



MARICOPA COUNTY SHERIFF'S OFFICE

BUREAU OF INTERNAL OVERSIGHT (BIO)
AUDITS AND INSPECTIONS UNIT (AIU)



INTRODUCTION

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MARICOPA COUNTY SHERIFF'S OFFICE

The MCSO consists of:

- 701 Sworn Deputies
- 1878 Detention Officers
- 695 Civilian Employees
- 7 Patrol Districts

Areas of responsibilities include:

- County islands within:
 - Phoenix, Mesa, Chandler, Gilbert, Queen Creek, Buckeye, among others
- Town Contracts include:
 - Fountain Hills, Sun Lakes, Sun City, Queen Creek, Youngtown, Cave Creek, Anthem, among others



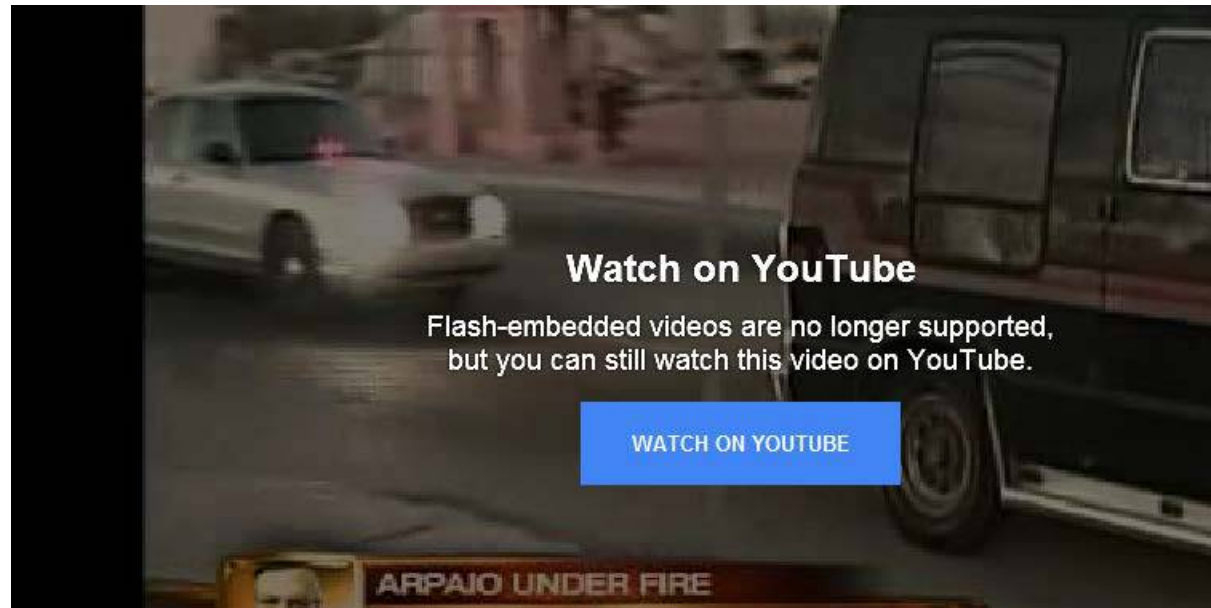
MARICOPA COUNTY SHERIFF'S OFFICE AND COURT ORDERS

The MCSO is currently under 2 Federal Court Orders:

