



**City of Peoria**

**POLICE DEPARTMENT**

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## Memorandum

**DATE:** March 9, 2022

**TO:** Chief Art Miller #13224  
Chief of Police

**FROM:** Sgt. David Foulke #3061  
Professional Standards Unit

**SUBJECT:** Professional Standards Unit 2021 Calendar Year Summary Report  
(CALEA 26.2.5)

This report is the Professional Standards Unit 2021 calendar year activity summary for the City of Peoria Police Department.

The Professional Standards Unit (PSU) is responsible for the internal records regarding all Administrative Investigations and other specified administrative matters. PSU is responsible for the coordination and records storage of the following:

- Discipline Review Panels
- Use of Force Committee
- Vehicle Operations and Safety Committee
- Early Intervention Program
- Department grievance and appeal processes
- Department Controlled Substance Screening Program
- Department audits and non-audit inspections

In addition to assisting the City Attorney's Office and the Human Resources Department with matters pertaining to police department personnel, PSU is also responsible for training of department personnel in matters relating to the functions of the Professional Standards Unit. The Peoria Police Department Professional Standards Unit is staffed with one lieutenant, two sergeants, and an Accreditation & Compliance Coordinator.

### **2021 Incidents/Entries**

*Note: For the purposes of this report, each entry into the IAPro tracking system is considered an "incident". Each item, whether it is generated internally or externally, is processed by the Professional Standards Unit and is given a tracking number. Typically, throughout the remainder of this report, the term "incident" will stand for an action documented in the IAPro system and processed by PSU.*

The Professional Standards Unit utilizes the tracking software system, *IAPro*. Additional software known as *BlueTeam* augments the *IAPro* software. The *IAPro* database helps maintain the accuracy and consistency by which complaints, commendations, and other performance issues are processed, tracked, and monitored. *IAPro* also tracks use of force incidents, vehicle related incidents, supervisor notes, firearm discharges, employee grievances, random drug screens, and inspections. The combination of *IAPro* and *BlueTeam* continues to be a valuable tool for the Professional Standards Unit and the members of the Peoria Police Department as we strive to meet our department goal of building partnerships and trust with the community we serve.

During the 2021 calendar year, the Professional Standards Unit processed 956 BlueTeam entries, known as “incidents”, generated from citizens or from within the Peoria Police Department. Comparatively, this is 440 less entries processed than in 2020. In 2021, The Peoria Police Department implemented a new Annual Employee Evaluation system, which greatly reduced the number of “Supervisor Notes” that were submitted and processed throughout the department. This was the single biggest factor in the drastic reduction of total Incidents processed by the Professional Standards Unit.

#### **Commendations/Complaints** (CALEA 26.2.4)

Of the 956 entries processed in 2021, 66 (~6.9%) resulted in “Commendations” for department employees. This number is reduced from years past due to a re-evaluation and implementation of the category of “Commendation.” In years past, “Commendation” was utilized for any positive documentation for an officer. In 2019, review found this was not applied equally by supervisors based on their interpretations. Through 2019 and since then, “Commendation” entries were more closely scrutinized to build on the consistent application of “Commendation” entries. All other positive entries regarding work performance are entered under “Supervisor Notes.”

In comparison, only 26 (2.7%) of the 956 entries resulted in some type of documented complaint. The remaining entries consisted of Supervisor Notes, Use of Force, Vehicle Accidents, Random Drug Screens, K-9 Kit Audits, Mobile Data Computer (MDC) Audits, BWC and Report Reviews and other incidents tracked by *IAPro* located in the Figure 6 of this report.

When looking at the 956 incidents received in PSU, 59 were from citizen-initiated contacts with the Professional Standards Unit. Fifteen (15) of the citizen contacts resulted in a service complaint against an employee. Eight (8) of those fifteen (15) service complaints were due to missed off-duty jobs. Only three (3) of the missed off-duty jobs complaints were sustained. Fifteen (15) of the 59 citizen contacts with PSU resulted in “Citizen Inquiries” which were handled within the unit.

There are multiple methods for citizens to file commendations and/or complaints with the Peoria Police Department:

- Citizens can call the PSU hotline and speak directly with a member of the Professional Standards Unit or they may leave a detailed message. The goal of the unit is to return or address messages left by callers before the close of business.

- Citizens can download the Commendation/Complaint Form from the City of Peoria website and mail it. This form may also be submitted on-line.
- Citizens can enter the lobby of both precincts and fill out a Commendation/Complaint Form. This form is also available in Spanish at both locations.
- Citizens may email commendations and complaints to PSU without completing the form.
- Commendations and complaints can also be filed with any police supervisor.

PSU takes action on all complaints, regardless if the citizen provides their identity or remains anonymous. (CALEA 26.2.1)

### **Use of Force** (CALEA 4.2.4)

In 2021, the Peoria Police Department had 70 reportable use of force incidents involving 123 officers using various types of force, to include deadly force. For comparison purposes, in 2020, the Department had 68 reportable use of force incidents, also involving 103 employees utilizing various types of force.

The following is a report of the force used by Peoria police officers from January 1, 2021 through December 31, 2021. The information contained in this report was compiled by utilizing the information entered into *BlueTeam* and retained in *IAPro*.

### **Use of Force Reporting Process** (CALEA 4.2.1)

An employee, typically a sergeant, is responsible for entering all qualifying use of force incidents into *BlueTeam*. Use of force is tracked by incident, not type of force used or number of involved officers. One incident can include more than one officer, more than one type of force action taken, and more than one citizen.

Once the sergeant has completed (or reviewed) the initial entry, it is then forwarded to that sergeant's lieutenant for review. Once approved, the lieutenant forwards the entry to the Professional Standards Unit for processing and dissemination to the Department's Use of Force Committee.

The Professional Standards Unit (PSU) ensures all related documents (i.e. case reports, photographs, body worn camera, and audio recordings) are made available to the Use of Force Committee when reviewing the incident. The committee may review the documents as a group or individually. The committee may also require the involved employee(s) to appear and answer any clarifying questions committee members may have. Committee members then cast their independent vote to the committee chair. The vote consists of "within policy" or "not within policy".

In the event the Use of Force Committee determines the force used was out of policy, a Service Complaint or an Administrative Investigation (as directed by the Chief of Police) will be conducted.

**INCIDENT REVIEW (CALEA 4.2.2)**

**Figure 1: Use of Force Chart (General)**

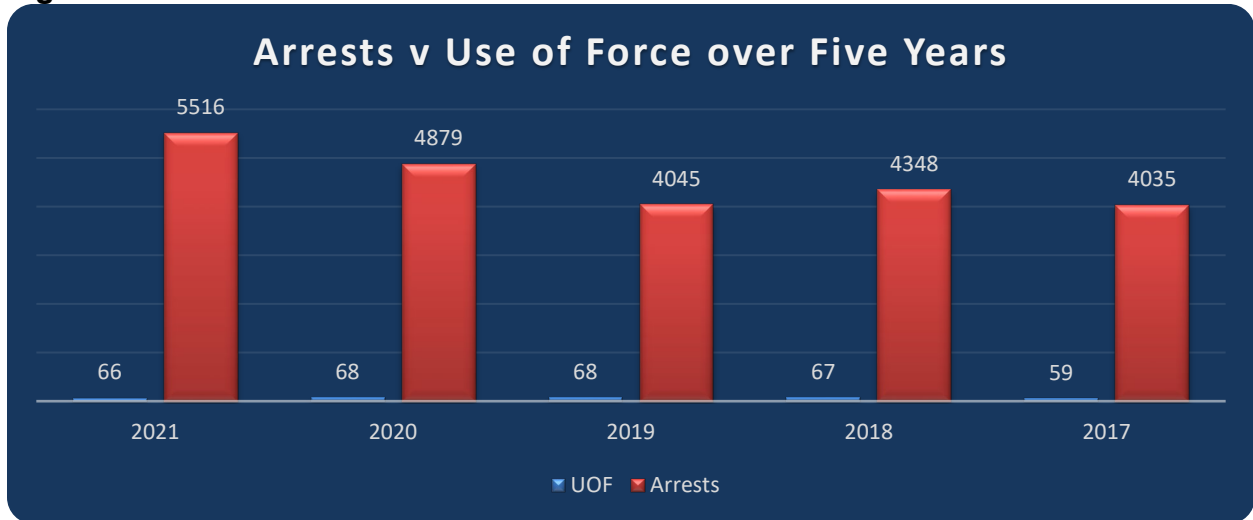
<b>Description</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Use of Force Incidents	59	67	68	68	70	+2
Number of Employees Involved (Sworn Officers and Police Services Officers)	104	122	122	103	123	+20
Calls for Service	86,738	89,932	91,570	75,720	82,538	+6818
Arrests	4035	4348	4045	4879	5516	+637
Sworn Full Time Employees	199	191	194	203	205+/-	+2
Use of Force Resulted in Injury- Citizen	48	55	54	62	51	-11
Officer Injured in Conjunction with Use of Force	13	20	26	18	15	-3
Use of Force Resulted in Death	0	1	0	0	2	+2
<b>Description</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
O.C. Spray	0	0	0	0	2	+2
Hard Empty Hand	25	21	19	39	55	+16
Hard Impact Weapon	0	1	0	0	0	No Change
Soft Empty Hand*	52	80	88	61	42	-19
----- Forced Take-Down	6	38	33	29	29	No Change
----- Control Hold	1	42	46	29	12	-17
----- Impact Push	-	0	2	0	0	No Change
----- Pressure Points	-	0	7	3	1	-2
Less Lethal Stun-bag/BIP	4	1	2	1	3	+2
Police Dog	7	11	7	6	5	-1
Taser**	5	9	15	13	22	+9
Restraint Device	16	8	12	11	17	+6
Firearm-Officer Involved Shootings-Total Officers Involved	0	5	2	1	7	+6
<b>Total Use of Force Actions***</b>	<b>116</b>	<b>136</b>	<b>146</b>	<b>132</b>	<b>153</b>	<b>+21</b>

