

City of Phoenix

# OFFICE OF ACCOUNTABILITY AND TRANSPARENCY

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Quarterly Report

Jan. 1 - Mar. 31, 2024



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## LETTER FROM THE DIRECTOR

2024 is off to an enthusiastic start! The OAT team achieved significant and long-awaited milestones this quarter during a season of notable change and growth. We conducted our first Department mediation, with everyone involved feeling positive about the mediation process and its results. And we released our first two monitoring reports!

OAT's first monitoring reports reviewed Department investigations of two 2022 incidents. One incident involved allegations of unlawful detention and search, as well as a racial bias allegation. OAT's review found the investigation was not thorough and complete and made five recommendations for improving future investigations, including more in-depth and allegation-specific interviewing and increased transparency by articulating the basis for disciplinary decisions.

The second monitoring report focused on a use-of-force incident that resulted in broken bones in the involved civilian's face and neck. OAT again found that the Department's investigation of this incident was not complete and thorough. OAT's recommendations to the Department included ensuring incidents of similar severity go through the formal investigatory process, thoroughly reviewing all available evidence, and conducting more in-depth and law-, policy-, and training-focused questioning.

The entire OAT team participated in our Community Engagement program's work making strides to continue facilitating conversations and building connections with community members and organizations by attending a variety of events and giving presentations.

Finally, OAT's Director of Mediation completed our inaugural Department mediation related to a lack of service complaint from a resident. All parties engaged respectfully, openly, and thoughtfully, resulting in understanding from all sides and reinforcing the foundations of the mediation program. OAT continues to strengthen the structure of the mediation program and is looking forward to more opportunities to apply this tool to enhance the Department's accountability and transparency on behalf of the Phoenix community.

We are looking forward to continuing our work serving the Phoenix community throughout 2024 through monitoring, mediation, and community engagement. Stay tuned for continued progress in 2024.

Sincerely,

*Shannon Johanni*

Interim Director, Office of Accountability and Transparency

The City of Phoenix created the Office of Accountability and Transparency (OAT) in 2021 to perform independent civilian oversight of the Phoenix Police Department. OAT monitors Department administrative investigations of critical incidents involving sworn personnel and provides community members a way to freely communicate complaints, commendations, and concerns about officers and the Department without fear of retaliation.

Phoenix City Code (P.C.C.) § 20-1(C) requires OAT to:

- Take community complaints or commendations.
- Establish procedures for receiving anonymous complaints.
- Conduct outreach within the community.
- Support services to community members impacted by the Department.
- Monitor Department investigations.
- Make recommendations to the Police Chief regarding administrative action, including possible discipline for the Department.
- Make recommendations regarding policy issues.
- Assist with mediation to resolve disputes.
- Address other issues of concern to the community.

See P.C.C. §§ 20-4 through 20-13 for additional information about OAT's responsibilities and operations. This report satisfies OAT's obligation under P.C.C. § 20-8(C) to publish a quarterly status report that includes, "among other things, patterns relating to complaints and recommendations regarding the sufficiency of investigations and determinations as to whether Department rules and policies have been violated." [P.C.C. Chapter 20 can be found here.](#)

