



# **Pima County Sheriff's Department**

**Law Enforcement Reform:  
Accountability - Community Engagement - Transparency**

*The time to ACT for law enforcement reform is now*

**July 2020**

## **Introduction:**

On May 25, 2020, the nation was shocked and outraged over the death of George Floyd at the hands of officers of the Minneapolis Police Department. The conduct the world witnessed was the most egregious I have observed in my three decades of service as a law enforcement officer. There exists no justification for the actions of the officer involved or those who stood by in apparent tacit approval. The nation is correctly angry and demanding change. What has resulted is a call for national level reform of law enforcement and the manner in which it interacts with the community. This is right and proper. Law enforcement leaders or line-level personnel should not fear this. It should rather be embraced and collaboratively directed. It is clear that the time to act for law enforcement reform is now.

The Pima County Sheriff's Department has been serving our county since 1865. We have consistently done so without bias, prejudice or malice toward anyone. I have absolute confidence in the men and women of the department. They are some of the finest law enforcement professionals with which I have ever had the honor of working. Importantly, our staff are members of our community. This is their home too and they care about it. This is not to suggest that there does not exist room for improvement or that recent events are not cause for organizational introspection.

Over the past many weeks, I have had many interactions with state and national leaders regarding current movement toward law enforcement reform. This has included discussions with personnel at the White House and members of Congress/Senate from both political parties. In addition, I have discussed these issues with my peers in Arizona and nationally. Finally, I have had informal discussions with community leaders in Pima County. I did this to ensure the broadest possible perspective on reform efforts. It is my desire that our Sheriff's Department get in front of these efforts, to act, rather than react to them. We are nationally recognized as a leading law enforcement agency and should behave like one.

Some of the calls for reform have suggested that they are required because of pervasive police brutality and systematic racism in our profession. There is no evidence to suggest that this is true of the Pima County Sheriff's Department. Further, I reject any assertion to the contrary completely. Embracing reform is not an admission of wrongdoing. It is rather being responsive to the desires of the community we serve and a recognition that even the best agency can do better.

Bias, prejudice, stereotyping and discrimination are wrong. These four things are always wrong. There exists no justification for them. They are in fact never right. If this is our firm belief, we must agree that they are equally wrong when cast toward law enforcement officers. Allowing these things to be promulgated toward any group, risk the application of them toward every group. The bad acts of a very small minority of law enforcement officers, or for that matter of any group of persons, should not cast an undeserved shadow over all of them. Daily thousands of law enforcement officers put their lives in jeopardy. They serve their communities proudly, passionately and

professionally. They will lay down their lives, to protect yours. Every day, they make thousands of contacts with the public without incident, complaint or any application of the use of force. Every year, many make the ultimate sacrifice while serving their community.

Some reform discussions have involved the defunding or even abolishment of law enforcement departments. These discussions are nonsensical and should be summarily rejected. These discussions do nothing to advance meaningful reform. They are soundbites that in no way constitute a foundation for change to public policy. There has been, and always will be, both the need and desire for local law enforcement. Society must have the ability to address crime problems through locally controlled law enforcement and an effective criminal justice system. Our safety depends upon law enforcement officers who are willing to place themselves in jeopardy, for people whom they do not even know, to address dangerous persons and situations. Our quality of life is dependent upon being able to call on law enforcement officers to address public disorder. Reform needs to be directed at providing more resources to support the efforts of local law enforcement and the criminal justice system, while securing input about redefining its mission and services to meet ever-evolving community expectations.

Some of the discussion has also included the concept of nationalized standards and practices for local law enforcement. This should give people of all political stripes pause. We have local control over law enforcement because we understand that each community is unique. Consequently, the community expectations of law enforcement are different. Pima County, Arizona is different from New York City, Minneapolis or Los Angeles.

A move toward nationalization of local law enforcement, even if in small measure, should be troubling to everyone. Government once expanded in scope, authority or purpose almost never contracts to its previous dimensions. Rather, it tends to expand continually. No one can predict what nationalized standards or policies might look like many administrations from now. Law enforcement must be controlled locally.

