

PHOENIX POLICE DEPARTMENT

# Officer-Involved Shooting Review



2009-2014

# PHOENIX POLICE DEPARTMENT

A Review of  
Officer-Involved Shootings  
2009 – 2014

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## EXECUTIVE SUMMARY

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Deadly physical force used by police is one of the most severe and scrutinized events in any police department. A deadly force encounter resulting in a police shooting has the potential of joining or polarizing a community, a department, and law enforcement relations across the nation. How a police department examines police shootings has a long reaching impact on the overall ability of a department to effectively police and serve the community. Although each police involved shooting must be fully investigated and evaluated on its own totality of circumstances, an unusually high number of incidents in 2013 precipitated an overall review of department policies and practices.

In February 2014, the Phoenix Police Department Executive Staff tasked the Professional Standards Bureau (PSB) with analyzing data from completed officer-involved shooting investigations. The Phoenix Police Department partnered with Arizona State University's Center for Violence Prevention and Community Safety (CVPCS) to complete the data analysis. The analyzed data assisted in a review of departmental policy and procedures, including training and tactics specific to officer-involved shootings. Information was collected from a variety of sources from 2009 to 2014 and compared to a recent U.S. Department of Justice "Collaborative Reform Model" recently implemented at the Las Vegas Metropolitan Police Department. The model documented 75 reforms, recommendations, and best practices regarding officer-involved shootings. The DOJ recommendations were specifically compared to the Phoenix Police Department policies and practices. This is documented in Appendix B.12: Collaborative Reform Recommendation Review.

A section of this study focuses on trends and patterns from officer-involved shootings in three primary areas. The first area of focus was the analysis of information related to the incident (time, location, setting, etc.). The second area of focus was the analysis of information related to the involved officer (employee demographics, tenure, assignments, weapons, etc.) The third area of focus was the analysis of information related to the subject (citizen demographics, criminal history, weapons, etc.). The project team's review of the incidents found that over the past 17 years (1998 – 2014), officer-involved shootings (OIS) incidents ranged from an annual low of 13 in 2003 to an annual high of 31 in 2013, with an average of 21.5 incidents per year. The focused review was limited to the past six years, 2009 through 2014. This date-range was primarily selected because the data elements were readily available to conduct the analysis.

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The review noted categories in which the Phoenix Police Department met or exceeded model policy guidelines; and areas in which improvements or reforms can be made compared to the Collaborative Reform Model. The comprehensive review noted several areas in which the Phoenix Police Department has strong policies in place for the handling of police shootings to include the initial response by investigators to the scene. Noting that department written policies and procedures, as related to the criminal investigation, the internal administrative investigation, and critical incident release of information were thorough and in-line with best practices. At the time of the study, 99% of the officer-involved shootings reviewed by the County Attorney's office were found to be within the Arizona state guidelines for justification of use of deadly physical force. A Use of Force Board, which consists of peer officers, police management, and representatives from the community found that of those reviewed, 97% of the officers had acted in accordance with department policy regarding use of force.

In an effort to better understand the dynamics of officer-involved shootings, the Phoenix Police Department proactively conducted this review to help identify potential trends and contributing factors. Though the study did not specifically identify trends regarding the year to year fluctuation in the number of shootings, several areas were identified in which improvements or reforms can be made with the ultimate goal of reducing the number of police shootings, enhancing officer safety, and continuing to build public trust.

During the review, several areas were identified as eligible for improvement. These primarily included a lack of in-service training, and proper documentation of training for all officers, but specifically for those involved in shootings. There was a lack of appropriate formal training outlines pertaining to de-escalation tactics and accountability records ensuring that training and reviews following an OIS incident occurred.

The project team identified at least two areas that will require additional evaluation of the data to help establish best practices. These categories included an increase in the ratio of officer injuries (ranging from minor to fatal) resulting from subject actions. This has increased from an average of one officer injured/killed for every six OIS incidents from 2009 through 2012, to most recently (2014) one officer injured/killed for every three OIS incidents. It was noted this increased trend paralleled the timeframe in which the organization experienced a decrease in annual training and police officer staffing. Second, the project team suggested additional analysis of data to identify contributing factors such as substance abuse, mental illness, prior felony arrest or conviction information, officer de-escalation of force, and any other factors

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influencing OIS. The enhanced analysis should assist in identifying and explaining the “how” and “why” of officer-involved shooting incidents.

### Immediate Action Taken

The Phoenix Police Department Executive Staff immediately assigned appropriate department staff to initiate policies, procedures, and enhance practices to address the project team’s recommendations.

In April 2015, the Commander’s position was reinstituted and assigned to the Training Bureau for the specific purpose of advanced proficiency training; and a required 40-hour module was implemented for all sworn police employees. The module consists of various topics including, but not limited to:

- Mental Health Disorder and Response – recognition of drugs and alcohol impairment, and mental capacity
- Crisis Communication – negotiations (scenario based)
- Use of Force Policy Update and Review – preservation of life and de-escalation of force
- Arrest Team Tactics – department tactical resources available
- Threat Assessment – proper identification of deadly weapons (shoot and non-shoot scenarios)
- Firearms – marksmanship, malfunction drills, and proper use of cover

The Training Bureau Firearms Detail will be tracking and reporting to supervisory staff if sworn personnel do not attend quarterly firearms practice as required by department policy. In addition, the Tactical Training Detail will explore the necessity of implementing foot pursuit and use of force de-escalation policies.

Department Executives have re-established the personnel assigned to the Tactical Review Committee (TRC) and tasked members to review all OIS incidents, improve post OIS protocols, identify training needs, and improve documentation and retention of the committee’s findings. As the Tactical Review Committee continues to revamp and evolve, Training Bureau personnel will continue to support revisions and recommendations made by the TRC and the Executive Staff.

The Violent Crimes Bureau Homicide Unit has revised policies and established standardized templates to enhance OIS debriefings provided to the Professional Standards Bureau personnel conducting the administrative investigation of an OIS incident. This will also assist the TRC in making well-informed decisions focused on training needs. In addition, Homicide supervisors

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instituted new protocols for tracking and retaining documentation pertaining to personnel attending the OIS debriefings. Debriefings will now be scheduled as soon as practical after PSB has concluded the employee interviews. The Professional Standards Bureau has included additional questions into their OIS questionnaire to determine tactical considerations during each OIS incident for the TRC Committee. A TRC representative will also respond to each OIS incident to review the scene, listen to the initial briefing, and discuss any tactical concerns with PSB investigators. All employees involved in an OIS incident will now be required to attend mandatory training identified by the TRC before being released to full duty status. The TRC and Training Bureau will provide documentation of OIS training to the Professional Standards Bureau for retention.

The PSB Inspections Unit will continue to gather, track, and analyze OIS documentation to provide senior management and other appropriate personnel with relevant information that supports the organizational goal of reducing OIS incidents.

## BACKGROUND

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From 2009 through 2012, the Phoenix Police Department (PPD) had an average of 17 officer-involved shooting (OIS) incidents per year. From 2012 to 2013, the number of OIS increased from 18 to 31. In February 2014, the PPD Executive Staff tasked the Inspections Unit of the Professional Standards Bureau (PSB) to initiate a program to identify factors contributing to officer-involved shootings. During this same time period, the project team found that the Las Vegas Metropolitan Police Department (LVMPD) was working with the U.S. Department of Justice on concerns over their officer-involved shootings in recent years. To gain a better understanding of the factors surrounding the officer-involved shooting issues in Nevada, the Phoenix Police Department sent two sergeants from the Professional Standards Bureau to Las Vegas to review and gather information about their process. Given the Justice Department's involvement in the project, the trip was instrumental in giving our project team a complete understanding of the U.S. Department of Justice, Office of Community Oriented Policing Services "Collaborative Reform Model," and concerns surrounding police shootings on a national scale.

As part of the initiative, Las Vegas Metropolitan Police Department agreed to an in-depth assessment of its use of deadly force policies and practices. In support, the COPS Office and the Center for Naval Analysis (CNA), a federally funded research and development center, assisted them in adopting national standards and best practices as they relate to OIS. CNA conducted the assessment, focusing on four primary areas: (1) policy and procedures, (2) training and tactics, (3) investigation and documentation, and (4) external review. CNA completed the assessment in November of 2012. The following reports, created by the COPS Office and CNA, documented the comprehensive initiative:

- *Collaborative Reform Process: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department – Published October 2012*
- *Collaborative Reform Model: Six-Month Assessment Report of the Las Vegas Metropolitan Police Department – Published September 2013*
- *Collaborative Reform Model: Final Assessment Report of the Las Vegas Metropolitan Police Department – Published May 2014*

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The reports noted above were intended to serve as a resource for all law enforcement agencies “to help impact the critical relationship between police and the communities they serve.”<sup>1</sup> The reports provide current national standards and best practices regarding OIS that agencies can use to measure their policies and practices against.

To facilitate the Phoenix project team goals, similar data would need to be identified, collected, and analyzed to identify trends, which if addressed, could potentially reduce the number of PPD OIS and increase officer safety. Applicable data was collected for a six-year period (2009 – 2014).

The primary objectives focused on the following:

- Analyze data and conduct trend analysis of completed OIS investigations for calendar years 2009 through 2014
- Evaluate Phoenix Police policies addressing the response to and disposition of OIS and involved employees
- Evaluate procedures pertaining to the criminal and administrative investigations of OIS
- Evaluate training provided to employees specific to police shootings and post incident review for those involved in an OIS
- Determine the financial impact of OIS incidents

The Phoenix OIS project team identified key stakeholders. Members from the Professional Standards Bureau Investigations and Inspections Units along with the Violent Crimes Bureau Homicide Unit were assigned from the PPD. Arizona State University’s Center for Violence Prevention and Community Safety (CVPCS) agreed to assist with trend analysis of gathered data; and the Phoenix City Auditor determined the financial impact of OIS incidents.

The review team developed an [OIS Matrix](#) and a database to facilitate the consistent extraction and analysis of data from OIS investigations. The OIS Matrix was utilized to conduct data extraction from completed OIS investigations for calendar years 2009 through 2014. The analysis focused on information contained within the report that might help establish contributing factors.

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<sup>1</sup> Collaborative Reform Process - Letter from the Director – U.S. Department of Justice, Office of Community Oriented Policing Services

## PHOENIX POLICE OIS POLICIES & PROCEDURES

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### Examination of Operations Orders

The Phoenix Police Department (PPD) Operations Orders manual provides employees with guidelines and policy for the uniform enforcement of state, local, and federal laws; as well as, outlines what is expected of employees in terms of conduct, appearance, and other personnel matters. Individual orders outline the procedures to be followed in the delivery of police services to the community. The PPD Operations Orders manual is divided into nine sections with individual chapters that address a wide variety of law enforcement functions.

Section 1 of the manual addresses the law enforcement role, responsibilities and relationships, and a chapter within that section is dedicated to use of force. The [Use of Force policy](#) is itself subdivided into 9 parts that each cover topics related to use of force: general information; definitions; general policy; response options; response options training; reporting use of force incidents; shooting and use of force incidents resulting in death or serious injury; tactical review committee; and post use of force trauma.

The purpose of this section is to evaluate the PPD Use of Force policy to determine if officers are provided with a policy that assists with deadly force decisions, which are based on federal and state laws, and also incorporates best practices. For the purpose of this evaluation, the following source was utilized for comparison:

- [Department of Justice Collaborative Reform Process](#)

The review noted above, although focused on the Las Vegas Metropolitan Police Department, was intended to serve as a resource for all law enforcement agencies “to help impact the critical relationship between police and the communities they serve.”<sup>2</sup> The comprehensive review drew from a wide variety of resources as it sought to identify common components of a model use of force policy. The review relied upon U.S. Supreme Court rulings, federal and state laws, best practices, and community input. A series of findings and recommendations were provided and the current Phoenix Police policy is measured against the applicable standards identified in that review. The following section identifies areas addressed that reflect sources of strength within the Phoenix Police policy.

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<sup>2</sup> Collaborative Reform Process - Letter from the Director – U.S. Department of Justice, Office of Community Oriented Policing Services

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The guiding principle behind the PPD Use of Force policy is “to use a reasonable amount of force to conduct lawful public safety activities.” Employees are reminded that the reasonableness of the force employed is based on the totality of the circumstances encountered and that officers are responsible for providing the facts and circumstances that justified the level of force utilized. Additional guidance provided in the policy is drawn directly from the U.S. Supreme Court case, *Graham v. Connor*, which cites the following factors to help determine what is reasonable:

- The severity of the crime
- Whether the suspect poses an immediate threat to the safety of officers or others
- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight

Phoenix Police policy goes on to provide additional guidance for a series of use of force options that include the following: presence; verbal persuasion, negotiation or command; soft empty hand techniques and restraining devices; chemical agents; electronic control devices; intermediate control techniques; carotid control technique; and deadly force. Each of the aforementioned use of force options include additional specific policy direction regarding when it is appropriate to utilize the respective force options.

The section that specifically addresses deadly force draws upon the U.S. Supreme Court case, *Tennessee v. Garner*, which provides circumstances where officers may use deadly force including, but not limited to the following:

- When such force is reasonable to protect themselves or a third person from another’s use, or threatened use, of deadly force
- To prevent the escape of a subject whom the employee has probable cause to believe has committed an offense involving the infliction or threat of serious physical injury or death, and is likely to endanger human life or cause serious injury to another unless apprehended without delay
- In situations where the officer must overcome an attack the officer reasonably believes would produce serious physical injury or death to the officer or another person

To further reinforce the critical nature of deadly force decisions, officers are reminded that “deadly force is utilized as a last resort when other measures are not practical under the existing circumstances.”<sup>3</sup>

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<sup>3</sup> Phoenix Police Department’s Use of Force Policy dated 6/2013 - See Appendix B

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Phoenix Police policy also provides a mechanism to analyze and evaluate deadly force encounters through the Tactical Review Committee (TRC). The TRC serves the primary purpose of reviewing deadly force incidents to identify any related training needs. The committee may also make suggestions regarding amendments to policy. Existing policy also designates the TRC with the responsibility of generating a semiannual report of lethal force activity to the police department's Executive Staff. The report is to include the following items:

- The number and type of lethal force incident cases reviewed
- Any training given in relation to each lethal force incident and how the training was distributed
- Any trends identified in lethal force incidents and any policy revisions or improvements made as a result of the TRC review process

Overall, the Phoenix Police Use of Force policy meets many of the standards identified within the review; however, differences between the policies were also noted. The following section identifies areas reviewed that could further enhance the Phoenix Police Use of Force policy.

The guiding principle of the Phoenix Police policy is “to use a reasonable amount of force to conduct lawful public safety activities” and to rely on deadly force “as a last resort when other measures are not practical under the existing circumstances.” The Department of Justice review suggests these statements could be further enhanced through a “sanctity of human life” statement, which was ultimately incorporated into Las Vegas Metropolitan Police Department policy in response to community input.

Phoenix Police policy draws upon U.S. Supreme Court cases, *Tennessee v. Garner* and *Graham v. Connor*, to describe the circumstances that may govern the reasonableness of a particular force option and to provide additional guidance regarding what constitutes “reasonable” use of force. The review resulted in the additional factors that were meant to provide officers more context for use of force decision making. Phoenix Police policy may be further enhanced with the addition of the following factors:

- The influence of drugs/alcohol or the mental capacity of the subject
- The time available to an officer to make a decision
- The availability of officers/resources to de-escalate the situation
- The proximity or access of weapons to the subject
- The environmental factors and/or other exigent circumstances

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Phoenix Police policy provides a mechanism for the evaluation of policy during the course of the TRC review of individual deadly force incidents. The Use of Force policy may be further strengthened by implementing a regular review of the policy, at least annually and as needed, by the Legal Unit or others to incorporate court decisions and lessons learned from other deadly force incidents. The current Use of Force policy was revised in June, 2013.

Another potential area that may enhance Phoenix Police policy is the addition of a policy addressing foot pursuits. The Las Vegas Metropolitan review led to the development of a foot pursuit policy that was intended to establish parameters surrounding decision-making and officer safety. The policy details the factors to consider when deciding to engage in a foot pursuit, officer safety concerns, and transitioning from pursuit to apprehension. The policy also details the roles and responsibilities of the officer initiating the pursuit, assisting officer(s), supervisor, and dispatcher.

The most significant difference when comparing Phoenix Police policy to the Las Vegas Metropolitan review was a stronger emphasis placed on the concept of de-escalation and force transition as a tactic. As it pertains to the use of deadly force, Phoenix Police policy specifies that when the circumstances justifying the use of deadly force no longer exist, deadly force will immediately be discontinued; however, it relies on the general principle of reasonable force to dictate the officer's use of force decision making. The review indicates improved outcomes may be achieved with a policy that places greater emphasis on de-escalation and force transition. It endorses a policy that makes clear that de-escalation is a method officers should consider in potentially violent situations, whenever it is safe to do so.

A police department's use of force policy provides an opportunity to educate both employees and the general public regarding the expectations of the department. The Phoenix Police Use of Force policy addresses many elements documented in a "model use of force policy." Training that is provided at regular intervals provides departments with an opportunity to bridge the gap between policy and practice, and to reinforce the department's expectations with its employees.

## Initial Response to OIS Incidents

When an OIS occurs, the notifications outlined in the [OIS Flowchart](#) are made to ensure all necessary resources respond in the appropriate capacity. There are several matters of importance regarding the initial response.

The physical and emotional well-being of department employees is paramount following an OIS. Few situations in an officer's life will be more stressful and occur in a shorter period of time than an OIS.<sup>4</sup> Involved officers are offered employee assistance from the following programs:

- Critical Incident Stress Management (CISM) – A program developed to mediate the effects that result from a critical incident
- Peer Support Program – A support program that provides all employees access to trained peer employees who can provide support during a time of personal crisis
- Employee Assistance Program – A program offered by the City that provides professional counseling services to police personnel and immediate family members
- Police Chaplaincy Program – A program designed to personally assist police employees and their families

Another matter of importance is the overall examination of the OIS, which consists of several components. The criminal investigation is conducted by the Homicide Unit. The Maricopa County Attorney's Office (MCAO) conducts its own review of the OIS based upon the Homicide Unit's investigation. Additionally, the Maricopa County Office of the Medical Examiner, an independent office separate from law enforcement and prosecution, makes a public inquiry into the OIS when a death is involved. Lastly, the administrative investigation is conducted by the PSB Investigations Unit. For a more complete explanation regarding the initial scene response and investigation, refer to the [OIS Flowchart](#).

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<sup>4</sup> Colaprete, F. A. (2007) *Internal Investigations A Practitioner's Approach*, Springfield, Illinois: Charles C Thomas – Publisher, LTD. (142) & Oberlander, R. (2004) *Judgment Evaluation and Force Option Training Simulators: Providing Real World Critical Incident Experiences – The Law Enforcement Trainer*

## **Criminal OIS Investigation Policy & Procedure Review**

The Phoenix Police Department's Violent Crimes Bureau Homicide Unit conducts criminal investigations into critical incidents, to include officer-involved shootings, use of force incidents resulting in serious injury or death, and in-custody deaths. The Homicide Unit is under the direction of a lieutenant, who reports directly to the Violent Crimes Bureau Commander. There are five homicide squads, that combined have thirty-nine detectives, fifteen of which are designated as critical incident investigators. These fifteen detectives have been carefully selected based on investigative experience and have received specialized training needed to work concurrently with a PSB administrative investigator. Critical incident investigators receive quarterly training regarding:

- Policy and procedural changes
- Nationwide best practices for critical incident investigations
- Legal updates and case law decisions regarding high-liability investigations
- Case submittal requirements and timelines
- Labor contract changes

The quarterly training is mandatory for all critical incident investigators and supervisors. Training regarding officer-involved shootings and critical incidents is also provided to all personnel assigned to the Homicide Unit during mandatory monthly meetings.

Critical incident investigations are coordinated with the Professional Standards Bureau (PSB) to ensure that an officer's "Garrity" and civil rights are not violated. Garrity Rights protect public employees from criminal exposure and liability after being compelled to investigatory interviews conducted by their employers, which may lead to self-incriminating criminal statements. This protection stems from the Fifth Amendment to the United States Constitution, which declares that the government cannot compel a person to be a witness against him/herself. To ensure these criminal investigations are conducted properly, specific protocols and policy have been established. The [Violent Crimes Bureau Manual](#) contains detailed protocols regarding the investigation of critical incidents.

### Critical Incident Review Process

All reports are submitted to the Homicide Unit Case Supervisor (Sergeant) in draft form. This includes all supplemental reports authored by initial responding patrol officers, patrol supervisors, and all assisting Homicide Unit Detectives. The reports are reviewed prior to being finalized and documented in the final investigative report. All crime scene investigation

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documentation, including diagrams completed by the Crime Scene Specialists assigned to the PPD Crime Lab, as well as all scientific analysis requests, are also reviewed and approved by the case supervisor prior to being finalized. This level of scrutiny ensures that the most accurate investigative report is completed prior to being forwarded to the Maricopa County Attorney's Office (MCAO) for charging, review by the MCAO Use of Force/Shooting Review Board, and release to requesting media organizations and the public.

Homicide Unit supervisors thoroughly review all critical incident investigations. The Unit has developed a four-phase review protocol, which includes a 72-hour, 90-day, one-year, and five-year review.

Each critical incident is reviewed 72 hours after it occurs. This review involves the case agent, supervisor, detectives actively involved in the investigation, and the Homicide Unit Lieutenant. The review encompasses a debriefing of the incident and the current status of the investigation, discussion of any issues or problems encountered, and a determination of investigative activities that need to be prioritized, delegated, and completed. The Unit Lieutenant provides PPD executive management officials with an investigation update if needed.

At the 90-day review, the case agent, supervisor, and the Homicide Unit Lieutenant determine what supplemental reports have not been completed and identify any tasks or follow-up needed to finalize the investigation.

At the one-year review, an uninvolved Homicide Unit Sergeant conducts a complete analysis of the investigation. Any incomplete documentation or needed follow-up activity is documented and forwarded to the case supervisor and the Homicide Unit Lieutenant.

At the five-year time period, if the case remains unsolved, a review is conducted by the Cold Case Homicide Squad. A complete analysis is conducted of critical incident investigations classified as open or pending (unknown or outstanding suspects). Any incomplete documentation or needed follow-up activity is documented and forwarded to the case supervisor and the Homicide Unit Lieutenant.

All case reviews are approved and maintained by the Cold Case Squad. Additional work deemed necessary on any investigation identified through the review process is documented in the assigned detective's supervisory notes and tracked until completion. The review process is designed to ensure that the most thorough investigation is conducted and completed for each critical incident.

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### Critical Incident Release of Information Process

Phoenix Police policy requires a Public Information Officer respond to the scene of officer-involved shootings to provide media briefings and prepare press releases. All requests for records, specifically for officer-involved shooting and critical incident investigations, made by media outlets and citizens are processed by the Homicide Unit case supervisors in accordance with Arizona's public records laws. To maintain transparency, closed cases with no outstanding or unidentified suspects are minimally redacted and released to provide the community with factual information regarding the investigation.

## **Administrative OIS Investigation Policy & Procedure Review**

The Professional Standards Bureau Investigations Unit is responsible for conducting the administrative investigations into all OIS. The Investigations Unit is under the direction of a commander, who reports directly to the Police Chief, which is a best practice model.<sup>5</sup> In addition, there are three Investigations lieutenants and fifteen Investigations sergeants. The lieutenants participate in the actual investigative process to ensure consistent, accurate, and thorough investigations.

### Training

All newly assigned PSB Investigators must successfully complete a comprehensive Investigator-in-Training program. This is an on-the-job training program where new investigators are trained and evaluated by experienced investigators. The program provides the basic foundation for their work assignment and familiarizes new investigators with the policies and procedures within PSB, and those used for their investigations. The new investigator must demonstrate proficiency in the skills and knowledge necessary to perform job-related tasks consistently and professionally, as mandated by departmental policy, within the prescribed training period. Failure to successfully complete the training program may result in reassignment from PSB. For specific details regarding the Investigator-in-Training program, refer to the [Professional Standards Bureau Manual](#).

In addition to the Investigator-In-Training program, all investigators receive ongoing training semi-monthly during Bureau meetings on topics to include, investigative procedures, case management, policies and practices, current trends, and Labor Management matters. These meetings also give both new and experienced investigators the opportunity to seek guidance on cases.

### Review and Recommendation Phase

There are a minimum of two PSB sergeants assigned to investigate an OIS. The primary investigative sergeant is responsible for the completion of the investigative report. The secondary investigative sergeant has in-depth knowledge of the OIS, serves as a resource for the primary investigator, and completes the first investigative review of the administrative report. To maintain consistency, all OIS investigations are formatted using the internal investigations template. The template is a structured framework updated often to stay current with policy and facilitate data extraction.

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<sup>5</sup> Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice US DOJ Office of Community Oriented Policing Services (COPS Office) Page 51

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The second review of the draft report is completed by the primary investigator's lieutenant. Once this review is complete and any necessary edits have been made, the final draft is forwarded to the PSB Commander. After any necessary changes are made, the draft is signed by the commander and sent to the involved officer(s), their chain of command, and the respective labor union representative to begin the employee investigative review process (IRP).

The purpose of the IRP is to give the employee(s), the employee(s) representative, and their chain of command the opportunity to review the draft investigation before it is finalized. The employee has a maximum of twenty-one calendar days to review the draft investigative report and make note of any concerns. If the employee has concerns with the content of the investigation, the employee, the representative, and the employee's chain of command will meet with the PSB Commander in an attempt to find a resolution. The PSB Commander will make the final decision on any changes to the investigation and it will be finalized. The finalized investigation will be sent to the Use of Force Board (UFB) for review.

It should be noted, an OIS investigative report is different from a misconduct investigation in that PSB will not determine findings for the OIS. The OIS report presents an evidence-based, chronological account of the OIS incident.

### Use of Force Board:

The purpose of the Use of Force Board (UFB) is to determine and recommend to the Police Chief whether the level of force a police officer used was appropriate ("In Policy") or if it violated any department orders ("Out of Policy").<sup>6</sup> Prior to the board convening, the board members are given the opportunity to review the OIS investigation, department policies, and/or training methods.

The UFB is composed of the following members:

- One executive staff member assistant chief/director (chairperson)
- One commander
- One employee peer
- Three citizens

In addition, the UFB has three advisers:

- Legal adviser (nonvoting member)
- Firearms Training Detail Sergeant (nonvoting member)
- Tactical Training Sergeant (nonvoting member)

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<sup>6</sup> PPD Disciplinary Review Board & Use of Force Board Training Manual

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The PSB Investigator will address the board with an overview of the incident, normally in the form of a PowerPoint presentation. The involved officer(s) are present for the PSB Investigator's presentation to the board. The board has an opportunity to ask the investigating supervisor questions about the investigation.

The employee then relates to the board what occurred during the actual use of force incident. The board members may ask questions of the employee (Garrity protection continues). The UFB will deliberate in private and determine if the use of force was "In Policy" or "Out of Policy" through a majority vote. Each member of the UFB will have one vote of equal weight. The UFB chairperson is a facilitator; however, does cast a vote in the event of a tie. There are no reports prepared based on the minority vote. The recommendation is then forwarded to the Police Chief, who has the final decision on the use of force determination.

### Discipline Review Board:

If the OIS is determined to be "Out of Policy," then the OIS officer will be sent to the Discipline Review Board (DRB). The purpose of the DRB is to determine the appropriate level of discipline for violations of a policy, rule, law, order, or procedure.<sup>7</sup> The employee is not required to appear before this board.

The DRB is composed of the following members:

- One assistant chief (chairperson)
- Two commanders
- Two employee peers
- Two citizens

The PSB Investigator makes the first presentation to the board members. The employee and their union representative are afforded an opportunity to make a presentation to the board. Board members are then given an opportunity to further obtain facts and information from the employee (Garrity protection continues) or the employee's representative, or the PSB Investigator by asking questions or examining the materials presented. The PSB Investigator will be given an opportunity to offer any clarification, if necessary, in response to the employee's or union representative's presentation. The employee has the opportunity to make a final statement. If a union representative represents the employee, then the representative will make a final statement and a recommendation for discipline. The employee's immediate supervisor

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<sup>7</sup> PPD Disciplinary Review Board & Use of Force Board Training Manual

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will provide a work history to the board. The employee's current commander will provide a recommendation for discipline.

During a DRB, for the purpose of reaching a final recommendation, the majority vote of the board members present will be the recommendation to the Police Chief. There are no reports prepared based on the minority vote. Each member of the board will have one vote of equal weight. The DRB chairperson is a facilitator, but does cast a vote in the event of a tie, and will forward the signed final board recommendation to the Police Chief. The Police Chief has the final determination on discipline. The employee has a right to appeal the Police Chief's decision through a Civil Service Hearing. For a more complete explanation of the review and recommendation phase, refer to the [OIS Flowchart](#).

## Training & Tactical Review

The OIS project team identified training as one of the most important aspects of this review. The national best practices benchmark as noted below, recommends agencies dissect OIS incidents, extract data, identify trends, and provide trend-based training to officers in a timely fashion in an effort to improve officer safety, decision making, accountability, transparency, public perception, and to decrease OIS incidents.

### LVMPD – A Case Study

The U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office) and the Las Vegas Metropolitan Police Department (LVMPD) completed the newly created [Collaborative Reform Process](#). The Collaborative Reform Process was designed to serve as a model for other law enforcement agencies, as noted in the [Collaborative Reform Model](#).

As part of the process, LVMPD made numerous reforms to its training programs over recent years. They enhanced Advanced Officer Skills and Training (AOST), a mandatory 8-hour class given once a year to all patrol officers. This training is both classroom and scenario-based, adjusted to respond to the training and tactical needs of the agency, and based on a review of OIS incidents.

The review also determined that Reality-Based Training (RBT) would better prepare officers to handle dynamic situations and successfully bring incidents to the best conclusion. The RBT program is mandatory training occurring twice per year. RBT consists of three blocks of training: Knowledge-Based Training (classroom), Advanced Defensive Tactics, and Reality-Based Training (scenarios). RBT also provides relevant training on lessons learned from OIS incidents through classroom instruction complemented with scenario training. With the training held twice a year, the department can address any emerging deficiencies or challenges in a timely manner. In addition, RBT for supervisors was designed specifically with the emphasis placed on leadership during team scenarios. Supervisors go through each scenario before assigned officers attend the training. With this structure, supervisors are scheduled to go through each scenario four times per year.

The AOST and RBT modules both focus on de-escalation tactics. In various scenarios, officers are trained to slow down the momentum of a call, get a supervisor to the scene, and consider force options, whenever feasible.

Consideration should also be given to incorporating lessons learned into training videos, which re-enact OIS incidents and focus on officer safety. One example of a training video focused on

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foot pursuits. The Collaborative Reform Process showed that a high percentage of OIS incidents resulted from foot pursuits. As a result, LVMPD examined foot pursuits and found that a foot pursuit collapses both time and space, which is a catalyst for a violent encounter. A new foot pursuit policy was implemented outlining tactical options and department expectations. The training video was developed covering officer safety, decision making, and tactics in an effort to reduce the likelihood of the incident resulting in an OIS.

In examining training, the collaborative reform determined that it needed to recertify its Crisis Intervention Team (CIT) officers. CIT personnel receive specialized training on how to assist mentally ill subjects going through a volatile emotional crisis. The focus is on resolving the incident peacefully. Under the CIT Recertification Program, the department will train up to 400 officers per year. LVMPD plans to recertify all CIT officers on a 3-year basis.

The Critical Incident Review Process (CIRP) implemented at LVMPD encompasses two separate but related boards (the Use of Force Review Board and the Tactical Review Board), whose combined purpose is to conduct a thorough review of all aspects of incidents involving the use of deadly force. The CIRP two-part process examines: all tactics; decision making; department policy and procedure compliance; training; supervision; and the use of deadly force in such incidents. This examination process is crucial to the identification of individual and department training needs. Once the training needs have been identified, they are addressed in AOST and RBT. After attending the training, officers are held accountable for complying with the new information presented and any revisions to policies and procedures.

With regards to post-OIS training, LVMPD designed individualized training programs for officers in deadly force incidents that violated policy or committed procedural and/or tactical errors.

### Phoenix Police Department Training Overview

Throughout the past several years, the Phoenix Police Department (PPD) has conducted officer training in a multitude of ways, such as:

- Advanced Officer Training (AOT)
- Quarterly handgun training sessions
- Various classes conducted by the Training Bureau
- Training videos
- Post use of force training for OIS officers

After an OIS occurs, training needs can be identified through the Tactical Review Committee (TRC), the TRC Sub-Committee, and the Use of Force Board. In addition, the Crime Analysis

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and Research Unit (CARU) completes annual statistical reports for use of force incidents involving firearms and use of force incidents involving other types of force employed. The Use of Force Incidents Involving Firearms Report captures demographic information regarding the officer and subject involved in an OIS incident, and weapon(s) used (handgun, rifle, and shotgun). The report also documents the number of OIS incidents for each of the last ten years. This report provides factual OIS data, but is limited in identifying trends.

### Advanced Officer Training (AOT)

AOT is mandatory annual training for all sworn personnel below the rank of commander. This training is held at the Arizona Law Enforcement Academy and has taken many forms since its inception. During AOT, officers update certifications, complete annual firearm qualification and decision making courses, receive use of force and reality-based training, and receive updated training on policies and current events.

During this review, staff interviews were conducted with personnel assigned to the academy. Interviews revealed there has been very little training and no formal AOT for department employees as a result of budgetary constraints and reduced staffing levels. The multi-day AOT where the Firearms Detail once was allotted time to present firearms training as part of the AOT curriculum has not been scheduled for several years. There had been some firearms classes for those employees who want to voluntarily participate, but they have been limited due to reduced funding to purchase ammunition for training purposes.

The project team confirmed there was an AOT in 2004/2005, with reality-based scenarios to include a building search, room entry and accelerated deployment, and tactical lethal force decision making. In 2005/2006 the AOT had a tactical training component in the form of an active shooter, window and door breaching, and an update on defensive tactics. Prior to the completion of this report (2014), the last mandatory AOT was in 2006/2007, and did not include a tactical component for officers assigned to investigative positions. Academy staff provided additional information which shows that several classes were offered during the 2008, 2010, 2012, and 2013 training modules. AOT is scheduled to resume during calendar year 2015.

### Annual Qualification & Decision Making

Per Arizona Peace Officer Standards and Training (AZPOST) [Rule R13-4-111.C](#), to maintain state certification as a peace officer, all employees must:

1. Qualify (84 percent or above) annually with all handguns they are authorized to carry or are normally equipped with during the course of their duties.

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2. Successfully pass a decision making test conducted by an instructor assigned to the FTD (or authorized designee) on an annual basis.

In the absence of formal AOT sessions, officers were required to complete the Annual Qualification and Decision Making courses with little to no additional training. Currently there is an accountability process to confirm if officers are completing the Annual Qualification and Decision Making requirements.

### Quarterly Handgun Training

Quarterly trainings are provided department-wide and per Operations Orders 4.25.3.C.(2), employees are required to shoot for practice with a primary and/or secondary handgun a minimum of three times per year in addition to annual qualification. The training provided during the quarterly sessions focuses on, but is not limited to, marksmanship, tactical manipulations, shooting form, and stance. This training can be provided at any department shooting range. Currently, there is no process to confirm if officers are complying with this policy requirement.

### OIS Officer Post Use of Force Training

[Operations Order 1.5.9.E.\(3\)](#) states all OIS officers will be referred to the Training Bureau firearms staff for an appointment prior to returning to enforcement duty from administrative leave. The employee's bureau/precinct commander/administrator or designee is responsible for contacting the Training Bureau firearms staff to schedule the appointment. This appointment provides employees with the opportunity to fire their duty weapon, and if necessary, qualify on a replacement weapon and discuss any related questions they may have as a result of their shooting incident. There is also an opportunity to discuss any tactical related questions they may have with a tactics instructor from the Tactical Training Detail.

Post Use of Force Firearms Training is a training session outlined in [Lesson Plan Number 11761](#), which requires involved employees to report to the Firearms Detail and perform several firearms related drills after being presented with a brief narrative of information. Interviews indicated that some officers involved in an OIS have not attended the session. Currently, there is not a process in place to confirm if officers are complying with this policy.

A project team member reviewed Lesson Plan 11761 and attended one actual session where the lesson plan was used to train an officer who had been involved in an OIS. The stated purpose of the lesson is to "help the officer determine his/her mindset regarding returning to work after being involved in a shooting." The lesson plan is narrow in scope and aimed at ensuring the involved employee is mentally able to return to work and employ deadly force again if the need should arise. Once the officer demonstrates they are mentally prepared to

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return to work and apply deadly force, they have completed the training and are released. There is no documented training pertaining to tactics, communication, management of the scene, de-escalation, or any other topic related to being involved in a deadly force encounter.

The Tactical Training Detail Sergeant conducts the Post Use of Force Tactical Training meetings with OIS officers. The discussion is informal and the scope is general, not based upon a structured lesson plan. After the meeting, the sergeant is required to send a memorandum to the officer's chain of command for notification purposes. There was little documentation found to show compliance with this requirement. There is no central database documenting information regarding Post-Shooting Training attendance. Additionally, there is no formal documentation that could be used to obtain information regarding post shooting tactical training or trends.

### Tactical Review Committee (TRC) & Sub-Committee

The TRC reviews deadly force incidents to identify any related training needs. The TRC was established approximately ten years ago following an incident in which two Phoenix Police officers were fatally wounded during a building entry involving a barricaded subject. While the role of the committee is primarily restricted to the identification of training needs for individuals and the department as a whole, the committee may also make suggestions regarding revisions to policy. The TRC makes a final determination on any training needs regarding officers and supervisors identified for additional training. The employee's assigned commander/administrator is responsible for ensuring the employee attends and completes the mandatory training within two weeks from the date recommended by the TRC.

The TRC members are as follows:

- Training Bureau Commander (chair)
- Department Legal Advisor (or representative)
- ALEA Basic Training Lieutenant
- Training Bureau Advanced Training/Proficiency Skills Lieutenant
- PPSLA President (or representative) – Sergeants and Lieutenants Labor Organization
- PLEA President (or representative) – Officer Labor Organization

Approximately two weeks to a month after an OIS incident, the Homicide detective and/or supervisor will provide a debriefing of the incident to PSB, the TRC Sub-Committee, and other personnel in attendance. A TRC Sub-Committee consisting of the following personnel attends each VCB Debriefing following a deadly force incident:

- One Officer – Tactical Training Detail officer, SAU officer, or patrol officer

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- One Sergeant – Firearms Detail Sergeant, SAU Training Sergeant, Tactical Training Sergeant, or patrol sergeant
- One Lieutenant – Advanced Training Proficiency Skills Lieutenant, SAU Lieutenant, Night Enforcement Unit Lieutenant, or Patrol lieutenant

After the briefing, the TRC Sub-Committee discusses the incident to identify if any training opportunities need to be addressed. This review addresses the tactical decision-making and actions of the involved officers, as well as, the management of the tactical scene by the responding supervisors. The Sub-Committee may make recommendations to the TRC for review.

During the review, project team members attended two separate VCB Debriefings and found both to be informal with no introductions or a sign-in sheet to document the personnel in attendance. Some personnel present were from the:

- PSB Investigations Unit
- Firearms Training Detail
- Violent Crimes Bureau
- Legal Unit

The debriefing presentations provided basic information with few details regarding distances, suspect perspectives, and overall circumstances of the shooting incidents. At the conclusion of one OIS presentation, there were no formal recommendations made by the TRC subcommittee. Notes were taken and utilized to informally brief Training Bureau Sergeants, to determine if any aspects from the incident will be incorporated into future training sessions. However, there was no evidence this occurred. At the second debriefing the TRC Sub-Committee members were not in attendance; consequently, there was no tactical evaluation or training needs assessment of the OIS incident.

Operations Order 1.5.8.E.(1) states the Training Bureau is responsible for the implementation of training recommendations based on the TRC's review. Training may include the use of scenario-based instruction, when appropriate. The Training Bureau may develop instruction, based on the TRC review process, to be given at the AOT training, produced as training videos, or created as a written directive for department-wide dissemination. Matters deemed to be of an urgent nature are addressed as soon as possible and not just scheduled for the next AOT.

The project team reviewed records that document the TRC Sub-Committee addressed 32 of the 122 OIS incidents that occurred from 2009-2014. The records also documented that the TRC

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Sub-Committee identified training needs in 25 of the 32 incidents reviewed. However, the project team was provided with limited documentation regarding the identification and implementation of training.

Operations Order 1.5.8.F.(1) states the TRC chairperson will provide a semi-annual report of lethal force activity to the Executive Staff by memorandum. The Use of Force Report will include the number and type of lethal force incident cases reviewed; any training given in relation to each lethal force incident and how the training was distributed; any trends identified in lethal force incidents; and any policy revisions or improvements made as a result of the TRC review process. During the project team's interviews with Training Bureau personnel, no documentation was provided verifying the reporting process was being completed.

The OIS project team identified a possible contributing factor regarding the lack of documentation generated by the TRC involving a vacancy of the Training Bureau Commander position. The Training Bureau Commander is the person responsible for convening, conducting, and documenting the results of the TRC. The Training Bureau Commander's position was vacant from May of 2010 through approximately July of 2013. In July of 2013, a single commander was given responsibility for both the Training Bureau and Employment Services Bureau. In October of 2014, the Training and Employment Services Bureaus were merged into the Personnel and Employee Development Bureau. Policy was not updated during this time period to reflect who should serve as the chairperson of the TRC.

### Use of Force Board Prescribed Training

Post Use of Force Training can be prescribed by the UFB if deemed appropriate. During the review, project team members met with a representative from the PPD's Fiscal Management Bureau (FMB) Human Resources Unit, which is charged with scheduling the UFB/DRB. Additionally, this unit also archives information provided to FMB at the conclusion of the review; and after the OIS officer has attended the prescribed training sessions. A review of provided documentation consisted of several memorandums from April 2011 to January 2013. The FMB representative indicated the memorandums stopped being forwarded from the Training Bureau sometime during 2013.

The memorandums list the officer-involved, a brief summary of the OIS, the Homicide debrief date, TRC Sub-Committee issues discussed, and the date the involved employee scheduled an appointment with the Firearms and Tactical Training Details. Regarding the TRC Sub-Committee, there was a lack of consistency in the identification of the issues, and no documentation regarding the areas of concern. As a result, the project team was unable to

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conduct trend analysis. With regard to the training provided, the memorandums contained no specifics of the interaction, training, or discussion between participants and the Training Bureau staff. The project team found documentation to support the UFB recommended training in only one OIS of the 99 held from 2009 through 2014.

## **OFFICER-INVOLVED SHOOTING ANALYSES**

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The analyses presented in this report are derived from a data extraction tool ([OIS Matrix](#)) cooperatively developed by the Phoenix Police Department and the Arizona State University team. The OIS Matrix underwent modifications and improvements during the course of the project, and remains a work in progress. However, the OIS Matrix was the key component in the capturing of significant data to develop the analysis. The results of the analyses are divided into three specific sections, comprised of the 37 Exhibits that follow. The first section focuses on “OIS Incident Related” data (time, location, setting, etc.), the second on “OIS Officer Related” data (employee demographics, tenure, assignments, weapons, etc.), and the final section covers “OIS Subject Related” data (citizen demographics, criminal history, weapons, etc.).

## **OIS Incident Related Exhibits Summary**

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- PPD averages 21.5 OIS incidents per year (1998 – 2014)
- OIS are more likely to occur during the weekend
- 73% of PPD's OIS occur between 3 p.m. and 7 a.m.
- The median time interval between OIS incidents is 13 days
- In 64% of the incidents, officers were responding to a call for service
- The most common initial call was Domestic Violence
- 69% of the OIS occurred within the first two minutes of the contact

The first series of analyses examine the officer-involved shootings (OIS) in Phoenix from 2009 through 2014, using the 122 incidents as the unit of analysis. The review begins with presenting the number (Exhibit 1) and rates (Exhibit 2) of OIS over the past 17 and 10 years, respectively. For the remaining exhibits the analyses are then limited to the past six years, 2009 through 2014. This date-range was primarily selected because the data elements were readily available to conduct the desired examination. The project team's review of the incident related exhibits found that over the past 17 years (1998 – 2014), OIS incidents ranged from an annual low of 13 in 2003 to an annual high of 31 in 2013, with an average of 21.5 incidents per year. From 2005 through 2014, the overall mean rate for OIS incidents per 100,000 residents was 1.42, and most years were consistent with this except 2009 (0.88) where there were significantly less OIS incidents than average and 2013 (2.05) where there were significantly more.

A review of the OIS incidents from 2009 through 2014, regarding the time of occurrence, revealed there was not a significant statistical difference in the number of shootings that occurred during the first three quarters of the year (January through September). However, the fourth quarter (October through December) showed a statistically significant seasonal difference in that it was 21% below the quarterly average. The monthly analysis during the same time period showed there was a significant difference in the distribution of OIS by month. February, May, and November for example were well below the monthly OIS average (10.2). March, April, and August were well above the average. With respect to days of the week, an OIS is more likely to occur during the weekend. The frequency of OIS by shift was examined and the findings suggest that OIS incidents (73%) were most likely to occur during second shift (15:00 to 23:00) and third shift hours (23:00 to 07:00). See Exhibits 3 through 6 for further details.

The project team examined the time interval (number of days between OIS incidents) from 2009 through 2014, and the data reflects that once an OIS occurs, a second OIS was most likely to

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repeat (54%) within 15 days following the first incident. However, as time from the occurrence of the first OIS progressed, the likelihood of an additional incident to occur decreased for most years. The median interval between OIS incidents was 13 days, meaning half of the OIS incidents followed the preceding incident by 13 days or less. The longest interval between OIS incidents was found to be 81 days in 2009. Further review of this issue is warranted to evaluate the effect, if any, one OIS incident has on the potential for another OIS incident. See Exhibit 7 for further details.

The location of OIS incidents, for the most part, followed the distribution of violent crimes as identified through Uniform Crime Reporting during the study period. The project team noted the majority of OIS incidents (64%) occurred in conjunction with officers responding to a call for service; and of these incidents, 77% had a Priority 1 status (crimes in progress or just occurred). The most common initial call for service that preceded an OIS was found to be a Domestic Violence situation (14%). The analyses showed traffic stops and subject contacts preceded more than 36% of OIS, while foot pursuits and vehicle pursuits were a factor in more than 34% of all OIS incidents. These are situations also requiring further analysis to explore any possible correlation between a particular type of event and a potential deadly force encounter. See Exhibits 8 through 12 for further details.

In terms of setting and elapsed times leading to an OIS, the project team determined that more than 51% of the OIS incidents occurred within five minutes of the initial officer's arrival. Furthermore, 69% of the incidents occurred within the first two minutes of contact with the subject. Throughout the six years being reviewed, outdoors was determined to be the more prevalent setting for the OIS (54%) when compared to an inside setting or the situation being vehicle related. It was noted, however, that a significant percentage of shootings (29%) were vehicle related. This is a situation the project team believes warrants further review to identify possible training opportunities as it relates to vehicle encounters. The majority (69.7%) of OIS incidents involved one or two officers who were actively engaged with the subject at the time the shooting occurred. In almost two-thirds (64.8%) of OIS incidents, only one officer fired a weapon during the encounter. See Exhibits 13 through 18 for more details.

## **OIS Officer Related Exhibits Summary**

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- 198 officers fired their weapon during 122 incidents
- 97% of the officers were male and 74% of the officers were 21 to 39 years of age
- Ethnicity closely paralleled PPD staffing in terms of demographics
- 81% of the officers worked in Patrol, while two-thirds had 10 years of service or less
- In 79% of the OIS the firing distance was 50 feet or less
- In 2014, one officer was injured or killed for every three OIS incidents
- 99% of those OIS reviewed were determined to be within the state guidelines for use of force justifications

The next series of analyses examine the individuals involved in officer-involved shootings (OIS) in Phoenix from 2009 through 2014. This section begins with presenting details of the officers, followed by subject related details. Officer characteristics include demographic characteristics of the officers, job tenure, precinct and duty assignment, rank, uniform status, firearm used, number and accuracy of shots fired, and injury outcomes.

It is important to note, the unit of analysis differs from the previous section of this report. Previously, results presented were based on the OIS incident itself. The following section uses the individuals (i.e. officers) involved in each OIS incident as the unit of analysis. There are obviously more officers than incidents, as while each incident must have at least one officer and one subject involved; many OIS incidents will involve multiple officers and/or subjects. The analysis for this report was conducted such that the counts of both officers and subjects were treated as mutually exclusive from one OIS incident to another. The following analysis includes a total of 198 officers, who fired their weapon during the 122 OIS incidents.

The project team's review of this section found that 97% of OIS officers were male, and 74% were aged 21 to 39. Overall, 72% of OIS officers were White, 20% were Hispanic/Latino, 3% were Black/African-American, and 5% designated as Other. These percentages closely parallel the overall staffing of PPD in terms of demographics, which is 76% White, 16% Hispanic/Latino, 4% Black/African-American, and 4% Other. See Exhibits 19 through 22 for further details.

