

CITYGATE ASSOCIATES, LLC

■ FOLSOM (SACRAMENTO)

MANAGEMENT CONSULTANTS ■

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**FOCUSED AND LIMITED
MANAGEMENT REVIEW
OF THE
MARICOPA, AZ
POLICE
DEPARTMENT
*Final Report***

February 9, 2012

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SECTION I—EXECUTIVE SUMMARY

1.1 DEPARTMENTAL BACKGROUND AND STUDY CONTEXT

The City of Maricopa, Arizona, is located in the Gila River Valley in Pinal County. Maricopa is part of the Phoenix metropolitan area with a population of 43,842, and is the 19th largest city in the State. Maricopa was incorporated as a city in 2003. The US Census Bureau notes that in 2000 Maricopa's population was 1,040; by 2010 the population increased by 4080 percent to 43,482. During this period, Maricopa was one of the fastest growing cities in the Country.

Upon incorporation in 2003, police services were provided by the Pinal County Sheriff's Department. In 2006 the City made a decision to form a police department. In September 2006 the City hired Phoenix Police Department Traffic Bureau Commander, Patrick Melvin, to establish the Department. On July 2, 2007 the Department was established and began providing patrol services on a limited basis. It opened with 21 officers and professional staff. On January 1, 2008 the Police Department became a full-service agency with approximately 61 employees.

On February 28, 2008, Chief Melvin was appointed as Acting Public Safety Director. Commander Fitch was elevated to Police Chief and assumed day-to-day responsibility for the Police Department. In early summer 2010, Chief Melvin was appointed to the position of Assistant City Manager with management oversight for the Police and Fire Departments. A new City Manager, Brenda Fischer, was hired on May 2, 2011 and Ms. Fischer reorganized the overall City structure. As part of that reorganization, on July 1, 2011, Assistant City Manager Melvin returned to the Police Department as Police Chief; former Police Chief Fitch was appointed Assistant Police Chief. On July 29, 2011, based on her observations, City Council concerns, and citizen and employee feedback, City Manager Fischer sought the services of Citygate to conduct an audit of the Police Department. On September 20, 2011, the City contracted with Citygate to conduct this work. Citygate's on-site visit was the week of October 24, 2011. As the audit and on-site visit were underway, Chiefs Melvin and Fitch retired from the City of Maricopa. City Manager Fischer then hired Interim Police Chief Steve Stahl.

The Department is organized into four divisions – the Office of the Chief of Police, Patrol, Investigations and Support Services.

1.2 FOCUSED REVIEW OF THE MARICOPA POLICE DEPARTMENT

The City of Maricopa engaged Citygate Associates, LLC to conduct a limited management review of the Police Department. This study focuses on the Department's management control systems. It is not intended to be an investigation into allegations of wrongdoing or corruption. Rather, it is a study designed to assess the strengths and vulnerabilities of the Department's internal control systems currently in place to manage the risks associated with the operation of a police agency.

Specifically, Citygate Associates was tasked with reviewing the following areas:

- ◆ Evaluate and assess the leadership and management practices for operating the Police Department
- ◆ Evaluate the organizational structure to ensure the Department is structured in alignment with best practices
- ◆ Evaluate the Internal Affairs investigation process and determine its alignment with best practices
- ◆ Evaluate disciplinary procedures to define protocol
- ◆ Evaluate the professional standards of conduct and performance of the Police Department
- ◆ Evaluate the citizen complaint process
- ◆ Evaluate best practices for the management systems to limit the liability and efficiently manage the Department and detect unethical behavior.

The City of Maricopa decided to engage Citygate Associates after several incidents of alleged employee misconduct and growing public concern about the operation, management and leadership in the Police Department.

1.2.1 Departmental Strengths

In a report of this nature, it is typical for the reader to assume that an organization like the Maricopa Police Department lacks leadership, management and operational strengths. That is not the case. The community is fortunate to have a Police Department comprised of hard-working and dedicated individuals. Throughout the Project Team's numerous interviews, one point stands out: the employees of the Department recognize there are significant problems, but are committed to working constructively to resolve them. The employees look to the Department and City management to address the Department's issues in order to create a more positive work environment.

The Project Team would be remiss if it did not take note of the working conditions of the employees of the Police Department. Since its inception, the Police Department has operated out of several modular buildings that are in a serious state of disrepair. There is inadequate work space and outdated equipment, such as radios, laptop computers and a lack of information technology support for their specialized needs. While we noted that the City is constructing a new police facility, and the Project Team believes a new facility will help address several of the challenges facing the Department that have arisen from working in a substandard facility.

1.2.2 Summary of Key Findings and Recommendations

In Sections III through VII of Citygate’s report, we present findings and recommendations pertaining to the subject area identified in that Section’s title. Starting in Section VIII on page 85, all the findings and recommendations are presented together, in order. Overall, there are 25 key findings and 29 specific action item recommendations.

Below, only Citygate’s **key** findings and recommendations are summarized. For reference purposes, the findings and recommendation numbers refer to the sequential sections and numbers in the main body of the report. Note that not all findings and recommendations that appear in the full report are listed in this Executive Summary, only those that are the *most significant*.

Internal Affairs Policy and Operations

Finding III-2:

The employees of the Department have little confidence in the Internal Affairs policy as applied. The majority of employees interviewed by the Project Team believe that the Internal Affairs program is deficient in a number of areas and as a result there is little confidence that the dispositions of investigations are valid. The Project Team believes that in order for the Internal Affairs program to meet its goals and to restore the confidence of employees and the public, the following recommendation is made:

Recommendation III-2:

Citygate recommends that there be a review of previously investigated closed supervisor- and citizen-initiated investigations by an independent third-party. The purpose of this review would be to ensure appropriate investigatory techniques were used and that the disposition of cases be based on the facts. The Project Team believes this step is necessary to re-establish confidence in the Internal Affairs Program by both the members of the Department and Community. (Note: our Scope of Work did not include a substantive review of internal affairs investigations designed to assess the adequacy of the investigations, but rather was a review of investigations to determine if Departmental policies were appropriately followed.) To clarify, the Project Team is not recommending the Department seek outside review of on-going or future investigations.

Citizen Complaint Policy and Procedures

Finding IV-2: Citizen-Initiated Complaints – The high percentage of sustained citizen complaints, particularly the complaints pertaining to professional standards of conduct, is of concern to the Project Team. A careful review of the sustained professional standards of conduct complaints can provide the Department with useful data to determine the nature and scope of needed training.

Recommendation IV-2: The Department should undertake a training program to help reduce the number of citizen-initiated complaints. The training should become part of the Department’s annual training calendar. The number of sustained citizen complaints appears high and every possible effort should be taken to train and educate employees to better communicate with the public in a professional manner.

Employee Discipline

Finding V-2: The Project Team review of disciplinary actions disclosed that the Department generally followed its policies in the administration of discipline, but that progressive discipline is administered in such a way as to preclude effective corrective and punitive actions. The Department’s implementation of progressive discipline is based on the disciplinary Matrix. When there is a sustained finding in a disciplinary investigation and coaching is imposed and if there is a sustained finding regarding a different policy, the Department generally imposes another coaching action. This is noted in many of the cases cited in this report. Furthermore, there is ample evidence that in many disciplinary cases cited the employee received multiple coaching notations, and yet continued to violate Departmental policies resulting in more severe discipline taken at later dates. This is not consistent with the Department’s disciplinary policy.

Recommendation V-2: It is recommended that the Maricopa Police Department revise its disciplinary policy to more appropriately and effectively implement progressive discipline; specifically, it is recommended that the definition of progressive discipline be broadened so that sustained violations of similar policies be treated as progressive discipline. It is suggested that for this purpose, policies be grouped in four or five broad categories

including operational policies, use of force policies, driving/motor vehicle related policies and professional standards of conduct policies. Progressive discipline would be applied to multiple sustained policy violations within the group.

Finding V-3: While the Internal Affairs section maintains detailed records of investigations, the Department makes no use of the data for purposes of an “early warning system” to help identify employees who may be experiencing the stress associated with the job of a police officer. The purpose of such a system is to identify officers early on so that the Department can intervene before the officer is subjected to serious disciplinary action. If such a system had been in place, the Project Team believes that the number of Internal Affairs investigations would be reduced.

Recommendation V-3: It is recommended that the Department implement an early warning system, using the information collected by the Internal Affairs section, to be reviewed periodically by the Police Chief to detect patterns of employee behavior that, if not corrected, may result in continuing inappropriate behavior.

Departmental Communication Systems and Organization

Finding VI-2: The Maricopa Police Department does not have a visible, well-known Vision, Mission, or set of Values. The process of setting Departmental Goals begins with establishing a set of mutually shared and well understood Values. Values inform the Vision for the Department. The Vision sets the parameters for the Mission; the Mission informs the development of Goals and the priority of those Goals.

Recommendation VI-2: The Maricopa Police Department should embark on a guided process, including community input, for developing a set of mutually shared and understood set of Values, a clearly articulated Vision, a Mission Statement that can guide decision-making, and a set of measurable Goals.

Finding VI-3: The Maricopa Police Department does not have a widely understood or effective policy with regard to providing information to the community and news media.

Recommendation VI-3a: Identify the Public Information Officer (PIO) as a key entrusted member of the Police Department team and assign primary responsibility for non-emergency communication with the public to that position.

Recommendation VI-3b: Develop a communication policy which recognizes the media's role in a free society and as a partner in effectively communicating with the community. Develop clear guidelines for including executive leadership and the PIO in the communications process.

Recommendation VI-3c: Begin a process for training all employees in the role of the media in a free society. Employees should be sufficiently trained such that they have confidence in their ability to provide timely and appropriate information to the media without jeopardizing public safety or violating confidentiality.

Finding VI-5: Internal vertical and horizontal communication is not adequate to ensure that the Department's service delivery goals are achieved. Barriers between line officers and the Command Staff inhibit effective communication, particularly with the patrol function.

Recommendation VI-5: It is recommended that the Department undertake training efforts designed to improve the flow of communications, both vertically and horizontally. Department leadership is accountable for ensuring effective and efficient communication within the Department. Regular staff meetings and patrol meetings must be institutionalized. When policies are updated and revised, the reasons for the change must be communicated clearly and effectively by leadership and supervision to the line employees.

Finding VI-7: The current organizational structure of the Maricopa Police Department is ineffective and inadequate. With a Department of 61 employees, there is little rationale for an organizational structure with four divisions. The Project Team believes that the current organizational structure contributes to a number of the leadership and management issues documented in this report.

Recommendation VI-7: It is recommended that the Department be re-organized into two divisions – Operations and Support Services. Further, consistent with the recommendations contained in

Recommendation III-1 (pertaining to the Office of Professional Standards), each division should be headed by a commander with the requisite leadership and management skills. Finally, it is our recommendation that the position of Assistant Police Chief be eliminated as redundant and unnecessary.

Hiring Process

Finding VII-3: The Maricopa Police Department meets and in some areas exceeds State-mandated training requirements.

Recommendation VII-3: The Department should continue to ensure that all personnel meet or exceed minimum State-mandated training requirements. The Department should ensure that all training provided relates to Departmental needs, employee development and relevance to the Department's Values, Vision, Mission and Goals. This can be achieved through an annual training needs assessment.

Finding VII-4: The majority of training and educational opportunities in the area classified as "Emotional Survival" was focused, with rare exception, on executive and management employees.

Recommendation VII-4: The Department should give strong consideration to incorporating and prioritizing training and educational opportunities in the area of character, ethics, critical decision-making and emotional survival.

Because some of the better programs, such as Leadership in Police Organizations, require a significant time commitment, the Department may wish to consider alternatives, including but not limited to, online course offerings, train-the-trainer programs, developing the suggested reading program into short, 15-minute segments, and issuing discussion outlines which can be presented during meetings with working groups.

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SECTION II—INTRODUCTION AND STUDY DESIGN

2.1 REPORT ORGANIZATION

This report is organized into nine sections. The content of each section is noted below:

- | | |
|--------------|---|
| Section I | <u>Executive Summary</u> : Introduces the study, cites background facts about the Police Department, and summarizes report findings and recommendations. |
| Section II | <u>Introduction and Study Design</u> : Describes the contracted scope of work and study design. |
| Section III | <u>Internal Affairs Policy and Operations</u> : Examines the Maricopa Police Department Misconduct Investigation Operational Order 3.19 as written and applied. |
| Section IV | <u>Citizen Complaint Policy and Procedures</u> : Reviews and evaluates the policy and practice of how the Police Department handles citizen complaints. |
| Section V | <u>Employee Discipline</u> : Assesses the Police Department's policy and administration and application of discipline. |
| Section VI | <u>Departmental Communication Systems and Organization</u> : Analyzes the organizational structure and communication process in the Maricopa Police Department. |
| Section VII | <u>Hiring Process</u> : Reviews and analyzes the Police Department's hiring process for officers. |
| Section VIII | <u>Findings and Recommendations</u> : Provides a comprehensive listing of all finding and recommendation listed throughout the report. |
| Section IX | <u>Employee and Community Survey Results</u> : Summarizes the results of employee and community survey. |

2.2 CONTRACTED SCOPE OF WORK

Citygate Associates agreed to perform a focused and limited management review of the Maricopa Police Department. In a study of this nature, the Project Team¹ developed and carried

¹ In this report, references to “Citygate” indicate Citygate Associates, LLC. References to “Project Team members” or “Project Team” refer to the firm’s three consultants who spent a full week on site in Maricopa near the initiation of the project and led the project. These three senior, highly experienced practitioner-consultants include a former Police Chief, a former municipal HR Director, and a former City Manager. References to “we” refer to the corporate consensus of the Project Team members and Citygate Associates, LLC.

out a detailed review of the various systems and procedures in the Department that are normally used to lead, manage and control the workforce in a manner designed to achieve the Department's mission and service goals. Some employees who were interviewed believed that this study was designed to uncover wrongdoing or unethical behavior. Citygate's Project Team stated that identifying individual wrongdoings or unethical behavior was not within our contracted scope of work.

The scope of work included the following:

- ◆ Evaluate and assess the leadership and management practices for operating the Police Department
- ◆ Evaluate the organizational structure to ensure the Department is structured in alignment with best practices
- ◆ Evaluate the Internal Affairs investigation process and determine its alignment with best practices
- ◆ Evaluate disciplinary procedures to define protocol
- ◆ Evaluate the professional standards of conduct and performance of the Police Department
- ◆ Evaluate the citizen complaint process
- ◆ Evaluate best practices regarding the management systems to limit the liability and efficiently manage the Department and detect unethical behavior.

Citygate's contracted scope of work included neither financial auditing nor program compliance auditing.

2.3 PRELIMINARY DOCUMENT REVIEW

Prior to the Project Team's on-site field work, we requested, received and reviewed hundreds of pages of documents. The documents included the following:

- ◆ A complete set of the Police Department's Policy and Procedures Manual, Administrative Regulations and/or orders and other documents related to the regulation of Departmental procedures and personnel.
- ◆ Policies addressing the administration of discipline for sworn and professional employees in the Police Department.
- ◆ The Police Department's organizational chart detailing the names of individuals currently assigned to each position, ancillary responsibilities and secondary reporting responsibilities.

-
- ◆ Divisional order and written procedures pertaining to Patrol, CID and Administrative Services regarding the operation of each division.
 - ◆ A Departmental roster of sworn and professional staff by rank, current assignment, date of hire, and by shift.
 - ◆ Copies of previous management studies performed for the Police Department.
 - ◆ A copy of the Department's Annual Reports for the last three years; a copy of the Department's strategic plan.
 - ◆ A copy of the City's personnel rules and regulations.

2.4 STUDY DESIGN

The Project Team carefully prepared a study design using proven methods of data collection. The study design included three data collection methods: (1) thorough document review of requested documents along with documents identified as critical during the field work portion of the engagement; (2) a total of 58 interviews with randomly selected employees, interviews with the Department's leadership team, other City Department heads and community representatives; and (3) a survey administered to the randomly selected Departmental employees.

Each component of the study design was carefully crafted to enable the Project Team to obtain the information needed to develop accurate findings and actionable recommendations.

Citygate's findings and recommendations are confined to those that pertain to the Department as a whole, or to one or more of its subcomponents, rather than the present or past performance or conduct of individuals within the City.

Our report is intended to identify opportunities for systemic Departmental improvement, and not to assess past personal conduct. This distinction is important since it clarifies the purpose of Citygate's contracted scope of work.

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SECTION III—INTERNAL AFFAIRS POLICY AND OPERATIONS

3.1 INTRODUCTION

The Maricopa Police Department has a policy for performing misconduct investigations (Operations Order 3.19). On October 24, 2011 the Department issued a revised Operations Order 3.14 that consolidated Operations Order 3.19 with Operations Order 3.18 (Discipline Procedures – Matrix).

For purposes of this section of the report, the review and analysis of the Department’s Internal Affairs program is based on Operations Order 3.19 unless otherwise noted.

According to the Operations Order, the purpose of the misconduct investigations policy is “To ensure the integrity of the Police Department, all alleged or suspected personnel misconduct observed or suspected by supervisors, Department employees, or citizens will be thoroughly investigated.”

Police officers hold awesome power. They have the authority to remove a person’s freedom and possess the authority of the State to use deadly force. The purpose of an Internal Affairs policy is to ensure that a police department’s operating policies and procedures are followed and that all police department employees adhere to the highest standards of professionalism in carrying out their responsibilities.

This section examines the Maricopa Police Department Misconduct Investigation Operational Order 3.19 as written and applied.

3.2 INTERNAL AFFAIRS POLICY AND PROCEDURES

Operations Order 3.19 appears in Appendix A of this Report. The key elements of the Operations Order are:

- ◆ The Criminal Investigations Supervisor is responsible for ensuring that all complaints being investigated by subordinates are completed within a reasonable time, usually not to exceed 21 days from the date the complaint was made; status reviews are to be conducted on a seven-day interval.
- ◆ The Internal Affairs Investigator is responsible for coordinating investigations and reports directly to the Chief of Police. The Internal Affairs Investigator maintains all records and files. Access to files is restricted to those individuals who are authorized by the Chief of Police or Assistant. The files are confidential.
- ◆ All investigations are numbered consecutively; complaints initiated by a supervisor will begin with “SI”; investigations or complaints initiated by a citizen will begin with “CC.”

-
- ◆ Annually, at the beginning of each calendar year, the Internal Affairs Investigator will prepare a statistical report of Internal Affairs investigations for the previous calendar year and the report shall be made available to the public and agency employees.
 - ◆ When an employee is accused of misconduct or witnesses another employee's misconduct, the employee will call their immediate supervisor to the scene; employees under investigation for misconduct or who are witnesses to misconduct must cooperate with the administrative investigation. When an employee is the subject of a criminal investigation they are entitled to their Fifth Amendment or "Garrity" rights when applicable.
 - ◆ Employees who are the subject of an investigation are prohibited from speaking with anyone (with the exception of their attorney or grievance chair or unit president) about the investigation.
 - ◆ Supervisors will immediately investigate all alleged or suspected incidents of misconduct; when an employee is suspected of misconduct, the employee's immediate supervisor will conduct the investigation; the supervisor will not look to a higher authority to initiate an investigation when the employee involved is within the scope of their own authority and responsibility. If the alleged misconduct involves another employee of equal or higher rank, a superior officer will be called to investigate the matter.
 - Conducting an investigation requires a 7-step process. The steps are:
 1. Completion of the Administrative Complaint Control Form;
 2. Interviewing the complainants and witnesses;
 3. Service of Notice of Investigation;
 4. Interviewing of the affected employee;
 5. Gathering of information;
 6. Completion of the Draft Investigative Report;
 7. Investigative review process. The original Administrative Control form is required for all investigations. The original Administrative Control Form is sent to the Internal Affairs officer and a case tracking number is assigned.
 - ◆ When the investigation concerns an excessive force complaint, the investigating supervisor shall interview the complainants, witnesses and employees and the

interviews will be tape recorded. Photographs are taken of all the areas of the body where there has been an allegation of injury.

- ◆ Employees under investigation may be reassigned until the investigation is completed. This may also include placing the employee on administrative leave.
- ◆ All investigations shall include “Findings.” The findings to be used are: Unfounded – the reported misconduct did not occur or did not occur as alleged; Exonerated – the incident occurred, but the conduct was lawful and proper; Unresolved – there is insufficient evidence to either prove or disprove the allegation or the inquiry into the allegation is inactive pending development of further information; Sustained – the allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred.
- ◆ A draft investigate report is prepared; a copy of the draft report is provided to the employee and/or representative upon the review and approval of the employee’s second-level supervisor (sustained allegations). The employee has 21 calendar days to review the draft investigative report and to make note of any issues in dispute.
- ◆ If discipline is merited, the Discipline Matrix will be used to recommend the appropriate disciplinary action.

The administration of discipline is discussed in Sections 4 and 5 of this report.

3.3 ANALYSIS OF INTERNAL AFFAIRS POLICY

3.3.1 Employee Confidence in the Internal Affairs Process

As noted in Section 3.1, the purpose of an Internal Affairs policy is to ensure that a police department’s policies and procedures are adhered to by its employees. One measure of the effectiveness of an Internal Affairs policy is the degree to which employees have confidence in it. During the course of the Project Team’s field work, we asked the randomly selected Departmental employees a series of questions regarding various management control systems used by the Maricopa Police Department, including questions pertaining to Internal Affairs investigations and discipline. Using a scale of 1 to 10, with 10 being the best or highest score, the Project Team asked the randomly selected employees to respond to the following question:

How effective do you believe the Maricopa Police Department has been in correcting employee’s inappropriate behavior?

The average rating was 3.87, indicating a low degree of confidence in the ability of the Department to correct inappropriate behavior (Twenty-three employees responded to this question).

The Project Team received a number of comments from the randomly selected employees who were interviewed. Some of the comments are noted below:

- ◆ The Department does not follow the Internal Affairs policy.
- ◆ Investigations take too long to complete.
- ◆ The potential for bias in the investigation is significant; Internal Affairs investigations are not fairly conducted.
- ◆ The Department is “too quick” to start an Internal Affairs investigation.
- ◆ The Internal Affairs policy is used to target certain individuals who are out of favor; it is used to disqualify employees from competing in promotional process.
- ◆ Cases are not completely and thoroughly investigated.
- ◆ The Internal Affairs section is not adequately staffed.
- ◆ Findings are determined before the investigation is completed.

Several employees interviewed by the Project Team stated that the policy is adequate as written and as applied, and they offered various explanations as to why other employees feel otherwise. The most frequent comment made was that employees are not familiar with the policy and they should take the time to read it.

