



Professional Standards Bureau

Misconduct Investigations Semi-Annual Report

January 1, 2020 – June 30, 2020

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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 January 1, 2020 and June 30, 2020.

The MCSO saw an increase in the overall complaints received from the last semi-annual reporting period however the complaints received in 2019 and 2020 remain consistent overall. The most common external allegations received were unbecoming conduct and failure to meet standards. About 31% of external complaints arose from custody operations and about 25% arose from calls for service. The most common internal allegations received were employee relationships with other employees and failure to meet standards. Of all opened investigations, approximately 19% were assigned to divisions outside of the PSB and the remaining 81% were assigned to the PSB (criminal and administrative.) The completion timeframe for district-level investigations was 132% over the required 60-day timeframe. The completion timeframes for PSB-investigations were higher during this reporting period; approximately 520% over the required 85-day timeframe; and approximately 209% above the 180-day statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*. There were 133 misconduct investigations completed: 25% with a sustained disposition. Further research shows 32 employees had persistent misconduct (the subject of more than two misconduct investigations) and 9% 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 2020.

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 January 1, 2020 to June 30, 2020 officewide. There was one district (also known as a division) with the most external complaints; District 2 (Avondale) with 26 complaints.

Figure 1 depicts the number of external complaints received between January and June 2020, differentiated by Division.

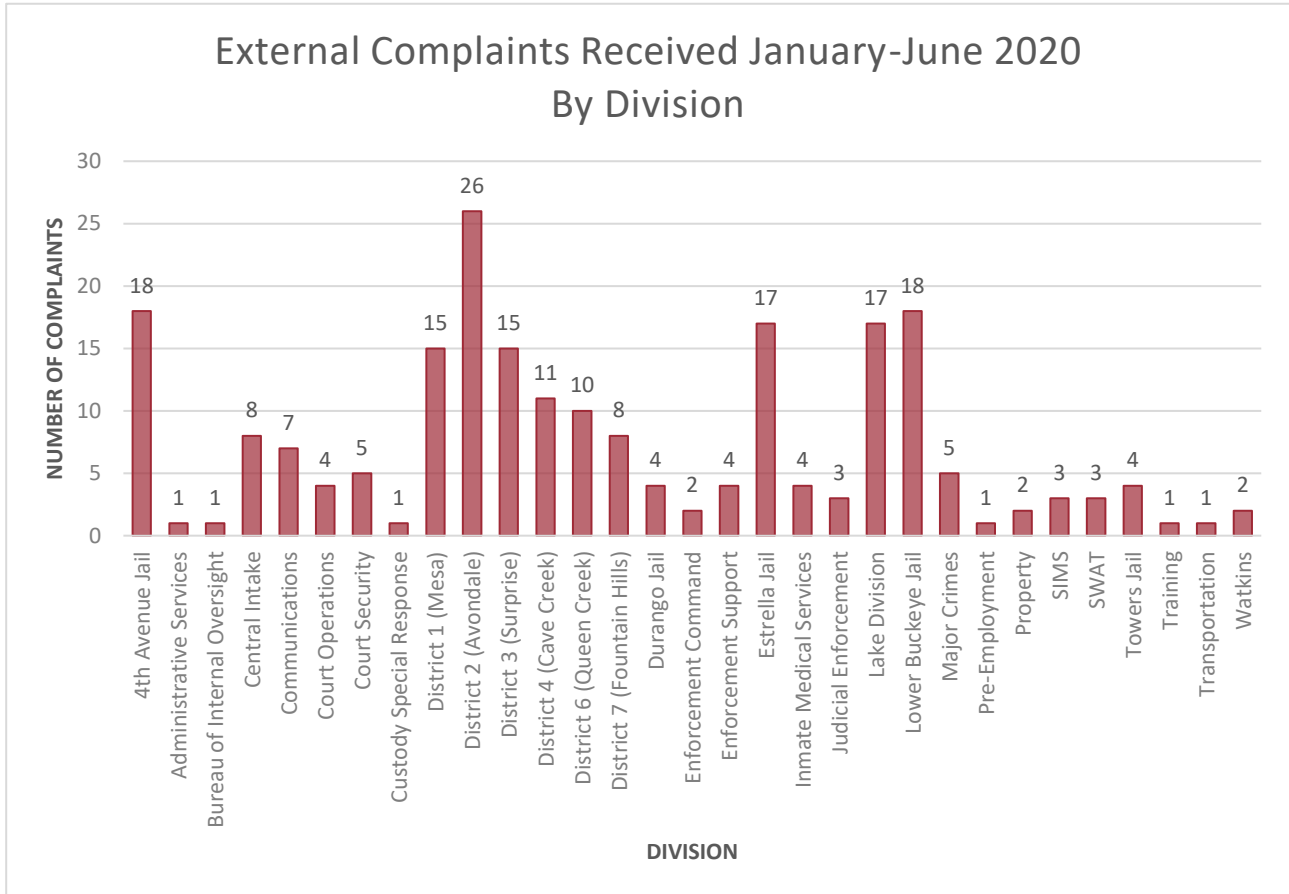


Figure 1: External Complaints, by District, received that resulted in an investigation.

Within the 221 external complaints, the MCSO received 37 complaints in January, 33 complaints in February, 30 complaints in March, 47 complaints in April, 22 complaints in May, and 52 complaints in June. The allegations occurring most were those involving Code of Conduct practices (e.g., unbecoming conduct and failure to meet standards.) The approximate average of external complaints received each month was 37. In June, the MCSO received 52 complaints, an approximate 41% increase of complaints over the average.

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

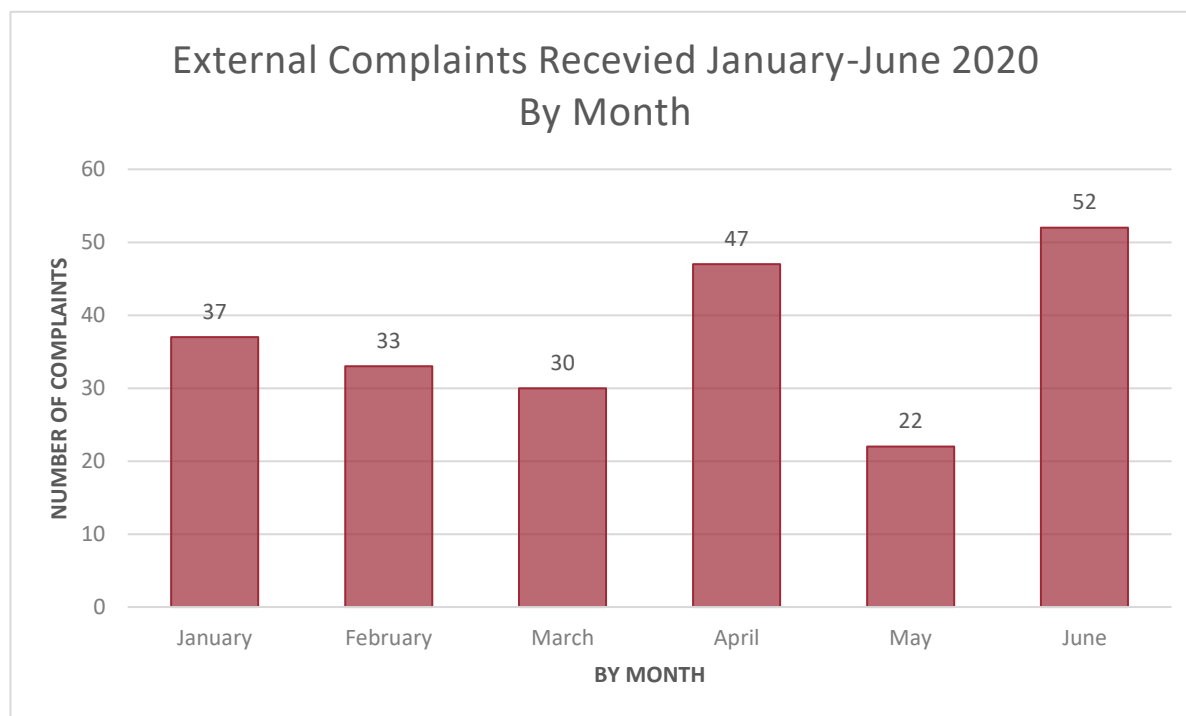


Figure 2: External Complaints, by month, received from January to June 2020.

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 119 times out of 283 total principals listed in external complaint investigations between January and June 2020.

