

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject NON-TRAFFIC CONTACT	Policy Number EA-3
	Effective Date 04-08-25	
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> 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(06-28-19)

PURPOSE

The purpose of this Office Policy is to establish guidelines and 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 policy also applies with equal force to all volunteers and Deputy Services Aides (DSA). Volunteers include, but are not limited to, reserve deputies and posse members. Posse members and DSA’s are not authorized to stop, detain, or effect an arrest of any individual and shall not use the NTCF. However, posse members and DSA’s are authorized to assist deputies during these encounters.

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 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 age, nationality/national origin, immigration status, religious beliefs/religion, race, color, gender, culture/cultural group, sexual orientation, gender identity/expression, veteran status, ancestry, physical/intellectual/mental health disability, ethnic background, socioeconomic status, 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 and/or discriminatory policing 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 and the other characteristics listed above.

Consensual Encounter: A casual conversation or interaction between a deputy and an individual during which a reasonable person would feel free to decline a deputy’s request, walk away or otherwise terminate the encounter. A consensual encounter is not considered a detention (stop) within the meaning of the law.

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.

Incident Report (IR) Memorialization: An entry generated in Blue Team by a supervisor detailing report writing deficiencies of a serious nature, or any Investigatory Detention, Terry Frisk, or search unsupported by reasonable suspicion or is otherwise in violation of Office Policy; or Investigatory Detentions, Terry Frisks, or searches that indicate a need for corrective action or review of Office Policy, strategy, tactics, or training. The *IR Memorialization* shall be generated if an employee's report, Investigatory Detention, Terry Frisk, or search, contains: conclusory or boilerplate language; contains 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; lacks probable cause for arrest; lacks reasonable suspicion; lacks elements of the crime; or appears to show evidence of bias-based profiling.

Investigatory Detention: A brief, minimally intrusive stop of a subject for the purpose of investigating a potential violation of law. A reasonable person would not feel free to leave, decline a deputy's request, or otherwise terminate the encounter with the deputy. An investigatory detention requires reasonable suspicion that the person has committed, is committing or is about to commit, a crime or that a violation of law has occurred in which a detention is authorized. For the purposes of this Policy, the terms "Stop, Terry Stop, Investigatory Stop and Detention" are all synonymous with Investigatory Detention.

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.

Safety Search: A voluntary and consensual search conducted at the discretion of a deputy, DSA, or posse member prior to providing voluntary transportation to a motorist or non-motorist, as specified in this Office. This search, conducted for safety purposes, consist of a pat down search for any items that may cause danger, risk, or injury, such as, but not limited to, a firearm or a knife. This search is not conducted subject to an arrest or detention, a criminal investigation, or for any probable cause purposes. Safety Searches are conducted, as specified in Office Policy EB-7, *Traffic Control and Services*.

Search: A governmental intrusion by virtue of 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.

Terry Frisk: A limited search of weapons, generally of the outer clothing, but also of those areas which may be within the subject's control and pose a danger to the deputy. A Terry Frisk requires a deputy have reasonable suspicion to support a belief the suspect is "armed and dangerous."

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. **Consensual Encounters:** A consensual encounter is considered a casual conversation between a deputy and an individual during which the individual clearly is free to walk away or ignore the deputy. The encounter is not considered a detention (stop) within the meaning of the law.
 - A. Elevation of a consensual encounter into a detention: Actions taken by the deputy can result in a consensual encounter elevating into a detention, thereby requiring reasonable, articulable suspicion a subject(s) is committing, has committed, or is about to commit a crime or other violation of law in which a detention is authorized. The following are actions/circumstances that can elevate a consensual encounter into an arrest:
 1. The deputy positions their body or vehicle in a manner that would make a reasonable person believe that he or she is not free to walk away or terminate the encounter; and
 2. 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 or terminate the encounter.
 - B. If a reasonable person would not feel they are free to terminate the encounter and walk away, the encounter is not consensual, but rather is an Investigatory Detention.
2. **Investigatory Detention:** To justify a stop/detention the deputy must have reasonable articulable suspicion a subject(s) is committing, has committed, or is about to commit a crime or other violation of law in which a detention is authorized. Reasonable suspicion is a standard lower than probable cause, which is the standard needed for an arrest. 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. Deputies must be able to articulate with specificity the basis for conducting Terry Frisks/Investigatory Detentions, and searches.
 - A. The use of 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. Bias-based profiling is strictly prohibited.
 - B. Circumstances which contribute to a deputy's reasonable suspicion include, but are not limited to, the following:
 1. 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.
 2. Actions or conduct of the subject that may indicate crime-related activity.
 3. 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.
 - C. Elevation of an Investigatory Detention into an Arrest: Actions taken by the deputy can result in a detention elevating into an arrest, thereby requiring probable cause. The reasonableness, scope and necessity of the actions are factors in determining the lawfulness of the arrest. The following are

actions/circumstances that can elevate a detention into an arrest:

