

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**Misconduct Investigations Inspection Report November 2018**

Inspection # BI2018-0149

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 November 2018, a total of 5 administrative misconduct investigations were closed that were started on or after November 1, 2017. Of the 5 identified investigations, 1 investigation was completed by a sworn supervisor at the Division/District Level, 2 investigations were completed by sworn supervisors assigned to the Professional Standards Bureau (PSB) and 2 investigation were completed by detention supervisors assigned to the Professional Standards Bureau (PSB).

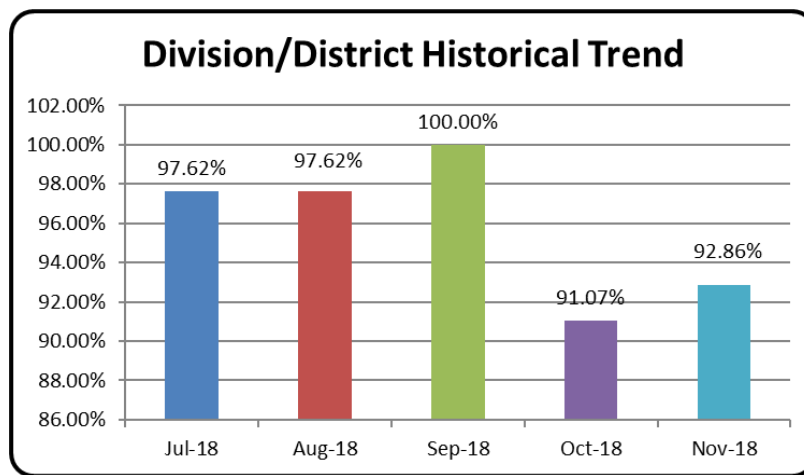
### Inspection results for the 1 Misconduct Investigation conducted by Sworn Supervisors at the Division/District

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	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	1*	0	0%
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 at the Division/District</b>	<b>1</b>	<b>13</b>	<b>92.86%</b>

**\*Inspector Note:** Although the perceived deficiency noted is within a Misconduct Investigation conducted by a supervisor assigned to a district, this task is normally performed by Professional Standards Bureau staff.

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

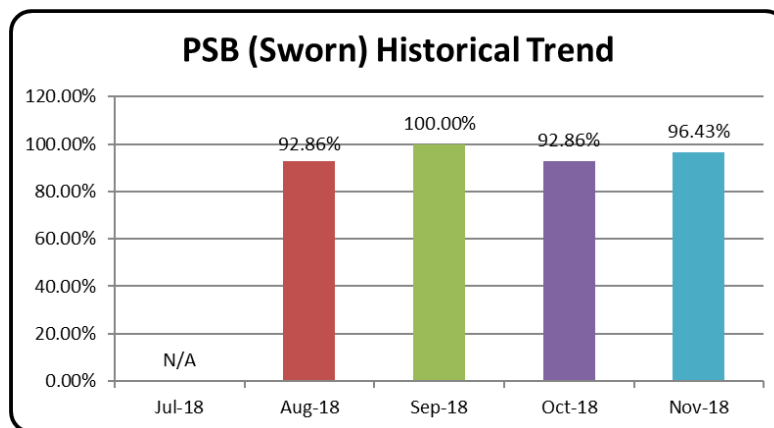


**Inspection results for the 2 Misconduct Investigation conducted by Sworn Personnel at the PSB**

Inspection Element	Not In Compliance	In Compliance	Compliance Rate
Determine if complaint notification procedures were followed	0	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	1	1	50%

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 by the Sworn Personnel at the PSB</b>	<b>1</b>	<b>27</b>	<b>96.43%</b>

