required by this paragraph.

MCSO continues to work on a process to allow EIS to capture all FI Cards completed by deputies as required by this paragraph.

During this quarter, details on closed internal and external complaints are now viewable by supervisors. MCSO continues to work on a solution to allow supervisor to view details related to open internal and external complaints. MCSO is continuing to work with a software vendor to give supervisors access to completed complaint investigations regarding their subordinates. The software vendor has been responsive to MCSO's need for a solution to this issue.

MCSO is investigating how to document in the EIS employee' training history, as well as capture any coaching(s) the employee may have received.

EIS is working on interface project which was discussed during the July 2016 Monitor site visit which will allow MCSO to capture information required by this paragraph.

MCSO will continue to work diligently with the Monitor to achieve compliance and thanks the Monitor for their feedback and direction.

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).*

According to the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 76. MCSO is disappointed in the Monitor's decision to find MCSO out of compliance under Paragraph 76. The Monitor found MCSO to be in compliance with this Paragraph in the Monitor's 2nd, 3rd, 4th, 5th, 6th, and 7th Quarterly Reports. In all of these reports the Monitor indicated that Phase 1 compliance was met based on the publication of MCSO Policy EB-2 (Traffic Stop Data Collection). None of these Monitor reports noted that MCSO was in danger of falling out of compliance. Now, the Monitor's 8th Quarterly Report indicates MCSO must deliver training on EIS to become Phase 1 Compliant. Additionally, MCSO must be compliant with subsections e., f., g., and h of Paragraph 75 to reach Phase 2 Compliance with this paragraph. Although MCSO respects the Monitor's assessment and is already working diligently to achieve compliance with the subparagraphs of Paragraph 75, this reversal of a compliance finding surprised MCSO.

Furthermore, the Plaintiffs stated in their comments to the 8th Quarterly Report that MCSO's loss of compliance with this paragraph along with the fact that MCSO is now not in Phase 1 compliance with any EIS paragraph was a "sign of gross noncompliance that the MCSO actually decreased its performance from the Seventh Quarterly Report since it was hardly in compliance with any of the Injunction's provisions at that time." This defies the facts, history of "in compliance" designation, and the explanation immediately above. These words are harsh and unwarranted, and are merely an attempt to diminish or disregard all the hard work being done by the leadership of BIO and the EIU. Comments like these from Plaintiffs demonstrate stark partisanship and an attitude that does nothing to nurture the collaboration that MCSO welcomes as stated initially in this report. The Monitor even recognizes that important groundwork towards compliance is being achieved that is not officially recognized in the compliance reports. MCSO welcomes collaboration and constructive, accurate, input from Plaintiffs, not useless

rhetoric which does nothing to assist in ensuring that MCSO complies with the Court's Orders.

Despite Plaintiff's comments, MCSO will continue to work diligently to re-gain 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 to this paragraph. MCSO is in Phase 2 compliance with Paragraph 77. MCSO will provide the Monitor with any information that the Monitor requests to enable the Monitor to evaluate MCSO's continued compliance with Paragraph 77.

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.

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance.

To achieve Phase 1 Compliance, MCSO must deliver Training on Policy GH-5, Early Intervention System. For details on the status of the EIS Training, please refer to Paragraph 72 of this section.

The Monitor's 8th Quarterly Report stated, "*Finally, until such time as applicable Supervisory Training is delivered, MCSO will not be in compliance with this Paragraph.*"

As discussed with regard to Paragraphs 52 and 53, MCSO has delivered the lion's share of the required Supervisor Training. The most recent lesson plan for the Supervisor Responsibilities: Effective Law Enforcement Training course was sent to the Monitor on May 19, 2016. The Monitor observed and gave MCSO valuable feedback regarding the train the trainer which occurred on June 01, 2016 and June 02, 2016. The Monitor gave MCSO the final approval on the lesson plan on June 07, 2016. MCSO began delivering the Supervisor Responsibilities: Effective Law Enforcement Training course on June 13, 2016 and delivered the concluding course on July 15, 2016. During that time period they delivered the Training to all sworn supervisors with the exception of three supervisors. Two of the three supervisors that did not attend are retiring by the end of 2016. The one remaining supervisor who did not attend was sick and was scheduled for the last offering of the course. MCSO anticipates delivering

additional courses of the Supervisor Responsibilities: Effective Law Enforcement Training when new sergeants are promoted as a result of the Second Supplemental Permanent Injunction. MCSO will make certain the supervisor who was unable to attend the original offering of the course due to an illness is scheduled to attend one of the future offerings of this very important course.

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance.

To achieve Phase 1 Compliance, MCSO must deliver Training on Policy GH-5, Early Intervention System. For details on the status of the EIS Training, please refer to Paragraph 72 of this section.

MCSO continues to work with the Monitor to identify steps necessary to achieve Phase 2 Compliance with this paragraph.

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

In order to achieve Phase 1 Compliance, MCSO must deliver Training on Policy GH-5, Early Intervention System. For details on the status of the EIS Training, please refer to comments with regard to Paragraph 72 of this section.

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. *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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

To achieve Phase 1 Compliance, MCSO must deliver Training on Policy GH-5, Early Intervention System. For details on the status of the EIS Training, please refer to paragraph 72 of this section.

During this quarter, details on closed internal and external complaints became viewable by supervisors. MCSO continues to work on a solution to allow supervisors to view details related to open internal and external complaints. MCSO is continuing to work with a software vendor to give supervisors access to completed complaint investigations regarding their subordinates. The software vendor has been responsive to MCSO's need for a solution to this issue.

The EIU submitted to the Monitor Team and Parties an Administrative Broadcast with an attached supervisory guide to establish a uniform agency protocol for the proper handling and routing of EIS alerts within the Blue Team Application. The Monitor approved the Supervisor Guide to Blue Team Early Identification Alerts which was disseminated to MCSO personnel using Administrative Broadcast 16-42.

MCSO will continue to work with the Monitor to identify additional steps necessary to achieve compliance with this paragraph.

Section 8: Supervision and Evaluation of Officer Performance

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 compliance with Paragraph 83. MCSO is not in Phase 2 compliance with this paragraph.

With the Monitor's input, MCSO has developed a daily patrol activity log that will assist the Monitor in rating MCSO in compliance with this and other paragraphs. The activity logs were implemented on June 1, 2016. MCSO is improving the functionality of the daily patrol activity logs, as issues are identified, to ensure that they are useful to MCSO as well as the Monitor.

MCSO continues to take community policing and community outreach seriously. MCSO's quarterly register records community policing activities performed by MCSO Patrol Deputies across the County. For the period of April 1, 2016 through June 30, 2016, the Sheriff's Office registered 117 events, where public attendance was in excess of 11,441. During this same period, MCSO recorded 4,240 occasions of community policing within its operations utilizing the Computer Aided Dispatch System; those engagements totaled over 3,282 staff hours, and are primarily attributed to the community policing activities of Patrol Deputies. Patrol Deputies accumulated 4,183 of the community policing occasions.

MCSO continues to provide the Monitor with documents to enable the Monitor Team to assess MCSO's level of compliance with this paragraph.

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

MCSO provide the Monitor with requested documents related to Paragraph 83 to enable the Monitor to assess MCSO's continued compliance.

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 compliance with Paragraph 85. However, MCSO is not in Phase 2 compliance with this paragraph.

MCSO proposed an alternate process of capturing documentation to prove compliance with this paragraph. This new process was discussed in detail in the Monitor's 8th Quarterly report. The process basically utilizes the TraCS system to capture patrol supervisors' review of individual vehicle stop contact forms, as well as to discuss the individual stops with the involved deputy. MCSO hopes this new process will be a more accurate way to demonstrate the level of compliance with this paragraph.

MCSO submitted a draft of an administrative broadcast directing sworn supervisors to begin utilizing the "discussed with deputy" and "supervisor review" indicators in the TraCS system. The Monitor approved the administrative broadcast on this issue which was published to MCSO personnel on June 02, 2016 as Administrative Broadcast 16-56.

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is in Phase 1 compliance.

The Monitor indicated the usage of a daily patrol activity log would assist them in determining compliance with this paragraph. With the Monitor's input, MCSO has developed a daily patrol activity log that will assist the Monitor in rating MCSO in compliance under this and other paragraphs. The activity logs were implemented on June 1, 2016. MCSO is improving the functionality of the daily patrol activity logs, as issues are identified, to ensure that these logs are useful to MCSO, as well as the Monitor.

MCSO will work with the Monitor to achieve Phase 2 Compliance under 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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 87.

Based on comments in the Monitor's 8th Quarterly Report, MCSO believes it will be in Phase 1 compliance with this paragraph once Policy GC-4, Employee Performance Appraisals is approved, published, and personnel are trained. The Monitor stated, "*We believe that the revised GC-4 policy and revised EPA form will facilitate better quality and consistency in performance appraisals. As with any new policy or procedure, success in achieving the desired outcome is determined by how well personnel understand and apply the concepts. During each of our meetings with MCSO we have emphasized the need to provide training and detailed instructions to all supervisors to ensure quality and consistency in reviews. Until GC-4 is completed, approved, and published; and training is conducted; MCSO is not in Phase 1 compliance.*"

MCSO sent the first version of Policy GC-4, Employee Performance Appraisals to the Monitor for review on or about August 13, 2015. Thereafter, the Monitor made suggestions and revisions. MCSO then sent the second version of Policy GC-4 to the Monitor for review on or about January 26, 2016. As a result, the Monitor made additional and different suggestions and revisions. MCSO met with the Monitor in February 2016 to discuss suggestions regarding the employee performance appraisal form. MCSO sent the third version of Policy GC-4 to the Monitor for review on or about March 8, 2016. The Monitor again provided further suggestions and revisions. MCSO sent the fourth version of Policy GC-4 to the Monitor for review on or about May 11, 2016. The Monitor returned the Policy with comments. MCSO addressed the comments and returned the Policy GC-4 to the Monitor for review on June 13, 2016. The Monitor returned the policy to MCSO on June 14, 2016 with a few minor changes and advised MCSO if the changes were made the Policy was approved. Prior to the publication of the Policy, Judge Snow's issued the Second Supplemental Injunction on July 20, 2016. MCSO determined Policy GC-4, Employee Performance Appraisals would need to be modified to incorporate the requirements of the Order pursuant to Paragraph 165. MCSO made the required modification to Policy GC-4 and resubmitted it to the Monitor on August 18, 2016. The employee performance appraisal training which is based on the draft of Policy GC-4 was provided to the Monitor and Parties for review and approval on July 16, 2016.

