

MARICOPA COUNTY SHERIFF'S OFFICE
Bureau of Internal Oversight
Audits and Inspections



2017 2nd Quarter Incident Report
Inspection Report
July 27, 2017
Inspection #BI2017-0083



Paul Penzone, Sheriff

To: Captain Roska S0878
Division Commander
Bureau of Internal Oversight

From: Sgt. B. Allmon S1036
Inspections Sergeant
Bureau of Internal Oversight

Subject: 2017 2st Quarter Incident Report Inspection
Report
BI2017-0083

Date: August 2, 2017

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 2017 the Court Monitors selected 265 Incident Reports obtained from all patrol district(s)/division(s). Of the 265 reports a 20% sample (or 53) was randomly obtained for inspection. In addition to the 53 report sample the Court Monitors provided for inspection, 65 In Custody (IR's) as well as 3 Lack of Identity arrest reports and 1 Identity Theft report bringing the total number to 122 IR's inspected as reflected by this 2017 2nd quarter report. The purpose for IR inspections 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 deputies' "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
- Determine if bias-based and/or racial profiling was employed
- 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
- 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.
 - 5. Whether the individual was then transferred to ICE/CBP custody.
- G. Deputies shall notify a supervisor before affecting 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.

14. Supervisor Responsibilities:

- A. 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.
- B. 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.

MCSO Policy CP-8.1.A & .5, 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. **Supervisor Responsibility:** Office leadership and supervising deputies and detention officers shall unequivocally and consistently reinforce to subordinates that biased-based profiling is unacceptable. All personnel shall report violations of policy. Supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command and ensuring that personnel are held accountable for policy and procedure violations.

MSCO Policy GF-5.4a, .4c, .5 &.8, Incident Report Guidelines:

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.

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.

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

5.A2 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.

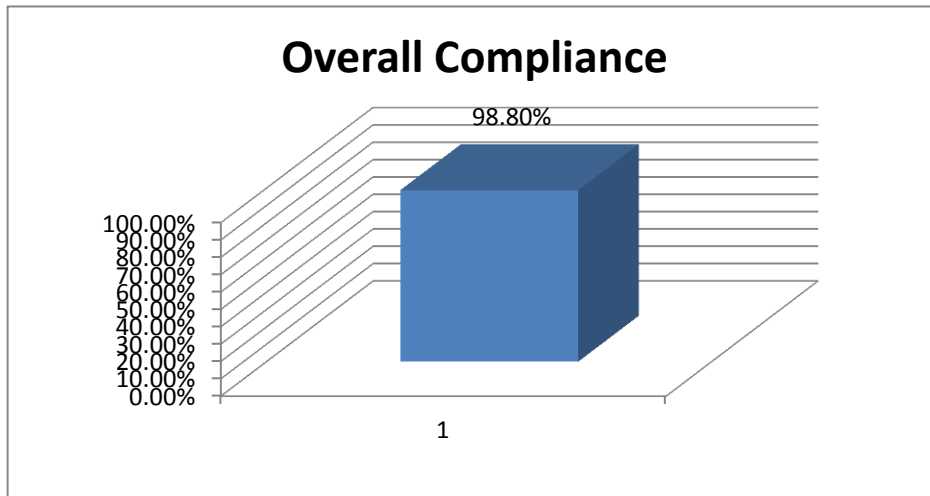
6A. The use of body-worn cameras shall be documented in all of the following situations:
Documented in IRs.

Conditions:

Of the 122 Court Monitor provided reports inspected the following has been concluded: 8 out of the 15 criteria inspected achieved 100% compliance. Out of the 122 reports 120 (or 98.36%) had supervisors in compliance with memorializing their review of IR's and 116 (or 95.08%) of the total IR's, the reporting deputies had memorialized turning in their reports by the end of shift. 2 (or 66.67%) of the 3 Lack of Identity reports did have the necessary supervisor notification documented.

Out of the 122 reports inspected 115 (or 94.26%) documented the use or non-use of body-worn cameras. There were 7 deficiencies in documenting the use or non-use of body-worn cameras.

MCSO achieved a compliance rate of 98.80% in the IR Inspection for the 2nd Quarter of 2017, as illustrated in the graph below.



Note: The overall compliance rate is an average of compliance scores from the inspection criteria shown below.

