



# Professional Standards Bureau

Misconduct Investigations Semi-Annual Report

January 1, 2023 – June 30, 2023

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## Requirement

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

## Executive Summary

The Professional Standards Bureau (PSB) is required to submit a semi-annual public report on misconduct investigations involving Deputy Sheriffs, Detention Officers, Civilian employees, and volunteer Posse members. The purpose of this report is to provide an analysis of data collected from the IAPro database and supplemental spreadsheets between January 1, 2023, and June 30, 2023.

The MCSO noted a decrease 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 public demeanor. Approximately 28% of external complaints arose from custody operations and 43% arose from calls for service. The most common internal allegations received were failure to meet standards, employee relationships with other employees, and workplace professionalism. Of all opened investigations, approximately 16% were assigned to divisions outside of the PSB and the remaining 84% were assigned to the PSB (criminal and administrative). The median investigative completion timeframe for district-level investigations was 365 days. The median investigative completion timeframe for PSB-investigations was 168 days. The median investigative completion timeframe for all cases was 199 days. The median for total case completion<sup>1</sup> timeline was 260 calendar days. While the median total case completion timeframe remains above the 180-day statutory guidelines of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, Internal Investigations, the overall median number of days for total case completion continues a downward trend which the PSB attributes to investigative collaboration to process cases alleging blatant misconduct with a streamline approach and assistance from contracted investigators. There were 172 misconduct investigations completed with a sustained disposition. This translates to 46% of completed investigations. Further research shows 82 employees had persistent misconduct (the subject of more than two misconduct investigations) and 45% of employees with more than one sustained allegation received serious discipline, in which the employee received a suspension, demotion, or dismissal from employment.

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<sup>1</sup> The total case completion date for cases with a finding of not-sustained, exonerated, or unfounded is the time period from the date the complaint was received until the date the principal employee was notified of the findings. The total case completion date for cases with a sustained finding is the time period from the date the complaint was received until the date the principal employee was either served the notice of a Pre-Determination Hearing, or with a written reprimand/coaching discipline document.

## 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 1, 2023, and June 30, 2023.

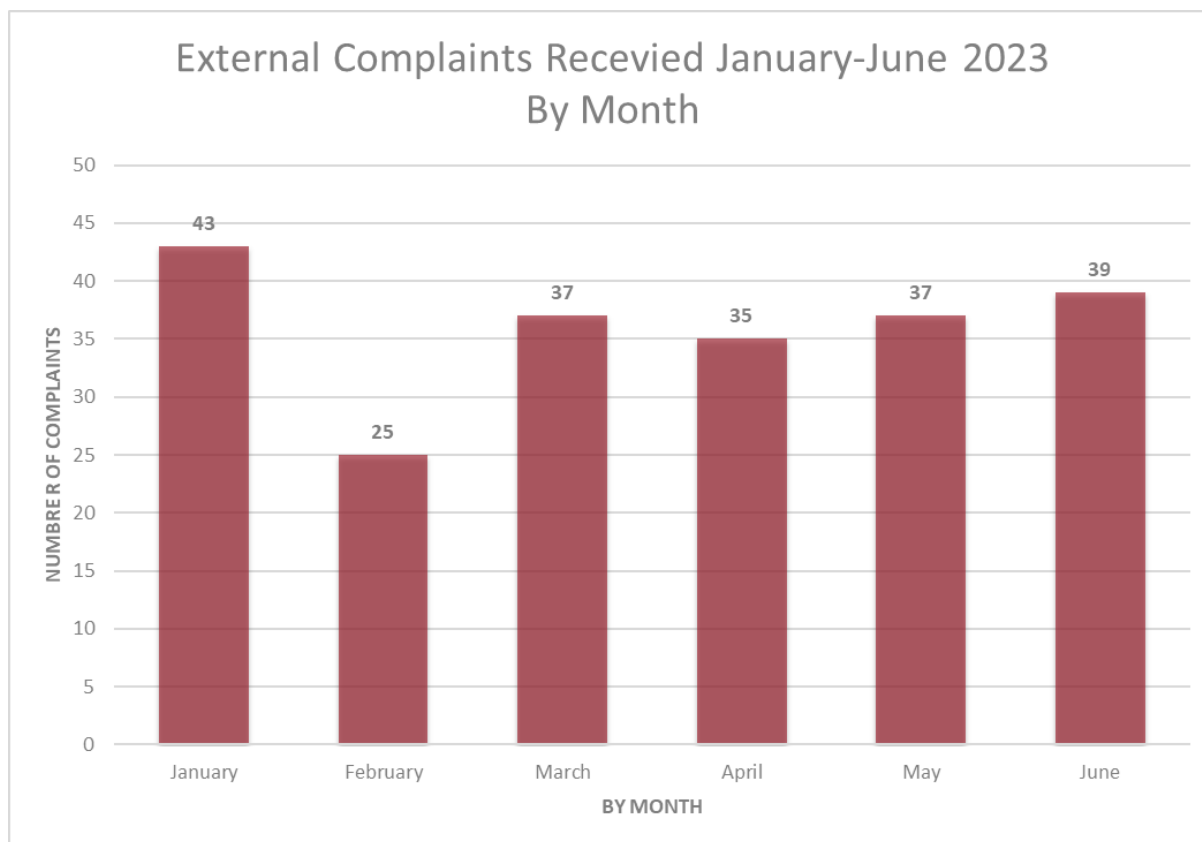
## B. External Complaints

Based on the data, the MCSO received a total of 216 external complaints that resulted in PSB administrative investigations and criminal investigations from January 1, 2023, and June 30, 2023, officewide. The division with the most external complaints was the District 2 Patrol Division (Southwestern Maricopa County) reporting 32 external complaints. Figure 1 depicts the number of external complaints received between January 1, 2023, and June 30, 2023, differentiated by Division.



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

Among the 216 external complaints, the MCSO received 43 complaints in January, 25 complaints in February, 37 complaints in March, 35 complaints in April, 37 complaints in May, and 39 complaints in June. The allegations occurring most were those involving Code of Conduct practices (e.g., Unbecoming Conduct). The approximate average number of external complaints received each month was 36. In January, the MCSO received 43 complaints, an approximate 20% increase in 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 2023.

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

The “Sworn Deputy” rank was identified 146 times out of 286 total principals listed in external complaint investigations between January and June 2023. Figure 3 depicts the ranks of principals identified in external complaint investigations during the reporting period listed.

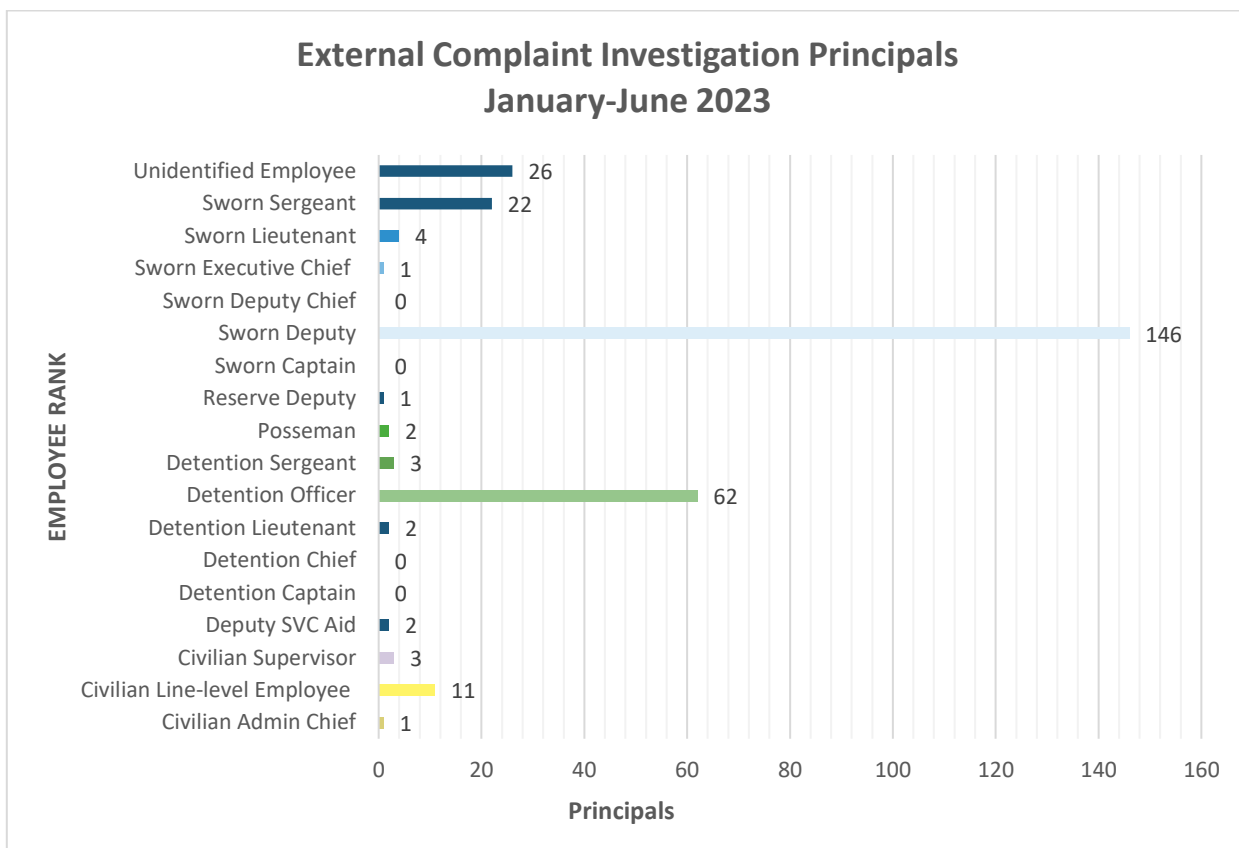


Figure 3: Rank of Principals in External Complaint Investigations January to June 2023.

The following information in Figures 4, 5, and 6 consists of available demographic information<sup>2</sup> of MCSO employees named as the principal in External Complaint investigations.

The number of unknown employees identified as Principals this reporting period was lower than the number of unknown employees last reporting period.

