

# MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



**Complaint Intake Testing Inspection March 2020**

Inspection # BI2020-0039

The Bureau of Internal Oversight's (BIO) Audits and Inspections Unit (AIU) will conduct Complaint Intake Test inspections on a monthly basis. The purpose of this inspection is to determine employee compliance with Office Policies GH-2, *Internal Investigations* and GI-1, *Radio and Enforcement Communications Procedures* as they relate to the civilian complaint intake process. To ensure consistent inspections, the *Complaint Intake Testing Matrix* developed by the AIU will be utilized.

To achieve this, the AIU will conduct monthly inspections of the complaint intake tests completed by outside vendors selected by the MCSO for this purpose. These vendors are responsible for having testers file fictitious complaints either in person at MCSO facilities, by telephone, by mail, by e-mail or by using MCSO's website in order to determine if MCSO employees process the intake of complaints in accordance with MCSO policy.

Each vendor has been issued open Purchase Orders for the fiscal year which allows for a sufficient number of random and targeted tests to allow MCSO to assess the complaint intake process. Each vendor determines the number of tests they will conduct on a monthly basis and when and how they will conduct these tests. Additionally, each vendor has submitted testing methodologies and testing paperwork which has been approved by the AIU. These methodologies include the requirement to audio and video record all in-person tests and audio record all telephone tests. Each testing vendor will adhere to these methodologies when conducting complaint intake testing for the Office.

**Compliance Objectives:**

- Are employees providing civilians with appropriate and accurate information about the complaint process?
- Are employees promptly notifying the Professional Standards Bureau (PSB) upon the receipt of a complaint?
- Are employees providing the PSB with accurate and complete information?
- Are employees attempting to discourage, interfere with, or delay civilians from registering a complaint?

**Criteria:**

MCSO Policy GH-2, *Internal Investigations*

MCSO Policy GI-1, *Radio and Enforcement Communications Procedures*

**Conditions:**

AIU began conducting the inspection of Complaint Intake Testing in January 2019 for tests performed during the month of December 2018. The following charts illustrate rolling 12-month histories of compliance with Office Policy. "N/A" indicates a particular type of test was not performed during that month.

The Complaint Intake Testing vendors conducted four tests during the month of March 2020; two were in-person tests, one was conducted by e-mail, and one was conducted by telephone. AIU inspected all four complaint intake tests. These tests are discussed in further detail under the applicable report sub-sections below.

**In-Person Testing**

There were two In-Person Complaint Intake Tests conducted during the month of March 2020.

**1. TEST #: 010**

**DISTRICT/DIVISION:** District 2

**TEST SCENARIO:** The tester spoke with the Division Commander and alleged that a deputy engaged in reckless and aggressive driving, forcing the tester's vehicle off the road.

**ACTIONS TAKEN:** The tester spoke directly with the district commander who obtained and documented the complaint information and explained the complaint intake process. The complaint was entered into BlueTeam the same day. The following day, PSB sent the test complainant a written acknowledgement by both e-mail and U.S. Mail that included an IA number and the contact information for the assigned investigator.

**RESULTS:** No deficiencies were noted.

**TESTER COMMENTS:** The tester commented that the district commander was “[o]ne of the kindest officers I’ve ever encountered.”

**BIO FOLLOW UP:** None required.

2. **TEST #:** 011

**DISTRICT/DIVISION:** District 3

**TEST SCENARIO:** The tester alleged that a deputy pulled over the tester for a traffic stop; however, the deputy stayed in his vehicle for 22 minutes and never made contact.

**ACTIONS TAKEN:** The tester met with the district sergeant who obtained and documented the complaint information, then explained the complaint intake process. The sergeant attempted to audio and video record the interview, but the test complainant declined to be video recorded. The complaint was entered into BlueTeam the same day. The following day, PSB sent the test complainant a written acknowledgement by both e-mail and U.S. Mail that included an IA number and the contact information for the assigned investigator.

