

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



1st Quarter 2019 Incident Report Inspection

Inspection Report# BI2019-0045

Background:

The Audits and Inspections Unit (AIU) of the Bureau of Internal Oversight (BIO) will conduct inspections of Incident Reports (IR's) on a quarterly basis to determine if the IR's are in compliance with Office policy. During the 1st quarter of 2019 the Court Monitors identified 257 Incident Reports obtained from all patrol district(s)/division(s).

Of the 257 reports identified by the Monitor Team, a random sample of approximately 20% was obtained from each month of the quarter totaling 52 for inspection. In addition to the sample of 52 reports, there were 51 In-Custody reports, and 1 failure to provide ID report also inspected in the 2019 1st quarter.

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 utilize "File Bound" from the MCSO Records Division to view 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 include but are not limited to EA-11, GF-5, CP-2, CP-8, GJ-35:

Matrix Procedures:

- Review incident reports for supervisor's signature and date signed
- Review incident reports for deputy "turned in for review" signature and date
- Compare the date signed with the date the report was received to assure the report was memorialized within policy timelines
- Ensure the information contained within an incident report is consistent throughout
- Verify there is reasonable suspicion or probable cause for all investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts
- Determine if there is probable cause for all arrests
- Verify the report contains the elements of a crime
- Verify the report was submitted prior to the end of the deputy's shift
- Determine if boilerplate and/or conclusory language was used
- Evaluate whether the facts, circumstances, and conclusions were articulated to support reasonable suspicion or probable cause
- Look for indicia of bias-based and/or racial profiling
- Ensure all identity theft reports documented supervisor notification
- Ensure all lack of identification detention/arrest reports documented supervisor notification
- Ensure all immigration investigation reports document supervisor notification
- Determine if the use or non-use of body-worn cameras was documented in the report
- Verify if all components of an IR are present
- Each incident report inspected will be counted as one inspection

Criteria:MCSO Policy EA-11.3 & .14 ARREST PROCEDURES:

3. Bias-Free Detentions and Arrests: Deputies are prohibited from using a person's race or ethnicity, to any degree, as a factor in establishing reasonable suspicion or probable cause to believe a person is committing, has committed, or is about to commit a crime, except as part of a reliable and specific suspect description.
 - F. Deputies are required, before any questioning as to alienage or immigration status is initiated, or before any contact with ICE/CBP is initiated, to check with a supervisor to ensure that the circumstances justify such an action under Office policy and receive approval to proceed. Deputies must also document, in every such case:
 1. The reason or reasons for making the immigration-status inquiry or contacting ICE/CBP;
 2. The time supervisor approval was received;
 3. When ICE/CBP was contacted;
 4. The time it took to receive a response from ICE/CBP, if applicable; and
 5. Whether the individual was then transferred to ICE/CBP custody.
 - G. Deputies shall notify a supervisor before initiating any immigration-related investigation and before effectuating an arrest following any immigration-related investigation or for an immigration-related crime, or for any crime related to identity fraud or lack of identifying document.

14. Supervisor Responsibilities:

- B. Deputies shall submit documentation of all stops, investigatory detentions, and arrests to their supervisors by the end of the shift in which the action occurred. Absent exceptional circumstances, within 72 hours of receiving such documentation, supervisors shall independently review the reports. If the incident did not include an arrest or detention, the supervisor shall review the IR within seven calendar days, absent exigent circumstances.
- C. Supervisors shall review reports and forms for boilerplate or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct.

MCSO Policy CP-2.6, CODE OF CONDUCT:

6. Conformance to Established Laws: Employees shall obey all local ordinances, county and state laws, laws of all states of the United States and subdivisions thereof, and all laws of the United States. While traveling abroad, employees shall abide by all laws of foreign countries not in conflict with the laws of the United States. Violation of any established ordinance or law may result in disciplinary action being imposed, in addition to the possibility of criminal prosecution. Disciplinary action may be imposed regardless of the outcome of any criminal investigation.

