



Professional Standards Bureau

Misconduct Investigations Semi-Annual Report

July 1, 2019 – December 31, 2019

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Requirement

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

Executive Summary

The Professional Standards Bureau (PSB) is required to submit a semi-annual public report on misconduct investigations involving Deputy Sheriffs, Detention Officers, Civilian employees, and volunteer Posse members. The purpose of this report is to provide an analysis of data collected from the IAPro database and supplemental spreadsheets between July 1, 2019 and December 31, 2019.

The MCSO saw a decrease in the overall complaints received from the last semi-annual reporting period and there is still a downward trend of complaints received for 2019. The most common external allegations received were unbecoming conduct and failure to meet standards. The most common internal allegations received were employee relationships with other employees and failure to meet standards. Of all opened investigations, approximately 20% were assigned to divisions outside of the PSB and the remaining 80% were assigned to the PSB (criminal and administrative.) The completion timeframe for district-level investigations was 120% over the required 60-day timeframe. The completion timeframes for PSB-investigations were high during this reporting period; approximately 435% over the required 85-day timeframe; and approximately 166% above the 180-day statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*. There were 136 misconduct investigations completed: 36% with a sustained disposition. Further research shows 31 employees had persistent misconduct (the subject of more than two misconduct investigations) and 23% 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 2019.

B. External Complaints

Based on the data, the MCSO received a total of 191 external complaints that resulted in PSB administrative investigations and criminal investigations from July 1, 2019 to December 31, 2019 officewide. There were two districts (also known as divisions) with the most external complaints; District 1 (Mesa) with 23 complaints and the 4th Avenue Jail with 19 complaints.

Figure 1 depicts the number of external complaints received between July and December 2019, differentiated by Division.

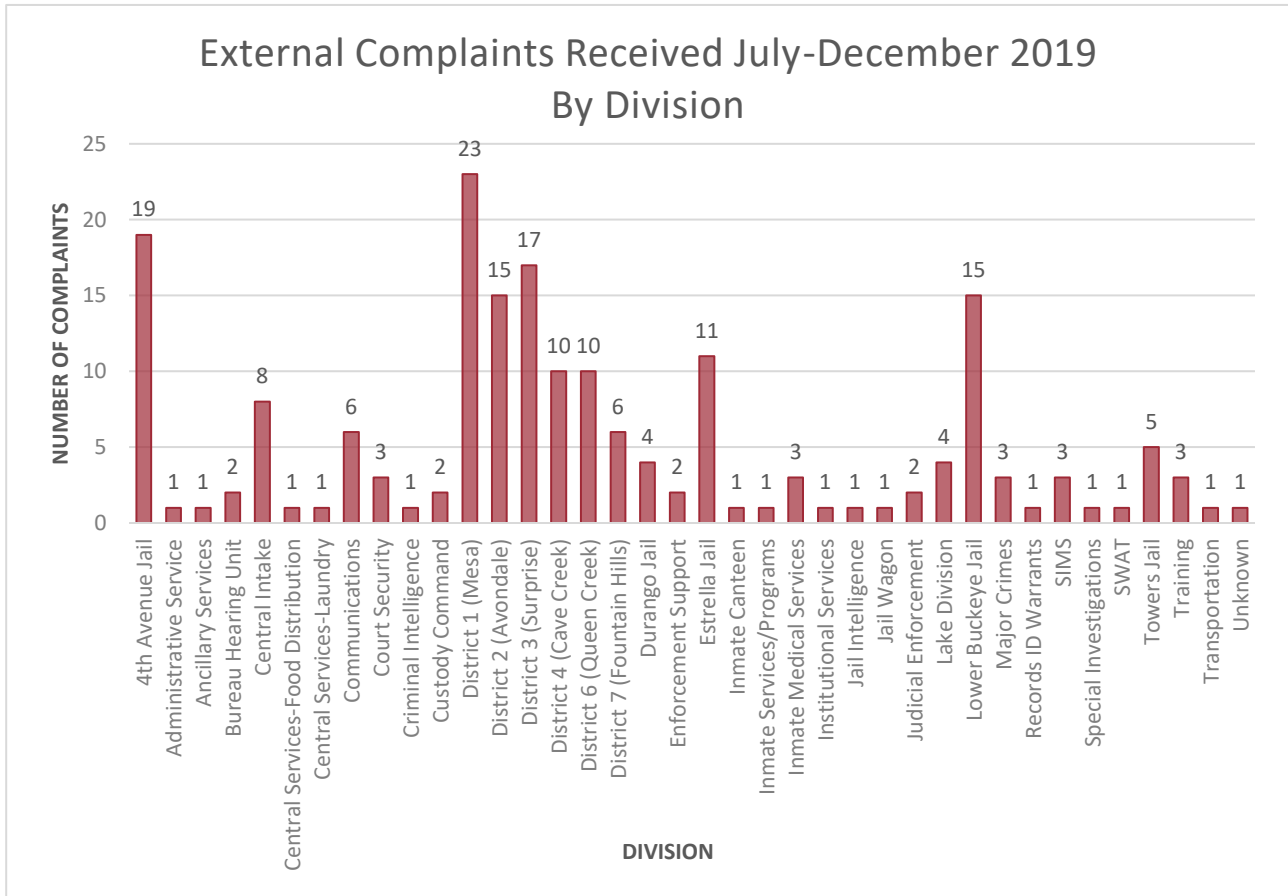


Figure 1: External Complaints, by District, received that resulted in an investigation.

Within the 191 external complaints, the MCSO received 37 complaints in July, 29 complaints in August, 27 complaints in September, 46 complaints in October, 30 complaints in November, and 22 complaints in December. 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 32. In October, the MCSO received 46 complaints, an approximate 44% increase of complaints over the average.

Figure 2 depicts the information above.

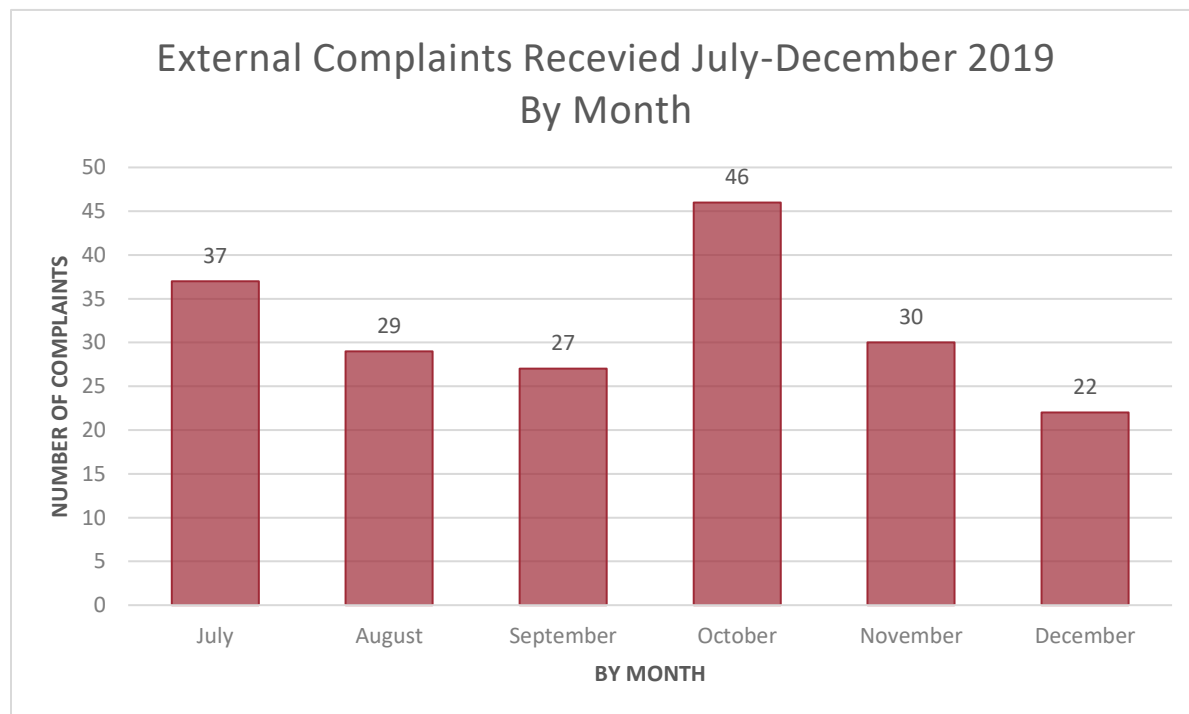


Figure 2: External Complaints, by month, received from July to December 2019.

