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- xi. The MCSO has developed and implemented an audit check plan to detect Deputy misconduct pursuant to Paragraph 103 of this Order.
- xii. The MCSO has developed and implemented a system to collect traffic stop data and a protocol for audit checks of that system pursuant to Paragraphs 54–59 of this Order.
- xiii. The MCSO has developed and implemented a protocol for the periodic analysis of the traffic stop data pursuant to Paragraph 64 of this Order.
- xiv. The MCSO has developed and implemented a system for electronic data entry by Deputies pursuant to Paragraph 60 of this Order.
- xv. The MCSO has developed and implemented a system for the audio and video recording of traffic stops and a protocol for reviewing the recordings pursuant to Paragraphs 61–63 of this Order with the understanding that Full and Effective Compliance may be achieved

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1 determination. Thereafter, in each assessment, the Defendants will indicate with which
2 subpart(s) of this Order it remains or has come into full compliance and the reasons
3 therefore. The Monitor shall within 30 days thereafter make a determination as to
4 whether the Defendants remain in Full and Effective Compliance with the Order and the
5 reasons therefore. The Court may, at its option, order hearings on any such assessments
6 to establish whether the Defendants are in Full and Effective Compliance with the Order
7 or in compliance with any subpart(s).

8 **IV. MONITOR REVIEW PROCESS**

- 9 14. In any place where this Order provides for Defendants to submit policies, procedures,
10 protocols or other materials to the Monitor for his or her review, Defendants shall submit
11 such materials to the Monitor and provide a copy to Plaintiffs' representatives within the
12 specified time.
- 13 15. Plaintiffs shall have an opportunity to provide any comments or recommendations on the
14 materials within 14 days of receipt. The Monitor shall thereafter communicate to the
15 Parties the results of its review. If the Monitor has any concerns or recommendations
16 regarding the materials, it will include those concerns or recommendations. The MCSO
17 may then amend the materials and resubmit them to the Monitor within 14 days for
18 further review. Either Party may apply to the Monitor for an extension of the deadlines in
19 this Paragraph. In conducting its review, the Monitor may take into account industry best
20 practices and the record in this litigation.
- 21 16. If the Monitor approves the matter submitted, the Monitor will make a record of his or
22 her approval and inform both parties. In cases where neither party objects to the
23 Monitor's action, the Monitor's determination will be final. When the Monitor approves
24 such matter, no further action is needed before the MCSO implements the relevant
25 policies, procedures, protocols or materials. The MCSO shall do so promptly and without
26 delay.
- 27 17. If either Party does not agree with the Monitor's determination, then the Party may make
28 a motion directly to the Court for resolution of the dispute. The non-moving Party may

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respond to such motion within 14 days of filing. The moving Party may file a reply within 7 days after that. Any policies, procedures, protocols or other materials subject to the dispute need not be implemented until the Court makes a determination.

V. POLICIES AND PROCEDURES

18. MCSO shall deliver police services consistent with the Constitution and laws of the United States and State of Arizona, MCSO policy, and this Order, and with current professional standards. In conducting its activities, MCSO shall ensure that members of the public receive equal protection of the law, without discriminating based on actual or perceived race or ethnicity, and in a manner that promotes public confidence. nner th2.9romotes p

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- 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.
22. MCSO leadership and supervising Deputies and detention officers shall unequivocally and consistently reinforce to subordinates that Discriminatory Policing is unacceptable.
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a. require that Deputies have reasonable suspicion that a person is engaged in, has

