

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Search Inspection: March 2022
Inspection Report # BI2022-0041

The Audits and Inspections Unit (AIU) of the Sheriff's Office Bureau of Internal Oversight (BIO) conducts search inspections on a monthly basis to ensure proper supervision, adherence with MCSO policies, compliance with the Melendres Order and established local and federal law. A total of 35 traffic stops are selected each month for review. To achieve inspection results the inspector will utilize the Vehicle Stop Contact Form, Citation/Warning, Incidental Contact Receipt, CAD printout, JWI Printout (if applicable) AIU-designed Matrix, Inspection Report Template Form, and Body Worn Camera footage files.

Inspection BI2022-0041 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 3/1/2022 to 3/31/2022. To accomplish this task TraCS data was examined for those traffic stops with a search documented on the Vehicle Stop Contact Forms for this period. These stops have been 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. In the inspection, a "reasonable person" standard will be utilized by inspectors.

Compliance Objectives:

- Was the search(s) consistently documented on the VSCF, Non-Traffic Contact Form, Incident Report and Consent to Search Form?
- Consent search: Did the deputy verbally inform the individual(s) of their right to refuse or stop the search or provide him/her with a Consent Search Form?
- Was the search(s) conducted within MCSO policies, and in compliance with the Melendres Order and established local and federal law?
- Were any items seized properly documented on the VSCF and applicable forms and impounded into Q-Tel?
- Did the deputy provide the individual(s) with a Property Receipt if property was seized?

Criteria:

- MCSO Policy EA-11, Arrest Procedures
- MCSO Policy EB-1, Traffic Enforcement, Violator Contacts, and Citation Issuance
- MCSO Policy EB-2, Traffic Stop Data Collection
- MCSO Policy GJ-3, Search and Seizure
- MCSO Policy GJ-35, Body-Worn Cameras

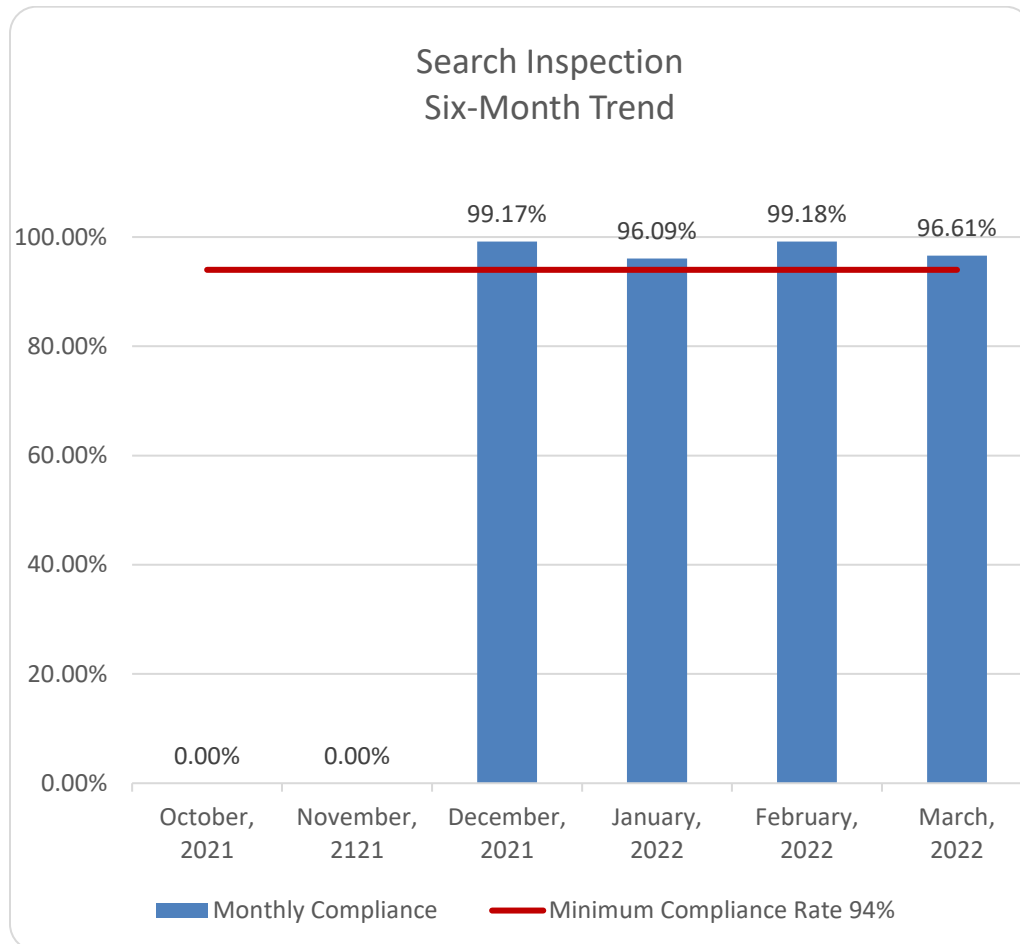
Conditions:

The MCSO reviewed 35 randomly selected traffic stops made during the month of March 2022 with a search documented on the Vehicle Stop Contact Forms. While 10 of the 35 are to be selected for Body-Worn Camera review, it should be noted rounding during the selection process resulted in 12 videos being selected. The inspector viewed one additional video for clarification purposes, for a total of 13 traffic stops selected for Body-Worn Camera review.

