

EXHIBIT 1

Maricopa County Sheriff's Office

Jerry Sheridan, Sheriff

COURT IMPLEMENTATION DIVISION

**Forty Sixth Quarterly Compliance
Report**



**COVERING THE THIRD QUARTER OF 2025
July 1, 2025 – September 30, 2025**

Table of Contents

Section 1: Introduction	1
Section 2: Compliance Summary	2
Section 3: Implementation Unit Creation and Documentation Requests.....	38
Section 4: Policies and Procedures.....	41
Section 5: Pre-Planned Operations	52
Section 6: Training.....	55
Section 7: Traffic Stop Documentation and Data Collection.....	63
Section 8: Early Identification System (EIS)	83
Section 9: Supervision and Evaluation of Officer Performance	93
Section 10: Misconduct and Complaints.....	100
Section 11: Community Engagement	102
Section 12: Misconduct Investigations, Discipline, and Grievances.....	113
Section 13: Community Outreach and Community Advisory Board	142
Section 14: Supervision and Staffing.....	143
Section 15: Document Preservation and Production.....	145
Section 16: Additional Training.....	147
Section 17: Complaints and Misconduct Investigations Relating to Members of the Plaintiff Class	148
Section 18: Third Order Paragraphs	155
Section 19: Fourth Order Paragraphs.....	165
Section 20: Conclusion.....	169

Section 1: Introduction

This is the 46th Quarterly Report of the Maricopa County Sheriff's Office ("MCSO") covering July 1, 2025 through September 30, 2025 in *Melendres v. Sheridan, et al*, No. CV-07-2513-PHX-GMS ("*Melendres*"). Through it, the MCSO reports its compliance with the Hon. G. Murray Snow's October 2, 2013 Supplemental Permanent Injunction/Judgment Order (Doc. 606), as amended ("First Order"), the Second Supplemental Permanent Injunction/Judgment Order (Doc. 1765), as amended ("Second Order"), the Third Supplemental Permanent Injunction/Judgment, as amended ("Third Order") and the Fourth Amended Supplemental Permanent Injunction/Judgment Order (Doc. 3075) ("Fourth Order"). MCSO submits this Report to comply with Paragraph 11 of the Court's First Order.

The purpose of this Report is to describe and document the steps MCSO has taken to implement the Court's Orders and MCSO's plans to correct any issues moving forward, as well as to provide responses to concerns raised in the Monitor's 45th Quarterly Report covering the Second Quarter 2025 (April 1, 2025–June 30, 2025), filed with the Court on January 27, 2026 (Doc. 3381.)

This Report documents, by Paragraph, MCSO's compliance with the Court's Orders. It identifies each Paragraph for which MCSO is "in compliance" for both Phase 1 and Phase 2, as well as each Paragraph for which MCSO remains in Full and Effective Compliance ("FEC"). It also lists Paragraphs that are rated as "not in compliance" or "deferred" along with information about MCSO's efforts to attain compliance. This Report further identifies those Paragraphs with which MCSO disagrees with the Monitor's "not in compliance" determination and provides the factual and legal basis for why MCSO must be found in compliance with those Paragraphs. Finally, this Report identifies the Paragraphs for which MCSO asserts FEC this Quarter.

The changes in MCSO policy, practices, and internal accountability resulting from the Court's Orders have been significant. Despite the prevalent, false, factually unsupported narrative otherwise, the conduct that led to the litigation that resulted in these Orders has ended, and policies, training, and oversight are in place to prevent those problems from happening again. Indeed, MCSO has become the flag bearer for data collection and monitoring for potential bias and disparities.

In this Quarter, in addition to its ongoing compliance efforts, MCSO improved its process for addressing disparities identified in traffic stop studies. In addition, MCSO has implemented policies to substantially decrease and ultimately eliminate the backlog of administrative investigations, while simultaneously investigating and closing current investigations. Moreover, MCSO continues to identify innovative ways to address the misconduct backlog while also working to resolve current misconduct complaints within the Court ordered time-limits. Regardless of the strides that it has made, MCSO will continue to work relentlessly to eliminate the investigation backlog.

Although MCSO is in compliance with most of the Orders' requirements, a few outstanding hurdles to compliance exist. In recent Reports, MCSO has listed four primary outstanding issues: (1) eliminating the backlog in misconduct investigations; (2) resolving a dispute between MCSO and the Monitor involving consent to search forms and when the form is required; (3) satisfying the Monitor that MCSO is complying with the requirements regarding responding to disparities identified in its traffic stop studies; and (4) satisfying the Monitor that MCSO has been and continues to work with the Community Advisory Board ("CAB") to foster trust with the community.

Section 2: Compliance Summary

This Report includes compliance ratings for the First, Second, Third, and Fourth Orders in the *Melendres* lawsuit.

The Monitor rates MCSO compliance with the Court's Orders' Paragraphs, or requirements, in two phases. In Phase 1, the Monitor assesses "whether MCSO has developed and approved requisite policies and procedures, and MCSO personnel have received documented training on their contents." *See* Twenty-Seventh Report, Independent Monitor for MCSO, May 14, 2021 (Doc. 2637 at 4.) For Phase 2 compliance, which is "generally considered operational implementation," the Monitor requires that MCSO comply with the Court's Orders' requirements "more than 94% of the time or in more than 94% of the instances under review." *Id.* This 94% compliance metric is not Court-ordered, but rather an arbitrarily established Monitor metric. In fact, in its Comments to the Monitor's 43rd Report, Plaintiff/Intervenor United States objected to the 94% compliance threshold, stating:

The Monitor's methodology does not provide an objective basis for this required score. At this stage in the case, the Monitor should reevaluate its compliance methodology and focus resources on the key outstanding areas. Instead of applying a rigid numerical threshold, the Monitor should apply an objective, practical approach to determine whether MCSO has implemented the Orders. (Doc. 3198-3 at 1).

MCSO emphasizes its continued agreement with the United States that the Monitor should apply an objective, practical approach to determine MCSO's compliance with the Court's Order. Nevertheless, under the Court's Orders, MCSO has transformed into an agency that sets national benchmarks in transparency and consent practices, which the Monitor's current methodology fails to capture or reflect.

Accordingly, consistent with MCSO and Department of Justice's shared criticism of the Monitor's compliance methodology, MCSO has requested that the Monitor reevaluate its methodology and confine its compliance determination to the particular requirements of each individual Paragraph. The Monitor has repeatedly stated in its Report that it documents MCSO's compliance with applicable Order requirements or Paragraphs. Thus, MCSO's position is that the Monitor must address whether MCSO has complied with each individually applicable Paragraph as a distinct Order requirement. MCSO asserts that the Monitor violates its own methodology because it conflates the requirements of multiple Paragraphs and imports the requirements of unrelated Paragraphs into any given analysis. Once again, MCSO asks that the Monitor adhere to the Court's Orders, establish an objective methodology, and analyze MCSO's compliance with each Paragraph according to that Paragraph's own, unique requirements without reference to unrelated Paragraphs.

The Monitor's 45th Quarterly Report assessed MCSO's compliance with 94 applicable Paragraphs of the First Order and 113 applicable Paragraphs of the Second Order, for a total of 207 applicable Paragraphs. Starting with the Monitor's 35th Quarterly Report, the Monitor began assessing MCSO's compliance with the Court's Third Order. Starting with the Monitor's 43rd Quarterly Report, the Monitor began assessing MCSO's compliance with the Court's Fourth Order, which amended Paragraph 204 of the Second Order and Paragraphs 356, 357 and 358 of the Third Order. As of the Monitor's most recent Quarterly Report, the Monitor assessed compliance with 17 paragraphs of the Third Order and 4 Paragraphs of the Fourth Order. The reporting period for this Report covers the Third Quarter 2025 (July 1, 2025 through September 30,

2025). Based on the Monitor's 45th Quarterly Report, when this Quarter began, MCSO's compliance ratings for the Court's Orders according to the Monitor were:

- First Order compliance rating:
 - Phase 1 compliance -- 100% (80 Paragraphs)
 - Phase 2 compliance -- 90% (85 Paragraphs)
- Second Order compliance rating:
 - Phase 1 compliance -- 100% (103 Paragraphs)
 - Phase 2 compliance -- 95% (107 Paragraphs)
- Third Order compliance rating:
 - Phase 1 compliance -- 100% (4 Paragraphs)
 - Phase 2 compliance -- 88% (15 Paragraphs)
- Fourth Order compliance rating:
 - Phase 1 compliance -- 100% (1 Paragraphs)
 - Phase 2 compliance -- 75% (3 Paragraphs)

Based on the Monitor's assessment of MCSO's compliance with the requirements of the Court's First, Second, Third, and Fourth Orders, MCSO began the Quarter in Phase 1 compliance with 188 Paragraphs, a 100% rating, and in Phase 2 compliance with 210 Paragraphs, a 92% overall rating. The Monitor determined that MCSO was out of compliance with 14 First, Second, Third, and Fourth Order Paragraphs. Compliance was deferred on 4 Paragraphs.

According to the Monitor's most recent report, MCSO has also achieved Full and Effective Compliance with 171 Paragraphs of the Court's First, Second, Third, and Fourth Orders. At a minimum, this means that MCSO has been in both Phase 1 and Phase 2 compliance with the requirements of those Paragraphs for at least three consecutive years. **In this Report, MCSO is asserting that it should be found in Full and Effective Compliance with Paragraph 288 of the Court's Order.**

The following table reflects MCSO's compliance status with respect to each of the Paragraphs of the Court's First, Second, Third, and Fourth Orders, along with the Paragraphs for which MCSO is asserting Full and Effective Compliance.

MCSO <i>Melendres</i> Court Order Compliance Chart		
Paragraph No.	Requirement	Monitor’s 45th Quarterly Report
		Phase 1Phase 2
FIRST ORDER		
Section III. MCSO Implementation Unit and Internal Agency-Wide Assessment		
9	Form a Court Order Implementation Unit	Full and Effective Compliance
10	Collection and Maintenance of All Data and Records	Full and Effective Compliance

11	MCSO Quarterly Report	Full and Effective Compliance	
12	MCSO Annual Internal Assessment – Information	Full and Effective Compliance	
13	MCSO Annual Internal Assessment - Dates/Compliance	Full and Effective Compliance	
Section IV. Policies and Procedures			
19	Conduct Comprehensive Review of All Patrol Policies and Procedures	Full and Effective Compliance	
21	Create and Disseminate Policy Regarding Biased-Free Policing	Full and Effective Compliance	
22	Reinforce Discriminatory Policing is Unacceptable	Full and Effective Compliance	
23	Modify Code of Conduct Policy (CP-2): Prohibited Use of County Property	Full and Effective Compliance	
24	Ensure Operations are Not Motivated, Initiated, or Based on Race or Ethnicity	Full and Effective Compliance	
25	Revise Policies to Ensure Bias-Free Traffic Enforcement	In Compliance	In Compliance
26	Revise Policies to Ensure Bias-Free Investigatory Detentions and Arrests	Full and Effective Compliance	
27	Remove LEAR Policy from Policies and Procedures	Full and Effective Compliance	
28	Revise Policies Regarding Immigration-Related Law	Full and Effective Compliance	
29	All Policies and Procedures shall Define Terms Clearly, Comply with Applicable Law and Order Requirements, and Use Professional Standards	Full and Effective Compliance	
30	Submit All Policies to Monitor within 90 Days of Effective Date; and Have Approval by Monitor Prior to Implementation	Full and Effective Compliance	
31	Ensure Personnel Receive, Read, and	Full and Effective Compliance	

	Understand Policy		
32	All Personnel shall Report Violations of Policy, and Employees shall be Held Accountable for Policy Violations	In Compliance	Not in Compliance ¹
33	Personnel Who Engage in Discriminatory Policing shall be Subject to Discipline	In Compliance	Not in Compliance ²
34	On Annual Basis, Review Policy and Document It in Writing	Full and Effective Compliance	
Section V. Pre-Planned Operations			
35	Monitor shall Regularly Review Documents of any Specialized Units Enforcing Immigration-Related Laws to Ensure Accordance with Law and Court Order	Full and Effective Compliance	
36	Ensure Significant Ops or Patrols are Race-Neutral in Fashion; Written Protocol shall be Provided to Monitor in Advance of any Significant Op or Patrol	Full and Effective Compliance	
37	Have Standard Template for Op Plans and Standard Instructions for Supervisors, Deputies, and Posse Members	Full and Effective Compliance	
38	Create and Provide Monitor with Approved Documentation of Significant Op within 10 Days After Op	Full and Effective Compliance	
39	Hold community outreach meeting within 40 days after any significant operations or patrol in the affected District(s)	Full and Effective Compliance	
40	Notify Monitor and Plaintiffs within 24 hrs. of any Immigration-Related Traffic Enforcement Activity or Significant Op Arrest of 5 or more People	Full and Effective Compliance	
Section VI. Training			
42	Selection and Hiring of Instructors for	In Compliance	In Compliance.

¹ MCSO disputes the Monitoring Team's finding it "Not in Compliance" with Phase II.

² MCSO disputes the Monitoring Team's finding it "Not in Compliance" with Phase II.

	Supervisor Specific Training		
43	Training at Least 60% Live Training, 40% On- line Training, and Testing to Ensure Comprehension	Full and Effective Compliance	
44	Training Schedule, Keeping Attendance, and Training Records	Full and Effective Compliance	
45	Training may Incorporate Role-Playing Scenarios, Interactive Exercises, and Lectures	Full and Effective Compliance	
46	Curriculum, Training Materials, and Proposed Instructors	Deferred ³	
47	Regularly Update Training (from Feedback and Changes in Law)	Full and Effective Compliance	
48	Bias-Free Policing Training Requirements (12 hrs. Initially, then 6 hrs. Annually)	Full and Effective Compliance	
49	Bias-Free Policing Training Shall Incorporate Current Developments in Federal and State Law and MCSO Policy	Full and Effective Compliance	
50	Fourth Amendment Training (6 hrs. Initially, then 4 hrs. Annually)	Full and Effective Compliance	
51	Fourth Amendment Training Shall Incorporate Current Developments in Federal and State Laws and MCSO Policy	Full and Effective Compliance	
52	Supervisor Responsibilities Training (6 hrs. Initially, then 4 hrs. Annually)	Full and Effective Compliance	
53	Supervisor Responsibilities Training Curriculum	Full and Effective Compliance	
Section VII. Traffic Stop Documentation and Data Collection and Review			
54	Collection of Traffic Stop Data	In Compliance	Not in Compliance

³ MCSO disputes the Monitoring Team deferring Full and Effective Compliance in its 45th Report and believes that it not only in compliance with Phases 1 and 2 of this Paragraph, it should remain in Full and Effective Compliance with this Paragraph.

55	Assign Unique ID for Each Incident/Stop, So Other Documentation Can Link to Stop	Full and Effective Compliance	
56	Maintain Integrity and Accuracy of Traffic Stop Data	In Compliance	In Compliance ⁴
57	Ensure Recording of Stop Length Time and Providing Signed Receipt for Each Stop	Full and Effective Compliance	
58	Ensure all Databases Containing Individual-Specific Data Comply with Federal and State Privacy Standards; Develop Process to Restrict Database Access	Full and Effective Compliance	
59	Provide Monitors and Plaintiffs' Representative Full Access to Collected Data	Full and Effective Compliance	
60	Develop System for Electronic Data Entry by Deputies	Full and Effective Compliance	
61	Install Functional Video and Audio Recording Equipment (Body-Cameras)	Full and Effective Compliance	
62	Activation and Use of Recording Equipment (Body-Cameras)	Full and Effective Compliance	
63	Retain Traffic Stop Written Data and Camera Recordings	Full and Effective Compliance	
64	Protocol for Periodic Analysis of Traffic Stop Data and Data Gathered for Significant Ops	In Compliance	In Compliance
65	Designate Group to Analyze Collected Data	In Compliance	In Compliance
66	Conduct Annual, Agency-Wide Comprehensive Analysis of Data	Full and Effective Compliance	
67	Warning Signs or Indicia of Possible	In Compliance	In Compliance

⁴ In its 43rd, 44th, and 45th Reports, MCSO asserted Full and Effective Compliance for this Paragraph, but the Monitoring Team has deferred finding MCSO in Full and Effective Compliance with this Paragraph. MCSO disagrees and disputes the Monitoring Team's determination.

	Racial Profiling or Other Misconduct		
68	Criteria for Analysis of Collected Patrol Data (Significant Ops)	Full and Effective Compliance	
69	Supervisor Review of Collected Data for Deputies under Their Command	In Compliance	In Compliance ⁵
70	Response to/Interventions for Deputies or Units Involved in Misconduct	In Compliance	Not in Compliance ⁶
71	Provide Monitor and Plaintiffs' Representative Full Access to Supervisory and Agency Level Reviews of Collected Data	Full and Effective Compliance	
Section IX. Early Identification System ("EIS")			
72	Develop, Implement, and Maintain a Computerized EIS	In Compliance	Not in Compliance ⁷
73	Create Unit or Expand Role of MCSO IT to Develop, Implement, and Maintain EIS	Full and Effective Compliance	
74	Develop and Implement Protocol for Capturing and Inputting Data	Full and Effective Compliance	
75	EIS Shall Include a Computerized Relational Database	Full and Effective Compliance	
76	EIS Shall Include Appropriate Identifying Information for Each Involved Deputy (i.e., Name, Badge Number, Shift and Supervisor) and Civilian (e.g., Race and/or Ethnicity)	Full and Effective Compliance	
77	Maintain Computer Hardware and Software, All Personnel Have Ready and Secure Access	Full and Effective Compliance	
78	Maintain All Personally Identifiable Information	Full and Effective Compliance	

⁵ In its 43rd, 44th, and 45th Reports, MCSO asserted Full and Effective Compliance for this Paragraph, but the Monitoring Team has deferred finding MCSO in Full and Effective Compliance with this Paragraph. MCSO disagrees and disputes the Monitoring Team's determination.

⁶ MCSO disputes the Monitoring Team's finding it "Not in Compliance" with Phase II.

⁷ MCSO disputes the Monitoring Team's finding it "Not in Compliance" with Phase II.

79	EIS Computer Program and Computer Hardware Will be Operational, Fully Implemented, and be Used in Accordance With Policies and Protocols	In Compliance	Not in Compliance ⁸
80	EIS Education and Training for all Employees	Full and Effective Compliance	
81	Develop and Implement Protocol for Using EIS and Information Obtained from It	In Compliance	Not in Compliance ⁹
Section X. Supervision and Evaluation of Officer Performance			
83	Provide Effective Supervision of Deputies	Full and Effective Compliance	
84	Adequate Number of Supervisors (1 Field Supervisor to 12 Deputies)	Full and Effective Compliance	
85	Supervisors Discuss and Document Traffic Stops with Deputies	Full and Effective Compliance	
86	Availability of On-Duty Field Supervisors	Full and Effective Compliance	
87	Quality and Effectiveness of Commanders and Supervisors	In Compliance	In Compliance
88	Supervisors in Specialized Units (Those Enforcing Immigration-Related Laws) Directly Supervise LE Activities of New Members	Full and Effective Compliance	
89	Deputies Notify a Supervisor Before Initiating any Immigration Status Investigation and/or Arrest	Full and Effective Compliance	
90	Deputies Submit Documentation of All Stops and Investigatory Detentions Conducted to Their Supervisor by End of Shift	Full and Effective Compliance	
91	Supervisors Document any Investigatory Stops and Detentions that Appear Unsupported by Reasonable Suspicion or	Full and Effective Compliance	

⁸ MCSO disputes the Monitoring Team's finding it "Not in Compliance" with Phase II.

⁹ MCSO disputes the Monitoring Team's finding it "Not in Compliance" with Phase II.

	Violate Policy		
92	Supervisors Use EIS to Track Subordinate's Violations or Deficiencies in Investigatory Stops and Detentions	In Compliance	In Compliance
93	Deputies Complete All Incident Reports Before End of Shift. Field Supervisors Review Incident Reports and Memorialize Their Review within 72 hrs. of an Arrest	Full and Effective Compliance	
94	Supervisor Documents Any Arrests that are Unsupported by Probable Cause or Violate Policy	Full and Effective Compliance	
95	Supervisors Use EIS to Track Subordinate's Violations or Deficiencies in Arrests and the Corrective Actions Taken	In Compliance	In Compliance
96	Command Review of All Supervisory Review Related to Arrests that are Unsupported by Probable Cause or Violate Policy	In Compliance	In Compliance
97	Commander and Supervisor Review of EIS Reports	In Compliance	In Compliance
98	System for Regular Employee Performance Evaluations	In Compliance	In Compliance
99	Review of All Compliant Investigations, Complaints, Discipline, Commendations, Awards, Civil and Admin. Claims and Lawsuits, Training History, Assignment and Rank History, and Past Supervisory Actions	In Compliance	In Compliance
100	The Quality of Supervisory Reviews Shall be Taken Into Account in the Supervisor's Own Performance Evaluations	In Compliance	In Compliance
101	MCSO Shall Develop and Implement Eligibility Criteria for Assignment to Specialized Units Enforcing Immigration-Related Laws	Full and Effective Compliance	

Section XI. Misconduct and Complaints

102	MCSO Shall Require all Personnel to Report Without Delay Alleged or Apparent Misconduct by Other MCSO Personnel to a Supervisor or Directly to IA	Full and Effective Compliance	
103	MCSO Shall Develop a Plan for Conducting Regular, Targeted, and Random Integrity Audit Checks to Identify and Investigate Deputies Possibly Engaging in Improper Behavior	Full and Effective Compliance	
104	MCSO Shall Require Deputies to Cooperate With Administrative Investigations	Full and Effective Compliance	
105	Investigator Access to Collected Data, Records, Complaints, and Evaluations	Full and Effective Compliance	
106	Disclosure of Records of Complaints and Investigations	Full and Effective Compliance	
Section XII. Community Engagement			
109	The Monitor Shall Hold at Least One Public Meeting per Quarter to Coincide With the Quarterly Site Visits by the Monitor in a Location Convenient to the Plaintiffs class	N/A	N/A
110	At Public Meetings the Monitor is to Listen to Community Members' Experiences and Concerns about MCSO Practices Implementing This Order Including the Impact on Public Trust	N/A	N/A
111	English and Spanish-speaking Monitor Personnel shall attend these meetings and be available to answer questions from the public	N/A	N/A
112	At least 10 days before such meetings, the Monitor shall widely publicize the meetings in English and Spanish after consulting with Plaintiffs' representatives and Community Advisory Board regarding advertising methods	N/A	N/A

113	MCSO shall select or hire a Community Liaison who is fluent in English and Spanish. The hours and contact information of MCSO Community Outreach Division (COD) shall be made available to the public including on MCSO website	Full and Effective Compliance	
114	COD shall coordinate the district community meetings and provide administrative support for, coordinate and attend meetings of the Community Advisory Board and compile any Complaints, concerns and suggestions submitted to the COD. Communicate concerns received from the community with the Monitor and MCSO leadership	Full and Effective Compliance	
115	MCSO and Plaintiffs' representatives shall work with community representatives to create a Community Advisory Board ("CAB") to facilitate regular dialogue between MCSO and the community	In Compliance	Not In Compliance ¹⁰
116	CAB members must be selected by MCSO and Plaintiffs' representatives	Full and Effective Compliance	
117	The Monitor shall coordinate the meeting as dictated by the CAB members and provide administrative support for the CAB	N/A	N/A
118	CAB members will relay or gather community concerns about MCSO practices that may violate the Order and transmit them to the Monitor for investigation and/or action	N/A	N/A
SECOND ORDER Section XV. Misconduct Investigations, Discipline and Grievances			

¹⁰ MCSO disputes the Monitoring Team's finding it "Not in Compliance" with Phase II in its 43rd, 44th, and 45th Quarterly Reports. MCSO maintains that it should be found to be in in Compliance with This Paragraph and should also be in "Full and Effective Compliance" with this Paragraph as stated in its 43rd and 44th Quarterly Reports.

165	Conduct comprehensive review of all policies, procedures, manuals and written directives related to misconduct investigations, employee discipline and grievances	Full and Effective Compliance ¹¹	
167	Ensure provision of policies pertaining to any and all reports of misconduct	Full and Effective Compliance	
168	All forms of alleged reprisal, discouragement, intimidation, coercion or adverse action against any person reporting or attempting to report misconduct is strictly prohibited	Full and Effective Compliance	
169	Ensure policies identify no retaliation to an employee for reporting misconduct	Full and Effective Compliance	
170	Ensure completed investigations of all Complaints including third-party	Full and Effective Compliance	
171	Ensure administrative investigations are not terminated due to withdrawal, unavailability or unwillingness of complainant	Full and Effective Compliance	
172	Provide instruction to employees that all relevant evidence and information for investigations be submitted and intention withholding shall result in discipline	Full and Effective Compliance	
173	Ensure disciplinary checks are conducted by the Professional Standards Bureau (“PSB”) prior to any promotion process	In Compliance	In Compliance
174	Ensure disciplinary history is considered and documented prior to hiring, promotion and transfers	Full and Effective Compliance	
175	Ensure Commanders review disciplinary history who are transferred to their command in timely fashion	Full and Effective Compliance	
176	Quality of IA investigations and	Full and Effective Compliance	

¹¹ MCSO asserted Full and Effective Compliance in its 45th Report. On January 21, 2025, the Monitoring Team concurred with MCSO’s assertion of Full and Effective Compliance.

	Supervisors' review of investigations be taken into account in performance evaluations	
177	Remove name-clearing hearings and refer to hearings as pre-determination hearings	Full and Effective Compliance
178	Provide 40 hours of comprehensive training to all Supervisors and PSB staff for conducting employee misconduct investigations	Full and Effective Compliance
179	Provide six hours annually of in-service to all Supervisors and PSB staff for conducting misconduct investigations	Full and Effective Compliance
180	Provide training to all employees on MCSO's new or revised policies related to misconduct investigation, discipline and grievances	Full and Effective Compliance
181	Provide adequate training to all employees to properly handle civilian Complaint intake and providing information	Full and Effective Compliance
182	Provide adequate training to all Supervisors as to their obligations to properly handle civilian Complaints	Full and Effective Compliance
184	Clearly delineate standards in policies, training and procedures, and include samples.	Full and Effective Compliance
185	Any allegation of misconduct must be reported to PSB upon receipt	Full and Effective Compliance
186	PSB must maintain a centralized electronic numbering and tracking system for all allegations of misconduct	Full and Effective Compliance
187	PSB must maintain a complete file of all documents relating to any investigations, disciplinary proceedings, pre-determination hearings, grievance proceedings, and appeals to the Law Enforcement Merit System Council or a state court	Full and Effective Compliance

188	PSB will promptly assign IA investigator after initial determination of the category of alleged offense	Full and Effective Compliance	
189	PSB shall investigate misconduct allegation of a serious nature, or that result in suspension, demotion, termination or indication of apparent criminal conduct by employee	Full and Effective Compliance	
190	Allegations of employee misconduct that are of a minor nature may be administratively investigated by a trained and qualified Supervisor in the Employee's District.	Full and Effective Compliance	
191	Trained Supervisor must immediately contact PSB if it is believed the principal may have committed misconduct of a serious or criminal nature	Full and Effective Compliance	
192	PSB shall review investigations outside of the Bureau at least semi-annually	Full and Effective Compliance	
193	The most serious policy violation shall be used for determination of category of offense when multiple separate policy violations are present in a single act of alleged misconduct	Full and Effective Compliance	
194	PSB Commander ensures investigations comply with MCSO policy, requirement of this Order including those related to training, investigators disciplinary backgrounds and conflicts of interest	In Compliance	Not in Compliance
195	PSB shall include sufficient trained personnel to fulfill requirements of Order within six months	In Compliance	Not in Compliance
196	Commander of PSB or the Chief Deputy may refer misconduct investigations to another law enforcement agency or retain qualified outside investigator to conduct the investigation	Full and Effective Compliance	
197	PSB will be headed by a qualified Commander. If designation is declined by	Full and Effective Compliance	

	Sheriff, the Court will designate a qualified candidate	
198	PSB shall be physically located in separate facility of MCSO facilities and must be accessible to public and present a non-intimidating atmosphere to file Complaints	Full and Effective Compliance
199	Ensure qualifications for an internal affairs investigator are clearly defined and candidates are eligible to conduct investigations	Full and Effective Compliance
200	Investigations shall be conducted in a rigorous and impartial manner without prejudging the facts, and completed in a thorough manner	Full and Effective Compliance
201	No preference shall be given for an employee's statement over a non-employee statement, nor disregard a witness's statement solely because the witness has connection to the complainant or the employee or due to a criminal history of either party	Full and Effective Compliance
202	Investigate any evidence of potential misconduct uncovered during the course of the investigation regardless of whether the potential misconduct was part of the original allegation	Full and Effective Compliance
203	Despite a person being involved in an encounter with MCSO and pleading guilty or found guilty of offense, IA investigators will not consider that information alone to determine whether MCSO employee engaged in misconduct	Full and Effective Compliance
204 ¹²		
205	PSB shall maintain a database to track cases which generates alerts when	Full and Effective Compliance

¹² Paragraph 204 was amended by the Court's Fourth Order and is now listed among the other Fourth Order Paragraphs below.

	deadlines are not met		
206	At conclusion of each investigation, IA will prepare an investigation report which includes elements from the 11 subsections of this paragraph	Full and Effective Compliance	
207	When investigating the incident for policy, training, tactical or equipment concerns, the report must include compliance with standards, use of tactics and indicate need for training and suggestion of policy changes	Full and Effective Compliance	
208	Each allegation of misconduct shall explicitly identify and recommend a disposition for each allegation	Full and Effective Compliance	
209	Investigation forms completed by Supervisors outside of PSB shall be sent through Chain of Command to Division Commander for approval	Full and Effective Compliance	
210	Investigation forms completed by PSB shall be sent to the Commander	Full and Effective Compliance	
211	Commander shall return reports to investigator for correction when inadequacies are noted	In Compliance	Not in Compliance ¹³
212	IA investigator shall receive corrective or disciplinary action for a deficient misconduct investigation. Failure to improve is grounds for demotion or removal from PSB	Full and Effective Compliance	
213	Minor misconduct investigations must be conducted by Supervisor (not by line-level deputies) and file forwarded to PSB	Full and Effective Compliance	
214	Misconduct investigation can be assigned or re-assigned at the discretion of the PSB Commander	Full and Effective Compliance	
215	Investigations conducted by Supervisors (outside of PSB) shall direct and ensure	Full and Effective Compliance	

¹³

MCSO disputes the Monitoring Team's finding it "Not in Compliance" with Phase II.

	appropriate discipline or corrective action		
216	PSB Commander shall direct and ensure appropriate discipline and/or corrective action for investigations conducted by PSB	In Compliance	In Compliance ¹⁴
217	PSB shall conduct targeted and random reviews of discipline imposed by Commanders for minor misconduct	Full and Effective Compliance	
218	Maintain all administrative reports and files for record keeping in accordance with applicable law	Full and Effective Compliance	
220	Sheriff shall review MCSO disciplinary matrices and ensure consistency discipline	Full and Effective Compliance	
221	Sheriff shall mandate misconduct allegation is treated as a separate offense for imposing discipline	Full and Effective Compliance	
222	Sheriff shall provide that Commander of PSB make preliminary determinations of the discipline and comment in writing	Full and Effective Compliance	
223	MCSO Command staff shall conduct a pre-determination hearing if serious discipline should be imposed based on the preliminary determination	Full and Effective Compliance	
224	Pre-determination hearings will be audio and video recorded in their entirety, and the recording shall be maintained with the administrative investigation file	Full and Effective Compliance	
225	Pre-determination hearings will be suspended and returned to investigator if employee provides new or additional evidence	Full and Effective Compliance	
226	If designated member of MCSO command staff conducting the pre-determination hearing does not uphold	Full and Effective Compliance	

¹⁴ MCSO asserted Full and Effective Compliance in its 45th Report. On January 21, 2025, the Monitoring Team did not concur with MCSO's assertion of Full and Effective Compliance. MCSO disputes the Monitoring Team's decision.

	charges or discipline recommended by PSB, that member must provide a written justification	
227	MCSO shall issue policy providing the designated member conducting the pre-determination hearing with instructions to apply the disciplinary matrix and set guidelines when deviation is permitted	Full and Effective Compliance
228	Sheriff or designee has authority to rescind, revoke or alter disciplinary decisions	Full and Effective Compliance
229	When an IA investigator or Commander finds evidence of misconduct indicating apparent criminal conduct by employee, the PSB Command must be immediately notified. PSB will assume any admin misconduct investigation outside PSB. Commander will provide evidence directly to the appropriate prosecuting authority when necessary	Full and Effective Compliance
230	PBS must first consult with the criminal investigator and the relevant prosecuting authority if a misconduct allegation is being investigated criminally, prior to a compelled interview pursuant to <i>Garrity v. New Jersey</i> . No admin investigation shall be held in abeyance unless authorized by Commander of PSB. Any deviations must be documented by PSB	Full and Effective Compliance
231	Sheriff shall ensure investigators conducting a criminal investigation do not have access to any statement by the principal that were compelled pursuant to <i>Garrity</i>	Full and Effective Compliance
232	PSB shall complete admin investigations regardless of the outcome of any criminal investigation. MCSO policies and procedures and the PSB Ops manual shall remind members of PSB that administrative and criminal cases are held to different standards of proof and the	Full and Effective Compliance

	investigative processes differ	
233	Criminal investigations closed without referring it to a prosecuting agency must be documented in writing and provided to PSB	Full and Effective Compliance
234	Criminal investigations referred to a prosecuting agency shall be reviewed by PSB to ensure quality and completeness	Full and Effective Compliance
235	PSB shall request explanation and document any decisions by the prosecuting agency to decline or dismiss the initiation of criminal charges	Full and Effective Compliance
236	Sheriff shall require PSB to maintain all criminal investigation reports and files as applicable by law	Full and Effective Compliance
237	Monitor and CAB shall develop and implement a program to promote awareness throughout the County about the process for filing Complaints about MCSO employee conduct	N/A
238	Sheriff shall require MCSO to accept all forms of civilian Complaints and document in writing	Full and Effective Compliance
239	Clearly display placards (English and Spanish) describing the Complaint process at MCSO headquarters and all district stations	Full and Effective Compliance
240	Sheriff shall require all deputies to carry Complaint forms in their MCSO vehicles	Full and Effective Compliance
241	Sheriff shall ensure that PSB is easily accessible to members of public and available for walk-ins	Full and Effective Compliance
242	Make complaint forms widely available at locations around the County: website, HQ lobby, Districts, MC offices and public locations	Full and Effective Compliance

243	Establish a free 24-hour hotline for reporting Complaints	Full and Effective Compliance
244	Ensure Complaint form does not contain language that can be construed as to discourage the filing of a Complaint	Full and Effective Compliance
245	Complaint forms will be made available in English and Spanish	Full and Effective Compliance
246	PSB will send periodic written updates to the complainant during investigation	Full and Effective Compliance
247	Complainant may contact the PSB at any time to obtain status of their complaint	Full and Effective Compliance
248	PSB will track allegations of biased policing as a separate category of Complaints	Full and Effective Compliance
249	PSB will track allegations of unlawful investigatory stops, searches, seizures, or arrests as a separate category of Complaints	Full and Effective Compliance
250	PSB will conduct regular assessments of Complaints to identify potential problematic patterns and trends	Full and Effective Compliance
251	PSB shall produce a semi-annual public report on misconduct investigations	Full and Effective Compliance
252	Make detailed summaries of completed IA investigations readily available to the public	Full and Effective Compliance
253	MSCO Bureau of Oversight (“BIO”) shall produce a semi-annual public audit report regarding misconduct investigations	Full and Effective Compliance
254	Initiate a testing program designed to assess civilian Complaint intake	Full and Effective Compliance
255	Testing program for investigation of civilian Complaints should not use fictitious complaints	Full and Effective Compliance

256	Testing program shall assess Complaint intake for Complaints made in person, telephonically, by mail, email or website	Full and Effective Compliance	
257	Testing program shall include sufficient random and targeted testing to assess the Complaint intake process	Full and Effective Compliance	
258	Testing program shall assess if employees promptly notify PSB of citizen Complaints with accurate and complete information	Full and Effective Compliance	
259	Current or former employees cannot serve as testers	Full and Effective Compliance	
260	Produce annual report on the testing program	Full and Effective Compliance	
Section XVI. Community Outreach and Community Advisory Board			
261	CAB may conduct a study to identify barriers to the filing of civilian Complaints against MCSO personnel	N/A	N/A
262	CAB shall be provided annual funding to support activities	N/A	N/A
Section XIV. Supervision and Staffing			
264	Sheriff to ensure all patrol deputies are assigned to clearly identified First-line Supervisor	Full and Effective Compliance	
265	First-line Supervisors shall be responsible for closely and consistently supervising all	Full and Effective Compliance	
266	Provide written explanation of deficiencies for number of Deputies assigned to First-line Supervisors (no more than 10 Deputies)	Full and Effective Compliance	
267	Supervisors shall be responsible for close and effective supervision and ensure staff complies with MCSO policy, federal, state and local law, and this Court Order	In Compliance	In Compliance
268	Approval by Monitor for any transfers of sworn personnel or Supervisors in or out	Full and Effective Compliance	

	of PSB, BIO, or CID		
Section XVIII. Document Preservation and Production			
269	Promptly communicate any document preservation notices to all personnel who have responsive documents	In Compliance	Deferred
270	Sheriff shall ensure a request for documents in the course of litigation is promptly communicated to all personnel and the need	In Compliance	Deferred
271	Sheriff shall ensure Compliance Division promulgates detailed protocols for the preservation and production of documents requested in litigation	Full and Effective Compliance	
272	Ensure MCSO policy provides that all employees comply with document preservation and production requirements and may be subject to discipline if violated	Full and Effective Compliance	
Section XIX. Additional Training			
273	Within two months of the entry of this Order, the Sheriff shall ensure that all employees are briefed and presented with the terms of the Order, along with relevant background information about the Court’s May 13, 2016 Findings of Fact (Doc. 1677) upon which this order is based	Full and Effective Compliance	
Section XX. Complaints and Misconduct Investigation Relating to Members of the Plaintiff Class			
276	Monitor shall have the authority to direct or approve all aspects of the intake and investigation of Class Remedial Matters and the assignment of these investigations	Full and Effective Compliance	
278	Sheriff shall alert the Monitor in writing to matters that could be considered Class Remedial Matters and has the authority to independently identify such matters	Full and Effective Compliance	
279	Monitor has complete authority to conduct review, research and investigation deemed necessary to determine if matters qualify as Class Remedial Matters and	Full and Effective Compliance	

	MCSO is dealing in a thorough, fair, consistent and unbiased manner		
280	Monitor shall provide written notice to the Court and Parties when he determines he has jurisdiction over a Class Remedial Measure	N/A	N/A
281	Sheriff shall ensure MCSO receives and processes Class Remedial Matters consistently with the requirements of the orders of the Court, MCSO policies, and the manner in which all other disciplinary matters are handled per policy	In Compliance	Deferred
282	Sheriff or appointee may exercise the authority given pursuant to this Order to direct and resolve such Class Remedial Matters. The decisions and directives may be vacated or overridden by the Monitor	Full and Effective Compliance	
283	Monitor shall review and approve all disciplinary decisions on Class Remedial Measures	N/A	N/A
284	MCSO must expeditiously implement the Monitor's directions, investigations, hearings and disciplinary decisions	Full and Effective Compliance	
285	Should Monitor decide to deviate from the policies set forth in the Order or the standard application of the disciplinary matrix, the Monitor shall justify the decision in writing	N/A	N/A
286	Monitor shall instruct PSB to initiate a confidential criminal investigation and oversee the matter or report to the appropriate prosecuting agency	Full and Effective Compliance	
287	Persons receiving discipline approved by Monitor shall maintain any rights they have under Arizona law or MCSO policy	Full and Effective Compliance	

288	Monitor's authority will cease when the elements of the two subsections of this paragraph have been met	<i>MCSO asserts that it is in Full and Effective Compliance with Paragraph 288¹⁵</i>	
289	To make the determination required by subpart (b), the Court extends the scope of the Monitor's authority to inquire and report on all MCSO internal affairs investigations and not those merely that are related to Class Remedial Matters	N/A	N/A
291	Monitor shall report to the Court on a quarterly basis whether MCSO has fairly, adequately, thoroughly and expeditiously assessed, investigated, disciplined and made grievance decisions consistent with the Order	N/A	N/A
292	Monitor is to be given full access to all MCSO IA investigation or matters that have been the subject of investigation. Monitor shall comply with rights of principals under investigation	Full and Effective Compliance	
293	Monitor shall append its findings on MCSO's overall IA investigations to the report produced to the Court	N/A	N/A
300	Uninvestigated, untruthful statements made to the Court under oath by Chief Deputy Sheridan concerning the Montgomery investigation, the existence of the McKessy investigation, the untruthful statements to Lt. Seagraves and other uninvestigated acts of his do not justify an independent investigation	N/A	Deferred
337	When discipline is imposed by the Independent Disciplinary Authority, the employee shall maintain his or her appeal rights following the imposition of administrative discipline as specified by Arizona law and MCSO policy with the	Full and Effective Compliance	

¹⁵ MCSO asserted Full and Effective Compliance in its 45th Report. On January 21, 2025, the Monitoring Team did not concur with MCSO's assertion of Full and Effective Compliance. MCSO disputes the Monitoring Team's decision.

	following exceptions with the two exceptions documented within the two subparagraphs		
THIRD ORDER			
338	Within 14 days from the date of this order, MCSO will calculate and provide the Court and the parties with the dollar amount required to recruit, hire, train and compensate for one year a single PSB budgeted sergeant position	N/A	In Compliance
339	MCSO must not reduce the staffing levels at PSB below the minimum investigator staffing number identified in Paragraph 340 while a backlog in investigations remains.	N/A	In Compliance
340	Within 60 days from the date of this order, MCSO will fill the seven currently budgeted, yet vacant, positions at PSB referred to in Mr. Gennaco's report, through hiring or internal transfers. (Doc. 2790 at 15). The staffing referred to by Mr. Gennaco, together with the full staffing of the vacant positions, is 39 investigators. This is the minimum investigator staffing number. If MCSO fails to fill any one of the seven vacant budgeted staffing positions with an AZPOST sworn investigator who is approved by the Monitor within 60 days of the date of this order, MCSO and/or Maricopa County will pay into a PSB Staffing Fund three times the amount identified by PSB in ¶ 338 above for each vacancy remaining at the MCSO for budgeted investigators. It shall, thereafter on a monthly basis pay into the Staffing Fund three times the amount identified in ¶ 338 above for every month the number of PSB investigators falls below the minimum investigator staffing number.	N/A	In Compliance

341	If MCSO desires to fill the positions with new civilian investigators in lieu of sworn officers, it may do so to the extent that it is authorized to do so, consistent with state law. Should it fail to fill any one of the seven vacant positions within 60 days of the date of this order, MCSO and/or Maricopa County will pay into a PSB Staffing Fund three times the amount identified by PSB in ¶ 338 above for each vacancy remaining at the MCSO for budgeted investigators. It shall, thereafter on a monthly basis pay into the Staffing Fund three times the amount identified in ¶ 338 above for every month the number of PSB investigators falls below the minimum staffing number.	N/A	In Compliance
342	If the MCSO attempts to fill these open positions with a mix of qualified sworn personnel and civilian investigators, it may do so to the extent that it can, consistent with state law. Nevertheless, if it fails to fill any one of the seven vacant positions within 60 days, the MCSO and/or Maricopa County will pay into the PSB Staffing Fund three times the amount identified in ¶ 338 above for each vacancy remaining. It shall, thereafter on a monthly basis pay three times the amount identified in ¶ 338 above for every month that the number of PSB investigators falls below the minimum staffing number.	N/A	In Compliance
343	MCSO is authorized to conduct PSB investigations through approved private contractors if it can do so consistent with state law.	In Compliance	In Compliance
344	MCSO must demonstrate that it is using overtime and other administrative tools to increase the personnel hours committed to investigate all types of complaints. MCSO shall report its use of these tools to the Monitor on a monthly basis.	N/A	In Compliance

345	MCSO and/or Maricopa County shall hereby establish a PSB Staffing Fund, which shall be a separate account of the MCSO. The amounts set forth in ¶¶ 340-42 shall be paid directly into this account. The MCSO, however, is only authorized to withdraw funds from this account for the hiring and payment of PSB investigators or private investigators contracted with PSB who are in compliance with the requirements of state law. The fund may also be used to hire necessary additional PSB administrative staff and necessary additional PSB supervisory staff only, and for no other purpose. MCSO is not permitted to offset the amount of any fine from PSB's existing budget or use it to subsidize the number of PSB staff and investigators existing at the time of this Order. MCSO shall provide an accounting of the PSB Staffing Fund on a monthly basis to the Monitor and the Court. But, if necessary, MCSO is permitted to augment and/or exceed the salary and incentives normally paid PSB investigators to hire and/or maintain sufficient investigators, whether sworn or civilian, to reduce the backlog.	N/A	In Compliance
346	The Court hereby vests the Monitor, Robert Warshaw, with the supplemental authorities set forth in this Order. The Monitor therefore has immediate authority to oversee all of MCSO's complaint intake and routing. The Court hereby vacates any previous order that conflicts with this Order, including but not limited to ¶ 292 of the Second Order (Doc. 1765). In consultation with the PSB Commander, the Monitor shall make determinations and establish policy decisions pertaining to backlog reduction regarding, by way of example, which complaints should be (a) investigated by PSB; (b) sent to the Districts for investigation or other interventions; or (c) handled through other methods, to	N/A	N/A

	include diversion and/or outsourcing of cases. The Monitor must consult with the PSB Commander about these policy decisions but maintains independent authority to make the ultimate decision. The authority granted to the Monitor in this paragraph shall not be applicable when there is no backlog. If the backlog is eliminated and then arises again while the Defendants are still subject to monitoring, this authority will be renewed in the Monitor.		
347	The Monitor shall revise and/or formalize MCSO's intake and routing processes. The Monitor's authorities shall include, but not be limited to, the power to audit and review decisions made with respect to individual cases and, if necessary, to change such designations. The Sheriff and the MCSO shall expeditiously implement the Monitor's directions or decision with respect to intake and routing, and any other issues raised by the Monitor pertaining to backlog reduction and any other authority granted the Monitor under the Court's Orders. The Monitor must consult with the PSB Commander about these processes but maintains independent authority to make the ultimate decision. The authority granted to the Monitor in this paragraph shall not be applicable when there is no backlog. If the backlog is eliminated and then arises again while the Defendants are still subject to monitoring, this authority will be renewed in the Monitor.	N/A	N/A
348	The Monitor will evaluate PSB's current investigative practices. The PSB, under the authority of the Monitor, shall create, and submit for the Monitor's approval, policies and procedures that: (a) Identify and eliminate unnecessary investigative requirements that may be removed from particular classes of cases;	In Compliance	In Compliance

	(b) Provide for the establishment of an investigative plan for each investigation to eliminate unnecessary steps for the investigation of the complaint at issue; (c) Establish formal internal scheduling expectations and requirements for supervisory interventions; (d) Establish expectations on the timeline for each step of the review process. The formulated expectations will be consistent with the timeline requirements of this Court's previous orders; (e) Assess current use of IA Pro as a case management/tracking tool.		
349	The authority granted to the Monitor in this paragraph shall not be applicable when there is no backlog. If a backlog is eliminated and then arises again while the Defendants are still subject to monitoring, this authority will be renewed in the Monitor. Given that the parties have provided the Monitor with feedback on these issues, the Monitor is directed to consider the input already articulated by the parties on these issues and determine, at his discretion, to adopt them or not. The Monitor may choose, but will not be required, to seek additional input from the parties in the development of the above stated policies. The Monitor shall finalize and submit such policies to the Court within four months of the date of this order. The parties shall have two weeks thereafter to provide the Court with any comments on the Monitor's final proposed policies. The Court will, if necessary thereafter, make determinations as to the final policies.	N/A	N/A
350	The Monitor will assess MCSO's compliance with the investigative requirements of this order and shall determine whether training on	N/A	N/A

	investigative planning and supervision is needed and implement such training.		
351	The Monitor has the authority to make recommendations to the Court concerning the revision of the Court's orders as it pertains to the investigation of complaints where, in its opinion, such revisions would increase efficiency without impinging on investigations necessary to the operation of a fair and unbiased law enforcement agency.	N/A	N/A
352	The Monitor may intervene in the course of any investigation for the purpose of facilitating the appropriate operation of the PSB and/or the reduction of the backlog, if he deems it appropriate, and will document his actions in a quarterly report to be submitted to the Court. The authority granted to the Monitor in this paragraph shall not be applicable when there is no backlog. If the backlog is eliminated and then arises again while the Defendants are still subject to monitoring, this authority will be renewed in the Monitor.	N/A	N/A
353	The Monitor shall recommend to the Court adjustments in the investigations of the following categories of cases according to the following procedure: MCSO shall, upon the approval of the Monitor: (a) Create, formalize, and implement a policy regarding whether investigations are necessary when the complaint was submitted to the MCSO more than a year after the last instance of the underlying alleged misconduct reported, or when the MCSO employee involved left MCSO's employ prior to the filing of the complaint. (b) Create, formalize, and implement a	In Compliance	In Compliance

	policy regarding when investigations are necessary if the initial complainant is unwilling or unable to cooperate, or if the initial complainant is anonymous. (c) Create, formalize, and implement a policy regarding when MCSO may investigate health related in-custody jail deaths by County medical staff. (d) Create, formalize, and implement a policy regarding when an entity other than PSB may investigate internal allegations emanating from workplace relationships. (e) Create, formalize, and implement a policy regarding when, in cases in which external evidence establishes a violation, the PSB Commander has the discretion to offer principals a mitigated penalty if they accept responsibility. The mitigated penalty shall be no lower than the minimum discipline within the applicable discipline matrix range for the charged offenses. (f) Create, formalize, and implement a policy regarding when the PSB commander is authorized to handle the alleged minor misconduct through supervisory intervention in lieu of investigation. MCSO shall submit to the Monitor within 15 days, a list of the minor misconduct within the GC-17 (Disciplinary Matrix) which it deems should be considered by the Monitor to be handled as a supervisory intervention. MCSO's list shall exclude allegations concerning the Plaintiff class and allegations of bias. In proposing such policies to the Monitor, the MCSO shall fully and openly consult with the other parties to this litigation. All parties shall move expeditiously to formulate, consult with, and approve these policies. MCSO and the parties shall complete and submit to the Monitor for		
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	approval all such proposed policies within three months of this Order. As to those issues on which the parties cannot obtain consensus, they shall each submit their proposals to the Monitor. The Monitor shall then, promptly present to the Court the final proposed policies he deems best. The parties will have two weeks thereafter to provide the Court with any comments on the Monitor's final proposed policies. The Court will, thereafter, make determinations as to the final policies.		
355	The Monitor and the PSB shall review the cases in the current backlog that are eligible to be diverted from PSB investigations by ¶ 353 of this order. It is the expectation of the Court that the diverted cases shall reduce the current backlog.	N/A	In Compliance
356 ¹⁶			
357 ¹⁷			
358 ¹⁸			
360	The Monitor shall submit a quarterly progress report to the Court and parties describing the rationale for each type of investigative diversion approved, the result of each diversion type, the backlog tally, the number of completed cases, unresolved issues, and further actions required to address the backlog and staffing levels at PSB.	N/A	N/A

¹⁶ Paragraph 356 was amended by the Court's Fourth Order and is now listed among the other Fourth Order Paragraphs below.