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

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 88. MCSO will continue to provide the Monitor with necessary documentation for continued assessment of MCSO's continued compliance.

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 is in Phase 1 compliance with Paragraph 89. MCSO is not in Phase 2 compliance with this paragraph.

MCSO respectfully requests that the Monitor identify the steps necessary to achieve Phase 2 Compliance with Paragraph 89. **MCSO believes it currently is in Phase 2 Compliance with Paragraph 89.**

The Monitor's 8th Quarterly Report indicates in part:

"The MCSO submission for the first quarter of 2016 consisted of a total of seven incidents that occurred during the time period requested. One incident involved an individual who was already in jail on arrest made by another agency. The individual was implicated in taking the identity of another and was subsequently charged for that offense. Two arrests involved individuals who were involved in vehicle crashes and did not have driver's licenses. One incident was related to an individual arrested for driving with a suspended driver's license. One incident involved an arrest for possession of marijuana. One arrest involved an individual stopped for driving at night with no headlights. In one instance, there was an identity theft report written, but there was no related arrest. We reviewed all seven incidents submitted for this reporting period and found that MCSO was in compliance as to the required supervisory notification. None of the Arrest Reports we reviewed as part of the Paragraph 93 audit involved any immigration issues, identity fraud, or lack of identity documents."

MCSO contends this review of relative documents proves MCSO is in fact in Phase 2 Compliance. In the 8th Quarterly Report, The Monitor discussed that activity logs may be used to help gauge compliance under this paragraph along with several others by stating, *"Daily Activity Logs can be used to document any arrests or investigations related to immigration, immigration- related crime, identity fraud, or lack of identity documents, and corresponding supervisory approvals or disapprovals. A supervisor's Daily Activity Log may also be used to document any deficiencies or corrective actions related to any arrest or investigation in violation of MCSO policy."* MCSO asserts that it provides adequate documentation for the monitor to assess compliance with this paragraph. If activity logs capture all the information noted by the monitor, the information would merely contain duplicative information that is already being provided by MCSO. Furthermore, Activity logs are only mentioned in Paragraph 83 of the Order and were not designed to capture all compliance related data in a central location. MCSO did implement phase 1 of the daily patrol activity logs on June 01, 2016 and continues to work on improvements to the daily activity logs for the phase 2 rollout.

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 compliance with Paragraph 90. MCSO, however, is not in Phase 2 compliance with this paragraph, but believes that Phase 2 compliance is close at hand.

To achieve Phase 2 compliance under Paragraph 90, MCSO must be able to document the date and time a deputy submits a vehicle stop contact form (VSCF) and when a supervisor reviews the VSCF.

MCSO submitted a draft of an administrative broadcast directing sworn supervisors to begin utilizing the “discussed with deputy” and “supervisor review” indicators in the TraCS system. The Monitor approved the administrative broadcast which was published to MCSO personnel on June 02, 2016 as Administrative Broadcast 16-56. This will enable MCSO to demonstrate to the Monitor that the VSCF was reviewed by the supervisor within 72 hours. MCSO continues to work on a solution which will allow us to demonstrate the date and time the deputy originally submits the VSCF.

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, however, is not in Phase 2 compliance with this paragraph, but believes that Phase 2 compliance is close at hand.

The Monitor’s 8th Quarterly Report indicates MCSO must complete the following to gain Phase 2 Compliance: *“Traffic stops selected for audit are reviewed in detail for quality and compliance with Paragraphs 25 and 54. The reviews conducted pursuant to the requirements of this Paragraph are focused on the quality of supervisory reviews. MCSO presently does not have an auditable way to memorialize supervisory reviews of traffic stops. Until MCSO can submit Vehicle Stop Contact Forms with the reviewing supervisor’s identity and date of review, we cannot conduct an audit to assess the quality reviews. MCSO advised us during our February site visit that metadata containing the reviewing supervisor’s serial number, along with the date of review, will be documented on Vehicle Stop Contact Forms (VSCFs). During our February*

site visit, we were advised that the memorialized VSCF format would be in effect by March 2016. MCSO had not yet implemented this solution at the time of our April site visit. We reiterated that MCSO needs to have documentation of supervisory reviews of VSCF to meet Phase 2 compliance with this Paragraph.”

MCSO submitted a draft of an administrative broadcast directing sworn supervisors to begin utilizing the “discussed with deputy” and “supervisor review” indicators in the TraCS system. The Monitor approved the administrative broadcast which was published to MCSO personnel on June 02, 2016 as Administrative Broadcast 16-56. This will enable MCSO to demonstrate to the Monitor that the VSCF was reviewed by the supervisor within 72 hours. MCSO continues to work on a solution which will allow us to demonstrate the date and time the deputy originally submits the VSCF.

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.*

Based on the Monitor’s 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance.

According to the Monitor’s 8th Quarterly Report, to accomplish Phase 1 compliance MCSO must publish Policy GC-4, Employee Performance Appraisals. MCSO must also deliver training related to Policy GH-5 Early Identification System.

MCSO sent the first version of Policy GC-4, Employee Performance Appraisals to the Monitor for review on or about August 13, 2015. Thereafter, the Monitor made suggestions and revisions. MCSO then sent the second version of Policy GC-4 to the Monitor for review on or about January 26, 2016. As a result, the Monitor made additional and different suggestions and revisions. MCSO met with the Monitor in February 2016 to discuss suggestions regarding the employee performance appraisal form. MCSO sent the third version of Policy GC-4 to the Monitor for review on or about March 8, 2016. The Monitor again provided further suggestions and revisions. MCSO sent the fourth version of Policy GC-4 to the Monitor for review on or about May 11, 2016. The Monitor returned the Policy with comments. MCSO addressed the comments and returned the Policy GC-4 to the Monitor for review on June 13, 2016. The Monitor returned the policy to MCSO on June 14, 2016 with a few minor changes and advised MCSO if the changes were made the Policy was approved. Prior to the publication of the Policy, Judge Snow’s issued the Second Supplemental Injunction on July 20, 2016. MCSO determined Policy GC-4, Employee Performance Appraisals would need to be modified to incorporate the requirements of the Order pursuant to Paragraph 165. MCSO made the required modification to Policy GC-4 and resubmitted it to the Monitor on August 18, 2016.

The employee performance appraisal training which is based on the draft of Policy GC-4 was

provided to the Monitor and Parties for review and approval on July 16, 2016.

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 compliance with Paragraph 93. MCSO, however, is not in Phase 2 compliance with this paragraph.

The Monitor's 8th Quarterly Report highlights that MCSO vehicle crash report contained a supervisor's name indicating the report had been reviewed, but no date indicating when the report was reviewed. The Monitor's report stated, "*MCSO supervisors have not consistently memorialized reviews of vehicle crashes. We still see vehicle crash reports that have the supervisor's name printed, but no signature or date of review.*" MCSO has discussed with the Monitor as well as in MCSO's 7th Quarterly Report that the vehicle crash report is an electronic form completed in the TraCS system and the lack of a date is due to the fact that the form is controlled by the State of Arizona. In May 2016, MCSO began providing the Monitor a "crash report log" which is able to prove the date and time the supervisor reviewed the crash report in TraCS. MCSO believes this documentation should allow the Monitor to better assess if MCSO is in Phase 2 Compliance in the future.

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

MCSO is in Phase 1 compliance with Paragraph 94. MCSO, however, is not in Phase 2 compliance with this paragraph.

In the past, the Monitor has considered Report Memorialization Forms when assessing compliance for this paragraph.

MCSO changed disposition codes for deputies that will allow us to identify arrest reports. MCSO will be providing information to the Monitor so a random sample of arrest reports can be taken and analyzed to determine compliance under this paragraph.

MCSO continues to strive to gain compliance with this paragraph.

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance under Paragraph 95.

MCSO will gain Phase 1 compliance once GC-4, Employee Performance Appraisals is published and training on that policy is delivered. For a detailed description on the status of Policy GC-4 as well as the related Training please refer to comments regarding Paragraph 87 of the section.

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

MCSO is in Phase 1 compliance with Paragraph 96. MCSO, however, is not in Phase 2 compliance with this paragraph.

MCSO is providing a random sample of arrest report information to the Monitor monthly to assist the Monitor in finding that MCSO is in Phase 2 compliance with Paragraph 96. Additionally, the Monitor Report indicated the following, "*BIO conducts monthly inspections of County Attorney dispositions. In each of MCSO's reports this quarter, MCSO has recommended that command staff review incidents related to Arrest Reports on a daily basis. We concur with this recommendation; daily command reviews of Arrest Reports will add another layer of quality control.*" The Deputy Chief in charge of Patrol Operations now requires the command staff at each patrol district review incident reports involving an arrest as an added layer of quality control as recommended. MCSO hopes these actions will assist the Monitor in finding MCSO in Phase 2 Compliance with this paragraph.

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).*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2

compliance with Paragraph 97.

According to the Monitor's 7th Quarterly Report, MCSO must deliver EIS Training to achieve Phase 1 compliance with Paragraph 97.

Originally, the EIS Training was to be combined with the Supervisor Training mandated by Paragraphs 52 and 53. The EIS Training has been separated from the Supervisor Training and will be delivered as stand-alone training. MCSO submitted a second version of the EIS Training on or about February 18, 2016. MCSO received the Monitor's comments on the Training on or about March 25, 2016. MCSO, the Monitor, and the Parties participated in a conference call on March 31, 2016 to attempt to resolve any issues arising from the Monitor's comments. MCSO sent the third version of the EIS Training to the Monitor on April 23, 2016. MCSO received comments from the Monitor and Parties on June 13, 2016. MCSO discussed the lesson plan during the Monitor's July 2016 Site Visit along with the expansion of this Training to incorporate instruction to Supervisors on the Methodology to use when interpreting and analyzing the new monthly and quarterly traffic stop data. It should be noted this Training is dependent on the approval and finalization of Policy GH-5 (Early Identification System).