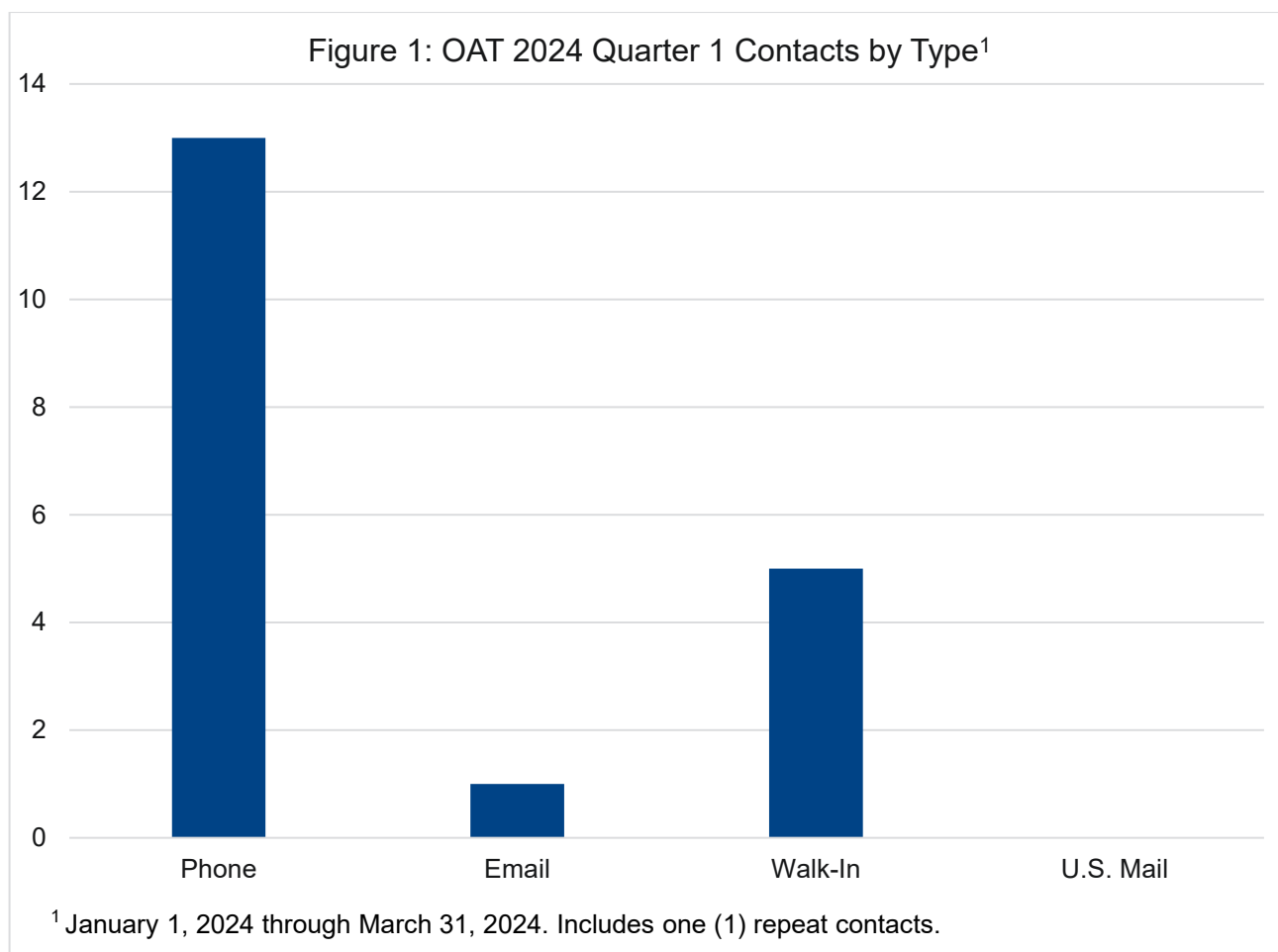
OAT and the Department entered into a [Memorandum of Understanding \(MOU\)](#) on April 3, 2023. The MOU further clarifies how and when information sharing occurs between OAT and the Department; what information/evidence the Department shall make available to OAT in individual cases; and regular updates on the Professional Standards Bureau's (PSB) total active caseload. [The full MOU can be found here.](#)

## MONITORING

OAT receives notice of potential monitoring incidents—under both mandatory and discretionary authority—through complaints directly to OAT, media reports, and Department notification processes for certain classes of incidents (e.g. officer involved shootings). During the first quarter of 2024, OAT added 7 cases to its monitoring caseload, bringing the total to 61.

In addition, the MOU requires the Department to provide OAT a bi-weekly list of active PSB investigations; OAT received the first of these lists in January 2024. OAT and the Department are working through processes to identify which of these active cases fall within OAT’s mandatory and discretionary authority. As we continue to work through the information sharing processes with the Department, we anticipate both an increase in monitored incidents and the addition of new categories of incidents that fall under OAT’s jurisdiction.

Between January 1 and March 31, 2024, OAT received 18 unique contacts via hotline (12), walk-in (1), and email (5). Figure 1 below details total contacts OAT received so far in 2024.



OAT finalized and released its first two monitoring reports on February 22, 2024. Both monitoring incidents occurred in late 2022 and involve investigations the Department had closed. One investigation involved an allegation of excessive force and the other involved an allegation of racial bias. Both reports can be found [here](#).

The graphs below detail OAT’s monitoring cases by incident year and quarter (see Figure 2, p. 6), and by incident type (OIS, in-custody death, other death/serious injury during a duty-related incident, and excessive force (see Figure 3, p. 7). See pages 8-10 for the full list of monitoring incidents including location, type, and date (Table 1). “Report pending” indicates that OAT received the final PSB report and is finalizing its monitoring report. See Figure 4 for a map by precinct of where each monitored incident occurred (p. 11).