¹⁷ Paragraph 357 was amended by the Court's Fourth Order and is now listed among the other Fourth Order Paragraphs below.

¹⁸ Paragraph 358 was amended by the Court's Fourth Order and is now listed among the other Fourth Order Paragraphs below.

361	Under the direction of the Court, MCSO shall commission an independent study to determine: (1) the most efficient way for MCSO to allocate its personnel in light of existing authorized staffing levels, the requirements and expectations of its served communities, the requirements of this Court's Orders, the timely elimination of the existing backlog of PSB investigations, and state law; (2) the necessary staffing level for MCSO to fulfill these obligations regardless of the existing staffing level; and (3) the PSB staffing level required to maintain the timely completion of PSB investigations in compliance with the Orders of this Court and state law. MCSO shall (1) provide a draft Request for Proposals to the Court, the Monitor, and the parties; (2) disclose credible bids to the Court, the Monitor, and the parties; and (3) obtain Court approval of the methodology for the study. MCSO must ensure that the study is completed within one year of the entry of this Order.	N/A	Not in Compliance
362	The Court is aware that the MCSO has already engaged a consultant to undertake a similar evaluation. Nevertheless, while the Court will consider both the qualifications of the consultant already hired by MCSO and the outcome of that study, the work of that consultant must comply with the Court's requirements, supra and will not be deemed to satisfy the terms of this Order absent the approval of this Court. If MCSO wishes to obtain Court approval of the consultant it has already hired, it must, as a prerequisite, provide the contracting documents to the Court, the Monitor, and the parties within five business days of the entry of this Order; and it must submit the consultant's draft methodology to the Court, the Monitor, and the parties within 30 days of the entry of this Order.	N/A	Not in Compliance

364	To keep the parties and the Court informed, the MCSO shall report monthly on the size of the backlog to the Monitor, the parties, and the Court. The Monitor's quarterly progress report will further assess the status of the backlog.	N/A	In Compliance
365	The authority for MCSO to grant itself extensions in investigation deadlines granted in ¶ 204 of Doc. 1765 is revoked. The Monitor shall be authorized to grant reasonable extensions upon reviewing requests submitted to him by the Sheriff.	In Compliance	In Compliance
368	MCSO will continue to pay into the PSB Staffing Fund pursuant to ¶ 357 until MCSO reports for twelve continuous months that it has no open investigations that have exceeded the time by which Doc. 1765 ¶ 204 required that they be completed. At that time, MCSO may petition the Court to dissolve the PSB Staffing Fund.	N/A	In Compliance
FOURTH ORDER			
204	Complete investigations within 85 calendar days of the initiation of the investigation, or 60 calendar days if within a Division. As amended by the Fourth Order, requires completion within 180 days based on different requirements regarding when the investigation is complete for the purposes of this Paragraph.	In Compliance	Not in Compliance
356	Within five business days of the elimination of these cases from the backlog, the Monitor shall certify to the parties and the Court the number of administrative investigations remaining in the backlog that are open and have not been completed within the time limits required by the Court. At the beginning of each month, the number of open cases whose investigations have exceeded the	N/A	In Compliance

	time by which Doc. 1765 ¶ 204 required that they be completed shall be the remaining backlog. This backlog shall not include any cases for which the Monitor has granted an extension of the investigative deadline pursuant to ¶ 365 of this Order. The Fourth Order requires a new certification of the backlog based on the amendments to Paragraph 204.		
357	The cases in this remaining backlog should be identified by year, giving priority to the oldest cases, i.e., the cases that were filed first. The expectation should be to address the oldest cases first, without ignoring the continuing caseload. For each month in which the PSB cannot reduce the remaining backlog by 20 cases from the previous month's number, the MCSO and/or Maricopa County shall pay into the PSB Staffing Fund two times the amount identified in ¶ 338 above. The Fourth Order requires closure of at least 25 cases per quarter filed between 2015–2020 and requires that MCSO specify the year each case eliminated from the backlog was filed. New targets for backlog reduction were established by Paragraph 358 that will begin 10/1/24.	N/A	In Compliance
358	Beginning on October 1, 2024, the MCSO will be required to reduce the backlog number remaining on the last day of the previous calendar-quarter (September 30, 2024) by 45 cases per month for a minimum total reduction of 135 cases during the last calendar quarter of 2024. Beginning on January 1, 2025, the amount of required case reduction will increase to a 50 case reduction per month from the number of the backlog existing on the last day of the previous quarter (Dec. 31, 2024) for a minimum total reduction of 150 cases for the first calendar quarter of 2025. Beginning on April 1, 2025, the	N/A	In Compliance

	amount of required case reduction will increase to a 55 case reduction per month from the number of the backlog existing on the last day of the previous quarter (March 31, 2025) for a minimum total reduction of 165 caseload reduction for the second calendar quarter of 2025. Beginning on July 1, 2025, the minimum amount of required case reduction from the backlog number on the last day of the previous quarter (June 30, 2025) will increase to a 60 case reduction per month and a 180 minimum caseload reduction for the third calendar-quarter of 2025. This backlog reduction number of 60 per month and 180 per quarter will remain the required minimum backlog caseload reduction per quarter from the backlog number on the last day of the previous quarter until the backlog is eliminated. . . .		
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Section 3: Implementation Unit Creation and Documentation Requests

General Comments About CID

MCSO has fully implemented Section III of the Court's First Order. In October 2013, MCSO formed the Court Compliance and Implementation Division consistent with Paragraph 9 of the Court's First Order. In February 2015, MCSO changed the name of this division to the Court Implementation Division ("CID"). CID coordinates site visits and other activities with each of the Parties, as the Court's Orders require.

CID, with the Sheriff's approval, ensures the proper allocation of document production requests to the appropriate MCSO units to achieve Full and Effective Compliance with the Court's Orders. Thus, the efforts to achieve compliance and to fulfill the Monitor's requests involve the efforts of MCSO divisions, bureaus, personnel and command staff, as well as personnel from the Maricopa County Attorney's Office ("MCAO") and the law firm of Jones, Skelton & Hochuli, P.L.L.C.

During this quarter, CID responded to the three required monthly document requests, the quarterly document requests, and the **July** site visit document requests. The responses to the monthly document requests averaged **1.51TB** of data. In addition to document requests, CID facilitates the production of training materials, policies, and procedures for the Monitor's review and approval. As a reflection of MCSO's efforts to achieve Full and Effective Compliance with the Court's Orders, CID, through MCSO counsel, produced approximately **105,928** pages of documents in this quarter.

CID strives to continue to foster a positive working relationship with the Monitor and Parties. This positive attitude continues to be reflected in MCSO's ongoing collaboration with the Monitor and Parties.

MCSO remains in Full and Effective Compliance with all Paragraphs in Section 3, Implementation Unit Creation and Documentation Requests.

***Paragraph 9.** Defendants shall hire and retain or reassign current MCSO employees to form an interdisciplinary unit with the skills and abilities necessary to facilitate implementation of this Order. This unit shall be called the MCSO Implementation Unit and serve as a liaison between the Parties and the Monitor and shall assist with the Defendants' implementation of and compliance with this Order. At a minimum, this unit shall: coordinate the Defendants' compliance and implementation activities; facilitate the provision of data, documents, materials, and access to the Defendants' personnel to the Monitor and Plaintiffs representatives; ensure that all data, documents and records are maintained as provided in this Order; and assist in assigning implementation and compliance-related tasks to MCSO Personnel, as directed by the Sheriff or his designee. The unit will include a single person to serve as a point of contact in communications with Plaintiffs, the Monitor and the Court.*

MCSO remains in Full and Effective Compliance with Paragraph 9.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 10.** MCSO shall collect and maintain all data and records necessary to: (1) implement this order, and document implementation of and compliance with this Order, including data and records necessary for the Monitor to conduct reliable outcome assessments, compliance reviews, and audits; and (2) perform ongoing quality assurance in each of the areas addressed by this*

Order. At a minimum, the foregoing data collection practices shall comport with current professional standards, with input on those standards from the Monitor.

MCSO remains in Full and Effective Compliance with Paragraph 10.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 11. *Beginning with the Monitor's first quarterly report, the Defendants, working with the unit assigned for implementation of the Order, shall file with the Court, with a copy to the Monitor and Plaintiffs, a status report no later than 30 days before the Monitor's quarterly report is due. The Defendants' report shall (i) delineate the steps taken by the Defendants during the reporting period to implement this Order; (ii) delineate the Defendants' plans to correct any problems; and (iii) include responses to any concerns raised in the Monitor's previous quarterly report.*

MCSO remains in Full and Effective Compliance with Paragraph 11.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 12. *The Defendants, working with the unit assigned for implementation of the Order, shall conduct a comprehensive internal assessment of their Policies and Procedures affecting Patrol Operations regarding Discriminatory Policing and unlawful detentions in the field as well as overall compliance with the Court's orders and this Order on an annual basis. The comprehensive Patrol Operations assessment shall include, but not be limited to, an analysis of collected traffic-stop and high-profile or immigration-related operations data; written Policies and Procedures; Training, as set forth in the Order; compliance with Policies and Procedures; Supervisor review; intake and investigation of civilian Complaints; conduct of internal investigations; Discipline of officers; and community relations. The first assessment shall be conducted within 180 days of the Effective Date. Results of each assessment shall be provided to the Court, the Monitor, and Plaintiffs' representatives.*

MCSO remains in Full and Effective Compliance with Paragraph 12.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 13. *The internal assessments prepared by the Defendants will state for the Monitor and Plaintiffs' representatives the date upon which the Defendants believe they are first in compliance with any subpart of this Order and the date on which the Defendants first assert they are in Full and Effective Compliance with the Order and the reasons for that assertion. When the Defendants first assert compliance with any subpart or Full and Effective Compliance with the Order, the Monitor shall within 30 days determine whether the Defendants are in compliance with the designated subpart(s) or in Full and Effective Compliance with the Order. If either party contests the Monitor's determination it may file an objection with the Court, from which the Court will make the determination. Thereafter, in each assessment, the Defendants will indicate with which subpart(s) of this Order it remains or has come into full compliance and the reasons therefore. The Monitor shall within 30 days thereafter make a determination as to whether the Defendants remain in Full and Effective Compliance with the Order and the reasons therefore. The Court may, at its option, order hearings on any such assessments to establish whether the Defendants are in Full and Effective Compliance with the Order or in compliance with any subpart(s).*

MCSO remains in Full and Effective Compliance with Paragraph 13.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Section 4: Policies and Procedures

General Comments Regarding MCSO Policies and Procedures

Consistent with Paragraph 18 requirements that MCSO deliver police services consistent with the Constitution, and the laws of the United States and Arizona, the MCSO continually reviews their Office Policies and Procedures. In fulfillment of its duties and obligations under federal and Arizona law, the MCSO is committed to ensuring equal protection under the law and bias-free policing. To ensure compliance with the Court Order, the MCSO continues to comprehensively review all Patrol Operations Policies and Procedures, consistent with Paragraph 19 of the Court Order.

In addition to its annual review of all Critical Policies, consistent with Paragraph 34 requirements that MCSO review each policy and procedure on an annual basis to ensure that the policy provides effective direction to personnel and remains consistent with the Court Order, the MCSO Policy Development Section continues with its annual review of all policies relevant to the Court Order.

During this reporting period, the MCSO published five (5) policies relevant to the Court Order:

- CP-2, *Code of Conduct* (2024/2025)
- ED-3, *Review of Cases Declined for Prosecution* (2024/2025)
- GB-2, *Command Responsibilities* (2024/2025)
- GC-13, *Awards* (2024/2025)
- GF-5, *Incident Report Guidelines* (2024/2025)

The MCSO Policy Development Section worked on Annual Review revisions to the following policies during the reporting period:

- CP-2, *Code of Conduct*
- CP-3, *Workplace Professionalism*
- CP-5, *Truthfulness*
- CP-8, *Preventing Racial and Other Biased-Based Profiling*
- CP-11, *Anti-Retaliation*
- EA-2, *Patrol Vehicles*
- EA-3, *Non-Traffic Contact*
- EA-11, *Arrest Procedures*
- EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*
- EB-2, *Traffic Stop Data Collection*
- EB-7, *Traffic Control and Services*
- ED-2, *Covert Operations*
- ED-3, *Review of Cases Declined for Prosecution* (2024-25)
- GA-1, *Development of Written Orders*
- GB-2, *Command Responsibility* (2024-25)

- GC-4, *Detention/ Civilian Employee Performance Appraisals*
- GC-4, (S), *Sworn Employee Performance Appraisals and Management*
- GC-7, *Transfer and Change of Assignment of Personnel*
- GC-11, *Employee Probationary Periods, Unclassified Employees, and Releases*
- GC-12, *Hiring and Promotional Procedures*
- GC-13, *Awards*
- GC-16, *Employee Grievance Procedures*
- GC-17, *Employee Disciplinary Procedures*
- GD-9, *Litigation Initiation, Document Preservation, and Document Production Notices*
- GE-3, *Property Management and Evidence Control*
- GE-4, *Use, Assignment, and Operation of Vehicles*
- GF-1, *Criminal Justice Data Systems*
- GF-3, *Criminal History Record Information and Public Records*
- GF-5, *Incident Report Guidelines (2024-25)*
- GG-1, *Peace Officer Training Administration*
- GG-2, *Detention/ Civilian Training Administration*
- GH-2, *Internal Investigations (2024-25)*
- GH-4, *Bureau of Internal Oversight Audits and Inspections*
- GH-5, *Early Identification System*
- GI-1, *Radio and Enforcement Communications Procedures*
- GI-5, *Voiance Language Services*
- GI-7, *Processing of Bias-Free Tips*
- GJ-2, *Critical Incident Response*
- GJ-3, *Search and Seizure (2024-25)*
- GJ-5, *Crime Scene Management*
- GJ-24, *Community Relations and Youth Programs*
- GJ-26, *Sheriff's Reserve Deputy Program*
- GJ-27, *Sheriff's Posse Program (2024-25)*
- GJ-33, *Significant Operations*
- GJ-35, *Body-Worn Cameras*
- GJ-36, *Use of Digital Recording Devices (Non Body-Worn Cameras)*
- GM-1, *Electronic Communications, Data and Voice Mail*

MCSO Policies with the Community Advisory Board (CAB) for input/recommendations during the reporting period:

- CP-2, *Code of Conduct*
 - No policy comments were received from the CAB.
- CP-8, *Preventing Racial and Other Bias-Based Profiling*

- No policy comments were received from the CAB.
- CP-11, *Anti-Retaliation*
 - No policy comments were received from the CAB.

Statement of Annual Review (SOAR) policies to the Monitors for approval:

- ED-2, *Covert Operations*

MCSO Policies submitted to the Monitoring Team for Annual Review during the reporting period:

- ED-3, *Review of Cases Declined for Prosecution (2024/2025)*
- GB-2, *Command Responsibility (2024/2025)*
- GC-4, *Detention/Civilian Employee Performance Appraisals*
- GC-4 (S), *Sworn Employee Performance Appraisals and Management*
- GC-13, *Awards (2024/2025)*
- GD-9, *Litigation Initiation, Document Preservation, and Document Production Notices*
- GF-5, *Incident Report Guidelines (2024/2025)*
- GH-2, *Internal Investigations (2024/2025)*
- GJ-3, *Search and Seizure (2024/2025)*
- GJ-27, *Sheriff's Posse Program (2024/2025)*
- GJ-35, *Body-Worn Cameras*

In addition, to expeditiously implement the Court's directives, three (3) Administrative Broadcasts and three (3) Briefing Boards that referenced Court Order related topics during this reporting period have been published. The Administrative Broadcast and Briefing Board are listed in the following tables:

MCSO Administrative Broadcasts:

MCSO Administrative Broadcasts		
A.B. #	Subject	Date Issued
AB 25-45	Urgent Update Rescinded Administrative Broadcast 25-40	08/06/25
AB 25-49	Senate Bill 1060 Amending ARS 38-1104	09/19/25
AB 25-50	Publication of Office Policy GD-19 — Affecting Office Policy GC-17, Attachment B	09/29/25

MCSO Administrative Broadcast 25-45 published August 6, 2025, advised employees that Administrative Broadcast 25-40, published June 19, 2025, was rescinded.

MCSO Administrative Broadcast 25-49 published September 19, 2025, advised employees that effective September 26, 2025, Senate Bill (SB) 1060 effectively amended Section 1 of Arizona Revised Statutes 38-1104,

relating to Law Enforcement Officers, and that the MCSO PSB would implement processes to comply with the revisions to the statute.

MCSO Administrative Broadcast 25-50 published September 29, 2025, was a directive to all Office employees advising that on September 30, 2025, revisions to Office Policy GD-19, *Injury or Death of an Employee or Volunteer*, take effect. The revisions include updates consistent with Maricopa County Policy A2218. Updates to Office Policy GC-17, *Employee Disciplinary Procedures*, Attachment B, Category of Offenses, specific to Section 28, Failure to Meet Standards, subsections kk. and ll. are also necessary. However, until those revisions occur, employees are to follow reporting standards as required by Office Policy GD-19, *Injury or Death of an Employee or Volunteer*, effective September 30, 2025.

MCSO Briefing Boards:

MCSO Briefing Boards		
B.B. #	Subject	Date Issued
BB 25-26	Policy Revision CP-2, <i>Code of Conduct</i> GC-13, <i>Awards</i>	09/02/25
BB 25-27	Policy Revisions GB-2, <i>Command Responsibility</i> GF-5, <i>Incident Report Guidelines</i>	09/15/25
BB 25-28	Policy Revisions ED-3, <i>Review of Cases Declined for Prosecution</i>	09/15/25

MCSO Briefing Board 25-26, published September 2, 2025, advised employees of policy revisions to Office Policies CP-2, *Code of Conduct* and GC-13, *Awards*.

MCSO Briefing Board 25-27, published September 15, 2025, advised employees of policy revisions to Office Policies GB-2, *Command Responsibility* and GF-5, *Incident Report Guidelines*.

MCSO Briefing Board 25-28, published September 15, 2025, advised employees of a policy revisions to Office Policy ED-3, *Review of Cases Declined for Prosecution*.

Consistent with the Court Order, Paragraph 31 requirements regarding MCSO personnels' receipt and comprehension of the policies and procedures, MCSO implemented the E-Policy system in January 2015 which has now been transitioned into TheHUB effective January 2018. MCSO utilizes the system to distribute and require attestation of all *Briefing Boards* and published policies. TheHUB system memorializes and tracks employee compliance with the required reading of MCSO Policy and Procedures, employee acknowledgement that he or she understands the subject policies and procedures and employee expression of his or her agreement to abide by the requirements of the policies and procedures. MCSO provides Critical, Detention, Enforcement, and General Policies through TheHUB as a resource for all MCSO personnel.

During the subject three-month reporting period, MCSO used the TheHUB system to distribute and obtain attestation of the following:

- Order Related:
 - There were five (5) Order related oversight policy revisions published through *The Briefing Board*.
- Non-Order Related:
 - There were six (6) policy revisions published in *The Briefing Board*.
 - There were seven (7) immediate policy changes published in *The Briefing Board*.
 - There was one (1) new policy publication.

Paragraph 19. *To further the goals in this Order, the MCSO shall conduct a comprehensive review of all Patrol Operations Policies and Procedures and make appropriate amendments to ensure that they reflect the Court's permanent injunction and this Order.*

MCSO remains in Full and Effective Compliance with Paragraph 19.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 35th Quarterly Report (Doc. 2874-1).

Paragraph 21. *The MCSO shall promulgate a new, department-wide policy or policies clearly prohibiting Discriminatory Policing and racial profiling. The policy or policies shall, at a minimum:*

- a. *define racial profiling as the reliance on race or ethnicity to any degree in making law enforcement decisions, except in connection with a reliable and specific suspect description;*
- b. *prohibit the selective enforcement or non-enforcement of the law based on race or ethnicity;*
- c. *prohibit the selection or rejection of particular policing tactics or strategies or locations based to any degree on race or ethnicity;*
- d. *specify that the presence of reasonable suspicion or probable cause to believe an individual has violated a law does not necessarily mean that an officer's action is race-neutral; and*
- e. *include a description of the agency's Training requirements on the topic of racial profiling in Paragraphs 48–51, data collection requirements (including video and audio recording of stops as set forth elsewhere in this Order) in Paragraphs 54–63 and oversight mechanisms to detect and prevent racial profiling, including disciplinary consequences for officers who engage in racial profiling.*

MCSO remains in Full and Effective Compliance with Paragraph 21.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 22. *MCSO Leadership and supervising Deputies and detention officers shall unequivocally and consistently reinforce to subordinates that Discriminatory Policing is unacceptable.*

MCSO remains in Full and Effective Compliance with Paragraph 22.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 37th Quarterly Report (Doc. 2935-1).

Paragraph 23. *Within 30 days of the Effective Date, MCSO shall modify its Code of Conduct to prohibit MCSO Employees from utilizing County property, such as County e-mail, in a manner that discriminates against, or denigrates, anyone on the basis of race, color, or national origin.*

MCSO remains in Full and Effective Compliance with Paragraph 23.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 24. *The MCSO shall ensure that its operations are not motivated by or initiated in response to requests for law enforcement action based on race or ethnicity. In deciding to take any law enforcement action, the MCSO shall not rely on any information received from the public, including through any hotline, by mail, email, phone or in person, unless the information contains evidence of a crime that is independently corroborated by the MCSO, such independent corroboration is documented in writing, and reliance on the information is consistent with all MCSO policies.*

MCSO remains in Full and Effective Compliance with Paragraph 24.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

During the third quarter of 2025, SILO reviewed 972 tips in July, 814 tips in August, and 648 tips in September, for a total of 2,434 tips. All tips were reviewed and processed in accordance with the type of allegation or service requested.

Firearm-related violations accounted for the largest portion of tips during the quarter, representing 39% of all submissions (950 tips). Fugitive and warrant-related tips followed at 9% (220 tips). Scam-related tips ranked third at 6.7%, while drug-related tips accounted for 6% of total submissions.

No tips were closed due to bias during this reporting period.

Paragraph 25. *The MCSO will revise its policy or policies relating to traffic enforcement to ensure that those policies, at a minimum:*

- a. prohibit racial profiling in the enforcement of traffic laws, including the selection of which vehicles to stop based to any degree on race or ethnicity, even where an officer has reasonable suspicion or probable cause to believe a violation is being or has been committed;*
- b. provide Deputies with guidance on effective traffic enforcement, including the prioritization of traffic enforcement resources to promote public safety;*
- c. prohibit the selection of particular communities, locations or geographic areas for targeted traffic enforcement based to any degree on the racial or ethnic composition of the community;*
- d. prohibit the selection of which motor vehicle occupants to question or investigate based to any degree on race or ethnicity;*
- e. prohibit the use of particular tactics or procedures on a traffic stop based on race or ethnicity;*

- f. require deputies at the beginning of each stop, before making contact with the vehicle, to contact dispatch and state the reason for the stop, unless Exigent Circumstances make it unsafe or impracticable for the deputy to contact dispatch;*
- g. prohibit Deputies from extending the duration of any traffic stop longer than the time that is necessary to address the original purpose for the stop and/or to resolve any apparent criminal violation for which the Deputy has or acquires reasonable suspicion or probable cause to believe has been committed or is being committed;*
- h. require the duration of each traffic stop to be recorded;*
- i. provide Deputies with a list and/or description of forms of identification deemed acceptable for drivers and passengers (in circumstances where identification is required of them) who are unable to present a driver's license or other state-issued identification; and*
- j. instruct Deputies that they are not to ask for the Social Security number or card of any motorist who has provided a valid form of identification, unless it is needed to complete a citation or report.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 25.

MCSO has gone to great lengths to revise and amend its policies to make clear that biased policing is unacceptable and to implement systems targeted to identify and address problematic behavior. These efforts are reflected in the ongoing review and improvement of MCSO policies and systems such as the Traffic Stop Monthly Report ("TSMR"). The Monitor has recognized these efforts and continues to find MCSO in compliance with this Paragraph.

Paragraph 26. *The MCSO shall revise its policy or policies relating to Investigatory Detentions and arrests to ensure that those policies, at a minimum:*

- a. require that Deputies have reasonable suspicion that a person is engaged in, has committed, or is about to commit, a crime before initiating an investigatory seizure;*
- b. require that Deputies have probable cause to believe that a person is engaged in, has committed, or is about to commit, a crime before initiating an arrest;*
- c. provide Deputies with guidance on factors to be considered in deciding whether to cite and release an individual for a criminal violation or whether to make an arrest;*
- d. require Deputies to notify Supervisors before effectuating an arrest following any immigration-related investigation or for an Immigration-Related Crime, or for any crime by a vehicle passenger related to lack of an identity document;*
- e. prohibit the use of a person's race or ethnicity as a factor in establishing reasonable suspicion or probable cause to believe a person has, is, or will commit a crime, except as part of a reliable and specific suspect description; and*
- f. prohibit the use of quotas, whether formal or informal, for stops, citations, detentions, or arrests (though this requirement shall not be construed to prohibit the MCSO from reviewing Deputy activity for the purpose of assessing a Deputy's overall effectiveness or whether the Deputy may be engaging in unconstitutional policing).*

MCSO remains in Full and Effective Compliance with Paragraph 26.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 27. *The MCSO shall remove discussion of its LEAR Policy from all agency written Policies and Procedures, except that the agency may mention the LEAR Policy in order to clarify that it is discontinued.*

MCSO remains in Full and Effective Compliance with Paragraph 27.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 28. *The MCSO shall promulgate a new policy or policies, or will revise its existing policy or policies, relating to the enforcement of Immigration-Related Laws to ensure that they, at a minimum:*

- a. specify that unauthorized presence in the United States is not a crime and does not itself constitute reasonable suspicion or probable cause to believe that a person has committed or is committing any crime;*
- b. prohibit officers from detaining any individual based on actual or suspected "unlawful presence," without something more;*
- c. prohibit officers from initiating a pretextual vehicle stop where an officer has reasonable suspicion or probable cause to believe a traffic or equipment violation has been or is being committed in order to determine whether the driver or passengers are unlawfully present;*
- d. prohibit the Deputies from relying on race or apparent Latino ancestry to any degree to select whom to stop or to investigate for an Immigration-Related Crime (except in connection with a specific suspect description);*
- e. prohibit Deputies from relying on a suspect's speaking Spanish, or speaking English with an accent, or appearance as a day laborer as a factor in developing reasonable suspicion or probable cause to believe a person has committed or is committing any crime, or reasonable suspicion to believe that an individual is in the country without authorization;*
- f. unless the officer has reasonable suspicion that the person is in the country unlawfully and probable cause to believe the individual has committed or is committing a crime, the MCSO shall prohibit officers from (a) questioning any individual as to his/her alienage or immigration status; (b) investigating an individual's identity or searching the individual in order to develop evidence of unlawful status; or (c) detaining an individual while contacting ICE/CBP with an inquiry about immigration status or awaiting a response from ICE/CBP. In such cases, the officer must still comply with Paragraph 25(g) of this Order. Notwithstanding the foregoing, an officer may (a) briefly question an individual as to his/her alienage or immigration status; (b) contact ICE/CBP and await a response from federal authorities if the officer has reasonable suspicion to believe the person is in the country unlawfully and reasonable suspicion to believe the person is engaged in an Immigration- Related Crime for which unlawful immigration status is an element, so long as doing so does not unreasonably extend the stop in violation of Paragraph 25(g) of this Order;*
- g. prohibit Deputies from transporting or delivering an individual to ICE/CBP custody from a traffic stop unless a request to do so has been voluntarily made by the individual;*
- h. require that, before any questioning as to alienage or immigration status or any contact with ICE/CBP is initiated, an officer check with a Supervisor to ensure that the circumstances justify such an action under MCSO policy and receive approval to proceed. Officers must also document, in every such case, (a) the reason(s) for making the immigration-status inquiry or contacting ICE/CBP, (b) the time Supervisor approval was received, (c) when ICE/CBP was contacted, (d) the time it took to receive a response from ICE/CBP, if applicable, and (e) whether the individual was then transferred to ICE/CBP custody.*

MCSO remains in Full and Effective Compliance with Paragraph 28.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 29.** MCSO Policies and Procedures shall define terms clearly, comply with applicable law and the requirements of this Order, and comport with current professional standards.*

MCSO remains in Full and Effective Compliance with Paragraph 29.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 30.** Unless otherwise noted, the MCSO shall submit all Policies and Procedures and amendments to Policies and Procedures provided for by this Order to the Monitor for review within 90 days of the Effective Date pursuant to the process described in Section IV. These Policies and Procedures shall be approved by the Monitor or the Court prior to their implementation.*

MCSO remains in Full and Effective Compliance with Paragraph 30.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 31.** Within 60 days after such approval, MCSO shall ensure that all relevant MCSO Patrol Operation Personnel have received, read, and understand their responsibilities pursuant to the Policy or Procedure. The MCSO shall ensure that personnel continue to be regularly notified of any new Policies and Procedures or changes to Policies and Procedures. The Monitor shall assess and report to the Court and the Parties on whether he/ she believes relevant personnel are provided sufficient notification of and access to, and understand each policy or procedure as necessary to fulfill their responsibilities.*

MCSO remains in Full and Effective Compliance with Paragraph 31.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 32.** The MCSO shall require that all Patrol Operation personnel report violations of policy; that Supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command; and that personnel be held accountable for policy and procedure violations. The MCSO shall apply policies uniformly.*

MCSO is in Phase 1 compliance with Paragraph 32. The Monitor's 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

MCSO continues to object to the Monitor's method of assessing MCSO's compliance with Paragraph 32 because it far exceeds the actual requirements of Paragraph 32 and, instead, imports requirements from other Paragraphs. MCSO requests that the Monitor limit its assessment methodology for Paragraph 32 to the specific requirements of Paragraph 32 and not include requirements specifically addressed in other Paragraphs.

Paragraph 32 requires: (1) patrol personnel to report policy violations; (2) Supervisors to be held accountable for identifying and responding to violations; (3) personnel to be held accountable for violations; and (4)

policies to be applied uniformly. Yet the Monitor assesses compliance with Paragraph 32 by scrutinizing completed misconduct investigations involving patrol Deputies and determining whether those investigations meet the requirements of other Paragraphs that specifically govern misconduct investigations, including the timeliness requirements of Paragraph 204, as amended. As a result of this approach, the Monitor's methodology inappropriately lumps the requirements of several Paragraphs together and applies the same analysis to all of the Paragraphs, instead of addressing the specific requirements in each Paragraph individually. A more appropriate method of assessment would be for the Monitor to assess the requirements in Paragraph 32 alone and not apply far-reaching assessments of the entire case file when assessing Paragraph 32.

As originally set forth in its Comments to the Monitor's 44th Quarterly Report, "since either the [Professional Standards Bureau ("PSB")] or a separately appointed district sergeant conducts the investigations, Patrol Operations personnel and Patrol Operations supervisors do not have control over the investigation into potential policy or procedure violations or to timely hold those under their command accountable for policy and procedural violations, which are the actual requirements of Paragraph 32. Thus, imposing Paragraph 204's timeliness requirement on Paragraph 32 is illogical and inappropriate." (Doc. 3268-2, pg. 2.) MCSO reiterates that to date, the Monitor has not addressed MCSO's objections to the Monitor's incorporating other Paragraph requirements into this Paragraph. When applying the requirements of Paragraph 32 alone, MCSO asserts that it is in compliance with this Paragraph and requests that the Monitor acknowledge that MCSO is in compliance with this Paragraph.

MCSO nevertheless acknowledges the concerns the Monitor raises regarding district internal investigations and the associated challenges of completing these investigations in compliance with the Orders other, unrelated Paragraphs. MCSO leadership recognizes there are problems that need to be solved with district investigations for those investigations to be completed properly and timely. However, MCSO continues to implement the appropriate utilization of district and division personnel outside of PSB to assist with administrative investigations and continues to seek ways to improve those investigations' quality and timeliness. MCSO continues to investigate and identify all reasonable steps to comply with the Court Orders' investigative and timeliness requirements.

Paragraph 33. *MCSO Personnel who engage in Discriminatory Policing in any context will be subjected to administrative Discipline and, where appropriate, referred for criminal prosecution. MCSO shall provide clear guidelines, in writing, regarding the disciplinary consequences for personnel who engage in Discriminatory Policing.*

MCSO is in Phase 1 compliance with Paragraph 33. The Monitor's 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

MCSO submits that it is in compliance with this Paragraph because MCSO Personnel who engage in Discriminatory Policing will be subjected to administrative Discipline and referred for criminal prosecution, when appropriate, as stated in the Monitor's Reports. (*See, e.g.*, Doc. 3198 at 40.) The Monitor inappropriately assesses compliance with this Paragraph by scrutinizing completed misconduct investigations and determining whether those investigations met the requirements of other Paragraphs that specifically govern misconduct investigations, including the timeliness requirements of Paragraph 204, as amended. As a result of this approach, the Monitor's methodology inappropriately applies the requirements of other Paragraphs to assess Paragraph 33. Rather, the Monitor should assess the requirements of Paragraph 33 alone.

Here, Paragraph 33's plain language requires that MCSO personnel who engage in Discriminatory Policing be subject to administrative discipline—and referred for criminal prosecution when appropriate—and for MCSO

to provide clear, written guidelines regarding the consequences for engaging in Discriminatory Policing. For Paragraph 33 to apply to MCSO personnel, an investigation into alleged Discriminatory Policing ***must have already been completed*** and MCSO Personnel ***must have already been found to have engaged in the alleged Discriminatory Policing***. Imposing a timeliness requirement into the investigation to determine *if* MCSO personnel engaged in Discriminatory Policing is simply inappropriate and illogical, as Paragraph 33 pertains to what happens ***after*** the investigation has concluded. Indeed, by scrutinizing the investigation into whether Discriminatory Policing occurred via timeliness and other metrics, the Monitor essentially presumes a principal's guilt upon the filing of the complaint, violating the Peace Officer's Bill of Rights, Ariz. Rev. Stat. §§ 28-1101 through 1120. Because MCSO has continuously complied with the specifics of Paragraph 33—as the Monitor has continuously found—MCSO asserts compliance with Paragraph 33.

Paragraph 34. *MCSO shall review each policy and procedure on an annual basis to ensure that the policy or procedure provides effective direction to MCSO Personnel and remains consistent with this Order, current law and professional standards. The MCSO shall document such annual review in writing. MCSO also shall review Policies and Procedures as necessary upon notice of a policy deficiency during audits or reviews. MCSO shall revise any deficient policy as soon as practicable.*

MCSO remains in Full and Effective Compliance with Paragraph 34.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Section 5: Pre-Planned Operations

General comments regarding Pre-Planned Operations:

MCSO did not conduct any Significant Operations during this reporting period.

As outlined in these Paragraphs, MCSO has fully adopted the requirements of conducting Pre-Planned Operations in Policy GJ-33, the Special Investigations Division (“SID”) Operations Manual, and the CID Operations Manual. MCSO has demonstrated through practice and implementation of policy and operations manuals that it is committed to conducting Significant Operations in accordance with these recognized and adopted procedures.

MCSO remains in Full and Effective Compliance with all Paragraphs in Section 5, Pre-Planned Operations.

***Paragraph 35.** The Monitor shall regularly review the mission statement, policies and operations documents of any Specialized Unit within the MCSO that enforces Immigration-Related Laws to ensure that such unit(s) is/are operating in accordance with the Constitution, the laws of the United States and State of Arizona, and this Order.*

MCSO remains in Full and Effective Compliance with Paragraph 35.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff’s 29th Quarterly Report (Doc. 2703-1).

***Paragraph 36.** The MCSO shall ensure that any Significant Operations or Patrols are initiated and carried out in a race-neutral fashion. For any Significant Operation or Patrol involving 10 or more MCSO personnel, excluding posse members, the MSCO [sic] shall develop a written protocol including a statement of the operational motivations and objectives, parameters for supporting documentation that shall be collected, operations plans, and provide instructions to supervisors, deputies and posse members. That written protocol shall be provided to the Monitor in advance of any Significant Operation or Patrol.*

MCSO remains in Full and Effective Compliance with Paragraph 36.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff’s 29th Quarterly Report (Doc. 2703-1).

***Paragraph 37.** The MCSO shall submit a standard template for operations plans and standard instructions for supervisors, deputies and posse members applicable to all Significant Operations or Patrols to the Monitor for review pursuant to the process described in Section IV within 90 days of the Effective Date. In Exigent Circumstances, the MCSO may conduct Significant Operations or Patrols during the interim period but such patrols shall be conducted in a manner that is in compliance with the requirement of this Order. Any Significant Operations or Patrols thereafter must be in accordance with the approved template and instructions.*

MCSO remains in Full and Effective Compliance with Paragraph 37.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

(Note: Amendments to Paragraphs 38 and 39 were ordered on August 3, 2017. See Doc. 2100.)

Paragraph 38. *If the MCSO conducts any Significant Operations or Patrols involving 10 or more MCSO Personnel excluding posse members, it shall create the following documentation and provide it to the Monitor and Plaintiffs within 30 days after the operation:*

- a. documentation of the specific justification/ reason for the operation, certified as drafted prior to the operation (this documentation must include analysis of relevant, reliable, and comparative crime data);*
- b. information that triggered the operation and/ or selection of the particular site for the operation;*
- c. documentation of the steps taken to corroborate any information or intelligence received from non-law enforcement personnel;*
- d. documentation of command staff review and approval of the operation and operations plans;*
- e. a listing of specific operational objectives for the patrol;*
- f. documentation of specific operational objectives and instructions as communicated to participating MCSO Personnel;*
- g. any operations plans, other instructions, guidance or post-operation feedback or debriefing provided to participating MCSO Personnel;*
- h. a post-operation analysis of the patrol, including a detailed report of any significant events that occurred during the patrol;*
- i. arrest lists, officer participation logs and records for the patrol; and*
- j. data about each contact made during the operation, including whether it resulted in a citation or arrest.*

MCSO remains in Full and Effective Compliance with Paragraph 38.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 39. *The MCSO shall hold a community outreach meeting no more than 40 days after any Significant Operations or Patrols in the affected District(s). MCSO shall work with the Community Advisory Board to ensure that the community outreach meeting adequately communicates information regarding the objectives and results of the operation or patrol. The community outreach meeting shall be advertised and conducted in English and Spanish.*

MCSO remains in Full and Effective Compliance with Paragraph 39.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 40. *The MCSO shall notify the Monitor and Plaintiffs within 24 hours of any immigration-related traffic enforcement activity or Significant Operation involving the arrest of 5 or more people unless such disclosure would interfere with*

an on-going criminal investigation in which case the notification shall be provided under seal to the Court, which may determine that disclosure to the Monitor and Plaintiffs would not interfere with an on-going criminal investigation. In any event, as soon as disclosure would no longer interfere with an on-going criminal investigation, MCSO shall provide the notification to the Monitor and Plaintiffs. To the extent that it is not already covered above by Paragraph 38, the Monitor and Plaintiffs may request any documentation related to such activity as they deem reasonably necessary to ensure compliance with the Court's orders.

MCSO remains in Full and Effective Compliance with Paragraph 40.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Section 6: Training

General Comments Regarding Training

In this quarter, MCSO Training Division continued to provide relevant and meaningful training that meets or exceeds the requirements of the Court's Orders.

MCSO is in Full and Effective Compliance with all Paragraphs in this section except for Paragraph 42, with which it is in compliance.

In this quarter, MCSO Training Division published the following Briefing Boards on TheHUB covering MCSO Policies:

- Brf 2523 - Policy Change GC-15, *Employee Resignations, Retirements, And Separations*; GC-20, *Uniform Specifications*
- Brf 2524- Policy Change GC-20, *Uniform Specifications*
- Brf 2525 - Policy Change GJ-23, *Firearms Approved Firearms List Attachment A*
- Brf 2526 - Policy Publication CP-2, *Code of Conduct*; GC-13, *Awards*
- Brf 2527 - Policy Publication GB-2, *Command Responsibility*; GF-5, *Incident Report Guidelines*
- Brf 2528 - Policy Publication ED-3, *Review of Cases declined for Prosecution*
- Brf 2529 - Policy Publication CP-6, *Bloodborne Pathogens*; GC-22, *Critical Incident Stress Management Program*
- Brf 2530 - Policy Publication CP-9, *Occupational Safety Program*; GE-1, *Supply Requisition, Procurement, and Inventory*
- Brf 2531 - Policy Publication EJ-4, *Barricade and Hostage Incidents*
- Brf 2532 - Policy Publication GD-19, *Injury or Death of an Employee or Volunteer*
- Brf 2533 - Policy Publication DH-11, *Inmate Body Scanner Searches*
- Brf 2534 - Policy Change DH-3, *Searches And Contraband Control*; DH-7, *Intrafacility Inmate Movement*; DO-1, *Intake Process*

2025 1st Semi-Annual CP-8 Briefing

- MCSO begin staff CP-8 Training on 02/01/2025 for completion by 05/30/2025.
- Final compliant rate:
 - Civilian – 100%
 - DSA – 100%
 - Reserve – 100%
 - Detention – 100%
 - Posse – 100%
 - Sworn – 100%

2025 2nd Semi-Annual CP-8 Briefing

- CP-8 briefing material was approved by the Monitoring Team on 09/26/2025.

