

MARICOPA COUNTY SHERIFF'S OFFICE  
Bureau of Internal Oversight  
Audits and Inspections  
#BI2016-0028

Inspection focus: Administrative Investigations

Date Inspection Started: March 1, 2016

Date Completed: March 9, 2016

Timeframe Inspected: February 2016

Assigned Inspector: Sgt. M. Rodriguez A9047

I have reviewed this inspection report.

A handwritten signature in black ink, appearing to read "D Munley", followed by the number "#777".

Captain Dave Munley  
Division Commander  
Audits and Inspections

03/25/2016

Date

A handwritten signature in black ink, appearing to read "Bill Knight", followed by the number "#1011".

Deputy Chief Bill Knight  
Bureau Commander  
Bureau of Internal Oversight

03/28/2016

Date

# MARICOPA COUNTY SHERIFF'S OFFICE

*Memorandum*



Joseph M. Arpaio, Sheriff

**To:** Captain D. Munley S0777  
Division Commander  
Audits and Inspections Unit  
Bureau of Internal Oversight

**From:** Sergeant M. Rodriguez A9047  
Audits and Inspections Unit  
Bureau of Internal Oversight

**Subject:** Summary of Findings Report for Inspection  
#BI2016-0028 with a focus on Administrative  
Investigations Closed during February 2016

**Date:** 3/23/16

## Summary:

Between March 1<sup>st</sup> and March 9<sup>th</sup> of 2016, the Bureau of Internal Oversight (BIO), Inspections and Audits Unit (IAU) conducted an inspection of Administrative Investigations performed by the Maricopa County Sheriff's Office (MCSO) with a closed date within the month of February 2016. The purpose for the inspection was to determine if the selected administrative investigations were conducted in compliance with Office policies and in support of the Melendres Order.

## Authorities:

MCSO Policy *GH-2, Internal Investigations*  
MCSO Policy *GC-17, Employee Discipline Procedure*  
MCSO Policy *GJ-26, Sheriff's Reserve Deputy Program*  
MCSO Policy *GJ-27, Sheriff's Posse Program*  
Melendres Order (Paragraph 104)

## Procedure:

A list was initially obtained utilizing IAPro, which consisted of all Administrative Investigations with a closure date in the month of February 2016. The list consisted of 75 Administrative Investigations conducted by various divisions throughout the Sheriff's Office. Utilizing the obtained list, each IA number was individually numbered from one to 75.

Next, a randomizing program ([www.Randomizer.org](http://www.Randomizer.org)) was used to select a random sample of 25 out of the 75 Administrative Investigations for inspection. Once the sample reports were identified, the updated "*Professional Standards Bureau – Case Management Review Matrix*" questionnaire was utilized to ensure consistent inspection of each individual case.

## This Inspection found:

The inspection found that **16, or 64% of the investigations inspected, were in compliance** with Office Policy *GH-2, Internal Investigations*, and/or Office Policy *GC-17, Employee Discipline Procedure*, or in the cases from Enforcement Support regarding posse members or reserve deputies, Office Policy *GJ-26, Sheriff's Reserve Deputy Program*, and/or Office Policy *GJ-27, Sheriff's Posse Program*.

**Seven investigations**, or 28% of the investigations inspected, were determined to have been completed in a manner that was **not in compliance with Office Policy GH-2, Internal Investigations**.

**Two investigations**, or 8% of the investigations inspected, were determined to have been completed in a manner that was **not in compliance with Office Policies GH-2, Internal Investigations and GC-17, Employee Discipline Procedure**.

