



Shannon Johanni
Interim Director

Office of Accountability and Transparency

Monitoring Report
Incident OAT23-037

On December 11, 2022, a use of force incident occurred when two Phoenix Police Department officers responded to a call for service regarding property damage at a home near 8900 West Highland Avenue. The officers tased two civilians after they objected to officers entering their home. Both civilians were detained and arrested.

This report contains OAT's review of the administrative investigation completed by the Department following the incident and provides recommendations to improve future Department investigations.

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

P.C.C. § 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

On December 11, 2022, two officers from the Department responded to a call for service regarding property damage at a home in west Phoenix. When the Involved Officers entered the home, the two Involved Civilians repeatedly requested that the officers go back outside. Involved Civilian A explained to the Involved Officers that it was they who had called the police for assistance and that there were no concerns inside of the home. The Involved Officers declined to step outside and continued to stand in the doorway. The communication between the Involved Civilians and the Involved Officers escalated. When Involved Officer A attempted to move further into the home, Involved Civilian A tried to block him. The Involved Officers responded by tasing both Involved Civilians. Both civilians were detained and arrested.

On October 23, 2023, the Department notified OAT of this incident. Exercising its discretionary authority, OAT 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 not thorough and complete.

FACTUAL AND PROCEDURAL HISTORY⁴

- December 11, 2022 – Incident
- March 10, 2023 – Department concluded its administrative inquiry
- October 23, 2023 – OAT sent Department Monitoring Notice
- November 28, 2023 – OAT submitted public records request for Department's administrative investigation material
- January 17, 2024 – OAT received initial disclosures from Department
- July 31, 2024 – OAT released Monitoring Report

⁴ See Appendix A (p. 8) for a detailed list of the information and materials OAT received from PSB and through the public records request process.

I. Incident

On December 11, 2022, the Department responded to a call for service from the Involved Civilians A and B regarding property damage at their home in west Phoenix. When Officers arrived, Involved Civilian A was waiting at the front door with the door open talking to Involved Civilian B, who was inside the residence. Involved Officer A brushed past Involved Civilian A and stepped through the front door of the home. Involved Civilian A requested that the officer step back outside and told the officer that they were the ones who had called the police. The Involved Civilians made at least sixteen (16) requests for Involved Officer A to step outside of their home within a three-minute time frame. Involved Officer A refused, stating that officers did not need permission to be inside the home. Involved Civilian A agreed to speak with the Involved Officers once they stepped outside of the house, asked them again to step outside and stated that they would follow the officers outside. Involved Officer A replied, "That is not how this works." Involved Civilian C, the son of Involved Civilians A and B who was also inside the home, approached the doorway and requested that the Involved Officers step outside of his parents' home.

After the three Involved Civilians made several additional requests for the Involved Officers to leave the house, Involved Officer A stated, "Fine, you don't want the cops here," but remained inside the home. Involved Civilian A stated several more times that they would follow the Involved Officers outside and speak with them. Involved Officer A again replied, "That's not how it works." The Involved Officers stated that they were there to investigate a crime. Involved Civilian A explained that there no crime had been committed inside of their home. Approximately four (4) minutes after Involved Officers arrived, Involved Civilian A called to request that a supervisor come to the scene.

While Involved Civilian A continued to request that the Involved Officers step outside of the home, Involved Officer A attempted to walk past Involved Civilian A and

go further into the home. Involved Civilian A attempted to block Involved Officer A by stepping back. Involved Officer A responded by pulling on Involved Civilian A's dress sleeve and attempting to pull/lead her out of the doorway by her arm. Involved Civilian A asked that Involved Officer A not touch her because she had recently had surgery. Involved Civilian A repeated the request several more times, adding that she still had stitches in her arm. Involved Officers responded by tasing Involved Civilian A. The Involved Officers requested that the Involved Civilians put their arms behind their back. Involved Civilian A reiterated that she was not able to put her arms behind her back due to her recent surgery; officers responded by tasing her again. Involved Civilian B protested officers tasing his wife and moved in the officers' direction, so the Involved Officers also tased, handcuffed, and arrested him. After Involved Civilians A and B were detained, the Involved Officers proceeded to walk through their home. Involved Civilians A and B were later transported and booked into jail. Involved Civilian C was not arrested.

II. **The Phoenix Police Department's Investigation**

After receiving Involved Civilian A's complaint, the Department conducted an Administrative Inquiry under case number INQ22-1136. The inquiry included a review of body-worn camera footage, contact with supervisors who were on scene, and a conversation with Involved Civilian A. The Department also completed a review through the Force Evaluation Team (FET) because the incident involved a Level 1 Response to Resistance (RTR).

The Department completed its administrative inquiry on March 10, 2023, and determined that the Involved Officers did not commit any policy violations or misconduct during the incident.