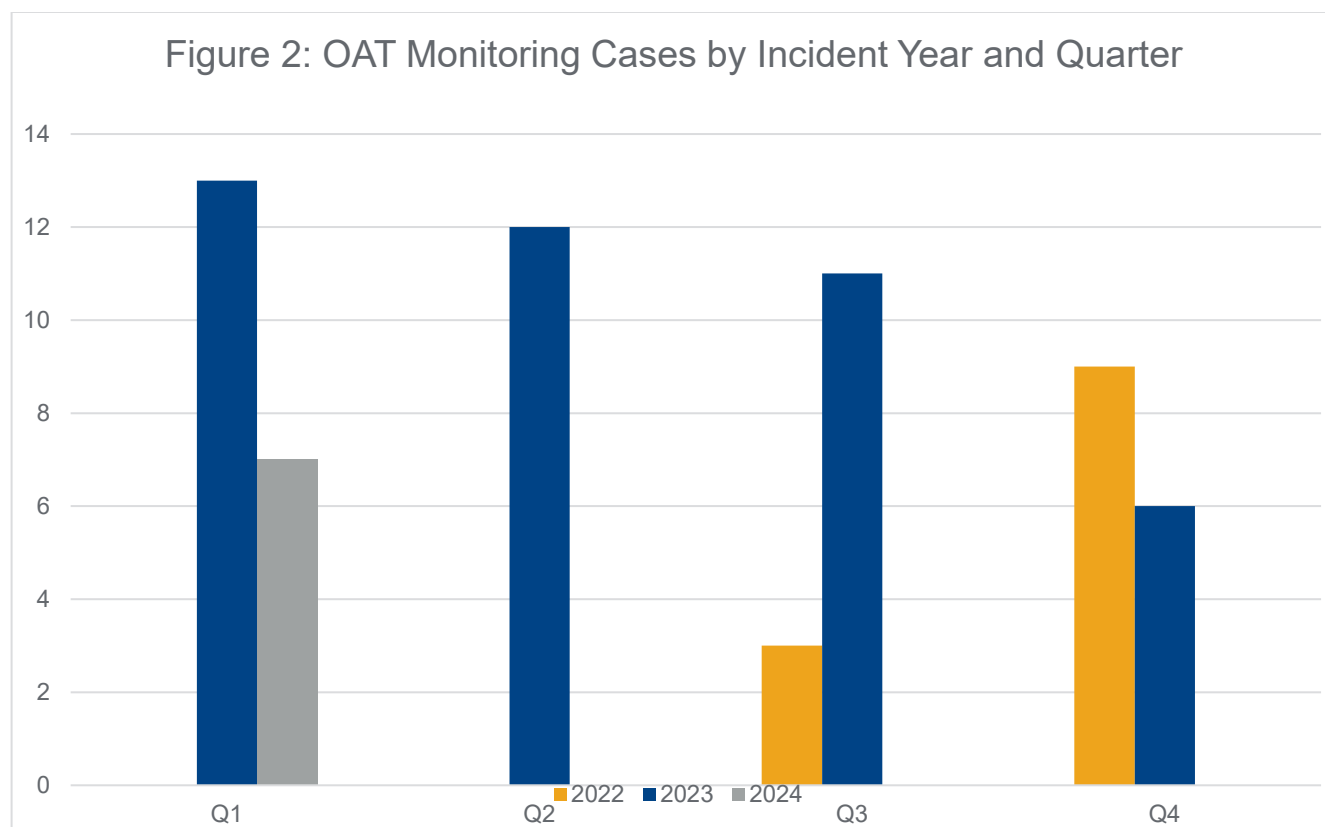
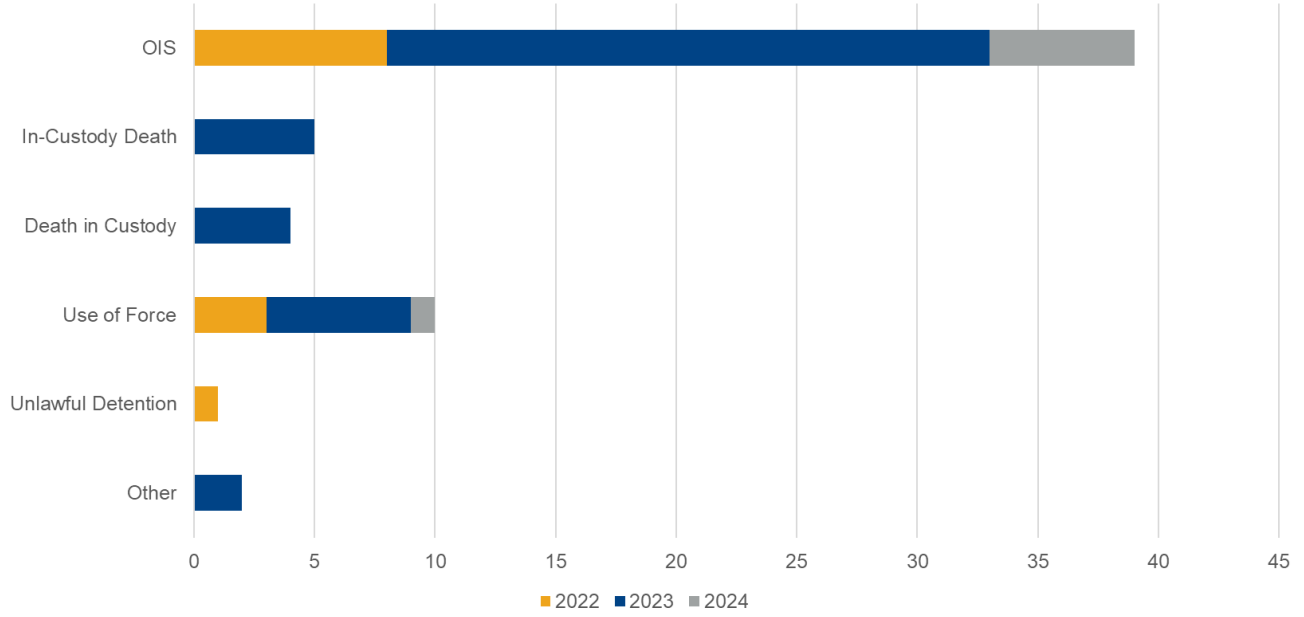