**RESULTS:** No deficiencies were noted.

**TESTER COMMENTS:** N/A

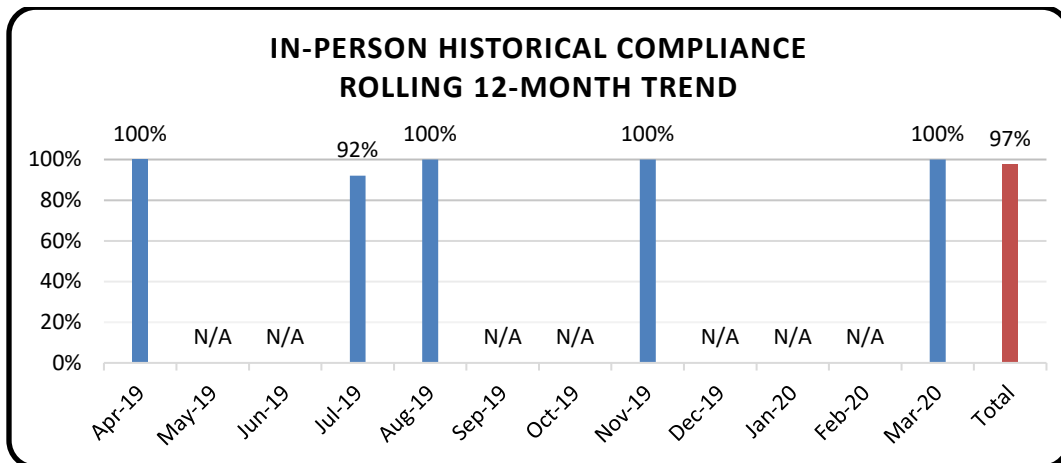
**BIO FOLLOW UP:** None required.

It was determined that MCSO employee compliance with the applicable Office Policy (GH-2, *Internal Investigations*) was 100%, as illustrated by the table below:

Inspection Element	Not In Compliance	In Compliance	Total	Compliance Rate
Determine if the complaint was accepted.	0	2	2	100%
Determine if the complaint was taken in a courteous manner.	0	2	2	100%
If the complainant did not speak, read, or write in English, or was deaf or hard of hearing, determine if the complaint was accepted.	N/A	N/A	N/A	N/A
Determine if the complaint was referred to the on-duty supervisor.	0	2	2	100%
If a supervisor was not available, verify that the employee obtained pertinent information and had a supervisor make contact with the complainant as soon as possible.	N/A	N/A	N/A	N/A
Determine if original recordings and documents were attached to BlueTeam or sent via interoffice mail to PSB.	0	2	2	100%

Verify that complaint was entered into BlueTeam or IAPro.	0	2	2	100%
Determine if the employee attempted to discourage, interfere or delay complaint.	0	2	2	100%
If alleged conduct is of a criminal nature, determine that the chain of command was notified, who then notified PSB.	N/A	N/A	N/A	N/A
Verify that the complaint was audio and/or video recorded.	0	2	2	100%
Determine if the following minimum amount of information was obtained: <ul style="list-style-type: none"> <li>Complainant’s name</li> <li>Complainant’s contact information</li> <li>Location of the complaint occurrence</li> <li>Report number and deputy name, if known</li> </ul>	0	2	2	100%
Determine if verbal or written acknowledgement was provided that the complaint was received, documented, forwarded for investigation and that complainant would be contacted by a department representative.	0	2	2	100%
Determine if the complaint was immediately forwarded to PSB.	0	2	2	100%
Determine if the complaint notification was sent within 7 days including IA# and investigator name and contact number.	0	2	2	100%
Determine if the employee reported accurate information in the complaint.	0	2	2	100%
<b>Overall compliance for testing conducted In Person</b>	<b>0</b>	<b>24</b>	<b>24</b>	<b>100%</b>