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

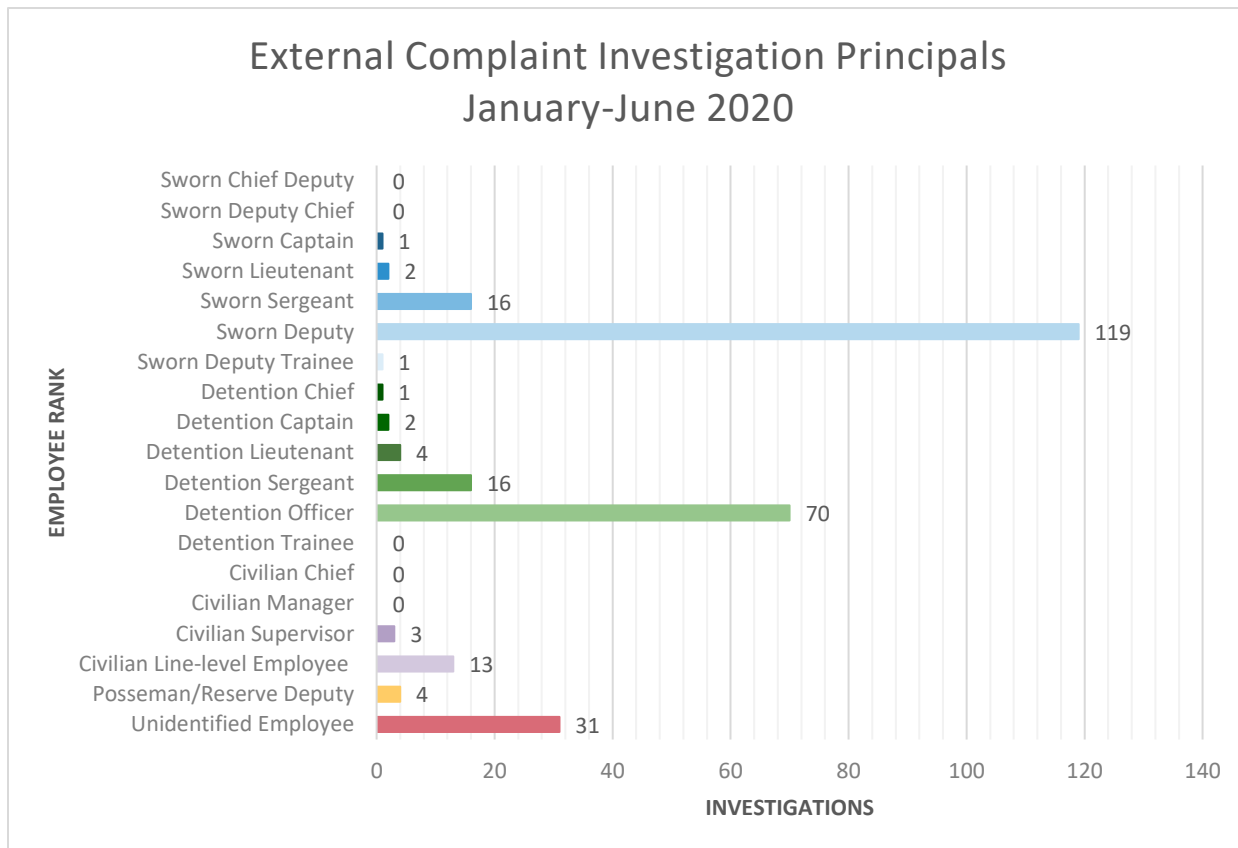
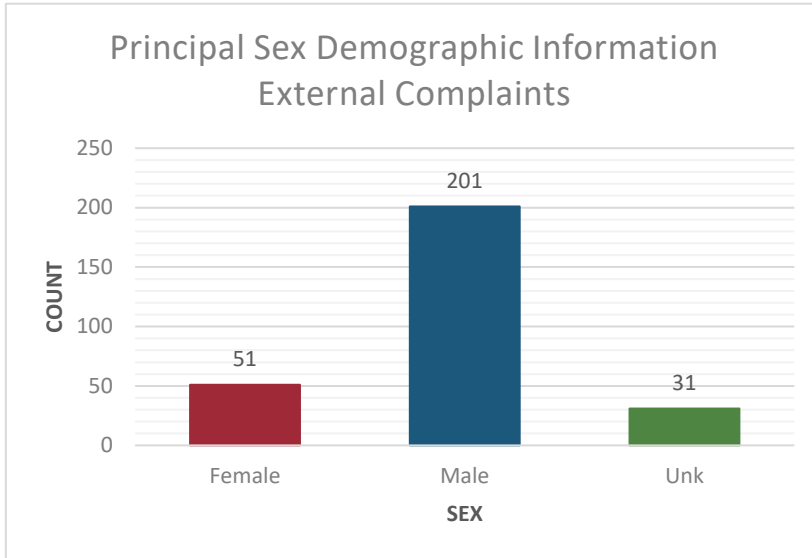


Figure 3: Rank of Principals in External Complaint Investigations January to June 2020.

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 201 identified male principals; approximately four times more than the number of identified females.

Figure 4:
Demographic of Principals between January and June 2020, by Sex.

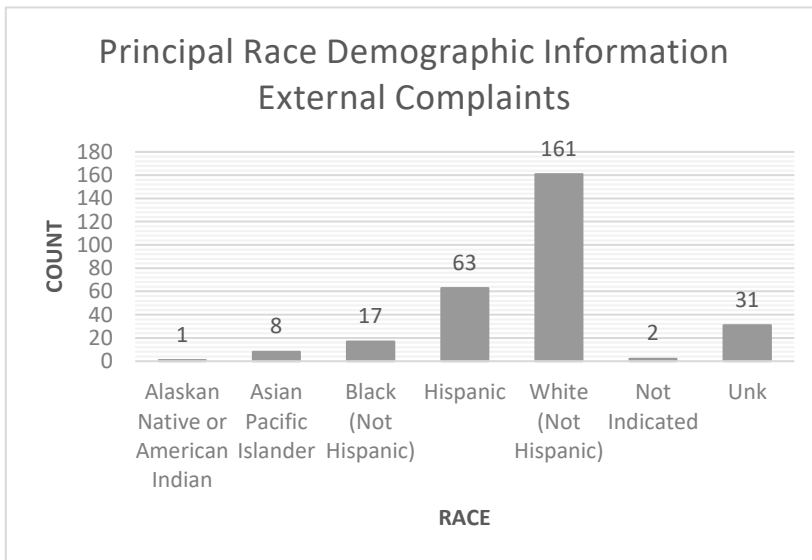


Figure 5 depicts 161 identified White (Not Hispanic) employees named as a principal in External Complaint Investigations; approximately 57% of the 283 principal employees.

Figure 5:
Demographic of Principals between January and June 2020, by Race.

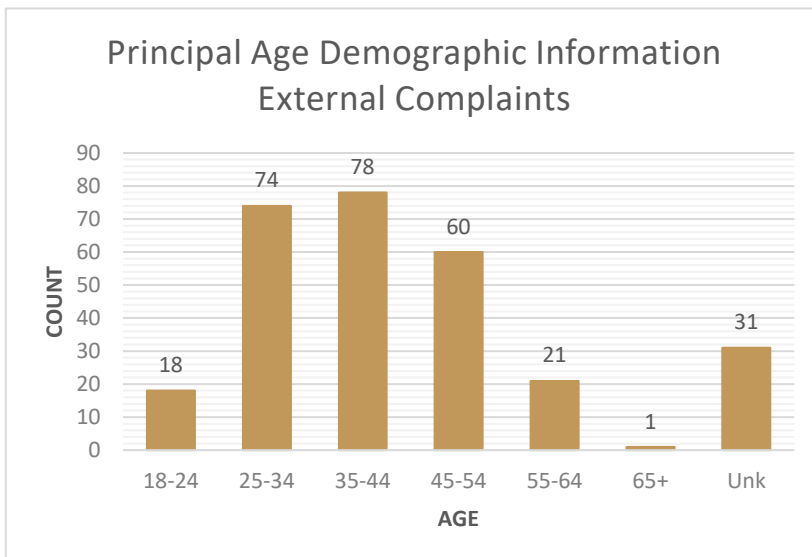


Figure 6 shows known External Complaint Principals are commonly between the ages of 35-44, which coincides with an average age of 39 years old.

Figure 6:
Demographic of Principals between January and June 2020, 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 95 external cases and thus sent approximately 95 complainant surveys². Of the approximate 95 surveys provided, the PSB received three 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.

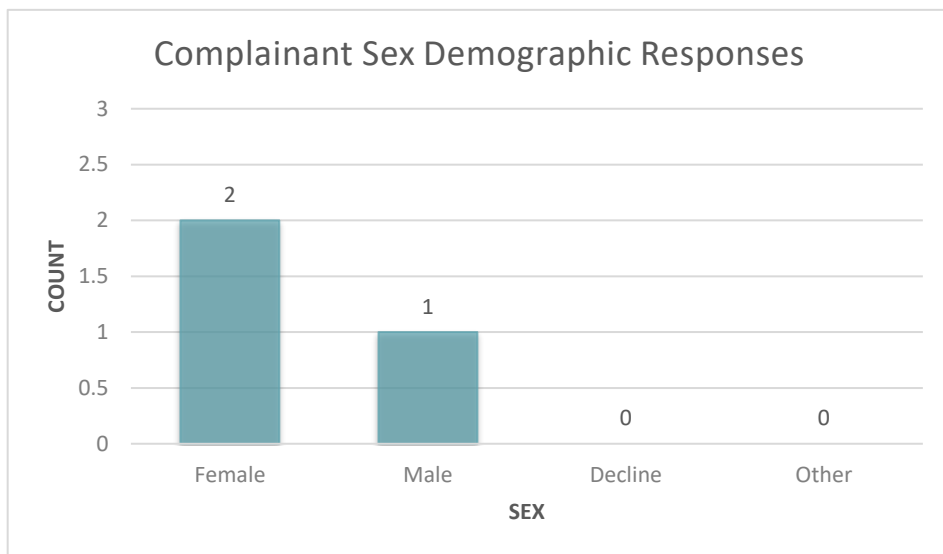


Figure 7: Demographic of Complainants between January and June 2020, by Sex.

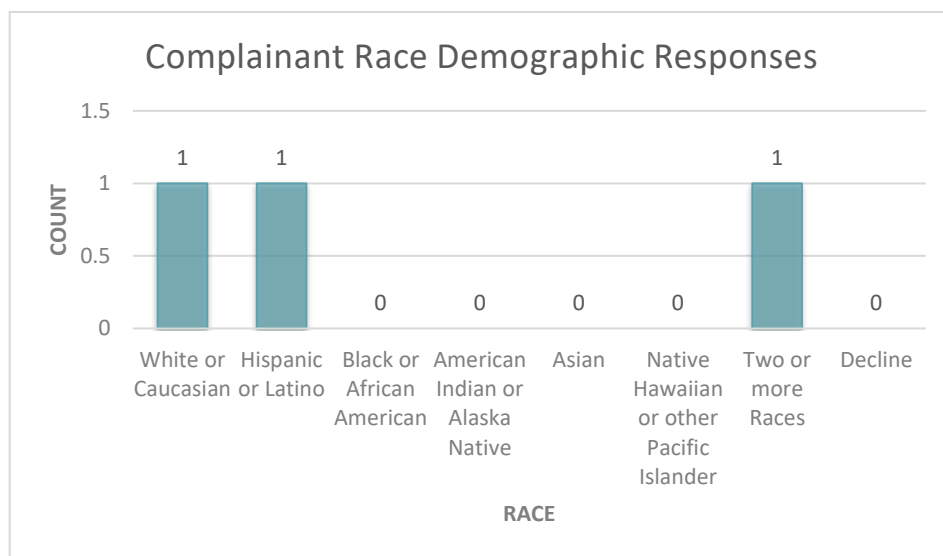


Figure 8: Demographic of Complainants between January and June 2020, by Race

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.

