

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Misconduct Investigations Inspection Report October 2018

Inspection # BI2018-0135

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 during the month of October 2018, a total of 6 administrative misconduct investigations were closed that were started on or after November 1, 2017. Of the 6 identified investigations, 4 investigations were completed by sworn supervisors at the Division/District Level, 1 investigation was completed by a sworn supervisor assigned to the Professional Standards Bureau (PSB) and 1 investigation was completed by a detention supervisor assigned to the Professional Standards Bureau (PSB).

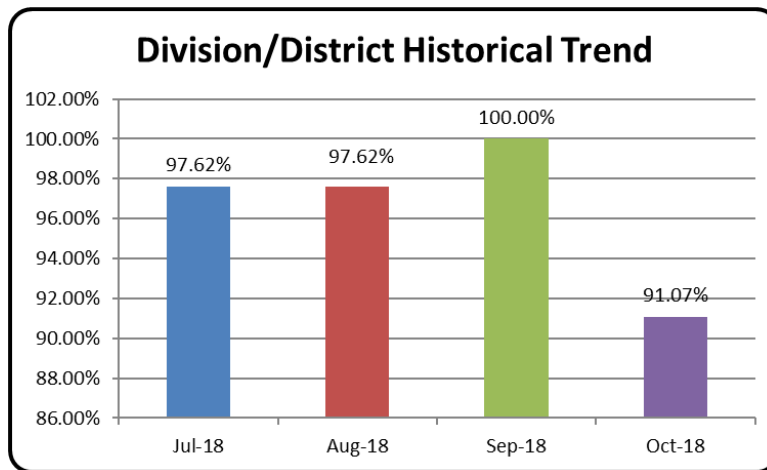
### Inspection results for the 4 Misconduct Investigations conducted by Sworn Supervisors at the Division/District

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	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	2*	2	50%
Verify deadlines were met	2*	2	50%
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	1*	3	75%
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%
<b>Overall Compliance for Misconduct Investigations conducted at the Division/District</b>	<b>5*</b>	<b>51</b>	<b>91.07%</b>

\*Please note that although a total of 5 perceived deficiencies were identified in the investigations conducted by the Division/District investigators, the inspector determined that only 2 of the identified perceived deficiencies were directly attributed to Division/District personnel. The remaining 3 identified perceived deficiencies took place after the investigations had been accepted by the PSB.

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

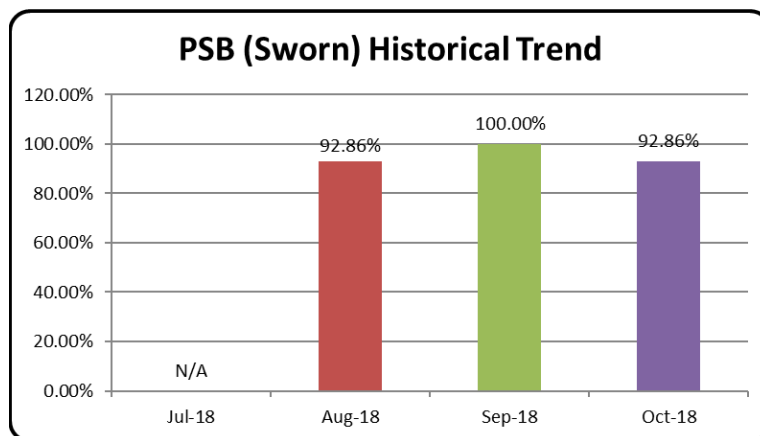


**Inspection results for the 1 Misconduct Investigation conducted by Sworn Personnel at the PSB**

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	1	0	0%
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 inconsistent with the disciplinary matrix	0	1	100%
<b>Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB</b>	<b>1</b>	<b>13</b>	<b>92.86%</b>

