

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**Incident Report Inspection – September 2019**

Inspection Report# BI2019-0128

**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 September 2019 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, 0 County Attorney Turndowns where the prosecutor indicated they declined prosecution due to a lack of probable cause, and 1 County Attorney Turndown (long-form submittal, not in-custody or criminal citation) where the prosecutor indicated they declined prosecution due to no crime having been committed for inspection during the month.

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 include 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 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:

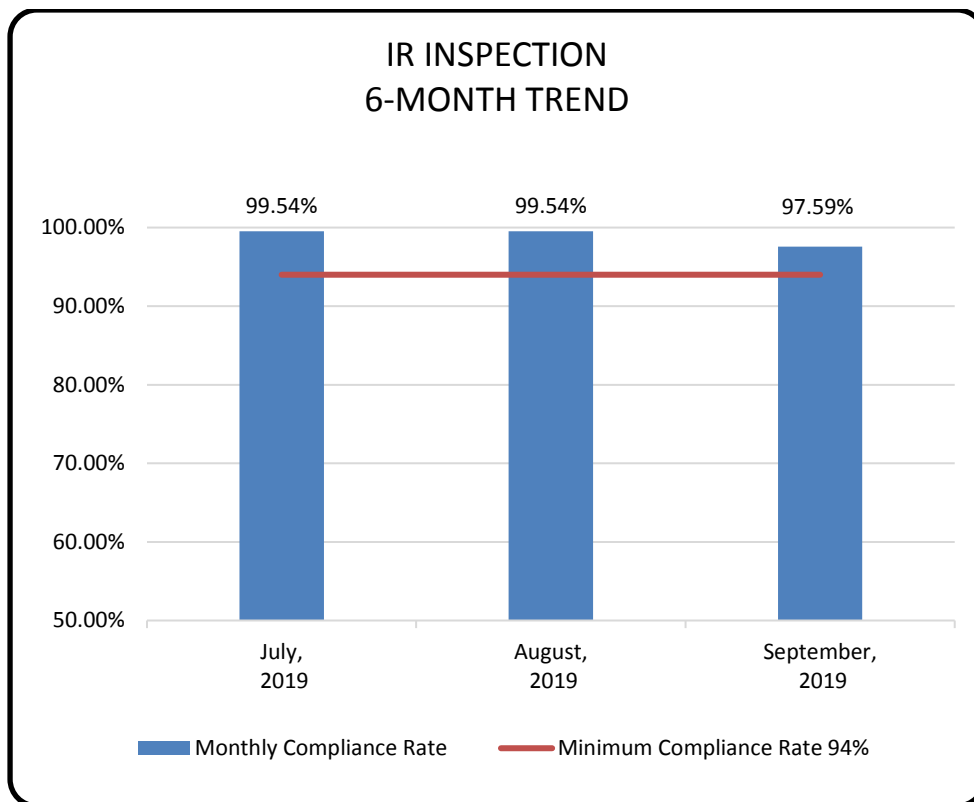
MCSO Policy EB-1 – Traffic Enforcement, Violator Contacts, and Citation Issuance

**Conditions:**

Of the **40** total selected reports that were inspected, the following has been concluded: **18** out of the **27** criterion inspected achieved 100% compliance. Out of the **40** reports, **38** (or 95%) were reviewed by a supervisor within policy time-lines. **39** of the **40** (or 97.5%) total IR's properly documented the reason for a search being conducted. Out of the **40** reports inspected **36** (or 90%) contained all of the elements of the crime for each charge listed. **38** of the **40** (or 95%) reports contained articulation for reasonable suspicion/probable cause. **37** of the **40** (or 92.5%) IR's inspected contained the articulation of the legal basis for the action. Out of **40** reports, **39** (or 97.5%) had no other violations of office policy.

**32** of the **40** reports inspected were in compliance with the inspected criteria. Therefore, the compliance rates of the sample reports utilizing the 27-inspection criterion resulted in an overall average compliance rate of **97.59%** for September of 2019, 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 (5 BIO Action Forms):

District/Division	Case Agent	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Lieutenant	Redacted	Redacted	Captain	Captain
<b>Deficiency</b>					
1. Lieutenant instructed Deputy and Sergeant to cite and release for felony drug possession. Deputy later files motion to dismiss citation 17 days after incident. Policy EA-11.8.B.2.b					

District/Division	Case Agent	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiency</b>					
1. Deputy cites and books subject for consuming alcohol in public but report only articulates that Deputy saw subject holding beer with what appeared to be some missing and the cap off. Policy GF-5.3.B.5					

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Sergeant	Redacted	Redacted	Lieutenant	Captain
<b>Deficiency</b>					
1. Sergeant signed off above report with the noted deficiency. Policy GF-5.6.C					
Inspector Note: No Incident Report Memorialization Form located.					