3.3.2 Best Practices

Within the industry, there are a number of sources that identify the elements of a “best practices” approach in evaluating Internal Affairs policies. The table below compares industry best practices with key elements in the Maricopa Police Department Operations Order 3.19.

Table 1—Comparison of Maricopa’s Internal Affairs Policy with Industry Best Practices

Subject Area	Best Practice	Maricopa Misconduct Investigation Operations Order 3.19
Purpose	<p>The purpose of this policy is to inform all employees and the public of procedures for accepting, processing and investigating complaints concerning allegations of employee misconduct. This policy defines provisions applicable only to investigations and dispositions of allegations of administrative misconduct.</p> <p>Establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to demonstrate and protect this agency’s integrity. This agency shall accept and investigate fairly and impartially all complaints of employee conduct to determine the validity of allegations and to impose disciplinary actions that may be justified in a timely and consistent manner.</p>	<p>To ensure the integrity of the Police Department, all alleged or suspected personnel misconduct observed or suspected by supervisors, Department employees, or citizens will be thoroughly investigated.</p>
Responsibilities in Misconduct Investigations – Internal Affairs Investigations	<p>Office of Professional Standards (OPS) has the primary responsibility for review and investigation of all complaints against employees, whether initiated by the public or by a member of the Department. OPS reports directly to the Chief of Police. OPS shall maintain a complaint log and maintain a central file for complaints in a secured area and in conformity with records retention requirements of state law. Additionally, OPS conducts a regular audit of complaints to ascertain the need for changes in training and policy. OPS maintains statistical and related information to identify trends involving all complaints of excessive force and abuse of authority. OPS also tracks complaints against individual employees to assist in risk analysis and provides the CEO with an annual summary of complaints against employees.</p>	<p>The Internal Affairs Investigator is responsible for coordinating investigations of complaints against Department procedures and personnel. In regards to the Internal Affairs investigations, the Internal Affairs Investigator has the authority to report directly to the Police Chief/Public Safety Director; Internal Affairs investigator will maintain Internal Affairs records.</p>

Subject Area	Best Practice	Maricopa Misconduct Investigation Operations Order 3.19
Responsibilities in Misconduct Investigations – Length of Time to Complete Investigations	Whenever reasonably possible, the investigation of complaints should be completed within 45 days from the receipt of the complaint to its disposition, unless a waiver is granted by the CEO or designee or another time frame is required by Departmental policy, law or labor agreement.	The Internal Affairs Investigator will monitor investigations to ensure that they are completed within the 21-day time limit.
Responsibilities in Misconduct Investigations – Public Reporting	Provide the CEO with an annual summary of complaints against employees and final dispositions that may be made available to the public or otherwise used at the discretion of the CEO.	Annually, at the beginning of each calendar year, the Internal Affairs Investigator will prepare a statistical report of Internal Affairs investigations for the previous calendar year to be made available to the public and agency employees.
Responsibilities in Misconduct Investigations – Misconduct Investigation Assignments	Supervisory personnel shall cause a preliminary inquiry to be conducted to determine if grounds exist to conduct an administrative investigation. If the supervisor's preliminary investigation identifies grounds that may support disciplinary action, the supervisor shall cause further investigation of the complaint and shall notify OPS of this action. OPS has the primary responsibility for review and investigation of all complaints against employees, whether initiated by the public or by a member of the Department. OPS may also initiate an investigation of alleged employee misconduct, with or without a formal complaint, with prior knowledge of and approval of the agency CEO.	In cases where employees may be subject to discipline resulting in suspension without pay, dismissal or demotion, supervisors may request assistance from the Internal Affairs: Internal Affairs has the authority to reinvestigate a matter believed to be incomplete with the concurrence of the Police Chief.
Employee Responsibilities	Employees who withhold information from, or fail to cooperate with internal investigations, or who fail to report misconduct of employees are subject to disciplinary action in addition to any other disciplinary action that may result from the investigation.	When an employee is accused of any misconduct or witnesses another employee's misconduct, the employee will call their immediate supervisor to the scene; employees under investigation for misconduct or who are witnesses to the misconduct must cooperate with the administrative investigation; employees will not jeopardize or interfere with investigation or prosecutions.

Subject Area	Best Practice	Maricopa Misconduct Investigation Operations Order 3.19
Supervisor's Responsibilities	Supervisory personnel shall cause a preliminary inquiry to be conducted to determine if grounds exist to conduct an administrative investigation. If the supervisor's preliminary investigation identifies grounds that may support disciplinary action, the supervisor shall cause further investigation of the complaint and shall notify OPS of this action.	Supervisors will immediately investigate all alleged or suspected incidents of misconduct, observed or suspected, when an employee is suspected of misconduct. The employee's immediate supervisor will conduct the investigation; supervisors will not look to a higher authority to initiate investigations when the employee involved is within the scope of their own authority and responsibility. If the alleged misconduct involves another employee of equal or higher rank, a superior officer will be called to investigate the matter.
Notice of Investigation	Prior to being interviewed, the subject employee shall be advised of the nature of the complaint.	A notice of investigation will be given when an employee is under investigation by Internal Affairs or a Police Department supervisor for a matter that may lead to discipline and is being interviewed, interrogated, or requested to produce documentation. The investigator will complete and provide a Notice of Investigation to the employee prior to interviewing or interrogating the employee. The Notice of Investigation includes a synopsis of the incident under investigation, outlining the specific nature of the investigation, and all known allegations of misconduct that the employee will be interviewed about, [sic] will be included in the space provided on the Notice of Investigation.
Interviewing Employees Under Investigation	All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required. During interviews conducted by OPS, there will be one employee designated as the primary interviewer. The complete interview shall be recorded. The recording will note the time at which breaks are taken in the interview process, who requested the break, and the time at which the interview resumed.	Interviews are conducted while employees are on duty. Investigators may either record the statement of an accused employee or accept a written statement from the employee. Investigators may require that each employee participating in the investigation prepare and submit an individual written report of all facts of the incident known to the employee. The employee who has been served with a Notice of Investigation may ask that a representative be present during any investigative interview.

Subject Area	Best Practice	Maricopa Misconduct Investigation Operations Order 3.19
Reassignment of Employee Under Investigation	For serious allegations of misconduct, an agency may consider reassignment of an officer or placement on administrative leave pending the outcome of the investigation.	An employee under investigation may be reassigned until the completion of the investigation. Employees may be placed on administrative leave, work the same position until the investigation is concluded, or be reassigned to a non-enforcement position for the duration of the investigation. Some guidelines for consideration are: potential for violence and/or misuse of police authority, pending termination, substance abuse, or under investigation for a serious crime.
Findings of the Investigation	<p>Unfounded – allegation is false or not factual, or the employee was not involved.</p> <p>Exonerated – incident occurred but was lawful.</p> <p>Sustained – evidence sufficient to prove allegations.</p> <p>Not sustained – insufficient evidence to either prove or disprove allegations.</p>	<p>Unfounded – it is found that the reported misconduct did not occur or did not occur as alleged.</p> <p>Exonerated – the incident occurred, but the conduct was lawful and proper.</p> <p>Unresolved – there is insufficient evidence to either prove or disprove the allegation, or the inquiry into the allegation is inactive pending development of further information.</p> <p>Sustained – the allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred.</p>

Subject Area	Best Practice	Maricopa Misconduct Investigation Operations Order 3.19
Investigate Review Process	<p>A copy of the findings and recommendations shall be submitted for review by OPS prior to submission to the agency CEO if OPS is not the primary investigative authority. All disciplinary investigation findings and recommendations shall be forwarded to the agency CEO through the chain of command for information, review and comment.</p> <p>The CEO will review the investigative report and supporting documents, and may accept the findings and recommendations or remand the case for additional investigation in all or in part. If the complaint is sustained and the CEO determines that formal changes will be brought, the CEO will direct that formal charges be brought.</p> <p>Employees who desire an opportunity to be heard in the proposed changes may make a request for a hearing to the agency CEO within the timeframe permitted. Following a hearing, the CEO shall determine an appropriate disposition of the charges.</p>	<p>Upon completion of the investigation, a preliminary investigation report will be prepared; the draft investigation report completed by supervisors will be forwarded to their supervisor or administrator for review. Investigations completed by Internal Affairs will be forwarded to the affected employee's second-level supervisor. The IRP will not exceed 21 calendar days.</p> <p>For sustained allegation, a copy of the draft investigate report will be provided to the affected employee/s and/or representative upon review and approval of the employee's second-level supervisor. When the finding is unresolved, exonerated or unfounded, the investigative report may be reviewed by the employee at their request. The employee has 21 calendar days to review the draft investigative report and make note of any issues in dispute.</p> <p>For investigations with sustained findings, there will be an investigative review meeting with the affected employee's second-level supervisor, the investigating supervisor or Internal Affairs investigator and the Internal Affairs supervisor (if conducted by Internal Affairs); the affected employee and a representative may attend. The purpose of the meeting is to seek agreement regarding the specific allegations and findings of the investigation.</p> <p>If the employee is in agreement with the finding(s) he/she will be requested to sign the Investigative Review Control Form; if the employee is not in agreement with the investigation, an attempt will be made to resolve the differences. If consensus is reached, a new draft investigative report will be created. In the absence of an agreement, the process continues.</p>

Subject Area	Best Practice	Maricopa Misconduct Investigation Operations Order 3.19
		At the conclusion of the meeting, the second-level supervisor or Internal Affairs supervisor will review the circumstances of the findings; when reasonable, a specific single policy that was violated during a single act or related series of events should be enumerated in the investigation. Ensure that a final version of the report is prepared and forwarded to the effected division commander and ensure that the IRC form is completed. The final copy of the report will be retained in the Internal Affairs files.

The table above compares key elements of the Maricopa Operations Order 3.19 with the industry best practices. In almost all respects, the Maricopa policy aligns with industry best practices. In several instances, the Maricopa policy provides added elements of procedural due process to protect the legitimate interests of the employee. However, these additional elements of due process do not substantially alter the ability of the Police Department to conduct effective and fair investigations using a consistent investigatory approach.

3.4 INTERNAL AFFAIRS CASE REVIEW

The Project Team reviewed logs of all Internal Affairs investigations conducted during the period of November 2007 through August 2011. According to information provided to the Project Team by the Police Department, there are a total 192 closed Internal Affairs investigations. The total includes both citizen-initiated and supervisory-initiated allegations. The remainder of this section addresses supervisory-initiated allegation. Citizen complaints are addressed in Section 4.

The table below summarizes the closed Internal Affairs cases by initiated source:

Table 2—Number of Closed Internal Affairs Investigations by Type of Investigation

Source	Supervisor Initiated	Citizen Initiated	Unidentified
Number of Investigations	94	90	8

3.4.1 Time to Complete Investigations

One factor commonly used to evaluate an Internal Affairs policy is the length of time it takes to complete an investigation. The table below summarizes the average number of calendar days it took to complete an investigation.

Table 3—Average Time to Complete an Internal Affairs Investigation by Type of Investigation

Type of Investigation	Supervisor Initiated	Citizen Initiated	Unidentified	All Sources
Calendar Days to Complete	66.01 days	77.63 days	43 days	70.5 days

Operations Order 3.19 includes a goal of completing all investigations within a 21-calendar day period. The recently amended Operations Order 3.14 changed the goal for completing investigations to 28 days. There are a number of factors influencing how long it takes to complete an investigation including resource allocation, complexity of the investigation, and the availability of witnesses. The data in the table above suggests that the Police Department has a considerable management challenge if it is going to meet its goal of completing an investigation within a 28-day period. A consequence of the lengthy time it takes to complete Internal Affairs Investigations is the time an officer may spend on administrative leave. Depending upon the nature of the allegation, industry best practices as well as the Maricopa Police Department policy provides for placing an officer on paid administrative leave when it is in the interest of the Department to do so.

3.4.2 Supervisor-Initiated Investigations

As noted above, the purpose of an Internal Affairs investigation policy is to ensure that a police department's policies and procedures are followed and that all police department employees adhere to the highest standards of professionalism. Prompt, fair and unbiased investigation is the cornerstone of an effective employee discipline program. Without an effective investigatory policy that is appropriately implemented, neither management, employees, nor the community will have sufficient confidence that discipline will be appropriately administered.

The data presented in Section 3.3.1 clearly indicates the employees lack sufficient confidence in the Internal Affairs investigation policy as it is currently applied.

3.4.3 Supervisor-Initiated Investigations – Disposition of Investigations

The table below summarizes the disposition of each allegation contained in the 94 supervisor-initiated complaints. The reader will note that several investigations included multiple allegations, thus the total number of allegations exceeds the number of investigations conducted.

Table 4—Disposition of Supervisor-Initiated Investigations

Disposition	Number	Percentage of Total
Sustained	97	74.05%
Exonerated	16	12.21%
Unfounded	12	9.16%
Unresolved	5	3.82%
Other Disposition	1	.76%

The Project Team was able to obtain comparative data from three Arizona Police Departments relating to Internal Affairs investigations. The data in the table below shows the disposition of departmental initiated Internal Affairs investigations. The reader is cautioned to refrain from drawing inferences about Maricopa based on this information, as it is not a statistically valid sample group because of the differences in departmental size and policies. The information will help the reader place the Maricopa data into a more meaningful context.

Table 5—Comparison of Disposition of Supervisor-Initiated Investigations

Disposition	City of Maricopa	City of Scottsdale (2010 data)	City of Flagstaff (2010 data)	City of Tucson (2010 data)
Sustained	74.05%	52.89%	88.8%	27.5%
Exonerated	12.21%	39.66%	5.6%	3.75%
Unfounded	9.16%	.008%		1.25%
Unresolved	3.82%			
Other	.76%	1.6%		.008%
Not Sustained		3.3%		2.9%
Partially Sustained			5.6%	
Non-Preventable				25%
Preventable				30.41%

3.4.4 Allegations by Type and Disposition

This section summarizes the allegations contained in the 94 supervisor-initiated investigations by the general type of allegation and disposition. The Project Team carefully reviewed the data

provided by the Police Department and categorized each specific allegation into one of four broad categories. The four categories are noted below:

Table 6—Categories of Allegations

Type of Allegation	Definition
Professional Standards of Conduct	Allegation of unprofessional conduct; ethical lapse in judgment; inappropriate behavior towards other officers, superiors, or the public and allegations of a similar nature.
Violation of Operational Orders, Policies, Procedures, etc.	Allegation of a violation of City or Departmental operational orders, policies, or procedures.
Motor Vehicle	Allegation of violation of orders, rules and policies relating to use of Departmental motor vehicles.
Use of Force	Excessive force and/or violation of shooting policy.

The purpose of this analysis is to assess the disposition of each specific allegation by category. The table below summarizes the disposition of each allegation by type of allegation.

Table 7—Disposition of Maricopa Internal Affairs Investigations by Type of Allegation

Type of Allegation	Sustained	Exonerated	Unfounded	Not Resolved
Professional Standards of Conduct	55	2	10	5
Operational Orders	28	2	2	
Motor Vehicle	8	2	1	4*
Use of Force	5	10		1

*Two allegations are noted in the Internal Affairs case records as “reclassified.”

Discussion and Analysis

From November 2007 through August 2011, the Maricopa Police Department conducted and closed 96 supervisor-initiated investigations. On average, it took the Police Department 66 days to complete a supervisor-initiated investigation.

Table 1 in Section 3.3.2 compares the Maricopa Police Department’s policy with the best practices in the industry. The result of that comparison shows that the Maricopa policy compares favorably in each substantive area. In Section 3.5—Findings and Recommendations, the Project Team provides several recommendations for addressing certain aspects of the Operations Order.

With regard to analyzing the data of the 94 supervisor-initiated investigations, comparative data is difficult to obtain; where data are available from other police agencies, differences in policy requirements and definitions, particularly in the definition of case disposition, makes a comparative analysis difficult. Further complicating the ability to provide comparative data is that Arizona law does not require agencies to publically report in summary form the results of Internal Affairs investigations.

In conducting a review of Maricopa's Police Department records, the Project Team noted that there are a significant number of supervisor-initiated investigations during this period, particularly in light of the fact that the Police Department is fairly new and considerably smaller than Scottsdale, Flagstaff and Tucson. The Project Team is concerned about the significant number of investigations. These concerns are identified in other sections of the report.

During the interviews with the randomly-selected employees as well as others who were interviewed, the Project Team noted that there is a significant lack of confidence in the Internal Affairs program as it is currently administered.

The Project Team noted that several supervisor-initiated investigations were for relatively low-level performance issues that normally would be handled between a supervisor and subordinate. An example would be a supervisor counseling an employee regarding tardiness and attendance. The Maricopa Police Department's philosophy regarding supervisor-initiated investigations appears to be that each allegation is recorded, given a case number, and investigated. This approach has contributed in part to the employees' lack of confidence in the Internal Affairs program, as it is viewed with suspicion by the employees.

The Project Team also noted the length of time it takes to complete an investigation. A key element in an Internal Affairs program is a prompt investigation. The Project Team recognized that the Maricopa Police Department is a small agency that lacks the necessary resources allocated specifically to Internal Affairs. Both the Maricopa Police Department employees' and public's confidence in the program is inadequate for it to be effective.

The Project Team took note of several changes in the Operations Order that became effective on October 24, 2011. The addition of a goal of completing such investigations within 28 days is desirable and in line with professional standards. The Project Team believes it is important to include a timeframe for completing investigations promptly, but has serious doubts as to the ability of the Department, using current resources, to meet that goal in the near future.

Finally, the Project Team took notice of a significant number of supervisor-initiated investigations dealing with professional standards of conduct; specifically we are referring to situations involving disagreements, disputes and allegations of inappropriate comments among members of the Department. This reflects negatively on the Department, its employees, managers and leadership, and points out the need for further training in this area.

3.5 FINDINGS AND RECOMMENDATIONS

Finding III-1: Internal Affairs Section – The Internal Affairs section of the Department is staffed with one Sergeant. Given the large number of Internal Affairs cases to investigate and/or coordinate and the length of time it takes to complete an investigation, it is the Project Team’s finding that the Internal Affairs section could benefit from additional staffing.

Recommendation III-1: Create an Office of Professional Standards – In order to strengthen the Internal Affairs function, the Department should create an Office of Professional Standards reporting directly to the Chief of Police. The Office would be charged with the following accountabilities:

Coordinating and conducting all Internal Affairs investigations including the maintenance of all Internal Affairs records.

Maintaining a log of all complaints against officers that can be used as an “early warning system” to detect patterns of inappropriate behavior. An analysis of the logs should be performed annually with the results reported to the Chief of Police.

Coordinate the hiring process for officers including background investigations; the Internal Affairs officer would be accountable for ensuring that background investigations are completed in accordance with all professional and legal standards and that the Police Department only hires the best qualified candidates.

Managing the Police Department’s Training Program – As the Police Department grows, the need for a coordinated and systematic approach to officer training, including the FTO program, should be centralized in the Office of Professional Standards. The Office should prepare an annual training calendar based on a detailed analysis of training needs, which should include ethics and professional standards of conduct as well as operational training.

Finding III-2: The employees of the Department have little confidence in the Internal Affairs policy as applied. The majority of employees interviewed by the Project Team believe that the Internal Affairs

program is deficient in a number of areas and as a result there is little confidence that the dispositions of investigations are valid. The Project Team believes that in order for the Internal Affairs program to meet its goals and to restore the confidence of employees and the public, the following recommendation is made:

Recommendation III-2: Citygate recommends that there be a review of previously investigated closed supervisor- and citizen-initiated investigations by an independent third-party. The purpose of this review would be to ensure appropriate investigatory techniques were used and that the disposition of cases be based on the facts. The Project Team believes this step is necessary to re-establish confidence in the Internal Affairs Program by both the members of the Department and Community. (Note: our Scope of Work did not include a substantive review of internal affairs investigations designed to assess the adequacy of the investigations, but rather was a review of investigations to determine if Departmental policies were appropriately followed.) To clarify, the Project Team is not recommending the Department seek outside review of on-going or future investigations.

Finding III-3: Length of Time to Complete an Investigation – The Project Team noted the length of time it takes to complete an Internal Affairs Investigation. On average, it took the Department 70.5 calendar days to complete an investigation. This exceeds the goal of 28 days noted in the revised Operational Order and industry best practice goal of 45 days. The Project Team believes that, given the significant number of investigations, it is unlikely that the Department can achieve its goal for completing investigations. Furthermore, this results in officers placed on administrative leave pending the outcome of an investigation for a considerable and unnecessary period of time.

Recommendation III-3: It is recommended that the Internal Affairs Officer carefully monitor the length of time each assigned investigation takes and prepares a monthly status report to the Police Chief detailing the status of each ongoing investigation with an expected completion date. Additionally, it is recommended that the Police Department review the status of officers placed on administrative leave on a weekly basis and consideration be

given to returning the officer to work or reassigning the officer to another post pending completion of the investigation.

Finding III-4:

Internal Affairs Policy – The Project Team believes that the Internal Affairs policy aligns with industry best practices in most areas. One area that is not aligned with best practices is the disposition categories. Specifically, the Department uses a disposition category “Not Resolved.” That category is generally not used in most police agencies nor is it recommended by most professional organizations.

Recommendation III-4:

It is recommended that the Department amend the Internal Affairs policy and cease using the disposition “not resolved.”

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SECTION IV—CITIZEN COMPLAINT POLICY AND PROCEDURES

4.1 INTRODUCTION

The City of Maricopa Police Department Operations Order 3.19 provides a process for citizens to make complaints against Police Officers. This section of the report reviews and evaluates the policy and practice of how the Police Department handles citizen complaints.

4.2 CITIZEN COMPLAINT POLICY AND PROCEDURES

Operations Order 3.19 articulates the Department's policy pertaining to the investigation of citizen complaints. The policy is:

“To ensure the integrity of the Police Department, all alleged or suspected personnel misconduct observed by supervisors, Department employees or citizens will be thoroughly investigated.”

The procedure for receiving and investigating citizen complaints is contained in the same Operations Order as supervisor-initiated complaints and investigations, 3.19. The key elements of the procedure for receiving and investigating citizen-initiated complaints include:

- ◆ All complaints are immediately referred to an on-duty supervisor.
- ◆ The supervisor discusses the matter with the complaining party.
- ◆ If the citizen concern meets the definition of a complaint, the supervisor records the complaint on an Administrative Complaint Control Form.
- ◆ Every effort will be made to determine the identity of the accused employee.
- ◆ If the identity of the accused employee cannot be determined, all three copies of the Administrative Complaint Control Form are forwarded to the Internal Affairs Investigator for filing.
- ◆ If the citizen complaint is regarding an off-duty employee, an on-duty supervisor records the complaint on the Administrative Complaint Control Form; a copy of the Administrative Complaint Control Form is sent to the employee's immediate supervisor for follow-up.
- ◆ More serious complaints are directed to the duty commander who evaluates the complaint to determine if immediate action is required; the duty commander may initiate an immediate investigation; in exigent circumstance the Police Chief or duty commander may request an immediate investigation by the Criminal Investigation Section (CIS).

