



City of Phoenix

To: Mayor and City Council

Date: August 12, 2021

From: Ed Zuercher
City Manager

A handwritten signature in black ink, appearing to read 'Ed'.

Subject: Challenge Coin Summary

This report provides a summary of the findings from the in-depth investigation conducted on behalf of the City Manager's Office by Ballard Spahr, LLP, into challenge coins and related memorabilia circulated among Phoenix police officers depicting the shooting of a protestor during an August 2017 protest of then-President Trump's visit to the Phoenix Convention Center.

Based on the investigation, the City Manager has taken the following actions:

- Individuals are being formally investigated by the Professional Standards Bureau for their role in creating or distributing the coin or other memorabilia in violation of existing Police Department policy. The result of the PSB investigation which will soon conclude, may be discipline issued to individual employees based on PSB findings.
- Chief Williams has received a written reprimand from the City Manager in accordance with City policy.
- In addition to their original tasks, the city's contracted external review team, 21 CP Solutions, has been tasked to provide an assessment of the Downtown Operations Unit and the Tactical Response Unit and recommend to the City Manager and Police Chief the appropriate reforms to these units. This information will be presented to the City Council.
- Any TRU personnel named in the report will no longer serve in the TRU.
- Chief Williams has been directed to write new policies or strengthen existing policies to deter any future activity in the following areas:
 - Prohibiting hate speech
 - Prohibiting disparaging images, slogans or statements about residents, protestors or clients of the Police Department
 - Prohibiting political speech while on duty
 - Guidelines requiring specific approval from the Chief's office for the creation and distribution of commemorative items, including challenge coins
 - Guidelines for gifting of items by supervisors to subordinates
- Chief Williams has been directed to create a new procedure for department supervisors and executives for documenting informal investigations to ensure transparency

In summary, the attached report finds:

- The creator of the image of the protestor or the creator of the challenge coin could not be determined; as the Report notes, the image appeared on social media postings the day after the event and soon appeared on items offered for sale online including by certain alt-right groups
- It does not appear that City funds were used to create or purchase challenge coins or related memorabilia with the images at question, though city resources such as interdepartmental mail service were employed in distribution of the coins
- Some challenge coins and memorabilia were exchanged or purchased among and by officers on City property and on City time
- Officers understood the “Making America Great...” phrase had a political connection to the campaign of the former president
- The investigation found no evidence of City employees having knowledge of a connection to hate speech, and no finding of any City of Phoenix employee linked to white supremacist ideology in using, distributing, or possessing the protestor image or the challenge coin.

However, Ballard Spahr’s investigation does lead to other concerning findings that raise significant issues that I am addressing, including:

- Distribution of a coin identified with the Phoenix Police Department that uses a phrase – “Good Night Left Nut” – that has ties to hate speech, regardless of whether the employees knew of those ties
- Use of partisan political speech – “Making America Great Again...” – on a coin circulated among PPD
- Creation, use and circulation of a disrespectful image of a protestor being shot in the groin by a Phoenix police officer
- Distribution by supervisors to subordinates of items that potentially violate police policies
- Use of informal investigations without documentation to validate their efficacy
- A lack of follow-up by executive police leadership
- Limits placed on Ballard Spahr’s investigation by the police officer bill of rights and the City’s MOU with the Police union.

The limits to their investigation encountered by Ballard Spahr arise from Ballard’s status as non-city employee investigators. This limitation will be addressed in the future through an independent review team of city employees, which the Council has created in the Office of Accountability and Transparency (OAT).

These findings are taken seriously and will be addressed through the actions stated above.

c: Jeff Barton
Chief Jeri Williams
Cris Meyer

City of Phoenix

Challenge Coin Investigation

August 3, 2021

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I. Executive Summary

This report contains the factual findings, conclusions, and recommendations of Ballard Spahr investigators (the “Investigation Team”) as to the “challenge coin” that circulated among Phoenix Police Department (“PPD” or the “Department”) officers depicting a caricature of a protestor who had been injured by police munitions along with the phrases “Good Night Left Nut” and “Making America Great One Nut at a Time.” Additionally, in light of widely reported similarities between the phrasing on the coin and right wing fascist groups, the Investigation Team was tasked with determining the origin of the coin’s phrasing and determining whether any of the PPD officers who distributed and/or possessed the coin did so knowing of the phrasing’s potential connections with alt-right or fascist ideologies. Because only PPD possesses direct disciplinary authority over its employees,¹ the goal of this investigation was not to take adverse employment action. However, investigators provide this report and recommendations with the understanding that the City and PPD may use it in any investigative or personnel decisions they make moving forward.

As set forth more fully below, as part of its investigation, the Investigation Team reviewed over ten thousand documents received from a variety of sources, including litigation filings, Department e-mails, Department personnel files, and Department policies and procedures. Additionally, the Investigation Team received written responses to questions from thirteen witnesses and conducted nine witness interviews. However, the Investigation Team’s information gathering was impeded in several ways, including being denied access to certain contemporaneously maintained records, including text messages, and the refusal of several witnesses to sit for interviews. Nevertheless, the Investigation Team was able to make several findings.

First, the Investigation Team determined that not only the challenge coin, but other similar items – including patches, hats and shirts similarly celebrating the protest incident – circulated among dozens of Phoenix police officers. These items were circulated by a number of different officers interviewed by the Investigation Team, and all of whom denied any direct connection with each other. Accordingly, from the information the Investigation Team was permitted to review, multiple Phoenix police officers independently purchased from internet vendors memorabilia depicting the injured protestor during the same time frame. Many of those items contained the phrase “Good Night Left Nut,” however, it appears only the challenge coin also contained the phrase “Making America Great One Nut At A Time.” In some cases, these items were sold; in others they were circulated as gifts.

While it became clear who ordered coins and related memorabilia, the Investigation Team uncovered no evidence of the coin’s creator, who may be someone unrelated to PPD, given the widespread internet posting of the coin’s images and phrasing. While someone in PPD may have appropriated the image for use on memorabilia, the Investigation Team did not find any evidence that any PPD officer actually came up with the idea for the image or accompanying text.

¹ This report does not opine any further on employment or disciplinary decisions, though it will at times note relevant PPD procedures in explaining the difficulties that investigators faced in gathering facts. This report also expresses no legal opinion regarding the extent of either the City or PPD to take employment action in this scenario or any other.

Second, these items, including the challenge coin, were routinely circulated during work hours and at work locations. However, there is no evidence that City funds were used to create or purchase any of these items.

Third, the Investigation Team did not find any evidence that any officers knowingly associated the phrase “Good Night Left Nut” with the neo-Nazi phrase “Good Night Left Side” or intended any of the circulated memorabilia to associate with far-right or fascist ideologies. However, the phrase “Making America Great One Nut at a Time,” which appeared on the challenge coin, was knowingly associated with former President Trump’s campaign slogan “Make America Great Again.” Coupled with the coin’s derogatory depiction of a protestor injured while demonstrating against former President Trump, the coin can fairly be viewed as conveying both the disparagement of protest activity as well as an endorsement of former President Trump.

Fourth, it appears the dissemination of the protest memorabilia may implicate PPD’s conduct standards and rules. However, applicable regulations should be modified to more directly address and avoid potential misconduct in the future.

II. Factual Background

a. August 22, 2017 Protest

On August 22, 2017, President Trump and several other federal dignitaries arrived in Arizona for a planned rally at the Phoenix Convention Center, in downtown Phoenix. Thousands of protestors and supporters gathered downtown throughout the day.ⁱ Police reported groups arriving as early as 3:00 am the morning of the 22nd, and growing throughout the day.ⁱⁱ By 5:30 p.m., a line for entrance to the rally had formed at the Convention Center and wound through downtown.ⁱⁱⁱ A large group of protestors had also gathered.

In preparation for President Trump’s visit and the anticipated protest, PPD coordinated with multiple federal, state, and local agencies on the City of Phoenix Incident Management Team (“IMT”). The team worked to implement the National Incident Management System (“NIMS”), which is intended to assist agencies in “reduc[ing] loss of life, property, and harm to the environment.”^{iv}

Various groups of PPD were involved in the implementation of the NIMS. The Tactical Response Unit (“TRU”) was assigned to run operations in collaboration with United States Secret Service, other Phoenix public safety agencies, Convention Center staff, and City of Phoenix leadership.^v

The Tactical Response Unit (“TRU”) of Phoenix Police is the unit tasked with crowd control and intervention at large events and protests.^{vi} Among the TRU’s membership are PPD Grenadiers—those officers trained in the issuance of munitions.

On August 22, Commander Brad Burt served as the Incident Commander and Lieutenant Benjamin Moore served as the TRU Field Force Commander, overseeing operations on the ground.^{vii} Throughout the evening, the protests devolved into alleged violence, with various reports of protestors defying law enforcement instructions, damaging property and throwing items in the direction of law enforcement. Law enforcement responded by deploying smoke grenades, pepper balls, and then OC grenades in the direction of protestors.

During the time that TRU officers were deploying munitions in the direction of protestors, Officer Christopher Turiano, a Grenadier, struck a protestor – Joshua Cobin, who kicked a smoke canister back at police officers – with a powder round in his lower torso or groin.^{viii} Cobin fell to the ground and was helped by a fellow protestor.^{ix}

Cobin was later arrested and charged with aggravated assault and unlawful assembly.^x Cobin ultimately pled guilty to misdemeanor unlawful assembly and prosecutors dropped the aggravated assault charge.^{xi}

In 2019, Cobin filed a civil lawsuit against the City of Phoenix, Police Chief Jeri Williams, and individual officers: Lieutenant Benjamin Moore, Officer Christopher Turiano, Officer Robert Scott, and Sergeant Doug McBride.^{xii} The court later dismissed Cobin’s complaint with prejudice.^{xiii}

b. Aftermath of Protest

Phoenix Police Department’s response to the August 22 protest, and its various interactions or altercations with protestors during the event are outside the scope of this report. While the tenor of the weeks after the protest are important, they are relevant to this investigation only in the context of how PPD reacted to the Joshua Cobin incident.

i. *Class Action Lawsuit*

In September 2018, a group of protestors present at the August 22 event, along with Puente and Poder in Action—two Arizona nonprofit groups—filed a class action complaint against the City of Phoenix, Chief Williams, and several members of the TRU: Lt. Benjamin Moore, Sgt. Doug McBride, Officer Robert Scott, Officer Christopher Turiano, Officer Glenn Neville, Officer John Sticca, Officer Lane White, Officer Jeff Howell, and Sgt. George Herr.^{xiv} Plaintiffs allege that PPD’s response to the August 22 protest constituted an excessive use of force under 42 U.S.C. § 1983, and violated the First and Fourteenth Amendments.^{xv}

This action is ongoing, as competing Motions for Summary Judgment are pending in front of the District Court. Importantly for purposes of this investigation, both sides engaged in extensive document discovery. While some documents are sealed and were not made available by counsel to the parties due to a protective order entered in the case, some documents are public record. The existence of the challenge coin came to light during discovery in this case. Accordingly, Defendants were asked about the coin during their depositions, and it was mentioned in some of the dispositive motion briefs and accompanying statements of fact.

