



**City of Peoria**

**POLICE DEPARTMENT**

8351 West Cinnabar Avenue  
Peoria, Arizona 85345  
T 623.773.8311

## Memorandum

**DATE:** April 20, 2021

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

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

**SUBJECT:** Professional Standards Unit 2020 Calendar Year Summary Report  
(CALEA 26.2.5)

This report is the Professional Standards Unit 2020 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.

### **2020 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 2020 calendar year, the Professional Standards Unit processed 1396 incidents generated from citizens or from within the Peoria Police Department. Comparatively, this is 86 more incidents processed than in 2019.

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

Of the 1396 entries processed in 2020, 97 (~7%) 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. A review found this was not applied equally by supervisors based on their interpretations. In 2020, guidance was provided to create a consistent definition of “Commendation”. All other positive entries regarding work performance are entered under “Supervisor Notes”.

In comparison, only 31 (2.2%) of the 1396 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, and other incidents tracked by *IAPro* located in the Figure 6 of this report.

When looking at the 1396 incidents received in PSU, 32 were from citizen-initiated contacts with the Professional Standards Unit. Five (5) of the contacts resulted in service complaints against employees. One (1) of those five (5) service complaints were due to missed off-duty jobs. Nine (9) of the contacts resulted in “Citizen Inquiries” which were handled within PSU.

There are multiple methods for citizens to file commendations and/or complaints with the Peoria Police Department (**CALEA 26.2.4**):

- 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 2020, the Peoria Police Department had 68 reportable use of force incidents involving 103 employees (101 sworn Police Officers and 2 non-sworn Police Services Officers) using various types of force, not including deadly force. For comparison purposes, in 2019, the Department had 68 reportable use of force incidents, involving 122 officers utilizing various types of force.

The following is a report of the force used by Peoria Police Officers from January 1, 2020 through December 31, 2020. This review was conducted by utilizing the information entered into *BlueTeam* and retained in *IAPro*.

### **Use of Force Reporting Process**

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 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 the 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.

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)**

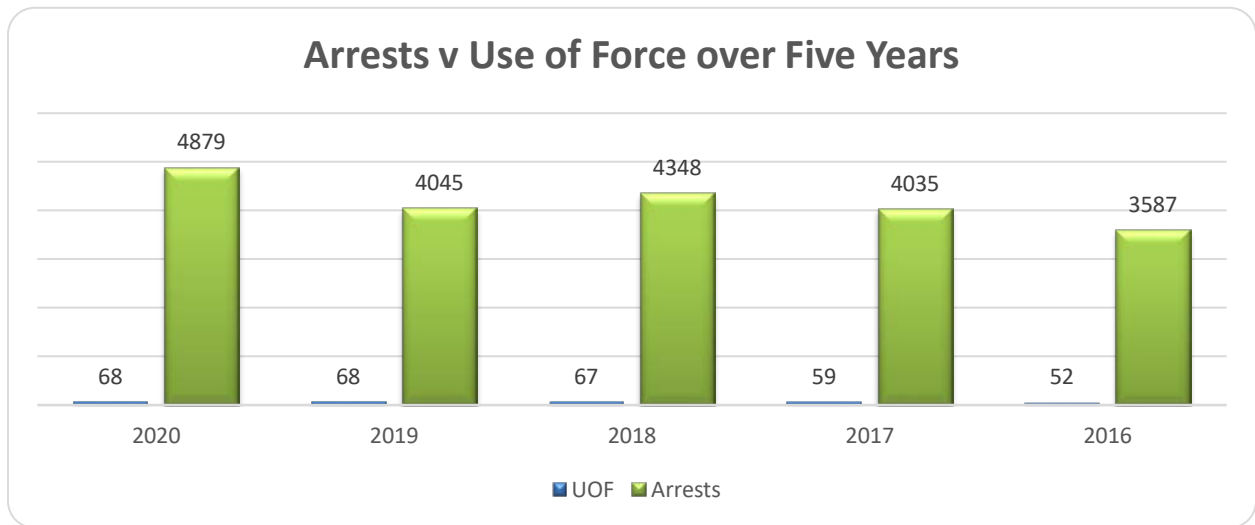
Description	2016	2017	2018	2019	2020	Difference 2019/2020
Use of Force Incidents	52	59	67	68	68	No Change
Number of Employees to Include Officers and PSOs involved	79	104	122	122	103 <small>101 Officers &amp; 2 PSOs</small>	-19
Calls for Service	85,917	86,738	89,932	91,570	75,720	-15,850
Arrests	3587	4035	4348	4045	4879	+824
Sworn Full Time Employees	196	199	191	194	203	+9
Use of Force Resulted in Injury-Citizen	38	48	55	54	62	+8
Officer Injured in Conjunction with Use of Force	14	13	20	26	18	-8
Use of Force Resulted in Death	0	0	1	0	0	No Change
Description	2016	2017	2018	2019	2020	Difference 2019/2020
O.C. Spray	0	0	0	0	0	No Change
Hard Empty Hand	18	25	21	19	39	+20
Hard Impact Weapon	0	0	1	0	0	No Change
Soft Empty Hand*	24	52	80	88	61	-27
----- Forced Take-Down	-	6	38	33	29	-4
----- Control Hold	-	1	42	46	29	-17
----- Impact Push	-	-	0	2	0	-2
----- Pressure Points	-	-	0	7	3	-4
Less Lethal Stun-bag	0	4	1	2	1	-1
Police Dog	11	7	11	7	6	-1
Taser**	23	5	9	15	13	-2
Restraint Device	9	16	8	12	11	-1
Firearm	0	0	5	2	1	-1
<b>Total Use of Force Actions***</b>	<b>83</b>	<b>116</b>	<b>136</b>	<b>146</b>	<b>132</b>	<b>-14</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: drive stun with no probe deployment (1) and standard probe deployment (12).