- 1 b. prohibit officers from detaining any individual based on actual or suspected
2 “unlawful presence,” without something more;
- 3 c. prohibit officers from initiating a pretextual vehicle stop where an officer has
4 reasonable suspicion or probable cause to believe a traffic or equipment violation has
5 been or is being committed in order to determine whether the driver or passengers are
6 unlawfully present;
- 7 d. prohibit the Deputies from relying on race or apparent Latino ancestry to any degree
8 to select whom to stop or to investigate for an Immigration-Related Crime (except in
9 connection with a specific suspect description);
- 10 e. prohibit Deputies from relying on a suspect’s speaking Spanish, or speaking English
11 with an accent, or appearance as a day laborer as a factor in developing reasonable
12 suspicion or probable cause to believe a person has committed or is committing any
13 crime, or reasonable suspicion to believe that an individual is in the country without
14 authorization;
- 15 f. unless the officer has reasonable suspicion that the person is in the country unlawfully
16 and probable cause to believe the individual has committed or is committing a crime,
17 the MCSO shall prohibit officers from (a) questioning any individual as to his/her
18 alienage or immigration status; (b) investigating an individual’s identity or searching
19 the individual in order to develop evidence of unlawful status; or (c) detaining an
20 individual while contacting ICE/CBP with an inquiry about immigration status or
21 awaiting a response from ICE/CBP. In such cases, the officer must still comply with
22 Paragraph 25(g) of this Order. Notwithstanding the foregoing, an officer may (a)
23 briefly question an individual as to his/her alienage or immigration status; (b) contact
24 ICE/CBP and await a response from federal authorities if the officer has reasonable
25 suspicion to believe the person is in the country unlawfully and reasonable suspicion
26 to believe the person is engaged in an Immigration-Related Crime for which unlawful
27 immigration status is an element, so long as doing so does not unreasonably extend
28 the stop in violation of Paragraph 25(g) of this Order;

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- 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

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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.

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- 1 39. The MCSO shall hold a community outreach meeting no more than 30 days after any
2 Significant Operations or Patrols in the affected District(s). MCSO shall work with the
3 Community Advisory Board to ensure that the community outreach meeting adequately
4 communicates information regarding the objectives and results of the operation or patrol.
5 The community outreach meeting shall be advertised and conducted in English and
6 Spanish.
- 7 40. The MCSO shall notify the Monitor and Plaintiffs within 24 hours of any immigration-
8 related traffic enforcement activity or Significant Operation involving the arrest of 5 or
9 more people unless such disclosure would interfere with an on-going criminal
10 investigation in which case the notification shall be provided under seal to the Court,
11 which may determine that disclosure to the Monitor and Plaintiffs would not interfere
12 with an on-going criminal investigation. In any event, as soon as disclosure would no
13 longer interfere with an on-going criminal investigation, MCSO shall provide the
14 notification to the Monitor and Plaintiffs. To the extent that it is not already covered
15 above by Paragraph 38, the Monitor and Plaintiffs may request any documentation
16 related to such activity as they deem reasonably necessary to ensure compliance with the
17 Court's orders.

18 **VII. TRAINING**

19 **a. General Provisions**

- 20 41. To ensure that the Policies and Procedures provided for by this Order are effectuated, the
21 MCSO shall implement the following requirements regarding Training.
- 22 42. The persons presenting this Training in each area shall be competent instructors with
23 significant experience and expertise in the area. Those presenting Training on legal
24 matters shall also hold a law degree from an accredited law school and be admitted to a
25 Bar of any state and/or the District of Columbia.
- 26 43. The Training shall include at least 60% live training (i.e., with a live instructor) which
27 includes an interactive component and no more than 40% on-line training. The Training
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- 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;
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- 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;
- h. 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