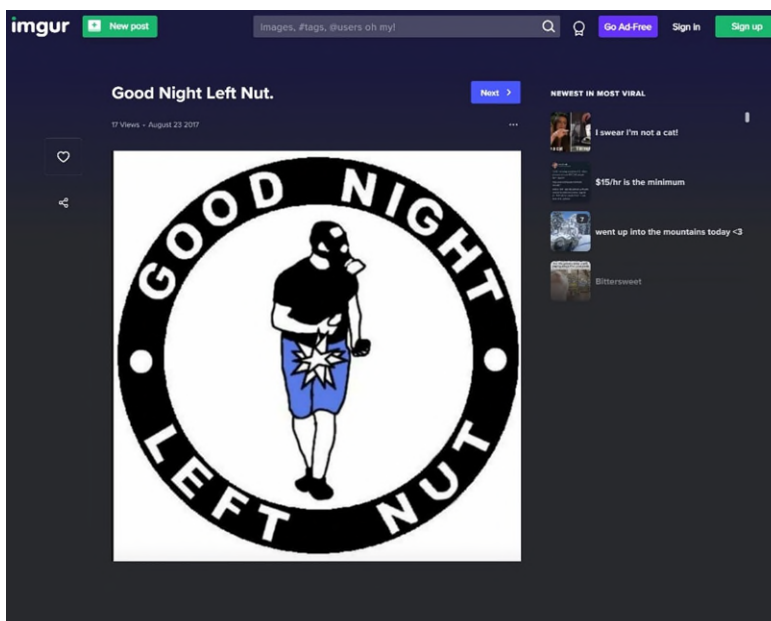
ii. *Derogatory Depictions of Joshua Cobin*

Shortly after the August 22, 2017 protest and corresponding police response, images, video clips, and memes depicting Cobin’s injury began circulating on the internet. Due to its live broadcasting, the incident attracted public attention.

As soon as August 23, various Phoenix police officers posted about the incident on social media, mocking Cobin.^{xvi} Also on August 23, Cobin hosted an “Ask Me Anything” on the website Reddit,

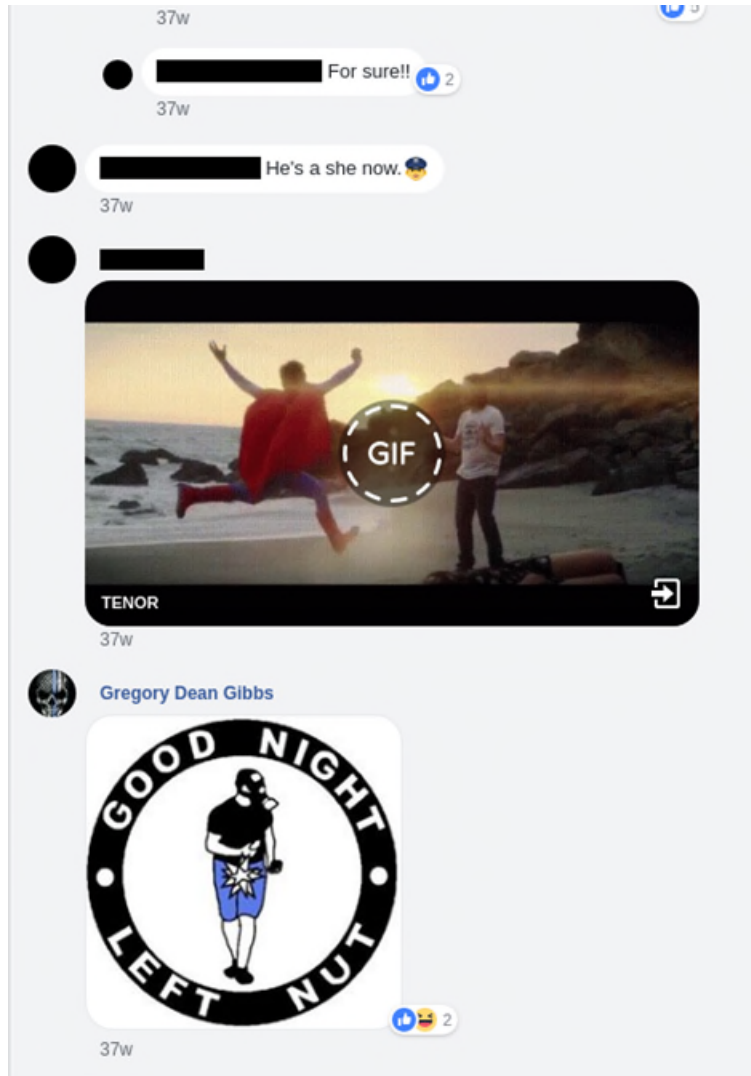
where he admitted to being the protestor in the video who kicked the gas canister back toward police.^{xvii}

Among the posts circulating on social media was a cartoon image of a protestor wearing blue shorts and a gas mask, just as Mr. Cobin was the night of the protest. In this image, the protestor is shown with a marking near his groin, apparently indicating impact from Officer Turiano's munition. Around the image are the words "Good Night Left Nut." This image appeared online² as early as August 23, in various open-sourced media sites, such as Imgur:



Similarly, the cartoon image of Mr. Cobin began circulating on social media sites within days of the August 22 protest, including in a Facebook comment posted by former PPD officer Gregory Gibbs on August 23:

² Chief Williams said that PPD would review social media posts for potential officer misconduct. Phoenix New Times, *Trump Protestor Shot in Genitals by Phoenix Police Sues After Facebook Posts*, <https://www.phoenixnewtimes.com/news/man-shot-genitals-phoenix-cops-sues-after-facebook-posts-11310214> (July 5, 2019). Investigators have not encountered any evidence suggesting that PPD investigated these social media posts or disciplined any officers in connection with them.



A relevant social media post by Sergeant Doug McBride was also disclosed in the *Puente* litigation. Citing a protective order entered in that litigation, Sergeant McBride has prohibited the disclosure of the content of that social media post in this Report. However, an accompanying declaration was filed publicly, and Sgt. McBride explains the post as follows:

I have reviewed the Facebook post that Plaintiffs included in their Motion for Partial Summary Judgment as Exhibit 149. That exhibit shows a comment I made on my private Facebook page on August 25, 2017. I made that Facebook comment after seeing an online vendor selling patches that were referencing a video that had gone viral. The video was about something that had happened on August 22, 2017. A man in a gas mask kicked a canister at officers and was then struck by a munition in the lower abdomen. The patches said “Good Night Left Nut.” . . . I meant for my Facebook comment to be a tongue-in-cheek reference to that viral video. I wasn’t suggesting that any of the Grenadiers should actually adopt, or did adopt, the patch. I knew my private Facebook friends would understand that I was just making a sarcastic reference to the online video.^{xviii}

Investigators asked Sgt. McBride about his social media, both in written questions and during his live interview. On both occasions, counsel for Sgt. McBride objected to the questions and advised Sgt. McBride to decline to answer them. Investigators also requested that Sgt. McBride voluntarily produce a copy of this specific post, which would render it available for reference in this report. Sgt. McBride declined to do so.

III. Subject of Investigation: Challenge Coin and Related Memorabilia

A challenge coin is a memorabilia item that officers in various law enforcement agencies, including PPD, exchange and collect. Coins often commemorate specific events or operations, and some are created for specific bureaus or teams within the Police Department. A review of internal e-mails produced by the City showed that dozens of challenge coins are created each year, for various purposes.

Based upon a review of e-mails produced by the City, as well as *Puente* deposition testimony, and interviews conducted in this investigation, it appears that individuals in various departments are either assigned or take it upon themselves to design challenge coins. Frequently, those coins are sold to other members of their department or the larger PPD. It was unclear from the e-mails reviewed whether all the coins were privately financed by the officers involved or whether certain challenge coins were at least initially funded by City monies.

During an interview conducted in the course of this investigation, Chief Williams said she was unaware of any official policy governing the purchasing of challenge coins, but that the department has guidelines about the use of city money and she hoped coins were purchased with private funds.^{xix} Most frequently, officers who wish to obtain a coin appear to pay for it with their own money.^{xx}

a. “Good Night Left Nut” Challenge Coin



Front of Coin

Back of Coin

After August 22, 2017, a challenge coin and related memorabilia were created, bearing the same cartoon rendering of Mr. Cobin’s protest injury. The above image depicts both sides of the challenge coin. The side bearing the Cobin image also reads “Good Night Left Nut.” The reverse of the coin appears to commemorate the August 22 protest, bearing the date inscription and

“Phoenix, Arizona.” That side of the coin also reads “Making America Great Again One Nut at a Time,” both a reference to and an apparent endorsement of former President Trump.

Other types of memorabilia and merchandise bearing the same or similar images and text were created around the same time as the challenge coin. Throughout this investigation, members of PPD have recalled the existence of patches, hats, t-shirts, stickers, and possibly other items.

While it appears that the challenge coin and related memorabilia have been in existence since at least December 2017, Chief Williams stated that she did not become aware of the coin until the *Puente* litigation entered discovery. Shortly after an image of the coin was produced in that case, Plaintiffs deposed several Phoenix Police witnesses and questioned them about the coin.

Chief Williams was deposed on August 21, 2019.^{xxi} Chief Williams recalls that she had never seen a picture of the coin nor heard of its existence until a few moments before her deposition, when her attorney brought it to her attention.^{xxii} During her deposition, Chief Williams testified that she had seen the coin, but only in the context of her preparation for the deposition.^{xxiii} Chief Williams had previously seen the related images on social media, though, and as early as a month before her deposition, had indicated that PPD may pursue an investigation of the officers involved in posting them. Chief Williams testified that she may consider creation of the coin to be inappropriate conduct for a Phoenix police officer, but that such a conclusion depended upon “the totality of the circumstances.”^{xxiv}

IV. Areas of Investigation

a. Creation of the Coin

While Ballard Spahr was retained to investigate the challenge coin generally, the investigation focused largely on the circumstances surrounding the coin’s creation: who designed and produced the coin, when the coin was created, whether the language and images on the coin have particular meaning that was known to Phoenix police officers, and how creation of the coin was financed.