\*\*\*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**

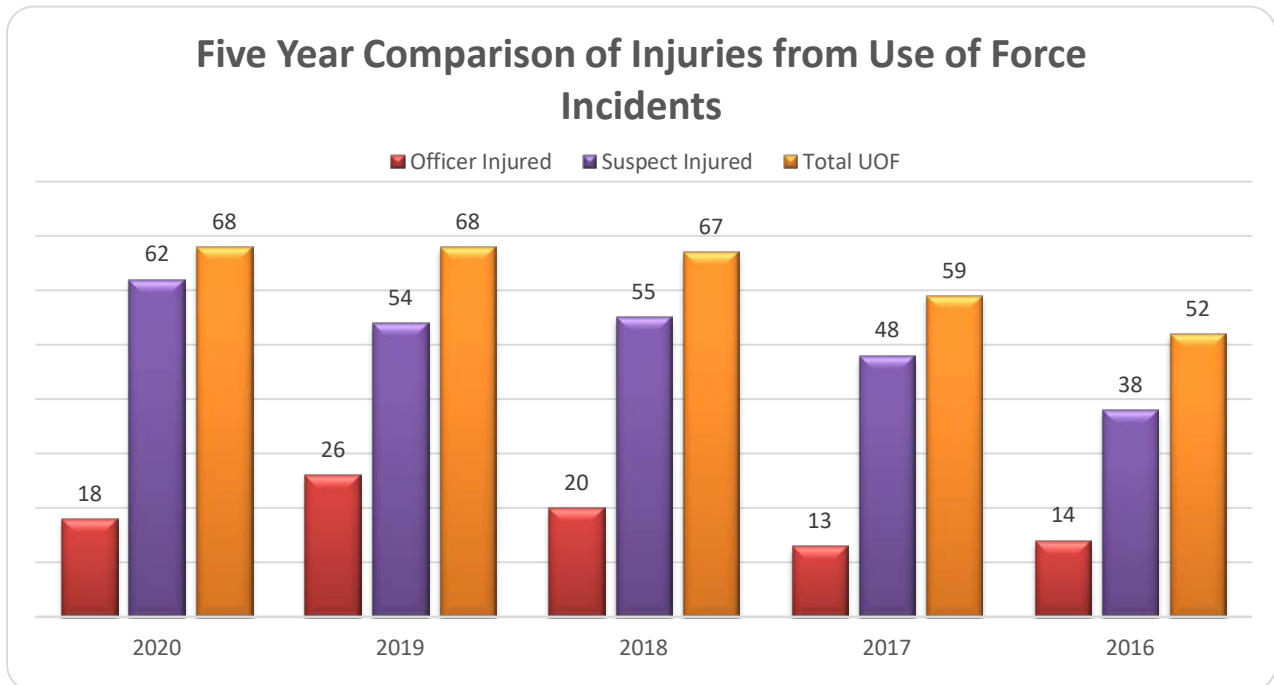


- The Use of Force Committee reviewed each of the 68 incidents.
- In 2020, there were 4879 arrests. 4811 of the arrests were made without officers using any reportable force. 68 arrests required officers to use force. This amounts to officers using force in 1.3% of all arrests. This rate is consistent with prior years.
- During four (4) use of force incidents from 2020, officers assessed the condition of the citizen as being possibly mentally unstable.
- Of the 68 incidents, two (2) occurred while an officer was serving an involuntary mental health committal order. This number is down from four (4) such incidents in 2019.
- In 18 of the 68 incidents, officers reported drugs and/or alcohol played a contributing factor to the citizen's actions.

**THIS SECTION INTENTIONALLY LEFT BLANK**

## INJURY/DEATH (CALEA 4.1.2)

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

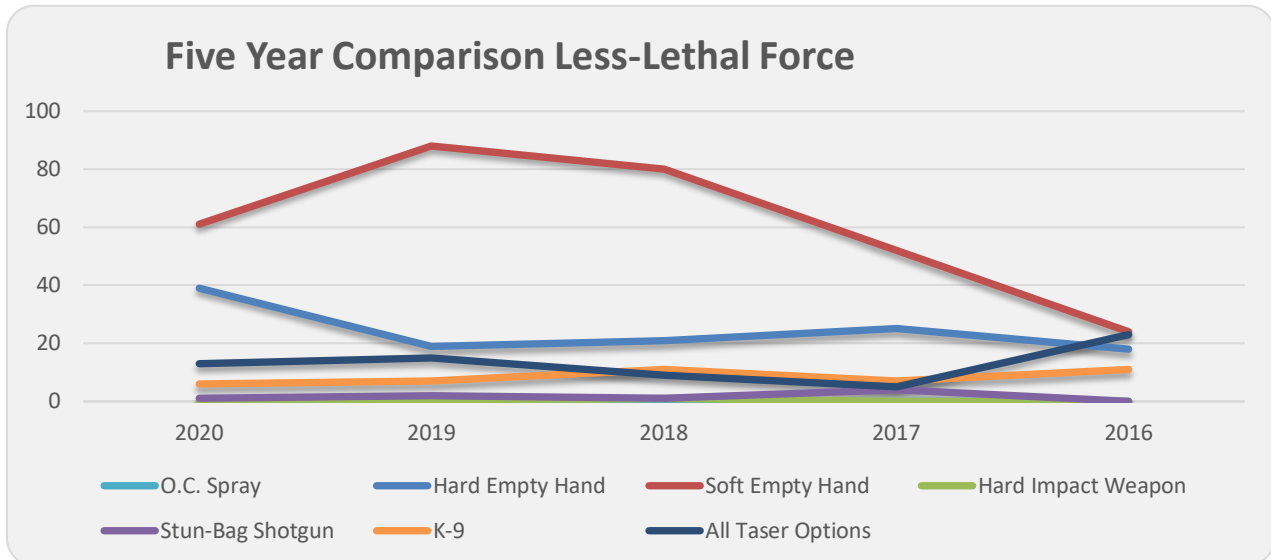


- There were no use of force incidents in 2020 that resulted in the death of a human.
- Of the 68 total use of force incidents, 62 incidents (91%) resulted in an injury or alleged injury to the suspect. This is an increase of 12% from 2019.
- Figure 3 is a five-year comparison of any level of injury or alleged injury. An injury is considered significant if the suspect or officer was transported to the hospital for treatment. Of the 68 incidents in 2020, 27 citizens and six (6) officers were transported to the hospital for treatment. It should be noted that with the exception of K-9 related use of force incidents, the majority of injuries were reported or identified as being related to abrasions only.
- As shown in Figure 1, the most common type of force used by officers was “soft empty hands.” Soft empty hand techniques can be control-holds, pressure-points, impact push or forced take-down. The soft empty hands category saw the largest volume of use in 2020, compared to any other type of force. Officers reported using soft empty hand techniques 61 total times in 2020, which is a decrease of 27 reported uses from 2019.
- Further examination of the soft empty hands category showed a forced take-down was a specific technique reported to be used 29 times in 2020. This technique accounted for a majority of the reported injuries to citizens in the form of abrasions (33 of the 62 reported injuries were reported as abrasions.) The other most common technique used was a control hold by officers. This was reported 29 times. Most of the use of force reports indicate a control hold was utilized at some point to enable officers to handcuff subjects.