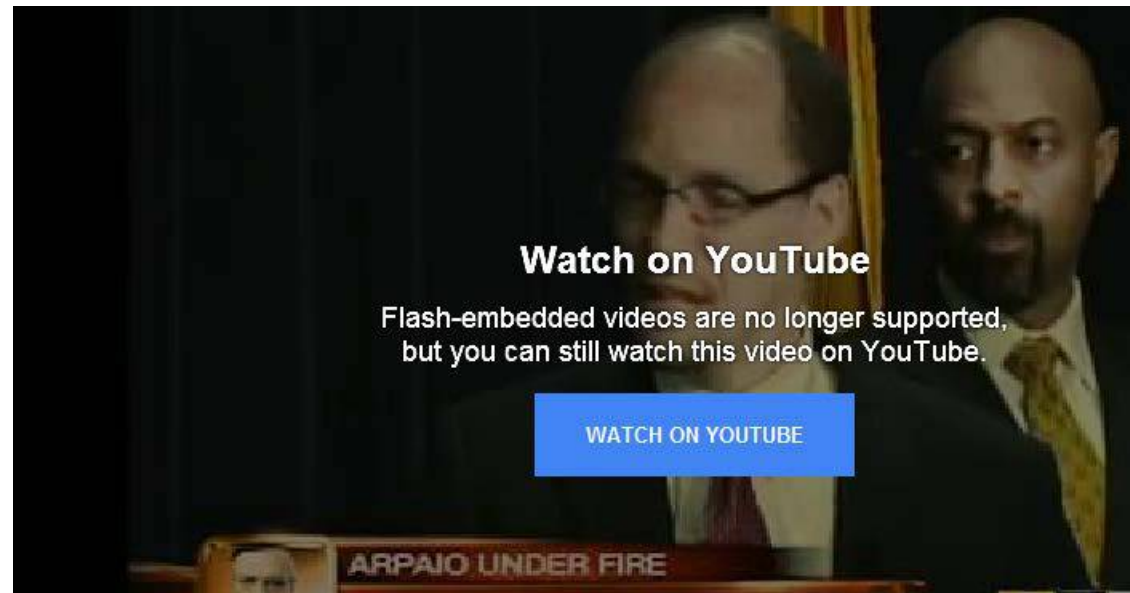
- **First Supplemental Permanent Injunction Order (October 2013)**
 - Resulting from the courts finding of facts that the MCSO's operations violated the Plaintiff Class's rights under the Fourth and Fourteenth Amendments
- **Second Amended Supplemental Permanent Injunction Order (July 2016)**
 - Ordered after the court issued its Finding of Facts in civil contempt proceedings in April 2015, significantly expanding the duties of the Monitor



