

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Incident Report Inspection – January 2020

Inspection Report# BI2020-0001

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 January 2020 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, and 0 County Attorney Turndowns where the prosecutor indicated they declined prosecution due to a lack of probable cause

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 includes 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 the 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

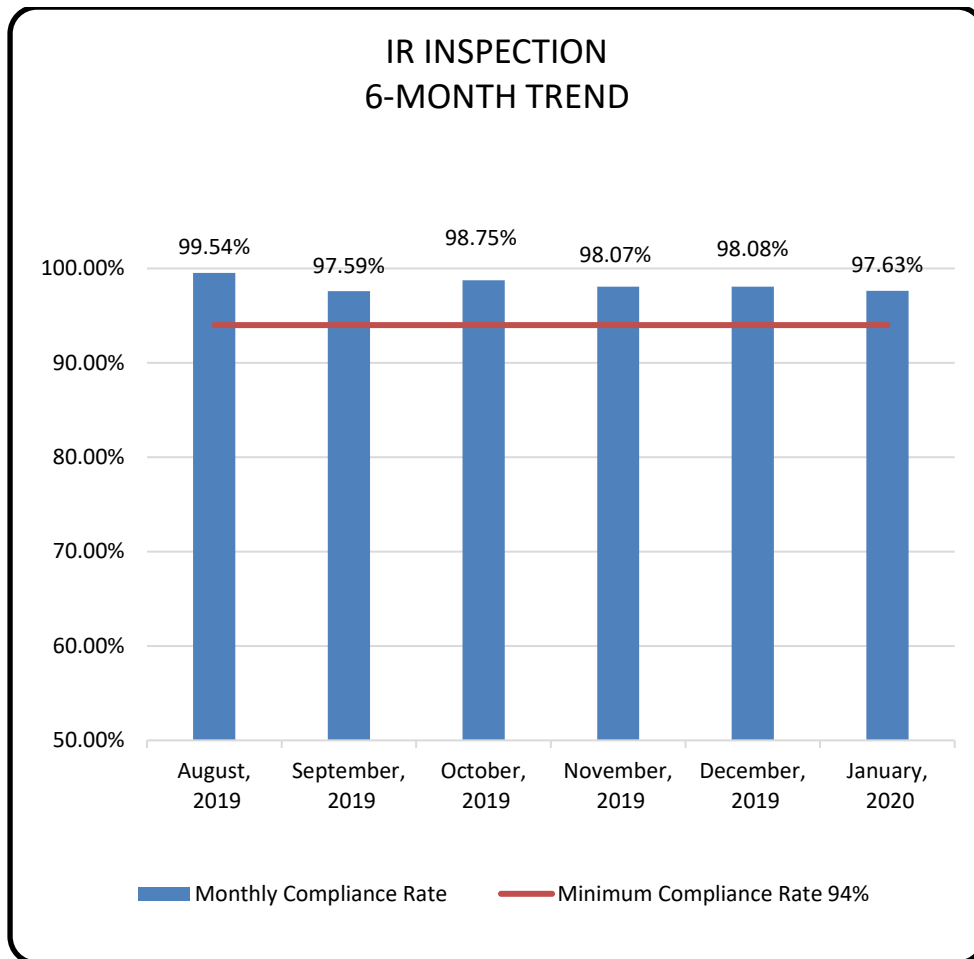
Conditions:

Of the **40** total selected reports that were inspected, the following has been concluded: **16** out of the **27** criteria inspected achieved 100% compliance. **30** of the **40** reports inspected were in compliance with the inspected criteria. **10** of the **40** reports accounted for all of the noted deficiencies.

39 of the **40** reports (or 97.5%) were submitted prior to the end of shift. Out of the **40** reports, **37** (or 92.5%) were reviewed by a supervisor within policy timelines. **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 **38** (or 95%) 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. **38** of the **40** (or 95%) IR's inspected contained the articulation of the legal basis for the action. Out of **40** reports, **40** (or 100%) did not contain boilerplate and/or conclusory language. Out of the **40** reports, **39** (or 97.5%) had any or all property and/or evidence processed and documented within MCSO policy guidelines., **39** of the **40** reports (or 97.5%) documented that Suspects were provided a Miranda Warning when required. Out of the **40** reports, **40** (or 100%) had no other violations of office policy.