The Pima County Sheriff's Department will embrace law enforcement reform under three pillars. They are Accountability, Community Engagement and Transparency. This is our plan to ACT in response to the community's desire for law enforcement reform. It is our commitment to ACT locally rather than wait and hope for some directive or mandate to come out of Washington, DC. In order to lead you must ACT. We will approach each pillar as outlined in in this document. This effort is not intended to be static. Our efforts under these three pillars will be a living and evolving approach to address reform and ensure responsiveness to the community we so proudly serve. Through ongoing community engagement and participation, our plan to ACT will evolve, grow and mature over time.

Many of the elements of this plan we are already doing to varying degrees. However, these efforts need to be refreshed and refined commensurate with these challenging times. Moreover, good efforts that are unknown to the community we serve are of little consequence with respect to building better relationships, enhancing trust or as a catalyst for moving us meaningfully forward.

Mark D. Napier  
Sheriff

# Law Enforcement Reform at the Pima County Sheriff's Department

## Introduction

In the wake of the murder of George Floyd, there has been a justifiable call for police reform. Currently, there is much discussion in Washington, DC about the nature of reform. As is too often the case in Washington, this has degenerated to some degree into partisan conflict. Instead of engaging in meaningful bipartisan (we can wonder if this term is even real) dialogue, much of the effort has been focused on areas of disagreement. It appears that perhaps nothing will be done in the near future.

Waiting for reform direction to come from a national or state level may take considerable time and be far less responsive to the community than we desire. We are committed to act. Over the past several weeks, we have been thoughtfully examining how reform might fit at the Sheriff's Department and how it might be best pursued. This has included discussions with local, state and national law enforcement and political leaders as well as the community.

We believe reform may best be pursued and captioned under three pillars. Those three pillars are *Accountability, Community Engagement and Transparency*. This is our plan to ACT. To ensure better community trust we must be accountable, engaged and transparent. Therefore, it is appropriate to make these three concepts pillars of our commitment to ACT toward reform.

Below we outline our approach under each of the three pillars of reform. We realize this is a complex document with many details. However, this is a complex and nuanced issue we are confronting. To give it a less substantive and window-dressing disclosure would be neither effective nor meaningful.

## Pillars of Law Enforcement Reform at the Pima County Sheriff's Department

### Accountability

When community trust in law enforcement is fractured, we must increase our efforts to be accountable. The community entrusts us to maintain public safety. We can only derive the power to do so through the acceptance, will and support of the community. Our approach to increased community accountability is outlined below.

- Revise and refresh our Use of Force Policy
  - Establish a policy outlining a duty to intervene
  - Better define use of force de-escalation in policy
  - Affirm the banning of the use of the choke hold unless deadly force would be legally authorized
  - Requirement for a warning before use of deadly force unless doing so would present unnecessary and unreasonable danger or otherwise not be feasible
  - Prohibiting the discharge of a weapon at moving vehicles unless doing so is fundamentally necessary to protect life
  - Codifying in policy our use of force review process
- Banning the use of “No-Knock” search warrant service, unless approved by the Sheriff, which would only occur under the extreme circumstances.
- Review and revise our training on use of force with respect to:
  - Positional asphyxia
  - Prone control measures
  - Address and recognition of excited delirium
  - RIPP restraint use and hazards
- Finalize our performance evaluation process to monitor, evaluate and provide structured quarterly feedback with an annual review of employee performance from the line to executive level. We must appropriately evaluate staff to ensure sustained good performance and identify/address substandard performance. Command level personnel will review evaluations to ensure that they are meaningful and substantive.
- Annually review our Racial Profiling Policy. Distribute the policy to all department members on an annual basis as a refresher and to sustain commitment to its principles.
- Increase frequency of probationary performance evaluations for new-hires and newly promoted personnel. These evaluations are currently being completed but should be revisited to ensure that we are documenting performance appropriately and with enough frequency.

- Establish a Citizen Review Panel. Many law enforcement leaders are hesitant to establish such a panel. This is especially true of elected Sheriffs. There is a misconception that doing so relinquishes control over the agency. Moreover, that doing so would abdicate the Sheriff's statutory authorities, status as the appointing authority, power to administer the operations of the department and position as an elected official. This is not a valid concern, as the Sheriff always maintains these powers and authorities. We should welcome such community input and feedback. Participation by citizens engaged in such a panel can only make us better and significantly enhance community support.

