

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Misconduct Investigations Inspection Report December 2018

Inspection # BI2018-0162

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-1, *Radio and Enforcement Communications Procedures*

Conditions:

A review of the IAPro records revealed that a total of 8 administrative misconduct investigations that were started on or after November 1, 2017, and were closed during December 2018. Of the 8 identified investigations, 5 investigations were completed by sworn supervisors at the Division/District Level and 3 investigations were administratively terminated by the Professional Standards Bureau (PSB) for causes that are documented in the case files.

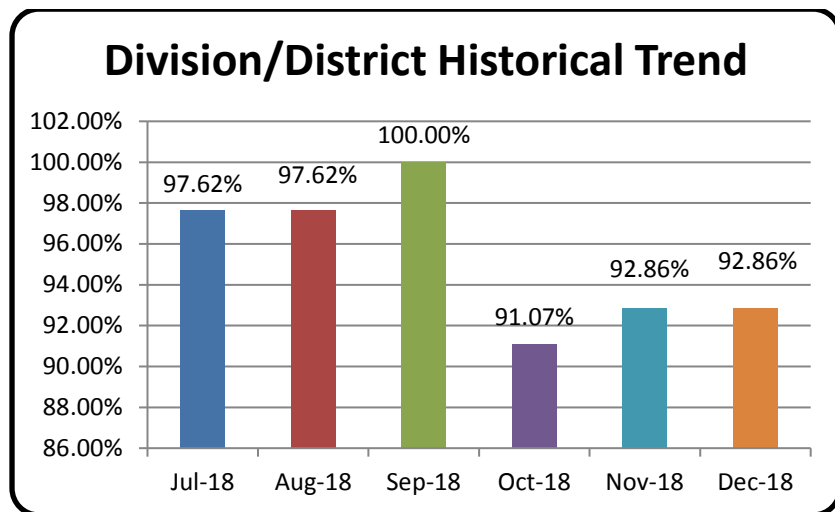
Inspection results for the 5 Misconduct Investigation conducted by Sworn Supervisors at the Division/District

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	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	1*	4	80%
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	3*	2	40%
Determine if an employee’s disciplinary history was documented	0	5	100%
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	5	100%
Overall Compliance for Misconduct Investigations conducted at the Division/District	5	65	92.86%

***Inspector Note:** Although the perceived deficiencies noted are within Misconduct Investigations conducted by supervisors assigned to a district/division, these tasks are performed by Professional Standards Bureau staff.

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

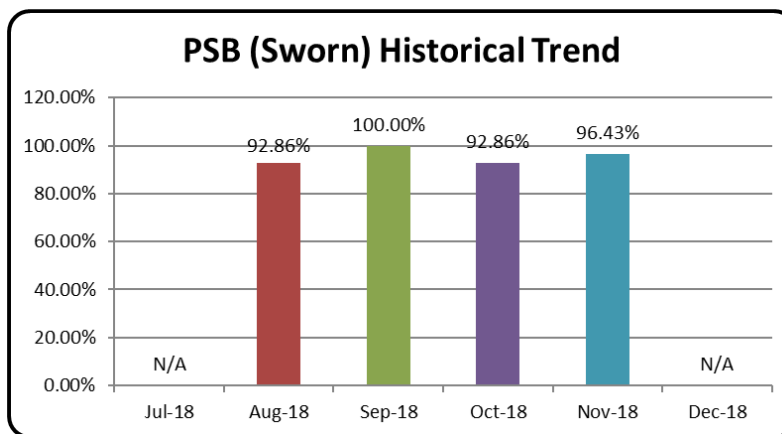


Inspection results for the 0 Misconduct Investigation conducted by Sworn Personnel at the PSB

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	0	
Verify complaint was assigned a unique identifier	0	0	
Verify investigation assignment protocols were followed, such as serious or criminal misconduct being investigated outside of the Professional Standards Bureau	0	0	
Verify deadlines were met	0	0	

Verify investigator who conducted the investigation received required misconduct investigation training	0	0	
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	
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	
Determine if an investigation was conducted of a superior Officer within the internal affairs investigators chain of command.	0	0	
Determine if interviews were audio and video recorded	0	0	
Determine if the investigative report was reviewed by the appropriate personnel	0	0	
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	
Determine if a final finding was reached on a misconduct allegation	0	0	
Determine if an employee's disciplinary history was documented	0	0	
Determine if an explanation was provided for any discipline imposed inconsistent with the disciplinary matrix	0	0	
Overall Compliance for Misconduct Investigations conducted by the Sworn Personnel at the PSB	0	0	N/A

