

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



September 2019 Misconduct Investigations Inspection Report

Inspection # BI2019-0155

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.

Compliance Objectives:

The compliance objectives for this inspection are contained within each of the included tables.

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:

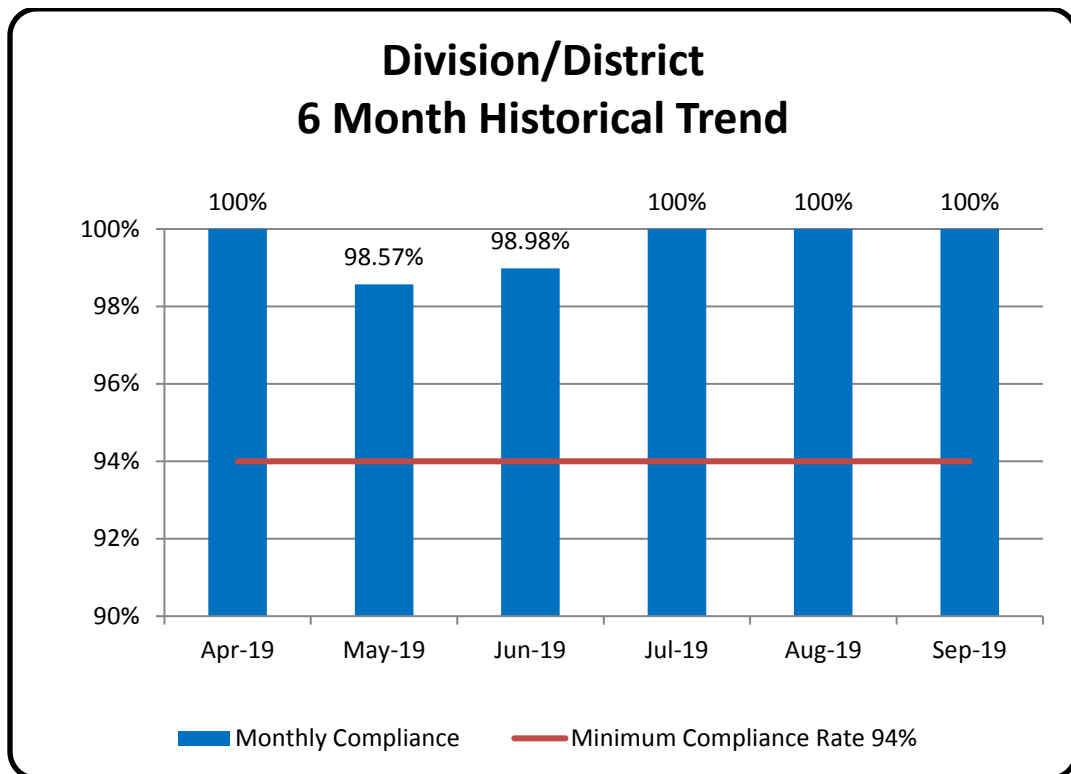
A review of the IAPro records revealed that a total of 35 administrative misconduct investigations that were started on or after November 1, 2017 and were closed during the month of September 2019. A list of these investigations was provided to the Monitor team. A randomly selected proportionate sample, consisting of 10 investigations, was provided. Of the sample provided, 6 investigations were completed by sworn supervisors assigned to the Divisions/Districts, 1 investigation was completed by an external investigator, and 3 investigation were completed by detention supervisors assigned to the PSB.

Inspection results for the 6 Misconduct Investigation conducted by Sworn Supervisors at the Division/District

Compliance Objectives	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	6	100%
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	0	6	100%
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 investigators 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	0	84	100%

