



# Professional Standards Bureau

Misconduct Investigations Semi-Annual Report

July 1, 2022 – December 31, 2022

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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, 2022, and December 31, 2022.

The MCSO noted an increase 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 public demeanor. Approximately 45% of external complaints arose from custody operations and 33% arose from calls for service. The most common internal allegations received were failure to meet standards, employee relationships with other employees, and workplace professionalism. Of all opened investigations, approximately 3% were assigned to divisions outside of the PSB and the remaining 97% were assigned to the PSB (criminal and administrative). The median investigative completion timeframe for district-level investigations was 308 days. The median investigative completion timeframe for PSB-investigations was 237 days. The median for total case completion<sup>1</sup> timeline was 319 calendar days. While the median total case completion timeframe remains above the 180-day statutory guidelines of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, Internal Investigations, the overall median number of days for total case completion continues a downward trend which the PSB attributes to investigative collaboration to process cases alleging blatant misconduct with a streamline approach and assistance from contracted investigators. There were 197 misconduct investigations completed: 49% with a sustained disposition. Further research shows 64 employees had persistent misconduct (the subject of more than two misconduct investigations) and 52% of employees with more than one sustained allegation received serious discipline, in which the employee received a suspension, demotion, or dismissal from employment.

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<sup>1</sup> The total case completion date for cases with a finding of not-sustained, exonerated, or unfounded is the time period from the date the complaint was received until the date the principal employee was notified of the findings. The total case completion date for cases with a sustained finding is the time period from the date the complaint was received until the date the principal employee was either served the notice of a Pre-Determination Hearing, or with a written reprimand/coaching discipline document.

## 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 1, 2022, and December 31, 2022.

B. External Complaints

Based on the data, the MCSO received a total of 250 external complaints that resulted in PSB administrative investigations and criminal investigations from July 1, 2022, to December 31, 2022, officewide. The division with the most external complaints was the District 1 Patrol Division (Mesa) reporting 28 external complaints. Figure 1 depicts the number of external complaints received between July 1, 2022, and December 31, 2022, differentiated by Division.

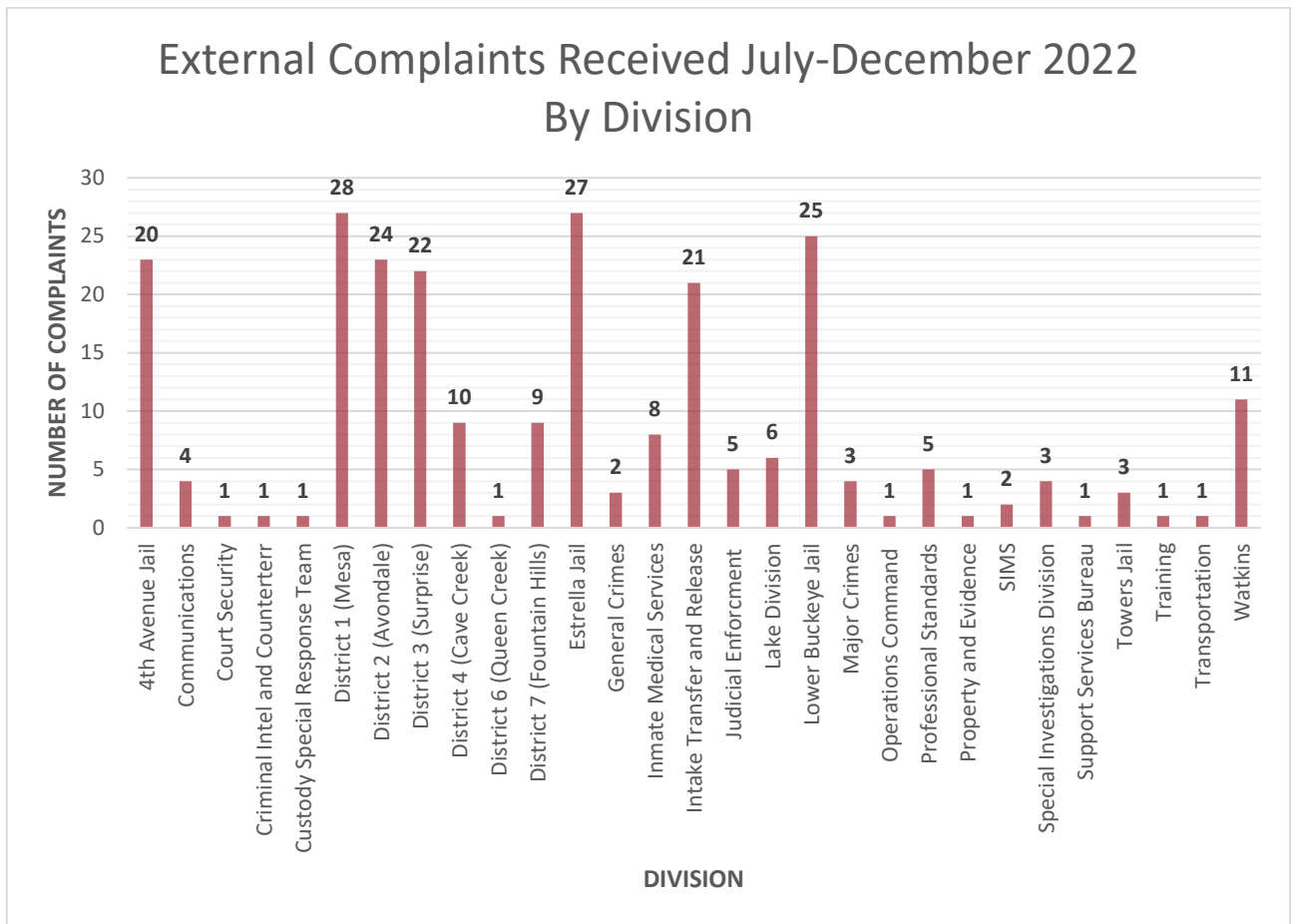
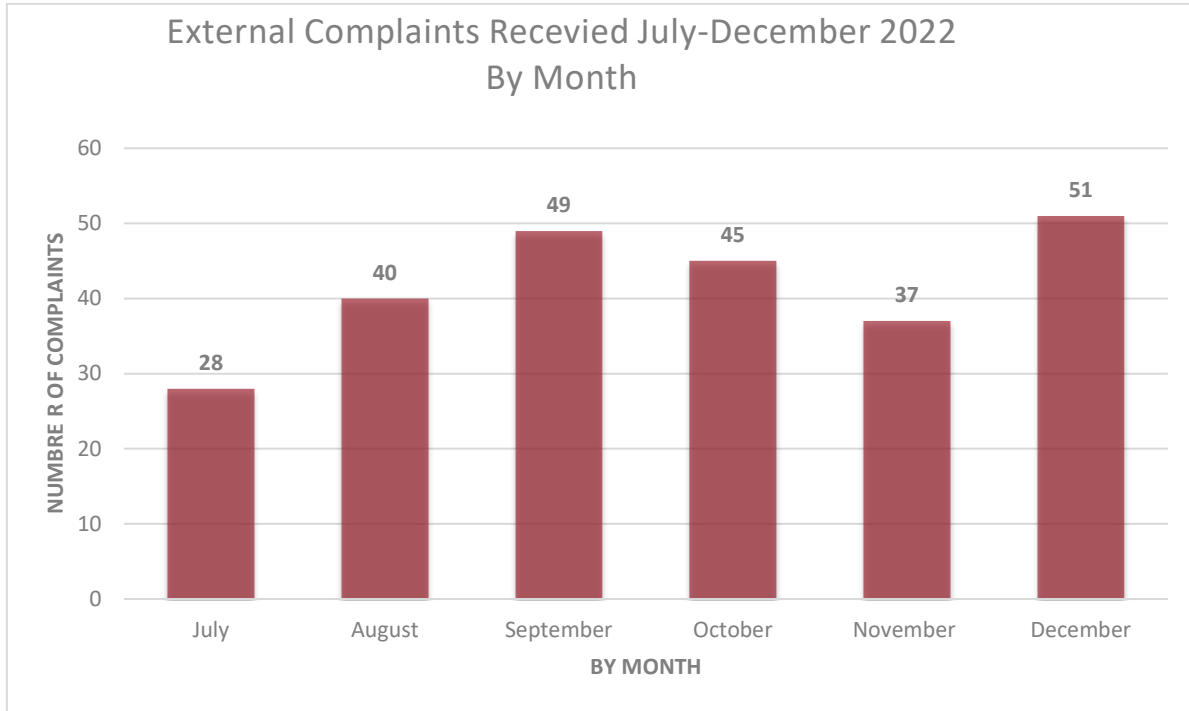


Figure 1: External Complaints received, by District, that resulted in an investigation.

Within the 250 external complaints, the MCSO received 28 complaints in July, 40 complaints in August, 49 complaints in September, 45 complaints in October, 37 complaints in November, and 51 complaints in December. The allegations occurring most were those involving Code of Conduct practices (e.g., Unbecoming Conduct). The approximate average number of external complaints received each month was 42. In December, the MCSO received 51 complaints, an approximate 21% increase in 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 2022.

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 (250) will not mirror the number of principals and allegations in this next subsection.

The “Sworn Deputy” rank was identified 120 times out of 320 total principals listed in external complaint investigations between July and December 2022. Figure 3 depicts the ranks of principals identified in external complaint investigations during the reporting period listed.

