



City of Phoenix

General Information Packet

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Department of Justice Investigation Update

This report provides information relating to the United States Department of Justice (DOJ) Investigation into the Phoenix Police Department (PPD).

Summary

Since the Department of Justice (DOJ) announced its investigation into the Phoenix Police Department (PPD) on Aug. 5, 2021, large numbers of PPD and City staff from various departments have supported and participated in the investigation. See prior updates on June 30, 2022, as well as Jan. 19, March 23, April 27, May 25, and June 29, 2023.

The investigation mainly focuses on five areas:

- Excessive force in violation of the Fourth Amendment.
- Discriminatory policing that violates the Constitution and Federal Law.
- Retaliation against those engaged in First Amendment-protected activities.
- Violations of the Americans with Disabilities Act (ADA) related to behavioral health disabilities.
- Violations of the rights of individuals experiencing homelessness with regards to the disposal of their property.

The investigation has also probed issues such as training, supervision, and accountability.

Two Year Investigation

Aug. 5, 2023, marked the two-year anniversary of the DOJ's announcement of a Pattern and Practice Investigation of the City of Phoenix Police Department and the City of Phoenix. The investigation has included seven site visits to Phoenix, the most recent of which occurring in the spring of 2023, and four formal requests for production of documents containing 234 specific requests. In response, the City has provided:

- more than 81,000 documents.
- approximately 20 terabytes of data from multiple systems.
- approximately 20,000 body-worn camera videos.
- approximately 200 recordings of 911 calls.

- interviews of over 100 PPD and City employees.
- 200 hours of ride-alongs with PPD.

Improvements

The Phoenix Police Department (PPD) and the City continue to assess and improve the department and the City's operations in several areas related to the DOJ investigation. Before the investigation was announced, PPD and the City had already launched various reform and improvement initiatives, focusing on the high number of shootings of civilians by officers in 2018, the unrest and protests spurred by the murder of George Floyd, the growing awareness of situations in which police officers are required to deal with individuals experiencing mental health episodes, and the growing unsheltered population. These initiatives include:

Police Department Reforms and Improvement Initiatives:

- Created the Organizational Integrity Bureau and Continuous Improvement Unit, whose shared mission is to implement reform and improvement initiatives throughout PPD.
- Completed a comprehensive revision of PPD's use of force policy, with community input.
- Piloted and trained officers to implement programs involving the use of less-lethal tools.
- Mandated industry best-practice trainings for de-escalation.

Police Department Enhanced Training

Mandated Integrated Communications, Assessment and Tactics (ICAT).

- ICAT training to officers, which provides first-responder law enforcement officers with the tools, skills, and options to successfully and safely defuse a range of critical incidents, combining critical thinking, crisis intervention, communications, and tactics in an integrated training program.
- Recent studies have shown agencies adopting ICAT demonstrated statistically significant reductions in use of force incidents (-28.1%), citizen injuries (-26.3%), and officer injuries (-36.0%) in the post-training period.

Active Bystandership for Law Enforcement (ABLE) Training

- Implementing ABLE throughout PPD. ABLE teaches police officers the tactics and strategies of active bystandership, which is designed to create a police culture in which officers are encouraged to intervene with their colleagues to prevent misconduct, avoid mistakes, and promote officer health and wellness.
- By December 2023, 1400 PPD employees will have completed ABLE training. We

anticipate that all sworn members of the department will complete the training by June 2024.

- ABLE has been introduced in numerous police departments around the country.

Other Improvement Initiatives by the City of Phoenix

- Created the Office of Homeless Solutions to support the City's unsheltered population, connect individuals to resources, and address encampments.
- Invested in and Expanded the Community Assistance Program (CAP) to serve as a third branch of emergency response by sending clinicians and peer support specialists to scenes where needed throughout the city.
- Currently conducting a review of citizen complaint and misconduct investigation process.

