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Professional Standards Bureau

Misconduct Investigations Semi-Annual Report

July 1, 2021 – December 31, 2021

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Requirement

The Maricopa County Sheriff requires the Professional Standards Bureau (PSB) to produce a semi-annual public report on misconduct investigations, including, at a minimum, the following: Summary information about sustained allegations that an employee violated conflict-of-interest rules; aggregate data on external complaints; analysis of civilian complaints received; aggregate data of internally-generated misconduct allegations; aggregate data on misconduct case processing; aggregate data on the outcomes of misconduct investigations; and aggregate data on employees with persistent or serious misconduct problems.

Executive Summary

The Professional Standards Bureau (PSB) is required to submit a semi-annual public report on misconduct investigations involving Deputy Sheriffs, Detention Officers, Civilian employees, and volunteer Posse members. The purpose of this report is to provide an analysis of data collected from the IAPro database and supplemental spreadsheets between July 1, 2021 and December 31, 2021.

The MCSO did not see a notable change in the overall complaints received from the last semi-annual reporting period and the complaints received remain consistent overall. The most common external allegations received were unbecoming conduct and failure to meet standards. Approximately 43% of external complaints arose from custody operations and 29% arose from calls for service. The most common internal allegations received were workplace professionalism, use/operation of vehicles, and failure to meet standards. Of all opened investigations, approximately 20% were assigned to divisions outside of the PSB and the remaining 80% were assigned to the PSB (criminal and administrative.) The average completion timeframe for district-level investigations was 307% over the required 60-day timeframe. The average completion timeframes for PSB-investigations were lower during this reporting period; approximately 649% over the required 85-day timeframe; and approximately 278% above the 180-day statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, Internal Investigations, which the PSB attributes to investigative collaboration to process cases alleging blatant misconduct and assistance from contracted investigators. There were 240 misconduct investigations completed: 36% with a sustained disposition. Further research shows 47 employees had persistent misconduct (the subject of more than two misconduct investigations) and 34% of employees with more than one sustained allegation received serious discipline, in which the employee received a suspension, demotion, or dismissal from employment.

Response

A. Conflict-of-Interest Sustained Allegations

The Professional Standards Bureau (PSB) did not sustain any allegations of an employee violating conflict-of-interest rules in conducting or reviewing misconduct investigations between July and December 2021.

B. External Complaints

Based on the data, the MCSO received a total of 221 external complaints that resulted in PSB administrative investigations and criminal investigations from July 1, 2021, to December 31, 2021, officewide. There was one district (also known as a division) with the most external complaints; District 1 (Mesa) with 30 complaints. The district with the second most external complaints; the 4th Avenue Jail with 27 complaints.

Figure 1 depicts the number of external complaints received between July and December 2021, differentiated by Division.

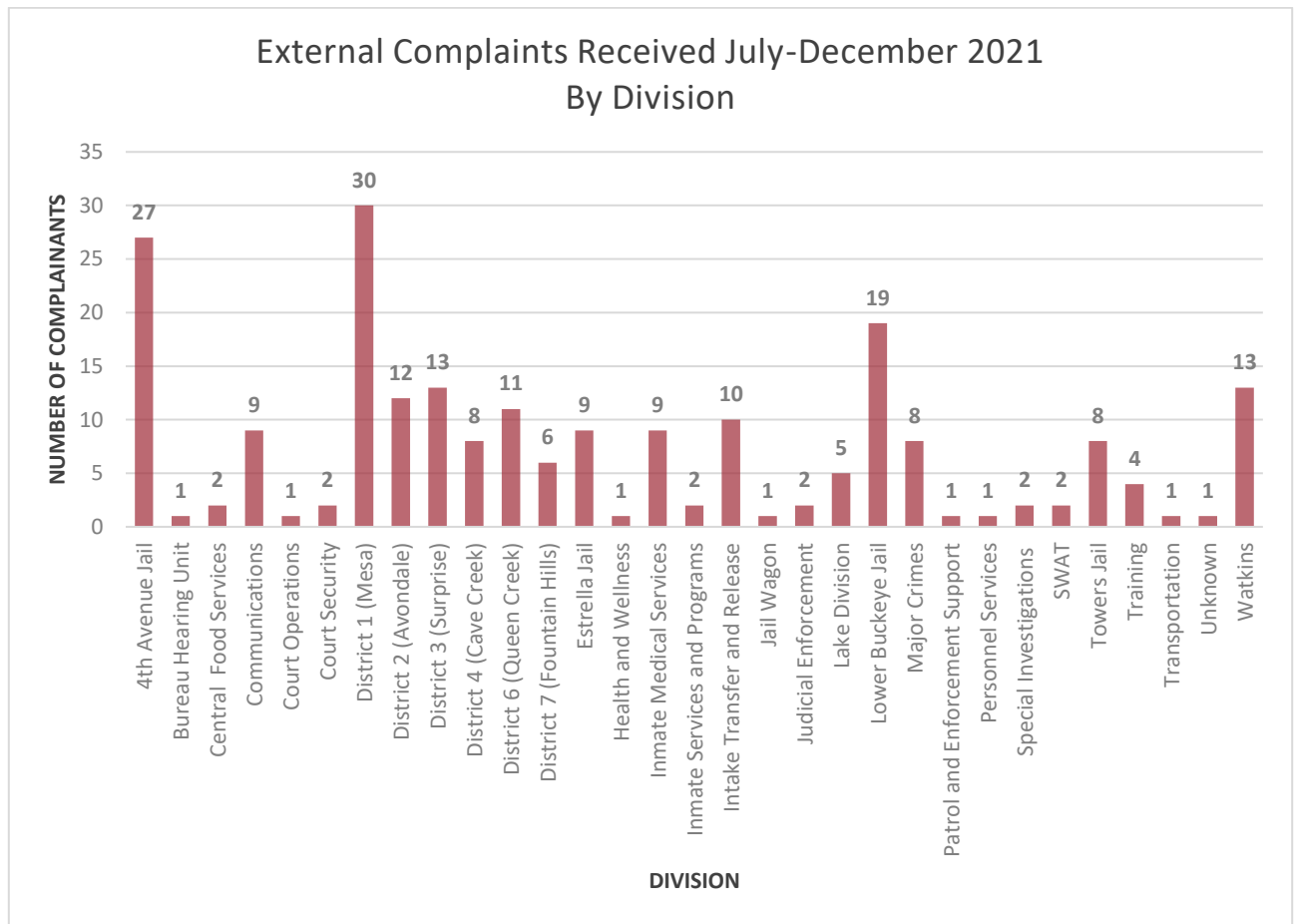


Figure 1: External Complaints, by District, received that resulted in an investigation.

Within the 221 external complaints, the MCSO received 33 complaints in July, 50 complaints in August, 35 complaints in September, 24 complaints in October, 46 complaints in November, and 33 complaints in December. The allegations occurring most were those involving Code of Conduct practices (e.g., Unbecoming Conduct.) The approximate average of external complaints received each month was 37. In August, the MCSO received 50 complaints, an approximate 35% increase of complaints over the average.

Figure 2 depicts the number of external complaints received by month.

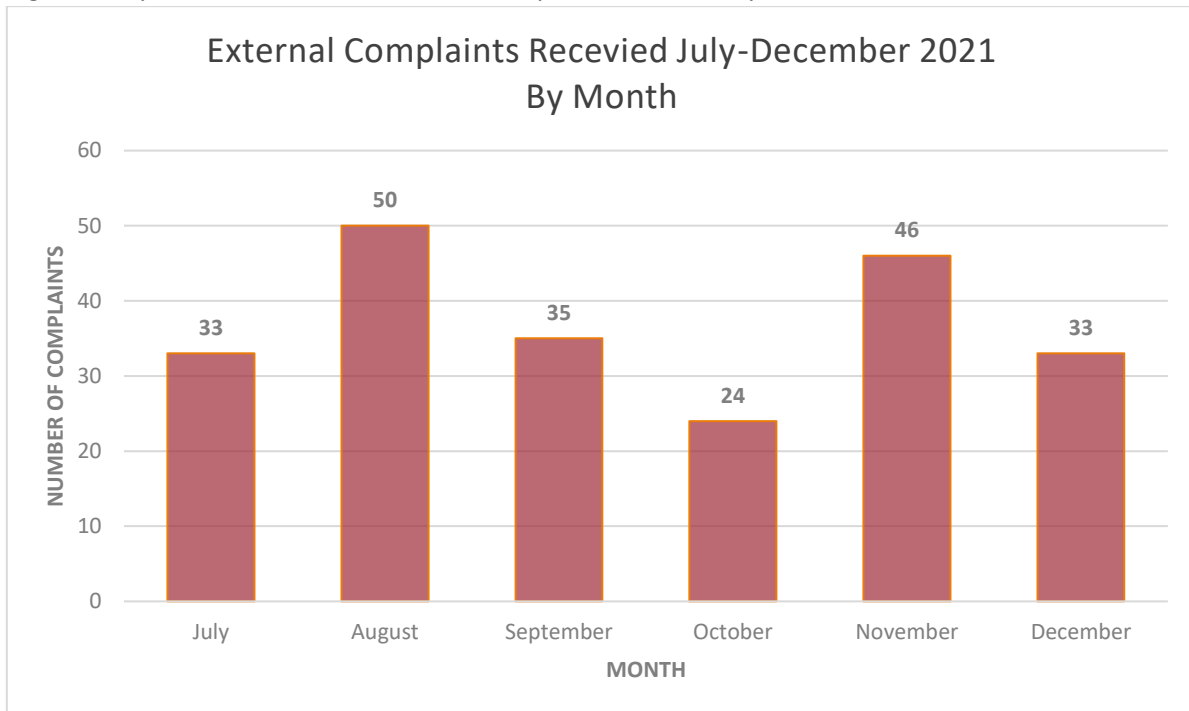


Figure 2: External Complaints, by month, received from July to December 2021.

It is important to note a single complaint can result in an investigation with multiple principals and allegations. Therefore, the number of external complaints resulting in an investigation (221) will not mirror the number of principals and allegations in this next subsection.

The “Sworn Deputy” rank was identified 98 times out of 271 total principals listed in external complaint investigations between July and December 2021.

Figure 3 depicts the ranks of principals identified in external complaint investigations during the reporting period listed.