In addition to the challenge coin, the investigation revealed the existence of memorabilia other than metal coins, bearing the same text and images as the coin itself. For example, the investigation indicated that early on, someone created rubber medallions or fabric patches, as well as apparel such as t-shirts and hats. Thus, it is possible that whoever had the original idea to create this memorabilia was not the same person who actually ordered and/or distributed the challenge coins. It is further possible—even likely—that the person(s) responsible for the creation of the original cartoon image of Mr. Cobin were not the creators of the coin or related memorabilia, and that the creators used images and associated phrases they found online. Nonetheless, every effort was made to discern relevant facts about any and all merchandise bearing the image and language at the center of this investigation.

b. Distribution and Possession of Coin

In addition to the origin of the coin, investigators sought to determine the extent of its circulation throughout PPD. This required investigation into the specific methods of distributing the coin, including: whether it was sold or given as a gift, how funds were transferred, whether any City

funds were used in the transfer of the coin, how widespread possession of the coin was in PPD, and whether possession or distribution of the coin was ever sanctioned by PPD leadership.

c. Investigation or Action Taken by PPD Leadership

Initially, investigators were under the impression that PPD leadership had little to no knowledge of the challenge coin and related memorabilia, and thus had not performed any official investigation or related discipline. It became clear as the investigation proceeded, however, that certain members of PPD leadership were aware of the challenge coin in real time and took limited investigatory steps. Thus, the relevant question for investigators was to discern the scope of any such internal investigation, as well as its efficacy and any discipline that arose from it.

d. Connection to Outside Groups or Hate Speech

Given the specific and derogatory nature of the illustration and language on the coin, investigators attempted to determine whether it had any connection to groups outside PPD—specifically, any groups with alt-right, fascist, white supremacist or Neo-Nazi affiliations. This aspect of the investigation arose from interpretations of the language on the coin. “Good Night Left Nut” appears to be a play on the phrase “Good Night Left Side,” which is commonly employed by alt-right or white supremacists organizations to promote violence against perceived left-wing actors, and which apparently stems from an intentional appropriation of the anti-racist phrase “Good Night White Pride.” These alt-right groups often distribute an image similar to the one on the challenge coin. An example provided below is easily accessible on the internet and often circulated by hate groups.



Further, the phrase “Making America Great Again One Nut at a Time” denotes a connection with former President Trump’s campaign slogan, “Make America Great Again.” Investigators hoped to discern whether the coins had any connection to this outside political campaign and whether the officers who created, purchased or possessed such coins endorsed that particular political candidate or ideologies associated with him. This is particularly relevant, given that the underlying protest in August 2017 involved individuals opposing former President Trump, and any memorabilia negatively depicting a protestor and containing the politically associated phrase may imply an animus toward those protestors and protected First Amendment activity.

V. Investigatory Steps Taken

a. Administrative Restrictions on Investigation

This investigation was inhibited by differing understandings of the parties' obligations to assist investigators among the Phoenix Police Department, its officers, and the City of Phoenix.

i. *Arizona Peace Officer Bill of Rights*

First, Arizona law provides for a set of rights guaranteed to all peace officers. *See* A.R.S. § 38-1101 *et seq.* These rights may be modified by agreement between employers and officers or officers' union representation. A.R.S. § 38-1102. Most pertinent to this investigation, A.R.S. § 38-1104 provides for officer rights and safeguards in investigative interviews. Among other things, this section provides for the officer's right to have a non-attorney representative present during the interview, and requires the officer's employer to serve him or her with the following before an interview: "written notice informing the officer of the alleged facts that are the basis of the investigation, the specific nature of the investigation, the officer's status in the investigation, all known allegations of misconduct that are the reason for the interview and the officer's right to have a representative present" A.R.S. § 38-1104(A)(2). Further, the employer must provide "any relevant and readily available materials, including complaints that contain the alleged facts" giving rise to the interview. *Id.*

Importantly, these officer rights are only triggered when "the employer or law enforcement officer reasonably believes that the interview could result in dismissal, demotion or suspension." A.R.S. § 38-1102(A). Here, investigators did not believe that the interview rights applied, as Ballard Spahr's investigation, conducted on behalf of the City of Phoenix, could not result in discipline or dismissal. While representatives of the City with whom investigators worked on this matter agreed with this outlook, certain officers, through their representatives, made it clear they disagreed and feared discipline based on interviews they may give.

This disagreement between interviewers and interviewees led to a delay in the investigation, and required the City representatives who worked with investigators to seek written Notices of Investigation ("NOIs") from PPD, who then had to serve them on its employees.

ii. *Memorandum of Understanding*

In addition to statutory rights, Phoenix Police officers are entitled to rights provided by the Department's Memorandum of Understanding ("MOU") with the Phoenix Law Enforcement Association ("PLEA"), the union that represents police officers.

While many of the rights conferred by the MOU are also present in statute, the MOU serves to clarify investigative procedures. Notably, it discusses only those procedures that have an impact on an officer's "individual employment rights and obligations."^{xxv} In other words, like the rights conferred by statute, the MOU rights are activated by an investigation that could affect an officer's employment. And in keeping with the City's and Ballard Spahr's understanding, these investigations that could negatively impact an officer's employment are limited to those conducted by PPD's Professional Standards Bureau ("PSB"). The MOU refers consistently to PSB

interviews and investigations, as those are necessary steps the Department would undertake before initiating adverse action against an officer.

Notably, the MOU guarantees a right of representation to an officer who requests it when he or she “is the subject of an administrative investigation by the [PSB], any Police Department supervisor, or other City employee who is conducting an investigatory interview or interrogation.”^{xxvi} But here, outside investigators from Ballard Spahr—not City employees—conducted the interviews and investigation. Further, none of the officers interviewed were “the subject” of the investigation, as the investigation was aimed merely at gathering facts about the challenge coin. Nonetheless, every officer interviewed in this investigation was permitted to have representation present.³

iii. Parallel PSB Proceedings

At the outset of the investigation, the City intended to conduct a concurrent PSB review. However, in light of concerns over the ability of the Investigation Team to fully conduct its investigation at the same time of a formal PSB review, the parallel PSB proceedings were paused.⁴ This intervening period caused a delay in the investigation conducted by Ballard Spahr.

b. Interviews Conducted in Investigation

Noting the above section regarding the investigators’ limited authority to mandate interviews or require cooperation,⁵ investigators interviewed a number of current members of the Phoenix Police Department. Even these interviews were, at times, circumscribed by the processes described above.

i. Current Phoenix Police Officers

At the outset of the City’s investigation, before Ballard Spahr was retained, NOIs were served upon a group of officers in early to mid-February 2021.⁶ The original intent was that these officers would be interviewed either by PSB or outside investigators.

³ Chief Jeri Williams and Assistant Chief Steve Martos did not request to have counsel present when they spoke with investigators.

⁴ PSB investigations may resume after the conclusion of this external inquiry—Ballard Spahr’s Investigation Team will have no role in any such process.

⁵ As investigators retained by the City of Phoenix, Ballard Spahr investigators did not possess subpoena power or other tools by which they could compel participation in the investigation or production of documents including text messages.

⁶ While it is not entirely clear, it appears this list was generated—at least in part—based on the list of witnesses deposed in the *Puente* litigation.

Upon retention, investigators identified the following officers whom it would seek to interview: Officers Jeff Howell, Christopher Turiano, Lane White, John Sticca, and Glenn Neville, Sergeants George Herr and Doug McBride, and Lieutenant Benjamin Moore.

Investigators first made contact with the above-named officers via letter on March 24, 2021. At this time, investigators were seeking the officers' consent to examine data obtained from their cell phones as part of discovery in the *Puente* litigation. Shortly after sending these letters, investigators received responses from attorney Steve Serbalik on behalf of Officers Howell, Sticca, and Neville, Sergeants Herr and McBride, and Lieutenant Moore. Mr. Serbalik noted concerns with use of the officers' previously obtained phone data and declined the request, but each of his clients offered to respond to investigators' written questions.

Attorney Cassidy Bacon responded to the March 24 letters on behalf of Officers White and Turiano, and declined on their behalf to allow access to their cell phones. Ms. Bacon originally offered that Officers White and Turiano would provide written responses to questions, but revoked the agreement when she learned that neither Officer White nor Officer Turiano had been served with an NOI.^{xxvii}

While facilitating conversation between Ms. Bacon and City representatives to discuss the NOI issue, investigators prepared a series of written questions for each officer represented by Mr. Serbalik. Each of Mr. Serbalik's clients responded in a limited fashion to the written questions on April 2, 2021.

The answers to those questions indicated that Officer Neville, Sgt. McBride, and Lt. Moore had some involvement with the coin and may have further information to provide investigators. Through consultation with Mr. Serbalik, investigators arranged for voluntary interviews for each of these members of PPD. Those interviews, which took place via video conference on May 5, and May 12, 2021, provided further information and leads for investigators.

Information from the interviews with Sgt. McBride and Lt. Moore led investigators to seek an interview with Sgt. Steve McClellan, also represented by Mr. Serbalik. After Sgt. McClellan was served with an NOI, he agreed to provide written responses to investigators, and then sat for a follow-up voluntary interview. Taken together, Sgt. McClellan's participation established that he possessed a challenge coin and discussed the coin with civilians whom he believed to be members of a right-wing group present at an event in 2018 where he was providing off-duty police services, and which was captured on video and later broadcast on the local news.^{7xxviii}

While interviews with the initial group of officers represented by Mr. Serbalik were underway, investigators and City representatives were still discussing written responses with Ms. Bacon. In

⁷ The video of Sgt. McClellan seemingly bragging about possessing a challenge coin to members of the Patriot Movement AZ – a known right-wing organization – further creates the appearance that Phoenix police officers are overtly and in their official capacities aligning themselves with right-wing protest groups. In his interview, Sgt. McLellan explained that he engaged with the protestors only in an effort to keep them from disrupting the public children's event that he was working at the time of their encounter.

short, Ms. Bacon demanded that the Department provide an NOI and underlying documents demonstrating Officers White's or Officer Turiano's involvement with the facts underlying the investigation. Accordingly, investigators worked with the City to serve Officers White and Turiano with NOIs, and to explain to Ms. Bacon that their participation could be compelled as part of the ongoing investigation. After the initial refusal to cooperate with the investigation, the written responses of Officers White and Turiano were finally received on May 7, 2021. This delay and the officers' refusal to be interviewed limited the efficacy of their participation in terms of advancing the investigation.

After these initial interviews or written responses, investigators sought to speak with Detective Tobi Myers, who is also represented by Ms. Bacon. After being served with an NOI, Detective Myers participated in an interview. Investigators had learned that Detective Myers bought items related to the coin and distributed them to various PPD colleagues, including Sgt. McBride.

