

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

COURT IMPLEMENTATION DIVISION

EIGHTH QUARTERLY COMPLIANCE REPORT



**COVERING THE
1ST QUARTER OF 2016, JANUARY 1 – MARCH 31**

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Section 1: Introduction

This is the 8th Quarterly Report assessing the Maricopa County Sheriff's Office (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 first quarter of 2016 (i.e. January 1, 2016-March 31, 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 7th Quarterly Report filed on April 9, 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. While the pace of compliance may appear slow, 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

Melendres Court Order Compliance Chart

The *Melendres* Court Order Compliance Chart (Appendix A) was developed from information provided in the Monitor's 7th Quarterly Report (covering the reporting period of October 1, 2015 – December 31, 2015). According to the Monitor's 7th 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 7th Quarterly Report, MCSO is in compliance with 46 of the 75 paragraphs assessed for Phase 1 compliance and with 34 of the 89 paragraphs assessed for Phase 2 Compliance. Fourteen paragraphs are not applicable to Phase 1 compliance as they do not require a corresponding policy or procedure.

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 MCSO personnel with interdisciplinary backgrounds and various ranks: 1 lieutenant, 4 sergeants, 3 deputies, 1 management analyst, and 1 administrative assistant. 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 material 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 322,339 documents during the period January 1, 2016 to March 31, 2016, MCSO, through its attorney,.

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
01/12/2016 Quarterly Request (12 Requests)	Quarterly Document Request: 10/01/2015 thru 12/31/2015
January Monthly Request (60 Requests)	Monitor's Monthly Production Request
02/01/2016 Site Visit Request (42 Requests)	Document Request following the February Site Visit
02/12/2016 Miscellaneous Request	Draft of Administrative Broadcast for EIS Alerts
02/19/2016 Property and Evidence Request	Document Request Pertaining to Inmate Property
February Monthly Request (64 Requests)	Monitor's Monthly Production Request

03/07/2016 Miscellaneous Request	Document Request Pertaining to Drug Arrests Reported in Media on 03/03/2016
03/09/2016 Miscellaneous Request	Document Request from Chief Rojas relating to IR 16-004663
03/16/2016 Miscellaneous Request	Document Request from Chief Kiyler related to IA15-0389
03/31/2016 Miscellaneous Request	Document Request for EIU-SPSS Syntax
March Monthly Request (64 Requests)	Monitor's Monthly Production Request

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 Maricopa County Attorney's Office Personnel. This shared effort and allocation of assignments are set for the 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
IV. Monitor Review Process	<ul style="list-style-type: none"> • Court Implementation Division
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
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 • 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. MCSO pledges that it 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.

In the Monitor's 7th Quarterly Report, the Monitor noted a concern by writing the following:

CID has traditionally been prompt in responding to our document requests. However, during this reporting period, we experienced significant delays in receiving many of the documents needed to complete our reviews for this report, as well as the files needed to fulfill some of our other responsibilities. During this reporting period, CID changed the manner in which documents are provided to us. All files and documents are now provided through MCSO's counsel via

an Internet-based application that allows this material to be accessed by the Monitoring Team, the Plaintiffs, and the Plaintiff-Intervenors at the same time. We commend the simultaneous access. With only a few exceptions centering on open investigations, the Parties have access to the same material that we do. However, the delays in providing some of the documents are unacceptable. CID must find a way to preserve the newly granted access while eliminated the inordinate delays. While we have a very good relationship with MCSO's counsel, we reminded CID command during our most recent site visit that per the Order, CID is our designated point of contact, and we must hold CID accountable for addressing any issues with the provision of materials required by the Order.

MCSO remains in Phase 2 compliance with this Paragraph, but risks falling out of compliance if the timeliness issues described above are not addressed in the next reporting period.

As the Monitor described, CID changed the manner in which documents were provided to the Monitor and Parties in an effort to streamline document provision and make the process more efficient. During the April 2016 site visit, the Monitor indicated they were pleased that the "significant delays" in document production appeared to have been addressed and document production is more efficient. CID will continue its sustained effort to produce documents in a timely and efficient manner. As a result of recent events that necessitated a change in compliance counsel, CID informs the Monitor and the parties that new compliance counsel will assess the compliance process and consult with the Monitor and the parties regarding this process to facilitate timely and efficient document production.

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. In the 7th Quarterly Report, the Monitor noted a concern with the timeliness of document production due to a new document production process. MCSO has addressed this concern as explained above in response to Paragraph 9.

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 continues to achieve compliance by filing 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. To maintain compliance CID has and will continue to file the annual comprehensive assessment as required by Paragraph 12 and 13.

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, and the laws of the United States and Arizona, MCSO continually reviews its Office Policies and Procedures. In fulfillment of its duties and obligations under federal and Arizona law, MCSO is committed to ensuring equal protection under the law and bias-free policing. To ensure compliance with the Court Order, MCSO continues to comprehensively review all Patrol Operations Policies and Procedures, consistent with Paragraph 19 of the Court Order.

During this reporting period, MCSO published three policies relevant to the Court Order: Office Policies CP-2, *Code of Conduct*; CP-3, *Workplace Professionalism*; and GB-2, *Command Responsibility*.

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, MCSO's Policy Section initiated its annual review of all policies relevant to the Court Order.

MCSO Policy Section is working on revisions to the following policies:

- EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*
- ED-2, *Covert Operations*
- GC-17, *Employee Discipline Procedures*
- GE-3, *Property Management*
- GF-3, *Criminal History Record Information and Public Records*
- GG-1, *Peace Officer Training Administration*
- GI-7, *Bias Free Tips and Information Processing*
- GJ-3, *Search and Seizure*
- GJ-4, *Evidence Control*
- GJ-35, *Body-Worn Cameras*
- GJ-36, *Use of Digital Recording Devices*

Policies pending legal review:

(None)

Policies submitted to the Monitors for review:¹

- EA-11, *Arrest Procedures**
- GC-4, *Employee Performance Appraisals**
- GH-2, *Internal Investigations*
- GJ-26, *Sheriff's Reserve Deputy Program**
- GJ-27, *Sheriff's Posse Program**

In addition, to expeditiously implement the Court's directives, MCSO disseminated three *Briefing Boards* and one Administrative Broadcast that referenced Court Order related topics during this reporting period². 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 16-01	Policy Publication – CP-3, <i>Workplace Professionalism</i> and GB-2, <i>Command Responsibility</i>	01/11/16
BB 16-08	Policy Publication - CP-2, <i>Code of Conduct</i>	02/12/16
BB 16-11	Addendum to Policy GB-2, <i>Command Responsibility</i>	03/29/16
AB 16-04	TraCS Update	01/12/16

MCSO *Briefing Board* 16-01, published on January 11, 2016 and noted in Table #3 above, announced a revised policy publication for Court Order related policies. *The Briefing Board* announced the publication of Office Policies CP-3, *Workplace Professionalism* and GB-2, *Command Responsibility*.

MCSO *Briefing Board* 16-08, published February 12, 2016, announced a revised policy publication for Court Order related policies. *The Briefing Board* announced the publication of Office Policy CP-2, *Code of Conduct*.

MCSO *Briefing Board* 16-11, published on March 29, 2016, announced an addendum to Office Policy GB-2, *Command Responsibility*.

MCSO Administrative Broadcast 16-04, published on January 12, 2016, announced an update to the TraCS system.

¹ Policies followed by an asterisk denote policies that the Monitor Team returned to MCSO on April 4, 2016.

² Please note that *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.

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. The E-Policy system memorializes and tracks employee compliance with the required reading of MCSO Policy and Procedures, employee acknowledgement that he or she understands the subject policies and procedures and employee expression of his or her agreement to abide by the requirements of the policies and procedures. MCSO provides the Critical, Detention, Enforcement, and General Policies via E-Policy as a resource for all MCSO personnel.

During the subject three month reporting period, MCSO used the E-Policy system to distribute and obtain attestation of eight (8) policies and two (2) policy rescissions, including three (3) policies related to the Court Order (i.e. Policies CP-2, *Code of Conduct*, CP-3, *Workplace Professionalism*, and GB-2, *Command Responsibility*).

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.

The Monitor noted in the 7th Quarterly Report;

Many policies unrelated to the training, however, remain in development, and we continue to review them on a case-by-case basis as they are submitted. Additionally, MCSO has not completed a review of all Patrol policies and procedures for potential conflicts with the Order's requirements.

