



Professional Standards Bureau

Misconduct Investigations Semi-Annual Report

January 1, 2017 – June 30, 2017

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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 semiannual public report on misconduct investigations involving Deputy Sheriffs, Detention Officers, Civilian employees, and volunteer Posse members. The purpose of this report is to provide analysis on data collected from the IAPro database and supplemental spreadsheets between January 1, 2017 and June 30, 2017.

The MCSO saw an increase in external complaints from the last Semi-Annual Report, however the data from this report shows a downward trend of complaints between January and June 2017. The data shows there was a decrease of internal complaints from the previous six months however, the data shows an upward trend of internal complaints received. The most common external and internal allegations received were unbecoming conduct and failure to meet standards. Of all opened investigations, 26% were assigned to divisions outside of the PSB and the average time of the investigation at the district level was 80 days, a 20% decrease from the previous report. There were 328 misconduct investigations completed, 43% with a sustained disposition. Further research shows 78 employees had persistent misconduct (subject of more than two misconduct investigations) and 14% 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 receive or generate any complaints regarding conflict-of-interest rules when conducting or reviewing misconduct investigations between January and June 2017.

B. External Complaints

Based on the data, the MCSO received a total of 297 external complaints that resulted in PSB investigations from January 1, 2017 to June 30, 2017 office-wide. The three districts (also known as divisions) with the most external complaints were patrol District 1 (Mesa) with 34 complaints, patrol District 3 (Sun City) with 28 complaints, and the Lower Buckeye Jail Facility with 27 complaints.

Figure 1 depicts the number of external complaints received between January and June 2017, differentiated by Division.

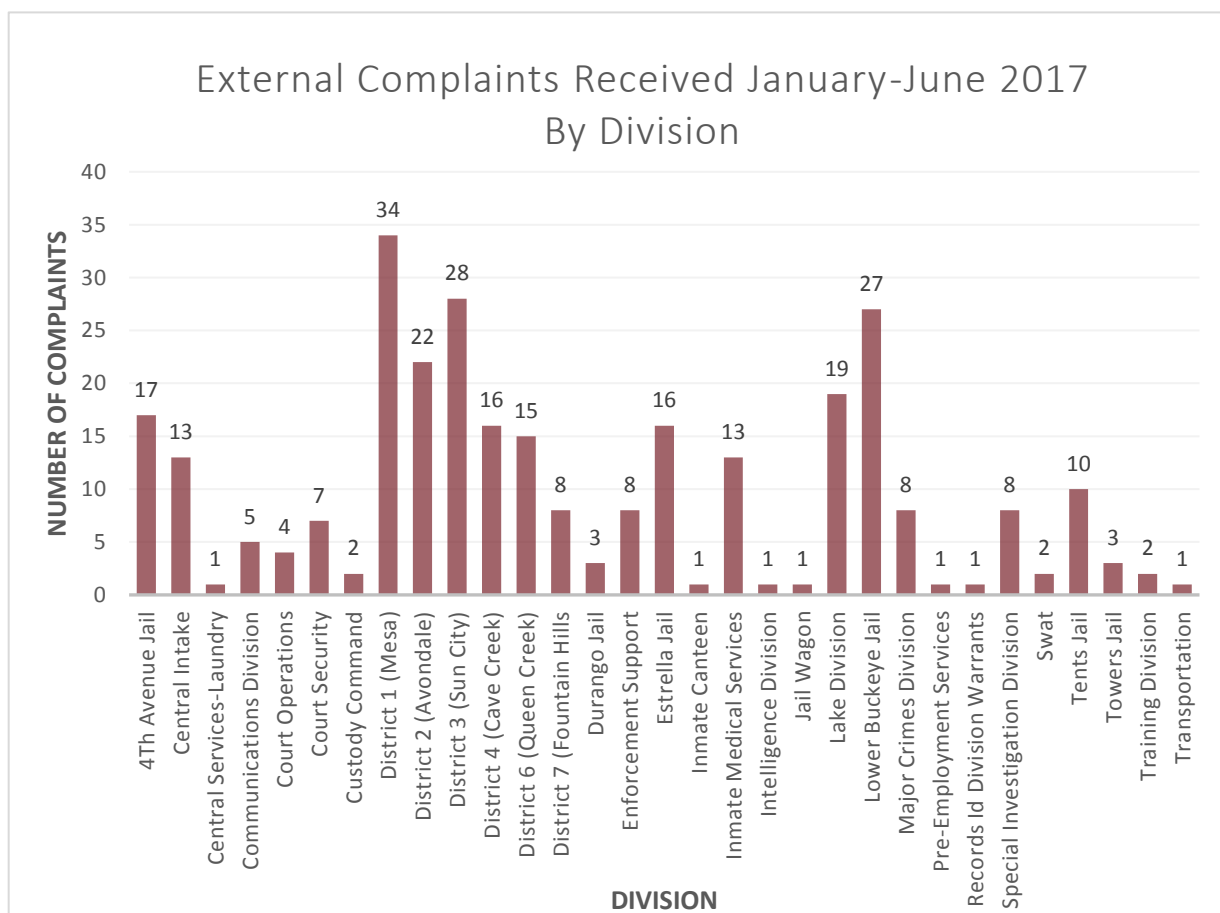


Figure 1: External Complaints, by District, received that resulted in an investigation.

Within the 297 external complaints, the MCSO received 79 complaints in January, 55 complaints in February, 39 complaints in March, 33 complaints in April, 49 in May, and 44 in June. The allegations occurring most were those involving Code of Conduct practices (e.g., unbecoming conduct, failure to meet standards, and job performance.) The approximate average of external complaints received each month was 50. In the month of January, the MCSO received 79 complaints, a 38% increase of complaints over the average.

Figure 2 depicts the information above.

