

	<b>MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES</b>	
	<b>Subject</b>  <b>TRAFFIC STOP DATA COLLECTION</b>	<b>Policy Number</b> <b>EB-2</b>
		<b>Effective Date</b> <b>05-08-24</b>
<b>Related Information</b> EB-1, <i>Traffic Enforcement, Violator Contacts, and Citation Issuance</i> GF-1, <i>Criminal Justice Data Systems</i> GF-3, <i>Criminal History Record Information and Public Records</i> GH-2, <i>Internal Investigations</i> GH-5, <i>Early Identification System</i> GJ-33, <i>Significant Operations</i> GJ-35, <i>Body-Worn Cameras</i>	<b>Supersedes</b>  EB-2 (02-22-23)	

## PURPOSE

The purpose of this policy is to establish guidelines and procedures for the collection and analysis of traffic stop data. This data shall be collected and analyzed in order to protect the community, the Office, Office employees, and volunteers.

## POLICY

It is the policy of the Office to ensure data is collected for each traffic stop in a systematic manner and that it is properly analyzed.

## 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 and the other characteristic listed above.

***Blue Team:*** The Early Identification System (EIS) application that allows employees and supervisors to record information in a database regarding incidents, performance, and conduct. The information from Blue Team is transferred to the IAPro Early Identification case management system.

***Deputy:*** Any sworn law enforcement officer employed by the Office, and reserve deputies.

***Early Identification System (EIS):*** A system of electronic databases that captures and stores threshold events to help support and improve employee performance through early intervention and/or to identify problematic operating procedures, improving employee performance, identifying detrimental behavior, recognizing outstanding accomplishments, and to improve the Office's supervisory response. The computerized relational database shall collect, maintain, integrate, and retrieve information gathered in order to highlight tendencies in performance, complaints, and other activities. The database allows the Office to document appropriate identifying information

for involved employees, (and members of the public when applicable), and the actions taken to address the tendencies identified. Blue Team, IAPro, and EIPro are applications of EIS.

**Early Intervention Unit (EIU):** The EIU is part of the Bureau of Internal Oversight. The EIU is responsible for the implementation, maintenance, and operation of the EIS and for providing training and assistance to the EIS users. The unit conducts data analysis, data input, and review of activities exceeding thresholds to address potentially problematic conduct or operating procedures and recognizes positive attributes by reviewing employee awards. The Office shall ensure there is sufficient personnel to facilitate EIS input and training.

**Geocoding:** The process of standardizing address or location references by using geographic coordinates, such as latitude and longitude, to facilitate statistical analysis.

**Passenger Contact:** For the purpose of this policy, passenger contact occurs when a deputy asks any investigatory questions of a passenger, including asking passengers to identify themselves for any reason. Casual conversations unrelated to any investigation and greetings are not considered contact for the purpose of traffic stop data collection.

**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.

**Traffic Stop:** A temporary detention, commonly called being pulled over by a law enforcement officer, usually initiated by activating the lights and/or sirens of a law enforcement vehicle, to alert a driver to merge off to the side of the road, to investigate a traffic violation.

**Traffic Stop Analysis Unit (TSAU):** The TSAU is part of the Court Implementation Division (CID). The TSAU is responsible for implementation, support, and maintenance of the Traffic Stop Analysis program. The unit conducts data analysis specific to traffic stop data. The unit conducts data analysis, data input, and review of activities identified by analysis of traffic stop data to address potentially problematic conduct or operating procedures.

**PROCEDURES**

1. **Traffic Stop Data Collection:** Traffic stops shall only be conducted by sworn personnel to include reserve deputies. Traffic stop assistance may be provided by deputy services aides, authorized posse members, and authorized detention personnel. Data shall be collected on all traffic stops, as specified in this policy.
  - A. Deputies shall collect data on all traffic stops using the *Vehicle Stop Contact Form* (VSCF). The form shall be completed after every traffic stop, whether the contact is incidental, there is an issuance of a *Written Warning* or citation, or a criminal arrest is made. Deputies shall provide motorists with a copy of the non-sensitive data recorded for each stop 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.
  - B. Each event (traffic stop) shall be issued a unique identification tracking number (Event [MC] Number) through the Computer Aided Dispatch (CAD) System. This number shall link all documentation, including the *Arizona Traffic Ticket and Complaint*, *Written Warning*, *Maricopa County Sheriff's Office (MCSO) Incidental Contact Receipt*, *VSCF*, Arizona Department of Transportation (ADOT) *Crash Report/Tow Sheets*, and *Incident Reports (IRs)*, back to the original event.
  - C. Data entry shall be completed through CAD, and Mobile for Public Safety (MPS). TraCS systems shall be used to input data regarding traffic stops. The deputy shall collect the required data and enter

it into TraCS either by direct typing or electronic scanning when available. The data entered into the *Arizona Traffic Ticket and Complaint*, *Written Warning*, and *MCSO Incidental Contact Receipt*, will auto-populate to the *VSCF*. The deputy shall complete the *VSCF* by filling in the missing required data. If the computer systems are not available, deputies shall manually complete the *VSCF*.