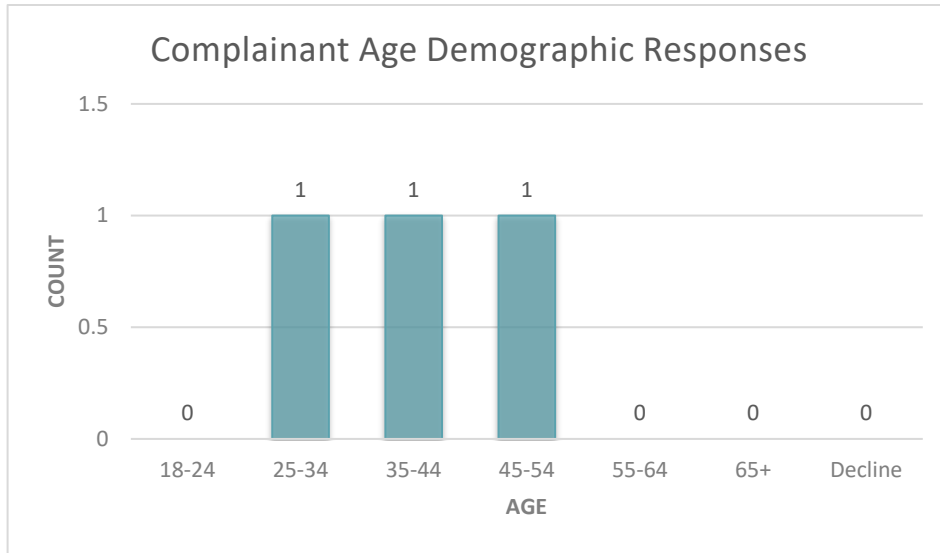


Figure 9: Demographic of Complainants between January and June 2020, by Age.

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 January and June 2020, the PSB received eleven anonymous external complaints resulting in an investigation.

There were 355 alleged policy violations between January and June 2020. Approximately 59% 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 however a decrease in the percentage of complaints related to violations of conduct. Figure 10 depicts the allegation breakdown.³

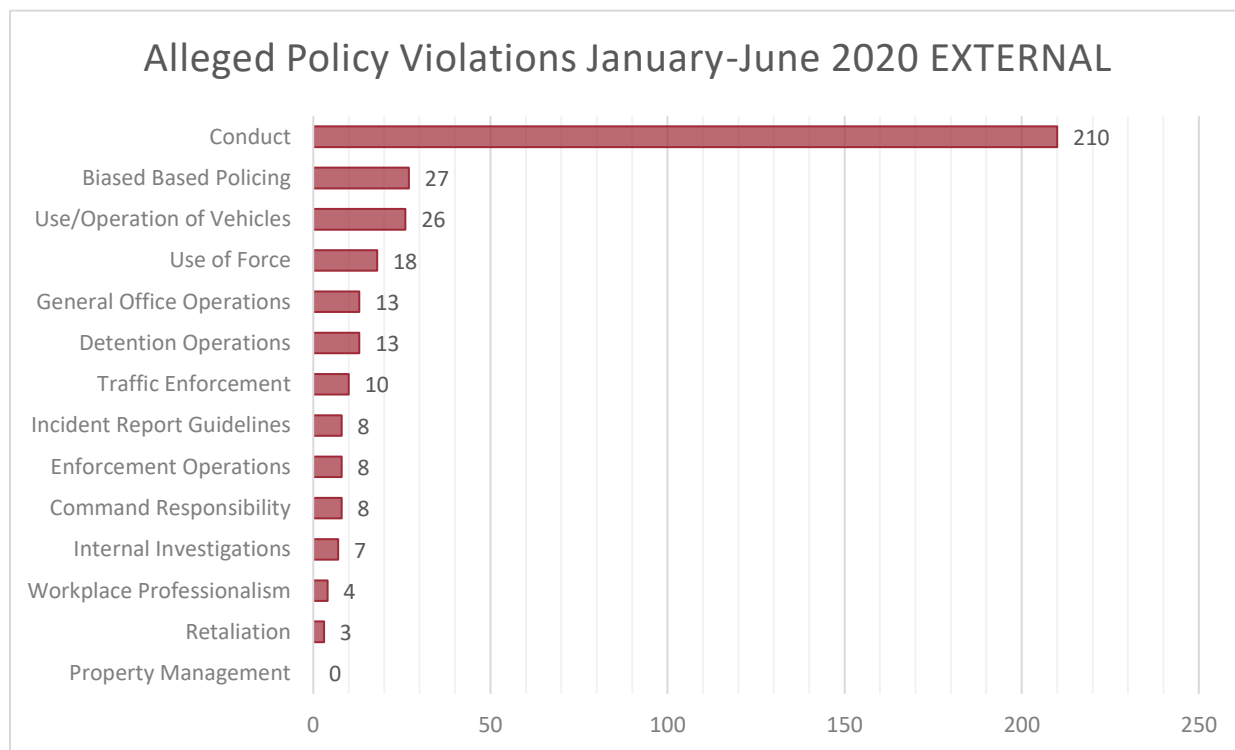


Figure 10: Alleged Policy Violations within External Complaint Investigations

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

Detention Operations: Custody DNA collection (7), inmate grievance procedure (4), inmate drug testing (1), and Prison Rape Elimination Act (1).

Enforcement Operations: Vehicle accident investigations (3), arrest procedures (2), criminal investigation operations (2), and body-worn cameras (1).

General Office Operations: Truthfulness (4), criminal justice data systems (3), next of kin notifications (2), use of tobacco products (1), criminal history and public record information (1), employee access to the internet (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 January and June 2020.

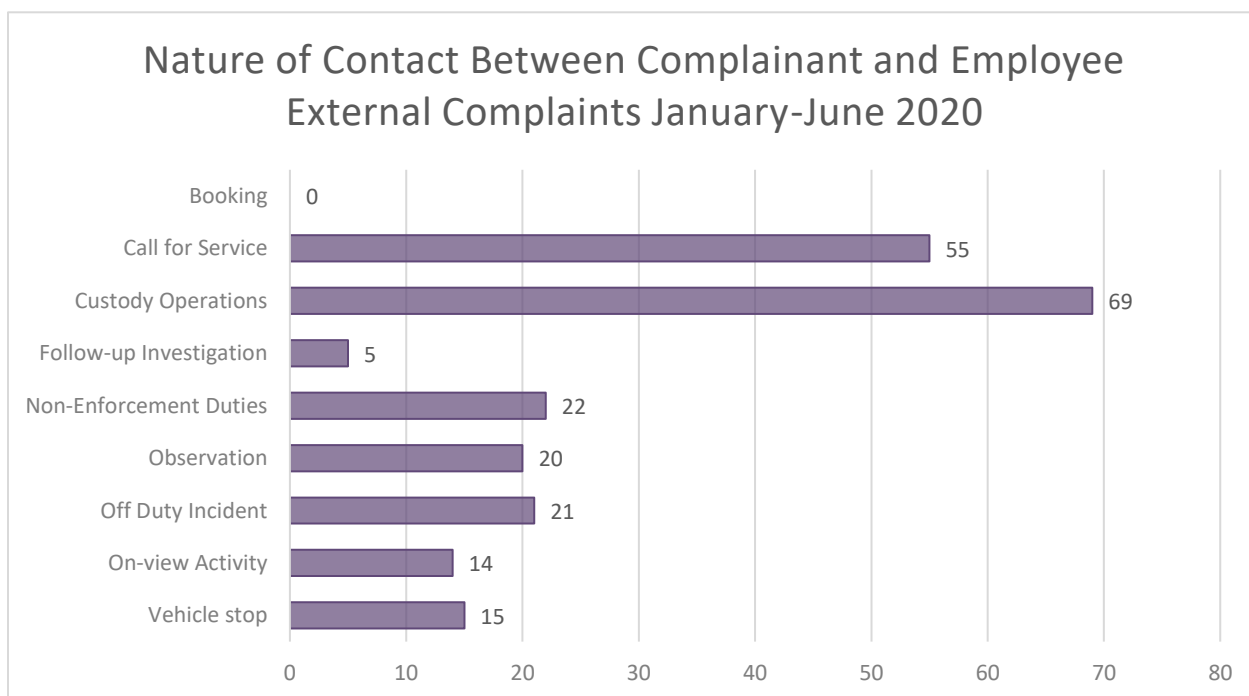


Figure 11: Nature of Contact for External Complaints between January and June 2020.

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 119 internal complaints from January 1, 2020 to June 30, 2020 office wide. There was one district (also known as division) with the most internal complaints; Estrella Jail with 18 complaints.

Figure 12 depicts the number of internal complaints received from January to June 2020 differentiated by Division.

