

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



July 2018 Misconduct Investigations Inspection Report

Inspection Report# BI2018-0096

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 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 July 2018, a total of 9 administrative misconduct investigations were closed that were started on or after November 1, 2017. Of the 9 identified investigations, 1 investigation was administratively terminated by the Professional Standards Bureau (PSB) for cause that is documented in the case file. Of the remaining 8 administrative investigations, 6 were completed by sworn supervisors at the Division/District Level, 0 were completed by sworn personnel assigned to the PSB, and 2 were completed by detention personnel assigned to the PSB.

The following Misconduct Investigation was ended prior to conclusion

Investigation IA Number	Reason for Ending the Investigation
IA2018-0210	IA PULLED IN ERROR. It was found the complainant did not submit a complaint on a Deputy but was looking for information regarding her traffic ticket.

Results of 6 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	1	5	83.33%
Verify complaint was assigned a unique identifier	0	6	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	6	100%
Verify deadlines were met	1	5	83.33%
Verify investigator who conducted the investigation received required misconduct investigation training	0	6	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	6	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	6	100%
Determine if an investigation was conducted of a superior Officer within the internal affairs investigator’s chain of command.	0	6	100%
Determine if interviews were audio and video recorded	0	6	100%
Determine if the investigative report was reviewed by the appropriate personnel	0	6	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	6	100%
Determine if a final finding was reached on a misconduct allegation	0	6	100%
Determine if an employee’s disciplinary history was documented	0	6	100%
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	6	100%
Overall Compliance for Misconduct Investigations conducted at the Division/District	2	82	97.62%

Results of 0 Misconduct Investigations conducted by Sworn Personnel at the PSB

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	0	0
Verify complaint was assigned a unique identifier	0	0	0
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	0	0
Verify deadlines were met	0	0	0
Verify investigator who conducted the investigation received required misconduct investigation training	0	0	0
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	0	0
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	0	0
Determine if an investigation was conducted of a superior Officer within the internal affairs investigator’s chain of command.	0	0	0

Determine if interviews were audio and video recorded	0	0	0
Determine if the investigative report was reviewed by the appropriate personnel	0	0	0
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	0	0
Determine if a final finding was reached on a misconduct allegation	0	0	0
Determine if an employee's disciplinary history was documented	0	0	0
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	0	0
Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB	0	0	0

Results of 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	0	2	100%
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 investigator's 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	2	0	0%
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	2	26	92.86%

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	N/A
Detention Personnel at the Professional Standards Bureau	92.86%
Overall Compliance for all Misconduct Investigations Inspected	96.43%

As this is the initial report for the Misconduct Investigations inspection, there is no historical comparative data.

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
IA2017-0927	Captain	Lakes	Chief	IAPro Case File does not include an Internal Complaint from the division to PSB for a vehicle accident that resulted in an accident report and the employee operating the Office vehicle is cited and/or at fault. The investigation appears to have been initiated when a Notice of Claim was received by PSB
IA2017-0927	Captain	Lakes	Chief	IAPro Case File includes a request for a second extension beyond the 60 day time line. The second request was dated after the first extension due date had passed
IA2018-0073	Sergeant	PSB	Captain	IAPro Case File did not document that the PSB investigator contacted the division level supervisor of the <i>Principal</i> for Division File information to be documented in the <i>Prior Work History Report</i>
IA2018-0082	Sergeant	PSB	Captain	IAPro Case File did not document that the PSB investigator contacted the division level supervisor of the <i>Principal</i> for Division File information to be documented in the <i>Prior Work History Report</i>

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. When preparing the principal's *Prior Work History Report*, if the case is assigned to the division level, the assigned division investigator reviews the employee's **Division File**, Supervisor Notes, and any other information regarding the employee's prior five years of work history and document the information on the report. ***If the PSB is conducting the investigation, the PSB investigator shall contact the division level supervisor who shall assist with gathering the information so that it can be documented in the report (GH-2 paragraph 5.A.5.b).***

2. During this inspection, four of the eight investigations reviewed were for vehicle accidents. Of those four accidents, one was timely reported in compliance with the requirements of MCSO Policy GE-4, *Use, Assignment, and Operation of Vehicles*. Two accidents were initially reported as “Vehicle Accident” into Blue Team and supervisors subsequently submitted the required Internal Complaint into Blue Team (8 and 26 days after the initial reports). An Internal Complaint was not submitted for the fourth accident, only a Vehicle Accident entry was made into Blue Team. The PSB became aware of the accident nearly four months later when a Notice of Claim was routed to the PSB by the Legal Liaison Section.
- A. Commanders are encouraged to review, with all supervisory levels, the requirements for reporting accidents, specifically the requirements contained in paragraph 10.B.2 which require 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 BI2018-0096*, 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 *BI2018-0096* and contained within IA Pro.

Date Inspection Started: August 1, 2018
Date Completed: August 24, 2018
Timeframe Inspected: July 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

~~8/30/2018~~
Date