

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**Incident Report Inspection – July 2020**

Inspection Report# BI2020-0085

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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 July 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

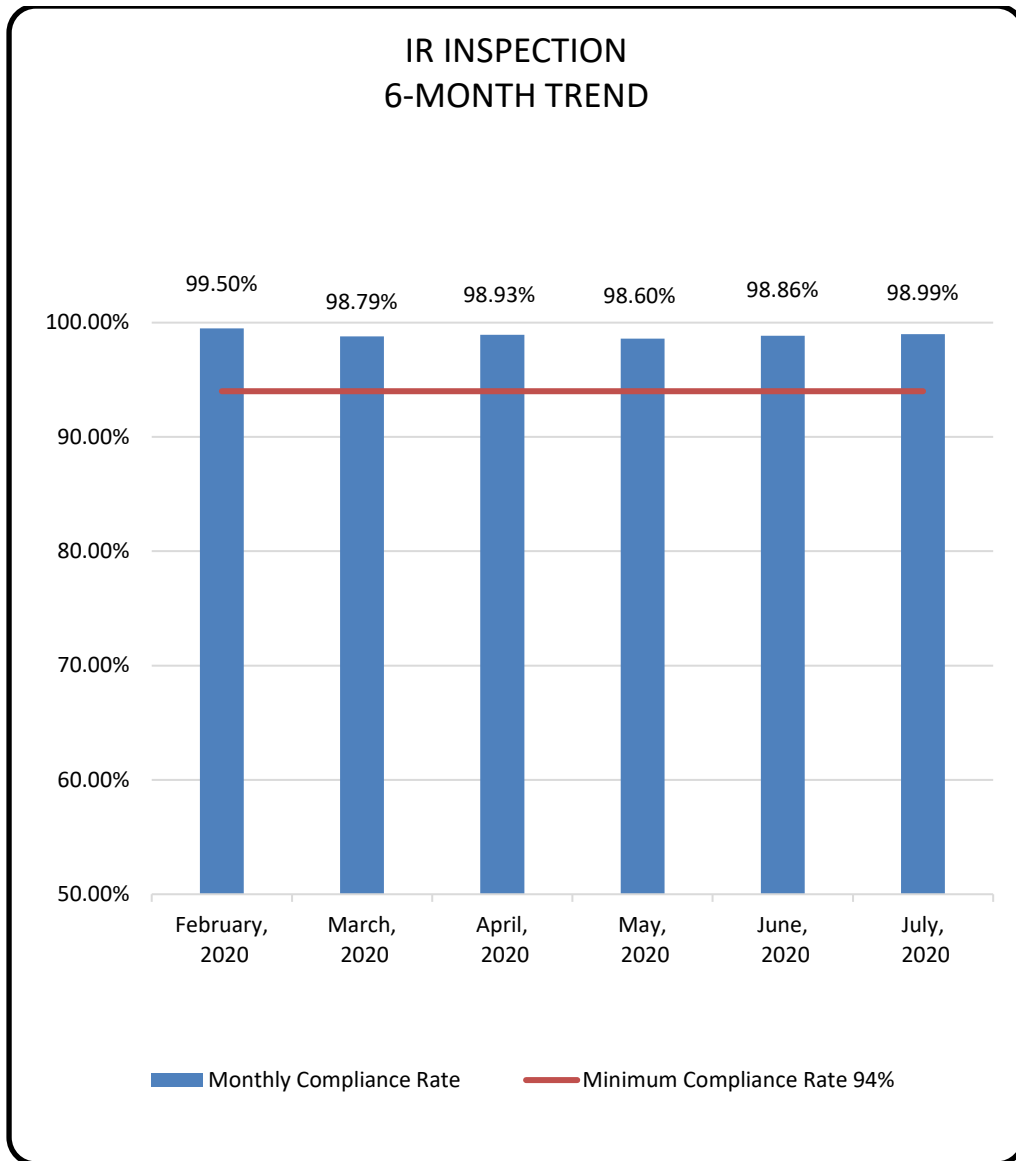
**Conditions:**

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

- **20** out of the **27** criteria inspected achieved 100% compliance.
- **35** of the **40** reports inspected were in compliance with the inspected criteria.
- **5** of the **40** reports accounted for all of the noted deficiencies.
- **39** of the **40** reports (or 97.5%) 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%) detailed a proper investigation of any/all allegations concerning a crime.
- **40** of the **40** reports (or 100%) contained articulation of reasonable suspicion/probable cause for noted searches.
- **40** of the **40** reports (or 100%) properly documented the reason for a search being conducted.
- **39** of the **40** reports (or 97.5%) contained all of the elements of the crime for each charge listed.
- **40** of the **40** reports (or 100%) inspected contained the articulation of the legal basis for the action.
- **39** of the **40** reports (or 97.5%) contained articulation for reasonable suspicion/probable cause.
- **40** of the **40** reports (or 100%) contained articulation of reasonable suspicion/probable cause for investigative detentions.
- **38** of the **40** reports (or 95%) contained consistent/accurate information throughout.
- **40** of the **40** reports (or 100%) had any or all property and/or evidence processed and documented within MCSO policy guidelines.
- **39** of the **40** reports (or 97.5%) documented that Suspects were provided a Miranda Warning when required.
- **38** of the **40** reports (or 95%) 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 **98.99%** for July 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 appears to contain inaccuracies regarding locations. Policy GF-5.1.H</p> <ul style="list-style-type: none"> <li>Inaccurate location of where vehicle was parked.</li> <li>Inaccurate location of where Deputy was parked to observe.</li> <li>Inaccurate location of direction of travel/location of vehicle.</li> </ul> <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 2 (5 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<p>1. Possible Miranda violation: Suspect questioned about incident after being detained in handcuffs without Miranda Warnings being provided. Policy GJ-7 I.5</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
Deficiency					
<p>1. Sergeant approved the noted report with the noted deficiency. Policy GF-5.6.C</p> <p>Inspector Notes: 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	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiency</b>					