- ◆ A completed copy of the Administrative Complaint Control Form is forwarded to the employee's second-level supervisor by the duty commander.
- ◆ Upon receipt of the Administrative Complaint Control Form, the second-level supervisor will send a letter to the complainant verifying that the complaint has been received.
- ◆ Periodic status reports may be provided depending on the investigation's circumstances and length.
- ◆ The supervisor who receives the complaint will interview the complainant either in person or by telephone; the interview with the complainant will be recorded.
- ◆ The investigating supervisor will contact the Internal Affairs supervisor to determine if the complainant has filed a previous complaint and if any similar complaints have been filed against the employee involved.

4.2.1 Best Practices for Citizen-Initiated Complaints

Practices for citizen-initiated complaints vary considerably according to the size of the agency. The practices identified below pertain to smaller police agencies (generally less than 100 employees). The table below identifies several key factors regarding citizen complaint policies.

Table 8—Comparison of Maricopa Citizen Complaint Investigation Policy with Best Practices

Subject Area	Best Practice	Maricopa Policy
Who Can Receive a Citizen-Initiated Complaint?	Most agencies allow complaints to be received at any level in the Department; it is most effective to assign the initial receipt of a complaint to a supervisor.	Any Department employee can receive a citizen-initiated complaint. All complaints will be immediately referred to the Internal Affairs investigator if on duty, or an on-duty supervisor if not on duty.

Subject Area	Best Practice	Maricopa Policy
Who Investigates a Citizen-Initiated Complaint?	Investigation should be completed by someone of higher rank than the subject employee.	Supervisors will immediately investigate all alleged or suspected incidents of misconduct observed, suspected, or assigned by Internal Affairs. The involved employee's second-level supervisor in consultation with the employee's supervisor, Internal Affairs and the Chief, can recommend whether the investigative authority should stay with the immediate supervisor or be transferred to another authority. The final decision rests with the Chief.
Which Complaints to Accept?	All complaints against any member of an agency should be accepted and investigated.	All complaints will be immediately referred to the Internal Affairs Investigator if on duty, or an on-duty supervisor if not on duty.
Credibility of the Complainant	A Department should not discourage anyone from making a complaint by requiring a sworn statement by the complainant.	City policy has no provision for assessing the credibility of the complaining party; however, it does require a supervisor to review records to determine if the citizen has filed previous complaints.
Format of Acceptance	Complaints are accepted in any form – in person, by telephone, letter, email or any other method; anonymous complaints should also be accepted and investigated on the same basis as other complaints.	Complaints are accepted in any form.
Notification to the Subject Officer	The subject employee should know of the circumstances of the complaint immediately; normally this is done the day the complaint is received.	There is no specific policy requirement as to when the subject employee is notified of a complaint.
Acknowledgement of the Complaint	The agency should send a letter to the complainant acknowledging the complaint and that an investigation will be conducted.	Upon receipt of a complaint, the Internal Affairs Investigator will immediately send a letter to the complainant verifying that the complaint has been received and who is the investigating authority.

Subject Area	Best Practice	Maricopa Policy
Course of Investigation	There should be a written policy detailing the investigatory process; complainant and witnesses should be interviewed within 24 hours of receiving the complaint; investigations should normally be completed within 30 days, with provision for extension in complex investigations.	Operations Order 3.14 details the investigatory process; policy does not mandate interviews be conducted within 24 hours of receiving a complaint. The Department will seek to complete investigations in a timely manner, usually within 28 days. However, due to the complexity and mitigating circumstances, some investigations may take longer. All investigations that require longer than 28 days will be monitored in two-week intervals and be assigned an anticipated target completion date.
Storage and Retention	All files should be in a locked location under the direct control of the Police Chief.	All draft investigations files will be kept secure to protect their confidentiality. Access to files is restricted to those individuals with the authorization of the Chief of Police and who have a bona fide interest in an investigation.
Early Warning System	Tracking personnel complaints is highly recommended as a way to track complaints filed and to recognize if an officer has received multiple complaints; a tracking system should be reviewed by the Police Chief annually to detect trends and behavior problems.	All inquiries will be given an inquiry number and be logged into the electronic database. The Department does not use the information to detect and report trends.
Notification to the Complainant and Employee	The employee should be notified of the disposition of the complaint; the complainant should be notified, but such notification should not include the details or disposition of the investigation.	The second-level supervisor will review the investigate report and address any concerns with the investigative authority. Once approved, the affected employee will be notified and advised that the investigation is in the final stage and what the status is of the allegations.
Annual Reports	It is good policy to prepare an annual report regarding Internal Affairs complaints. The report can be a summary of complaints received and their disposition.	The Department publishes an annual report summarizing Internal Affairs investigations for the prior twelve months.

4.3 ANALYSIS OF CITIZEN COMPLAINT POLICY AND PROCEDURES

As noted in Section 3.1, the Department amended Operations Order 3.19 by consolidating it with several other related orders. Operations Order 3.19 required complaints to be logged in and assigned a case number. Citizen complaints were assigned case numbers starting with “CC.” A review of the Department’s electronic log shows that cases were assigned either “CC” or “CI.” For purposes of this section, both case designations refer to citizen complaints. The Project Team notes that the revised Operation Order 3.14 amended the procedure for assigning case file numbers to “SI” and “IA.”

During the period covering November 2007 through August 2011, there were 90 closed citizen complaints received, investigated, and processed by the Department. The 90 cases contained 106 specific allegations of various types of officer misconduct.

4.3.1 Disposition of Citizen Complaints

The table below summarizes the disposition of the 106 allegations of misconduct.

Table 9—Disposition of Citizen-Initiated Complaints

Disposition	Number	Percent of Total
Sustained	33	31.13%
Exonerated	8	7.55%
Unfounded	51	48.11%
Unresolved	10	9.43%
Other	4	3.77%

As noted above, police agencies in Arizona are not required to publically report the disposition of citizen complaints. Despite the lack of reporting, the Project Team was able to obtain information from three Arizona police agencies which issue reports similar to the public report issued by the Maricopa Police Department. The data for the three agencies is reported on their web sites. The reader is cautioned that differences in policy and disposition categories make comparisons among agencies difficult. Regardless, the Project Team believes that it is useful to present comparative data. The table below compares the disposition of citizen complaints of the Maricopa Police Department with three other Arizona police agencies.

**Table 10—Comparison of the Disposition of Citizen-Initiated Complaints with
Three Arizona Law Enforcement Agencies**

Disposition	Maricopa Police	Scottsdale Police	Flagstaff Police	Tucson Police
Sustained	31.13%	.006%	9.4%	14%
Exonerated	7.55%	7.74%	7.9%	30.66%
Unfounded	48.11%	67.74%	66.2%	20.66%
Unresolved	9.43%	7.74%		
Other	3.77%	2.58%		16%
No Disposition		13.54%		
Partially Sustained			12.2%	
Not Sustained			4.3%	8.66%
Pending				10%

The reader is cautioned from drawing any inferences from the above data. However, it is useful to note several trends. First, Maricopa has a much higher percentage of sustained citizen complaints than the other three Departments. Care should be taken to draw any inference from that fact as there are a number of factors beyond the scope of this report that could explain the reasons for that. Similarly, the data in the table above suggests that the Maricopa Police Department has a lower percentage of “Exonerated” dispositions than Scottsdale and Flagstaff, but higher than Tucson.

4.3.2 Disposition of Citizen Complaints by Type of Allegation

Using the categories of complaint types in the table below, the Project Team analyzed each allegation contained in the 90 citizen complaints.

Table 11—Categories of Allegations by Type

Type of Allegation	Definition
Professional Standards of Conduct	Allegation of unprofessional conduct; ethical lapse in judgment; inappropriate behavior towards other officers or superiors and allegations of a similar nature.
Violation of Operational Orders, Policies, Procedures, etc.	Allegation of a violation of City or Departmental operational orders, policies, or procedures.
Motor Vehicle	Allegation of violation of orders, rules and policies relating to use of Departmental motor vehicles.
Use of Force	Excessive force and/or violation of shooting policy.

The purpose of this analysis is to assess the disposition of each specific allegation by category. The table below summarizes the disposition of each citizen complaint allegation by type of allegation.

Table 12—Disposition of Maricopa Citizen Complaint Investigations by Type of Allegation

Type of Allegation	Sustained	Exonerated	Unfounded	Not Resolved
Professional Standards of Conduct	15	3	40	12*
Operational Orders	16	2	3	
Motor Vehicle	1	1	5	2*
Use of Force	1	2	3	

*Includes allegations where the disposition is noted as “other.”

The Project Team was unable to find comparative data from other Arizona police agencies.

4.4 FINDINGS AND RECOMMENDATIONS

Finding IV-1: Citizen Complaint Policy – The Department’s citizen complaint policy is aligned with the industry’s best practices. The Project Team believes that publishing an annual summary of the results of all Internal Affairs complaints contributes to the transparency needed to restore confidence in the program.

Recommendation IV-1: The Project Team recommends the following actions with regard to the Citizen Complaint Process:

The Department create a separate policy for the receipt, acknowledgement and investigation of citizen complaints and that the policy be posted on the City’s web site.

The Department create a booklet or other similar document for the public describing how to file a complaint and how a complaint is investigated.

Finding IV-2: Citizen-Initiated Complaints – The high percentage of sustained citizen complaints, particularly the complaints pertaining to professional standards of conduct, is of concern to the Project Team. A careful review of the sustained professional standards of conduct complaints can provide the Department with useful data to determine the nature and scope of needed training.

Recommendation IV-2: **The Department should undertake a training program to help reduce the number of citizen-initiated complaints. The training should become part of the Department’s annual training calendar. The number of sustained citizen complaints appears high and every possible effort should be taken to train and educate employees to better communicate with the public in a professional manner.**

Finding IV-3: *Case Review – The Project Team is concerned with what appears to be a significant number of sustained citizen-initiated complaints. The Project Team also takes note of the lack of confidence the Department employees have in the ability of the Department to fairly and objectively investigate complaints.*

Recommendation IV-3: **Similar to the Project Team’s Recommendation III-2, it is recommended that the Department engage the services of an independent third party to conduct a review of previously investigated closed citizen complaints. Such a review should result in re-establishing the needed confidence in the program.**

SECTION V—EMPLOYEE DISCIPLINE

5.1 INTRODUCTION

The Maricopa Police Department has a written policy regarding employee discipline. The policy was previously contained in Operations Order 3.18 and is currently included in Operations Order 3.14. The policy is known as the “Matrix for Discipline.”

This section of the report addresses the Police Department’s policy, administration, and application of discipline. The purpose of this analysis is to determine how the Department applies its policies; it is not to pass judgment on any particular disciplinary action or to focus on specific employees.

5.2. THE DISCIPLINARY MATRIX POLICY

A recent article regarding employee discipline in law enforcement agencies included the following:

“Where there are widespread perceptions that the investigation and administration of discipline is handled unfairly, capriciously, inconsistently, or otherwise unprofessionally, ramification can be widespread and extremely damaging to Department morale and operations.” (Investigation of Employee Misconduct: Concepts and Issues paper, IACP National Law Enforcement Policy Center, International Association of Police Chiefs.)

The overwhelming majority of employees interviewed expressed the view that the Department’s disciplinary policy, as applied, is arbitrary. The impact of the employee’s opinions is reflected in their response to the following question:

Using a scale of 1 to 10, with 10 being the highest or best score, how would you rate the morale of the Police Department?

The average score to the above question is 3.0 indicating a low level of morale in the Department. Many of the officers interviewed attributed the low moral to the Department’s disciplinary policy as administered.

5.2.1 Disciplinary Matrix Defined

A disciplinary matrix is defined as a table of disciplinary actions and alternatives that are correlated or aligned with specific or various acts that may be aggregated into a class of misconduct based on their severity. The disciplinary matrix provides a decision maker with guidelines for imposing discipline. Most matrix systems are designed to take into consideration the concept of “progressive discipline.” Matrix tables are often divided into several columns representing disciplinary history and several rows representing the seriousness of the

misbehavior. Disciplinary penalties increase as either the seriousness of the misconduct or disciplinary history increases. Generally, repeated misconduct does not have to be of the same type or class in order to constitute repeated misconduct.

A disciplinary matrix is designed to provide officers with a general idea of the range of punishments for acts of misconduct. It also provides guidance to supervisors and managers regarding the various types of actions that can be imposed for various acts. Supporters of a matrix system of discipline believe that it reduces individual concerns and potential grievances and challenges regarding disparate treatment. Some suggest that making a disciplinary matrix public enhances accountability and increases the public's trust of the agency. The challenge of a matrix system lies in the use of discretion, in particular, consideration of mitigating and aggravating circumstances that are normally taken into consideration in imposing discipline.

5.2.2 Maricopa Police Department Disciplinary Policy and Matrix System

The Department's disciplinary philosophy is contained in Operations Order 3.14. The Operations Order states:

“Effective discipline is a positive process which attempts to bring about corrected behavior. Supervisor notation, coaching and supervisor-initiated training is intended to correct inappropriate behavior or performance issues that could have a negative impact on the Department or our community. This process is a means of improving employee productivity and effectiveness through positive and constructive methods.”

Operations Order 3.14 goes on to state:

“Progressive discipline, if appropriate, will be used if a trend of misconduct is identified. However, based on the severity attached to the allegations and/or lack of success of previous training and coaching, punitive discipline may be administered. The severity of the actions will be geared to the actions of the employees while taking into consideration mitigating and aggravating circumstances. The matrix will be used in these cases.”

The Project Team noted that Operations Order 3.14 was issued on October 24, 2011 and that the Order consolidated various provisions contained in Operation Orders 3.18 and 3.19 and Addendums. For purposes of our analysis regarding the Department's imposition of discipline, we applied the provisions of Operation Orders 3.18, 3.18 (A), 3.19 and 3.19 (A).

5.2.3 Overview of Disciplinary Process

The disciplinary process used by the Maricopa Police Department is contained in Operations Order 3.18 and 3.18 (A). The highlights are:

- ◆ Any violation of policy, on or off duty, may result in formal discipline, regardless of whether the violation is specifically listed in Addendum 3.18 (A).
- ◆ The process of determining the appropriate discipline for a sustained finding (for either a citizen or supervisor-initiated complaint) includes establishing the identity of the performance issues or violation, researching the employee's previous investigation and work history, completing the Investigative Review Complaint Form, preparing the final recommendation, submitting to the Deputy/Assistant Chief for review and recommendation, and preparing final documentation on the appropriate form.

A summary of the disciplinary matrix is in the table below:

Table 13—Summary of the Maricopa Police Department's Disciplinary Matrix

Disciplinary Action	Rule/Policy
Written Reprimand	<p>Benefits/Job Performance including attempts to convert an enforcement contact into a social relationship; failure to prepare a Departmental report when required; reporting for duty or off-duty job with alcohol in system; intentionally disobeying a lawful order from a supervisor; conduct unbecoming an officer or employee.</p> <p>Equal Opportunity including verbal abuse of / physical confrontation toward another employee (mutual fighting).</p> <p>Firearms/Use of Force including carrying unauthorized/unapproved weapon and/or ammunition; careless loss or damage to a city-owned firearm; failure to secure a weapon in an appropriate location; unauthorized modification to a Departmental weapon; unauthorized use of any Taser.</p> <p>Operating A Vehicle including emergency driving of a vehicle not meeting the definitions of an emergency vehicle; failure to immediately notify a supervisor of an on-duty police vehicle traffic accident; illegal parking violations, without authorization or authority; excessive speed violations; pursuit driving – failure to terminate pursuit on order of a supervisor or failure to notify radio/supervisor of involvement in a pursuit.</p> <p>Prisoners including failure to properly search a prisoner leading to an injury of any person; improper care of a prisoner / failure to provide medical treatment; negligent control/securing of a prisoner.</p> <p>Supervisors including abusive or derogatory language when addressing a direct report/subordinate; knowingly or intentionally violating an MOU/MOA of any employee association.</p> <p>Unprofessional Conduct including as defined in the classification guidance criteria; sexual activity (off-duty) in a police Department facility, vehicle and/or grounds; soliciting a gratuity; violating equal employment opportunity rules and regulations; inappropriate actions, comments, gestures that violate EEO standards.</p>

Disciplinary Action	Rule/Policy
Suspensions (one-day) Violations	<p>Increased severity of above violations and disregard of policy so that a lieutenant may, with the Deputy/Assistant Chief's approval, offer a one-day suspension in lieu of a Discipline Review Board (DRB), or may refer the employee to the DRB; within a 5-year period from the date of the notice of investigation, repeated sustained violation/s from within this section will require DRB review for consideration of a suspension up to 5 days, demotion and/or termination;</p> <p>Benefits/Job Performance including intentional abuse of sick leave benefits; intentionally missing a court appearance after proper notification/subpoena; intentionally missing a scheduled mandatory training after proper notification; obtaining information for personal use via Department electronic communications or information systems; off-duty DUI; uncooperative and/or interfered with a traffic-related investigation on or off duty; while on duty, any access to adult/pornographic web sites on any accessible computer system (unless in performance/furtherance of an official investigation with supervisor's knowledge).</p> <p>Firearms/Use of Force including accidental discharge of a firearm with any injury to any person; inappropriate use of the Taser (serious injury/hospitalization).</p> <p>Unprofessional Conduct including incident not involving an act of violence where elements of a misdemeanor crime are met, regardless of whether the employee was indicted, prosecuted or convicted; physical abuse toward another employee, as defined in the classification criteria.</p>

Disciplinary Action	Rule/Policy
<p>Suspensions (one day or more) Violations</p>	<p>Serious policy violations that will be referred to the DRB for consideration of a one- to five-day suspension without pay; within a five-year period from the notice of investigation, repeated sustained violations from within this section requires DRB review for consideration of a suspension up to 5 days, demotion and/or termination.</p> <p>Benefits/Job Performance including abuse of prescribed medication and non-authorized consumption of alcohol while on duty, or off duty working an off-duty job as a peace officer; actions amounting to harassment and/or intimidation of a citizen, Department or City employee; actions jeopardizing the status of a criminal investigation/administrative investigation/prosecution; disseminating information obtained from the police NCIC/ACIC/CAD/MDT computer system without authorization or within guidelines of the Terminal Operator Certification Process; failing to report, uncooperative, and/or interfering with an administrative investigation; installing unauthorized software on the Department or City network; intentional abuse of disability benefits; neglect of duty resulting in major damage or impact to the Department; releasing confidential reports, records and/or other information to an unauthorized person; unauthorized use of Departmental funds; failure to report, uncooperative, and/or interfered with a criminal investigation; intentionally disobeying the direct order of the supervisor resulting in damage or negative impact to the Department; inappropriate supervisor/direct subordinate personal relationship that includes sexual activity; intentional unjustified arrest or search; knowingly submitting an internal investigation written document with false information; untruthful verbal report; use of position to interfere with prosecution; failure to complete multiple reports over time as required.</p> <p>Firearms/Use of Force including civilian employee possession of firearm on duty or in a police facility; continuing to carry a second weapon after failure to qualify; excessive force violations with injury by any means other than those specifically listed; improper use of the carotid restraint technique; improperly striking another person who is restrained; intentional discharge of a firearm in violation of policy; lending City firearm to another employee without authorization; use of unauthorized impact weapon; inappropriate use of the TASER; excessive use of force - handcuffed or restrained individual; intentional discharge of a firearm in violation of policy; intentional dry testing TASER in the absence of the Department supervisor.</p> <p>Supervisor including violation of equal employment opportunity rules and regulations, inappropriate actions, comments, gestures that violate EEO standards.</p> <p>Unprofessional Conduct including consensual sexual activity on duty, during the work shift, or at a police facility; consensual sexual intercourse while on duty; intimidation of a Department employee; physical abuse towards a Department employee; sexual harassment; unprofessional conduct involving an act of violence where elements of a misdemeanor are met, regardless of whether the employee was indicted, prosecuted, or convicted.</p> <p>Extreme Policy Violations - are those that will be referred to the DRB for consideration of the five-day suspension without pay, demotion, and/or termination/Loudermill hearing.</p>

Disciplinary Action	Rule/Policy
Extreme Policy Violations	<p>Violations that will be referred to the DRB for consideration of the five-day suspension without pay, demotion, and/or termination/Loudermill hearing.</p> <p>Benefits/Job Performance include bribery; giving false, incomplete, or misleading statements, or willful omissions during an investigation; illegal use of drugs knowingly submitting a criminal investigation/internal investigation report with false information; operating a City-owned vehicle while DUI; racial profiling/civil rights type violations; refusal to obey a direct order resulting in major damage or impact to the Department; refusal to take, tampering with, or failure of the illegal substance abuse screening test; with the intent to defraud, submitting any type of report for monetary gain.</p> <p>Unprofessional Conduct including unprofessional conduct where elements of the felony are met regardless of whether the employee was prosecuted or convicted.</p> <p>Weapons/Use of Force including conduct in excess of excessive force.</p>

According to the Police Department's policies, disciplinary actions include written reprimands, suspensions, demotions and termination. Supervisory counseling and training are not disciplinary actions. Additionally, the Department utilizes a time schedule for determining how long a disciplinary action remains on the record for purposes of meeting the standard of progressive discipline. Written reprimands remain on the record for three years while suspensions and demotions remain on the record for five years. Supervisory counseling remains on the record for one year.

5.2.4 Progressive Discipline

As previously noted, the Police Department uses the concept of progressive discipline as the foundation of its disciplinary policy. Progressive discipline is a process for dealing with job-related behavior that does not meet expected and communicated performance standards. The primary purpose of progressive discipline is to assist the employee in understanding that there is a performance issue that must be addressed. The goal of progressive discipline is to improve employee performance. Progressive discipline is successful when it assists an employee to become an effective member of the organization. Failing that, progressive discipline enables the employer to document the situation and to impose punitive disciplinary action.

