

MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



Complaint Intake Testing Annual Report

For Fiscal Year Ended June 30, 2020

#BI2020-0070

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. This report covers the second year of MCSO's inspections of Complaint Intake Testing. To ensure consistency, AIU utilizes the following *Complaint Intake Testing Matrix* (updated February 2020):

Inspection Element	Not In Compliance	In Compliance	Total	Compliance Rate
Determine if the complaint was accepted.				
Determine if the complaint was taken in a courteous manner.				
If the complainant did not speak, read, or write in English, or was deaf or hard of hearing, 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 BlueTeam or sent via interoffice mail to PSB.				
Verify that complaint was entered into BlueTeam or IAPro.				
Determine if the employee attempted to discourage, interfere or delay complaint.				

If alleged conduct is of a criminal nature, determine that the chain of command was notified, who then notified PSB.				
Verify that the complaint was audio and/or video recorded.				
Determine if the following minimum amount of information was obtained: <ul style="list-style-type: none"> Complainant’s name Complainant’s contact information Location of the complaint occurrence Report number and deputy name, if known 				
Determine if verbal or written acknowledgement was provided that the complaint was received, documented, forwarded for investigation and that complainant would be contacted by a department representative.				
Determine if the complaint was immediately 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:

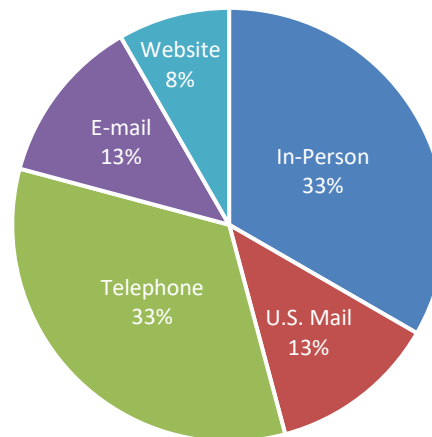
- Derogatory or unprofessional language
- Rude or unprofessional behavior
- Unsafe or illegal driving
- Parking in a handicap space/abuse of power

Tests Conducted

Fiscal Year 2020 was the second year of the Complaint Intake Testing Inspection, and first full year. Prior year Fiscal Year 2019 included data for only seven months since December 2018 was the first month of the Complaint Intake Testing Inspection. Testers conducted a total of 24 tests for the twelve-month period that ended June 30, 2020. The following charts illustrate the number and percentage of tests conducted broken down by type.

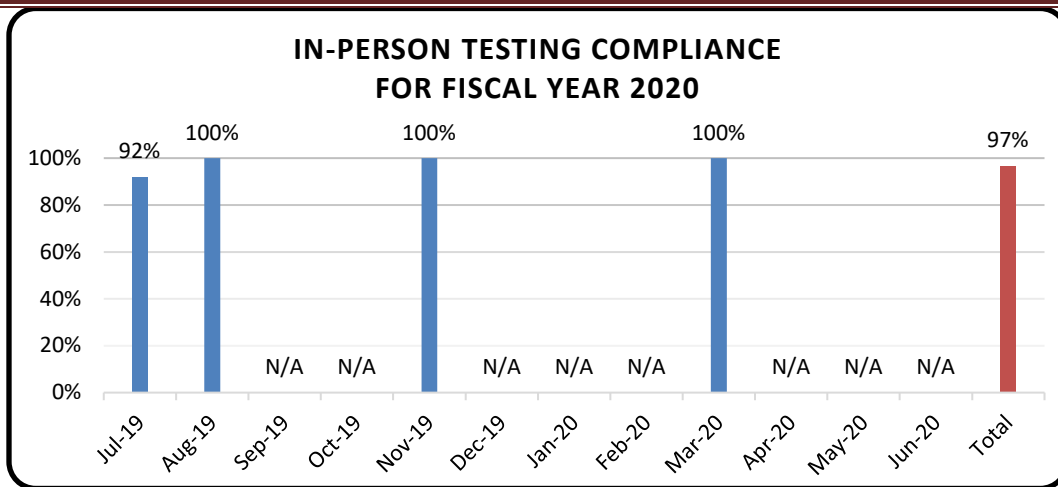
FY2020 Complaint Intake Tests

TEST TYPE	# CONDUCTED AND INSPECTED
In-Person	8
U.S. Mail	3
Telephone	8
E-mail	3
Website	2
TOTAL – FY2020	24



In-Person Testing:

There were eight In-Person Complaint Intake Tests conducted and inspected during Fiscal Year 2020. Seven of the eight tests had a compliance rate of 100%; one test had a compliance rate of 92% with three deficiencies. The overall compliance rate for In-Person Complaint Intake Testing for Fiscal Year 2020 was 97%, as illustrated by the following chart:



The following is a summary of each of the eight In-Person tests grouped by month:

July 2019 – 3 Tests

TEST #1:

A complaint alleged that a deputy parked in a handicapped space at a convenience store to buy food. The complaint was entered into BlueTeam the same day. The following day, PSB sent the Tester a written acknowledgement through both e-mail and U.S. Mail that included an IA number and the contact information for the assigned investigator. No deficiencies were noted.

