

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



December 2020 Misconduct Investigations Inspection Report

Inspection # BI2021-0010

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 27 administrative misconduct investigations started on or after November 1, 2017 and were closed during the month of December 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, 1 investigation was completed by *Sworn Supervisors* assigned to the Professional Standards Bureau (PSB), and 5 investigations were completed by *Detention Supervisors* assigned to the PSB.

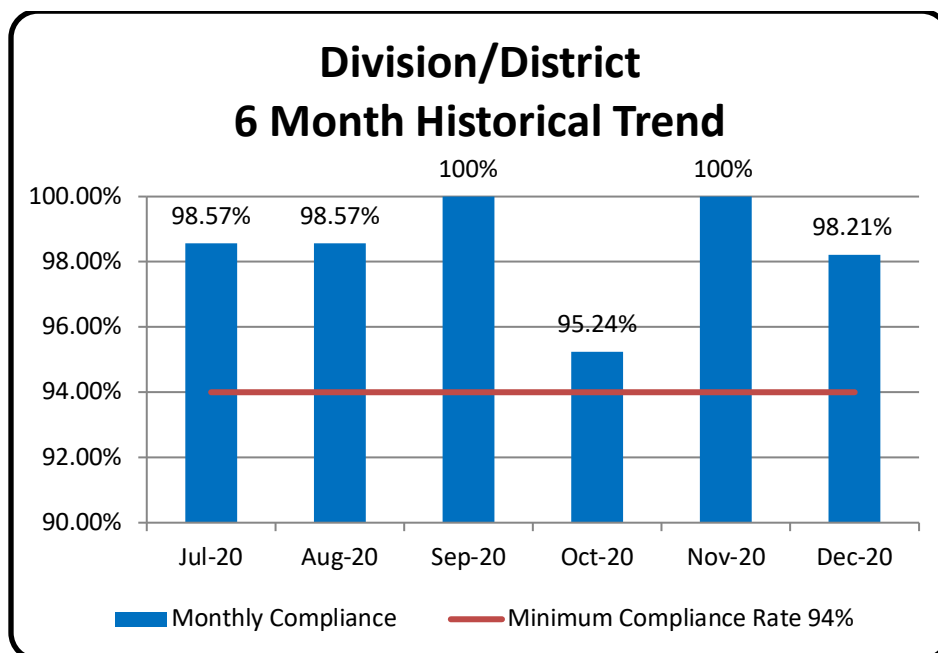
Inspection results for the 4 Misconduct Investigations conducted by Sworn Supervisors at the Division/District

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	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%
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, Professional Standards Bureau staff assigned this misconduct investigation.

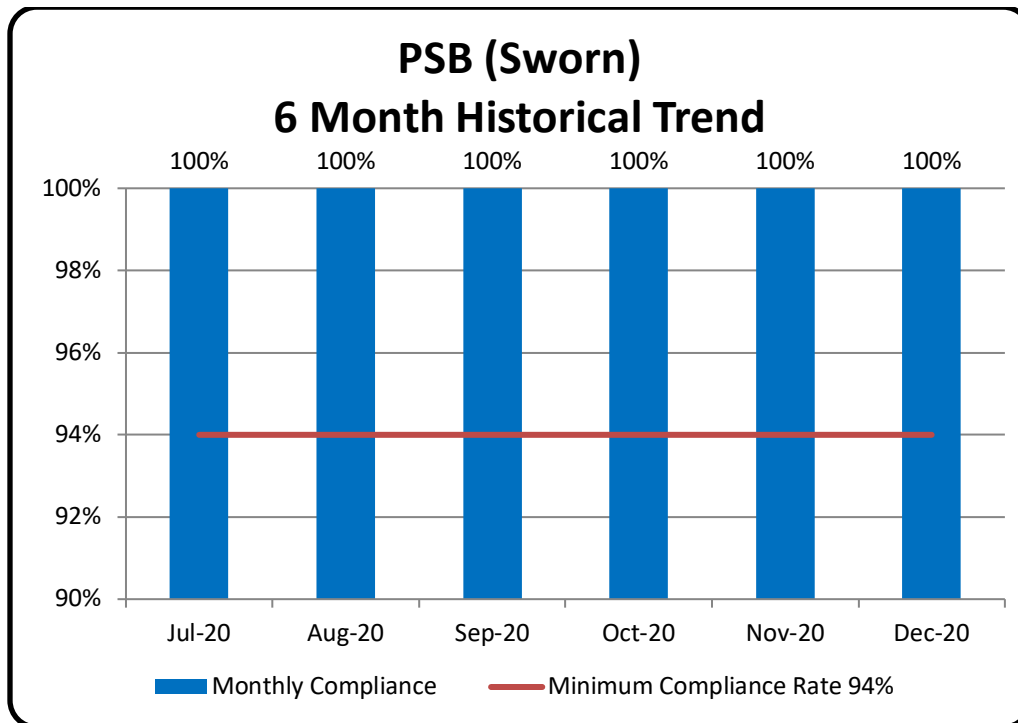
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:



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

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 inconsistently 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:

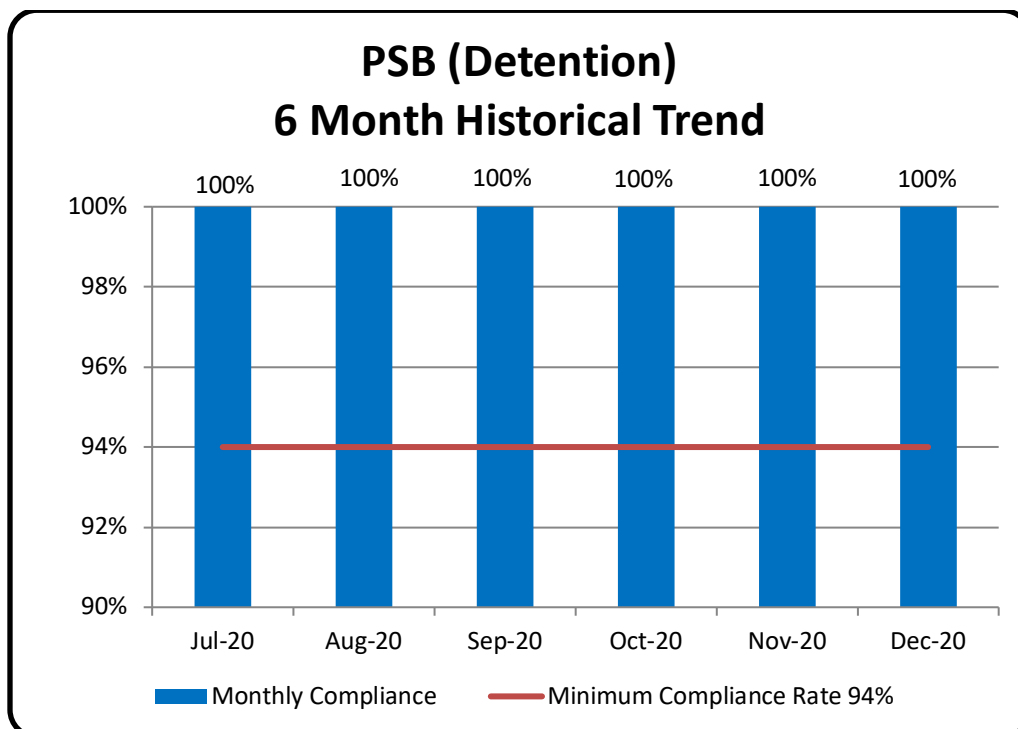


Inspection results for the 5 Misconduct Investigations conducted by Detention Supervisors at the PSB.

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

Determine if an investigation was conducted of a superior Officer within the internal affairs investigators' chain of command.	0	5	100%
Determine if interviews were audio and video recorded	0	5	100%
Determine if the investigative report was reviewed by the appropriate personnel	0	5	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	5	100%
Determine if a final finding was reached on a misconduct allegation	0	5	100%
Determine if an employee's disciplinary history was documented	0	5	100%
Determine if an explanation was provided for any discipline imposed inconsistently with the disciplinary matrix	0	5	100%
Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB	0	70	100%

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, because the responsible individual is no longer employed by MCSO, no BIO Action form is requested

IA Number	Employee	Division	Division Commander
IA2020-0113	Sergeant	PSB	Captain
Deficiency			
<u>Verify investigation assignment protocols were followed such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau:</u>			
<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 requires 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>			

There is one prior BIO Action Form similar in nature addressing a previously identified deficiency (BAF2020-0165).

