



Professional Standards Bureau
Misconduct Investigations Semi-Annual Report
July 1, 2017 – December 31, 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 July 1, 2017 and December 31, 2017.

The MCSO saw a decrease in external complaints from the last Semi-Annual Report. The data shows there was an increase of internal complaints from the previous six months and the data continues to show 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, 23% were assigned to divisions outside of the PSB and the average time of the investigation at the district level was 83 days, a 4% increase from the previous report. There were 227 misconduct investigations completed, 49% with a sustained disposition. Further research shows 73 employees had persistent misconduct (subject of more than two misconduct investigations) and 44% 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 July and December 2017.

B. External Complaints

Based on the data, the MCSO received a total of 279 external complaints that resulted in PSB both administrative and criminal investigations from July 1, 2017 to December 31, 2017 office-wide. The three districts (also known as divisions) with the most external complaints were Lower Buckeye Jail Facility with 39 complaints, patrol District 1 (Mesa) with 29 complaints, and patrol District 2 (Avondale) with 25 complaints.

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

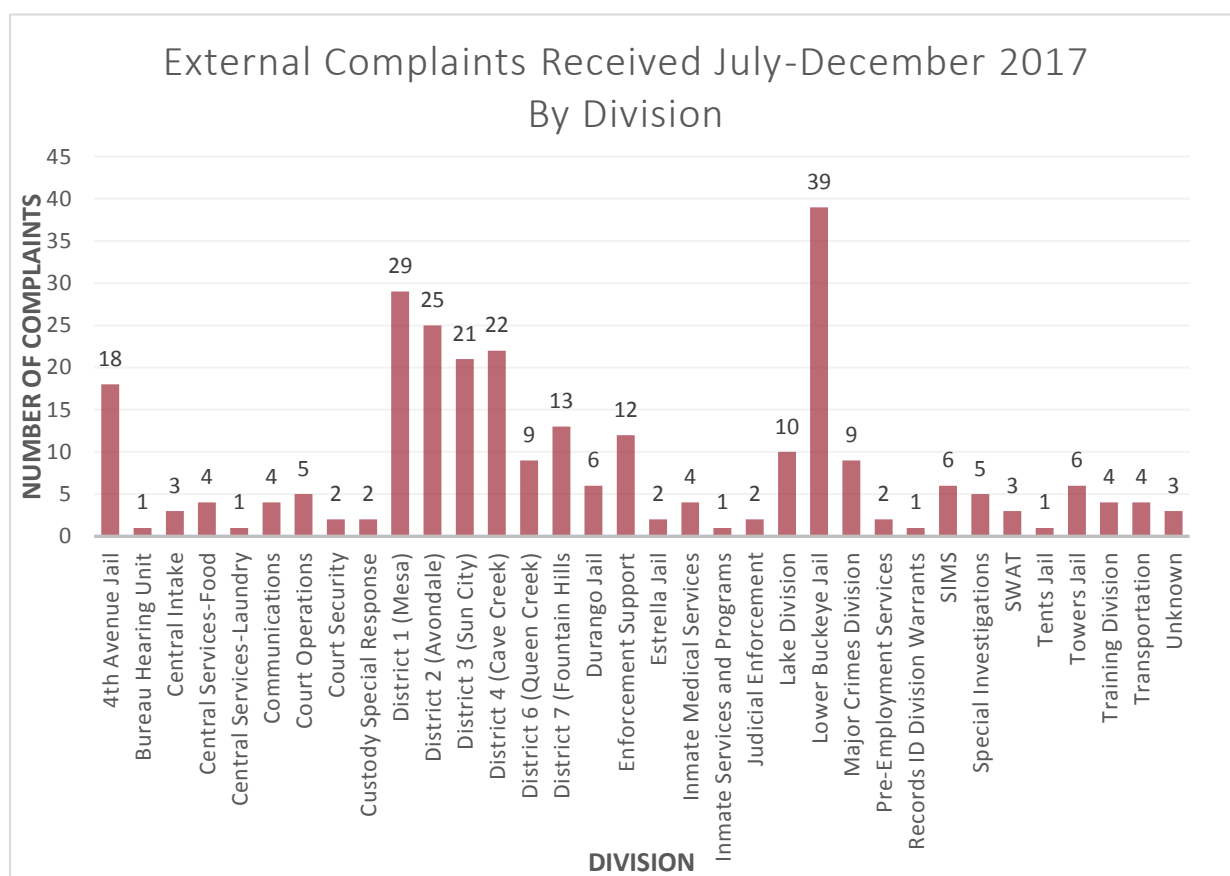


Figure 1: External Complaints, by District, received that resulted in an investigation.

Within the 279 external complaints, the MCSO received 36 complaints in July, 63 complaints in August, 44 complaints in September, 57 complaints in October, 39 complaints in November, and 40 complaints in December. The allegations occurring most were those involving Code of Conduct practices (e.g., unbecoming conduct, failure to meet standards, and treatment of persons in custody.) The approximate average of external complaints received each month was 47. In the month of August, the MCSO received 63 complaints, a 34% increase of complaints over the average.

Figure 2 depicts the information above.

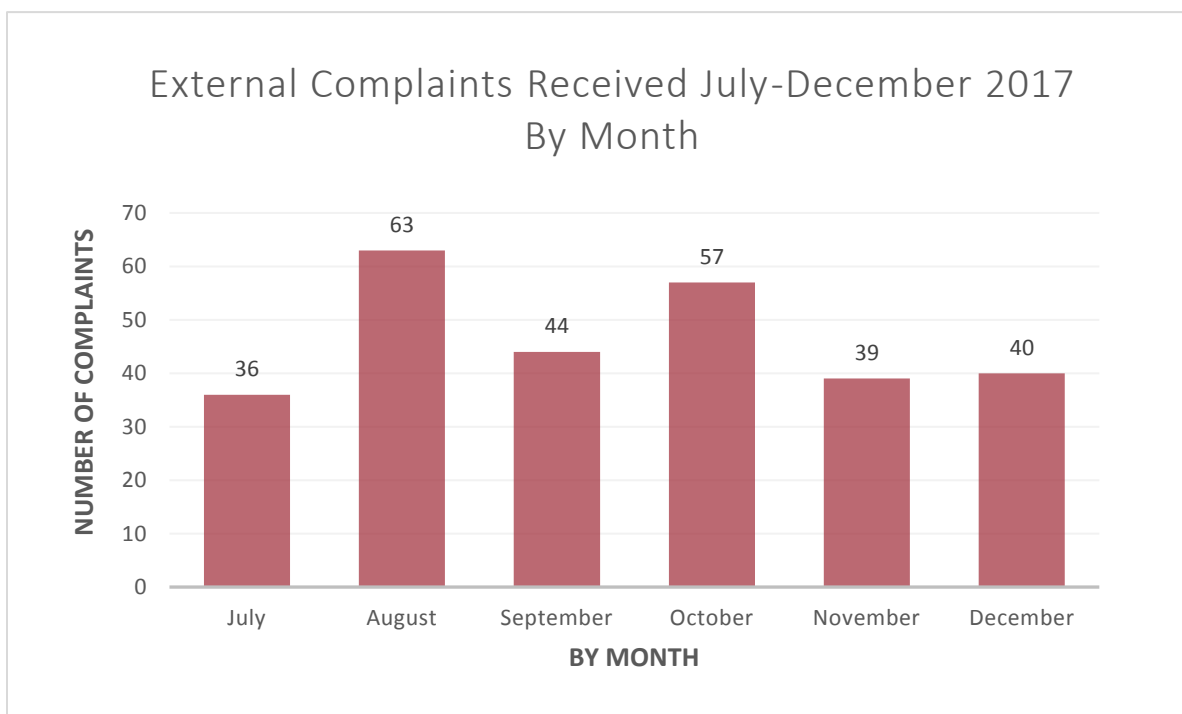


Figure 2: External Complaints, by month, received from July to December 2017.