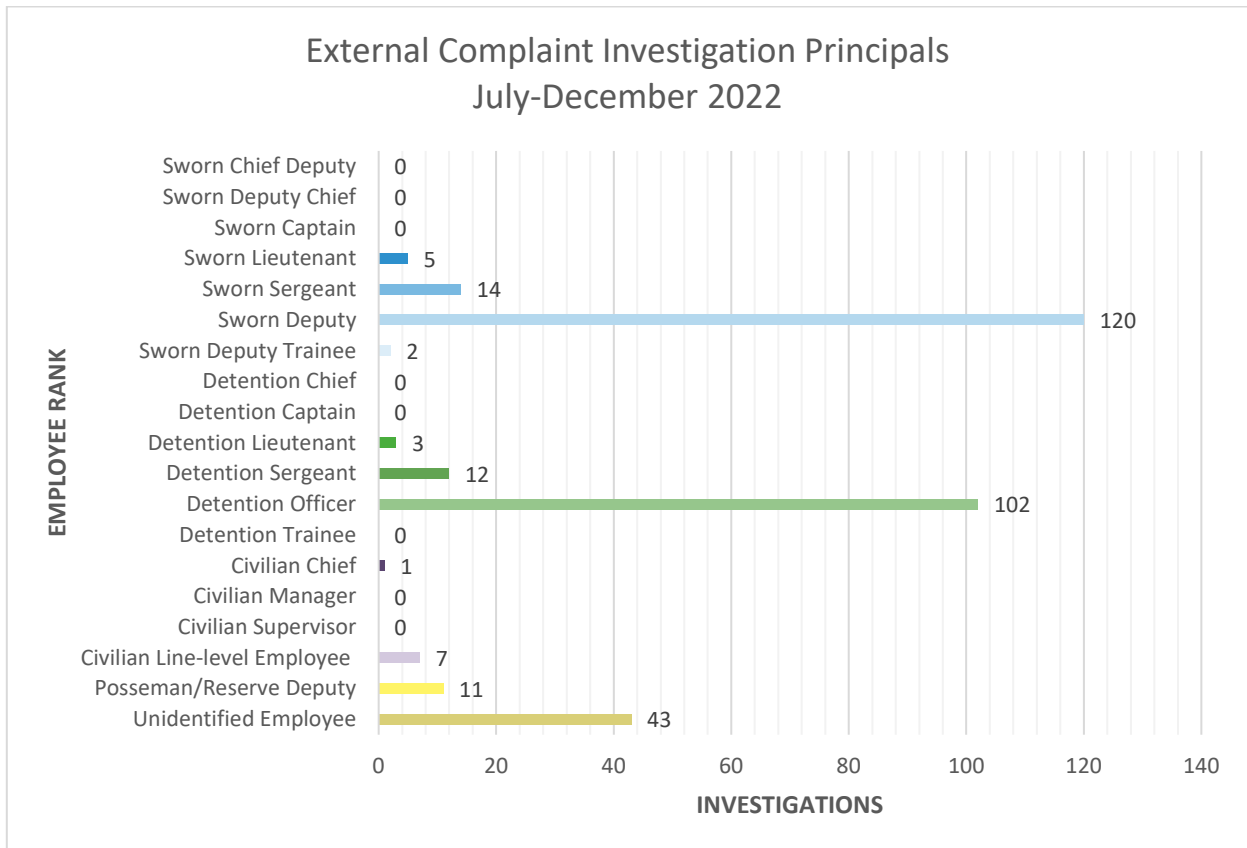


Figure 3: Rank of Principals in External Complaint Investigations between July and December 2022.

The following information in Figures 4, 5, and 6 consists of available demographic information<sup>2</sup> of MCSO employees named as the principal in External Complaint investigations.

The number of unknown employees identified as principals in this reporting period was half the number of unknown employees in the last reporting period.

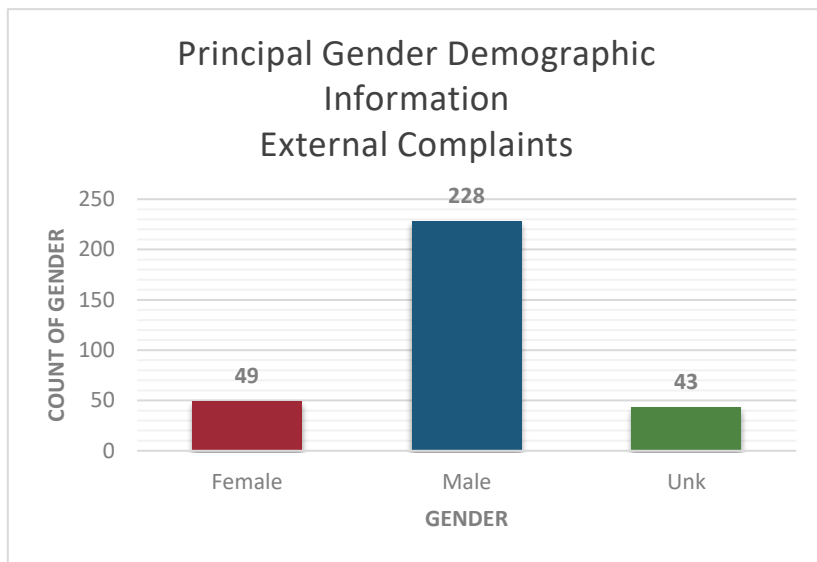


Figure 4 depicts 228 identified male principals; approximately five times more than the number of identified females. Males were represented in 71% of External Complaints. As of 12/31/2022, males made up 68% of the MCSO workforce.

**Figure 4:**  
*Demographic of Principals between July and December 2022, by Gender*

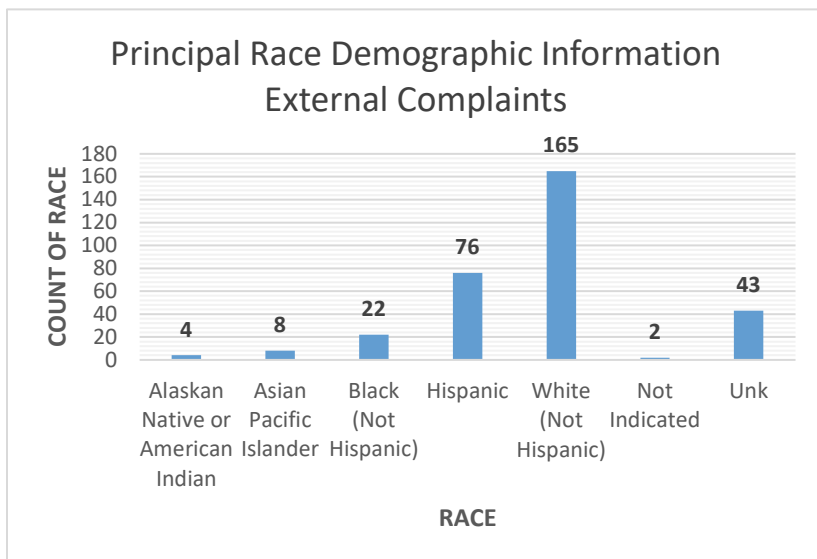


Figure 5 depicts 165 identified White (Non-Hispanic) employees named as a principal in External Complaint Investigations; approximately 52% of the 320 principal employees. As of 12/31/2022, White (Non-Hispanic) employees made up 52% of the MCSO workforce.

**Figure 5:**  
*Demographic of Principals between July and December 2022, by Race.*

<sup>2</sup> The 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/Reserve Deputies)



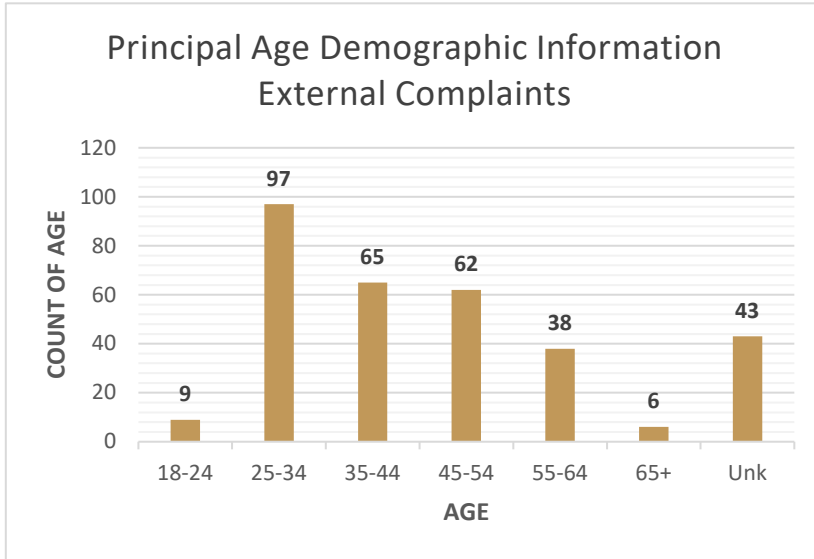


Figure 6 shows known External Complaint Principals are commonly between the ages of 25-34, with 97 principals. Although the most common age was between 25-34, the average age was 41 years old. While the 25-34 category represented 30% of Principals, this category represented 23% of MCSO employees, as of 12/31/2022.

**Figure 6:**  
*Demographic of Principals between July and December 2022, 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 140 external cases and thus sending complaint surveys to all known external complainants.<sup>3</sup> PSB received 8 survey responses.

The following information in Figures 7, 8, and 9 consists of the demographic information, provided voluntarily, by individuals named as a complainant in an external complaint investigation.

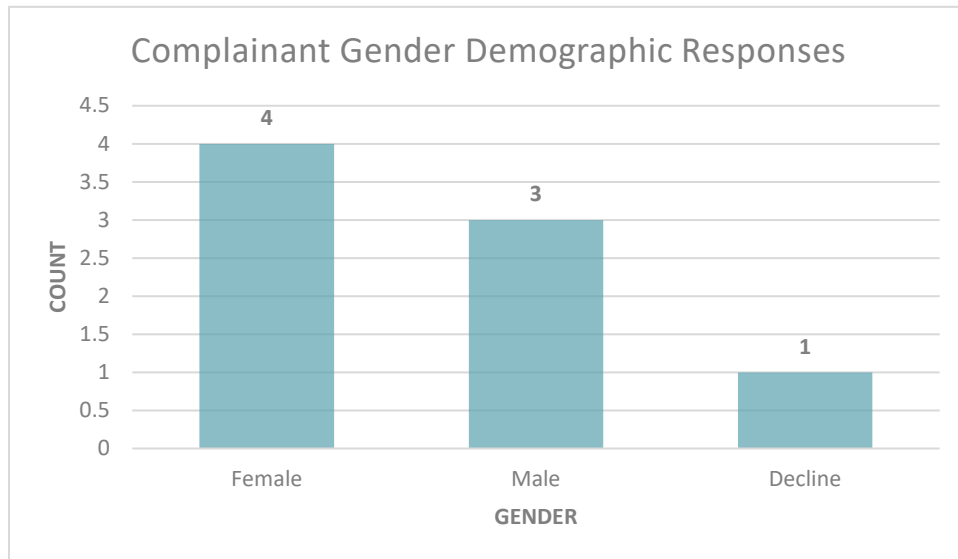


Figure 7: Demographic of Complainants between July and December 2022, by Gender.