In furtherance of its goal to achieve full and effective compliance with the Court 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 is awaiting this list from the Monitor. Certainly, only with a list identifying the "Patrol Operations Policies" to which the Monitor alluded could MCSO address the Monitor's concerns. In response to this request, a conference call occurred on May 19, 2016 in which MCSO, the Monitor and the Parties participated to discuss steps needed to become compliant with this paragraph. MCSO is awaiting the Monitor's list of what the Monitor considers "Patrol Operations Policies" and will continue to seek the Monitor's direction to gain Phase 2 compliance with Paragraph 19.

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 21.

The Monitor noted in the 7th Quarterly Report that “while there has been an increase in compliance since MCSO’s early audits, it has not yet reached Phase 2 compliance with this Paragraph.” MCSO will reach Phase 2 compliance by using monthly supervisor notes, facility and vehicle inspections, and email and CAD audits 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:

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 Paragraph 23 of the Court Order.

As a result of this inspection, BIO determined that the compliance rate was 99% in January 2016, 100% in February 2016, and 99% in March 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 Paragraph 23 of the Court Order.

As a result of this inspection, BIO determined that the MCSO employee email compliance rate was 97% in January 2016, 94% in February 2016, and 100% in March 2016. The inspection rates for e-mails have remained consistently high for the past nine months.

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 Paragraphs 85, 87, 92, 95, and 99 of the Court Order.

Supervisory Notes-Detention:

As a result of this inspection, BIO determined that the supervisor compliance rate was: 89% in January 2016; 83% in February 2016; and 90% in March 2016.

Supervisory Notes-Civilian:

As a result of this inspection, BIO determined that the supervisor compliance rate was: 81% in January 2016; 100% in February 2016; and 91% in March 2016.

Supervisory Note-Sworn (Patrol):

As a result of this inspection, BIO determined that the supervisor compliance rate was: 71% for January 2016; 72% in February 2016; and 100% in March 2016.

Although these inspection results are encouraging, MCSO anticipates that the compliance rate related to the BIO Inspection of Supervisory Notes will increase and become more consistent once the EIS Training is approved and delivered.

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 Aviation Division, Professional Standards Bureau, and Counter Terrorism.

As a result of these District Operations Inspections, BIO determined that the Aviation Division was 100% compliant, the Professional Standards Bureau was 100% compliant, and Counter Terrorism was 100% compliant. In these inspections, there was no evidence that Maricopa County property or equipment was being used 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 consistent with the Court Order, paragraph 23.

As a result of this inspection, BIO determined that the compliance rate was 99% in January 2016, 100% in February 2016, and 99% in March 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 Court's Order, paragraph 23.

As a result of this inspection, BIO determined that the employee email compliance rate was 97% in January 2016, 94% in February 2016, and 100% in March 2016. The inspection rates for e-mails have remained consistently high for the past nine months.

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 Aviation Division, Professional Standards Bureau, and Counter Terrorism.

As a result of this inspection, the Aviation Division was 100% compliant, the Professional Standards Bureau was 100% compliant, and Counter Terrorism was 100% compliant. In these inspections, there was no evidence that Maricopa County property or equipment was being used 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 compliance with this paragraph. However, MCSO *does 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 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. To address the Monitor's concern, MCSO created a new unit called the Sheriff's Intelligence Leads and Operations (SILO). MCSO has hired personnel to staff SILO.

In addition, CID provides the Monitor with information on tip-line/hotlines on a monthly basis so the Monitor and the Monitor Team can assess MCSO's compliance with Paragraph 24. In the Monitor's 7th 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.

MCSO Policy CP-8, Preventing Racial and Other Biased-Based Profiling 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.*

The Monitor's 7th Quarterly Report states, in pertinent part: "MCSO personnel assured us that the agency was not developing the new unit or hiring additional personnel to comply with the Court Order, but because they believed it was something that would be of benefit to their department."

In reality, the creation and staffing of SILO does both. The two goals are not mutually exclusive.

Contrary to the Monitor's statement, MCSO does, in fact, believe that the creation of the SILO unit will be directly related to the Court Order. As indicated in the Monitor's 7th Quarterly Report, the MCSO's approach to handling requests from the public for law enforcement action historically was decentralized. The Judicial Enforcement Division, Enforcement Support Division, Major Crimes Division, Special Investigation Division and each patrol district handled these requests, and the associated subsequent analysis, response and tracking of these requests independently and inconsistently. To ensure consistency with the handling, analysis and tracking of these requests and to attain full compliance with Paragraph 24, MCSO is creating SILO, which will centralize this function within the Criminal Intelligence and Counter Terror Research Unit. MCSO is creating policy and an operations manual that will provide a thorough tracking mechanism and a singular analysis process to guarantee desired thoroughness and consistency. No dedicated, specialized staff existed in the various divisions that could be relocated to the Criminal Intelligence and Counter Terror Research Unit to handle these functions. Thus, MCSO created new positions within SILO to ensure the desired, consistent handling of these requests, and hired new personnel to staff these new positions within SILO. The creation of SILO will ensure that MCSO complies with the Court Order, while simultaneously bettering MCSO's service to the public.

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 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 this Paragraph, 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 7th 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 this quarter, ten (10) investigators (4 sworn sergeants, 2 detectives, 1 detention sergeant, and 3 detention lieutenants) were temporarily assigned to the Professional Standards Bureau to assist in reducing PSB's caseload. After providing two months of assistance, most of the temporarily assigned investigators returned to their full time duty assignments. Nevertheless, PSB permanently kept three sworn sergeants and one detention sergeant to increase the size of the bureau. The increase in the size of PSB will aid in the completion of investigations within the required 180-day time frame, pursuant to MCSO Policy GH-2, Internal Investigations and Arizona Revised Statutes (A.R.S. § 38-1110).

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

In addition, 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, it is now a requirement of all PSB personnel to obtain their detective certification. Currently, seven (7) sworn sergeant administrative investigators, two (2) sworn criminal detectives, including their sworn sergeant and lieutenant, and five (5) detention sergeants and their lieutenant are certified detectives. Two

detention sergeants and five (5) detention lieutenants, who conduct administrative investigations in the jail facilities, are in the process of obtaining their detective certifications.

Additionally, seven (7) members of PSB attended the “Public Agency Training Council’s Internal Affairs” course. This two and one half day conference provided PSB personnel with an enhanced understanding of various elements of the professional standards system to include investigative control measures, proactive administrative enforcement, training in administrative interviews, issues concerning Garrity, Brady/Giglio, and civil litigation. Three additional members of PSB will attend the Public Agency Training Council’s Internal Affairs course in May 2016.

What’s more, to continue to improve PSB, MCSO required three (3) members of PSB to attend the “Reid Interview and Interrogation” course this quarter, and is requiring four (4) additional members to attend this course next quarter.

To ensure 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, the PSB 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 undertook and completed administrative investigations.

By utilizing the Administrative Investigation Checklist and revised investigative forms that the Monitor approved during this rating period (see below), the new paper flow allows PSB to review division level cases for quality control, prior to final submission to the appointing authority.

A sworn sergeant (to be promoted to lieutenant in May of 2016) was permanently assigned to PSB to act as a liaison with the other divisions and was tasked with the primary responsibility of reviewing all division level cases for thoroughness and accuracy. A secondary responsibility of this sergeant (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 is working with the Policy Section to revise Office Policy GH-2, to include the investigative process, to direct guidance in conducting a preliminary inquiry and to provide a clear definition of “procedural complaints.” The PSB submitted the policy to the Monitor for review and comments in March 2016. Additionally, this quarter the PSB assumed responsibility for supervisor training related to conducting administrative investigations. Once the Monitor approves MCSO Policy GH-2, PSB personnel will create the training curriculum and disseminate administrative investigation training to supervisors at the division level. The bifurcation of this portion of the supervisor training was approved by the Monitor early this reporting quarter.

In addition, PSB is creating a training curriculum related to administrative investigations conducted at the division level to ensure quality and efficiency. The PSB created an Administrative Investigation Checklist to ensure that investigators complete all required tasks during an administrative investigation. The PSB further revised administrative investigative forms to ensure consistent, investigative reporting. The Monitor reviewed and approved the checklist and associated forms; therefore, the PSB began using these forms this reporting quarter. The PSB created a training curriculum (approved by the Monitor last quarter) for the implementation of these forms; therefore, the PSB began disseminating the checklist and investigative template to the division level, along with instruction on how to use them. During this quarter, the PSB provided training to all of the Patrol Bureau personnel. The PSB will provide this training to all supervisors by the end of the next reporting period.

Furthermore, 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 (“CID”), and 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 that were conducted since 2010.