2025 PSB-8 INTERNAL

- PSB-8 material was approved by the Monitoring Team on 09/11/2025
- 2 Sessions were held by MCSO on 09/16 and 09/17.

2025 PSB-8 EXTERNAL

- PSB-8 External was developed based on common errors noted during site visits and is in final command review prior to submission to the Monitoring Team and Parties for comments and approval. Classrooms are reserved in anticipation of the Training's approval by the Monitoring Team in an effort to facilitate a timely delivery once the Training is approved.

2025 ACT Implicit Bias and 4th and 14th Amendment

- MCSO submitted this class to the Monitoring Team on 07/01/2026 for the first drop.
- The second drop was submitted to the Monitoring Team on 09/23/2025.
- MCSO anticipates that the class will be deployed in the 4th Quarter 2025.

2025 SRELE

- The first drop of the class was submitted to the Monitoring Team on 08/22/2025.
- The second drop was submitted to the Monitoring Team on 09/30/2025.

2025 10HR EIS

- The class was submitted to the Monitoring Team on 08/27/2025 for the first drop.
- The class was approved after the first drop and ready for deployment.

2025 Annual Updates / Planned projects

- **ACT** – The training has been approved by the Monitoring Team and will be deployed by MCSO with the training to have an anticipated completion date in the 4th Quarter 2025.
- **Bias Free 20 Hour:** MCSO anticipates minor cosmetic changes and update to polling information.
- **EIS (10H):** MCSO Training Staff to conduct annual review and send to the Monitoring Team in 4th Quarter 2025.
- **EPA:** Content is being reviewed by MCSO's subject matter experts to determine if what revisions to the training will be made. MCSO expects that this class will receive an overhaul.
- **EEPM:** MCSO Training Staff will be conducting an annual review of this training.
- **BT 1H:** MCSO transitioned this class to the HUB in 2025. The Training Staff will be conducting an annual review of the training. No major changes are anticipated.
- **BT 2H:** The Training Staff will be conducting an annual review of the training. No major changes are anticipated.

- **BWC:** The lesson plan will be revised to accommodate the upcoming transition to AB 4. It is anticipated there will be an update to the Learning Activities. In addition, a HUB Transition class will be created.
- **TraCS:** In light of MCSO policy change to EA-3 was approved by the Monitoring Team as of 04/07/2025, MCSO will review the training classes to ensure the classes' content aligns with the policy update:
 - TraCS for Supervisors
 - TraCS for Posse
 - TraCS
- **PSB 40:** No anticipated changes.
- **PSB 8 Internal:** Outside vendor FBI LEEDA provided the training this year after review and approval of the training by the Monitoring Team
- **PSB 8 External:** The lesson plan is currently under development by MCSO.
- **Complaint Reception and Processing:** There are no anticipated changes. The Training Staff will be conducting an annual review of the training.
- **CP-8:** The second semi-annual briefing will be deployed by MCSO in 4th Quarter 2025.

2025 Video Library

- Current video library totals 41 videos related to Court Ordered Topics:
 - CP-8 – 4 Videos
 - Cultural Competency – 8
 - FIDM – 12
 - Implicit Bias – 16
 - Search and Seizure – 1

Paragraph 42. *The persons presenting this Training in each area shall be competent instructors with significant experience and expertise in the area. Those presenting Training on legal matters shall also hold a law degree from an accredited law school and be admitted to a Bar of any state and/or the District of Columbia.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 42.

MCSO has worked to develop additional tracking methods to ensure that all required documentation checks occur. As a result of those successful efforts, the Monitor has found MCSO in compliance with this Paragraph. In addition, MCSO's instructors remain competent and qualified.

Paragraph 43. *The Training shall include at least 60% live training (i.e., with a live instructor) which includes an interactive component and no more than 40% on-line training. The Training shall also include testing and/or writings that indicate that MCSO Personnel taking the Training comprehend the material taught whether via live training or via on-line training.*

MCSO remains in Full and Effective Compliance with Paragraph 43.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 32nd Quarterly Report (Doc. 2782-1).

***Paragraph 44.** Within 90 days of the Effective Date, MCSO shall set out a schedule for delivering all Training required by this Order. Plaintiffs' Representative and the Monitor shall be provided with the schedule of all Trainings and will be permitted to observe all live trainings and all on-line training. Attendees shall sign in at each live session. MCSO shall keep an up-to-date list of the live and on-line Training sessions and hours attended or viewed by each officer and Supervisor and make that available to the Monitor and Plaintiffs.*

MCSO remains in Full and Effective Compliance with Paragraph 44.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

***Paragraph 45.** The Training may incorporate adult-learning methods that incorporate role-playing scenarios, interactive exercises, as well as traditional lecture formats.*

MCSO remains in Full and Effective Compliance with Paragraph 45.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 46.** The curriculum and any materials and information on the proposed instructors for the Training provided for by this Order shall be provided to the Monitor within 90 days of the Effective Date for review pursuant to the process described in Section IV. The Monitor and Plaintiffs may provide resources that the MCSO can consult to develop the content of the Training, including names of suggested instructors.*

MCSO remains in Full and Effective Compliance with Paragraph 46.

In his 45th Report, the Monitor deferred MCSO's compliance with this Paragraph. MCSO maintains that the Monitor's deferral of compliance under this Paragraph is based on considerations that fall outside the Paragraph's language and intended scope. The Paragraph is designed to assess the quality and delivery of training, ensuring instruction is policy based, taught by Monitor approved instructors, and updated annually. MCSO has consistently taught Monitor approved courses, delivered by Monitor approved instructors, and revised training materials when a need was identified. The only Monitor comment that directly relates to the Paragraph's language is the recommendation to tailor learning activities to the duties of DSA and Posse personnel, a need that MCSO has already acknowledged and addressed through revised instructional content.

MCSO continues to meet each of these requirements. The Monitor's concerns regarding policy interpretation, potential policy changes, or the operational use of Posse personnel are unrelated to whether the training itself satisfies the express requirements of the Paragraph. As such, these considerations do not provide a valid basis for deferring compliance under this Paragraph.

Accordingly, MCSO asserts that the Monitor exceeded the authority granted under the Court's Orders by deferring compliance based on issues unrelated to the Paragraph's express requirements. MCSO therefore requests that the Monitor amend its finding to reflect continued Full and Effective Compliance with this Paragraph. Furthermore, MCSO asserts that it remains in Full and Effective Compliance with this Paragraph as it established in the MCSO's 29th Quarterly Report (Doc. 2703-1).

Paragraph 47. *MCSO shall regularly update the Training to keep up with developments in the law and to take into account feedback from the Monitor, the Court, Plaintiffs and MCSO Personnel.*

MCSO remains in Full and Effective Compliance with Paragraph 47.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 32nd Quarterly Report (Doc. 2782-1).

Paragraph 48. *The MCSO shall provide all sworn Deputies, including Supervisors and chiefs, as well as all posse members, with 12 hours of comprehensive and interdisciplinary Training on bias-free policing within 240 days of the Effective Date, or for new Deputies or posse members, within 90 days of the start of their service, and at least 6 hours annually thereafter.*

MCSO remains in Full and Effective Compliance with Paragraph 48.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

Paragraph 49. *The Training shall incorporate the most current developments in federal and Arizona law and MCSO policy, and shall address or include, at a minimum:*

- a. definitions of racial profiling and Discriminatory Policing;*
- b. examples of the type of conduct that would constitute Discriminatory Policing as well as examples of the types of indicators Deputies may properly rely upon;*
- c. the protection of civil rights as a central part of the police mission and as essential to effective policing;*
- d. an emphasis on ethics, professionalism and the protection of civil rights as a central part of the police mission and as essential to effective policing;*
- e. constitutional and other legal requirements related to equal protection, unlawful discrimination, and restrictions on the enforcement of Immigration-Related Laws, including the requirements of this Order;*
- f. MCSO policies related to Discriminatory Policing, the enforcement of Immigration- Related Laws and traffic enforcement, and to the extent past instructions to personnel on these topics were incorrect, a correction of any misconceptions about the law or MCSO policies;*
- g. MCSO's protocol and requirements for ensuring that any significant pre-planned operations or patrols are initiated and carried out in a race-neutral fashion;*
- h. police and community perspectives related to Discriminatory Policing;*
- i. the existence of arbitrary classifications, stereotypes, and implicit bias, and the impact that these may have on the decision-making and behavior of a Deputy;*
- j. methods and strategies for identifying stereotypes and implicit bias in Deputy decision- making;*
- k. methods and strategies for ensuring effective policing, including reliance solely on non- discriminatory factors at key decision points;*

- l. methods and strategies to reduce misunderstanding, resolve and/or de-escalate conflict, and avoid Complaints due to perceived police bias or discrimination;*
- m. cultural awareness and how to communicate with individuals in commonly encountered scenarios;*
- n. problem-oriented policing tactics and other methods for improving public safety and crime prevention through community engagement;*
- o. the benefits of actively engaging community organizations, including those serving youth and immigrant communities;*
- p. the MCSO process for investigating Complaints of possible misconduct and the disciplinary consequences for personnel found to have violated MCSO policy;*
- q. background information on the Melendres v. Arpaio litigation, as well as a summary and explanation of the Court's May 24, 2013 Findings of Fact and Conclusions of Law in Melendres v. Arpaio, the parameters of the Court's permanent injunction, and the requirements of this Order; and*
- r. Instruction on the data collection protocols and reporting requirements of this Order.*

MCSO remains in Full and Effective Compliance with Paragraph 49.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

Paragraph 50. *In addition to the Training on bias-free policing, the MCSO shall provide all sworn personnel, including Supervisors and chiefs, as well as all posse members, with 6 hours of Training on the Fourth Amendment, including on detentions, arrests and the enforcement of Immigration-Related Laws within 180 days of the effective date of this Order, or for new Deputies or posse members, within 90 days of the start of their service. MCSO shall provide all Deputies with 4 hours of Training each year thereafter.*

MCSO remains in Full and Effective Compliance with Paragraph 50.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

Paragraph 51. *The Training shall incorporate the most current developments in federal and Arizona law and MCSO policy, and shall address or include, at a minimum:*

- a. an explanation of the difference between various police contacts according to the level of police intrusion and the requisite level of suspicion; the difference between reasonable suspicion and mere speculation; and the difference between voluntary consent and mere acquiescence to police authority;*
- b. guidance on the facts and circumstances that should be considered in initiating, expanding or terminating an Investigatory Stop or detention;*
- c. guidance on the circumstances under which an Investigatory Detention can become an arrest requiring probable cause;*
- d. constitutional and other legal requirements related to stops, detentions and arrests, and the enforcement of Immigration-Related Laws, including the requirements of this Order;*
- e. MCSO policies related to stops, detentions and arrests, and the enforcement of Immigration-Related Laws, and the extent to which past instructions to personnel on these topics were incorrect, a correction of any misconceptions about the law or MCSO policies;*
- f. the circumstances under which a passenger may be questioned or asked for identification;*
- g. the forms of identification that will be deemed acceptable if a driver or passenger (in circumstances where identification is required of them) is unable to present an Arizona driver's license;*

- b. *the circumstances under which an officer may initiate a vehicle stop in order to investigate a load vehicle;*
- i. *the circumstances under which a Deputy may question any individual as to his/her alienage or immigration status, investigate an individual's identity or search the individual in order to develop evidence of unlawful status, contact ICE/CBP, await a response from ICE/CBP and/or deliver an individual to ICE/CBP custody;*
- j. *a discussion of the factors that may properly be considered in establishing reasonable suspicion or probable cause to believe that a vehicle or an individual is involved in an immigration-related state crime, such as a violation of the Arizona Human Smuggling Statute, as drawn from legal precedent and updated as necessary; the factors shall not include actual or apparent race or ethnicity, speaking Spanish, speaking English with an accent, or appearance as a Hispanic day laborer;*
- k. *a discussion of the factors that may properly be considered in establishing reasonable suspicion or probable cause that an individual is in the country unlawfully, as drawn from legal precedent and updated as necessary; the factors shall not include actual or apparent race or ethnicity, speaking Spanish, speaking English with an accent, or appearance as a day laborer;*
- l. *an emphasis on the rule that use of race or ethnicity to any degree, except in the case of a reliable, specific suspect description, is prohibited;*
- m. *the MCSO process for investigating Complaints of possible misconduct and the disciplinary consequences for personnel found to have violated MCSO policy;*
- n. *provide all trainees a copy of the Court's May 24, 2013 Findings of Fact and Conclusions of Law in Melendres v. Arpaio and this Order, as well as a summary and explanation of the same that is drafted by counsel for Plaintiffs or Defendants and reviewed by the Monitor or the Court; and*
- o. *Instruction on the data collection protocols and reporting requirements of this Order, particularly reporting requirements for any contact with ICE/CBP.*

MCSO remains in Full and Effective Compliance with Paragraph 51.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

Paragraph 52. *MCSO shall provide Supervisors with comprehensive and interdisciplinary Training on supervision strategies and supervisory responsibilities under the Order. MCSO shall provide an initial mandatory supervisor training of no less than 6 hours, which shall be completed prior to assuming supervisory responsibilities or, for current MCSO Supervisors, within 180 days of the Effective Date of this Order. In addition to this initial Supervisor Training, MCSO shall require each Supervisor to complete at least 4 hours of Supervisor-specific Training annually thereafter. As needed, Supervisors shall also receive Training and updates as required by changes in pertinent developments in the law of equal protection, Fourth Amendment, the enforcement of Immigration-Related Laws, and other areas, as well as Training in new skills.*

MCSO remains in Full and Effective Compliance with Paragraph 52.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 28th Quarterly Report (Doc. 2665-1).

Paragraph 53. *The Supervisor-specific Training shall address or include, at a minimum:*

- a. *techniques for effectively guiding and directing Deputies, and promoting effective and constitutional police practices in conformity with the Policies and Procedures in Paragraphs 18-34 and the Fourth and Fourteenth Amendment*

Training in Paragraphs 48-51;

- b. how to conduct regular reviews of subordinates;*
- c. operation of Supervisory tools such as EIS;*
- d. evaluation of written reports, including how to identify conclusory, "canned," or perfunctory language that is not supported by specific facts;*
- e. how to analyze collected traffic stop data, audio and visual recordings, and patrol data to look for warning signs or indicia of possible racial profiling or unlawful conduct;*
- f. how to plan significant operations and patrols to ensure that they are race-neutral and how to supervise Deputies engaged in such operations;*
- g. incorporating integrity-related data into COMSTAT reporting;*
- h. how to respond to calls from Deputies requesting permission to proceed with an investigation of an individual's immigration status, including contacting ICE / CBP;*
- i. how to respond to the scene of a traffic stop when a civilian would like to make a Complaint against a Deputy;*
- j. how to respond to and investigate allegations of Deputy misconduct generally;*
- k. evaluating Deputy performance as part of the regular employee performance evaluation; and*
- l. building community partnerships and guiding Deputies to do the Training for Personnel Conducting Misconduct Investigations.*

MCSO remains in Full and Effective Compliance with Paragraph 53.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 28th Quarterly Report (Doc. 2665-1).

Section 7: Traffic Stop Documentation and Data Collection

General Comments regarding Traffic Stop Documentation and Data Collection

The documentation and collection of traffic stop data comprise the foundation of much of the analysis and follow-up that MCSO accomplished pursuant to the Court's Orders to identify, prevent, and correct potentially biased policing. MCSO has a complex and thorough system for capturing traffic stop data for the uses prescribed in the Court's Orders, checking the quality of data that is collected and cleaning the data, as necessary, to use it for analysis. MCSO's research unit in CID has greatly enhanced its in-house analytical capabilities. The traffic stop data is used for routine supervisor reviews, as well as monthly, quarterly, and annual reports as the Court's Orders require. A list of traffic stop studies completed through the end of this Quarter is included in **Appendix 1** to this Report.

The traffic stop studies provide the basis for further MCSO action to address identified disparities. Each study has included information about possible follow-up action. To improve the process regarding follow-up action, MCSO established an internal review group ("IRG") of personnel throughout the Office. The IRG analyzes the annual and quarterly studies, considers input received, and develops recommendations regarding review of further actions. MCSO continues to conduct individualized interventions based on the results of the Traffic Stop Monthly Review process.

MCSO is in compliance with or Full and Effective Compliance with all Paragraphs in this section except for Paragraphs 54, 56, 69 and 70. With regard to Paragraph 54, MCSO is in compliance with 11 of 13 subparagraphs. As more fully stated below, MCSO asserts it is in compliance with the remaining two subparagraphs of Paragraph 70.

MCSO previously asserted Full and Effective Compliance with regard to Paragraphs 56 and 69 in its 43rd and 44th Quarterly Report. Both times the Monitor deferred Full and Effective Compliance with Paragraphs 56 and 69. As more fully stated below, MCSO reasserts Full and Effective Compliance with Paragraphs 56 and 69.

Finally, with regard to Paragraph 70, MCSO asserts it should be held in compliance with that Paragraph as more fully stated below. MCSO is otherwise in Full and Effective Compliance with Paragraphs 55, 57-63, 66, 68, and 71 and in compliance with Paragraphs 64, 65, and 67.

Paragraph 54. *Within 180 days of the Effective Date, MCSO shall develop a system to ensure that Deputies collect data on all vehicle stops, whether or not they result in the issuance of a citation or arrest. This system shall require Deputies to document, at a minimum:*

- a. the name, badge/serial number, and unit of each Deputy and posse member involved;*
- b. the date, time and location of the stop, recorded in a format that can be subject to geocoding;*
- c. the license plate state and number of the subject vehicle;*
- d. the total number of occupants in the vehicle;*
- e. the Deputy's subjective perceived race, ethnicity and gender of the driver and any passengers, based on the officer's subjective impression (no inquiry into an occupant's ethnicity or gender is required or permitted);*
- f. the name of any individual upon whom the Deputy runs a license or warrant check (including subject's surname);*

- g. an indication of whether the Deputy otherwise contacted any passengers, the nature of the contact, and the reasons for such contact;*
- h. the reason for the stop, recorded prior to contact with the occupants of the stopped vehicle, including a description of the traffic or equipment violation observed, if any, and any indicators of criminal activity developed before or during the stop;*
- i. time the stop began; any available data from the E-Ticketing system regarding the time any citation was issued; time a release was made without citation; the time any arrest was made; and the time the stop/detention was concluded either by citation, release, or transport of a person to jail or elsewhere or Deputy's departure from the scene;*
- j. whether any inquiry as to immigration status was conducted and whether ICE/CBP was contacted, and if so, the facts supporting the inquiry or contact with ICE/CBP, the time Supervisor approval was sought, the time ICE/CBP was contacted, the time it took to complete the immigration status investigation or receive a response from ICE/CBP, and whether ICE/CBP ultimately took custody of the individual;*
- k. whether any individual was asked to consent to a search (and the response), whether a probable cause search was performed on any individual, or whether a pat-and-frisk search was performed on any individual;*
- l. whether any contraband or evidence was seized from any individual, and nature of the contraband or evidence; and*
- m. the final disposition of the stop, including whether a citation was issued or an arrest was made or a release was made without citation.*

MCSO is in Phase 1 compliance with Paragraph 54. The Monitor's 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

There are 13 subparagraph requirements for Paragraph 54, a through m. In the Monitor's most recent quarterly report, he rated MCSO as "Not in Compliance" for only subparagraph 54.k.

Paragraph 54 is unique due to its 13 distinct Subparagraphs. Each Subparagraph addresses different data to collect at traffic stops. Although Phase 2 compliance with Subparagraph 54.g's requirements regarding documenting passenger contacts has been a challenge until recently, MCSO has long been in compliance with most other Subparagraphs in Paragraph 54. For example, it has been in compliance with Subparagraphs a, b, c, d, f, h, i, j, and m since at least the Second Quarter of 2015. MCSO has been in compliance with Subparagraph e since 2018 and with Subparagraph k since 2021. However, the Monitor recently revoked its finding of MCSO's compliance with Subparagraph 54.k. in its 43rd Quarterly Report and maintains that MCSO is not in compliance with 54.k in its 44th Quarterly Report and again in its 45th Quarterly Report.

Subparagraph 54.g requires an indication of whether the Deputy otherwise contacted any passengers, the nature of the contact, and the reasons for such contact. MCSO is exploring the development of a SharePoint reporting mechanism for Patrol Divisions to verify that passengers contacted during traffic stops were issued the appropriate documentation. Additionally, MCSO implemented a mechanism that will allow passenger-contact receipts to be printed when a Deputy indicates that such a contact occurred on the traffic stop form (either a citation, warning, or incidental contact form). MCSO implemented these procedures in April of 2025. For this Quarter, MCSO provided a citation, or a warning, or Incidental Contact Receipt in 95% of the cases and is now in compliance with requirement 54.g.

MCSO respectfully asserts that the Monitor's revocation of Subparagraph 54.k compliance status was improper. Subparagraph 54.k only requires MCSO to document "whether any individual was asked to consent to a search (and the response), whether a probable cause search was performed on any individual, or whether a pat-and-frisk search was performed on any individual." (Doc. 606, ¶ 54.k). MCSO does, in fact, document these things. The Court's Order requires nothing else. The Monitor's measuring compliance based on

“whether the searches of the drivers and/or passengers were conducted within policy, and whether the deputies complied with policy when documenting the searches” goes well beyond the Court’s plain language requirements of Subparagraph 54.k and imposes requirements far beyond the Court’s Orders for Subparagraph 54.k, making MCSO one of the most scrutinized law enforcement agents in the nation, *if not the most scrutinized*.

Aside from the concern expressed immediately above, one of the challenges to maintaining compliance with Subparagraph 54.k is that there is little margin of error—if any—to meet the Monitor’s 94% compliance standard. While perfection is MCSO’s goal, perfection is not a requirement of the Court’s Orders and, as we well know, rarely attainable—if at all. Indeed, MCSO performs very few consent searches each quarter and, as a result, the corresponding data set is very small, thus any single search deficiency found will have a large impact on the compliance percentages, resulting in a finding of non-compliance. Indeed, in his 45th Report, the Monitor held MCSO out of compliance because of a *single* discrepancy in a three-month span.¹⁹

Moreover, to the extent MCSO has disagreed with the Monitor’s assessment of individual searches as non-compliant, the Monitor has not given MCSO credit on those disputed searches without addressing MCSO’s reasoning for why the searches are within policy. But as noted above, compliance with this Subparagraph should not require MCSO and the Monitor to address whether each individual search that the Monitor flagged was appropriate, merely that MCSO properly documents searches for review – which MCSO does. Thus, MCSO agrees with the United States’ position that the Monitor must rethink its use of a 94% compliance standard for certain Subparagraphs, including 54.k and, instead, apply an objective, practical approach to determine MCSO’s compliance with this Subparagraph.

Just as in the Monitor’s 42nd Quarterly Report and the Monitor’s 43rd Report, wherein the Monitor stated that he “will consider whether MCSO implemented the mandatory use of the Consent to Search Forms in all instances where a consent to search is requested in our future reviews” (Doc. 3198 at 69.), the Monitor in his 45th Quarterly Report states that he will consider “whether MCSO implemented the use of the Consent to Search Form in all instances where a consent to search is requested in our future reviews.” (Doc. 3381, pg. 71.) For support of the proposition, the Monitor states:

The use of the Consent to Search Form would ensure that deputies are consistently advising vehicle occupants of the right to refuse the search as well as the right to revoke consent at any time. We have continued to note that in some cases, deputies simply ask for permission to search – yet fail to inform the person that he or she has a right to refuse the search, as well as the right to revoke the consent to search at any time. This has been an ongoing issue, and we continue to provide such cases that we have identified to MCSO for its review.

(Doc. 3268, pg. 70.)

First, before the 42nd Quarterly Report, including the Monitor’s 41st Quarterly Report (Doc. 3108), the Monitor did not indicate his intention to require the mandatory use of the Consent to Search Form as a measure of compliance. Instead, within the 41st Quarterly Report, along with many of the Monitor’s reports, the Monitor specifically noted that “MCSO does not currently require the use of Consent to Search Form[s] in all instances where consent was requested to search either the driver or passengers(s), or the vehicle, during traffic stops.” (Doc. 3108 at 67.) MCSO notes that this is consistent with its Monitor-approved Policy GJ-3,

¹⁹ “Perfection is not attainable, but if we chase perfection we can catch excellence.” (Vince Lombardi) “Perfection is the enemy of progress.” (Winston Churchill)

which only requires the Consent to Search Form to be used in instances when body-worn camera or another recording device is unavailable. While the Monitor Team has previously *recommended* the use of consent forms for all consent searches, it has never imposed it as a mandatory requirement for all consent searches to remain in compliance with Subparagraph 54.k. In fact, the Monitor's 39th and 40th Quarterly Reports do not mention the mandatory use of the Consent to Search Form for all consent search requests. Indeed, going as far back as the 29th Monitor Quarterly Report for the **Second Quarter of 2021**, the Monitor only stated: *"We continue to recommend MCSO revisit the requirements of this section of the policy and require deputies to read the Consent to Search Form to the subject and require a signature from the individual for every request for consent to search."* (Doc. 2756 at 71 (emphasis added).) Despite this recommendation, the Monitor has held MCSO in compliance with Subparagraph 54.k., as well as Full and Effective Compliance with this Subparagraph since 2021 (until only recently withdrawing compliance based on an unrelated issue). Further, despite the Monitor's contention, MCSO has never agreed to the mandatory use of the Consent to Search Form for all consent searches.

Second, this dovetails with another inaccuracy in the Monitor's 42nd and 43rd Quarterly Reports. Contrary to the Monitor's contention, there is nothing *mandatory* about the use of the Consent to Search Form in Subparagraph 54.k. Subparagraph 54.k. requires deputies "to document whether any individual was asked to consent to a search (and the response)." Nothing in the text of Subparagraph 54.k. requires that a form be used *to document* a consent search. Nor does any other Paragraph related to data collection mandate that a consent form be used *to document* a consent search. (See, e.g., Doc. 606 ¶¶ 60, 72, 75 or 81.) Although the Monitor has stepped back from the "mandatory" language in the 42nd and 43rd Quarterly Reports, the Monitor nevertheless still considers MCSO's use of the Consent to Search Form in "all" instances in which a consent to search has been requested, which is not in line with MCSO's Monitor approved GJ-3 policy that requires the form to be used only in instances when body-worn camera or another recording device is unavailable. And to be clear, there is no constitutional requirement that a deputy memorialize the consent for a consent search in written form. Nevertheless, MCSO has developed a monitor-approved system pursuant to Subparagraph 54.k., which requires deputies to either: (1) record consent on their body-worn camera; or (2) utilize a Consent to Search Form when body-worn camera is unavailable. See MCSO Policy GJ-3. Moreover, neither the Constitution, the laws of the United States, Arizona law, the Court's Orders, nor the MCSO-Monitor approved GJ-3 policy requires the use of a Consent to Search Form in all instances of consent searches.

In fact, the United States Supreme Court has made clear that Body-Worn Camera ("BWC"), and not a consent to search form ("CTSF"), is the best evidence of an encounter. The BWC captures the verbal consent to search and all constitutionally required notifications prior to the consent search. It also captures an indisputable rendition of the person's response to that request. In this regard, it largely avoids any post-search challenge to whether consent was properly given—because it is all recorded on video. See *Krakauer v. Flagstaff*, 2022 WL 4118663, at *2 & n.2 (D. Ariz. June 6, 2022) ("The facts are drawn from both parties' statements of fact and underlying evidence, including deposition and police bodycam evidence. For genuine disputes of material fact, the Court adopts Plaintiff's supported version of the fact. But where either party's facts are clearly contradicted by the video evidence, such that no reasonable jury could credit them, the Court has relied on the video evidence to set forth the relevant facts." (cleaned up)); see also *Scott v. Harris*, 550 U.S. 372, 380 (2007) ("When opposing parties tell two different stories, one of which is blatantly contradicted by the [video] record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment.").

A CTSF, on the other hand, merely contains the signature of the searched person with no other corroborating evidence that otherwise proves consent was freely given by that person. Neither is there any "proof" that any of the items on the form (outside of BWC) were discussed with the searched person. Accordingly, it does not

avoid litigation over consent. In fact, CTSFs are routinely challenged in Courts on a variety of topics. Litigants often argue that a CTSF itself is in some way defective, or that the circumstances surrounding the form (including its language) were coercive. A CTSF may be the “next best” evidence when BWC or another recording device is not available, but it does not avoid a dispute over consent or represent the best evidence on such issues. Although there is no form of evidence collecting an individual’s consent to search that is immune from an after-the-fact judicial challenge, BWC is recognized as the superior data collection device by our court system. The Court’s Orders do not require that MCSO provide the “best” form of documentation, in this instance, under policy GJ-3, it is doing just that.

Additionally, a CTSF is not necessary to capture the data required for implementing and monitoring the Court’s Orders. To the extent that a CTSF collects data that the BWC or other form cannot collect, MCSO has repeatedly stated that it is willing to include the data points in other forms or engage in further training to address any implementation issues. MCSO captures the 26 discrete data points currently identified by the Monitor in the CTSF on either the Vehicle Stop Contact Form (“VSCF”) or the Non-Traffic Contact Forms (“NTCF”). When MCSO requested that the Monitor identify which data is supposedly not currently tracked by the VSCF or NTCF, the only data point the Monitor mentioned during the February 18, 2025, site visit was the “Revoked” option on the CTSF, which is not currently on either the VSCF or the NTCF. Although not completed in this reporting period, this data point was added to both forms on August 28, 2025, and permits documentation of all possible outcomes, which the review of the BWC or other digital recording device can confirm.

During a February 18, 2025 telephonic meeting, Major Peters of the Monitoring Team also stated that the “*Person’s signature*” could not be captured on either the VSCF or the NTCF. However, MCSO Policy GJ-3 requires a deputy to affirmatively inform the person of their right to refuse and to revoke consent at any time. The request for consent to search, along with the associated response, including any consent or refusal by the person, *shall be captured on a recording device*. Additionally, the deputy is required to complete the search information on the VSCF or NTCF to confirm whether consent or refusal was given. With the addition of the “Revoked” option, the VSCF, NTCF, or IR, and the digital recording should sufficiently and reasonably meet documentation requirements for capturing all data requirements of the event and not require the use of the form unless a recording device is unavailable, as the current, Monitor-approved policy indicates. And again, MCSO notes that Paragraph 60 states that “*Data need not all be collected in a single database*” but only that it be “*collected in a format that can be efficiently analyzed together.*” (emphasis added). Perfect data collection is not and cannot be the requirement for complying with the Court’s orders, the Constitution, or Arizona law. Even so, MCSO can obtain all data that the Monitoring Team requests without the use of a CTSF.

MCSO has specific concerns about all consent searches requiring a CTSF. First, making a CTSF mandatory requires deputies to obtain and fill out another form, extending the stop time beyond having the consent search captured on BWC. Second, requiring that a deputy stop an encounter midway when a consent search is requested and to return to his vehicle, pull up and print a CTSF on their computer system, and return to an individual during a traffic stop to review and sign presents a variety of safety concerns for the deputy.

In sum, the Monitor’s suggestion that the use of such a form is or should be *mandatory* (even for consent searches unrelated to traffic stops) or will otherwise be considered in determining compliance with Paragraph 54.k is unfounded and not in line with “best practices,” as the Monitor Team has acknowledged during its February 18, 2025 meeting with MCSO personnel and counsel, local police policy and practice as shared with the Monitor team during that meeting, or other Arizona sheriff offices’ policies and practices. Additionally, the mandatory use of the CTSF does not allow MCSO to collect data that is not otherwise collected. Indeed, Court Ordered data can be collected without the use of a separate CTSF. Requiring deputies to obtain and

complete a CTSF for each consent search increases the time of a stop and presents various safety concerns. If the CTSF use is solely related to data collection, as the Monitor has indicated, MCSO has offered to simply add and has added any missing data points the Monitor desires related to consent searches in either the VSCF or NTCF. MCSO submits that this is a reasonable, safe, and efficient solution that addresses all of the Monitoring Team's concerns without resorting to a significant policy transformation for consent searches that is not required by the Court's Orders or the Constitution.

Finally, as stated in its Comments to the Monitor's 44th Quarterly Report, (Doc. 3268-2 at 8), MCSO also does not understand how the Monitor is evaluating MCSO's compliance with Subparagraph 54.k. An explanation from the Monitor is necessary for clarity as MCSO strives to attain the shared goal of the Parties and the Monitor: Full and Effective Compliance under the Court's Orders.

While the foregoing comments accurately reflect the state of compliance relevant to this reporting period, MCSO feels compelled to report that recent discussions and meetings between MCSO and the Monitor have produced an amicable resolution of the issues raised above. MCSO has agreed to add data points to the NTCF (adding article to the search dropdown) and IR (adding premise to the search dropdown) and that all data points will be searchable. In doing so, the Monitoring Team agreed this satisfied its documentation concerns associated with the use of the Consent to Search Form and there would be no further attempts to persuade MCSO to make the Consent to Search Form mandatory on all discretionary searches so long as consent is captured on body worn camera consistent with the language of GJ-3. MCSO is hopeful that with this resolution it will be held in compliance with Paragraph 54.k. in the next Monitor Report.

Paragraph 55. *MCSO shall assign a unique ID for each incident/stop so that any other documentation (e.g., citations, incident reports, tow forms) can be linked back to the stop.*

MCSO remains in Full and Effective Compliance with Paragraph 55.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 56. *The traffic stop data collection system shall be subject to regular audits and quality control checks. MCSO shall develop a protocol for maintaining the integrity and accuracy of the traffic stop data, to be reviewed by the Monitor pursuant to the process described in Section IV.*

MCSO has been in compliance with this Paragraph since September 30, 2021. **Phase 1** compliance is demonstrated by EB-2 (Traffic Stop Data Collection), most recently amended on May 8, 2024, and Traffic Stop Analysis Unit ("TSAU") Operations Manual, published on October 13, 2022.

Phase 2 compliance is demonstrated by the Monitoring Team's continuing recognition that MCSO has developed and continues to develop systems to enhance the reliability and validity of traffic stop data. As continuously recognized by the Monitoring Team, MCSO memorializes its improvements in the TSAU Operations Manual. MCSO has three distinct data-control processes that the Monitor approved in 2018 and 2019.

As MCSO asserted in its prior report, MCSO developed the TSMR in 2021 to ensure a more timely review of traffic stop data to correct any issues with the data. The procedure has enhanced quality control and ensures

timely review of the data to support analysis. MCSO has consistently and timely advised the Monitoring Team of problems it has identified in its reviews and the actions it has taken to ensure data accuracy.

MCSO conducts audits of 105 traffic samples each reporting period. MCSO then conducts a more expansive review of 30 of the 105 samples. MCSO continues to comply with the requirement to store paper forms (traffic stop documentation that may be handwritten by deputies in the field if the TraCS system is nonoperational due to maintenance or lack of connectivity) in a locked cabinet that the Division Commander oversees. MCSO's data collections are subject to regular audits and quality control checks. Moreover, MCSO has developed a protocol to maintain the integrity and accuracy of the traffic stop data, which the Monitor has reviewed. Therefore, MCSO asserts (as it has for in its two previous Quarterly Reports) that it is in Full and Effective Compliance with Paragraph 56.

In a May 12, 2025, letter to the Parties, the Monitor deferred MCSO's assertion of Full and Effective Compliance with this Paragraph, stating: "MCSO has made numerous improvements to its data-handling system since 2015 by implementing the TraCS system to enhance the reliability and validity of the traffic stop data. However, during the recent evaluations and discussions among us, MCSO, and the Parties surrounding policy GJ-3 (Search and Seizure) and the Consent to Search Form, it has become apparent that not all data regarding searches and seizures as described in the proposals to MCSO for the modification of GJ-3 are readily available for inspection within the current data systems – and therefore, cannot be fully queried. *While MCSO has made great strides in improving its data-handling processes, until the data related to the Consent to Search Form is included in the system and can be easily queried by data analysts and supervisors alike, we are deferring our determination of Full and Effective Compliance for Paragraph 56.*" (emphasis added)

In an August 27, 2025, letter to the Parties, the Monitor again deferred finding FEC, stating that "during the recent evaluations and discussions surrounding policy GJ-3 (Search and Seizure,) *we believe the current policy and data system should be modified to ensure that all data regarding searches and seizures are readily available for inspection within the current data systems allowing them to be fully queried for analysis.* While MCSO has made great strides in improving its data-handling processes, until the data related to searches and seizures are included in the data system and can be easily queried by data experts and supervisors alike, we are deferring our determination of Full and Effective Compliance for Paragraph 56."

With respect, MCSO disagrees with the Monitor's reason for deferring finding MCSO in FE with Paragraph 56. Respectfully, the Monitor errs in conflating the requirements of Paragraph 56 with any requirements related to Paragraph 54.k. or the GJ-3 policy. First, MCSO has undisputedly been in compliance with Paragraph 56 for three consecutive years (and to date remains in compliance). As such, deferral of Full and Effective Compliance is entirely improper at this juncture. Second, the requirements of this Paragraph require MCSO's data collection system to be subject to **regular audits and quality control checks** and that MCSO develop a protocol for ***maintaining the integrity and accuracy of traffic stop data***. MCSO has satisfied these requirements – as addressed above and as the Monitor concurred over the past three years.

The issue with GJ-3—whether consent searches are documented by body camera or via a consent to search form—has absolutely no impact on whether MCSO has attained Paragraph 56 compliance. Nevertheless, MCSO has updated both its VSCF and NCTF to include all data points in a Consent to Search Form in August 2025. Accordingly, MCSO has ensured that "all data" related to search and seizures are included in its data system and can easily be queried.

In its 43rd, 44th, and 45th Reports, MCSO asserted Full and Effective Compliance for this Paragraph, but the Monitoring Team has deferred finding MCSO in Full and Effective Compliance with this Paragraph. MCSO

disputes the Monitoring Team's determination. Now that the Monitor Team and MCSO have reached a resolution regarding GJ-3 as explained above, MCSO asserts that it is in Full and Effective Compliance with the Paragraph.

Paragraph 57. *MCSO shall explore the possibility of relying on the CAD and/or MDT systems to check if all stops are being recorded and relying on on-person recording equipment to check whether Deputies are accurately reporting stop length. In addition, MCSO shall implement a system for Deputies to provide motorists with a copy of non-sensitive data recorded for each stop (such as a receipt) with instructions for how to report any inaccuracies the motorist believes are in the data, which can then be analyzed as part of any audit. The receipt will be provided to motorists even if the stop does not result in a citation or arrest.*

MCSO remains in Full and Effective Compliance with Paragraph 57.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 58. *The MCSO shall ensure that all databases containing individual-specific data comply with federal and state privacy standards governing personally identifiable information. MCSO shall develop a process to restrict database access to authorized, identified users who are accessing the information for a legitimate and identified purpose as defined by the Parties. If the Parties cannot agree, the Court shall make the determination.*

MCSO remains in Full and Effective Compliance with Paragraph 58.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 59. *Notwithstanding the foregoing, the MCSO shall provide full access to the collected data to the Monitor and Plaintiffs' representatives, who shall keep any personal identifying information confidential. Every 180 days, MCSO shall provide the traffic stop data collected up to that date to the Monitor and Plaintiffs' representatives in electronic form. If proprietary software is necessary to view and analyze the data, MCSO shall provide a copy of the same. If the Monitor or the Parties wish to submit data with personal identifying information to the Court, they shall provide the personally identifying information under seal.*

MCSO remains in Full and Effective Compliance with Paragraph 59.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 60. *Within one year of the Effective Date, the MCSO shall develop a system by which Deputies can input traffic stop data electronically. Such electronic data system shall have the capability to generate summary reports and analyses, and to conduct searches and queries. MCSO will explore whether such data collection capability is possible through the agency's existing CAD and MDT systems, or a combination of the CAD and MDT systems with a new data collection system. Data need not all be collected in a single database; however, it should be collected in a format that can be efficiently analyzed together. Before developing an electronic system, the MCSO may collect data manually but must ensure that such data can be entered into the electronic system in a timely and accurate fashion as soon as practicable.*

MCSO remains in Full and Effective Compliance with Paragraph 60.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 61.** The MCSO will issue functional video and audio recording equipment to all patrol deputies and sergeants who make traffic stops, and shall commence regular operation and maintenance of such video and audio recording equipment. Such issuance must be complete within 120 days of the approval of the policies and procedures for the operation, maintenance, and data storage for such on-person body cameras and approval of the purchase of such equipment and related contracts by the Maricopa County Board of Supervisors. Subject to Maricopa County code and the State of Arizona's procurement law, the Court shall choose the vendor for the video and audio recording equipment if the Parties and the Monitor cannot agree on one.*

MCSO remains in Full and Effective Compliance with Paragraph 61.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 62.** Deputies shall turn on any video and audio recording equipment as soon [sic] the decision to initiate the stop is made and continue recording through the end of the stop. MCSO shall repair or replace all non-functioning video or audio recording equipment, as necessary for reliable functioning. Deputies who fail to activate and to use their recording equipment according to MCSO policy or notify MCSO that their equipment is nonfunctioning within a reasonable time shall be subject to Discipline.*

MCSO remains in Full and Effective Compliance with Paragraph 62.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 34th Quarterly Report (Doc. 2848-1).

***Paragraph 63.** MCSO shall retain traffic stop written data for a minimum of 5 years after it is created, and shall retain in-car camera recordings for a minimum of 3 years unless a case involving the traffic stop remains under investigation by the MCSO or the Monitor, or is the subject of a Notice of Claim, civil litigation or criminal investigation, for a longer period, in which case the MCSO shall maintain such data or recordings for at least one year after the final disposition of the matter, including appeals. MCSO shall develop a formal policy, to be reviewed by the Monitor and the Parties pursuant to the process described in Section IV and subject to review by the District Court, to govern proper use of the on-person cameras; accountability measures to ensure compliance with the Court's orders, including mandatory activation of video cameras for traffic stops; review of the camera recordings; responses to public records requests in accordance with the Order and governing law; and privacy protections. The MCSO shall submit such proposed policy for review by the Monitor and Plaintiffs' counsel within 60 days of the Court's issuance of an order approving the use of on-body cameras as set forth in this stipulation. The MCSO shall submit a request for funding to the Maricopa County Board of Supervisors within 45 days of the approval by the Court or the Monitor of such policy and the equipment and vendor(s) for such on-body cameras.*

MCSO remains in Full and Effective Compliance with Paragraph 63.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 64. *Within 180 days of the Effective Date, MCSO shall develop a protocol for periodic analysis of the traffic stop data described above in Paragraphs 54 to 59 (“collected traffic stop data”) and data gathered for any Significant Operation as described in this Order (“collected patrol data”) to look for warning signs or indicia or possible racial profiling or other improper conduct under this Order.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 64.

Phase 1: The TSAU Operations Manual has been finalized and approved.

Phase 2: MCSO’s analysis of traffic stop data continues to be a priority. To date, MCSO has produced ten Traffic Stop Annual Analysis Reports, nineteen Quarterly Reports (the 19th having been issued this Quarter), and has been implementing the TSMR pilot since April 2021. MCSO also formally incorporated the TSMR into GH-5, *Early Identification System*. In the Monitor’s 37th Quarterly Report, the Monitor concluded that MCSO has achieved Phase 2 compliance with this Paragraph. (Doc. 2952, pg. 76.)

Paragraph 65. *MCSO shall designate a group with the MCSO Implementation Unit, or other MCSO Personnel working under the supervision of a Lieutenant or higher-ranked officer, to analyze the collected data on a monthly, quarterly and annual basis, and report their findings to the Monitor and the Parties. This review group shall analyze the data to look for possible individual-level, unit-level or systemic problems. Review group members shall not review or analyze collected traffic stop data or collected patrol data relating to their own activities.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 65.

MCSO has designated units committed to the analysis of traffic stop data as Paragraph 65 requires. It also supplements its in-house capabilities with a consultant, CNA. MCSO has completed ten Traffic Stop Annual Reports (“TSAR”) (the latest results were published in June 2025), nineteen Traffic Stop Quarterly Reports (“TSQR”), and has been preparing the TSMRs since April 2021 and completing the Deputy-level follow-up that the TSMR process requires. Using these different reports, MCSO has been developing and implementing strategies for follow-up at the individual, district, and office levels and identifying areas for further analysis. As it has been implementing the TSMR, MCSO has continued to work with the Monitor and the Parties to explore potential improvements to the TSMR methodology.

Following its TSAR 10, MCSO held a series of briefings in each district on the findings and published the report to the MCSO-BIO website for public access. The baseline analysis found only one statistically significant difference between the Plaintiff class and white drivers across any of the benchmarks measured by the TSAR—the arrest benchmark. Additional information regarding MCSO’s follow-up from TSAR 10 and the process MCSO uses to develop responses to disparities identified in the traffic stop studies is described under Paragraph 70.

In this Quarter, MCSO issued TSQR 19, which examined Citation and Warnings. This Quarterly Report revisited racial and ethnic disparities at the district level. The TSQR explored eight questions: 1) What was the racial/ethnic composition of drivers (White, Hispanic, and Minority drivers) who received citations and warnings by MCSO deputies?; 2) What specific violations did MCSO deputies issue citations and warnings for during traffic stops?; 3) What types of violations were identified as the reason a traffic stop was made?; 4) Was there a difference among racial/ethnic groups (White, Hispanic, and Minority drivers) for the types of violations identified as the reason a traffic stop was made?; 5) Were different racial/ethnic groups (White, Hispanic, and Minority drivers) issued citations and warnings for specific violations?; 6) Was there a difference

among racial/ethnic groups(White, Hispanic, and Minority drivers) in the number of violations identified during the stop?; 7) Were Hispanic or Minority drivers more or less likely than White drivers to receive a criminal citation for speeding when their speed was above the speed threshold distinguishing civil and criminal violations?; 8) Were Hispanic, Minority and White drivers issued citations and warnings at different rates for comparable speeds above the speed limit? The detailed results of this analysis are available at [TRAFFIC STOP REPORTS | mcsso-bio](#). There were no statistically significant differences in citation rates found in the TSAR 10 and TSQR 19 found that Hispanic, Minority, and White drivers were issued criminal citations at similar rates given their rate of speed.

