

MARICOPA COUNTY SHERIFF'S OFFICE

Memorandum



Joseph M. Arpaio, Sheriff

To: Captain Munley #777
Commander
Bureau of Internal Oversight

From: D. Tennyson #1598
Inspections Sergeant
Bureau of Internal Oversight

Subject: 1st Quarter 2016 Inspection of IR Reports
#BI2016-0059

Date: 5/5/2016

Background:

During the 1st quarter of 2016 the Court Monitors selected 357 Incident Reports (IR's) obtained from all patrol district(s)/division(s). Of the 357 reports a 20% sample (or 71) was randomly obtained for inspection. In addition, the Court Monitors provided for inspection 46 In Custody (IR's) as well as 10 Lack of Identity arrest reports bringing the total number to 127 IR's inspected as reflected by this 2016 1st quarter report. The purpose for IR inspections is to determine compliance with office policies, federal and state laws; promote proper supervision, and support compliance with the Melendres Order. To achieve this, inspectors will utilize "FileBound" from the MCSO Records Division to view all IR's. The IR's will be uniformly inspected employing a matrix developed by the Bureau of Internal Oversight. The following procedures and Briefing Boards will be used in the matrix, which include but are not limited to EA-11, GF-4, CP-2, CP-8, Briefing Board Number 14-12, and Briefing Board Number 14-28:

Matrix Procedures:

- Review incident reports for supervisors' signature and date signed
- Review incident reports for deputies' "turned in for review" signature and date
- Compare the date signed with the date the report was received to assure the report was memorialized within policy timelines
- Ensure the information contained within an incident report is consistent throughout
- Verify there is reasonable suspicion or probable cause for all investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts
- Determine if there is probable cause for all arrests
- Verify the report contains the elements of a crime
- Determine if boilerplate and/or conclusory language was used
- Evaluate whether the facts, circumstances, and conclusions were articulated to support reasonable suspicion or probable cause
- Determine if bias-based and/or racial profiling was employed
- Ensure all identity theft reports documented supervisor notification
- Ensure all lack of identification detention/arrest reports documented supervisor notification
- Ensure all immigration investigation reports documented supervisor notification
- Each incident report inspected will be counted as one inspection

Authorities:

MELENDRES ORDER

MCSO Policy EA-11.3 & .14 ARREST PROCEDURES:

3. Bias-Free Detentions and Arrests: Deputies are prohibited from using a person's race or ethnicity, to any degree, as a factor in establishing reasonable suspicion or probable cause to believe a person is committing, has committed, or is about to commit a crime, except as part of a reliable and specific suspect description.

- F. Deputies are required, before any questioning as to alienage or immigration status is initiated, or before any contact with ICE/CBP is initiated, to check with a supervisor to ensure that the circumstances justify such an action under Office policy and receive approval to proceed. Deputies must also document, in every such case:
 - 1. The reason or reasons for making the immigration-status inquiry or contacting ICE/CBP.
 - 2. The time supervisor approval was received.
 - 3. When ICE/CBP was contacted.
 - 4. The time it took to receive a response from ICE/CBP, if applicable.
 - 5. Whether the individual was then transferred to ICE/CBP custody.
- G. Deputies shall notify a supervisor before affecting an arrest following any immigration-related investigation or for an immigration-related crime; or for any crime by a vehicle passenger related to lack of an identity document.

14. Supervisor Responsibilities:

- A. Deputies shall submit documentation of all stops, investigatory detentions, and arrests to their supervisors by the end of the shift in which the action occurred. Absent exceptional circumstances, within 72 hours of receiving such documentation, supervisors shall independently review the reports. If the incident did not include an arrest or detention, the supervisor shall review the IR within seven calendar days, absent exigent circumstances.
- B. Supervisors shall review reports and forms for boilerplate or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct.

MCSO Policy CP-2.3, CODE OF CONDUCT:

3. Conformance to Established Laws: Employees shall obey all local ordinances as well as all federal and state laws. Violation of any established ordinance or law may result in disciplinary action being imposed, in addition to the possibility of criminal prosecution. Disciplinary action may be imposed regardless of the outcome of the court case.

MCSO Policy CP-8.1.A & .5, PREVENTING RACIAL AND OTHER BIASED-BASED PROFILING:

1. A. Adherence to Federal Constitutional Law: All investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts, will be based on applicable standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the United States Constitution.

5. Supervisor Responsibility: Office leadership and supervising deputies and detention officers shall unequivocally and consistently reinforce to subordinates that biased-based profiling is unacceptable. All personnel shall report violations of policy. Supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command and ensuring that personnel are held accountable for policy and procedure violations.

MCSO Policy GF-4.7.C, OFFICE REPORTS:

7. C Supervisors shall legibly sign or print their name, rank, and serial number to the report indicating that they have reviewed and approved the report.

MCSO Briefing Board Number 14-28, dated April 3, 2014:

When a supervisor memorializes his review, he shall sign the bottom of the report and date it, indicating the report contains all of the necessary elements of the legal basis for the action; or all of the elements of a reported crime.

