

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Misconduct Investigations Inspection Report January 2019

Inspection # BI2019-0012

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 a total of 5 administrative misconduct investigations that were started on or after November 1, 2017, were closed during the month of January 2019. Of the 5 identified investigations, 2 investigations were completed by sworn supervisors assigned to the Divisions/Districts, 2 investigations were completed by sworn supervisors assigned to the Professional Standards Bureau (PSB), and 1 investigation was completed by a Detention supervisor assigned to the PSB.

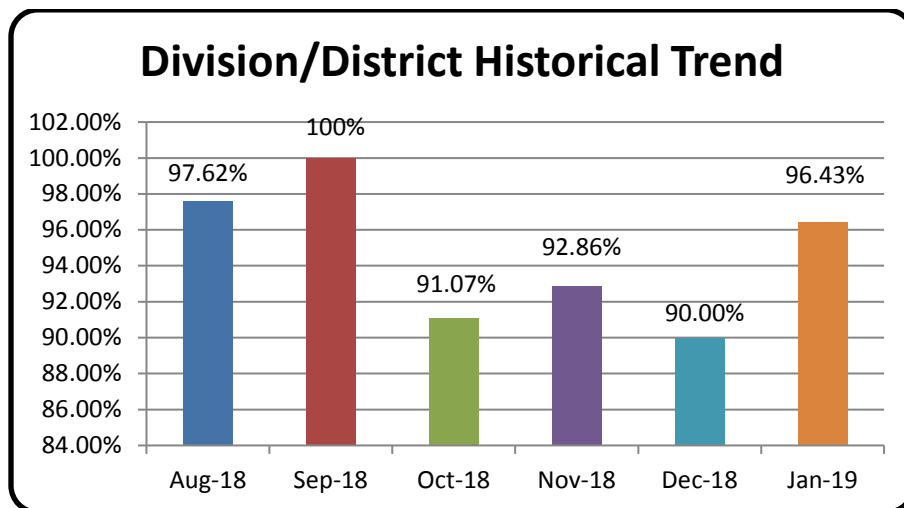
Inspection results for the 2 Misconduct Investigations conducted by Sworn Supervisors at the Division/District

| Inspection Element | Not In Compliance | In Compliance | Compliance Rate |
|---|-------------------|---------------|-----------------|
| Determine if complaint notification procedures were followed | 0 | 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 at the Division/District | 1 | 27 | 96.43% |

***Inspector Note:** Although the perceived deficiency noted is within Misconduct Investigations conducted by supervisors assigned to a district/division, this task is performed by Professional Standards Bureau staff.

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

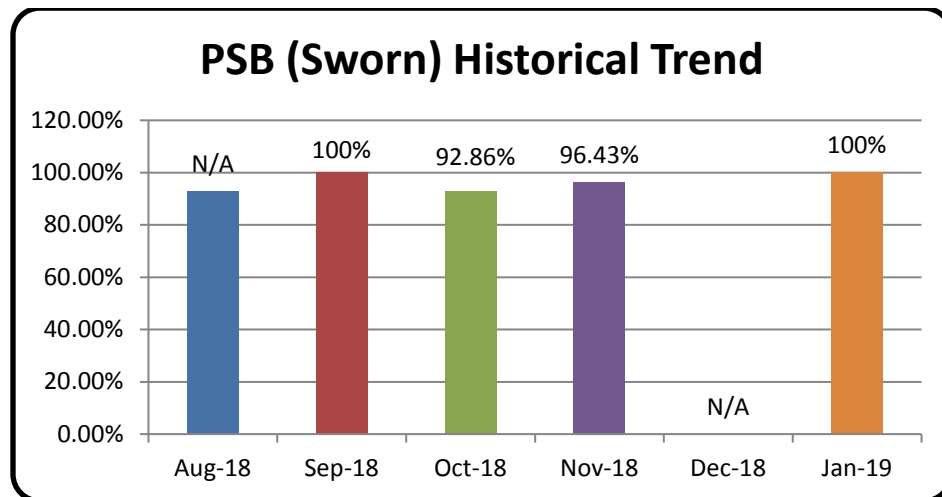


Inspection results for the 2 Misconduct Investigations conducted by Sworn Personnel at the PSB

| Inspection Element | Not In Compliance | In Compliance | Compliance Rate |
|---|-------------------|---------------|-----------------|
| Determine if complaint notification procedures were followed | 0 | 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 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 the Sworn Personnel at the PSB | 0 | 28 | 100% |