**Statistical information discovered during inspections:**

- 100% of investigations inspected included a completed Office Policy GH-2 *Maricopa County Sheriff's Complaint Acceptance Report "Attachment A."*
- Twelve investigations, or 86% of the applicable investigations inspected, included discipline that was in accordance with Office Policy GC-17 *Employee Discipline Procedure*.
- Twenty investigations, or 80% of the investigations inspected, were completed within the 120 business days (for 2014) or 180 calendar days (beginning in 2015) timeframe in accordance with Office Policy GH-2 and state law, or had extenuating circumstances as allowed in Policy GH-2.
- Three investigations, or 12% of the investigations inspected, were completed beyond the 120 business days (for 2014) or 180 calendar days (beginning in 2015) timeframe allowed in Office Policy GH-2 (**IA2014-0383; IA2015-0376; IA2015-0495**).
- Three investigations, or 12% of the investigations inspected, had documented that the investigator had submitted a request to the Chief Deputy, or designee, to exceed the 120/180 day timeframe; however, no documentation could be located to indicate that the principals had been notified of the extension approval as required by Office Policy GH-2 (**IA2015-0009; IA2015-0146; IA2015-0353**).
- Two investigations, or 8% of the investigations inspected, were completed beyond the 120 business days (for 2014) timeframe allowed in Office Policy GH-2 and the discipline directed was not in compliance with Office Policy GC-17. (**IA2014-0467; IA2014-0468**).
- One investigation, or 4% of the investigations inspected, lacked required documentations specified in Office Policy GH-2, specifically, the principal was not given the Garrity warning, the Notice of Investigation, afforded the opportunity to have an employee observer present or the opportunity to make a statement at the end of the interview (**IA2015-0725**).
- Fifteen investigations, or 60% of investigations inspected, consisted of complaints from an internal source.
- Ten investigations, or 40% of investigations inspected, consisted of complaints from an external source.
- Three investigations, or 12% of investigations inspected, involved a separate criminal investigation into allegations of a violation of law. In two of these cases, charges were filed but none resulted in prosecution.
- Two investigations, or 8% of investigations inspected, consisted of allegations of violations of Office Policy CP-5, the Sheriff's Office Truthfulness policy. The allegations were not sustained.
- One investigation, or 4% of investigations inspected, consisted of allegations of violations of Office Policy CP-8, *Preventing Racial and Other Biased-Based Policing*. The allegation was not sustained.

**Supplemental Permanent Injunction/Judgment Order/ Paragraph 104:**

"Paragraph 104" of the October 2, 2013 "*Supplemental Permanent Injunction/Judgment Order*," reads in part:

***c. Complaint Tracking Investigations***

*Paragraph 104. Subject to applicable laws, MCSO shall require Deputies to cooperate with administrative investigations, including appearing for an interview when requested by an investigator and providing all requested documents and evidence. Supervisors shall be notified when a Deputy under their supervision is summoned as part of an administrative investigation and shall facilitate the Deputy's appearance, absent extraordinary and documented circumstances.*

#### **Statistical information relevant to Order/Paragraph 104:**

This inspection found that 22 investigations, or 100%, of the applicable sample group were conducted at either the division or district level where the supervisors were conducting the investigative interviews with their employees or documentation showed (in the form of email, memorandum or recorded entry) that the employee's supervisor was notified that their employee had been summoned as part of an administrative investigation.

Ten investigations of the applicable sample group failed to show documentation (thus undeterminable) that employees cooperated in the investigative process. Thirteen investigations of the applicable sample group included documentation that indicated that the employees cooperated with the investigation. While this report does not show any deficiencies relating to the specific *Order* paragraph, there currently appears to be no consistent tracking mechanism in place for this task.\*

#### **Recommendations:**

- It is recommended that the PSB utilize a standardized tracking/completion checklist\* with each case that the assigned investigator(s) can follow throughout the investigation process to ensure compliance with Office Policy GH-2. It is recommended that the completion checklist be utilized at the end of the process when closing out cases for filing, as well. It is further recommended that information from the "*Professional Standards Bureau – Case Management Review Matrix*" and the *Supplemental Permanent Injunction/Judgment Order*, as it relates to administrative investigations, be included in the checklist.
- It is recommended that Office Policy GH-2, be reviewed for the addition of language to require documentation specific to Section 5, Subsections F.1 and G.1 and Office Policy GH-2, Section 6, Subsection C as it relates to the *Supplemental Permanent Injunction/Judgment Order*, or include this information in a checklist.
- It is recommended that a review of Office Policies GJ-26, *Sheriff's Reserve Deputy Program*, and GJ-27, *Sheriff's Posse Program*, be considered to adopt language consistent with that of Office Policies GH-2, *Internal Investigations* and GC-17, *Employee Discipline Procedure*.

