

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Complaint Intake Testing Annual Report

For Fiscal Year Ended June 30, 2019

#BI2019-0160

Testing Program

The Complaint Intake Testing program consists of tests completed by vendors MCSO utilizes to file fictitious complaints in person, by telephone, by mail, by e-mail, or through MCSO's website to determine Office employee adherence to MCSO Policy and Procedures as they relate to civilian complaint intake. MCSO produces an annual report on the testing program for each county fiscal year (July 1 through June 30) to be published by September 15th.

MCSO has contracted with two outside vendors to provide complaint intake testing services. These vendors conduct a sufficient amount of ongoing complaint intake testing throughout each county fiscal year (July 1 through June 30) for MCSO to adequately assess the complaint intake process. Currently, each vendor has been authorized to conduct a minimum of 12 tests each per fiscal year, or 24 total combined tests between the two vendors. The vendors select the type of test, when, where, and how the tests will be conducted throughout the year and they utilize the methodology submitted to MCSO. The Audits and Inspections Unit (AIU) of the Bureau of Internal Oversight (BIO) has the ability to direct targeted complaint intake tests as needed. BIO did not direct any targeted complaint intake tests during the period covered by this report.

AIU inspects all complaint intake tests completed by both vendors to determine if employees are in compliance with Office Policies GH-2, *Internal Investigations* and GI-1, *Radio and Enforcement Communications Procedures*, as follows:

- Providing civilians with appropriate and accurate information about the complaint process;
- Promptly notifying the Professional Standards Bureau upon the receipt of a complaint;
- Providing the Professional Standards Bureau with accurate and complete information; and
- Not attempting to discourage, interfere with, or delay a civilian from registering a complaint.

AIU began conducting the inspection of Complaint Intake Testing in January 2019 for tests performed during the month of December 2018. To ensure consistency, AIU utilizes the following *Complaint Intake Testing Matrix*:

Inspection Element	Not In Compliance	In Compliance	Total	Compliance Rate
Determine if the complaint was accepted.				
Determine if the complaint was referred to the on-duty supervisor.				
If a supervisor was not available, verify that the employee obtained pertinent information and had a supervisor make contact with the complainant as soon as possible.				
Determine if original recordings and documents were attached to Blue Team or sent via interoffice mail to PSB.				
Verify that the complaint was entered into Blue Team or IAPro.				
Determine if the employee attempted to discourage, interfere or delay the complaint.				
If alleged conduct is of a criminal nature, determine if the chain of command was notified and if they notified PSB.				
Verify that the complaint was audio and/or video recorded.				

Determine if the minimum amount of information was obtained (date, time, summary, location, name, contact info, witness info, supporting documents/evidence, involved employees, etc.).				
Determine if verbal or written acknowledgement was provided that the complaint was received, documented, forwarded for investigation and complainant would be contacted by a department representative.				
Determine if the complaint was promptly forwarded to PSB.				
Determine if the complaint notification was sent within 7 days, including IA# and investigator name and contact number.				
Determine if the employee reported accurate information in the complaint.				
Overall compliance for [type of] testing				

In addition, the following matrix is utilized for tests initiated through the Communications Division:

Inspection Element	Not In Compliance	In Compliance	Total	Compliance Rate
Determine if the employee attempted to gather the complainant’s name and contact info, location of occurrence, report #, and name of deputy, if known.				
Determine if the employee contacted the division/district supervisor and emailed the info to him/her				
Determine if the employee e-mailed EIU				
Overall compliance for testing by Telephone via Communications Division				

Testing Methodology

Vendor personnel (Tester) perform tests of MCSO’s external complaint intake process by posing as members of the public representing various races and ethnicities filing fictitious complaints against MCSO employees through a variety of methods: in person, by telephone, via e-mail, website or in writing.

The Tester audio and/or video records their interaction with MCSO employees and documents their experience on a Test Report Form. The testing process is considered complete when the Tester has received an IA number from the Professional Standards Bureau (PSB).