In reviewing tenure and assignment, approximately two-thirds of officers who had been involved in an OIS have been an officer for 10 years or less. Approximately 81% of officers were working in a patrol capacity at the time of the OIS incident, and 77.3% were wearing a patrol uniform at the time of the incident. The remaining involved officers were either wearing a tactical uniform

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(18.7%), plain clothes (e.g. open display of the badge) (2.5%), or working in an undercover capacity / off duty (1.5%). See Exhibits 23 through 25 for further details.

Regarding weapons used, distances, and accuracy, it was determined handguns were utilized by OIS officers in more than 80% of the OIS incidents. Approximately 79% of OIS officers reported an initial firing distance from the subject of 50 feet or less. This was found to be consistent with the annual handgun qualification standards mandated by AZPOST in which approximately 86% of the course (43 of 50 rounds) is fired from 45 feet or less. The mean percent accuracy of rounds fired during OIS incidents where the target individual was struck was approximately 34%, but most years were found to be substantially different. For example, between 2009 and 2011 the mean accuracy rate dropped from 31% to 22%; however, in 2012 the mean accuracy rate rose to 41% and then has since declined again to 37% in 2014. See Exhibits 26 through 28 for further details.

The project team evaluated officer injuries (ranging from minor to fatal) resulting from subject actions against them. Two officers were killed (2010 and 2014) during OIS incidents in the past six years. There was an average of one officer injured/killed for every six OIS incidents from 2009 through 2012, increasing to one for every four in 2013, and most recently (2014) it has increased to one officer injured/killed for every three OIS incidents. It was noted that this increased trend paralleled the time frame in which PPD experienced a decrease in annual training and a decrease in police officer staffing. Further analysis of these issues is warranted to determine any correlation between training, staffing, and the ratio of officers injured/killed during OIS incidents. See Exhibit 29 for further details.

All OIS incidents follow a standard dual review process. First, the MCAO Shooting Review Board evaluates every OIS incident in the county regarding the legality of officer actions and determines if charges are warranted. MCAO filed charges against one PPD officer (less than 1%) in regard to the 170 OIS officers reviewed to date (26 officers are still pending review). The PPD Use of Force Board reviews each OIS incident to determine whether or not the officer's actions were in accordance with departmental policy. The Use of Force Board consists of peer officers, police management and representatives from the community who either reside, or have a vested interest in the City of Phoenix. At the time of this study 97% of officers (155 out of 159) were found to have acted in accordance with departmental policy regarding use of force, while four officers were found to be out of policy. The project team noted that 36 officers (18%) are still pending review on more recent incidents. Furthermore, it was determined no Use of Force

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Board was held for the remaining three OIS officers because two were fatally wounded and one was criminally charged. See Exhibits 30 for further details.

## **OIS Subject Related Exhibits Summary**

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- 130 subjects were involved in the 122 OIS incidents
- 95% of the subjects were male, 74% were between the ages of 21 and 39
- 53% of the subjects were Hispanic, 33% were White, and 10% were African American
- 77% of the subjects had a local criminal history record
- 85% of the subjects were in possession of a deadly weapon or dangerous instrument
- 83% of the subjects sustained some form of injury, 51.6% were fatal

The next series of analyses continues the examination of the subjects involved in officer-involved shootings (OIS) in Phoenix from 2009 through 2014. The following section uses the individuals (i.e. subjects) involved in each OIS incident as the unit of analysis. There were more subjects than incidents, as while each incident must have at least one officer and one subject involved; many OIS incidents will involve multiple officers and/or subjects. The analysis for this report was conducted such that the counts of both officers and subjects were treated as mutually exclusive from one OIS incident to another. The following section describes the 130 subjects involved in the 122 OIS incidents.

The project team's review of this section found that 95% of subjects encountered during an OIS incident were male; and about 74% were aged 21 to 39. It was noted that this statistic was very similar to this age range of officers involved in OIS incidents, also at 74%. Approximately 53% of OIS subjects were Hispanic/Latino, and 33% were White, about 10% were Black/African-American, and the remaining 4% of subjects were made up of Other ethnicities, and three subjects could not be identified. The overall demographics of the City of Phoenix as documented in Exhibit 32 is 40.9% Hispanic/Latino, 36.7% White, 6.6% Black/African-American, and 15.8% Other. See Exhibits 31 through 34 for further details.

Regarding local criminal history and weapon used information, it was determined that 77% of subjects involved in OIS incidents had criminal history records within the metropolitan Phoenix area (64% felony and 13% misdemeanor). Based on known incidents where OIS subjects were from out of state a more in-depth review of criminal history information on a national level could affect this statistic and should be a consideration for further review. Approximately 52% of all subjects involved in an OIS used a gun during the incident, and 19% had a dangerous instrument. The use of a vehicle was the third most common weapon used by OIS subjects (14%). See Exhibits 35 through 36 for further details.

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Over the past six years, from 2009 through 2014, 103 subjects sustained some form of injury (ranging from minor to fatal) during the OIS incident, which represents 83% of identified OIS subjects. Among this group are two (1.6%) subjects who committed suicide, 37 (29.8%) who were injured, and 64 (51.6%) who sustained fatal injuries. The injury status of six OIS subjects could not be determined. Four subjects were not positively identified and two subjects were injured in a house party shooting, but it was not determined if they were injured by officer's rounds or other subject's rounds. See Exhibit 37 for further details.

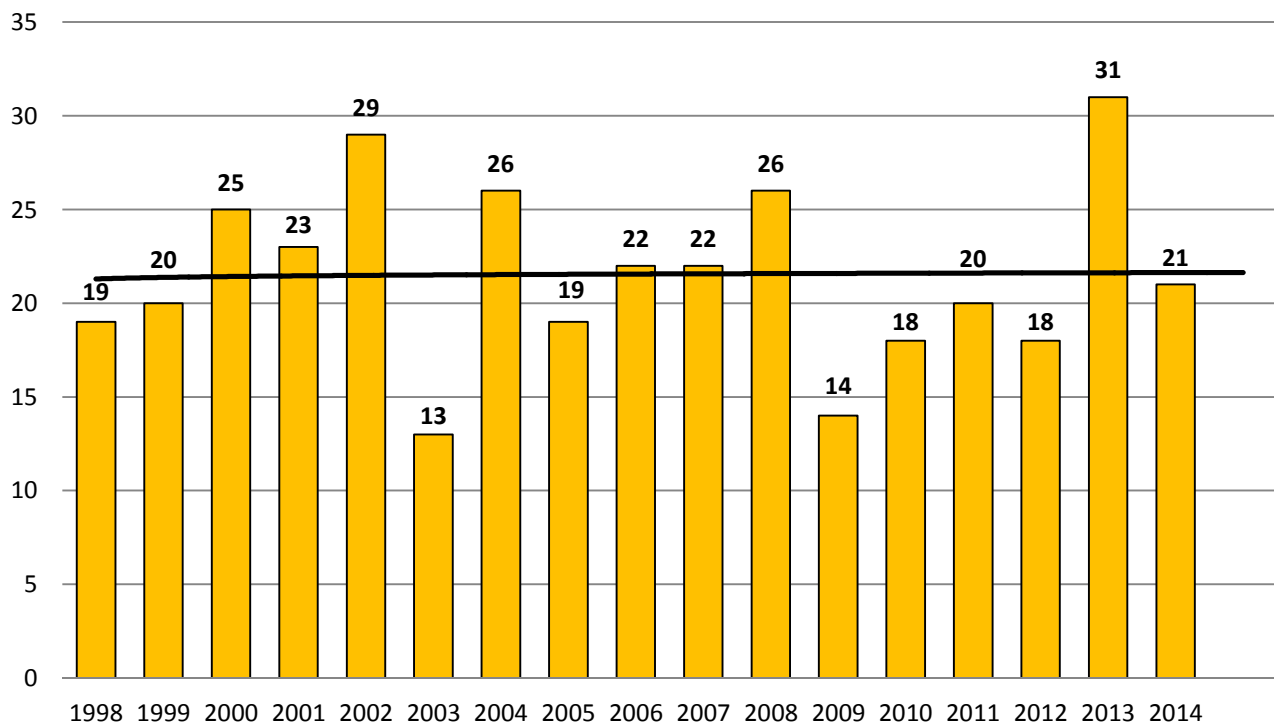
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### OIS Incident Related Exhibits

**Exhibit 1** displays the frequencies of officer-involved shooting (OIS) incidents involving the Phoenix Police Department dating back to 1998. The chart documents the number of OIS occurring in a calendar year for the past 17 years. Reliable data was not readily available for some years predating 1998, and therefore not presented here. There was a mean of 21.5 OIS over the 17-year span (n=366), ranging from a low of 13 in 2003 to a high of 31 in 2013. Both 2003 (n=13) and 2009 (n=14) saw a low number of OIS (statistically speaking), and 2002 (n=29) and 2013 (n=31) were statistically high.

**Exhibit 1: Number of Officer-Involved Shootings  
by Year (1998-2014) \***



\* Chi-square significant at  $p \leq .05$

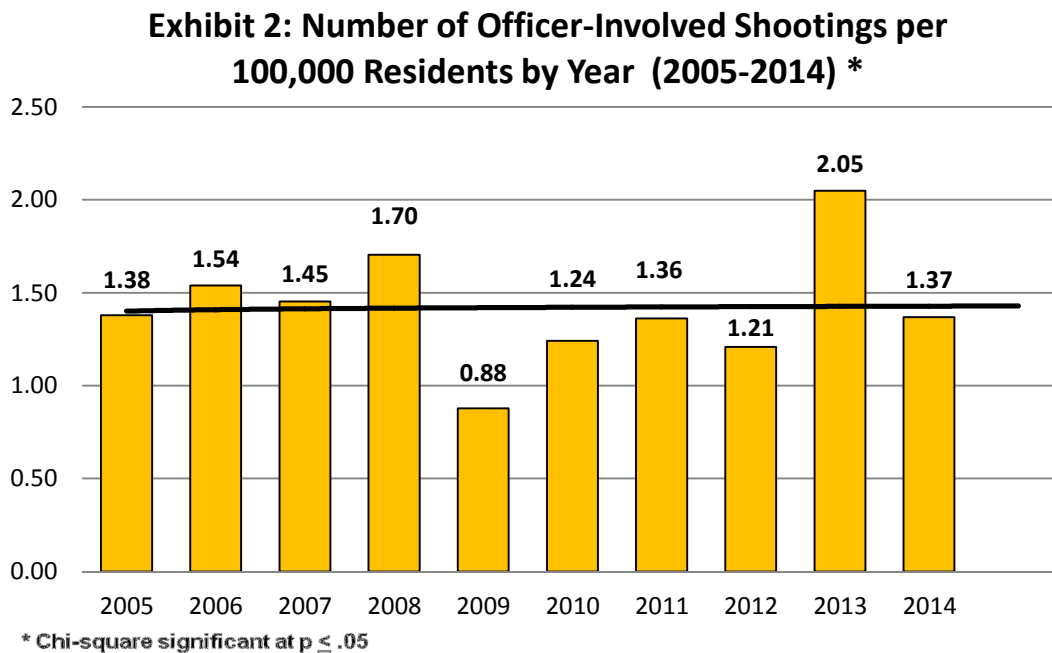
## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

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**Exhibit 2** presents the past 10 years of OIS incidents, as measured by estimated population for the City of Phoenix. The rates are calculated by the number of OIS incidents per 100,000 residents. Population estimates were gathered from the U.S. Census Bureau's *American Community Survey*,<sup>8</sup> except for 2014. The 2014 population estimate was unavailable at the time of this report, and was thus calculated from the 2013 estimate, multiplied by the past 3-year mean percent change. This procedure normalizes the number of OIS allowing appropriate comparisons over time. Crime rates are routinely calculated and reported in this manner. This procedure allows cities to be compared not just to themselves as their population changes over time, but also so that cities of different sizes can be compared to one another using a standardized measurement.

As indicated from the raw number of OIS incidents presented in Exhibit 1 above, 2009 (0.88 OIS per 100,000) and 2013 (2.05 per 100,000) were each very different from the typical year. This past year, 2014, was consistent with the overall mean rate for the past 10 years (1.42 per 100,000).

The remaining analyses following this exhibit use a shorter timeframe than presented here, covering the most recent six years of complete data, from 2009 through 2014.



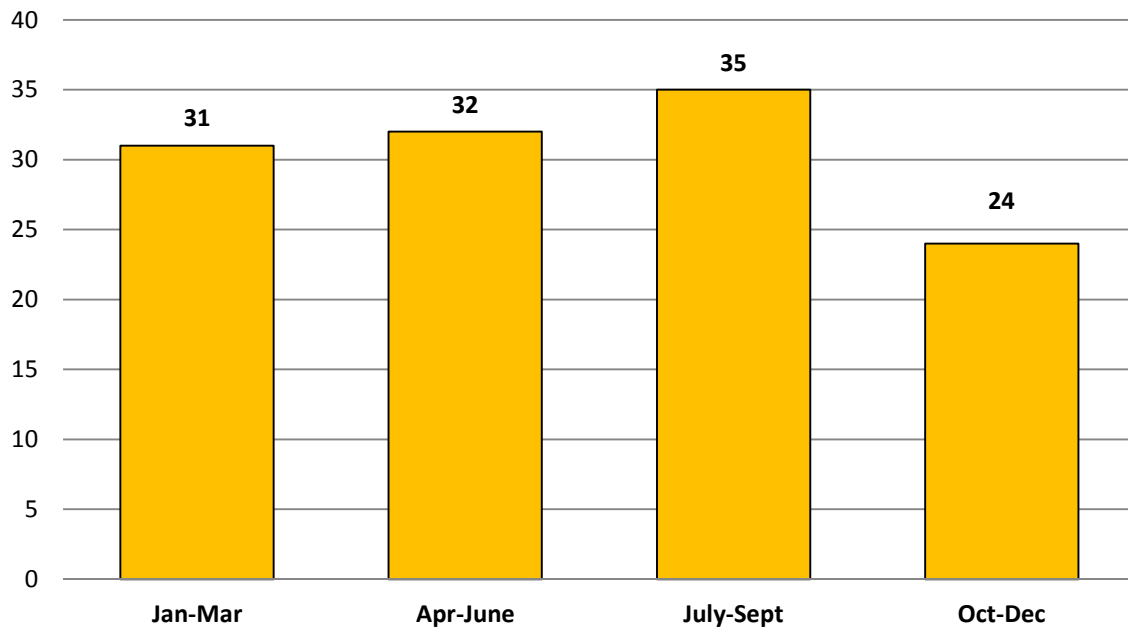
<sup>8</sup> U.S. Census Bureau. "General Demographic Characteristics". ACS\_05\_1EST\_DP1. American FactFinder. 2005. Web. 20 January 2015.; U.S. Census Bureau. "ACS Demographic and Housing Estimates: 2006-2013". ACS\_06-13\_EST\_DP05. American FactFinder. 2006. Web. 20 January 2015.

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The following few exhibits present information regarding the time of the year, month, and day the OIS took place. **Exhibit 3** presents the number of OIS (n=122) that occurred over our six year analysis period (2009-2014), by quarter. The analysis shows that, from the total incidents that occurred between 2009 and 2014, 31 incidents took place during the first quarter of the year (January through March). Similarly, 32 shootings occurred during the second quarter (April through June). The third quarter of the year (July through September), however, represents the period with the most incidents, where 35 of the total OIS occurred. The last quarter of the year (October through December) accounted for the quarter with the least number of shootings (24 incidents). The analysis indicates a small, but statistically significant, seasonal difference in the distribution of OIS, with fewer incidents occurring during the fourth quarter of a given calendar year, on average.

**Exhibit 3: Number of Officer-Involved Shootings  
by Quarter (2009-2014) \***



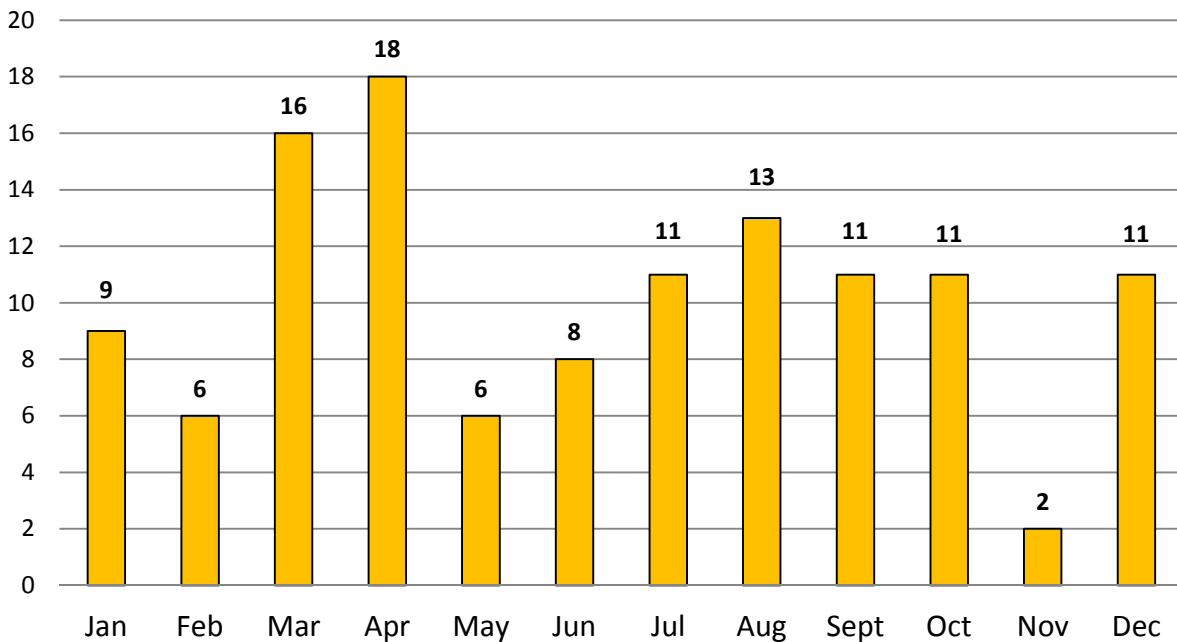
\* Chi-square significant at  $p \leq .05$

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**Exhibit 4** presents the number of OIS (n=122) by month. The exhibit shows that the month of November accounts for the least amount of OIS, with two incidents occurring in this month over the six-year span. February and May accounted for the second least number of incidents (n=6 in each month), followed by June (n=8), and January (n=9). The frequencies of each of these four months were below the overall mean of 10.2 OIS per month. July, September, October, and December followed with 11 incidents in each month, and August with 13 incidents. Lastly, the months of March and April account for the most number of OIS (16 and 18 incidents, respectively). Overall, there was a significant difference in the distribution of OIS by month.

**Exhibit 4: Number of OIS Incidents  
by Month (2009-2014) \***



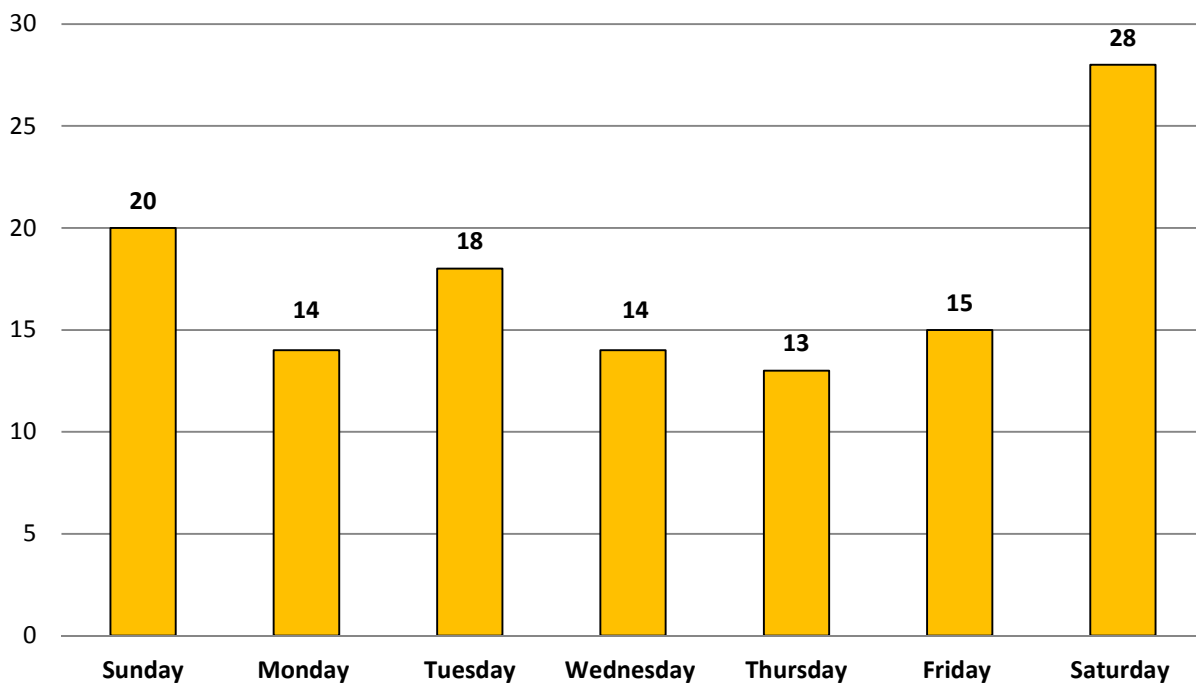
\* Chi-square significant at  $p \leq .05$

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**Exhibit 5** presents information regarding OIS (n=122) incidents by day of the week. As presented below, OIS were most likely to occur during the weekend, with Saturdays accounting for 28 incidents and Sundays accounting for 20 incidents. Aside from these two days, Tuesdays accounted for the most number of incidents (18 incidents), while the remaining days of the week fluctuated from 13 to 15 incidents. Overall, the distribution of OIS incidents was statistically significant.

**Exhibit 5: Number of Officer-Involved Shootings  
by Day of the Week (2009-2014) \***



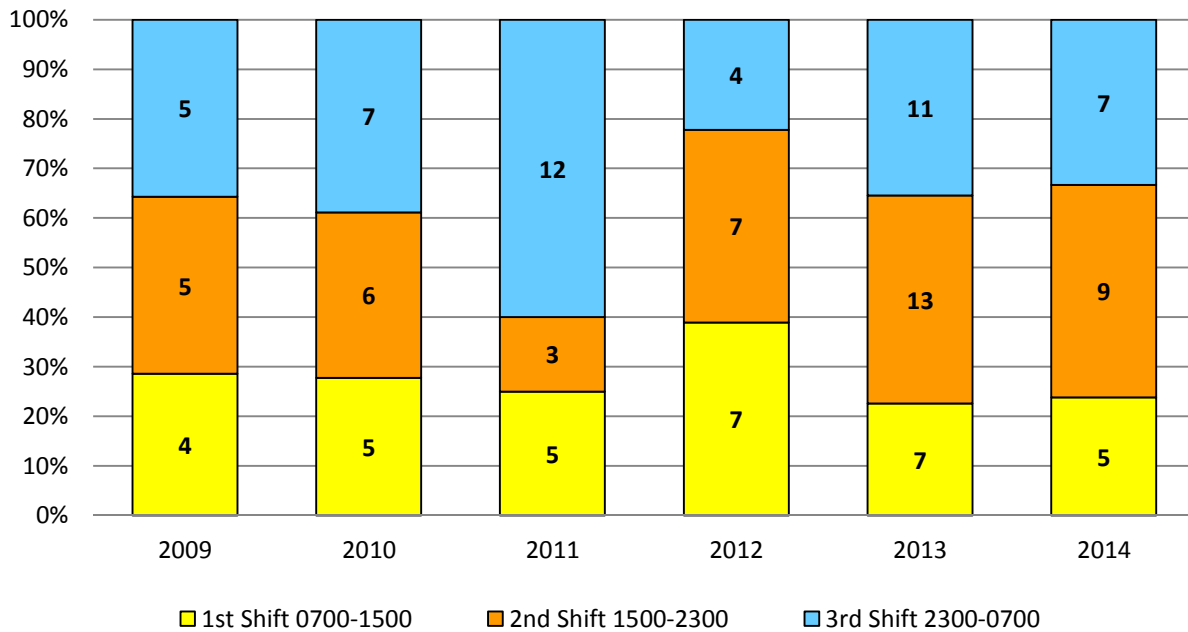
\* Chi-square significant at  $p \leq .05$

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The frequency of OIS incidents by shift is presented in **Exhibit 6**. Shift times vary by precinct/bureau; however, for comparative analysis year to year the listed shift times were utilized. The findings show that OIS were most likely to occur during the second shift (15:00 to 23:00 hours) and the third shift (23:00 to 7:00 hours). Throughout the six years captured in this analysis, 35.2% (n=43) of all OIS incidents (n=122) occurred during the second shift, 37.7% (n=46) occurred during the third shift, and the first shift accounted for 27.0% (n=33).

**Exhibit 6: Number of OIS Incidents by Shift  
and by Year (2009-2014) \***



\* Chi-square significant at  $p \leq .05$

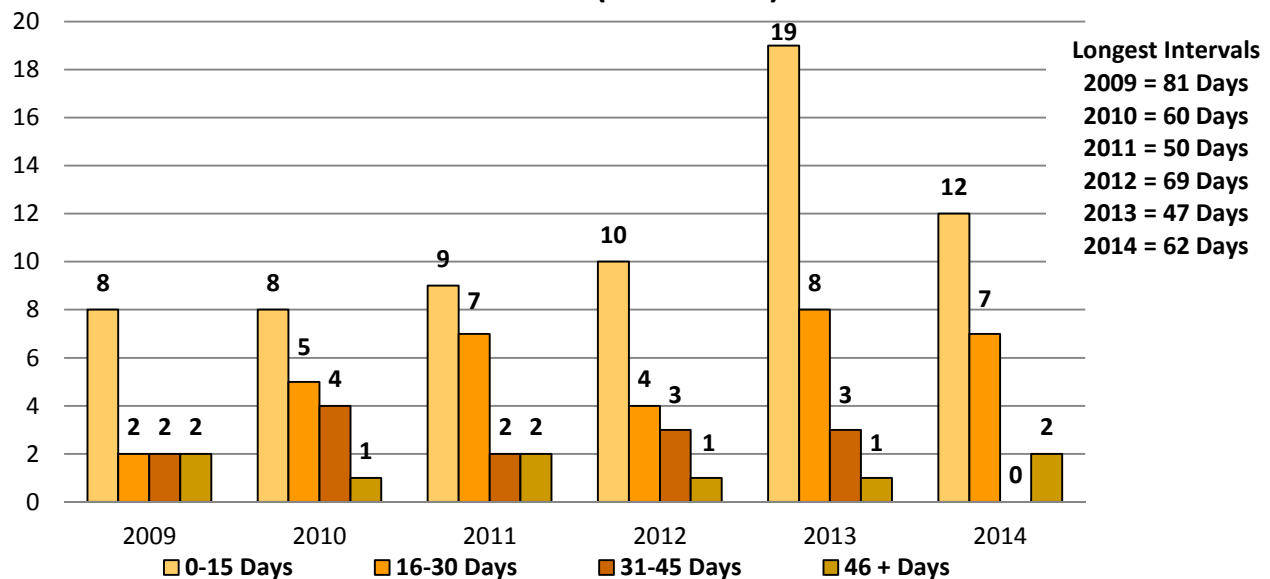
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The number of days between incidents (n=122) was calculated and is presented in **Exhibit 7**. While displayed in a year-by-year format, the intervals were calculated continuously from one incident to the next (e.g. an OIS that occurred in December had its interval calculated until the next OIS incident, even if that occurred in the following calendar year). As presented, after an OIS had occurred, the incident was most likely to repeat within the first 15 days. That is, once an OIS had occurred, it was more likely for an additional incident to occur within the next two weeks. While it was more likely to see the short window of interval between OIS, there was not a statistical difference across years.

However, as time from the occurrence of the first OIS progressed, the likelihood of an additional incident to occur decreased for most years. Overall, the average number of days between incidents was 17.7 days ( $SD^9 = 16.52$  days), with a median<sup>10</sup> of 13 days and a maximum of 81 days between incidents.

**Exhibit 7: Number of Days Between OIS Incidents  
(2009-2014) \***



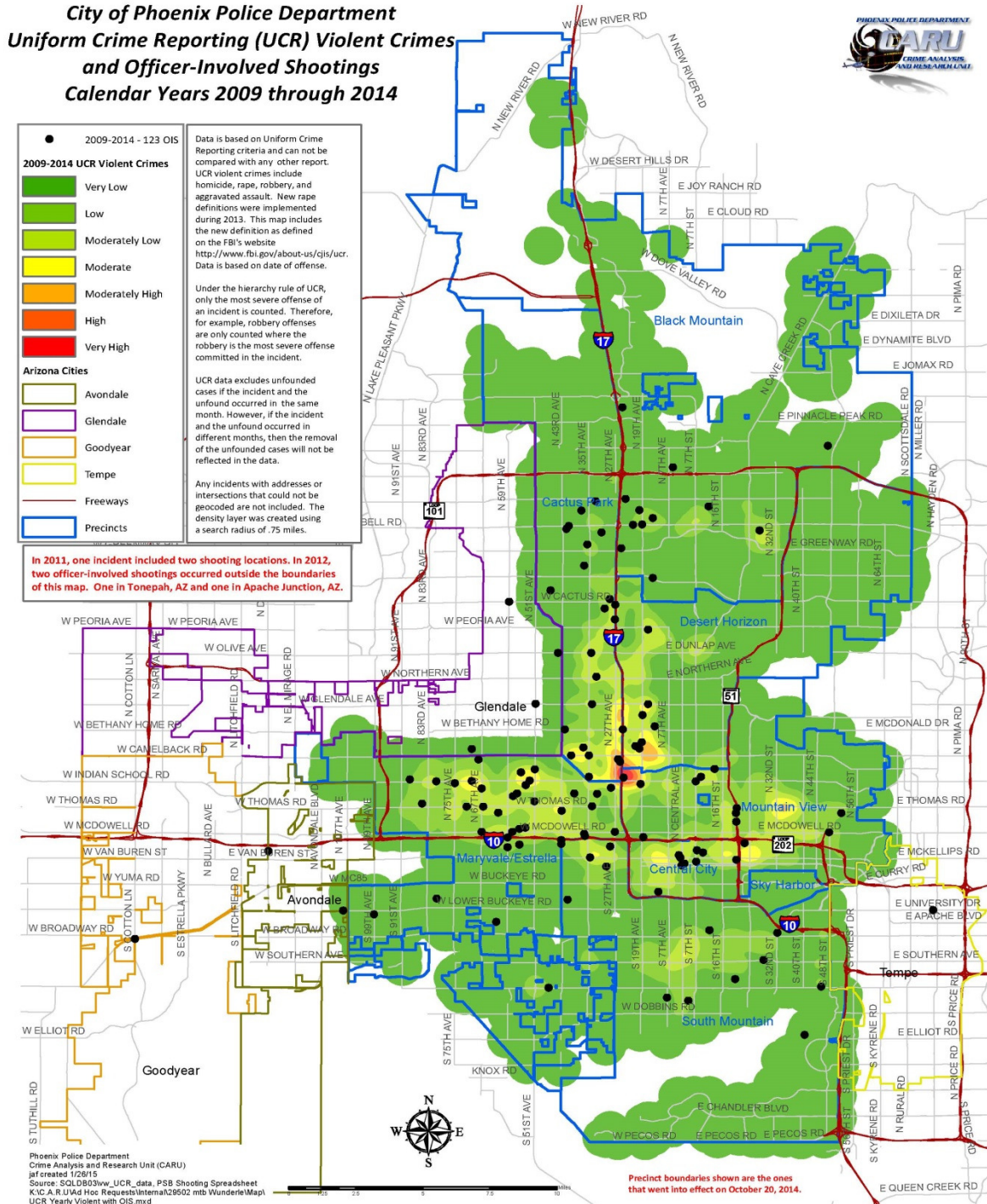
<sup>9</sup> The standard deviation is a measure of the average amount the scores in a distribution deviate from the mean score (Vogt, 1999).

<sup>10</sup> The median is the middle score or measurement in a set of ranked scores or measurements; the point that divides a distribution into two equal halves (Vogt, 1999).

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The map presented as **Exhibit 8** displays the location (address) of each OIS incident relative to the distribution of violent crimes, aggregated from 2009 through 2014.

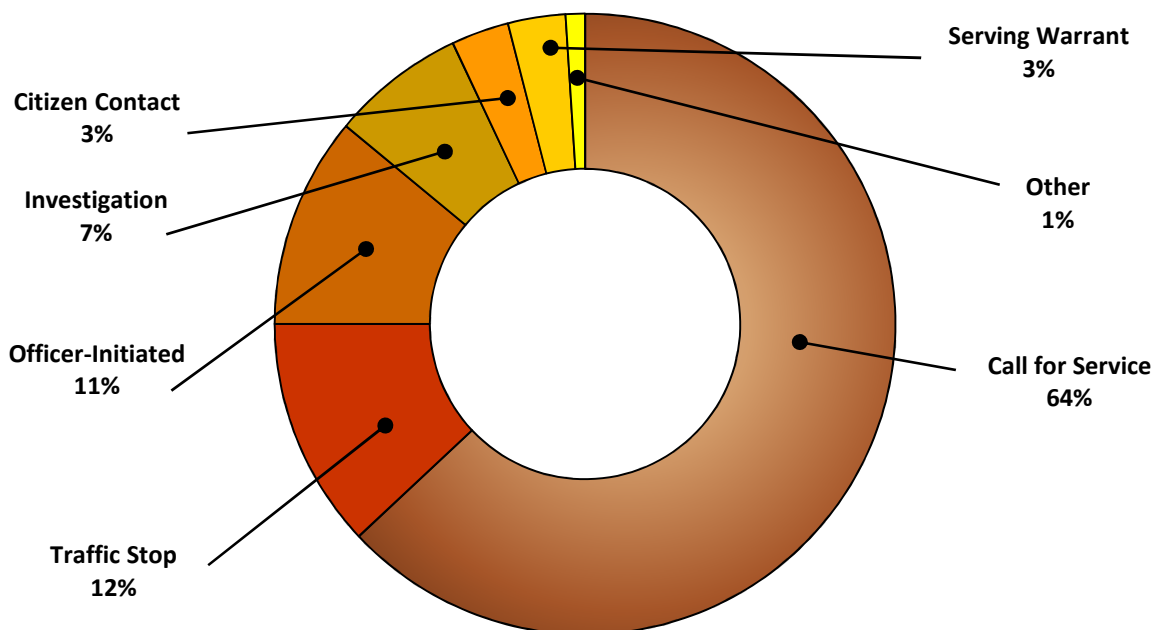


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The following exhibits display information regarding some characteristics of OIS incidents. **Exhibit 9** shows the different types of initial officer-subject contacts immediately preceding the incident. As displayed, calls for service were the most prevalent type of initial contact that preceded an incident, with about 64% (n=78) of all incidents (n=122) accounting for this form of initial contact. This was followed by traffic stops (11.5%, n=14), officer-initiated contact (10.7%, n=13), contacts initiated through an investigation (7.4%, n=9), citizen contacts (3.3%, n=4), and serving warrants (2.5%, n=3). One incident (0.8%) was categorized as “other”.

**Exhibit 9: Initial Contacts that Preceded OIS  
(2009-2014)**

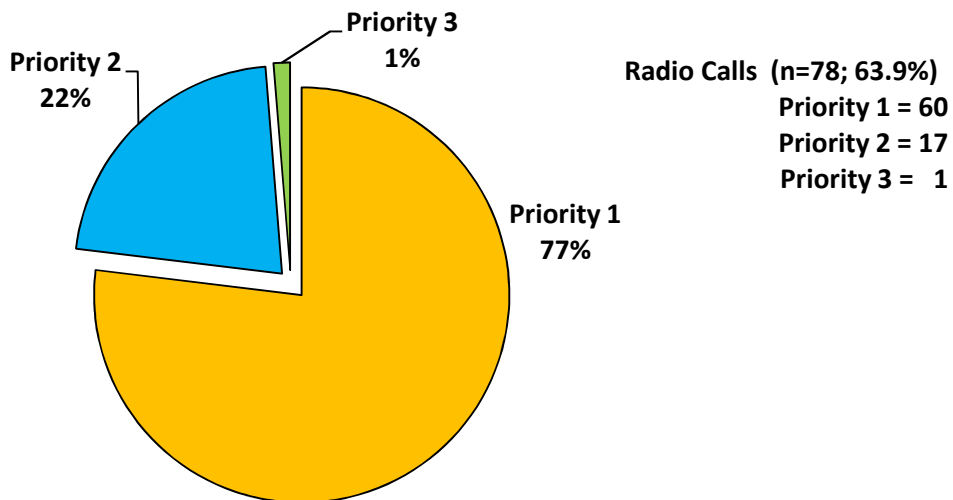


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For those cases that involved a radio call, the priority of the call was also examined. Of the 122 OIS incidents, only 78 were related to an initial radio call. Calls regarding crimes in progress or crimes that just occurred are considered Priority 1 calls. These calls would be of a serious nature or have a degree of immediate personal danger or harm. Calls that involve an urgent, but non-emergency situation are generally considered Priority 2 calls. Priority 3 calls are calls considered “report only” calls, such as the reporting of a crime after the fact. As **Exhibit 10** shows, the majority of calls preceding an OIS incident (76.9%, n=60) were Priority 1 calls. About a quarter of initial radio calls (21.8%, n=17) were Priority 2, and just one OIS incident (1.3%) was a Priority 3 call.

**Exhibit 10: Priority of Initial Radio Call  
(2009-2014)**

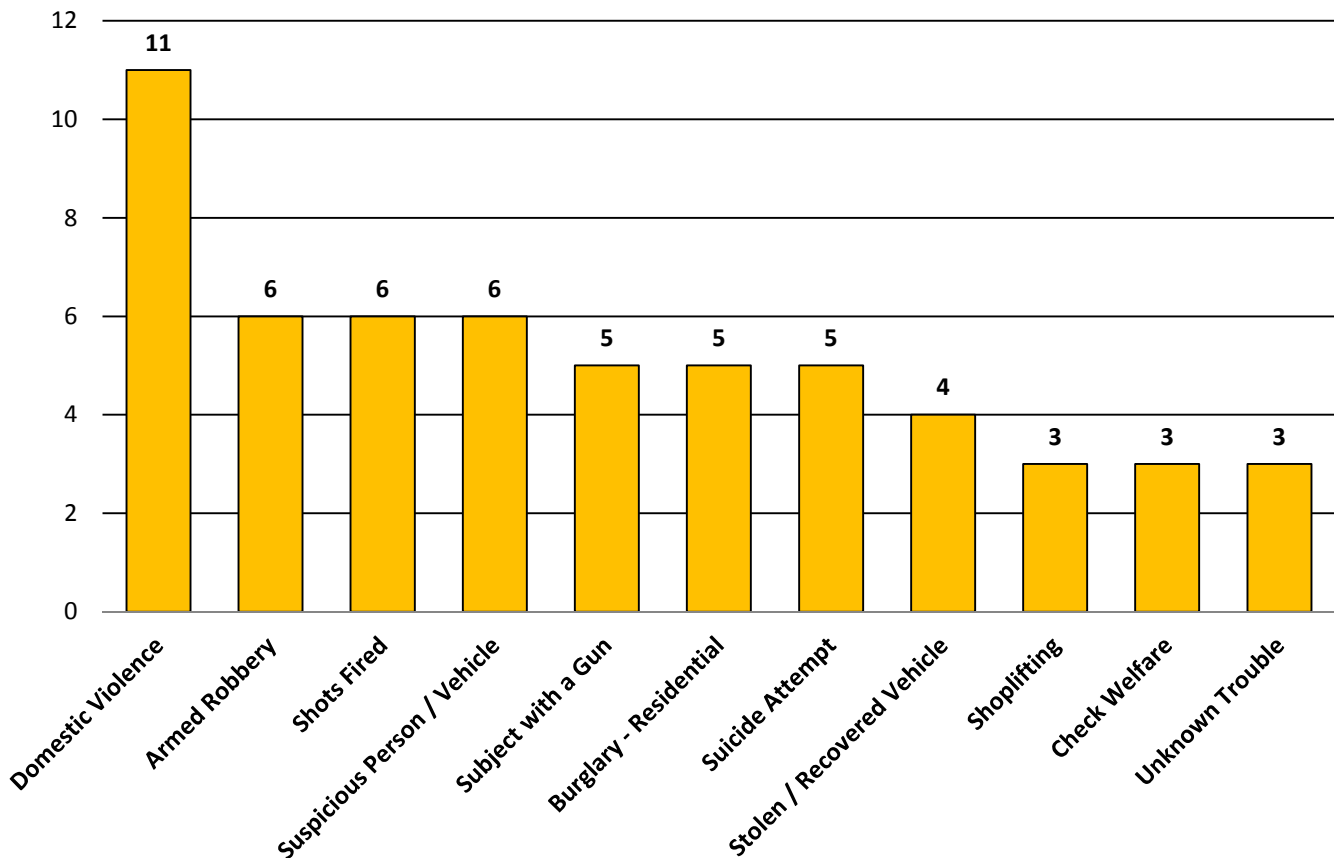


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The type of initial call was examined by radio code, which is presented in **Exhibit 11** below. Represented in the exhibit are 57 of the 78 OIS incidents that followed an initial radio call. The most common call that preceded an OIS was a domestic violence (11 incidents); followed by armed robberies; reports of shots fired; and calls involving a suspicious person or vehicle, with 6 OIS incidents each. Three additional call types were related to 5 OIS incidents each: a call reporting a subject with a gun, a suicide attempt, and a residential burglary. Calls reporting a stolen vehicle or the recovery of a stolen vehicle (4 incidents), shoplifting (3 incidents), check welfare (3 incidents), or unknown trouble (3 incidents), rounded out the top of the most frequent call type list. A comprehensive list of initial call types is presented in Appendix B.5.

**Exhibit 11: Most Frequent OIS Incident  
by Initial Call Type (2009-2014)**



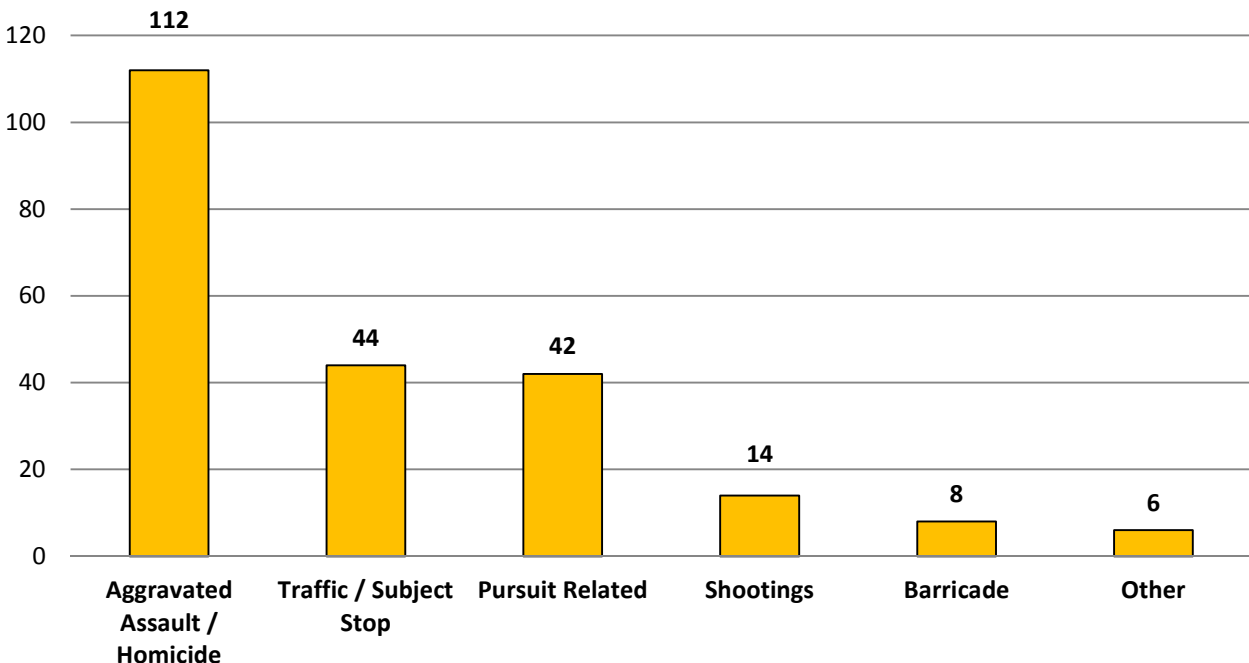
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A number of factors were identified as contributing to the OIS. The frequencies in which these factors were present prior to the OIS are displayed in **Exhibit 12**. The factors are not mutually exclusive, and thus were collected akin to a “mark all that apply” list of common concerns derived from historical review of incident narratives, as well as open-entry responses to capture anomalous conditions. Thus, percentages of contributing factors are reported as a proportion of our 122 OIS incidents. This means that percentages will exceed 100% and counts will exceed 122, because individual incidents may have multiple contributing factors present.

An aggravated assault or homicide was substantially the most prevalent contributing factor (92%; n=112) to an OIS incident. Traffic stops (n=25) and subject contacts (n=19) preceded more than 36% of OIS. Pursuit Related (n=42) factors included foot pursuits (n=25) and vehicle pursuits (n=17), and contributed to more than 34% of all OIS incidents. Shootings contributed to 12% (n=14) of OIS incidents. Eight incidents (about 7%) were preceded by a barricade situation, and other factors contributed to about 5% (n=6) of all OIS incidents.

**Exhibit 12: Factors Contributing to the OIS  
(2009-2014)**

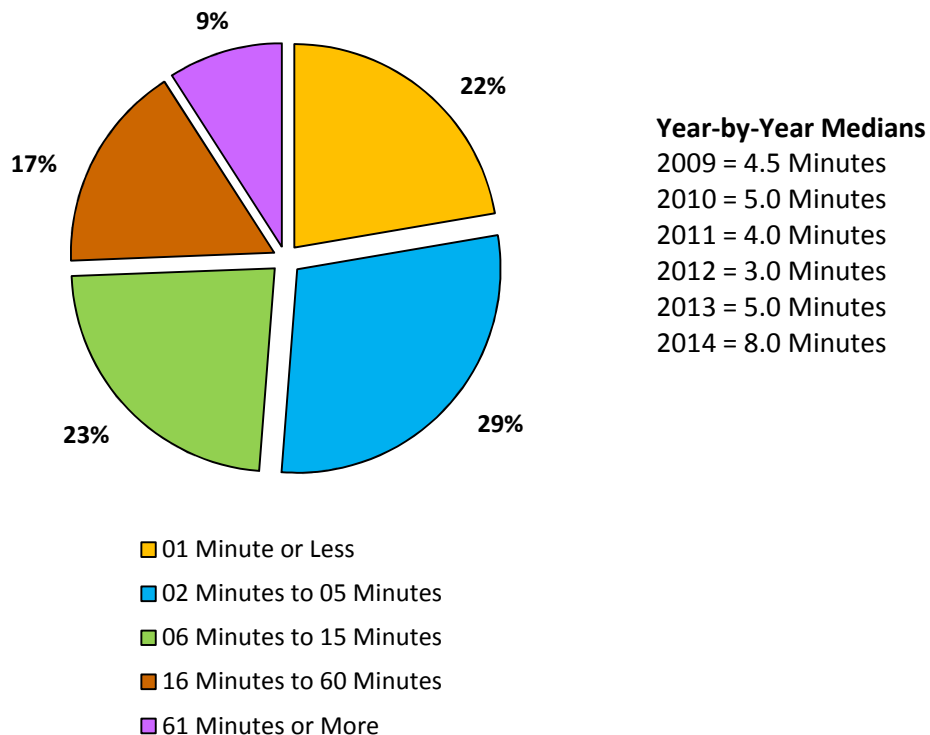


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As evidenced by the contributing factors described in Exhibit 12 above, OIS incidents occur under a variety of conditions and circumstances. When examining the time of an officer's arrival on scene and the time of the OIS incident, we found similar variation. The analysis in **Exhibit 13** includes 121 OIS, because a specific arrival time was unknown for one incident. The length of time from arrival to OIS ranged from less than 1 minute to 4 hours and 25 minutes. Most (74.4%, n=90) OIS incidents occurred within fifteen minutes of an officer's arrival. Specifically, 22% (n=27) occurred in 1 minute or less, 29% (n=35) between 2 and 5 minutes, and 23% (n=28) between 6 and 15 minutes. Another 17% (n=20) of OIS occurred between 16 and 60 minutes of an officer's arrival, and finally, 9% (n=11) occurred more than an hour after the initial officer's arrival.