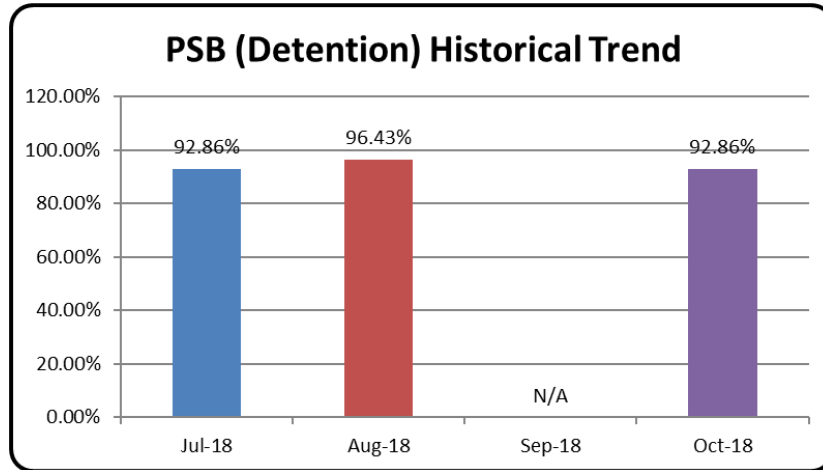
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn personnel at the Professional Standards Bureau:



**Inspection results for the 1 Misconduct Investigations conducted by Detention Personnel at the PSB**

<b>Inspection Element</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	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%
<b>Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB</b>	<b>1</b>	<b>13</b>	<b>92.86%</b>

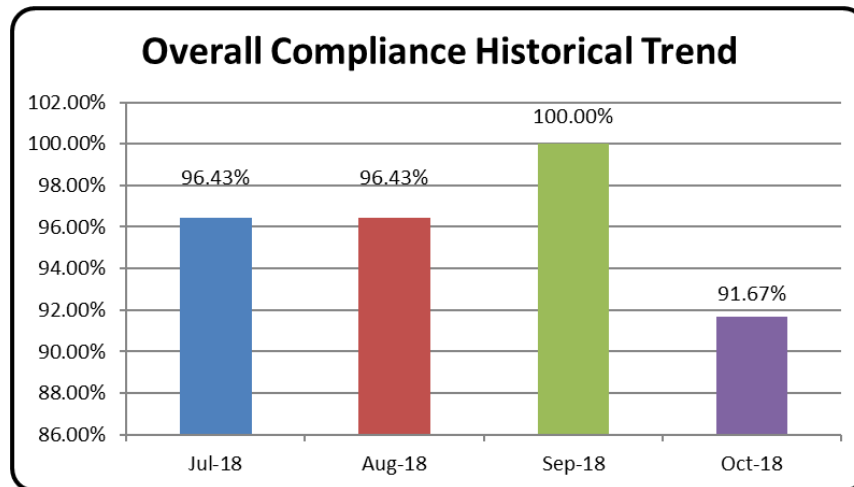
Below is the historical comparison of compliance for Misconduct Investigations conducted by detention personnel at the Professional Standards Bureau:



**Overall Compliance**

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	91.07%
Sworn Personnel at the Professional Standards Bureau	92.86%
Detention Personnel at the Professional Standards Bureau	92.86%
<b>Overall Compliance for all Misconduct Investigations Inspected</b>	<b>91.67%</b>

