

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**July 2020 Misconduct Investigations Inspection Report**

Inspection # BI2020-0106

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 persupervision. 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:

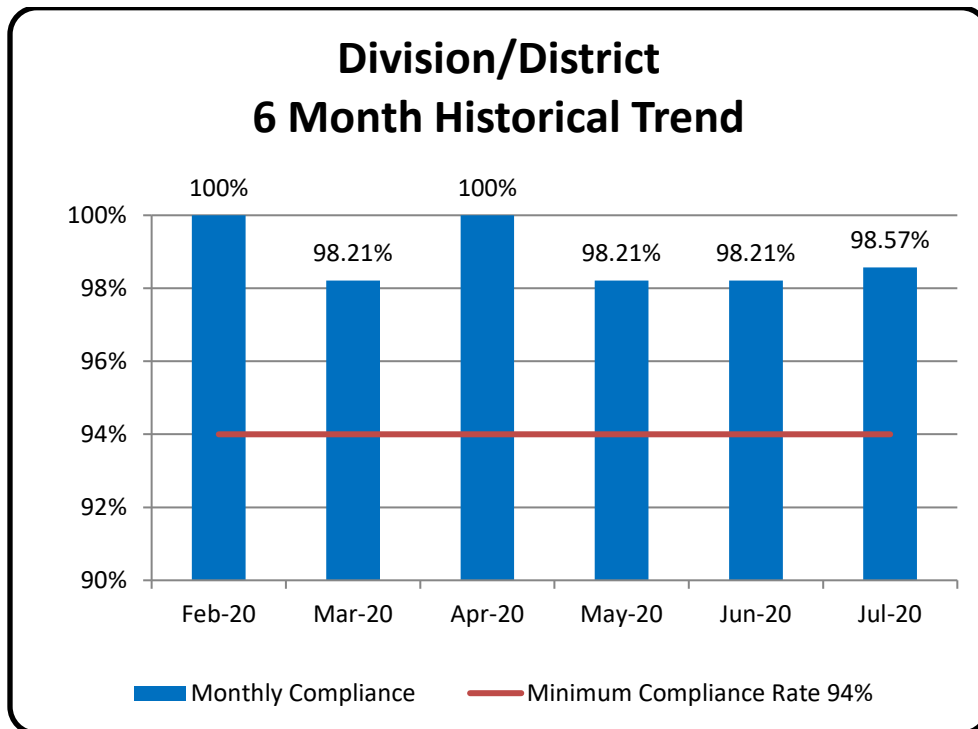
A review of the IAPro records revealed that a total of 44 administrative misconduct investigations started on or after November 1, 2017 were closed during the month of July 2020. A list of these investigations was provided to the Monitor team. A randomly selected proportionate sample, consisting of 10 investigations, was provided to AIU for inspection. Of the sample provided, 5 investigations were completed by *Sworn Supervisors* assigned to the Divisions/Districts, 2 investigations were completed by *Sworn Supervisors* assigned to the Professional Standards Bureau (PSB), 2 investigations were completed by *Detention Supervisors* assigned to the PSB, and 1 investigation was completed by the Court Appointed Independent Investigator.

Compliance Objectives	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	1*	4	80%
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	0	5	100%
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, this task is performed by the Professional Standards Bureau staff.