MCSO has been using a statistical methodology to identify deputy behavior that is at odds with that of their peers since the TSMR pilot began in April 2021. The methodology remained consistent throughout this Quarter. Throughout the process, MCSO employed a methodology designed to identify outlier deputies based on traffic stop outcomes and the race and ethnicity of the driver. MCSO is performing the work that this Paragraph requires. MCSO also continues to utilize its TSAU Sergeants to provide guidance to deputies and supervisors in the field at various districts on traffic stop data collection and court compliance related issues.

***Paragraph 66.** MCSO shall conduct one agency-wide comprehensive analysis of the data per year, which shall incorporate analytical benchmarks previously reviewed by the Monitor pursuant to the process described in Section IV. The benchmarks may be derived from the EIS or LA-PRO system, subject to Monitor approval. The MCSO may hire or contract with an outside entity to conduct this analysis. The yearly comprehensive analysis shall be made available to the public and at no cost to the Monitor and Plaintiffs.*

MCSO remains in Full and Effective Compliance with Paragraph 66.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 35th Quarterly Report (Doc. 2874-1).

***Paragraph 67.** In this context, warning signs or indicia of possible racial profiling or other misconduct include, but are not limited to:*

- a. racial and ethnic disparities in deputies', units' or the agency's traffic stop patterns, including disparities or increases in stops for minor traffic violations, arrests following a traffic stop, and immigration status inquiries, that cannot be explained by statistical modeling of race neutral factors or characteristics of deputies' duties, or racial or ethnic disparities in traffic stop patterns when compared with data of deputies' peers;*
- b. evidence of extended traffic stops or increased inquiries/investigations where investigations involve a Latino driver or passengers;*
- c. a citation rate for traffic stops that is an outlier when compared to data of a Deputy's peers, or a low rate of seizure of contraband or arrests following searches and investigations;*
- d. indications that deputies, units or the agency is not complying with the data collection requirements of this Order; and*
- e. other indications of racial or ethnic bias in the exercise of official duties.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 67.

As detailed more fully in Paragraph 65, MCSO has produced ten TSARs, and the TSMR process has been successfully conducted since April 2021. MCSO has demonstrated a consistent use of the benchmarks described. It remains in compliance with this Paragraph.

Paragraph 68. *When reviewing collected patrol data, MCSO shall examine at least the following:*

- a. the justification for the Significant Operation, the process for site selection, and the procedures followed during the planning and implementation of the Significant Operation;*
- b. the effectiveness of the Significant Operation as measured against the specific operational objectives for the Significant Operation, including a review of crime data before and after the operation;*
- c. the tactics employed during the Significant Operation and whether they yielded the desired results;*
- d. the number and rate of stops, Investigatory Detentions and arrests, and the documented reasons supporting those stops, detentions and arrests, overall and broken down by Deputy, geographic area, and the actual or perceived race and/or ethnicity and the surname information captured or provided by the persons stopped, detained or arrested;*
- e. the resource needs and allocation during the Significant Operation; and*
- f. any Complaints lodged against MCSO Personnel following a Significant Operation.*

MCSO remains in Full and Effective Compliance with Paragraph 68.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 69. *In addition to the agency-wide analysis of collected traffic stop and patrol data, MCSO Supervisors shall also conduct a review of the collected data for the Deputies under his or her 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 by a Deputy. Each Supervisor will also report his or her conclusions based on such review on a monthly basis to a designated commander in the MCSO Implementation Unit.*

MCSO achieved Phase 1 and 2 compliance with this Paragraph on December 31, 2021. (Doc. 2780, pg. 81.) MCSO achieved three consecutive years of compliance with this Paragraph on December 31, 2024.

Phase 1 compliance is demonstrated by EA-3 (Non-Traffic Contact), most recently amended on June 28, 2019, and GH-5 (Early Identification System), most recently amended on March 5, 2024.

Paragraph 69 Phase 2 compliance requires MCSO supervisors to regularly review collected data for the deputies under their command on a monthly basis to determine whether there are warning signs or indicators of possible racial profiling, unlawful detentions and arrests, or improper enforcement of Immigration-Related Laws by a deputy. It also requires a supervisor to report their conclusions based on these monthly reviews to a designated MCSO commander, as the Monitoring Team found.

Furthermore, MCSO promptly addressed any concerns that the Monitor may have expressed regarding MCSO's compliance under Paragraph 69, including continuously updating and improving methodologies to maintain and ensure compliance with this Paragraph. For instance, MCSO's Audit and Investigations Unit ("AIU") continues to conduct its Bio Action Form ("BAF") Tracking Study Inspection to identify trends within AIU inspections on a semi-annual basis, and then recommends possible courses of action for specific supervisors, divisions, or MCSO as a whole. AIU recently resubmitted the methodology for the BAF Tracking

Study Inspection during the First Quarter of 2025, addressing previous monitor comments. The Monitor approved AIU's revised methodology. AIU now utilizes the revised and approved methodology for tracking BIO Action Forms to identify trends observed during AIU inspections on an annual basis. AIU uses these trends to recommend potential solutions for the office, as well as for individual divisions and specific supervisors.

MCSO previously asserted Full and Effective Compliance with this Paragraph in its 43rd Quarterly Report. In a response letter, the Monitor deferred compliance indicating that "MCSO has made great strides in utilizing existing data sources to ensure that supervisors are routinely and consistently evaluating the performance of their subordinates, including the creation of the EIS Alert Review Group and BIO Action Form Tracking processes" but based on the discussions centered on GJ-3, deferred compliance under Paragraph 69.

In an August 26, 2025, the Monitor again deferred finding MCSO in Full and Effective Compliance. The Monitor's concern involved MCSO's not having "establish[ed] a method of statistical analysis for NTCFs that would prove beneficial to supervisors." The Monitor maintained he will defer its determination until "process related to GJ-3 and non-traffic contact events are incorporated into policy and practice."

Respectfully, the Monitor errs in conflating the requirements of Paragraph 69 with any requirements related to the GJ-3 policy or any other Paragraph. First, MCSO has been in compliance with paragraph 69 for three consecutive years (and to date remains in compliance). As such, deferral of Full and Effective Compliance is entirely improper at this juncture. Second, the requirements of this paragraph require MCSO supervisors to review collected data for the deputies under their command on a monthly basis for warning signs or indicia of possible racial profiling, unlawful detentions and arrests, or improper enforcement of Immigration-Related Laws. Additionally, AIU will continue to conduct annual BAF Tracking Studies. The purpose of these studies is to identify trends observed during AIU inspections on an annual basis and to recommend potential solutions for the Office, individual divisions, and specific supervisors.

In its 43rd, 44th, and 45th Reports, MCSO asserted Full and Effective Compliance for this Paragraph, but the Monitoring Team has deferred finding MCSO in Full and Effective Compliance with this Paragraph. MCSO disputes the Monitoring Team's determination. Furthermore, now that the Monitor Team and MCSO have reached a resolution regarding GJ-3 as explained above, MCSO asserts that it is in Full and Effective Compliance with the Paragraph.

Paragraph 70. *If any one of the foregoing reviews and analyses of the traffic stop data indicates that a particular Deputy or unit may be engaging in racial profiling, unlawful searches or seizures, or unlawful immigration enforcement, or that there may be systemic problems regarding any of the foregoing, MCSO shall take reasonable steps to investigate and closely monitor the situation. Interventions may include but are not limited to counseling, Training, Supervisor ride-alongs, ordering changes in practice or procedure, changing duty assignments, Discipline, or of other supervised, monitored, and documented action plans and strategies designed to modify activity. If the MCSO or the Monitor concludes that systemic problems of racial profiling, unlawful searches or seizures, or unlawful immigration enforcement exist, the MCSO shall take appropriate steps at the agency level, in addition to initiating corrective and/or disciplinary measures against the appropriate Supervisor(s) or Command Staff. All interventions shall be documented in writing.*

MCSO is in Phase 1 compliance with Paragraph 70. The Monitor’s 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

MCSO asserts that it is in both Phase 1 and Phase 2 compliance with Paragraph 70 and the Constitutional Policing Plan (“CPP”).

MCSO has consistently analyzed traffic stop data and has found no racial profiling, systemic problems with searches and seizures, or unlawful immigration enforcement. Through the TSMR process, the Monitor has also reviewed this data and reached the same conclusion. MCSO continues to produce TSARs, TSQRs, and TSMRs at their required intervals and to investigate any disparities observed. MCSO is in compliance with Paragraph 70.

MCSO continues to implement the CPP and continues to comply with Paragraph 70. The CPP was developed as an institutional bias remediation program to implement Paragraph 70. The Court approved the CPP in 2017, and it consists of nine goals, two of which (Goals 7 and 8) the Monitor has previously recognized as completed. (*See, e.g.*, 3268, pg. 103.)

Paragraph 70 requires that MCSO address individual problems and broader systemic problems with racial profiling, unlawful searches and seizures, or unlawful immigration enforcement. The TSARs have identified small disparities in traffic stop outcomes based on race. Still, the TSMRs, TSARs, TSQRs, and other accountability measures that are in place have not identified racial profiling, systemic problems with unlawful searches and seizures, or unlawful immigration enforcement. The most common outcome of traffic stops—Citations v. Warnings—found no statistically significant differences between any racial or ethnic group and white drivers. MCSO will continue to analyze traffic stop data to better understand the nature and causes of any disparate outcomes identified and to identify and implement strategies to address those disparities. The TSARs and TSQRs include recommendations for future traffic stop studies, modifications to forms, data collection, and methodologies for traffic stop studies, briefings, and trainings within MCSO on issues identified in the traffic stop studies, and community education and outreach. The TSMRs provide the opportunity to address issues related to specific deputies that are identified in those monthly reviews.

The Monitor-approved TSAU Operations Manual outlines how such issues are to be addressed. Potential bias in traffic stop activity, outcomes, or disparate treatment is addressed through either Full or Intermediate Intervention, both of which require the deputy’s supervisor to implement one of the predetermined, approved interventions. These interventions may include additional deputy oversight, supervisor ride-alongs, a supervisor evaluation period, training, an action plan, reassignment, or referral to the Professional Standards Bureau. Minor issues are addressed through a memorandum, which also requires the supervisor to implement an approved intervention. The process and all associated documentation are retained within the IAPro/BlueTeam system.

The ongoing traffic stop studies and related follow-up based on those studies bring MCSO into compliance with Paragraph 70’s requirements. MCSO disagrees with the Monitor’s determination that MCSO is not in compliance with Paragraph 70. In the past year, MCSO initiated a different process for developing responses to the information generated in the annual and quarterly traffic studies. Each study has included a response that identified potential follow-up actions. The MCSO Internal Review Group (“IRG”) continues to provide a thorough review and broader input into the responses to disparities identified in the traffic studies.

In this Quarter, MCSO issued TSQR 19, which examined Citations and Warning outcomes. The detailed results can be retrieved at [TRAFFIC STOP REPORTS | mcsobio](https://mcsobio.org/TRAFFIC-STOP-REPORTS).

MCSO also published its updated response TSQR 17, as well as a response plan to TSQR 18, which examined district level disparities in traffic stop outcomes. The TSQR 18 recommended actions and follow-up paper can be found here: [TRAFFIC STOP REPORTS | mcso-bio](https://www.mcso-bio.org/TRAFFIC-STOP-REPORTS).

MCSO is also in the process of becoming Arizona Law Enforcement Accreditation Process (“ALEAP”) accredited as a way to improve relationships with the community, city councils, and the Maricopa County Board of Supervisors and to support transparency of MCSO’s efforts and programming.

MCSO continues to conduct interventions as needed through the TSMR process. MCSO is open to suggestions for improvement but also notes that the TSMR has not shown problems with repeated interventions with the same deputy.

MCSO does not believe that the Monitor’s assessment of Paragraph 70 reflects the proper standard for assessing compliance. In previous quarters, the Monitor described compliance based on whether actions have “resulted in the reduction of indicia of disparate treatment of the Plaintiffs’ class.” (*See, e.g.*, Doc. 3074 at 94.) However, that is not what the Court requires under Paragraph 70. Paragraph 70 requires that MCSO establish “reasonable steps to investigate” and to “closely monitor the situation,” as well as to intervene when necessary. MCSO has satisfied all of the Paragraph 70 requirements. As noted, the recent TSAR shows no disparate treatment of the Plaintiffs’ class. In addition, as MCSO has repeatedly explained, compliance should be based on whether MCSO is taking appropriate action in response to the disparities identified in the traffic stop studies. MCSO asserts that it is in compliance with this Paragraph through its reasonable steps to investigate, closely monitor and follow-up regarding the traffic stop analyses.

Conversely, the Monitor’s 45th Report provides no metric by which to judge MCSO’s compliance with Paragraph 70. Instead, the report says only that, absent agreement of the Parties, “our compliance assessment remains based on the existing Constitutional Policing Plan and the results of traffic stop data analysis reports.” (Doc. 3381 at 103.) This statement does not explain how the Monitor is assessing compliance. As explained above, the results of the TSAR and MCSO’s ongoing processes to respond to findings in the traffic stop studies supports MCSO’s assertion that it is in compliance with Paragraph 70. The Monitor should find MCSO in compliance and, if not, should explain the rationale for any contrary conclusion.

In any event, even based on the existing CPP goals, MCSO asserts the Monitor should find that MCSO’s ongoing work on CPP goals 1 through 6 and 9 are in compliance with the CPP and, thus, that MCSO is in compliance with Paragraph 70 (goals 7 and 8 having previously been completed). A review of the CPP goals is below.

Goal 1 of the CPP states that “MCSO’s Early Intervention Unit and Patrol Commanders will establish and deliver non-disciplinary conversations and interventions between patrol deputies and supervisors to discuss promotion of fair and impartial policing.” (Doc. 2120-1 at 5.) The major work for this goal involved the development of the TSMR process, which MCSO began implementing in April 2021. Every month, MCSO reviews the traffic stops for the previous 12 months—meaning that the December 2025 report will consider data from December 2024–November 2025, a rolling 12-month data set—based on an approved statistical analysis. This statistical analysis identifies specific deputies for a detailed review and, when appropriate, supervisory interventions to address specific problems. The TSMR process is one part of MCSO’s comprehensive effort to prevent potentially biased policing.

MCSO has also continued to produce the TSARs and TSQRs. As described above, the TSQRs and TSARs include recommendations for follow-up, which is an important part of the work MCSO does to use the information generated by the traffic studies.

As part of Goal 1, MCSO established a district liaison program to facilitate communications between the districts and BIO. Since 2019, MCSO has used these liaisons on an ongoing basis.

The TSMR has become part of MCSO's normal operations. In other words, MCSO has established and is utilizing a process to "deliver non-disciplinary conversations and interventions . . . to discuss promotion of fair and impartial policing." Based on the foregoing, MCSO has satisfied Goal 1, and the Monitor should find it is in compliance with Goal 1.

Goal 2 states that "MCSO will ensure that supervisors are held accountable for deputy outcomes through the Employee Performance Appraisal process." (Doc. 2120-1 at 6.) MCSO continues to hold supervisors accountable through the Employee Performance Appraisal ("EPA") process, with EPAs showing significant improvement.

The Employee Retention and Performance Division ("ERPD") continued its review of EPAs for all sworn supervisors and for deputies who received an overall rating of *Exceptional*, *Improvement Needed*, or ratings that were inconsistent with individual section scores. These audits provide constructive feedback to raters and their chain of command, ensuring EPAs for sworn employees meet the quality standards outlined in MCSO Policy GC-4(S), *Sworn Employee Performance Appraisals and Management*, and align with the intended use of the Performance Management Guide.

MCSO has implemented a process to ensure "supervisors are held accountable for deputy outcomes through the Employee Performance Appraisal process" and, thus, is in compliance with Goal 2.

Goal 3 states that "MCSO will provide deputies and supervisors with enhanced cultural competency and implicit bias training and roll call briefings based on trends in traffic stop data." (Doc. 2120-1 at 8.) MCSO has consistently provided the required Goal 3 trainings and will continue to do so. Over the past several years, MCSO has consistently provided "deputies and supervisors with enhanced cultural competency and implicit bias training and roll call briefings based on trends in traffic stop data."

The primary enhanced training offering focused on the TSAR results. In February of 2025, MCSO deployed the 2024 enhanced training offering based on the TSAR results to staff and completed this training within the same quarter. Compliance percentages averaged 98.67% across all student classifications. In alignment with previous discussions, the student body still consists of Sworn, Reserves, DSA, Intermediate Posse, and QAP Posse. MCSO is in compliance with Goal 3.

Goal 4 states that "MCSO will develop training and roll call briefing that addresses lawful factors to rely on when taking discretionary law enforcement action and the importance of the guardian mindset."

MCSO has been consistently providing the required Goal 4 trainings and it will continue to do so. Because of its work over the past several years to provide the required Goal 4 trainings, MCSO asserts that it is in compliance with Goal 4. The enhanced TSAR training addressed Goal 4.

Goal 5 states that "MCSO will provide deputies and supervisors with enhanced cultural competency training and roll call briefings based on community input." (Doc. 2120-1 at 12.) MCSO's ongoing training, including

the trainings described above, fulfills its responsibilities under Goal 5. Thus, MCSO has satisfied and is in compliance with Goal 5.

Goal 6 states that “MCSO’s Early Intervention Unit, Technology Bureau, and Patrol Commanders will assess MCSO’s traffic stop data collection to ensure data collection is accurate and the nuances of deputy discretion are captured. MCSO will also implement metrics to evaluate improvement and success.” (Doc. 2120-1 at 14.) The relevant work for Goal 6 includes Early Identification System (“EIS”) alert development, TSMR refinement and implementation, and the TSQRs. All of this work was ongoing throughout this quarter. A list of traffic stop studies completed through the end of this Quarter is included in **Appendix 1**.

In April 2021, the monthly, quarterly, and annual traffic stop studies are part of the ongoing work of MCSO. MCSO also continues to refine and improve its data collection through this ongoing work. MCSO asserts that it is now in compliance with Goal 6.

As previously noted, the Monitor has recognized that MCSO has fully completed **Goals 7** (encouraging and commending employees’ performance and service to the community) **and 8** (studying the peer intervention program). (*See, e.g.*, 3381, pg. 102.) Thus, MCSO has satisfied and is in compliance with Goals 7 and 8.

Goal 9 states that “MCSO will support best practices that result in the hiring and retention of personnel who believe in constitutional policing and working to define and deliver a vision of community safety that is shared by Maricopa County’s diverse population.” (Doc. 2120-1 at 17.)

MCSO continues its ongoing effort to address staffing issues. These issues are not solely with MCSO but are issues that are plaguing agencies across the country. The 10% critical staffing differential (temporary) continued in this Quarter for detention line-level personnel. Employee referral incentives also continue. Command staff continues ongoing discussions with the County related to step-plans and law enforcement and detention compensation increases.

MCSO continues to utilize a variety of advertising venues and markets to enhance and expand recruiting efforts—primarily for detention officer and deputy sheriff positions. The expansion of digital marketing is working to attract candidates from states bordering Arizona. Additionally, the Community Outreach Unit assumed responsibility for community outreach, engaging new applicants through targeted outreach, and arranging interviews with the Sheriff on new media channels. This extended outreach enables the Sheriff and Undersheriff to encourage more interest in the law enforcement profession overall and continues to encourage applicants. The Community Outreach team conducted several recruiting events at sports venues, schools, and various career fairs.

Although Goal 9 is a critical part of the ongoing work of MCSO, it does not measure compliance with Paragraph 70. Additionally, the focus of Goal 9 is on the “hiring and retention of personnel who believe in constitutional policing.” (Doc. 2120 at 17.) So, although MCSO shares the Monitor’s concern with continued recruitment and hiring, the fact that MCSO may be understaffed is not relevant to Goal 9—Goal 9 is concerned with the quality of MCSO’s employees (which, as MCSO’s various data analyses continue to show, is generally high), not with the quantity. Nonetheless, MCSO is doing the ongoing work envisioned by this Goal and, thus, is in compliance with Goal 9.

Based on the foregoing, MCSO asserts it is in compliance with the requirements of Paragraph 70, including the CPP. Neither the Monitor nor the other Parties agree. Nonetheless, the Monitor Team has not provided written justification for their finding that MCSO is out of compliance with this Paragraph. In its 45th Quarterly Report, the Monitor said that “[o]ur compliance assessment remains based on the existing [CPP] and the results of traffic stop data analysis reports, as well as MCSO’s response to those reports.” (Doc. 3381 at 103.)

MCSO has informed the Monitor during site visits, MCSO has attempted to engage the ACLU and the DOJ in discussions regarding CPP/Paragraph 70 since before July 8, 2024, to no avail. MCSO has provided its written position regarding this Paragraph since that date and repeatedly requested that the ACLU and the DOJ provide their respective positions in writing. The DOJ has not provided MCSO with its written position as to MCSO’s compliance under Paragraph 70; in fact, on one instance, the DOJ claimed that it could not provide its written position, because necessary, internal DOJ review could not occur in time for the second quarter site visit. In June, 2025, the ACLU did provide its written position—which recognized the “substantial steps” taken by MCSO. However, the ACLU’s position lacked sufficient detail and ignored what MCSO does to mandate compliance under Paragraph 70.

In an email to the Parties, the ACLU referred to disparities in extended traffic stop length and deputies’ use of ETSIs as a metric to suggest that there “may” be systemic problems, citing to MCSO’s TSQRs 13 and 17. The ACLU then suggested MCSO take meaningful action, meaning: “(1) examining recent stops marked as ETSIs to determine whether they involve racial profiling or unlawful seizures; (2) identifying and implementing interventions to ensure ETSIs do not involve racial profiling or unlawful seizures; and (3) documenting and reporting on (1) and (2).” *MCSO already does this through its TSMRs.*

Since 2021, MCSO has developed and implemented TSMRs to ensure timelier review of traffic stop data and opportunity to correct any issues at the patrol level. MCSO conducts monthly TSMR analyses in which stop length of all stops that deputies have conducted in the previous 12-months are analyzed (including those with ETSIs) for every single deputy. Thus, every single month MCSO scrutinizes every deputy for any extended traffic stop a deputy may have had and every time a deputy used an ETSI. The TSMRs provide an opportunity to address issues related to specific deputies identified during monthly reviews. As stated above, the Monitor-approved TSAU Operations Manual outlines how such issues are to be addressed. MCSO has consistently and timely advised the Monitor of problems it has identified in its reviews and the actions it has taken to ensure data accuracy and the results of the deputy-level followup. Accordingly, MCSO already meaningfully investigates, monitors, and addresses extended traffic stops.

MCSO has and continues to complete all required analyses and provides written responses to all disparities identified in the analyses. The identified disparities are small in terms of magnitude, and MCSO has taken action to closely monitor, investigate, and respond to *all* disparities. Nevertheless, MCSO notes that the Court and its Orders, including Paragraph 70 and the CPP, only compel MCSO to act on disparities involving the Plaintiff class. MCSO submits that the Monitor can only require MCSO to evaluate, monitor, and intervene when it identifies a disparity involving the Plaintiff class and not all potential individuals that will be subject to a MCSO traffic stop. Furthermore, MCSO submits that the Court’s Orders do not require the reduction or elimination of all disparities. Paragraph 70 requires that MCSO take “*reasonable steps*” to identify, investigate, closely monitor, and intervene when necessary, which MCSO has been doing since at least April of 2021, when MCSO established TSMR program. Even before then, MCSO complied with all TSAR and TSQR requirements. However, despite MCSO’s legal contentions about the Court’s Orders and Monitor’s authority under the Orders, MCSO has been and is taking action to respond to and correct any identified and actual disparity (disparity that is not caused by a non-racial factor) between any potential class.

MCSO has continuously sought the Plaintiffs' opinion why MCSO is not in compliance with Paragraph 70 and the CPP. Although Plaintiffs have, to date, not given a specific reason why it is not, they have raised concerns about ETSIs. ETSIs were developed, in concert with all parties, as a mechanism for documenting common delays experienced during traffic stops. These delays are considered race neutral factors often outside a deputy's control (language barrier, technology issue, driver documentation issues), MCSO policy and Arizona Revised Statutes (DUI investigations and tows), or due to MCSO procedures (training). It is also important to recognize that these delays experienced during traffic stops are not germane to deputy decisions to issue citations, make an arrest, file charges, or conduct a search. And while stop length is a concern to MCSO as a benchmark for identifying potential bias, ETSIs allow MCSO to identify common race-neutral circumstances that contribute to longer traffic stops, and MCSO has identified that deputies utilize ETSIs with fidelity when documenting delays during traffic stops. (*See, e.g.*, TSQR 3, TSQR 13, and TSQR 17.) **Thus, as a threshold issue, MCSO does not consider racial/ethnic difference associated with ETSI use as a measure of potential bias as the Court defined in its Second Order.** ETSIs, along with comments entered into the VSCF, identify and document circumstances which extend the length of a traffic stop, regardless of race/ethnicity. In fact, MCSO maintains to state otherwise is simply a fallacy that has no basis in fact.

Despite MCSO's disagreement on Plaintiff's concerns related to ETSIs, it nevertheless endeavored to address them. In a recent communication to MCSO, the ACLU provided a list of 8 requests related to ETSIs. But the requests consisted largely of things that MCSO already performs or has performed, or is otherwise at odds with this Court's Orders. For instance, the ACLU requested that "MCSO should include in the body of the TSAR a summary of ETSI analyses contained in the appendix of the TSAR. This should include at least trends in ETSI usage over time." The request cuts against the Court's specific request that MCSO provide simple analyses in the TSAR. Moreover, MCSO *already performs* the analysis requested in TSQR 21 and has committed to review ETSIs annually for its first quarterly report.

For another example, the ACLU requested that "[i]n the annual TSQR analysis of ETSIs, MCSO should track and report on the percentage of stops marked as an ETSI for each racial or ethnic group, e.g. x % of stops of Hispanic individuals are marked as ETSIs; and that information should be explained in plain terms in the body of the report." But MCSO already does this in its quarterly reports as it did in TSQR 13 and 17 and MCSO further intends to duplicate this tracking, reporting, and explanation in the forthcoming TSQR 21.

The ACLU also requested that "[i]n the annual TSQR analysis of ETSIs, the review of ETSI BWC videos should draw a random sample of stops—including ETSIs and non-ETSI—and it should be a double-blind review." But MCSO had already done this in TSQR 17 and reminded the ACLU's counsel that Plaintiffs have already agreed on a way to stratify the sample in the proposal for the forthcoming TSQR 21.

As a final example, the ACLU requested that "MCSO should identify specific and measurable definitions of each ETSI category." But definitions of Extended Stop Indicators already exist and MCSO has published them in its Extended Stop Indicator quarterly reports for several years now. Furthermore, the ETSI categories are—by their nature—self-explanatory and concepts with which deputies routinely deal. Nevertheless, MCSO proposed providing additional definitions into its policies.

Thus, MCSO has not only been complying with Paragraph 70 and the CPP, MCSO has already been doing nearly all of what the ACLU requests regarding ETSIs and are agreeable to any additional requirement not specifically performed. MCSO has not received any other reason why the ACLU does not believe that MCSO is in compliance with Paragraph 70 and the CPP.

MCSO, as a law enforcement agency, is already doing more to investigate, closely monitor, evaluate, and intervene when it identifies a disparity than most, if not all, other law enforcement agencies in the United States, and more than what is required by the Court's Orders in this case. MCSO states this not because it contends that it is necessary to compare itself to other agencies, but to demonstrate that MCSO sets the standard for all law enforcement agencies in this regard. MCSO's traffic stop outcomes exceed what typical agencies that attend the National Association for the Civilian Oversight of Law Enforcement Agencies conference do. Thus, MCSO's traffic stop analysis is on the cutting edge of law enforcement agencies and goes well beyond the *reasonable steps*, *close monitoring*, and *intervention* that the Court's Order requires.²⁰ The Court's Orders do not demand perfection, and the Monitor must not ignore MCSO's efforts and compliance under Paragraph 70. MCSO is proud of the steps it has taken under the Court's Orders, especially under Paragraph 70, and its collaboration with the Parties and the Monitoring Team to date. MCSO intends to continue to analyze the data it has collected to best serve all of its constituents. In the meantime, the Monitor must acknowledge that MCSO has complied with *all* Paragraph 70 requirements (including those in the CPP) and find MCSO in compliance with Paragraph 70.

Paragraph 71. *In addition to the underlying collected data, the Monitor and Plaintiffs' representatives shall have access to the results of all Supervisor and agency level reviews of the traffic stop and patrol data.*

MCSO remains in Full and Effective Compliance with Paragraph 71.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

²⁰ The ACLU disagrees, and stated in a October 2025 site visit session that MCSO's contention is "a lie," despite Director Redpath's explanation as to the validity of this statement. Moreover, despite MCSO's request that the ACLU identify the law enforcement agency that does more than MCSO in this regard, ACLU has not done so.

Section 8: Early Identification System (“EIS”)

General Comments regarding BIO and BIO Inspections

The inspection process is a valuable and successful tool in achieving and maintaining compliance with various Office Policies and stipulations of the Court’s Orders.

According to the Monitor, MCSO is in compliance or Full and Effective Compliance with seven Paragraphs in this section and not yet in compliance with three Paragraphs. The Monitor has not yet found MCSO in compliance with Paragraphs 72, 79, and 81 because of the need to update the NTCFs. MCSO asserts, as it has in its Comment to the Monitor’s 45th Quarterly Report, that it should be held in compliance with Paragraphs 72, 79. (Doc. 3381-2, pgs. 18-20.) Moreover, when MCSO requested that the Monitor identify which data is supposedly not currently tracked by the VSCF or NTCF, the only data point mentioned by the Monitoring Team during the February site visit was the “Revoked” option on the CTSF, which is not currently on either the VSCF or the NTCF. This data point was added to both on August 28, 2025, and permits documentation of all possible outcomes, which the review of the BWC or other digital recording device can confirm, further evidencing MCSO’s compliance with Paragraphs 72, 79, and 81.

The Monitor has found MCSO in compliance with all other aspects of its comprehensive EIS system. MCSO has been deemed in Full and Effective Compliance with Paragraphs 73, 74, 76–78, and 80 and in compliance with Paragraph 75.

These general comments represent BIO’s inspection activities for the period of July 1, 2025, through September 30, 2025. BIO completed 45 inspection reports, broken down as follows:

- Three Incident Report inspections
- Three Facility Property and Evidence inspections
- Three Civilian Supervisory Note inspections
- Three Sworn Supervisory Note inspections
- Three Detention Supervisory Note inspections
- Three Traffic Stop Data inspections
- One Quarterly Employee Email inspection
- One Quarterly CAD/Alpha Paging inspection
- One Quarterly Patrol Shift Roster inspection
- Two TraCS Review of Traffic Stops inspections
- Two TraCS Discussion of Traffic Stops inspections
- Three Patrol Activity Log inspections
- Three Misconduct Investigations inspections
- Three Complaint Intake Testing inspections
- One Quarterly EIS Alerts inspections
- Three Post-Stop Ethnicity inspections
- Three Passenger Contact inspections
- Three Search inspections
- One TraCS Review/Discussed inspection

The following paragraphs represent compliance rates and brief progress assessments for the inspections during the Second Quarter of 2025:

- **Incident Reports:** For the Third Quarter of 2025, the overall compliance rate is 99%. This was unchanged from the Second Quarter of 2025. The month of July was 99%, August 99% and September 99%.
- **Facility/Property and Evidence:** The overall compliance rate for the Third Quarter of 2025 is 100%. This was unchanged from the Second Quarter of 2025. The month of July was 100%, August 100% and September 100%.
- **Supervisory Notes-Civilian** The overall compliance rate for the Third Quarter of 2025 is 99%. This was a 2% increase from the Second Quarter of 2025. The month of July was 97%, August 100% and September 100%.
- **Supervisory Note-Sworn:** The overall compliance rate for the Third Quarter of 2025 is 94%. This was a 5% decrease from the Second Quarter of 2025. The month of July was 88%, August 95% and September 100%.
- **Supervisory Notes-Detention:** The overall compliance rate for the Third Quarter of 2025 is 100%. This was a 2% increase from the Second Quarter of 2025. The month of July was 100%, August 100% and September 100%.
- **Traffic Stop Data Collection:** The overall compliance rate for the Third Quarter of 2025 is 99%. This was unchanged from the Second Quarter of 2025. The month of July was 99%, August 99% and September 99%.
- **Quarterly Employee Email:** The quarterly employee email compliance rate for the Third Quarter of 2025 is 100%. This was unchanged from the Second Quarter of 2025.
- **Quarterly CAD/Alpha Paging:** The quarterly employee email compliance rate for the Third Quarter of 2025 is 100%. This was unchanged from the Second Quarter of 2025.
- **Quarterly Patrol Shift Rosters:** The overall compliance rate for the Third Quarter of 2025 is 97%. This was a 3% decrease from the Second Quarter of 2025. The MCSO has continued to adhere to the proper span of control for deputy-to-sergeant patrol squad ratios.
- **Reviewed Traffic Stop Data:** For the Third Quarter of 2025, the overall compliance rate for the Reviewed Traffic Stop Data inspections is 100%. This was a 1% increase from the Second Quarter of 2025. The month of July was 100%, August 100%. August was the last month in which this inspection was reported separately. As of September 2025, a new methodology approved by the Monitor Team will be implemented to report combined rates for the TraCS Discussed and TraCS Reviewed inspections. Compliance rates will now be reported under the new title, **Reviewed/Discussed Traffic Stop Data**.

- **Discussed Traffic Stop Data:** For the Third Quarter of 2025, the overall compliance rate for the Discussed Traffic Stop Data inspections is 100%. This was unchanged from the Second Quarter of 2025. The month of July was 100%, August 100%. August was the last month in which this inspection was reported separately. As of September 2025, a new methodology approved by the Monitor Team will be implemented to report combined rates for the TraCS Discussed and TraCS Reviewed inspections. Compliance rates will now be reported under the new title, **Reviewed/Discussed Traffic Stop Data**.
- **Patrol Activity Logs:** For the Third Quarter of 2025, the overall compliance rate for the Patrol Activity Log inspection is 100%. This was unchanged from the Second Quarter of 2025. The month of July was 100%, August 100% and September 100%.
- **Misconduct Investigations:** For the Third Quarter of 2025, the overall compliance rate for the Misconduct Investigations inspection is 97%. This was a 2% decrease from the Second Quarter of 2025. The month of July was 96%, August 98% and September 98%.
- **Complaint Intake Testing:** The overall compliance rate for the Third Quarter of 2025 is 79%. This was a 17% decrease from the Second Quarter of 2025. The month of July was 100%, August 100% and September 39%.
- **Quarterly EIS Alerts:** The overall compliance rate for the Third Quarter of 2025 is 100%. This was unchanged from the Second Quarter of 2025.
- **Post-Stop Ethnicity:** The overall compliance rate for the Third Quarter of 2025 is 98%. This was unchanged from the Second Quarter of 2025. The month of July was 100%, August 93% and September 100%.
- **Passenger Contact Inspection:** The overall compliance rate for the Third Quarter of 2025 is 100%. This was unchanged from the Second Quarter of 2025. The month of July was 100%, August 100% and September 100%.
- **Search Inspection:** The overall compliance rate for the Third Quarter of 2025 is 99%. This was unchanged from the Second Quarter of 2025. The month of July was 98%, August 100% and September 100%.
- **Reviewed/Discussed Traffic Stop Data:** This is the first month of the combination of both Traffic Stop Reviewed and Discussed which resulted with compliance rate of 100% for the month of September. For the purpose of this report, the combined rate for the third quarter of 2025 was 100%, as reported in both the **Discussed Traffic Stop Data** and **Reviewed Traffic Stop Data** paragraphs.

The following table indicates the monthly inspections compliance rates and the overall compliance rates for the Second Quarter 2025:

Bureau of Internal Oversight — Monthly Inspections Compliance Rates				
2025 Inspections	July	August	September	Overall Compliance Rate
IR Inspection	99%	99%	99%	99%
Facility and Property Inspection	100%	100%	100%	100%
Supervisor Note Civilian	97%	100%	100%	99%
Supervisor Note Sworn	88%	95%	100%	94%
Supervisor Note Detention	100%	100%	100%	100%
Traffic Stop Data	99%	99%	99%	99%
Quarterly Employee Emails	N/A	N/A	100%	100%
Quarterly CAD/Alpha Paging	N/A	N/A	100%	100%
Quarterly Patrol Shift Roster	N/A	N/A	97%	97%
TraCS Reviewed	100%	100%	N/A	100%
TraCS Discussed	100%	100%	N/A	100%
Patrol Activity Logs	100%	100%	100%	100%
Misconduct Investigations	96%	98%	98%	97%
Complaint Intake Testing	100%	100%	39%	79%
Quarterly EIS Alerts	N/A	N/A	100%	100%
Post Stop Ethnicity	100%	93%	100%	98%
Passenger Contact Inspection	100%	100%	100%	100%
Search Inspection	98%	100%	100%	99%
Reviewed/Discussed Traffic Stop Data	N/A	N/A	100%	100%

General Comments Regarding EIS

The MCSO Early Identification System (EIS) is one of the most robust in the country and has continuously evolved to serve the agency and community. The EIS tracks or utilizes over 70 different incident types and is comprised of the IAPro, Blue Team, and EIPro applications to provide tools and information necessary for supervisors to support employee performance.

The EIU maintains the EIS system on a day-to-day basis to identify employee behaviors that may require intervention or commendation. The EIU also facilitates training related to the EIS, builds and tracks action plans, manages the EIS alert process, and offers assistance to field personnel to support effective supervision and achieve full compliance.

During this reporting period, the IAPro system generated 46 alerts. EIU's evaluation of these alerts led to the creation and distribution of 9 EIS Alerts to supervisors for review. Once EIS alerts are returned from the field, the Alert Review Committee (ARC) verifies that alerts and interventions were properly facilitated and documented. This contributes to additional time to the overall alert process but has improved the quality of alert documentation.

In addition to alert processing and listed projects, EIU personnel are tasked with ensuring and maintaining the proper use of the EIS. The categorization of the 14,624 incidents processed by the EIU is below:

Incident Type	July-September 2025
Academy Notes	267
Award Recipient	55
Briefing Notes	118
Coaching	37
Commendation	159
Data Validation	4
Employee Reported Activity	106
Firearm Discharge	5
Forced Entry	3
Line Level Inspection	1635
MCAO Further Notice	50
MCAO Turndown Notice	104
Minor Award Nomination	20
Performance Assessment Measure	151
Security Walk Report	66
Service Award Nomination	1
Supervisor Notes	11590
Training Referral	2
Transfer Evaluation	94
Use of Force	129
Vehicle Accident	26
Vehicle Pursuit	2
Grand Total	14553

Paragraph 72. MCSO shall work with the Monitor, with input from the Parties, to develop, implement and maintain a computerized EIS to support the effective supervision and management of MCSO Deputies and employees, including the identification of and response to potentially problematic behaviors, including racial profiling, unlawful detentions and arrests, and improper enforcement of Immigration-Related Laws within one year of the Effective Date. MCSO will regularly use EIS data to promote lawful, ethical and professional police practices; and to evaluate the performance of MCSO Patrol Operations Employees across all ranks, units and shifts.

MCSO is in Phase 1 compliance with Paragraph 72. The Monitor's 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

MCSO uses the EIS as intended by this Paragraph, continues to make improvements and, therefore, asserts that it is in Phase 2 compliance with this Paragraph. Compliance with Paragraph 72 is not contingent upon completion and implementation of the NTCF project as the Monitor contends. Paragraph 72 merely requires MCSO to develop, implement, and maintain a computerized EIS but does not require a specific protocol for using the EIS, which is the subject matter of Paragraph 81, namely Subparagraphs 81.a. and 81.b. MCSO submits that it is in compliance with Phase 2 of Paragraph 72.

When MCSO requested that the Monitor identify which data is supposedly not currently tracked by the VSCF or NTCF, the only data point mentioned by the monitoring team during the February site visit was the “Revoked” option on the CTSF, which was not on either the VSCF or the NTCF. However, as stated above, that data point was added to both on August 28, 2025, and permits documentation of all possible outcomes, which the review of the BWC or other digital recording device can confirm, further exhibiting MCSO’s compliance with this Paragraph.

The Monitor has addressed MCSO’s question as to what it must do to achieve compliance with this Paragraph. The Monitor has suggested that until such a time that MCSO has “placed into production” an analytical approach for review of the VSCF and NTCF compliance will be withheld. In its 45th Quarterly Report, the Monitor required the same plan for Paragraph 79. (Doc. 3381, pg. 123.) The requirement is also needed for compliance with Paragraph 81.a. MCSO again asks the Monitor not to conflate Paragraph requirements.

As recognized in previous Reports, MCSO has informed the Monitor that the analytical approach that Plaintiff Intervenor U.S. Department of Justice outlined on its website involves a ratio comparison of deputies’ non-traffic contacts (“NTC”s) for Latino, or other minority groups, compared to whites. Although MCSO has agreed to perform the analysis, ***MCSO maintains that the analysis that the Monitor requires goes beyond the limitations of the Court’s Orders, which must be limited to the harms alleged in the initial complaint.*** (Doc. 606 at , pp. 1–2:21-2:7; Doc. 1765 at , p 6:7-16; *see also* Docs. 2830 and 3076.); *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979) (the Court’s Injunctive Orders must be narrowly tailored to give only the relief to which plaintiffs are entitled); *Melendres v. Arpaio (Melendres II)*, 784 F.3d 1254, 1265 (9th Cir. 2015) (it has long been “held that injunctive relief must be tailored to remedy the specific harm alleged.” (cleaned up)); *Zepeda v. U.S. I.N.S.*, 753 F.2d 719, 729 n.1 (9th Cir. 1983) (“[I]njunctive relief should be narrowly tailored to remedy the specific harms shown by plaintiffs, rather than to enjoin all possible breaches of the law.” (cleaned up)).

The fact that MCSO has engaged with the Monitoring Team and the Parties to develop and place into production of an analytical approach for review of the VSCF and NTCF does not mean that the Monitor’s requirement of same falls under the Court’s Orders. The Monitoring Team, Parties, and MCSO’s actions cannot, in effect, unilaterally modify or otherwise establish the terms of the Court’s Injunctive Orders. Only the Court can do that. Because the Monitor’s requirement goes beyond relief that the Court can and has mandated, MCSO maintains and asserts that it is in compliance with Paragraph 72.

Paragraph 73. *Within 180 days of the Effective Date, MCSO shall either create a unit, which shall include at least one full-time-equivalent qualified information technology specialist, or otherwise expand the already existing role of the MCSO information technology specialist to facilitate the development, implementation, and maintenance of the EIS. MCSO shall ensure that there is sufficient additional staff to facilitate EIS data input and provide Training and assistance to EIS users. This unit may be housed within Internal Affairs (“IA”).*

MCSO remains in Full and Effective Compliance with Paragraph 73.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff’s 29th Quarterly Report (Doc. 2703-1).

Paragraph 74. *MCSO shall develop and implement a protocol setting out the fields for historical data, deadlines for inputting data related to current and new information, and the individuals responsible for capturing and inputting data.*

MCSO remains in Full and Effective Compliance with Paragraph 74.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 37th Quarterly Report (Doc. 2935-1).

Paragraph 75. *The EIS shall include a computerized relational database, which shall be used to collect, maintain, integrate, and retrieve:*

- a. all misconduct Complaints or allegations (and their dispositions), excluding those made by inmates relating to conditions of confinement or conduct of detention officers (i.e., any complaint or allegation relating to a traffic stop shall be collected and subject to this Paragraph even if made by an inmate);*
- b. all internal investigations of alleged or suspected misconduct;*
- c. data compiled under the traffic stop data collection and the patrol data collection mechanisms;*
- d. all criminal proceedings initiated, as well as all civil or administrative claims filed with, and all civil lawsuits served upon, the County and/or its Deputies or agents, resulting from MCSO Patrol Operations or the actions of MCSO Patrol Operation Personnel;*
- e. all arrests;*
- f. all arrests in which the arresting Deputy fails to articulate probable cause in the arrest report, or where an MCSO Supervisor, court or prosecutor later determines the arrest was not supported by probable cause to believe a crime had been committed, as required by law;*
- g. all arrests in which the individual was released from custody without formal charges being sought;*
- h. all Investigatory Stops, detentions, and/or searches, including those found by the Monitor, an MCSO supervisor, court or prosecutor to be unsupported by reasonable suspicion of or probable cause to believe a crime had been committed, as required by law;*
- i. all instances in which MCSO is informed by a prosecuting authority or a court that a decision to decline prosecution or to dismiss charges, and if available, the reason for such decision;*
- j. all disciplinary action taken against employees;*
- k. all non-disciplinary corrective action required of employees;*
- l. all awards and commendations received by employees;*
- m. Training history for each employee; and*
- n. bi-monthly Supervisory observations of each employee.*

MCSO remains in Full and Effective Compliance with Paragraph 75.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 40th Quarterly Report (Doc. 3043-1).

Paragraph 76. *The EIS shall include appropriate identifying information for each involved Deputy (i.e., name, badge number, shift and Supervisor) and civilian (e.g., race and/or ethnicity).*

MCSO remains in Full and Effective Compliance with Paragraph 76.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 77. MCSO shall maintain computer hardware, including servers, terminals and other necessary equipment, in sufficient amount and in good working order to permit personnel, including Supervisors and commanders, ready and secure access to the EIS system to permit timely input and review of EIS data as necessary to comply with the requirements of this Order.

MCSO remains in Full and Effective Compliance with Paragraph 77.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 78. MCSO shall maintain all personally identifiable information about a Deputy included in the EIS for at least five years following the Deputy's separation from the agency. Information necessary for aggregate statistical analysis will be maintained indefinitely in the EIS. On an ongoing basis, MCSO shall enter information into the EIS in a timely, accurate, and complete manner, and shall maintain the data in a secure and confidential manner. No individual within MCSO shall have access to individually identifiable information that is maintained only within EIS and is about a deputy not within that individual's direct command, except as necessary for investigative, technological, or auditing purposes.