**Exhibit 13: Arrival Time to OIS Time (2009-2014)**



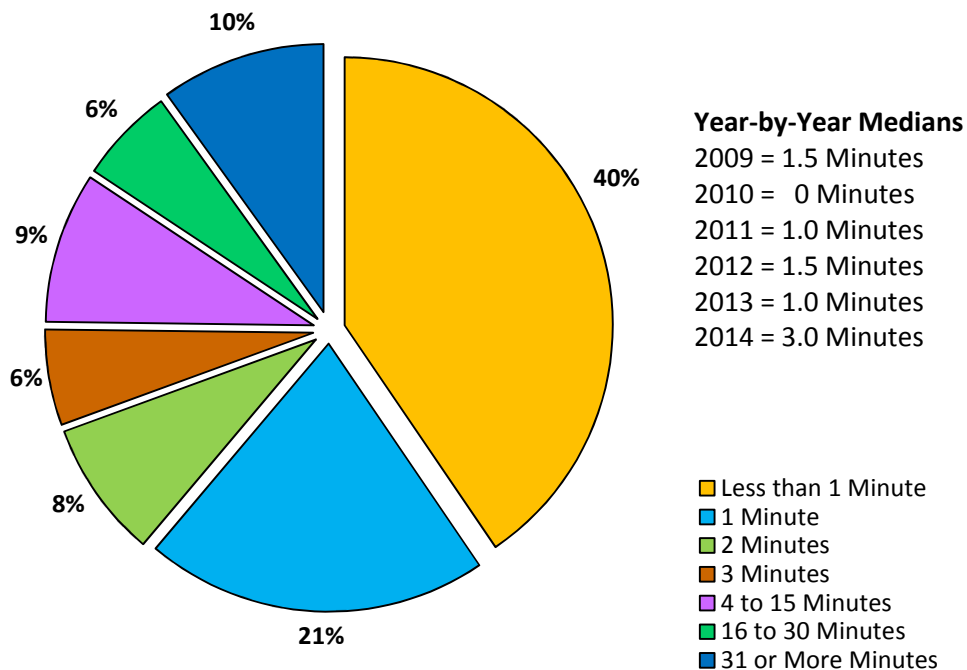
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The length of time from the initial contact with the subject and the time of the OIS incident (n=121) was examined, as shown in **Exhibit 14**. Understandably, these timeframes were substantially shorter on average than arrival time to OIS, and many incidents occurred, essentially, simultaneously with initial subject contact. For the purposes of reporting, these urgent/exigent scenarios are described as occurring in “0 minutes” from contact to OIS.

The majority of OIS incidents happen very quickly. Forty percent (n=49) of OIS incidents occurred in less than one minute from the time of initial officer’s contact with the subject, another 21% (n=25) occur in about 1 minute, 8% (n=10) in 2, and 6% (n=7) in 3 minutes. Taken together, 75% (n=91) of all OIS occurred in 3 minutes or less from the time an officer made contact with the subject.

**Exhibit 14: Subject Contact Time to OIS Time (2009-2014)**



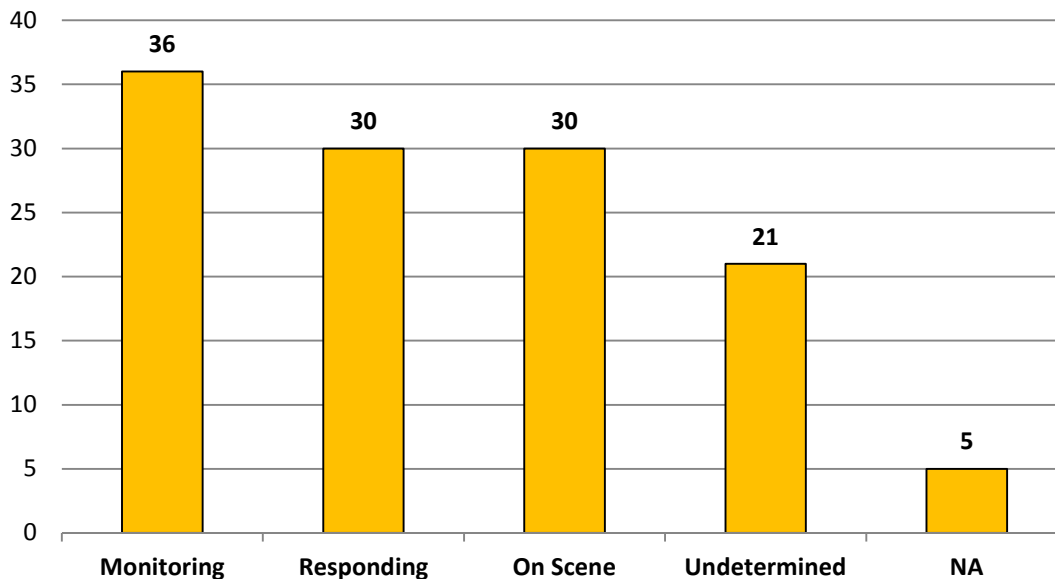
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The status of the supervisor was reviewed and the findings are presented in **Exhibit 15**. The status of the supervisor was categorized as monitoring, responding, on-scene, undetermined, or not applicable. Monitoring would be described as “monitoring” the situation over the radio, “responding” indicates the supervisor was en route to the scene, and on-scene indicates the supervisor was on the scene at the time of the shooting. The “undetermined” category indicates that the supervisor status at the time of the OIS is unknown through official records. Finally, “not applicable” status is reserved for those situations where no supervisor activity would be expected.

Of the 122 incidents, supervisors were monitoring 30% (n=36), responding 25% (n=30), or on the scene 25% (n=30). In 17% (n=21) of the incidents, the status of the supervisor was unable to be determined (i.e. “undetermined”) because there was no clear documentation in the Computer Aided Dispatch (CAD) system or the incident narrative. In 4% (n=5) of the incidents, the status of the supervisor was not applicable.

**Exhibit 15: Supervisor Status at Time of OIS,  
per CAD (2009-2014)**

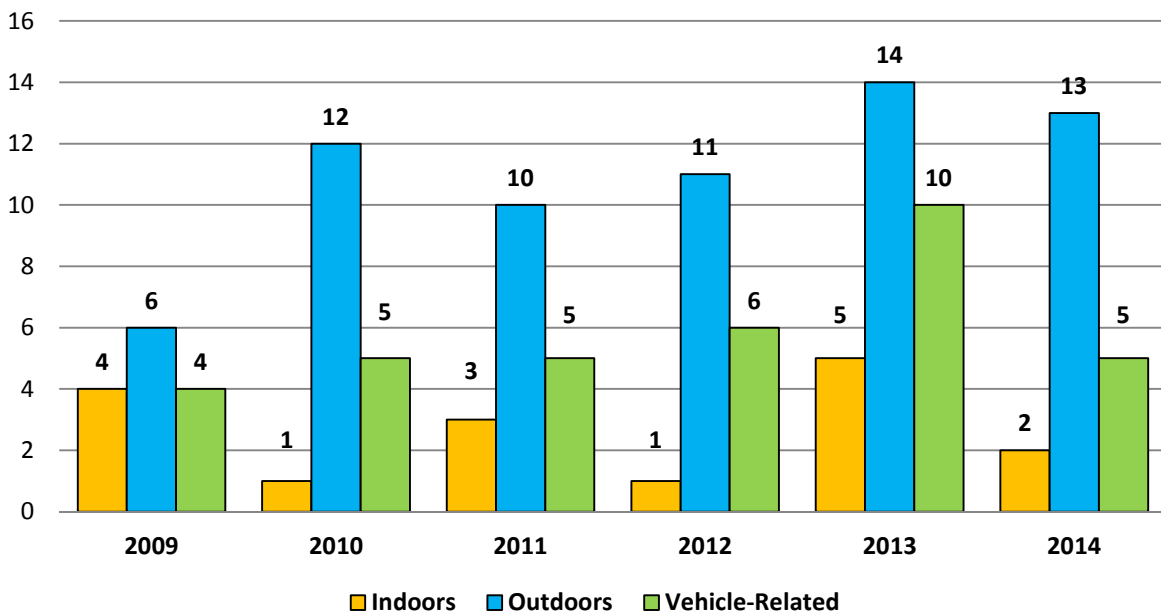


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The setting where the OIS occurred was also reviewed. The setting was categorized into broad categories as having occurred indoors, outdoors, or vehicle-related. The findings are presented in **Exhibit 16**. Throughout the six years being reviewed, outdoors was the most prevalent setting for the OIS. For example, from the total number of incidents that occurred from 2009 to 2014, 66 incidents (54.1%) took place in an outdoors setting. A vehicle-related setting was second most common, and consisted of an interaction of inside and/or outside of a vehicle. There were 35 incidents (28.7%) occurring in a vehicle-related setting throughout the 6 years. Lastly, 16 incidents (13.1%) occurred in an indoor setting. Additionally, the setting of 5 incidents (4.1%) was considered a “mixed-setting.” That is, the setting was not exclusive to an indoors, outdoors, or a vehicle-related setting, but a combination of two or three of these different settings, therefore only 117 of the 122 OIS are presented in the chart.

**Exhibit 16: Setting of OIS  
(2009-2014)**



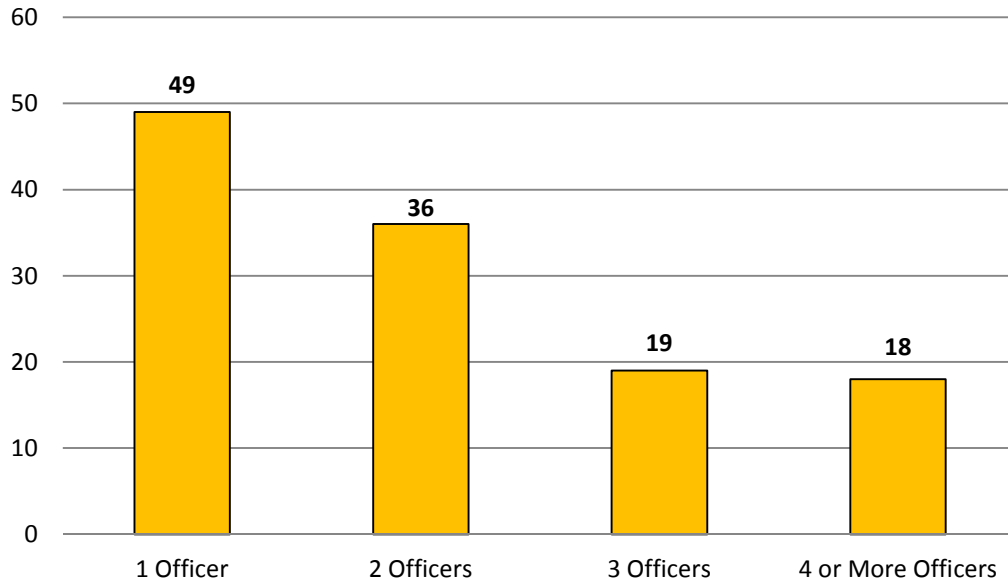
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The distribution of the number of officers who were actively engaged in OIS is displayed in **Exhibit 17** below. “Actively Engaged” is defined here as only those officers who were on-scene, and in reasonable proximity to have been involved in the OIS. For example, an officer who is in a physical confrontation with the subject is, of course, engaged in the OIS. In a barricade/hostage scenario, the officer across the street monitoring the subject is engaged, but the officer at the end of the block restricting traffic to the area, is not.

Among the 122 OIS incidents, 273 officers were actively engaged (mean=2.24 officers per OIS). The majority (69.7%) of OIS incidents included either one (40.2%, n=49) or two officers (29.5%, n=36). In 19 OIS, there were three officers involved (15.6%), and another 18 OIS (14.8%) involved four or more officers. The highest number of officers involved in any of the 122 OIS over the six years was 9 officers, and it occurred in just two incidents.

**Exhibit 17: Number of Officers Actively Engaged  
in OIS (2009-2014)**

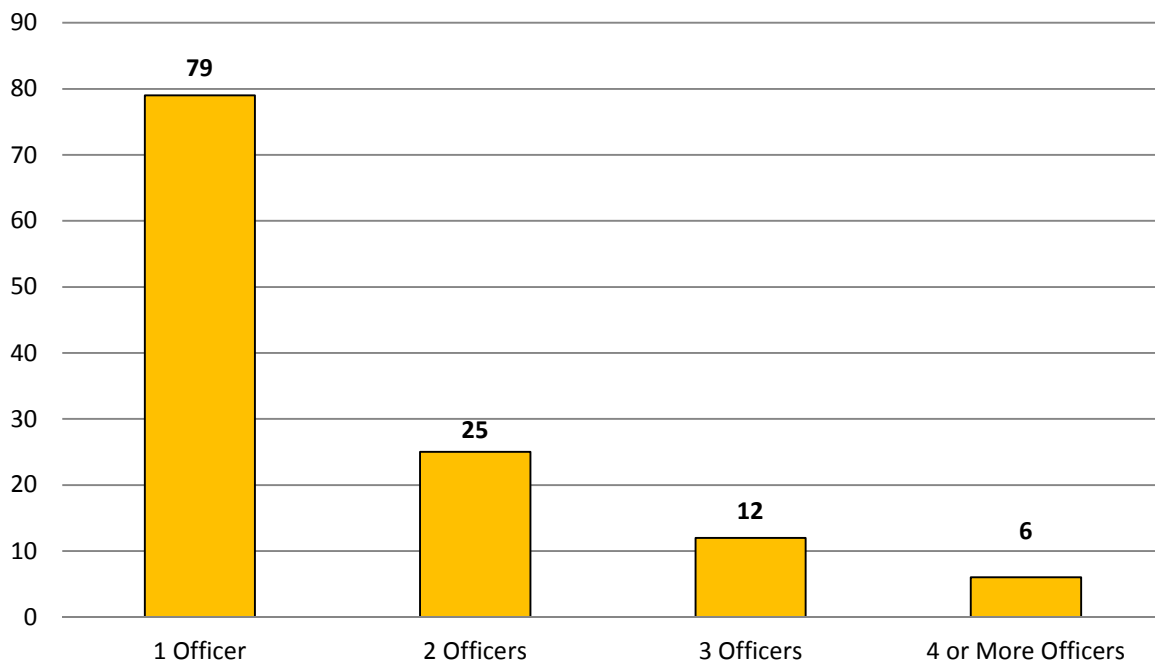


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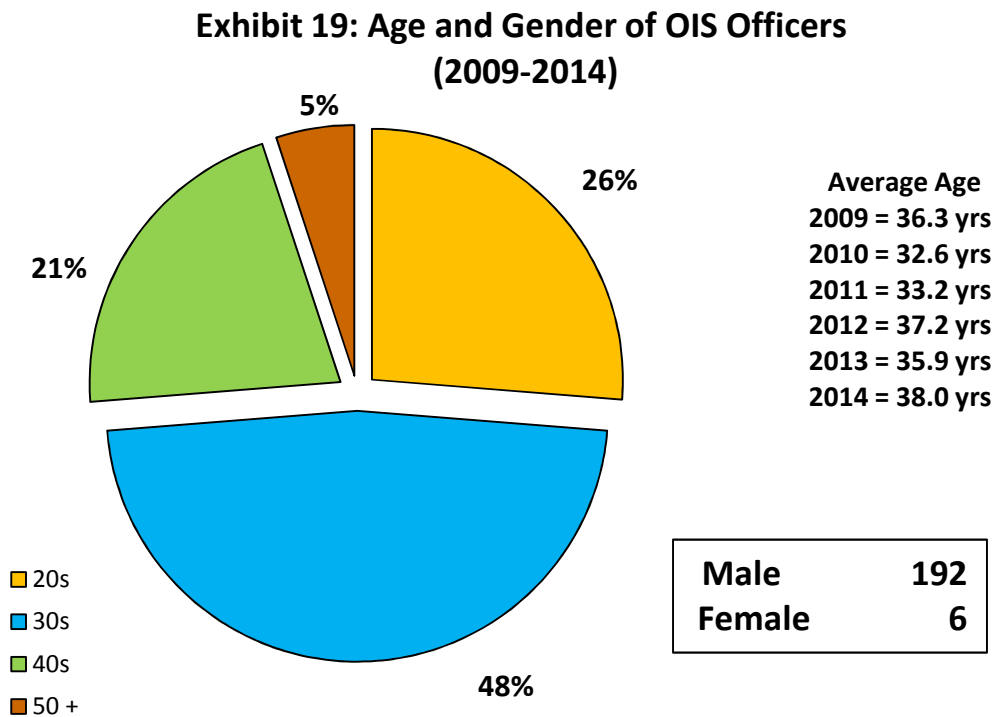
The number of officers who fired their weapon during the OIS is shown in **Exhibit 18**. This analysis differs from Exhibit 17 above, in that officers may be actively engaged in the OIS incident, and may not fire their weapon. This analysis examines the number of officers among those actively engaged, who also then fired their weapon during the OIS incident. In two-thirds (64.8%, n=79) of OIS (n=122), only one officer fired their weapon during the incident. In about 21% (n=25) of OIS incidents two officers fired their weapon, followed by incidents where three officers fired (10%, n=12), and 6 OIS incidents (4.9%) had four or more officers having fired their weapon.

**Exhibit 18: Number of Officers who Fired their Weapon During the OIS (2009-2014)**



## OIS Officer Related Exhibits

Overall, there were 198 officers involved in OIS from 2009-2014. **Exhibit 19** displays the age and gender distribution of OIS officers. The majority of OIS officers were male (97%, n=192), with only 6 officers identified as female. About 26% (n=52) of OIS officers were aged 21 to 29, and 48% (n=94) were aged 30 to 39. Officers in their 40's accounted for another 21% (n=42), and only 5% (n=10) of OIS officers were aged 50 or older.



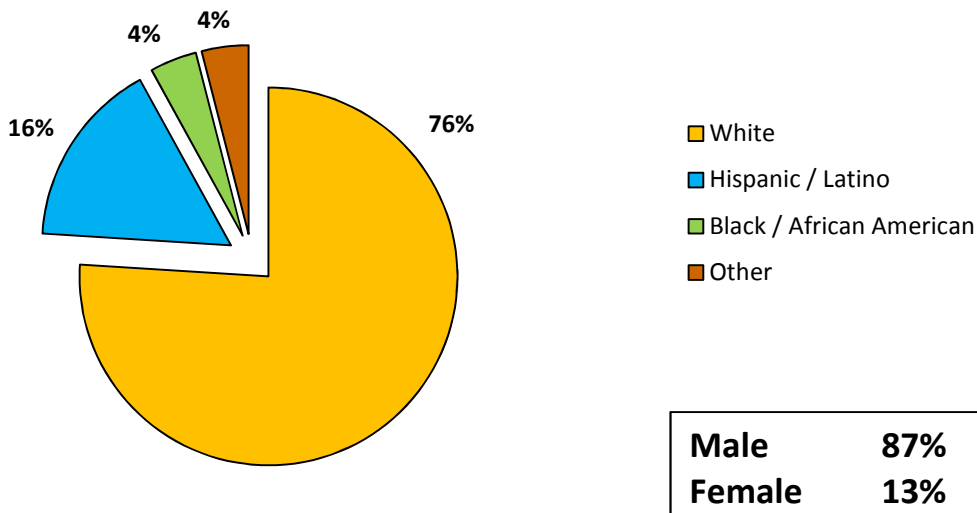
## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 20** displays recent (December 2, 2014) estimates for Phoenix Police Department sworn personnel (n=2,822). This exhibit does not reflect an average distribution over the six-year analysis period. The race and ethnicity identification was derived from officers' self-reported identification in official departmental employment records. Overall, about 87% of PPD sworn personnel were male (n=2,454), and 13% female (n=368).

Three-quarters of officers were White (76%; n=2,155), followed by about 16% Hispanic/Latino (n=447). Black/African-American officers (n=108) accounted for about 4%, and the remaining 4% of officers were categorized as Other (n=112) for this report. Those officers who identified themselves as any of the following race/ethnicities were coded as Other, principally due to the small number of officers in these groups, and the interest of limiting inappropriate identification of any particular individual. The other category included all of the following: American Indian, Native American, Alaskan Native, Asian, Native Hawaiian or Pacific Islander, mixed, or other.

**Exhibit 20: Phoenix Police Sworn Personnel  
Race/Ethnicity & Gender**



Citywide estimates as of December 2, 2014.

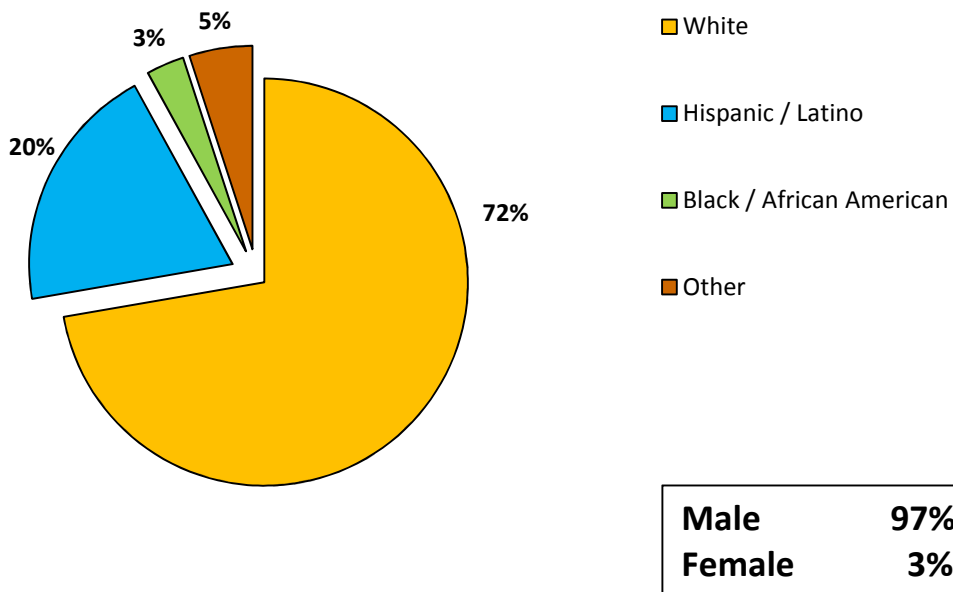
## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 21** displays the distribution of race/ethnicity of OIS officers (n=198). Similar to Exhibit 20 above, the race/ethnicity of officers was determined using self-reported identification from official departmental employment records. There were small differences in the proportion of officers who were involved in a shooting, when compared to citywide sworn distributions. Overall, 72% of OIS officers were White (n=143), 20% were Hispanic/Latino (n=39), 3% were Black/African-American (n=6), and 5% Other (n=10).

Only 3% (n=6) of OIS officers were female. It is important to note that this is significantly lower than the predicted prevalence rate, given that female officers account for 13% (n=368) of all Phoenix sworn personnel.

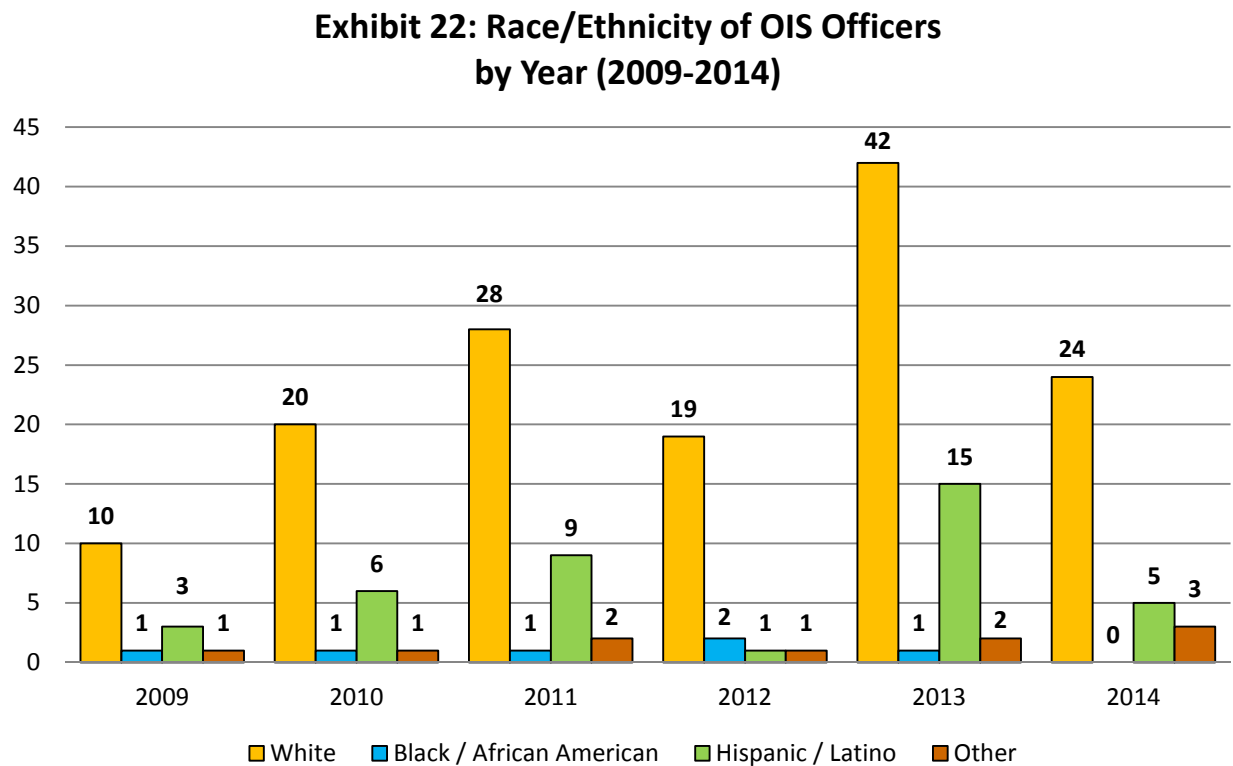
**Exhibit 21: Race/Ethnicity & Gender  
of OIS Officers (2009-2014)**



## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 22** displays the race/ethnicity of OIS officers (n=198) and their distribution by year, from 2009-2014. As above, officers' race/ethnicity was determined using self-reported identification derived from official departmental employment records. In this chart, we show the year-by-year frequency, rather than overall percentage distribution of race/ethnicity.

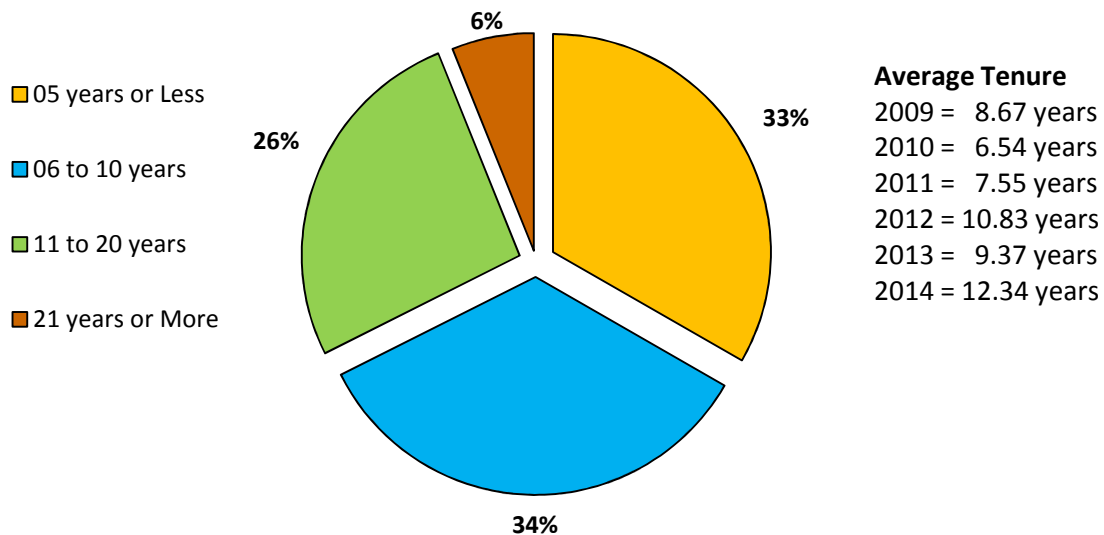


## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 23** displays the categorized years of service (i.e. job tenure) of OIS officers (n=198), calculated at the time of the OIS. Approximately two-thirds of officers who had been involved in an OIS had been an officer for 10 years or less. Specifically, 33% (n= 66) had been an officer for 5 years or less at the time of the OIS, and 34% (n= 68) were on the job from 6 to 10 years. Another 26% (n=52) of OIS officers were tenured 11 to 20 years, and the final 6% (n=12) of OIS officers had 21 or more years' experience. It should be noted, during the timeframe of the OIS analysis (2009-2014) the Phoenix Police Department hired very few officers due to budgetary constraints.

**Exhibit 23: Job Tenure of OIS Officers  
(2009-2014)**

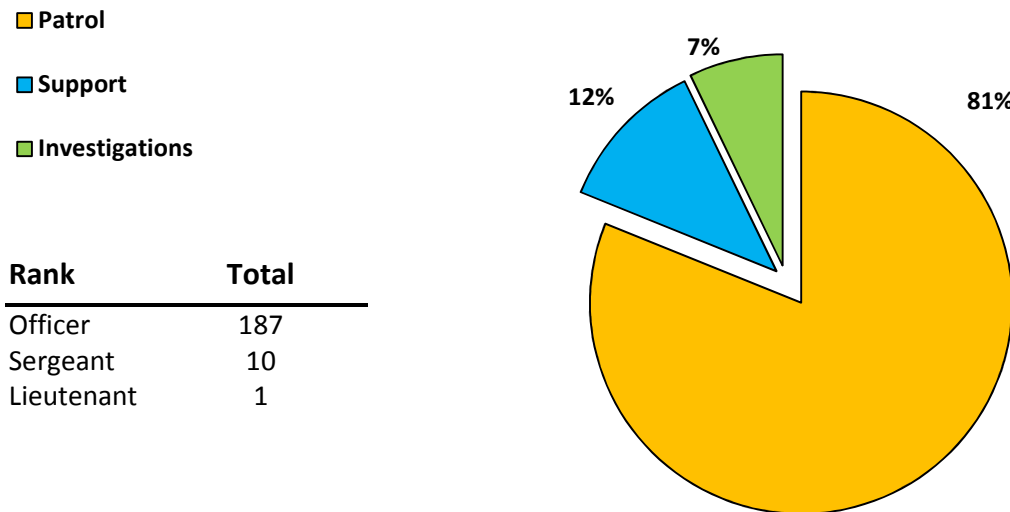


## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

In **Exhibit 24** we examined the OIS officers' assignment capacity (i.e. patrol, support, or investigations) and rank. The substantial majority of OIS officers (n=198) were of "officer" rank (94.4%, n=187). The remaining officers involved were sergeants (5.1%, n=10) and one lieutenant (0.5%). Similarly, the majority (81%, n=159) of officers involved in an OIS were working in a patrol capacity at the time of the OIS incident. Officers assigned to support and specialty units (e.g. K-9 or SAU) represented 12% (n=23) of OIS officers, followed by investigators (7%, n=14). There were 196 officers included in the duty assignment analysis, 2 officers were not included because they were not working in a police function at the time of the OIS.

**Exhibit 24: Duty Assignment and Rank of OIS Officers  
(2009-2014)**

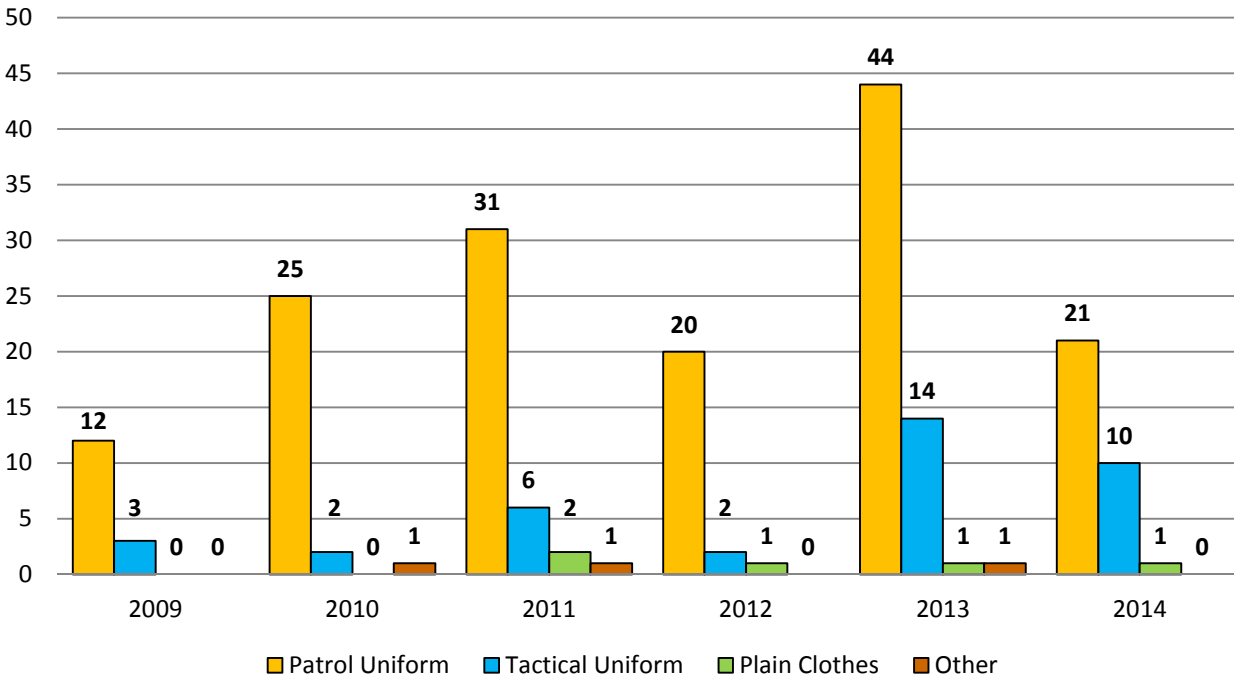


## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 25** shows the analysis of the uniform or clothing the officer (n=198) was wearing at the time of the OIS incident. A substantial proportion of officers involved in OIS incidents over the six years analyzed were wearing a patrol uniform at the time of the incident (77.3%, n=153). The remaining officers were either wearing a tactical uniform (18.7%, n=37); plain clothes (e.g. open display of the badge) (2.5%, n=5); or something else (Other), such as an officer working in an undercover capacity (1.5%, n=3).

**Exhibit 25: Uniform Worn by OIS Officer at Time of OIS  
(2009-2014)**

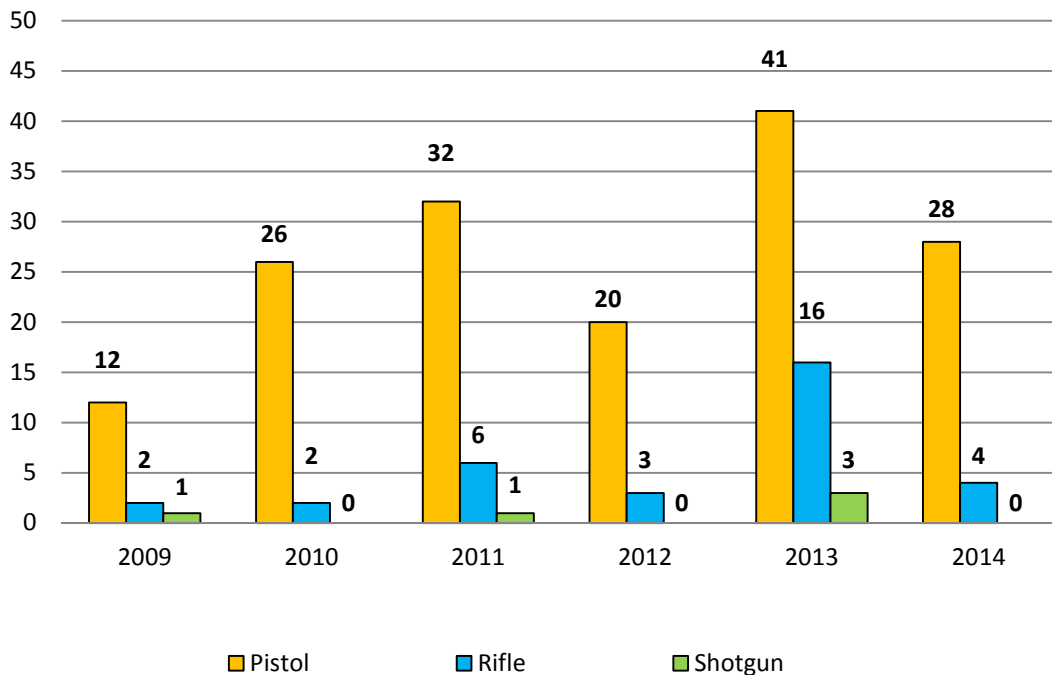


## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 26** displays information about the type of firearms used by officers (n=197) during OIS incidents from 2009 through 2014. More than 80% (n=159) of officers involved in an OIS used a pistol. The remaining 20% (n=38) officers used either a rifle (17%, n=33) or a shotgun (2.5%, n=5). There was one officer who used both a pistol and a rifle during the OIS incident (not reflected in the chart). This distribution was consistent throughout the six year analysis period.

**Exhibit 26: Type of Firearms Employed by Officers During OIS (2009-2014)**

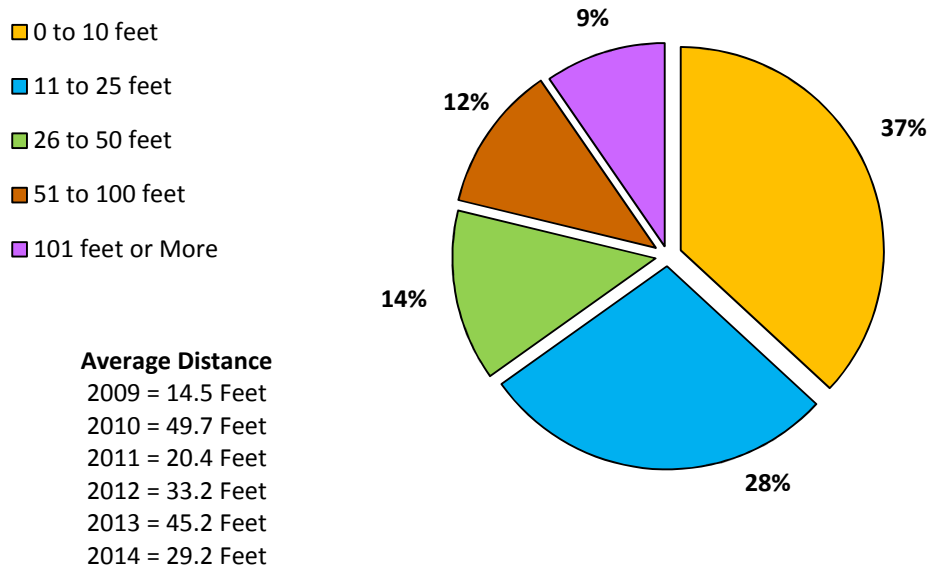


## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

The initial firing distance from the officer to the subject is an important characteristic in OIS incidents. **Exhibit 27** below displays the initial firing distances, grouped into five mutually exclusive categories, using data from 198 officers. More than one-third (37%, n=73) of OIS officers reported an initial firing distance from the subject of 10 feet or less. Another 28% (n=56) of officers were at an initial firing distance of 11 to 25 feet. About 14% (n=27) of officers were at a range of 26 to 50 feet, and 12 % (n=23) were from 51 to 100 feet away. Only 9% (n=19) of officers reported an initial firing distance of more than 100 feet.

**Exhibit 27: Initial Firing Distances of OIS Officers to Subject (2009-2014)**

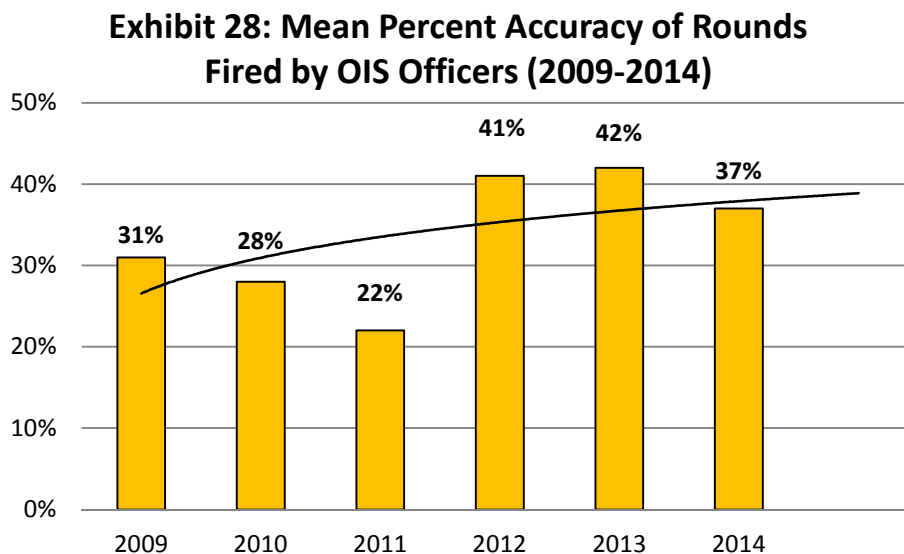


## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 28** shows the mean percent accuracy of rounds fired by officers, by year. Accuracy rates were calculated from known rounds fired and rounds actually hitting a subject, as determined through the OIS investigation. The investigative process for this calculates the number of rounds both reportedly fired by each officer, as well as, a count derived from a post-shooting weapon inspection. This can be complicated by the fact that some officers will not fully load a magazine – a tactic that preserves the lifespan of the magazine – which changes the denominator when trying to determine the number of rounds fired by counting the number of rounds not in the magazine. Actual hits are measured principally by medical reports of the injuries, in an effort to determine which and how many injuries resulted from a unique round. For example, a single round fired may actually cause two injuries (e.g. passing through the hand and entering the body), which may falsely inflate accuracy, or could exceed the number of rounds fired. Trying to confirm and reconcile these two measures is inherently difficult and imperfect. Due to these measurement imprecision issues, any shooting result that was left with an undetermined number of rounds as hits or misses, were excluded from calculations (n=18).

The overall mean accuracy of rounds fired was 34%, and most years were substantially different than this overall average. During 2014, the mean accuracy of all officer rounds fired during the 21 OIS incidents resulted in a 37% accuracy rate. A logarithmic trend line on the chart displays the expected mean accuracy rate for 2015.



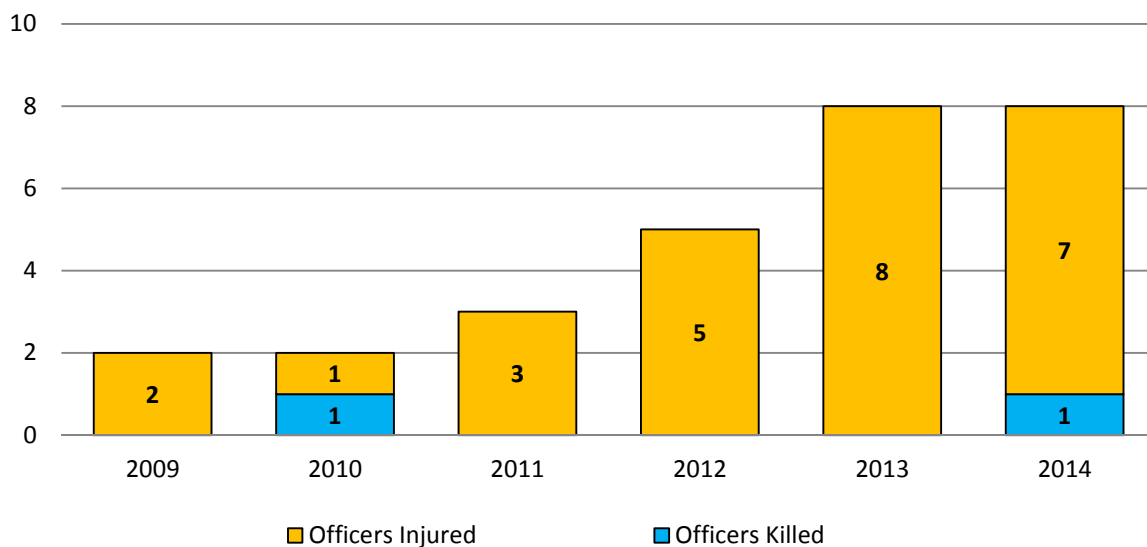
## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

The number of officer injuries or deaths that occurred as a result of the subject's actions was also examined. **Exhibit 29** shows these results by year, for injuries and deaths related to an OIS incident. Due to existing data collection limitations, we were unable to determine the exact nature or seriousness of injuries (e.g. requiring hospitalization, on-scene medical attention and release, or no medical care required). Included in the analyses are injuries to four officers who were not OIS officers as defined for this report. While these officers were injured as a direct result of the OIS incident, we cannot be certain they represent all officers who may have been injured in the 122 OIS incidents during the past six years. These will be areas of reporting improvement going forward.

Two officers were killed (2010 and 2014) during OIS incidents in the past six years. Of particular concern is the apparent increase in the number of officer injuries during the last two years. For example, there was an average 1 officer injured for every 6 OIS incidents from 2009-2012, increasing to about 1 for every 4 in 2013, and most recently (2014) it has increased to 1 officer injured/killed for every 3 OIS incidents.

**Exhibit 29: Officer Injuries Resulting from Subject's Actions  
(2009-2014)**



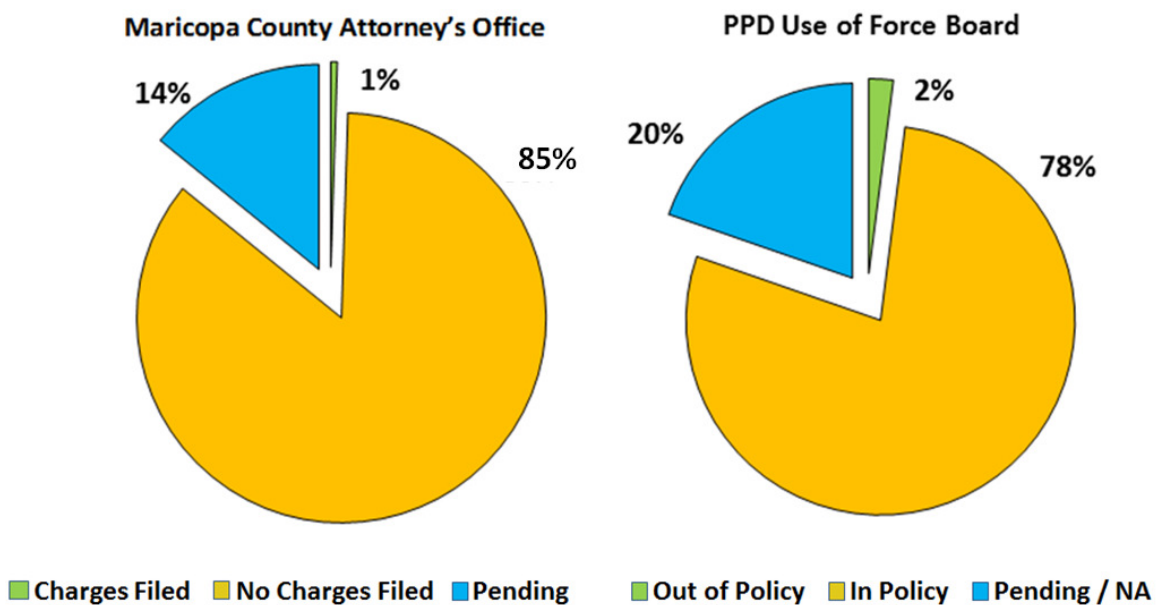
## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 30** displays the results of the Maricopa County Attorney's Office (MCAO) and PPD's Use of Force Board (UFB) review, respectively. The MCAO Shooting Review Board evaluates every OIS incident respective to each OIS officer regarding the legality of officer actions. MCAO is the agency responsible for filing criminal charges, and it is this review process that determines if charges are warranted. The PPD Use of Force Board reviews each officer's actions to determine whether they were in accordance with departmental policy (i.e. in policy), or not (i.e. out of policy).

MCAO filed charges against one officer (in 2010) of the 198 OIS officers. There are 18 cases involving a total of 28 OIS officers (14%) that have not received an MCAO determination. These cases include recent OIS incidents currently under investigation and are listed below as pending. The majority of officers (78%, n=155) were found to have acted in accordance with departmental policy regarding use of force. It was determined that four officers (2%) had acted out of policy. About 20% (n=39) of officers either have the UFB determination pending (n=36) or was not applicable (n=3). The NA cases were related to the two officers killed during an OIS incident and the one officer who was criminally prosecuted.