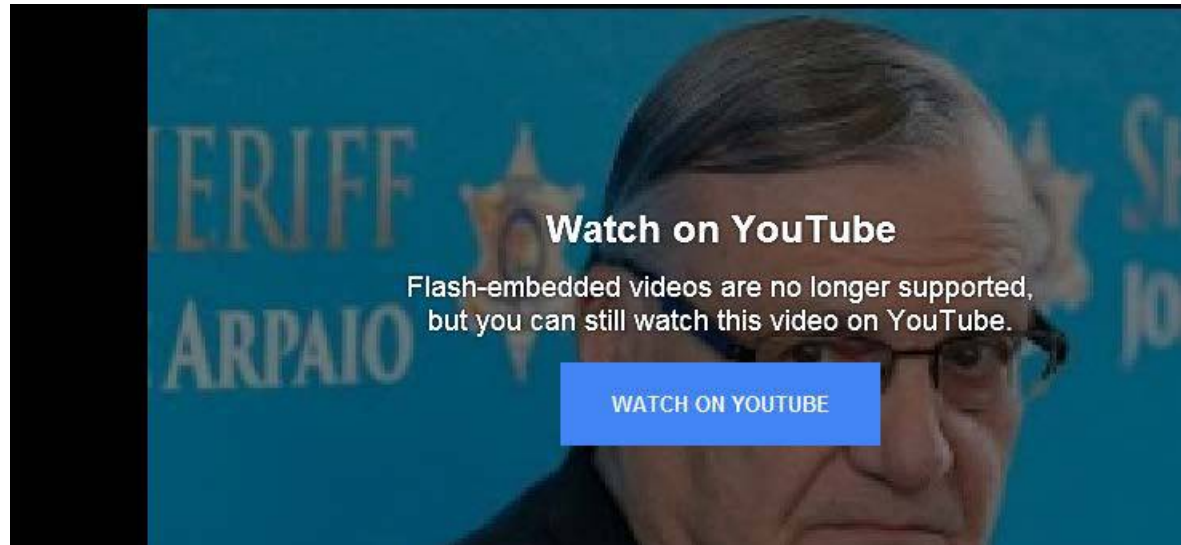
VIDEO- DOJ FILES SCATHING REPORT



VIDEO- DOJ FILES LAWSUIT



VIDEO- SHERIFF FOUND IN CONTEMPT OF FEDERAL COURT ORDER



NEW MCSO ADMINISTRATION

New Administration in 2017

- Sheriff Paul Penzone elected Sheriff in 2016
- Defeated incumbent Sheriff Joe Arpaio in election
 - Arpaio was the Sheriff of MCSO for 24 years (1993-2017)
- Under new administration, there has been more of a collaborative effort in achieving compliance
 - Less adversarial relationships with Monitor Team, DOJ, Plaintiffs (ACLU)
 - Sheriff Penzone appointed a Chief of Staff and Special Counsel to assist in compliance matters
 - Chief of Staff was experienced in dealing with agencies under Consent Decree
 - Substantial Progress has been made in compliance matters over past two years
 - More directed focus on certain paragraphs of the Order and resource allocation to meet goals

COMPLIANCE DETERMINATION OF ORDERS

Both Court Orders require the MCSO to attain “full and effective compliance” for three continuous years

- Full and effective compliance has two components:
 - **Phase 1 Compliance-** The development, approval, and training of staff on new and updated policies and procedures
 - **Phase 2 Compliance-** Considered “operational implementation”. The agency must demonstrate compliance more than 94% of the time, or in more than 94% of the instances under review

- Compliance is determined by the Court Appointed Monitor Team
 - Reports on MCSO’s progress through Quarterly Monitor Reports filed to the Court
 - [Third Quarter 2017 Monitor Report Draft.pdf](#)

HOW MONITOR REPORTS COMPLIANCE

Fourteenth Quarterly Report First Order Summary		
Compliance Status	Phase 1	Phase 2
Not Applicable	14	1
Deferred	0	11
Not in Compliance	13	27
In Compliance	73	61
Percent in Compliance	85%	62%

Fourteenth Quarterly Report Second Order Summary		
Compliance Status	Phase 1	Phase 2
Not Applicable	19	9
Deferred	1	11
Not in Compliance	25	28
In Compliance	78	75
Percent in Compliance	75%	66%

HOW MONITOR REPORTS COMPLIANCE (CONTINUED)

MCSO's Compliance with the Requirements of the First Order (<i>October 2, 2013</i>)														
	Report 1	Report 2	Report 3	Report 4	Report 5	Report 6	Report 7	Report 8	Report 9	Report 10	Report 11	Report 12	Report 13	Report 14
Phase 1	4%	10%	44%	40%	51%	57%	61%	60%	67%	60%	63%	79%	88%	85%
Phase 2	0%	0%	26%	25%	28%	37%	38%	39%	44%	49%	50%	57%	67%	62%

MCSO's Compliance with the Requirements of the Second Order (<i>July 20, 2016</i>)														
	Report 1	Report 2	Report 3	Report 4	Report 5	Report 6	Report 7	Report 8	Report 9	Report 10	Report 11	Report 12	Report 13	Report 14
Phase 1	N/A									1%	10%	12%	72%	75%
Phase 2	N/A									43%	46%	60%	63%	66%



FIRST SUPPLEMENTAL INJUNCTION ORDER

Order issued by Federal Judge Murray Snow in October 2013:

- Resulting from the courts finding of facts that the MCSO's operations violated the Plaintiff Class's rights under the Fourth and Fourteenth Amendments
- Proposed Consent Decree could not be agreed upon by both parties (MCSO and Plaintiff Class,) and as a result Judge Snow ordered supplemental injunction relief (First Court Order)
- *Melendres v Arpaio*, under previous administration
- Order required a Court Appointed Monitor Team to oversee the agency and determine compliance

SECOND SUPPLEMENTAL INJUNCTION ORDER

Second Order issued by Federal Judge Murray Snow in July 2016:

Order issued also by Federal Judge Murray Snow in July 2016 after civil contempt hearings in which the agency was found to have issues in conducting misconduct investigations, training, employee discipline, transparency, document perseveration, as well as further negative impacts on the Plaintiff Class regarding the intake and investigation of misconduct allegations submitted by Latinos

