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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Manuel De Jesus Ortega Melendres,
on behalf of himself and all others
similarly situated; et. al,

No. CV-07-2513-PHX-GMS

INDEX

Plaintiffs,

and

United States of America,

Plaintiff-Intervenor,

v.

Paul Penzone, in his official capacity
as Sheriff of Maricopa County,
Arizona, et. al.,

Defendants.

Exhibit(s):

A) Sheriff Penzone, Plaintiffs and Plaintiff-Intervenors Stipulated Plan
per the Court's July 27, 2017, Order (Document 2094).

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EXHIBIT A

Sheriff Penzone, Plaintiffs and Plaintiff-Intervenors
Stipulated Plan per the Court's July 27, 2017, Order
(Document 2094).



Maricopa County Sheriff's Office
Plan to Promote Constitutional Policing

Organization and Accountability

Several features of the plan's organization seek to ensure accountability. First, MCSO appointed Chief Kip Rustenburg to oversee the implementation of this plan. Chief Rustenburg is the chief of Patrol Bureau East, and she brings a wealth of experience to the task. Chief Rustenburg will ensure that deadlines are met and provide MCSO personnel with a central point of contact regarding the plan.

Second, the deadlines in the plan all fall on the second Wednesday of the month in which the item must be delivered. The only exception is court ordered-deadlines involving the Early Identification System. For example, one goal has MCSO's Enforcement Commanders initiating discussion during monthly captains' meetings of "successful and unsuccessful strategies to promote fair and impartial discretionary decision-making by October 11, 2017." The second Wednesday of the month was chosen to avoid holidays and weekends and provide a consistent deadline.

Third, under Chief Rustenburg's leadership, MCSO will re-publish this plan twice a year in March and September. These re-published versions permit MCSO to take stock of its efforts, identify issues, and account for on-going traffic stop data analysis. For this reason, MCSO identifies but does not provide a specific deadline for some reforms that will be completed beyond the next six months. Future versions of the plan will, of course, identify those deadlines.

Fourth, MCSO will implement the use of various methods to track the Office's success in implementing the provisions of this plan. To evaluate success and further develop the goals in this plan, MCSO will determine qualitative and quantitative metrics based on input from subject matter experts and the community, including use of the annual and quarterly traffic stop data and community input to assess progress toward reform.

<p>Goal 1. Implementing an effective Early Identification System with supervisor discussions.</p> <p>MCSO’s Early Intervention Unit and Patrol Commanders will establish and deliver non-disciplinary conversations and interventions between patrol deputies and supervisors to discuss promotion of fair and impartial policing.</p>	
Purpose	Intermediate Steps
<p>An effective Early Identification System allows supervisors to devise specific, constructive supervisory discussions for their employees based on data about the employee’s conduct. The EIS system should be used to identify patterns and practices agency-wide. It is not a tool for discipline, but a supervision tool designed for identifying employees who would benefit from one-on-one instruction. The system is also used to track commendable deputy actions.</p> <p>MCSO selects patrol deputies for participation in supervisory discussions based on the descriptive analysis of traffic stop data.</p>	<p><u>Sample of Steps Taken to Date</u></p> <ul style="list-style-type: none"> • Through Technical Assistance, developed Supervisor Discussion methodology. • Implemented Supervisor Discussions test group by July 13, 2017 with supervisor orientation, providing supervisors with skills to successfully conduct employee discussions. <p><u>Upcoming Deadlines</u></p> <ul style="list-style-type: none"> • Early Intervention Unit will refine Supervisor Discussions based on test group experience, with input through Technical Assistance, and prepare to begin the next set of supervisor discussions by September 27, 2017. • Early Intervention Unit and Training and Development Division have developed and will deliver training on Early Identification System by November 1, 2017. • Early Intervention Unit will develop a liaison program and/or regular, internal town halls to address supervisors’ questions about the Early Identification System by January 10, 2018. <p><u>Steps Beyond the Next Two Quarters</u></p> <ul style="list-style-type: none"> • Early Intervention Unit will refine Supervisor Discussion format with feedback from supervisors and deputies from the test group, next set, and later discussions. • Early Intervention Unit will refine Early Identification System functionality based on supervisors’ feedback.