MCSO remains in Full and Effective Compliance with Paragraph 78.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 79. The EIS computer program and computer hardware will be operational, fully implemented, and be used in accordance with policies and protocols that incorporate the requirements of this Order within one year of the Effective Date. Prior to full implementation of the new EIS, MCSO will continue to use existing databases and resources to the fullest extent possible, to identify patterns of conduct by employees or groups of Deputies.

MCSO is in Phase 1 compliance with Paragraph 79. The Monitor's 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

MCSO continues to use the EIS as required by this Paragraph. Although MCSO is committed to completing an update of the NTCF and the plan to analyze those forms for evidence of bias, it does not believe completion of that work is necessary to comply with this Paragraph. Indeed, Paragraph 79 does not require specific protocol for using the EIS, which is the subject matter of Paragraph 81, namely Subparagraphs 81.a. and 81.b. MCSO requests that the Monitor modify its finding that MCSO is not in compliance with Phase II of Paragraph 79 to a finding that MCSO is in compliance with Phase II of Paragraph 79.

The Monitor's 39th Quarterly Report identified that MCSO needs an "analytical plan" for NTCFs to be in compliance with this Paragraph. (Doc. 3027 at 110.) But that requirement is also needed for compliance with Paragraph 81.a. MCSO again asks the Monitor not to conflate Paragraph requirements. Furthermore, the Monitor's requirement goes beyond what the Court, and thus the Monitor, can mandate based on the initial Complaint as stated above in Paragraph 72; thus, MCSO maintains that it should be held in compliance with Paragraph 79.

Paragraph 80. MCSO will provide education and training to all employees, including Deputies, Supervisors and commanders

regarding EIS prior to its implementation as appropriate to facilitate proper understanding and use of the system. MCSO Supervisors shall be trained in and required to use EIS to ensure that each Supervisor has a complete and current understanding of the employees under the Supervisor's command. Commanders and Supervisors shall be educated and trained in evaluating and making appropriate comparisons in order to identify any significant individual or group patterns. Following the initial implementation of the EIS, and as experience and the availability of new technology may warrant, MCSO may propose to add, subtract, or modify data tables and fields, modify the list of documents scanned or electronically attached, and add, subtract, or modify standardized reports and queries. MCSO shall submit all such proposals for review by the Monitor pursuant to the process described in Section IV.

MCSO remains in Full and Effective Compliance with Paragraph 80.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

Paragraph 81. MCSO shall develop and implement a protocol for using the EIS and information obtained from it. The protocol for using the EIS shall address data storage, data retrieval, reporting, data analysis, pattern identification, identifying Deputies for intervention, Supervisory use, Supervisory/agency intervention, documentation and audit. Additional required protocol elements include:

- a. comparative data analysis, including peer group analysis, to identify patterns of activity by individual Deputies and groups of Deputies;
- b. identification of warning signs or other indicia of possible misconduct, including, but not necessarily limited, to:
 - i. failure to follow any of the documentation requirements mandated pursuant to this Order;
 - ii. racial and ethnic disparities in the Deputy's traffic stop patterns, including disparities or increases in stops for minor traffic violations, arrests following a traffic stop, and immigration status inquiries, that cannot be explained by statistical modeling of race neutral factors or characteristics of Deputies' specific duties, or racial or ethnic disparities in traffic stop patterns when compared with data of a Deputy's peers;
 - iii. evidence of extended traffic stops or increased inquiries/investigations where investigations involve a Latino driver or passengers;
 - iv. a citation rate for traffic stops that is an outlier when compared to data of a Deputy's peers, or a low rate of seizure of contraband or arrests following searches and investigations;
 - v. complaints by members of the public or other officers; and
 - vi. other indications of racial or ethnic bias in the exercise of official duties;
- c. MCSO commander and Supervisor review, on a regular basis, but not less than bimonthly, of EIS reports regarding each officer under the commander or Supervisor's direct command and, at least quarterly, broader, pattern-based reports;
- d. a requirement that MCSO commanders and Supervisors initiate, implement, and assess the effectiveness of interventions for individual Deputies, Supervisors, and units, based on assessment of the information contained in the EIS;
- e. identification of a range of intervention options to facilitate an effective response to suspected or identified problems. In any cases where a Supervisor believes a Deputy may be engaging in racial profiling, unlawful detentions or arrests, or improper enforcement of Immigration-Related Laws or the early warning protocol is triggered, the MCSO shall notify the Monitor and Plaintiffs and take reasonable steps to investigate and closely monitor the situation, and take corrective action to remedy the issue. Interventions may include but are not limited to counseling, Training, Supervisor ride-alongs, ordering changes in practice or procedure, changing duty assignments, Discipline, or other

supervised, monitored, and documented action plans and strategies designed to modify activity. All interventions will be documented in writing and entered into the automated system;

- f. a statement that the decision to order an intervention for an employee or group using EIS data shall include peer group analysis, including consideration of the nature of the employee's assignment, and not solely on the number or percentages of incidents in any category of information recorded in the EIS;*
- g. a process for prompt review by MCSO commanders and Supervisors of the EIS records of all Deputies upon transfer to their supervision or command;*
- h. an evaluation of whether MCSO commanders and Supervisors are appropriately using the EIS to enhance effective and ethical policing and reduce risk; and*
- i. mechanisms to ensure monitored and secure access to the EIS to ensure the integrity, proper use, and appropriate confidentiality of the data.*

MCSO is in Phase 1 compliance with Paragraph 81. The Monitor's 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

According to the Monitor's 45th Quarterly Report, MCSO is in compliance with all subparts of Paragraph 81, except for (a) and (b). (Doc. 3381, pgs. 126-128.) The barrier to compliance appears to be MCSO's completion of the NTCF analytical plan, described above in Paragraphs 72 and 79. MCSO is making progress on the work that needs to be done on the NTCF. MCSO has published the revised NTCF form, issued a revised policy (EA-3 Non-Traffic Contact Form Policy), and provided it to Patrol Deputies for use. Furthermore, MCSO has advised that it would propose an Appendix to EA-3 that includes directions on how to fill out the forms. In so doing, MCSO is following up on the collected data as this Paragraph requires and providing additional information to mitigate mistakes by deputies.

The Monitor has stated that to comply "with this and other Paragraphs, however, the methods would also have to be able to indicate statistically whether potential bias might be occurring with regard to how different ethnicities and races are being selected and treated *during the encounters captured on the NTCFs.*" (Doc. 3381, pg. 133 (emphasis added).) MCSO's compliance failures for both 81.a and 81.b result from not being able to "utilize all patrol data to evaluate the behavior of deputies in comparison to their peers." (Doc. 3381, pg. 128.) MCSO requests that the Monitor provide the document, page, and line that requires MCSO to "utilize all patrol data." Nothing in Paragraph 81 can be read so broadly. The ejusdem generis canon provides that, when a seemingly broad clause constitutes a residual phrase, it must be controlled by, and defined with reference to, the "enumerated categories ... which are recited just before it," so that the clause encompasses only objects similar in nature. *Circuit City Stores, Inc. v. Adams*, 532 U.S. 105, 115 (2001). Thus, the reference to "other indications of racial or ethnic bias in the exercise of official duties" must be read in context of traffic stops, including traffic stop-related complaints, as the preceding series involved traffic stop related information.

Although MCSO has agreed to undertake the Appendix to EA-3, NTCF, and VSCF projects and record and analyze the resulting data, MCSO maintains that the Monitor's request goes beyond the authority the Court has in issuing its injunctive orders, and MCSO cannot be compelled to perform as the Monitor has required for the reasons stated in Paragraphs 72 and 79. Accordingly, MCSO believes that it should be held in compliance with Paragraph 81.

Section 9: Supervision and Evaluation of Officer Performance

In 2017, MCSO instituted the Chain of Command Program, which delineates the reporting structure for every employee in the Office. The program is used to align every employee with their current Supervisor, ensuring that necessary or required documentation is routed and captured by the required systems that currently link into the program. Additionally, the MCSO Training Division continues to provide training to newly promoted employees, ensuring they possess the necessary skills and knowledge to succeed. In late 2022, MCSO began using a new EPA system, which has continued to enhance the effectiveness of that process.

As a result of improved compliance with the EPAs, MCSO is now either in Full and Effective Compliance or compliance with all of the Paragraphs in this section. It is in Full and Effective Compliance with Paragraphs 83–86, 88–91, and 93–94, and in compliance with Paragraphs 87, 92, 95–100.

***Paragraph 83.** MCSO Supervisors shall provide the effective supervision necessary to direct and guide Deputies. Effective supervision requires that Supervisors: respond to the scene of certain arrests; review each field interview card and incident report; confirm the accuracy and completeness of Deputies' daily activity reports; respond to each Complaint of misconduct; ensure Deputies are working actively to engage the community and increase public trust and safety; provide counseling, redirection, support to Deputies as needed, and are held accountable for performing each of these duties.*

MCSO remains in Full and Effective Compliance with Paragraph 83.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

***Paragraph 84.** Within 120 days of the Effective Date, all patrol Deputies shall be assigned to a single, consistent, clearly identified Supervisor. First-line field Supervisors shall be assigned to supervise no more than twelve Deputies.*

MCSO remains in Full and Effective Compliance with Paragraph 84.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 85.** First-line field Supervisors shall be required to discuss individually the stops made by each Deputy they supervise with the respective Deputies no less than one time per month in order to ensure compliance with this Order. This discussion should include, at a minimum, whether the Deputy detained any individuals stopped during the preceding month, the reason for any such detention, and a discussion of any stops that at any point involved any immigration issues.*

MCSO remains in Full and Effective Compliance with Paragraph 85.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 86. *On-duty field Supervisors shall be available throughout their shift to provide adequate on-scene field supervision to Deputies under their direct command and, as needed, to provide Supervisory assistance to other units. Supervisors shall be assigned to and shall actually work the same days and hours as the Deputies they are assigned to supervise, absent exceptional circumstances.*

MCSO remains in Full and Effective Compliance with Paragraph 86.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 87. *MCSO shall hold Commanders and Supervisors directly accountable for the quality and effectiveness of their supervision, including whether commanders and Supervisors identify and effectively respond to misconduct, as part of their performance evaluations and through non-disciplinary corrective action, or through the initiation of formal investigation and the disciplinary process, as appropriate.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 87.

During the third quarter of 2025, ERPD remained committed to enhancing the quality and consistency of performance evaluations across the organization. It continued conducting comprehensive audits of Employee Performance Appraisals (EPAs), focusing on sworn supervisors and deputies whose ratings were exceptional, indicated a need for improvement, or reflected inconsistencies between overall scores and individual section ratings. These audits aimed to provide constructive feedback to raters and their chain of command, ensuring all EPAs complied with the standards established in MCSO policy.

The *Effective Employee Performance Management* training continued to be offered to those individuals that are either newly hired or promoted into command positions, showing continued support in the area of leadership development.

The effort to integrate the Supervisor Notes with the Perform application continues to be unreliable. After three years of testing, the process remains unsuitable for Production. It requires extensive MCSO IT support to extract data from BlueTeam and upload it into NEOGOV, and with frequent IT staff turnover we continue to experience reliability issues.

Additionally, the tool does not align with MCSO's intended use. Importing notes via file is not a fully supported NEOGOV feature, and errors or duplicates—common during testing—cannot be easily detected or corrected.

Monitors have cited missing complaint data as the primary reason EPAs are noncompliant, compounded by raters' difficulty accessing relevant complaint information.

To ensure the raters have the relevant information needed to successfully rate their employees, the MCSO BIO division has created and developed a reporting method that is fully supported by NEOGOV, produces complete reports, and has been successfully used in Production. In August 2025 ERPD began receiving and

utilizing the monthly EIS reports from BIO that included Supervisor Notes, complaint details, and other appraisal-period data. As this data is being pulled directly by BIO, it is reliable and ERPD will continue to utilize this method moving forward.

The monitors identified five EPAs as non-compliant for the third quarter. MCSO maintains that the EPA for Paul Chagolla is compliant. The remaining four EPAs were found deficient for failing to include PSB investigations, as required by Paragraph 99. MCSO agrees with this assessment but offers additional context. These four EPAs were all authored in July 2025, prior to the implementation of the BIO reporting tool, which began in August 2025 to capture supervisory notes, EIU reports, and investigations. No EPAs created after August exhibited this issue. Therefore, MCSO asserts that the BIO reporting tool is functioning as intended and effectively capturing the necessary information to report on PSB investigations. Moving forward, this issue should be minimized, and MCSO expects compliance with Paragraph 87.

Paragraph 88. *To ensure compliance with the terms of this Order, first-line Supervisors in any Specialized Units enforcing Immigration-Related Laws shall directly supervise the law enforcement activities of new members of the unit for one week by accompanying them in the field, and directly supervise the in-the-field-activities of all members of the unit for at least two weeks every year.*

MCSO remains in Full and Effective Compliance with Paragraph 88.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 89. *A Deputy shall notify a Supervisor before initiating any immigration status investigation, as discussed in Paragraph 28. Deputies shall also notify Supervisors before effectuating an arrest following any immigration-related investigation or for an Immigration Related Crime, or for any crime related to identity fraud or lack of an identity document. The responding Supervisor shall approve or disapprove the Deputy's investigation or arrest recommendation based on the available information and conformance with MCSO policy. The Supervisor shall take appropriate action to address any deficiencies in Deputies' investigation or arrest recommendations, including releasing the subject, recommending non-disciplinary corrective action for the involved Deputy, and/or referring the incident for administrative investigation.*

MCSO remains in Full and Effective Compliance with Paragraph 89.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 90. *MCSO Deputies shall submit documentation of all stops and Investigatory Detentions conducted to their Supervisors by the end of the shift in which the action occurred. Absent exceptional circumstances, within 72 hours of receiving such documentation, a Supervisor shall independently review the information. Supervisors shall review reports and forms for Boilerplate or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct. Appropriate disciplinary action should be taken where Deputies routinely employ Boilerplate or conclusory language.*

MCSO remains in Full and Effective Compliance with the requirements of Paragraph 90.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 38th Quarterly Report (Doc. 2957-1).

***Paragraph 91.** As part of the Supervisory review, the Supervisor shall document any Investigatory Stops and detentions that appear unsupported by reasonable suspicion or are otherwise in violation of MCSO policy or stops or detentions that indicate a need for corrective action or review of agency policy, strategy, tactics, or Training. The Supervisor shall take appropriate action to address all violations or deficiencies in Investigatory Stops or detentions, including recommending non-disciplinary corrective action for the involved Deputy, and/or referring the incident for administrative or criminal investigation.*

MCSO remains in Full and Effective Compliance with the requirements of Paragraph 91.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 36th Quarterly Report (Doc. 2899-1).

***Paragraph 92.** Supervisors shall use EIS to track each subordinate's violations or deficiencies in Investigatory Stops or detentions and the corrective actions taken, in order to identify Deputies needing repeated corrective action. Supervisors shall notify LA. The Supervisor shall ensure that each violation or deficiency is documented in the Deputy's performance evaluations. The quality and completeness of these Supervisory reviews shall be taken into account in the Supervisor's own performance evaluations. MCSO shall take appropriate corrective or disciplinary action against Supervisors who fail to conduct complete, thorough, and accurate reviews of Deputies' stops and Investigatory Detentions.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 92.

Due to ongoing issues with the Supervisor Note integration, ERPD began receiving monthly reports from BIO in August 2025 to support individual employee profiles in Perform. These reports include Supervisor Notes and other EIS data relevant to the applicable appraisal period, along with a separate section containing Complaint information required for EPA completion.

This reporting process leverages a fully supported NEOGOV feature that generates comprehensive reports aligned with each employee's appraisal period. The process is already successfully implemented and utilized in Perform Production.

MCSO continues to maintain employee EPAs as required by this Paragraph. MCSO has been in Phase 1 compliance since September 30, 2017 and Phase 2 compliance since June 30, 2023.

***Paragraph 93.** Absent extraordinary circumstances, MCSO Deputies shall complete all incident reports before the end of shift. MCSO field Supervisors shall review incident reports and shall memorialize their review of incident reports within 72 hours of an arrest, absent exceptional circumstances.*

MCSO remains in Full and Effective Compliance with Paragraph 93.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 94. *As part of the Supervisory review, the Supervisor shall document any arrests that are unsupported by probable cause or are otherwise in violation of MCSO policy, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or Training. The Supervisor shall take appropriate action to address violations or deficiencies in making arrests, including notification of prosecuting authorities, recommending non-disciplinary corrective action for the involved Deputy, and/or referring the incident for administrative or criminal investigation.*

MCSO remains in Full and Effective Compliance with Paragraph 94.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 43rd Quarterly Report (Doc. 3145-1).

Paragraph 95. *Supervisors shall use EIS to track each subordinate's violations or deficiencies in the arrests and the corrective actions taken, in order to identify Deputies needing repeated corrective action. The Supervisor shall ensure that each violation or deficiency is noted in the Deputy's performance evaluations. The quality of these supervisory reviews shall be taken into account in the Supervisor's own performance evaluations, promotions, or internal transfers. MCSO shall take appropriate corrective or disciplinary action against Supervisors who fail to conduct reviews of adequate and consistent quality.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 95.

ERPD continues to provide Effective Employee Performance Management training for both new hires and recently promoted staff. This program is designed to equip emerging leaders with the tools and knowledge needed to conduct meaningful evaluations that align with Office policy.

MCSO has been in Phase 1 compliance with Phase 1 since September 30, 2017 and Phase 2 compliance since June 30, 2023.

Paragraph 96. *A command-level official shall review, in writing, all Supervisory reviews related to arrests that are unsupported by probable cause or are otherwise in violation of MCSO policy, or that indicate a need for corrective action or review of agency 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.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 96.

The Monitor approved MCSO's recommendations from the July Site Visit Request #8 for the Monitor's assessment of compliance for Paragraph 96 on October 14, 2024. The Fourth Quarter 2024 was the first time the approved assessment changes could be applied. During the fourth quarter, there was only one Incident Report Memorialization ("IRM"), which was entered on December 26, 2024 and was not finalized for assessment in the Fourth Quarter.

During the First Quarter 2025, MCSO finalized the pending IRM created in the Fourth Quarter 2024. MCSO also created and finalized a new IRM. There were no pending IRMs at the end of the First Quarter. During the Second Quarter, the Monitor reviewed one IRM Form, in which a deputy failed to read *Miranda* rights before questioning in relation to a crime. MCSO promptly and appropriately completed the chain of command review of the incident in accordance with the requirements of this Paragraph.

MCSO has been in Phase 1 compliance with Phase 1 since December 31, 2014 and Phase 2 compliance since September 30, 2024.

Paragraph 97. *MCSO Commanders and Supervisors shall periodically review the EIS reports and information, and initiate, implement, or assess the effectiveness of interventions for individual Deputies, Supervisors, and units based on that review. The obligations of MCSO Commanders and Supervisors in that regard are described above in Paragraphs 81(c)–(h).*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 97.

To support compliance efforts, MCSO continues to audit Supervisor Notes for the reviews of EIS profiles. Additionally, the Monitor has recognized that MCSO's publication of EIS alert inspections is adequate. MCSO will continue to take actions to support compliance with this Paragraph. Furthermore, MCSO promptly investigates any issues raised by the TSMRs, which may include completing all paperwork properly, the collection of phone numbers during traffic stops, the proper use of ETISIs, (de)activation of body-worn cameras, and issues related to internal guidelines used by deputies, among others.

MCSO has been in Phase 1 compliance with Phase 1 since March 31, 2017 and Phase 2 compliance since September 30, 2024.

Paragraph 98. *MCSO, in consultation with the Monitor, shall create a system for regular employee performance evaluations that, among other things, track each officer's past performance to determine whether the officer has demonstrated a pattern of behavior prohibited by MCSO policy or this Order.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 98.

As discussed in Paragraphs 70, 87, and 92, in this quarter, the focus of the ERPD staff continued to be on strengthening the quality and consistency of performance evaluations across the organization. The division continued its comprehensive audits of EPAs, specifically targeting sworn supervisors and deputies whose ratings were either exceptional, marked as needing improvement, or showed inconsistencies between overall scores and individual section ratings. MCSO expects these efforts will continue to assist in maintaining compliance with Paragraph 98 and other EPA related Paragraphs.

MCSO has been in Phase 1 compliance with Phase 1 since September 30, 2017 and Phase 2 compliance since September 30, 2023.

Paragraph 99. *The review shall take into consideration all past Complaint investigations; the results of all investigations; Discipline, if any, resulting from the investigation; citizen Complaints and commendation; awards; civil or administrative claims*

and lawsuits related to MCSO operations; Training history; assignment and rank history; and past Supervisory actions taken pursuant to the early warning protocol.

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 99.

As noted in its previous quarterly reports and Paragraph 87, ERPD made significant progress in enhancing the integration of Supervisor Notes from BlueTeam into the NEOGOV Perform application. Work continues between MCSO ERPD and MCSO Technology Bureau to identify missing and duplicate notes through an automated process. By replacing the previous manual checks, MCSO is seeing greater accuracy and efficiency.

Despite these advancements, the management of the Perform application continued to face challenges due to the frequency of reassignments of personnel. Between the requirements of both the internal approval process of MCSO and the additional Workday system, the official system of Maricopa County. Each process must go through multiple approval steps, requiring completion before starting the next step. In cases where there is not an even exchange of positions, Workday requires actions occurring on different days. All these issues cause inaccurate or incomplete data in NEOGOV Perform. Since NEOGOV Perform relies on Workday data to generate EPA forms and route them through the appropriate chain of command, these inaccuracies result in the need for ERPD staff to conduct time-consuming research and manual corrections.

ERP staff continued to audit EPAs and provide feedback to raters of record and the chain of command to further reinforce training and improve the quality of EPAs. MCSO has been in Phase 1 compliance with Phase 1 since March 31, 2017 and Phase 2 compliance since December 31, 2024.

Paragraph 100. *The quality of Supervisory reviews shall be taken into account in the Supervisor's own performance evaluations.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 100.

As described in other Paragraphs concerning EPAs, in this quarter, ERPD staff continued their practice of user application support and EPA auditing. MCSO refers the readers to Paragraph 87 and other EPA related paragraphs for additional comments regarding EPA compliance issues.

MCSO has been in Phase 1 compliance with Phase 1 since March 31, 2017 and Phase 2 compliance since September 30, 2023.

Paragraph 101. *Within 180 days of the Effective Date, MCSO shall develop and implement eligibility criteria for assignment to Specialized Units enforcing Immigration-Related Laws. Such criteria and procedures shall emphasize the individual's integrity, good judgment, and demonstrated capacity to carry out the mission of each Specialized Unit in a constitutional, lawful, and bias-free manner. Deputies assigned to a Specialized Unit who are unable to maintain eligibility shall be immediately re-assigned.*

MCSO remains in Full and Effective Compliance with Paragraph 101.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Section 10: Misconduct and Complaints

This Section establishes basic requirements for reporting, auditing, tracking Complaints, the duty to cooperate with investigations, and other requirements related to misconduct and related investigations.

MCSO is in Full and Effective Compliance or compliance with all Paragraphs in this section. It is in Full and Effective Compliance with Paragraphs 102, 104–106 and in compliance with Paragraph 103.

Paragraph 102. *MCSO shall require all personnel to report without delay alleged or apparent misconduct by other MCSO Personnel to a Supervisor or directly to LA that reasonably appears to constitute: (i) a violation of MCSO policy or this Order; (ii) an intentional failure to complete data collection or other paperwork requirements required by MCSO policy or this Order; (iii) an act of retaliation for complying with any MCSO policy; (iv) or an intentional provision of false information in an administrative investigation or any official report, log or electronic transmittal of information. Failure to voluntarily report or document apparent misconduct described in this Paragraph shall be an offense subject to Discipline.*

MCSO remains in Full and Effective Compliance with Paragraph 102.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 103. *Within one year of the Effective Date, MCSO shall develop a plan for conducting regular, targeted, and random integrity audit checks to identify and investigate Deputies possibly engaging in improper behavior, including: Discriminatory Policing; unlawful detentions and arrests; improper enforcement of Immigration-Related Laws; and failure to report misconduct.*

MCSO remains in Full and Effective Compliance with Paragraph 103.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 41st Quarterly Report (Doc. 3086-1).

Additionally, AIU currently conducts regular, targeted, and random integrity audit checks. The regular and random integrity checks are done through monthly and quarterly inspections. The Monitoring Team has noted that Paragraph 103 does not set frequency standards for the Integrity test. AIU is committed to identifying areas for the Targeted Integrity Tests on a continual basis. Each Targeted Integrity Test ranges in scope and work hours to complete, resulting in the possibility of final reports not being completed each quarter or the possibility of multiple reports being completed in a quarter.

Paragraph 104. *Subject to applicable laws, MCSO shall require Deputies to cooperate with administrative investigations, including appearing for an interview when requested by an investigator and providing all requested documents and evidence. Supervisors shall be notified when a Deputy under their supervision is summoned as part of an administrative investigation and shall facilitate the Deputy's appearance, absent extraordinary and documented circumstances.*

MCSO remains in Full and Effective Compliance with Paragraph 104.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 105. *Investigators shall have access to, and take into account as appropriate, the collected traffic stop and patrol data, Training records, Discipline history, and any past Complaints and performance evaluations of involved officers.*

MCSO remains in Full and Effective Compliance with Paragraph 105.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 106. *Records of Complaints and investigations shall be maintained and made available, unredacted, to the Monitor and Plaintiffs' representatives upon request. The Monitor and Plaintiffs' representatives shall maintain the confidentiality of any information therein that is not public record. Disclosure of records of pending investigations shall be consistent with state law.*

MCSO remains in Full and Effective Compliance with Paragraph 106.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Section 11: Community Engagement

Section 11 concerns MCSO's community outreach efforts and establishes the Community Advisory Board ("CAB"). It also requires the Monitor to hold quarterly public meetings and address requirements for those meetings.

MCSO is in Full and Effective Compliance or compliance with Paragraphs 113, 114, and 116. Although the Monitor found MCSO out of compliance for Phase 2 of Paragraph 115 since the Fourth Quarter 2024, MCSO maintains that it was in compliance with Paragraph 115 in the Fourth Quarter 2024, First Quarter 2025, Second Quarter 2025, and this Quarter, and asserts that it should be found in Full and Effective Compliance with Paragraph 115. In fact, Monitor Team Member, Robin Busch-Wheaton, acknowledged that the Monitor Team needed to reassess the status of MCSO's compliance with Paragraph 115 during the October 2025 site visit.

MCSO remains committed to effective community engagement through the development and maintenance of partnerships with community members, local businesses, faith-based organizations, and nonprofit groups. To support these efforts, the Office established the Community Outreach Division (COrD). COrD plays a key role in organizing and participating in community-based events that bring MCSO personnel and residents together in welcoming, non-enforcement settings, fostering trust and positive relationships.

MCSO Quarterly Reports record community policing activities performed by MCSO Patrol Deputies across the county. For this quarter, MCSO registered 79 events, with public attendance reaching 17,432. During this same period, MCSO recorded 912 occasions of community policing utilizing the Computer Aided Dispatch System; those engagements totaled over 1,057:07 staff hours and are primarily attributed to the community policing activities of Patrol Deputies. COrD has continually worked to bring MCSO and the community together with existing programs along with developing new relationships and programs in the community. Through these collaborations, MCSO participated in several community events. The events listed below are just a sample of the events and programs MCSO participated in this quarter.

For this quarter, MCSO registered 79 events, with public attendance reaching 17,432.

Date	Name of Event	Name of Contact Person	Location	Number of People Attended
JULY				
7/1/25	Judicial Intern Tour of Property & Evidence	Anne, Lexi	3420 West Lower Buckeye Road Phoenix, Arizona 85009	20
7/3/25	4 th of July Fireworks	Lexi, Sofia, Ann, Isidro	41703 N. Gavilan Peak Pkwy. Anthem, AZ 85086	5,000
7/4/25	City of Buckeye 4 th of July Celebration	Lexi, Sofia	3000 W. Palo Verde Road Buckeye, Arizona	2,000
7/8/25	Bomb Squad Demo for CREST Engineering Students	Lexi	2915 E. Rose Garden Lane Phoenix, Arizona 85050	50

Date	Name of Event	Name of Contact Person	Location	Number of People Attended
7/12/25	Frank Elementary Back to School Bash	Lexi	9405 S. Avenida del Yaqui Guadalupe, Arizona 85283	200
7/12/25	Guadalupe Meet and Greet MCSO Jr. Cadets	Derek, D1 Deputies, Cadets	9201 S. Avenida Del Yaqui Tempe, Arizona 85283	50
7/14/25	Doughnuts with Deputies	Lexi, Sofia, Anne	11121 Grand Avenue Youngtown, AZ 85363	25
7/15/25	Surprise PD Cadet Presentation	Sofia, Anne	13433 W. Foxfire Drive Surprise, Arizona	20
7/17/25	Morristown Back to School	Sofia	25950 W. Rockaway Hills Road Morristown, Arizona 85342	150
7/17/25	Coffee with a Cop South Mountain Block Watch	Anne	2090 E. Baseline Road Phoenix, Arizona 85042	150
7/18/25	Back to School Angels on Patrol	Sofia	326 E. Coronado Road Phoenix, Arizona 85004	50
7/19/25	Spirit of Hope Summer Community Back to School, Resource and Job Fair	Derek	4445 West Olive Avenue Glendale, Arizona 85302	1,000
7/20/25	Aguila Back to School Bash	Sofia	51321 W. Ray Street Aguila, Arizona 85320	150
7/25/25	Gila Bend Back to School Bash	Lexi, Sofia	777 N. Logan Avenue Gila Bend, Arizona 85337	600
7/29/25	Falcon Fest – Elementary School	Lexi, Sofia	15414 North McDowell Mountain Rd. Fountain Hills, Arizona 85268	200
7/29/25	Discover U Back to School (K-3 rd)	Lexi, Sofia	13226 North 113 th Avenue Youngtown, Arizona 85363	200
7/29/25	Fountain Hills High School/Middle School	District	16100 E. Palisades Blvd. Fountain Hills, Arizona 85268	200
7/29/25	McDowell Mountain Falcon Fest	Lexi, Sofia	15414 N. McDowell Mountain Road Fountain Hills, AZ 85268	150
7/30/25	Valor Veterans Community Meeting	Derek	3415 South McClintock Drive Tempe, Arizona 85282	20

Date	Name of Event	Name of Contact Person	Location	Number of People Attended
7/30/25	Discover U Back to School (4 th – 6 th)	Lexi, Sofia	13226 N. 113 th Avenue Youngtown, Arizona 85363	150
7/31/25	Wilson Community Center Job Fair	Derek	500 N. 30 th Place Phoenix, Arizona 85008	50
7/31/25	Nadaburg Elementary Back to School	Sofia	21419 W. Dove Valley Road Wittman, Arizona 85361	500
7/31/25	Desert Willow Elementary Meet the Teacher Night	Lexi, Sofia	15414 N. McDowell Mountain Rd. Fountain Hills, Arizona 85268	200
7/31/25	Palo Verde Back to School Open House	Lexi, D2	10700 S. Palo Verde Road Palo Verde, Arizona 85343	300
			TOTAL	11,405 People
AUGUST				
8/2/25	Back to School Bash-A Permanent Voice	Lexi, Sofia	449 E. Southern Avenue Phoenix, Arizona 85040	60
8/5/25	Gila Bend Bullying Presentations	Lexi, Sofia, Matt	777 N. Logan Avenue Gila Bend, Arizona 85337	200
8/7/25	Taft Elementary School Drop Off	Lexi, Matt	9800 E. Quarterline Road Mesa, Arizona 85207	10
8/7/25	Stevenson Elementary School Drop Off	Lexi, Matt	638 S. 96 th Street Mesa, Arizona 85208	10
8/7/25	New River Elementary School Drop Off	Lexi, Matt	48827 N. Black Canyon Highway New River, Arizona 85087	10
8/7/25	DCS School Supplies Drop Off	Lexi, Matt	9440 N. 25 th Avenue Phoenix, Arizona 85021	10
8/8/25	The Corral	Lexi, Matt, Isidro, Melissa	20300 West. Olive Avenue Waddell, Arizona 85355	500
8/9/25	The Corral	Lexi, Matt, Isidro, Melissa	20300 W. Olive Avenue Waddell, Arizona 85355	500
8/9/25	Detention Officer Orientation	Anne	7828 S. 35 th Avenue Laveen Village, Arizona	25
8/9/25	FOP Back to School Shopping	CORD Team	13770 West Bell Road Surprise, Arizona 85374	55
8/11/25	Community Listening Conversation	Lexi, Sofia, Matt, Danny	7050 S. 24 th Street Phoenix, Arizona 85042	50

Date	Name of Event	Name of Contact Person	Location	Number of People Attended
8/12/25	Personal Safety Presentation	Lexi, Sofia, Matt	202 E. Euclid Avenue Gila Bend, Arizona 85337	40
8/13/24	Neighborhood Watch Meeting	Lexi, Matt, Isidro	Salvation Army 4318 West Clarendon Phoenix, Arizona	20
8/14/25	AZ@Work	Lexi, Anne	420 Estrella Parkway Goodyear, Arizona 85338	100
8/16/25	Neighborhood Watch Meeting	Lexi, Isidro	10936 E. Apache Trail Apache Junction, Arizona 85120	20
8/19/25	Vaping Presentations	Lexi, Sofia	777 N. Logan Avenue Gila Bend, Arizona 85337	200
8/21/25	AZ@Work	Anne	160 North Valentine Street Wickenburg, Arizona	50
8/22/25	Barry Goldwater HS	Anne	2820 W. Rose Lane Phoenix, Arizona	100
8/22/25	Barry Goldwater HS	Matt, Lexi	2820 West Rose Lane Phoenix, Arizona	100
8/27/25	Valor for Veterans Community Meeting	Derek	14505 N. 75 th Avenue Peoria, Arizona 85381	25
8/28/25	Horizon HS	Anne	5601 East Greenway Road Scottsdale, Arizona	200
8/29/25	East Valley Teen Mental Health Summit	Lexi, Sofia	ASU Poly Tech Campus Student Union Ballroom 7001 East Williams Field Road Mesa, Arizona 85212	200
8/30/25	5.11	Anne	10020 West McDowell Rd, Ste. 104 Avondale, Arizona 85392	100
			TOTAL	2585 People
SEPTEMBER				
9/3/25	Neighborhood Watch Meeting	Lexi, Matt, Isidro	24218 S. Oakwood Blvd. Sun Lakes, AZ 85248	200
9/5/25	Washington High School Introduction/Ice Breaker	Sofia	2217 W. Glendale Avenue Phoenix, Arizona 85021	20
9/5/25	Barry Goldwater Event at Training Center	Lexi, Matt	2627 S. 35 th Avenue Phoenix, Arizona 85009	35
9/6/25	Franklin Community Fair	Lexi, Matt	1645 W. McDowell Road Phoenix, Arizona 85007	300
9/6/25	AZ National Guard Drill Weekend	Derek, Sofia	3811 N. Pinal Parkway Avenue Florence, Arizona 85132	150

Date	Name of Event	Name of Contact Person	Location	Number of People Attended
9/8/25	A Permanent Voice Community Listening Session	Lexi, Matt, Sofia	7050 S. 24 th Street Phoenix, Arizona 85042	50
9/11/25	Veteran 9-11 Memorial	Derek	72 W. Rio Salado Parkway Tempe, Arizona 85282	100
9/11/25	Tonopah High School Introduction/Ice Breaker	Sofia, Joon	38201 W. Indian School Road Tonopah, Arizona 85354	20
9/11/25	ACE – Patriot Day	Lexi, Matt	6815 W. Cactus Road Peoria, Arizona 85381	200
9/12/25	AZNG Dodgeball Tournament & Community Resource Fair	Sofia, Derek	5636 E. McDowell Road Phoenix, Arizona 85008	500
9/12/25	West Point HS Office overview Presentation	Lexi, Matt	West Point HS Avondale 11620 W. Encanto Blvd. Avondale, AZ 85392	20
9/13/25	Teddy Bear Day	Sofia	7146 N. 58 th Drive Glendale, Arizona 85301	300
9/13/25	Community Academy	Matt	2627 S. 35 th Avenue Phoenix, Arizona 85009	12
9/17/25	Barry Goldwater HS Mock Interview Event	Derek	2820 W. Rose Garden Lane Phoenix, Arizona 85027	45
9/18/25	JAG Leadership Development Conference	Derek	1202 W. Thomas Road Phoenix, Arizona 85013	300
9/18/25	Washington High School Senior Central (Job Fair)	Lexi	Washington High School 2217 W. Glendale Avenue Phoenix, Arizona 85021	100
9/19/25	LeadAZ Private School Office Overview Presentation	Derek	1602 S. Priest Drive Tempe, Arizona 85013	25
9/20/25	9/11 Heroes Run	Lexi	ASU Mountain America Stadium 500 E. Veterans Way Tempe, Arizona 85287	500
9/20/25	Community Academy	Matt	2627 S. 35 th Avenue Phoenix, Arizona 85003	17
9/23/25	Drone Presentation at Higley High	CORD Team	4068 E. Pecos Road Gilbert, Arizona 85295	15
9/23/25	Maricopa Re-Entry Center Recovery Day	Derek	24601 N. 29 th Avenue Phoenix, Arizona	75
9/24/25	Franklin Police/Fire High Introduction/Ice Breaker	Lexi, Sofia	1645 W. McDowell Phoenix, Arizona 85007	35

Date	Name of Event	Name of Contact Person	Location	Number of People Attended
9/24/25	JPD Workshop – Office Overview Presentation	Lexi, Matt	3125 W. Durango Street Phoenix, Arizona 85009	15
9/24/25	JPD Workshop – Mock Programs Class	Lexi, Matt	3125 W. Durango Street Phoenix, Arizona 85009	15
9/24/25	JPD Workshop – Estrella Jail Tour	Lexi, Matt	2939 W. Durango Street Phoenix, Arizona 85009	15
9/25/25	Fingerprinting Presentation at Tonopah High School	Lexi, Sofia	38201 W. Indian School Road Tonopah, Arizona 85354	20
9/25/25	Gila Bend School Parent Meeting/Night	Lexi, Sofia	777 N. Logan Avenue Gila Bend, Arizona 85337	20
9/26/25	SRT-K9 Presentation/Demo at Washington High	Lexi, Sofia	2217 W. Glendale Avenue Phoenix, Arizona 85021	75
9/27/25	Coffee with a cop	Derek, Sofia	1021 N. Ellsworth Mesa, Arizona	50
9/27/25	Family Night at El Shaddai Phoenix	Sofia, Isidro	8724 N. Black Canyon Highway Phoenix, Arizona 85051	150
9/27/25	5 Belo Shopping for SWFAC	Lexi	10092 W. Happy Valley Road Peoria, Arizona 85383	50
9/27/25	English Community Academy	Matt	2627 S. 35 th Avenue Phoenix, Arizona 85009	13
			TOTAL	3,442 People
			QUARTER TOTAL	17,432 People

During the latest quarter, MCSO continued the initiative to host quarterly Town Hall Meetings across Maricopa County. During this Quarter, the Sheriff held a town hall in Laveen in an effort to foster open dialogue between members of the community and MCSO. The meeting opened with remarks from the Sheriff regarding *Melendres* and *Melendres* compliance issues and efforts, followed by presentations from the Traffic Stop Analysis Unit and the Professional Standards Bureau, followed by a brief overview of Patrol District 2. The event concluded with a Q&A session, in which several divisions, including Training were present to answer questions and address any concerns or complaints. The discussion between MCSO/Sheriff and the Laveen community members flowed with ease and continued for a period of time after the Town Hall had officially concluded. Overall, it was a very productive Town Hall, providing a meaningful forum for residents to engage directly with the Sheriff and other MCSO personnel.

Also in July, COrD conducted its annual Back to School Drive, collecting school supplies and backpacks through donation boxes placed at multiple MCSO facilities, including jails and district offices. With support from community partners such as Angels on Patrol and the Sun City and Sun City West Posse, supplies were distributed to more than 15 schools within MCSO patrol areas and to community partners, including the

Mexican Consulate, Teen Challenge, and the Arizona Department of Child Safety (DCS), assisting families and students in preparing for the school year.

On July 12th, the MCSO Cadets, Patrol District I, and COrD hosted a community Meet and Greet in the Town of Guadalupe to encourage open communication and strengthen relationships. Residents engaged with MCSO personnel, asking questions and sharing concerns in a welcoming environment that fostered trust-building, mutual understanding, and ongoing dialogue with the communities we serve.

On August 13th, COrD attended the *Reunión de Verano en El Vecindario* (Summer Neighborhood Gathering) hosted by the Osborn Block Watch. The Arizona Department of Public Safety and the Phoenix Police Department were also present. The meeting provided a forum to discuss crime trends in the Phoenix area and allowed community members to engage directly with law enforcement. The presentation was conducted entirely in Spanish, supporting effective communication, maintaining trust within the Maryvale community, and ensuring residents remained informed and connected with primary local law enforcement agencies.

COrD also delivered an anti-vaping presentation at Gila Bend School on August 19th for students in grades 5 to 9. Topics included the nature of vaping, health effects, targeted marketing, and social normalization. Interactive scenarios encouraged critical thinking, personal responsibility, and awareness of the impact of vaping on both individual health and younger peers. This presentation provided a vital platform for outreach and education while cultivating trust with underserved populations.

The above-mentioned sampling of events and activities for the quarter are part of MCSO's proactive approach to generate positive relationships between the MCSO and the various community members to forge a stronger bond and trust between MCSO the community it serves. MCSO will continue its outreach to and interaction with the community.

Paragraph 109. *The Monitor shall hold at least one public meeting per quarter to coincide with the quarterly site visits by the Monitor in a location convenient to the Plaintiffs class. The meetings will be for the purpose of reporting the MCSO's progress in implementing this order. These meetings shall be used to inform community members of the policy changes or other significant actions that the MCSO has taken to implement the provisions of this Order. Summaries of audits and reports completed by the MCSO pursuant to this Order shall be made available. The meetings shall be under the direction of the Monitor and/or his designee. The Sheriff and/or the MCSO will participate in the meetings to provide substantive comments related to the Melendres case and the implementation of the orders resulting from it, as well as answer questions related to its implementation, if requested to do so by the Monitor or the community. If the Sheriff is unable to attend a community meeting due to other obligations, he shall notify the Monitor at least thirty days prior to that meeting. The Monitor shall consult with Plaintiffs' representatives and the Community Advisory Board on the location and content of the meetings. The Monitor shall clarify for the public at these meetings that MCSO does not enforce immigration laws except to the extent that it is enforcing Arizona and federal criminal laws.*

Paragraph 109 is not applicable to MCSO.

Paragraph 113. *MCSO shall select or hire a Community Liaison who is fluent in English and Spanish. The hours and contact information of the MCSO Community Outreach Division ("COD") shall be made available to the public including on the MCSO website. The COD shall be directly available to the public for communications and questions regarding the MCSO.*

MCSO remains in Full and Effective Compliance with Paragraph 113.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 32nd Quarterly Report (Doc. 2782-1).

Paragraph 114. *The COD shall have the following duties in relation to community engagement:*

- a. to coordinate the district community meetings described above in Paragraphs 109 to 112;*
- b. to provide administrative support for, coordinate and attend meetings of the Community Advisory Board described in Paragraphs 117 to 118;*
- c. to compile any complaints, concerns and suggestions submitted to the COD by members of the public about the implementation of this Order and the Court's order of December 23, 2011, and its findings of fact and conclusions of law dated May 24, 2013, even if they don't rise to the level of requiring formal action by LA or other component of the MCSO, and to respond to Complainants' concerns; and*
- d. to communicate concerns received from the community at regular meetings with the Monitor and MCSO leadership.*

MCSO remains in Full and Effective Compliance with Paragraph 114.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 32nd Quarterly Report (Doc. 2782-1).

Paragraph 115. *MCSO and Plaintiffs' representatives shall work with community representatives to create a Community Advisory Board ("CAB") to facilitate regular dialogue between the MCSO and the community, and to provide specific recommendations to MCSO and the Monitor about policies and practices that will increase community trust and ensure that the provisions of this Order and other orders entered by the Court in this matter are met. The MCSO shall cooperate with the Monitor to assure that members of the CAB are given appropriate access to relevant material, documents, and training so the CAB can make informed recommendations and commentaries to the Monitor.*

MCSO is in Phase 1 compliance with this Paragraph. MCSO asserts it should be held in Phase 2 compliance with this Paragraph.

MCSO understands the importance and value of open communication with the CAB, including ensuring that MCSO is responsive to CAB inquiries. Previously, the Monitor had found MCSO out of compliance with this Paragraph based on instances of slow response times to CAB inquiries. MCSO has since taken steps to ensure that it timely responds to inquiries from the CAB, and those efforts have had a positive effect. This improvement reflects MCSO's ongoing efforts to ensure open communication with the CAB, and MCSO is committed to maintaining that relationship. Until the Fourth Quarter 2024, the Monitor found MCSO in compliance with this Paragraph in every quarter since the Fourth Quarter of 2021. MCSO disputes the Monitor's not finding MCSO in compliance with this Paragraph.

MCSO's obligation under Paragraph 115 is to "cooperate with the Monitor to assure that members of the CAB are given appropriate access to relevant material, documents and training so the CAB can make informed recommendations and commentaries to the Monitor." Compliance assessments should be based on its

performance of that requirement, and as the Monitor has recognized, MCSO continues to fulfill that responsibility. MCSO expects to be found in compliance with the requirements of Paragraph 115.

In its 43rd Quarterly Report, MCSO asserted Full and Effective Compliance with Paragraph 115. (Doc. 3145-1 at 86.) MCSO has been in Phase 1 and Phase 2 compliance with Paragraph 115 since December 31, 2021. The Monitor did not concur with MCSO's assertion and, in its 43rd Quarterly Report, determined that "MCSO is not in Phase 2 compliance with this Paragraph, due to MCSO's failure to attend the CAB's community meeting to hear concerns from the members of the Plaintiffs' class who attended." MCSO disagrees with the Monitor's decision and asserts that not only did it comply with the requirements of this Paragraph in the Fourth Quarter 2024, but it is and has remained in Full and Effective Compliance with this Paragraph.

As explained in its Comments to the Monitor's 44th Quarterly Report (Doc 3268-2 at 17–18), MCSO's 44th Quarterly Report (Doc. 3205 at 91–93), its Comments to the Monitors' 43rd Quarterly Report (Doc. 3198-2 at 10–13), and MCSO's 43rd Quarterly Report (Doc. 3145-1 at 86), MCSO is in compliance with Phase 2 of this Paragraph and should be in Full and Effective Compliance with this Paragraph.