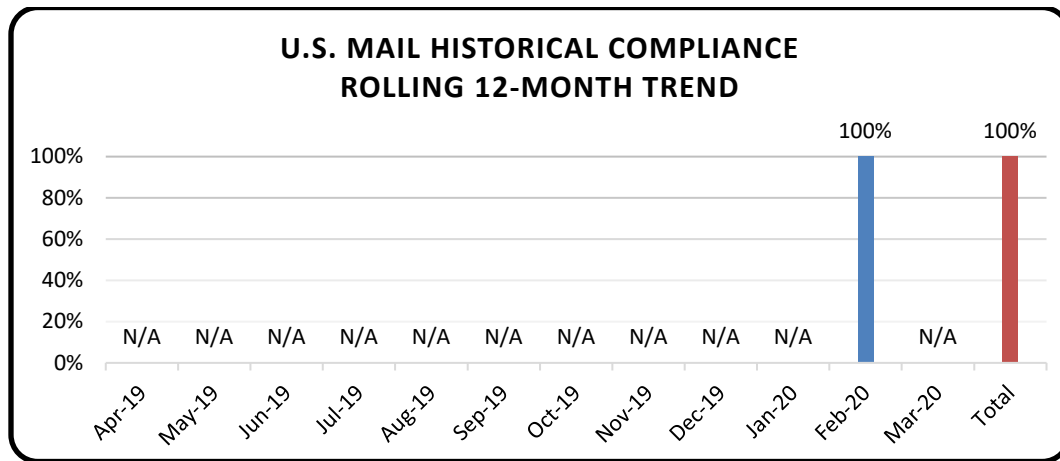
Below is a rolling 12-month historical comparison of compliance for In-Person tests:



**Testing by U.S. Mail**

There were no Complaint Intake Tests conducted by U.S. Mail during the month of March 2020.

Below is a rolling 12-month historical comparison of compliance for tests conducted by U.S. Mail:

**Testing by Telephone**

There was one Complaint Intake Test conducted by Telephone during the month of March 2020.

**TEST #:** 45

**DISTRICT/DIVISION:** District 1

**TEST SCENARIO:** The tester called the MCSO general switchboard number (602-876-1000) on Wednesday, March 4<sup>th</sup>, to complain that a deputy failed to stop a speeding driver.

**ACTIONS TAKEN:**

**BIO:** The dispatcher who took the call documented the complaint information, called the on-duty supervisor in District 1, and forwarded the complaint information to the supervisor and the Early Identification Unit. In addition, the dispatcher informed the tester she would receive a call from a District 1 sergeant regarding her complaint.

Unbeknownst to the tester, her voice mail was not working properly. She did not discover this for two days and, therefore, missed the follow-up call attempted by the sergeant.

Based on the information obtained initially by the dispatcher, the sergeant entered a Service Complaint in BlueTeam on March 4<sup>th</sup>. The complaint was entered as a Service Complaint due to the lack of specificity (no MCSO vehicle # provided by tester and in an area not patrolled by MCSO), and due to the complaint being service-related and not employee misconduct (the decision to make a traffic stop is based on the totality of events: what the deputy sees, the ability of the deputy to make the traffic stop, reasonable suspicion/probable cause, prioritization of actions, etc.).

**TESTER:** On Friday, March 6<sup>th</sup>, the tester again called the main number, this time asking for the District 1 sergeant. The tester was connected erroneously by MCSO Dispatch to the sergeant's personal cell phone on his day off. The sergeant advised the tester to call MCSO back and leave him a message.

**BIO:** On Monday, March 9<sup>th</sup>, the District 1 Administrative Sergeant called the tester and conducted an interview for the Service Complaint entered on March 4<sup>th</sup>. Additionally, the initial sergeant who entered the Service Complaint left multiple phone messages for the tester.

At this point, the test was considered completed.

**RESULT:** No deficiencies were noted.

**1. TESTER COMMENTS:**

- *...this "complainant" does not know what happened to my complaint ...*
- *...no one has informed me if my complaint is considered a service complaint or a complaint taken by the Professional Standards Department.*

**BIO FOLLOW UP:** A Service Complaint is defined in Policy GH-2, *Internal Investigations* as "[a] complaint regarding an inadequate service level ... A service complaint is not an allegation of employee misconduct." It should be noted that Office Policy does not require that a Service Complaint number be provided to the complainant. As such, test scenarios involving service complaints should be avoided for Complaint Intake Testing purposes. As a result, both Complaint Intake vendors have been instructed to avoid conducting tests that are classified as service complaints.