A Citizens Review Panel (CRP) can provide valuable feedback regarding the department review of serious discipline matters and use of force incidents. Law enforcement sees these matters, understandably, through a law enforcement lens. Engaging the community provides feedback from another perspective. This can only make evaluation of these matters clearer and engender both greater community support and understanding.

- Citizen Review Panel as a subcommittee of the current Sheriff's Community Advisory Council (SCAC)
- Re-open the application period for SCAC to ensure interested community members have renewed opportunity to participate
- Ensure that the CRP is comprised of a diverse group of citizens from varied racial and socioeconomic backgrounds
- Engage faith community and racial advocacy groups for assistance in recruiting and selecting members for CRP
- Limit CRP to a six (6) member panel to ensure it is manageable
  - Panel responsibilities and authorities
    - Participate in training and familiarization of department operations
    - Participate in periodic ride-alongs with field deputies
    - Attend as participating members the Office of Professional Standards Executive Review Boards on a monthly basis
    - Review Office of Professional Standards Executive Review Board findings and subsequent recommendations for discipline
    - Make recommendations for revisions to findings and/or discipline to the Appointing Authority (Sheriff)
    - Participate in Office of Professional Standards Executive Review Boards for Officer Involved Shootings, In-custody Deaths and significant use of force incidents upon completion of the investigation
    - Provide a CRP member to sit as participating panelist on new hire oral boards for Corrections Officers and Deputies
- Maintain National Accreditation status for our Detention Center. We must continue to ensure that our Detention Center meets the highest professional standards. This helps ensure the safety of staff and inmates.

- Discontinue the department's participation in the 1033 Program. The 1033 Program allows the department to acquire military-like equipment from federal government surplus. We very infrequently participate in this program currently. Quasi-military equipment will always be required by law enforcement. However, the process of the acquiring of that equipment should go through the normal purchase process of other department equipment. The department may still pursue the acquisition of non-military support equipment under this program. We will not dispose of or decommission any existing equipment as we feel current equipment is fundamental to our ability to operate safely in extreme conditions.
  
- Encourage the Board of Supervisor to provide funding for tuition reimbursement for sworn and corrections staff seeking degrees at accredited institutions of higher learning. Formal education provides the foundation for better community engagement through expansion of the views and intellectual capabilities of staff. Sworn and corrections staff are unique in the county workforce and are called upon to address dynamic, diverse and demanding types of county business. The community has a reasonable expectation that these employees are equipped with some higher education. This will also help with recruitment and retention of these employees, which remains a significant challenge aggravated by current events. We need to invest in these employees.
  
- Continue the development of the PCSD University concept to provide ongoing training to department personnel through an on-line Learning Management System. Training will be focused on contemporary issues in law enforcement that can be delivered in a distance-learning format. This is designed to supplement, not replace, existing training offered to department personnel through annual Advanced Officer Training. Topics may include:
  - Implicit bias
  - Use of force
  - De-escalation
  - Racial profiling
  
- As part of Annual Officer Training or other appropriate training opportunity, invite community members of diverse backgrounds to provide a one-hour block of instruction regarding how law enforcement is perceived by that group and how law enforcement interactions might be improved.
  
- In the coming months we will purchase biometric devices to be worn on the wrists of high-risk inmates and special inmate populations. Black Creek's PASS-5B is a corrections grade wearable device roughly the size of a wristwatch. The PASS-5B is battery operated with a 6-12 month battery life expectancy. The PASS-5B communicates an individual's heart rate and location (to less than a meter) via Wi-Fi in near real-time to an iOS or Android portable device. A

desktop option is also available. The monitoring software allows the user to set individual notification parameters pertaining to elevated/depressed heart rates.

The primary goal for the deployment of this technology is to enhance the Bureau's ability to identify, respond, and save individuals' lives in medical distress. The initial implementation of the PASS-5B would include the Corrections Bureaus at-risk populations (intake housing, suicidal, detox, and individuals with severe medical conditions). Once the product has been thoroughly vetted, a recommendation will be made for Bureau wide deployment.