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

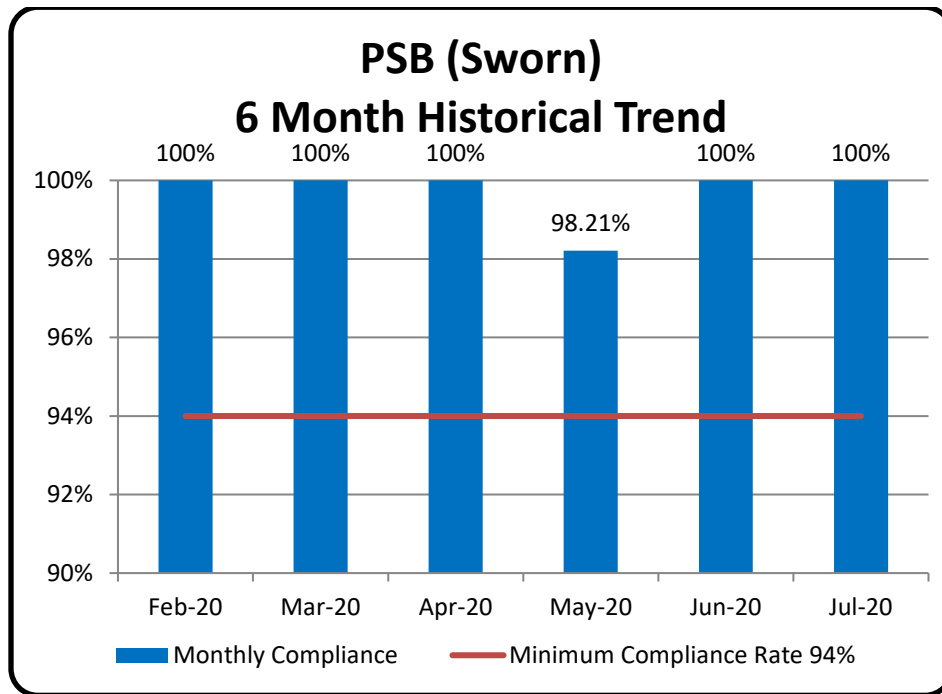


**Inspection results for the 2 Misconduct Investigation conducted by Sworn Supervisors at the PSB**

Compliance Objectives	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 inconsistently with the disciplinary matrix	0	2	100%
<b>Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB</b>	<b>0</b>	<b>28</b>	<b>100%</b>

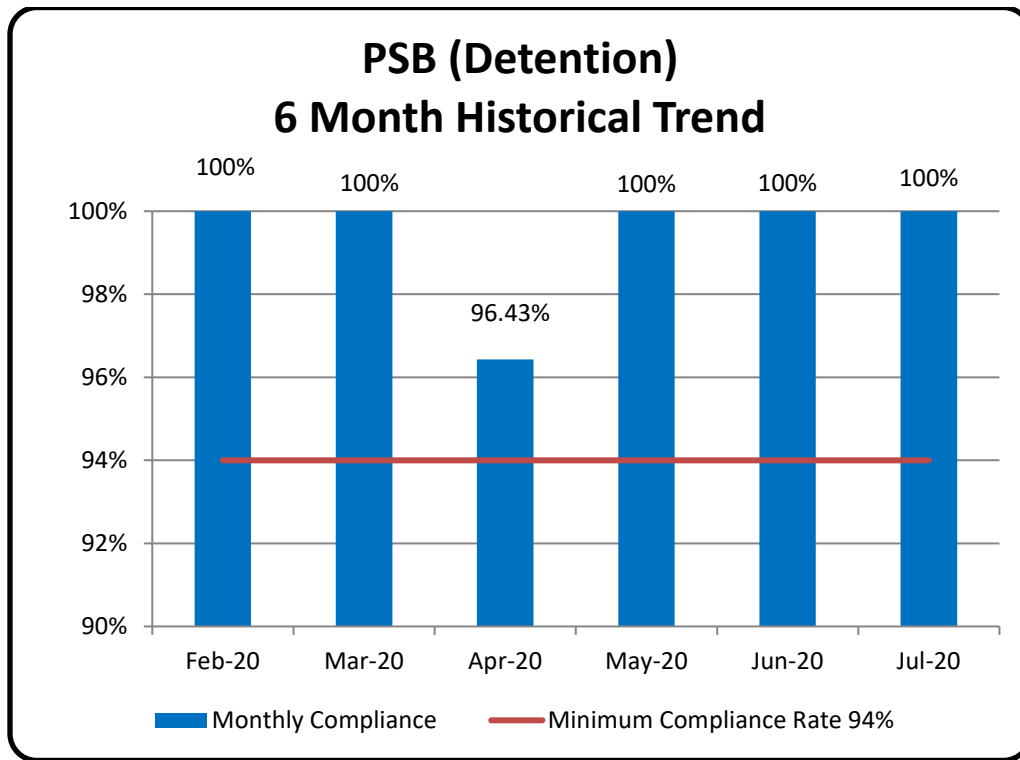
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn personnel at the Professional Standards Bureau:



**Inspection results for the 2 Misconduct Investigation conducted by Detention 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	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 inconsistently with the disciplinary matrix	0	2	100%
<b>Overall Compliance for Misconduct Investigations conducted by Detention Personnel at the PSB</b>	<b>0</b>	<b>28</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 Deficiencies were identified during the inspection:

IA Number	Employee	Division	Division Commander
IA2019-0436	Administrative Assistant	PSB	Captain
Deficiency			
<b><u>Determine if complaint notification procedures were followed:</u></b>			
No record was found to indicate that the IL/Witness was notified when the investigation had been completed/closed.			
Reference: MCSO Policy GH-2, Subsection 17.B			

There are no prior BIO Action Forms similar in nature or supervisor notes addressing the identified deficiency.