The Police Department implements progressive discipline in a very narrow way. Page 5 of Operations Order 3.18 contains a chart illustrating its approach to progressive discipline. According to the chart, the penalties imposed for policy violations move from non-punitive to punitive when the employee violates the same or similar rule or policy. The chart cites a situation in which Employee A fails to attend court after being properly notified of the need to appear. The disciplinary action that would be taken under that circumstance is the employee may be subject to non-disciplinary coaching or supervisor-initiated training or supervisory counseling. If during the same performance year, Employee A again fails to attend court after being properly notified, the disciplinary action that would be taken includes the employee's chain of command may

require further coaching or training along with a notification to the employee that the next offense in that performance area will result in a written reprimand. The chart also notes that should the employee fail to attend court in the next three-year period of time, the employee may be subject to a mandatory appearance before the Disciplinary Review Board.

According to the policy (Section 6 (D)) along with information provided to the Project Team by members of the Police Department, using the example cited in the previous paragraph, if Employee A violates a different policy, the corrective or punitive action taken against that employee would be coaching or supervisor-initiated training or counseling. The result is that an employee can violate multiple Departmental policies and receive the lowest level of corrective action for each violation. This narrow definition of progressive discipline defeats the purpose of a disciplinary policy and is generally not in accordance with the principles of progressive discipline.

5.2.5 Disciplinary Review Board

The Department has a Disciplinary Review Board. The Board reviews all disciplinary reports that have been reviewed by a second-level supervisor and that may lead to a suspension, demotion, or dismissal. The Board does not review eight-hour suspensions authorized by a second-level supervisor, probationary releases, non-classified employees, or violations in the matrix system chart designated as termination offenses. The Board makes a nonbinding recommendation to the Police Chief regarding the degree and severity of disciplinary action taken. On hearing disciplinary matters, the Board is comprised of an assistant chief, a lieutenant, an employee and a citizen of Maricopa.

5.3 DISCIPLINARY ACTION REVIEW

The Project Team reviewed all disciplinary actions taken against employees during the period of November 2007 through August 2011. The purpose of this review was to assess how the disciplinary policy is implemented. The Project Team did not review disciplinary cases either to determine the adequacy or merits of a particular disciplinary action, or to “investigate” particular employees.

5.3.1 Supervisor-Initiated Investigations

As noted in Section 3.4, the Department conducted 94 supervisor-initiated investigations resulting in 97 sustained findings. The reader should note that a single investigation can include more than one finding as there may be multiple allegations.

The tables below summarize the levels of disciplinary action imposed for the various categories of allegations. The reader should keep in mind that many of the investigations included multiple allegations. In order to avoid double counting of disciplinary actions for the same investigation, the tables below include only one disciplinary action per sustained investigation.

Table 14—Standards of Professional Conduct Violations

Discipline	Number
Coaching	18
Written Reprimand	5
1-Day Suspension	6
2-Day Suspension	1
3-Day Suspension	
4-Day Suspension	
5-Day Suspension	4
Termination	1
Other	5

Table 15—Operational Violations

Discipline	Number
Coaching	
Written Reprimand	1
1-Day Suspension	1
2-Day Suspension	
3-Day Suspension	
4-Day Suspension	
5-Day Suspension	2
Demotion	1
Termination	

Table 16—Use of Force Violations

Discipline	Number
Coaching	2
Written Reprimand	
1-Day Suspension	1
2-Day Suspension	
3-Day Suspension	
4-Day Suspension	
5-Day Suspension	
Demotion	
Termination	

Table 17—Driving-Related Violations

Discipline	Number
Coaching	6
Written Reprimand	
1-Day Suspension	
2-Day Suspension	
3-Day Suspension	
4-Day Suspension	
5-Day Suspension	
Termination	
Other	2

5.3.2 Progressive Discipline – Supervisor-Initiated Investigations

The data presented in Section 5.3.1 means little in assessing the application of the Department's disciplinary policy. It must be placed in the appropriate context. The data presented in this section examines how the Maricopa Police Department applies the concepts of progressive discipline.

To place the data in the appropriate context, the Project Team evaluated the frequency of discipline by category of violation by employee. The tables below summarize the disciplinary action taken against Departmental employees who have been the subject of four or more Internal Affairs investigations during the period of November 2007 through August 2011. The identity of the employee and details regarding the specific nature of the violation are not disclosed in order

to protect the legitimate privacy interests of the employees. The sole purpose of this section is to review and analyze how the Department applies discipline using its policies and to make actionable recommendations where merited.

Table 18—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee A

Nature of Violation	Finding	Disciplinary Action	Date
Professional Standards of Conduct	Sustained	Written Reprimand	8/23/2008
Professional Standards of Conduct	Sustained	Coaching	11/26/2008
Professional Standards of Conduct	Sustained	Transfer	4/24/2009
Professional Standards of Conduct	Sustained	Transfer	7/23/2009
Professional Standards of Conduct	Sustained	1-Day Suspension	5/10/2010
Professional Standards of Conduct	Unfounded	None	9/9/2010
Professional Standards of Conduct	Sustained	5-Day Suspension	12/9/2010
Operations	Sustained	Coaching	1/11/2011
Operations	Sustained	Coaching	5/28/2010

Employee A has been the subject of nine supervisor-initiated investigations. In eight investigations, the allegations were sustained resulting in the imposition of discipline. On August 23, 2008 the employee received a written reprimand for violating a Departmental policy; three months later another investigation resulted in a sustained finding and the employee received coaching, which is not discipline, according to the Department’s policy. Additionally, the above record shows that two investigations in 2009 resulted in sustained findings and the action imposed was a transfer. While a transfer may have been an appropriate management action, the Department’s policy does not include a transfer as discipline. In 2010 three investigations resulted in sustained findings and the discipline imposed included both a one-day and five-day suspension for conduct violations along with another coaching action for an operations-type violation. In 2011 the employee again received coaching for an operations violation 5.5 months after the 2010 coaching.

The Department’s approach to progressive discipline is that when there are multiple violations within the timeframes listed in Operations Order 3.18, in order to impose more severe discipline, the violations need to be of the same or similar policy. If the alleged violations involve different

Departmental policies, the Department, using the matrix, selects the most appropriate action commensurate with the employee's behavior. This results in the imposition of coaching more frequently than may be appropriate or consistent with the Department's disciplinary policy.

Table 19—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee B

Nature of Violation	Finding	Disciplinary Action	Date
Professional Standards of Conduct	Sustained	Coaching	5/5/2009
Driving	Sustained	Coaching	12/12/2009
Professional Standards of Conduct	Sustained	Coaching	5/11/2010
Professional Standards of Conduct	Sustained	2-Day Suspension	7/1/2010
Professional Standards of Conduct	Sustained	Written Reprimand	8/12/2010
Professional Standards of Conduct/Operations	Sustained	5-Day Suspension	8/25/2010
Professional Standards of Conduct	Sustained	Resigned	2/28/2011
Professional Standards of Conduct	Sustained	Resigned	3/28/2011

Employee B was the subject of eight supervisor-initiated investigations, all of which resulted in sustained findings. During the period of May 2009 through May 2010, the employee received three coaching actions resulting from three different types of violations. The third violation occurred one week after the expiration of the one-year period in which coaching notations remain part of the employee's record for purposes of progressive discipline.

Employee B received a 2-day suspension for a matter that involved multiple sustained allegations. The Project Team believes that action demonstrates evidence that, in this case, aggravating factors were taken into consideration according to policy.

Finally, after being disciplined with a 2-day suspension (7/1/2010), one month later (8/12/2010) the employee received a written reprimand for violating a professional standard of conduct; the following month the employee received a 5-day suspension. The Project Team is uncertain as to how this disciplinary action meets the standard for progressive discipline.

Table 20—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee C

Nature of Violation	Finding	Disciplinary Action	Date
Professional Standards of Conduct	Unresolved	None	3/6/2008
Use of Force	Exonerated	None	2/5/2008
Professional Standards of Conduct	Unfounded	None	4/13/2009
Professional Standards of Conduct	Unfounded	None	5/4/2009
Professional Standards of Conduct	Sustained	Written Reprimand	3/16/2011

Employee C received a written reprimand on 3/16/2011 for violating a professional standard of conduct. In this particular situation, it appears the Department gave consideration to the nature of the sustained violation and, rather than imposing coaching for a first violation, a decision was taken to impose a more severe action. This is in accordance with the Department's policy.

Table 21—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee D

Nature of Violation	Finding	Disciplinary Action	Date
Driving	Sustained	Coaching	3/27/2008
Use of Force	Exonerated	None	3/6/2008
Driving	Sustained	Coaching	10/7/2008
Driving	Exonerated	None	10/12/2008
Driving	Unfounded	None	7/28/2008
Use of Force	Exonerated	None	2/6/2010
Use of Force	Exonerated	None	3/16/2010

Employee D had two sustained findings for driving-related violations. In both cases the employee received coaching for similar violations that occurred seven months apart. It is not clear to the Project Team how the Department considered the concept of progressive discipline in imposing the October 2008 coaching.

Table 22—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee E

Nature of Violation	Finding	Disciplinary Action	Date
Driving	Sustained	Coaching	10/31/2007
Professional Standards of Conduct	Sustained	Coaching	8/22/2008
Operations	Sustained	1-Day Suspension	7/7/2009
Professional Standards of Conduct	Sustained	5-Day Suspension	12/3/2009
Professional Standards of Conduct	Sustained	Terminated	5/20/2010

This example of Employee E shows a successful implementation of the Department’s disciplinary policy illustrating how progressive discipline should work. The 1-day suspension imposed in July 2009 was for multiple violations of operational policies. That explains why a 1-day suspension was imposed rather than a written reprimand.

Table 23—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee F

Nature of Violation	Finding	Disciplinary Action	Date
Driving	Sustained	Coaching	12/10/2008
Professional Standards of Conduct	Exonerated	None	12/9/2008
Operations	Sustained	5-Day Suspension	12/21/2010
Professional Standards of Conduct	Sustained	5-Day Suspension	1/25/2011

Employee F had two sustained findings resulting in two 5-day suspensions. Both suspensions were imposed for serious violations of both operational orders and professional standards of conduct and included multiple sustained findings. The Project Team was not able to discern why the employee was not terminated for the January 2011 violations since the employee had been disciplined with the same penalty for serious violations previously.

Table 24—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee G

Nature of Violation	Finding	Disciplinary Action	Date
Use of Force	Sustained	1-Day Suspension	10/26/2007
Professional Standards of Conduct	Sustained	Coaching	9/9/2008
Professional Standards of Conduct	Unfounded	None	3/14/2009
Professional Standards of Conduct	Unfounded	None	3/16/2011

Employee G received a 1-day suspension for violating the Department’s use of force policy. This investigation included multiple sustained findings that resulted in a suspension rather than a lesser form of discipline. This is evidence of the Department using aggravating factors in determining the appropriate discipline.

Table 25—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee H

Nature of Violation	Finding	Disciplinary Action	Date
Professional Standards of Conduct	Exonerated	None	7/14/2008
Professional Standards of Conduct	Sustained	Coaching	2/15/2009
Professional Standards of Conduct	Unfounded	None	4/15/2010
Professional Standards of Conduct	Sustained	Written Reprimand	8/31/2010

Employee H had two sustained violations that were similar in nature. Even though the second sustained violation occurred two years after the first sustained violation and included multiple violations, the Department implemented its progressive disciplinary policy as well as considering aggravating circumstances.

Table 26—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee I

Nature of Violation	Finding	Disciplinary Action	Date
Use of Force	Sustained	Coaching	11/16/2009
Professional Standards of Conduct	Sustained	Coaching	5/17/2010
Use of Force	Exonerated	None	7/12/2011
Professional Standards of Conduct	Sustained	Written Reprimand	8/29/2010

Employee I had three sustained disciplinary actions within a one-year period of time. Each investigation concerned a different policy violation which explains why the Department imposed coaching for the first two violations.

Table 27—Supervisor-Initiated Investigations: Disciplinary Actions Taken – Employee J

Nature of Violation	Finding	Disciplinary Action	Date
Professional Standards of Conduct	Sustained	Coaching	11/10/2009
Use of Force	Sustained	Coaching	12/2/2009
Professional Standards of Conduct	Not Resolved	None	4/24/1010
Operations	Unfounded	None	3/11/2011

Employee J had two sustained findings within one month and was disciplined with coaching as the employee violated two different policies.

5.3.3 Progressive Discipline – Citizen-Initiated Complaints

In this section, the Project Team examined how the Department implemented progressive discipline in the disposition of citizen-initiated complaints. As in Section 5.3.2, the Project Team reviewed the discipline for employees who were the subject of four or more citizen complaints.

The tables below summarize the disciplinary action taken against employees who were the subject of four or more citizen-initiated complaints.

Table 28—Citizen-Initiated Complaints: Disciplinary Actions Taken – Employee

AA

Nature of Violation	Finding	Disciplinary Action	Date
Driving	Sustained	Coaching	5/20/2008
Professional Standards of Conduct	Not Resolved	None	4/7/2009
Professional Standards of Conduct	Not Resolved	None	4/21/2009
Professional Standards of Conduct	Sustained	Terminated	6/4/2009

Employee AA was terminated for multiple, serious policy violations. As per the disciplinary policy, the Department can impose the most severe disciplinary action when merited by the circumstances.

Table 29—Citizen-Initiated Complaints: Disciplinary Actions Taken – Employee

BB

Nature of Violation	Finding	Disciplinary Action	Date
Professional Standards of Conduct	Unfounded	None	6/2/2009
Professional Standards of Conduct	Unfounded	None	9/30/2009
Driving	Non-Complaint	None	11/1/2010
Professional Standards of Conduct	Sustained	Written Reprimand	11/23/2010
Professional Standards of Conduct	Unfounded	None	8/8/2010
Professional Standards of Conduct	Unresolved	None	1/26/2011
Use of Force	Sustained	1-Day Suspension	8/10/2011

Employee BB was subject to two sustained Internal Affairs investigations less than one year apart. The first sustained violation resulted in a written reprimand and the second resulted in a 1-day suspension. While the two incidents involved different Departmental policies, it appears that progressive discipline was followed.

Table 30—Citizen-Initiated Complaints: Disciplinary Actions Taken – Employee CC

Nature of Violation	Finding	Disciplinary Action	Date
Professional Standards of Conduct	Exonerated	None	2/2/2008
Professional Standards of Conduct	Sustained	Coaching	5/4/2009
Professional Standards of Conduct	Unresolved	None	6/8/2009
Professional Standards of Conduct	Unresolved	None	3/21/2010
Operations	Sustained	1-Day Suspension	6/17/2010
Operations	Sustained	Coaching	7/8/2011

Employee CC had three sustained Internal Affairs investigations and was disciplined accordingly. The employee received a 1-day suspension in June 2010 for violating an operations policy. Thirteen months later the employee again violated an operations policy but received coaching. It appears in this situation that the Department did not follow progressive discipline in considering the appropriate penalty for the July 2011 violation.

Table 31—Citizen-Initiated Complaints: Disciplinary Actions Taken – Employee DD

Nature of Violation	Finding	Disciplinary Action	Date
Operations	Exonerated	None	2/13/2008
Professional Standards of Conduct	Exonerated	None	6/12/2009
Professional Standards of Conduct	Sustained	Coaching	8/11/2009
Professional Standards of Conduct	Unresolved	None	9/2/2009
Operations	Sustained	Coaching	7/4/2009
Professional Standards of Conduct	Unfounded	None	9/30/2009
Professional Standards of Conduct	Unfounded	None	10/20/2009

This employee was the subject of two sustained Internal Affairs investigations. One violation was in the area of professional standards of conduct, and the second investigation concerned a sustained violation of the operations policy. Both investigations resulted in the imposition of coaching. While this appears to be in accordance with the Department's disciplinary policy because the sustained violations covered different areas, imposing the same management action appears to the Project Team as an overly broad interpretation of the concept of progressive discipline.

Table 32—Citizen-Initiated Complaints: Disciplinary Actions Taken – Employee EE

Nature of Violation	Finding	Disciplinary Action	Date
Professional Standards of Conduct	Unfounded	None	4/9/2008
Professional Standards of Conduct	Unfounded	None	9/9/2008
Professional Standards of Conduct	Unfounded	None	10/14/2010
Professional Standards of Conduct	Sustained	Coaching	10/11/2010

This employee has one sustained Internal Affairs investigation which resulted in the imposition of coaching. This appears to be in accord with the Department's policy.

Table 33—Citizen-Initiated Complaints: Disciplinary Actions Taken – Employee FF

Nature of Violation	Finding	Disciplinary Action	Date
Operations	Exonerated	None	3/5/2008
Use of Force	Unfounded	None	4/15/2009
Driving	Unfounded	None	6/3/2009
Professional Standards of Conduct	Exonerated	None	6/2/2009
Professional Standards of Conduct	Unfounded	None	8/11/2009
Professional Standards of Conduct	Unfounded	None	9/21/2009
Professional Standards of Conduct	Unresolved	None	12/31/2010
Professional Standards of Conduct	Unfounded	None	7/8/2010

Nature of Violation	Finding	Disciplinary Action	Date
Professional Standards of Conduct	Sustained	Coaching	7/6/2010
Professional Standards of Conduct	Sustained	Coaching	7/31/2010
Professional Standards of Conduct	Unfounded	None	7/17/2010
Professional Standards of Conduct	Unfounded	None	7/26/201
Professional Standards of Conduct	Unfounded	None	10/28/2010

This employee was the subject of 13 Internal Affairs investigations, two of which resulted in sustained findings. Those two investigations were a result of the same citizen-initiated complaint. It is difficult for the Project Team to understand why the Department imposed coaching as the penalty. In other cases involving multiple sustained findings, a more severe penalty was imposed.

5.4 MERIT BOARD

Maricopa employees have the right to appeal a reprimand, demotion, suspension and termination to the Merit Board. The Board is comprised of three citizens appointed by the City Council. The Board conducts hearings and issues a non-binding recommendation to the City Manager. The Board meets only when there is an appeal pending. Since its inception, the Board has conducted five hearings. In four cases it upheld the disciplinary action, and in one case, recommended a lesser form of discipline than management proposed.

5.5 FINDINGS AND RECOMMENDATIONS

The findings and recommendations contained in this section pertain to the administration of discipline within the Maricopa Police Department.

Finding V-1:

The employees of the Maricopa Police Department believe that the Department does not follow its policies in the administration of discipline. Specifically, the majority of employees believe that the disciplinary matrix system has been misused in determining penalties and no longer serves a useful purpose. Thus, the employees have little confidence in the Department's disciplinary policies as administered.

Recommendation V-1: **It is recommended that the Maricopa Police Department revise the disciplinary policy to eliminate the Matrix system.**

Finding V-2: *The Project Team review of disciplinary actions disclosed that the Department generally followed its policies in the administration of discipline, but that progressive discipline is administered in such a way as to preclude effective corrective and punitive actions. The Department's implementation of progressive discipline is based on the disciplinary Matrix. When there is a sustained finding in a disciplinary investigation and coaching is imposed and if there is a sustained finding regarding a different policy, the Department generally imposes another coaching action. This is noted in many of the cases cited in this report. Furthermore, there is ample evidence that in many disciplinary cases cited the employee received multiple coaching notations, and yet continued to violate Departmental policies resulting in more severe discipline taken at later dates. This is not consistent with the Department's disciplinary policy.*

Recommendation V-2: **It is recommended that the Maricopa Police Department revise its disciplinary policy to more appropriately and effectively implement progressive discipline; specifically, it is recommended that the definition of progressive discipline be broadened so that sustained violations of similar policies be treated as progressive discipline. It is suggested that for this purpose, policies be grouped in four or five broad categories including operational policies, use of force policies, driving/motor vehicle related policies and professional standards of conduct policies. Progressive discipline would be applied to multiple sustained policy violations within the group.**

Finding V-3: *While the Internal Affairs section maintains detailed records of investigations, the Department makes no use of the data for purposes of an "early warning system" to help identify employees who may be experiencing the stress associated with the job of a police officer. The purpose of such a system is to identify officers early on so that the Department can intervene before the officer is subjected to serious disciplinary action. If such a system had been in place, the Project Team believes that the number of Internal Affairs investigations would be reduced.*

Recommendation V-3: It is recommended that the Department implement an early warning system, using the information collected by the Internal Affairs section, to be reviewed periodically by the Police Chief to detect patterns of employee behavior that, if not corrected, may result in continuing inappropriate behavior.

Finding V-4: While citizen input in local government decision-making is essential in developing trust between residents and elected and appointed officials, citizen input into the administration of discipline does not necessarily help achieve that result. Industry best practices support an effective and independent appeal procedure for serious disciplinary actions taken against police employees. Furthermore, the City of Maricopa's Personnel Rules provide that disciplinary action can be taken only for "good faith for cause." Determining if "good faith for cause" exists to support a disciplinary action requires a thorough understanding of the principles and practices associated with employee discipline. The Project Team notes that the Merit Board has heard five disciplinary appeals. The Project Team reviewed the records of those five hearings and determined that the Board does not appear to apply sufficient analysis regarding the "good faith for cause" requirement.

Recommendation V-4: It is recommended that the City of Maricopa consider alternate methods of appeal for serious employee disciplinary actions. One alternative is nonbinding arbitration. Nonbinding arbitration is a commonly used form of dispute resolution in labor relations. Arbitrators who are generally attorneys are particularly knowledgeable and skilled in analyzing and evaluating disciplinary action particularly as it relates to a finding of good faith for cause.

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SECTION VI—DEPARTMENTAL COMMUNICATION SYSTEMS AND ORGANIZATION

6.1 INTRODUCTION

In Public Safety, well-developed communications systems and skills can be viewed from several perspectives.

In order to understand the importance of an effective communication system in a police agency, it is necessary to define two important terms, “*Systems*” and “*Skills*.”

“*Systems*” is defined as the intersection of an organizational culture of openness and appropriate procedures developed specifically to enhance communication. Communication in a police agency takes two forms. First, vertically, from the Police Chief to line employees and then from the line employees to the Chief. Second, horizontally, between officers of similar ranks and working groups of both sworn and professional staff. Departmental communication requires effective vertical and horizontal communication. Without effective vertical and horizontal communication, a police agency will not meet its service delivery goals.

The American Psychological Association describes some of the uses of “top-down” communication or, as we are describing it, Police Chief to line level communication, as:

- ◆ Enhancing the ability of the executive to clearly articulate the shared organizational Values, Vision, Mission and Goals;
- ◆ Identifying what resources are available to the employees;
- ◆ Demonstrating the Chief’s support of and commitment to, organizational Values, Vision, Mission, and Goals, and appropriate use of resources.

Bottom-up communication enhances the Chief’s understanding of the workplace needs, shared Values, Vision, Mission and Goals.

