

DOJ Community presentation Script

(Video and visual elements for each portion of script are listed in bold)

### **Open – Generic drone video of city**

As members of this community, we feel it's important you know what's going on with the Department of Justice Investigation. So over the next few minutes we will share what we know – what we've done to modernize and improve, and how we plan to keep improving in the months and years to come.

### **On Camera - Ryan**

My name is Ryan Cody. I'm a Senior Public Information officer with the Phoenix Police Department's Continuous Improvement Unit.

What you are about to watch is a virtual version of the same presentation we will be giving \*in-person\* to various groups across the community.

### **Video – TJ and Chief Chapman during command staff presentation**

Just like those in-person presentations – this video will include insight from a member of the Phoenix Police Department's Executive Staff. In this case – Assistant Chief Bryan Chapman. And a member of the City of Phoenix Law Department. Chief Assistant City Attorney – TJ Martin.

### **TJ interview**

“the purpose of this presentation is an opportunity for the members of this community to hear directly from those of us who are responsible for responding to the DOJ so we can answer your questions and you have an opportunity to hear exactly what's been transpiring over the last two and half years.”

### **Slide 2**

Here's the agenda for this video along with times to scroll ahead if you choose.

First - we will talk about pattern or practice investigations.

We'll talk about why the DOJ is investigating Phoenix.

What are the five areas the DOJ says they are focusing on.

A summary of the investigation so far.

When we expect the investigation to end.

Our continuous improvement efforts.

And what we expect are the next steps in the process.

### **Slide 3**

So what is a Pattern or Practice investigation? After the attack on Rodney King - Congress passed the Violent Crime Control and Law Enforcement Act of 1994. Which gives the US Attorney General authority to conduct pattern-or practice investigations into law enforcement agencies. The idea is to identify patterns of misconduct – systemic deficiencies and ensure constitutional policing through reform agreements.

### **Slide 4**

We know Phoenix was one of four investigations launched in 2021. The first two were in cities where major police incidents garnered national attention. The Minneapolis Police Department following the death of George Floyd. And the Louisville Police Department following the death of Breonna Taylor. In the Phoenix case, DOJ has not cited any specific incident that led to opening its investigation, but did outline five areas of focus.

### **Slide 5**

first is to assess the use of excessive force in violation of the fourth amendment.

### **Slide 6**

The second is whether Phoenix PD engages in discriminatory policing that violates constitutional and federal law.

### **Slide 7**

Number three is whether Phoenix PD engages in retaliation against those participating in first amendment protected activities.

### **Slide 8**

The fourth area is assessing the city's systems and practices for responding to those with mental and behavioral disabilities.

### **Slide 9**

And number five is determining if the city of Phoenix violates the rights of individuals experiencing homelessness by unlawfully seizing or disposing of their property. An important note – Phoenix is the first city to be investigated by the DOJ in this area.

#### **RYAN ON CAMERA**

It's also worth noting – based on our research of other investigations - the DOJ has routinely come up with findings and recommendations in areas not specifically outlined at the start. So it's possible investigators are looking into other areas as well.

#### **Slide 10**

So now that you know what is being investigated – let's talk about what has happened thus far. In August, 2023 – two years after the investigation began – Interim Chief Michael Sullivan and the Phoenix Police Department's Continuous Improvement Unit released this update video.

**VIDEO PLAYS (Total Run Time: 2:47)** - Ends with "we are and always will look for ways to improve."

#### **RYAN ON CAMERA:**

Since that two-year update video – the City of Phoenix has continued producing documents and body worn camera videos as requested by the DOJ. And as of late December - 2023 - those requests are still coming in.

#### **GENERIC CITY VIDEO - \$5.1 MILLION APPEARS ON SCREEN.**

A question many people have is how much has this cost so far? - by the end of fiscal year 2022 - 2023 – the city has spent roughly five-point-one million dollars to facilitate -and cooperate with the investigation.