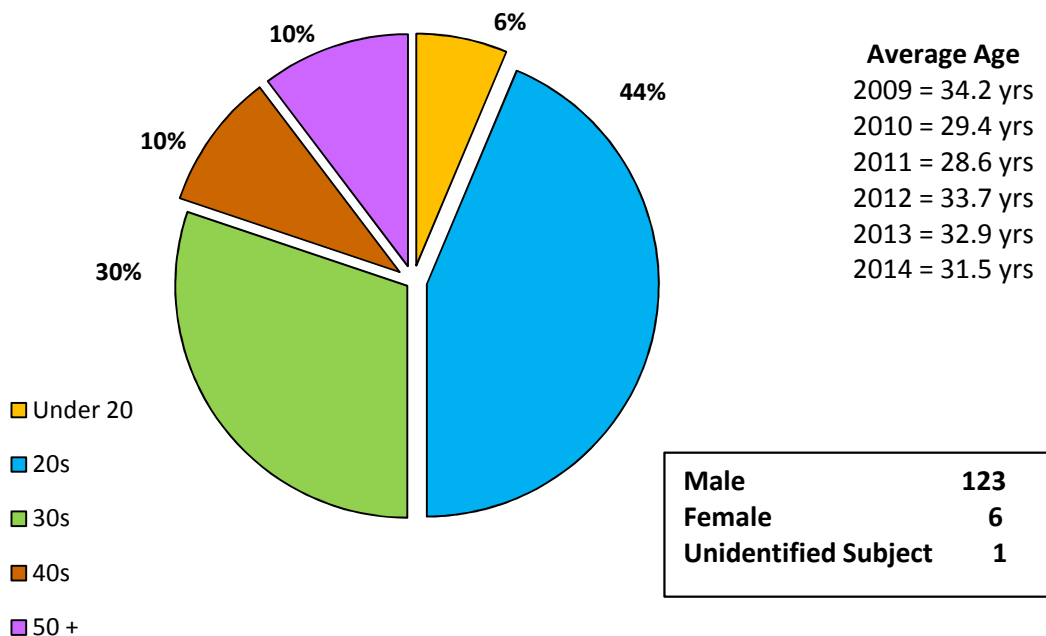
**Exhibit 30: MCAO / PPD Review Findings  
of OIS Officer Actions (2009-2014)**



## Subject Related Exhibits

**Exhibit 31** displays the age and gender of OIS subjects, replicating the OIS officer age and gender analysis presented earlier. The majority of subjects were male (95%, n=123), and only 6 of the 130 subjects over the six years were female (5%). The largest age group represented were aged 20 to 29 years (44%, n=55), followed by those subjects in their 30's (30%, n=38). About 20% of OIS subjects were in their 40's (10%, n=12) or 50 or older (10%, n=13), and the smallest age group were aged under 20 (6%, n=8). There were four subjects whose ages were undetermined, and were excluded from analysis. The average age of OIS subjects (n=126; age was unknown for four subjects) per year was highest in 2009 (34.2 years) and lowest in 2011 (28.6 years).

**Exhibit 31: Age and Gender of OIS Subjects  
(2009-2014)**

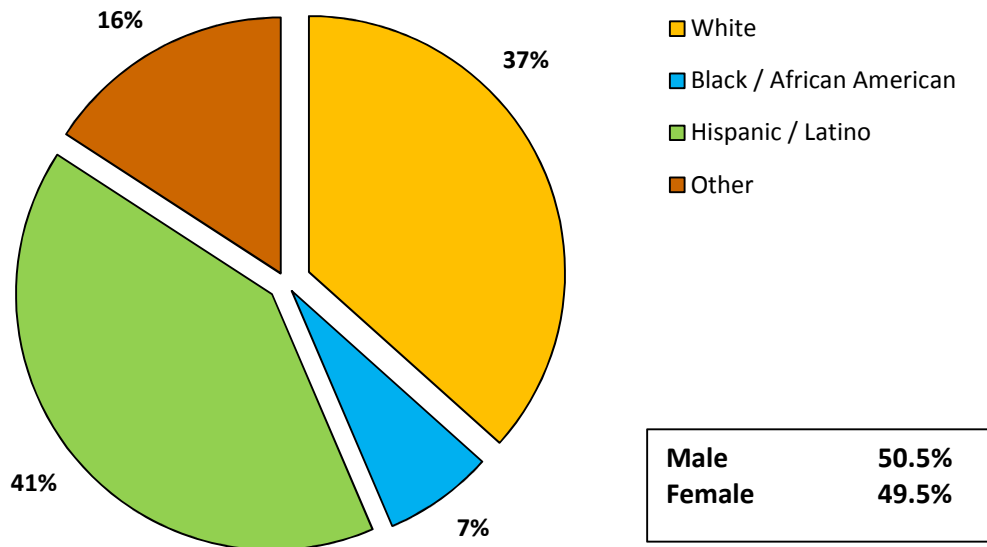


## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 32** shown below displays the citywide population estimates by race/ethnicity and gender. The population estimates were derived from annual estimates from the U.S. Census Bureau's *American Community Survey*.<sup>11</sup> It should be noted, that the percentages below reflect those individuals self-identifying as "White, Non-Hispanic" are reflected in "White", and those identifying as any Hispanic/Latino ethnicity are mutually exclusively categorized as "Hispanic/Latino" in the graph below. Forty-one percent of residents identified themselves as Hispanic or Latino, followed by 37% White, and 7% Black/African-American. Those self-identifying themselves as "Other" (16%), included those race/ethnicities with smaller percentages, and were collapsed to maintain consistency with the OIS-specific analyses.

**Exhibit 32: Race/Ethnicity & Gender of  
City of Phoenix Residents (2009-2014)**



<sup>11</sup> U.S. Census Bureau. "General Demographic Characteristics". ACS\_05\_1EST\_DP1. American FactFinder. 2005. Web. 20 January 2015.; U.S. Census Bureau. "ACS Demographic and Housing Estimates: 2006-2013". ACS\_06-13\_EST\_DP05. American FactFinder. 2006. Web. 20 January 2015.

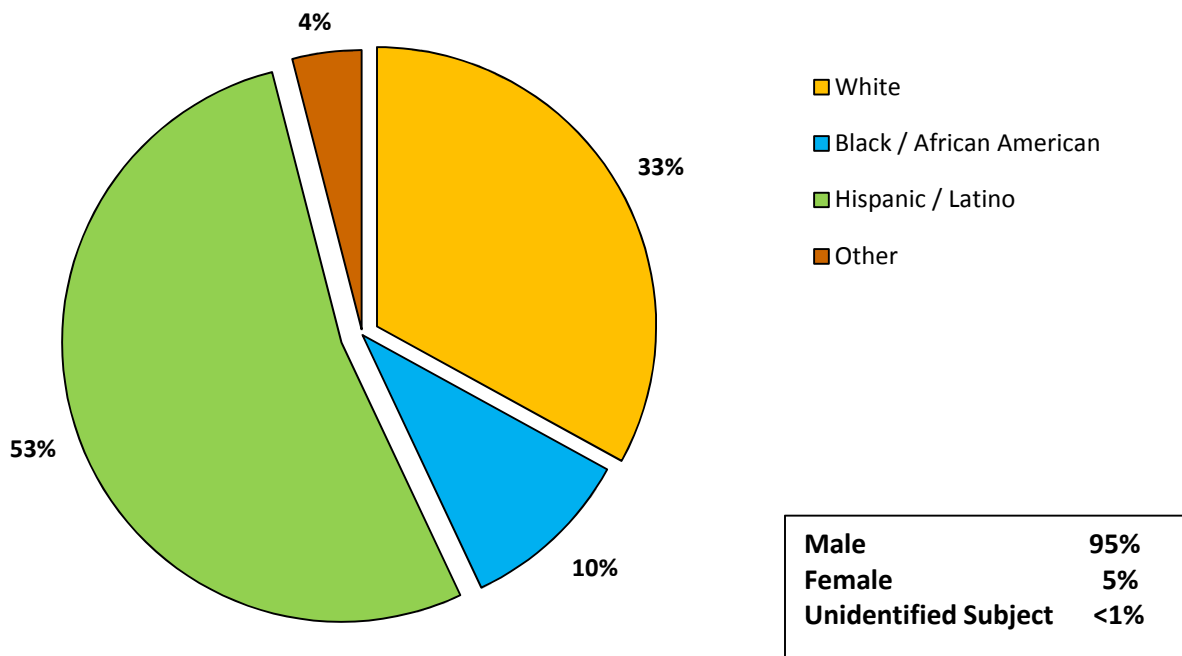
## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 33** displays the race/ethnicity and gender breakdown of OIS subjects from 2009 through 2014. Consistent with the rest of our OIS analyses, we examined race/ethnicity using four mutually exclusive categories: White, Black/African-American, Hispanic or Latino, and Other. The Other category was comprised by combining those individuals who are sufficiently uncommonly occurring as to pose a risk of inappropriately identifying them individually. Thus, we combined the following into the Other category: American Indian, Native American, Alaskan Native, Asian, Native Hawaiian or Pacific Islander, mixed, or other. Determination of subject race/ethnicity was derived from the primary criminal investigative report.

More than half (53%, n=67) of OIS subjects were Hispanic / Latino, and one-third were White (33%, n=42), together representing 86% of all OIS subjects. Black/African-American subjects accounted for about 10% (n=13), and the remaining 4% (n=5) of subjects were made up of Other races or ethnicities. Subject race/ethnicity was analyzed using 127 subjects, due to three unidentified subjects.

**Exhibit 33: Race/Ethnicity & Gender  
of OIS Subjects (2009-2014)**

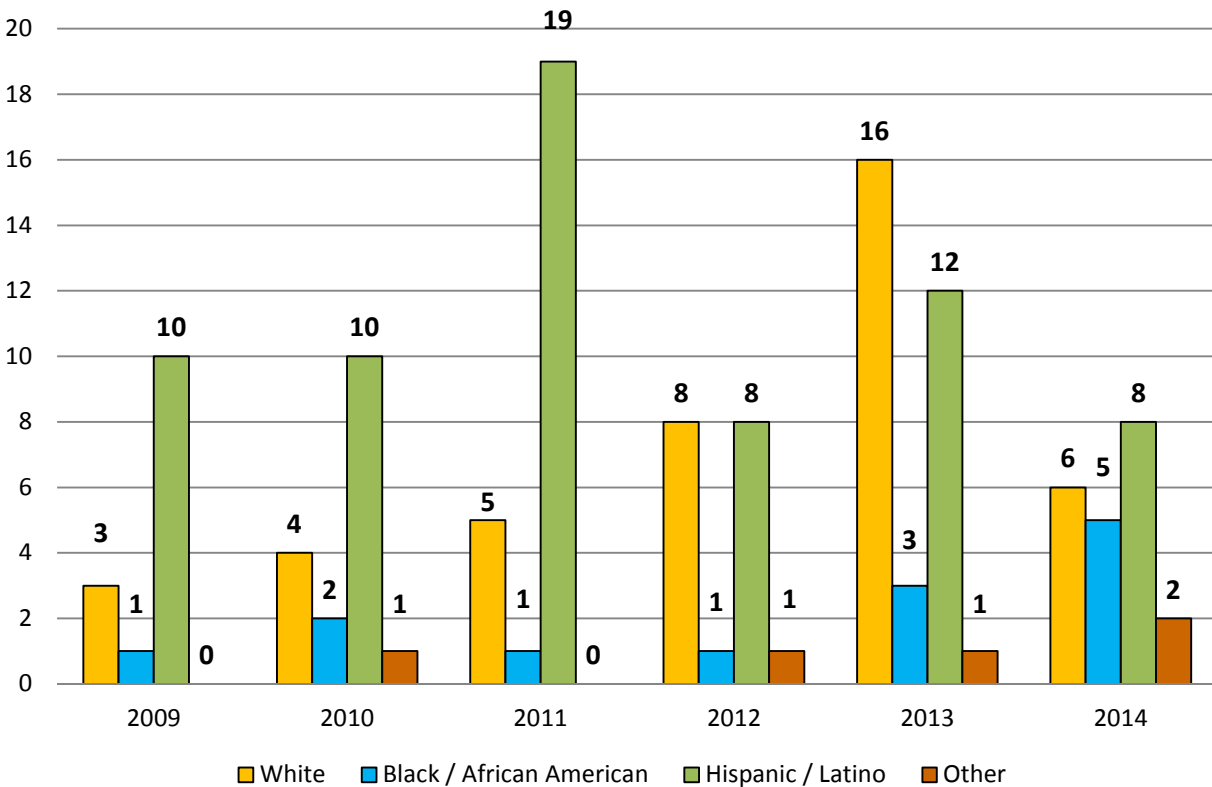


## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 34** shows the race/ethnicity of OIS subjects, by year, from 2009-2014. The subject race/ethnicity was determined in the same manner as Exhibit 33 above, and displayed differently here only to inform the year-by-year distribution. The graph displays the raw number of subjects involved in each year's OIS incidents, and thus may exceed the number of OIS incidents for any given year. Subject race/ethnicity was analyzed using 127 subjects, due to three unidentified subjects.

**Exhibit 34: Race/Ethnicity of OIS Subjects  
by Year (2009-2014)**



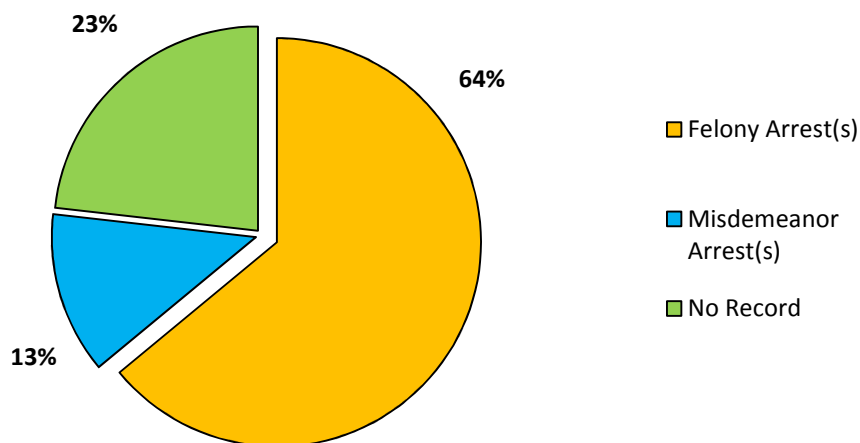
## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 35** presents the analysis of OIS subject criminal history. The scope of this report did not allow for more detailed and thorough analysis of criminal histories (i.e., national criminal history search). For this report, we defined criminal history as the individual subject having had a prior arrest for either a felony or misdemeanor offense in the City of Phoenix’s PACE system (Police Automated Computerized Entry system). PACE includes all arrests made by PPD, and may include arrests from surrounding jurisdictions. Other jurisdictions enter arrests into PACE voluntarily and optionally, and thus would not be a comprehensive record of arrests from any particular agency other than Phoenix. PACE does not include data on possible convictions resulting from these arrests. The analysis also does not account for multiple prior arrests, and categorizes subjects progressively from no prior arrests (“No Record”), to at least one misdemeanor but no felony arrests (“Misdemeanor Arrest”), and finally “Felony Arrest” if the subject had at least one prior felony arrest (regardless of misdemeanor history) according to PACE. There were 5 OIS subjects for whom it could not be determined if they had a prior criminal history, and were therefore, excluded from this analysis, leaving 125 subjects.

Nearly two-thirds (64%, n=80) of OIS subjects had at least one felony arrest prior to the OIS incident. Another 13% (n=16) had no felony arrests, but at least one misdemeanor arrest prior to the OIS incident. About a quarter (23%, n=29) of OIS subjects had not been arrested prior to the OIS incident.

**Exhibit 35: Criminal Record of Subject  
Prior to OIS (2009-2014)**



## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

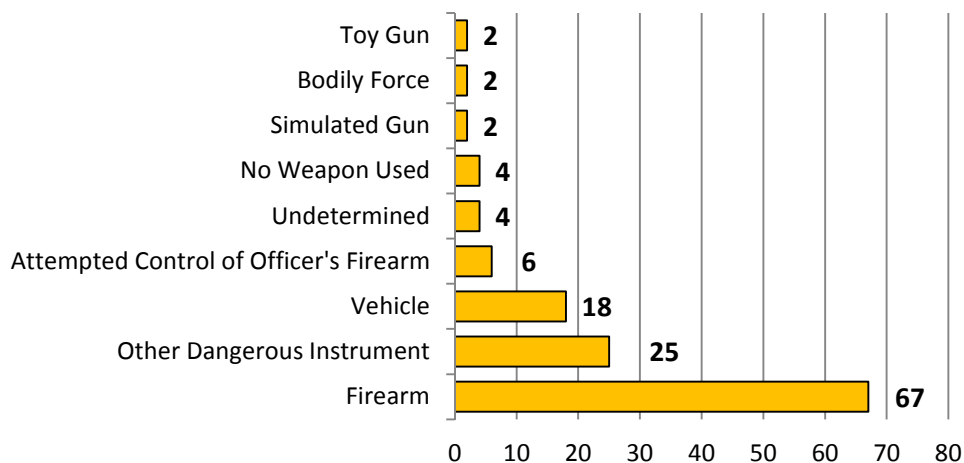
*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 36** displays the type and frequency of weapons used by OIS subjects (n=130) during the OIS incident. These classifications describe the *actual* weapon used during the incident, as determined by the investigation, and thus do not necessarily represent what the OIS officer(s) perceived during the OIS incident.

The chart shows the result in ascending order of frequency, thus looking at the last bar on the graph, you can see that more than half (52%, n=67) of all subjects involved in an OIS used a gun during the incident. Of the 67 subjects who used a firearm during an OIS incident, about one-third (34%, n=23) actually fired the weapon.

Toy guns were defined as weapons that by manufacture, design, and/or intentional decoration appeared to be real guns. For example, a black metal or plastic air-soft gun that on view appeared real (2%, n=2), would be included, but a plastic, brightly-colored “ray gun” would not be considered a weapon at all (if this had occurred, it would be classified as “no weapon used”) for our purposes. A simulated gun was also used just twice (2%). An example of a simulated firearm would be if an OIS subject made a statement that he had a gun and intended to shoot others and himself, using the stock of a rifle or shotgun under a covering (e.g. towel or jacket), which would appear to be a firearm, but was in fact a non-functional “prop”. The use of bodily force (2%, n=2) and the subject’s attempted control of the officer’s firearm (5%, n=6) were both uncommon. Four subjects did not use a weapon (3%, n=4) and another four were left undetermined after the investigation (3%, n=4). The use of a vehicle was the third most common weapon used by OIS subjects (14%, n=18). Second only to firearms, the use of a

**Exhibit 36: Type of Weapon Used by Subject  
During OIS (2009-2014)**



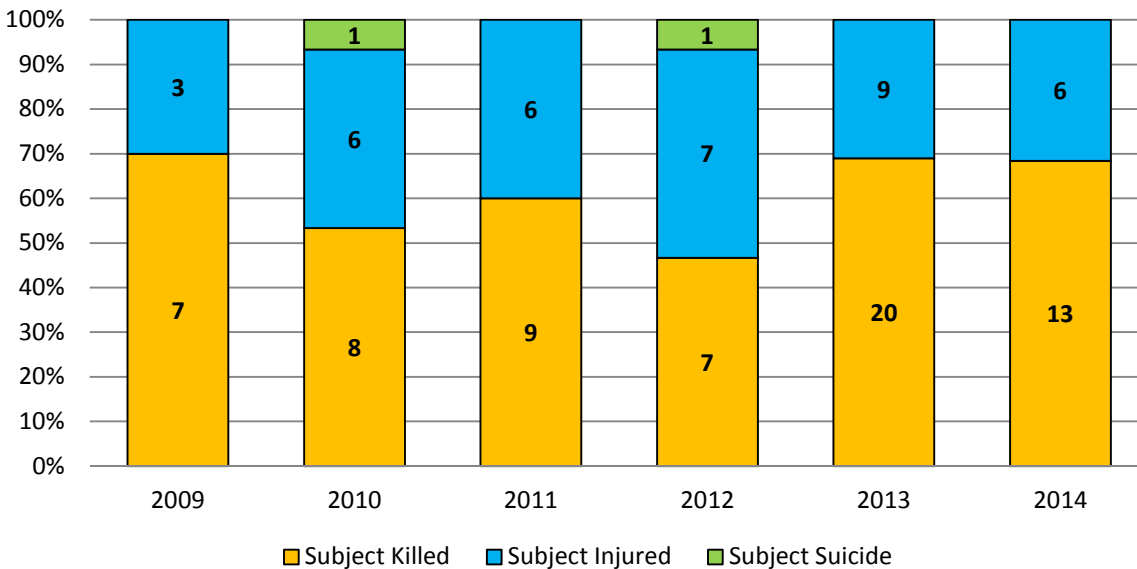
dangerous instrument was common (19%, n=25). Other dangerous instruments are a broad category of potentially lethal weapons or instruments other than guns, such as swords, knives, machetes, brass knuckles, bats, and many other improvised dangerous weapons.

## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

**Exhibit 37** displays the subjects' injury-related outcomes of the OIS incidents. There were 124 subjects included in this analysis. Over the past six years, from 2009 through 2014, 103 subjects sustained some form of injury during the OIS incident, which represents 83% of all OIS subjects. Among this group are 2 (1.6%) subjects who committed suicide, 37 (29.8%) who were injured, and 64 (51.6%) who were killed. Twenty-one (16.9%) of the OIS subjects were not injured during the incident by OIS officers. There were 6 OIS subjects for whom it could not be determined if they were injured or not, and were therefore excluded from this analysis. These six subjects included those who were not identified (as exemplified in previous age, race, sex analyses) and thus an injury status could not be determined. It also included two subjects for whom the investigation documentation did not specify if the subject was injured or uninjured by OIS officers. The chart below gives a percent and count by year of subject suicides, injuries, and subjects killed during an OIS incident.

**Exhibit 37: Subject Injuries Resulting from OIS  
(2009-2014)**



## OIS SUMMARY

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The Department of Justice (COPS Office) completed an extensive Collaborative Reform Process with LVMPD regarding OIS incidents. The documentation gathered from the process was developed to serve as a national best practice model for law enforcement agencies to reduce OIS occurrences. National best practices require agencies to dissect OIS incidents, extract data, identify trends, and provide trend-based training to officers in a timely fashion in an effort to improve training, decision-making, accountability, transparency, public perception, and to decrease the number of OIS incidents. The implementation of several recommendations from the LVMPD Collaborative Reform Process and Model has led to a significant reduction of OIS incidents within the Las Vegas community.

In Phoenix, the project team reviewed extensive documentation published by the Department of Justice (COPS Office), which included the LVMPD Collaborative Reform Process/Model and compared PPD OIS policies and procedures to established standards. The primary objectives and subsequent findings included:

- The evaluation of PPD policies addressing the response to and disposition of OIS and involved employees determined that PPD Use of Force policy meets many of the standards identified within the LVMPD review; however, opportunities to enhance the policy were also noted
- The evaluation of procedures pertaining to the criminal and administrative investigations of OIS determined PPD is completing thorough criminal and administrative investigations of OIS incidents
- The evaluation of training provided to employees in general to OIS and specifically subsequent to being involved in an OIS determined that PPD's OIS post review policies and procedures are defined; however, they are not consistently adhered to by department personnel. In addition, training for department personnel from 2007 through 2014 has been diminished due to reduced staffing levels and budget constraints
- The analysis of data and trend analysis of completed OIS investigations for calendar years 2009 through 2014 focused on demographics; answering the "who", "what", "where", and "when" of the incidents

## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

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*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

The project team made several recommendations, as follows, that will assist the PPD in developing OIS policies and procedures that are consistent with national best practices; many of which have already been implemented.

## **RECOMMENDATIONS & STATUS** *AS OF SEPTEMBER 1, 2015*

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1. Consider adding a “sanctity of life” statement to the PPD Operation Orders Use of Force policy.

**Recommendation Assigned To:** *Training Bureau & Executive Staff*

**Status:** *Currently Under Review*

**Implementation Steps:**

- *Draft Use of Force policy submitted to Executive Staff for review August 2015*

**Target Completion Date:** **December 2015**

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2. Consider enhancing the PPD Operation Orders Use of Force policy to provide officers more context for use of force decision-making through the addition of the following factors:

- The influence of drugs/alcohol or the mental capacity of the subject
- The time available to an officer to make a decision
- The availability of officers/resources to de-escalate the situation
- The proximity or access of weapons to the subject

**Recommendation Assigned To:** *Training Bureau*

**Status:** *In Progress*

**Implementation Steps:**

- *Draft Use of Force policy submitted to Executive Staff for review August 2015*

**Target Completion Date:** **December 2015**

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3. Consider adding a policy addressing foot pursuits to establish parameters surrounding decision-making and officer safety such as; factors to consider when deciding to engage in a foot pursuit, officer safety concerns, transitioning from pursuit to apprehension, and the roles and responsibilities of the officer initiating the pursuit, assisting officer(s), supervisor, and dispatcher.

**Recommendation Assigned To:** *Tactical Review Committee (TRC)*

**Status:** *In Progress*

**Implementation Steps:**

- *Draft policy presented to Training Bureau (July)*
- *A training outline was completed by the TRC and the Training Bureau*

## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

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- *Draft policy presented to Executive Staff for review*

**Target Completion Date:** December 2015

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4. Consider revising the PPD Operation Orders Use of Force policy to place greater emphasis on de-escalation and force transition as a method officers should consider in potentially violent situations and offer examples of ways it can be used.

**Recommendation Assigned To:** *Tactical Review Committee*

**Status:** *In Progress*

**Implementation Steps:**

- *Draft policy presented to Executive Staff (June)*
- *Final policy revision to be completed and forwarded to Executive Staff for approval and implementation by September 2015*
- *Staffed and Implemented into Operations Orders by target date*

**Target Completion Date:** September 2015

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5. Consider implementing a regular review of the PPD Operation Orders Use of Force policy at least annually and as needed by the Legal Unit or others to incorporate court decisions and lessons learned from other deadly force incidents. These reviews should be memorialized via an update to the revision date documented on the policy.

**Recommendation Assigned To:** *Training Bureau*

**Status:** *Currently Under Review*

**Implementation Steps:**

- *Draft Use of Force policy submitted to Executive Staff for review August 2015*

**Target Completion Date:** December 2015

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6. Consider tracking and enforcing policy that indicates “employees will shoot for practice with a primary and/or secondary handgun a minimum of three times per year in addition to annual qualification.” (Operations Order 4.25.3.C(2))

**Recommendation Assigned To:** *Training Bureau*

**Status:** *In Progress*

**Implementation Steps:**

- *This policy is being drafted*

**Target Completion Date:** December 2015

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7. To enhance trend analysis, consideration should be given to having the PSB Scene Investigator coordinate with the Homicide Scene Investigator during the processing of the OIS scene to identify and document the following prior to leaving the scene:

- Distance from shooter to suspect
- Number and location of strikes to suspect
- Distance/location of bystanders to shooter
- Backdrop
- Lighting conditions
- Weapon equipment – mounted lights, optics
- Time frame from suspect contact to OIS
- Determine supervisor's status (monitoring, responding, on-scene, managing scene)
- Trajectory of bullets fired per shooter
- Ensure photographs of shooter/officer perspectives

**Recommendation Assigned To:** Professional Standards Bureau

**Status:** *Completed July 2015*

This information will now be obtained by the Professional Standards Bureau Inspections Unit and/or the Tactical Review Sub-Committee during the Tactical Review Committee/Homicide Debriefing, approximately two weeks after the OIS occurs.

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8. Consider documenting the following in the Administrative Investigative Report:

- Medical Examiner's/Toxicology report
- Rounds Fired vs. Rounds Hit
- Does the subject have a history of mental illness

**Recommendation Assigned To:** *Professional Standards Bureau*

**Status:** *In Progress*

**Implementation Steps:**

- *Professional Standards Bureau chain of command have met, discussed, and decided to include this information*
- *The Shooting Investigative Template has been updated*

**Target Completion Date:** **September 2015**

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9. Consider revising the Violent Crimes Bureau manual; Homicide Unit OIS Debriefing by:

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- Documenting attendance utilizing a sign-in sheet/roster to be maintained on file
- Formalize the format and focus of the presentation and revise as needed to fit the needs of the attendees

**Recommendation Assigned To:** *Violent Crimes Bureau*

**Status:** *Completed June 2015*

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10. Criminal investigative personnel should consider documenting the date the homicide investigation is submitted to the MCAO Shooting Review Board utilizing case management.

**Recommendation Assigned To:** *Violent Crimes Bureau*

**Status:** *Completed February 2015*

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11. The PPD Executive Staff should review and revise the composition, responsibilities, and documentation requirements associated with the Tactical Review Committee as outlined in the PPD Operation Orders Use of Force policy. Items to consider that may increase the effectiveness of the TRC include:

- Documentation of the TRC review for all OIS incidents
- Documentation identifying training needs for department personnel
- Documentation involving officer post-OIS protocol
- Distribution of required documentation to appropriate department personnel
- Establish record retention procedures for required documentation by the TRC
- TRC representation as advisor to Use of Force Board, in lieu of TTDS

**Recommendation Assigned To:** *Tactical Review Committee*

**Status:** *Partially Complete/Currently Under Review*

**Implementation Steps:**

- ✓ Documentation of the TRC review for all OIS incidents
  - Completed July 2015
- ✓ Documentation identifying training needs for department personnel
  - Completed July 2015; this information will now be included within the semiannual TRC report or immediately disseminated if necessary
- ✓ Documentation involving officer post-OIS protocol
  - Completed July 2015
- ✓ Distribution of required documentation to appropriate departmental personnel

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- Completed July 2015
- ✓ Establish record retention procedures for required documentation by the TRC
  - Completed July 2015
- TRC representation as advisor to Use of Force Board, in lieu of Tactical Training Detail Sergeant
  - Currently under review by Executive Staff – to be decided September 2015

**Target Completion Date: December 2015**

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12. Consider developing more specific Use of Force Board finding categories in lieu of “In Policy” and “Out of Policy,” including, but not limited to:

- Administrative approval: Justified and within policy
- Tactics/Decision-making: Tactics and/or decision making was less than satisfactory and training will be prescribed
- Policy violation not directly related to use of force: A policy violation was identified, but it was not connected to the use of force, i.e. failure to qualify with the OIS firearm
- Policy/training failure: This finding reflects policy or training deficiencies
- Administrative disapproval: The force used or action taken was not justified under the circumstances and a violation of policy. Note, this outcome is reserved for the most serious failures in adherence to policy, decision-making, and/or performance

**Recommendation Assigned To:** *Training Bureau, TRC, & Executive Staff*

**Status:** *Currently Under Review*

**Target Completion Date: December 2015**

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13. The PPD Executive Staff should distribute this report’s findings to appropriate personnel to develop and implement training as needed.

**Recommendation Assigned To:** *Professional Standards Bureau & Executive Staff*

**Status:** *Partially Complete*

**Implementation Steps:**

- ✓ The OIS remains a work in progress. However, segments of this report have been disseminated to key stakeholders to effect needed change prior to this report being finalized.

**Target Completion Date: December 2015**

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14. PSB to complete an annual report of all OIS incidents to ensure proper documentation has occurred and to assist TRC with OIS incident evaluations.

**Recommendation Assigned To:** *Professional Standards Bureau*

**Status:** *In Progress*

**Implementation Steps:**

The Professional Standards Bureau Inspections Unit is currently tracking information on 2015 incidents using the OIS Matrix during the Homicide/TRC Debrief. This information is then used by the TRC to complete the TRC semiannual reports.

- *The roles and responsibilities of stakeholders are currently under review and will be decided by December 2015*

**Target Completion Date:** **December 2015**

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15. PPD and CVPCS should consider conducting enhanced data extraction and trend analyses of completed OIS investigations for calendar years 2009 through 2014 and beyond. Analyses should seek to identify contributing factors such as substance abuse, mental illness, officer de-escalation of force, and any other factors influencing OIS. The enhanced analyses would better identify and explain the “how” and “why” of OIS incidents.

**Recommendation Assigned To:** *Tactical Review Committee & Training Bureau*

**Status:** *Currently Under Review*

**Implementation Steps:**

- *PSB and CVPCS continue to develop the OIS Matrix in an effort to track data related to best practices*
- *OIS Matrix to be transitioned to the TRC for collection and analyses*
- *Document identified trends through the semiannual report from the TRC*

**Target Date:** **December 2015**

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## Appendix A: Financial Impacts of OIS (City Auditor)

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### City of Phoenix

**To:** Joseph Yahner  
Acting Chief of Police

**Date:** January 2, 2015

**From:** Bill Greene  
City Auditor

**Subject:** FINANCIAL IMPACTS OF OFFICER INVOLVED SHOOTINGS

#### **Purpose**

At your request, we researched and calculated selective financial impacts related to officer-involved shooting (OIS) incidents.

#### **Background**

Between 2009 and December 1, 2014, the Phoenix Police Department (PD) reports there were a total of 119 OIS incidents resulting in 61 fatalities. The PD's Professional Standards Bureau (PSB) Inspections Unit and Violent Crimes Bureau Homicide Unit (VCBH) staffs are proactively evaluating OIS incidents with primary objectives focusing on the following:

- Data analysis and trend analysis of completed OIS investigations for calendar year 2009 through 2014 (6 years)
- Policy evaluation addressing the response to and disposition of OIS and involved employees
- Procedure evaluation pertaining to the criminal and administrative investigations of OIS
- Training evaluation provided to employees in general to OIS and specifically subsequent to being involved in an OIS

The PD is working collaboratively with Arizona State University's Center for Violence Prevention and Community Safety regarding the trend analysis of OIS incidents for the past six years.

We conservatively calculated personal service costs associated with initial scene response and review boards associated with OIS incidents. Other financial impacts, such as general liability and workers' compensation claims, were obtained from Finance and Human Resource Departments' staff, respectively.

#### **Approach**

Our calculations focused on the PD's internal personal service costs specific to two areas: (1) initial scene response, and (2) review boards. Personal service costs were not calculated for the investigative process as PD could not provide incident variants such as the number of victims; number and/or identity of suspect(s); location of suspect(s) (in custody versus outstanding); number of scenes (one versus multiple locations); number of witnesses; etc.

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Costs associated with salary and fringe were included; costs associated with commodities, contractals, overhead, other City departments, court activities, or external agencies, e.g. the County Attorney's Office, were excluded.

General liability and workers' compensation claim totals were obtained for years between 2009 and 2014.

### Results

#### Initial Scene Response

Audit staff sampled 10 (approximately 8%) of OIS incidents to determine the average number of involved officers and police responders at the initial scene based on written data provided in the original or supplemental departmental reports. Verifications of support personnel were provided by PSB and VCBH staffs.

Personal services were conservatively estimated for an initial scene response lasting 8 hours with two involved officers. These costs were calculated at both regular (straight) and overtime levels as follows:

Category	Regular Time	Overtime
Administrative Investigation	\$ 3,211	\$ 4,817
Criminal Investigation	2,994	4,491
Crime Scene Response / Lab	1,277	1,916
Involved Officers	818	1,226
Support Personnel	22,567	33,850
Total	\$30,867	\$46,300

Personal service costs associated with initial scene response for 31 OIS incidents investigated during calendar year 2013 were conservatively estimated at regular and overtime levels as follows:

	Regular Time	Overtime
2013 Estimated Costs	\$956,877	\$1,435,330

#### Review Boards

The following review boards are convened in response to OIS incidents:

- OIS Debrief
- Use of Force Board
- Discipline Review Board

Personal service costs were estimated for PD staff attendance at these review boards per incident as noted in the table below:

Review Board	Regular Time
OIS Debrief	\$1,582
Use of Force Board	1,073
Discipline Review Board	1,032
Total	\$3,687

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Personal service costs associated with review boards for 31 OIS incidents investigated during calendar year 2013 were estimated as follows:

	Regular Time
2013 Estimated Costs*	\$83,337

\*During 2013, the OIS Debrief and Use of Force Board met 31 times and the Discipline Review Board met once.

### **Other Financial Considerations**

#### **General Liability Claims**

Risk Management utilizes “shooting” as a cause “in cases where Law Enforcement personnel are alleged to be negligent in the shooting of a suspect, bystander, hostage, animal, etc. or otherwise caused damage to buildings, vehicles, or other property by gunfire.”

Of 993 PD general liability claims between January 1, 2009 and October 1, 2014, the occurrence of “shooting” was ranked 7<sup>th</sup> with 58 claims. Based on cost, the cause of “shooting” was ranked first with a claims incurred total (payments and reserves) of approximately \$3.8 million (23%) out of \$16.2 million total PD general liability claims. Of the 58 claims submitted for the occurrence of “shooting”, 20 claims had incurred expense or indemnity costs. These twenty claims were based on 18 OIS incidents.

#### **Workers’ Compensation Claims**

The City of Phoenix (City) has administered a self-insured Worker’s Compensation plan since April 1, 2003. The plan provides workers’ compensation benefits for all employees and volunteer workers if they sustain an injury or illness during their employment with the City. Benefits include medical and hospital coverage, compensation for lost time from work, permanent disability benefits, and in the event of work-related death, a burial allowance and compensation for dependents.

Between 2009 and 2013, fifteen OIS incidents have accounted for approximately \$1.9 million in workers’ compensation claims paid and held in reserve. This does not include City-paid supplemental pay used to make the employee’s wages “whole” nor shift coverage for the injured officer.

#### **Employee Assistance Unit (EAU)**

EAU provides employee assistance for all involved and witness officers during an OIS incident and includes the following:

- Employee Assistance Program – psychological counseling services
- Critical Incident Stress Management Program – counseling services during and after a major event

Family support is provided for those officers injured or killed and includes securing, counseling and tending for each involved officer’s family.

In the event of an officer’s death, multiple police units (including, but not limited to, EAU, Homeland Security, Motors, Bomb Squad, Air Support, PIO, Radio, Honor Guard, Reserves, Explorers), as well as the Fire Department, and outside agencies, are utilized to coordinate, accomplish and conclude funeral assistance.

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### Scope and Methodology

The objective of the cost projection was to determine specific financial impacts related to OIS incidents. The work performed does not constitute an audit in accordance with Government Auditing Standards.

The following methodology was used to complete this Management Service:

- Met with appropriate PD and City staff
- Obtained wage and benefit costing elements
- Obtained and reviewed any pertinent documentation related to OIS investigations
- Determined personal service costs associated with initial scene response and review boards
- Obtained costs associated with general liability and worker's compensation claims

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Project Team: Diane Artrip, Deputy City Auditor  
Sara LeBeau, Senior Internal Auditor

cc: City Manager's Office  
Ed Zuercher, City Manager  
Milton Dohoney, Jr., Assistant City Manager

Police Department  
Lt. Mike Giammarino (Audit Liaison)  
Commander Joe Knott

## Appendix B: Supplemental Information

### B.1: OIS Matrix

#### Officer Involved Shooting Draft Matrix

Preliminary Data - Officer Data - Subject Data - Certification Data - Tactical Review Committee Data

##### PRELIMINARY DATA

1. Date \_\_\_\_\_
2. Location/address of OIS, to include city? \_\_\_\_\_
3. DR# (Criminal Investigation) \_\_\_\_\_
  - a. Time to complete criminal investigation in months rounded to the next whole month (time stops when case submitted to MCAO). \_\_\_\_\_
4. PSB# (Administrative Investigation) \_\_\_\_\_
  - a. Time to complete administrative investigation in months rounded to the next whole month (time stops when PSB commander signs final investigation) \_\_\_\_\_
5. Arrival time of first unit, use military time \_\_\_\_\_
6. Time of subject contact, use military time \_\_\_\_\_
7. Time of OIS, use military time \_\_\_\_\_
8. Shift \_\_\_\_\_
9. Precinct where OIS occurred (i.e. 200, 300, other jurisdiction). \_\_\_\_\_
10. Beat (if out of City, use 999) \_\_\_\_\_
11. Grid (if out of City, use KK99) \_\_\_\_\_
12. How did the incident begin?
  - a. Call for service, list type (i.e. 459R) \_\_\_\_\_
  - b. Traffic stop
  - c. Serving warrant
  - d. Self-initiated
  - e. Investigation
  - f. Citizen contact
  - g. Other \_\_\_\_\_
13. If radio call, what was the priority? 1 2 3
14. Did call indicate an armed suspect? yes no n/a
15. Supervisor's status at time of the shooting per CAD? \_\_\_\_\_
  - a. Monitoring
  - b. Responding
  - c. On scene
  - d. Unavailable
  - e. Undetermined

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16. What factors contributed to the OIS (mark all that apply)? \_\_\_\_\_

- a. Active shooter
- b. Aggravated Assault / Homicide
- c. Barricade
- d. Building search
- e. Foot pursuit
- f. Subject stop/Citizen contact
- g. Traffic/Vehicle stop
- h. Vehicle pursuit
- i. Other \_\_\_\_\_

17. Setting

- a. Outdoors
- b. Indoors
- c. Vehicle
- d. Combination \_\_\_\_\_

18. How many officers were actively involved in the shooting (use number of officers who had weapons inspected by Homicide)? \_\_\_\_\_

19. How many officers fired their weapons? \_\_\_\_\_

20. Were bystanders injured or killed by rounds fired by officers during the OIS? yes    no

21. Date Use of Force Board convened (i.e. 1/1/2014)? \_\_\_\_\_

22. Use of Force Board determination?

- a. Officer #1 (in policy, out of policy, both)
- b. Officer #2 (in policy, out of policy, both)
- c. Officer #3 (in policy, out of policy, both)
- d. Officer #4 (in policy, out of policy, both)
- e. Officer #5 (in policy, out of policy, both)

23. Did involved officers receive discipline as a result of the OIS?

- a. Officer #1 (none, written, suspension, demotion, termination)
- b. Officer #2 (none, written, suspension, demotion, termination)
- c. Officer #3 (none, written, suspension, demotion, termination)
- d. Officer #4 (none, written, suspension, demotion, termination)
- e. Officer #5 (none, written, suspension, demotion, termination)

24. MCAO determination letter, legal or illegal shoot?

- a. Officer #1 (legal or illegal)
- b. Officer #2 (legal or illegal)
- c. Officer #3 (legal or illegal)
- d. Officer #4 (legal or illegal)
- e. Officer #5 (legal or illegal)

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### **OFFICER DATA**

25. Age of involved officers at time of OIS?

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

26. Race/ethnicity of involved officer (Asian, African American, Hispanic, White, other)?

- a. Officer 1: \_\_\_\_\_
- b. Officer 2: \_\_\_\_\_
- c. Officer 3: \_\_\_\_\_
- d. Officer 4: \_\_\_\_\_
- e. Officer 5: \_\_\_\_\_

27. Gender of involved officer:

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

28. Rank of involved officer(s) (i.e. officer, sergeant, etc.)

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

29. Tenure of involved officer(s) in whole years rounded down?

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

30. Involved officer(s) assigned bureau/precinct (i.e. VCB/Marvale Precinct)?

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

31. Involved officer(s) unit assignment (i.e. patrol, SAU, MOU, Gangs, other)?

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

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32. Involved officer(s) duty status (on-duty, off-duty-working, off duty-not working)?

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

33. Was involved officer in an undercover capacity?

- a. Officer #1    yes    no
- b. Officer #2    yes    no
- c. Officer #3    yes    no
- d. Officer #4    yes    no
- e. Officer #5    yes    no

34. Was involved officer readily identifiable as a police officer (i.e. wearing uniform, vest with police placards, visible badge, etc.)?

- a. Officer #1    yes    no
- b. Officer #2    yes    no
- c. Officer #3    yes    no
- d. Officer #4    yes    no
- e. Officer #5    yes    no

35. Was involved officer in plain clothes?

- a. Officer #1    yes    no
- b. Officer #2    yes    no
- c. Officer #3    yes    no
- d. Officer #4    yes    no
- e. Officer #5    yes    no

36. Was involved officer(s) wearing a ballistic vest?

- i. Officer #1    yes    no
- ii. Officer #2    yes    no
- iii. Officer #3    yes    no
- iv. Officer #4    yes    no
- v. Officer #5    yes    no

a. If officer involved was wearing a ballistic vest and it was a factor, was it effective?

- vi. Officer #1    yes    no    n/a
- vii. Officer #2    yes    no    n/a
- viii. Officer #3    yes    no    n/a
- ix. Officer #4    yes    no    n/a
- x. Officer #5    yes    no    n/a

b. If officer involved was not wearing a ballistic vest, could it have changed the level of injury?

- i. Officer #1    yes    no    n/a
- ii. Officer #2    yes    no    n/a
- iii. Officer #3    yes    no    n/a
- iv. Officer #4    yes    no    n/a
- v. Officer #5    yes    no    n/a

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37. Were officers injured/killed by the subject prior to the OIS (circle one)?

- a. Officer #1 (injured, killed, not injured)
- b. Officer #2 (injured, killed, not injured)
- c. Officer #3 (injured, killed, not injured)
- d. Officer #4 (injured, killed, not injured)
- e. Officer #5 (injured, killed, not injured)

38. Were officers injured/killed by the subject during the OIS (circle one)?

- a. Officer #1 (injured, killed, not injured)
- b. Officer #2 (injured, killed, not injured)
- c. Officer #3 (injured, killed, not injured)
- d. Officer #4 (injured, killed, not injured)
- e. Officer #5 (injured, killed, not injured)

39. Firearms employed by involved officers?

- a. Officer #1: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_
- b. Officer #2: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_
- c. Officer #3: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_
- d. Officer #4: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_
- e. Officer #5: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_

40. How many shots fired by involved officer?

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

41. Accuracy of officer(s) total shots Hits \_\_\_\_\_ Misses \_\_\_\_\_ Undetermined \_\_\_\_\_

42. Was weapon discharge intentional or accidental?

- a. Officer #1 (intentional, accidental)
- b. Officer #2 (intentional, accidental)
- c. Officer #3 (intentional, accidental)
- d. Officer #4 (intentional, accidental)
- e. Officer #5 (intentional, accidental)

43. Approximate initial firing distance of involved officers in feet?

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

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### **SUBJECT DATA**

44. Age of Subject?

- a. Subject #1 \_\_\_\_\_
- b. Subject #2 \_\_\_\_\_
- c. Subject #3 \_\_\_\_\_
- d. Subject #4 \_\_\_\_\_

45. Subject(s) race/ethnicity (Asian, African American, Hispanic, Native American, White, Other)?

- a. Subject #1 \_\_\_\_\_
- b. Subject #2 \_\_\_\_\_
- c. Subject #3 \_\_\_\_\_
- d. Subject #4 \_\_\_\_\_

46. Subject(s) gender?

- a. Subject #1 \_\_\_\_\_
- b. Subject #2 \_\_\_\_\_
- c. Subject #3 \_\_\_\_\_
- d. Subject #4 \_\_\_\_\_

47. Subject outcomes as a result of the OIS?

- a. Subject #1 (killed, suicide, wounded, uninjured)
- b. Subject #2 (killed, suicide, wounded, uninjured)
- c. Subject #3 (killed, suicide, wounded, uninjured)
- d. Subject #4 (killed, suicide, wounded, uninjured)

48. Criminal history of subjects per PACE/RMS?

- a. Subject #1 (no arrests, misdemeanor arrests, felony arrests)
- b. Subject #2 (no arrests, misdemeanor arrests, felony arrests)
- c. Subject #3 (no arrests, misdemeanor arrests, felony arrests)
- d. Subject #4 (no arrests, misdemeanor arrests, felony arrests)

49. Subject actions immediately prior to OIS that led to the decision to employ deadly force?

- a. **Psychological Intimidation** – Non-verbal cues indicating subject's unwillingness or threats through attitude, appearance, and physical readiness.
- b. **Verbal Non-Compliance** – Verbal responses indicating unwillingness or threats.
- c. **Passive Resistance** – Physical actions that do not prevent officer's attempt to control.
- d. **Defensive Resistance** – Physical actions that attempt to prevent officer's control, but does not involve attempts to harm the officer.
- e. **Active Aggression** – Physical actions of assault.
- f. **Aggravated Active Aggression** - Deadly force encounter.
  - i. Subject #1 \_\_\_\_\_
  - ii. Subject #2 \_\_\_\_\_
  - iii. Subject #3 \_\_\_\_\_
  - iv. Subject #4 \_\_\_\_\_

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50. Officer(s) perception of subject actions immediately prior to OIS that led to the decision to employ deadly force?

