

MARICOPA COUNTY SHERIFF'S OFFICE

Memorandum



Joseph M. Arpaio, Sheriff

To: Captain Munley #777
Commander
Bureau of Internal Oversight

From: Patty Huling # B3184
Senior Auditor
Bureau of Internal Oversight

Subject: Patrol Supervisory Note Inspection,
March, 2016
Inspection #2016-0036

Date: May 15, 2016
Review Period:
March 1-31, 2016.

Background:

The Bureau of Internal Oversight will be conducting inspections of supervisory notes on an on-going basis to determine if the notes are in compliance with office policies, promote proper supervision, and support the Melendres Order. To achieve this, inspectors will utilize the IAPro System and a sample of randomly selected employees from each district/division for review. These entries will be uniformly inspected utilizing a matrix developed by the Bureau of Internal Oversight in accordance with the procedures outlined in policies CP-8, EA-11, EB-1, and EB-2, GB-2, and GJ-35.

Matrix Procedures:

- Determine what district/division the notes originated from
- Ensure the supervisor completed two performance entries per deputy each month
- Verify the supervisor discussed traffic stops completed
- Ensure the supervisor has reviewed collected data monthly
- Determine if the supervisor discussed discriminatory policing
- Determine if the supervisor discussed any MCSO policies
- Each Blue Team entry inspected will be counted as one inspection

Authorities:

MCSO Policy # CP-8, PREVENTING RACIAL AND OTHER BIASED-BASED PROFILING (Section 5): "Office leadership and supervising deputies and detention officers shall unequivocally and **consistently reinforce** to subordinates that biased-based profiling is unacceptable. All personnel shall report violations of policy. Supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command and ensuring that personnel are held accountable for policy and procedure violations."

MCSO Policy # EA-11, ARREST PROCEDURES (Section 14, Parts D, E & F):

"Supervisors shall take appropriate action to address all violations or deficiencies in investigatory stops or detentions, including non-disciplinary corrective action for the deputy; or referring the incident for administrative review or criminal investigation. Supervisors **shall track**, through the Early Identification System (EIS), each deputy's deficiencies or violations and the corrective action taken, in order to identify deputies who need repeated corrective action."

"Command level personnel shall review, in writing, all supervisory reviews related to arrests that are unsupported by probable cause or are otherwise in violation of Office policy; or that indicate a need for corrective action or review of Office policy, strategy, tactics, or training. The commander's review shall be completed within 14 days of receiving the document reporting the event. The commander shall evaluate the corrective action and recommendations in the supervisor's written report and ensure that all appropriate corrective action is taken."

"Supervisors shall unequivocally and consistently reinforce to subordinates that discriminatory policing is unacceptable"

MCSO Policy # EB-1, TRAFFIC ENFORCEMENT, VIOLATOR CONTACTS, AND CITATION ISSUANCE (Section 16): “First line supervisors shall individually discuss the traffic stops made by each deputy under their supervision at least one time per month. The discussion shall include whether the deputy detained any individuals and the reason for such detention, and whether any stops involved immigration issues.”

MCSO Policy # EB-2, TRAFFIC STOP DATA COLLECTION (Section 5, Part C):
“Supervisors shall conduct reviews of the collected data for the deputies under his command on a monthly basis to determine whether there are warning signs or indicia of possible racial profiling, unlawful detentions and arrests, or improper enforcement of immigration-related laws. Each supervisor shall report his conclusions based on such a review on a monthly basis to the Court Compliance and Implementation Division.”

MCSO Policy # GB-2, COMMAND RESPONSIBILITY (Section 7B, Parts 1- 3):
Supervisors shall maintain a written record of the performance of each of their employees and “the record shall reflect the employee’s positive traits and accomplishments and any observed shortcomings”. Supervisors shall complete two supervisory notes per month for each sworn Deputy, whereas Civilian and Detention Officers shall receive one supervisory note per month.

MCSO Policy # GB-2, COMMAND RESPONSIBILITY (Section 12D, Parts 2A - B):
Supervisor’s shall discuss and document (collective) traffic stop activity made by each Deputy under their supervision at least one time per month. In addition, Supervisors “shall unequivocally and consistently reinforce to subordinates that discriminatory policing is unacceptable” and this message must be documented in supervisory notes on a minimum of a quarterly basis.