In the final days of the investigation, after interviewing other officers, investigators learned of the possible involvement of Sgt. Jantra Palmer. After being served with an NOI, Sgt. Palmer provided responses to written questions and later sat for a voluntary interview. Sgt. Palmer denied creation of the coin, but admitted to possessing dozens of coins that her husband, a retired PPD detective, ordered online while he was still employed by PPD. Sgt. Palmer distributed those coins throughout PPD, and was able to provide a partial list of the officers who she had given coins to, including officers in her squad, whom she supervised.

ii. Former Phoenix Police Officers

In addition to the active-duty Phoenix Police referenced above, investigators reached out to several former Phoenix Police Officers believed to have played a role in the creation, production or dissemination of the challenge coin or related memorabilia. As the following individuals are no longer employed by the Phoenix Police Department, they could not be served with NOIs and could not be compelled to cooperate with investigators.

First, and before becoming aware of his wife's involvement, investigators contacted retired Detective Sam Palmer, who served in the Phoenix Police Department's Homeland Defense Bureau at the time of the August 22, 2017 protest and the subsequent events around the challenge coin. Sergeant Palmer's attorney contacted investigators to decline participation in the investigation on his client's behalf.

Next, on May 10, 2021, investigators contacted retired Lieutenant Patrick Hoffman, who served in the Phoenix Police Department's Traffic Bureau at the time of the August 22, 2017 protest and the subsequent events around the challenge coin. Over the phone, Lieutenant Hoffman refused to answer any questions or participate in the investigation in any way.

These former officers' refusal to participate certainly limited the scope of information that investigators were able to collect, and facts gathered from other avenues indicates that both Detective Sam Palmer and Lt. Hoffman played important roles in the dissemination – and possibly the creation – of the challenge coin.

iii. *Phoenix Police Leadership*

Investigators spoke with Phoenix Police Chief Jeri Williams in a voluntary interview via video conference on April 26 and June 15, 2021. Specifically, investigators spoke with Chief Williams about her knowledge of the challenge coin's existence and when she came to be aware of it, any efforts the Department made to investigate the incident, and any relevant Department policies concerning memorabilia of this nature.

Investigators also spoke with Assistant Chief Steve Martos in a voluntary interview via video conference on May 1, 2021. Specifically, investigators wished to speak with Assistant Chief Martos about his knowledge of Detective Tobi Myers, who admitted in a 2018 e-mail to purchasing items bearing the cartoon image of Josh Cobin. This e-mail, Assistant Chief Martos's conversation with Detective Myers, and investigators' interview of Detective Myers are discussed in greater detail in forthcoming sections.

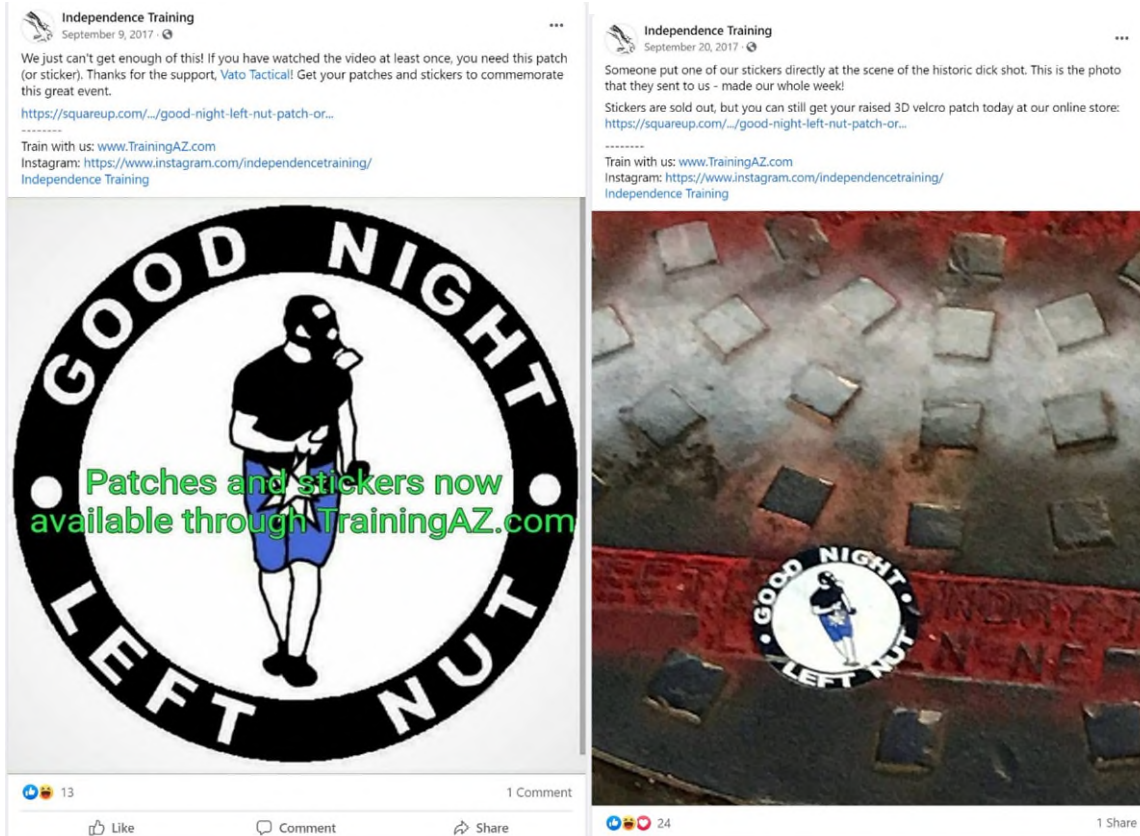
c. Review of Documents Related to Challenge Coin

Investigators reviewed a large number of documents, both those that were publicly available and those that the City made available via records searches. There were three main categories of documents reviewed, totaling thousands of pages: documents available via public sources (i.e. social media posts), documents filed in the *Puente* litigation, and documents provided by the City (i.e. officer e-mails and personnel files).

i. *Open Source Documents*

Investigators began by searching the internet for posts related to the challenge coin, the phrase "Good Night Left Nut" and other postings related to the August 22, 2017 protest. The earliest post containing the Cobin image and "Good Night Left Nut" that investigators located was from August 23, 2017—the day after the protest.

Further searches turned up numerous websites selling memorabilia such as patches or stickers with this image and phrase. These pages show that the memorabilia was on sale as early as September 2017, mere weeks after the protest:



Next, a review of the Plainview Project⁸ turned up derogatory or mocking posts and comments by Phoenix Police Officers, including Officer Steve Dolack (identified in Facebook posts below as Steve Kcalod) regarding Mr. Cobin and the August 22 protest.

⁸ “The Plainview Project is a database of public Facebook posts and comments made by current and former police officers from several jurisdictions across the United States.” Plainview Project, <https://www.plainviewproject.org/> (last visited May 10, 2021).



Finally, a Facebook post by Sergeant Doug McBride was relevant to this investigation, and was discussed in greater detail earlier in this report.

ii. *Documents from Puente Litigation*

Parties to the *Puente* litigation produced a substantial number of documents in discovery that were helpful to this investigation. While many did not pertain directly to the challenge coin but provided useful reference regarding the August 22 protest, others documents dealt directly with the coin, as its existence became an ancillary issue in the lawsuit.

One of the first steps investigators took was to seek access to the data imaged from individual officers' phones during the *Puente* litigation. This data is still stored with a third-party vendor,

and investigators believed it to be the best chance to locate communications regarding the coin, as the phones were imaged much closer in time to the 2017 protest than any present search of the phones could produce. Thus, investigators first requested voluntary access to the imaged data from the individual officers named as Defendants in *Puente*. Each of these officers refused to provide consent for a search of the preexisting data.

The City simultaneously analyzed the issue and determined that it could seek the data without the consent of the officers, insofar as it pertained to work-related communications, produced in connection with a lawsuit against the City and managed by the City's attorney in the lawsuit. However, defense counsel for the City in *Puente* also represents the officers individually named as Defendants. Counsel thus cited an ethical obligation to withhold the pre-imaged phone data, absent consent from the officer Defendants. Despite investigators' assurances that the officers' phones would be searched only for information relevant to the challenge coin, each officer refused to provide permission for the City or its investigators to access the data.

Short of accessing the officer phones, investigators relied largely on filings⁹ in *Puente*, including deposition testimony, both sides' motions and accompanying statements of fact, and exhibits produced in connection with those motions.

iii. Documents Provided by City

The City provided access to officer e-mails, personnel files, reports, and other documents. Primarily, these documents were obtained by a search conducted using a set of search terms investigators generated and provided to the City.

These search terms turned up thousands of e-mail hits, requiring investigators to review around 9,000 e-mails. The vast majority of these proved to be not germane to the investigation, as a search for "challenge coin" turned up thousands of e-mails from around the Department discussing other challenge coins and memorabilia. Further, the efficacy of documents was limited the farther removed in time they were from the August 22, 2017 protest. As a large batch of the e-mails were written in 2019 through present day, they were largely nonresponsive to a targeted investigation.¹⁰

VI. Factual Findings

Investigators uncovered significant factual background of the coin's distribution amongst PPD employees, learning the specific identities of at least twelve officers who possessed the coin, and learning that perhaps dozens more possessed it when it was offered for sale by Detective Sam Palmer and Sgt. Jantra Palmer.

⁹ The parties in *Puente* entered into a protective order that required certain documents to be sealed, and only redacted versions were made available to the public. Certain of these documents were made available to the City and to investigators in their sealed, unredacted form.

¹⁰ The City has a 90-day e-mail retention policy, so many of the available e-mails were sent in the three months prior to their collection. In this instance, some e-mails were available from 2017 through present, due to a litigation hold issued in connection with the *Puente* case.

Most officers received the coin—either via gift or purchase—from another member of the Department. These exchanges largely appear to have taken place on City property and while officers were on duty, though it does not appear that any City funds were used in the transactions. Memorabilia other than coins was also distributed in PPD.

While it became clear who ordered coins, investigators uncovered no evidence of the coin’s creator. Further, investigators encountered no evidence that the people who possessed or distributed the coin made any connection between the phrase “Good Night Left Nut” and hate speech, though they acknowledge that the coin mocked an injured protestor and the coin appeared to endorse former President Trump, with the phrase “Making America Great Again One Nut at a Time.”

a. Creation of Coin

i. *Early Discussions Regarding the Memorabilia*

While the cartoon image of Mr. Cobin, surrounded by the text “Good Night Left Nut” appeared online as early as August 23, 2017, it remains unclear exactly when physical memorabilia bearing the image was first produced. But conversations indicating the existence of—or at least the idea for—memorabilia began as early as August 23.