Consistent with Paragraph 32 of the Court Order that requires all patrol operations personnel to report violations of policy, PSB received 62 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. Phase 2 compliance was deferred until the Monitor is able to conduct additional case reviews on future cases. MCSO will provide any documentation that the Monitor requests to enable the Monitor to assess MCSO’s continued compliance with Paragraph 33.

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 by 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 7th Quarterly Report, they expressed a concern that , *"Policy GG-2 (Training Administration), adopted January 24, 2014, fails to establish any instructor criteria, such as legal requirements for the Order-mandated areas of Bias-Free Policing, Fourth Amendment, and Supervisor and Command Level Training."*

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. GG-2 Training Administration was created to provide guidelines and administrative procedures for all other training for civilian and detention employees. MCSO respectfully disagrees with the Monitor's assessment in this section that a revision to GG-2 is required to gain compliance with this paragraph. Furthermore, MCSO documents instructor criteria in the individual lesson plans for Court Ordered Training such as the Annual 4th and 14th Amendment Training instructor requirement to *"hold a law degree from an accredited law school and be admitted to a Bar of any state and/or the District of Columbia."*

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 and Parties are in the process of reviewing the latest version of this policy. In addition, MCSO, the Monitor, and Parties also have discussed this policy during site visits.

The Monitor's 7th Quarterly Report included a request for the Training Division Operations Manual for review of consistency with Policy GG-1. MCSO complied with this request and provided to the Monitor in April 2016.

The Monitor's 7th Quarterly Report requested that *"MCSO to continue the process of including the Monitor, Plaintiffs, and Plaintiff-Intervenors in the instructor selection process for the 2015 Annual Combined Training and the 2015 Supervisory Responsibilities: Effective Law*

Enforcement Training.” MCSO plans on utilizing attorneys from the Maricopa County Attorney’s Office along with attorneys who are selected through an open bid process. The open bid process is the appropriate procurement process to hire outside instructors for Training. Once the bid is open, MCSO invites the Plaintiffs and Plaintiff-Intervenors to have any of their desired instructors to participate in the open bid process from which an Instructor List can be created and vetted.

During the subject quarter of this report, MCSO provided the Monitor with an updated proposed list of instructors for Supervisory Training. MCSO also provided more details on the PSB review that was completed on each proposed instructor as requested.

MCSO submitted three (3) additional instructors for the 2015 Annual Combined Training, who were approved by the Monitor/Parties.

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 7th Quarterly Report, MCSO is not in Phase 1 nor Phase 2 compliance with this paragraph.

The Monitor’s 7th Quarterly Report indicated that the draft of Policy GG-1, Peace Officer Training Administration includes Paragraph 43 requirements of no less than 60% live training and no more than 40% online training along with a testing component. The report indicated Policy GG-1 was not approved during this quarter and Training Operations Manual was not reviewed.

Please see response to paragraph 42 above regarding the stalled process involving Policy GG-1, Peace Officer Training Administration. The latest version of this policy remains with the Monitor and Parties.

All of the Order related Training conducted during the subject quarter of this report complied with the 60% live training and no more than 40% online Training requirements, and all had a testing component as Paragraph 43 requires.

As for the provision of training to MCSO personnel, MCSO delivered 43 classes of the 2015 Annual Combined Training (4th and 14th Amendment, Bias-Free Policing) during this rating period. In attendance were one thousand three hundred twenty nine (1,329) personnel.

In addition, MCSO delivered twelve (12) classes of the Administrative Investigations Checklist – Standardized Forms class. In attendance were one hundred twenty one (121) personnel.

Moreover, MCSO delivered 1 body worn camera class which two (2) sworn students attended.

MCSO also delivered 1 TraCS class which five (5) sworn personnel attended.

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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

MCSO developed a master training calendar for all Order related Training at the suggestion of the Monitor. The Monitor raised concerns in the past regarding not receiving updates to the master training calendar. However, MCSO provides the Monitor with the master training calendar in the monthly document production to the Monitor. MCSO also publishes the master training calendar on the website MCSO.ORG, which is updated on a monthly basis.

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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

The Monitor's 7th Quarterly Report stated, "Previously we reviewed policy GG-2 (Training Administration), adopted January 24, 2014, that was intended to provide policy guidance for all training programs. MCSO previously provided us with a draft version of the proposed new policy, GG-1 (Peace Officer Training Administration). Our Team reviewed this policy and provided our comments and recommendations. On January 25, 2016, we were provided with the first revisions to GG-1 (Peace Officer Training Administration). The language required by this Paragraph remains intact."

For a discussion of the stalled process regarding Policy GG-1, please see the response above to Paragraph 42. The latest version of the policy remains with the Monitor and the Parties.

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 this paragraph.

The 7th Quarterly Report stated, "MCSO previously provided us with a draft version of the proposed new policy, GG-1 (Peace Officer Training Administration). Our Team reviewed this policy, and provided comments and recommendations to help MCSO adopt seven training

cycle steps for all training developed; and include all lesson plans in the Training Division, as a central repository.”

The report indicated Policy GG-1 was not approved during the subject quarter and Training Operations Manual was not reviewed.

For a discussion regarding the stalled process involving Policy GG-1, please see the response to Paragraph 42. The latest version of this policy remains with the Monitor and the Parties.

In addition, the Training Division’s operations manual was provided to the Monitor on or about April 19, 2016.

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.*

The 7th Quarterly Report, the Monitor states, *“We continue to recommend that during annual reviews, MCSO should update each lesson plan with new developments in law, participant feedback and comments, training evaluations, and internal review processes. We will review and comment on the proposed changes to policy GG- 2 (Training Administration), and new policy GG-1 (Peace Officer Training Administration) prior to MCSO’s finalization and implementation. Compliance will be determined based upon whether or not MCSO’s new policy GG-1 (Peace Officer Training Administration) and revised policy GG-2 (Training Administration) and other related policies, comport with the requirements of this Paragraph and are followed in practice. These policies should delineate the procedures and establish the duties and responsibilities of all contributors to the MCSO training process, and will enable the Training Division to oversee and ensure the quality of all training provided by, or under the direction of, MCSO.”*

For a discussion regarding implementation and compliance with this paragraph please see the response to Paragraph 42.

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 is currently developing the lesson plan for the required 6 hours of Training related to this paragraph for 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 is currently developing the lesson plan for the required 6 hours of Training related to this paragraph for 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 is currently developing the lesson plan for the required 4 hours of Training related to this paragraph for 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 MCSO policies;*
- f. *the circumstances under which a passenger may be questioned or asked for identification;*
- g. *the forms of identification that will be deemed acceptable if a driver or passenger (in circumstances where identification is required of them) is unable to present an Arizona driver's license;*
- h. *the circumstances under which an officer may initiate a vehicle stop in order to investigate a load vehicle;*
- i. *the circumstances under which a Deputy may question any individual as to his/her alienage or immigration status, investigate an individual's identity or search the individual in order to develop evidence of unlawful status, contact ICE/CBP, await a response from ICE/CBP and/or deliver an individual to ICE/CBP custody;*
- j. *a discussion of the factors that may properly be considered in establishing reasonable suspicion or probable cause to believe that a vehicle or an individual is involved in an immigration-related state crime, such as a violation of the Arizona Human Smuggling Statute, as drawn from legal precedent and updated as necessary; the factors shall not include actual or apparent race or ethnicity, speaking Spanish, speaking English with an accent, or appearance as a Hispanic day laborer;*
- k. *a discussion of the factors that may properly be considered in establishing reasonable suspicion or probable cause that an individual is in the country unlawfully, as drawn from legal precedent and updated as necessary; the factors shall not include actual or apparent race or ethnicity, speaking Spanish, speaking English with an accent, or appearance as a day laborer;*
- l. *an emphasis on the rule that use of race or ethnicity to any degree, except in the case of a reliable, specific suspect description, is prohibited;*
- m. *the MCSO process for investigating Complaints of possible misconduct and the disciplinary consequences for personnel found to have violated MCSO policy;*
- n. *provide all trainees a copy of the Court's May 24, 2013 Findings of Fact and Conclusions of Law in Melendres v. Arpaio and this Order, as well as a summary*

and explanation of the same that is drafted by counsel for Plaintiffs or Defendants and reviewed by the Monitor or the Court; and

- o. Instruction on the data collection protocols and reporting requirements of this Order, particularly reporting requirements for any contact with ICE/CBP.*

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

MCSO is currently developing the lesson plan for the required 6 hours of Training related to this paragraph for 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.

For a discussion regarding the stalled process involving GG-2, please see the response to paragraph 42. The latest version of GG-2 remains with the Monitor and the Parties.

In addition, the Training Division's operations manual was provided to the Monitor on or about April 19, 2016.

