

**MARICOPA COUNTY SHERIFF'S OFFICE
Semi-Annual Inspection: Administrative Misconduct
Investigations (June-December 2016)**



**Audit and Inspections Unit
Inspections Report
Administrative Investigations Inspection
Date: June 5, 2017
Inspection #2017-0067**



To: Captain B. Roska S0878
Commander
Bureau of Internal Oversight

From: Sergeant T. Brice S1767
Inspections Sergeant
Audit and Inspections Unit

Subject: Semi-Annual Administrative Misconduct
Investigations Inspection
#BI2017-0067

Date: June 5, 2017
June 1st through
December 31st, 2016

The Audit and Inspections Unit, on a semi-annual basis, inspects administrative misconduct investigations completed within the Maricopa County Sheriff's Office. The purpose of this report is to identify any procedural irregularities, ensure compliance with office policies and promote proper supervision. The inspection will analyze a stratified random sample of misconduct investigations that were completed during a specific six month period. These entries will be uniformly inspected utilizing a matrix developed by the Audit and Inspections Unit. The following procedures and criteria will be used in the Matrix, which include but are not limited to:

Matrix Procedures:

- Verify complaint notification procedures were followed
- Verify complaint was assigned a unique identifier
- Verify investigation assignment protocols were followed
- Verify deadlines were met
- Verify investigator who conducted the investigation received required misconduct investigation training
- 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 or 7 offense from the MCSO's disciplinary matrices
- Determine if an investigation was conducted by an employee who was named as a principal or witness in any investigation of the underlying incident
- Determine if an investigation was conducted of a superior officer within the internal affairs investigators chain of command.
- Determine if interviews were recorded
- Determine if the investigative report was reviewed by the appropriate personnel
- 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
- Determine if a final finding was reached on a misconduct allegation
- Determine if an employee's disciplinary history was documented and included with any disciplinary recommendation
- Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix

Criteria:

- MCSO Policy GC-17 Employee Disciplinary Procedure
- MCSO Policy GH-2 Internal Investigations

Conditions:

The Audit and Inspections unit reviewed 129 administrative misconduct investigations completed within the Maricopa County Sheriff's Office between the months of June through December 2016. 22 of the 129 investigations were completed by employees assigned to the Sworn Administrative Investigations Division within of the Professional Standards Bureau. 49 of the 129 investigations were completed by employees assigned to the Custody Administrative Investigations Division within of the Professional Standards Bureau. 58 of the 129 investigations were completed by employees assigned to divisions outside of the Professional Standards Bureau.

22 Sworn PSB Administrative Investigations Results:

Matrix Question	Not applicable	Deficiencies found	In Compliance	Compliance Rate
Determine if compliant notification procedures were followed.	11 (internal complaints)	3	8	73%
Verify complaint was assigned a unique identifier.	0	0	22	100%
Verify investigation assignment protocols were followed such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau.	0	0	22	100%
Verify deadlines were met.	0	8	14	64%
Determine if interviews were recorded.	3 (no one to interview)	0	19	100%
Determine if the investigative report was reviewed by the appropriate personnel.	0	0	22	100%
Was discipline given according to the matrix. If not was a written explanation was provided detailing deviation.	18 (not sustained, unfounded, exonerated, resigned, deceased)	0	4	100%
Determine if a final finding was reached on a misconduct allegation.	0	0	22	100%
Verify an investigation was not conducted by an employee with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 or 7 offense from the MCSO's disciplinary matrices.	0	0	22	100%

Sworn PSB Administrative Investigations Results Continued:

Matrix Question	Not applicable	Deficiencies found	In Compliance	Compliance Rate
Verify the investigator was not named as a principal or witness in any investigation of the underlying incident.	0	0	22	100%
Verify the Principal/IL was not in the investigator's chain of command.	0	0	22	100%
Verify an employee was not promoted or received a salary increase while named as a principal in an ongoing misconduct investigation absent the required written justification.	0	0	22	100%
Determine if an employee's disciplinary history was documented and included with any disciplinary recommendation.	2 (unknown principal)	0	20	100%
Verify investigator who conducted the investigation received required misconduct investigation training.	22	0	0	N/A – Training not approved by Monitor
Totals	56	11	241	96%

The following potential deficiencies shall require a Bio Action Form. A total of 7 Bio Action Forms will be required within 30days. 1 Bio Action form can be completed addressing the process of complainant notification procedures. The remaining 6 will be 1 Bio Action Form per employee addressing the deficiencies.

