

City of Phoenix

# OFFICE OF ACCOUNTABILITY AND TRANSPARENCY

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Quarterly Report  
July 1 - Sept. 30, 2023



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## LETTER FROM THE DIRECTOR

During the third quarter of 2023, a welcome pattern of activity began to emerge at the Office of Accountability and Transparency. Phoenix residents contact us to report police incidents and request information about complaints. OAT Monitors sift through videos, interviews, and other evidence as they assess Phoenix Police Department (Department) administrative investigations. Other OAT staff make their way to different corners of the community to hear about people's experiences and learn their thoughts about policing. OAT Senior Staff has begun the painstaking conversations needed to bring the OAT Ordinance, and our Memorandum of Understanding with the Department, to life. Although our work marches directly into forceful headwinds, OAT is gradually becoming the sustained community resource it was intended to be.

With the arrival of our Staff Attorney this September, our hiring is nearly complete. We now have the personnel we need at OAT to fully confront the challenges presented by our work. Although many of our new staff members come with decades of relevant experience, they've immediately begun training in the latest civilian oversight practices and police internal affairs procedures nationwide to prepare for their ongoing work.

With several Monitoring Reports now near completion, we eagerly await the reception of all our comments regarding PPD's investigation process. The introduction of OAT Monitoring Reports will represent the greatest test yet for the agency's work. When we establish the opportunity and capability to accurately report what we've learned from monitoring PPD investigations, we will complete the transition from concept to content. We look forward to our evolving role in the Phoenix community conversation about policing.

Roger Smith,  
Director, Office of Accountability and Transparency

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

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

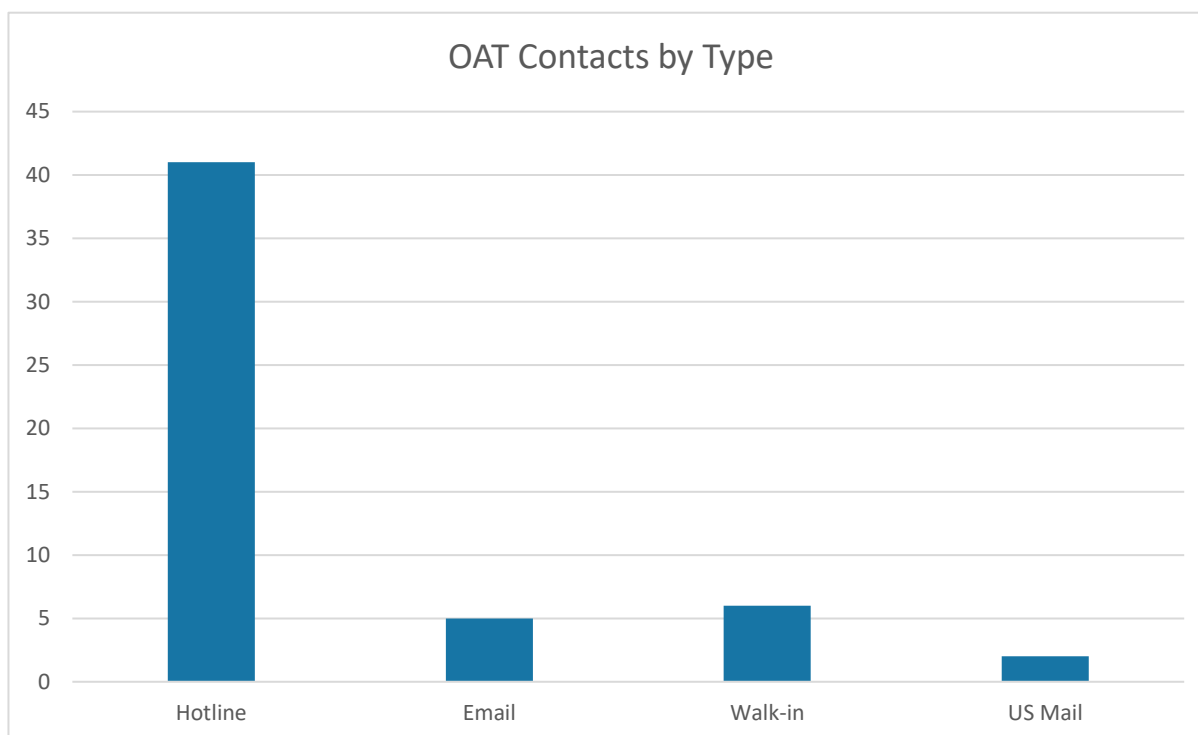
- Take community complaints or commendations.
- Establish procedures for receiving anonymous complaints.
- Conduct outreach within the community.
- Support services to community members impacted by the Department.
- Monitor Department investigations.
- Make recommendations to the Police Chief regarding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

