

Timothy J. Casey (#013492)
James L. Williams (#026402)
SCHMITT SCHNECK SMYTH CASEY & EVEN, P.C.
1221 East Osborn Road, Suite 105
Phoenix, AZ 85014-5540
Telephone: (602) 277-7000
Facsimile: (602) 277-8663
timcasey@azbarristers.com
Counsel for Defendants Joseph M. Arpaio and
the Maricopa County Sheriff's Office

Thomas P. Liddy (#019384)
MARICOPA COUNTY ATTORNEY'S OFFICE
Civil Services Division
222 N. Central, Suite 1100
Phoenix, Arizona 85004
602-506-8066
Co-counsel for Defendants Joseph M. Arpaio and
the Maricopa County Sheriff's Office

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Manuel de Jesus Ortega Melendres, et al.,

Plaintiffs,

vs.

Joseph M. Arpaio, et al.,

Defendants.

No. CV 07-02513-PHX-GMS

**DEFENDANTS' NOTICE OF FILING
COMPLIANCE MATERIALS
PURSUANT TO 10/02/2013 COURT
ORDER**

NOTICE is hereby given that, pursuant to the Court's October 2, 2013 Order (Dkt#606) ("the Order"), Defendants Joseph M. Arpaio and the Maricopa County Sheriff's Office ("MCSO") have, on the date set forth below, filed with the Court the following:

Defendants' First Quarterly Status Report (attached as Exhibit A).

DATED this 8th day of August, 2014.

SCHMITT SCHNECK SMYTH CASEY & EVEN,
P.C.
s/Timothy J. Casey
Timothy J. Casey
James L. Williams
1221 E. Osborn Rd., Suite 105

Phoenix, Arizona 85014
Telephone: (602) 277-7000
Facsimile: (602) 277-8663
timcasey@azbarristers.com
Counsel for Defendants Joseph M. Arpaio and the
Maricopa County Sheriff's Office

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

The Honorable G. Murray Snow
United States District Court
401 West Washington Street,
Phoenix, Arizona 85003-2158

Stanley Young, Esq.
COVINGTON & BURLING, LLP
333 Twin Dolphin Road
Redwood Shores, California 94065
Counsel for Plaintiffs

Daniel Pochoda, Esq.
ACLU FOUNDATION OF ARIZONA
3707 N. 7th Street, Suite 235
Phoenix, Arizona 85014
Counsel for Plaintiffs

Cecillia Wang
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
39 Drumm Street
San Francisco, California 94111
Counsel for Plaintiffs

Andre Segura, Esq.
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
IMMIGRANTS' RIGHTS PROJECT
125 Broad Street, 18th Floor
New York, NY 10004
Counsel for Plaintiffs

Nancy Ramirez, Esq.
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND
634 S. Spring Street, 11th Floor
Los Angeles, California 90014
Counsel for Plaintiffs

Thomas P. Liddy
Deputy County Attorneys, Civil Services Division
Maricopa County Attorney's Office
222 N. Central, Suite 1100

1 Phoenix, Arizona 85004
2 Co-counsel for Defendants Joseph M. Arpaio and
the Maricopa County Sheriff's Office

3 s/Eileen Henry
4 Eileen Henry, Paralegal
SCHMITT SCHNECK SMYTH CASEY & EVEN, P.C.

EXHIBIT A



Maricopa County Sheriff's Office

Joseph M. Arpaio, Sheriff

Court Compliance & Implementation Division 1st Quarterly Report, from January 1, 2014 - June 30, 2014

Background

This First Quarterly Status Report is submitted as required by paragraph 11 of Judge Snow's Supplemental Permanent Injunction/Judgment Order of October 2nd, 2013; as amended (the "Court Order").

Paragraph 11 of the Court Order requires that the MCSO file with the Court, within 30 days before the Monitor's quarterly report is due, a report that 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.

Purpose

The purpose of this First Quarterly Status Report is to clearly state that the MCSO intends to achieve "Full and Effective Compliance" as defined by the Court Order, and to delineate both the "steps taken" by the MCSO to implement the Court Order, and MCSO's "plans to correct any problems" going forward. This status report covers the progress made by MCSO from January 1, 2014 to June 30, 2014.

This First Quarterly Report also solicits the Monitor's feedback on clear and practical steps that it recommends that MCSO take to achieve Full and Effective Compliance as effectively, efficiently and soon as practical. [Because the MCSO has not yet received a quarterly report from the Monitor, paragraph 11, part iii of the Court Order, is not applicable to this quarterly reporting period].

Report Structure

Part I of this document provides an overview summary of MCSO's major efforts toward compliance to date;

Part II provides in narrative format, the specific steps taken by MCSO during this reporting period to implement the Court Order and the MCSO's plans to achieve Full and Effective Compliance with the Court Order.

Part I. Overview of Major Efforts toward Compliance

Since October of 2013, the MCSO has proceeded with the implementation of the Court Order and made foundational achievements in each substantive area:

Section	Overview of Steps Taken	Overview of Plans
III. Implementation Unit & Internal Assessment	Unit established; 1 Captain, 1 Lieutenant, 3 Sergeants, 2 Detectives and one Administrative Assistant. Captain designated single point of contact with parties; coordinated creation of 16 Court Order related Briefing Boards and 10 new/amended Policies and Procedures; prepared 5 major document requests; established record maintenance system for Court Order documents; conducted 15 separate inspection/audits; prepared initial comprehensive assessment; assisted in designating staff throughout Agency for Court Order follow up; directed establishment of Attestation Logs and tracked compliance with weekly reporting; assisted in creation of required Traffic Data Collection System and monitor its implementation and deputies compliance with electronic data input; assisted other Divisions in obtaining resources to fulfill Court Order requirements; regularly answer inquiries from field and other units concerning the Order's implementation; leased space for the Monitor Team use, provide Agency wide access for Monitor Team.	Ensure all requirements of the Court Order are implemented. Ensure promulgation of Policies and Procedures currently under review. Ensure completion of pending directives (see Section V. below). Ensure continued document requests are promptly addressed. Ensure Training promptly implemented upon approval by Monitor and directives issued regarding implementation and scheduling. Ensure collection and analysis of Traffic Stop data. Coordinate with other Divisions/Units to ensure full implementation. Ensure RFP issued by Technology Bureau for audio video equipment.
V. Policies & Procedures	Issued 16 Briefing Boards directing implementation of various aspects of the Court Order; completed and promulgated an amended Code of Conduct; have 6 Policies concerning the Court Order under review by the Monitor; have an additional 6 Policy and Procedures in draft form (see Overview of Plans); emphasized in directives the requirement of race-neutral Bias-Free Policing; verified there were no references to LEAR in the MCSO Policy and Procedures; and directed the prohibition of enforcement of Immigration Related Laws for unauthorized presence in the United States. Conducted Administrative Broadcasts concerning Attestation Logs. Multilingual Pay, and Traffic Stop documentation. Ensured existing Order-related directives were made available and read by all relevant personnel.	Continue to work with Monitor on approval of pending policies; draft Policy and Procedure documents concerning: Significant Operations; Development of Written Orders, Early Identification System, and Use of Recording Devices. Develop additional directives as required consistent with implementation of Court Order. Ensure Directives continue to emphasize the specific content of the Court Order, the specifics to achieve it, and the requirements of Bias-free Policing. Continue to ensure all relevant Policies, Procedures, and directives are read and understood by required personnel and adhered to.
VI. Pre-Planned Operations	Policy and templates for Preplanned Operations are currently in draft form and being reviewed internally by MCSO.	Ensure completion of Draft Policy, Operational plans, Instructions and Templates for these Operations.
VII. Training	Engaged a consultant to develop and implement training; submitted 3 training curricula to the Monitor for review (Bias-Free Policing; 4 th Amendment, and Supervision). MCSO Legal Team, Monitor Team and Plaintiff's Counsel are currently working collectively to finalize the proposed training curriculum. (Anticipated date to start training staff pursuant to the Court	Develop and implement a training schedule for each curriculum upon approval by Monitor; train all personnel initially and annually thereafter consistent with the content and

	Order is mid-September 2014). Training Division is modifying e-learning system to allow personnel to acknowledge receipt, reading and comprehension of Policies, Procedures and other directives to be known as e-Policy.	hour requirements; ensure Supervisors in addition to other requirements have comprehensive training regarding EIS and IA requirements.
VIII. Traffic Stop Documentation & Data Collection	Developed a system (TraCS) to electronically capture data at vehicle stops consistent with the Court Order; estimated greater than 95% is being collected electronically as of this date; issued Briefing Board 13-75 with procedures/requirements for traffic stops; substantially revised both Policy and Procedures EB-1 and EB-2 concerning conducting traffic stops and traffic stop data Collection (pending with Monitor); developed unique ID for each incident/stop; adapted MDT to allow input of required data; conducted preliminary audits of Traffic Stop Data; developed receipt for motorist in all traffic stop situations; prepared data to provide to Monitor consistent with requests, to include monthly/quarterly/annual Traffic Stop Data; have used Traffic Stop Data through EIS to identify warning signs/indicia of possible racial profiling and other misconduct; directed Supervisors to conduct monthly personnel reviews of traffic stops and patrol data with each Deputy to ensure order compliance and identify any indicia of misconduct. Directed reporting of misconduct.	Continue direction and training to ensure 100% compliance with electronic input of Traffic Stop Data by 1 year deadline; Continue development of RFP for audio/video recording devices and ensure purchase, distribution and use within 2 years; ensure creation and issuance of Policies/Procedures for use of audio/video equipment; establish technology for retention of audio/video recordings for time periods specified by Court Order; utilize EIS and IA Pro in annual analysis of Traffic Stop Data.
IX. Early Identification System (EIS)	Unit established 1/20/14; staffed one lieutenant and two sergeants; obtained funding to hire an Information Technology Specialist (ITS)(currently interviewing candidates); developed over 30 criteria/computer fields to include areas consistent with Court Order to provide indicia for identification of problematic behavior and intervention. Developed a technology platform utilizing a Dashboard and IA Pro Blue Team (software purchased to assist in various IA areas of compliance with the Court Order); utilizing the technology platform to allow authorized personnel to make entries and select Supervisors to conduct reviews. Created immediate input of complaints received by IA, and Traffic Stop related data from TraCS; created warning identification system proceeding from Green (no warning) to Red (highest) with increased Agency response. EIS Unit has since January conducted quality assurance audit of traffic stops.	Complete hiring of Information Technology Specialist. Upon approval of EIS training by the Monitor, MCSO will engaged in Agency-wide training to ensure all relevant personnel and Supervisors are able to utilize the computer program to input or access information consistent with the identified fields. All Supervisors will then be able to engage in the required review and quality assurance efforts. Supervisors to be instructed regarding possible interventions. The EIS unit will continue to develop its auditing and quality assurance efforts concerning Traffic Stops and other areas where indicia of Order Violations may surface.
X. Supervision & Evaluation of Officer Performance	Established maximum ratio of 1 Supervisor to 12 Deputies; established single, consistent, clearly identified first-line field Supervisor for patrol deputies; Policy and training to address Supervisor responsibilities relative to the Court Order has been drafted and submitted to the Monitor Team for review and approval; issued Briefing Boards to ensure submission of daily report activity by end of shift; to review related documentation within 72 hours, to ensure all traffic stops are bias free;	Ensure promulgation of Policy and implementation of training upon approval of each. Supervisors to receive required training upon approval; Supervisors to conduct bi-monthly review of IA-Pro, Blue Team upon completion of