<sup>2</sup> Data is based on known, compensated MCSO employees. The IPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members/Reserve Deputies)

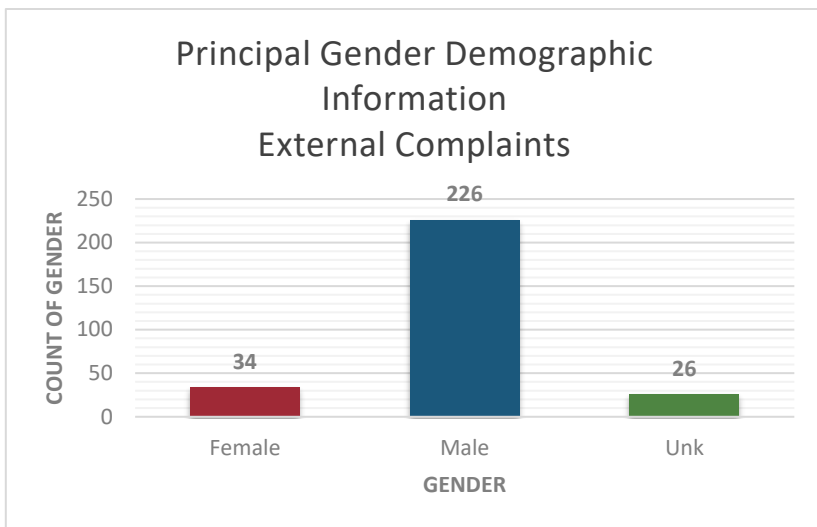


Figure 4 depicts 226 identified male principals in External Complaints; approximately 79% of External Complaint Principals. As of 06/30/2023, males made up 68% of the MCSO workforce.

**Figure 4:**  
*Demographic of Principals January and June 2023, by Gender.*

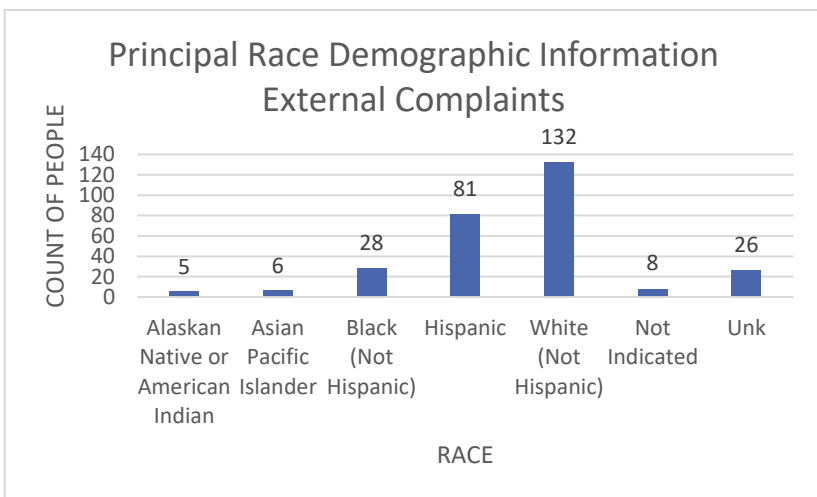


Figure 5 depicts 132 identified White (Non-Hispanic) employees named as a Principal in External Complaint Investigations; approximately 46% of the 286 principal employees. As of 06/30/2023, White (Non-Hispanic) employees made up 52% of the MCSO workforce.

**Figure 5:**  
*Demographic of Principals between January and June 2023, by Race.*

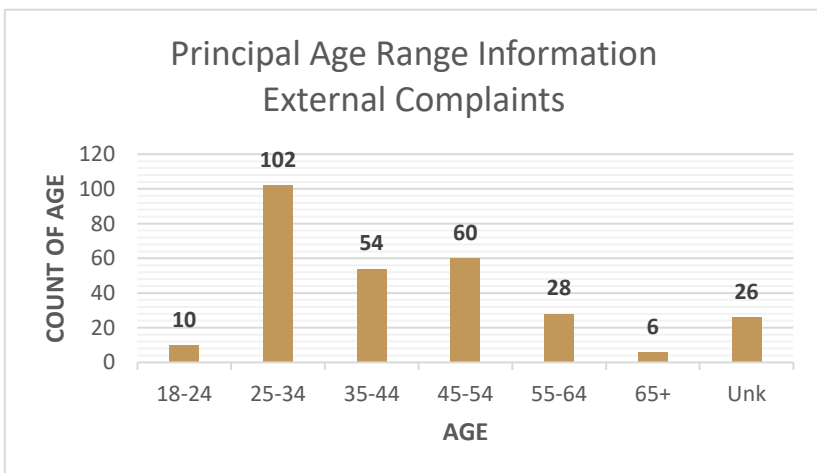


Figure 6 shows known External Complaint Principals are commonly between the ages of 25-34. The average age of a Principal is 40 years old.

**Figure 6:**  
*Demographic of Principals between January and June 2023, 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 292 external cases and thus sending complaint surveys to all known external complainants.<sup>3</sup> PSB received 6 survey responses.

The following information in Figures 7, 8, and 9 consists of the demographic information, provided voluntarily, by individuals named as a complainant in an external complaint investigation.

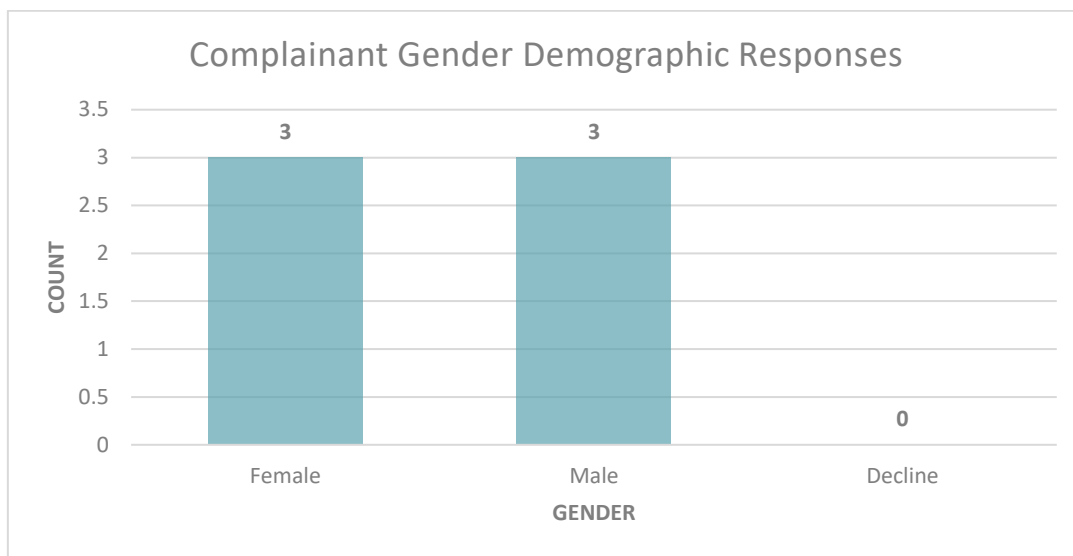


Figure 7: Demographic of Complainants between January and June 2023, by Gender.

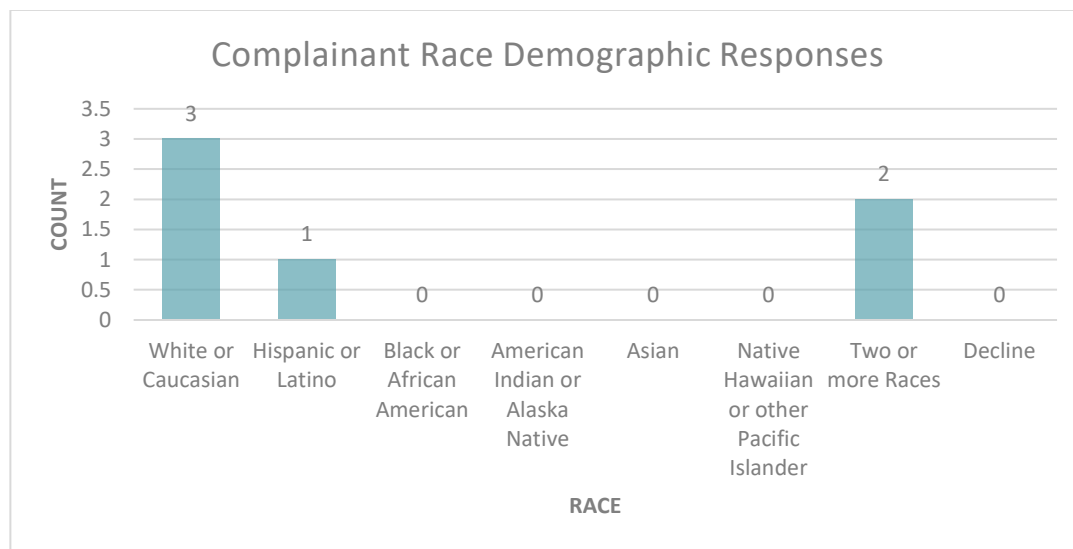


Figure 8: Demographic of Complainants between January and June 2023, by Race

<sup>3</sup> 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.