MCSO also participated in numerous meetings, telephonic conversations, and other communications during the subject quarter of this report regarding the Supervisor Responsibilities: Effective Law Enforcement lesson plan.

MCSO also provided a list of proposed instructors to teach Supervisor Responsibilities: Effective Law Enforcement lesson plan.

MCSO also received comments from the Parties and submitted a revised version of the lesson plan on or about February 1, 2016.

Moreover, MCSO received comments from the Parties and participated in a conference call regarding the comments on or about March 7, 2016 and provided a revised version of the lesson plan to the parties on or about 03/21/2016, in preparation for discussion during the Monitor's

April Site visit. Another revision of the lesson plan was sent to the monitor after the April site visit.

MCSO is committed to deliver substantive, meaningful, and worthwhile Supervisor Training as it is related to Paragraph 52 and 53. Currently, the Supervisor Training will consist of approximately 18 hours of training, which is well over the minimum of 6 hours of training that Paragraph 52 requires. MCSO is in the process of developing a separate lesson plan to train supervisors on how to complete administrative investigations. MCSO is also developing a separate lesson plan to instruct sworn supervisors on how to appropriately provide standardized procedures for implementing, utilizing, and maintaining a computerized EIS. MCSO will start delivering the Supervisor Responsibilities: Effective Law Enforcement Training in June 2016.

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.

MCSO personnel participated in numerous meetings, telephonic conversations, and other communications during this quarter regarding the Supervisor Responsibilities: Effective Law Enforcement lesson plan.

MCSO provided a list of proposed instructors to teach Supervisor Responsibilities: Effective Law Enforcement lesson plan.

MCSO received comments from the Parties and submitted revised version of the lesson plan on or about February 1, 2016.

MCSO received comments from the Parties and participated in a conference call regarding the comments on or about March 7, 2016. MCSO then provided a revised version of the lesson plan to the parties on or about March 21, 2016 in preparation for discussion during the Monitor's April Site visit.

MCSO provided another revision of this lesson plan to the Monitor after the April site visit.

MCSO is committed to deliver substantive, meaningful, and worthwhile Supervisor Training as it related to Paragraph 52 and 53. Currently, the Supervisor training will consist of approximately 18 hours of training, which is well over the minimum of 6 hours of training Paragraph 53 requires. MCSO is in the process of developing a separate lesson plan to train supervisors on how to complete administrative investigations. MCSO is also developing a separate lesson plan to instruct sworn supervisors on how to appropriately provide standardized procedures for implementing, utilizing, and maintaining a computerized EIS. MCSO will start delivering the Supervisor Responsibilities: Effective Law Enforcement Training in June 2016.

Section 6: Traffic Stop Documentation and Data Collection

General Comments regarding Traffic Stop Documentation and Data Collection

In the Court ordered related training, MCSO disseminated and delivered training on two (2) traffic-related policies, “EB-1, Traffic Enforcement, Violator Contacts, and Citation Issuance” and “EB-2, Traffic Stop Data Collection”. These policies address traffic stop requirements, to ensure that traffic stops are bias-free. By providing staff with and training staff on these policies, MCSO complies with Paragraph 54 of the Court Order.

Between January 1, 2016 and March 31, 2016, the BIO conducted 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 compliance rates for this quarter were; 98.55% compliance in January 2016, 100% in February 2016 and 90% in March 2016.

MCSO implemented a system that allows deputies to input traffic stop data electronically. As of March 31, 2016, MCSO installed all of the approximately 179 marked patrol vehicles assigned to the Patrol Bureau with the electronic equipment, including the TraCS system, to capture 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
01/12/2016	Admin Per Se Affidavit	Updates to Admin Per Se made on 12/30/2015 contained errors (verbiage for Admonitions on printed form was not changed to match form itself).	ADOT issued corrections to report.
01/28/2016	TraCS Diagram tool	Would not launch after image change for MR5	Pushed out ExternalInformation.loc.exml
02/02/2016	Violations	Violations table included non-chargeable codes	Removed non-chargeable codes.

Date	Entity	Issue	Resolution
02/02/2016	Contact	Tabbing was wrong when Contact Conclusion was a 'Citation' and Number of Occupants was > 2	Corrected tabbing.
03/28/2016	All forms	GPS coordinates are not consistently available.	Removed 'GET GPS' button from TraCS. Lat/Long will be retrieved from CAD when data pulls are done.
03/28/2016	All forms	Deputy serial numbers and names could be manually entered.	Serial Number and Name are now defaulted based on TraCS login information and locked so they cannot be changed.
03/28/2016	Contact	Field help for 'Number of Occupants' was not clear.	Modified the help text.
03/28/2016	Contact	Form could be validated without 'Pre/Post stop Race/Ethnicity and Gender'.	Added rule to require 'Pre/Post stop Race/Ethnicity and Gender' to be entered before form will be validated.
03/28/2016	Contact	Event Type (CAD call types) still included 910B for Boating.	Event Types have been reloaded to match CAD.
03/28/2016	Citation	'In-Custody' on a citation was not auto populating 'Booked Arrest Made?' on Contact form.	If 'In-custody' is checked on a citation then 'Booked Arrest Made?' will be 'YES' on the Contact form.
03/28/2016	Citation	MCSO Origin and Registered Owner were not highlighted as required fields.	The 2 fields are now highlighted with yellow background.
03/28/2016	Tow Sheet	Verbiage for VIN was unclear.	Removed 'or confidential VIN' from 'Was VIN Obtained from VIN Plate on Vehicle or confidential VIN'. So verbiage is now 'Was VIN Obtained from VIN Plate on Vehicle?'

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." MCSO will continue to work on improving the performance of the scanners to capture the violator signature, thus providing the Monitor the ability to verify the motorist receipt. The Monitor notes significant progress with the scanner functionality. The deployment of body-worn cameras will also give MCSO and the Monitor a tool to verify issuance of motorist receipts and stop length. Body-worn cameras were deployed initially in District 6 as a test group during the fourth 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 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.***

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.

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, “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.***

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 7th Quarterly Report stated, in pertinent part: "*MCSO will be in Phase 1 compliance with this Paragraph when the Body-Worn Camera Operational Manual is finalized, approved, and issued. During our February 2016 site visit, MCSO and MCAO advised us that the Body-Worn Camera Operational Manual had not yet been approved or disseminated and thus is not in compliance with the Paragraph. 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.

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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

The 7th 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 how thresholds were set 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.”*

To achieve compliance with Paragraph 64, MCSO’s Early Intervention Unit (“EIU”) continues to work with faculty members from Arizona State University in the development of methodology for monthly, quarterly, and annual traffic stop data analysis. During this subject quarter, ASU continued to work on the analysis of the annual traffic stop data encompassing July 1, 2014 thru June 30, 2015. ASU provided a draft version of the annual traffic stop analysis encompassing the time period from July 1, 2014 thru June 30, 2015. Several data collection issues were identified upon review of this report that concentrated on the handling of duplicate records and the calculations for the length of a traffic stop. Resolutions included seeking the proper manner to identify and handle the problematic cases already collected while simultaneously correcting these issues with the data collection process moving forward. Areas of improvement in the data collection, supervisory review process, analysis, and reporting methods continue to be identified and will be adjusted accordingly.

In its effort to achieve full and effective compliance and with the assistance of the Monitor Team and Parties, MCSO is exploring 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.

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 7th Quarterly Report, MCSO is not in Phase 1 compliance or Phase 2 compliance with this paragraph.

The Monitor's 7th quarterly report indicates: "*MCSO will achieve Phase 1 compliance with Paragraph 65 once it has trained to this policy (GH-5, Early Identification System). 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. This latest version remains with the Monitor at this time.

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 7th Quarterly Report, MCSO is not in Phase 1 compliance or Phase 2 compliance with this paragraph.

The Monitors 7th Quarterly report stated: "*Once this training (GH-5, Early Identification System) has occurred, MCSO will be in Phase 1 compliance with this Paragraph.*"

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. This latest version remains with the Monitor.

The 7th Quarterly Report stated: "*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.*"

To achieve compliance with Paragraph 64, MCSO's Early Intervention Unit ("EIU") continues to work with faculty members from Arizona State University in the development of

methodology for monthly, quarterly, and annual traffic stop data analysis. During this subject quarter, ASU continued to work on the analysis of the annual traffic stop data encompassing July 1, 2014 thru June 30, 2015. ASU provided a draft version of the annual traffic stop analysis encompassing the time period from July 1, 2014 thru June 30, 2015. Several data collection issues were identified upon review of this report that concentrated on the handling of duplicate records and the calculations for the length of a traffic stop. Resolutions included seeking the proper manner to identify and handle the problematic cases already collected while simultaneously correcting these issues with the data collection process moving forward. Areas of improvement in the data collection, supervisory review process, analysis, and reporting methods continue to be identified and will be adjusted accordingly.

