

MARICOPA COUNTY SHERIFF'S OFFICE

Memorandum



Joseph M. Arpaio, Sheriff

To: Lt. R. Morris S1014
Commander
Audit and Inspections Unit

From: Sergeant T. Brice S1767
Inspections Sergeant
Audit and Inspections Unit

Subject: August 2016 Inspection of Traffic Stop Data
#BI2016-0111

Date: September 20, 2016
Report Period:
August 1-31, 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 36 out of 1870 traffic stops made for the month of August 2016. Additionally, 11 of the 36 were selected for dispatch audio and body camera review. These traffic stops included 0 DUI's (692's), 0 Reckless Driving (693's), and 0 Aggressive Driving (693R's). The auditor reviewed the traffic stops and determined that 75% or 27 out of the 36 traffic stops had no deficiencies (27 ÷ 36 = or 75%) This is a 14% decrease from the July inspection. The auditor found the following deficiencies during the inspection:

The following deficiencies shall require a Bio Action Form.

District/ Division	Comments
District 1	MC16214194- Seized suspended driver's license not documented on MCSO Contact Form. (EB-2: Traffic Stop Data Collection)
District 1	MC16220463- Seized license plate not documented on MCSO Contact Form. (EB-2: Traffic Stop Data Collection)

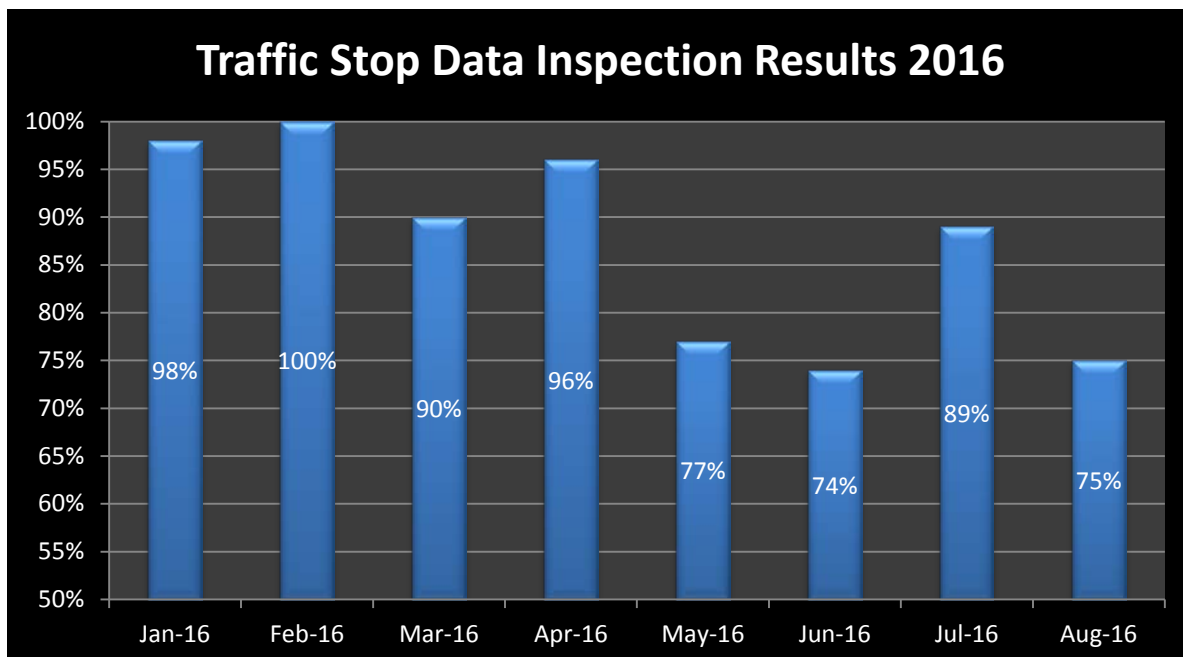
District/ Division	Comments
District 2	MC16219977 – Posse Unit not listed on MCSO Contact Form. (EB-2: Traffic Stop Data Collection)
District 2	MC193642 - Did not complete a 10-27 & 29 check (license & warrant check) of driver. (BB 16-25 & EB-1)

District/ Division	Comments
District 2	MC16197445 - Did not complete a 10-29 check (warrant check) of driver. (BB 16-25 & EB-1)
District 2	MC16201099 - Did not complete a 10-29 check (warrant check) of driver. Did not complete a 10-27 (license check) for potential AZ license history. (BB 16-25 & EB-1)

District/ Division	Comments
District 6	MC16224729: -Did not active body camera and record traffic stop. (GJ-35-Body-Worn Cameras) -Did not complete a 10-29 check (warrant check) of driver. (BB 16-25 & EB-1)

District/ Division	Comments
District 7	MC16205309: Did not complete a 10-27 & 29 check (license & warrant check) of driver. (BB 16-25 & EB-1)

District/ Division	Comments
Lakes	MC16201347: -Did not complete a 10-27 & 29 check (license & warrant check) of driver from one of the vehicles stopped. (BB 16-25 & EB-1) - Did not activate body camera and record traffic stop. (GJ-35-Body-Worn Cameras)



In addition, as of September 20, 2016 at 1300 hours, there are currently in the TraCS system 3 open forms from the date range August 1, 2016 to August 31, 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."

The following deficiencies shall require a Bio Action Form.

District/ Division	Comments
District 1	MC16211163 - Open accident report.
District 1	MC16207640 - Open additional Deputy Camera Log.

District/ Division	Comments
District 6	MC16209307 - Open additional Deputy Camera Log.

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.

A total of 10 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.

Inspection focus: August 2016 Traffic Stop Data Inspection

Date Inspection Started: September 14th, 2016

Date Completed: September 20th, 2016

Timeframe Inspected: August 1st thru 31st, 2016

Assigned Inspectors: Sergeant T. Brice S1767

I have reviewed this inspection report.



Lieutenant R. Morris S1014
Division Commander
Audits and Inspections

September 20, 2016
Date



Deputy Chief B. Knight S1011
Bureau Commander
Bureau of Internal Oversight

September 20, 2016
Date