### 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 2020 there were 68 use of force incidents. In those 68 incidents, there were 132 total reportable use of force related actions.

- In 2020, there were no uses of OC spray and no change from 2019.
- In 2020, there were no uses of an impact weapon. This was similar to 2019 which also had no reported uses of impact weapons.
- In 2020, there was one (1) successful stun-bag deployment. This is a decrease in stun-bag use from 2019 where there were two (2) successful deployments of stun-bags.

The use of stun-bag in 2020 was limited to a call for service involving a suspect who was involved in a Domestic Violence incident. When officers responded, they were met by the suspect who was uncooperative and was wielding a machete. After an attempted negotiation failed, the stun-bag was deployed (one round of Super-sock) striking the suspect and providing stimulus for him to drop the machete and to comply with officers. The suspect was taken in to custody without any further incident (2020-00051502).

- Hard empty hand control techniques were used in 39 (57%) of the use of force incidents reported in 2020. This is an increase by 20 use of force actions taken by officers from the previous year.
- Taser use was down slightly in 2020. There were 13 incidents in which Tasers were utilized. Of those 13 uses, 12 involved probe deployment and one (1) was a drive stun only.

Overall, this is a decrease of two (2) uses of Taser from 2019.

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

In 2020, training was extremely limited due to the COVID-19 pandemic. Peoria Police sworn personnel attended mandated in-service training on firearms, which included full-light qualifications.

All other annual employee training was suspended for “in-person” training. There was minimal training was completed in briefing settings due to the greatly reduced numbers of personnel allowed to congregate in one place.

The Personnel and Training section intends to resume traditional training of personnel in 2021, while following current and mandated guidelines regarding public and community health.

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

The department saw no increase in total use of force incidents when compared to 2019. As previously mentioned, a use of force incident may have multiple officers using several different types or levels of force. Officers continue to be effective when utilizing force and using the minimal amount of force necessary to control each situation. This conclusion is apparent since each use of force was found to be within policy by the department’s Use of Force Committee.

The deployment of O.C Spray remains a response option that is very rarely used. It’s use was non-existent by officers in the field again in 2020. It is reasonable to believe that based on the increase of hard and soft empty hand techniques, officers continue to prefer and are more confident in a “hands-on” approach when dealing with unarmed subjects.

An analysis of the overall numbers of use of force incidents related to the number of calls for service and the number of arrests made indicates officers are doing a great job at exercising restraint and utilizing de-escalation tactics. There were 75,720 calls for service in 2020. Officers utilized force .08% (eight 100ths of one percent) of the time during calls for service. Officers made 4,879 arrests during 2020 and utilized force only 1.4% of the time during the arrest of a suspect. These are relatively low numbers and again show how well officers are utilizing police tactics and training.

## **Firearms (CALEA 4.1.2/4.1.3/4.2.1/4.3.1)**

### **Deadly Force Review Board:**

The Deadly Force Review Board (DFRB) convened one (1) time in 2020. Please note this convening of the DFRB was for an Officer in Shooting (OIS), which occurred in March 2019 (AI2019-003). The panel determined the 2019 shooting that was discussed was justified.

### **Unintentional/Intentional/Accidental Discharge of a Firearm**

<b>Discharge of Firearm</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Intentional	2	1	2	3	1*	-2
Unintentional	1	0	2	1	0	-1
Accidental	0	0	0	0	0	0

*\*See Intentional Firearms Discharge section below.*

### **Intentional Firearms Discharge**

In 2020, there was one reported intentional firearms discharge in the form of an officer involved shooting. There were no other reported firearms discharges during the year.

A Deadly Force Review Board is pending for AI2020-009, an officer involved shooting that occurred in September 2020. This incident occurred during a traffic enforcement detail. Details are withheld from this synopsis as the completion of the Administrative Investigation is pending.

**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.

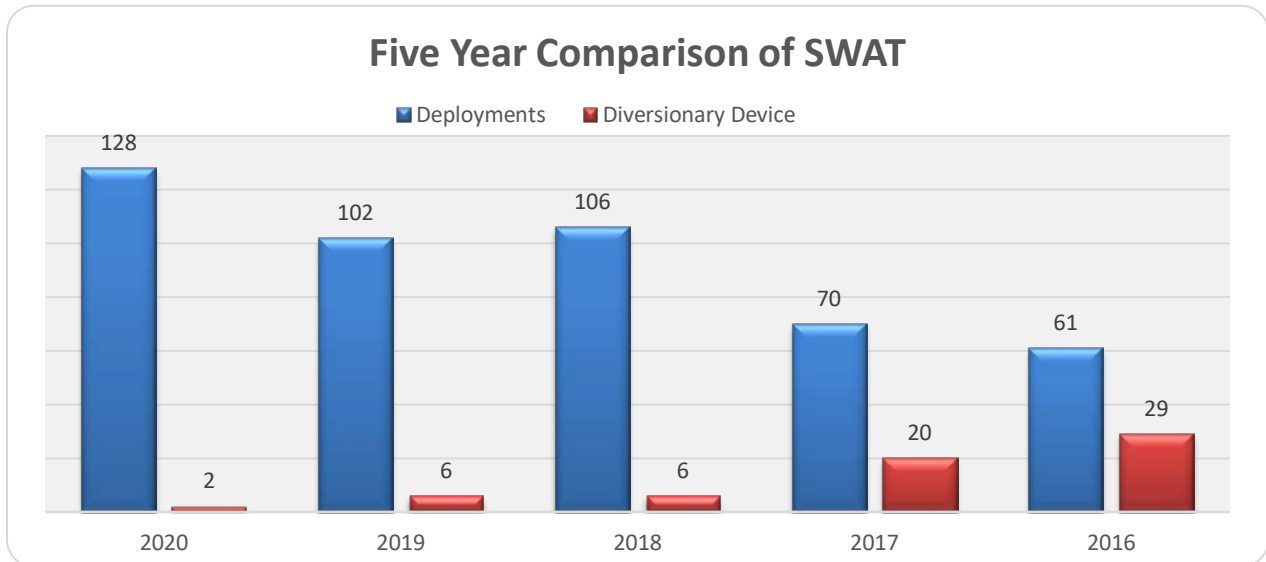
There were no unintentional discharges of a firearm in 2020. **(CALEA 4.2.1)**