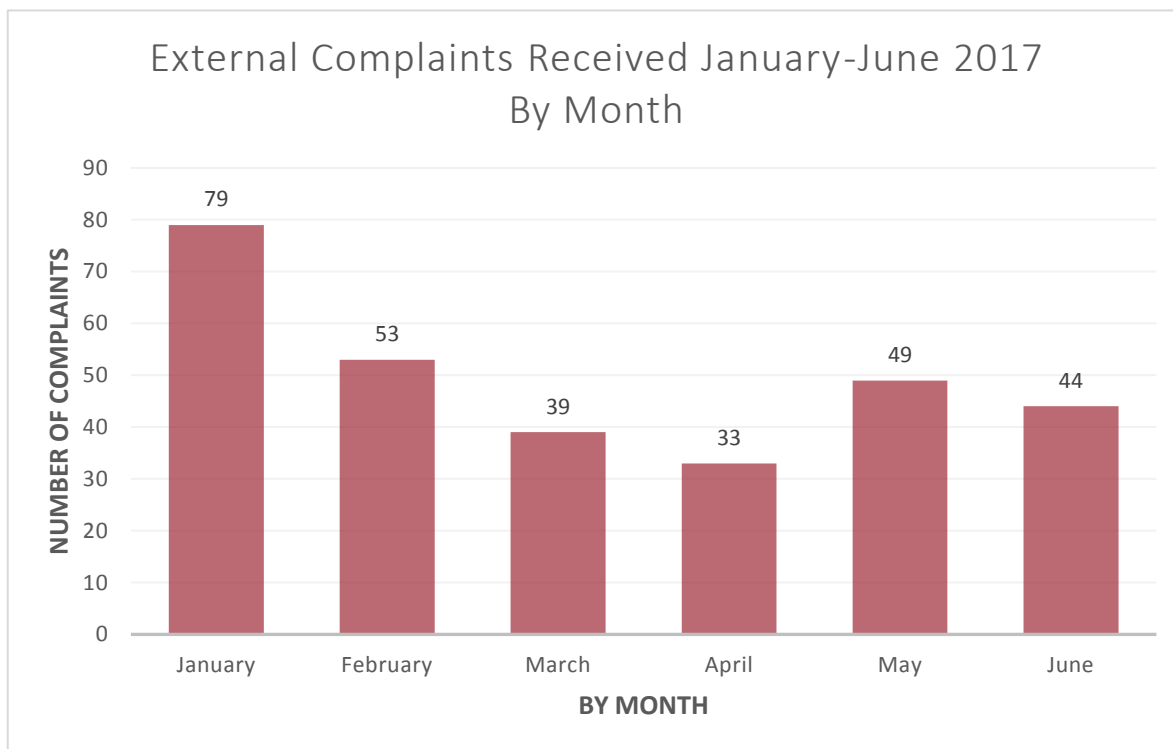


Figure 2: External Complaints, by month, received from July to December 2016.

It is important to note that a single complaint can result in an investigation with multiple principals and allegations. Therefore, the number of external complaints that resulted in an investigation (297) will not mirror the amount of principals and allegation in this next subsection.

The “Sworn Deputy” rank was identified 254 times out of 574 total principals listed in external complaint investigations between January and June 2017.

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

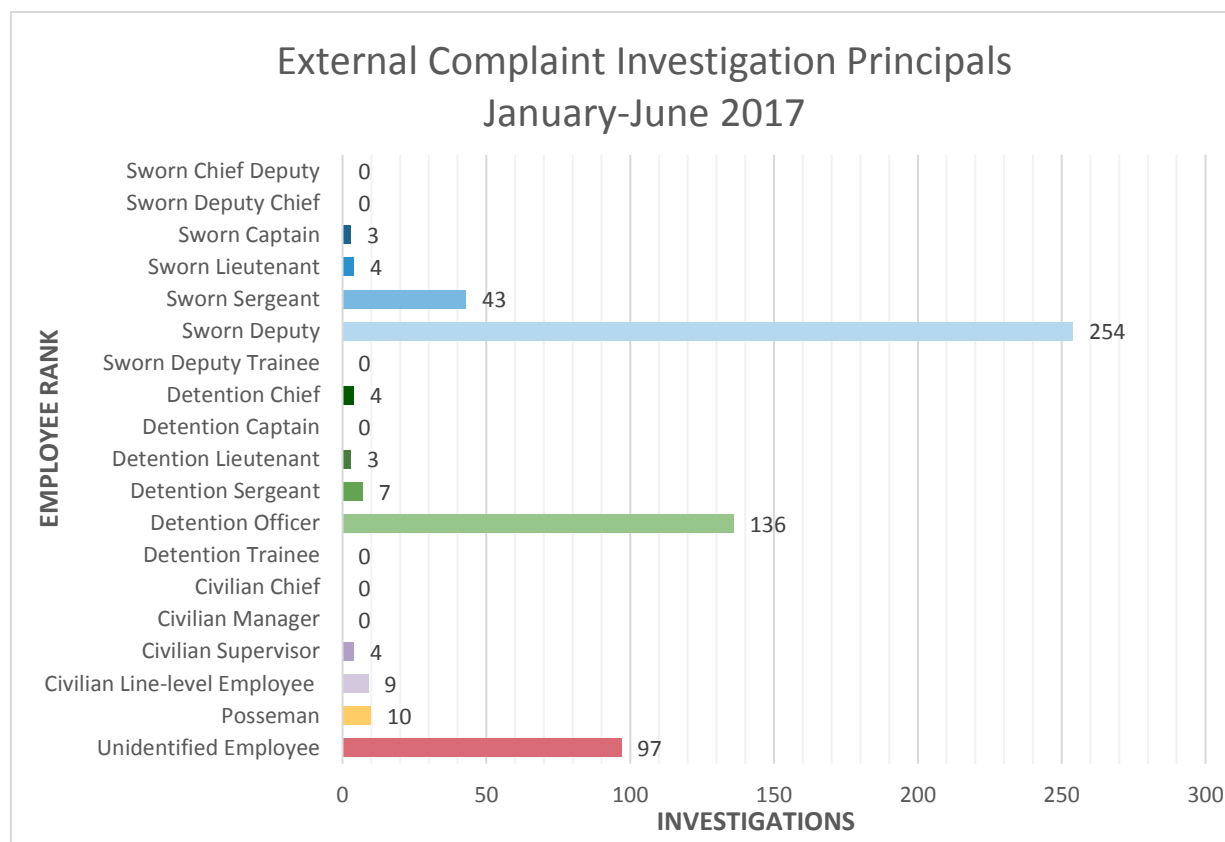
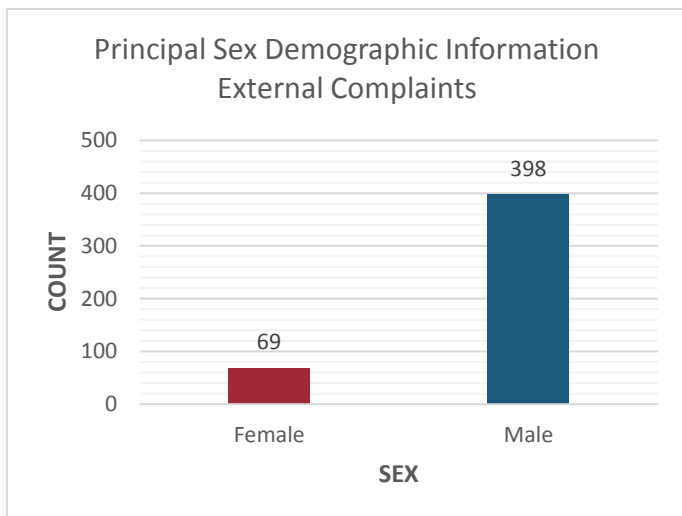


Figure 3: Rank of Principals in External Complaint Investigations January-June 2017.

The following information shown in figures 4, 5, and 6 consists of available demographic information of MCSO employees that have been named the principal in External Complaint investigations.¹

¹ Data is based on known, paid MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members)



There were 398 identified male principals; approximately six times more than the amount of identified females.

Figure 4:
Demographic of Principals between January and June 2017, by Sex.

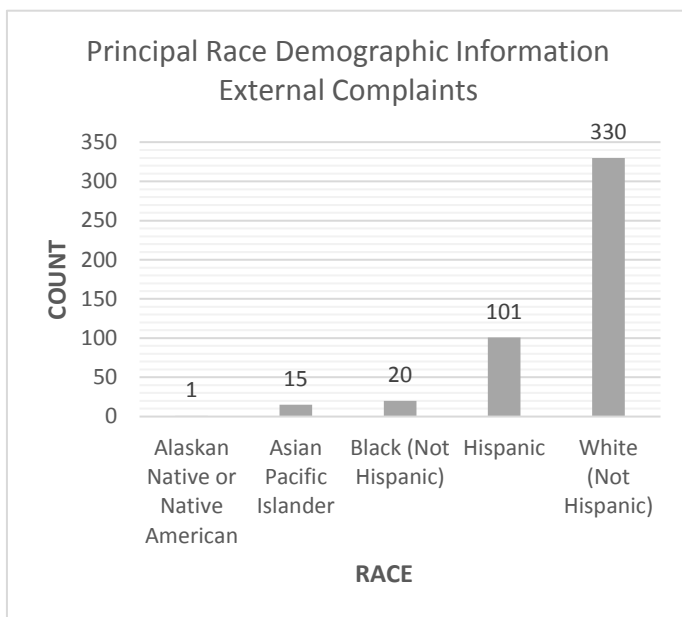


Figure 5 depicts 330 identified White (Not Hispanic) employees named as a principal in External Complaints Investigations; approximately 71% of the 467 known employees.

