

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



August 2018 Misconduct Investigations Inspection Report

Inspection # BI2018-0108

The Bureau of Internal Oversight's (BIO) Audits and Inspections Unit (AIU) will conduct Misconduct Investigations inspections on a monthly basis. The purpose of the inspection is to ensure compliance with Office policies and to promote proper supervision. To achieve this, inspectors will select for review all Misconduct Investigations that were initiated after November 1, 2017 and completed during the month being analyzed. To ensure consistent inspections, the *Misconduct Investigation Matrix* developed by the AIU will be utilized.

Matrix Procedure:

Utilize the *Misconduct Investigation Matrix* to inspect and ensure that each misconduct investigation completed during the month being analyzed is in compliance with applicable Office Policies.

Criteria:

MCSO Policy GC-4, *Employee Performance Appraisals*
 MCSO Policy GC-12, *Hiring and Promotional Procedures*
 MCSO Policy GC-17, *Employee Disciplinary Procedures*
 MCSO Policy GH-2, *Internal Investigations*
 MCSO Policy GH-4, *Bureau of Internal Oversight*
 MCSO Policy GI-4, *Calls for Service*

Conditions:

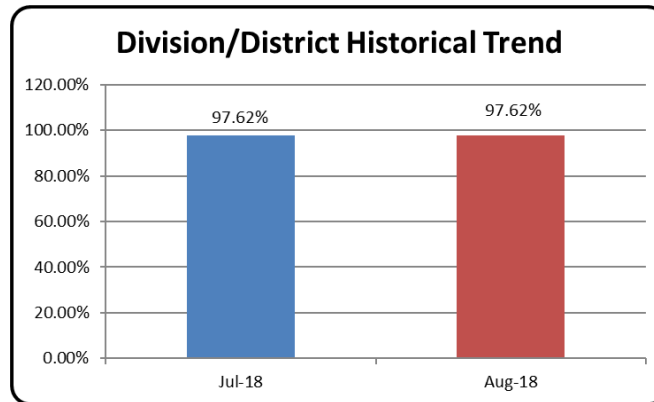
A review of the IAPro records revealed that during the month of August 2018, a total of 6 administrative misconduct investigations were closed that were started on or after November 1, 2017. Of the 6 identified investigations, 3 were completed by sworn supervisors at the Division/District Level, 1 was completed by sworn personnel assigned to the Professional Standards Bureau (PSB), and 2 were completed by detention personnel assigned to the PSB.

Inspection results for the 3 Misconduct Investigations conducted by Sworn Supervisors at the Division/District

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	3	100%
Verify complaint was assigned a unique identifier	0	3	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	3	100%
Verify deadlines were met	1	2	66.67%
Verify investigator who conducted the investigation received required misconduct investigation training	0	3	100%
Determine if an investigation was conducted by an employee with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 offense from the MCSO's disciplinary matrices	0	3	100%
Determine if an investigation was conducted by an employee who was named as a principal or witness in any investigation of the underlying incident	0	3	100%
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	3	100%

Determine if interviews were audio and video recorded	0	3	100%
Determine if the investigative report was reviewed by the appropriate personnel	0	3	100%
Determine if an employee was promoted or received a salary increase while named as a principal in an ongoing misconduct investigation absent the required written justification	0	3	100%
Determine if a final finding was reached on a misconduct allegation	0	3	100%
Determine if an employee’s disciplinary history was documented	0	3	100%
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	3	100%
Overall Compliance for Misconduct Investigations conducted at the Division/District	1	41	97.62%

Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:

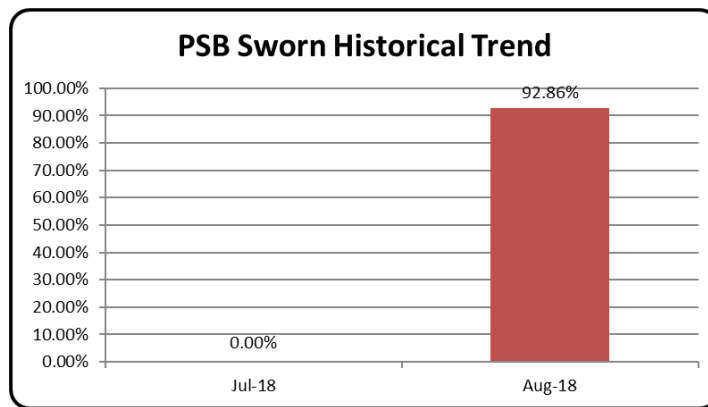


Inspection results for the 1 Misconduct Investigation conducted by Sworn Personnel at the PSB

