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Requirement

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

Executive Summary

The Professional Standards Bureau (PSB) is required to submit a semiannual public report on misconduct investigations involving Deputy Sheriffs, Detention Officers, Civilian employees, and volunteer Posse members. The purpose of this report is to provide analysis on data collected from the IAPro database and supplemental spreadsheets between July 1, 2016 and December 31, 2016.

The MCSO saw a decrease of internal complaints and an increase in external complaints, due to more widespread availability of the Complaint and Comment Forms. The most common external and internal allegations received were unbecoming conduct and failure to meet standards. Of all opened investigations, 29% were assigned to divisions outside of the PSB and the average time of the investigation at the district level was 100 days. There were 353 misconduct investigations completed, 46% with a sustained disposition. Further research shows that 66 employees had persistent misconduct (subject of three or more misconduct investigations) and 16% 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) summarized data regarding sustained allegations that an employee was in violation of conflict-of-interest rules when conducting or reviewing misconduct investigations. Office Policy, GH-2, Internal Investigations policy is currently under revision and the updated revision will include conflict-of-interest rules when reviewing misconduct investigations. The policy is in final review, pending final approval.

B. External Complaints

Based on the data, the MCSO received a total of 185 external complaints that resulted in PSB investigations from July 1, 2016 to December 31, 2016 office-wide. The three districts (also known as divisions) with the most external complaints were patrol District 1 (Mesa) and District 3 (Sun City), each with 18 complaints and patrol District 2 (Avondale) with 16 complaints.

Figure 1 depicts the number of external complaints received between July and December 2016, differentiated by Division.

![Figure 1: External Complaints, by District, received that resulted in an investigation.](image-url)
Within the 185 external complaints, the MCSO received 22 complaints in July, 32 complaints in August, 25 complaints in September, 29 complaints in October, 42 in November, and 35 in December. The allegations occurring most were those involving Code of Conduct practices (e.g., unbecoming conduct, failure to meet standards, and job performance.) The approximate average of external complaints received each month is 31. In the month of November, the MCSO received 42 complaints, a 35% increase of complaints over the average.

Figure 2 depicts the amount of external complaints by month.

![External Complaints Received July-December 2016 By Month](image)

*Figure 2: External Complaints, by month, received from July to December 2016.*

It is important to note that a single complaint can result in an investigation with multiple principals and allegations. Therefore, the number of external complaints that resulted in an investigation (185) will not mirror the amount of principals and allegations in this next subsection.

The “Sworn Deputy” rank was identified 141 times out of 296 total principals listed in external complaint investigations between July and December 2016.

Figure 3, on the next page, depicts the ranks of principals identified in external complaint investigations during the reporting period listed.
The following information consists of demographic information of MCSO employees that have been named as the principal in External Complaint investigations.\(^1\) Figure 4 to the left depicts the difference between female and male principals. Between July and December 2016, there were 218 male principals; approximately seven times more than the amount of females.

\(^1\) Data is based on known, paid MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members)
Figures 5 depicts that 177 White (Not Hispanic) employees were named as the principal in External Complaint Investigations; approximately 71% of the 249 employees. The data shows that the average age of External Complaint Principals is 40 years old. This data coincides with the data shown in Figure 16 that depicts the age range with the most External Complaint Principals is 35-54 years old.

There were 288 alleged policy violations between July and December 2016. Approximately 77% of the allegations were related to violations of conduct. Figure 7 depicts the allegation breakdown.²

² Miscellaneous category includes allegation with only one count: workplace professionalism, off duty police contact, property management, office reports, Sheriff’s posse program, body worn cameras, evidence control, criminal investigations, and internal investigations.
Currently, the PSB is working with the IAPro vendor to better track the nature of contact that led to a citizen complaint of an MCSO employee. The MCSO does not collect complainants’ demographic information to ensure that all complaints are processed consistently, which can also prevent any bias toward or against a complainant. The PSB does, however, track external complaints received from anonymous sources. Between July and December 2016, the PSB received 9 anonymous external complaints that resulted in an investigation.

