

*An Analysis of the US DOJ Report:  
“Investigation of the City of Phoenix and Phoenix Police Department”*

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## **EXECUTIVE SUMMARY**

For thirty years, the United States Congress has authorized the Attorney General, acting through the Department of Justice (DOJ) Civil Rights Division, to investigate local law enforcement agencies for unconstitutional policing based upon “pattern and practice.” Many of the law enforcement agencies subjected to these “pattern and practice” investigations were involved in thousands and thousands of interactions with the people they serve. However, most of the reports published by the US DOJ contain less than 100 examples of alleged violations of constitutional rights.

### **US DOJ investigative reports: Broad accusations with vague details**

Granted, even just a single civil rights violation should seem intolerable, if not one too many. But a singular event, or even several disparate events and circumstances, does not automatically constitute an infestation of civil rights violations, or a “pattern or practice” thereof, particularly when the US DOJ offers broad-stroke condemnations and vague details.

Making matters worse, attempts to fully understand the verity, accuracy, and precision of these US DOJ investigations and subsequent reports are complicated, if not stymied, by the lack of details about the investigators, analysts, and editors who were involved. At the very least, the lack of detail makes ascertaining any inherent biases, assumptions, and conclusions difficult to understand or refute.

Despite the lack of details and obfuscation, one thing remains quite clear: these investigative reports are commonly used to substantiate a consent decree—mandated federal monitoring and oversight of a law enforcement agency put forth by the DOJ in an effort supposedly designed to remedy the “pattern and practices” of unconstitutional policing. While the intentions of consent decrees seem noble, the consequences have proven disastrous for law enforcement agencies subjected to them and the communities they serve. Data spanning the past few decades along with meager analysis indicate overall negative outcomes, which include higher rates of violent crime and bloated police budgets—despite reductions in police personnel.

## **US DOJ investigation of the Phoenix Police Department**

On June 13, 2024, the US DOJ published a report based on a 34-month investigation of the Phoenix Police Department.<sup>1</sup> The US DOJ alleged that the department engaged in a “pattern or practice” of civil rights violations based on descriptions of 134 incidents.

In response to this US DOJ report, the Phoenix Police Department refuted the results of the investigation. The department released the police reports and body cam video recordings related to the 134 incidents described by the US DOJ. Aside providing transparency, by releasing the reports, recordings, and other related evidence, the department called the allegations of a “pattern and practice” of unconstitutional policing into question.

The allegations of unconstitutional policing put forth by the US DOJ against other police departments in other cities have rarely been vetted in court; or quantified in any reliably comprehensive manner; or subjected to any evidence-based analysis and scrutiny. Most municipalities and law enforcement agencies accepted the US DOJ reports without question, despite decades of questionable outcomes in dozens of cities.

However, the Phoenix Police Department took a different approach. They questioned the findings in the US DOJ investigative report and took issue with many of the questionable descriptions. By releasing information and data to the public, the Phoenix Police Department facilitated the comparison between the US DOJ allegations and descriptions and the reports, body cam video footage, and other evidence related to the 134 incidents in the DOJ report. Such comparison is the crux of the analysis that follows.

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<sup>1</sup> Investigation of the City of Phoenix and the Phoenix Police Department. (2024, June 13). *United States Department of Justice Civil Rights Division*. <https://dojrecords.phoenix.gov/Reports/DOJReportColorCoded.pdf>



## **Overall scope and methodology**

The scope of this analysis is limited to the 134 incidents identified by the US DOJ report. The analysis of these 134 incidents follows:

1. the compilation of a fact-based case file for each of the 134 incidents in the US DOJ report;
2. the comparative, side-by-side analysis of each incident as described in the US DOJ—with actual related police reports, body cam videos, and other pertinent materials made available to us by the Phoenix Police Department;
3. the identification of similarities and discrepancies between the US DOJ findings and the evidence provided by the Phoenix Police Department, and codification thereof.

Hence, after compiling and comparatively analyzing each incident, we then focused on classifying each case as to why the conclusions by the US DOJ were starkly different than what the actual evidence indicated.

## **Limitations**

As researchers, we were limited by time and the extent of information:

- a) provided within the US DOJ Summary Report; and
- b) provided by the public website published by the Phoenix Police Department.

Some materials were excluded with regard to some incidents due to ongoing litigation or disciplinary processes.

## **Overall analytical findings and conclusions**

**A strong pattern that emerged through our comparative analysis: the US DOJ report failed to accurately and contextually describe the 134 incidents in question.**

Further, the lack of adequate details and context indicates several faulty conclusions with regard to the incidents in the US DOJ report. The overall lack of details and context within the US DOJ should seem extremely concerning. And especially so considering how the “totality of circumstances” confronting law enforcement at the time of the incident is key principle in criminal justice. Some of the descriptions put forth by the US DOJ were often so different from the facts clearly evidenced in the police reports—and police body cam videos—that we had to implement another procedure to make ensure that the US DOJ report was actually describing the same incident.

## **Significant discrepancies between the US DOJ descriptions and factual evidence**

After hundreds of hours reviewing the 134 incidents, we were able to determine several significant issues with the US DOJ Summary Report. While most of the incidents in the report simply omitted pertinent information, some descriptions appear to have been purposely fashioned to mislead or deceive the reader. It also became clear that at least some of the US DOJ investigators and those involved in fashioning the report lacked experience to accurately evaluate many aspects of law enforcement based on their descriptions.

For example, a lack of experience was indicated by descriptions that:

- misidentified intermediate force as deadly force;
- misidentified reasonable force as unconstitutional;
- misapplied (basic) case law determinations;
- demonstrated hindsight bias outside of extant case law;
- bespeak a peculiar urgency and insistence based on advocacy rather than case law.

Further, more than a few substantial investigative flaws were found in the US DOJ report. These flaws indicate that the US DOJ report was not completely accurate—and may have been part of an intentional effort designed to misled the public about the factual nature of these 134 incidents—otherwise, the descriptions in the US DOJ report would have more closely matched the actual evidence within the police reports and self-evident in the police body cam video recordings.

### **Lack of details; plenty of inaccuracies**

Overall, our comparative analysis of the US DOJ report indicates that with regard to factual and contextual accuracy:

- 130 of the 134 (97%) were found to be *inaccurate*;
- only 4 of the 134 descriptions (3%) were found to be accurate.

**Thus, the US DOJ report used to support allegations that the Phoenix Police Department engages in a “pattern and practice” of unconstitutional policing should seem questionable and not valid due to significant factual and contextual inaccuracies.**

### **The US DOJ Report: Advocacy and manipulation instead of factual description?**

The fact that 130 of the 134 incidents (97%) described in the US DOJ report are factually or contextually *inaccurate* suggests that the US DOJ report was intended more toward advocacy and manipulation of the circumstances than accurate and truthful description.

This may seem like a bold claim for any researcher to make. However, our comparative analysis is also based upon practical experience and understanding of policing, police procedures, and extant case law. Further, in at least a few cases, our conclusions have already been confirmed.

For example, on January 15, 2025, one of the incidents described in the US DOJ report was adjudicated in a federal civil rights lawsuit. Notably, the same US DOJ report analyzed herein was admitted as evidence. The US DOJ alleged that federal civil rights had been violated since Phoenix Police officers “unfairly targeted two protesters because of their anti-police

views.”<sup>2</sup> However, having reviewed a video of the incident, the jury cleared the officer of any wrongdoing whatsoever. Attorney John Masterson described the inaccuracies of the US DOJ report in his post-trial statement, “I think in this case the jury did a very good job of looking at the evidence that was presented to them rather than relying on some agency from Washington D.C. to tell them what to do.”<sup>3</sup>

In conclusion, our research based upon comparative analysis indicates that the US DOJ Report contains:

- 130 of 134 (97%) descriptions found to be factually and contextually *inaccurate*;
- only 4 of the 134 descriptions (3%) found to be accurate;
- misidentifications of intermediate and deadly force;
- claims pertaining to advocacy (instead of descriptive accuracy);
- misapplications of case law; and
- hindsight bias.

**Therefore, our research indicates that the US DOJ Report does not conclusively evidence a “pattern and practice” of unconstitutional policing within the Phoenix Police Department.**

**Our research also indicates that that US DOJ report—and its production—should be questioned further.**

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<sup>2</sup> Staahl, D. (2025, January 15). Jury sides with Phoenix police in civil rights lawsuit over downtown protest. *Arizona’s Family*. <https://www.azfamily.com/2025/01/16/jury-sides-with-phoenix-police-civil-rights-lawsuit-over-downtown-protest/>

<sup>3</sup> Ibid.