Warning shots are prohibited by Peoria Police Department SOP PT 300. There were no violations of this policy in 2020. **(CALEA 4.1.3)**

## Special Weapons and Tactics (SWAT) and Mobile Field Force (MFF) Use of Force (CALEA 4.2.4)

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

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



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

Use of Force by SAU and MFF	2016	2017	2018	2019	2020	Difference 2019/2020
Less Lethal Stun-bag Shotgun	0	0	0	0	0	No Change
Less Lethal Kinetic Baton -40 MM Blunt Impact Projectile	0	0	0	2	2	No Change
Smoke or Diversionary Device	29	20	6	6	2	-4
SAU (SWAT) Deployments	61	70	106	102	128	+26
SAU High Energy Breach	8	3	6	1	2	+1
<b>Warrant Service Times</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Day (0600-1600)	19	16	32	40	53	+13
Evening (1600-2200)	5	4	5	7	13	+6
Night (2200-0600)	9	4	6	6	3	-3

*Note: Calls for Service and Arrests were extracted from the Peoria Police Department LERMS system based on information available at the time of this report.*

- There were no incidents in which the stun-bag shotgun (less-lethal) was deployed in 2020 by SAU or MFF. There was no increase or decrease when compared to 2019.

- There were two (2) uses of less-lethal kinetic batons in 2020. There was no increase or decrease when compared to 2019.
- SWAT had 128 operational deployments in 2020, an increase by 26 deployments when compared to 2019.
- SWAT deployed a diversionary device 2 times in 2020. This was a decrease by four (4) in use when compared to 2019.

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 2020, the Peoria Police Department Special Assignments Unit had two (2) incidents utilizing a High Energy Breach based entry. This was an increase of use by one (1) when compared to 2019.

### **Professional Standards Unit (PSU)**

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

<b>Description</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Total Incidents Received	1772	1522	1322	1308	1396	+88
Administrative Investigations	13	9	7	11	13	+2
Service Complaints	48	40	33	34	31	-3
Citizen Commendations	96	44	43	51	60	+9
Citizen Inquiry	-	10	25	31	23	-8
Commendations*	272	263	212	62	37	-25
Early Intervention Alerts	26	28	32	39	25	-14
Employee Grievance	1	0	0	0	0	No Change
Vehicle Accidents	25	29	30	26	15	-11
Vehicle Pursuits	2	3	1	3	9	+6
Photo Radar	0	0	0	0	0	No Change

*\* 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".*

<b>Service Complaint Findings</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Exonerated	5	10	5	3	0	-3
Unfounded	19	7	7	9	9	No Change
Not Sustained	4	2	0	1	0	-1
Sustained	20	21	20	17	20	+3
Other**	0	0	0	4	2	-2
<i>**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.</i>						
<b>Service Complaint Discipline</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Letter of Reprimand	1	2	2	1	3	+2
Written Counseling	7	2	8	6	7	+1
Verbal Counseling	14	19	14	9	10	+1
Training	0	0	0	1	0	-1
Suspension from Extra-Duty	0	1	0	0	0	No Change
<b>Administrative Investigation Disposition</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Exonerated	0	1	1	1	1	No Change
Unfounded	1	1	0	0	0	No Change
Not Sustained	0	0	0	0	0	No Change
Sustained	6	4	4	9	9	No Change
Investigation Ongoing/ Pending	-	-	1	1	2	+1
Resigned/Retired Prior to completion Closed by order of the Chief of Police	2	0	1	0	1	No Change
<b>Administrative Investigation Discipline</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Termination *	2	0	0	0	2	+2
Demotion	0	0	0	0	0	No Change
Suspension	2	3	2	1	2	+1
Letter of Reprimand	4	0	1	0	2	+2
Written Counseling	0	0	1	1	2	+1
Verbal Counseling	0	0	0	0	0	No Change
Retired/Resigned	2	1	1	5	0	-5
No Action Taken **	2	1	0	0	3	+3

*\*During 2020, two (2) employees were terminated as a result of Administrative Investigations. These two (2) employees were involved in three separate Administrative Investigations. Each investigation was reviewed by a Disciplinary Review Panel (DRP). The Recommendation of the DRP was for "Termination of Employment". Each employee participated in mitigation hearings with the Chief of Police. As a result, three (3) total Administrative Investigations were "sustained" based on the findings of the DRP with the terminations coming after the mitigation hearing/s/.*

*\*\*There are currently two (2) Administrative Investigations from 2020 that are still pending/ open for investigation. A third investigation was closed at the direction of the Chief of Police prior to a review by a Discipline Review Panel.*

<b>Vehicle Accident Findings</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Preventable	13	15	20	13	9	-4
Non-Preventable	12	14	9	14	6	-8
Preventable/Justified/Pending	0	0	0	0	1*	+1

*\*On July 1, 2020, A Peoria Traffic Services Unit Solo Motorcycle Officer sustained fatal injuries during a demonstration at the annual Youth Citizen Police Academy. This accident investigation was conducted by the Glendale Police Department and is currently pending completion and subsequent review by the Peoria Police Department Vehicle Operations and Safety Committee.*

<b>Vehicle Accident Discipline</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Suspension	0	0	0	0	0	No Change
Letter of Reprimand	2	0	4	2	1	+1
Written Counseling	0	0	0	0	0	No Change
Verbal Counseling	11	14	16	11	8	-3
Training	0	0	0	0	0	No Change

<b>Vehicle Pursuits Findings</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</b>
Out of Policy	0	0	0	0	1	+1
Within Policy	2	3	0	3	8	+5

<b>Vehicle Pursuit Discipline</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Difference 2019/2020</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	0	1	+1
Training	0	0	0	0	0	No Change

### **Complaint/Commendation Process**

The Professional Standards Unit utilizes a process, developed in 2003 and modified in 2011, to comply with Arizona Revised Statute (ARS 38-1101) 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 (CALEA 26.1.5)** – 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 Complaints are typically investigated by the involved employee's supervisor. **(CALEA 26.1.5)**

*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 2020, Chief Art Miller ordered 13 total Administrative Investigations. Of the 13 Administrative Investigations, two (2) carried over into 2021. One of these was an

Officer Involved Shooting investigation (AI2020-009). At the time of this report, the matter is 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.