The compliance rate of the sample reports utilizing the 27-inspection criterion resulted in an overall average compliance rate of **97.63%** for January of 2020, 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 (3 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
1. Report missing elements of the crime. Policy GF-5.3.B.1 Inspector Notes: No Incident Report Memorialization Form located. Deputy has one (1) prior Bio Action Form regarding lack of documentation within the last year. <ul style="list-style-type: none"> • BAF2019-0055 					
District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiencies					
1. Sergeant approved the above report with the noted deficiency. Policy GF-5.6.C Inspector Notes: No Incident Report Memorialization Form located. Sergeant has one (1) prior Bio Action Form regarding the same deficiency within the last year. <ul style="list-style-type: none"> • BAF2020-0005 					

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 1	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
1. Sergeant did not review the report within policy guidelines. Policy GF-5.4.A.3 Inspector Notes: No exceptional circumstance noted in TraCS. TraCS notes, "Report signed off late due to (Deputy) not being assigned to my normal purview"					

District 2 (2 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiencies					
<ol style="list-style-type: none"> Deputy cited and released subject for a felony offense. Policy EA-11.8.B.2.b Report lacks specificity regarding the questioning of the detained subject. Policy EA-11.12.A.1 Report lacks specificity regarding the search (terry frisk) of the subject. Policy GJ-3.8.B <p>Inspector Note: No Incident Report Memorialization Form located.</p>					
District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 2	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
<ol style="list-style-type: none"> Sergeant approved the above report with the noted deficiencies. Policy GF-5.6.C <p>Inspector Note: No Incident Report Memorialization Form located.</p>					

District 3 (2 BIO Action Forms):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
<ol style="list-style-type: none"> Report lacks articulation of probable cause for shoplifting charge(s). Policy GF-5.3.B.1 <p>Inspector Note: Deficiency was documented in IRM2020-0001 so no BAF is required.</p>					

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
<ol style="list-style-type: none"> Sergeant did not review the report within policy guidelines. Policy GF-5.4.A.3 <p>Inspector Note: No exceptional circumstance noted in TraCS.</p>					

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 3	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
1. Sergeant approved IR with the noted deficiency (no property receipt for a seized license). Policy GF-5.6.C					
Deficiency occurred when Sergeant was assigned to District 7					

District 4 (0 BIO Action Forms):

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
District 4	Sergeant	Redacted	Redacted	Lieutenant	Captain
Deficiency					
1. Sergeant approved IR with the noted deficiency (lack of articulation of PC). Policy GF-5.6.C					
<p>Inspector Notes: Deficiency was documented in IRM2020-0001 so no BAF is required.</p> <p>Sergeant has one (1) prior Bio Action Form regarding the same deficiency within the last year.</p> <ul style="list-style-type: none"> • BAF2019-0307 					
Deficiency occurred when Sergeant was assigned to District 3					

District 7 (1 BIO Action Form):

District/Division	Deputy	Date of Event	IR#	Current Supervisor	Current Commander
District 7	Deputy	Redacted	Redacted	Sergeant	Captain
Deficiency					
1. Unable to locate property receipt for the seized license. Policy GE-3.3.D					
Inspector Note: Not found in TraCS or noted in IR.					

Court Security (1 BIO Action Form):

District/Division	Approving Supervisor	Date of Event	IR#	Current Supervisor	Current Commander
Court Security	Sergeant	Redacted	Redacted	Captain	Captain
Deficiency					
<p>1. Sergeant did not review the report within policy guidelines. Policy GF-5.4.A.3</p> <p>Inspector Notes: No exceptional circumstance noted in TraCS. Sergeant has one (1) prior Bio Action Form regarding the same deficiency within the last year.</p> <ul style="list-style-type: none"> • BAF2020-0033 					

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

A total of 9 BIO Action Forms are required 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: 2/10/2020
Date Completed: 2/19/2020
Timeframe Inspected: 1/1/2020 - 1/31/2020
Assigned Inspector(s): Sgt. Rob Levy S1881

I have reviewed this inspection report.

Lt. Todd Brice
Lt. Todd Brice S1767
Commander – Audits and Inspections Unit
Bureau of Internal Oversight

3-24-2020

Date