“*Skills*” is defined as innate, learned, and the practiced ability to impart information and understanding between individuals. From an organizational standpoint, effective communication alerts leadership to developing issues, trends or concerns in time to take effective action before issues become unmanageable. From an operational standpoint, developing effective communication skills should be viewed as an officer safety issue.

Effective communication affects every level of Public Safety operations from citizen contacts to arrests and use of force. It is in this context that the Project Team analyzed the communication process in the Maricopa Police Department.

6.2 INTERNAL DEPARTMENTAL COMMUNICATION

As of September 26, 2011, the Maricopa Police Department *Police Hiring Roster* documents a total of 61 Departmental employees. This number includes 38 police officers, seven sergeants, four lieutenants, one assistant chief, one chief, one police reserve lieutenant, three police reserve officers and six professional staff.

Citygate interviewed more than 45 sworn professional staff representing every rank and assignment. On a scale of 1 to 10, with 10 being the highest or best score, on average these individuals rated internal vertical and horizontal communications at 4.71. Many officers stated they did not have regular shift meetings and that there were no annual or regularly scheduled Departmental meetings. Policies are distributed to individuals by use of a USB thumb drive (and external memory storage device for a computer) or through downloading the information from a central source. Most employees reported receiving no specific instruction or context for the changing policies.

One of the vital ways leadership communicates, evaluates, and reinforces Departmental Values, Vision, Mission, and Goals, is through its process of performance reports. Performance reports will be discussed in greater detail later in this report. To hold employees accountable for understanding, internalizing, and demonstrating Departmental Values, Vision, Mission, and Goals, those Values, Vision, Mission, and Goals must be clearly articulated, consistent, and evaluated against observed performance.

The Project Team found it difficult to find the Goals, Vision, or Mission Statement for the Maricopa Police Department. Almost none of the individuals with whom we spoke to could recite, or state in general terms, the Department's Mission Statement.

The Values, Vision, and Mission Statements were not clearly identified on the Department's website. The Project Team had to search through a number of documents before finding these items in the "City of Maricopa Public Safety Strategic Plan 2009-2012."

The Project Team received a copy of form PD 08 – 102 (template). This document lists an origin date of February 2008 and lists six "Core Values: Human Life and Dignity, Integrity, Responsibility, Empowerment, Pride, and Excellence." Two additional items are listed for supervisors: "Leadership/Development for Self and Team, and Quality of Rating given Employees." While those are laudable values, they are not the same as the values listed in the City of Maricopa Public Safety Strategic Plan 2009-2012. In the strategic plan document, the values are identified as "Leadership, Fairness, Honesty, Respect, Courage, Compassion, and Integrity."

Some of the discrepancy between the two lists of values may be due to a process in which the Department embarked in 2010. During that process, a set of values was purportedly established based on a number of Departmental meetings with an organizational culture expert. Without

commenting as to the efficacy of that process, Citygate did find considerable controversy among many of the individuals with whom we spoke concerning the validity of the report's conclusions. This controversy ties into a consistent theme among many of the interviewees concerning an inability to establish an organizational culture or a true "Maricopa Way" of policing.

Citygate did not direct any of our prepared interview questions to the 2010 cultural assessment, yet many of our interviewees volunteered the opinion that the process was a waste of time. We found no evidence that any follow-up work had been done.

The Project Team, however, identified several important observations. Chief among them was that there was a consistent expression on the part of the employees of their desire to serve the community and to be part of an innovative, progressive department. Progress toward those objectives was stunted because the employees are not working as a team.

Many of the randomly selected employees interviewed by the Project Team expressed the strong opinion that one of the significant communication issues in the Department is that the Command Staff is not visible in the Department. One member of the Command Staff noted that the line employees have little confidence in them. This member of the Command Staff attributed this to his belief that there is a lack of effective leadership in the Department. The lack of visibility of the Command Staff contributes to the expressed opinion on the part of many employees that there is a lack of accountability and leadership in the Department.

Additionally, the Project Team noted that the lack of effective communication in the Department includes the professional support staff as well as line officers. Several civilian employees interviewed by the Project Team indicated that they believed the Command Staff does not provide them with adequate supervision, support and oversight. Several civilian employees stated that they are fearful of retaliation if they bring concerns forward.

6.3 EXTERNAL DEPARTMENTAL COMMUNICATION

Public Safety and enforcement of the rule of law is built upon voluntary compliance. A law enforcement agency does not exist that depends on enforcing the rule of law on an uncooperative citizenry. The success of any public safety organization relates directly to its ability to communicate effectively with the community it serves. In recent years, the importance of social media as a communication tool has taken center stage. Even before this, however, successful public safety agencies recognized the important, albeit sometimes difficult relationship, they had with the media. When properly managed and done in a spirit of cooperation and openness, the relationship between traditional media and public safety agencies serves the media, the public safety agency, and most importantly, the community.

When managed correctly, traditional media and social media can serve as vehicles to tell the "Maricopa Police Department story." The foundation of the "Maricopa Police Department story" are the Values, Vision, Mission and Goals, crafted in cooperation and collaboration with both

internal and external partners, and carried forward in every aspect of the Department's operations and in every community contact made by the Maricopa Police Department.

The next step in building public trust concerns the manner in which the community perceives the Maricopa Police Department as adhering to its Values, applying the Vision to craft the Mission, establishing priorities to accomplish the Mission, and striving to achieve Goals that support and enhance public safety and a stronger community.

This process leads directly to "Emotional Equity"² (Davis, J. 2003). Emotional Equity is "The bond of public trust and support established by a public agency based upon the community's perception of the agency's historical transparency, efficient delivery of service, perceived ability to deal with internal issues, integrity, communication, and fair and equal treatment of all members of the community and agency employees."

Emotional Equity plays an important part of an agency's ability to take the necessary steps toward repairing problems within the organization. Public safety agencies are the only social service agency remaining available to the community 24 hours a day, 365 days per year. Establishing and maintaining a high level of trust with the community the agency serves is tested on every call and with every contact. This is the major reason the Project Team is concerned about the high number of citizen-initiated complaints against members of the Department.

Public safety agencies are beginning to recognize the connection between their reputation with internal and external stakeholders and the private sector concept of "branding." In the December 2010 issue of the *Harvard Business Review*, Barwise and Meehan observe that branding depends on "...offering and communicating a clear customer promise, building trust by delivering on that promise, continuously improving on it and innovating beyond the familiar...." Add to that the concept of Emotional Equity and assume that an agency's employees are their customers/stakeholders, and a fairly complete, full description of the organization's commitment to open communication and continuous improvement develops.

6.3.1 Community Members' View

The Project Team interviewed approximately 15 individuals who were residents of the City of Maricopa, City employees, or who conducted business within the City of Maricopa. Of these, 12 were selected by City leadership and three contacted the Project Team independently. The views represented by this group vary from individuals who had virtually no contact and had little to offer regarding their opinion of the Department's performance, to those who had very strong opinions about the Police Department. The individuals most passionate about their opinions tended to be those who had had a negative experience with the Department.

² Gilmartin, K (2003). *Emotional survival for law enforcement*. Tucson: E-S Press.

We did not find an organized, well-articulated philosophy concerning the Police Department's approach in communicating with the community. For example, individual officers did not feel empowered to speak to the press. Based on interviews and examples of past performance, coordination between the City's Public Information Officer and the Department did not seem to be a priority for the Department. It appeared to the Project Team that there was a "turf" dispute between the City's Public Information Officer and the Police Department. This tension manifested itself in many ways, most notably in the collective inability to "get the message" out to the public accurately, timely and effectively.

6.3.2 Citizens Survey

The City of Maricopa developed a Citizens Survey to gauge resident's opinions about the Police Department. The full results of this survey are presented in Section 9.2. The survey questions were posted on the City's web site for approximately 30 days. Respondents were asked a series of questions about the Department. The reader is cautioned that the survey is not a statistically valid random survey of community opinions, but rather should be viewed as an expression of various views of the Maricopa Police Department. Based on the survey results, community members see the Department as generally competent, but do not feel that leadership or line officers are particularly approachable. Specific officers are viewed by community members as being excellent representatives of the Department.

The Citizens Survey allowed respondents to choose between six response categories. Those categories in descending order were Excellent, Good, Adequate, Poor, Unsatisfactory, and Not Applicable (N/A). The first two options, "Excellent" and "Good," are clearly the most positive categories. The next choice of Adequate is less clear. "Adequate" is defined by Webster's dictionary as: "1 enough or good enough for what is required or needed; sufficient; suitable; 2 barely satisfactory; acceptable but not remarkable."

While the term is not completely negative, it is certainly not something to which an agency would strive to attain. The next two options, "Poor" and "Unsatisfactory," are clearly negative. Not Applicable (N/A) is neutral.

The Project Team believes one survey may not adequately reflect the opinions of the community. The Project Team notes that the Community Survey was not a statistically valid, random survey. This survey should be looked upon as a baseline from which to build further information.

For the purposes of this section, we will focus on the survey questions numbered three through seven.

Question three asks "Based on your personal interaction(s), the communication received from our police staff regarding your report/complaints/investigation was:" Among those responding, 39 percent placed the Department's communication regarding their report/complaints/investigation in the Excellent to Good category, 24 percent placed it in the Poor to Unsatisfactory category, and 13 percent gave the Department Adequate marks in this area.

Question four asks, “Based upon your personal interaction(s), the level of respect and professionalism displayed by our Police Department staff is:” Among those responding, 48 percent placed the Department’s respect and professionalism in the Excellent or Good category, 23 percent placed it as Poor to Unsatisfactory, and 13 percent gave the Department Adequate marks in this area.

Question five asks, “Based upon your personal interaction(s), our police staff’s knowledge/competency level is:” Among those responding, 45 percent placed the Department’s knowledge and competency in an Excellent to Good category, 20 percent placed it in the Poor to Unsatisfactory category, and 19 percent gave the Department Adequate marks in this area.

Question six asks, “The reputation, among the community, of the Maricopa Police Department is:” Among those responding, 29 percent rated the Department’s reputation in the community as Excellent to Good, 54 percent rated it as Poor to Unsatisfactory, and 17 percent gave the Department Adequate marks in this area.

Question seven asks, “Your personal satisfaction and confidence level with the Maricopa Police Department is:” Among those responding, 44 percent placed their personal satisfaction and confidence in the Maricopa Police Department at Excellent to Good, 32 percent placed it at Poor to Unsatisfactory, and 24 percent gave the Department Adequate marks in this area.

If we assume that the Maricopa Police Department wants to be viewed as either Excellent or Good, then these numbers are disturbing.

For question three, related to the Department’s communication, the combined rating of Adequate, Poor, and Unsatisfactory was 37 percent.

For question four, related to the Department’s professionalism, the combined rating of Adequate, Poor, and Unsatisfactory was 36 percent.

For question five, related to the Department’s knowledge/competency, the combined rating of Adequate, Poor, and Unsatisfactory was 39 percent.

For question six, related to the Department’s reputation in the community, the combined rating of Adequate, Poor, and Unsatisfactory is a staggering 71 percent.

For question seven, related to personal satisfaction and confidence in the Department, the combined rating of Adequate, Poor, and Unsatisfactory is 56 percent.

We emphasize that this is only one survey. Extrapolation of these numbers concerning any specific decisions may be somewhat dangerous without additional data. This was not a random survey designed to elicit information from all segments of the community. The results do, however, seem to coincide with the information we gathered from our interviews, both internally and externally. Both the results of the internal and external interviews, as well as the survey, should serve to build a baseline of information.

6.4 DEPARTMENTAL ORGANIZATION

6.4.1 Organizational Structure

The Maricopa Police Department is organized into four divisions – the Office of the Police Chief, Patrol Division, Criminal Investigations and Support Services. Patrol is led by two Lieutenants; Criminal Investigations is under the direction of a Lieutenant, as is Support Services. Each Lieutenant reports to the Assistant Police Chief. At the time of the Project Team’s field work, two Lieutenant positions were vacant and their work load was distributed to other employees in the Department. Additionally, the Department has a Reserve Officer Program that includes three reserve officers.

As noted in this report, the Project Team pointed out the serious communication challenges within the Police Department. Additionally, during the interviews with members of the Command Staff, the Project Team was made aware of communication difficulties between the Chief and Assistant Chief. Each has different styles of communication that appeared at times to be in conflict. The result of this, as expressed to the Project Team by many of the employees interviewed, was a lack of accurate and timely information flowing down to the line officers as well as upward flow of information. This put the Lieutenants in an untenable position in terms of their roles and responsibilities in the Department. Finally, it created even more uncertainty and confusion among the line employees.

6.4.2 Information Technology

Among the many new challenges faced by the contemporary public safety agency are the identification, acquisition, installation, integration, maintenance and support of technology. While acquisition, installation, integration, maintenance and support are generally self explanatory, identification is frequently the least understood but most critical of the steps. In identifying the type of technology (hardware/software) needed, the law enforcement professional must answer a number of important questions. What do we want this new piece of technology to do? What current manual function will it replace or what added value does it bring to existing technology? How does it advance one or more of our goals or objectives? Can we use "off-the-shelf" items or does our purpose require specialized software development? Who can provide the hardware/software needed? Is it an open or closed architecture? How will upgrades be managed? Is it compatible with other parts of your or your strategic partner’s equipment? What is the cost-to-benefit analysis? All these questions, and more, must be answered before an appropriate decision can be made regarding the acquisition of new or enhanced technology.

Computers have a ubiquitous presence in public safety and have become an integral part of the contemporary public safety agency. Integration of everything from radios to laptops, audio/video capture devices, and cell phones requires some level of information technology (IT) support.

Individuals with the appropriate acumen to understand the technical requirements of an array of technologies, their practical application in a public safety agency, and are able to pass an appropriate background check, have become a unique subset of IT professionals. Whether these individuals reside solely in the public safety agency, are part of a larger information technology team within the city, or are an independent service provider is largely a function of workload and the ability to respond to the critical nature of the 24/7 work schedule and zero downtime requirements of many of the public safety agency's mission critical functions.

6.4.3 Work Schedules

The Maricopa Police Department currently operates on a version of the 3/12 schedule. There is no perfect work schedule in a public safety department. Public safety agencies throughout the United States have experimented with a variety of hybrids of several traditional plans including, but not limited to, the 5/8, 4/10, 3/12, 5/9/4, and so on. Every schedule must be constructed to meet the particular needs related to providing the identified level of service to the community, the cost of delivering that service and the potential effect on employees.

The schedule under which the Maricopa Police Department currently operates has two deficits. First, in order to identify and construct an appropriate schedule, a department must understand the relationship between the demands for service and stability through people and technology to deliver that service. A properly constructed workforce analysis examines variables including but not limited to, established expectations for response time, call volume combined with an analysis of the number of officers required for each call, self-initiated activity combined with an analysis of the number of officers required for each activity, and a decision regarding the department's/community's expectations for unallocated patrol time. As a point of clarification, unallocated patrol time does not mean "free" time. Unallocated patrol time is generally understood as the opportunity for the officers to engage in other special projects, and Community Oriented Policing and Problem Solving important to the community/department. The Project Team was not able to locate evidence of any documents detailing such analysis.

Second, the current version of the 3/12 plan as implemented by the Maricopa Police Department does not provide the opportunity for officers coming on shift to meet for a period of time prior to going into the field. These meetings are important for several reasons: they give officers the opportunity to meet and discuss issues, ask questions, and share information pertinent to their responsibilities. These meetings, usually 15 to 30 minutes in duration, also give management the opportunity to conduct in-service training on community, operational, procedural, functional, and relational issues. They provide an excellent forum for executive management to test the depth of understanding of philosophy and policy among those charged with the direct implementation of those policies and philosophies.

These meetings are also excellent training venues. Properly structured with appropriate outlines and identified learning outcomes, they can become part of the training compliance for the Department. Many adult learning experts agree that short, repetitious and related instruction can

be more effective than instruction given in longer duration formats. Under a multidiscipline structure, elements such as department philosophy, policy, ethical expectations and operational information can be woven into a single presentation.

6.5 FINDINGS AND RECOMMENDATIONS

Finding VI-1: Communication within the Maricopa Police Department suffers, in part, due to an inability for one of its major work groups, the Patrol Division, to have regular shift meetings among individuals working the same schedule.

Recommendation VI-1: The Maricopa Police Department should strongly consider revising its work schedule to allow for regular meetings of officers working similar assignments and schedules. Such meetings should be attended by the immediate supervisor and, as often as possible, by responsible management and executive leadership.

Finding VI-2: The Maricopa Police Department does not have a visible, well-known Vision, Mission, or set of Values. The process of setting Departmental Goals begins with establishing a set of mutually shared and well understood Values. Values inform the Vision for the Department. The Vision sets the parameters for the Mission; the Mission informs the development of Goals and the priority of those Goals.

Recommendation VI-2: The Maricopa Police Department should embark on a guided process, including community input, for developing a set of mutually shared and understood set of Values, a clearly articulated Vision, a Mission Statement that can guide decision-making, and a set of measurable Goals.

Finding VI-3: The Maricopa Police Department does not have a widely understood or effective policy with regard to providing information to the community and news media.

Recommendation VI-3a: Identify the Public Information Officer (PIO) as a key entrusted member of the Police Department team and assign primary responsibility for non-emergency communication with the public to that position.

Recommendation VI-3b: **Develop a communication policy which recognizes the media's role in a free society and as a partner in effectively communicating with the community. Develop clear guidelines for including executive leadership and the PIO in the communications process.**

Recommendation VI-3c: **Begin a process for training all employees in the role of the media in a free society. Employees should be sufficiently trained such that they have confidence in their ability to provide timely and appropriate information to the media without jeopardizing public safety or violating confidentiality.**

Finding VI-4: *The Police Department's strategic plan is outdated and does not serve a useful purpose.*

Recommendation VI-4: **The strategic plan should be revisited annually or sooner if appropriate in addressing a dynamic change in conditions.**

Finding VI-5: *Internal vertical and horizontal communication is not adequate to ensure that the Department's service delivery goals are achieved. Barriers between line officers and the Command Staff inhibit effective communication, particularly with the patrol function.*

Recommendation VI-5: **It is recommended that the Department undertake training efforts designed to improve the flow of communications, both vertically and horizontally. Department leadership is accountable for ensuring effective and efficient communication within the Department. Regular staff meetings and patrol meetings must be institutionalized. When policies are updated and revised, the reasons for the change must be communicated clearly and effectively by leadership and supervision to the line employees.**

Finding VI-6: *The Command Staff is not visible to the employees in the Department, in part due to their workload and in part due to the leadership issues within the Department. Regardless of the reason, the lack of visibility contributes to communication, management and leadership challenges that contribute to the low morale in the Department.*

Recommendation VI-6: **Members of the Command Staff should be held accountable for being visible within the Department. One simple**

management and leadership technique is “management by walking around.”

Finding VI-7:

The current organizational structure of the Maricopa Police Department is ineffective and inadequate. With a Department of 61 employees, there is little rationale for an organizational structure with four divisions. The Project Team believes that the current organizational structure contributes to a number of the leadership and management issues documented in this report.

Recommendation VI-7:

It is recommended that the Department be re-organized into two divisions – Operations and Support Services. Further, consistent with the recommendations contained in Recommendation III-1 (pertaining to the Office of Professional Standards), each division should be headed by a commander with the requisite leadership and management skills. Finally, it is our recommendation that the position of Assistant Police Chief be eliminated as redundant and unnecessary.

Finding VI-8:

The Project Team was not tasked with undertaking a review of technology and technology support for the Maricopa Police Department. We did, however, find anecdotal information which supported the need for greater responsiveness to the Police Department’s technology issues by the City’s Information Technology Department.

Recommendation VI-8:

As part of a comprehensive look at the workload of the Maricopa Police Department the Project Team recommends that the City and Department also:

- ◆ **Examine the appropriate workload necessary to support existing and planned technology;**
- ◆ **Develop appropriate job descriptions;**
- ◆ **Determine if the service should be provided in-house or by contract and the appropriate functional lines of control;**
- ◆ **Assign a staff member of the Information Services Department who is qualified and knowledgeable regarding the technology systems to provide support on an ongoing basis.**

Finding VI-9:

The Maricopa Police Department's deployment schedule for the Patrol Division is not based on a well-structured analysis of the needs or expectations of the community. The current schedule also does not allow for healthy vertical and horizontal communication.

Recommendation VI-9:

The Department should undertake a process of collecting and analyzing mission critical elements, including but not limited to, calls for service, self-initiated activity, training, Departmental/community expectations for unallocated patrol time, and enhancing vertical and horizontal communication. This process should include consideration of applicable laws and existing employee agreements. To ensure the best possible outcome, the Project Team highly recommends that specific area experts (police officers, first-line supervisors and Human Resources professionals) be included in this process.

SECTION VII—HIRING PROCESS

7.1 INTRODUCTION

This section of the report reviews and analyzes Police Department's hiring process for officers.

When the Department was formed in 2007, the hiring program, out of necessity, focused on hiring experienced and certified officers from other police agencies. This is typically referred to as “lateral hiring.” Lateral hiring is generally the most cost-effective way to staff a police department. Applicants have already completed the required training academy and have obtained state certification. Additionally, since they are already employed by other police agencies, obtaining information regarding their job performance helps the hiring department make a more informed decision.

While there are many advantages to hiring laterally, there are challenges that must be addressed to ensure a successful result. First, officers seeking employment with other agencies have grown accustomed to the organizational culture of their home agency and often experience difficulty in making a smooth transition to a new employer. Second, officers seeking to transfer to another department frequently do so because of dissatisfaction with the terms and conditions of employment or a dispute with a supervisor or co-worker. In some cases, an officer seeks employment with another Department prior to being disciplined. Because of these potential negative reasons for seeking new employment, it is essential that the employing agency conduct a thorough background investigation that includes, when logistically possible, face-to-face contacts with prior employers. Phone or mail contact is generally not adequate for obtaining crucial information needed to make a hiring decision.

The recruitment and hiring process is a cooperative effort between the City’s Human Resources Department and Police Department. The Police Department assigned responsibility for the hiring process to the Internal Affairs section.

7.2 LATERAL HIRING PROCESS

7.2.1 Lateral Hiring Process Steps

The steps in the lateral hiring process are summarized below:

- ◆ The City prepares and posts a job announcement.
- ◆ The City accepts applications up until the final filing deadline.
- ◆ Applicants are required to register on-line with a national testing service.
- ◆ Applicants are required to take and pass a written and physical abilities exam developed and administered by the national testing service.