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- 1 d. the total number of occupants in the vehicle;
- 2 e. the Deputy's subjective perceived race, ethnicity and gender of the driver and any
- 3 passengers, based on the officer's subjective impression (no inquiry into an
- 4 occupant's ethnicity or gender is required or permitted);
- 5 f. the name of any individual upon whom the Deputy runs a license or warrant check
- 6 (including subject's surname);
- 7 g. an indication of whether the Deputy otherwise contacted any passengers, the nature of
- 8 the contact, and the reasons for such contact;
- 9 h. the reason for the stop, recorded prior to contact with the occupants of the stopped
- 10 vehicle, including a description of the traffic or equipment violation observed, if any,
- 11 and any indicators of criminal activity developed before or during the stop;
- 12 i. time the stop began; any available data from the E-Ticketing system regarding the
- 13 time any citation was issued; time a release was made without citation; the time any
- 14 arrest was made; and the time the stop/detention was concluded either by citation,
- 15 release, or transport of a person to jail or elsewhere or Deputy's departure from the
- 16 scene;
- 17 j. whether any inquiry as to immigration status was conducted and whether ICE/CBP
- 18 was contacted, and if so, the facts supporting the inquiry or contact with ICE/CBP,
- 19 the time Supervisor approval was sought, the time ICE/CBP was contacted, the time
- 20 it took to complete the immigration status investigation or receive a response from
- 21 ICE/CBP, and whether ICE/CBP ultimately took custody of the individual;
- 22 k. whether any individual was asked to consent to a search (and the response), whether a
- 23 probable cause search was performed on any individual, or whether a pat-and-frisk
- 24 search was performed on any individual;
- 25 l. whether any contraband or evidence was seized from any individual, and nature of the
- 26 contraband or evidence; and
- 27 m. the final disposition of the stop, including whether a citation was issued or an arrest
- 28 was made or a release was made without citation.

- 1 55. MCSO shall assign a unique ID for each incident/stop so that any other documentation
2 (e.g., citations, incident reports, tow forms) can be linked back to the stop.
- 3 56. The traffic stop data collection system shall be subject to regular audits and quality
4 control checks. MCSO shall develop a protocol for maintaining the integrity and
5 accuracy of the traffic stop data, to be reviewed by the Monitor pursuant to the process
6 described in Section IV.
- 7 57. MCSO shall explore the possibility of relying on the CAD and/or MDT systems to check
8 if all stops are being recorded and relying on in-car recording equipment to check
9 whether Deputies are accurately reporting stop length. In addition, MCSO shall
10 implement a system for Deputies to provide motorists with a copy of non-sensitive data
11 recorded for each stop (such as a receipt) with instructions for how to report any
12 inaccuracies the motorist believes are in the data, which can then be analyzed as part of
13 any audit. The receipt will be provided to motorists even if the stop does not result in a
14 citation or arrest.
- 15 58. The MCSO shall ensure that all databases containing individual-specific data comply
16 with federal and state privacy standards governing personally-identifiable information.
17 MCSO shall develop a process to restrict database access to authorized, identified users
18 who are accessing the information for a legitimate and identified purpose as defined by
19 the Parties. If the Parties cannot agree, the Court shall make the determination.
- 20 59. Notwithstanding the foregoing, the MCSO shall provide full access to the collected data
21 to the Monitor and Plaintiffs' representatives, who shall keep any personal identifying
22 information confidential. Every 180 days, MCSO shall provide the traffic stop data
23 collected up to that date to the Monitor and Plaintiffs' representatives in electronic form.
24 If proprietary software is necessary to view and analyze the data, MCSO shall provide a
25 copy of the same. If the Monitor or the Parties wish to submit data with personal
26 identifying information to the Court, they shall provide the personally identifying
27 information under seal.
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1 67. In this context, warning signs

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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.