**2. TESTER COMMENT:**

- *...this "complainant" does not know...if [the complaint] was taken seriously.*

**BIO FOLLOW UP:** When BIO asked the tester to elaborate on this comment, she responded that it was the "combined effect" of all the interactions involved with the test and not any one thing in particular.

**3. TESTER COMMENT:**

- *It was not clear to me why [initial on-duty supervisor] and I were chasing each other back and forth even after I had a substantive conversation with [Administrative Sergeant].*

**BIO FOLLOW UP:** The tester continued to try and reach the District 1 on-duty supervisor even after her interview with the Administrative Sergeant, who spoke with her at length regarding the Service Complaint. Each attempt at reaching the initial on-duty supervisor generated a callback from him.

AIU Command met with District 1 Command and discussed options available to sergeants who receive messages from complainants when they are not the assigned investigator: sergeants coordinate with the assigned investigator before responding to a complaint. District 1 Command will brief staff on this discussion.

**4. TESTER COMMENT:**

- *It was annoying that [initial on-duty supervisor] would not leave a callback number.*

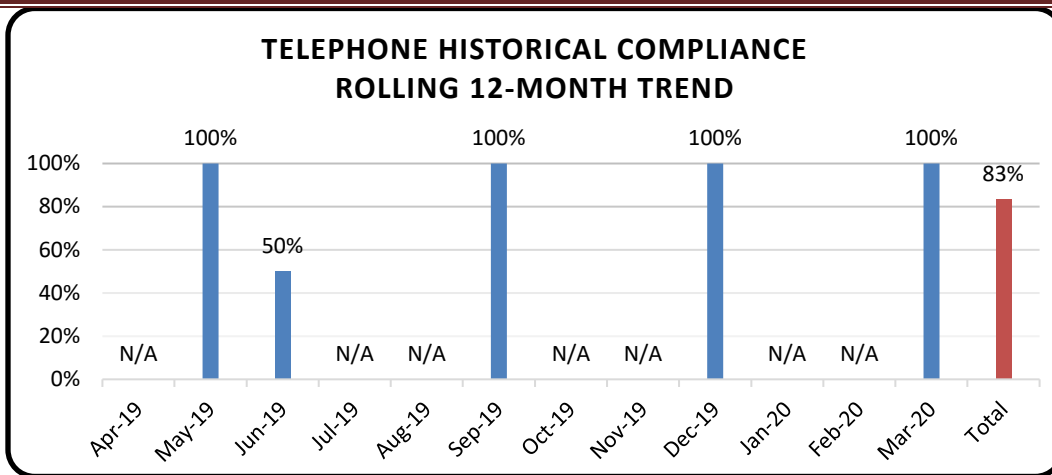
**BIO FOLLOW UP:** AIU Command met with District 1 Command and discussed the use of Office cell phones and leaving their work cell numbers when leaving a message. Also discussed was administrative staff who take phone messages obtain a brief summary of the message, then e-mail the appropriate sergeant and copy their supervisor. District 1 Command will brief staff on this discussion.

It was determined that MCSO employee compliance with the applicable Office Policy (GH-2, *Internal Investigations*) was 100%, as illustrated by the table below:

Inspection Element	Not In Compliance	In Compliance	Total	Compliance Rate
Determine if the complaint was accepted.	0	1	1	100%
Determine if the complaint was taken in a courteous manner.	0	1	1	100%
If the complainant did not speak, read, or write in English, or was deaf or hard of hearing, determine if the complaint was accepted.	N/A	N/A	N/A	N/A