Figure 3: OAT Monitoring Cases by Incident Year and Type<sup>1</sup>



<sup>1</sup> September 1, 2022 through March 31, 2024.

Table 1: Office of Accountability and Transparency Monitoring Cases September 2022 - March 2024<sup>1</sup>

(Incidents with fatalities highlighted in blue.)

No.	Incident Date	Type	Location <sup>2</sup>	Civilian Fatality	Status
1	09/10/2022	OIS <sup>3</sup>	12200 N. 39 <sup>th</sup> Ave.	Yes	Report Pending
2	09/22/2022	OIS	2400 W. Greenway Rd.	No	Open
3	09/24/2022	OIS	6600 N. 19 <sup>th</sup> Ave.	Yes	Report Pending
4	10/27/2022	Use of Force <sup>4</sup>	5900 W. Buckeye Rd.	No	Report Pending
5	11/02/2022	OIS	3700 W. McDowell Rd.	Yes	Report Pending
6	11/06/2022	OIS	4200 N. 21 <sup>st</sup> Ave.	No	Report Pending
7	11/23/2022	Unlawful Detention <sup>4</sup>	12000 N. 32 <sup>nd</sup> St.	No	Published 2/22/24
8	11/29/2022	OIS	1800 E. Southern Ave.	Yes	Report Pending
9	12/03/2022	OIS	2900 W. Thomas Rd.	No	Report Pending
10	12/04/2022	Use of Force <sup>4</sup>	2700 W. Deer Valley Rd.	No	Published 2/22/24
11	12/11/2022	Use of Force <sup>4</sup>	8900 W. Highland Ave.	No	Report Pending
12	12/21/2022	OIS	4100 W. Lydia Ln.	No	Report Pending
13	01/03/2023	OIS	4400 S. 36 <sup>th</sup> Dr.	Yes	Report Pending
14	01/07/2023	OIS	4600 S. Lakeshore Dr.	Yes	Report Pending
15	01/19/2023	Use of Force <sup>4</sup>	3000 W. Bell Rd.	No	Report Pending
16	02/02/2023	Other <sup>4</sup>	2300 W. McLellan Blvd.	Yes <sup>5</sup>	Report Pending
17	02/11/2023	In-Custody Death	1400 N. 44 <sup>th</sup> St.	Yes	Report Pending
18	02/22/2023	OIS	6800 N. 23 <sup>rd</sup> Ave.	Yes	Report Pending
19	02/22/2023	OIS	100 S. 29 <sup>th</sup> Ave.	Yes	Report Pending
20	02/25/2023	OIS	17600 N. 9 <sup>th</sup> St.	Yes	Report Pending
21	03/04/2023	OIS	6100 S. 35 <sup>th</sup> Ave.	No	Report Pending
22	03/05/2023	OIS	4200 W. Encanto Blvd.	Yes	Open
23	03/06/2023	OIS	4100 W. Alta Vista Rd.	Yes	Report Pending

Table continues on next page.