In its effort to achieve full and effective compliance and with the assistance of the Monitor Team and Parties, MCSO is exploring 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.

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 7th Quarterly Report, MCSO is not in phase 2 compliance with Paragraph 67.

The Monitor's 7th Quarterly Report indicated: *"Regarding Phase 2 compliance with this Paragraph, the EIU provides monthly analyses and documents describing the benchmarks used to set alerts for possible cases of racial profiling or other misconduct using traffic stop. These analyses and documents are informative in showing how benchmarks and thresholds are being used to conduct weekly, monthly, and quarterly analyses looking for individual,*

unit, or systemic problems. These analyses are conducted by beat and ZIP code, and MCSO-wide; they may eventually include police beats. However, we remain concerned that the analyses conducted by EIU continue to use thresholds that are based on opinion rather than statistical validation. As was highlighted in our comments pertaining to Paragraph 64, our own analysis of thresholds suggests that they are not adequately robust to set alerts for deputies potentially engaged in racial profiling or other biased-based policing. 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 reflect local area variation in traffic stop behavior. Therefore, MCSO is not in Phase 2 compliance with this Paragraph.”

To achieve compliance with Paragraph 64, MCSO’s Early Intervention Unit (“EIU”) continues to work with faculty members from Arizona State University in the development of methodology for monthly, quarterly, and annual traffic stop data analysis. During this subject quarter, ASU continued to work on the analysis of the annual traffic stop data encompassing July 1, 2014 thru June 30, 2015. ASU provided a draft version of the annual traffic stop analysis encompassing the time period from July 1, 2014 thru June 30, 2015. Several data collection issues were identified upon review of this report that concentrated on the handling of duplicate records and the calculations for the length of a traffic stop. Resolutions included seeking the proper manner to identify and handle the problematic cases already collected, while simultaneously correcting these issues with the data collection process moving forward. Areas of improvement in the data collection, supervisory review process, analysis, and reporting methods continue to be identified and will be adjusted accordingly.

In its effort to achieve full and effective compliance and with the assistance of the Monitor Team and Parties, MCSO is exploring 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.

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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

The 7th Quarterly Report stated: *"MCSO published GH-5, the Early Identification System policy and procedure on November 18, 2015. Training on EIS, including orientation to the new policy, will occur during the upcoming Supervisory Training. Until such training takes place, MCSO is not in Phase 1 compliance with this Paragraph."*

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. This latest version remains with the Monitor.

MCSO is continuing to work with a software vendor to fulfill the requirements of this paragraph related to supervisor's access to completed complaint investigations for 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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

The 7th quarterly report said, *"As discussed in response to Paragraphs 64 and 65, we reviewed EB-1 (Traffic Enforcement, Violator Contacts and Citation Issuance), as well as EB-2 (Traffic Stop Data Collection). Most recently, MCSO has published GH-5 (Early Identification System). Training on EIS, including orientation to the new policy, will occur during the upcoming Supervisory Training. Until such training takes place, MCSO is not in Phase 1 compliance with this Paragraph."*

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. This latest version remains with the Monitor.

The Early Intervention Unit ("EIU") continues to work toward addressing an increasing number of "false" alerts triggered within the EIS during this quarter. During this quarter, the EIU has been working with the Employee Medical Leave Section to conduct an overhaul of the manner in which unscheduled absences are processed through the EIS. Due to unscheduled absences accounting for a majority of the false alerts due to improper reporting of FMLA leave, these upcoming procedural changes will assist in rectifying the "false" alerts. Furthermore, a software bug was identified within the IA Pro system pertaining to the calculation process for allegation type alerts in certain circumstances. MCSO continues to work with the outside vendor to address this software bug. The only identifiable issue of the software bug is the fact that, in certain situations, two allegation alerts are triggered for the same single event. Therefore, this is also an identifiable source of "false" alerts.

On March 30, 2016, the EIU submitted revisions and comments to MCSO Policy GC-1 Leaves and Absences to the MCSO Policy Division. These revisions and comments address concerns with respect to the "false" alerts and unscheduled absence entries in EIS.

To achieve compliance with Paragraph 64, MCSO's Early Intervention Unit ("EIU") continues to work with faculty members from Arizona State University in the development of methodology

for monthly, quarterly, and annual traffic stop data analysis. During this subject quarter, ASU continued to work on the analysis of the annual traffic stop data encompassing July 1, 2014 thru June 30, 2015. ASU provided a draft version of the annual traffic stop analysis encompassing the time period from July 1, 2014 thru June 30, 2015. Several data collection issues were identified upon review of this report that concentrated on the handling of duplicate records and the calculations for the length of a traffic stop. Resolutions included seeking the proper manner to identify and handle the problematic cases already collected while simultaneously correcting these issues with the data collection process moving forward. Areas of improvement in the data collection, supervisory review process, analysis, and reporting methods continue to be identified and will be adjusted accordingly.

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 publication of this Administrative Broadcast and supervisor guide is pending the review of the Monitor Team and Parties.

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 this 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 January through March 2016. The BIO completed 36 inspection reports broken down as follows:

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

The following paragraphs represent compliance rates and brief progress assessments for the inspections through the 1st 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 consistent with Paragraph 23 of the Court Order. *The compliance rate was 99% in January 2016, 100% in February 2016, and 99% in March 2016.*
- Administrative Investigations (Complaints) Inspection: BIO also reviewed a 50% random sampling of all closed cases from the previous month. This type of inspection complies with MCSO Policies GH-2, *Internal Investigations* and GC-17, *Employee Disciplinary Procedure*, and is consistent with Paragraphs 33 and 102 of the Court Order. *During this subject quarter the rates were 78% in January 2016, 64% in February 2016, and 84% in March 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. *During this subject quarter the compliance rate was 97%, which was a slight increase from the previous quarter.*

- 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 Order,. *The compliance rate was 100% for all 3 months of the first quarter of 2016.* The Sheriff's Office has been adhering to proper 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 Order,. *The first quarter of 2016 showed 98.5% compliance in January 2016, 100% in February 2016 and 90% in March 2016.*
- 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. *In January 2016, the compliance rate was 100%, February 2016 the compliance rate was 98.3%, and in March 2016 the compliance rate was 100%.*
- 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 rate was 97% in January 2016, 94% in February 2016, and 100% in March 2016.* 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 rate was 71% in January 2016; 72% in February 2016; and 100% in March 2016.
 - Supervisory Notes – Detention: The compliance rate was 89% in January 2016; 83% in February 2016; and 90% in March 2016.

- Supervisory Notes – Civilian: The compliance rate was 81% in January 2016; 100% in February 2016; and 91% in March 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 Aviation Division, Professional Standards Bureau, and Counter Terrorism. *The Aviation Division was 100% compliant, the Professional Standards Bureau was 100% compliant, and Counter Terrorism was 100% compliant.* The inspections did not reveal any 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 began 3 separate audits in each of the patrol districts. The reviews focus on case tracking, first line supervisor responsibilities, and district tracking. These audits could take up to 4 months to complete.

The following is a table of all inspections that also represent overall inspection compliance rates of each month during the first quarter of 2016. The second column shows the percentage point increase (Green) or percentage point decrease (Red) compared to applicable inspections for the previous month or quarter.

Table #5						
Bureau of Internal Oversight – Monthly Inspections Compliancy Rate						
Inspection	January		February		March	
Patrol Shift Rosters	100%	.01	100%	.04	100%	.01
Admin. Investigations	78%	18	64%	14	84%	20
Traffic Stop Data Collection	98.5%	13.5	100%	1.5	90%	10
Employee Email	97%	3	94%	3	100%	6
Supervisor Notes (Sworn)	71%	29	72%	1	100%	28
Supervisory Notes (Detention)	89%	.02	83%	6	90%	7
Supervisory Notes (Civilian)	81%	4	100%	19	91%	9
Employee CAD/Alpha Paging	99.9%	.01	100%	.01	99.9%	.01
County Attorney Dispositions (Turndowns)	100%	-	98.3%	1.7	100%	1.7
District Operations (Aviation)	100%	-	-	-	-	-
District Operations (Professional Standards)	-	-	-	-	100%	-

Division Property (Counter Terrorism)		-	100%	-	-	-
Division Property (Professional Standards)	-	-	-	-	100%	-
Division Property (District IV)	-	-	-	-	N/A	-
Patrol Incident Report (Quarterly)					97%	2
Cash Inspection	100%	-	100%	-	100%	-

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 1,811 alerts:

- The EIU forwarded 322 alerts to supervisors for further review.
- 294 of these alerts were completed and 28 alerts remain open.

