

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Search Inspection: January 2022
Inspection Report # BI2022-0013

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 BI2022-0013 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 1/1/2022 to 1/31/2022. 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

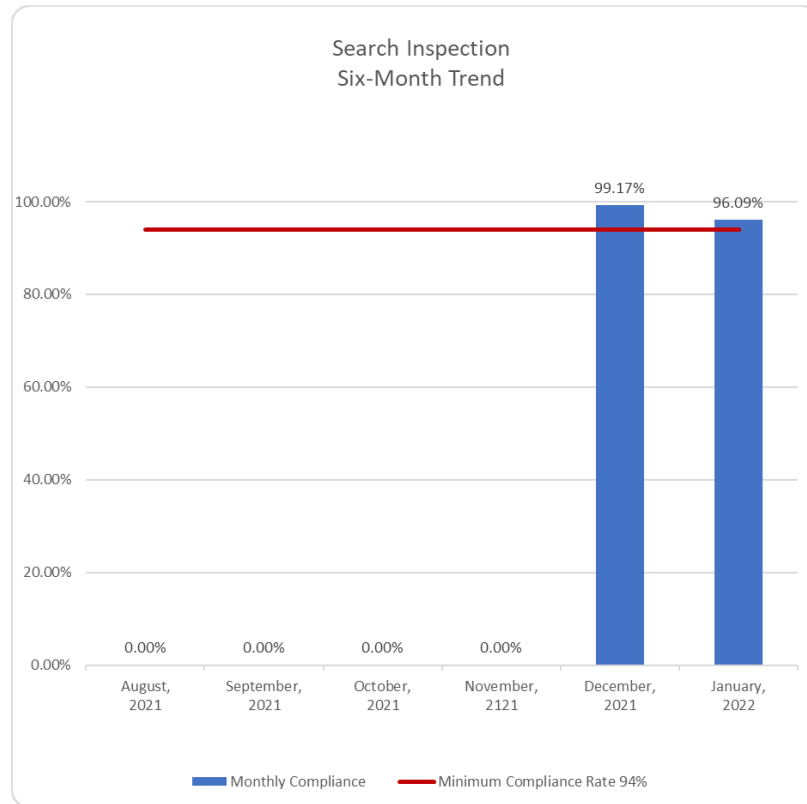
Conditions:

The MCSO reviewed 35 randomly selected traffic stops made during the month of January 2022 with a search documented on the Vehicle Stop Contact Forms. While 10 of the 35 are to be selected for Body-Worn Camera review, it should be noted the inspector viewed four additional videos for clarification purposes, for a total of 14 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 47 inspection points determined to be N/A, resulting in 128 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 **96.09%** for January of 2022, as illustrated in the graph below.



Note: The six-month trend shows 0% for the previous four months because this is the second 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?	32	3	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?	2	1	32	3	66.67%
Was the search(s) conducted within MCSO policies, and in compliance with the Melendres Order and established local and federal law?	34	1	0	35	97.14%
Were any items seized properly documented on the VSCF and applicable forms and impounded into Q-Tel?	28	0	7	28	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	27	0	8	27	100.00%
Overall Compliance with inspection requirements	123	5	47	128	96.09%

Conclusion:

Of the potential 175 matrix criteria inspection points, 128 of which were used in the compliance calculation, there were five deficiencies, resulting in a **96.09%** compliance rate for January 2022. **It should be noted, as this is a new inspection, no BIO action forms will be issued for this inspection for deficiencies identified.** There were two instances of non-compliance issues.

Action Required:

AIU will provide the inspection report to the affected Divisions to address the following steps 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 2:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
2	MC22008227	Deputy	Sergeant	Captain
Deficiency				
Vehicle search was documented as both an Inventory Search and a Consent Search, creating inconsistent documentation. The deputy failed to make an inventory of all vehicle contents as required. Policy EB-2.2.O, EB-5.5.A & B. Inspector Notes: <ul style="list-style-type: none"> • Consent was not requested or granted. There was no consent search. • The inventory search consisted of only a cursory glance of the contents. 				
District	MC#	Employee	Supervisor	Commander
2	MC22012395	Deputy	Sergeant	Captain
Deficiency				
The VSCF shows no driver search conducted, but the IR shows the driver was searched incident to arrest, creating inconsistent documentation. Policy EB-2.2.N.2 Inspector Notes: <ul style="list-style-type: none"> • An inventory search was conducted and properly documented. 				
District	MC#	Employee	Supervisor	Commander
2	MC22016179	Deputy	Sergeant	Captain
Deficiency				
The Vehicle Inventory Search is properly documented on the VSCF but is documented on the IR as Search Incident to Arrest, creating inconsistent documentation. Policy EB-2.2.O.3				

District 3:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
3	MC22011571	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy requested and conducted a consent search but failed to affirmatively inform the person of their right to refuse and to revoke consent at any time. Policy GJ-3.8.A.2</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> The deputy requested consent to search the driver, which the driver granted. A pat-down for weapons was conducted, however the deputy failed to affirmatively inform the person of their right to refuse and to revoke consent at any time. The driver was then arrested and searched subsequent to arrest. Deputy has one prior Bio Action Form for the same deficiency in the last 12 months: <ul style="list-style-type: none"> BAF2021-0104 				

Non-Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
3	MC22006870	Deputy	Sergeant	Captain
Deficiency				
<p>The VSCF incorrectly indicates an Inventory Search was conducted, however there was no inventory search, none was required since the vehicle was not towed. Policy EB-2.2.O.2</p>				

District 4:

Non-Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
4	MC22017383	Deputy	Sergeant	Captain
Deficiency				
<p>The Deputy requested permission to retrieve the vehicle registration from the floor of the vehicle and documented it as a consent search. The Deputy properly retrieved the registration from the floor but did not conduct a search of the vehicle. The Deputy's actions are clearly documented on the VSCF. No consent search was conducted, as defined in Policy EB-2.2.O.2</p>				

Training:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
Training	MC22000090	Deputy	Sergeant	Captain
Deficiency				
<p>No vehicle search was indicated on the VSCF. The Inventory Search was properly documented on the IR creating inconsistent documentation. Policy EB-2.2.O.2</p> <p>Inspector Notes:</p> <ul style="list-style-type: none"> The driver was arrested, cited, and released for DUI and the vehicle was towed. 				

Date Inspection Started: 2/7/2022
 Date Completed: 2/24/2022
 Timeframe Inspected: 1/1/2022 – 1/31/2022
 Assigned Inspector(s): Auditor Dave Paul B5459

I have reviewed this inspection report.

Lt. Brian Arthur S1806

4/1/2022

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

Date