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

The “Sworn Deputy” rank was identified 234 times out of 519 total principals listed in external complaint investigations between July and December 2017.

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

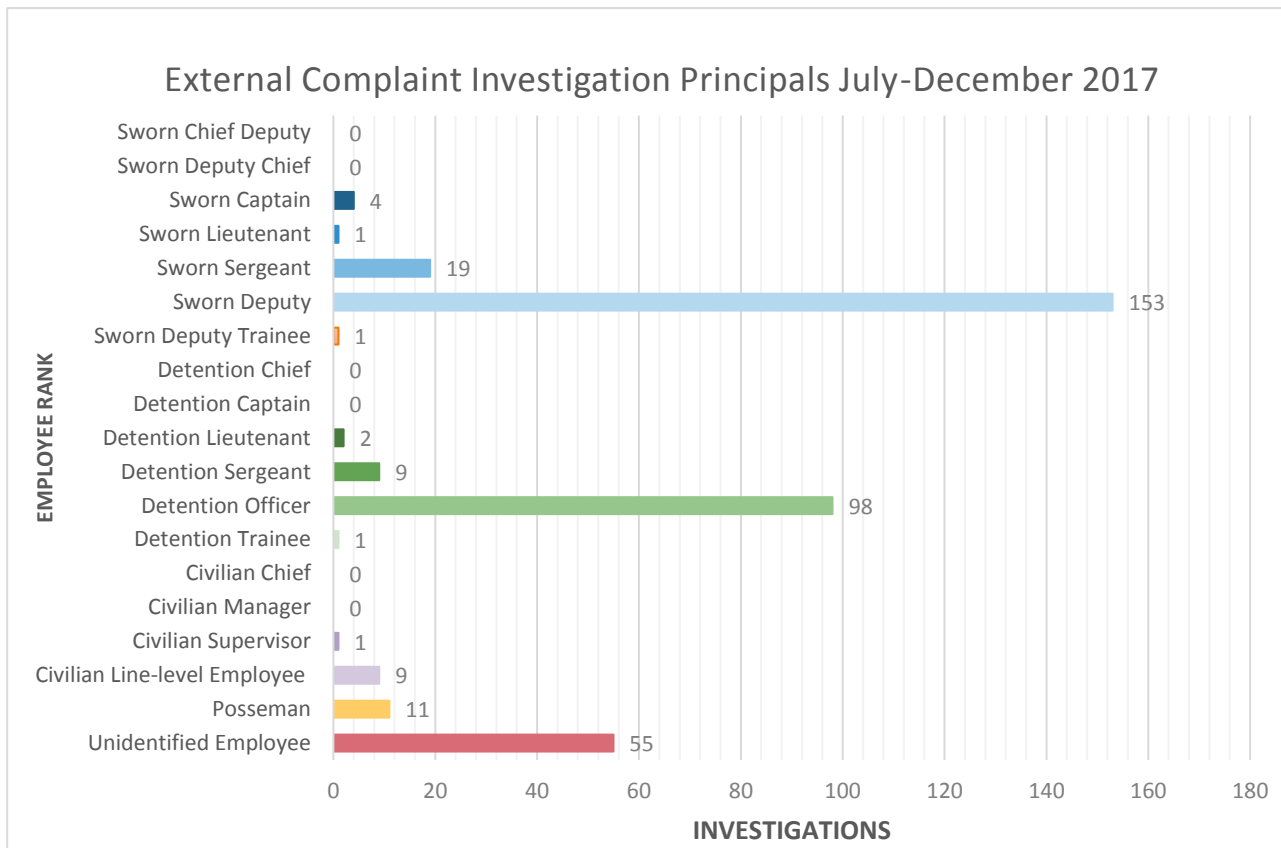
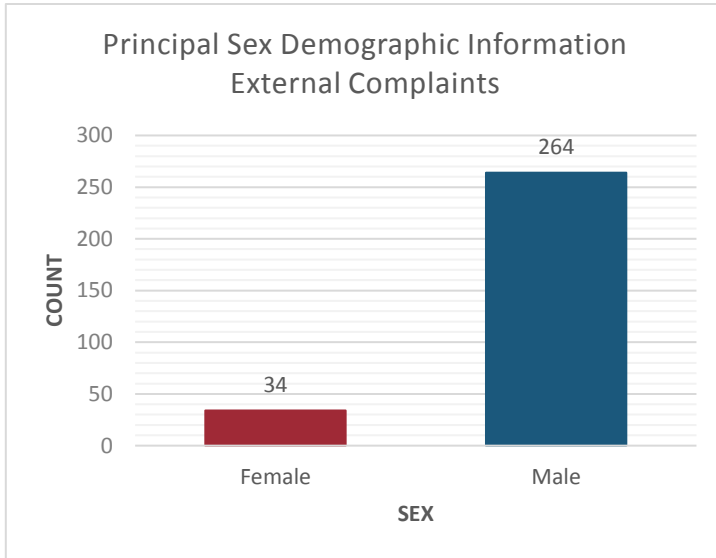


Figure 3: Rank of Principals in External Complaint Investigations July-December 2017.

The following information shown in figures 4, 5, and 6 consists of available demographic information¹ of MCSO employees named as the principal in External Complaint investigations.²

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/Reserve Deputies)

² The PSB is in the process of developing a way to collect external complainant demographic information.



There were 264 identified male principals; approximately eight times more than the number of identified females.

Figure 4:
Demographic of Principals between July and December 2017, by Sex.

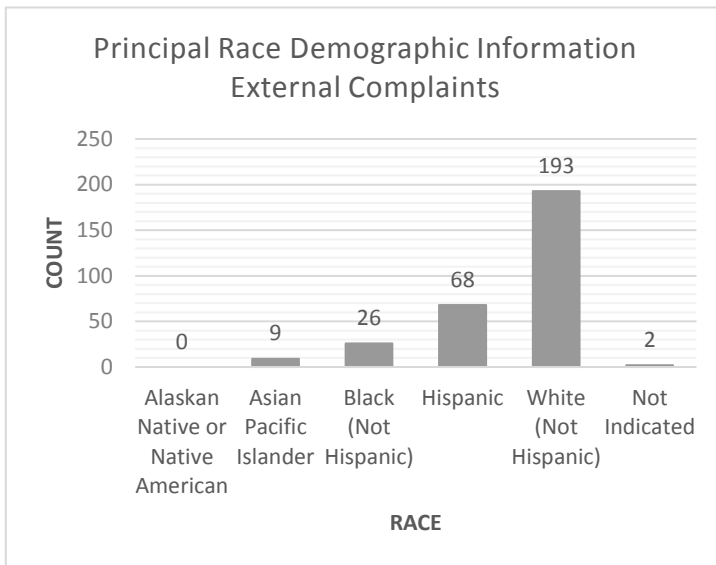


Figure 5 depicts 193 identified White (Not Hispanic) employees named as a principal in External Complaints Investigations; approximately 65% of the 298 known employees.

Figure 5:
Demographic of Principals between July and December 2017, by Race.