Research on Consent Decree Financial Impact

Staff issued a survey to seven cities that have gone through the consent decree process to obtain information on the costs incurred as a result of the decree. Due to limited response, staff conducted research on information publicly available. Therefore, most of the costs are imperfect and incomplete estimates based on online sources. Many cities have not tracked investigation costs, or currently do not keep detailed line item costs related to consent decrees. All population data was taken from 2022 Census numbers. **Attachment A** includes more information.

The categories of costs include staff additions to implement and track reforms required by the decree, capital investments (including improvements to computer and records management systems), payments to the outside monitoring team (between \$1.5 and \$4 million annually), and payments to outside vendors including counsel and consultants.

Albuquerque, NM (population 561,000)

- \$25 million total since 2014
- \$10 million for monitor fees

Baltimore, MD (population 569,000)

- \$7.7 per year average total (not including staffing)
- Spent \$10.5 million in 2018 for initial capital costs
- \$38.6 million budget line items for Compliance Bureau (which oversees consent decree reform) in 2022

Chicago, IL (population 2.6 million)

- Monitors have billed \$14 million to oversee consent decree since 2018, cost have risen as high as \$4 million per year, despite an initial cap on monitoring
- \$25.5 million allocated in budget for consent decree related expenses for 2020 alone
- \$36 million allocated to consent decree related hiring in 2023

Detroit, MI (population 620,000)

- \$50 million over 12-year consent decree (2003-2014)

Ferguson, MO (population of 20,000)

- \$9.4 - \$15 million over five years

New Orleans, LA (population 369,000)

- \$55 million since 2010 (estimates online range)
- \$1.4 million per year on monitor fees annually
- Another \$6 - \$10 million estimated

Oakland, CA (population 430,000)

- More than \$28 million in first 17 years of consent decree

Seattle, WA (population 749,256)

- Over \$100 million since 2011

PPD Investigation Costs

At the conclusion of Fiscal Year 2022-23, the investigation costs to the City were approximately \$5.1 million. See attached **Attachment A** for more information.

Recent DOJ Findings Reports

- The DOJ released Findings Reports for the police departments in Louisville, Kentucky in March 2023 and Minneapolis, Minnesota in June 2023.
- Both cities signed agreements in principle with DOJ, signifying a commitment to negotiate in good faith towards a consent decree that will include court-ordered monitoring.
- To date, neither City has received an initial draft consent decree.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and the Law Department.

ATTACHMENT A

Department of Justice Investigation Update Consent Decree Cost Comparison

CITY	DATES OF INVESTIGATION	DATE OF CONSENT DECREE	STATED SCOPE OF INVESTIGATION	SCOPE OF CONSENT DECREE	COST OF CONSENT DECREE (TO DATE)	ADDITIONAL COST INFORMATION
Albuquerque	11/1/2012 to 4/1/2014 18 MONTHS	6/1/2015 - still open 7 YEARS - as of Sept. 2022 entered self-assessment compliance, must file report with the court every 6 months	Use of force Mental illness/crisis	Implementing a Civilian Police Oversight Agency Mental Health Response Advisory Committee Community Policing Councils Community policing partnerships Periodic community meetings Public reports on the City's progress toward compliance Also mandates significant changes to use of force policies, <u>investigation and reporting.</u>	(As of May 2022) Total cost approx. \$25 million	
Baltimore	5/1/2015 - 08/10/2016 16 MONTHS Report and agreement in principle	April 7, 2017 - Still open 6 YEARS	In-custody death of Freddie Gray (during transport) was in April 2015, investigation opened shortly after. Broad investigation, covering: Use of force In-custody transfers Mental illness Sexual assault Community engagement	<u>Key topics include:</u> use of force, in-custody transfers, mental illness, sexual assault, retaliation for first amendment activity. The Justice Department issued a scathing report, arguing that black residents were subject to disproportionate rates of stops, searches, and arrests.	Estimates were \$7.7 million a year Annual line item for BPD's Compliance Bureau (which oversees the consent decree reform) is \$38.6 million for 2022 Spent \$10.5 million in 2018	FY23 Budget for "Building Public Safety" \$1.1 billion. Increase of 5% from FY22 (\$52 million)
New Orleans	5/15/2010 - 12/16/2011 10 MONTHS	7/24/2012 - still open 11 YEARS	no detailed information found	use of force; stops, searches, seizures and arrests; photographic lineups; custodial interrogations; bias-free policing; policing free of gender bias; community engagement; recruitment; training; performance evaluations; promotions; officer assistance and support; supervision; secondary employment; and misconduct-complaint intake, investigation and adjudication	Monitor is \$2 million per year; spent \$7 million in 2012. 2022 NOPD DOJ Budget: \$7.9 million 2023 NOPD DOJ Budget: \$8 million	Monitoring Team costs: -Pre-Pandemic travel about \$2 million per year -Height of COVID (working remote) \$900k per year -2022 \$1 million -Jan 2023 billed for \$244k -Feb 2023 billed for \$163k - Partners of DC law firm (monitoring team) bill \$515/hr -Team SME's bill \$200-400/hr -Team Jr. Associates bill \$425/hr -Travel during peak times (Mardi Gras, billed 7 hrs at \$515/hr per person, to monitor Mardi Gras event)

