

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



October 2019 Misconduct Investigations Inspection Report

Inspection # BI2019-0167

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:

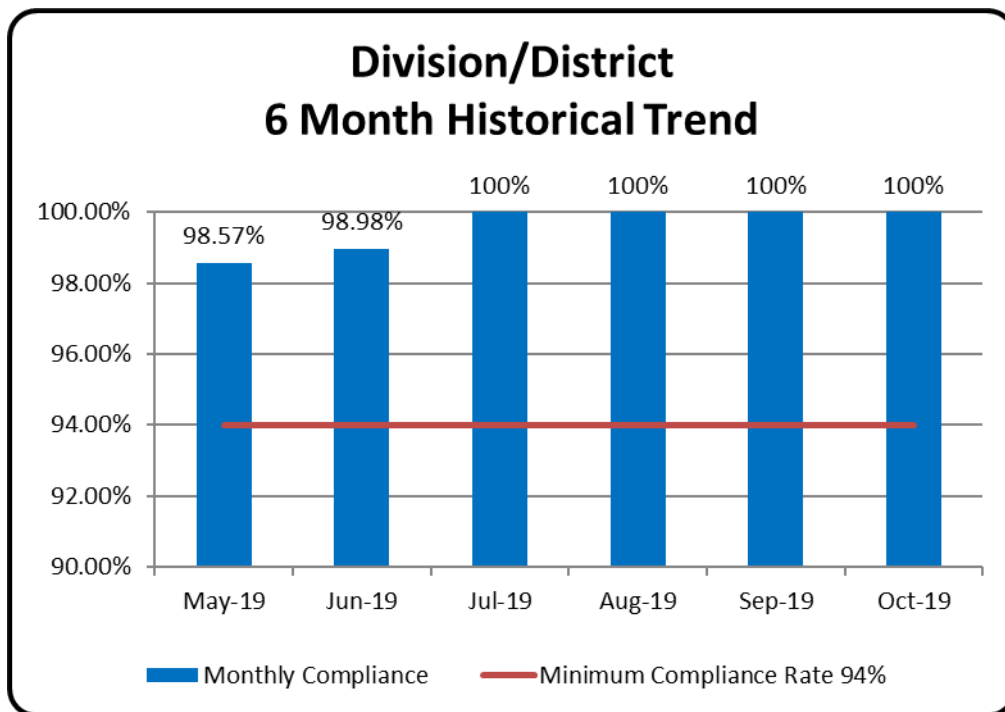
A review of the IAPro records revealed that a total of 7 administrative misconduct investigations that were started on or after November 1, 2017 and were closed during the month of October 2019. All 7 investigations were included in the inspection sample. The sample included 1 investigation completed by sworn supervisors assigned to the Divisions/Districts, 1 investigation completed by sworn supervisors assigned to the PSB, 4 investigation completed by detention supervisors assigned to the PSB, and 1 investigation that was administratively closed by the PSB as the IA was taken in error.

Inspection results for the 1 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 | 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 at the Division/District | 0 | 14 | 100% |