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## **BACKGROUND**

### **US DOJ “Pattern or Practice” Investigations & Consent Decrees**

Several aspects must be considered to more fully understand the US DOJ report and the dynamics of the allegations put forth therein against the Phoenix Police Department. For both reference and background, a few specifics are worth noting:

- The Violent Crime Control and Law Enforcement Act (1994, 42 U.S.C. §14141(a)) prohibited law enforcement from engaging in a “pattern or practice of conduct” that deprives persons of their constitutional rights;
- Congress authorized the Attorney General, acting through the Department of Justice (DOJ) Civil Rights Division, to investigate and, if necessary, file a lawsuit seeking appropriate equitable relief to end any “pattern or practice” of unconstitutional policing;
- The US DOJ launches investigations based on allegations that local or state law enforcement agencies have engaged in a pattern or practice of violating one or a combination of Constitutional Amendments and/or federal laws, most notably the Safe Streets Act of 1968, Title VI of the Civil Rights Act of 1964, and/or Title II of the Americans with Disabilities Act;
- Once an investigation is launched, *the US DOJ does not use trained criminal investigators* with a law enforcement background (like FBI personnel) to conduct the investigation;
- Instead, the investigative analysis is conducted by attorneys, paralegals, and US DOJ staff. Outside consultants may also be involved—but the involvement, roles, and names of these consultants seem to be withheld generally, or given relatively brief mention within a final summary report.

Law enforcement agencies of all sizes and locations have been the subject of “pattern and practice” investigations and in the majority of those investigations, the investigation culminates in a court ordered Consent Decree, which legally requires the agency to comply with federal monitoring and changes as stipulated by the US DOJ within the agreement.

A Consent Decree is a settlement mechanism that allows for the resolution of an investigation—without the details of that investigation being scrutinized for evidentiary value. Law enforcement agencies essentially agree to federal monitoring without the presentation of evidence in court. Yet perhaps even more concerning, once the agency signs an intent letter to enter into a Consent Decree, any subsequent questions about the veracity of the US DOJ investigation and findings are muted.

While an independent Monitor is appointed by the court to oversee the changes, the US DOJ typically remains involved throughout the duration of a Consent Decree. Once an agency agrees to federal monitoring, an appointed monitor tracks the progress of the agency through reports—and typically, no end date for the continued monitoring is given. Consequently, many Consent Decrees have lasted several years—and some have lasted decades. The costs associated with monitoring must be paid by the law enforcement agency (and/or municipality).

**Historically, these costs have been very high, averaging between one and ten million dollars per year.**

Since 2016, US DOJ “pattern and practice” investigations have resulted in “reasonable cause” findings for almost every allegation the US DOJ investigated against a law enforcement agency. As part of our research, we reviewed previous US DOJ investigations and summary reports, which indicates that the US DOJ apparently takes a “cookie-cutter” approach to substantiate their allegations and subsequent recommendations. These recommendations are often vague, unattainable, and have proven to be ineffective based upon cursory analysis of correlative crime and public safety data. Even the most cursory review of crime statistics in areas served by law enforcement agencies subject to a US DOJ Consent Decree indicates considerable increases of violent crime—and increases in police budgets (which, incidentally, are often necessary to pay for the mandated monitoring and other associated costs).

The US DOJ does not conduct “pattern and practice” investigations that must be satisfy the standard proof demanded by a court. As our findings shall demonstrate, this permits the US DOJ to seek a Consent Decree against the Phoenix Police Department with allegations put forth in a report with descriptions that are 97% factually and contextually *inaccurate*.

### **“Pattern and Practice” According to the US DOJ—On Their Own Terms**

Even though Congress has yet to define what constitutes a pattern or a practice, the US DOJ claims that “the courts have found a “pattern or practice” when the evidence establishes that the discriminatory actions were the defendant’s regular practice, rather than an isolated instance.”<sup>4</sup> The DOJ also asserts that a “pattern or practice” means that the defendant has a policy of discriminating—even if the policy is not pervasive or always followed. Documentation from the US DOJ indicates that “pattern and practice” investigations are designed to investigate prevalent and widespread practices of unconstitutional policing. Accordingly, such investigations should not be launched because of a singular event or an isolated complaint against a law enforcement agency.

However, despite these assertions, the US DOJ apparently uses singular events or isolated complaints as a catalyst for “pattern and practice” investigations. DOJ investigations based upon singular events should almost be expected, especially if a particular incident has garnered media attention considering how the US DOJ investigated:

- The Louisville Police Department—one year after the death of Breonna Taylor;
- The Minneapolis Police Department—one year after the death of George Floyd;
- The Baltimore Police Department—one month after the death of Freddie Gray;
- and the Ferguson Police Department—one month after the death of Michael Brown.

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<sup>4</sup> A Pattern Or Practice Of Discrimination. (2022). *United States Department of Justice, Civil Rights Division*. <https://www.justice.gov/crt/pattern-or-practice-discrimination>



## **US DOJ INVESTIGATION OF THE PHOENIX POLICE DEPT.**

Unlike these law enforcement agencies, no particular incident or complaint seems to have spurred the US DOJ to investigate the Phoenix Police Department. As in most investigations, the US DOJ may offer broad claims about the necessity of an investigation, but often fails to provide detailed evidence and rationale for such an investigation. In this case, it is unknown why the US DOJ deemed it necessary to investigate the Phoenix Police Department. However, the timing and socio-political context of the US DOJ investigation, which are beyond the scope of our analysis, may likely provide more significant answers.

### **Phoenix Police Department provided records and data to the US DOJ**

In conducting its investigation, the US DOJ had access to Phoenix Police data from 2016 to 2023. During this time period, the Phoenix Police Department effected more than 296,000 (296,733) arrests and responded to more than 5,300,000 (5,305,646) calls for service from the public. The arrest statistics do not include juvenile arrests or municipal citations. The calls for service statistics do not include calls initiated by Phoenix Police officers. Notably, the Phoenix Police Department provided the US DOJ with access to police records—and spent over \$10 million dollars doing so—even though there was absolutely no mandate that required such an expenditure or direct and open access.

### **US DOJ Report indicates inconsistent periods of data analysis**

The Phoenix Police Department provided access to particular data spanning a particular time frame. **However, the US DOJ investigative report does not consistently adhere to a fixed time period of data analysis.** For example, with regard to their analysis of incidents involving unhoused people, the US DOJ discussed data spanning a time period from 2016 to 2022. In their analysis of police shootings, however, the US DOJ discussed data spanning from 2018 to 2023.

Our analysis encompassed data from 2016 to 2023, and followed the periods in the US DOJ report itself, including its inconsistencies. Thus, our research encompasses the:

- 2016-2022 overall period provided by the Phoenix Police Department.
- 2016-2022 period of incidents involving unhoused people;
- 2018-2023 period of police shootings.

### **Limited/Insignificant statistical representation**

Given the magnitude of calls and arrests, one would expect that the US DOJ would have volumes of incidents to substantiate a “pattern or practice” of unconstitutional policing. However, the US DOJ cited merely 134 incidents.

**Statistically speaking, the US DOJ based its “pattern or practice” claims upon approximately 0.000025% of police/public interactions based on public calls for service—an extraordinarily low statistical representation.**

Even if we could agree that such a meager statistic is capable of characterizing or adequately representing a “pattern or practice,” this would presume that the 134 incidents identified by the US DOJ actually demonstrate constitutional violations. As our more detailed analysis shall demonstrate, it seems the US DOJ attempted to convince the public and leaders within the city of Phoenix that each incident violated the civil rights of an individual. However, the related police reports, police body cam videos, and other actual evidence depict much different circumstances that call the accuracy of the factual and contextual descriptions contained in the US DOJ report into question.

These discrepancies were noted by several law enforcement experts who were consulted during our analysis. For example, Sergeant (ret.) Jamie Borden (a court-certified expert in use of force, police performance dynamics, forensic video examination, officer/subject movement dynamics, police training, policy, procedure, and practice) explained:

*“They (US DOJ) define patterns and practice with no investigative data. That’s why you don’t see any investigative data—because it doesn’t exist. If they were to actually identify a ‘pattern and a practice’ that means they would have to go through every single arrest, whether that’s a physical arrest or a citation and look at all of the components of those individuals and how they were treated, what the outcome was, and if there were complaints, and if the officer did something right or wrong...What they are taking is raw numbers, manipulated in a way to fit the narrative they are creating to create a lawless society.”*

## **US DOJ REPORT: ALLEGATIONS OF UNCONSTITUTIONAL POLICING**

The US DOJ has been investigating the City of Phoenix and the Phoenix Police Department since August 5, 2021, when the Civil Rights Division initially launched its “pattern or practice” investigation. After conducting a 34-month investigation—that is, nearly three years later—the Civil Rights Division published a report based on its findings. In alleging a "pattern or practice" of civil rights violations, the US DOJ claimed that 134 incidents would support their allegations and substantiate a consent decree. The incidents identified by the DOJ in the report were drawn from approximately 179,000 documents and 22,000 body-worn-camera videos provided by the Phoenix Police Department.