1. Text Message from Lieutenant Hoffman to Lieutenant Moore

At 12:18 PM on August 23, 2017, Lieutenant Benjamin Moore received a text message from now retired Phoenix Police Officer Pat Hoffman, who refused to be interviewed as part of this investigation. The text reads, “I recommend the inscription ‘protestus interruptus’ to be used to make the patch/hat more presentable.”^{xxx} The message data indicates that it was received and read, but there is no accompanying response from Lieutenant Moore. In the *Puente* litigation, Lieutenant Moore’s counsel produced a declaration in which he states:

I have reviewed the text message that Plaintiffs included in their Motion for Partial Summary Judgment as Exhibit 302. That exhibit apparently shows a text message I received from Pat Hoffman on August 23, 2017. At that time Pat Hoffman was a lieutenant in PPD’s Traffic Bureau. I do not recall receiving this text message, but my understanding is that it was found on my phone during the discovery process in this case, so I agree that it was a text message I received. . . . I don’t know what Pat Hoffman was referring to in that text message. I also don’t remember responding to it.^{xxx}

Similarly, in an interview conducted by the PSB,¹¹ Lt. Moore said he did not remember receiving the text message and denied any role in the creation of the coin. While he is familiar with Lt.

¹¹ As explained later in this report, Lt. Moore’s PSB interview was conducted before investigators were retained. Investigators were not made aware of the interview until several weeks into the investigation. At that time, Lt. Moore’s attorney made available to investigators an unofficial transcript of the PSB interview.

Hoffman and said he could guess at the meaning of the text message based on the prior day's events, he did not at that time know of any patches or hats that Lt. Hoffman may have been referring to. And in an interview with investigators on May 5, 2021, Lt. Moore again denied any memory of receiving the text message from Lt. Hoffman, explaining that he probably tapped on the text message to open it and get rid of the notification on his phone, but that he received many messages in the days after the August 22, 2017 protest and does not recall receiving this one. While Lt. Moore explained that the text message data reviewed did not indicate he had responded to that message, this explanation does not eliminate the possibility that this message was part of a larger conversation or that there were other separate but similar conversations. On its face, Lt. Hoffman's text could be read as a response or a follow-up to an earlier text or texts, rather than a one-time unsolicited text to Lt. Moore.

In this regard, it bears noting that the Investigation Team was denied access to other text messages in the possession of the City's outside counsel in the *Puente* litigation; such access perhaps could have resulted in the review of additional texts relevant to Lt. Hoffman's text. The Investigation Team will recommend that PSB pursue the officer cell phone contents during any subsequent investigation into these events.

Notwithstanding Lt. Moore's recollection, the fact remains he received at least one text message the day after the August 22 protest plainly describing the creation of memorabilia concerning the protest.

2. Sgt. McBride's Reference to Team Patches

Sergeant McBride's first public reference to memorabilia bearing the Cobin image occurred shortly after Lt. Hoffman's text message to Lt. Moore. Two days after that text message exchange, Sgt. McBride posted on Facebook regarding the patch. As discussed above, Sgt. McBride has since averred that the post was meant to be facetious, and that the Grenadiers never adopted or purchased any patch bearing the Cobin image. However, his claim is belied by the fact that both coins and patches bearing that same logo and inscription were, in fact, circulated among members of the Grenadiers.

ii. Physical memorabilia first appears

Some time after Lt. Hoffman and Sgt. McBride each referred to the existence of patches or other memorabilia, the first manufactured products appeared.

1. Box of Memorabilia at Downtown Operations Unit

In the fall or winter of 2017, a box containing memorabilia bearing the Cobin image arrived at Phoenix Police's Downtown Operations Unit office at 333 East Jefferson.¹² Lt. Moore¹³ recalls that the box was already there when he arrived at the office in the morning, and that several colleagues informed him there was a box they had set aside for him. Lt. Moore says it is not uncommon for the DOU to receive unmarked packages, as members of the community often make donations of food or drink to the officers stationed there. This particular box was unmarked and had been delivered anonymously.

The box was being stored in the DOU briefing room, which is a high traffic area. Lt. Moore said that there are typically "people coming in and out of there all day long."^{xxx1} And Lt. Moore is unsure how long the box sat in the briefing room before he arrived that morning.^{xxxii}

Once Lt. Moore was alerted to the box's presence, he went to the briefing room to examine it. Inside the box, which was partially open, Lt. Moore could see items with the image of Mr. Cobin on them. He recognized the image as one that has since been shown to him on pictures of the challenge coin. Lt. Moore did not see any wording alongside the image, and did not remove items to examine them.

The box was full, and Lt. Moore could see its contents, but he did not examine each item in the box. In fact, Lt. Moore recalls leaving the items largely undisturbed, and making only visual observation. Nonetheless, he believes he saw t-shirts, baseball caps, and some circular items. Lt. Moore is unsure whether the circular items were made of fabric or metal, and is thus unsure whether they were the challenge coins at issue in this investigation.

Lt. Moore then called his commander, Brad Burt, to ask for guidance as to how he should handle the box. Commander Burt is since deceased. When asked why he felt the need to bring this box to Commander Burt's attention, Lt. Moore explained that he "didn't think we should probably have that image at work." Commander Burt asked Lt. Moore to wait while he called "a few chiefs," indicating that he was going to take this question to at least one Assistant Police Chief. Lt. Moore is unaware of which specific Assistant Chiefs Commander Burt called. The Assistant Chiefs who

¹² Investigators were unable to identify a specific date the package was received, as Lt. Moore recalled only that it arrived at some time in the fall or winter of 2017. In his own interview, Sgt. McBride recalled that he heard about the box and its contents from Lt. Moore after Christmas 2017. Thus, it is possible that Lt. Moore misremembered the date and the box did not arrive until the end of 2017. It is also possible that the box arrived in the fall but Lt. Moore did not inform Sgt. McBride or give him instructions concerning how to deal with the issue with his officers until December 2017.

¹³ Despite the fact that Lt. Moore discovered a box of various memorabilia commemorating the Cobin incident at the August protest at the DOU office at around the same time he received a text message describing the creation of this precise type of memorabilia, he denied drawing any connection between the two events, simply repeating that he did not recall seeing the text message, as described above.

supervised Commander Burt around that time have all since retired. Investigators contacted the two Chiefs to whom Commander Burt directly reported around that time to ask whether they recalled speaking with Commander Burt about the box. Retired Chief Sandra Renteria did not recall any such conversation. Retired Chief Harry Markley did not return investigators' phone call.

Commander Burt also asked Lt. Moore to stay with the box until he called-back, to be sure that no one removed any items. Approximately twenty minutes later, Commander Burt called back and instructed Lt. Moore to throw the box away. Lt. Moore recounted throwing the box away in the dumpster outside the DOU offices. He did not see the individual items as they fell out, though he recalls that they may have fallen from the box as it went into the dumpster. Lt. Moore further recalls that the dumpster was fairly empty, and that the items settled at the bottom, where he could hear them hit the metal dumpster.

After throwing the box away, Lt. Moore recounts going back inside DOU and complying with the next part of Commander Burt's instructions—searching the offices for any of the memorabilia. Lt. Moore says he checked all the spaces that were accessible to him, including open areas and rooms, the visible area of people's desks, and areas that they gave him permission to search. Lt. Moore does not remember encountering any of the merchandise in those spaces. He further recalls speaking with individual officers and employees as he walked through the DOU offices, inquiring whether they possessed any of the memorabilia.

Regardless of Lt. Moore's reported efforts to ensure that DOU officers did not obtain items from the box, at least a couple officers did exactly that. Officer Lane White, who responded to written questions in this investigation, reported that he saw the box at DOU, sitting on a countertop.^{xxxiii} He further recalled that another officer tried to give him a sticker from the box. This indicates that the box and its contents were, at least for a time, publicly available to officers in the DOU offices. Officer White reports that he did not want the sticker, and so he left it sitting near the box. Nonetheless, it appears likely that other officers took items from the box at some point before Lt. Moore disposed of it. And because Lt. Moore did not recall any officer turning over items when asked, it seems likely that officers retained items after that day.

Per Commander Burt's instructions, Lt. Moore also spoke with the sergeants under his command, instructing them to talk with their officers about the memorabilia. Sgt. McBride recalls being given these instructions some time around Christmas 2017.^{xxxiv} It is unclear whether McBride received these instructions later than Lt. Moore recalls, but Sgt. McBride noted that he was not stationed in the DOU office space at the time, and thus it is possible he did not receive the messaging until a later date.

2. Items Purchased and Distributed by Detective Tobi Myers

Separate from the box that arrived at DOU, but occurring roughly around the same time in late 2017, Detective Tobi Myers purchased several rubber circular "patches" or "coasters" on the internet and gave them to a group of officers, mainly in the TRU.

On January 9, 2018, Detective Myers e-mailed Sgt. McBride, asking if "any of you guys [got] the patches I sent you just before Christmas?"^{xxxv} In her interview with investigators, Myers explained

that the e-mail referred to small, circular rubber “patches” or “coasters” that she purchased online in late 2017.^{xxxvi} The items were printed on one side with the same image from the challenge coin—the cartoon of Mr. Cobin and the text “Good Night Left Nut.”

Detective Myers cannot recall exactly where she bought the items online. She explained that she became curious about the phrase “Good Night Left Nut,” used in connection with the August 22 protest, after hearing or seeing the phrase somewhere.¹⁴ Detective Myers typed the phrase into Google, hoping to find some sort of memorabilia she could purchase, and the results page brought her to a site—whose name she cannot remember—that was selling the rubber medallions. Detective Myers purchased six—one for herself, and one for each of the five recipients listed in her e-mail. She estimates that she paid around \$30 for the order, on her personal credit card. She recalls that the order also arrived with a free cloth patch, which she also kept for herself.

Detective Myers decided to purchase the rubber items for the officers listed in her e-mail, which included Sgt. McBride, Officer Glenn Neville, Officer Christopher Turiano, Officer Rikki Woolgar, and an airport officer named Tim.¹⁵ While Detective Myers could not recall the last names of most of the recipients, Sgt. McBride confirmed their identities when shown Detective Myers’s e-mail. Detective Myers knew these officers from the rifle range, where they had led a certification course she took. Beyond the course and the occasional work-related contact, Detective Myers had no further connection to this group of recipients. Notably, all of them, with the exception of one airport officer, were TRU officers who were involved in the August 22 protest and the actions taken against protestors like Mr. Cobin. Detective Myers stated that she did not know for sure that they were TRU officers, but that she knew they reported to Sgt. McBride.

