

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**Search Inspection: December 2021**

Inspection Report # BI2021-0171

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 footage files.

Inspection BI2021-0171 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 12/1/2021 to 12/31/2021. 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

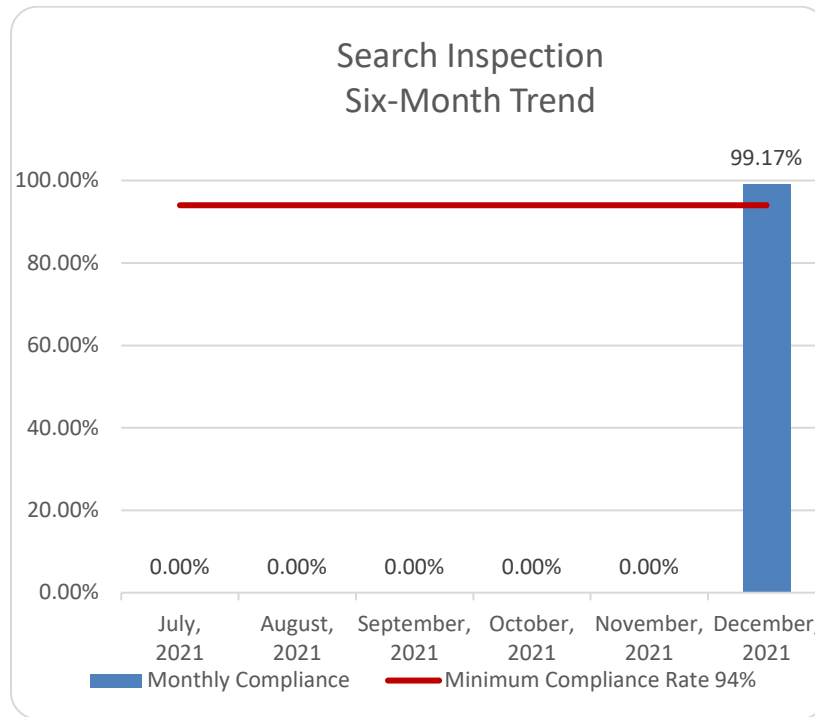
**Conditions:**

The MCSO reviewed 35 randomly selected traffic stops made during the month of December 2021 with a search documented on the Vehicle Stop Contact Forms. While 10 of the 35 are to be selected for Body-Worn Camera review, the rounding in this instance required 11 of the 35 be selected for Body-Worn Camera review. (It should be noted, the inspector viewed 2 additional videos for clarification purposes, for 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 four 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) will be removed from the overall compliance percentage. For example, this month there were 55 inspection points determined to be N/A, resulting in 120 total inspection points.

The compliance rates of the provided traffic stop sample, utilizing the four matrix criteria inspection points, resulted in an overall average compliance rate of **99.17%** for December of 2021, as illustrated in the graph below.



Note: The six-month trend shows 0% for the previous five months because this is the first month for this report.

Inspection Elements	Yes	No	N/A	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	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	0	35	0	100.00%
Was the search(s) conducted within MCSO policies, and in compliance with the Melendres Order and established local and federal law?	35	0	0	35	100.00%
Were any items seized properly documented on the VSCF and applicable forms and impounded into Q-Tel?	27	0	8	27	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	23	0	12	23	100.00%
<b>Overall Compliance with inspection requirements</b>	<b>119</b>	<b>1</b>	<b>55</b>	<b>120</b>	<b>99.17%</b>

**Conclusion:**

Of the potential 175 matrix criteria inspection points, 120 of which were used in the compliance calculation, there was one deficiency, resulting in a **99.17%** compliance rate for December 2021. **It should be noted, as this is a new inspection, no BIO action forms will be issued for this inspection for deficiencies identified.** There was one instance of non-compliance issues.

**Action Required:**

AIU will provide the inspection report to the affected Divisions to address the following stops and non-compliance deficiencies via the Bio Action Form Process: **No BIO action forms will be issued for this inspection for deficiencies identified, as noted above.**

## District 1:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
1	MC21224371	Deputy	Sergeant	Captain
Deficiency				
Legal basis for search of driver was not documented correctly on VSCF. Per BWC, the search of the driver was a search incident to arrest but was documented as an "Inventory Search" on the VSCF ( <b>Policy EB-2.2.N.3</b> ).				
Inspector Note: It was properly documented as a "Search Incident to Arrest" on the Incident Report.				

## District 7:

Non-Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
7	MC21226957	Deputy	Sergeant	Captain
Deficiency				
The deputy filed the VSCF under an incorrect MC#. The VSCF was filed under MC21226947 instead of MC21226957. ( <b>Policy EB-2.3</b> ) (The deficiency was corrected by the district on 1/20/2022, after the start of this inspection. No BIO Action Form is required.)				

Date Inspection Started: 1/7/2022  
 Date Completed: 1/31/2022  
 Timeframe Inspected: 12/1/2021 – 12/31/2021  
 Assigned Inspector(s): Auditor Dave Paul B5459

I have reviewed this inspection report.

Lt. Brian Arthur S1806

3/4/2022

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

Date