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Interim Director

Office of Accountability and Transparency

Monitoring Report
Incident OAT23-033

On April 9, 2023, the Phoenix Police Department detained a civilian at a home in southwest Phoenix. The Involved Civilian later alleged that officers used excessive force against him, resulting in injuries to his wrist.

This report contains OAT's review of the administrative investigation completed by the Department following the incident. OAT concludes that the Department's investigation was thorough and complete.

July 31, 2024

STATUTORY HISTORY AND AUTHORITY

The City of Phoenix created the Office of Accountability and Transparency (OAT) in 2021 to perform independent civilian oversight of the Phoenix Police Department (Department). OAT reviews Department administrative investigations of critical incidents involving sworn personnel and provides community members a way to freely communicate complaints, commendations, and concerns about officers and the Department without fear of retaliation. Phoenix City Code (P.C.C.) §§ 20-6 and 20-7 give OAT the authority to review Department administrative investigations.¹

Specifically, P.C.C. § 20-6, requires OAT to review administrative investigations of:

- officer-involved shootings;
- deaths in-custody;
- any duty-related incidents resulting in serious bodily injury;
- incidents in which Department personnel are under investigation for or charged with offenses against persons under Arizona law; and
- incidents in which a Phoenix police officer is under investigation for any misdemeanor or local law violation where use of force or threatened use of force is an element in the crime.²

Phoenix City Code § 20-7 gives OAT discretionary authority to review:

- Department administrative investigations of any incidents that result in a Department administrative investigation in which OAT believes it is in the City's best interest for OAT to be involved, and
- Department administrative investigations when requested to do so by the City Manager.³

¹ [P.C.C. Chapter 20 can be found here.](#)

² P.C.C. Sec. 20-6.

³ P.C.C. Sec. 20-7.

EXECUTIVE SUMMARY

OAT learned of this incident via civilian complaint submitted to OAT on May 31, 2023. OAT referred this complaint to the Department's Professional Standards Bureau (PSB). Upon learning of the resulting PSB investigation, OAT exercised its discretionary authority and sent the Police Chief and the City Manager a Monitoring Notice on October 23, 2023. OAT's conclusion following review is that the investigation was thorough and complete.

FACTUAL AND PROCEDURAL HISTORY⁴

- April 9, 2023 – Incident
- May 31, 2023 – OAT learned of incident via civilian complaint
- September 2, 2023 – Department concluded its administrative investigation
- October 23, 2023 – OAT noticed Department of intent to monitor
- January 17, 2024 – OAT received disclosures from Department
- July 31, 2024 – OAT released Monitoring Report

I. Incident

On April 9, 2023, the Department contacted the Involved Civilian regarding a criminal trespass complaint.⁵ During the Involved Officers' investigation, the Involved Civilian exited the residence. While speaking with the Involved Officers, the Involved Civilian was on the phone and turned back toward the house in a manner that suggested that he was going to re-enter the home. In response, the Involved Officers ordered the Involved Civilian not go back into the house, and the Involved Civilian walked away. The Involved Officers informed the Involved Civilian that he was going

⁴ See Appendix A (p. 6) for a detailed list of the information and materials OAT received from PSB and through the public records request process.

⁵ The call related to a forcible entry and detainer (eviction) and allegation of trespass against the Involved Civilian. Officers on scene ultimately determined that the issue was a civil, landlord tenant concern and no one was cited or arrested.

to be detained and told him to place his hands behind his back. The Involved Civilian did not comply, so the Involved Officers used force to take him to the ground. The Involved Civilian then placed his hands behind his back and the Involved Officers handcuffed him.

Approximately ten minutes after the Involved Civilian was detained, his father arrived on scene. The Involved Officers allowed the Involved Civilian to speak to his father from the back of the police vehicle. During this conversation, the Involved Civilian stated that his wrist had been injured when the Involved Officers handcuffed him. When the Involved Officers detained and handcuffed the Involved Civilian, however, he did not complain of any injuries to his wrist. Involved Officers later asked the Involved Civilian if he was okay and the Involved Civilian responded affirmatively. Further, footage from the Involved Officers' body worn cameras (BWC) did not show the Involved Civilian sustaining any obvious injuries or reacting in a way consistent with having suffered an injury to his wrist. The Involved Civilian was released from detention without any charges and left the scene with his mother.

II. The Phoenix Police Department's Investigation

The Department conducted an administrative inquiry into the Involved Civilian's allegation of excessive force resulting in injury under case number INQ23-0613. The Department's inquiry included a review of BWC footage, interviews with the Involved Officers, incident reports, and a Response to Resistance review by the Involved Officers' supervisory chain of command. The Department concluded the Involved Officers' actions were within policy, justified, and reasonable based upon the totality of the circumstances.

III. Investigative Sufficiency

Under P.C.C. § 20-10, OAT is tasked with reviewing any Department administrative investigation it reviews to ensure that it is thorough and complete. Based on its review, OAT concludes that the investigation was thorough and complete.

CONCLUSION

OAT respectfully submits the above report in compliance with P.C.C. Sections 20-6 and 20-7.

APPENDIX A**INVESTIGATIVE MATERIALS LIST**

Items	Department Date	Date to OAT
PSB Administrative Paperwork		
Administrative Inquiry Report	September 2, 2023	January 17, 2024
PSB Report Attachments		
Response to Resistance Report	April 28, 2023	January 17, 2024
BWC Videos		
Officer A (*7)	April 9, 2023	January 17, 2024
Officer B (*3)	April 9, 2023	January 17, 2024
Officer C (*2)	April 9, 2023	January 17, 2024
PSB Interviews		
Voicemails (2)	Undated	January 17, 2024
Interview with Involved Civilian (*2)	June 6, 2023, June 14, 2023	January 17, 2024

APPENDIX B**MONITORING CASE DETAILS**

Monitoring Report Date:	July 31, 2024
OAT Monitoring Case #:	23-033
Classification of Monitoring Case:	Discretionary
Police Incident Report #:	2023-00000531039
Incident Date & Time:	April 9, 2023, approximately 7:05 p.m.
Location:	8200 S. 48 th Ln., Phoenix, AZ
OAT Monitoring Notice Sent:	October 23, 2023
Department Administrative Case #:	INQ23-0613
Department-Issued/CIRB Findings:	N/A
Administrative Finding Date:	September 2, 2023
Officers Involved:	(2) Involved Officers
Officer Injuries:	None
Civilians Involved:	(1) Involved Civilian
Civilian(s) Injuries:	Injuries to wrists
Complainant(s):	(1) Involved Civilian