- a. **Psychological Intimidation** – Non-verbal cues indicating subject's unwillingness or threats through attitude, appearance, and physical readiness.
- b. **Verbal Non-Compliance** – Verbal responses indicating unwillingness or threats.
- c. **Passive Resistance** – Physical actions that do not prevent officer's attempt to control.
- d. **Defensive Resistance** – Physical actions that attempt to prevent officer's control, but does not involve attempts to harm the officer.
- e. **Active Aggression** – Physical actions of assault.
- f. **Aggravated Active Aggression** - Deadly force encounter.
  - i. Officer #1 \_\_\_\_\_
  - ii. Officer #2 \_\_\_\_\_
  - iii. Officer #3 \_\_\_\_\_
  - iv. Officer #4 \_\_\_\_\_
  - v. Officer #5 \_\_\_\_\_

51. Force used by subject prior to OIS (soft empty hand, hard empty hand, less lethal instrument, lethal instrument, none)

- a. Subject #1 \_\_\_\_\_
- b. Subject #2 \_\_\_\_\_
- c. Subject #3 \_\_\_\_\_
- d. Subject #4 \_\_\_\_\_

52. Force used by subject during the OIS (soft empty hand, hard empty hand, less lethal instrument, lethal instrument, none)

- a. Subject #1 \_\_\_\_\_
- b. Subject #2 \_\_\_\_\_
- c. Subject #3 \_\_\_\_\_
- d. Subject #4 \_\_\_\_\_

53. Weapon used by subject, such as real gun, simulated gun, toy gun, reached for officer's gun, knife/sword, bat/stick, vehicle, other (describe), none?

- a. Subject #1 \_\_\_\_\_
- b. Subject #2 \_\_\_\_\_
- c. Subject #3 \_\_\_\_\_
- d. Subject #4 \_\_\_\_\_

54. Firearms employed by subject(s) (pistol, rifle, shotgun, n/a)?

- a. Subject #1: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_
- b. Subject #2: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_
- c. Subject #3: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_
- d. Subject #4: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_
- e. Subject #5: Make \_\_\_\_\_ Model \_\_\_\_\_ Caliber \_\_\_\_\_

55. Accuracy of subject's total shots Hits \_\_\_\_\_ Misses \_\_\_\_\_ Undetermined \_\_\_\_\_

56. Were bystanders injured or killed by rounds fired by subject(s) during the OIS? yes no

## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

### **CERTIFICATION DATA**

57. Enter AQ scores beginning with most recent for prior three years for weapon used in OIS (for rifles, include quarterly qualification scores). For example, if OIS occurred in 2012, provide AQ scores for 2012, 2011, and 2010, i.e. 240, 245, 230.

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

58. Enter Decision Making results for prior three years, i.e. pass, pass, pass.

- a. Officer #1 \_\_\_\_\_
- b. Officer #2 \_\_\_\_\_
- c. Officer #3 \_\_\_\_\_
- d. Officer #4 \_\_\_\_\_
- e. Officer #5 \_\_\_\_\_

### **POST SHOOTING PROTOCOLS**

59. Did involved officer(s) meet the Post Shooting Protocol requirements per policy?

- a. Officer #1 (yes, no, undetermined)
- b. Officer #2 (yes, no, undetermined)
- c. Officer #3 (yes, no, undetermined)
- d. Officer #4 (yes, no, undetermined)
- e. Officer #5 (yes, no, undetermined)

60. Did the Tactical Review Committee (TRC) convene to review this incident per policy?    yes    no    undetermined

61. Was the TRC documentation archived regarding this review?    yes    no    undetermined

62. Did the Tactical Review Committee identify any related training needs as a result of this incident?    yes    no    undetermined

63. Did the Use of Force Board recommend any training as a result of this incident?    yes    no    undetermined

64. Was there an equipment failure?    yes    no    undetermined

65. If there was an equipment failure, what failed (ECD, handgun, radio, vehicle, etc.)? \_\_\_\_\_

### **PSB REVIEW INFORMATION**

Reviewer Assigned \_\_\_\_\_

Date Assigned \_\_\_\_\_

Date Completed \_\_\_\_\_

Brief Description of OIS \_\_\_\_\_

\_\_\_\_\_

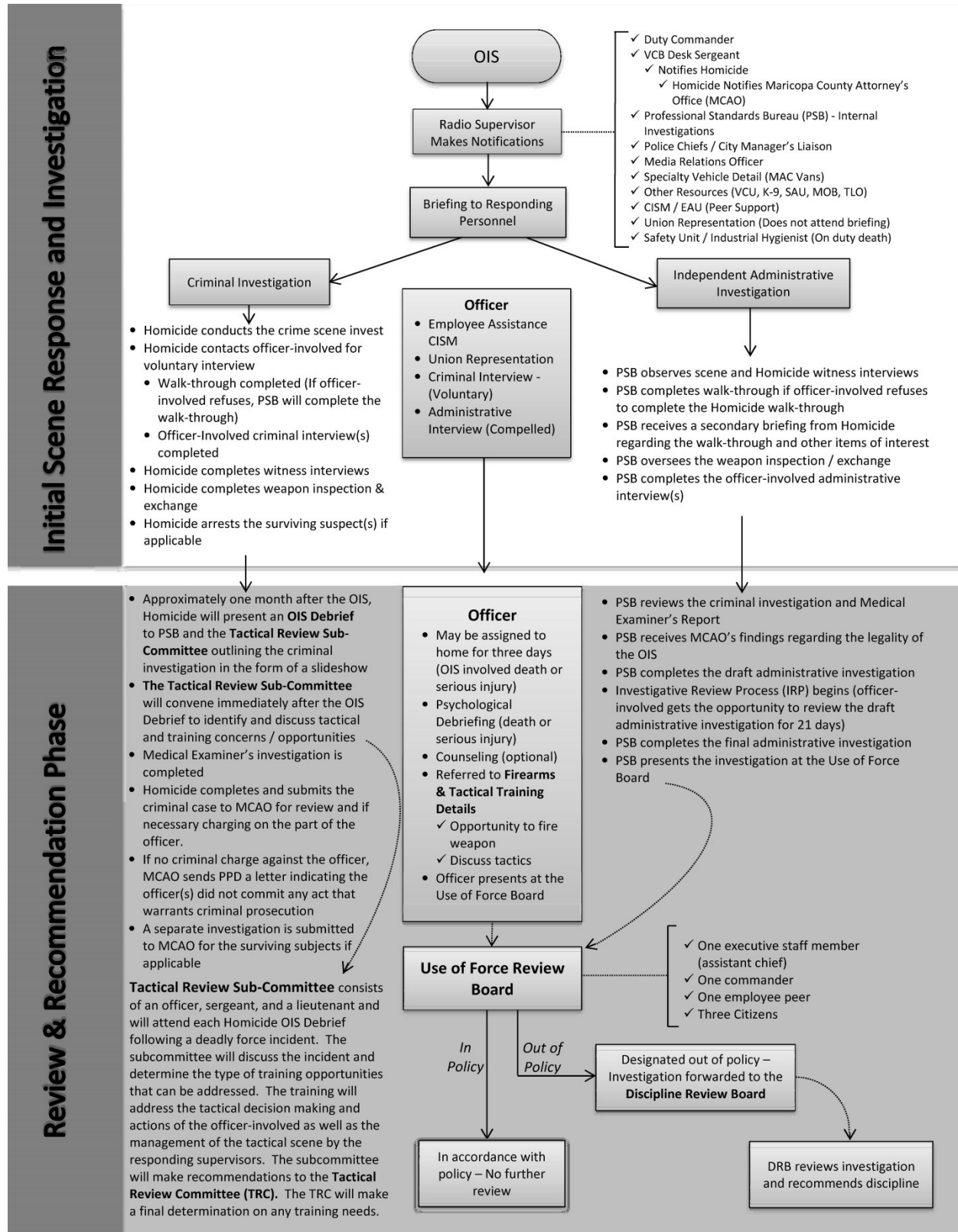
Additional Notes \_\_\_\_\_

\_\_\_\_\_

# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

## B.2: OIS Flowchart

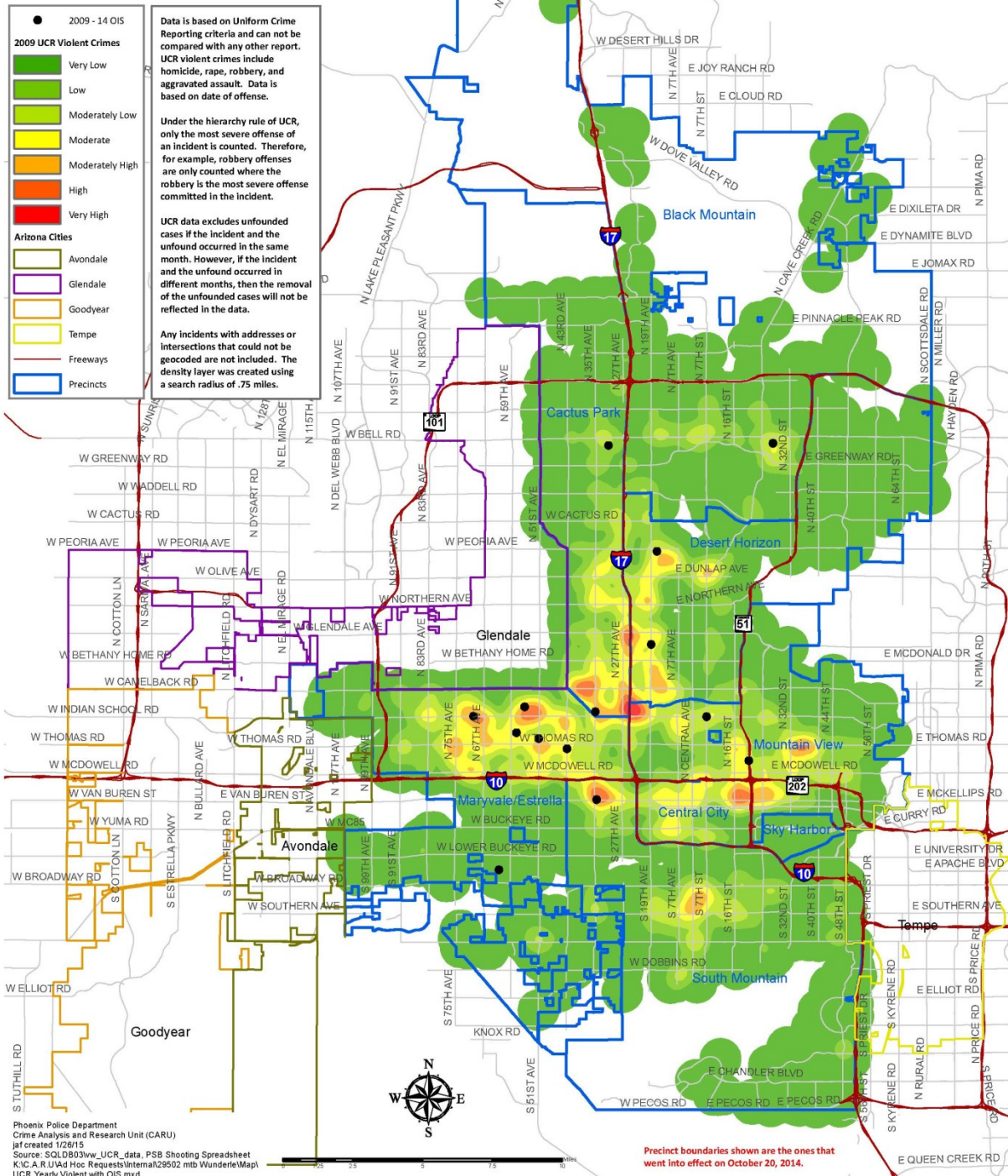


# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

## B.3: UCR Violent Crimes & OIS Maps (2009 – 2014)

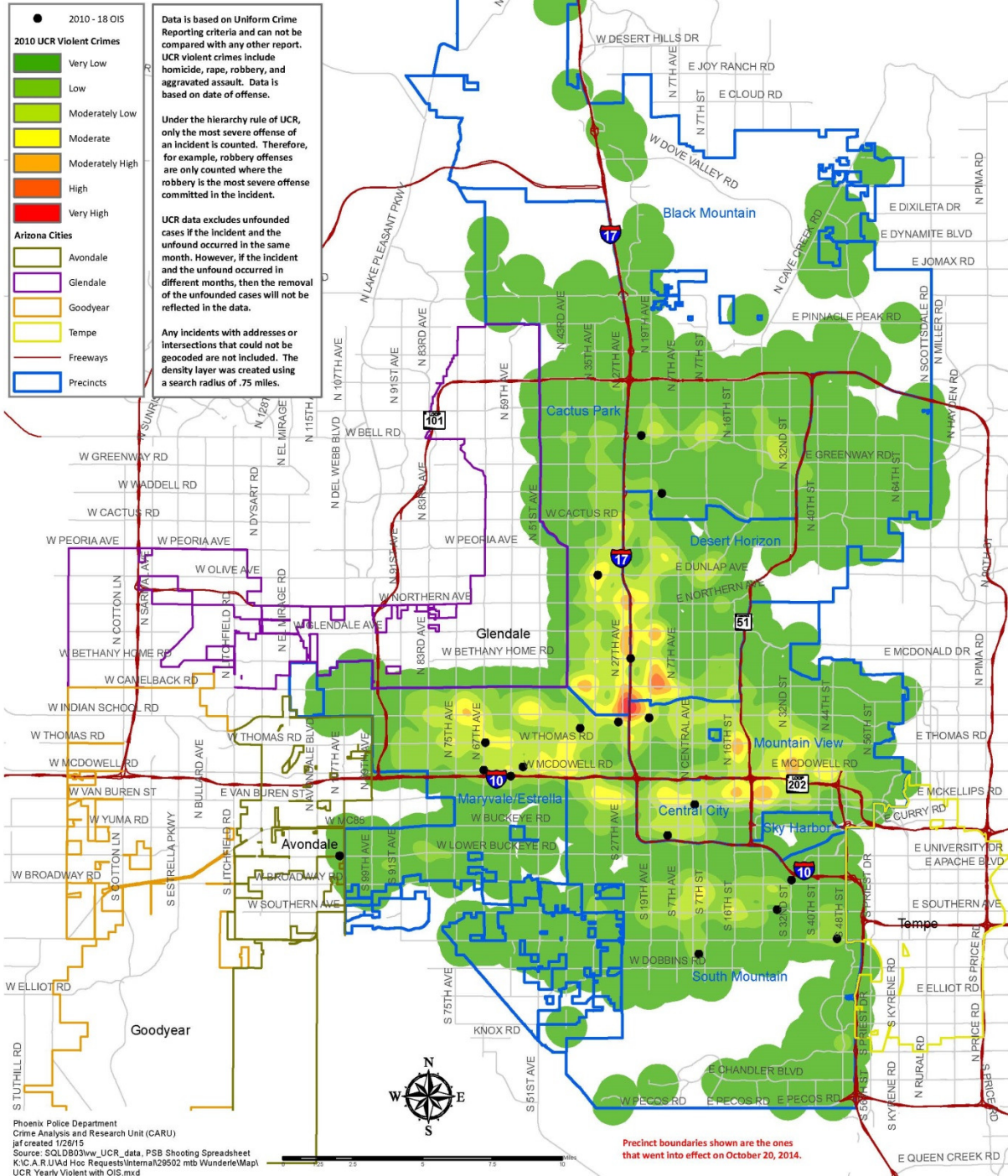
### City of Phoenix Police Department Uniform Crime Reporting (UCR) Violent Crimes and Officer-Involved Shootings Calendar Year 2009



# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

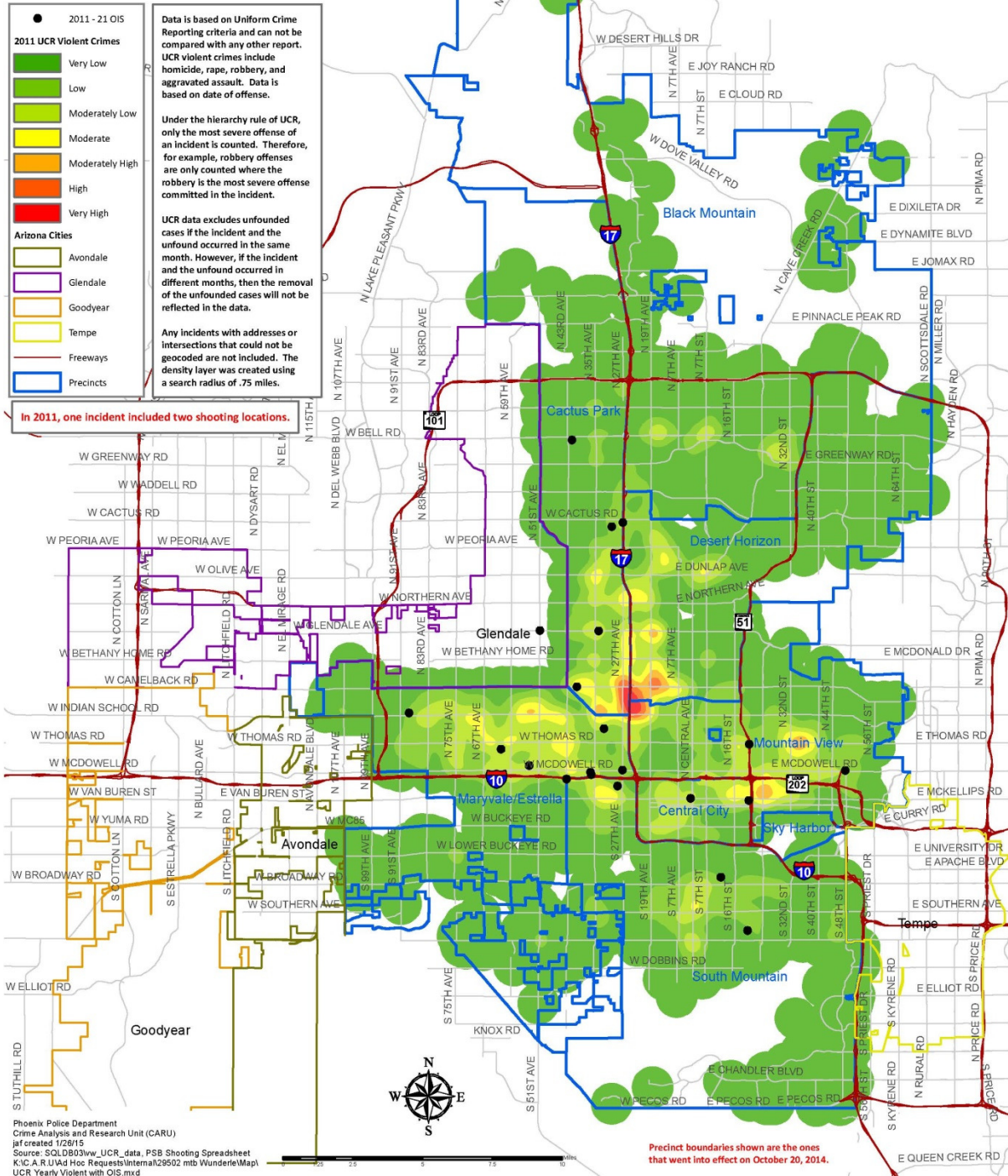
## City of Phoenix Police Department Uniform Crime Reporting (UCR) Violent Crimes and Officer-Involved Shootings Calendar Year 2010



# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

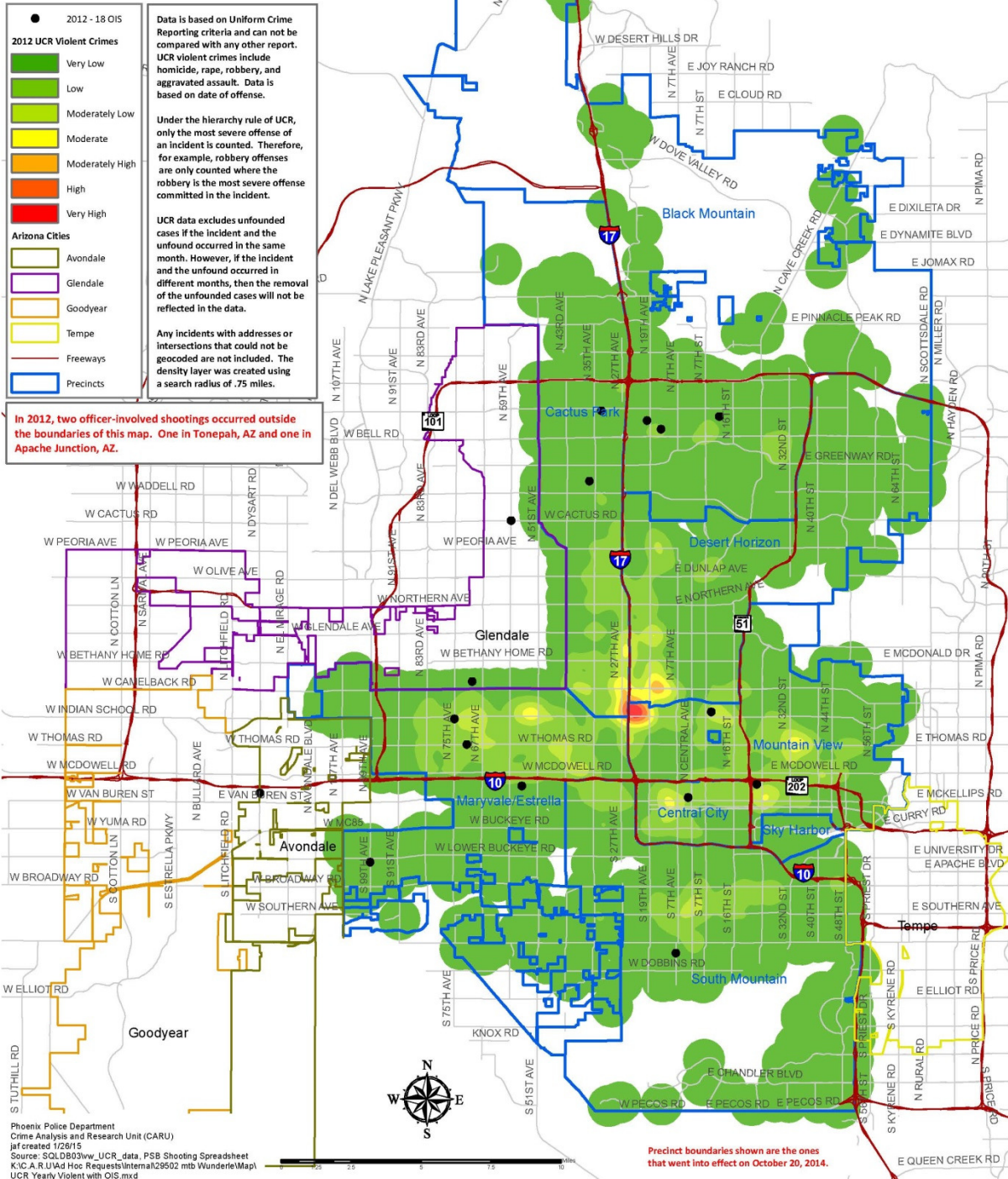
## City of Phoenix Police Department Uniform Crime Reporting (UCR) Violent Crimes and Officer-Involved Shootings Calendar Year 2011



# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

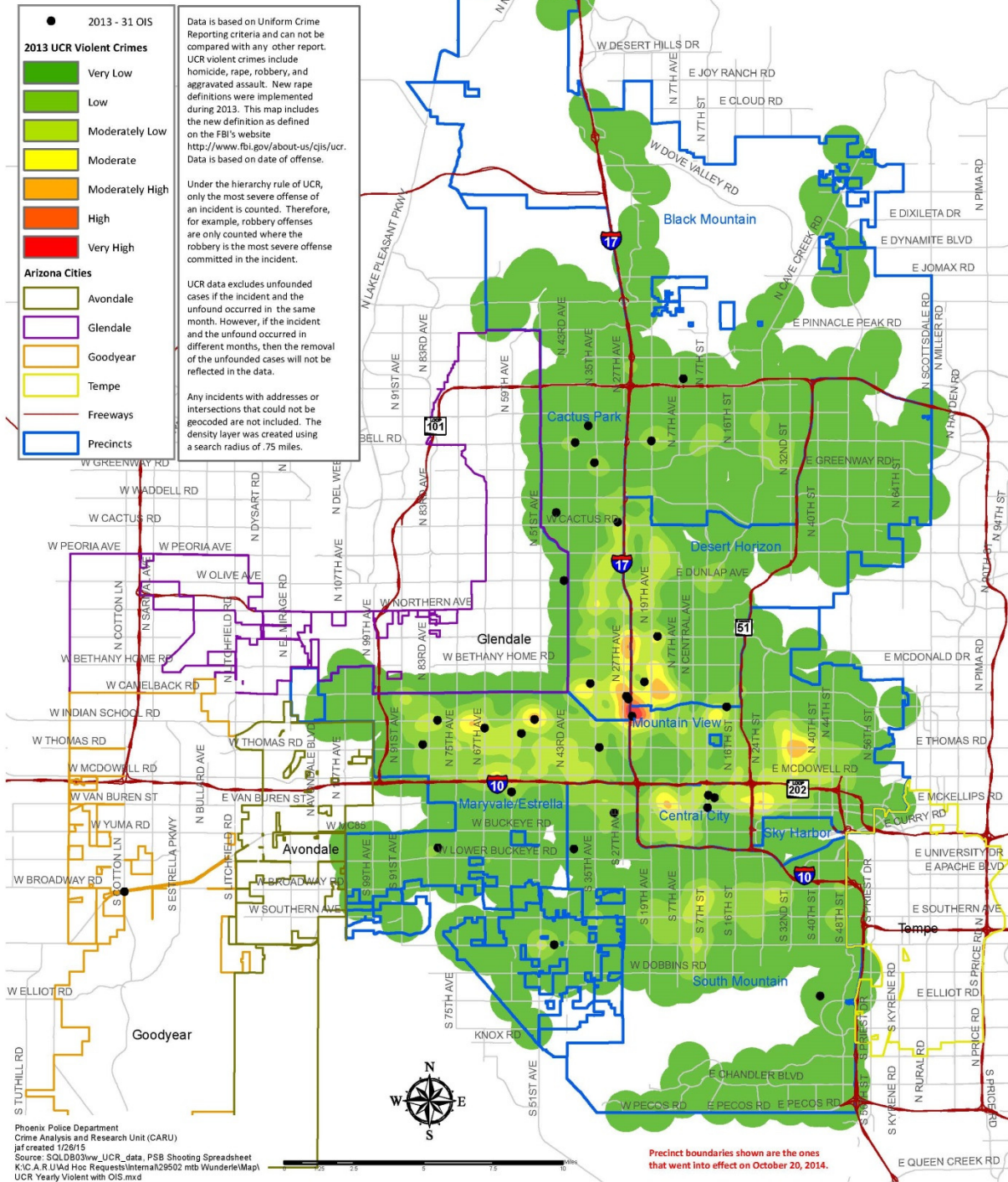
## City of Phoenix Police Department Uniform Crime Reporting (UCR) Violent Crimes and Officer-Involved Shootings Calendar Year 2012



# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

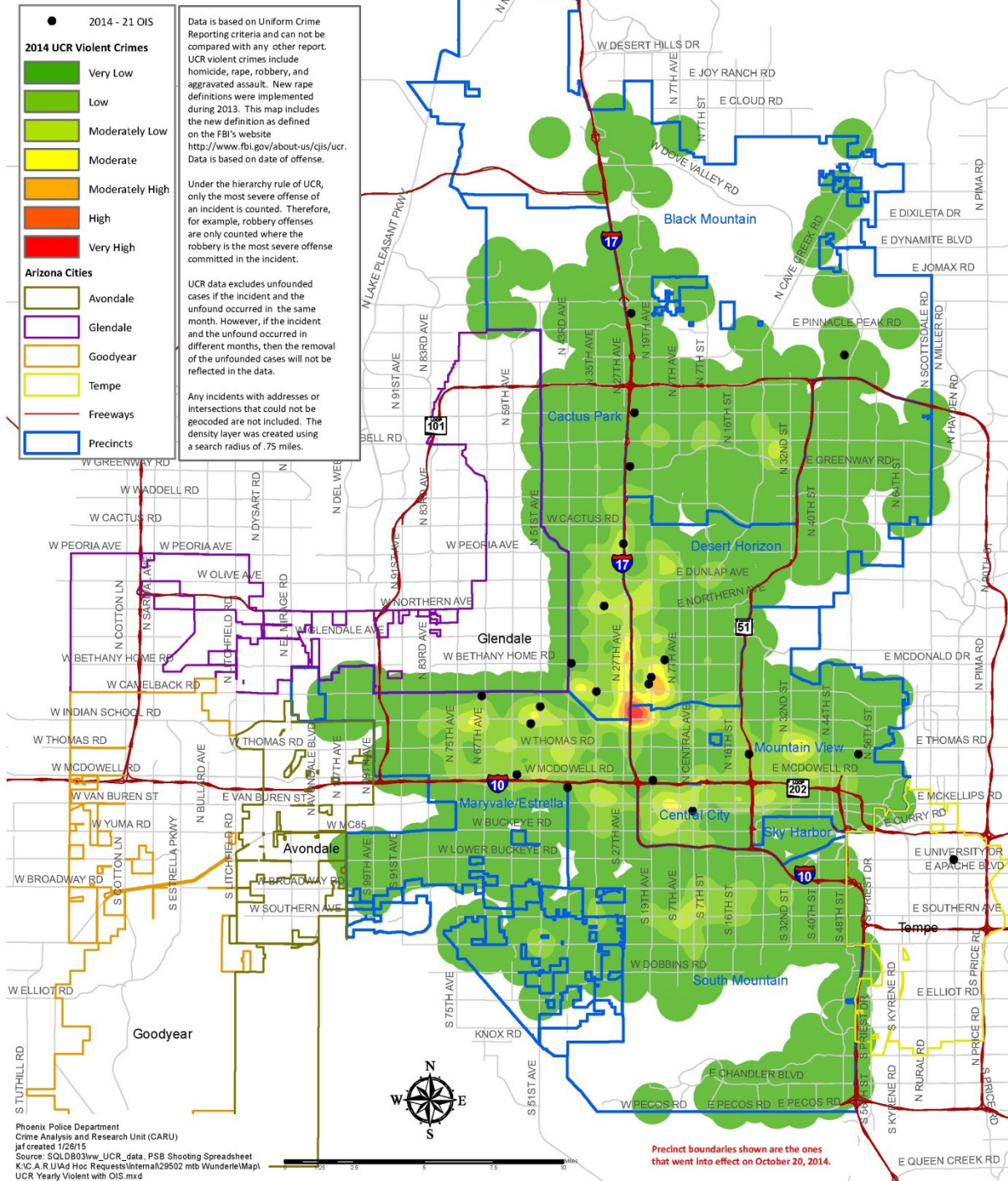
## City of Phoenix Police Department Uniform Crime Reporting (UCR) Violent Crimes and Officer-Involved Shootings Calendar Year 2013



# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

## City of Phoenix Police Department Uniform Crime Reporting (UCR) Violent Crimes and Officer-Involved Shootings Calendar Year 2014



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## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

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### **B.4: Location of OIS Incidents by Precinct (2009 – 2014)**

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	<b>n</b>	<b>%</b>
200 – Black Mountain	10	8.2
300 – Estrella Mountain	19	15.6
400 – South Mountain	13	10.7
500 – Central City	6	4.9
600 – Desert Horizon	8	6.6
700 – Mountain View	12	9.8
800 – Maryvale	25	20.5
900 – Cactus Park	19	15.6
Other Jurisdiction	10	8.2
TOTAL	122	100.0

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1 Determined by precinct boundaries on the date of OIS.

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**PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS**

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*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

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**B.5: OIS Incidents by Initial Call Type & Radio Code Sheet**

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<b>Code</b>	<b>Radio Code Description</b>	<b>n</b>
210	Strong Armed Robbery	1
211	Armed Robbery	6
239	Fight	2
240	Assault	1
245	Aggravated Assault	2
251	Stalking	1
318	Theft by Fraud	1
415B	Criminal Damage	2
415F	Domestic Violence	11
415G	Shots Fired	6
417	Subject Threatening	1
417G	Subject With a Gun	5
417K	Subject With a Knife	2
418T	Trespassing	1
459A	Burglary Alarm (Audible/Silent)	1
459R	Burglary – Residential	5
487B	Shoplifting	3
487V	Stolen Vehicle	2
488V	Recovery of Vehicle /FOJ	2
491	Kidnapping, Adult/Juvenile (Not Sexually Motivated)	1
511V	Vehicle Stop	1
647	Suspicious Person/ Activity	3
647V	Suspicious Vehicle/ Person in Vehicle	3
900	Check Welfare	3
901C	Cutting/Stabbing	1
901X	Attempt Suicide	5
918	Insane Person	1
921	Prowler	1
927	Unknown Trouble	3
961H	Hit & Run – No Injuries	1
Total		78

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# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

## CITY OF PHOENIX POLICE DEPARTMENT

### RADIO CODES - NUMERICAL ORDER

**NOTE:** Utilize an "S" when a supplemental report to an original DR is to be completed.  
Utilize an "X" when an "attempted" report is to be completed.

2..... Urgent - No Red Lights or Siren	301.... Prostitution	415P.. Loud Party Disturbing
3..... Emergency - Use Red Lights & Siren	301A.. Solicitation for Prostitution	415W.. Misuse of Weapon
4..... No Further Assistance Needed	302.... Internet / Computer Crimes	417.... Subject Threatening
5..... Stake Out - Other Units Stay Away	302C.. Cyber Stalking / Computer Threats	417B.. Barricade
6..... Out for Investigation (Citation, 10-29, etc.)	302E.. Child Pornography / Child Sexual Exploitation	417G.. Subject With a Gun
7..... Out of Service to Eat	302F.. Internet / Computer Fraud	417K.. Subject With a Knife
101.... Woman in the Car	302H.. Computer Tampering	418.... Civil Matter - Stand By
102.... Woman out of the Car	302T.. Sexting	418A.. Landlord - Tenant Dispute
103.... Subject to call @ Ext. _____	310.... Molesting	418B.. Neighbor Dispute
105.... Going for Gas	311.... Indecent Exposure	418D.. Illegal Dumping
106.... Car Wash	311A.. Urinating in Public	418G.. Unwanted Guest/s
210.... Strong Armed Robbery	312.... Child Neglect	418H.. Harbor/Tran Illegal
211.... Armed Robbery	312A.. Child Abuse	418I.. Immigration Matter
211A.. Armed Robbery Alarm	312C.. Contributing to the Delinquency of a Minor	418T.. Trespassing
211B.. Beacon Armed Robbery Alarm	315.... Forgery	418U.. Solicitation Door to Door
211C.. Organized Crime/Conspiracy	315B.. Forgery at a Bank/ Credit Union	418V.. Street Vending Violation
211E.. Extortion	315C.. Money Laundering	418W.. Unlawful Hire
211H.. Robbery – Home Invasion	315D.. Theft of Credit Card	451.... Homicide
211T.. Pronet Alarm	315E.. Identity Theft	451C.. Conspiracy to Murder
236.... Threat	315M.. Counterfeit Currency	451O.. Homicide – Other Agency Asst
237D.. Dangerous Drugs	315P.. Piracy of DVD/CD	459A.. Burglary Alarm (Audible/Silent)
237G.. Glue Sniffing	315R.. Registered Trademark Viol	459B.. Burg Com - Metal Theft Rel
237L.. Large Quantity of Marijuana	315T.. Taking ID of Another-ATTC	459C.. Burglary - Commercial
237M.. Report of Marijuana	316.... Non-Sufficient Funds / Closed Account	459F.. Burglary From Vehicle
237N.. Narcotics	317.... Soliciting	459H.. Burg Res - Metal Theft Rel
237P.. Prescription Violation	318.... Theft by Fraud	459M.. Burg Frm Veh Catalytic Cnvrtr
239.... Fight	318E.. Exploitation of Elderly Adults	459R.. Burglary - Residential
240.... Assault	319.... Loss Report	459V.. Vending Machine Burglary
240C.. Escape	390.... Drunk (Disturbing, Down, In Car, etc.)	487.... Theft
240E.. Reckless Endangerment	390A.. Transport to Detox Facility	487A.. Theft from Person - Purse Snatch
240R.. Resisting Arrest	390D.. Drunk Driver	487B.. Shoplifting
245.... Aggravated Assault	390L.. Liquor Violation	487F.. Theft from Vehicle
245A.. Vulnerable Adult Abuse	390U.. Underage Drinking	487I.. Stolen Bicycle
245F.. Vulnerable Adult Abuse/DV	415A.. Phone Calls	487J.. Stolen Property (Buy / Sell / Possess)
250.... Harassment	415B.. Criminal Damage	487LP.. Stolen License Plate
250C.. Cyberbullying	415C.. Curfew Violation	487P.. Police Car Stolen
251.... Stalking	415E.. Loud Music or Noise Disturbing	487V.. Stolen Vehicle
260.... Sexual Abuse-Adult	415F.. Domestic Violence	487W.. Auto Theft - Watch Your Car Program Vehicle
260J.. Sexual Abuse-Juvenile	415G.. Shots Fired	487Y.. Metal Theft
260L.. Luring of a Minor for Sexual Contact	415H.. Animals Disturbing, Barking Dog	488I.. Recovered Bicycle
261.... Sexual Assault	415I.. Incurable Juvenile	488P.. Recovery FOJ / Property
261B.. Bigamy Adultery, etc.	415J.. Juveniles Disturbing	488V.. Recovery of Vehicle / FOJ
262.... Sex Offender Registration Violation	415L.. Loitering	488W.. Recovery of Watch Your Car Program Vehicle
300.... Gambling	415O.. Obstructing a Thoroughfare	491.... Kidnapping, Adult/Juvenile (Not Sexually Motivated)
		491A.. Custodial Interference

# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

RADIO CODES - NUMERICAL ORDER (Continued)		
491C. Access Interference	647V.. Suspicious Vehicle/ Person in Vehicle	914.... Fire Follow-up
491D. Kidnapping, Any Adult / No SP IDd Juv (Sexually Motivated)	647W. Suspicious Person - Watch Your Car Program	915.... Arson
491U. Kidnapping, Juvenile-SP IDd (Sexually Motivated)	651.... Loose Animals	915B.. Fire Bomb
500... Generic	651A.. Injured Animals	915H.. Hazardous Materials
501... False Reporting	707.... Bomb Threat	915U.. Undetermined Fire
502... Interfering With Judicial Proceedings (Obstructing Justice)	707B.. NBC Situation	917.... Abandoned Vehicle
503... City Ordinance Offenses	707R.. Radioactive Material	918.... Insane Person
503G. Graffiti	711.... Intensive Patrol (Preventative)	921.... Prowler
508... Traffic Control (Special Detail)	900.... Check Welfare	921P.. Peeping Tom
510... Speeding or Racing	900B.. Open Door, Window, Gate, etc.	926.... Wrecker from List
510F. Felony Flight	900M.. Mobile Security Device Alarm	926N.. Vehicle Seizure
511F. Felony FOJ Warrant	901.... Injured or Sick Person	927.... Unknown Trouble
511M. Misdemeanor FOJ Warrant	901C.. Cutting/Stabbing	928.... Found Property
511P. Subject Stop	901G.. Shooting	928E.. Found Explosives
511T.. Vehicle Tow/Impound	901H.. Dead Body	928I.... Found Bicycle
511V. Vehicle Stop	901O.. Overdose Victim	928N.. Found Narcotics
585... Traffic Hazard	901U.. Suicide	960.... Police Aircrft Dwn, No Injuries &/or Property Damage
586... Illegal Parking	901X.. Attempt Suicide	960A.. Police Aircrft Dwn, W/Injuries &/or Property Damage
601... Missing Person	906.... Officer Needs Assistance, Potentially Hazardous Situation	961.... Accident - No Injuries
601F. Found Missing Person	907.... Back-Up (Make the _____or Request for)	961H.. Hit & Run - No Injuries
601J.. Missing Juvenile	911H.. 9-1-1 Hang-up	962.... Accident - Injuries
601O. Missing Person Other Agency		962H.. Hit & Run - Injuries
601T. Truancy		963.... Accident - Fatality
647... Suspicious Person/Activity		963H.. Hit & Run - Fatality
		964T.. Translation Detail
		998.... Officer Involved in Shooting
		999.... Officer Needs Help Urgently
<b>Ten Series</b>		
<b>10---</b>	29... Records Check/Warrant Information	60.... Female Officer Needed to Search Female Suspect
1.... Signal Weak	31.... Pick Up Papers	68.... Court Attendance
2.... Signal Good	33.... Help Me Quick	70.... PR Contact (lunch,dinner,talk)
4.... Affirmative (OK)	34.... Correct Time	71.... Police Range
5.... Relay (to)	35.... _____ Reserved _____	73.... Equipment Transfer
6.... Busy	36.... _____ Reserved _____	74.... Minor Repair to Vehicle
7.... Going Off Duty/Out of Service	37.... _____ Reserved _____	76.... Notify Owner of Vehicle
8.... In Service	38.... _____ Reserved _____	Recovery, Unable to Contact by Phone
9.... Say Again	40.... Out of Service-Subject to Call	77.... Notify Parents of Juvenile Detention
11.... _____ On Duty	42... Prisoner in Custody or Booking	79.... Death or Emergency Message
12... Stand-By (Stop)	43.... No Traffic Your Unit	85.... Wires Down (Power, Phone)
17... Enroute	44.... Does Not Conform with Rules and Regulations	86.... Irrigation Water on Street
20... Location	46.... Checking for Traffic	87.... Broken Water Main
21... Call by Phone	48.... Officer at Home	88.... Damaged Sidewalk
22... Disregard/Take No Further Action	49.... Confidential Information	89.... Holes in Street
23... Arrived At Scene	50.... Switch/ing to Channel _____	90.... Traffic Signals Out of Order
25... Report To (Meet)	51.... Felony Warrant Outstanding	91.... Assist Stranded Motorist
27... Driver's License/Permit Information	52.... Misdemeanor Warrant Outstanding	92.... Wagon Wanted
28... Ownership Information/Check Full Registration	57... You Have Possible Dangerous Subject, Back-up Enroute	

## **B.6: Duty Assignment Definitions by Precinct/Division**

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### **Patrol**

- Black Mountain Precinct – 200
- Estrella Mountain Precinct – 300
- South Mountain Precinct – 400
- Central City Precinct – 500
- Desert Horizon Precinct – 600
- Mountain View Precinct – 700
- Maryvale Precinct – 800
- Cactus Park Precinct – 900
- Transit
- DOU/Traffic (Downtown)
- Traffic Bureau
- Reserves working Off-Duty in a security (uniformed) capacity

### **Investigations**

- Family Investigations Bureau – FIB
- Drug Enforcement Bureau – DEB
- Property Crimes Bureau – PCB
- MOU (Major Offender Unit)
- Violent Crimes Bureau – VCB

### **Support / Specialty**

- Tactical Support Bureau
- Homeland Defense Bureau

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## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

### B.7: PPD's Use of Force Policy

USE OF FORCE		Operations Order <b>1.5</b>
PHOENIX POLICE DEPARTMENT	Rev. 06/13	PAGE 1

#### 1. GENERAL INFORMATION

A. The policies of the Department are set forth as follows:

- Physical force
- Deadly force
- Non-deadly force
- Lethal weapons and equipment

B. Sworn employees and affected Department employees will be instructed in these policies before employing any of the weapons, tactics or techniques.

C. Only Department-issued or approved weapons, equipment and chemical agents will be authorized.

#### 2. DEFINITIONS

(A) Reasonable Belief	<ul style="list-style-type: none"><li>• When the facts and circumstances cause a reasonable and prudent law enforcement officer to act or think in a similar way under the circumstances.</li></ul>
(B) Non-Deadly Force	<ul style="list-style-type: none"><li>• Is a tactic when properly applied has minimal or no risk of causing death.</li></ul>
(C) Deadly Force	<ul style="list-style-type: none"><li>• Any tactic or use of force that creates a substantial risk of causing death or serious physical injury, such as the use of a firearm.</li></ul>
(D) Serious Physical Injury	<ul style="list-style-type: none"><li>• A bodily injury that creates a reasonable risk of death, causes serious and permanent disfigurement, or results in long term loss or impairment of the functioning of any bodily member or organ.</li></ul>
(E) Excessive Force	<ul style="list-style-type: none"><li>• The application of an unreasonable amount of force in a given incident based on the totality of the circumstances.</li></ul>
(F) Types of Resistance	<ul style="list-style-type: none"><li>• Psychological Intimidation - Non-verbal cues indicating subject's unwillingness or threats through attitude, appearance and physical readiness.</li><li>• Verbal Non-Compliance - Verbal responses indicating unwillingness or threats.</li><li>• Passive Resistance - Physical actions that do not prevent an officer's attempt to control.</li><li>• Defensive Resistance - Physical actions that attempt to prevent an officer's control, but does not involve attempts to harm the officer.</li></ul> <p>* Based on this definition, solely running from officers does not constitute defensive resistance.</p> <ul style="list-style-type: none"><li>• Active Aggression - Physical actions of assault.</li><li>• Aggravated Active Aggression - Deadly force encounter.</li></ul>
(G) Response Options	<p>The option used is determined by the totality of the circumstances.</p> <ul style="list-style-type: none"><li>• Presence - Identification of authority.</li><li>• Verbal Direction - Commands of direction or arrest.</li><li>• Soft Empty Hand Control and Restraining Devices - Techniques that have a minimal chance of injury.</li></ul> <p>* Restraining Devices - Handcuffs, Ripp restraint, ankle cuffs, shackles.</p> <ul style="list-style-type: none"><li>• Chemical Weapons - Oleoresin capsicum (OC), Chloroacetophenone (C/N) and 2-Chlorobenzalmalononitrile (C/S).</li><li>• Electronic Control Device (ECD) example Taser.</li></ul>

## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

<b>USE OF FORCE</b>	<b>Operations Order</b> <b>1.5</b>
<b>PHOENIX POLICE DEPARTMENT</b>	<b>Rev. 06/13</b> <b>PAGE 2</b>

### 2. **DEFINITIONS** (Continued)

<b>(H) Response Options</b> (Continued)	<ul style="list-style-type: none"><li>• Intermediate Control Techniques - Techniques that have a probability of injury<ul style="list-style-type: none"><li>* Hard Empty Hand Control</li><li>* Impact Weapons</li><li>* Stunbag Shotgun</li><li>* Canine Application</li></ul></li><li>• Carotid Control Technique</li><li>• Deadly Force</li></ul>
<b>(I) Use of Force Restrictions</b>	<p><u>Handcuffed/Restrained Persons</u></p> <ul style="list-style-type: none"><li>• Employees will not use strikes, impact weapons, chemical weapons, ECDs, carotid control techniques, or deadly force unless such force is necessary to prevent imminent serious bodily injury or death, or unless such force is reasonable based on the totality of circumstances.</li></ul>

### 3. **GENERAL POLICY**

- A. It is the policy of the Department to use a reasonable amount of force to conduct lawful public safety activities.
- B. The response option employed will be reasonable and based on the totality of circumstances.
- (1) Officers involved in the use of force have the responsibility of providing the facts and circumstances they believe justified the use of force by completing the necessary reports, memos, etc.
- (2) Circumstances that may govern the reasonableness of using a particular force option include, but are not limited to:
- The severity of the crime.
  - Whether the suspect poses an immediate threat to the safety of officers or others.
  - Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- (3) Elements of Force - Officers need to consider the following:
- Ability - Suspect has the reasonable ability to carry out the act
  - Opportunity - Suspect has the reasonable opportunity to carry out the act
  - Jeopardy - Suspect creates jeopardy to the officer or others
- C. All sworn employees will intervene, if a reasonable opportunity exists, when they know or should know another employee is using unreasonable force.
- All sworn employees will immediately report excessive force verbally to a supervisor.
- D. Medical Treatment - Officers are responsible for requesting medical treatment for suspects against whom force was used.
- (1) Any time there is an injury, or an alleged injury, as a result of force used by Department personnel, employees will:
- Examine any person claiming injury and render first aid, if necessary.
  - Request paramedics to respond to the scene, if appropriate.
  - Immediately notify a supervisor.

## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

<b>USE OF FORCE</b>	<b>Operations Order 1.5</b>
<b>PHOENIX POLICE DEPARTMENT</b>	<b>Rev. 06/13</b>
	<b>PAGE 3</b>

3. E. The techniques taught by the Department's proficiency skills instructors will be used when practical.

#### 4. RESPONSE OPTIONS

##### A. Presence

- Presence is established through identification of authority.
- The presence of a canine at a scene falls under this parameter.

##### B. Verbal Persuasion, Negotiation or Command

- Includes instruction or direction from an officer in the form of verbal statements or commands.

##### C. Soft Empty Hand Techniques and Restraining Devices - These techniques have a minimal chance of injury.

(1) Control and restraint techniques include, but are not limited to:

- Wrist locks
- Joint locks
- Pressure points
- Handcuffing (metal, plastic, or soft restraint devices)
- Restraining devices such as Ripp restraints, ankle cuffs, and shackles (transport use only)

(2) Employees **will not** restrain suspects with their legs behind their back (hog-tying).