- Second Order was also implemented under previous administration- Sheriff Joe Arpaio
- Order also requires the Court Appointed Monitor Team to oversee the agency and determine compliance regarding the issues outlined in this Order



MCSO CURRENT COMPLIANCE PROGRESS

First Order

First Supplemental Order has 99 Paragraphs in which MCSO is being determined for Phase 1 and Phase 2 compliance

- MCSO currently has achieved Phase 1 compliance in 73 paragraphs, or 85%
- MCSO currently has achieved Phase 2 compliance in 63 paragraphs, or 64%

Second Order

Second Supplemental Order has 114 paragraphs in which MCSO is being determined for Phase 1 and Phase 2 compliance

- MCSO currently has achieved Phase 1 compliance in 80 paragraphs, or 77%
- MCSO currently has achieved Phase 2 compliance in 85 paragraphs, or 75%

THE BUREAU OF INTERNAL OVERSIGHT (BIO)

The Bureau of Internal Oversight (BIO) is part of the Bureau of Compliance



BIO is made up of the following units:

- Early Identification Unit (EIU)
- Traffic Stop Analysis Unit (TSAU)
- Audits and Inspections Unit (AIU)

EARLY IDENTIFICATION UNIT (EIU)

The EIU is responsible for identifying patterns or potential problematic behavior of personnel prior to such behavior negatively impacting the Office or the community

- In doing so, the EIU goal is to provide supervisory notification of such action, which may allow for a supervisor to intervene prior to the actions or behaviors developing into misconduct investigated by the Professional Standards Bureau
- The EIU has developed an Action Plan process that allows supervisors to outline a plan to help the employee avoid the continuance of the identified behavior. Some Action Plan components include:
 - Supervisor Ride-alongs
 - Discussions with supervisors
 - Discussion with division commanders

TRAFFIC STOP ANALYSIS UNIT (TSAU)

The TSAU is responsible for analysis of the agency's traffic stop data at weekly, monthly, quarterly, and annual intervals

- The analysis is intended to identify patterns or potential problematic behaviors related to minority traffic stops
 - Traffic stop outcome (Citations vs Warnings)
 - Stop times
 - Driver & Passenger searches
 - Any other patterns identified that occur in minority stops,
- The TSAU is also responsible for notifying supervisors through EIS Alerts of any identified behaviors to determine the root cause of such activity



AUDITS AND INSPECTIONS UNIT (AIU)

The AIU is responsible for conducting internal audits of divisions within the Sheriff's Office, as well as conducting monthly, quarterly, and semi-annual inspections to ensure policy and Court Order compliance

- The AIU is comprised of the following personnel:
 - 1 Sworn Lieutenant
 - 3 Internal Sr. Auditors (Civilian staff)
 - 5 Inspectors (4 Sworn sergeants and 1 Detention sergeant)



AUDITS AND INSPECTIONS UNIT (CONT'D)

- **The First Supplemental Court Order requires the MCSO to develop a plan to conduct “regular, targeted, and random integrity audit checks to identify and investigate deputies possibly engaging in improper behavior”**
- **The AIU’s efforts in conducting internal audits and inspections meets the Court Order requirement of “regular and random” integrity checks**

AIU INTERNAL AUDITS

The AIU utilizes 3 Internal Sr. Auditors to conduct audits on divisions within the agency

- On average, each auditor conducts 2 audits per year on different divisions within the Office
- Maricopa County has their own audit teams who conduct audits on County organizations
- On a yearly basis the AIU conducts an Office Risk Assessment in which all divisions within the agency are considered for their “risk factors”
- The AIU then works with Executive Command to determine the Audit Schedule, considering the Annual Risk Assessment



AIU INSPECTIONS

The AIU consists of 4 sworn sergeants and 1 sworn detention sergeant responsible for conducting inspections (Non-Audit Services) to determine compliance with policy and Court Order requirements