The other Administrative Investigation (AI2020-012) involves potential criminal activity that is currently under investigation by the State of Arizona Attorney General's Office (AG). This AI is pending the findings of the AG's Office. All others were completed prior to the end of the 2020 calendar year.

Also in 2020, one (1) Deadly Force Review Board convened to evaluate an Officer Involved Shooting from 2019 (AI2019-003).

The Arizona Officer Bill of Rights establishes a goal for Administrative Investigations to be completed in 180 days. In 2020, one investigation exceeded 180-days. This was an Officer Involved Shooting where a majority of the delay was due to the time taken to review the incident by the Maricopa County Attorney's Office. This incident remains 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. **(CALEA 26.3.6)**

There were no recommendations for policy changes or training as the result of an Administrative Investigation in 2020.

#### **Dismissals/Terminations (CALEA 26.1.4)**

The Peoria Police Department terminated two (2) employees in 2020 following a "Sustained" finding regarding policy violations during their respective Administrative Investigations.

#### **Service Complaints (CALEA 26.2.1)**

During 2020, a total of 31 service complaints were completed. Of these 31 complaints, 11 were brought forth by a citizen.

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 31 complaints involved 37 different employees.

There were no recommendations for policy changes or training as the result of a service complaint in 2020.

The findings breakdown of these 31 service complaints are shown in Figure 6 (See previous pages).

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

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

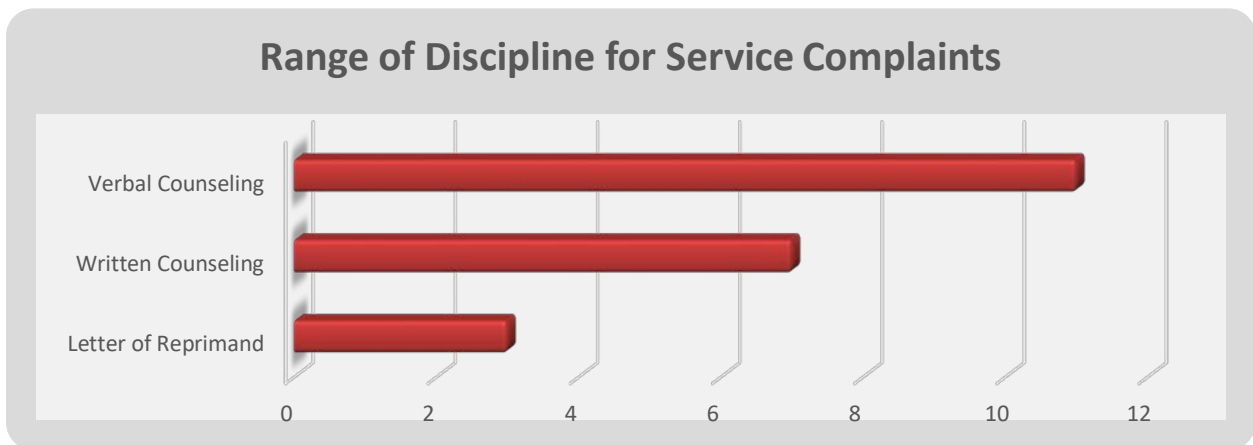
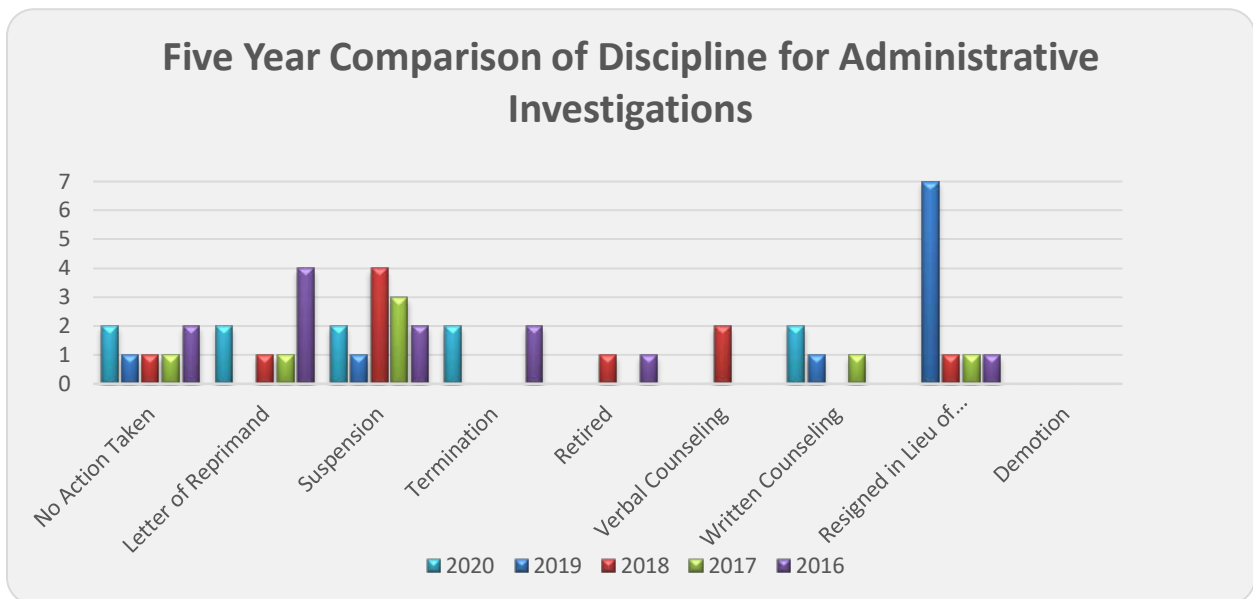


Figure 8 is a five-year comparison of discipline in connection to sustained Administrative Investigations. (CALEA 26.1.4)