TEST #2:

A complaint alleged that a deputy was at a bar exhibiting drunk and disorderly behavior, making threatening and homophobic statements. MCSO employees successfully completed the complaint intake process per Office Policy and the Tester noted, ***“[The sergeant], to my knowledge, went over and above. He committed to a specific time to be available after hours at his desk to work on the complaint and wait for a call from my friend about the incident. I made the call earlier than that because I didn’t want him to stay late just for this complaint. He seems very committed to his work, and the community.”***

TEST #3:

A complaint alleged unprofessional behavior by three uniformed deputies while dining at a restaurant. The Tester was given a *Maricopa County Sheriff’s Office Comment and Complaint Form* to fill out at the time of making the complaint at one of the patrol districts. Policy GH-2 requires that complaints must be referred to the on-duty supervisor. However, in this instance a supervisor was not on the premises at the time and the form was placed on the supervisor’s desk where it was not reviewed until the following day. When it is not practical to refer the complaint to the on-duty supervisor, Policy GH-2 states that pertinent information about the complaint must be immediately forwarded to a supervisor and the complainant contacted as soon as possible. The complaint must be entered into the BlueTeam system by end of shift so that it can be immediately forwarded to PSB. Policy GH-2 further requires audio and video recordings of the complaint be attached to the BlueTeam entry. Although a BlueTeam entry was completed and routed to PSB, audio and video recordings were not attached since a supervisor was not notified timely and, as a result, no recordings were made. Three deficiencies were noted. The employee who received the complaint had been with the Office for less than a year and was given additional complaint intake training.

August 2019 – 1 Test

A complaint alleged that a deputy was observed leaving a convenience store with a 12-pack of beer, drank one and gave two to what appeared to be underaged boys. The complaint was entered into BlueTeam the same day. The following day, PSB sent the Tester a written acknowledgement through both e-mail and U.S. Mail that included an IA number and the contact information for the assigned investigator. No deficiencies were noted.

November 2019 – 2 Tests**TEST #1:**

A complaint alleged unsafe driving and rude behavior by a deputy in a Sheriff's Office patrol vehicle. The complaint was entered into BlueTeam the same day. The following day, PSB sent the Tester a written acknowledgement through both e-mail and U.S. Mail that included an IA number and the contact information for the assigned investigator. No deficiencies were noted.

TEST #2:

This complaint also involved unsafe driving and rude behavior by a deputy. However, the address given by the Tester where the incident allegedly took place was actually in another patrol district. The sergeant taking the complaint assured the Tester that he would forward the information to the appropriate place. The sergeant then interviewed the Tester and obtained details about the alleged incident. Five days after the test, PSB sent the Tester a written acknowledgement through both e-mail and U.S. Mail that included an IA number and the contact information for the assigned investigator. No deficiencies were noted.

March 2020 – 2 Tests**TEST #1:**

A complaint alleged that a deputy engaged in reckless and aggressive driving, forcing the Tester's vehicle off the road. The Tester spoke directly with the district commander who obtained and documented the complaint information and explained the complaint intake process. The complaint was entered into BlueTeam the same day. The following day, PSB sent the Tester a written acknowledgement by both e-mail and U.S. Mail that included an IA number and the contact information for the assigned investigator. ***MCSO employees successfully completed the complaint intake process per Office Policy and the Tester noted that the district commander was "[o]ne of the kindest officers I've ever encountered."***

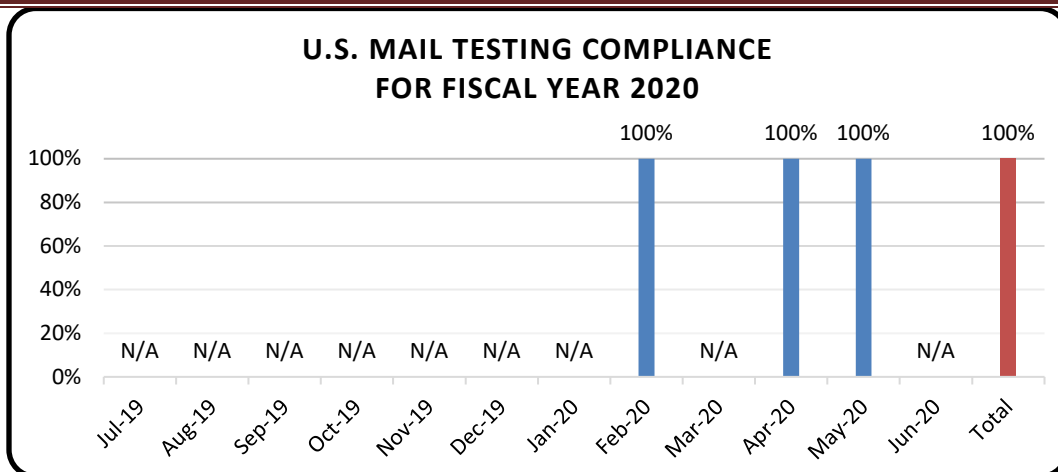
TEST #2:

A complaint alleged that a deputy pulled over the Tester for a traffic stop; however, the deputy stayed in his vehicle for 22 minutes and never made contact. The Tester met with the district sergeant who obtained and documented the complaint information, then explained the complaint intake process. The sergeant attempted to audio and video record the interview, but the Tester declined to be video recorded. The complaint was entered into BlueTeam the same day. The following day, PSB sent the Tester a written acknowledgement by both e-mail and U.S. Mail that included an IA number and the contact information for the assigned investigator. No deficiencies were noted.

As a result of Arizona Governor's Executive Order 2020-18, *Stay Home, Stay Healthy, Stay Connected*, dated March 31, 2020, In-Person Complaint Intake Testing was suspended indefinitely beginning April 1st; therefore, no tests were conducted during the months of April, May, and June 2020. This resulted in only 8 of the 12 required in-person tests being completed.