	established documentation of deficient reports utilizing Incident Report Memorialization Form	training; Ensure Supervisors are making required notifications to IA and EIS; Develop Quality Assurance to verify Supervisor response to required incidents and to Supervise employees at least bi-monthly. Promotion of additional sergeants upon approval of new funding by county.
XI. Misconduct & Complaints	Amended Code of Conduct. Directed all MCSO personnel to report misconduct to Professional Standards Bureau (IA) or Supervisor; notified that failure to report is in itself subject to discipline; revised Internal Investigation Policy and procedure (GH-2); identified and acquired IA Pro technology; adopted the IA Pro technology as sole tracking/recording of internal complaint system; improved case management system through IA Pro tracking; amended disciplinary Policy and Procedure (GC-17) to include Court Order requirements. Requested and received full time assistance of a County Attorney for personnel matters and legal advice concerning internal investigation conferrals.	Training regarding all personnel on new rules and procedures; increased evaluation and investigation of allegations or citizen's complaints; coordination with EIS program; increased familiarity and use of IA Pro; proposed creation of Bureau of Internal Oversight.
Community Outreach	Established a Community Liaison Deputy, Deputy Hector Martinez who speaks both English and Spanish and who is actively meeting with community members. Established a Community Outreach Division.	Increase participation with community; addition of personnel to community outreach as funding and personnel become available.
4/17/14 Court Order Injunctions & Generally	All Deputies, Detention Staff and Civilian employees have read the Corrective Statement of 4/17/14. All Supervisors have read the Findings of Fact, May 24, 2013 and Supplemental Permanent Injunction Judgment Order of 10/2/13, and the Corrective Statement of 4/17/14.	MCSO will continue to ensure compliance through use of Attestation Logs for the newly hired and promoted.

Part II: Steps Taken by MCSO and its Plans to achieve Full and Effective Compliance with the Order.

BACKGROUND

The Court Order of May 24, 2013 and the subsequent Supplemental Permanent Injunction/Judgment Order of October 2, 2013 permanently enjoined the MCSO from engaging in seven (7) distinct areas of enforcement activity involving investigation, detention or arrest of vehicle occupants based in part or whole on a person's race, Latino ancestry, or possible unauthorized presence within the country. The MCSO is committed to ensuring that it only engages in race-neutral bias-free policing.

The MCSO's commitment to full and effective compliance is outlined in a more comprehensive manner in the sections that follow. The MCSO believes it is at a pivotal point in implementation and it has laid a solid foundation for proceeding by having established a skilled Implementation Division; having prepared many applicable Policies, Procedures, and directives; and having engaged a respected training

consultant whose lesson plans are actively being reviewed by MCSO Staff/Legal Team, Plaintiff's Counsel and the Monitor.

The MCSO has successfully acquired and initially implemented hardware and software technology that are being used to collect Traffic Stop data, data needed for the new Early Identification System (significantly developed and partially in use), and data to improve the record-keeping, tracking, and the quality of the Professional Standards Bureau's (formally known as Internal Affairs) investigations. This technology has helped the MCSO initiate additional quality assurance activities and preliminary analysis of statistical data based on documentation in both electronic and paper format collected from traffic stops under paragraph 54, as will be further discussed Section IX.

The MCSO intends to promulgate all pending Policies and Procedures and begin the comprehensive instruction required in each of these substantive areas upon receipt of the Monitor's final approval. A key component of overall compliance is increased supervision which is mandated by the Court and delineated in these proposed MCSO directives. The need for increased supervision will be consistently emphasized in these training events.

The promulgation of these Policies and Procedures, the implementation of training, and the increased supervision, will combine to create a uniform awareness and greater compliance as the MCSO proceeds in fully implementing the Court Order. Additionally, while ongoing dialogue is occurring between the MCSO and the Monitor with respect to these efforts, the MCSO has progressively implemented many aspects of the Court Order to ensure compliance.

While it is believed that the information provided in this report and the preliminary statistical analysis indicate significant implementation efforts and understanding of the Court Order by MCSO personnel, it is the desire of the MCSO to work with the Monitor Team to reach agreement on metrics for specific areas of the Court Order. In doing so the MCSO believes it will be able to bring greater focus to the specifics required for full compliance.

The MCSO is proceeding to fully implement the requirements of the Court by ensuring that all employees have read and acknowledged the Court's Corrective Statement of 4/17/14, and that Supervisors have also been required to read and acknowledge the Finding of Facts, May 24, 2013 and the Supplemental Permanent Injunction/Order of 10/02/13. The MCSO has accomplished this and quality control systems have been put in place including audits and the use of Attestation Logs to ensure continuing compliance by current personnel, the newly hired and those promoted (who need to read, understand and abide by additional Court documents).

Additionally, members from the Maricopa County Attorney's Office are now working with the MCSO on personnel and PSB (IA) matters. These MCAO employees are providing hands-on legal guidance concerning compliance with the Court Order, as well as due process and other Constitutional protections when conducting internal investigations.

Because Sections I and II of the Court Order focus on definitions, effective date, and jurisdictional matters, this report begins with assessment under Section III of the Order below.

Section III – MCSO IMPLEMENTATION DIVISION AND INTERNAL AGENCY-WIDE ASSESSMENT

The MCSO has taken major steps forward in the implementation of Section III of the Court Order. Consistent with the paragraph 9, a Division titled the Court Compliance and Implementation Division (CCID) was formed in October of 2013. This Division, currently comprised of 8 members with interdisciplinary backgrounds, is headed by Captain Russ Skinner who assumed command in July 2014 after taking over for Captain Larry Farnsworth. The Division is comprised of one Captain, one Lieutenant, three Sergeants, two Deputies and one Office Assistant. Captain Skinner has been appointed the single point of contact with the Court, Monitor, and Plaintiff, and is coordinating visits and other activities with each of the parties as required by the Court Order. In order to ensure that the Court Order is fully and effectively implemented throughout the Office, this Division reports directly to the Chief Deputy, who has agency-wide authority to demand full compliance.

As part of CCID's duties to coordinate the MCSO's compliance and implementation activities, the Division has taken the following steps:

A. Amendment/Creation of New Policies and Procedures

In response to paragraph 19 of the Court Order concerning review of existing Policy and Procedures and paragraph 30 regarding timely submissions, the CCID, working with the Human Resource Bureau's Policy and Compliance Division, has amended 11 MCSO Policies and Procedures. Each of these are either under review with the Monitor or have been issued to the field. (Refer to Section V of this Quarterly Report for further detail). In addition, 16 Briefing Boards have been issued to ensure prompt compliance with the Court Order.