-
- ◆ Applicants passing the testing process are interviewed by the Department's Command Staff. The interview process includes community members.
 - ◆ Successful applicants are required to complete a background investigation which includes a polygraph, a psychological examination, medical exam, criminal and motor vehicle records review, and an investigation into the applicant's employment history. The investigation into the applicant's employment history is conducted by the Department's Internal Affairs section.
 - ◆ Successful applicants are interviewed by the Maricopa Police Chief.
 - ◆ The hiring decision is then made by the Department.

The Project Team did not evaluate the lateral hiring program to assess compliance with the generally accepted standards for test validation (Uniform Guidelines on Employee Selection Procedures, 1978; Standards for Educational and Psychological Testing, 1999) as that is beyond the scope of our engagement.

It is noted that Arizona POST sets the minimum hiring standards for police officers. The Maricopa Police Department has followed the minimum standards in its hiring program.

During the course of interviews with members of the Department, the Project Team heard on multiple occasions that the reputation of the Police Department within the law enforcement community was that the Maricopa Police Department is “a Department of second or last chance” for officers who had not been successful in their previous law enforcement work experience.

The Project Team reviewed a sample of hiring records of randomly selected employees. The purpose of the review was to determine if the Department completed the required steps in the background investigation phase. The results of the review indicated that all the required steps had been completed and re-documented in the various files. In several cases, the background investigators did not make on-site visits to the employers of the applicants, but rather verified past employment via telephone.

The Project Team interviewed several Department employees who had previously conducted background investigations for the Department. They confirmed that telephone calls were made with past employers rather than on-site or face-to-face visits. It was explained that the reason for this was the Department had an ambitious schedule for staffing the Department and there simply was not time for face-to-face or on-site visits. Furthermore, the employees who previously conducted background investigations expressed a concern that the Department hired individuals who they believed did not merit employment. When pressed further, the employees stated that all the employees hired by the Department met the Arizona POST standards, but they believed that there were issues disclosed in the background investigation that should have resulted in a non-hiring decision.

Further, in interviews with command staff members and other employees, the Project Team was informed that the Department previously hired individuals who were on the “Brady List.” The “Brady List” is a listing of officers with a sustained record of being untruthful. Officers on the “Brady List” are not able to testify in court as they have no credibility. The Department is aware of individuals who are on the “Brady List.”

The Project Team took note that the Department is currently accepting applications for entry-level recruit hiring. The Project Team believes this is a positive development and will enhance the ability of the Department to recruit, hire and train employees who will have successful careers.

7.2.2 Promotional Process

The Project Team asked the randomly-selected Police Department employees the following question:

Using a scale of 0 to 10, with 10 being the best or highest score, do you believe transfers and promotions are done based on merit?

The average score for the respondents was 4.17, indicting a moderately low level of confidence in this management function.

The Project Team reviewed the hiring process used by the Department for making promotions. The basic procedure used by the Department includes the following steps:

- ◆ Hiring a consultant
- ◆ A written examination
- ◆ An oral board interview process
- ◆ Selection.

The Project Team met with the Department’s Command Staff to review the promotional process. In discussion with the Command Staff regarding past promotional exams, the Project Team was advised that the development of specific exercises used in the promotional process were internally developed based on their knowledge and experience obtained from their previous employment with other agencies.

We asked members of the Command Staff if previous promotional processes had been validated in accordance with the Uniform Guidelines on Employee Selection Procedures or other authority, and they did not know. It appears to the Project Team that previous selection procedures had not been validated resulting in the potential for additional risk and liability on the part of the City, particularly as it relates to a claim of employment discrimination. A professionally validated promotional process is a legal defense to a claim of employment discrimination, and given the low level of confidence expressed by employees in the

Department, it is our view that the potential for a legal challenge may be greater than is typically found in a police agency.

7.3 FINDINGS AND RECOMMENDATIONS REGARDING HIRING AND PROMOTION

Finding VII-1: Hiring Process – The hiring process used by the Department complies with the minimum standards required by Arizona POST. The Project Team noted that aspects of the background investigation were conducted via telephone contact with prior employers rather than the standard on-site or face-to-face meeting.

Recommendation VII-1a: **It is recommended that all background investigations include face-to-face interviews with prior law enforcement agencies and past employers.**

Recommendation VII-1b: **It is recommended that the Department aggressively recruit highly qualified individuals, both laterally and with new hires by establishing a joint recruitment program with the City’s Human Resources Department. An aggressive recruitment program includes putting together a recruitment team, participating in career fairs, and recruiting at various colleges and universities and other locations where qualified candidates are likely to be found.**

Finding VII-2: Promotional Process – It is undisputed that the employees in the Department have little confidence in the promotional process. Employees believe that promotional decisions are not based on merit, but rather on other non job-related factors.

Recommendation VII-2: **It is recommended that the Department undertake an effort to hire a qualified consulting firm to conduct a detailed job analysis and validation of the promotional process. This will help establish confidence that the promotional process is job-related and is able to withstand a legal challenge. It will also help overcome the perception that promotional decisions are arbitrarily made.**

7.4 OFFICER TRAINING AND DEVELOPMENT

7.4.1 Introduction

Training is a critical management issue that is seldom considered by a public safety agency as it conducts the day-to-day business of protecting a community. As in most professions like public safety, an individual, seeking to be part of that profession, invests significant time in formal education, including some type of formal or informal internship. After gaining sufficient experience to satisfy statutory or industrial requirements, these individuals are then free to embark upon their chosen profession often, without further formal or informal education or training.

Over time, police professionals moved, either voluntarily or involuntarily, to a process of continuing education.

In the United States, the need to educate and train law enforcement officers first came into prominence in the early 1900s. As late as the 1940s and 1950s, new officers in many parts of California were still being given a badge and told to go out and, what could be euphemistically called, “enforce the 10 Commandments.”

The job of the public safety officer today has become far more complicated than in the past. It is not an exaggeration to say that officers are expected to have expertise in everything from combating terrorism to dealing with children who will not follow their parent’s direction. Unlike other safety professions, public safety officers must understand how to work in large groups such as in major disturbances and in small units such as when serving search warrants and in conducting tactical operations. Most public safety officers, however, act alone, such as in contacts with citizens, traffic contacts, minor investigations, and during the preparation of reports.

Public safety officers are entrusted with awesome power by our society. They are often as young as 21 years of age, have only a General Equivalency Diploma, are entrusted with the responsibility of being the only individuals in our society who can, without warrant or benefit of due process, temporarily deprive individuals of their freedom, and/or their very lives. Furthermore, public safety officers frequently act without immediate on-site supervision.

Decisions are made by public safety officers in a matter of seconds, frequently under less than ideal conditions, and without the benefit of time to consult others on what is an appropriate response.

The reason that public safety agencies train is because they want to prepare their employees to make decisions on their behalf, under any circumstances, which reflect established Department and community values, and act in a manner consistent with their training.

The Project Team divided training/education into three major categories:

- ◆ Legal – understanding the statutory requirements of the position;
- ◆ Operational – the ability to perform the required activities of the position, character, ethics, critical decision-making;
- ◆ Emotional Survival – the ability to recognize ethical dilemmas, identify options, make appropriate choices, take prompt action, accept responsibility and develop healthy coping mechanisms to counteract stress.

Issues of character, ethics, critical decision-making, and emotional survival are foundational to both legal and operational considerations for the public safety agency.

A 2006 article in *The Police Chief* magazine states:

“...Although it is important for officers to attend specific courses on ethics and integrity, is equally vital that consideration of relevant ethical issues be incorporated into each training program.”

The Project Team concurs with the statement by the International Association of Chiefs of Police. We would add that regular discussions among employee groups in the Department are appropriate settings for directed discussions about responses to everyday challenges to integrity. Properly directed and supported by executive leadership, these less formal engagements can form the foundation for a stronger character-based organizational culture. Further, by training in appropriate methods of identifying and counteracting physical responses to repeated stress, employees may be less likely to engage in risky behavior.³

In order to accomplish what has been identified as a Best Practice by the IACP, allocation of finite training funds and prioritization of time must have the attention of executive leadership. The importance of the executive participation in the hiring and training of employees has been identified in many respected publications, including but not limited to, works by Jim Collins, *Good to Great* (2001) and *Good to Great and the Social Sectors* (2005) and *Execution, The Discipline of Getting Things Done* (2002) by Bossidy and Charan.

The Maricopa Police Department has faced a unique challenge in compliance with Arizona Peace Officer Standards and Training (AZ POST) requirements. Within a very short time frame, the lieutenant in charge of training had to assure that the Department was in compliance with AZ POST standards. The Department received confirmation of compliance for calendar years 2009 and 2010 from AZ POST for training for peace officers.

³ Davis, J. (1999). *How will law enforcement communicate with the communities they serve by the year 2008?* Sacramento: California Commission on Peace Officer Standards and Training.

The lieutenant in charge of training was also responsible for building a database for the purpose of collecting and analyzing training data for individual officers.

The Project Team examined the Department's training records to determine the type and number of classes attended. Based on the successful completion of two previous inspections of the Maricopa Police Department's training records, the Project Team made the assumption that classes and hours listed in the database were accurate.

The Project Team approached the overall evaluation of officer training in the Maricopa Police Department by examining three questions:

- ◆ What types of training are sworn employees self-selecting or being assigned?
- ◆ How are the Department's training priorities established?
- ◆ What is the preparation for individuals assuming positional leadership responsibilities?

The Project Team examined the training records for the Maricopa Police Department beginning in 2007 through 2011 (based on the records available up to this time.)

As indicated above, we categorized the type of training into these areas:

1. Operational;
2. Legal;
3. Emotional Survival – a general grouping we identify as character, ethics, and critical thinking and emotional survival;
4. Other.

The final category is, "Other." The "Other" category was used for areas such as conferences or listings where the content was not immediately identifiable.

The Project Team is not aware of any specific empirical studies identifying the appropriate balance of types of training. Each department must analyze its own community and internal needs to determine this balance.

We first looked at the total number of classes attended during the study period. The Project Team was provided a document by the Maricopa Police Department entitled "List(ed) of Classes Attended" dated Thursday, October 27, 2011 consisting of 12 pages.

In 2007, one or more employees at the Maricopa Police Department attended 97 training or educational classes which we classified as "Operational," six which we classified as "Legal," five which would be classified as "Emotional Survival" and five which we classified as "Other."

In 2008, one or more employees attended 106 training or education classes which we classified as “Operational,” two which we classified as “Legal,” five which could be classified as “Emotional Survival,” and one which we classified as “Other.”

In 2009, one or more employees attended 95 training or education classes which we classified as “Operational,” one which we classified as “Legal,” five which we classified as “Emotional Survival,” and one which we classified as “Other.”

In 2010, one or more employees attended 102 training or education classes which we classified as “Operational,” four which we classified as “Legal,” and nine which we classified as “Emotional Survival.”

As of the date of the production of the Department’s report, in 2011, one or more employees attended 76 training or education classes which we classified as “Operational,” two which we classified as “Legal,” two which we classified as “Emotional Survival,” and one which we classified as “Other.”

The Project Team requested and was provided with a printout of training or educational opportunities that were considered as fitting into the categories of leadership/ethics.

The Department provided a document entitled Leadership/Ethics, dated Thursday, October 27, 2011. This printout identifies the classes which the Department designated as related to leadership/ethics. The Project Team then examined this list and divided the attendance into individual, and rank.

For the study purposes, the Project Team divided this into two categories. The first category was identified as those educational training courses that were not AZ POST required. The second category were those training or educational classes that appear to be general supervision or specialized management trainer educational opportunities such as Incident Command courses for executive leadership or basic supervision courses for sergeants.

For the purposes of this study, we combined the position of officer and detective into one group. Individuals who are no longer on the Police Hiring Roster as of September 27, 2011 were not counted.

Of the 26 training or educational opportunities classified as “Emotional Survival,” eight were attended by executive leadership. The Chief of Police attended three sessions and the Assistant Chief attended five sessions. Eight sessions were attended by lieutenants, five by sergeants, and four by officers or detectives.

Of the 17 training or educational opportunities, we classified them into categories of general supervision or specialized management. Two were attended by executive leadership, three by lieutenants, seven by sergeants, and five by officers were detectives.

The Department has focused significant investment on the International Association of Chiefs of Police (IACP) course entitled “Leadership in Police Organization” (LPO). LPO is a well respected course presented over four separate weeks and represents approximately 128 hours of documented training.

Four lieutenants, two sergeants, and the acting chief participated in the LPO program. All but one lieutenant took the courses between 2010 and 2011.

We found no evidence of an organized program or expectation requiring or encouraging individuals who attended training or educational opportunities to bring that information back to the Department in the form of formal or informal training.

The Project Team notes with interest that only four officers/detectives participated in training or educational opportunities that we could categorize as “Emotional Survival.” Two officers did participate in a supervisory preparation training or educational opportunity.

A well-rounded training program encompasses not only legal and operational needs of sworn and professional staff, it also serves to underscore and clarify the Department’s expectations of service delivery.

A well-rounded training program is important in helping all personnel understand how to build the Department’s reserve of emotional equity with the community as well as understanding the relationship of “Emotional Survival” to officer survival. Emotional Equity plays an important part of an agency’s ability to be allowed the appropriate time to take the necessary steps towards repairing problems within the agency.

Field Training Officers are among the most important people within a public safety agency. They bridge the theoretical learning, from the Academy, with its practical, judgment-based, operational application. They are the initial gatekeepers and quality assurance officers. Even the best hiring process cannot always ferret out those intangibles that make otherwise qualified new officers a less than ideal fit for a particular public safety agency. Well trained, supervised, and supported field training officers can help develop new or experienced officers from other agencies and understand and practice the Maricopa philosophy of policing.

Traditional public safety agencies frequently limit this sort of supportive one-on-one training to the officer level. Individuals assuming new responsibilities such as transfers or promotions are frequently left to understand their new responsibilities by attending a class or "on-the-job" training. The organizational assumption is that an individual who has successfully tested for the next level of responsibility is now prepared to assume that level of responsibility. This is a false assumption.

More progressive public safety agencies have begun to adopt a philosophy of “training forward.” Individuals are trained to the next level of responsibility. This benefits the department and the

individual by allowing them to better understand the needs, responsibilities, and challenges of those for whom they work.

Agencies have also initiated programs, similar to the FTO program, for individuals assuming new responsibilities. Agencies have established a list of critical tasks and are ensuring that these tasks have been explained, demonstrated, and performed by the newly transferred or promoted individual to the satisfaction of a senior individual with a strong understanding of the duties and responsibilities of that individual's new position. This process allows the senior officer to mentor the individual and become a resource for them as they gain experience.

The Maricopa Police Department is somewhat unique in that many of the individuals who currently hold positional authority/responsibility were promoted to that level of responsibility from a lower level in a previous department. The opportunity for mentoring and coaching was largely unavailable. The Maricopa Police Department has recently begun a process of more intensive formal training for its command level staff. From our interviews, the Project Team obtained anecdotal information and new understanding resulting from this training is not being effectively shared vertically or horizontally.

7.5 FINDINGS AND RECOMMENDATIONS

Finding VII-3: The Maricopa Police Department meets and in some areas exceeds State-mandated training requirements.

Recommendation VII-3: The Department should continue to ensure that all personnel meet or exceed minimum State-mandated training requirements. The Department should ensure that all training provided relates to Departmental needs, employee development and relevance to the Department's Values, Vision, Mission and Goals. This can be achieved through an annual training needs assessment.

Finding VII-4: The majority of training and educational opportunities in the area classified as "Emotional Survival" was focused, with rare exception, on executive and management employees.

Recommendation VII-4: The Department should give strong consideration to incorporating and prioritizing training and educational opportunities in the area of character, ethics, critical decision-making and emotional survival.

Because some of the better programs, such as Leadership in Police Organizations, require a significant time commitment, the Department may wish to consider alternatives, including

but not limited to, online course offerings, train-the-trainer programs, developing the suggested reading program into short, 15-minute segments, and issuing discussion outlines which can be presented during meetings with working groups.

Finding VII-5:

The Maricopa Police Department does not have a formal or broad-based informal process for mentoring and developing officers or staff. The Project Team did not find evidence of a conscious effort to align training with the Department's Values, Vision, Mission, and Goals.

Recommendation VII-5a: The Project Team recommends that the Maricopa Police Department begin a process prioritizing individual training needs which are in alignment with the Department's Values, Vision, Mission, and Goals.

Recommendation VII-5b: The Project Team recommends the Maricopa Police Department begin a process of establishing a documented process of training for individuals assuming new responsibilities and levels of leadership.

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SECTION VIII—FINDINGS AND RECOMMENDATIONS

Not all the findings and recommendations in this review carry the same weight, and staff can address most of them over time. Citygate’s findings and recommendations are summarized below. For reference purposes, the findings and recommendation numbers refer to the sequential numbers in the main body and sections of the report.

8.1 COMPLETE LISTING OF CITYGATE’S FINDINGS AND RECOMMENDATIONS

8.1.1 Internal Affairs Policy and Operations

Finding III-1: Internal Affairs Section – The Internal Affairs section of the Department is staffed with one Sergeant. Given the large number of Internal Affairs cases to investigate and/or coordinate and the length of time it takes to complete an investigation, it is the Project Team’s finding that the Internal Affairs section could benefit from additional staffing.

Recommendation III-1: Create an Office of Professional Standards – In order to strengthen the Internal Affairs function, the Department should create an Office of Professional Standards reporting directly to the Chief of Police. The Office would be charged with the following accountabilities:

Coordinating and conducting all Internal Affairs investigations including the maintenance of all Internal Affairs records.

Maintaining a log of all complaints against officers that can be used as an “early warning system” to detect patterns of inappropriate behavior. An analysis of the logs should be performed annually with the results reported to the Chief of Police.

Coordinate the hiring process for officers including background investigations; the Internal Affairs officer would be accountable for ensuring that background investigations are completed in accordance with all professional and legal standards and that the Police Department only hires the best qualified candidates.

Managing the Police Department’s Training Program – As the Police Department grows, the need for a coordinated and systematic approach to officer training, including the FTO program, should be centralized in the Office of Professional

Standards. The Office should prepare an annual training calendar based on a detailed analysis of training needs, which should include ethics and professional standards of conduct as well as operational training.

Finding III-2:

The employees of the Department have little confidence in the Internal Affairs policy as applied. The majority of employees interviewed by the Project Team believe that the Internal Affairs program is deficient in a number of areas and as a result there is little confidence that the dispositions of investigations are valid. The Project Team believes that in order for the Internal Affairs program to meet its goals and to restore the confidence of employees and the public, the following recommendation is made:

Recommendation III-2:

Citygate recommends that there be a review of previously investigated closed supervisor- and citizen-initiated investigations by an independent third-party. The purpose of this review would be to ensure appropriate investigatory techniques were used and that the disposition of cases be based on the facts. The Project Team believes this step is necessary to re-establish confidence in the Internal Affairs Program by both the members of the Department and Community. (Note: our Scope of Work did not include a substantive review of internal affairs investigations designed to assess the adequacy of the investigations, but rather was a review of investigations to determine if Departmental policies were appropriately followed.) To clarify, the Project Team is not recommending the Department seek outside review of on-going or future investigations.

Finding III-3:

Length of Time to Complete an Investigation – The Project Team noted the length of time it takes to complete an Internal Affairs Investigation. On average, it took the Department 70.5 calendar days to complete an investigation. This exceeds the goal of 28 days noted in the revised Operational Order and industry best practice goal of 45 days. The Project Team believes that, given the significant number of investigations, it is unlikely that the Department can achieve its goal for completing investigations. Furthermore, this results in officers placed on administrative leave pending the outcome of an investigation for a considerable and unnecessary period of time.

Recommendation III-3: It is recommended that the Internal Affairs Officer carefully monitor the length of time each assigned investigation takes and prepares a monthly status report to the Police Chief detailing the status of each ongoing investigation with an expected completion date. Additionally, it is recommended that the Police Department review the status of officers placed on administrative leave on a weekly basis and consideration be given to returning the officer to work or reassigning the officer to another post pending completion of the investigation.

Finding III-4: Internal Affairs Policy – The Project Team believes that the Internal Affairs policy aligns with industry best practices in most areas. One area that is not aligned with best practices is the disposition categories. Specifically, the Department uses a disposition category “Not Resolved.” That category is generally not used in most police agencies nor is it recommended by most professional organizations.

Recommendation III-4: It is recommended that the Department amend the Internal Affairs policy and cease using the disposition “not resolved.”

8.1.2 Citizen Complaint Policy and Procedures

Finding IV-1: Citizen Complaint Policy – The Department’s citizen complaint policy is aligned with the industry’s best practices. The Project Team believes that publishing an annual summary of the results of all Internal Affairs complaints contributes to the transparency needed to restore confidence in the program.

Recommendation IV-1: The Project Team recommends the following actions with regard to the Citizen Complaint Process:

The Department create a separate policy for the receipt, acknowledgement and investigation of citizen complaints and that the policy be posted on the City’s web site.

The Department create a booklet or other similar document for the public describing how to file a complaint and how a complaint is investigated.

Finding IV-2: Citizen-Initiated Complaints – The high percentage of sustained citizen complaints, particularly the complaints pertaining to professional standards of conduct, is of concern to the Project Team. A careful review of the sustained professional standards of

conduct complaints can provide the Department with useful data to determine the nature and scope of needed training.

Recommendation IV-2: **The Department should undertake a training program to help reduce the number of citizen-initiated complaints. The training should become part of the Department’s annual training calendar. The number of sustained citizen complaints appears high and every possible effort should be taken to train and educate employees to better communicate with the public in a professional manner.**

Finding IV-3: *Case Review – The Project Team is concerned with what appears to be a significant number of sustained citizen-initiated complaints. The Project Team also takes note of the lack of confidence the Department employees have in the ability of the Department to fairly and objectively investigate complaints.*

Recommendation IV-3: **Similar to the Project Team’s Recommendation III-2, it is recommended that the Department engage the services of an independent third party to conduct a review of previously investigated closed citizen complaints. Such a review should result in re-establishing the needed confidence in the program.**

8.1.3 Employee Discipline

Finding V-1: *The employees of the Maricopa Police Department believe that the Department does not follow its policies in the administration of discipline. Specifically, the majority of employees believe that the disciplinary matrix system has been misused in determining penalties and no longer serves a useful purpose. Thus, the employees have little confidence in the Department’s disciplinary policies as administered.*

Recommendation V-1: **It is recommended that the Maricopa Police Department revise the disciplinary policy to eliminate the Matrix system.**

Finding V-2: *The Project Team review of disciplinary actions disclosed that the Department generally followed its policies in the administration of discipline, but that progressive discipline is administered in such a way as to preclude effective corrective and punitive actions. The Department’s implementation of progressive discipline is based on the disciplinary Matrix. When there is a sustained finding in a*

disciplinary investigation and coaching is imposed and if there is a sustained finding regarding a different policy, the Department generally imposes another coaching action. This is noted in many of the cases cited in this report. Furthermore, there is ample evidence that in many disciplinary cases cited the employee received multiple coaching notations, and yet continued to violate Departmental policies resulting in more severe discipline taken at later dates. This is not consistent with the Department's disciplinary policy.