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

The “Sworn Deputy” rank was identified 86 times out of 233 total principals listed in external complaint investigations between July and December 2019.

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

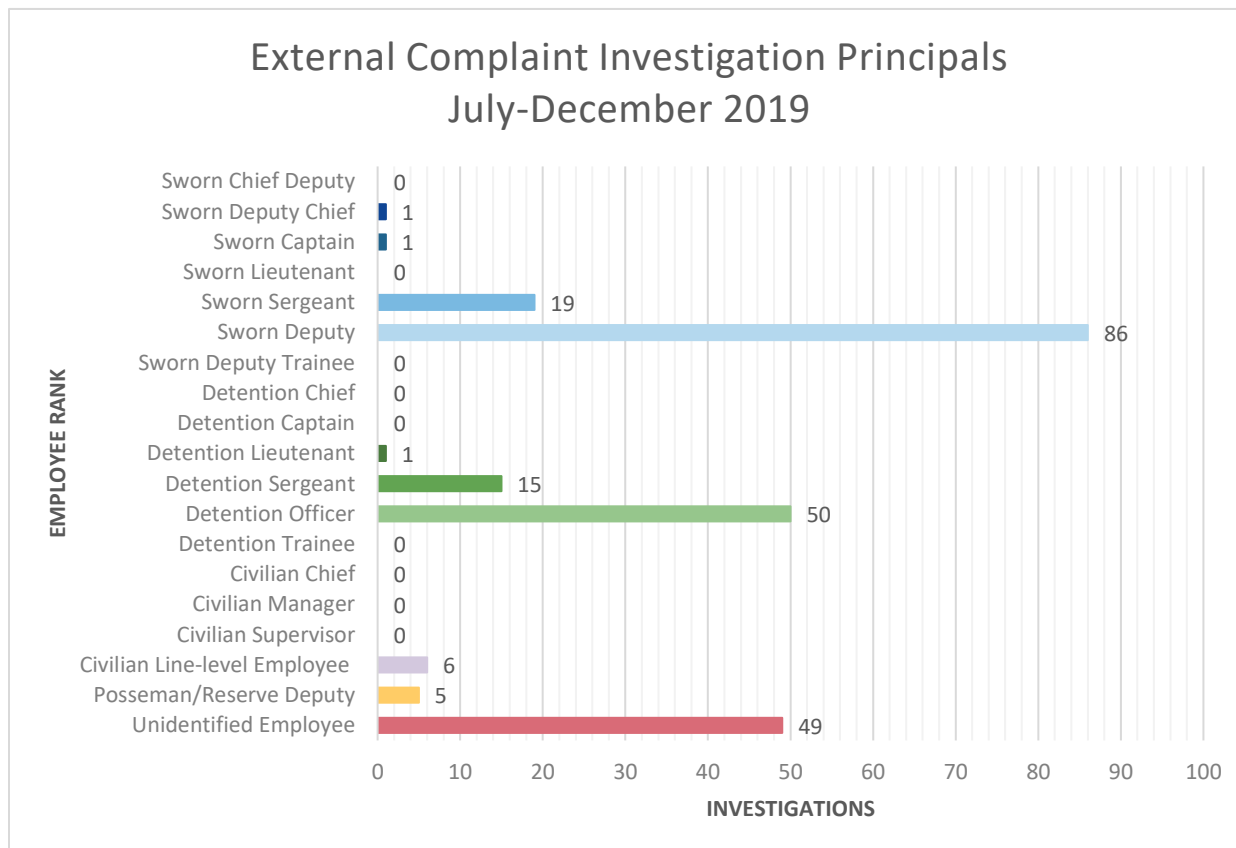


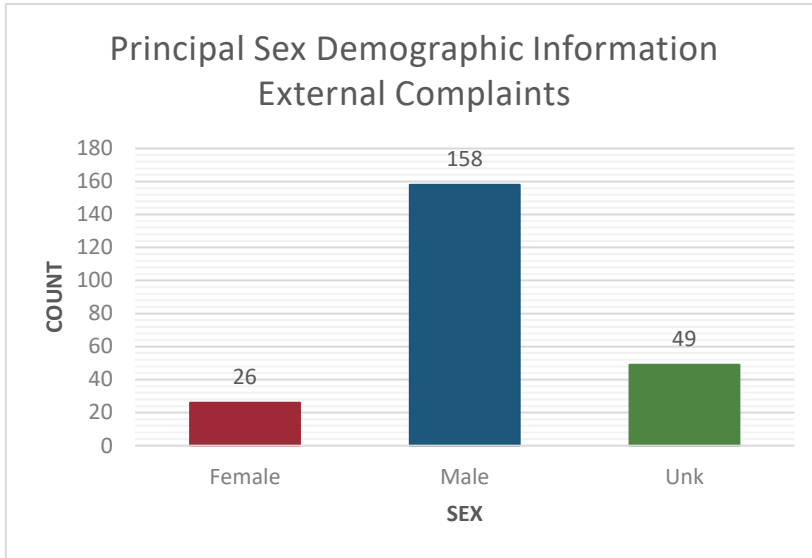
Figure 3: Rank of Principals in External Complaint Investigations July-December 2019.

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.²

The number of unknown employees identified as principals this reporting period was consistent with the number of unknown employees last reporting period.

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

² The PSB has developed a way to collect external complainant demographic information.



There were 158 identified male principals; approximately six times more than the number of identified females.

Figure 4:
Demographic of Principals between July and December 2019, by Sex.

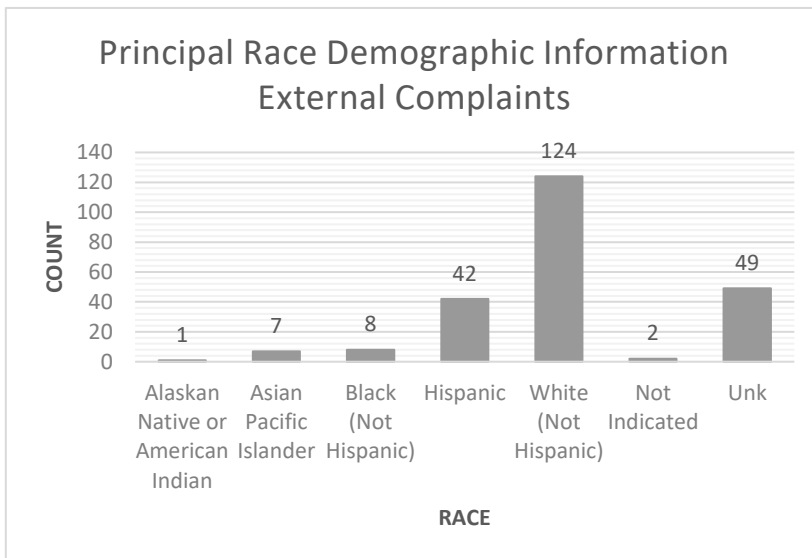


Figure 5 depicts 124 identified White (Not Hispanic) employees named as a principal in External Complaint Investigations; approximately 53% of the 233 principal employees.

Figure 5:
Demographic of Principals between July and December 2019, by Race.

