



Professional Standards Bureau

Misconduct Investigations Semi-Annual Report

January 1, 2021 – June 30, 2021

Table of Contents

| | |
|---|----|
| Requirement | 3 |
| Executive Summary | 3 |
| Response | 4 |
| A. Conflict-of-Interest Sustained Allegations | 4 |
| B. External Complaints..... | 5 |
| C. Civilian Complaint Analysis | 13 |
| D. Internal Complaints | 14 |
| E. Processing of Misconduct Cases..... | 20 |
| F. Outcomes of Misconduct Investigations | 23 |
| G. Persistent or Serious Misconduct..... | 25 |
| H. Patterns and Trends | 26 |
| I. Semi-Annual PSB Reviews of Investigations..... | 33 |
| Conclusion | 34 |

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, 2021 and June 30, 2021.

The MCSO did not see a notable change in the overall complaints received from the last semi-annual reporting period and the complaints received remain consistent overall. The most common external allegations received were unbecoming conduct and failure to meet standards. About 42% of external complaints arose from custody operations and about 22% 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 14% were assigned to divisions outside of the PSB and the remaining 86% were assigned to the PSB (criminal and administrative.) The average completion timeframe for district-level investigations was 177% over the required 60-day timeframe. The average completion timeframes for PSB-investigations were higher during this reporting period; approximately 731% over the required 85-day timeframe; and approximately 318% above the 180-day statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, Internal Investigations, which the PSB attributes to processing and closing older investigations. There were 190 misconduct investigations completed: 39% with a sustained disposition. Further research shows 55 employees had persistent misconduct (the subject of more than two misconduct investigations) and 24% of employees with more than one sustained allegation 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 sustain any allegations of an employee violating conflict-of-interest rules in conducting or reviewing misconduct investigations between January and June 2021.

B. External Complaints

Based on the data, the MCSO received a total of 242 external complaints that resulted in PSB administrative investigations and criminal investigations from January 1, 2021 to June 30, 2021 officewide. There was one district (also known as a division) with the most external complaints; the 4th Avenue Jail with 32 complaints. Close behind was the Lower Buckeye Jail facility with 29 complaints.

Figure 1 depicts the number of external complaints received between January and June 2021, differentiated by Division.

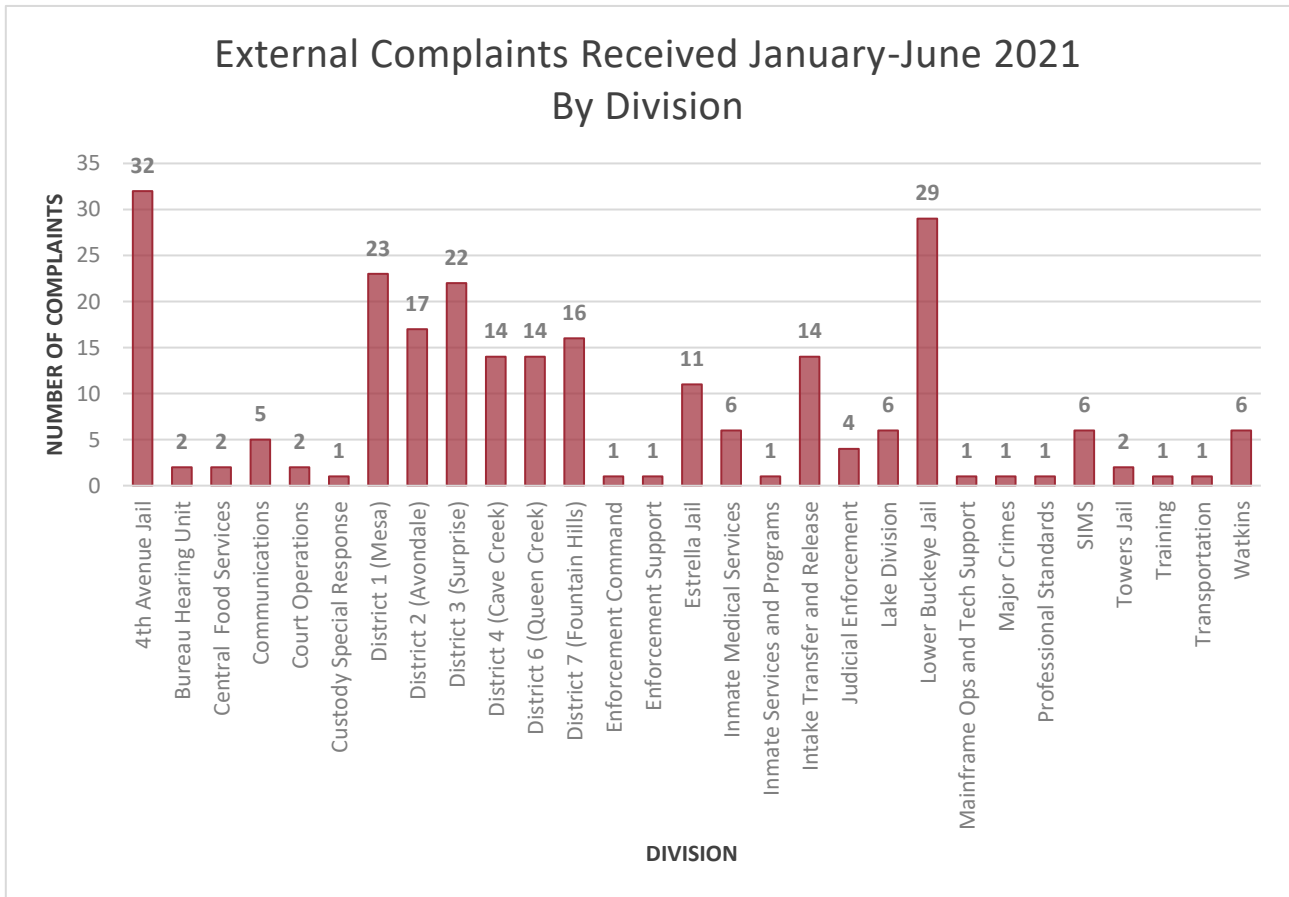


Figure 1: External Complaints, by District, received that resulted in an investigation.

Within the 242 external complaints, the MCSO received 39 complaints in January, 36 complaints in February, 37 complaints in March, 45 complaints in April, 34 complaints in May, and 51 complaints in June. The allegations occurring most were those involving Code of Conduct practices (e.g., unbecoming conduct.) The approximate average of external complaints received each month was 40. In June, the MCSO received 51 complaints, an approximate 28% increase of complaints over the average.

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

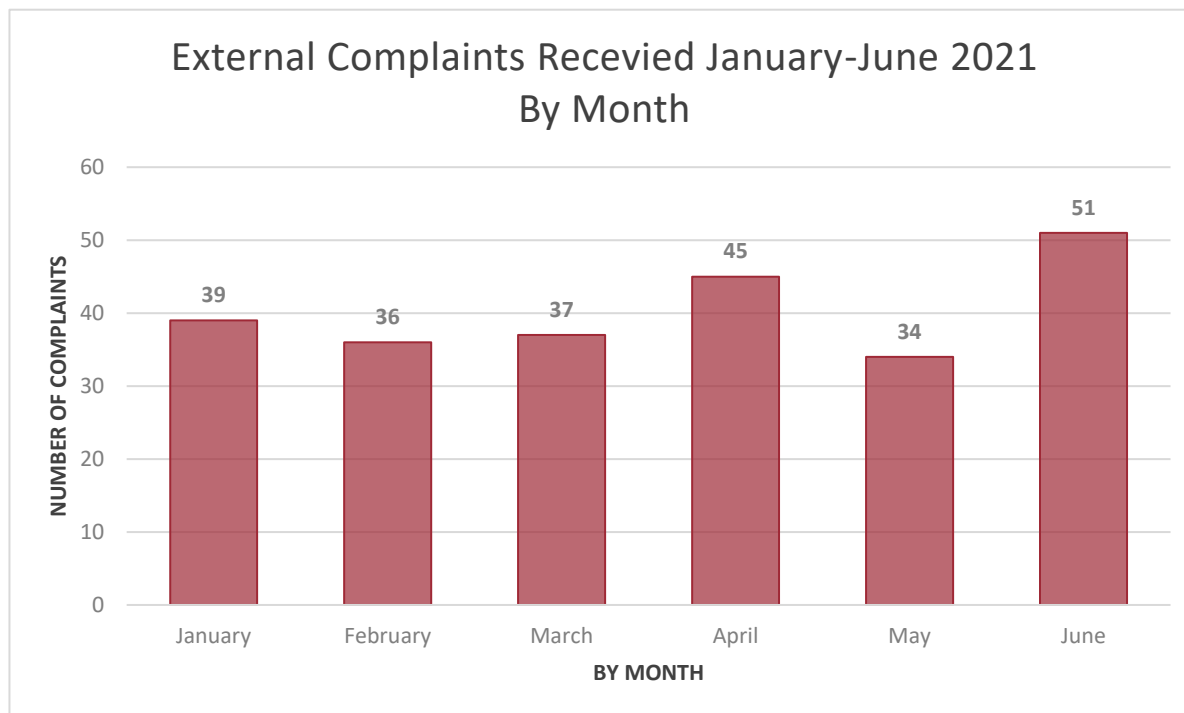


Figure 2: External Complaints, by month, received from January to June 2021.

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

The “Sworn Deputy” rank was identified 113 times out of 325 total principals listed in external complaint investigations between January and June 2021.

