

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**August 2021 Misconduct Investigations Inspection Report**

Inspection # BI2021-0122

The Bureau of Internal Oversight's (BIO) Audits and Inspections Unit (AIU) will conduct Misconduct Investigations inspections monthly. 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 27 administrative misconduct investigations were started on or after November 1, 2017 and were closed during the month of August 2021. A list of these investigations was provided to the Monitor team. A randomly selected proportionate sample, consisting of 10 investigations, was provided to AIU for inspection. Of the sample provided for inspection, 2 investigations were completed by *Sworn Supervisors* assigned to the Divisions/Districts, 3 investigations were completed by *Sworn Supervisors* assigned to the Professional Standards Bureau (PSB), and 5 investigations were completed by *Detention Supervisors* assigned to the PSB.

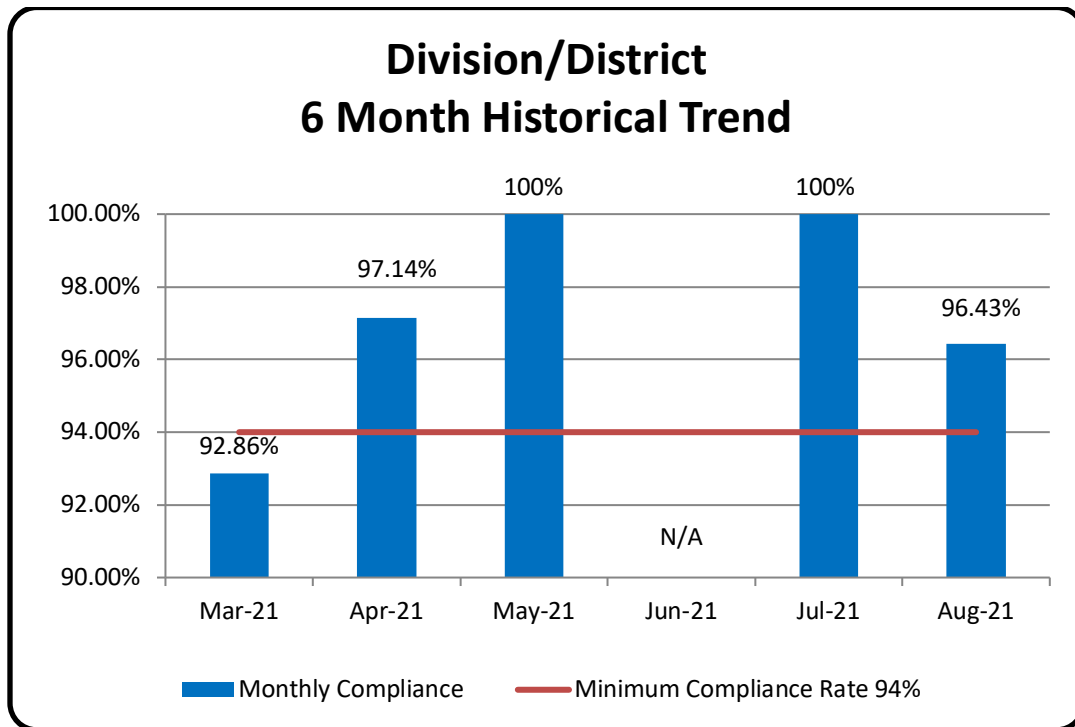
### Inspection results for the 2 Misconduct Investigations conducted by Sworn Supervisors at the Division/District

Compliance Objectives	Total Inspected	In Compliance	Not in Compliance	Compliance Rate
Determine if complaint notification procedures were followed	2	2	0	100%
Verify complaint was assigned a unique identifier	2	2	0	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	2	2	0	100%
Verify deadlines were met	2	1	1*	50%
Verify investigator who conducted the investigation received required misconduct investigation training	2	2	0	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	2	2	0	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	2	2	0	100%
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators' chain of command.	2	2	0	100%

Determine if interviews were audio and video recorded	2	2	0	100%
Determine if the investigative report was reviewed by the appropriate personnel	2	2	0	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	2	2	0	100%
Determine if a final finding was reached on a misconduct allegation	2	2	0	100%
Determine if an employee’s disciplinary history was documented	2	2	0	100%
Determine if an explanation was provided for any discipline imposed inconsistently with the disciplinary matrix	2	2	0	100%
<b>Overall Compliance for Misconduct Investigations conducted at the Division/District</b>	<b>28</b>	<b>27</b>	<b>1</b>	<b>96.43 %</b>

**\*Inspector Note:** Although the identified deficiency was found in a misconduct investigation conducted by supervisors assigned to a district/division, the identified deficiency was the responsibility of staff assigned to the Professional Standards Bureau and not District personnel.