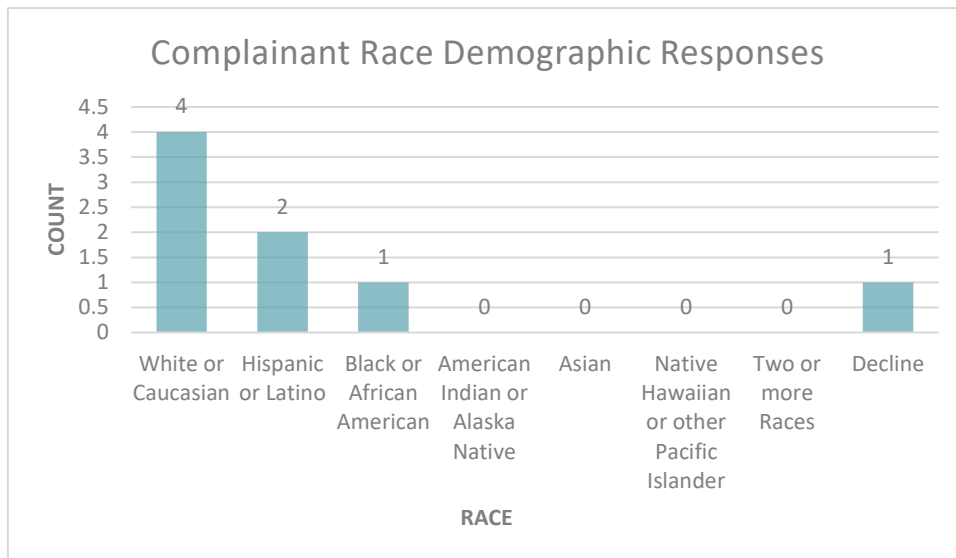
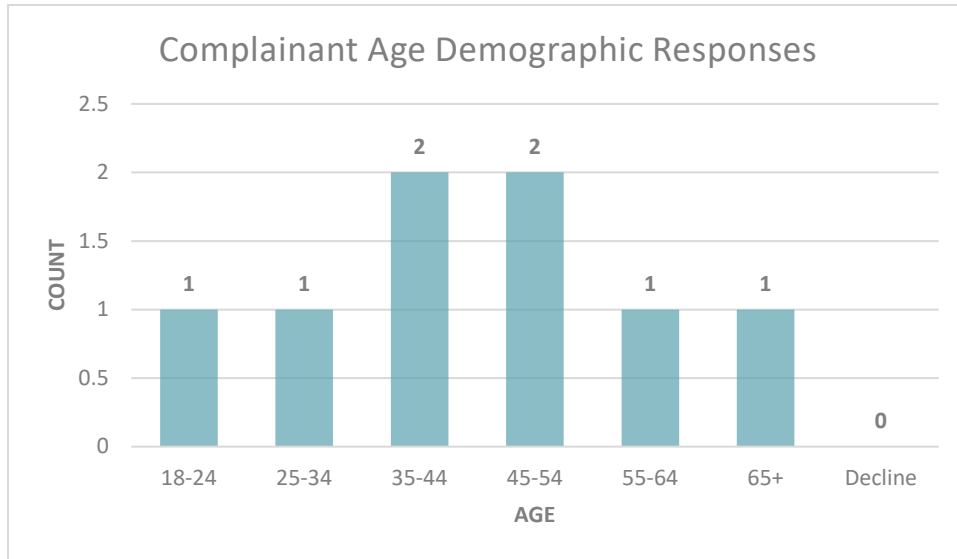


Figure 8: Demographic of Complainants between July and December 2022, by Race

<sup>3</sup> 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.



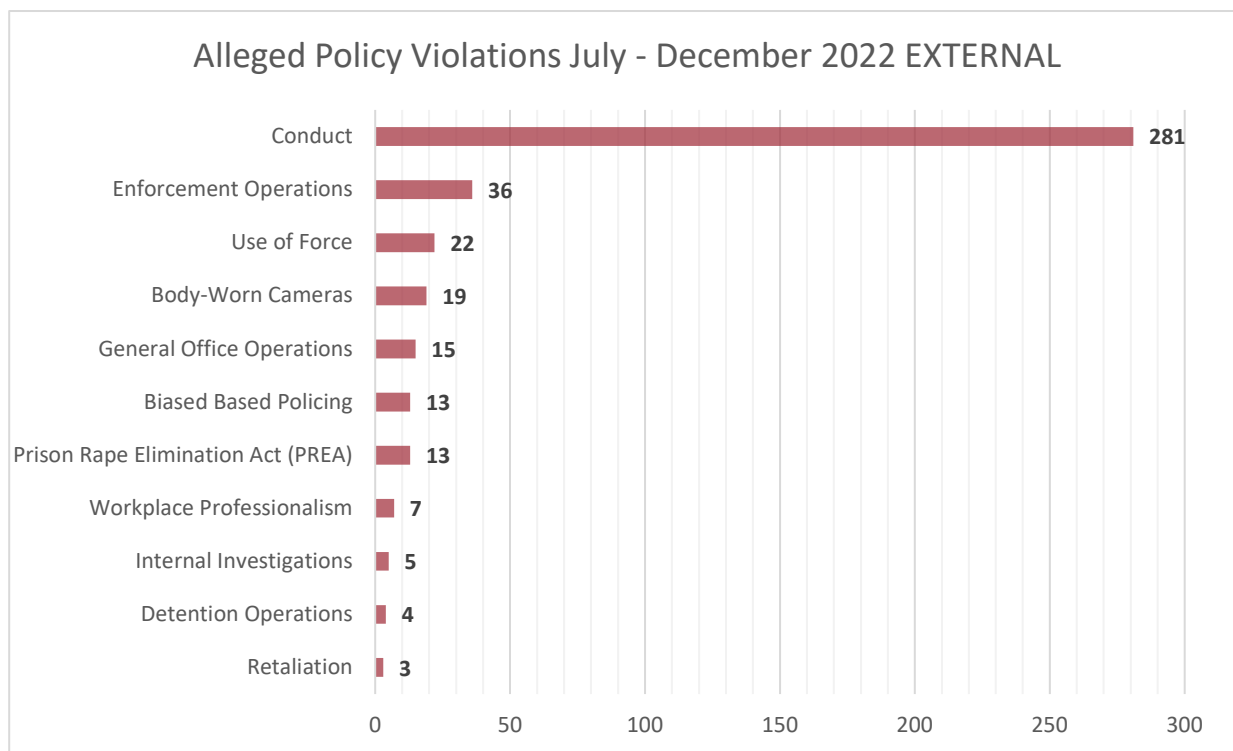
**Figure 9:** Demographic of Complainants between July and December 2022, by Age.

It should be noted, the gender, 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 1, 2022, and December 31, 2022, the PSB received 13 anonymous external complaints resulting in an administrative investigation.

There were 418 alleged policy violations between July 2022 and December 2022. Approximately 67% of the allegations were related to violations of polices pertaining to code 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.<sup>4</sup>



**Figure 10:** Alleged Policy Violations within External Complaint Investigations between July and December 2022.

<sup>4</sup> Low allegation counts have been combined for presentation purposes. See category breakdown below.

**Detention Operations:** Inmate Suicide Prevention (1), Inmate Grievance Procedure (1), Inmate Mail (1), and Safe Cell Placement (1).

**Enforcement Operations:** Arrest Procedures (9), Search and Seizure (5), Use and Operation of Vehicles (5), Incident Report Guidelines (4), Domestic Violence (3), Traffic Enforcement (3), Law Enforcement Extra Duty and Off-Duty Employment (2), Towing and Vehicle Impounding (1), Off-Duty Employment (1), Parking (1), Peace Officer Training Administration (1), and Criminal Investigations Organization and Administration (1).

**General Office Operations:** Truthfulness (5), Property Management (3), Criminal Justice Data Systems (2), Media Relations (1), Compensation and the ADP System (1), Employee Access to the Internet (1) Radio Communications (1), and Electronic Communications and Voice Mail (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.)

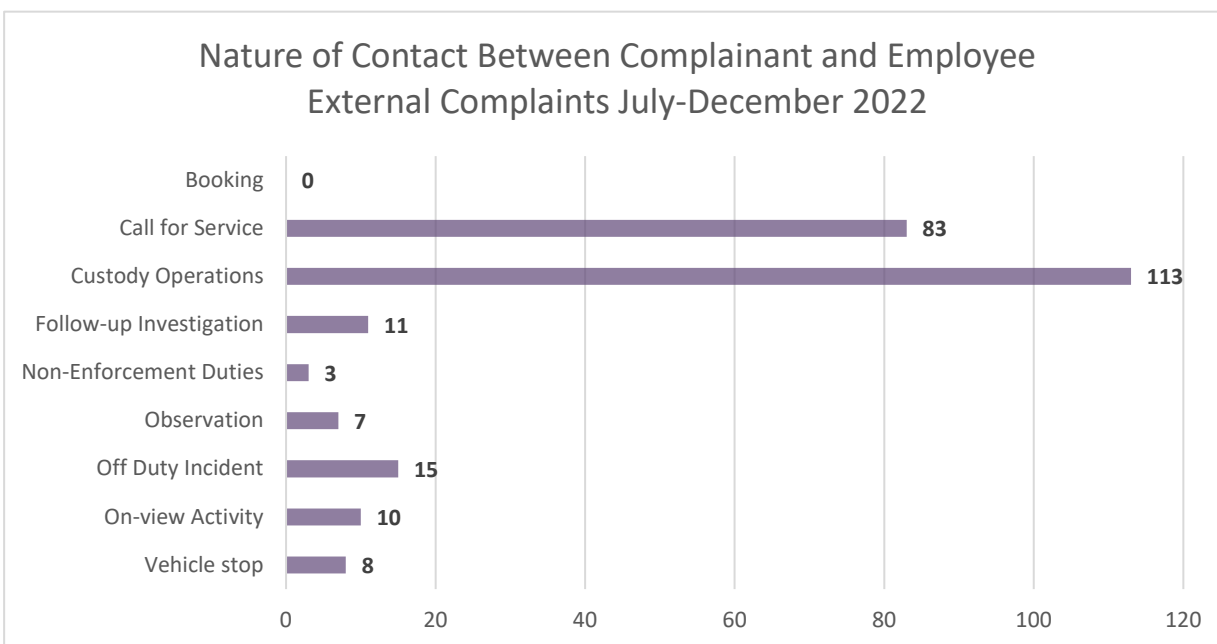
**Observation:** witnessed employee misconduct (e.g., no direct contact)

**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 July 2022 and December 2022.



*Figure 11: Nature of Contact for External Complaints between July and December 2022.*

### C. Civilian Complaint Analysis

This section is intended to evaluate implications the complaint intake process had on the number and type of administrative investigations initiated following civilian complaints. As noted in this report, MCSO saw a slight increase in the number of opened administrative investigations during this reporting period. The reason(s) behind the increase remains in the assessment stage given this is the first reporting period where an increase rather than a decrease was realized. Future semi-annual reports will continue to assess this area of analysis to identify causes and areas in which MCSO can positively reduce the number of civilian complaints.