Recommendation V-2: It is recommended that the Maricopa Police Department revise its disciplinary policy to more appropriately and effectively implement progressive discipline; specifically, it is recommended that the definition of progressive discipline be broadened so that sustained violations of similar policies be treated as progressive discipline. It is suggested that for this purpose, policies be grouped in four or five broad categories including operational policies, use of force policies, driving/motor vehicle related policies and professional standards of conduct policies. Progressive discipline would be applied to multiple sustained policy violations within the group.

Finding V-3: While the Internal Affairs section maintains detailed records of investigations, the Department makes no use of the data for purposes of an “early warning system” to help identify employees who may be experiencing the stress associated with the job of a police officer. The purpose of such a system is to identify officers early on so that the Department can intervene before the officer is subjected to serious disciplinary action. If such a system had been in place, the Project Team believes that the number of Internal Affairs investigations would be reduced.

Recommendation V-3: It is recommended that the Department implement an early warning system, using the information collected by the Internal Affairs section, to be reviewed periodically by the Police Chief to detect patterns of employee behavior that, if not corrected, may result in continuing inappropriate behavior.

Finding V-4: While citizen input in local government decision-making is essential in developing trust between residents and elected and

appointed officials, citizen input into the administration of discipline does not necessarily help achieve that result. Industry best practices support an effective and independent appeal procedure for serious disciplinary actions taken against police employees. Furthermore, the City of Maricopa's Personnel Rules provide that disciplinary action can be taken only for "good faith for cause." Determining if "good faith for cause" exists to support a disciplinary action requires a thorough understanding of the principles and practices associated with employee discipline. The Project Team notes that the Merit Board has heard five disciplinary appeals. The Project Team reviewed the records of those five hearings and determined that the Board does not appear to apply sufficient analysis regarding the "good faith for cause" requirement.

Recommendation V-4: **It is recommended that the City of Maricopa consider alternate methods of appeal for serious employee disciplinary actions. One alternative is nonbinding arbitration. Nonbinding arbitration is a commonly used form of dispute resolution in labor relations. Arbitrators who are generally attorneys are particularly knowledgeable and skilled in analyzing and evaluating disciplinary action particularly as it relates to a finding of good faith for cause.**

8.1.4 Departmental Communication Systems and Organization

Finding VI-1: Communication within the Maricopa Police Department suffers, in part, due to an inability for one of its major work groups, the Patrol Division, to have regular shift meetings among individuals working the same schedule.

Recommendation VI-1: **The Maricopa Police Department should strongly consider revising its work schedule to allow for regular meetings of officers working similar assignments and schedules. Such meetings should be attended by the immediate supervisor and, as often as possible, by responsible management and executive leadership.**

Finding VI-2: The Maricopa Police Department does not have a visible, well-known Vision, Mission, or set of Values. The process of setting Departmental Goals begins with establishing a set of mutually shared and well understood Values. Values inform the Vision for

the Department. The Vision sets the parameters for the Mission; the Mission informs the development of Goals and the priority of those Goals.

Recommendation VI-2: **The Maricopa Police Department should embark on a guided process, including community input, for developing a set of mutually shared and understood set of Values, a clearly articulated Vision, a Mission Statement that can guide decision-making, and a set of measurable Goals.**

Finding VI-3: *The Maricopa Police Department does not have a widely understood or effective policy with regard to providing information to the community and news media.*

Recommendation VI-3a: **Identify the Public Information Officer (PIO) as a key entrusted member of the Police Department team and assign primary responsibility for non-emergency communication with the public to that position.**

Recommendation VI-3b: **Develop a communication policy which recognizes the media's role in a free society and as a partner in effectively communicating with the community. Develop clear guidelines for including executive leadership and the PIO in the communications process.**

Recommendation VI-3c: **Begin a process for training all employees in the role of the media in a free society. Employees should be sufficiently trained such that they have confidence in their ability to provide timely and appropriate information to the media without jeopardizing public safety or violating confidentiality.**

Finding VI-4: *The Police Department's strategic plan is outdated and does not serve a useful purpose.*

Recommendation VI-4: **The strategic plan should be revisited annually or sooner if appropriate in addressing a dynamic change in conditions.**

Finding VI-5: *Internal vertical and horizontal communication is not adequate to ensure that the Department's service delivery goals are achieved. Barriers between line officers and the Command Staff inhibit effective communication, particularly with the patrol function.*

Recommendation VI-5: It is recommended that the Department undertake training efforts designed to improve the flow of communications, both vertically and horizontally. Department leadership is accountable for ensuring effective and efficient communication within the Department. Regular staff meetings and patrol meetings must be institutionalized. When policies are updated and revised, the reasons for the change must be communicated clearly and effectively by leadership and supervision to the line employees.

Finding VI-6: The Command Staff is not visible to the employees in the Department, in part due to their workload and in part due to the leadership issues within the Department. Regardless of the reason, the lack of visibility contributes to communication, management and leadership challenges that contribute to the low morale in the Department.

Recommendation VI-6: Members of the Command Staff should be held accountable for being visible within the Department. One simple management and leadership technique is “management by walking around.”

Finding VI-7: The current organizational structure of the Maricopa Police Department is ineffective and inadequate. With a Department of 61 employees, there is little rationale for an organizational structure with four divisions. The Project Team believes that the current organizational structure contributes to a number of the leadership and management issues documented in this report.

Recommendation VI-7: It is recommended that the Department be re-organized into two divisions – Operations and Support Services. Further, consistent with the recommendations contained in Recommendation III-1 (pertaining to the Office of Professional Standards), each division should be headed by a commander with the requisite leadership and management skills. Finally, it is our recommendation that the position of Assistant Police Chief be eliminated as redundant and unnecessary.

Finding VI-8: The Project Team was not tasked with undertaking a review of technology and technology support for the Maricopa Police Department. We did, however, find anecdotal information which supported the need for greater responsiveness to the Police

Department's technology issues by the City's Information Technology Department.

Recommendation VI-8: As part of a comprehensive look at the workload of the Maricopa Police Department the Project Team recommends that the City and Department also:

- ◆ Examine the appropriate workload necessary to support existing and planned technology;
- ◆ Develop appropriate job descriptions;
- ◆ Determine if the service should be provided in-house or by contract and the appropriate functional lines of control;
- ◆ Assign a staff member of the Information Services Department who is qualified and knowledgeable regarding the technology systems to provide support on an ongoing basis.

Finding VI-9: The Maricopa Police Department's deployment schedule for the Patrol Division is not based on a well-structured analysis of the needs or expectations of the community. The current schedule also does not allow for healthy vertical and horizontal communication.

Recommendation VI-9: The Department should undertake a process of collecting and analyzing mission critical elements, including but not limited to, calls for service, self-initiated activity, training, Departmental/community expectations for unallocated patrol time, and enhancing vertical and horizontal communication. This process should include consideration of applicable laws and existing employee agreements. To ensure the best possible outcome, the Project Team highly recommends that specific area experts (police officers, first-line supervisors and Human Resources professionals) be included in this process.

8.1.5 Hiring Process

Finding VII-1: Hiring Process – The hiring process used by the Department complies with the minimum standards required by Arizona POST. The Project Team noted that aspects of the background investigation were conducted via telephone contact with prior employers rather than the standard on-site or face-to-face meeting.

Recommendation VII-1a: It is recommended that all background investigations include face-to-face interviews with prior law enforcement agencies and past employers.

Recommendation VII-1b: It is recommended that the Department aggressively recruit highly qualified individuals, both laterally and with new hires by establishing a joint recruitment program with the City's Human Resources Department. An aggressive recruitment program includes putting together a recruitment team, participating in career fairs, and recruiting at various colleges and universities and other locations where qualified candidates are likely to be found.

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Recommendation VII-2: It is recommended that the Department undertake an effort to hire a qualified consulting firm to conduct a detailed job analysis and validation of the promotional process. This will help establish confidence that the promotional process is job-related and is able to withstand a legal challenge. It will also help overcome the perception that promotional decisions are arbitrarily made.

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Recommendation VII-3: The Department should continue to ensure that all personnel meet or exceed minimum State-mandated training requirements. The Department should ensure that all training provided relates to Departmental needs, employee development and relevance to the Department's Values, Vision, Mission and Goals. This can be achieved through an annual training needs assessment.

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Recommendation VII-4: The Department should give strong consideration to incorporating and prioritizing training and educational opportunities in the area of character, ethics, critical decision-making and emotional survival.

Because some of the better programs, such as Leadership in Police Organizations, require a significant time commitment, the Department may wish to consider alternatives, including but not limited to, online course offerings, train-the-trainer programs, developing the suggested reading program into short, 15-minute segments, and issuing discussion outlines which can be presented during meetings with working groups.

Finding VII-5: The Maricopa Police Department does not have a formal or broad-based informal process for mentoring and developing officers or staff. The Project Team did not find evidence of a conscious effort to align training with the Department's Values, Vision, Mission, and Goals.

Recommendation VII-5a: The Project Team recommends that the Maricopa Police Department begin a process prioritizing individual training needs which are in alignment with the Department's Values, Vision, Mission, and Goals.

Recommendation VII-5b: The Project Team recommends the Maricopa Police Department begin a process of establishing a documented process of training for individuals assuming new responsibilities and levels of leadership.

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SECTION IX—EMPLOYEE AND COMMUNITY SURVEY RESULTS

9.1 RESULTS OF EMPLOYEE SURVEY

The Project Team conducted interviews with randomly-selected sworn and professional employees of the Police Department. The purpose of the interviews was to obtain critical information pertaining to the subject areas of this study.

Employees were randomly selected by the Project Team; once selected, the employees were notified by the Police Department. Participation in the interview with the Project Team was voluntary. Additionally, employees not selected were afforded an opportunity to interview.

Twenty-four employees were interviewed by the Project Team, which is 39 percent of the Department's compliment of employees.

Employees were asked a series of questions regarding their opinion about the leadership, management and operations of the Department. Confidentiality was assured for all participants. Employees were instructed to respond to each question using a scale of 0 to 10, with 10 being the highest or best score.

The table below summarizes the responses to the questions: *(note: table continued on following page)*

Table 34—Citygate Employee Survey Responses

Interview Question	Average Score
How would you rate the ethical conduct of the Maricopa Police Department?	4.79
How effective do you believe the Maricopa Police Department has been in correcting employee's inappropriate behavior?	3.78
How effective is the Maricopa Police Department's internal vertical and horizontal communication?	4.71
How effective is the Maricopa Police Department's communication with their external partners and stakeholders?	6.82
Are you proud to work for the Maricopa Police Department?	6.54
Is the Maricopa Police Department an organization that you would encourage a friend or family member to work for?	4.00
Do you believe transfers and promotions are done on the basis of merit?	4.17
Is there strong peer pressure among officers in the Department to be ethical in all their professional dealings?	6.25
Do you believe the command-level leadership sets a positive example for ethical behavior?	3.65
How thorough was the training you received upon promotion (Sergeant, Lieutenant, etc.)?	4.67

Interview Question	Average Score
Is the culture of the Department driven by an emphasis on community service?	6.04
Is the culture of the Department driven by an emphasis on statistics and enforcement numbers?	5.08
Do officers in the Department have the discretion to “do the right thing” within broad parameters when interacting with the community?	6.92
Is the Department’s performance evaluation program effective in communicating performance expectations?	3.33
How would you rate the morale in the Department?	3.00

9.2 COMMUNITY RESPONSE TO MARICOPA POLICE DEPARTMENT CITIZENS SURVEY

Independent of the Citygate Employee Survey described in Section 9.1, the City of Maricopa developed a Citizens Survey to gauge resident’s opinions about the Police Department. The survey questions were posted on the City’s web site for approximately 30 days. Respondents were asked a series of questions about the Department. The reader is cautioned that the survey is not a statistically valid random survey of community opinions, but rather should be viewed as an expression of various views of the Maricopa Police Department.

The questions and responses are summarized in the tables below:

Table 35—Maricopa Police Department Service

Question	Yes	No
Have you received service from the Maricopa Police Department in the last two years?	191 (68.9%)	84 (30.3%)

Table 36—Maricopa Police Department Service Type

Question	Emergency Services	Traffic-Related Service	Report a Crime	Request for a Report	Other
If you received service during the past two years, was it (please check all that apply):	35 (17.5%)	47 (23.5%)	94 (47.0%)	33 16.5%	74 (37.0%)

Table 37—Level of Service Satisfaction

Question	Excellent	Good	Adequate	Poor	Unsatisfactory	N/A
If you called for police service for a life-threatening situation, rate the response time to your call for service:	14 (6%)	15 (7%)	7 (3%)	4 (2%)	6 (3%)	183 (80%)
If you called for police services for a non-life threatening situation, rate the response time to your call for service:	43 (17%)	47 (18%)	37 (15%)	23 (9%)	20 (8%)	85 (33%)
Based on your personal interaction(s), the communication received from our police staff regarding your report/complaint/investigation was:	55 (22%)	43 (17%)	32 (13%)	28 (11%)	34 (13%)	62 (24%)
Based on your personal interaction(s), the level of respect and professionalism displayed by our police staff is:	67 (26%)	57 (22%)	33 (13%)	30 (12%)	29 (11%)	40 (16%)
Based on your personal interaction(s), our police staff's knowledge/competency level is:	56 (22%)	59 (23%)	48 (19%)	27 (10%)	25 (10%)	43 (17%)

Table 38—Level of Overall Satisfaction with the Maricopa Police Department

Question	Excellent	Good	Adequate	Poor	Unsatisfactory
The reputation, among the community, of the Maricopa Police Department is:	24 (9%)	53 (20%)	46 (17%)	94 (35%)	50 (19%)
Your personal satisfaction and confidence level with the Maricopa Police Department is:	46 (17%)	73 (27%)	64 (24%)	50 (19%)	35 (13%)

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APPENDIX A

OPERATIONS ORDER 3.19

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1. POLICY STATEMENT

[52.1.1]

- A. To ensure the integrity of the Police Department, all alleged or suspected personnel misconduct observed or suspected by supervisors, department employees, or citizens will be thoroughly investigated.
- B. The Criminal Investigations supervisor will be responsible for ensuring that all complaints being investigated by subordinates are completed within a reasonable time, usually not to exceed 21 days from the time the complaint was made.
- C. A review of the complaint status should be conducted on a seven day interval.

2. DEFINITIONS

Misconduct	An employee commits misconduct by non-compliance with or by knowingly or intentionally violating any rule or procedure in, other departmental or City orders, or City of Maricopa Policy and Procedures which may result in disciplinary action
Citizen Complaints (CC-#)	An allegation of misconduct or wrongdoing by an employee of the Maricopa Police Department brought forth by a non-police employee. This includes the following: <ul style="list-style-type: none"> • Conduct that amounts to a violation of a City ordinance, a state, county, or federal law, or a Maricopa Police Department regulation and such violation, if sustained, could result in disciplinary action against the employee • The commission of any prohibited act or the omission of any act that is required • Complaint numbers will begin with CC-
Supervisor-Initiated Investigations (SI-#)	<ul style="list-style-type: none"> • An investigation in which the supervisor has observed or suspects a violation of law, City ordinance, or department regulations • This includes alleged or suspected misconduct which another employee has brought to the attention of a supervisor • Complaint numbers will begin with SI-

3. RESPONSIBILITIES IN MISCONDUCT INVESTIGATIONS

[52.1.3]

- A. Internal Affairs Investigations - The Internal Affairs investigator is responsible for coordinating investigations of complaints against department procedures and personnel.
 - (1) In regards to the internal affairs investigations, the Internal Affairs investigator has the authority to report directly to the Police Chief/Public Safety Director.

[52.1.2]

- (2) The Internal Affairs investigator will maintain internal affairs records.
 - (a) All investigations will be numbered consecutively according to file and source complaint
 - Investigations initiated by a supervisor will begin with SI-
 - Investigations or complaints initiated by a citizen will begin with CC-
 - (b) All investigations files will be secured to protect their confidentiality.
 - Access to internal affairs files is restricted to those individuals with the authorization of the Police Chief/Public Safety Director or the Assistant Chief and who have a bona fide interest in an investigation(s)
 - No original file will leave the Police Department building without authorization of the Police Chief/Public Safety Director

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- Persons from outside agencies or individuals who request access to these files must receive permission from the Police Chief/Public Safety Director prior to access.

3. [52.2.3] A. (3) The Internal Affairs investigator will monitor investigations to ensure that they are completed within the 21-day time limit.

- Investigating supervisors may request extensions for investigations by memo through their chain of command to the Internal Affairs investigator
 - * The memo will include a brief description of the number of known witnesses still to be interviewed, other investigative processes remaining to be completed, and an estimated completion date
 - * If the extension is approved, the Internal Affairs investigator will notify the employee of the length of the extension and the reasons noted on the extension request
 - * **If after 21 days**, the investigation or an extension request memo has not been received, the Internal Affairs investigator will send a memo to the investigating supervisor and their supervisor as a reminder

[52.1.5] (4) Annually, at the beginning of each calendar year, the Internal Affairs investigator will prepare a statistical report of internal affairs investigations for the previous calendar year to be made available to the public and agency employees.

(5) Misconduct Investigation Assignments

Requesting Assistance From Internal Affairs (IA)	<p>In cases where employees may be subject to discipline resulting in suspension without pay, dismissal, or demotion, supervisors may request assistance from the Internal Affairs</p> <ul style="list-style-type: none"> • Assistance may be requested by submitting a memorandum through the supervisor's chain of command to the Police Chief/Public Safety Director • Internal Affairs may provide functional supervision of the investigation or may assume full responsibility at the direction of the Public Safety Director or request of the affected division commander
Reinvestigating Complaints	<ul style="list-style-type: none"> • IA has the authority to reinvestigate a matter believed to be incomplete with the concurrence of the Police Chief/Public Safety Director • In all instances, IA will have full authority to question any employees who may have knowledge that will assist in the investigation
Complaints Received by the Department	<ul style="list-style-type: none"> • If the department receives a direct complaint or information regarding an alleged violation, the matter will be referred to the proper investigating authority if it is deemed necessary
Investigation Authority	<ul style="list-style-type: none"> • During the course of conducting internal investigations, investigators acting on behalf of the Police Chief/Public Safety Director may issue Notices of Investigation in addition to compelling statements and/or tests • IA investigators may give admonishments not to speak about the investigation and/or interview/s to any employee regardless of the employee's rank
Information Received Six Months After Alleged Misconduct Occurrence	<p>If an allegation of misconduct occurred more than six months prior to the date of the original complaint, the supervisor receiving the complaint will document the information in a memorandum</p> <ul style="list-style-type: none"> • The memorandum will be sent through the chain of command to IA • IA will review the circumstances and determine if a formal investigation should be initiated • If an investigation is merited, IA will assume the investigation, unless otherwise directed by the Police Chief/Public Safety Director

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3.

B. Employee Responsibilities

- (1) When an employee is accused of any misconduct or witnesses another employee's misconduct, the employee will call their immediate supervisor to the scene.
- (2) Employees under investigation for misconduct or who are witnesses to the misconduct must cooperate with the administrative investigation.
- (3) When an employees is the subject of a criminal investigation they are entitled to Fifth Amendment or "Garrity" rights when applicable.
- (4) Discussion of the Investigation
 - (a) If an employee is told not to speak to anyone regarding an investigation, the employee will abide by this order with the following exceptions:
 - Conversations with an attorney functioning within the attorney-client relationship
 - Conversations with a unit representative who may discuss the matter only with the grievance chair or the unit president
 - Spouse
 - Employee's clergy
 - (b) Employees will not jeopardize or interfere with investigations or prosecutions.
 - This includes employees who are witnesses or suspects in any criminal or traffic-related investigation
 - (c) When the employee is presented with the Notice of Findings (Form FM07-077) or when the employee has received authorization from the investigator, the admonishment against discussing the case is no longer applicable.

C. Responsibilities of the Investigating Supervisor

(1) General Responsibilities

- (a) Supervisors will immediately investigate all alleged or suspected incidents of misconduct observed or suspected.
 - This includes alleged misconduct observed or suspected by other departmental employees and citizens.
- (b) When an employee is suspected of misconduct, the employee's immediate supervisor will conduct the investigation.
- (c) Supervisors will not look to a higher authority to initiate investigations when the employee involved is within the scope of their own authority and responsibility.
- (d) Employees suspended for misconduct will be notified in writing every four weeks as to the current status of the investigation which will include:
 - The number of known witnesses left to be interviewed
 - Any remaining investigative processes to be completed
 - The estimated date of completion

[52.2.1]

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3. C. (2) **Employees of Equal or Higher Rank** - If the alleged misconduct involves another employee of equal or higher rank, a superior officer will be called to investigate the matter.
- (3) **Employees from Multiple Assignments**- If employees from multiple assignments are involved, investigation responsibility for the incident will be assigned by the Assistant Police Chief.

4. CONDUCTING MISCONDUCT INVESTIGATIONS

A. Steps in Conducting a Misconduct Investigation

STEP	DESCRIPTION	REFERENCE SECTION
1	Completion of the Administrative Complaint Control Form	4.B
2	Interviewing Complainants and Witnesses	4.C
3	Service of Notice of Investigation	4.D
4	Interviewing the Affected Employee	4.E
5	Gathering Information	4.F & 4.G
6	Completion of the Draft Investigation Report	5
7	Investigative Review Process	6

B. Administrative Complaint Control Form (FM07-072)

[52.1.2]

(1) **General Information**

- (a) The Administrative Complaint Control Form will be completed for all employee investigations and citizen complaints.
- (b) Whether the investigation was generated as a result of a citizen complaint or supervisory initiated, a complaint control number will be obtained from IA and recorded on the Administrative Complaint Control Form before routing.

(2) **Routing of the Administrative Complaint Control Form**

After the initial complaint has been recorded on the Administrative Complaint Control Form, the supervisor/investigator who originally received the complaint will sign the form and forward copies in a sealed envelope as follows:

Original	Investigating supervisor
Copy	IA

(3) **Maintenance of the Administrative Complaint Control Form**

Original	<p>Upon completion of the investigation review process, the original copy of the Administrative Complaint Control Form will be forwarded to IA along with any other related documentation.</p> <ul style="list-style-type: none"> A file or tracking number system will be used that will enable IA to ensure that complaints are being properly investigated The original will be filed in accordance with department policies The information will be retained for a period of not less than five years
Copy	<ul style="list-style-type: none"> IA will file the copy until the investigation is completed Upon completion of the investigation, the copy will be shredded

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4. C. Interviewing Complainants and Witnesses - Whenever possible, statements will be taken from witnesses and complainants.