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.*

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 98.

MCSO believes it will gain Phase 1 compliance once GC-4, Employee Performance Appraisals is published and training on that policy is delivered. For a detailed description on the status of Policy GC-4, as well as the related training, please refer to Paragraph 87 of this section.

MCSO will continue to work with the Monitor to gain full and effective Phase 2 compliance under this paragraph.

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 will gain Phase 1 compliance once GC-4, Employee Performance Appraisals is published and training on that policy is delivered. For a detailed description on the status of Policy GC-4, as well as the related training, please refer to Paragraph 87 of the section.

MCSO will continue to work with the Monitor to gain full and effective Phase 2 compliance under this paragraph.

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

Based on the Monitor's 8th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance under this paragraph.

MCSO will gain Phase 1 Compliance once GC-4, Employee Performance Appraisals is published and training on that policy is delivered. For a detailed description on the status of Policy GC-4, as well as the related training, please refer to Paragraph 87 of the section.

MCSO will continue to work with the Monitor to gain full and effective Phase 2 compliance under this paragraph.

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 provides monthly documents to the Monitor to enable the Monitor to continue to assess MCSO's continued compliance.

Section 9: Misconduct and Complaints

General Comments Regarding Misconduct and Complaints relative to Paragraphs 102, 103, 104, 105, and 106:

During the second quarter of 2016, one PSB Detention Lieutenant was promoted to Captain and remained in the Professional Standards Bureau to assist with oversight of administrative investigations occurring within the detention facilities. This Detention Captain is detective certified, received his IA certification, is a Reid School graduate, and has received his Jail Management Certification in 2016.

Ten investigators (four sworn sergeants, two detectives, one detention sergeant, and three detention lieutenants) were temporarily assigned to the Professional Standards Bureau to assist in reducing the bureau caseload. After two months of assistance, most of the temporarily assigned investigators returned to their full time duty assignments; however, the PSB permanently kept three sworn sergeants and one detention sergeant to increase the size of the bureau. The increase in the size of the bureau will aid in the completion of investigations within the 180 day time frame, pursuant to MCSO Policy GH-2, Internal Investigations and Arizona Revised Statutes. Also during this reporting period, the PSB continued to focus on the training and development of the members of the PSB.

To enhance the investigative abilities and performance of PSB investigators, to assist the investigators' accountability for conducting quality investigations, and to ensure that MCSO continues to conduct quality administrative investigations, MCSO now requires PSB personnel to obtain their detective certification. Two detention sergeants, and five detention lieutenants who conduct administrative investigations in the jail facilities, are in the process of obtaining their certifications.

Additionally, three members of PSB attended the Public Agency Training Council's Internal Affair 2.5 day course. This conference provided PSB personnel with an enhanced understanding of various elements of the professional standards system, including investigative control measures, proactive administrative enforcement, and training in administrative interviews, issues concerning Garrity, Brady/Giglio, and civil litigation.

Lastly, four members of PSB attended the Reid Interview and Interrogation training class this quarter.

To assure that MCSO's actions comply with the Court Order and the high standards of the Office, MCSO took a multiple-step approach to address misconduct and complaints.

First, PSB took a proactive approach and continued 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. The PSB also provided feedback regarding the efficiency and thoroughness with which the divisions undertake and complete administrative investigations. Lastly, the PSB reviewed division cases for quality control prior to final submission to the appointing authority for final findings.

A sworn lieutenant was permanently assigned to PSB to act as a liaison with the other divisions; and tasked with the primary responsibility of reviewing all division level cases for thoroughness and accuracy. A secondary responsibility of this lieutenant is the oversight and investigation of critical incident investigations.

Second, although MCSO revised, disseminated, and delivered during the Court Order-related training (4th Quarter 2014), Policy GH-2, Internal Investigations, the PSB worked with the Policy Section to revise Office Policy GH-2, to include the investigative process, direct guidance in conducting a preliminary inquiry, and a clear definition of “procedural complaints.” The PSB submitted the policy to the Monitor for review and comments in June 2016. Although outside of this reporting period, the Second Amended Second Supplemental Injunction/Judgement Order was filed in July 2016, and the PSB again revised GH-2, Internal Investigations, in addition to the PSB Operations Manual, to incorporate additional compliance elements listed in the Second Court Order. These drafts were submitted to the Monitor for review and comment in August 2016.

To ensure quality and efficiency, the PSB created an Administrative Investigation Checklist to ensure investigators complete all required tasks during an administrative investigation, and revised administrative investigative forms to ensure consistent investigative reporting. The Monitor reviewed and approved the checklist and associated forms, and the PSB began utilizing them during the last reporting period. The PSB developed a training curriculum for the implementation of these forms; and PSB disseminated the checklist and investigative template to the division level, along with instruction on how to use them. As of June 2016, all sworn supervisors, ranks sergeant and above, received training and are required to utilize the MCSO Administrative Investigations Process Checklist and standardized forms.

The PSB also conducted an inventory of all administrative and criminal investigations, created a tracking mechanism to systemize data collection, improved quality assurance capabilities for a more effective response to the Monitor and the Court Implementation Division, and generated new reporting formats for the Monitor’s monthly document requests. Once the administrative and criminal investigation inventories were complete, PSB began an inventory of all critical incident investigations conducted since 2010. PSB completed the critical incident investigation inventory and noted areas in which improvement was needed. Subsequently, PSB began the process of revising its critical incident operations manual to become consistent with industry standards.

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 compliance with this Paragraph 102.

Based on the Monitor's 8th Quarterly Report, However, MCSO is not in Phase 2 compliance with Paragraph 102.

In addition to the general comments at the beginning of this section and related to Paragraph 102 of the Court's Order, MCSO mandated that any internal or external misconduct allegations must be reported to the PSB. Whenever misconduct is alleged, the PSB must open an internal investigation and assign an IA case number to it. During this reporting period, the PSB assigned 135 IA case numbers and completed and closed 173 IA cases. PSB assigned 5 CIA (criminal) cases and closed 12 CIA cases. Consistent with the Court's Order, Paragraph 102, which requires all personnel to report, without delay, alleged or apparent misconduct by other MCSO personnel, PSB received 119 internal complaints during this reporting period, demonstrating compliance with the Court's Order. Of the 119 internal complaints received, 114 were administrative investigations, and 5 were criminal investigations.

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.

However, BIO is already conducting regular audits in areas that satisfy a portion of Paragraph 103.

MCSO anticipates reaching Phase 1 Compliance once Policy GH-2 (Internal Investigations) is approved and published.

Consistent with Paragraph 103, requiring MCSO to conduct regular, targeted, and random integrity audit checks, the PSB developed an operation manual for conducting such investigations and submitted it to the Monitor for review and comment in June 2016. The Bureau of Internal Oversight will assume responsibility for conducting random integrity checks. The PSB will work with the BIO to identify some of the inspections currently conducted, which may relate to compliance with this paragraph, and will collaborate with the Monitor to determine what types of activities would constitute a "random integrity audit check."

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 compliance with Paragraph 104.

Based on the Monitor's 8th Quarterly Report MCSO is in Phase 1 Compliance, however, MCSO is not in 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 supervisors be notified when a deputy under their supervision is summoned as part of an administrative investigation, MCSO requires the use of the Administrative Investigation Checklist which contains data necessary to track compliance with this paragraph.

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 compliance with Paragraph 105.

Based on the Monitor's 8th Quarterly Report MCSO is in Phase 1 Compliance, however, MCSO is not in Phase 2 compliance with Paragraph 105.

In addition to the general comments at the beginning of this section and consistent with the Court's Order, Paragraph 105, requiring investigators to take into account collected traffic stop and patrol data, training records, discipline history, performance evaluations, and past complaints, MCSO's investigative format also contains the necessary data to track compliance with this paragraph.

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 to Paragraph 106.

MCSO is in Phase 2 compliance under Paragraph 106. MCSO will continue to provide documents that the Monitor requests to ensure that the Monitor can assess MCSO compliance in the future.

Section 10: Community Engagement

The Maricopa County Sheriff's Office continues providing youth and adults tools for success through sustainable partnerships with community members and local businesses. In furtherance of community engagement activity, the Office organized the Community Outreach Team. The division facilitates, promotes, and participates in events that unite MCSO personnel with community members in comfortable, non-law enforcement environments. Office programs include domestic violence prevention, firearms safety, youth crime and drug prevention programs, and school and literacy programs. In addition, the Outreach Team conducts advocacy and fundraising for community based organizations. The Outreach Team is also responsible for organizing, coordinating, facilitating, and reporting on community policing programs (community outreach, community engagement, and community policing are synonymous terms) across the Sheriff's organization.

MCSO's quarterly register records community policing activities performed by MCSO Patrol Deputies across the County. For the period of April 1, 2016 through June 30, 2016, the Sheriff's Office registered 117 events, where public attendance was in excess of 11,441. During this same period, MCSO recorded 4,240 occasions of community policing within its operations utilizing the Computer Aided Dispatch System; those engagements totaled over 3,282 staff hours, and are primarily attributed to the community policing activities of Patrol Deputies. Patrol Deputies accumulated 4,183 of the community policing occasions.

The Maricopa County Sheriff's Office excels in using social media platforms to engage the community it serves. The MCSO Facebook page is now the number one followed law enforcement page in the State of Arizona. In all of its endeavors, the Maricopa County Sheriff's Office puts forth the effort to build sustainable outreach programs, which can be viewed on the MCSO webpage.