The following are typical test scenarios involving deputies that are based on real-life complaints, summaries of which MCSO provides to the complaint test vendors on a regular basis:

- Derogatory or unprofessional language
- Rude or unprofessional behavior
- Unsafe or illegal driving
- Parking in a handicap space/abuse of power

Tests Conducted

Fiscal Year 2019 was the first year of the Complaint Intake Testing Inspection. December 2018 was the first month of the Complaint Intake Testing Inspection; therefore, Fiscal Year 2019 included data for seven months. The Complaint Intake Testing vendors conducted several Complaint Intake Tests on a trial basis prior to the official start of the inspection. Testers performed a total of 14 tests for the seven-month period that ended June 30, 2019, broken down by type in the following table:

TEST TYPE	# CONDUCTED	# INSPECTED
In-Person	2	2
U.S. Mail	2*	1*
Telephone	6	6
E-mail	2	2
Website	2	2
TOTALS – FY2019	14	13

*Two tests were conducted by U.S. Mail during the month of December 2018; however, only one was received and inspected by MCSO (see section “Testing by U.S. Mail” below).

In-Person Testing:

There were two In-Person Complaint Intake Tests conducted and inspected during Fiscal Year 2019. Both tests were conducted in the month of April 2019. One test involved unsafe driving by a deputy and the other test scenario involved rude behavior.

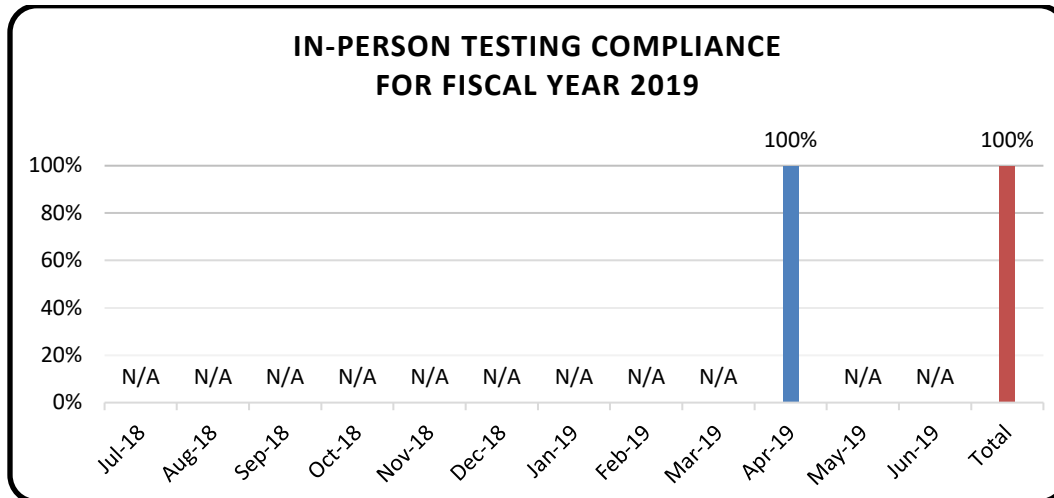
Although MCSO employees followed procedures according to Office Policy in the first test as shown in the chart below, the tester found initiating the complaint in the lobby of one of the patrol districts to be off-putting as well as confusing. The tester noted that there “were no signs. There was a window, but it was shuttered. There was a black phone on the wall with a label instructing you to pick it up.” In addition, the tester felt that the employee who answered the phone did not seem very friendly or interested in helping, as opposed to the sworn supervisor to whom the complaint was referred. The detective sergeant was professional and “seemed interested”.

BIO visited the district office in response to the comments made by the tester. BIO found that there were *Maricopa County Sheriff’s Office Comment and Complaint Forms* in both English and Spanish located outside the building along with a poster on the building door with lobby hours and the non-emergency contact number. The lobby window, which is normally open during lobby hours, was located next to a wall phone with a sticker on the receiver handle with instructions.

Subsequent to BIO’s visit, the MCSO district office placed an 8 ½ by 13-inch sign above the lobby phone clearly indicating the purpose and use of the phone. Also, the district administrative staff supervisor discussed the complaint intake process with employees, including MCSO Policy GH-2, *Internal Investigations*, paragraph 2.B.1.a. that states, “Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of an external complaint.”

The second test involved the allegation of deputy rudeness and unprofessional behavior. In this test scenario, a deputy started yelling at the test complainant for jay walking, “saying [she] was stupid and should be crossing as a crosswalk, and that he should give [her] a ticket.” Another deputy arrived on the scene and had to calm him down. MCSO employees successfully completed the complaint intake process per Office Policy and the tester noted, “The staff was courteous and professional.”