Testing by U.S. Mail:

There were three U.S. Mail Complaint Intake Tests conducted and inspected during Fiscal Year 2020. All three were sent to the Sheriff's Office Headquarters and all three resulted in a 100% compliance rate. The overall compliance rate for Complaint Intake Testing by U.S. Mail for Fiscal Year 2020 was 100%, as illustrated by the following chart:



The following is a summary of each of the three U.S. Mail tests:

February 2020

The Tester, who posed as a Hispanic female, sent a letter by U.S. Mail to the Sheriff's Office Headquarters alleging that a deputy verbally attacked and threatened to arrest her for not parking within the lines. Three days after mailing the letter, the Tester received a letter electronically (since the Tester did not provide a return address) from PSB providing her with an IA number and the contact information for the assigned investigator. No deficiencies were noted.

April 2020

The Tester posed as a Hispanic female who sent a letter by U.S. Mail to the Sheriff's Office Headquarters alleging that a deputy harassed her 12-year-old twin boys because they were Latino. Five days after mailing the letter, the Tester received a letter electronically (since no return address was provided by the Tester) from PSB providing her with an IA number and the contact information for the assigned investigator. No deficiencies were noted.

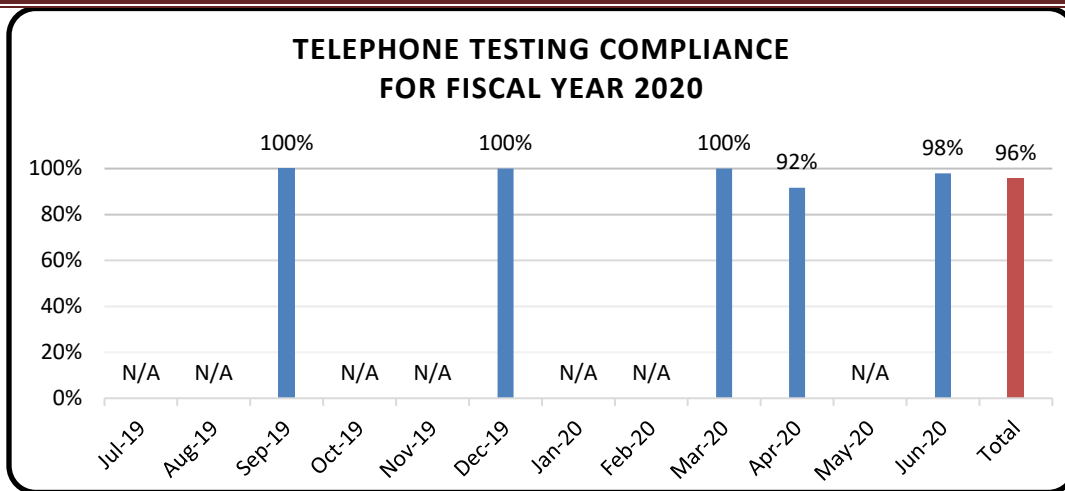
May 2020

The Tester sent a letter by U.S. mail to the Sheriff's Office headquarters alleging that she was sexually harassed by a deputy who had pulled her over and demanded that she remove her mask, saying that she "... looked 'real fine' ". Also, she alleged that the deputy was rude and unprofessional in returning her identification to her. Seven days after mailing the letter, the Tester received a letter electronically (since no return address was provided by the tester) from PSB providing her with an IA number and the contact information for the assigned investigator. No deficiencies were noted.

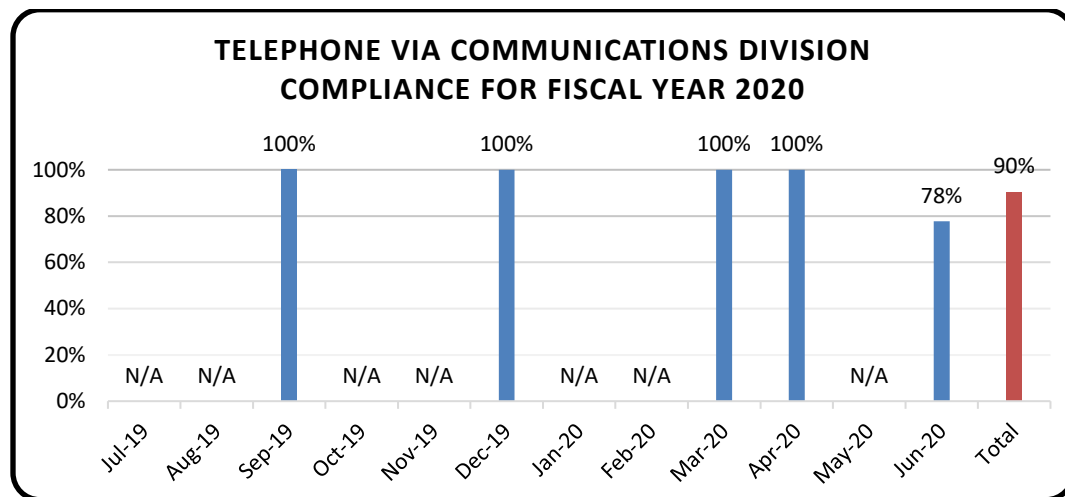
Testing by Telephone:

There are different ways in which a complaint may be filed via telephone – through Dispatch, directly to the patrol district, or directly to PSB or another division of MCSO. There was a total of eight Telephone Complaint Intake Tests conducted and inspected during Fiscal Year 2020. Seven of the eight tests were initiated through the Communications Division.

The following chart represents MCSO employees' monthly and overall compliance rating with Office Policy GH-2, *Internal Investigations*. The overall compliance rate for Fiscal Year 2020 was 96%.



The following chart represents the Communications Division’s monthly and overall compliance rating with Office Policy GI-1, *Radio Enforcement Communications Procedures*. The overall compliance rate for Fiscal Year 2020 was 90%.