B. Document Production

The CCID is also charged with facilitating data collection and document production. CCID has responded to 5 major document requests from the Monitor Team and provided approximately six thousand (6,000) documents. Additional document production is currently underway as part of CCID's efforts to assist the Monitor in its quarterly review:

Date of Request	General Description of Documents Requested	Date Submitted
3/21/14	Submitted Documentation pertaining to 75 different Paragraphs within the Court Order	4/7/14
4/14/14	Amendment of 3/21/14 Production Request to assist the Monitor with alternative format of production and supplemental information	5/12/14
6/3/14	Monitor Quarterly Production Request related to requirements within the Court Order and Traffic Stop Data	Submitted in 5 portions: 7/18/14 7/22/14 7/24/14 8/5/14 8/7/14
7/2/14	Supplemental Quarterly Production Request related to requirements within the Court Order and Traffic Stop Data	Submitted in 3 portions: 7/22/14 7/24/14 8/5/14
7/24/14	Supplemental Quarterly Production Request related to requirements within the Court Order and Traffic Stop Data	Submitted in 2 portions: 8/1/14 (IR Production Pending)

The collection and review of the 6000 documents has served the Agency well in allowing for quality control and increased accountability among enforcement commands. CCID will continue to provide documentation promptly as requested. In addition, it is working to systematize data collection and improve audit/quality assurance capabilities to more effectively respond to the wide variety of record requests.

C. Maintenance of Records

The CCID is responsible for record maintenance as provided by the Court Order and has adopted the following procedure to ensure compliance.

1. CCID is electronically cataloguing all Documents, Policies and Procedures related to the Court Order.
2. CCID is collecting all production requests pursuant to the Court Order and maintaining records of the documents as they are forwarded to the Monitor.

The CCID will continue to expand its record keeping capacity and will develop systems that will increase efficiency in providing access.

D. Assist in Providing Inspections/Quality Assurance/Audits

Consistent with the Court Order's mandate to engage in audits, since March 24, 2014, the CCID conducted 15 separate inspections/audits specifically related to the Order. Six inspections/audits were Traffic Stop related and will be discussed in Section VIII of this report. One was administrative in nature regarding authorized destruction of property under state law; two involved ensuring MCSO personnel have adequate access to Court Orders and related documents; three addressed service improvements including the need for bilingual access to the MCSO both in English and Spanish either verbally or in writing; and three were related to the quality of Incident Reports. Where any deficiencies were identified, steps were taken to correct the conditions as indicated in the chart that follows.

Inspections/Audits/Quality Assurance

Date	Nature of Inspection/Audit/Quality Assurance	Issue Identified	Corrective action taken
3/24/14	Proactive Outreach Service Improvement	Three were limited opportunities for making complaints or compliments concerning MCSO personnel.	Published (English & Spanish) Vision Posters; displayed in public areas in all MCSO enforcement facilities. Follow up visits confirmed compliance
4/1/14	Proactive Outreach Service Improvement	Inoperable toll-free public contact phone number for MCSO	Phone line reactivated in English and Spanish and forwarded to the new MCSO Headquarters Building
4/8/14	Proactive Outreach Service Improvement	Outdated MCSO Citizens Comment Forms	Updated and published forms with current MCSO Headquarters information in English and Spanish
4/8/14	Internal Order Compliance & Resource Availability	Availability and resource of the <i>Melendres v. Arpaio</i> Court Order in hard copy form.	All MCSO Divisions with Sworn Deputies have a hard copy of the Court Order for employee reference; also digitally available on the MCSO Intranet "U Drive" which <u>all</u> employees have access.
5/7/14	Random Sampling of Incident Reports	Auditing for areas relative to <i>Melendres</i> requirements (probable cause; property, supervision; Policy and Procedures)	Administrative procedure and format consistency issues identified within documentation Memorandums of Training Concern forwarded to Division/District Commanders and direction to follow-up on memorialization of Incident Report
5/13/14	Random Sampling of Incident Reports (over 24 hour period)	Auditing for areas relative to <i>Melendres</i> requirements	Administrative issues noted; Memorandum of Training Concern forwarded

		(probable cause; supervision; Policy and Procedures)	
5/15/14	Random Sampling of Incident Reports	Auditing for areas relative to <i>Melendres</i> requirements (Supervisor memorialization; probable cause; victim's rights; form completion, language usage, Policy and Procedures; etc.)	Memorandum of Concern issued in order to require the investigation of Supervisors who fail to memorialize reports within 72 hours; poor report preparation; failure to make required computer entries; and inappropriate communication. Administrative concerns forwarded to District Commanders
5/15/14	MVD Seizure Inspection	Policy deficiency identified regarding destruction or return of MVD property	New Protocol Proposed
6/02/14	Attestation Log sampling	New employees/promoted personnel identified who had not read required Court Documents	Protocol established to correct condition during hiring and promotional process using Attestation Log.
4/8/14 to 7/2/14	See Section VIII for Traffic Stop Related Audits		

The CCID will continue to develop and expand its efforts in conducting audits and inspections to provide quality assurance throughout the Agency. Additionally, it will work with other Divisions in the MCSO to assist them in the development of their auditing and inspection capabilities. CCID will also serve as a repository for gathering this collective work.

E. Assisting in assigning implementation and compliance related-tasks to MCSO personnel as directed by the Sheriff or his designee.

The CCID has worked within the Agency with the Sheriff's approval to ensure implementation assignments are as follows:

Section of Order	Unit Assigned
III. MCSO Implementation Unit and Internal Agency-Wide Assessment	CCID with assistance Agency-wide
IV. Monitor Review Process	CCID
V. Policies and Procedures	Human Resources Bureau, Legal Liaison Compliance & Policy Division, MCAO Legal Team, CCID
VI. Pre-Planned Operations	Investigations and Intelligence Bureau, Human Resources Bureau, Legal Liaison Compliance & Policy Division, CCID
VII. Training	Training Bureau, MCAO Legal Team, CCID
Viii. Traffic Stop Documentation and Data Collection and Review	CCID, EIS Unit
IX. Early Identification System ("EIS")	EIS Unit
X. Supervision and Evaluations of Officer Performance	Human Resources Bureau, Legal Liaison Compliance & Policy Division, Enforcement Bureau, Command Staff, CCID, Training, EIS
XI. Misconduct and Complaints	Professional Standards Bureau, Command Staff and Supervisors in each Bureau, MCAO Legal Team
XII. Community Engagement (these obligations have now been assigned to the Monitor by Court order)	Community Outreach Division

CCID will continue to work with the above listed Bureaus, Divisions and personnel to ensure Full and Effective compliance with the Court Order.