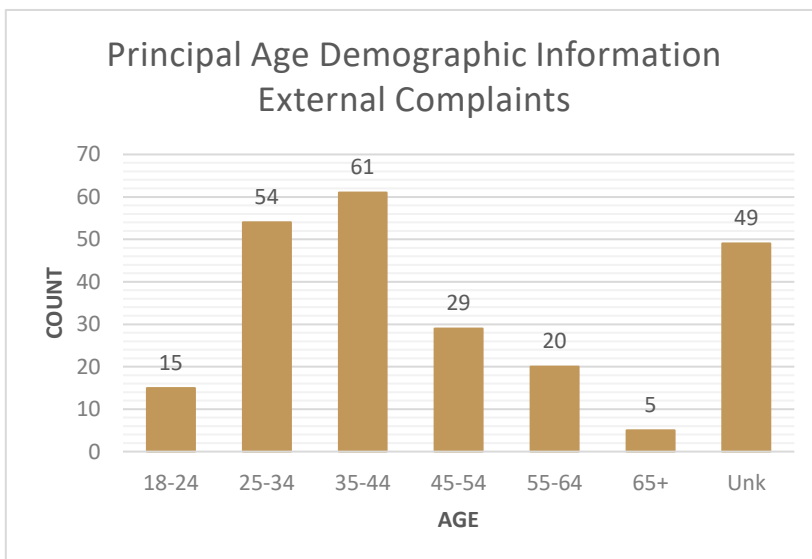


Figure 6 shows known External Complaint Principals are commonly between the ages of 35-44, which coincides with an average age of 39 years old.

Figure 6:
Demographic of Principals between July and December 2019, by Age.

During this reporting period, the MCSO did not collect external complainants' demographic information during the complaint intake process. Collecting complainant demographic information could help ensure that all complaints are received, processed, and investigated consistently; and would possibly identify and prevent any bias toward or against a complainant.

The PSB initiated the collection process of complainant demographic information in January 2020. The PSB will collect external complainant demographic information via a voluntary paper and online survey provided at the conclusion of an investigation.

The PSB also tracks external complaints received from anonymous sources. Between July and December 2019, the PSB received eight anonymous external complaints resulting in an investigation.

There were 299 alleged policy violations between July and December 2019. Approximately 70% of the allegations were related to violations of conduct (e.g., unbecoming conduct, failure to meet standards, etc.); this is an increase from the last semi-annual reporting period. Figure 7 depicts the allegation breakdown.³



Figure 7: Alleged Policy Violations within External Complaint Investigations

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

Detention Operations: Contraband control (3), inmate grievance procedure (1), and inmate mail (1).

Enforcement Operations: Vehicle accident investigations (3), off-duty employment (3), domestic violence (1), arrest procedures (1), search and seizure (1), and Victims' Bill of Rights (1).

General Office Operations: Command responsibility (1), criminal justice data systems (1), and internal investigations (1).

The PSB has categorized the methods of contact into nine categories. Below is the breakdown of each category:

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

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

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

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

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

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

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

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

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

The below chart shows the nature of contact between the complainant and principal for external complaint investigations initiated between July and December 2019.

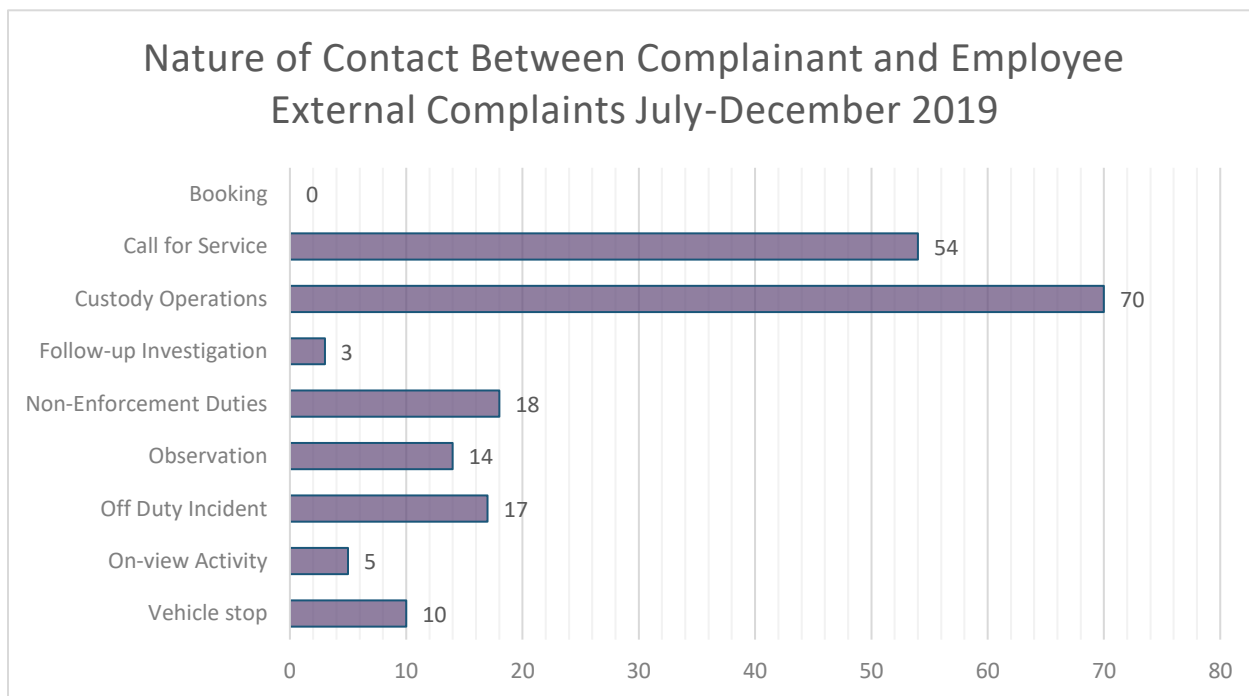


Figure 8: Nature of Contact for External Complaints between July and December 2019.

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 105 internal complaints from July 1, 2019 to December 31, 2019 office wide. There was one district (also known as division) with the most internal complaints; 4th Avenue Jail with 15 complaints.

Figure 9 depicts the number of internal complaints received from July to December 2019 differentiated by Division.

