

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



2nd Quarter 2018 Incident Report Inspection

Inspection Report# BI2018-0082

Background:

The Audits and Inspections Unit (AIU) of the Bureau of Internal Oversight (BIO) will conduct inspections of Incident Reports (IR's) on a quarterly basis to determine if the IR's are in compliance with Office policy. During the 2nd quarter of 2018 the Court Monitors identified 278 Incident Reports obtained from all patrol district(s)/division(s).

Of the 278 reports identified by the Monitor Team, a 20% sample (or 57) was randomly obtained for inspection. In addition to the 57 report sample, there were 62 In-Custody reports, 1 Lack of Identification arrest report, and 0 Identity Theft reports also inspected in the 2018 2nd quarter report.

The purpose of the IR inspection is to determine compliance with Office policies, Federal and State laws and to promote proper supervision. To achieve this, inspectors will utilize "File Bound" from the MCSO Records Division to view all IR's. The IR's will be uniformly inspected employing a matrix developed by the Bureau of Internal Oversight. The following procedures will be used in the matrix, which include but are not limited to EA-11, GF-5, CP-2, CP-8, GJ-35:

Matrix Procedures:

- Review incident reports for supervisors signature and date signed
- Review incident reports for deputy "turned in for review" signature and date
- Compare the date signed with the date the report was received to assure the report was memorialized within policy timelines
- Ensure the information contained within an incident report is consistent throughout
- Verify there is reasonable suspicion or probable cause for all investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts
- Determine if there is probable cause for all arrests
- Verify the report contains the elements of a crime
- Verify the report was submitted prior to the end of the deputies shift
- Determine if boilerplate and/or conclusory language was used
- Evaluate whether the facts, circumstances, and conclusions were articulated to support reasonable suspicion or probable cause
- Look for indicia of bias-based and/or racial profiling
- Ensure all identity theft reports documented supervisor notification
- Ensure all lack of identification detention/arrest reports documented supervisor notification
- Ensure all immigration investigation reports document supervisor notification
- Determine if the use or non-use of body-worn cameras was documented in the report
- Verify if all components of an IR are present
- Each incident report inspected will be counted as one inspection

Criteria:MCSO Policy EA-11.3 & .14 ARREST PROCEDURES:

3. Bias-Free Detentions and Arrests: Deputies are prohibited from using a person's race or ethnicity, to any degree, as a factor in establishing reasonable suspicion or probable cause to believe a person is committing, has committed, or is about to commit a crime, except as part of a reliable and specific suspect description.
 - F. Deputies are required, before any questioning as to alienage or immigration status is initiated, or before any contact with ICE/CBP is initiated, to check with a supervisor to ensure that the circumstances justify such an action under Office policy and receive approval to proceed. Deputies must also document, in every such case:
 1. The reason or reasons for making the immigration-status inquiry or contacting ICE/CBP;
 2. The time supervisor approval was received;
 3. When ICE/CBP was contacted;
 4. The time it took to receive a response from ICE/CBP, if applicable; and
 5. Whether the individual was then transferred to ICE/CBP custody.
 - G. Deputies shall notify a supervisor before initiating any immigration-related investigation and 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 identifying document.

14. Supervisor Responsibilities:

- B. Deputies shall submit documentation of all stops, investigatory detentions, and arrests to their supervisors by the end of the shift in which the action occurred. Absent exceptional circumstances, within 72 hours of receiving such documentation, supervisors shall independently review the reports. If the incident did not include an arrest or detention, the supervisor shall review the IR within seven calendar days, absent exigent circumstances.
- C. 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.

MCSO Policy CP-2.6, CODE OF CONDUCT:

6. Conformance to Established Laws: Employees shall obey all local ordinances, county and state laws, laws of all states of the United States and subdivisions thereof, and all laws of the United States. While traveling abroad, employees shall abide by all laws of foreign countries not in conflict with the laws of the United States. Violation of any established ordinance or law may result in disciplinary action being imposed, in addition to the possibility of criminal prosecution. Disciplinary action may be imposed regardless of the outcome of any criminal investigation.

MSCO Policy CP-8.1.A & .5.C, PREVENTING RACIAL AND OTHER BIASED-BASED PROFILING:

1. A Adherence to Federal Constitutional Law: All investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts, will be based on applicable standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the United States Constitution.