##### D. Chemical Agents - The use of authorized chemical agents is considered a non-deadly tactic.

<b>(1) Oleoresin Capsicum (OC) Spray</b>	<p>May be used when reasonable and justified in the following situations:</p> <ul style="list-style-type: none"><li>• To prevent the possibility of injury to an officer or another person</li><li>• To ward off threatening dogs or other animals</li><li>• In tactical building entries, such as search warrants</li><li>• To subdue a person who is:<ul style="list-style-type: none"><li>* Threatening or attempting physical harm to himself or another</li><li>* Resisting an arrest</li><li>* Rioting</li><li>* Interfering with an arrest</li></ul></li></ul> <p><u>Carrying Procedures</u></p> <ul style="list-style-type: none"><li>• <u>Uniformed Employees</u><ul style="list-style-type: none"><li>* All uniformed employees will be trained in the use of OC spray.</li><li>* Mandatory equipment which will be attached to the gunbelt and carried at all times while on duty.</li><li>* It will be carried with the canister in an upright position.</li></ul></li><li>• <u>Sworn Plainclothes Employees</u><ul style="list-style-type: none"><li>* All plainclothes employees will be trained in the use of OC spray.</li><li>* Sworn employees in plainclothes below the rank of commander will carry 3/4-ounce OC spray as readily available as their weapon.</li></ul></li></ul>
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# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014

<b>USE OF FORCE</b>	<b>Operations Order</b> <b>1.5</b>
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## 4. D. Chemical Agents: (Continued)

<p><b>(1) Oleoresin Capsicum (OC) Spray</b> (Continued)</p>	<ul style="list-style-type: none"> <li>Undercover Operations - Carrying OC spray is optional for sworn employees assigned to undercover operations.</li> <li>Civilian Employees - Because civilian employees do not have arrest power and the training necessary to restrain aggressive individuals, those civilians authorized to carry OC spray will utilize this as a defensive tool in an effort to gain time and distance from an attacking subject. Civilian employees will not engage individuals who, by their verbal or non-verbal actions, are engaging in aggressive behavior that may result in a physical attack to the employee.</li> </ul> <p><u>Directions for Use</u></p> <ul style="list-style-type: none"> <li>Employees using the 1.6-ounce OC spray will direct a one-second burst into the face of the suspect; effective range is normally 12-15 feet.</li> <li>Employees using the 3/4-ounce spray will direct a one-second burst into the face of the suspect; effective range is normally 10-12 feet.</li> <li><b>Do not</b> use within 3 feet of a suspect as soft tissue damage could occur.</li> <li>The suspect should be immediately handcuffed and moved to a well-ventilated area; medical help will be requested if a suspect complains or displays any severe or abnormal reaction to the spray.</li> <li>Employees will not unnecessarily display or handle any OC spray.</li> </ul> <p><u>Post-Use Care</u></p> <ul style="list-style-type: none"> <li>Warm water can be used to flush the eyes without rubbing.</li> <li>If water is not available, the Fire Department will be called to the scene.</li> <li>Subjects should recover within 45 minutes; however, the intense sensation of skin burning may persist for 30 to 90 minutes after exposure.</li> <li>Salve or ointments <b>should not</b> be used on affected areas.</li> <li>Subjects sprayed with OC will not be left unattended.</li> <li>Paramedics will be called to the scene if a subject exposed to OC spray complains or displays any severe or abnormal reaction to the spray at any time.</li> <li>Employees will continue to provide post-use care to the subject until the subject has recovered from the effect of the spray.</li> <li>Employees will not lay subject on their stomach in a police vehicle.</li> <li>Civilian employees will follow the proper directions for use as prescribed for sworn employees and will notify dispatch via police communications that OC spray has been deployed. The employee will make efforts to maintain a visual on the subject and direct sworn officers to the location for disposition and post-use care. Once sworn officers arrive post care procedures will be implemented.</li> </ul>
<p><b>(2) Oleoresin Capsicum Spray Mark-9 Canister 18.34 ounce</b></p>	<p><u>Authorized Personnel</u></p> <ul style="list-style-type: none"> <li>Supervisors</li> <li>Officers and supervisors of the Special Assignments Unit (SAU), Major Offender Bureau (MOB), Downtown Operations Unit (DOU), and Tactical Response Unit (TRU)</li> <li><u>Canine officers</u></li> </ul> <p>* Supervisors may direct an officer to deploy the Mark 9 canister when reasonable to do so.</p>

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## 4. D. Chemical Agents: (Continued)

<b>(2) Oleoresin Capsicum Spray Mark-9 Canister 18.34 ounce (Continued)</b>	<p><u>Directions for Use</u></p> <ul style="list-style-type: none"> <li>• Employees using the Mark-9 canister OC spray will direct a one-second burst into the face of the subjects from a minimum distance of 15 feet.</li> <li>• The effective range is normally 20-25 feet.</li> <li>• Employees using the Mark-9 canister OC spray in a riot control situation should direct the spray face level, from a minimum distance of 15 feet, into the crowd until the desired effect is achieved.</li> <li>• Employees will not unnecessarily display or handle any OC Spray Mark 9 canister 18.34 ounce.</li> <li>• Tactical chemical agents are considered non-lethal weapons.</li> <li>• Detailed training, deployment procedures and tactical considerations are found in the appropriate bureau manuals.</li> </ul>
<b>(3) Tactical Chemical Agents</b>	<p><u>Delivery Systems</u></p> <ul style="list-style-type: none"> <li>• Isper Jet</li> <li>• 37mm Gas Delivery System</li> </ul> <p>* Ferret rounds will not be directed at individuals due to the possibility of serious injury if the round strikes a person.</p> <p>* Ferret rounds will not be used against moving vehicles.</p> <p><u>Authorization for Use</u></p> <ul style="list-style-type: none"> <li>• The use of tactical chemical agents will be limited to those officers and supervisors specifically authorized and trained in their use.</li> <li>• SAU and DOU are responsible for tactical chemical agent training; grenadier 1 and 2 levels, and will maintain the roster of officers certified to deploy chemical agents.</li> <li>• SAU, RDU, DOU, and TRU supervisors may authorize use of tactical chemical agents.</li> </ul>

## E. Electronic Control Devices (ECD) - Use is considered a non-deadly tactic.

<b>(1) Guidelines For Use</b>	<ul style="list-style-type: none"> <li>• Electronic control devices (ECD), such as the Taser, use compressed nitrogen gas to propel probes and wires that conduct electrical energy which overrides a subject's central nervous system, attempting to temporarily stop the subject's actions.</li> <li>• ECDs may be used when it is objectively reasonable based on the totality of the circumstances, on subjects who are displaying active aggression or who are placing an officer, or a third party in reasonable apprehension of imminent physical injury, or to prevent a subject from harming him/herself.</li> <li>• The following circumstances should be considered prior to use: <ul style="list-style-type: none"> <li>* Is the subject posing a current threat to the safety of officers, a third party, or him/herself?</li> <li>* What is the severity and violence level of the crime?</li> <li>* Does the subject have a history of violent behavior?</li> </ul> </li> <li>• ECDs will not be used for any of the following: <ul style="list-style-type: none"> <li>* Coercion of any type. <b>EXCEPTION:</b> A warning Arc combined with the proper verbal warning may be used as coercion in situations that would likely result in a justified deployment of the ECD.</li> <li>* Against subjects solely for running from the officer</li> <li>* Against a subject who would be in danger of falling from a significant height</li> </ul> </li> </ul>
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4. E. Electronic Control Devices (ECD) (Continued)

<p><b>(1) Guidelines For Use</b></p>	<ul style="list-style-type: none"> <li>* When subjects are near flammable liquids and gases</li> <li>* Intimidation by reckless display</li> <li>* Escorting or prodding individuals</li> <li>* Waking unconscious or intoxicated individuals</li> <li>* Individuals operating a motor vehicle</li> <li>* Individuals holding a firearm when their finger is on the trigger</li> <li>* Handcuffed prisoner's resisting/refusing to enter a police vehicle, holding room, or hanging onto a railing or other item, etc.</li> </ul> <p><b>NOTE:</b> The Department currently uses a nitrogen propellant OC spray however, employees need to use caution in incidents involving other jurisdictions which might be using an alcohol based OC spray.</p> <ul style="list-style-type: none"> <li>• Employees will avoid using Electronic Control Devices against the following subjects, unless officers can articulate other reasonable force options have been tried or were unlikely to succeed:                         <ul style="list-style-type: none"> <li>* Female subjects known to be pregnant or who are visibly pregnant</li> <li>* Elderly subjects</li> <li>* Young children</li> <li>* Handcuffed prisoners</li> </ul> </li> <li>• The following should be considered prior to using the device on subjects in water:                         <ul style="list-style-type: none"> <li>* Any significant amount of water may cause the subject to drown and will hinder other officers assisting in the apprehension of the suspect.</li> <li>* Deep water reduces the target area.</li> </ul> </li> <li>• Employees requested to provide ECD demonstrations to groups and organizations will first obtain permission from their bureau/precinct commander.</li> <li>• Employees shall not carelessly or recklessly display the ECD.</li> </ul> <p><u>Tactical Considerations</u> When deploying an ECD, officers will:</p> <ul style="list-style-type: none"> <li>• Announce deployment to prevent contagious fire.</li> <li>• Communicate with other officers upon arriving at the scene.</li> <li>• Have an arrest team available.</li> <li>• Deploy the ECD for one 5-second cycle, evaluate the subject's response, and, when feasible, allow the arrest team to control the subject.                         <ul style="list-style-type: none"> <li>* Subsequent application can be made if control over the subject is not achieved.</li> <li>* If the ECD is ineffective or inoperable, consider another force option.</li> </ul> </li> <li>• If the officer determines an extended cycle is necessary to control a combative suspect, the circumstances regarding the decision will be explained in the Departmental Report (DR) and Supervisor's Use of Force report.</li> <li>• Although there is no predetermined limit to the number of cycles that can be administered to a subject, officers should only apply the number of cycles reasonably necessary to safely approach and restrain a subject.</li> <li>• When practical, operators should give a verbal warning and consider the brief use of the warning Arc function to give the subject adequate opportunity to comply before force is applied</li> </ul> <p><u>Primary Target Areas for Probe Deployment</u></p> <ul style="list-style-type: none"> <li>• <u>Center mass of the subject's back</u></li> </ul> <p><u>Secondary Target Areas for Probe Deployment</u></p> <ul style="list-style-type: none"> <li>• If unable to fire at the subject's back, employees will fire at either side of the body attempting to aim below the diaphragm. The front of the subject may be used if other target areas are unavailable; operator should target the lower torso just above the belt line allowing the bottom probe to strike the legs.</li> </ul>
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4. E. Electronic Control Devices(Continued)

<b>(1) Guidelines For Use</b>	<p><u>Secondary Target Areas for Probe Deployment</u></p> <ul style="list-style-type: none"> <li>• If unable to fire at the subject's back, employees will fire at either side of the body attempting to aim below the diaphragm. The front of the subject may be used if other target areas are unavailable; operator should target the lower torso just above the belt line allowing the bottom probe to strike the legs.</li> <li>• The groin area <b>will not</b> be intentionally targeted.</li> </ul> <p><u>Target Areas for Drive Stun</u></p> <ul style="list-style-type: none"> <li>• Muscle or nerve points on the front, back, side, legs and arms (radial nerve, brachial plexus tie-in, common peroneal, etc).</li> </ul> <p><b>NOTE:</b> It is recommended that operators leave the Taser X26 cartridge in the firing bay if delivering a drive stun. Neuromuscular Incapacitation (NMI) cannot be achieved by removing the cartridge.</p> <p><u>Close Deploy and Redirect</u></p> <ul style="list-style-type: none"> <li>• This technique may be used when proximity to the subject would not result in a probe spread large enough to achieve Neuromuscular Incapacitation (NMI). The technique incorporates deployment at close range using probes, then redirecting a drive stun to an area of the body at a distance great enough to achieve NMI lock up.</li> <li>• ECD models equipped with Rotational Pulse technology incorporate Smart Cartridges and can be fired in a semi-automatic mode. When proximity to the subject would not likely result in NMI, the operator may fire in two authorized locations on the body far enough away from each other to create NMI and then back away using the Arc button to activate all deployed probes.</li> </ul> <p><u>Non-Target Areas</u></p> <ul style="list-style-type: none"> <li>• Head, neck, female breast and groin</li> </ul> <p><u>Ranges for Probe Deployment</u></p> <ul style="list-style-type: none"> <li>• Maximum range 21 feet, and 25 feet (Smart Cartridge)</li> <li>• Preferred range 7 to 15 feet (21 foot cartridge), and 9 to 18 feet (25 foot Smart Cartridge)</li> </ul> <p><u>Impounding Procedures</u></p> <ul style="list-style-type: none"> <li>• Place the probes backward in the spent cartridge with a biohazard sticker.</li> <li>• The cartridge, probes, and some identification AFIDs will be placed in a plastic container and then into a plastic evidence bag marked with biohazard stickers and impounded as evidence on the DR.</li> <li>• The spent cartridge serial number will be included on the invoice and in the DR.</li> <li>• For reporting procedures see paragraph 6 of this order.</li> <li>• If there is no evidentiary value to the cartridge and probes, the following procedures will be followed: <ul style="list-style-type: none"> <li>* Place the probes backward in the spent cartridge and cover with a biohazard sticker.</li> <li>* Place the cartridge in the sharps/biohazard container in any precinct impound room.</li> </ul> </li> </ul>
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<b>(1) Guidelines For Use (Continued)</b>	<p><u>Medical Treatment</u></p> <ul style="list-style-type: none"> <li>Paramedics will be requested for the following: <ul style="list-style-type: none"> <li>* Probe penetrates the skin, or if the probes penetrate the clothing and the cycle is effective.</li> <li>* When multiple drive stun applications are delivered.</li> </ul> </li> <li>Prior to paramedic care, ECD operators should remove probes from the subject while wearing latex gloves.</li> <li><b>Do not</b> remove probes from the subject's eyes, face, throat or groin.</li> <li>Any medical complications will be reported to paramedics.</li> <li>A supervisor will be notified and respond to the scene.</li> </ul> <p><u>Authorized Personnel</u></p> <ul style="list-style-type: none"> <li>Only employees who are trained and certified by Training Bureau staff are authorized to carry and deploy the ECD.</li> <li>ECD operators will receive training and recertify annually.</li> </ul> <p><u>Authorized Equipment</u></p>
<b>(2) General Information</b>	<ul style="list-style-type: none"> <li>Employees will only carry one authorized ECD device.</li> <li>First responders who have been certified and issued Department ECD or who have personally owned ECD will carry the device on their person and a minimum of two cartridges at all times.</li> <li>ECD holsters will be worn on the support side (opposite side of the primary handgun) in a "cross draw" orientation.</li> <li>The only authorized drop-leg platform is the Safariland 6005-10 in black with single leg strap. Employees wearing this option will wear the platform and ECD attached to the duty belt and wearer's leg in order to be in compliance with this policy.</li> <li>Sworn employees assigned to specialty details (SAU, etc.) will carry an electronic control device in accordance with approved procedures authorized by the respective bureau commander.</li> <li>Employees working in a non-uniform capacity that have Department-issued ECD will have the device available in the passenger compartment of their City vehicle.</li> <li>Employees who have Department-issued ECDs and are working in an off-duty capacity will carry the device as if they were in an on duty status.</li> <li>Exceptions may be made by the employee's bureau/precinct commander.</li> <li>Certified civilian detention officers will carry their ECD in accordance with this policy</li> </ul> <p><u>Use on Animals</u></p> <ul style="list-style-type: none"> <li>Employees may deploy an authorized electronic control device to incapacitate dangerous animals posing an immediate threat to officers or the public.</li> <li>Supervisors will complete a Use of Force Report to document the incident.</li> <li>Employees should consider containment of the animal and request assistance from the Maricopa County Animal Care &amp; Control (MCACC).</li> <li>The same procedures for impounding after deployment on a human will be followed in a deployment on an animal (see the "Impounding Procedures" section on the previous page for more information). <ul style="list-style-type: none"> <li>* If no DR is necessary (Animal at Large, Animal Attack, etc.) a RMS impound property invoice will be created for impounding the items.</li> </ul> </li> </ul> <p><u>Personally-Owned Procedures</u></p> <ul style="list-style-type: none"> <li>Certified employees may submit a memorandum requesting the use of an authorized model personally owned ECD which will include: <ul style="list-style-type: none"> <li>* The model and serial number of the ECD.</li> <li>* Acknowledgement of the Department's right to download data from the ECD and the personal ECD is subject to inspection.</li> <li>* Whether the employee has been certified by the Training Bureau staff to carry the ECD.</li> </ul> </li> </ul>

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### (2) General Information (Continued)

- Copies of the memo will be kept in Department and division files.
- Only ECDs currently being deployed by first responders are authorized for personal purchase for duty use.
- ECDs must be yellow in color, unless the ECD was purchased prior to July 1, 2003.
- Only Department-issued cartridges will be used.
- Officers who carry personally owned ECDs will return Department-issued ECDs to their respective bureau/precinct.

#### Storage and Tracking Data

- New ECDs issued by the Department and personally owned approved ECDs will be entered into [www.evidence.com](http://www.evidence.com) prior to being placed into service. The ECD serial number, officer's name and serial number to whom the device is assigned will be kept current for as long as the program is in use.
- Each bureau/precinct will maintain a log which will contain the following information:
  - \* The serial numbers of the cartridges assigned to each officer
  - \* The reason a new cartridge was issued (training, defective or use of force incident, etc.)
  - \* DR and Use-of-Force report number if the cartridge was fired during a use of force incident
- Police Supply is responsible for ordering extra cartridges and Power Magazines and keeping an extra supply of ECDs to replace those which are inoperable or taken due to an investigation.
- Each bureau/precinct will maintain extra duty cartridges and Power Magazines.
- Upon transfer from a first responder assignment, officers will immediately turn in their department issued ECD, holster, battery and cartridges to administrative staff of the assignment they are leaving so the equipment can be returned to Police Supply.
- Employees will inspect their issued or personally owned ECD for damage, to insure all parts are present prior to the start of shift.
- If the ECD is damaged or parts are found missing it will be reported to a supervisor in accordance with Operations Order 3.13.5(O).
- Employees will conduct a function their Department-issued or personally owned ECD, in accordance with established training at the beginning of each shift in order to test the operability of the ECD.
- The employee's supervisor will conduct an inspection of Department-issued and personally owned ECD and ensure the device has been downloaded each month and the results will be reflected in their supervisor notes.

#### Online Firmware Updates

- Taser, Intl. publishes firmware updates online via [www.evidence.com](http://www.evidence.com). Tasers must be connected monthly to ensure the most current firmware is installed on the device.

#### Voluntary Exposures

- It is not the practice of the Phoenix Police Department to conduct voluntary exposures as a requirement for user or in-house instructor certification or during Department approved ECD demonstrations.

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F. Intermediate Control Techniques - Techniques that may result in injury.

<b>(1) Hard Empty Hand Techniques</b>	<p><u>These include but are not limited to:</u></p> <ul style="list-style-type: none"> <li>• Closed fist strikes</li> <li>• Hammer fist strikes</li> <li>• Palm-heel strikes</li> <li>• Impact pushes</li> <li>• Kicks</li> <li>• Knee strikes</li> <li>• Elbow strikes</li> </ul> <p><u>Guidelines for Use</u></p> <ul style="list-style-type: none"> <li>• Areas to avoid are the neck, back, sternum, kidneys and groin.</li> <li>• Hard empty hand techniques may be used when facing the active aggression level of resistance.</li> <li>• Although these techniques may be used in some situations when facing passive resistance, officers will first attempt verbal persuasion and soft empty hand techniques when practical.</li> <li>• Closed fist, palm-heel, and elbow strikes are the only techniques that may be used to strike the face and head, and then only when reasonable as a means to overcome a violent attack.</li> </ul> <p>* A supervisor will be advised and respond to the scene to view and evaluate the suspect.</p> <p>* Jail personnel will be advised.</p>
<b>(2) Impact Weapons</b>	<p><u>Straight, Side-handle, or Expandable Baton</u></p> <ul style="list-style-type: none"> <li>• Impact weapon strikes may be used when facing the active aggression level of resistance.</li> <li>• Passive resistance or resistance, such as a prisoner's refusal to enter a police vehicle or holding room or to let go of a railing, is not sufficient in itself to justify the use of impact weapon strikes.</li> <li>• When the use of the impact weapon is warranted, officers will attempt to strike large muscle group areas and nerve motor points where there is minimal chance of permanent injury.</li> <li>• Officers will not purposely strike or jab suspects with an impact weapon on the head, neck, sternum, spine, lower abdomen, groin or kidneys unless faced with a deadly force situation.</li> </ul> <p>•</p> <p><u>Straight, Side-handle, or Expandable Baton</u></p> <ul style="list-style-type: none"> <li>• Impact weapon strikes may be used when facing the active aggression level of resistance.</li> <li>• Passive resistance or resistance, such as a prisoner's refusal to enter a police vehicle or holding room or to let go of a railing, is not sufficient in itself to justify the use of impact weapon strikes.</li> <li>• When the use of the impact weapon is warranted, officers will attempt to strike large muscle group areas and nerve motor points where there is minimal chance of permanent injury.</li> <li>• Officers will not purposely strike or jab suspects with an impact weapon on the head, neck, sternum, spine, lower abdomen, groin or kidneys unless faced with a deadly force situation.</li> </ul> <p><u>Authorization to Carry Impact Weapons</u></p> <ul style="list-style-type: none"> <li>• Employees may carry impact weapons at their discretion unless specifically required otherwise.</li> <li>• The impact weapon will meet the specifications listed in Operations Order 3.15, Uniform Policy.</li> <li>• Employees who elect to carry an impact weapon must satisfactorily complete the appropriate course taught by a Department impact weapons instructor.</li> </ul>

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### 4. F. Intermediate Control Techniques (Continued)

<b>(3) Flashlights</b>	<ul style="list-style-type: none"> <li>Flashlights are not designed as impact weapons; however, a flashlight may be used as an impact weapon if a baton is not readily available.</li> <li>Officers will not purposely strike or jab suspects with a flashlight on the head, neck, sternum, spine, lower abdomen, groin or kidneys unless faced with a deadly force situation.</li> </ul>
<b>(4) Canines</b>	<p><u>Canines are considered a non-deadly tactic when properly deployed.</u></p> <ul style="list-style-type: none"> <li>Canines will not be used for control of crowds or in any circumstances where a strong potential exists for discrediting the Department.</li> <li>Canines may be used to search for or apprehend felony suspects when public or officer safety is threatened sufficiently to justify this level of force.</li> <li>Canines may be used to search for misdemeanor suspects; however, the animal will remain on lead unless officer safety is threatened.</li> </ul> <p><u>Procedures for Deploying Canines</u></p> <ul style="list-style-type: none"> <li>Whenever time and circumstances permit, a verbal warning will be given to a suspect before releasing the canine to conduct a search.</li> <li>An announcement identifying police authority and giving directions to the suspect should be made in addition to stating the canine will be released if the suspect fails to comply.</li> <li>Detailed procedures for canine use are found in Operations Order 5.3, Specialized Investigations and Assistance, and the Tactical Support Bureau manual.</li> </ul>
<b>(5) Stun-Bag Shotguns and Sage SL-6 (SAU)</b>	<ul style="list-style-type: none"> <li>Stun-bag shotguns and Sage SL-6s (SAU) may be used in situations where distance is necessary to maintain officer safety and the use of impact weapons is a reasonable use of force; for example, subduing a person who is threatening or attempting physical harm to himself or another.</li> <li>Stun-bag or Sage SL-6 (SAU) rounds should not be fired through mediums, such as glass or chain link fences because the bag might tear and lead shot might be released.</li> <li>Officers should anticipate firing follow-up shots if the prior shot missed or was not effective.</li> <li>The affected bureau/precinct/duty commander will be immediately notified of all incidents involving the use of a stunbag shotgun or Sage SL-6 (SAU).</li> <li>Optimal ranges for the stunbag shotgun are between 5 and 20 yards.</li> <li>If possible, officers should consider other force options at less than 5 yards.</li> </ul> <p><u>Primary Target Areas</u></p> <ul style="list-style-type: none"> <li>Arms below the elbow</li> <li>Lower abdomen</li> <li>Buttocks</li> <li>Legs</li> </ul> <p><u>Secondary Target Areas</u></p> <ul style="list-style-type: none"> <li>Arms above the elbow</li> <li>Back, excluding spinal cord area from the base of the skull to the tailbone</li> <li>Knees</li> </ul>

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### 4. F. Intermediate Control Techniques: (Continued)

<b>(5) Stun-Bag Shotguns and Sage SL-6 (SAU) (Continued)</b>	<p><u>Non-target Areas</u></p> <ul style="list-style-type: none"><li>• Head</li><li>• Spine</li><li>• Thorax</li><li>• Neck</li></ul> <p><b>NOTE:</b> Shots to non-target areas can result in fatal or serious injury.</p> <p><u>Additional Information</u></p> <ul style="list-style-type: none"><li>• For specific guidelines reference the stunbag shotgun, refer to Operations Order 4.25, Firearms Regulations.</li><li>• For specific guidelines reference the Sage SL-6, refer to the Tactical Support Bureau manual.</li></ul>
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### G. Carotid Control Technique

<b>(1) Guidelines</b>	<ul style="list-style-type: none"><li>• The carotid control technique is designed to reduce the flow of oxygenated blood to the brain.</li><li>• If oxygenated blood flow to the brain is cut off for <b><u>four to six minutes</u></b>, irreparable brain damage may occur.</li></ul> <p><u>When to Use the Carotid Control Technique</u></p> <ul style="list-style-type: none"><li>• The carotid control technique should only be used on subjects who are using active aggression, aggravated active aggression, or who are a threat to themselves or others.</li></ul> <p><u>Improper Applications of the Carotid Control Technique</u></p> <ul style="list-style-type: none"><li>• This technique will not be used to render a subject unconscious for the following situations:<ul style="list-style-type: none"><li>* Administrative reasons, such as obtaining fingerprints or photographs.</li><li>* If a subject demonstrates passive resistance, such as refusing to enter a police vehicle or holding room.</li></ul></li></ul> <p><u>Post-Use Care</u></p> <ul style="list-style-type: none"><li>• If a subject is rendered unconscious as a result of the application of this technique, employees will comply with the following:<ul style="list-style-type: none"><li>* Immediately handcuff the subject.</li><li>* Roll the suspect onto their side and check for vital signs. Recovery time will vary, but usually takes 20 to 30 seconds.</li><li>* Paramedics will be summoned to the scene <b><u>immediately</u></b> in all cases.</li><li>* If cardiopulmonary resuscitation (CPR) is necessary, officers will remove the handcuffs <b><u>immediately</u></b>.</li></ul></li></ul> <p><u>Notifications</u></p> <ul style="list-style-type: none"><li>• A supervisor will be notified immediately that the carotid control technique was applied and respond to the scene.</li><li>• Employees will advise receiving officers (including detention personnel who may assume custody of the suspect) the suspect was rendered unconscious by the use of the carotid control technique.</li><li>• The use of the carotid control technique will also be reported on relevant RMS reports, booking slips, referrals, etc.</li></ul>
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4. G. Carotid Control Technique: (Continued)

<b>(1) Guidelines</b> (Continued)	<u>Restrictions</u> <ul style="list-style-type: none"> <li>• Employees will not use the technique more than once on the same subject because of the possibility of progressive physical injury.</li> <li>• The subject will remain handcuffed or restrained, as necessary, to avoid subsequent applications of the carotid control technique.</li> <li>• Employees will not restrain subjects who have had the carotid control technique applied with their legs behind their back (hog-tying).</li> </ul>
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H. Deadly Force

<b>(1) Guidelines</b>	<p><u>Officers may use deadly force under the following circumstances:</u></p> <ul style="list-style-type: none"> <li>• When such force is reasonable to protect themselves or a third person from another's use, or threatened use, of deadly force.</li> <li>• To prevent the escape of a subject whom the employees has probable cause to believe has committed an offense involving the infliction or threat of serious physical injury or death, and is likely to endanger human life or cause serious injury to another unless apprehended without delay.</li> <li>• In situations where the officer must overcome an attack the officer reasonably believes would produce serious physical injury or death to the officer or another person. <ul style="list-style-type: none"> <li>* When the use of techniques taught by the Department's proficiency skills instructors is not practical under the circumstances, the officer may resort to any reasonable method to overcome the attack.</li> </ul> </li> <li>• When the circumstances justifying the use of deadly force no longer exist, deadly force will immediately be discontinued. <ul style="list-style-type: none"> <li>* Employees still may use reasonable force to maintain control and to protect themselves from danger.</li> </ul> </li> <li>• Deadly force is utilized as a last resort when other measures are not practical under the existing circumstances.</li> <li>• The intentional use of a police vehicle against a subject on foot will be considered a use of deadly force. <ul style="list-style-type: none"> <li>* Officers <b>will not</b> attempt to deliberately collide with other vehicles or use a police vehicle to force <b>any</b> vehicle off the roadway.</li> </ul> </li> </ul> <p><b><u>EXCEPTION:</u></b> Employees trained in the PIT maneuver and assigned to the Airport Bureau on Airport grounds or Dignitary Protection officers when needed as part of their duties.</p> <p><u>Use of Firearms</u></p> <ul style="list-style-type: none"> <li>• In addition to the guidelines listed above, employees will discharge firearms in connection with police activities only, and in accordance with the following policies, whether on or off duty.</li> <li>• Employees will not unnecessarily draw or display any firearm, or carelessly handle a firearm.</li> <li>• Warning shots <b>will not</b> be fired.</li> <li>• When the shooting of a suspect appears imminent employees will, if practical, issue a verbal warning.</li> <li>• Firearms will not be used under circumstances in which a substantial and unjustifiable risk of injury or death to bystanders exists.</li> <li>• Employees will not discharge a firearm from a moving vehicle.</li> <li>• Firearms will only be used to kill an animal posing an immediate danger to the employee or the public when other means of protection are impractical.</li> </ul>
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### 4. H. Deadly Force (Continued)

<b>(1) Guidelines (Continued)</b>	<u>Vehicles</u> <ul style="list-style-type: none"><li>• Weapons will not be fired solely to disable a moving vehicle.<ul style="list-style-type: none"><li>* Weapons may be discharged at the driver or other occupant of a moving vehicle only when the officer has probable cause to believe the subject poses an immediate danger of death or serious physical injury to the officer or others, and the use of deadly force does not create a danger to the public that outweighs the benefits of its use.</li></ul></li><li>• Employees will not deliberately place themselves in the path of a moving vehicle or one capable of immediate movement.<ul style="list-style-type: none"><li>* This is generally considered tactically unsound unless executed as part of a tactical plan intended to enhance safety.</li><li>* This is not intended to prevent employees from moving in front of or around vehicles during the execution of routine traffic duties, such as directing traffic.</li></ul></li><li>• Employees are reminded of the serious risks involved when reaching in or leaning into a running vehicle occupied.</li><li>• Exigent circumstances must exist before an employees may reach or lean into a running vehicle with the driver's seat occupied.</li><li>• When it is safe to do so, placing a police vehicle directly in front and rear of the suspect vehicle provides an extra margin of safety.</li></ul>
	<u>Notifications</u> <ul style="list-style-type: none"><li>• Employees who discharge any firearm will make a verbal report to a supervisor as soon as possible and submit a written report as soon as practical.<ul style="list-style-type: none"><li>* A command officer can make an exception to this requirement.</li></ul></li><li>• The employee's bureau/precinct commander or the duty commander will be advised of the weapon discharge incident.</li><li>• Firearms training, lawful target practice and lawful hunting are exempt from this paragraph.</li></ul>

### 5. RESPONSE OPTIONS TRAINING

- A. All sworn employees will receive annual training on the use of force options and policy by Department authorized instructors, who are certified through Arizona Peace Officers Standards and Training Board (AzPOST).

#### B. Impact Weapons

<b>(1) Basic Impact Weapons Training</b>	<ul style="list-style-type: none"><li>• Recruits will receive basic impact weapons training while in the academy.</li><li>• Employees not previously certified in basic impact weapons usage may receive impact weapons training on duty or if they are unable to complete the training during their assigned shift in an authorized off-duty training program.</li><li>• Overtime will be authorized for any impact weapons certification/re-certification training only when employees are unable to complete the training during their regular on-duty shift.</li></ul>
<b>(2) Impact Weapons Proficiency Training</b>	<ul style="list-style-type: none"><li>• Employees carrying impact weapons will successfully demonstrate proficiency in its use annually.</li><li>• Department training records will reflect which impact weapon/s an officer has elected to carry and the date-required basic and proficiency training was completed.</li></ul>

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5. C. Stun Bag Shotguns and Sage SL-6 (SAU)

- All sworn employees assigned to patrol will be trained in the use of the stun bag shotgun.
- All sworn employees will receive stun bag training upon assignment to patrol and every year thereafter.
- See Operations Order 4.25, Firearms Regulations and the Tactical Support Bureau manual.

D. Chemical Agents

- All sworn employees below the rank of commander will receive training regarding use of OC spray annually.

E. Carotid Control Technique

- In order to use the carotid control technique an employee must satisfactorily complete the basic training course for carotid control.
- Employees will only use the carotid control technique taught by Department defensive tactics instructors.
- Employees must pass a proficiency test administered by a Department certified defensive tactics instructor.
- Certified employees will receive this training while attending post academy.
- Employees not previously trained in the basic carotid control technique must receive carotid control technique training and will demonstrate proficiency prior to utilizing it.
- Employees who are authorized to use the carotid control technique will demonstrate proficiency in its use annually.
- No other type of neck restraint/hold is authorized.

F. Firearms - See Operations Order 4.25, Firearms Regulations.

6. **REPORTING USE OF FORCE INCIDENTS** - Employees will document the use of each response option.

A. General Reporting Guidelines - Supervisors will not complete a Use of Force Report on prisoner injuries occurring prior to police arrival or by means other than by police employees.

B. Procedures for Completing a Use of Force Report

- (1) Supervisors will initiate the Use of Force Report within 7 days of the incident for review and approval through their chain of command.
- (2) After completing the report, the supervisor will enter their lieutenant's serial number in the space provided at the end of the narrative and an **S** in the "Report Complete" box.
  - Once the **S** is entered, the supervisor will no longer be able to make changes.
  - Entering this information will send the report electronically to the lieutenant, who is required to make comments.
- (3) After reviewing the report and making comments, the lieutenant will place the serial number of their commander in the space provided and an **L** in the "Report Complete" box.
  - Once the **L** is entered, the lieutenant will no longer be able to make changes.
  - Entering this information will send the report electronically to the commander, who is required to make comments.

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6. B. (4) After reviewing the report and making comments, the commander will place a **C** in the "Report Complete" box.
- Once the **C** is entered, the commander will no longer be able to make changes.
  - Entering this information will send the report electronically to their division chief.
- (5) Once the assistant chief receives the report, they will be responsible for review and finalization of the report by placing a **Y** in the "Report Complete" box.
- (6) Use of Force reports will be finalized within 30 days of initiation of the report.

### C. Required Information

<b>(1) Officer Presence Verbal Persuasion Negotiation or Command</b>  <b>Soft Empty Hand and Restraining Devices</b>	<p><u>Document the following as required in RMS DRs:</u></p> <ul style="list-style-type: none"> <li>• Officer presence</li> <li>• Verbal persuasion, negotiation or commands used</li> <li>• Soft empty hand and restraining devices</li> </ul> <p><u>Reporting requirements when injury or alleged injury occurs:</u></p> <ul style="list-style-type: none"> <li>• A supervisor will be contacted as soon as possible.</li> <li>• A DR will be completed with the appropriate use of force code entered in the suspect description section and how the injury was sustained in the narrative section.</li> <li>• If <b>no</b> injury is visible, this will also be documented.</li> <li>• The supervisor will complete a RMS Use of Force Report.</li> </ul>
<b>(2) Chemical Agents</b>	<p><u>Reporting requirements for all incidents involving the use of chemical agents:</u></p> <ul style="list-style-type: none"> <li>• A supervisor will be contacted as soon as possible.</li> <li>• A DR will be completed with the appropriate use of force code entered in the suspect description section and details of the use of the chemical agent in the narrative section.</li> <li>• The contacted supervisor will complete a RMS Use of Force Report only upon complaint of injury.</li> </ul> <p><u>Review of the Documentation</u></p> <ul style="list-style-type: none"> <li>• Supervisors will review all DRs that document the use of chemical agents.</li> <li>• Documentation of this review will be noted in the Supervisor's Monthly Inspection Report Form 80-38D.</li> </ul>
<b>(3) Electronic Control Devices</b>	<p><u>Reporting requirements for all incidents involving an Electronic Control Device (ECD):</u></p> <ul style="list-style-type: none"> <li>• A supervisor will be contacted as soon as possible.</li> <li>• The ECD will be downloaded immediately prior to the completion of the Use of Force Report.</li> <li>• Taser Event Information Logs made available in Adobe ".pdf" form online at <a href="http://www.evidencel.com">www.evidencel.com</a> may be viewed online by those we with appropriate access, or may be saved electronically and attached to email or electronic reports to minimize use of paper when printing.</li> <li>• The ECD event information log will be forwarded to the bureau/precinct commander, who will forward the document to the administrative sergeant in the Office of Administration (OOA).</li> <li>• A DR will be completed with the appropriate use of force code entered in the suspect description section and the details surrounding the use of force explained in the narrative section.</li> </ul>

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## 6. C. Required Information (Continued)

<b>(1) Electronic Control Devices (Continued)</b>	<ul style="list-style-type: none"> <li>All incidents involving an ECD will be reported in the Use of Force Report and will include the following:                             <ul style="list-style-type: none"> <li>* Reason for deployment</li> <li>* Serial number of ECD used</li> <li>* Number of times deployed</li> <li>* Target and impact locations</li> <li>* Distance of the subject from the operator/s who deployed the ECD</li> <li>* Effectiveness and result of use</li> </ul> </li> </ul>
<b>(2) Intermediate Control Techniques, Canines, and Stun-Bag Shotguns and Sage SL-6 (SAU)</b>	<p><u>Reporting requirements for all incidents involving intermediate control techniques:</u></p> <ul style="list-style-type: none"> <li>A supervisor will be contacted as soon as possible.</li> <li>A DR will be completed with the appropriate use of force code entered in the suspect description section and the details surrounding the use of force explained in the narrative section.</li> <li>The contacted supervisor will complete the RMS Use of Force Report.</li> </ul> <p><u>Canines</u></p> <ul style="list-style-type: none"> <li>All Department canine injury incidents will be investigated and documented by a Canine Unit supervisor using the standard bite report format.</li> <li>The Canine Unit supervisor will also complete the RMS Use of Force Report.</li> </ul> <p><u>Stun-Bag Shotguns and Sage SL-6 (SAU)</u></p> <ul style="list-style-type: none"> <li>A supervisor will be contacted as soon as possible.</li> <li>All Department Stun-bag Shotgun and Sage SL-6 (SAU) incidents will be reported in the Use of Force Report and will include the following:                             <ul style="list-style-type: none"> <li>* Reason for the shooting</li> <li>* Weapon/s used</li> <li>* Number of shots fired</li> <li>* Target and impact locations</li> <li>* Distance of the suspect from the officer/s that fired</li> <li>* Effectiveness and result of use</li> </ul> </li> <li>See the section 6.B of this order titled "Procedures on Completing a Use of Force Report".</li> <li>If a subject sustains a serious injury from shooting incident, see the section 7 of this order titled "Shooting and Use of Force Incidents Resulting in Death or Serious Injury" for detailed procedures.</li> </ul>
<b>(3) Carotid Control Technique</b>	<p><u>Reporting requirements for all incidents involving the carotid control technique:</u></p> <ul style="list-style-type: none"> <li>A supervisor will be contacted as soon as possible.</li> <li>The contacted supervisor will complete the PACE Use of Force Report.</li> <li>A DR will be completed with the appropriate use of force code entered in the suspect description section and the details surrounding the use of force explained in the narrative section.</li> </ul>
<b>(4) Deadly Force</b>	<ul style="list-style-type: none"> <li>See the section 7 of this order titled "Shooting and Use of Force Incidents Resulting in Death or Serious Injury" for investigation and documentation procedures.</li> </ul>

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6. D. Use of Force Report - Incidents will be investigated using the Use of Force Report.
- No additional paperwork or memoranda are required unless unusual circumstances exist.
  - Digital image photographs will be taken of any injuries.

### 7. SHOOTING AND USE OF FORCE INCIDENTS RESULTING IN DEATH OR SERIOUS INJURY

- A. Required Reports - Supervisors will complete the following reports:

- Shooting Investigation (see section 7.E titled "Shooting Investigation" in this order)
- Use of Force Report

B. Investigation Responsibility

<b>(1) Shooting and Use of Force Incidents Resulting in Death or Serious injury</b>	All shooting and use of force incidents resulting in death or serious injury involving employees of this Department will be investigated concurrently by the following: <ul style="list-style-type: none"><li>• Professional Standards Bureau (PSB)</li><li>• Involved employee's supervisor</li><li>• Violent Crimes Bureau (VCB) / Homicide Unit</li><li>• Incident Review Unit (IRU)</li></ul> <b>EXCEPTION:</b> Incidents listed in the following sections will be investigated accordingly.
<b>(2) Non-Injury Accidental Discharges and Shootings Involving Animals</b>	<ul style="list-style-type: none"><li>• The employee's supervisor will investigate non-injury accidental discharges not involving a police action and shootings involving animals.</li></ul>
<b>(3) Accidental Discharge Involving Police Action</b>	<ul style="list-style-type: none"><li>• If an accidental discharge occurs while the employee is performing a police function and a citizen or suspect is in close proximity (such as attempting to arrest a suspect), PSB will conduct the investigation.</li></ul>

- C. Notifications - The highest ranking officer at the scene will notify the PSB commander, VCB commander and IRU/Legal unit lieutenant.
- D. Handling of Involved Employee's Firearm
- (1) Employees involved in any incident in which their firearm was discharged will release the firearm to the officer or supervisor responsible for the investigation.
  - (2) Employees will be issued another firearm by PSB investigators prior to going off shift or returning to duty.

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7. E. Shooting Investigation

- (1) The written report will include the following pre-narrative information:

<b>Investigating Supervisor</b>	Name, serial number, duty assignment, work days and hours
<b>Employee Involved</b>	Name, serial number, duty assignment, work days and hours
<b>Synopsis</b>	
<b>Reason for Shooting</b>	Injured animal, accidental discharge, etc.
<b>Occurred</b>	Location, date and time
<b>Employee's Prior Use of Force Incidents and Dispositions</b>	
<b>Weapon Used</b>	Make, model, caliber, ownership and type of ammunition
<b>Number of Shots Fired/ Impact Locations/ Backdrop Description</b>	
<b>Injuries or damage</b>	Description of any animals involved and name, address, etc., of owner of damaged property/injured animals
<b>Witnesses</b>	
<b>Photos/Latent Print Examiner</b>	Name of the employee who took the photographs
<b>DR Numbers of Other Related Investigations</b>	
<b>Details of Investigation</b>	Narrative

- (2) As soon as possible (after the scene investigation has been completed), the PSB Investigations Unit lieutenant will be contacted to obtain a PSB shooting incident control number.
- If the incident occurs during non-business hours, the investigating supervisor will contact PSB at the beginning of the next business day to obtain the control number.
  - The control number will be included in the subject portion of the memorandum in addition to any other title information.
- (3) All pertinent documents, including photographs, will be attached to the investigative report.
- (4) Evidence in the form of bulk items (guns, shell cases, etc.) will not be forwarded.
- (5) Supervisors will make no recommendations other than referring the matter to the Use of Force Review Board.

F. Routing of Administrative Use of Force Investigation

- (1) Incidents Investigated by PSB - The PSB Commander will forward a copy of the PSB report to the employee's assistant chief and Department Use of Force Board chairperson.
- (2) Incidents Investigated by the Employee's Supervisor - The original Use of Force Report and shooting investigation will be forwarded to the assistant chief of the involved employee's bureau/precinct and Department Use of Force Board chairperson.

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### 8. TACTICAL REVIEW COMMITTEE

#### A. Purpose

- (1) The Tactical Review Committee (TRC) will review deadly force incidents and identify any related training needs.
- (2) The TRC will not have the authority to make recommendations on whether or not a particular use of force involved in the incident reviewed complies with Department policy.
- (3) While the role of the committee is primarily restricted to the identification of training needs for individuals and the Department as a whole, the committee may make suggestions regarding amendments to policy.
  - Use of force incidents generally evolve rapidly, compelling employees to make decisions without sufficient time or information; therefore, the TRC will take in to consideration the totality of the circumstances involved in the incident and decide if the training need is sufficient to justify immediate intervention.

#### B. TRC Committee Members

- (1) The TRC will report to the PSB commander and will consist of the following personnel:
  - Training Bureau commander (chair)
  - Department Legal Advisor (or representative)
  - ALEA Basic Training lieutenant
  - Training Bureau Advanced Training/Proficiency Skills lieutenant
  - PPSLA President (or representative)
  - PLEA President (or representative)

#### C. TRC Sub-Committee Members

- (1) A subcommittee consisting of an officer, sergeant and lieutenant, chosen from the following positions, will attend each VCB debriefing following a deadly force incident:
  - Officer – Tactical Training Detail officer, SAU officer and patrol officer
  - Sergeant – Firearms Detail sergeant, SAU training sergeant, tactical training sergeant, and patrol sergeant
  - Lieutenant– Advanced Training/Proficiency Skills lieutenant, SAU lieutenant, Night Enforcement Unit (NEU) lieutenant and patrol lieutenant
- (2) Based on the information reviewed at the incident debriefing, the subcommittee will discuss the incident and determine the type of training opportunities that can be addressed.
  - (a) This training will address the tactical decision making and actions of the involved officers as well as the management of the tactical scene by the responding supervisors.
  - (b) The subcommittee will make their recommendations to the TRC.
  - (c) The TRC will make a final determination on any training needs.

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8. D. Post Use of Force Training

- (1) When a training need is identified by the TRC (after reviewing the incident), all officers and supervisors involved will attend the mandatory training.
- (2) At the discretion of the sub-committee, other personnel indirectly involved in the incident may also be identified for training.
  - (a) The commander/administrator of the affected employee will ensure the skill building training is completed without delay.
  - (b) With the exception of extenuating circumstances, the prescribed training shall be satisfactorily completed within two weeks from the date recommended.

E. Training Bureau Responsibilities

- (1) The Training Bureau will be responsible for designing and delivering training based on the review and recommendations made by the TRC.
- (2) Training may include the use of scenario based instruction when appropriate.
  - (a) The Training Bureau may develop instruction, based on the TRC review process, to be given at module training, produced as training videos, or created as a written directive for Department-wide dissemination.
  - (b) Matters deemed to be of an urgent nature will be addressed as soon as possible and will not be set aside for the next module.
- (3) The training recommended by the TRC may be different for supervisors and employees.
- (4) The Training Bureau will ensure employees involved in the training acknowledge they have received and are responsible for the information presented to them.

F. Use of Force; Semi-Annual Report

- (1) The TRC chairperson will provide a semi-annual report of lethal force activity to the executive staff by memorandum.
- (2) The Use of Force Report will include the following:
  - The number and type of lethal force incident cases reviewed
  - Any training given in relation to each lethal force incident and how the training was distributed
  - Any trends identified in lethal force incidents and any policy revisions or improvements made as a result of the TRC review process
- (3) The TRC may review incidents of non-lethal force upon referral made by a commander or assistant chief.

**NOTE:** Normally the TRC will not review non-lethal force incidents.

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### 9. POST USE OF FORCE TRAUMA

#### A. Purpose

- (1) The physical and emotional well being of Department employees is a primary concern following any use of force incident.
- (2) The following guidelines have been established to ensure the physical and emotional needs of Department personnel are addressed.

#### B. Definitions

<b>(1) Use of Force Incident</b>	Any situation where a Department employee seriously injures or kills a person.
<b>(2) Persons Directly Involved</b>	Employees who seriously injure a person or who are seriously injured and those who participate in the incident.
<b>(3) Post Use of Force Trauma</b>	The emotional and physical effects that may occur to persons who have been involved physically or emotionally in a use of force incident.

#### C. Assistance at the Scene of Any Use of Force Incident

- (1) Critical Incident Stress Management (CISM) Team - A CISM team coordinator will be contacted to evaluate the incident and call out CISM team members as needed in all use of force incidents.
- (2) Command Personnel - Appropriate command personnel, at the discretion of the Chief of Police, will initiate personal contact with the involved employee and family to provide Department support and assistance as soon as possible.

#### D. Post Use of Force Counseling

- (1) Employees Directly Involved in a Use of Force Incident - All employees directly involved in a use of force incident resulting in death or serious injury will attend at least one session of psychological debriefing with one of the contract psychologists listed in this order.
- (2) The psychological debriefing will be scheduled as soon as possible after the incident by the employee's immediate supervisor.
  - (a) Counseling is available on a 24-hour per day basis if needed.
  - (b) Five follow-up sessions will be available at no expense to an employee.
  - (c) Employees will not be released to enforcement duties until the debriefing is completed.
- (3) Verification of the visit, not the contents of the session, from the psychologist office will be included with the post use of force checklist to be forwarded to the appropriate assistant chief for review.
- (4) Employees Not Directly Involved in a Use of Force Incident
  - (a) All employees who feel they are or may be negatively affected as a result of their involvement are strongly encouraged to take advantage of the counseling services available through the Employee Assistant Unit (EAU)
  - (b) This may include the employees' spouses or immediate family members.

