

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**October 2020 Misconduct Investigations Inspection Report**

Inspection # BI2020-0147

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 26 administrative misconduct investigations started on or after November 1, 2017 and were closed during the month of October 2020. A list of these investigations was provided to the Monitor team. A randomly selected proportionate sample, consisting of 10 investigations, were provided to AIU for inspection. Of the sample provided, 3 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 6 investigations were completed by *Detention Supervisors* assigned to the PSB.

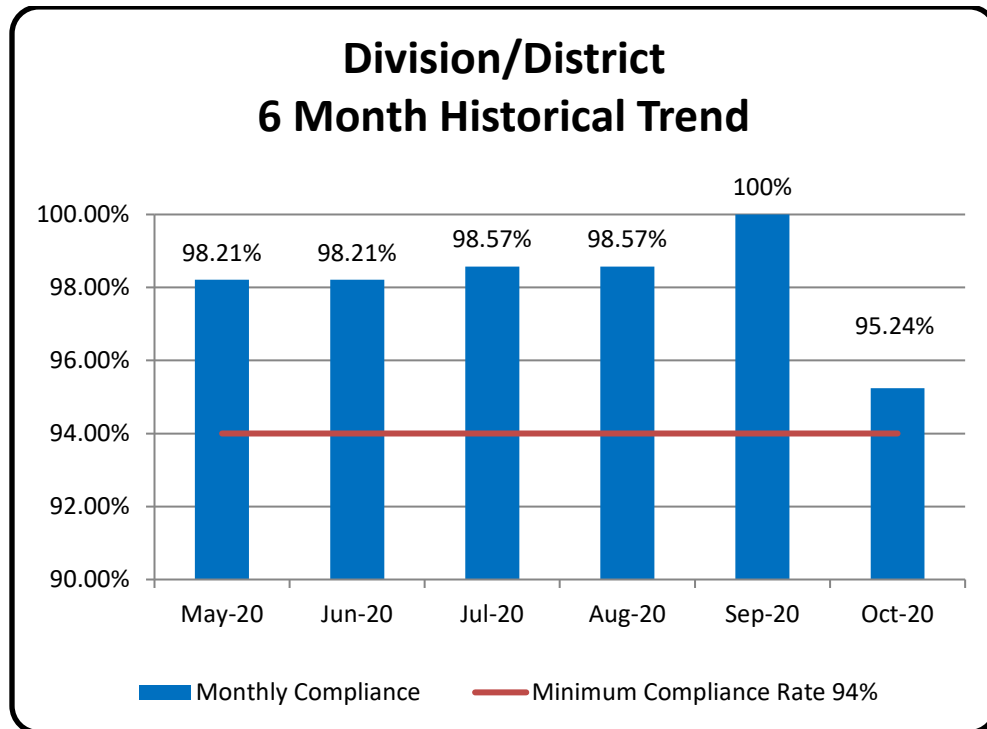
### Inspection results for the 3 Misconduct Investigations conducted by Sworn Supervisors at the Division/District

| Compliance Objectives   | Not In Compliance | In Compliance | Compliance Rate |
|---|-------------------|---------------|-----------------|
| Determine if complaint notification procedures were followed  | 0                 | 3             | 100%            |
| Verify complaint was assigned a unique identifier   | 0                 | 3             | 100%            |
| Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau   | 1*                | 2             | 66.66%          |
| Verify deadlines were met   | 1                 | 2             | 66.66%          |
| Verify investigator who conducted the investigation received required misconduct investigation training   | 0                 | 3             | 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                 | 3             | 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        | 3         | 100%          |
| Determine if an investigation was conducted of a superior Officer within the internal affairs investigators' chain of command.  | 0        | 3         | 100%          |
| Determine if interviews were audio and video recorded   | 0        | 3         | 100%          |
| Determine if the investigative report was reviewed by the appropriate personnel   | 0        | 3         | 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        | 3         | 100%          |
| Determine if a final finding was reached on a misconduct allegation   | 0        | 3         | 100%          |
| Determine if an employee's disciplinary history was documented  | 0        | 3         | 100%          |
| Determine if an explanation was provided for any discipline imposed inconsistently with the disciplinary matrix   | 0        | 3         | 100%          |
| <b>Overall Compliance for Misconduct Investigations conducted at the Division/District</b>  | <b>2</b> | <b>40</b> | <b>95.24%</b> |