Determine if the complaint was referred to the on-duty supervisor.	0	1	1	100%
If a supervisor was not available, verify that the employee obtained pertinent information and had a supervisor make contact with the complainant as soon as possible.	N/A	N/A	N/A	N/A
Determine if original recordings and documents were attached to BlueTeam or sent via interoffice mail to PSB.	0	1	1	100%
Verify that complaint was entered into BlueTeam or IAPro.	0	1	1	100%
Determine if the employee attempted to discourage, interfere or delay complaint.	0	1	1	100%
If alleged conduct is of a criminal nature, determine that the chain of command was notified, who then notified PSB.	N/A	N/A	N/A	N/A
Verify that the complaint was audio and/or video recorded.	0	1	1	100%
Determine if the following minimum amount of information was obtained: <ul style="list-style-type: none"> <li>Complainant's name</li> <li>Complainant's contact information</li> <li>Location of the complaint occurrence</li> <li>Report number and deputy name, if known</li> </ul>	0	1	1	100%
Determine if verbal or written acknowledgement was provided that the complaint was received, documented, forwarded for investigation and that complainant would be contacted by a department representative.	N/A	N/A	N/A	N/A
Determine if the complaint was immediately forwarded to PSB.	0	1	1	100%
Determine if the complaint notification was sent within 7 days including IA# and investigator name and contact number.	N/A	N/A	N/A	N/A
Determine if the employee reported accurate information in the complaint.	0	1	1	100%
<b>Overall compliance for testing conducted by Telephone</b>	<b>0</b>	<b>10</b>	<b>10</b>	<b>100%</b>

Below is a rolling 12-month historical comparison of compliance for tests conducted by Telephone:



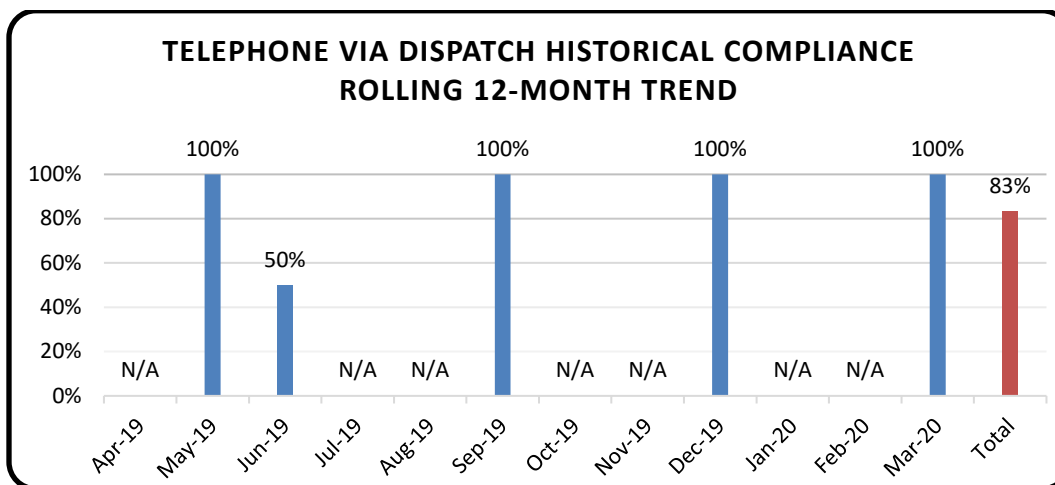
**Testing by Telephone via Communications Division**

There was one Complaint Intake Test conducted by Telephone via the Communications Division for the month of March 2020 (see above “Testing by Telephone” section).

It was determined that MCSO employee compliance with the applicable Office Policy (GI-1, *Radio and Enforcement Communications Procedures*) was 100%, as illustrated in the table below:

Inspection Element	Not In Compliance	In Compliance	Total	Compliance Rate
Determine if the employee attempted to gather the complainant’s name and contact info, location of occurrence, report #, and name of deputy, if known.	0	1	1	100%
Determine if the employee immediately verbally contacted the on-duty division/district supervisor and e-mailed info to him/her.	0	1	1	100%
Determine if the employee e-mailed EIU.	0	1	1	100%
<b>Overall compliance for testing by Telephone via Communications Division</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>100%</b>

Below is a rolling 12-month historical comparison of compliance for tests conducted by Telephone via the Communications Division:





**Testing by E-Mail**

TEST #: 46

**DISTRICT/DIVISION:** District 2

**TEST SCENARIO:** The tester sent an e-mail directly to the commander of Patrol District 2 alleging a rude interaction with a deputy and possible violation of MCSO Policy, *CP-8 Preventing Racial and Other Bias-based Profiling*. The tester was told by a deputy to lower the volume of his radio while sitting in his car with the window down at Estrella Park. The deputy allegedly refused to identify himself and spoke to the tester in a “mean-like” manner. According to the tester, “[the deputy is] white and I look Latino”. The tester witnessed the deputy speaking to a white female in a nice, friendly manner right after the exchange with the complainant.