MCSO Briefing Board Number 14-12, dated February 12, 2014:

2. Deputies shall notify and receive approval from a supervisor before initiating immigration related investigation and/or arrest; or any identity theft or lack of an identity document investigation and/or arrest.
3. Deputies must document in the *Incident Report (IR)*, in every such case, the reason for the immigration-status inquiry, investigation, and/or arrest; or the identity theft or lack of an identity document investigation and/or arrest; and the time supervisor approval was obtained.

Observations:

Of the 127 Court Monitor provided reports inspected the following has been concluded; 8 or (80%) of the 10 Lack of Identity reports did have the necessary supervisor notification documented. Out of the 127 total reports 125 (or 98%) had supervisors in compliance with memorializing their review of IR's and 105 (or 83%) of the total IR's, the reporting deputies had memorialized turning in their reports by the end of shift. Out of the total number of reports inspected 126 (or 99%) when applicable, determined, established and documented probable cause sufficient for searches and or arrests. One report/investigation lacked sufficient probable cause regarding a vehicle search and arrest.

The following table indicates those deputies and supervisors as having deficient IR's:

Dist-1	IR	Comments
D-1	16-006771	IR was not turned in by the end of shift
D-1	16-005937	Deputy did not establish PC for vehicle search
D-1	16-006651	IR was not turned in by the end of shift

Dist-2	IR	Comments
D-2	16-001619	IR was not turned in by the end of shift
D-2	16-001574	IR was not turned in by the end of shift
D-2	16-001583	IR was not turned in by the end of shift
D-2	16-001591	IR was not turned in by the end of shift
D-2	16-003487	IR was not turned in by the end of shift
D-2	16-004243	1595B no supervisor signature. No supervisor notification documented
D-2	16-005690	487I no supervisor notification documented

Dist-3	IR	Comments
D-3	16-000368	IR was not turned in by the end of shift
D-3	16-000447	IR was not turned in by the end of shift
D-3	16-001565	IR was not turned in by the end of shift
D-3	16-006777	IR was not turned in by the end of shift
D-3	16-004564	IR was not turned in by the end of shift

D-4	IR	Comments
D-4	16-004480	IR was not turned in by the end of shift

D-6	IR	Comments
D-6	16-006770	IR was not turned in by the end of shift
D-6	16-006773	IR was not turned in by the end of shift

SI	IR	Comments
SI	16-003707	IR was not turned in by the end of shift
SI	16-004997	IR was not turned in by the end of shift
SI	16-005933	IR was not turned in by the end of shift
SI	16-005990	IR was not turned in by the end of shift
SI	16-006282	IR was not turned in by the end of shift
SI	16-007759	IR was not turned in by the end of shift

Court Sec.	IR	Comments
C-3	16-005313	IR was not turned in by the end of shift

Findings:

As documented above, the Bureau of Internal Oversight conducted an Incident Report Inspection of a 20% random pull of all divisions IR's as well as 100% of In Custody Reports and Lack of Identity investigation IR's for the quarter. All reports inspected were selected by the Court Monitor. An inspector reviewed those IR's and noted the deficiencies in the chart above.

Of the 127 IR's reviewed it was determined based on the BIO Matrix Criteria there is an overall compliance rate of 97% which is a 2% increase when compared to the prior quarter's average score as illustrated below. Additionally, out of the 127-IR's, 100% were without bias-based and/or racial profiling, without boilerplate and/or conclusory language, were consistent throughout, and when necessary contained elements of a crime.

Note-

The overall compliance rate is an average of compliance scores from the following areas:

(IR's turned in by the end of shift, IR's contain deputy signature and date, IR's contain supervisor signature and date, IR's memorialized by supervisor within policy timelines, reasonable suspicion or probable cause for investigative detentions, traffic and field contacts, searches, and asset seizure and forfeiture efforts, determine if there is probable cause for all arrests, elements of a crime, boilerplate and/or conclusory languages, circumstances, and conclusions articulated to support reasonable suspicion or probable cause, bias-based and/or racial profiling, identity theft/ lack of identification detention/arrest supervisor notification, and consistent information, ensure all immigration investigative reports document supervisor notification)



Recommendation:

It is recommended all incident reports involving arrest are reviewed by command staff daily to ensure probable cause has been established. Command Staff should provide additional, onsite mentoring to those Supervisors and/or Deputies who were identified as deficient in this quarter'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.

Date Inspection Started: February 20th, 2016
Date Completed: May 4th, 26th 2016,
Timeframe Inspected: January 1st 2016 through March 31st 2016
Assigned Inspector(s): Sergeant D. Tennyson S1598

I have reviewed this inspection report.



Captain Dave Munley
Division Commander
Audits and Inspections

5/17/2016
Date



Deputy Chief Bill Knight
Bureau Commander
Bureau of Internal Oversight

5/17/2016
Date