C. Civilian Complaint Analysis

In an effort to be open and more accessible to the community, the MCSO has made the complaint forms widely available and has streamlined the complaint intake process. Because of this, the MCSO had an increase of external complaints between July and October 2016. In November, there was an even higher increase in civilian complaints received. This increase was seen after the distribution of approved English and Spanish Complaint and Comment Forms to Maricopa County community centers, libraries, and all Sheriff’s Office buildings. During this time, deputies were also directed to carry the forms in MCSO vehicles. This same month, Administrative Broadcast 16-120 was published advising all MCSO staff that new versions of complaint forms (English and Spanish) were available on Mobile Data Computers (MDC), office desk top computers and on the MCSO website.

D. Internal Complaints

Based on the data, the PSB received a total of 266 internal complaints from July 1, 2016 to December 31, 2106 office-wide. The three districts (also known as divisions) with the most internal complaints are patrol District 2 (Avondale) with 32 complaints, the Estrella Jail facility with 22 complaints, and District 1 (Mesa) with 18 internal complaints.

Figure 8, on the next page, depicts the number of internal complaints received July to December 2016, differentiated by Division.
Within the 266 internal complaints, the MCSO received 39 complaints in July, 62 complaints in August, 44 complaints in September, 49 complaints in October, 37 in November, and 35 in December. Although declining, the internal complaints received have allegations involving Code of Conduct practices (e.g., failure to meet standards, unbecoming conduct, and workplace professionalism.) In the month of December, the MCSO received 35 internal complaints; with an approximate average of 44 complaints received per month, this was a 25% decrease of internal complaints received.

Figure 9 depicts the amount of internal complaints received by month.
It is important to note, a single complaint can result in an investigation with multiple principals and allegations. Therefore, the number of internal complaints that resulted in an investigation (266) will not mirror the amount of principals and allegations in the next subsection.

The “Detention Officer” rank was identified 193 times out of 508 total principals listed in internal complaint investigations between July and December 2016.

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

Figure 10: Rank of Principals in Internal Complaint Investigations July-December 2016.
The following information consists of demographic information of MCSO employees that have been named as the principal in Internal Complaint Investigations. Figure 11 depicts the difference between female and male principals. Between July and December 2016, there were 379 male principals; approximately three times more than the 109 females.

Figure 12 depicts that 272 White (Not Hispanic) employees were named as the principal in Internal Complaint Investigations; approximately 56% of the 488 employees.

The data shows that the average age of Internal Complaint Principals is 41 years old.

This data coincides with the data shown in Figure 13, which depicts the age range 35-54 as the range with the most Internal Complaint Principals.

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1 Data is based on known, paid MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members)
The following information consists of demographic information of MCSO employees that have been named the complainant in Internal Complaint Investigations. Figure 14 depicts the difference between female and male complainants. Between July and December 2016, there were 174 males, which was approximately two and a half times more than the 68 females.

Figure 15 depicts that 190 White (Not Hispanic) employees were named the complainant in Internal Complaint Investigations; approximately 79% of the 242.

The data shows that the average age of complainants within an Internal Complaint Investigation is 43 years old. This data coincided with the data shown in Figure 16 that depicts the age range 35-54 as the range with the most complainants within an Internal Complaint Investigation.

Although IAPro does not track the nature of contact that led to an internal complaint, the PSB is working with the vendor to ensure that the data collected can be stored within the database for future reporting. The PSB does, however, track internal complaints received from anonymous sources. Between July and December 2016, the PSB received three anonymous internal complaints that resulted in an investigation.