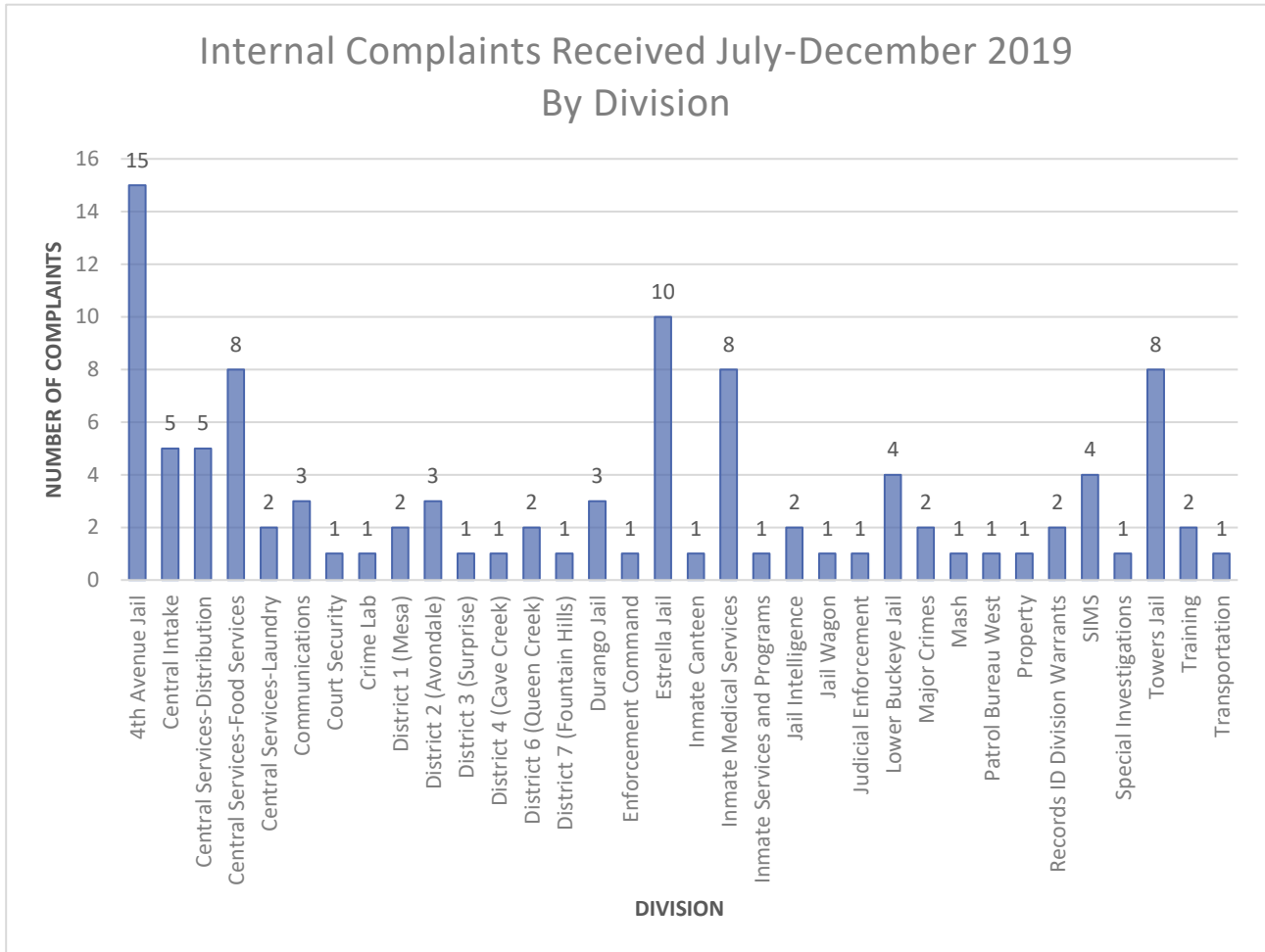


Figure 9: Internal Complaints received, by District, which resulted in an investigation.

Within the 105 internal complaints, the MCSO received 20 complaints in July, 28 complaints in August, 17 complaints in September, 17 complaints in October, 10 complaints in November, and 13 complaints in December. 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 August, the MCSO received 28 internal complaints; with an approximate average of 18 complaints received per month; this was approximately 56% above the average internal complaints received.

Figure 10 depicts the amount of internal complaints received by month.

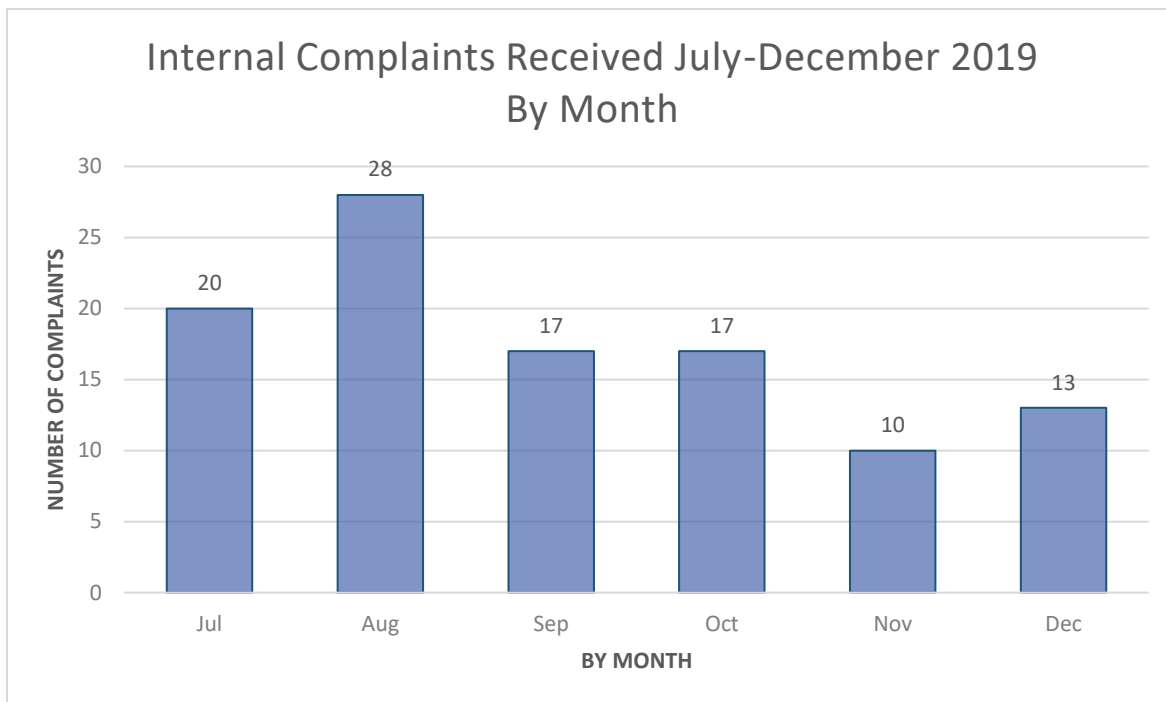


Figure 10: Internal Complaints received, by month, from July to December 2019.

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

The “Detention Officer” rank was identified 44 times out of 127 total principals listed in internal complaint investigations between July and December 2019.

Figure 11 depicts the ranks of principals identified in internal complaint investigations during the reporting period listed.

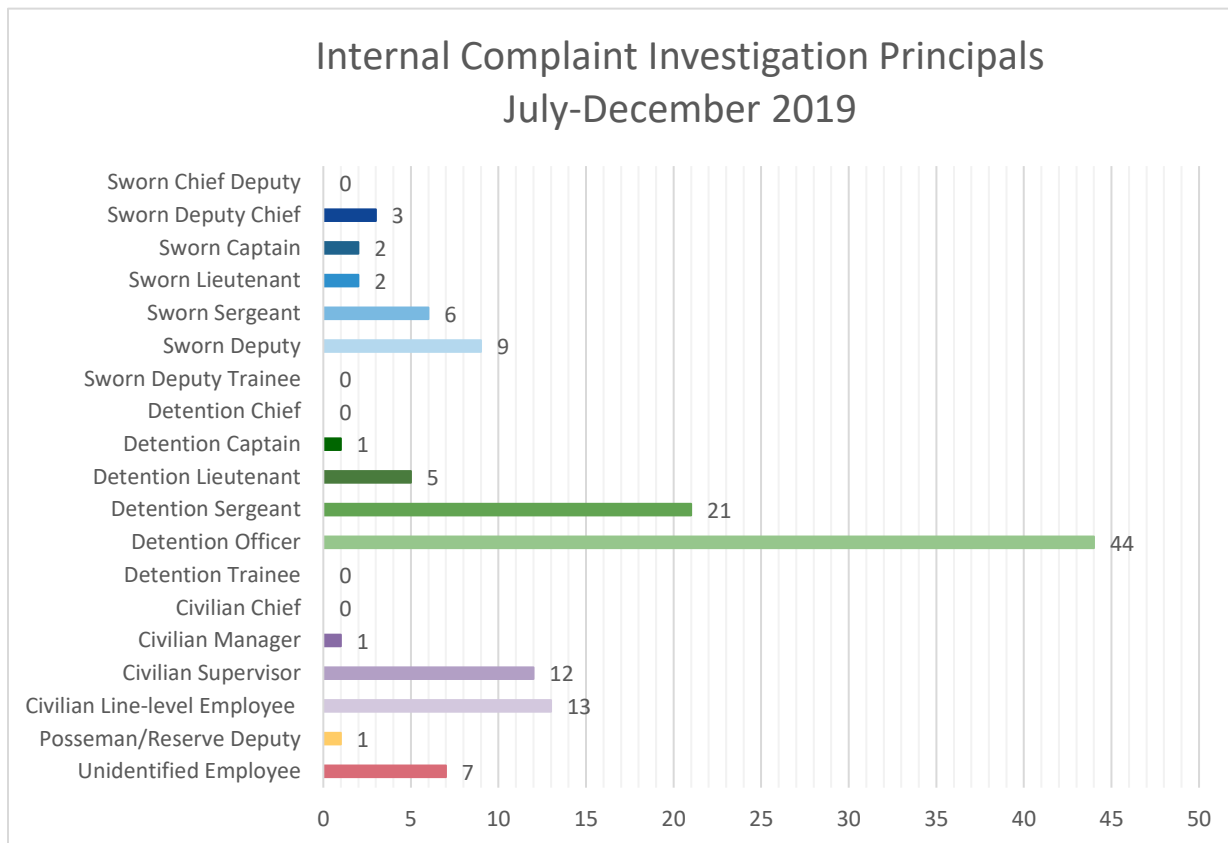
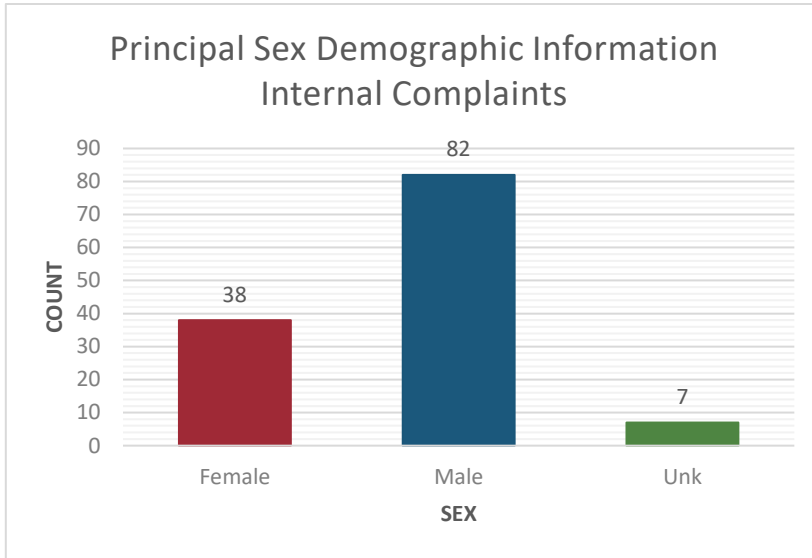