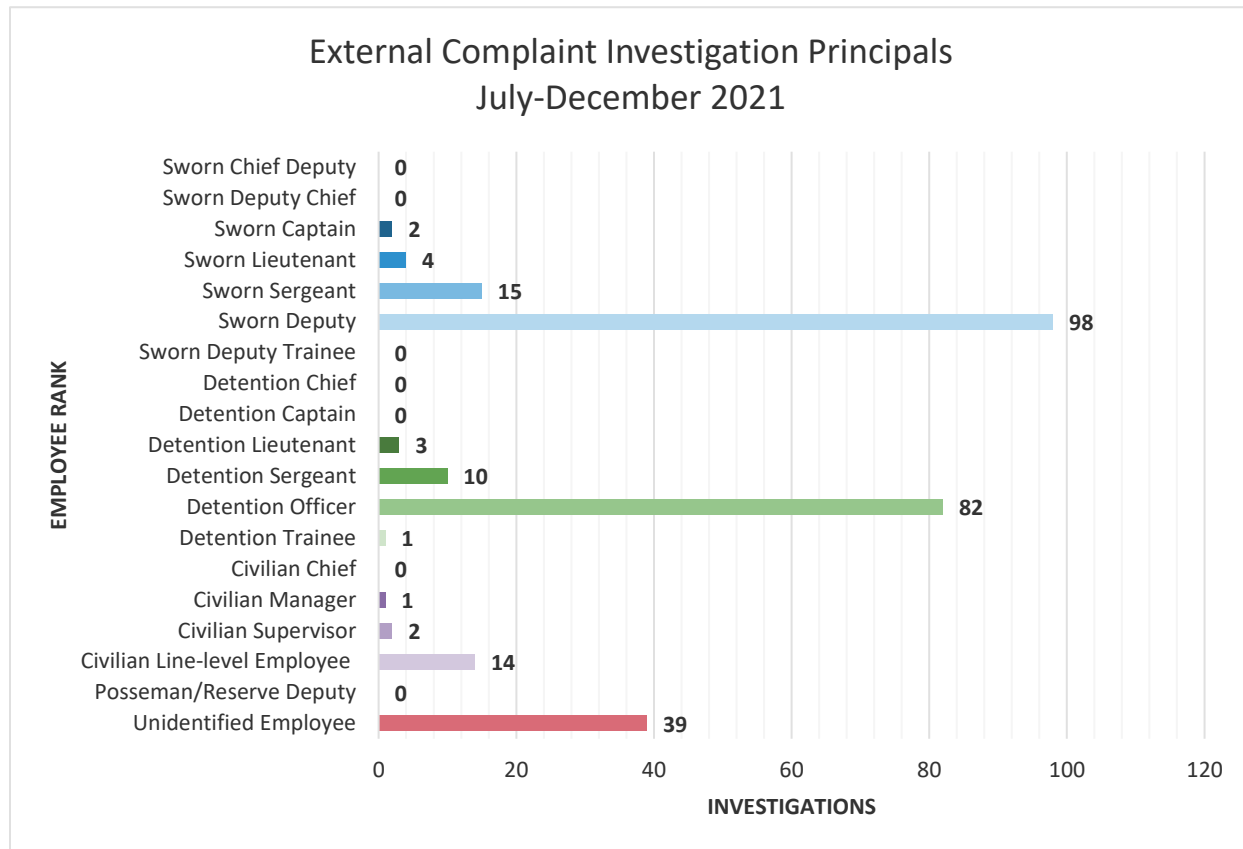
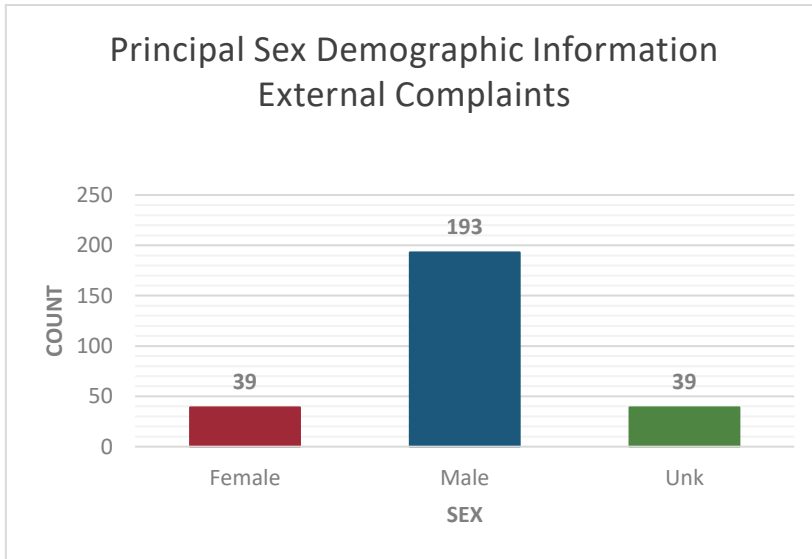


Figure 3: Rank of Principals in External Complaint Investigations July and December 2021.

The following information in Figures 4, 5, and 6 consists of available demographic information¹ of MCSO employees named as the principal in External Complaint investigations.

The number of unknown employees identified as principals this reporting period was less than the number of unknown employees last reporting period.

¹ Data is based on known, compensated MCSO employees. The IPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members/Reserve Deputies)



There were 193 identified male principals; approximately five times more than the number of identified females.

Figure 4:
Demographic of Principals between July and December 2021, by Sex.

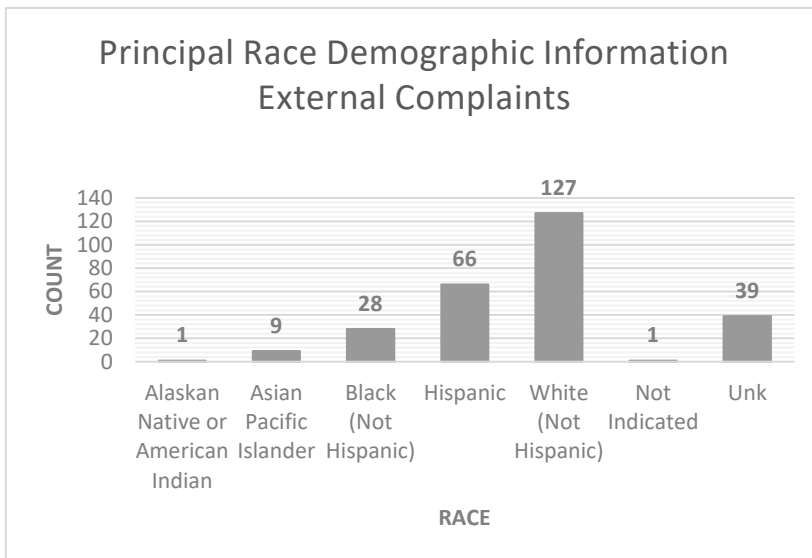


Figure 5 depicts 127 identified White (Not Hispanic) employees named as a principal in External Complaint Investigations; approximately 47% of the 271 principal employees.

Figure 5:
Demographic of Principals between July and December 2021, by Race.

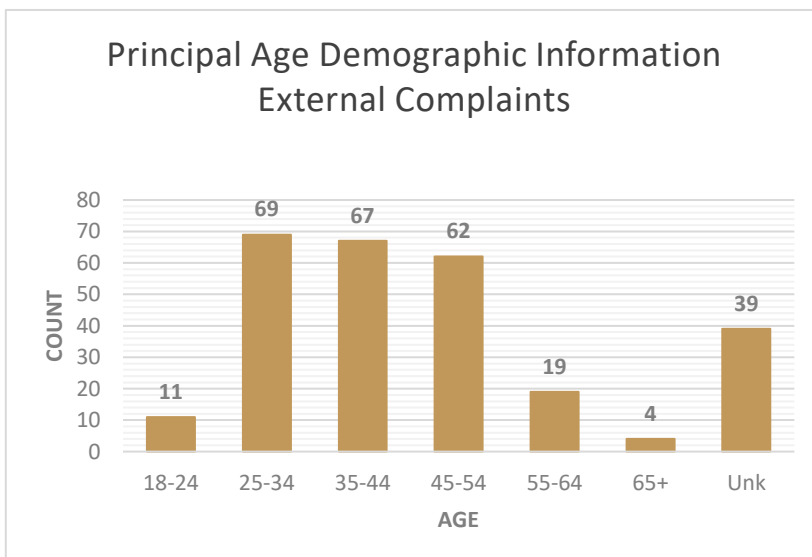


Figure 6 shows known External Complaint Principals are commonly between the ages of 25-44, with 69 principals between 25-34 and 67 principals between 35-44. There is no statistical difference between the two age groups, which coincides with an average age of 40 years old.

Figure 6:
Demographic of Principals between July and December 2021, by Age.

The MCSO does not collect external complainants' demographic information during the complaint intake process. This ensures all complaints are received, processed, and investigated consistently and without bias.

The PSB initiated the collection process of complainant demographic information in January 2020 via a voluntary paper and online survey provided to the complainant at the conclusion of an investigation. During this reporting period, the PSB closed 154 external cases and thus sent approximately 154 complainant surveys². Of the approximate 154 surveys provided, the PSB received nine responses.

The following information in Figures 7, 8, and 9 consists of the demographic information, provided voluntarily, by individuals named as the complainant in External Complaint investigations.

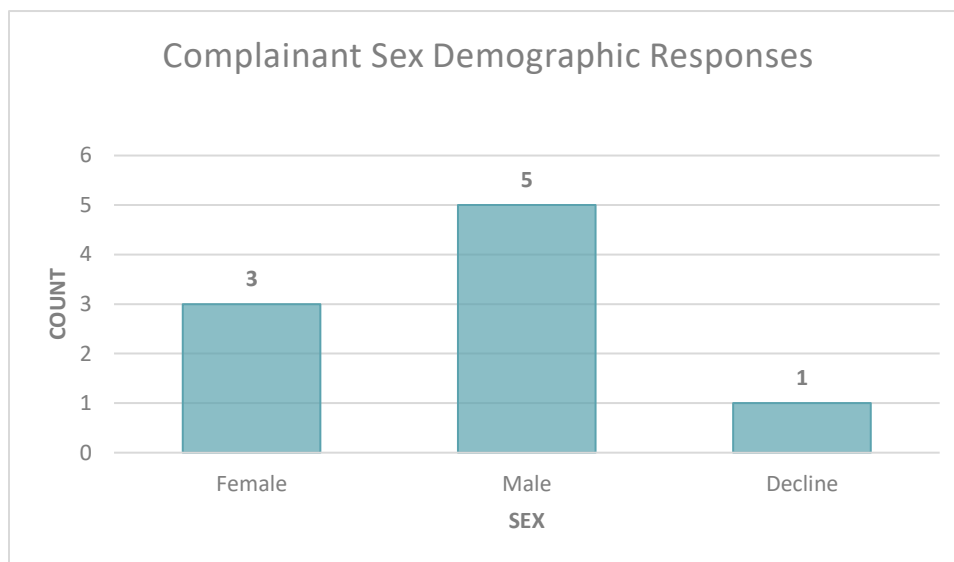


Figure 8: Demographic of Complainants between July and December 2021, by Sex.