Specifically, the US DOJ report alleged that the Phoenix Police Department:

- (a) uses excessive force in violation of the Fourth Amendment;
- (b) violates the rights of people experiencing homelessness;
- (c) discriminates against Black, Hispanic, and Native American people;
- (d) unlawfully restricts protected speech and expression;
- (e) discriminate in their response to people with behavioral health disabilities;
- (f) and fails to modify practices during encounters with children.

Discussion of these allegations and examples from our comparative analysis follow. More detailed analysis of each of the 134 incidents in the US DOJ report are provided thereafter.

### **US DOJ Report: Excessive force in violation of the Fourth Amendment**

The US DOJ had access to data related to millions of calls for services and tens of thousands of arrests effected during a six-year period beginning in 2018. Force was used in approximately 5,000 of these incidents. The US DOJ report cited 36 incidents in its analysis as a basis of a "pattern or practice" of unconstitutional policing—i.e., less than 0.007% of use-of-force incidents. Nonetheless, the US DOJ report insists this fraction substantiates a pattern or practice of unconstitutional policing. **Aside from the limited statistical representation, we found every use-of-force incident described in the US DOJ report to be factually and contextually inaccurate.**

The US DOJ Report omitted key details and context to fashion determinations that favor its insistence upon a consent decree. The report also indicates misapplication of unreasonable force, deadly force, and the Fourth Amendment while judging officer actions using a hindsight bias. Further, the US DOJ routinely misapplied case law and displayed an extreme lack of knowledge on basic police safety and tactics.

For example, in describing Incident U27, the US DOJ claimed that officers arrived "on the scene of a behavioral health crisis" and claimed that the use of a Taser was inappropriate and excessive. The DOJ failed to mention that during a prolonged conversation with the man—in an attempt to get him to agree to a mental evaluation—he displayed aggression, as indicated by his clenched fists, disregard for officers' commands and instructions, and how the man walked away to the garage and back. Once the decision was made to arrest him, officers told the man 13 times to place his hands behind his back (over the course of approximately 111 seconds). When the man refused, an officer deployed pepper spray. The man retreated into the garage. The officers told him four more times to "get down"—but the man refused. A Taser was then deployed, and the man was taken into custody. The US DOJ report did not qualify how the use of the Taser was inappropriate, especially in light of the repeated commands and the man's demonstrated aggression.

### **US DOJ Report: Violations of the rights of people experiencing homelessness**

The US DOJ report described 21 incidents between 2018 and 2023 in its analysis of violations of the rights of the homeless. Our analysis, however, determined that every incident described in the report was factually and/or contextually inaccurate. Further, the report indicates misapplication of extant case law in making their determination, including a lack of understanding of reasonable suspicion and probable cause. The conclusions were primarily developed through the claim that local ordinances or stops of individuals were unconstitutional. The courts determine the constitutionality of laws—not the US DOJ—and this faulty premise was applied to 100% of the cases cited in the report.

As an example, in Incident H03, the US DOJ stated that “PhxPD illegally detained two people for sitting in the shade” and “cited them for lying or sitting on a public right of way.” The detention was not illegal as the citation conformed and applied to [Phoenix City Code 23-48.01](#). In what appears to be a pattern of omitting facts within the US DOJ report, the report failed to describe how the suspect was arrested for a felony warrant and was in possession of methamphetamine.

Likewise, in its description of Incident H05, the US DOJ claimed that city codes were unconstitutional. The report states that the Phoenix Police woke two individuals who “were sleeping on the sidewalk under blankets, leaving plenty of room for foot traffic, though there was no one else present other than the police.” However, Phoenix municipal code does not contain references to “room for foot traffic” or “others present” as elements of its ordinance or enforcement. The lack of coordination with actual municipal ordinances—within the US DOJ report seems questionable.

### **US DOJ Report: Discrimination against Black, Hispanic, and Native American people when enforcing the law**

The US DOJ report cited 10 incidents to support its claim regarding pervasive discrimination throughout the Phoenix Police Department. Our analysis indicates that nine (90%) of these incidents were factually and contextually *inaccurate*; only one incident cited in the report was accurate.

Aside from problems with descriptive accuracy, the US DOJ report ignores a paramount factor: each incident related to alleged discrimination and racial profiling stemmed from a call for service—to which any assigned officer must respond—or evident violation of a law (criminal activity). With regard to more than a few incidents, the US DOJ report seems disproportionately weighted toward perceptions and feelings than observable evidence.

For example, in describing Incident D01, the US DOJ report states that an officer racially profiled a female. This was based on the female’s statements—and the questionable omission of the fact that she actually committed a crime. The female was stopped for running a stop light. She was arrested only after she refused to provide identification. Granted, citizens may feel upset when involved in wrongdoing and they may believe their race played a role in their arrest. However, given the actual facts—and her refusal to provide identification pursuant to a traffic violation—effecting an arrest was the only option available to Phoenix police officers. If identification had been provided to the officers, the officers could have issued a citation instead.

The US DOJ made a similar claim in Incident D04 when a subject was issued a citation for a suspended license plate. The subject stated in a complaint that, “I feel like if I was white and I was driving a Prius, I wouldn’t have even got pulled over.” Despite no other evidence, the Phoenix Police Department attempted to investigate the incident, but the subject refused to cooperate with the investigator.

With similar description and determination, the US DOJ identified Incident D05, involving a woman who alleged that a Phoenix officer made a racist comment at the airport. Despite vague details and the identity of the officer unknown, the agency conducted a thorough investigation that included multiple interviews and a review of airport camera footage. The

officer was identified but the complainant changed her story once investigators contacted her, and the original allegation could not be proven.

In Incident D06, the US DOJ described an incident that made national news when a Wall Street Journal Reporter was handcuffed outside of a bank. The US DOJ report described the original call for service from the bank manager. However, they failed to mention that when the officer contacted the subject, he wasn’t handcuffed until he refused to provide his identification. A review of the camera footage clearly refutes the allegations of unlawful detention, excessive force, and racism. Nonetheless, the US DOJ still used the incident as an example of a “pattern or practice.”

### **US DOJ report lacks thorough assessment of alleged discrimination**

Any allegation of discrimination should be taken seriously. However, merely listing a few incidents—based mostly, if not solely, on the perception of a violator—should seem egregious. To more adequately analyze these allegations should require more extensive analysis beyond what the US DOJ put forth. Presumably, the US DOJ report intended to evidence how the Phoenix Police Department engages in a pattern and practice of unconstitutional policing with regard to racial discrimination. However, four of the incidents described in the report (40%) actually evidence how the department does not tolerate discrimination—and subsequently, does not require extreme measures such as a consent decree and federal monitoring. In four of the ten cases described in the report, the department investigated allegations of discrimination and misconduct—and disciplined the officers involved, including to the extent of terminating their employment.



### **US DOJ Report: Unlawful restriction of protected speech and expression**

The US DOJ report examined how the Phoenix Police Department responded to protests and riots between 2018-2023. Of the 34 related incidents described in the US DOJ report, our analysis found that 32 (94%) of them were factually and contextually *inaccurate*. Subsequent to our analysis, it seems hindsight bias and lack/omission of proper context obscure the accuracy of the descriptions in the US DOJ report. A peculiar (mis-)interpretation of criminal behavior as protected speech or expression along with a misunderstanding of the tactical considerations necessary in large scale events also indicate a distorted perspective within the report.

Further, many of the descriptions in the report failed to situate “protests” in a more comprehensive and accurate context—some were sanitized to the extent that even when compared with actual video footage, it seemed like the report was describing an altogether different event.

For example, in describing Incident P05, the report states that “One night in 2020, officers surrounded a group of protestors by rushing at them from the side to “box them in” and “cut off their avenue of escape.” However, the US DOJ report fails to mention that a “State of Emergency” had been issued by the Governor and that protestors were vandalizing property, painting buildings—and throwing rocks and bottles at officers. Officers gave multiple warnings for people to disperse and leave the area before less-lethal munitions were used.

Also, in describing Incident P06 and Incident P09, the US DOJ report failed to mention that protestors breached a police barricade and threw rocks and bottles at Phoenix police officers. In describing Incident P11 and Incident P12, the report failed to describe the extent of the violent behavior of the rioters. In what seems like an attempt to downplay criminal behavior, the report omitted that protestors threw incendiary smoke-bomb devices—and two gas projectiles—at police vehicles. How and why these obvious facts were omitted should draw these descriptions, if not the intent of the report itself, into question.

