

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



## February 2021 Misconduct Investigations Inspection Report

Inspection # BI2021-0038

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

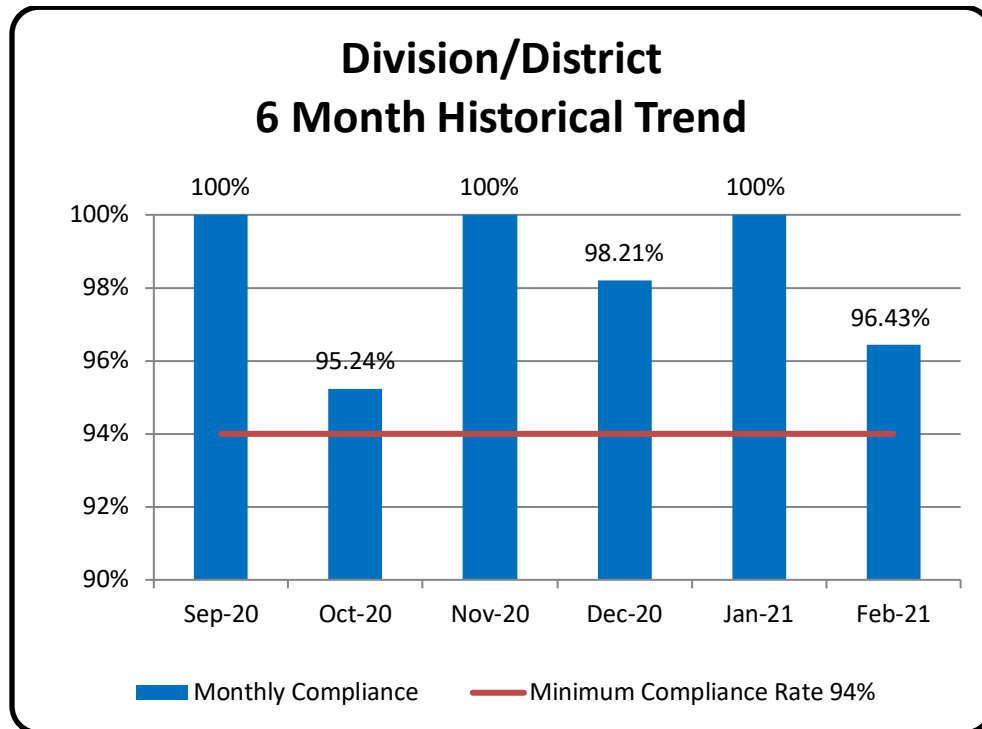
### Inspection results for the 4 Misconduct Investigations conducted by Sworn Supervisors at the Division/District

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	1*	3	75%
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%
<b>Overall Compliance for Misconduct Investigations conducted at the Division/District</b>	<b>2</b>	<b>54</b>	<b>96.43%</b>

**\*Inspector Note:** Although the identified deficiency is within 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 the division personnel.

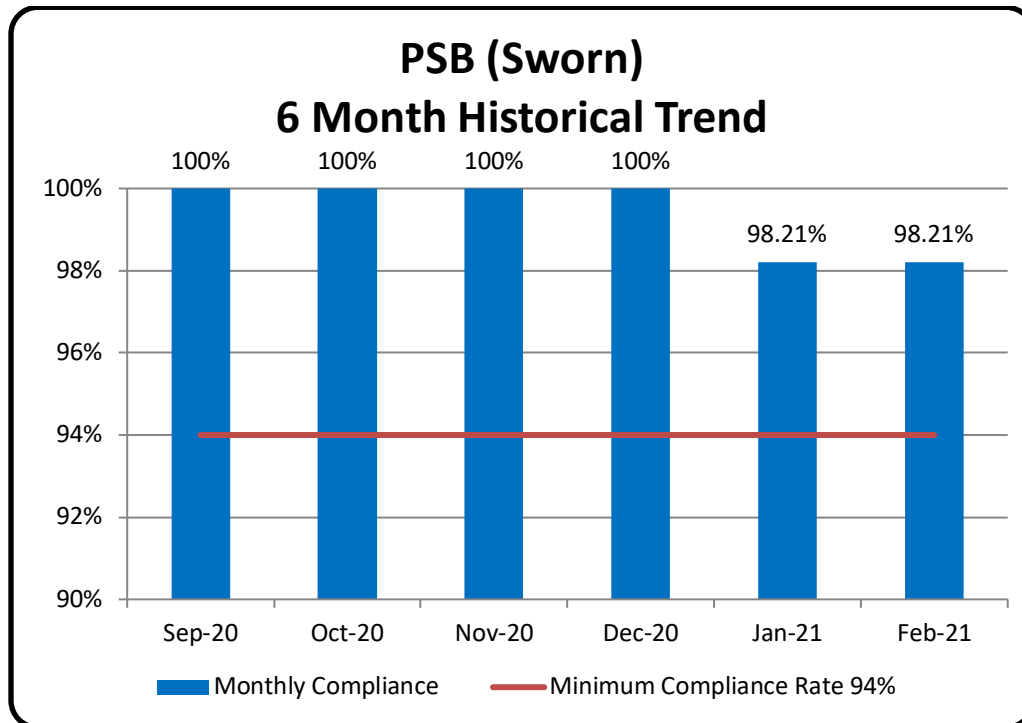
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:



**Inspection results for the 4 Misconduct Investigation conducted by Sworn Supervisors at the PSB**

<b>Compliance Objectives</b>	<b>Not In Compliance</b>	<b>In Compliance</b>	<b>Compliance Rate</b>
Determine if complaint notification procedures were followed	1	3	75%
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	0	4	100%
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%
<b>Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB</b>	<b>1</b>	<b>55</b>	<b>98.21%</b>

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

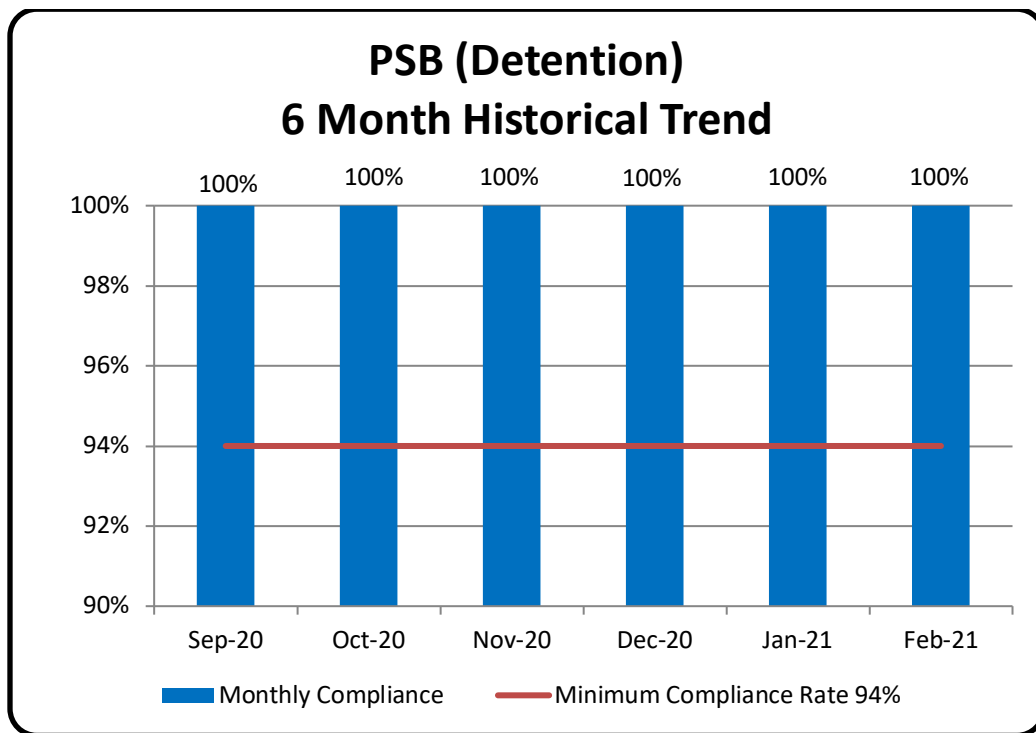


**Inspection results for the 2 Misconduct Investigations conducted by Detention Supervisors at the PSB.**

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%
<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:



The following deficiency was identified during the inspection; however, as the responsible individual is no longer employed by MCSO, NO BIO Action form is requested.

IA Number	Employee	Division	Division Commander
IA2020-0109	Sergeant	PSB	Captain
Deficiency			
<b><u>Verify investigation assignment protocols were followed such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau:</u></b>			
<p>The initial complaint was an allegation of employees being involved in an accident while in emergency driving conditions. The PSB assigned the complaint to the division for investigation. The division conducted the investigation. The discipline matrix classifies employees being involved in an accident while in emergency driving conditions as a category 3, with the presumptive discipline being an 8-hour suspension. A suspension is defined as serious misconduct in policy. Policy also states that allegations of "serious misconduct" <i>shall</i> be investigated by the PSB.</p> <p>Reference: MCSO Policy GC-17, Attachment B. Item 10.L. Reference: MCSO Policy GH-2, Subsection 3.C.</p> <p><b>There is one prior BIO Action Form similar in nature addressing a previously identified deficiency (BAF2020-0165).</b> Additional deficiencies, similar in nature, were identified during inspections BI2020-0120, BI2020-0133, and BI2021-0010; however, due to the circumstances surrounding those findings, no BIO Action forms were required. This is the <b>Fifth time in the past 12 months</b> that this type of deficiency has been identified and are all attributed to the same former employee.</p>			

The following deficiency was identified during the inspection; however, the PSB was already aware of this issue and modified their practice to prevent reoccurrence. NO BIO Action form is requested.