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

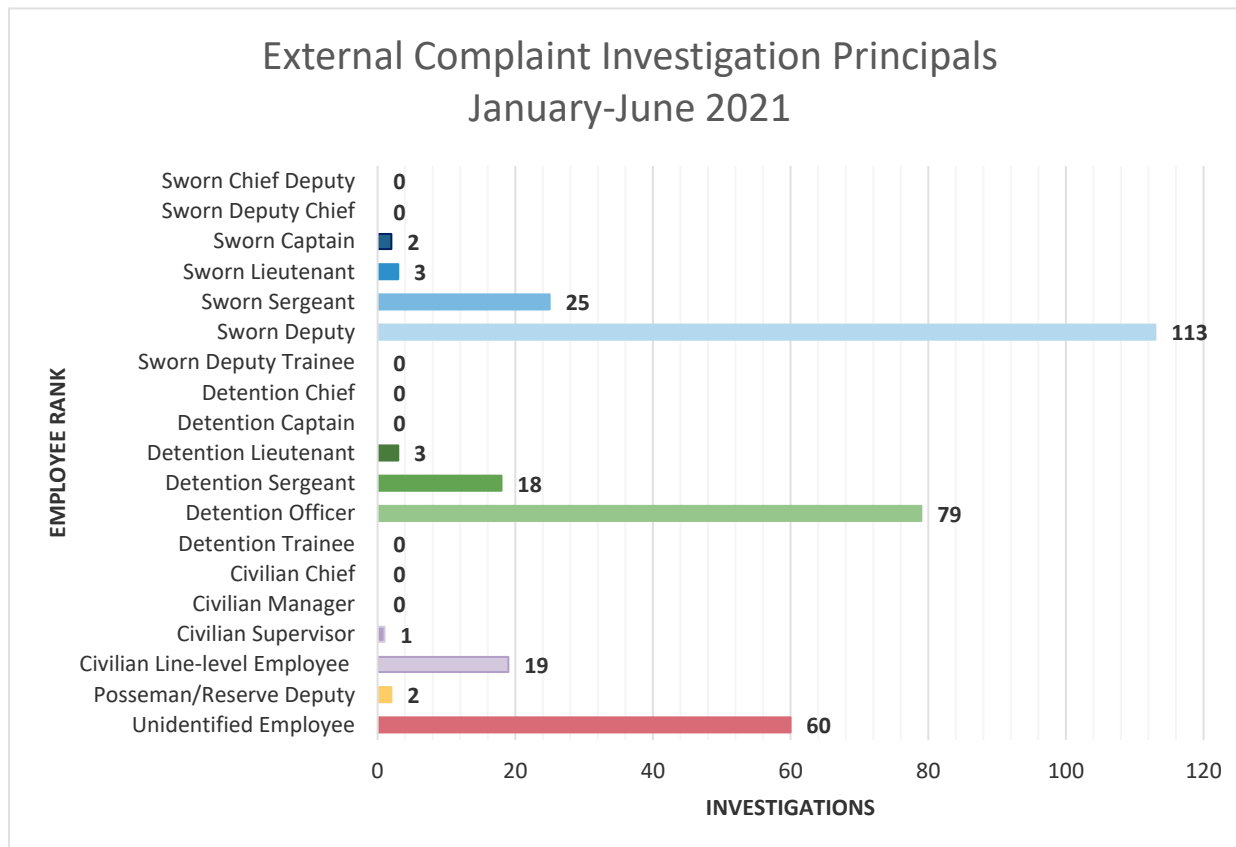
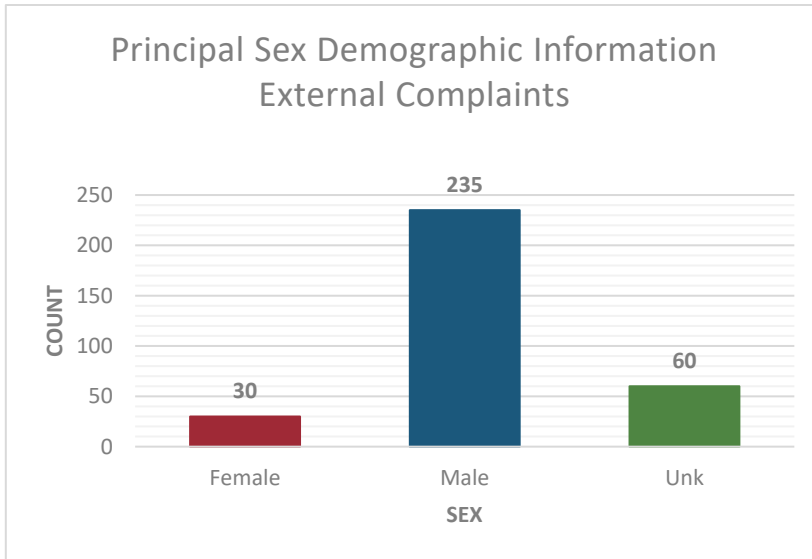


Figure 3: Rank of Principals in External Complaint Investigations January and June 2021.

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



There were 235 identified male principals; approximately seven times more than the number of identified females.

Figure 4:
Demographic of Principals between January and June 2021, by Sex.

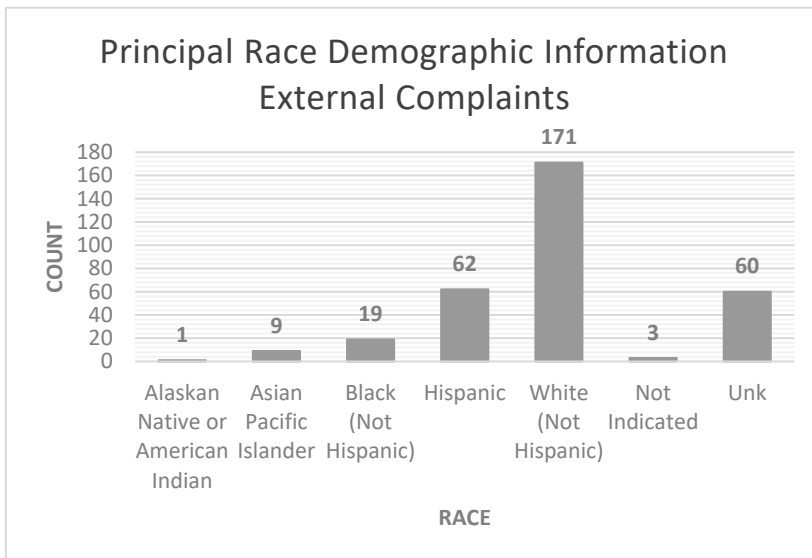


Figure 5 depicts 171 identified White (Not Hispanic) employees named as a principal in External Complaint Investigations; approximately 53% of the 325 principal employees.

Figure 5:
Demographic of Principals between January and June 2021, by Race.

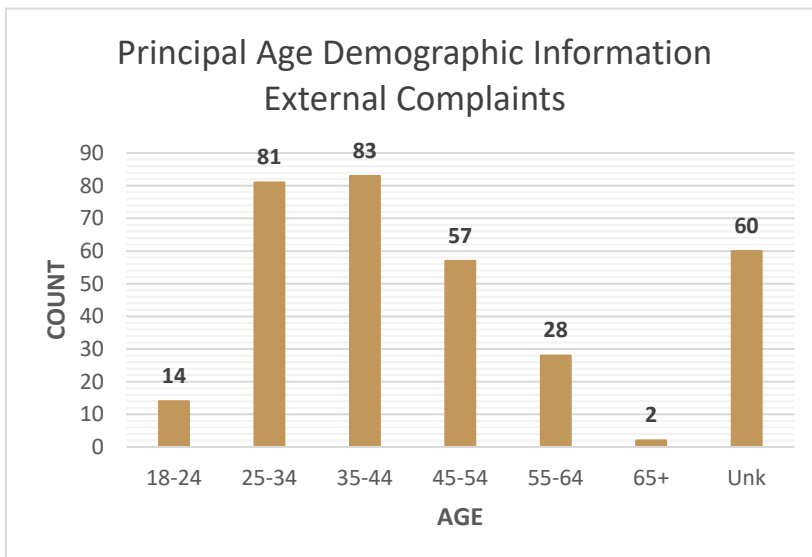


Figure 6 shows known External Complaint Principals are commonly between the ages of 35-44, which coincides with an average age of 40 years old.

Figure 6:
Demographic of Principals between January and June 2021, 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 131 external cases and thus sent approximately 131 complainant surveys². Of the approximate 131 surveys provided, the PSB received nine 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.

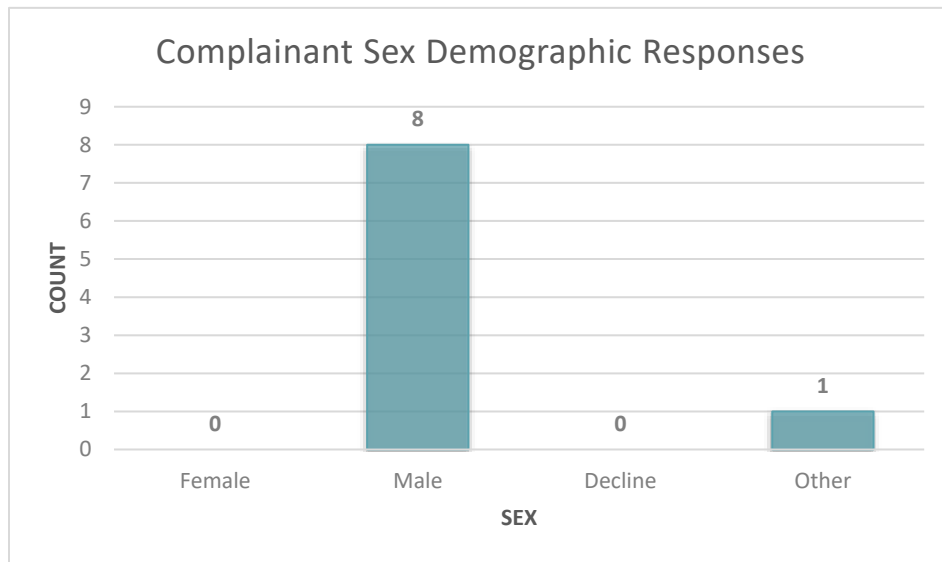


Figure 7: Demographic of Complainants between January and June 2021, by Sex.

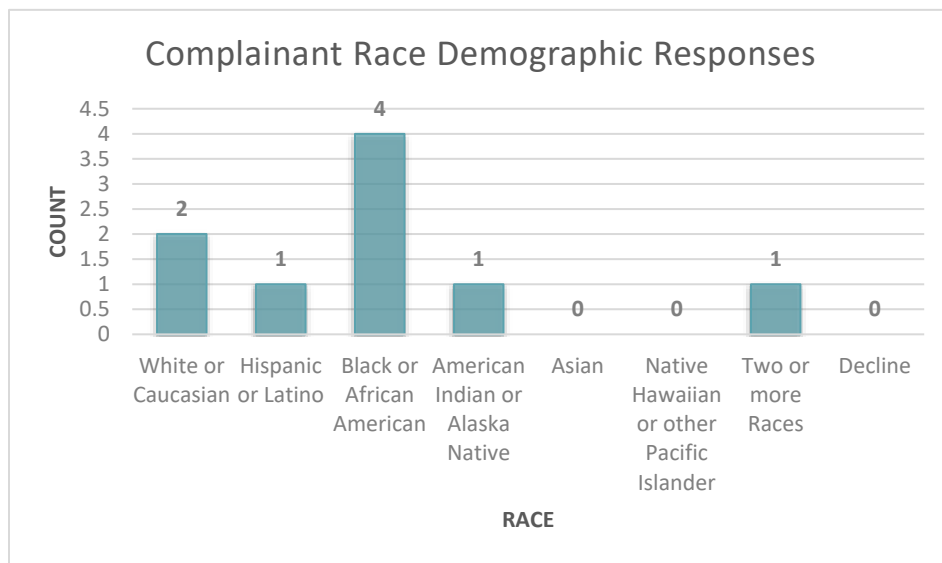


Figure 8: Demographic of Complainants between January and June 2021, by Race

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.