69. In addition to the agency-wide analysis of co

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- 1 77. MCSO shall maintain computer hardware, including servers, terminals and other
2 necessary equipment, in sufficient amount and in good working order to permit
3 personnel, including Supervisors and commanders, ready and secure access to the EIS
4 system to permit timely input and review of EIS data as necessary to comply with the
5 requirements of this Order.
- 6 78. MCSO shall maintain all personally identifiable information about a Deputy included in
7 the EIS for at least five years following the Deputy's separation from the agency.
8 Information necessary for aggregate statistical analysis will be maintained indefinitely in
9 the EIS. On an ongoing basis, MCSO shall enter information into the EIS in a timely,
10 accurate, and complete manner, and shall maintain the data in a secure and confidential
11 manner. No individual within MCSO shall have access to individually identifiable
12 information that is maintained only within EIS and is about a deputy not within that
13 individual's direct command, except as necessary for investigative, technological, or
14 auditing purposes.
- 15 79. The EIS computer program and computer hardware will be operational, fully
16 implemented, and be used in accordance with policies and protocols that incorporate the
17 requirements of this Order within one year of the Effective Date. Prior to full
18 implementation of the new EIS, MCSO will continue to use existing databases and
19 resources to the fullest extent possible, to identify patterns of conduct by employees or
20 groups of Deputies.
- 21 **b. Training on the EIS**
- 22 80. MCSO will provide education and training to all employees, including Deputies,
23 Supervisors and commanders regarding EIS prior to its implementation as appropriate to
24 facilitate proper understanding and use of the system. MCSO Supervisors shall be trained
25 in and required to use EIS to ensure that each Supervisor has a complete and current
26 understanding of the employees under the Supervisor's command. Commanders and
27 Supervisors shall be educated and trained in evaluating and making appropriate
28 comparisons in order to identify any significant individual or group patterns. Following

1 the initial implementation of the EIS, and as experience and the availability of new
2 technology may warrant, MCSO may propose to add, subtract, or modify data tables and
3 fields, modify the list of documents scanned or electronically attached, and add, subtract,
4 or modify standardized reports and queries. MCSO shall submit all such proposals for
5 review by the Monitor pursuant to the process described in Section IV.

6 **c. Protocol for Agency and Supervisory Use of the EIS**

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

- 12 a. comparative data analysis, including peer group analysis, to identify patterns of
13 activity by individual Deputies and groups of Deputies;
- 14 b. identification of warning signs or other indicia of possible misconduct, including, but
15 not necessarily limited, to:
 - 16 i. failure to follow any of the documentation requirements mandated pursuant to
17 this Order;
 - 18 ii. racial and ethnic disparities in the Deputy's traffic stop patterns, including
19 disparities or increases in stops for minor traffic violations, arrests following a
20 traffic stop, and immigration status inquiries, that cannot be explained by
21 statistical modeling of race neutral factors or characteristics of Deputies'
22 specific duties, or racial or ethnic disparities in traffic stop patterns when
23 compared with data of a Deputy's peers;
 - 24 iii. evidence of extended traffic stops or increased inquiries/investigations where
25 investigations involve a Latino driver or passengers;
 - 26 iv. a citation rate for traffic stops that is an outlier when compared to data of a
27 Deputy's peers, or a low rate of seizure of contraband or arrests following
28 searches and investigations;

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- 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 bi-monthly, 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 of interventions

- 1 i. mechanisms to ensure monitored and secure access to the EIS to ensure the integrity,
2 proper use, and appropriate confidentiality of the data.

3 **X. SUPERVISION AND EVALUATIONS OF OFFICER PERFORMANCE**

4 82. MCSO and the County shall ensure that an adequate number of qualified first-line
5 Supervisors are available to provide the effective supervision necessary to ensure that
6 Deputies are following the Constitution and laws of the United States and State of
7 Arizona, MCSO policy, and this Order. First-line Supervisors shall ensure that Deputies
8 are policing actively and effectively, are provided with the instruction necessary to
9 correct mistakes, and are held accountable for misconduct. To achieve these outcomes,
10 MCSO shall undertake the following duties and measures:

11 **a. General Duties of Supervisors**

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

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

22 85. First-line field Supervisors shall be required to discuss individually the stops made by
23 each Deputy they supervise with the respective Deputies no less than one time per month
24 in order to ensure compliance with this Order. This discussion should include, at a
25 minimum, whether the Deputy detained any individuals stopped during the preceding
26 month, the reason for any such detention, and a discussion of any stops that at any point
27 involved any immigration issues.
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1 Absent exceptional circumstances, within 72 hours of receiving such documentation, a
2 Supervisor shall independently review the information. Supervisors shall review reports
3 and forms for Boilerplate or conclusory language, inconsistent information, lack of
4 articulation of the legal basis for the action, or other indicia that the information in the
5 reports or forms is not authentic or correct. Appropriate disciplinary action should be
6 taken where Deputies routinely employ Boilerplate or conclusory language.

