

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Targeted Integrity Inspection: July 2021

Inspection Report # BI2021-0055

The Audits and Inspections Unit (AIU) of the Sheriff's Office Bureau of Internal Oversight (BIO) conducts targeted integrity inspections on an as needed basis to examine a specific employee, or group of employees, who has or have been identified through an analysis conducted by the Bureau of Internal Oversight (BIO), the Professional Standards Bureau (PSB), the Early Identification System (EIS), or other data collection methods, and is displaying indications, or concerns of involvement, related to potentially improper or illegal behavior.

Inspection BI2021-0055 is a targeted inspection, ranging from 1/1/2021 to 3/31/2021, of passenger contact data collected from the Vehicle Stop Contact Form(s) housed within the MCSO TraCS Database as well as all associated Body Worn Camera (BWC) file footage associated to each traffic stop. The AIU Inspector will evaluate all Vehicle Stop Contact Form(s) which documents a passenger(s) contact occurred. The contact forms will be reviewed to ensure they conform to the office policy definition of "Passenger Contact", to confirm an Incidental Contact Form was provided if required as well as review all BWC file footage associated with each traffic stop to verify appropriate action was taken.

Compliance Objectives:

- Was a passenger contact documented on the Vehicle Stop Contact Form?
- Did the passenger contact meet the requirements of the definition contained within office policy EB-2 which states, "A passenger contact occurs when a deputy asks any investigatory questions of a passenger, including asking passengers to identify themselves for any reason. Casual conversations unrelated to any investigation and greetings are not considered contact for the purpose of traffic stop data collection"?
- Was an Incidental Contact Form completed and provided to each passenger(s) contacted as required in office policy EB-2?

Criteria:

MCSO Policy EB-1; Traffic Enforcement, Violator Contacts, And Citation Issuance
MCSO Policy EB-2; *Traffic Stop Data Collection*
MCSO Policy GJ-35; *Body-Worn Cameras*
Section 303 of the AIU Operations Manual.

Conditions:

The result of the review is based on all office-wide traffic stops conducted by deputies for the time between 1/1/2021 and 3/31/2021. A review of all associated Vehicle Stop Contact Forms stored within the TraCS system as well as Body-Worn Camera file footage was conducted. All data analyzed for this integrity inspection was compiled by the Bureau of Internal Oversight Research Unit.

- All MCSO traffic stops conducted between 1/1/2021 and 3/31/2021 were identified and sorted. It was determined 4,390 traffic stops were conducted office-wide during this time period.
- Of those 4,390 traffic stops conducted, 73 indicated on the Vehicle Stop Contact Form that at least one passenger was contacted.
- Of the 73 traffic stops conducted during the observed time period, and for which passenger contact was noted, 38 of those stops did not have a corresponding Incidental Contact Form completed.

It is the purpose of this targeted integrity test to determine if passenger contact action between the MCSO and the vehicle passengers during the identified 36 traffic stops required the issuance of an Incidental Contact Form, based on the definition of "Passenger Contact" in policy EB-2; Traffic Stop Data Collection, or if they were not required.

Note: MC21000468 & MC21005243 had deficiencies identified in this integrity test for not completing an Incidental Contact Form for a passenger(s) as required. In both incidents, these deficiencies were identified in Traffic Stop Data Inspection BI2021-0006 in which BIO Action Forms were disseminated and completed. Due to these deficiencies being identified and addressed prior to this integrity test, those two incidents were discounted, which reduced the number of traffic stops reviewed from 38 to 36.

Results:

The Body-Worn Camera file footage of all 36 traffic stops were reviewed to determine if the contact with the passenger(s) meets the criteria contained within the definition of "Passenger Contact" documented in office policy EB-2, Traffic Stop Data Collection. All data was uniformly inspected utilizing a matrix developed by the Audits and Inspections Unit in accordance with the procedures outlined in policy and the AIU Operations Manual. The results of the inspection were as follows:

- 29 of 36 traffic stops did not require an Incidental Contact Form as defined by "Passenger Contact" within office policy.
- 7 of 36 traffic stops required an Incident Contact Form due to the deputy obtaining the name, date of birth of the passenger(s) or asking investigatory questions.
- 26 of 36 traffic stops were marked "Yes" as contact made with passenger(s) on the Vehicle Stop Contact Form, but the contact did not meet the criteria within the definition of "Passenger Contact" in office policy.

