

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject NON-TRAFFIC CONTACT	Policy Number EA-3
		Effective Date 06-28-19
Related Information CP-8, <i>Preventing Racial and Other Bias-Based Profiling</i> EB-1, <i>Traffic Enforcement, Violator Contacts, and Citation Issuance</i> EB-2, <i>Traffic Stop Data Collection</i> EB-7, <i>Traffic Control and Services</i> GB-2, <i>Command Responsibility</i> GC-18, <i>Off-Duty Employment</i> GF-5, <i>Incident Report Guidelines</i> GH-5, <i>Early Identification System (EIS)</i> GJ-3, <i>Search and Seizure</i> GJ-35, <i>Body-Worn Cameras</i>		Supersedes EA-3 (06-14-18)

PURPOSE

The purpose of this Office Policy is to establish procedures for completing the *Maricopa County Sheriff's Office Non-Traffic Contact Form* (NTCF) and identifying the circumstances under which the NTCF is appropriate.

Although this Office Policy refers to "deputies" throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

POLICY

It is the policy of the Office to provide guidelines for completing the NTCF in order to aid in the uniform collection of data for documentation, analysis, and future law enforcement investigative purposes.

DEFINITIONS

Bias-Based Profiling: The selection of an individual for law enforcement contact or action based to any degree on an actual or perceived trait common to a group, including race, national origin, ethnic background, immigration status, gender, sexual orientation, gender identity, religion, economic status, age, cultural group, or any other identifiable group characteristic, except as part of a reliable and specific suspect description. Selection for law enforcement contact or action includes selection for a stop, detention, search, issuance of citation, or arrest. Such bias-based profiling is prohibited even when a deputy otherwise has reasonable suspicion or probable cause justifying the law enforcement contact or action. The establishment of reasonable suspicion and/or probable cause must remain neutral as to race or any other characteristics listed above.

Consensual Encounter: Casual conversation between a deputy and an individual during which the individual clearly is free to walk away or ignore the officer. A consensual contact is not considered a "stop" within the meaning of the law. If a reasonable person would not feel free to terminate the encounter and walk away, the encounter is not consensual, but rather is a detention (stop). During a consensual contact, the deputy shall not position their body or vehicle in a manner that would make a reasonable person believe that he or she is not free to walk away. Deputies shall not engage in any physical gestures, such as placing the deputy's hand on their firearm that would make a reasonable person believe that he or she is not free to walk away.

Detention: A detention (stop) requires a deputy to have reasonable suspicion that the person has committed, or is about to commit, a crime. A reasonable person would not feel free to terminate the encounter and walk away.

Detention/Terry Stop: A brief, minimally intrusive detention of a subject, including the occupants of a vehicle, during which a reasonable person in the subject's position would not feel free to leave, as defined in *Terry v. Ohio*, 392 U.S. 1 (1968). To justify a stop, the deputy must have reasonable suspicion. For the purposes of this Office Policy, the terms "stop" and "Terry Stop" are used interchangeably, and shall include detentions, stops, seizures, and field interviews. The stop must be based on what the deputy knew before the stop. Information learned during a stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, but it cannot provide the justification for the original stop. Any actions indicating to a reasonable person that they are being indefinitely detained or arrested elevates a "Terry Stop" into an arrest, requiring probable cause. Any search conducted as a result of an investigatory stop or detention must be reasonably related in scope to the circumstances which justified the interference in the first place and may not reach the level of intrusiveness of an arrest.

Early Identification System (EIS): A system of electronic databases that captures and stores threshold events to help support and improve employee performance through early intervention and/or to identify problematic operating procedures, improving employee performance, identifying detrimental behavior, recognizing outstanding accomplishments, and to improve the Office's supervisory response. The computerized relational database shall collect, maintain, integrate, and retrieve information gathered in order to highlight tendencies in performance, complaints, and other activities. The database allows the Office to document appropriate identifying information for involved employees, (and members of the public when applicable), and the actions taken to address the tendencies identified. Blue Team, the EIS Dashboard, IAPro, and EIPro are applications of EIS.