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

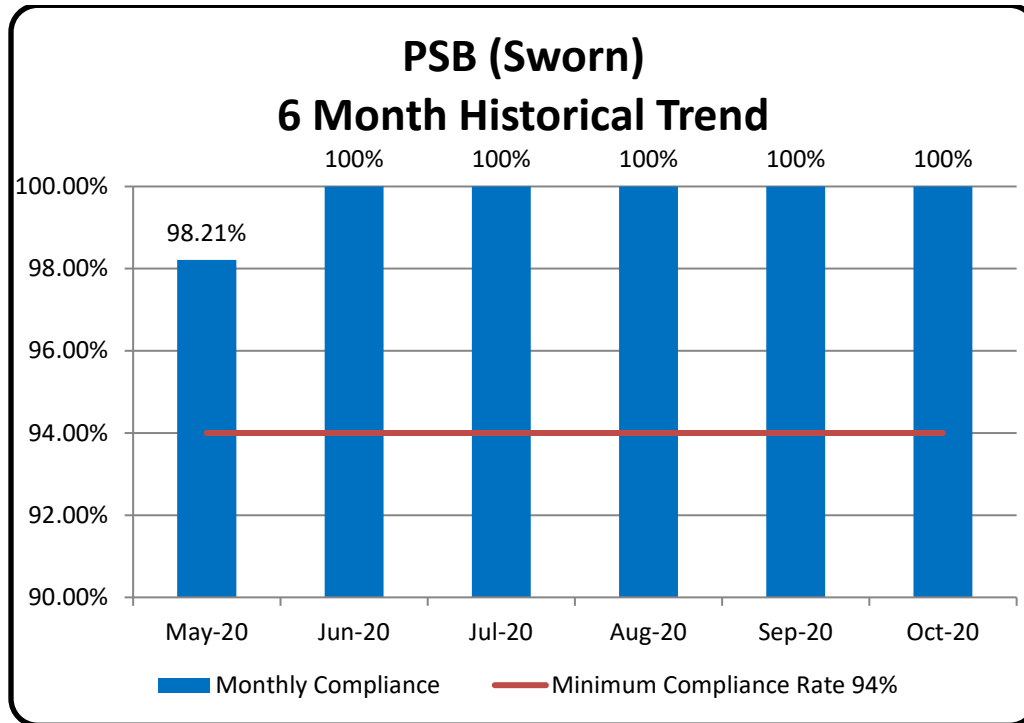
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:



**Inspection results for the 1 Misconduct Investigation conducted by Sworn 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  | 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 inconsistently with the disciplinary matrix   | 0                        | 1                    | 100%                   |
| <b>Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB</b>   | <b>0</b>                 | <b>14</b>            | <b>100%</b>            |