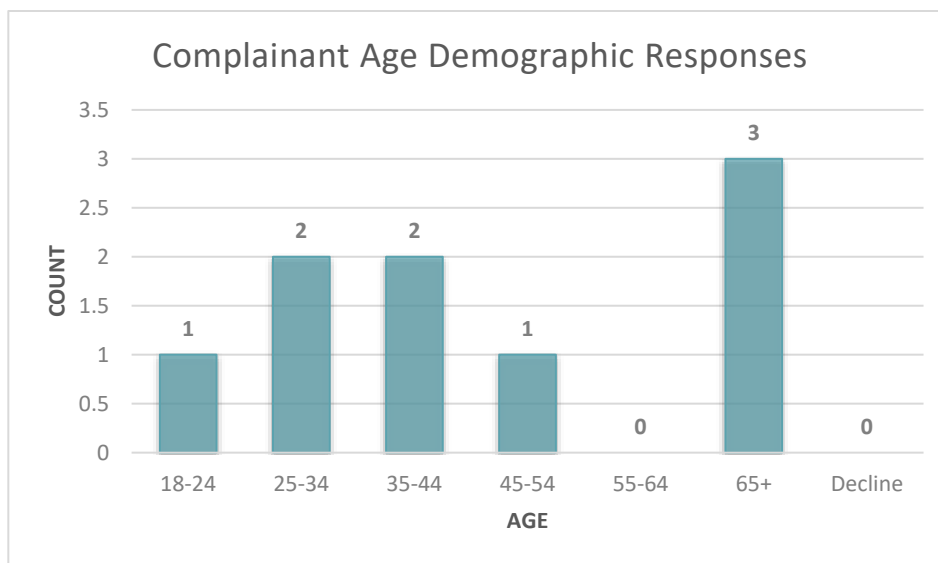


Figure 9: Demographic of Complainants between January and June 2021, by Age.

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 2021, the PSB received eleven anonymous external complaints resulting in an investigation.

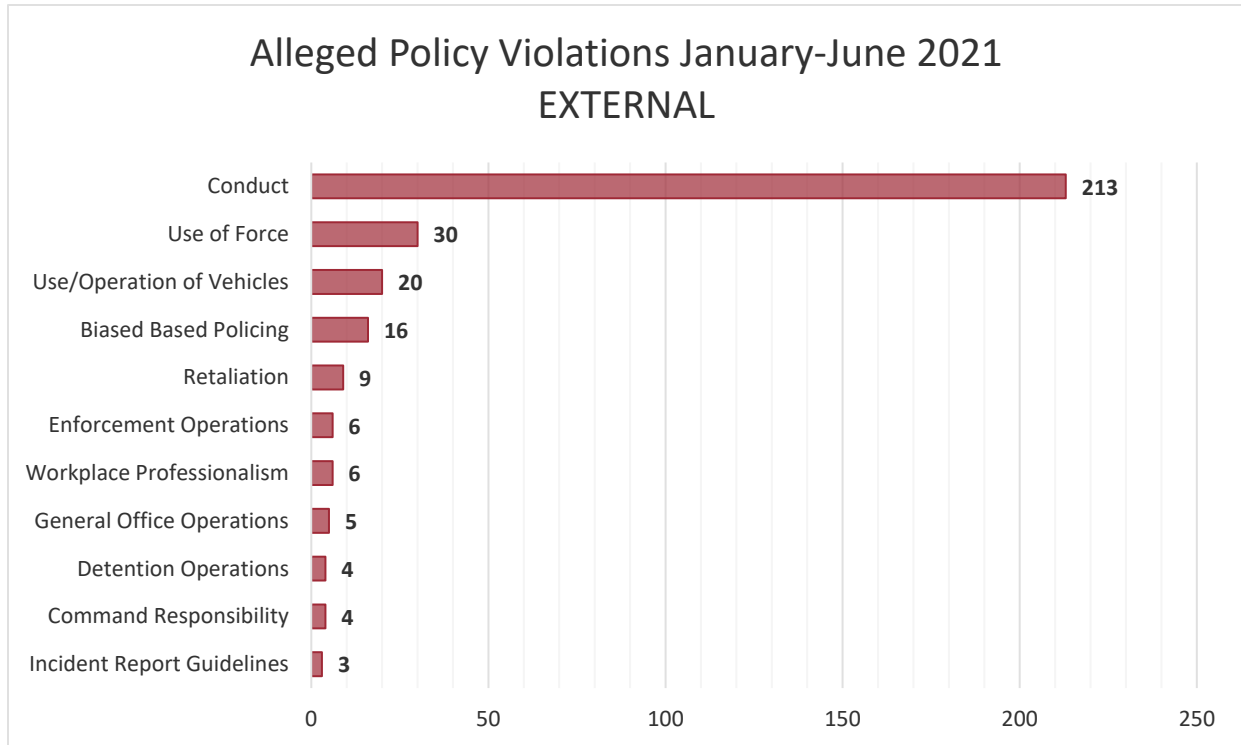


Figure 10: Alleged Policy Violations within External Complaint Investigations between January and June 2021.

There were 316 alleged policy violations between January and June 2021. Approximately 67% of the allegations were related to violations of conduct (e.g., unbecoming conduct, failure to meet standards, etc.); this is a decrease of allegations from the last semi-annual reporting period and decrease in the percentage of complaints related to violations of conduct. Figure 10 depicts the allegation breakdown.³

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

Detention Operations: Inmate Meal Distribution and Accountability (3) and Inmate Grievance Procedure (1).

Enforcement Operations: Arrest procedures (3), vehicle accident investigations (2), and body-worn cameras (1).

General Office Operations: Truthfulness (3), criminal justice data systems (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 2021.



Figure 11: Nature of Contact for External Complaints between January and June 2021.

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 113 internal complaints from January 1, 2021 to June 30, 2021 office wide. There was one district (also known as division) with the most internal complaints; 4th Avenue Jail with 13 complaints. Divisions with a similar number of complaints were the Estrella and Lower Buckeye Jails with 11 complaints.

Figure 12 depicts the number of internal complaints received from January to June 2021 differentiated by Division.

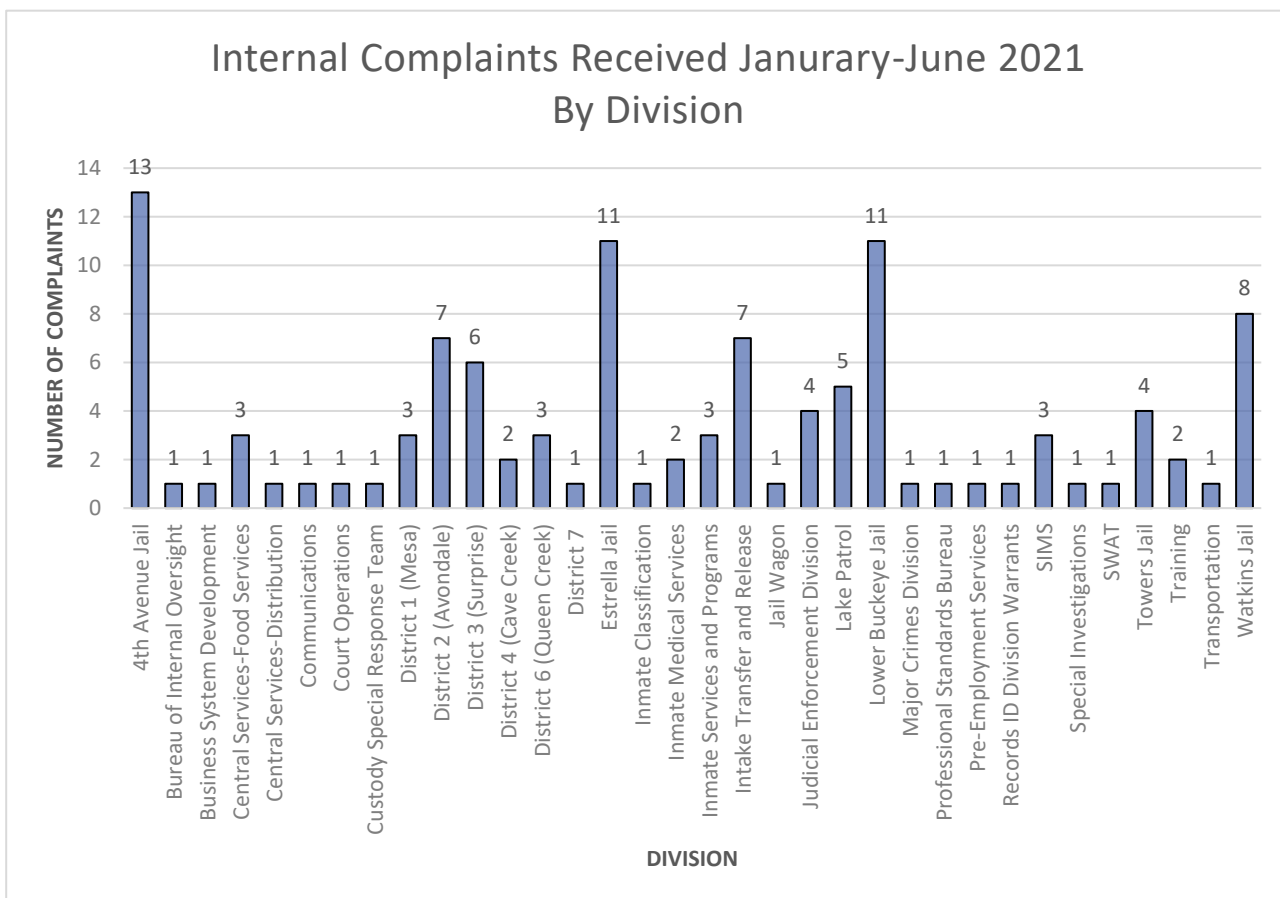


Figure 12: Internal Complaints received, by District, which resulted in an investigation.

