

MARICOPA COUNTY SHERIFF'S OFFICE
June 2016 Property/Facility Inspection: District 3



Audit and Inspections Unit
Audits/Inspections Report
Date: July 5th, 2016
Audit/Inspection #2016-0073

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: Summary of Findings Report: District 3 Patrol Division Divisional/ Facility Inspection # BI2016-0073	Date: July 5, 2016

The Audit and Inspections Unit (AIU) will conduct Divisional Facility/Property inspections on an ongoing basis. The purpose for the inspection is to determine compliance with office policies, promote proper supervision, and support compliance with the Melendres Order. To achieve this, inspectors will make sight visits to a division randomly selected and a matrix checklist developed by AIU will be utilized.

Matrix Procedures:

- Utilize Facility/Property Inspection Checklists.
- Utilize the Property and Evidence system: "Outstanding Reports" and locate all items awaiting acceptance by Property and Evidence.
- Determine if there were items not entered into Property and Evidence.
- Ensure no property/evidence was kept unsecure throughout the facility.
- Utilize Property and Evidence: "Un-submitted Reports" to verify rejected items are listed in Property and Evidence

Criteria:

Melendres Court Order

MCSO Policies:

- CP-2 (Code of Conduct) paragraphs: 11.A and C, 12.C
- CP-4 (Emergency and Pursuit Driving) paragraphs: 12.D
- CP-6 (Blood Borne Pathogens) paragraphs: 5.C, 6.A, 8.D, 9, 11.B.3 and C, 12.A thru C.
- CP-9 (Occupational Safety Programs) paragraphs: 1.B.1.b thru d, 1.C.3a, 1.D.1.a and b.
- EA-2 (Patrol Vehicles) paragraphs: 2.A and B,
- EA-19 paragraphs: 6.A, 6.B.1 and 2, and 6.C.3
- EB-2 (Traffic Stop Data Collection) paragraphs: 4.
- GA-1 (Development of Written Orders) paragraphs: 5.B
- GA-3 (Operations Manual Format) paragraphs: 1.A.3
- GB-2 (Command Responsibility) paragraphs: 8.A and B
- GC-9 (Personnel Records and Files) paragraphs: 4.B.2 and B.3, 5, 13.C

GD-1 (General Office Procedures) paragraphs:11.A and C thru D, 12 and B

GD-4 (Use of Tobacco Products) paragraphs:1.A

GD-14 (Access to Secured Office Buildings) paragraphs:1.B, 2.A

GD-15 (Emergency Evacuation Plans) paragraphs:1,2

GF-3 (Criminal History Record Information and Public Records) paragraphs: 2.K.2 and 3

GF-4 (Office Reports) paragraphs:7.A, 11.B

GG-2 (Training Administration) paragraphs:3.D, 5

Conditions:

On 6/23/2016 a Divisional Facility/Property inspection was conducted within the District 3 Facility. The facility is one of several MCSO Patrol Substations located throughout the county and serves as a patrol and general investigations facility, serving the citizens in and around the areas of Sun City, Wittmann/Morristown, Youngtown and Aguila. District 3 currently has 10 supervisors (Sergeants, Lieutenant, Captain) handling numerous management and supervision based responsibilities to include patrol squads, administrative staff and district detectives. The interior of the facility is secure with access limited to assigned District 3 Personnel and other authorized MCSO Employees. The administrative staff, including the administrative sergeant, was prepared and was of great assistance when completing the site inspection.

No evidence was discovered indicating office, county facilities and/or equipment were being used in a manner that discriminates or denigrates anyone on the basis of race, color, national origin, age, religious beliefs, gender, culture, sexual orientation, veteran status or disability.

Property and Evidence listed 61 items in the "Submitted" Section of OIM and awaiting review, pickup and transport to Property and Evidence by a Property and Evidence Custodian. 60 of the 61 items were located and properly secured. The majority of the items were secured in the evidence room located within the District. Other items (mostly bicycles and other items too large for the evidence room in the facility) were secured in an exterior fenced area, within the fenced parking lot connected to the district. The following item was not located:

- IR 2015-011705 – Blue MGX Bicycle with Cable and Lock

District Personnel reported they utilize the diversion program to divert bicycles from Property and Evidence and utilize them in patrol activities. Personnel provided records of other bicycles in the diversion program including the submitted memos authorizing the removal. Paperwork was provided indicating this bicycle was also being used in patrol activities, but no documentation was produced authorizing its use. Additionally, the other bicycles in the diversion program had been reassigned within property and evidence to the diversion program and this bicycle had not.

There were multiple items packaged and barcoded within the evidence room lockers not found under the “submitted” section of OIM/Property and Evidence. These items were all located in the “Un-submitted” section which comprises items rejected back to the Deputy due to errors or items the Deputy failed to finish submitting by clicking final submit on Property and Evidence. Each of these items are addressed and fixed via the evidence collection procedures in place involving Property and Evidence custodians and the District administrative staff.