For this reporting period, MCSO personnel participated in the following public events:

1. Rainbow Valley K-8 Elementary School Festival
2. Aqua Tots Spring Festival
3. Queen Creek Fire Open House
4. Grace Walk church Spring Festival
5. Public Safety Class aka Citizens Leadership Academy
6. Paradise Valley High School Career Day
7. Outrageous Homebrewer's Social Outpost PACC 911 Event
8. Sevilla Primary and Sevilla West Schools Annual Carnival
9. Lebanese/Syrian Multi-Cultural Festival
10. Family Day at CMC Arizona
11. Home Depot Customer Appreciation Day
12. Citizens Serving Citizens
13. Project Connect Homelessness Resource Day
14. Boulder Creek High School Safety, Health & Welfare Event
15. Eduprize School Safety Event
16. Tough Tents Youth Program

17. Anthem "Go Green" Recycling Event
18. 16th Annual El Dia de Los Ninos at Hance Park
19. MCSO Explorer Guadalupe Dias de los Ninos Event
20. Desert Foothills YMCA Healthy Kid's
21. Corte Elementary School Teacher Appreciation Week
22. Rancho Gabriela Elementary School Career Day
23. National Day of Prayer Event@ Arizona Capitol
24. Guerrero Elementary School Fiesta De Mayo
25. Sgt. Brandon Mendoza Baseball Park Dedication
26. Aguila Elementary School Field Day
27. Officer David Glasser Fundraiser Car Wash
28. 2nd Annual Law Enforcement & Firefighters Prayer Breakfast
29. Our Lady of Perpetual Help Career Day
30. NW Valley Veterans Association Memorial Day Ceremony
31. Central Arizona Project Take Your Kid to Work Day
32. Sam's Club Safety Day
33. Battle of the Badges Charity Flag Football Game
34. Coffee with a Cop various location
35. PetSmart Adoption Day
36. Sheriff Arpaio's Camp Summer Stars
37. Alice Cooper Teen Center Art Studio Dedication

Additionally, the Chief Deputy, command personnel, and members from the Patrol Bureau, the PSB, and the CID, at Sheriff Arpaio's direction, attended the Monitor's Community Outreach Meetings throughout the county to further constructive engagement with the community and work towards reform, improving community relations, and rebuilding public confidence and trust.

Section 11: Conclusion

The Maricopa County Sheriff's Office continues to make advancements toward achieving compliance with the Court's Order.

The Increased Pace of and Dedication to Compliance

MCSO has increased the pace of production pursuant to the requests of the Monitors and the parties, as well as its turnaround of drafts and revisions of policies, manuals and training materials. As stated above, the increase in PSB and CID personnel will increase the pace of compliance, also. As the pace has increased, the goal of full and effective compliance draws near.

In addition, MCSO has begun to incorporate district commanders in compliance meetings, an initial step in the formalization of their sustained attention to and participation and investment in the compliance process. Despite the rhetoric by those who are uninformed regarding the reality of MCSO's compliance efforts under Sheriff Arpaio, Sheriff Arpaio, Chief Deputy Sheridan and all MCSO personnel are committed to the goal of achieving full and effective compliance with the Court's Orders and to making the Maricopa County Sheriff's Office the premier sheriff's department in the nation.

MCSO Alone does not Control the Pace of Compliance

As stated in the introduction to this Report, MCSO alone does not control the pace of compliance; rather, the pace of compliance is a combination of the efforts of the Monitor, MCSO, and the Parties. Consider, for example, the slow pace to achieve approval of "GC-4, Employee Performance Appraisals". Once MCSO receives final approval of GC-4 and delivers related training to MCSO personnel, however, MCSO will be in compliance with approximately six (6) paragraphs of the Court's Order. Similarly, consider the status of the Early Intervention system. Once Policy GH-5 (Early Intervention System) is approved/published and MCSO personnel receive the corresponding training, phase 1 compliance would increase by approximately 10%. The second version of the EIS Training was submitted in February of 2016 and since all parties have a part in the review and approval process, MCSO cannot alone be responsible for the pace of progress. Nonetheless, MCSO maintains a sustained effort to achieve compliance under all of the Court's Orders.

The purpose of giving these examples is not to cast blame on any of the three groups involved in the process (MCSO, the Monitor, or the Parties) but rather to demonstrate to the reader that, on its face, the compliance and reform process may appear to be simplistic, but it is a multi-faceted, complex process involving many parties which is time consuming.

MCSO's Increased Community Outreach Efforts

In addition, MCSO has increased Community Outreach in an attempt to restore public confidence and trust in MCSO, and in its efforts under Sheriff Arpaio to achieve full and effective compliance under the Court's Orders. The Community Outreach Division has made

great progress to rebuild MCSO's relationship with the residents of Maricopa County whom it serves. Even the Court's Orders do not mandate them,, MCSO's community outreach efforts demonstrate MCSO's commitment to the reform process and its investment in the Maricopa County community it exists to protect and serve.

Technology Requirements, MCSO's Efforts and Compliance

In some respects, compliance under the Court's Orders requires complex technological change and advances. Accordingly, MCSO's Technology Bureau has the burden of developing technology based solutions to fulfill many of the requirements under the Court's Orders. The Technology Bureau juggles several technology projects simultaneously with regard to its efforts to assist MCSO to achieve its goal of full and effective compliance under the Court's Orders. Some of these projects require the retention and assistance of and software development by an outside technology vendor. The addition of entities and individuals usually delays any project. In this regard, MCSO's compliance efforts requiring technological changes and software development are no different. Like other aspects of the compliance process, the parties also participate in and provide their input regarding compliance efforts involving technology.

Nevertheless, during this quarter, the Technology Bureau was able to develop and implement daily patrol activity logs. MCSO has already identified ways to improve these activity logs, which will be addressed in a phase 2 roll out. The Technology Bureau also implemented the "discussed with deputy" and "supervisor review" indicators in the TraCS system on the vehicle stop contact form (VSCF). These developments will allow MCSO to demonstrate to the Monitor when a VSCF was reviewed by the supervisor and when the supervisor discussed the stop with the deputy. The Technology Bureau is also working on developing technical solutions for incorporating required information into EIS, and incorporating FI Cards into TraCS. The Technology Bureau may have many projects on its plate, but it will continue to work simultaneously on them to help MCSO achieve full and effective compliance under the Court's Orders.

MCSO's Commitment to Training and Recent Accomplishment

The Court has ordered various and additional training of MCSO personnel a requisite for MCSO compliance. A great deal of training has occurred and will continue to occur. And recently, MCSO has accomplished the much discussed supervisor training.

MCSO's failure to deliver the Supervisor Training has long been a topic of discussion in the Monitor's reports due to its importance in MCSO's reform process. For that reason, it should be considered a great accomplishment that MCSO began delivering the mandated supervisor Training on June 13, 2016. As described above, the approval and finalization of Training is collaborative effort amongst MCSO, the Monitor, and the Parties. MCSO thanks all the involved parties for the roles that they played in making the Supervisor Training delivery possible during this quarter. MCSO looks forward to such continued collaboration which will enable it to achieve its goal of full and effective compliance with all aspects of the Court's Orders.

BIO's Efforts to Achieve Transparency and Deputy Oversight

Furthermore, MCSO's Bureau of Internal Oversight ("BIO") is working hard to increase agency transparency and to provide audits and inspections that will help MCSO prove to the Monitor, parties, Court, and the Community that it is able to monitor itself by identifying and addressing problematic issues within the agency. BIO's Early Intervention Unit ("EIU") is working with the Monitor and parties to develop an Early Intervention System ("EIS") that will effectively enhance and promote accountability within MCSO, and track deputy behavior to reveal trends in conduct or behaviors that necessitate coaching, counseling, additional training, or discipline.

MCSO's CID appreciates the good working relationship that it enjoys with the Monitor and Parties. As the single point of contact, CID's Captain Aldorasi is devoted to maintaining this relationship, and works closely with the Monitor and Parties to achieve compliance with the Court Order. To that end, CID is committed to developing strategies and identifying steps necessary to increase the momentum of compliance.

Sheriff Arpaio, MCSO command staff, and all other MCSO personnel are committed to achieving compliance with every aspect of the Court's Order, and will not let up in their efforts until compliance is achieved. Sheriff Arpaio, Chief Deputy Sheridan, and the MCSO command staff also want to ensure the reader of this report that they have received the Second Amended Second Supplemental Permanent Injunction/Judgment Order and are taking immediate steps to achieve full and effective compliance with it and the Court's previous Orders.

Appendix A: MCSO Melendres Court Order Compliance Chart

MCSO Melendres Court Order Compliance Chart										Completed on: May 27, 2016
Paragraph #	Requirement	Phase 1: Development (Policy & Training)				Phase 2: Implementation			Date of Full Compliance	
		In Compliance	Deferred	Not in Compliance	Not Applicable	In Compliance	Deferred	Not in Compliance		
Section III. MCSO Implementation Unit and Internal Agency-wide Assessment										
9	Form a Court Order Implementation Unit	X				X			Apr. 16, 2015	
10	Collection and Maintenance of All Data and Records	X				X			Oct. 16, 2015	
11	MCSO Quarterly Report	X				X			Sep. 18, 2014	
12	MCSO Annual Internal Assessment	X				X			Feb. 9, 2016	
13	MCSO Annual Internal Assessment	X				X			Feb. 9, 2016	
Section V. Policies and Procedures										
19	Conduct Comprehensive Review of All Policies	X						X		
21	Create and Disseminate Policy Regarding Biased-Free Policing	X					X			
22	Reinforce Discriminatory Policing is Unacceptable	X						X		
23	Modify Code of Conduct Policy (CP-2): Prohibited Use of County Property	X				X			Feb. 9, 2016	
24	Ensure Operations are Not Motivated, Initiated, or Based on Race or Ethnicity			X				X		
25	Revise Policies to Ensure Bias-Free Traffic Enforcement	X				X			Apr. 16, 2015	
26	Revise Policies to Ensure Bias-Free Investigatory Detentions and Arrests	X				X			Oct. 16, 2015	
27	Remove LEAR Policy from Policies and Procedures	X				X			Sep. 18, 2014	
28	Revise Policies Regarding Immigration-Related Law	X				X			Apr. 16, 2015	
29	All Policies and Procedures shall Define Terms Clearly, Comply with Applicable Law and Order Requirements, and Use Professional Standards					X	X		Apr. 16, 2015	
30	Submit All Policies to Monitor within 90 Days of Effective Date; and Have Approval by Monitor Prior to Implementation					X	X		Apr. 16, 2015	
31	Ensure Personnel Receive, Read, and Understand Policy	X				X				
32	All Personnel shall Report Violations of Policy; and Employees shall be Held Accountable for Policy Violations	X						X		
33	Personnel Who Engage in Discriminatory Policing shall be Subject to Discipline	X						X		
34	On Annual Basis, Review Policy and Document It in Writing	X				X			Apr. 16, 2016	