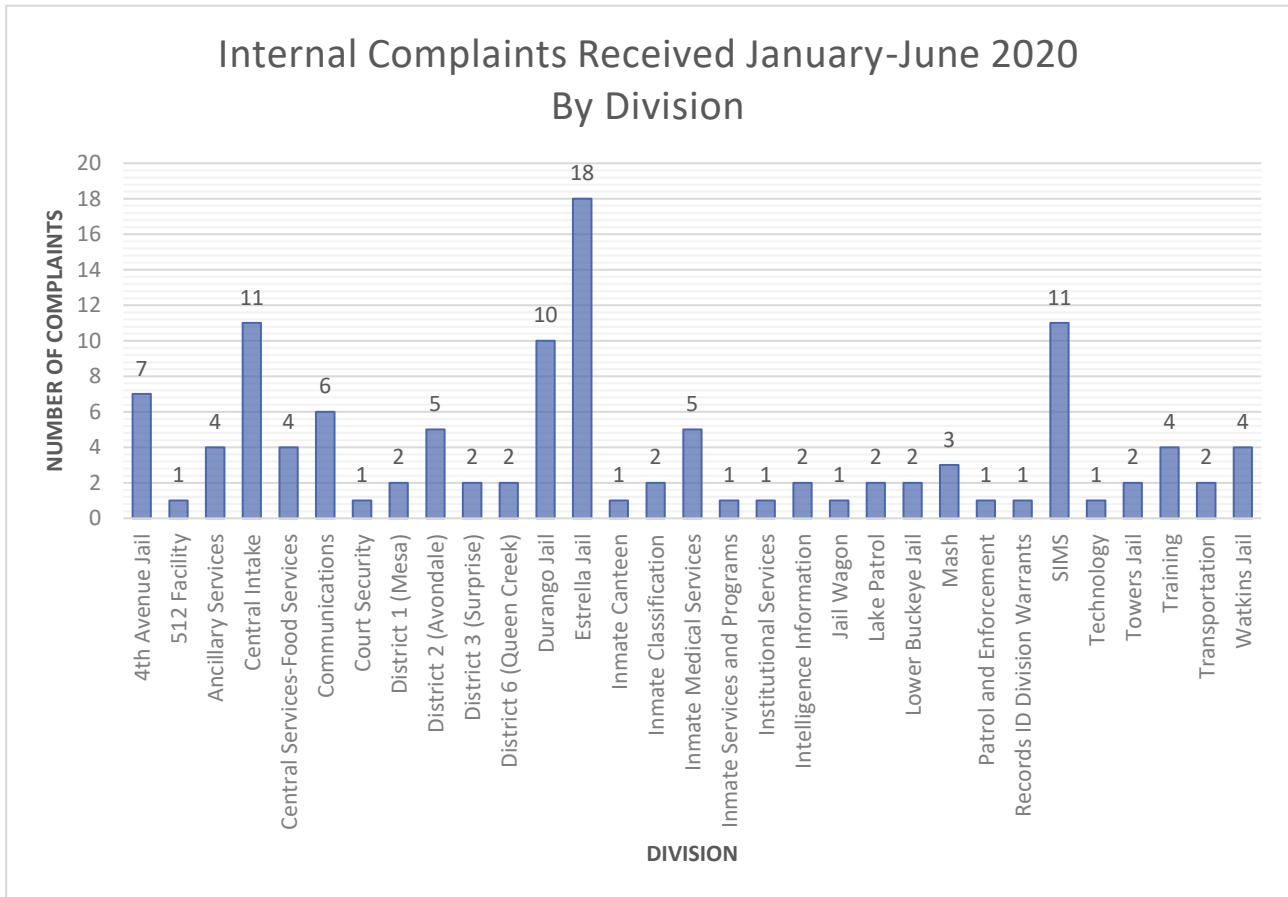


Figure 12: Internal Complaints received, by District, which resulted in an investigation.

Within the 119 internal complaints, the MCSO received 20 complaints in January, 13 complaints in February, 17 complaints in March, 25 complaints in April, 16 complaints in May, and 28 complaints in June. The internal complaints received remained consistent within the reporting six months with most of the allegations involving Code of Conduct practices (e.g., employee relationships with other employees and failure to meet standards.) In June, the MCSO received 28 internal complaints; with an approximate average of 20 complaints received per month; this was approximately 40% above the average internal complaints received.

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

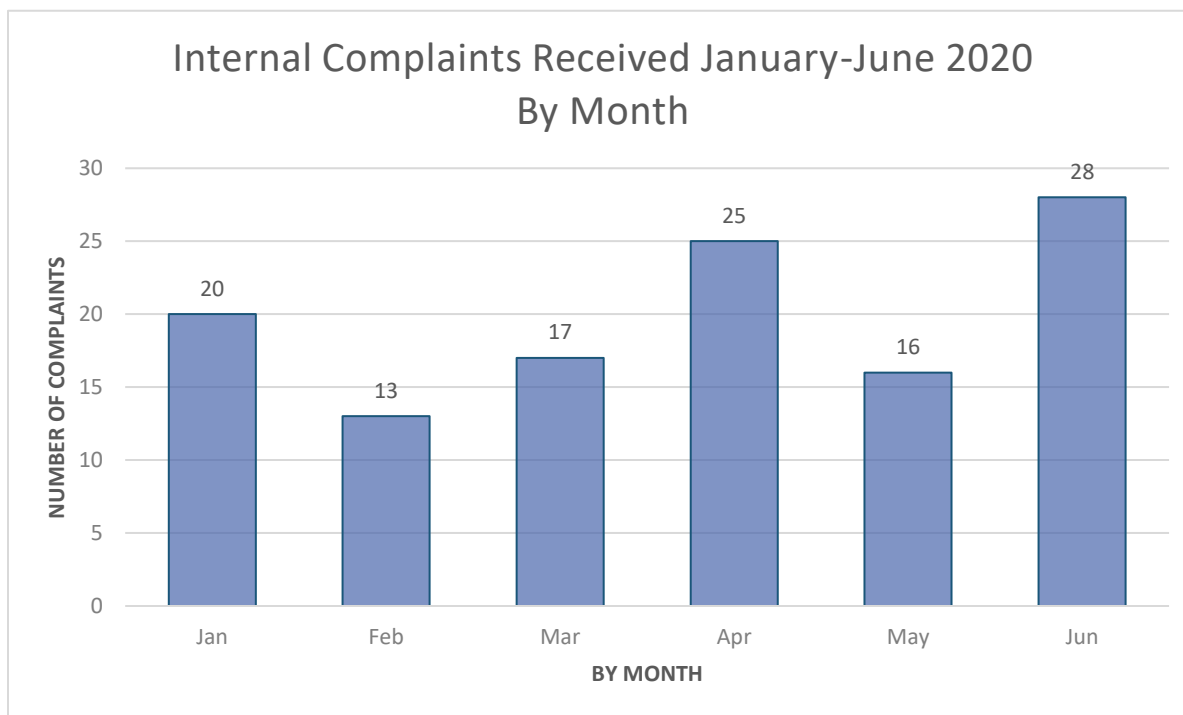


Figure 13: Internal Complaints received, by month, from January to June 2020.

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

The “Detention Officer” rank was identified 72 times out of 156 total principals listed in internal complaint investigations between January and June 2020.

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

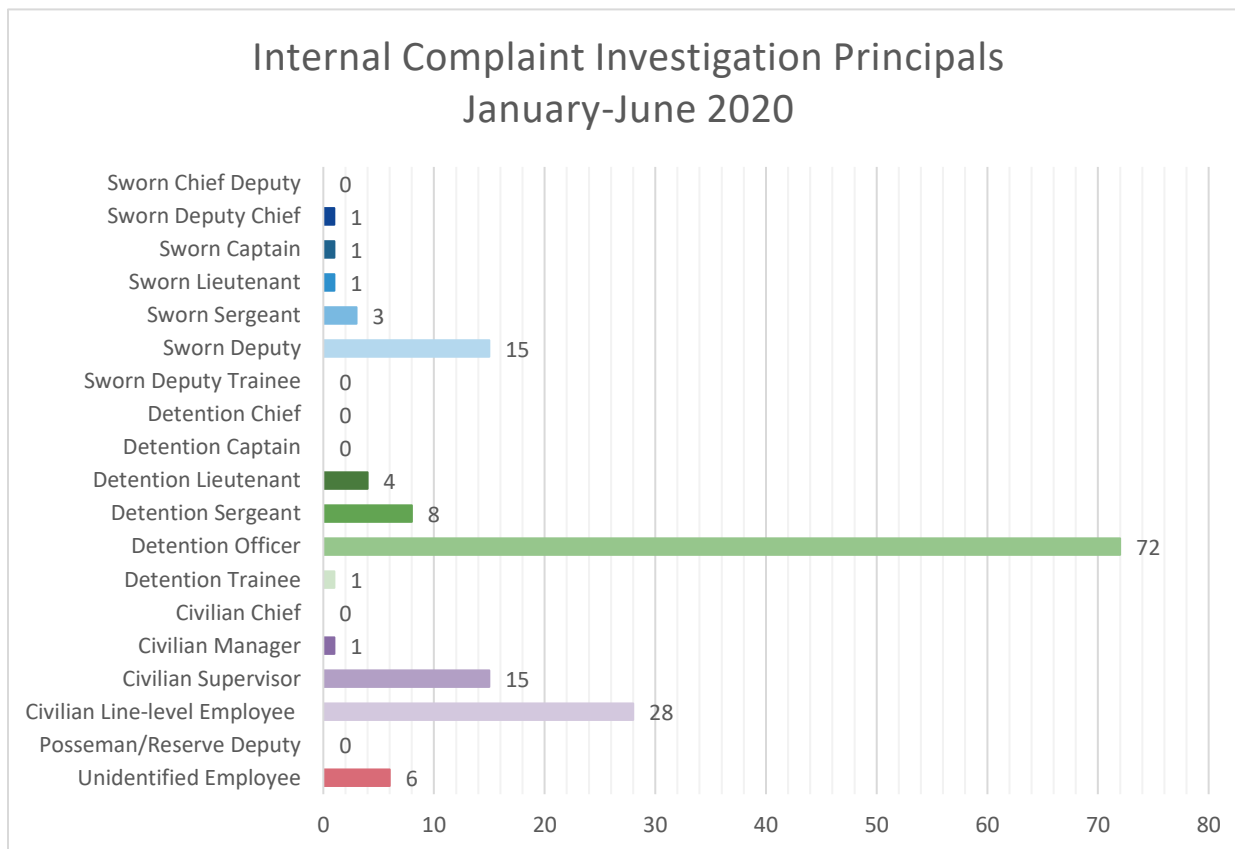
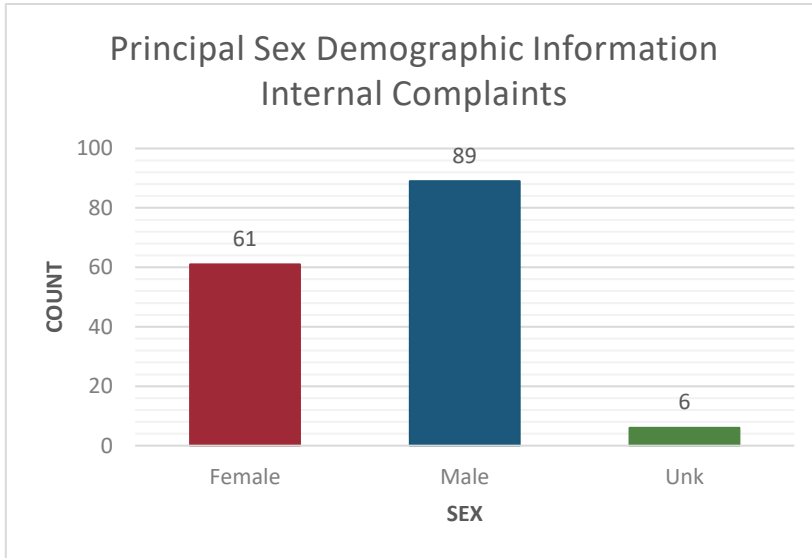