Within the 113 internal complaints, the MCSO received 19 complaints in January, 24 complaints in February, 17 complaints in March, 22 complaints in April, 13 complaints in May, and 18 complaints in June. The internal complaints decreased from the previous reporting six months. Like the last reporting period, most of the allegations involving Code of Conduct practices (e.g., employee relationships with other employees and failure to meet standards.) In February, the MCSO received 24 internal complaints; with an approximate average of 19 complaints received per month; this was approximately 16% above the average internal complaints received

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

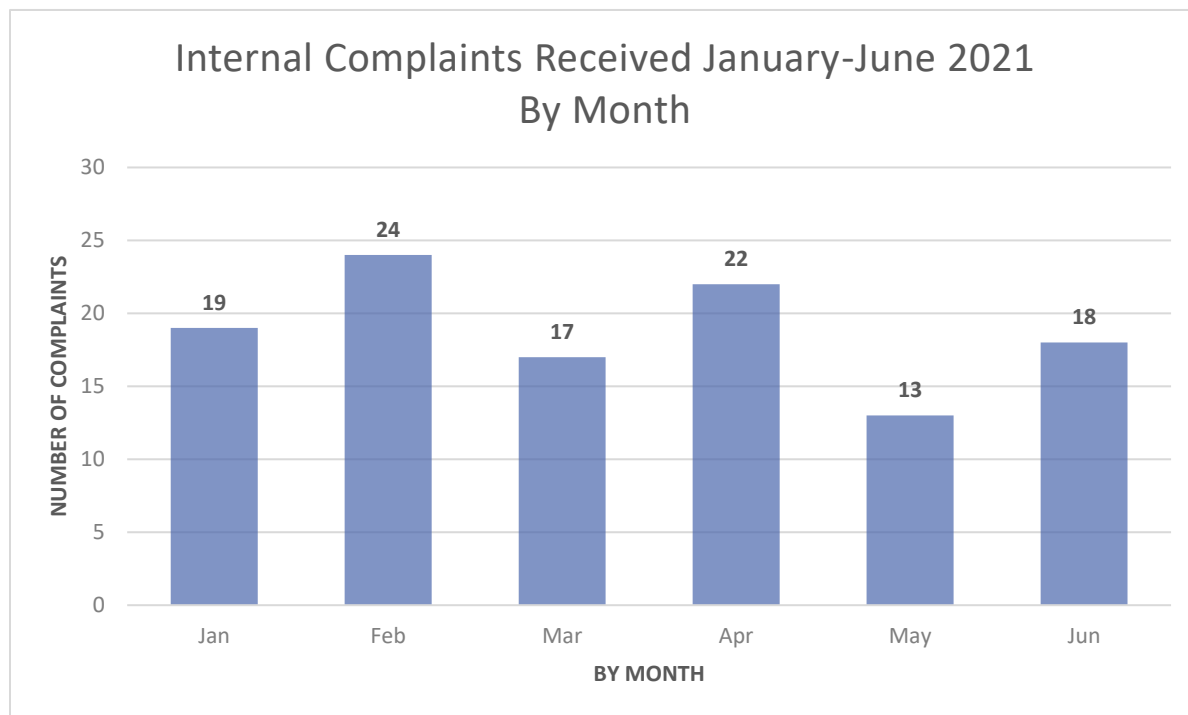


Figure 13: Internal Complaints received, by month, from January to June 2021.

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

The “Detention Officer” rank was identified 23 out of the 125 total principals listed in internal complaint investigations between January and June 2021.

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

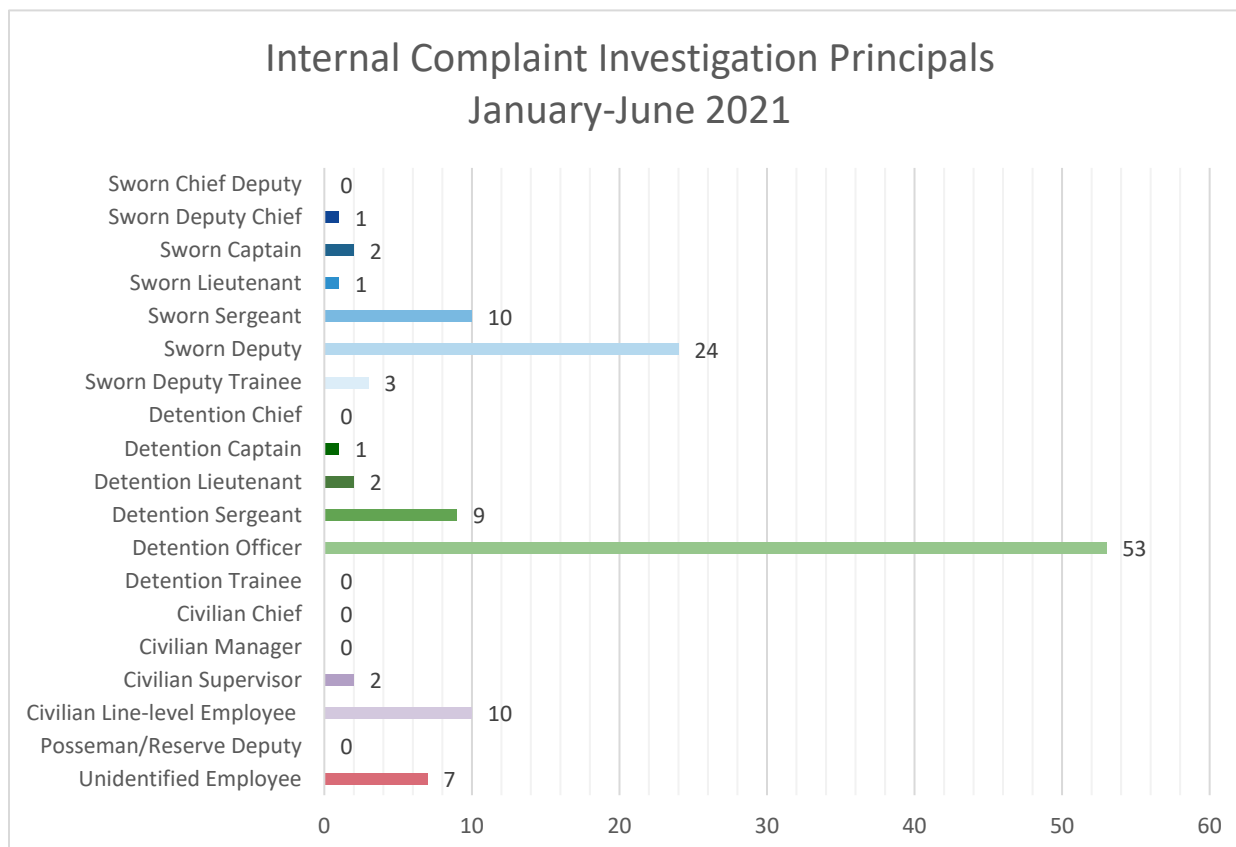
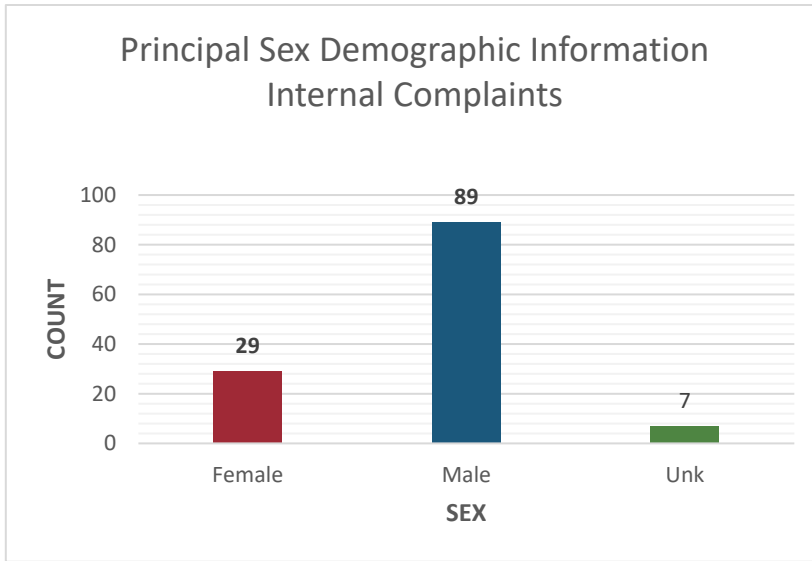


Figure 14: Rank of Principals in Internal Complaint Investigations January to June 2021.

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 2021, the PSB initiated one internal investigation with an anonymous complainant. This was handled as internal complaint 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 three 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 2021, by Sex.

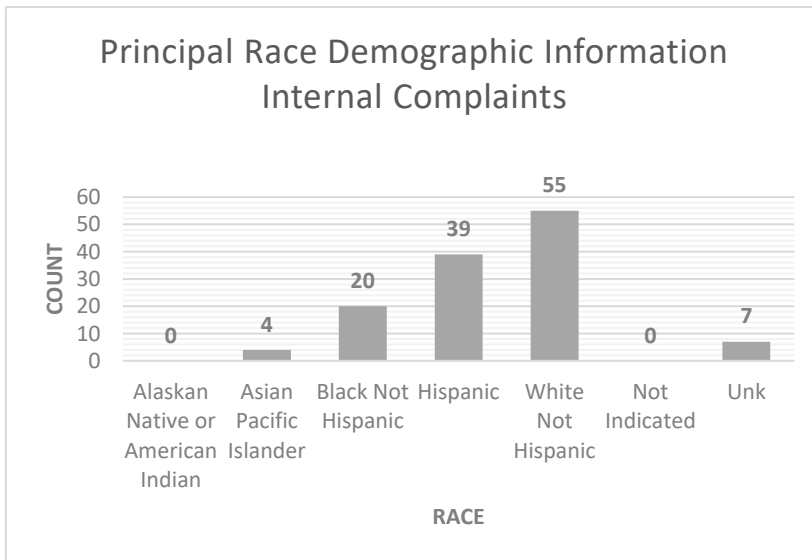


Figure 16 depicts 55 identified White (Not Hispanic) employees named as the principal in Internal Complaint Investigations; approximately 44% of the 125 employees.

Figure 16:
Demographic of Principals between January and June 2021, by Race.