**\* The PSB has adopted a tracking/completion checklist that is being used in the case files for Administrative Investigations opened on or after 4 January 2016.**

#### **Action Required:**

With the resulting **64% compliance**, *Inspection #BI2016-0028* requires submittal of **9 BIO Action Forms; five from the Professional Standards Bureau (IA2014-0383; IA2015-009; IA2015-0146; IA2015-0353; IA2015-0376)** and **four from the Patrol Bureau (IA2014-0627; IA2014-0628; IA2015-0495; IA2015-0725)** regarding the deficiencies described.

- The Action Forms will be assigned a return date of thirty days after this inspection is published to Sheriff's Office personnel.
- MCSO BIO will conduct future inspections of administrative investigations within the next thirty days.

**Notes:**

All supporting documentation (working papers) is included in the Inspection file number **BI2016-0028** and contained in IAPro. In the pages that follow there are individual breakdowns of each case reviewed and noted findings. Graphs depicting types of complaints, dispositions, and bureaus conducting investigations are included.

**Individual administrative investigations inspected:**

**Conducted by Patrol Bureau:**

**District 1**

- IA2015-0835 Investigation completed in accordance with Office Policy GH-2.

**District 3**

- **IA2015-0725 Investigation not completed in accordance with Office Policy GH-2. *Principal not given a Notice of Investigation (NOI), Garrity, or opportunity to have an employee observer present.*** Supervisor conducted the investigation. No record could be located to suggest that the Principal was given a NOI naming him a Principal in an administrative investigation, or that he was given a Garrity warning, or afforded the opportunity to have an employee observer present during the interview. Policy GH-2, Section 5.G.3 states in part that *“The Garrity Warning and the Notice of Investigation shall be given to principals prior to an interview.”* Subparagraph “a.” of this section goes on to state *“The Notice of Investigation issued to a principal shall include the alleged facts that are the basis of the investigation, the specific nature of the investigation, the principal’s status in the investigation, all known allegations of misconduct that are the reason for the interview, and the principal’s right to have an observer present at the interview.”*
- IA2015-0848 Investigation completed in accordance with Office Policy GH-2.

**District 6**

- **IA2015-0495 Investigation not completed in accordance with Office Policy GH-2. *Case not completed within 180 day timeline.*** Supervisor conducted the investigation. Complaint was received on 6/30/15. Supervisor completed investigative process on 8/26/15 (57 calendar days). The Division Commander signed the investigation findings on 1/5/16 (**189 calendar days**). Policy GH-2, Section 3 states *“Timeline for Administrative Investigations: In cases involving law enforcement officers, the Office is statutorily obligated to make a good faith effort to complete an administrative investigation within ~~120 business~~ 180 CALENDAR days after a supervisor receives notice of an alleged policy violation. In cases not involving law enforcement officers, the Office shall work to complete an administrative investigation in a timely manner.”* **The Closed Case Notification was sent out the same day.**

**District 7**

- **IA2014-0627 Investigation not completed in accordance with Office Policies GH-2 and GC-17. *Case not completed within 120 business day timeline and the discipline directed was not in compliance with the Discipline Matrix.*** Supervisor conducted the investigation.

Complaint was received on 9/26/14. Supervisor completed investigative process on 10/22/14 (17 business days). The Bureau Commander signed the investigation findings on 2/2/15 (336 business days). For investigations started in 2014, Policy GH-2, Section 3 states "*Timeline for Administrative Investigations: In cases involving law enforcement officers, the Office is statutorily obligated to make a good faith effort to complete an administrative investigation within 120 business days after a supervisor receives notice of an alleged policy violation. In cases not involving law enforcement officers, the Office shall work to complete an administrative investigation in a timely manner.*" The discipline issued was a Written Reprimand. **The employee's discipline history indicates that this incident should have been classified as the fourth "Category 1" offense.** Policy GC-17 Discipline Matrix lists for a "Category 1" third offense a "*Minimum 8 Hour Suspension.*" Undeterminable whether employee cooperated with investigation, no tracking mechanism in place.