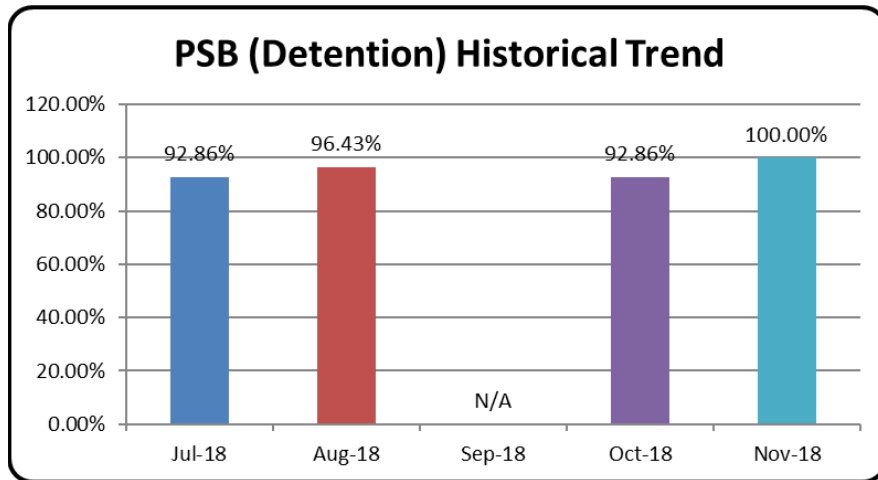
Below is the historical comparison of compliance for Misconduct Investigations conducted by sworn personnel at the Professional Standards Bureau:



**Inspection results for the 2 Misconduct 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	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 by Detention Personnel at the PSB</b>	<b>0</b>	<b>28</b>	<b>100%</b>

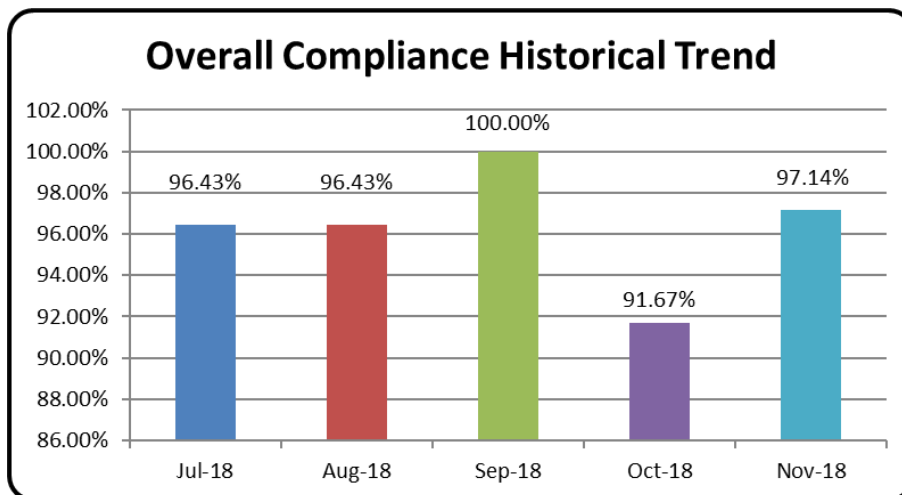
Below is the historical comparison of compliance for Misconduct Investigations conducted by detention personnel at the Professional Standards Bureau:



**Overall Compliance**

Compliance Rate by Identified Personnel	Compliance Rate
Sworn Personnel at the Division/District Level	92.86%
Sworn Personnel at the Professional Standards Bureau	96.43%
Detention Personnel at the Professional Standards Bureau	100%
<b>Overall Compliance for all Misconduct Investigations Inspected</b>	<b>97.14%</b>

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 BIO Action Forms be completed.

IA Number	Employee	Division	Division Commander	Perceived Deficiency
IA2018-0163	Sergeant	PSB	Captain	<b><u>Deadlines Met:</u></b> The inspector was unable to locate records in the IAPro Case file that document that the Principal was advised of the approval to exceed the 180-day time frame.
IA2018-0400	Captain	PSB	Chief	<b><u>Determination of final findings:</u></b> The “ <i>Finding with Signatures</i> ” documents included in the IAPro Case File for this investigation only have the signature of the Division Commander and <b>do not contain the signature of the PSB Commander.</b>

**Recommendation:**

1. It is recommended that commanders continue to provide mentoring and guidance and review MCSO Policy GH-2 paragraph 8.D, 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.

**Action Required:**

With the resulting **97.14%** overall compliance for *Inspection BI2018-0149*, a total of **2** 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 within the same case for one employee.

**Notes:**

All supporting documentation (working papers) is included in the inspection file number *BI2018-0149* and contained within IA Pro.

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Date Inspection Started: December 3, 2018  
Date Completed: January 1, 2019  
Timeframe Inspected: November 1-30, 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

\_\_\_\_1/2/2019\_\_\_\_

Date