It should be noted on November 8, 2022, the Court issued a Third Court Order aimed to resolve the pending Order to Show Cause pertaining primarily to PSB Operations. The Court's Third Order expanded the authority of the Monitor with the goal of a reduction of the backlog of administrative investigation within MCSO. In addition to other remedies, the Court granted the Monitor the independent authority to make the ultimate decision pertaining to initial intake and routing decisions as of November 8, 2022. Given this significant shift in authority pertaining to intake and routing decisions, the implications, if any, of this shift with respect to the increased number of administrative investigations being opened during this reporting period compared to previous reporting periods has yet to be determined. This area will be further evaluated, analyzed, and assessed in future semi-annual reports.

D. Internal Complaints

Based on the data, the PSB received a total of 155 internal complaints from July 1, 2022, to December 31, 2022, office wide. The one division with the most internal complaints was the Intake, Transfer, and Release Facility with a total of 37 internal complaints. Figure 12 depicts the number of internal complaints received from July 2022 to December 2022 differentiated by Division.

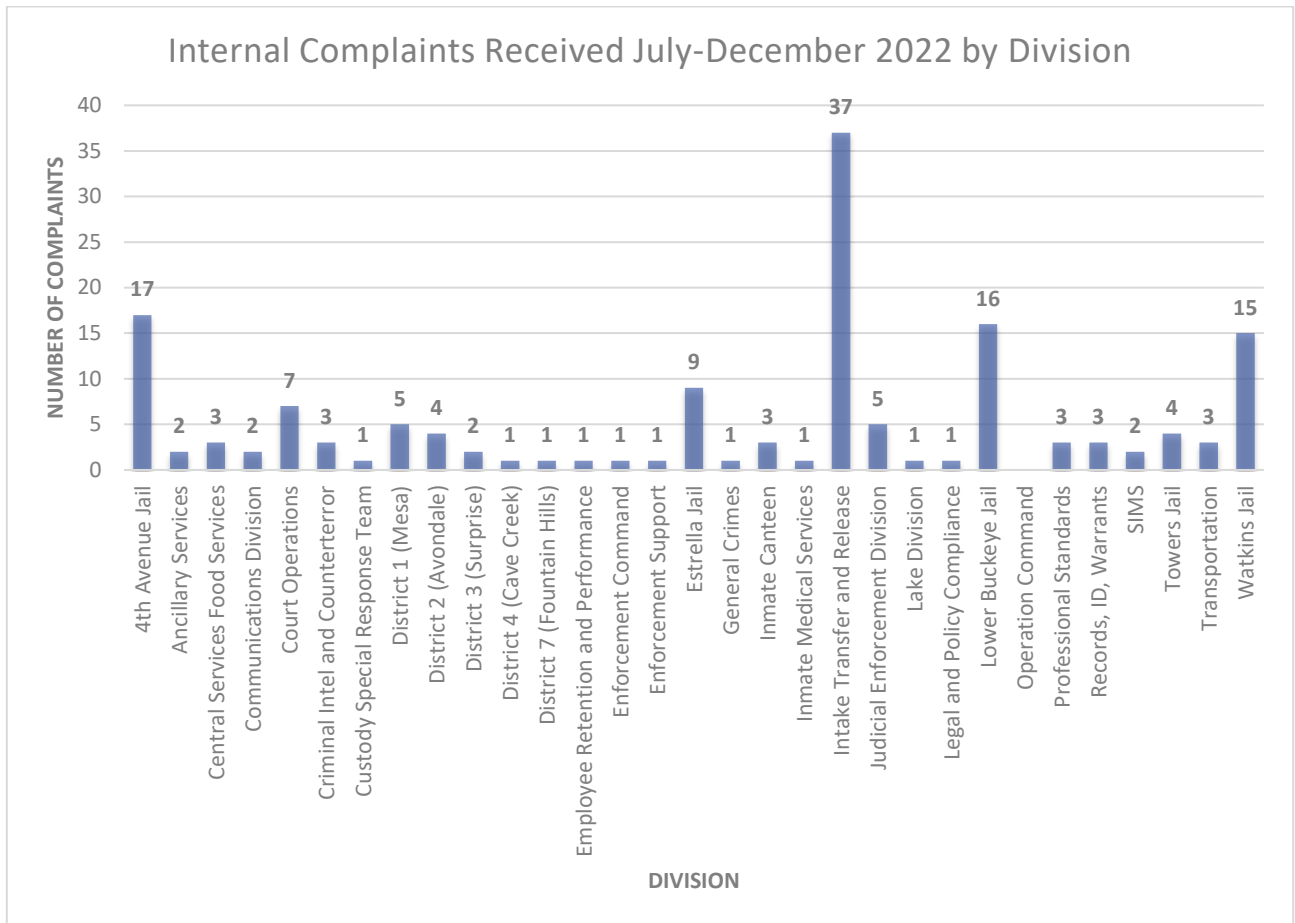
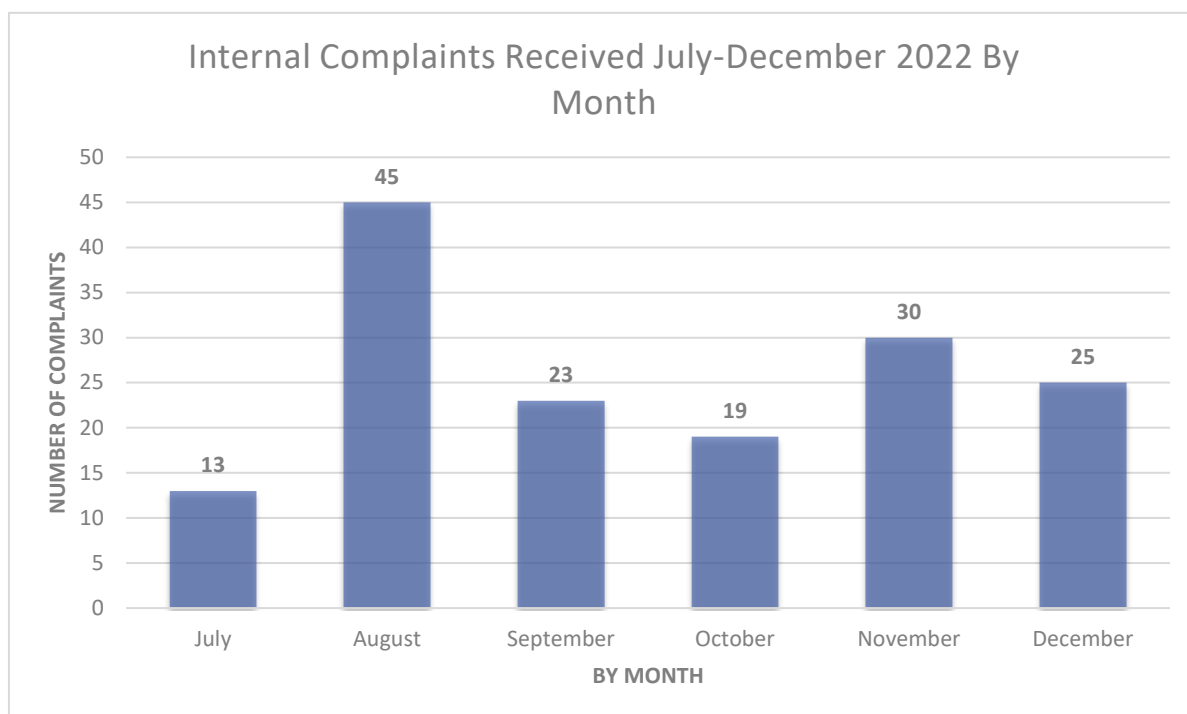


Figure 12: Internal Complaints received, by District, which resulted in an investigation.

Among the 155 internal complaints, the MCSO received 13 complaints in July, 45 complaints in August, 23 complaints in September, 19 complaints in October, 30 complaints in November, and 25 complaints in December. The internal complaints increased from the previous reporting six months. Like the last reporting period, most of the allegations involved Code of Conduct practices (e.g., employee relationships with other employees and failure to meet standards). In August 2022, the MCSO received 45 internal complaints; with an approximate average of 26 complaints received per month; this was approximately 42% above the average internal complaints received. Figure 13 depicts the number of internal complaints received by month.