*\*To gain more accurate data, the "Soft Empty Hand" category has been itemized out to the various types of actions taken in this category in the past. These four actions are now classified as "Forced Take-Down", "Control Hold", "Impact Push" and "Pressure Points". The expansion of this category began in late 2017.*

*\*\*Taser use category includes: pointing the sighting laser only (2), arc for compliance with no contact on suspect (0), drive stun with no probe deployment (5) and standard probe deployment (15).*

\*\*\*The total number is comprised of all reportable Use of Force actions taken by members of the Peoria Police Department. This total is higher than the "Use of Force Incidents" due to the accounting for all officers on scene of Use of Force incidents and the actions each individual Officer or PSO took. Example- Two (2) officers involved may count for one (1) forced take down and two (2) control holds applied in one incident.

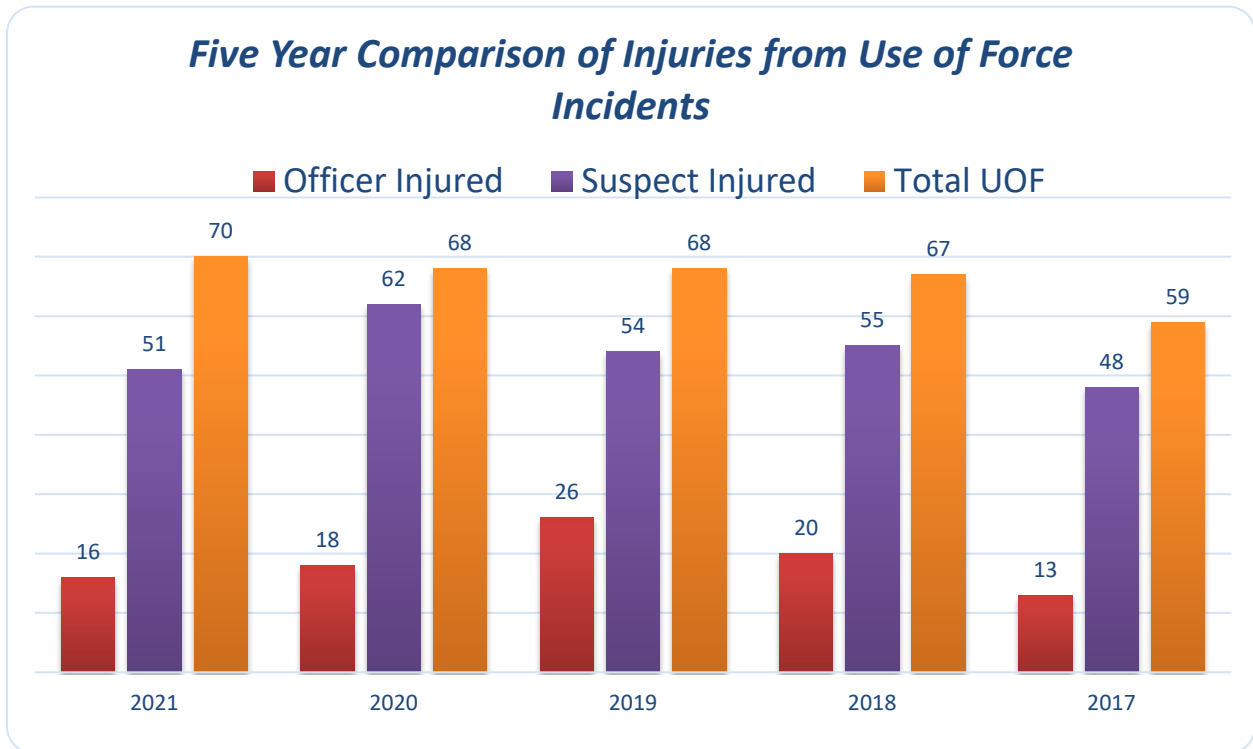
**Figure 2: Arrests vs Use of Force over Five Years**



- The Use of Force Committee reviewed 66 of the 70 incidents. The remaining four (4) are Officer Involved Shootings that will be reviewed by a Deadly Force Review Board (DFRB)
- In 2021, there were 4879 arrests. 4811 arrests were made without officers using any reportable force. 66 arrests required officers to use force. This amounts to officers using force in 1.37% of all arrests. There were also two (2) involuntary committal orders that were served that resulted in force being used to take the subject of the order into custody for transportation to a mental health facility. This rate of force being utilized is consistent with prior years.
- Two (2) arrests were made following two separate Officer Involved Shootings. Two (2) other Use of Force incidents resulted in the death of the suspect as a result of an Officer Involved Shooting. Due to the death of the suspects, these are not considered to be "arrests" for the purposes of this report. These four (4) OIS incidents are entered initially as a Use of Force incident in BlueTeam, then investigated via Administrative Investigation and reviewed by a Deadly Force Review Board, typically 12 to 16 months after the incident occurs. Their status as a Use of Force is converted to "Closed-Investigated as AI".
- During seventeen (17) incidents from 2021, officers assessed the condition of the citizen as being possibly mentally unstable.
- In 22 of the 70 incidents, officers reported drugs and/or alcohol played a contributing factor to the citizen's actions.

## **INJURY/DEATH** (CALEA 4.1.2)

**Figure 3: Five-Year Comparison of Injuries from Use of Force Incidents**



- There were two (2) use of force incidents in 2021 that resulted in the death of a human. These were both as a result on an Officer Involved Shooting where the officers encountered an armed subject.
- Of the 70 total use of force incidents, 51 incidents (73%) resulted in an injury or alleged injury to the suspect. This is a decrease of 19% from 2020.
- Figure 3 is a five-year comparison of any level of injury or alleged injury. An injury is considered significant if the suspect or officer was transported to the hospital for treatment. Of the 70 incidents in 2021, 16 citizens and one (1) officer were transported to the hospital for treatment. It should be noted that with the exception of K-9 related Use of Force incidents and two (2) suspects who had been shot during an Officer Involved Shooting, the majority of injuries were reported or identified as being related to abrasions.
- As shown in Figure 1, the most common type of force reported by officers in 2021 was “hard empty-hand”. These are generally due to hand striking, knees or kicks used to defend an officer or to gain compliance from a suspect who is actively fighting the officer(s).
- “Soft empty hand” techniques were reduced in frequency of use in 2021. Soft empty hand techniques can be control-holds, pressure points, impact push or forced takedown. The soft empty hands category saw the second largest volume of use in 2021. Officers reported using soft empty hand techniques 42 total times in

2021, which as decrease of nineteen (19) reported uses from 2020.

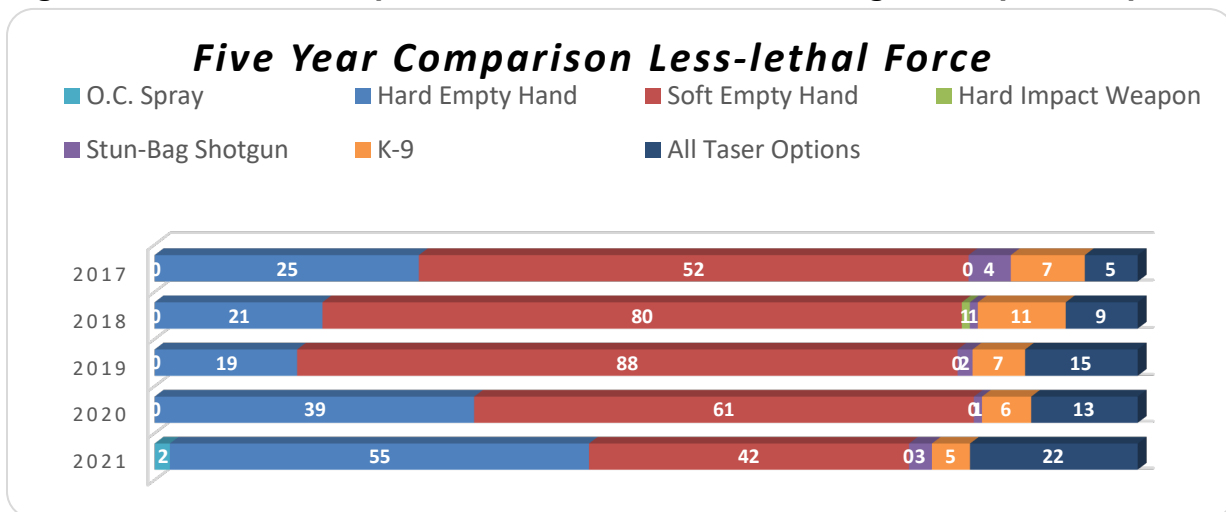
*Note-In an effort to better track this information, the Professional Standards Unit removed soft empty hands, in December 2017, as an option for selection in the Use of Force reporting forms and replaced it with options that describe the actual technique being used, versus the “soft empty hands” category they fall under. The new options are; “control-hold”, “forced take-down”, “impact-push”, and “pressure points”.*

- Further examination of the soft empty hands category showed a forced takedown was a specific technique reported to be used 20 times in 2021. This technique accounted for a majority of the reported injuries to citizens in the form of abrasions (31 of the 50 reported injuries were reported as abrasions.)