Within the District Evidence Room 2 additional items of Evidence were located that were not entered into Property and Evidence.

- IR 2016-014252 – Unsealed evidence bag (IR# written on front) containing a white rag, a pen and pocket knife. The item was located on top of the 3 large lockers on the north-east corner of the District Property Room.
- Bag of Clothes marked as hold. Item was in locker #328. District Personnel reported the Deputy who placed the items in the locker worked the weekends. According to the daily shift roster, the last day he worked prior to the morning of 6-23-16 was Saturday 06/18/2016

GJ-4 Evidence Control: Procedures

1. Custody of Evidence: Office employees are responsible for properly reporting, documenting, securing and impounding any property that is being held as evidence, found property, or for safekeeping, which comes into their possession during the course of their regular duties, prior to the end of the shift in which it was seized or recovered.

Property Rejections: There were two main themes for property rejections or property that was going to be rejected, in the Division Property Room. One was Deputies failing to sign their initials and serial number on the packaging. The second was improper packaging of items. One example of improper packaging of items was evidence that required latent analysis by the crime lab, being packaged in plastic and not paper.

GE-3 Property Management: Packaging

3. Evidence requiring Deoxyribonucleic Acid (DNA) scientific analysis or latent prints shall be packaged in paper bags or boxes.

Seven of the division patrol vehicles were inspected for unsecured Property/Evidence. 7 of 7 (100%) had no sign of property or other evidence.

Inspection of the interior and exterior of the facility found no deficiencies related to unsecured property/evidence or indication property/evidence was being improperly disposed of. There was one location not available to search: locker in the male employee bathroom. The locker was locked with a personal lock and Division staff was going to make inquiries into the owner. One area was not viewed: Division Commander’s Office due to him not being available at the time of the inspection.

The Facility Inspection was performed using the designed checklist. It contains 31 points of inspection. 3 of the points of inspection were deemed N/A at this time and not included in the inspection results. The remaining 28 points of inspection were found to be in compliance for a 100% (28 of 28) compliance rate.

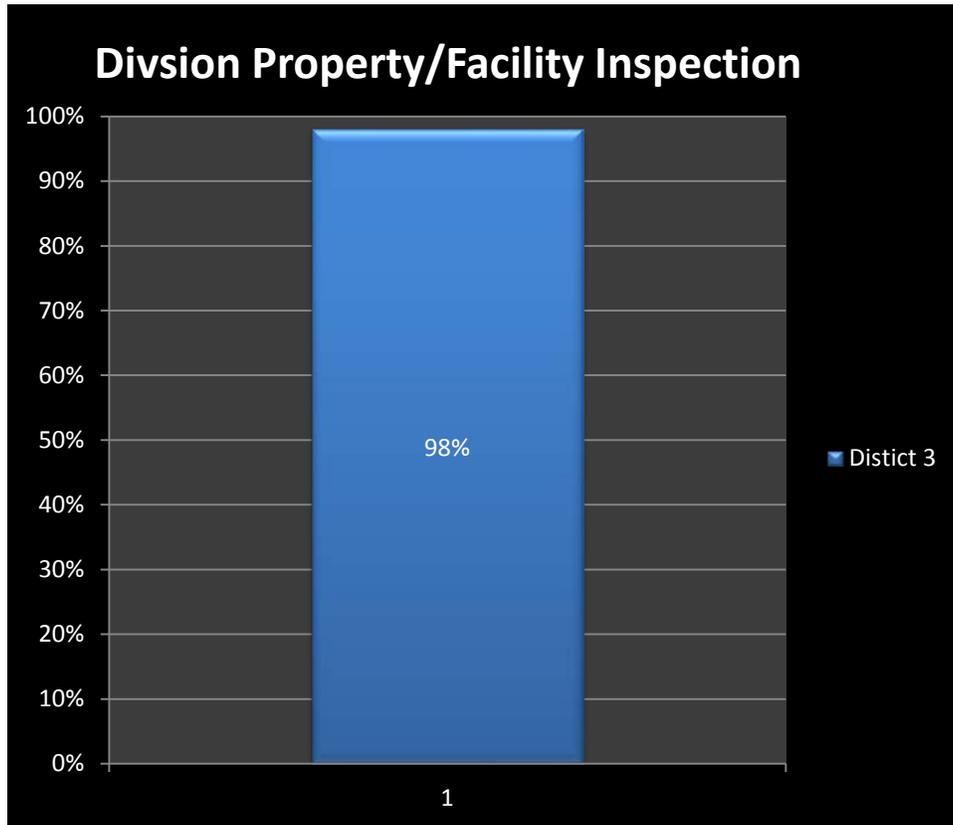
In summary, the compliance rate regarding items listed in property and evidence and items located and not entered into property and evidence was 60 of 63 (95%) items. The Facility inspection was 28 of 28 (100%). Vehicle Inspections resulted in 100% Compliance (7 of 7). The overall compliance rate is as follows:

- **Vehicles Compliance (100) + Property Compliance (95) + Facility Compliance (100) ÷ 300 = Overall Compliance Rate (98%)**

Deficiencies requiring BIO Action Form:

District/ Division	Comments
District 3	Bag of Clothes marked as hold. Item was in locker #328. District Personnel reported the Deputy who placed the items in the locker worked the weekends. According to the daily shift roster, the last day he worked prior to the morning of 6-23-16 was Saturday 06/18/2016
District 3	IR 2016-014252 – Unsealed evidence bag (IR# written on front) containing a white rag, a pen and pocket knife. The item was located on top of the 3 large lockers on the north-east corner of the District Property Room.
District 3	IR 2015-011705 – Blue MGX Bicycle with Cable and Lock. District Personnel reported they utilize the diversion program to divert bicycles from Property and Evidence and utilize them in patrol activities. Personnel provided records of other bicycles in the diversion program including the submitted memos authorizing the removal. Paperwork was provided indicating this bicycle was also being used in patrol activities, but no documentation was produced authorizing its use. Additionally, the other bicycles in the diversion program had been reassigned within property and evidence to the diversion program and this bicycle had not.

Overall Compliance Rate Divisional Property/Facility Inspection



Action Required:

A BIO Follow-Up Action Form is required to be completed for this inspection and returned to the MCSO Bureau of Internal Oversight within 30 days by each Division Commander in which discrepancies were noted. These deficiencies should also be documented (within supervisor notes) by a supervisor in the chain of command from which the deficiency occurred in accordance with MCSO Policy and Procedure.

Recommendations:

Property and Evidence Custodians, who reject items for deficiencies, send the Deputy responsible an email informing him/her of the rejection and the reason why. Custodians should also send the deputy's direct supervisor the email

concerning the rejection. This would keep the Sergeant informed concerning who is having rejections and why. This would allow the Sergeant to identify people who need assistance. It would provide the Sergeant with applicable and real time information. This information can be used to address and effect change directly in the Sergeant's sphere of influence.

Remove miscellaneous items, empty boxes, gun cleaning supplies, shotguns, etc from the property and evidence room in order to remove the visual clutter. This would allow easier line level inspection of the property room by division staff as it would be easier to identify items out of place.

We continue the recommendation that the language in GE-3.2 (Property Management) and GJ-4.1 (Evidence Control) be reviewed with considerations made to revise. These policies do not allow for situations where the investigative units have numerous items of evidence to process, nor does it consider exigency. It is realistic to expect most personnel to process and impound property by the end of their shifts, but it is unrealistic to expect it in every situation. When the items are secured and there is clear and reasonable rationales, supervisors should be permitted to authorize a reasonable time extension to complete the impound process.

Divisions should ensure proper packaging materials are readily available and accessible to deputies. Packaging materials include but are not limited to multiple sizes of plastic and paper evidence bags, sharps containers, paint cans, packing tape, permanent markers and butcher paper and/or bubble wrap to protect fragile items, bottles for liquid contraband, etc. Packaging materials are made available through the Sheriff's Warehouse and Wist Office Products.

Divisions are encouraged to implement practices to encourage the proper handling of evidence such as an assembly line work station for packaging evidence and/or posting reminder notices in or near the divisions property and evidence storage location.

Divisions administrative are encouraged to develop and quick reference guide detailing how items are to be packaged (items to be analyzed by crime lab, weapons, contraband, liquids, perishables, etc). Division personnel can utilize policies GE-3 and GJ-4 as reference and are encouraged to consult with the Property and Evidence Custodians. The reference guide can be posted in the property room and distributed to staff.

Division Personnel should maintain a file containing the paperwork associated with the items utilized in the diversion program including but not limited to: Memorandum petitioning use of item for diversion, property and evidence sheet for the item, description for the use of the item. Divisional Personnel should follow up with Property and Evidence to ensure the items authorized for diversion, be updated properly in the Property and Evidence system: Location: Diversion, Item Status: Out Perm. Additionally, copies of the authorizing documents should be attached to the item within the Property and Evidence system.

Inspection focus: District 3 Property/Divisional Inspection

Date Inspection Started: June 23rd 23, 2016

Date Completed: July 5th, 2016, 2016

Assigned Inspectors: Sergeant T. Brice S1767
Sergeant D. Reaulo S1678
Sergeant M. Rodriguez A9047

I have reviewed this inspection report.



Lieutenant Rick Morris S1014
Division Commander
Audits and Inspections

July 5, 2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

July 5, 2016
Date