

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**March 2019 Misconduct Investigations Inspection Report**

Inspection # BI2019-0042

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 56 administrative misconduct investigations that were started on or after November 1, 2017, were closed during the month of March 2018. 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, 7 investigations were completed by sworn supervisors assigned to the Divisions/Districts, 1 investigation was completed by sworn supervisors assigned to the Professional Standards Bureau (PSB), and 2 investigation was completed by Detention supervisors assigned to the PSB.

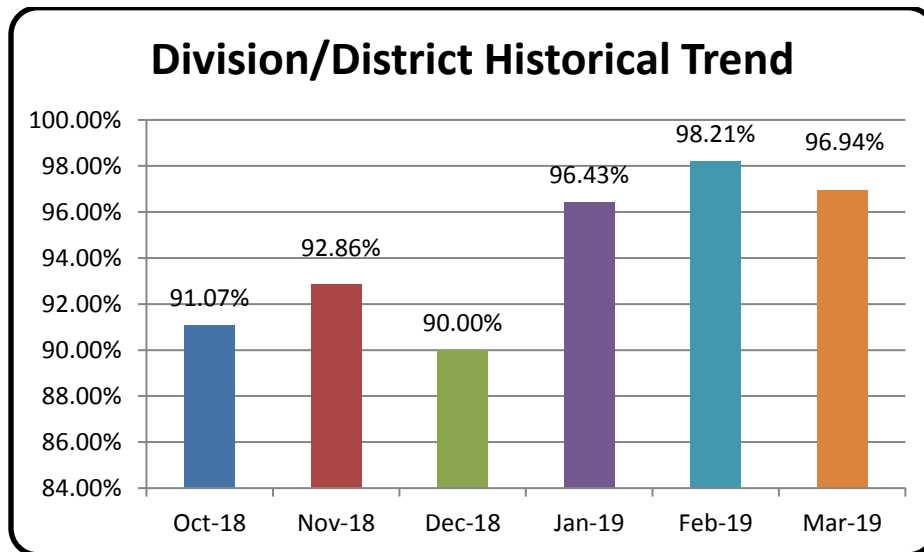
### Inspection results for the 7 Misconduct Investigation conducted by Sworn Supervisors at the Division/District

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	1	6	85.71%
Verify complaint was assigned a unique identifier	0	7	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	7	100%
Verify deadlines were met	2*	5	71.43%
Verify investigator who conducted the investigation received required misconduct investigation training	0	7	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	7	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	7	100%

Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	7	100%
Determine if interviews were audio and video recorded	0	7	100%
Determine if the investigative report was reviewed by the appropriate personnel	0	7	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	7	100%
Determine if a final finding was reached on a misconduct allegation	0	7	100%
Determine if an employee’s disciplinary history was documented	0	7	100%
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	7	100%
<b>Overall Compliance for Misconduct Investigations conducted at the Division/District</b>	<b>3</b>	<b>95</b>	<b>96.94%</b>

**\*Inspector Note:** Although the perceived deficiencies noted are within Misconduct Investigations conducted by supervisors assigned to a district/division, the identified 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:

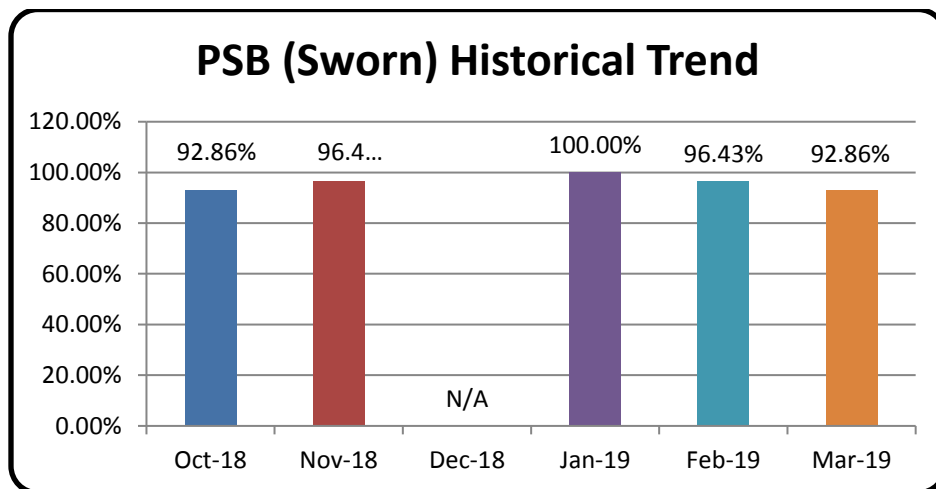


**Inspection results for the 1 Misconduct Investigation conducted by Sworn Personnel at the PSB**

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	1	0	0%
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%
<b>Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB</b>	<b>1</b>	<b>13</b>	<b>92.86%</b>

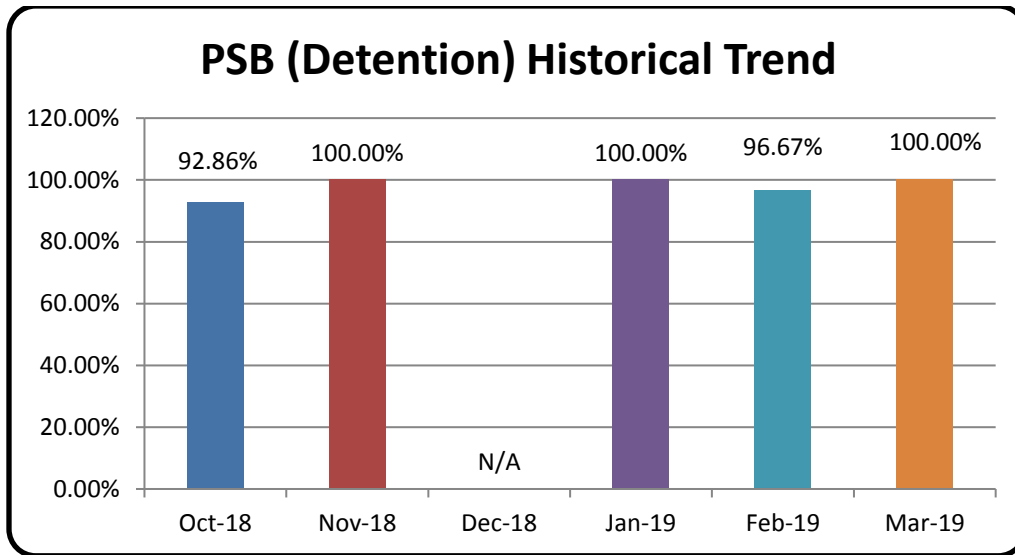
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn personnel at the Professional Standards Bureau:



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

<b>Inspection Element</b>	<b>Not In Compliance</b>	<b>In Compliance</b>	<b>Compliance Rate</b>
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%
<b>Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB</b>	<b>0</b>	<b>28</b>	<b>100%</b>

