

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**3<sup>rd</sup> Quarter 2017 Incident Report Inspection**

Inspection Report# BI2017-0104

**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 3<sup>rd</sup> quarter of 2017 the Court Monitors selected 250 Incident Reports obtained from all patrol district(s)/division(s).

Of the 250 reports a 20% sample (or 51) was randomly obtained for inspection. In addition to the 51 report samples the Court Monitors provided for inspection, there were 69 In Custody (IR's), 3 Lack of Identification arrest reports, and 1 Identity Theft report. The total number of 124 IR's was inspected as reflected by this 2017 3<sup>rd</sup> 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.

MSCO 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.

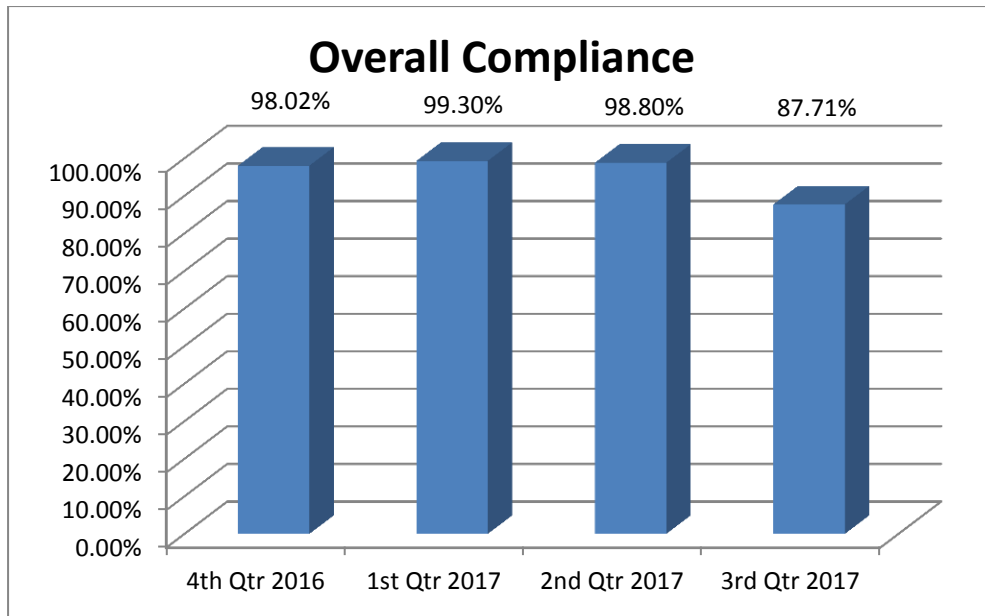
**Conditions:**

Of the 124 Court Monitor provided reports inspected the following has been concluded: 5 out of the 16 criteria inspected achieved 100% compliance. Out of the 124 reports 118 (or 95.16%) had supervisors in compliance with memorializing their review of IR's. 116 (or 95.97%) of the total IR's, the reporting deputies had memorialized turning in their reports by the end of shift. 1 (or 33.33%) of the 3 Lack of Identification reports did have the necessary supervisor notification documented. Out of the 124 reports inspected 121 (or 97.58%) documented the use or non-use of body-worn cameras. 1 report was documented as being deficient due to inconsistencies throughout. This report had an inconsistent first name for a party within the report.

There were two reports which lacked probable cause. One of these reports was a warrant arrest which did not have a narrative report explaining the circumstances for the arrest. It was also documented as not containing elements of a crime. The second report generated a Memorandum of Concern and was forwarded to PSB. These reports were reported as deficient in three criteria documenting probable cause or reasonable suspicion.

MCSO achieved a compliance rate of **87.71%** in the IR Inspection for the 3<sup>rd</sup> Quarter of 2017, as illustrated in the graph below.

**NOTE:** The overall compliance rate is an average of the compliance scores from each inspection criteria. Due to very few reports of lack of identification and identity theft reports with deficiencies, the overall compliance score is skewed. There were 3 lack of identification cases with only 1 in compliance resulting in a 33% compliance rate. There was one identity theft IR completed and was not in compliance which further reduced the compliance rate with 0%. If these two criteria are removed, the overall compliance rate is **98.64%**.