No.	Date	Type	Location <sup>2</sup>	Civilian Fatality	Status
24	03/08/2023	OIS	1600 N. 27 <sup>th</sup> Ave.	No	Report Pending
25	03/14/2023	OIS	6700 W. Camelback Rd.	No	Open
26	04/01/2023	OIS	1400 E. Bell Rd.	Yes	Report Pending
27	04/09/2023	Use of Force <sup>4</sup>	8200 S. 48 <sup>th</sup> Ln.	No	Report Pending
28	04/10/2023	In-Custody Death	6500 W. Cocopah St.	Yes	Open
29	04/20/2023	OIS	11800 N. 28 <sup>th</sup> Dr.	No	Open
30	04/24/2023	OIS	3200 W. Bell Rd.	No	Report Pending
31	05/11/2023	OIS	9100 W. Lower Buckeye Rd.	No	Open
32	05/14/2023	OIS	3900 W. Paradise Dr.	No	Open
33	05/22/2023	OIS	16800 N. 19 <sup>th</sup> Ave.	No	Open
34	05/23/2023	Other <sup>4</sup>	Online	No	Report Pending
35	06/07/2023	Death/Serious Injury <sup>6</sup>	1400 S. 11 <sup>th</sup> Ave.	No	Open
36	06/19/2023	OIS	2100 W. Thomas Rd.	Yes	Report Pending
37	06/28/2023	OIS	1200 S. 20 <sup>th</sup> Ave.	Yes	Open
38	07/01/2023	OIS	3000 E. Washington St.	Yes	Open
39	07/03/2023	Death/Serious Injury <sup>6</sup>	2700 W. Campbell Ave.	No	Open
40	07/15/2023	In-Custody Death	4700 E. McDowell Rd.	Yes	Open
41	07/17/2023	OIS	1700 E. Harrison St.	Yes	Open
42	07/20/2023	In-Custody Death	1900 W. Union Hills Dr.	Yes	Open
43	08/01/2023	OIS	3300 W. Campo Bello Dr.	No	Open
44	08/10/2023	OIS	3500 N SR 51 Freeway	No	Open
45	08/27/2023	Use of Force <sup>4</sup>	5600 S. 11 <sup>th</sup> Pl.	No	Open
46	08/28/2023	Use of Force <sup>4</sup>	3200 E. Greenway Rd.	No	Report Pending

Table continues on next page.

No.	Date	Type	Location <sup>2</sup>	Civilian Fatality	Status
47	09/09/2023	OIS	8700 W. Peppertree Ln.	Yes	Open
48	09/24/2023	Death/Serious Injury <sup>6</sup>	5100 W. Buckeye Rd.	Yes <sup>7</sup>	Report Pending
49	10/11/2023	Use of Force <sup>4</sup>	1200 N. 2 <sup>nd</sup> St.	No	Open
50	11/10/2023	Use of Force <sup>4</sup>	1600 N. 91 <sup>st</sup> Ave.	No	Open
51	11/20/2023	OIS	2500 W. Earll Dr.	No	Open
52	11/29/2023	In-Custody Death	620 W. Washington St.	Yes	Open
53	12/16/2023	OIS	5000 E. McDowell Rd.	Yes	Open
54	12/21/2023	Death/Serious Injury <sup>6</sup>	3500 W. Thunderbird Rd.	Yes	Open
55	01/02/2024	Use of Force <sup>4</sup>	7600 W. Miami St.	No	Open
56	01/05/2024	OIS	8700 W. Bell Rd.	Yes	Open
57	01/11/2024	OIS	3300 E. Taylor St.	Yes	Open
58	01/12/2024	OIS	1400 E. Brill St.	No	Open
59	01/27/2024	OIS	2200 W. Indian School Rd.	Yes	Open
60	02/13/2024	OIS	1900 W. Berridge Ln.	No	Open
61	02/19/2024	OIS	6000 W. McDowell Rd.	Yes	Open

<sup>1</sup> Quarter 1 reporting period (January 1 - March 31) indicated with red border.

<sup>2</sup> Approximate location. Addresses are updated as new information becomes available and may differ from those included in prior OAT reports.

<sup>3</sup> Officer Involved Shooting (OIS).