5.C. Supervisor Responsibility: All personnel shall report violations of Office Policy. Supervisors of all ranks shall be held accountable for identifying and responding to Office Policy or procedure violations by personnel under their command and ensuring that personnel are held accountable for Office Policy and procedure violations.

MSCO Policy GF-5.3, .3a, .3b, 3b.8, .4a, .4c, .5 &.8, Incident Report Guidelines:

3. Components of an IR: The following Components shall be included in all IRs:

3.A. Face Sheet: The information included on a Face Sheet gives pertinent details of the incident.

3.B. Narrative: The narrative shall tell the “story” of the incident.

3.B.8. Supervisor Approval: List and document incidents, such as identification investigations, that require supervisor notification and approval. Include in the narrative the time the supervisor gave his or her approval. Incidents that require supervisor notification and approval, include, but are not limited to:

- a. Any immigration-related investigation;
- b. Any immigration-related crime; and
- c. Any crime related to identity fraud or the lack of identity document.

4.A. Employees and reserve deputies shall complete and submit all IRs before the end of the shift.

4.C. Supervisors shall review an IR within 72 hours of an arrest or detention of a person, absent exceptional circumstances. If the incident did not include an arrest or detention, the supervisor shall review the IR within seven calendar days, absent exceptional circumstances.

5. Supervisors shall review all IRs prior to submission to the Records and ID Division. Supervisors shall document the date and time of the initial review. When a supervisor completes his review, he shall sign and date the bottom of the report. A supervisor’s signature indicates his agreement that the report contains all of the necessary elements of the legal basis for the action or all of the elements of a reported crime, if applicable.

MCSO Policy GJ-35.6.A3, Body-Worn Cameras:

5.A.2. Deputies and supervisors shall place the body-worn camera in Event Mode during investigative or law enforcement activities that involve calls for service or interacting with members of the public, unless exigent circumstances make it unsafe or impossible for the deputy to do so; officer safety is the primary concern.

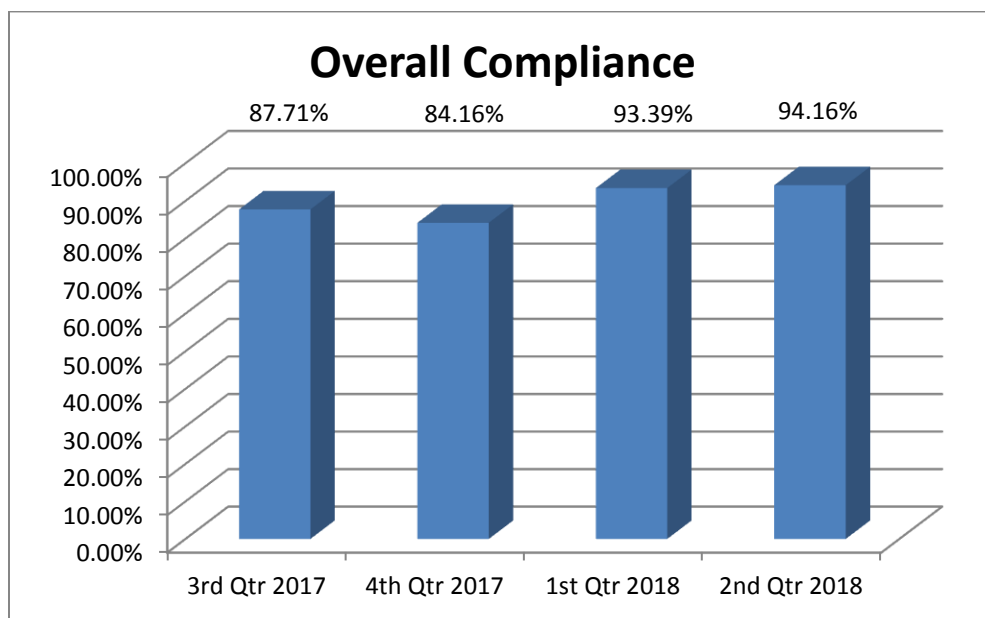
6.A. The use of body-worn cameras shall be documented in all of the following situations:

3. Documented in IRs.

Conditions:

Of the 120 total selection of reports inspected, the following has been concluded: 11 out of the 15 criteria inspected achieved 100% compliance. Out of the 120 reports 119 (or 99.17%) had supervisors in compliance with memorializing their review of IR's. 116 (or 96.67%) of the total IR's, the reporting deputies had memorialized turning in their reports by the end of shift. Out of the 120 reports inspected 119 (or 99.17%) documented the use or non-use of body-worn cameras. One report of the 120 reports reviewed lacked supervisor notification of lack of identification. All reports reviewed (or 100%) articulated probable cause or reasonable suspicion if applicable. Of the 120 reports inspected, 120 (or 100%) contained all components of an IR.