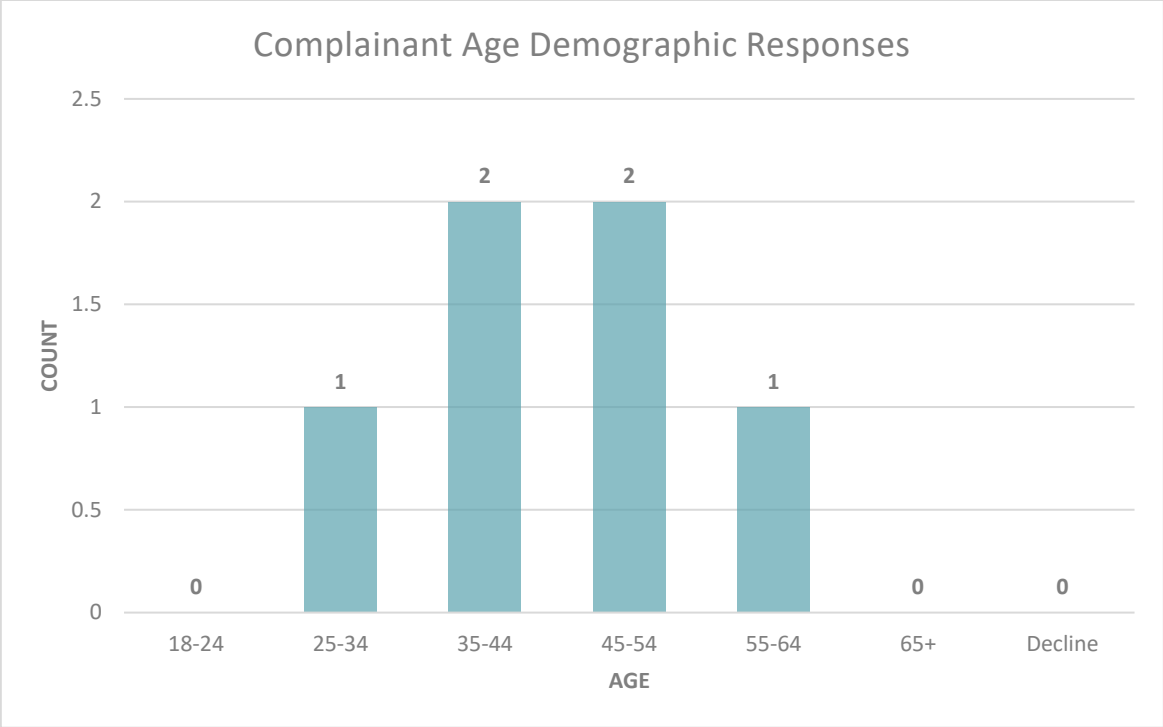


Figure 9: Demographic of Complainants between January and June 2023, by Age.

It should be noted, the gender, 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 2023, the PSB received eight anonymous external complaints resulting in an investigation.

There were 409 alleged policy violations between January and June 2023. Approximately 72% 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 but an increase in the percentage of complaints related to violations of conduct. Figure 10 depicts the allegation breakdown.<sup>4</sup>

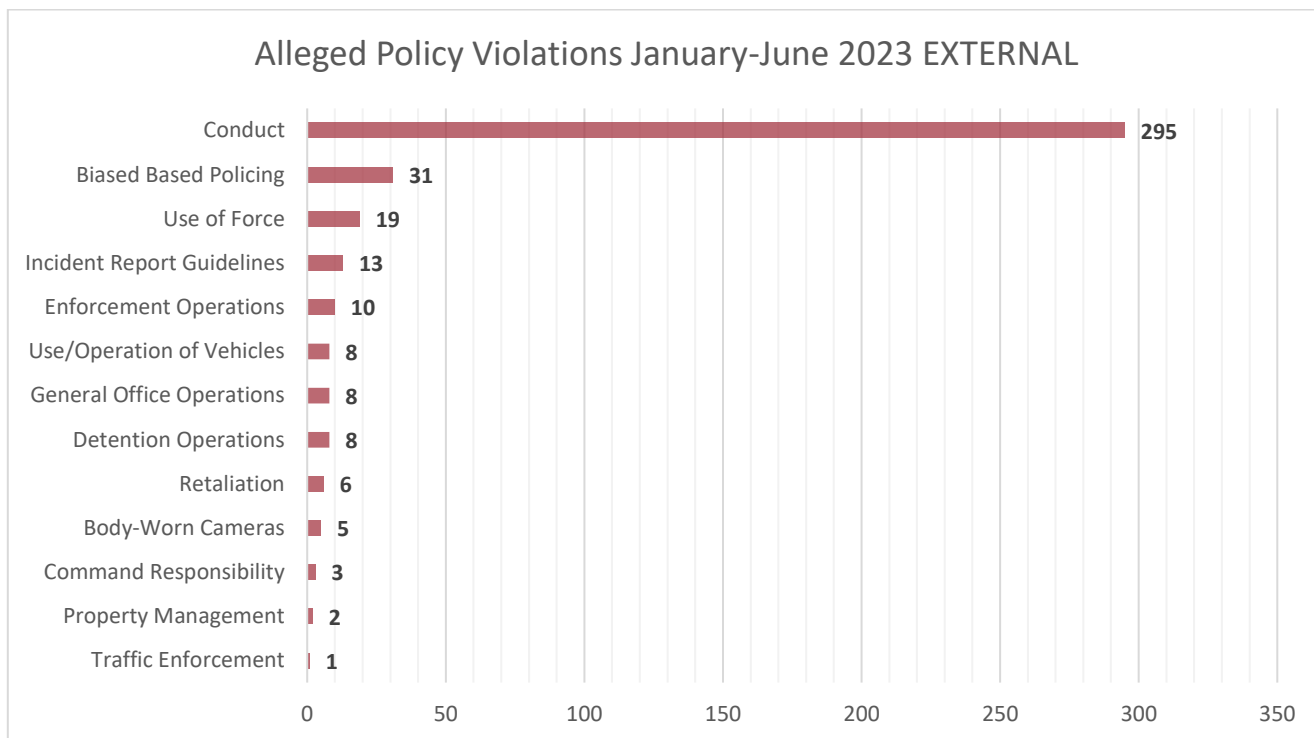


Figure 10: Alleged Policy Violations within External Complaint Investigations between January and June 2023.

<sup>4</sup> Low allegation counts have been combined for presentation purposes. See category breakdown below.

**Detention Operations:** Inmate supervision, security walks and headcounts (4), inmate housing categories (2), inmate grievance procedure (1), restraint and transportation of prisoners and inmates (1).

**Enforcement Operations:** Arrest procedures (5), vehicle accident investigations (2), emergency and pursuit driving (2), law enforcement extra duty and off-duty employment (1).

**General Office Operations:** Truthfulness (4), operations journal & logbooks (2), uniform specifications (2).

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 2023.

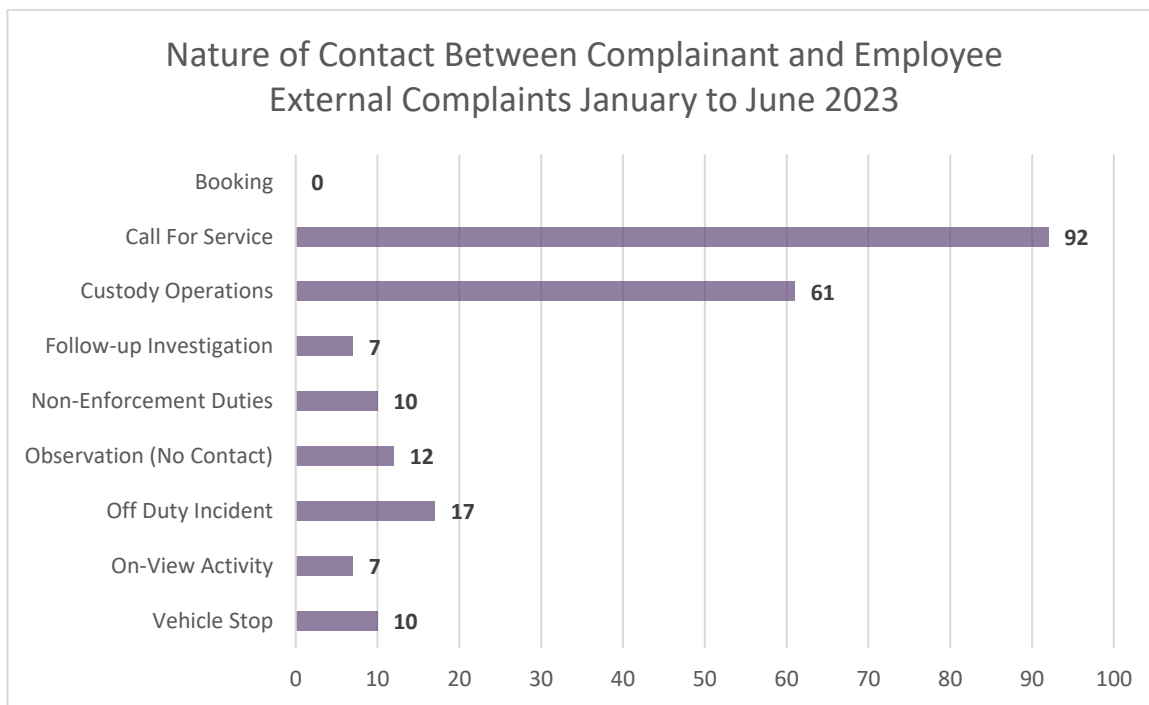


Figure 11: Nature of Contact for External Complaints between January and June 2023.

### C. Civilian Complaint Analysis

This section is intended to evaluate implications the complaint intake process had on the number and type of administrative investigations initiated following civilian complaints. As noted in this report, MCSO saw a slight increase in the number of opened administrative investigations during this reporting period. The reason(s) behind the increase remains in the assessment stage given this is the first reporting period where an increase rather than a decrease was realized. Future semi-annual reports will continue to assess this area of analysis to identify causes and areas in which MCSO can positively reduce the number of civilian complaints.

### D. Internal Complaints

Based on the data, the PSB received a total of 135 internal complaints from January to June 2023, office wide. The one division with the most internal complaints was the 4<sup>th</sup> Ave Jail, with a total of 15 internal complaints. Figure 12 depicts the number of internal complaints received from January to June 2023 differentiated by Division.