**ACTIONS TAKEN:** The complaint was entered into BlueTeam on March 22<sup>nd</sup> and forwarded to PSB. PSB sent a letter electronically and by U.S. Mail on March 25<sup>th</sup> providing the complainant with an IA number and the contact information for the assigned investigator.

**RESULTS:** No deficiencies were noted.

**TESTER COMMENTS:** The tester included the following comment on the Tester Form: “I was expecting an automatically generated reply after sending the complaint, but a reply did not arrive for almost 5 days.”

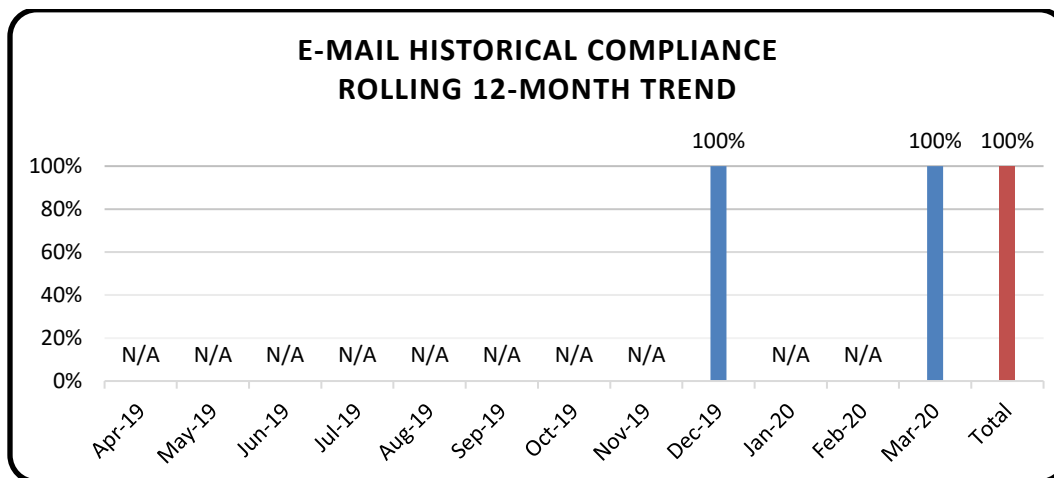
**BIO FOLLOW UP:** AIU followed up with the tester and provided the following explanation. The complaint was e-mailed directly to an MCSO employee; therefore, there would be no auto-generated response confirming receipt of the complaint. The five-day response time was because the tester e-mailed the complaint on a Friday and accidentally referred to an outdated list of district commanders. The tester intended to email the District 2 commander, but instead e-mailed a former MCSO commander, now a Reserve Deputy. The Reserve Deputy forwarded the email to the appropriate Division Commander and the complaint was entered into BlueTeam. As noted above, the tester received the reply on Wednesday which was within the seven-days allotted by Policy GH-2, *Internal investigations*.

For the Complaint Intake Test conducted by E-mail, it was determined that MCSO employee compliance with the applicable Office Policy (GH-2, *Internal Investigations*) was 100%, as illustrated in the table below:

Inspection Element	Not In Compliance	In Compliance	Total	Compliance Rate
Determine if the complaint was accepted.	0	1	1	100%
Determine if the complaint was taken in a courteous manner.	N/A	N/A	N/A	N/A
If the complainant did not speak, read, or write in English, or was deaf or hard of hearing, determine if the complaint was accepted.	N/A	N/A	N/A	N/A
Determine if the complaint was referred to the on-duty supervisor.	0	1	1	100%
If a supervisor was not available, verify that the employee obtained pertinent information and had a supervisor make contact with the complainant as soon as possible.	N/A	N/A	N/A	N/A
Determine if original recordings and documents were attached to BlueTeam or sent via interoffice mail to PSB.	0	1	1	100%
Verify that complaint was entered into BlueTeam or IAPro.	0	1	1	100%
Determine if the employee attempted to discourage, interfere or delay complaint.	0	1	1	100%