Inspection Criteria	Compliance Score
IR (Incident Report) submitted within by end of shift	95.08%
IR contained deputies signature and date signed	99.18%
IR contained supervisors signature and date signed	98.36%
Supervisory Review memorialized within policy timelines	96.72%
If applicable, probable cause existed for all arrests	100.00%
If applicable, the IR contained elements of a crime	100.00%
Information in the IR is consistent throughout	100.00%
Reasonable suspicion or probable cause existed for all investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts	100.00%
The IR didn't contain boilerplate and/or conclusory language	100.00%
If applicable, the IR properly articulated and supported reasonable suspicion or probable cause?	100.00%
Determine if bias-based and/or racial profiling was employed	100.00%
All identity theft reports documented supervisor notification	99.18%
All lack of identification detention/arrest reports documented supervisor notification	99.18%
All immigration investigation reports documented supervisor notification	100.00%
If applicable, IR's document the use or non-use of body-worn cameras	94.26%

As documented above, the Audits and Inspection Unit conducted an Incident Report Inspection of a 20% random pull of all divisions IR's as well as a number of In Custody Reports, Identity Theft Investigation IR's and Lack of Identity investigation IR's for the quarter. All reports inspected were selected by the Court Monitor. An inspector reviewed those IR's and noted the deficiencies in the chart below.

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 One	17-011105	Deputy	Sergeant	Captain	Incident Report was not submitted within policy timelines
District One	17-014411	Deputy	Sergeant	Captain	Incident Report lacked documentation of the use/non-use of a Body Worn Camera
District One	17-014440	Deputy	Sergeant	Captain	Incident Report lacked documentation of the date submitted to supervisor
District One	17-016184	Sergeant	Lieutenant	Captain	Incident Report was not reviewed within policy timelines
District One	17-018159	Sergeant	Lieutenant	Captain	Incident Report was not submitted within policy timelines
District One	17-018166	Deputy	Sergeant	Captain	Incident Report was not submitted within policy timelines
District One	17-018166	Sergeant	Lieutenant	Captain	Incident Report was not reviewed 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>
District Two	17-009758	Deputy	Sergeant	Captain	Incident Report lacked documentation of the use/non-use of a Body Worn Camera
District Two	17-011903	Deputy	Sergeant	Captain	Incident Report lacked documentation of the use/non-use of a Body Worn Camera
District Two	16-030001	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 Four	17-009763	Deputy	Sergeant	Captain	Incident Report lacked documentation of the use/non-use of a Body Worn Camera
District Four	17-010497	Sergeant	Lieutenant	Captain	Incident Report was not submitted within policy timelines and lacked documentation of the use/non-use of a Body Worn Camera
District Four	17-010050	Sergeant	Lieutenant	Captain	Incident Report did not document supervisor notification for a lack of identity arrest
District Four	17-014447	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>
District Six	17-014361	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 Seven	17-010711	Deputy	Sergeant	Captain	Date Incident Report was submitted to Supervisor and date supervisory review was completed conflict one another
District Seven	17-018089	Deputy	Sergeant	Captain	Incident Report lacks documentation of supervisor notification of identity theft investigation

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Sworn Employee Name:</u>	<u>Commander</u>	<u>Deficiency:</u>
Lakes	17-014361	Sgt. Anderson S1536	Captain Hawthorne S1041	Incident Report was not reviewed 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>
Special Investigations	17-018134	Deputy	Sergeant	Captain	Incident Report lacks documentation of the date of supervisory review
Special Investigations	17-019344	Sergeant	Lieutenant	Captain	Incident Report lacks documentation of the date of supervisory review

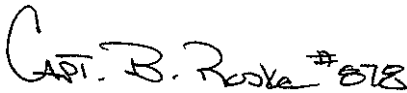
A total of **18** BIO Action Forms are requested from the affected divisions. **The form shall be completed utilizing Blue Team.** It is permissible to complete one BIO Action Form for a supervisor covering multiple potential deficiencies identified in this inspection.

Recommendation:

It is recommended all incident reports involving arrest are reviewed by command staff daily; to ensure probable cause has been established. As well as, Command Staff providing additional, onsite counseling to those Supervisors and/or Deputies who were identified as deficient 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 onsite mentoring should be documented in Supervisory Notes.

Date Inspection Started: July 5, 2017
Date Completed: August 2, 2017
Timeframe Inspected: April – June 2017
Assigned Inspector(s): Sergeant B. Allmon S1036

I have reviewed this inspection report.



Captain Barry Roska S0878
Division Commander
Bureau of Internal Oversight

August 2, 2017

Date



Chief Russell Skinner S0898
Bureau Commander
Bureau of Internal Oversight

August 2, 2017

Date