Figure 5:
Demographic of Principals between January and June 2017, by Race.

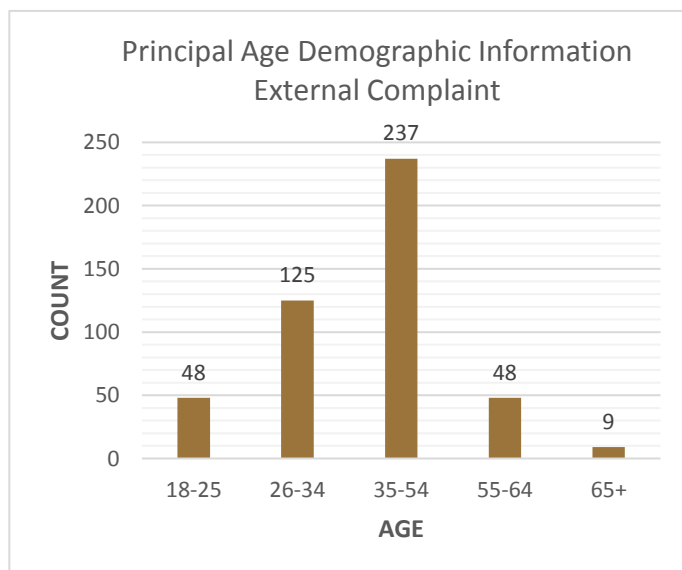


Figure 6 shows known External Complaint Principals are commonly between the ages of 35-54, which coincides with an average age of 40 years old.

Figure 6:
Demographic of Principals between January and June 2017, by Age

There were 546 alleged policy violations between January and June 2017. Approximately 77% of the allegations were related to violations of conduct. Figure 7 depicts the allegation breakdown.²

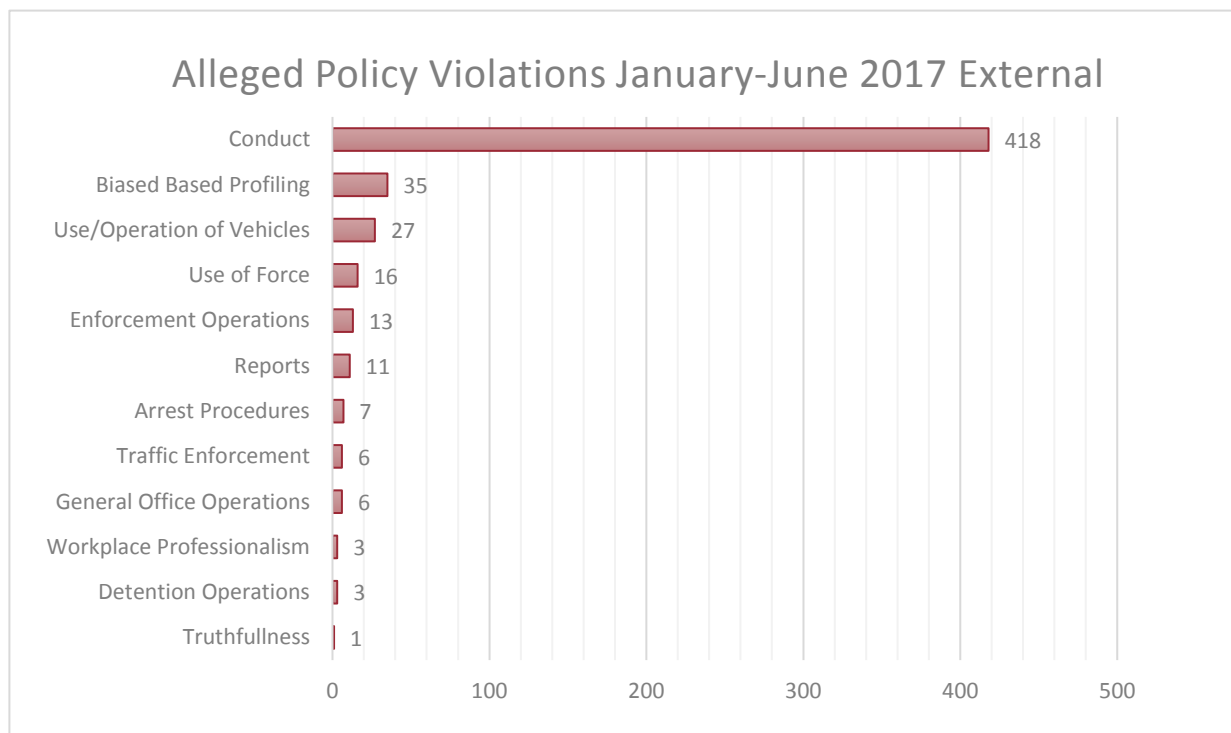


Figure 7: Alleged Policy Violations within External Complaint Investigations

The PSB was able to introduce better methods of tracking the nature of contact that led to a citizen complaint of an MCSO employee. These changes will go into effect January of 2018. For this report, there is no adequate data to report regarding nature of contact for external complaints.

The MCSO does not collect complainants' demographic information to ensure that all complaints are received, processed, and investigated in a consistent manner, which can also identify and prevent any bias toward or against a complainant. The PSB is, however, in the preliminary process of creating a voluntary, post-investigation survey to provide complainants the option to provide their demographic information. The PSB does track external complaints received from anonymous sources. Between January and June 2017, the PSB received 9 anonymous external complaints that resulted in an investigation.

² Low allegation counts have been combined for presentation purposes. See category breakdown below.

Detention Operations: PREA (1) and restraint and transportation of inmates (2)

Enforcement Operations: Command responsibility (2), domestic violence incidents (3), domestic violence incidents (3), driving under the influence incidents (1), towing and impounding vehicles (3), vehicle accident investigations (1), victims' bill of rights (2), Sheriff's Posse Program (1), evidence control (1).

General Office Operations: Leave and absences (4), criminal justice data systems (1), criminal history record information and public records (1).

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 175 internal complaints from January 1, 2017 to June 30, 2107 office-wide. The two districts (also known as divisions) with the most internal complaints are Inmate Medical Services with 13 complaints and the 4th Avenue Jail facility with 12 complaints.

Figure 8 depicts the number of internal complaints received January to June 2017, differentiated by Division.