The following is a summary of each of the eight Telephone tests grouped by month:

September 2019 – 1 Test

For the Complaint Intake Test conducted by Telephone in the month of September 2019, MCSO employee compliance with Policy GH-2, *Internal Investigations* was 100%, as indicated in the first graph under this report section. This test was initiated through the Communications Division and resulted in an employee compliance rate of 100% with MCSO Policy GI-1, *Radio and Enforcement Communications Procedures*, as shown in the second graph under this report section. The following paragraph is a summary of the test scenario, the actions taken by the Tester and MCSO employees, and the results of the test.

A complaint came in through the Communications Division alleging that a deputy nearly sideswiped the Tester’s vehicle while stopping another vehicle. She alleged that the deputy yelled and cursed at the driver of the stopped vehicle which upset the Tester’s son who was a passenger in her car. Dispatch personnel obtained information required by Policy GI-1, *Radio Enforcement Communications Procedures* and indicated that someone would contact her. Dispatch immediately notified the on-duty supervisor of the appropriate district and e-mailed the Early Intervention Unit as required. Later that same day, the district sergeant called the Tester and obtained details of the complaint. Within the seven days required by Policy, PSB provided the Tester with the IA number and name of the assigned investigator by telephone since the telephone number was the only contact information provided. No deficiencies were noted.

December 2019 – 1 Test

For the Complaint Intake Test conducted by Telephone in the month of December 2019, MCSO employee compliance with Policy GH-2, *Internal Investigations* was 100%, as indicated in the first graph under this report section. This test was initiated through the Communications Division and resulted in an employee compliance rate of 100% with MCSO Policy GI-1, *Radio and Enforcement Communications Procedures*, as shown in the second graph under this report section. The following paragraph is a summary of the test scenario, the actions taken by the Tester and MCSO employees, and the results of the test.

The Tester was a Hispanic male who placed a call through the Communications Division alleging that a deputy had thrown trash on the ground beside his patrol vehicle and left it there. Dispatch personnel obtained information required by Policy GI-1, *Radio Enforcement Communications Procedures* and indicated that someone would contact the Tester. Dispatch promptly verbally notified the on-duty supervisor of the appropriate district and then followed up with an e-mail. Within the hour, the district sergeant called the Tester and obtained details of the complaint. Three days later, PSB called the Tester and provided him with the IA number and name of the assigned investigator. No deficiencies were noted.

March 2020 – 1 Test

For the Complaint Intake Test conducted by Telephone in the month of March 2020, MCSO employee compliance with Policy GH-2, *Internal Investigations* was 100%, as indicated in the first graph under this report section. This test was initiated through the Communications Division and resulted in an employee compliance rate of 100% with MCSO Policy GI-1, *Radio and Enforcement Communications Procedures*, as shown in the second graph under this report section. The following paragraphs summarize the test scenario, the actions taken by the Tester and MCSO employees, and the results of the test.

The Tester first contacted MCSO Communications to complain that a deputy failed to stop a speeding driver. As required by policy, the dispatcher who took the call documented the complaint information, called the district on-duty supervisor, and forwarded the complaint information to the supervisor and the Early Intervention Unit. In addition, the dispatcher informed the Tester she would receive a call from a sergeant regarding her complaint.

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

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

Two days after the complaint was filed, the Tester again called the main number, this time asking for the district sergeant. The Tester was connected erroneously by MCSO Dispatch to the sergeant's personal cell phone on his day off. The sergeant advised the Tester to call MCSO back and leave him a message.

Five days after the complaint was filed, the district Administrative Sergeant called the Tester and conducted an interview. Additionally, the initial sergeant who entered the Service Complaint left multiple phone messages for the tester.

At this point, the test was considered completed.

Although there were no policy violations noted during the inspection of this test, the Tester included several comments on the Test Report Form. As a result, BIO followed up with both the Tester and the district command staff to provide explanations and suggestions.

➤ **TESTER COMMENTS:**

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

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

➤ **TESTER COMMENT:**

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

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

➤ **TESTER COMMENT:**

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

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

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

➤ **TESTER COMMENT:**

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

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

April 2020 – 1 Test

For the Complaint Intake Test conducted by Telephone in the month of April 2020, MCSO employee compliance with Policy GH-2, *Internal Investigations* was 92%, as indicated in the first graph under this report section. This test was initiated through the Communications Division and resulted in an employee compliance rate of 100% with MCSO Policy GI-1, *Radio and Enforcement Communications Procedures*, as shown in the second graph under this report section. The following paragraphs summarize the test scenario, the actions taken by the Tester and MCSO employees, and the results of the test.

The Tester called to complain that a deputy was driving erratically, recklessly, and generally in an unsafe manner. The dispatcher who received the complaint responded appropriately and followed applicable policy.

The on-duty supervisor (sergeant) immediately called the Tester to gather details about the complaint. The call was recorded. The sergeant entered the complaint in the BlueTeam system; however, a prior complainant having the same name as the one used by the Tester appeared when the "Search for Civilian" was completed. The sergeant selected the preexisting complainant of the same name. The preexisting complainant had a different phone number than what was provided by the Tester. In addition, the preexisting name had an address in the system and the Tester did not provide an address. Selecting the preexisting complainant of the same name resulted in PSB sending the initial seven-day letter to the wrong individual. Policy GH-2, *Internal Investigations* requires that "[w]ithin seven days, the PSB shall provide a written update to the complainant which shall include the IA number and the name of the assigned investigator." BIO followed up with the employee who did not provide PSB with accurate and complete information, by initiating the BIO Action Form process.

