

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**Incident Report Inspection – March 2020**

Inspection Report# BI2020-0027

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**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 March 2020 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 Right's/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

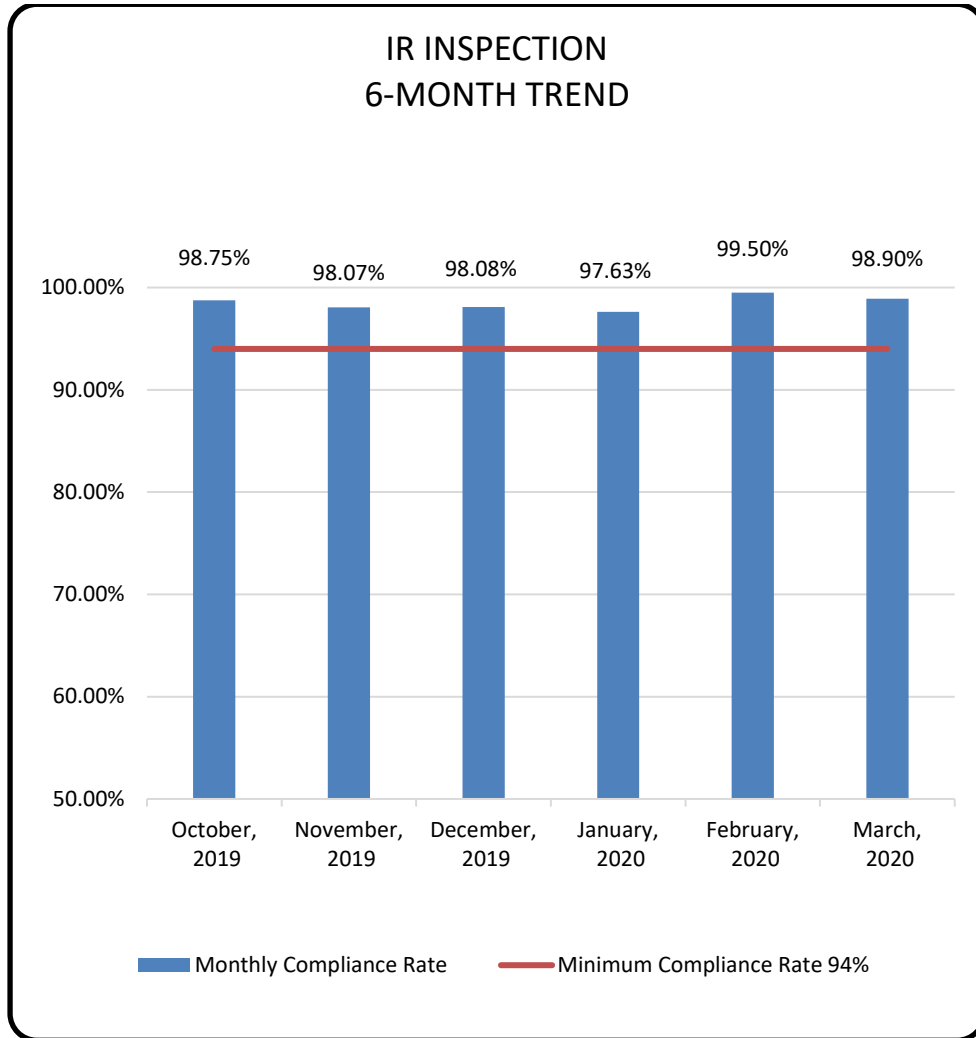
**Conditions:**

Of the **40** total selected reports that were inspected, the following has been concluded:

- **20** out of the **27** criteria inspected achieved 100% compliance.
- **36** of the **40** reports inspected were in compliance with the inspected criteria.
- **4** of the **40** reports accounted for all of the noted deficiencies.
- **39** of the **40** reports (or 95%) were submitted prior to the end of shift.
- **39** of the **40** reports (or 97.5%) were reviewed by a supervisor within policy timelines.
- **40** of the **40** reports (or 100%) properly documented the reason for a search being conducted.
- **37** of the **40** reports (or 92.5%) contained all of the elements of the crime for each charge listed.
- **39** of the **40** reports (or 97.5%) contained articulation for reasonable suspicion/probable cause.
- **39** of the **40** reports (or 97.5%) contained articulation of supervisor identification for lack of identity investigations.
- **39** of the **40** reports (or 97.5%) inspected contained the articulation of the legal basis for the action.
- **40** of the **40** reports (100%) did not contain boilerplate and/or conclusory language.
- **39** of the **40** reports (97.5%) detailed a proper investigation of any/all allegations concerning a crime.
- **40** of the **40** reports,(100%) had any or all property and/or evidence processed and documented within MCSO policy guidelines.
- **40** of the **40** reports (100%) documented that Suspects were provided a Miranda Warning when required.
- **40** of the **40** reports (100%) 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 **98.90%** for March of 2020, 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 (1 BIO Action Form):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<p>1. Report missing elements of the crime. (No articulation of suspect’s actions meeting statute for disorderly conduct). Policy GF-5.1.H</p> <p><b>Inspector Note: Deficiency was documented in IRM2020-(number not yet issued) so no BAF is required.</b></p>					

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
<p>1. Sergeant did not review the report within policy guidelines. Policy GF-5.4.A.3</p> <p>Inspector Note: Sergeant has one (1) prior Bio Action Form regarding not reviewing reports within policy guidelines within the last year.</p> <ul style="list-style-type: none"> <li>BAF2019-0087</li> </ul>					

District 2 (2 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<p>1. Incorrect subsection of ARS 13-1203 appears to have been used. The Report does not attribute any Victim injuries to the suspect’s actions. The report documents an assault, simply not one involving injury. (Documented injuries not consistent with or attributed to the suspects actions). Policy GF-5.1.H</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	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Sergeant	Redacted	Redacted	Lieutenant	Captain
<b>Deficiency</b>					
<p>1. Sergeant approved the above report with the noted deficiency. Policy GF-5.6.C</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> <li>• Sergeant has one (1) prior Bio Action Form regarding the same deficiency within the last year.                             <ul style="list-style-type: none"> <li>▪ BAF2020-0103</li> </ul> </li> <li>• 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.</li> </ul>					

**District 4 (1 BIO Action Form):**

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 4	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiency</b>					
<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"> <li>• No exceptional circumstance noted in TraCS.</li> <li>• Deputy has one (1) prior Bio Action Form regarding the same deficiency within the last year.                             <ul style="list-style-type: none"> <li>▪ BAF2019-0090</li> </ul> </li> </ul>					

**District 7 (2 BIO Action Forms):**

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 7	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiencies</b>					
<p>1. Wrong subcategory used for the charge ARS 28-1595 (Report makes note of using a wrong statute, but does not clarify which statute and further states the subject was cited criminally with ARS28-1595C being the only criminal charge. Therefore, there is no documentation that the incorrect subcategory of ARS was addressed). Policy GF-5.1.H</p> <p>2. Supervisor notification for lack of ID document not noted in report. Policy GF-5.3.B.9.c</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• CAD shows supervisor notification of lack of ID document.</li> </ul>					

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 7	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
1. Sergeant approved the above report with the noted deficiencies. Policy GF-5.6.C  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.					

Unless noted above in a deficiency table, there were no prior BIO Action Forms similar in nature 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: 4/13/2020  
 Date Completed: 4/22/2020  
 Timeframe Inspected: 3/1/2020 - 3/31/2020  
 Assigned Inspector(s): Sgt. Rob Levy S1881

I have reviewed this inspection report.

Lt. Todd Brice  
 Lt. Todd Brice S1767  
 Commander – Audits and Inspections Unit  
 Bureau of Internal Oversight

5-18-20  
 Date