**Less-Lethal Force Options (CALEA 4.1.4)**

Figure 4 is a five-year comparison of less-lethal force used by employees. Included in this chart are also “soft empty hand” and “hard empty hand” response options for comparison.

**Figure 4: Five-Year Comparison-Less Lethal Force among all Response Options**



Less-Lethal force response options are defined and explained in Peoria Police Department policies 300 through 309. Less-lethal force is defined as a tactic that minimizes the risk of causing death or serious injury and is designed to stop aggression or aid in establishing control of a situation. Several different force options may be used during one incident by various officers to stop aggression and gain control. All reported individual tactics utilized are recorded in the total number. For 2021, there were 70 use of force incidents. In those 70 incidents, there were 153 total reportable use of force related actions.

- In 2021, there were two (2) uses of OC spray, both during SWAT operations. This was up from no uses in 2020.

- In 2021, there were no uses of an impact weapon. This was similar to 2020 and 2019 which also had no reported uses of impact weapons.
- In 2021, there was one (1) successful stun-bag deployment. This is the same number in stun-bag uses from 2020 where there was also one (1) successful deployment of a stun-bag.

The use of stun-bag in 2021 was due to a subject who was acting erratic by swinging a homemade weapon around over his head. The suspect is known to use heavy amounts of drugs, has untreated mental health issues and tends to fight with the Police. During this incident, he was walking on a freeway on-ramp after being ordered to stop by responding officers. This subject was struck by less-lethal munitions multiple times with little effect and was fighting with a Police K-9 when he was Tased and taken into custody. In this case, the stun-bag, firing super sock projectiles, had little immediate effect on the subject due to the combination of drugs, alcohol and mental disorders.

- Taser use was up in 2021. There were 22 incidents in which Tasers were utilized. Of those 22 uses, fifteen (15) involved probe deployment and five (5) were drive stun only.

There were two (2) reported uses of either activating the laser or an arc only, which caused the suspect to comply rather than to actually be Tased.

### **Training** (CALEA 4.3.3)

In 2021, Peoria Police sworn personnel resumed regular training following a COVID-19 restricted schedule in 2020. Officers received mandatory in-service training on firearms, which included a low-light and full-light qualifications, firearms skills updates, defensive tactics, Taser, and law and legal update. Members of the department also attended first aid and CPR refresher training.

### **Use of Force Analysis** (CALEA 4.2.4)

*Please refer to the attached Use of Force Analysis document generated by the Peoria Police Department's Crime Analyst.*

## **FIREARMS**

### **Deadly Force Review Board** (CALEA 4.1.2)

The Deadly Force Review Board (DFRB) did not convene during 2021. At the time of this report, one DFRB has been completed in 2022 reviewing an Officer Involved Shooting from September, 2020. Four (4) Officer Involved Shootings, occurring in 2021 are pending review by a DFRB once it has been reviewed by the Maricopa County Attorney's Officer Shooting Review Board.

## Unintentional/Intentional/Accidental Discharge of a Firearm

Discharge of Firearm	2017	2018	2019	2020	2021	Difference 2020/2021
Intentional	1	2	3	1	8*	+7
Unintentional	0	2	1	0	1	+1
Accidental	0	0	0	0	1	+1

\*See *Intentional Firearms Discharge* section below.

### **Intentional Firearms Discharge** (CALEA 4.2.1a)

In 2021, there were seven (7) reported intentional firearms discharged during four (4) separate Officer Involved Shootings. Each of these are pending review by a Deadly Force Review Board once the Criminal Charging review is completed by the Maricopa County Attorney's Officer Shooting Review Board. Details of these four (4) Officer Involved Shootings are withheld from this synopsis as the completion of the Administrative Investigations are pending.

Also, during 2021, one (1) officer fired a weapon to dispatch an injured donkey that had been hit by a vehicle.

**Unintentional Discharge and Accidental Discharge** of a firearm is defined in the Arizona Peace Officer Standards and Training (AZPOST) Firearms Manual under Section 2-"SAFETY".

- An **Unintentional Discharge** can be voluntary or involuntary.
  - A Voluntary Unintentional Discharge is defined as consciously pressing the trigger but not really intending to fire.
  - An Involuntary Unintentional Discharge is defined as outside the realm of conscious intention. Some causes of Involuntary Unintentional Discharge of a firearm are sympathetic response, startle reaction or balance disruption.
- An **Accidental Discharge** is a mechanical malfunction of the weapon allowing it to fire or outside forces cause the discharge, such as a holster strap getting inside the trigger guard while holstering.

There was one (1) unintentional discharges of a firearm in 2021. This occurred during the cleaning of a firearm following firearms training. Nobody was injured and the officer received remedial training on firearms handling and safety.

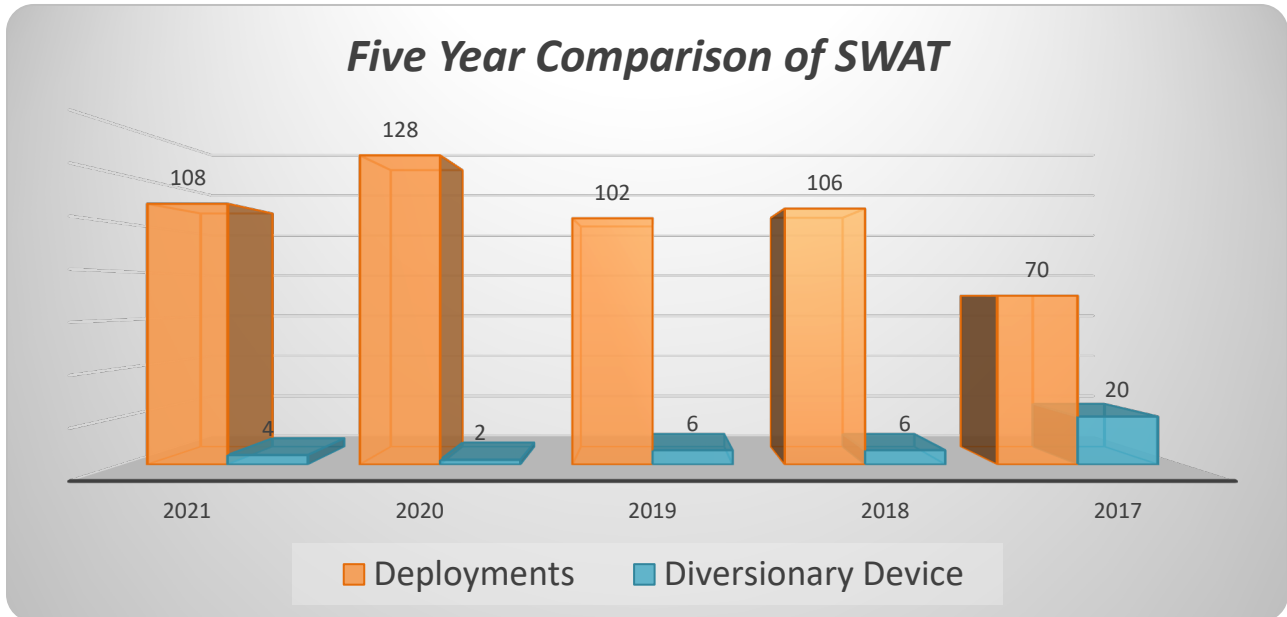
There was one (1) accidental firearms discharge during a SWAT operation where it is believed the safety selector was switched to "Fire" while rubbing on the tactical vest of the SWAT operator. The trigger was then pulled accidentally due to an attachment on the vest slipping inside the trigger guard. This was an isolated incident.

Warning shots are prohibited by Peoria Police Department SOP PT-300. There were no violations of this policy in 2021. (CALEA 4.1.3)

## Special Weapons and Tactics (SWAT) and Mobile Field Force (MFF) Use of Force

Figure 5 is a five-year comparison of SAU deployments and diversionary devices used.