- **IA2014-0628** *Investigation not completed in accordance with Office Policies GH-2 and GC-17. Case not completed within 120 business day timeline and the discipline directed was not in compliance with the Discipline Matrix.* Supervisor conducted the investigation. Complaint was received on 9/26/14. Supervisor completed investigative process on 10/1/14 (3 business days). The Bureau Commander signed the investigation findings on 2/2/15 (336 business days). For investigations started in 2014, Policy GH-2, Section 3 states "*Timeline for Administrative Investigations: In cases involving law enforcement officers, the Office is statutorily obligated to make a good faith effort to complete an administrative investigation within 120 business days after a supervisor receives notice of an alleged policy violation. In cases not involving law enforcement officers, the Office shall work to complete an administrative investigation in a timely manner.*" The discipline issued was a Written Reprimand. **The employee's discipline history indicates that this incident should have been classified as the fourth "Category 2" offense.** Policy GC-17 Discipline Matrix lists for a "Category 2" third offense a "*Minimum 16 Hour Suspension.*" Undeterminable whether employee cooperated with investigation, no tracking mechanism in place.

#### **Lake Patrol**

- IA2015-0697 Investigation completed in accordance with Office Policy GH-2.

#### **Aviation**

- IA2015-0838 Investigation completed in accordance with Office Policy GH-2

#### **Conducted by Enforcement Support Bureau:**

- IA2015-0859 Investigation completed in accordance with Office Policy GJ-27.

#### **Conducted by Professional Standards Bureau (PSB):**

- **IA2014-0383** *Investigation not completed in accordance with Office Policy GH-2. Case not completed within 120 business day timeline.* Incident occurred on 12/16/13. Criminal case was turned down for prosecution on 6/16/14. Chief Deputy/Designee signed investigation findings on 8/18/15 (295 business days from close of criminal case). Notification to employee of scheduled Pre Determination Hearing is dated 9/3/15 (307 business days from close of criminal case). For investigations started in 2014, Policy

GH-2, Section 3 states "*Timeline for Administrative Investigations: In cases involving law enforcement officers, the Office is statutorily obligated to make a good faith effort to complete an administrative investigation within 120 business days after a supervisor receives notice of an alleged policy violation. In cases not involving law enforcement officers, the Office shall work to complete an administrative investigation in a timely manner.*" No record could be located to suggest that an extension request was submitted to the Chief Deputy or his designee. Undeterminable whether employee cooperated with investigation, no tracking mechanism in place.

- **IA2015-0009** *Investigation not completed in accordance with Office Policy GH-2. Authorization to exceed the 180 day timeline was granted but law enforcement officer was not notified.* Authorization to exceed the 180 day timeline was granted; however, no record could be located to suggest that the Principal was notified of the delay in completing the investigation. Office Policy GH-2, section 3.7 states that "*The Office may make exceptions to the 180 calendar day limitation only under extenuating circumstances and with approval from the Chief Deputy, or his designee. If the Office exceeds the 180 calendar day limit, the Office shall provide the law enforcement officer with a written explanation containing the reasons why the investigation has not yet concluded.*"
- **IA2015-0146** *Investigation not completed in accordance with Office Policy GH-2. Authorization to exceed the 180 day timeline was granted but law enforcement officer was not notified.* Authorization to exceed the 180 day timeline was granted; however, no record could be located to suggest that the Principal was notified of the delay in completing the investigation. Office Policy GH-2, section 3.7 states that "*The Office may make exceptions to the 180 calendar day limitation only under extenuating circumstances and with approval from the Chief Deputy, or his designee. If the Office exceeds the 180 calendar day limit, the Office shall provide the law enforcement officer with a written explanation containing the reasons why the investigation has not yet concluded.*" Undeterminable whether employee cooperated with investigation, no tracking mechanism in place.
- **IA2015-0179** Investigation completed in accordance with Office Policies GH-2 and GC-17. Undeterminable whether employee cooperated with investigation, no tracking mechanism in place.
- **IA2015-0353** *Investigation not completed in accordance with Office Policy GH-2. Authorization to exceed the 180 day timeline was granted but law enforcement officer was not notified.* Authorization to exceed the 180 day timeline was granted; however, no record could be located to suggest that the Principals were notified of the delay in completing the investigation. Office Policy GH-2, section 3.7 states that "*The Office may make exceptions to the 180 calendar day limitation only under extenuating circumstances and with approval from the Chief Deputy, or his designee. If the Office exceeds the 180 calendar day limit, the Office shall provide the law enforcement officer with a written explanation containing the reasons why the investigation has not yet concluded.*" Undeterminable whether employees cooperated with investigation, no tracking mechanism in place.
- **IA2015-0376** *Investigation not completed in accordance with Office Policy GH-2. Case not completed within 180 day timeline.* External Complaint was received on **5/14/15**. Investigative process was completed on **11/2/15** (172 days). Chief of Custody signed investigation findings on **11/12/15 (182 days)**. Notification to employee of scheduled Pre

