

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Search Inspection: September 2022

Inspection Report # BI2022-0139

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 BI2022-0139 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 9/1/2022 to 9/30/2022. 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

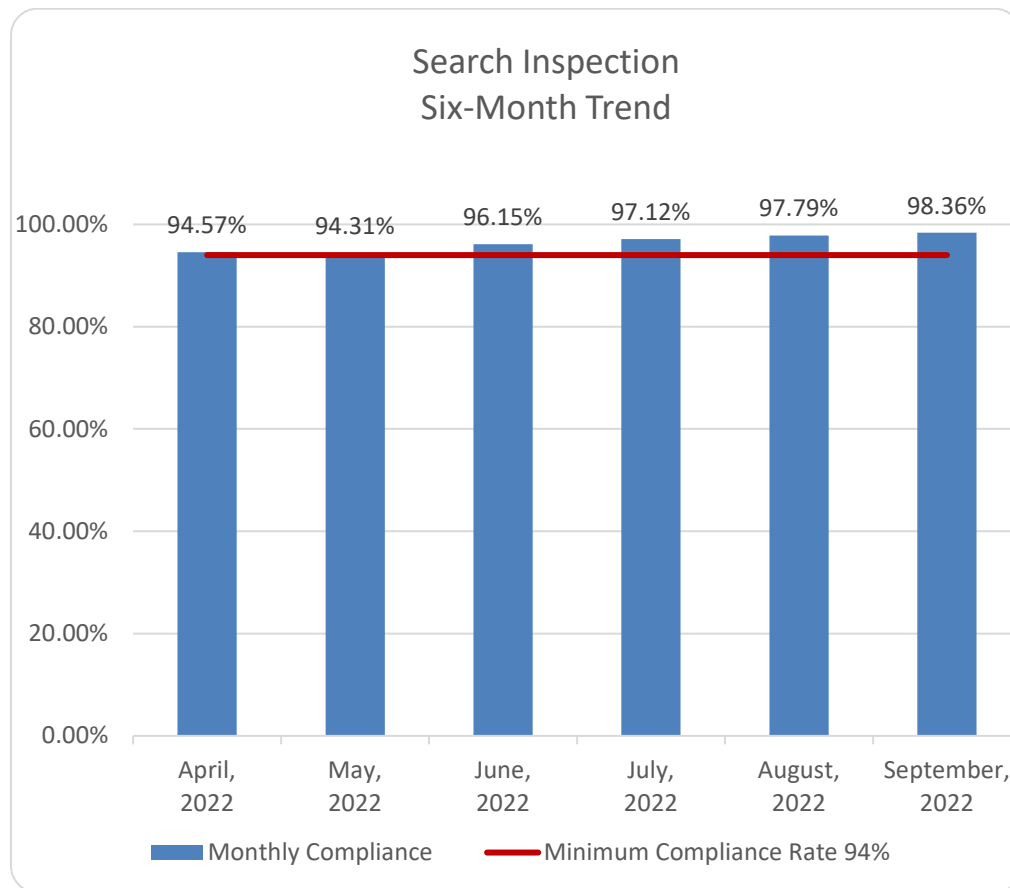
Conditions:

While the MCSO is to review 35 randomly selected traffic stops made during the month of September 2022 with a search documented on the Vehicle Stop Contact Forms, one traffic stop of the total of 36 traffic stops was selected for review in the Traffic Stop Inspection. This traffic stop was omitted from the Search Inspection in accordance with the methodology. The result was all remaining 35 traffic stops with a search documented on the VSCF were reviewed. Additionally, while 10 of the 35 are to be selected for Body-Worn Camera review, it should be noted three additional videos were reviewed, making a total of 13 BWC videos viewed this month.

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 48 inspection points determined to be N/A and 5 were determined to be Not Verifiable, resulting in 122 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 **98.36%** for September 2022, 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?	34	1	0	0	35	97.14%
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	29	5	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?	26	0	9	0	26	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	25	0	10	0	25	100.00%
Overall Compliance with inspection requirements	120	2	48	5	122	98.36%

Conclusion:

Of the potential 175 matrix criteria inspection points, 122 of which were used in the compliance calculation, there were two deficiencies, resulting in a **98.36%** compliance rate for September 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 4 (1 BIO Action Form):**Compliance Deficiency**

District	MC#	Employee	Supervisor	Commander
4	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the driver search as 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 placed the driver in custody marking "Yes" in the "Arrested" box on the IR face sheet. The deputy asked for and received consent to search but failed to verbally inform the individual of their right to refuse or stop the search. The search was conducted immediately after placing the driver in custody.</p>				

Non-Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
4	Redacted	Deputy	Sergeant	Captain
Non-Compliance Deficiency				
<p>The deputy placed the driver in custody and secured him in handcuffs. After taking the driver into custody, the deputy questioned the driver regarding a stolen vehicle prior to advising the driver of his Miranda rights. (Policy EA-11.13.A)</p>				

Lake Patrol (1 BIO Action Form):

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
Lake Patrol	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the driver search incident to arrest inconsistently on the VSCF and the IR. (Policy EB-2.2.N)</p> <p>Inspector Note: The deputy documented a search incident to arrest of the driver on the VSCF but indicated no search of the driver on the IR face sheet. The driver was arrested for outstanding warrants.</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 2 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: 10/6/2022
Date Completed: 10/17/2022
Timeframe Inspected: 9/1/2022 – 9/30/2022
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

12/1/2022
Date