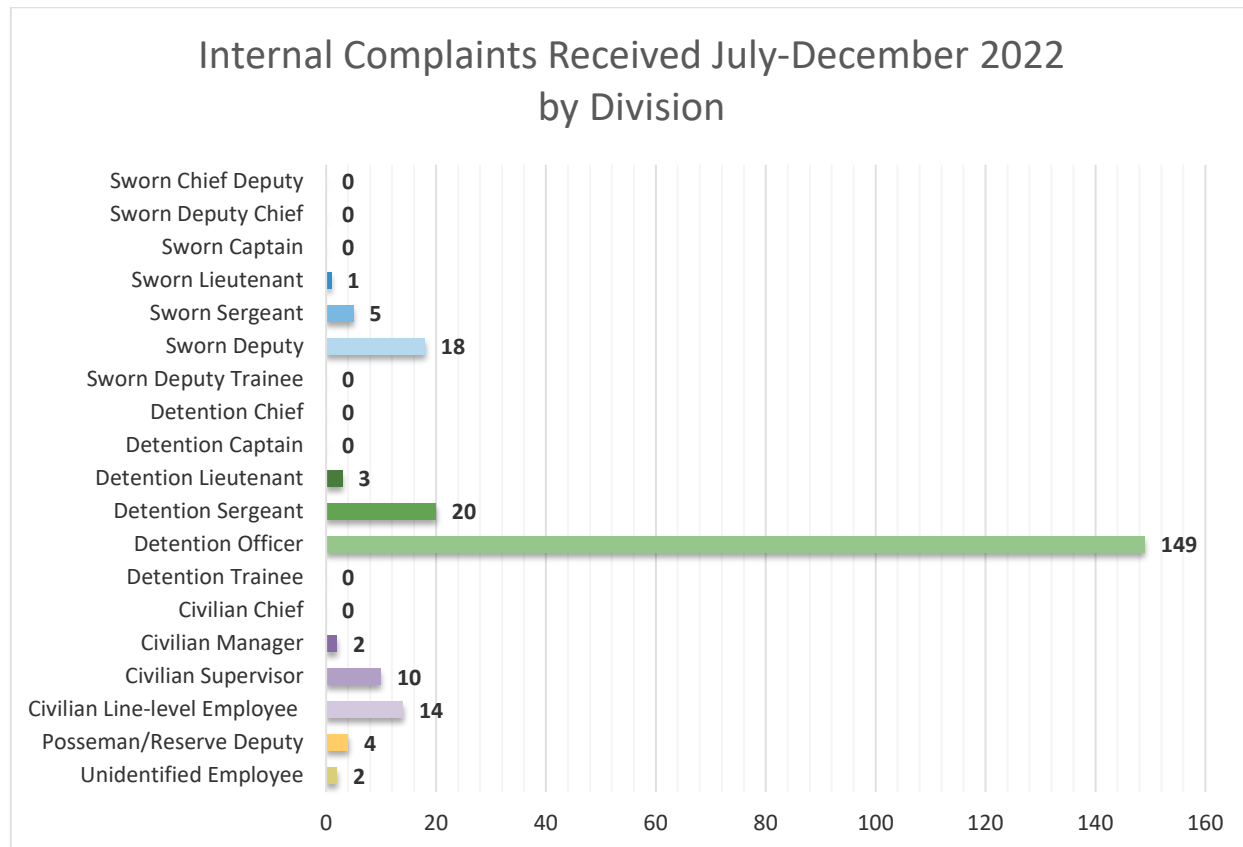


*Figure 13: Internal Complaints received, by month, between July and December 2022.*

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 (155) will not mirror the number of principals and allegations in the next subsection.



The “Detention Officer” rank was identified 149 out of the 228 total principals listed in internal complaint investigations between July 2022 and December 2022. 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 and December 2022.*

The following information consists of demographic information of MCSO employees that have been named the **principal** and **complainant** in Internal Complaint IA investigations.<sup>5</sup>

It is important to note, from July 2022 to December 2022, the PSB initiated 36 internal investigations with an anonymous complainant. These 36 internal complaints contained substantial information in the complaint that identified the complainant as an employee of the Office. For example, they reported they were an employee, or the complaint contain specific information that only an employee with the Office would know.

<sup>5</sup> 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)

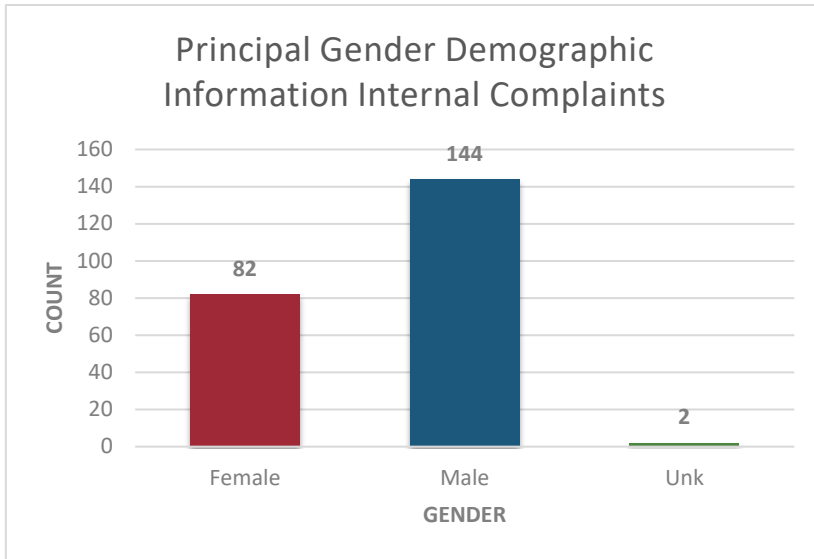


Figure 15 shows 144 identified male principals; approximately twice the amount of identified female principals. There were two unknown employees identified as principals.

**Figure 15:**  
*Demographic of Principals between July and December 2022, by Gender.*

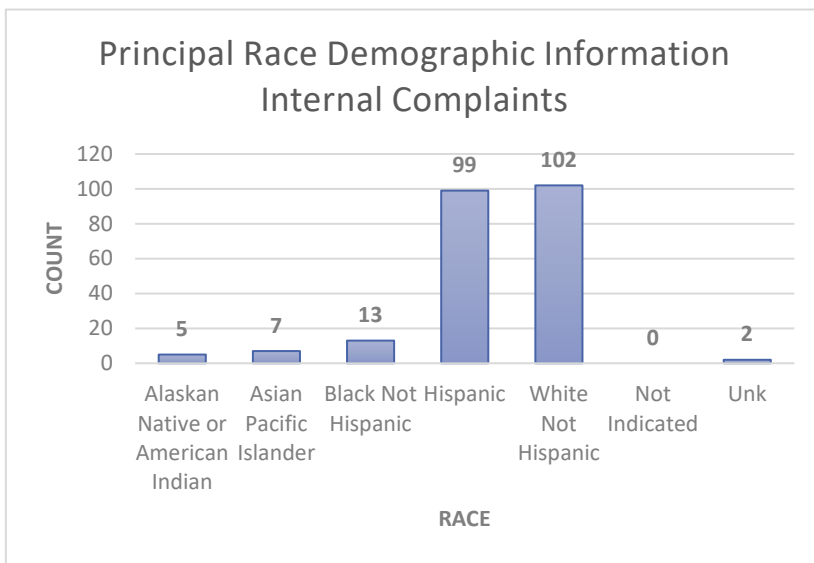


Figure 16 depicts 102 identified White (Not Hispanic) employees named as the principal in Internal Complaint Investigations; approximately 45% of the 228 employees.

**Figure 16:**  
*Demographic of Principals between July and December 2022, by Race.*

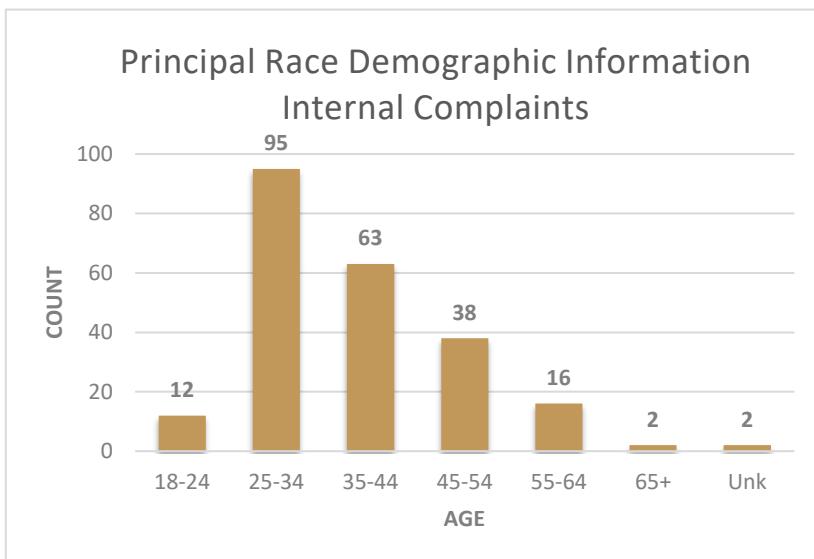


Figure 17 shows known Internal Complaint Principals are commonly between the ages of 25-34, with 95 principals. Though most principals were between the ages of 25-34, the average age of the total principals was 38 years old.

**Figure 17:**  
*Demographic of Principals between July and December 2022, by Age.*

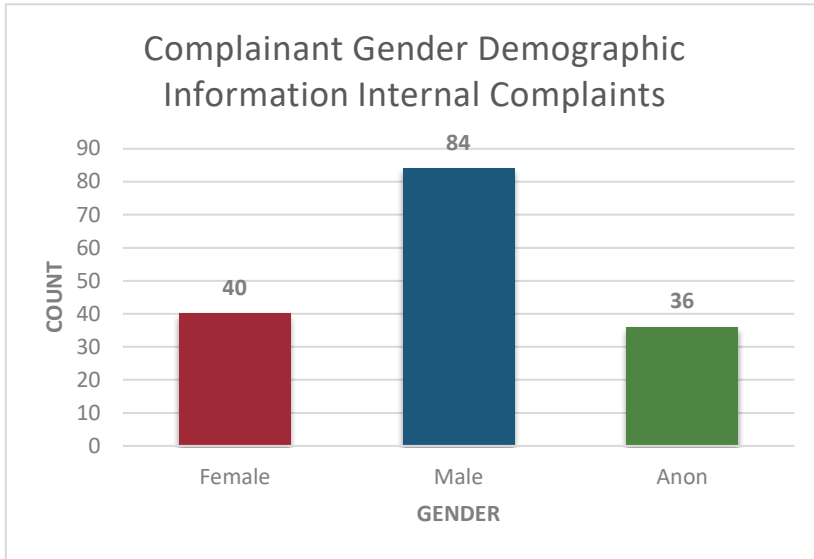


Figure 18 shows 84 identified male complainants, approximately twice the amount of the identified female complainants. Gender could not be identified for the 36 anonymous complainants.

**Figure 18:**  
*Demographic of Complainants between July and December 2022, by Gender.*

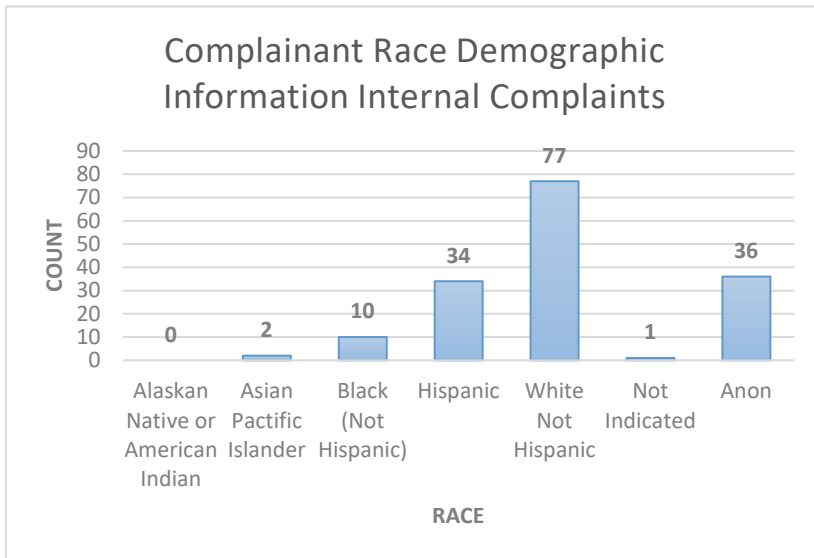


Figure 19 depicts 77 identified White (Not Hispanic) employees named as the complainant in Internal Complaint Investigations; approximately 48% of the 160 complainants. Race could not be identified for the 36 anonymous complainants.