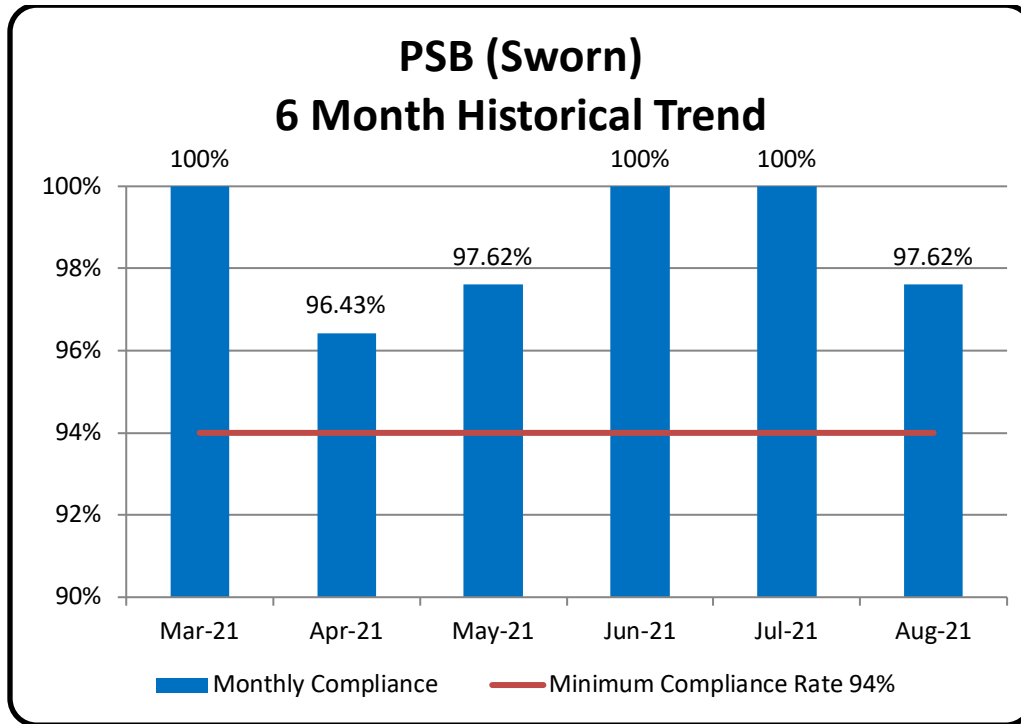
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:



**Inspection results for the 3 Misconduct Investigations conducted by Sworn Supervisors at the PSB**

<b>Compliance Objectives</b>	<b>Total Inspected</b>	<b>In Compliance</b>	<b>Not in Compliance</b>	<b>Compliance Rate</b>
Determine if complaint notification procedures were followed	3	2	1	66.67%
Verify complaint was assigned a unique identifier	3	3	0	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	3	3	0	100%
Verify deadlines were met	3	3	0	100%
Verify investigator who conducted the investigation received required misconduct investigation training	3	3	0	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	3	3	0	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	3	3	0	100%
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators' chain of command.	3	3	0	100%
Determine if interviews were audio and video recorded	3	3	0	100%
Determine if the investigative report was reviewed by the appropriate personnel	3	3	0	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	3	3	0	100%
Determine if a final finding was reached on a misconduct allegation	3	3	0	100%
Determine if an employee's disciplinary history was documented	3	3	0	100%
Determine if an explanation was provided for any discipline imposed inconsistently with the disciplinary matrix	3	3	0	100%
<b>Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB</b>	<b>42</b>	<b>41</b>	<b>1</b>	<b>97.62%</b>