- Digitally record all interviews with complainants and non-employee witnesses when practical unless such tape recordings would obstruct the interview and the obtaining of information

[52.2.5]

- D. Notice of Investigation Procedures - (NOI - Form PD07-060)

- (1) **Criteria for Service of a Notice of Investigation** - A Notice of Investigation will be given to an employee under the following circumstances:

- When an employee is under investigation by IA or a Police Department supervisor for a matter that may lead to discipline and is being interviewed, interrogated, or requested to produce any documentation (i.e., financial disclosure statements, memorandums, etc.)

- (2) **Procedures for Completion of a Notice of Investigation**

- (a) A synopsis of the incident under investigation, outlining the specific nature of the investigation, the employee's status in the investigation and all known allegations of misconduct that the employee will be interviewed about, will be included in the space provided.

- The synopsis will include the date, time, and location, if known

- (b) The employee will review the form prior to the interview/interrogation, sign it, and be provided a copy of the signed and dated Notice of Investigation form, prior to any interview or interrogation.

- (3) **Procedures for Serving a Notice of Investigation**

- (a) The investigator will complete and provide a Notice of Investigation to the employee prior to interviewing or interrogating the employee.

- This does not include preliminary questions to determine the scope of allegations or if an investigation is necessary

- (b) Additional NOIs will be served at any time throughout the investigation when new allegations are established and further interview or interrogation of the employee is required.

- Supervisors/investigators will not rely on a "blanket statement" for putting the employee on notice that other issues of misconduct will also be investigated

- E. Interviewing Employees Under Investigation

- (1) **General Information**

- (a) Investigators may either record the statement of an accused employee or accept a written statement from the employee.

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4. E. (1) (b) Investigators may require that each employee participating in the investigation prepare and submit an individual written report of all facts of the incident known to the employee.
- (c) Investigators will record reactions and statements of those present when statements are read to the accused in the presence of complainants and witnesses.
- (2) **Representation** - The employee, who has been served with a Notice of Investigation may ask that a representative be present during any investigative interview.
- (a) The interview will be delayed for a reasonable period of time to allow for the arrival of the representative.
- (b) The representative will be a passive observer during the interview, but may discuss the incident or the interview during breaks from the interview.
- (3) **Garrity Rights (Form PD07-074)** - Any employees under investigation for possible misconduct will be informed that when an employee is compelled to respond to questioning by the department:
- Such statements and any evidence derived from such statements cannot be used against the employee in a criminal matter
 - Any such required statements could be used against an employee in civil proceedings
 - Voluntary statements may be admissible in subsequent criminal action
- (4) **Digitally Recording the Interview**
- (a) The employee, the IA representative, and the Police Department supervisor may record the interview.
- (b) The department reserves the right to transcribe any recorded interview for the purpose of verifying the accuracy of such interview.
- If requested, the employee shall sign the transcription if it is accurate.
- (c) The employee may request and receive a digital copy of the interview on a CD provided by the employee.
- (d) Overtime is not authorized for the purpose of dropping off or picking up CDs by the affected employee or representative.

F. Gathering of Information

(1) **Sources of Information**

[52.2.6]

Line Ups	<ul style="list-style-type: none"> • Supervisor may require that an employee involved in a misconduct investigation participate in a line-up for identification purposes • The procedure will only be used when absolutely necessary and with the approval of the Assistant Chief
Financial Disclosure Statements	<ul style="list-style-type: none"> • An employee may be required to submit financial disclosure statements at the direction of the Police Chief/Public Safety Director when such information is material to an administrative investigation of misconduct • Financial disclosure will only be required when it is determined that the information is critical to the conclusion of a misconduct investigation

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Substance Abuse Allegations	When there are indications that an employee is involved in substance abuse, investigating supervisors may require the following: <ul style="list-style-type: none"> • That the employee submit to a field sobriety test and/or a chemical test for intoxication and that the results be recorded on an Alcohol Influence Report • The employee submits to a medical or laboratory examination to test for the presence of drugs. Such medical or laboratory tests will require the prior approval of the Assistant Chief
Photographs	Supervisors may require that each employee involved in an investigation submit to being photographed if those currently on file with the department are: <ul style="list-style-type: none"> • Unsuitable • Do not reasonably depict the current appearance of the employee

4.

F. (2) Polygraph Examinations

(a) General Information

- Employees may be required to take a polygraph examination when serious allegations are made against them in regard to their truthfulness.
- When serious allegations are made against an employee, the employee may request a polygraph examination.
- The department recognizes that, for the purposes of criminal prosecution, employees do not automatically waive any constitutional privileges concerning questioning pursuant to this order.

(b) Approval for Polygraph Examinations - All polygraph examinations for internal investigation purposes must be approved by the Police Chief/Public Safety Director.

(c) Requirements - Employees will not be required to submit to a polygraph examination except when the employee is suspected of:

- Committing a criminal offense
- Misconduct that would be grounds for termination, suspension, or other disciplinary action
- Concealing information regarding their qualifications for continued employment with the department
- Withholding or concealing pertinent information regarding any matter under official investigation by the department

(d) Examination Guidelines

- Questions used in a polygraph examination will be pertinent to the subject of inquiry, except that the polygraph examiner may ask control questions as necessary to validate an examination within the scope of acceptable polygraph procedures
- The right to assistance of counsel does not exist when required to submit to a polygraph examination in the employee-employer relationship
- Polygraph examinations will be performed within a reasonable time of the request and by qualified examiners
- Employees will tell the truth at all times, will answer pertinent questions to the best of their knowledge, and will not refuse to answer or knowingly give a false or misleading answer to any question before, during, or after a polygraph examination
- A representative may monitor the polygraph interview and examination from the monitoring room and will be allowed to be present during post exam interviews

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4. F. (2) (e) **Cooperation**

- Employees will cooperate with supervisors and investigators when involved in any incident requiring the use of the polygraph
- An employee who refuses to take a polygraph when so ordered by a superior will be dismissed at the discretion of the Police Chief/Public Safety Director

G. Procedures for Specific Types of Investigations

(1) **Excessive Force Complaints** - When excessive force complaints are received, the investigating supervisor will ensure that the following procedures are completed:

(a) Interviews with complainants, witnesses, and employees are tape recorded.

(b) Photographs are taken of all the areas of the body where there has been an allegation of injury.

- The photographs will be taken utilizing a digital camera and color bar
- Photographs will be obtained whether or not the injury is visible
- Employees of the same sex as the complainant will be utilized to obtain these photographs when appropriate

(2) **Joint Criminal and Administrative Investigations**

(a) When there are reasonable grounds to believe that an employee has committed a crime, the on-scene supervisor will immediately notify their chain of command.

(b) The Assistant Chief will then contact the CIS supervisor.

(c) The CIS supervisor will determine the proper course of action to be taken as follows.

- The criminal investigation may be conducted by the CIS supervisor or the County Attorney's Office, as determined by the Police Chief/Public Safety Director
- The internal investigation will be conducted by a lieutenant

Employee Served a Notice of Investigation	<ul style="list-style-type: none"> • An employee who has been, or under the circumstances is likely to be, issued a Notice of Investigation shall not be interviewed jointly by a criminal and administrative investigator • This order shall apply to any interview of an officer who was directly involved in a use of force incident, traffic accident, or an in-custody death
Employees Not Served a Notice of Investigation	<ul style="list-style-type: none"> • An employee who has not been, and under the circumstances is not likely to be, issued a Notice of Investigation may be interviewed jointly by a criminal and administrative investigator • If during the joint interview it appears that there may be serious criminal liability on the part of the officer, the administrative investigator should leave the interview

(d) **Crime Scene Walk-Through** - Administrative investigators shall not accompany criminal investigators during a crime scene walk-through with an

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officer who was directly involved in a use of force incident, traffic accident, or an in-custody death.

- Exceptions may be made on a case-by-case basis

4. G. (2) Joint Criminal and Administrative Investigations, continued

(e) **Disclosure of Information**

- Administrative investigators shall not disclose to criminal investigators any information obtained **during or after** compelled interviews unless and until approved by the City Attorney
 - * The purpose of this order is to prevent the intentional or inadvertent use, directly or indirectly, of an employee's compelled statement in criminal prosecution against the employee
 - * Administrative investigators may disclose to criminal investigators any other information discovered during their investigation
- Criminal investigators may disclose to administrative investigators any information discovered during their investigation unless otherwise prohibited by law; i.e., grand jury proceeding, wiretap investigation, etc.

(f) Reassignment of Employees Under Investigation

[52.2.7]

- An employee under investigation may be reassigned until the completion of the investigation
- Employees may:
 - * Be placed on administrative leave
 - * Work the same position until the investigation is concluded
 - * Be reassigned to a non-enforcement position for the duration of the investigation
- Some guidelines for consideration are:
 - * Potential for violence and/or misuse of police authority
 - * Pending termination
 - * Substance abuse
 - * Under investigation for a serious crime
- Commanders who place employees on administrative leave or reassignment will notify the Assistant Chief of the assignment at the beginning of the next business day
- The employee's immediate supervisor will remain responsible for all appropriate / required department paperwork and activities

5. COMPLETION OF THE INVESTIGATIVE REPORT

A. General Guidelines

- (1) The investigating supervisor will initially complete the investigative report in draft form.
- (2) The investigative report will be finalized only after completion of the Investigative Review Process.

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5. A. (3) Bolding, highlighting, underlining, italicizing, and other font effects will not be used.

B. Administrative Control Form (FM07-072)

(1) **General Information**

- (a) The Administrative Control Form will serve as the cover document for investigations.
- (b) The investigating supervisor will ensure that the face sheet of the form is completed.
- (c) It is not necessary to duplicate the information already listed on the face sheet.

(2) **Background Checks**

- (a) The investigating supervisor will complete a background check for all complainants and witnesses.
- (b) The results will be listed in the narrative section.

(3) **Findings of the Investigation** - In the space marked "Findings of Complaint," the investigating supervisor will list one of the following findings:

Unfounded	<ul style="list-style-type: none"> It is found that the reported misconduct did not occur or did not occur as alleged
Exonerated	<ul style="list-style-type: none"> The incident occurred, but the conduct was lawful and proper
Unresolved	<ul style="list-style-type: none"> There is insufficient evidence to either prove or disprove the allegation The inquiry into this allegation is inactivated pending development of further information
Sustained	<ul style="list-style-type: none"> The allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred

(4) **Documentation of the Investigation**

Unfounded or Exonerated Complaints	<ul style="list-style-type: none"> The investigating supervisor will write a brief synopsis of the details of the investigation on the back of the white copy of the Administrative Complaint Control Form after the investigation has been verbally reviewed by the next two successive levels of the chain of command
Unresolved or Sustained Complaints	<ul style="list-style-type: none"> A complete investigation packet will be typed using the format described in paragraph 5

C. Contents of the Investigative Report - The following information will attached to the Administrative Complaint Control Form (FM07-072).

- (1) **Summary of Investigation** - List a synopsis of the investigation, concisely conveying to the reader the facts surrounding the investigation and the findings.

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5. C. (2) **Details of the Investigation**

General Information	<ul style="list-style-type: none"> List the events of the supervisor's entire investigation Briefly describe the facts and then explain details of the investigation
Memoranda From Employees	<ul style="list-style-type: none"> The investigation will include memoranda from employees containing direct statements about the allegation against them Employee memoranda should be summarized <ul style="list-style-type: none"> * This summary should only include pertinent information relative to the allegation * It is not necessary to completely restate what the employees involved already stated in their memoranda
5.Interviews	<ul style="list-style-type: none"> Interviews of employees, complainants, or witnesses will be digitally-recorded and the information/statement will be accurately paraphrased <ul style="list-style-type: none"> * Interviews will not be transcribed and/or quoted unless they have specific merit and bearing on an issue of fact in the investigation * Audio recordings will be forwarded with the original report Interviews with the complainant will be listed by date, time, name, and location where the interview was conducted
Employee Information	<p>In cases where the complaint was unresolved or sustained, the employee's past record, discipline, commendations, and performance evaluation for the preceding five years will be listed</p> <ul style="list-style-type: none"> Under employee history information, investigating supervisors will list the Discipline Matrix Final Classification Worksheet (PD07-073) results for previous disciplinary incidents, including the Final Classification (e.g. I.A, B, C, or D or II.A, B, C, D, E), the date the employee was issued the discipline, and the discipline result (e.g. supervisory counseling, written reprimand, suspension, demotion, or termination) In cases where the complaint has been unfounded or exonerated, the employee's past record will not be listed

(3) **Medical Records** - When medical records, as defined by ARS 12-2291.4, are involved in an administrative investigation, the information will not be included in the main investigative report.

(a) All files containing medical records will be clearly marked **Confidential: Do Not Release** and will be stored in the Office of the Chief/Director.

- A supplementary report will be created to contain the medical records
- Supplementary reports containing medical records will be maintained in files separate from the regular IA files or reports
- No medical records will be kept with the work unit copy of the investigation
- Supplementary reports containing medical records will not be released as public records and may only be released internally with the permission of the Assistant Chief, after consulting the City Attorney

(b) Any reference to medical records or history in the main report will be reviewed by the City Attorney's Office prior to releasing the draft report to the employee

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5.

D. Recommendations

- (1) The discipline matrix will be used to recommend discipline
- (2) When discipline is recommended, the Discipline Matrix Classification Worksheet (Form PD07-073) will be completed.
- (3) The final classification/level of discipline to be considered will be listed in the recommendation.

E. Minor Policy Violations

- (1) When investigations involve minor policy violations with all circumstances known and a supervisory counseling or written reprimand (PD07-075) is determined by the discipline matrix, supervisors will be required to complete the Administrative Complaint Control Form (FM07-072).
 - The reverse side of the form must be completed documenting the details of the investigation and must identify what rule or regulation was violated
- (2) As an alternative, supervisors may only be required to document the circumstances on the written reprimand (PD07-075) instead of the reverse side of the Administrative Complaint Control Form.
- (3) The supervisory counseling or written reprimand must identify what rule or regulation was violated.
 - This information should be the last sentence in the Nature and Specific Details of Infraction section of the written reprimand

EXAMPLE: In the case of tardiness, "Your conduct violates Operations Order 3.13.V, which requires employees be punctual in reporting for duty."

- (4) A completed Discipline Matrix Classification Worksheet (Form PD07-073) must be attached to the Administrative Complaint Control Form.
- (5) If the written reprimand to be issued is the result of a citizen's complaint; an investigative packet must be prepared following paragraphs 6.A-D of this order.
- (6) Supervisor-initiated investigations, resulting in discipline greater than a written reprimand, must be documented in the format as required by paragraphs 6.A-D of this order.

F. Supervisory Counseling Routing - Supervisor counseling will be retained by the employee's supervisor for one year and will not be forwarded with the Administrative Complaint Control Form to IA for filing.

G. Written Reprimand Routing

- (1) The original written reprimand will be forwarded to the Office of the Chief/Director for placement in the employee's department file.
- (2) A copy will be included in the investigative packet and forwarded to the Internal Affairs investigator for filing.
- (3) A copy will be forwarded to Human Resources for filing.

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6. INVESTIGATIVE REVIEW PROCESS (IRP)

A. Supervisor or IA Investigator Responsibilities

- (1) Upon completion of the investigation, a preliminary investigation report will be prepared in draft form.
- (2) The preliminary report will be in the following order:
 - Administrative Complaint Control Form - FM07-072
 - Investigative Review Control Form
 - The summary of the investigation
 - The details of the investigation
 - Medical Records
 - The draft Discipline Matrix Classification Worksheet (Form PD07-073)
- (3) Draft investigation reports completed by supervisors will be forwarded to their supervisor or administrator for review.
- (4) Investigations completed by IA will be forwarded to the affected employee's second-level supervisor.
- (5) The IRP will not exceed 21 calendar days, if a time extension is needed it must be requested in writing prior to the end of the 21 calendar day period.

[52.2.3]

B. Providing a Copy of the Draft Report to the Affected Employee

Sustained Allegations	A copy of the draft investigative report will be provided to the affected employee/s and/or representative upon the review and approval of the employee's second-level supervisor
Unresolved, Exonerated or Unfounded Allegations	The investigative report may be reviewed by the employee at their request

C. Employee Review of the Draft Investigative Report

- (1) Time Limitations - The employee has a maximum of **21 calendar days** to review the draft investigative report and make note of any issues in dispute.
 - (a) If agreed to by both parties, the time period of 21 calendar days for review may be reduced or extended.
 - If the full 21 calendar day period is to be used for review an extension will be necessary and in writing prior to the end of the 21 calendar day IRP time period
 - If an extension is agreed upon, Section 1 of the IRC form will be completed to reflect the agreed-upon extension date
 - (b) The employee and/or representative will then return the draft copies to the investigating supervisor or Internal Affairs investigator.
 - (c) Employees may keep a copy of the draft investigative report until the final copy is completed for comparison.

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6.

C. (2) Restrictions

(a) Employee **will not**:

- Make copies of the draft investigative report
- Provide copies of the draft investigative report to the media
- Make the draft investigative report available to the public

(b) Commanders/administrators will advise the employee of these restrictions when the copy is released to the employee.

D. Investigative Review Meeting

(1) **Scheduling**

(a) The affected employee's second-level supervisor will schedule a meeting to review the investigation upon completion of the review by the employee.

- Overtime for the involved employee is not authorized for this meeting
- Meetings will be scheduled through IA

(b) This meeting is not necessary for unresolved/unfounded/exonerated complaints unless requested by either party.

- An Investigative Review Control Form will be completed regardless of the complaint results (see paragraph 3.19.7.A[2])

(2) **Attendance**

(a) The following people **will** attend the meeting:

- Affected employee's second-level supervisor or designee
- Investigating supervisor or IA investigator
- IA supervisor (if the investigation was conducted by IA)

(b) The following people **may** attend the meeting:

- Affected employee and representative
- Investigating supervisor
- Anyone else as deemed necessary by the second-level supervisor

[52.2.8]

(3) **Purpose of the Meeting** - The affected employee, investigating supervisor or investigator, and the affected employee's chain of command shall attempt to seek agreement regarding the specific allegations and findings of the investigation.

(4) **Responsibility of the Affected Employee**

If the Employee Agrees with the Investigation	If the employee agrees with the content of the investigation, the employee or representative will be requested to sign and date the Investigative Review Control Form indicating agreement
If the Employee Disagrees with the Investigation	<p>An attempt will be made to resolve the differences</p> <ul style="list-style-type: none"> • Once a consensus is reached, a new draft (revised final investigative report) will be created • Issues remaining in dispute will be noted on the Control Form • In the absence of agreement, the process will continue as outlined

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6. D. (5) Conclusion of the Meeting

- (a) At the conclusion of the meeting, the second-level supervisor or IA supervisor will do the following:
 - Review the circumstances of the findings
 - When reasonable, a specific, single policy that was violated during a single act or related series of events should be enumerated in the investigation
 - Other policies, however, may be used in support of the specific allegation
 - Ensure that a final version of the investigative report is prepared and forwarded to the effected division commander if necessary
 - Ensure that the IRC form is completed
- (b) A final version of the investigative report will be given to the employee at their request.
- (c) The final signed/dated investigative report, including the original IRC form, will be retained in IA files in accordance with State file retention policies.

7. SPECIFIC PROCEDURES FOR CITIZENS COMPLAINTS

[52.10.1] A. Receipt of Citizen's Complaints

(1) **General Procedures**

- (a) All complaints will be immediately referred to an on-duty supervisor.
- (b) The supervisor will discuss the matter with the complainant.
- (c) If the complaint meets the definition of a citizen complaint as set forth in paragraph 2 of this order, the supervisor will record the complaint on an Administrative Complaint Control Form.
- (d) Every effort will be made to determine the identity of the accused employee.
- (e) If the identity of the employee cannot be determined, all three copies of the Administrative Complaint Control Form will be forwarded directly to the Internal Affairs investigator for filing.

(2) **Complaints Against Off-Duty Employees - Normal Business Hours**

- (a) Complaints received by an on-duty supervisor during normal business hours concerning an off-duty employee will be recorded on the Administrative Complaint Form (PD07-072).
- (b) The supervisor who originally receives the complaint will immediately obtain a complaint control number from the Internal Affairs investigator and will record the number on the form.
- (c) The original copy of the form will be directed to the employee's immediate supervisor for follow-up.

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7. A. (3) **Serious Complaints Against Off-Duty Employees - Non-Business Hours**

- (a) Serious complaints (aggravated assault, theft, etc.) will be directed to the duty commander, who will evaluate the complaint to determine if immediate action is warranted.
 - The duty commander may initiate an immediate investigation
 - In exigent circumstances, the Police Chief/Public Safety Director or the duty commander may request an immediate investigation by CIS
- (b) A completed Administrative Complaint Control Form will be forwarded to the employee's second-level supervisor by the duty commander.
- (c) The duty commander or designee will obtain the complaint control number.

[52.2.4]

B. Contacting the Complainant

When the Complaint is Received	<ul style="list-style-type: none"> • Upon receipt of the Administrative Control Form, the second-level supervisor or designee will immediately send a letter to the complainant verifying that the complaint was received • The complainant will be sent the original letter, which has been reviewed and signed by the second-level supervisor
Periodic Status Reports of Investigation	<ul style="list-style-type: none"> • Periodic status reports may be provided depending on the investigation's circumstances and length
At the Conclusion of the Investigation	<ul style="list-style-type: none"> • Upon the completion of the entire investigation process, the second-level supervisor or designee, will send a notification of findings letter to the complainant containing the following: <ul style="list-style-type: none"> * Allegations and findings of the investigation * Brief definition of the various terms, i.e., unfounded, exonerated, etc. * Investigating supervisor's name and the contact phone number * Complaint control number and statement that the complaint will be filed in Internal Affairs for five years should any future questions or concerns arise

C. Recording the Complainant's Statement

- (1) The supervisor who receives the original complaint will interview the complainant, either telephonically or in person.
- (2) The interview will be recorded.
- (3) The recording will be forwarded with the original Administrative Complaint Control Form.

D. Previous Complaints - The investigating supervisor will contact the IA investigator to determine:

- Whether the complainant has filed previous complaints about department employees
- If any similar previous complaints have been filed against the employee involved