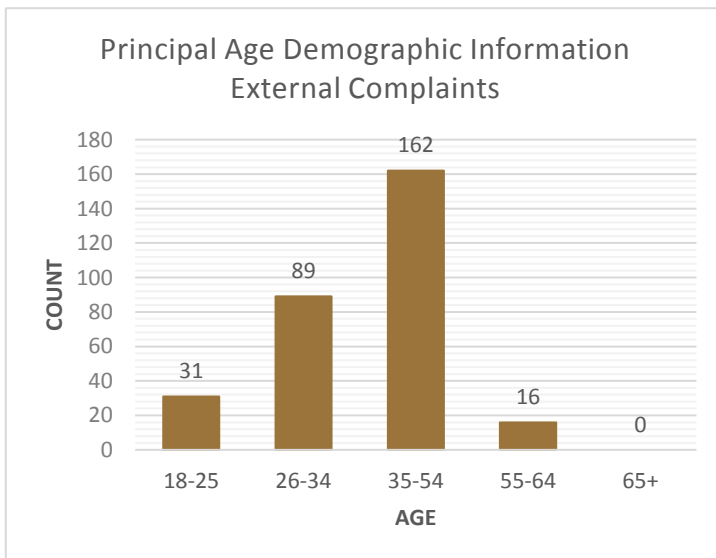


Figure 6 shows known External Complaint Principals are commonly between the ages of 35-54, which coincides with an average age of 38 years old.

Figure 6:
Demographic of Principals between July and December 2017, by Age

There were 512 alleged policy violations between July and December 2017. Approximately 70% of the allegations were related to violations of conduct. Figure 7 depicts the allegation breakdown.³

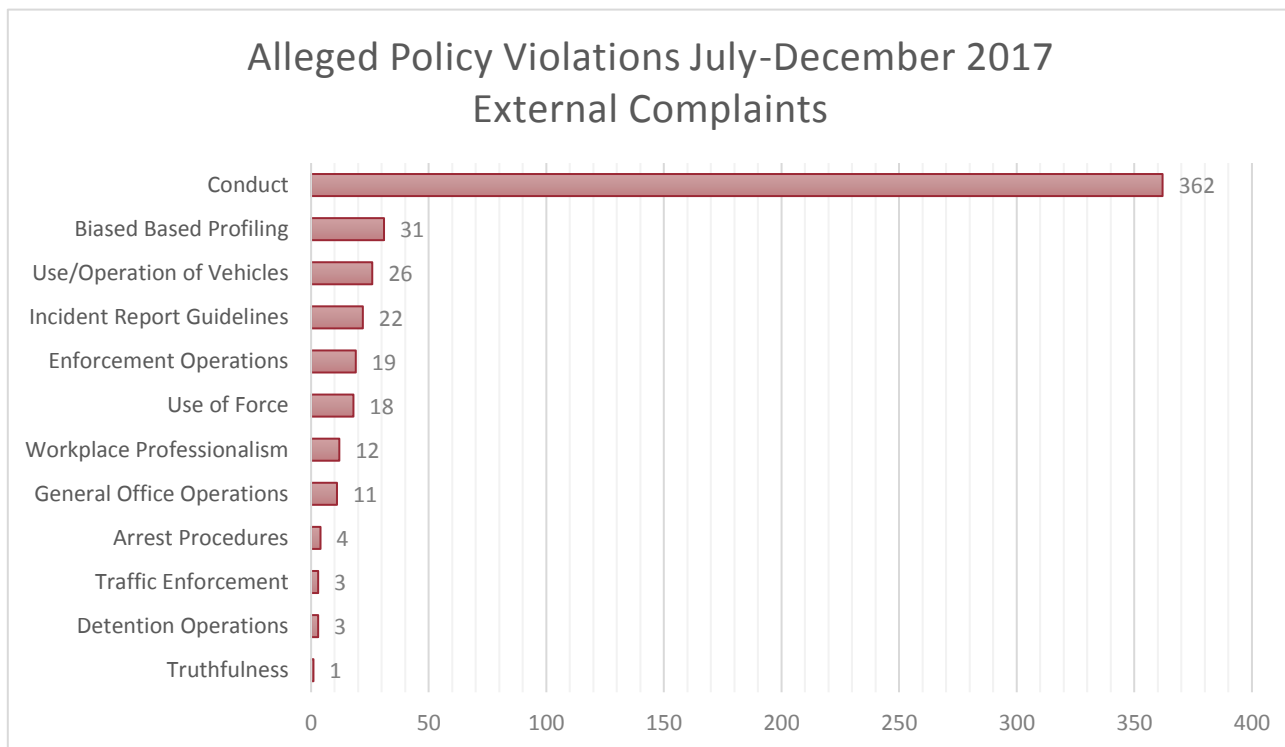


Figure 7: Alleged Policy Violations within External Complaint Investigations

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 went 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 still in the process of creating a voluntary, post-investigation survey to provide complainants the option to provide their demographic information. The PSB does, however, track external complaints received from anonymous sources. Between July and December 2017, the PSB received 18 anonymous external complaints resulting in an investigation.

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

Detention Operations: Court appearances (1), restraint and transportation of inmates (2), and contraband control pat-down searches (1).

Enforcement Operations: Juvenile operations (1), domestic violence incidents (1), civil disputes and execution of civil process (2) off-duty employment (1), property management (5), Victim's Bill of Rights (2), Sheriff's Posse Program (3), and body-worn cameras (3).

General Office Operations: Command responsibility (4), leave and absences (1), compensation and the ADP system (2), criminal justice data systems (2), internal investigations (1), and electronic communications and voicemail (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 204 internal complaints from July 1, 2017 to December 30, 2107 office-wide. The three districts (also known as divisions) with the most internal complaints were Lower Buckeye Jail with 21 complaints; 4th Avenue Jail with 15; and Estrella Jail, Towers Jail and District 2 (Avondale) with 14 complaints.

