

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,
February, 2016
Inspection #2016-0027

Date: March 22, 2016
Review Period:
Feb. 1-29, 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 GB-2, CP-8, EA-11, EB-1, and EB-2.

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.

And,

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:

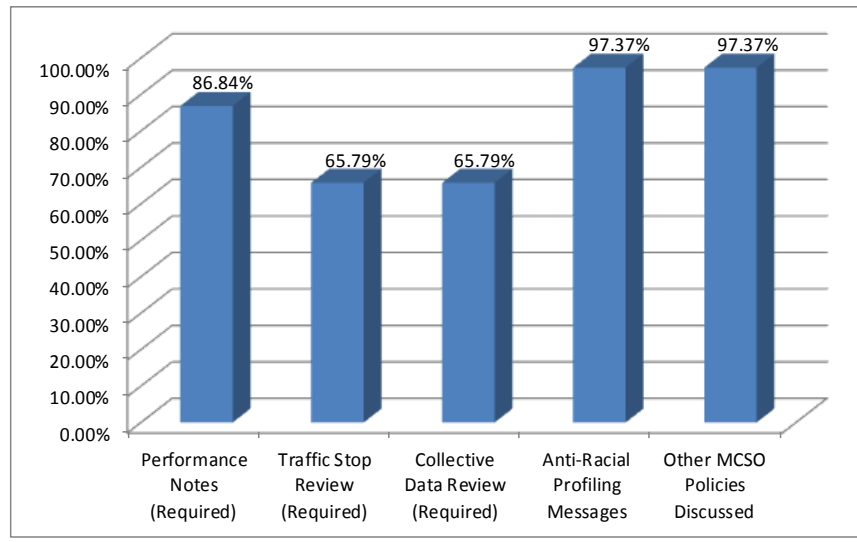
MCSO’s assigned Court Monitors provided a sample of 39 Deputies from all Patrol Districts/Divisions for the February Supervisory Note Review (NOTE: sample size was reduced to 38, due to one Deputy who was out on FMLA/PTO for over 30 days). It should be noted that the completion of a Supervisory Note 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 **86.84%** of the Deputies (or 33/38) met the requirement for two Supervisory Note entries, in accordance with the Melendres Order, while **10.53%** (or 4/38) met partial compliance with one Supervisory Note, and **2.63%** (or 1/38) failed to receive any Supervisory Note entries this month.

It was also determined that **65.79%** of the deputies (or 25/38) were in compliance with the requirement to have discussions with their first-line supervisors regarding traffic stops, in accordance with Policy EB-1. Additionally, **65.79%** of the deputies (25/38) required to have their collected data reviewed by a first-line supervisor were in compliance with Policy EB-2.

It was also noted that **97.37%** of the deputies (or 37/38) had discussions with their supervisors about discriminatory policing/bias based profiling in accordance with Policy EA-11 and CP-8, while **97.37%** of the employees (or 37/38) had entries regarding other MCSO policies, as illustrated in the bar chart below:

Current Compliance Rate: Patrol Supervisory Notes, February 2016

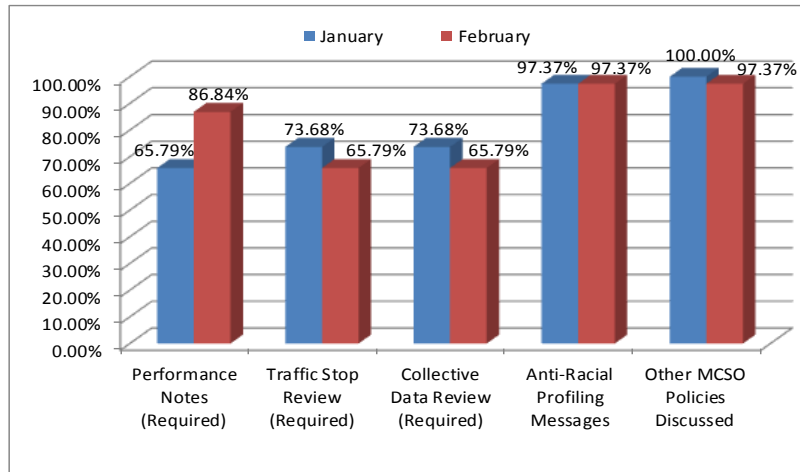


Supervisory Note Deficiencies – Areas Requiring Improvement:

<u>Dist/Div:</u>	<u>Sworn Officer:</u>	<u>Commander:</u>	<u>Deficiency:</u>
D1: Mesa	Deputy	Captain	Lacked Collective Review of Traffic Stop Data, & One-on-One Discussion of Traffic Stop Data.
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<u>Dist/Div:</u>	<u>Sworn Officer:</u>	<u>Commander:</u>	<u>Deficiency:</u>
D2: Avondale	Deputy	Captain	Lacked two Supervisory Note Entries this period.
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<u>Dist/Div:</u>	<u>Sworn Officer:</u>	<u>Commander:</u>	<u>Deficiency:</u>
D4: Cave Creek	Deputy	Captain	Lacked Collective Review of Traffic Stop Data, & One-on-One Discussion of Traffic Stop Data.
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<u>Dist/Div:</u>	<u>Sworn Officer:</u>	<u>Commander:</u>	<u>Deficiency:</u>
D6: Queen Creek	Deputy	Captain	Lacked two Supervisory Note Entries this period.
<u>Dist/Div:</u>	<u>Sworn Officer:</u>	<u>Commander:</u>	<u>Deficiency:</u>
D5: Lake Patrol	Deputy	Captain	Lacked two Supervisory Note Entries, A Collective Review of Traffic Stop Data, & the One on One Discussion re: Traffic Stop Data.
D5: Lake Patrol	Deputy	Captain	Lacked two Supervisory Note Entries this period.

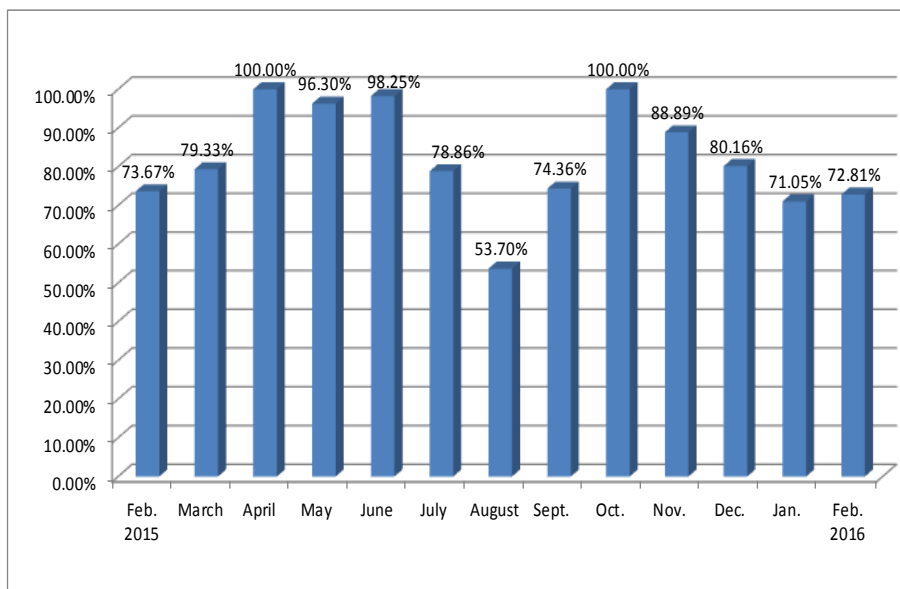
A comparative review of the last two months of Blue Team data indicates that Patrol's individual compliance measurements have historically varied over time, as illustrated below:

Compliance Rate: Patrol Supervisory Notes for January – February 2016



Blue Team Documentation:	Jan. 2016	Feb. 2016	Variance:
Performance Notes (Required)	65.79%	86.84%	Increased by 21.05 percentage points
Traffic Stop Review (Required)	73.68%	65.79%	Decreased by -7.89 percentage points
Collective Data Review (Required)	73.68%	65.79%	Decreased by -7.89 percentage points
Anti-Racial Profiling Messages	97.37%	97.37%	<i>No Change</i>
Other MCSO Policies Discussed	100.00%	97.37%	Decreased 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 chart above provides an illustration of the overall (averaged) compliance scores during the past year to-date. Although the averaged scores have failed to remain constant during this period, it is notable that the Patrol Divisions **achieved a 100% overall (averaged) compliance score on two occasions in 2015** (i.e., April and October), which demonstrates our Supervisor’s 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. 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 three 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

2. *On at least a quarterly basis*, Supervisory Notes shall be used to document 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:	March 16 th , 2016
Date Completed:	March 21st, 2016
Timeframe Inspected:	February 1 st through 29th, 2016
Assigned Inspector(s):	Senior Auditor Patty Huling #B3184

I have reviewed this inspection report.



Captain Dave Munley
Division Commander
Audits and Inspections

03/22/2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

03/22/2016
Date