#### **Slide 11**

So when will the investigation end? It's a question the city of Phoenix has asked DOJ on several occasions. And each time investigators declined to provide an estimate.

#### **Graphic or video showing Mr. Barton and Chief Sullivan:**

However – representatives from the DOJ came to Phoenix in November, 2023 for in-person interviews with City Manager Jeff Barton and Interim Chief Sullivan. Something other cities who have been through

this process say was a final step in their investigations. Regardless of the timing – The city of Phoenix is already prioritizing change.

### **Slide 12**

And many of these reforms were put into place before the DOJ announced its investigation. Here are just a few. In 2015 the City manager's office launched the Community and Police Trust Initiative. This created dialogue between the police department and community it serves. Several recommendations born from this initiative were drafted and implemented.

### **CIT SQUAD VIDEO**

Also in 2015 – Phoenix PD launched dedicated crisis intervention teams of officers specifically trained to respond exclusively to calls involving mental and behavioral health.

### **PICTURES OF LORETTA LYNCH AT THE ACADEMY**

In 2016 the Department of Justice and then U-S Attorney General Loretta Lynch traveled to the Phoenix Regional Police Academy and praised Phoenix P-D for leading the way in law enforcement innovation.

### **BWC VIDEO**

Body worn cameras were initially deployed in 2013. And by 2019 every officer in the city of Phoenix was outfitted with body worn camera technology.

### **Slide 12**

And in 2020 the Phoenix City Council approved the formation of the Office of Accountability and transparency. Which is a civilian run office designed to review police misconduct and facilitate communication with the community about police issues.

### **Slide 13**

In June of 2020 – Phoenix P-D committed to becoming compliant with a national change movement called #8cantwait. Created by Campaign Zero in the wake of George Floyd's death – #8cantwait called for law enforcement agencies to be compliant in eight areas of industry improvement, which you see here on screen. Less than a year later in February 2021 – Phoenix Police was deemed fully compliant with #8cant wait.

#### **Slide 14**

As for the specific areas of focus for the DOJ's investigation. Starting with Use of Force. In 2021 P-D rolled out its less-than-lethal pilot program in two precincts.

#### **LESS LETHAL TRAINING VIDEO**

Training officers on multiple less-than-lethal tools such as the 40-millimeter launcher and pepper ball systems. These tools give officers a safer option than traditional firearms when attempting to de-escalate dangerous encounters. And after much community input – the program was expanded city-wide in 2022.

#### **Slide 14**

P-D was chosen to participate in the National Public Safety partnership – which opens a line of communication with other agencies across the nation to share ideas and best practices.

Two important core principals were added to the Use of Force policy in 2022. The first is Duty to Intervene. The second is Duty to Provide medical Assistance.

And furthermore – Training in Integrating Communications, Assessment and Tactics began department-wide.

#### **Chief Chapman interview**

“And this is very specific to dealing with A - people armed with things other than a handgun. And B – focuses on time-distance and cover to have successful outcomes in volatile incidents.”

#### **Slide 15**

There have been several initiatives aimed at preventing discriminatory policing practices. Starting with mandatory implicit bias training in 2016.

The beforementioned Duty to intervene policy in 2022.

And requiring all PD employees to complete Active Bystandership in Law Enforcement – or ABLE training.

#### **Chief Chapman interview**

“Which is a national evidence-based program on intervention strategies for people witnessing misconduct or people doing things contrary to policy.”

## **Slide 16**

As far as ensuring a constitutional response to first amendment-protected activities. In the summer of 2020 - The police department utilized social media to educate the public on what constitutes unlawful assembly.

Then later created the Civil Disturbance Unit based on a similar unit in the Washington D.C police department.

PD also changed policy on handling large gatherings. Announcements were changed to include repeated expectations and to clearly identify routes for leaving if a gathering is deemed an unlawful assembly.

Furthermore -arrest protocol was updated during these events. This protocol includes increased accountability for officers and an emphasis on citing and releasing arrestees in lieu of booking them into jail.