Figure 14: Rank of Principals in Internal Complaint Investigations January to June 2020.

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 January to June 2020, the PSB initiated three internal investigations with an anonymous complainant. These were handled as internal complaints due to the content being information only an employee would know.

⁴ 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 and Reserve Deputies)



There were 89 identified male principals; approximately one and a half times more than the amount of identified female principals. There were six unknown employees identified as principals.

Figure 15:
Demographic of Principals between January and June 2020, by Sex.

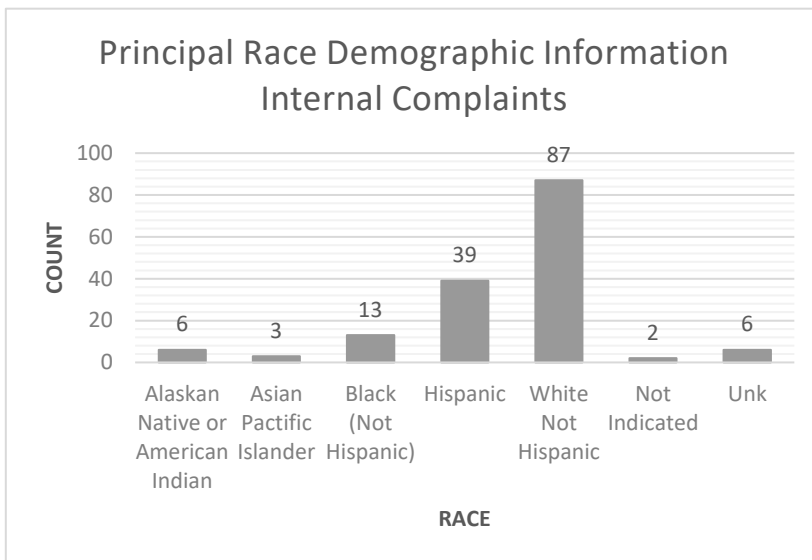


Figure 16 depicts 87 identified White (Not Hispanic) employees named as the principal in Internal Complaint Investigations; approximately 56% of the 156 employees.

Figure 16:
Demographic of Principals between January and June 2020, by Race.

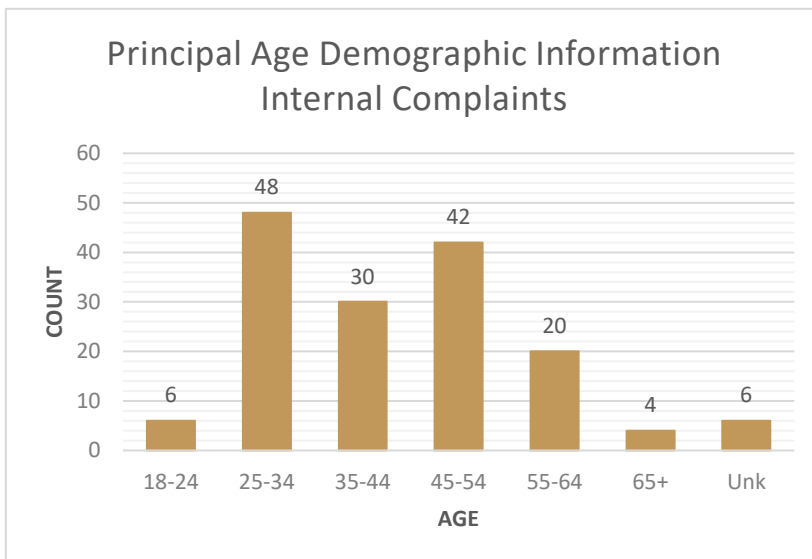
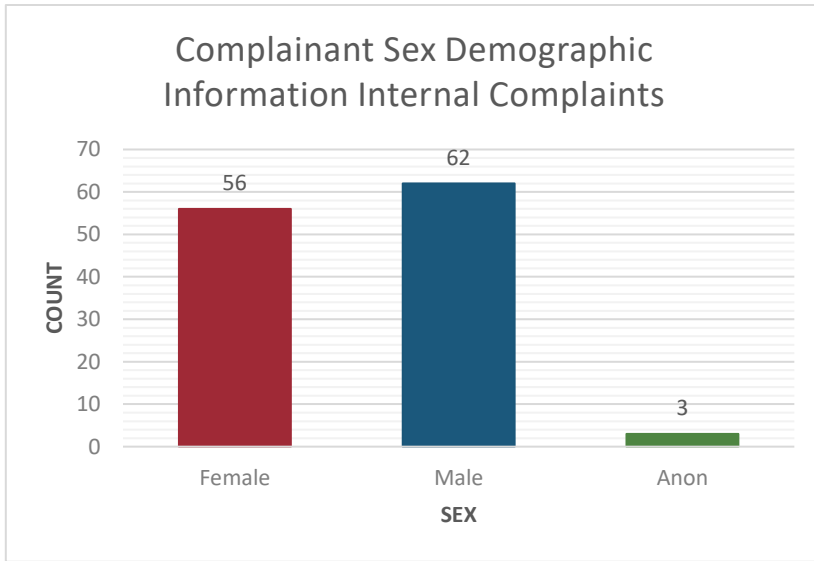


Figure 17 shows known Internal Complaint Principals are commonly between the ages of 25 and 34, which contradicts with an average age of 42 years old.

Figure 17:
Demographic of Principals between January and June 2020, by Age.



There were 62 identified male complainants, approximately the same amount of the identified females. Sex could not be identified for the three anonymous complainants.

Figure 18:
Demographic of Complainants between January and June 2020, by Sex.

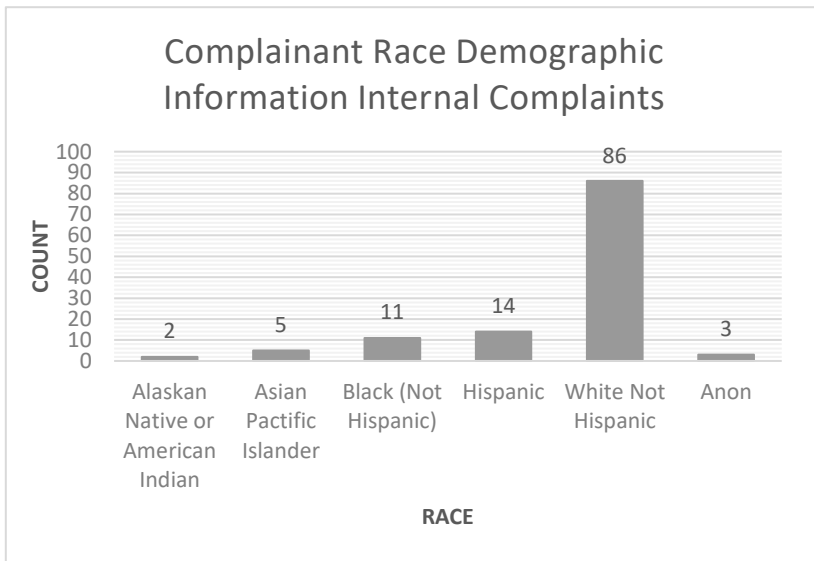


Figure 19 depicts 86 identified White (Not Hispanic) employees named as the complainant in Internal Complaint Investigations; approximately 70% of the 121 complainants. Race could not be identified for the three anonymous complainants.

Figure 19:
Demographic of Complainants between January and June 2020, by Race.

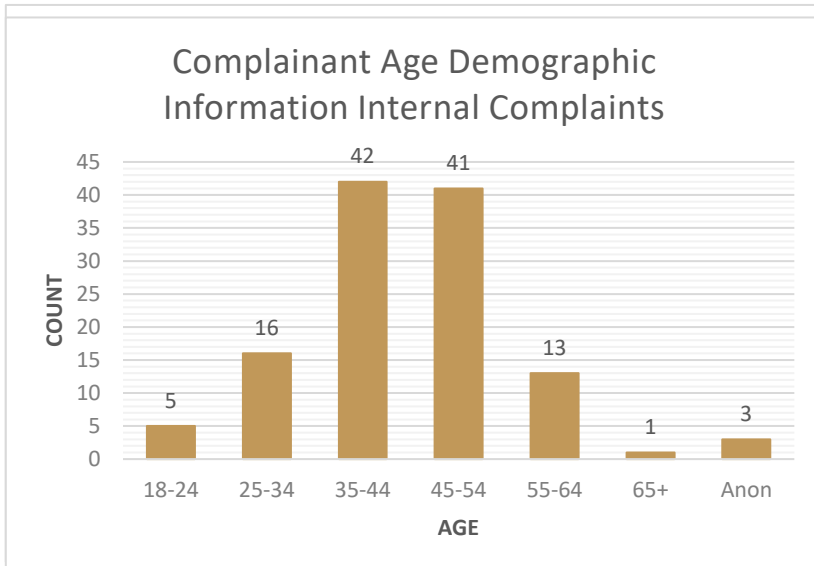


Figure 20 shows known Internal Complaint complainants are commonly between the ages of 35 and 44 which coincides with an average age of 43 years old. Age could not be identified for the three anonymous complainants.