<p>Goal 2. Evaluating supervisors’ performances.</p> <p>MCSO will ensure that supervisors are held accountable for deputy outcomes through the Employee Performance Appraisal process.</p>	
Purpose	Intermediate Steps
<p>MCSO can encourage its supervisors to take an active role in deputy development by conditioning favorable Employee Performance Appraisals on deputy outcomes. Supervisors should not focus exclusively on quantitative outcomes, but should also emphasize constitutional and community-oriented policing. This will foster open and honest dialogue and ensure that MCSO personnel view constitutional policing as an essential component of good law enforcement.</p> <p>For example, a patrol sergeant’s Employee Performance Appraisal should address the supervisory work she performed to address a deputy’s monthly Early Identification System alerts, including whether the quality of the sergeant’s discussions matched trends in the deputy’s performance</p>	<p><u>Sample of Steps Taken to Date</u></p> <ul style="list-style-type: none"> ● Published new Employee Performance Appraisal policy and provided training to ensure supervisors properly evaluate employees. <p><u>Upcoming Deadlines</u></p> <ul style="list-style-type: none"> ● Beginning by October 11, 2017, Enforcement Commanders will provide guidance during monthly captains’ meetings to ensure Blue Team notes and Employee Performance Appraisals about supervisors contain adequate information tied to deputy outcomes. <ul style="list-style-type: none"> ▪ For example, once per quarter, Enforcement Commanders will provide examples of Blue Team notes entered by a lieutenant about a sergeant that covers the sergeant’s efforts to address a deputy’s monthly Early Identification System alerts. This will include examples of both corrective interventions where needed, and also positive examples reinforcing constitutional policing, in either case with in-depth notes that offer tailored and constructive feedback, and set clear goals and timelines. ▪ For example, once per quarter, Enforcement Commanders will distribute examples of Employee Performance Appraisals that synthesize the Blue Team notes to look for trends in supervisor’s efforts across leadership ranks to address monthly Early Identification System alerts. <p><u>Steps Beyond the Next Two Quarters</u></p> <ul style="list-style-type: none"> ● After completion of the 2018 annual Employee Performance Appraisals, Patrol

and whether the deputy's law enforcement activities comport with constitutional and MCSO policy standards and demonstrate positive community-oriented policing.

Commanders will address any recommended changes (if necessary) to the Employee Performance Appraisal process at the monthly captains' meeting, including any recommendations to policy or training. Additionally, all supervisors will be encouraged to send a memorandum through the chain of command with suggestions.

<p>Goal 3. Enhanced implicit bias training.</p> <p>MCSO will provide deputies and supervisors with enhanced cultural competency and implicit bias training and roll call briefings based on trends in traffic stop data.</p>	
Purpose	Intermediate Steps
<p>MCSO will provide deputies with enhanced training and roll call briefings on implicit bias. The topics for these materials will be based on the inferential analysis of traffic stop data.</p> <p>The most recent annual study concluded that Latino drivers were more likely to be arrested than white drivers. The study also concluded that Latino drivers were more likely to be searched than white drivers, without a corresponding increase in seizure of contraband.</p> <p>Because these conclusions held true for other racial and ethnic minorities, MCSO will develop enhanced materials on implicit bias.</p> <p>In some cases, the materials</p>	<p><u>Sample of Steps Taken to Date</u></p> <ul style="list-style-type: none"> • Selected MCSO personnel from the Training and Development Division and Court Implementation Division attended implicit bias training held by the Los Angeles County Sheriff’s Department. • MCSO’s 2017 Annual Combined Training on Fair and Impartial Policing and the Fourth and Fourteenth Amendments has re-emphasized the importance of understanding and addressing implicit bias. <p><u>Upcoming Deadlines</u></p> <ul style="list-style-type: none"> • Enforcement Commanders will carve out time during monthly captains’ meetings to share successful and unsuccessful strategies to address implicit bias by October 11, 2017. • MCSO’s patrol supervisors will deliver roll call briefings on implicit bias topics, with roll out beginning by October 11, 2017. <ul style="list-style-type: none"> ▪ For example, the first roll call briefing will include a video developed by the U.S. District Court for the Western District of Washington on unconscious bias, helpfully suggested by the Civil Rights Division of the U.S. Department of Justice. • Enhancements to the 2017 Annual Combined Training: <ul style="list-style-type: none"> ▪ Training and Development Division will create and incorporate implicit bias training, seeking contributions from community members and community organizations by November 8, 2017. ▪ Training and Development Division will deliver 2017 Annual Combined