If alleged conduct is of a criminal nature, determine that the chain of command was notified, who then notified PSB.	N/A	N/A	N/A	N/A
Verify that the complaint was audio and/or video recorded.	N/A	N/A	N/A	N/A
Determine if the following minimum amount of information was obtained: <ul style="list-style-type: none"> <li>Complainant’s name</li> <li>Complainant’s contact information</li> <li>Location of the complaint occurrence</li> <li>Report number and deputy name, if known</li> </ul>	0	1	1	100%
Determine if verbal or written acknowledgement was provided that the complaint was received, documented, forwarded for investigation and that complainant would be contacted by a department representative.	0	1	1	100%
Determine if the complaint was immediately forwarded to PSB.	0	1	1	100%
Determine if the complaint notification was sent within 7 days including IA# and investigator name and contact number.	0	1	1	100%
Determine if the employee reported accurate information in the complaint.	0	1	1	100%
<b>Overall compliance for testing conducted by E-mail</b>	<b>0</b>	<b>10</b>	<b>10</b>	<b>100%</b>

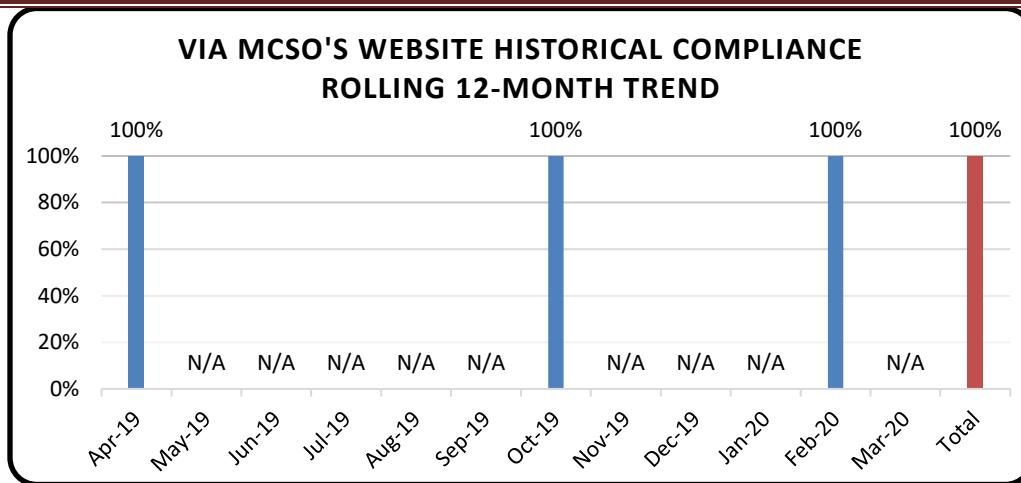
Below is a rolling 12-month historical comparison of compliance for tests conducted by E-mail:



**Testing Online via MCSO’s Website**

There were no Complaint Intake Tests conducted during the month of March 2020 using the Office’s website.