Figure 20:
Demographic of Complainants between January and June 2020, by Age.

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

There were 213 alleged policy violations between January and June 2020. Approximately 58% 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 however a decrease in the percentage of complaints related to violations of conduct. Figure 21 depicts the allegation breakdown.⁵

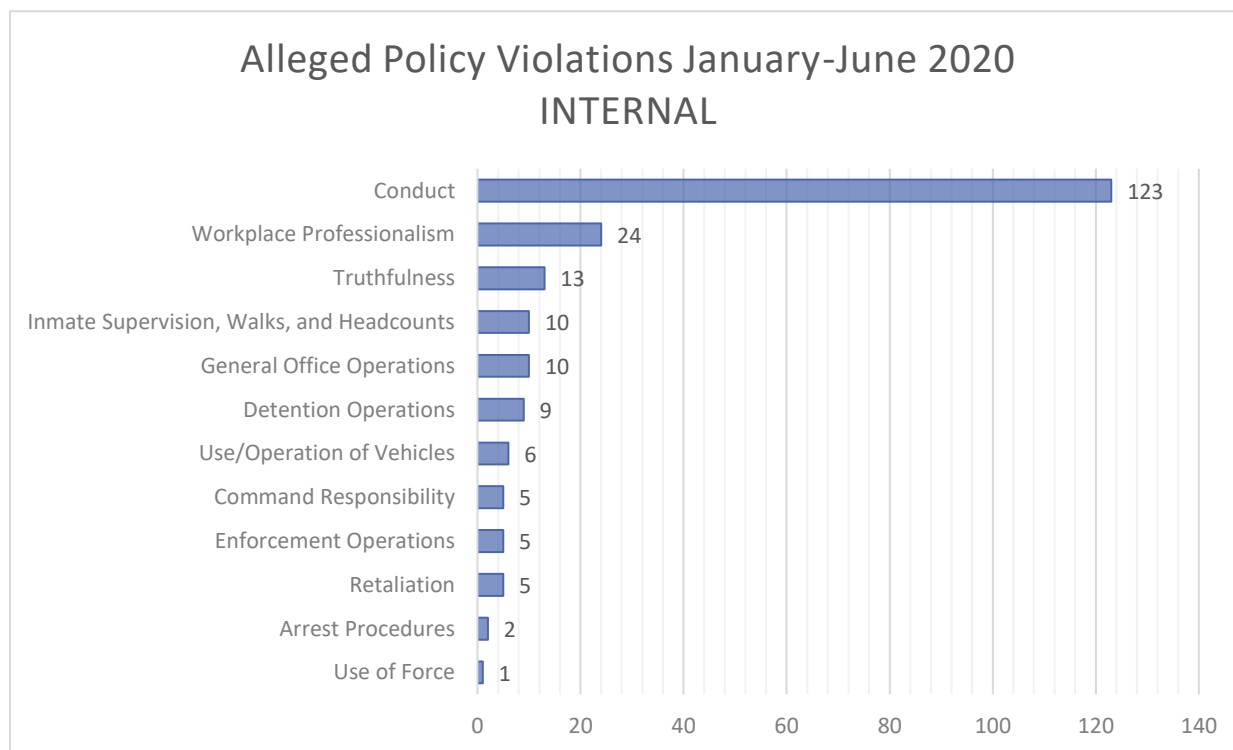


Figure 21: Alleged Policy Violations within Internal Complaint Investigations

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

Detention Operations: Release process (6) and operations journal (3).

Enforcement Operations: Incident report guidelines (2), search and seizure (1), criminal investigations (1), and body-worn cameras (1).

General Office Operations: Compensation/ADP system (3), firearms (3), leave and absences (2), employee access to the internet (1), and internal investigations (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 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 are provided throughout the division level investigation.

Between January 1, 2020 to June 30, 2020, the PSB opened a total of 340 misconduct investigations⁶; 259 were assigned to the Professional Standards Bureau investigators, 15 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 66 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.

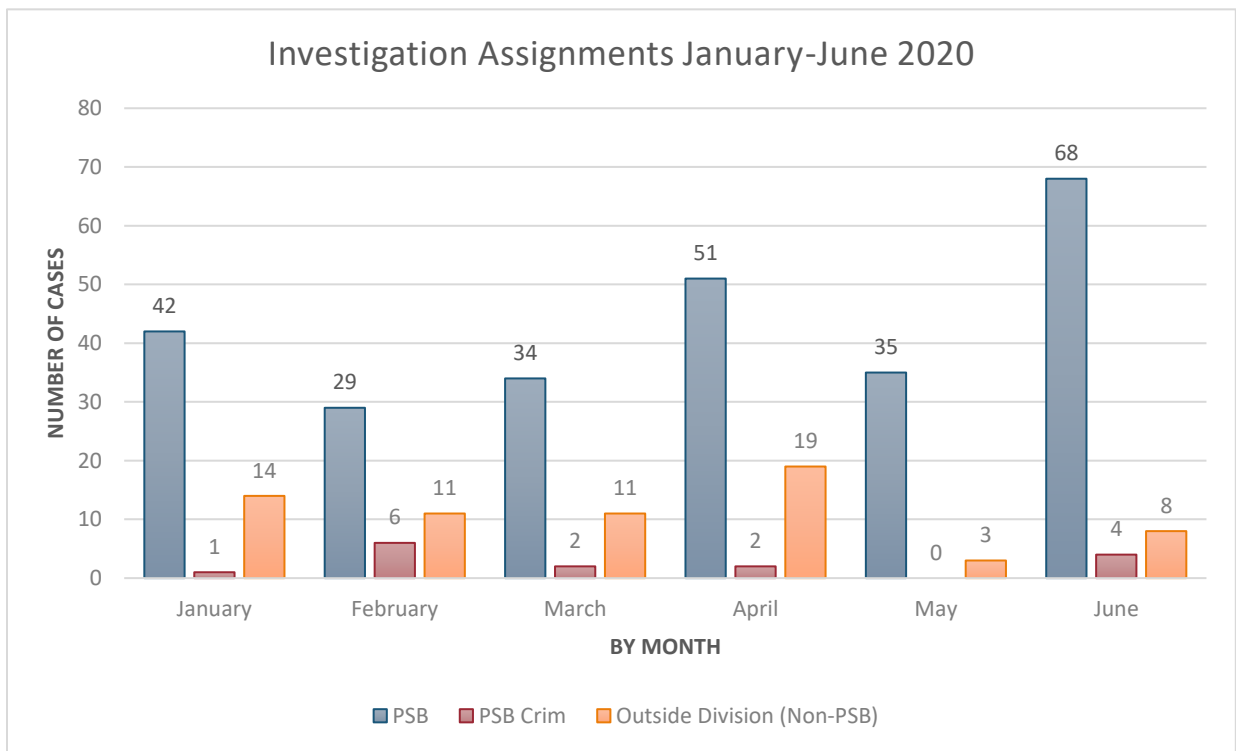


Figure 22: Investigation Assignment break down between PSB and Non-PSB Division

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

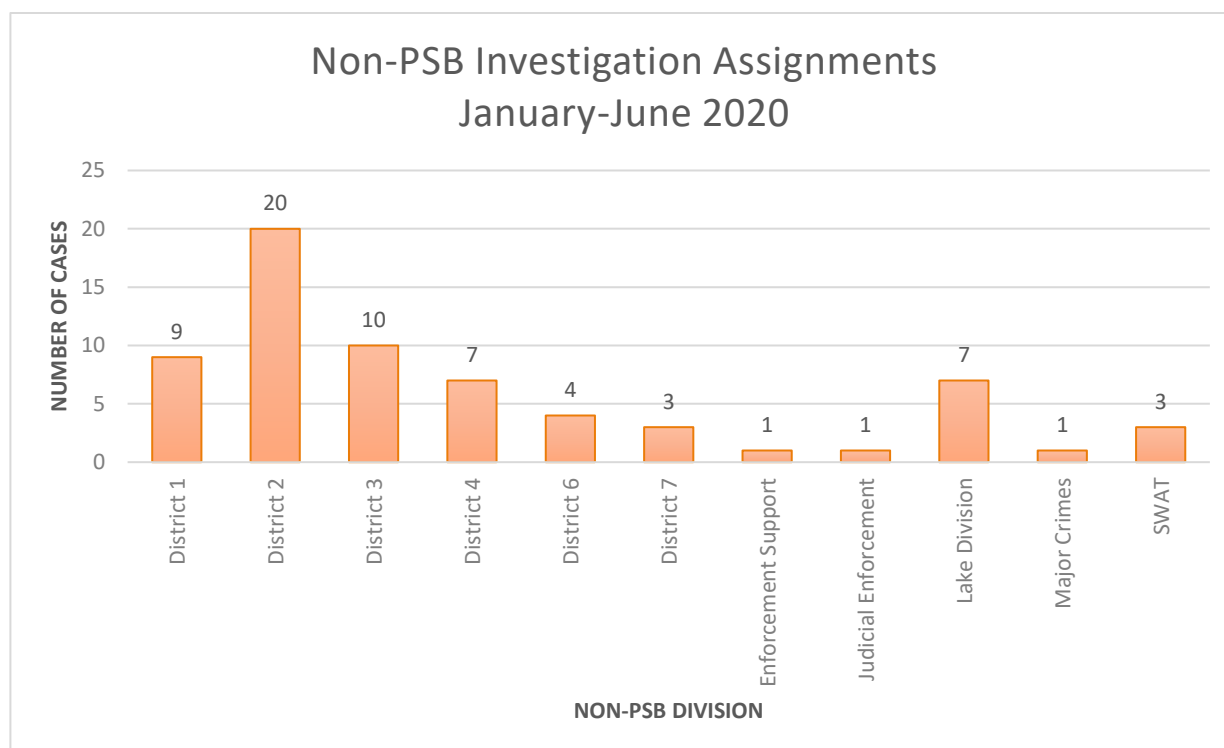


Figure 23: Non-PSB Division Assignment break down

Between January and June 2020, there were a total of 44 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 139 days and the median time was 90 days.⁷ This is 132% above the 60-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The average time from investigator submission to the final decision regarding discipline or other final disposition was 254 days and the median was 153 days.