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.⁵ Based on its review, OAT concludes that the investigation was not thorough and complete.

a. Recommended Steps for Improved Investigations

OAT recommends the Department take the following steps to improve future administrative misconduct investigations:

1. Conduct a Full-Scale Professional Standards Bureau Investigation

The Department processed this case as an administrative inquiry (INQ)—a less robust and more informal review process—instead of referring it to the Professional Standards Bureau (PSB) for a full investigation. However, based on the Department’s internal policies, this case should have been fully and thoroughly investigated by PSB. The Department’s PSB manual identifies serious misconduct allegations and response to resistance incidents resulting in serious injury *or* which have the potential for City liability as matters that are classified for a full-scale PSB investigation.⁶

Involved Civilian A filed a complaint with the PSB, alleging the following:

- I. **Undue Force:** Involved Civilian alleged that Involved Officers used excessive force at the time of their arrest.

⁵ OAT’s thorough and complete sufficiency determinations include a review and assessment of: allegations made; evidence obtained, reviewed and analyzed; quality and extent of subject and witness interviews; investigative report clarity and objectivity; and the investigative process taken.

⁶ Phoenix Police Department. (Rev. Feb. 2022). *Professional Standards Bureau Manual* (p. 24).

- II. **Improper Search:** Involved Civilian alleged that Involved Officers improperly entered the Involved Civilian's home without their permission or a warrant.
- III. **False Arrest:** Involved Civilian alleged that Involved Officers falsely arrested Involved Civilian for aggravated assault on a police officer.
- IV. **Improper Police Action:** Involved Civilian alleged that Involved Officers did not immediately contact a supervisor at the time of her request.

At minimum, these allegations implicate several Department policies, with excessive force and improper search, if substantiated, constituting serious misconduct.⁷ These allegations also have the potential for City liability as possible constitutional and federal law violations. Accordingly, this incident met the criteria for a full investigation by the PSB.

The Department concluded that all allegations against the Involved Officers were unfounded, but indicated in its report that the Involved Officers could have considered alternative strategies for resolving the incident. The INQ report also recommended training and mentoring for the officers.

Additionally, though the Department did not substantiate any of the Involved Civilian's complaints, the FET report noted that, "Involved Officer A "[was] struggling with how to react in stressful situations. Instead of attempting to talk and de-escalate the situation, he argues with citizens, sometimes escalating the situation." Further, the FET

⁷ Phoenix Police Department. (Rev. July 2022). *Operations Orders 1.5, 4.10* (Rev. Oct. 2015), & *4.11* (Rev. Mar. 2018).

report noted that this same officer “also struggles with making a decision on what type of force would be best in a given situation.”

Alleged constitutional and excessive force violations deserve the level of detail and attention that could only come from the Department entity whose primary responsibility is to conduct potential misconduct investigations. A robust and complete PSB investigation would have increased the Involved Officers’ and public’s understanding of this incident, developed information to potentially enhance Department training, and put the Department in line with its internal policies regarding when a PSB investigation should occur. To address the deficiencies and the seriousness of the Involved Civilian’s allegations, OAT recommends that in similar incidents, the Department conduct a full-scale PSB investigation.

CONCLUSION

OAT respectfully submits the above report and recommendations in compliance with P.C.C. §§ 20-6 and 20-7 and requests a response from the Police Chief within 30 days, by August 30, 2024.

APPENDIX A

INVESTIGATIVE MATERIALS LIST

Items	Department Date	Date to OAT
PSB Investigative Documents		
PSB Response to Resistance Report (2)	December 11, 2022	January 17, 2024
Administrative Inquiry Report	March 10, 2023	January 17, 2024
Force Evaluation Report	January 24, 2023	January 17, 2024
BWC Videos		
Officer A (2)	December 14, 2022	January 17, 2024
Officer B	December 11, 2022	January 17, 2024
Officer C	December 11, 2022	January 17, 2024
Officer D	December 11, 2022	January 17, 2024
Other Items/Evidence		
Recorded Communication with Complainant	February 14, 2023	January 17, 2024
Recorded Message to Complainant	February 14, 2023	January 17, 2024
Email Correspondence (4)	December 15, 2022	January 17, 2024
	December 16, 2022	
	December 19, 2022	
	January 25, 2023	
FET Training Certificate	March 28, 2023	January 17, 2024
Arrest Team Tactics Certificate	January 24, 2023	January 17, 2024
	March 28, 2023	
Items OAT Obtained Via Public Disclosure Request		
	Date Requested	Date Provided
Incident Report	November 29, 2023	November 30, 2023

APPENDIX B**MONITORING CASE DETAILS**

Monitoring Report Date:	July 31, 2024
OAT Monitoring Case #:	23-037
Monitoring Case Classification:	Discretionary
Police Incident Report #:	22-00001842450-006
Incident Date & Time:	December 11, 2022, 1:28 a.m.
Location:	8900 W. Highland Ave., Phoenix, AZ
OAT Monitoring Notice Sent:	October 23, 2023
Department Administrative Case #:	INQ22-1136
Department-Issued Findings:	Within Policy
Administrative Finding Date:	March 10, 2023
Officers Involved:	(2) Involved Officers
Officer Injuries:	None
Civilians Involved:	(2) Involved Civilians
Civilian(s) Injuries:	Involved Civilian A-Injury to arms, bruises Involved Civilian B-difficulty walking, bruises
Complainant(s):	(1) Involved Civilian Complaint