

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Incident Report Inspection – June 2021

Inspection Report# BI2021-0069

Background:

The Audits and Inspections Unit (AIU) of the Bureau of Internal Oversight (BIO) will conduct inspections of In-custody and Criminal Citation Incident Reports (IR's) on a monthly basis to determine if the IR's are in compliance with Office policy. For June 2021 the Court Monitors selected 40 Incident Reports obtained from all patrol district(s)/division(s).

A random sample of 20 In-custody and 20 Criminal Citation IRs was provided to MCSO by the Monitor Team, totaling 40 for inspection. In addition to the sample of 40 reports, there were 0 immigration investigation IRs, 0 lack of identity investigations IRs, and 0 County Attorney Turndowns where the prosecutor indicated they declined prosecution due to a lack of probable cause.

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 review 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 includes, but are not limited to, EA-11, CP-2, CP-8, GF-5, GE-3, GJ-35, EB-1:

Matrix Procedures:

- Verify the report was submitted prior to the end of the deputy's shift
- Verify the supervisor reviewed report within policy timelines
- Look for indicia contained in the report and/or forms that the report is not authentic or correct
- Ensure there was a proper investigation of any/all allegations concerning a crime
- Determine if there was a physical arrest/booking
- Determine if there was a citation in lieu of detention/booking (cite and release)
- Verify any applicable charges were submitted in a timely manner, not to exceed the statute of limitations
- Evaluate whether there was reasonable suspicion/probable cause for any noted searches
- Ensure the reason for any search conducted was properly documented
- Determine if the report contained all the required element(s) of the crime for each charge listed
- Ensure the report contains articulation of the legal basis for the action
- Verify the report properly articulates reasonable suspicion/probable cause
- Determine if there was reasonable suspicion/probable cause for any investigative detentions to include traffic stops and field contacts
- Determine if boilerplate and/or conclusory language was used
- Verify the information contained in the report is consistent/accurate throughout
- Look for indicia of bias-based and/or racial profiling
- Determine if the use or non-use of body-worn cameras was documented in the report
- Ensure that any/all property and/or evidence was processed and documented within MCSO policy guidelines
- Ensure all identity theft or lack of identity document reports note supervisor notification
- Ensure all immigration investigation reports document supervisor notification
- Ensure all lack of identification detention/arrest reports documented supervisor notification
 - Determine if the report was memorialized (IMF) by a supervisor in accordance with policy
 - Determine if documentation was discovered for an IMF indicating there was a command-level review of the supervisor's action within 14 days

- Verify suspects were provided with a Miranda Warning when required
- Evaluate whether there are any perceived violations of Constitutional Rights/Civil Liberties
- Evaluate whether there are any other perceived violations of Office Policy
- Determine if there was a need to review or correct Office policy, strategy, tactics, or training
- Each incident report inspected will be counted as one inspection

Criteria:

MCSO Policy EA-11 – Arrest Procedures:

MCSO Policy CP-2 – Code of Conduct:

MCSO Policy CP-8 – Preventing Racial and other Biased-Based Profiling:

MCSO Policy GF-5 - Incident Report Guidelines:

MCSO Policy GE-3 - Property Management and Evidence Control:

MCSO Policy GJ-35 - Body-Worn Cameras:

MCSO Policy EB-1 – Traffic Enforcement, Violator Contacts, and Citation Issuance

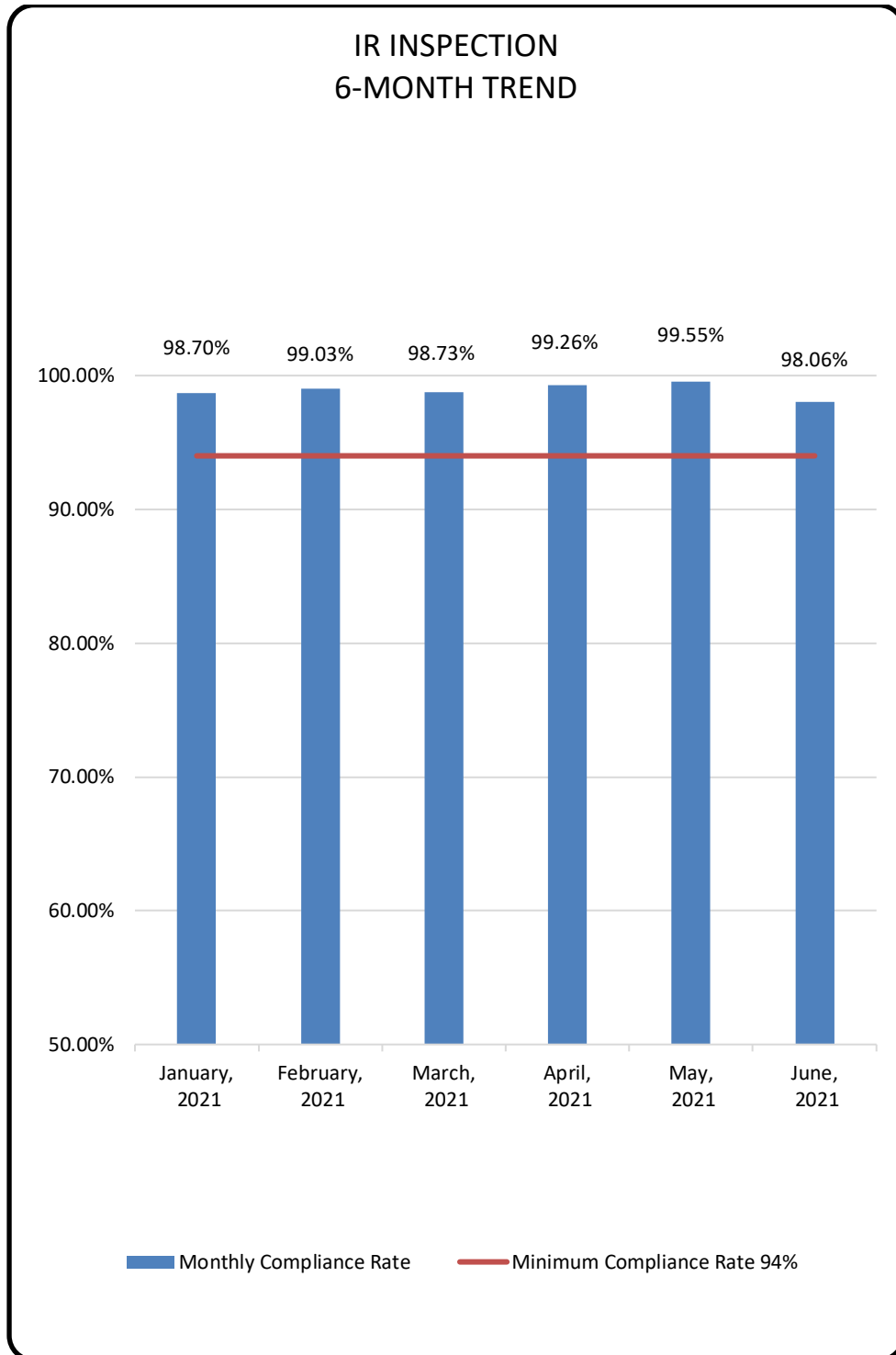
Conditions:

Of the **40** total selected reports that were inspected, the following has been concluded (it is important to note, **1** of the selected reports was a duplicate so only **39** reports were inspected):