The EIU processed and quality-assured the following:

- County Attorney Actions – 495
- Notices of Claim / Law Suits / Summons – 42
- Supervisor Notes – 13,672
- Briefing Notes – 954
- Commendations – 190
- Firearm Discharges – 5
- Forced Entries – 5
- Higher Award Commendation - 4
- IR Memorialization – 4
- Line Level Inspections - 436
- Vehicle Accidents - 25
- Vehicle Pursuits - 3
 - Uses of Force - 76
 - Other Tracked Behavior - 3,829
 -

(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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph. In an effort to achieve its overall goal of full and effective compliance, and specifically compliance with Paragraph 72, MCSO is working with the Monitor and the Parties to identify steps necessary for MCSO to achieve t 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 7th Quarterly Report, MCSO is not in Phase 1 compliance. Phase 2 compliance is deferred.

In order to gain Phase 1 compliance, the Monitor instructs: *"Training on EIS, including orientation to the new policy, will occur during the upcoming Supervisory Training. Until such training takes place, MCSO is not in Phase 1 compliance with this Paragraph."*

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. This latest version remains with the Monitor.

As the Monitor acknowledged in the 7th Quarterly report, *"However, it is important to note that the EIU is operating well and applying many of the suggestions discussed both in and between site visit meetings."* MCSO appreciates the feedback it receives from the Monitor and the Parties and will continue to work collaboratively to fully implement EIS to achieve compliance under Paragraph 73.

Paragraph 74. *MCSO shall develop and implement a protocol setting out the fields for historical data, deadlines for inputting data related to current and new information, and the individuals responsible for capturing and inputting data.*

Based on the Monitor's 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

In order to achieve Phase 1 compliance, the Monitor noted in the 7th Quarterly Report: "*The Early Identification System policy, GH-5, was published on November 18, 2015. Training on EIS, including orientation to the new policy, will occur during the upcoming Supervisory Training. Until such training takes place, MCSO is not in Phase 1 compliance with this Paragraph.*"

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. This latest version remains with the Monitor.

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.*

Based on the Monitor's 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance.

In order to achieve Phase 1 compliance, the Monitor stated: "*MCSO published policy GH-5, Early Identification System, on November 18, 2015. Training on EIS, including orientation to the new policy, will occur during the upcoming Supervisory Training. Until such training takes place, MCSO is not in Phase 1 compliance with this Paragraph.*"

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. This latest version remains with the Monitor. MCSO hopes to deliver this training as soon as possible to achieve Phase 1 compliance with Paragraph 75.

On March 1, 2016, the EIU submitted to the Monitor Team the revised MCSO Policy "GC-13 Awards to the MCSO Policy Division" for review and processing. These revisions address EIS compliance with Paragraph 75 of the Court Order.

The EIU continues to explore avenues to incorporate arrests and detentions in a uniform manner within EIS.

Paragraph 76. *The EIS shall include appropriate identifying information for each involved Deputy (i.e., name, badge number, shift and Supervisor) and civilian (e.g., race and/or ethnicity).*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 76. MCSO will provide the Monitor with any information that the Monitor requests to enable the Monitor to continue evaluate MCSO's continued compliance with Paragraph 76.

Paragraph 77. *MCSO shall maintain computer hardware, including servers, terminals and other necessary equipment, in sufficient amount and in good working order to permit personnel, including Supervisors and commanders, ready and secure access to the EIS system to permit timely input and review of EIS data as necessary to comply with the requirements of this Order.*

Phase 1 compliance is not applicable 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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance.

For MCSO to achieve Phase 1 compliance under Paragraph 78, the Monitor stated: "*The EIS policy, GH-5, was published on November 18, 2015. Training on EIS, including orientation to the new policy, will occur during the upcoming Supervisory Training. Until such training takes place, MCSO is not in Phase 1 compliance with this Paragraph.*"

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. This latest version

remains with the Monitor. MCSO hopes to deliver this training as soon as possible to achieve Phase 1 compliance with Paragraph 78.

In relation to Phase 2 compliance, the Monitor's 7th Quarterly Report stated: "*Prior to the publication of GH-5, the Deputy Chief of the Technology Management Bureau provided a letter in response to Paragraph 78. On the second page of this memorandum, there is a description of the security of the database and server. This information has been reiterated in the new EIS policy. MCSO has also included specific statements in the policy that limit access to individual deputy information to appropriate supervisory/administrative personnel. In addition, the policy states that personal information will be maintained in the database for at least five years following an employee's separation from the agency. These appear to meet the requirements of the Order. In addition, as noted in Paragraph 75 regarding complaints, MCSO is still working with the vendor to provide supervisor access to this information without allowing those without purview the ability to view this information as well. This is an indicator of how important security of the system is to MCSO. However, until such time as applicable Supervisory Training is delivered, MCSO is not in compliance with this Paragraph.*"

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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance.

To achieve Phase 1 compliance under Paragraph 79, the Monitor stated, "*MCSO published policy GH-5, Early Identification System, on November 18, 2015. Training on EIS, including orientation to the new policy, will occur during the upcoming Supervisory Training. Until such training takes place, MCSO is not in Phase 1 compliance with this Paragraph.*"

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. This latest version remains with the Monitor.

The Monitor noted in the 7th Quarterly report: "*Both the EIU and BIO have been responsive to our requests and suggestions; we continue to work effectively with them.*" MCSO appreciates the Monitor's suggestions and expertise in this area and will work with the Monitor and the Monitor's Team in the future, as it has in the past, to implement the requirements of the Order.

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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

To achieve Phase 1 compliance, the Monitor reports, "*MCSO has published GH-5, Early Identification System, on November 18, 2015. Training on EIS, including orientation to the new policy, will occur during the upcoming Supervisory Training. Until such training takes place, MCSO is not in Phase 1 compliance with this Paragraph.*"

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. This latest version remains with the Monitor. MCSO hopes to deliver this training as soon as possible to achieve Phase 1 compliance under Paragraph 80.

Paragraph 81. *MCSO shall develop and implement a protocol for using the EIS and information obtained from it. The protocol for using the EIS shall address data storage, data retrieval, reporting, data analysis, pattern identification, identifying Deputies for intervention, Supervisory use, Supervisory/agency intervention, documentation and audit. Additional required protocol elements include:*

- a. *comparative data analysis, including peer group analysis, to identify patterns of activity by individual Deputies and groups of Deputies;*
- b. *identification of warning signs or other indicia of possible misconduct, including, but not necessarily limited, to:*
 - i. *failure to follow any of the documentation requirements mandated pursuant to this Order;*

- ii. *racial and ethnic disparities in the Deputy's traffic stop patterns, including disparities or increases in stops for minor traffic violations, arrests following a traffic stop, and immigration status inquiries, that cannot be explained by statistical modeling of race neutral factors or characteristics of Deputies' specific duties, or racial or ethnic disparities in traffic stop patterns when compared with data of a Deputy's peers;*
 - iii. *evidence of extended traffic stops or increased inquiries/investigations where investigations involve a Latino driver or passengers;*
 - iv. *a citation rate for traffic stops that is an outlier when compared to data of a Deputy's peers, or a low rate of seizure of contraband or arrests following searches and investigations;*
 - v. *complaints by members of the public or other officers; and*
 - vi. *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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

To achieve Phase 1 compliance under Paragraph 81, the Monitor stated in the 7th Quarterly Report: "MCSO has published GH-5, Early Identification System, on November 18, 2015. Training on EIS, including orientation to the new policy, will occur during the upcoming Supervisory Training. Until such training takes place, MCSO is not in Phase 1 compliance with this Paragraph."

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. This latest version remains with the Monitor. MCSO hopes to deliver this training as soon as possible to achieve Phase 1 compliance under Paragraph 81.

MCSO is continuing to work with a software vendor to give supervisor's access to completed complaint investigations for 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 publication of this Administrative Broadcast and supervisor guide is pending the review of the Monitor Team and Parties.

In several paragraphs, including this paragraph, the Monitor points out the lack of consistency in the results for the BIO Inspection of Supervisory Notes. MCSO anticipates compliance rate related to the BIO Inspection of Supervisory Notes will increase and become more consistent once the EIS Training is approved and delivered.

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 6, 2016.

MCSO continues to take community policing and community outreach seriously. During this subject quarter MCSO Deputies recorded 3,172 occasions of community policing within its operations, utilizing the Computer Aided Dispatch System. Those events, which totaled over 2,756 staff hours, largely are due to the community engagement activities of Patrol Deputies within the Patrol Bureau.