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9. D. (5) Services Contracted to Provide Post Use of Force Counseling - The following service is contracted to provide post use of force counseling:

Jeni McCutcheon, Psy.D., M.S.C.P., ABPP  
4501 N 22<sup>nd</sup> St, Suite 190  
Phoenix, AZ 85016  
602-368-2526

To schedule appointments: [www.drieni.org](http://www.drieni.org)

- (6) Counseling Confidentiality Assurance - Employees who seek consultation or receive counseling through Department consulting psychologists are assured maximum confidentiality.
- (a) No individual, group, organization, Department, City employee or official shall have access to any information regarding an individual's participation in the program except as noted.
  - (b) The only exception to the guarantee of confidentiality is an indication by the officer to the psychologist of any **immediate physical danger to self or others**.
  - (c) In the event of such an occurrence, the Chief of Police shall be notified or action taken to ensure protection of those concerned.

### E. Post Use of Force Reassignment

#### (1) Reassignment Guidelines

(1) <b>Employees Who Seriously Injure or Kill a Person</b>	<ul style="list-style-type: none"><li>Any employee who seriously injures or kills a person and is able to work may be assigned at home for the three days following the incident.</li><li>The employee will ensure availability to investigators.</li><li>The employee may be assigned to a non-enforcement position pending administrative review.</li><li>The Chief of Police may return the employee to full duty prior to the Use of Force Review Board upon recommendation of the officer's assistant chief.</li><li>The employee will attend a psychological debriefing.</li></ul>
(2) <b>Any Other Employee Directly Involved in a Use of Force Incident</b>	<ul style="list-style-type: none"><li>Any other employee directly involved in a use of force incident resulting in death or serious injury to any person may be reassigned to a non-enforcement position pending administrative review of the incident.</li><li>The Chief of Police may return the employee to full duty prior to the Use of Force Review Board upon recommendation of the officer's assistant chief.</li><li>The employee will attend a psychological debriefing.</li></ul>

- (2) Any employee involved in a use of force incident resulting in assignment at home will submit a Leave Request Form 80-80D using reason code **PC**, Use of Force/Administrative Leave.
- (3) All employees directly involved in a Class III discharge of a firearm will be referred to the Training Bureau firearms staff for an appointment prior to returning to enforcement duty from administrative leave.
- (a) The employee's bureau/precinct commander/administrator or designee will be responsible for contacting the Training Bureau firearms staff to schedule the appointment.

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9. E. (3) (b) This appointment will provide employees with the opportunity to fire their duty weapon, and if necessary, qualify on a replacement weapon and discuss any weapons related questions they may have as a result of their shooting incident.
- There will also be the opportunity to discuss any tactical related questions they may have with a tactics instructor.
- (4) The administrative review process will be considered complete upon the findings of the Use of Force Review Board, if the incident is found within policy, or upon completion of the disciplinary review process, if the incident is found to be out of policy.

## **B.8: PSB Manual (Investigator-In-Training Program)**

<b>PROFESSIONAL STANDARDS BUREAU</b>		
Subject: <b>Investigator-in-Training Program</b>		Policy Number <b>B-6</b>
<b>PHOENIX POLICE DEPARTMENT</b>		<b>08/14</b> Page 1

1. **PURPOSE:**

To establish and coordinate a formal training program for investigator-in-training assigned to the Investigations Unit.

2. **SCOPE:**

This section applies to all employees newly assigned as investigators to the Investigations Unit of the Professional Standards Bureau.

3. **GENERAL DIRECTION:**

This policy has been prepared to familiarize new investigators of the Investigations Unit with policies and procedures authorized for use within the Bureau. This policy will serve as a guide for facilitating training, however will not cover all aspects of the Investigations Unit operations. Therefore, all investigators-in-training are expected to exercise good judgement at all times.

4. **DETAILED PROCEDURES:**

A. Overview:

- (1) Training of newly assigned investigator-in-training of the Investigations Unit will occur as an on-the-job training program and will provide the basic foundation for their work assignment.
- (2) An investigator-in-training must demonstrate proficiency in the skills and knowledge necessary to perform job-related tasks consistently and professionally as mandated by departmental policy within the prescribed training period. Failure to successfully complete the training program may result in reassignment from PSB for the good of the Department.
  - (a) All new investigators-in-training will sign a form acknowledging that their assignment is contingent upon completion of the training program.
- (3) The assigned training investigator will review the progress of the new investigator-in-training with the respective Lieutenant prior to completing the training program to ensure the investigator-in-training meets bureau standards.
- (4) The assigned training investigator will discuss each evaluation with the investigator-in-training. The quality of proficiency required for specified tasks will be equal to the criteria for a current Investigation Unit investigator to attain an overall performance rating of "Overall Performance Expectations Met".
- (5) An investigator-in-training performance checklist and training investigator's evaluation packet will be placed into the investigator-in-training's division file at the completion of training and retained for a minimum of one year.

B. Job Description:

- (1) The investigator-in-training is expected to have the basic knowledge and skills which are required to function as an "Overall Performance Expectations Met" Phoenix police officer.

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- (2) The investigator-in-training must have a broad background from which to develop the knowledge needed to successfully function as an investigator because not all phases of the required knowledge can be gained from this "on-the-job" bureau training program.
- (3) The investigator-in-training will be responsible for personal compliance with all departmental guidelines. He/she will also comply with all PSB policies (both written and verbal) and will keep his/her supervisors immediately informed of all incidents of concern.
- (4) The investigator-in-training will be punctual when reporting for duty, will be consistently available by radio/telephone communications when on-duty, and will demonstrate proper office demeanor/telephone etiquette at all times.
- (5) The investigator-in-training will be expected to demonstrate proper time management skills insuring that cases are managed appropriately.

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**Investigator-in-Training Checklist**

**Appendix A**

Investigator-in-Training Name:		Serial Number:	
Item Type	Date Completed	Training Investigator's Initials	Investigator-in-Training's Initials
Assignment Memo			
Emergency Information			
Week 1 Interview			
Week 2 Interview			
Week 3 Interview			
Week 4 Interview			
1 Month Rating			
Week 5 Interview			
Week 6 Interview			

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**Investigator-in-Training Record**

**Appendix B**

This training outline is to facilitate the formal documentation of the training given to new Investigations Unit investigator-in-training. Each area of training will be signed-off by the employee upon completion. Once proficiency has been demonstrated, the training investigator will sign off with appropriate comments, as warranted.

INVESTIGATOR-IN-TRAINING: \_\_\_\_\_ SERIAL \_\_\_\_\_

ASSIGNMENT DATE: \_\_\_\_\_

ASSIGNED TO SQUAD: \_\_\_\_\_

TRAINING INVESTIGATOR: \_\_\_\_\_

**IT IS UNDERSTOOD THAT THE SUCCESSFUL COMPLETION OF THIS TRAINING PROGRAM IS MANDATORY. IF THE INVESTIGATOR-IN-TRAINING FAILS TO SATISFACTORILY COMPLETE THE PROGRAM, HE/SHE MAY BE TRANSFERRED FROM THE INVESTIGATIONS UNIT FOR THE GOOD OF THE DEPARTMENT.**

INVESTIGATOR-IN-TRAINING: \_\_\_\_\_ DATE: \_\_\_\_\_

TRAINING INVESTIGATOR: \_\_\_\_\_ DATE: \_\_\_\_\_

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1. Investigator-in-training has reviewed PSB internal and shooting investigations to familiarize themselves with format and content.

Investigator-in-Training Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Training Investigator comments: \_\_\_\_\_

Training Investigator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

2. Investigator-in-training understands open door communication philosophy and PSB's Mission Statement.

Investigator-in-training Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Training Investigator comments: \_\_\_\_\_

Training Investigator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3. Investigator-in-training understands and has working ability of:

Item	Date	Investigator-in-Training's Signature	Training Investigator's Comments and Signature
Garrity Rights			
Veal/Brady Decisions			
IRP PROCESS			

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**3. (cont.)**

Item	Date	Investigator-in-training's Signature	Training Investigator's Comments and Signature
DRB PROCESS			
USE OF FORCE BOARD PROCESS			
EXECUTIVE REVIEW BOARD PROCESS			
VCB USE OF FORCE- SHOOTING DEBRIEFINGS			
POLYGRAPH EXAMINATIONS			
WITNESS EMPLOYEE INTERVIEWS			
EMPLOYEE INVOLVED INTERVIEWS			

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**4. Mandatory reading (Policy, laws, and manuals).**

Item	Date	Investigator-in-training's Signature	Training Investigator's Comments and Signature
Professional Standards Bureau Manual A-1 General Administrative Rules			
Professional Standards Bureau Manual A-2 Secretarial Staff Responsibilities			
Professional Standards Bureau Manual A-3 Filing Procedures			
Professional Standards Bureau Manual A-4 Administrative Complaint Control Form Procedures			
Professional Standards Bureau Manual A-5 Emergency Procedures			
Professional Standards Bureau Manual A-6 Emergency Mobilization Plan			
Professional Standards Bureau Manual A-7 Release of Professional Standards Bureau Reports			
Professional Standards Bureau Manual A-8 Administrative Reports Supervisory Responsibilities			

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**4. (cont.)**

Item	Date	Investigator-in-training's Signature	Training Investigator's Comments and Signature
Professional Standards Bureau Manual A-9 City Council Request Procedures			
Professional Standards Bureau Manual B-1 Investigator's Responsibilities			
Professional Standards Bureau Manual B-2 Internal Investigations Procedures			
Professional Standards Bureau Manual B-3 Polygraph Examinations			
Professional Standards Bureau Manual B-4 Drug Screen Examinations			
Professional Standards Bureau Manual B-5 Shooting Investigations			
Professional Standards Bureau Manual B-6 Investigator-in-Training Program			
Ops Order 3.18 Discipline Procedures and Review Boards			
Ops Order 3.19 Misconduct Investigations			
PLEA MOU			

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**4. (cont.)**

Item	Date	Investigator-in-training's Signature	Training Investigator's Comments and Signature
PPSLA Agreement			
AFSCME UNIT II MOU			
AFSCME UNIT III MOU			
ASPTEA AGREEMENT			

**5. Officer has attended a Power Point class (if needed)**

Investigator-in-training's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Training Investigator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**I understand that per the Investigations Unit policy, my Bureau training has been documented, noting both positive and negative indicators and that all phases of this training have been discussed in detail with me. I also understand and agree that these training records will be maintained within my Division File.**

Investigator-in-training's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMENTS**

Training Investigator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMENTS**

**Training Program completed:**

Lieutenant's Signature \_\_\_\_\_ Date: \_\_\_\_\_

## **B.9: Violent Crimes Bureau Manual**

<b>VIOLENT CRIMES BUREAU</b>		
<b>Subject:</b> <b>Officer Involved Use of Force Incidents</b>		<b>Policy Number</b> <b>C-9</b>
<b>PHOENIX POLICE DEPARTMENT</b>	<b>Revised 02/13</b>	<b>PAGE 1</b>

**1. PURPOSE:**

This policy establishes the general procedures for notifications and investigations of use of force and in custody prisoner incidents investigated by the Violent Crimes Bureau and Professional Standards Bureau.

**2. SCOPE:**

This policy applies to all personnel assigned to the Violent Crimes and Professional Standards Bureaus.

**3. GENERAL DIRECTION:**

Use of force and in custody prisoner incidents usually requires joint investigation by both Violent Crimes and Professional Standards Bureau personnel. The investigations must be coordinated to ensure the officer's "Garrity" and criminal rights are not violated. To ensure the investigations are properly completed in a timely manner and the investigative needs of both the criminal and administrative investigations are met, the following procedures will be followed:

**4. DETAILED PROCEDURES:**

**A. Notification Procedures:**

- 1) In "use of force" or "in custody prisoner" incidents, the Communications Bureau will attempt to determine if there are any injuries to either a citizen or Officer. The Communications Bureau will immediately notify the Duty Commander, the VCB Front Desk, and the MAC Van. The Duty Commander or a scene supervisor may request Communications Bureau personnel make additional notifications, e.g., Command personnel, Media Relations, CISD or Community Relations Bureau personnel.
- 2) VCB Front Desk personnel will notify:
  - a. Appropriate VCB Lieutenant.
  - b. PSB Lieutenant.
  - c. Night Detective supervisor (if on duty).
  - d. County Attorney's Office, in cases where a person or Officer is seriously injured or struck by gunfire.

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- 3) The Violent Crimes and Professional Standards Bureau's Lieutenants will notify their respective investigative personnel and chain of command.
  - a. In the event of a serious officer injury (999), the VCB Lieutenant will call out two police involved shooting investigative teams. This will include at least three additional detectives and one additional supervisor.

**B. Investigative Response, Night Detectives:**

- 1) If anyone is transported to a hospital for medical treatment, the Night Detective supervisor will send the first Night Detective to the hospital for follow-up. Remaining Night Detectives will respond to the scene.
  - a. The Night Detective who responds to the hospital will be responsible for impounding any property/evidence obtained. The Homicide Unit Case Agent and/or Scene Agent should be made aware of any property obtained.
- 2) The Night Detective supervisor and the remaining Night Detectives will respond to the scene of the incident. It will be the responsibility of the responding Homicide Unit lieutenant to contact the Night Detective sergeant while en route to the scene to obtain an update and determine if personnel beyond the standard response team will be necessary. The Night Detective sergeant will assess the overall scene and make the following assignments:
  - a. Any Officer(s) who was present at the incident, but did not actually witness the shooting event, will be directed to hand write a supplement and give it to a VCB supervisor prior to securing from their shift. They may also author their supplements on their laptop MDC's or other computer available at the scene and either print it out or save it to a flash drive supplied by the Homicide Sergeant or Case Agent. The supplement must include the officer's serial number, squad and incident number. If the supplement is completed on a computer or MDC, it should be submitted in electronic form so as to avoid the need to retype the supplement.

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- b. Civilian witnesses, who the Night Detective supervisor do not believe are “critical” witnesses, e.g., hearing witnesses, will be interviewed by available Night Detective personnel and released from the scene. ALL INTERVIEWS WILL BE RECORDED.
- c. In some cases, it may be immediately evident that a search warrant for the crime scene and/or control samples (DNA, fingerprints), suspect clothing or photographs may be necessary. The Night Detective Sergeant should direct a Night Detective to begin the search warrant preparation.
- d. The Night Detective Sergeant will contact the Patrol Supervisors and collect all necessary information to conduct the transition briefing. The standard Crime Scene Worksheet will be filled out and utilized for the transition briefing. **The completed worksheet will be given to the assigned case agent at the conclusion of the briefing.**

### C. Homicide/PSB Response and Transition Briefing and Assignments

- 1) Upon the arrival of the necessary Homicide Unit and Professional Standards Bureau Investigators, the Night Detective Sergeant (or Patrol Supervisor during normal work hours) will conduct a briefing, detailing all facts of the incident known at the time. The Homicide Case Agent and Scene Investigator, as well as the PSB case agent will be identified at that time.
- 2) Additional assignments, to include civilian witness interviews, employee witness interviews, weapons inspection/exchanges, etc. will also be made.
- 3) It is the responsibility of the Homicide Unit Lieutenant or designee to brief the involved officer/s on the criminal and internal investigation procedures and protocols, and determine their level of cooperation with the investigators. The employee/s involved will also be given the opportunity to meet with or conduct a telephone conversation with their attorney, and be introduced to their Union and/or CISM representatives.

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- a. Any officer (to include sergeants and lieutenants) involved in a critical incident will not be subjected to the elements and will be provided with reasonable environmental accommodations while waiting at a crime scene with/for his/her representative.
- 4) All employees involved in shooting or serious use of force incidents will be escorted by a sworn supervisor to ensure that the chain of evidence be preserved (uniform, gun belt accessories, weapon/s, etc), and that there is no contamination of witness statements. The supervisor (preferably their immediate supervisor) will allow a private consultation with the employee's attorney (PLEA, FOB, private, etc); however, they will maintain line of sight contact with the employee until the criminal investigators have released the employee to PSB. The respective supervisor will be required to author a supplement documenting the above.
- 5) All excess patrol Officers will be returned to service as soon as possible.
- D. Investigative Procedures:
  - 1) VCB and PSB personnel will jointly conduct a scene investigation. VCB will retain custody of all evidence related to the criminal investigation and impound it according to department policy.
  - 2) PSB will determine, based upon their manpower, which Officer(s) and civilian witness interviews they want to attend. In most cases, PSB will want to attend any interview of a person injured by the Officer(s), even if the interview is conducted at a later date.
  - 3) Involved Officer Interviews.
    - a. Officers do not forfeit any of their constitutional rights when they become police officers, including the 5th Amendment right against compelled self-incrimination. Therefore, officers will not be compelled to participate in a walk-through with criminal investigators. If the officer/s involved refuses to submit to a walk-through, a formal recorded interview with the Homicide Unit case agent will be sought.
    - b. If the officer/s involved refuses to submit to an interview, all items of evidentiary value on or in the possession of the officer/s involved will be collected.

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- c. A search warrant may be necessary to seize evidence on or in possession of the officer if consent is not given.
- d. The VCB case agent, scene Detective, the Officer's attorney (if requested by the officer) and County Attorney representative will complete a walk-through of the scene with the involved Officer(s). Only these personnel will be present during the walkthrough. PSB personnel and Command Staff will not be allowed to attend the walk-through, but Detectives will brief them at the walk-through's conclusion.
- e. Walk-throughs involving witness Officers who are not directly involved in the shooting may be attended by both VCB and PSB investigative personnel. VCB and PSB personnel will determine the number of witness Officers asked to provide walk-throughs.
- f. Non-investigative personnel, e.g., involved Officer's supervisors, CISM team members, union representatives, will be not be allowed to attend or participate in any walk-through or interview conducted by VCB investigative personnel. Union representatives may participate in PSB interviews as allowed under existing guidelines.
- g. At no time during a criminal investigation walk-through interview will police supervisors or PSB investigators be present, within earshot, or in a position that may draw the attention of the officer/s involved.
- h. If an officer involved refuses to submit to a walk-through with Homicide detectives, PSB investigators, at their discretion, may issue a Notice of Investigation (NOI) and compel the officer/s to submit to a walk-through pursuant to their internal investigation. In cases such as these, all VCB investigators will be sequestered out of sight and sound of the walk-through being conducted by PSB in order to ensure that no information or evidence is obtained through a compelled interview or action, and the integrity of the criminal investigation is maintained.
- i. In incidents where the involved Officer(s) do not agree to be interviewed by criminal Detectives, the following procedures will be followed:

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1. VCB, PSB, and County Attorney representatives will conduct walk-throughs with witness Officers.
  2. PSB personnel will conduct a walk-through with Officer(s) directly involved in the shooting after VCB and PSB personnel process and photograph the crime scene. Evidence and any associated number cards will be left in place for the walk-through, but Detectives should avoid leaving any other investigative markings in place.
  3. The involved Officer(s) initial statements made to other Officers and supervisors should be included in the VCB report. Depending upon the overall circumstances, the information may be obtained by interviewing the Employees or by having them author a supplement. If a supervisor gave the Officer(s) a "direct order" to tell them what occurred, these statements may not be included in the VCB report.
- j. Interviews with the officer/s involved in the shooting incident will normally be conducted by the case agent. These interviews will be audio recorded. At his discretion, the case agent may forgo this interview if a thorough, audio recorded walk-through interview has been obtained.
- k. If the officer/s involved refuses to submit to a recorded interview, no interview will be conducted.

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- l. If the officer/s involved refuses to submit to an interview but, upon advice of their attorney or upon their own volition, later offers to provide a recording of their compelled PSB interview, it will be **refused** by VCB personnel. (This is to ensure that the integrity of the criminal investigation is maintained, and that evidence gained from those statements cannot later be suppressed under the fruit of the poisonous tree doctrine. Additionally, the focus/purpose of the interviews and questions asked are markedly different, as PSB investigators are concerned with policy violations only, not the prosecution of crimes committed prior to and during the shooting).
  - m. At the conclusion of the officer involved interviews, the case agent will provide a briefing to the PSB Case Agent and PSB supervisors, as well as the Media Relations PIO.
- 4) Civilian Witness Interviews
- a. Civilians who witnessed the actual shooting or events that led to the shooting will be interviewed by VCB detectives. **All civilian witnesses' interviews will be recorded.** PSB investigators may be present and participate in these interviews at their discretion. It is important to identify the exact location and point of view of the witness when the shooting occurred. The scene investigator should be notified to ensure that photographs are taken to document the witness's perspective.
  - b. Depending on the number of VCB investigators available at the scene, civilians who are only "hearing" witnesses, or have limited or cursory information relevant to the investigation may be interviewed by patrol officers, who will document their interview in a handwritten supplement.
- 5) Officer/Employee Witness Interviews

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- a. Officers/Employees who witnessed the actual shooting or were involved in the events that immediately led to the shooting will be interviewed by VCB detectives. All interviews will be recorded. PSB investigators may be present and participate in these interviews at their discretion. If during the interview the officer makes statements that lead the investigator to believe that the officer may have criminal liability, the interview will be stopped and the case supervisor (Homicide sergeant) will be notified. When the interview is resumed, the PSB investigator cannot be present.
- b. Officer/employee witnesses who are only “hearing” witnesses, or have limited or cursory information relevant to the investigation will author handwritten supplements, which will be turned in to the case agent or case supervisor prior to leaving the scene.
- c. VCB and PSB may jointly conduct interviews of witness Officers. VCB Detectives will ask their questions first. PSB may ask follow-up questions.
- d. Walk-throughs involving witness Officers who are not directly involved in the shooting may be attended by both VCB and PSB investigative personnel. VCB and PSB personnel will determine the number of witness Officers asked to provide walk-throughs.
- e. If an employee witness invokes their right to remain silent and/or refuses to give VCB detectives an interview, the Homicide Unit sergeant will be notified immediately.
  1. Consideration will be given as to what circumstance the employee believes exposes him/her to criminal liability
  2. The employee witness may be compelled to give a statement to VCB detectives.

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3. This order should come from the employee's direct supervisor or chain of command; however, the order may be given by any higher-ranking supervisor.
4. Consideration should be given that the information gleaned from this interview cannot be used against the witness employee in any subsequent criminal proceeding against him/her resulting from the incident under investigation.
5. If the employee refuses to cooperate after the order to submit to an interview has been given, the VCB, PSB and employee's chain of command should be notified immediately.
6. The employee is subject to discipline for insubordination/failure to obey a direct order.

### E. Miranda Rights

- 1). Officers involved in use of force incidents are typically viewed as victims of crimes which forced the officer to utilize force to engage and overcome a physical threat against them or another person, to prevent the escape of a known violent felon whom through past or present conduct is likely to further endanger human life unless apprehended without delay, or to suppress a riot.<sup>1</sup> If the situation (physical evidence, witness statements, etc.) leads the case agent to believe that the officer/s involved may have criminal liability in the incident, the detective should advise the officer of his Miranda rights, utilizing the standard PPD rights card.
- 2) Prior to reading an officer his Miranda rights, the investigator will consult with the case supervisors (Homicide sergeant and/or lieutenant) and consider discussing the circumstances with the Deputy Maricopa County Attorney on scene.

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### F. Garrity and the Exchange of Information

1. In the case of Garrity v. New Jersey, the Supreme Court decided that statements made by an employee which were compelled by an employer under the penalty of job forfeiture, could not be used against the employee in any subsequent criminal action.<sup>2</sup> Consequently, any statement made by an employee to a PSB investigator or police supervisor pursuant to having been served with a Notice of Investigation, cannot become part of the criminal investigation. It is the policy of the Phoenix Police Department to ensure that investigators maintain a one-way flow of information during concurrent criminal and internal investigations. Any statements, information or evidence developed, revealed or located by criminal investigators during a police involved shooting, serious use of force incident, or in-custody death investigation may be shared with internal/administrative investigators. Conversely, any information developed, revealed to, or located by PSB investigators or a police supervisor conducting an internal/administrative investigation cannot be shared with criminal investigators after any compelled interviews have been conducted.
  - a. For example, a PSB investigator working with a Homicide detective processing the crime scene can point out evidence that he or she observes. However, if a PSB investigator who has conducted a compelled interview with an officer involved in the shooting calls the same PSB investigator at the scene and relates information about what evidence to look for and where to look for it, that information **cannot** be shared with the Homicide detective. (PSB has enacted protocols to ensure that this does not occur)

### G. Collection of Evidence

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<sup>2</sup> Garrity v. New Jersey 385 US 493 (1967)

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1. The scene of a police use of force incident will be processed utilizing the same protocols as a homicide investigation. While Crime Scene Specialists will assist in the processing of the crime scene and collection of evidence, a Homicide detective will be responsible for the overall processing of the scene, the crime scene supplement and the crime scene diagrams. The following steps should be included in the scene investigation:
2. Overall photographs will be taken. Consider aerial photographs via Internet, City/County GIS mapping or Air Support Unit.
3. Perspective photographs from locations where each officer involved and was standing at the time of the incident. This should include officer and civilian witness perspectives.
4. Conduct an organized search for all evidence and mark with placards.
5. Measure all evidence to include heights, angles and specific distances between the shooter/s and suspect/s. Locations and distances of key witnesses should also be measured and documented.
6. Utilizing the Nikon Total Station equipment should be considered on large or open area scenes.
7. Utilizing the Faro Laser Scanner should be considered in all officer involved shooting or use of force investigations resulting in death or serious physical injury.
8. Mark and package all evidence, to include forensic and biological samples.
9. Photograph and test all suspected bullet impact sites.
10. Photograph, test and obtain samples of blood as necessary.
11. GSR testing as necessary.
12. Document lighting condition and light fixtures involved.

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13. Document temperatures (i.e. current temperature, room temperature, asphalt temperature, etc) as appropriate.
14. Arrange for any bio-hazard cleanup as necessary.
15. Vehicles involved will be processed as above; however, this may be delayed pending the drawing of a search warrant. In this case, vehicles should be transported to the forensic impound bay at 621 W. Washington or the lot at 3032 S. 22<sup>nd</sup> Avenue for execution of the search warrant and processing.
16. Undercover vehicles may have the license plate/s covered if appropriate.

**D. Weapons Exchange and Examination:**

- 1) Following the walk-through, VCB and PSB personnel will inspect the involved Officer(s) weapon(s). VCB Detectives will conduct the actual inspection which will include accounting for all rounds in the weapon, magazines, and second weapons. All rounds will be removed from the weapon and magazines, counted, and photographed.
  - a. In incidents where the involved Officer(s) does not wish to be interviewed by criminal Detectives, VCB personnel will still ask the Officer(s) to give them their weapon. Should the Officer(s) decline, the Investigations Division Commander will determine if a search warrant or other actions are appropriate. VCB personnel may also wish to consult with the County Attorney's Office.
- 2) VCB Detectives will retain possession of the Officer(s)'s gun and complete a PACE impound slip, scientific analysis, and property release. The impounded City gun will be released to PSB after all scientific testing has been completed.
  - a. P.S.B. will provide the Officer(s) with a replacement weapon, magazine and ammunition at the time of the initial weapons examination and when detectives take custody of the weapon fired.
  - b. At the conclusion of the Crime Laboratory's examination, the gun will be released to the assigned P.S.B. Detective.

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- c. P.S.B. will return the weapon to the involved officer(s), so P.S.B. can retrieve their replacement weapon.

- 3) Witness Officers who are in a position to have fired as determined by investigative supervisors, will have their weapons also inspected. The inspection will include photographing and accounting for all rounds in the gun and magazines. At the conclusion of the inspection, the Officer's weapon will be returned to the Officer(s) and will not be impounded.

### E. PSB Transition

- 1) PSB will not serve NOIs on involved Officer(s) until after the walk-through, weapon inspection, photographs, and interview by VCB personnel. PSB personnel will not be allowed to attend the involved Officer(s)'s interviews with VCB personnel. VCB will provide a copy of the interview to PSB personnel. VCB personnel will not be allowed to attend the involved Officer interviews with PSB personnel.
- 2) Following the VCB interview, a VCB supervisor will tell the involved Officer(s) to contact the PSB supervisor prior to leaving the scene.

### E. Hospital Follow-up

- 1) If the suspect survives, the Case Agent will:
  - a. Identify and work toward charging any crimes committed
  - b. Coordinate security of the suspect with the patrol precinct involved
  - c. Inquire daily as to any changes in the suspect's condition
  - d. Coordinate the suspect interview with PSB investigators

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e. Coordinate charging with the MCAO Law Enforcement Liaison Attorney

2) If the suspect dies, the Case Agent will:

a. Document and photograph injuries

b. Contact OME for transportation as soon as practical

c. Identify and notify next of kin as soon as possible

d. Explain investigative and review processes to family

e. Maintain neutrality in dealing with the family

f. Inquire into the suspect's background and behavior patterns in an effort to determine motive and/or gain an understanding as to why the suspect did what they did

F. Apprehension

a. The appropriate number of detectives will be assigned early in the investigation to pursue the suspect/s involved. Consideration should be given to utilizing the below resources:

b. City-wide radio broadcasts with updated suspect/vehicle information

c. Obtain complete criminal history of known suspects, including associates and addresses from prior reports

d. Teletypes, bulletins, composites, news releases and border notifications should be considered

e. Keep the assigned MCAO attorney briefed and obtain an arrest warrant if probable cause exists and information leads investigators to believe that the suspect has possibly fled the state

f. Consider entering a temporary felony warrant into NCIC

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- g. Assign an ICAT detective if it is believed the suspect has fled the country

### G. Reporting

- 1) The investigation will be documented with the original PACE report titled with the crime that initiated the incident that lead to the police shooting (i.e. Aggravated Assault on a Police Officer, Armed Robbery, Kidnapping, etc).
- 2) The officer/s involved will be listed as a Victim in the Aggravated Assault on a Police Officer report. If the suspect has been killed during the incident, for statistical purposes an "A" report will be authored and entitled "Homicide." If the suspect was killed by officer/s, the officer/s involved will not be listed in the Homicide DR. A short synopsis of the incident will be written, referring the reader to the original report. Additional reports (B, C, D, etc.) reports will be authored if multiple people were killed, or to document other crimes committed (suicide, auto theft, etc) during the incident. The sequential report numbers/suffixes will be coordinated with the Case Agent. The majority of the investigation will be contained in the original report, with the subsequent reports referring back to the original.
  - a. For example, an officer conducts a traffic stop and is fired upon by the driver. The officer returns fire killing the suspect. The original report would be titled Aggravated Assault on a Police Officer. An "A" DR would be entitled Homicide.
  - b. In the second example, a suspect commits a bank robbery. An officer locates the fleeing suspect and engages in foot pursuit. A gunfight ensues and the suspect is killed. The original report would be Bank Robbery. Utilizing the same incident number, the "A" DR would be entitled Aggravated Assault on a Police Officer. The "B" DR would be entitled Homicide.
  - c. The original report and all supplements will be printed in draft form and submitted to the case supervisor for approval prior to finalizing
  - d. Supplements from all detectives involved (Homicide, Night Detectives, etc) should be completed within 30 days of the incident.

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### H. Case Submission

- 1) A complete copy of the Departmental Report, including photographs, diagrams and related attachments, will be forwarded to the Maricopa County Attorney's Office Law Enforcement Liaison for review.
- 2) If a surviving suspect is to be charged, a second complete copy will be sent to the appropriate MCAO bureau for prosecution. Notations will be made in Case Management documenting the date/s the reports were delivered to MCAO.
- 3) The case(s) should be submitted to the MCAO as soon as possible.

### I. Debriefing

- 1) Ideally, 21-28 days after the incident, a debriefing will be held by VCB investigators. The Homicide Response Supervisor will schedule this debriefing, preferably on a Tuesday or Wednesday. Efforts should be made to schedule multiple debriefings on the same day if appropriate. Coordinated by the case supervisor, the case agent and scene investigator will give a verbal briefing to representatives from the following units as to what the investigation has revealed thus far:
  - a. VCB chain of command
  - b. PSB investigators/chain of command
  - c. Legal Advisor
  - d. Incident Review Unit
  - e. Training Bureau/Tactical Training Unit
  - f. Precinct/Bureau Commander of involved employee/s
  - g. **Employee/s involved will not be present for the debriefing**
- 2) The briefing will commonly consist of a PowerPoint presentation utilizing scene photographs and diagrams as needed. It will be prepared by the case supervisor or assigned case/scene detective.

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- 3) The visual presentation will not be released to any outside requestor (PSB, attorney's, etc). The purpose of the briefing is to share information for officer safety/training issues and to provide an update on the case status to command staff and others.
- J. Upon concluding the investigation, if requested, the VCB detective will assist in procuring any necessary investigative items for the PSB investigator.

## **B.10: AZPOST Rule R13-4-111.C & R13-4-116(E)**

### **R13-4-111. Certification Retention Requirements**

#### **A. Continuing training required.**

##### **1. The following continuing training standards apply for a peace officer to retain certification:**

- a. A full-authority peace officer shall complete eight hours of continuing training each year beginning January 1, following the date the officer is certified.
- b. A specialty, limited-authority, or limited correctional peace officer shall complete eight hours of continuing training every three years beginning January 1, following the date the officer is certified.

##### **2. Continuing training course standards for peace officers. The provider of a continuing training course for peace officers shall ensure that:**

- a. The course curriculum consists of advanced or remedial instruction on one or more of the topic areas specified in R13-4-116(E)(1);
- b. The instructor meets the requirements of R13-4-114(A)(2)(a) or (b);
- c. An attendance verification certificate, which includes a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes;
- d. If the training provider is an agency, an attendance roster and lesson plan or other information sufficient to determine compliance with this Section is made available upon request by the Board for Board audit;
- e. If the training provider is an outside provider that does not seek confirmation that the course meets the requirements under subsection (A)(3)(c), a copy of the lesson plan or other information sufficient to determine compliance with this Section is given to each attendee; and
- f. If the training provider is an outside provider that seeks and receives confirmation under subsection (A)(3)(c), a copy of the Board's written confirmation is distributed to each attendee.

##### **3. Training providers. Courses of continuing training may be conducted by the Board, an agency, or an outside provider.**

- a. All Board-provided continuing training courses meet the requirements of this Section.
- b. Agency-provided continuing training courses meet the requirements of this Section if all the requirements of subsection (A)(2) are met.
- c. Outside-provider continuing training courses meet the requirements of this Section if all the requirements of subsection (A)(2) are met. The Board shall inform an outside provider in writing whether a continuing training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:
  - i. A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in R13-4-116(E)(1);
  - ii. The name of the person, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(a) or (b) are met;
  - iii. A course schedule listing the number of instructional hours; and
  - iv. An attestation that the outside provider shall, upon request by the Board, make the lesson plan or other information sufficient to determine compliance with this Section available for Board audit, and shall ensure that the requirement of subsection (A)(2)(b) is met.

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d. The Board's confirmation that a continuing training course conducted by an outside provider meets the requirements of this Section is effective as long as the information submitted to the Board under subsection (A)(3)(c) is unchanged.

4. A limited correctional peace officer satisfies the requirements of this Section by obtaining training that is:

a. Approved under R13-4-206,

b. Provided by an instructor who meets the requirements of R13-4-205(C)(5), and

c. On a topic area listed in R13-4-116(E)(4).

5. Required records. A peace officer shall provide to the appointing agency a copy of all documents provided to the peace officer under subsection (A)(2)(e), (A)(2)(e), or (A)(2)(f). The appointing agency shall maintain the documents and make them available, upon request by the Board, for Board audit.

B. Proficiency training required.

1. To retain certification, a peace officer who is not in a supervisory position within the peace officer's appointing agency shall complete eight hours of proficiency training every three years beginning January 1, following the date the peace officer is certified.

2. Proficiency training course standards. The provider of a proficiency training course for peace officers shall ensure that:

a. The training requires physical demonstration of one or more performance objectives included in the 585-hour full-authority peace officer basic training course under R13-4-116 and demonstration of the use of judgment in the application of the physical act;

b. The curriculum consists of advanced or remedial instruction on one or more of the following topic areas:

i. Defensive tactics and impact weapons,

ii. Tactical firearms (not the annual firearms qualification required under this Section),

iii. Emergency vehicle operations,

iv. Pursuit operations,

v. First aid and emergency care,

vi. Physical conditioning, and

vii. High-risk stops;

c. The instructor meets the requirements of R13-4-114(A)(2)(c);

d. An attendance verification certificate, which includes a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes;

e. If the training provider is an agency, an attendance roster and lesson plan or other information sufficient to determine compliance with this Section is made available upon request by the Board for Board audit;

f. If the training provider is an outside provider that does not seek confirmation under subsection (B)(3)(c) that the course meets the requirements of this Section, a copy of the lesson plan or other information sufficient to determine compliance with this Section is given to each attendee; and

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g. If the training provider is an outside provider that seeks and receives confirmation under subsection (B)(3)(c), a copy of the Board's written confirmation is given to each attendee.

3. Training providers. Proficiency training courses may be conducted by the Board, an agency, or an outside provider.

a. All Board-provided proficiency training courses meet the requirements of this Section.

b. Agency-provided proficiency training courses meet the requirements of this Section if all the requirements of subsection (B)(2) are met.

c. Outside-provider proficiency training courses meet the requirements of this Section if all the requirements of subsection (B)(2) are met. The Board shall inform an outside provider in writing whether a proficiency training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:

i. A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in subsection (B)(2);

ii. The name of the person, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(c) are met;

iii. A course schedule listing the number of instructional hours; and

iv. An attestation that the outside provider shall, upon request by the Board, make the lesson plan and other information sufficient to determine compliance with this Section available for Board audit, and shall ensure that the requirement of subsection (B)(2)(d) is met.

d. The Board's confirmation that a proficiency training course conducted by an outside provider meets the requirements of this Section is effective as long as the information submitted to the Board under subsection (B)(3)(c) is unchanged.

4. A limited correctional peace officer satisfies the requirements of this Section by obtaining training that is:

a. Approved under R13-4-206,

b. Provided by an instructor who meets the requirements of R13-4-205(C), and

c. On a topic area listed in subsection (B)(2)(b) except (B)(2)(b)(iv).

5. Required records. A peace officer shall provide to the appointing agency a copy of all documents provided to the peace officer under subsection (B)(2)(d), (B)(2)(f) or (B)(2)(g). The appointing agency shall maintain the documents and make them available, upon request by the Board, for Board audit.

C. Firearms qualification required. A peace officer authorized to carry a firearm shall qualify to continue to be authorized to carry a firearm each year beginning January 1 following certification by completing a Board-prescribed firearms qualification course, using a service handgun and service ammunition, and a Board-prescribed target identification and judgment course.

1. Firearms qualification course standards.

a. A firearms qualification course is a course:

i. Prescribed under R13-4-116(E)(1), or

ii. Determined by the Board to measure firearms competency at least as accurately as courses prescribed under R13-4-116(E)(1).

b. The provider of a firearms qualification course shall ensure that the course includes:

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- i. A timed accuracy component;
  - ii. A type and style of target that is equal to, or more difficult than, targets used in a course prescribed under R13-4-116(E)(1); and
  - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
2. Firearms target identification and judgment course standards.
    - a. A firearms target identification and judgment course is a course:
      - i. Prescribed under R13-4-116(E)(1), or
      - ii. Determined by the Board to measure target identification and judgment competency at least as accurately as courses prescribed under R13-4-116(E)(1).
    - b. The provider of a firearms target identification and judgment course shall ensure that the course includes:
      - i. A timed accuracy component;
      - ii. A type and style of target discrimination test that is equal to, or more difficult than, those used in a course prescribed under R13-4-116(E)(1); and
      - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
  3. The provider of a firearms qualification or firearms target identification and judgment course shall ensure that the course is taught by a firearms instructor who meets the requirements of R13-4-114(A)(2)(c).
- D. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

### Historical Note

Adopted effective March 23, 1989 (Supp. 89-1). References to "Council" changed to "Board" (Supp. 94-3). Amended effective October 20, 1995; filed with the Secretary of State April 20, 1995 (Supp. 95-2). Section repealed; new Section made by final rulemaking at 8 A.A.R. 3201, effective January 11, 2003 (Supp. 02-3). Amended by final rulemaking at 12 A.A.R. 331, effective July 10, 2006 (Supp. 06-1).

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### R13-4-116. Academy Requirements

A. Unless otherwise provided in this Article, only the basic training provided by an academy that the Board determines meets the standards prescribed in this Section may be used to qualify for certified peace officer status.

B. The academy administrator shall ensure that the academy has the following:

1. A classroom with adequate heating, cooling, ventilation, lighting, and space;
2. Chairs with tables or arms for writing;
3. Visual aid devices for classroom presentation;
4. Equipment in good condition for specialized instruction;
5. A safe driving range for conducting the defensive and pursuit driving course;
6. A firing range with adequate backstop to ensure the safety of all persons on or near the range; and
7. A safe location for practical exercises.

C. Administrative requirements. The academy administrator shall ensure that the academy:

1. Establishes and maintains written policies, procedures, and rules concerning the operation of the academy, entrance requirements, and student and instructor conduct;
2. Admits only persons who meet the requirements of R13-4-105, as attested to by the appointing agency on a form prescribed by the Board;
3. Administers to each student at the beginning of each academy session a written examination prescribed by the Board measuring competency in reading and writing English;
4. Schedules sufficient time for Board staff to administer the CFE as required by R13-4-110(A); and
5. Employs only instructors who are qualified under R13-4-114(A).

D. Academic requirements. The academy administrator shall ensure that the academy:

1. Establishes a curriculum with performance objectives and learning activities that meet the requirements of subsection (E) and R13-4-114(B);
2. Requires instructors to use lesson plans that cover the course content and list the performance objectives to be achieved and learning activities to be used;
3. Administers written, oral, or practical demonstration examinations that measure the attainment of performance objectives;
4. Reviews examination results with each student and ensures that the student makes and understands any necessary corrections and signs and dates an acknowledgment that the student participated in the review;
5. Requires a student to complete successfully an oral or written examination in each topic area before graduating.
  - a. Successful completion of an examination is a score of 70 percent or greater.
  - b. For a student who scores less than 70 percent, the academy shall:

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- i. Provide remedial training, and
- ii. Re-examine the student in the area of deficiency.
- c. The academy shall allow a student to retake an examination in a topic area only once;
- 6. Requires a student to qualify with firearms as described in R13-4-116(E);
- 7. Ensures that a student meets the success criteria for police proficiency skills under subsection (E) (1);
- 8. Provides remedial training for a student who misses a class before allowing the student to graduate; and
- 9. Refuses to graduate a student who is absent more than 32 hours from the full-authority peace officer basic training course or 16 hours from the specialty or limited-authority peace officer basic training course.
- E. Basic course requirements. The academy administrator shall ensure that the academy uses curricula that meet the requirements of R13-4-114 for the following basic courses of instruction.
  - 1. The 585-hour full-authority peace officer basic training course shall include all of the topics listed in each of the following functional areas:
    - a. Functional Area I - Introduction to Law Enforcement.
      - i. Criminal justice systems,
      - ii. History of law enforcement,
      - iii. Law enforcement services,
      - iv. Supervision and management,
      - v. Ethics and professionalism, and
      - vi. Stress management.
    - b. Functional Area II - Law and Legal Matters.
      - i. Introduction to criminal law;
      - ii. Laws of arrest;
      - iii. Search and seizure;
      - iv. Rules of evidence;
      - v. Summonses, subpoenas, and warrants;
      - vi. Civil process;
      - vii. Administration of criminal justice;
      - viii. Juvenile law and procedures;
      - ix. Courtroom demeanor;
      - x. Constitutional law;

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- xi. Substantive criminal law, A.R.S. Titles 4, 13, and 36; and
- xii. Liability issues.
- c. Functional Area III - Patrol Procedures.
  - i. Patrol and observation (part 1),
  - ii. Patrol and observation (part 2),
  - iii. Domestic violence,
  - iv. Mental illness,
  - v. Crimes in progress,
  - vi. Crowd control formations and tactics,
  - vii. Bomb threats and disaster training,
  - viii. Intoxication cases,
  - ix. Communication and police information systems,
  - x. Hazardous materials,
  - xi. Bias-motivated crimes,
  - xii. Fires, and
  - xiii. Civil Disputes.
- d. Functional Area IV - Traffic Control.
  - i. Impaired driver cases;
  - ii. Traffic citations;
  - iii. Traffic collision investigation;
  - iv. Traffic collision (practical);
  - v. Traffic direction; and
  - vi. Substantive Traffic Law, A.R.S. Title 28.
- e. Functional Area V - Crime Scene Management.
  - i. Preliminary investigation and crime scene management,
  - ii. Crime scene investigation (practical),
  - iii. Physical evidence procedures,
  - iv. Interviewing and questioning,
  - v. Fingerprinting.

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*A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*

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- vi. Sex crimes investigations,
  - vii. Death Investigations (including training certified by the Department of Health Services on sudden infant death syndrome),
  - viii. Organized crime activity,
  - ix. Investigation of specific crimes, and
  - x. Narcotics and dangerous drugs.
- f. Functional Area VI - Community and Police Relations.
- i. Cultural awareness,
  - ii. Victimology,
  - iii. Interpersonal communications,
  - iv. Crime prevention, and
  - v. Police and the community.
- g. Functional Area VII - Records and Reports. Report writing.
- h. Functional Area VIII - Police Proficiency Skills.
- i. First aid,
  - ii. Firearms training (including firearms qualification),
  - iii. Physical conditioning,
  - iv. High risk stops,
  - v. Defensive tactics,
  - vi. Vehicle operations, and
  - vii. Pursuit operations.
- i. Functional Area IX - Orientation and Introduction.
- i. Examinations and reviews,
  - ii. Counseling, and
  - iii. Non-Board specified courses.
2. The specialty peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).
3. The limited-authority peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).
4. The 48-hour limited correctional peace officer supplement course shall include all of the topics listed in the following

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functional areas:

a. Functional Area I - Introduction to Law Enforcement: Management and Supervision.

b. Functional Area II - Law and Legal Matters.

i. Laws of arrest, and

ii. Search and seizure.

c. Functional Area III - Patrol Procedures.

i. Patrol and observation, and

ii. Bias-motivated crimes.

d. Functional Area IV - Crime Scene Management.

i. Preliminary investigation, and

ii. Crime scene management.

e. Functional Area V - Proficiency Skills.

i. First aid, and

ii. Firearms training.

5. Administrative functions such as orientation, introductions, examinations and reviews, and counseling are exempt from the requirements of R13-4-114(B).

F. Records required. The academy administrator shall ensure that the following records are maintained and made available for inspection by the Board or staff. The academy administrator shall provide to the Board copies of records upon request.

1. A record of all students attending the academy;

2. A manual containing the policies, procedures, and rules of the academy;

3. A document signed by each student indicating that the student received and read a copy of the academy policies, procedures, and rules;

4. An application, on a form prescribed by the Board, from the appointing agency for each student attesting that the requirements of R13-4-105 are met;

5. A copy of all lesson plans used by instructors;

6. An annually signed and dated acknowledgment that the academy administrator reviewed and approved each lesson plan used at the academy;

7. A copy of all examinations, answer sheets or records of performance, and examination review acknowledgments;

8. An attendance roster for all classes or other record that identifies absent students;

9. A record of classes missed by each student and the remedial training received;

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10. A record of disciplinary actions for all students; and

11. A file for each student containing the student's performance history.

G. Reports required. The academy administrator shall submit to the Board:

1. At least 10 working days before the start of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;

2. No more than five working days after the start of each academy session, on a form prescribed by the Board, a roster containing the identification of the appointing agency, and the full name and Social Security number of each student;

3. No more than five working days after dismissing a student from the academy, notification of the dismissal and the reason;

4. No later than the tenth day of each month, a report containing:

a. A summary of training activities and progress of the academy class to date;

b. Unusual occurrences, accidents, or liability issues; and

c. Other problems or matters of interest noted in the course of the academy, if not included under subsection (G)(4)(b);

5. No more than 10 working days after the end of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;

6. No more than 10 working days after the end of each academy session, on a form prescribed by the Board, a roster containing the identification of the appointing agency, and the full name and Social Security number of each student successfully completing the training.

H. Required inspections. Before an academy provides training to persons seeking certification for any category of peace officer, the Board staff shall conduct an onsite inspection of the academy to determine compliance with this Section and R13-4-114. Board staff shall conduct additional inspections as often as the Board deems necessary.

1. Within 30 days after the inspection, the Board staff shall provide to the academy administrator an inspection report that lists any deficiencies identified and remedial actions the academy is required to take to comply with the standards of this Section and R13-4-114.