### **US DOJ Report: Discrimination in response to people with behavioral health disabilities**

From 2018 to 2023, the Phoenix Police Department responded to more than 64,000 calls related to mental health calls and transported more than 41,000 people to a health facility.<sup>5</sup> Out of the thousands of calls and transports, the US DOJ report cited 10 incidents. Our analysis found that only one description was factually and contextually accurate; the other nine were not. The lack of accuracy apparently stems from hindsight bias, lack of details, and lack of supporting documentation. Consequently, the descriptions read more like assumptions rather than fact-based descriptions. A perceptible lack of understanding basic law enforcement procedures and officer-safety protocols—and mired by what appears to be advocacy for the use of civilian mental-health professionals—further exacerbated the lack of factual accuracy in the descriptions.

As an example, in describing Incident B07, the US DOJ report stated that “PhxPD failed to accommodate this young woman’s disability in any way and defaulted to criminal charges rather than treatment.” Some key aspects, however, were omitted for some reason. Considering more factual and contextual accuracy, the officers did not “default” to criminal charges. If so, they would have most likely arrested her immediately—instead of spending a considerable amount of time talking to her and attempting to gain her cooperation. The description also seems skewed by hindsight bias considering how the report overlooks the fact that the officers also had to deal with another person who was filing a complaint against the woman.

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<sup>5</sup> The number of responses may be higher higher considering that the 911 classification does not account for calls related to crimes involving suspects experiencing mental illness.

### **US DOJ Report: Failure to modify practices during encounters with children**

While the Phoenix Police Department arrested 13,513 juveniles from 2018 to 2023, the US DOJ report cited three (3) incidents. We found significant errors in the descriptions and analytical conclusions of these cases. Each incident description lacked context and key details, but the hindsight analysis of the officers’ actions was perhaps the most fundamental flaw.

The evaluation of police officer behavior must be calculated and based on the totality of circumstances confronting the officer at the time. For example, in describing Incident Y01, the US DOJ report asserts that “two officers threw a 15-year-old Latino boy against a bus stop pole, held the back of his neck, and handcuffed him after he asked to call his mother.” Despite the US DOJ saying that “the boy listened to the officers and followed all of their orders,” the officers had to give three separate commands before the boy began to remove his backpack—and when he was told to place his hands on top of his head, he refused and began to raise his phone. When officers attempted to handcuff him, a brief struggle ensued. Noticeably, the US DOJ report does not indicate his non-compliance.

Similarly, in Incident Y02, the US DOJ report appears to follow the same tactic. The report states that a Phoenix police officer handcuffed an 18-year-old in a store and threatened to take him to jail. However, a more accurate description would have indicated that the subject refused to sign a citation—and that given his refusal, the officer had no other option but to effect an arrest.

### **Oversight of contributing causes to violations and criminal behavior**

In addition to the six over-arching claims, the US DOJ report also asserted that the Phoenix Police Department:

- does not hold officers accountable;
- does not supervise officers;
- has deficient policies and training and disrespects citizens.

In an attempt to substantiate these allegations, the US DOJ report cited 17 incidents. Our research and analysis indicates that only one description appears to be accurate—16 of the incident cited by the report were not factually or contextually accurate. The description of these incidents demonstrated a lack of knowledge about Early Identification and Intervention Systems. Further, and perhaps most perplexing, the report antithetically cites cases where officers *were actually investigated and disciplined* up to termination as evidence that the Phoenix Police Department somehow lacks supervision and accountability. As in more than a few cases within the report, further clarification is required.

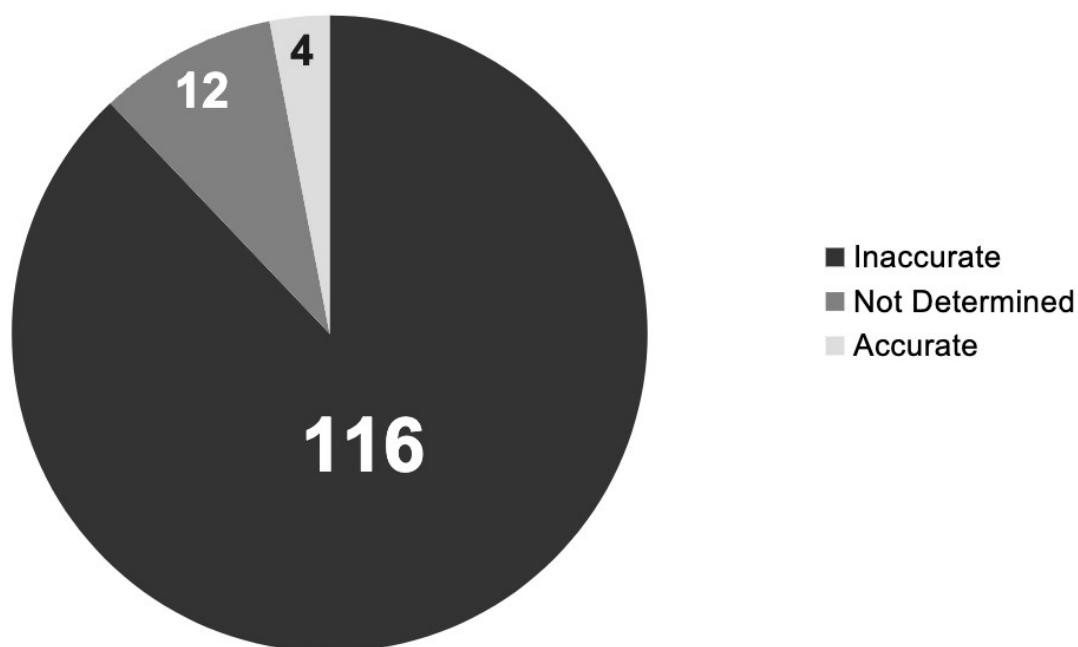
As an example, in Incident C08, the US DOJ report accurately described the actions of an officer working an off-duty detail and stated: “store surveillance video showed an officer slapping a handcuffed shoplifting suspect hard enough to knock him from his seat.” However, the report failed to mention that Phoenix Police supervisors and command staff took action: the officer was terminated and also charged with a crime.

In describing Incident C10, the US DOJ report explained that the police chief opposed a recommendation for terminating an officer. However, the chief suggested a substantial 240-day suspension instead. Also, if termination was the only metric the DOJ report took into consideration, then it is difficult to understand why the report did not take note of Incident U06 and Incident C11—when the police chief reversed the findings of an “in policy” shooting and terminated the officer.

## **EMERGENT MISREPRESENTATIONS IN THE US DOJ REPORT**

In conducting our research, three categories of incident descriptions within the US DOJ report emerged. Subsequently, the descriptions within the US DOJ report fall into one of three categories:

- 1) Factually Inaccurate (116 incidents);
- 2) Could Not Be Determined (12 incidents); and
- 3) Factually Accurate (4 incidents).



*Figure 1: Number of incident descriptions per emergent category*

### **Factually Inaccurate (116 Incidents)**

The US DOJ did not accurately represent each of the 116 incidents based on our review of the related police reports, body cam video recordings, and other evidence related to each incident. The following classifications emerged from our analysis of inaccuracies in the US DOJ report:

- Omission
- Missing/Misrepresentation of context
- Deception or misleading description
- Misapplication of case law
- Conclusions formed using hindsight bias
- Integration of information not present in related materials and evidence

### **Could Not Be Determined (12 Incidents)**

The Phoenix Police Department could not identify 12 incidents based upon the information provided by the US DOJ.

### **Factually Accurate (4 Incidents)**

The US DOJ report accurately represented four (4) incidents based on a comparative review of associated reports and body cam video recordings (and/or other evidence).

## **ADDITIONAL FINDINGS**

More detailed analysis of each of the allegations put forth in the US DOJ report follow in the remaining sections of this analysis. After reviewing the related police reports and police body cam videos—and to the contrary of the descriptions and overall determination of the US DOJ report—we found the overall professionalism of the Phoenix Police Department to be inspiring and exemplary. Whereby the US DOJ report asserted wrongdoing, we observed Phoenix police officers showing compassion by waiting much longer than required to use force, if not exhausting all other means and attempts beforehand. We also observed officers placing themselves in greater danger than necessary to avoid using force. And in many incidents, we saw officers take action in ways that should serve as models for other law enforcement agencies. Where the US DOJ report indicated wrongdoing in Incident P27,<sup>6</sup> for example, we saw exemplary de-escalation tactics. Where the US DOJ saw “unconstitutional behavior” in describing Incident P08, we saw the supervision of a tactical plan that could be modeled in a textbook.