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

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

## MONITORING

Currently, OAT receives notice of potential monitoring incidents—under both mandatory and discretionary authority—through complaints directly to OAT, media reports, and Department notification processes for certain classes of incidents (e.g. officer involved shootings). Between July 1 and Sep 30, 2023, OAT received 16 unique contacts via hotline (11), walk-in (1), and email (4). The graph below details total contacts OAT received to date.



During this quarter, OAT added six cases to its monitoring caseload, bringing the total to 38. As OAT begins to receive the bi-weekly active case reports as afforded in the MOU, we anticipate not only an increase in monitored incidents, but also adding of new categories of incidents that fall under OAT's jurisdiction. OAT is finalizing its first two monitoring reports for incidents that occurred on November 23, 2022, and December 4, 2022. Both monitoring incidents involve investigations the Department has closed, one involves an allegation of excessive force and the other involves an allegation of racial bias.

The graphs below detail number of incidents by year and quarter, and total number of monitoring incidents by type of complaint (officer involved shooting (OIS), in-custody death (ICD), excessive force, vehicle collision resulting in serious injury or death, civilian death during a duty related incident). See the following pages for the full list of monitoring incidents including location, type, and date, and a map by precinct of where monitored incidents occurred.

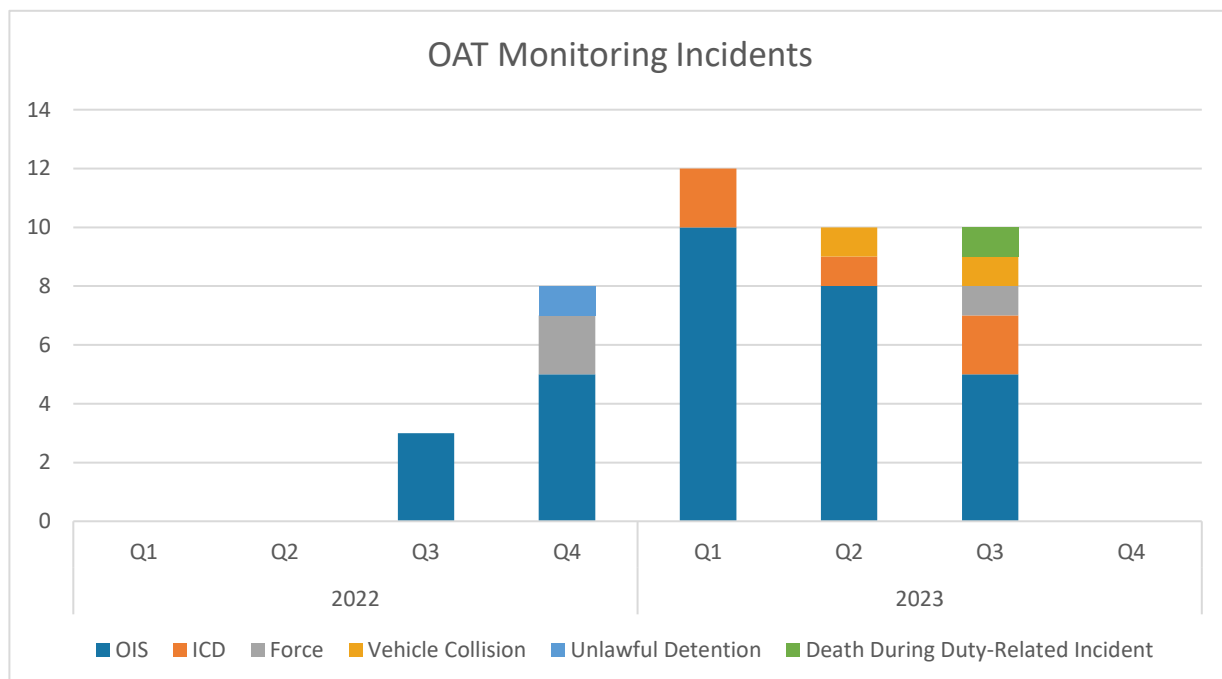
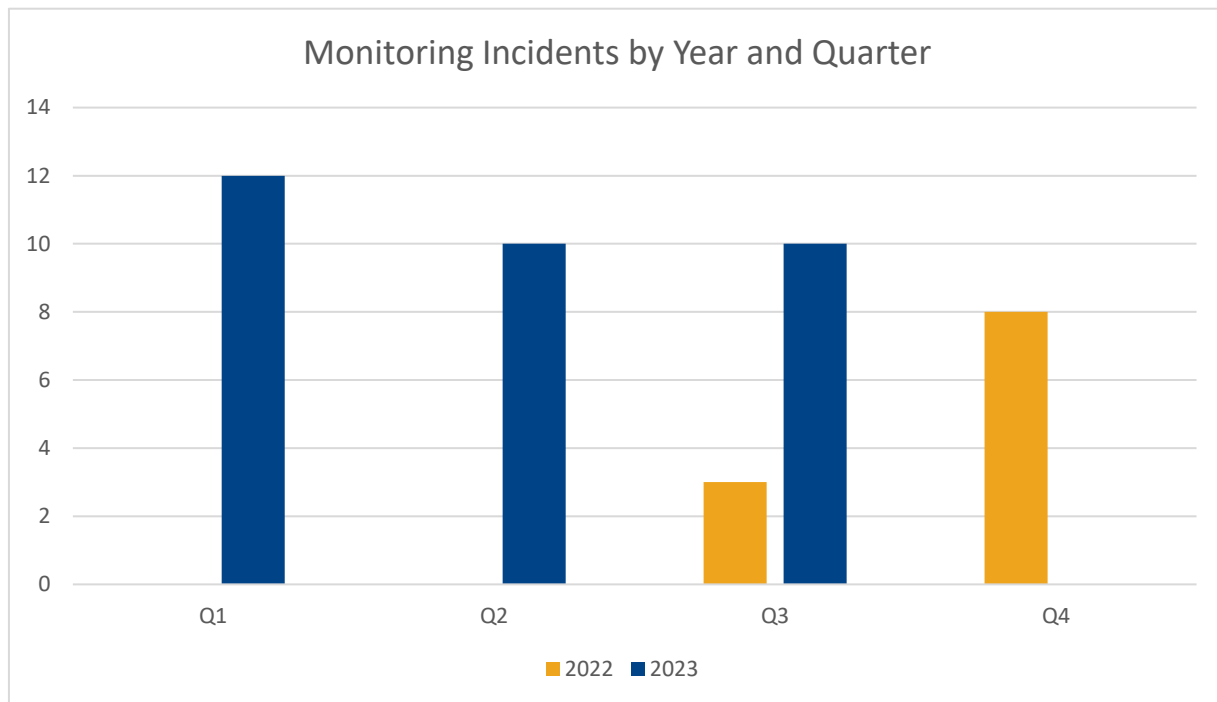


