

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

### MCSO Response

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.

**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.

**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.

Of the Districts with stop length disparities, MCSO has identified some of the challenges from 2022 that may have contributed to these findings. These include:

- Poor connectivity with Verizon (technology connectivity) in D5 and D7 in 2022.
- Many of the 2022 traffic stops occurred prior to the addition of the driving documentation ETSI and subsequent updated guidance on appropriate documentation of technology issues on the Vehicle Stop Contact Form (VSCF).
- D4 and D7 are the only districts with a designated traffic car. Findings of difference within the district might have been contributed to by the difference in familiarity/frequency of traffic enforcement of traffic deputies compared to their non-traffic focused peers.
- D5 is a recreational area, not residential, and therefore much more focused on traffic enforcement. Also, the recreational area has a lot more open space with rare stop signs. Drivers and deputies in this recreational area commonly take time for tourist information and community service-related conversations.

**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.

**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.

***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.

**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.

**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 overlaid 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.

**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. 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.

**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.

***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.

**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.

## **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.

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.