

## **Traffic Stop Quarterly Report 12: District Analysis (2022 Stops)**

### **MCSO Response Status Update**

The Office has considered internal and external recommendations to address findings of potential indicia of bias within districts. Below are the proposed actions MCSO will make within the next two quarters to monitor and/or intervene on these findings.

The TSQR 12: District Analysis examined potential differences in benchmark measures for drivers by race/ethnicity at the district level. The four measures examined whether Hispanic, Black, or Minority drivers differed from White drivers in citation rates, search rates, arrest rates, or average stop lengths within each district.

#### ***Finding 1: District level differences in average stop length for a typical stop were found in three of the six districts.***

- *District 4 (Anthem area) findings indicate that typical traffic stops of Hispanic drivers averaged 75 seconds longer than White drivers, while all Minority drivers' traffic stops averaged 45 seconds longer than White drivers.*
- *District 5 (Lakes) findings indicate that typical traffic stops averaged 60 seconds longer for Hispanic drivers than White drivers, and 45 seconds longer for all Minority drivers than White drivers.*
- *District 7 (Fountain Hills area) findings indicate that the typical traffic stop in 2022 lasted about 45 seconds longer for both Black drivers and all Minority drivers compared to White drivers.*

**Action Item 1:** In January 2024, MCSO's Traffic Stop Analysis Unit (TSAU) established a process whereby long traffic stops that have no Extended Traffic Stop Indicators (ETSI) are reviewed monthly. These long stops are reviewed, including watching Body-Worn Camera (BWC) footage, to follow up as necessary. If an ETSI was not documented but could have been, the TSAU sends out data validations as appropriate. Additionally, any issues identified are dealt with per policy.

- **Status Update 1 (Q2 2024):** The TSAU has been reviewing the traffic stops over 20 minutes in length with no ETSI marked. The review also considers any further issues per policy. In the months of review (Jan-Jun 2024),
  - 24 data validations have been sent out.
  - 0 referrals have been made to PSB or supervisors as no further issues have been identified.
- **Status Update 2 (Q3 2024):** TSAU continues to monitor these stops and send out data validations as necessary. In the months of review (July-September 2024),
  - 1 data validation has been sent out.
  - 0 referrals have been made to PSB or supervisors as no further issues have been identified.

**Action Item 2:** In October 2023, TSAU liaisons provided guidance on ETSI use to deputies in districts, including education on how indicators are used in traffic stop analyses. While this quarterly was not published until Q4 of 2023, within-district findings on stop length identified early in the process indicated a need for immediate response by TSAU to reinforce ETSI use when appropriate and ensure that ETSI guidance is consistent across the Office.

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- **Status Update 1 (Q2 2024):** This action item was completed in October 2023, and further consideration will be given to recommendations following the publication of TSQR 13, a review of ETSI use in 2023. TSQR 13 was published on March 30, 2024, and MCSO has published the TSQR 13 Response Plan to its website at [www.mcsobio.org/traffic-stop-data](http://www.mcsobio.org/traffic-stop-data) as of June 30, 2024. (Complete)

**Action Item 3:** Conduct ETSI Study (TSQR13) in Q1 2024. TSAU's Researchers have been conducting an ETSI study on 2023 traffic stop data, to be published the end of March 2024. This study is concentrated on identifying whether extended traffic stop indicators are being used consistently and appropriately, as well as descriptive information about stops that are considered "non-typical". The findings from the ETSI Study will not explain findings from this current study (TSQR 12) but may help explain findings from the upcoming District Analyses. The more recent data will likely prove useful for recommendations for further action. The TSQR 13 will also have the results of the validation of ETSI use that will be considered for recommendation in the TSQR 13 response.

- **Status Update 1 (Q2 2024):** The TSQR 13 was published on March 30, 2024, and MCSO has published the TSQR 13 Response Plan to its website at [www.mcsobio.org/traffic-stop-data](http://www.mcsobio.org/traffic-stop-data) as of June 30, 2024. (Complete)

**Action Item 4:** The Department of Justice (DOJ) has recommended that MCSO command work with District Commanders to address the district-specific findings and assess impact of any changes. In Q1 of 2024, TSAU conducted District Town Halls to discuss results of the TSQR 12: District Analysis 2022 findings. The District 4 Town Hall occurred 2/6/24, the District 5 Town Hall occurred 2/8/24, and the District 7 Town Hall occurred 2/12/24.

