



# Agenda City Council Policy Session

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Tuesday, July 2, 2019

2:30 PM

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**\*\*\*REVISED July 1, 2019\*\*\***  
**Location Change:**  
**Orpheum Theatre**  
**203 W. Adams St.**  
**Phoenix, Arizona 85003**

**CALL TO ORDER**

**COUNCIL INFORMATION AND FOLLOW-UP REQUESTS**

This item is scheduled to give City Council members an opportunity to publicly request information or follow up on issues of interest to the community. If the information is available, staff will immediately provide it to the City Council member. No decisions will be made or action taken.

**REPORTS AND BUDGET UPDATES BY THE CITY MANAGER**

This item is scheduled to allow the City Manager to provide brief informational reports on topics of interest to the City Council. The City Council may discuss these reports but no action will be taken. Police Chief Jeri Williams will discuss her action plan for the Phoenix Police Department.

**DISCUSSION AND POSSIBLE ACTION (ITEMS 1a-1b)**

**1a Early Intervention Software Solution Procurement for Police Department**

Page 3

Request to authorize the City Manager, or his designee, to begin the procurement process for a comprehensive risk management software system for early intervention based on individual performance and other measurements for the Police Department. Staff will review and examine software systems and bring a recommended solution, through the procurement process, to the City Council within 60 days.

**THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.**

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.

- 1b **Authorization to Issue a Request for Qualifications (RFQu) to Create a Qualified Vendor List (QVL) for Public Opinion Research Firm Services** Page 4

Request to authorize the City Manager, or his designee, to issue a RFQu to create a QVL for a public opinion research firm(s) to solicit community input to help guide the creation of policies and strategies for the Police Department. Staff will develop a Qualified Vendors List and propose contracts for City Council approval in the Fall.

**THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.**

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.

**INFORMATION AND DISCUSSION (ITEM 2)**

- 2 **Police Department Civilian Review Board** Page 5

This report provides an overview of civilian review oversight board strategies in major city police departments. This report (with some updates) was presented at the Public Safety and Veterans Subcommittee meeting on March 13, 2019.

**THIS ITEM IS FOR INFORMATION AND DISCUSSION.**

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the City Manager's Office.

**ADJOURN**

For further information or for reasonable accommodations, please call the Management Intern, City Manager's Office, at 602-262-4449 or Relay 7-1-1 as early as possible to coordinate needed arrangements.

Si necesita traducción en español, por favor llame a la oficina del gerente de la Ciudad de Phoenix, 602-262-4449 tres días antes de la fecha de la junta.



## **Early Intervention Software Solution Procurement for Police Department**

Request to authorize the City Manager, or his designee, to begin the procurement process for a comprehensive risk management software system for early intervention based on individual performance and other measurements for the Police Department. Staff will review and examine software systems and bring a recommended solution, through the procurement process, to the City Council within 60 days.

### **THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.**

#### **Summary**

City staff will examine any program that provides a comprehensive, modular approach for managing sworn and civilian personnel. The system must allow the Police Department to store and view all officer performance data in one place with analytics-driven modules such as: Use of Force, Internal Affairs, Training Performance Evaluation, Community Engagement, Activity and Officer Profile.

#### **Procurement Information**

Staff is aware of at least one solution available on the market today; and will scan the market for any other systems available over the next 60 days. Any appropriate system will be reviewed with the best option presented to City Council for consideration.

#### **Financial Impact**

This item is for direction to begin the procurement process. A recommendation for a vendor and funding source will be brought back to City Council after Police, Finance, and ITS staff perform an evaluation of the software solutions.

#### **Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



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**Authorization to Issue a Request for Qualifications (RFQu) to Create a Qualified Vendor List (QVL) for Public Opinion Research Firm Services**

Request to authorize the City Manager, or his designee, to issue a RFQu to create a QVL for a public opinion research firm(s) to solicit community input to help guide the creation of policies and strategies for the Police Department. Staff will develop a Qualified Vendors List and propose contracts for City Council approval in the Fall.

**THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.**

**Summary**

City staff will find qualified vendors to provide a comprehensive, statistically valid review of attitudes and opinions about the Police Department. Public opinion research firms specialize in this type of research and survey data to inform policy decisions.

**Procurement**

The RFQu will be issued as soon as possible. Qualifications must include demonstrated objectivity, the ability to conduct focus group and in-person interviews, and statistical validation of sample size. Any successful proposer must demonstrate an ability to perform these research tasks in Spanish as well as English. In accordance with Administrative Regulation 3.10, Qualifications Based Selection, a list of qualified Offerers shall be established based on specific criteria, such as statements of qualification and work, key personnel and firm references.

**Financial Impact**

This item is for direction to begin the procurement process. A recommendation for approval of firms and funding source will be brought back to City Council in the Fall.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



## Police Department Civilian Review Board

This report provides an overview of civilian review oversight board strategies in major city police departments. This report (with some updates) was presented at the Public Safety and Veterans Subcommittee meeting on March 13, 2019.

### **THIS ITEM IS FOR INFORMATION AND DISCUSSION.**

#### **Summary**

Civilian Review efforts trace back to the 1920s. Back then the focus was on simply “reviewing” actions of municipal police agencies. The early efforts were not considered to be effective and in time they faded out. They were revived during the 1970s in the post civil rights era. There are now more than 100 variations around the country. Citizen oversight, civilian review, and citizen review boards have often been used as synonymous terms. In this report, the term civilian review will be used. Regardless of what it has been called, the intent has been to address one or more of the following:

- Increase transparency.
- Build trust.
- Increase police accountability.
- Deter police misconduct.
- Provide an accessible complaint process.
- Provide an avenue for investigations that have independence from sworn investigators.

Just like the early efforts of the 1920s, many of the entities formed during the 1970s have not been sustained. Thinking and practice has evolved over the years. Even now the idea of police oversight by civilians has no universal application. Jurisdictions that have it have essentially tailored an approach that they believe fits their particular situation. Of the 50 largest police departments about half have some form of structured independent civilian review. In Phoenix, civilian review occurs in participation alongside sworn members in use-of-force and discipline review boards formed by the Police Chief. There is also a civilian Civil Service Board which has the final say on appeals of discipline by sworn and civilian employees in the city, including police officers.

Most oversight agencies were created by one of two methods as part of a negotiated federal consent decree or as a result of a “tipping point” incident. In Atlanta it was the shooting of a 92-year-old woman. In Charlotte there was also a heavily scrutinized shooting, and in Seattle it was a 2010 incident that led to the Department of Justice coming into the city.

Many cities seek guidance from an organization called the National Association for Civilian Oversight of Law Enforcement (NACOLE), a non-profit that was established in 1995. It is run by a board of directors comprised of people in the field of civilian oversight. They host an annual conference that moves around the country, and offer classes in the current best practices of civilian oversight.

A review of NACOLE’s available information showed that Civilian Review can be characterized in three main areas:

**Review Focused  
Auditor/Monitor  
Investigations**

**Review Focused**

A Review Focused effort examines a predetermined set of issues. The individual reviewer or reviewing body relies on the Police Department’s original review, but takes an independent review of the results and issues independent conclusions. The issue can range from customer service complaints to uses of force up to and including deadly force. Review structures are advisory in nature and the review may take the form of agreeing or disagreeing with the administrative resolution or recommending more training to be done within the department to reduce the likelihood of a recurrence. This can be the least costly and least staff-intensive model.

Cities that have some variation of the Review Focused oversight include: San Antonio, Charlotte, Indianapolis, San Diego, Albany, and St. Petersburg.

**Auditor/Monitor**

The Auditor/Monitor model focuses on review of data with an eye for any trends that are spiking. Based on the data, the staff make recommendations to the police chief, city manager, review board, or city council. For example, if complaints of use of force were trending, the trend would be publicly noted and corrective actions would be

recommended. The authority level of the Auditor/Monitor would be spelled out in the Ordinance. The cost of this model depends on the number of auditors assigned.

Cities that use this model include: Tucson, New York, Los Angeles, New Orleans, Denver, and San Jose.