Determination Hearing is dated **12/30/15 (230 days)**. Policy GH-2, Section 3 states "*Timeline for Administrative Investigations: In cases involving law enforcement officers, the Office is statutorily obligated to make a good faith effort to complete an administrative investigation within ~~120 business~~ 180 CALENDAR days after a supervisor receives notice of an alleged policy violation. In cases not involving law enforcement officers, the Office shall work to complete an administrative investigation in a timely manner.*" No record could be located to suggest that an extension request was submitted to the Chief Deputy or his designee. Additionally PSB did not send out the letter acknowledging receipt of complaint or the final disposition letter to complainant. Undeterminable whether employee cooperated with investigation, no tracking mechanism in place.

- IA2015-0557 Investigation completed in accordance with Office Policies GH-2 and GC-17. Undeterminable whether employee cooperated with investigation, no tracking mechanism in place.
- IA2015-0608 Investigation completed in accordance with Office Policy GH-2.
- IA2015-0721 Investigation completed in accordance with Office Policies GH-2 and GC-17. Undeterminable whether employee cooperated with investigation, no tracking mechanism in place.
- IA2015-0750 Investigation completed in accordance with Office Policies GH-2 and GC-17. Undeterminable whether employee cooperated with investigation, no tracking mechanism in place.
- IA2015-0780 Investigation completed in accordance with Office Policies GH-2 and GC-17.
- IA2015-0866 Investigation completed in accordance with Office Policy GH-2.
- IA2015-0896 Investigation completed in accordance with Office Policy GH-2.
- IA2015-0914 Investigation completed in accordance with Office Policy GH-2.
- IA2016-0041 Investigation completed in accordance with Office Policy GH-2.
- IA2016-0044 Investigation completed in accordance with Office Policy GH-2.

❖ **Bolded case numbers** identify investigations not completed in accordance with Office Policies GH-2, *Internal Investigations*, or GC-17, *Employee Disciplinary Procedure*, or in the cases from Enforcement Support Division regarding posse members or reserve deputies, GJ-26, *Sheriff's Reserve Deputy Program*, and/or GJ-27, *Sheriff's Posse Program*.



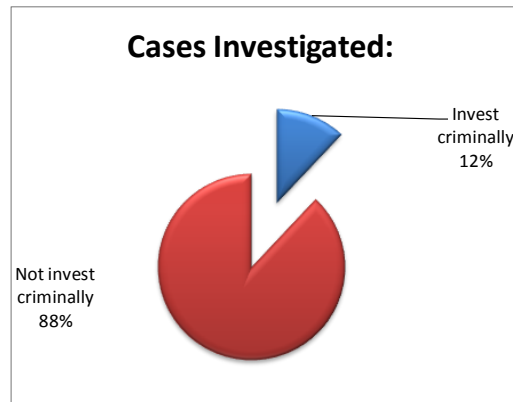
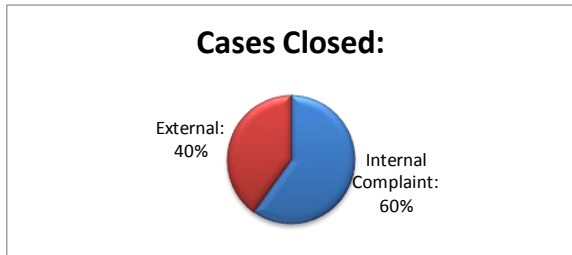