1. Moving the subject from the vicinity of the contact.
 - a. Movement is permissible only in exigent circumstances.
 - b. Movement that typically elevates the detention to an arrest includes, but is not limited to the following:
 - (1) Movement to another location, such as the district substation.
 - (2) Movement for purposes of suspect identification by a witness or victim.
2. Length of a detention:
 - a. The deputy has a limited and reasonable amount of time to confirm or dispel their reasonable suspicion.
 - b. The length of the detention is a factor courts consider when determining whether it was an investigatory detention, requiring a reasonable, articulable suspicion, or a de facto arrest, requiring probable cause.
 - c. When conducting an investigatory detention, deputies must act diligently to employ methods of investigation that will confirm or dispel their suspicions quickly.
3. Use of Force/Restraints:
 - a. The use of force and/or restraints to effect a detention must be reasonable based on the totality of the circumstances.
 - b. Considerations must include the severity of the suspected crime at issue, whether the suspect poses an immediate threat to the safety of the deputy or others, and whether the subject is actively resisting or attempting to evade by flight.
3. **Fair and Impartial Policing:** To cultivate and foster transparency and trust with all communities, deputies shall utilize the following measures whenever reasonably possible, when conducting 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 detention is no longer than necessary to take appropriate action for the known or suspected offense.
 - D. Provide name and badge number when requested, verbally, in writing, or on a business card.
 - E. Answer relevant questions the subject may have if doing so will not compromise safety and/or the investigation.

4. **Use of the NTCF:** The NTCF is used for self-initiated patrol activity based on the deputy's discretion.
 - A. The NTCF shall be utilized by the deputy, while on-duty, to document Terry Frisks, Investigatory Detentions, and searches even if an arrest is made and/or an IR is generated, in the following circumstances:
 1. Consensual encounters in which a consent to search is requested, regardless of consent being given or the search being conducted;
 2. Consensual encounters which develop into a detention/arrest;
 3. Watercraft stops based on reasonable suspicion/probable cause of a violation of law;
 4. Bicycle stops; and
 5. A subject not in a vehicle.
 - B. The NTCF shall NOT be used for the following purposes:
 1. Traffic stops documented according to Office Policy EB-1, *Traffic Enforcement, Violator Contacts, and Citation Issuance*;
 2. Safety searches for voluntary transportation. These are conducted and documented, as specified in Office Policy EB-7, *Traffic Control and Services*;
 3. Detentions related to calls for service, including Attempt-To-Locate (ATL's);
 4. Detentions related to an established ongoing criminal investigation;
 5. Field Information (FI). If a deputy desires to capture field information they shall complete an IR;
 6. Commercial Vehicle Inspections; and
 7. Watercraft stops for purposes of inspections that are authorized by law and not based on reasonable suspicion/probable cause.
 8. 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.
 - C. When detentions are not documented on a VSCF or NTCF, deputies shall follow the procedures, as specified in Office Policy GF-5, *Incident Report Guidelines*, to determine if an IR is required.
 - D. Body-worn cameras shall be activated and utilized during all non-traffic contacts, as specified in Office Policy GJ-35, *Body-Worn Cameras*.
 - E. Searches are conducted according to Office Policy GJ-3, *Search and Seizure*.
5. **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 NTCFs before the end of their shift. The NTCF should be completed after the stop is completed unless circumstances make it impossible or impractical to do so. If the TraCS system is unavailable by the end of shift, the deputy shall manually complete the NTCF and later enter the information into TraCS within seven calendar days.
 - C. In the event supervisors have to review a handwritten NTCF, they shall later also review the TraCS NTCF and note the date the handwritten NTCF was reviewed in the comments section of the supervisory review process.
 - 1. A copy of the manually prepared NTCF shall be forwarded to the Traffic Stop Analysis Unit (TSAU).
 - 2. The original shall be retained at the division level within the deputy's VSCF/NTCF 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 TSAU for filing.
 - D. 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.
6. **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. Reviewing supervisors shall document on an *Incident Report Memorialization* entry any Terry Frisks, Investigatory Detentions, or searches that appear unsupported by reasonable suspicion or are otherwise in violation of Office Policy; or Terry Frisks, Investigatory Detentions, or searches that indicate the need for corrective action or review of Office Policy, strategy, tactics, or training. Supervisors shall take appropriate action to address all violations or deficiencies in Terry Frisks, Investigatory Detentions or searches, which may include non-disciplinary corrective 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 Terry Frisks, Investigatory Detentions, or searches within 72 hours of receiving such documentation.
 - D. 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.
 - E. Information for supervisory reference and review of employee performance of Terry Frisks, Investigatory Detentions, or searches is automatically captured within the EIS, as specified in Office Policy GH-5, *Early Identification System* (EIS).