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



**THIS SECTION INTENTIONALLY LEFT BLANK**

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**

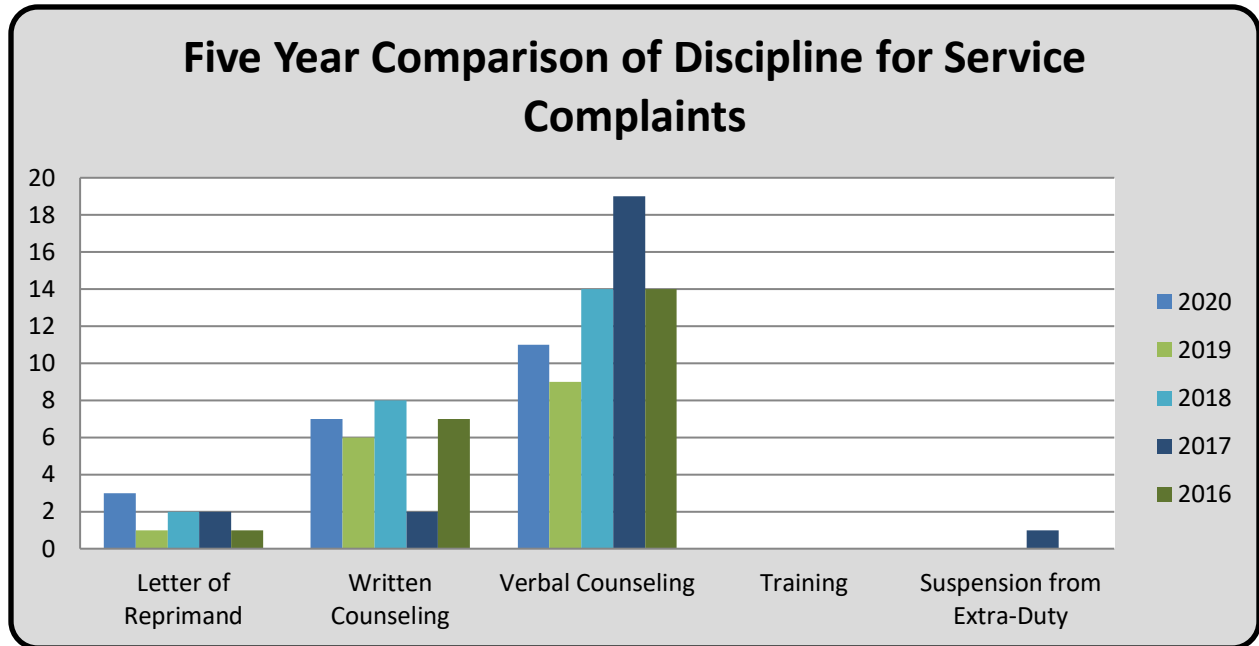
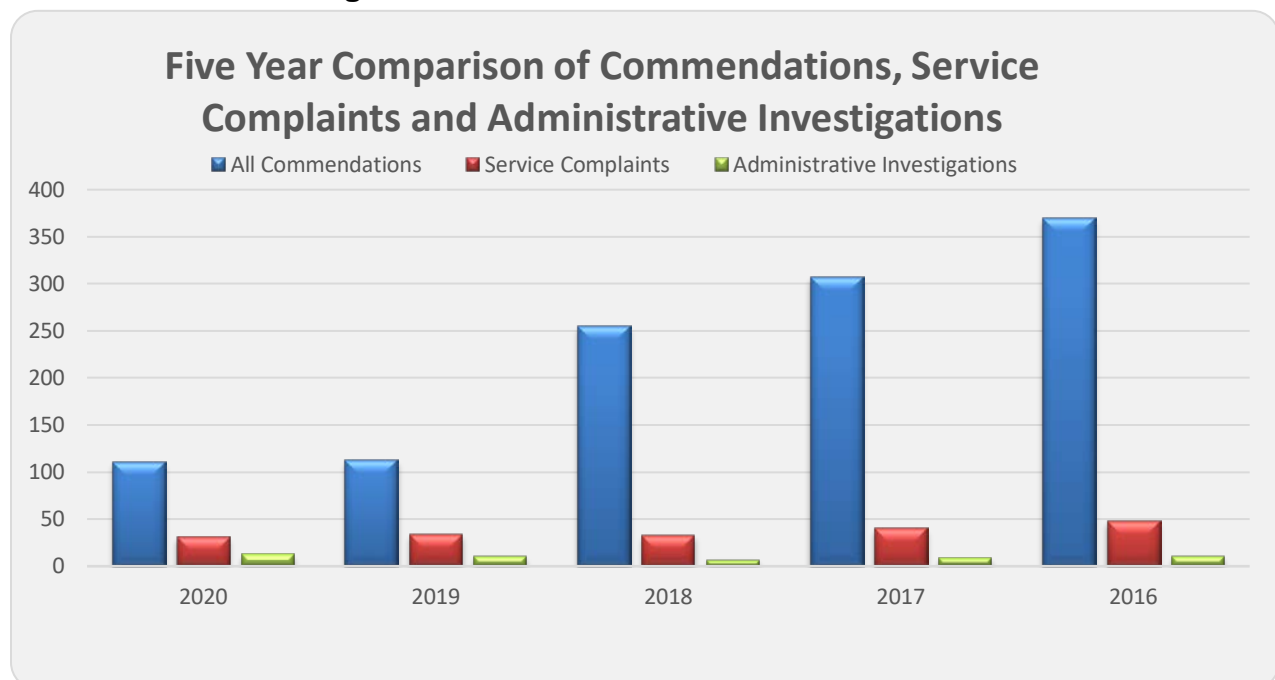


Figure 10 is a five-year comparison of Citizen Commendations, Commendations, Service Complaints, and Administrative Investigations. (CALEA 26.2.4)

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



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

In 2020, the department received multiple initial contacts from citizens expressing concerns of Biased Based Profiling or Discrimination. Though there were no contacts that stated they, themselves, were victims of biased based policing, there were numerous calls and e-mails questioning the Peoria Police Department's policies, directives and procedures regarding the actions we, as an agency, are taking to deter, educate and monitor employees regarding race related law enforcement activity as well as use of force, in general. PSU answered and addressed the citizens' questions and concerns and the citizens did not file a formal complaint. Each incident was logged as a Citizen Inquiry for tracking purposes.

In May 2020, a very high profile incident took place in Minnesota sparking civil unrest throughout the country and parts of the world regarding police brutality and race relations. The Peoria Police Department, as well as the City of Peoria, has continued to work to ensure employees understand the need for fair and equitable treatment of all people regardless of race, gender, ethnicity and socio-economic class. Equity concepts have been taught, and continue to be taught, discussed and monitored regarding citizen relations within Peoria and the profession of law enforcement.