The Monitoring Team has informed MCSO that the CAB wanted MCSO to listen to community members' concerns at the CAB's October 2024 meeting. While MCSO recognizes the importance of active listening and engaging with community members and has repeatedly done so, MCSO respectfully submits that the CAB must also facilitate community members' active listening and engagement with MCSO's choice of dialogue. However, the CAB—and the Monitoring Team—*never* suggested, much less set forth, that MCSO could engage in communal dialogue regarding its traffic stop analysis and findings with the community at a future CAB community meeting, and declined to permit MCSO a fair opportunity for such a dialogue regarding *Melendres*-related issues. Indeed, MCSO informed the CAB in October 2024, and since then, that it desires to participate in and actively engages in the community dialogue that the CAB hosts at its community meetings and looks forward to doing so at future CAB community meetings.²¹

Nevertheless, the Monitor has recently informed the Parties that MCSO's leadership must acknowledge that CAB is comprised of members of the Plaintiffs' class that MCSO has harmed. The Monitor has further informed the parties that until MCSO leadership approaches the CAB with a genuine desire to listen and learn will MCSO begin to rebuild trust with the CAB—and by extension, the affected community. MCSO is confused by the Monitoring Team's request. Indeed, even for the October 2024 meeting, which did not occur during Sheriff Sheridan's administration, MCSO suggested that it participate in an open, honest, and transparent communal dialogue with the CAB and community members, which included listening to the CAB and community members, as well as presenting on *Melendres* related updates, but the CAB declined MCSO's request.

MCSO desires to participate in open dialogue and communication with the CAB. Thus, MCSO reasonably opposes any requirement that would require it only to listen to the CAB and community members, without being permitted to discuss MCSO's *Melendres* efforts, analyses, topics, and other issues it may want to share

²¹ During this Quarter, CAB failed to attend the meeting it had requested to occur at PSB on May 6, 2025. CAB cancelled this meeting by informing MCSO approximately *40 minutes before the meeting was to commence* that its community members could not attend. Nevertheless, the two recently appointed MCSO CAB members did attend and sent an email expressing their appreciation.

with them. Communication is simply a two-way street, and MCSO truly desires open communication with the CAB. MCSO has recognized the harms and alleged harms to the Plaintiff class and has spent significant time, money, and manpower in changing its policies, practices, and analytics to the extent that everything MCSO does has been, in some capacity, informed by the Plaintiff class and the Court's Orders. To say that MCSO needs to "acknowledge" the harms resulting from its now-defunct practices takes for granted the astonishing work MCSO has done over the past decade. MCSO is simply confused by the suggestion that it has neither acknowledged the alleged harm nor listened to either the CAB or community members. It has done both and will continue to do so²².

Moving forward, MCSO will continue to listen to the CAB, seek the CAB's input regarding MCSO's compliance with the Court's Orders, and engage with the CAB regarding the CAB's facilitating communications between community members and MCSO. MCSO continues to recognize the harm to the Plaintiffs' class and the community as a whole with every compliance effort, policy revision, form update, traffic-stop study, follow-up, and misconduct investigation. MCSO further recognizes the diverse voices of the Plaintiffs' class, the CAB, and the community, and will continue to engage in an open, honest, and transparent communal dialogue whereby members of the community and MCSO, along with the Monitor, can exchange information and ideas related to the *Melendres* case. MCSO requests that the Monitor acknowledge its position and its efforts and hold it in compliance with Paragraph 115.

As stated in his 45th Report, the Monitor has "[f]or the last two reporting periods, ... held MCSO out of compliance with this Paragraph due to MCSO's failure to attend the CAB's community meeting to hear concerns from the members of the Plaintiffs' class who attended." [See Doc. 3381 at 170.] The Monitor again held MCSO out of compliance in its 45th Report, making it the third quarter being held out of compliance for certain MCSO personnel's unavailability to attend a CAB meeting. MCSO opposes any retroactive requirement of certain MCSO personnel's attendance at CAB meetings and should have been in compliance with this Paragraph in Q4 of 2024 and every subsequent Quarter. MCSO further opposes the Monitor's continuing to hold MCSO out of compliance with this Paragraph for something that did not occur in this Quarter. Indeed, MCSO "through its appointed liaison to the CAB, continues to respond to the CAB's inquiries and requests for information." [See Doc. 3381 at 170.] Continuing to hold MCSO out of compliance for actions taken in Q4 2024 is wholly inappropriate. MCSO asserts that the Monitor must hold it in compliance with this Paragraph in Q3 2025.

Paragraph 116. *The CAB shall have five members, two to be selected by MCSO and two to be selected by Plaintiffs' representatives. One member shall be jointly selected by MCSO and Plaintiffs' representatives. Members of the CAB shall not be MCSO Employees or any of the named class representatives nor any of the attorneys involved in this case. The CAB shall continue for at least the length of this Order.*

MCSO remains in Full and Effective Compliance with the requirements of Paragraph 116.

²² MCSO respects the concern that Community Advisory Board ("CAB") member Raul Piña expressed during a first quarter, 2026 site visit meeting. However, MCSO acknowledges the difference between the harms that the Court found and based its Orders upon, as opposed to alleged continued harms and concerns that the community may express after the Court issued its Orders, but MCSO contends have not occurred and have no factual basis.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 38th Quarterly Report (Doc. 2957-1).

Section 12: Misconduct Investigations, Discipline, and Grievances

This section establishes comprehensive requirements for misconduct investigations, discipline, and grievances. Over the past several years, MCSO has worked to achieve compliance with these requirements. It is committed to fair investigations, discipline, and processes that are of the highest integrity. Although PSB has conducted quality investigations, a backlog of cases developed, which is a significant concern on which MCSO is focused and directing great resources and sustained effort, as well as presenting innovative ideas to address and eliminate the backlog of investigations. The backlog issue is primarily addressed in the Second and Third Orders.

MCSO is in Full and Effective Compliance or compliance with 87 Paragraphs in this section. It is not in compliance with three Paragraphs (194, 195, and 211). It is in Full and Effective Compliance with 84 Paragraphs (167–172, 174, 175–193, 196–203, 205–210, 212–215, 217, 218, 220–236, 238–259). It is in compliance with three Paragraphs (165, 173, and 216). MCSO has no obligations under Paragraph 237, which concerns the Complaint Process Community Awareness Program that the Monitor was required to establish in consultation with the CAB. **In this Quarter, MCSO asserts that the Monitor should hold it in in Full and Effective Compliance with Paragraphs 165 and 216.**

***Paragraph 165.** Within one month of the entry of this Order, the Sheriff shall conduct a comprehensive review of all policies, procedures, manuals, and other written directives related to misconduct investigations, employee discipline, and grievances, and shall provide to the Monitor and Plaintiffs new policies and procedures or revise existing policies and procedures. The new or revised policies and procedures that shall be provided shall incorporate all of the requirements of this Order. If there are any provisions as to which the parties do not agree, they will expeditiously confer and attempt to resolve their disagreements. To the extent that the parties cannot agree on any proposed revisions, those matters shall be submitted to the Court for resolution within three months of the date of the entry of this Order. Any party who delays the approval by insisting on provisions that are contrary to this Order is subject to sanction.*

Phase 1 compliance is not applicable. MCSO has been in Phase 2 compliance with Paragraph 165 since December 31, 2021. MCSO asserts Full and Effective Compliance with this Paragraph.

MCSO has been in compliance with Phase 2 of this Paragraph since December 31, 2021. As stated in the Monitor's most recent report, the Monitoring Team received the majority of the documents subject to this Paragraph within a month of the Court's Order. (Doc. 3268-1, pg. 173.) The Monitoring Team and Parties reviewed MCSO's initial documents, provided recommendations, and MCSO responded. MCSO continues to provide the necessary documents in compliance with the Court's Orders.

Because MCSO has been in compliance with the requirements of this Paragraph for more than three years, MCSO asserts Full and Effective Compliance with this Paragraph.

***Paragraph 167.** The policies shall include the following provisions:*

- a. Conflicts of interest in internal affairs investigations or in those assigned by the MCSO to hold hearings and make disciplinary decisions shall be prohibited. This provision requires the following:*
 - i. No employee who was involved in an incident shall be involved in or review a misconduct investigation arising out of the incident.*

- ii. *No employee who has an external business relationship or close personal relationship with a principal or witness in a misconduct investigation may investigate the misconduct. No such person may make any disciplinary decisions with respect to the misconduct including the determination of any grievance or appeal arising from any discipline.*
- iii. *No employee shall be involved in an investigation, whether criminal or administrative, or make any disciplinary decisions with respect to any persons who are superior in rank and in their chain of command. Thus, investigations of the Chief Deputy's conduct, whether civil or criminal, must be referred to an outside authority. Any outside authority retained by the MCSO must possess the requisite background and level of experience of internal affairs investigators and must be free of any actual or perceived conflicts of interest.*
- b. *If an internal affairs investigator or a commander who is responsible for making disciplinary findings or determining discipline has knowledge of a conflict of interest affecting his or her involvement, he or she should immediately inform the Commander of the Professional Standards Bureau or, if the holder of that office also suffers from a conflict, the highest-ranking, non-conflicted chief-level officer at MCSO or, if there is no non-conflicted chief-level officer at MCSO, an outside authority. Any outside authority retained by the MCSO must possess the requisite background and level of experience of internal affairs investigators and must be free of any actual or perceived conflicts of interest.*
- c. *Investigations into an employee's alleged untruthfulness can be initiated by the Commander of the Professional Standards Bureau or the Chief Deputy. All decisions not to investigate alleged untruthfulness must be documented in writing.*
- d. *Any MCSO employee who observes or becomes aware of any act of misconduct by another employee shall, as soon as practicable, report the incident to a Supervisor or directly to the Professional Standards Bureau. During any period in which a Monitor is appointed to oversee any operations of the MCSO, any employee may, without retaliation, report acts of alleged misconduct directly to the Monitor.*
- e. *Where an act of misconduct is reported to a Supervisor, the Supervisor shall immediately document and report the information to the Professional Standards Bureau.*
- f. *Failure to report an act of misconduct shall be considered misconduct and may result in disciplinary or corrective action, up to and including termination. The presumptive discipline for a failure to report such allegations may be commensurate with the presumptive discipline for the underlying misconduct.*
- g. *No MCSO employee with a rank lower than Sergeant will conduct an investigation at the District level.*

MCSO remains in Full and Effective Compliance with Paragraph 167.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

Paragraph 168. *All forms of reprisal, discouragement, intimidation, coercion, or adverse action against any person, civilian, or employee because that person reports misconduct, attempts to make or makes a misconduct complaint in good faith, or cooperates with an investigation of misconduct constitute retaliation and are strictly prohibited. This also includes reports of misconduct made directly to the Monitor, during any period in which a Monitor is appointed to oversee any operations of the MCSO.*

MCSO remains in Full and Effective Compliance with Paragraph 168.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

***Paragraph 169.** Retaliating against any person who reports or investigates alleged misconduct shall be considered a serious offense and shall result in discipline, up to and including termination.*

MCSO remains in Full and Effective Compliance with Paragraph 169.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

***Paragraph 170.** The Sheriff shall investigate all complaints and allegations of misconduct, including third-party and anonymous complaints and allegations. Employees as well as civilians shall be permitted to make misconduct allegations anonymously.*

MCSO remains in Full and Effective Compliance with Paragraph 170.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

***Paragraph 171.** The MCSO will not terminate an administrative investigation solely on the basis that the complainant seeks to withdraw the complaint, or is unavailable, unwilling, or unable to cooperate with an investigation, or because the principal resigns or retires to avoid discipline. The MCSO will continue the investigation and reach a finding, where possible, based on the evidence and investigatory procedures and techniques available.*

MCSO remains in Full and Effective Compliance with Paragraph 171.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

***Paragraph 172.** Employees are required to provide all relevant evidence and information in their custody and control to internal affairs investigators. Intentionally withholding evidence or information from an internal affairs investigator shall result in discipline.*

MCSO remains in Full and Effective Compliance with Paragraph 172.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

***Paragraph 173.** Any employee who is named as a principal in an ongoing investigation of serious misconduct shall be presumptively ineligible for hire or promotion during the pendency of the investigation. The Sheriff and/or the MCSO shall provide a written justification for hiring or promoting an employee or applicant who is a principal in an ongoing investigation of serious misconduct. This written justification shall be included in the employee's employment file and, during the period that the MCSO is subject to Monitor oversight, provided to the Monitor.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 173.

MCSO has been in compliance with this Paragraph since March 31, 2018, and MCSO achieved three consecutive years of Phase 1 and Phase 2 compliance with this Paragraph on March 31, 2021.

Phase 1 compliance with the requirements of this Paragraph is demonstrated by policies: GC-4 (Employee Performance Appraisals), most recently amended on April 27, 2022; GC-4 (S) (Employee Performance Management), most recently amended on November 10, 2021; GC-11 (Employee Probationary Periods and Unclassified Employees), most recently amended on January 12, 2022; and GC-12 (Hiring and Promotional Procedures), most recently amend on November 17, 2022.

Phase 2 compliance with the requirements of this Paragraph is demonstrated by the Monitor's review of personnel files and documentation of the review protocol used when reviewing promotions. The Monitor has consistently found MCSO has been in compliance with the requirements of this Paragraph. MCSO remains committed to complying with the requirements of this Paragraph.

***Paragraph 174.** Employees' and applicants' disciplinary history shall be considered in all hiring, promotion, and transfer decisions, and this consideration shall be documented. Employees and applicants whose disciplinary history demonstrates multiple sustained allegations of misconduct, or one sustained allegation of a Category 6 or Category 7 offense from MCSO's disciplinary matrices, shall be presumptively ineligible for hire or promotion. MCSO shall provide a written justification for hiring or promoting an employee or applicant who has a history demonstrating multiple sustained allegations of misconduct or a sustained Category 6 or Category 7 offense. This written justification shall be included in the employee's employment file and, during the period that the MCSO is subject to Monitor oversight, provided to the Monitor.*

MCSO remains in Full and Effective Compliance with Paragraph 174.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 32nd Quarterly Report (Doc. 2782-1).

***Paragraph 175.** As soon as practicable, commanders shall review the disciplinary history of all employees who are transferred to their command.*

MCSO remains in Full and Effective Compliance with Paragraph 175.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 41st Quarterly Report (Doc. 3086-1).

***Paragraph 176.** The quality of investigators' internal affairs investigations and Supervisors' reviews of investigations shall be taken into account in their performance evaluations.*

MCSO remains in Full and Effective Compliance with Paragraph 176.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 42nd Quarterly Report (Doc. 3115-1).

Paragraph 177. *There shall be no procedure referred to as a “name-clearing hearing.” All predisdisciplinary hearings shall be referred to as “pre-determination hearings,” regardless of the employment status of the principal.*

MCSO remains in Full and Effective Compliance with Paragraph 177.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff’s 29th Quarterly Report (Doc. 2703-1).

Paragraph 178. *Within three months of the finalization of these policies consistent with ¶ 165 of this Order, the Sheriff will have provided all Supervisors and all personnel assigned to the Professional Standards Bureau with 40 hours of comprehensive training on conducting employee misconduct investigations. This training shall be delivered by a person with subject matter expertise in misconduct investigation who shall be approved by the Monitor. This training will include instruction in:*

- a. investigative skills, including proper interrogation and interview techniques, gathering and objectively analyzing evidence, and data and case management;*
- b. the particular challenges of administrative law enforcement misconduct investigations, including identifying alleged misconduct that is not clearly stated in the complaint, or that becomes apparent during the investigation;*
- c. properly weighing the credibility of civilian witnesses against employees;*
- d. using objective evidence to resolve inconsistent statements;*
- e. the proper application of the appropriate standard of proof;*
- f. report-writing skills;*
- g. requirements related to the confidentiality of witnesses and/or complainants;*
- h. considerations in handling anonymous complaints;*
- i. relevant MCSO rules and policies, including protocols related to administrative investigations of alleged officer misconduct; and*
- j. relevant state and federal law, including Garrity v. New Jersey, and the requirements of this Court’s orders.*

MCSO Asserts that the Monitor should find it in Full and Effective Compliance with Paragraph 178.

MCSO obtained Full and Effective Compliance with this Paragraph in the Second Quarter of 2022. (See Doc. 2782-1). The Monitor’s 39th Quarterly Report shifted MCSO’s compliance status with this Paragraph to “deferred.” The decision to defer the FEC finding came from Major Peters on the Monitoring Team. Major Peters deferred the FEC finding based on his belief that MCSO had demonstrated “continued neglect” in updating “the PSB40 curriculum with current, relevant concerns,” as well as the delayed revisions PSB8 training. (See the Monitor’s 43rd Quarterly Report at Doc. 3198 at 179.) MCSO disagrees.

MCSO has not been neglectful. The delay in providing the PSB8 training is a result of a delay in receiving the final, Court-approved policies that were to be the focus of the training. MCSO appealed the Court’s Third Order, which had lasted until late 2023. MCSO paused all curriculum development and editing until the resolution of the Third Order’s appeal. ***MCSO conferred with the Monitor to determine that waiting to launch the training until the policies were finalized was the best course of action; the Monitor agreed with this approach.***

Upon resolution of the Third Order’s appeal and after receipt of the finalized policies, MCSO was diligent in disseminating that training. MCSO developed a PSB8 class that included both internal and external staff. After completion of that class, MCSO immediately began editing the PSB-40 consistent with the Court’s Third

Order and began development and deployment of the PSB-8 2024 internal class *and* the complex PSB-8 2024 external class that required several innovative changes. MCSO submits that Major Peters' contention that MCSO was neglectful when MCSO developed and deployed three separate PSB classes over the course of October 2023 through November 2024 is dismissive of MCSO's hard work to comply with the Court's Third Order. Indeed, once MCSO exhausted its appellate rights, it immediately and efficiently complied with the Court's Third Order. Thus, in the 43rd Quarterly Report, MCSO asserted that it has not been "neglectful," and its compliance status should again reflect its "Full and Effective Compliance" status in the Monitor's next Quarterly Report.

In addition, during the First Quarter of 2025, specifically on February 23, 2025, the Monitor approved the revised PSB40. Accordingly, MCSO addressed all of the Monitor's concerns conveyed in the 39th Quarterly Report that shifted MCSO's compliance with this Paragraph from being in Full and Effective Compliance to Deferred. Because MCSO had fully addressed all of the Monitor's concerns, MCSO asserted that it is to be held, once again, in Full and Effective Compliance with Paragraph 178 in its 44th Report and reporting period Q1 of 2025. In his 45th Report, the Monitor, once again, found MCSO in Full and Effective Compliance with Paragraph 178. MCSO remains in Full and Effective Compliance with the requirements of this Paragraph.

Paragraph 179. *All Supervisors and all personnel assigned to the Professional Standards Bureau also will receive eight hours of in-service training annually related to conducting misconduct investigations. This training shall be delivered by a person with subject matter expertise in misconduct investigation who shall be approved by the Monitor.*

MCSO remains in Full and Effective Compliance with Paragraph 179.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 32nd Quarterly Report (Doc. 2782-1).

Paragraph 180. *Within three months of the finalization of these policies consistent with ¶ 165 of this Order, the Sheriff will provide training that is adequate in quality, quantity, scope, and type, as determined by the Monitor, to all employees on MCSO's new or revised policies related to misconduct investigations, discipline, and grievances. This training shall include instruction on identifying and reporting misconduct, the consequences for failing to report misconduct, and the consequences for retaliating against a person for reporting misconduct or participating in a misconduct investigation.*

MCSO remains in Full and Effective Compliance with Paragraph 180.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 32nd Quarterly Report (Doc. 2782-1).

Paragraph 181. *Within three months of the finalization of these policies consistent with ¶ 165 of this Order, the Sheriff will provide training that is adequate in quality, quantity, scope, and type, as determined by the Monitor, to all employees, including dispatchers, to properly handle civilian complaint intake, including how to provide complaint materials and information, and the consequences for failing to take complaints.*

MCSO remains in Full and Effective Compliance with the requirements of Paragraph 181.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see

the Sheriff's 39th Quarterly Report (Doc. 2994-1).

Paragraph 182. *Within three months of the finalization of these policies consistent with ¶ 165 of this Order, the Sheriff will provide training that is adequate in quality, quantity, scope, and type, as determined by the Monitor, to all Supervisors on their obligations when called to a scene by a subordinate to accept a civilian complaint about that subordinate's conduct and on their obligations when they are phoned or emailed directly by a civilian filing a complaint against one of their subordinates.*

MCSO remains in Full and Effective Compliance with Paragraph 182.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 184. *All findings will be based on the appropriate standard of proof. These standards will be clearly delineated in policies, training, and procedures, and accompanied by detailed examples to ensure proper application by internal affairs investigators.*

MCSO remains in Full and Effective Compliance with Paragraph 184.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 185. *Upon receipt of any allegation of misconduct, whether internally discovered or based upon a civilian complaint, employees shall immediately notify the Professional Standards Bureau.*

MCSO remains in Full and Effective Compliance with Paragraph 185.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 186. *Effective immediately, the Professional Standards Bureau shall maintain a centralized electronic numbering and tracking system for all allegations of misconduct, whether internally discovered or based upon a civilian complaint. Upon being notified of any allegation of misconduct, the Professional Standards Bureau will promptly assign a unique identifier to the incident. If the allegation was made through a civilian complaint, the unique identifier will be provided to the complainant at the time the complaint is made. The Professional Standards Bureau's centralized numbering and tracking system will maintain accurate and reliable data regarding the number, nature, and status of all misconduct allegations, from initial intake to final disposition, including investigation timeliness and notification to the complainant of the interim status, if requested, and final disposition of the complaint. The system will be used to determine the status of misconduct investigations, as well as for periodic assessment of compliance with relevant policies and procedures and this Order, including requirements of timeliness of investigations. The system also will be used to monitor and maintain appropriate caseloads for internal affairs investigators.*

MCSO remains in Full and Effective Compliance with Paragraph 186.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 187. *The Professional Standards Bureau shall maintain a complete file of all documents within the MCSO's custody and control relating to any investigations and related disciplinary proceedings, including pre-determination hearings, grievance proceedings, and appeals to the Maricopa County Law Enforcement Merit System Council or a state court.*

MCSO remains in Full and Effective Compliance with Paragraph 187.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 188. *Upon being notified of any allegation of misconduct, the Professional Standards Bureau will make an initial determination of the category of the alleged offense, to be used for the purposes of assigning the administrative investigation to an investigator. After initially categorizing the allegation, the Professional Standards Bureau will promptly assign an internal affairs investigator.*

MCSO remains in Full and Effective Compliance with Paragraph 188.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 189. *The Professional Standards Bureau shall administratively investigate:*

- a. misconduct allegations of a serious nature, including any allegation that may result in suspension, demotion, or termination; and*
- b. misconduct indicating apparent criminal conduct by an employee.*

MCSO remains in Full and Effective Compliance with Paragraph 189.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

Paragraph 190. *Allegations of employee misconduct that are of a minor nature may be administratively investigated by a trained and qualified Supervisor in the employee's District.*

MCSO remains in Full and Effective Compliance with Paragraph 190.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

Paragraph 191. *If at any point during a misconduct investigation an investigating Supervisor outside of the Professional Standards Bureau believes that the principal may have committed misconduct of a serious or criminal nature, he or she shall immediately notify the Professional Standards Bureau, which shall take over the investigation.*

MCSO remains in Full and Effective Compliance with Paragraph 191.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

***Paragraph 192.** The Professional Standards Bureau shall review, at least semi-annually, all investigations assigned outside the Bureau to determine, among the other matters set forth in ¶ 251 below, whether the investigation is properly categorized, whether the investigation is being properly conducted, and whether appropriate findings have been reached.*

MCSO remains in Full and Effective Compliance with Paragraph 192.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

***Paragraph 193.** When a single act of alleged misconduct would constitute multiple separate policy violations, all applicable policy violations shall be charged, but the most serious policy violation shall be used for determining the category of the offense. Exoneration on the most serious offense does not preclude discipline as to less serious offenses stemming from the same misconduct.*

MCSO remains in Full and Effective Compliance with Paragraph 193.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

***Paragraph 194.** The Commander of the Professional Standards Bureau shall ensure that investigations comply with MCSO policy and all requirements of this Order, including those related to training, investigators' disciplinary backgrounds, and conflicts of interest.*

MCSO is in Phase 1 compliance with Paragraph 194. The Monitor's 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

The Monitor based Phase 2 compliance with this Paragraph on "a review of completed misconduct investigations conducted by MCSO, the review of attendance by internal investigators at required Misconduct Investigative Training, the disciplinary backgrounds of internal investigators, and the efforts being made by the PSB Commander to reach compliance." (Doc. 2887 at 187.) The lack of compliance with this Paragraph primarily stems from the time it takes to complete misconduct investigations. This remains a significant concern. The timeliness issue is addressed in Paragraph 204, which establishes those requirements. MCSO continues to provide training and supervision to support quality investigations and MCSO reiterates that it is taking all reasonable steps to address the quality and timeliness of district investigations, as well as the PSB backlog.

Aside from timeliness issues, most of the concerns about quality relate to district investigations. To the extent there have been deficiencies in district investigations, they are typically identified in PSB's review process. As in previous quarters, the Monitor's 41st Quarterly Report notes, "[w]e continue to find that PSB personnel are identifying and ensuring that corrections are made, and all documentation is completed in those cases that they review." (Doc. 3108 at 185.) For this Paragraph, which addresses the PSB commander's responsibilities,

if PSB is identifying and correcting deficiencies in district investigations, those investigations should be compliant. This Paragraph is not an evaluation of the district's work, but the work of the PSB Commander. Even so, if PSB does not capture every deficiency by the district or division, such misses should not necessarily preclude compliance.

Indeed, MCSO reiterates that a reasonable approach to decide investigative compliance would be to define critical and irreversible errors and differentiate those that do not impact the findings or outcome of the misconduct case. MCSO should not be found out of compliance for harmless errors during the investigative process and that the PSB Commander does not identify as impacting the findings or outcomes.

Paragraph 195. *Within six months of the entry of this Order, the Professional Standards Bureau shall include sufficient trained personnel to fulfill the requirements of this Order.*

MCSO is in Phase 1 compliance with Paragraph 195. The Monitor's 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

The Monitor determines Phase 2 compliance with this Paragraph "by a review of completed misconduct investigations conducted by MCSO, the review of attendance by internal investigators at required Misconduct Investigative Training, the disciplinary backgrounds of internal investigators, and the efforts being made by the PSB Commander to reach compliance." [Doc. 3381 at 195.]

MCSO has continued its efforts to hire civilian investigators and has contracted with an outside consulting firm to provide additional investigative support. It has also been increasing its administrative staff who support the investigators' work. At the end of this quarter, PSB staff consisted of 48 investigators (excluding criminal investigators and investigators utilized outside of MCSO). PSB continues to hire and fill administrative support staff positions. PSB continues to assign additional administrative investigations to the outside investigating firm, Jensen Hughes, for investigation. Filling vacant sworn and detention positions has been and continues to be difficult for PSB and for MCSO officewide due to the current employment conditions.

Additionally, As MCSO requested, having a second captain and five additional sergeants in PSB is crucial to MCSO's complying with this Paragraph and eliminating the backlog. The Monitor has approved the second captain to fulfill the Deputy PSB Commander position pursuant to the Court's Order and MCSO is taking the steps to enlist the support of the ACLU and the Department of Justice regarding the 5 sergeants who will remain in their respective districts but who will devote time to process backlog investigations. Indeed, MCSO moved the Court to permit certain backlog cases be assigned to the 5 sergeants. The efforts to increase PSB staff and consultant support have been one part of MCSO's effort to reduce the backlog of administrative investigations while implementing the Orders. MCSO is taking all reasonable steps to ensure that PSB is properly staffed.

Indeed, PSB has demonstrated that it conducts fair, impartial, thorough, and complete misconduct investigations and issues fair and equitable discipline when warranted. All investigators assigned to PSB receive annual training, including the initial 40-hour Misconduct Investigations training and the yearly 8-hour training for conducting misconduct investigations, as specified in Paragraphs 178 and 179.

In his 45th Report the Monitor states that until "MCSO is able to demonstrate that the level of staffing in PSB is sufficient to address the investigative caseload assigned to their personnel and results in timely investigations, we will not find MCSO in compliance with this Paragraph." (Doc. 3268, pg. 198.) As stated

above, MCSO is earnestly trying to hire civilian investigators, but the market for qualified investigators and the difficulty to attain Monitor approval of proposed, qualified investigator hires are obstacles that MCSO is trying to overcome.

Paragraph 196. *Where appropriate to ensure the fact and appearance of impartiality, the Commander of the Professional Standards Bureau or the Chief Deputy may refer administrative misconduct investigations to another law enforcement agency or may retain a qualified outside investigator to conduct the investigation. Any outside investigator retained by the MCSO must possess the requisite background and level of experience of Internal Affairs investigators and must be free of any actual or perceived conflicts of interest.*

MCSO remains in Full and Effective Compliance with Paragraph 196.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

Paragraph 197. *The Professional Standards Bureau will be headed by a qualified Commander. The Commander of the Professional Standards Bureau will have ultimate authority within the MCSO for reaching the findings of investigations and preliminarily determining any discipline to be imposed. If the Sheriff declines to designate a qualified Commander of the Professional Standards Bureau, the Court will designate a qualified candidate, which may be a Civilian Director in lieu of a sworn officer.*

MCSO remains in Full and Effective Compliance with Paragraph 197.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 34th Quarterly Report (Doc. 2848-1).

Paragraph 198. *To promote independence and the confidentiality of investigations, the Professional Standards Bureau shall be physically located in a facility that is separate from other MCSO facilities, such as a professional office building or commercial retail space. This facility shall be easily accessible to the public, present a non-intimidating atmosphere, and have sufficient space and personnel for receiving members of the public and for permitting them to file complaints.*

MCSO remains in Full and Effective Compliance with Paragraph 198.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

Paragraph 199. *The MCSO will ensure that the qualifications for service as an internal affairs investigator shall be clearly defined and that anyone tasked with investigating employee misconduct possesses excellent investigative skills, a reputation for integrity, the ability to write clear reports, and the ability to be fair and objective in determining whether an employee committed misconduct. Employees with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 or Category 7 offense from MCSO's disciplinary matrices, will be presumptively ineligible to conduct misconduct investigations. Employees with a history of conducting deficient investigations will also be presumptively ineligible for these duties.*

MCSO remains in Full and Effective Compliance with Paragraph 199.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

Paragraph 200. *In each misconduct investigation, investigators shall:*

- a. conduct investigations in a rigorous and impartial manner designed to determine the facts;*
- b. approach investigations without prejudging the facts and without permitting any preconceived impression of the principal or any witness to cloud the Investigation;*
- c. identify, collect, and consider all relevant circumstantial, direct, and physical evidence, including any audio or video recordings;*
- d. make reasonable attempts to locate and interview all witnesses, including civilian witnesses;*
- e. make reasonable attempts to interview any civilian complainant in person;*
- f. audio and video record all interviews;*
- g. when conducting interviews, avoid asking leading questions and questions that may suggest justifications for the alleged misconduct;*
- h. make credibility determinations, as appropriate; and*
- i. attempt to resolve material inconsistencies between employee, complainant, and witness statements.*

MCSO remains in Full and Effective Compliance with Paragraph 200.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

Paragraph 201. *There will be no automatic preference for an employee's statement over a nonemployee's statement. Internal affairs investigators will not disregard a witness's statement solely because the witness has some connection to either the complainant or the employee or because the witness or complainant has a criminal history, but may consider the witness's criminal history or any adjudicated findings of untruthfulness in evaluating that witness's statement. In conducting the investigation, internal affairs investigators may take into account the record of any witness, complainant, or officer who has been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation.*

MCSO remains in Full and Effective Compliance with Paragraph 201.

MCSO remains in Full and Effective Compliance with this paragraph. For additional information, please see the Sheriff's 30th Quarterly Report (Doc. 2733-1).

Paragraph 202. *Internal affairs investigators will investigate any evidence of potential misconduct uncovered during the course of the investigation, regardless of whether the potential misconduct was part of the original allegation.*

MCSO remains in Full and Effective Compliance with Paragraph 202.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

Paragraph 203. *If the person involved in the encounter with the MCSO pleads guilty or is found guilty of an offense, internal affairs investigators will not consider that information alone to be determinative of whether an MCSO employee engaged in misconduct, nor will it by itself justify discontinuing the investigation. MCSO training materials and policies on internal investigations will acknowledge explicitly that the fact of a criminal conviction related to the administrative investigation is not determinative of whether an MCSO employee engaged in misconduct and that the mission of an internal affairs investigator is to determine whether any misconduct occurred.*

MCSO remains in Full and Effective Compliance with Paragraph 203.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

Paragraph 204. *Internal affairs investigators will complete their administrative investigations within 85 calendar days of the initiation of the investigation (60 calendar days if within a Division). Any request for an extension of time must be approved in writing by the Commander of the Professional Standards Bureau. Reasonable requests for extensions of time may be granted.*

Paragraph 204 as amended by Fourth Order (August 30, 2024). *Internal affairs investigations (whether in PSB or a Division) will complete their administrative investigations within 180 calendar days of the initiation of the complaint. If the administrative investigation determines that no "Disciplinary Action" is appropriate, the investigation is complete when both: (1) the employee is served with the notice of findings and (2) the Complainant is notified consistent with Paragraph 246 at the Complainant's last known point(s) of contact.*

If the MCSO Pre-Determination hearing concludes that "Disciplinary Action"² is appropriate, the administrative investigation is complete when both: (1) the employee is served with the notice of discipline and (2) when the nature of the determined discipline (termination, demotion or suspension) is sent to the Complainant at the Complainant's last known point(s) of contact. This notice to the Complainant shall inform the Complainant that the discipline may not be final, as the employee may pursue administrative and court appeals of the discipline. When discipline is appealed, and thus the investigation is extended, the MCSO shall inform the Complainant when the discipline becomes final. The MCSO shall file a monthly report with the Monitor in which it will identify all investigations which the PSB Commander has approved and closed but for which the pre-determination hearing has not been completed. Further, the MCSO shall report to the Monitor and the Parties within ten days of the dismissal of any discipline pursuant to A.R.S. § 38-1110(E).

MCSO's discussion of Paragraph 204 has been relocated to the Fourth Order section below given the changes to this paragraph in that Order.

Paragraph 205. *The Professional Standards Bureau shall maintain a database to track all ongoing misconduct cases and shall generate alerts to the responsible investigator and his or her Supervisor and the Commander of the Professional Standards Bureau when deadlines are not met.*

MCSO remains in Full and Effective Compliance with Paragraph 205.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 36th Quarterly Report (Doc. 2899-1).

Paragraph 206. *At the conclusion of each investigation, internal affairs investigators will prepare an investigation report. The*

report will include:

- a. a narrative description of the incident;*
- b. documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report will specifically state this fact. In situations in which witnesses were present but circumstances prevented the internal affairs investigator from determining the identification, phone number, or address of those witnesses, the report will state the reasons why. The report will also include all available identifying information for anyone who refuses to provide a statement;*
- c. documentation of whether employees were interviewed, and a transcript or recording of those interviews;*
- d. the names of all other MCSO employees who witnessed the incident;*
- e. the internal affairs investigator's evaluation of the incident, based on his or her review of the evidence gathered, including a determination of whether the employee's actions appear to be within MCSO policy, procedure, regulations, orders, or other standards of conduct required of MCSO employees;*
- f. in cases where the MCSO asserts that material inconsistencies were resolved, explicit credibility findings, including a precise description of the evidence that supports or detracts from the person's credibility;*
- g. in cases where material inconsistencies must be resolved between complainant, employee, and witness statements, explicit resolution of the inconsistencies, including a precise description of the evidence relied upon to resolve the inconsistencies;*
- h. an assessment of the incident for policy, training, tactical, or equipment concerns, including any recommendations for how those concerns will be addressed;*
- i. if a weapon was used, documentation that the employee's certification and training for the weapon were current;*
- j. documentation of recommendations for initiation of the disciplinary process; and*
- k. in the instance of an externally generated complaint, documentation of all contacts and updates with the complainant.*

MCSO remains in Full and Effective Compliance with Paragraph 206.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

Paragraph 207. *In assessing the incident for policy, training, tactical, or equipment concerns, investigation reports will include an assessment of whether:*

- a. the law enforcement action was in compliance with training and legal standards;*
- b. the use of different tactics should or could have been employed;*
- c. the incident indicates a need for additional training, counseling, or other non-disciplinary corrective actions; and*
- d. the incident suggests that the MCSO should revise its policies, strategies, tactics, or training.*

MCSO remains in Full and Effective Compliance with the requirements of Paragraph 207.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 38th Quarterly Report (Doc. 2957-1).

Paragraph 208. *For each allegation of misconduct, internal affairs investigators shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:*

- a. “Unfounded,” where the investigation determines, by clear and convincing evidence, that the allegation was false or not supported by fact;
- b. “Sustained,” where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur and justifies a reasonable conclusion of a policy violation;
- c. “Not Sustained,” where the investigation determines that there is insufficient evidence to prove or disprove the allegation; or
- d. “Exonerated,” where the investigation determines that the alleged conduct did occur but did not violate MCSO policies, procedures, or training.

MCSO remains in Full and Effective Compliance with Paragraph 208.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff’s 34th Quarterly Report (Doc. 2848-1).

***Paragraph 209.** For investigations carried out by Supervisors outside of the Professional Standards Bureau, the investigator shall forward the completed investigation report through his or her chain of command to his or her Division Commander. The Division Commander must approve the investigation and indicate his or her concurrence with the findings.*

MCSO remains in Full and Effective Compliance with Paragraph 209.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff’s 36th Quarterly Report (Doc. 2935-1).

***Paragraph 210.** For investigations carried out by the Professional Standards Bureau, the investigator shall forward the completed investigation report to the Commander.*

MCSO remains in Full and Effective Compliance with Paragraph 210.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff’s 29th Quarterly Report (Doc. 2703-1).

***Paragraph 211.** If the Commander—meaning the Commander of the PSB or the Commander of the Division in which the internal affairs investigation was conducted—determines that the findings of the investigation report are not supported by the appropriate standard of proof, the Commander shall return the investigation to the investigator for correction or additional investigative effort, shall document the inadequacies, and shall include this documentation as an addendum to the original investigation. The investigator’s Supervisor shall take appropriate action to address the inadequately supported determination and any investigative deficiencies that led to it. The Commander shall be responsible for the accuracy and completeness of investigation reports prepared by internal affairs investigators under his or her command.*

MCSO is in Phase 1 compliance with Paragraph 211. The Monitor’s 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

MCSO continues to object to the Monitor’s method of assessment for compliance with Paragraph 211 because it far exceeds the actual requirements of Paragraph 211 and, instead, improperly imports requirements

from other Paragraphs. For example, the Monitor's assessment of compliance with Paragraph 211 includes a timeliness evaluation of administrative investigations, which is a requirement of Paragraph 204, not Paragraph 211.

Paragraph 211 requires that: (1) the Commander of the Division in which an administrative investigation is conducted shall return investigations that have findings not supported by the appropriate standard of proof for correction or additional investigation; (2) the Commander shall document the inadequacies and include this documentation as an addendum to the original investigation; and (3) the investigator's Supervisor shall take action to address the deficiencies. MCSO's Commanders and Supervisors continue their efforts to comply with these requirements and do so in a timely manner.

The Monitor's most recent quarterly report again confirms the quality of PSB investigations—finding that 96% of the closed investigations were “thorough” and the related investigative reports were well written. (Doc. 33381 at 215.) The compliance problem is the difficulty in completing investigations in a timely manner. MCSO anticipates continued long-term improvement in district investigations pertaining to compliance and will continue to adjust and modify strategies to address areas in need of improvement.

Paragraph 212. *Where an internal affairs investigator conducts a deficient misconduct investigation, the investigator shall receive the appropriate corrective and/or disciplinary action. An internal affairs investigator's failure to improve the quality of his or her investigations after corrective and/or disciplinary action is taken shall be grounds for demotion and/or removal from a supervisory position or the Professional Standards Bureau.*

MCSO remains in Full and Effective Compliance with Paragraph 212.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please see the Sheriff's 36th Quarterly Report (Doc. 2899-1).

Paragraph 213. *Investigations of minor misconduct conducted outside of the Professional Standards Bureau must be conducted by a Supervisor and not by line-level deputies. After such investigations, the investigating Supervisor's Commander shall forward the investigation file to the Professional Standards Bureau after he or she finds that the misconduct investigation is complete, and the findings are supported by the evidence. The Professional Standards Bureau shall review the misconduct investigation to ensure that it is complete and that the findings are supported by the evidence. The Professional Standards Bureau shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings. Where the findings of the investigation report are not supported by the appropriate standard of proof, the Professional Standards Bureau shall document the reasons for this determination and shall include this documentation as an addendum to the original investigation.*

MCSO remains in Full and Effective Compliance with Paragraph 213.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 42nd Quarterly Report (Doc. 3115-1).

Paragraph 214. *At the discretion of the Commander of the Professional Standards Bureau, a misconduct investigation may be assigned or re-assigned to another Supervisor with the approval of his or her Commander, whether within or outside of the*

District or Bureau in which the incident occurred, or may be returned to the original Supervisor for further investigation or analysis. This assignment or re-assignment shall be explained in writing.

MCSO remains in Full and Effective Compliance with Paragraph 214.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 215.** If, after an investigation conducted outside of the Professional Standards Bureau, an employee's actions are found to violate policy, the investigating Supervisor's Commander shall direct and ensure appropriate discipline and/or corrective action. Where the incident indicates policy, training, tactical, or equipment concerns, the Commander shall also ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.*

MCSO remains in Full and Effective Compliance with Paragraph 215.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 216.** If, after an investigation conducted by the Professional Standards Bureau, an Employee's actions are found to violate policy, the Commander of the Professional Standards Bureau shall direct and ensure appropriate discipline and/or corrective action. Where the incident indicates policy, training, tactical, or equipment concerns, the Commander of the Professional Standards Bureau shall also ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 216. MCSO has been in compliance with this Paragraph since June 29, 2017.

The Monitor's most recent quarterly report recognized that the PSB Commander is appropriately identifying policy, training, tactical, and equipment concerns, but expressed concern about the time required to address those concerns. MCSO is following up to address the Monitor's concerns.

MCSO previously asserted Full and Effective Compliance with this Paragraph in its 34th Quarterly Report as corrected. (Doc. 2848-1.) In his 35th Report, the Monitor stated that he "will not find MCSO in Full and Effective Compliance with this Paragraph until such time as those responsible for bringing a resolution to the extensive backlog of concerns take the appropriate actions to do so." (Doc. 2887 at 214.) MCSO has most recently asserted Full and Effective Compliance with this Paragraph in its 45th Report, to which the Monitor has denied, stating that a backlog of concerns remain. MCSO is, and has been, working with the Monitoring Team to resolve the remaining concerns, ten (10) at the end of Q2 2025, that the Monitor asserts are precluding MCSO from being in Full and Effective Compliance with this Paragraph.

***Paragraph 217.** The Professional Standards Bureau shall conduct targeted and random reviews of discipline imposed by Commanders for minor misconduct to ensure compliance with MCSO policy and legal standards.*

MCSO remains in Full and Effective Compliance with Paragraph 217.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 218.** The Professional Standards Bureau shall maintain all administrative investigation reports and files after they are completed for record-keeping in accordance with applicable law.*

MCSO remains in Full and Effective Compliance with Paragraph 218.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 220.** To ensure consistency in the imposition of discipline, the Sheriff shall review the MCSO's current disciplinary matrices and, upon approval of the parties and the Monitor, will amend them as necessary to ensure that they:*

- a. establish a presumptive range of discipline for each type of violation;*
- b. increase the presumptive discipline based on an employee's prior violations;*
- c. set out defined mitigating and aggravating factors;*
- d. prohibit consideration of the employee's race, gender, gender identity, sexual orientation, national origin, age, or ethnicity;*
- e. prohibit conflicts, nepotism, or bias of any kind in the administration of discipline;*
- f. prohibit consideration of the high (or low) profile nature of the incident, including media coverage or other public attention;*
- g. clearly define forms of discipline and define classes of discipline as used in policies and operations manuals;*
- h. provide that corrective action such as coaching or training is not considered to be discipline and should not be used as a substitute for discipline where the matrix calls for discipline;*
- i. provide that the MCSO will not take only non-disciplinary corrective action in cases in which the disciplinary matrices call for the imposition of discipline;*
- j. provide that the MCSO will consider whether non-disciplinary corrective action is also appropriate in a case where discipline has been imposed;*
- k. require that any departures from the discipline recommended under the disciplinary matrices be justified in writing and included in the employee's file; and*
- l. provide a disciplinary matrix for unclassified management level employees that is at least as demanding as the disciplinary matrix for management level employees.*

MCSO remains in Full and Effective Compliance with the requirements of Paragraph 220.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 38th Quarterly Report (Doc. 2994-1).

***Paragraph 221.** The Sheriff shall mandate that each act or omission that results in a sustained misconduct allegation shall be treated as a separate offense for the purposes of imposing discipline.*

MCSO remains in Full and Effective Compliance with Paragraph 221.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 222.** The Sheriff shall also provide that the Commander of the Professional Standards Bureau shall make preliminary determinations of the discipline to be imposed in all cases and shall document those determinations in writing, including the presumptive range of discipline for the sustained misconduct allegation, and the employee's disciplinary history.*

MCSO remains in Full and Effective Compliance with Paragraph 222.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

***Paragraph 223.** If the Commander of the Professional Standards Bureau makes a preliminary determination that serious discipline (defined as suspension, demotion, or termination) should be imposed, a designated member of MCSO's command staff will conduct a pre-determination hearing and will provide the employee with an opportunity to be heard.*

MCSO remains in Full and Effective Compliance with Paragraph 223.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 224.** Pre-determination hearings will be audio and video recorded in their entirety, and the recording shall be maintained with the administrative investigation file.*

MCSO remains in Full and Effective Compliance with Paragraph 224.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 225.** If an employee provides new or additional evidence at a pre-determination hearing, the hearing will be suspended and the matter will be returned to the internal affairs investigator for consideration or further investigation, as necessary. If after any further investigation or consideration of the new or additional evidence, there is no change in the determination of preliminary discipline, the matter will go back to the pre-determination hearing. The Professional Standards Bureau shall initiate a separate misconduct investigation if it appears that the employee intentionally withheld the new or additional evidence during the initial misconduct investigation.*

MCSO remains in Full and Effective Compliance with Paragraph 225.