After receiving her online purchase, Detective Myers kept one rubber patch for herself, and sent the others to their recipients via interoffice mail.¹⁶ Sgt. McBride, Officer Neville, and presumably the others, received theirs while at work, in an unmarked envelope. Both Sgt. McBride and Officer Neville recall receiving the envelopes, but both state that they did not know the identity of the sender until Detective Myers sent her e-mail several weeks later. Officer Neville stated during his interview that he received a fabric patch from Detective Myers, with Velcro on one side. This is inconsistent with Detective Myers’s interview, as she specifically explained that the patches she distributed were made of rubber, not fabric. Similarly, Sgt. McBride recalled his envelope

¹⁴ Detective Myers explained that she has never had a Facebook or Instagram account, and thus it is unlikely she saw the phrase on social media, unless someone else showed it to her. Given the early stages of the coin in late 2017, it is highly unlikely that Detective Myers read about the phrase in news media. Rather, it is possible that Detective Myers saw the phrase on an item of memorabilia, either in person or via photo on the internet.

¹⁵ Sgt. McBride informed investigators that the name Tim probably refers to Officer Tim Essick.

¹⁶ PPD’s interoffice mail system allows employees to send items to other PPD locations, free of charge. Detective Myers sent the items to the Downtown Operations Unit, where they were received by Sgt. McBride and others.

containing both a rubber item and a fabric patch. Detective Myers denied sending more than one item to any of the recipients.

When asked, Detective Myers denied any making any connection between “Good Night Left Nut” and “Good Night Left Side.” She merely believed the rubber patches to be an “ill-humored” reference to Mr. Cobin, but had no reservations about purchasing and sending them.

iii. Identity of the Coin’s Creator

Investigators were unable to determine with certainty who came up with the original idea for the challenge coin or related memorabilia. It seems likely that no one in the Phoenix Police Department created the original Cobin image or accompanying text, as it was widespread on the internet within a day, and for sale on various online marketplaces within a couple weeks of the August 22 protest. Nonetheless, investigators pursued several leads that could imply a connection between the creation of the challenge coin and members of the Department.

First, the August 23, 2017 text message from Lt. Patrick Hoffman to Lt. Benjamin Moore seems to speak to the creation of the memorabilia, as Lt. Hoffman suggests a phrase for use on a patch or hat. Because former Lt. Hoffman declined to cooperate with this investigation, it is unclear whether his message was part of an effort to create the memorabilia at issue.

Next, Sgt. McBride’s August 25, 2017 Facebook post may suggest involvement of Phoenix Police officers—perhaps even Sgt. McBride himself—in creating the memorabilia. Sgt. McBride denies any knowledge of the image’s creation.

Finally, several officers interviewed in this investigation discussed former Detective Sam Palmer, claiming he first disseminated the coin. While none of the original officers interviewed had direct knowledge that Mr. Palmer created the coin, at least three officers said that they either received the coin directly from him or heard that he was involved in the coin’s distribution.^{xxxvii} Further, Sgt. McBride said he believes that Detective Palmer was behind the coin’s creation.

While Detective Palmer, now retired, declined to cooperate with this investigation, his attorney spoke briefly with investigators and did not deny that Detective Palmer may have played a role in creating the coin. He did, however, explain that the coin is not affiliated with the Department itself, as well as his belief—presumably based on his client’s input—that the coin was not associated with any hate speech or hateful ideology.

Detective Palmer’s wife, Sgt. Jantra Palmer, denied any role in the creation of the coin, though she did possess several dozen coins that she sold to other PPD employees.^{xxxviii} She also denied any involvement of Detective Sam Palmer in the creation of the coin, but acknowledged that he ordered the coins that they both later distributed to PPD employees. While it seems likely that Detective and Sgt. Palmer were the main source of coins distributed around PPD (together, likely responsible for around 30-50 coins), there is no evidence that either came up with the idea for the coin or designed it.

iv. *Meaning and Motive Behind Coin*

Media reports first pointed to the similarities between the coin’s “Good Night Left Nut” inscription and the Neo-Nazi associated phrase “Good Night Left Side.” All officers who participated in this investigation deny knowledge of any such connection until they were made aware of it, either during depositions or other interviews, or by media coverage.

By way of example, retired Detective Sam Palmer’s counsel was adamant that there was no connection between the coin and any racist or fascist ideology, but did not explain how he knew this to be true, as he declined to speak about Sgt. Palmer’s own knowledge of or involvement in the coin’s creation. He characterized the coin as something resembling a joke between officers, which is common in how officers have portrayed it. For example, in his deposition testimony in *Puente*, Officer Robert Scott denied any knowledge of the intent of the coin’s creator, but noted that he found the image and inscription to be “ironic and funny given the fact of the specific event it relates to.”^{xxxix} Similarly, Officer Jeffrey Howell testified that he found the coin “ironic” because Mr. Cobin was “engaged in basically aggravated assault” at the protest, and the coin is an appropriate consequence.^{xl} Sgt. Jantra Palmer noted that she originally thought the phrase “Good Night Left Nut” referred to “crazy people” who protested against former President Trump at the August 2017 protest—not that it referred to an injury to any specific protestor.

Thus, while officers may find the coin humorous, and some have noted that it was ill-humored, none of them noted a specific connection to racist or fascist ideologies such as “Good Night Left Side.”

Officers did, however, acknowledge a connection between the coin’s phrase “Making America Great Again One Nut at a Time” and former President Trump’s campaign slogan, “Make America Great Again.”

b. Possession and Distribution of Coin

After the coin and related memorabilia were created, they were distributed amongst officers in various work units of the Phoenix Police Department. The investigation revealed that at least thirty members of the Department at one point possessed the challenge coin or a piece of related memorabilia. Not all of the names of those officers were available to investigators through interviews. For example, Sgt. Jantra Palmer recalls selling or giving away around 20 to 30 coins in total, but remembered the names of only a few specific recipients—all of whom were officers she directly supervised.

The below chart lists those officers known to have possessed the coin or related memorabilia, and to the extent possible, identifies where each received the item.

Officer	Item	Details
Retired Detective Sam Palmer	Challenge coins	Distributed coins to others
Detective Tobi Myers	Patches	Purchased online, distributed to TRU officers
Officer Glenn Neville	Challenge coins and 'patch'	Purchased from Sam Palmer Received from Detective Myers
Officer John Sticca	Challenge coin	Received from Ofc. Neville
Officer Jeffrey Howell	Challenge coin	Received from Ofc. Neville
Sgt. George Herr	Challenge coin	Received from someone (identity unknown) in parking lot
Officer Robert Scott	Challenge coins	Purchased from someone
Sgt. Doug McBride	'Patch' and coin	Received from Detective Myers
Officer Christopher Turiano	'Patch'	Received from Detective Myers
Officer Rikki Woolgar	'Patch'	Received from Detective Myers
Sgt. Steve McClellan	Challenge coin	Unknown
Sgt. Jantra Palmer	Challenge coins	Distributed coins to others
Officer Ben Johnson	Challenge coin	Gifted by Sgt. Palmer
Officer Phil Fortuna	Challenge coin	Gifted by Sgt. Palmer
Officer Jen O'Neil	Challenge coin	Gifted by Sgt. Palmer
Officer Jeremy Cooper	Challenge coin	Gifted by Sgt. Palmer

Investigation further revealed details related to the box of memorabilia that arrived at the DOU offices in the fall or winter of 2017. The box was full of memorabilia of various types, and it was accessible to officers for at least a brief period of time, during which some officers took items for themselves. Officer Lane White noted in his written responses to investigators that someone handed him a sticker from the box, but that he did not keep it. When deposed in the *Puente*

litigation, Officer White testified that he was only aware of the challenge coin because he was informed of it during the course of litigation.^{17 xli}

i. Methods of Distribution

Aside from the box of items that arrived at DOU and was—at least for a short period—available to officers, coins were also distributed between individual officers. Investigators did not uncover any evidence that the coins were awarded in any official Department capacity, but rather that they were either sold or gifted by individual officers to others.

At least one officer obtained coins from retired Detective Sam Palmer, who offered them for sale. Officer Glenn Neville purchased several coins from Sam Palmer. Officer Neville recalls using his personal funds to buy the coins. He then gave a coin to Officer John Sticca and Officer Jeffrey Howell without charging them.^{xlii} Officer Howell believes he received the coin outside City property and work hours. Officer Neville noted that he gave out more than these two coins, but cannot recall to whom else he gave them.

Officer Neville's memory on these points has varied. During their depositions in *Puente*, Officers Howell and Sticca specifically testified that Officer Neville gave each of them a challenge coin. When asked in his interview, Officer Neville stated he bought five or six coins and handed them out, but could not remember to whom. Further, during his deposition in *Puente*, Officer Neville testified that someone in PPD gave him the coins, but could not remember who. In later written responses and an interview with investigators, Officer Neville recalled that former Detective Sam Palmer sold him the coins. When asked about this lapse in memory and why he would suddenly recall that the source was Palmer after all this time, Officer Neville could not account for the varying recollections.

Sergeant Herr also received a coin, but cannot recall who gave it to him.^{xliii} He recalls receiving it in the parking lot outside of work, after which he placed the coin in his pocket and took it home. It is possible that Officer Neville provided this coin as well. Sgt. Steve McClellan also received a coin, but cannot recall who gave it to him. He received the coin while working an off-duty police event, the type of which he frequently works outside of his normal duty hours, in uniform, to support various community events. He recalls that another PPD officer working the event gave him the coin, but cannot remember the officer's specific identity.

Sgt. Jantra Palmer also possessed and distributed coins to PPD employees. She told investigators that she did not order the coins herself, but that her husband, retired Detective Sam Palmer, ordered coins and then gave her some. Sgt. Jantra Palmer gave some of the coins away to officers she supervised, and estimates that she sold dozens more for ten dollars each, and believes that the purchasers used their personal funds. She sold the coins while on City property. In total, it appears likely that Detective Sam Palmer and Sgt. Jantra Palmer were together responsible for the purchase and distribution of the majority of the coins at issue.

¹⁷ While Officer White's written responses discuss brief possession of a sticker—and not a coin—it seems unlikely that having seen the box of memorabilia, he was unaware of the coin's existence.

Aside from these transfers of the coin, several TRU officers received rubber patches or medallions from Detective Tobi Myers.

c. Involvement of PPD Leadership

Investigators aimed to determine the extent to which Phoenix Police Department leadership knew about the coin while it was being distributed, as well as the extent of any official action taken to investigate the coin and related memorabilia.

i. *Department Investigations*

Before engaging Ballard Spahr in 2021, PPD undertook two informal investigations. First, Commander Brad Burt was apparently tasked with looking into the box of items that arrived at DOU in late 2017. Commander Burt is since deceased, but investigators spoke with other officers about his efforts. There is no documentation of Commander Burt's investigation.

