

**MARICOPA COUNTY SHERIFF'S OFFICE**  
**Bureau of Internal Oversight**  
**Audits and Inspections**  
**BI2016-0085**



**Bureau of Internal Oversight**  
**Incident Report Inspection Report**  
**Date: 8/1/2016**  
**Inspection #BI2016-0085**



Joseph M. Arpaio, Sheriff

**To:** Lt. Morris #S1014  
Division Commander  
Audits and Inspections Unit

**From:** Sgt. Reaulo #S1678  
Inspections Sergeant  
Audits and Inspections Unit

**Subject:** 2<sup>nd</sup> Quarter 2016 Incident Report Inspection  
BI2016-0085

**Date:** August 1<sup>st</sup>, 2016  
Report Period:  
April – June, 2016

During the 2<sup>nd</sup> quarter of 2016 the Court Monitors selected 251 Incident Reports (IR's) obtained from all patrol district(s)/division(s). Of the 251 reports a 20% sample (or 50) was randomly obtained for inspection. In addition, the Court Monitors provided for inspection 60 In Custody (IR's) as well as 2 Lack of Identity arrest reports and 2 Identity Theft reports bringing the total number to 114 IR's inspected as reflected by this 2016 2<sup>nd</sup> 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. These entries will be uniformly inspected utilizing a matrix developed by the Audits and Inspections Unit in accordance with the procedures outlined in policies EA-11, GF-4, CP-2, CP-8, GJ-35, GF-5, Briefing Board Number 14-12, Briefing Board Number 14-28 and Briefing Board Number 16-17.

**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
- Verify the report was submitted prior to the end of the deputies shift
- 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 document supervisor notification
- Determine if the use or non-use of body-worn cameras was documented in the report
- Each incident report inspected will be counted as one inspection

**Criteria:**

MELENDRES FEDERAL COURT 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:

B. 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.

C. 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, .5A & .5B, PREVENTING RACIAL AND OTHER BIASED-BASED PROFILING:

1. Adherence to Federal Constitutional Law:

A. 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:

- A. Office leadership and supervising deputies and detention officers shall unequivocally and consistently reinforce to subordinates that biased-based profiling is unacceptable.
- B. 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.

MCSO Policy GJ-35.3.D, Body-Worn Cameras:

3. D The use of a body-worn camera shall be documented in all Incident Reports (IRs) and noted on all traffic receipts, if applicable. The reasons for any non-use or interruptions in the recording prior to the completion of an event shall also be documented in the IR and/or traffic receipt, if applicable.

MCSO Briefing Board Number 16-17, dated April 14, 2016:

3. B Deputies and supervisors shall place the body-worn camera in Event Mode during investigative or law enforcement activities that involve calls for service or interacting with members of the public, unless exigent circumstances make it unsafe or impossible for the deputy to do so; officer safety is the primary concern.

3. C.(4) Additional deputies and supervisors arriving to a scene shall place their body-worn cameras in Event Mode immediately upon arrival, unless exigent circumstances make it unsafe or impossible to do so. If exigent circumstances prevent a deputy or supervisor from activating the body-worn camera immediately upon arriving to a scene, he shall do so as soon as the exigency subsides. Additional deputies and supervisors arriving to a scene shall continue to record until the completion of the event or until they have left the scene.

MCSO Policy GF-5.3.A & C, Incident Report Guidelines:

3. Submission of IRs:

- A. Employees and reserve deputies shall complete and submit all IRs before the end of the shift
- C. Supervisors shall review an IR within 72 hours of an arrest or detention of a person, absent exceptional circumstances. If the incident did not include an arrest or detention, the supervisor shall review the IR within seven calendar days, absent exceptional circumstances.

**Conditions:**

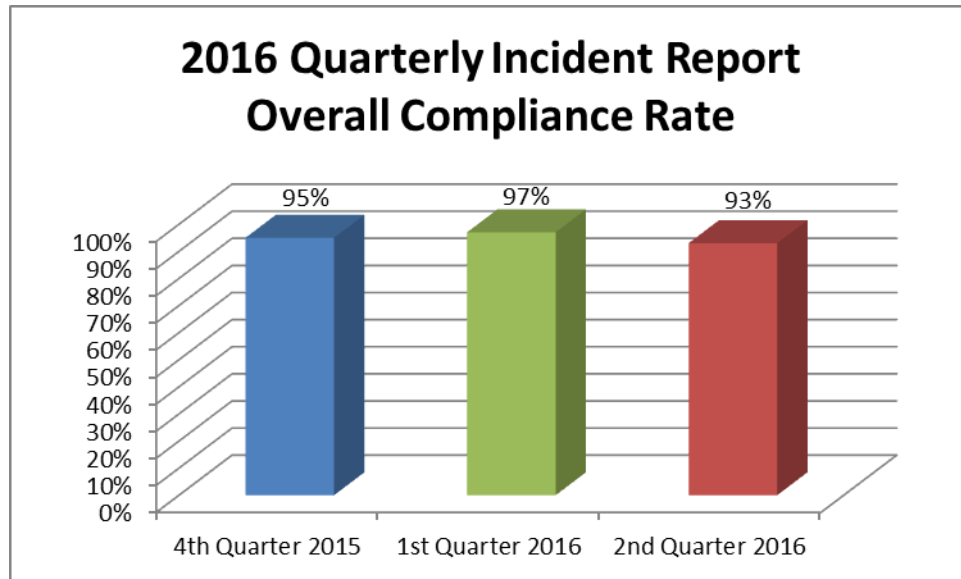
Of the 114 Court Monitor provided reports inspected the following has been concluded: 1 (or 50%) of the 2 Lack of Identity reports did have the necessary supervisor notification documented. Out of the 114 reports, 109 (or 95.61%) had supervisors compliant with memorializing their review of IR's. On 97 (or 85.08%) of the 114 IR's the reporting deputies had memorialized turning in their reports by the end of shift. 95 of the 114 IR's inspected were written by personnel that were assigned body worn cameras. Out of those 95, 79 or (or 83.15%) documented the use or non-use of Body Cameras. Out of the total number of reports inspected, 114 (or 100%) when applicable, determined, established and documented probable cause sufficient for searches and/or arrests. Overall, 34 out of the 114 reports inspected had one or more deficiencies.