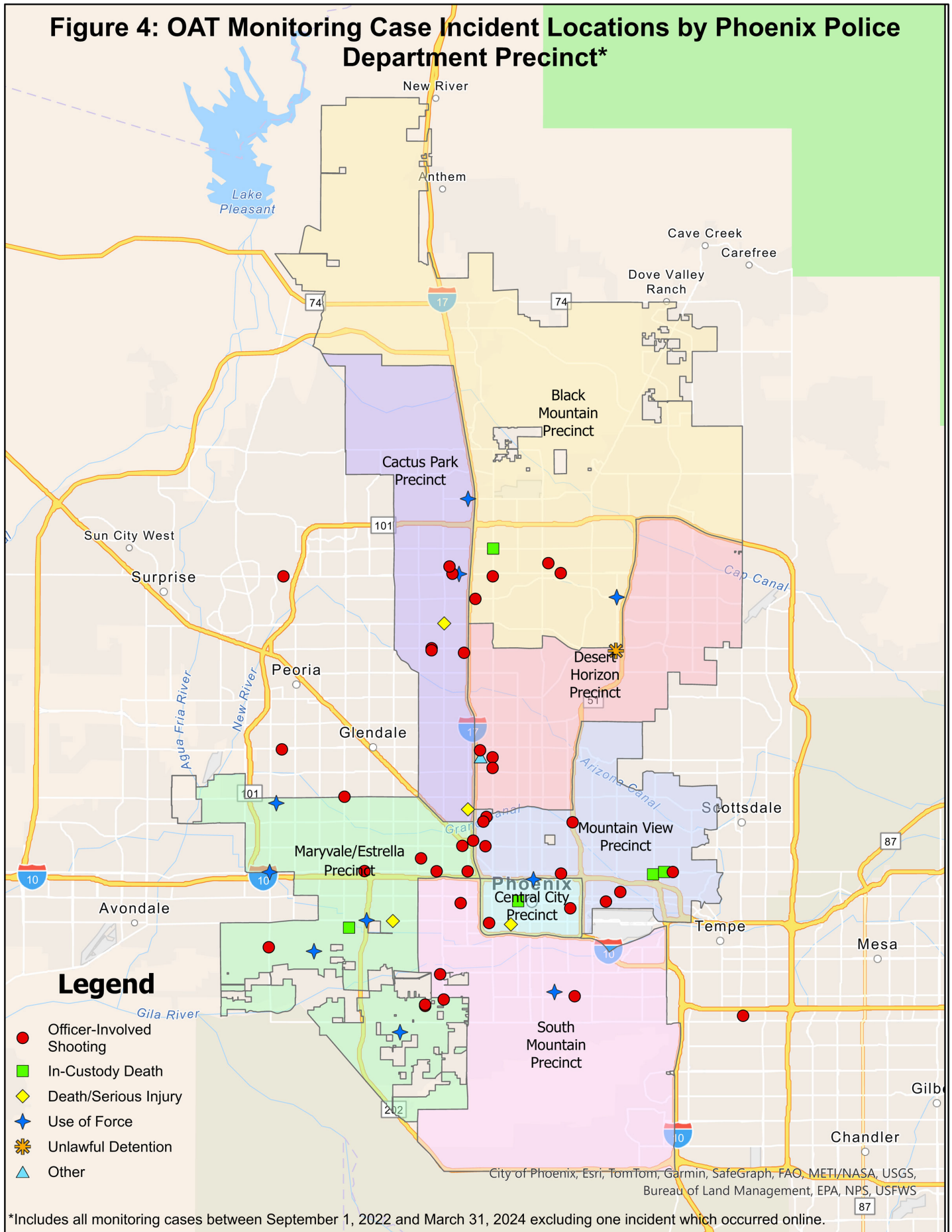
<sup>3</sup> Falls under OAT discretionary jurisdiction per P.C.C. § 20-7.

<sup>5</sup> Maricopa County Medical Examiner's Office determined manner of death was accidental due to multiple drug toxicity.

<sup>6</sup> P.C.C. § 20-6(B)(3) requires OAT to monitor Department investigations of any duty-related incident during which, or as a result of which, anyone dies or suffers serious bodily injury as defined in A.R.S. §13-105(39).

<sup>7</sup> Maricopa County Medical Examiner's Office determined manner of death was suicide.

**Figure 4: OAT Monitoring Case Incident Locations by Phoenix Police Department Precinct\***



\*Includes all monitoring cases between September 1, 2022 and March 31, 2024 excluding one incident which occurred online.

## MEDIATION

On February 14, 2024, OAT completed the first mediation since its inception. This was a remarkable and monumental move forward for OAT's contributions to the efforts of both accountability and building community trust in the Department. Department leadership enthusiastically participated in the Department mediation with a business owner who had concerns about lack of response/service. Both sides were able to express their concerns and explain their perspectives, quickly reaching understanding through the facilitated conversation with OAT's Director of Mediation.

OAT continued the momentum from the inaugural mediation by moving forward in the socialization process with the Department's unions by collecting information and research on mediation in the civilian oversight setting. Once mediation has been socialized with the Department's unions and appropriate cases have been identified, OAT will facilitate two types of mediation for the community: individual mediation and department mediation.