Figure 7: Demographic of Complainants between July and December 2021, by Race

² Due to the possibility of multiple complainants in a single IA case, one IA case may receive several survey responses. Additionally, anonymous complainants do not receive a demographic survey.

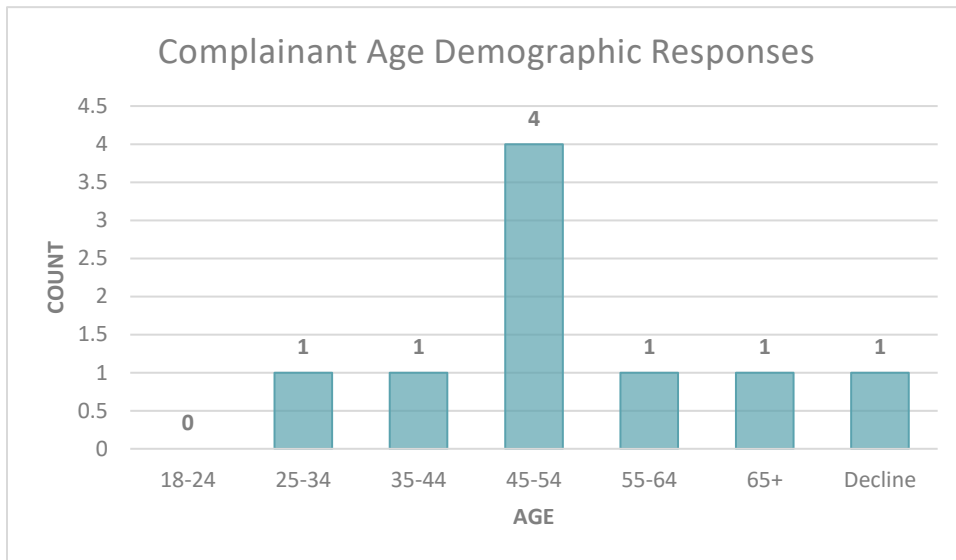
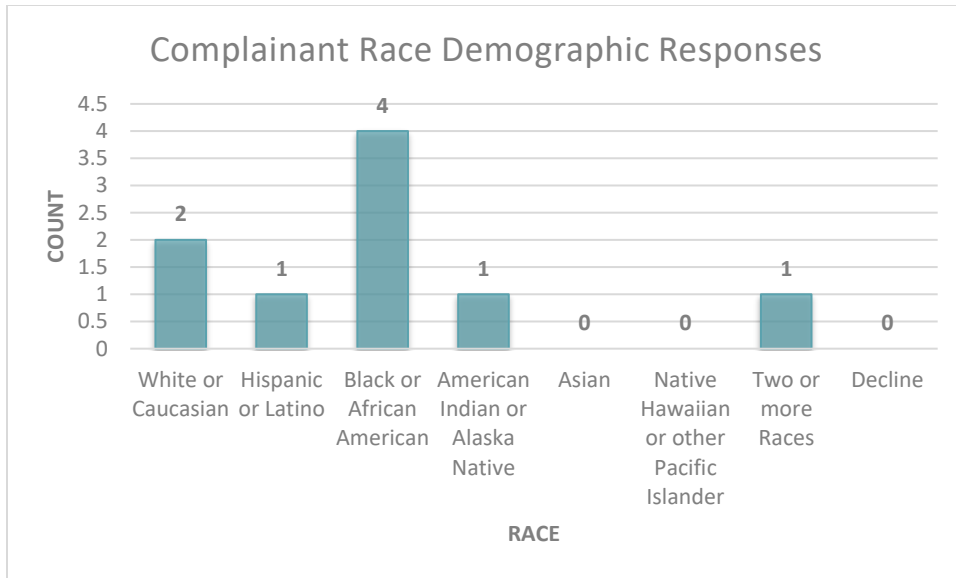


Figure 9: Demographic of Complainants between July and December 2021, by Age.

It should be noted, the sex, race, and age demographic categories replicate those listed on the United States Census Bureau survey.

Due to the low response rate, a statistical analysis could not be conducted to determine if any pattern or trend could be identified.

The PSB also tracks external complaints received from anonymous sources. Between July and December 2021, the PSB received eleven anonymous external complaints resulting in an investigation.

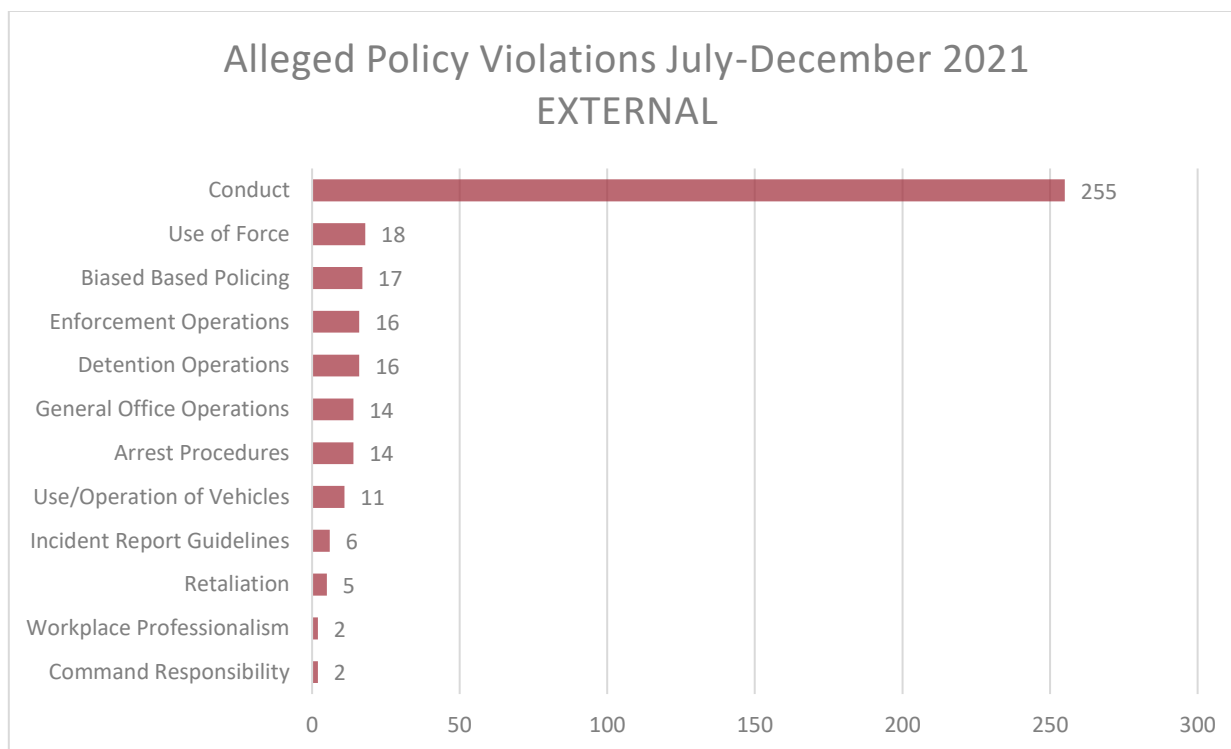


Figure 10: Alleged Policy Violations within External Complaint Investigations between July and December 2021.

There were 376 alleged policy violations between July and December 2021. Approximately 68% of the allegations were related to violations of conduct (e.g., Unbecoming Conduct, Failure to Meet Standards, etc.); this is an increase of allegations from the last semi-annual reporting period and increase in the percentage of complaints related to violations of conduct. Figure 10 depicts the allegation breakdown.³

³ Low allegation counts have been combined for presentation purposes. See category breakdown below.

Detention Operations: Inmate Grievance Procedure (3), Inmate Mail (3), Inmate Meal Distribution and Accountability (3), Contraband Control (1), Inmate Grievance Procedure (1), Inmate Laundry (1), and Inmate Hygiene (1).

Enforcement Operations: Domestic Violence (5), Vehicle Accident Investigations (3), Traffic Enforcement (2), Body-Worn Cameras (3), Search and Seizure (2), and Driving Under the Influence (1).

General Office Operations: Internal Investigations (6), Radio Communications (3), Truthfulness (2), Off-Duty Incidents (1), Property Management (1), and Property Management (1).

The PSB tracks the “nature of contact” that led to the alleged employee misconduct. The PSB has distinguished these into nine categories. Below is the breakdown of each category:

Booking: actions of/interactions with personnel during the booking process

Call for Service: actions of/interactions with sworn personnel dispatched to an incident

Custody Operations: actions of/interactions with personnel during detention/custody functions

Follow-up Investigation: actions of/interactions with personnel post initial call for service or detective investigations

Non-Enforcement Duties: actions of/interactions with personnel who are not actively conducting enforcement duties. (e.g. sworn staff on-duty but not on a call, civilian staff actions, etc.)

Observation: witnessed employee misconduct (e.g. no direct contact)

Off Duty Incident: actions of/interactions with personnel not on duty

On-view Activity: actions of/interactions with sworn personnel initiating contact with the public (not a call for service or vehicle stop)

Vehicle Stop: actions of/interactions with sworn personnel during a traffic stop

The below chart shows the nature of contact between the complainant and principal for external complaint investigations initiated between June and December 2021.

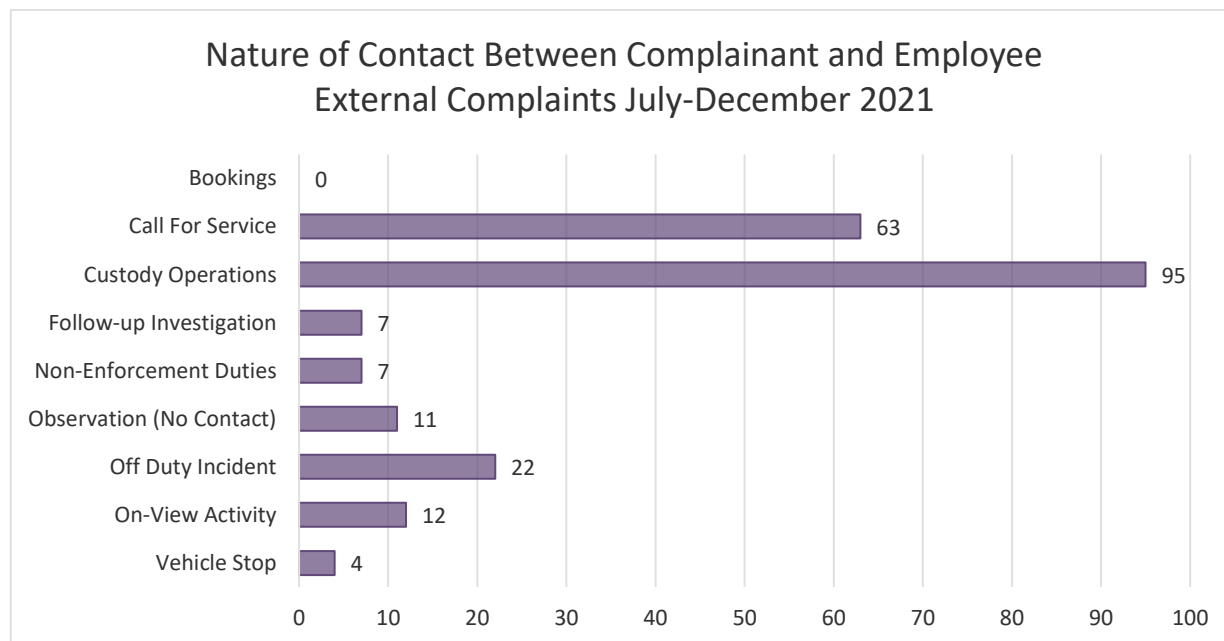


Figure 11: Nature of Contact for External Complaints between July and December 2021.