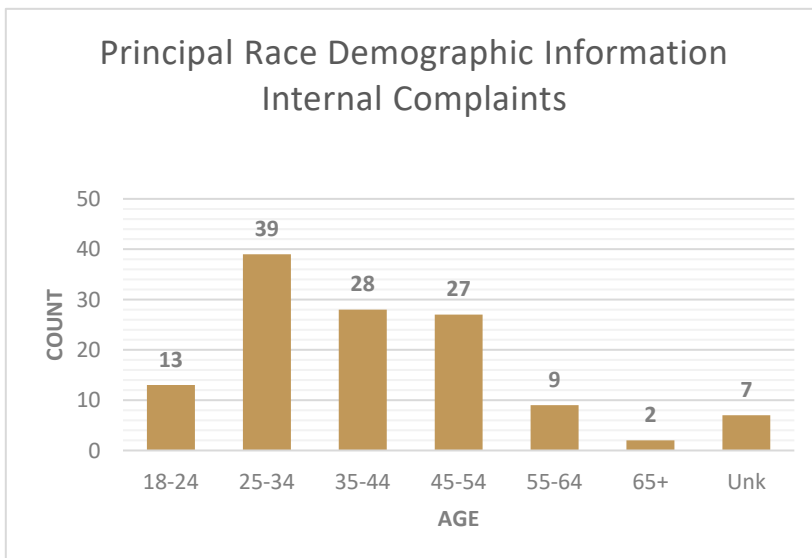
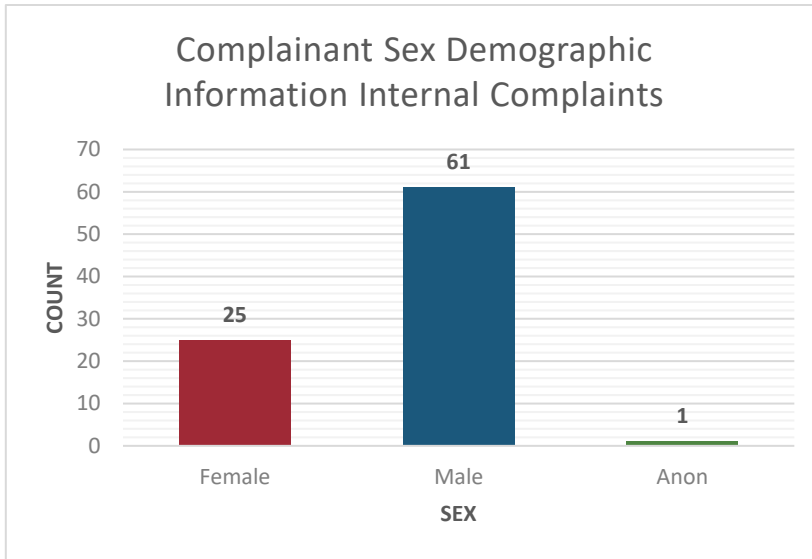


Figure 17 shows known Internal Complaint Principals are commonly between the ages of 25 and 34, which contradicts with an average age of 39 years old.

Figure 17:
Demographic of Principals between January and June 2021, by Age.



There were 61 identified male complainants, approximately two and a half times the amount of the identified females. Sex could not be identified for the one anonymous complainant.

Figure 18:
Demographic of Complainants between January and June 2021, by Sex.

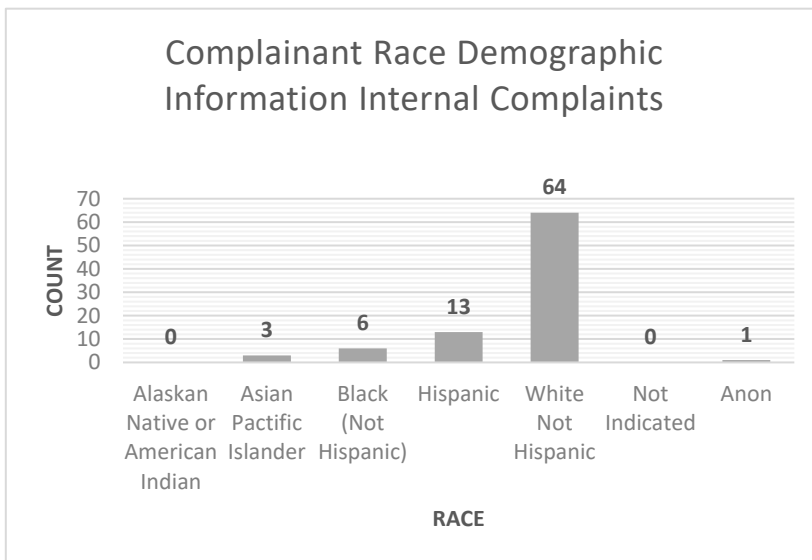


Figure 19 depicts 64 identified White (Not Hispanic) employees named as the complainant in Internal Complaint Investigations; approximately 74% of the 87 complainants. Race could not be identified for the one anonymous complainant.

Figure 19:
Demographic of Complainants between January and June 2021, by Race.

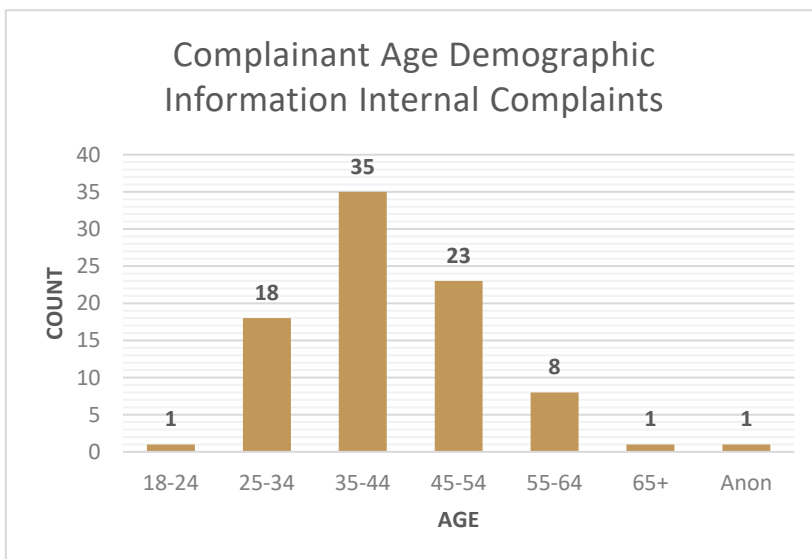


Figure 20 shows known Internal Complaint complainants are commonly between the ages of 35 and 44 which coincides with an average age of 42 years old. Age could not be identified for the one anonymous complainant.

Figure 20:
Demographic of Complainants between January and June 2021, by Age.

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

There were 183 alleged policy violations between January and June 2021. Approximately 52% of the allegations were related to violations of conduct (e.g. employee relationships with other employees, failure to meet standards, etc.); this is a decrease of allegations from the last semi-annual reporting period and a decrease in the percentage of complaints related to violations of conduct. Figure 21 depicts the allegation breakdown.⁵

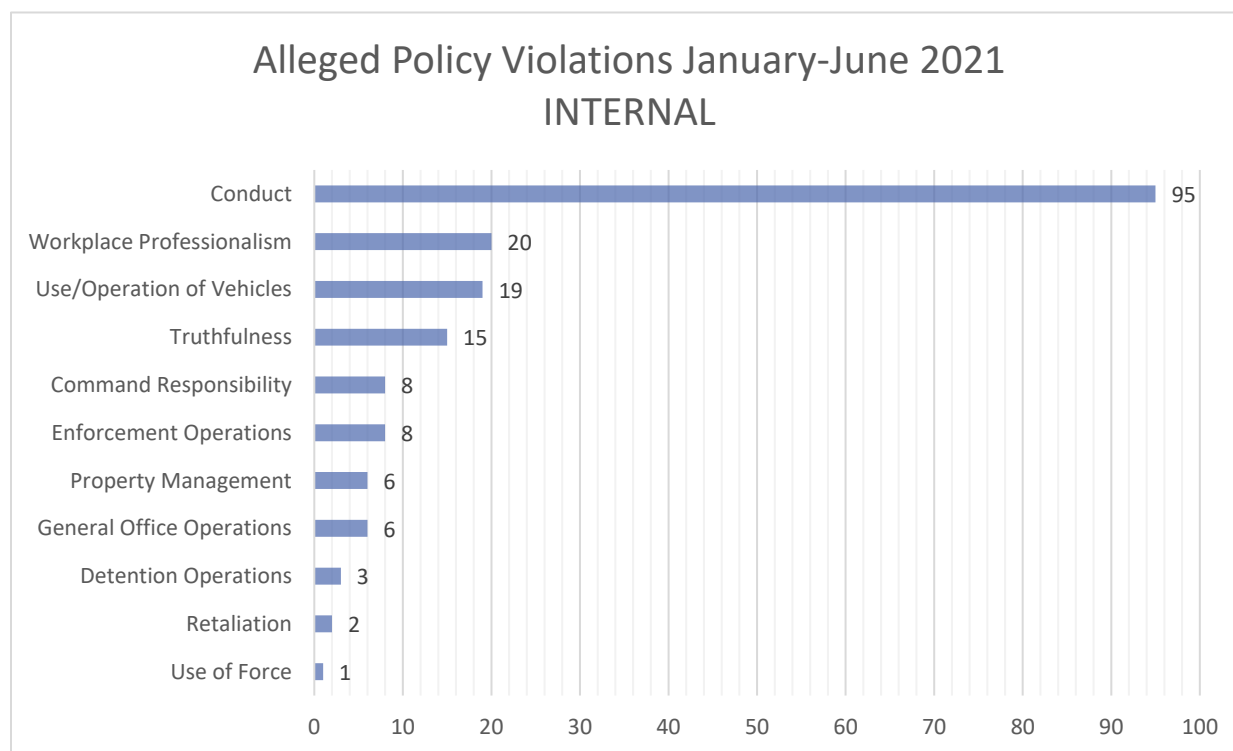


Figure 21: Alleged Policy Violations within Internal Complaint Investigations between January and June 2021.

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

Detention Operations: Operations journal and logbooks (3).

Enforcement Operations: Body-worn cameras (5), arrest procedures (2), and domestic violence (1).

General Office Operations: Compensation/ADP system (2), leave and absences (1), employee access to the internet (1), early identification system - data and security retention (1), and injury or death of an employee or volunteer (1).