Field Information: Consensual encounters, information collected, or observations made by a deputy during the performance of their official duties outside of a traffic stop or an *Incident Report (IR)* and made during the course of pursuing an investigation. Field information does not include voluntary social contacts with members of the public.

Incident Report Memorialization: An entry generated in Blue Team by a supervisor detailing report writing deficiencies of a serious nature, or any investigatory stop, detention, or search unsupported by reasonable suspicion or are otherwise in violation of Office Policy. The *IR Memorialization* shall be generated if an employee's report, investigatory stop, detention, or search, contains any of the following: conclusory or boilerplate language; inconsistent information; lacks support for the action; has other indicia that the information in the report or form is not authentic or correct; lacks articulation of the legal basis for action; has other indicia that the information in the report or form is not authentic or correct; lacks probable cause for arrest; lacks reasonable suspicion; lacks elements of the crime; or appears to show evidence of bias-based profiling.

➤ **Investigatory Stop:** A stop in which a deputy must have reasonable suspicion that an individual, a vehicle and/or driver/occupant matches the description of a suspect of a crime, or the vehicle matches the description of a recently broadcasted Attempt to Locate (ATL). This reasonable suspicion must be based on specific and articulable facts.

Probable Cause: Reasonable grounds, known to the deputy at the time, which would justify the deputy to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime.

Reasonable Suspicion: Specific, objective, articulable facts and circumstances that would lead a reasonable person, based on their training and experience, to conclude a crime is occurring, or is about to occur, and that a specific individual committed or is about to commit that crime. This is held to be a lower standard than probable cause.

Search: An inspection, examination, or viewing of persons, places, property, items, or area in which a person has a reasonable expectation of privacy, for the purpose of obtaining information or evidence.

Voluntary Transportation: A courtesy ride provided by a deputy to a motorist or non-motorist, as specified in Office Policy, EB-7, *Traffic Control and Services*. Deputies are authorized to offer courtesy rides to motorists or

non-motorists following a detention or consensual encounter, if doing so would not otherwise interfere with their law enforcement responsibilities.

Volunteer: A person who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An employee may not volunteer to perform the same, similar, or related duties for the Office that the employee is normally paid to perform.

PROCEDURES

1. **Suspicious Circumstances:** Deputies must be able to articulate with specificity the basis for detentions/Terry Stops and searches. Bias-based profiling is strictly prohibited. Race, ethnicity, national origin, and other group traits shall not be considered as factors in deciding law enforcement actions unless those characteristics are part of a reliable description received of a specific suspect. Circumstances which contribute to a deputy's reasonable suspicion include, but are not limited to, the following:
 - A. Specific and articulable facts, which based on the deputy's experience, knowledge, and training appear to indicate that an individual is committing, has committed, or is about to commit a crime, but probable cause does not yet exist to arrest and the deputy wants to stop the subject and investigate.
 - B. Actions or conduct of the subject that indicate crime-related activity.
 - C. Information that a deputy has obtained from other sources which may contribute to reasonable suspicion, such as briefing information, or reputation of the subject for involvement in criminal activity. Deputies shall not rely on any information received from the public, including through any hotline, by mail, email, phone, or in person, unless the information contains evidence of a crime that is independently corroborated by the deputy. Such independent corroboration shall be documented in writing, and reliance on the information shall be consistent with all Office Policies.
2. **Avoiding Perception of Bias:** In an effort to minimize perceptions of bias, deputies shall utilize the following measures whenever reasonably possible, when conducting investigatory stops/detentions and searches:
 - A. Be courteous and polite.
 - B. Provide a self-introduction and explain to the subject the reason for the contact, as soon as practical, unless providing this information will compromise the investigation or the safety of deputies or other persons.
 - C. Ensure that the length of the investigatory stop/detention is no longer than necessary to take appropriate action for the known or suspected offense, as well as any offense which is legitimately discovered during the course of the investigation. The length of the investigatory stop/detention is considered reasonable as long as deputies diligently employ methods of investigation that will confirm or dispel their suspicions quickly.
 - D. Provide name and badge number when requested, verbally, in writing, or on a business card.
3. **Documentation:** The NTCF shall be utilized by the deputy to document investigatory stops, searches, field information, and consensual encounters in the following manner:
 - A. All investigatory stops or searches conducted during the course of a traffic stop shall be documented on the *Vehicle Stop Contact Form (VSCF)*, as specified in Office Policy EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*.