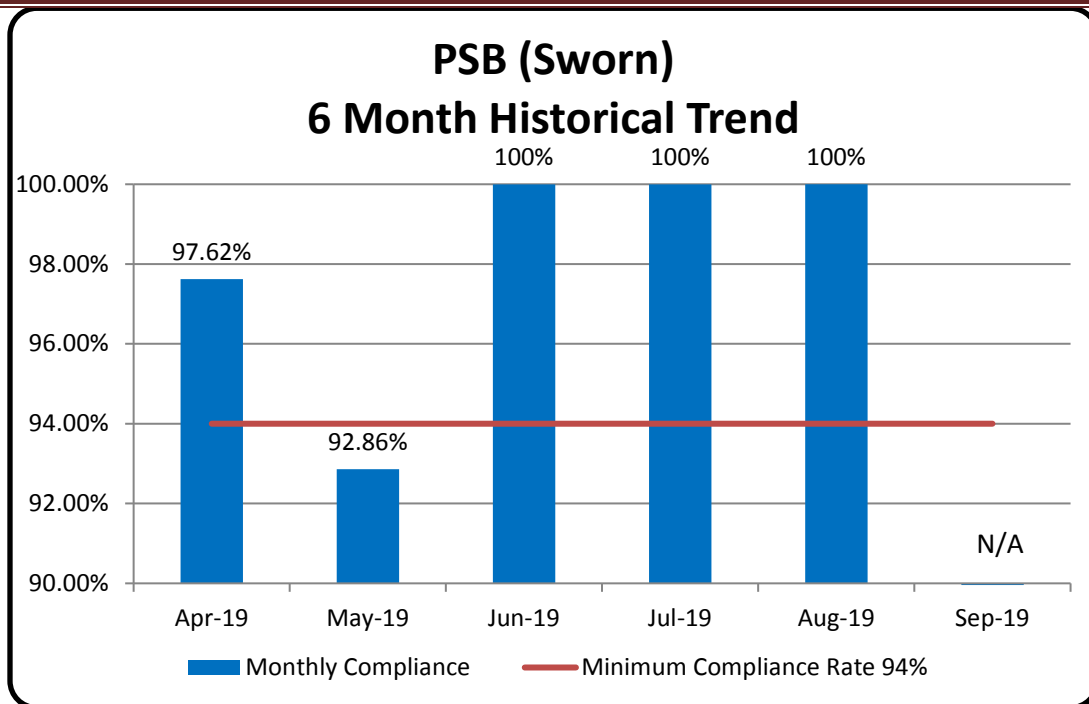
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:



Inspection results for the 0 Misconduct Investigation conducted by Sworn Personnel at the PSB

Compliance Objectives	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	0	N/A
Verify complaint was assigned a unique identifier	0	0	N/A
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	0	N/A
Verify deadlines were met	0	0	N/A
Verify investigator who conducted the investigation received required misconduct investigation training	0	0	N/A
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	N/A
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	N/A
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	0	N/A
Determine if interviews were audio and video recorded	0	0	N/A
Determine if the investigative report was reviewed by the appropriate personnel	0	0	N/A
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	N/A
Determine if a final finding was reached on a misconduct allegation	0	0	N/A
Determine if an employee's disciplinary history was documented	0	0	N/A
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	0	N/A
Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB	0	0	N/A

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

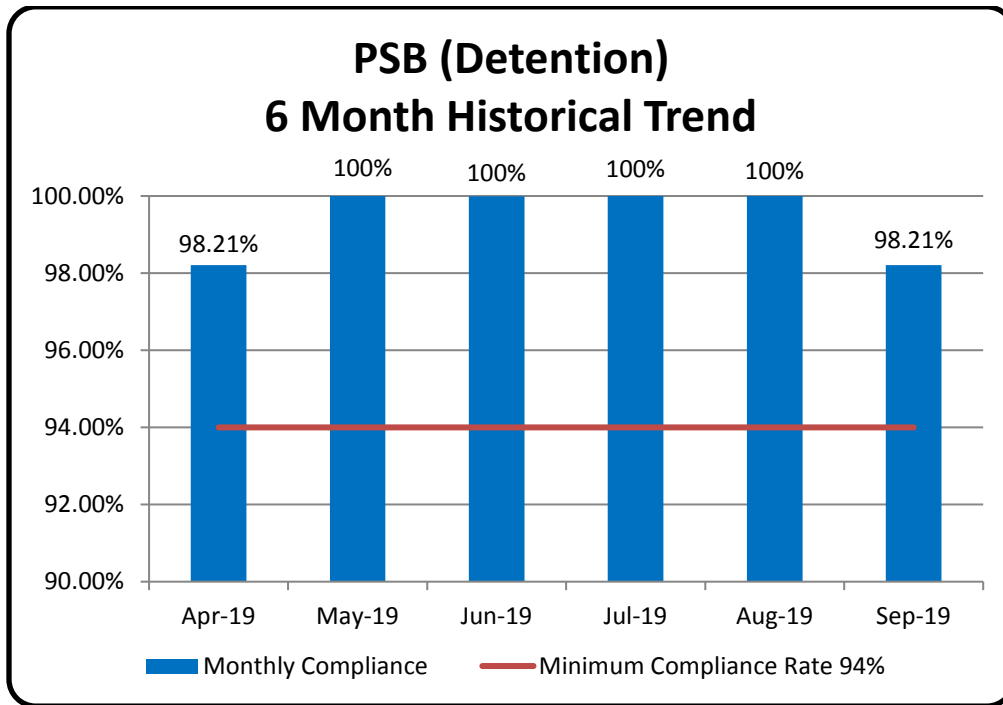


Inspection results for the 3 Misconduct Investigation conducted by Detention Personnel at the PSB and 1 Investigation conducted by an External Investigator. Please note that that the investigation conducted by the external investigator is included in this section as the investigation was initially assigned to Detention Personnel at PSB before it was reassigned to the external investigator.