C. Civilian Complaint Analysis

The PSB did not see any increases or decreases of complaints attributable to the complaint intake process.

D. Internal Complaints

Based on the data, the PSB received a total of 104 internal complaints from July 1, 2021 to December 31, 2021 office wide. There was one district (also known as division) with the most internal complaints; Intake, Transfer, and Release with 14 complaints.

Figure 12 depicts the number of internal complaints received from July to December 2021 differentiated by Division.



Figure 12: Internal Complaints received, by District, which resulted in an investigation.

Within the 104 internal complaints, the MCSO received 18 complaints in July, 22 complaints in August, 14 complaints in September, 13 complaints in October, 21 complaints in November, and 16 complaints in December. The internal complaints decreased from the previous reporting six months. Like the last reporting period, most of the allegations involving Code of Conduct practices (e.g., employee relationships with other employees and failure to meet standards.) In August, the MCSO received 22 internal complaints; with an approximate average of 17 complaints received per month; this was approximately 29% above the average internal complaints received

Figure 13 depicts the number of internal complaints received by month.

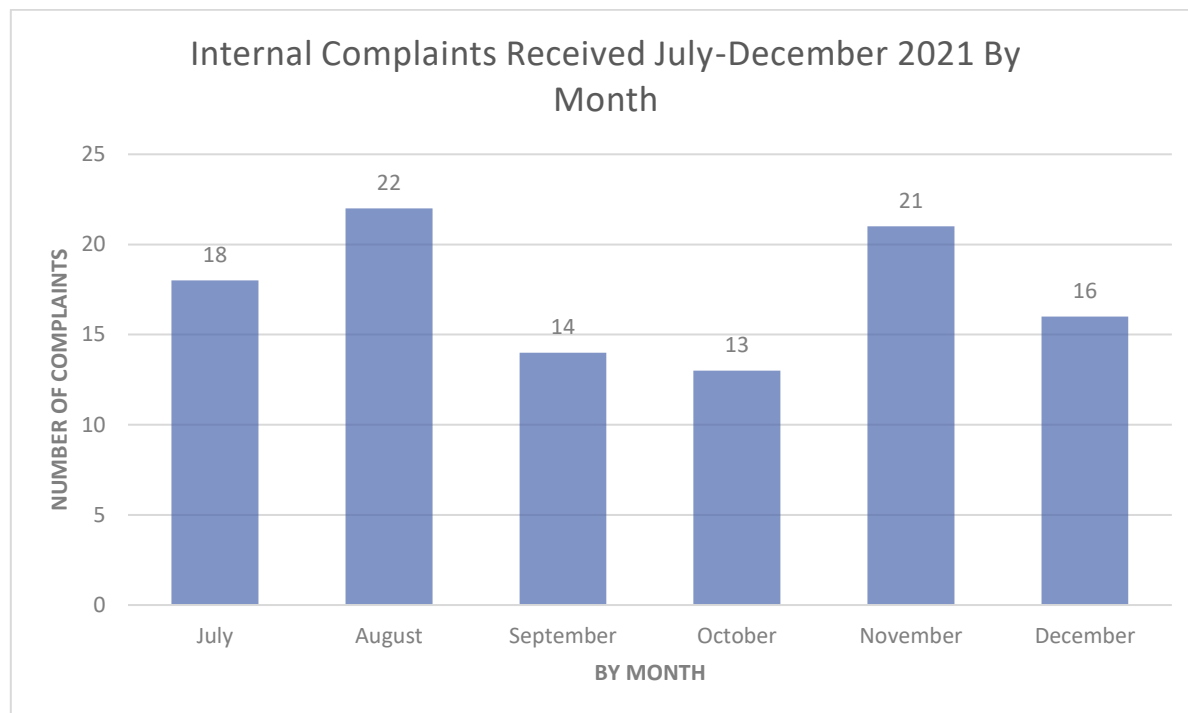


Figure 13: Internal Complaints received, by month, from July to December 2021.

To reiterate, a single complaint can result in an investigation with multiple principals and allegations. Therefore, the number of internal complaints that resulted in an investigation (104) will not mirror the number of principals and allegations in the next subsection.

The “Detention Officer” rank was identified 62 out of the 155 total principals listed in internal complaint investigations between July and December 2021.

Figure 14 depicts the ranks of principals identified in internal complaint investigations during the reporting period listed.

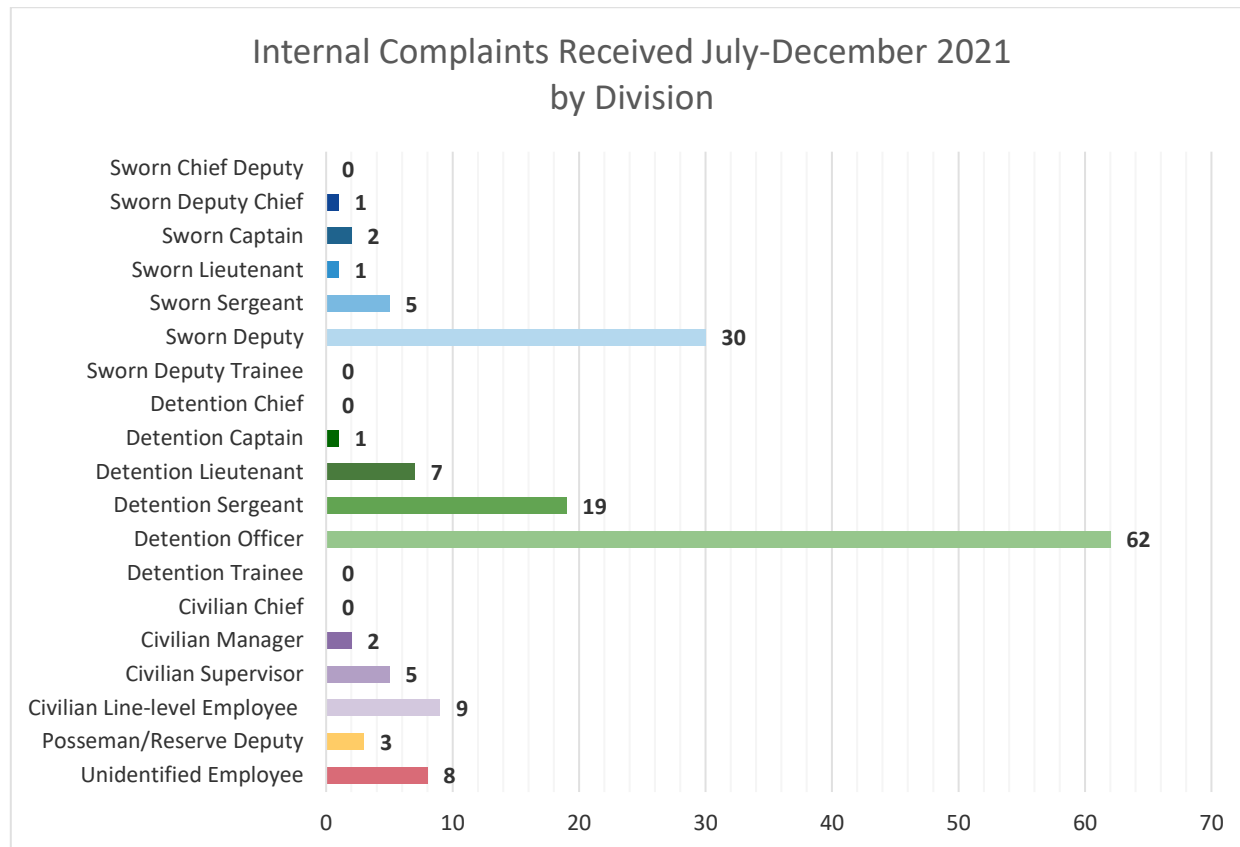
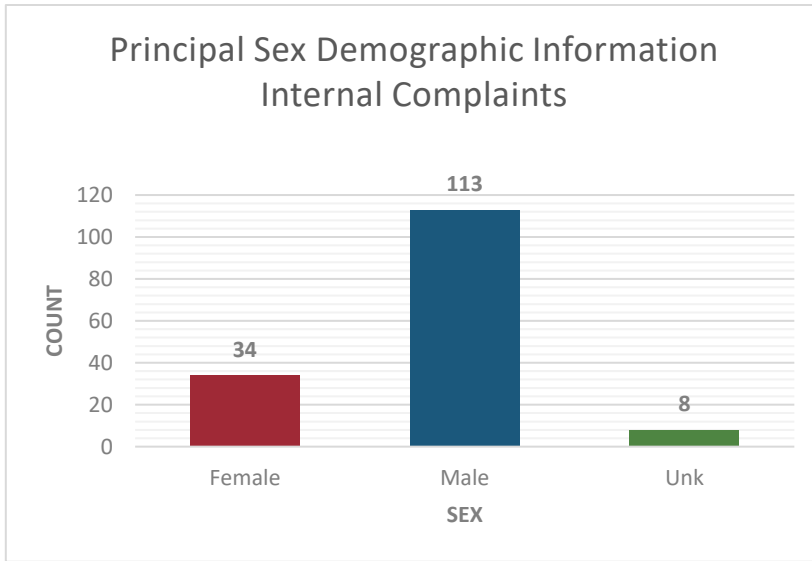


Figure 14: Rank of Principals in Internal Complaint Investigations July to December 2021.

The following information consists of demographic information of MCSO employees that have been named the **principal** and **complainant** in Internal Complaint IA investigations.⁴

It is important to note, from July to December 2021, the PSB initiated six internal investigations with an anonymous complainant. This was handled as internal complaint due to the content being information only an employee would know.

⁴ Data is based on known, compensated MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members and Reserve Deputies)



There were 113 identified male principals; approximately three times more than the amount of identified female principals. There were eight unknown employees identified as principals.