## **Investigations**

An Investigations model focuses on a staff that conducts an investigation separate from the Police Department. This is the most common option with subpoena power and disciplinary authority. At the time this information was gathered there were 19 models like this in use, each with subpoena authority allowing them to compel testimony from sworn personnel or civilians. In these communities a resident would not have to complain to an Internal Affairs Office. They could go straight to the Investigations Office to file their concern/complaint. After conducting a review of the case, the Office has the authority to determine discipline if a cause finding is rendered. This is the most staff-intensive and costly model.

Cities that have this model include: Boise, Washington, D.C. and Pittsburgh.

Whichever path a city chooses to take is typically spelled out in an Ordinance. The Ordinance not only makes clear what the Review entity will be, but also whether it will report to a board, City Manager, Police Chief, or City Council. The Ordinance would also allow for the creation of an office and staff if the model chosen requires that.

## **Examples in Practice**

### **San Antonio (Review)**

The City of San Antonio established a Complaint and Review Board that is contained in their collective bargaining agreement with the police union. The Police Chief can recommend up to 14 people to Mayor and Council. The current Board is comprised of seven sworn and seven civilians. This was initially negotiated into the labor contract back in the 1990s. When it started out it was seven sworn and only one civilian, moving to the current makeup almost eight years ago.

The group meets every other week and hears internal affairs cases as a group. They make a recommendation to the Chief for founded or unfounded allegations. Officers do not have to appear before the board but as trust is built up over time between the police and the community San Antonio reports that over 60% of their officers will voluntarily go in front of the board.

## **Tucson (Audit)**

The City of Tucson established the Office of Independent Police Auditor (IPA), that works out of the City Manager's Office. It was created to audit citizen complaint investigations that were originally processed through Internal Affairs. The IPA works to confirm if the investigation was complete, thorough, objective and fair.

In practical terms, when a resident is not satisfied with the initial outcome of a complaint they can request that the IPA office reviews it. However, the IPA does not process anonymous complaints. The office may request the department to do some additional work if they believe the investigation was not thorough enough. At the conclusion of the investigation, complainants are informed of the outcome.

## **Boise (Investigation)**

The City of Boise established the Office of the Community Ombudsman to investigate complaints of misconduct against police. In 2015, they changed the name to Office of Police Oversight. It is independent from all other city departments and reports directly to the Mayor. In addition to investigating misconduct, the Office also looks at police policies and practices. Its authority is based in the City Code.

In addition to taking complaints, the Board also takes commendations for an officer. The Director of the Office has the authority to initiate an investigation/inquiry concerning the operations, actions, or omissions of the department. They have subpoena powers to compel employees to answer questions. The Director also has the authority to order the parties into mediation to resolve a dispute that does not rise to a level requiring extensive investigation.

## **Charlotte (Review)**

The City of Charlotte established the Citizens Review Board as amended in 2015 and gave them the following authority:

They can hold hearings to hear an appeal of a complaint on the disciplinary disposition that was decided by the chief of police.

They can upon appeal from an affected party review any instance when an officer discharges a firearm that injures or kills a person.

They can have access to any case files that have been completed by internal affairs,

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including the audio tapes of all interviews that were conducted.

The Board is comprised of 11 members, five appointed by the City Council, three appointed by the Mayor, and three by the City Manager. The Board holds closed session hearings within 45 days of receiving any appeal from the public. They can receive sworn testimony from complainants. The Chief's office has the right to cross examine any witnesses.

The Board serves as an advisory body to the Chief of Police, the City Manager, and the City Council.

### **Minneapolis (Review & Audit)**

The City of Minneapolis established the Police Conduct Oversight Commission in 2013. The Commission is comprised of seven residents who meet once a month. Four are appointed by the City Council and three are appointed by the Mayor. They each serve a term of two years. Each member must go through training in order to serve. Their charge is to collect, review, and audit data and compile statistics on police officer misconduct. Their information is shared periodically with the Public Safety Subcommittee of the City Council.

They also review Police Department policies and training procedures and make recommendations for change. Additionally, the Commission implements a community outreach program and coordinates activities with the Minneapolis Commission on Civil Rights.

