

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



## August 2020 Misconduct Investigations Inspection Report

Inspection # BI2020-0120

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 30 administrative misconduct investigations started on or after November 1, 2017 and were closed during the month of August 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, 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.

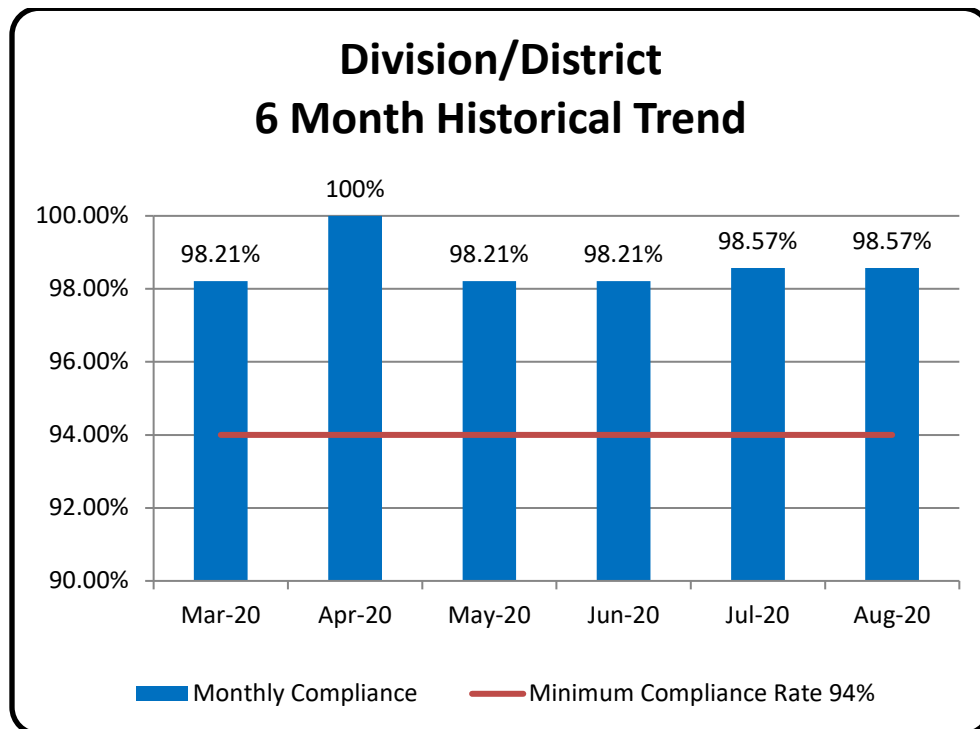
### Inspection results for the 5 Misconduct Investigations conducted by Sworn Supervisors at the Division/District

| Compliance Objectives   | Not In Compliance | In Compliance | Compliance Rate |
|---|-------------------|---------------|-----------------|
| Determine if complaint notification procedures were followed  | 0                 | 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 inconsistently with the disciplinary matrix   | 0        | 5         | 100%          |
| <b>Overall Compliance for Misconduct Investigations conducted at the Division/District</b>  | <b>1</b> | <b>69</b> | <b>98.57%</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.

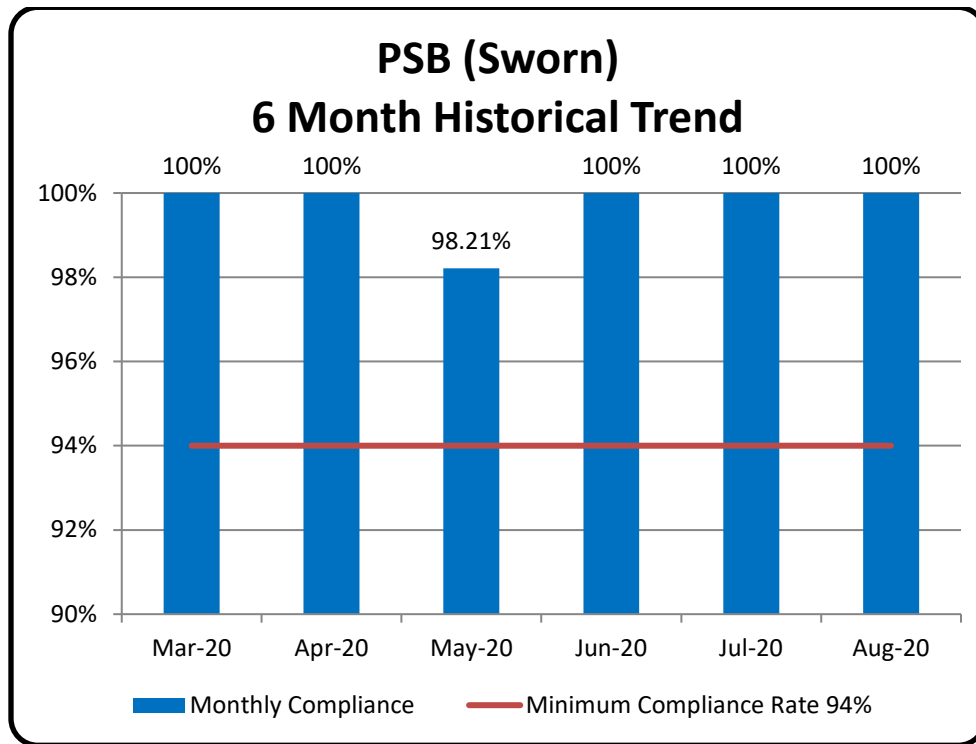
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:



**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:

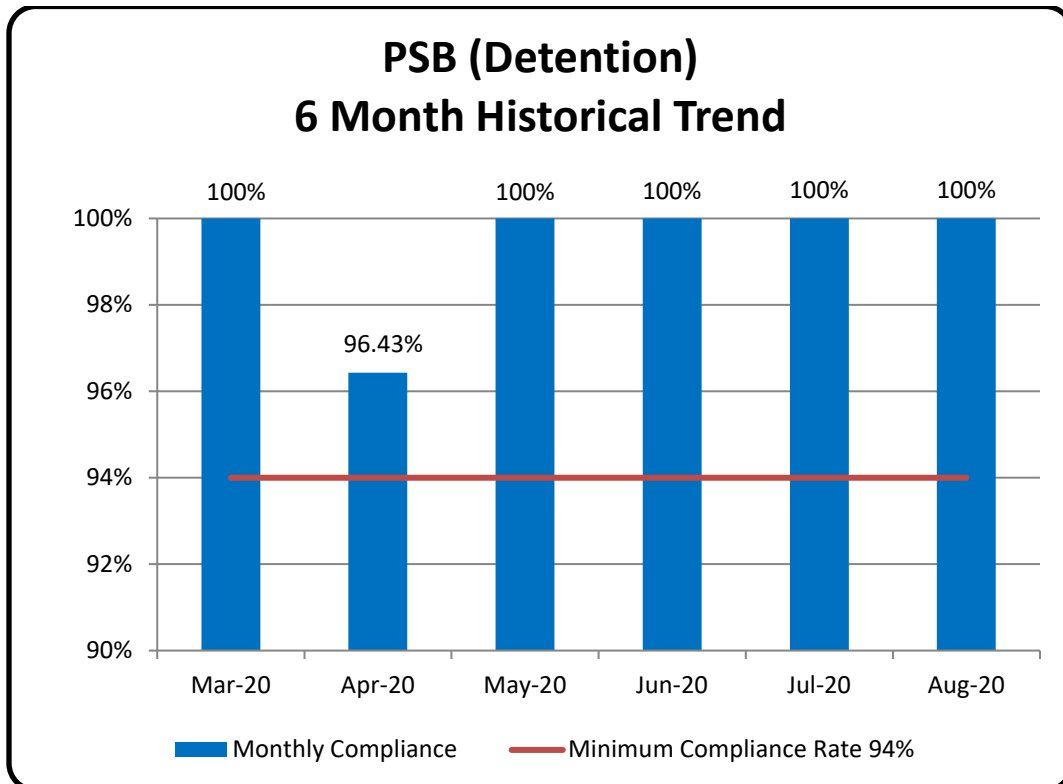


**Inspection results for the 4 Misconduct Investigations conducted by Detention Supervisors at the PSB.**

| Compliance Objectives   | Not In Compliance | In Compliance | Compliance Rate |
|---|-------------------|---------------|-----------------|
| Determine if complaint notification procedures were followed  | 0                 | 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 inconsistently with the disciplinary matrix   | 0        | 4         | 100%        |
| <b>Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB</b>   | <b>0</b> | <b>56</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 deficiency was identified during the inspection; however, due to the circumstances surrounding the identified deficiency, no BIO Action form is requested

| IA Number   | Employee | Division | Division Commander |
|-------------|----------|----------|--------------------|
| IA2019-0349 | Sergeant | PSB      | Captain            |

**Deficiency**

**Verify investigation assignment protocols were followed such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau:**

The initial complaint is based upon a traffic collision, with injuries, that occurred while the employee was operating his patrol vehicle in an emergency driving situation. The Professional Standards Bureau assigned the complaint to the division for investigation. The division completed the investigation.