Division	Potential Deficiency
Sworn PSB	IA 2016-0295: Did not complete investigative process within 85 days.
Sworn PSB	IA2016-0115: Did not complete investigative process within 85 days.
Sworn PSB	IA2015-0511: -Did not complete investigative process within 85 days. -Did not complete investigation within 180 days.
Sworn PSB	IA2015-0097: Investigation not completed within 180 days.
Sworn PSB	IA2016-0279: Did not complete investigative process within 85 days.
Sworn PSB	IA2015-0782: -Did not complete investigative process within 85 days. -Did not complete investigation within 180 days.
Sworn PSB	IA2015-0177: Investigation not completed within 180 days.
Sworn PSB	IA2016-0455: Did not complete investigative process within 85 days.
Sworn PSB	IA2015-0915: Complaint notification procedures not followed (7 days for notification of IA Number)
Sworn PSB	IA2015-0941: Complaint notification procedures not followed (7 days for notification of IA Number)
Sworn PSB	IA2016-0455: Complaint notification procedures not followed (7 days for notification of IA Number)

49 Custody PSB Administrative Investigations Results:

Matrix Question	Not applicable	Deficiencies found	In Compliance	Compliance Rate
Determine if compliant notification procedures were followed.	38 (internal complaints)	5	6	55%
Verify complaint was assigned a unique identifier.	0	0	49	100%
Verify investigation assignment protocols were followed such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau.	0	0	49	100%
Verify deadlines were met.	0	12	37	75%
Determine if interviews were recorded.	0	5 (Audio Recordings only. After July 2017)	44	89%
Determine if the investigative report was reviewed by the appropriate personnel.	0	0	49	100%
Was discipline given according to the matrix. If not was a written explanation was provided detailing deviation.	21 (not sustained, unfounded, exonerated, resigned, deceased)	0	28	100%
Determine if a final finding was reached on a misconduct allegation.	0	0	49	100%
Verify an investigation was not conducted by an employee with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 or 7 offense from the MCSO's disciplinary matrices.	0	0	49	100%
Verify the investigator was not named as a principal or witness in any investigation of the underlying incident.	0	0	49	100%
Verify the Principal/IL was not in the investigator's chain of command.	0	0	49	100%

Custody PSB administrative investigations results continued:

Matrix Question	Not applicable	Deficiencies found	In Compliance	Compliance Rate
Verify an employee was not promoted or received a salary increase while named as a principal in an ongoing misconduct investigation absent the required written justification.	0	0	49	100%
Determine if an employee's disciplinary history was documented and included with any disciplinary recommendation.	0	1	48	98%
Verify investigator who conducted the investigation received required misconduct investigation training.	49	0	0	N/A- Training not approved by Monitor
Totals	108	23	555	96%

The following potential deficiencies shall require a Bio Action Form. A total of 11 Bio Action Forms will be required within 30days. One Bio Action Form can address 1 employee and cover multiple deficiencies and cases. Complaint notification procedures will be addressed on 1 Bio Action Form covering the entire inspection.

Division	Potential Deficiency
Custody PSB	IA2016-0188: Complaint notification procedures not followed (7 days for notification of IA Number).
Custody PSB	IA2016-0264: Complaint notification procedures not followed (7 days for notification of IA Number).
Custody PSB	IA2016-0481: Complaint notification procedures not followed (7 days for notification of IA Number).
Custody PSB	IA2016-0503: Complaint notification procedures not followed (7 days for notification of IA Number).
Custody PSB	IA2015-0741: Complaint notification procedures not followed (7 days for notification of IA Number).
Custody PSB	IA2016-0535: Did not complete investigative process within 85 days.