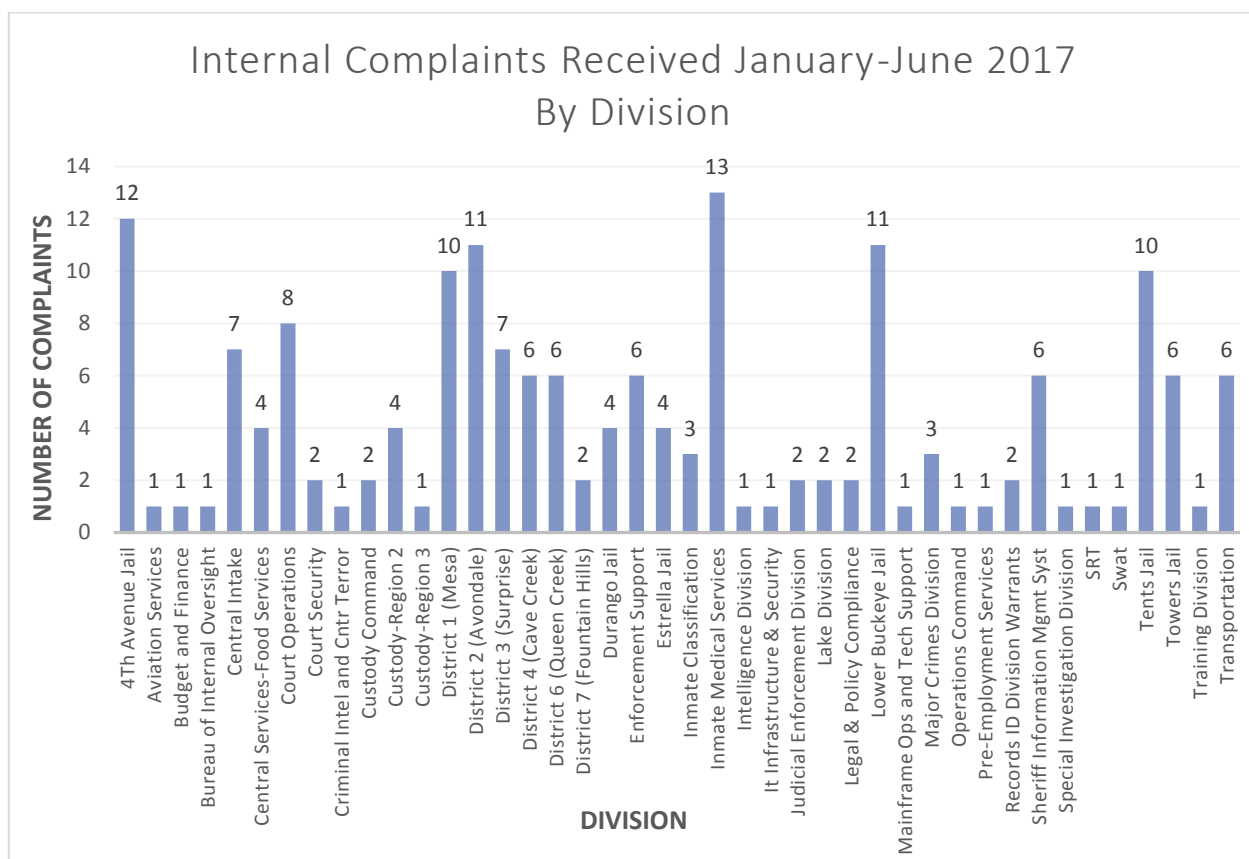


Figure 8: Internal Complaints received, by District, which resulted in an investigation.

Within the 175 internal complaints, the MCSO received 42 complaints in January, 12 complaints in February, 20 complaints in March, 23 complaints in April, 38 in May, and 40 in June. The internal complaints received increased within the six months and most of the allegations involved Code of Conduct practices (e.g., failure to meet standards, unbecoming conduct, and workplace professionalism.) In the month of February, the MCSO received 12 internal complaints; with an approximate average of 29 complaints received per month, this was a 41% decrease of internal complaints received.

Figure 9 depicts the amount of internal complaints received by month.

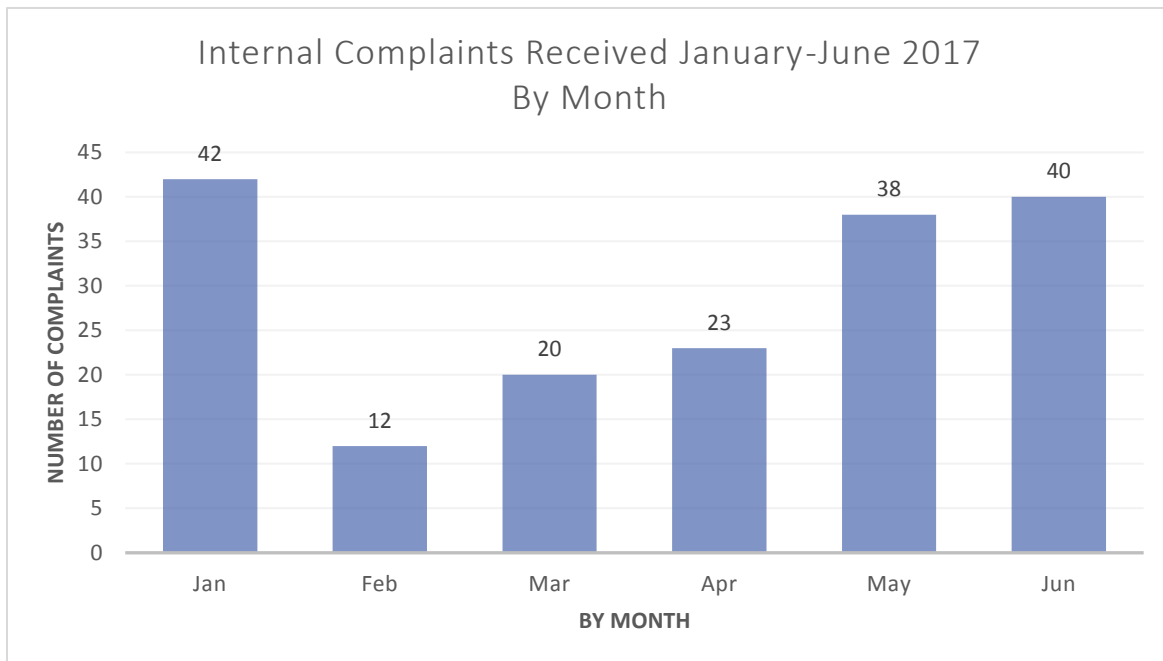


Figure 9: Internal Complaints received, by month, from January to June 2017.

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 (175) will not mirror the amount of principals and allegations in the next subsection.

The “Detention Officer” rank was identified 130 times out of 376 total principals listed in internal complaint investigations between January and June 2017.

Figure 10 depicts the ranks of principals identified in internal complaint investigations during the reporting period listed.