E. Processing of Misconduct Cases

The Professional Standards Bureau Commander determines whether an administrative investigation will be conducted at the division level or within the PSB. The decision is based on the severity and type of offense, the complexity of the investigation, the rank of the employee, and the alleged principal’s disciplinary history. Once it has been decided an investigation can be handled at the division level, it is assigned an investigator to conduct interviews, review all information provided, and recommend the proper finding for the alleged violation to the Division Commander. Assistance and guidance from the Professional Standards Bureau are provided throughout the division level investigation.

Between January 1, 2021 to June 30, 2021, the PSB opened a total of 355 misconduct investigations⁶; 290 were assigned to the Professional Standards Bureau investigators, 17 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 48 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.

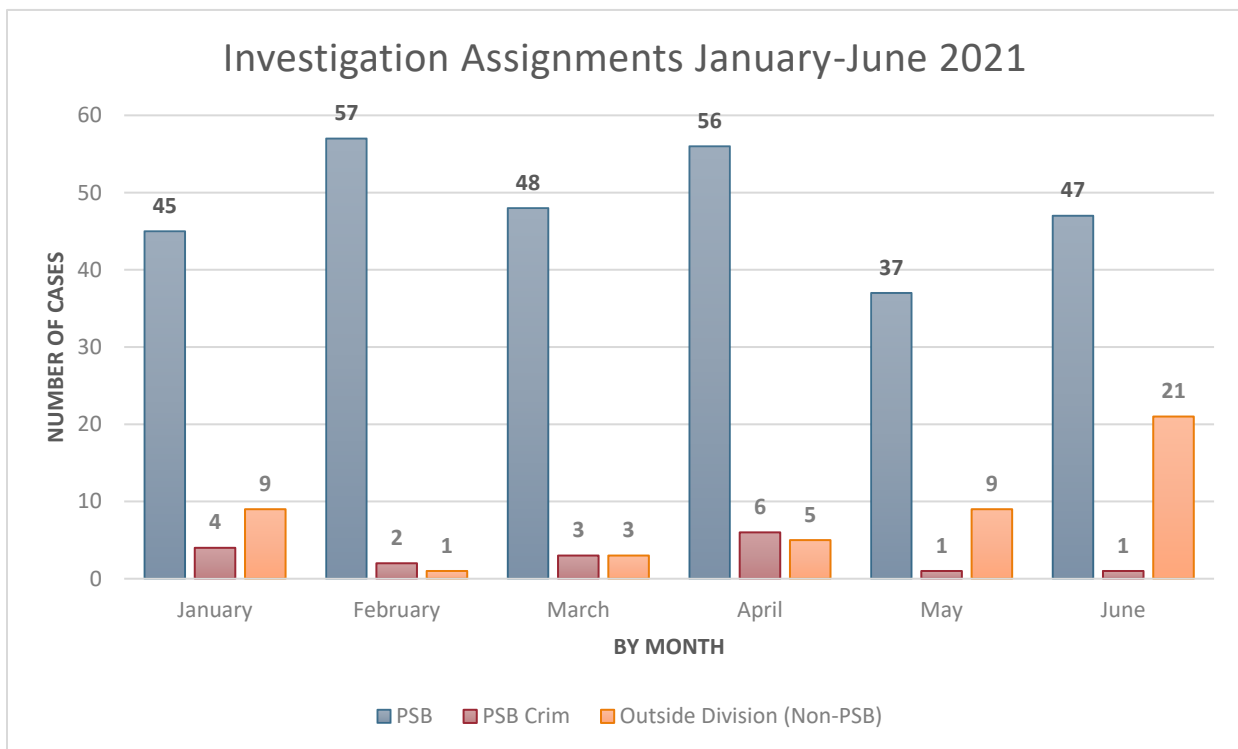


Figure 22: Investigation Assignment break down between PSB and Non-PSB Division

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

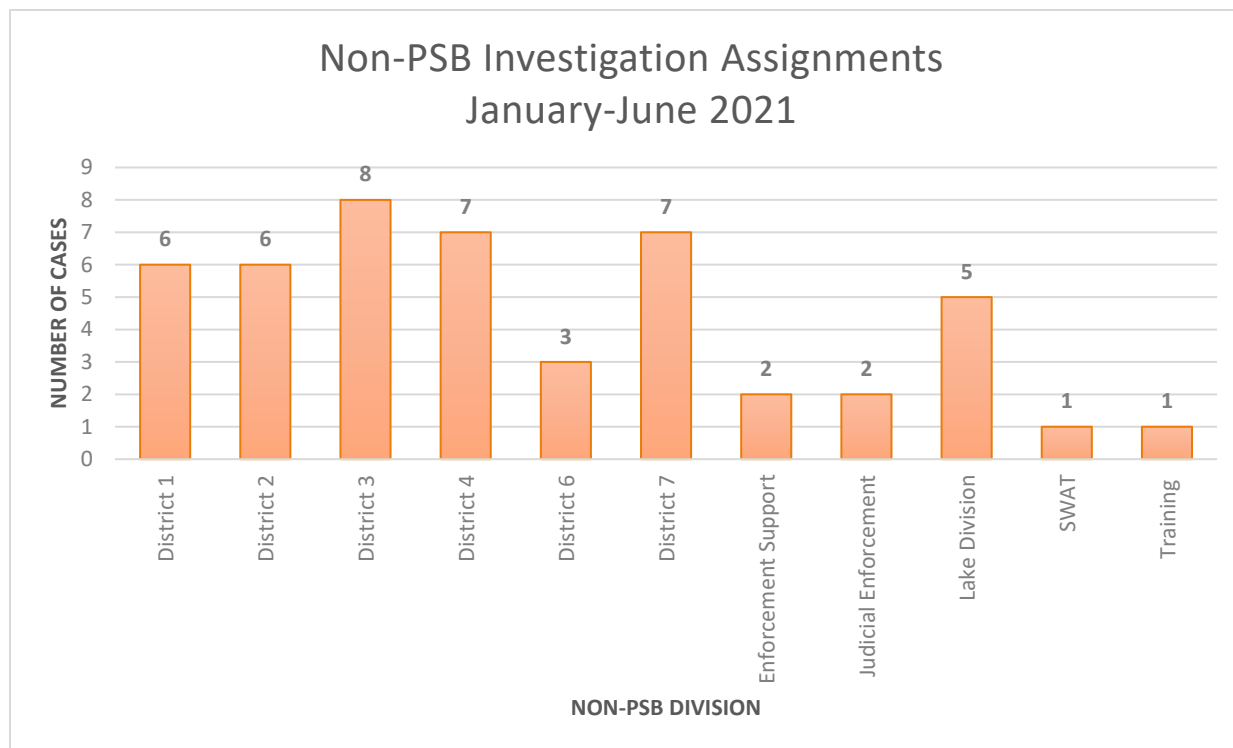


Figure 23: Non-PSB Division Assignment break down

The subsequent paragraphs include the aggregate data of processing time for both District and PSB investigations. For the purpose of this report, *initiation to submission by the investigator to his or her chain of command* is the date the complaint was received to the date the District Commander or PSB Commander signed the investigative report.

Between January and June 2021, there were a total of 56 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 166 days and the median time was 140 days.⁷ The average is approximately 177% above the 60-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The average time from submission to the final decision regarding discipline or other final disposition was 309 days and the median was 98 days.

The total completion time (initiation to final discipline decision) of District investigations is 475 days. This is approximately 164% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 56 Division cases, 11 cases were returned to the Division assigned investigator by the PSB due to the conclusion not supported by the evidence, three cases were returned for further investigation, and four were returned for investigative corrections. Of the remaining 38 investigations, there were six

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

cases returned to the Division assigned investigator for report detail edits, one for formatting or form detail corrections. There were 31 cases that did not require any revisions.

Between January and June 2021, there were a total of 134⁸ 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 706 days and the median time was 638 days.⁹ The average is approximately 731% 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 41 days and the median was 26 days.

The total completion time (initiation to final discipline decision) of PSB investigations is approximately 753 days. This is approximately 318% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 134 PSB cases, there were no cases returned due to the conclusion not supported by the evidence. Additionally, no cases were returned to the PSB investigator to conduct further investigation or for investigative corrections.

⁸ The total number of administrative investigations includes one critical incident.

⁹ This does not include the effect approved extension requests would have on time frames.

F. Outcomes of Misconduct Investigations

A total of 190 administrative misconduct investigations were completed between January and June 2021; 74 completed investigations had Sustained dispositions, 45 had Not-Sustained dispositions, 33 had Exonerated dispositions, and 37 had Unfounded dispositions.

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

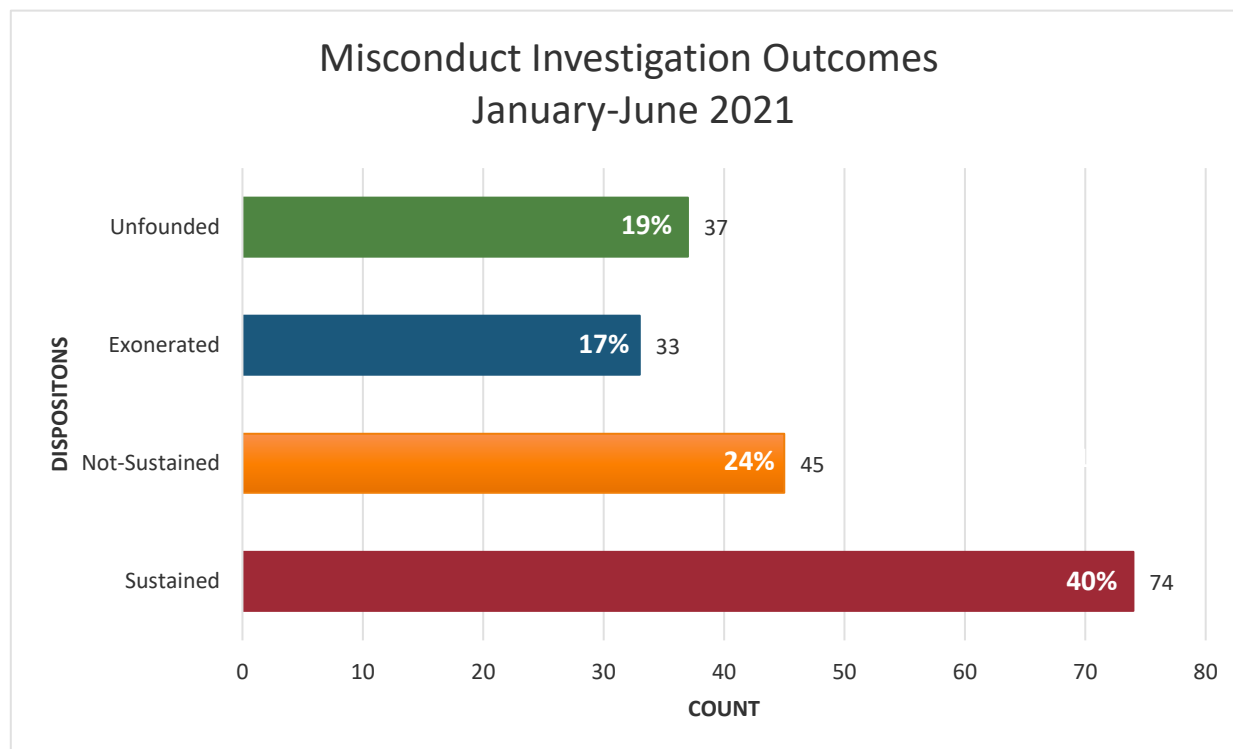


Figure 24: Misconduct Investigation Outcomes from January to June 2021.