<p>will be delivered as part of a pilot program to select districts or squads. In those circumstances, MCSO will obtain feedback that will refine those materials before possible delivery Office-wide. In other cases, MCSO will deliver uniform materials to all patrol districts.</p> <p>MCSO will also ensure supervisors collaborate to share experiences with addressing implicit bias.</p>	<p>Training with enhanced sections on implicit bias reinforced by participation from community members beginning by November 8, 2017.</p> <ul style="list-style-type: none"> • Community Outreach and Training and Development Divisions will develop a network of community members, community organizations, and academic subject matter experts interested in addressing MCSO deputies during training and/or roll call briefings regarding implicit bias by November 8, 2017. • Training and Development Division will develop a curriculum outline for training on the history and impact of discriminatory policing in Maricopa County as well as other forms of systemic discrimination in the County that contribute to ongoing marginalization of some communities, with submission to community members, community organizations, and academic subject matter experts by December 13, 2017. • Training and Development Division will develop a curriculum on enhanced implicit bias training, in cooperation with other jurisdictions and outside experts, by February 14, 2018. <p><u>Steps Beyond the Next Two Quarters</u></p> <ul style="list-style-type: none"> • Training and Development Division will deliver enhanced implicit bias training beginning in Third Quarter 2018. • Training and Development Division will implement curriculum on history of discrimination in Maricopa County through training and/or roll call briefings beginning in Third Quarter 2018.
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Goal 4. Enhanced fair and impartial decision-making training.

MCSO will develop training and roll call briefing that addresses lawful factors to rely on when taking discretionary law enforcement action and the importance of the guardian mindset. The training and roll call briefing will also emphasize the idea that fair and impartial decision-making, and thus public safety, is promoted by working collaboratively with the local community.

Purpose	Intermediate Steps
<p>MCSO also seeks to build resources for training and roll call briefings on discretionary law enforcement actions while emphasizing the guardian mindset.</p> <p>For example, traffic stop data has indicated that certain races and ethnicities, including Latinos, are more likely to be searched by MCSO deputies as a result of traffic stops, without a corresponding increase in seizure of contraband. The annual traffic stop study noted the importance of deputy discretion in the bias analysis.</p> <p>To address this issue, MCSO will develop training and/or roll call briefings that focus on warrantless consent searches. MCSO chose those searches for analysis because, compared to other types of</p>	<p><u>Sample of Steps Taken to Date</u></p> <ul style="list-style-type: none"> • Annual training applies fair and impartial policing principles in Fourth Amendment contexts to improve deputy decision-making. • Academy training contains a 6-hour block on ethics and professionalism and 16 hours of Blue Courage, focusing on the guardian mindset and service to the community, and constitutional policing as a critical component of effective law enforcement. • Policy requires deputies to memorialize acknowledgment for consent search (either written or on body worn camera recording). <p><u>Upcoming Deadlines</u></p> <ul style="list-style-type: none"> • Enforcement Commanders will carve out time during monthly captains’ meetings to share successful and unsuccessful strategies to promote fair and impartial discretionary decision-making by October 11, 2017. • Training and Development Division and Patrol Commanders will develop materials for training and/or roll call briefings that reinforce the importance of fair and impartial decision-making based on (a) traffic stop data, (b) supervisory feedback, or (c) community input. For example: <ul style="list-style-type: none"> ▪ The first training/roll call briefing addresses the issue of certain deputies improperly marking a driver’s post-stop race/ethnicity as “white” when the body

warrantless searches, deputies have wider discretion to act. Similarly, MCSO has already developed training/roll call materials to address an issue with data collection: certain deputies improperly marking a driver's post-stop race/ethnicity as "white" instead of Latino.

The analyses of traffic stop data will drive the topics addressed by this training/roll call briefings. So will suggestions by supervisors based on their review of traffic stops, made through the chain of command.