Custody PSB deficiencies continued:

Division	Potential Deficiency
Custody PSB	IA2016-0336: Did not complete investigative process within 85 days.
Custody PSB	IA2016-0335: Interviews not video recorded.
Custody PSB	IA2016-0200: Did not complete investigative process within 85 days.
Custody PSB	IA2016-0127: Did not complete investigative process within 85 days.
Custody PSB	IA2016-0422: Interviews not video recorded.
Custody PSB	IA2016-0015: Did not complete investigative process within 85 days.
Custody PSB	IA2016-0349: Interviews not video recorded.
Custody PSB	IA2016-0219: Did not complete investigative process within 85 days.
Custody PSB	IA2016-0313: Did not complete investigative process within 85 days.
Custody PSB	IA2016-0503: Did not complete investigative process within 85 days.
Custody PSB	IA2016-0052: -Did not complete investigative process within 85 days. -Did not complete investigation within 180 days.
Custody PSB	IA2015-0801: -Did not complete investigative process within 85 days. -Did not complete investigation within 180 days.
Custody PSB	IA2016-0213: Did not complete investigation within 180 days.
Custody PSB	IA2016-0317: Interviews not video recorded.
Custody PSB	IA2016-0249: Interviews not video recorded.
Custody PSB	IA2014-0856: Employee's disciplinary history not included in investigative report.
Custody PSB	IA2016-0171: Did not complete investigative process within 85 days.

Results of administrative investigations assigned to personnel outside of PSB (58 cases):

Matrix Question	Not applicable	Deficiencies found	In Compliance	Compliance Rate
Determine if compliant notification procedures were followed.	19 (internal complaints)	6	33	85%
Verify complaint was assigned a unique identifier.	0	0	58	100%
Verify investigation assignment protocols were followed such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau.	0	0	58	100%
Verify deadlines were met.	0	37	21	36%
Determine if interviews were recorded.	0	9	49	84%
Determine if the investigative report was reviewed by the appropriate personnel.	0	0	58	100%
Was discipline given according to the matrix. If not was a written explanation was provided detailing deviation.	40 (not sustained, unfounded, exonerated, resigned)	0	18	100%
Determine if a final finding was reached on a misconduct allegation.	0	0	58	100%
Verify an investigation was not conducted by an employee with a history of multiple sustained misconduct allegations, or one sustained allegation of a Category 6 or 7 offense from the MCSO's disciplinary matrices.	0	0	58	100%
Verify the investigator was not named as a principal or witness in any investigation of the underlying incident.	0	0	58	100%
Verify the Principal/IL was not in the investigator's chain of command.	0	0	58	100%

All Divisions Outside PSB Administrative Investigations Results Continued:

Matrix Question	Not applicable	Deficiencies found	In Compliance	Compliance Rate
Verify an employee was not promoted or received a salary increase while named as a principal in an ongoing misconduct investigation absent the required written justification.	8 (Possemen, unknown principal)	0	50	100%
Determine if an employee's disciplinary history was documented and included with any disciplinary recommendation.	3 (unknown principal)	2	53	96%
Verify investigator who conducted the investigation received required misconduct investigation training.	58	0	0	N/A- Training not approved by Monitor
Totals	131	54	630	92%

The following potential deficiencies shall require a Bio Action Form. A total of 33 Bio Action Forms will be required within 30days. One Bio Action Form can address 1 employee and cover multiple deficiencies and cases. Complaint notification procedures will be addressed on 1 Bio Action Form covering the entire inspection.

Division	Potential Deficiency
PSB	IA2015-0843: Complaint notification procedures not followed (7 days for notification of IA Number).
PSB	IA2016-0070: Complaint notification procedures not followed (7 days for notification of IA Number).
PSB	IA2016-0081: Complaint notification procedures not followed (7 days for notification of IA Number).
PSB	IA2016-0167: Complaint notification procedures not followed (7 days for notification of IA Number).
PSB	IA2016-0240: Complaint notification procedures not followed (7 days for notification of IA Number).
PSB	IA2016-0403: Complaint notification procedures not followed (7 days for notification of IA Number).