Section IV – MONITOR REVIEW PROCESS

Section IV of the Court Order provides significant guidance to both the MCSO and the Monitor concerning submission of policies, appeals, and deadlines. Consistent with Paragraph 14, the MCSO is aware of the submission requirements to the Monitor and Plaintiff's representative and has been responding expeditiously to all requests for documentation. Consistent with Paragraph 15, the MCSO has made resubmissions when requested (e.g., format changes to document requests, changes to training curriculum via the consultant, etc.). Additionally, as per paragraph 16 and paragraph 31, the MCSO is prepared to promptly promulgate Policies and Procedures and other documents upon approval by the Monitor.

Section V- POLICIES AND PROCEDURES

Consistent with the requirements of Paragraph 18 for the MCSO to deliver police services consistent with the Constitution and laws of the United States and the State of Arizona, the MCSO is proceeding with the creation of new or amended Policies and Procedures. In doing so, the MCSO is

committed to ensuring equal protection and bias-free policing. To ensure compliance with the Court Order, the MCSO has conducted, consistent with Paragraph 19, a comprehensive review of all Patrol Operations and Policies and Procedures and prepared 10 amended Policies and Procedures as indicated in the below chart. Because of the need to quickly implement the directions of the Court, 16 Briefing Boards and 2 Administrative Broadcasts, which have the effect of Office policy, have also been promulgated pending the approval of the new or amended Policies and Procedures. These 16 Briefing Boards and 2 Administrative Broadcasts are listed in the second and third chart(s) below:

SECTION V PARAGRAPH CHART WITH COORESPONDING POLICY AND PROCEDURES

Para.	Paragraph Addresses:	Policy #	Major Related Policies and procedures Title/Status
21	Discriminatory Policing and Racial Profiling	CP-8 EB-1 CP-2 GG-2	Preventing Racial and Other Biased-Based Profiling CP-8 (Pending Monitor Approval—Subsequently “PMA”) Traffic Enforcement (EB-1) (PMA) Code of Conduct CP-2 (Promulgated) Training Administration GG-2 (PMA)
22	Supervisors to reinforce prohibition on Discriminatory Policing	CP-8 CP-2 EB-1	Preventing Racial and Other Biased-Based Profiling CP-8 (PMA) Code of Conduct CP-2 (Promulgated) Traffic Enforcement, Violator Contacts, and Citation Issuance EB-1 (PMA)
23	Code of Conduct	CP-2	Code of Conduct CP-2 (Promulgated)
24	Enforcement not motivated by race or ethnicity.	CP-8 EA-11 CP-2 EB-1	Preventing Racial and Other Biased-Based Profiling CP-8, (PMA) Arrest Procedures EA-11, (PMA) Code of Conduct CP-2 Traffic Enforcement, Violator Contacts, and Citation Issuance EB-1 (PMA)
25	Traffic Enforcement revised to include: prohibit racial profiling, prohibit targeting areas based upon ethnic composition of community, prohibit law enforcement based upon race or ethnicity, notifications during Traffic Stops.	EB-1 EB-2 CP-8 EA-5	Traffic Enforcement, Violator Contacts, and Citation Issuance EB-1 (PMA) Traffic Stop Data Collection (PMA) Preventing Racial and Other Bias-Based Profiling (PMA) Enforcement Communications

		GH-2 GC-17	Internal Investigations Employee Discipline Procedure GC-17 (Promulgated)
26	Investigatory Detention and Arrests	EA-11	Arrest Procedures EA-11(PMA)
27	LEAR Policy	N/A	Verified there were no references to LEAR Policy in MCSO Policy or Procedures.
28	New Policy relating to Immigration-Related Laws	EA-11 EB-1 CP-8	Arrest Procedures EA-11, (PMA) Traffic Enforcement, Violator Contacts, and Citation Issuance EB-1, (PMA) Preventing Racial and Other Biased-Based Profiling CP-8, (PMA)
29	Definition of Terms/Comportment with professional standards	GA-1	Development of Written Orders GA-1 (Draft)
30	MCSO submit Policies and Procedures for review within 90 days – shall be approved by the Monitor or court prior to implementation	N/A	Procedural matter coordinated by CCID
31	Within 60 days after Policies and Procedures are approved, MCSO shall ensure Patrol Operation personnel have received, read and understand responsibilities.	N/A	Procedural matter coordinated by CCID
32	MCSO to require all Patrol Operation personnel to report policy violations	CP-2 CP-8 GH-2 GC-17	Code of Conduct CP-2, (Promulgated) Preventing Racial and Other Biased-Based Profiling CP-8, (PMA) Internal Investigations GH-2 (Promulgated) Employee Discipline Procedure GC-17 (Promulgated)
33	Personnel who engage in Discriminatory Policing will be subject to discipline or referred for criminal prosecution	CP-8 GH-2 GC-17	Preventing Racial and Other Biased-Based Profiling CP-8 (PMA) Internal Investigations GH-2 (Promulgated) Employee Discipline Procedure GC-17 (Promulgated)
34	Review each policy on annual basis	GA-1	Development of Written Orders GA-1 (Draft)
40	MCSO to notify Monitor and Plaintiff within 24 hours of Traffic Enforcement Activity or Significant Operations involving the arrest of 5 or more people.	EB-1	Traffic Enforcement, Violator Contacts, and Citation Issuance EB-1, (PMA) Significant Operations (In Development)

MCSO BRIEFING BOARDS

B.B.#	Subject	Date Issued
13-75	Immediate Traffic Stop Procedural Changes	10/31/13
13-77	<i>Melendres v. Arpaio</i>	11/4/13
13-82	Assignment Announcement Community Liaison Deputy	11/27/13
14-01	Community Liaison Deputy	1/9/14
14-05	Maricopa County Sheriff's Office Community Outreach	1/21/14
14-09	Reminder (Traffic Stop Procedure Change)	2/4/14
14-12	Immediate Procedure Change Regarding an Immigration-Related Inquiry, Investigation and/or Arrest; and an Identity Theft or Lack of an Identity Document Investigation and/or Arrest	2/12/14
14-26	New Vehicle Stop Patrol Procedures	3/28/14
14-28	Immediate Incident Report Submittal and Supervisor Review Change	4/3/14
14-36	Mandatory E-Learning: <i>Melendres v. Arpaio</i>	4/18/14
14-37	Mandatory Signatures on Attestation Logs: <i>Melendres v. Arpaio</i>	4/23/14
14-39	Reminder Mandatory Signatures on Attestation Logs: <i>Melendres v. Arpaio</i>	4/29/14
14-43	Immediate Policy Change GB-2, Command Responsibility	5/1/14
14-46	New Policy (EA-4, Use of Digital Recording Devices)	5/14/14
14-47	Rescission of Policy EA-4, Use of Digital Recording Devices	5/16/14
14-48	Immediate Policy Change GB-2, Command Responsibility	5/19/14