**Figure 19:**  
*Demographic of Complainants between July and December 2022, by Race.*

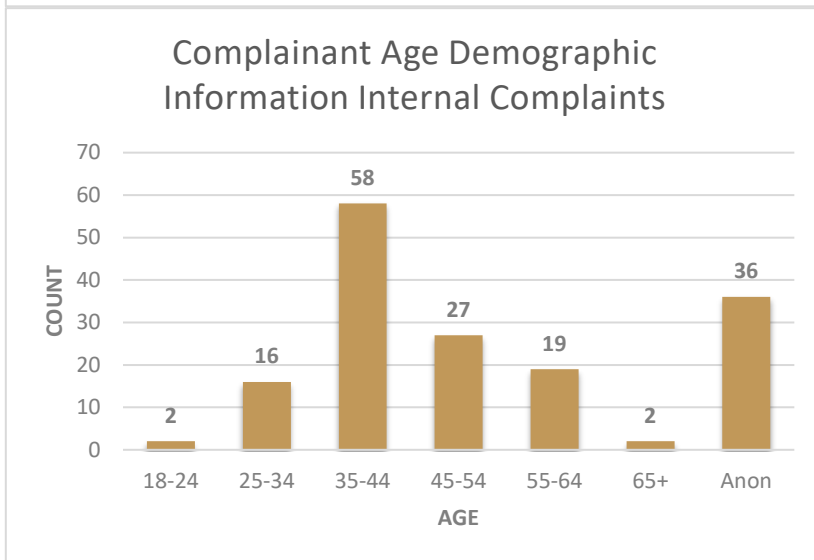
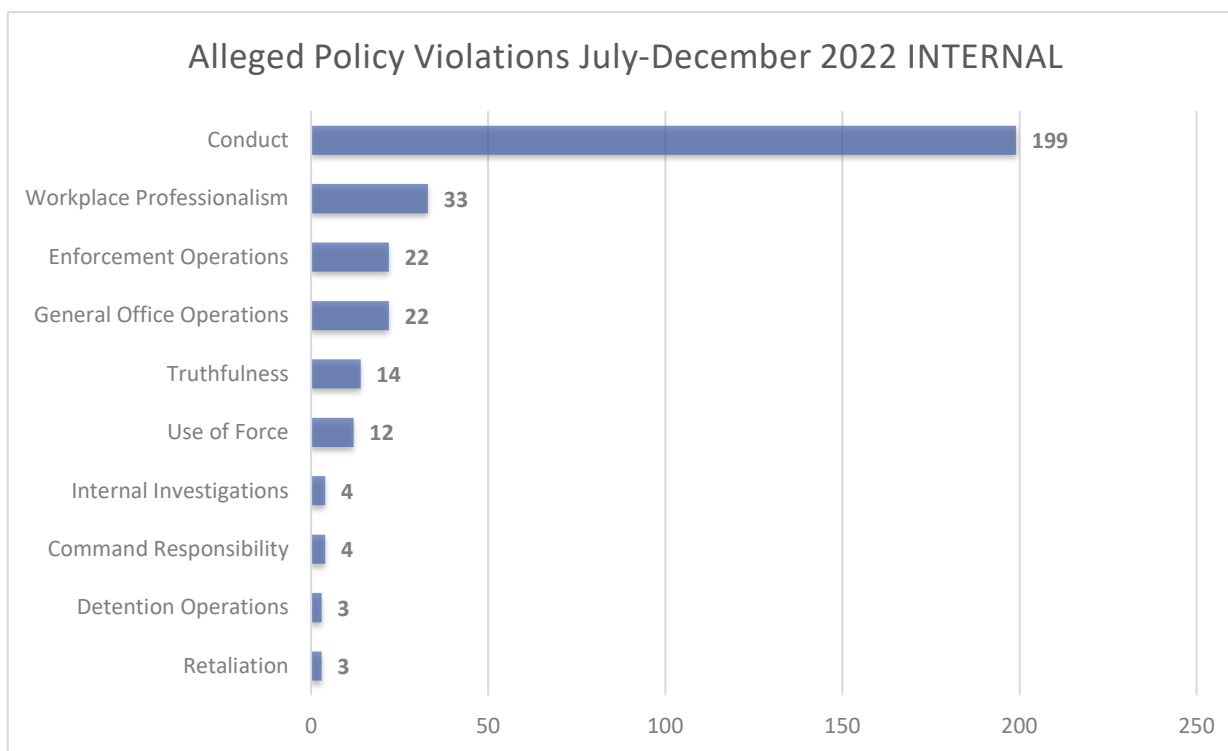


Figure 20 shows known Internal Complaint complainants are commonly between the ages of 35 and 44 which coincides with an average age of 43 years old. Age could not be identified for the 36 anonymous complainants.

**Figure 20:**  
*Demographic of Complainants between July and December 2022, by Age.*

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

There were 316 alleged policy violations between July 2022 and December 2022. Approximately 63% of the allegations were related to violations of conduct (e.g., employee relationships with other employees, failure to meet standards, etc.); this is an increase 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.<sup>6</sup>



**Figure 21:** Alleged Policy Violations within Internal Complaint Investigations between July and December 2022.

<sup>6</sup> Low allegation counts have been combined for presentation purposes. See category breakdown below.

**Detention Operations:** Restraint and Transportation of Prisoners and Inmates (2) and Inmate Supervision, Security Walks and Headcounts (1).

**Enforcement Operations:** Body-Worn Cameras (7), Arrest Procedures (4), Emergency and Pursuit Driving (3), Use and Operation of Vehicles (3), Non-Traffic Contact (2), Search and Seizure (2), and Traffic Enforcement (1)

**General Office Operations:** Uniform Specifications (4), Leave and Absences (4), Criminal Justice Systems (3), Compensation and the ADP System (3), Property Management (2), Dress and Appearance (1), Injury or Death of an Employee or Volunteer (1), Use of Tobacco Products (1), Use of Digital Recording Devices (1), Electronic Communications and Voicemail (1), and Firearms (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, 2022, to December 31, 2022, the PSB opened a total of 405 misconduct investigations<sup>7</sup>; 378 were assigned to the Professional Standards Bureau investigators, 15 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 6 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.

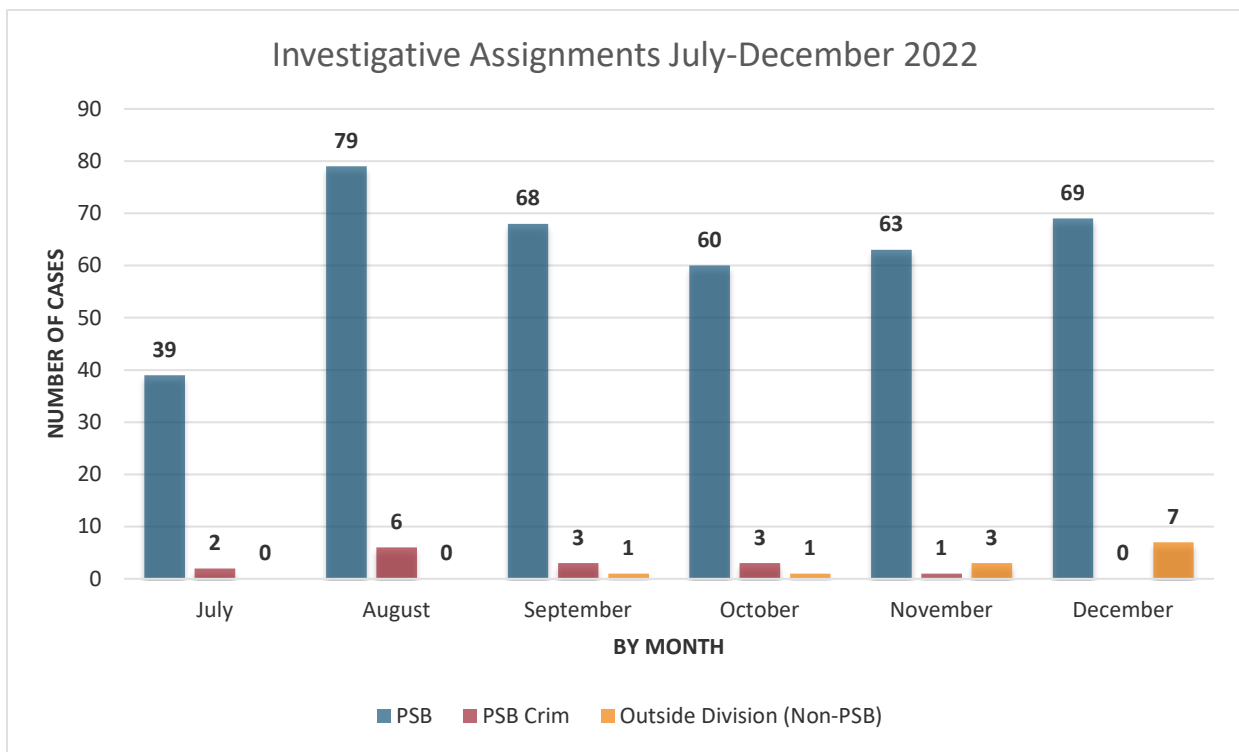
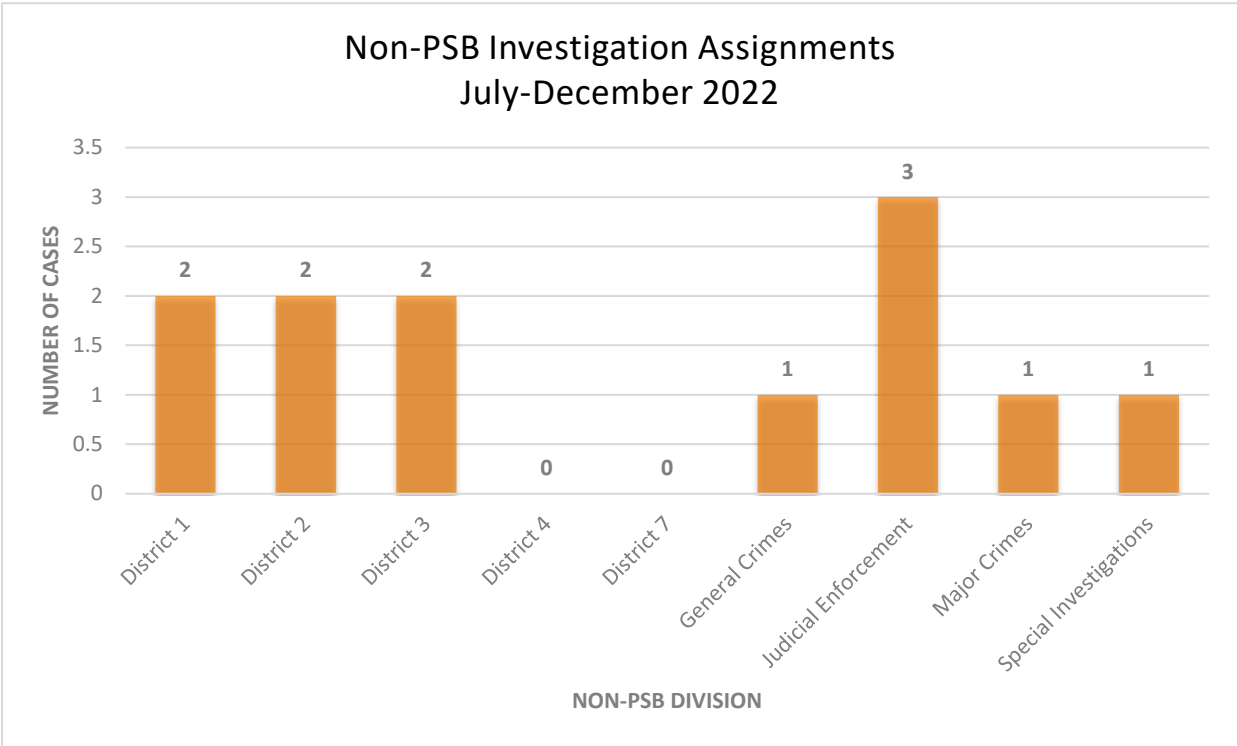