- Incorporate ongoing reform efforts outlined in this plan into our Strategic Plan to ensure that they are pursued to completion and/or effectively maintained. If this were not done, it would be too easy to become distracted and fail to follow through on the elements of this plan.
- The Detention Center will continue to expand its use and number of cameras to ensure more of the facility is covered and inmate and staff activity is more clearly documented.

## **Community Engagement**

A law enforcement agency builds community trust and understanding through engagement. Our efforts at meaningful reform must include an expansion of our commitment to community engagement. This is true even when that engagement might be acrimonious or uncomfortable.

- Create a new position of “Community Engagement Specialists” to help us better serve special populations in the community. We realize that these personnel may more appropriately handle calls traditionally handled by deputies. The department will request supplemental appropriation from the County Administrator and Board of Supervisors to fund these positions during the current fiscal year.
  - Six to eight new department employees to serve as Community Engagement Specialists (CES)
  - Will undergo a formal training program to familiarize with department policies, operations and applicable laws/legal requirements
  - CES employees must have a minimum of an undergraduate degree in Social Work, Sociology, Psychology or similar academic discipline
  - CES personnel will not be armed, but will have some defensive tactics training to defend themselves and disengage from threatening situations
  - Deployed in two-person units in plain clothes with PCSD branding
  - Operate under the supervision of the MHST Unit supervisor
  - CES personnel would constitute additional staff, not a reduction in current sworn deputy positions. A reduction in staff would be counter to what we are seeking to accomplish.

- CES personnel may respond to calls for service that do not require a deputy. These include, but are not limited to:
    - Mental health related requests for assistance
    - Group homes
    - Neighbor problems
    - Substance abuse
    - School issues that do not require enforcement
    - Proactive outreach regarding mental health and substance abuse
    - Homeless related calls
  - Will interface with community resources for mental health, homelessness and substance abuse
  - Work closely with the Pima County Justice Coordinating Council to identify gaps in service we are providing to the community
  - CES personnel will free deputy time to address other issues, engage in more effective community policing efforts and ensure quicker response to high priority calls for service that require a sworn officer response
  - As time permits, CES personnel will address other calls that do not have an enforcement nexus or otherwise require a deputy response
- Continue and sustain our engagement with the San Miguel Corporate Internship Program. This program provides the opportunity for San Miguel students to participate in a work-study program with the department. The current investment in this program is reasonable and sustainable. This serves as an opportunity for students who otherwise may not have a work-study opportunity or positive interaction with law enforcement.
  - Creation of a Youth Outreach Program to better engage young people in the community and increase understanding about the role of law enforcement. This could also be used to enhance our long-term recruiting efforts. This will be an evolving concept. Initially, it may be directed as outlined below. However, based on participation and the desires of the community it may take on differing forms.
    - Open to 13 – 18 year olds
    - Four 2 – 4 hour sessions over four weeks
    - Offered three times per year
    - Exposure to department operations and procedures
    - Operated at our Training Center in the evening
    - Coordinated through our Recruiting Unit, School Resource Officers and Training Section
  - Continue commitment to Sheriff's Citizen Advisory Council (SCAC)
    - Regular monthly meetings
    - Work to increase membership and participation of current members
    - Work to ensure better diversity of membership
    - SCAC will continue to advise the Sheriff on department operations, policies and procedures

- SCAC will assist with the implementation of the Citizen Review Panel (CRP)
- Enhance and simplify the way that the community can directly email the Sheriff with concerns and comments through the department website
- Develop a method that the community can opt in to an email list that the Sheriff, or designee, will use to communicate in email blast form significant department events or investigations in a timely manner.
- Continue to enhance our communication outreach and community notifications by promoting the increased use of the Pima County Sheriff Department App.
- Continue and enhance our relationship with the JTED Program
  - Reaching out to high schools to develop an elective curriculum that exposes students to the criminal justice system
  - Graduates of the program are fast tracked into a career in Corrections at age 18.
  - Upon completion of three years of service in Corrections, the person is fast tracked into a career as a Deputy.
  - By “fast tracked,” we mean that they would receive hiring preference and some elements of the hiring process could be waived or modified to allow enhanced opportunity for selection.
  - This gives inner city and minority youths a life path opportunity while still in high school
  - Assists the department in potentially creating a more diverse work force
- Strongly encourage all command staff to seek out more opportunities to participate in community events and to consider doing so a fundamental part of their role with the department