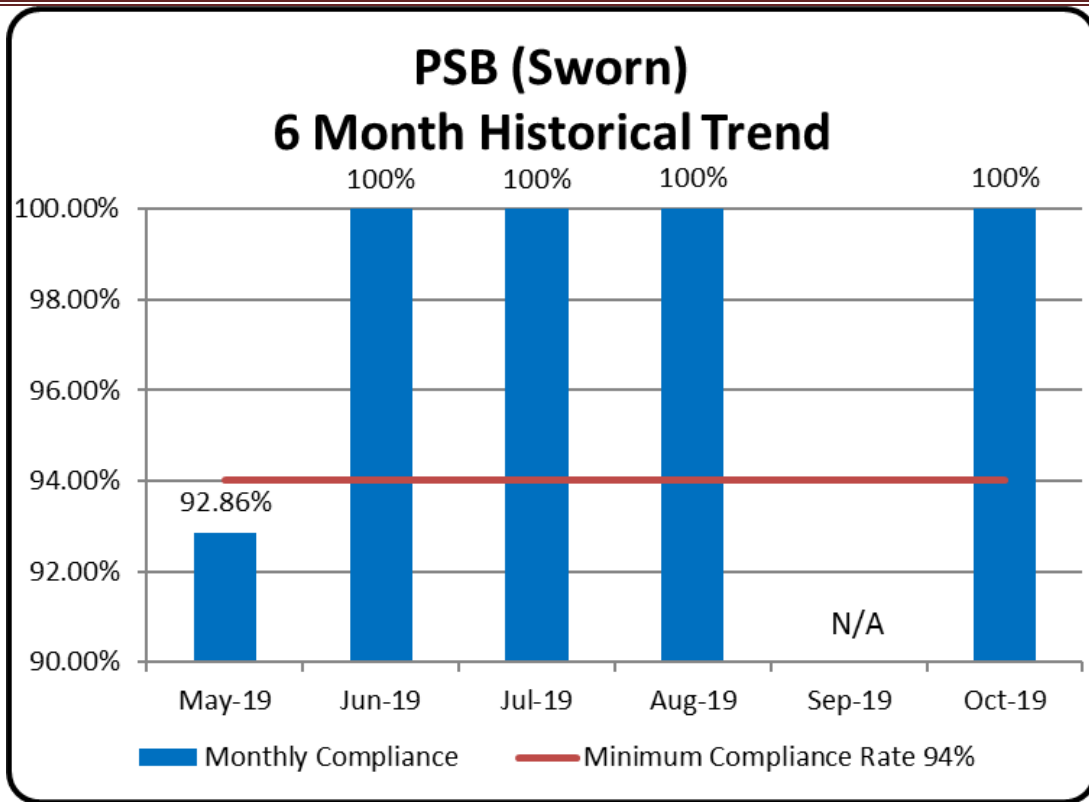
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:



Inspection results for the 1 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 | 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 the Sworn Personnel at the PSB | 0 | 14 | 100% |

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

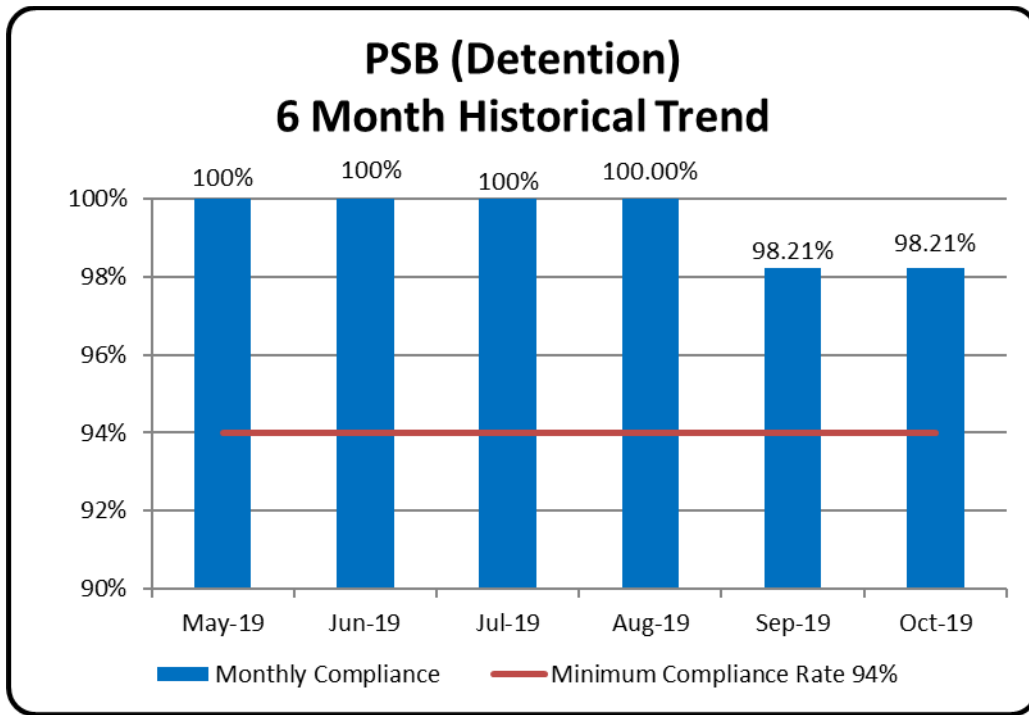


Inspection results for the 4 Misconduct Investigation conducted by Detention Personnel at the PSB.