1. Deputies shall complete the hard copy of the *VSCF* and later enter the data electronically into the TraCS system, prior to the end of shift. However, if circumstances exist preventing the entry of the data, the data shall be entered electronically into TraCS no later than 48 hours after the end of shift in which the action occurred. A notation should be made into the "Comments" field of the *VSCF*, documenting the circumstances for the delay of the data entry.
2. A copy of the manually prepared *VSCF* shall be forwarded to the Traffic Stop Analysis Unit (TSAU).
3. The original hard copy of the *VSCF* shall be retained at the division level. There shall be a separate file maintained for each deputy.
  - a. All files shall be kept in a secure location, such as a locked filing cabinet, and any access to them shall be documented and recorded in a *TraCS File Log* form. This log shall be maintained in close proximity to the secured file cabinet.
  - b. Deputies can make a copy of the *VSCF* that are needed and place the original back in the file, and ensure the cabinet is locked.
  - c. When a deputy is transferred to a new assignment, their file containing the *VSCF* shall be hand delivered to their new assignment to ensure the security of the file.
  - d. When a deputy ends their service, their file containing the *VSCF*'s shall be hand delivered to the TSAU for filing.

2. **Deputy Traffic Stop Data Input:** For each traffic stop a deputy conducts, the deputy shall record pertinent information, as specified in this policy.

- A. Required pertinent data information includes, but not limited to the specific law enforcement reason for the traffic stop, recorded prior to the contact with any of the vehicle's occupants. This shall include a description of the traffic or equipment violation, unless exigent circumstances make it unsafe or impracticable to do so, if observed, and any indicators of criminal activity developed before or during the stop. Required data shall further include:
  1. The license plate state and number of the vehicle;
  2. The total number of occupants in the vehicle;
  3. The deputy's subjective perceived race, ethnicity, and gender of the driver and any passengers based on the deputy's subjective impression. Deputies, employees, and/or volunteers are not required to, and shall not inquire, as to the occupant's ethnicity. The Unknown because of vision obstruction menu option shall only be used when the passenger's race/ethnicity is unknown due to the vision of the passenger being obstructed;
  4. Whether the deputy had passenger contact(s), the nature of the contact(s), and the reasons for such contact(s);

5. The names of any individuals upon whom the deputy runs a license or warrant check.
- B. Required Search Data of Individuals, Property, and Vehicles: Document if any individual person, property, or vehicle was searched. The documented information shall include:
1. If any individual was asked to consent to a search and the response;
    - a. If any individual was searched; and
    - b. What was the legal basis for the search.
  2. Was consent to search any property belonging to or in control of any individual requested and the response;
    - a. If any property was searched;
    - b. What type of property was searched; and
    - c. What was the legal basis for the search.
  3. Was consent to search the vehicle requested and the response;
    - a. Was a vehicle search conducted; and
    - b. What was the legal basis for the search.
  4. Document if any contraband or evidence was seized from the search of the individual, their property, or vehicle, as well as the nature of the contraband.
- C. Required Time Recorded Data: Document the applicable times for the following:
1. When the traffic stop began and the date, time, and location of the traffic stop. This information shall be recorded in a format that can later be geocoded;
  2. When any arrest was made and physical custody was established at any time during the contact; cite and release for a criminal offense does not require an arrest time, if no physical custody is ever established;
  3. Transport start time for arrests involving physical custody;
  4. When the traffic stop or detention was concluded by a citation being issued, a release, or the transport of a person to jail or elsewhere; and
  5. Contact end time; when the call is cleared.
- D. Required Immigration Status Inquiry Data: Document if any inquiry was made regarding immigration status. This includes information regarding whether the deputy contacted U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Patrol (CBP) and the facts supporting the inquiry. The documented information shall include:
1. The time supervisor approval was received;
  2. The time ICE/CBP was contacted;