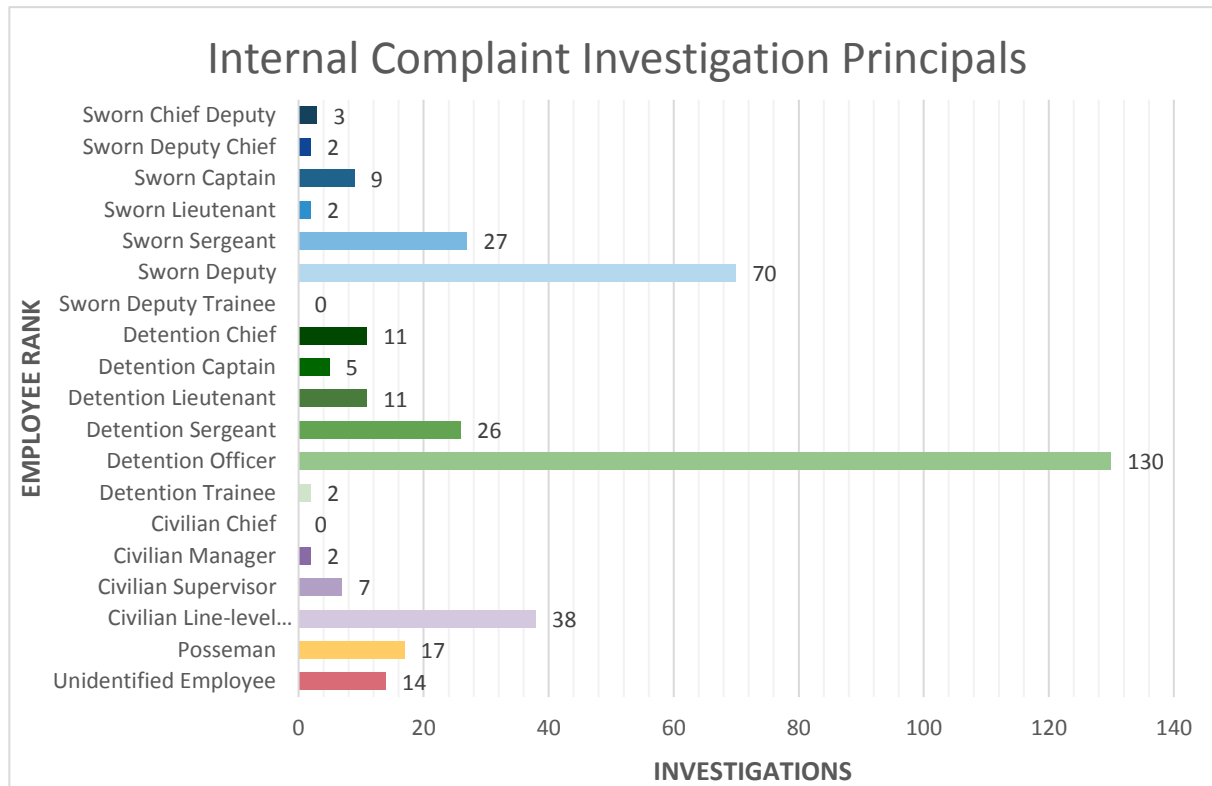
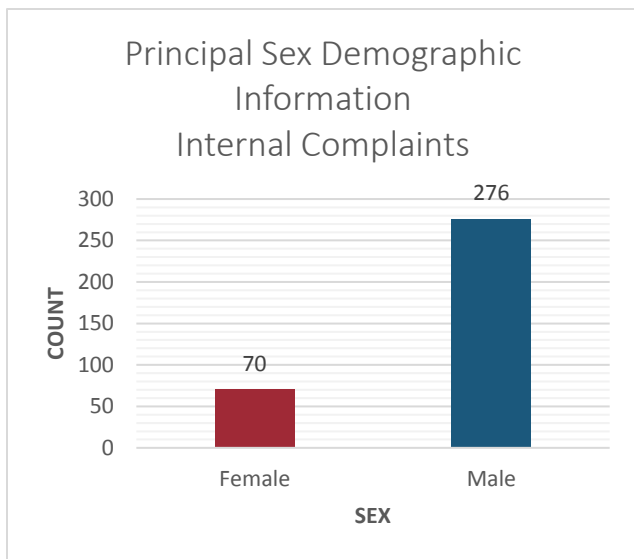


Figure 10: Rank of Principals in Internal Complaint Investigations January-June 2017.

The following information consists of demographic information of MCSO employees that have been named the **principal** in Internal Complaint IA investigations.³ Figure 11, to the next page, depicts the difference between female and male principals.

³ Data is based on known, paid MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members)



Between January and June 2017, there were 276 male principals; approximately three times more than the amount of the 70 females.

Figure 11:
Demographic of Principals between January and June 2017, by Sex

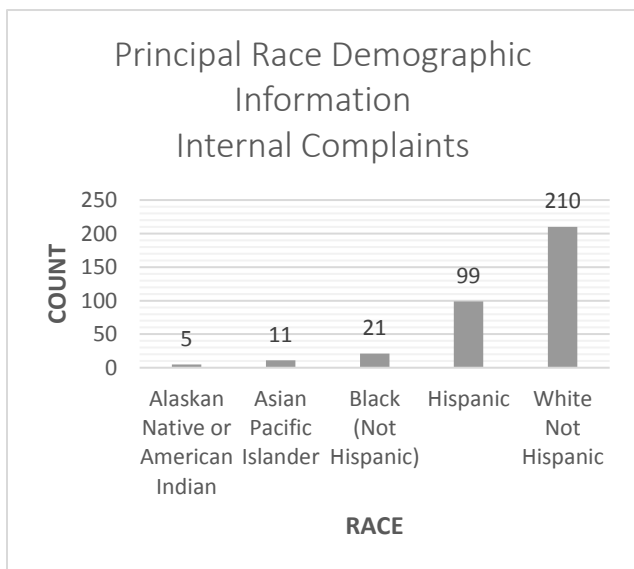
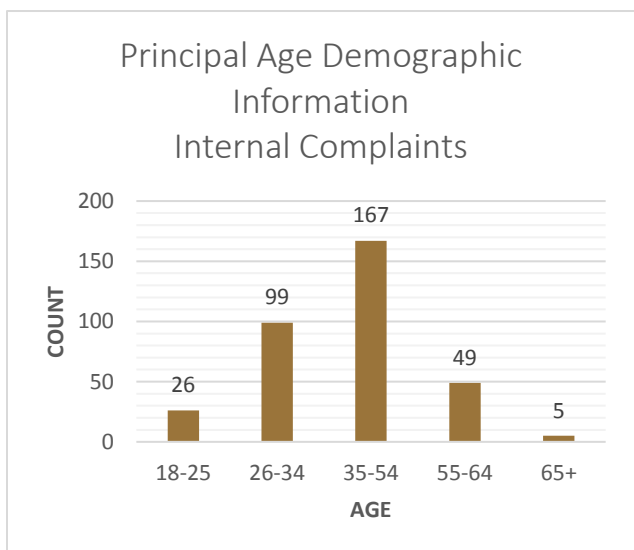


Figure 12 depicts that 210 White (Not Hispanic) employees were named as the principal in Internal Complaints Investigations; approximately 61% of the 346 employees.

Figure 12:
Demographic of Principals between January and June 2017, By Race.

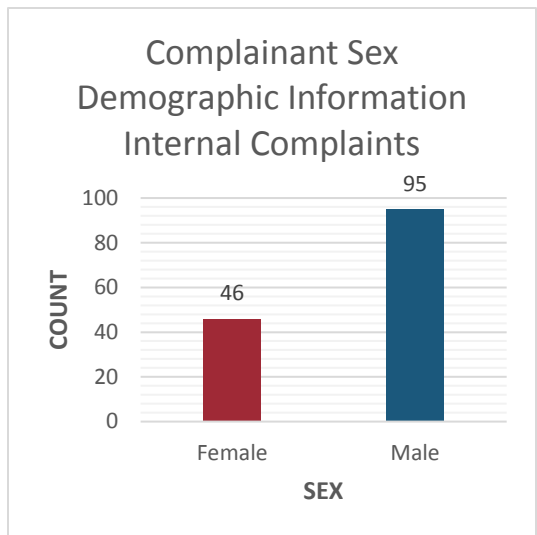


The data shows that the average age of Internal Complaint Principals is 47 years old.

This data coincides with the data shown in Figure 13, which depicts the age range 35-54 as the range with the most Internal Complaint Principals.

Figure 13:
Demographic of Principals between January and June 2017, by Age.