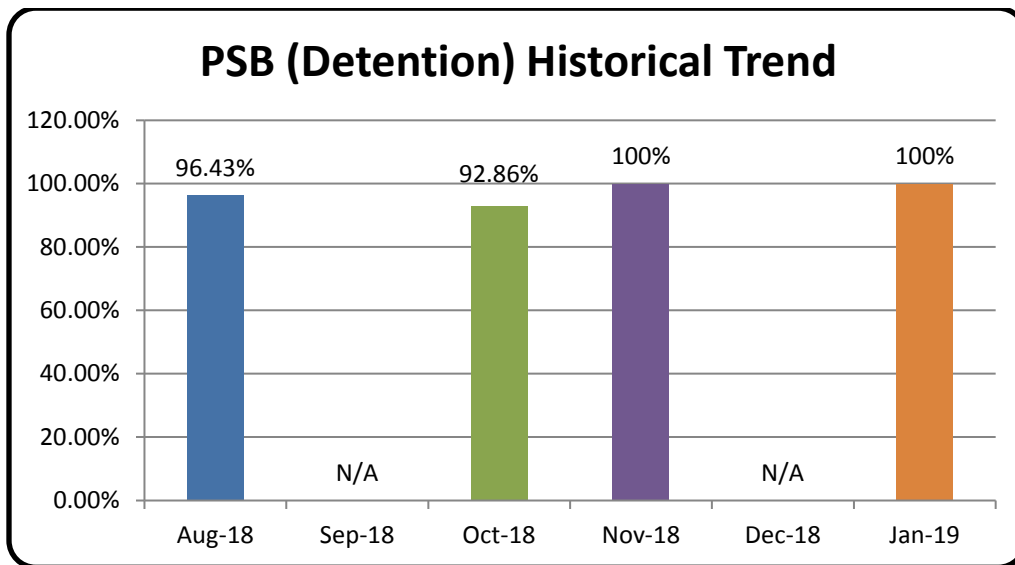
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn personnel at the Professional Standards Bureau:



Inspection results for the 1 Misconduct Investigation conducted by Detention 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 | 0 | 1 | 100% |
| 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 Detention Personnel at the PSB | 0 | 14 | 100% |

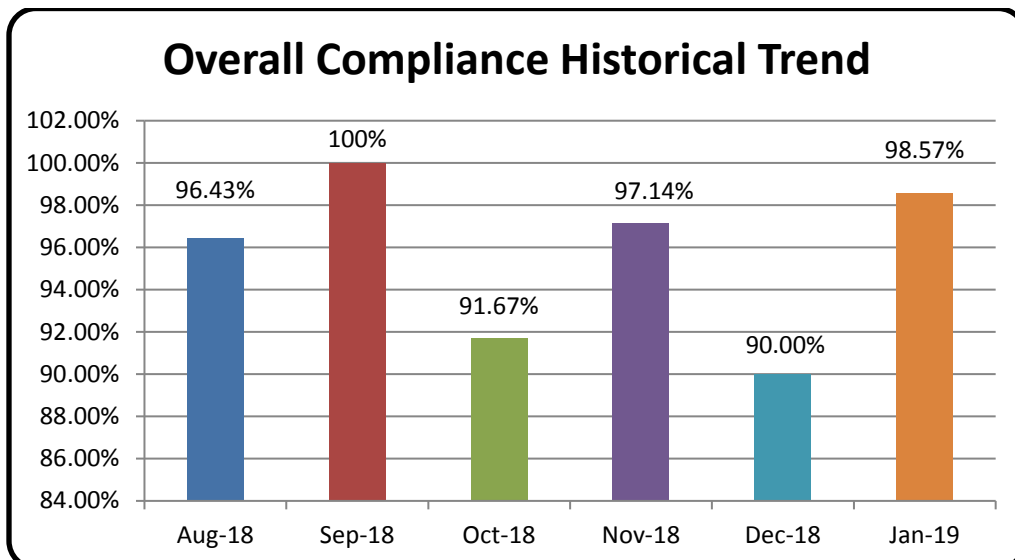
Below is the historical comparison of compliance for Misconduct Investigations conducted by detention personnel at the Professional Standards Bureau:



Overall Compliance for January 2019:

| Compliance Rate by Identified Personnel | Compliance Rate |
|--|-----------------|
| Sworn Personnel at the Division/District Level | 96.43% |
| Sworn Personnel at the Professional Standards Bureau | 100% |
| Detention Personnel at the Professional Standards Bureau | 100% |
| Overall Compliance for December Misconduct Investigations | 98.57% |

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



The following Perceived deficiency was identified during the inspection process; however, as the responsible individual is no longer employed by MCSO, no BIO Action Form is required to be completed.

| IA Number | Employee | Division | Division Commander | Perceived Deficiency |
|-------------|--------------|----------|--------------------|--|
| IA2018-0066 | Civ Employee | PSB | Captain | <p><u>Deadlines Met:</u> The Case File includes an initial approved request to exceed the 180-day time line. The inspector was unable to locate records to indicate that the approved memorandum was provided to every Principal. A second approved request to exceed the 180-day time line and records of the notification to every principal, were included in the case file.</p> |

Recommendation:

It is recommended that commanders continue to provide mentoring and guidance and review MCSO Policy GH-2, *Internal Investigations* with all employees under their command.

Action Required:

With the resulting **98.57%** overall compliance for *Inspection BI2019-0012*, **no BIO Action Forms are requested as the responsible individual is no longer employed by MCSO.**

Notes:

All supporting documentation (working papers) is included in the inspection file number *BI2019-0012* and contained within IA Pro.

Date Inspection Started: March 1, 2019
Date Completed: March 18, 2019
Timeframe Inspected: January 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

3/18/2019

Date