MCSO remains in Full and Effective Compliance with this Paragraph. For more detailed information, please refer to the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 226. *If the designated member of MCSO's command staff conducting the pre-determination hearing does not uphold the charges recommended by the Professional Standards Bureau in any respect, or does not impose the Commander of the Professional Standards Bureau's recommended discipline and/or non-disciplinary corrective action, the Sheriff shall require the designated member of MCSO's command staff to set forth in writing his or her justification for doing so. This justification will be appended to the investigation file.*

MCSO remains in Full and Effective Compliance with Paragraph 226.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 34th Quarterly Report (Doc. 2848-1).

Paragraph 227. *The Sheriff shall promulgate MCSO policy which shall provide that the designated member of MCSO's command staff conducting a pre-determination hearing should apply the disciplinary matrix and set forth clear guidelines for the grounds on which a deviation is permitted. The Sheriff shall mandate that the designated member of MCSO's command staff may not consider the following as grounds for mitigation or reducing the level of discipline prescribed by the matrix:*

- a. his or her personal opinion about the employee's reputation;*
- b. the employee's past disciplinary history (or lack thereof), except as provided in the disciplinary matrix; and*
- c. whether others were jointly responsible for the misconduct, except that the MCSO disciplinary decision maker may consider the measure of discipline imposed on other employees involved to the extent that discipline on others had been previously imposed and the conduct was similarly culpable.*

MCSO remains in Full and Effective Compliance with Paragraph 227.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 228. *The Sheriff or his designee has the authority to rescind, revoke or alter any disciplinary decision made by either the Commander of the Professional Standards Bureau or the appointed MCSO disciplinary authority so long as:*

- a. that decision does not relate to the Sheriff or his designee;*
- b. the Sheriff or his designee provides a thorough written and reasonable explanation for the grounds of the decision as to each employee involved;*
- c. the written explanation is placed in the employment files of all employees who were affected by the decision of the Sheriff or his designee; and*
- d. the written explanation is available to the public upon request.*

MCSO remains in Full and Effective Compliance with Paragraph 228.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 229. *Whenever an internal affairs investigator or Commander finds evidence of misconduct indicating apparent criminal conduct by an employee, the Sheriff shall require that the internal affairs investigator or Commander immediately notify*

the Commander of the Professional Standards Bureau. If the administrative misconduct investigation is being conducted by a Supervisor outside of the Professional Standards Bureau, the Sheriff shall require that the Professional Standards Bureau immediately take over the administrative investigation. If the evidence of misconduct pertains to someone who is superior in rank to the Commander of the Professional Standards Bureau and is within the Commander's chain of command, the Sheriff shall require the Commander to provide the evidence directly to what he or she believes is the appropriate prosecuting authority—the Maricopa County Attorney, the Arizona Attorney General, or the United States Attorney for the District of Arizona—without notifying those in his or her chain of command who may be the subject of a criminal investigation.

MCSO remains in Full and Effective Compliance with Paragraph 229.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 230.** If a misconduct allegation will be investigated criminally, the Sheriff shall require that the Professional Standards Bureau not compel an interview of the principal pursuant to Garrity v. New Jersey, 385 U.S. 493 (1967), until it has first consulted with the criminal investigator and the relevant prosecuting authority. No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Commander of the Professional Standards Bureau in consultation with the entity conducting the criminal investigation. The Sheriff shall require the Professional Standards Bureau to document in writing all decisions regarding compelling an interview, all decisions to hold any aspect of an administrative investigation in abeyance, and all consultations with the criminal investigator and prosecuting authority.*

MCSO remains in Full and Effective Compliance with Paragraph 230.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 231.** The Sheriff shall require the Professional Standards Bureau to ensure that investigators conducting a criminal investigation do not have access to any statements by the principal that were compelled pursuant to Garrity.*

MCSO remains in Full and Effective Compliance with Paragraph 231.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 232.** The Sheriff shall require the Professional Standards Bureau to complete all such administrative investigations regardless of the outcome of any criminal investigation, including cases in which the prosecuting agency declines to prosecute or dismisses the criminal case after the initiation of criminal charges. The Sheriff shall require that all relevant provisions of MCSO policies and procedures and the operations manual for the Professional Standards Bureau shall remind members of the Bureau that administrative and criminal cases are held to different standards of proof, that the elements of a policy violation differ from those of a criminal offense, and that the purposes of the administrative investigation process differ from those of the criminal investigation process.*

MCSO remains in Full and Effective Compliance with Paragraph 232.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 233.** If the investigator conducting the criminal investigation decides to close the investigation without referring it to a prosecuting agency, this decision must be documented in writing and provided to the Professional Standards Bureau. The Commander of the Professional Standards Bureau shall separately consider whether to refer the matter to a prosecuting agency and shall document the decision in writing.*

MCSO remains in Full and Effective Compliance with Paragraph 233.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 234.** If the investigator conducting the criminal investigation decides to refer the matter to a prosecuting agency, the Professional Standards Bureau shall review the information provided to the prosecuting agency to ensure that it is of sufficient quality and completeness. The Commander of the Professional Standards Bureau shall direct that the investigator conduct additional investigation when it appears that there is additional relevant evidence that may improve the reliability or credibility of the investigation. Such directions shall be documented in writing and included in the investigatory file.*

MCSO remains in Full and Effective Compliance with Paragraph 234.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 235.** If the prosecuting agency declines to prosecute or dismisses the criminal case after the initiation of criminal charges, the Professional Standards Bureau shall request an explanation for this decision, which shall be documented in writing and appended to the criminal investigation report.*

MCSO remains in Full and Effective Compliance with Paragraph 235.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

***Paragraph 236.** The Sheriff shall require the Professional Standards Bureau to maintain all criminal investigation reports and files after they are completed for record-keeping in accordance with applicable law.*

MCSO remains in Full and Effective Compliance with Paragraph 236.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 237. *Within six months of the entry of this Order, the Monitor, in consultation with the Community Advisory Board, will develop and implement a program to promote awareness throughout Maricopa County community about the process for filing complaints about the conduct of MCSO employees.*

MCSO does not have any obligations under Paragraph 237.

Paragraph 238. *The Sheriff shall require the MCSO to accept all civilian complaints, whether submitted verbally or in writing; in person, by phone, by mail, or online; by a complainant, someone acting on the complainant's behalf, or anonymously; and with or without a signature from the complainant. MCSO will document all complaints in writing.*

MCSO remains in Full and Effective Compliance with Paragraph 238.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 239. *In locations clearly visible to members of the public at the reception desk at MCSO headquarters and at all District stations, the Sheriff and the MCSO will post and maintain permanent placards clearly and simply describing the civilian complaint process that is visible to the public at all hours. The placards shall include relevant contact information, including telephone numbers, email addresses, mailing addresses, and Internet sites. The placards shall be in both English and Spanish.*

MCSO remains in Full and Effective Compliance with Paragraph 239.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 240. *The Sheriff shall require all deputies to carry complaint forms in their MCSO vehicles. Upon request, deputies will provide individuals with complaint forms and information about how to file a complaint, their name and badge number, and the contact information, including telephone number and email address, of their immediate supervising officer. The Sheriff must provide all supervising officers with telephones. Supervising officers must timely respond to such complaints registered by civilians.*

MCSO remains in Full and Effective Compliance with Paragraph 240.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 35th Quarterly Report (Doc. 2874-1).

Paragraph 241. *The Sheriff will ensure that the Professional Standards Bureau facility is easily accessible to members of the public. There shall be a space available for receiving walk-in visitors and personnel who can assist the public with filing complaints and/or answer an individual's questions about the complaint investigation process.*

MCSO remains in Full and Effective Compliance with Paragraph 241.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 34th Quarterly Report (Doc. 2848-1).

Paragraph 242. *The Sheriff will also make complaint forms widely available at locations around the County including: the websites of MCSO and Maricopa County government; the lobby of MCSO's headquarters; each patrol District; and the Maricopa County government offices. The Sheriff will ask locations, such as public library branches and the offices and gathering places of community groups, to make these materials available.*

MCSO remains in Full and Effective Compliance with Paragraph 242.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 35th Quarterly Report (Doc. 2874-1).

Paragraph 243. *The Sheriff shall establish a free, 24-hour hotline for members of the public to make complaints.*

MCSO remains in Full and Effective Compliance with Paragraph 243.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

Paragraph 244. *The Sheriff shall ensure that the MCSO's complaint form does not contain any language that could reasonably be construed as discouraging the filing of a complaint, such as warnings about the potential criminal consequences for filing false complaints.*

MCSO remains in Full and Effective Compliance with Paragraph 244.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 245. *Within two months of the entry of this Order, complaint forms will be made available, at a minimum, in English and Spanish. The MCSO will make reasonable efforts to ensure that complainants who speak other languages (including sign language) and have limited English proficiency can file complaints in their preferred language. The fact that a complainant does not speak, read, or write in English, or is deaf or hard of hearing, will not be grounds to decline to accept or investigate a complaint.*

MCSO remains in Full and Effective Compliance with Paragraph 245.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 246. *In the course of investigating a civilian complaint, the Professional Standards Bureau will send periodic written updates to the complainant including:*

- a. within seven days of receipt of a complaint, the Professional Standards Bureau will send non-anonymous complainants a written notice of receipt, including the tracking number assigned to the complaint and the name of*

the investigator assigned. The notice will inform the complainant how he or she may contact the Professional Standards Bureau to inquire about the status of a complaint;

- b. when the Professional Standards Bureau concludes its investigation, the Bureau will notify the complainant that the investigation has been concluded and inform the complainant of the Bureau's findings as soon as is permitted by law; and*
- c. in cases where discipline is imposed, the Professional Standards Bureau will notify the complainant of the discipline as soon as is permitted by law.*

MCSO remains in Full and Effective Compliance with Paragraph 246.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 34th Quarterly Report (Doc. 2848-1).

Paragraph 247. *Notwithstanding the above written communications, a complainant and/or his or her representative may contact the Professional Standards Bureau at any time to determine the status of his or her complaint. The Sheriff shall require the MCSO to update the complainant with the status of the investigation.*

MCSO remains in Full and Effective Compliance with Paragraph 247.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 248. *The Professional Standards Bureau will track, as a separate category of complaints, allegations of biased policing, including allegations that a deputy conducted an investigatory stop or arrest based on an individual's demographic category or used a slur based on an individual's actual or perceived race, ethnicity, nationality, or immigration status, sex, sexual orientation, or gender identity. The Professional Standards Bureau will require that complaints of biased policing are captured and tracked appropriately, even if the complainant does not so label the allegation.*

MCSO remains in Full and Effective Compliance with Paragraph 248.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 249. *The Professional Standards Bureau will track, as a separate category of complaints, allegations of unlawful investigatory stops, searches, seizures, or arrests.*

MCSO remains in Full and Effective Compliance with Paragraph 249.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 250. *The Professional Standards Bureau will conduct regular assessments of the types of complaints being received to identify and assess potential problematic patterns and trends.*

MCSO remains in Full and Effective Compliance with Paragraph 250.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

Paragraph 251. *The Sheriff shall require the Professional Standards Bureau to produce a semiannual public report on misconduct investigations, including, at a minimum, the following:*

- a. summary information, which does not name the specific employees involved, about any sustained allegations that an employee violated conflict-of-interest rules in conducting or reviewing misconduct investigations;*
- b. aggregate data on complaints received from the public, broken down by district; rank of principal(s); nature of contact (traffic stop, pedestrian stop, call for service, etc.); nature of allegation (rudeness, bias-based policing, etc.); complainants' demographic information; complaints received from anonymous complainants or third parties; and principals' demographic information;*
- c. analysis of whether any increase or decrease in the number of civilian complaints received from reporting period to reporting period is attributable to issues in the complaint intake process or other factors;*
- d. aggregate data on internally-generated misconduct allegations, broken down by similar categories as those for civilian complaints;*
- e. aggregate data on the processing of misconduct cases, including the number of cases assigned to Supervisors outside of the Professional Standards Bureau versus investigators in the Professional Standards Bureau; the average and median time from the initiation of an investigation to its submission by the investigator to his or her chain of command; the average and median time from the submission of the investigation by the investigator to a final decision regarding discipline, or other final disposition if no discipline is imposed; the number of investigations returned to the original investigator due to conclusions not being supported by the evidence; and the number of investigations returned to the original investigator to conduct additional investigation;*
- f. aggregate data on the outcomes of misconduct investigations, including the number of sustained, not sustained, exonerated, and unfounded misconduct complaints; the number of misconduct allegations supported by the appropriate standard of proof; the number of sustained allegations resulting in a non-disciplinary outcome, coaching, written reprimand, suspension, demotion, and termination; the number of cases in which findings were changed after a pre-determination hearing, broken down by initial finding and final finding; the number of cases in which discipline was changed after a pre-determination hearing, broken down by initial discipline and final discipline; the number of cases in which findings were overruled, sustained, or changed by the Maricopa County Law Enforcement Merit System Council, broken down by the finding reached by the MCSO and the finding reached by the Council; and the number of cases in which discipline was altered by the Council, broken down by the discipline imposed by the MCSO and the disciplinary ruling of the Council; and similar information on appeals beyond the Council; and*
- g. aggregate data on employees with persistent or serious misconduct problems, including the number of employees who have been the subject of more than two misconduct investigations in the previous 12 months, broken down by serious and minor misconduct; the number of employees who have had more than one sustained allegation of minor misconduct in the previous 12 months, broken down by the number of sustained allegations; the number of employees who have had more than one sustained allegation of serious misconduct in the previous 12 months, broken down by the number of sustained allegations; and the number of criminal prosecutions of employees, broken down by criminal charge.*

MCSO remains in Full and Effective Compliance with Paragraph 251.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see

the Sheriff's 31st Quarterly Report (Doc. 2764-1).

Paragraph 252. *The Sheriff shall require the MCSO to make detailed summaries of completed internal affairs investigations readily available to the public to the full extent permitted under state law, in electronic form on a designated section of its website that is linked to directly from the MCSO's home page with prominent language that clearly indicates to the public that the link provides information about investigations of misconduct alleged against MCSO employees.*

MCSO remains in Full and Effective Compliance with Paragraph 252.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

Paragraph 253. *The MCSO Bureau of Internal Oversight shall produce a semi-annual public audit report regarding misconduct investigations. This report shall analyze a stratified random sample of misconduct investigations that were completed during the previous six months to identify any procedural irregularities, including any instances in which:*

- a. *complaint notification procedures were not followed;*
- b. *a misconduct complaint was not assigned a unique identifier;*
- c. *investigation assignment protocols were not followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau;*
- d. *deadlines were not met;*
- e. *an investigation was conducted by an employee who had not received required misconduct investigation training;*
- f. *an investigation was conducted by an employee with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 or Category 7 offense from the MCSO's disciplinary matrices;*
- g. *an investigation was conducted by an employee who was named as a principal or witness in any investigation of the underlying incident;*
- h. *an investigation was conducted of a superior officer within the internal affairs investigator's chain of command;*
- i. *any interviews were not recorded;*
- j. *the investigation report was not reviewed by the appropriate personnel;*
- k. *employees were promoted or received a salary increase while named as a principal in an ongoing misconduct investigation absent the required written justification;*
- l. *a final finding was not reached on a misconduct allegation;*
- m. *an employee's disciplinary history was not documented in a disciplinary recommendation; or*
- n. *no written explanation was provided for the imposition of discipline inconsistent with the disciplinary matrix.*

MCSO remains in Full and Effective Compliance with Paragraph 253.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

Paragraph 254. *The Sheriff shall initiate a testing program designed to assess civilian complaint Intake. Specifically, the testing program shall assess whether employees are providing civilians appropriate and accurate information about the complaint process and whether employees are notifying the Professional Standards Bureau upon the receipt of a civilian complaint.*

MCSO remains in Full and Effective Compliance with Paragraph 254.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

***Paragraph 255.** The testing program is not intended to assess investigations of civilian complaints, and the MCSO shall design the testing program in such a way that it does not waste resources investigating fictitious complaints made by testers.*

MCSO remains in Full and Effective Compliance with Paragraph 255.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

***Paragraph 256.** The testing program shall assess complaint intake for complaints made in person at MCSO facilities, complaints made telephonically, by mail, and complaints made electronically by email or through MCSO's website. Testers shall not interfere with deputies taking law enforcement action. Testers shall not attempt to assess complaint intake in the course of traffic stops or other law enforcement action being taken outside of MCSO facilities.*

MCSO remains in Full and Effective Compliance with Paragraph 256.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

***Paragraph 257.** The testing program shall include sufficient random and targeted testing to assess the complaint intake process, utilizing surreptitious video and/or audio recording, as permitted by state law, of testers' interactions with MCSO personnel to assess the appropriateness of responses and information provided.*

MCSO remains in Full and Effective Compliance with Paragraph 257.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

***Paragraph 258.** The testing program shall also assess whether employees promptly notify the Professional Standards Bureau of civilian complaints and provide accurate and complete information to the Bureau.*

MCSO remains in Full and Effective Compliance with Paragraph 258.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

***Paragraph 259.** MCSO shall not permit current or former employees to serve as testers.*

MCSO remains in Full and Effective Compliance with Paragraph 259.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 31st Quarterly Report (Doc. 2764-1).

Paragraph 260. *The MCSO shall produce an annual report on the testing program. This report shall include, at a minimum:*

- a. a description of the testing program, including the testing methodology and the number of tests conducted broken down by type (i.e., in-person, telephonic, mail, and electronic);*
- b. the number and proportion of tests in which employees responded inappropriately to a tester;*
- c. the number and proportion of tests in which employees provided inaccurate information about the complaint process to a tester;*
- d. the number and proportion of tests in which employees failed to promptly notify the Professional Standards Bureau of the civilian complaint;*
- e. the number and proportion of tests in which employees failed to convey accurate information about the complaint to the Professional Standards Bureau;*
- f. an evaluation of the civilian complaint intake based upon the results of the testing program; and*
- g. a description of any steps to be taken to improve civilian complaint intake as a result of the testing program.*

MCSO remains in Full and Effective Compliance with the requirements of Paragraph 260.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 38th Quarterly Report (Doc. 2994-1).

Section 13: Community Outreach and Community Advisory Board

MCSO has no obligations under this section that are assessed by the Monitor.

Paragraph 261. *The Community Advisory Board may conduct or retain a consultant to conduct a study to identify barriers to the filing of civilian complaints against MCSO personnel.*

MCSO does not have any obligations under Paragraph 261.

Paragraph 262. *In addition to the administrative support provided for in the Supplemental Permanent Injunction, (Doc. 670 ¶ 117), the Community Advisory Board shall be provided with annual funding to support its activities, including but not limited to funds for appropriate research, outreach advertising and website maintenance, stipends for intern support, professional interpretation and translation, and out-of-pocket costs of the Community Advisory Board members for transportation related to their official responsibilities. The Community Advisory Board shall submit a proposed annual budget to the Monitor, not to exceed \$15,000, and upon approval of the annual budget, the County shall deposit that amount into an account established by the Community Advisory Board for that purpose. The Community Advisory Board shall be required to keep detailed records of expenditures which are subject to review.*

MCSO does not have any obligations under Paragraph 262.

Section 14: Supervision and Staffing

MCSO is in Full and Effective Compliance or is compliant with most of the Paragraphs in this Section. It is in Full and Effective Compliance with Paragraphs 264–66 and 268 and is in compliance with Paragraph 267.

Paragraph 264. *The Sheriff shall ensure that all patrol deputies shall be assigned to a primary, clearly identified, first-line supervisor.*

MCSO remains in Full and Effective Compliance with Paragraph 264.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 265. *First-line patrol supervisors shall be responsible for closely and consistently supervising all deputies under their primary command.*

MCSO remains in Full and Effective Compliance with Paragraph 265.

On May 12, 2025, the Monitor concurred with MCSO's 43rd Quarterly Report's assertion for Full and Effective Compliance for Paragraph 265. MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 43rd Quarterly Report (Doc. 3145-1).

Paragraph 266. *First-line patrol supervisors shall be assigned as primary supervisor to no more persons than it is possible to effectively supervise. The Sheriff should seek to establish staffing that permits a supervisor to oversee no more than eight deputies, but in no event should a supervisor be responsible for more than ten persons. If the Sheriff determines that assignment complexity, the geographic size of a district, the volume of calls for service, or other circumstances warrant an increase or decrease in the level of supervision for any unit, squad, or shift, it shall explain such reasons in writing, and, during the period that the MCSO is subject to the Monitor, shall provide the Monitor with such explanations. The Monitor shall provide an assessment to the Court as to whether the reduced or increased ratio is appropriate in the circumstances indicated.*

MCSO remains in Full and Effective Compliance with Paragraph 266.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 267. *Supervisors shall be responsible for close and effective supervision of deputies under their command. Supervisors shall ensure that all deputies under their direct command comply with MCSO policy, federal, state and local law, and this Court's orders.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 267.

To meet the requirements of this Paragraph, the Monitor requires that MCSO achieve compliance with Paragraphs 83, 85, 89–91, 93, and 96. Although MCSO continues to encourage that the Monitor use a different

methodology to evaluate compliance with Paragraph 96, the Monitor has found MCSO to be in compliance with Paragraph 96. Therefore, the Monitor has found MCSO to be in compliance with Paragraph 267.

***Paragraph 268.** During the term that a Monitor oversees the Sheriff and the MCSO in this action, any transfer of sworn personnel or supervisors in or out of the Professional Standards Bureau, the Bureau of Internal Oversight, and the Court Implementation Division shall require advanced approval from the Monitor. Prior to any transfer into any of these components, the MCSO shall provide the Court, the Monitor, and the parties with advance notice of the transfer and shall produce copies of the individual's résumé and disciplinary history. The Court may order the removal of the heads of these components if doing so is, in the Court's view, necessary to achieve compliance in a timely manner.*

MCSO remains in Full and Effective Compliance with Paragraph 268.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 34th Quarterly Report (Doc. 2848-1).

Section 15: Document Preservation and Production

MCSO is in Full and Effective Compliance with Paragraphs 271 and 272 in this section. Compliance with Paragraphs 269 and 270 is deferred while MCSO transitions to a different vendor.

***Paragraph 269.** The Sheriff shall ensure that when the MCSO receives a document preservation notice from a litigant, the MCSO shall promptly communicate that document preservation notice to all personnel who might possibly have responsive documents.*

MCSO is in Phase 1 compliance with Paragraph 269. Phase 2 compliance is deferred.

The Monitor's previous comments on this Paragraph focused on the indexing of files stored in the new storage system, called "Qumulo," which MCSO addresses in the discussion of Paragraph 270.

Because MCSO's previous vendor lacked the functionality necessary for the system MCSO envisions, MCSO identified a new vendor. MCSO has begun meeting weekly with the new vendor, Exterro, to provide updates and support implementation. The transition to Exterro, however, does not affect compliance with Paragraph 269, which addresses "document preservation notices to MCSO employees." As explained below, MCSO believes it is in compliance with Paragraph 269.

MCSO's Public Records & Request Management Section ("PRRM")²³ provides document retention notices to relevant custodians, ensuring that all relevant documents are preserved and that MCSO employees timely return the Document Preservation Questionnaire. This Paragraph focuses on providing document preservation notices to relevant personnel, not conducting searches. The Administrative Services Division Operations Manual only relies on Open Axes to "distribute" preservation notices. (Admin. Servs. Div. Ops. Manual at 110, § 302(19)(B).) The PRRM and the Human Resources Bureau Chief determine who the relevant custodians are based on "the original source document," "incident report," "CAD reports," and "inmate booking information." (*Id.* at 110–11 § 302(19)(B)(2).) The Administrative Services Division Operations Manual specifically provides for an alternative in the event that Open Axes is not functioning and, in that case, requires MCSO to "distribute the Document Preservation and the Document Preservation Questionnaire to all pertinent divisions of the Office and all Office employees who might possibly have responsive documents." (*Id.* at 112–13 § 302(19)(D)(2).) MCSO continues to utilize Open Axes to distribute notices. MCSO's practices comply with this Paragraph and the procedures set out in the Administrative Services Division Operations Manual. MCSO thus asserts that it is in compliance with Paragraph 269 and expects to be in compliance for this Quarter.

Additionally, MCSO completed the rerun of document searches referenced in the Monitor's 42nd Quarterly Report (Doc. 3142).

²³ On March 28, 2025, during the First Quarter of 2025, the MCSO's Legal Liaison Section was renamed the "Public Records & Request Management Section" per Admin Broadcast 25–28.

Paragraph 270. *The Sheriff shall ensure that when the MCSO receives a request for documents in the course of litigation, it shall:*

- a. promptly communicate the document request to all personnel who might possibly be in possession of responsive documents;*
- b. ensure that all existing electronic files, including email files and data stored on networked drives, are sequestered and preserved through a centralized process; and*
- c. ensure that a thorough and adequate search for documents is conducted, and that each employee who might possibly be in possession of responsive documents conducts a thorough and adequate search of all relevant physical and electronic files.*

MCSO is in Phase 1 compliance with Paragraph 270. Phase 2 compliance is deferred.

MCSO had previously been indexing the files stored in Qumulo storage system. It has since completed the initial file indexing in Qumulo. The system is now continuously refreshing the index.

Even if a document is not indexed and available through a software platform, MCSO's standard manual document retention policy is sufficiently robust to ensure that MCSO complies with preservation requests. The PRRM provides document retention notices to relevant custodians, even in the absence of software capabilities, ensuring that all relevant documents are preserved. (*See also supra* Paragraph 269.) The necessary protocols for document preservation are in place, and they are working. MCSO asserts that it remains in Phase 1 compliance and asserts that it should be held in Phase 2 compliance with Paragraph 270, as well.

Paragraph 271. *Within three months of the effective date of this Order, the Sheriff shall ensure that the MCSO Compliance Division promulgates detailed protocols for the preservation and production of documents requested in litigation. Such protocols shall be subject to the approval of the Monitor after a period of comment by the Parties.*

MCSO remains in Full and Effective Compliance with Paragraph 271.

On May 12, 2025, the Monitor concurred with MCSO's 43rd Quarterly Report's assertion for Full and Effective Compliance for Paragraph 271. MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 43rd Quarterly Report (Doc. 3145-1).

Paragraph 272. *The Sheriff shall ensure that MCSO policy provides that all employees must comply with document preservation and production requirements and that violators of this policy shall be subject to discipline and potentially other sanctions.*

MCSO remains in Full and Effective Compliance with Paragraph 272.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 33rd Quarterly Report (Doc. 2820-1).

Section 16: Additional Training

MCSO remains in Full and Effective Compliance with the sole Paragraph in Section 16.

Paragraph 273. *Within two months of the entry of this Order, the Sheriff shall ensure that all employees are briefed and presented with the terms of the Order, along with relevant background information about the Court's May 13, 2016 Findings of Fact, (Doc. 1677), upon which this Order is based.*

MCSO remains in Full and Effective Compliance with Paragraph 273.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Section 17: Complaints and Misconduct Investigations Relating to Members of the Plaintiff Class

MCSO is in Full and Effective Compliance with nine Paragraphs in this section (276, 278–79, 282, 284, 286–87, 292, 337) and in compliance with two (281 and 288). Compliance with Paragraph 300 is deferred. MCSO does not have any independent obligations in the remainder of the Paragraphs (277, 280, 283, 285, 289–91, 293–99, 301–36).

Paragraph 276. *The Monitor shall have the authority to direct and/or approve all aspects of the intake and investigation of Class Remedial Matters, the assignment of responsibility for such investigations including, if necessary, assignment to his own Monitor team or to other independent sources for investigation, the preliminary and final investigation of complaints and/or the determination of whether they should be criminally or administratively investigated, the determination of responsibility and the imposition of discipline on all matters, and any grievances filed in those matters.*

MCSO remains in Full and Effective Compliance with Paragraph 276.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 278. *The Sheriff shall alert the Monitor in writing to all matters that could be considered Class Remedial Matters, and the Monitor has the authority to independently identify such matters. The Monitor shall provide an effective level of oversight to provide reasonable assurance that all Class Remedial Matters come to his attention.*

MCSO remains in Full and Effective Compliance with Paragraph 278.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 279. *The Monitor shall have complete authority to conduct whatever review, research, and investigation he deems necessary to determine whether such matters qualify as Class Remedial Matters and whether the MCSO is dealing with such matters in a thorough, fair, consistent, and unbiased manner.*

MCSO remains in Full and Effective Compliance with Paragraph 279.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 281. *Subject to the authority of the Monitor, the Sheriff shall ensure that the MCSO receives and processes Class Remedial Matters consistent with: (1) the requirements of this Order and the previous orders of this Court, (2) MCSO policies promulgated pursuant to this Order, and the manner in which, pursuant to policy, the MCSO handles all other complaints and disciplinary matters. The Sheriff will direct that the Professional Standards Bureau and the members of his appointed command staff arrive at a disciplinary decision in each Class Remedial Matter.*

MCSO is in compliance with Phase 1 of Paragraph 281. MCSO is in compliance with Phase 2.

MCSO works closely with the Monitoring Team on Class Remedial Matters (“CRMs”), which receive investigative priority. A CRM complaint includes a complaint from a Latino person with a surname that alleges bias. While other circumstances exist, the preceding is the most common CRM. Every complaint with a Latino surname goes through the CRM vetting process. The complaint is initially put onto the CRM list, reviewed, and briefed. If MCSO determines that the complaint does not involve (1) an allegation of bias or (2) a traffic stop, it will suggest to the Monitor that the complaint be removed from the CRM list. After the Monitor Team agrees, MCSO will remove the complaint from the CRM and investigate in the regular course.

The Monitor Team meets with PSB every two weeks to track the progress of CRMs under investigation, review, and finalization. The Monitor Team must approve all steps of the process. The Monitor Team continues to report that investigations involving CRMs are thorough and that the appropriate standard of proof supports PSB’s findings.

In addition, the Monitoring Team meets with PSB every two weeks to track the progress of CRMs being investigated, reviewed, and finalized. The Monitoring Team must approve all steps of the process. From July 1, 2016 through September 30, 2025 (Third Quarter of 2025), out of a total of 6,407 complaints, MCSO received 786 complaints involving Latino surnames, which amounts to 12.25% of all complaints. Of these 786 complaints, 157 remained CRM’s, which is 20% of all complaints involving Latino surnames and 2.45% of all complaints; therefore, 629 complainants, or 80%, of the complaints with Latino surnames did not claim bias. As of September 30, 2025 there are 135 open investigations which are not on the CRM list but have Latino surnames. This represents 15.6% of the total open cases.:

Year Received	Remained with CRM
2016	8
2017	25
2018	15
2019	21
2020	29
2021	14
2022	19
2023	11
2024	11
2025	4

In addition to bi-weekly meetings already in place, MCSO and the Monitor Team meet as necessary to follow up, evaluate, and respond to CRM investigative matters. MCSO *prioritizes CRM above all other investigations* and, absent unique circumstances, CRM’s are not typically on the PSB backlog. Simply, a CRM getting onto the

backlog or a complaint becoming a CRM while on the backlog is an outlier.²⁴ MCSO's handling of CRMs far exceeds its handling of other complaints. MCSO prioritizes CRM cases because CRM cases are the only misconduct cases that relate to the complaint in this action. Last, MCSO recognizes and appreciates the Monitor's positive comments on its handling of CRM cases. MCSO also appreciates the Monitor's recognizing that MCSO prioritizes CRM cases. MCSO will continue to do so, as it has done for many years.

MCSO remains in Phase 1 and Phase 2 compliance with Paragraph 281.

Paragraph 282. *The Sheriff and/or his appointee may exercise the authority given pursuant to this Order to direct and/or resolve such Class Remedial Matters, however, the decisions and directives of the Sheriff and/or his designee with respect to Class Remedial Matters may be vacated or overridden in whole or in part by the Monitor. Neither the Sheriff nor the MCSO has any authority, absent further order of this Court, to countermand any directions or decision of the Monitor with respect to Class Remedial Matters by grievance, appeal, briefing board, directive, or otherwise.*

MCSO remains in Full and Effective Compliance with Paragraph 282.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 34th Quarterly Report (Doc. 2848-1).

Paragraph 284. *The Sheriff and the MCSO shall expeditiously implement the Monitor's directions, investigations, hearings, and disciplinary decisions. The Sheriff and the MCSO shall also provide any necessary facilities or resources without cost to the Monitor to facilitate the Monitor's directions and/or investigations.*

MCSO remains in Full and Effective Compliance with Paragraph 284.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 34th Quarterly Report (Doc. 2848-1).

Paragraph 286. *Should the Monitor believe that a matter should be criminally investigated, he shall follow the procedures set forth in ¶¶ 229–36 above. The Commander of the Professional Standards Bureau shall then either confidentially initiate a Professional Standards Bureau criminal investigation overseen by the Monitor or report the matter directly and confidentially to the appropriate prosecuting agency. To the extent that the matter may involve the Commander of the Professional Standards Bureau as a principal, the Monitor shall report the matter directly and confidentially to the appropriate prosecuting agency. The Monitor shall then coordinate the administrative investigation with the criminal investigation in the manner set forth in ¶¶ 229–36 above.*

²⁴ At the February 2026 site visit, the Monitoring Team suggested that s complaint from 2018 should have been a CRM in which the racial bases of the complaint arose during the investigation. The case has since closed in Q4 2025. Additionally, a complaint filed in 2024 in which a white complainant alleged that a MCSO deputy did not take action against his Hispanic neighbor because the deputy was Hispanic should have been categorized and remained a CRM because race was the alleged motivating factor in the deputy's decision-making process. Last, there is a 2025 complaint that could be a CRM but has not been determined whether it is a CRM or not. The Monitor's identifying these issues in 2026 goes to show that CRM cases making it to the backlog are atypical and unique.

MCSO remains in Full and Effective Compliance with Paragraph 286.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 34th Quarterly Report (Doc. 2848-1).

Paragraph 287. *Any persons receiving discipline for any Class Remedial Matters that have been approved by the Monitor shall maintain any right they may have under Arizona law or MCSO policy to appeal or grieve that decision with the following alterations:*

- a. When minor discipline is imposed, a grievance may be filed with the Sheriff or his designee consistent with existing MCSO procedure. Nevertheless, the Sheriff or his designee shall immediately transmit the grievance to the Monitor who shall have authority to and shall decide the grievance. If, in resolving the grievance, the Monitor changes the disciplinary decision in any respect, he shall explain his decision in writing.*
- b. Disciplined MCSO employee maintains his or her right to appeal serious discipline to the Maricopa County Law Enforcement Merit System Council to the extent the employee has such a right. The Council may exercise its normal supervisory authority over discipline imposed by the Monitor.*

MCSO remains in Full and Effective Compliance with Paragraph 287.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 288. *The Monitor's authority over Class Remedial Matters will cease when both:*

- a. The final decision of the Professional Standards Bureau, the Division, or the Sheriff, or his designee, on Class Remedial Matters has concurred with the Monitor's independent decision on the same record at least 95% of the time for a period of three years.*
- b. The Court determines that for a period of three continuous years the MCSO has complied with the complaint intake procedures set forth in this Order, conducted appropriate internal affairs procedures, and adequately investigated and adjudicated all matters that come to its attention that should be investigated no matter how ascertained, has done so consistently, and has fairly applied its disciplinary policies and matrices with respect to all MCSO employees regardless of command level.*

MCSO does not have any obligations under Phase 1. MCSO has been in Phase 2 compliance with Paragraph 288 since March 31, 2022. MCSO asserts that it is in Full and Effective Compliance with Paragraph 288.

In the reporting period relevant to the Monitor's most 45th Report, the Monitor reviewed one completed CRM investigations. The Monitor found it complied with all investigative requirements. MCSO continues to strive to complete CRMs in compliance with the Monitor's expectations. PSB works with the Monitor on all pending CRM investigations.

MCSO first came into compliance in the Monitor's 13th Quarterly Report and remained in compliance for over three years. In its 28th Quarterly Report, the Monitor issued a warning to MCSO, stating that it "identified investigative concerns with one (17%) of the six cases" it reviewed. In its 29th Quarterly Report,

the Monitor found MCSO out of compliance for substantive investigative deficiencies in one (9%) of the 11 CRMs reviewed. The Monitor found deficiencies in three (60%) of five submitted CRMs in its 30th Quarterly Report and three (38%) of eight cases reviewed in its 31st Report.

The Monitor did not find any investigative deficiencies in the case submitted to it in the 32nd Quarter. Indeed, since the 31st Quarter, the Monitor identified only a single investigative deficiency in the CRMs it has reviewed. In the past three years, the Monitor Team has identified only one investigation that did not clearly resolve one of the concerns brought forth by the complainant. While the resolution of the concern may not have impacted the outcome of the investigation, it should have been resolved prior to determining the findings for the case. The Monitor warned that if MCSO fell below the 94% threshold, it would withdraw Phase 2 compliance. MCSO immediately rectified all of the Monitor's concerns, and the Monitor Team did not identify a single investigative deficiency from Report 37–43.

The Monitor has repeatedly stated that “PSB personnel are responsive to any concerns or questions we have raised, and they provide detailed information and updates in the scheduled briefings.” Additionally, PSB continues to “identify cases that could be, or are, CRMs” and has completed a thorough written report consistent with the information provided during the meetings. MCSO and PSB have complied with the complaint intake procedures outlined in this Order, conducted appropriate internal affairs procedures, and adequately and appropriately adjudicated all matters brought to MCSO's attention. MCSO has consistently and fairly applied its disciplinary policies and matrices to all MCSO employees, regardless of command level. Last, in the past three years, MCSO has had a 98% compliance rating when compared to the Monitor's independent decision on the same record.

Because of the above, MCSO asserted Full and Effective Compliance with this Paragraph in its 45th Report. The Monitor did not concur with MCSO's assertion due in part to interpreting Subsection b. to require MCSO to comply with intake procedures, conduct adequate investigations, and adjudicate *all* matters that come to its attention, not only CRM cases. MCSO disagrees with the Monitor's interpretation of subsection b. because subsection a.'s plain language limits subsection b. to only “Class Remedial Matters.” Following the ejusdem generis canon, which—as stated above—requires that where a seemingly broad clause constitutes a residual phrase, it must be controlled by, and defined with reference to, which was “recited just before it,” so that the clause encompasses only objects similar in nature, *see Circuit City Stores, Inc. v. Adams*, 532 U.S. 105, 115 (2001), the requirement that MCSO comply with the intake procedures set forth in the Order and all other matters must be limited to MCSO doing so for Class Remedial Measures. Indeed, subsection a and b of Paragraph 288 produce a unique duology controlling only CRM cases.

MCSO therefore requests that the Monitor amend its stated methodology when determining Full and Effective Compliance with this Paragraph. ***Accordingly, MCSO again asserts that it is in Full and Effective Compliance with Paragraph 288.***

Paragraph 292. *To make this assessment, the Monitor is to be given full access to all MCSO internal affairs investigations or matters that might have been the subject of an internal affairs investigation by the MCSO. In making and reporting his assessment, the Monitor shall take steps to comply with the rights of the principals under investigation in compliance with state law. While the Monitor can assess all internal affairs investigations conducted by the MCSO to evaluate their good faith compliance with this Order, the Monitor does not have authority to direct or participate in the investigations of or make any orders as to matters that do not qualify as Class Remedial Matters.*

MCSO remains in Full and Effective Compliance with Paragraph 292.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Paragraph 300. *The following potential misconduct is not sufficiently related to the rights of the members of the Plaintiff class to justify any independent investigation:*

- a. *Uninvestigated untruthful statements made to the Court under oath by Chief Deputy Sheridan concerning the Montgomery investigation. (Doc. 1677 at ¶ 385).*
- b. *Uninvestigated untruthful statements made to the Court under oath by Chief Deputy Sheridan concerning the existence of the McKesy investigation. (Id. at ¶ 816).*
- c. *Chief Deputy Sheridan's untruthful statements to Lieutenant Seagraves made during the course of an internal investigation of Detective Mackiewicz to the effect that an investigation into the overtime allegations against Detective Mackiewicz had already been completed. (Id. at ¶ 823).*
- d. *Other uninvestigated acts of misconduct of Chief Deputy Sheridan, Captain Bailey, Sergeant Tennyson, Detective Zebro, Detective Mackiewicz, or others that occurred during the McKesy investigation. (Id. at ¶¶ 766–825).*

MCSO does not have any obligations under Phase 1. Phase 2 of Paragraph 300 is deferred.

MCSO continues to investigate and evaluate the four subsections of this Paragraph for misconduct. The four investigations referenced in this Paragraph are still open and awaiting reassignment following their return from the assigned independent investigator. These allegations have been added to MCSO IA2015-0849.

Paragraph 337. *Nevertheless, when discipline is imposed by the Independent Disciplinary Authority, the employee shall maintain his or her appeal rights following the imposition of administrative discipline as specified by Arizona law and MCSO policy with the following exceptions:*

- a. *When minor discipline is imposed, a grievance may be filed with the Sheriff or his designee consistent with existing MCSO procedure. Nevertheless, the Sheriff or his designee shall transmit the grievance to the Monitor who shall have authority to decide the grievance. If in resolving the grievance the Monitor changes the disciplinary decision in any respect, he shall explain his decision in writing.*
- b. *A disciplined MCSO employee maintains his or her right to appeal serious discipline to the Maricopa County Law Enforcement Merit System Council to the extent the employee has such a right. The Council may exercise its normal supervisory authority over discipline imposed by the Independent Disciplinary Authority with one caveat. Arizona law allows the Council the discretion to vacate discipline if it finds that the MCSO did not make a good faith effort to investigate and impose the discipline within 180 days of learning of the misconduct. In the case of any of the disciplinary matters considered by the Independent Disciplinary Authority, the MCSO will not have made that effort. The delay, in fact, will have resulted from MCSO's bad faith effort to avoid the appropriate imposition of discipline on MCSO employees to the detriment of the members of the Plaintiff class. As such, the Council's determination to vacate discipline because it was not timely imposed would only serve to compound the harms imposed by the Defendants and to deprive the members of the Plaintiff class of the remedies to which they are entitled due to the constitutional violations they have suffered at the hands of the Defendants. As is more fully explained above, such a determination by the Council would constitute an undue impediment to the remedy that the Plaintiff class would have received for the constitutional violations inflicted by the MCSO if the MCSO had complied with its*

original obligations to this Court. In this rare instance, therefore, the Council may not explicitly or implicitly exercise its discretion to reduce discipline on the basis that the matter was not timely investigated or asserted by the MCSO. If the Plaintiff class believes the Council has done so, it may seek the reversal of such reduction with this Court pursuant to this Order.

MCSO remains in Full and Effective Compliance with Paragraph 337.

MCSO remains in Full and Effective Compliance with this Paragraph. For additional information, please see the Sheriff's 29th Quarterly Report (Doc. 2703-1).

Section 18: Third Order Paragraphs

On November 8, 2022, the Court entered a Third Order resolving several competing legal motions filed by MCSO and the Parties. (Doc. 2827). The Court entered the amended version of this Order, the Amended Third Supplemental Permanent Injunction/Judgment Order (Doc. 2830) (Third Order) on November 30, 2022. The Third Order contains an additional 20 Paragraphs focused on reducing the backlog of administrative misconduct investigations.

MCSO is in compliance with fifteen Third Order Paragraphs (338–45, 348, 350, 353, 355, 364–65 and 368). MCSO is not in compliance with two Paragraphs (361–62). MCSO does not have any obligations under the remaining Paragraphs (346–47, 349, 351–52, 354, 359–60, 366).

***Paragraph 338.** Within 14 days from the date of this order, MCSO will calculate and provide the Court and the parties with the dollar amount required to recruit, hire, train and compensate for one year a single PSB budgeted sergeant position.*

MCSO does not have any obligations under Phase 1. MCSO is in Phase 2 compliance with Paragraph 338.

MCSO provided this information to the Court and the Parties through a November 11, 2022, filing. (Doc. 2829.) As such, MCSO has fulfilled the requirements of this Paragraph.

***Paragraph 339.** MCSO must not reduce the staffing levels at PSB below the minimum investigator staffing number identified in ¶ 340 while a backlog in investigations remains.*

MCSO does not have any obligations under Phase 1. MCSO is in Phase 2 compliance with Paragraph 339.

On January 6, 2023, MCSO notified the Court and Parties that it had filled vacant positions and satisfied the minimum staffing requirements set forth in Paragraph 340. (Doc. 2844.)

Paragraph 340 requires MCSO to staff a minimum of 39 investigators. On January 6, 2023, the total number of investigators working in PSB, excluding criminal investigators, was 41, which included 12 sworn investigators, 12 civilian investigators, and 17 detention investigators. (Doc. 2844 at 4.) As outlined in Mr. Gennaco's report (Doc. 2790) and in MCSO's January 6, 2023, court filing, in April 2022, PSB employed 32 investigators, excluding criminal investigators. Those 32 investigators included 11 sworn investigators, 15 detention investigators, and six civilian investigators.

The total number of investigators within PSB at the end of this Quarter was 46. MCSO continues to be in compliance with the minimum investigator staffing number at the end of this quarter.

***Paragraph 340.** Within 60 days from the date of this order, MCSO will fill the seven currently budgeted, yet vacant, positions at PSB referred to in Mr. Gennaco's report, through hiring or internal transfers. (Doc. 2790 at 15.) The staffing referred to by Mr. Gennaco, together with the full staffing of the vacant positions, is 39 investigators. This is the minimum investigator staffing number. If MCSO fails to fill any one of the seven vacant budgeted staffing positions with an AZPOST sworn investigator who is approved by the Monitor within 60 days of the date of this order, MCSO and/or Maricopa County will pay into a PSB*

Staffing Fund three times the amount identified by PSB in ¶ 338 above for each vacancy remaining at the MCSO for budgeted investigators. It shall, thereafter on a monthly basis pay into the Staffing Fund three times the amount identified in ¶ 338 above for every month the number of PSB investigators falls below the minimum investigator staffing number.

