

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject SIGNIFICANT OPERATIONS	Policy Number GJ-33
		Effective Date 03-07-24
Related Information CP-2, <i>Code of Conduct</i> CP-8, <i>Preventing Racial and Other Bias-Based Profiling</i> EA-3, <i>Non-Traffic Contact</i> EA-11, <i>Arrest Procedures</i> EB-1, <i>Traffic Enforcement, Violator Contacts, and Citation Issuance</i> EB-2, <i>Traffic Stop Data Collection</i> GB-2, <i>Command Responsibility</i> GF-1, <i>Criminal Justice Data Systems</i> GF-3, <i>Criminal History Record Information and Public Records</i> GF-5, <i>Incident Report Guidelines</i>	Supersedes GJ-33 (04-06-22)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for the planning and execution of significant or patrol operations and the collection of data from such events.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

POLICY

It is the policy of the Office to conduct significant or patrol operations in a lawful, non-biased manner in order to support the Constitutional rights of all members of the public.

DEFINITIONS

Bias-Based Profiling: The selection of an individual for law enforcement contact or action based to any degree on an actual or perceived trait common to a group, including age, nationality/ national origin, immigration status, religious beliefs/religion, race, color, gender, culture/cultural group, sexual orientation, gender identity/expression, veteran status, ancestry, physical/intellectual/mental health disability, ethnic background, socioeconomic status, or any other identifiable group characteristic, except as part of a reliable and specific suspect description. Selection for law enforcement contact or action includes selection for a stop, detention, search, issuance of citation, or arrest. Such bias-based profiling and/or discriminatory policing is prohibited even when a deputy otherwise has reasonable suspicion or probable cause justifying the law enforcement contact or action. The establishment of reasonable suspicion and/or probable cause must remain neutral as to race or any other characteristics listed above.

Employee: A person currently employed by the Office in a classified, unclassified, contract, temporary status.

Exigent Circumstances: The sum of the conditions and information available in any event which, taken in totality, dictates a need for immediate action.

Patrol Operations: Law enforcement operations conducted by employees in a law enforcement support or patrol capacity which involves motor vehicle traffic stops, including significant operations.

Protected Characteristic: All characteristics covered by applicable federal or state laws including, but not limited to, race, gender, religion, color, national origin, age, disability, sexual orientation, gender identity, including transgender status, gender expression, pregnancy, veteran status, and genetic information.

Racial Profiling: The reliance on race or ethnicity, to any degree, in making law enforcement decisions, except in connection with a reliable and specific suspect description.

Significant Operation: Any pre-planned patrol operation, involving ten or more MCSO personnel, including reserve deputies, and posse members, which involves traffic stops of vehicles.

PROCEDURES

1. **Bias Free Traffic Enforcement:** Any significant or patrol operation shall never be based to any degree on age, nationality/ national origin, immigration status, religious beliefs/religion, race, color, gender, culture/cultural group, sexual orientation, gender identity/expression, veteran status, ancestry, physical/intellectual/mental health disability, ethnic background, or socioeconomic status. Any enforcement shall be initiated in a bias free manner, as specified in Office Policy CP-8, *Preventing Racial and Other Bias-Based Profiling*; and any traffic enforcement, contact with members of the public, citation issuance, and arrests shall be conducted, as specified in Office Policies EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance* and EA-11, *Arrest Procedures*.
2. **Significant and Patrol Operations:** Significant or patrol operations shall not be motivated by or initiated in response to requests for law enforcement action based on race or ethnicity.
 - A. In deciding whether to take any law enforcement action, employees shall not rely on any information received from members of the public, including through any hotline, by mail, e-mail, phone or in person, unless the information contains evidence of a crime that is independently corroborated, the corroboration is documented in writing, and reliance on the information is consistent with all Office Policies.
 - B. Employees are prohibited from selecting particular communities, locations, or geographic areas for targeting significant or patrol operations based to any degree on racial or ethnic composition of the community.
3. **Significant or Patrol Operations Operational Plans:** For any significant or patrol operation involving ten or more personnel, a written operational plan shall be created. The operational plan shall include a statement of operational motivations and objectives, parameters for supporting documentation that shall be collected, and instructions to supervisors, deputies, and posse members.
 - A. The *Significant Operations Plan* shall be forwarded through the chain of command to the bureau chief for review, approval, and signature. The bureau chief shall notify the Court Implementation Division (CID) Commander of the impending operation two weeks in advance of the operation, absent compelling circumstances.
 - B. The CID Commander shall provide a copy of the operational plan and supporting documents in advance of any significant or patrol operation unless exigent circumstances exist, in which case as soon as practical. The operational plan and supporting documents shall be provided, as specified in the CID Operations Manual. The exigent circumstances responsible for the delay must be articulated in the operational plan.
 - C. The statement of operational motivations and objectives shall include:

1. The documentation of the specific justification or reason for the operation, certified as drafted prior to the operation. This documentation shall include analysis of relevant and reliable comparative crime data;
 2. Information which triggered the operation and/or selection for the particular site for the operation;
 3. Documentation of the steps taken to corroborate any information or intelligence received from non-law enforcement personnel;
 4. Documentation of standard and specific instructions for the operation as communicated to employees during pre-operation briefings. This shall include relevant Office Policies and any specific deviations from Office Policy that will occur as a result of the operation; and
 5. A list of specific operational objectives for the operation.
4. **Operational Execution:** All employees shall sign-in with the operational supervisor and receive a briefing prior to engaging in any significant or patrol operation. First-line patrol supervisors shall oversee a maximum of eight (8) deputies and reserve deputies, and four (4) non-sworn personnel – only two (2) of whom may be posse members who provide service in a patrol assistant function. Any remaining non-sworn personnel positions may be filled with deputy services aides (DSAs). The patrol supervisor shall oversee no more than (twelve) 12 total subordinates per shift, or part of a shift, as specified in Office Policy GB-2, *Command Responsibility*. Office employees shall be briefed as to the operational objectives and shall be provided additional instructions or guidance.
- A. The operational plan shall be provided to supervisors and employees prior to the execution of any significant or patrol operation. A list of operational employees, their assignments, and the operational chain of command shall also be provided.
 - B. Office employees shall be provided with direction on the type or nature of the criminal activity to target, if it was criminal activity that triggered the operation; or the type of traffic activity to target, if it was a traffic problem that triggered the operation.
 1. If the significant operation is traffic related, a review of Office Policies EB-1, *Traffic Enforcement, Violator Contacts, and Citations Issuance* and EB-2, *Traffic Stop Data Collection* shall be conducted at the briefing.
 2. If there is a temporary suspension or deviation from Office traffic policies for the duration of the significant or patrol operation, employees shall be provided with additional instruction as to what those deviations will be.
 - C. During each briefing, at a minimum, the following instructions shall be communicated:
 1. Employees shall conduct themselves in accordance with Office Policy and pay particular attention to Office Policies CP-2, *Code of Conduct*; CP-8, *Preventing Racial and Other Bias-Based Profiling*; EA-11, *Arrest Procedures*; EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*; and EB-2, *Traffic Stop Data Collection*, unless otherwise noted in the *Significant Operations Plan*.
 2. Employees shall not use age, nationality/national origin, immigration status, religious beliefs/religion, race, color, gender, culture/cultural group, sexual orientation, gender identity/expression, veteran status, ancestry, physical/intellectual/mental health disability,

ethnic background, socioeconomic status, or any other identifiable group characteristic to make any law enforcement decision or to take any law enforcement action.

3. Employees shall under no circumstance detain, arrest, or question an individual for immigration-related status.
 4. Employees shall not extend the duration of the 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 a crime has been, is being, or is about to be committed.
 5. Employees shall immediately report any incident of suspected bias-based activity to their supervisor who shall respond to and initiate appropriate inquiry into the incident.
- D. The *Significant Operations Plan*, *Significant Operations Supervisor Daily Checklist*, and the *Significant Operation Deputy Checklist* shall be used for all significant or patrol operations.
 - E. The supervisor who conducts each briefing shall be documented on the top of the *Significant Operations Plan*, the *Significant Operations Supervisor Daily Checklist*, and the *Significant Operation Deputy Checklist*.
 - F. At the end of each operational day, the *Significant Operations Deputy Checklist* and all *Vehicle Stop Contact Forms* (VSCF) for all employees shall be turned in to the Significant Operational Supervisor.
5. **Traffic Stop Data Collection:** Significant or patrol operation traffic stop data shall be collected as specified in Office Policies EB-1, *Traffic Enforcement*, *Violator Contacts*, and *Citation Issuance*, EB-2, *Traffic Stop Data Collection*, and EA-3, *Non-Traffic Contact* unless otherwise specified in the operational plan, in which case alternative data collection measures shall be specified in the plan.
 6. **Post Operation Analysis:** A post operation analysis shall be completed for each significant or patrol operation.
 - A. Supervisors shall review any documents submitted during the event for policy compliance.
 - B. Supervisors shall review all documentation regarding all traffic stops, investigatory detentions, and searches. Supervisors shall memorialize their review of all documentation and *Incident Reports* (IRs) within 72 hours of an arrest, absent exceptional circumstances. If the incident did not include an arrest or detention, the supervisor shall review the IR within seven calendar days, absent exceptional circumstances. 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, as specified in Office Policy GF-5, *Incident Report Guidelines*.
 - C. When a deputy works a shift outside of their regularly assigned squad or district, or works a special assignment such as a DUI Task Force, special event, or an off-duty job that would require a Patrol Activity Log (PAL); it will be the responsibility of the shift supervisor who is managing the deputy on an irregular shift or special assignment to review the deputy's PAL for accuracy and completeness, as specified in Office Policy GB-2, *Command Responsibility*.
 - D. A post operation analysis memorandum shall be provided to CID within 10 days of any significant or patrol operation by the Significant Operation Supervisor. Additional information regarding this

process may be obtained from the CID Operations Manual. The memorandum shall include the following:

1. Documentation of the specific justification of the significant operation, certified as drafted prior to the operation, which includes analysis of relevant, reliable, and comparative crime data;
 2. Information that triggered the operation and/or selection of the particular site for the operation;
 3. Documentation of the steps taken to corroborate any of the information or intelligence;
 4. Documentation of command staff review and approval of the operation and operation plans;
 5. A listing of specific operational objectives for the operation;
 6. Documentation of specific operational objectives and instructions as communicated to participating employees;
 7. Any operations plans, other instructions, guidance, or post-operation feedback or debriefing provided to participating employees;
 8. A post-operation analysis of the patrol, including a detailed report of any significant events that occurred during the patrol;
 9. Arrest lists, employee's participation logs, and records for the patrol;
 10. Data about each contact made during the operation, including whether it resulted in a citation or arrest;
 11. The effectiveness of the operation as measured against specific operational objectives, including a review of the crime data for periods before and after the operation;
 12. The tactics employed during the operation and whether they yielded the desired results;
 13. The number and rate of stops, detentions, and arrests, and the documented reasons supporting the stops, detentions, and arrests, broken down by employee, 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; and
 14. Any complaints lodged against Office personnel during or following the operation.
- E. The CID shall make a notification within 24 hours of any immigration related significant or patrol operation involving the arrest of five or more people unless such disclosure would interfere with an on-going criminal investigation; in which case as soon as disclosure would no longer interfere with an on-going criminal investigation, the information shall be provided, as specified in the CID Operations Manual.

7. Comprehensive Data Analysis:

- A. Periodic, monthly, quarterly, and annual analysis of data gathered for any significant or patrol operation shall be conducted by the Bureau of Internal Oversight (BIO) to look for warning signs or indicia of possible racial profiling or other improper conduct occurring on the individual or unit level;

or systemic problems. Warning signs or indicia of possible racial profiling or other misconduct include, but are not limited to:

1. Racial and ethnic disparities in deputy, unit, or the Office'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.
2. Evidence of extended traffic stops or increased inquiries or investigations where investigations involving driver or passengers belonging to a protected category.
3. 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.
4. Indications that deputies, units or the Office are not complying with the data collection requirements.
5. Warning signs, or other indicia of possible misconduct include, but are not limited to, the following:
 - a. Failure to complete appropriate documentation related to traffic stops, as specified in Office Policies EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance* and EB-2, *Traffic Stop Data Collection*;
 - b. Racial and ethnic disparities in deputies traffic stop patterns, including disparities or increases in stops for minor traffic violations, arrests following a traffic stop, and immigrations status inquiries, that cannot be explained by statistical modeling of race neutral factors or characteristics of the deputy's specific duties, or racial or ethnic disparities in traffic stop patterns when compared with data of peers;
 - c. Evidence of extended traffic stops or increased inquiries/investigations where investigations involve a Latino driver or passenger(s), any other ethnic minority, or any other group that may be subject to bias-based profiling;
 - d. A citation rate for traffic stops that is an outlier when compared to data of peers, or a low rate of seizure of contraband or arrests following searches and investigations;
 - e. Racial or ethnic disparities in the rate of seizure of contraband;
 - f. Complaints by members of the public or other employees;
 - g. Other indications of bias-based profiling in the exercise of official duties;
 - h. Indications that individuals, units, or the Office are not complying with Office data collection requirements; and
 - i. Office personnel reviewing the collected data shall not review or analyze collected traffic stops data or collected patrol data relating to their own activities.

- B. When reviewing collected patrol data following a significant or patrol operation, the following shall also be examined:
 - 1. The justification for the significant operation, the process for site selection, and the procedures followed during the planning and implementation of the operation;
 - 2. The number and rate of stops, investigatory detentions, and arrests, collectively and broken down by deputy, geographic area, and the actual or perceived race, ethnicity, and surname information captured or provided by the persons stopped, detained, or arrested; and
 - 3. Complaints filed against Office employees following the operation.
- 8. **Databases:** All databases used to record traffic data, including, but not limited to, Computer Aided Dispatch (CAD), Mobile for Public Safety (MPS), TraCS, and Records Management System (RMS), shall comply with federal and state privacy standards governing personally identifiable information. These systems shall only be used by authorized personnel; and the information contained within shall only be used for law enforcement purposes, as specified in Office Policies GF-1, *Criminal Justice Data Systems* and GF-3, *Criminal History Record Information and Public Records*.
- 9. **Community Outreach Meetings:** CID shall coordinate with the Community Outreach Division to facilitate a community outreach meeting, no more than 40 days after any significant or patrol operation in the affected district. Employees shall ensure that the community outreach meetings adequately communicate information regarding the objectives and results of the operation.