Conclusion:

The determination by AIU regarding the disposition of this targeted inspection is a **PROCEDURAL FAIL**. AIU did not observe evidence of criminal, serious or continual, repetitive, and willful acts of minor misconduct. However, as seven (7) of thirty-six (36) traffic stops, 19.44% of the total, have observed deficiencies, BIO believes a successful identification rate of 80.56% to be a PROCEDURAL FAIL. As the employee's actions were not in accordance with the procedures set forth in Office Policy, but the actions do not rise to the level of criminal or serious misconduct. Section 303 of the BIO Operations Manual does not require a referral to the Professional Standards Bureau, but the actions will be reported as a deficiency to the respective Division Commander through the BIO Action Form process. Aside from the deficiency of not issuing an Incidental Contact Form when required by office policy, other deficiencies were identified and will be included in the BIO Action Forms for each employee.

Action Required:

AIU will provide the inspection report to the Division(s) to reassess the need to issue an Incidental Contact Form to the passenger(s) of the following stops via the Bio Action Form Process: **7 Bio Action Forms are Required.**

District	MC#	Employee	Supervisor	Commander
1	MC21035921	Deputy	Sergeant	Captain
Deficiency				
<ul style="list-style-type: none"> Contact with passenger(s) met the criteria contained within the definition of "Passenger Contact" in office policy and an Incidental Contact Form was not issued as a result. (Policy EB-2). 				

District	MC#	Employee	Supervisor	Commander
2	MC21031896	Deputy	Sergeant	Captain
Deficiency				
<ul style="list-style-type: none"> Contact with passenger(s) met the criteria contained within the definition of "Passenger Contact" in office policy and an Incidental Contact Form was not issued as a result. (Policy EB-2). Deputy questioned subject about the crime he was investigating while subject was handcuffed without reading Miranda. (Policy EA-11.13.A.1) <p style="text-align: center;">*It should be noted the listed deficiencies occurred when Deputy was assigned to District 1*</p>				

District	MC#	Employee	Supervisor	Commander
2	MC21012349	Deputy	Sergeant	Captain
Deficiency				
<ul style="list-style-type: none"> Contact with passenger(s) met the criteria contained within the definition of "Passenger Contact" in office policy and an Incidental Contact Form was not issued as a result. (Policy EB-2). Deputy conducted a consensual terry frisk but did not advise subject he could revoke consent. (Policy GJ-3.8.A.2) 				

District	MC#	Employee	Supervisor	Commander
2	MC21050681	Deputy	Sergeant	Captain
Deficiency				
<ul style="list-style-type: none"> Contact with passenger(s) met the criteria contained within the definition of "Passenger Contact" in office policy and an Incidental Contact Form was not issued as a result. (Policy EB-2). 				

District	MC#	Employee	Supervisor	Commander
3	MC21000567	Deputy	Sergeant	Captain
Deficiency				
<ul style="list-style-type: none"> Contact with passenger(s) met the criteria contained within the definition of "Passenger Contact" in office policy and an Incidental Contact Form was not issued as a result. (Policy EB-2). <p>Note: Identified Deputy was the FTO.</p>				

District	MC#	Employee	Supervisor	Commander
3	MC21047776	Deputy	Sergeant	Captain
Deficiency				
<ul style="list-style-type: none"> Contact with passenger(s) met the criteria contained within the definition of "Passenger Contact" in office policy and an Incidental Contact Form was not issued as a result. (Policy EB-2). 				

District	MC#	Employee	Supervisor	Commander
Lakes	MC21036715	Deputy	Sergeant	Captain
Deficiency				
<ul style="list-style-type: none"> Contact with passenger(s) met the criteria contained within the definition of "Passenger Contact" in office policy and an Incidental Contact Form was not issued as a result. (Policy EB-2). Deputy does not provide self-introduction upon initial contact with driver. (Policy EB-1.10.A) 				

Date Inspection Started: June 23rd, 2021
 Date Completed: July 8th, 2021
 Timeframe Inspected: 1/1/2021 – 3/31/2021
 Assigned Inspector(s): Sgt. R. Levy S1881 / Sgt. R. T. Bierwalter S1263

I have reviewed this inspection report.

Lt. Jonathan Halverson S1674

8/16/2021

Lieutenant Jonathan Halverson S1674
 Commander/Audits and Inspections
 Bureau of Internal Oversight

Date