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

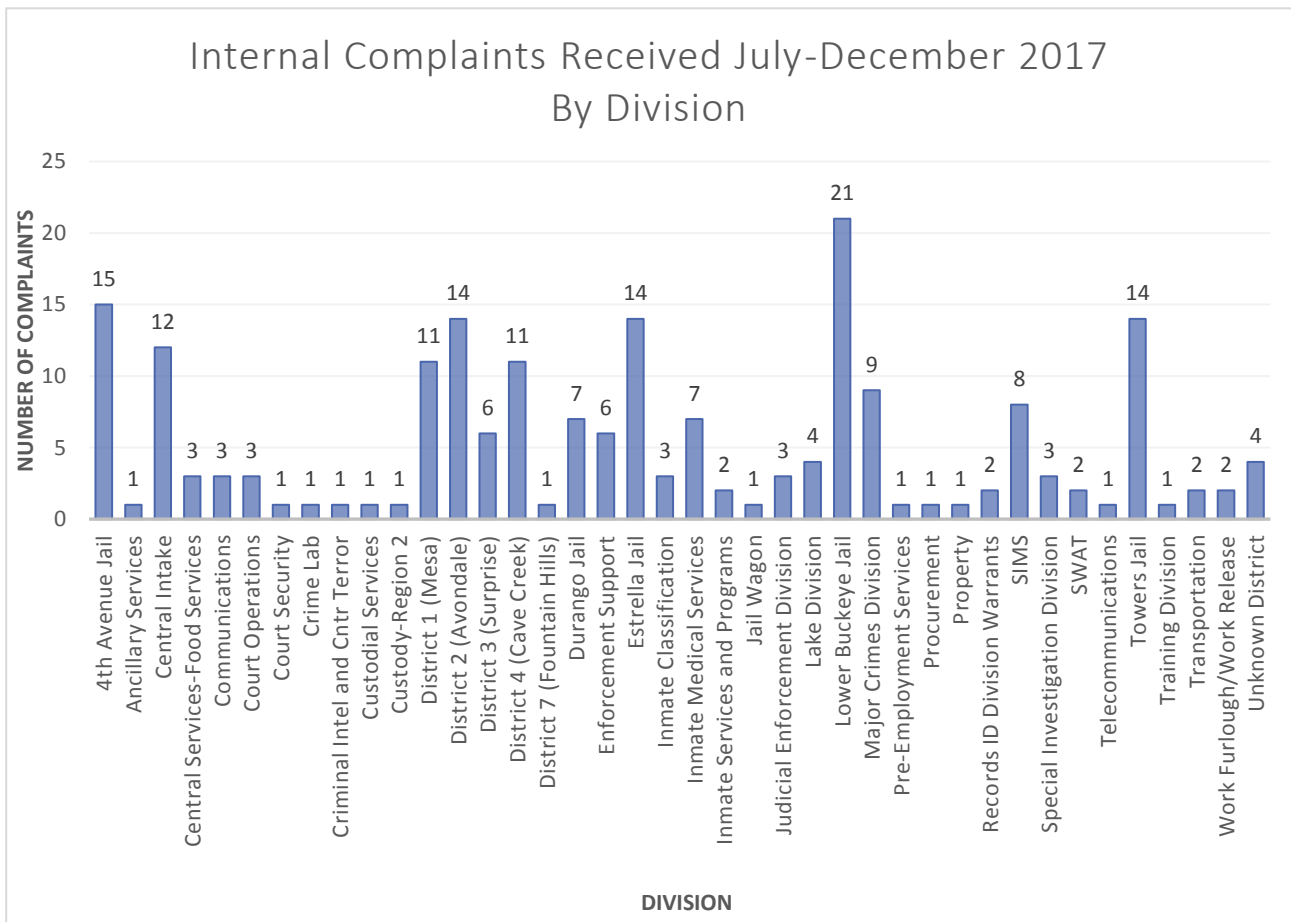


Figure 8: Internal Complaints received, by District, which resulted in an investigation.

Within the 204 internal complaints, the MCSO received 29 complaints in July, 39 complaints in August, 38 complaints in September, 47 complaints in October, 19 complaints in November, and 32 complaints in December. The internal complaints received remained consistent within the six months and most of the allegations involved Code of Conduct practices (e.g., failure to meet standards) and Workplace Professionalism. In the month of November, the MCSO received 19 internal complaints; with an approximate average of 34 complaints received per month, this was a 56% decrease of internal complaints received.

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

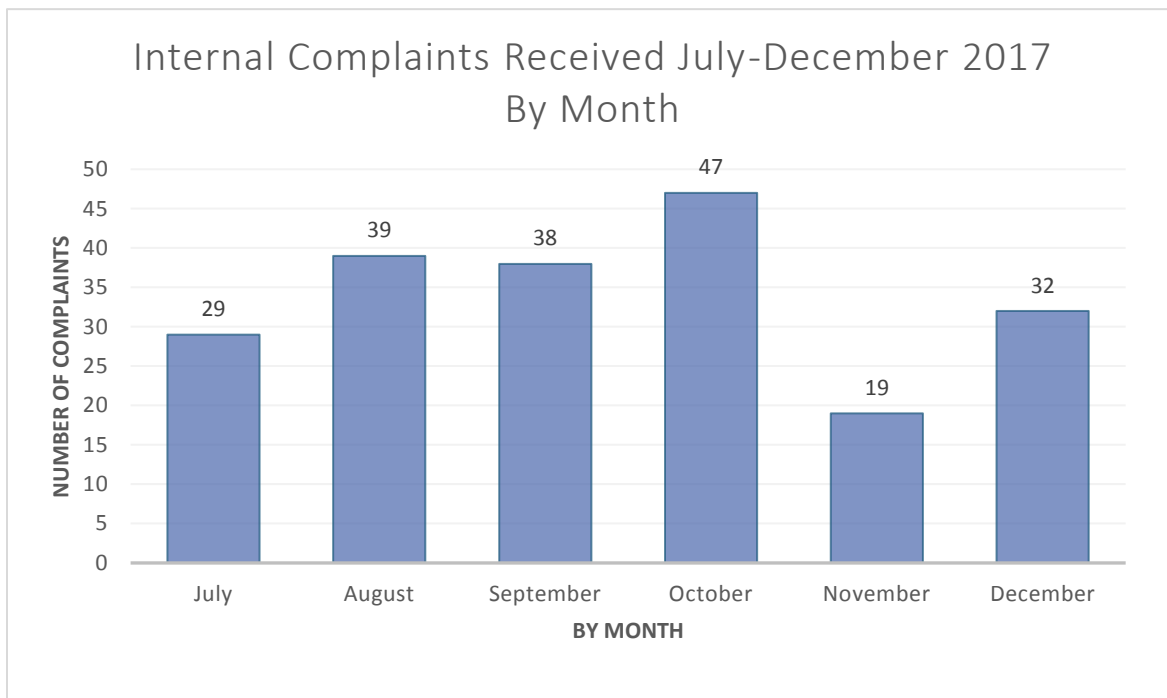


Figure 9: Internal Complaints received, by month, from July to December 2017.

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

The “Detention Officer” rank was identified 74 times out of 231 total principals listed in internal complaint investigations between July and December 2017.