Table 1: OAT Monitoring Cases September 2022 - September 2023<sup>1</sup>*(Incidents with fatalities highlighted in blue.)*

No.	Date	Type	Street Address <sup>2</sup>	Civilian Fatality	Status
1	09/10/2022	Shooting	12200 N. 39 <sup>th</sup> Ave.	Yes	Open
2	09/22/2022	Shooting	2400 W. Greenway Rd.	No	Open
3	09/24/2022	Shooting	6600 N. 19 <sup>th</sup> Ave.	Yes	Open
4	10/27/2022	Use of Force <sup>3</sup>	5900 W. Buckeye Rd.	No	Report Pending
5	11/02/2022	Shooting	3700 W. McDowell Rd.	Yes	Open
6	11/06/2022	Shooting	4200 N. 21 <sup>st</sup> Ave.	No	Open
7	11/23/2022	Unlawful Detention <sup>3</sup>	12000 N. 32 <sup>nd</sup> St.	No	Open
8	11/29/2022	Shooting	1800 E. Southern Ave.	Yes	Open
9	12/03/2022	Shooting	2900 W. Thomas Rd.	No	Open
10	12/04/2022	Use of Force <sup>3</sup>	2702 W. Deer Valley Rd.	No	Report Pending
11	12/21/2022	Shooting	4100 W. Lydia Ln.	No	Open
12	01/03/2023	Shooting	4400 S. 36 <sup>th</sup> Dr.	Yes	Open
13	01/07/2023	Shooting	4600 S. Lakeshore Dr.	Yes	Open
14	02/11/2023	In-Custody Death	1400 N. 44 <sup>th</sup> St.	Yes	Open
15	02/22/2023	Shooting	2300 W. Glendale Ave.	Yes	Open
16	02/22/2023	Shooting	100 S. 29 <sup>th</sup> Ave.	Yes	Open
17	02/25/2023	Shooting	17600 N. 9 <sup>th</sup> St.	Yes	Open
18	03/04/2023	Shooting	6100 S. 35 <sup>th</sup> Ave.	No	Open
19	03/05/2023	Shooting	4200 W. Encanto Blvd.	Yes	Open
20	03/06/2023	Shooting	4100 W. Alta Vista Rd.	Yes	Open
21	03/08/2023	Shooting	1600 N. 27 <sup>th</sup> Ave.	No	Open
22	03/14/2023	Shooting	6700 W. Camelback Rd.	No	Open
23	04/01/2023	Shooting	1400 E. Bell Rd.	Yes	Open
24	04/10/2023	In-Custody Death	6500 W. Cocopah St.	Yes	Open

25	04/20/2023	Shooting	11800 N. 28 <sup>th</sup> Dr.	No	Open
26	04/24/2023	Shooting	3200 W. Bell Rd.	No	Open
27	05/11/2023	Shooting	9200 W. Lower Buckeye Rd.	No	Open
28	05/14/2023	Shooting	3900 W. Cactus Rd.	No	Open
29	05/22/2023	Shooting	16800 N. 19 <sup>th</sup> Ave.	No	Open
30	06/07/2023	Other <sup>4</sup>	1400 S. 11 <sup>th</sup> Ave.	No	Open
31	06/19/2023	Shooting	35 <sup>th</sup> Dr./Holly St.	Yes	Open
32	06/28/2023	Shooting	19 <sup>th</sup> Ave./Yavapai St.	Yes	Open
33	07/01/2023	Shooting	3036 E. Washington St.	Yes	Open
34	07/17/2023	Shooting	1800 E. Harrison St.	Yes	Open
35	07/20/2023	In-Custody Death	1900 W. Union Hills Dr.	Yes	Open
36	08/01/2023	Shooting	3300 W. Campo Bello Dr.	No	Open
37	08/10/2023	Shooting	SR51/Indian School Rd.	No	Open
38	09/09/2023	Shooting	8700 W. Glendale Ave.	Yes	Open

<sup>1</sup> Quarter 3 reporting period (July 1 - September 30, 2023) indicated with red border.