- The AIU currently conducts 13 reoccurring monthly inspections and 3 quarterly inspections (168 per year)
 - MCSO utilizes IPro to track and store all working papers for respective audit and inspections
- Most inspections were developed by the agency to inspect the same material that the Court Appointed Monitor Team inspects for compliance
 - As a result of the agency conducting these inspections, many of the inspections by AIU are used by the Monitor Team to assist them in determining current compliance in certain areas
 - All inspections indicate an overall compliance rate determination



DEFICIENCIES IDENTIFIED IN AIU INSPECTIONS

When a BIO Inspection Report identifies a deficiency, the AIU issues a BIO Action Form

- The BIO Action Form is sent to the immediate supervisor of the employee with the deficiency for the supervisor to address the deficiency and notate the corrective action taken
 - The employee must sign the completed form, acknowledging their awareness of the deficiency and corrective action taken against them
 - All BAF's are tracked (with unique identifier in IAPro and linked to the respective BIO Inspection Report)
 - Allows BIO to run reports to identify patterns of deficiencies by employees or divisions
 - The EIU tracks all BIO Action Form (deficiencies) and if an employee meets the threshold set in the EIS, it will trigger an EIS Alert
 - If a deficiency is identified by the inspector that is more serious in nature, they will author a memorandum of concern to the PSB
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- [BI2018-0073 Sworn Supervisor Notes June WEB.pdf](#)
 - [Blue Team BIO Action Form.docx](#)

CURRENT INSPECTIONS CONDUCTED BY AIU

Monthly Inspections:

- Facility and Property Inspection
- County Attorney and Justice Court Turndowns
- Supervisor Note of Civilian, Detention and Sworn personnel
- Traffic Stop Data
- Employee Emails
- CAD/Alpha Paging Systems
- Patrol Shift Rosters
- Supervisor Review of Traffic Stops
- Supervisor Discussion of Traffic Stops
- Patrol Activity Logs
- Misconduct Investigations

Quarterly Inspections:

- Bias-Free Reinforcement (Sworn and Detention)
- Incident Reports

Upcoming Inspections for AIU:

- Post Stop Ethnicity
- Passenger Contacts & Driver/Passenger Searches
- Non-Traffic Contacts

FACILITY AND PROPERTY INSPECTION

A **monthly inspection** in which the AIU selects a patrol or detention division and conducts a physical inspection of the facility's:

- Property and Evidence procedure adherence by personnel
- Adherence to policy regarding equipment, building requirements, record retention, etc.
- Inspectors randomly select the division for inspection each month

*** Court Order requires that MCSO ensure that no MCSO, county facilities and/or equipment were being used in a manner that discriminates or denigrates anyone based upon any of the protected categories**

COUNTY ATTORNEY AND JUSTICE COURT TURNDOWNS

A **monthly inspection** examining all Superior Court cases and a sample of the Justice Court cases in which charges were dismissed or the case was declined by the prosecutorial authority

- Inspector reviews these cases looking for “irreversible errors” or any cases in which a person’s constitutional rights may have been violated, which in turn caused the case to be dismissed
- Inspector also identifies other policy deficiencies identified during inspection
- MCSO selects a 20 case sample of JP cases per month

SUPERVISOR NOTES INSPECTION

The AIU conducts **monthly inspections** of employee Supervisor Notes for Sworn, Detention, and Civilian personnel

- Inspector determines if notes entered by the supervisor included required elements pursuant to policy

Sworn Notes

- 2 per month
- Bi-weekly review of EIS information
- One note must contain a performance based element

Detention and Civilian

- One note per month
- Note provided a performance based element

TRAFFIC STOP DATA INSPECTION

The AIU conducts a **monthly inspection** of the agency's traffic stop data contained within TraCS and captured on Body-Worn Camera

- The Monitor Team selects 35 traffic stops per month for inspection, with 10 of those stops requiring a review of the associated Body-Worn Camera footage
- Inspector has approximately 22 points of inspection he is reviewing for compliance with policy

EMPLOYEE EMAIL INSPECTION

The AIU conducts a **monthly inspection** of 35 randomly selected employees' email accounts for the respective month

- The sample is selected by AIU
- The inspector reviews emails to ensure compliance with policy regarding the use of County email system

*** Court Order requirement that no MCSO, county facilities and/or equipment are being used in a manner that discriminates or denigrates anyone based upon any of the protected categories**