Figure 22: Investigation Assignment breakdown between PSB and Non-PSB Division

<sup>7</sup> This includes misconduct investigations into external complaints, internal complaints, external criminal complaints, and internal criminal complaints.



**Figure 23:** Non-PSB Division Assignment Breakdown.

The subsequent paragraphs include the aggregate data of processing time for both District and PSB investigations. For 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. This time period has become known as the investigative timeline relative to the Court's Order, paragraph 204.

Between July 2022 and December 2022, there were a total of 32 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 308 days and the median time was 319 days.<sup>8</sup> While the median total case completion timeframe remains above the 180-day statutory guidelines of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*, the overall median number of days for total case completion continues a downward trend. The average is above the 60-calendar investigative 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 171 days and the median was 137 days.

The median total completion time (initiation to final discipline decision) of District investigations is 319 days. While this number of days is above the 180-day statutory guidelines of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*, MCSO continues to focus on reducing this number

Of the 32 Division cases, two cases were returned for investigative content issues. Of the remaining 30 investigations, there was one returned to the Division assigned investigator for formatting or form detail corrections. Of the total 32 cases, 17 cases were considered deficient due to conclusions not being supported by the evidence or further investigation that was unable to be conducted due to logistical purposes. There were 15 cases that did not require any revisions by the Division assigned investigator.

Between July 2022 and December 2022, there were a total of 172<sup>9</sup> 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 598 days and the median time was 264 days.<sup>10</sup> The average is 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 30 days and the median was 24 days.

For this reporting period, the total average completion time (initiation to final discipline decision) of PSB investigations is approximately 611 days, while the median time is 237 days. While both figures are above 180-day statutory guidelines outlined in Arizona Revised Statutes and MCSO Policy GH-2, *Internal Investigations*, PSB is seeing a downward trend in the overall completion time.

Of the 172 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.

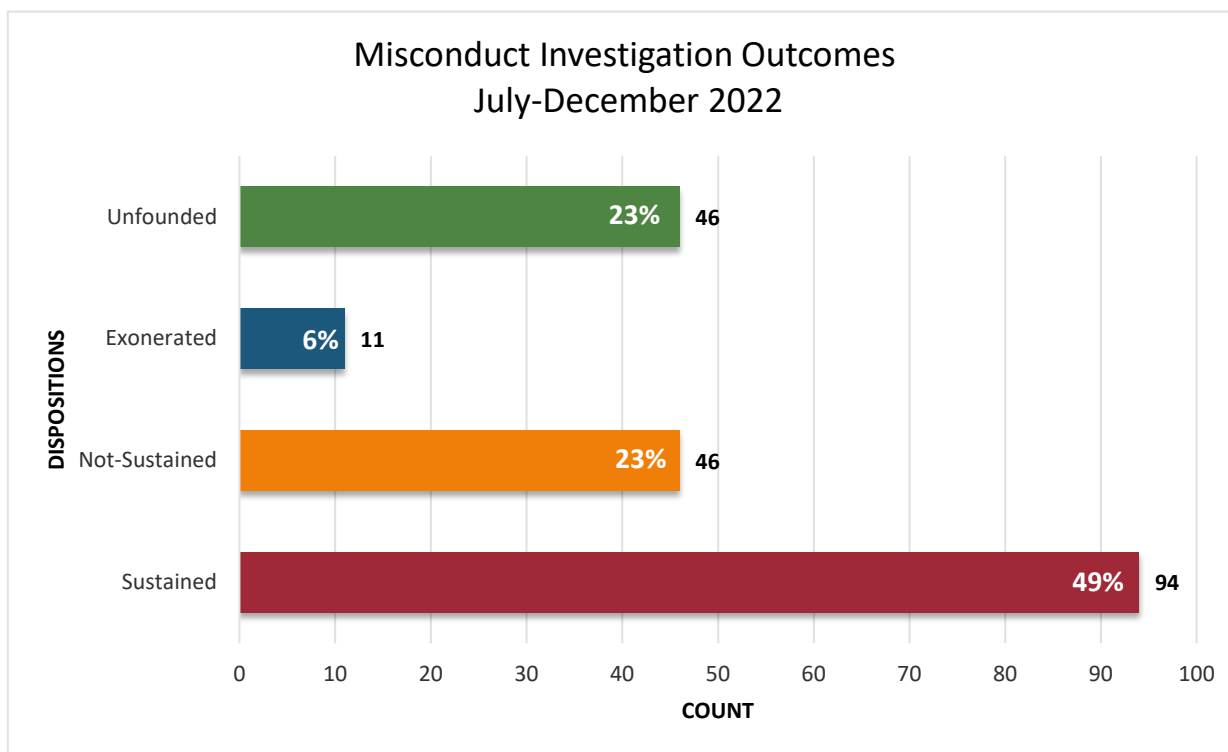
<sup>8</sup> This does not include the effect approved extension requests would have on time frames.

<sup>9</sup> The total number of administrative investigations includes seven critical incidents.

<sup>10</sup> This does not include the effect approved extension requests would have on time frames.

## F. Outcomes of Misconduct Investigations

A total of 197 administrative misconduct investigations were completed between July and December 2022; 94 completed investigations had Sustained dispositions, 46 had Not-Sustained dispositions, 11 had Exonerated dispositions, and 46 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 between July and December 2022.*

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 94 sustained misconduct investigations closed from July to December 2022.

The following is a breakdown of the disciplinary and non-disciplinary actions for the 94 closed sustained cases<sup>11</sup>: 14 non-disciplinary (coaching) actions; 29 written reprimands; 13 suspensions; and five resignations in lieu of termination. There were 36 employees that retired or resigned prior to the conclusion of the investigation and/or discipline determination. Four employees were previously terminated for previous investigation prior to the conclusion of the case they were identified in this reporting period. One unknown employee did not receive discipline for sustained violations.

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



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, seven critical incident investigations were completed. One involving two deputies involved in a shooting. The investigation determined that the force used was appropriate. There were no closed critical incidents that resulted in a sustained finding for misconduct not related to the use of force.

From July 1, 2022, to December 31, 2022, there were three cases where the findings were changed after a Pre-Determination Hearing (PDH). There were two cases in which the Appointing Authority, regarding discipline, deviated from the established matrix after the PDH. Additionally, there was one case which the Appointing Authority mitigated the discipline from a suspension to a written reprimand.

From July 1, 2022, to December 31, 2022, the Maricopa County Law Enforcement Merit System Commission via the appeal process upheld the findings of two closed investigations during the reporting period. There were no cases in which the Merit Commission changed or overturned any findings relative to administrative investigations.

From July 1, 2022, to December 31, 2022, the Sheriff did not rescind, revoke or alter any disciplinary decision made by either the Commander of the Professional Standards Bureau or the appointed MCSO disciplinary authority.

## 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, 2022 – December 31, 2022), 58 employees were listed as the subject of more than two misconduct investigations in a total of 224 investigations. The 58 employees have been broken down and categorized by their most egregious discipline. Of the 58 employees, 11 received serious discipline, six received minor discipline, and none received a non-discipline coaching<sup>12</sup>. The remaining employees (41)<sup>13</sup> all have current active investigations.

There were 31 employees, (January 1, 2022 – December 31, 2022), that have had more than one sustained allegation that resulted in **minor** discipline. In that same timeframe, 33 additional employees had more than one sustained allegation that resulted in **serious** discipline. There were 68 sustained allegations between the 33 employees.

Between January 2022, and December 2022, no employees were the subject of a criminal prosecution.

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<sup>12</sup> 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.

<sup>13</sup> 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 Bureau 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 2022 to September 2022) and for the fourth quarter (October 2022 to December 2022).

### **Third Quarter Assessment:**

The following is an analysis of patterns and trends of complaints received between July 1, 2022, to September 30, 2022.

### **Divisions Receiving the Most Complaints**

The PSB identified the 4<sup>th</sup> Avenue Jail and Intake, Transfer and Release facilities as receiving the most complaints between July 1, 2022, to September 30, 2022.

The 4<sup>th</sup> Avenue Jail received 23 complaints resulting in misconduct investigations; five alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); four alleged use of force; three alleged conflicts between employees; and two alleged mistreatment of inmates (not providing basic necessities when requested and withholding food/canteen items). The remaining nine did not follow a pattern or trend we could identify at this time.