June 2020 – 4 Tests

Three of the four Complaint Intake Tests conducted by Telephone during the month of June 2020 were initiated through the Communications Division. For all four tests, MCSO employee compliance with Policy GH-2, *Internal Investigations* was 98%, as indicated in the first graph under this report section. For the three tests initiated through the Communications Division, employee compliance with MCSO Policy GI-1, *Radio and Enforcement Communications Procedures* was 78%, as shown in the second graph under this report section.

TEST #1:

A complaint was initiated through the Communications Division alleging that a deputy encountered on a hiking trail was unstable and smelled of alcohol. Dispatch personnel obtained information required by Policy GI-1 and indicated that someone would contact the Tester. Dispatch promptly e-mailed the on-duty supervisor and copied the Early Intervention Unit. An hour later, the Tester received a call from the district on-duty supervisor to obtain details about the complaint. Three days later, the Tester received a phone call (since no other means of contact was provided by the Tester) from PSB providing her with an IA number and the contact information for the assigned investigator. **There were no deficiencies noted and the tester commented, "The officers I spoke with on the first two contacts were professional, patient, and understanding. As a "complaint", it was not an intimidating experience to initiate the complaint."**

TEST #2:

Instead of going through the Communications Division, the Tester called a number at the downtown Sheriff's Office Headquarters to file a complaint about a deputy possibly targeting Hispanic drivers. The employee who received the phone call was assigned to Operation Command. She asked for the Tester's name and phone number so she could have PSB call the Tester back and added that PSB would be the one to investigate the allegation. Policy GH-2, *Internal Investigations*, allows PSB to "... accept any external complaint directly from a complainant."

Approximately 25 minutes after the Tester's phone call, an employee assigned to PSB called the Tester to obtain details of the complaint. After interviewing the Tester, the PSB employee explained that an investigation would be conducted and gave her cell phone number to the Tester. Although the PSB employee asked for an e-mail address or some other way to contact the Tester, the Tester provided only her phone number. When the Tester's information was entered into BlueTeam, the Tester's phone number was entered incorrectly by one digit. Therefore, PSB was not able to successfully contact the Tester to provide her with the IA number and the name of the assigned investigator as required by Policy GH-2, *Internal Investigations*. This was noted as a deficiency and BIO followed up with PSB through the BIO Action Form process to address the one Policy GH-2 requirement that was not met.

The Tester included comments on the Test Report Form which appear below along with BIO's responses.

- **TESTER COMMENT:** The Tester indicated that during the initial call, she was "*encouraged twice to fill out [the] website complaint form*". The Tester interpreted this as an attempt to "*discourage, interfere with, or delay [her] from registering a complaint*" (Policy GH-2, 2.B.1.a.).

BIO RESPONSE: BIO reviewed the recordings and disagreed. The Operation Command employee asked for the Tester's name and number so that PSB could contact her about her complaint (which PSB did) and offered information regarding the online complaint form. BIO considers the information provided regarding the online form as value added, not as a means of discouraging the intake of a complaint.

- **TESTER COMMENT:** The Tester indicated that during the initial call she felt the "demeanor" of the person she interacted with was unprofessional because the employee "[d]idn't answer [the] phone properly; didn't know what PSB meant; pushed [her] to fill [the] on-line form."

BIO RESPONSE: BIO reviewed the recordings and disagreed.

- The Tester intended to call a district directly but misdialed by one digit and called the Special Assistant to the Sheriff at an unpublished number. The employee answered the phone by simply saying her name. Many employees in the office have a phone in their office with an assigned extension number. These are not public numbers and are used to communicate internally and for the employee to make outbound calls. When employees answer their office extension, it is a customary greeting to say one's name when starting the conversation.
 - Although the employee could not tell the tester that the acronym "PSB" stood for "Professional Standards Bureau", she explained PSB was "Internal Affairs" and would be the entity conducting the investigation into the Tester's complaint.
 - The employee provided education regarding the online complaint form as another way the Tester could file a complaint. The employee contacted PSB, who then called the Tester.
- **TESTER COMMENT:** *On the initial two calls on June 11, 2020, I felt that both MCSO employees treated me seriously. But then there was no contact from MCSO.*

BIO RESPONSE: Once the complaint was taken and entered in the system, PSB was unable to contact the Tester due to an input error when entering the Tester's phone number.

TEST #3:

A complaint initiated through the Communications Division alleged that a deputy was observed possibly sleeping in his patrol vehicle. The dispatcher who took the call documented the complaint information and contacted the on-duty supervisor in the appropriate district, who was unable to speak to the Tester at that time. The dispatcher gave the contact information to the district sergeant so he could call the Tester back. The dispatcher informed the tester she would receive a call from a district sergeant regarding her complaint. Policy GI-1, *Radio and Enforcement Communications Procedures*, requires that "Communications Divisions personnel shall then e-mail the complaint information to the on-duty supervisor of the district or division in which the complaint was directed." Policy GI-1 further requires that "Communications Division personnel shall copy the e-mail sent to the on-duty supervisor with the complaint information, to the Early [Intervention] Unit ... to ensure the complaints entry is entered into BlueTeam." These two requirements of Policy GI-1 were not done.

Approximately one hour later, the district sergeant called the Tester to gather details about the complaint. The call was recorded. The sergeant entered the complaint in the BlueTeam system and immediately forwarded the complaint to PSB. The following day, PSB called the Tester and left a voicemail providing the IA number and the name and contact information of the assigned investigator as well as the phone number for PSB. **The Tester noted, "My complaint's IA# was given to me within 24 hours of my last contact. And I was give[n] the phone # of the Professional Standards Bureau."** BIO followed up with the Communications Division through the BIO Action Form process to address the two Policy GI-1 requirements that were not met.

