

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**Search Inspection: August 2022**  
Inspection Report # BI2022-0123

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 BI2022-0123 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 8/1/2022 to 8/31/2022. 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:**

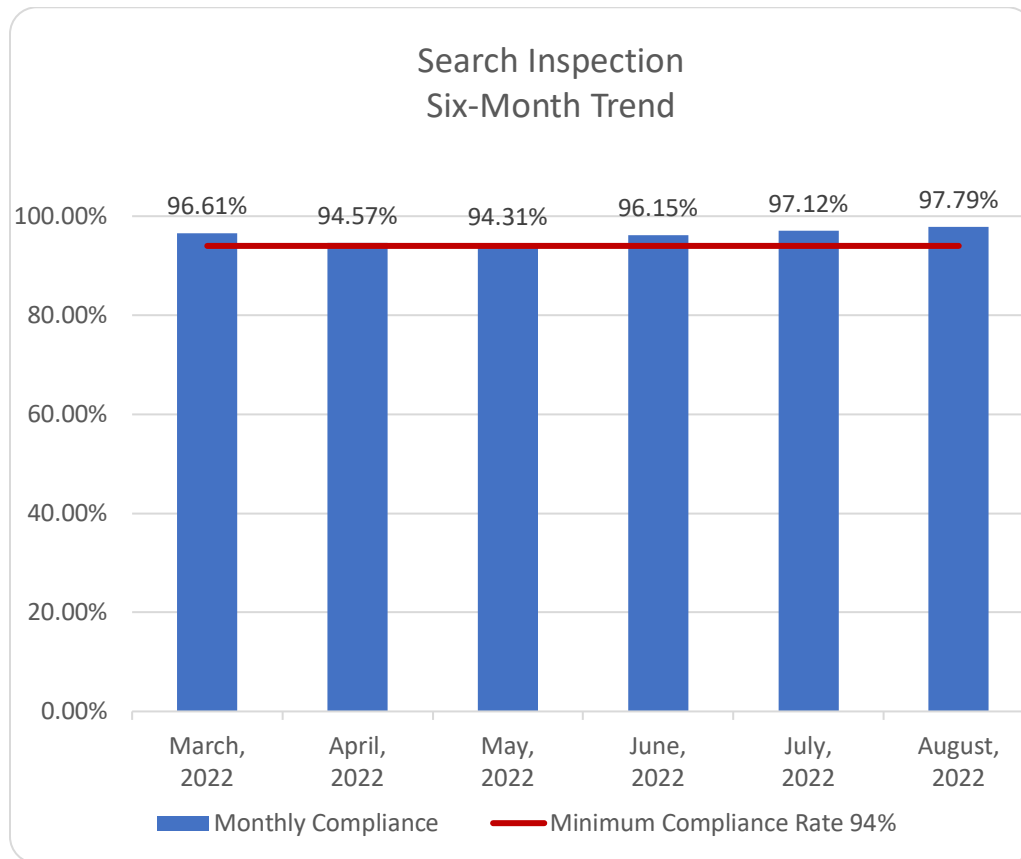
The MCSO reviewed 35 randomly selected traffic stops made during the month of August 2022 with a search documented on the Vehicle Stop Contact Forms. One traffic stop was selected for review in the Traffic Stop Inspection. This traffic stop was omitted from the Search Inspection and replaced with another in accordance with the methodology. Additionally, while 10 of the 35 are to be selected for Body-Worn Camera review, it should be noted rounding during the selection process resulted in one additional video being selected, and one video was reviewed for clarity, making a total of 12 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 175 potential matrix criteria inspection points. From the total of 175 potential 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 38 inspection points determined to be N/A and one was determined to be Not Verifiable, resulting in 136

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 **97.79%** for August 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?	33	2	0	0	35	94.29%
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	31	1	3	66.67%
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?	33	0	2	0	33	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	30	0	5	0	30	100.00%
<b>Overall Compliance with inspection requirements</b>	<b>133</b>	<b>3</b>	<b>38</b>	<b>1</b>	<b>136</b>	<b>97.79%</b>

**Conclusion:**

Of the potential 175 matrix criteria inspection points, 136 of which were used in the compliance calculation, there were three deficiencies, resulting in a **97.79%** compliance rate for August 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
<b>Deficiency</b>				
The assisting deputy requested and obtained consent to search the vehicle but failed to affirmatively advise the driver of their right to refuse and to revoke consent at any time. <b>(Policy GJ-3.8.A.2)</b>  <b>Inspector Note:</b> The above listed employee was the assisting deputy on the scene.				
District	MC#	Employee	Supervisor	Commander
1	Redacted	Deputy	Sergeant	Captain
<b>Deficiency</b>				
The deputy documented the passenger search incident to arrest inconsistently on the VSCF and the IR. <b>(Policy EB-2.2.N)</b>  <b>Inspector Note:</b> The deputy conducted a search incident to arrest of the passenger and documented this search on the IR but checked "No" on the Passenger Search Conducted on the VSCF.				

District 2:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
2	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the search of the vehicle and the search incident to arrest inconsistently on the VSCF and the IR. <b>(Policy EB-2.2.O, Policy EB-2.2.N)</b></p> <p><b>Inspector Note:</b>                      The deputy documented the vehicle search as a "Consent Search" and "Incident to Arrest" on the VSCF, but only as a "Consent Search" on the IR. The deputy also documented the search of the driver as "Incident to Arrest" on the VSCF, but as both "Incident to Arrest" and a "Protective Sweep" on the IR.</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: 9/6/2022  
 Date Completed: 9/14/2022  
 Timeframe Inspected: 8/1/2022 – 8/31/2022  
 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

10/21/2022  
 Date