Paragraph #	Requirement	Phase 1: Development (Policy & Training)				Phase 2: Implementation			Date of Full Compliance
		In Compliance	Deferred	Not in Compliance	Not Applicable	In Compliance	Deferred	Not in Compliance	
Section VI. Pre-Planned Operations									
35	Monitor shall Regularly Review Documents of any Specialized Units Enforcing Immigration-Related Laws to Ensure Accordance with Law and Court Order	X				X			Feb. 9, 2016
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	X				X			Apr. 16, 2015
37	Have Standard Template for Op Plans and Standard Instructions for Supervisors, Deputies, and Posse Members	X				X			Apr. 16, 2015
38	Create and Provide Monitor with Approved Documentation of Significant Op within 10 Days After Op	X				X			Apr. 16, 2015
40	Notify Monitor and Plaintiffs within 24 hrs. of any Immigration Related Traffic Enforcement Activity or Significant Op Arrest of 5 or More People	X				X			Apr. 16, 2015
Section VII. Training									
42	Selection and Hiring of Instructors for Supervisor Specific Training			X				X	
43	Training at Least 60% Live Training, 40% On-line Training, and Testing to Ensure Comprehension			X				X	
44	Training Schedule, Keeping Attendance, and Training Records			X				X	
45	Training may Incorporate Role-Playing Scenarios, Interactive Exercises, and Lectures				X			X	
46	Curriculum, Training Materials, and Proposed Instructors				X			X	
47	Regularly Update Training (from Feedback and Changes in Law)			X				X	
48	Bias-Free Policing Training Requirements (12 hrs. Initially, then 6 hrs. Annually)				X	X			Apr. 16, 2015
49	Bias-Free Policing Training shall Incorporate Current Developments in Federal and State Law and MCSO Policy				X	X			Apr. 16, 2015
50	Fourth Amendment Training (6 hrs. Initially, then 4 hrs. Annually)				X	X			Apr. 16, 2015
51	Fourth Amendment Training shall Incorporate Current Developments in Federal and State Laws and MCSO Policy				X	X			Apr. 16, 2015
52	Supervisor Responsibilities Training (6 hrs. Initially, then 4 hrs. Annually)				X			X	
53	Supervisor Responsibilities Training Curriculum				X			X	

Paragraph #	Requirement	Phase 1: Development (Policy & Training)				Phase 2: Implementation			Date of Full Compliance
		In Compliance	Deferred	Not in Compliance	Not Applicable	In Compliance	Deferred	Not in Compliance	
Section VIII. Traffic Stop Documentation and Data Collection and Review									
54	Collection of Traffic Stop Data	X				X			Oct. 16, 2015
55	Assign Unique ID for Each Incident/Stop, So Other Documentation can Link to Stop	X				X			Dec. 15, 2014
56	Maintaining Integrity and Accuracy of Traffic Stop Data	X				X			Feb. 9, 2016
57	Ensure Recording of Stop Length Time and Providing Signed Receipt for Each Stop	X						X	
58	Ensure all Databases Containing Individual-Specific Data Comply with Federal and State Privacy Standards; Develop Process to Restrict Database Access	X				X			Sep. 18, 2014
59	Providing Monitors and Plaintiffs' Representative Full Access to Collected Data				X	X			Sep. 18, 2014
60	Develop System for Electronic Data Entry by Deputies	X				X			Feb. 9, 2016
61	Installing Functional Video and Audio Recording Equipment (Body-Cameras)	X						X	
62	Activation and Use of Recording Equipment (Body-Cameras)	X						X	
63	Retaining Traffic Stop Written Data and Camera Recordings			X				X	
64	Protocol for Periodic Analysis of Traffic Stop Data and Data Gathered for Significant Ops			X				X	
65	Designate Group to Analyze Collected Data			X				X	
66	Conduct Annual, Agency-Wide Comprehensive Analysis of Data			X				X	
67	Warning Signs or Indicia of Possible Racial Profiling or Other Misconduct	X						X	
68	Criteria for Analysis of Collected Patrol Data (Significant Ops)	X				X			Dec. 15, 2014
69	Supervisor Review of Collected Data for Deputies under Their Command			X				X	
70	Response to/Interventions for Deputies or Units Involved in Misconduct			X				X	
71	Providing Monitor and Plaintiffs' Representative Full Access to Supervisory and Agency Level Reviews of Collected Data				X	X			Apr. 16, 2015
Section IX. Early Identification System (EIS)									
72	Develop, implement, and maintain a computerized EIS			X				X	
73	Create Unit or Expand Role of MCSO IT to Develop, Implement, and Maintain EIS			X			X		
74	Develop and Implement Protocol for Capturing and Inputting Data			X				X	

Paragraph #	Requirement	Phase 1: Development (Policy & Training)				Phase 2: Implementation			Date of Full Compliance
		In Compliance	Deferred	Not in Compliance	Not Applicable	In Compliance	Deferred	Not in Compliance	
75	EIS shall Include a Computerized Relational Database			X				X	
76	EIS shall Include Appropriate ID Info for Each Deputy			X				X	
77	Maintaining Computer Hardware and Software, All Personnel Have Ready and Secure Access				X	X			Apr. 16, 2015
78	Maintaining All Personally Identifiable Information			X				X	
79	EIS Computer Program and Hardware will be Operational, Fully Implemented, and Use in Accordance of Policies and Protocol			X				X	
80	EIS Education and Training for all Employees			X				X	
81	Develop and Implement Protocol for Using EIS and Information Obtained From It			X				X	
Section X. Supervision and Evaluation of Officer Performance									
83	Provide Effective Supervision of Deputies	X						X	
84	Adequate Number of Supervisors (1 Field Supervisor to 12 Deputies)	X				X			Jan. 12, 2016
85	Supervisors Discuss and Document Traffic Stops with Deputies	X						X	
86	Availability of On-Duty Field Supervisors	X						X	
87	Quality and Effectiveness of Commanders and Supervisors			X				X	
88	Supervisors in Specialized Units (Those Enforcing Immigration-Related Laws) Directly Supervise LE Activities of New Members	X				X			Feb. 9, 2016
89	Deputies Notify a Supervisor Before Initiating any Immigration Status Investigation and/or Arrest	X						X	
90	Deputies Submit Documentation of All Stops and Investigatory Detentions Conducted to Their Supervisor By End of Shift	X						X	
91	Supervisors Document any Investigatory Stops and Detentions that Appear Unsupported by Reasonable Suspicion or Violate Policy	X						X	
92	Supervisors Use EIS to Track Subordinate's Violations or Deficiencies in Investigatory Stops and Detentions			X				X	
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	X						X	

Paragraph #	Requirement	Phase 1: Development (Policy & Training)				Phase 2: Implementation			Date of Full Compliance
		In Compliance	Deferred	Not in Compliance	Not Applicable	In Compliance	Deferred	Not in Compliance	
94	Supervisor Documentation of Any Arrests that are Unsupported by Probable Cause or Violate Policy	X						X	
95	Supervisors Use EIS to Track Subordinate's Violations or Deficiencies in Arrests and the Corrective Actions Taken			X				X	
96	Command Review of All Supervisory Review Related to Arrests that are Unsupported by Probable Cause or Violate Policy	X						X	
97	Commander and Supervisor Review of EIS Reports			X				X	
98	System for Regular Employee Performance Evaluations			X				X	
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			X				X	
100	Quality of Supervisory Reviews Taken into Account in Supervisor's Own Performance Evaluation			X				X	
101	Eligibility Criteria for Assignment to Specialized Units	X				X			Feb. 9, 2016
Section XI. Misconduct and Complaints									
102	Reporting Alleged or Apparent Misconduct	X						X	
103	Audit Check Plan to Detect Deputy Misconduct			X				X	
104	Deputy Cooperation with Administrative Investigations	X						X	
105	Investigator Access to Collected Data, Records, Complaints, and Evaluations	X						X	
106	Disclosure of Records of Complaints and Investigations				X	X			Apr. 16, 2016
Totals:		47	0	28	14	36	2	51	

Legend
Paragraphs 18, 20, 41, & 82 are Introductory Paragraphs; no compliance requirement
Section I. Definitions; no compliance requirement
Section II. Effective Dates, Jurisdiction and Party Representatives; no compliance requirement
Section XII. Community Engagement (Monitor's responsibility); no compliance requirement
Section XIII. Independent Monitor and Other Procedures Regarding Enforcement; no compliance requirement

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 Stop Data Collection System
VSCF:	Vehicle Stop Contact Form

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EXHIBIT 1

Holly McGee

From: JOE POPOLIZIO
Sent: Friday, August 05, 2016 9:25 PM
To: 'Brenda Munoz Furnish'; Robert Warshaw; Raul Martinez; John Girvin; Robin Busch-Wheaton; Dan Doherty; Bea Annexy; Fred Aldorasi; Benjamin Armer; Alexis Arce; JOHN MASTERSON; Holly McGee; Julie Wanner; Gloria Torres; jbcofc@aol.com; Cecillia Wang; Andre Segura; Jessie Baird; syoung@cov.com; Romanow, Julie R; Annie Lai (alai@law.uci.edu); Julia Gomez; Kathy Brody; Mondino, Jennifer (CRT); Killebrew, Paul (CRT); Coe, Cynthia (CRT); Johnston, Maureen (CRT); Okwesa, Carolyn (CRT); Lopez, Sarah (CRT)
Subject: RE: 2016 Annual Combined Training

Hi Brenda,

As you know, I am relatively new to the compliance end of this action. However, I know many MCSO personnel very well, including those in CID and Training. I also know first hand how hard they work and how dedicated they are.