Based on the most recent traffic stop data, future topics will include the deputy's discretion to cite-and-release a suspect, constitutional search and seizure practices, permissible and impermissible bases for prolonging of traffic stops, and the decision to cite or warn a driver. The trainings will also emphasize methods that promote fair and impartial decision making, such as supervisor shadowing and deputy ride-a-longs.

worn camera recording and the context (i.e., driver's surname) indicates the driver is Latino. MCSO developed supervisor training and a roll call briefing to emphasize the importance of good faith efforts to identify the post-stop race/ethnicity of vehicle occupants, with the first briefing conducted by November 8, 2017.

- The second set of materials will focus on consent searches during traffic stops.
 - Criminal Intelligence Division will analyze traffic stop data and body worn camera recordings to identify deputies who successfully perform discretionary searches without relying on unlawful factors by December 13, 2017.
 - Based on that analysis, Training and Development Division will develop training on discretionary searches, to begin development by February 14, 2018.
- Tech Bureau and Training and Development Division will develop a process for collecting and sharing Office-wide materials, including catalogue of body worn camera recordings, for use in training and roll call briefings, by December 13, 2017.

Steps Beyond the Next Two Quarters

- Training and Development Division will complete development of and MCSO will deliver training and/or roll call briefing on consent searches.
- Criminal Intelligence Division will analyze additional traffic stop data for trends regarding discretionary actions (e.g., cite-and-release for arrest).
- Training and Development Division will review that analysis for development of additional topics for training and/or roll call briefing materials.
- Patrol Commanders will develop a briefing calendar based on Training and Development Division's review, supervisors' observations, and community input to identify subject matter material to be reviewed by all districts.

<p>Goal 5. Enhanced training on cultural competency and community perspectives on policing.</p> <p>MCSO will provide deputies and supervisors with enhanced cultural competency training and roll call briefings based on community input.</p>	
<p>Purpose</p> <p>MCSO will provide deputies with enhanced training and roll call briefings on cultural competency, emphasizing community perspectives on policing. The topics for these materials will be based on community input.</p> <p>The most recent annual study concluded that Latino drivers were more likely to be arrested than white drivers. The study also concluded that Latino drivers were more likely to be searched than white drivers, without a corresponding increase in seizure of contraband. Based on these findings, MCSO will develop cultural competency training and/or roll call briefings that focus on the Latino community.</p> <p>And because these conclusions held true for other racial and ethnic minorities, MCSO will also develop enhanced materials focusing on improving delivery of fair and impartial policing to other communities.</p>	<p>Intermediate Steps</p> <p><u>Sample of Steps Taken to Date</u></p> <ul style="list-style-type: none"> • District 6 brought two subject matter experts in from academia to address deputies on current issues in cultural awareness. • MCSO’s 2017 Annual Combined Training on Fair and Impartial Policing and the Fourth and Fourteenth Amendments has re-emphasized the importance of cultural competency. <p><u>Upcoming Deadlines</u></p> <ul style="list-style-type: none"> • Enforcement Commanders will carve out time during regularly scheduled monthly captains’ meetings to share successful and unsuccessful strategies to promote cultural competency, focusing on gaining an understanding of community perspectives on policing, by October 11, 2017. • MCSO will consult with experts on cultural competency and the role of community engagement in provision of fair and impartial policing. • Enhancements to the 2017 Annual Combined Training: <ul style="list-style-type: none"> ▪ Training and Development Division will incorporate cultural competency training in train the trainer event for 2017 Annual Combined Training, seeking contributions from community members and community organizations by November 8, 2017. ▪ Training and Development Division will deliver 2017 Annual Combined Training with section on cultural competency reinforced by

In some cases, the materials will be delivered as part of a pilot program to select districts or squads. In those circumstances, MCSO will obtain feedback that will refine those materials before possible delivery Office-wide. In other cases, MCSO will deliver uniform materials to all patrol districts.

MCSO will also ensure supervisors collaborate to share experiences with promoting cultural competency.

participation from community members beginning by November 8, 2017.

- Community Outreach and Training and Development Divisions will develop a network of community members, community organizations, and academic subject matter experts interested in addressing MCSO deputies during training and/or roll call briefings regarding Latino community perspectives on policing, and any other minority communities identified by MCSO, by November 8, 2017.
- Community Outreach Division will work with the Community Advisory Board to obtain community input on the topics of cultural competency and community perspectives on policing beginning by November 8, 2017.

