

MARICOPA COUNTY SHERIFF'S OFFICE
Sworn Supervisor Notes Inspection



Bureau of Internal Oversight
Audits/Inspections Report
Date: 05/15/2016
Audit/Inspection #2016-0050

MARICOPA COUNTY SHERIFF'S OFFICE

Memorandum



Joseph M. Arpaio, Sheriff

To: Lt. Morris #S1014
Commander
Bureau of Internal Oversight

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

Subject: Patrol Supervisory Note Inspection,
April, 2016
Inspection #2016-0050

Date: May 24, 2016
Review Period:
April 1-30, 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:

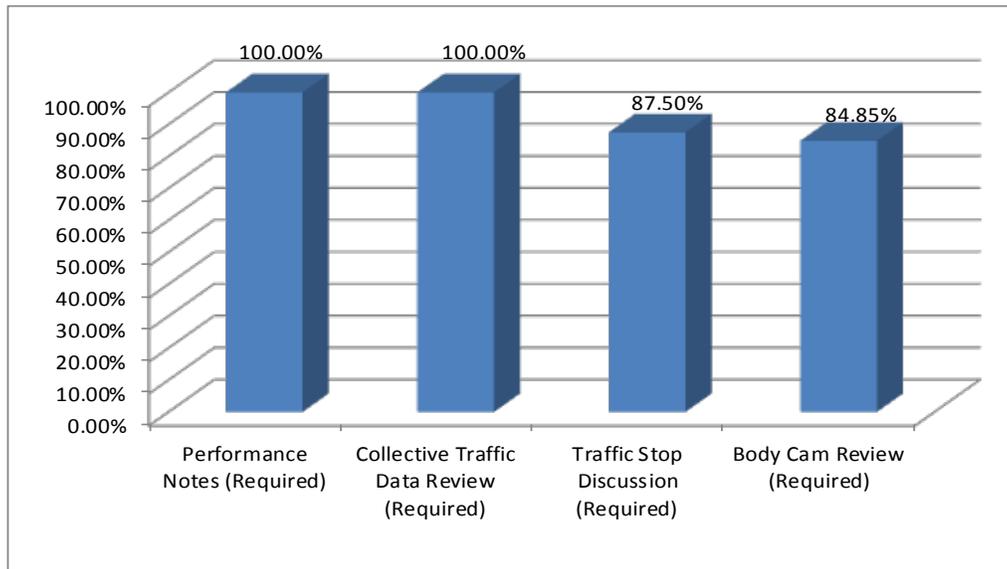
MCSO’s assigned Court Monitors provided a sample of 40 Deputies from all Patrol Districts/Divisions for the April Supervisory Note Review. It should be noted that the completion of a Supervisory Note inspection is dependent on when the Bureau of Internal Oversight receives the sample from the Court Monitors (which may be 30 or more days in arrears).

Our inspection revealed that **100%** of the Sergeants (or 40/40) 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 40/40) were in compliance with the requirement to conduct a collective review of traffic data, as per Policy EB-2, while **87.50%** (or 35/40) of the Sergeants met the requirement for conducting a one-on-one discussion with their Deputies regarding traffic stops, as per Policy EB-1.

It was noted that **84.85%** (or 28/33) of the Sergeants completed the monthly review of body camera footage in accordance with MCSO Policy # GJ-35 (Note: District Five was exempt from this portion of the inspection due to their body cameras not being fully functional during this period. Additionally, two of the Deputies were on FTO duty and had no traffic stops to review), as illustrated in the bar chart below:

Current Compliance Rate: Patrol Supervisory Notes, April 2016



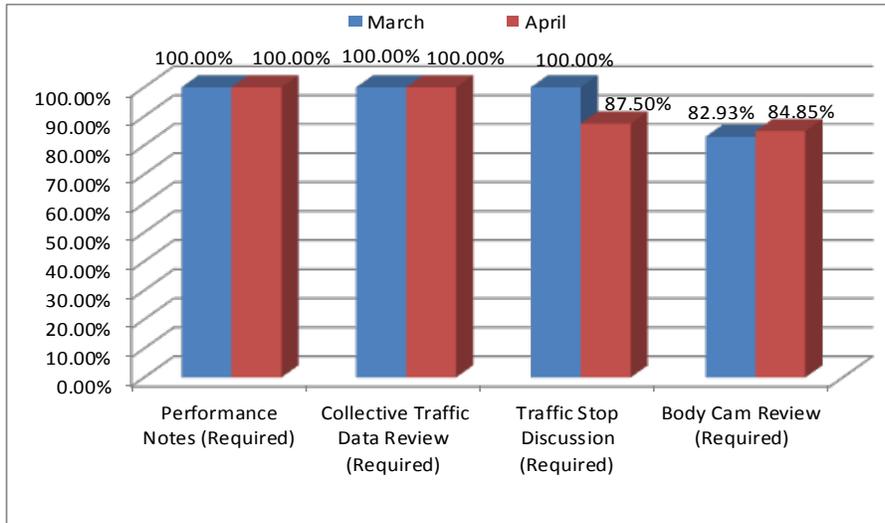
Note: April 2016 is the first month to exclude the monthly review of Anti-Racial Profiling Conversations between Supervisors and Staff. This measure will transition to a quarterly review process, effective this month (i.e., the 2nd Quarter review will include the inspection of April, May and June Supervisory Notes).