*Maricopa County Sheriff's Office*  
*Administrative Investigations by Investigating*  
*Bureau*  
*February 2016*



Bureau:	Cases Closed:	Sustained:	Not Sustained:	Unfounded:	Exonerated:	Internal Complaint:	External:
P.S.B.	16	11	2	1	2	13	3
Enf. Support	1	1				1	0
Patrol	8	2	2	1	3	1	7
<b>Total:</b>	<b>25</b>	<b>14</b>	<b>4</b>	<b>2</b>	<b>5</b>	<b>15</b>	<b>10</b>

Total IA cases closed this month:	75
Of cases inspected, investigated criminally:	3
Of cases inspected, not assigned criminally:	22
Total number reviewed during inspection:	25

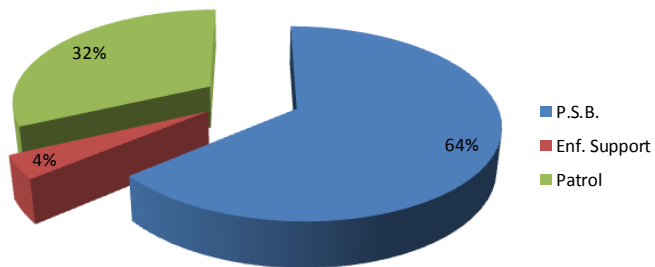




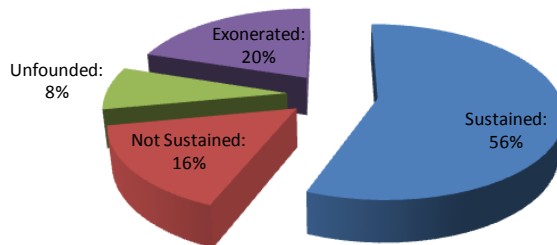
Maricopa County Sheriff's Office  
Investigating Bureau and Clearance  
February 2016



**Investigating Bureau:**



**Case Clearance Type:**

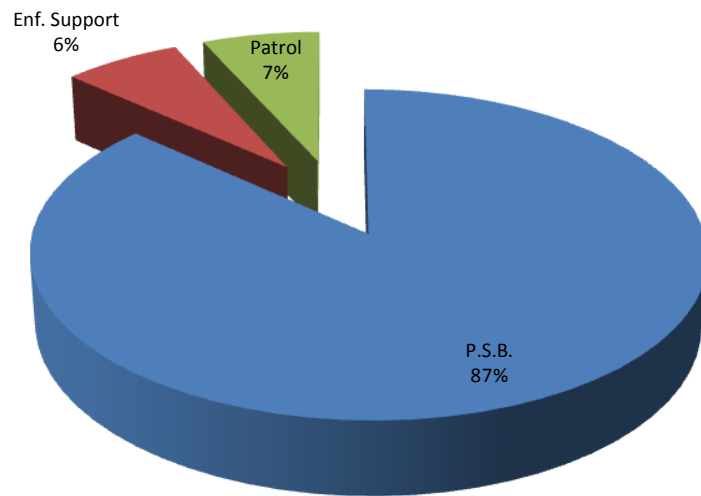




*Maricopa County Sheriff's Office*  
*Internal Complaints by Investigating Bureau*  
*February 2016*



**Internal Complaints:**





Maricopa County Sheriff's Office  
External Complaints by Investigating Bureau  
February 2016



**External Complaints:**