District/Division	Case Agent	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiencies</b>					
<ol style="list-style-type: none"> <li>Report lacks specificity for culpable mental state of "knowingly" for the fictitious plate charge from what is articulated in report and form 4. Policy GF-5.3.B.5</li> <li>Report lacks specificity for prescription drug offense. Report only mentions a prescription bottle with a name other than the involved. Doesn't describe the contents or any testing. Policy GF-5.3.B.5</li> </ol>					
District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Sergeant	Redacted	Redacted	Lieutenant	Captain
<b>Deficiency</b>					
<ol style="list-style-type: none"> <li>Sergeant signed off above report with the noted deficiencies. Policy GF-5.6.C</li> </ol> <p style="text-align: center;">Inspector Note: No Incident Report Memorialization Form located.</p>					

**District 3 (2 BIO Action Forms):**

District/Division	Case Agent	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiencies</b>					
<ol style="list-style-type: none"> <li>Report lacks specificity for culpable mental state of "knowingly" for the suspended plate charge from what is articulated in report and form 4. Policy GF-5.3.B.5</li> <li>Deputy seizes out of state plate for out of state registration suspension. Policy EB-1.13.D</li> </ol>					
District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Sergeant	Redacted	Redacted	Sergeant	Captain
<b>Deficiency</b>					
<ol style="list-style-type: none"> <li>Sergeant signed off above report with the noted deficiencies. Policy GF-5.6.C</li> </ol> <p style="text-align: center;">Inspector Note: No Incident Report Memorialization Form located.</p>					

**District 4 (1 BIO Action Form):**

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 4	Sergeant	Redacted	Redacted	Lieutenant	Captain
<b>Deficiency</b>					
1. Sergeant signed off deficient report for Deputy noted below as assigned to Special Investigations. Policy GF-5.6.C					
Inspector Note: No Incident Report Memorialization Form located.					

**Special Investigations (1 BIO Action Form):**

District/Division	Case Agent	Date of Event	IR#	Current Supervisor	Current Commander
Special Investigations	Deputy	Redacted	Redacted	Sergeant	Captain
<b>Deficiency</b>					
1. Deputy submitted charges, however, a review of the protection order indicated no violation of law occurred. Policy EA-8.4.A.1					
Inspector Note: Deficiency occurred while Deputy was assigned to District 4.					

**Lake Patrol (2 BIO Action Forms):**

District/Division	Case Agent	Date of Event	IR#	Current Supervisor	Current Commander
Lake Patrol	Sergeant	Redacted	Redacted	Lieutenant	Captain
<b>Deficiency</b>					
1. Sergeant issued incidental contact form to driver he stopped for a traffic law violation. Policy EB-1.12.C					
District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
Lake Patrol	Lieutenant	Redacted	Redacted	Captain	Captain
<b>Deficiency</b>					
1. Lieutenant signed off above report with the noted deficiency. Policy GF-5.6.C					
Inspector Note: No Incident Report Memorialization Form located.					

**Court Security (2 BIO Action Forms):**

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
Court Security	Sergeant	Redacted	Redacted	Captain	Captain
<b>Deficiency</b>					
1. Sergeant did not sign off report within policy guidelines. Policy GF-5.4.A.3					

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
Court Security	Sergeant	Redacted	Redacted	Captain	Captain
<b>Deficiency</b>					
1. Sergeant did not sign off report within policy guidelines. Policy GF-5.4.A.3					

**Unless noted above in the deficiency table, there were no prior BIO Action Forms similar in nature or supervisor notes for the perceived deputy deficiencies.**

A total of **13** 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 month’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: 11/4/2019  
Date Completed: 11/22/2019  
Timeframe Inspected: 9/1/2019 - 9/30/2019  
Assigned Inspector(s): Sgt. Rob Levy S1881

I have reviewed this inspection report.

*Lt. D. Reaulo S1678*

12/10/2019

Lt. Dominick Reaulo S1678  
Commander – Audits and Inspections  
Unit Bureau of Internal Oversight

Date