MCSO ADMINISTRATIVE BROADCASTS

A.B.#	Subject	Date Issued
14-02	Multilingual Pay	5/5/14
14-09	Traffic Stop Documentation Completion	5/15/14

MCSO will continue to create and amend existing orders as required to ensure Full and Effective Compliance with the Court Order. Consistent with paragraph 31, the MCSO will promulgate within 60 days of Monitor approval the new/amended Policies and Procedures. In addition, because of the requirements contained within the Court Order regarding receipt and comprehension of the Policies and Procedures by MCSO personnel, the E-Policy system is being developed through the purchase of additional software. This software will be used to memorialize and track compliance with the required reading of MCSO Policy and Procedures, acknowledging an understanding of them, and expressing an agreement to abide by the requirements of the Policies and Procedures.

Section VI – PRE-PLANNED OPERATIONS

The MCSO is developing proposed protocols, including templates and instructions for Significant Operations and Patrols as set out in Section VI of this Order. Currently, these documents are in draft form

and input is being requested from Bureaus and Divisions to ensure that the requirements of the Court Order, operational needs, and issues involving Deputy/Public safety are all addressed.

Section VII – TRAINING

The MCSO has taken significant steps toward the implementation of all required Training. The Court Order requires the development of three types of training: **Bias-Free Policing Training** (paras. 41-48-50); **Training on Detentions, Arrests, and the Enforcement of Immigration-Related Laws** (paras. 50-51); and **Supervisor and Command Level Training** (paras. 52-53). In order to develop this training, the service of a consultant firm, the Thomas and Means Law Firm, was retained. The firm developed curricula consistent with the Court Order's content requirements (paras. 49, 51, 52-53). These three curricula have been submitted to the Monitor for the review process consistent with paragraphs 14-17, and 46 and are in the process of being finalized with the cooperation of the Monitor and counsel for the parties. In delivering the training, the MCSO will adhere to the instructional requirements (paras. 42-43) including limitations concerning the extent of online training and the requirements concerning educational background of the training staff. The training will be delivered by both MCSO staff and outside experts. Currently the MCSO Legal Team, Monitor Team and Plaintiff's counsel are working collectively to finalize the proposed training requirements of the Court Order. The specific status of the training is as follows:

Training-Type	Development	Status
Bias-Free Policing	Completed by Consultant	In process of final review and approval
Training on Detentions, Arrests, and the Enforcement of Immigration-Related Laws	Completed by Consultant	In process of final review and approval
Supervisor and Command Level	Completed by Consultant	Curriculum submitted, pending review (Comments were received from the Monitor on 8/1/14)

Upon approval of each curriculum by the Monitor, the MCSO, consistent with paragraph 44, will promulgate a training schedule. The MCSO anticipates starting to train staff in mid-September of 2014. The CCID will provide the Monitor with a copy of the schedule and facilitate the attendance by the Monitor and Plaintiff's representative, as requested. The Training Bureau and the CCID will ensure that all relevant personnel receive training initially and annually thereafter as required by the Court. To assist in this

compliance, a Policy and Procedure, Training Administration GG-2, has been submitted to the Monitor for review. This Policy delineates the required initial and subsequent annual Training.

In addition to the required training described above, the MCSO has submitted to the Monitor a proposal for EIS training consistent with paragraph 80. Once this training is approved, it will be made available as an optional training to all employees until such time as the IA Pro - Blue Team process explained in Section IX is implemented Agency-wide.

Section VIII – TRAFFIC STOP DOCUMENTATION AND DATA COLLECTION AND REVIEW

The MCSO is comprehensively implementing the Court's requirements concerning Traffic Stops. In order to comply with the data collection requirements at Vehicle Stops, the MCSO researched numerous available software programs and determined that the TraCS system when utilized through existing Mobile Data Terminals (MDT's) provided the best method for quickly moving forward with implementation. The MCSO has purchased and programmed the TraCS system to contain the required data fields consistent with paragraph 54 of the Court Order. Similarly MCSO personnel created a unique record ID (paragraph 55) for each stop that can be used to link and reference the stop to other related documentation (citations, incident reports, etc.). A receipt system was also created that allows every motorist stopped to be provided a written record of the event even in cases where no citation or arrest is made. This electronic process named the E-ticket system has been implemented throughout the Office and is available to all Deputies with working MDT's.

In the event that MDT's are not working, Deputies are required to record the information manually on paper for subsequent computer input. Prior to making a Traffic Stop, Deputies are also required to notify the radio dispatcher of the stop and the specific reason for the stop. In all cases one of three documents (a Traffic Citation; a Sheriff's Office Written Warning; or a Sheriff's Office Incidental Contact Form) will be provided to every person contacted and asked to identify themselves during a Traffic Stop. Although not specifically mandated by the Court Order, Deputies are also required to record their perception of the race or ethnicity of the individual stopped prior to personal contact.

In order to codify compliance with the Court Order and ensure that guidance is available to MCSO personnel, three Briefing Board documents (13-75, 14-09, and 14-26) specifically related to Traffic Stops have been disseminated. Additionally, the MCSO has prepared two Policy and Procedures (EB-1 and EB-2) that are under Monitor review and which specifically address the requirements for Traffic Stops, including ensuring that they are Bias-Free.

The MCSO is also conducting preliminary audits and analysis of Traffic Stops (paragraph 64) utilizing CCID and EIS personnel. Since April 2014, CCID personnel have conducted 6 Audits/Inspections specifically related to traffic stops.