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

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

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

27 94. As part of the Supervisory review, the Supervisor shall document any arrests that are
28 unsupported by probable cause or are otherwise in violation of MCSO policy, or that

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to determine whether the officer has demonstrated a pattern of behavior prohibited by MCSO policy or this Order.

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

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XI. MISCONDUCT AND COMPLAINTS

a. Internally-Discovered Violations

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 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.

b. Audit Checks

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.

c. Complaint Tracking and Investigations

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.

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

6 **XII. COMMUNITY ENGAGEMENT**

7 a. **Community Outreach Program**

8 107. To rebuild public confidence and trust in the MCSO and in the reform process, the
9 MCSO shall work to improve community relationships and engage constructively with
10 the community during the period that this Order is in place. To this end, the MCSO shall
11 create the following district community outreach program.

12 108. Within 180 days of the Effective Date, MCSO shall develop and implement a
13 Community Outreach and Public Information program in each MCSO District.

14 109. As part of its Community Outreach and Public Information program, the MCSO shall
15 hold a public meeting in each of MCSO’s patrol Districts within 90 days of the Effective
16 Date, and at least one meeting in each District annually thereafter. These meetings shall
17 be used to inform community members of th

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including references and a list of recent consulting or monitoring work and the fees and costs from that prior consulting or monitoring work as well as information as to whether the candidate meet or exceeded any budgets for that prior consulting or monitoring work.

121. If the Parties are unable to agree on a Monitor or an alternative method of selection within 60 days of the Effective Date, each Party shall, no later than 70 days from the w6.3 i9 22.

1 assistance of the additional person or entity and why existing MCSO personnel cannot
2 perform the task requested by the Monitor. Any person or entity hired or otherwise
3 retained by the Monitor to assist in furthering any provision of this Order shall be subject
4 to the provisions of this Order. The Monitor shall notify the Defendants and Plaintiffs'
5 representatives in writing if the Monitor wishes to hire such additional persons or entities.
6 The notice shall identify and describe the qualifications of the person or entity to be
7 hired, the monitoring tasks to be performed, the estimated cost and length of time of the
8 task, and explain why existing MCSO personnel cannot perform the task requested or
9 desired by the Monitor. If the County and Plaintiffs agree to the Monitor's proposal, the
10 Monitor shall be authorized to hire or employ such additional persons or entities. The
11 County or Plaintiffs have 15 business days to state any disagreement with the proposal.
12 If the County and Plaintiffs are unable to reach agreement within 15 business days of
13 receiving notice of the disagreement by the other Party, the Court shall resolve the
14 dispute.

15 125. Should any Party determine that the Monitor's individual members, agents, employees, or
16 independent contractors have exceeded their authority or failed to satisfactorily perform
17 the duties required by this Order, the Party may petition the Court for such relief as the
18 Court deems appropriate, including replacement of the Monitor, and/or any individual
19 members, agents, employees, or independent contractors. The Party or Parties, as the case
20 may be, shall attempt to resolve such disputes cooperatively prior to seeking the
21 assistance of the Court. All Parties shall be included in any communications related to
22 such a dispute.