- **21** out of the **27** criteria inspected achieved 100% compliance.
- **27** of the **39** reports inspected were in compliance with the inspected criteria.
- **12** of the **39** reports accounted for all of the noted deficiencies.
- **36** of the **39** reports (or 92.31%) were submitted prior to the end of shift.
- **36** of the **39** reports (or 97.31%) were reviewed by a supervisor within policy timelines.
- **39** of the **39** reports (or 100%) detailed a proper investigation of any/all allegations concerning a crime.
- **39** of the **39** reports (or 100%) contained articulation of reasonable suspicion/probable cause for noted searches.
- **39** of the **39** reports (or 100%) properly documented the reason for a search being conducted.
- **39** of the **39** reports (or 100%) contained all of the elements of the crime for each charge listed.
- **39** of the **39** reports (or 100%) inspected contained the articulation of the legal basis for the action.
- **38** of the **39** reports (or 97.44%) contained articulation for reasonable suspicion/probable cause. [including Form 4]
- **39** of the **39** reports (or 100%) didn't contain boilerplate and/or conclusory language.
- **39** of the **39** reports (or 100%) contained articulation of reasonable suspicion/probable cause for investigative detentions.
- **39** of the **39** reports (or 100%) contained consistent/accurate information throughout.
- **39** of the **39** reports (or 100%) had any or all property and/or evidence processed and documented within MCSO policy guidelines.
- **37** of the **39** reports (or 94.87%) either did not require an IR memorialization or had one completed by a supervisor.
- **38** of the **39** reports (or 97.44%) documented that Suspects were provided a Miranda Warning when required.
- **34** of the **39** reports (or 87.18%) had no other violations of office policy.

The compliance rates of the sample reports utilizing the 27-inspection criterion resulted in an overall average compliance rate of **98.06%** for June of 2021, as illustrated in the graph below.

Overall Compliance Rate for Monthly Incident Report Inspections



The following deficiencies were observed during the inspection period:

District 1(2 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<p>1. Form 4 states suspect assaulted victim but there are no injuries described which is a requirement of the charged assault subsection. Policy GF-5.3.B.5</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> Incident Report Narrative articulates injuries to victim having been caused by suspect, but injuries are not articulated in Form 4, as required for Probable Cause. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. 					
District/Division	Responsible Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
<p>1. Sergeant didn't address lack of articulation in the Form 4. Policy GF-5.6.B</p> <p>Inspector Note: Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention.</p>					

District 2(3 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<p>1. Report not submitted prior to end of shift. Policy GF-5.4.A.1</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> Report generated on 6/3 at 1453 hours, submitted on 6/4 at 0942 hours. No comments in "Show Form Activity" allowing report to be submitted next day. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. 					

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<p>1. Report not submitted prior to end of shift. Policy GF-5.4.A.1</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> Report generated on 6/13 at 0143 hours, submitted on 6/17 at 1947 hours. No comments in "Show Form Activity" allowing report to be submitted next day. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. 					

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<p>1. Deputy did not fill in transport time on VSCF. Policy EB-2.2.L.3</p> <p>Inspector Note: Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention.</p>					

District 3 (3 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<p>1. Report missing IR face sheet for the hit & run. Policy EB-6.12</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> Policy specifically states hit & run crashes must have an IR face sheet. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. 					

District/Division	Responsible Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
<ol style="list-style-type: none"> Sergeant approved the report with the above noted deficiency. Policy GF-5.6.C Report not reviewed within policy timeframe (72 hours). Policy GF-5.4.A.3 <p>Inspector Notes:</p> <ul style="list-style-type: none"> Report generated on 6/26, submitted on 6/26. TraCS log shows report was accepted on 7/3 at 2012 hours. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. 					

District/Division	Responsible Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 3*	Lieutenant	Redacted	Redacted	Captain	Captain
Deficiency					
<ol style="list-style-type: none"> Supervisor approved the listed report with the noted deficiency (Deputy did not fill in transport time on VSCF). Policy GF-5.6.C <p>Inspector Note: Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention.</p> <p style="text-align: center;">*Deficiency occurred when above listed supervisor was a Sergeant assigned to District 2*</p>					

District 4(1 BIO Action Form):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 4	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<ol style="list-style-type: none"> Report not submitted prior to end of shift. Policy GF-5.4.A.1 <p>Inspector Notes:</p> <ul style="list-style-type: none"> Report generated on 6/14 at 1023 hours, submitted on 6/15 at 1808 hours. Report is related to another yet neither has anything noted in TraCS to detail late submission. No comments in "Show Form Activity" allowing report to be submitted next day. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. 					