Figure 15:
Demographic of Principals between July and December 2021, by Sex.

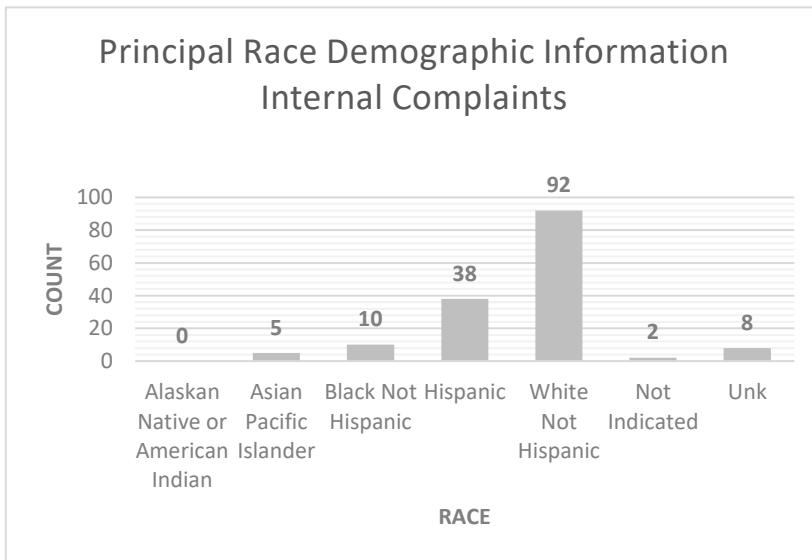


Figure 16 depicts 92 identified White (Not Hispanic) employees named as the principal in Internal Complaint Investigations; approximately 59% of the 155 employees.

Figure 16:
Demographic of Principals between July and December 2021, by Race.

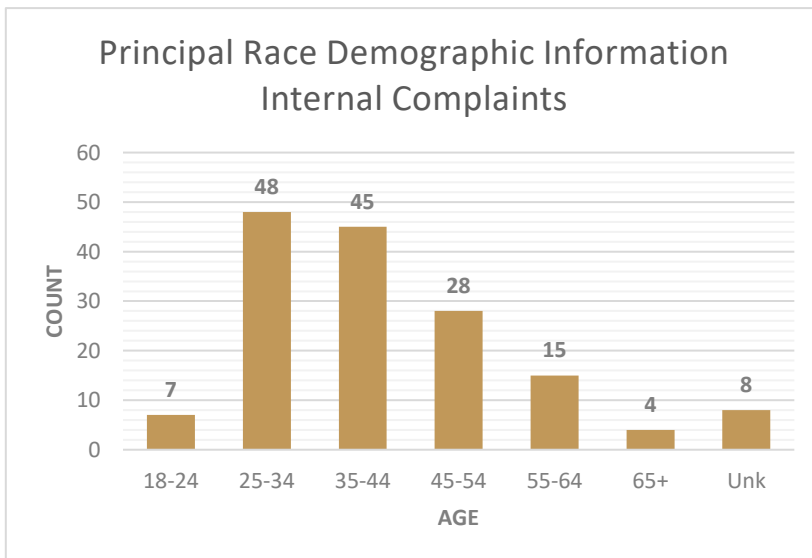
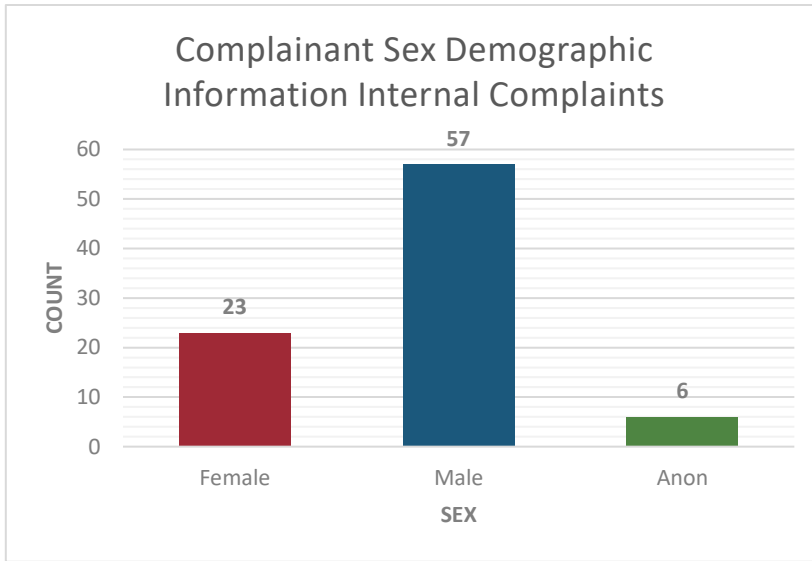


Figure 17 shows known Internal Complaint Principals are commonly between the ages of 25-44, with 48 principals between 25-34 and 45 principals between 35-44. There is no statistical difference between the two age groups, which coincides with an average age of 40 years old.

Figure 17:
Demographic of Principals between July and December 2021, by Age.



There were 57 identified male complainants, approximately two and a half times the amount of the identified females. Sex could not be identified for the six anonymous complainants.

Figure 18:
Demographic of Complainants between July and December 2021, by Sex.

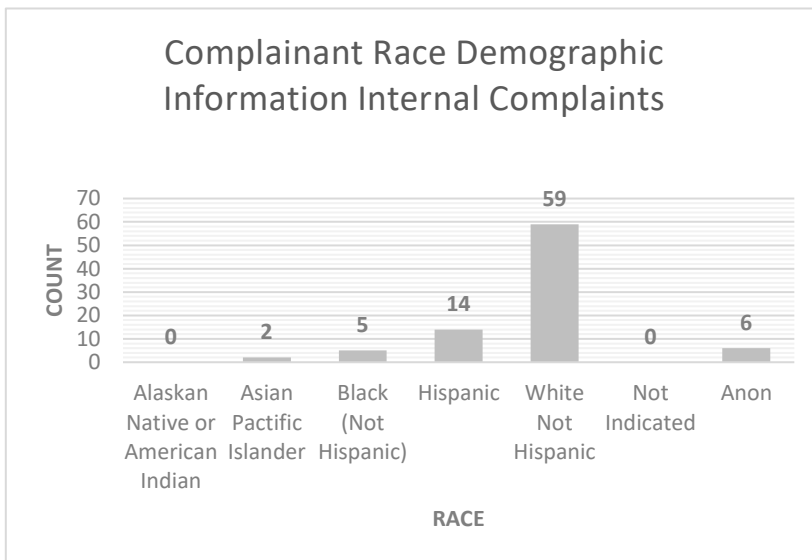


Figure 19 depicts 59 identified White (Not Hispanic) employees named as the complainant in Internal Complaint Investigations; approximately 69% of the 86 complainants. Race could not be identified for the six anonymous complainants.

Figure 19:
Demographic of Complainants between July and December 2021, by Race.

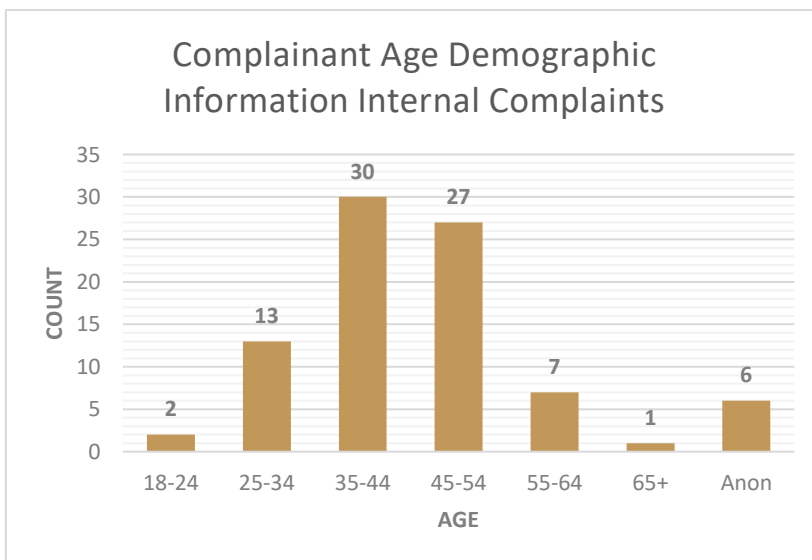


Figure 20 shows known Internal Complaint complainants are commonly between the ages of 35 and 44 which coincides with an average age of 43 years old. Age could not be identified for the six anonymous complainants.

Figure 20:
Demographic of Complainants between July and December 2021, by Age.

It should be noted the IAPro system does not track the nature of contact that led to an internal complaint.

There were 150 alleged policy violations between July and December 2021. Approximately 52% of the allegations were related to violations of conduct (e.g. employee relationships with other employees, failure to meet standards, etc.); this is a decrease of allegations from the last semi-annual reporting period and there was not a statistical difference in the percentage of complaints related to violations of conduct. Figure 21 depicts the allegation breakdown.⁵

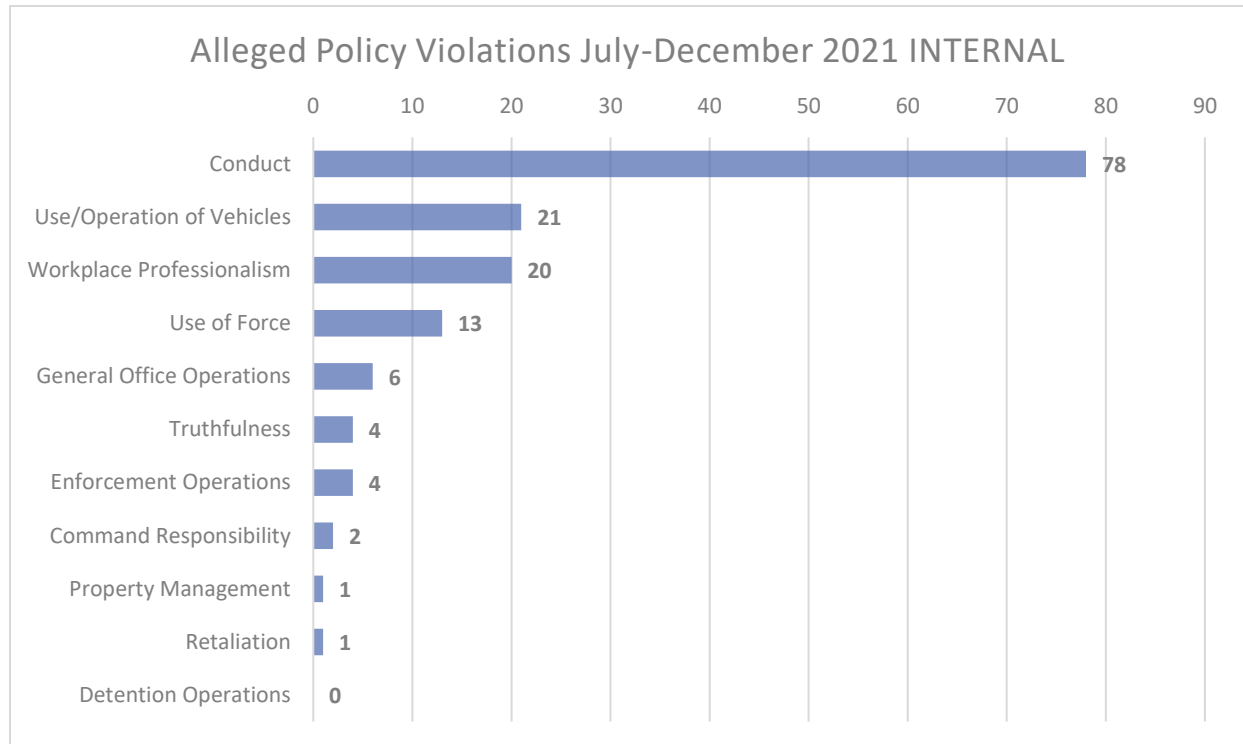


Figure 21: Alleged Policy Violations within Internal Complaint Investigations between July and December 2021.