**Figure 5: Five-Year Comparison of SWAT**



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**Figure 5a: Use of Force Chart (Special Assignments Unit/ Mobile Field Force)**

<b>Use of Force by SAU and MFF</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Less Lethal Stun-bag Shotgun	0	0	0	0	0	No Change
Less Lethal Kinetic Baton -40 MM Blunt Impact Projectile	0	0	2	2	2	No Change
Smoke or Diversionary Device	20	6	6	2	4	+2
SAU (SWAT) Deployments	70	106	102	128	108	-20
SAU High Energy Breach	3	6	1	2	2	No Change
<b>Warrant Service Times</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Day (0600-1600)	16	32	40	53	56	+3
Evening (1600-2200)	4	5	7	13	9	-4
Night (2200-0600)	4	6	6	3	4	+1

- There were no incidents in which the stun-bag shotgun (less lethal) was deployed in 2021 by the Special Assignments Unit or the Mobile Field Force. There was no increase or decrease when compared to 2020.
- There were two (2) uses of less-lethal kinetic batons, also known as 40MM Blunt Impact Projectiles (BIP Rounds) in 2021. Both deployments occurred during the same incident involving one subject. There was no increase or decrease when compared to 2020.
- SWAT had 108 operational deployments in 2021, a decrease of deployments by 20 deployments when compared to 2020.
- SWAT deployed a diversionary device four (4) times in 2021. This was an increase by two (2) in use when compared to 2020.

In 2014, the Department implemented a High Energy Breach (HEB) program. SWAT considers the use of HEB entries to be the exception and HEBs are used during some tactical situations when the speed of getting officers into a structure would be invaluable and increase the likelihood of a positive outcome and ensure the safety of officers, citizens, and suspects. Examples of these situations include hostage rescue operations and certain high-risk search warrant services. The HEB program is based on the premise that the minimum amount of explosives is used to guarantee a positive entry into the structure.

In 2021, the Peoria Police Department Special Assignments Unit had two (2) incidents utilizing a High Energy Breach based entry. There was no increase or decrease when compared to 2020.

## Professional Standards Unit (PSU)

**Figure 6: Total entries processed by PSU**

Description	2017	2018	2019	2020	2021	Difference 2020/2021
Total Incidents Processed*	1522	1322	1308	1396	956	-440
Administrative Investigations	9	7	11	13	9	-4
Service Complaints	40	33	34	31	26	-5
Citizen Commendations	44	43	51	60	44	-16
Citizen Inquiry	10	25	31	23	15	-8
Commendations**	263	212	62	37	22	-15
Early Intervention Alerts	28	32	39	25	35	+10
Employee Grievance	0	0	0	0	0	No Change
Vehicle Accidents	29	30	26	15	24	+9
Vehicle Pursuits	3	1	3	9	8	-1
Photo Radar	0	0	0	0	0	No Change

\* In 2021, The Peoria Police Department implemented a new Annual Employee Evaluation system which greatly reduced the number of "Supervisor Notes" that were submitted and processed throughout the department. This was the signal biggest factor in the drastic reduction of Total Incidents Processed by the Professional Standards Unit.

\*\* This number is greatly reduced from years past due to a re-evaluation and implementation of the category of "Commendation". Traditionally, "Commendation" was utilized for any positive documentation for an officer. A review found this was not applied equally by supervisors based on their interpretations. In 2019, guidance was provided to create a consistent definition of "Commendation". All other positive entries regarding work performance are entered under "Supervisor Notes".

Service Complaint Findings	2017	2018	2019	2020	2021	Difference 2020/2021
Exonerated	10	5	3	0	4	+4
Unfounded	7	7	9	9	6	-3
Not Sustained	2	0	1	0	4	+4
Sustained	21	20	17	20	10	-10
Other***	0	0	4	2	2	No Change

\*\*\* In this instance, the category "Other" is comprised of service complaints that were converted to Administrative Investigations then closed with no formal finding in the status of the service complaint.

<b>Service Complaint Discipline</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Letter of Reprimand	2	2	1	3	3	No Change
Written Counseling	2	8	6	7	2	-5
Verbal Counseling	19	14	9	10	4	-6
Training	0	0	1	0	1	+1
Suspension from Extra-Duty	1	0	0	0	0	No Change
<b>Administrative Investigation Disposition</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Exonerated	1	1	1	1	0	-1
Unfounded	1	0	0	0	0	No Change
Not Sustained	0	0	0	0	1	No Change
Sustained	4	4	9	9	4	-5
Investigation Ongoing/ Pending*	-	1	1	0	4	+4
Resigned/ Retired Prior to completion	0	1	0	1	0	-1

*\*All four (4) of the pending investigations are Officer Involved Shooting investigations. These typically are more than a year to resolve due to delays at the Maricopa County Attorney's Office and their shooting review process.*

<b>Administrative Investigation Discipline</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Termination *	0	0	0	2	0	+2
Demotion	0	0	0	0	0	No Change
Suspension	3	2	1	2	1	-1
Letter of Reprimand	0	1	0	2	1	-1
Written Counseling	0	1	1	2	1	-1
Verbal Counseling	0	0	0	0	0	No Change
Retired/Resigned	1	1	5	0	1	+1
No Action Taken **	1	0	0	3	5	+2

*\*During 2021, one (1) officer retired during an investigation that would have resulted in Termination if the investigation would have been reviewed by a Discipline Review Panel and he was still employed. The Administrative Investigation process was on hold waiting for potential charges to be filed by the Arizona Attorney General's Office*

*\*\*There are currently four (4) Administrative Investigations from 2021 that are still pending/ open for investigation due to OIS status. A fifth investigation was Closed-Not Sustained following a review by a Discipline Review Panel.*

<b>Vehicle Accident Findings</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Preventable	15	20	13	10	11	+1
Non-Preventable	14	9	14	6	13	+7
Preventable/Justified/Pending*	0	0	0	0	0	-1
<b>Vehicle Accident Discipline</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Suspension	0	0	0	0	0	No Change
Letter of Reprimand	0	4	2	1	1	No Change
Written Counseling	0	0	0	0	0	No Change
Verbal Counseling	14	16	11	8	10	+2
Training	0	0	0	0	0	No Change
<b>Vehicle Pursuits Findings</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Out of Policy	0	0	0	1	1	No Change
Within Policy	3	0	3	8	6	-2
<b>Vehicle Pursuit Discipline</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Difference 2020/2021</b>
Suspension	0	0	0	0	0	No Change
Letter of Reprimand	0	0	0	0	0	No Change
Written Counseling	0	0	0	0	0	No Change
Verbal Counseling	0	0	0	1	0	-1
Training	0	0	0	0	1	+1

**Complaint/Commendation Process (CALEA 26.2.4)**

The Professional Standards Unit utilizes a process, developed in 2003 and modified in 2011, to comply with Arizona Revised Statute (A.R.S. § 38-101) laws concerning the Officers Bill of Rights for administrative investigations. The Department has two forms of investigative formats:

- **Administrative Investigation** – A non-criminal investigation, ordered by the Chief of Police, to determine the facts of what occurred in response to an alleged violation of an established rule, regulation, policy, or procedure. The involved employee’s chain of command reviews the investigation to determine if a violation has occurred and recommends corrective or disciplinary action to the Chief of Police. The allegation, if true, may result in discipline up to and including

termination.

- **Service Complaint** – The investigative process conducted by the initiating supervisor to determine if a violation of policy has occurred and to administer the appropriate level of corrective action or procedural changes. The allegation, if true, would result in no more than a letter of reprimand.

Administrative Investigations (AI) are typically investigated by the Professional Standards Unit (PSU) due to the severity of allegations and/or the potential level of discipline. On a rare occasion, an outside agency may be utilized to conduct the investigation.

Service Complaint are typically investigated by the involved employee's supervisor.

*Note- Both types of investigations, Administrative Investigation and Service Complaint processes are similar for both sworn and non-sworn employees.*

The possible findings for complaints investigated at any level are:

Unfounded: The events or allegations reported by the complainant did not happen or were false.

Exonerated: The allegation did occur but the employee's actions were lawful, proper, and within department policy.

Not Sustained: The allegation against the employee could not be proven or disproved during the investigation.

Sustained: The allegation against the employee met the "standard of proof" and was determined to be true.

### **Administrative Investigations:**

When an Administrative Investigation (AI) is completed, the report is forwarded to a Discipline Review Panel (DRP) for review. For each AI, a separate DRP is formed which is comprised of the involved employee's chain of command up to a Deputy Chief or the Deputy Director. The DRP then makes a formal recommendation of findings and discipline to the Chief. A representative from Human Resources and the City Attorney's Office attend the meeting and serve in an advisory role.

In 2021, Chief Art Miller ordered nine (9) total Administrative Investigations. Of the nine (9) Administrative Investigations, four (4) carried over into 2022. All of these are Officer Involved Shooting investigations. At the time of this report, the matters are all pending review by the Maricopa County Attorney's Office (MCAO) and will be presented to a Deadly Force Review Board once a decision has been received regarding potential charges in those matters.

The Arizona Officer Bill of Rights establishes a goal for Administrative Investigations to be completed in 180-days. In 2021, three (3) investigations have exceeded 180 calendar days. These are Officer Involved Shootings, previously discussed, where a majority of the delay was due to the time taken to review the incident by the Maricopa County Attorney's Office. These incidents remain pending due to the length of the MCAO review process. (CALEA 26.3.3)

No investigations required an officer to have medical or laboratory examinations. No investigations required an officer to participate in a photo line-up, disclose financial statements, or take a test that would detect deception. This criteria is outlined in Peoria Police Department Policy 1020.