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

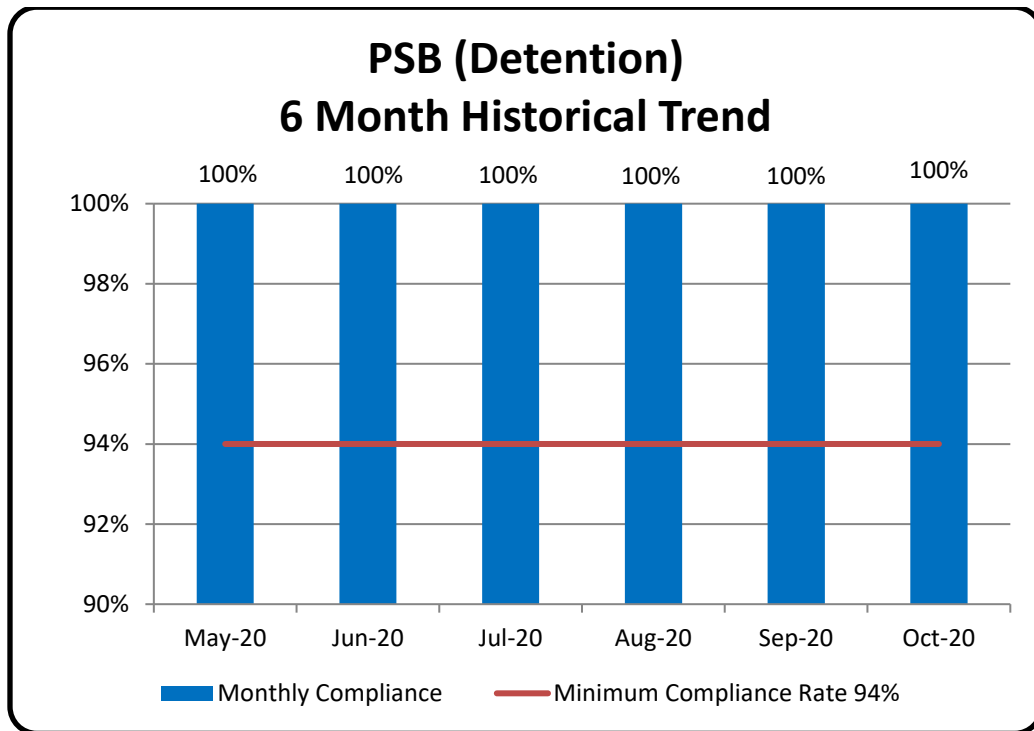


**Inspection results for the 6 Misconduct Investigations conducted by Detention Supervisors at the PSB.**

| Compliance Objectives   | Not In Compliance | In Compliance | Compliance Rate |
|---|-------------------|---------------|-----------------|
| Determine if complaint notification procedures were followed  | 0                 | 6             | 100%            |
| Verify complaint was assigned a unique identifier   | 0                 | 6             | 100%            |
| Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau   | 0                 | 6             | 100%            |
| Verify deadlines were met   | 0                 | 6             | 100%            |
| Verify investigator who conducted the investigation received required misconduct investigation training   | 0                 | 6             | 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                 | 6             | 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                 | 6             | 100%            |
| Determine if an investigation was conducted of a superior Officer within the internal affairs investigators' chain of command.  | 0                 | 6             | 100%            |

|   |          |           |             |
|---|----------|-----------|-------------|
| Determine if interviews were audio and video recorded   | 0        | 6         | 100%        |
| Determine if the investigative report was reviewed by the appropriate personnel   | 0        | 6         | 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        | 6         | 100%        |
| Determine if a final finding was reached on a misconduct allegation   | 0        | 6         | 100%        |
| Determine if an employee’s disciplinary history was documented  | 0        | 6         | 100%        |
| Determine if an explanation was provided for any discipline imposed inconsistently with the disciplinary matrix   | 0        | 6         | 100%        |
| <b>Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB</b>   | <b>0</b> | <b>84</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 deficiencies were identified during the inspection:**

| IA Number  | Employee | Division    | Division Commander |
|--|----------|-------------|--------------------|
| IA2019-0109  | Sergeant | District II | Captain            |
| Deficiency   |          |             |                    |
| <p><b><u>Verify deadlines were met:</u></b></p> <p>The investigation exceeded the 180-day timeline.</p> <p>The division timely requested authorization to exceed the initial 180-day timeline. The extension was granted, and the division was given a new due date of 10/9/2019. The IAPro Case File does not include records which indicate that the principals were provided a copy of the approved extension memorandum.</p> <p>Additionally, records indicate that the division exceeded the 10/9/2019 extension deadline; however, there are no records in the case file to show that the division submitted an addition timely request memorandum, or received approval, to exceed the 10/9/2019 deadline.</p> <p>Reference: MCSO Policy GH-2, Subsection 8.D.1</p> |          |             |                    |