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- B. All investigatory stops or searches conducted during the course of an event involving the completion of an IR, as specified in Office Policy GF-5, *Incident Report Guidelines*, shall be documented within the IR.
 - C. All investigatory stops of individuals conducted by a deputy that were not a result of a traffic stop, and were not documented in an IR, shall be documented utilizing the NTCF.
 - 1. A deputy may stop an individual for an ATL or to investigate a crime. These limited stops shall be documented utilizing the NTCF when no IR is required. This would include all investigatory stops for a crime or an ATL provided to the deputy by the Communications Division.
 - 2. The deputy shall notify the Communications Division of the reason for the investigatory stop, such as an ATL.
 - D. All “Terry Frisk” searches conducted by a deputy that were not a result of a traffic stop, and were not documented in an IR, shall be documented utilizing the NTCF.
 - E. All consensual encounters in which a search was conducted must be documented on a NTCF.
 - F. Whether any individual was asked to consent to a search and the response, whether any search was performed, and if so, the type of search performed.
 - 1. Consent searches shall be conducted and documented, as specified in Office Policy GJ-3, *Search and Seizure*.
 - 2. Consent searches for voluntary transportation shall be conducted and documented, as specified in Office Policy EB-7, *Traffic Control and Services*.
 - 3. The completed and signed Consent to Search Form shall be scanned and attached to NTCF within the TraCS application.
 - G. The deputy has discretion to utilize the NTCF to document field information obtained during the course of pursuing an investigation or call for service when the circumstances do not rise to the level of requiring an IR, but the deputy believes the information from the encounter may have investigatory value in the future. The purpose of the NTCF in these instances is to serve as a source of information that may possibly be utilized to resolve future criminal investigations. The following instances are examples when a deputy may exercise discretion to utilize the NTCF:
 - 1. Instances when a deputy encounters a person whose behavior appears suspicious and that encounter is consensual (no detention) and no search was conducted;
 - 2. Contact with individuals with known criminal histories; and
 - 3. Instances in which the person provides information which may have intelligence value and/or is related to possible ongoing criminal activity.
 - H. The NTCF is not a substitute for a VSCF or an IR to be completed in situations requiring the completion of a VSCF or an IR under Office Policy. If a VSCF or an IR is completed for the incident, a NTCF shall not be completed for the same incident.

- I. Investigatory stops and searches conducted of inmates or prisoners within a secure jail facility or conducted on inmates or prisoners during the normal course of jail/court operations do not require a VSCF, an IR, or a NTCF. This includes routine cell searches, inmate searches, and inmate or prisoner transports.
 - J. Body-worn cameras shall be activated and utilized during all non-traffic contacts, as specified in Office Policy GJ-35, *Body-Worn Cameras*.
 - K. Deputies shall complete the NTCF with all information available at the time including, but not limited to:
 - 1. The type of contact (Detention/Terry Stop, Investigatory Stop, Field Information, or Voluntary Transportation);
 - 2. The radio code;
 - 3. The name, serial number, and call sign of each deputy and posse member involved;
 - 4. The date, start time, end time, and location;
 - 5. The event [MC] number;
 - 6. Whether the deputy's body-worn camera was operational and on. Deputies' assigned body-worn cameras shall place the body-worn camera in Event Mode, as specified in Office Policy GJ-35, *Body-Worn Cameras*. If not, an explanation why is required;
 - 7. The vehicle registration information, if a vehicle was involved;
 - 8. The names of any individuals upon whom the deputy conducted a license or warrant check, including the subjects surname; and
 - 9. A summary of the incident. The summary of the incident shall include:
 - a. The specific fact(s) and circumstance(s) that establish the reasonable suspicion to legally justify any investigatory stop/detention;
 - b. The reason(s) for the collection/documentation of the field information or consensual encounter; and
 - c. Any other unusual or special circumstance(s) relating to the incident.
 - L. The NTCF radio code disposition for the incident will be cleared as a "7F" through the Computer Aided Dispatch (CAD) System.
4. **Submission of the NTCF:**
- A. The TraCS system shall be used to input data regarding all NTCF's.
 - B. Deputies shall complete and submit all NTCF's before the end of the shift.