In taking the findings of the US DOJ investigative reports to task, the Phoenix Police Department joins other law enforcement agencies that have started to question and re-examine the validity of the methods and findings of previous US DOJ reports. For example, the city of Springfield (MA) issued a rebuttal after finding “many errors and discrepancies.”<sup>7</sup> Likewise, former Louisville Police Chief Jacquelyn Gwinn-Villaroel explained that the city did not agree with all of the findings of the DOJ in their summary report. Louisville Mayor Craig Greenberg called the findings of the DOJ report “allegations” and contested some of the findings.<sup>8</sup> Even earlier, in 2010, after the US DOJ accused the Seattle Police Department of a “pattern and practice” of civil rights violations. However, former DOJ Statistician and Seattle University

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<sup>6</sup> <https://www.youtube.com/watch?v=ByMjKvnamvo&t=34s>

<sup>7</sup> Dunford, P. (2023, April 6). *Getting answers: Springfield Police Department rebuttal to 2020 D.O.J. report*. Western Mass News. <https://www.westernmassnews.com/2023/04/07/getting-answers-springfield-police-department-rebuttal-2020-doj-report/>

<sup>8</sup> Riley, J. (2023, November 21). Louisville police chief testifies DOJ consent decree is in a 'holding pattern,' negotiations haven't begun. WDRB. [https://www.wdrb.com/in-depth/louisville-police-chief-testifies-doj-consent-decree-is-in-a-holding-pattern-negotiations-havent-begun/article\\_f9e7870c-88ad-11ee-b0e2-8f25f26bd25e.html](https://www.wdrb.com/in-depth/louisville-police-chief-testifies-doj-consent-decree-is-in-a-holding-pattern-negotiations-havent-begun/article_f9e7870c-88ad-11ee-b0e2-8f25f26bd25e.html)

Criminal Justice Associate Professor Matthew Hickman debunked the DOJ’s flawed report. Hickman detailed his perspective in an editorial titled, “Special to the Times: Department of Justice owes the Seattle Police Department an apology.”<sup>9</sup>

### **Unreasonable expectations**

Closer examination of the police incidents described in the US DOJ report ultimately indicate an effort that culminates in placing an unreasonable expectation on the Phoenix Police Department. In fact, no law enforcement agency seems immune from US DOJ scrutiny—according to the standards the US DOJ seems eager to impose. However, the legal standard for the evaluation of law enforcement actions is entrenched in reasonableness (*Graham v. Connor*; *Scott v. Harris*; *Kingsley v. Hendrickson*). This standard is born out of the expectation that law enforcement is inextricably tasked with acting rapidly, often with limited information, in dangerous situations, while facing unknown circumstances and threats. The courts have routinely rejected a Fourth Amendment standard that imposes perfection or an outcome that could only be concocted in an academic setting, or otherwise with the benefit of hindsight—while knowing more than any officer involved could likely have known at the time.

Case law is clear that police officers should not be judged on the best course of action, but what was reasonable at the time. Rather than a view of law enforcement rooted in the standard of existing case law, the US DOJ seems to prefer an academic theory referred to as officer-created jeopardy. Often fueled by academic and progressive influences,<sup>10</sup> officer-created jeopardy uses hindsight bias and outcome-driven judgments that directly go against the established objective reasonableness standard within the Fourth Amendment and conflict with real-time decision made under stress and the realities of human performance.

Incident U08 is just one example of the US DOJ using officer-created jeopardy, claiming that “PhxPD Delays Medical Aid to Incapacitated Suspects and Uses Unreasonable Force on

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<sup>9</sup> Hickman, M. (2012, September 8). *Department of Justice owes the Seattle Police Department an apology*. *Seattle times*. <https://www.seattletimes.com/opinion/departments-justice-owes-the-seattle-police-department-an-apology/>

<sup>10</sup> Kleim, V. (2024, December 16). *The expert trap: Protecting police from unreasonable expectations*. *Force Science*. <https://www.forcescience.com/2024/12/the-expert-trap-protecting-police-from-unreasonable-expectations/>



Wounded People.” What could only be described as a textbook tactical plan and operation by officers was twisted into the US DOJ claiming that officers should have rendered aid quicker because the suspect “made no significant movement” toward the gun. Using hindsight bias, the US DOJ offered an evaluation of police officers—based on what they only could have known *after* the incident was complete and not in the moment of decision. A robbery suspect, who had pointed a gun at officers and after being shot, was just eight feet away from the gun and still continued to move. Officers cleared a vehicle, containing robbery suspects and then used a K-9 to drag the suspect away from the gun and took him into custody. While the US DOJ concluded the use of the K-9 and a delay in medical aid was wrong, epistemologically speaking, that claim could only be made *after* the incident and *after* knowing that the suspect did not pick up a gun lying next to him.

In multiple incidents the US DOJ claimed that suspects posed no threat. Although once again, such a claim can only be safely asserted *after* and not during the incident. In Incident U26, despite observing a naked suspect smoking from a pipe commonly used for methamphetamine—and raising his fists at officers—the US DOJ said that the use of a Taser was not warranted, even though the officers waited 14 seconds in the face of the suspect’s continued non-compliance prior to deploying the Taser. In Incident U01, the US DOJ claimed that deadly force was unreasonable because “the man was not physically aggressive, told officers he wanted to die, and never threatened the officers.” The man refused officer commands for 15 minutes—while holding a knife—and then came towards officers. As evidenced throughout the US DOJ report, this approach is problematic because:

- a) The unconstitutional standard applied by the US DOJ is not the same standard of the Phoenix Police Department according to law enforcement policy or best practices; and
- b) The US DOJ based their recommendations for federal oversight of the Phoenix Police Department using these unconstitutional standards.

Graham v. Connor (1989) relies on objective reasonableness and acknowledges that officers cannot be judged based on hindsight or the ultimate intent of the suspect. To properly evaluate the actions by the Phoenix Police Department, the appropriate standard should have been used rather than an unreasonable and unachievable standard of predicting the future behavior of suspects.

### **Consent decree: The “default” remedy of the US DOJ**

Since the US DOJ was initially authorized by Congress to conduct “pattern and practice” investigations, most investigations resulted in a court-imposed consent decree on the police department. Without evidence presented in court and an opportunity for the agency to gain clarification on the allegations, police departments typically submit to negotiations with the US DOJ—and historically speaking, the results have been disastrous. Beyond permitting the US DOJ to pursue what appears to be a political agenda,<sup>11</sup> consent decrees have clearly resulted in a “statistically significant increase in homicides and total crime.”<sup>12</sup>

A cursory examination of some of the law enforcement agencies and cities under a US DOJ consent decree further highlights the destructive impact they have on public safety.

	New Orleans	Chicago	Seattle	Albuquerque	Baltimore
Years (Decree)	2010-2025	2015-2025	2011-2025	2012-2025	2015-2025
Violent Crime	+97%	+10%	+53%	+80%	+8%
Type 1 Crime	+44%	+4%	+33%	-7%	-38%
Calls	-31%	N/A	-16%	-4%	+61%
Staffing	-36%	-3%	-16%	-11%	-14%
Budget	+83%	+24%	+43%	+38%	+25%

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<sup>11</sup> Johnson, J., and Kennedy, S. (2023). Police reform by decree: How DOJ enacts its policing agenda. *Law Enforcement Legal Defense Fund*. <https://www.policedefense.org/wp-content/uploads/2023/08/LELDF-Report-Police-Reform-by-Decree-Consent-Decree-Study-August-2023.pdf>

<sup>12</sup> Devi, T. and Fryer, R.G. (2020). Policing the police: The impact of “pattern or practice” investigations on crime. *National Bureau of Economic Research* [Working paper 27324]. [https://www.nber.org/system/files/working\\_papers/w27324/w27324.pdf](https://www.nber.org/system/files/working_papers/w27324/w27324.pdf)

### **Correlations between consent decrees and violent crime**

The violence that follows a federally imposed consent decree should seem shocking. However, the truly shocking impact is underscored considering the fact that 9 of the [15 most violent cities in America](#) are subject to US DOJ consent decree monitoring.

Rank	Location	Homicides per 100,000 Residents
1	New Orleans	58.4
3	Baltimore	44.7
4	Philadelphia	34.1
6	Birmingham	28.9
8	Washington D.C.	25.2
9	Milwaukee	24.9
12	Detroit	22.3
13	Indianapolis	22.1
14	Louisville	20.3
US Average		6.81

### **Faulty incident descriptions; faulty recommendations**

During the course of our analysis, we interviewed law enforcement professionals across the country that have worked under a consent decree. A prevailing theme discussed by these professionals highlights that most negative repercussions do not stem from the consent decree itself, but from implementing consent decree mandates or recommendations. Some of the prevailing themes that emerged during these discussions include:

- Call response time will increase dramatically;
- The shift from crime control to compliance leaves the community less safe;
- Recruiting and retention are negatively impacted;
- The community will be upset because our presence is significantly lessened;
- Officers will be away from the street doing paperwork for long(er) periods of time;
- Officers avoid work because they fear that their actions are being closely scrutinized;

- The unrealistic expectations of de-escalation create additional danger for officers and an increase in deadly force (we heard numerous examples where deadly force happened because of the restrictions on less lethal options placed on the officers);
- Violent crime rises because of the “de-policing” that takes effect;
- Quality of life issues for residents suffer because officers are no longer capable of responding in a timely manner;
- The morale of the officers is significantly impacted due to the unrealistic expectations;
- A minor use of force incident will remove an officer from the street for several hours;
- It is a bureaucratic nightmare that prevents officers from doing their job.