There were no recommendations for policy changes or training as the result of an Administrative Investigation in 2021.

**Dismissals/Terminations (CALEA 26.1.4)**

There were no terminations or dismissals of employees during 2021.

**Service Complaints (CALEA 26.2.1)**

During 2021, a total of 26 service complaints were completed. Of these complaints, fifteen (15) were brought forth by a citizen. Seven (7) were specific to employee conduct. The other eight (8) were due to missed off-duty jobs.

Service Complaints are tallied by incident, not the involved officer or allegation. One service complaint can involve more than one officer and more than one allegation. These 26 complaints involved 35 different employees.

There were no recommendations for policy changes or training as the result of a service complaint in 2021.

The findings breakdown of these 26 service complaints are shown in Figure 6 (See previous pages).

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Employee Discipline resulting from sustained investigations is shown in figure 7:

**Figure 7: Discipline resulting from sustained investigations**

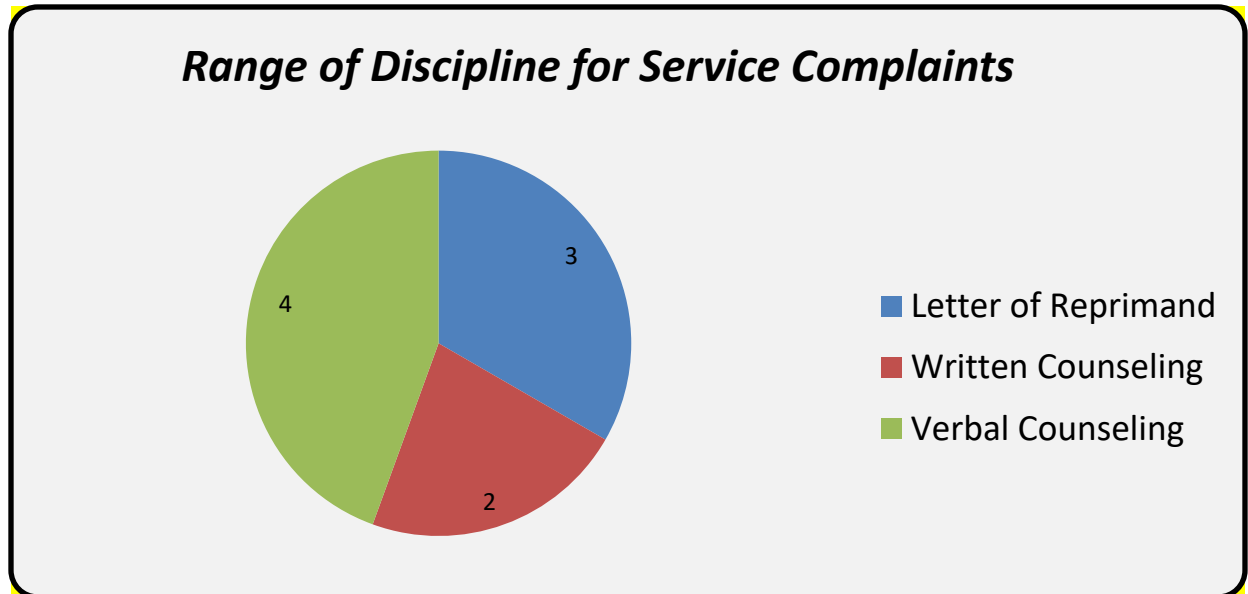


Figure 8 is a five-year comparison of discipline in connection to sustained Administrative Investigations. (CALEA 26.1.4)

**Figure 8: Five-Year Comparison of Discipline for Administrative Investigations**

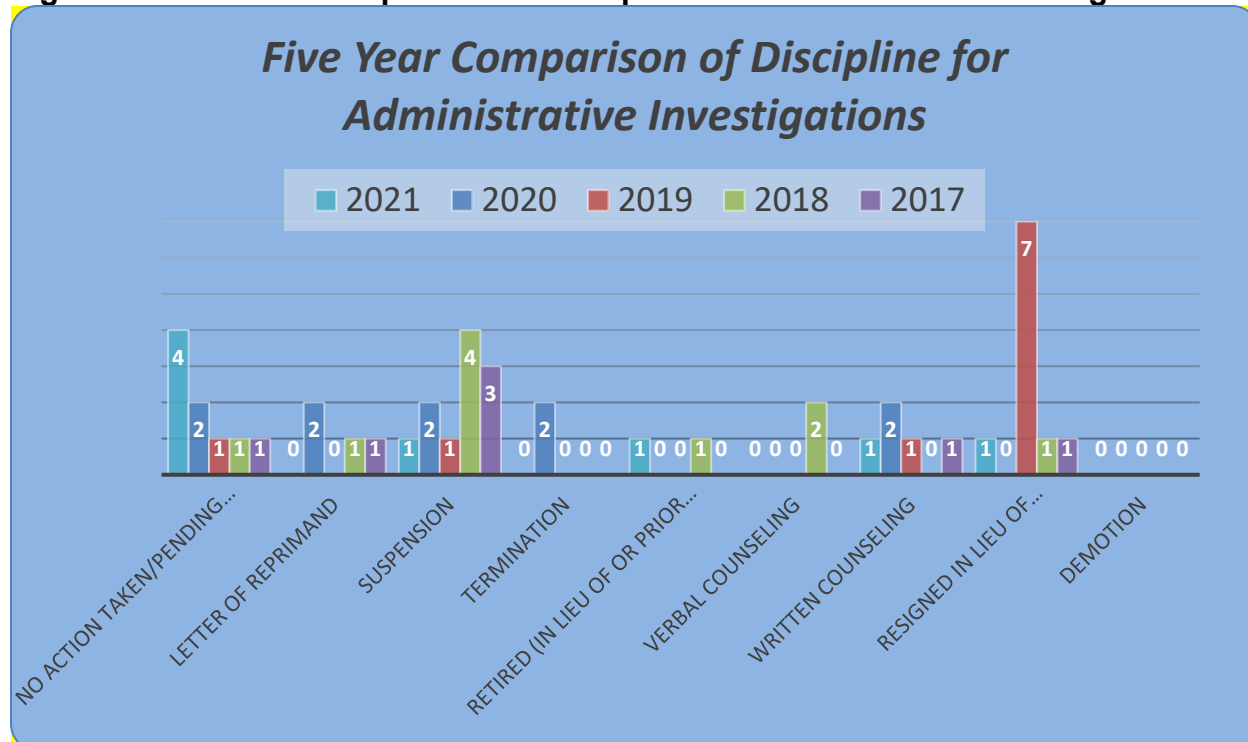


Figure 9 is a five-year comparison of discipline in connection to sustained Service Complaints. (CALEA 26.2.1)