MSCO Policy CP-8.1.A & .5.C, PREVENTING RACIAL AND OTHER BIASED-BASED PROFILING:

1. A Adherence to Federal Constitutional Law: All investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts, will be based on applicable standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the United States Constitution.

5.C Supervisor Responsibility: All personnel shall report violations of Office Policy. Supervisors of all ranks shall be held accountable for identifying and responding to Office Policy or procedure violations by personnel under their command and ensuring that personnel are held accountable for Office Policy and procedure violations.

MSCO Policy GF-5.3, .3a, .3b, 3b.8, .4a, .4c, .5 &.8, Incident Report Guidelines:

3. Components of an IR: The following Components shall be included in all IRs:

3.A Face Sheet: The information included on a Face Sheet gives pertinent details of the incident.

3.B Narrative: The narrative shall tell the “story” of the incident.

3.B.8 Supervisor Approval: List and document incidents, such as identification investigations, that require supervisor notification and approval. Include in the narrative the time the supervisor gave his or her approval. Incidents that require supervisor notification and approval, include, but are not limited to:

- a. Any immigration-related investigation;
- b. Any immigration-related crime; and
- c. Any crime related to identity fraud or the lack of identity document.

4.A Employees and reserve deputies shall complete and submit all IRs before the end of the shift.

4.C Supervisors shall review an IR within 72 hours of an arrest or detention of a person, absent exceptional circumstances. If the incident did not include an arrest or detention, the supervisor shall review the IR within seven calendar days, absent exceptional circumstances.

5. Supervisors shall review all IRs prior to submission to the Records and ID Division. Supervisors shall document the date and time of the initial review. When a supervisor completes his review, he shall sign and date the bottom of the report. A supervisor’s signature indicates his agreement that the report contains all of the necessary elements of the legal basis for the action or all of the elements of a reported crime, if applicable.

MCSO Policy GJ-35.6.A3, Body-Worn Cameras:

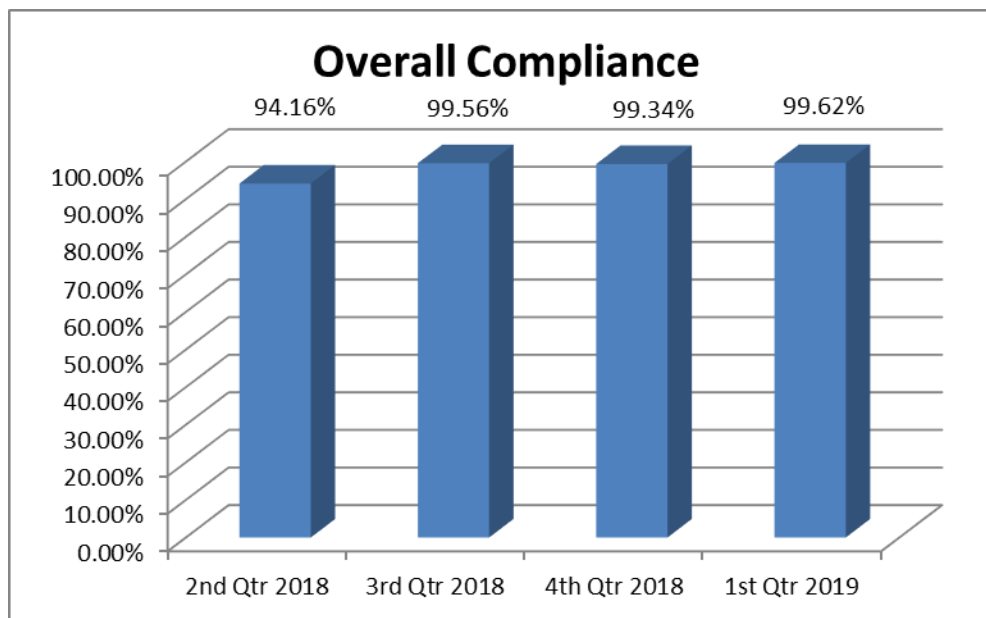
5.A2 Deputies and supervisors shall place the body-worn camera in Event Mode during investigative or law enforcement activities that involve calls for service or interacting with members of the public, unless exigent circumstances make it unsafe or impossible for the deputy to do so; officer safety is the primary concern.