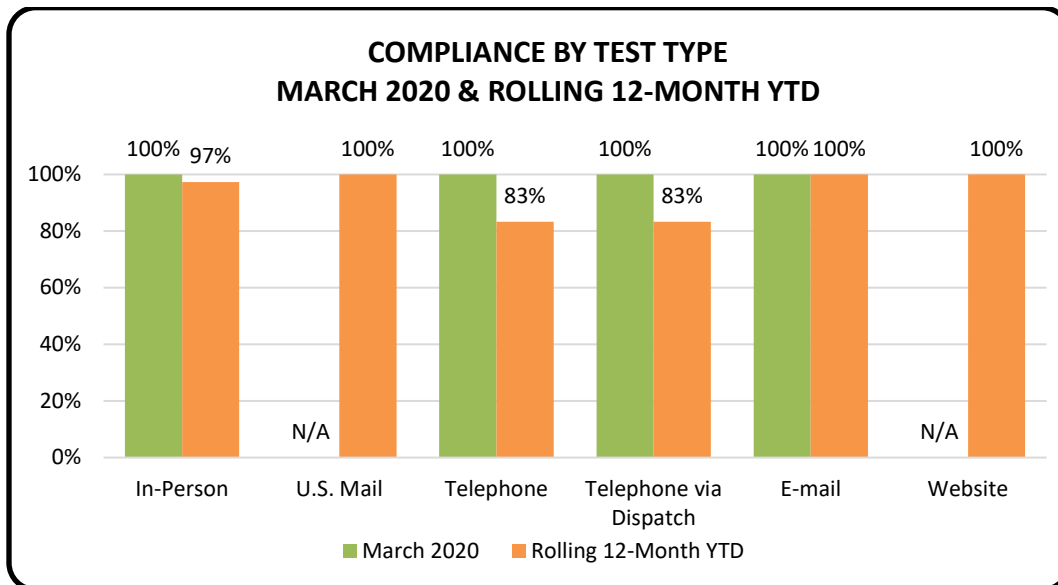
Below is a rolling 12-month historical comparison of compliance for filing a complaint Online:



**Overall Compliance for March 2020:**

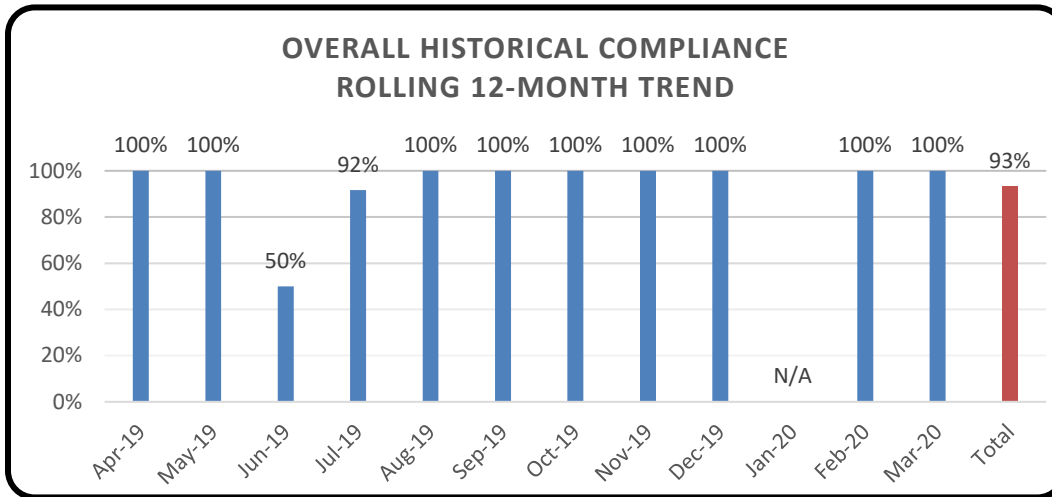
Compliance Rate by Method of Testing March 2020	Compliance Rate
Tests conducted In Person	100%
Tests conducted by U.S. Mail	N/A
Tests conducted by Telephone	100%
Tests conducted via Dispatch	100%
Tests conducted via E-mail	100%
Tests conducted by filing a complaint Online	N/A
<b>Overall Compliance for all Complaint Intake Tests Inspected – March 2020</b>	<b>100%</b>

Below is a chart illustrating compliance rate by type of test conducted for the month of March 2020 as compared with the corresponding year-to-date compliance rate:



**History of Overall Compliance:**

Below is a rolling 12-month historical comparison of compliance for all Complaint Intake Testing:



**Action Required:**

With the resulting **100%** compliance rate for Inspection #BI2020-0039, **no BIO Action Forms** are requested.

Date Inspection Started: April 1, 2020  
 Date Completed: April 27, 2020  
 Timeframe Inspected: March 1<sup>st</sup> to March 31<sup>st</sup>, 2020  
 Assigned Inspector: Connie Phillips B3345

I have reviewed this inspection report.

Lt. Todd Brice  
 Lt. Todd Brice S1767  
 Commander, Audits and Inspections Unit  
 Bureau of Internal Oversight

5-26-2020  
 Date