MCSO Policy # GJ-35, BODY-WORN CAMERAS (Section 7, Parts A - B):
Supervisor’s shall conduct monthly reviews of body-camera footage of randomly selected traffic stops and shall make an assessment regarding Deputy performance and any training needs, compliance with the Policy, consistency between written reports and body-worn camera recordings, and shall verify that the camera is fully functional and used consistently. The Supervisor shall document the results of this review in an EIS Blue Team Supervisor Note entry (for additional information, reference the methodology and compliance checklist located on the U Drive:\BIO\Forms).

And,

MELENDRES ORDER, PARAGRAPH 22: MCSO Leadership and supervising Deputies and Detention Officers shall unequivocally reinforce to subordinates that discriminatory policing is unacceptable.

MELENDRES ORDER, PARAGRAPH 69: states that “MCSO Supervisors shall also conduct a review of the collected data for the Deputies under his or her command on a monthly basis”. As a result, *at least one note regarding a collective review of traffic data must be completed within every 30-day period.* Regardless of duty assignment, a statement regarding traffic stop activity and collected data is required (i.e., if no traffic stops were performed a notation of “no traffic stops” is sufficient documentation within one of your bi-monthly entries). Furthermore, it should also be stressed that Supervisory Notes are to be utilized to document a specific employee’s performance, and therefore the quality of the note itself is also critical.

MELENDRES ORDER, PARAGRAPH #85: states “First-line Supervisors shall be required to discuss individually the stops made by each Deputy they supervise” on a monthly basis, at a minimum.

Observations:

MCSO’s assigned Court Monitors provided a sample of 41 Deputies from all Patrol Districts/Divisions for the March Supervisory Note Review. It should be noted that the completion of a Supervisory Note inspection is dependent on when the Bureau of Internal Oversight receives the sample from the Court Monitors (which may be 30 or more days in arrears).

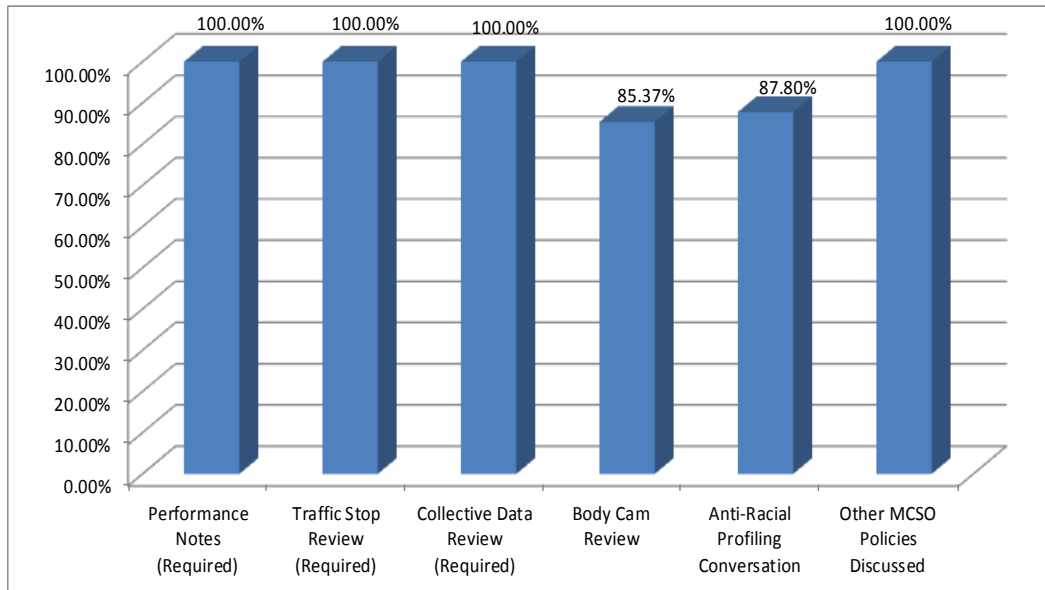
Our inspection revealed that **100%** of the Sergeants (or 41/41) met the requirement for two Supervisory Note entries per Deputy, in accordance with the Melendres Order.