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 was not in Phase 1 or phase 2 compliance based on the Monitor's 7th Quarterly Report. However, MCSO published Policy GB-2 during the subject quarter and should now be in Phase 1 and Phase 2 compliance.

To achieve Phase 1 compliance, the Monitor indicated that MCSO must publish MCSO "Policy GB-2, Command Responsibility". MCSO published "Policy GB-2 Command Responsibility" on January 12, 2016. MCSO published Briefing Board 16-11 on March 29, 2016 which was an update to Policy GB-2. This Briefing Board was reviewed and approved by the Monitor prior to publication. MCSO started the annual review of "Policy GB-2, Command Responsibility", so the changes noted in Briefing Board 16-11 can be incorporated into a policy revision.

MCSO is confident that no Patrol Supervisor is assigned more than 12 deputies and that all deputies are assigned to a single Patrol Supervisor.

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 anticipates a significant rise in the compliance rate related to Supervisor Notes Inspection once the Supervisor Training and EIS Training is finalized and delivered. This should assist MCSO in achieving compliance with Paragraph 85.

Paragraph 86. *On-duty field Supervisors shall be available throughout their shift to provide adequate on-scene field supervision to Deputies under their direct command and, as needed, to provide Supervisory assistance to other units. Supervisors shall be assigned to and shall actually work the same days and hours as the Deputies they are assigned to supervise, absent exceptional circumstances.*

Based on the Monitor's 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 85.

The Monitor's 7th Quarterly report stated: *"During the previous reporting period, we reviewed a draft of revised policy GB-2 (Command Responsibility); and both we and the Plaintiffs' attorneys provided comments pertaining to Paragraph 86, to MCSO. Paragraph 86 requires that on-duty field supervisors be available throughout their shifts to provide adequate on-scene field supervision to deputies under their direct command and, as needed, to provide supervisory assistance to other units. Paragraph 86 also requires that supervisors shall be assigned to work the same days and hours as the deputies they are assigned to supervise, absent exceptional circumstances. The current draft of GB-2, once implemented, will meet the requirements of Paragraph 86. MCSO is not yet in Phase 1 compliance with this Paragraph."*

The Monitor indicated in the 7th Quarterly Report that while able to use shift rosters to determine if deputies were assigned to and work the same schedules as their supervisors, they had no documentation to assist them in determining if supervisors were providing adequate on-scene field supervision. The Monitor suggested that daily patrol activity logs would help them in determining compliance with this and other paragraphs. *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 June 1, 2016.*

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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 87.

Based on comments in the Monitor's 7th Quarterly Report, MCSO believes it will be in Phase 1 compliance with this paragraph once "Policy GC-4, Employee Performance Appraisals" is revised and published.

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. This latest, fourth version of Policy GC-4 remains with the Monitor and the Parties.

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 is continuing to work on achieving Phase 2 compliance with Paragraph 89.

Paragraph 90. *MCSO Deputies shall submit documentation of all stops and Investigatory Detentions conducted to their Supervisors by the end of the shift in which the action occurred. Absent exceptional circumstances, within 72 hours of receiving such documentation, a Supervisor shall independently review the information. Supervisors shall review reports and forms for Boilerplate or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct. Appropriate disciplinary action should be taken where Deputies routinely employ Boilerplate or conclusory language.*

MCSO is in Phase 1 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. While this information is captured in the system, it is not displayed on the form. MCSO believes it is close to being able to document both of these requirements on 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.

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. While this information is captured in the system, it is not displayed on the form. MCSO believes it is close to being able to document both of these requirements on the VSCF.

MCSO will continue to provide the Monitor with all documents that the Monitor requests to assist the Monitor in analyzing MCSO's compliance with Paragraph 91.

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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance.

According to the Monitor's 7th Quarterly Report, to accomplish Phase 1 compliance MCSO must publish "Policy GC-4, Employee Performance Appraisals" and complete training related to the policy. 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. This latest, fourth version of Policy GC-4 remains with the Monitor and the Parties.

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. This latest version remains with the Monitor.

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 7th 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. *This is due to the fact that the vehicle crash report is a State of Arizona form and is not controlled by MCSO.* MCSO is currently researching how to resolve this issue so we can prove compliance as it relates to report reviews and memorialization.

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 for 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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 95.

MCSO will gain Phase 1 compliance once GC-4, Employee Performance Appraisals is published and training on that policy is delivered.

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, 2106. 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. This latest, fourth version of Policy GC-4 remains with the Monitor and the Parties.

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.

In the past, the Monitor has considered Report Memorialization Forms when assessing compliance for this paragraph. The Monitor's 7th Quarterly report states: "*MCSO has previously asserted that the low number of memorialization forms is due to improved performance by deputies. During this reporting period, we were unable to audit any data that would support this position. Beginning with January 2016, we will conduct a monthly review of a representative sample of arrest reports to determine if deficiencies related to arrest reports are being properly identified. In addition, any and all documentation related to incidents that fall within the purview of this Paragraph need to be submitted with each entry.*"

MCSO is hopeful that by providing a random sample of arrest report information, it will assist the Monitor in finding that MCSO is in Phase 2 compliance with Paragraph 96.

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 7th 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. This latest version remains with the Monitor.

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 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 98.

However, the Monitor's 7th Quarterly Report does not reveal the specific deficiency that it deems to render MCSO non-compliant with the mandate of Paragraph 98. MCSO would appreciate guidance in this instance. In any event, MCSO should be in Phase 1 compliance once "Policy GC-4, Employee Performance Appraisals" is finalized and published.

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. This latest, fourth version of Policy GC-4 remains with the Monitor and the Parties.

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.*

Based on the Monitor's 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with Paragraph 99.

However, the Monitor's 7th Quarterly Report does not indicate the specific deficiency that the Monitor deems to render MCSO non-compliant with Paragraph 99. MCSO would appreciate guidance in this instance. In any event, MCSO should be in Phase 1 compliance once "Policy GC-4, Employee Performance Appraisals" is finalized and published. MCSO should be in Phase 2 compliance once it delivers training regarding Policy GC-4 and the new EPA form.

MCSO sent the first version of Policy GC-4, Employee Performance Appraisals to the Monitor for review on or about 08/13/2015. The Monitor made suggestions and revisions. MCSO sent the second version of Policy GC-4 Employee Performance Appraisals to the Monitor for review on or about 01/26/2016. The Monitor made additional and different suggestions and revisions. MCSO met with the Monitor in February 2016 and discussed suggestions regarding the employee performance appraisal form. MCSO sent the third version of Policy GC-4, Employee Performance Appraisals to the Monitor for review on or about 03/08/2016. The Monitor again provided further suggestions and revisions. MCSO sent the fourth version of Policy GC-4, Employee Performance Appraisals to the Monitor for review on or about 05/11/2016. The latest version remains with the Monitor and the Parties.

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

Based on the Monitor's 7th Quarterly Report, MCSO is not in Phase 1 or Phase 2 compliance with this paragraph.

The Monitor's 7th Quarterly Report does not indicate the specific deficiency that keeps MCSO out of compliance. MCSO should be in Phase 1 compliance once policy GC-4, Employee Performance Appraisals is finalized and published.

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. This latest, fourth version of Policy GC-4 remains with the Monitor and the Parties. .

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 so the Monitor can 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:

MCSO is in Phase 1 compliance with Paragraphs 102, 103, 104, 105, and 106. Based on the Monitor's 7th Quarterly Report, however, MCSO is not in Phase 2 compliance with these paragraphs.

During this quarter, ten (10) investigators (4 sworn sergeants, 2 detectives, 1 detention sergeant, and 3 detention lieutenants) were temporarily assigned to the Professional Standards Bureau to assist in reducing PSB's caseload. After providing two months of assistance, most of the temporarily assigned investigators returned to their full time duty assignments. Nevertheless, PSB permanently kept three sworn sergeants and one detention sergeant to increase the size of the bureau. The increase in the size of PSB will aid in the completion of investigations within the required 180-day time frame, pursuant to MCSO Policy GH-2, Internal Investigations and Arizona Revised Statutes (A.R.S. § 38-1110).

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

In addition, 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, it is now a requirement of all PSB personnel to obtain their detective certification. Currently, seven (7) sworn sergeant administrative investigators, two (2) sworn criminal detectives, including their sworn sergeant and lieutenant, and five (5) detention sergeants and their lieutenant are certified detectives. Two detention sergeants and five (5) detention lieutenants, who conduct administrative investigations in the jail facilities, are in the process of obtaining their detective certifications.