## **Transparency**

Transparency builds trust. The Pima County Sheriff’s Department is a high performing and honorable agency. Increasing transparency only makes that clearer. This is especially important when the trust of the community is fractured by events far removed from our department. When there is a vacuum of information (a lack of transparency) it is usually filled with inaccurate negative information and general suspicion. Much of the activity of the department is public record already, but difficult to obtain. We seek to correct that.

- Create an easy to find and navigate “Community Accountability Page” located on the Sheriff’s Department website landing page. Currently, if a community member wants detailed information about the department he/she might have to file a public records request. This is not a user-friendly process. The Community

Accountability Page will be a source for department information that is of interest to the community we serve. We will also publicize the existence of this page on social media frequently to drive traffic to it. The Community Accountability Page proposed initial content:

- Use of force policy
- 10-year disciplinary overview of department
- Synopsis of 10-year history of use of deadly force incidents
- 5-year history of training provided to sworn and corrections personnel
- Department demographic make-up to illustrate the degree to which the department reflects the community
- Department attrition rate information to demonstrate the ability of the department to retain personnel
- A synopsis of in-custody deaths at the Detention Center that have occurred over the past five (5) years and new information about such occurrences when the investigation is concluded
- Staffing numbers/percentages for sworn, corrections and civilian staff to show the ability of the department to provide service
- AZ POST standards for peace officers with respect to certification and training to show the state standards the department must adhere to in hiring new deputies
- Budget for the current year and end of year performance for past 10-years to inform public about our budget and efforts at fiscal accountability
- NARCAN usage summary to demonstrate our commitment to lifesaving efforts for persons suffering opioid overdoses
- Other lifesaving efforts by department personnel, such as search and rescue and CPR
- Jail population trends and demographics to better educate the public about incarceration at a county level
- Monthly summary of Office of Professional Standards complaints in a format similar to AZ POST Integrity Bulletins when the investigation has concluded
- Monthly summary of use of force incidents to inform the public about how/when force is used by department personnel when the investigation has concluded
- Review of PCSD members killed in the line of duty to develop a greater appreciation for those who gave the ultimate sacrifice to our community
- Law Enforcement Merit System Council findings regarding their review of disciplinary issues to ensure the public is properly informed about the entirety of the scope of due process provided to sworn members of our department
- Department awards issued over the past 5-years
- Calls for service information updated monthly
- Response times to calls for service updated monthly
- Analysis of calls to Border Patrol made by the department updated monthly to educate public about our interaction with our federal partners
- Synopsis of significant investigations/incidents updated monthly

- When department members use deadly force or there is an in-custody death the department will, as promptly as possible (generally within a few hours), notify the media and post to social media and provide a meaningful synopsis of what is known about the incident.
- When department members use deadly force or there is an in-custody death the Sheriff, or designee, will notify the Board of Supervisors and the County Administrator to provide a brief synopsis of the incident as soon as practical.

## **Closing**

The Pima County Sheriff's Department is committed to ACT to ensure meaningful locally directed reform. We believe that the pillars of Accountability, Community Engagement and Transparency provide us a platform to ACT on reform. Some fine details of the path forward still need to be fully developed. This document provides a committed starting point that does not rely on state or national edicts, which may be a poor fit for us. This approach is consistent with the most responsible current discussions regarding reform. Our reform efforts will evolve over time and with changing community expectations. Additionally, legislation at the state or national level may also refine and/or redefine our efforts. With this plan, it is our hope to demonstrate commitment to reform and provide direction to those efforts at a local level.

We expect to have many of these efforts implemented or well in process by August 17, 2020. This period will be required to make changes to our website and engage further the public on our plan. We will also need to interact with the Board of Supervisors on elements requiring supplemental appropriation.

We have enjoyed the respect and support of our citizens since 1865. We trust these efforts will serve to enhance this relationship for many decades to come.