Steps Beyond the Next Two Quarters

- Training and Development Division will develop short training videos or briefing material for supervisor use to build cultural competencies.
- Training and Development Division and Patrol Commanders, in partnership with community organizations and community input, will develop a process for incorporating greater cultural competency training for Field Training Officers.
- Community Outreach Division will continue its collaboration with the Community Advisory Board to obtain community feedback on the topics of cultural competency and community perspectives on policing.

Goal 6. Improving traffic stop data collection and analysis.

MCSO’s Early Intervention Unit, Technology Bureau, and Patrol Commanders will assess MCSO’s traffic stop data collection to ensure data collection is accurate and the nuances of deputy discretion are captured. MCSO will also implement metrics to evaluate improvement and success.

Purpose	Intermediate Steps
<p>The most recent annual traffic stop study suggested ways MCSO could improve data collection. MCSO will continue to monitor the accuracy of data collection and assess future suggestions.</p> <p>The annual traffic stop study also noted the importance of deputy discretion in the bias analysis. MCSO therefore seeks data collection focusing on discretionary aspects of law enforcement for further analysis. By focusing on deputy discretion, MCSO seeks to more fully understand deputy decision-making.</p> <p>As the data collection becomes more robust, the data analysis will also provide MCSO with metrics to measure the effectiveness of this plan. For example, MCSO will track the effectiveness of trainings and roll call briefings by comparing before-and-after data in the quarterly analyses.</p>	<p><u>Sample of Steps Taken to Date</u></p> <ul style="list-style-type: none"> • Policy and procedures in place to collect, maintain, and analyze traffic stop data. • Made changes suggested in most recent annual traffic stop report, including: <ul style="list-style-type: none"> ▪ Automated collection of data from TraCS. ▪ Data verification system within EIS to track repeated data entry errors by staff and take corrective action. ▪ Supervisors may reject TraCS forms or initiate changes to data collection when errors are discovered during routine review/approval of TraCS forms. <p><u>Upcoming Deadlines</u></p> <ul style="list-style-type: none"> • Early Intervention Unit and Technology Bureau will review and assess all remaining suggestions to improve data collection, with recommendations made by December 13, 2017. <p>Early Intervention Unit and Patrol Commanders will study what data is necessary to have a more nuanced understanding of deputy discretion (e.g., instances where deputy has no discretion regarding arrest per state law, like a warrant), with a recommended list of additional data points produced by February 14, 2018.</p>

Goal 7. Encouraging and commending employees’ performance and service to community.

MCSO will establish internal processes for commending employees who have contributed to the provision of constitutional and community-oriented policing services and have fostered a positive relationship with diverse communities. These commendations can include deputies who have been identified by supervisors as having compiled a positive record of constitutional policing or positive engagement with communities served on patrol, and sergeants who have had particular success in carrying out interventions on EIS alerts, or who have a record of positive, hands-on supervision.

Purpose	Intermediate Steps
<p>MCSO seeks to commend employees who have performed in exemplary ways, particularly in the provision of constitutional and community-oriented policing services. Taking into account different employment circumstances in the Office, including assignment and shift, MCSO will set guidelines for tracking outstanding deputies. Those guidelines will support a new high-level commendation for service to community.</p>	<p><u>Sample of Steps Taken to Date</u></p> <ul style="list-style-type: none"> • Established Computer Aided Dispatch code to track deputy involvement in community engagement. <p><u>Upcoming Deadlines</u></p> <ul style="list-style-type: none"> • Community Outreach Division and Enforcement Commanders will establish guidelines for supervisors to track employees who have made exemplary contributions to MCSO’s mission to provide constitutional and community-oriented policing by January 10, 2018. • Community Outreach Division and Enforcement Commanders will establish guidelines for deputy involvement in non-enforcement community interactions on quarterly and annual basis, including appropriate supervisory responses, by January 10, 2018. • Community Outreach Division, Enforcement Commanders, and Human Resources Bureau will establish a high-level commendation for service to community, community outreach, and leadership to promote community safety, by January 10, 2018. Nomination or selection process may include input from community members, community groups, and Community Advisory Board.

Goal 8. Studying the Peer Intervention Program.

Explore development of a peer intervention program modeled along the New Orleans Police Department’s EPIC program, which “empowers and gives officers the strategies and tools they need to step in and prevent problems before they occur; and then protects those officers who have the courage to apply those strategies and tools in the field.” A key purpose of the peer intervention program will be to reinforce an agency culture and mission in which an attitude of service to the community and provision of constitutional policing services are seen as a critical component of good law enforcement.