TEST #4:

A complaint initiated through the Communications Division alleged that two deputies were rudely yelling at a homeless man. The first dispatcher who took the call began intake of the complaint but soon had to put the Tester on hold to answer an emergency call. Less than seven minutes later, a second dispatcher spoke to the Tester and documented the

complaint information, contacted the on-duty supervisor, and forwarded the complaint information to the supervisor and the Early Intervention Unit. In addition, the dispatcher informed the Tester she would likely receive a call from a district sergeant regarding her complaint.

Approximately 15 minutes later, the district sergeant called the Tester to obtain details regarding the complaint. The call was recorded as required by Policy GH-2, *Internal Investigations*. The electronic file of the recorded call was too large to attach to the BlueTeam entry; it was determined that the complaint was a test before the PSB process for attaching the recording to the case file in the IAPro program could be completed. PSB called the Tester two days later to provide the IA number and the name and contact information of the assigned investigator. The Tester provided only a phone number and declined to give an address; therefore, the update given to the Tester was by telephone. No deficiencies were noted.

The Tester included comments on the Test Report Form which appear below along with BIO's responses.

- **TESTER COMMENT:** The Tester noted on the Test Report Form that she was put on hold for several minutes before the second dispatcher continued the complaint intake process.

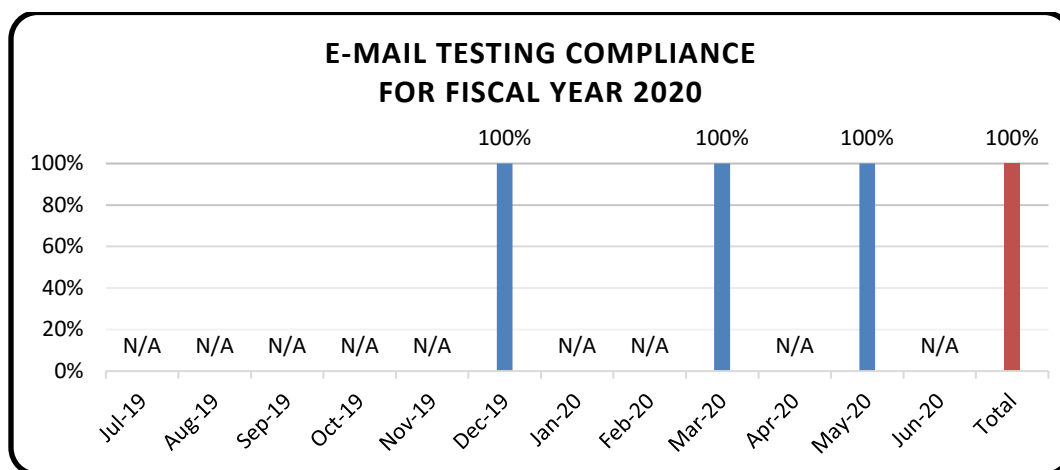
BIO RESPONSE: Communications Division personnel answer non-emergency calls as soon as they are available to do so. If multiple 911 calls come in at the same time, non-emergency callers may be on hold for several minutes.

- **TESTER COMMENT:** The Tester indicated the first dispatcher was not as friendly, understanding, or professional as the second dispatcher.

BIO RESPONSE: BIO reviewed the recordings and found no misconduct with the first dispatcher's actions.

Testing by E-mail:

There were three E-mail Complaint Intake Tests conducted and inspected during Fiscal Year 2020. All three resulted in an employee compliance rate of 100%. The overall compliance rate for Complaint Intake Testing by E-mail for Fiscal Year 2020 was 100%, as illustrated by the following chart:



The following is a summary of each of the three E-mail tests:

December 2019 – 1 Test

Posing as a Hispanic male, the Tester sent an e-mail directly to the commander of a patrol district alleging that he was pulled over for weaving in his lane, but believed that the real reason for the traffic stop was to harass him because of his ethnicity. MCSO employees successfully completed the complaint intake process per Office Policy; however, the Tester noted that she "... was expecting an automatically generated reply immediately after sending the email, but did not receive

a reply until the next day in the afternoon from ..." PSB with the IA number and the contact information of the assigned investigator. Since the e-mail was sent directly to an MCSO employee, there would be no auto-generated response confirming receipt of the complaint. No deficiencies were noted.