Lake Patrol (3 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
Lake Patrol	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<p>1. Report lacks articulation that Miranda warnings were read to male suspect while he was in custody, not free to leave, and was questioned about the crime he was suspected of committing. Policy EA-11.13.A.1</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> Per BWC video, suspect was placed in physical restraints [handcuffs] prior to being questioned about the crime he was suspected of committing without Miranda warnings having been read. Actions confirmed by statement in IR Narrative. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. 					
District/Division	Responsible Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
Lake Patrol	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
<p>1. Sergeant approved the report with the above noted deficiency. Policy GF-5.6.C</p> <p>Inspector Note: Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention.</p>					

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
Lake Patrol	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiencies					
<p>1. Report not reviewed within policy timeframe (72 hours). Policy GF-5.4.A.3</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> Report generated on 6/6 at 1839 hours, submitted on 6/6 at 2125 hours. Report reviewed by S1709 on 6/10 at 1328 hours. Above listed Sergeant was the supervisor for the shift in which the incident occurred and was on scene. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. Sergeant has four (4) prior BAFs for the same deficiency in the last 12 months: <ul style="list-style-type: none"> BAF2020-0296 BAF2020-0341 BAF2021-0059 BAF2021-0073 					

Special Investigations (1 BIO Action Form):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
Special Investigations	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiencies					
<p>1. Report not reviewed within policy timeframe (72 hours). Policy GF-5.4.A.3</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> Report generated on 6/24 at 1113 hours, submitted on 6/24 at 1945 hours. “Show Form Activity” shows form was edited by Deputy on 6/25 at 0813 hours. Report reviewed on 6/28 at 0906 hours. Above listed Sergeant was the supervisor for the shift in which the incident occurred and was on scene. No comments in “Show Form Activity” allowing report to be submitted next day. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. 					

Other (0 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
Other	N/A	N/A	Redacted	N/A	N/A
Deficiency					
<p>1. Narrative completed on Deputy copy of citation when incident is not for criminal traffic. Policy EB-1.13.2.A</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> Subject was cited for non-traffic offenses. Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. <p>Notes: This deficiency exists due to a miscommunication between the Policy Development Section and the affected Division. The affected Division has remedied this miscommunication with a Briefing Note to all personnel.</p>					

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
Other	N/A	N/A	Redacted	N/A	N/A
Deficiency					
<p>1. Narrative completed on Deputy copy of citation when incident is not for criminal traffic. Policy EB-1.13.2.A</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> • Subject was cited for non-traffic offenses. • Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. <p>Notes: This deficiency exists due to a miscommunication between the Policy Development Section and the affected Division. The affected Division has remedied this miscommunication with a Briefing Note to all personnel.</p>					

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
Other	N/A	N/A	Redacted	N/A	N/A
Deficiency					
<p>1. Narrative completed on Deputy copy of citation when incident is not for criminal traffic. Policy EB-1.13.2.A</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> • Subject was cited for no-traffic offenses. • Inspector did not locate documentation showing this potential deficiency was previously identified and addressed, such as the completion of an Incident Report Memorialization or other applicable intervention. <p>Notes: This deficiency exists due to a miscommunication between the Policy Development Section and the affected Division. The affected Division has remedied this miscommunication with a Briefing Note to all personnel.</p>					

Unless noted above in a deficiency table, there were no prior BIO Action Forms similar in nature during the past twelve (12) months or supervisor notes for the perceived deputy deficiencies.

A total of **13** BIO Action Forms are required from the affected divisions. **The forms 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.

Date Inspection Started: 7/12/2021
Date Completed: 7/19/2021
Timeframe Inspected: 6/1/2021 - 6/30/2021
Assigned Inspector(s): Sgt. Rob Levy S1881

I have reviewed this inspection report.

Lt. Jonathan Halverson S1674

Lt. Jonathan Halverson S1674
Commander – Audits and Inspections Unit
Bureau of Internal Oversight

8/10/2021

Date