⁵ Low allegation counts have been combined for presentation purposes. See category breakdown below.

Detention Operations: None

Enforcement Operations: Arrest Procedures (2), Traffic Enforcement (1), and Search and Seizure (1).

General Office Operations: Leave and Absences (2), Employee Resignations and Retirements (1), Compensation and the ADP System (1), Off-Duty Incidents (1), and Electronic Communications and Voicemail (1).

E. Processing of Misconduct Cases

The Professional Standards Bureau Commander determines whether an administrative investigation will be conducted at the division level or within the PSB. The decision is based on the severity and type of offense, the complexity of the investigation, the rank of the employee, and the alleged principal’s disciplinary history. Once it has been decided an investigation can be handled at the division level, it is assigned an investigator to conduct interviews, review all information provided, and recommend the proper finding for the alleged violation to the Division Commander. Assistance and guidance from the Professional Standards Bureau are provided throughout the division level investigation.

Between July 1, 2021 to December 31, 2021, the PSB opened a total of 327 misconduct investigations⁶; 253 were assigned to the Professional Standards Bureau investigators, 9 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 65 were assigned to investigators throughout the Sheriff’s Office.

Figure 22 depicts a monthly report of assigned cases and Figure 23 depicts the investigation assignment, broken down by Non-PSB Division.

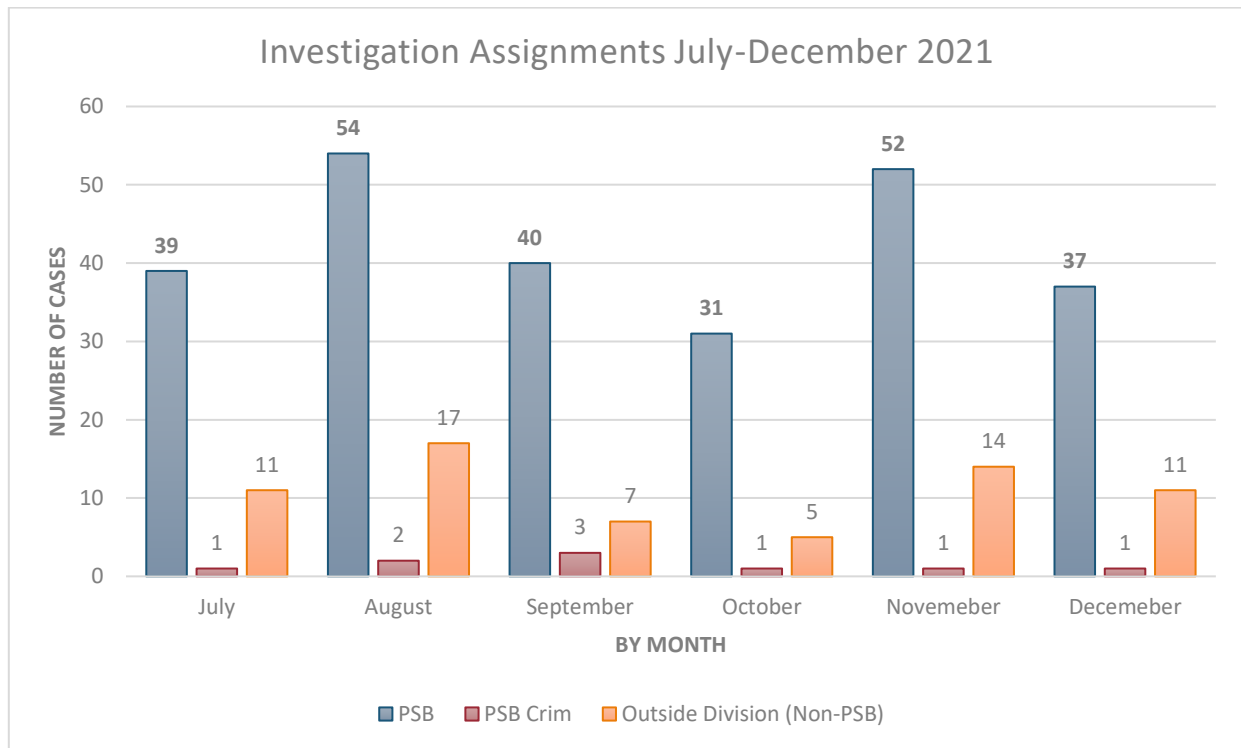


Figure 22: Investigation Assignment break down between PSB and Non-PSB Division

⁶ This includes misconduct investigations into external complaints, internal complaints, external criminal complaints, and internal criminal complaints.

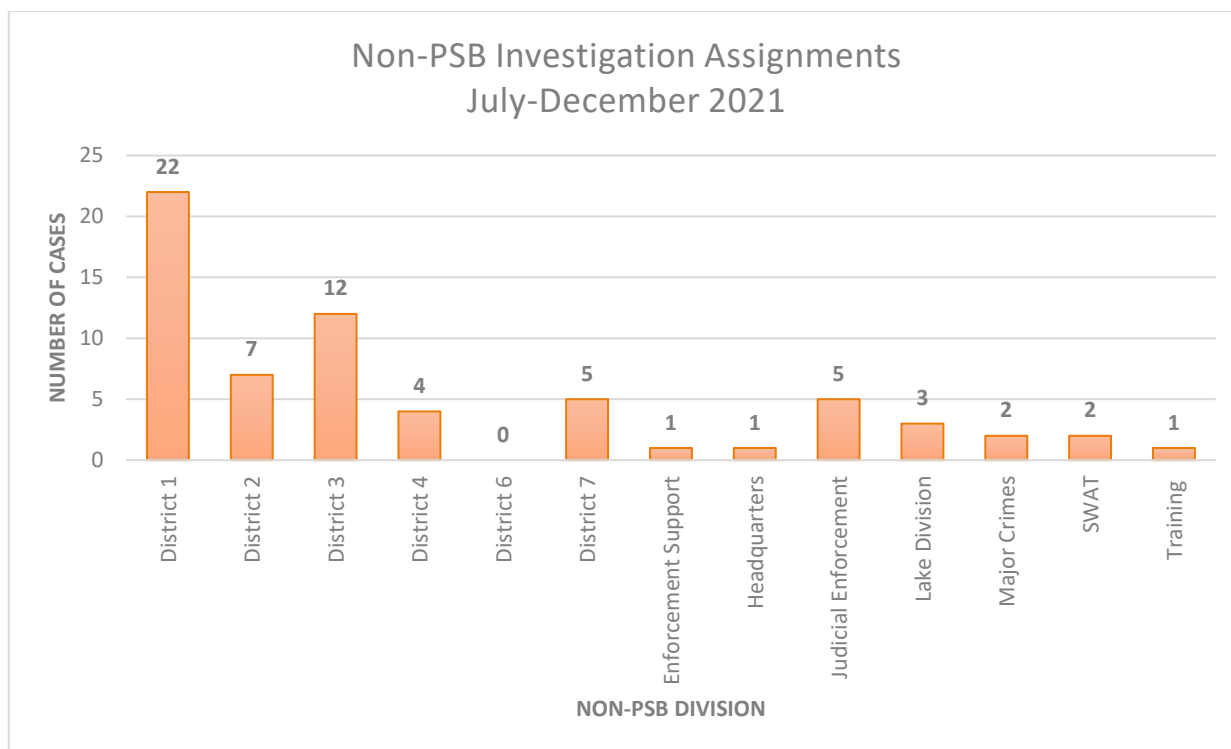


Figure 23: Non-PSB Division Assignment break down

The subsequent paragraphs include the aggregate data of processing time for both District and PSB investigations. For the purpose of this report, *initiation to submission by the investigator to his or her chain of command* is the date the complaint was received to the date the District Commander or PSB Commander signed the investigative report.

Between July and December 2021, there were a total of 37 investigations completed outside of the Professional Standards Bureau, or otherwise known as Division cases. The average time from the initiation of an investigation to the submission to the investigators' chain of command was 244 days and the median time was 217 days.⁷ The average is approximately 307% above the 60-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The average time from submission to the final decision regarding discipline or other final disposition was 135 days and the median was 90 days.

The total completion time (initiation to final discipline decision) of District investigations is 380 days. This is approximately 111% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 37 Division cases, three cases were returned to the Division assigned investigator by the PSB due to the conclusion not supported by the evidence, five cases were returned for further investigation, and seven were returned for investigative corrections. Of the remaining 22 investigations, there were five cases returned to the Division assigned investigator for formatting or form detail corrections. There were 17 cases that did not require any revisions by the Division assigned investigator.

⁷ This does not include the effect approved extension requests would have on time frames.

Between July and December 2021, there were a total of 228⁸ administrative investigations completed within the Professional Standards Bureau (PSB.) The average time from the initiation of an investigation to the submission to the investigators' chain of command was 637 days and the median time was 497 days.⁹ The average is approximately 649% above the 85-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The average time from investigator submission to the investigators' chain of command to the final decision regarding discipline or other final disposition was 42 days and the median was 39 days.

The total completion time (initiation to final discipline decision) of PSB investigations is approximately 680 days. This is approximately 278% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 228 PSB cases, there were no cases returned due to the conclusion not supported by the evidence. Additionally, no cases were returned to the PSB investigator to conduct further investigation or for investigative corrections.

⁸ The total number of administrative investigations includes 24 critical incident and one duplicate case.

⁹ This does not include the effect approved extension requests would have on time frames.