March 2020 – 1 Test

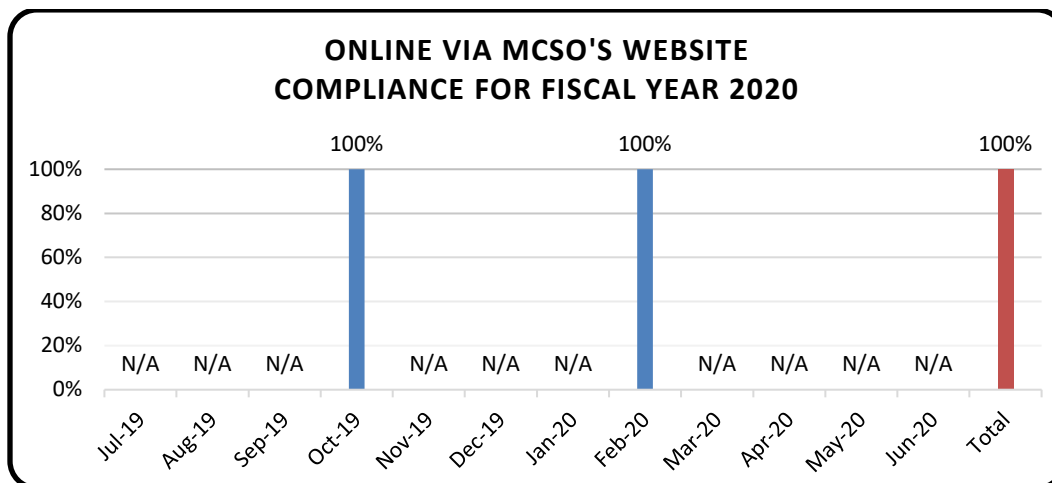
A complaint e-mailed to a district commander described a rude interaction with a deputy and alleged racial bias. There were no deficiencies noted; however, the Tester included the following comment on the Test Report Form: *"I was expecting an automatically generated reply after sending the complaint, but a reply did not arrive for almost 5 days."* BIO followed up with the Tester and explained that since the complaint was e-mailed directly to an MCSO employee, there would be no auto-generated response confirming receipt of the complaint. Also, the five-day response time was because the Tester e-mailed the complaint on a Friday and accidentally referred to an outdated list of district commanders. The Tester intended to e-mail the district commander, but instead e-mailed a former MCSO commander, now a Reserve Deputy. The Reserve Deputy forwarded the e-mail to the appropriate division commander and the complaint was entered into BlueTeam. The Tester received the reply within the seven-days allotted by Policy GH-2, *Internal investigations*.

May 2020 – 1 Test

A complaint e-mailed to a district commander alleged a deputy was observed shouting in a demeaning and racially insensitive manner to a Hispanic driver pulled over to the side of the road. The Tester received an e-mail response from the district commander the same day acknowledging the receipt of the complaint and indicating that it was forwarded to PSB and to expect contact soon. Four days later, the Tester received a letter electronically from PSB providing her with an IA number and the contact information for the assigned investigator. **No deficiencies were noted, and the tester indicated she felt "... that the MCSO responses were professional and timely."**

Testing Online via MCSO's Website:

There were two Online Complaint Intake Tests conducted and inspected during Fiscal Year 2020. Both resulted in an employee compliance rate of 100%. The overall compliance rate for Complaint Intake Testing Online via MCSO's Website for Fiscal Year 2020 was 100%, as illustrated by the following chart:



The following is a summary of both Online tests:

October 2019 – 1 Test

A complaint alleged that a deputy refused to take a stolen property report while on another service call, and that the deputy was rude and made racist remarks about Hispanics (the Tester used a Hispanic surname). Immediately after filing the online *Comment and Complaint Form*, the Tester received a confirmation e-mail from Web Team that the complaint had been received. Less than an hour later, an e-mail was sent from PSB notifying the Tester of the IA number and the

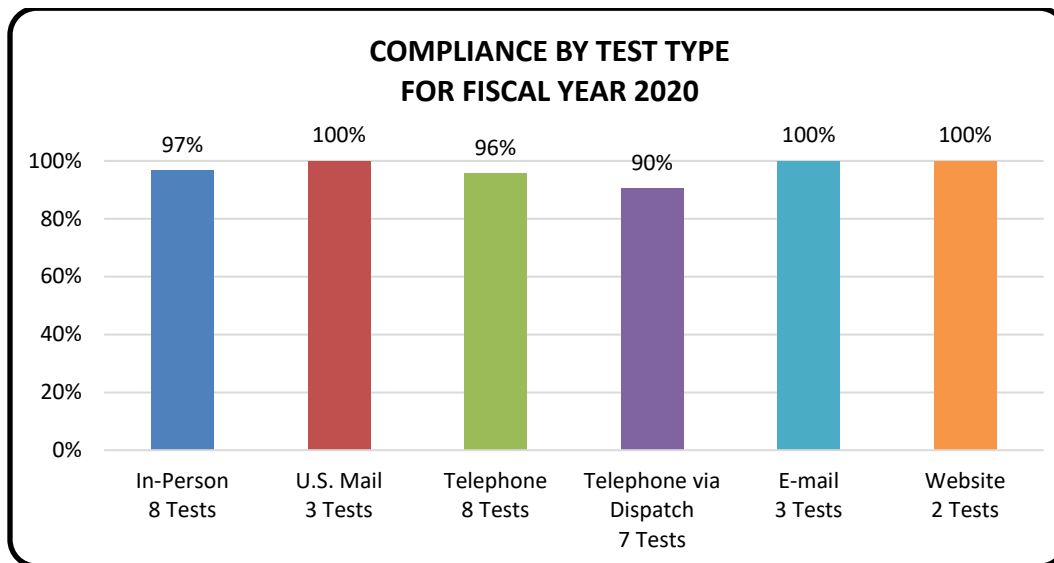
name and phone number of the sergeant assigned to investigate the complaint. **MCSO employees followed procedures according to Office Policy and the Tester noted, *"This process was extremely quick."***

February 2020 – 1 Test

The Tester posed as a Hispanic male who filed a complaint through the MCSO website by filling out the online *Comment and Complaint Form* alleging unprofessional behavior by a deputy. The Tester alleged the deputy’s rudeness may have been because the driver and his passenger were Mexican Americans. An e-mail from Web Team confirming the receipt of the complaint was sent immediately. The following day, PSB provided the Tester with the IA number and name and contact information of the assigned investigator by e-mail. MCSO employees followed complaint intake procedures according to Office Policy and no deficiencies were noted.