Department mediations will be a possibility for complaints where no individual officer is identified, larger community concerns about police response or involvement, or issues related to broader police policy and practice. See the next page for more details about the OAT Mediation process.

The Phoenix Office of Accountability and Transparency (OAT) aims to ensure there is a fair, thorough, and objective program for addressing civilian complaints against the Phoenix Police Department (PPD). While OAT monitors PPD internal investigations, such investigations are not the only method by which complaints may be resolved. In many cases, mediation may provide a more satisfactory outcome for the parties. Mediation has been shown to help build police-community relations, reduce costs, improve case completion times and provide community members an opportunity to meet directly with a member of the PPD about the nature of their complaint.

### *Mediations are Confidential*

All discussions during a mediation session are confidential, in accordance with ARS § 12-2238. All parties must agree to this confidentiality before beginning a mediation session. As a result, the participation of other people in the mediation session is very rarely allowed. Unless preapproved to participate in the mediation, anyone who accompanies a complainant or PPD to the mediation session will be asked to wait in the OAT lobby.

### *Mediation is a Voluntary Process*

Participation in mediation is voluntary. Either party may decline the offer to mediate or withdraw from mediation at any point.

### *Mediation Participants*

Both the complainant and the PPD officer must participate in good faith in the mediation process. Neither the complainant nor the PPD officer is required to reach an agreement during mediation. Failure of the complainant to participate in good faith will lead to dismissal of the complaint. Failure of a PPD officer to participate in good faith will likely result in the matter being referred back to investigation, unless otherwise specified in the PPD officer's labor-management agreement.

### *OAT Mediators*

OAT mediations are conducted by well-trained and experienced mediators. The mediator serves as an impartial third party who facilitates a conversation between the parties in a non-threatening environment. Mediators fulfill this role by listening to each party's experiences of circumstances that lead to the complaint. Mediators use active listening to clarify what happened, identify key issues and keep the discussion productive.

### *Mediation Outcomes*

In many cases, once the parties have had a chance to explain their perspectives and hear from the other party, this increased understanding is sufficient to resolve the complaint. Although both parties are expected to participate in good faith in the mediation, any agreements, written or verbal, are voluntary. Failure to reach an agreement has no impact on any later consideration of the complaint. If the parties do not reach agreement, OAT will determine if the complaint warrants referral for investigation.

### *Accessibility*

Upon request, OAT will provide reasonable accommodation or translation services.

### *Mediation Location*

Mediation sessions may be conducted in any of the following locations:

- In-person, at a neutral location within Phoenix, including the OAT office

## WHAT IS OAT MEDIATION?

*Mediation is an efficient and effective alternative dispute resolution process. OAT mediations arise from incidents or interactions reported to OAT involving PPD and members of the community. An OAT mediator serves as an impartial facilitator who guides the parties through a conversation about the circumstances that led to the complaint, with the aim of reaching a mutual understanding. A mediation is typically scheduled for two hours.*

## COMMUNITY ENGAGEMENT

OAT staff attended the following events and/or gave informational presentations to the following groups between January 1 and March 31, 2024:

- Maricopa Association of Governments - Mobility Management Team and Transportation Ambassador Program
- Family Involvement Center
- Local Government Hispanic Network conference
- Community Connection Fair
- DTPHXInc: Stakeholder and Events, Streets, and Transportation Meetings
- Phoenix Police Department
- Coronado Neighborhood Association Home Tour
- Governor's Office of Constituent Engagement
- CARE Coalition Conference
- Arizona Summit Conference
- Neighborhood Services Department
- DTPHXInc Wellness Fair
- Phoenix City Council District 8 - Energize 8 Community Meeting
- ACLU of Arizona





## TRAINING AND HIRING

### Training

In the first quarter of 2024, the OAT monitoring team and Interim Director attended the Department's 20-hour training on its updated use-of-force policy. Attending this training is a critical piece of building OAT staff's knowledge of how Department officers are trained and their understanding of policies and procedures related to use-of-force incidents.