F. Outcomes of Misconduct Investigations

A total of 240¹⁰ administrative misconduct investigations were completed between July and December 2021; 86 completed investigations had Sustained dispositions, 80 had Not-Sustained dispositions, 22 had Exonerated dispositions, and 51 had Unfounded dispositions.

Figure 24 on the next page shows the number of outcomes as well as each section's percentage.

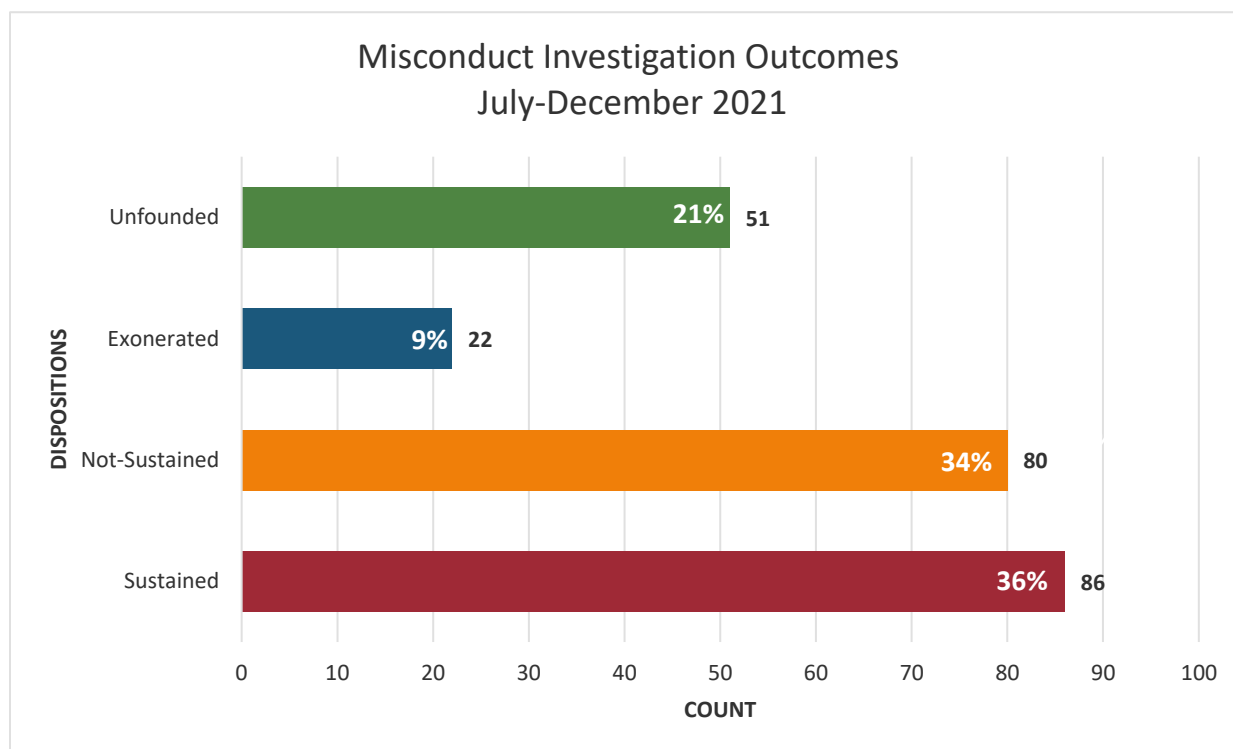


Figure 24: Misconduct Investigation Outcomes from July to December 2021.

According to MCSO Policy GC-17 Employee Disciplinary Procedures, when a single act of alleged misconduct would constitute multiple separate policy violations, all applicable policy violations shall be charged, but the most serious policy violation shall be used for determining the category of the offense and discipline. The paragraph below includes the discipline count for the 86 sustained misconduct investigations closed from July to December 2021.

The following is a breakdown of the disciplinary and non-disciplinary actions for the 86 closed sustained cases¹¹: 10 non-disciplinary (coaching) actions; 16 written reprimands; 13 suspensions; 1 demotion; 5 probationary releases; 7 terminations; 5 resignations in lieu of termination; and one retired prior to the issuance of discipline. There were 29 employees that retired or resigned prior to the conclusion of the investigation and/or discipline determination. One employee was previously terminated for previous

¹⁰ The total number of closed administrative investigations includes a duplicate case closed; the number of dispositions will not match the total number of closed administrative investigations.

¹¹ Listed numbers reflect the discipline action for each employee principal involved; numbers will not match the total number of closed sustained cases.

investigation prior to the conclusion of the case they were identified in this reporting period. Three unknown employees did not receive discipline for sustained violations.

It is important to note the Maricopa County Sheriff's Office policy views a Coaching within Internal Affairs Investigations as a *"non-disciplinary interaction between a supervisor and an employee that supports an individual in achieving specific personal or professional goals by providing training, advice, and guidance in response to a specific situation."*

Effective January 2021, critical incident outcomes will be included in this section. Critical incidents are any incident that involves the use of force by an employee resulting in death or serious physical injury; the intentional and unintentional discharge of a firearm by an employee in the performance of their lawful duties; or the death of a prisoner or inmate, by any means, while in the custody of the Office.

During this reporting period, four critical incident investigations involving a deputy involved shooting were completed and it was determined the force used was appropriate. There was one closed critical incident that resulted in a sustained finding for misconduct not related to the use of force.

From July 1, 2021 to December 30, 2021, there was one case where the findings were changed after a Pre-Determination Hearing (PDH.) There was one case in which the Appointing Authority, regarding discipline, deviated from the established matrix after the PDH. Additionally, there was one case which the Appointing Authority aggravated the discipline category from a Category 2 to a Category 3 offense.

From June to December 2021, The Maricopa County Law Enforcement Merit System Commission upheld the findings of one closed investigation during the reporting period. There were no cases in which the Commission overturned the discipline.

G. Persistent or Serious Misconduct

This section discusses employees listed as the subject of more than two misconduct investigations, employees with more than one sustained allegation, and the number of criminal prosecutions of employees. It is important to note the MCSO categorizes discipline (minor or serious) imposed by the sustained misconduct; it is not based on the allegations themselves. It is also important to note there can be multiple allegations within a single misconduct investigation. The last paragraph of this section (criminal prosecution charges) is based on a six-month time period. The paragraphs directly below are based on a rolling annual timeframe and NOT a six-month time period.

In the previous 12 months (January 1, 2021 – December 31, 2021), 48 employees were listed as the subject of more than two misconduct investigations in a total of 166 investigations. The 48 employees have been broken down and categorized by their most egregious discipline. Of the 48 employees, 1 received serious discipline, 2 received minor discipline, and 4 received a non-discipline coaching¹². The remaining employees (41)¹³ all have current active investigations.

There were nine employees, January 1, 2021 – December 31, 2021, that have had more than one sustained allegation that resulted in **minor** discipline. Those nine employees had a combined total of 15 sustained allegations. In that same timeframe, 16 employees had more than one sustained allegation that resulted in **serious** discipline. There were 32 sustained allegations between the 16 employees.

Between June and December 2021, no employees were the subject of a criminal prosecution.

¹² Serious discipline is categorized as discipline equal to or greater than an employee suspension. Minor discipline is categorized as discipline less severe than a suspension, not to include coaching.

¹³ One employee received minor discipline and non-discipline coaching; therefore, the remain employee count is not reflective of the discipline count.

H. Patterns and Trends

The Professional Standards makes assessments of the types of complaints received to identify problematic patterns and trends quarterly. The PSB conducted an assessment for the third quarter (July 2021 to September 2021) and for the fourth quarter (October 2021 to December 2021.)

Third Quarter Assessment:

The following is an analysis of patterns and trends of complaints received between July 1, 2021 to September 30, 2021.

Divisions Receiving the Most Complaints

The PSB identified Patrol District 1 - Mesa as the Division receiving the most complaints between July 1, 2021 to September 30, 2021.

Patrol District 1 - Mesa received 23 complaints resulting in misconduct investigations; three alleged rudeness associated to dismissive and demeaning behavior; and three alleged missing or inaccurate reports. There were seven allegations relating to vehicle operations. Of the seven, three alleged at-fault vehicle accidents while on duty; one alleged a vehicle accident cause by unsafe emergency driving; and three alleged unsafe vehicle driving. The remaining ten did not follow a pattern or trend we could identify at this time.

Notable Patterns and Trends Identified within MCSO Divisions

Between July 1, 2021 to September 30, 2021, there were multiple divisions not identified as having the most complaints, however, a pattern or trend of complaints received was identified by the PSB.

4th Avenue Jail received 19 complaints resulting in misconduct investigations; four alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); and two involving allegations of Prison Rape Elimination Act (PREA) violations. The remaining 13 did not follow a pattern or trend we could identify at this time.

Lower Buckeye Jail received 16 complaints resulting in misconduct investigations; four alleged the mistreatment of inmates (taking away canteen items, withholding facilities, not providing necessities when requested, and delaying a release); three alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); and three alleged rudeness associated with dismissive and demeaning behavior.

Intake Transfer and Release received 11 complaints resulting in misconduct investigations; three alleged the mistreatment of inmates (taking away canteen items, withholding facilities, not providing necessities when requested, and delaying a release); and three alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats).

District 6 - Queen Creek received nine complaints resulting in misconduct investigations. There were four regarding allegations of mishandled or incomplete calls for service and investigations.

Major Crimes received eight complaints resulting in misconduct investigations. Two alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats) and two alleged mishandled investigations.

District 2 - Avondale received eight complaints resulting in misconduct investigations; two alleged rudeness associated with dismissive and demeaning behavior and two alleged unsafe driving and at-fault vehicle accidents while on duty.

District 3 - Surprise received eight complaints resulting in misconduct investigations; two alleged rudeness associated with dismissive and demeaning behavior during calls for service.

Watkins Jail received six complaints resulting in misconduct investigations; two alleged Driving Under the Influence (DUI).

District 7 - Fountain Hills received five complaints resulting in misconduct investigations; of which; three alleged mishandled or incomplete investigations.

All Misconduct Allegations Categorized

There were 167 complaints received between July 1, 2021 and September 30, 2021. The Professional Standards Bureau identified 24 investigations that alleged “rude” behavior (demeaning, confrontational, condescending, yelling, and “attitude”) toward members of the public. There were 22 investigations alleging the mistreatment of inmates (taking away canteen items, withholding facilities, not providing basic necessities when requested, and delaying a release.) There were 22 investigations alleging mishandled or incomplete calls for service and investigations. There were 22 investigations with alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats). There were 17 complaints with allegations of employees driving unsafely or being involved in at-fault vehicle accidents. There were 16 investigations with alleged off/on-duty crimes, three with allegations of driving under the influence. There were 13 investigations alleging the inappropriate use of force of sworn and detention staff. There were 13 investigations alleging inaccurate or missing reports by sworn staff.