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

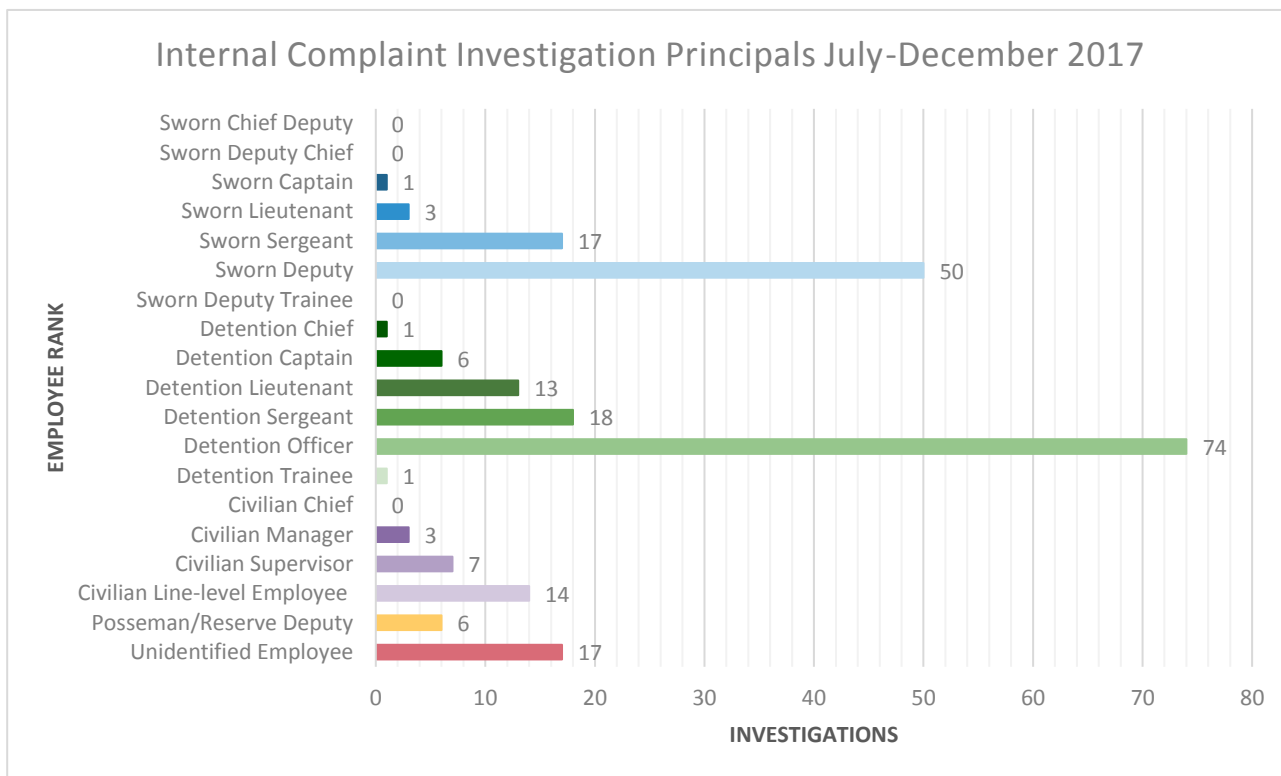
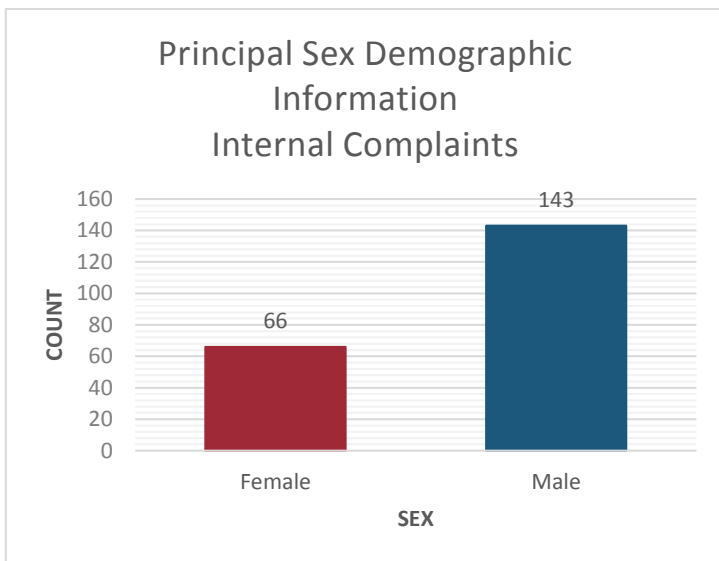


Figure 10: Rank of Principals in Internal Complaint Investigations January-June 2017.

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

It is important to note, from July to December 2017, the PSB initiated two 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, paid MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members and Reserve Deputies)



There were 143 identified male principals; approximately two times more than the amount of the identified females.

Figure 11:
Demographic of Principals between July and December 2017, by Sex

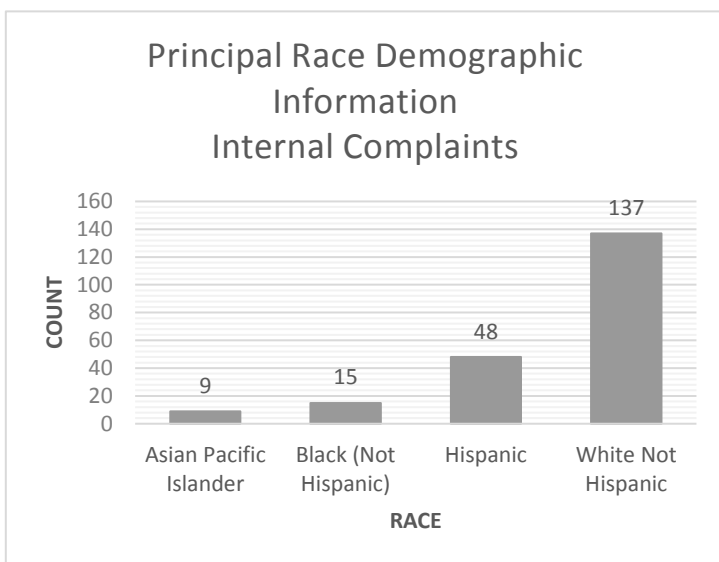


Figure 12 depicts 137 identified White (Not Hispanic) employees were named as the principal in Internal Complaints Investigations; approximately 66% of the 209 employees.

Figure 12:
Demographic of Principals between July and December 2017, By Race.

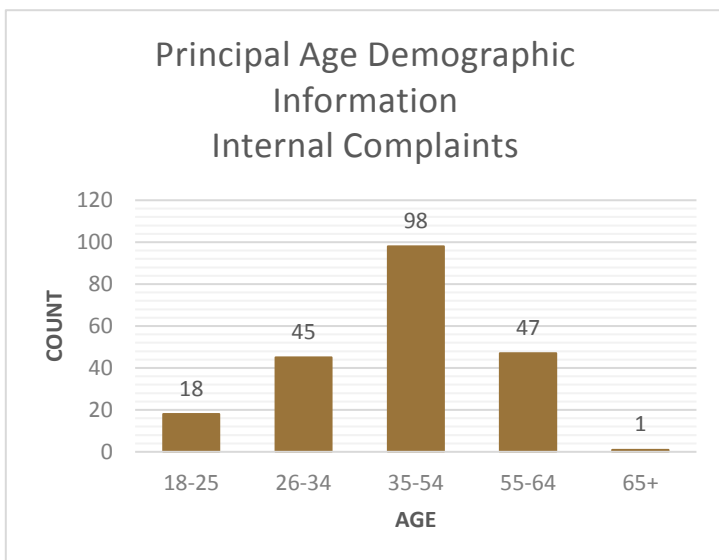
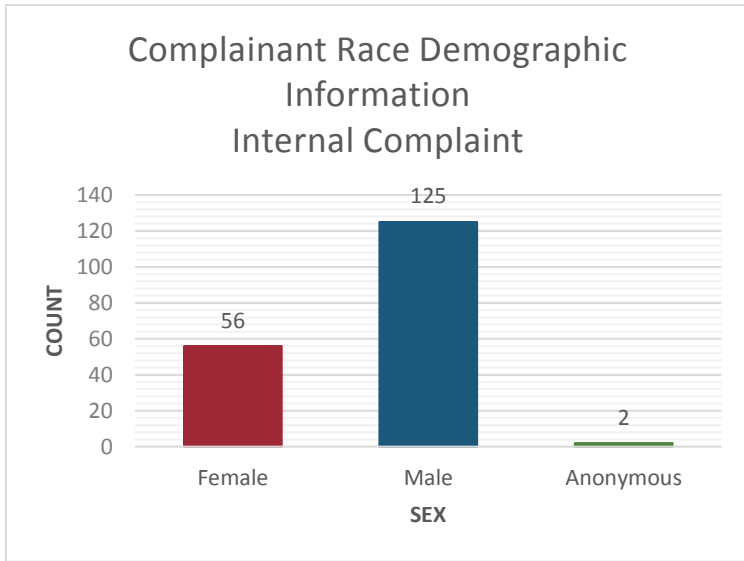


Figure 13 shows known Internal Complaint Principals are commonly between the ages of 35-54, which coincides with an average age of 42 years old.

Figure 13:
Demographic of Principals between July and December 2017, by Age.



There were 125 identified male complainants; approximately two times the amount of the identified females. Sex could not be identified for the two anonymous complainants.

Figure 14:
Demographic of Complainants between July and December 2017, by Sex.