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



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
IA2017-0900	Captain	SWAT	Chief <i>See Additional Observation Below</i>	<b>Deadlines Met:</b> The investigation had a completion due date of 4/12/18. The IAPro Case File includes records that indicate that the assigned investigator completed the investigation on 04/08/18 and the District Commander signed the investigation as complete on 7/18/18.
IA2018-0111	Sergeant	PSB	Captain	<b>Notification Procedures:</b> The IAPro Case File includes a notification from the PSB to the Division Commander that names only <b>one</b> Principal. The investigation lists <b>three</b> principals, including a Sergeant, from the same division.
IA2017-0821	Lieutenant	PSB	Captain	<b>Deadlines Met:</b> The IAPro Case File include a request to exceed the 85-day timeline that <b>does not show approval by the PSB Commander</b> . The Case File also includes a request to exceed the 180-day timeline <i>that was provided to the principal</i> that <b>does not show approval by the PSB Commander</b> . A second request to exceed the 180-day timeline is also in the IAPro Case File; however, <b>no record could be located to indicate that the second <u>approved extension</u> to exceed the 180-day timeline was provided to the Principal</b> .
IA2017-0865	Sergeant	PSB	Captain	<b>Interviews Audio/Video Recorded:</b> Unable to locate the video recording of interview with the Investigative Lead within the IAPro Case File.
IA2017-0900	Sergeant	District I	Captain <i>See Additional Observation Below</i>	<b>Investigation Assignment Protocols:</b> Investigation originally received by PSB as an allegation of <i>failure to meet standards</i> (Potentially Category I or II) and was assigned to the Division for investigation. An allegation of serious misconduct ( <i>Insubordination</i> ) was subsequently added to the investigation. <b>Policy GH-2 required that “If at any point during an administrative investigation the investigator believes the principal may have committed misconduct of a serious or criminal nature, he shall immediately notify the PSB, which shall assume the investigation.”</b> The IAPro Case File does not include any documentation to indicate that the division investigator notified PSB when the principal was suspected of insubordination.
IA2017-0900	OAS	PSB	Captain	<b>Deadlines Met:</b> The IAPro Case File include two approved requests to exceed the 180-day timeline for the completion of the investigation. <b>Unable to locate records documenting that the Principal was provided these extensions.</b>
IA2018-0010	OAS	PSB	Captain	<b>Deadlines Met:</b> The IAPro Case File include two approved requests to exceed the 180-day timeline for the completion of the investigation and records that indicate that the three Principals were notified of the first approval to exceed the 180-day timeline. <b>Unable to locate records documenting that the Principals were provided the second extension.</b>

IA2018-0010	Captain	PSB	Chief	<p><b>Investigation Assignment Protocols:</b> This Misconduct Investigation includes an allegation of serious misconduct (Category 3, with a presumptive discipline of 8-hour suspension). Policy requires that <i>“the PSB Commander will make an initial determination of the category of offense and then promptly assign an internal affairs investigator or a criminal investigator”</i> and that the PSB conduct all investigations that allege serious misconduct. This investigation was conducted by a supervisor NOT assigned to the PSB.</p>
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**Additional Observation:**

Of the perceived deficiencies identified for investigation **IA2017-0900**, one was attributed to the sergeant conducting the investigation and one was attributed to the division captain. The initial investigation was conducted at District II; however, these two employees have since been transferred to fill critical vacancies in other divisions. The required BIO Action Forms are being assigned to the employees’ current commanders in order to facilitate timely completion of the required BIO Action Forms; this assignment is not intended to reflect in any way on the employees’ current commands.

**Recommendation:**

1. It is recommended that commanders continue to provide mentoring and guidance and review MCSO Policy GH-2, *Internal Investigations* to ensure that the requirements for administrative misconduct investigations are being followed, specifically the requirements that:
  - A. If at any point during an administrative investigation the investigator believes the principal may have committed misconduct of a serious or criminal nature, he shall immediately notify the PSB, which shall assume the investigation (paragraph 3.B.2)
  - B. PSB shall investigate allegations of serious misconduct (paragraphs 3, 3.C, and 3.C.1)
  - C. The investigator shall make a good faith effort to complete the investigation within the 60, 85, or 180 calendar day timeline established for the investigation, and if the investigation exceeds the 180-calendar day limitation, the *investigator shall provide the principal with a written explanation* containing the reasons the investigation continued beyond the time limit (paragraph 8.D).

**Action Required:**

With the resulting **91.67%** overall compliance for *Inspection BI2018-0135*, a total of **7** BIO Action Forms are requested from the affected divisions. **The forms shall be completed utilizing Blue Team.** It is permissible to complete one BIO Action Form to address multiple similar deficiencies for one employee.

**Notes:**

All supporting documentation (working papers) is included in the inspection file number *BI2018-0135* and contained within IA Pro.



Date Inspection Started: November 1, 2018  
Date Completed: December 10, 2018  
Timeframe Inspected: October 1-31, 2018  
Assigned Inspector: Sgt. M. Rodriguez A9047

I have reviewed this inspection report.

*Connie J. Phillips*

Connie J. Phillips B3345  
Acting Commander, Audits & Inspections Unit  
Bureau of Internal Oversight

12/13/2018

Date