The following information consists of demographic information of MCSO employees that have been named the **complainant** in Internal Complaint IA investigations.⁴ Figure 14 below depicts the difference between female and male principals.



Between January and June 2017, there were 95 males, which was approximately double the amount of the 46 females.

Figure 14:
Demographic of Complainants between January and June 2017, by Sex.

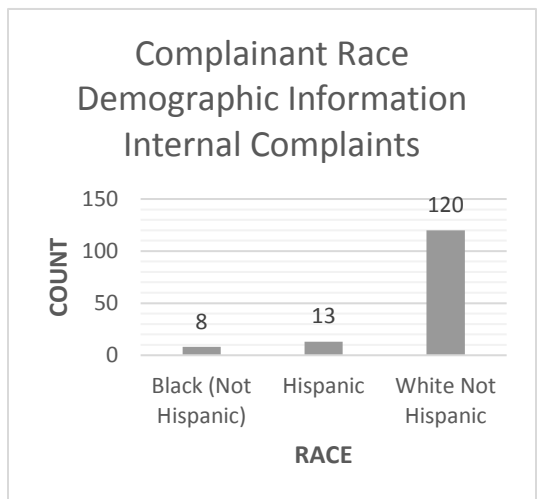
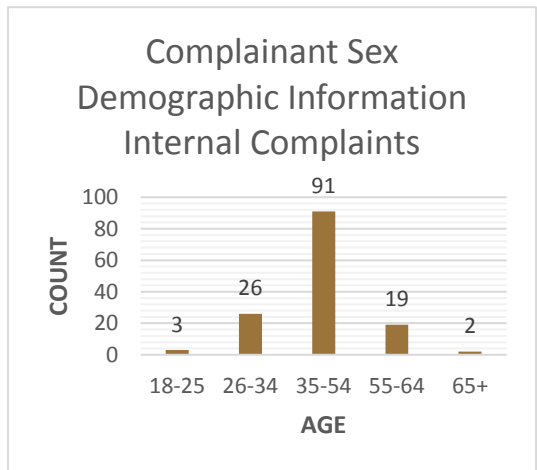


Figure 15 depicts that 120 White (Not Hispanic) employees were named at the complainant in Internal Complaint Investigations; approximately 85% of the 141.

Figure 15:
Demographic of Complainants between January and June 2017, by Race.



The data shows that the average age of Complainants within an Internal Complaint Investigation is 43 years old. This data coincided with the data shown in figure 16, which depicts the age range 35-54 with the most Complainants within an Internal Complaint Investigation.

Figure 16:
Demographic of Complainants between January and June 2017, by Age.

⁴ Data is based on known, paid MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members). Total complainants will not match total of principals above.

The IAPro system does not track the nature of contact that led to an internal complaint. The PSB does, however track internal complaints received from anonymous sources. Between January and June 2017, the PSB did not receive any anonymous internal complaints that resulted in an investigation.

There were 377 alleged policy violations between January and June 2017. Approximately 60% of the allegations were related to violations of conduct. Figure 17 depicts the allegation breakdown.⁵

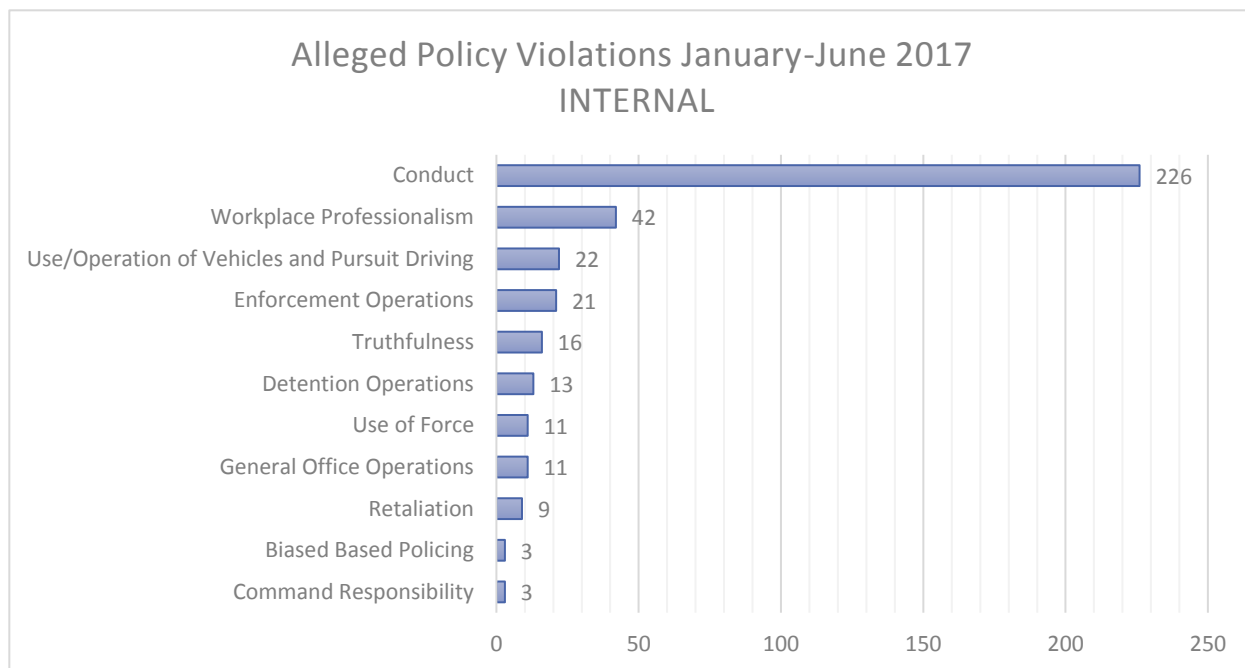


Figure 17: Alleged Policy Violations within Internal Complaint Investigations

E. Processing of Misconduct Cases

The Professional Standards Bureau Commander determines whether or not an administrative investigation will be conducted at the division level or within the PSB. The decision is based on the severity and type of the offense, complexity of the investigation, the rank of the employee, and the alleged principal's disciplinary history. Once it has been decided that 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 is provided throughout the division level investigation.

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

Detention Operations: inmate supervision (8), operations journal and logbook (2), release process (1), TASER (1), and Pepperball (1)

Enforcement Operations: arrest procedures (4), public observer program (1), traffic enforcement (3), incident reports (2), firearms (2), Sheriff's Posse program (3), search and seizure (3), body-worn cameras (1), and evidence control (2).

General Office Operations: leave and absences (2), transfer of personnel (1), employee internet access (1), property management (1), criminal justice data systems (1), records (1), office reports (1), and electronic communications and voicemail (3).

Between January 1, 2017 and June 30, 2017, the PSB opened a total of 472 misconduct investigations⁶; 323 were assigned to the Professional Standards Bureau investigators, 23 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 126 were assigned to investigators throughout the Sheriff’s Office.

See figure 18 below for a monthly report of assigned cases and figure 19 for investigation assignment, broken down by Non-PSB Division.

