

**Phoenix City Council
Public Safety and Justice (PSJ) Subcommittee
Summary Minutes
Wednesday, January 3, 2024**

City Council Chambers
200 W. Jefferson St.
Phoenix, Ariz.

Subcommittee Members Present
Councilwoman Ann O'Brien, Chair
Councilman Kevin Robinson
Councilman Jim Waring

Subcommittee Members Absent
Councilwoman Betty Guardado

CALL TO ORDER

Chairwoman O'Brien called the Public Safety and Justice (PSJ) Subcommittee to order at 10:06 a.m. with Councilman Kevin Robinson and Councilman Jim Waring present.

CALL TO THE PUBLIC

Jeff Caldwell asked the Subcommittee to not to accept a Department of Justice (DOJ) consent decree and asked the City to not hire the law firm Squire Patton Boggs if the City is sued.

MINUTES OF MEETINGS

1. Minutes of the Public Safety and Justice Subcommittee Meeting

Councilman Waring made a motion to approve the minutes of the Dec. 3, 2023, Public Safety and Justice Subcommittee meeting. Councilman Robinson seconded the motion which passed unanimously, 3-0.

INFORMATION AND DISCUSSION (ITEMS 2-5)

2. Fire Code Amendment Change

Chairwoman O'Brien introduced Assistant Fire Chief Tim Kreis and Assistant Fire Marshal Eric Williams to present on this item.

Assistant Fire Marshal Eric Williams explained the history and the importance of the Phoenix Fire Code. He stated the importance of changing fire codes as needed and explained the collaborative efforts invested into these code changes. He highlighted the significant changes included battery energy storage standards. He also explained changes made for efficiency to streamline the permitting process for customers and staff.

Chief Kreis recommended the Public Safety and Justice Subcommittee approve a recommendation to the full City Council to adopt the updated fire amendment codes.

Councilman Robinson moved to approve the motion and Councilman Waring seconded the motion. The motion passed unanimously, 3-0.

3. Maricopa County DOJ Investigation Overview

Chairwoman O'Brien introduced Deputy Maricopa County Attorneys Joe Branco and Tom Liddy.

Mr. Liddy stated the intention of the presentation is not to provide any legal advice to the City, but to explain the County's experience around being investigated by the DOJ. He provided a comparison between a consent decree and a court order and defined both. He stated a consent decree is similar to a court order, but the organization being investigated agrees to the terms up front and without a trial, and a consent decree is not appealable.

Mr. Branco explained common features of consent decrees and court orders.

Mr. Liddy provided an example of what different paragraphs in a consent decree might include.

Mr. Branco offered more insight into substantive compliance paragraphs and noted they typically include data collection and analysis, policy, procedure, training changes, and internal oversight. He explained the importance of interpreting the terms correctly to avoid ambiguity.

Mr. Branco provided detailed information on what a procedural implementation paragraph might include. He stated there may be requirements for monitoring, reporting to the court and the public, and compliance in written policy and action.

Mr. Liddy stated Maricopa County has been navigating the same DOJ court order for 13 years, because once Maricopa County is deemed in compliance, the County must maintain this compliance for three consecutive years. He stated there is a possibility new concerns could be discovered throughout the process and the presiding Judge will likely include these concerns in the consent decree or court orders.

Mr. Branco highlighted the importance of avoiding ambiguity and having well-defined procedural paragraphs to set clear benchmarks for success.

Councilman Waring stated his concern regarding entering a consent decree. He asked why an organization would enter a consent decree.

Mr. Liddy stated when entering a consent decree the organization has a seat at the table writing it. He also noted the City might still have to deal with enormous expenditures if there is an eventual court order.

Chairwoman O'Brien asked for more explanation regarding how Maricopa County's court order changed over time.

Mr. Liddy stated there were multiple changes to Maricopa County's court order, and to change a court order, there must be a hearing where the Judge makes a new finding. He stated if the court instates a monitor, the monitor could request a hearing based on their findings.

Chairwoman O'Brien asked if monitors retroactively changed the scores the Maricopa County Sheriff's office originally received.

Mr. Branco stated if that happened, it was likely due to a previous calculation error.

Chairwoman O'Brien stated jurisdictions are encouraged to enter into an agreement with the DOJ without seeing the findings from the investigation. She expressed concern the City would not be able to ensure the findings were accurate before entering into an agreement. She provided statistics for the amount of documents and data the City provided the DOJ. She also stated statistics from cities with consent decrees and noted violent crime increased in those cities.

Councilman Robinson expressed concern the City would be unable to read the findings before agreeing to the consent decree. He stated City staff should be able to decide the path forward based on the findings.

Councilman Waring stated officials from the DOJ should not oversee Phoenix Police, and expressed concern regarding what has happened in other cities following entering a consent decree. He asked Assistant City Manager Lori Bays to ensure the staff who handles this issue are not associated with the DOJ.

Chairwoman O'Brien opened the floor to public comment.

Jeff Caldwell asked the subcommittee to not accept a consent decree from the DOJ and expressed concern regarding how this investigation has been impacting public safety in the City.

4. CAP Hiring, Recruitment and Metric Update Report

Chairwoman O'Brien introduced Assistant Fire Chief Raymond Ochoa and Community Assistance Program (CAP) Administrator D.C. Ernst to present on this item.