Supervisory Note Deficiencies – Areas Requiring Improvement:

<u>Dist/Div:</u>	<u>Sworn Officer Name:</u>	<u>Commander:</u>	<u>Deficiency:</u>
District Three, Surprise	Deputy	Captain	Lacked evidence of a one on one discussion regarding Traffic Stops
<u>Dist/Div:</u>	<u>Sworn Officer Name:</u>	<u>Commander:</u>	<u>Deficiency:</u>
District Five, Lake Patrol	Deputy	Captain	Lacked evidence of a one on one discussion regarding Traffic Stops
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<u>Dist/Div:</u>	<u>Sworn Officer Name:</u>	<u>Commander:</u>	<u>Deficiency:</u>
District Six, Queen Creek	Deputy	Captain	Lacked review of Body Camera Footage
District Six, Queen Creek	Deputy	Captain	Lacked review of Body Camera Footage
District Six, Queen Creek	Deputy	Captain	Lacked review of Body Camera Footage
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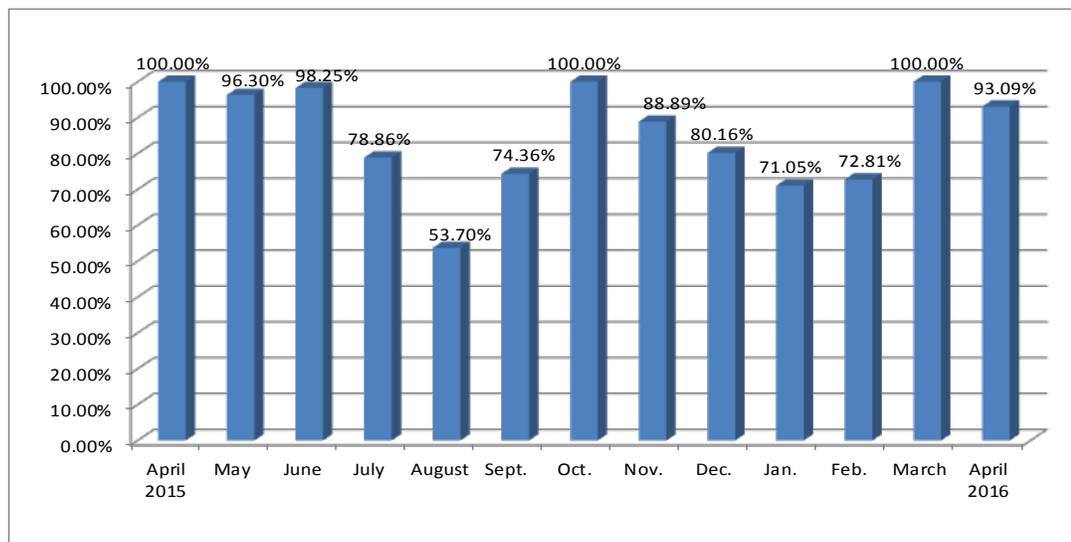
A comparative review of the last two months of Blue Team data indicates that Patrol's individual compliance measurements have shown on-going improvement, as illustrated below:

Compliance Rate: Patrol Supervisory Notes for March - April 2016



Blue Team Documentation:	March	April	Variance:
Performance Notes (Required)	100.00%	100.00%	No change
Collective Traffic Data Review (Required)	100.00%	100.00%	No change
Traffic Stop Discussion (Required)	100.00%	87.50%	Decreased by -12.50 percentage points
Body Cam Review (Required)	82.93%	84.85%	Increased by+ 1.92 percentage points

Averaged Compliance Scores: Patrol Year-to-Date



Note- As of this month, the averaged compliance score has been expanded to include the body cam measurement (i.e., Performance Notes + Traffic Stops + Review of Collective Data + *Body Camera Reviews*).

Findings:

Due to the fact that two of our Division’s just received their Body Camera’s late last month and not all of the cameras are fully operational as of this writing (i.e., Lake Patrol), and also due to the fact that this is the first month to measure the Body Camera requirement, our baseline score of almost 85% compliance with the initiative can be considered a positive achievement. In addition, two of this month’s measures (the performance note and collective traffic review requirements) were consistent with last month’s perfect scores and demonstrate that 100% compliance has been maintained over time. These accomplishments 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 the current status in your monthly Supervisory Note entry to avoid receiving 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:	May 16th, 2016
Date Completed:	May 24th, 2016
Timeframe Inspected:	April 1st through 30th, 2016
Assigned Inspector(s):	Senior Auditor Patty Huling #B3184

I have reviewed this inspection report.



Lieutenant Rick Morris
Division Commander
Audits and Inspections

05/24/2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

05/24/2016
Date