

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**Search Inspection: February 2023**

Inspection Report # BI2023-0026

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 (BWC) footage files.

Inspection BI2023-0026 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 2/1/2023 to 2/28/2023. 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

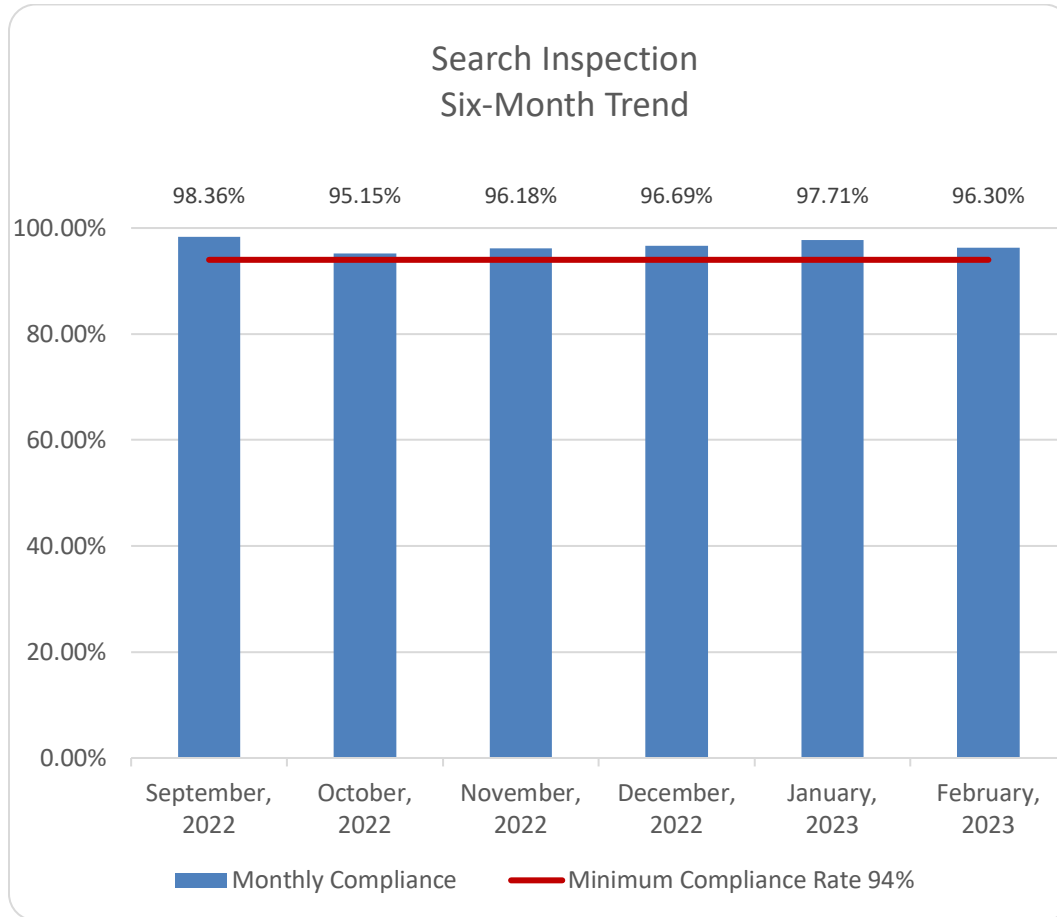
**Conditions:**

The MCSO is to review 35 randomly selected traffic stops made during the month of February 2023 with a search documented on the Vehicle Stop Contact Forms. There were 42 traffic stops with a search documented on the VSCF during the month of February 2023. Due to rounding during the selection process 37 traffic stops with a search documented on the VSCF were randomly selected for review. Two of these traffic stops were also selected for the Traffic Stop Data Inspection and were replaced for this inspection in accordance with the methodology. Additionally, 10 of the traffic stops meeting the criteria are to be selected for Body-Worn Camera review. It should be noted that a total of eleven videos were selected due to rounding, and one additional video was selected for clarification purposes, making a total of twelve 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 185 potential matrix criteria 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 49 inspection points determined to be N/A and one was determined to be Not Verifiable, resulting in 135 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 **96.30%** for February 2023, as illustrated in the graph below.



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	5	1	0	36	86.11%
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	36	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?	37	0	0	0	37	100.00%
Were any items seized properly documented on the VSCF and applicable forms and impounded into Q-Tel?	31	0	6	0	31	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	31	0	6	0	31	100.00%
<b>Overall Compliance with inspection requirements</b>	<b>130</b>	<b>5</b>	<b>49</b>	<b>1</b>	<b>135</b>	<b>96.30%</b>

**Conclusion:**

Of the potential 185 matrix criteria inspection points, 135 of which were used in the compliance calculation, there were five deficiencies, resulting in a **96.30%** compliance rate for February 2023.

**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:**

Compliance Deficiencies

District	MC#	Employee	Supervisor	Commander
1	Redacted	Deputy	Sergeant	Captain
<b>Deficiency</b>				
<p>The search incident to arrest is documented inconsistently on the VSCF and the IR. (Policy EB-2.2.B.1)</p> <p>Inspector Note: The VSCF shows a search incident to arrest of the driver, but the IR face sheet shows "No" search of the driver.</p>				
District	MC#	Employee	Supervisor	Commander
1	Redacted	Deputy	Sergeant	Captain
<b>Deficiency</b>				
<p>The vehicle inventory search is documented inconsistently on the VSCF and the IR. (Policy EB-2.2.B.3)</p> <p>Inspector Note: The VSCF shows "No" vehicle inventory search, but the IR face sheet shows a vehicle inventory search. The vehicle was towed from the scene. The driver search was correctly documented as incident to arrest.</p>				

District 7:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
7	Redacted	Deputy	Sergeant	Captain

Deficiency				
<p>The search incident to arrest is documented inconsistently on the VSCF and the IR. (Policy EB-2.2.B.1)</p> <p>Inspector Note: The VSCF shows an inventory search of the driver, but the IR face sheet shows incident to arrest search of the driver.</p> <p>The employee has two prior BIO Action Form similar in nature dated 7/18/2022 and 1/30/2023. (BAF2022-0135 and BAF2022-0334)</p>				

Lake Patrol:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
Lake Patrol	Redacted	Deputy	Sergeant	Captain

Deficiency				
<p>The vehicle inventory search is documented inconsistently on the VSCF and the IR. (Policy EB-2.2.B.3)</p> <p>Inspector Note: The VSCF shows a vehicle inventory search, but the IR face sheet shows no vehicle search.</p>				

Special Investigations Division:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
SID	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The vehicle inventory search is documented inconsistently on the VSCF and the IR. (Policy EB-2.2.B.3)</p> <p>Inspector Note:                      The VSCF shows a vehicle inventory search, but the IR face sheet shows vehicle search incident to arrest. The IR narrative clearly states the vehicle search was an inventory search, and the vehicle was towed from the scene. The driver search was correctly documented as incident to arrest.</p> <p>This traffic stop occurred while working in District 1.</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: 3/13/2023  
 Date Completed: 3/20/2023  
 Timeframe Inspected: 2/1/2023 – 2/28/2023  
 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

4/21/2023  
 Date