Your compliment was well received and is a step in a positive direction. Thanks for taking the time to deliver a kind word and acknowledging MCSO's efforts.

Thanks again and have a nice weekend.

Sincerely,

Joe Popolizio

From: Brenda Munoz Furnish [mailto:bmfurnish@acluaz.org]

Sent: Thursday, August 04, 2016 11:51 AM

To: Robert Warshaw; Raul Martinez; John Girvin; Robin Busch-Wheaton; Dan Doherty; Bea Annexy; Fred Aldorasi; Benjamin Armer; Alexis Arce; JOE POPOLIZIO; JOHN MASTERSON; Holly McGee; Julie Wanner; Gloria Torres; jbcofc@aol.com; Cecillia Wang; Andre Segura; Jessie Baird; syoung@cov.com; Romanow, Julie R; Annie Lai (alai@law.uci.edu); Julia Gomez; Kathy Brody; Mondino, Jennifer (CRT); Killebrew, Paul (CRT); Coe, Cynthia (CRT); Johnston, Maureen (CRT); Okwesa, Carolyn (CRT); Lopez, Sarah (CRT)

Subject: 2016 Annual Combined Training

Dear Monitor and counsel:

Plaintiffs first want to commend MCSO for doing a great job on including sections in the ACT materials that discuss DV, gender identity, sexual orientation, and cultural awareness issues. This truly makes the training unique and could be a model for other agencies in the future. We forwarded the ACT materials to the ACLU's Women's Rights Project and the LGBT Project to get further guidance on these important issues. Attached is a document that has their comments on those sections, which we hope prove helpful during the revision process. For easier reference, those comments are by "CS" and "LL". Please feel free to contact us if you have any questions.

Best,

Brenda Muñoz Furnish

Brenda Muñoz Furnish

Staff Attorney

American Civil Liberties Union of Arizona

P.O. Box 17148, Phoenix, AZ 85011-0148

■ 602.773-6018 ■ bmfurnish@acluaz.org

www.acluaz.org



DESPISE FREEDOM WANT PROTECT PEOPLE

EXHIBIT 2

Holly McGee

From: John Girvin <john.m.girvin@gmail.com>
Sent: Tuesday, August 02, 2016 10:24 AM
To: Fred Aldorasi (A) - SHERIFFX
Cc: rochtopcop@aol.com; robin@wind-up.com; Bea Annexy (beaannexy@gmail.com); Daniel Doherty (danieldoherty65@yahoo.com); JOE POPOLIZIO; JOHN MASTERSON; Holly McGee; Julie Wanner; James McFarland - SHERIFFX; Benjamin Armer - SHERIFFX; Raul Martinez; Al Peters
Subject: Re: Conference Call Regarding 2016 Annual Combined Training (ACT)
Categories: (63100-99999)

Captain, Lieutenant:

First, thanks to Lt. Armer for setting up this call. Everyone thought it was very productive.

I know you had staff present on the call and so you are most likely aware of these items anyway, but I wanted to advise of some suggestions and offers made during the call so that you may appropriately follow up:

- Paul Killebrew of DOJ offered to provide MCSO with sample policies on dealing with Transgenders. Apparently he is very knowledgeable regarding these issues from his other work with DOJ. The training personnel on the call basically indicated that this would be in the purview of MCSO's Policy Section, so I advised that I would inform you of the offer. I would suggest that you contact Mr. Killebrew and take advantage of his offer.
- An informative discussion occurred regarding administrative vs. criminal warrants. Andre Segura of the ACLU offered to provide examples of administrative warrants issued by other agencies and jurisdictions. I would suggest that you contact Mr. Segura and take advantage of his offer.
- As the above discussion progressed, it became clear that perhaps some of MCSO policies as they pertain to warrants might need to be updated. I committed to the group that I would make that referral to you.

By the way, Lt. Morrison did an excellent job representing MCSO on the call. He was very knowledgeable and not reluctant to defend MCSO's positions in an informed and polite manner.

Regards,

John

On Tue, Jul 26, 2016 at 12:15 PM, Benjamin Armer - SHERIFFX <B_Armer@mcs.maricopa.gov> wrote:

Good Morning:

We have been able to finalize the conference call regarding Annual Combined Training (ACT).

When: Friday, July 29, 2016 from 9:00AM to Noon (Arizona Time)

Conference Call Bridge: [602-876-1408](tel:602-876-1408) with PIN #: 253982

The Monitor Team was kind enough to use their GoToMeeting account for this meeting. The information related to GoToMeeting will be relayed once it is available.

Thank You and we look forward to a productive meeting.

Respectfully,

Ben

Lt. Ben Armer # 1538

Court Implementation Division
Maricopa County Sheriff's Office

550 W. Jackson Street

Phoenix, AZ 85003

[\(602\)876-4451](tel:6028764451)

From: Benjamin Armer - SHERIFFX

Sent: Wednesday, July 20, 2016 9:28 AM

To: rochtopcop@aol.com; robin@wind-up.com; Bea Annexy (beaannexy@gmail.com); Commander Girvin (john.m.girvin@gmail.com); Daniel Doherty (danieldoherty65@yahoo.com); Fred Aldorasi (A) - SHERIFFX; Benjamin Armer - SHERIFFX; Alexis Arce - SHERIFFX; JOE POPOLIZIO; JMasterson@JSHFIRM.com; HMcGee@jshfirm.com; Julie Wanner (JWanner@JSHFIRM.COM); bmfurnish@acluaz.org; gtorres@acluaz.org; Jim Chanin (jbcofc@aol.com); Cecilia Wang (cwang@aclu.org); asegura@aclu.org; Jessie Baird (jbaird@aclu.org); Annie Lai (alal@law.uci.edu); syoung@cov.com; Julie Romanow (jromanow@cov.com); jgomez@maldef.org; jennifer.mondino@usdoj.gov; Killebrew, Paul (CRT) (Paul.Killebrew@usdoj.gov); Coe, Cynthia (CRT) (Cynthia.Coe@usdoj.gov); maureen.johnston@usdoj.gov; Carolyn Okwesa (carolyn.okwesa2@usdoj.gov); sarah.lopez@usdoj.gov; James McFarland - SHERIFFX

Cc: Benjamin Armer - SHERIFFX

Subject: Conference Call Regarding 2016 Annual Combined Training (ACT)

Good Morning:

We would like to see if the Parties are available for a conference call on Friday, July 29, 2016 from 9AM to Noon (Arizona Time) to discuss and review the 2016 Annual Combined Training Draft.

Respectfully,

Ben

Lt. Ben Armer # 1538

Court Implementation Division
Maricopa County Sheriff's Office

550 W. Jackson Street

Phoenix, AZ 85003

[\(602\)876-4451](tel:(602)876-4451)

EXHIBIT 3

1 John T. Masterson, Bar #007447
Joseph J. Popolizio, Bar #017434
2 Justin M. Ackerman, Bar #030726
JONES, SKELTON & HOCHULI, P.L.C.
3 40 North Central Avenue, Suite 2700
Phoenix, Arizona 85004
4 Telephone: (602) 263-1700
Fax: (602) 200-7846
5 jmasterson@jshfirm.com
jpopolizio@jshfirm.com
6 jackerman@jshfirm.com

7 Attorneys for Defendant Joseph M. Arpaio in
his official capacity as Sheriff of Maricopa
8 County, AZ

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 Manuel de Jesus Ortega Melendres, et al.,

13 Plaintiff,

14 v.

15 Joseph M. Arpaio, et al.,

16 Defendant.

NO. CV 07-02513-PHX-GMS

**DEFENDANT JOSEPH M.
ARPAIO’S NOTICE OF
COMPLIANCE WITH
PARAGRAPH 165 OF THE
SECOND AMENDED SECOND
SUPPLEMENTAL PERMANENT
INJUNCTION/JUDGMENT
ORDER**

17
18
19 Pursuant to the Second Amended Second Supplemental Permanent
20 Injunction/Judgment Order (Doc. 1765) (the “ Order”) dated July 26, 2016, Defendant
21 Sheriff Joseph M. Arpaio informs the Court that the Maricopa County Sheriff’s Office
22 (“MCSO”) has conducted a comprehensive review of all policies, procedures, manuals
23 and other written directives related to misconduct investigations, employee discipline, and
24 grievances, to provide to the Monitor and Plaintiffs revised policies and procedures that
25 incorporate all the requirements of the Order. *See* Paragraph 165 of the Order. MCSO
26 accomplished its review and revisions pursuant to Paragraph 165 of the Order and
27 provided the Monitor and the Plaintiffs its proposed revisions incorporating the
28

1 requirements of this Order within one month of the entry of the Order as ordered by the
2 Court.

