

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Search Inspection: October 2022

Inspection Report # BI2022-0153

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 BI2022-0153 examines traffic stops with a search documented on the Vehicle Stop Contact Forms contained in the TraCS database, for the time period of 10/1/2022 to 10/31/2022. 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

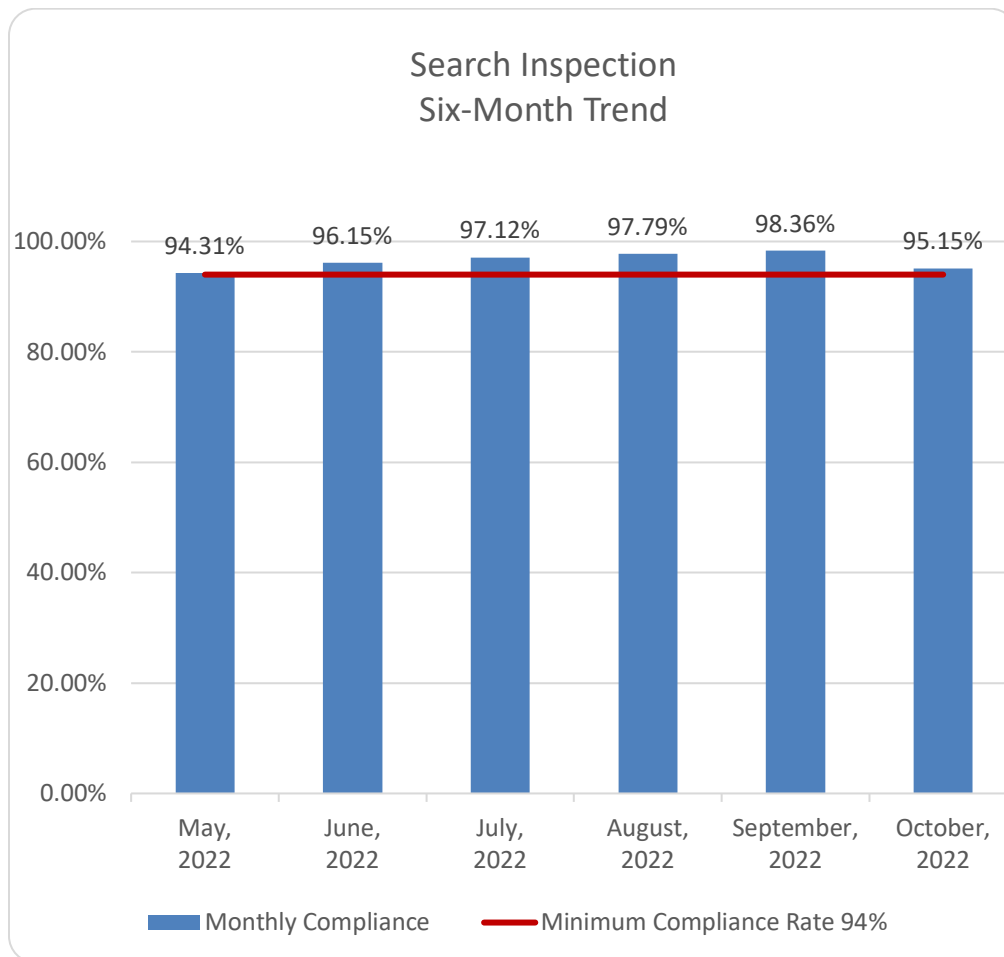
Conditions:

The MCSO is to review 35 randomly selected traffic stops made during the month of October 2022 with a search documented on the Vehicle Stop Contact Forms. There were only 30 traffic stops with a search documented on the VSCF during the month of October 2022. Two traffic stops of the total of 30 traffic stops were selected for review in the Traffic Stop Inspection. These traffic stops were omitted from the Search Inspection in accordance with the methodology. The result was all remaining 28 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 11 BWC videos were selected due to rounding during the selection process. One additional video was reviewed, 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 140 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 32 inspection points determined to be N/A and 4 were determined to be Not Verifiable, resulting in 104 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 **95.15%** for October 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?	23	4	1	0	27	85.19%
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	1	24	2	2	50.00%
Was the search(s) conducted within MCSO policies, and in compliance with the Melendres Order and established local and federal law?	27	0	1	0	27	100.00%
Were any items seized properly documented on the VSCF and applicable forms and impounded into Q-Tel?	26	0	2	0	26	100.00%
Did the deputy provide the individual(s) with a Property Receipt if property was seized?	21	0	5	2	21	100.00%
Overall Compliance with inspection requirements	98	5	33	4	103	95.15%

Conclusion:

Of the potential 140 matrix criteria inspection points, 103 of which were used in the compliance calculation, there were five deficiencies, resulting in a **95.15%** compliance rate for October 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 3:**Compliance Deficiencies**

District	MC#	Employee	Supervisor	Commander
3	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the vehicle inventory search inconsistently on the VSCF and the IR. (Policy EB-2.2.O)</p> <p>Inspector Note: The deputy indicated "No" vehicle search on the VSCF but indicated a vehicle inventory search on the IR face sheet. The vehicle was towed. The BWC shows a vehicle search.</p>				
District	MC#	Employee	Supervisor	Commander
3	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>Redacted: The deputy documented the search of the driver and passenger as a consent search but failed to affirmatively inform the person of their right to refuse and to revoke consent at any time. (Policy EA-3.3.F & GJ-3.8.A.2)</p> <p>Redacted: The deputy documented the vehicle inventory search inconsistently on the VSCF and the IR. (Policy EB-2.2.O)</p> <p>Inspector Notes: Redacted: The deputy conducted consent safety searches of the driver and passenger but failed to advise them of their right to refuse or revoke consent at any time.</p> <p>Redacted: The deputy indicated a vehicle inventory search on the VSCF but indicated "No" vehicle search on the IR face sheet. The vehicle was towed. The IR narrative says "An inventory search was conducted on the vehicle."</p> <p>The deputy has a prior similar BIO Action Form.</p>				

District 4:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
4	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the driver search incident to arrest inconsistently on the VSCF and the IR. (Policy EB-2.2.N)</p> <p>Inspector Note: The deputy indicated a driver search incident to arrest was conducted on the VSCF, but indicated no search of the driver on the IR face sheet. The vehicle inventory search was properly conducted and documented.</p>				

Lake Patrol:

Compliance Deficiency

District	MC#	Employee	Supervisor	Commander
Lake Patrol	Redacted	Deputy	Sergeant	Captain
Deficiency				
<p>The deputy documented the driver search incident to arrest inconsistently on the VSCF and the IR. (Policy EB-2.2.N)</p> <p>Inspector Note: The deputy indicated "No" Driver Search Conducted on the VSCF, but indicated Search Incident to Arrest on the IR face sheet. The vehicle inventory search was properly conducted and documented.</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 **4** 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: 11/8/2022
Date Completed: 11/15/2022
Timeframe Inspected: 10/1/2022 – 10/31/2022
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

1/6/2023

Date