IA Number	Employee	Division	Division Commander
IA2019-0610	Undetermined	PSB	Captain
Deficiency			
<b><u>Determine if complaint notification procedures are followed:</u></b>			
<p>The IAPro case file does not include a record that the Complainant was provided required information within 7 days of the complaint being received. Records indicate that the PSB mailed the notice, but it was returned by the Post Office for insufficient address. Prior to this inspection, the Professional Standard Bureau had become aware of this and had modified their practices to timely identify similar issues, and when appropriate, take corrective action thereby preventing these types of events from reoccurring.</p> <p>Reference: MCSO Policy GH-2, Subsection 2.B.1.e.</p>			

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

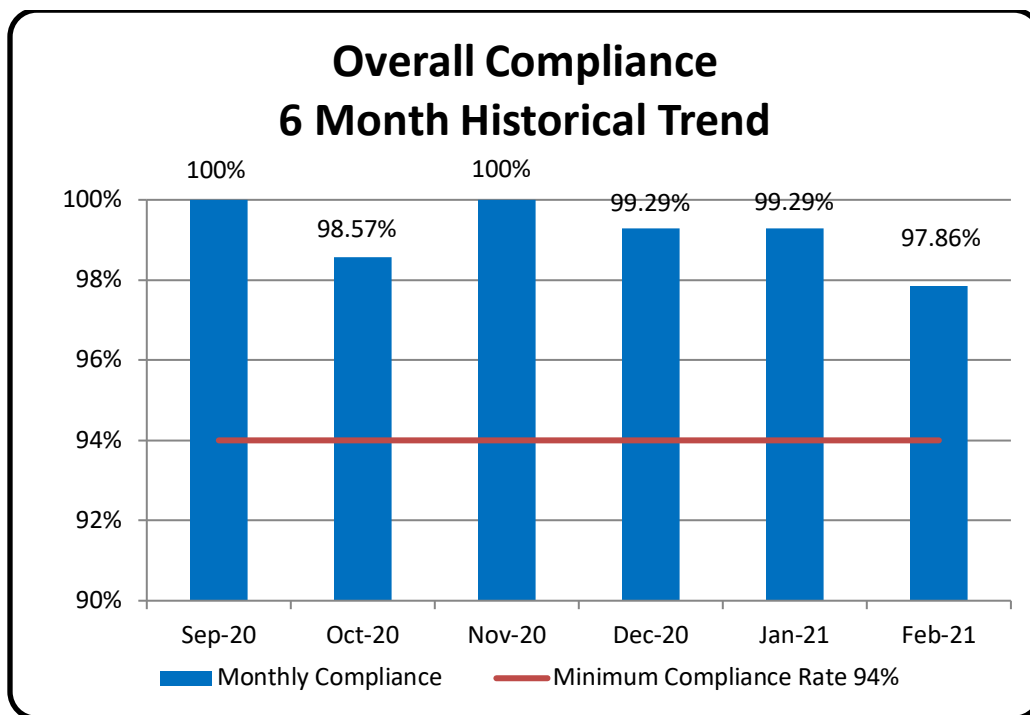
IA Number	Employee	Division	Division Commander
IA2018-0008	Lieutenant	PSB	Captain
Deficiency			
<b><u>Verify deadlines were met:</u></b>			
The investigation exceeded the 180-day timeline. The IAPro case file includes an approved extension request memorandum that was submitted after the previously approved 180-day timeline had passed.			
Reference: MCSO Policy GH-2, Subsection 17.B.			

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

**Compliance for February 2021:**

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	96.43%
Sworn Personnel at the Professional Standards Bureau	98.21%
Detention Personnel at the Professional Standards Bureau	100%
<b>Overall Compliance for February Misconduct Investigations</b>	<b>97.86%</b>

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





Inspection BI2021-0038 resulted in **97.86%** compliance with **One BIO Action Form** requested from the affected Division.

Date Inspection Started: April 1, 2021  
Date Completed: April 15, 2021  
Timeframe Inspected: February 1 to February 28, 2021  
Assigned Inspector: Auditor M. Rodriguez A9047

I have reviewed this inspection report.

*Lt. Jonathan Halverson S1674*

4/27/2021

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

Date