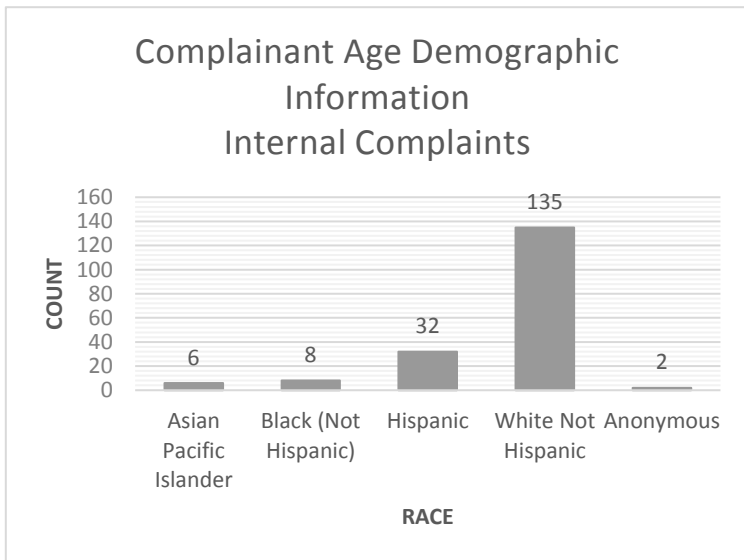


Figure 15 depicts 135 identified White (Not Hispanic) employees were named as the complainant in Internal Complaint Investigations; approximately 73% of the 183. Race could not be identified for the two anonymous complainants.

Figure 15:
Demographic of Complainants between July to December 2017, by Race.

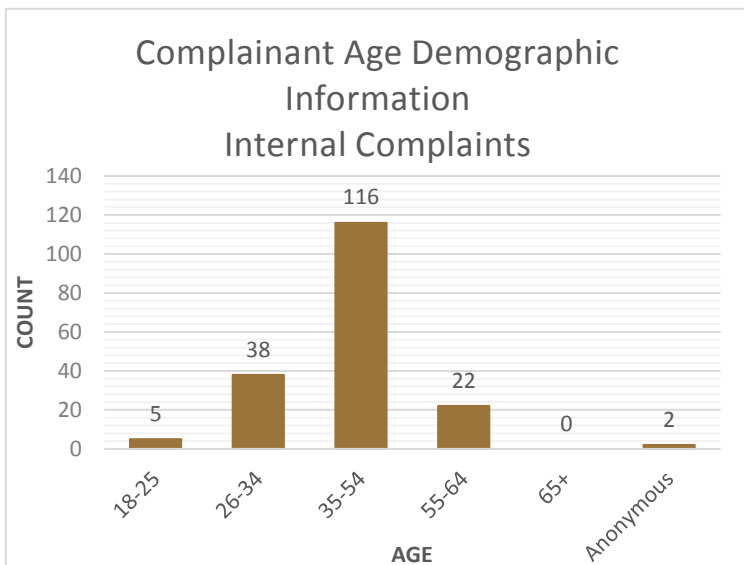


Figure 16 shows known Internal Complaint complainants are commonly between the ages of 35-54 which coincides with an average age of 42 years old. Age could not be identified for the two anonymous complainants.

Figure 16:
Demographic of Complainants between July and December 2017, by Age.

The IPro system does not track the nature of contact that led to an internal complaint.

There were 445 alleged policy violations between July and December 2017. Approximately 56% 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 (1) and release process (5).

Enforcement Operations: Arrest procedures (3), traffic enforcement (5), off-duty employment (4), firearms (3), Sheriff's Posse program (2), search and seizure (3), body-worn cameras (5), evidence control (1), and informant management (1).

General Office Operations: Command responsibility (4), compensation and the ADP system (2), employee access to the internet (2), and internal investigations (2).

Between July 1, 2017 and December 31, 2017, the PSB opened a total of 483 misconduct investigations⁶; 358 were assigned to the Professional Standards Bureau investigators, 14 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 111 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.

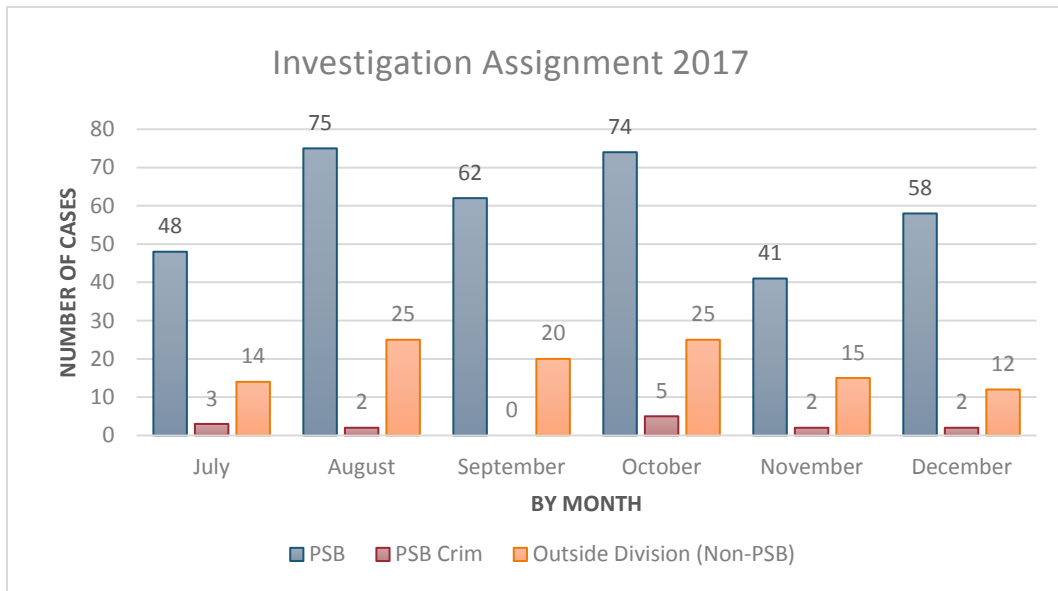


Figure 18: Investigation Assignment break down between PSB and Non-PSB Division

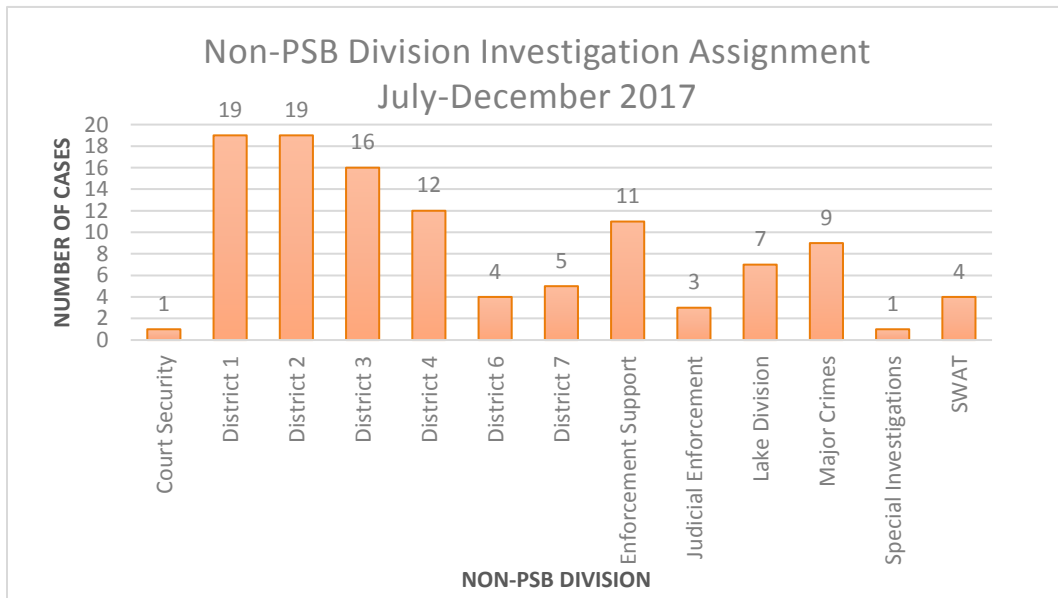


Figure 19: Non-PSB Division Assignment break down

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

Between July and December 2017, there were a total of 69 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 83 days and the median time was 73 days.⁷ The average time from investigator submission to the final decision regarding discipline or other final disposition was 158 days and the median was 139 days.