**Figure 9: Five-Year Comparison of Discipline for Service Complaints**

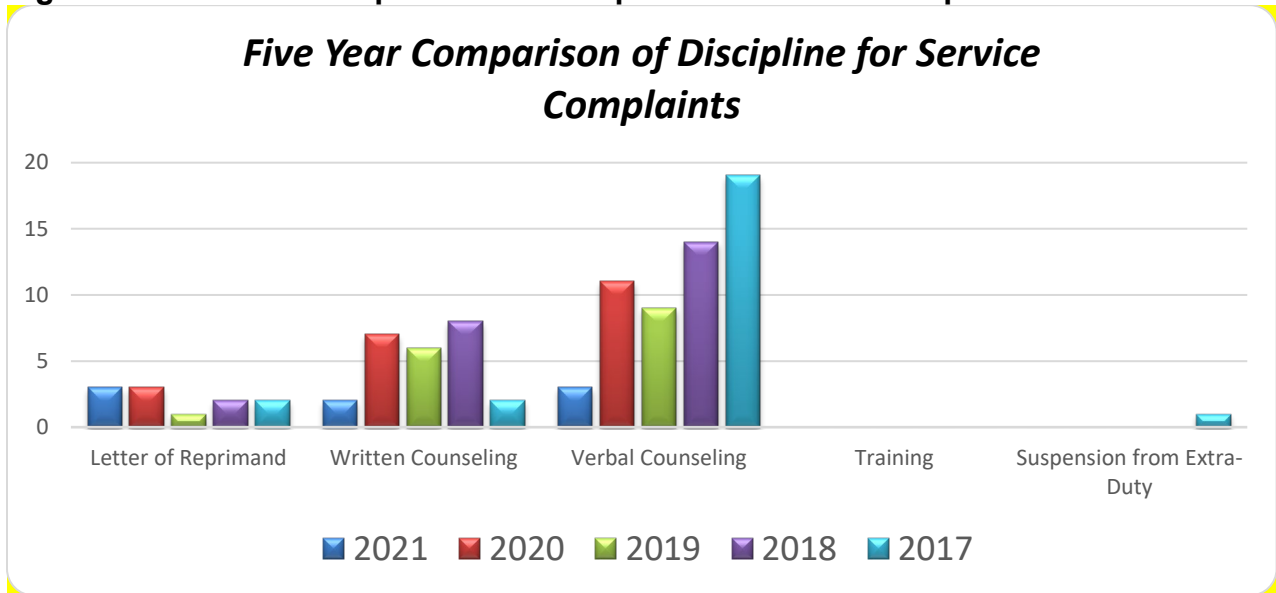
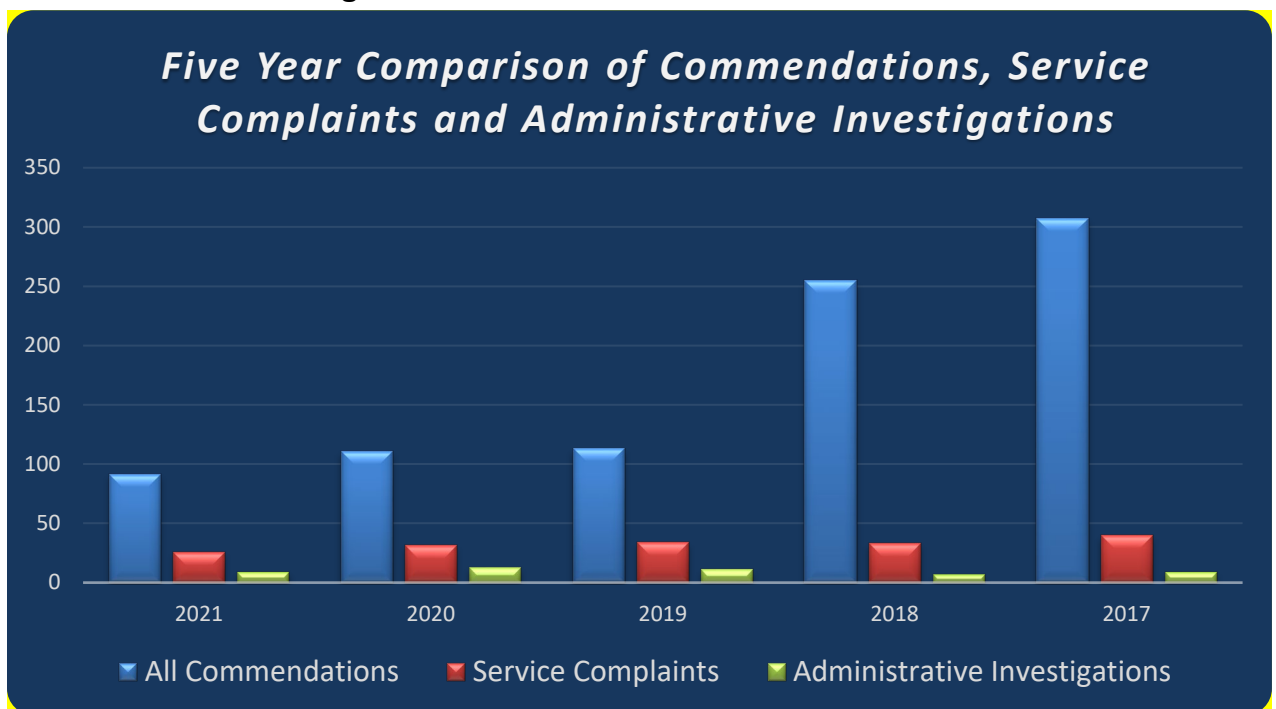


Figure 10 is a five-year comparison of Citizen Commendations, Commendations, Service Complaints, and Administrative Investigations. (CALEA 26.2.4)

**Figure 10: Five-Year Comparison of Commendations, Service Complaints and Administrative Investigations**



### **Biased Based Profiling Concerns (CALEA 1.2.9)**

In 2021, the department received multiple initial contacts from citizens expressing concerns of Biased Based Profiling or Discrimination. Two (2) citizens believed they received unfair treatment due to their race; one (1) black and one (1) Hispanic. One woman called and complained stated she received what she felt was unprofessional conduct based solely on the fact that she was a woman. The Professional Standards Unit reviewed the initial complaints and forwarded them to the supervisors of the involved officers. In the complaints based on race, each supervisor spoke with the complainants and addressed the citizens' questions and concerns and the citizens did not file formal complaints.

For the caller who felt she was treated poorly due to her being a woman, a member of the Professional Standards Unit was able to talk through her contact with the police and explain that her treatment was professional and courteous and that her gender was not a factor in the way the officers handled the call for service. The woman concluded the conversation by demanding that she and the PSU member "agree to disagree" and hung up the phone. The officers involved were responding to a mid-morning 911 call about a possible burglary "in progress" at the woman's apartment. She was upset that only male officers responded to her emergency call. No bias toward her occurred.

### **Vehicle Operations and Safety Committee (VOSC)**

The VOSC is comprised of ten (10) department employees from various ranks and positions within the department and is chaired by a Special Enforcement Section lieutenant. The VOSC is responsible for reviewing all employee involved collisions, pursuits and injuries occurring to in-custody persons (not a result of use of force).

Employee involved collisions are entered into *BlueTeam* in the same manner described for use of force entries. The VOSC reviews the actions made by employees, plus policy and training. The VOSC determines if the collision was "preventable" or "not preventable" with regard to the employee's actions. If the VOSC determines the collision was preventable, the involved employee is subject to discipline. The VOSC will also make recommendations on policy changes or training needs.

In 2021, Peoria Police employees were involved in a total of 24 vehicle collisions. This was an increase by nine (9) from 2020. Of those 24 vehicle collisions, the VOSC determined thirteen (13) were "not preventable" or the employee was not at fault for the collision and eleven (11) were "preventable" or the employee contributed to the cause of the collision.

Figure 11 is a five-year comparison of preventable and non-preventable vehicle collisions.

**Figure 11: Five-Year Comparison of Vehicle Accidents**

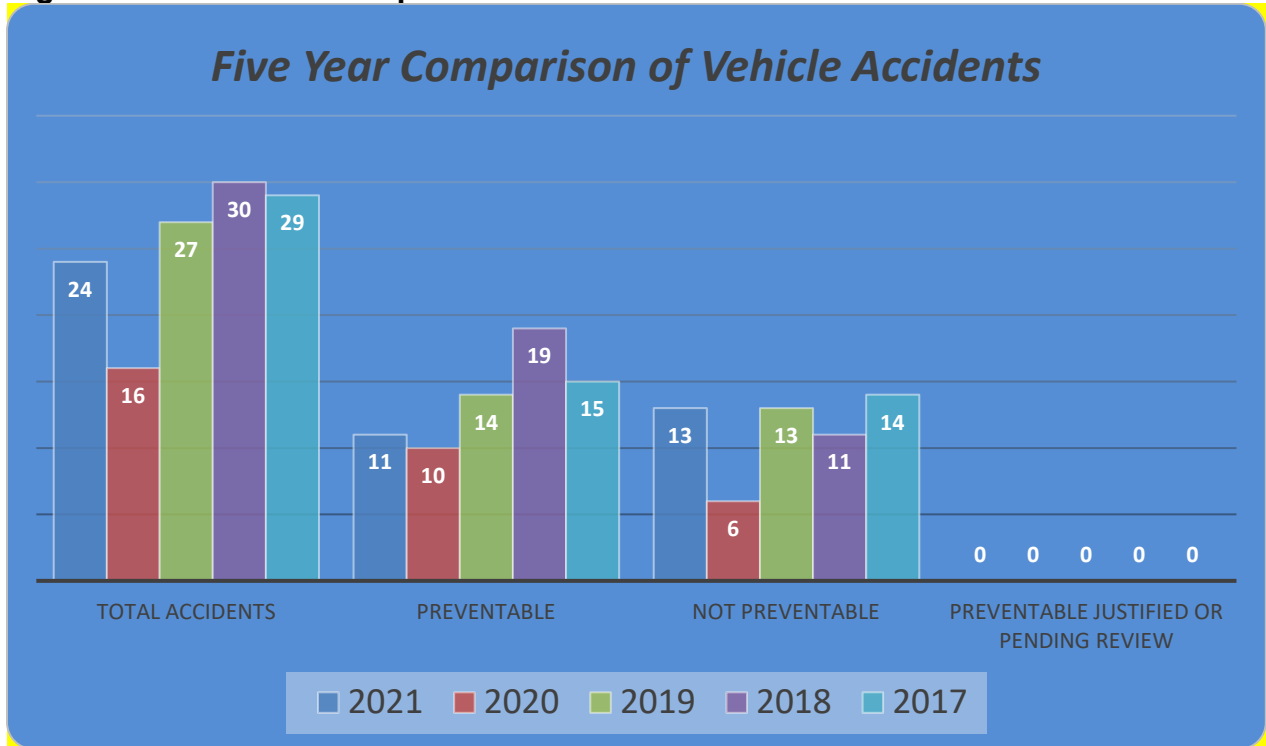
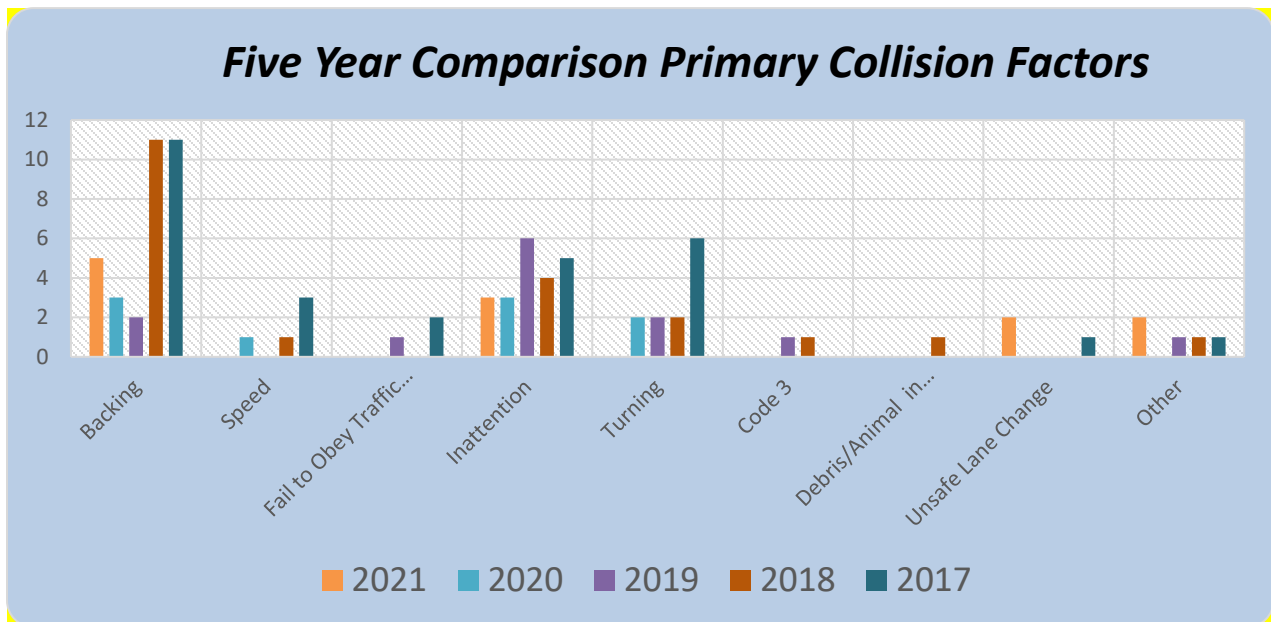