3. The time it took to complete the immigration status investigation or receive a response from ICE/CBP; and
  4. Whether ICE/CBP took custody of the individual.
- E. Required Final Disposition Data: Document if the final disposition of the stop with any of the following:
1. *Written Warning*;
  2. Citation;
  3. Arrest (*For the purposes of traffic stop data collection, a cite and release for a criminal violation shall be considered an arrest*):
    - a. Booked; or
    - b. Cite and Released
  4. *MCSO Incidental Contact Receipt*; and/or
  5. Long Form.
- F. Required Assisting Deputy, Employee, and/or Volunteer Data: Document the name, serial number, and call sign of each deputy, employee, and/or volunteer involved. All assisting deputies, employees, and/or volunteers shall complete the *Assisting Employee and/or Volunteer form* and provide to the reporting deputy.
- G. Required Body-Worn Camera Data: The reporting deputy shall document whether their body-worn camera was operational and on. If not, an explanation of why is required. If a body-worn camera was not used, deactivated, or interruptions in the recording occurred, the reason for non-use, deactivation, or interruption shall be documented in the IR and/or traffic receipt, if applicable, as specified in Office Policies GJ-35, *Body-Worn Cameras* and GF-5, *Incident Report Guidelines*.
3. **Data Entry Inspection, Review, and Retention:**
- A. The Bureau of Internal Oversight (BIO) Audits and Inspections Unit conducts monthly inspections of collected traffic stop data from various data sources, including the *VSCF* to ensure the accuracy of collected data.
  - B. The MCSO Technology Management Bureau conducts monthly inspections of collected traffic stop data from various data sources, including the *VSCF* to ensure the accuracy of collected data.
  - C. The TSAU also reviews the collected data used for analysis (raw data/cleaned data) and has a quality assurance process in place to ensure the accuracy of data points used in the analysis.
  - D. Traffic stop written data, completed on the *VSCF*, shall be retained for a minimum of five years after it is created, unless a case involving a traffic stop remains under investigation by the Office or is the subject of a Notice of Claim, civil litigation, or criminal investigation, for a longer period, in which case the data shall be retained for at least one year after the final disposition of the matter, including appeals.

4. **Traffic Stop Data Analysis:** Traffic stop data shall be subject to periodic analysis in order to look for warning signs or indicia, of possible racial or bias-based profiling; or other improper conduct.
  - A. Warning signs or indicia of possible racial or bias-based profiling or other misconduct includes, but is not limited to:
    1. Racial and ethnic disparities in deputies', units', or Office traffic stop patterns, including disparities or increases in stops for minor traffic violations, arrests following a traffic stop, and immigration status inquiries; which 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 a deputies' peers;
    2. Evidence of extended traffic stops or increased inquiries or investigations involving driver or passengers belonging to a protected characteristic;
    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 is not complying with data collection requirements, as specified in this policy and Office Policy EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*; or
    5. Other indications of racial or ethnic bias in the exercise of official duties.
  - B. All collected traffic stop data shall be analyzed on a monthly, quarterly, and annual basis in order to check for possible individual-level, unit-level, or systemic problems.
  - C. Data Collection and Review: Supervisors shall conduct monthly reviews of traffic stops and collected data for the deputies under their command, to determine whether there are warning signs or indicia of possible racial or bias-based profiling, unlawful detentions and arrests, or improper enforcement of immigration-related laws.
    1. These individual reviews shall be conducted and discussed with the deputies, utilizing the TraCS database, to determine whether there are warning signs or indicia of possible racial or bias-based profiling, unlawful detentions and arrests, or improper enforcement of immigration-related laws.
    2. Supervisors shall acknowledge the interactions through the use of the "Discussed with Deputy" indicator function within the TraCS Form Manager for each individual stop and associated forms discussed with their deputy.
    3. This process shall be completed for each individual stop and collected data reviewed. Supervisors are prohibited from selecting multiple traffic stops and applying the "Discussed with Deputy" indicator function at one time.
  - D. Personnel reviewing the collected data shall not review or analyze collected traffic stop data or collected patrol data relating to their own activities.
5. **Traffic Stop Data Results:**
  - A. If any one of the reviews or analyses of the traffic stop data indicates a deputy or unit may be engaging in racial or bias-based profiling, unlawful searches or seizures, or unlawful immigration enforcement; or that there may be systemic problems regarding any of the foregoing, the situation shall be

investigated and monitored, as specified in Office Policies GH-5, *Early Identification System* and GH-2, *Internal Investigations*.

- B. If there is a systemic problem of racial or bias-based profiling, unlawful searches or seizures, or unlawful immigration enforcement, the Office shall take appropriate steps at the agency level, in addition to initiating corrective and/or disciplinary measures against the supervisor or command staff. All actions taken shall be documented in Blue Team.
6. **Significant Operations:** When reviewing collected patrol data following a significant operation, the following shall be examined, as specified in Office Policy GJ-33, *Significant Operations*.
- A. The justification for the significant operation, the process for site selection, and the procedures followed during the planning and implementation of the operation;
  - B. The effectiveness of the operation as measured against specific operational objectives for the operation, including a review of the crime data before and after the operation;
  - C. The tactics employed during the operation and whether they yielded the desired results;
  - D. 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;
  - E. The resources needed and allocation during the operation; and
  - F. Complaints filed against personnel following the operation.
7. **Databases:** All databases used to record traffic data, including, but not limited to, CAD, MPS, and TraCS 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*.