<p>1. Report not submitted prior to end of shift. Deputy took action on 7/27 at 401 hours but didn't submit report until 7/28 at 1240 hours. Policy GF-5.4.A.1</p> <p>Inspector Note: Inspector did not locate documentation showing an exceptional circumstance was noted.</p>					
District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiency</b>					
<p>1. Supplement lacks documentation of time of invocation of rights by suspect who invoked right to remain silent and to have an attorney in middle of interview. Policy EA-11.12.A.4</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 noted report with the noted deficiencies. Policy GF-5.6.C</p> <p>Inspector Notes: 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 3 (5 BIO Action Forms):**

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiency</b>					
<p>1. Deputy submitted longform to local municipal court instead of MCAO juvenile division. Policy EA-11.7.A.2</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 3	Sergeant	Redacted	Redacted	Lieutenant	Captain
<b>Deficiency</b>					
<p>1. Sergeant approved the noted report with the noted deficiency. Policy GF-5.6.C</p> <p>Inspector Notes: 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	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiency</b>					
<p>1. Report lacks information on how, when and who trespassed the subject. Policy GF-5.3.B.5</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>Inspector did locate a related report from 2 days prior in which Deputy Al Kusairy trespassed the subject.</li> </ul>					

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Sergeant	Redacted	Redacted	Lieutenant	Captain
<b>Deficiency</b>					
<p>1. Sergeant approved the noted report with the noted deficiency. Policy GF-5.6.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>• Sergeant has three (3) prior BAFs in the last 12 months from the Incident Report inspection.                             <ul style="list-style-type: none"> <li>▪ BAF2020-0029</li> <li>▪ BAF2020-0104</li> <li>▪ BAF2020-0201</li> </ul> </li> </ul>					
District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Sergeant	Redacted	Redacted	Lieutenant	Captain
<b>Deficiency</b>					
<p>1. Report not reviewed within policy timeframe (72 hours). Policy GF-5.4.A.3</p> <p>Inspector Note: Inspector did not locate documentation showing an exceptional circumstance was noted.</p>					

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 11 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: 8/6/2020  
 Date Completed: 8/25/2020  
 Timeframe Inspected: 7/1/2020 - 7/31/2020  
 Assigned Inspector(s): Sgt. Rob Levy S1881

I have reviewed this inspection report.

Lt. Todd Brice

9-24-2020

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

Date