Purpose	Intermediate Steps
<p>MCSO seeks to promote the guardian mindset, a culture of leadership across ranks, and collaborative community policing. Toward that end, MCSO commits to studying how employees could benefit from a peer intervention program that stops problems before they occur.</p>	<p><u>Upcoming Deadlines</u></p> <ul style="list-style-type: none"> • By October 11, 2017, Enforcement Commanders will form a task force to explore implementation of peer intervention program. The Task Force will: <ul style="list-style-type: none"> ▪ contact leadership with NOPD’s EPIC program to learn about program; ▪ consult other outside subject matter experts to facilitate understanding of program; and ▪ collect and review literature on the program. • By February 14, 2018, Peer Intervention Program Task Force will develop a report and recommendation on EPIC program. At a minimum, the Task Force’s report will address: <ul style="list-style-type: none"> ▪ program feasibility given County’s geography and MCSO’s staffing; and ▪ projected resource requirements. <p><u>Steps Beyond the Next Two Quarters</u></p> <ul style="list-style-type: none"> • Enforcement Commanders will evaluate Task Force’s report and recommendation.

Goal 9. Building a workforce that provides constitutional and community-oriented policing and reflects the community we serve.

MCSO will support best practices that result in the hiring and retention of personnel who believe in constitutional policing and working to define and deliver a vision of community safety that is shared by Maricopa County’s diverse population.

Purpose	Intermediate Steps
<p>MCSO will implement personnel practices—in recruitment, hiring, and screening of existing personnel—that will result in a workforce that believes wholeheartedly in constitutional policing and a vision of community safety that is shared by Maricopa County’s diverse population. These personnel practices will emphasize MCSO’s commitment to provide law enforcement services by collaborating with the community to define public safety.</p> <p>MCSO seeks to develop and nurture an inclusive culture that supports the professional growth and retention of employees from diverse backgrounds.</p>	<p><u>Sample of Steps Taken to Date</u></p> <ul style="list-style-type: none"> • Completed nationwide search for new Human Resources Director who holds vision consistent with MCSO’s fair and impartial policing values. <p><u>Upcoming Deadlines</u></p> <ul style="list-style-type: none"> • Human Resources Bureau will develop a comprehensive Recruitment Plan, including (a) identification of target communities for enhanced recruitment efforts (sourcing), (b) development of an employer branding message that will be attractive to diverse applicants and applicants who believe in constitutional and community-oriented policing, (c) building relationships with cultural groups and organizations that work with diverse communities, and (d) establishing partnerships with local high schools, community colleges, and universities that serve the Latino community and other historically marginalized communities. Plan to be developed and implementation to begin by December 13, 2017. • To encourage a bilingual workforce: <ul style="list-style-type: none"> ▪ Human Resources Bureau will study and recommend ways to incentivize employees to learn Spanish through tuition reimbursement, commendation, and/or notation on EPA by November 8, 2017. ▪ Human Resources Bureau will explore opportunities for outside grants to pay for employee certification in Spanish by November 8, 2017, recognizing that grant

funding will be pursued on a rolling basis beginning in January 2017.

- By January 10, 2018, the Community Outreach Division will work with the Community Advisory Board to assist in measuring the agency's approval rating in the community.
- By February 14, 2018, Human Resources Bureau will develop an annual employee survey, measuring (among other interests) attitudes toward MCSO's reform efforts and the level of inclusion experienced by MCSO employees.

Steps Beyond the Next Two Quarters

- Human Resources Bureau will assess the effectiveness of its Recruitment Plan based on recruitment and hiring data.
- Human Resources Bureau will assess and implement results of 2017 study on bilingual initiatives and implement feasible programs or initiatives.
- Pre-Employment Services Division will highlight bilingual skills incentive program during recruiting.
- Human Resources Bureau will implement the annual survey in Second Quarter 2018 and analyze the survey's results.
- By April 2018, the Human Resources Bureau will identify outside expert(s) to assist in developing screening tools to identify (a) prospective candidates and (b) current employees who do not share the Office's mission of providing constitutional policing services, including formulation of plans for addressing attitudes in current employees.