MCSO Policy GC-17, *Employee Disciplinary Procedures*, was updated on 6-27-2019. One of the included changes made in Attachment B of the policy, was the re-designation of involvement in a traffic accidents while operating a vehicle in emergency driving conditions, from a Category 2 to a Category 3 offence. The supervisor conducting the complaint intake process was not aware of this change and instead of treating it as a Category 3 and assigning it to PSB to investigate, it was treated as a Category 2 offence and assigned it to the division to investigate.

MCSO Policy GA-1, *Development of Written Orders*, states that “*Within 50 days of the policy being distributed on TheHUB, all relevant employees shall receive, read, and understand their responsibilities pursuant to the policy.*”

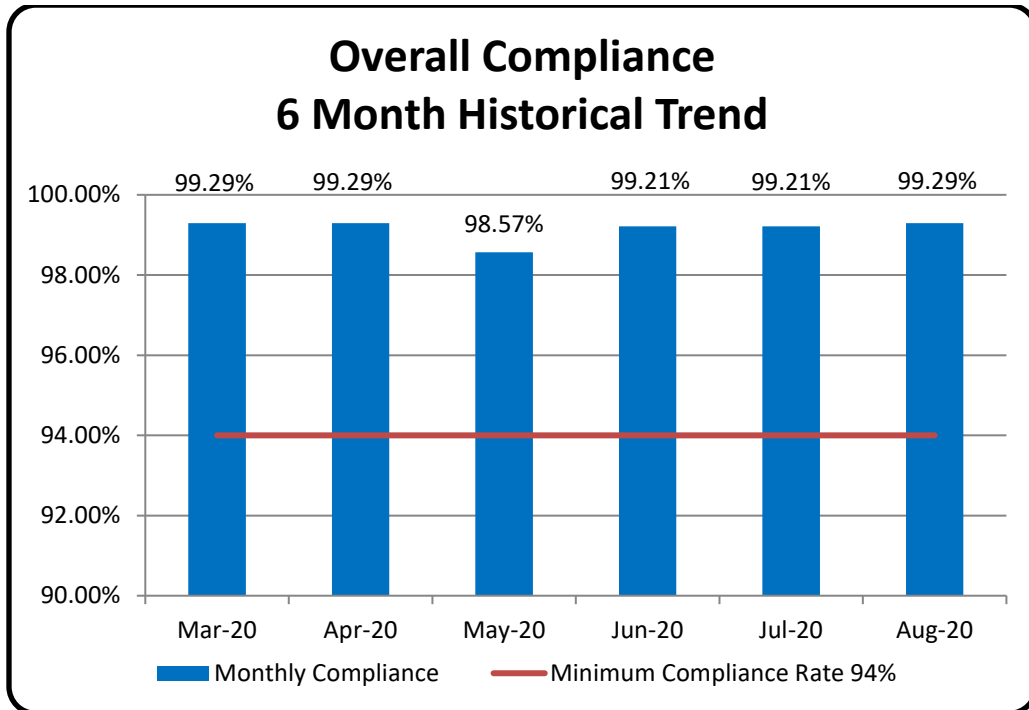
Given that the Complaint was received by PSB on 6/30/2019, only three days after the policy was changed, and employees have 50 days to “*read, and understand their responsibilities pursuant to the policy,*” no BIO Action Form is required from the involved employee; however, the deficiency did occur and will be included in the report and tabulated into the compliance rate.

There is one prior BIO Action Form similar in nature addressing a previously identified deficiency (BAF2020-0165). There are no supervisor notes addressing the identified deficiency.

**Compliance for August 2020:**

| Compliance Rate by Identified Personnel                        | Compliance Rate |
|--|-----------------|
| Sworn Personnel at the Division/District Level                 | 98.57%          |
| Sworn Personnel at the Professional Standards Bureau           | 100%            |
| Detention Personnel at the Professional Standards Bureau       | 100%            |
| <b>Overall Compliance for August Misconduct Investigations</b> | <b>99.29%</b>   |

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



Inspection BI2020-0120 resulted in **99.29%** compliance with no BIO Action Form requested from the affected Division.

Date Inspection Started: October 1, 2020  
 Date Completed: October 15, 2020  
 Timeframe Inspected: August 1 to August 31, 2020  
 Assigned Inspector: Auditor M. Rodriguez A9047

I have reviewed this inspection report.

Lt. Todd Brice

11-5-2020

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

Date