

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Search Inspection: December 2022

Inspection Report # BI2022-0188

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 BI2022-0188 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 12/1/2022 to 12/31/2022. 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

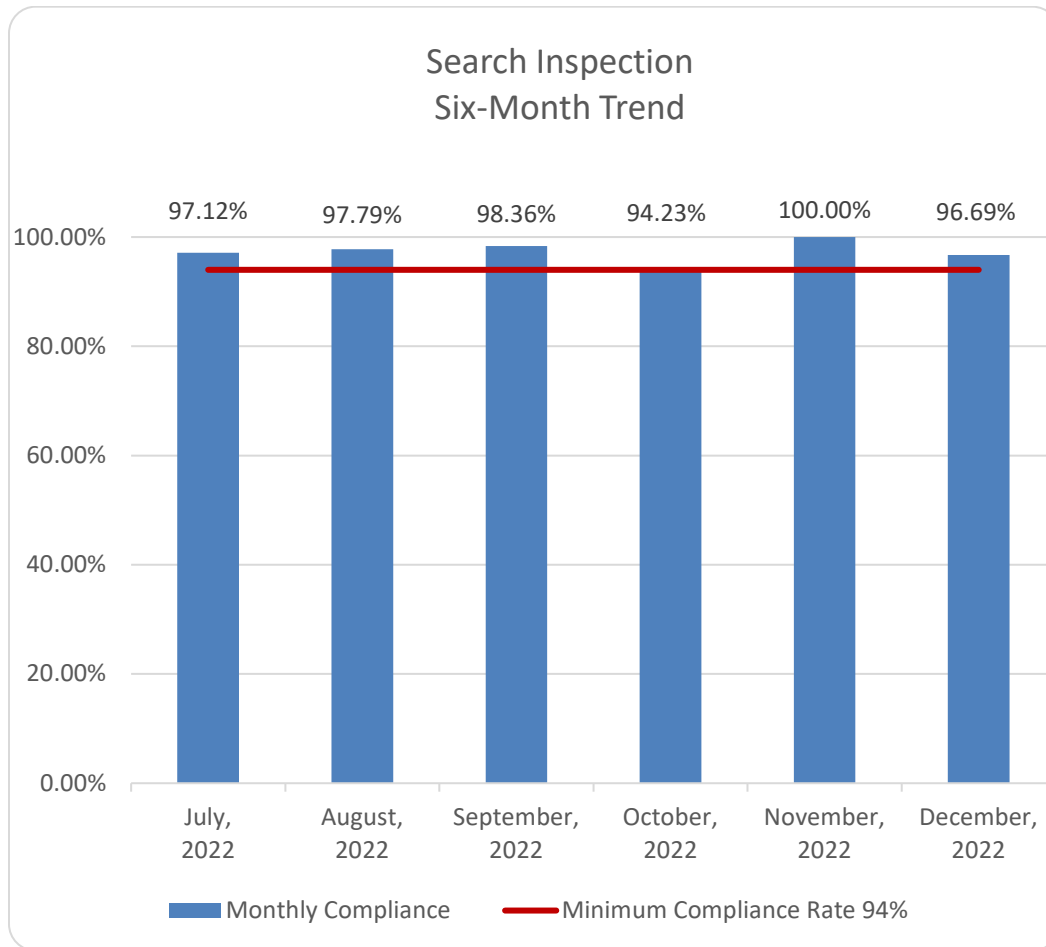
Conditions:

The MCSO is to review 35 randomly selected traffic stops made during the month of December 2022 with a search documented on the Vehicle Stop Contact Forms. There were only 32 traffic stops with a search documented on the VSCF during the month of December 2022. One traffic stop of the total of 32 traffic stops was removed from this inspection due to an open PSB investigation. The result was all remaining 31 traffic stops with a search documented on the VSCF were reviewed. Additionally, while 10 of the traffic stops meeting the criteria are to be selected for Body-Worn Camera review, it should be noted that four additional videos were reviewed, making a total of 14 BWC videos viewed this month.

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 155 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 31 inspection points determined to be N/A and 3 were determined to be Not Verifiable, resulting in 121 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 **96.69%** for December 2022, 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?	27	4	0	0	31	87.10%
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?	1	0	27	3	1	100.00%
Was the search(s) conducted within MCSO policies, and in compliance with the Melendres Order and established local and federal law?	31	0	0	0	31	100.00%
Were any items seized properly documented on the VSCF and applicable forms and impounded into Q-Tel?	31	0	0	0	31	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	27	0	4	0	27	100.00%
Overall Compliance with inspection requirements	117	4	31	3	121	96.69%

Conclusion:

Of the potential 155 matrix criteria inspection points, 121 of which were used in the compliance calculation, there were four deficiencies, resulting in a **96.69%** compliance rate for December 2022.

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 Deficiencies

District	MC#	Employee	Supervisor	Commander
1	Redacted	Deputy	Sergeant	Captain

Deficiency

The deputy documented the driver search as 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)

Inspector Note:

The deputy documented a consent search on both the IR face sheet and the VSCF, but failed to advise the subject of his right to refuse or revoke consent at any time.

No BIO Action Form will be issued as supervisor intervention was noted in SN2022-00047086.

District	MC#	Employee	Supervisor	Commander
1	Redacted	Deputy	Sergeant	Captain

Deficiency

The deputy documented the vehicle inventory search inconsistently on the VSCF and the IR. (Policy EB-2.2.O)

Inspector Note:

The deputy documented "No" search of the driver on the VSCF but indicated "Yes" for a driver search on the IR face sheet, classifying it as an "Inventory Search."

District 2:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
2	Redacted	Deputy	Sergeant	Captain
Non-Compliance Deficiency				
<p>The deputy apparently did not conduct an inventory search. (Policy GJ-3.8.G)</p> <p>Inspector Note: The deputy indicated "No" vehicle search on the VSCF, no items listed on Tow Sheet, but the vehicle was towed.</p>				

Lake Patrol:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
Lake Patrol	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the search incorrectly. (Policy EB-2.2.N)</p> <p>Inspector Note: The deputy documented the search of the driver as a Terry Frisk on both the IR and the VSCF. The BWC appears to show the search of the driver is incident to arrest. Additionally, there was no documentation to support a Terry frisk.</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: 1/11/2023
Date Completed: 1/18/2023
Timeframe Inspected: 12/1/2022 – 12/31/2022
Assigned Inspector(s): Auditor Dave Paul, B5459

I have reviewed this inspection report.

Lt. Brian Arthur

2/9/2023

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

Date