When asked, Chief Williams recalled that Commander Burt may have undertaken some form of investigation after he learned about the coin, but she lacked further details.^{xliv} Counsel for retired Detective Sam Palmer mentioned to investigators that there was at least one prior investigative effort, but did not provide further details. None of the officers interviewed throughout this investigation recalled being interviewed in connection with Commander Burt's investigation. While Lt. Moore informed investigators about his and Commander Burt's immediate efforts to inquire about the coin after disposing of the box of items at DOU, he did not recall any further investigation by Commander Burt.

Aside from Commander Burt's investigation, Assistant Chief Steve Martos discussed the memorabilia with Detective Tobi Myers after reviewing her e-mails in connection with a public records request that the Department received around November 6, 2019. Upon seeing her e-mails regarding the memorabilia, Assistant Chief Martos approached Detective Myers and asked her a few questions, but did not characterize his efforts as a formal investigation. In fact, Martos recalls their conversation as an informal one that he terminated when he suspected it may enter territory more appropriate for a PSB investigation.^{xlv} Detective Myers was never subsequently served with an NOI until her interview in this investigation, and was never interviewed in connection with any formal investigation. Assistant Chief Martos did not make any record of his conversation with Detective Myers.

ii. *PSB investigation*

Years after the coin's creation and distribution, but right before the City retained Ballard Spahr, Phoenix Police Professional Standards Bureau ("PSB") undertook an abbreviated investigation that was then put on hold when the City retained Ballard Spahr. PSB investigators interviewed Lt. Benjamin Moore on February 23, 2021, and Lt. Moore's counsel provided Ballard Spahr investigators with a transcript. PSB had not made Ballard Spahr investigators nor City Attorney's Office staff aware of the Moore interview until the outside investigation was partially complete.

At the time of his PSB interview, Lt. Moore had not been served with an NOI, but had received an "admonishment," which requires that the interview subject not speak about the investigation to anyone else. PSB asked questions about the challenge coin, the text message he received from Lt.

Pat Hoffman regarding an inscription for a patch, and Lt. Moore's belief that retired Detective Sam Palmer was involved in the coin's creation.

At the end of the interview, PSB investigators reminded Lt. Moore of his obligations under admonishment, and Lt. Moore noted that he had not realized he was still under admonishment because Chief Williams had previously sent him a text message saying he was "free and clear." PSB investigators informed Lt. Moore that he was, in fact, still under admonishment and therefore should not discuss the investigation with anyone.

Investigators conducted a follow-up interview with Chief Williams to ask about her communication with Lt. Moore on this topic. Chief Williams explained that, after an executive staff meeting where the issue of the coin was discussed, she was under the impression that there was no evidence that Lt. Moore had played a role in the creation, possession, or distribution of the coin. Accordingly, she believed that Lt. Moore was being interviewed solely in his capacity as a witness. While other officers interviewed in connection with the coin were taken "off the line" and removed from active duty, Chief Williams did not see the need to do this with Lt. Moore, given his apparent lack of involvement. While she does not specifically recall the text message to Lt. Moore,¹⁸ Chief Williams explained that she would have sent it to let him know that he was "free and clear" in terms of returning to active duty. The Chief had no concerns about Lt. Moore returning to work—possibly even staffing future protests—despite her concerns about the coin in general.

Lt. Moore was the only person interviewed in connection with this PSB investigation.

iii. Chief Williams' Knowledge

As she explained during a voluntary interview, Chief Williams stated that she did not learn of the challenge coin's existence until immediately before she was deposed in the *Puente* litigation, on August 21, 2019. In both her deposition and her interview in this investigation, Chief Williams said that she believed the challenge coin may be inappropriate for officers to possess, depending on the surrounding circumstances. In her deposition, Chief Williams was asked if she would pursue investigation of the coin, and she responded that such a decision would require consultation with counsel.

During her interview in this investigation, Chief Williams noted her concerns about the coin's possible connections to "hate speech," and said that when she learned about the similarities between "Good Night Left Nut" and "Good Night Left Side," she would not tolerate any such nexus. Chief Williams stated she was unaware of any official department investigation other than the instant investigation by outside counsel, but that she had become more concerned with the coin only recently, when media reports first noted the possible connection to hate speech or fringe ideologies, on or around February 6, 2021.^{xlvi}

¹⁸ Investigators asked Lt. Moore if he would voluntarily produce this text message, but he declined. Through counsel, Lt. Moore stated that he interpreted the text to refer solely to his active duty status, and did not believe Chief Williams to be pre-judging the results of the investigation in any way.

While February 2021 was indeed the first time that the public likely became aware through media reports of a possible connection to hate groups, filings in *Puente* indicate that Chief Williams perhaps should have been aware of this potential connotation earlier than February 2021. In Defendants’ Statement of Facts accompanying their July 2, 2020 Response to Plaintiffs’ Motion for Summary Judgment, Defendants’ counsel acknowledged, “[t]he phrase ‘Good Night Left Nut’ is apparently a reference to the phrase ‘Good Night White Pride,’ a slogan associated with Antifa.” While this omits the later history of the phrase, when it was appropriated by alt-right groups and turned into “Good Night Left Side,” Defendants were apparently aware that the phrase had a deeper, racially charged meaning. Given that her attorneys were aware of this meaning as early as July 2, 2020, it stands to reason that Chief Williams was aware of it before media reports in February 2021.

iv. Connection to Outside Groups or Hate Speech

Chief Williams and others noted their concern that the creation of the “Good Night Left Nut” coin raised a connection to hate speech or white nationalist ideologies. Investigators asked officers who possessed or had knowledge of the coin whether they perceived such a connection to hate speech. Almost uniformly, officers responded that they did not make a connection between the coin’s language and the far-right phrase “Good Night Left Side” until such connection was explicitly made by the media, shortly before the City retained Ballard Spahr.

Counsel for retired Detective Sam Palmer specifically disclaimed any connection between the coin and the phrase “Good Night Left Side” or any other alt-right or hate speech, but did not explain whether that was the view of retired Detective Palmer.

Thus, while it appears that most officers who came into possession of the coin did not make the connection, without affirmatively identifying the coin’s creator and speaking with him or her directly, investigators cannot determine at this time that there was any explicit connection between the terms.

Officers did recognize a connection between the backside of the coin, which reads “Making America Great Again One Nut at a Time” and former President Trump’s campaign slogan “Making America Great Again.” And, again, the incident giving rise to the image on the coin occurred during protests surrounding a visit to Phoenix by then-President Trump. While officers acknowledged the ties to politics, they also uniformly said that they saw no impropriety in possessing the coin, other than those few who suggested the depiction of Mr. Cobin made the coin distasteful.

VII. Open Issues and Insufficient Evidence

This section will briefly identify those factual issues that remain unresolved, as well as identify those pieces of evidence to which investigators lacked access.

a. Outstanding Issues

As explained above, investigators were unable to determine whether one person created the challenge coin, and whether the creator was a PPD employee. While investigators received seemingly reliable information that retired Detective Sam Palmer or Sgt. Jantra Palmer may have

been involved in the creation and initial ordering and distribution of the coins, lacking access to former Detective Palmer for an interview made it impossible to determine with certainty. However, Sgt. Jantra Palmer denied that either she or Detective Sam Palmer were involved in the creation of the coin. But given her admission that Detective Sam Palmer ordered the coins and both she and he distributed them around PPD, it is possible that the Palmers were the first PPD members to possess the coin and distribute it.

This investigation similarly is unable to conclude who sent the box of items to DOU and whether those items were dealt with appropriately. While evidence suggests that perhaps the box was disposed of, but only after officers took items from it, investigators were unable to determine with certainty whether that was the case.

Finally, investigators were unable to determine the specific extent of any prior investigations—formal or informal—undertaken by PPD regarding this matter. While several sources reported that Commander Brad Burt initiated an investigation of some sort, other evidence indicates that the “investigation” involved few to no witnesses and resulted in no conclusions, reports, or subsequent actions. Commander Burt, who likely represented the best source of information on this topic, has since passed away.

b. Missing Interviews

There are several current and former PPD officers who investigators believe either possessed or were involved with the challenge coin, who were unavailable to interview. Former Detective Sam Palmer declined to be interviewed, and while his counsel provided some information, it was not responsive to particular questions. Former Sgt. Pat Hoffman also declined to be interviewed, and investigators planned to ask him about his role in the creation of the memorabilia, given his August 23 text message to Lt. Moore regarding the phrase to use on a patch or hat.

Though current Officers Lane White and Christopher Turiano were served with NOIs, they declined all requests for an interview. They did provide limited and largely unhelpful written responses to questions. Investigators believe an interview with each of them would have been particularly useful. As the officer who actually hit Mr. Cobin with a munition on August 22, 2017, Officer Turiano was likely the recipient of memorabilia from various sources, including Detective Tobi Myers. And in his written responses, Officer White mentioned the box of memorabilia that arrived at DOU, and apparently has information regarding how long it sat out in the open, and perhaps how many officers took items from inside of it.

c. Missing Documents

As discussed earlier in this report, investigators believe the best potential source of documentary evidence is the data that was imaged from officers’ phones in the *Puente* litigation. That data was captured closer in time to the 2017 protest and ensuing distribution of the coin than any information that investigators have had access to, and thus would have provided a more fulsome accounting of the events that were investigated. The officers’ refusal to allow access to this data undoubtedly prevented investigators from accessing relevant documents.

Next, investigators reviewed a large number of e-mails, but due to the City’s 90-day e-mail retention policy, the majority of them were too recent to be particularly useful in this investigation.

The most useful communications exchanged between PPD employees would have come from late 2017 or early 2018, around the time that the coin was created and distributed. Perhaps none of those relevant communications were made via official Phoenix e-mail accounts, but given that paucity of e-mails from that time period, investigators cannot be sure.

Given that the City and therefore its retained investigators lack subpoena power, there was no way to compel production of further e-mails from personal accounts or the existing cell phone data in the possession of a forensics vendor.

VIII. Conclusions and Recommendations

a. PPD Involvement in Creation of Coin

While it is likely that someone outside of PPD created the coin and its original image and phrasing, investigators were unable to rule out the idea that PPD employees were involved in the creation. Though several officers denied involvement, they were unable to explain evidence seemingly implicating them in the creation of the coin. Regardless, the Investigation Team found no evidence that the coin was created using PPD or City funds.