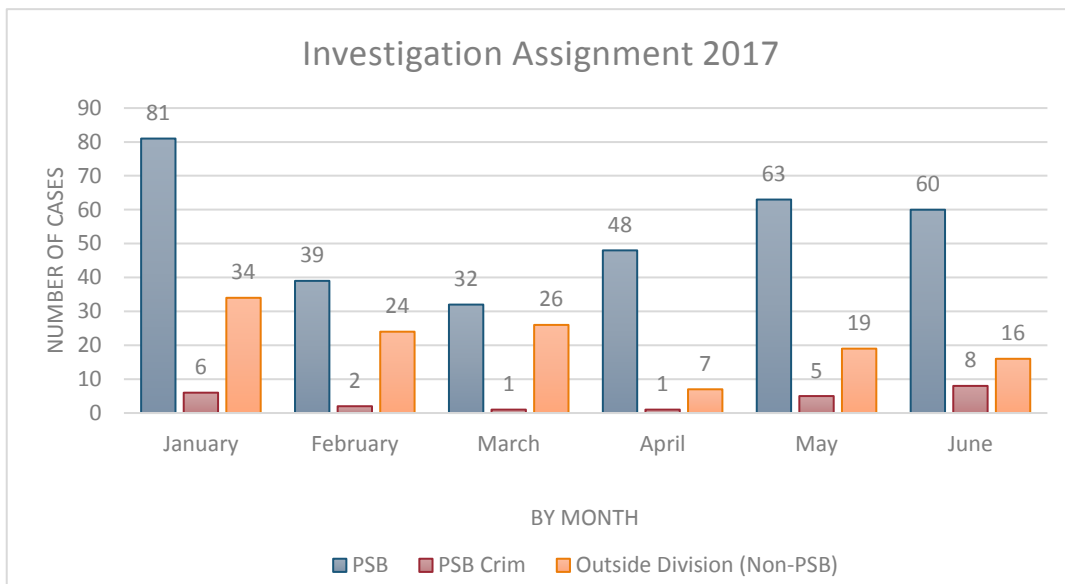


Figure 18: Investigation Assignment break down between PSB and Non-PSB Division

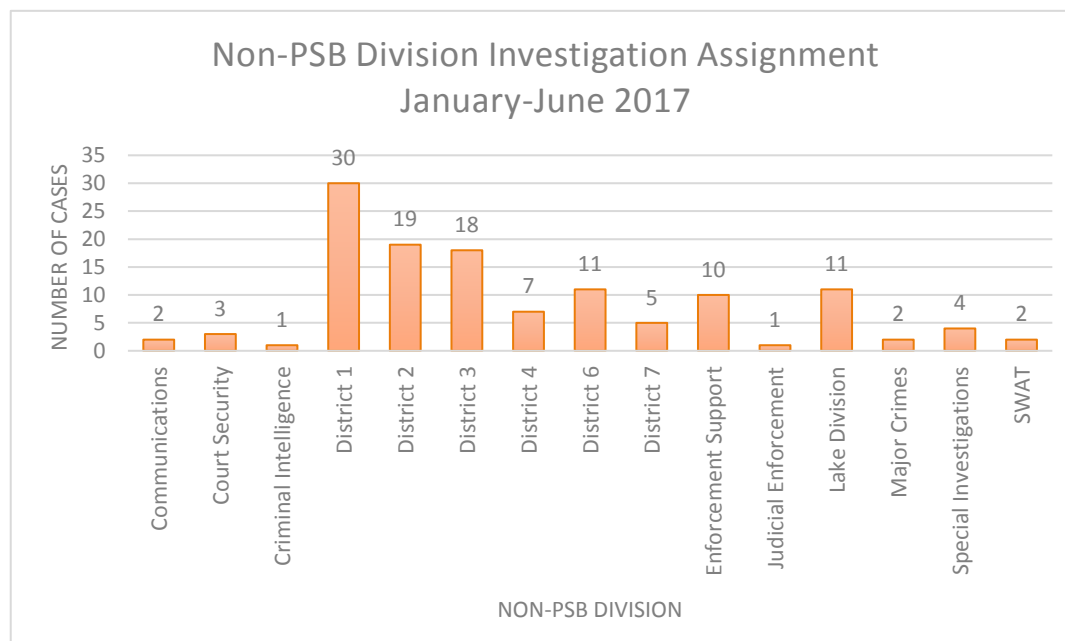


Figure 19: Non-PSB Division Assignment break down

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

Between January and June 2017, there were a total of 75 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 85 days and the median time was 66 days.⁷ The average time from investigator submission to the final decision regarding discipline or other final disposition was 78 days and the median was 58 days.

The total investigation completion average is approximately 80 days. This is approximately 33% above the 60 calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The median time is 64 days.

Of the 75 Division cases, only 3 cases were returned due to the conclusion not supported by the evidence and only 4 cases were returned to the Division investigator to conduct further investigation. Of the remaining 68 investigations, there were 42 cases returned for formatting corrections and 26 cases did not require any revisions.

F. Outcomes of Misconduct Investigations

The PSB completed a total of 328 misconduct investigations and 141 completed investigations had Sustained dispositions, 54 had Not-Sustained dispositions, 79 had Exonerated dispositions, and 54 had Unfounded dispositions.

Figure 20 shows the number of outcomes as well as each section's percentage.

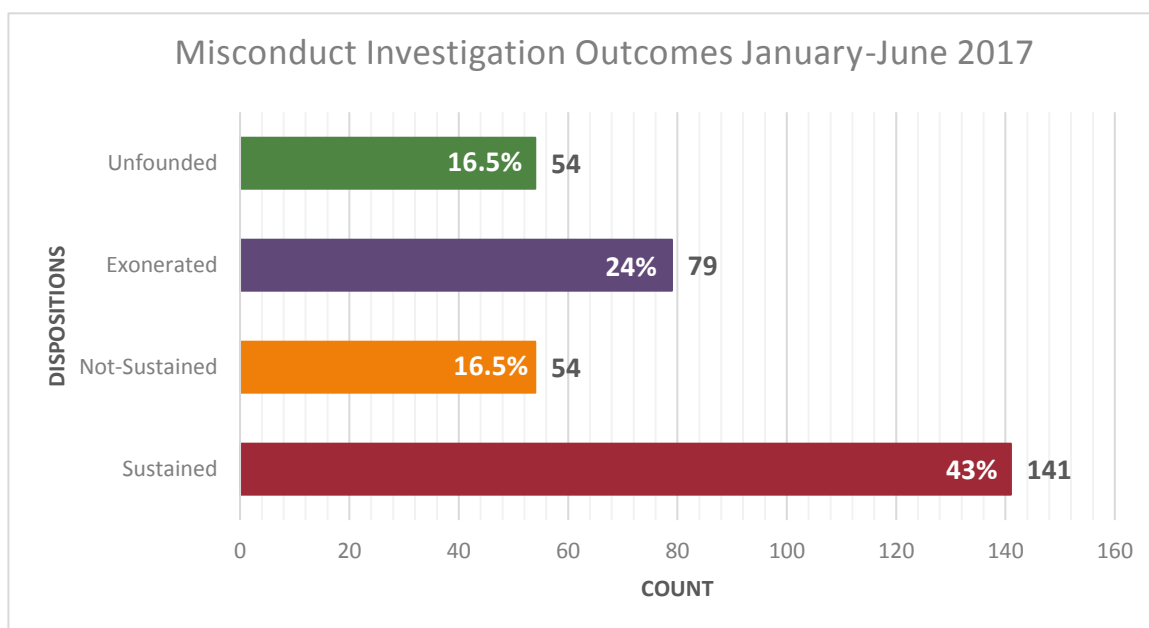


Figure 20: Misconduct Investigation Outcomes from January to June 2017.