CAD/ALPHA PAGING SYSTEM

The AIU conducts a **monthly inspection** of the CAD and Alpha Paging systems for the same criteria as the Email Inspections

- AIU selects a 7 day sample and inspects all CAD and Alpha Paging messages for that time

*** Court Order requirement that no MCSO, county facilities and/or equipment are being used in a manner that discriminates or denigrates anyone based upon any of the protected categories**

PATROL SHIFT ROSTER INSPECTION

The AIU conducts a **monthly inspection** of the Patrol Shift Rosters

- All patrol shift rosters for all districts and squads are reviewed for the respective month
- Inspected to:
 - Ensure proper span of control being followed (1 to 8 per Court Order)
 - Ensure deputies are working the same dates and shifts as their supervisor
 - Ensure that only employees with the rank of supervisor or above are being assigned to supervise

SUPERVISOR REVIEW OF TRAFFIC STOPS

The AIU conducts **monthly inspections** of the requirement that supervisors review all traffic stops conducted by employees assigned to them within 72 hours to identify indicia of bias-based policing or racial profiling

- The Monitor Team selects one patrol squad from each district per month for AIU to inspect
- The MCSO utilizes TraCS database for traffic stops and requirement that all stops have a Vehicle Stop Contact Form completed
 - Vehicle Stop Contact Form is reviewed as supervisor is required to check box that the stop was reviewed
 - Time and date stamp inspected for timeframe compliance

SUPERVISOR DISCUSSION OF TRAFFIC STOPS

The AIU conducts **monthly inspections** of the requirement that supervisors discuss all traffic stops conducted by employees assigned to them on a monthly basis to identify indicia of bias-based policing or racial profiling

- The Monitor Team selects one patrol squad from each district per month for AIU to inspect
- The MCSO utilizes TraCS database for traffic stops and requirement that all stops have a Vehicle Stop Contact Form (VSCF) completed
 - Vehicle Stop Contact Form is reviewed as supervisor is required to check box that the stop was discussed
 - Time and date stamp inspected for timeframe compliance

PATROL ACTIVITY LOG INSPECTION

The AIU conducts **monthly inspections** of the requirement that supervisors review all patrol activity logs by employees assigned to them within 7 calendar days

- The Monitor Team selects one patrol squad from each district per month for AIU to inspect
- The MCSO utilizes Praxis database which is fed by CAD to automatically create a Patrol Activity Log for any deputy logged on
- Supervisor must review log within 7 days to ensure accuracy and completeness of log
- Praxis time and date stamped inspected



MISCONDUCT INVESTIGATIONS

The AIU conducts **monthly inspections** of the completed misconduct investigations completed by the PSB by sworn and detention personnel, as well as investigations completed by patrol divisions

- Sample of up to 20 closed cases per month are selected by the Monitor Team
- Inspector is ensuring compliance with all aspects of policy in each completed case
- [BI2018-00XX Misconduct Investigations Jan-Jun 2018 WEB.docx](#)

*** Second Order requires the BIO to conduct a semi-annual public audit report that reviews a sample of closed investigations within the six month period, identifying any procedural irregularities**

BIAS-FREE REINFORCEMENT INSPECTION

The AIU conducts **quarterly inspections** of sworn and detention Supervisor Notes to ensure that the Supervisor reinforced bias-free policing requirements

- Sample is selected by Monitor Team
- Inspector looking for documentation within Supervisor Notes or Briefing Notes for employee that the reinforcement was conducted

INCIDENT REPORT INSPECTION

The AIU conducts **quarterly inspections** of Incident Reports (IR's) completed by sworn personnel

- Sample of IR's selected by Monitor Team
- Inspector is reviewing the reports to ensure compliance with policy and Court Order requirements

FUTURE INSPECTIONS

As a result of concerns raised by either the Monitor or the parties, the AIU is developing three new inspections to implement in the near future:

- Post Stop Ethnicity Inspection
- Passenger Contacts & Driver/Passenger Searches
- Non-Traffic Contacts