The total completion time (initiation to final discipline decision) of District investigations is 393 days. This is approximately 118% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 44 Division cases, four cases were returned to the Division assigned investigator by the PSB due to the conclusion not supported by the evidence and two were returned for investigative corrections. Of the remaining 38 investigations, there were six cases returned to the Division assigned investigator for report detail edits, one for formatting or form detail corrections, and 31 cases that did not require any revisions.

Between January and June 2020, there were a total of 89 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 527 days and the median time was 489 days.⁸ This is 520% 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

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

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

to the final decision regarding discipline or other final disposition was 29 days and the median was 22 days.

The total completion time (initiation to final discipline decision) of PSB investigations is approximately 556 days. This is approximately 209% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 89 PSB cases, there was one case returned due to the conclusion not supported by the evidence and one case returned to the PSB investigator for investigative corrections.

F. Outcomes of Misconduct Investigations

A total of 133 administrative misconduct investigations were completed between January and June 2020; 33 completed investigations had Sustained dispositions, 55 had Not-Sustained dispositions, 16 had Exonerated dispositions, and 29 had Unfounded dispositions.

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

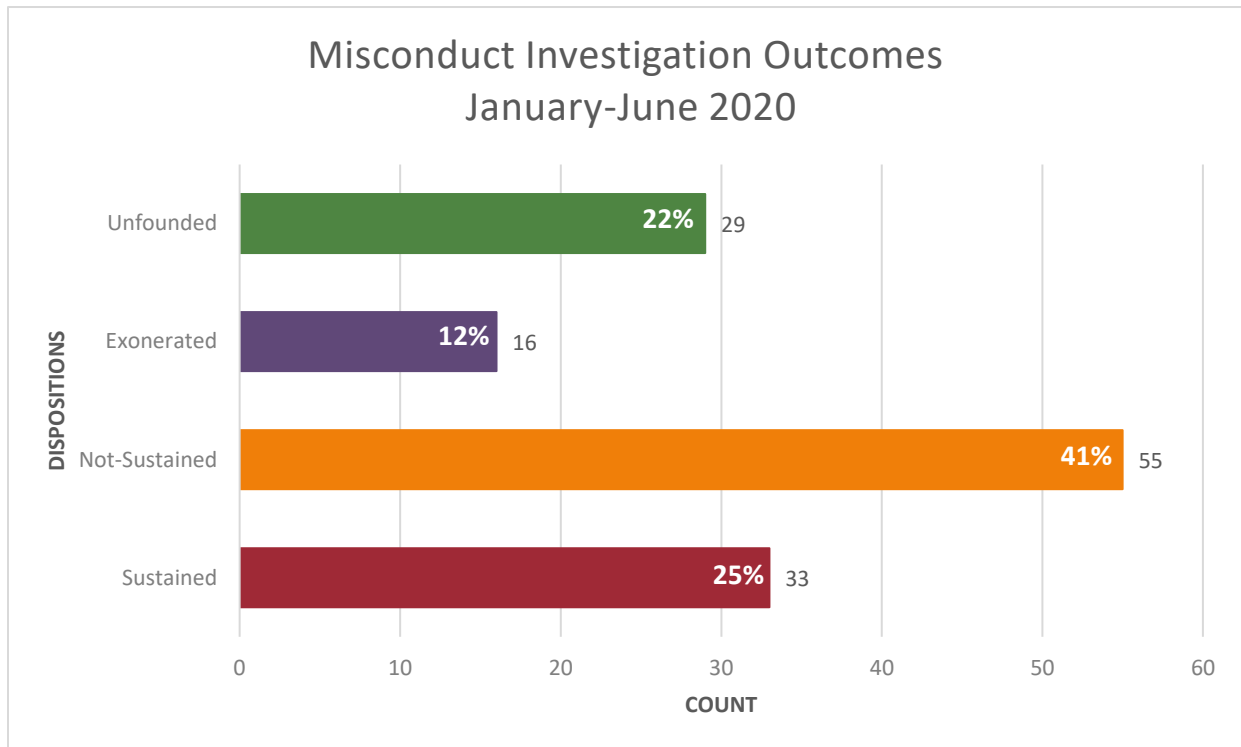


Figure 24: Misconduct Investigation Outcomes from January to June 2020.

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 33 sustained misconduct investigations closed from January to June 2020.

The following is a breakdown of the disciplinary and non-disciplinary actions for the 33 closed sustained cases⁹: 6 non-disciplinary (coaching) actions; 12 written reprimands; 9 suspensions; 1 demotion; 1 termination; and 4 resignations in lieu of termination. Six employees retired or resigned prior to the conclusion of the investigation and/or discipline determination.

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

⁹ Listed numbers reflect the discipline action for each employee principal involved; numbers will not match the total number of closed sustained cases.

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, 2020 to June 30, 2020, there was one case where the findings were changed after a Pre-Determination Hearing (PDH.) The initial finding was sustained and was changed to not-sustained.

There were no cases in which the Appointing Authority, regarding discipline, deviated from the established matrix after the PDH.

From January to June 2020, The Maricopa County Law Enforcement Merit System Council upheld the findings of one closed investigation during the reporting period. There were no cases in which the Council altered or overturned 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 (July 1, 2019 – June 30, 2020), 32 employees were listed as the subject of more than two misconduct investigations in a total of 121 investigations. The 32 employees have been broken down and categorized by their most egregious discipline. Of the 32 employees, 3 received serious discipline, and 5 received minor discipline¹⁰. The remaining employees (24) all have current active investigations.

There were 11 employees, from July 1, 2019 – June 30, 2020, that have had more than one sustained allegation that resulted in **minor** discipline. Those 11 employees had a combined total of 15 sustained allegations. In that same timeframe, 20 employees had more than one sustained allegation that resulted in **serious** discipline. There were 34 sustained allegations between the 20 employees.

Between January and June 2020, no employees were the subject of criminal prosecutions.

¹⁰ 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.

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 first quarter (January 2020 to March 2020) and for the second quarter (April 2020 to June 2020.)

First Quarter Assessment:

Divisions Receiving the Most Complaints

The PSB identified the Estrella Jail facility and District 2 - Avondale as the two Divisions receiving the most complaints between January 1, 2020 to March 31, 2020.

The Estrella Jail facility received 20 complaints resulting in misconduct investigations; three of the investigations were opened regarding allegations of employees not conforming to established laws; two investigations opened into alleged inappropriate use of force; and two were opened due to employees not completing security walks appropriately and logging them as completed. Additionally, there were two investigations with allegations of employees using inappropriate gestures and profanity and two investigations opened due to employees bringing phones into the jail facilities. The other nine did not follow a pattern or trend we could identify at this time.

District 2 – Avondale received twelve complaints resulting in misconduct investigations; three of the investigations were opened regarding allegations of employees being rude, disrespectful, and unprofessional when handling calls for service; three investigations opened alleging the Deputy refused to respond or mishandled a requested call for service; and two were opened with allegations of employees speeding and driving unsafely. The other four complaints received did not follow a pattern or trend we could identify at this time.

Notable Patterns and Trends Identified within MCSO Divisions

Between January 1, 2020 to March 31, 2020, 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 District 4 – Cave Creek Division received seven complaints resulting in misconduct investigations; four were opened into allegations of rudeness (unprofessional comments and abrasive, condescending, and demeaning behavior.)

The Major Crimes Division received three complaints resulting in misconduct investigations and all three involved allegations of rudeness (yelling and dismissive to complainants.)

The Communications Division received nine complaints resulting in misconduct investigations; three were opened into allegations of employees not being respectful or courteous to other employees.

The Inmate Medical Services Division received four complaints resulting in misconduct investigations; two were opened into allegations of employees not being respectful, courteous, or professional toward other employees.

The Judicial Enforcement Division received three complaints resulting in misconduct investigations; two were opened into allegations of employees driving MCSO vehicles in an unsafe manner.

All Misconduct Allegations Categorized

There were 141 complaints received between January 1, 2020 to March 31, 2020. The Professional Standards Bureau identified 33 investigations with allegations categorized as “rude” behavior (employees yelling, talking over complainants, having a “bad” attitude and being condescending, sarcastic, taunting, abrasive, and disrespectful.) There were 12 investigations opened with allegations of employees yelling, making disparaging or demeaning comments and being unprofessional toward other employees. Additionally, 11 investigations were opened for inappropriate language/actions (use of profanity, vulgar language, and inappropriate gestures) toward inmates or members of the public. There were 11 investigations opened due to alleged on or off duty criminal activity (two involving reports of employees driving under the influence.) There were 10 investigations with allegations of specific workplace professionalism misconduct (invading personal space, sexual comments, and discriminating or disparaging comments due to race and/or medical conditions.) There were eight investigations opened with allegations of employees not conducting full investigations and mishandling calls for service.

The following is a list of notable allegations into custody specific misconduct: there were four investigations into employees not conducting proper security walks; three investigations into the late release of inmates; and three investigations into employees bringing phones into a secured jail facility.