2. Within 30 days after receipt of the inspection report, the academy administrator shall submit to the Board a response that indicates the progress made to complete the remedial actions necessary to correct the deficiencies described in the inspection report. The academy administrator shall submit to the Board additional responses every 30 days until all remedial action is complete.

3. Within 30 days after receipt of notice that all remedial action is complete, Board staff shall conduct another inspection.

4. Following each inspection, Board staff shall present an inspection report to the Board describing the academy's compliance in meeting the standards of this Section and R13-4-114.

I. If an academy does not conduct a peace officer basic training course for 12 consecutive months, the academy shall not provide training until Board staff conducts another inspection as required by subsection (H). Otherwise, an academy may continue to provide training unless the Board determines that the academy is not in compliance with the standards of this Section or R13-4-114.

J. If the Board finds that an academy fails to comply with the provisions of this Section or R13-4-114, the academy shall not provide training to persons seeking to be certified as peace officers.

### Historical Note

Adopted effective March 23, 1989 (Supp. 89-1). References to "Council" changed to "Board" (Supp. 94-3). Amended effective October 20, 1995; filed with the Secretary of State April 20, 1995 (Supp. 95-2). Amended by final rulemaking at 8 A.A.R. 3201, effective July 11, 2002 (Supp. 02-3). Amended by final rulemaking at 12 A.A.R. 331, effective March 11, 2006 (Supp. 06-1).

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## B.11: OIS Post Shooting Evaluation Lesson Plan 11761

CITY OF PHOENIX  
PHOENIX POLICE DEPARTMENT  
TRAINING BUREAU

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POST-SHOOTING EVALUATION

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LESSON PLAN:	Post-Shooting Evaluation
LESSON PLAN NUMBER:	11761
TOTAL COURSE HOURS:	1 hour
COURSE CONTENT:	This course is designed as an evaluation for officers who were recently involved in a lethal force encounter, to have them shoot their firearm prior to returning to duty
PERFORMANCE OBJECTIVES:	Attendees will: <ul style="list-style-type: none"><li>1) Demonstrate proper handling of their firearm</li><li>2) Demonstrate the ability to manipulate the firearm</li><li>3) Demonstrate the ability to fire the firearm without hesitation</li><li>4) Demonstrate good marksmanship skills</li></ul>
LESSON PREPARED BY:	Officer Patrick Crouse #6978  Sergeant Jason Wuestenberg #5990  Sergeant Bret Draughn #4725
DATE PREPARED:	August 2013
LESSON REVISED BY:	
DATE REVISED:	
INSTRUCTOR REFERENCES:	<ul style="list-style-type: none"><li>1. AZPOST Firearms Instructor Certification Manual: Revised 2013</li><li>2. Book "On Killing: The Psychological Cost of Learning to Kill in War and Society" Lt. Col. Dave Grossman, Retired</li><li>3. Critical Incident Stress Management Group Crisis Intervention</li></ul>
TRAINING AIDS:	<ul style="list-style-type: none"><li>1. If possible, students should use the same handgun, rifle or shotgun used during the lethal force encounter</li><li>2. 40-80 rounds of practice ammunition in the caliber of the weapon they used during the lethal force encounter</li><li>3. Hearing and Eye protection</li><li>4. Colored picture targets</li></ul>

## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

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**POST-SHOOTING EVALUATION**

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METHOD OF PRESENTATION: Live-fire range exercises

CLASS LEVEL: In-Service

REVIEWED BY:

DATE REVIEWED:

APPROVED BY: (Author's Lieutenant)

DATE:

APPROVED BY: (Author's Commander)

DATE:

APPROVED BY: (Records Approval Committee)

DATE:

APPROVED BY: (Training Bureau Commander)

DATE:

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### POST-SHOOTING EVALUATION

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#### I. INTRODUCTION

- A. Overview of the class
  - 1. Instructor Introduction
  - 2. Roster
  - 3. Class Objectives

#### II. FIREARMS SAFETY RULES

- A. All guns are loaded
- B. Always point the muzzle in a safe direction
- C. Keep your finger straight along the frame until you are on target and you have decided to fire
- D. Be sure of your target and surroundings

#### III. MENTAL ASPECTS OF AN OFFICER INVOLVED SHOOTING

- A. Attitude
  - 1. The purpose of this evaluation is to help the officer determine his/her mindset in regards to returning to work after being involved in a shooting
  - 2. Police involved shootings have increased over the years and it is reasonable to believe they will continue to occur
  - 3. Even if the officer has just been involved in a gunfight, his or her odds of being involved in another one when they return to the street have not changed
  - 4. Prior performance does not determine future performance, situations and stress levels change from situation to situation
  - 5. The possibility exists that the officer may go back to work and find themselves in another deadly force situation - it could be the next shift
  - 6. If the officer gets into a deadly force incident and hesitates, it could jeopardize the officer or others
  - 7. To help prepare the officer to return to work, this evaluation will have the officer shooting live ammunition at picture targets in various situations and some may be designed to simulate the situation of their recent

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shooting

8. Mental preparation is paramount to improve performance during a stressful encounter such as a deadly force incident

B. Mental aspects of using deadly force against another person

1. "We are not programmed and it is not in our nature to cause harm to or use deadly force against, other human beings"
2. Police officers are trained to use physical or deadly force against another person to protect themselves or a third person – they are trained that the use of deadly force may be their responsibility
3. In their deadly force situation, the officer believed they had to use deadly force to protect their life or the life of another person and it is common to later question themselves about that decision
4. This training is designed to simulate the situation the officer was involved in to help limit their chance of hesitating and placing themselves or others in jeopardy
5. Use of a picture target can stimulate the sense of shooting at a human in an attempt to assist the officer to overcome the subconscious mind of using deadly force on another individual

Retired United States  
Army Lt. Dave  
Grossman

#### IV. DRILLS

P.O. 1-4

A. Confirm zero

1. Since the weapon has been out of the control of the assigned officer or they may have a firearm on loan, zeros should be checked and verified
2. Distance and number of rounds will be based on the firearm being used

B. Evaluation course – using the weapon system used in their lethal force encounter

1. Handgun Drills
  - a. 25 yards: 3 rounds, and repeat
  - b. 15 yards; 3 rounds and repeat
  - c. 7 yards: set up for a Stage 1 malfunction clearance drill, draw and fire 3 rounds clearing the malfunction when necessary

## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

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- d. 7 yards: 3 rounds perform a tactical exchange and fire 3 more rounds
- e. 7 yards: Set up an empty gun reload (two in the magazine), draw and fire three rounds, complete an empty gun reload and fire 3 more rounds
- f. 3 yards: With the primary hand only, draw and fire 2 rounds to center of mass and one to the head. Repeat this drill with the support hand only

#### 2. Rifle Drills

- a. 50 yards: 2 rounds standing
- b. 50 yards: 2 rounds from an intermediate position of choice
- c. 35 yards: 1 round, empty gun reload and 1 round
- d. 35 yards: 1 round, tactical exchange and 1 round
- e. 15 yards: 1 headshot. Repeat 2 times (2 rounds total)
- f. 10 yards: 4 to the body, 1 to the head

#### 3. Shotgun Drills

- a. 50 yards: Start with buckshot loaded cruiser ready and fire 2 rounds of slug
- b. 40 yards: fire 2 rounds of slug, perform a tactical reload and fire 2 more rounds of slug
- c. 25 yards: fire 1 round of slug perform an empty gun reload and fire 1 more round
- d. 15 yards: fire 2 rounds of slug to the body and one to the head

C. Using another picture target (male or female), the instructors will run the officer through various shooting drills which may include:

- 1. Shooting from a distance that is close to the distance of the shooting the officer was involved in
- 2. Use cover in an attempt to closely resemble their shooting
- 3. Shoot several rounds in different sequences (one shot, two shot, three shot, etc.)

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### POST-SHOOTING EVALUATION

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4. The drill may replicate their shooting incident

D. Instructors will repeat live fire drills and continue to observe attendee for any type of hesitation or mental /physical duress

#### V. OBSERVATIONS

A. Instructors observing the officer

1. During the drills, the instructor will observe the student's facial expressions, mannerisms, and body language

2. Upon noticing hesitation or unusual reactions to shooting, the instructor will discuss these observations with the student and get feedback

B. Unusual observations of the officer's performance or reaction will be brought to the attention of a Firearms Training Detail supervisor

1. At the discretion of the Firearms Training Detail supervisor, other shooting and decision making techniques may be used (video firearms training simulation system)

2. The Firearms Training Detail Supervisor will be responsible for evaluating options on what to do if unusual observations are made

#### VI. QUALIFICATION

A. If an officer has to use a "loaner" firearm for duty use, then the appropriate qualification will be administered

**\*ANY CHANGES TO THIS OUTLINE CONSTITUTES A REVISION AND MUST BE DOCUMENTED AS A NEW LESSON PLAN AND RE-APPROVED.**

## B.12: Collaborative Reform Recommendation Review



### City of Phoenix

**To:** Joseph S. Knott, Commander  
Professional Standards Bureau

**Date:** May 15, 2015

**From:** Michael Giammarino, Lieutenant  
Professional Standards Bureau

**Subject:** COLLABORATIVE REFORM RECOMMENDATION REVIEW  
NAR15-0018

The Las Vegas Metropolitan Police Department (LVMPD) underwent several reforms as a result of concerns over LVMPD officer-involved shootings (OIS). In January of 2012, the LVMPD agreed to take part in an initiative sponsored by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), known as the “Collaborative Reform Model.”

As part of the initiative, LVMPD agreed to an in-depth assessment of its use of deadly force policies and practices. In support, the COPS Office and the Center for Naval Analysis (CNA), a federally funded research and development center, assisted LVMPD in adopting national standards and best practices as they relate to OIS. CNA conducted the assessment, focusing on four primary areas: (1) policy and procedures, (2) training and tactics, (3) investigation and documentation, and (4) external review. CNA completed the assessment in November of 2012, which documented a total of 75 reforms and recommendations. However, the initiative was not complete and the COPS Office, CNA, and LVMPD continued in their collaboration throughout 2013. By May of 2014, LVMPD had completed 90 percent of the reforms and recommendations. The following reports, created by the COPS Office and CNA, documented the comprehensive initiative:

- *Collaborative Reform Process: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department – Published October 2012*
- *Collaborative Reform Model: Six-Month Assessment Report of the Las Vegas Metropolitan Police Department – Published September 2013*
- *Collaborative Reform Model: Final Assessment Report of the Las Vegas Metropolitan Police Department – Published May 2014*

The reports noted above, although focused on LVMPD, were intended to serve as a resource for all law enforcement agencies. The reports provide current national standards and best practices regarding OIS that agencies can use to measure their policies and practices.

## PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

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Joseph S. Knott

Collaborative Reform Recommendation Review NAR15-0018

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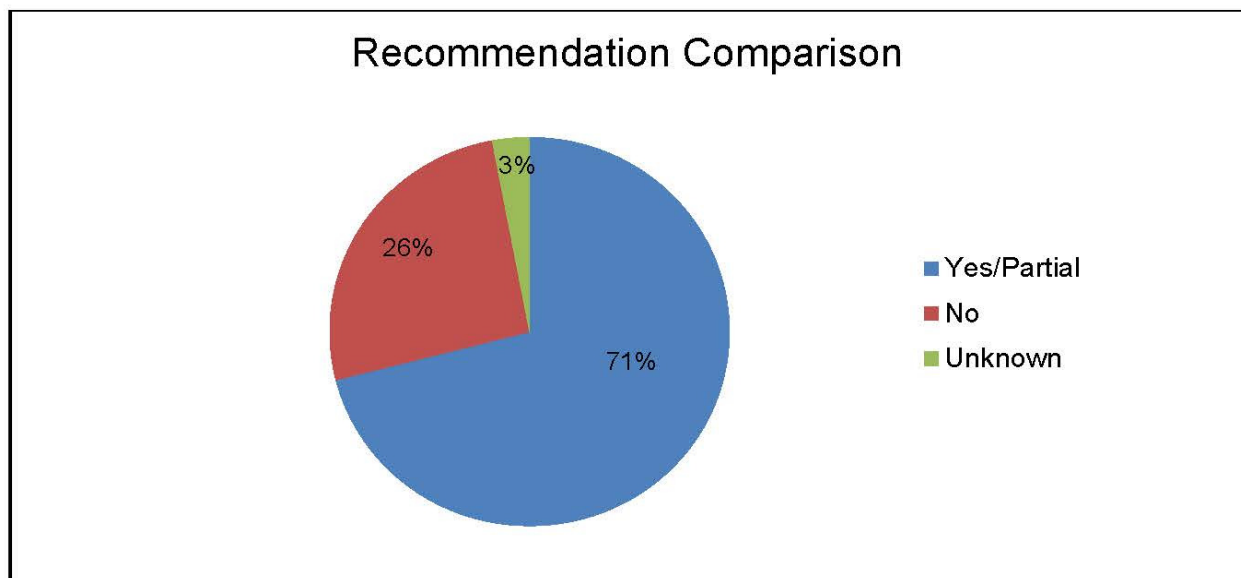
May 15, 2015

In February 2014, the PPD Executive Staff tasked the Inspections Unit of the Professional Standards Bureau (PSB) to initiate a program to identify factors contributing to an increase in OIS incidents within the City of Phoenix. That request resulted in the *Phoenix Police Department Officer-Involved Shooting Collaborative Analysis: A Review of Officer-Involved Shootings for the City of Phoenix Police Department – 2009 through 2014*. In addition to the review noted above, police management requested an evaluation of the 75 reforms and recommendations made of the LVMPD to determine if opportunities to improve Phoenix Police Department policies and practices related to OIS were present.

The 75 recommendations were reviewed and measured using a combination of Phoenix Police Department policy and interviews with department personnel. The table below illustrates the outcome of the review.

Yes	No	Partial	Not applicable	Unknown	Total Recommendations
25	16	19	13	2	75

A total of 13 recommendations could not be compared to Phoenix Police Department policies or procedures because they addressed issues that were unique to the Las Vegas Metropolitan Police Department. Of the 62 remaining recommendations that could reasonably be compared to Phoenix Police Department policies and procedures, the following chart illustrates the findings:



\*The chart above does not include 13 recommendations that did not apply (N/A) to the Phoenix Police Department.

For a detailed listing of the original LVMPD findings, recommendations, and a comparison to PPD policies and procedures, see the attached spreadsheet.

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	FINDINGS	RECOMMENDATION	UNIT(S)	PSB	PSB FINDINGS
1	The LVMPD did not have a command official responsible for managing use of force reforms.	LVMPD should designate a single command official responsible for managing use of force reforms. This command official should be the primary liaison to the community, Department of Justice, and other stakeholders. This individual should report directly to the sheriff.	OOA, UFB	N/A	PPD not in midst of "use of force reforms." CRB serves as liaison to "community" and "other stakeholders."
2	The LVMPD did not have an organizational structure to facilitate use of force reforms.	LVMPD should create a formal organizational structure to facilitate use of force reform and enhance accountability. The sheriff created the Office of Internal Oversight (OIO), headed by the command official responsible for managing the department's use of force reforms. OIO's mission is to significantly reduce deadly force incidents.	TRN, UFB	N/A	No "use of force reform" underway. Tactical Training Detail currently addresses use of force changes. Professional Standards responsible for accountability.
3	The LVMPD needed to revise and reform its deadly force review processes (both administrative and legal in nature).	LVMPD should develop the capacity to conduct comprehensive deadly force reviews (both administrative and legal in nature). The LVMPD created the Critical Incident Review Team (CIRT) to conduct administrative investigations of deadly force incidents. The LVMPD also created a Force Investigation Team (FIT) model to conduct legal investigations of deadly force incidents, but it was later disbanded with the responsibilities shared among Homicide investigators.	PSB, VCB	Yes	PSB conducts administrative investigations and Homicide conducts the criminal/legal investigation.
4	To identify deadly force and OIS gaps, the LVMPD needed to consolidate units that deal with training and administrative investigations and ensure that lessons learned from OIS incident reviews were incorporated back into training.	LVMPD should consolidate units that deal with training and administrative investigations to ensure consistent and better communication about lessons learned from deadly force incidents. LVMPD created the Organizational Development Bureau (ODE) to strengthen communications among the Quality Assurance Unit, CIRT, and the Training Bureau. This included Academy staff, Advanced Officers Skills Training (AOST), the LVMPD Firearms Range, Quality Assurance, Emergency Vehicle Operations Course (EVOC), and CIRT. CIRT investigations were later moved into OIO.	PSB, VCB, TRN	Partial	Homicide conducts a post-shooting debriefing, which includes personnel from PSB, Firearms Detail, and TSB. Additional units responsible for Training and Administrative investigations come together during the TRC; however, they are not housed together. VCB, PSB, and Training are situated in different bureaus and divisions.
5	The LVMPD needed to raise the level of executive involvement in the management of the Use of Force Review Board	LVMPD should raise the level of executive involvement in the management of the Use of Force Review Board. The Use of Force Review Board (UoFRB) is comprised of police officers and civilian members of the community LVMPD serves. Historically, a deputy chief chaired the UoFRB. As of June 2012, the sheriff assigned the higher ranking assistant sheriff of Law Enforcement Operations as the chairman of the UoFRB. This change raises the level of accountability for all incidents being reviewed in the future.	OOA, UFB	Yes	Operations Order 3.18.9 A outlines who is on the Use of Force Board; a member of Executive Staff (Assistant Chief) serves as chairperson of the board.
6	The number of Officer Involved Shootings has declined since the third quarter of 2010.	LVMPD should continue to implement reforms, monitor the progress of these reforms, and evaluate their impact on officer involved shooting (OIS) incidents.	TRN	N/A	This finding addresses LVMPD specific data and trends identified in the 3rd quarter of 2010. The PPD OIS project will provide a mechanism to identify trends unique to PPD.
7	LVMPD does not conduct department wide fair and impartial policing training that includes a focus on deadly use of force. In addition to the community perception of biased interactions in incidents of deadly force, review of agency data found that seven out of 10 (70 percent) OISs involving unarmed suspects were black. Furthermore, six of nine (6 percent) OISs that began as officer initiated stops involved black suspects.	LVMPD should be proactive with respect to fair and impartial policing and provide commanders, supervisors, and officers with advanced, specialized training that includes an emphasis on deadly force decision-making.	TRN	Unknown	Cannot be determined – there is no tracking mechanism in place to determine what training (to include videos) was conducted, when, and if the training was conducted department wide. Last training module occurred prior to 2009. (Miantz 1/7/15)
8	Officer initiated stops are more likely to result in a shooting of an unarmed suspect than any other type of contact.	LVMPD should conduct uniform training on the legal parameters of officer initiated contacts (e.g., consensual stops and investigative detention) throughout the department, starting with proactive entities such as the Gang Crimes Bureau. LVMPD has created training videos on constitutional policing issues (see Recommendation 34). LVMPD should continue to incorporate additional training on this topic into scenario-based and role-playing training modules.	TRN, PAB	Yes	The Legal Unit provides updates regarding a variety of officer initiated contacts, but the training does not appear to be as robust as LVMPD. No department-wide training, videos, or role-playing scenarios.

# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

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	FINDINGS	RECOMMENDATION	UNIT(S)	PSB	PSB FINDINGS
9	LVMPD policy does not require that supervisors respond to calls for service that involve an armed person or persons.	LVMPD should have a policy that requires supervisors to respond to any call for service that involves an armed person or persons.	Patrol, QA	No	Operations Order 2.3.3.A does not explicitly require a supervisor response to calls involving armed subjects.
10	The LVMPD Use of Force Policy was deficient and a comprehensive revision was required.	LVMPD should develop and implement a new Use of Force Policy. The LVMPD recognized the need for improvement in its use of deadly force and began an extensive review of its Use of Force Policy in February 2012.	QA, TRN	N/A	Operations Order 1.5, Use of Force, was last updated 6/13
11	The new Use of Force Policy complies with constitutional standards and model guidelines.	LVMPD should review and update its Use of Force Policy at least annually and as needed to incorporate recent court decisions, analysis of use of force data, and lessons learned from incidents in Las Vegas and other jurisdictions.	QA, TRN, Legal	No	Operations Order 1.5, Use of Force, was last updated 6/13
12	The new Use of Force Policy is comprehensive; however, the format is cumbersome and not structured in a clear and concise manner that allows officers to quickly apply guidance in the field.	LVMPD should separate its Use of Force Policy into several smaller, specific policies. This should include a core policy that serves as the foundation for the other related policies. Examples of stand-alone policies include rifles, shotguns, and other firearms; ECDs; less lethal shotguns; batons; OC spray; and other less lethal weapons.	QA, TRN	Yes	Operations Order 1.5, Use of Force, was last updated 6/13; a "comprehensive revision" of this policy does not appear to be necessary.
13	The LVMPD did not have a "sanctity of human life" statement in its Use of Force Policy.	LVMPD should implement a "sanctity of human life" statement. LVMPD policy now clearly states: "It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances."	QA, TRN	No	No similar statement located in Operations Orders.
14	The "objectively reasonable" standard in the LVMPD Use of Force Policy was not clear.	LVMPD should clarify the "objectively reasonable" factors in the Use of Force Policy. In the past, guidance on "objectively reasonable" was something that was cited by making reference to U.S. Supreme Court Case <i>Graham v. Connor</i> and other applicable case law.	QA, TRN	Partial	The policy does not specifically state "objectively reasonable" or cite <i>Graham v. Connor</i> ; however, guidance regarding "reasonableness" is drawn directly from the case.
15	The LVMPD needed to create an "Intermediate Force" level.	LVMPD should develop an intermediate level of force. This newly defined level of force handed down by the Ninth U.S. Circuit Court of Appeals significantly changed the way officers should employ some of their weapons, specifically batons (when used as intermediate force), OC Spray, and Electronic Control Devices (ECD). LVMPD policy now clearly puts the use of these less lethal weapons into "Intermediate Force" and more clearly defines when they are appropriate to use based on the subject's actions and the eight objectively reasonable factors.	TRN, QA	Yes	Operations Order 1.5 describes a series of "intermediate control techniques" to include hard empty hand, impact weapons (baton), flashlight, canine, and stun-bag. In addition, the policy describes "non-deadly tactic" options to include OC and ECD.
16	The LVMPD needed to revise its use of force model.	LVMPD should develop a new use of force model. A new use of force model was implemented to replace the traditional use of force "wheel" model. The new model clearly identifies the level of force (used by officers) paired with the level of resistance (used by the suspect). It also incorporates the practice of de-escalation and force transition. This model is intended to comply with the Ninth U.S. Circuit Court of Appeal's analysis of use of force and to give better guidance to officers.	TRN, QA	Partial	The PPD policy effectively incorporates Supreme Court rulings regarding the application of Use of Force; however, the existing policy does not explicitly pair officer force options with suspect resistance.
17	The LVMPD needed to revise its less-lethal shotgun policy to better manage its deployment.	LVMPD should revise the less lethal shotgun policy. LVMPD made significant changes to policies governing the use and supervision of the less lethal shotgun.	TRN, QA	Yes	Operations Order 1.5, Use of Force, was last updated 6/13 and addresses use of the stun bag shotgun.
18	The LVMPD determined that it needed to emphasize de-escalation in its Use of Force Policy.	LVMPD should emphasize de-escalation in the Use of Force Policy. The LVMPD Use of Force Policy defines de-escalation and implements a model stressing de-escalation. The policy now makes it clear that de-escalation is a method officers should consider and use in a potentially violent situation.	TRN, QA	No	Nothing located in Operations Order.
19	The LVMPD needed to require its officers to intervene when observing excessive force.	LVMPD policy should require a duty to intervene when witnessing excessive force.	TRN, QA	Yes	Operations Order 1.5.3.C addresses this.
20	The LVMPD needed more stringent parameters for the use of Electronic Control Devices (e.g., Tasers).	LVMPD should implement more stringent parameters for the use of Electronic Control Devices (ECD). The appropriate use of an ECD was defined and placed into the Intermediate Force category.	TRN, QA	Yes	Operations Order 1.5.E outlines guidelines for use of ECD and was last updated 6/13.

# PHOENIX POLICE DEPARTMENT OFFICER-INVOLVED SHOOTING ANALYSIS

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	FINDINGS	RECOMMENDATION	UNIT(S)	PSB	PSB FINDINGS
22	The LVMPD needed to further restrict when officers may shoot at a moving vehicle.	LVMPD should implement restrictions on when officers may shoot at moving vehicles. The LVMPD policy was changed to read, "Department members are not authorized to discharge their firearm, either at or from a moving vehicle, unless it is absolutely necessary to do so to protect against imminent threat to life of the member or others. The imminent threat must be by means other than the vehicle itself."	TRN, QA	Partial	Operations Order 1.5.4.H states that officers will not fire from a moving vehicle nor will officers fire at a vehicle for the sole purpose of disabling it. There is no other reference to shooting at a moving vehicle.
23	The LVMPD needed to develop a policy governing foot pursuits.	LVMPD should develop a foot pursuit policy to establish parameters surrounding decision-making and officer safety. In early 2011, LVMPD developed a foot pursuit policy that details the factors to consider when deciding to engage in a pursuit.	TRN, QA	No	No foot pursuit policy was located in Operations Order.
23	The LVMPD needed to establish more stringent parameters regarding police rifle deployment.	LVMPD should institute more stringent parameters on police rifle deployment. The LVMPD added requirements in its Use of Force Policy specific to the deployment and tactical use of the rifle.	TRN, QA	Yes	Operations Order 1.5.4.H and 4.25.6.I address the deployment of rifles.
24	The LVMPD had no policy governing weapon-mounted flashlights.	LVMPD should implement a weapons mounted flashlight policy. After review of a critical incident in January of 2011, the LVMPD identified that there was no policy governing weapons mounted flashlights.	TRN, QA	Yes	Operations Order 4.25.4.L allows for lights after FTD approval and training. Not mandated for all weapons.
25	The evaluation component of LVMPD's Use of Force Policy is inadequate. The department does not focus on department-wide trends, which could highlight problem areas that need to be addressed more thoroughly.	LVMPD should develop a greater data collection and evaluation capacity for all use of force policies throughout the department and should use that data to identify and proactively address any deficiencies.	TRN, PSB, QA	Yes	CARU currently completes an annual report. PSB's database (APRO) may provide additional opportunities to enhance data collection and evaluation.
26	The LVMPD needs to train every police and corrections officer on the new Use of Force Policy.	LVMPD should implement a program that trains all police and corrections officers on the reformed Use of Force Policy. LVMPD mandated every police and corrections officer attend a 4-hour training class focused on the revisions made to the Use of Force Policy.	TRN, QA	N/A	The finding and recommendation address LVMPD developing a new Use of Force Policy. PPD does not have a new policy. Per TSB Use of Force training is conducted once a year and is tracked through individual officers' training records (17/15). There is no recording mechanism in place for the department as a whole. Ops 1.5.A states: "All sworn employees will receive annual training on the use of force options and policy by department authorized instructors, who are certified through Arizona Peace Officers Standards and Training Board (AZ POST)."
27	The LVMPD needed to revise its use of force training based on analysis of the department's trends.	LVMPD should implement a training program that is based on the analysis of the department's trends. The LVMPD implemented the revised Advanced Officer Skills Training (AOST) program. AOST is a mandatory 8-hour class given once a year to all patrol officers.	TRN, QA, PSB	Partial	PPD's policy related to the role of the TRC provides a mechanism to analyze department trends and to mold both policy and training based on those trends; however, the existing processes defined by policy have not been utilized to their full extent.
28	LVMPD's evaluation of the most recent Use of Force Policy training suggests that officers have the most trouble comprehending policy in the context of a written scenario. Approximately 20 percent of officers were unable to accurately describe a subject's level of resistance and the appropriate level of control to use. Approximately 12 percent of officers were unable to accurately identify the basis for an authorized use of ECD on a fleeing suspect.	LVMPD should take the appropriate steps to understand whether the failed test questions were problematic due to the clarity of the question or to officers' lack of comprehension. LVMPD should hold focus groups with officers who answered the questions correctly and those who answered incorrectly, in order to discern the relevant causes of incorrect answers.	TRN, QA	N/A	Both the findings and the related recommendation are based on results of a written test administered by LVMPD. No written tests conducted by PPD.

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29	The LVMPD needed to create more realistic use of force training to better prepare officers to handle dynamic situations and to successfully bring them to the best conclusion.	LVMPD should implement a Reality-Based Training (RBT) program. RBT was implemented in October 2011. The RBT program is a mandatory semi-annual squad training program for all Patrol, Community Oriented Policing (COP), and Problem Solving Unit (PSU) Sergeants and Officers.	TRN	Partial	PPD conducts reality-based training in the form of annual decision making; however, the process could be more comprehensive.
30	The LVMPD needed to focus on reality-based supervisory responsibility in its use of force training.	LVMPD should focus on reality-based supervisory responsibility in use of force training. For supervisors, Reality-Based Training (RBT) was designed specifically with the emphasis placed on leadership during team scenarios. Supervisors go through each scenario prior to taking their officers through the training. With this structure, supervisors are scheduled to go through the training four times a year.	TRN	No	Cannot be determined – there is no tracking mechanism in place to determine what training (to include videos) was conducted, when, and if the training was conducted department wide. Last training module occurred prior to 2009. (Mantz 1/7/15)
31	LVMPD's new Reality-Based Training program is essential to the department's efforts to continue to improve officers' tactics and prepare them for various real life encounters. However, scheduling conflicts have hampered the program's full implementation.	LVMPD should proceed with the current schedule of RET and conduct a manpower study in order to ensure that it can accommodate the completion of twice yearly RET training.	TRN	N/A	Both the finding and recommendation address circumstances unique to LVMPD.
32	The LVMPD needed to focus on de-escalation in its use of force training.	LVMPD should focus on de-escalation in use of force training. De-escalation has become a main focus in the LVMPD mandatory use of force training.	TRN	No	Lesson Plan 11362 – 5/1/2010 (date prepared) - only provides a definition De-escalation of force. There is nothing to indicate further training. Last training module occurred prior to 2009 (Mantz 1/7/15)
33	The LVMPD de-escalation training is not a requirement and does not include an evaluation component.	LVMPD should establish an annual requirement for officers at the rank of sergeant and below to undergo a minimum number of hours of de-escalation training and formalize assessments of de-escalation tactics in AOST and RBT.	TRN	No	Lesson Plan 11362 – 5/1/2010 (date prepared) - only provides a definition De-escalation of force. There is nothing to indicate further training. Last training module occurred prior to 2009 (Mantz 1/7/15)
34	The LVMPD needed to focus on constitutional policing in its use of force training.	LVMPD should focus on constitutional policing in its use of force training. The LVMPD began focusing on constitutional policing topics. The LVMPD has written and produced short training videos for its officers on topics that include consensual stops and investigative detention/Terry Stops. These videos are educational and focus on assisting officers in the process of making lawful decisions in the field	Legal, PAB, TRN	Partial	Law Bulletins developed and disseminated by the Legal Unit.
35	The evaluation component of LVMPD's training programs is inadequate. The department does not focus on department-wide trends, which could highlight problem areas that need to be addressed more thoroughly.	LVMPD should develop a greater data collection and evaluation capacity for all training conducted throughout the department and should use that data to identify and proactively address any deficiencies.	TRN, PSB, QA	No	IAPro. There is currently no tracking mechanism in place to determine what training (to include videos) was conducted, when, and if the training was conducted department wide.
36	The LVMPD needed to certify its Crisis Intervention Team officers who interact with persons suffering from mental illness.	LVMPD should develop and implement a Crisis Intervention Team (CIT) Recertification Program. CIT officers interact with persons suffering from mental illness, some of whose behavior could be met with force. The LVMPD implemented a program that trains up to 400 officers per year. LVMPD will now recertify all CIT officers on a 3-year basis. The department has also made CIT certification a preferred skill for advancement in the organization.	CISM, PEST, TRN, QA	Partial	PPD offers refresher training on an annual basis; however, the training is not mandated.
37	LVMPD's Crisis Intervention Team recertification program does not contain sufficient frequency or number of hours.	LVMPD should update its training policies to reflect the Crisis Intervention Team (CIT) recertification requirement and increase its number of hours and frequency.	CISM, PSB, TRN, QA	Partial	A policy revision was submitted via the chain of command to address CIT procedures; however, the policy does not mandate recertification or refresher training.
38	Defensive tactics training LVMPD lacks consistency in terms of quality and quantity throughout the department.	LVMPD should exercise necessary oversight and control to ensure consistency through a policy of instructor audits.	TRN	No	No policy was located that addresses the evaluation or audit of instructors.

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	FINDINGS	RECOMMENDATION	UNIT(S)	PSB	PSB FINDINGS
39	The LVMPD needed to implement an individualized training program for officers involved in deadly force situations who committed policy, procedural, or tactical errors.	LVMPD should implement an individualized training program for officers involved in deadly force situations when there were errors. Based on errors identified by the CIRT or Use of Force Review Board (UoFRB), the LVMPD now conducts individualized training for these officers	TRN remedial	Partial	TTD Lt. Moore advised a meeting is mandatory between TTD and the involved officer, but participation is low. There is no accountability for failure to attend (3/27/14). Operations Order 1.5.8.D states this training is mandatory.
40	The LVMPD needs to better manage multiple officer situations. Tactical errors and fatalities are more prevalent when multiple officers are on the scene.	LVMPD should ensure that supervisors and officers are prepared to handle multiple officer situations in the context of deadly force. It should use reality-based incident command scenarios to train supervisors and officers on the management and direction of multiple officers during a critical incident.	TRN	No	Cannot be determined – There is no tracking mechanism in place to determine what training (to include videos) was conducted, when, and if the training was conducted department wide. Last training module occurred prior to 2009. (Mantz 1/7/15)
41	LVMPD is unable to determine whether officer training requirements are being properly monitored by the Bureau Training Coordinator program.	LVMPD should follow existing policy and audit the Bureau Training Coordinator program to ensure that it is accurately monitoring and tracking completion of training requirements. 2) LVMPD should update its training database to accurately reflect officer rank for each year. Additionally, LVMPD should update its archiving process to include this information for all future years. 3) LVMPD should update its training policies to reflect the CIT recertification requirement and increase its number of hours and frequency.	TRN, QA	Yes	Operations Order 2.1.3 Identifies Training Bureau responsibilities
42	The LVMPD needed to enhance officer safety through lessons learned in previous incidents.	LVMPD should develop a method to enhance officer safety through lessons learned from previous incidents. LVMPD developed a series of OIS reenactment videos. CIRT produced the first video reenactment of an OIS and disseminated it for department-wide training and used it as an ongoing training tool.	TRN	No	Sgt. Draughn advised previous incidents are not typically utilized in training (5/20/14). The general circumstances surrounding OIS have occasionally been incorporated into decision making scenarios. No reenactment videos have been produced by PPD.
43	The LVMPD video-based interactive decision-making training program (MIL-O) needed to be expanded to include in-service training.	LVMPD should implement video-based decision-making training for veteran as well as newly hired officers. LVMPD recognized that although new recruits in the Academy had access to video-based decision-making training, veteran police officers had not attended such training in several years. All police officers now are required to attend interactive training annually.	TRN	Yes	Operations Order 4.25.1.C(2) states officers must pass an annual decision making test
44	The LVMPD needed to ensure that its supervisors were trained on the new Use of Force Policy	LVMPD should train all supervisors on the new Use of Force Policy prior to the training of their officers. All supervisors are mandated to attend a Use of Force Policy training to review any updates to the policy and/or training.	TRN, QA	N/A	PPD has not had cause to produce sweeping changes to its Use of Force policy. Revisions are made as necessary and disseminated.
45	The LVMPD needed to expand mandatory Electronic Control Device (ECD) training (e.g., Tasers).	LVMPD should expand Mandatory ECD Training beyond 2 hours. As of March 2012, LVMPD requires every police officer who carries an ECD to attend a 4-hour mandatory training class. The class includes inspection of each officer's ECD, classroom lecture, and scenario-based training.	TRN	Partial	Initial training is 5 hours with a 2 hour refresher course once a year "in theory" per TSB (Woods 1/7/15). Operations Order 1.5.4.E indicates ECD operators will recertify annually. Lesson Plan 11887 (6/2/11) reviewed. Taser inspections are conducted at the precinct level and consist of 6 random taser inspections per month per precinct.
45	The LVMPD did not have an Electronic Control Device (ECD) inspection process.	LVMPD should implement a mandatory ECD inspection program. LVMPD discovered it had no formal process of inspection for the weapon and there was no consistent mandatory/hands-on annual training with the ECD. LVMPD has now dedicated a fulltime officer to ECD inspections/training.	TRN	Partial	"In theory" officers from TSB would go to squads and inspect ECDs (Woods 1/7/15). Nothing located in Operations order.

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FINDINGS	RECOMMENDATION	UNIT(S)	PSB	PSB FINDINGS
47 Some LVMPD instructors did not express support for portions of the Use of Force Policy reforms during training.	Instructors should express support for new policies. When illustrating policy violations, they should take the opportunity to explain that they are not only potentially illegal but that they do not represent the best in policing or reflect the values of the police department. This should be ensured through instructor training and audits of instruction conducted throughout the department.	TRN, QA	Unknown	Cannot be determined – there is no tracking mechanism in place to determine what training (to include videos) was conducted, when, and if the training was conducted department wide. Last training module occurred prior to 2009. (Maritz 1/7/15)
48 LVMPD needed to enhance officer safety when police encounter other officers in plainclothes.	LVMPD should implement Police-on-Police Training. LVMPD established a mandatory in-service training class titled "Police-on-Police encounters for all Problem Solving Units (PSU). PSU are plainclothes officer working in substations.	TRN, NET, QA	No	Cannot be determined – there is no tracking mechanism in place to determine what training (to include videos) was conducted, when, and if the training was conducted department wide. Last training module occurred prior to 2009. (Maritz 1/7/15)
49 LVMPD needed unit-specific training that addresses OIS incidents.	LVMPD should develop specialized training for units in response to OISs handled improperly. As a result of a critical incident involving a narcotics squad, CIRT initiated specialized unit-based training in critical incident response.	TRN, PSB, QA	No	Per L.L. More, there is an informal meeting with the involved officer. It is not based on a structured lesson plan, training, or test. There is nothing in place to ensure detailed documentation of the meeting is completed or retention of any generated documentation (3/27/14).
50 The LVMPD needed a training module that focused on weapons and flashlights.	LVMPD should implement a training module that focuses on weapons and flashlights. The LVMPD focused on their combined November training after a review of a critical incident in January 2011. LVMPD CIRT identified that there was only sporadic training being conducted that addressed the tools combined use.	TRN	Partial	The Firearms Detail offers optional training classes and annual qualifications at night require the use of a flashlight.
51 Actual LVMPD radios are seldom used in LVMPD scenario-based training. However, in our review of OIS incidents, the most frequent tactical error involved radio communications.	In all scenario-based training, trainees should be using actual LVMPD radios to enhance the experience and make it as realistic as possible.	TRN	No	Cannot be determined – there is no tracking mechanism in place to determine what training (to include videos) was conducted, when, and if the training was conducted department wide. Last training module occurred prior to 2009. (Maritz 1/7/15)
52 The LVMPD Policy Manual has not been updated to reflect current AOST requirements.	LVMPD should update its policy manual to reflect the actual Advanced Officer Skills Training (AOST) program.	TRN, QA	Yes	Lesson Plan 11630 - 1/30/2013 (date prepared). Operations Order 3.23.9 A states training will be completed yearly (revised 9/11). Last documented training was in 2013 with 1100 officer in attendance.
53 The LVMPD needed to establish the capacity to conduct comprehensive deadly force reviews that are administrative in nature.	LVMPD should conduct comprehensive administrative deadly force investigations. The LVMPD developed the Critical Incident Review Team (CIRT). CIRT conducts in-depth reviews of all use of deadly force incidents. CIRT investigations are administrative in nature. The statements and evidence obtained are for internal use only, and are used to dissect the officer's tactics, decision-making, and training. The information is then used to affect training given department wide. In addition, CIRT now presents their incident reviews to the Use of Force Review Board.	PSB	Yes	After 938 debriefing, PSB investigators meet with TTD to discuss specifics of OIS. Sgt. Draughn advised previous incidents are not utilized in training to avoid "controversy" (5/20/14). TTD does not present their reviews to the Use of Force Board
54 LVMPD stopped the FIT model of one squad handling all officer-involved shootings, returning to a process of all homicide squads handling the investigations on a rotation basis.	LVMPD should re-establish a specialized group of investigators designated to conduct comprehensive deadly force investigations, in conjunction with the District Attorney's office, that are legal in nature.	VCB	Yes	Homicide - Critical Incident Investigators

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55	The LVMPD needed to develop more specific use of force finding categories in order to provide greater accountability	LVMPD should develop more specific use of force finding categories Completed in order to provide greater accountability. The LVMPD implemented June 2012, new Use of Force Review Board (UoFRB) determinations. The findings were significantly revised	TRN, QA, UFB	No	Operations Order 3.18.11.B refers to the Use of Force Board. The UFB Manual was updated 1/15 and training was conducted in 10/13 (citizens) and between 1/14 and 3/14 (peer). Use of Force Board outcomes are limited to "In Policy" and "Out of Policy".
56	In the past, the Use of Force Review Board rarely issued disciplinary or corrective action, due to both structural constraints and a lack of institutional oversight.	LVMPD should formalize the new functions of the UoFRB in its policy manual and monitor their continued implementation and impact. As this process continues to mature and is formalized into departmental policy, it will allow the department to identify gaps in training, policy, and tactics. In addition, the department should review the level of implementation closely as the new process is standardized.	UFB, TRN, QA, PSB	Partial	Operations Order 3.18.11.B refers to the Use of Force Board. The UFB Manual was updated 1/15 and training was conducted in 10/13 (citizens) and between 1/14 and 3/14 (peer).
57	LVMPD standard operating procedures for the Use of Force Review Board are outdated and insufficient.	LVMPD should develop a stand-alone manual for UoFRB containing standard operating procedures, the roles and responsibilities of involved parties, and the purpose of the board.	UFB, QA	Yes	Operations Order 3.18.11.B refers to the Use of Force Board. The UFB Manual was updated 1/15 and training was conducted in 10/13 (citizens) and between 1/14 and 3/14 (peer).
58	Presentations by LVMPD personnel to the UoFRB, as well as questions by members of the UoFRB, are not perceived as objective.	LVMPD should mitigate the potential for bias and leading questions, and emphasize the UoFRB's objectivity by providing members of the board and presenters with training on how to present information and/or ask questions in a non-biased or neutral fashion.	PSB, UFB, QA, TRN	Partial	This was not the focus of the UFB citizen and peer training. There is no training on this matter (Zeiner 2/3/15).
59	LVMPD's process for tracking the implementation of UoFRB recommendations is informal and unrefined.	LVMPD should streamline the exchange of information between OIO and bureau commanders who are in charge of ensuring that UoFRB recommendations are implemented.	PSB, TRN, QA	N/A	Finding and recommendation address issues unique to LVMPD.
60	LVMPD does not analyze use of force reporting and data on a routine basis in order to identify department-wide trends and quickly remedy any issues.	LVMPD should analyze use of force reporting and data on a regular basis in order to identify trends and quickly remedy any issues through remedial training or discipline if needed.	PSB, TRN, QA	Partial	Policy in place related to TRC functions would address this issue, but has not been utilized to its full extent.
61	LVMPD does not conduct a comprehensive review of an officer's training record as part of its administrative use of force investigations.	As part of its standard use of force investigations, LVMPD should conduct a comprehensive review of an officer's training record, to include historical data on training requirements and remedial training.	PSB, TRN	Partial	PSB conducts a review of annual qualification scores as part of its administrative use of force investigations.
62	LVMPD homicide investigators do not consistently video-record all interviews for OISs.	As part of their investigatory and interview procedures in an OIS, homicide investigators should video and digitally record all interviews.	VCB	Partial	Homicide Unit only conducts audio recordings of involved officers while at the scene.
63	The LVMPD needed to create a mechanism to provide its workforce with timely information following a deadly-force incident.	LVMPD should provide personnel with timely awareness of issues that arise following a deadly-force incident. Since February 2011, the LVMPD has authored and distributed an Awareness Report. The Awareness Report is a brief, preliminary report that provides the workforce with a general, factual summary of events as known to the department. It references any policies, protocols, and/or training doctrines related to the critical incident. CIRT continues to author and distribute an Awareness Report within 24-48 hours after a critical incident	VCB, VCB	Yes	ENSWear Your Vest authored by Homicide is distributed throughout the department within 48 hours of the OIS. However, there are no references to any policies, protocols, and/or training doctrines.
64	The Police Protective Association and Police Managers and Supervisors Association have directed their members to not cooperate with deadly force investigations if involved in an OIS.	In order to ensure complete and thorough investigations and engender community trust, the police associations should encourage their officers who are involved in shootings (shooters, witnesses, and supervisors) to cooperate with the OIS investigation.	PLEA, PPSLA, PSB	Yes	PPD has a cooperative relationship with PLEA and PPSLA
65	LVMPD needed to compile and maintain detailed deadly force statistics that can be used to identify trends and increase transparency	LVMPD should compile and maintain detailed deadly force statistics Completed that can be used to identify trends and increase transparency. The August 2012 LVMPD Office of Internal Oversight uses this data to inform an internal Quarterly Report detailing progress made toward meeting LVMPD's mission of significantly reducing deadly force incidents.	CARU, PSB, VCB, QA	Partial	Operations Order 1.5.8 F - Outlines Use of Force, Semi-Annual Report. This should be completed by TRC. In progress OIS report.

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66	LVMPD has produced an annual review of OIS statistics and plans to disseminate the report to the public.	LVMPD should formalize the production and dissemination of an annual report of OIS statistics.	CARU, PAB	Yes	CARU currently produces an annual report documenting OIS statistics.
67	The Coroner's Inquest process related to review of deadly force incidents is ineffective	Clark County Commission should review the necessity and purpose of the Coroner's Inquest since it is now being met by the public release of the DA's Memorandum of Decision and the LVMPD OIS review.	OME, VCB	N/A	Finding and recommendation address issues unique to LVMPD.
68	The Clark County DA's Office needs more training and expertise related to investigating deadly force incidents.	The Clark County District Attorney's Office should acquire additional expertise and dedicated resources to investigate OISs more comprehensively.	MCAO, VCB	N/A	Finding and recommendation address issues unique to LVMPD.
69	The Clark County District Attorney has begun to review OISs that result in death and to issue decision letters regarding criminal findings. However, decision letters are not issued for serious, non-fatal use of force incidents.	The Clark County DA's Office should continue to review all fatal use of force cases and consider also reviewing significant uses of force that did not result in death.	MCAO, VCB	N/A	MCAO Review Board
70	LVMPD is now releasing deadly force investigation summary reports in response to community concerns about the perceived lack of accountability for officers involved in OISs.	LVMPD should provide greater transparency of its police operations and internal reviews relating to use of deadly force by creating a policy to mandate the timely release of information on OISs and more open dialogue with the public.	PAB	Yes	A-7 of the PSB manual outlines the release of PSB records, but there is nothing specific outlining what will be released regarding OISs (updated 4/13).
71	LVMPD needed to increase transparency related to deadly force incidents.	LVMPD should implement a protocol to release documents related to Deadly Force incidents. The LVMPD Office of Internal Oversight (OIO) began releasing documents related to OISs in conjunction with the decision letters released by the District Attorney's office. The redacted homicide report and the OIO Review are now released. These documents are posted on the LVMPD website along with the DA letters.	PSB	Yes	A-7 of the PSB manual outlines the release of PSB records, all investigations are released in response to public record requests (updated 4/13).
72	LVMPD currently lacks standards and procedures for releasing information on OISs to the media and the public.	LVMPD should develop a formal communications/media strategy for OISs.	PAB, VCB, PSB	Yes	Operations Order 5.2 outlines media relations policies, but there is nothing specifically related to OISs.
73	The information LVMPD provides to the public on the circumstances of OISs is not meeting community expectations and is contributing to the public's negative perception of LVMPD.	LVMPD should work with community leaders and other stakeholders to establish mutual expectations and a process for the release of information to the public following an OIS.	PAB, VCB	Yes	PPD releases records to the public and proactively pursues community outreach.
74	The LVMPD Sherman Gardens community policing model has proven effective at enhancing police-community partnerships within that neighborhood	LVMPD should develop community policing strategies similar to those used in Sherman Gardens and apply them to high crime neighborhoods in an effort to enhance police-community partnerships across the city.	Patrol, OCA	N/A	Both the findings and recommendations address a policing strategy used in a LVMPD neighborhood.
75	LVMPD has publicly expressed its commitment to providing officers with wearable cameras.	Wearable camera technology is relatively new, and further research is still needed regarding its efficacy. LVMPD has invested in this innovative technology and should collect operational data and evaluate its effectiveness in the field. Lessons learned from this pilot will not only benefit LVMPD and its community, but should also be shared with departments across the country to help inform their decisions to invest in this technology.	MVP, QA	Yes	Operations Order 4.49 Body Worn Video Technology - Pilot (4/13).