

**Summary of the Monitor’s 2nd Quarterly Report, Dated December 15, 2014, on  
MCSO Compliance with the *Ortega Melendres v. Arpaio* Order**  
*A guide for community members prepared by the ACLU of Arizona*

**Big Picture**

- *The good news:* “[P]olicies and practices are being improved” and “[t]he hard work is beginning to pay dividends,” especially with “the finalization of significant policies that have allowed MCSO to begin training its personnel to the standards of the Fourth and Fourteenth Amendments, to which all law enforcement agencies should aspire.” P. 4, 82.
- *The not so good news:* But “there is still significant work to be done, and both the agency and the general community should have legitimate cause for concern.” P. 3.
- *Sheriff’s Problematic Comments re Guadalupe:* “[T]here is little that can alter the culture within MCSO without the support and motivation of all administrators of that organization.” Unfortunately, the Sheriff, in his comments to the press prior to the Guadalupe community meeting, “seized the opportunity . . . to divide rather than unite.” His statement that he would do the Guadalupe saturation patrol “all over again” sent “a signal to the employees of MCSO and the community about the attitudes that prevail in the hierarchy of the Sheriff’s Office.” P. 4.

**Specific Issues Identified by the Monitor**

- *Relationship with the Community:*
  - The Guadalupe meeting showed the “continuing tension between minority communities in Maricopa County and the Sheriff’s Office” and was “emblematic of the disconnect highlighted in the first quarterly report.” P. 4.
- *Early Intervention System:*
  - MCSO has not finalized its Early Intervention System policy. P. 5.
  - The Monitor has “significant concerns” regarding part of the software for the Early Intervention System, as that software, Blue Team, currently does not allow first line supervisors to access the risk management data of the deputies assigned to them without going through a middleman. P. 5, 51.
- *Traffic stops.* The Monitor reviewed a random sample of traffic stops. Its findings included that:
  - There was no satisfactory explanation for the deputies’ decision to make contact with passengers in the three reviewed instances in which such contacts occurred. P. 36.
  - The Court order requires deputies to notify supervisors before detaining or arresting a person for lack of an identity documents. The Monitor reviewed 15 cases in which deputies made such a detention or arrest. In only 4 of those cases did the deputy contact his supervisor as required. P. 63.
  - The Monitor randomly reviewed 34 traffic stops from September 2014. In 11 of those 34, the deputy had not recorded the driver’s race/ethnicity, as required. P. 64.
- *Supervisors’ Ability to Deal with Misconduct:*
  - 29 of 33 supervisor performance evaluations did not evaluate the supervisor’s ability to identify and effectively respond to misconduct, as required. P. 62.
- *Internal Investigations*
  - Investigations performed by divisional supervisors (as opposed to investigations performed by the Professional Standards Bureau) are inadequate and indicate the need for better training and organization. P. 73.
  - “Most importantly, potential witnesses are not interviewed, and leading or ineffective questions are asked.” P. 73.

- The Professional Standards Bureau should provide more assistance to divisional investigations, both in terms of staff and templates for investigations. P. 73.
- *Testing on the training:*
  - While MCSO nominally requires its deputies to receive a 100% score to pass the test associated with each of the court-ordered trainings, each deputy gets 5 attempts to score 100%. P. 25.

### **Positive Developments**

- *Personnel and Units:*
  - There are “many motivated and professional Deputies and Supervisors in . . . the Patrol Districts.” P. 4. Feedback from personnel in the Districts has been “extremely encouraging,” and they have “embraced” the new training. P. 6.
  - “Captains, Lieutenants and Sergeants seemed engaged and well versed in the requirements of the Order. . . . Supervisors interviewed were also well versed in the citizen complaint process.” P. 5.
- *Policies:*
  - The Monitor is “heartened” by the finalization of several significant policies, including policies regarding racial profiling, traffic enforcement, and data collection, but notes that implementation will pose a greater challenge. P. 5.
- *Body cameras:*
  - MCSO decided, with input from the Monitor and ACLU, to use body cameras rather than vehicle-mounted cameras. Body cameras record more relevant information and are less expensive. P. 5, 43.

### **Issues Receiving a Mixed Review**

- *Data:* MCSO has “made substantial improvement in the quality of its [traffic stop] data,” but its methods for analyzing data lack rigor. P. 5-6, 45.
  - MCSO does not yet have a protocol for analyzing traffic stop data to detect racial profiling at the individual, unit, or systemic level. P. 45.
  - Similarly, there is still no protocol for the annual agency-wide review of traffic stop data. P. 46.
  - Still, overall, the Early Intervention Unit “has come together well” and “should become an even more useful tool” in the future. P. 51.
- *Enforcement of Immigration-Related Laws:*
  - The Order requires MCSO to ensure that the policies of any specialized unit that enforces immigration-related laws are consistent with the Constitution, the laws of the United States and State of Arizona, and the Order. P. 20.
  - MCSO takes the position that it no longer has specialized units that enforce immigration-related laws. The Monitor has requested documentation regarding the missions of MCSO’s specialized units to determine whether MCSO is in compliance. P. 21.
  - MCSO takes the position that the three criminal violations that qualify as immigration related are human smuggling, forgery, and misconduct with weapons, since they include immigration status as an element of the offense.[Note that Plaintiffs take the position that identity theft charges should be included in this category.] The Monitor has requested arrest statistics for these crimes to determine whether MCSO is in compliance. P. 21.
  - MCSO appears not to have conducted any immigration status investigations during traffic stops in the time period covered by this report. P. 38.