Ms. Ernst gave the history of the CAP and listed the program's objectives. She provided hiring statistics since March 2023 and explained the on-boarding and training process for staff. Ms. Ernst explained the behavioral health dispatcher role and provided statistics for police calls transferred to CAP and highlighted the large increase in calls as staff has expanded. She provided comparative statistics regarding Behavioral Health Unit and Crisis Response Unit responses and gave case examples for how CAP has been able to serve residents. Ms. Ernst provided a map with the four new CAP locations around the City and ongoing plans for 2024 including the creation of a Community Mental Health Wellness Safety Taskforce.

Chairwoman O'Brien asked how many open positions the program currently has.

Ms. Ernst answered there are 74 caseworker II positions and 27 caseworker III positions, with 73 positions currently filled.

5. Homelessness Update

Chairwoman O'Brien introduced Deputy City Manager Gina Montes, Office of Homeless Solutions Director Rachel Milne, and Office of Homeless Solutions Deputy Director Scott Hall to present on this item.

Ms. Montes provided an overview of the presentation and background on the Office of Homeless Solutions.

Ms. Milne stated the information in this presentation was gathered from similar cities across the United States including San Diego, Austin, San Antonio, and Portland. She provided population and point in time count comparisons between Phoenix and each city mentioned and explained other city's recent efforts in addressing homelessness. She noted the insights staff gathered from each city and provided overall conclusions from these city comparisons.

Councilman Waring stated he asked for this presentation based on his personal experience in seeing how San Diego has changed their approach to people experiencing homelessness. He noted the amount of people experiencing homelessness sitting on the sidewalks in San Diego has decreased drastically. He asked if there is anything San Diego is doing that Phoenix is not.

Ms. Milne stated there are many similarities between San Diego and Phoenix in these efforts. She stated the main difference is San Diego has a limited camping ban that includes areas around schools and parks.

Mr. Hall stated the San Diego Police Department can now cite people for camping in more public locations, but staff still struggles with shelter capacity, and if there is no availability at a shelter then the person being cited is not prosecuted.

Chairwoman O'Brien asked if there had been adequate shelter space and the individual refused that space, if the individual could then be prosecuted.

Mr. Hall stated he would assume in that instance the individual could be prosecuted.

Councilman Waring asked if a limited camping ban is something the Public Safety and Justice Subcommittee could recommend to City Council.

Chairwoman O'Brien stated a more comprehensive camping ban would be appropriate and suggested asking staff to draft language.

Councilman Waring expressed concern regarding the behavior of people experiencing homelessness in public spaces and provided different examples. He suggested people who are cited for camping have a scheduled court date even if they cannot be charged. He asked for any strategies San Diego is utilizing to be researched and compiled by staff.

Councilman Robinson stated he toured the Safe Outdoor Space recently and asked for a brief update on how the project is going.

Ms. Milne stated the Safe Outdoor Space has been operational since Nov. 1, 2023, and 43 people current occupants. She stated 60 percent of the people who have been served have left for other indoor shelter, and one person has been housed.

Councilman Robinson stated the importance of collaborating with all partners to ensure the community is helping with the issue of homelessness.

Ms. Montes clarified the City does have an anti-camping ordinance, but the difference with San Diego is the specific locations in the camping ban. She stated the importance of the ninth circuit court requirements stating there must be an alternative space for an individual to go to enforce these camping bans. She stated staff is working hard to address encampment hot spots as quickly as possible as long as there are alternative spaces for individuals to relocate to.

Councilman Waring stated his concern with the narrative that most people experiencing homelessness are helpless. He provided examples of people experiencing homelessness being resourceful. He asked for these examples to be included in any correspondence with the courts regarding the issue of homelessness.

Chairwoman O'Brien asked for an update on the Community Court Program and how it could help with the issue of homelessness.

Assistant City Manager Lori Bays stated Mr. Hall and Public Defender David Ward can provide an update on the program.

Mr. Ward stated Community Court will start next week. He stated this program will have a major impact on those experiencing homelessness, and he hopes it will assist participants in finding employment.

Chairwoman O'Brien asked for an explanation of how this program will work and how it will benefit participants.

Mr. Ward stated services will be offered to people who have committed misdemeanor offenses. If they decide to participate in community court, they will have access to community navigators who will be able to connect them with services and work with them.

Mr. Hall explained the intended impact Community Court will have for those experiencing homelessness is to reduce recidivism and increase accountability for those charged with misdemeanors.

Chairwoman O'Brien thanked staff for the effort that went into creating the Community Court program.

INFORMATION ONLY (ITEMS 6 and 7)

6. Monthly Police Hiring, Recruitment, and Attrition Report

Information only. No Councilmember requested additional information.

7. Monthly Fire Staffing, Recruitment and Hiring Report

Information only. No Councilmember requested additional information.

CALL TO THE PUBLIC

None.

FUTURE AGENDA ITEMS

Councilman Waring asked for another update on park safety.

Councilman Waring asked for an update on speed enforcement and speed limit postings and how the Police Department is improving these processes.

ADJOURNMENT

Chairwoman O'Brien adjourned the meeting at 11:53 a.m.

Respectfully submitted,

Chloe Baldwin
Management Fellow