

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



May 2020 Misconduct Investigations Inspection Report

Inspection # BI2020-0080

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 23 administrative misconduct investigations started on or after November 1, 2017 were closed during the month of May 2020. 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, 4 investigations were completed by *Sworn Supervisors* assigned to the Divisions/Districts, 4 investigations were completed by *Sworn Supervisors* assigned to the Professional Standards Bureau (PSB), and 2 investigations were completed by *Detention Supervisors* assigned to the PSB.

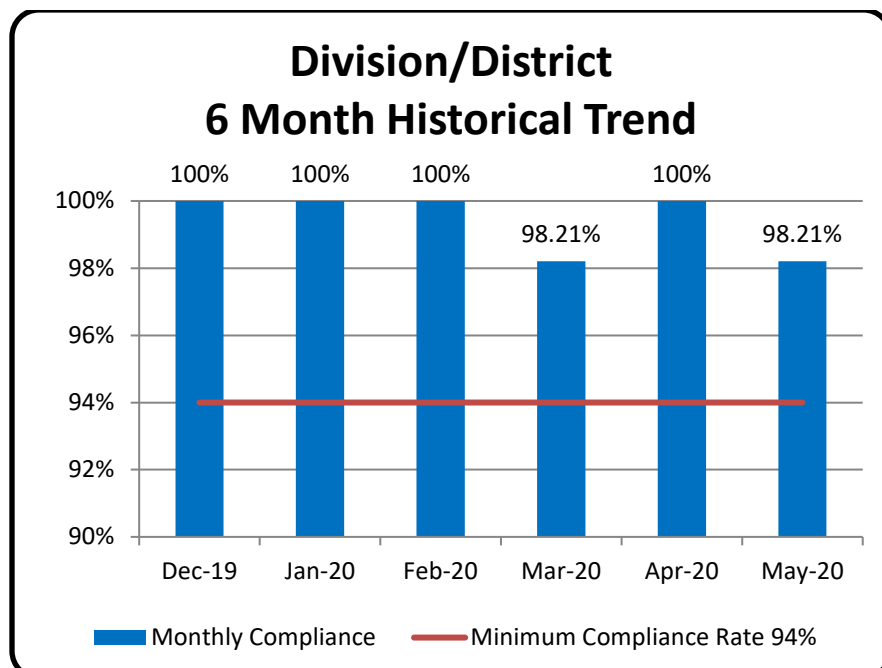
Inspection results for the 4 Misconduct Investigations conducted by Sworn Supervisors at the Division/District

Compliance Objectives	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	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 inconsistently with the disciplinary matrix	0	4	100%
Overall Compliance for Misconduct Investigations conducted at the Division/District	1	55	98.21%

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

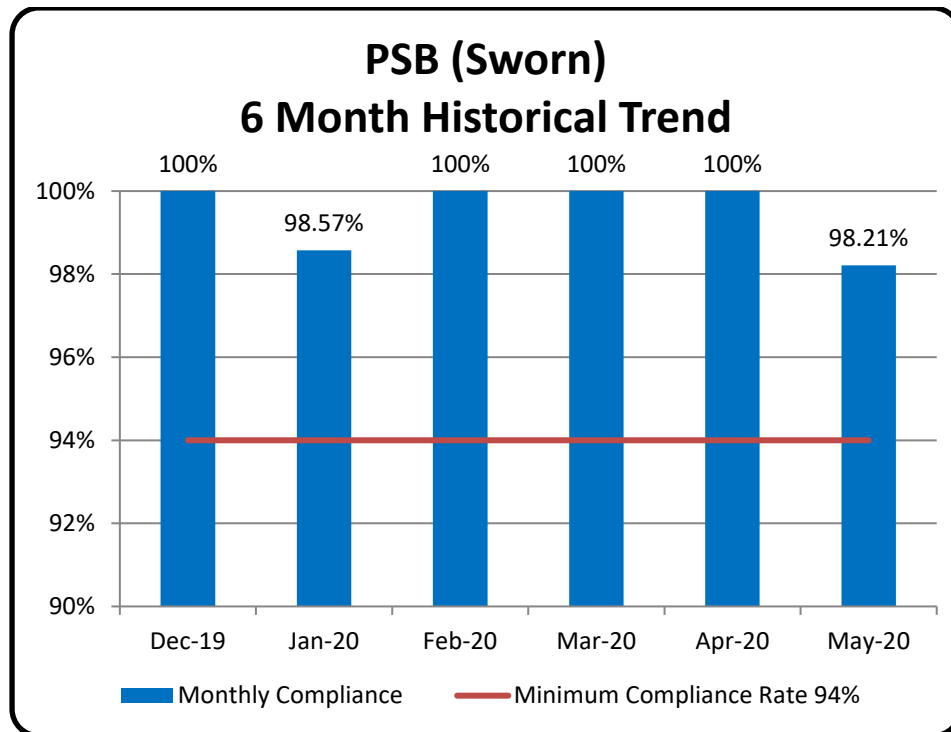
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:



Inspection results for the 4 Misconduct Investigation conducted by Sworn Supervisors 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 inconsistently with the disciplinary matrix	0	4	100%
Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB	1	55	98.21%

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

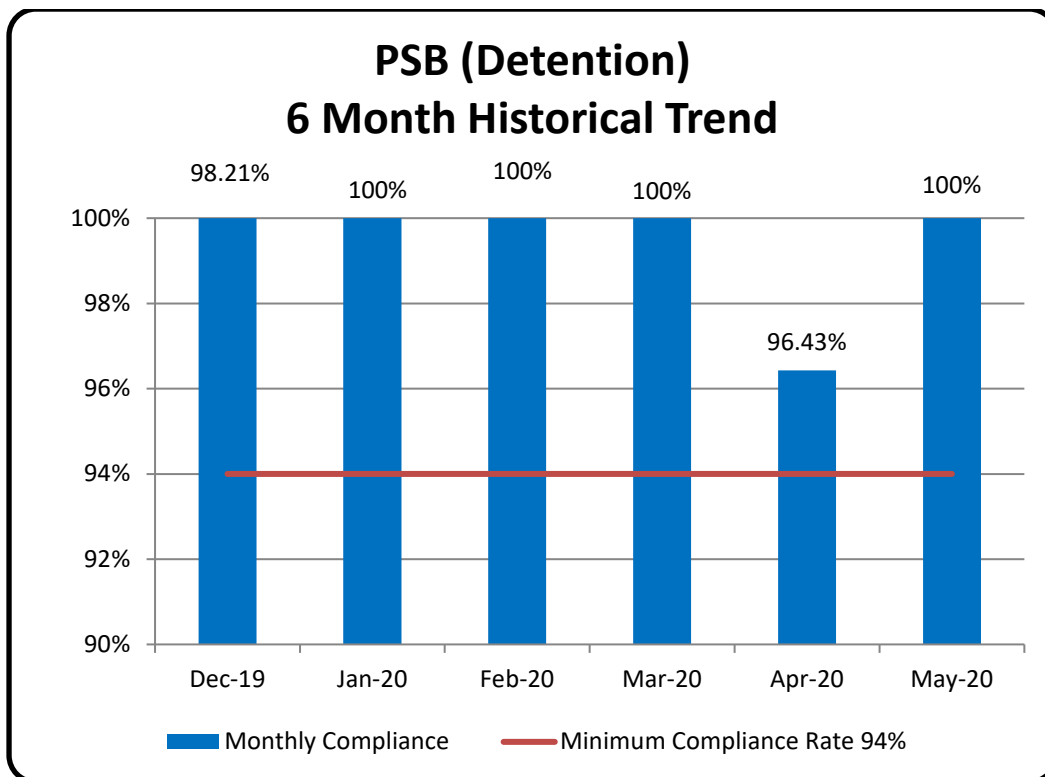


Inspection results for the 2 Misconduct Investigation conducted by Detention Supervisors at the PSB.

Compliance Objectives	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 inconsistently with the disciplinary matrix	0	2	100%
Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB	0	28	100%

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



The following Deficiencies were identified during the inspection:

IA Number	Employee	Division	Division Commander
IA2017-0916	Civilian Employee	PSB	Captain

Deficiency

Verify deadlines were met: *Although there were multiple deficiencies attributed to multiple employees for this investigation (IA2017-0916), these deficiencies only count as a single Inspection Point deficiency in this report.*

The investigation exceeded the 180-day timeline.

The IAPro Case File includes an approved memorandum requests to exceed the initial 180-day timeline; however, no record could be found to indicate that the principal was provided with notification of the extension.

***This individual is not longer employed by MCSO. No BIO Action Form required.**

Reference: MCSO Policy GH-2, Subsection 8.D.1

IA Number	Employee	Division	Division Commander
IA2017-0916	Sergeant	PSB	Captain

Deficiency

Verify deadlines were met:

The investigation exceeded the 180-day timeline.

The IAPro Case File includes a memorandum request to exceed the 180-day timeline that was not timely. The request was made after the date of the previous 180-day timeline extension had passed.

