

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Search Inspection: April 2022

Inspection Report # BI2022-0059

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 BI2022-0059 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 4/1/2022 to 4/30/2022. 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

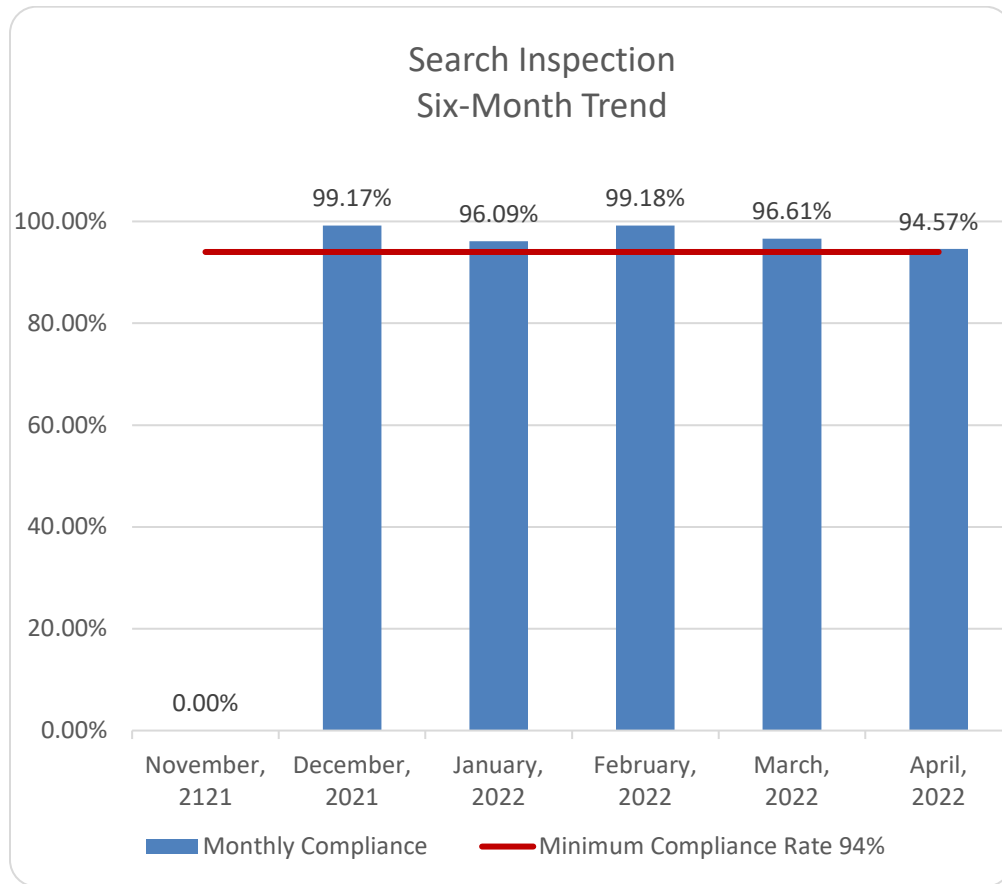
Conditions:

The MCSO reviewed 35 randomly selected traffic stops made during the month of April 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 11 videos being selected.

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 44 inspection points determined to be N/A and 2 determined to be Not Verifiable, resulting in 129 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 **94.57%** for April of 2022, as illustrated in the graph below.



Note: The six-month trend shows 0% for the previous month because this is the fifth 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?	29	6	0	0	35	82.86%
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	1	32	2	1	0.00%
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?	32	0	3	0	32	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	26	0	9	0	26	100.00%
Overall Compliance with inspection requirements	122	7	44	2	129	94.57%

Conclusion:

Of the potential 175 matrix criteria inspection points, 129 of which were used in the compliance calculation, there were seven deficiencies, resulting in a **94.57%** compliance rate for April 2022.

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 2:

Compliance Deficiencies

District	MC#	Employee	Supervisor	Commander
2	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The vehicle was towed, however no vehicle inventory search is recorded on the VSCF or the IR's as required. (Policy GJ-3.8.G.)</p> <p>Inspector Note: On the VSCF the deputy indicated no vehicle search was conducted, however the vehicle was towed. There is no documentation of a vehicle inventory search on either IR.</p>				
District	MC#	Employee	Supervisor	Commander
2	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy requested and conducted a consent search but failed to affirmatively inform the person of their right to refuse and to revoke consent at any time. Policy GJ-3.8.A.2</p> <p>Inspector Note: The deputy requested and obtained a driver's license from a passenger but failed to complete an ICR, which is addressed in Inspection #BI2022-0060, Passenger Contact Inspection.</p> <p>No Bio Action Form is required.</p>				

District 2:

Compliance Deficiencies (continued)

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 Note: The deputy properly conducted a vehicle inventory search and documented it correctly on the VSCF, but documented no vehicle search on the IR. The vehicle was towed per 28-3511.</p>				

District 3:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
3	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 Note: The deputy properly conducted a search incident to arrest and a vehicle inventory search. The deputy indicated there was no vehicle search on the VSCF, but correctly documented both searches on the IR. (Redacted) was the primary deputy in training. (Redacted) was the FTO.</p>				

District 4:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
4	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy incorrectly recorded the search of the person as "Incident to Arrest" and as an "Inventory Search" on the IR. (Policy EB-2.2.O)</p> <p>Inspector Note: The deputy correctly documented both searches on the VSCF and correctly documented the Vehicle Inventory Search on the IR.</p>				

Lake Patrol:

Compliance Deficiencies

District	MC#	Employee	Supervisor	Commander
Lake Patrol	Redacted	Sergeant	Lieutenant	Captain
Deficiency				
<p>The deputy documented the search incident to arrest inconsistently on the VSCF and the IR. (Policy EB-2.2.N and EB-2.2.O)</p> <p>Inspector Note: The person search incident to arrest was properly recorded on the IR but was recorded as a "Protective Sweep" on the VSCF. There was also a probable cause search of a "black back pack" that was documented within the IR.</p>				
District	MC#	Employee	Supervisor	Commander
Lake Patrol	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 and documented it correctly on the VSCF, but documented no vehicle search on the IR face sheet, but documented "inventory was conducted" in the narrative. The vehicle was towed per 28-3511.</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 6 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: 5/5/2022
Date Completed: 5/12/2022
Timeframe Inspected: 4/1/2022 – 4/30/2022
Assigned Inspector(s): Auditor Dave Paul B5459

I have reviewed this inspection report.

Lt. Brian Arthur

6/16/2022

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

Date