

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Search Inspection: September 2023

Inspection Report # BI2023-0133

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 BI2023-0133 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 9/1/2023 to 9/30/2023. 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

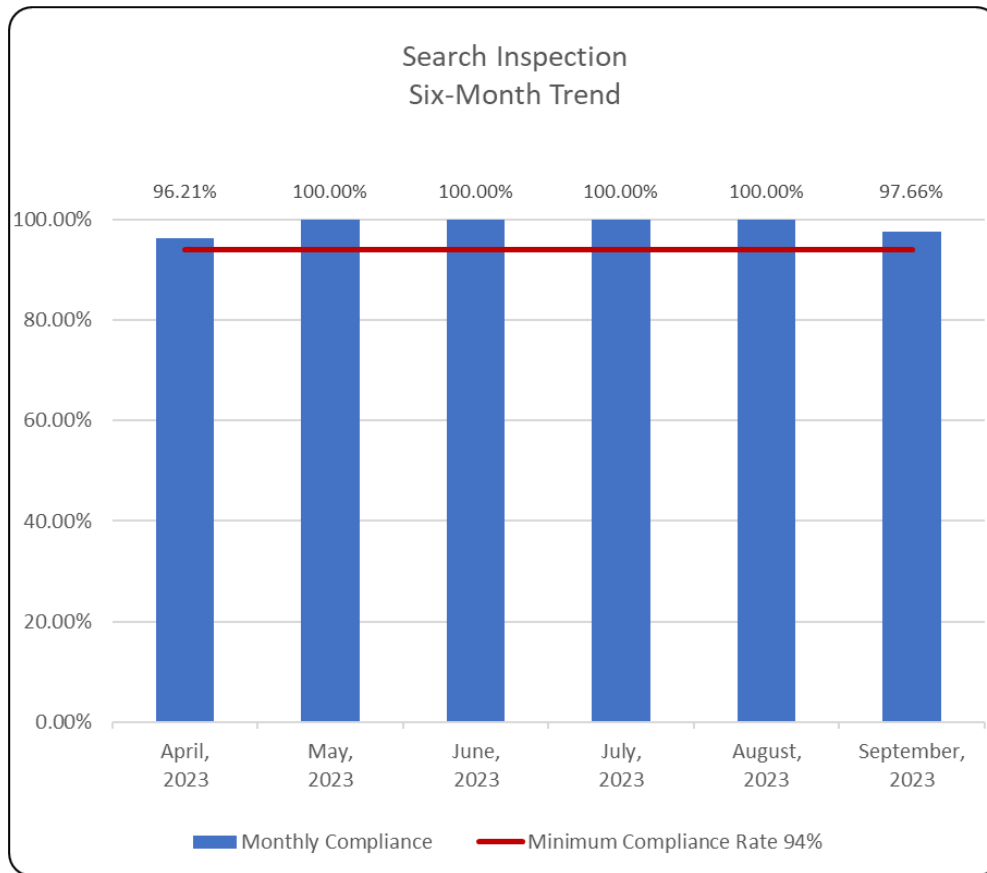
Conditions:

The MCSO is to review 35 randomly selected traffic stops made during the month of September 2023 with a search documented on the Vehicle Stop Contact Forms. There were 41 traffic stops with a search documented on the VSCF during the month of September 2023. Due to rounding, 36 of these traffic stops were selected for review. Three of the traffic stops meeting the criteria were also selected for the Traffic Stop Inspection and were removed from 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. Due to rounding, 11 stops were selected for review. In addition, two videos were reviewed for clarification purposes, making 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 180 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 3 determined to be Not Verifiable, resulting in 128 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 **97.66%** for September 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?	33	3	0	0	36	91.67%
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?	3	0	30	3	3	100.00%
Was the search(s) conducted within MCSO policies, and in compliance with the Melendres Order and established local and federal law?	36	0	0	0	36	100.00%
Were any items seized properly documented on the VSCF and applicable forms and impounded into Q-Tel?	27	0	9	0	27	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	26	0	10	0	26	100.00%
Overall Compliance with inspection requirements	125	3	49	3	128	97.66%

Conclusion:

Of the potential **180** matrix criteria inspection points, **128** of which were used in the compliance calculation, there were **three** compliance deficiencies. There were also two non-compliance deficiencies, resulting in a **96.88%** compliance rate for September 2023.

Action Required:

With the resulting **96.88%** compliance for Inspection **BI2023-0133**, **three** BIO Action Forms are required for the compliance deficiencies and **two** BIO Action Forms are required for the non-compliance deficiencies. (See instructions, below.)

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 (1 BIO Action Form):

Compliance Deficiency

District/Division	Incident Number	Responsible Employee	Current Supervisor	Current Commander
District 2	Redacted	Deputy	Sergeant	Captain
Deficiency				
1. The search of the vehicle is documented inconsistently on the VSCF and the IR. (Policy EB-2.2.B) Note: The VSCF shows the vehicle search "Incident to Arrest" and the IR face sheet shows "Inventory Search."				

District 4 (1 BIO Action Form):

Non-Compliance Deficiency

District/Division	Incident Number	Responsible Employee	Current Supervisor	Current Commander
District 4	Redacted	Deputy	Sergeant	Captain
Non-Compliance Deficiency				
1. A citation, warning, or incidental contact form was not completed for each individual who was identified by name, DOB, or asked investigative questions. (Policy EB-1.12)				

District 7 (1 BIO Action Form):

Non-Compliance Deficiency

District/Division	Incident Number	Responsible Employee	Current Supervisor	Current Commander
District 7	Redacted	Deputy	Sergeant	Captain
Non-Compliance Deficiency				
1. The VSCF data is inaccurate. It shows "NO" passenger contact although the passenger was identified by name and DOB on the Supplemental IR. (Policy EB-1.14) The employee has one prior BIO Action Form similar in nature dated 11/29/2022, BAF 2022-0264.				

Lake Patrol (2 BIO Action Forms):

Compliance Deficiencies

District/Division	Incident Number	Responsible Employee	Current Supervisor	Current Commander
Lake Patrol	Redacted	Deputy	Sergeant	Captain
Deficiency				
1. The search incident to arrest is documented inconsistently on the VSCF and the IR. (Policy EB-2.2.B) Note: The VSCF shows a search of the driver as a "Consent Search" and an "Inventory Search," but is documented as a "Consent Search" and a "Search Incident to Arrest" on the IR face sheet and a "search incident to arrest" in the narrative.				

District/Division	Incident Number	Responsible Employee	Current Supervisor	Current Commander
Lake Patrol	Redacted	Deputy	Sergeant	Captain
Deficiency				
1. The search incident to arrest is documented inconsistently on the VSCF and the IR. (Policy EB-2.2.B) Note: The IR face sheet shows a search of the passenger incident to arrest, but the VSCF documents this search as an "Inventory Search." Note: The deputy was assigned to a DUI Task Force at the time of this traffic stop.				

Unless noted above in the deficiency table, there were no prior BIO Action Forms similar in nature for the perceived employee deficiency. A total of 5 BIO Action Forms are due from the deficiencies detailed above. One BIO form per Employee or deficient Bureau is requested (not per deficiency).

Date Inspection Started: 10/5/2023
 Date Completed: 10/17/2023
 Timeframe Inspected: 9/1/2023 – 9/30/2023
 Assigned Inspector(s): Auditor Dave Paul, B5459

I have reviewed this inspection report.

Lt. Brian Arthur S1806

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

11/14/23

Date