Figure 12 is a five-year comparison of the primary collision factors. Inattention, backing and making turns were the top reasons noted for the 2020 collisions.

**Figure 12: Five-Year Comparison Primary Collision Factors**



There was an increase in collisions from 2020. There were 24 total accidents in 2021 with thirteen (13) being non-preventable. By comparison, there were sixteen (16) total collisions in 2020. Through the past five (5) years, other than during the pandemic of

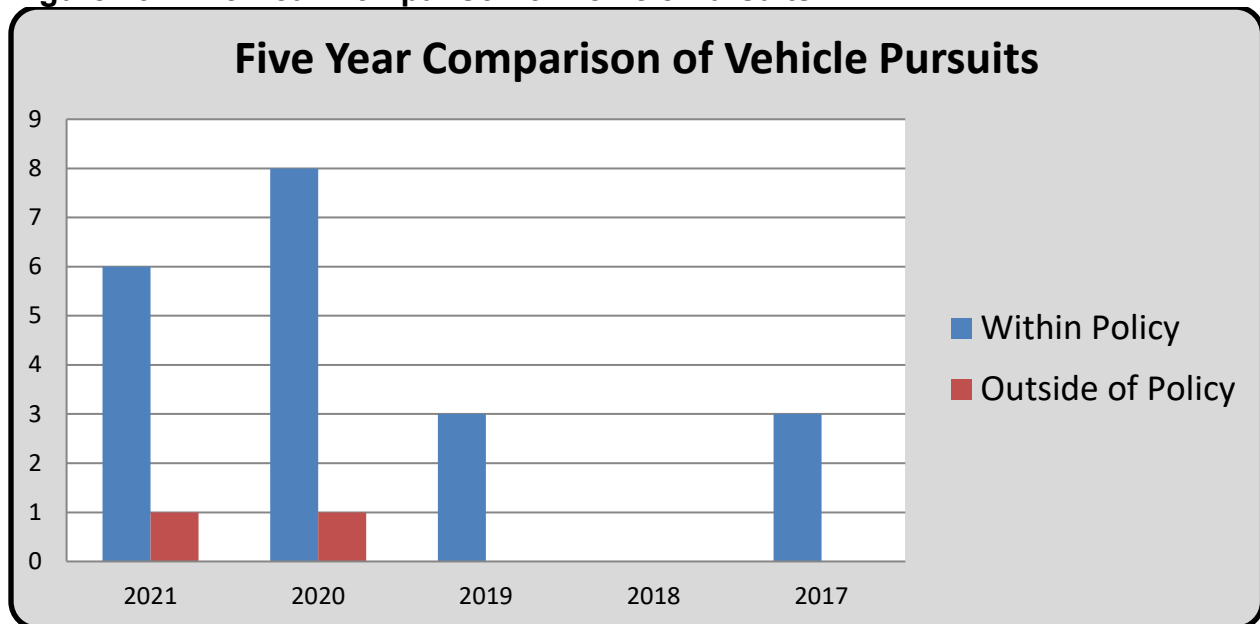
2020, the department has averaged 27.5 total crashes per year. The 2021 total was the second lowest total of the past five (5) years.

Discipline for employees found “at fault” in vehicle collisions can range from verbal counseling to termination and is determined by Department SOP GEN-706. Of the eleven (11) preventable collisions in 2021, this was the first collision in over three years for ten (10) employees. Each of these employees received a verbal counseling because of a preventable collision. The remaining collision was the second preventable collision in three years resulting in a Letter of Reprimand.

**Pursuits** (CALEA 41.2.2)

In 2021, the Peoria Police Department was involved in seven (7) vehicle pursuit incidents. The Vehicle Operations Safety Committee (VOSC) related that the current reporting and review procedures are functioning well and are recommending no changes to the process at this time.

**Figure 13: Five-Year Comparison of Vehicle Pursuits**



**Road Blocks and Forcible Stopping of Vehicles** (CALEA 41.2.3)

There was one (1) incident of a forcible stop during a pursuit in 2021. There were no injuries due to the action of “pinning” the vehicle in to stop it. The pursuit was deemed “In Policy” by the Vehicle Operations Safety Committee. There were no “roadblocks” in 2021.

An analysis of the policies and procedures of the department indicate that effective measures are in place and no adjustments to policy or training are needed at this time.

**Grievances** (CALEA 22.4.1)

A "grievance" is any dispute regarding the meaning, interpretation, or alleged violation of the Administrative Regulations or memorandum of understanding (MOU) with a

collective bargaining unit. This includes any written allegation by an employee concerning the interpretation or application of rules and regulations governing personnel practices, Peoria Police Department work rules, working conditions, or alleged improper treatment of an employee, in which the complaint has not been resolved satisfactorily in an informal manner between the employee and their immediate supervisor.

Employees are encouraged to resolve problems with their immediate supervisor or lowest level of supervision before initiating a formal grievance.

The Police Chief routinely meets with members of the collective bargaining units to discuss potential problems and concerns in an effort to resolve them at the earliest moment. Additionally, the Police Chief carries an “open door” policy, where any member can have direct access to discuss concerns. He also practices a leadership style based in “servant-led leadership” and has instilled a general belief that “One Represents All” across the agency and all law enforcement career fields.

There were no formal grievances filed by any employee in 2021. Since 2009, the department has had only five formal grievances filed. The Professional Standards Unit attributes this low grievance rate to the practices mentioned above. An analysis of the procedures and practices in place indicate that effective measures are in place and the low occurrence of grievances supports this finding. No adjustments are considered necessary to policy at this time.

Maintenance and control of grievance records are maintained in IAPro from 2009 until present day.

#### **Disciplinary Action Appeals (CALEA 26.1.6)**

There were no appeals filed in 2021, regarding employee discipline.

#### **Early Intervention Program (CALEA 35.1.9)**

The Early Intervention Program (EIP) is designed to provide assistance or training to employees experiencing work performance or personal difficulties. The intent of the program is to provide the employee with assistance or training in a non-punitive manner. The program also allows an employee an opportunity to overcome work performance problems without the stigma of discipline in a proactive manner. During 2021, two (2) Employee Improvement Program plans were implemented. One (1) was not successfully completed and closed out in January, 2022 due to the voluntary resignation of the employee. The other EIP identified on-going issues and the employee, a Communications Specialist, is satisfactorily progressing through her plan. Her EIP remains open at this time.

In 2021, the Professional Standards Unit forwarded 30 alerts generated through the *IAPro* Early Warning Alerts function to various lieutenants for review and consideration of additional action. Alerts are generated when an employee reaches a pre-designated threshold for various type of incidents.

Incident thresholds to generate alerts are set at the following levels:

- (4) Use of Force incidents within a 12-month period

- (3) Service Complaints within a 12-month period
- (3) Photo Radar incidents within a 12-month period
- (2) Pursuits within a 12-month period
- (2) Firearm Discharges within a 12-month period
- (2) Administrative Investigations within a 12-month period
- (2) Vehicle Accidents within a 36-month period
- (6) Overall Incidents listed within a 12-month period
- (6) Traumatic Event Exposures in a 6-month period

Employees who receive alerts are reminded that early warning alerts are non-disciplinary and are intended to create an opportunity for supervisors/managers to converse with employees reference the specified alert as a matter of general discussion to determine if there are any personal or professional concerns or influences that could be affecting the employee's job performance.