Figure 11: Rank of Principals in Internal Complaint Investigations July-December 2019.

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 2019, 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 IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members and Reserve Deputies)



There were 82 identified male principals; approximately two times more than the amount of identified female principals. There were seven unknown employees identified as principals.

Figure 12:
Demographic of Principals between July to December 2019, by Sex.

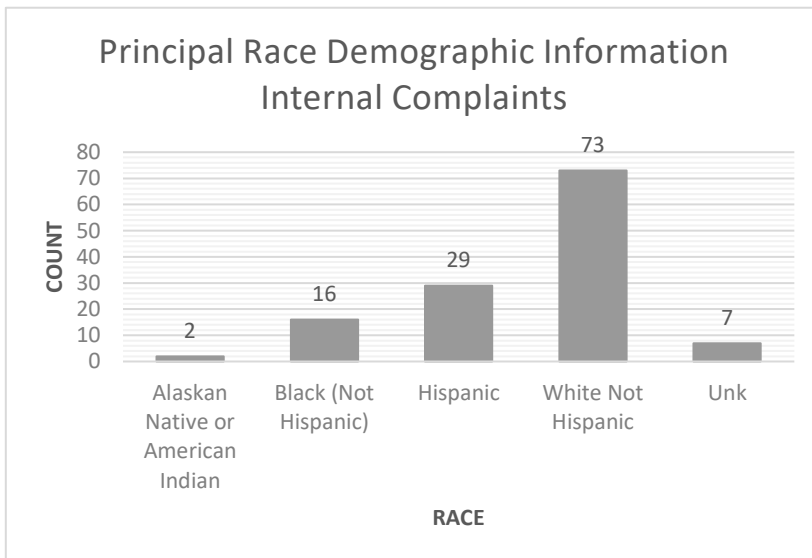


Figure 13 depicts 73 identified White (Not Hispanic) employees named as the principal in Internal Complaint Investigations; approximately 57% of the 127 employees.

Figure 13:
Demographic of Principals between July and December 2019, by Race.

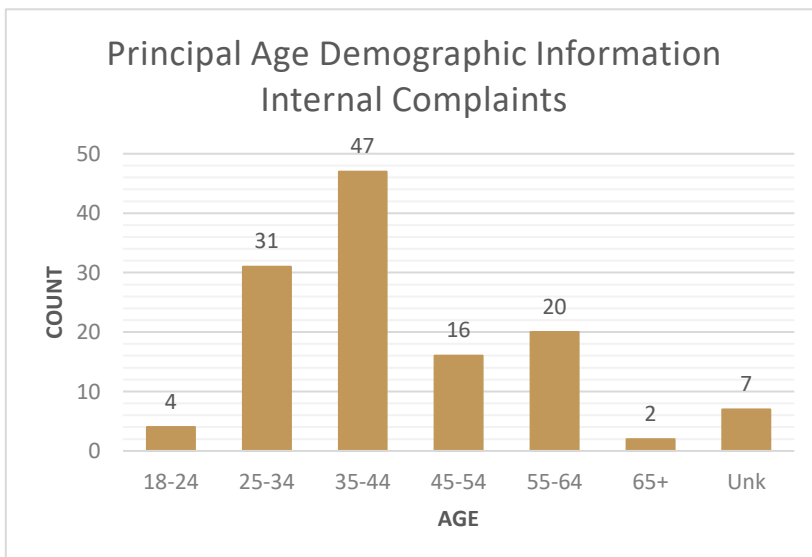
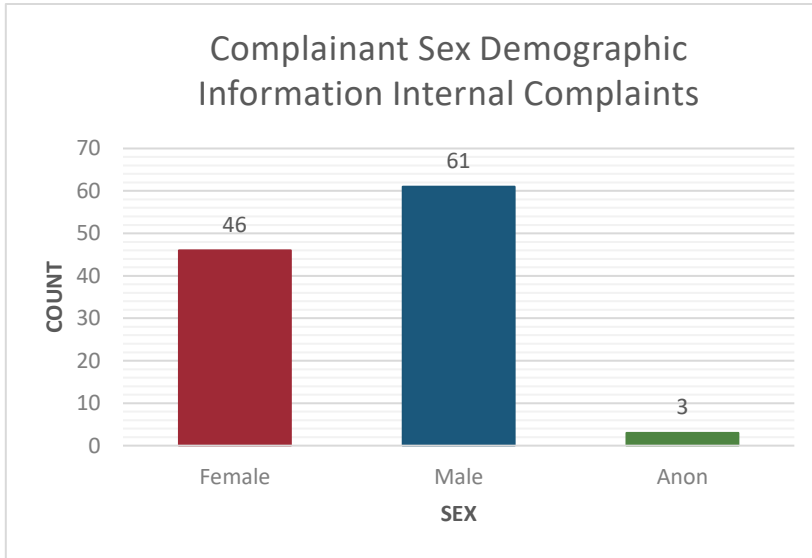


Figure 14 shows known Internal Complaint Principals are commonly between the ages of 35 and 44, which coincides with an average age of 41 years old.

Figure 14:
Demographic of Principals between July and December 2019, by Age.



There were 61 identified male complainants; approximately one and half times the amount of the identified females. Sex could not be identified for the three anonymous complainants.

Figure 15:
Demographic of Complainants between July and December 2019, by Sex.

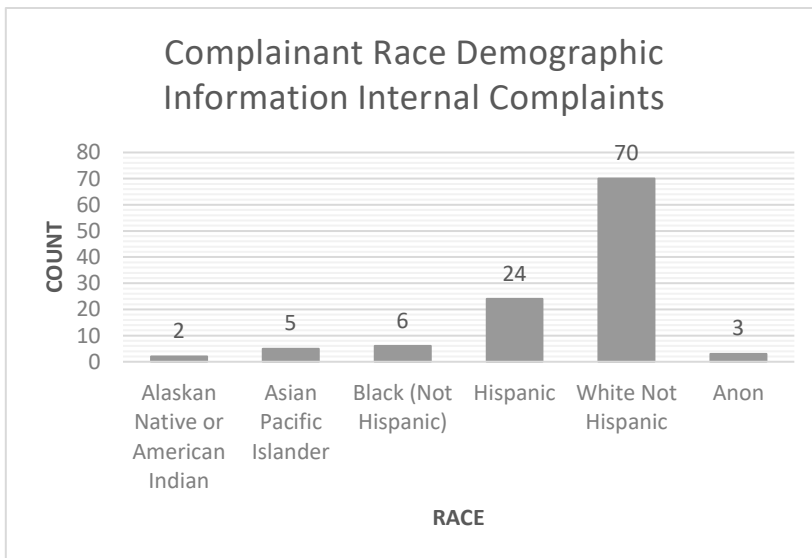


Figure 16 depicts 70 identified White (Not Hispanic) employees named as the complainant in Internal Complaint Investigations; approximately 64% of the 110 complainants. Race could not be identified for the three anonymous complainants.