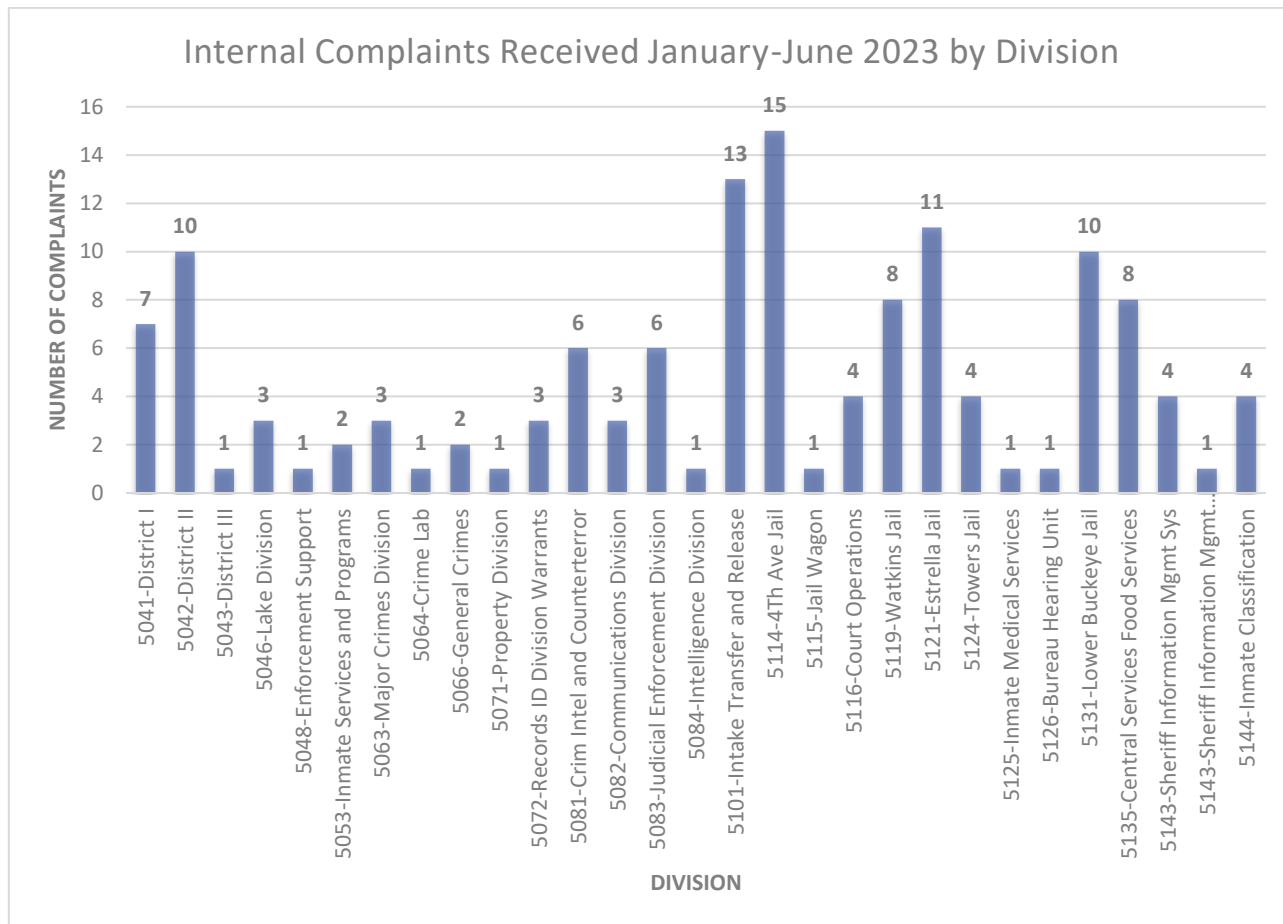
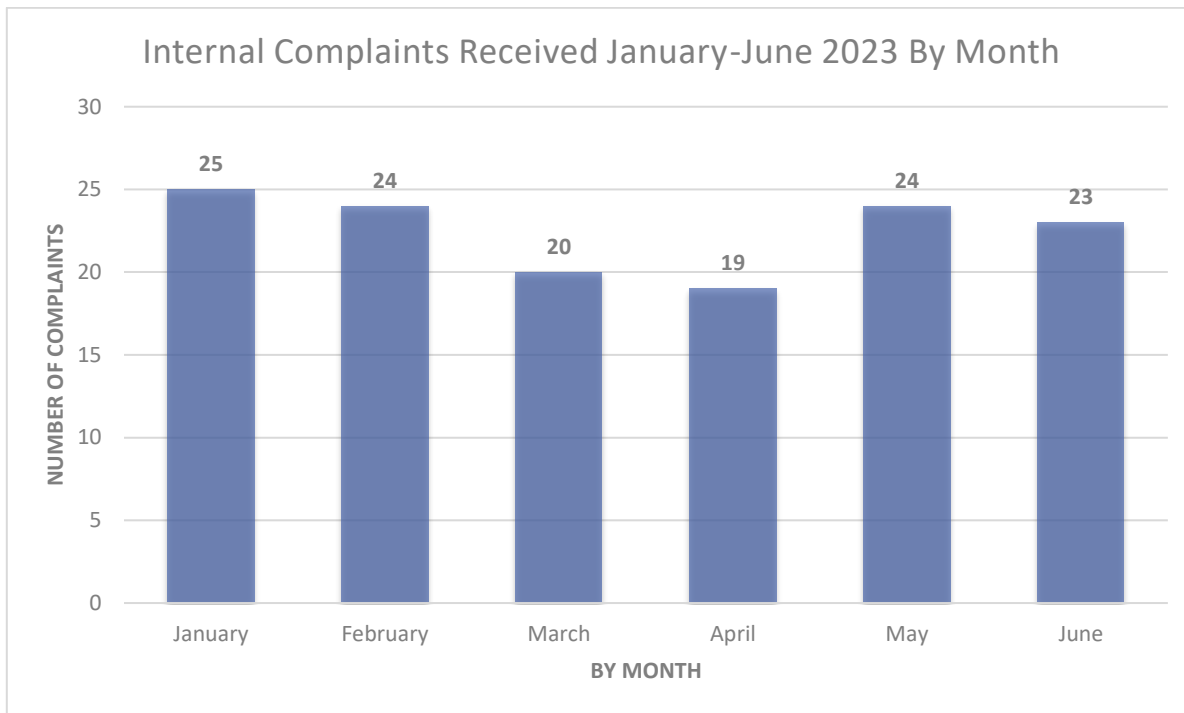


Figure 12: Internal Complaints received, by District, which resulted in an investigation.

Among the 135 internal complaints, the MCSO received 25 complaints in January, 24 complaints in February, 20 complaints in March, 19 complaints in April, 24 complaints in May, and 23 complaints in June. The internal complaints received remained consistent within the reporting six months with most of the allegations involving Code of Conduct practices (e.g., employee relationships with other employees and failure to meet standards.) In January, the MCSO received 25 internal complaints; with an approximate average of 23 complaints received per month; this was approximately 9% 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 2023.

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

The “Detention Officer” rank was identified 74 times out of 177 total principals listed in internal complaint investigations between January and June 2023.

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

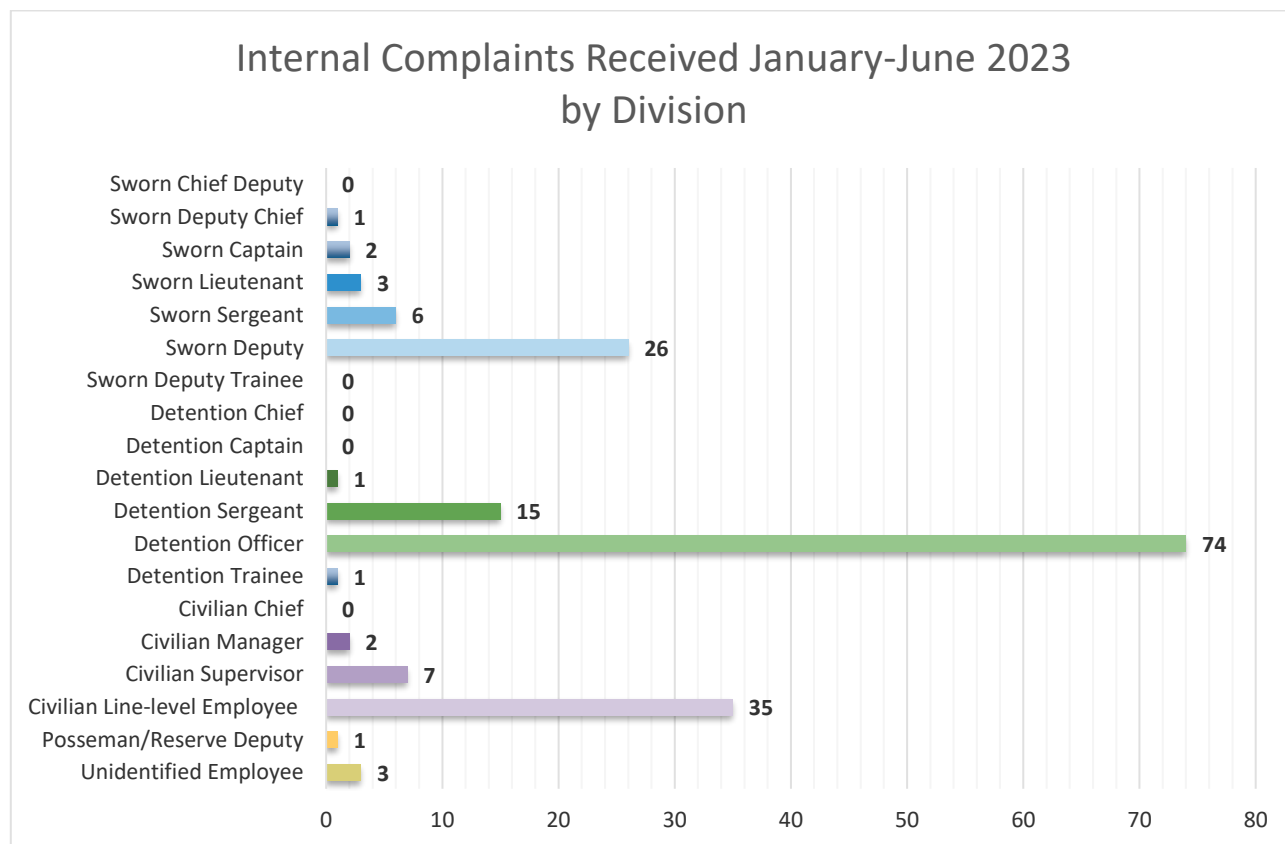


Figure 14: Rank of Principals in Internal Complaint Investigations January to June 2023.