It was determined that **100%** of the Sergeants (or 41/41) were in compliance with the requirement to have discussions with their Deputies regarding traffic stops in compliance with Policy EB-1, and **100%** of the Deputies (or 41/41) had their collected data reviewed by a first-line supervisor, in compliance with Policy EB-2.

It was noted that **85.37%** (or 35/41) of the Sergeants completed the monthly review of body camera footage in accordance with MCSO Policy # GJ-35 (Note: Districts Four and Five were exempt from this portion of the inspection as their Divisions did not have body cameras in place at this time)

In addition, **87.8%** of the Sergeants (or 36/41) had conversations with their Deputies regarding discriminatory policing/bias based profiling in accordance with Policy EA-11 and CP-8, while **100%** of the employees (or 41/41) had entries regarding other MCSO policies, as illustrated in the bar chart below:

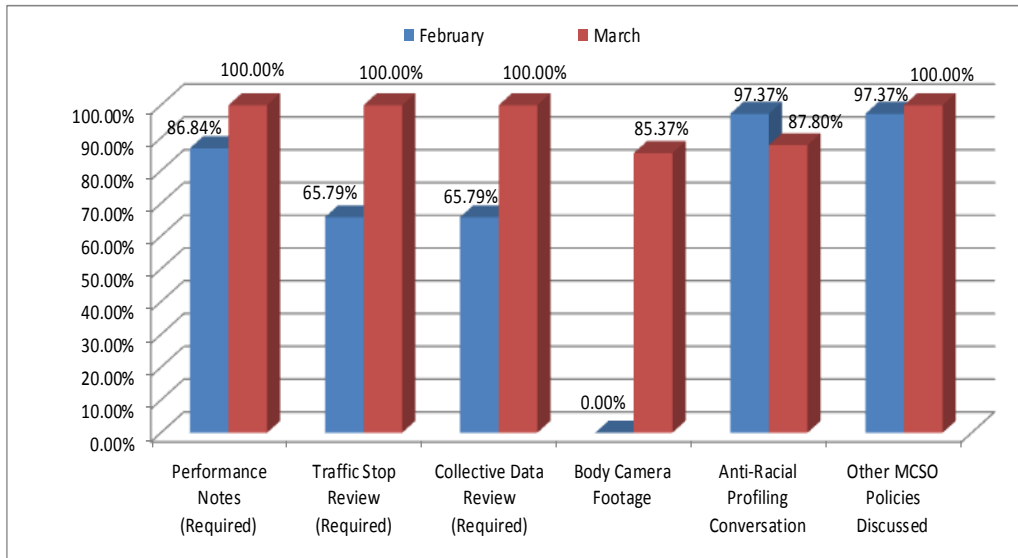
Current Compliance Rate: Patrol Supervisory Notes, March 2016



Note: March 2016 is the first month to include the review of body camera footage as part of the Supervisory Note Inspection. This measurement will become a requirement, effective April, 2016. Additionally, starting the 2nd quarter of 2016 Anti-Racial Profiling Conversation will become a quarterly inspection.