The Intake, Transfer and Release facility also received 23 complaints resulting in misconduct investigations; six alleged conflicts between employees, two alleged failures to report misconduct; two alleged performance/dereliction of duty; two alleged workplace professionalism; and two alleged rudeness associated with dismissive or demeaning behavior. The remaining nine allegations did not follow a pattern or trend we could identify at this time.

### **Notable Patterns and Trends Identified within MCSO Divisions**

Between July 1, 2022, to September 30, 2022, there were multiple divisions not identified as having the most complaints; however, a pattern or trend of complaints received was identified by the PSB.

The Watkins Jail facility received 15 complaints resulting in misconduct investigations; two alleged rudeness associated with dismissive and demeaning behavior; two alleged failures to follow Office procedures; two alleged sleeping on-duty; and the remaining nine allegations did not follow a pattern of misconduct.

The patrol District 1-Mesa also received 15 complaints resulting in misconduct investigations; six alleged rudeness associated with dismissive and demeaning behavior; and the remaining nine allegations did not follow a pattern or trend we could identify at this time.

The Lower Buckeye Jail facility received 13 complaints resulting in misconduct investigations; three alleged on/off duty crimes; two alleged rudeness associated with dismissive and demeaning behavior; and two alleged mistreatments of inmates. The remaining six allegations did not follow a pattern or trend we could identify at this time.

The Estrella Jail facility received 10 complaints resulting in misconduct investigations; three with alleged off/on duty crimes; and two alleged failures to act. The remaining five allegations did not follow a pattern or trend we could identify at this time.

The patrol District 3 received 10 complaints resulting in misconduct investigations; two alleged unsafe driving by sworn employees; two alleged rudeness associated with dismissive or demeaning behavior; and two alleged failures to meet standards. The remaining four allegations did not follow a pattern or trend we could identify at this time.

### **All Misconduct Allegations Categorized**

There were 187 complaints received between July 1, 2022, and September 30, 2022. The Professional Standards Bureau identified 32 investigations alleging “rude” behavior (demeaning, confrontational, condescending, yelling, and “attitude”) toward members of the public. There were 20 investigations with alleged conflicts between employees, 18 with allegations of inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats). There were 15 investigations with alleged failure to meet Office standards, 14 with alleged off/on-duty crime, 12 with alleged use of force, 12 with alleged workplace professionalism, and 10 alleged mistreatment of inmates (not providing basic necessities when requested and withholding food/canteen items).

The following allegation categories received 10 or less mentions each. There were seven with allegations of employees failing to take action; seven with alleged mishandled investigations or calls for service; and six with alleged performance/dereliction of duty.

Although not high in numbers overall, the following are a list of notable categories of investigations: five with alleged time and attendance issues; and five with alleged use of racial/protected category slurs.

### **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, 2022, to September 30, 2022.

An employee was named in three IA investigations regarding allegations of use of force.

An employee was named in three IA investigations regarding allegations of mistreatment of inmates and inappropriate language.

An employee was named in three IA investigations regarding allegations of rudeness and inappropriate language.

An employee was named in three IA investigations regarding relationships with other employees and abuse of authority.

An employee was named in two IA investigations regarding allegations of conflicts between employees.

**Fourth Quarter 2022 Assessment:**

The following is an analysis of patterns and trends of complaints received between October 1, 2022, to December 31, 2022.

**Divisions Receiving the Most Complaints**

The PSB identified the Intake, Transfer and Release, Estrella, and Lower Buckeye Jail facilities as receiving the most complaints between October 1, 2022, to December 31, 2022.

The Intake, Transfer, and Release facility received 33 complaints resulting in misconduct investigations; four alleged workplace professionalism specific to inappropriate sexual behavior while on-duty; four alleged use of force; four alleged rudeness associated with dismissive or demeaning behavior; four alleged performance/dereliction of duty specific to abandoning duty posts; three alleged conflicts between employees; two alleged failure to follow Office procedures; and two off/on duty crimes. The remaining 10 did not follow a pattern or trend we could identify at this time.

The Estrella jail facility received 25 complaints resulting in misconduct investigations; 11 PREA allegations, three alleged rudeness associated with dismissive or demeaning behavior; three alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); two alleged mistreatment of inmates (not providing basic necessities when requested and withholding food/canteen items); and two alleged command responsibility. The remaining four allegations did not follow a pattern or trend we could identify at this time.

The Lower Buckeye Jail received 20 complaints resulting in misconduct investigations; four alleged off/on duty crimes; three alleged mistreatment of inmates (not providing basic necessities when requested and withholding food/canteen items); three alleged rudeness associated with dismissive or demeaning behavior; two alleged conflicts between employees; and two allegations of insubordination. The remaining six did not follow a pattern or trend we could identify at this time.

**Notable Patterns and Trends Identified within MCSO Divisions**

Between October 1, 2022, to December 31, 2022, there were multiple divisions not identified as having the most complaints; however, a pattern or trend of complaints received was identified by the PSB.

The patrol District 1-Mesa received 18 complaints resulting in misconduct investigations; seven alleged rudeness associated with dismissive and demeaning behavior; three alleged mishandled investigations/calls for service; two alleged failure to follow Office procedures; and two alleged failure to take action. The remaining four allegations did not follow a pattern or trend we could identify at this time.

The patrol District 2 also received 18 complaints resulting in misconduct investigations; three alleged rudeness associated with dismissive and demeaning behavior; two alleged failure to follow Office procedures; two alleged mishandled investigations/calls for service; and two alleged vehicle accidents while emergency driving. The remaining nine allegations did not follow a pattern or trend we could identify at this time.

The 4<sup>th</sup> Avenue Jail facility received 14 complaints resulting in misconduct investigations; two with alleged off/on duty crimes; two alleged excessive use of force; two alleged mistreatment of inmates; and two alleged discrepancies with detention reports. The remaining six allegations did not follow a pattern or trend we could identify at this time.

The patrol District 3 received 13 complaints resulting in misconduct investigations; three alleged failure to follow Office procedures; and two alleged rudeness associated with dismissive or demeaning behavior. The remaining six allegations did not follow a pattern or trend we could identify at this time.

### **All Misconduct Allegations Categorized**

There were 203 complaints received between October 1, 2022, and December 31, 2022. The Professional Standards Bureau identified 38 investigations alleging “rude” behavior (demeaning, confrontational, condescending, yelling, and “attitude”) toward members of the public. There were 19 investigations with alleged failure to follow Office procedures, 15 with alleged off/on-duty crime, 15 with alleged mishandled investigations/calls for service; 14 allegations pertaining to the Prison Rape Elimination Act (PREA); 13 with alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); and 13 allegations of excessive use of force.

The following allegation categories received 10 or less mentions each. There were 10 with allegations of conflicts between employees; nine with alleged workplace professionalism; nine with alleged mistreatment of inmates; eight allegations of employees failing to act; seven with alleged performance/dereliction of duty; and six with alleged time and attendance issues.

Although not high in numbers overall, the following are a list of notable categories of investigations: five with alleged biased law enforcement action; five with alleged body-worn camera issues; and four with alleged truthfulness concerns.

### **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, 2022, to December 31, 2022.

An employee was named in 13 IA investigations regarding PREA allegations.

An employee was named in five IA investigations regarding allegations of time and attendance issues.

An employee was named in two IA investigations regarding allegations of conflicts with other employees.

An employee was named in two IA investigations regarding allegations of 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, and lack of all witness interviews.

Through the review process, the liaisons continue to specifically note the following trends found within these investigations<sup>14</sup>: 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 17 investigations<sup>15</sup> 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.

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<sup>14</sup> 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.

<sup>15</sup> 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 as efficiently as possible. The MCSO saw an increase in external complaints received; the approximate average of external complaints received was 32% more for this reporting period versus the last reporting period (January 2022 to June 2022). Approximately 45% of external complaints arose from custody operations and 33% arose from calls for service. Previously, when comparing the numbers of overall external complaints received from reporting period to reporting period, there was a downward trend; but PSB saw an increase specifically from the previous reporting period. The MCSO continues to identify allegations of misconduct regarding Code of Conduct matters (e.g., Unbecoming Conduct and Failure to Meet Standards) as the most common allegation cited. The MCSO continues to evaluate the causes of the most frequent allegations with the goal of reducing complaints and providing leading law enforcement services to the community. PSB collects complainant demographic information in the form of a survey however, a pattern or trend pertaining to complainant demographics could not be identified due to the low response rate.

The data shows an average of 26 internally generated complaints per month. This is more than the reported average of the previous six months. The internal complaints received show an upward trend between January 2022 and December 2022. The most frequent allegations identified within the internal complaints received involved Code of Conduct matters (e.g., employee relationships with other employees). The PSB is evaluating the increase of the overall internal investigations.

The PSB continues to track any cases with investigative concerns or corrections identified within division-investigated cases. There were approximately 22% fewer district investigations completed this reporting period over last. Approximately 55% of those cases completed by the districts or divisions outside of PSB required investigative corrections. This is a ten percent increase from the last six months. The quality of investigations initially submitted by District-level investigators still requires improvement in investigative thoroughness, avoiding leading questions, and identifying proper findings and proper involved employee roles.

On November 8, 2022, the Court issued a Third Court Order aimed to resolve the pending Order to Show Cause pertaining primarily to PSB Operations. The Court's Third Order expanded the authority of the Monitor with the goal of a reduction of the backlog of administrative investigation within MCSO. In addition to other remedies, the Court granted the Monitor the independent authority to make the ultimate decision pertaining to initial intake and routing decisions as of November 8, 2022. Given this significant shift in authority pertaining to intake and routing decisions, the implications, if any, of this shift with respect to the increased number of administrative investigations being opened during this reporting period compared to previous reporting periods has yet to be determined. This area will be further evaluated, analyzed, and assessed in future semi-annual reports.

Despite the noted increase in the number of administrative investigations being initiated by MCSO, the timeframe for investigative completion of these cases continued is downward trend. The median total case completion timeline (received date to discipline notice or closure notification to principal employee) for all cases completed by MCSO during this reporting period was 319 calendar days. During this review period PSB attributes the downward trend to investigative collaboration on how



best to process cases alleging blatant misconduct with a streamline approach, assistance from contracted investigators, and the deployment of improved processes/procedures.

There were 197 misconduct investigations completed during this reporting period with 49% having one or more sustained policy violations resulting in the issuance of discipline. 51% of the cases completed by MCSO during this reporting period had findings of unfounded, not sustained, or exonerated.

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.