113 of the 120 reports inspected were in compliance with the inspected criteria. Therefore, MCSO achieved a compliance rate of **94.16%** in the IR Inspection for the 2nd Quarter of 2018, as illustrated in the graph below.



The following table shows the total deficiencies per criteria inspected:

<u>Inspection Criteria</u>	<u>Total Reports Deficient</u>
IR (Incident Report) submitted by end of shift	4
IR contained deputies signature and date signed	0
IR contained supervisors signature and date signed	0
Supervisory Review memorialized within policy timelines	1
If applicable, probable cause existed for all arrests	0
If applicable, the IR contained elements of a crime	0
Information in the IR is consistent throughout	0
Reasonable suspicion or probable cause existed for all investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts	0
The IR didn't contain boilerplate and/or conclusory language	0
If applicable, the IR properly articulated and supported reasonable suspicion or probable cause?	0
Determine if bias-based and/or racial profiling was employed	0
All identity theft reports documented supervisor notification	0
All lack of identification detention/arrest reports documented supervisor notification	1
All immigration investigation reports documented supervisor notification	0
IR documents the use/non-use of BWC	1
IR contains all components	0

The following potential deficiencies were observed during the inspection period:

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Sworn Employee Name:</u>	<u>Supervisor</u>	<u>Commander</u>	<u>Deficiency:</u>
District 1	IR18010911	Deputy	Sergeant	Captain	Incident Report lacked documentation of the use/non-use of a Body Worn Camera

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Sworn Employee Name:</u>	<u>Supervisor</u>	<u>Commander</u>	<u>Deficiency:</u>
District 2	IR18014465	Deputy	Sergeant	Captain	Incident Report was not submitted within policy timelines
District 2	IR18013138	Deputy	Sergeant	Captain	Incident Report lacks documentation of supervisor notification of lack of identity

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Sworn Employee Name:</u>	<u>Supervisor</u>	<u>Commander</u>	<u>Deficiency:</u>
District 3	IR18010917	Deputy	Sergeant	Captain	Incident Report was not submitted within policy timelines
District 3	IR18017448	Deputy	Sergeant	Captain	Incident Report was not submitted within policy timelines

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Sworn Employee Name:</u>	<u>Supervisor</u>	<u>Commander</u>	<u>Deficiency:</u>
Lakes	IR18015512	Lieutenant	Captain	Captain	Supervisory review of in-custody IR not within policy timelines

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Sworn Employee Name:</u>	<u>Supervisor</u>	<u>Commander</u>	<u>Deficiency:</u>
MCD	IR18019263	Deputy	Sergeant	Captain	Incident Report was not submitted within policy timelines

A total of **7** BIO Action Forms are requested from the affected divisions. **The form shall be completed utilizing Blue Team.** It is permissible to complete one BIO Action Form for a supervisor covering multiple potential deficiencies identified in this inspection.

Recommendations:

It is recommended all incident reports involving arrests are reviewed by command staff on a daily basis to ensure probable cause has been established and articulated within the report. Additionally, command staff should provide additional mentoring to those supervisors and/or deputies who were identified with a deficiency in this quarter's IR inspection. It is suggested the areas noted as deficient be targeted for improvement to increase overall compliance with directives and policy. Consequently, all mentoring should be documented in Supervisory Notes. Commanders and supervisors are reminded that all IR's require a narrative as specified in MCSO Policy GF-5 Incident Report Guidelines. Synopsis only reports for warrant arrests should not be accepted or approved.

Date Inspection Started: 5/30/2018
Date Completed: 8/2/2018
Timeframe Inspected: 4/1/2018 – 6/30/2018
Assigned Inspector(s): Sgt. B. Allmon S1036

I have reviewed this inspection report.

Lt. Larry Kratzer S1520
Lieutenant Larry Kratzer S1520
Commander, Audits & Inspections Unit
Bureau of Internal Oversight

08/07/2018
Date