The second portion of the recommendation regarding the assessment of impact of any changes is delayed, as this study focused on 2022 data. MCSO will wait to address these recommendations following the release of the TSQR 13 findings.

- **Status Update 1 (Q2 2024):** The TSQR 13 was published on March 30, 2024, and MCSO has published the TSQR 13 Response Plan to its website at [www.mcsobio.org/traffic-stop-data](http://www.mcsobio.org/traffic-stop-data) as of June 30, 2024. (Complete)

**Recommendation 1:** The DOJ has recommended that MCSO Command provide guidance across districts on enforcement priorities, in an effort to address any findings of disparity from this quarterly report. MCSO has determined that Office-level guidance will not be moved forward at this time. Not only are the findings based on older data, but the nature of the Office is to be responsive to community needs. Moving forward with Office-level guidance at this time would limit the ability of each district or community's needs to be prioritized and may conflict with the direct community requests shared with division command.

- **Status Update 1 (Q2 2024):** While this recommendation has not been moved forward to Command, the Internal Review Group continued discussions about the implications of broad guidance. As a sheriff's office, MCSO has responsibilities distinct from municipal police departments. Additionally, MCSO has contracts within many of the districts to serve as law

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enforcement for specific municipalities or communities. The Internal Review Group will consider this recommendation in upcoming traffic stop report reviews.

- Status Update 2 (Q3 2024): The internal review group has continued to consider if, how, and what appropriate guidance for the various districts can be provided. This recommendation has been reviewed in responding to the more recent data in the *MCSO Response Plan to TSQR 9 and TSQR 14* that was published on September 30<sup>th</sup> 2024 and can be found here: [www.mcsobio.org/traffic-stop-data](http://www.mcsobio.org/traffic-stop-data).

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**Finding 2: Citation Rate differences were found in only one district for the baseline benchmark, which compares whether Hispanic, Black, or Minority drivers had higher rates of citation as an outcome than their White counterparts in stops that were similar, including the violations documented.**

- *District 1 (Mesa, Guadalupe, Gilbert, Chandler, Tempe, Queen Creek and other County Islands) findings indicated that all Minority drivers had about a 5% higher rate of citations for similar stops than White drivers.*

**Action Item 1:** MCSO proposes a study for Quarter 3 2024 (TSQR 15) to be conducted by TSAU/Research, looking at the impact of ARS 28-3151, which has been identified as a specific violation that is disproportionately impacting Hispanic drivers in Maricopa County. MCSO's ACTIC unit will be identifying whether information from other jurisdictions or agencies would also be available. Findings from this study are expected to lead to a Community Meeting coordinated by MCSO Community Outreach Division to share information with impacted community groups and those in a position to lobby for legislative changes, if research indicates it would be appropriate.

- [Status Update 1 \(Q2 2024\):](#) MCSO has submitted a proposed methodology to the Monitor Team and Parties for TSQR 15, a study of the impact of ARS 28-3151 on traffic stop findings of disparity in citation outcomes. The methodology is in final stages of review, on track for analysis and reporting in Q3 2024. MCSO continues to seek information from local agencies as well.
- [Status Update 2 \(Q3 2024\):](#) MCSO has completed this study, *TSQR 15 Arizona Revised Statute 28-3151*, and published on September 30<sup>th</sup>, 2024 and can be found here: [www.mcsobio.org/traffic-stop-data](http://www.mcsobio.org/traffic-stop-data)

**Action Item 2:** Policies in place during 2022 traffic activity have already been through revision process and are currently in final stages of approval. MCSO will conduct a policy review comparing the EB-1, EB-5, and 3511 Tow policies from 2022 to current policy to identify whether policy concerns have already been addressed, or what further recommendations might be considered. This review will focus on whether policy is more restrictive than necessary, more than other agencies, or more restrictive than law requires, specific to tows and citations. Discussion will also reflect whether policy should or does include a "humanitarian exception" to towing, and in what situations.

- [Status Update 1 \(Q2 2024\):](#) MCSO began the policy review of EB-1 and EB-5 in Q2 2024, and the review is continuing with legal guidance from MCAO to support forthcoming recommendations.
- [Status Update 2 \(Q3 2024\):](#) Upon the completion of the review there are no planned changes to policy.