Additional deficiencies, similar in nature, were identified during inspections BI2020-0120 and BI2020-0133; however, due to the circumstances surrounding those incidents, no BIO Action forms were required. There are no supervisor notes addressing the identified deficiency.

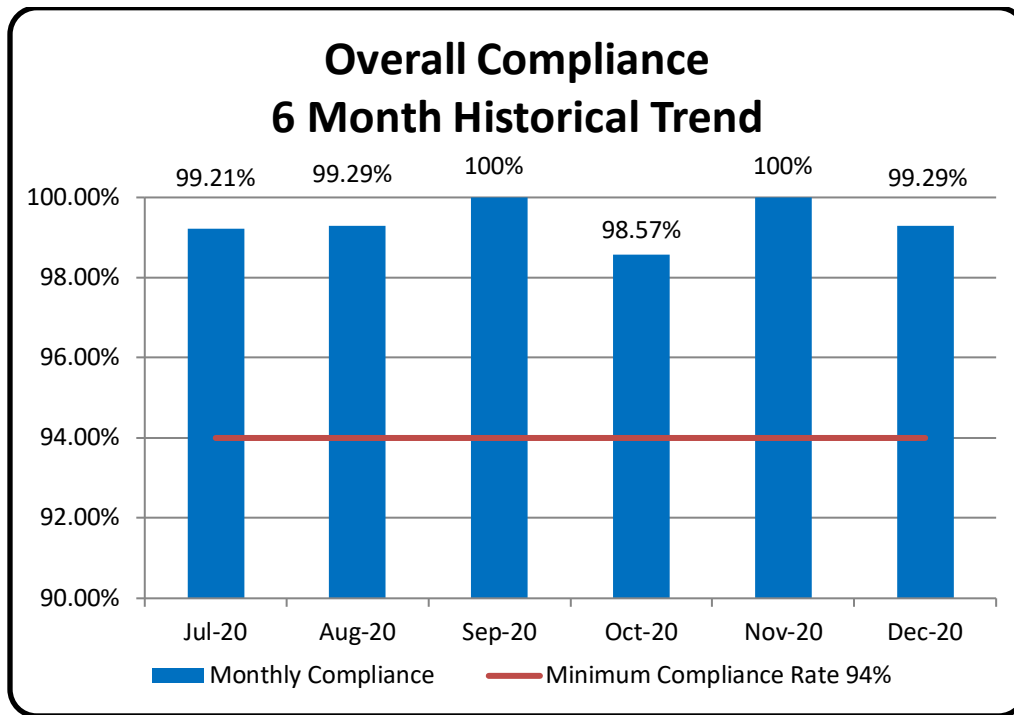
Recommendations: Because this is the fourth instance in calendar year 2020 that this type of deficiency was identified during the inspection process, it is recommended that the PSB Commander review internal processes to ensure that:

1. The Intake Supervisor is thoroughly familiar with the requirements of the applicable versions of MCSO Policies GH-2 and CG-17 and meticulously follows investigation assignment protocols during the complaint intake process.
2. When investigations are completed, a thorough review of the investigation be conducted to ensure compliance with the requirements of the applicable MCSO policies and when deficiencies are noted, document any corrective action taken.

Compliance for December 2020:

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	98.21%
Sworn Personnel at the Professional Standards Bureau	100%
Detention Personnel at the Professional Standards Bureau	100%
Overall Compliance for December Misconduct Investigations	99.29%

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



Inspection BI2021-0010 resulted in 99.29% compliance with no BIO Action Forms requested from the affected Division.

Date Inspection Started: February 1, 2020
 Date Completed: February 17, 2020
 Timeframe Inspected: December 1 to December 31, 2020
 Assigned Inspector: Auditor M. Rodriguez A9047

I have reviewed this inspection report.

Lt. Jonathan Halverson S1674

02/25/2021

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

Date