

MARICOPA COUNTY SHERIFF'S OFFICE
Bureau of Internal Oversight
Audits and Inspections
BI2016-0119



Bureau of Internal Oversight
Traffic Stop Data Inspection Report
Date:
Inspection #BI2016-0119



Joseph M. Arpaio, Sheriff

To: Lt. Morris #S1014
Division Commander
Bureau of Internal Oversight

From: Sgt. Reaulo #S1678
Inspections Sergeant
Bureau of Internal Oversight

Subject: September 2016 Inspection of Traffic Stop Data
#BI2016-0119

Date: October 24, 2016
Report Period:
September 1-30, 2016

The Audit and Inspections Unit inspects Traffic Stop Data collected in the TraCS system on a monthly basis. The purpose for the inspection is to ensure compliance with office policies, promote proper supervision, and support compliance with the Melendres Order. The Court Monitors will determine a random pull for final inspection. To achieve inspection results the auditor will utilize the TraCS system, JWI, I-Net Viewer, body camera video (www.Evidence.com) and Communication Recordings. These entries will be uniformly inspected utilizing a matrix developed by the Bureau of Internal Oversight. Additionally, a JWI inquiry will be made on all deputies' involved in the traffic stop to determine if a license and/or warrants check was run during the stop. The following procedures and Briefing Boards will be used in the (BIO) Matrix, which include but are not limited to EA-3, EA-11, EB-1, EB-2 EB-11, GJ-3, GJ-4 GJ-35, GF-3, CP-1 CP-2, CP-5 CP-8, CP-8.1.A & .5, Briefing Board Numbers 09-31, 13-31 14-12, 14-28, 14-33 14-66, 14-67, 14-68, 15-01, 15-04

Matrix Procedures:

- Verify all information on traffic stop data forms match , respectively
- Verify all information on traffic stop data forms match CAD
- Verify all information on traffic stop data forms match body camera video
- Determine if all license and warrant checks were documented
- Determine if the name of any individuals from a license and/or warrant check (including subject's surname) are documented
- Confirm the name, serial number, and unit of all involved are documented
- Verify the license plate state and number are documented
- Confirm the total number of occupants are documented
- Verify the pre-stop and post-stop subjective perceived race, ethnicity, and gender of the driver and any passengers are documented
- Determine if contact was made with any passengers, the nature of the contact, and the reasons for such contact are documented
- Confirm if the reason for the stop was recorded with a description of the traffic or equipment violation observed, if any, prior to contact with the occupants, and any indicators of criminal activity developed before or during the stop
- Verify the time the stop began, time any citations were issued, time releases were made without citation, time any arrest were made, and time the stops/detentions were concluded and documented
- Confirm whether any inquiry as to immigration status was conducted and whether ICE/CBP was contacted, and if so, the facts supporting the inquiry or contact with ICE/CBP, the time Supervisor approval was sought, the time ICE/CBP was contacted, the time it took to complete the immigration status investigation or receive a response from ICE/CBP, and whether ICE/CBP ultimately took custody of the individual and documented