CITY	DATES OF INVESTIGATION	DATE OF CONSENT DECREE	STATED SCOPE OF INVESTIGATION	SCOPE OF CONSENT DECREE	COST OF CONSENT DECREE (TO DATE)	ADDITIONAL COST INFORMATION
Seattle	3/31/2011 - 12/16/2011 9 MONTHS	7/27/2012 - March 2023 (AGREEMENT ON SUSTAINED COMPLIANCE AND STIPULATED [PROPOSED] ORDER OF RESOLUTION) 11 YEARS - some compliance on-going in 2 areas	Unconstitutional policing through: (1) the use of excessive force; or (2) discriminatory policing	Consent decree and an MOU Covers use of force, bias in police, stops and seizures, mental health. MOU creates a Community Police Commission	City reports over \$100 million spent as of May 2020 (approx. 8 years)	\$100,314,122 as of February 2020 <u>Includes:</u> Monitor expenditures approx. \$8 million Consultant costs approx. \$9.9 million Accountability entities approx. \$32.5 million <i>Note: Some costs allocated to other areas (ie. City IT) and not reflected in cost summary pertaining to DOJ/CD)</i>
Chicago	12/1/2015 - 1/1/2017 13 MONTHS	1/19/2022 - still open 20 MONTHS	Use of excessive force, including deadly force that disproportionately harms African Americans and Latinos	Unlawful policing - 9 areas of reform identified	\$25.5 million allocated by city - initial outlay	
Cleveland	3/2013 - 12/2014 20 MONTHS	12/4/2014 - still open 9 YEARS	Allegations of excessive force	Community engagement and building trust Community and problem-oriented policing Bias-free policing; use of force Crisis intervention Searches and seizures Accountability Transparency and oversight Officer assistance/support Supervision	Between \$6 and \$11 million annually - estimate from the American Civil Liberties Union of Ohio (ACLU) on December 16, 2020 Spent \$11 million initially in 2015	
Newark	5/9/2011 - 7/22/2014 38 MONTHS	5/5/2016 - still open 7 YEARS	Allegations of excessive force Unwarranted stops and arrests Discriminatory police actions.	Officer training Policies and supervision related to stops, searches, and arrests Bias-free policing principles Use of force policies Complaint Investigations	Estimates of \$8 million annually Monitor cost capped at \$7.4 million based on a five-year term	

**Department of Justice Investigation Update
PPD Investigation Costs**

	2021	2022	Total
Contracts	\$ 123,582.00	\$ 269,319.10	\$ 392,901.10
CoP Personnel	\$ 1,324,238.00	\$ 1,735,769.00	\$ 3,060,007.00
Outside Counsel & Consultants	\$ 574,215.00	\$ 467,896.89	\$ 1,042,111.89
Travel, Commodities and Services	\$ 291,000.00	\$ 330,798.00	\$ 621,798.00
YEARLY TOTALS	\$ 2,313,035.00	\$ 2,803,782.99	\$ 5,116,817.99