The following allegation categories received ten or less mentions each. There were nine with allegations of workplace professionalism misconduct (unprofessional and discriminating statements and actions toward employees of a protected class, inappropriate touching, and sending inappropriate photos) between employees; nine with alleged Prison Rape Elimination Act (PREA) violations; seven with alleged employee relationships (employee conduct and conflicts); and six with alleged biased law enforcement actions, racial slurs, and disparaging comments or actions toward members of a protected class.

Although not high in numbers overall, the following are a list of notable categories of investigations: four allegations of employees not being truthful; four allegations of no probable cause to search; and two investigations with allegations of inappropriate social media posts.

Employee Potential Problematic Patterns and Trends

The following employees have been identified as MCSO personnel with potential problematic patterns or trends of misconduct from investigations initiated between July 1, 2021 to September 30, 2021.

An employee was named in four IA investigations. Two of the investigations alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats). Additionally, two alleged incidents of Prison Rape Elimination Act (PREA) violations regarding comments made.

An employee was named in three IA investigations. Two of the investigations involved mishandling calls for service.

Although the following employees were only identified in two IA investigations initiated between July 1, 2021 to September 30, 2021, they have been noted due to potential problematic patterns or trends of misconduct.

An employee was named in two IA investigations with allegations of rude and unprofessional behavior toward members of the public.

An employee was named in two IA investigations. There was no common trend that could be identified between the two new investigations.

An employee was named in two IA investigations with allegations of inaccurate reports.

An employee was named in two IA investigations stemming from allegations of unsafe driving and vehicle accidents.

An employee was named in two IA investigations. There was no common trend that could be identified between the two new investigations.

Fourth Quarter Assessment:

The following is an analysis of patterns and trends of complaints received between October 1, 2021 to December 31, 2021.

Divisions Receiving the Most Complaints

The PSB identified the 4th Avenue Jail facility receiving the most complaints between October 1, 2021 to December 31, 2021.

The 4th Avenue Jail facility received 16 complaints resulting in misconduct investigations; two alleged the mistreatment of inmates (not providing basic necessities when requested and withholding food/canteen items) and two alleged employees not following proper mask protocols. There was one allegation of inappropriate language/actions (use of profanity or vulgar language) and one allegation of a Prison Rape Elimination Act (PREA) violation; though there was not a trend with these allegations this quarter, this demonstrates a decline of inappropriate language/actions and allegations of Prison Rape PREA violations from the previous quarter. The remaining nine investigations did not follow a pattern or trend we could identify at this time.

Notable Patterns and Trends Identified within MCSO Divisions

Between October 1, 2021 to December 31, 2021, there were multiple divisions not identified as having the most complaints, however, a pattern or trend of complaints received was identified by the PSB.

District I-Mesa received 14 complaints resulting in misconduct investigations; five alleged rudeness associated to dismissive and demeaning behavior and two alleged unethical conduct associated with activity which would compromise their ability to perform their Office duties objectively and impartially. The remaining seven did not follow a pattern or trend we could identify at this time.

Intake Transfer and Release received 12 complaints resulting in misconduct investigations; two alleged use of force; two alleged conflicts between employees; and two alleged workplace professionalism misconduct (unprofessional and discriminating statements and actions toward employees of a protected class, inappropriate touching, and sending inappropriate photos). The remaining six did not follow a pattern or trend we could identify at this time.

District 3 - Surprise received 11 complaints resulting in misconduct investigations. Five out of the 11 misconduct investigations alleged unsafe driving, some leading to at fault vehicle accidents. Two alleged employees failing to follow procedures during a call for service or during an investigation. An additional two alleged rudeness associated with dismissive and demeaning behavior during calls for service. The remaining 2 did not follow a pattern or trend we could identify at this time.

The Estrella Jail facility received eight complaints resulting in misconduct investigations. Two alleged retaliation for making a complaint and two alleged the mistreatment of inmates (not providing basic necessities when requested and withholding food/canteen items). The remaining four did not follow a pattern or trend we could identify at this time.

Inmate Medical Services received eight complaints resulting in misconduct investigations. Two alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats). The remaining six did not follow a pattern or trend we could identify at this time.

The Communications Division received four complaints resulting in misconduct investigations. Of the four, three investigations involved allegations of rude behavior to include a lack of telephonic communication skills and argumentative tones.

All Misconduct Allegations Categorized

There were 150 complaints received between October 1, 2021 and December 31, 2021. The Professional Standards Bureau identified 24 investigations alleging "rude" behavior (demeaning, confrontational, condescending, yelling, and "attitude") toward members of the public. There were 14 investigations with alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats). There were 12 investigations with alleged off/on-duty crimes, five with allegations of assault or domestic violence. There were 12 investigations that alleged conflicts between employees. There were 12 investigations that alleged failure to follow procedures regarding assigned duties.

The following allegation categories received ten or less mentions each. There were nine with allegations of workplace professionalism misconduct (unprofessional and discriminating statements and actions

toward employees of a protected class, inappropriate touching, and sending inappropriate photos) between employees; seven with alleged biased disparaging comments or actions toward members of the public; and seven with vehicle accidents while on duty.

Although not high in numbers overall, the following are a list of notable categories of investigations: five with allegations of use of force; five with allegations of the mistreatments of inmates (not providing basic necessities when requested and withholding food/canteen items); four with allegations of Prison Rape Elimination Act (PREA) violations regarding inappropriate comments; and two with allegations of no probable cause to search.

Employee Potential Problematic Patterns and Trends

The following employees have been identified as MCSO personnel with potential problematic patterns or trends of misconduct from investigations initiated between October 1, 2021 to December 31, 2021.

An employee was named in four IA investigations regarding failure to meet and time and attendance.

An employee was named in three IA investigations regarding conflicts between employees and workplace professionalism.

Although the following employees were only identified in two IA investigations initiated between October 1, 2021 to December 31, 2021, they have been noted due to potential problematic patterns or trends of misconduct.

An employee was named in two IA investigations. There was no common trend that could be identified between the two new investigations.

An employee was named in two IA investigations. There was no common trend that could be identified between the two new investigations.

An employee was named in two IA investigations. The two alleged violations of discriminatory policy involving those of protected classes.

An employee was named in two IA investigations. The two cases alleged conflicts between employees.

I. Semi-Annual PSB Reviews of Investigations

The Professional Standards Bureau is responsible for conducting reviews, at least semi-annually, of all investigations assigned outside of the Bureau to determine whether the investigation is properly categorized, whether the investigation is being properly conducted, and whether appropriate findings have been reached.

The PSB has assigned District Liaison personnel to conduct reviews on investigations as they are submitted from the District. These liaisons utilize a review template/checklist addressing the above-listed investigation requirements. The use of the template/checklist has resulted in the improvement in the structure and procedural completeness of the investigations. These liaisons are also assigned to each District to aid the District investigators, should they have any questions, or need any advisement throughout the investigation.

The quality of investigations conducted at the District/Division level continues to require improvement due to improper findings, leading questions, a lack of investigation thoroughness and completeness, lack of all witness interviews, and incorrect identification of parties involved.

Through the review process, the liaisons continue to specifically note the following trends found within these investigations¹⁴: improper findings, inappropriate policies for allegations, not identifying additional allegations, lack of documentation explaining investigative actions, lack of follow-up or closure for investigative inconsistencies, and report details and formatting.

During this time, there were 16 investigations¹⁵ where the District Division Commanders failed to identify issues within the report, prior to submitting them to the PSB. These issues included reports lacking details, allegation language adjustments, misidentifying roles of involved employees, missing body worn camera video summaries, not interviewing all witnesses, and conclusions not being supported by the evidence. The District investigators continue to send investigations for extra review at the Command level to ensure proper findings and investigative completeness.

At the time of this report, the Professional Standards Bureau was researching alternative methods for investigating minor misconduct currently being investigated by district personnel.

¹⁴ It should be noted the investigations in this paragraph refer to any cases reviewed by the District liaison within the timeframe of this report, which could include investigations from the past several years.

¹⁵ It should be noted the investigations in this paragraph refer to any cases reviewed by the District liaison within the timeframe of this report, which could include investigations from the past several years.

Conclusion

Since the previous report, the Maricopa County Sheriff's Office (MCSO) has continued to improve processes to ensure misconduct investigations are completed thoroughly, accurately, and in a timely manner. The MCSO saw a decrease in external complaints received; the approximate average of external complaints received was 9% less for this reporting period versus the last reporting period (January 2021 to June 2021.) When comparing the numbers of overall external complaints received from reporting period to reporting period, there is a downward trend. The MCSO continues to identify allegations of misconduct regarding Code of Conduct Practices (e.g., Unbecoming Conduct and Failure to Meet Standards) with the goal to improve employee conduct office wide. The Professional Standards Bureau (PSB) could not identify a specific reason for the continued external allegations of misconduct regarding Code of Conduct Practices. Although the PSB collects complainant demographic information, a pattern or trend could not be identified due to the low response rate.

The data shows an average of 17 internally generated complaints per month. This is less than the reported average of the previous six months. The internal complaints received are showing a downward trend between January 2021 and December 2021. The most frequent allegations identified within the internal complaints received, involved Code of Conduct practices (e.g., employee relationships with other employees.) The PSB still attributes the decrease of the overall internal complaints to PSB commander and supervisor-initiated interventions, which allows supervisors and PSB to address minor misconduct to improve performance or behavior to prevent their progression to a misconduct investigation.

The PSB continues to track any cases with investigative concerns or corrections identified within division-investigated cases. There was approximately 34% less district investigations completed, and ultimately reviewed, this reporting period over last. Approximately 54% of those cases required investigative corrections. This is a nine percent increase from the last six months. The quality of investigations initially submitted by District-level investigators still require improvement in investigative thoroughness, avoiding leading questions, and identifying proper findings and proper involved employee roles.

There were no cases investigated within the Professional Standards Bureau returned for investigative corrections.

All investigations completed during this reporting period were 254% higher than the 180-day expectation set forth in Arizona statute and MCSO Policy GH-2, Internal Investigations. The PSB attributes the decrease investigative timeframes to the increased closure of older investigations.

The Maricopa County Sheriff's Office categorizes policy violations as minor or serious misconduct, based on what the potential resulting discipline would be if the conduct were sustained. The type of discipline imposed, minor or serious, depends upon the acts of misconduct, the mitigating and aggravating circumstances, and prior discipline. From January 2021 to December 2021, 47 employees were listed as the subject of more than two misconduct investigations, which is approximately 6% of all MCSO employees.

This report helps the Professional Standards Bureau have a more thorough understanding of any impediments affecting investigations completed within the Bureau and how the PSB is working toward compliance with current MCSO Policies. This report also helps MCSO achieve its goal of transparency with the community.