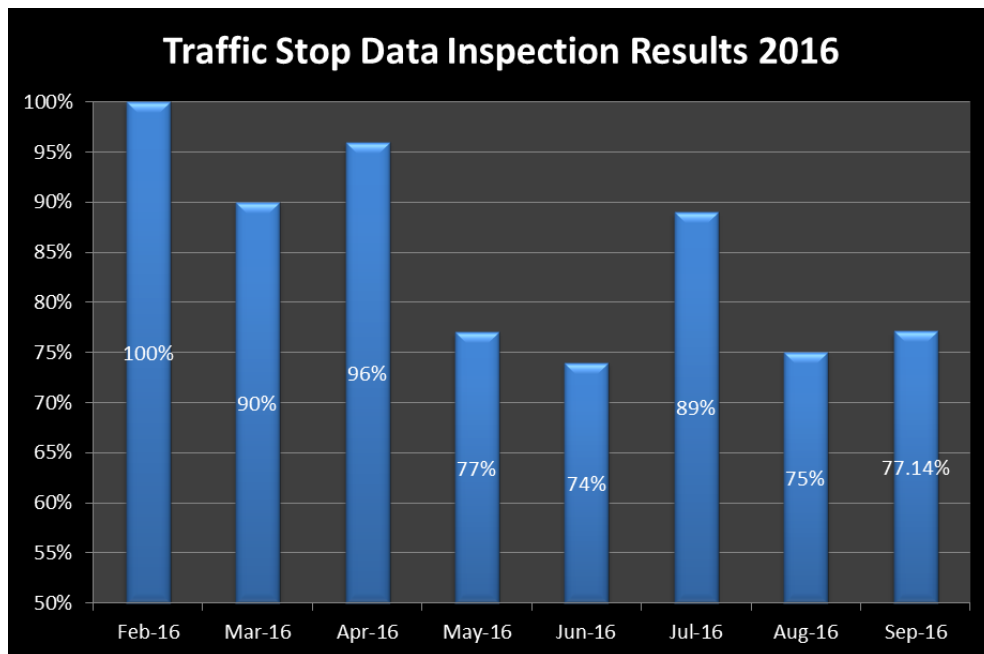
- Determine whether any individual was asked to consent to a search (and the response), whether a probable cause search was performed on any individual, or whether a pat-and-frisk search was performed on any individual and documented
- Verify if any contraband or evidence was seized from any individual, and if the nature of the contraband or evidence seized was documented
- Confirm the final disposition of the stop, including whether a citation was issued or an arrest was made or a cite and release was made
- Confirm the city location of stop was documented on traffic stop data forms
- Verify a receipt contained a signature or acknowledgment that the subject was served and if not there was a documented reason
- Verify video was available
- Determine if video recorded the Traffic Stop in its entirety
- Review incident video footage to ensure deputies adhere to all MCSO Policies

Criteria:

- Melendres Order, paragraphs 54 – 59
- MCSO Policy
- MCSO Policy EB-1, Traffic Enforcement, Violator Contracts, and Citation Issuance
- MCSO Policy EB-2, Traffic Stop Data Collection
- MCSO Policy GJ-35 Body Worn Cameras

Conditions:

The MCSO assigned Court Monitors selected for review 35 out of 2702 traffic stops made for the month of September 2016. Additionally, 10 of the 35 were selected for dispatch audio and body camera review. The auditor reviewed the traffic stops and determined that 77.14% or 27 out of the 35 traffic stops had no deficiencies ($27 \div 35 =$ or 77.14%) This is a 2.14% increase from the August inspection as illustrated in the chart below:



The following deficiencies were observed during the inspection period:

Division	MC#	Employee	Division Commander	Deficiency
Dist. 1	MC16247093	Deputy	Captain	Violator Signature was not obtained on Written Warning
Dist. 1	MC16247388	Deputy	Captain	Deputy did not conduct a records check (27/29)
Dist. 1	MC16249375	Deputy	Captain	Violator Signature was not obtained on Written Warning and Body Camera was not activated

Division	MC#	Employee	Division Commander	Deficiency
Dist. 2	MC16242793	Deputy	Captain	Contact End Time was incorrect on Contact Form, Seized ID was not noted on contact form and the Traffic Stop was not recorded in its entirety

Division	MC#	Employee	Division Commander	Deficiency
Dist. 3	MC16256837	Lieutenant	Captain	Additional Deputies field on Contact Forms does not match CAD

Division	MC#	Employee	Division Commander	Deficiency
Dist. 5	MC16238180	Deputy	Captain	Unbecoming Conduct/Use of Inappropriate Language

Division	MC#	Employee	Division Commander	Deficiency
Dist. 6	MC16252423	Deputy	Captain	Incident not recorded in its entirety

Division	MC#	Employee	Division Commander	Deficiency
Dist. 7	MC16248423	Deputy	Captain	Deputy Did not conduct a records check (29)

In addition, as of October 24, 2016 at 0846 hours, there are currently in the TraCS system 9 open forms from the date range September 1, 2016 to September 30, 2016. Each of these forms needs to be addressed. To find forms in TraCS with a status of open the user simply selects open from the status field in the search tool and runs the search. This will return all forms showing a status of "Open." Deputies can only see their forms created in the LOW ORG they are assigned to. Sergeants and above can view the forms for their entire LOW ORG. Additionally, there is a new Instructional document (Deputy Open Form Search Creation.pdf) specifically related to creating a TraCS search for open forms. That document can be located on the U:drive under "TraCS Training."