- C. A deputy who completes a NTCF during off duty employment shall submit the NTCF to any on-duty supervisor or watch commander, prior to the end of the shift. The on-duty supervisor or watch commander shall accept and review the NTCF, as required by Office Policy.
 - D. If the TraCS system is not available at the time of the contact, deputies shall manually complete the NTCF and enter the data electronically into the TraCS system prior to the end of the shift.
 - 1. A copy of the manually prepared NTCF shall be forwarded to the Early Intervention Unit (EIU).
 - 2. The original shall be retained at the division level within the deputy's VSCF TraCS file.
 - 3. All files shall be kept in a secure location, such as a locked filing cabinet, and any access to them shall be documented and recorded in a *TraCS File Log* form. This log shall be maintained in close proximity to the secured file cabinet.
 - 4. Deputies can make a copy of the NTCF's that are needed and place the original back in the file, and ensure the cabinet is locked.
 - 5. When a deputy is transferred to a new assignment, their file containing their NTCF's shall be hand delivered to their new assignment to ensure the security of the file.
 - 6. When a deputy ends service with the Office, their file containing their NTCF's shall be hand delivered to the EIU for filing.
 - E. Data completed on the NTCF shall be retained for a minimum of five years after it is created, unless a case involving NTCF remains under investigation by the Office or is the subject of a Notice of Claim, civil litigation, or criminal investigation, for a longer period, in which case the data shall be retained for at least one year after the final disposition of the matter, including appeals.
5. **Supervisory Responsibilities:** Supervisors shall review all NTCF's made by each deputy under their supervision within TraCS, as follows:
- A. Supervisors shall review the NTCF for accuracy, brevity, completeness, boilerplate or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the NTCF is not authentic or correct. Supervisors shall address concerns with the NTCF author through non-disciplinary or disciplinary action as appropriate.
 - B. Supervisors shall document on an *Incident Report Memorialization* entry any investigatory stops/detentions, or searches that appear unsupported by reasonable suspicion or are otherwise in violation of Office Policy; or investigatory stops/detentions, or searches that indicate the need for corrective action or review of Office Policy or training. Supervisors shall take appropriate action to address all violations or deficiencies in investigatory stops/detentions or searches, which may include non-disciplinary correction action or referring the incident for administrative or criminal investigation. The information for the *Incident Report Memorialization* entry shall be documented through Blue Team by selecting the proper reason that the NTCF is memorialized in the allegations tab, as specified in Office Policy GH-5, *Early Identification System* (EIS). The *Incident Report Memorialization* form shall be sent to the EIU through the chain of command, using Blue Team.
 - C. Absent exceptional circumstances, supervisors shall review all NTCF's involving a detention/Terry Stop within 72 hours of receiving such documentation.

- D. If the NTCF did not include a detention, the supervisor shall review the NTCF within seven calendar days.
 - E. When the supervisor completes their review, and approves the form, the supervisor is indicating their agreement that the NTCF contains all of the necessary elements of the legal basis for the action.
6. **Distribution:** If information obtained in the NTCF is believed to be of investigative value and circumstances warrant further investigative action, a copy of the NTCF will be forwarded to the appropriate specialized unit, such as district detectives, homicide, or fire investigations.
- A. Information for investigative purposes from all approved NTCF's will be retained within the TraCS database.
 - B. Information for supervisory reference and review of employee performance of investigatory stops/detentions, or searches is automatically captured within the EIS, as specified in Office Policy GH-5, *Early Identification System* (EIS).