Reference: MCSO Policy GH-2, Subsection 8.D.1

IA Number	Employee	Division	Division Commander
IA2017-0916	Lieutenant	Major Crimes	Captain

Deficiency

Verify deadlines were met:

The investigation exceeded the 180-day timeline without an extension memo being approved, prior to the completion of the 180 days.

The IAPro Case File includes an additional memorandum request to exceed the 180-day timeline that was not timely. The request was made after the date of the previous 180-day timeline extension had passed.

Reference: MCSO Policy GH-2, Subsection 8.D.1

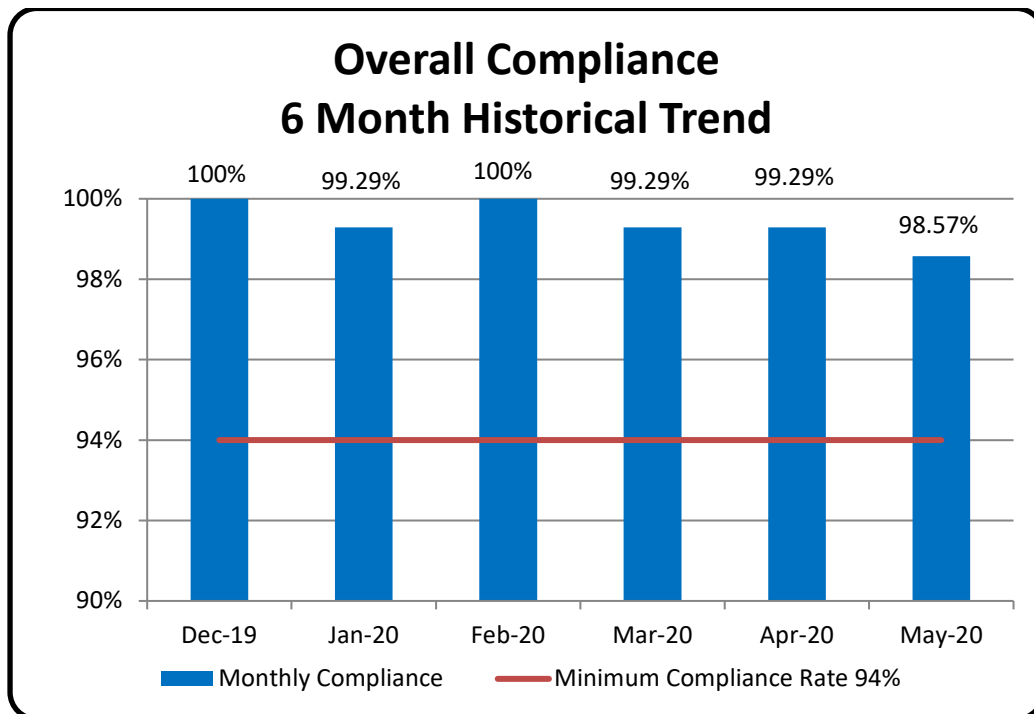
IA Number	Employee	Division	Division Commander
IA2018-0525	Sergeant	PSB	Capt D. Lee S1695
Deficiency			
Verify deadlines were met:			
<p>The investigation exceeded the 180-day timeline without an extension memo being approved, prior to the completion of the 180 days.</p> <p>The IAPro Case File includes various approved memorandum requests to exceed the 180-day timeline. The last approved 180-day extension memorandum expired on 2/03/2020. The case was closed and the last Principal was notified on 5/18/2020. No extension memorandum was generated for the period between 2/03/2020 to 5/18/2020.</p> <p>Reference: MCSO Policy GH-2, Subsection 8.D.</p>			

There are no prior BIO Action Forms or supervisor notes similar in nature addressing the identified deficiencies.

Compliance for May 2020:

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	98.21%
Sworn Personnel at the Professional Standards Bureau	98.21%
Detention Personnel at the Professional Standards Bureau	100%
Overall Compliance for May Misconduct Investigations	98.57%

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



Inspection BI2020-0080 resulted in **98.57%** compliance and 3 BIO Action Forms are requested from the affected divisions.

Date Inspection Started: July 1, 2020
Date Completed: July 20, 2020
Timeframe Inspected: May 1 to May 31, 2020
Assigned Inspector: Auditor M. Rodriguez A9047

I have reviewed this inspection report.

Lt. Todd Brice

8-6-20

Lt T. Brice S1767
Commander, Audits and Inspections Unit
Bureau of Internal Oversight

Date