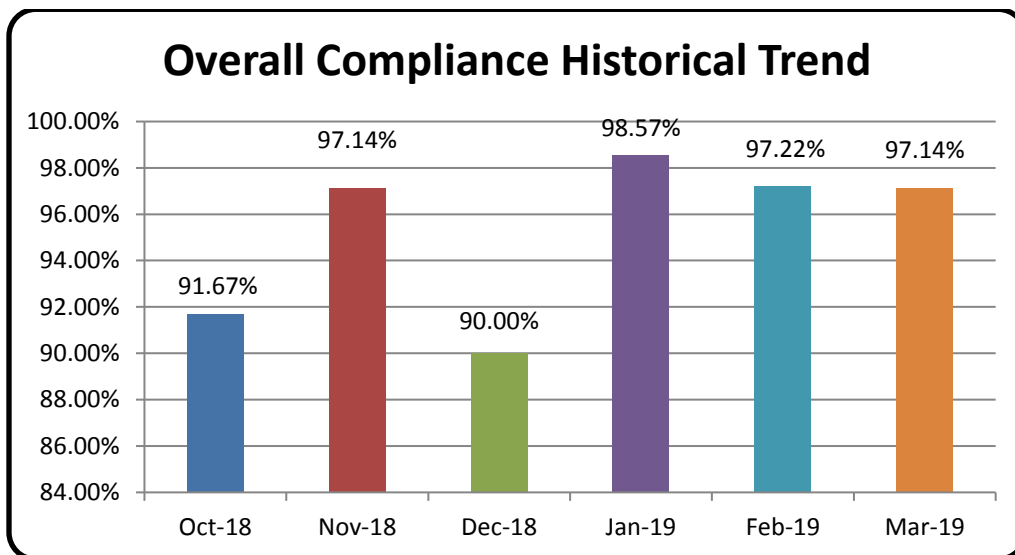
Below is the historical comparison of compliance for Misconduct Investigations conducted by detention personnel at the Professional Standards Bureau:



**Overall Compliance for March 2019:**

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	96.94%
Sworn Personnel at the Professional Standards Bureau	92.86%
Detention Personnel at the Professional Standards Bureau	100%
<b>Overall Compliance for December Misconduct Investigations</b>	<b>97.14%</b>

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



The following Perceived deficiencies were identified during the inspection process and require that BIO Action Forms be completed.

IA Number	Employee	Division	Division Commander	Perceived Deficiency
IA2018-0407	Sergeant	District VII	Captain	<b><u>Complaint Notification Procedures Followed:</u></b> The supervisor at the district received the external complaint on 6-1-2018. He entered the complaint into Blue Team on 6-8-2018. The inspector found record or explanation justifying the 7-day delay in documenting the external complaint. Policy requires that "External complaints shall be documented in detail and forwarded <b><i>immediately</i></b> to the PSB through Blue Team."
IA2017-0878	Sergeant	PSB	Captain	<b><u>Deadlines Met:</u></b> The IAPro Case File indicates that the 180-day timeline was exceeded. The inspector was unable to confirm that all the required memorandums requesting extensions were properly submitted, approved, and provided to the Principal.
IA2018-0045	Unknown	PSB	Captain	<b><u>Deadlines Met:</u></b> The IAPro Case File indicates that the 180-day timeline was exceeded. The inspector was unable to confirm that all the required memorandums requesting extensions were properly submitted, approved, and provided to the Principal.

The following Perceived deficiencies were identified during the inspection process; 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	Perceived Deficiency
IA2017-0815	Civilian Employee	PSB	Captain	<b><u>Deadlines Met:</u></b> The IAPro Case File indicates that the 180-day timeline was exceeded. The inspector was unable to confirm that all the required memorandums requesting extensions were properly submitted, approved, and provided to the Principal.

**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. Prompt and timely documenting of complaints in Blue Team.
  - B. When an administrative investigation will exceed the 180-day timeline, requests for extensions are timely submitted and approved, and when appropriate, notify the principals when the extensions are approved.

**Action Required:**

With the resulting **97.14%** overall compliance for *Inspection BI2019-0042*, a total of **3** BIO Action Forms are requested from the affected divisions. **The forms shall be completed utilizing Blue Team.**

**Notes:**

All supporting documentation (working papers) is included in the inspection file number *BI2019-0042* and contained within IA Pro.

Date Inspection Started: May 1, 2019  
Date Completed: June 7, 2019  
Timeframe Inspected: March 1-31, 2019  
Assigned Inspector: Sgt. M. Rodriguez A9047

I have reviewed this inspection report.

*James McFarland S1344*

06-07-2019

Captain J. McFarland S1344  
Commander  
Bureau of Internal Oversight

Date