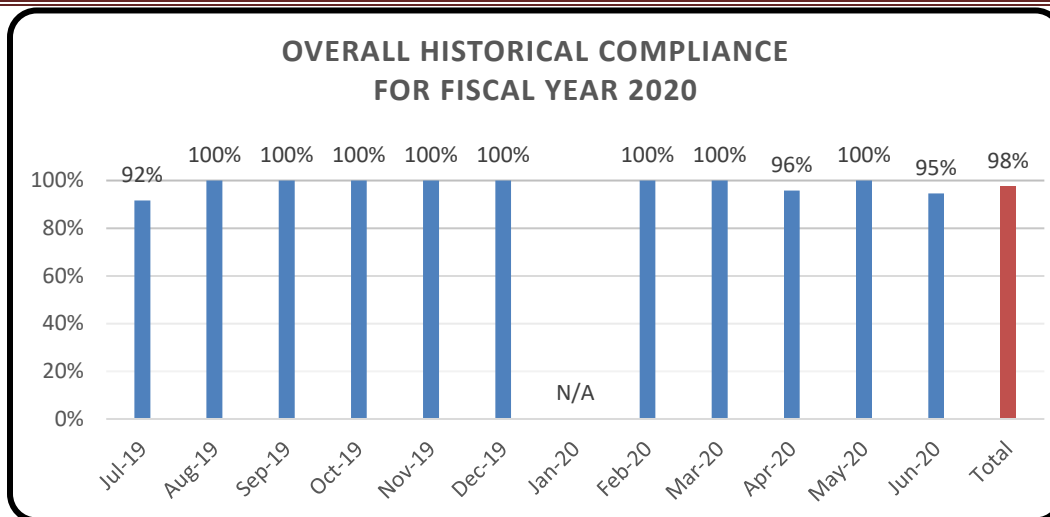
Compliance by Test Type

Below is a chart illustrating the overall compliance rate and number of tests by type for each method of testing for Fiscal Year 2020:



History of Overall Compliance:

Below is a chart illustrating the overall compliance rate by month for Fiscal Year 2020:



Conclusion

MCSO evaluated civilian complaint intake based on the results of the testing program for Fiscal Year 2020. The following is a summary of the challenges that came to light as a result and the steps MCSO has taken to improve civilian complaint intake.

Challenges:

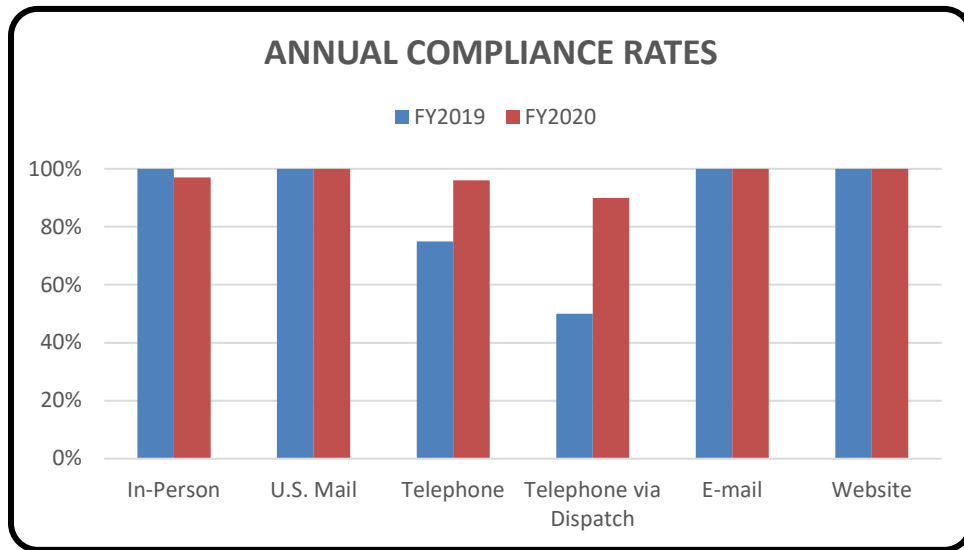
1. Administrative staff could benefit from an easy-to-follow guide concerning their role in the complaint intake process.
2. Due to a test scenario meeting the criteria for a Service Complaint rather than a complaint relating to employee misconduct, the tester did not receive an IA number.
3. A sworn supervisor did not include his Office cell phone number when leaving messages for the tester causing unnecessary back-and-forth phone calls.
4. PSB received incorrect contact information on the complainant (the Tester) which caused the initial seven-day letter to be sent to the wrong individual.

Steps Taken to Address Challenges:

1. BIO developed a guideline checklist to assist administrative employees with the process of external complaint intake as it pertains to Policy GH-2, *Internal Investigations*, paragraph 2, "Complaint Intake Procedures". It is currently in the review process and will be issued once it is approved.
2. Both complaint intake testing vendors were instructed to avoid conducting tests that are classified as Service Complaints.
3. BIO followed up with district command staff to discuss the use of Office cell phones and leaving work cell numbers when leaving messages.
4. BIO met with district command staff and discussed options available to sergeants who receive messages from complainants when they are not the assigned investigator, i.e., sergeants coordinate with assigned investigators before responding to complaints.
5. BIO followed up with the supervisor of a district sergeant who mistakenly provided PSB with incorrect contact information for the tester. The supervisor met with the sergeant and discussed ways in which this could be prevented in the future.

Complaint intake testing compliance increased 15% overall from the prior year. The biggest increase, however, was in Telephone testing through the Communications Division. With a compliance rate of only 50% for prior year FY2019, BIO developed a guideline checklist for employees in the Communications Division. The compliance rate for Telephone testing via the Communications Division increased 40% to an overall total of 90% for FY2020.

The following chart compares overall testing compliance rates for FY2019 and FY2020:



I have reviewed this annual report.

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

9-14-2020
 Date