23 **b. Role of the Monitor**

24 126. The Monitor shall be subject to the supervision and orders of the Court, consistent with
25 this Order. The Monitor shall have the duties, responsibilities and authority conferred by
26 the Court and this Order, including, but not limited to: (1) reviewing the MCSO Patrol
27 Operations Policies and Procedures provided for by this Order and making
28 recommendations to the Court regarding the same; (2) reviewing a protocol with the

1 **c. Monitoring Plan and Review Methodology**

- 2 130. The Monitor shall file with the Court quarterly written, public reports covering the
3 reporting period that shall include:
- 4 a. a description of the work conducted by the Monitor during the reporting period;
 - 5 b. a listing of each Order requirement which indicates whether each requirement has
6 been addressed by the MCSO, is the subject of sufficient Training, and whether the
7 MCSO is in compliance with that requirement of the Order in the judgment, opinion,
8 and experience of the Monitor;
 - 9 c. the methodology and specific findings for each audit or review conducted;
 - 10 d. for any requirements that were audited and reviewed and found not to have been fully
11 implemented in practice in the judgment, opinion, and experience of the Monitor, the
12 Monitor's recommendations to the Court regarding necessary steps to achieve
13 compliance;
 - 14 e. in the judgment, opinion, and experience of the Monitor an assessment of MCSO's
15 progress in achieving the desired outcomes for each area covered by the Order, noting
16 issues of concern or particular achievement;
 - 17 f. the methodology and specific findings for each outcome assessment conducted; and
 - 18 g. a projection of the work to be completed during the upcoming reporting period and
19 any anticipated challenges or concerns related to implementation of the Order.
- 20 131. The Monitor's reports shall be public except for information covered by privacy laws or
21 that is otherwise confidential. If any information is redacted from the Monitor's report, an
22 unredacted version shall be filed under seal with the Court and provided to the Parties.
23 The underlying data for each audit, review or assessment need not be made publicly
24 available but shall be retained by the Monitor and provided to either or both Parties upon
25 request.
- 26 132. The Monitor shall provide a copy of quarterly reports to the Parties in draft form at least
27 21 business days prior to filing them with the Court to allow the Parties to provide written
28 comment on the reports. The Monitor shall consider the Parties' responses and make any

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the reforms. To do so, the Monitor shall take into account the following performance-based metrics and trends:

a.

1 expertise in social science research and statistics to conduct the survey if the Monitor
2 does not have this expertise him/herself.

3 138. The Monitor shall conduct a comprehensive re-assessment each year after the Effective
4 Date to determine whether and to what extent the outcomes intended by this Order have
5 been achieved, and any modifications to the Order that he/she believes are necessary for
6 continued achievement in light of changed circumstances or unanticipated impact (or lack
7 of impact) of a requirement. This re-assessment shall also address areas of greatest
8 achievement and the requirements that appear to have contributed to this success, as well
9 as areas of greatest concern, including strategies for accelerating Full and Effective
10 Compliance. Based upon this comprehensive re-assessment, the Monitor may
11 recommend to the parties and the Court modifications to the Order that he/she believes
12 are necessary to achieve and sustain intended outcomes.

13 **d. Monitor Recommendations and Technical Assistance**

14 139. The Monitor may make additional recommendations to the Parties regarding measures
15 necessary to ensure timely, Full and Effective Compliance with this Order and its
16 underlying objectives. Such recommendations may include a recommendation to change,
17 modify, or amend a provision of the Order, a recommendation for additional Training in
18 any area related to this Order, or a recommendation to seek technical assistance. In
19 addition to making recommendations, the Monitor may also, at the request of the Parties,
20 provide technical assistance directly to the MCSO consistent with the Monitor's
21 responsibilities under this Order. In the event that full and effective implementation of
22 this Order requires technical assistance beyond the scope of what the Monitor can
23 provide, Defendants shall reasonably arrange for prompt initiation of such technical
24 assistance consistent with the terms of this Order.

25 **e. Communication between Monitor and Parties**

26 140. The Monitor shall maintain regular contact with the Parties in order to ensure effective
27 and timely communication regarding the status of Defendants' implementation of and
28 compliance with this Order.

