



MARICOPA COUNTY ATTORNEY'S OFFICE
BILL MONTGOMERY

MEMORANDUM

To: CALEA File
From: John Dorsey, Professional Standards Lieutenant
Date: February 24, 2014
Subject: CALEA 52.1.5.

2/24/14
Reviewed. Approved
for publish.
[Signature]

Employees of the Investigations Division of the Maricopa County Attorney's Office (MCAO) are committed to the highest standards of integrity and excellence. They recognize that prompt investigations of citizen complaints and allegations of employee misconduct are necessary to maintain public trust. The MCAO Investigations Division assures that fairness and justice for the public and employees is maintained through an internal investigation process that demands objective, thorough, and timely investigations of all such allegations. Transparency is demonstrated by compliance with MCAO policies and procedures that require publication of this annual summary and analysis of administrative investigations.

Eight (8) Division Inquiries occurred in 2013, one was an external citizen complaint, and seven (7) were internally initiated investigations.

13-01: A sworn Investigations Division employee failed to properly conduct a background investigation on a Legal Support Assistant. The involved employee failed to check CAIS and do other follow-up during the background investigation, which resulted in another detective having to conduct the follow-up. The allegation that the involved employee failed to properly investigate the background was **sustained**. The employee received a written counseling.

13-02: A sworn Investigations Division employee left a discourteous and inappropriate voice mail for a citizen that reflected poorly on the office of the Maricopa County Attorney. The recipient of the voicemail posted it on several internet sites and it was forwarded to the state legislature. The allegation that the involved employee was discourteous to the public was **sustained**. The employee received a written counseling.

13-13: A citizen complained a detective unlawfully entered her apartment, failed to identify himself, and used profanities while interacting with her son. Investigation into the allegations resulted in a disposition of **not sustained**. The complainant was notified of the disposition of their allegations by letter and no action was taken against the detective as the allegations could not be proved or disproved.

13-18: A sworn Investigations Division employee left their issued firearm unsecured in the publicly accessible restroom on the 8th floor of 301 W. Jefferson Street, Phoenix. The firearm was retrieved a short time later in the same restroom by another MCAO employee. The allegation that the involved employee failed to secure their firearm was **sustained**. The employee received a letter of reprimand.

13-24: A sworn Investigations Division employee sent an inappropriate e-mail response to another sworn Investigations Division employee regarding a request to review a document. The allegation that the involved employee was discourteous to another employee was **sustained**. This was the second violation of a similar violation (13-02) and the employee received a letter of reprimand for this second violation.

13-25: A sworn Investigations Division employee left their issued firearm unsecured in a public restroom of a QuikTrip store in Phoenix, and the firearm was stolen has not been recovered. The allegation that the employee failed to secure their issued firearm was **sustained**. The employee was terminated.

13-30: A sworn Investigations Division employee failed to investigate several check enforcement cases, after he was given a directive not to involve himself in the cases. One of the cases had a significant amount of follow-up that needed to be done which eventually had to be conducted by another employee. The allegation that the employee failed to conduct proper follow-up investigation was **sustained**. The employee was previously terminated for DI 13-25.

13-35: Involved a sworn Investigations Division employee striking a coyote with their MCAO vehicle as it ran out into the roadway. The coyote was killed and the vehicle sustained minor damage, but neither the driver nor the passenger, another MCAO employee, immediately reported the incident to their lieutenant. Once the driver of the vehicle reported the incident to their lieutenant, the lieutenant did not immediately report it to the Investigations Division Chief. The allegation that the involved employees failed to properly report an on-duty accident to their lieutenant, and the lieutenant failed to properly notify the Investigations Division Chief was determined to be a **policy failure**. The applicable policy has been amended to indicate all accidents shall be immediately reported.

Analysis/Summary:

One (1) citizen complaint was received in 2013, compared to none in 2012, and one (1) in 2011.

There were eight (8) Division Inquires conducted in 2013. These investigations involved thirteen (13) allegations made against ten (10) sworn Investigations Division employees.

2013 had one more Division Inquiry than 2012. 2012 had eight (8) allegations made against eight (8) sworn Investigations Division employees.

2013 had two (2) employees who were the subjects of two Division Inquiries each. One of the employees was the subject of DI 13-02 and DI 13-24, and received a letter of reprimand for their second sustained violation of a similar nature. This employee was entered into our Early Warning System and is working with their supervisor and receiving training to correct performance issues.

The second employee was the subject of Division Inquiries 13-25 and 13-30, and had a history of progressive discipline which culminated with their termination for a sustained violation regarding DI 13-25.

The following table shows a comparison between the Division Inquiries conducted in 2013 to 2012.

Complaint Analysis	2013	2012
Citizen Complaints	1	0
Division Inquiries	7	7
Employees Involved	7	8
Complaints Sustained	6	6
Complaints not sustained	1	2
Policy Failure	1	1
Written Counseling	3	0
Letter of Reprimand	2	1
Resignation	0	3
Termination	1	1