POST STOP ETHNICITY

Will be a **monthly inspection** in which a sample of traffic stops involving Hispanic Surname drivers is reviewed to ensure that the proper ethnicity selection of the driver and passengers is selected by the deputy on the VSCF

- Sample will be determined by MCSO
- Will be implemented due to concerns by Plaintiff Class on misidentification of ethnicity by deputies to underreport these contacts

PASSENGER AND DRIVER/PASSENGER SEARCHES

Will be a **monthly inspection** in which AIU reviews a traffic stops involving passenger contacts and/or driver and passenger searches

- AIU will inspect sample selected by Monitor Team
- Inspection will determine if deputies are appropriately identifying passenger contacts on the VSCF
- Inspection will determine if deputies are accurately documenting the types of searches on traffic stops and if searches were legal
- Need for inspection as Monitor Team determines agency compliance regarding passenger contacts on traffic stops and searches of individuals on stops. The compliance rate has been very low for documenting or correctly documenting searches

NON-TRAFFIC CONTACTS

AIU will conduct a **monthly inspection** of the Non-Traffic Contact Forms completed by deputies

- Sample will be selected by the Monitor Team
- Inspector will ensure that all forms have been appropriately completed, pursuant to policy requirements and used in the appropriate situations

BIO INSPECTION REPORT TRACKING

BIO Inspection Report deficiencies are tracked through the EIS

- 3 deficiencies in a rolling 12 month period by an employee will trigger an EIS Alert
- AIU provides a quarterly analysis of the past year to Executive Command to use as a tool in identifying potential compliance issues by district
- AIU collaborates with Training Division to build training on high frequency deficiencies that are affecting compliance
 - Training has added information into annual required training for personnel
- AIU will utilize the analysis of reports in determining targeted integrity testing, as required by Court Order

DISSEMINATION AND PUBLISHING REPORTS

- ❖ The BIO has its own website <https://www.mcsobio.org/> in which all inspection reports and most audits are published in redacted form for anyone to read
- ❖ All BIO Inspection Reports are disseminated to commanders in the organization to help build awareness of common deficiencies

OTHER AIU FUNCTIONS

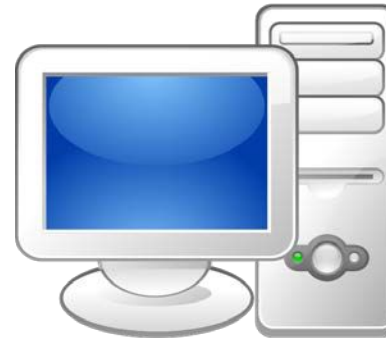
- ❑ The AIU is responsible for implementing a Complaint Intake Testing Program designed to assess the agencies civilian complaint intake process
- ❑ The AIU is responsible for implementing Targeted Integrity tests, designed to allow the agency the ability to conduct tests of a targeted employee when there is sufficient reason to believe the employee may be engaging in misconduct or unwarranted behavior



COMPLAINT INTAKE TESTING

The MCSO is required per the Second Order to initiate a testing program designed to assess civilian complaints intake

- Testing of the process must include fictitious complaints filed by testers posing as members of the public through:
 - In-person methods
 - Phone
 - Email
 - Mail
 - MCSO's website



COMPLAINT INTAKE TESTING (CONT'D)

- The AIU has contracted with two vendors to conduct the testing of our complaint intake process:
 - One vendor is responsible for in-person testing method
 - One vendor is responsible for phone, email, mail and MCSO's website testing methods
- AIU is responsible for the analysis of the testing process and per the Court Order, must provide an annual report outlining specific criteria contained in the Court Order
- AIU is currently working on a monthly inspection report that will analyze all tests in a given month for policy compliance and Court Order elements, which will then be used to create the annual report

TARGETED INTEGRITY TESTS

The AIU is responsible for conducting targeted integrity tests for the MCSO

- MCSO must conduct targeted tests when issues or concerns are identified in which a specific employee, squad, etc. may be engaging in improper behavior
- Requirement to have the ability to conduct sting or covert operations for this purpose



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CONTACT INFORMATION

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QUESTIONS & ANSWER SESSION



Questions?