## **Slide 17**

Addressing calls involving mental and behavioral health has been a priority in the city of Phoenix for more than a decade. The first Crisis intervention Teams were created in 2015.

## **CIT VIDEO**

In 2019 all 9-1-1 call staff was trained in crisis intervention and mental health assistance. Furthermore – city 9-1-1 call centers began staffing a mental health clinician to advise with call diversion. And the training for this program is led by CIT international board member, and Phoenix police detective Sabrina Taylor.

## **Sabrina Taylor interview**

“We would like to divert people from the 9-1-1 framework – from the criminal justice framework back into the behavioral health framework as soon as its safe.”

## **Graphic on calls to Solari**

And we’ve been able to do just that. Each year since 2019 - more and more calls are diverted to our community partners at Solari Crisis and Human Services – that previously would have been handled by a uniformed officer. Something we know the community has been asking for.

## **CAP Video**

In 2021 the city council approved a 15-million-dollar investment into the Community Assistance program. Now responding city-wide – the program sends teams of licensed case workers to scenes when safe. Providing specific expertise and allowing firefighters and officers to respond to other calls.

## **Slide 18**

As for the city's response to people experiencing homelessness. The Office of Homeless Solutions was created in 2022 – which is a dedicated team providing support and solutions for the unsheltered community. And O-H-S only calls police to intervene if there is criminal activity.

O-H-S also implemented new protocol for identifying and storing unattended property. Giving owners a two-day notice to remove belongings before the property is stored for 45 days at a city facility. You can read more on this and other initiatives at [phoenix dot gov – slash solutions](https://phoenix.gov/solutions).

## **Slide 20**

So again – the DOJ has not indicated exactly when the investigation will end – but when it does – there are two potential outcomes. The first is that there was *\*not\** sufficient evidence of a pattern or practice of violations and the DOJ may a technical assistance letter in lieu of a findings report. This has happened roughly 20 times in the last several decades – but not since 2012.

The second outcome would be that the DOJ *\*does\** believe there is enough evidence of a pattern or practice of constitutional violations – and will notify the city of such - no more than a few days before issuing a findings report. It's at this time the DOJ has historically asked other cities to sign what's called an Agreement in Principle – which is a document that binds a city to negotiate in good faith toward a consent decree.

**RYAN ON CAMERA:** And here is where this can become understandably confusing. The DOJ asks cities to sign this agreement in principle without first reading the findings of their investigation. And while signing the AIP is not the same thing as signing a consent decree. It is the first step – and a direct path to federal oversight.

On the other hand – declining to sign an AIP does not mean a consent decree is off the table. It simply allows city leaders the opportunity to review the DOJ's findings before deciding on how to proceed.

## **Video of city hall**

Once the city has an opportunity to review and understand the findings, there are several possible scenarios, and the following are three possibilities.

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Scenario one – The city of Phoenix and DOJ begin negotiations of a consent decree. This is a court ordered mandate on reforms overseen by an independent monitor, the court itself and the DOJ.

**Slide 22**

Another possible scenario is the city of Phoenix and DOJ begin negotiating some other type of reform agreement. This may or may not include a court or independent monitor.

**Slide 23**

Or a third option – The two parties \*cannot\* agree on how to implement reforms - and the DOJ can take the city to court. In this case – the DOJ would hold all burden of proof. Needing to produce evidence which proves a pattern or practice of unconstitutional policing or other federal violations.

**Ryan On Camera**

Each potential outcome brings with it a wide array of consequences that could shape the way policing happens in Phoenix for years to come. Whatever happens – Phoenix PD is committed to being a self-assessing, self-correcting organization moving forward.

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If you would like to learn more about the evolution of reform in Phoenix, or take a look at some of the research we've done on other investigations and the impact they have had on cities across America – visit phoenix dot gov slash DOJ. Thank you for your time and please be safe.