The following is a list of notable allegations into sworn specific misconduct: there were three investigations opened into employees failing to provide their name and serial number when requested and two investigations into vehicle accidents while driving under emergency situations.

Employee Potential Problematic Patterns and Trends

The following employees have been identified as MCSO personnel with potential problematic patterns or trends of misconduct.

An employee was named in four IA investigations with allegations stemming from discourteous, disrespectful, and unprofessional behavior when interacting with other Division employees.

An employee was named in four IA investigations with allegations stemming from not following procedures when processing court documents, leading to inmates not being released or not being released on time.

An employee was named in three IA investigations with allegations stemming from not completing the Daily Master Movement List (DAKT) and not forwarding it to another employee/team to complete, resulting in the late release of three inmates.

An employee was named in three IA investigations; two with allegations stemming from bringing her phone into a secured jail facility.

Other Actions on Identified Pattern and Trends

During this quarter, the PSB identified a potential problematic pattern and trend at the Estrella Jail Facility. The PSB initiated four investigations with an underlying issue of presenting an ID/badge to gain access to the Estrella Jail facility. Moreover, these four investigations are based on the behaviors of two employees. The potential problematic trend identified was the lack of process or understanding as to when a person should or should not show their ID or badge to gain access to the facility.

Second Quarter Assessment:*Divisions Receiving the Most Complaints*

The PSB identified District 2 - Avondale and the 4th Avenue Jail as the two Divisions receiving the most complaints between April 1, 2020 to June 30, 2020.

District 2 – Avondale received 18 complaints resulting in misconduct investigations; six of the investigations were opened regarding allegations of employees being rude, condescending, unprofessional, or inappropriate when handling calls for service; four were opened with allegations of employees speeding or driving unsafely causing a vehicle accident; four opened alleging a Deputy failed to take action, mishandled, or failed to do follow up investigation on calls for service; and three investigations were opened regarding allegations of employees not conforming to established laws. The other complaint received did not follow a pattern or trend that could be identified.

The 4th Avenue Jail facility received 17 complaints resulting in misconduct investigations; five of the investigations were opened regarding allegations of the mistreatment of inmates to include, ignoring or refusing requests, threats, and excessive use of force; three investigations were opened into allegations of supervisors not being respectful, courteous, or professional toward subordinate employees; two investigations were opened with allegation of employees not conforming to established laws; and two investigations were opened into alleged mistreatment of inmates based on racial biases. Additionally, three investigations were opened into allegations of inappropriate behavior. The alleged behavior varies from viewing inappropriate content on county computers, inappropriate social media posts, and inappropriate relationships with inmates. The other two did not follow a pattern or trend that could be identified.

Notable Patterns and Trends Identified within MCSO Divisions

Between April 1, 2020 to June 30, 2020, 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 Court Security Division received four complaints resulting in misconduct investigations. There were three involving allegations of racially motivated law enforcement actions and racial comments.

District 1 – Mesa received 10 complaints resulting in misconduct investigations; three were opened into allegations of racially motivated law enforcement actions or racial slurs. There were also two investigations opened alleging unsafe driving.

District 6 – Queen Creek received nine complaints resulting in misconduct investigations. There were three investigations alleging employees speeding. Additionally, there were two investigations with allegations of racially motivated law enforcement actions or comments.

The SWAT Division received two complaints resulting in misconduct investigations and both involved allegations of unsafe driving almost resulting in a vehicle accident.

The Lake Patrol Division received 13 complaints resulting in misconduct investigations. There were seven investigations involving allegations of rudeness (yelling and being aggressive and disrespectful.) Of the seven, three investigations involved allegations of racial motivated law enforcement actions.

The Communications Division received four complaints resulting in misconduct investigations; three were opened into allegations of employees not being respectful or courteous to members of the public.

The Enforcement Support Division received three complaints resulting in misconduct investigations. All three involved allegations of employees abusing authority and not conforming to established laws.

The Ancillary Services Division received four complaints resulting in misconduct investigations. All four involved allegations of employees not being respectful or courteous to other employees.

The Sheriff's Information Management System (SIMS) Division received four complaints resulting in misconduct investigations. There were four involving allegations of employees not processing paperwork properly leading to inmates being released late.

All Misconduct Allegations Categorized

There were 182 complaints received between April 1, 2020 to June 30, 2020. The Professional Standards Bureau identified 25 investigations with allegations categorized as "rude" behavior (disrespectful, argumentative, condescending, aggressive, belittling, and yelling.) There were 25 investigations opened with allegations of discrimination and derogatory or racial slurs and comments. There were 22 opened for inappropriate language/actions (use of profanity and vulgar language, sexual comments or actions, unsafe actions) toward fellow employees, inmates, or members of the public. There were 16 investigations opened due to alleged on or off duty criminal activity (six involving reports of domestic violence or assault and two involving reports of employees driving under the influence.) There were 13 opened with allegations of unsafe driving or at-fault vehicle accidents (two involving vehicle driving or accidents while in pursuit.) There were 10 investigations with allegations of workplace professionalism misconduct (sexual comments or gestures and discriminating or disparaging comments due to race and/or medical conditions.) Additionally, there were seven investigations with allegations of fraternization with inmates (special favors, gifts, friendships, and sexual comments.) There were six investigations with allegations of inappropriate social media comments or posts and there were three investigations initiated for accidental weapons discharge.

The following is a list of notable allegations into custody specific misconduct: there were 13 investigations with allegations of the mistreatment of inmates (refusing requests from inmates, bullying, and threats); seven investigations into the late release of an inmate; and five investigations into employees not conducting proper security walks.

The following is a list of notable allegations into sworn specific misconduct: there were five investigations opened into employees abusing their authority; four investigations into employees not

conducting full investigations and mishandling calls for service; and four investigations into inadequate deputy reports.

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 April 1, 2020 to June 30, 2020.

An employee was named in four IA investigations with allegations stemming from unprofessional and inappropriate behavior while off duty.

An employee was named in four IA investigations with allegations stemming from verbal outburst and antagonistic and unprofessional behavior when interacting with other MCSO employees.

An employee was named in four IA investigations with allegations stemming from complaint discouragement, showing preferential treatment, and encouraging animosity among staff members.

The following employees are each involved in two new IA investigations. These, over other employees with two IA investigations, have been noted due to a common trend of allegations.

An employee was named in two IA investigations with allegations stemming from unprofessional comments references employees taking medical leave.

An employee was named in two IA investigations with allegations stemming from rude behavior to members of the public and MCSO employees.

An employee was named in two IA investigations with allegations stemming from inappropriate sexual gestures and not completing his assigned duty tasks properly.

An employee was named in two IA investigations with allegations stemming from rude phone etiquette to members of the public.

An employee was named in two IA investigations with allegations stemming from offensive racial comments and discrimination.

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 has decreased within this reporting period and requires improvement reference investigation thoroughness, completeness, and evidence-supported findings. The following concerns have been identified as areas needing improvement for District investigations: insufficient investigation, improper findings, leading questions, and multiple administrative issues.

Through the review process, the liaisons continue to specifically note the following trends found within these investigations¹¹: improper policies for allegations, inappropriate finding choices, and the lack of follow up or closure into any additional concerns apparent in the investigation. The PSB liaisons have also noted the District investigators are reluctant to reach out to the investigators for assistance with their investigations prior to turning them in.

During this time, there were 17 investigations¹² where the District Division Commanders failed to identify issues within the report, prior to submitting them to the PSB. These issues mostly included a change of findings. To ensure investigative completeness prior to PSB submission, this reporting period the Districts have added an extra layer of review at the Command level. This extra line of review together with the time and effort PSB has dedicated into the review of these cases, has led to the continued time delay for proper and complete investigations.

With the initial 40-hour training on Conducting Misconduct Investigations, the annual 8-hour training on Conducting Misconduct Investigations, the continued practice of conducting investigations, the continued advisement from PSB District liaisons, and now the additional Command-level review, the PSB expects to see continued improvement of misconduct investigations completed at the District level.

¹¹ 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.

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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 an increase in external complaints received; the approximate average of external complaints received was 16% more for this reporting period versus the last reporting period (July 2019 to December 2019.) When comparing the numbers of external complaints received in 2019 and 2020, there is a slight upward 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 reason for the continued external allegations of misconduct regarding Code of Conduct Practices. Although the PSB started collecting complainant demographic information this reporting period, a pattern or trend could not be identified due to the low response rate.

The data shows an average of 20 internally generated complaints per month. This is more than the reported average of the previous six months. The internal complaints received for 2020 are showing an upward trend however there is an overall downward trend for the overall complaints received in 2019 and 2020 combined. The most frequent allegations identified within the internal complaints received, involved Code of Conduct practices (e.g., failure to meet standards and employee relationships with other employees.) The PSB still attributes the decrease of the overall internal complaints to supervisor-initiated interventions, which allows supervisors to address minor misconduct to improve performance or behavior to prevent their progression to a misconduct investigation.

The continual improvements to the Division Case Review log have allowed the PSB to better track any cases with investigative concerns ("further investigation needed" or "conclusion not supported by the evidence") identified within division-investigated cases. Approximately 9% of assigned cases required investigative corrections. This is a 3% increase from the last six months. With the expectations clearly defined, the Districts are being held to a higher standard to complete more thorough investigations. The quality of District-investigated cases has decreased from the last report period. To ensure investigative completeness, an extra layer of review at the Command level has been added. The PSB anticipates with this change, the investigations completed at the Division-level will improve.

Of the cases investigated within the Professional Standards Bureau, one was returned to the investigator due to conclusions not supported by the evidence and one returned for investigative corrections.

All investigations completed during this reporting period were 180% higher than the 180-day expectation set forth in Arizona statute and MCSO Policy GH-2, Internal Investigations. The PSB attributes the increased timeframes to the large and ever-increasing caseload of PSB investigators, the complexity of PSB investigations, and the extensive review process of District-investigated cases.

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 July 2019 to June 2020, 32 employees were listed as the

subject of more than two misconduct investigations, which is approximately 0.9% 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.