Results:

Each traffic stop will be counted as one inspection and all applicable matrix criteria inspection points will factor into an over-all compliance score. In this inspection each traffic stop utilized five matrix criteria inspection points for a total of 175 potential matrix criteria inspection points. From the total of 175 potential inspection points those determined to be Not Applicable (N/A) or Not Verifiable will be removed from the overall compliance percentage. For example, this month there were 52 inspection points determined to be N/A and 3 determined to be Not Verifiable, resulting in 120 total inspection points.

The compliance rates of the provided traffic stop sample, utilizing the five matrix criteria inspection points, resulted in an overall average compliance rate of **96.61%** for March of 2022, as illustrated in the graph below.



Note: The six-month trend shows 0% for the previous two months because this is the fourth month for this report.

Results of the review of traffic stops with a search documented on the Vehicle Stop Contact Form:

Inspection Elements	In Compliance	Not In Compliance	N/A	Not Verifiable	Total Inspected	Compliance Rate
Was the search(s) consistently documented on the VSCF, Non-Traffic Contact Form, Incident Report and Consent to Search Form?	31	4	0	0	35	88.57%
Consent search: Did the deputy verbally inform the individual(s) of their right to refuse or stop the search or provide him/her with a Consent Search Form?	0	0	34	1	0	100.00%
Was the search(s) conducted within MCSO policies, and in compliance with the Melendres Order and established local and federal law?	35	0	0	0	35	100.00%
Were any items seized properly documented on the VSCF and applicable forms and impounded into Q-Tel?	26	0	9	0	26	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	22	0	11	2	22	100.00%
Overall Compliance with inspection requirements	114	4	54	3	118	96.61%

Conclusion:

Of the potential 175 matrix criteria inspection points, 120 of which were used in the compliance calculation, there were four deficiencies, resulting in a **96.61%** compliance rate for March 2022. There was one instance of a non-compliance issue.

Action Required:

AIU will provide the inspection report to the affected Divisions to address the following stops and deficiencies via the Bio Action Form Process:

District 1:

Deficiencies

District	MC#	Employee	Supervisor	Commander
1	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>1. The deputy incorrectly indicated on the IR that the individual was not searched. (Policy EB-2.2.N)</p> <p>2. The deputy's BWC video was not found. (Policy GJ-35.5.A.4) (Non-compliance Issue)</p> <p>Inspector Notes: On the VSCF the Sergeant was the primary deputy and properly documented a search incident to arrest.</p> <p>On the Sergeant's BWC, the Assisting Deputy appears to have conducted the search. The Assisting Deputy prepared the IR and indicated the individual was not searched.</p>				

District 2:

Compliance Deficiencies

District	MC#	Employee	Supervisor	Commander
2	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the vehicle inventory search inconsistently on the VSCF and the IR. (Policy EB-2.2.O)</p> <p>Inspector Notes: The deputy properly conducted a vehicle inventory search. The search was properly documented on the VSCF, but the deputy recorded no vehicle search on the IR.</p>				
District	MC#	Employee	Supervisor	Commander
2	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the vehicle inventory search inconsistently on the VSCF and the IR. (Policy EB-2.2.O)</p> <p>Inspector Notes: The deputy properly conducted a vehicle inventory search. The search was properly documented on the VSCF, but the Deputy recorded no vehicle search on the IR.</p>				

District 7:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
7	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the search incident to arrest and the vehicle inventory search inconsistently on the VSCF and the IR. The person search incident to arrest was properly recorded on the VSCF but was recorded as a "Search Incident to Arrest, Terry Frisk" on the IR. The vehicle inventory search was recorded as a search "Incident to Arrest" on the VSCF. (Policy EB-2.2.N and EB-2.2.O)</p> <p>Inspector Notes: The deputy properly conducted a search incident to arrest and a vehicle inventory search. Supervisor review noted "Search options for both the driver and the vehicle are incorrect. Please review" however, the form was still approved.</p>				

Lake Patrol:

Non-Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
Lake Patrol	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy incorrectly recorded the search of the person as an "Inventory Search" on both the VSCF and the IR. The deputy incorrectly selected multiple search options on both the VSCF and the IR in regard to the search of the person, which included "Inventory Search." (Policy EB-2.2.O)</p> <p>Inspector Notes: The deputy properly conducted a search incident to arrest and a vehicle inventory search. A search warrant was obtained and served for blood draw regarding a DUI investigation, which was also properly recorded on the VSCF and the IR. The search of the person was correctly identified as a search incident to arrest in the narrative of the IR.</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 5 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: 4/6/2022
 Date Completed: 4/13/2022
 Timeframe Inspected: 3/1/2022 – 3/31/2022
 Assigned Inspector(s): Auditor Dave Paul B5459

I have reviewed this inspection report.

Lt. Brian Arthur
 Lieutenant T. Brian Arthur, S1806
 Commander
 Audits and Inspections Unit

6/2/2022
 Date