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

The VOSC is comprised of 10 department employees from various ranks and positions within the department and is chaired by a department 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 2020, Peoria Police employees were involved in a total of 16 vehicle collisions. This was a decrease of nine (9) from 2019. Of those 16 vehicle collisions, the VOSC determined six (6) were "not preventable" or the employee was not at fault for the collision and nine (9) were "preventable" or the employee contributed to the cause of the collision. One (1) vehicle accident remains under investigation and review due to the serious nature of the crash which resulted in the death on a Peoria Police Officer.

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

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

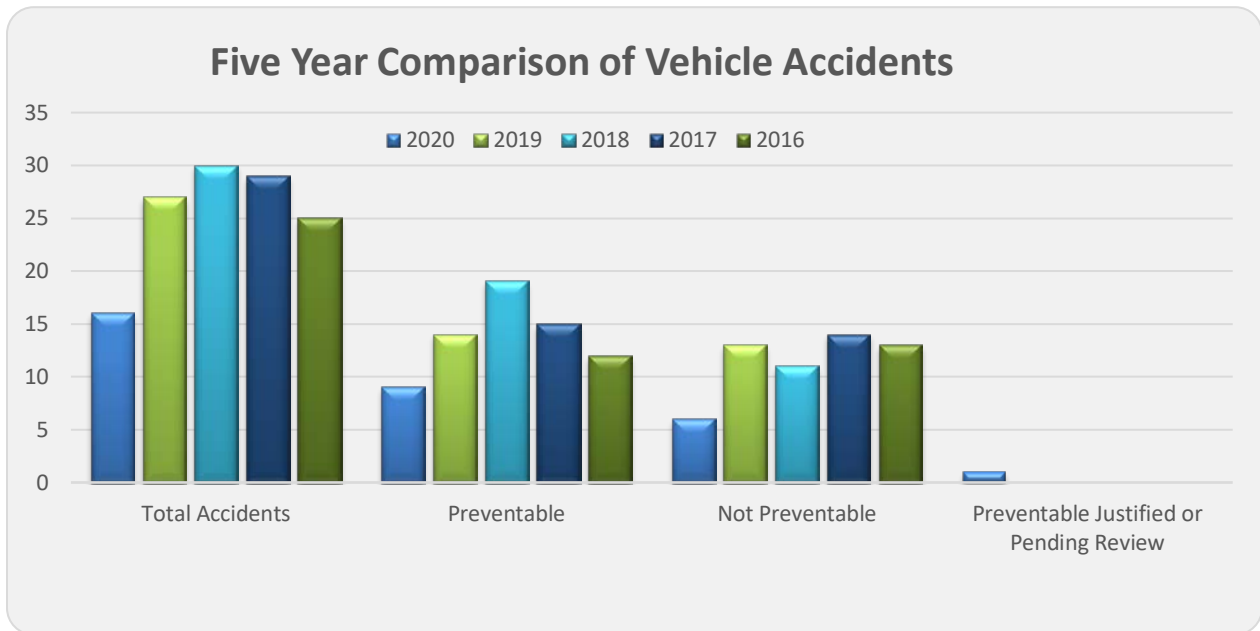
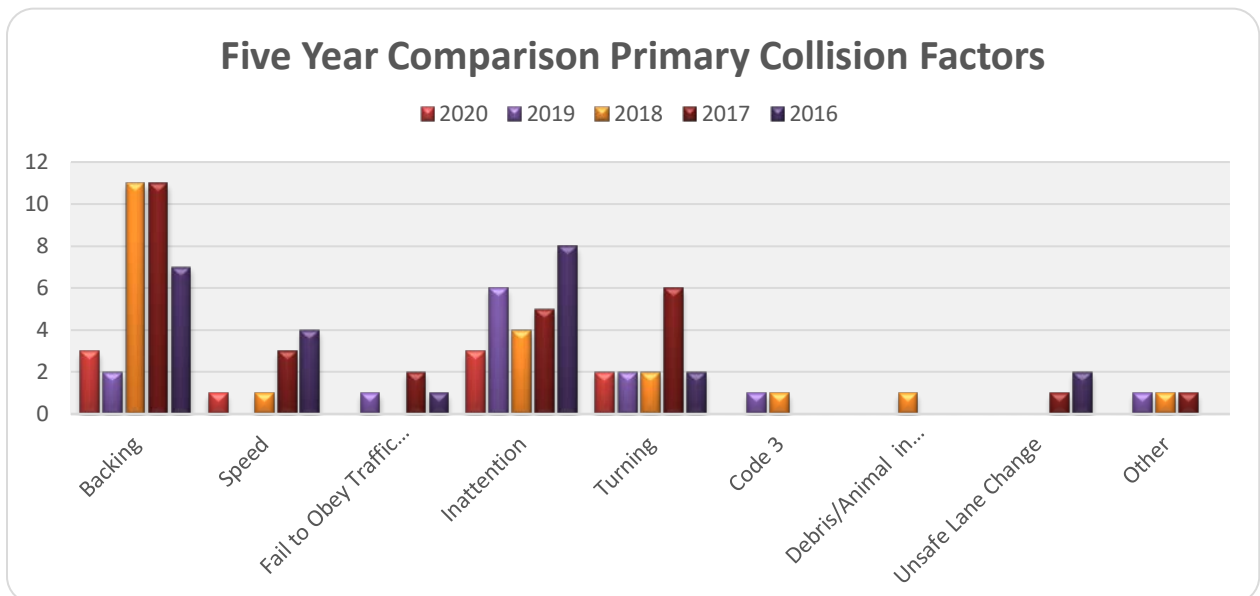


Figure 12 is a five-year comparison of the primary collision factors. Inattention, backing and making turns were the top reasons noted for the 2020 collisions.