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 72 sustained misconduct investigations closed from January to June 2021.

The following is a breakdown of the disciplinary and non-disciplinary actions for the 72 closed sustained cases¹⁰: 6 non-disciplinary (coaching) actions; 19 written reprimands; 19 suspensions; 0 demotions; 0 probationary releases; 7 terminations; and 2 resignations in lieu of termination. There were 14 employees that retired or resigned prior to the conclusion of the investigation and/or discipline determination and two previously terminated.. Two employees did not receive discipline for sustained violations; one due to a Merit Commission decision. Additionally, one employee received credit for discipline served in a concurrent investigation.

¹⁰ Listed numbers reflect the discipline action for each employee principal involved; numbers will not match the total number of closed sustained cases.

It is important to note the Maricopa County Sheriff's Office policy views a Coaching within Internal Affairs Investigations as a *“non-disciplinary interaction between a supervisor and an employee that supports an individual in achieving specific personal or professional goals by providing training, advice, and guidance in response to a specific situation.”*

Effective January 2021, critical incident outcomes will be included in this section. Critical incidents are any incident that involves the use of force by an employee resulting in death or serious physical injury; the intentional and unintentional discharge of a firearm by an employee in the performance of their lawful duties; or the death of a prisoner or inmate, by any means, while in the custody of the Office.

During this reporting period, one critical incident investigation involving a deputy involved shooting was completed and it was determined the force used was appropriate. There were no closed critical incidents that resulted in a sustained finding.

From January 1, 2021 to June 30, 2021, there were no cases where the findings were changed after a Pre-Determination Hearing (PDH.) Additionally, there were no cases in which the Appointing Authority, regarding discipline, deviated from the established matrix after the PDH.

From January to June 2021, The Maricopa County Law Enforcement Merit System Commission upheld the findings of one closed investigation during the reporting period. There was one case in which the Commission overturned the discipline. The discipline imposed by MCSO was a 16-hour suspension which was then overturned by the Council, resulting in no 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, 2020 – June 30, 2021), 55 employees were listed as the subject of more than two misconduct investigations in a total of 165 investigations. The 55 employees have been broken down and categorized by their most egregious discipline. Of the 55 employees, 2 received serious discipline, 2 received minor discipline, and 2 received a non-discipline coaching¹¹. The remaining employees (49) all have current active investigations.

There were three employees, from July 1, 2020 – June 30, 2021, that have had more than one sustained allegation that resulted in **minor** discipline. Those three employees had a combined total of seven sustained allegations. In that same timeframe, 13 employees had more than one sustained allegation that resulted in **serious** discipline. There were 33 sustained allegations between the 13 employees.

Between January and June 2021, one employee was the subject of a criminal prosecution. The employee was charged with three counts of sexual conduct with a minor and one count of furnishing harmful items to minors. This employee was terminated from employment.

¹¹ 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 2021 to March 2021) and for the second quarter (April 2021 to June 2021.)

First Quarter Assessment:

Divisions Receiving the Most Complaints

The PSB identified the Lower Buckeye Jail and the 4th Avenue Jail as the Divisions receiving the most complaints between January 1, 2021 to March 31, 2021.

The Lower Buckeye Jail facility received 24 complaints resulting in misconduct investigations; three with allegations of employees not wearing a mask as directed and three investigations with allegations of on or off duty criminal activity: two with alleged of DUI and one with the alleged contraband being brought into the jail facility. There were two investigations with allegations of inappropriate uses of force; two with allegations of employees allowing inmate on inmate assaults; two involving allegations of employees manipulating or not providing diet-restricted meals; and two with allegations of rude or profane language toward inmates. Also, there were two investigations opened into supervisors having sexual or romantic relationships with subordinate employees and two investigations opened due to job abandonment. The other six did not follow a pattern or trend we could identify at this time.

The 4th Avenue Jail facility received 22 complaints resulting in misconduct investigations; six were opened into unprofessional behavior to include rude, profane, and inappropriate statements toward inmates and four with allegations of retaliatory actions toward inmates to include ignoring grievances, withholding medical treatment and attorney calls, and write ups. Additionally, there were three investigations opened into inappropriate uses of force and two opened into employees sleeping on duty. The remaining seven did not follow a pattern or trend we could identify at this time.

Notable Patterns and Trends Identified within MCSO Divisions

Between January 1, 2021 to March 31, 2021, there were multiple divisions not identified as having the most complaints, however, a pattern or trend of complaints received was identified by the PSB.

District 2 – Avondale received fourteen complaints resulting in misconduct investigations. There were three opened into unprofessional and rude behavior; two of the three investigations also had allegations of employees not wearing a mask as directed; and refusing to provide a name or badge number when asked. There were two opened into employees driving unsafe and being aggressive when conducting a traffic stop. Additionally, there were two opened with allegations of on or off duty criminal activity.

District 3 – Surprise received twelve complaints resulting in misconduct investigations; four were opened with allegations of employees failing to act and follow proper protocols during calls for service. Additionally, there were two opened into allegations of biased and discriminatory behavior and statements.

District 6 – Queen Creek received nine complaints resulting in misconduct investigations. There were four opened into unprofessional, rude, and profane statements and two allegations of employees mishandling investigations.

The Estrella Jail Facility received nine complaints resulting in misconduct investigations. There were two investigations with allegations of employees being involved in sexual relationships and failing to inform their supervisors and two opened into allegations of employees making false entries into their shift logs.

District 1 – Mesa received eight complaints resulting in misconduct investigations; two were opened with allegations of inaccurate reports and two were opened into inappropriate uses of force.

The Intake, Transfer, and Release Facility received eight complaints resulting in misconduct investigations. There were two that included allegations of employees leaving their assigned duty post without permission.

District 4 – Cave Creek received seven complaints resulting in misconduct investigations; two were opened with allegations of inaccurate reports.

The Sheriff's Information and Management Systems (SIMS) division received seven complaints resulting in misconduct investigations. There were four investigations opened due to allegations of rudeness and two opened due to employees refusing to complete tasks as assigned.

District 7 – Fountain Hills received five complaints resulting in misconduct investigations; three were opened with allegations of bias-based 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.

All Misconduct Allegations Categorized

There were 163 complaints received between January 1, 2021 to March 31, 2021. The Professional Standards Bureau identified 24 investigations opened for "rude" behavior (condescending, yelling, had an "attitude", and unprofessional comments) toward members of the public. There were 15 investigations opened with allegation of biased law enforcement actions, racial slurs, and disparaging comments or actions toward members of a protected class. There were 14 investigations opened with allegations of employee driving unsafely or involved in at-fault vehicle accidents. Additionally, there were 13 opened with allegations of on or off duty criminal activity: four involving reports of sexual and physical assault; and three involving reports of employees driving under the influence.

There were 12 investigations opened into alleged mistreatment of inmates (lack of medical attention, manipulating or not providing diet-restricted meals, and ignoring requests and grievances.) Additionally, there were 12 with allegations of employee failing to follow procedures: 10 relating to Detention functions. There were 12 investigations with allegations of workplace professionalism misconduct between employees (discriminatory behavior, biased statements, and inappropriate sexual/romantic relationships between employees on and off duty.)

The following allegation categories received ten or less mentions each. There were ten with allegations categorized as inappropriate language/actions (use of profanity; threats; and inappropriate statements) toward members of the public; ten investigations alleging Deputies mishandled an investigation or call for service; and ten opened with allegations of inappropriate uses of force (eight within the jail facilities.) There were ten opened with allegations of employees not observing their scheduled shift or work hours (leaving their job post before and during their shift, unscheduled absences, and falsifying time records.) Additionally, there were nine with allegations of retaliatory actions, three relating to making a complaint; eight into inaccurate sworn and detention reports; six allegations of employees being derelict in their duties; and six opened with allegations of supervisory staff not taking appropriate command action.

Although not high in numbers overall, the following are a list of notable categories of investigations: five investigations involved allegations of employees not wearing their mask as directed, five allegations of employees not providing their name or badge number when asked, and five into the misuse of MCSO equipment.

Employee Potential Problematic Patterns and Trends

Although the following employees were only identified in two IA investigations initiated between January 1, 2021 to March 31, 2021, they have been noted due to potential problematic patterns or trends of misconduct.

An employee was named in two IA investigations. Both investigations stemmed from the employee using profane language and making inappropriate statements to inmates.

An employee was named in two IA investigations with allegations of rudeness toward members of the public and co-workers in the presence of members of the public.

An employee was named in two IA investigations with allegations of misconduct related to the REACT program.

An employee was named in two IA investigations with allegations of misconduct related to the REACT program.

An employee was named in two IA investigations with allegations of misconduct related to the REACT program.

An employee was named in two IA investigations with allegations of misconduct related to the REACT program.

An employee was named in two IA investigations with allegations stemming from sleeping on duty.

An employee was named in two IA investigations with allegations of the mistreatment of inmates, specifically retaliatory actions, threatening statements, and harassing actions.

An employee was named in two IA investigations. Both investigations stemmed from the employee using profane language and making inappropriate statements to inmates.

An employee was named in two IA investigations. Both investigations stemmed from the employee having a sexual relationship on duty and not notifying their supervisor of the relationship.

An employee was named in two IA investigations. Both investigations stemmed from the employee leaving her assigned duty post without permission.

An employee was named in two IA investigations. There was no common trend that could be identified between the two new investigations.