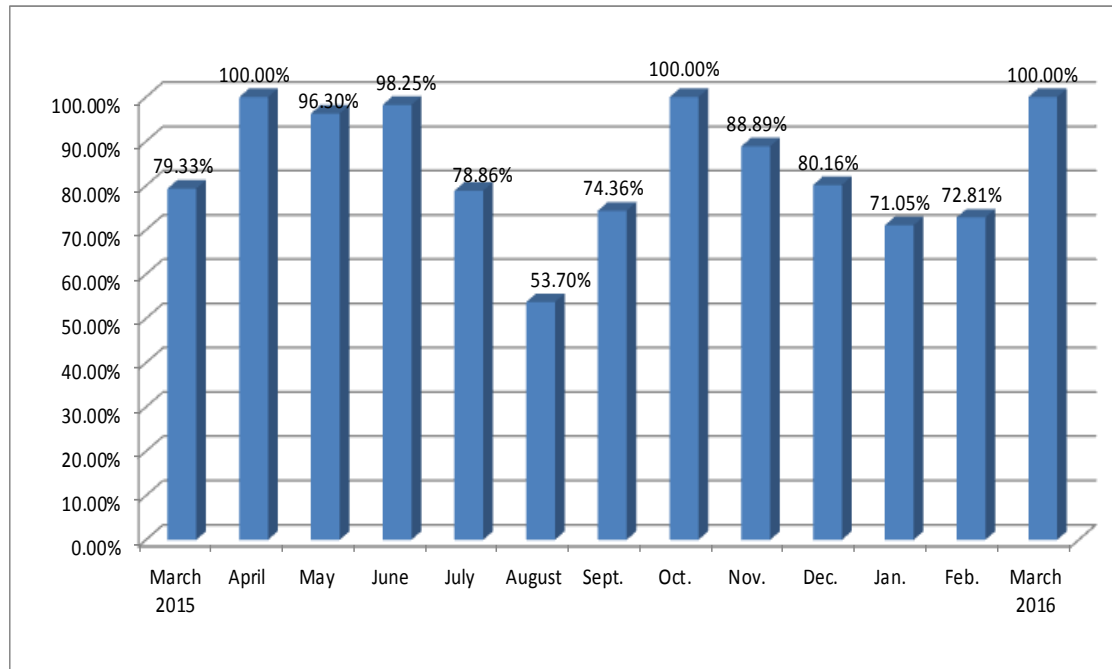
A comparative review of the last two months of Blue Team data indicates that Patrol's individual compliance measurements have greatly improved, as illustrated below:

Compliance Rate: Patrol Supervisory Notes for February - March 2016



Blue Team Documentation:	Feb. 2016	March 2016	Variance:
Performance Notes (Required)	86.84%	100.00%	Increased by 13.16 percentage points
Traffic Stop Review (Required)	65.79%	100.00%	Increased by 34.21 percentage points
Collective Data Review (Required)	65.79%	100.00%	Increased by 34.21 percentage points
Body Cam Review	n.a.	82.93%	(not available)
Anti-Racial Profiling Conversation	97.37%	87.80%	Decreased by -9.57 percentage points
Other MCSO Policies Discussed	97.37%	100.00%	Increased by 2.63 percentage points

Averaged Compliance Scores: Patrol Year-to-Date



**Note- These monthly values are an average of compliance scores from the following areas:
Performance Notes + Traffic Stops + Review of Collective Data.**

Findings:

The charts shown above provide an illustration of the significant accomplishments achieved by the Patrol Divisions this month: **100% compliance across four of the monthly measurements.** The realization of these four perfect scores come regardless of two additional measures which become a requirement next month (i.e., the monthly review of body camera footage and quarterly discussions regarding MCSO's zero tolerance Policy on racial profiling and bias-based policing). These outstanding scores demonstrate our Sergeants on-going commitment to achieving compliance with the Melendres Order.

Recommendation:

It is recommended that Supervisory Note Inspections continue at the District level to provide assurance that the compliance rates continue to show improvement and remain constant over time. To accomplish this goal, the following criteria must be met:

1. ***On a monthly basis,*** (2) Supervisory Notes shall be completed per Deputy and shall be used to specifically **document** the following four requirements:
 - a. **The Deputy's work performance during the last 30 day period**
 - b. **A collective Review of Traffic Stop Data was completed by the Supervisor**
 - c. **A one-on-one discussion regarding Traffic Stop Activity was held by the Supervisor**
 - d. **The review of randomly selected traffic stop video footage**
(Note: if Body Cams are not yet fully operational in your District, please document status in your monthly Supervisory Note entry to avoid a deficiency in this area)

2. *On at least a quarterly basis, Supervisory Notes shall be used to document a conversation regarding MCSO's Policy on anti-racial profiling and "shall unequivocally reinforce to subordinates that discriminatory policing is unacceptable" (reference Critical Policy CP-8).*

Date Inspection Started: April 26th, 2016
Date Completed: May 15th, 2016
Timeframe Inspected: March 1st through 31st, 2016
Assigned Inspector(s): Senior Auditor Patty Huling #B3184

I have reviewed this inspection report.



Captain Dave Munley
Division Commander
Audits and Inspections

05/16/2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

05/16/2016
Date