The following information consists of demographic information of MCSO employees that have been named the **principal** and **complainant** in Internal Complaint IA investigations.<sup>5</sup>

It is important to note, from January to June 2023, 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.

<sup>5</sup> 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)

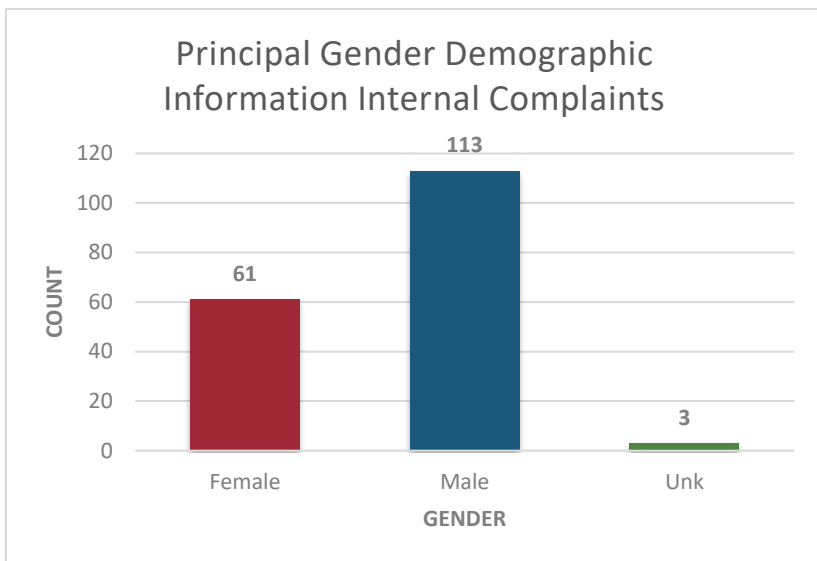


Figure 15 shows 113 identified male principals; approximately twice the number of identified female principals. There were three unknown employees identified as principals.

**Figure 15:**  
*Demographic of Principals between January and June 2023, by Gender.*

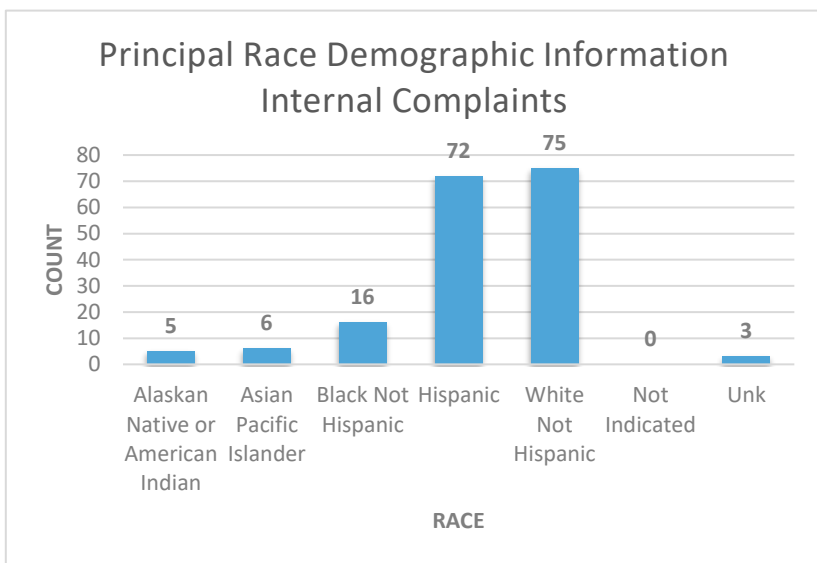


Figure 16 depicts 75 identified White (Not Hispanic) employees named as the principal in Internal Complaint Investigations; approximately 42% of the 177 employees.

**Figure 16:**  
*Demographic of Principals between January and June 2023, by Race.*

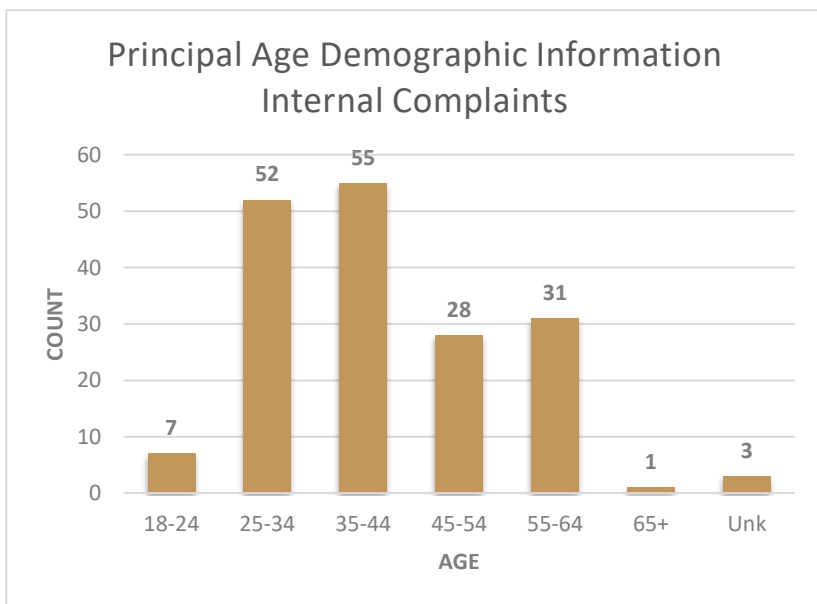


Figure 17 shows known Internal Complaint Principals are commonly between the ages of 25-44, with 107 principals. The largest segment of principals was between the ages of 35-44. The average age of all known principals was 41 years old.

**Figure 17:**  
*Demographic of Principals between January and June 2023, by Age.*

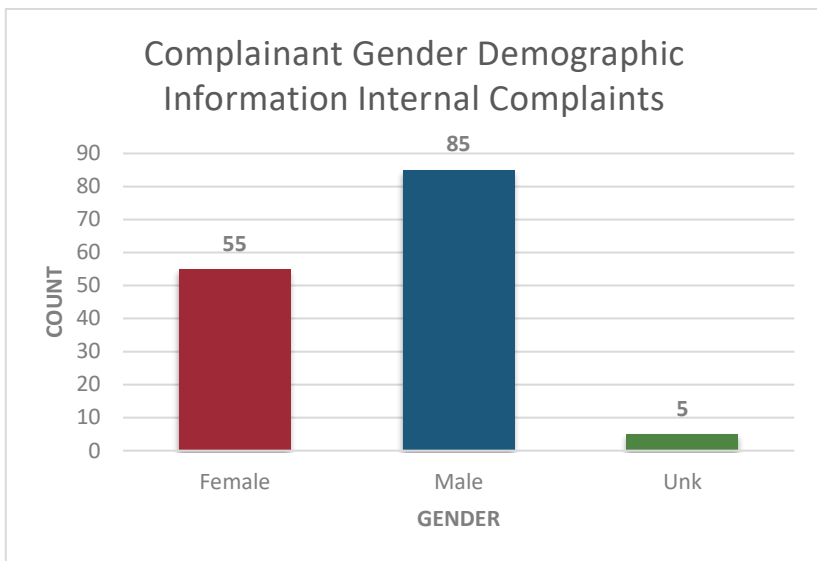


Figure 18 shows 85 identified male complainants, approximately 55% more than the number of the identified female complainants. Gender could not be identified for the five unknown complainants.

**Figure 18:** Demographic of Complainants between January and June 2023, by Gender.

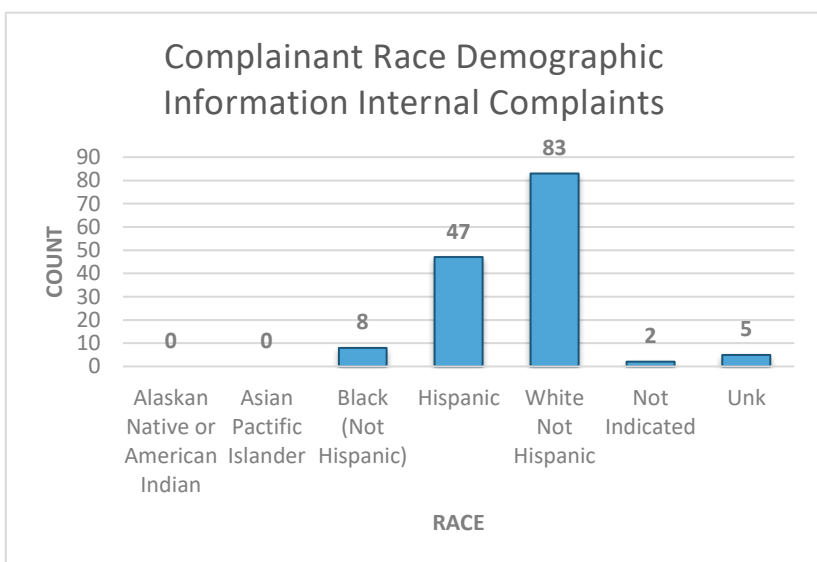


Figure 19 depicts 83 identified White (Not Hispanic) employees named as the complainant in Internal Complaint Investigations; approximately 57% of the 145 complainants. Race could not be identified for the three unknown complainants.