3 A list of revised MCSO policies, procedures, and manuals produced to the
4 Monitor and Plaintiffs pursuant to the Order, along with their dates of production, is as
5 follows:

6 **August 8, 2016**

- 7 • GD-9 Receipt of Litigation Notice or Subpoena (MELC1603396 – 1603398)
- 8 • Complaint Intake Testing Program (MELC1603399 – MELC1603402)
- 9 • CP-3 Work place Professionalism (MELC1603403 – MELC1603410)
- 10 • GA-1 Development of Written Orders (MELC1603411 – MELC1603416)
- 11 • CP-5 Truthfulness (MELC1603417 – MELC1603420)
- 12 • CP-11 Anti-Retaliation (MELC1603421 – MELC1603423)
- 13 • GC-7 Transfer of Personnel (MELC1603424 – MELC1603430)
- 14 • GE-4 Use, Assignment, and Operation of Vehicles (MELC1603431 – MELC1603441)

15 **August 18, 2016**

- 16 • GI-5 Voiance Language Services (MELC1608079 – MELC1608081)
- 17 • GC-4 Employee Performance Appraisals (MELC1608082 – MELC1608095)
- 18 • GC-11 Employee Probationary Periods (MELC1608096 – MELC1608099)
- 19 • CP-2 Code of Conduct (MELC1608100 – MELC1608115)
- 20 • EA-2 Patrol Vehicles (MELC1608116 – MELC1608119)
- 21 • GC-12 Hiring and Promotional Procedures (MELC1608120 – MELC1608128)
- 22 • GH-5 Early Identification System (MELC1608129 – MELC1608151)
- 23 • GJ-26 Sheriff's Reserve Deputy Program (MELC1608152 – MELC1608168)
- 24 • GJ-27 Sheriff's Posse Program (MELC1608169 – MELC1608189)

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- GC-16 Employee Grievance Procedures (MELC1608190 – MELC1608200)
- GC-17 Employee Disciplinary Procedures (MELC1608201 – MELC1608226)
- GH-2 Internal Investigations (MELC1608227 – MELC1608257)

August 19, 2016

- Review of Body-Worn Video During IA Administrative Broadcast (MECL160825 – MELC1608259)
- GH-4 Bureau of Internal Oversight (MELC1608260 – MELC1608273)
- GG-1 & GG-2 Training (MELC1608274 – MELC1608316)
- GB-2 Command Responsibility (MELC1608317 – MELC1608334)b
- GJ-24 Community Relations and Youth Programs (MELC1608335 – MELC1608339)
- PSB Operations Manual (MELC1608340 – MELC1608374)
- Compliance Division Operations Manual (MELC1608375 – MELC1608517)

MCSO and the undersigned counsel will confer with the parties and the Monitor regarding these revisions in an earnest attempt to obviate the need for the Court’s intervention.

DATED this 25th day of August, 2016.

JONES, SKELTON & HOCHULI, P.L.C.

By /s/ Joseph J. Popolizio
 John T. Masterson
 Joseph J. Popolizio
 Justin M. Ackerman
 40 North Central Avenue, Suite 2700
 Phoenix, Arizona 85004
 Attorneys for Defendant Joseph M. Arpaio
 in his official capacity as Sheriff of
 Maricopa County, AZ

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of August, 2016, I caused the foregoing document to be filed electronically with the Clerk of Court through the CM/ECF System for filing; and served on counsel of record via the Court’s CM/ECF system.

/s/ Melissa Ward

EXHIBIT 4

Holly McGee

From: Chief Warshaw <rochtopcop@aol.com>
Sent: Wednesday, August 24, 2016 5:05 AM
To: JOE POPOLIZIO; Paul.Killebrew@usdoj.gov; JOHN MASTERSON; asegura@aclu.org
Cc: A_Arce@mcso.maricopa.gov; alai@law.uci.edu; bmfurnish@acluaz.org; beaannexy@gmail.com; B_Armer@mcso.maricopa.gov; cwang@aclu.org; Cynthia.Coe@usdoj.gov; danieldoherty65@yahoo.com; F_Aldorasi@mcso.maricopa.gov; gtorres@acluaz.org; Holly McGee; jbaird@aclu.org; jbcocf@aol.com; Maureen.Johnston@usdoj.gov; jgomez@maldef.org; Julie Wanner; khuddleston@acluaz.org; kbrody@acluaz.org; Jennifer.Mondino@usdoj.gov; Carolyn.Okwesa2@usdoj.gov; Luarm8@gmail.com; robin@wind-up.com; jromanow@cov.com; Sarah.Lopez@usdoj.gov; syoung@cov.com; John.M.Girvin@gmail.com
Subject: Re: Melendres V. Arpaio- Paragraph 273 Memorandum

Dear Counsel,

Thank you for your comments regarding the matter of paragraph 273. While Commender Girvin has been at the point, on behalf of the Monitoring Team, I wanted to take this opportunity to make some comments of my own.

As it pertains to the initial and subsequent iterations submitted by Mr. Popolizio and Mr. Masterson, our views were the following. Mistrs Popolizio and Masterson recently migrated a significant part of their their work efforts from their court responsibilities to the implementation of the old and new requirements in both the First and Second Supplemental Permanent Injunctions. As it pertains to paragraph 273, we found their submittals to be fair, accurate, and an earnest attempt to articulate to the rank-and-file a fair and balanced account of organizational and individual culpability. If anything, and especially since they have only recently taken over this new role, I feel they should be commended for their efforts.

Misters Killebrew, Segura, Ms. Wang and others continue to be thoughtful , thorough contributors with their commentaries on policy and training and other matters. Their thoroughness and prudent consideration of the issues at hand have been exemplary.

Paragraph 273 presented a unique set of circumstances that necessitated an expedited process in order to insure that the body of employees at the MCSO would quickly be provided substantive insight into the letter, intent and history of the Orders emanating from the Court. There has been no bad faith here on anyone's part and all counsel are to recognized for their commitment to the process.

The work before us is immense. As the Monitor, I hear all the parties "loud and clear." Let's work together to move forward and get this matter behind us. I appreciate **all** your efforts.

Thanks much,
Chief (Ret) Robert S. Warshaw
Monitor.

-----Original Message-----

From: JOE POPOLIZIO <Jpopolizio@JSHFIRM.com>
To: 'Killebrew, Paul (CRT)' (CRT) <Paul.Killebrew@usdoj.gov>; 'John Girvin' <john.m.girvin@gmail.com>
Cc: Alexis Arce <A_Arce@mcso.maricopa.gov>; Andre Segura <asegura@aclu.org>; Annie Lai <alai@law.uci.edu>; B Munoz <bmfurnish@acluaz.org>; Bea Annexy <beaannexy@gmail.com>; Benjamin Armer <B_Armer@mcso.maricopa.gov>; Cecillia Wang <cwang@aclu.org>; Coe, Cynthia (CRT) (CRT) <Cynthia.Coe@usdoj.gov>; Dan Doherty <danieldoherty65@yahoo.com>; Fred Aldorasi <F_Aldorasi@mcso.maricopa.gov>; Gloria Torres <gtorres@acluaz.org>; Holly McGee <HMcGee@JSHFIRM.COM>; Jessie Baird <jbaird@aclu.org>; Jim Chanin <jbcocf@aol.com>; JOHN MASTERSON <JMasterson@JSHFIRM.com>; Johnston, Maureen (CRT) (CRT) <Maureen.Johnston@usdoj.gov>; Julia Gomez <jgomez@maldef.org>; Julie Wanner

<JWanner@JSHFIRM.COM>; Kate Huddleston <khuddleston@acluaz.org>; Kathy Brody <kbrody@acluaz.org>; Mondino, Jennifer (CRT) (CRT) <Jennifer.Mondino@usdoj.gov>; Okwesa, Carolyn (CRT) (CRT) <Carolyn.Okwesa2@usdoj.gov>; Raul Martinez <Luarm8@gmail.com>; Robert Warshaw <rochtopcop@aol.com>; Robin Busch-Wheaton <robin@wind-up.com>; Romanow, Julie R <jromanow@cov.com>; Lopez, Sarah (CRT) (CRT) <Sarah.Lopez@usdoj.gov>; Stanley Young <syoung@cov.com>
Sent: Tue, Aug 23, 2016 4:17 pm
Subject: RE: Melendres V. Arpaio- Paragraph 273 Memorandum

Dear Paul and all counsel who participated in this exercise regarding the paragraph 273 memo,

Thank you, once again, for complying with my request for an expedited review of the paragraph 273 memo. Originally, I sent the memo to Commander Girvin of the Monitor Team for review. Commander Girvin reminded me that, as this fell under additional training, I had to send it to the parties for their review. Although I intended to request expedited review, Commander Girvin suggested that I request an expedited turnaround in light of the Court's deadline to brief all MCSO employees regarding the Findings and Order. And, as you know, he urged the parties to comply.

As you are aware, the Monitor Team (Chief Warshaw, Commander Girvin, and Chief Martinez) "found the memo that we originally provided to be a fair, unbiased representation of both the Findings of Fact and the Second Supplemental Permanent Injunction". We incorporated the Monitor's suggested changes and some of the Plaintiffs' suggestions as indicated in my email last Friday evening. While we understand that the parties have a right to make suggestions as to training, MCSO does not have to accept any or all of them.

Yesterday morning, I reached out to the Monitors to determine whether they approved of the version of the memo that I circulated on Friday night. Commander Girvin responded: "We've reviewed the changes contained in the latest version you sent, and it is approved for publication. Please insure that MCSO uses a publication method which is auditable, so that we can verify receipt by all employees." Of course, the Monitor had all the parties' suggestions to review. After receipt of the Monitor's approval, MCSO has proceeded with the education of MCSO employees with the use of the approved memo.

I have attached our email exchange to this email. Accordingly, we proceeded with the version that the Monitor found acceptable. We did not find our version "legalistic". And while I certainly do not speak for the Monitor *ever*, it appears from the Monitor's comments that the Monitor Team, which is comprised of former law enforcement personnel, found the memo to be easily digestible. While you might disagree with us and apparently the Monitor Team, the memo effectively briefs and presents the terms of the Order and Findings in a concise, easily understandable, fair, and unbiased form.

Please understand that we truly do appreciate the efforts and input of the parties in this instance and always. Nevertheless, that does not mean that we will always agree and, in fact,

in this instance we did not agree. As stated above, our memo tracks the Order and provided relevant background information as required, without unnecessary, additional comment.

I respect your opinion, but disagree regarding the memo and the process to obtain the Monitor's approval of it, which was efficient, and although time compressed, certainly not unnecessarily burdensome. Moreover, this process was collaborative; it just did not reflect all that you desired in the end. The final arbiter regarding the content of this memo was the Monitor Team, and it has spoken.

As you are aware, we came into the compliance phase of this action approximately two months ago. Since our assumption of compliance responsibilities, I believe that the pace, effectiveness and collaboration regarding the compliance process have increased. Please let me know if you disagree.

Last, I do not believe that a conference call is necessary, but I will defer to the Monitor on that issue. Of course, I will participate in any conference that may occur so that we can put this behind us and move forward with our compliance efforts.