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

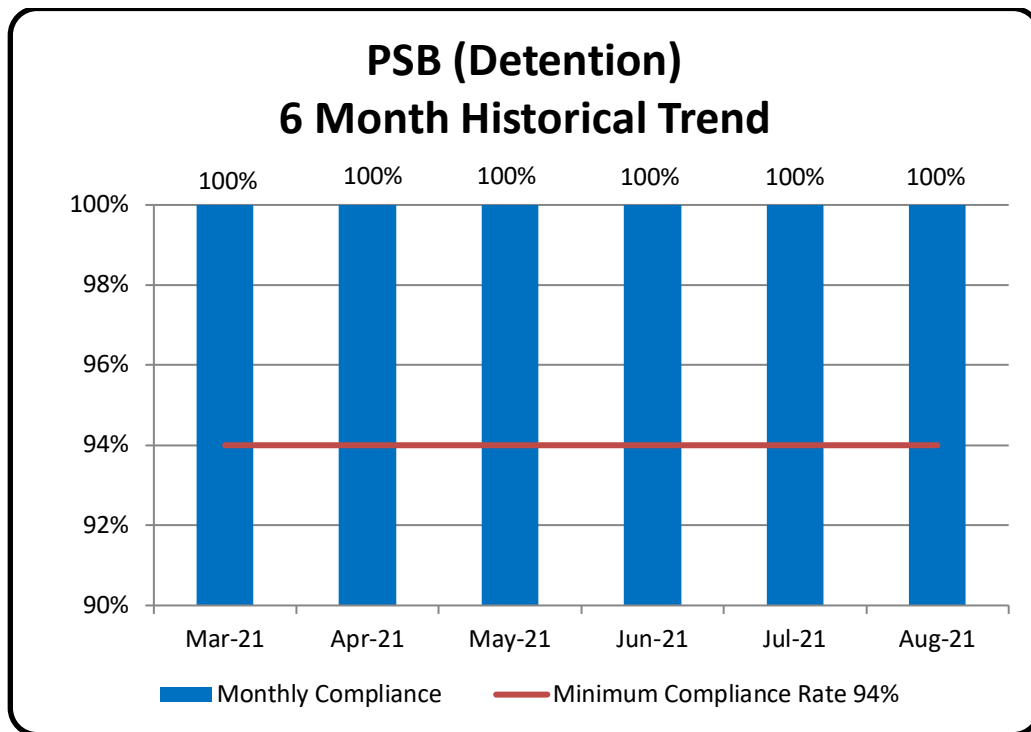


**Inspection results for the 5 Misconduct Investigation conducted by Detention Supervisors at the PSB.**

Compliance Objectives	Total Inspected	In Compliance	Not in Compliance	Compliance Rate
Determine if complaint notification procedures were followed	5	5	0	100%
Verify complaint was assigned a unique identifier	5	5	0	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	5	5	0	100%
Verify deadlines were met	5	5	0	100%
Verify investigator who conducted the investigation received required misconduct investigation training	5	5	0	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	5	5	0	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	5	5	0	100%

Determine if an investigation was conducted of a superior Officer within the internal affairs investigators' chain of command.	5	5	0	100%
Determine if interviews were audio and video recorded	5	5	0	100%
Determine if the investigative report was reviewed by the appropriate personnel	5	5	0	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	5	5	0	100%
Determine if a final finding was reached on a misconduct allegation	5	5	0	100%
Determine if an employee's disciplinary history was documented	5	5	0	100%
Determine if an explanation was provided for any discipline imposed inconsistently with the disciplinary matrix	5	5	0	100%
<b>Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB</b>	<b>70</b>	<b>70</b>	<b>0</b>	<b>100%</b>

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



The following deficiency was identified during the inspection and a BIO Action Form is requested.

IA Number	Employee	Current Assignment	Current Division Commander
IA2020-0433	Sergeant	PSB	Captain
<b>Deficiency</b>			
<p><b><u>Verify deadlines were met:</u></b></p> <p>The initial 180-day due date was set as 01/21/2021. A <i>Request for Investigative Extension</i> memorandum was untimely submitted and approved on 01/22/2021. <b>Reference: MCSO Policy GH-2, Subsection 8.D.1</b></p> <p>The untimely extension request caused the notification of the extension to be provided to the principal after the 180-day deadline had passed. <b>Reference: MCSO Policy GH-2, Subsection 8.D.</b></p>			

The following deficiencies were identified during the inspection; however, as the responsible employee is no longer employed by MCSO, **NO BIO Action Forms are requested.**