**Action Item 3:** The DOJ has recommended MCSO prioritize traffic safety in traffic enforcement, focusing efforts in areas with high traffic crash activity. MCSO agrees that traffic safety is a focus of traffic enforcement, though the mandates and activities of the Sheriff's Office differ from municipal jurisdictions where this current practice is more prevalent. To balance the needs of the community to respond to calls for service and the limited staffing resources available, MCSO's IT GIS group and TSAU will develop a jurisdictional map for primary jurisdictions and roadway responsibilities

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overlayed with traffic collisions. This will provide Command staff a tool to establish priorities as possible. A dashboard of the sort may also be made available as public facing data in the near future to encourage public safety awareness. Completion of the jurisdiction map is estimated to occur by end of Quarter 2 2024.

- [Status Update 1 \(Q2 2024\): MCSO has developed a static map overlaying jurisdictional boundaries with traffic collisions from 2023, which will be ready for publication in July 2024. This map will be provided to district commanders at an upcoming Captain's Meeting with guidance from TSAU as to how this map can be used as a tool in their decision-making.](#)

[A dashboard has been developed as well and is being piloted with several units that prioritize traffic enforcement. There are technology limitations that are currently being identified and considered to determine the best path forward to implement this dashboard more broadly.](#)

[Status Update 2 \(Q3 2024\): The static map overlaying jurisdictional boundaries with traffic collisions from 2023 was created and presented at the July 2024 site visit. MCSO is working to expand its website to disseminate this information more broadly to both the public and the office with an anticipated completion in Q4 of 2024 or Q1 of 2025.](#)

**Recommendation 1:** The Monitoring Team has recommended MCSO consider reprioritizing conducting traffic stops for equipment violations that do not implicate public safety, or to establish guidance that certain laws should be enforced through warning rather than citations. (Monitor's 38<sup>th</sup> Quarterly Report at 279-280.) MCSO has considered this recommendation and determined that it should not be advanced at this time. Discussions also centered around the lack of universal situations and that mitigating circumstances exist regarding a decision to tow or issue a warning that may preclude this sort of guidance. This level of intervention is also not recommended based on 2022 data, when we are now in 2024. Rather, MCSO will revisit this recommendation after the release of the proposed ARS-28-3151 study (TSQR 15, Quarter 3 2024) to be able to make a more informed decision.

- [Status Update 1 \(Q2 2024\): MCSO's Internal Review Group is continuing discussions surrounding overarching priorities. The group is considering various opportunities, guidelines, and potential positive and adverse impacts. As further traffic stop reports focused on more recent data and various outcomes are being published, their findings also inform this discussion. It is expected that this recommendation will be more fully developed and responded to in the TSQR 15 Response Plan.](#)

**Recommendation 2:** The DOJ has recommended that MCSO Command provide guidance across districts on enforcement priorities, in an effort to address any findings of disparity from this quarterly report. MCSO has determined that Office-level guidance will not be moved forward at this time. Not only are the findings based on older data, but the nature of the Office is to be responsive to community needs. Moving forward with Office-level guidance at this time would limit the ability of each district or community's needs to be prioritized and may conflict with the direct community requests shared with division command.

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- Status Update 1 (Q2 2024): While this recommendation has not been moved forward to Command, the Internal Review Group continued discussions about the implications of broad guidance. As a Sheriff's Office, MCSO has responsibilities distinct from municipal police departments. Additionally, MCSO has contracts within many of the districts to serve as law enforcement for specific municipalities or communities. The Internal Review Group will consider this recommendation in upcoming traffic stop report reviews.
- Status Update 2 (Q3 2024): The internal review group has continued to consider if, how and what appropriate guidance for the various districts can be provided. This recommendation has been reviewed in responding to the more recent data in the *MCSO Response Plan to TSQR 9 and TSQR 14* that was published on September 30<sup>th</sup> 2024 and can be found here: [www.mcsobio.org/traffic-stop-data](http://www.mcsobio.org/traffic-stop-data).

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***Finding 3: Citation Rate differences were found in three districts for the additional analysis requested by DOJ, which compares whether Hispanic, Black, or Minority drivers had higher rates of citation as an outcome than their White counterparts in stops that were similar, except the offense categories cited or warned in the stops were not considered..***

- *District 1 (Mesa, Guadalupe, Gilbert, Chandler, Tempe, Queen Creek and other County Islands) findings indicated that all Minority drivers had about a 5% higher rate of citations for similar stops than White drivers.*
- *District 5 (Lakes area) findings indicated that Hispanic drivers had a rate over 5% higher for citations than White drivers.*
- *District 7 (Fountain Hills area) findings indicated that all Minority drivers had slightly less than 5% higher rates of citation for all Minority drivers than White drivers.*

**Action Item 1:** Although this analysis is not part of the baseline traffic stop analyses, MCSO conducted further review within this quarterly report and identified that statistically significant differences continued in District 5 even when additional offenses were not included for failure to stop at a stop sign (ARS 28-855B). Given that this finding of disparity identified for stop sign violations in District 5 was not satisfactorily explained by further analysis, MCSO determined that an AIU Targeted Integrity Test was appropriate. The AIU will follow integrity testing protocol to monitor and intervene as necessary based upon their findings.