### **Comparative review of other US DOJ reports & consent decrees**

Our research analysis also involved comparative review of other US DOJ investigations and reported findings, and the recommendations and mandates articulated within extant consent decrees. The US DOJ investigations of the Albuquerque Police Department and the Oakland Police Department were given particular attention since they are comparable to the Phoenix Police Department in more than a few ways.

### **The Albuquerque Police Department**

In 2014, the US DOJ cited 20 shootings in three years to allege that officers of the Albuquerque Police Department “too often use deadly force.” After a decade, the Albuquerque Police Department had achieved a 99% compliance with the DOJ Recommendations. Yet paradoxically, officer-involved shootings have increased 33%. Making matters worse, the overall violent crime rate increased approximately 80%. Even worse still, The Albuquerque Police Department has experienced a significant staffing shortage while their budget has increased approximately 37%—since the consent decree was implemented.

Despite this obvious failures according to several metrics, the US DOJ declared success since the Albuquerque Police Department [had achieved 99% compliance](#) after 20 federal monitor reports at cost of [\\$20 million dollars](#). Despite the victory claimed by the US DOJ, our discussion

with Shaun Willoughby, President of the Albuquerque Police Officers Association, closed on a sobering fact, “The future of Albuquerque is bleak.” Another clear fact does not suggest improved public safety in Albuquerque: in 2014, the US DOJ imposed a consent decree based on 20 shootings (in the previous three years); but after they claimed success in 2024, there were 30 shootings (in the previous three years). The calculus used by the US DOJ to determine the success of consent decrees—without regard for crime and public safety—should seem troubling, at the very least.

### **The Oakland Police Department**

The public safety crisis in Oakland is a tragic story of what US DOJ involvement in a local police department can do to the community. The Oakland Police Department agreed to federal oversight in 2003 and in 2023, U.S. District Judge William Orrick denied the city’s request to end the oversight, citing “culture.” Two decades later and over 20 million dollars spent, Oakland finds itself in a downward spiral of rising crime and a [240 million dollar deficit](#) that threatens the layoffs of police and fire. In 2023, California Governor Gavin Newsom deployed the California Highway Patrol to the city to combat crime and as in Albuquerque, the future remains bleak. In July 2023, the Oakland Branch of the NAACP issued a [scathing letter](#) to elected officials saying, “everyone is in danger.”

“...African Americans are disproportionately hit the hardest by crime in East Oakland and other parts of the city. But residents from all parts of the city report they do not feel safe. Women are targeted by young mobs and viciously beaten and robbed in downtown and uptown neighborhoods. Asians are assaulted in Chinatown. Street vendors are robbed in Fruitvale. News crews have their cameras stolen while they report on crime. PG&E workers are robbed and now require private security when they are out working...”

## **The US DOJ: Unaccountable for accountability**

While we found 97% of the incidents described by the US DOJ as factually inaccurate, we found impeccable accuracy when comparing videos to Phoenix police reports. Of course, accurate police reports are vital as they form the basis for arrests, prosecutions and potential imprisonment of citizens. It is incumbent of the leaders within the Phoenix Police Department to ensure this accuracy. The failure of the officers to accurately portray the actions of suspects would be a constitutional and potentially criminal crisis for the agency and it was clear through our research this was done at a high level.

Oddly, in attempting to portray the Phoenix Police Department as displaying a “pattern and practice” of unconstitutional policing, the US DOJ violated the most basic principle of constitutional policing. Some of the US DOJ incident descriptions were so void of truth, if a police officer had manipulated the details in the same manner to affect an arrest, they would be subject to termination and/or prosecution. There is no accountability for the unnamed authors of the US DOJ summary report but the trust within the US DOJ and their practices in this area of investigations is eroded.

This trust should be further questioned after a ruling by Federal Judge Benjamin Beaton on January 18, 2025. In reviewing a proposed consent decree, agreed by the city of Louisville, Judge Beaton asked DOJ Attorney Paul Killebrew how many instances they had counted where LMPD used excessive lethal force so he could get a better idea of how the DOJ came to its conclusion that LMPD has a pattern or practice of excessive force. [Killebrew refused to answer](#), saying he wanted to “maintain leverage.”

Judge Beaton writes, “...the court issued a preliminary order setting a hearing and outlining areas for the parties attention, But the Department showed up with no witnesses and no evidence — Only the 2023 Findings Report that is incorporated into the Complaint. The Justice Department implicitly and at times explicitly asked the Court to simply defer to its expertise and judgement.”

The expertise and judgement of the US DOJ Civil Rights Division seems questionable at best, and it seems that these “pattern and practice” investigations proceed without intent to actually prove the allegations put forth in the investigative reports. In fact, when asked in court to provide an answer that would define, establish, or clarify what constitutes a “pattern and practice,” the US DOJ refused.

Judge Beaton continued, “Remarkably, the [DOJ] refused to offer any answer and information whatsoever during the hearing...This is a curious approach for parties that bear the burden of persuasion. Even curiouser when those parties are public agencies—accountable to the people and responsible for enforcing the laws. Curiouser still when those agencies are asking the Court itself to get into the law-enforcement business by overseeing Departmental reform... Having chosen the 'extraordinary' device of a consent decree, the [DOJ] and the Louisville owe it to this Court and the people to explain the facts that led them here. The DOJ’s reticence is puzzling...The public’s interest in the transparent, accountable, and durable reforms the Government has promised should mean the parties have little reason to avoid sharing this and related information.”

We respect Judge Beaton for conducting his duty as a neutral arbiter with an allegiance to transparency and accountability. Yet, the US DOJ refusal to share any information is not puzzling to us. In October 2022 and October 2023, the city of Phoenix requested to review the summary investigation prior to the public release. The [response by Kristen Clarke](#), the United States Assistant Attorney General was telling:

“...As noted in our response to your similar request in October 2022, it is not our practice to provide such pre-release access to jurisdictions to read the findings report prior to public release – for example, where those jurisdictions commit to an agreement in principle to enter into a consent decree with an independent monitor...”

Considering that the city of Phoenix volunteered for the investigation, and spent millions of dollars assisting the US DOJ, it should not seem unreasonable for city officials to view the findings in toward reaching a decision about entering into a consent decree. However, over the last three decades, it seems that the US DOJ prefers: a) to keep their reports away from those who might subject their findings to scrutiny; and b) to publicly broadcast generalized or selectively limited findings to pressure on city officials. As observed in Clarke’s letter, and explain to city officials, the findings of the report could be reviewed early—so long as Phoenix officials would “commit to an agreement in principle to enter into a consent decree with an independent monitor...”

Agreeing to a contract—prior to reading it—is not prudent for anyone, let alone a municipal government entity. But this is exactly what many municipal and law enforcement officials have done in the past. Further, any legitimate investigation into a “pattern or practice” of activity must portray the allegations within the overall context of police activity. The lack of accuracy, and in some cases, the outright omission of over-arching data—and the relatively meager statistical significance—may indicate that the US DOJ was attempting to misrepresent their findings and conclusions.

### **Lack of transparency in the US DOJ report**

Identifying researchers is an important part of even the most basic academic project. Yet the US DOJ failed to identify the researchers or experts who were involved in developing the findings published in their report. Thus, the credibility of the US DOJ report should seem questionable. Given that the allegations involve law enforcement operations, practices, tactics, and techniques, it is impossible to determine whether those involved had any tacit knowledge or first-hand experience in law enforcement.

Knowledge and experience in law enforcement—and criminal behavior—are necessary to evaluate law enforcement practices. Much of the police activity described by the US DOJ occurred in chaotic, dangerous, and rapidly evolving situations, therefore any subsequent analysis of merit must involve experts that understand the complexity of law enforcement.



Without knowing those involved, it is difficult, if not impossible to determine the validity of many of the key findings of the US DOJ report published by the Civil Rights Division.