Figure 16:
Demographic of Complainants between July and December 2019, by Race.

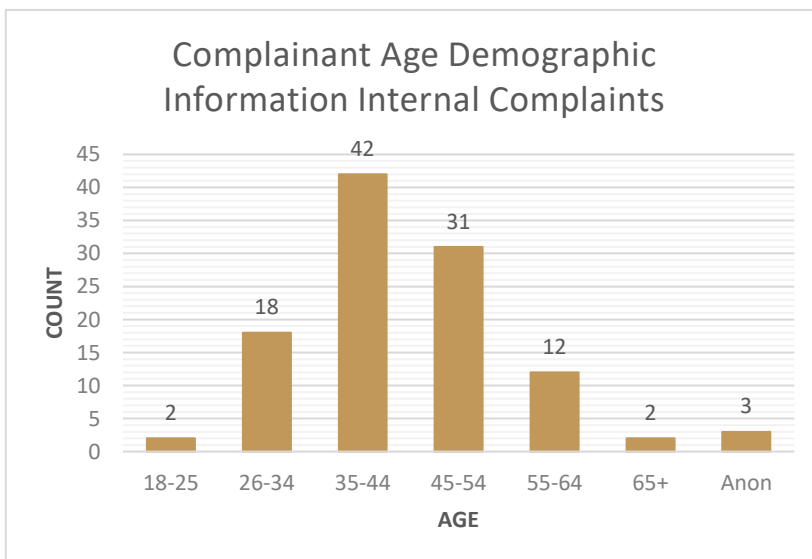


Figure 17 shows known Internal Complaint complainants are commonly between the ages of 35 and 44 which coincides with an average age of 43 years old. Age could not be identified for the three anonymous complainants.

Figure 17:
Demographic of Complainants between July and December 2019, by Age.

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

There were 146 alleged policy violations between July and December 2019. Approximately 62% of the allegations were related to violations of conduct (e.g. employee relationships with other employees, failure to meet standards, etc.) Figure 18 depicts the allegation breakdown.⁵

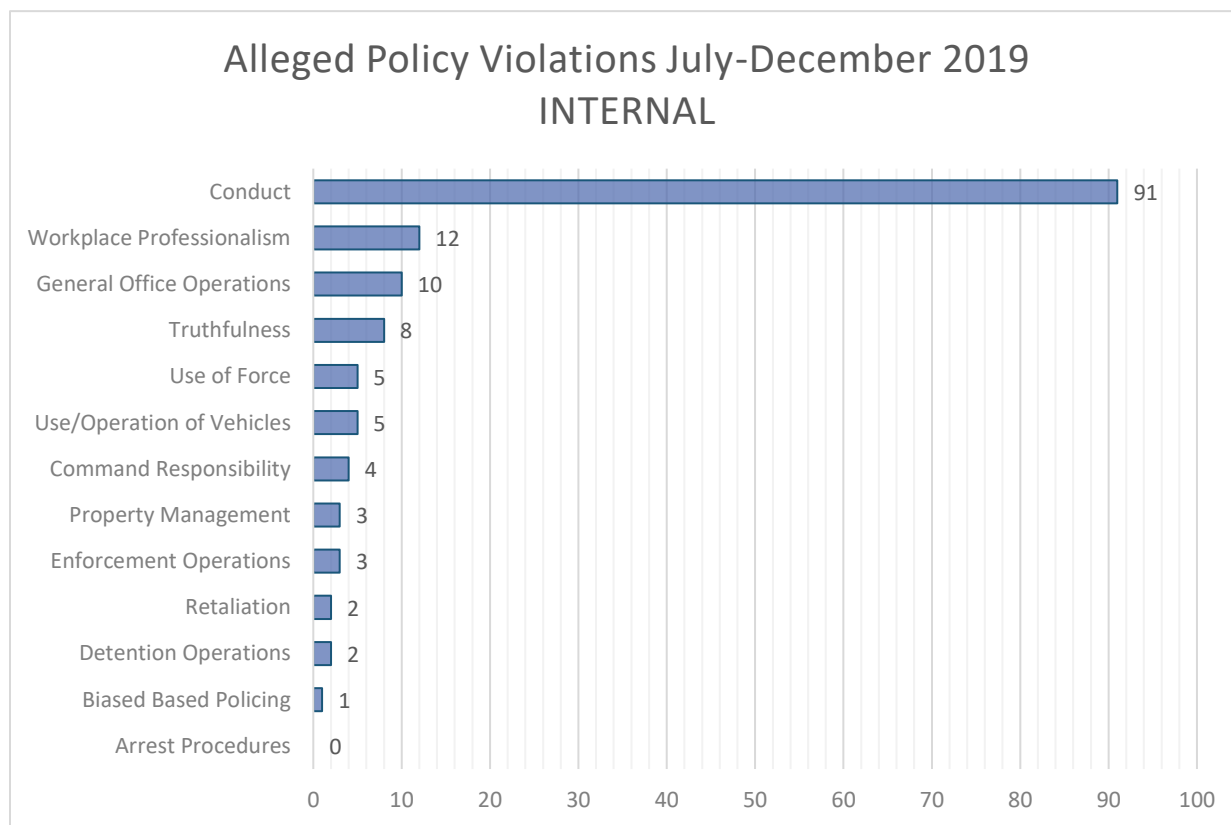


Figure 18: Alleged Policy Violations within Internal Complaint Investigations

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

Detention Operations: Inmate supervision (2)

Enforcement Operations: Traffic enforcement (1), search and seizure (1), and incident report guidelines (1).

General Office Operations: Leave and absences (4), criminal justice data systems (2), court appearances (1), firearms (1), compensation/ADP system (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 July 1, 2019 and December 31, 2019, the PSB opened a total of 296 misconduct investigations⁶; 232 were assigned to the Professional Standards Bureau investigators, 6 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 58 were assigned to investigators throughout the Sheriff’s Office.

Figure 19 depicts a monthly report of assigned cases and Figure 20 depicts the investigation assignment, broken down by Non-PSB Division.