MCSO achieved a compliance rate of 93% in the IR Inspection for the 2<sup>nd</sup> Quarter of 2016, as illustrated in the graph below.

**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 memorialized by supervisor within policy timelines, IR's contain supervisor signature and date, IR's document the use or non-use of body worn cameras, 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)



As documented above, the Audits and Inspection Unit conducted an Incident Report Inspection of a 20% random pull of all divisions IR's as well as a number 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 below.

**The following deficiencies were observed during the inspection period:**

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
District One	16-008702	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use
District One	16-008677	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use
District One	16-008666	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use
District One	16-017071	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use
District One	16-014934	Deputy	Captain	IR Lacked documentation of Supervisor Notification for lack of violator identification
District One	16-015002	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
District Two	16-008765	Deputy	Captain	IR was not submitted by end of shift, not memorialized within Policy Guidelines and lacked documentation of Body Camera Use/Non-Use
District Two	16-008737	Deputy	Captain	IR was not submitted by end of shift (Tracs)
District Two	16-008729	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use
District Two	16-008688	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use
District Two	16-011495	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use
District Two	16-012619	Deputy	Captain	IR was not submitted by end of shift and was not memorialized within Policy Guidelines
District Two	16-017634	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use
District Two	16-014941	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
District Three	16-008720	Deputy	Captain	IR was not submitted by end of shift
District Three	16-015680	Deputy	Captain	Missing Deputy Signature and Date Signed
District Three	16-014952	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
District Four	16-008735	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
District Five, Lake Patrol	16-008788	Deputy	Captain	IR was not submitted by end of shift
District Five, Lake Patrol	16-013110	Deputy	Captain	IR was not submitted by end of shift
District Five, Lake Patrol	16-014271	Sergeant	Captain	IR was not submitted by end of shift

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
District Six	16-012785	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
District Seven	16-010311	Deputy	Captain	IR Lacked documentation of Body Camera Use/Non-Use
District Seven	16-014340	Deputy	Captain	IR was not submitted by end of shift

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
SID	16-010787	Deputy	Captain	IR was not submitted by end of shift
SID	16-011249	Sergeant	Captain	IR was not submitted by end of shift
SID	16-012585	Deputy	Captain	IR was not submitted by end of shift
SID	16-011650	Deputy	Captain	IR was not memorialized within Policy Guidelines and lacked a supervisors signature and date
SID	16-012585	Deputy	Captain	IR was not submitted by end of shift
SID	16-013684	Deputy	Captain	IR was not submitted by end of shift
SID	16-013681	Deputy	Captain	IR was not submitted by end of shift
SID	16-011916	Deputy	Captain	IR was not submitted by end of shift

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
Court Security	16-012582	Deputy	Captain	IR was not memorialized within Policy Guidelines and lacked a supervisors signature and date

<u>Dist/Div:</u>	<u>Incident Report #</u>	<u>Employee</u>	<u>Commander</u>	<u>Comment</u>
MCD	16-007819	Deputy	Captain	IR was not submitted by end of shift and was not memorialized within Policy Guidelines

One BIO Action Form is requested from the affected District addressing the deficiency. Please email the BIO Action Form to [BIO@mcso.maricopa.gov](mailto:BIO@mcso.maricopa.gov) within 30 days from the date in which this report is disseminated to the Office.

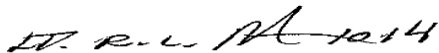
**Recommendation:**

Supervisors should be cognizant that deputies resubmitting corrected versions of IR's should be noting the original submission date on reports and not the current date. It is recommended that each division reevaluate and/or reinforce their current internal controls for the submission and review of Incident Reports.

It is also recommended that all incident reports involving arrest are reviewed by command staff daily to ensure probable cause has been established. As well as, Command Staff providing additional, onsite counseling 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:** June 6<sup>th</sup>, 2016  
**Date Completed:** August 1<sup>st</sup>, 2016  
**Timeframe Inspected:** April – June, 2016  
**Assigned Inspector(s):** Sergeant D. Reaulo #S1678

**I have reviewed this inspection report.**



Lieutenant Rick Morris  
Division Commander  
Audits and Inspections

8/2/2016  
Date



**Deputy Chief Bill Knight**  
**Bureau Commander**  
**Bureau of Internal Oversight**

8/2/2016  
Date