- **Status Update 1 (Q2 2024):** The Targeted Integrity Inspection (BI2024-0046) focused on deputies who were identified in the TSQR 12 dataset as making traffic stops for stop sign violations while working in a Lake Patrol assignment. Of the 63 traffic stops identified, the AIU Inspector examined a sample of 16 (25%) traffic stops. Traffic stop documentation and BWC video were reviewed for each of the 16 traffic stops to determine if there was an indication of repetitive improper decision making. There were no compliance deficiencies and four non-compliance deficiencies identified by the AIU Inspector. The four non-compliance deficiencies included three late BWC activation issues and one instance where an Incidental Contact Receipt was not issued. The inspection received a PASS compliance rating. The inspection is published online at [www.mcsobio.org](http://www.mcsobio.org).

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***Finding 4: Arrest Rate differences were found in one of the districts, which compares whether Hispanic, Black, or Minority drivers had higher rates of arrest as an outcome than their White counterparts in stops that were similar.***

- *District 1 (Mesa, Guadalupe, Gilbert, Chandler, Tempe, Queen Creek and other County Islands) findings indicated that Hispanic drivers had a nearly 4% higher rate of arrests for similar stops than White drivers.*

**Action Item 1:** DOJ has recommended that “real time traffic data” should be made available to traffic patrol supervisors, helping to ensure that potential issues that arise are addressed as swiftly as possible. MCSO has an existing traffic stop dashboard provided to TSAU Liaisons for regular review of emerging patterns for deputies. A version of this monthly traffic stop dashboard will be made available to patrol supervisors, with deputy data aggregated by driver race. This study has identified Warrants and Criminal Speed to be the violations that were driving the disparities. Making information more readily available for patrol supervisors to monitor and intervene on a more frequent basis may help address findings of disparity. This dashboard was demonstrated to the Monitoring Team and Parties at the February 2024 site visit as a new tool to be made available to supervisors for pattern identification in traffic stops. This dashboard is to be available as a tool to assist supervisors in identifying patterns.

- **Status Update 1 (Q2 2024):** As of June 30, 2024, MCSO has developed a Supervisor Traffic Review dashboard. During Q2 2024, MCSO procured Power BI licenses to make this dashboard available to all sworn supervisors and has established a plan to roll out this resource to supervisors and district command. The dashboard will be made available in July 2024, with TSAU Sergeants providing guidance to supervisors about how to interpret and use the data to support their deputies. The dashboard serves as an additional tool for supervisors to identify potential patterns in deputy traffic stop decision-making and reference in supervisor notes. Previous discussions with Monitor Team and Parties indicated that a supervisor’s decision to use this resource and document in supervisor notes could serve as one of the two monthly EIS reviews. MCSO will follow up to assure that this is officially approved.
- **Status Update 2 (Q3 2024):** The TSAU Sgts conducted internal town halls with each district and shift on how to access and use this dashboard. These trainings occurred across all districts and shifts (weekday and weekend) in order ensure transfer of knowledge to 392 sworn personnel. These town halls/trainings occurred during August and September of 2024. MCSO is not currently requesting that reviews of this dashboard replace one of the two monthly required monthly EIS reviews as was described in Status Update 1.

**Conclusion**

MCSO has established an internal review group made up of staff and command members in a position to implement the actions proposed above. This group meets on a monthly basis, and each action item will include a status update and successes and challenges identified. Additionally, actions that have occurred will be discussed in the following studies for which these actions may have made an impact.



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MCSO recognizes that the traffic stop reports are cyclical in nature, with potential indicia of bias findings triggering the need for MCSO to monitor and intervene. The action items noted above are the interventions MCSO has identified for TSQR 12. MCSO notes it is important to recognize that each annual report is an entirely new set of data that may not align with intervention timeframes, and that findings from subsequent analyses have limitations as a measure for assessing the success for the previous interventions.

No further updates will be provided regarding TSQR 12. Future updates related to the issues described above will be provided in MCSO's responses to TSAR 9, TSQR 14 and TSQR 15.