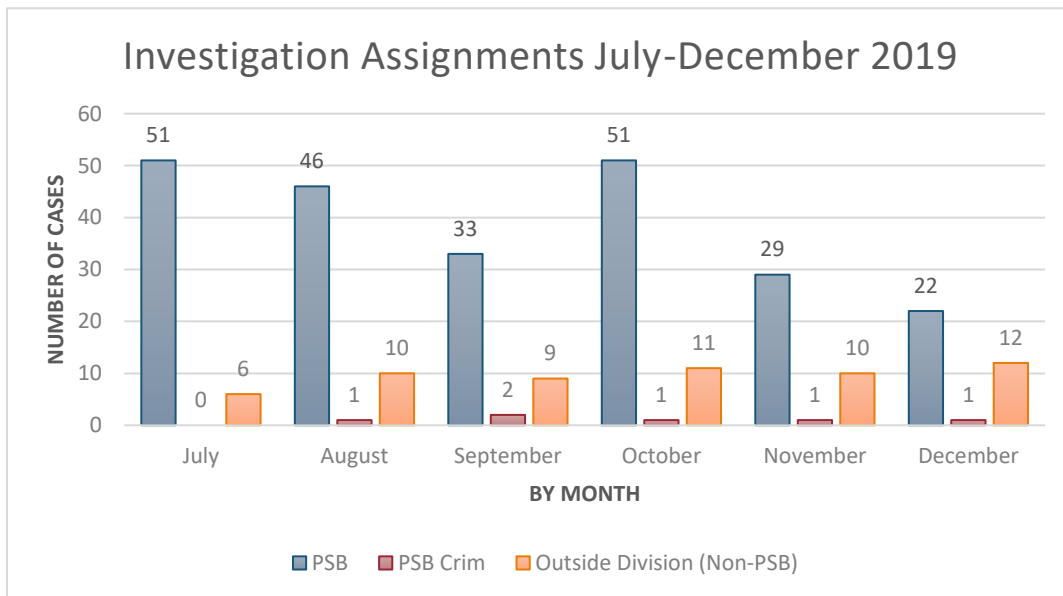


Figure 19: Investigation Assignment break down between PSB and Non-PSB Division

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

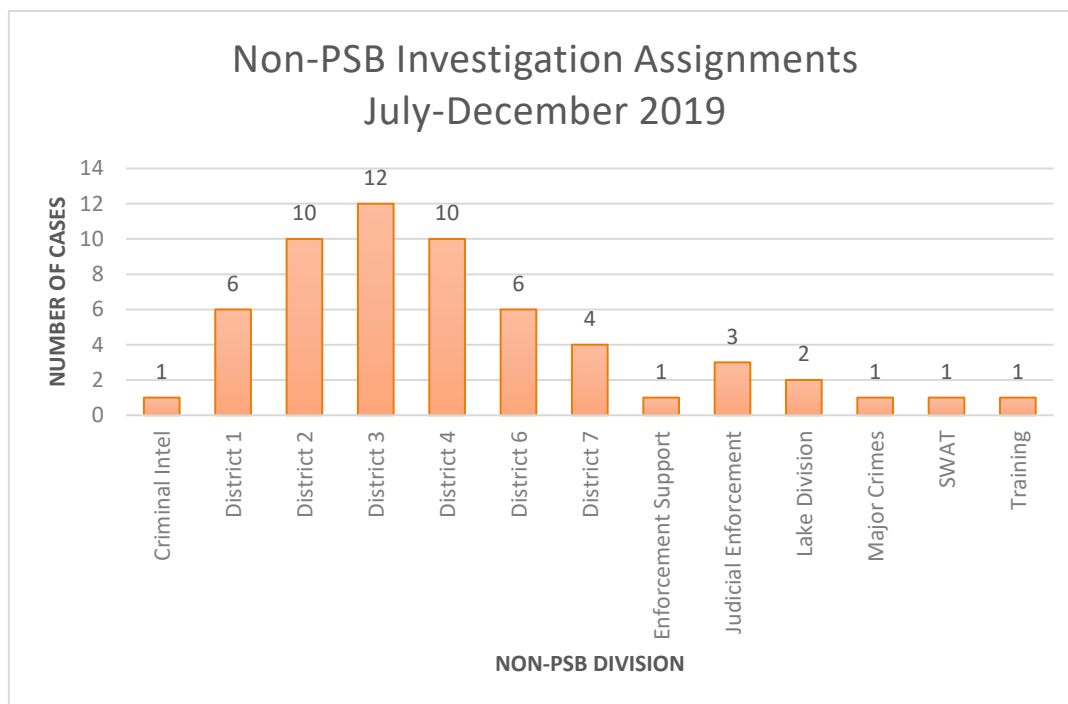


Figure 20: Non-PSB Division Assignment break down

Between July and December 2019, there were a total of 50 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 132 days and the median time was 91 days.⁷ This is 120% 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 173 days and the median was 112 days.

The total completion time (initiation to final discipline decision) of District investigations is 305 days. This is approximately 69% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 50 Division cases, 3 cases were returned to the Division assigned investigator by the PSB due to the conclusion not supported by the evidence. Of the remaining 47 investigations, there were 7 cases returned to the Division assigned investigator for formatting or form detail corrections, 1 case returned for report detail edits, and 39 cases that did not require any revisions.

Between July and December 2019, there were a total of 86 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 455 days and the median time was 438 days.⁸ This is 435% above the 85-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The average time from investigator submission to the investigators' chain of command to the final decision regarding discipline or other final disposition was 23 days and the median was 16 days.

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.

The total completion time (initiation to final discipline decision) of PSB investigations is approximately 478 days. This is approximately 166% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 86 PSB cases, there were no cases returned due to the conclusion not supported by the evidence and no cases returned to the PSB investigator to conduct further investigation.

F. Outcomes of Misconduct Investigations

A total of 136 administrative misconduct investigations were completed between July and December 2019; 49 completed investigations had Sustained dispositions, 56 had Not-Sustained dispositions, 11 had Exonerated dispositions, and 20 had Unfounded dispositions.

Figure 21 on the next page shows the number of outcomes as well as each section's percentage.

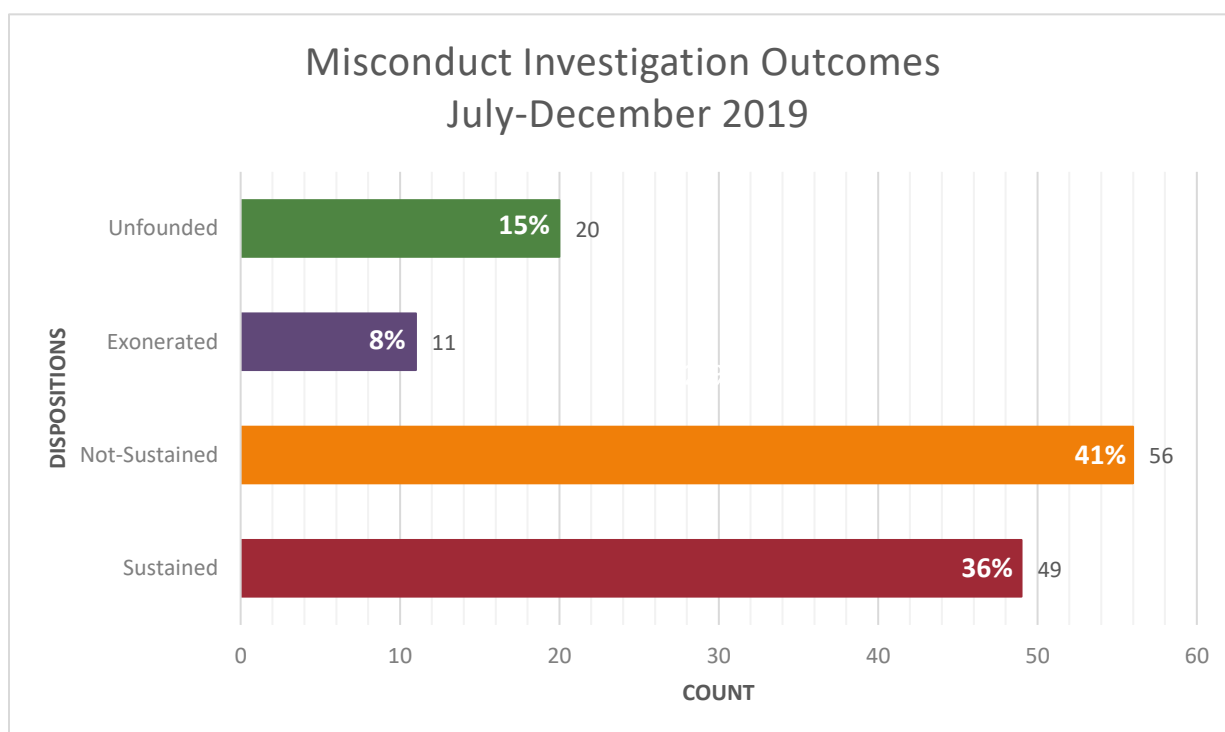


Figure 21: Misconduct Investigation Outcomes from July to December 2019.

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 49 sustained misconduct investigations closed from July to December 2019.

The following is a breakdown of the disciplinary and non-disciplinary actions for the 49 closed sustained cases⁹: 10 non-disciplinary (coaching) actions; 17 written reprimands; 14 suspensions; 1 demotion; 2 terminations; and 6 resignations. Nine 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 July 1, 2019 to December 31, 2019, there were no cases where the findings were changed after a Pre-Determination Hearing (PDH.)