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

In a misconduct investigation, there can be multiple allegations. In the 328 misconduct investigations, there were 798 allegations. Of the 798 allegations, 291 were found to be sustained. The next figure shows the itemization of disciplinary outcomes for sustained allegations. Please note that the numbers listed reflect the final finding of each allegation, not the disposition of the misconduct investigation itself. There were 54 non-disciplinary outcomes, 101 written reprimands, 50 employee suspensions, 3 employee demotions, and 24 employee terminations.

Figure 21 also includes other outcomes including probationary release, employee resignation, employee retirement, employee deceased, and employees arrested by the Criminal Section.

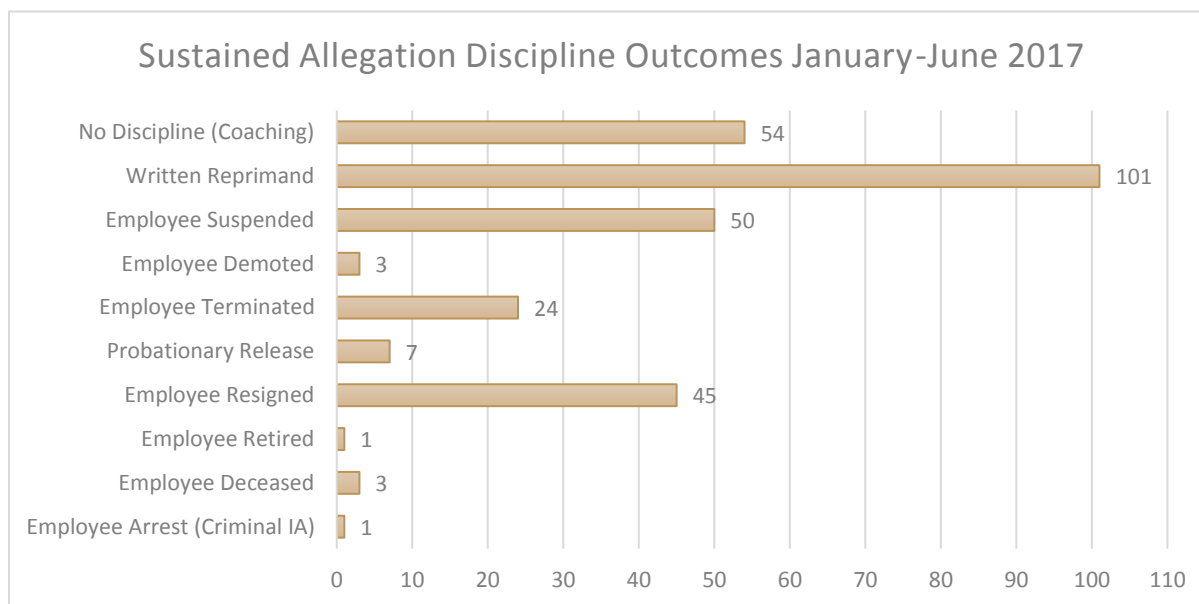


Figure 21: Sustained Allegation Disciplinary Outcomes.

It is important to note, within this time period, the Maricopa County Sheriff's Office updated their policy regarding a Coaching within Internal Affairs Investigations. The Policy defines a Coaching 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."*

From January 1 to June 30, 2017, the PSB had eight cases where the findings were changed after a Pre-Determination Hearing (PDH); five cases had sustained findings but they were changed to not-sustained. One case had a sustained finding but it was changed to exonerated. The remaining two cases had initial findings of not-sustained and they were changed to sustained after the PDH hearing.

It is important to note near the end of this reporting time period (May 2017), the MCSO updated the disciplinary procedures policy for employees; this includes the establishment of a new discipline matrix. From the May to June, there was one case in which the Appointing Authority regarding discipline deviated from the established matrix. The matrix discipline was 80 hours to dismissal and it was overturned to a Written Reprimand.

The MCSO did not have any cases that had findings overruled, sustained, or changed by the Maricopa County Law Enforcement Merit System Council. There were also no cases that had discipline altered by the Council.

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 that 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 that 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 rolling annual timeframe and NOT a six month time period.

In the previous 12 months (July 1, 2016 – June 30, 2017), 78 employees were listed as the subject of more than two misconduct investigations out of a combined total of 289 investigations. The 78 employees have been broken down and categorized by their most egregious discipline. Of the 78 employees, 11 received serious discipline, 17 received minor discipline, and 15 received a non-discipline coaching⁸. The remaining employees includes 24 with current active investigations, 10 with closed cases with dispositions of not-sustained, exonerated, or unfounded with no discipline issues, and one deceased employee.

There were 37 employees, from July 1, 2016 – June 30, 2017, that have had more than one sustained allegation that resulted in **minor** discipline. Those 37 employees had a combined total of 95 sustained allegations. In that same timeframe, 50 employees had more than one sustained allegation that resulted in **serious** discipline. There were 156 sustained allegations

Between January and June 2017, there was one criminal investigation involving 2 counts of assault and one count of harassment submitted to the Maricopa County Attorney's Office for prosecution.

⁸ 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.

Conclusion

Since the previous report, the Maricopa County Sheriff's Office (MCSO) has continued to improve processes to ensure internal investigations are completed thoroughly, accurately, and in a timely manner. The data collected between January and June 2017 shows the MCSO has seen an increase in complaints received from the public when compared to the previous six months, specifically within the patrol districts. There was a substantial increase of complaints in January, however the complaints per month are showing a current downward trend of external complaints. The approximate average of external complaints received each month is 47. Additionally, the MCSO continues to identify allegations of misconduct regarding Code of Conduct Practices (e.g., unbecoming conduct, failure to meet standards, and job performance), with the ultimate goal to improve employee conduct office-wide. The Professional Standards Bureau (PSB) could not identify a reason for the increase of external complaints.

The MCSO's data shows an average of 29 internally-generated complaints per month, which is less than the reported average of the previous six months. The internal complaints are showing a current upward trend, specifically within the various jail facilities. The most frequent allegations identified within the internal complaints received, involved Code of Conduct practices (e.g., meeting standards, unbecoming standards, and workplace professionalism). The PSB attribute the decline of the internal complaints to the agency-wide emphasis on supervision and accountability, the increased role of, including various audits conducted by, Bureau of Internal Oversight (BIO), and the revision of misconduct investigations and discipline policies. Additionally, the use of the Early Intervention Unit alerts and the BIO audits have allowed supervisors to quickly identify and address employee-related issues.

The edits made to the Division Case Review log has allowed the PSB to better track any deficiencies ("further investigation needed" or "conclusion not supported by the evidence") identified within division-investigated cases. Approximately 9% of division assigned cases had deficiencies identified. The PSB anticipates this number to decrease when all investigators have completed the PSB Misconduct Investigations training for investigators.

Within the Professional Standards Bureau, policy violations are categorized as minor or serious misconduct, based on what the potential resulting discipline would be if the conduct was sustained. The type of discipline imposed, minor or serious, depends upon the acts of misconduct, the mitigating and aggravating circumstances, and prior discipline. From July 2016 to June 2017, 78 employees were listed as the subject of more than two misconduct investigations, which is approximately 2% of all MCSO employees, an increase from the previous rolling year.

This report helps the Professional Standards Bureau have a more thorough understanding of any impediments affecting investigations completed within the Bureau. The last report helped identify potential improvements of practices and procedures; with implementation, the PSB has been able to make affective changes that have enabled compliance with current MCSO Policies. This report also helps MCSO achieve their goal of transparency with the community.