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

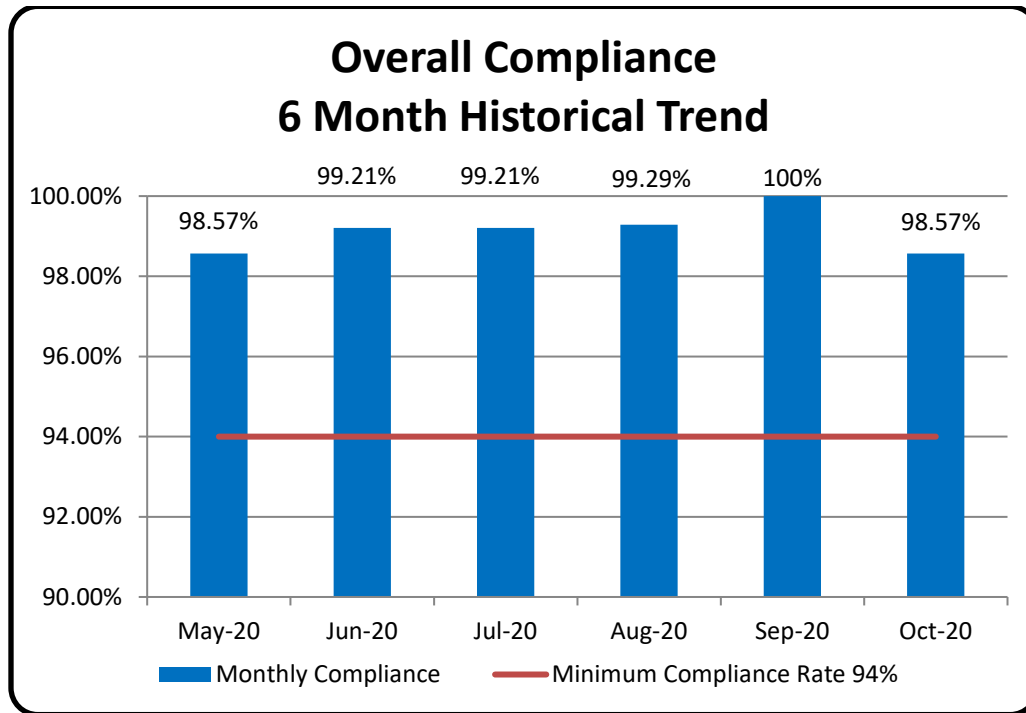
| IA Number  | Employee | Division | Division Commander |
|--|----------|----------|--------------------|
| IA2020-0133  | Sergeant | PSB      | Captain            |
| Deficiency   |          |          |                    |
| <p><b><u>Verify investigation assignment protocols were followed such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau:</u></b></p> <p>The initial complaint alleges that the employee was observed sleeping while on duty. The PSB assigned the complaint to the division for investigation. The division conducted the investigation. The discipline matrix classifies sleeping on duty as a category 3, with the presumptive discipline being an 8-hour suspension. A suspension is defined as serious misconduct in policy. Policy also requires that allegations of “serious misconduct” <i>shall</i> be investigated by the PSB.</p> <p>Reference: MCSO Policy GC-17, Attachment B. Item 25.A<br/>Reference: MCSO Policy GH-2, Subsection 3.C</p> |          |          |                    |

**There is one prior BIO Action Form similar in nature addressing a previously identified deficiency (BAF2020-0165).** During inspection BI2020-0120, an additional deficiency, similar in nature, was identified; however, due to the circumstances surrounding the incident, no BIO Action form was required. There are no supervisor notes addressing the identified deficiency.

**Compliance for October 2020:**

| Compliance Rate by Identified Personnel                         | Compliance Rate |
|---|-----------------|
| Sworn Personnel at the Division/District Level                  | 95.24%          |
| Sworn Personnel at the Professional Standards Bureau            | 100%            |
| Detention Personnel at the Professional Standards Bureau        | 100%            |
| <b>Overall Compliance for October Misconduct Investigations</b> | <b>98.57%</b>   |

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



Inspection BI2020-0147 resulted in **98.57%** compliance with 2 BIO Action Form requested from the affected Divisions.

Date Inspection Started: December 1, 2020  
 Date Completed: December 14, 2020  
 Timeframe Inspected: October 1 to October 31, 2020  
 Assigned Inspector: Auditor M. Rodriguez A9047

I have reviewed this inspection report.

*Lt. Todd Brice*

1-4-2021

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

Date