### **How the US DOJ appears to use political pressure to frame a narrative**

The US DOJ investigation into the Phoenix Police Department—combined with other agencies—indicates some obvious flaws in the veracity of US DOJ investigative reports. After extensive review, we believe there is one overarching reason that explains why police departments and municipalities typically submit to the US DOJ demands despite any actual evidence. That reason, simply put, is politics—and the US DOJ exerts often extreme political pressure more than a few ways:

1. It is easier for a political figure (mayor, city council member, et al.) to agree with the US DOJ rather than pursue litigation to refute their claims;
2. The public release of a US DOJ summary investigation—without due process—places local police departments at a severe disadvantage in the court of public opinion;
3. In describing its findings in ways that fit mainstream media narratives, the US DOJ can exploit the advantages of a media-friendly news environment.

While there are many complex aspects involved, our analysis of the US DOJ investigative report—and associated media reports—indicate a disturbing trend, one that precipitates and protracts the failure of law enforcement agencies to more thoroughly vet and respond to US DOJ investigations. The lack of curiosity by the media and the opportunity to sensationalize a US DOJ “investigation” undoubtedly impacts public perception about the police department, while creating the need for political leaders to urgently resolve the allegations.

During the course of our research and analysis, several leaders and elected officials in Phoenix took a courageous stance: they did not rush nor yield to the demands of the US DOJ to enter into a consent decree based upon allegations and descriptions in an investigative report that are mostly factually inaccurate. Meanwhile, the unprecedented response by the Phoenix Police Department contributes to our belief that the US DOJ does not intend for these investigative

reports to be proven in a court of law—but to serve instead as propaganda to advance toward political objectives.

Suggesting that the US DOJ report is propaganda is a bold claim. However, it is a claim that can be easily substantiated. For example, the control of a political narrative is often indicated by the use of particular words, phrases, or determinations. In this case (although not limited to it), we observed one particular word repeatedly used by mainstream media outlets to describe the summary reports written by the US DOJ: “scathing.” Despite the inaccuracies and omissions in the actual US DOJ report, it nonetheless appears to be a “scathing” indictment as the following examples indicate.

 Native News Online

## Justice Dept. Scathing Report: Native Americans Face Discrimination by Phoenix Police

In a 126-page scathing report released on Thursday by the U.S. Department of Justice, the Phoenix Police Department (PhxPD) was found to...

 CNN

## Phoenix police violated the rights of homeless residents and minority communities, scathing DOJ report finds

 ABC15 Arizona

## Phoenix PD launches website detailing many incidents included in scathing DOJ report

 FOX 10 Phoenix

## DOJ issues scathing report on Phoenix Police

 ABC News - Breaking News, Latest News and Videos


## Video DOJ releases scathing report on Phoenix Police Department

 CNN

## Video: Hear DOJ official share scathing findings from investigation into Memphis police

 AP News

## Residents of a small Mississippi town respond to a scathing Justice Department report on policing

 6abc Philadelphia

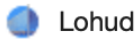
## Trenton community demands change after scathing DOJ report of police department

 Boston 25 News

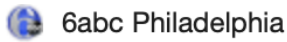
## Tempers flare at packed city meeting after scathing DOJ report on Worcester Police Department

 WBUR

## What's next after the scathing DOJ report alleging abuse by Worcester police



## Mount Vernon promises police reforms in wake of scathing DOJ report



## Trenton community demands change after scathing DOJ report of police department



## Louisiana State Police engaged in pattern of excessive force for years, scathing DOJ report finds



## 5 Takeaways From Scathing Department of Justice Report on Chicago Policing



## Justice Department and the city of Memphis to address results of scathing police investigation

A cursory examination of news stories across multiple cities and years reveals hundreds of media reports that use loaded language or particular words and phrases to describe the yet-to-be-proven allegations put forth by the US DOJ. Granted, whatever words the media choose to use in sensationalized headlines may be one thing; and what the US DOJ writes in its investigative reports may be another. However, news media reports—and the actual US DOJ reports—often share common words, phrases, stylistic elements, and perhaps most concerningly, common narratives that lack substantiating evidence and factually accurate description.

The upshot: the media appears to favor the stylized “scathing” findings of US DOJ investigative reports, while the US DOJ appears to favor producing stylized reports that favor the reporting of “scathing” findings. The overlap concerning US DOJ reports and the media reports about them should not be overlooked, especially when trying to understand why the US DOJ report contains loaded language and factual inaccuracies. For example, the US DOJ report refers to a suspect who was “hogtied.” Although in actuality, Phoenix Police officers applied authorized RIPP leg restraints (see Incident U24).

## RECOMMENDATIONS

As the city of Phoenix continues their dialogue with the US DOJ, officials should consider whether:

- a) the US DOJ investigation prove a “pattern or practice” of civil rights violations?
- b) the recommended measures are needed and effective based upon research and evidence?
- c) a consent decree is the *most appropriate* method to reform an agency?

Such consideration should follow the notion that no agency is perfect, however, the Phoenix Police Department should continue to develop its practiced self-correction and self-assessment as a law enforcement agency. Their [Road To Reform](#) document is exhaustive and commendable. However, we caution the Phoenix Police Department with regard to the intent and motivation concerning their Road To Reform initiative.

If the internal changes outlined and pursued by the Phoenix Police Department follow internal review and best practices within the law enforcement profession, then we applaud it. If the document was developed in reaction to the findings of the US DOJ—and done only to avoid a consent decree or appease the US DOJ—we must caution that it could likely impede the agency much like a potential consent decree. Phoenix City Manager Jeff Barton [has said](#) that “the department is analyzing all 37 recommendations from the DOJ to see where reforms already underway hit the mark, and where additional improvements are needed.” We can only encourage these continued efforts.

Relying on recommendations from the US DOJ, within a report that was 97% factually inaccurate, could lead the Phoenix Police Department into similar destruction seen in other consent decree cities. While consent decrees have been the blame of failed agencies and less safe communities, the culprit is actually the implemented recommendations, [resulting in less police work and increased bureaucracy](#). As with any potential reform by a law enforcement agency, police leadership must use their own expertise and established experts outside the agency to develop measures that enhance public safety, trust and collaboration.

The past outcomes of US DOJ recommendations should send a sobering message to the city of Phoenix. Hence, great caution should be exercised in proceeding with any DOJ recommendations—especially since the majority of the recommendations outlined by the US DOJ have previously been imposed on other law enforcement agencies. After years of attempting to comply with US DOJ recommendations under a consent decree, these cities have become some of the most violent cities in America.

## **OVERVIEW OF US DOJ INCIDENT DESCRIPTIONS**

Overall, the US DOJ published so-called investigative findings that maligned the Phoenix Police Department. With 97% of the narrative descriptions being factually *inaccurate*, we cannot conclude that the report reflects the findings of a meticulous investigation based solely on data and correlative evidence (instead, the report seems more like fashioned propaganda intended to advance a particular narrative written by unknown contributors).

Detractors may say that law enforcement must be held accountable for constitutional violations, and we wholeheartedly agree. However, after reviewing the US DOJ investigative report concerning the Phoenix Police Department, it seems obvious that those involved in its production likely believed the report would never be reviewed by independent researchers—or in a court of law. That, in itself, is a major problem. Whatever their intentions may have been, the summary investigative report concerning the Phoenix Police Department should have never been released to the public. Instead, the report should have been adjudicated in a court of law and evaluated according to their own merits—or lack thereof. What follows are more summaries of the comparative analysis of the incident descriptions in the US DOJ report—and evidence provided by the Phoenix Police Department.

These proceed according to the following allegations against the Phoenix Police Department put forth by the US DOJ:

- (a) use of excessive force in violation of the Fourth Amendment;
- (b) violation of the rights of people experiencing homelessness;
- (c) discrimination against Black, Hispanic, and Native American people;
- (d) unlawfully restricting protected speech and expression;
- (e) discrimination in response to people with behavioral health disabilities; and
- (f) failure to modify practices during encounters with children.



## **US DOJ descriptions of use of excessive force in violation of the Fourth Amendment**

Overall, the US DOJ alleged that the "PhxPD Uses Excessive Force In Violation of the Fourth Amendment." More specifically, the DOJ alleged that the Phoenix Police Department (and the City of Phoenix):

- uses unreasonable deadly force;
- uses unreasonable less-lethal force; and
- that police training and weak oversight contribute to the pattern of excessive force

## **Overall results of our analysis**

We examined each incident cited in the US DOJ report in comparison with a thorough review of police reports, administrative documents, and associated body camera evidence. Overall, we found a stark difference between the two, with a remarkable lack of details in the US DOJ report. Further, in offering their determinations, the US DOJ report indicates a substantial lack of knowledge in various areas, particularly with regard to case law, police tactics, and officer safety practices.

The Phoenix Police officers were involved in more than 5,000 (5,213) use-of-force incidents within the period under investigation. Yet, the US DOJ cited only 36 use-of-force incidents in its analysis to substantiate indicate a "pattern or practice" of civil rights violations. Of these 36 incidents cited in the US DOJ report, our analysis indicate that:

- thirty-four (34) of these alleged incidents appear to be *inaccurate*;
- and two (2) appear to be mostly inaccurate.

