



City of Phoenix
Office of Accountability and Transparency
Department Responses to OAT Recommendations

Department: Phoenix Police Department

Department Head: Michael G Sullivan, Interim Chief

Project Title: OAT Monitoring Report – Discretionary

OAT Report Number: Incident OAT22-010

PSB Report Number: INQ23-0113 and FET22-0027

Per the MOU between the Office of Accountability and Transparency (OAT) and the Phoenix Police Department, the below information is provided in response to the OAT Monitoring Report for Incident OAT22-010.

Rec. #1: “Conduct a Full-Scale Professional Standards Bureau Investigation”	
Response: Agree	Target Date: September 19, 2024
<p>Explanation: PPD agrees and accepts the OAT recommendation.</p> <p>The first of these recommendations addresses the fact this investigation was conducted by both PPD’s Force Evaluation Team (“FET”) and Professional Standards Bureau (“PSB”), with the FET taking the lead role. PPD concurs that a full PSB investigation would have been appropriate in this instance given the nature of the injuries. PSB did an initial review of the case, but after determining the use of force was within policy the case went through the existing procedure as delineated in Operation Orders. PPD agrees a full investigation would have provided the opportunity for the officer to “address and properly explain the impact of the Involved Citizen’s actions.”</p> <p>Follow-up: In accordance with Operations Order 3.19 7.B an Internal Investigation Report Form will be used to document investigations. Operations Order 3.19 (1) C, 3.19 2. A and PSB B-01G (1) will be revised to reflect the corrective action taken.</p>	
Rec. #2: “Identify the Source of the Excessive Force Allegation”	

Response: Agree	<u>Target Date:</u> September 19, 2024
<p>Explanation: PPD agrees and accepts the OAT recommendation.</p> <p>Regarding OAT’s second recommendation, PPD agrees that transparency is served by clearly documenting whether a citizen complaint or internal PPD review initiated an investigation. This document should specifically name the source of the complaint.</p> <p>Follow-up: Clear documentation of the source of an investigation will be added to the PSB Bureau Manual PSB B-02 4 A (1) (a). Additionally, a revision to Operations Order 3.19.3.B ‘Supervisor Responsibilities’ will be completed providing alignment and consistency between PSB and Field administrative investigations.</p>	
Rec. #3: “Conduct a Follow-up Interview of the Involved Officer”	
Response: Agree	<u>Target Date:</u> September 19, 2024
<p>Explanation: PPD agrees and accepts the OAT recommendation.</p> <p>PPD concurs with the OAT recommendations regarding further questioning in investigative interviews with respect to de-escalation and allegations of excessive force. In this incident, the actions of the officer and his thought process were only captured in the Incident Report. As this incident demonstrates, situations that officers encounter are fluid and it is imperative officers respond appropriately to the subject’s actions with the safety of the community being the primary consideration, following the safety priorities dictated by policy. During administrative investigations PPD should explore the officer’s assessment of de-escalation and allegations of excessive force when appropriate. This will serve to provide transparency to the community by providing an understanding of the officer’s decision making when confronted with any level of resistance. PPD’s commitment to de-escalation is noted in Operations Order 1.5 1.(F).</p> <p>Follow-up: A new section will be added to the PSB Bureau Manual addressing ‘Excessive Force Complaints’ which will provide direction to investigators regarding the inclusion of further questioning during investigative interviews regarding de-escalation and excessive force.</p>	
Rec. #4: “Conduct a Complete Review of All Available Evidence”	
Response: Agree	<u>Target Date:</u> September 19, 2024

Explanation: PPD agrees and accepts the OAT recommendation.

PPD agrees that in internal investigations all available and relevant evidence, to include body worn camera evidence, be reviewed to ensure the integrity and thoroughness of the investigation and to complement testimony of witnesses to the incident.

Follow-up: A new section will be added to the PSB Bureau Manual addressing 'Body Worn Camera Evidence' which will provide direction to investigators regarding the review of body worn camera evidence and related materials during administrative investigations.

Rec. #5: "Refer Incidents of Similar Severity to the Critical Incident Review Board"

Response: Agree

Target Date:
June 21, 2024

Explanation: PPD agrees and accepts OAT recommendation

The review of Class III incidents, by the Critical Incident Review Board-(CIRB), is essential to establish and ensure public trust and integrity of procedural and investigative review.

Follow-up: A section to the PSB Bureau Manual, B-9, will be added to ensure all Class III incidents are thoroughly vetted and referred to the designated Department's CIRB Chair for review and formal CIRB referral.

Target dates are based on the organizational level that is impacted by the follow-up actions described above. For Bureau level policy and process changes, the target date is three months. For Department level policy and process changes, the target date is six months. These timeframes allow for review of current policy, the development and approval of new policy, and the development, approval, and delivery of training to more than 3,000 employees for Department level training. Training is delivered in multiple modalities using synchronous and asynchronous methods.