**Figure 19:** Demographic of Complainants between January and June 2023, by Race.

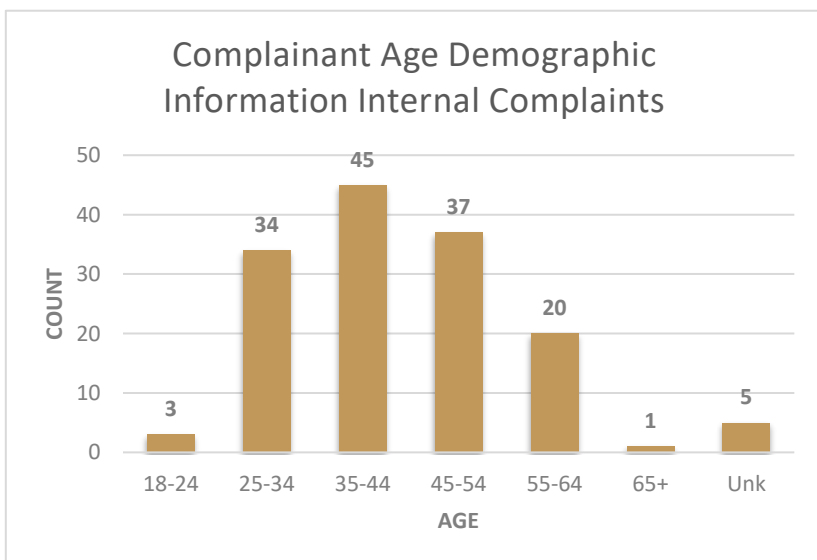
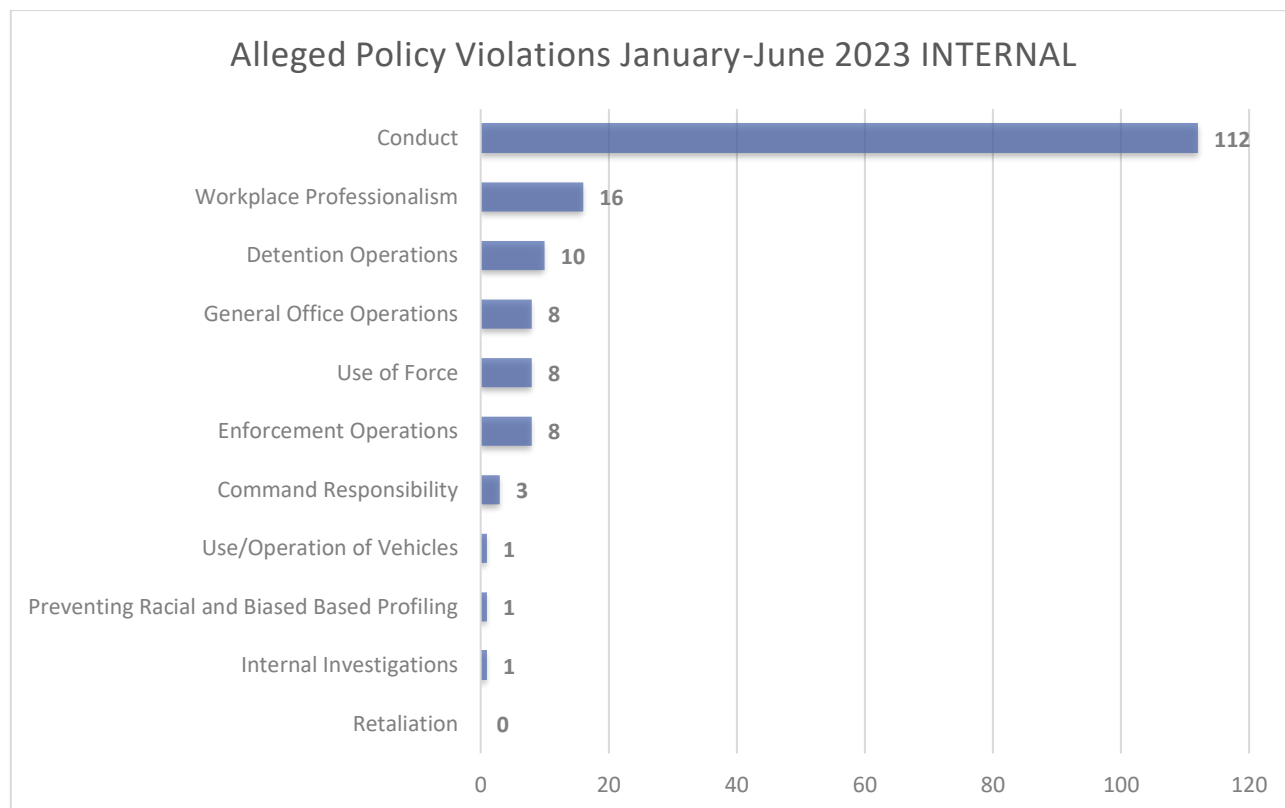


Figure 20 shows that known complainants in Internal Complaint cases are commonly between the ages of 35 and 44, which coincides with an average age of 42 years old. Age could not be identified for the five unknown complainants.

**Figure 20:** Demographic of Complainants between January and June 2023, by Age.

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

There were 168 alleged policy violations between January and June 2023. Approximately 67% 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 but an increase in the percentage of complaints related to violations of conduct. Figure 21 depicts the allegation breakdown.<sup>6</sup>



**Figure 21:** Alleged Policy Violations within Internal Complaint Investigations between January and June 2023

<sup>6</sup> Low allegation counts have been combined for presentation purposes. See category breakdown below.

**Detention Operations:** Inmate supervision, security walks and headcounts (9) and operations journal (1).

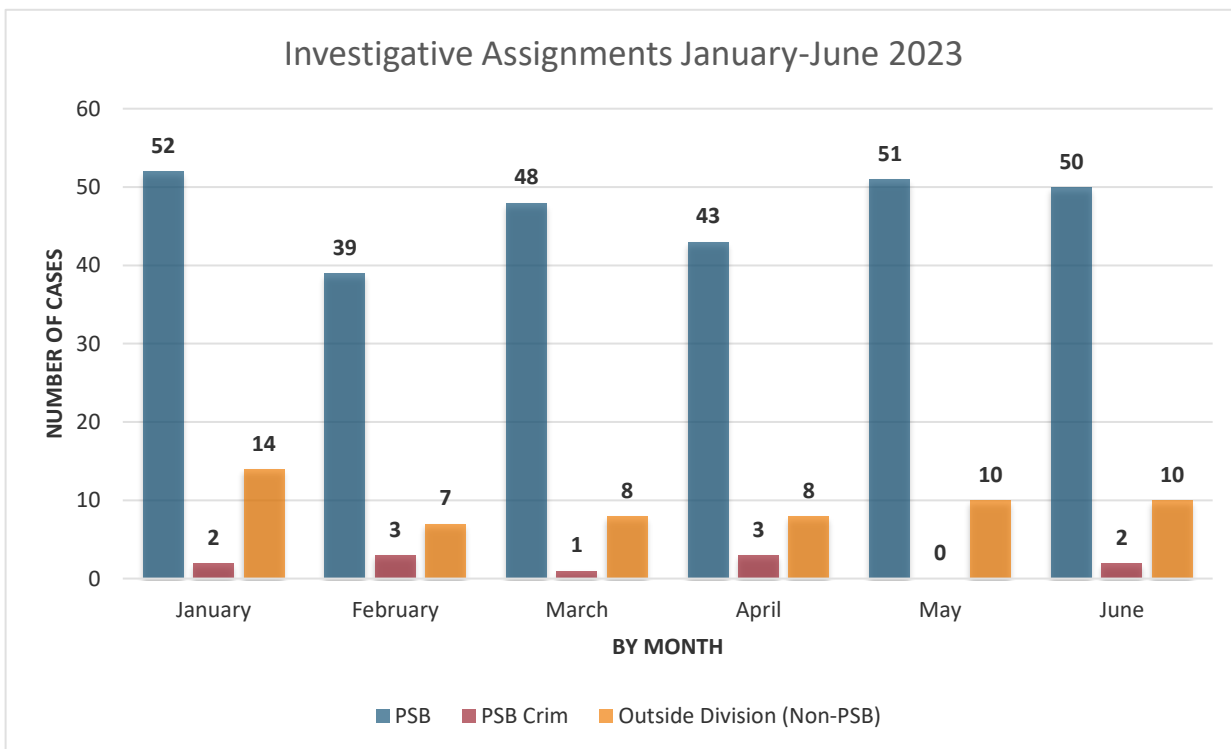
**Enforcement Operations:** Emergency and pursuit driving (5), incident report guidelines (1) and body-worn cameras (2).

**General Office Operations:** Compensation/ADP system (1), truthfulness (3), leave and absences (1), access to secured office buildings (1), property management (1) and electronic communications and voice mail (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<sup>7</sup>. The decision is based on the severity and type of offense, the complexity of the investigation, the rank of the employee, and the alleged principal’s disciplinary history. Once it has been decided that an investigation can be handled at the division level, it is assigned an investigator to conduct interviews, review all information provided, and recommend the proper finding for the alleged violation to the Division Commander. Assistance and guidance from the Professional Standards Bureau are provided throughout the division level investigation.

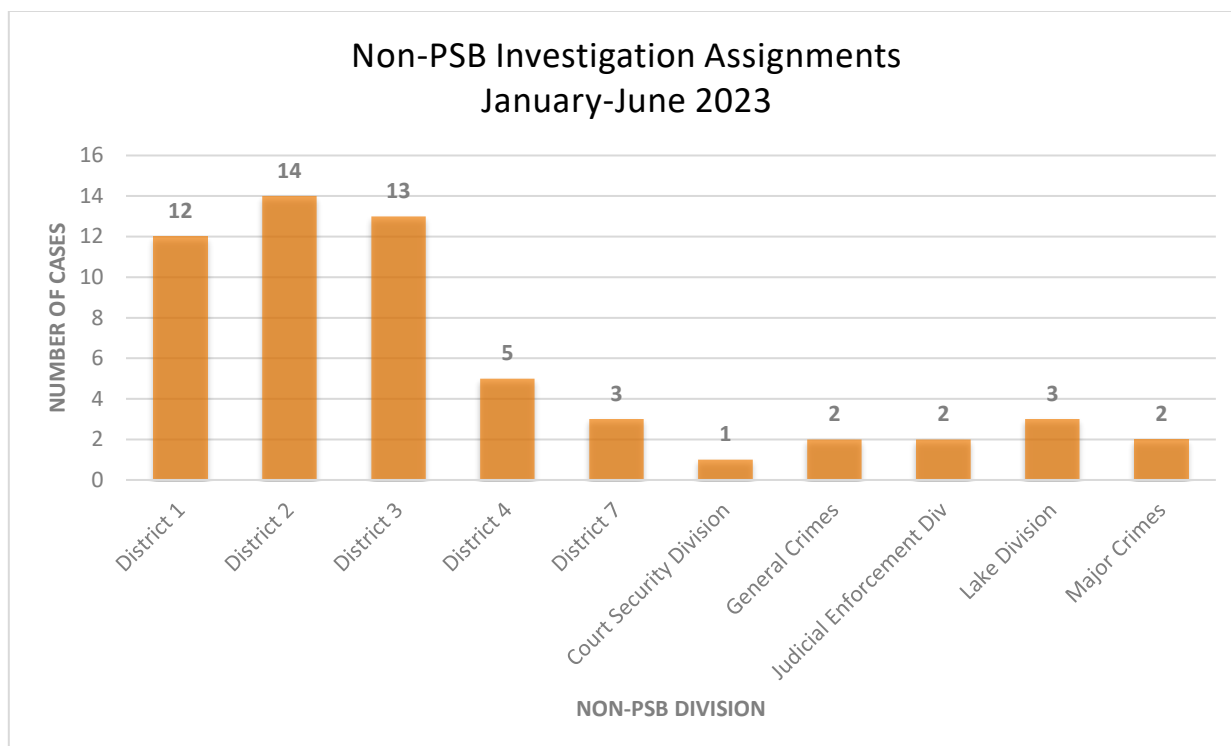
Between January 1, 2023, and June 30, 2023, the PSB opened a total of 351 misconduct investigations<sup>8</sup>; 283 were assigned to the Professional Standards Bureau investigators, 11 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 57 were assigned to investigators 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