The coin and other memorabilia plainly illustrate Mr. Cobin, accompanied by derogatory text that was circulating on the internet in the days immediately following the August 22, 2017 protest. And while it appears unlikely that the coin's creator had specific knowledge at the time that "Good Night Left Nut" is premised on hate speech, several officers who maintain possession of the coin today are now aware of that connotation. Importantly, the image itself celebrates police injuring a protestor.

The general spirit of PPD's Rules of Conduct promotes respect between officers and the communities and civilians they serve. In particular, Operations Order 3.13, 6(B) on Professionalism, prohibits PPD employee from "engag[ing] in actions that amount to harassment towards a citizen beyond police presence."^{xlvi} The creation of this coin could reasonably be construed as an attempt to belittle or harass Mr. Cobin, and further attention should be devoted to determining whether the policy applies in this situation.

Further, the coin implies an apparent endorsement of former President Trump, through the use of the phrase "Making America Great Again One Nut at a Time," as reference to the well-known campaign slogan "Making America Great Again."

b. PPD Involvement in Circulation of Coin

Investigators were able to determine at least some of the extent of the circulation of the coin and related memorabilia among PPD officers. At least some officers who possessed the coin or memorabilia received it at work or on City property, while on duty. Again, it appears that only personal funds were used in buying and selling the coin and related items.

Possession or circulation of the coin while at work may implicate PPD’s rule that “[e]mployees will not take part in political . . . affairs . . . while in uniform or on duty.”^{xlvi} The coin¹⁹ bears a phrase similar to the well-known campaign slogan of former President Trump, “Make America Great Again.” The totality of circumstances creates an improper impression of officers taking a partisan position when encountering political protestors and making partisan policing decisions.

c. PPD Failure to Investigate

Investigators also concluded that PPD leadership failed to take appropriate steps to investigate the challenge coin and related memorabilia. As discussed above, no official investigation was completed until Ballard Spahr was retained, nearly four years after the coin’s creation. While PSB apparently began an investigation in early 2021 when the Department learned of the coin’s potential connection to hate speech, the only step PSB took in that investigation was to interview Lt. Moore before halting their investigation to accommodate the Investigation Team’s work.

Various members of PPD leadership were undoubtedly aware of the coin, as Commander Burt became aware of the box of memorabilia at the DOU in late 2017, and was apparently instructed to undertake some sort of investigation. He created no written record of any such investigation. And despite any investigative efforts, Chief Williams insists she only learned of the coin before her deposition in 2019. Thereafter, she did not call for any investigation until February 2021, when the media first reported potential connections between the coin and hate speech.

Ultimately, each member of PPD leadership seemingly relied on assumptions or representations that others were examining the coin situation without adequate follow-up or any documentation whatsoever.

d. Recommendations for PPD

i. *Adopt New Policies*

First, investigators recommend that PPD adopt rules and regulations that more specifically address challenge coins or other collectible items. As Chief Williams noted in her interview, PPD has no specific regulation about these items and the messages they represent. While creation and possession of this particular coin are likely covered under PPD’s more general policies regarding respect and political activity, PPD might consider a policy that speaks specifically to the nature of collectible items that officers may possess or exchange while on duty. A policy of this nature could prevent future incidents where police create disrespectful renderings of civilians.

PPD may also consider adopting a policy regarding hate speech. Chief Williams mentioned in her interview that she was most concerned about the coin’s potential connection to hate groups, and

¹⁹ Notably, only the challenge coin itself contains this political language—memorabilia such as the patches distributed by Detective Myers do not contain a phrase associated with “Make America Great Again.”

one way to prevent future occurrences of this is to regulate the content of speech that officers may endorse while on duty.²⁰

ii. Conduct Further Investigation and Take Appropriate Disciplinary Action

Now that investigators have concluded their review, PPD may choose to turn this matter over to PSB. While investigators lacked authority to recommend or institute discipline of officers involved, PSB may do just that. And while investigators do not purport to recommend specific disciplinary outcomes, they note that now is the time for PPD to take action on this issue, if it plans to at all. PSB may use this report and materials uncovered in Ballard Spahr's investigation if it sees fit.

This report may also indicate appropriate starting places for PSB, as well as information and witnesses that PSB should seek in its investigation. Given PSB's greater power to compel witnesses and evidence, it may have greater success seeking contact with witnesses who were unwilling to speak with Ballard Spahr investigators.

iii. Improve Internal Investigative Methods and Results

In future incidents, PPD should work to improve its own investigative methods. While PSB may often take the lead and generate acceptable results, in this instance, PPD allowed informal "investigations" to take the place of any formal fact-finding. This went on for years, and greatly reduced the efficacy of any proper investigation by making evidence stale. In the future, PPD should not endorse quasi-investigations run by its employees other than PSB. And if it does, PPD must require a written recounting of the investigation's steps and findings. Otherwise, any action taken will be useless in pursuing discipline or the truth.

²⁰ Investigators do not provide any legal opinion on the necessary First Amendment safeguards that any such policy must consider, other than to suggest it be limited to officers on duty.

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- ⁱ See Simon Romero, New York Times, *Police Use Tear Gas on Crowds After Trump Rally*, <https://www.nytimes.com/2017/08/22/us/trumps-rally-in-arizona-what-you-need-to-know.html> (Aug. 22, 2017).
- ⁱⁱ *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 273-3) (2017 Presidential Visit Public Safety After-Action Report)
- ⁱⁱⁱ Ariz. Republic, *Live Updates: Police release gas on protestors after Trump speech*, <https://www.azcentral.com/story/news/politics/arizona/2017/08/22/donald-trump-phoenix-arizona-rally/575083001/> (Aug. 22, 2017) (hereinafter “Live Updates”).
- ^{iv} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 273-3 at 1) (2017 Presidential Visit Public Safety After-Action Report)
- ^v *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 273-3 at 7) (2017 Presidential Visit Public Safety After-Action Report).
- ^{vi} *Phoenix Police Glossary*, <https://www.phoenix.gov/police/glossary-of-terms>.
- ^{vii} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 273-3 at 16) (2017 Presidential Visit Public Safety After-Action Report); (Dkt. 273-3 at).
- ^{viii} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 273-3 at 17) (2017 Presidential Visit Public Safety After-Action Report).
- ^{ix} Ariz. Republic, *Police arrest man shot by pepper ball in viral video*, <https://www.azcentral.com/story/news/local/phoenix-breaking/2017/08/24/phoenix-police-arrest-man-shot-pepper-ball-viral-video/600474001/> (Aug. 24, 2017).
- ^x CR2017-138901-001 (Direct Complaint, Aug. 29, 2017).
- ^{xi} CR2017-138901-001 (Plea Agreement, Feb. 14, 2018).
- ^{xii} *Cobin v. City of Phoenix et al.*, 19-CV-04392-SPL.
- ^{xiii} *Cobin v. City of Phoenix et al.*, 19-CV-04392-SPL (Dkt. 24, Feb. 19, 2020).
- ^{xiv} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT.
- ^{xv} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 1, Sept. 4, 2018).
- ^{xvi} See e.g., <https://www.plainviewproject.org/data/phoenix-605234216-419?name=605234216>; <https://www.plainviewproject.org/data/phoenix-605234216-414?name=605234216>.
- ^{xvii} https://www.reddit.com/r/phoenix/comments/6vl2sm/im_the_guy_in_the_blue_shorts_who_got_shot_in_the/.

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- ^{xviii} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 273, Ex. 120 at 3).
- ^{xix} Investigators' interview with Chief Jeri Williams (April 26, 2021).
- ^{xx} Review of officer e-mails produced by City.
- ^{xxi} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 252-7, Ex. 502) (Excerpt of Deposition of Chief Jeri Williams).
- ^{xxii} Investigators' interview with Chief Jeri Williams (April 26, 2021).
- ^{xxiii} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 252-7, Ex. 502 at 85).
- ^{xxiv} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 252-7, Ex. 502 at 89).
- ^{xxv} PLEA Memorandum of Understanding at 11.
- ^{xxvi} PLEA Memorandum of Understanding at 11.
- ^{xxvii} E-mail exchange with Cassidy Bacon on April 2, 2021.
- ^{xxviii} Dave Biscobing, ABC 15, *VIDEO: Uniformed Phoenix sergeant discusses coin with 'hate' group*, <https://www.abc15.com/news/local-news/investigations/protest-arrests/video-uniformed-phoenix-sergeant-brags-about-coin-to-hate-group> (Feb. 9, 2021).
- ^{xxix} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 251-3, Ex. 302).
- ^{xxx} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 286-2).
- ^{xxxi} Many of the facts in this section of the report come from the unofficial transcript of Lt. Moore's PSB interview, provided by his counsel.
- ^{xxxii} Many of the facts in this section of the report come from the investigators' May 5, 2021 interview with Lt. Moore.
- ^{xxxiii} Correspondence from Officer Lane White, received on May 7, 2021.
- ^{xxxiv} Interview with Sgt. McBride (May 5, 2021).
- ^{xxxv} January 9, 2018 e-mail from Detective Myers to Sgt. McBride, produced to investigators by the City.
- ^{xxxvi} Many of the facts in this section of the report come from the investigators' May 12, 2021 interview with Detective Myers.
- ^{xxxvii} Correspondence from Officer Glenn Neville, Sgt. Doug McBride, and Lt. Benjamin Moore, received on April 2, 2021.
- ^{xxxviii} Correspondence from Sgt. Jantra Palmer, received on May 19, 2021.

^{xxxix} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 253-4).

^{xl} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 253-2).

^{xli} *Puente et al. v. City of Phoenix et al.*, 18-cv-02778-JJT (Dkt. 253-7).

^{xlii} Correspondence from Officer John Sticca and Jeff Howell, received on April 2, 2021.

^{xliii} Correspondence from Sgt. George Herr, received on April 2, 2021.

^{xliv} Interview with Chief Jeri Williams (April 26, 2021).

^{xlv} Interview with Assistant Chief Steve Martos (May 1, 2021).

^{xlvi} Dave Biscobing, ABC 15, *Phoenix city manager, PD chief call for investigation after ABC15 report on protest shooting trophy*, <https://www.abc15.com/news/local-news/investigations/protest-arrests/phoenix-city-manager-pd-chief-call-for-investigation-after-abc15-report-on-protest-shooting-trophy> (Feb. 6, 2021).

^{xlvii} Phoenix Police Department, Operations Orders § 3.13, https://www.phoenix.gov/policesite/Documents/operations_orders.pdf.

^{xlviii} Phoenix Police Department, Operations Orders § 3.13, Rule 5(R)(1) https://www.phoenix.gov/policesite/Documents/operations_orders.pdf. Subsection (S) also says, “[o]n duty employees will not engage in political or religious discussions in a public place.”