From the alerts generated in 2021, all employees involved were offered services through the City of Peoria Employee Assistance Program (EAP) as part of the supervisory discussions with the employee. Assistance offered to employees can come from a variety of support services offered through the city's Employee Assistance Program, such as counseling, financial services, legal services, and childcare or eldercare assistance. Peer counseling, mentoring or additional training may be considered as additional options to assist employees.

**Audits or Inspections:** (CALEA 84.1.6)

**Controlled Substance Screening**

- All Peoria Police Department sworn personnel are subject to quarterly random drug screenings. Banner Health supplies the City of Peoria's Human Resources Department with a random selection each quarter. The Human Resources Department then provides the Professional Standards Unit with the names of the randomly selected employees for drug screening. The Professional Standards Unit ensures the randomly selected sworn employees (80 total throughout the year) are notified and the random drug screen is performed in a timely manner. During 2021, there were no positive returns from Banner Occupational Health.

**Document Purging** (CALEA 26.1.8)

- In 2021, no audit and review for internal PSU files was conducted. Per Arizona State Law and department policy, all Professional Standards files must be purged three years after the completion date of the investigation. Involved employee names are to be purged from IA Pro per policy and retention laws.
- In 2019, information was clarified regarding retention of documentation of discipline. The standard is now five (5) years for retention of Letters of Reprimand and all discipline actions to include suspensions, demotions and terminations. Quarterly purge processes are planned to resume in March 2022.

### **K-9 Drug Testing Kit/ Kennel and Equipment Inspections (CALEA 84.1.4)**

- Throughout 2021, the K-9 supervisor periodically inspected all K-9 narcotic training kits and Explosive Ordinance Detection training kits and those inspections were processed through BlueTeam on a quarterly basis. All of the quarterly inspections returned with no discrepancies.
- The Professional Standards Unit conducted inspections of the K-9 unit as a whole with the assistance of the current K-9 Supervisor, Sgt. D. Stipp. Inspections of vehicles, conducted by K-9 Sgt. Stipp and Sgt. Foulke (PSU), checked all operational aspects of their vehicles to include air conditioners, heat alarms and emergency lighting. Also included in the inspections were the locked storage compartments within the vehicles used to secure and transport the training kits and detailed discussions about the functionality of each unit member's home kennels.
- The home kennel inspection was completed virtually utilizing a process where K-9 Officers were given instruction to provide a minimum of two (2) photos showing their kennel from multiple angles within two (2) hours of receiving the message from Sgt. Stipp. The home kennels all remain within compliance of Department policy.

### **Mobile Data Computer/Positron Messages**

- Due to issues with New World and Tyler Technologies, the MDC message retrieval was been out of service for a majority of 2021. In a recent upgrade, the messaging issue was corrected, and random reviews of the MDC messaging resumed.
- Random audits are typically conducted quarterly on Mobile Data Computer messaging. The messages are read by the Professional Standards Unit to ensure employees are following policy. Note, in 2018 Positron, an inter-Communications messaging system, was discontinued.

### **Internet Use**

- In late September 2011, the Peoria Police Department released internet access to all Mobile Data Computers in the field. This Audit/Inspection is a result of this release. The Professional Standards Unit conducted quarterly Audit/Inspections of the entire police department's internet usage.
- During 2021, the Professional Standards Unit did not find any incidents that caused concern regarding internet usage by department members.

### **Additional Non-Audit Inspections**

- During 2021, members of the Professional Standards Unit also completed non-audit inspections of the following processes:

### **Peoria Police Department Property Section Vault and Property Room**

- Department policy 804 provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.
- In November 2021, a complete no-notice inspection of the Property Section and the Property Room Vault were completed. Overall, the Property and Evidence Section Vault is clean, orderly and properly maintained.
- No itemized audit of the vault was completed in 2021. This will be conducted in early 2022. Note-The vault is inventoried monthly by Property Supervisor Maureen Marquez and various members of the Property Section. In November, 2021 a brief inspection of the vault area was completed in concert with the no-notice Property Room inspection.

### **Street Crimes Unit Funds Audit (CALEA 17.4.2)**

- Department Policy 608 covers the procedures for the use, handling, security, and payment of confidential informants. Department SOP SES-608 establishes the procedure for the procurement, recording, and use of CI funds/money. The requirement that an audit/inspection will be conducted by Professional Standards Unit on a semi-annual basis and in conjunction with the City Finance Department during the rotation of the Street Crimes Unit sergeant or Special Enforcement Section lieutenant is located under SES-608.3.
- The inspection revealed that all CI/UC funds/money were accounted for and in order. Computer automated records and tracking logs were also reviewed. All funds were hand counted in triplicate and verified to be accurate.

### **Firearms Trade Program**

During 2021, there were three separate impounded firearms inspections in the property section. In total, 240 firearms were identified as entering the Department's transfer/trade program for an upcoming trade in the near future. These firearms were associated with Peoria Police cases that occurred between the years 2005 and 2021. 212 total firearms were given approval to be traded to a local firearms dealer.

During the inspections, each transfer program firearm was inspected to ensure it meets criteria established in the past by Department legal counsel recommendations to remain in the Department's trade/transfer program:

- During the inspections, the following discrepancies/ concerns were discovered regarding 28 total transfer program firearms:

- One (1) firearm was found to return as stolen out of Department of Public Safety. This was discovered by Property Supervisor Marquez during the inspection process. This firearm was reported stolen after it was already impounded at the Peoria Police department.
- 27 total firearms were found not to meet the above listed criteria due to the fact the firearms were damaged or altered and not recommended for sale. These firearms were designated for destruction through the contraband disposal program.

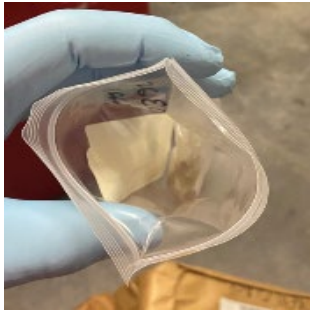
It is evident the processes in which the members of the Property and Evidence Section teach, employ and monitor regarding the impounding and storage of firearms has greatly reduced and maintained a low number of discrepancies discovered during the Firearms Transfer/Trade Program audit.

### **Contraband Destruction and Random Packaging Inspection**

During the course of the past year, numerous impounded items were identified through standard Property and Evidence processes as contraband, primarily drug related, that were designated for destruction to prevent the release back into society.

- For this specific set of items, there was a series of appointments where members of the Professional Standards Unit and members of the Property and Evidence section worked together processing bins of destruction items. In all, 6,123 individual items, some dating back to 2001, were accounted for.
- Also identified in this process were the 28 impounded firearms, not suitable for sale due to illegal modifications or excess biohazard, and a number of other miscellaneous weapons such as knives, brass knuckles, swords and other items considered to be contraband that were designated for destruction.
- The non-audit inspections of the designated property items began on September 23, 2021 and occurred once a week until December 7, 2021. The items accounted for, to that point, were secured a Property and Evidence storage area with tamper resistant seals until the destruction process commenced on December 9, 2021.
- In all, roughly 45 employee hours over ten (10) sessions were utilized to account for, inspect and process the items.
- During the process, various items were inspected, at random, to ensure compliance with standard policies and procedures regarding packaging and proper evidence impound. Items were prepped and stored in a secure area until they were transported for destruction. Throughout the inspection process, about 1106 (~18.06%) items were visually and physically inspected to ensure accuracy in labelling and packaging.

Of the inspected items, only two (2) items were found to have packaging that was insufficient or improper for them. One item was listed as “Foil with Markings”. The sealed bag actually contained foil, a small bottle and a “seal” containing a brown substance consistent with Heroin. The bag was properly sealed and was subsequently destroyed with the rest of the items.



- The second item was a small plastic “Ziploc” style bag with 2.5 Grams of Methamphetamine. The bag was labelled and marked properly, however there was no heat seal, allowing access to the contents of the bag.

- The fact that out of 6100+ items, only two (2) packaging failures were discovered is a true testament to the efforts of the

Property Section members during intake of property to have those impounding items adhere to strong processes and procedures.

- On December 9, 2021, impounded items that had been released for destruction were transported to the Freeport-McMoran Copper Mine in Miami, Arizona and destroyed via incineration in accordance with established past practices and procedures.
- Personnel from the Professional Standards Unit, Property and Evidence and the Special Investigations Unit were involved with the process of transporting and delivering the items marked for destruction.
- Upon arrival at the smelter, all of the designated property was incinerated utilizing mine personnel in conjunction with the listed department members. The vehicle utilized to transport the property was weighed before and after as part of the process. The total weight of the 6100+ items destroyed was ~1940 pounds.
- Following the completion of the incineration, the participating personnel returned to Peoria. The destruction process was completed ensuring all safety and accountability practices were adhered to.