Other Actions on Identified Pattern and Trends

During this quarter, the PSB identified a potential problematic pattern and trend while conducting quality control. There were two investigations involving the same employee using racially biased statements made toward inmates on different occasions. Both allegations lacked sufficient evidence to prove or disprove the allegations against the employee.

Second Quarter Assessment:

Divisions Receiving the Most Complaints

The PSB identified the 4th Avenue Jail as the Divisions receiving the most complaints between April 1, 2021 to June 30, 2021.

The 4th Avenue Jail facility received 21 complaints resulting in misconduct investigations; four that alleged biased or disparaging statements made to those within a protected class; four with allegations of on or off duty criminal activity; and four involved allegations of Officer's mistreating inmates without cause to include taking away canteen items, not providing meals, and taking away video visitation. There were two investigations with allegations of employees retaliating against inmates because of complaints or grievances they submitted; and there were two allegations of inappropriate actions or statements by Detention Staff. The remaining five did not follow a pattern or trend we could identify at this time.

Notable Patterns and Trends Identified within MCSO Divisions

Between April 1, 2021 to June 30, 2021., there were multiple divisions not identified as having the most complaints, however, a pattern or trend of complaints received was identified by the PSB.

District 1 – Mesa received 16 complaints resulting in misconduct investigations. There were five that alleged unsafe driving and at-fault vehicle accidents; four that alleged biased behavior against those of a protected class; two opened with allegations of inaccurate or missing reports; and two including allegations of inappropriate and unprofessional sexual behavior by Deputies to members of the public.

District 3 – Surprise received 15 complaints resulting in misconduct investigations; five involved allegations of Deputies not conducting thorough investigations; and three with allegations of employees speeding or driving unsafely. Additionally, there were two investigations with allegations of excessive

uses of force and two with allegations of Deputies making disparaging statements and biased-based law enforcement decisions.

The Lower Buckeye Jail facility received 14 complaints resulting in misconduct investigations; four involved allegations of employees making disparaging statements or comments against those of a protected class. There were two with alleged inappropriate uses of force; two involving allegations of Prison Rape Elimination Act (PREA) violations; and two with allegations of Officers being unprofessional and disrespectful to each other.

District 7 – Fountain Hills received 12 complaints resulting in misconduct investigations. There were four with allegations of Deputies being rude; and two with allegations of targeted traffic stops based on a protected category.

The Estrella Jail Facility received 11 complaints resulting in misconduct investigations. Of the 11, there were two investigations with allegations of Detention Officers threatening violence to gain inmate compliance.

District 2 – Avondale received 10 complaints resulting in misconduct investigations. There two investigations with allegations of Deputies mishandling investigations; two with allegations of an employee being at-fault for a vehicle accident; and two investigations alleging Sworn Staff deactivated their body worn cameras while interacting with a member of the public.

The Intake, Transfer, and Release Facility received nine complaints resulting in misconduct investigations. Of the nine, there were three with allegations of inappropriate uses of force toward inmates.

District 6 – Queen Creek received eight complaints resulting in misconduct investigations; two with allegations of rude behavior; and two with allegations of Deputies failing to take appropriate action during an investigation.

District 4 – Cave Creek received eight complaints resulting in misconduct investigations; three with allegations of Deputies speeding, driving unsafely, and being involved in an at-fault vehicle accident. Additionally, there were two investigations that alleged rude, dismissive, and demeaning behavior.

Lake Patrol received eight complaints resulting in misconduct investigations. There were three with allegations of rude behavior; and three with allegations of Deputies driving unsafely and being at-fault for vehicle accidents.

The Inmate Medical Services division received seven complaints resulting in misconduct investigations; two of which involve allegations of Prison Rape Elimination Act (PREA) violations.

The Watkins Jail facility received six complaints resulting in misconduct investigations. Of the six, there were two with allegations of Detention Officers failing to conform to established laws.

All Misconduct Allegations Categorized

There were 175 complaints received between April 1, 2021 to June 30, 2021. The Professional Standards Bureau identified 25 investigations that alleged “rude” behavior (demeaning, confrontational, condescending, yelling, and “attitude”) toward members of the public. There were 23 investigations with allegations of employees driving unsafely or being involved in at-fault vehicle accidents. There were 20 investigations with allegations of biased law enforcement actions, racial slurs, and disparaging comments or actions toward members of a protected class. There were 18 with allegations of inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats) toward inmates and members of the public. Additionally, there were 16 opened with allegations of on or off duty criminal activity; three of which were allegations of employees driving under the influence. There were 13 investigations with alleged mistreatment of inmates (taking away canteen items, withholding facilities, not providing basic necessities when requested, and delaying a release.) There were 12 investigations with alleged inappropriate uses of force, and 11 investigations with employees failing to take action during calls for service and investigations.

The following allegation categories received ten or less mentions each. There were eight with allegations of employees failing to follow procedures; seven with allegations of workplace professionalism misconduct (unprofessional and discriminating statements and actions toward employees of a protected class, inappropriate touching, and sending inappropriate photos) between employees; seven with alleged Prison Rape Elimination Act (PREA) violations; six with allegations of employees failing to secure or handle property correctly; and six of employees not being truthful.

Although not high in numbers overall, the following are a list of notable categories of investigations: four investigations with allegations of employees turning off or failing to initiate body worn camera as required by policy; four with allegations of employees fraternizing with inmates; four with allegations of unethical conduct; four with allegations of employees mishandling investigations or calls for service; and four with allegations of inaccurate or missing incident reports. Additionally, there were three with alleged retaliation against an inmate for making a complaint.

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, 2021 to June 30, 2021.

An employee was named in four IA investigations. Two of the investigations alleged inappropriate sexual behavior with members of the public.

An employee was named in three IA investigations with allegations of mistreating or threatening inmates.

An employee was named in three IA investigations with allegations of misconduct. Two of the investigations had allegations related to not activating and inappropriately deactivating his body worn camera while interacting with members of the public.

An employee was named in three IA investigations with allegations of misconduct. Two of the investigations had allegations related to rudeness.

An employee was named in three IA investigations, however none of these follow any trend at this time.

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 the Deputy mishandling or not taking appropriate action in an investigation.

An employee was named in two IA investigations with allegations of off duty criminal activity.

An employee was named in two IA investigations with allegations of unprofessional conduct on a traffic stop.

An employee was named in two IA investigations with allegations of fraternization or inappropriate advances toward inmates.

An employee was named in two IA investigations with allegations of the Deputy not taking appropriate action during a call for service.

An employee was named in two IA investigations. Both investigations alleged Prison Rape Elimination Act (PREA) violations.

An employee was named in two IA investigations with allegations of the Deputy mishandling or not taking appropriate action in an investigation.

An employee was named in two IA investigations with allegations of rude and inappropriate behavior toward members of the public.

I. Semi-Annual PSB Reviews of Investigations

The Professional Standards Bureau is responsible for conducting reviews, at least semi-annually, of all investigations assigned outside of the Bureau to determine whether the investigation is properly categorized, whether the investigation is being properly conducted, and whether appropriate findings have been reached.

The PSB has assigned District Liaison personnel to conduct reviews on investigations as they are submitted from the District. These liaisons utilize a review template/checklist addressing the above-listed investigation requirements. The use of the template/checklist has resulted in the improvement in the structure and procedural completeness of the investigations. These liaisons are also assigned to each District to aid the District investigators, should they have any questions, or need any advisement throughout the investigation.

The quality of investigations conducted at the District/Division level continues trend upwards however investigations still contain improper findings, leading questions, a lack of investigation thoroughness and completeness, and lack of all witness interviews.

Through the review process, the liaisons continue to specifically note the following trends found within these investigations¹²: improper findings, inappropriate policies for allegations, lack of documentation explaining investigative actions, lack of follow-up or closure for investigative inconsistencies, and report details and formatting

During this time, there were 12 investigations¹³ 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, reports lacking details, allegation language adjustments, misidentifying roles of involved employees, missing body worn camera video summaries, and not interviewing all witnesses. To ensure investigative completeness prior to PSB submission, several Districts have implemented a review of interview questions in advance as well as supervisory staff sitting in the interviews to eliminate the possibility of leading questions. The District investigators continue to send investigations for extra review at the Command level to ensure proper findings and investigative completeness.

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, the efforts for improvement by the Districts, and the additional Command-level review, the PSB expects to see continued improvement of misconduct investigations completed at the District level.

¹² 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.

¹³ It should be noted the investigations in this paragraph refer to any cases reviewed by the District liaison within the timeframe of this report, which could include investigations from the past several years.

Conclusion

Since the previous report, the Maricopa County Sheriff's Office (MCSO) has continued to improve processes to ensure misconduct investigations are completed thoroughly, accurately, and in a timely manner. The MCSO saw a decrease in external complaints received; the approximate average of external complaints received was 5% less for this reporting period versus the last reporting period (July 2020 to December 2020.) When comparing the numbers of overall external complaints received from reporting period to reporting period, there is a 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 specific reason for the continued external allegations of misconduct regarding Code of Conduct Practices. Although the PSB collects complainant demographic information, a pattern or trend could not be identified due to the low response rate.

The data shows an average of 19 internally generated complaints per month. This is less than the reported average of the previous six months. The internal complaints received for 2021 are showing an upward trend however, between June 2020 and June 2021 there is an overall downward trend of internal complaints received. The most frequent allegations identified within the internal complaints received, involved Code of Conduct practices (e.g., 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 PSB continues to track any cases with investigative concerns or corrections identified within division-investigated cases. There was approximately 50% less district investigations completed, and ultimately reviewed, this reporting period over last. Approximately 32% of those cases required investigative corrections. This is a 5% increase from the last six months. With expectations clearly defined, the district investigators are being held to a higher standard to complete more thorough investigations. The quality of investigations initially submitted by District-level investigators still require improvement in investigative thoroughness, avoiding leading questions, and identifying proper findings and proper involved employee roles. Although these investigations require corrections, the investigative issues are being identified and handled to ensure investigative completeness and ensure these errors are not made in the future. This can be credited to the increased division-level supervisor staff involvement in the investigative process and the extra layer of review at the Command level added the previous reporting period.

There were no cases investigated within the Professional Standards Bureau returned for investigative corrections.

All investigations completed during this reporting period were 268% higher than the 180-day expectation set forth in Arizona statute and MCSO Policy GH-2, Internal Investigations. The PSB attributes the increased investigative timeframes to the increased closure of older investigations, the complexity of PSB investigations, and the extensive review process of District-investigated cases to ensure thoroughness and accuracy.

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 2020 to June 2021, 55 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 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.