Additionally, seven (7) members of PSB attended the "Public Agency Training Council's Internal Affairs" course. This two and one half day conference provided PSB personnel with an enhanced understanding of various elements of the professional standards system to include investigative control measures, proactive administrative enforcement, training in administrative interviews, issues concerning Garrity, Brady/Giglio, and civil litigation. Three additional members of PSB will attend the Public Agency Training Council's Internal Affairs course in May 2016.

What's more, to continue to improve PSB, MCSO required three (3) members of PSB to attend the "Reid Interview and Interrogation" course this quarter, and is requiring four (4) additional members to attend this course next quarter.

To ensure 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, the PSB 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 undertook and completed administrative investigations.

By utilizing the Administrative Investigation Checklist and revised investigative forms that the Monitor approved during this rating period (see below), the new paper flow allows PSB to review division level cases for quality control, prior to final submission to the appointing authority.

A sworn sergeant (to be promoted to lieutenant in May of 2016) was permanently assigned to PSB to act as a liaison with the other divisions and was tasked with the primary responsibility of reviewing all division level cases for thoroughness and accuracy. A secondary responsibility of this sergeant (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 is working with the Policy Section to revise Office Policy GH-2, to include the investigative process, to direct guidance in conducting a preliminary inquiry and to provide a clear definition of “procedural complaints.” The PSB submitted the policy to the Monitor for review and comments in March 2016. Additionally, this quarter the PSB assumed responsibility for supervisor training related to conducting administrative investigations. Once the Monitor approves MCSO Policy GH-2, PSB personnel will create the training curriculum and disseminate administrative investigation training to supervisors at the division level. The bifurcation of this portion of the supervisor training was approved by the Monitor early this reporting quarter.

In addition, PSB is creating a training curriculum related to administrative investigations conducted at the division level to ensure quality and efficiency. The PSB created an Administrative Investigation Checklist to ensure that investigators complete all required tasks during an administrative investigation. The PSB further revised administrative investigative forms to ensure consistent, investigative reporting. The Monitor reviewed and approved the checklist and associated forms; therefore, the PSB began using these forms this reporting quarter. The PSB created a training curriculum (approved by the Monitor last quarter) for the implementation of these forms; therefore, the PSB began disseminating the checklist and investigative template to the division level, along with instruction on how to use them. During this quarter, the PSB provided training to all of the Patrol Bureau personnel. The PSB will provide this training to all supervisors by the end of the next reporting period.

Furthermore, 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 (“CID”), and 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 that were conducted since 2010.

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 7th 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 Paragraph 102 of the Court's Order, MCSO mandated that any internal or external misconduct allegations must be reported to PSB. Whenever misconduct is alleged, the PSB must assign an IA case number. During this reporting period, the PSB assigned one hundred sixty six (166) IA case numbers and completed and closed two hundred thirty four (234) IA cases. PSB assigned ten (10) CIA (criminal) cases and closed four (4) CIA cases. MCSO requires all personnel to report, without delay, alleged or apparent misconduct by other MCSO personnel. PSB received ninety-nine (99) internal complaints during this reporting period, demonstrating compliance with the Court's Order. Of the Ninety-nine (99) internal complaints received, ninety-five (95) were administrative investigations and four (4) 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.

Consistent with the mandate of Paragraph 103, which requires MCSO to conduct regular, targeted, and random integrity audit checks, the Professional Standards Bureau ("PSB") command staff started to research the concept and purpose of integrity checks to develop a policy and/or operational manual for conducting such investigations. PSB personnel met with Phoenix Police Department personnel, as well as subject matter experts at the Public Agency Training Council, to familiarize PSB personnel with conducting integrity checks and proactively investigating employees who may be engaging in improper behavior. PSB will work with 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 activity 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 7th Quarterly Report, 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 Paragraph 104 of the Court Order, which requires deputies to cooperate with administrative investigations and supervisors to be notified when a deputy under their supervision is summoned as part of an administrative investigation, the Administrative Investigation Checklist collects the data necessary to track MCSO compliance with Paragraph 104.

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 7th Quarterly Report, 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 Paragraph 105 of the Court Order, which requires investigators to take into account collected traffic stop and patrol data, training records, discipline history, performance evaluations, and past complaints, the investigative format is also designed to collect necessary data to track MCSO compliance with Paragraph 105.

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

MCSO continues its community engagement efforts. The Community Outreach Division facilitates, promotes, and participates in events that *unite MCSO personnel with community members* in comfortable, non-law enforcement environments. For this reporting period, MCSO personnel participated in the following public events:

- Advent Episcopal Church Men's club
- Hablando en Arizona Radio Show Anniversary
- "Not my kid" Winterfest Carnival
- For our City – Mesa
- Invite to Taylors (Taylor and Caleb's Project) 9th Birthday Party
- Coffee with a Cop, 6 various locations
- Paws for a Wish Adoption Event
- Children Interaction /Book Donation, Queen Creek Family Resource Ctr.
- Chili's Give Back Special Olympics Program - Valley wide
- PetSmart Adoption Event - West Valley Human Service's Alliance Meeting
- Chicanos Por La Causa Book Donation
- Tough Tents
- Barbara Robey Elementary School Community "Helpers Day"
- Bark for Life and Relay for Life American Cancer Society Benefit Events
- Other community events held within Maricopa County

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 constructively engage with the community and work towards reform, improving community relations, and rebuilding public confidence and trust.

During this quarter, MCSO recorded three thousand one hundred seventy two (3,172) occasions of community policing within its operations utilizing the Computer Aided Dispatch System.

Those events totaled over two thousand seven hundred fifty six (2,756 staff hours), and are attributed largely to community engagement activities of Patrol Deputies within the Patrol Bureau. These deputies accumulated three thousand one hundred thirty six (3,136) of the community policing occasions.

Section 11: Conclusion

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

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.

As detailed in this Report, 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. This latest, fourth version of Policy GC-4 remains with the Monitor and the Parties.

At this rate, it will take almost a year to get through the approval process to finalize Policy GC-4. Even when MCSO receives approval of Policy GC-4, MCSO must develop Training related to the Policy before the Monitor will recognize MCSO as being in Phase 1 compliance with these six paragraphs. Once it develops the associated training, MCSO must receive the approval of that training from the Monitor and the Parties. That process alone can take 3 to 12 months to accomplish.

The purpose of giving this example 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, it appears simplistic to complete an employee appraisal policy and deliver training to supervisors regarding how to comply with the policy. This process is involved and will likely take between twelve (12) and twenty four (24) months to accomplish and achieve compliance with the six (6) paragraphs affected by Policy GC-4. Thus, it is incorrect to solely blame MCSO for the pace of and delays associated with these types of compliance issues.

In addition, MCSO has increased Community Outreach in an attempt to build public confidence and trust in MCSO, and in the reform process. The Community Outreach Division has made great progress at re-building relationships with the community. Even though this is not mandated by the Court's Order, it demonstrates MCSO's commitment to this reform process and re-building trust between MCSO and the communities it serves.

Moreover, the Technology Bureau has the burden of developing technology based solutions to many of the Order requirements. MCSO leadership summarized the technology projects

associated with the Order and prioritized the projects and provided this list to the Monitors for any input on the prioritization of the technology projects. The Technology Bureau is working on developing technical solutions for incorporating required information into EIS, incorporating FI Cards into TraCS, and creating a daily activity log for Patrol. Technology has many projects it is working on simultaneously to help MCSO achieve full and effective compliance with the Court Order.

What's more, MCSO Training has made significant progress on the Supervisor Training this quarter. MCSO, the Monitor, and the Parties are close to finalizing the Supervisor Training. MCSO will deliver the Supervisor Training during the second quarter of 2016. While developing the Supervisor Training, which was the priority, the Training Division also continues to work on developing the 2016 Annual Combined Training, EIS Training, and PSB Training. In addition to the Court Ordered Supervisor Training, MCSO has mandated that all lieutenants, captains, and chiefs attend Blue Courage's 3-day Inclusive Leadership course. The Inclusive Leadership course focuses on diversity and inclusion, leadership, and team building. This additional 3-day course for MCSO leadership is not Court mandated but is demonstrative of MCSO's commitment to improving supervisors' capabilities and improving overall leadership—which will, in turn, help MCSO achieve full compliance with the Court order.

Furthermore, MCSO BIO is working to increase transparency and 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 EIU is working with the Monitor and Parties to develop an EIS that will effectively enhance and promote accountability within MCSO.

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.

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			Dec. 15, 2014
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		
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:		46	0	29	14	35	5	49	

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
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

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