1 **f. Public Statements, Testimony, Records, and Conflicts of Interest**

2 141. Except as required or authorized by the terms of this Order or the Parties acting together:
3 neither the Monitor, nor any agent, employee, or independent contractor thereof, shall
4 make any public statements, outside of statements to the Court as contemplated in this
5 Order, with regard to any act or omission of the Defendants, or their agents,
6 representatives, or employees; or disclose non-public information provided to the
7 Monitor pursuant to the Order. Any press statement made by the Monitor regarding its
8 employment or monitoring activities under this Order shall first be approved by the
9 Parties.

10 142. Unless such conflict is waived by the Parties, the Monitor shall not accept employment or
11 provide consulting services that would present a conflict of interest with the Monitor's
12 responsibilities under this Order, including being retained (on a paid or unpaid basis) by
13 any current or future litigant or claimant, or such litigant's or claimant's attorney, in
14 connection with a claim or suit against Maricopa County or its departments, Deputies,
15 agents or employees.

16 143. The Monitor is not a state or local agency, or an agent thereof, and accordingly the
17 records maintained by the Monitor shall not be deemed public records subject to public
18 inspection.

19 144. The Monitor shall not be liable for any claim, lawsuit, or demand arising out of the
20 Monitor's performance pursuant to this Order.

21 **g. Access and Confidentiality**

22 145. Defendants shall ensure that the Monitor has timely, full and direct access to all
23 personnel, documents, facilities and Order-related Trainings and meetings that the
24 Monitor reasonably deems necessary to carry out its duties. The Monitor shall cooperate
25 with the Defendants to access people and facilities in a reasonable manner that, consistent
26 with the Monitor's responsibilities, minimizes interference with daily operations. To
27 facilitate his or her monitoring responsibilities, the Monitor may conduct On-Site
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1 rule or regulation, against any other person or entity with respect to the disclosure of any
2 document.

3 **h. Modification and Enforcement of the Order**

- 4 151. Where the Parties agree with the Monitor’s recommendations to change a provision of
5 the Order, the Parties may apply to the Court via stipulated Motion or other appropriate
6 filing to make the desired change.
- 7 152. Plaintiffs’ representatives may seek enforcement of this Order if they determine that the
8 Defendants have failed to fully comply with any provision contained herein. Plaintiffs’
9 representatives are not required to prove that the MCSO is engaged in racial profiling in
10 order for the Court to find that Defendants have failed to fully comply. Plaintiffs may
11 demonstrate that the MCSO has failed to fulfill a particular obligation under this Order or
12 failed to make sustained and continuing progress on applicable performance-based
13 metrics.
- 14 153. The Parties shall first attempt to resolve any dispute informally by notification and
15 conferral. If a dispute cannot be resolved informally, Plaintiffs’ representatives may
16 apply to the Court for appropriate relief, up to and including the imposition of contempt
17 sanctions. Interventions short of an imposition of contempt sanctions may include, but are
18 not limited to, additional oversight, further restrictions on agency activities, and
19 additional Training or reporting requirements.
- 20 154. Defendants may move the Court for a protective order and/or other appropriate relief if
21 they reasonably believe Plaintiffs’ representative is abusing its rights under this Order or
22 acting solely to annoy or harass Defendants. Prior to moving for any such protective
23 order or other relief, Defendants shall be required to provide Plaintiffs with notice of their
24 intent to do so and shall confer with Plaintiffs in good faith to resolve any such dispute.
- 25 155. The Parties shall notify each other of any court or administrative challenge to this Order.
26 In the event any provision of this Order is challenged in any local or state court, removal
27 to a federal court shall be sought by the Parties and transfer of venue to this District will
28 be sought.

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156. The Defendants agree to promptly notify Plaintiffs if any term of this Order becomes subject to collective bargaining consultation and to consult with Plaintiffs in a timely manner regarding the implications of any collec

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IT IS FURTHER ORDERED that this Court retains jurisdiction over this case for the purposes of implementing this Order.

Dated this 2nd day of October, 2013.

[Handwritten signature and illegible text]