Non-PSB Divisions Continued:

Division	Potential Deficiency
PSB	IA2016-0303: Did not complete investigative process within 60 days.
District 1	IA2016-0138: Did not complete investigative process within 60 days.
District 1	IA2016-0504: Did not video record interviews.
District 2	IA2016-0465: Did not complete investigation within 180 days.
District 2	IA2016-0166: Did not complete investigative process within 60 days.
District 2	IA2015-0902: Did not complete investigation within 180 days.
District 2	IA2015-0142: -Did not complete investigative process within 60 days. -Did not complete investigation within 180 days. -Principal's disciplinary history not included with investigative report.
District 2	IA2015-0874: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.
District 2	IA2015-0149: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.
District 2	IA2016-0205: Did not complete investigative process within 60 days.
District 2	IA2016-0605: Did not video record interviews.
District 3	IA2016-0167: Did not complete investigative process within 60 days.
District 3	IA2016-0102: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.

Non-PSB Divisions Continued:

Division	Potential Deficiency
District 3	IA2016-0237: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.
District 3	IA2016-0489: Did not video record interviews.
District 3	IA2015-0250: -Did not complete investigative process within 60 days. -Did not complete investigation within 180 days. -Principal's disciplinary history not included with investigative report.
District 4	IA2016-0126: Did not complete investigative process within 60 days.
District 4	IA2015-0867: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.
District 4	IA2016-0487: Did not video record interviews.
District 4	IA2016-0215: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.
District 4	IA2016-0484: Did not video record interviews.
District 6	IA2016-0250: Did not complete investigation within 180 days.
District 6	IA2016-0293: Did not complete investigative process within 60 days.
District 6	IA2016-0426: Did not complete investigative process within 60 days.
District 6	IA2015-0287: Did not complete investigation within 180 days.

Non-PSB Divisions Continued:

Division	Potential Deficiency
District 7	IA2016-0190: Did not complete investigative process within 60 days.
District 7	IA2015-0603: Did not complete investigation within 180 days.
District 7	IA2015-0843: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.
District 7	IA2016-0142: Did not complete investigative process within 60 days.
District 7	IA2016-0240: Did not complete investigative process within 60 days.
District 7	IA2016-0363: Did not video record interviews.
Lake Patrol	IA2015-0218: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.
Lake Patrol	IA2015-0804: Did not complete investigation within 180 days.
Lake Patrol	IA2015-0842: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.
Lake Patrol	IA2015-0934: Did not complete investigative process within 60 days. Did not complete investigation within 180 days.
Lake Patrol	IA2016-0496: Did not video record interviews.
Enforcement Support	IA2016-0420: Did not video record interviews.
Enforcement Support	IA2016-0047: Did not video record interviews.

Non-PSB Divisions Continued:

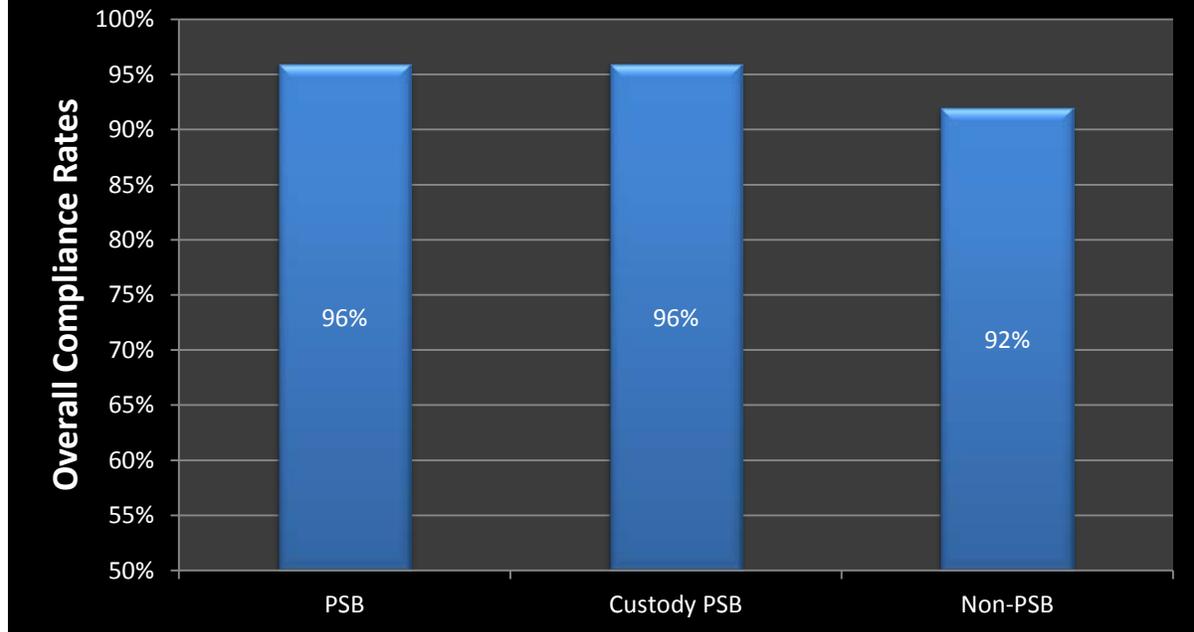
Division	Potential Deficiency
Enforcement Support	IA2014-0500: Did not complete investigation within 180 days.
Criminal Intel	IA2016-0316: Did not complete investigation within 180 days.
Court Implementation Unit	IA2015-0195: Did not complete investigation within 180 days.
Court Implementation Unit	IA2015-0255: Did not complete investigation within 180 days.
Court Implementation Unit	IA2015-0326: Did not complete investigation within 180 days.
Communications	IA2015-0862: Did not complete investigation within 180 days.
Transportation	IA2016-0227: Did not complete investigative process within 60 days.
TOU	IA2016-0081: Did not complete investigative process within 60 days.

Required BIO Action Forms Summary:

A total of 51 Bio Action forms are required:

- 1 Bio Action Form from the administrative staff addressing the complaint notification process.
- 50 Bio Action Forms addressing the deficiencies addressed above. Only 1 Bio Action Form is required from each employee. 1 form can address multiple cases and deficiencies.

Semi-Annual Administrative Misconduct Investigations : June-December 2016



Recommendations:

We are recommending the following procedures to address the matrix question, "Determine if compliant notification procedures were followed."

- Each Complaint acceptance entered into Blue Team should contain the address, phone number or email of the complainant. If not obtained an explanation can be written in the narrative of the Blue Team Entry.
- PSB Administrative staff should continue to scan in the letters sent to the complainant that detail the date sent.
- If the above measures fail to document why a letter is not sent to the complainant, PSB Administrative staff should scan into the case file documentation of what measures were taken to remedy the situation and the outcomes.
- Lastly as policy states, the case agent should document in his/her investigative report why no letter was mailed.

We are recommending the following procedures to address the matrix question, "Verify deadlines were met."

- All Divisions should monitor their assigned cases for the deadlines prescribed in policy.
- If deadlines set forth in policy are going to be exceeded, a justification memo should be authored and forwarded through the chain of command.
- All justification letters should be attached to the investigative file.

Recommendations continued:

We are recommending the following procedures to address the matrix question, "Determine if interviews were recorded."

- All interviews conducted should be audio and video recorded. If the interviews are not recorded justification should be documented in the investigative report.

Inspection focus: Semi-Annual Administrative Misconduct Investigations Inspection

Date Inspection Started: March 8, 2017

Date Completed: June 5, 2017

Timeframe Inspected: June 2016 through December 2016

Assigned Inspectors: Sergeant T. Brice S1767

I have reviewed this inspection report.



Captain B. Roska
Division Commander
Bureau of Internal Oversight

June 6, 2017
Date



Executive Chief R. Skinner S0898
Bureau Commander
Bureau of Internal Oversight

June 6, 2017
Date