

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**Misconduct Investigations Inspection September 2018**

Inspection # BI2018-0121

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:

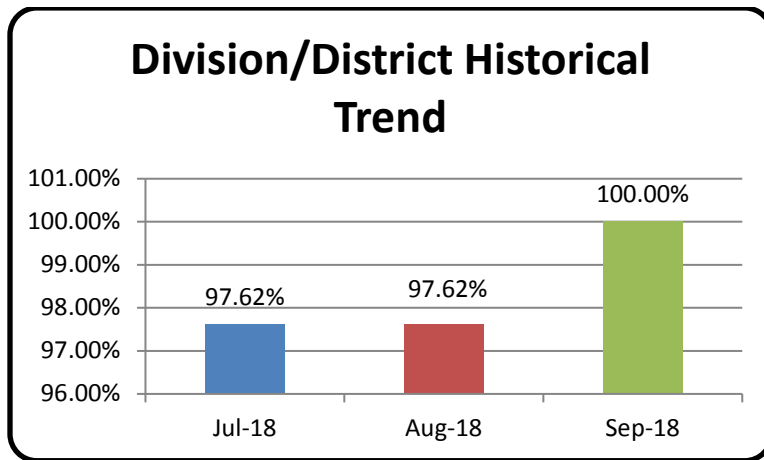
A review of the IAPro records revealed that during the month of September 2018, a total of 4 administrative misconduct investigations were closed that were started on or after November 1, 2017. Of the 4 identified investigations, 2 investigations were completed by sworn supervisors at the Division/District Level, 1 investigation was completed by a sworn supervisor assigned to the Professional Standards Bureau (PSB) and 1 investigation was administratively terminated by the PSB for reasons that are documented in the IAPro case file.

### Inspection results for the 2 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	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 inconsistent with the disciplinary matrix	0	2	100%
<b>Overall Compliance for Misconduct Investigations conducted at the Division/District</b>	<b>0</b>	<b>28</b>	<b>100.00%</b>

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

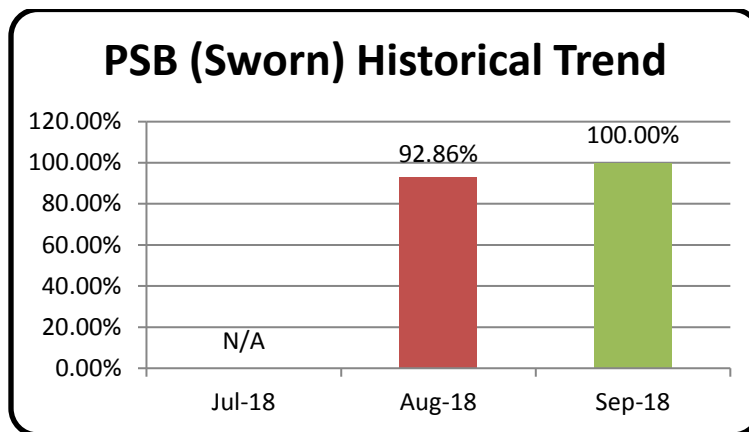


**Inspection results for the 1 Misconduct Investigation conducted by Sworn Personnel at the PSB**

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	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>0</b>	<b>14</b>	<b>100.00%</b>

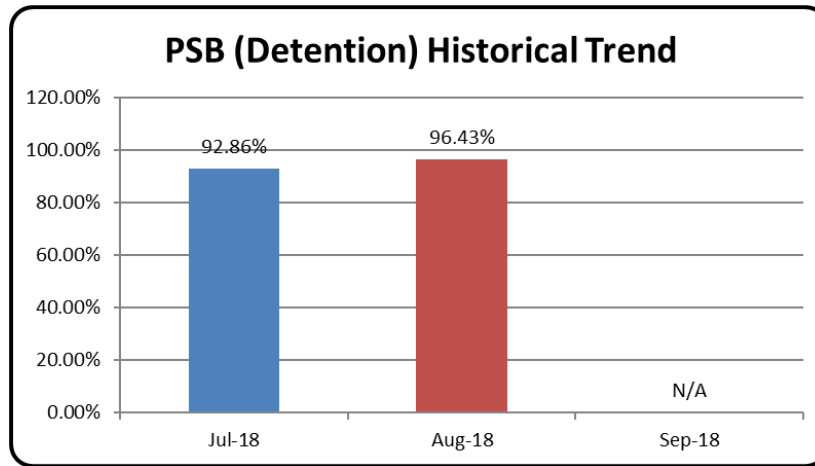
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn personnel at the Professional Standards Bureau:



**Inspection results for the 0 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	0	N/A
Verify complaint was assigned a unique identifier	0	0	N/A
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	0	N/A
Verify deadlines were met	0	0	N/A
Verify investigator who conducted the investigation received required misconduct investigation training	0	0	N/A
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	0	N/A
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	0	N/A
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	0	N/A
Determine if interviews were audio and video recorded	0	0	N/A
Determine if the investigative report was reviewed by the appropriate personnel	0	0	N/A
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	0	N/A
Determine if a final finding was reached on a misconduct allegation	0	0	N/A
Determine if an employee's disciplinary history was documented	0	0	N/A
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	0	N/A
<b>Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB</b>	0	0	N/A

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



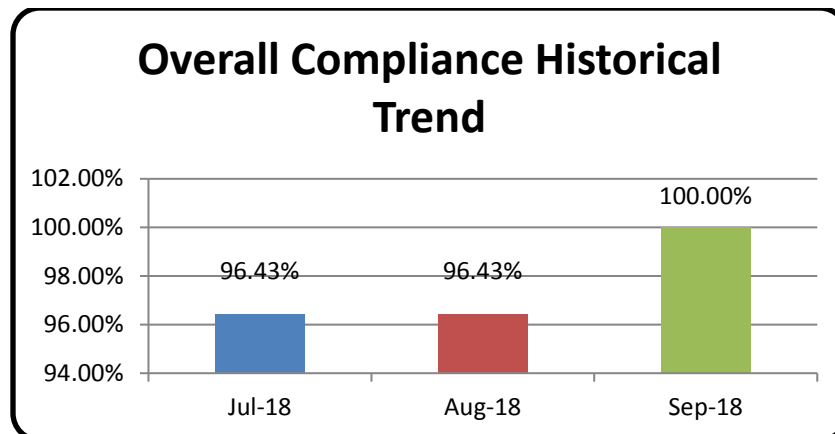
The following Misconduct Investigation was ended prior to conclusion:

Investigation IA Number	Reason for Ending the Investigation
IA2018-0409	DUPLICATE CASE - Combined with IA2018-0408

Overall Compliance:

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	100%
Sworn Personnel at the Professional Standards Bureau	100%
Detention Personnel at the Professional Standards Bureau	N/A
<b>Overall Compliance for all Misconduct Investigations Inspected</b>	<b>100.00%</b>

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



**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, specifically the requirements that:
  - A. When preparing the principal's *Prior Work History Report*, if the case is assigned to the division level, the assigned division investigator reviews the employee's **Division File**, Supervisor Notes, and any other information regarding the employee's prior five years of work history and document the information on the report. *If the PSB is conducting the investigation, the PSB investigator shall contact the division level supervisor who shall assist with gathering the information so that it can be documented in the report* (GH-2 paragraph 5.A.5.b).
2. 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, specifically the requirements that:
  - A. 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 (GH-2 paragraph 8.D). *The Request for Investigative Extension memorandum shall be reviewed and approved by the PSB Commander and provided to the principal* (GH-2 paragraph 8.D.1).

**Action Required:**


With the resulting **100.00%** overall compliance for *Inspection BI2018-0121*, no BIO Action Forms are required.

**Notes:**

All supporting documentation (working papers) is included in the inspection file number *BI2018-0121* and contained within IA Pro.

Date Inspection Started: October 1, 2018  
Date Completed: October 19, 2018  
Timeframe Inspected: September 1-30, 2018  
Assigned Inspector: Sgt. M. Rodriguez A9047

I have reviewed this inspection report.

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

~~10/19/2018~~  
Date