Division	Employee	Division Commander	Form Date	Deficiency
Dist. 1	Deputy	Captain	9/21/2016	Open Admin Per Se/Implied Consent (MC16246071)
Dist. 1	Lieutenant	Captain	9/17/2016	Open Additional Deputy Assist Camera Log (No MC# Attached)
Dist. 1	Lieutenant	Captain	9/26/2016	Open AZ Traffic Ticket and Complaint (No MC# Attached)
Dist. 1	Lieutenant	Captain	9/26/2016	Open AZ Traffic Ticket and Complaint (No MC# Attached)
Dist. 1	Lieutenant	Captain	9/26/2016	Open Incidental Contact Form (No MC# Attached)
Dist. 1	Lieutenant	Captain	9/26/2016	Open Contact Form (No MC# Attached)

Division	Employee	Division Commander	Form Date	Deficiency
Dist. 6	Deputy	Captain	9/24/2016	Open Vehicle Impound/Towing Request (No MC# Attached)
Dist. 6	Deputy	Captain	9/24/2016	Open Vehicle Impound/Towing Request (No MC# Attached)

A total of 8 Bio Action Forms are due from the deficiencies detailed from the Traffic Stop Inspection.

A total of 3 Bio Action Forms are due from the deficiencies detailed from the open Tracs documents inspection.

BIO Action Forms are requested from each of the affected Districts addressing the identified deficiencies. One BIO Action Form can be completed for each affected employee with one or more deficiencies. Please email the BIO Action Forms to BIO@mcsomaricopa.gov within 30 days from the date in which this report is disseminated to the Office.

Recommendations:

It is recommended supervisors review and brief their employees on what is considered “passenger contact.” Passenger contact by policy requires documentation on the MCSO Contact Forms.

Policy EB2: Traffic Stop Data Collection - Procedures 2.H

2. Traffic Stop Data: For each traffic stop that a deputy conducts, he shall record pertinent information, including, but not limited to:

- H. Whether the deputy contacted any passengers, the nature of the contact, and the reasons for such contact.

Policy EB1: Traffic Enforcement, Violator Contacts, and Citation Issuance – Procedures 12.A,B,C

12. Types of Traffic Stop Receipts Issued: Every person who is contacted and **ASKED TO IDENTIFY THEMSELVES** during a traffic stop **SHALL** be issued one of three types of receipts.

- A. *Arizona Traffic Ticket and Complaint* (Citation):
- B. *Written Warning/Repair Order* (Warning):
- C. *MCSO Incidental Contact Receipt*

The Monitor has provided guidance on the definition of passenger contact. Passenger contact can be defined as contacting a passenger and asking questions of an investigatory nature.

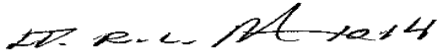
Examples:

- Asking the passenger if he/she was wearing a seatbelt
- Asking a passenger if he/she is in possession or used an illegal substance
- Asking a passenger if there is alcohol in the vehicle
- Asking an underage passenger if they have been drinking

It is also recommended supervisors remind their employees concerning the contents of Briefing Board 16-25 which updated EB-1 with 10-27/10-29 requirements.

Date Inspection Started: 10/16/2016
Date Completed: 10/24/2016
Timeframe Inspected: September 1 -30, 2016
Assigned Inspector(s): Sgt. Reaulo S1678

I have reviewed this inspection report.



Lieutenant Rick Morris
Division Commander
Audits and Inspections

10/24/2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

10/24/2016
Date