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



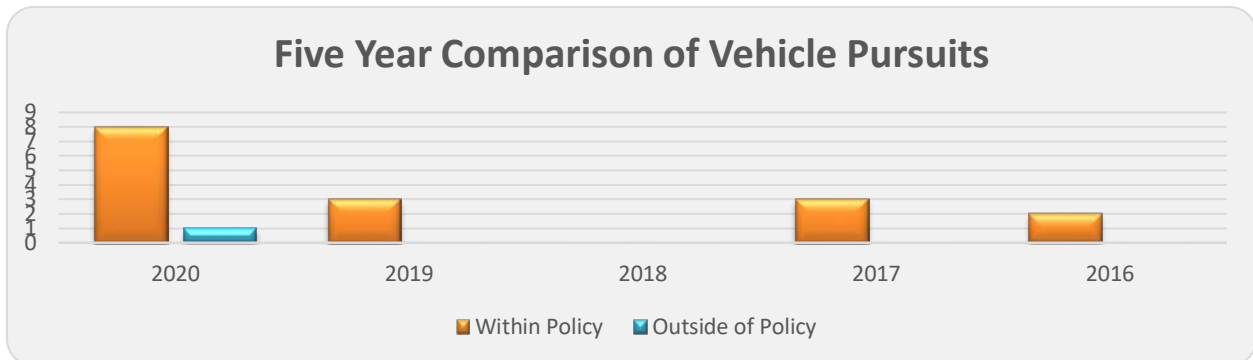
There was a decrease in collisions from 2019. Discipline for employees found at fault in vehicle collisions can range from verbal counseling to termination and is determined by Department SOP GEN-706. Of the nine (9) preventable collisions, this was the first collision in over three years for eight (8) 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 2020, the Peoria Police Department was involved in eight (8) vehicle pursuit incidents. The Vehicle Operations Safety Committee (VOSC) reports 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 were no roadblocks or forcible stopping of a vehicle in 2020.

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 2020. 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 2020, 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 August 2020, two (2) Employee Improvement Plans were implemented. One (1) was successfully completed and closed out in December 2020. The other EIP identified on-going issues and the employee, a sworn Police Officer, resigned his sworn position and took a non-sworn position within the department.

In 2020, the Professional Standards Unit forwarded 25 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

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 2020, 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: (84.1.6)**

*NOTE- Due the global pandemic known as COVID-19, a majority of the year was spent with measures implemented to reduce person-to-person contact and potential transmission of the virus throughout the police department and the employees of the City of Peoria. Due to this, a number of the standard audit or inspection processes were modified or suspended.*

### **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 are notified and the random drug screen is performed in a timely manner. In the year 2020, there were no positive returns from Banner Health.

Note- Due to public health restrictions caused by the COVID-19 pandemic, only one quarterly testing selection was completed with a total of 20 selectees tested. City of Peoria Human Resources and Banner Occupational Health elected to forgo the testing processes for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarter of 2020. Testing has been resumed in 2021.

### **Document Purging (CALEA 26.1.8)**

- In 2020, an audit and review of 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 were purged from IA Pro per policy and retention laws. During the 2019 year, 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.

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

- Throughout 2020, the K-9 supervisor periodically inspected all K-9 narcotic training kits and those inspections were processed through BlueTeam on a quarterly basis. All of the quarterly inspections returned with no discrepancies.
- Due to public health restrictions related to COVID-19, the Professional Standards Unit conducted a virtual 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.

- In May 2020, Sgt. D Stipp conducted a full inventory of drug training kits and discovered that the heat seals were failing on some of the training aids containing narcotics. All K-9 drug kits were re-sealed and re-weighed. Sgt. Stipp is continuing to monitor this situation and conducts monthly K-9 kit inspections.
- 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 has been out of service for a majority of 2020. In a recent upgrade, the messaging issue was supposed to be corrected, but was not and the department is waiting on the manufacturer to correct the issue. Business Analyst Sara Ditwiler has submitted multiple repair requests to New World.
- 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, use 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 2020, the Professional Standards Unit did not find any incidents that caused concern regarding internet usage by department members.

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

- During 2020, 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 2020, 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.

#### **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.

#### **November- Firearms Trade Program-**

During the inspection, 95 total firearms were identified as entering the department's transfer/trade program for an upcoming trade in the near future. These firearms were associated with police cases that occurred between the years 2006 and 2019.

During the inspection, 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:

- The firearm is not currently identified as being stolen from another law enforcement jurisdiction. Note- Each transfer program firearm was checked again through NCIC by Property and Evidence Supervisor as part of the inspection of each firearm.
- The firearm is not determined to be illegal ("chopped" or defaced).
- The firearm does not create an exposure to an excessive amount of biohazard material.
- The firearm is able to be NIBIN tested.

During the inspection, the following discrepancies/ concerns were discovered regarding seven (7) total transfer program firearms:

- One (1) firearm was found to return as stolen out of Phoenix. 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.
- Three (3) 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, two (2) .22 Cal handguns and one (1) .22 Cal rifle were designated for destruction through the contraband disposal program.

- Two (2) firearms are being converted to department use for training purposes within the framework of the department firearms training program:
  - One (1) is a Glock handgun with an “auto sear”. This will aid officers in identifying this common modification made to Glock handguns using mail-order parts that could create significant officer safety issues.
  - One (1) is a Kel-Tec KSG Bullpup style shotgun. This is a 12 gauge shotgun with a 13 (to 23, depending on shell size) round capacity. This shotgun will be utilized, initially, in training and may be evaluated for special application use in the future.
- One (1) firearm was not included in this sale due to the fact it is a highly collectible and potentially valuable W. J. Richard shotgun (up to \$25,000 in value). This firearm will be held for safekeeping at this time to allow additional time to attempt to locate the rightful owner.

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.

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

- During the course of the past two (2) years, 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, 6,403 individual items, some dating back to 1998, were accounted for.

*Note-The contraband destruction process began in early 2020. The process was postponed from early April to October due to Covid-19 restrictions.*

- Also identified in this process were thirty-three (33) impounded firearms, not suitable for sale due to illegal modifications or excess biohazard, and 249 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 January 29, 2020 and occurred once a week until March 11. The items

accounted for, to that point, were secured in a Property and Evidence storage area with tamper resistant seals until the inspection process resumed September 1, 2020.

- In all, roughly 50 employee hours over 12 sessions were utilized to account for, inspect and process the items. The inspection process was completed October 6, 2020.
- 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 1250 (~19.5%) items were visually and physically inspected to ensure accuracy in labelling and packaging.
- Of the inspected items, only one (1) item was found to have packaging that was insufficient for the item, a glass honey-bear shaped bong. The item was too big for an effective heat seal of the plastic packaging.
- The fact that out of 6400+ items, only one (1) packaging failure was 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 October 7, 2020, 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.
- The total weight of the 6400+ items destroyed was ~2600 pounds.

