

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



November 2019 Misconduct Investigations Inspection Report

Inspection # BI2019-0183

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.

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:

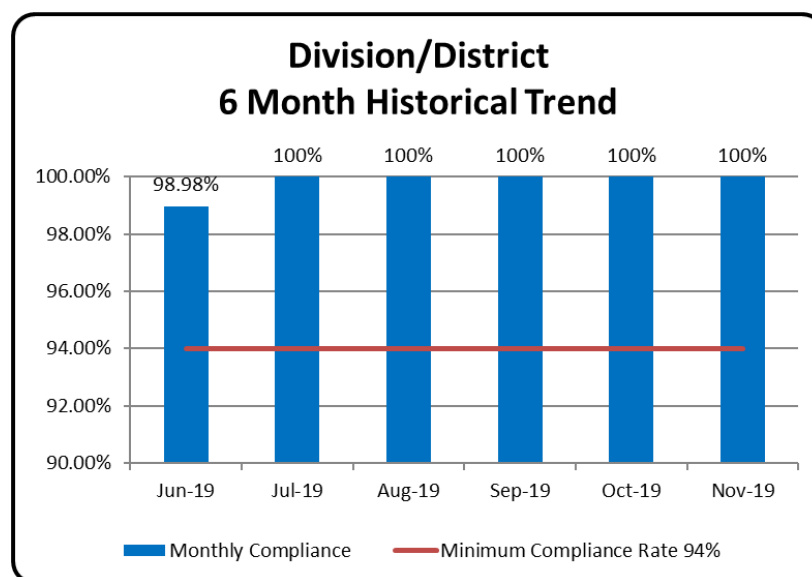
A review of the IAPro records revealed that a total of 35 administrative misconduct investigations that were started on or after November 1, 2017 and were closed during the month of November 2019. A list of these investigations was provided to the Monitor team. A randomly selected proportionate sample, consisting of 10 investigations, was provided. Of the sample provided, 3 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 6 investigation were completed by detention supervisors assigned to the PSB.

Inspection results for the 3 Misconduct Investigation 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	3	100%
Verify complaint was assigned a unique identifier	0	3	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	3	100%
Verify deadlines were met	0	3	100%
Verify investigator who conducted the investigation received required misconduct investigation training	0	3	100%
Determine if an investigation was conducted by an employee with a history of multiple sustained misconduct allegations, or	0	3	100%

one sustained allegation of a Category 6 offense from the MCSO's disciplinary matrices			
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	3	100%
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	3	100%
Determine if interviews were audio and video recorded	0	3	100%
Determine if the investigative report was reviewed by the appropriate personnel	0	3	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	3	100%
Determine if a final finding was reached on a misconduct allegation	0	3	100%
Determine if an employee's disciplinary history was documented	0	3	100%
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	3	100%
Overall Compliance for Misconduct Investigations conducted at the Division/District	0	42	100%

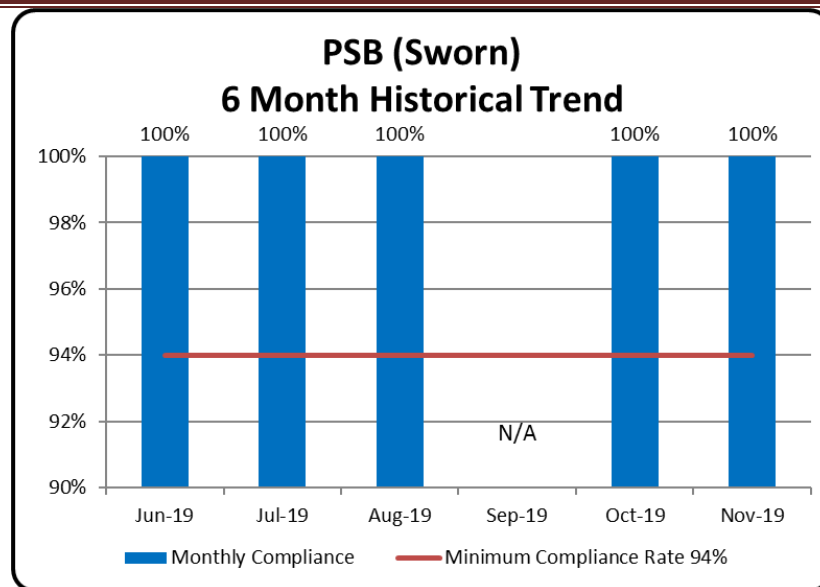
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn supervisors at the Districts/Divisions:



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

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 inconsistent 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:

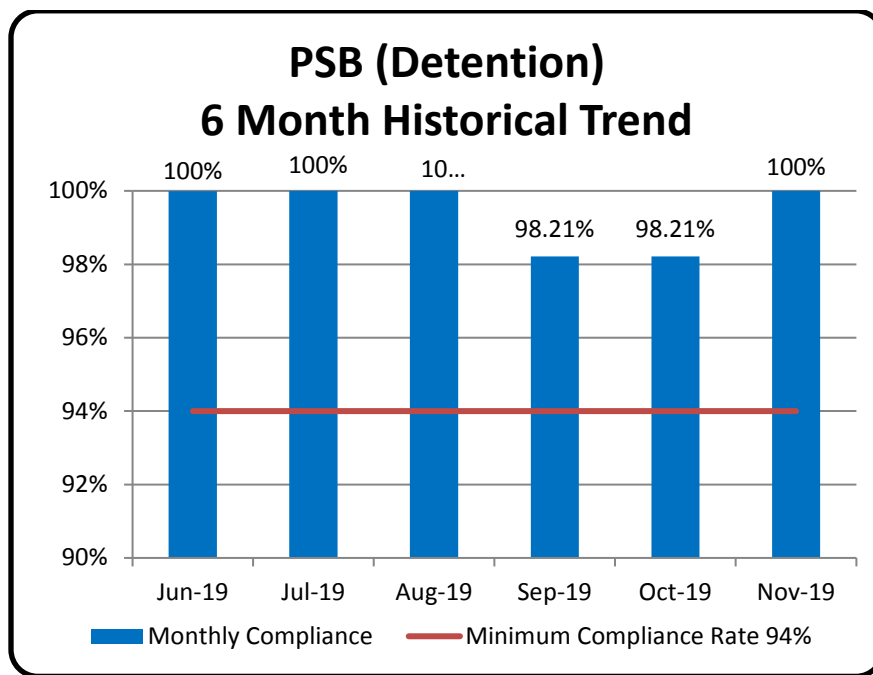


Inspection results for the 6 Misconduct Investigation conducted by Detention Personnel at the PSB.

Compliance Objectives	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	6	50%
Verify complaint was assigned a unique identifier	0	6	100%
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	6	100%
Verify deadlines were met	0	6	100%
Verify investigator who conducted the investigation received required misconduct investigation training	0	6	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	6	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	6	100%
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	6	100%
Determine if interviews were audio and video recorded	0	6	100%
Determine if the investigative report was reviewed by the appropriate personnel	0	6	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	6	100%
Determine if a final finding was reached on a misconduct allegation	0	6	100%
Determine if an employee’s disciplinary history was documented	0	6	100%
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	6	100%
Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB	0	84	100%

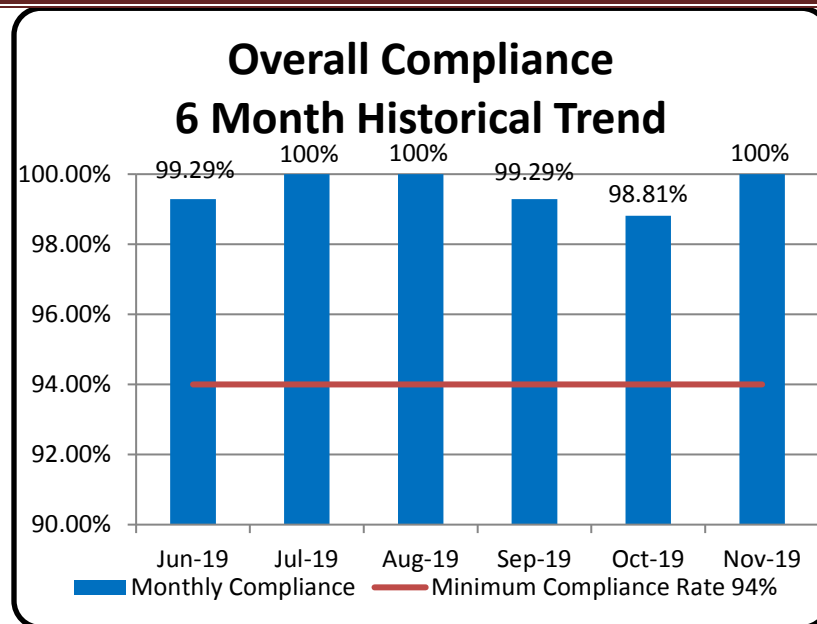
Below is the historical comparison of compliance for Misconduct Investigations conducted by detention personnel at the Professional Standards Bureau:



Compliance for November 2019:

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	100%
Overall Compliance for November Misconduct Investigations	100%

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



With the resulting **100%** overall compliance for *Inspection BI2019-0183*; no BIO Action Forms are requested.

Recommendation:

1. It is recommended that commanders continue to provide mentoring and guidance to their subordinates on MCSO Policy CP-2, CP-3, and GH-2 to ensure that the requirements for timely reporting of observed or upon becoming aware of misconduct, are followed.
 - A. GH-2 Page 6, section 1 “...**Supervisors are encouraged to contact the PSB if unsure** whether the employee work performance situation may be addressed through a supervisor initiated intervention or reported to the PSB for investigation.”
 - B. CP-2 Page 3, section 7.B. “The on-duty supervisor or commander **shall immediately** document in Blue Team the reported act of misconduct. This information shall be automatically routed to the PSB.”
 - C. CP-3 Page 5, section 5.A. “Supervisors and command staff members exercise authority on behalf of the Office and must work to maintain a workplace free of unlawful and wrongful conduct. To that end, they must take each and every complaint seriously and **promptly report** any observed or learned violations of this Office Policy **immediately** to the Professional Standards Bureau (PSB) through Blue Team...”
 - D. GH-2 Page 20, section 4.C. “Investigators shall investigate any evidence of potential misconduct uncovered during the course of the investigation, regardless of whether the potential misconduct was part of the original allegation.”

Date Inspection Started: January 2, 2020
Date Completed: January 22, 2020
Timeframe Inspected: November 1 to 30, 2019
Assigned Inspector: Auditor Mario Rodriguez A9047

I have reviewed this inspection report.

Lt. D. Reaulo S1678

2/10/2020

Lt. Dominick Reaulo S1678
Commander, Audits and Inspections Unit
Bureau of Internal Oversight

Date