The total investigation completion average is approximately 83 days. This is approximately 38% above the 60-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*.

Of the 69 Division cases, 6 cases were returned due to the conclusion not supported by the evidence, 11 cases were returned to the Division investigator to conduct further investigation, and one was returned due to a noted case deficiency. Of the remaining 50 investigations, there were 30 cases returned for formatting corrections and 21 cases did not require any revisions.

Between July and December 2017, there were a total of 160 investigations completed within the Professional Standards Bureau. The average time from the initiation of an investigation to the submission to the investigators' chain of command was 180 days and the median time was 204 days.⁸ The average time from investigator submission to the final decision regarding discipline or other final disposition was 24 days and the median was 23 days.

The total investigation completion average is approximately 180 days. This is approximately 112% above the 85-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*; the average is within the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2.

Of the 180 Division cases, there were no cases were returned due to the conclusion not supported by the evidence and no cases were returned to the PSB investigator to conduct further investigation.

F. Outcomes of Misconduct Investigations

The PSB completed a total of 227 misconduct investigations; 112 completed investigations had Sustained dispositions, 47 had Not-Sustained dispositions, 34 had Exonerated dispositions, and 34 had Unfounded dispositions.

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

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.

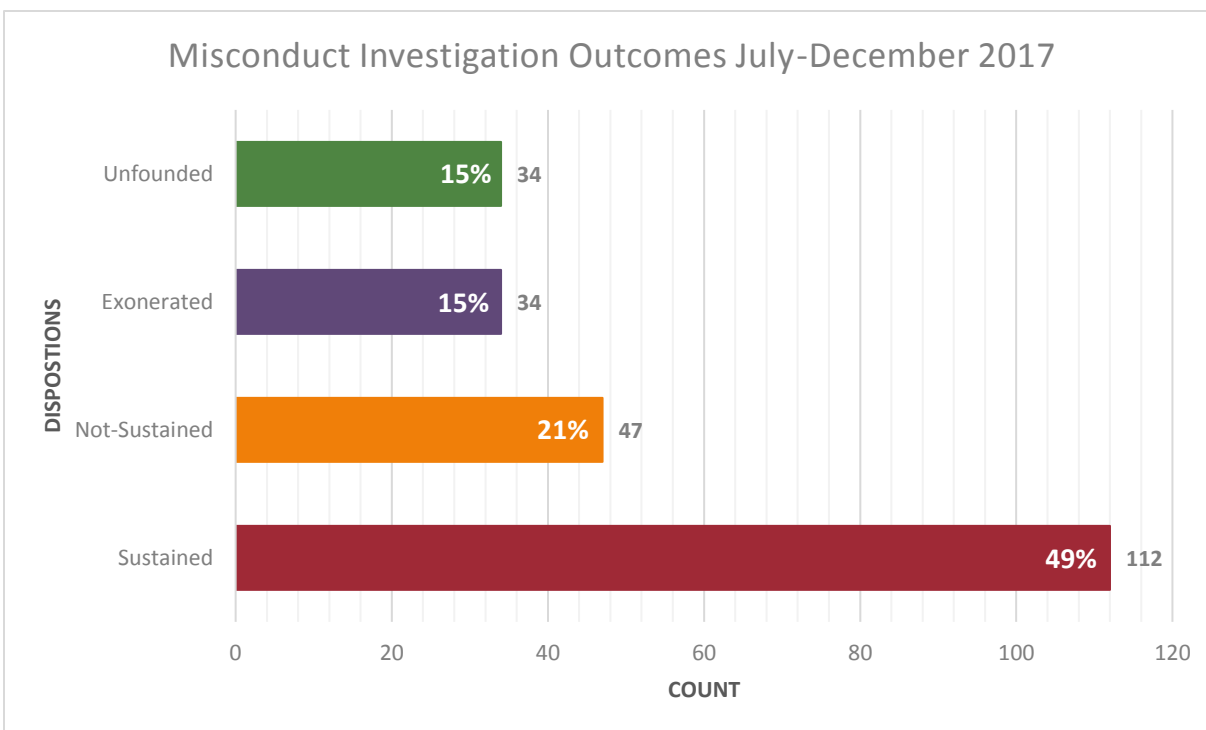


Figure 20: Misconduct Investigation Outcomes from January to June 2017.

In a misconduct investigation, there can be multiple allegations. In the 227 completed misconduct investigations, there were 594 allegations. Of the 594 allegations, 228 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 43 non-disciplinary outcomes, 45 written reprimands, 82 employee suspensions, 0 employee demotions, and 15 employee terminations.

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

It is important to note 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."*

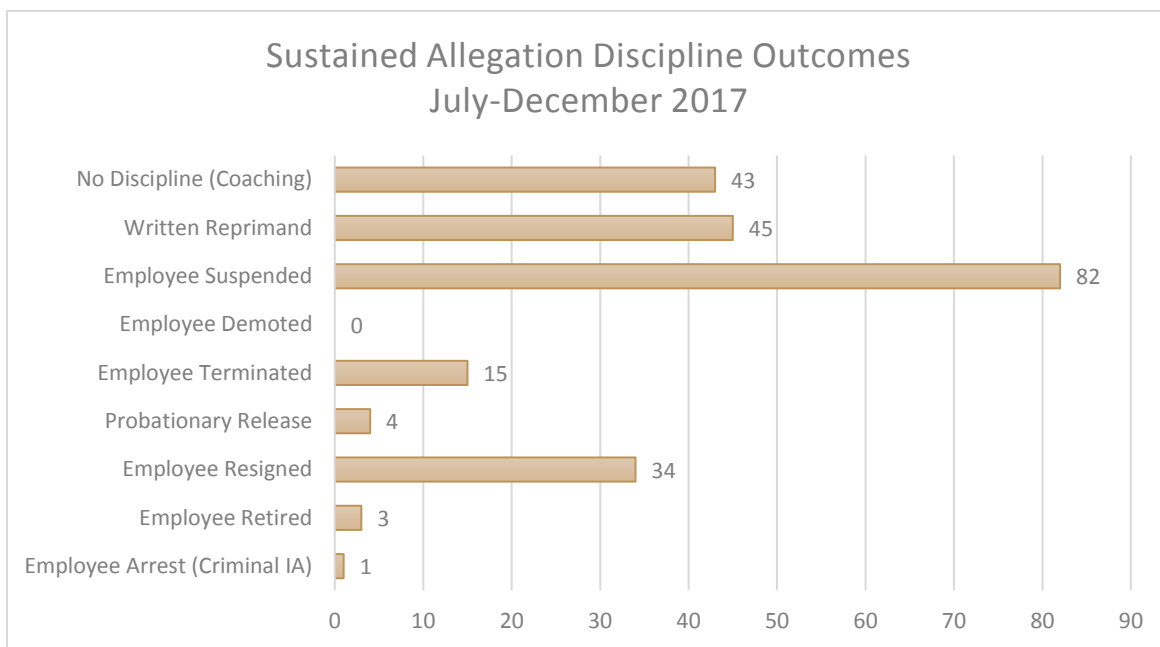


Figure 21: Sustained Allegation Disciplinary Outcomes.