There were three cases in which the Appointing Authority, regarding discipline, deviated from the established matrix after the PDH. The Appointing Authority uses aggravating and mitigating circumstances to justify his decision for discipline. The first and second case involved the change of category and discipline post-PDH for the principal. The principal had an initial Category 5 offense with an initial discipline of 24-hour suspension of employment. After the PDH, the offense was changed to a Category 4 with a final discipline decision of an 8-hour suspension. In the second case, the principal had an initial Category 2 offense with an initial discipline of 16-hour suspension of employment. After the PDH, the offense was changed to a Category 1 with a final discipline decision of a Written Reprimand. As for the third case, the principal had an initial discipline of a 24-hour suspension but after the PDH, the principal was demoted.

From the July to December 2019, 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 (January 1, 2019 – December 31, 2019), 31 employees were listed as the subject of more than two misconduct investigations in a total of 113 investigations. The 31 employees have been broken down and categorized by their most egregious discipline. Of the 31 employees, 7 received serious discipline, and 1 received minor discipline¹⁰. The remaining employees (23) all have current active investigations.

There were 17 employees, from January 1, 2019 – December 31, 2019, that have had more than one sustained allegation that resulted in **minor** discipline. Those two employees had a combined total of 20 sustained allegations. In that same timeframe, 15 employees had more than one sustained allegation that resulted in **serious** discipline. There were 28 sustained allegations between the 15 employees.

Between July and December 2019, 3 employees were the subjects of criminal prosecutions. The first employee was charged with two counts of assault. The employee pled guilty/responsible to a reduced charge to one count and the other count was dismissed. The second employee was charged with disorderly conduct and two counts of disobeying a court order; this criminal court case is currently active. The third employee was charged with one count of criminal possession of a forgery device and one count of fraudulent schemes. Regarding the charge of criminal possession of a forgery device, the employee pled guilty/responsible to a reduced charge; the one count of fraudulent schemes was dismissed.

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 third quarter (July 2019 to September 2019) and for the fourth quarter (October 2019 to December 2019.)

Third Quarter Assessment:

The PSB identified 4th Avenue Jail and District 1 – Mesa as two of the Divisions receiving the most complaints between July 1, 2019 to September 30, 2019.

The 4th Avenue Jail facility received nineteen (19) complaints resulting in misconduct investigations; five (5) of the investigations were opened regarding allegations of Detention Officers being rude throughout the visitation process; four (4) of the investigations were opened due to allegations of inmate mistreatment, to include use of inappropriate comments, humiliation, and neglect; two (2) investigations were opened due to the use of inappropriate sexual comments made by staff; and two (2) involved allegations of late security walks. The other six (6) complaints received did not follow a pattern or trend we could identify at this time.

District 1 – Mesa received thirteen (13) complaints resulting in misconduct investigations; five (5) were opened regarding allegations of Deputies being rude when responding to calls for service, to include being verbally aggressive, arrogant, and victim blaming. There were four (4) investigations opened due to allegations of employees failing to follow procedures and complete their job tasks properly, to include not handling property properly, not completing supplements when required, not collecting statements or photos during a call for service, and failing to take a report. There were two (2) investigations opened with allegations of Deputies failing to complete proper law enforcement procedures during a call for service and being rude to the complainants during their interactions, this includes allegations of condescending behavior, failing enforce protection orders, and not reviewing provided evidence. The other two (2) complaints received did not follow a pattern or trend we could identify at this time.

There were 155 complaints received between July 1, 2019 to September 30, 2019. The Professional Standards Bureau identified 36 investigations with allegations categorized as “rude” behavior (rude conduct to include yelling, berating, mocking, demeaning, verbally aggressive, and dismissive behavior.) The PSB also saw a high number of allegations (18) of employees failing to follow proper procedures and office directives. There were 14 investigations opened into allegations of an employee not being respectful or courteous with other employees, and 14 investigations opened into inappropriate language/actions (unprofessional conduct to include threats, harassing behavior, unprofessional comments, and the use of profanity.) There were 11 investigations opened with allegations of specific Workplace Professionalism misconduct (inappropriate racial and sexual comments and inappropriate touching.) There were 6 investigations into allegations of biased-based policing.

Employees

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 of vehicle driving and accidents. Although two separate scenarios, the allegations are related to GE-4 Use/Operation of Vehicles.

An employee was named in two IA investigations with allegations stemming from unprofessional conduct while speaking at an MCSO-led event.

An employee was named in two IA investigations with allegations of late security walks. These investigations occurred within a week of each other.

An employee was named in two IA investigations with allegations of rudeness paired with the employee refusing to take law enforcement action.

Fourth Quarter Assessment:

The PSB identified the Estrella Jail facility and the 4th Avenue Jail facility as two Divisions receiving the most complaints between October 1, 2019 to December 31, 2019.

The Estrella Jail facility received thirteen complaints resulting in misconduct investigations; four of the investigations were opened regarding allegations of profanity and disparaging remarks between employees. There were four investigations opened alleging employees being verbally abusive, using profanity, and overall rude behavior to members of the public. The other five did not follow a pattern or trend we could identify at this time.

The 4th Avenue Jail facility received thirteen complaints resulting in misconduct investigations; four of the investigations were opened regarding allegations of Detention Officers taunting, harassing, using profanity, and making inappropriate comments toward inmates and members of the public and two investigations were opened due to allegations of inappropriate or excessive use of force. The other seven complaints received did not follow a pattern or trend we could identify at this time.

There were 135 complaints received between October 1, 2019 to December 31, 2019. The Professional Standards Bureau identified 33 investigations with allegations categorized as “rude” behavior (rude conduct to include unwillingness to listen, a lack of compassion, dismissive, use of profanity, and condescending behavior.) The PSB also saw a high number of allegations (20) of employees failing to follow proper procedures and office directives; these allegations do not follow a trend of pattern at this time. There were eleven investigations opened with allegation of on or off duty crime with no apparent trend at this time and seven investigations opened into allegations of biased-based policing. There were five investigations opened into allegation of Deputies mishandling investigations and calls for service; three of those investigations were opened in District 2 - Avondale.

Employees

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

An employee was named in three IA investigations with allegations stemming from rude, aggressive, and confrontational behavior when responding to a call for service and during two traffic stops.

An employee was named in two IA investigations with allegations stemming from combative behavior and an unwillingness to listen while responding to calls for service.

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.

While there have been improvements, the investigations still lack structure, format, thoroughness, and do not follow the proper reporting requirements. The following concerns have been identified as areas needing improvement for District investigations: incomplete investigation or lack of detail; failure to address training or policy issues; improper findings; failure to conduct all interviews; and various administrative concerns. During this time, there were six cases 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.

Through the review process, the liaisons continue to specifically note the following trends found within these investigations: the need for more clarification within the investigative report and identifying and following through with training concerns. 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.

With the initial 40-hour training on Conducting Misconduct Investigations, the annual continuing 8-hour training on Conducting Misconduct Investigations, the continued practice of conducting investigations, and the continued advisement from PSB 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 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 3% more for this reporting period versus the last reporting period (January 2019 to June 2019.) When reviewing external complaints received in 2019, the PSB is seeing a slight upward trend; when comparing the numbers of external complaints received in 2018 and 2019, there is still an overall downward trend. The MCSO continues to identify allegations of misconduct regarding Code of Conduct Practices (e.g., unbecoming conduct and failure to meet standards) with the goal to improve employee conduct office wide. The Professional Standards Bureau (PSB) could not identify a reason for the continued external allegations of misconduct regarding Code of Conduct Practices.

The data shows an average of 18 internally generated complaints per month. This is less than the reported average of the previous six months and internal complaints received are still showing a downward trend for 2019. 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 attributes the decrease of the 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 deficiencies ("further investigation needed" or "conclusion not supported by the evidence") identified within division-investigated cases. Approximately 6% of assigned cases have had identified deficiencies. This is a 4% 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. 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 initial 40-hour training and 8-hour annual continued training on Conducting Misconduct Investigations; the continued practice of completing investigations; the review and intervention from District Command Staff; and the continued advisement from the PSB 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.

All investigations completed during this reporting period were 117% 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 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 January 2019 to December 2019, 31 employees were listed as the subject of more than two misconduct investigations, which is approximately 0.8% 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.