The meetings of the Commission are open to the public unless private data is to be reviewed. In that case, the law mandates that the meeting be closed. Up to three of their members also serve as liaisons to the Civil Rights Commission.

### **Prince George's County, Maryland (Review)**

The County of Prince George established a Citizen Complaint Oversight Panel that provides reports to the Chief Administrative Officer. They are responsible for ensuring that the investigations of alleged excessive force, abusive language, and/or harassments are complete, thorough, and impartial. They also ensure the report and recommendations of the investigating unit are reasonable and appropriate.

They make an annual report to the public along with recommendations for change to the Chief of Police. The Panel reviews all internal affair investigations and reported complaints. Complaints must be filed within 90 days of occurrence.

## **Newark (Investigation)**

The City of Newark, New Jersey established a Civilian Police Review Board in 2015 after a three-year DOJ investigation which led to a consent decree. The Board is comprised of 11 members including the inspector general, municipal council members and others. While the board does have subpoena authority, it does not possess the authority to discipline officers.

## **Current Practices in Phoenix**

### Police Chief's Citizen Advisory Boards

The Police Chief's Citizen Advisory Boards represent a long-standing best practice in community-policing. The first boards were established in the mid-1980's. Through the years, additional Advisory Boards have been established, the three most recent were formed in 2015. The Advisory Boards were created to establish a working relationship between the Police Department and the communities served in Phoenix.

The core values of the boards are to:

- Generate unity within the community and the Phoenix Police Department.
- Create a climate of trust between the community and the Phoenix Police Department.
- Provide a forum where the Phoenix Police Department can listen to community concerns and create solutions to social concerns and problems.
- Improve the quality of life to all members of the Phoenix community.

There are currently 12 Citizen Advisory Boards that represent the following communities:

- African American
- Arab
- Asian/Pacific Islander
- Cross Disability
- Faith-Based
- Hispanic
- Jewish
- Lesbian/Gay/Bi-Sexual/Trans-Gender (LGBTQ)
- Muslim
- Native American

- Refugee
- Sikh

The Advisory Boards are comprised of community leaders and have an assigned Chairperson and Co-Chairperson who maintain open communication with detectives assigned to the Police Department's Community Response squad. The Advisory Board members communicate public safety matters and concerns on behalf of their communities to the Police Department and communicate back the information provided by the Police Department regarding these matters.

The Phoenix Police Department promotes open lines of communication with the Advisory Boards through quarterly meetings and by attending numerous events held and promoted by the Advisory Boards throughout the year. The Department also dedicates two civilian positions to work with the Boards to build positive relationships through communications and education. In recent years, the Police Department's recruitment team has attended the quarterly meetings of the Citizen Advisory Boards to present information on the Department's hiring efforts as a means to increase diversity within the organization. Additionally, it is routine for the Police Chief and/or other Department personnel to attend culturally diverse events supported by the different Advisory Boards.

#### Police Department's Disciplinary Review Board

The Police Department has two review boards that are part of the organization's disciplinary policy (Operations Order 3.18.8).

The Disciplinary Review Board (DRB) is made up of seven members, two of which are Phoenix residents. The DRB reviews disciplinary reports that have been reviewed by an assistant chief that may lead to a suspension, demotion or termination. The DRB also reviews all use of force incidents found to be out of policy by the Department's Use of Force Board, and they make recommendations to the Police Chief regarding the degree and severity of disciplinary action to be taken.

#### Police Department's Use of Force Board

The Department's Use of Force Board (UFB) is made up of six members, three of which are community members. The UFB conducts a timely review into Police employee (and Fire arson investigator) involved shootings and other use of force incidents. They examine all related support documentation surrounding the aforementioned types of incidents to determine if the incident was consistent with

established Police/Fire Department policy. They also examine all related policies and procedures governing the administrative handling of employee involved shootings and other use of force incidents, and they are responsible for making recommendations for change necessary for maintaining Police/Fire Department policy accountability, control and integrity or training methods.

Employees have the right to appeal to the City's Civil Service Board when imposed discipline is a suspension, demotion or termination.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the City Manager's Office.