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

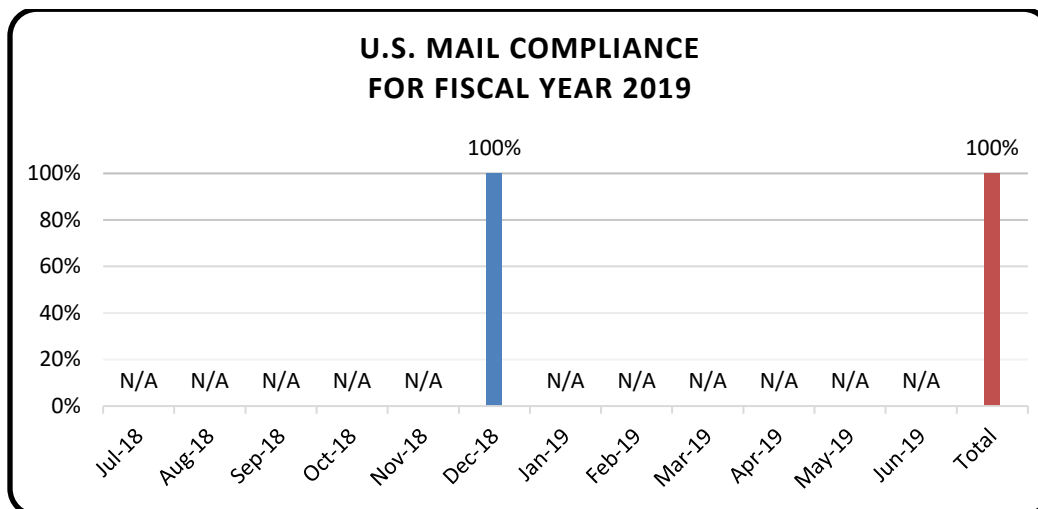


Testing by U.S. Mail:

There were two Complaint Intake Tests conducted by U.S. Mail during Fiscal Year 2019; however, only one was available for inspection. PSB relocated to an off-site facility during the second quarter of 2018. During the month of December 2018, the Tester mailed two complaint tests to PSB at its new location. PSB received only one of the complaint tests; it is unknown why the second test did not reach PSB.

PSB received a complaint in Spanish by U.S. Mail during the month of December 2018. The complaint alleged rude behavior by a deputy during a traffic stop. PSB replied in Spanish by e-mail acknowledging receipt of the complaint and notifying the complainant of the IA number and the name and contact information of the individual assigned to conduct the investigation. It should be noted that PSB received the letter 21 days after it was dated. The envelope was post marked eight days after the letter was dated; however, the date stamped by the facility where PSB is located was an additional six days beyond that of the post mark, or 14 days after the date of the letter. There were no additional tests conducted by U.S. Mail during the remainder of Fiscal Year 2019.

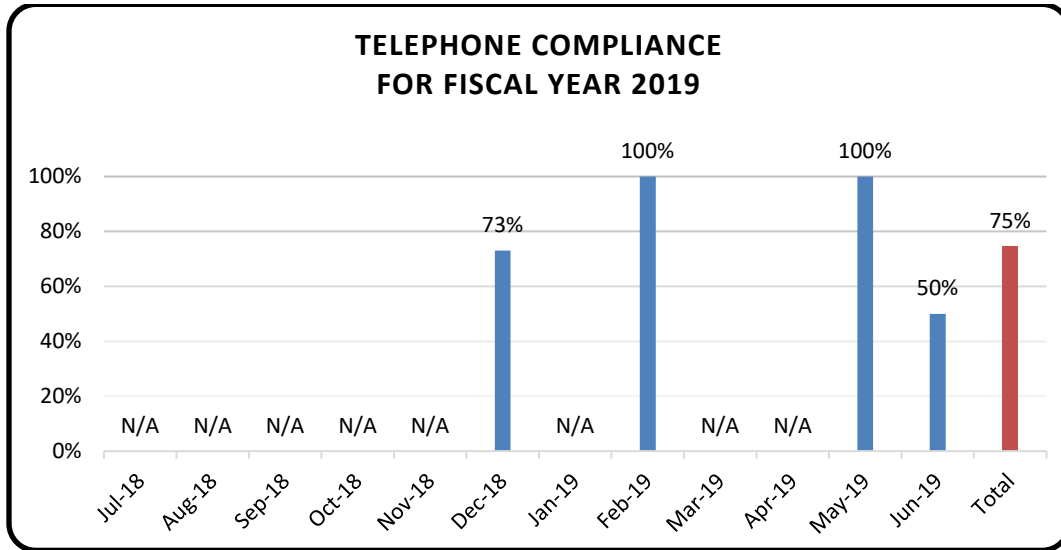
It was determined that MCSO employee compliance with the applicable Office Policy (GH-2, *Internal Investigations*) was 100%, as illustrated by the following chart:



Testing by Telephone:

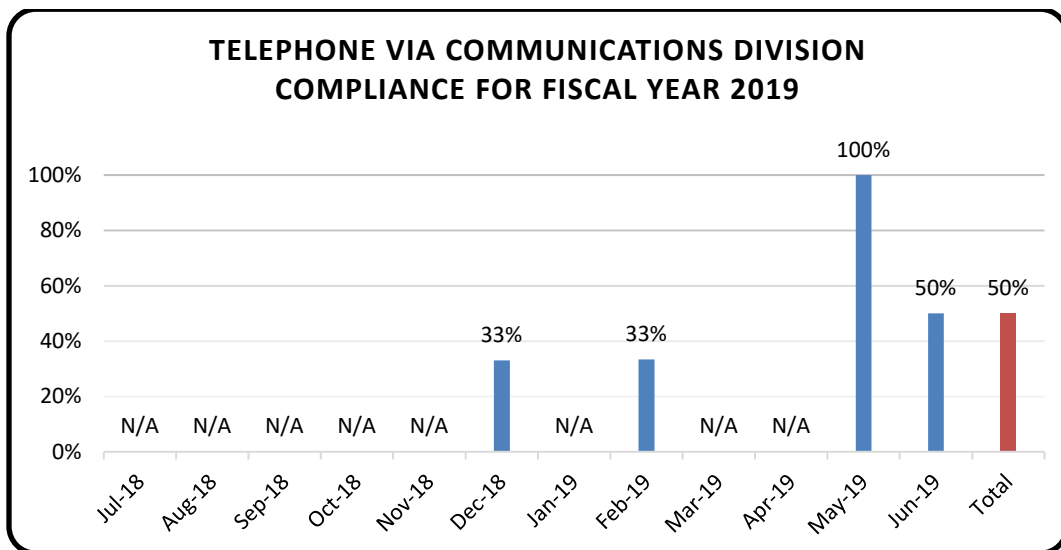
There are different ways in which a complaint may be filed via telephone – through Dispatch, directly to the patrol district, or directly to the PSB or another division of MCSO. There was a total of six Telephone Complaint Intake Tests conducted and inspected during Fiscal Year 2019. All six tests were conducted through Dispatch and are discussed in detail following the chart below titled “Telephone via Communications Division Compliance for Fiscal Year 2019”.

The following chart shows MCSO employee compliance with the applicable Office Policy (GH-2, *Internal Investigations*) by month, beginning with the first month of the inspection (December 2018). The overall compliance rate for Fiscal Year 2019 was 75%.



Testing by Telephone via Dispatch:

All six tests were initiated through the Communications Division. The following chart shows MCSO employee compliance with Office Policy GI-1, *Radio Enforcement Communications Procedures* by month, beginning with the first month of the inspection (December 2018). The overall compliance rate for Fiscal Year 2019 was 50%.



December 2018

There were two Complaint Intake Tests conducted by Telephone in the month of December 2018. The first complaint test involved the tester calling the MCSO general switchboard number (602-876-1000) to complain that a deputy had parked illegally in a space reserved for handicap parking, adding that there appeared to be no emergency situation at the time. The call was received by a dispatcher who asked only for the number appearing on the deputy's vehicle. After the complainant said that she did not know the deputy's vehicle number, the dispatcher transferred the call to the PSB's voicemail. At this point, the PSB received notification that this was a test and the test ended. Policy GI-1, *Radio and Enforcement Communication Procedures*, Paragraph 12.C. requires that Communications Division personnel obtain the complainant's name and contact information, at a minimum; this was not done.