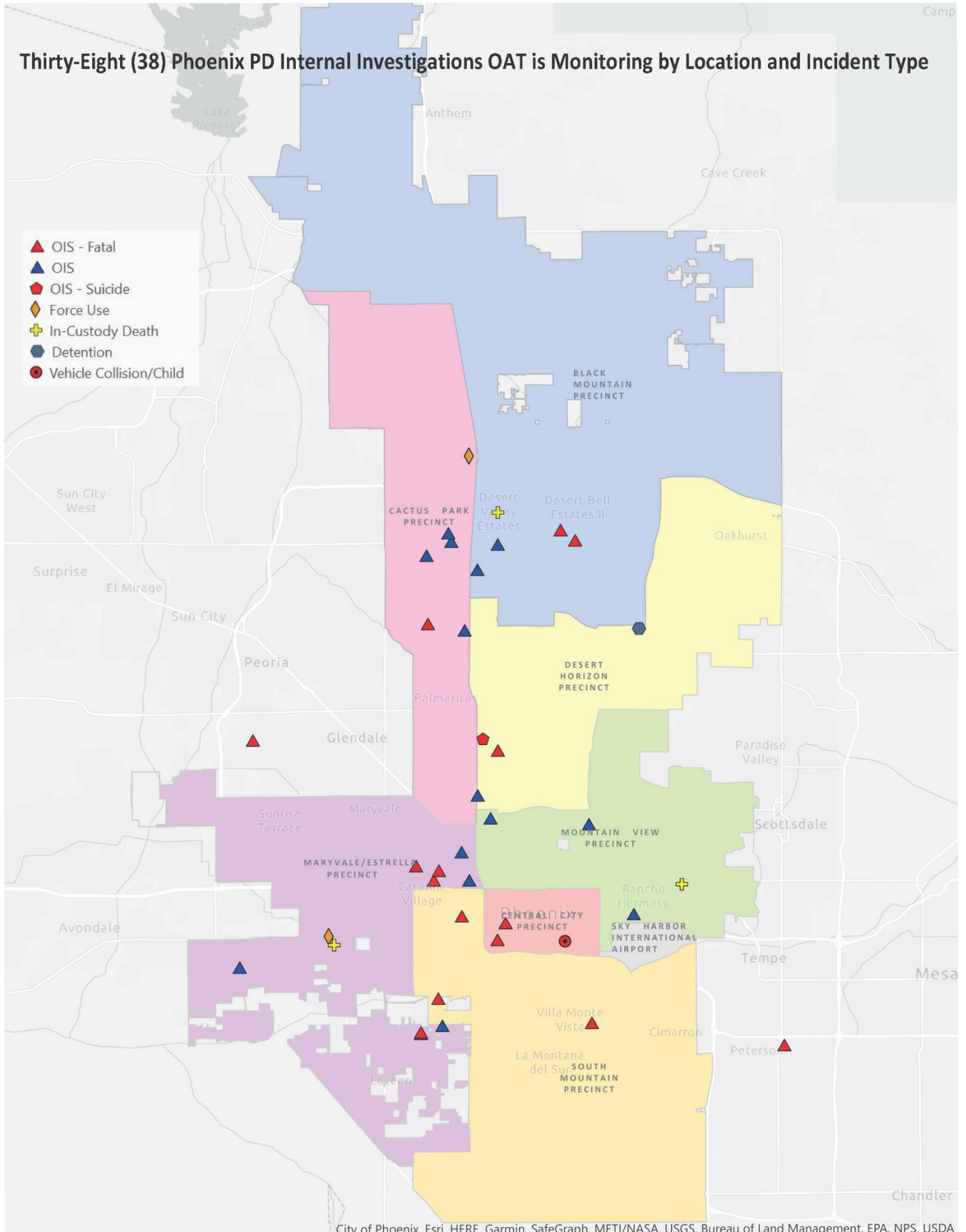
<sup>2</sup> Approximate location.