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

| <b>Inspection Criteria</b>  | <b>Compliance Score</b> |
|---|-------------------------|
| IR (Incident Report) submitted within by end of shift   | 95.97%                  |
| IR contained deputies signature and date signed   | 100.00%                 |
| IR contained supervisors signature and date signed  | 100.00%                 |
| Supervisory Review memorialized within policy timelines   | 95.16%                  |
| If applicable, probable cause existed for all arrests   | 98.39%                  |
| If applicable, the IR contained elements of a crime   | 99.19%                  |
| Information in the IR is consistent throughout  | 99.19%                  |
| Reasonable suspicion or probable cause existed for all investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts | 98.39%                  |
| 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?  | 98.39%                  |
| Determine if bias-based and/or racial profiling was employed  | 100.00%                 |
| All identity theft reports documented supervisor notification   | 0.00%                   |
| All lack of identification detention/arrest reports documented supervisor notification  | 33.33%                  |
| All immigration investigation reports documented supervisor notification  | 100.00%                 |
| IR documents the use/non-use of BWC   | 97.58%                  |

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 1       | IR17022065               | Deputy                      | Sergeant          | Captain          | Incident Report lacks narrative  |
| District 1       | IR17026962               | Deputy                      | Sergeant          | Captain          | Incident Report lacks narrative  |
| District 1       | IR17026962               | Deputy                      | Sergeant          | Captain          | Incident Report was not submitted within policy timelines                          |
| District 1       | IR17026962               | Sergeant                    | Lieutenant        | Captain          | Supervisory review is not documented within policy timelines                       |
| District 1       | IR17029807               | Deputy                      | Sergeant          | Captain          | Inconsistent use of name "Jason" within narrative of the Incident Report           |
| District 1       | IR17026723               | Deputy                      | Sergeant          | Captain          | Incident Report lacks documentation of supervisor notification of lack of identity |
| District 1       | IR17029804               | 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 2       | IR17019983               | Deputy                      | Sergeant          | Captain          | Incident Report lacks documentation of supervisor notification of identity fraud investigation |
| District 2       | IR17024884               | Deputy                      | Sergeant          | Captain          | Incident Report lacked documentation of the use/non-use of a Body Worn Camera                  |
| District 2       | IR17026244               | Deputy                      | Sergeant          | Captain          | Incident Report was not submitted within policy timelines                                      |
| District 2       | IR17027068               | Deputy                      | Sergeant          | Captain          | Incident Report lacked documentation of the use/non-use of a Body Worn Camera                  |
| District 2       | IR17027572               | Sergeant                    | Lieutenant        | Captain          | Supervisory review is not documented 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 3       | IR17021736               | Deputy                      | Sergeant          | Captain          | Incident Report lacked documentation of the use/non-use of a Body Worn Camera |
| District 3       | IR17020907               | Deputy                      | Sergeant          | Captain          | Incident Reports lacks articulation for probable cause to enter hotel room    |

| <u>Dist/Div:</u> | <u>Incident Report #</u> | <u>Sworn Employee Name:</u> | <u>Supervisor</u> | <u>Commander</u> | <u>Deficiency:</u>  |
|------------------|--------------------------|-----------------------------|-------------------|------------------|---|
| District 4       | IR17024922               | 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>   |
|------------------|--------------------------|-----------------------------|-------------------|------------------|--|
| SID              | IR17023321               | Sergeant                    | Lieutenant        | Captain          | Supervisory review is not documented within policy timelines |
| SID              | IR17024377               | Lieutenant                  | Captain           | Captain          | Supervisory review is not documented within policy timelines |
| SID              | IR17025039               | Deputy                      | Sergeant          | Captain          | Incident Report was not submitted within policy timelines    |
| SID              | IR17025039               | Sergeant                    | Lieutenant        | Captain          | Supervisory review is not documented 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              | MC17191421               | Deputy                      | Sergeant          | Captain          | Incident Report was not submitted within policy timelines    |
| MCD              | MC17191421               | Sergeant                    | Lieutenant        | Captain          | Supervisory review is not documented within policy timelines |

A total of **20** 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: 8/24/2017  
Date Completed: 11/30/2017  
Timeframe Inspected: July 1 – September 30, 2017  
Assigned Inspector(s): Sgt. B. Allmon S1036

I have reviewed this inspection report.

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

12/06/17  
Date

Captain G. Lugo #1480  
Captain Greg Lugo S1480  
Commander  
Bureau of Internal Oversight

12/11/2017  
Date