| 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% |

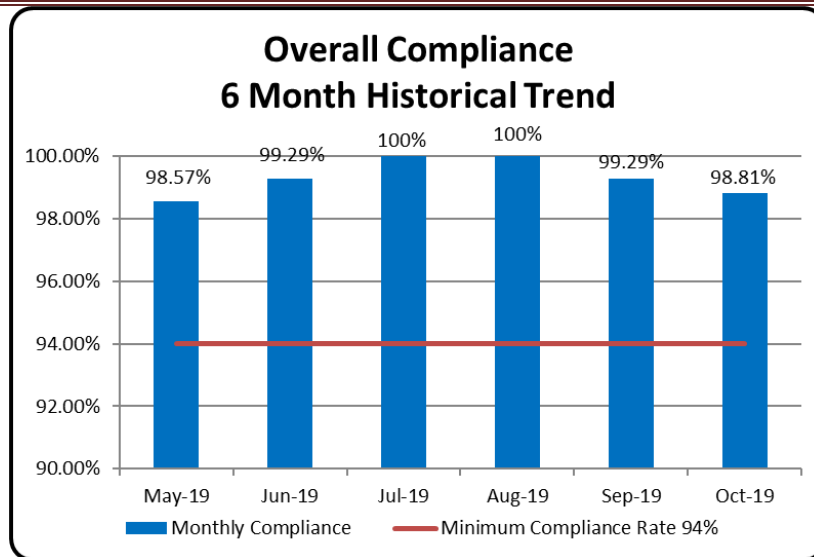
Below is the historical comparison of compliance for Misconduct Investigations conducted by detention personnel at the Professional Standards Bureau:



Compliance for October 2019:

| Compliance Rate by Identified Personnel | Compliance Rate |
|---|-----------------|
| Sworn Personnel at the Division/District Level | 100% |
| Sworn Personnel at the Professional Standards Bureau | 100% |
| Detention Personnel at the Professional Standards Bureau | 98.21% |
| Overall Compliance for October Misconduct Investigations | 98.81% |

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



The following Deficiency was identified during the inspection; however, due to the circumstances of the case, the inspector was unable to identify the employee to whom the deficiency could be attributed to; therefore, the deficiency was assigned to the PSB commander.

| IA Number | Employee | Division | Division Commander |
|-------------|----------|----------|--------------------|
| IA2018-0286 | Captain | PSB | Chief |

Perceived Deficiency

Deadlines Met:

The Case File includes documentation that the Appointing Authority finalized the finding for this investigation on 10-17-2019 with a *Coaching* as the “Discipline Imposed.” The employee was credited for having received a *Coaching* from his supervisor on 4-2-2018, when the employee’s actions were confirmed by his command through the PIR process and before this investigation had been initiated. The Investigative Leads in this case were notified of the completion of the investigation on 10-21-2019. **The inspector could not find a record in the case file where the Principal was notified that the investigation had been completed/closed.**

Reference: MCSO Policy GH-2.22.A.

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 **98.81%** overall compliance for *Inspection BI2019-0167*; a total of **1** BIO Action Forms is requested from the affected division. The form shall be completed utilizing Blue Team.

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.

Date Inspection Started: December 2, 2019
Date Completed: December 21, 2019
Timeframe Inspected: October 1 to 31, 2019
Assigned Inspector: Mario Rodriguez A9047

I have reviewed this inspection report.

Lt. D. Reaulo S1678

1/8/2020

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

Date