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

<sup>4</sup> Duty-related incidents involving or resulting in the death or serious bodily injury of a person (see P.C.C. § 20-6(B)(3)).



### Thirty-Eight (38) Phoenix PD Internal Investigations OAT is Monitoring by Location and Incident Type



## MEDIATION

This quarter, OAT continued developing protocols for its mediation program. OAT finalized the internal review, referral, intake, and mediation process details. OAT will facilitate two types of mediation for the community: department mediation and individual mediation.

Department mediations will be a possibility where there is no individual officer identified, it is a larger community concern about police response or involvement, or police policy and practice are implicated. Using the established criteria, OAT identified a potential Department mediation case and referred that to the Department for consideration. See page 15 for more details about the OAT Mediation process.

## COMMUNITY ENGAGEMENT

OAT attended the following events and/or gave informational presentations to the following groups between July 1 and September 30, 2023:

- YWCA Equity Programs Division
- JAG Pathmakers Breakfast
- Human Services Campus Managers and Council
- Energize 8
- South Mountain Community College
- Arizona@Work
- BBB Industrious Women's Summit
- NAACP Women's Expo
- ValleyWise Health and Resource Center
- Pueblo's Budget Meeting
- Life Center at the Beatitudes Campus

Additionally, OAT made more than 22 new community engagement contacts this quarter via phone, email, and in-person meetings.





## TRAINING AND HIRING

### Training

Between July and September 2023, OAT's Monitors and Senior Monitors attended a multi-day training through the Daigle Law Group (DLG) focused on Internal Affairs. Topics covered include: "policy standards, legal interpretations, and Consent Decree standards that makeup liability protection; IA investigation standards and the documentation of IA incidents; the way police agencies can investigate incidents and complete audits to ensure that policies and training are being followed." OAT staff completed weekly reading assignments, participated in online discussion forums with other attendees, and took a final certification test.