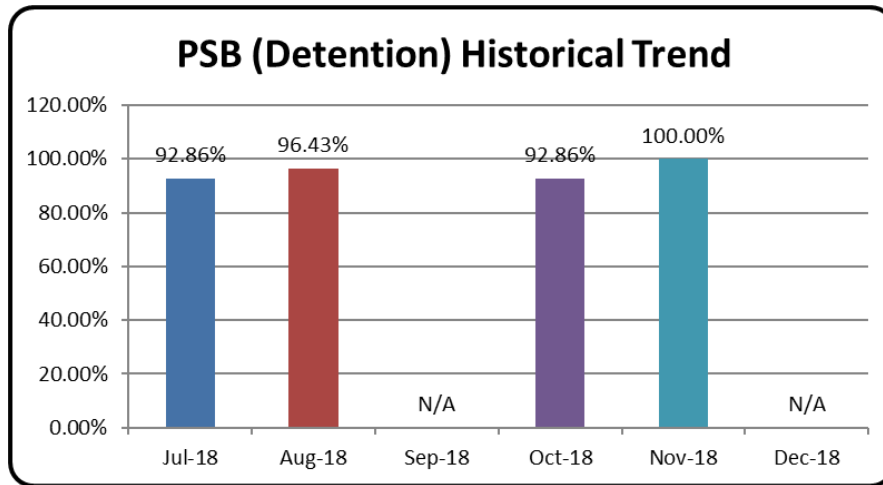
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn personnel at the Professional Standards Bureau:



Inspection results for the 0 Misconduct Investigations conducted by Detention Personnel at the PSB

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

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



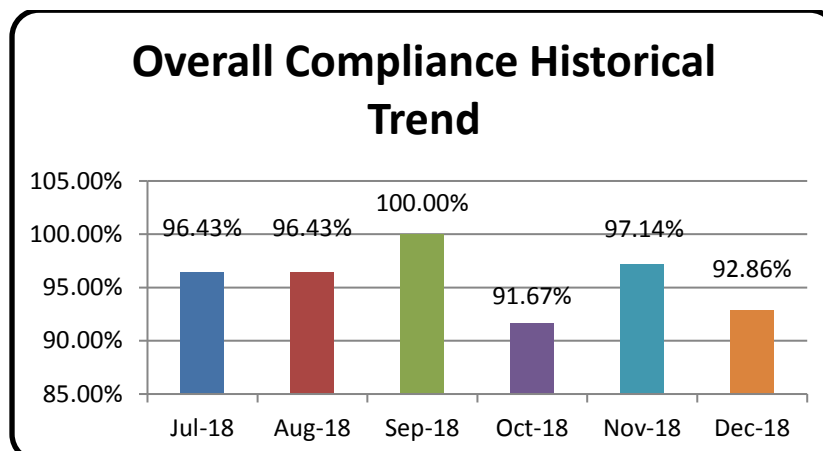
The following Misconduct Investigation were administratively terminated by the PSB

Investigation IA Number	Reason for Ending the Investigation
IA2018-0442	DUPLICATE CASE TO IA2018-0443
IA2018-0444	DUPLICATE CASE TO IA2018-0443
IA2018-0445	DUPLICATE CASE TO IA2018-0443

Overall Compliance for December 2018:

December Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	92.86%
Sworn Personnel at the Professional Standards Bureau	N/A
Detention Personnel at the Professional Standards Bureau	N/A
Overall Compliance for December Misconduct Investigations	92.86%

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
IA2018-0064 IA2018-0184 IA2018-0185	Captain	PSB	Chief	Determination of final findings: The “ <i>Finding with Signatures</i> ” documents included in the IAPro Case Files for these investigations only have the signature of the Division Commander and do not contain the signature of the PSB Commander.

The following Perceived deficiencies were identified during the inspection process. The BIO Actions Forms are being assigned to the PSB Division Commander because with the information available at the time of the inspection, the inspector was unable to identify to whom in PSB these Action Forms should be assigned. We ask that the PSB Commander review the perceived deficiency and assign the BIO Action Form to the appropriate employee.

IA Number	Employee	Division	Division Commander	Perceived Deficiency
IA2018-0108	Undetermined	PSB	Captain	Deadlines Met: The Case File includes an approved request to exceed the 180-day time line which includes dates that indicate that the request was not timely submitted to the PSB Commander for approval. Records do indicate that the approved memorandum was provided to the Principal.
IA2018-0108	Undetermined	PSB	Captain	Investigation Assignment Protocols: The inspector was unable to locate records in the IAPro Case File that document the processes that led to a district/division supervisor conducting an investigation that should have been completed by PSB investigators. Allegation #1: Abuse of Authority, CP-2, sub-section 15.A.2 Obtaining privileges not otherwise available to them or to others, except in the performance of duty. GC-17, Attachment B, sub-section 9.C: Use of official position, identification cards, or badge to obtain privileges not otherwise available to them or others, except in the performance of official duty (Category 5).

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.
 - A. 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. If the misconduct investigation will be investigated at the division level, the division commander shall assign the internal affairs investigator (GH-2, sub-section 3 paragraph 1).
 - B. Allegations of employee **minor misconduct** may be administratively investigated by a sergeant who has received misconduct investigative training (Policy GH-2, sub-section 3.B).

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- C. 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* (Policy GH-2, sub-section 3.B.2).
- D. **The PSB shall investigate** the following allegations of employee misconduct...**Serious misconduct...** (Policy GH-2, sub-section 3.C.1).

Action Required:

With the resulting **92.86%** overall compliance for *Inspection BI2018-0162*, a total of **3** 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 deficiencies for one employee.

Notes:

All supporting documentation (working papers) is included in the inspection file number *BI2018-0162* and contained within IA Pro.

Date Inspection Started: January 02, 2019
Date Completed: February 11, 2019
Timeframe Inspected: December 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

2/11/2019

Date