

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Search Inspection: January 2023

Inspection Report # BI2023-0010

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 BI-2023-0010 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of January 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

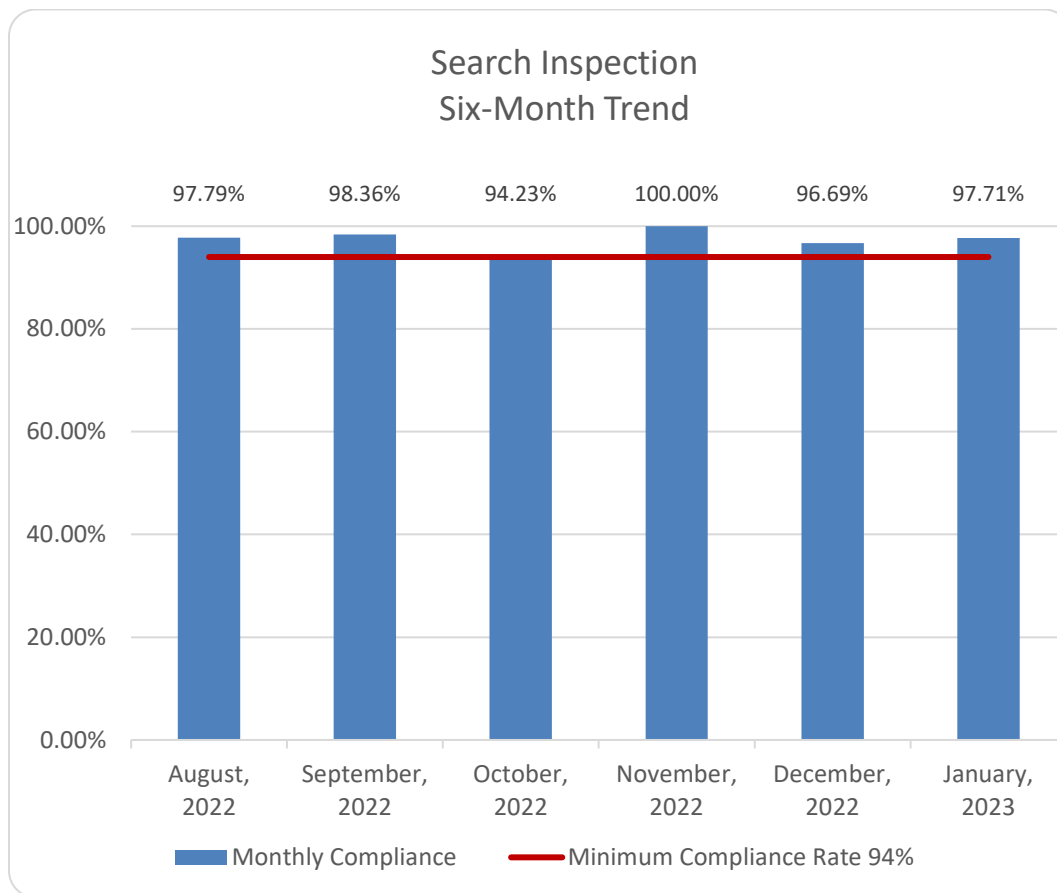
Conditions:

The MCSO is to review 35 randomly selected traffic stops made during the month of January 2023 with a search documented on the Vehicle Stop Contact Forms. There were 35 traffic stops with a search documented on the VSCF during the month of January 2023. All 35 traffic stops with a search documented on the VSCF were reviewed. Additionally, 10 of the traffic stops meeting the criteria are to be selected for Body-Worn Camera review. It should be noted that two additional videos were selected for review, making a total of twelve 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 175 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 41 inspection points determined to be N/A and 3 were determined to be Not Verifiable, resulting in 131 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 **97.71%** for January 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?	32	3	0	0	35	91.43%
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	32	3	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	0	35	100.00%
Were any items seized properly documented on the VSCF and applicable forms and impounded into Q-Tel?	31	0	4	0	31	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	30	0	5	0	30	100.00%
Overall Compliance with inspection requirements	128	3	41	3	131	97.71%

Conclusion:

Of the potential 175 matrix criteria inspection points, 131 of which were used in the compliance calculation, there were two deficiencies, resulting in a **97.71%** compliance rate for January 2023.

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 1:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
1	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The vehicle inventory search was documented inconsistently on the VSCF and the IR. (Policy EB-2.2.O)</p> <p>Inspector Note: The deputy indicated "No" vehicle search on the VSCF but indicated a vehicle inventory search on the IR face sheet. The vehicle was towed.</p>				

Lake Patrol:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
Lake Patrol	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The driver search incident to arrest was documented inconsistently on the VSCF and the IR. (Policy EB-2.2.N)</p> <p>Inspector Note: The search of the driver was documented on the VSCF as "Consent Search, Incident to Arrest" and on the IR face sheet only as "Consent Search," and did not include the search incident to arrest.</p> <p style="text-align: center;">The deputy has one prior BIO Action Form similar in nature dated 8/29/2022. (BAF2022-0172)</p>				

Lake Patrol:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
Lake Patrol	Redacted	Deputy	Sergeant	Captain
Compliance Deficiency				
<p>A probable cause search for evidence was conducted, based on the automobile exception, but the search was not documented correctly, recording "No" vehicle search on both the VSCF and the IR face sheet. (Policy EB-2.2.O)</p> <p>Inspector Note: The deputy indicated "No" vehicle search on the VSCF and the IR, but conducted a search for evidence, retrieving evidence, asking the passenger to open the console, and to retrieve a baggy containing marijuana to take photos for evidence. The deputy properly documented a search incident to arrest of the driver.</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 **3** 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: 2/6/2023
 Date Completed: 2/13/2023
 Timeframe Inspected: 1/1/2023 – 1/31/2023
 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

3/15/2023
 Date