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	1	100%
Verify complaint was assigned a unique identifier	0	1	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	1	100%
Verify deadlines were met	1	0	0%
Verify investigator who conducted the investigation received required misconduct investigation training	0	1	100%
Determine if an investigation was conducted by an employee with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 offense from the MCSO’s disciplinary matrices	0	1	100%

Determine if an investigation was conducted by an employee who was named as a principal or witness in any investigation of the underlying incident	0	1	100%
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	1	100%
Determine if interviews were audio and video recorded	0	1	100%
Determine if the investigative report was reviewed by the appropriate personnel	0	1	100%
Determine if an employee was promoted or received a salary increase while named as a principal in an ongoing misconduct investigation absent the required written justification	0	1	100%
Determine if a final finding was reached on a misconduct allegation	0	1	100%
Determine if an employee’s disciplinary history was documented	0	1	100%
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	1	100%
Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB	1	13	92.86%

Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn personnel at the Professional Standards Bureau:

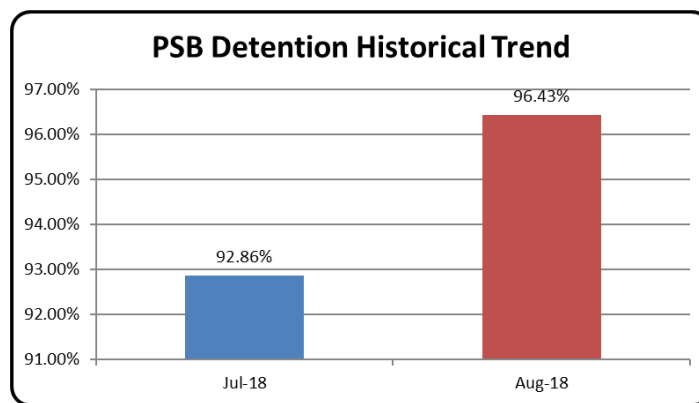


Inspection results for the 2 Misconduct Investigations conducted by Detention Personnel at the PSB

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	2	100%
Verify complaint was assigned a unique identifier	0	2	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	2	100%
Verify deadlines were met	1	1	50%

Verify investigator who conducted the investigation received required misconduct investigation training	0	2	100%
Determine if an investigation was conducted by an employee with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 offense from the MCSO's disciplinary matrices	0	2	100%
Determine if an investigation was conducted by an employee who was named as a principal or witness in any investigation of the underlying incident	0	2	100%
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	2	100%
Determine if interviews were audio and video recorded	0	2	100%
Determine if the investigative report was reviewed by the appropriate personnel	0	2	100%
Determine if an employee was promoted or received a salary increase while named as a principal in an ongoing misconduct investigation absent the required written justification	0	2	100%
Determine if a final finding was reached on a misconduct allegation	0	2	100%
Determine if an employee's disciplinary history was documented	0	2	100%
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	2	100%
Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB	1	27	96.43%

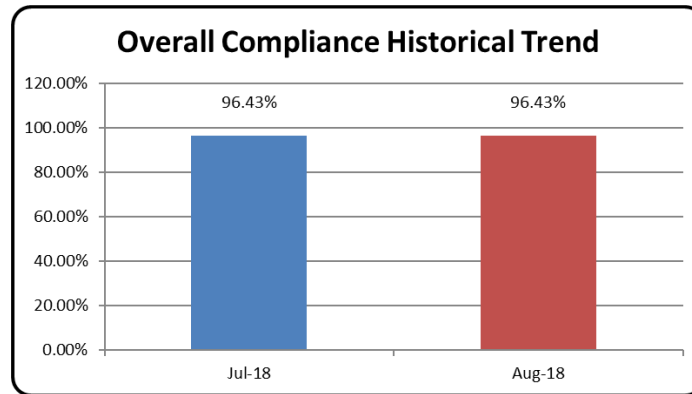
Below is the historical comparison of compliance for Misconduct Investigations conducted by detention personnel at the Professional Standards Bureau:



Overall Compliance

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	97.62%
Sworn Personnel at the Professional Standards Bureau	92.86%
Detention Personnel at the Professional Standards Bureau	96.43%
Overall Compliance for all Misconduct Investigations Inspected	96.43%

Below is the historical comparison of compliance for all Misconduct Investigations inspected:



The following Perceived deficiencies were identified during the inspection process and require that a BIO Action Form be completed.

IA Number	Employee	Division	Division Commander	Perceived Deficiency
IA2018-0012	Lieutenant	PSB	Captain	IAPro Case File does not include record that the approved <i>Request for Investigative Extension</i> memorandum was provided to the principal

The following Perceived deficiencies were identified during the inspection process. The BIO Actions Forms are being assigned to the Division Commander because with the information available at the time of the inspection, the inspector was unable to identify to whom these Action Forms should be assigned. We ask that the identified Commander review the possible deficiency and assign the BIO Action Form to the appropriate employee.

IA Number	Employee	Division	Division Commander	Perceived Deficiency
IA2018-0015	Undetermined	PSB	Captain	Unable to locate a request to exceed 180-day timeline in the IAPro Case File. Notice of Findings to principal is dated 08/21/18, day 227 from complaint date
IA2018-0016	Undetermined	PSB	Captain	Unable to locate in the IAPro Case File: 1) The request to exceed 60-day timeline. 2) Record that the approved <i>Request for Investigative Extension</i> memorandum was provided to the principal (Approved extension to exceed 180-day timeline is included in the IAPro Case File)

Recommendations:

1. It is recommended that commanders continue to provide mentoring and guidance and review MCSO Policy GH-2 to ensure that the requirements for administrative misconduct investigations are being followed, specifically the requirements that:
 - A. The investigator make a good faith effort to complete the investigation within the 60, 85, or 180 calendar day timeline established for the investigation, and if the investigation exceeds the 180-calendar day limitation, the *investigator shall provide the principal with a written explanation* containing the reasons the investigation continued beyond the time limit (GH-2 paragraph 8.D). ***The Request for Investigative Extension memorandum shall be reviewed and approved by the PSB Commander and provided to the principal*** (GH-2 paragraph 8.D.1).

2. During this inspection, one of the six investigations reviewed was for an “at fault” vehicle accident. A “Vehicle Accident” entry was timely entered in Blue Team; however, the required Internal Complaint was entered in Blue Team three months after the date of the accident.
- A. Commanders are encouraged to review, with all supervisory levels, the requirements for reporting accidents contained in MCSO Policy GE-4, *Use, Assignment, and Operation of Vehicles* paragraph 10.B.2 which states that **supervisors enter the accident into Blue Team with an Incident Type of “Internal Complaint”** for vehicle accidents...:
- i. That results in an accident report (non-moving or moving) and the employee operating the Office vehicle is cited and/or at fault.
 - ii. That results in an injury.
 - iii. That results when operated under emergency conditions.
 - iv. When the vehicle was occupied by persons not employed by the Office.
 - v. When there is considerable property damage.
 - vi. When the supervisor feels the circumstances warrant an investigation.

Action Required:

With the resulting **96.43%** overall compliance for *Inspection BI2018-0108*, a total of **3** BIO Action Forms are requested from the affected divisions. **The forms shall be completed utilizing Blue Team.** It is permissible to complete one BIO Action Form to address multiple deficiencies within the same case for one employee.

Notes:

All supporting documentation (working papers) is included in the inspection file number *BI2018-0108* and contained within IA Pro.

Date Inspection Started: September 3, 2018
Date Completed: September 27, 2018
Timeframe Inspected: August 1-31, 2018
Assigned Inspector: Sgt. M. Rodriguez A9047

I have reviewed this inspection report.

Connie J. Phillips

Connie J. Phillips B3345
Acting Commander, Audits & Inspections Unit
Bureau of Internal Oversight

9/27/2018

Date