The following deficiencies were noted for the single investigation conducted by the Court Appointed Independent Investigator. **As MCSO does not have purview over the actions or performance of the Court Appointed Independent Investigators. The independent investigator is not subject to MCSO’s policies, including policies regarding investigative methods, investigative time frames and extension notifications; and has no role in supervision. No Bio Action Form Required.**

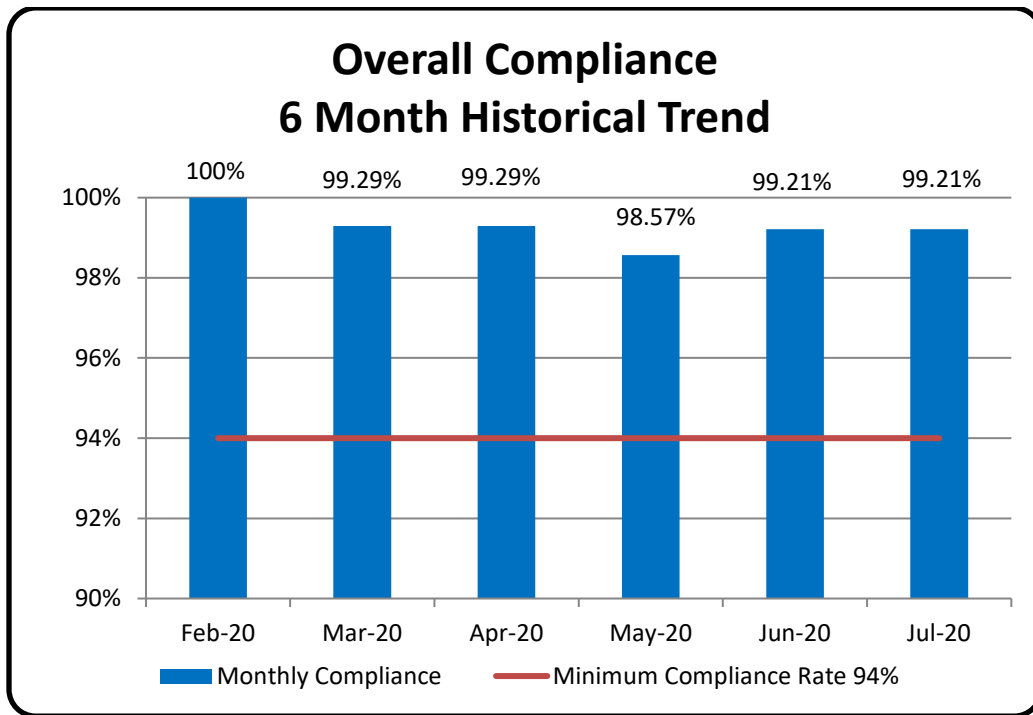
IA Number	Employee	Division	Division Commander
IA2018-0104	Not Applicable	Court Appointed Independent Investigator	Not Applicable
Deficiency			
<p><b><u>Verify deadlines were met:</u></b> The investigation exceeded the 180-day timeline.</p> <p>There is no record that the Principal was provided notification that the investigation would exceed the 180-day statute.</p> <p>Reference: MCSO Policy GH-2, Subsection 8.D.1</p> <p><b><u>Determine if interviews were audio and video recorded:</u></b></p> <p>The case file does not include Audio or Video file(s) of the interview with the principal.</p> <p>Reference: MCSO Policy GH-2, Subsection 9.A</p>			

**Compliance for July 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 July Misconduct Investigations</b>	<b>99.21%</b>



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



Inspection BI2020-0106 resulted in 99.21% compliance with One BIO Action Form requested from the affected Division.

Date Inspection Started: September 1, 2020  
 Date Completed: September 17, 2020  
 Timeframe Inspected: July 1 to July 31, 2020  
 Assigned Inspector: Auditor M. Rodriguez A9047

I have reviewed this inspection report.

*Lt. Todd Brice*

10-8-2020

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

Date