<sup>7</sup> Following the issuance of the Court’s Third Order in November 2022, the intake, routing, and assignment decisions are reviewed and ultimately made by the Court Appointed Monitor.

<sup>8</sup> This includes misconduct investigations into external complaints, internal complaints, external criminal complaints, and internal criminal complaints.



**Figure 23:** Non-PSB Division Assignment breakdown, by Month.

Between January and June 2023, there were a total of 57 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 and approval by the investigators' chain of command was 403 days and the median time was 365 days.<sup>9</sup> The average time from investigator submission to the final decision regarding discipline or other final disposition was 184 days and the median was 115 days.

The average total completion time (initiation to final discipline decision) of District investigations is 587 days.

Of the 57 Division cases, one case was returned to the Division assigned investigator by the PSB due to the content corrections, and one case was returned for further investigation. After review by PSB, 30 Division investigations were considered deficient due to conclusions not being supported by the evidence, or allegations needing to be adjusted. The remaining 25 cases did not require any revisions.

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

Between January and June 2023, there were a total of 314 administrative investigations completed within the Professional Standards Bureau (PSB). The average time from the initiation of an investigation to the review and approval of the investigators' chain of command was 476 days. The median time was 168 days.<sup>10</sup> The average time from investigator submission to the investigators' chain of command to the final decision regarding discipline or other final disposition was 56 days and the median was 43 days.

The average total completion time (initiation to final discipline decision) of PSB investigations was approximately 545 days. The median total completion time was 241 days.

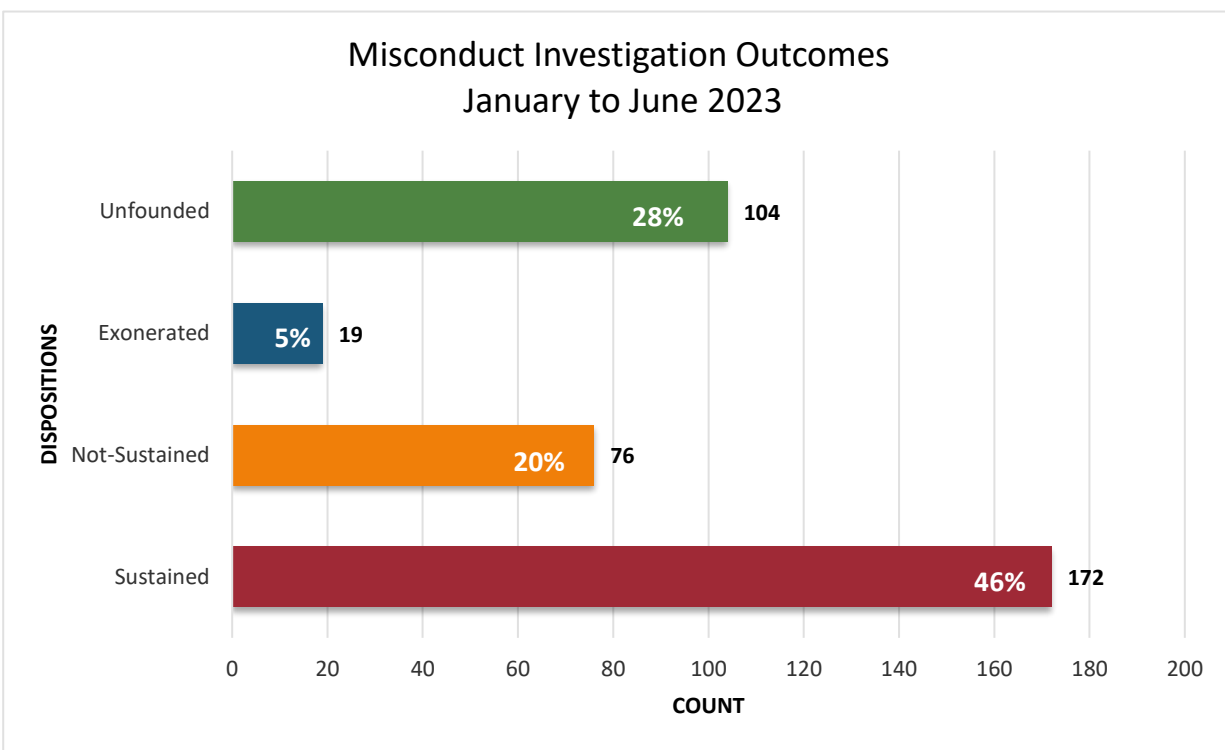
Of the 314 PSB cases, there were zero cases returned due to the conclusion not supported by the evidence and zero cases returned to the PSB investigator for investigative corrections.

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<sup>10</sup> This does not include the effect approved extension requests would have on time frames.

## F. Outcomes of Misconduct Investigations

A total of 371 administrative misconduct investigations were completed between January and June 2023; 172 completed investigations had Sustained dispositions, 76 had Not-Sustained dispositions, 19 had Exonerated dispositions, and 104 had Unfounded dispositions. Figure 24 shows the number of outcomes as well as each section's approximate percentage.



**Figure 24:** Misconduct Investigation Outcomes from January to June 2023.

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 172 sustained misconduct investigations closed from January to June 2023.

The following is a breakdown of the disciplinary and non-disciplinary actions for the 172 closed sustained cases<sup>11</sup>: 42 non-disciplinary (coaching) actions; 64 written reprimands; 20 suspensions; 1 demotion; 13 terminations; 6 resignations in lieu of termination; and 1 probationary release. 49 employees retired or resigned prior to the conclusion of the investigation and/or discipline determination.

<sup>11</sup> 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.”*

From January 1, 2023, to June 30, 2023, there was one case where the findings were changed after a Pre-Determination Hearing (PDH.) The initial finding on one of the allegations for one of the principals in a case was changed from sustained to not-sustained.

There was one case in which the Appointing Authority, regarding discipline, deviated from the established matrix after the PDH. The Discipline Range went up to a suspension, however a demotion was imposed.

From January to June 2023, The Maricopa County Law Enforcement Merit System Council upheld the findings of three closed investigations during the reporting period. There were no cases in which the Council altered or overturned discipline.

## G. Persistent or Serious Misconduct

This section discusses employees listed as the subject of more than two misconduct investigations, employees with more than one sustained allegation, and the number of criminal prosecutions of employees. It is important to note the MCSO categorizes discipline (minor or serious) imposed by the sustained misconduct; it is not based on the allegations themselves. It is also important to note there can be multiple allegations within a single misconduct investigation. The last paragraph of this section (criminal prosecution charges) is based on a six-month time period. The paragraphs directly below are based on a rolling annual timeframe and NOT a six-month time period.

In the previous 12 months (July 1, 2022 – June 30, 2023), 82 employees were listed as the subject of more than two misconduct investigations in a total of 325 investigations. The 82 employees have been broken down and categorized by their most egregious discipline. Of the 82 employees, 7 received serious discipline, and 15 received minor discipline<sup>12</sup>. 8 received non-discipline coaching. 10 separated from MCSO prior to discipline being determined. The remaining employees (42) all have current active investigations.

There were 24 employees, from July 1, 2022 – June 30, 2023, that have had more than one sustained allegation that resulted in **minor** discipline. Those 24 employees had a combined total of 61 sustained allegations. In that same timeframe, 20 employees had more than one sustained allegation that resulted in **serious** discipline. There were 58 sustained allegations between the 20 employees.

Between January and June 2023, four employees were the subjects of criminal prosecutions.

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<sup>12</sup> 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 2023 to March 2023) and for the second quarter (April 2023 to June 2023.)

### **First Quarter Assessment:**

#### *Divisions Receiving the Most Complaints*

The PSB identified the patrol District 2-Avondale, District 1-Mesa and Lower Buckeye Jail facility as receiving the most complaints between January 1, 2023, to March 31, 2023.

The patrol District 2-Avondale received 23 complaints resulting in misconduct investigations; seven alleged rudeness associated with dismissive or demeaning behavior; four alleged failures to follow Office procedures; three alleged failures to act on calls for service; two alleged mishandled investigations/calls for service; two alleged inaccurate/failure to take report; two alleged vehicle accidents while emergency driving; and two off/on duty crimes. The remaining three did not follow a pattern or trend we could identify at this time.

The patrol District 1-Mesa received 18 complaints resulting in misconduct investigations; five alleged rudeness associated with dismissive or demeaning behavior; four alleged mishandled investigations/calls for service; and three alleged biased law enforcement action. The remaining six allegations did not follow a pattern or trend we could identify at this time.

The Lower Buckeye Jail received 15 complaints resulting in misconduct investigations; five alleged failures to follow Office procedures; two alleged excessive use of force; and two alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats). The remaining six did not follow a pattern or trend we could identify at this time.