- 6A. The use of body-worn cameras shall be documented in all of the following situations:
 - 3. Documented in IRs.

Conditions:

Of the 104 total selected reports that were inspected, the following has been concluded: 10 out of the 15 criteria inspected achieved 100% compliance. Out of the 104 reports 103 (or 99.04%) had supervisors in compliance with memorializing their review of IR’s. 102 (or 98.08%) of the total IR’s, the reporting deputies had memorialized turning in their reports by the end of shift. Out of the 104 reports inspected 103 (or 99.04%) documented the use or non-use of body-worn cameras. Out of the 104 reports inspected 103 reports (or 99.04%) articulated probable cause or reasonable suspicion if applicable. Of the 104 reports inspected, 104 (or 100%) contained all components of an IR. Out of the 104 reports 103 (or 99.04%) had proper supervisor notification if the deputy was investigating an identity theft incident.

98 of the 104 reports inspected were in compliance with the inspected criteria. Therefore, the compliance rates of the sample reports utilizing the 15 inspection criteria resulted in an overall average compliance rate of **99.62%** for the 1st Quarter of 2019, as illustrated in the graph below.



The following table shows the total deficiencies per criteria inspected:

<u>Inspection Criteria</u>	<u>Total Deficiencies</u>
IR (Incident Report) submitted by end of shift	2
IR contained deputies signature and date signed	0
IR contained supervisors signature and date signed	0
Supervisory Review memorialized within policy timelines	1
If applicable, probable cause existed for all arrests	1
If applicable, the IR contained elements of a crime	0
Information in the IR is consistent throughout	0
Reasonable suspicion or probable cause existed for all investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts	0
The IR didn't contain boilerplate and/or conclusory language	0
If applicable, the IR properly articulated and supported reasonable suspicion or probable cause?	0
Determine if bias-based and/or racial profiling was employed	0
All identity theft reports documented supervisor notification	1
All lack of identification detention/arrest reports documented supervisor notification	0
All immigration investigation reports documented supervisor notification	0
IR documents the use/non-use of BWC	1
IR contains all components	0

The following potential deficiencies were observed during the inspection period:

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Sworn Employee Name:</u>	<u>Supervisor</u>	<u>Commander</u>	<u>Deficiency:</u>
District 1	IR19003654	Deputy	Sergeant	Captain	Supervisory review did not take place within policy timelines?
District 2	IR19002400	Deputy	Sergeant	Captain	Report does not indicate if BWC was in use
District 3	IR19002387	Deputy	Sergeant	Captain	Report did not document supervisor notification of ID Theft investigation
District 4	IR19002389	Deputy	Sergeant	Captain	Report not turned in within policy timelines
District 6	IR19008194	Deputy	Sergeant	Captain	Lacks articulation to show probable cause for the listed statute
SID	IR19007415	Deputy	Sergeant	Captain	Report not turned in within policy timelines

A total of **6** BIO Action Forms are requested from the affected divisions. **The form 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.

Recommendations:

It is recommended all incident reports involving arrests are reviewed by command staff daily to ensure probable cause has been established. Also, Command Staff should provide additional onsite counseling to those Supervisors and/or Deputies who were identified as deficient in this quarter's IR inspection. It is suggested the areas noted as deficient be targeted for improvement to increase overall compliance with directives and policy. Consequently, all onsite mentoring should be documented in Supervisory Notes. Commanders and Supervisors are reminded that all IR's require a narrative as specified in MCSO Policy GF-5 Incident Report Guidelines. Synopsis only reports for warrant arrests should not be accepted or approved. Deputies and reserve deputies shall complete and submit all IRs prior to the end of the shift.

Date Inspection Started: 4/18/2019
Date Completed: 4/25/2019
Timeframe Inspected: 1/1/2019-3/31/2019
Assigned Inspector(s): Sgt. S. Hatfield S1897

I have reviewed this inspection report.

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Commander, Audits & Inspections Unit
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5/14/2019
Date