Compliance Objectives	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	4	100%
Verify complaint was assigned a unique identifier	0	4	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	4	100%
Verify deadlines were met	1	3	75%
Verify investigator who conducted the investigation received required misconduct investigation training	0	4	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	4	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	4	100%
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	4	100%
Determine if interviews were audio and video recorded	0	4	100%

Determine if the investigative report was reviewed by the appropriate personnel	0	4	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	4	100%
Determine if a final finding was reached on a misconduct allegation	0	4	100%
Determine if an employee’s disciplinary history was documented	0	4	100%
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	4	100%
Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB	1	55	98.21%

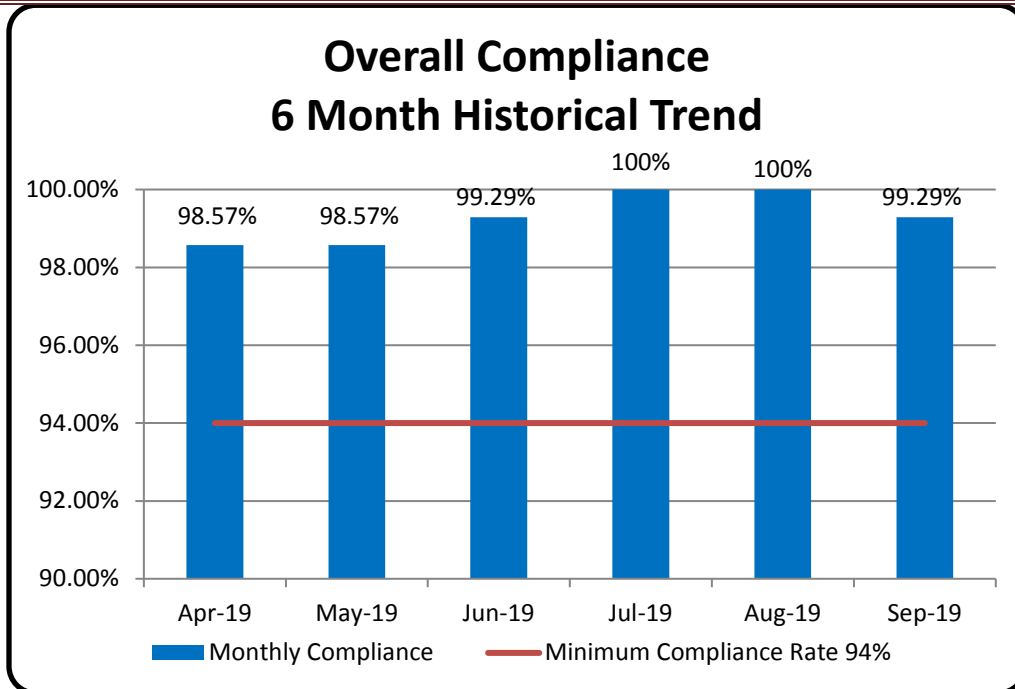
Below is the historical comparison of compliance for Misconduct Investigations conducted by detention personnel at the Professional Standards Bureau:



Compliance for September 2019:

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	100%
Sworn Personnel at the Professional Standards Bureau	N/A
Detention Personnel at the Professional Standards Bureau	98.21%
Overall Compliance for September Misconduct Investigations	99.29%

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



The following Deficiencies were identified during the inspection; however, as the responsible individual is no longer employed by MCSO, no BIO Action Forms are required to be completed.

IA Number	Employee	Division	Division Commander
IA2017-0841	Sergeant	PSB	Captain

Perceived Deficiency

Deadlines Met:

The Case File includes approved requests to exceed the 180-day timeline. The inspector was unable to locate records to indicate that the approved extension memorandums were provided to the Principal.

Unless otherwise noted, there are no prior BIO Action Forms similar in nature or supervisor notes addressing the perceived deficiency.

Action Required:

With the resulting 99.29% overall compliance for *Inspection BI2019-0155*; however, as previously noted in this report, no BIO Action Forms are requested.

Recommendation:

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.
 - A. When an administrative investigation will exceed the 180-day timeline, requests for extensions are timely submitted, and when approved, provide the Principal a copy of the approved extension memorandum.

Date Inspection Started: November 1, 2019
Date Completed: December 4, 2019
Timeframe Inspected: September 1 to 30, 2019
Assigned Inspector: Sgt. Mario Rodriguez A9047

I have reviewed this inspection report.

Lt. D. Reaulo S1678

12/4/2019

Lt. Dominick Reaulo S1678
Commander, Audits & Inspections Unit
Bureau of Internal Oversight

Date