#### *Notable Patterns and Trends Identified within MCSO Divisions*

Between January 1, 2023, to March 31, 2023, there were multiple divisions not identified as having the most complaints; however, a pattern or trend of complaints received was identified by the PSB.

The Estrella Jail facility received 13 complaints resulting in misconduct investigations; two alleged rudeness associated with dismissive and demeaning behavior; two alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); and two alleged workplace professionalism. The remaining seven allegations did not follow a pattern or trend we could identify at this time.

The Intake, Transfer, and Release facility received 12 complaints resulting in misconduct investigations; three with alleged lack of command responsibility; two alleged excessive use of force; and two alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or

gestures; and threats). The remaining five allegations did not follow a pattern or trend we could identify at this time.

The Watkins Jail facility received 10 complaints resulting in misconduct investigations; three alleged rudeness associated with dismissive and demeaning behavior and two alleged failures to follow Office procedures. The remaining five allegations did not follow a pattern or trend we could identify at this time.

The patrol District 3-Surprise received 10 complaints resulting in misconduct investigations; two alleged failures to follow Office procedures; two alleged rudeness associated with dismissive or demeaning behavior; two with alleged biased law enforcement action; and two failures to respond or act on calls for service. The remaining two allegations did not follow a pattern or trend we could identify at this time.

#### All Misconduct Allegations Categorized

There were 168 complaints received between January 1, 2023, and March 31, 2023. The Professional Standards Bureau identified 41 investigations alleging “rude” behavior (demeaning, confrontational, condescending, yelling, and “attitude”) toward members of the public. There were 27 investigations with alleged failure to follow Office procedures, 14 with alleged biased law enforcement action, 14 with alleged off/on-duty crime, 11 allegations of failure to act, and 11 allegations of excessive use of force.

The following allegation categories received 10 or less mentions each. There were 10 with allegations of alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); 10 with alleged mishandled investigations/calls for service; nine with alleged conflicts between employees; eight with alleged off-duty employment issues; seven with alleged time and attendance issues; and six with alleged workplace professionalism.

Although not high in numbers overall, the following are a list of notable categories of investigations: five with alleged improper security walks; five with alleged truthfulness concerns; and five allegations of electronic devices in secured areas of jail facilities.

#### 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 January 1, 2023, and March 31, 2023.

An employee was named in five investigations pertaining to allegations regarding off-duty employment.

An employee was named in six IA investigations regarding allegations of time and attendance issues.

An employee was named in three IA investigations regarding allegations of failure to follow Office procedures.

An employee was named in two IA investigations regarding allegations of biased law enforcement action.

**Second Quarter Assessment:****Divisions Receiving the Most Complaints**

The PSB identified the patrol District 2-Avondale, District 3-Surprise, and 4th Avenue Jail facility as receiving the most complaints between April 1, 2023, to June 30, 2023.

The patrol District 2-Avondale received 18 complaints resulting in misconduct investigations; three alleged rudeness associated with dismissive or demeaning behavior; three alleged off/on duty crimes; three alleged failures to act on calls for service; two alleged mishandled investigations/calls for service; and two alleged excessive use of force. The remaining five did not follow a pattern or trend we could identify at this time.

The patrol District 3-Surprise received 16 complaints resulting in misconduct investigations; five alleged rudeness associated with dismissive or demeaning behavior; four alleged mishandled investigations/calls for service; and two with alleged biased law enforcement action. The remaining five allegations did not follow a pattern or trend we could identify at this time.

The 4th Avenue Jail facility received 15 complaints resulting in misconduct investigations; three with alleged conflict between employees; three alleged rudeness associated with dismissive or demeaning behavior; two with alleged failure to follow Office procedures; two with alleged improper security walks; and two with alleged time and attendance issues. The remaining three did not follow a pattern or trend we could identify at this time.

**Notable Patterns and Trends Identified within MCSO Divisions**

Between April 1, 2023, to June 30, 2023, there were multiple divisions not identified as having the most complaints; however, a pattern or trend of complaints received was identified by the PSB.

The patrol District 1-Mesa received 13 complaints resulting in misconduct investigations; four alleged inaccurate deputy reports; and three with alleged failure to act on calls for service. The remaining six did not follow a pattern or trend we could identify at this time.

The Estrella Jail facility received 12 complaints resulting in misconduct investigations; five alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); and two with alleged improper security walks. The remaining five allegations did not follow a pattern or trend we could identify at this time.

The Lower Buckeye Jail received 10 complaints resulting in misconduct investigations; three alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures; and threats); two alleged failures to follow Office procedures; and two with alleged improper security walks. The remaining three did not follow a pattern or trend we could identify at this time.

The Communications Division received 7 complaints resulting in misconduct investigations; five with alleged rudeness associated with dismissive or demeaning behavior. The remaining two did not follow a pattern or trend we could identify at this time.

#### All Misconduct Allegations Categorized

There were 172 complaints received between April 1, 2023, and June 30, 2023. The Professional Standards Bureau identified 31 investigations alleging “rude” behavior (demeaning, confrontational, condescending, yelling, and “attitude”) toward members of the public. There were 18 investigations with alleged failure to follow Office procedures, 17 with alleged inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures, and threats); 15 with alleged off/on-duty crime; 13 allegations of failure to act or take appropriate action; and 13 with alleged mishandled investigations/calls for service.

The following allegation categories received 10 or less mentions each. There were 10 with allegations of conflicts between employees; nine with alleged improper security walks; eight with alleged workplace professionalism; eight allegations of excessive use of force; and seven with alleged time and attendance issues.

Although not high in numbers overall, the following is a list of notable categories of investigations: five with alleged inaccurate deputy reports and five allegations of improper detention operational journal entries.

#### 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 and June 30, 2023.

An employee was named in four investigations regarding allegations of time and attendance issues.

An employee was named in three IA investigations regarding allegations of failing to take supervisory action.

An employee in was named in three investigations pertaining to allegations of off-duty employment.

An employee was named in two investigations regarding allegations of inappropriate language/actions (use of profanity or vulgar language; sexual comments, actions, or gestures, and threats).

## 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.

Cases investigated by the Divisions have improved in quality and timeliness after the reinstatement of divisional investigations, following the temporary suspension of new case assignments to the Districts. The pause allowed the Divisions to recover investigation time for older cases, and to establish more efficient procedures for newly assigned cases. There are still areas of opportunity for improvement. Within this reporting period, the following concerns have been identified as areas needing improvement for District investigations: improper policies for allegations, improper findings, insufficient investigation, leading questions, and multiple administrative issues.

Through the review process, the liaisons continue to specifically note the following trends found within these investigations<sup>13</sup>: improper policies for allegations, inappropriate finding choices, and the lack of follow up or closure into any additional concerns apparent in the investigation. The PSB liaisons continue to provide feedback and guidance to investigators outside of the PSB as a proactive approach to prevent irreversible damage to the compliance level of an administrative investigation.

During this reporting period, there were 30 investigations<sup>14</sup> where the District Division Commanders failed to identify issues within the report, prior to submitting them to the PSB. These issues mostly included incorrect allegations and unsupported findings.

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

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<sup>13</sup> 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.

<sup>14</sup> 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 14% lower for this reporting period versus the last reporting period (July 2022 to December 2022). When comparing the numbers of external complaints received in 2022 and 2023, there is a slight upward trend, following a dip at the beginning of this reporting period. The MCSO continues to identify allegations of misconduct regarding Code of Conduct Practices (e.g., unbecoming conduct and failure to meet standards) with the goal to improve employee conduct office wide. The Professional Standards Bureau (PSB) could not identify a reason for the continued external allegations of misconduct regarding Code of Conduct Practices. Although the PSB has collected complainant demographic information, a pattern or trend could not be identified due to the low response rate.

The data shows an average of 22 internally generated complaints per month. This is less than the reported average for the previous six months. The internal complaints received for 2023 are showing a stable trend however, there is an overall downward trend for the overall complaints received in 2022 and 2023 combined. The most frequent allegations identified within the internal complaints received involved Code of Conduct practices (e.g., failure to meet standards and employee relationships with other employees.) The PSB still attributes the decrease of the overall internal complaints to supervisor-initiated interventions, which allows supervisors to address minor misconduct to improve performance or behavior to prevent their progression to a misconduct investigation.

The PSB continues to track any cases with investigative concerns or corrections identified within division-investigated cases. There were approximately 45 more district investigations completed this reporting period over last. Approximately 53% of those cases completed by the districts or divisions outside of PSB required investigative corrections. This is a two percent decrease from the last six months. The quality of investigations initially submitted by District-level investigators still requires improvement in investigative thoroughness, avoiding leading questions, and identifying proper findings and proper involved employee roles. Of the cases investigated within the Professional Standards Bureau, only one was returned to the investigator due to conclusions not supported by the evidence and another returned for investigative corrections.

On November 8, 2022, the Court issued a Third Court Order aimed to resolve the pending Order to Show Cause pertaining primarily to PSB Operations. The Court's Third Order expanded the authority of the Monitor with the goal of a reduction of the backlog of administrative investigations within MCSO. In addition to other remedies, the Court granted the Monitor the independent authority to make the ultimate decision pertaining to initial intake and routing decisions as of November 8, 2022. Given this significant shift in authority pertaining to intake and routing decisions, the implications, if any, of this shift with respect to the number of administrative investigations being opened during this reporting period compared to previous reporting periods has yet to be determined. This area will be further evaluated, analyzed, and assessed in future semi-annual reports.

The median number of calendar days for the total completion of administrative investigations completed, during this reporting period, was 260 compared to the 180-day expectation set forth in

Arizona statute and MCSO Policy GH-2, Internal Investigations, absent exceptional circumstances. The PSB attributes the increased timeframe to the focus on completing backlog cases, the complexity of PSB investigations, and the extensive review process of District-investigated cases.

The Maricopa County Sheriff's Office categorizes policy violations as minor or serious misconduct, based on what the potential resulting discipline would be if the conduct were sustained. The type of discipline imposed, minor or serious, depends upon the acts of misconduct, the mitigating and aggravating circumstances, and prior discipline. From July 2022 to June 2023, 82 employees were listed as the subject of more than two misconduct investigations, which is approximately 2.5% 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.