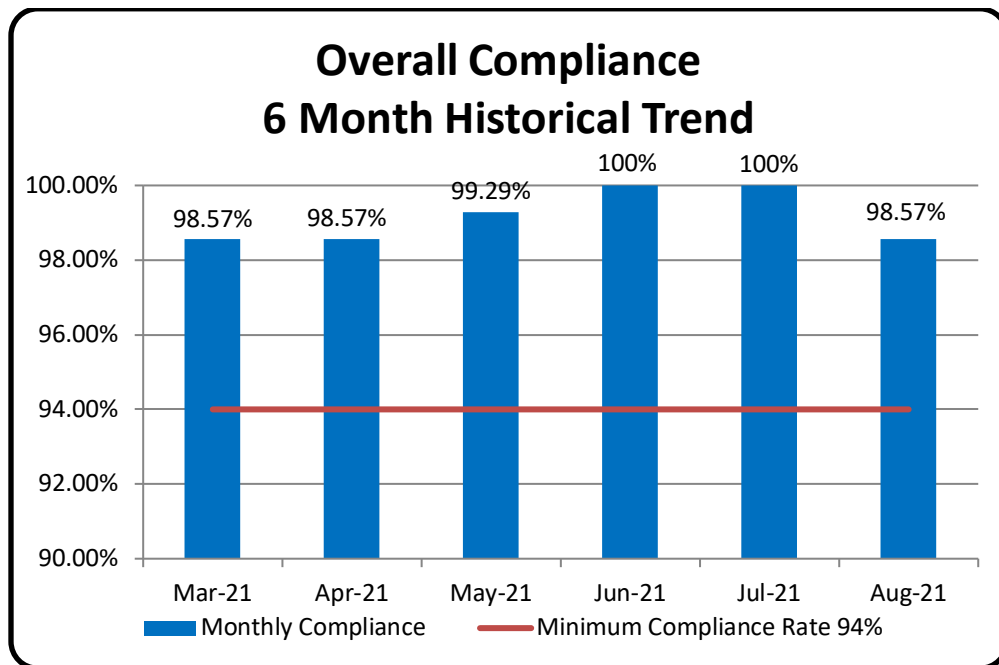
IA Number	Employee	Current Assignment	Current Division Commander
IA2019-0370	Sergeant	PSB	Captain
<b>Deficiency</b>			
<p><b><u>Determine if complaint notification procedures were followed:</u></b></p> <p>The initial complaint was received by PSB on 7/14/2019. Records in the Case File indicate that the initial letter to the complainant was sent out on 7/23/2019, not within the required 7 days of receiving the complaint. <b>Reference: GH-2 Paragraph 2.B.1.e</b></p>			
IA Number	Employee	Current Assignment	Current Division Commander
IA2017-0860	Sergeant	PSB	Captain
<b>Deficiency</b>			
<p><b><u>Non-Compliance Deficiency:</u></b> <i>Although not an element of the inspection, this deficiency was identified during the inspection process.</i></p> <p>The initial complaint was received by PSB on 11/28/2017. The complaint was referred to the Criminal IA section of the PSB more than 3 years later, on 3/30/2021. When the referral was reviewed by the Criminal IA in March 2021, the case was declined as the statute of limitations had expired and criminal charges could not be pursued.</p> <p>The IAPro Case File does not include a documented explanation for the delay in referring the complaint to the criminal section of the PSB when the complaint was initially received in November 2017.</p> <p><b>References: GH-2 Paragraph 3.F.1. and GH-2 Paragraph 2.</b></p>			

Unless noted in the above tables, there are no prior BIO Action Forms similar in nature or supervisor notes addressing the identified deficiencies.

**Compliance for August 2021:**

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	96.43%
Sworn Personnel at the Professional Standards Bureau	97.62%
Detention Personnel at the Professional Standards Bureau	100%
<b>Overall Compliance for August Misconduct Investigations</b>	<b>98.57%</b>

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



Inspection BI2021-0122 resulted in **98.57%** compliance with **One BIO Action Form** requested from the affected Division.

Date Inspection Started: October 1, 2021  
 Date Completed: October 18, 2021  
 Timeframe Inspected: August 1 to August 31, 2021  
 Assigned Inspector: Sr. Auditor M. Rodriguez A9047

I have reviewed this inspection report.

*Lt. Jonathan Halverson S1674*

11/8/2021

Lt J. Halverson S1674  
 Commander, Audits and Inspections Unit  
 Bureau of Internal Oversight

Date