

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



May 2019 Misconduct Investigations Inspection Report

Inspection # BI2019-0092

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 23 administrative misconduct investigations that were started on or after November 1, 2017 and were closed during the month of May 2019. 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, 5 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 4 investigations were completed by detention supervisors assigned to the PSB.

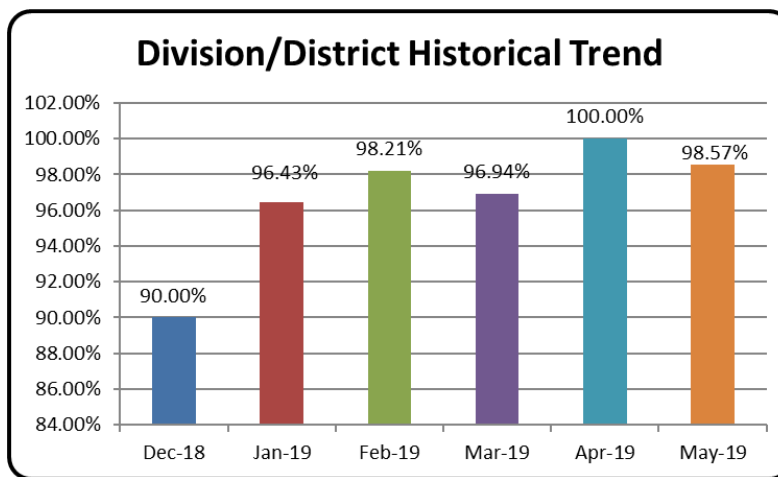
Inspection results for the 5 Misconduct Investigation conducted by Sworn Supervisors at the Division/District

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	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	1*	4	80%
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 inconsistent with the disciplinary matrix	0	5	100%
Overall Compliance for Misconduct Investigations conducted at the Division/District	1	69	98.57%

***Inspector Note:** Although the perceived deficiency noted is within Misconduct Investigations conducted by supervisors assigned to a district/division, this 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:

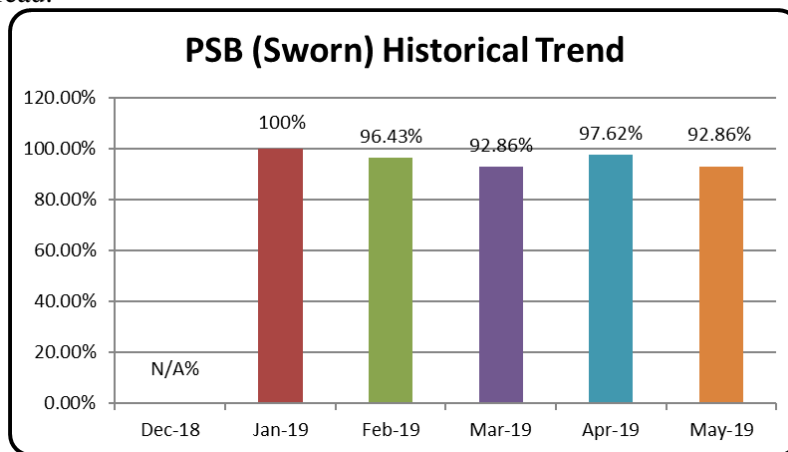


Inspection results for the 1 Misconduct Investigation conducted by Sworn Personnel at the PSB

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%
Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB	1	13	92.86%

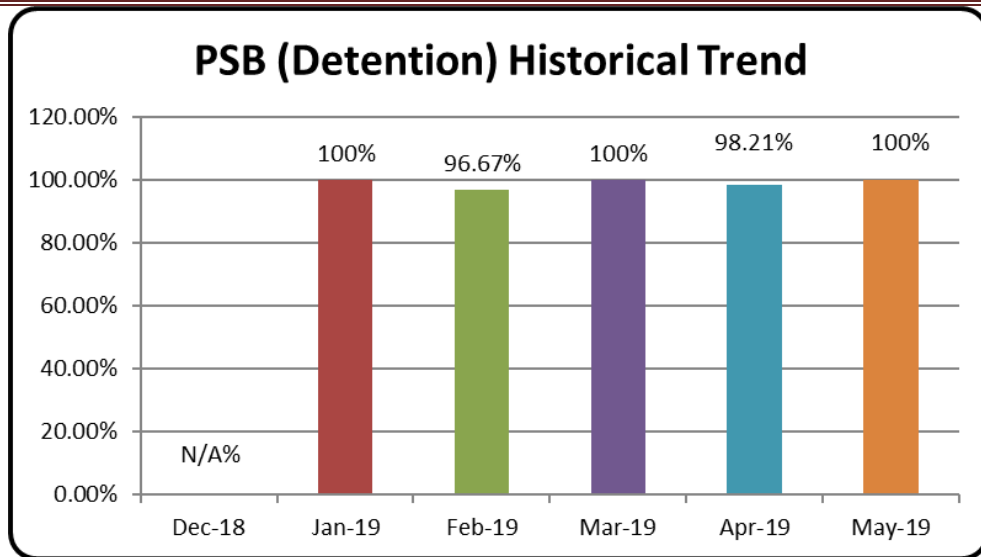
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn personnel at the Professional Standards Bureau:



Inspection results for the 4 Misconduct Investigations conducted by Detention Personnel at the PSB

Inspection Element	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	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 inconsistent with the disciplinary matrix	0	4	100%
Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB	0	56	100%

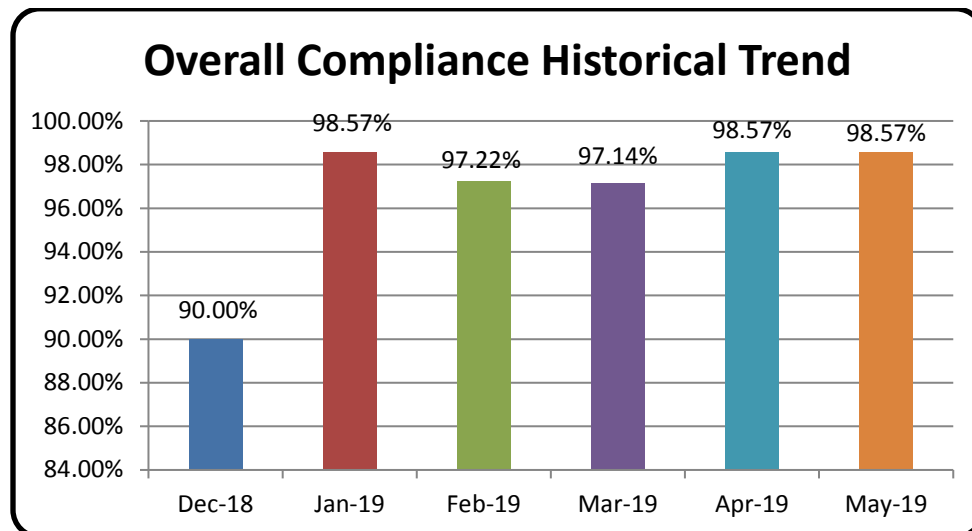
Below is the historical comparison of compliance for Misconduct Investigations conducted by detention personnel at the Professional Standards Bureau:



Overall Compliance for May 2019:

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	98.57%
Sworn Personnel at the Professional Standards Bureau	92.86%
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:



The following Perceived Deficiency was identified during the inspection but does not require a BIO Action Form.

IA Number	Employee	Division	Division Commander	Perceived Deficiency
IA2018-0347	Sergeant	PSB	Captain	Deadlines Met: The Case File includes an approved request to exceed the 180-day timeline. The inspector was unable to locate records to indicate that the approved extension memorandum was provided to the Principal.
Related BIO Action Forms: A review of the employee’s EIS information indicates that this employee was assigned 1 previous BIO Action Form for the same deficiency. The perceived deficiency in this report took place before action was taken (6-20-2019) to address the previous occurrence; therefore, this deficiency is included in the report but does not require a new BIO Action Form.				

The following Perceived Deficiencies were identified during the inspection process and require that a BIO Action Form be completed

IA Number	Employee	Division	Division Commander	Perceived Deficiency
IA2018-0381	Manager	PSB	Captain	Investigation Assignment Protocols: The inspector was unable to locate records in the IAPro Case File that document the processes that led to a district/division supervisor conducting an investigation that should have been completed by PSB investigators. The initial complaint states that a volunteer tried to gain access to another agency’s crime scene using their credentials. GC-17, Attachment B, sub-section 9.C: Use of official position, identification cards, or badge to obtain privileges not otherwise available to them or others, except in the performance of official duty (Category 5).
Related BIO Action Forms: A review of the employee’s EIS information indicates that this employee has not been assigned a previous BIO Action Form.				

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. When an administrative investigation will exceed the 180-day timeline, requests for extensions are timely submitted, and when approved, provide the Principal a copy of the approved extension memorandum.
 - B. Ensure case assignment protocols are reviewed to ensure that only allegations of Minor Misconduct are investigated by division/district supervisors and allegations of Serious Misconduct are investigated by the PSB.

Action Required:

With the resulting **98.57%** overall compliance for *Inspection BI2019-0092*, a total of **1** BIO Action Forms are requested from the affected division. **The form shall be completed utilizing Blue Team.**

Notes:

All supporting documentation (working papers) is included in the inspection file number *BI2019-0092* and contained within IA Pro.

Date Inspection Started: July 1, 2019
Date Completed: August 12, 2019
Timeframe Inspected: May 1-31, 2019
Assigned Inspector: Sgt. M. Rodriguez A9047

I have reviewed this inspection report.

Lt. D. Reaulo S1678

8/12/2019

Lt. D. Reaulo S1678
Commander, Audits & Inspections Unit
Bureau of Internal Oversight

Date