From July 1 to December 31, 2017, the PSB had two cases where the findings were changed after a Pre-Determination Hearing (PDH); both cases originally had sustained findings but were changed to not-sustained.

It is important to note as of May 2017, the MCSO updated the disciplinary procedures policy for employees; this includes the establishment of a new discipline matrix. From the July to December, there were two cases in which the Appointing Authority regarding discipline deviated from the established matrix. The Appointing Authority uses aggravating and mitigating circumstances to justify his decision for discipline. The first case had an initial discipline of 8 hours, but the discipline was overturned, and no discipline was imposed. The last case had an initial discipline of 8 hours, but it was overturned, and the final discipline decision was a Written Reprimand.

The MCSO did not have any cases that had findings overruled or changed by the Maricopa County Law Enforcement Merit System Council. There were also no cases that had discipline altered by the Council. There were three cases sent to the Merit System Council for appeal. All three case findings and disciplines imposed by MCSO were all upheld by the Merit 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 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 (January 1, 2017 – December 31, 2017), 73 employees were listed as the subject of more than two misconduct investigations out of a combined total of 277 investigations. The 73 employees have been broken down and categorized by their most egregious discipline. Of the 73 employees, 14 received serious discipline, 10 received minor discipline, and 8 received a non-discipline coaching⁹. The remaining employees includes 36 with current active investigations, and 5 with closed cases with dispositions of not-sustained, exonerated, or unfounded with no discipline issued.

There were 14 employees, from January 1, 2017 – December 31, 2017, that have had more than one sustained allegation that resulted in **minor** discipline. Those 14 employees had a combined total of 37 sustained allegations. In that same timeframe, 32 employees had more than one sustained allegation that resulted in **serious** discipline. There were 106 sustained allegations

Between July and December 2017, there was one criminal investigation involving 1 count of assault and one count of harassment submitted to the Maricopa County Attorney's Office for prosecution.

H. Patterns and Trends

The Professional Standards makes assessments of the types of complaints received to identify problematic patterns and trends quarterly. An assessment was not made for the third Quarter (July 2017 to September 2017). The PSB did conduct an assessment for the fourth Quarter (October 2017 to December 2017). The following assessments were conducted monthly but reported quarterly.

For the month of October, the PSB identified District 4 (Cave Creek), District 2 (Avondale), and the Lower Buckeye Jail as the three divisions to receive the most complaints.

District 4 (Cave Creek) received 10 complaints resulting in misconduct investigations; four of which involved the same employee conducting themselves unprofessionally. The other six complaints received did not follow an identifiable pattern or trend.

District 2 (Avondale) received 10 complaints. None of the complaints followed an identifiable trend or pattern.

The Lower Buckeye Jail received 9 complaints resulting in misconduct investigations; five of those complaints were allegations of the mistreatment of inmates. The other 4 complaints did not follow an identifiable pattern or trend.

For the month of November, the PSB identified the Lower Buckeye Jail and the 4th Avenue Jail as the two divisions to receive the most complaints.

⁹ 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

The 4th Avenue Jail received 5 complaints; four of those complaints involved allegations of Detention Officers acting unprofessionally or rude and inappropriate with citizens, to include counselors and jail visitors.

The Lower Buckeye Jail received 8 complaints; three of those complaints involved allegations of Detention Officer misuse of force toward inmates. Two of the complaints involved allegations of the mistreatment of inmates. The other three complaints received did not follow an identifiable pattern or trend.

For the Month of December, the PSB identified District 1 (Mesa) the one division to receive the most complaints.

District 1 (Mesa) received 11 complaints resulting in misconduct investigations. Of the 11 complaints, five were initiated due to allegations of a Deputy(ies) failing to follow the proper traffic stop procedures. This is to include advising Communications/Radio of the traffic stop, providing complete and adequate documentation of the stop, and initiating the body-worn camera prior to the traffic stop. A pattern or trend could not be identified for the remaining six complaints.

An employee within District 1 (Mesa) was also identified as the principal in four misconduct investigations initiated in December.

During the fourth Quarter 2017, The Professional Standards Bureau began developing, and continues to develop a standardized system of notifying Command Staff of notable patterns. The assessment process is still undergoing changes as better tracking mechanisms are identified and utilized.

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.

While there is continual improvement, the investigations are still not fully and thoroughly investigated. The following concerns have been identified as areas needing improvement for District investigations: failure to conduct a timely investigation; failure to attempt to interview complainants in person; failure to interview all parties (e.g. investigative leads and witnesses); failure to audio- and video-record all

interviews without any documented explanation; failure to properly conduct investigative interviews; and findings not supported by the facts of the investigation.

Through the review process, the liaisons specifically note the following trends found within these investigations: lack of attention of detail; use of inappropriate policies; and differentiating between the use the “unfounded” and “exonerated” finding. The PSB has dedicated a significant amount of time and effort into the review of these cases, which has led to the continued time delay for proper and complete investigations.

During the reporting timeframe of this Semi-Annual report, all sworn supervisors were required to complete a 40-Hour training course regarding misconduct investigations. If the training course was not completed by sworn supervisory staff, they are not permitted to conduct investigations into employee misconduct until they have completed the 40-Hour training. All current sworn supervisory staff, apart from those newly promoted, have completed the required training; newly promoted sworn supervisory staff is required to complete the 40-Hour training once it is available. With the 40-Hour training, the continued practice of conducting investigations, and the continued advisement from District liaisons, the PSB expects to see continued improvement of misconduct investigations completed at the District level.

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 July and December 2017 shows the MCSO has seen a slight decrease in complaints received from the public when compared to the previous six months. There was a substantial increase of complaints in August when compared to July, however from January to December 2017, the MCSO saw a downward trend of external complaints. Although there is a declining trend, the approximate average of external complaints received for this reporting period remains 47. Additionally, 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.

The MCSO's data shows an average of 34 internally-generated complaints per month, which is more than the reported average of the previous six months. The internal complaints are still showing an 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., failure to meet standards and conformance to established laws), workplace professionalism, as well as misconduct regarding use of force. The PSB attributes the increase 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.

The continual improvements to the Division Case Review log has allowed the PSB to better track any cases with deficiencies ("further investigation needed" or "conclusion not supported by the evidence") identified within division-investigated cases. Approximately 25% of assigned cases have had identified deficiencies. This is a 14% increase from the last six months. During this reporting period, all sworn supervisory staff was required to complete the 40-Hour misconduct investigation training. With the expectations clearly defined, the Districts are being held to a higher standard to complete more thorough investigations. There has been an overall increase in the quality of the District investigated cases but there is still room for improvement. The PSB anticipates a continued improvement of Division cases with the implementation of the following: the clearly defined expectations delivered in the 40-Hour training; the continued practice of completing investigations; the review and intervention from District Command Staff; and the continued advisement from the District liaison personnel.

Of the cases investigated within the Professional Standards Bureau, none were returned to the investigator to conduct further investigation or returned due to conclusions not supported by the evidence. The investigation completion date was 112% higher than the expectations set forth in MCSO Policy GH-2, Internal Investigations. With the eventual addition of investigators within the bureau, the PSB expects investigation completion dates to decrease as assigned caseload decreases.

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 January 2017 to December 2017, 73

employees were listed as the subject of more than two misconduct investigations, which is approximately 2% 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. 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.