Date	Inspection	Results
4/8/14	Random Sample of Traffic Stops data over 4 days in the East, West, and Lake District	Two Memorandums of Concern issued for vehicle stops over 20 minutes; Memorandum of Training Concern issued; Memorandum of Policy Review issued; District Commanders directed to address a variety of administrative and training issues.
5/7/14	Sample comparison of CAD data with audit of radio transmissions	Determined Dispatchers were miscoding public contact not traffic related at Chase Field Ballpark as Traffic Stops
5/14/14	Audit resulting in a lengthy vehicle stop being identified	Memorandum of Concern issued
5/15/14	Sampling of Traffic Stops (West, East, Lakes Channel)	Review still in progress
7/1/14	Reviewing data compilation identified an incident of a Deputy possibly not completing the procedures required of New Traffic Stop process	Memorandum of Concern forwarded for investigation
7/2/14	During data Compilation identified approximately 50 CAD entries potentially miscoded as Traffic Stops	Communications Division is investigating and will report findings to CCID

The MCSO is committed to developing and implementing a system for the audio and video recording of traffic stops and a protocol for storing and reviewing the recordings pursuant to Paragraphs 61-63 of the Court Order. MCSO is cognizant of the data storage requirements in maintaining video for at least 3 years for each stop and of the complexity of functioning in areas where digital connectivity may not be available. The MCSO is preparing a Request for Proposal and will proceed in identifying the most appropriate equipment and storage systems.

Section IX – EARLY IDENTIFICATION SYSTEM (EIS)

The MCSO has taken major steps in the creation of an Early Identification System that will assist in the prompt identification of individuals who have the potential to be in violation of the Court Order or may be exhibiting other behaviors that if addressed and corrected immediately can assist employees in continuing to function in an efficient and productive manner.

On January 20, 2014 the EIS Unit was formed and it is currently staffed by one Lieutenant and two Sergeants. The Unit has been charged with the development and creation of the complete Early Identification System (EIS) and its members have visited six other law enforcement agencies in order to determine best practices and evaluate software or other requirements for the complex system that includes over thirty categories of data and a relational database. Until June of 2014, this unit was under the Professional Standards Bureau (formally Internal Affairs). The unit has now been made part of the Human Resources and Compliance Bureau in recognition of the fact that EIS is a non-disciplinary, personnel oriented assistance unit.

To maximize technological efficiency, consistent with paragraph 73, the MCSO has obtained funding to hire one full-time Information Technology Specialist. Interviews have commenced to identify this individual. In the interim, the assigned Lieutenant who has extensive experience in computer program development is fulfilling the role. Working with the Technology Bureau, the EIS Unit has determined that the best method for proceeding with the required data collection and evaluation is through the use of a computer program "dashboard" and the I/A – Pro/Blue-Team software. I/A – Pro/Blue-Team has been purchased to assist in Court Order compliance by both improving internal investigations and creating the Early Identification System.

Utilizing IA-Pro Blue Team software each Deputy will have individual, identifiable records that include criteria listed in paragraphs 75 & 81 of the Court Order, as well as others identified during research that prove helpful within such systems. Among the many aspects of the data input requirements, Supervisors will be required to make entries regarding conduct that may ultimately lead to the system identifying problematic behavior. While the system will have designated triggers that will demand intervention at either the immediate Supervisor level or higher in the chain of command, immediate Supervisors will also be required to check the system on a bi-monthly basis (paragraph 75) to identify any possible areas of concern or prohibited conduct. Additionally, Supervisors will be required to conduct quarterly reviews to seek broader, pattern-based behavior of concern (paragraph 81). An alert system has been put in place which proceeds from Green (no issue) to Yellow to Red (alert level). The EIS unit has also developed a quality control methodology to ensure Supervisors are making their required reviews.

Currently the EIS unit is prepared to provide access to the EIS computer system Agency-wide. During the last week of July, it submitted a training plan that is optional for employees to attend for review by the Monitor. Additionally, the EIS Unit is working with the Training Bureau to provide all Supervisors with instruction concerning the use of the computer software and compliance with the newly created procedural requirements including the methodology for making consultations or interventions with

employees. The EIS Unit is available by phone to consult with personnel in the field and has already begun to do so as it identifies matters that require consultation. As part of the training Supervisors will learn how to identify problematic behavior; the requirements to initiate and implement effective interventions; the range of interventions available and the required reporting, particularly when suspicion of racial profiling, improper Immigration-Related enforcement or other Order violations are suspected. Documentation of corrective action will also be addressed as will the other requirements consistent with Paragraph 81.

The EIS unit is also already conducting quality assurance analysis of Traffic Stop related data. The EIS analysis is focusing on length of time on Traffic Stops; excessive (greater than 10%) documentation as an "unknown" for post-stop ethnicity on Traffic Stops; ethnicity of persons who are stopped during traffic stops and the comparison of their ethnicity with the surrounding area population; and failures of Deputies to provide information concerning "contact conclusion" [i.e. how was the stop resolved: Citation, Warning, Etc.]

Although this work is just beginning, EIS has made a significant contribution already by identifying and correcting various issues.

Section X – SUPERVISION AND EVALUATIONS OF OFFICER PERFORMANCE

As noted in the April 2014, Internal Assessment, on January 17, 2014, the MCSO promoted 3 Lieutenants and 15 Sergeants to meet the requirements for the Supervision ratio (para. 82) of no more than 12 Deputies for every one Supervisor and so that Deputies are assigned to a single consistent and clearly identified Supervisor (para.84). The supervision ratio requirement has been codified with the amendment of GB-2 **Command Responsibilities**. The MCSO has also fulfilled the requirement that each Deputy will have to be assigned to a single, consistent, clearly identified Supervisor and has required that when a Supervisor is not available to work, another Supervisor must be assigned to duty (GB-2). In order to ensure continued compliance with the ratio requirement, the Deputy Chief of the Patrol Bureau is developing a standardized shift roster for all Patrol Districts and will continue to conduct reviews of Supervisory staffing levels and assignments throughout Patrol. The MCSO is also recommending that the County allow and allot for an overall increase in the number of Sergeants within the Office.