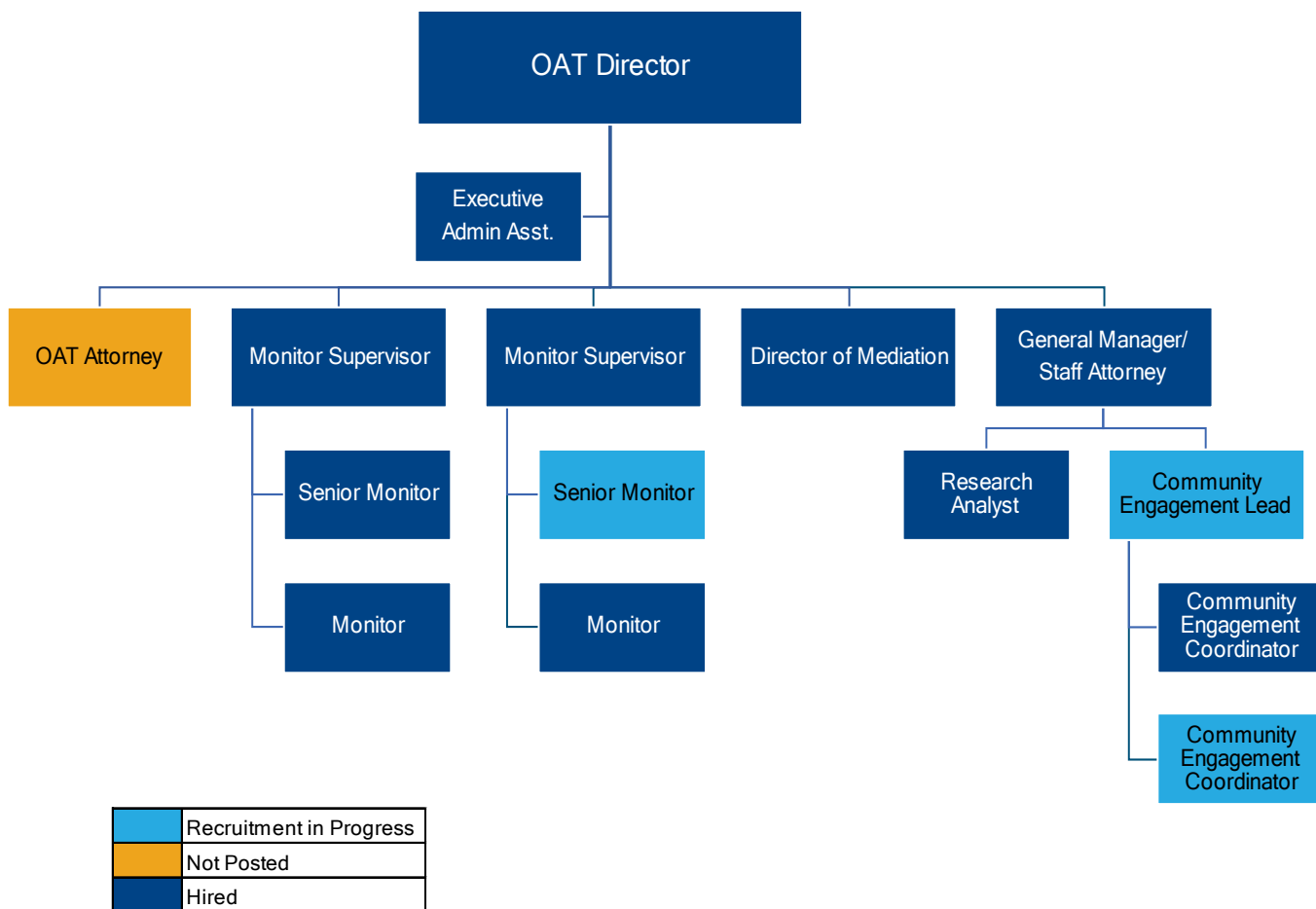
In addition to the use-of-force training, as well as regular internal and City trainings on various matters related to agency practice, OAT staff attended the following trainings between January 1 and March 31, 2024:

- Building Community Engagement for Effective Community Relations (National Association for Civilian Oversight of Law Enforcement, NACOLE)
- Firearms 101 with Doc Whetstone (NACOLE)
- Preventing Police Misconduct: The Value of Background Checks (NACOLE)
- Justice-Based Policing (NACOLE)
- Investigating and Analyzing Use of Force (NACOLE)
- Understanding the Impact of Adverse Childhood Experiences (ACEs) and Childhood Trauma (Arizona ACEs Consortium)
- Diversifying Political Engagement: The Woman's Perspective
- ASU Schiefelbein Global Dispute Resolution Conference
- Building a Mediation Practice the Smart Way (Enriched Talks)
- Radical Neutral Advocacy: 21st Century Access to Justice
- An introduction to National Association for Community Mediation's virtual library
- National Forum for Black Public Administrators, Arizona Annual Conference



## Hiring

OAT concluded the first quarter of 2024 with 11 positions filled (one OAT team member was serving in two roles at the end of the quarter). OAT worked with relevant City departments to review job descriptions and organizational needs, and initiated recruitments for three of four open positions. Open positions and recruitments are noted in the organizational chart below.





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