The second telephone complaint test involved a scenario where the tester called complaining that a deputy refused to take a report for stolen property. The dispatcher documented the complaint information, advising that the complaint would be investigated and to expect follow-up contact from the Sheriff's Office. Within the hour, the tester received a call from a sergeant who then called back a short time later to obtain clarification. Within seven days, PSB called and provided the complainant with the IA number and name of the assigned investigator. The tester noted that "[she] was impressed that despite portraying a flakey complaint, [she felt] it is positive [she] was treated with respect throughout and for the follow-through".

For the two Complaint Intake Tests conducted by Telephone in the month of December 2018, it was determined that MCSO employee compliance with MCSO Policy GH-2, *Internal Investigations* was 73%, as indicated in the first graph under this report section. Both tests were initiated through the Communications Division and resulted in an employee compliance rate of 33% with MCSO Policy GI-1, *Radio and Enforcement Communications Procedures*, as shown in the second graph under this report section.

February 2019

The test conducted by Telephone via Communication Division in February 2019 involved the tester complainant calling the MCSO non-emergency number (602-876-1000) to complain that she observed a deputy asleep in his vehicle. Although the tester notes indicate that her "interaction with [the dispatcher] was positive; ..." and that "[She] felt he was honestly concerned and trying to get [her] to the right person," MCSO Policy GI-1, *Radio and Enforcement Communications Procedures* requires Communications Division personnel to document the complaint information, then verbally contact the district on-duty supervisor. Also, a follow-up e-mail should be sent to the district on-duty supervisor as well as to the Early Identification Unit. These steps were not performed, and the resulting 33% compliance rate is reflected on the above chart. The tester's interaction with the district sergeant was positive. "[He] was also very professional and asked numerous relevant questions. He seemed to take [her] complaint seriously and explained that all complaints were taken seriously and investigated ... Also, the quick return call signaled to [her] he took [her] concern seriously." She received the PSB follow-up call the following day with the IA number and investigator information and noted that the sergeant who called "was very cordial".

May 2019

The only test conducted during the month of May 2019 was a Telephone via Communication Division test involving distracted driving by a deputy. MCSO employees responded appropriately and followed applicable policy; the result was a 100% compliance rate for May.

June 2019

Both tests conducted by Telephone during the month of June 2019 were initiated through the Communications Division. The first test dealt with bias. The tester posed as a Hispanic woman out for a bike ride with her husband. In the test complaint, the deputy pulled up behind them and yelled at them for the way they were riding their bicycles, adding that if they could not read road signs, they should take English classes. Dispatch notified the on-duty supervisor in the district where the complaint was directed. The district sergeant left three voicemails in an attempt to contact the complainant

before referring the complaint to PSB. PSB left a voicemail with information regarding the investigation. MCSO employees successfully completed the complaint intake process per Office Policy.