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4 Data is based on known, paid MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members). Total complainants will not match total of principals above.
There were 494 alleged policy violations between July and December 2016. Approximately 64% of the allegations were related to violations of conduct. Figure 17 depicts the allegation breakdown.\(^5\)

### E. Processing of Misconduct Cases

The Professional Standards Bureau Commander determines whether or not an administrative investigation will be conducted at the division level or within the PSB. The decision is based on the severity and type of the offense, complexity of the investigation, the rank of the employee, and the alleged principal’s disciplinary history. Once it has been decided that an investigation can be handled at the division level, it is assigned an investigator to conduct interviews and review all information provided and recommend the proper finding for the alleged violation to the Division Commander. Assistance and guidance from the Professional Standards Bureau is provided throughout the division level investigation.

Between July 1, 2016 and December 31, 2016, the PSB opened a total of 391 misconduct investigations; 269 were assigned to the Professional Standards Bureau investigators, 9 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 113 were assigned to investigators throughout the Sheriff’s Office.

On the next page, Figure 18 depicts the monthly investigation assignment. Figure 19 depicts investigation assignment, broken down by Non-PSB Division.

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\(^5\) Low allegation counts have been combined for presentation purposes. See category breakdown below.

**Detention Operations**: inmate supervision (6), operations journal and logbook (2), Prison Rape Elimination Act (PREA) (1), Pepperball (1), and restraint and transportation of inmates (1).

**Enforcement Operations**: traffic enforcement (4), office reports (2), biased based policing (2), arrest procedures (4), body-worn cameras (1), aviation operations (1), and evidence control (1).

**General Office Operations**: leave and absences (4), communications and voicemail (2), compensation and ADP system (1), and off-duty employment (1).
Between July and December 2016, there was a lack of data for Division case tracking. The PSB did not track average time from the initiation of an investigation to the submission to the investigators’ chain of command. To correct this, the PSB has created a new Division Case Review Log to track investigations at the division level. Since an investigation can have multiple principals with multiple allegations, the possibility for multiple types of discipline is expected. Utilizing reports generated from the IAPro system and the new Division Case Review Log, the PSB will be able to track and report the average and median time from submission to the final decision regarding discipline.
The PBS was not tracking the specific categorization of deficient investigations. Investigations returned back to the Division would have deficiencies such as formatting, missing signatures, “conclusions not being supported by the evidence” and “additional investigation” but were not categorized separately; this hinders the PSB from reporting these specific categories. As previously mentioned, the PSB created the Division Case Review Log which includes separate categories for deficiencies as well as the dates sent for corrections and received for review.

The following information, although not specifically categorized, contains the available data regarding cases reviewed and corrections of Division level investigations. The PSB returned 61 cases to the Division Supervisor for corrections (e.g., format, content, further investigation, etc.); 49 of the 61 cases were returned to the PSB with the proper corrections. The remaining 12 investigations returned to the PSB, were returned back to the Division Supervisors for additional corrections.

The average length of time from Division case assignment to submission for PSB review was 100 calendar days. This is 67% above the new 60 calendar day expectation listed in the MCSO Policy GH-2, Internal Investigations. The median time is 94 days. Once the GH-2 Internal Investigations policy and the proposed investigator training is approved and implemented, the PSB is anticipating that the average length of time will be reduced to the expected 60 days.

F. Outcomes of Misconduct Investigations

The PSB completed a total of 353 misconduct investigations; 162 completed investigations had Sustained dispositions, 66 had Not-Sustained dispositions, 76 had Exonerated dispositions, and 49 had Unfounded dispositions.

Figure 20 depicts the number of outcomes as well as each outcome’s percentage.

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6 This is based on available data, not including the effect that approved extension requests would have on time frames. The newly implemented Division Case Review Log allows the PSB to collect and subsequently report this data.
In a misconduct investigation, there can be multiple allegations. In the 353 misconduct investigations, there were 788 allegations. Of the 788 allegations, 331 were found to be sustained. The next figure shows the itemization of disciplinary outcomes for sustained allegations. Please note that the numbers listed reflect the final finding of each allegation, not the disposition of the misconduct investigation itself. There were 0 non-disciplinary outcomes, 32 coaching outcomes\(^7\), 89 written reprimands, 77 employee suspensions, 0 employee demotions, and 25 employee terminations.