From: Killebrew, Paul (CRT) [<mailto:Paul.Killebrew@usdoj.gov>]

Sent: Tuesday, August 23, 2016 11:17 AM

To: JOE POPOLIZIO; 'John Girvin'

Cc: Alexis Arce; Andre Segura; Annie Lai; B Munoz; Bea Annexy; Benjamin Armer; Cecilia Wang; Coe, Cynthia (CRT); Dan Doherty; Fred Aldorasi; Gloria Torres; Holly McGee; Jessie Baird; Jim Chanin; JOHN MASTERSON; Johnston, Maureen (CRT); Julia Gomez; Julie Wanner; Kate Huddleston; Kathy Brody; Mondino, Jennifer (CRT); Okwesa, Carolyn (CRT); Raul Martinez; Robert Warshaw; Robin Busch-Wheaton; Romanow, Julie R; Lopez, Sarah (CRT); Stanley Young

Subject: RE: Melendres V. Arpaio- Paragraph 273 Memorandum

Counsel:

We have reviewed the revised Paragraph 273 training and note that, without explanation or comment, MCSO accepted few, if any, substantive suggestions made by the United States, most critically the plain-language introduction. We agreed to a compressed review schedule for this training in a spirit of cooperation and as a professional courtesy. We will not agree to such compressed schedules in the future, however, if our comments, suggestions, and revisions are simply disregarded. We respectfully request that MCSO reconsider Plaintiffs' and the United States' suggestions and either accept them or explain why they shouldn't be accepted. We would be happy to set up a conference call to discuss if that would be helpful.

Regarding the plain-language introduction specifically, we again note that the document as written is legalistic and that critical points are not presented in an easily digestible form. As a result, the audience this training is intended for may miss crucial aspects of the findings and injunction. Given previous testimony in this case about MCSO personnel not being able to understand the Court's orders as written, MCSO should do more to ensure that its employees understand their new obligations and the judicial findings that led to them.

If MCSO declines to accept the Plaintiffs' and the United States' suggestions or explain why the suggestions are not being accepted, we must in the future insist that, in any review process, MCSO will not receive the Monitor's approval until the Monitor has had an opportunity to consider the input of the Plaintiffs and the United States. Moreover, we may need to raise these issues with the Court if the review process continues to be an obstacle. To be clear, we would prefer a more collaborative approach, which we believe would benefit the compliance process. As we noted in our letter of April 11, 2016 (attached), "the success of the compliance process depends as much on a straightforward, honest, and collaborative relationship as on the implementation of reforms such as effective policies, successful training, and quality supervision." But this interaction around the Paragraph 273 training continues MCSO's track record of "foster[ing] an unnecessarily burdensome and inefficient compliance process."

Please do not hesitate to call or email if I can provide any additional information. If MCSO would like to go forward with a conference call, please let us know your availability, and we will get something scheduled.

Sincerely,
Paul

Paul Killebrew
Trial Attorney
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
601 D St. NW
Washington, D.C. 20004

Office: (202) 305-3239
Cell: (202) 532-3403
paul.killebrew@usdoj.gov

From: JOE POPOLIZIO [<mailto:Jpopolizio@JSHFIRM.com>]

Sent: Friday, August 19, 2016 11:05 PM

To: 'John Girvin'

Cc: Alexis Arce; Andre Segura; Annie Lai; B Munoz; Bea Annexy; Benjamin Armer; Cecillia Wang; Coe, Cynthia (CRT); Dan Doherty; Fred Aldorasi; Gloria Torres; Holly McGee; Jessie Baird; Jim Chanin; JOHN MASTERSON; Johnston, Maureen (CRT); Julia Gomez; Julie Wanner; Kate Huddleston; Kathy Brody; Killebrew, Paul (CRT); Mondino, Jennifer (CRT); Okwesa, Carolyn (CRT); Raul Martinez; Robert Warshaw; Robin Busch-Wheaton; Romanow, Julie R; Lopez, Sarah (CRT); Stanley Young

Subject: RE: Melendres V. Arpaio- Paragraph 273 Memorandum

Good evening all,

Thanks to all of you. We appreciate the quick turnaround.

John, we are glad that the Monitor team found the paragraph 273 memo to be a fair and unbiased representation of the Findings of Fact and the Second Amended Second Supplemental Permanent Injunction/Judgment Order. We have incorporated the Monitor's suggestions. As you realize, the memo tracks and is intended to brief and present the terms of the Order and Findings in a concise and easily understandable form. In addition, you were

correct that the Findings and the Order will be provided along with the memo. Please see fn.1. We also incorporated some of the suggestions from Plaintiffs.

Thanks again to all for your prompt attention and suggestions.

Sincerely,

Joe

From: John Girvin [<mailto:john.m.girvin@gmail.com>]

Sent: Friday, August 19, 2016 1:19 PM

To: JOE POPOLIZIO

Cc: Alexis Arce; Andre Segura; Annie Lai; B Munoz; Bea Annexy; Benjamin Armer; Cecillia Wang; Coe, Cynthia (CRT); Dan Doherty; Fred Aldorasi; Gloria Torres; Holly McGee; Jessie Baird; Jim Chanin; JOHN MASTERSON; Johnston, Maureen (CRT); Julia Gomez; Julie Wanner; Kate Huddleston; Kathy Brody; Killebrew, Paul (CRT); Mondino, Jennifer (CRT); Okwesa, Carolyn (CRT); Raul Martinez; Robert Warshaw; Robin Busch-Wheaton; Romanow, Julie R; Sarah Lopez; Stanley Young

Subject: Re: Melendres V. Arpaio- Paragraph 273 Memorandum

Joe,

Attached please find the Monitoring Team's comments on your proposed Par. 273 memo. We found it to be a fair, unbiased representation of both the Findings of Fact and the Second Supplemental Permanent Injunction. It is our understanding that the complete Findings and the Order will be made available to all personnel when the summary is disseminated. If that is not correct, please advise.

Regards,

John

Commander (Ret.) John M. Girvin
Deputy Monitor

On Wed, Aug 17, 2016 at 4:28 PM, JOE POPOLIZIO <Jpopolizio@jshfirm.com> wrote:

Hello everybody,

A ShareFile notification was just sent out to you requesting that you all review memorandum/outline pursuant to paragraph 273 of the Order. Please look at this ShareFile message and link as soon as possible. The message contains a detailed description of the document and my request for expedited review.

Thanks and have a great day!

Joe



JOSEPH J. POPOLIZIO | Partner

Jones, Skelton & Hochuli, P.L.C.

40 North Central Avenue, Suite 2700 Phoenix, Arizona 85004

P [602.263.1741](tel:602.263.1741) | F [602.200.7876](tel:602.200.7876)

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Attached Message	
From	JOE POPOLIZIO <Jpopolizio@JSHFIRM.com>
To	'John Girvin' <john.m.girvin@gmail.com>
Cc	luarm8@gmail.com <luarm8@gmail.com>; rochtopcop@aol.com <rochtopcop@aol.com>; JOHN MASTERSON <JMasterson@JSHFIRM.com>; Justin Ackerman <JAckerman@JSHFIRM.COM>
Subject	RE: Melendres V. Arpaio- Paragraph 273 Memorandum
Date	Mon, 22 Aug 2016 19:02:34 +0000

Thanks, John.

MCSO's dissemination of this memo along with the Order and Findings will be auditable.

Thanks, again, for the prompt response.

Sincerely,

Joe

From: John Girvin [<mailto:john.m.girvin@gmail.com>]
Sent: Monday, August 22, 2016 11:56 AM
To: JOE POPOLIZIO
Cc: luarm8@gmail.com; rochtopcop@aol.com; JOHN MASTERSON; Justin Ackerman
Subject: Re: FW: Melendres V. Arpaio- Paragraph 273 Memorandum

Hello, Joe.

We've reviewed the changes contained in the latest version you sent, and it is approved for publication. Please insure that MCSO uses a publication method which is auditable, so that we can verify receipt by all employees.

Regards,

John

On Mon, Aug 22, 2016 at 1:23 PM, JOE POPOLIZIO <Jpopolizio@jshfirm.com> wrote:

Good morning gentlemen,

I hope you all had a great weekend.

I have not heard from anyone after the Friday night email below.

I would like to get this moving immediately. Is there any objection from you that I give MCSO the green light to proceed with this memo's latest draft so that MCSO can comply with paragraph 273 of Judge Snow's Order? From John's email below, it appears to me that MCSO can proceed.

As you well understand, time is of the essence, so please let me know ASAP. Once again, thanks for your support on this and for your quick response on this issue.

Sincerely,

Joe

From: JOE POPOLIZIO

Sent: Friday, August 19, 2016 8:05 PM

To: 'John Girvin'

Cc: Alexis Arce; Andre Segura; Annie Lai; B Munoz; Bea Annexy; Benjamin Armer; Cecillia Wang; Coe, Cynthia (CRT); Dan Doherty; Fred Aldorasi; Gloria Torres; Holly McGee; Jessie Baird; Jim Chanin; JOHN MASTERSON; Johnston, Maureen (CRT); Julia Gomez; Julie Wanner; Kate Huddleston; Kathy Brody; Killebrew, Paul (CRT); Mondino, Jennifer (CRT); Okwesa, Carolyn (CRT); Raul Martinez; Robert Warshaw; Robin Busch-Wheaton; Romanow, Julie R; Sarah Lopez; Stanley Young

Subject: RE: Melendres V. Arpaio- Paragraph 273 Memorandum

Good evening all,

Thanks to all of you. We appreciate the quick turnaround.

John, we are glad that the Monitor team found the paragraph 273 memo to be a fair and unbiased representation of the Findings of Fact and the Second Amended Second Supplemental Permanent Injunction/Judgment Order. We have incorporated the Monitor's suggestions. As you realize, the memo tracks and is intended to brief and present the terms of the Order and Findings in a concise and easily understandable form. In addition, you were correct that the Findings and the Order will be provided along with the memo. Please see fn.1. We also incorporated some of the suggestions from Plaintiffs.

Thanks again to all for your prompt attention and suggestions.

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Sent: Friday, August 19, 2016 1:19 PM

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