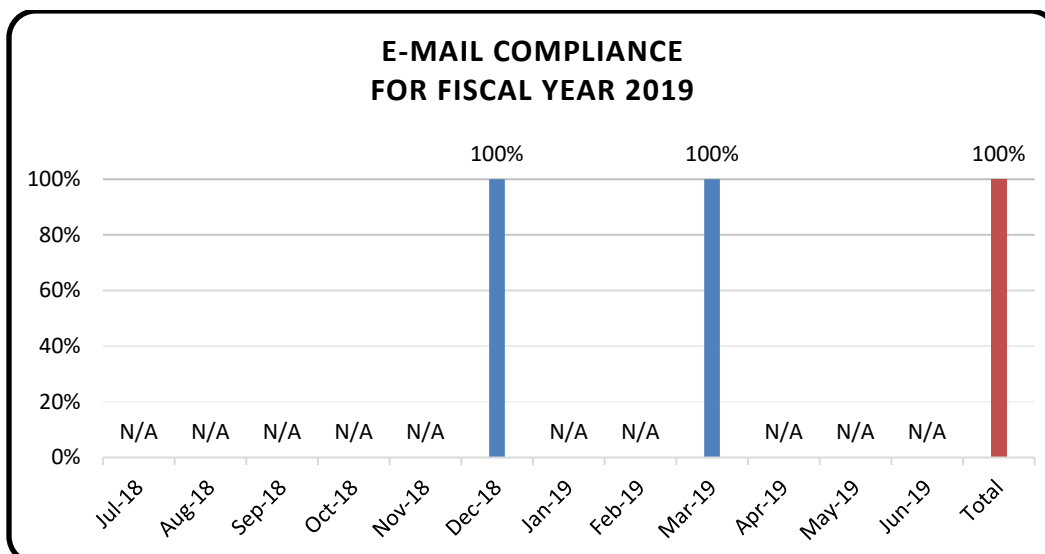
The second test conducted in June 2019 involved rudeness by a detective who yelled at a woman and her husband about the way they were driving. The dispatcher who received the call told the tester that she did not have enough information to file a complaint and did not ask for complainant information. Instead, the tester was referred to the district to attempt filing the complaint; however, the dispatcher cautioned the test complainant that she did not have enough information. The tester noted that “[t]his was not very helpful or encouraging”. The test ended at this point since the complaint was not accepted. The response of the dispatcher was in violation of MCSO Policy GH-2, *Internal Investigations*, paragraph 2.B.1.a., “External Complaints shall be accepted. No employee shall attempt to discourage, interfere with, or delay an individual from registering a complaint.” The Communications Division supervisor met with the dispatcher and reviewed and discussed the complaint intake process and applicable MCSO Policy. As a result, the combined compliance rate was 50% for the two tests conducted in June.

Testing by E-mail:

There were two E-mail Complaint Intake Tests conducted and inspected during Fiscal Year 2019. The first e-mail test was conducted during the first month of the inspection, December 2018. The test was e-mailed directly to an MCSO Deputy Chief regarding deputies taking an extended lunch break at a local restaurant. Less than 30 minutes after receiving the e-mail, the Deputy Chief sent a response e-mail acknowledging the receipt of the complaint and requesting additional contact information. After the test complainant indicated e-mail as the preferred communication method, the Deputy Chief sent a cordial message back to the tester. The following day, PSB e-mailed the test complainant with the case number and the contact information for the individual assigned to the investigation. MCSO employees successfully completed the complaint intake process per Office Policy and the tester noted, “very fast response – very professional”.

The second test was e-mailed to a district commander regarding a deputy parking in a handicap space. The tester compared and contrasted this e-mail test experience with the previous e-mail test (see above prior discussion of the e-mail test in December 2018) and found that although MCSO employees followed procedures according to Office Policy as indicated in the chart below, not receiving a response directly from the district commander seemed “...a bit off-putting...” and that the “...additional, more personal acknowledgement of the complaint conveyed a more meaningful and professional, earnest response.”

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

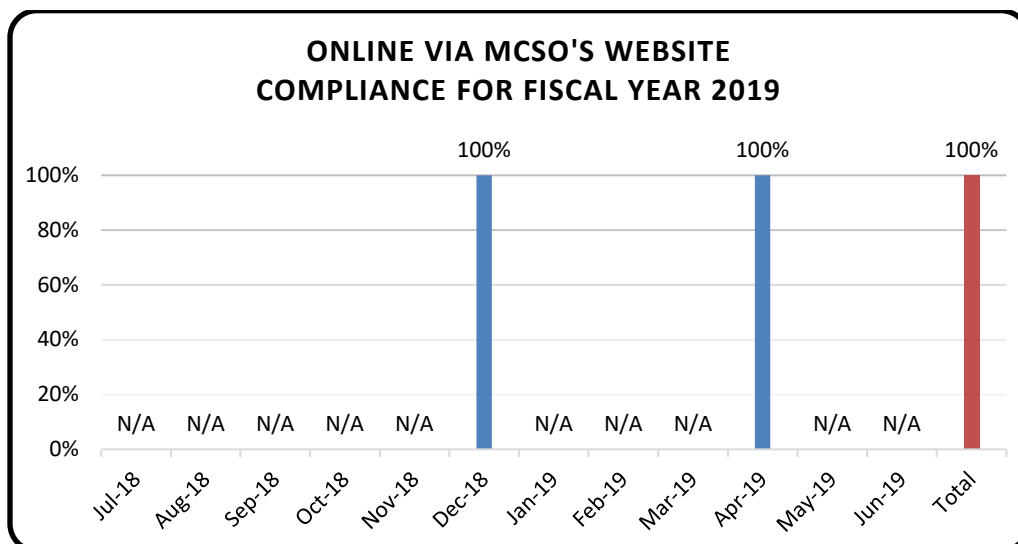


Testing Online via MCSO’s Website:

There were two Online Complaint Intake Tests conducted and inspected during Fiscal Year 2019. The first test conducted online via MCSO’s website was in December 2018, the first month of the inspection, and dealt with bias. The tester posed as a Hispanic woman who stopped at a fast-food restaurant with her Spanish-speaking friend where a deputy had also stopped to get food. The tester’s friend tried to ask the deputy a question about getting his driver license reinstated but was told by the deputy that he could not understand him. He added that “...it would probably be helpful if he learned better English and then told him he couldn’t get his driver’s license reinstated if he was here illegally.” An e-mail from Web Team confirming the receipt of the complaint was sent a short time later that same day. The following day, an e-mail was sent from PSB notifying the tester of the IA number and the name and phone number of the sergeant assigned to investigate the complaint. MCSO employees followed procedures according to Office Policy and the tester noted, “very quick response.”

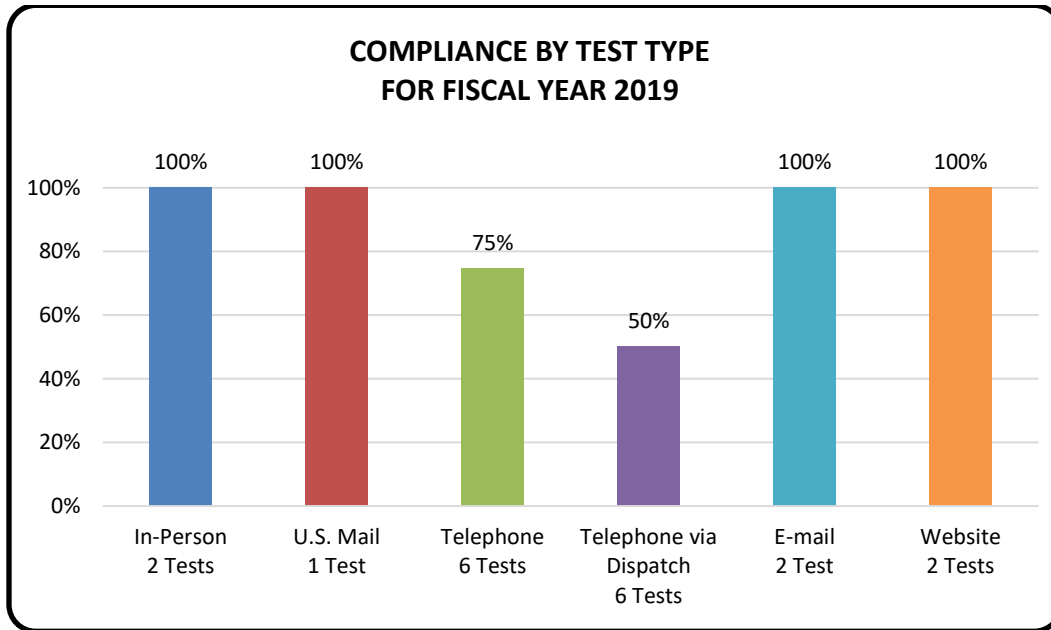
The second test using the Office’s website to file a complaint was conducted during the month of April 2019. On a Friday in April, the tester posed as a civilian filing an external complaint by completing the MCSO website form, complaining that two deputies sped into the parking lot of a convenience store going too fast and then appeared to stand around drinking sodas for an extended period of time instead of working. An e-mail from Web Team confirming the receipt of the complaint was sent a short time later that same day. Four days later, an e-mail was sent by the sergeant assigned to investigate the complaint notifying the complaint tester of the case number and his contact information (e-mail address and cell phone number). MCSO employees followed complaint intake procedures according to Office Policy as indicated in the chart below.