Figure 21 also includes other outcomes including probationary release, employee resignation, employee retirement, medical release, employee deceased, and employees arrested by the Criminal Section.

![Sustained Allegation Discipline Outcomes](chart)

Figure 21: Sustained Allegation Disciplinary Outcomes from July to December 2016.

From July 1, 2016 to December 31, 2016, the PSB did not have a centralized tracking mechanism in place to accurately record the change in case finding and/or discipline during the Pre Determination Hearing process, the Merit System process, or the appeal process. Starting May 2017, the Compliance Division and the PSB will utilize a new log to track any changes within findings and discipline throughout the process of each investigation.

G. Persistent or Serious Misconduct

This section discusses employees listed as the subject of two or more misconduct investigations, employees with more than one sustained allegation, and the number of criminal prosecutions of employees. It is important to note that the MCSO categorizes discipline (minor or serious) imposed by

\(^7\) Pending final approval, MCSO policy GH-2 *Internal Investigations* will classify coaching as a non-disciplinary action.
the sustained misconduct is not based on the allegations themselves. It is also important to note that there can be multiple allegations within a single misconduct investigation.

In the previous 12 months (January 1, 2016-December 31, 2016), 66 employees were listed as the subject of more than two misconduct investigations; 19 of those employees received minor discipline and 11 received serious discipline\(^8\). Within the remaining 36 employees, one retired and 35 are still pending investigation.

There were 48 employees, from July to December 2016, that had more than one sustained allegation that resulted in minor discipline. Those 48 employees had a combined total of 119 sustained allegations. In that same timeframe, 42 employees had more than one sustained allegation that resulted in serious discipline. There were 120 sustained allegations.

Between July and December 2016, there were 2 criminal prosecution charges; aggravated assault where the employee pled guilty to a lesser charge and received probation, and sexual assault charges against one employee that is pending court adjudication.

\(^8\) Minor discipline is categorized as discipline less severe than a suspension. Serious discipline is categorized as discipline equal to or greater than an employee suspension.
Conclusion

The Maricopa County Sheriff’s Office (MCSO) has implemented various policies and processes to ensure that all internal investigations are completed thoroughly, accurately, and in a timely manner. The data collected between July and December 2016 shows that MCSO continues to improve in office-wide Code of Conduct Practices (e.g., unbecoming conduct, failure to meet standards, and job performance).

The MCSO’s data shows an average of 44 internally-generated complaints per month. Although higher than external complaints, the data showed complaints decreasing each month. The internal complaints received, however, have allegations involving Code of Conduct practices (e.g., meeting standards, unbecoming standards, and workplace professionalism). The changes in data may be attributed to the agency-wide emphasis on supervision and accountability, the increased role of the various Bureau of Internal Oversight (BIO) audits, and the revision of misconduct investigations and discipline policies. Additionally, the use of the Early Intervention Unit alerts and the BIO audits allow supervisors to quickly identify and address employee-related issues.

Within the Professional Standards Bureau, policy violations are categorized as minor or serious misconduct, based on what the potential resulting discipline would be if the conduct was sustained. The type of discipline imposed, minor or serious, depends upon the acts of misconduct, the mitigating and aggravating circumstances, and prior discipline. In 2016, 66 employees were listed as the subject of three or more misconduct investigations, which is approximately 2% of MCSO employees.

This report helps the Professional Standards Bureau (PSB) have a more thorough understanding of any impediments affecting investigations completed within the Bureau. The report also provides the necessary insight on various aspects of misconduct investigations that can lead to improvements of policy, procedure, and case management throughout other divisions within the MCSO. Another goal of the MCSO with this public report is to ensure transparency with the community.