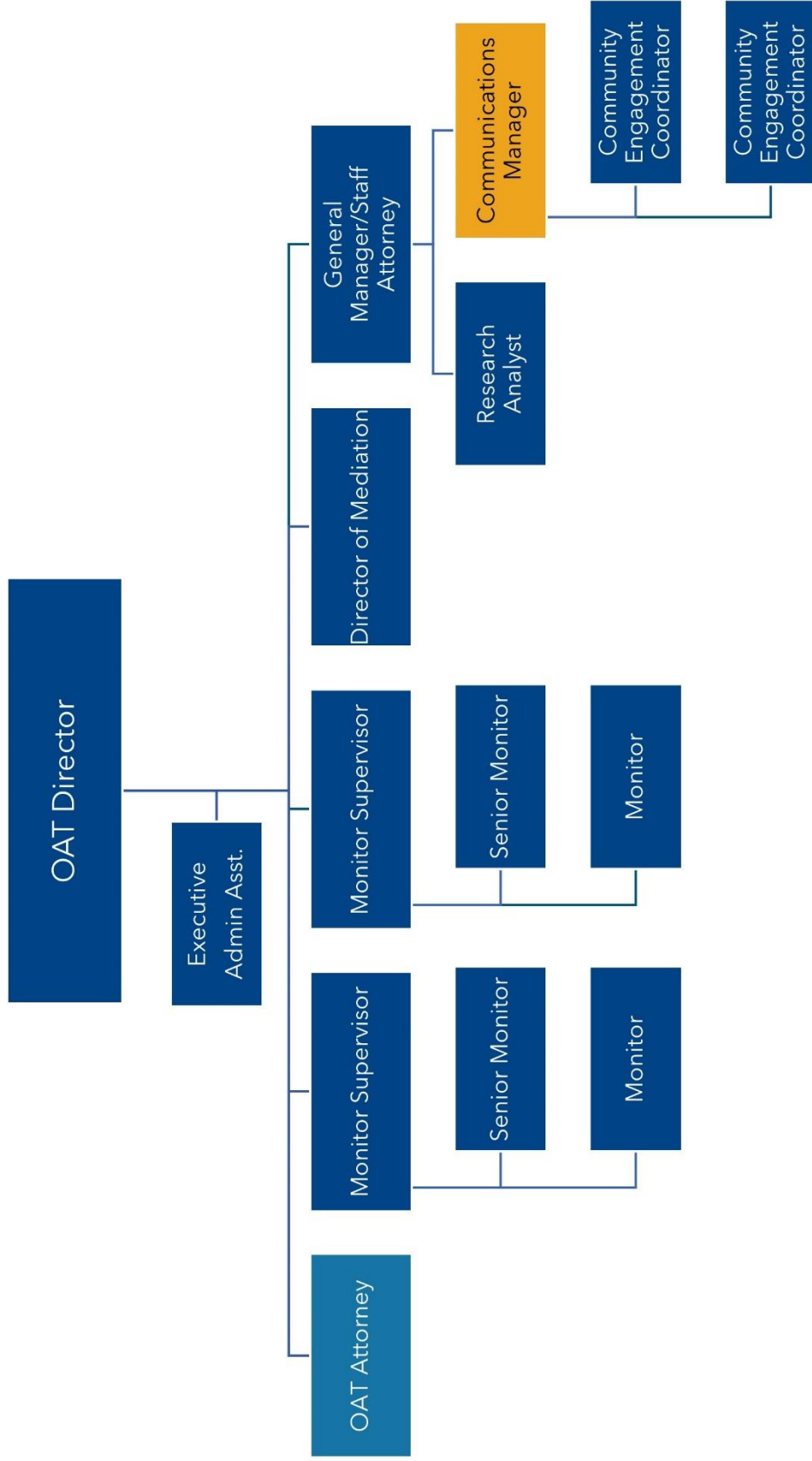
OAT's Monitor Supervisors and Director began working through the online Force Science Analyst Certification Course to gain an understanding of how Department officers are trained. The goal of the Force Science program is to prepare officers to understand human factor dynamics more thoroughly and completely while investigating cases involving the use of force.

In addition to OAT regular internal and City trainings on various matters related to agency practice, OAT staff attended the following trainings:

- NACOLE Webinar Series: The Evolution of Use of Force
- American Bar Association: Legal Writing: Writing Clearly & Convincingly
- Police Investigative Research Forum: Integrating Communications, Assessments, and Tactics
- Investigative Interview Techniques

### Hiring

OAT filled the Staff Attorney/General Manager position this quarter and extended an offer for the OAT Attorney position. The Communications Manager position will post in the next quarter, filling the final open OAT position. See the Organization Chart on the next page.



Recruitment in Progress
Not Posted
Hired

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

### *Mediations are Confidential*

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

### *Mediation is a Voluntary Process*

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

### *Mediation Participants*

Both the complainant and the PPD officer must participate in good faith in the mediation process. Failure of the complainant to participate in good faith may lead to dismissal of the complaint. Failure of a PPD officer to participate in good faith may lead to discipline. If a subject PPD officer refuses to attend the mediation session, the Chief of Police has the authority to refer the matter for investigation. Neither the complainant nor the PPD officer is required to reach an agreement during mediation, however.

### *OAT Mediators*

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

### *Mediation Outcomes*

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

### *Accessibility*

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

### *Mediation Location*

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

- In-person, at a neutral location within Phoenix, including the OAT office
- Online (virtual) mediation, whereby participants remain in their own spaces
- Or any combination of the above

For more information, please call 602-534-1151 or email [oat@phoenix.gov](mailto:oat@phoenix.gov)

## WHAT IS OAT MEDIATION?

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