MCSO does not have any obligations under Phase 1. MCSO is in Phase 2 compliance with Paragraph 340.

On January 6, 2023, MCSO notified the Court that it had filled the positions required by this Paragraph. (Doc. 2844.) As of that date, MCSO had hired 10 new civilian investigators, seven of whom had already begun their employment. In addition to filling the budgeted—yet vacant—positions referred to in Mr. Gennaco’s report and this Paragraph, PSB has continued to fill other positions within PSB as they have become open through retirements, resignations, or transfers. (Doc. 2844 at 3–4.)

As described in MCSO’s January 6, 2023, filing with the Court, MCSO is in compliance with the requirements of Paragraph 340. It timely filled the seven budgeted yet vacant positions in PSB described in Mr. Gennaco’s report and exceeded the minimum investigator staffing number.

In December, the Monitoring Team suggested that MCSO seek guidance from the Court regarding whether detention investigators were included in the 39 minimum number of PSB investigators. Because MCSO did not see any lack of clarity regarding whether detention investigators in PSB were included in the 39 minimum required PSB investigators, MCSO did not seek clarification from the Court. Instead, in MCSO’s January 6, 2023, filing, MCSO provided notice to the Court and the Parties regarding MCSO’s understanding of its PSB staffing obligations under the Third Order. Detention investigators are an integral part of PSB and have been since the entry of the Court’s Second Order, and they have always been counted by the Monitor as part of the investigator total, and were included in MCSO’s January 6, 2023, Court filing. No party objected to MCSO’s explanation in its January 6, 2023, filing.

***Paragraph 341.** If MCSO desires to fill the positions with new civilian investigators in lieu of sworn officers, it may do so to the extent that it is authorized to do so, consistent with state law. Should it fail to fill any one of the seven vacant positions within 60 days of the date of this order, MCSO and/or Maricopa County will pay into a PSB Staffing Fund three times the amount identified by PSB in ¶ 338 above for each vacancy remaining at the MCSO for budgeted investigators. It shall, thereafter on a monthly basis pay into the Staffing Fund three times the amount identified in ¶ 338 above for every month the number of PSB investigators falls below the minimum staffing number.*

MCSO does not have any obligations under Phase 1. MCSO is in Phase 2 compliance with Paragraph 341.

Document 2844 and MCSO’s comments to Paragraph 340 address its compliance with the requirement of this Paragraph to fill the seven budgeted, yet vacant, positions referred to in Mr. Gennaco’s report.

***Paragraph 342.** If the MCSO attempts to fill these open positions with a mix of qualified sworn personnel and civilian investigators, it may do so to the extent that it can, consistent with state law. Nevertheless, if it fails to fill any one of the seven vacant positions within 60 days, the MCSO and/or Maricopa County will pay into the PSB Staffing Fund three times the amount identified in ¶ 338 above for each vacancy remaining. It shall, thereafter on a monthly basis pay three times the amount identified in ¶ 338 above for every month that the number of PSB investigators falls below the minimum staffing number.*

MCSO does not have any obligations under Phase 1. MCSO is in Phase 2 compliance with Paragraph 342.

Document 2844 and MCSO's comments to Paragraph 340 address its compliance with the requirement of this Paragraph to fill the seven budgeted, yet vacant, positions referred to in Mr. Gennaco's report.

Paragraph 343. MCSO is authorized to conduct PSB investigations through approved private contractors if it can do so consistent with state law.

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 343.

PSB continues to utilize contract investigators. Currently, seven contract investigators are conducting administrative investigations, which brings the total number of investigators to 52.

Paragraph 344. MCSO must demonstrate that it is using overtime and other administrative tools to increase the personnel hours committed to investigate all types of complaints. MCSO shall report its use of these tools to the Monitor on a monthly basis.

MCSO does not have any obligations under Phase 1 compliance. MCSO is in Phase 2 compliance with Paragraph 344.

During this reporting period, MCSO continued to seek additional administrative tools/technology to increase the personnel hours committed to investigating complaints.

Some of the steps MCSO has taken include PSB implementing additional administrative changes, including the PSB-8 training (which is explicitly tailored to administrative tools) and implementing overtime to improve the efficiency of the investigative process. PSB administrative support staff assisted in preparing cases, researching the just cause, and providing further information and assistance at the onset of investigations for cases assigned to PSB, as well as for district- and division-assigned cases outside PSB. Additionally, administrative support staff used overtime hours to assist investigators on the front end and throughout the cases by preparing interview forms, uploading documents, and handling other administrative tasks that investigators previously completed themselves. PSB also eliminated repetitive forms for individuals who were not being interviewed or who merely provided information or data related to a case. These initial processes were included in the PSB-8 training and are all additional steps toward the continued efforts to deploy administrative tools and overtime hours to improve the efficiency of investigations.

During the previous reporting period, the PSB built and began to implement an electronic report submission and review process for administrative cases completed by PSB investigators. This new electronic process was rolled out at the end of this Quarter with the squads within the PSB and will be expanded in the coming reporting periods to all squads. This electronic submission, review, approval, and tracking process eliminates further delays in processing cases by enabling real-time reviews, seamless tracking, communication, and collaboration, thereby enhancing efficiency and reducing the time it takes for an administrative investigation to be completed. During this reporting period, the electronic process has been expanded to all PSB squads and is working well.

Paragraph 345. MCSO and/or Maricopa County shall hereby establish a PSB Staffing Fund, which shall be a separate account of the MCSO. The amounts set forth in ¶¶ 340-42 shall be paid directly into this account. The MCSO, however, is only authorized to withdraw funds from this account for the hiring and payment of PSB investigators or private investigators contracted with PSB who are in compliance with the requirements of state law. The fund may also be used to hire necessary additional PSB administrative staff and necessary additional PSB supervisory staff only, and for no other purpose. MCSO is not permitted to offset the amount of any fine from PSB's existing budget or use it to subsidize the number of PSB staff and investigators existing at the time of this Order. MCSO shall provide an accounting of the PSB Staffing Fund on a monthly basis to the Monitor and the Court. But, if necessary, MCSO is permitted to augment and/or exceed the salary and incentives normally paid PSB investigators to hire and/or maintain sufficient investigators, whether sworn or civilian, to reduce the backlog.

MCSO does not have any obligations under Phase 1. MCSO is in Phase 2 compliance with Paragraph 345.

On December 7, 2022, the Maricopa County Board of Supervisors established the PSB Staffing Fund. Throughout this quarter, the balance of the PSB Staffing Fund was \$0.00.

Paragraph 346. The Court hereby vests the Monitor, Robert Warshaw, with the supplemental authorities set forth in this Order. The Monitor therefore has immediate authority to oversee all of MCSO's complaint intake and routing. The Court hereby vacates any previous order that conflicts with this Order, including but not limited to ¶ 292 of the Second Order (Doc. 1765). In consultation with the PSB Commander, the Monitor shall make determinations and establish policy decisions pertaining to backlog reduction regarding, by way of example, which complaints should be (a) investigated by PSB; (b) sent to the Districts for investigation or other interventions; or (c) handled through other methods, to include diversion and/or outsourcing of cases. The Monitor must consult with the PSB Commander about these policy decisions but maintains independent authority to make the ultimate decision. The authority granted to the Monitor in this paragraph shall not be applicable when there is no backlog. If the backlog is eliminated and then arises again while the Defendants are still subject to monitoring, this authority will be renewed in the Monitor.

MCSO does not have any obligations under Paragraph 346.

This Paragraph imposes duties on the Monitor, rather than MCSO. As such, MCSO asserts that there is no compliance metric to measure MCSO under this Paragraph. That said, the PSB Commander consults with the Monitor regarding issues within the scope of this Paragraph.

Paragraph 347. The Monitor shall revise and/or formalize MCSO's intake and routing processes. The Monitor's authorities shall include, but not be limited to, the power to audit and review decisions made with respect to individual cases and, if necessary, to change such designations. The Sheriff and the MCSO shall expeditiously implement the Monitor's directions or decision with respect to intake and routing, and any other issues raised by the Monitor pertaining to backlog reduction and any other authority granted the Monitor under the Court's orders. The Monitor must consult with the PSB Commander about these processes but maintains independent authority to make the ultimate decision. The authority granted to the Monitor in this paragraph shall not be applicable when there is no backlog. If the backlog is eliminated and then arises again while the Defendants are still subject to monitoring, this authority will be renewed in the Monitor.

MCSO does not have any obligations under Paragraph 347.

This Paragraph imposes affirmative duties on the Monitor. MCSO implements the Monitor's decisions as required by this Paragraph. That said, the PSB Commander consults with the Monitor regarding issues within the scope of this Paragraph.

In this Quarter, the Monitor discussed 340 Complaints, assigning 173 as Service Complaints, 30 to a division or district, outsourcing four, and assigning 30 to PSB Diversions only. As stated in MCSO's 45th Report, the PSB Diversion process is a mechanism initiated by the PSB Commander (now Monitor pursuant to this Paragraph) that can be appropriately handled without initiating a formal administrative investigation or a Service Complaint. The following types of complaints ***are not eligible for consideration for a Diversion***:

- (1) Complaints involving members of the Plaintiff class;
- (2) Complaints involving allegations of bias;
- (3) Complaints involving allegations of criminal conduct;
- (4) Allegations of conduct that, if sustained, would require notification to the MCAO for Rule 15 Disclosure pursuant to *Brady v. Maryland*;
- (5) Allegations of conduct that, if sustained, could result in the revocation of a principal's AZ POST certification; and
- (6) Allegations of conduct that, if sustained, could constitute a Category 3 or higher offense from the Office's Disciplinary Matrices—unless otherwise specified below.

Excepting the above types of Complaints, MCSO believes that the Monitor should more frequently utilize the PSB Diversion procedure, especially for Complaints involving employees who are no longer at MCSO, anonymous complaints, and complaints received more than a year after the last instance of the alleged misconduct—as stated in the Court-approved GH-2, *Internal Investigations* policy. Reducing the number of formal administrative investigations in favor of the Court-approved PSB Diversion procedure would promote PSB efficiency. MCSO recognizes that the Monitor assigned 30 cases to the PSB Diversion procedure in this Quarter compared to 6 in the previous Quarter. MCSO hopes that the Monitor continues to use the PSB Diversion procedure when appropriate.

Paragraph 348. *The Monitor will evaluate PSB's current investigative practices. The PSB, under the authority of the Monitor, shall create, and submit for the Monitor's approval, policies and procedures that:*

- (a) Identify and eliminate unnecessary investigative requirements that may be removed from particular classes of cases;*
- (b) Provide for the establishment of an investigative plan for each investigation to eliminate unnecessary steps for the investigation of the complaint at issue;*
- (c) Establish formal internal scheduling expectations and requirements for supervisory interventions;*
- (d) Establish expectations on the timeline for each step of the review process. The formulated expectations will be consistent with the timeline requirements of this Court's previous orders;*
- (e) Assess current use of LA Pro as a case management/tracking tool.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 348.

On February 8, 2023, MCSO conferred with the Parties, completed, and submitted MCSO Policies and Procedures addressing all the sections of Paragraph 346 combined with Paragraph 353, as the Court Order and Monitor directed. Furthermore, MCSO subsequently submitted additional comments and feedback pertaining to the Monitor's versions of MCSO Policies and Procedures provided for comment and feedback on March 23, 2023. On November 13, 2023, MCSO published an administrative broadcast regarding the policy changes, and another on August 27, 2024, providing notice that MCSO had delivered initial mandatory

PSB training about those policy changes which were in place for administrative investigations opened on or after July 1, 2024.

***Paragraph 349.** The authority granted to the Monitor in this paragraph shall not be applicable when there is no backlog. If a backlog is eliminated and then arises again while the Defendants are still subject to monitoring, this authority will be renewed in the Monitor. Given that the parties have provided the Monitor with feedback on these issues, the Monitor is directed to consider the input already articulated by the parties on these issues and determine, at his discretion, to adopt them or not. The Monitor may choose, but will not be required, to seek additional input from the parties in the development of the above stated policies. The Monitor shall finalize and submit such policies to the Court within four months of the date of this order. The parties shall have two weeks thereafter to provide the Court with any comments on the Monitor's final proposed policies. The Court will, if necessary thereafter, make determinations as to the final policies.*

MCSO does not have any obligations under Paragraph 349.

This Paragraph imposes affirmative duties on the Monitor, rather than MCSO.

***Paragraph 350.** The Monitor will assess MCSO's compliance with the investigative requirements of this order and shall determine whether training on investigative planning and supervision is needed and implement such training.*

MCSO does not have any obligations under Phase 1. MCSO is in compliance with Phase 2 with Paragraph 350.

Nevertheless, MCSO asserts that it has no obligations under Paragraph 350. Furthermore, MCSO believes that the Monitor's assessment under this Paragraph overlaps with other Paragraphs of the Court's Orders. As the Monitor has consistently noted, PSB investigators conduct high-quality investigations. MCSO will implement investigative planning as policy changes adopted pursuant to this Order require.

***Paragraph 351.** The Monitor has the authority to make recommendations to the Court concerning the revision of the Court's orders as it pertains to the investigation of complaints where, in its opinion, such revisions would increase efficiency without impinging on investigations necessary to the operation of a fair and unbiased law enforcement agency.*

MCSO does not have any obligations under Paragraph 351.

This Paragraph imposes affirmative duties on the Monitor, rather than MCSO.

***Paragraph 352.** The Monitor may intervene in the course of any investigation for the purpose of facilitating the appropriate operation of the PSB and/or the reduction of the backlog, if he deems it appropriate, and will document his actions in a quarterly report to be submitted to the Court. The authority granted to the Monitor in this paragraph shall not be applicable when there is no backlog. If the backlog is eliminated and then arises again while the Defendants are still subject to monitoring, this authority will be renewed in the Monitor.*

MCSO does not have any obligations under Paragraph 352.

This Paragraph expands the Monitor's authority and does not impose an affirmative duty on MCSO. As noted in the Monitor's quarterly report regarding the Third Order, the Monitor did not use this authority during this reporting period. (Doc. 3142 at 285.)

Paragraph 353. *The Monitor shall recommend to the Court adjustments in the investigations of the following categories of cases according to the following procedure:*

MCSO shall, upon the approval of the Monitor:

- (a) Create, formalize, and implement a policy regarding whether investigations are necessary when the complaint was submitted to the MCSO more than a year after the last instance of the underlying alleged misconduct reported, or when the MCSO employee involved left MCSO's employ prior to the filing of the complaint.*
- (b) Create, formalize, and implement a policy regarding when investigations are necessary if the initial complainant is unwilling or unable to cooperate, or if the initial complainant is anonymous.*
- (c) Create, formalize, and implement a policy regarding when MCSO may investigate health related in-custody jail deaths by County medical staff.*
- (d) Create, formalize, and implement a policy regarding when an entity other than PSB may investigate internal allegations emanating from workplace relationships.*
- (e) Create, formalize, and implement a policy regarding when, in cases in which external evidence establishes a violation, the PSB Commander has the discretion to offer principals a mitigated penalty if they accept responsibility. The mitigated penalty shall be no lower than the minimum discipline within the applicable discipline matrix range for the charged offenses.*
- (f) Create, formalize, and implement a policy regarding when the PSB commander is authorized to handle the alleged minor misconduct through supervisory intervention in lieu of investigation. MCSO shall submit to the Monitor within 15 days, a list of the minor misconduct within the GC-17 (Disciplinary Matrix) which it deems should be considered by the Monitor to be handled as a supervisory intervention. MCSO's list shall exclude allegations concerning the Plaintiff class and allegations of bias.*

In proposing such policies to the Monitor, the MCSO shall fully and openly consult with the other parties to this litigation. All parties shall move expeditiously to formulate, consult with, and approve these policies. MCSO and the parties shall complete and submit to the Monitor for approval all such proposed policies within three months of this order. As to those issues on which the parties cannot obtain consensus, they shall each submit their proposals to the Monitor. The Monitor shall then, promptly present to the Court the final proposed policies he deems best. The parties will have two weeks thereafter to provide the Court with any comments on the Monitor's final proposed policies. The Court will, thereafter, make determinations as to the final policies.

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 353.

On February 8, 2023, MCSO conferred with the Parties, completed, and submitted MCSO Policies and Procedures addressing all the sections of Paragraph 346 combined with Paragraph 353, as directed by Court Order and the Monitor Team. Furthermore, MCSO subsequently submitted additional comments and feedback regarding the Monitor Team's versions of MCSO Policies and Procedures, provided for comment

and feedback on March 23, 2023. An administrative broadcast was published on November 13, 2023, regarding the policy changes, and another was published on August 27, 2024, providing notice that the initial mandatory PSB training on those policy changes had been delivered and was in place for administrative investigations opened on or after July 1, 2024.

Paragraph 354. *To the extent that the policies require implementation plans or address deadlines, the Court shall approve these after they are submitted by the Monitor.*

MCSO does not have any obligations under Paragraph 354.

Paragraph 355. *The Monitor and the PSB shall review the cases in the current backlog that are eligible to be diverted from PSB investigations by ¶ 353 of this order. It is the expectation of the Court that the diverted cases shall reduce the current backlog.*

MCSO does not have any obligations under Phase 1. MCSO is in compliance with Phase 2 with Paragraph 355.

After, the Court issued the finalized MCSO policies submitted pursuant to Paragraph 353, MCSO built and deployed procedures, processes, and an implementation plan in cooperation with the Monitor for reviewing all cases in the current backlog. This process was completed ahead of the Court's imposed deadline of June 1, 2024. During this Quarter, MCSO did not submit any backlog cases for diversion. At the end of this quarter, the backlog diversion eligibility review included a total of 2,191 cases with 253 cases being approved for diversions in accordance with Office policy and procedures.

Paragraph 359. *The MCSO and/or Maricopa County shall pay all reasonable costs of the Monitor, consistent with ¶ 123 of the Supplemental Permanent Injunction. The Monitor is free from any liability for such matters as set forth in ¶ 144 of the Supplemental Permanent Injunction.*

MCSO does not have any new obligations under Paragraph 359.

This Paragraph adds no new compliance criteria, but only reiterates the provisions of other Paragraphs. As such, there is no compliance assessment to be made under this Paragraph.

Paragraph 360. *The Monitor shall submit a quarterly progress report to the Court and parties describing the rationale for each type of investigative diversion approved, the result of each diversion type, the backlog tally, the number of completed cases, unresolved issues, and further actions required to address the backlog and staffing levels at PSB.*

MCSO does not have any obligations under Paragraph 360.

This Paragraph imposes a duty on the Monitor, rather than MCSO.

Paragraph 361. *Under the direction of the Court, MCSO shall commission an independent study to determine: (1) the most efficient way for MCSO to allocate its personnel in light of existing authorized staffing levels, the requirements and expectations*

of its served communities, the requirements of this Court's Orders, the timely elimination of the existing backlog of PSB investigations, and state law; (2) the necessary staffing level for MCSO to fulfill these obligations regardless of the existing staffing level; and (3) the PSB staffing level required to maintain the timely completion of PSB investigations in compliance with the Orders of this Court and state law. MCSO shall (1) provide a draft Request for Proposals to the Court, the Monitor, and the parties; (2) disclose credible bids to the Court, the Monitor, and the parties; and (3) obtain Court approval of the methodology for the study. MCSO must ensure that the study is completed within one year of the entry of this Order.

MCSO does not have any obligations under Phase 1. According to the Monitor's 45th Quarterly Report, MCSO is not in compliance with Phase 2 of Paragraph 361.

In the Third Quarter of 2022, Maricopa County contracted with the Center for Public Safety Management, LLC ("CPSM"), to conduct a staffing study related to MCSO's allocation of sworn deputies and related resources. After the Court issued the Third Order, Maricopa County worked with CPSM to modify the scope of work of the original study to more specifically address the requirements of this Paragraph.

***Paragraph 362.** The Court is aware that the MCSO has already engaged a consultant to undertake a similar evaluation. Nevertheless, while the Court will consider both the qualifications of the consultant already hired by MCSO and the outcome of that study, the work of that consultant must comply with the Court's requirements, *supra* and will not be deemed to satisfy the terms of this Order absent the approval of this Court. If MCSO wishes to obtain Court approval of the consultant it has already hired, it must, as a prerequisite, provide the contracting documents to the Court, the Monitor, and the parties within five business days of the entry of this Order; and it must submit the consultant's draft methodology to the Court, the Monitor, and the parties within 30 days of the entry of this Order.*

MCSO does not have any obligations under Phase 1. According to the Monitor's 45th Quarterly Report, MCSO is not in compliance with Phase 2 of Paragraph 362.

As explained above, Maricopa County coordinated with CPSM to expand its original scope of work to include a specific focus on the provisions of Paragraph 361. MCSO complied with the requirements in this Paragraph by submitting the consultant's contracting documents (Doc. 2828) and the methodology (Doc. 2832). Therefore, MCSO should be held in compliance with Phase 2 of this Paragraph.

***Paragraph 363.** MCSO is required to provide access to personnel, documents, and facilities as mandated by ¶ 145 of Doc. 606 so that the Monitor can perform his newly expanded duties.*

MCSO has been providing the Monitor access as required by this Paragraph.

***Paragraph 364.** To keep the parties and the Court informed, the MCSO shall report monthly on the size of the backlog to the Monitor, the parties, and the Court. The Monitor's quarterly progress report will further assess the status of the backlog.*

MCSO does not have any obligations under Phase 1. MCSO is in Phase 2 compliance with Paragraph 364.

MCSO began its monthly reporting of the backlog in the First Quarter of 2023. The backlog number on November 8, 2023, was 2,136. As explained in Paragraph 358, the backlog number at the end of the Second Quarter 2025, pursuant to the revised Paragraph 204 definition, was 821. The backlog at the end of this

Quarter was 640. MCSO has consistently reported the backlog size to the Monitor, the Parties, and the Court through production request responses and Notices filed with the Court.

***Paragraph 365.** The authority for MCSO to grant itself extensions in investigation deadlines granted in ¶ 204 of Doc. 1765 is revoked. The Monitor shall be authorized to grant reasonable extensions upon reviewing requests submitted to him by the Sheriff.*

MCSO is in Phase 1 and Phase 2 compliance with Paragraph 365.

MCSO developed procedures so that the process for requesting extensions complies with this Paragraph.

Because Paragraph 365 revokes MCSO's authority and grants the Monitor the authority to grant extensions, it is not clear what conduct of MCSO the Monitor will assess to determine compliance with this Paragraph. Indeed, because this Paragraph pertains to the actions of the Monitor, rather than MCSO, MCSO believes this Paragraph should be changed to "not applicable."

***Paragraph 366.** At any time after the Monitor's submittal of its second quarterly progress report, the Court may revisit the contents of this order and make any changes it deems appropriate.*

MCSO does not have any obligations under Paragraph 366.

This Paragraph does not impose a duty on MCSO.

***Paragraph 367.** Should the Sheriff perceive any conflict between this order and the requirements of state law, the Sheriff shall immediately raise the potential conflict with the Court by motion.*

In this reporting period, MCSO perceived no conflicts.

***Paragraph 368.** MCSO will continue to pay into the PSB Staffing Fund pursuant to ¶ 357 until MCSO reports for twelve continuous months that it has no open investigations that have exceeded the time by which Doc. 1765 ¶ 204 required that they be completed. At that time, MCSO may petition the Court to dissolve the PSB Staffing Fund.*

MCSO does not have any obligations under Phase 1. MCSO is in Phase 2 compliance with Paragraph 368.

This Paragraph imposes no obligation on MCSO for this Quarter.

Section 19: Fourth Order Paragraphs

Paragraph 204. *Internal affairs investigators will complete their administrative investigations within 85 calendar days of the initiation of the investigation (60 calendar days if within a Division). Any request for an extension of time must be approved in writing by the Commander of the Professional Standards Bureau. Reasonable requests for extensions of time may be granted.*

Paragraph 204 as amended by Fourth Order (August 30, 2024). *Internal affairs investigations (whether in PSB or a Division) will complete their administrative investigations within 180 calendar days of the initiation of the complaint. If the administrative investigation determines that no “Disciplinary Action” is appropriate, the investigation is complete when both: (1) the employee is served with the notice of findings and (2) the Complainant is notified consistent with Paragraph 246 at the Complainant’s last known point(s) of contact.*

If the MCSO Pre-Determination hearing concludes that “Disciplinary Action” is appropriate, the administrative investigation is complete when both: (1) the employee is served with the notice of discipline and (2) when the nature of the determined discipline (termination, demotion or suspension) is sent to the Complainant at the Complainant’s last known point(s) of contact. This notice to the Complainant shall inform the Complainant that the discipline may not be final, as the employee may pursue administrative and court appeals of the discipline. When discipline is appealed, and thus the investigation is extended, the MCSO shall inform the Complainant when the discipline becomes final. The MCSO shall file a monthly report with the Monitor in which it will identify all investigations which the PSB Commander has approved and closed but for which the pre-determination hearing has not been completed. Further, the MCSO shall report to the Monitor and the Parties within ten days of the dismissal of any discipline pursuant to A.R.S. § 38-1110(E).

MCSO is in Phase 1 compliance with Paragraph 204. The Monitor’s 45th Quarterly Report states that MCSO is not in Phase 2 compliance.

MCSO has a significant caseload of administrative investigations. Reducing that caseload and shortening the time required to complete investigations remain priorities. The caseloads and efforts to manage and mitigate them, while maintaining quality investigations previous reports, most recently its 34th Quarterly Report (Doc. 2820-1).

On November 8, 2022, the Court entered an order finding Sheriff Penzone in civil contempt because of the backlog of administrative investigations. (Doc. 2827 at 1.) The Third Order established minimum numbers of PSB investigators (Paragraph 340) and backlog-reduction requirements (Paragraph 357), and authorized policy changes to facilitate backlog reduction (e.g., Paragraphs 348 and 353). The Order also transferred responsibility for intake and routing of complaints from MCSO to the Monitor (Paragraph 346) and requires Monitor approval of any extensions of investigative time (Paragraph 365).

Paragraph 365 of the Third Order specifically revoked the PSB Commander’s authority under this Paragraph to grant extensions. The Court approved the policy changes authorized by the Third Order last Quarter.

MCSO recognizes the need to comply with this Court’s Orders regarding timely investigations and continues to make significant progress in this endeavor. The table below provides the average, median, minimum, and maximum number of days for cases completed during the Quarter pursuant to the Court’s amended definition of Paragraph 204. Given the backlog-reduction efforts and the focus on backlog reduction, these numbers are expected to remain elevated until further significant backlog reduction is realized.

Timeframe (days)	Average	Median	Minimum	Maximum
2025 Quarter 3	1027	546	48	2914

Paragraph 356. *Within five business days of the elimination of these cases from the backlog, the Monitor shall certify to the parties and the Court the number of administrative investigations remaining in the backlog that are open and have not been completed within the time limits required by the Court. At the beginning of each month, the number of open cases whose investigations have exceeded the time by which Doc. 1765 ¶ 204 required that they be completed shall be the remaining backlog. This backlog shall not include any cases for which the Monitor has granted an extension of the investigative deadline pursuant to ¶ 365 of this Order.*

Paragraph 356 as amended by Fourth Order (August 30, 2024). *Within ten business days of the entry of this order, the MCSO shall provide to the Monitor the number of administrative investigations remaining in the backlog that are open and have not been completed within the time limits required by the Court (or, in other words, the extent to which the backlog is changed by the extended timeline authorized above for Doc. 1765 ¶ 204 as amended). The Monitor shall have ten business days thereafter to certify the backlog to the parties and the Court. At the beginning of each month, the number of open cases whose investigations have exceeded the time by which Doc. 1765 ¶ 204 as amended required that they be completed shall be the remaining backlog. The remaining backlog shall include not only the number of cases that were not closed, but also the number of cases that were added to the backlog during that month. This backlog shall not include any cases for which the Monitor has granted an extension of the investigation deadline pursuant to ¶ 365 of this order.*

MCSO does not have any obligations under Phase 1. MCSO is in compliance with Phase 2 with Paragraph 356.

In April 2024, MCSO completed and provided to the Monitor Team for certification the processes described in Paragraph 355. The backlog number pursuant to the Court's Orders, as defined in Paragraph 204, was 1,435 following the completion of the process set forth in Paragraph 355.

The Court's August 30, 2024 Fourth Amended Supplemental Permanent Injunction/Judgment Order required MCSO to recalculate the backlog number of cases pursuant to the amended definition of a backlog case pursuant to Paragraph 204. Therefore, MCSO completed the recalculation and submitted the backlog case count to the Monitor, pursuant to the revised definition in Paragraph 204, within the 10 business days authorized by the Court. The application of the revised definition of a backlog case pursuant to Paragraph 204, as amended, increased from 1,286 cases to 1,331 cases as of August 31, 2024.

Paragraph 357. *The cases in this remaining backlog should be identified by year, giving priority to the oldest cases, i.e., the cases that were filed first. The expectation should be to address the oldest cases first, without ignoring the continuing caseload. For each month in which the PSB cannot reduce the remaining backlog by 20 cases from the previous month's number, the MCSO and/or Maricopa County shall pay into the PSB Staffing Fund two times the amount identified in ¶ 338 above.*

Paragraph 357 as amended by Fourth Order (August 30, 2024). *The cases in this remaining backlog should be identified by year, giving priority to the oldest cases, i.e., the cases that were filed first. The expectation should be to address the oldest cases first, without ignoring the continuing caseload. MCSO shall close at least 25 cases per quarter that were filed between 2015-2020. In their monthly report, the MCSO shall specify in which year each case eliminated from the backlog was filed.*

MCSO has no obligations under Phase 1. MCSO is in compliance with Phase 2 with Paragraph 357.

The process described in this Paragraph applies to the certified backlog number 1,435 as of April 30, 2024. At the start of Third Quarter of 2024, the backlog number was 1,373. In the Third Quarter, MCSO reduced the backlog by 33 in July 2024, 54 in August 2024, and 24 in September 2024. The reductions exceeded the monthly requirement of 20 cases.

On August 30, 2024, the Court issued an Order modifying the definition of Paragraph 204, resulting in the redefinition and subsequent recalculation of the “backlog” number of administrative investigations. Based on the August 30, 2024 Order, MCSO recalculated the “backlog” using the revised definition of P204, resulting in a change from 1,286 to 1,331. The number of backlog cases pursuant to the new definition was subsequently reported to be 1,331 and certified by the Monitor as the new backlog number pursuant to P204. MCSO was subsequently required to reduce the new backlog number (1,331) by 20 in September 2024. MCSO reduced the backlog number to 1,307 by the end of September 2024, exceeding the Court’s requirement. MCSO complied with the backlog reduction requirements in the Fourth Quarter 2024.

During the First Quarter of 2025, MCSO reduced the backlog from 1,157 to 996. In the First Quarter, MCSO reduced the backlog by 52 in January 2025, 56 in February 2025, and 53 in March 2025. This reduction of 161 cases in the backlog exceeded the required reduction totals ordered by the Court, and thus, MCSO was not required to pay any funds into the PSB Staffing Fund.

During the Second Quarter of 2025, MCSO reduced the backlog from 996 to 821. For the Second Quarter, MCSO reduced the backlog by 57 in April 2025, 58 in May 2025, and 60 in June 2025. This reduction of 175 cases in the backlog exceeded the required reduction total ordered by the Court by 10 cases, and thus, MCSO was not required to pay any funds into the PSB Staffing Fund.

During the Third Quarter of 2025, MCSO reduced the backlog from 821 to 640. For the Third Quarter, MCSO reduced the backlog by 62 in July 2025, 60 in August 2025, and 60 in September 2025. This reduction of 182 cases in the backlog exceeded the required reduction total ordered by the Court by 2 cases, and thus, MCSO was not required to pay any funds into the PSB Staffing Fund.

Paragraph 358. *Maricopa County has requested that the Court relax its investigative timeline to be consistent with state law. The Court shall only consider doing so, when significant progress is made towards the reduction of the backlog.*

Paragraph 358 as amended by Fourth Order (August 30, 2024). *Beginning on October 1, 2024, the MCSO will be required to reduce the backlog number remaining on the last day of the previous calendar-quarter (September 30, 2024) by 45 cases per month for a minimum total reduction of 135 cases during the last calendar quarter of 2024. Beginning on January 1, 2025, the amount of required case reduction will increase to a 50 case reduction per month from the number of the backlog existing on the last day of the previous quarter (Dec. 31, 2024) for a minimum total reduction of 150 cases for the first calendar quarter of 2025. Beginning on April 1, 2025, the amount of required case reduction will increase to a 55 case reduction per month from the number of the backlog existing on the last day of the previous quarter (March 31, 2025) for a minimum total reduction of 165 caseload reduction for the second calendar quarter of 2025. Beginning on July 1, 2025, the minimum amount of required case reduction from the backlog number on the last day of the previous quarter (June 30, 2025) will increase to a 60 case reduction per month and a 180 minimum caseload reduction for the third calendar-quarter of 2025. This backlog reduction number of 60 per month and 180 per quarter will remain the required minimum backlog caseload reduction per quarter from the backlog number on the last day of the previous quarter until the backlog is eliminated. For each calendar-quarter in which PSB cannot reduce the remaining backlog by the requisite number of cases from the number of the backlog existing on the last day of the previous quarter, the MCSO and/or Maricopa County shall pay into the PSB Staffing Fund two times the amount identified in ¶ 338 (\$191,415.12) for each month in that quarter in which the PSB did not reduce the backlog by the requisite number of*

cases specified for that month. For each calendar-quarter that MCSO reduces the remaining backlog by more than the minimum backlog reduction required to avoid the assessment to the PSB Staffing Fund, Defendants may credit the excess cases toward any month or months in the following quarter's minimum backlog case reduction. The Defendants may apply excess credits only to months in the quarter immediately following the quarter in which the Defendants accrued the credits. For the month of September 2024, the MCSO and/or Maricopa County shall pay into the PBS [sic] Staffing Fund two times the amount identified in ¶ 338 above if they cannot reduce the backlog by twenty cases from the previous month. If, however, the new certification of the backlog in ¶ 356 as amended results in an increase of more than twenty cases in the backlog from the backlog existing on August 31, 2024, the MCSO and defendant are released from paying into the PSB Staffing Fund for the month of September 2024 only. The Court may for good cause shown consider modifications to the payment schedule in this paragraph after October 1, 2025.

MCSO has no obligations under Phase 1. MCSO is in Phase 2 compliance with Paragraph 358.

At the start of this quarter, the “backlog” number was 821. MCSO has worked diligently and consistently with the requirements of the Court’s Third and Fourth Orders and has reduced the backlog to 640 at the end of this quarter. The reduction of 182 cases on the backlog is in excess of the requirements of this Paragraph by 2.

Section 20: Conclusion

This Report covers the Second Quarter of 2025 (July 1, 2025–September 30, 2025) and highlights MCSO’s compliance efforts and achievements during this specific rating period.

MCSO complies with the vast majority of the requirements of the First and Second Orders, and it has complied with many of these requirements for several years. Even using the Monitor’s determinations of MCSO’s compliance with the First and Second Orders, MCSO is not in compliance with 12 Paragraphs, and three Paragraphs are in a deferred status. As described above, MCSO disputes the Monitor’s contention that it is out of compliance for some of those 12 Paragraphs. Also, for some Paragraphs, the Monitor has found MCSO out of compliance with an entire Paragraph because MCSO is not compliant with a few discrete subparts. For example, for Paragraph 54, which concerns various issues related to traffic stop data outlined in Subparagraphs (a)–(m), the Monitor has found MCSO out of compliance with the entire Paragraph even though it complies with 12 of 13 Subparagraphs. MCSO is taking steps to attain compliance with the single outstanding subpart.

Some other noteworthy issues related to compliance efforts are:

- Administrative investigation backlog:** The backlog of administrative investigations remains a significant issue, which affects compliance with several provisions of this Court’s Orders and resulted in the imposition of the Third Order. Progress is being made, but there is more work to do. Progress is also being made regarding the quality of investigations conducted outside PSB. However, as noted above, MCSO maintains that its additional, Court approved Captain as a PSB, Deputy Commander will have a positive impact on PSB productivity and the quality of investigations. As stated above, MCSO has sought the support of the ACLU and DOJ regarding its desire to have 5 additional, district sergeants to work on the investigation backlog, as well as district cases. MCSO believes that the addition of these 5 sergeants and the Deputy Commander will ameliorate many of the Monitor’s concerns and ensure an even more expedient reduction of the existing backlog. For six months, as of the end of Q3 2025, MCSO has attempted to have these 5 sergeants work on PSB backlog cases. However, Plaintiffs, specifically the ACLU, have frustrated MCSO’s efforts to do so. While the Court in its November 3, 2025, Order denied MCSO’s request to transfer the district investigators into PSB, it wholly agreed with the utility of MCSO’s proposal and suggested mechanisms for MCSO to accomplish its request, stating that “the Court would consider, with the approval of the parties, revising paragraphs 190, 209-17 and any other necessary paragraphs to allow the Sheriff to assign PSB investigations to district investigators whose competency and efficacy has been approved by the Monitor.” [Doc. 3305 at 10-11]. The Court went on to state that “[i]n that manner, district investigators can do what the Sheriff proposes: they can continue to investigate minor discipline arising from their districts, can be removed from patrol duties, and can be assigned serious cases by the PSB. Discipline in minor cases would still be imposed by district commanders, and in major cases by the PSB commander. In that way, the Court believes at least initially, that the purposes of the Sheriff and the concerns of the Monitor can both be accommodated.” [*Id.*]. MCSO then sought the assistance of the parties as the Court so ordered. While the United States provided input regarding how MCSO can assign backlog cases to the 5 sergeants without necessarily having the Court modify its Orders, Plaintiffs have continued to block every proposal and have failed to contribute proactively to the colloquy by shutting down any common-sense, actionable plan regarding getting backlog cases to the MCSO sergeants and failing to encourage any dialogue regarding MCSO’s efforts to engage the 5 sergeants in decreasing the backlog.

- Non-traffic contacts:** MCSO finalized the new Non-Traffic Contact Form (“NTCF”) has during this quarter and deployed it as of April 7, 2025, early in the Second Quarter of 2025. Work regarding the non-traffic contacts also affects compliance with multiple Paragraphs. This is a multifaceted project that involves updating forms and policies, as well as analytical work to assess evidence of potential bias. This work is ongoing and is a priority. MCSO is moving forward on this project and will generate a methodological proposal for evaluating NTCFs over the next quarter as it determines the volume of NTCFs. While it continues with this work, MCSO notes that the requirements regarding the NTCFs are outside the scope of the Court’s Orders and should not be a metric for compliance with any Paragraph of the Court’s Order, let alone more than one. (Please note while outside of this reporting period MCSO’s recent discussions with the Monitor regarding GJ-3 and data collection has shown promise of a potential resolution of this issue.)
- Consent to Search Form:** MCSO continues to assert that the use of a consent-to-search form is not mandatory for all consent searches. MCSO’s existing policy, GJ-3, states that a consent-to-search form is required only when a body camera cannot capture the consent to search. MCSO expressly addressed the Monitor’s concerns related to data collection and other issues it has raised on this topic in MCSO’s detailed 10-page letter to the Monitor on February 28, 2025. That same letter specifically requested a follow-up meeting to discuss the points raised, so MCSO could continue to move this issue forward and achieve Full and Effective Compliance with the Court’s Orders. During this reporting period, the Monitor has not accepted MCSO’s request. Indeed, the Monitor’s most recent comments to the GJ-3 Policy, dated July 23, 2025, ignored MCSO’s February 28, 2025, letter and stated, for the very first time, that it “remains steadfast in that ALL requests for Consent to Search be documented on a Consent to Search Form.” While outside of this reporting period MCSO’s recent discussions with the Monitor regarding GJ-3 and data collection has shown promise of a potential resolution of this issue. Most recently, MCSO has moved toward a potential resolution by agreeing to add specific data collection points to the Incident Report (IR) and Non-Traffic Contact Form (NTCF), ensuring all such data is searchable. In response, the Monitoring Team clarified that the Consent to Search Form must still be utilized whenever the request is not captured on Body-Worn Camera (BWC)—a position consistent, in part, with the current GJ-3 policy. This represents a significant step toward a finalized process. MCSO will move toward updating the applicable forms and clarifying GJ-3 as necessary, and provide for review and approval.
- Paragraph 70/Constitutional Policing Plan:** MCSO continues to assert that it is complying with Paragraph 70 and has satisfied the requirements of the Constitutional Policing Plan. The Monitor continues to hold MCSO out of compliance with Paragraph 70, and MCSO is attempting to understand and address the Monitor’s concerns. However, MCSO believes that it has met the goals as initially set out and approved by the Court. MCSO has been conducting analyses to measure disparities *and, if necessary, intervene at the individual, district, and office levels since April 2021*. Indeed, the most recent TSAR showed no statistically significant differences between the Plaintiff class and white drivers across any of the measured benchmarks, and MCSO has been systematically developing and implementing responses to address issues identified in the traffic stop studies. As described above, when MCSO requests an honest, open colloquy with Plaintiffs about what portions of Paragraph 70 and the CPP’s requirements MCSO has failed to meet, Plaintiffs provided a list of requests on ETSI concerns, most of which MCSO has addressed and continues to address.

As MCSO continues its work to address these issues, MCSO will continue to work with the Monitor and Parties to identify appropriate paths forward. As part of that collaboration, MCSO's efforts would be aided if the Monitor were to annually provide formal feedback to MCSO on findings from its "comprehensive re-assessment" pursuant to Paragraph 138 of the Court's Orders. The direct, written feedback would further help the Monitor and MCSO identify strategies "for accelerating Full and Effective Compliance" of the Court's Orders.

Additionally, MCSO requests that the Monitoring Team continue to timely comment on MCSO's submitted policies, procedures, protocols, or other materials. MCSO appreciates the Plaintiffs' efforts in timely responding to MCSO's submitted policies, procedures, protocols, or other materials since MCSO has requested that Plaintiffs' comments occur expeditiously.

Protecting and serving the residents and visitors of Maricopa County is MCSO's paramount concern. In furtherance its service to the community, MCSO is steadfast in its quest to achieve and unwavering in its effort to attain Full and Effective Compliance under the Court's Orders.

The fact that MCSO has made great strides in complying with the Court's Orders is undeniable. The Parties and the Monitor should share the common goal of MCSO's compliance. MCSO requests acknowledgement of its progress and accomplishments under the Orders, as well as cooperation of all involved to attain this common goal. MCSO notes that the Monitor has recognized the hard work of MCSO personnel at the command, patrol, and district levels. MCSO appreciates the Monitor's recognition of its deputies' and supervisors' efforts to comply with the Court's Orders while also ensuring the safety and peace of Maricopa County.

The Monitor's public recognition of MCSO's steps to compliance is also critical to building communal trust between the Plaintiff class and MCSO. MCSO acknowledges that it must continue to contribute to the communal dialogue with the CAB, Monitor, and the Plaintiff class to ensure that the Plaintiff class's trust in MCSO grows. In an attempt to gain the community's trust, MCSO has developed a traffic stop analysis program that is arguably unrivaled by any law enforcement agency in both the scope and number of its analysis and the number of traffic stops analyzed. Indeed, the scrutiny that an MCSO deputy endures is genuinely unique. An MCSO deputy must fill out more forms than almost all, if not all, other deputies and officers in this state. The number of forms a deputy must complete increases the likelihood of mistakes and the time it takes the deputy to complete any single task. The greater probability of error, coupled with the high level of scrutiny and review, means that an MCSO deputy is more frequently exposed to interventions, training, and feedback for any action he or she takes than any other law enforcement agent in Arizona.

MCSO appreciates everything that its deputies do to comply with the Court's Orders and wants to recognize that its deputies, after a few years at MCSO, are the most well-trained, scrutinized, efficient, deliberate, and capable deputies—and law enforcement agents—in Arizona. MCSO wishes to formally recognize all the work that its deputies and supervisory staff do to continue and propel forward MCSO's compliance with the Court's Orders.

APPENDIX 1

(Traffic Stop Studies)

The following traffic stop studies have been completed to comply with the Court's Orders. All are available to the public on the MCSO/BIO website at [TRAFFIC STOP REPORTS | mcsobio \(mcsobio.org\)](https://mcsobio.org).

Traffic Stop Annual Reports ("TSAR")

These annual reports provide an agency-wide analysis of disparate outcomes in traffic stops by race and ethnicity. The analysis is conducted by MCSO and an outside consultant using MCSO traffic stop data.

Traffic Stop Quarterly Reports ("TSQR")

These quarterly reports focus on specific issues that often relate to issues identified in a TSAR. Topics and the related methodologies are approved by the Monitor, following review and input by all Parties.

- TSQR 1 (May 2020) – Supervisor Review Findings and Recommendations
- TSQR 2 (September 2020) – Supervisor Survey of TSAR 3 Intervention
- TSQR 3 (March 2021) – Extended Traffic Stop Indicator Use
- TSQR 4 (June 2021) – Long Non-Extended Traffic Stops
- TSQR 5 (October 2021) – District Analysis
- TSQR 6 (March 2022) – 2020 Citations and Warnings
- TSQR 7 (June 2022) – 2019-2021 Arrest Activity
- TSQR 8 (September 2022) – Disparities Over Time
- TSQR 9 (December 2022) – Special Assignments
- TSQR 10 (March 2023) – 2022 Searches
- TSQR 11 (June 2023) – Low Stop Deputies
- TSQR 12 (December 2023) – District Analysis
- TSQR 13 (March 2024) – Extended Traffic Stop Indicator Use
- TSQR 14 (June 2024) – District Analysis
- TSQR 15 (September 2024) – A.R.S. § 28-3151 violations
- TSQR 16 (December 2024) – Contracted Jurisdictions and County Communities
- TSQR 17 (March 2025) – Extended Traffic Stop Indicator Use
- TSQR 18 (June 2025) – District Analysis
- TSQR 19 (September 2025) – Citations and Warnings 2024

Traffic Stop Monthly Reports ("TSMR")

These reports are monthly statistical analyses of traffic stop outcomes and driver race and ethnicity. A more detailed review of traffic stops of selected deputies is conducted. Where appropriate, interventions with deputies are conducted. This is a non-disciplinary process within the Early Identification System. The TSMR began as a pilot in April 2021, and beginning in the Fourth Quarter 2022, continues as a routine monthly process within MCSO.