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



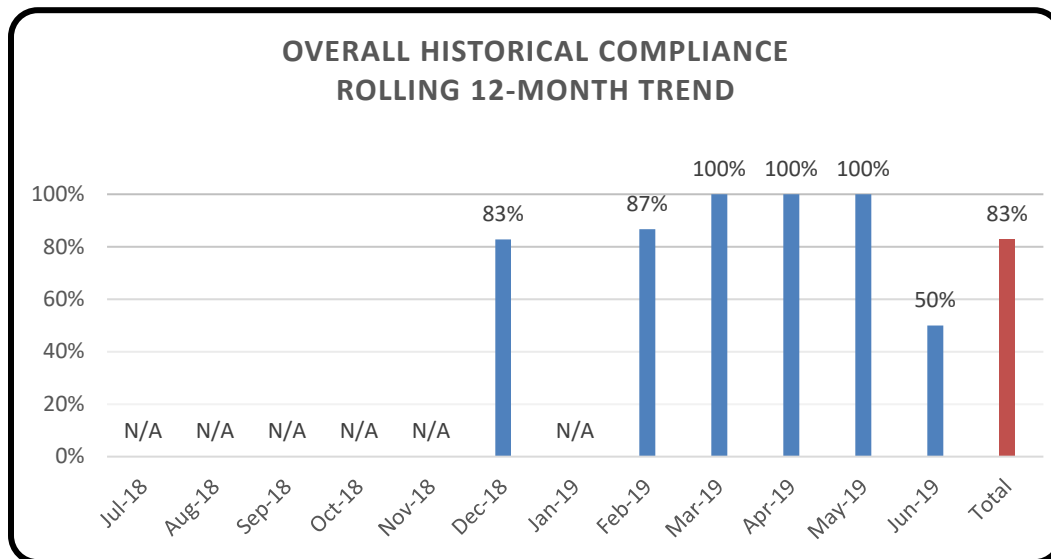
Compliance by Test Type

Below is a chart illustrating the overall compliance rate and number of tests by type for each method of testing for Fiscal Year 2019:



History of Overall Compliance:

Below is a chart illustrating the overall compliance rate by month for Fiscal Year 2019:



Conclusion

MCSO evaluated civilian complaint intake based on the results of the testing program for Fiscal Year 2019. The following is a summary of the issues that came to light as a result and the steps MCSO has taken to improve civilian complaint intake.

Issues:

1. Lobby was confusing.
2. Although complaint intake procedures were followed according to policy, the employee who answered the phone did not appear to receive the complaint in a courteous manner.
3. Dispatcher did not obtain the complainant's name and contact information as required by policy.
4. Dispatcher did not contact the district on-duty supervisor as required by policy.
5. Dispatcher did not accept the complaint, and instead referred the complainant to the district.

Steps taken to resolve issues:

1. Additional signage was installed in the district lobby.
2. District supervisors reviewed and discussed applicable policies with employees.
3. BIO developed a guideline checklist for employees in the Communications Division (Appendix A).
4. Communication Division supervisors distributed the checklist to all of their staff and reviewed and discussed it with them.

BIO is in the process of developing a guideline checklist to assist civilian employees with the process of external complaint intake as it pertains to Policy GH-2, *Internal Investigations*, paragraph 2. "Complaint Intake Procedures".

Appendix A: Communications Division Complaint Intake Checklist

POLICY GI-1, RADIO AND ENFORCEMENT COMMUNICATIONS PROCEDURES



Communications Division

Complaint or Service Complaint Handling

Communications Division personnel shall be properly trained to handle complaint intake from a member of the public, providing complaint materials and information, and the consequences for failing to take complaints.

- 1 Document the following information from the complainant:
 - ✓ Name
 - ✓ Contact information
 - ✓ Location of the complaint occurrence
 - ✓ Report # and deputy name, if known
- 2 Call on-duty supervisor of the district/division in which the complaint was directed.
- 3 E-mail the complaint information to district/division supervisor in which the complaint was directed.
- 4 E-mail the complaint information to the Early Identification Unit at mcsos.eis@mcsos.maricopa.gov.
- 5 Maintain confidentiality of complainant information.
- 6 At no time shall any individual who receives or handles a complaint, in any way attempt to dissuade a member of the public, from making the complaint or attempting to narrow the grounds of the complaint.