The requirement for increased supervision of Deputies as required by the Court Order is being met in a number of ways. First, the mandate to read the required Court documents has provided them with an extensive understanding of their duties. Second, the Chief Deputy has met with each Bureau Chief, Deputy Chief and District Commander to reinforce the importance of full compliance. Third, the Patrol Bureau Chief holds monthly meetings with District Commanders to discuss progress and future measures

to be taken in accordance with Court Order to ensure implementation and compliance. Fourth, Supervisors' duties have been noted in several Briefing Boards (e.g., memorializing requirements indicated in BB 14-28) and in Policies and Procedures that are under review with the Monitor. Most notably the duties of a Supervisor will be strongly reinforced with the delivery of required training and through the EIS and quality assurance efforts which will occur as implementation continues.

Section XI – MISCONDUCT AND COMPLAINTS

In order to assure that the actions of the MCSO comply with the Court Order and the high standards that are expected of its personnel, the MCSO has taken a multiple-step approach to addressing misconduct and complaints. The MCSO has issued a Code of Conduct to make clear to all MCSO personnel exactly what is expected of them and what conduct is prohibited. Additionally, the Disciplinary Policy has been amended to provide clear guidance concerning prohibitions against discrimination in any form. As part of the Policy, a disciplinary schedule has been introduced that designates violations of Sheriff's Office Policy concerning racial or other biased-based profiling, as well as discrimination based on a person's race or ethnicity, to be a Category 6 offense with penalties ranging from 40 hours suspension to termination of employment. The same Policy also designates the failure to report actual or alleged incidents of misconduct as a Category 2 offense with penalties ranging from written reprimands to dismissal from the Agency. The MCSO has also drafted a procedure titled Preventing Racial and Other Biased-Based Profiling (CP-8) to ensure that personnel are fully aware of the scope of prohibitions and of the content of the *Melendres* Order.

In December of 2013, to ensure further compliance with the Court Order, the MCSO revised its policies concerning internal investigations and issued policy GH-2 "Internal Investigations". The Policy lists 9 categories of complaints, one specifically called "External or Internal – Racial & Other Biased-Based Profiling" and designates the Professional Standards Bureau (formally known as Internal Affairs) as the investigatory body for these complaints. Designating the Professional Standards Bureau (IA) as responsible to conduct these investigations is an indication of the seriousness of MCSO's commitment to fully investigate and address them.

The MCSO has also mandated that any allegations of misconduct, whether from the public, observed or reported to an MCSO Supervisor, Sworn Deputy, Detention Officers or Civilian personnel, must be reported to the Professional Standards Bureau (IA). In addition to utilizing the central MCSO phone number which may be answered in either English or Spanish, complaints are also accepted by mail, email, in person, or through the Office website. In all cases in which an allegation of misconduct is made, it must be assigned a PSB (IA) case number. MCSO Policy GH-2 was revised to reflect this in December of

2013, and thus far this year through June 30, 2014, three-hundred and fifty-five (355) PSB (IA) case numbers have been assigned compared to three-hundred and eleven (311) in ALL of 2013. This substantial increase in complaints is viewed as an indication of the seriousness with which the Court Order is being taken by MCSO personnel and is indicative of the strong adherence to the newly-promulgated Policy concerning reporting misconduct. Additionally the Professional Standards Bureau (IA) is conducting regular targeted and random integrity/audit checks of: CAD messages once a month from each of the patrol districts; complaints being called into the Communications Division to ensure supervisor follow-up; destruction of drug evidence at Property and Evidence during the destruction process and Operational Journal Log checks in jail facilities.

In order to improve case management and ensure compliance with the data and tracking requirements for both the Professional Standards Bureau (IA) and the newly created EIS Unit, the MCSO reviewed numerous data management systems currently in use within law enforcement. As previously noted, MCSO personnel visited six other law enforcement agencies and determined that IA-Pro Blue Team was the most appropriate software to assist in complying with the Court Order. Through the Technology Bureau, IA-Pro has been purchased and is being used operationally to track all PSB (IA) complaints. Additionally through software modifications, IA-Pro has records concerning traffic stops, patrol data, training records, disciplinary history, performance evaluations, and any past complaints.

The MCSO has also drafted and proposed the creation of the Bureau of Internal Oversight within the MCSO to address Order Compliance, inspections and employee performance and misconduct. While in conceptual stage, approval and funding must still be approved through the County prior to resource allocation and implementation.

XII. COMMUNITY ENGAGEMENT

While this section of the Court Order has been amended from the Supplemental Permanent Injunction/Judgment Order, the MCSO continues its efforts at community engagement voluntarily. Currently, a Community Outreach Unit that reports to the Deputy Chief of the Support Services Bureau, is staffed by a Community Liaison Deputy, a Community Liaison Detention Officer, and an Administrative Coordinator. Since January, the Deputy who is assigned to the Community Liaison Deputy position has participated in a wide variety of public events ranging from contact with the General Consul of Guatemala to delivering school books to children at the Chicanos Por la Causa Parenting Arizona. The Community Liaison Deputy is fluent in English and Spanish and his efforts in providing assistance in the Latino Community, including ensuring individuals that the MCSO does not enforce immigration-related laws, have been covered by the News media. Additional events that he has participated in included church

meetings, television interviews, visiting a child with Leukemia, and reading to children at schools. The Community Outreach Administrative Coordinator has also participated in over 60 community events since 2013, including meeting 40 Hispanic Evangelical Pastors, meeting with the Arizona Muslim Advisory Board, participating in the Black History Month celebration and in the Multicultural Career and Education Expo in Phoenix. Consideration is being given to expanding the Division and adding a lieutenant as additional personnel become available.

Conclusion

The MCSO has taken major steps toward implementation and full compliance with the Court Order. The ability in the near future to implement training and promulgate additional Policies and Procedures, upon the Monitor's approval, will further assist in these efforts. A large amount has been achieved in many areas particularly involving: the creation of directives; preparation of training; technology acquisition and programming to allow for data collection; the implementation of electronic data collection; creation of the EIS which is ready for roll out; increased supervision; improvements to the Professional Standards Bureau data collection and process, and community outreach. At the same time the MCSO recognizes that a great deal of work is left to be done, and the MCSO will proceed to do so. The MCSO is currently developing comprehensive and specific metrics and guidelines to measure full and effective compliance and will be seeking feedback and approval from the Monitor Team to ensure that our measures of success are congruent with the Court's Order.