Hence, the 36 incidents cited in the report fail to rise to the standards set forth by the US DOJ as a "pattern or practice" due to the fractional size and statistical insignificance of the allegations based on overall activity of the Phoenix Police Department. The US DOJ report also omitted key details and context; used deception to form conclusions, misapplied unreasonable force, deadly force and the fourth amendment while judging officer actions using 20/20

hindsight. The incident summaries in the US DOJ report also indicate misapplication of extant case law and misunderstanding of even the most basic police tactics. The characterization of incidents within the US DOJ report—and the evidence made public by the Phoenix Police Department—appear to be vastly different not only in narrative and conclusive determinations, but also in degree of detail and context.

### **Incident U01**

In Incident U01, the DOJ stated that “the man stood at the top of an interior stairwell with his hands to his side” but video evidence never showed the subject’s hands to his side but rather in both pockets while he refused all commands from the officers for over 15 minutes as his hands remained in his pockets. While this may seem like an insignificant detail, it is indeed significant in regard to how law enforcement is trained regarding subject encounters and certainly places emphasis on safety tactics from the perspective of a law enforcement officer. In the same incident, the DOJ said that the subject did not present an “immediate threat” and “shot and killed a suicidal man moments after he pulled a knife from his pocket and told the officers he wanted to die.” The DOJ omitted important factors in this incident and others including over 15 minutes of dialogue with the subject without compliance. The repositioning of the officers as the subject came downstairs to delay deadly force was not mentioned by the DOJ but rather the DOJ stated that the force was unreasonable because “the man was not physically aggressive, told officers he wanted to die, and never threatened the officers.”

### **Incident U08**

The US DOJ claimed in Incident U08 that “PhxPD Delays Medical Aid to Incapacitated Suspects and Uses Unreasonable Force on Wounded People,” but left out of those details were suspects that were observed by law enforcement committing a robbery with a firearm with one suspect fleeing and pointing a gun at officers. Officers shot the suspect, who laid on the ground with the firearm approximately eight feet away. The DOJ does not mention that the suspect vehicle containing numerous robbery suspects would have been in the path of any officers approaching the downed suspect. While the DOJ claims that officers should have rendered aid quicker because they claimed the suspect “made no significant movement” toward the gun, video depicts the suspect moving throughout the incident. While “significant movement” is not defined

by the US DOJ, it would not take much movement to reach a handgun 8 feet away. While the DOJ lamented that "over nine minutes passed from when officers shot the man to when they moved in to complete the arrest and render aid," just one minute passed following the clearance of the vehicle to taking custody of the suspect.

### **Incident U10**

A lack of context problems in the description of incident U10, whereby the DOJ claimed that "PhxPD officers use these dangerous compression restraints against people experiencing a behavioral health crisis who do not present a risk to officers or others." Incident U10 was used as an example for this statement but several details were omitted from the DOJ summary including the original call by the victim that the suspect grabbed her and carried her several feet against her will while attempting to place her into a vehicle. This violent act was followed by the suspect telling the victim that he was going to stab himself.

While the DOJ presented this case as a man alone in his car and crying, they failed to mention that he refused to exit his car after several commands from officers and when removed from the vehicle, he placed his hands underneath his body, refusing to be handcuffed. Context is vital in law enforcement and subsequent investigations and the insinuation that this suspect was simply "experiencing a behavioral health crisis" and did not present a risk to officers or others" is ridiculous. The suspect was not eligible for a mental examination or hospitalization after committing a felony crime and he subsequently pled guilty to a felony and a misdemeanor.

### **Incident U11**

In Incident U11, the US DOJ claimed that "PhxPD officers pressed a deaf man's neck and head down for over 20 minutes after they had handcuffed and restrained him with leg ties." Without reviewing the reports and watching the video footage, this sentence gives the impression that there was no justification in the actions of the officers, but the US DOJ omitted the violent nature of the encounter and the continued resistance after restraints were placed on the suspect. The video depicts officers being assaulted and injured but still showing compassion for a suspect in an agitated state. Within the midst of the continued struggle, the primary officer verbalized to the other officer that the suspect could be experiencing excited delirium and medical personnel were called.

### **Incident U12**

These omissions continued throughout the US DOJ summary. While the DOJ stated in U12 that "when a teenager objected to an officer pressing his knee into the boy's head, the officer responded: "I know I am, purposefully." The teen was suspected of trespassing in an empty warehouse to attend an illicit party. As what can only be described as a troubling pattern, the US DOJ did not give vital context to this encounter that included past calls at the location of shots being fired and that the suspect fled and resisted the officer's attempt to detain him. While the video clearly revealed that the suspect objected to the actions of the officers, "bro you are on my head" and the officer's honest response, the force by the officers lasted mere seconds until handcuffs could be placed on the suspect. Further troubling by the lack of information offered by the DOJ in their allegation is that the suspect was in possession of a handgun.

### **Incident U15**

With regard to Incident U15, the US DOJ described the encounter as "an officer squeezed a man's neck with both hands because the man stood up to get his identification from his back pocket." What was not mentioned in that narrative was that a large group of trespassers were complying with officers' commands with the exception of this suspect. Rather than sitting down, he remained up with a knee on the ground. He ignored multiple commands to sit down, "take a seat like everyone else." He never complied, continued to argue and without prompting, stood up. When challenged by officers, he placed his knee back on the ground but kept his right hand

in his pocket. After approximately 90 seconds of requests, officers attempted to handcuff the suspect, and a violent encounter ensued. The use of force did not occur because the "the man stood up to get his identification from his back pocket"; it was based on his violent reaction to officers attempting to take him into custody.

### **Incident U20**

In their analysis and description of Incident U20, the US DOJ claimed that "PhxPD Uses Unreasonable Force Immediately, Without Giving People Warning or an Opportunity to Comply" and described the incident as "officers grabbed a man and slammed him to the ground seconds after confronting him." Missing in the US DOJ description is that the officer observed the suspect confronting a citizen in a confrontational and aggressive manner. As the officer attempted to handcuff the suspect, he pulled forward, away from the officer. When the officer's attempt to regain control of the suspect's hands failed, he then tripped the suspect towards the ground where it took two officers to handcuff the resistant suspect.

In further exclaiming that "PhxPD Uses Unreasonable Force Immediately, Without Giving People Warning or an Opportunity to Comply," the DOJ claimed in Incident U21 that officers used excessive force when they took a subject to the ground and arrested him. In explaining the incident, the DOJ stated that "the officers grabbed him, told him to put his hands behind his back, and then pulled him to the ground." Not mentioned in the DOJ narrative was that officers observed him throw a baggie on the ground and officers asked him at least six times to place his hands behind his back and he refused. They then warned him that if he did not comply, they would take him to the ground.

### **Incident U27**

Concerning U27, the DOJ claimed that officers arrived "on the scene of a behavioral health crisis" and claimed that the use of a Taser was inappropriate and excessive. The DOJ failed to mention that during a prolonged conversation with the man, attempting to get him to agree to a mental evaluation, he displayed aggression including clenching his fists with the responding officers and walking away to the garage and back. Once the decision was made to arrest him, he was told 13 times to place his hands behind his back over the course of

approximately 111 seconds. When he refused, an officer deployed pepper spray, and the man retreated further into the garage. The officers told him four more times to "get down" and he refused. A Taser was then deployed, and the man was taken into custody.

### **Additional problems with descriptions of use of force lacking context**

In other instances, a lack of context misrepresented a compassionate encounter with violent and resistant suspects, couching it as officers allegedly performing restraints that were deadly force. In Incident U13, Officers approached a subject suspected of using drugs at a bus stop and had to struggle and fight with a combative suspect for over two minutes. While the US DOJ Summary stopped at "the man was suspected of using drugs at a bus stop," the summary failed to mention the violent encounter that ensued.

The longer these violent encounters last, the more dangerous the scene becomes for officers, citizens, and suspects and that was certainly the case in this incident when an unknown subject came into close proximity with the officers and began questioning them during the struggle. As the struggle continued, the officers had the legal justification to quickly escalate their force, including the use of Taser or an impact weapon but chose not to do that. This decision prolonged the encounter but was eventually successful in taking the suspect into custody. Throughout the incident, officers continually demanded compliance, advised the subject that additional force options would be implored if compliance did not occur, but they ultimately chose to not use those options. Not only did the officers not use "lethal restraints" in this encounter, but they also used a minimal amount of force while choosing to not use additional force options during a very tense situation.

Incident U13 serves as another example in a lack of context leading to a misguided conclusion. While the DOJ only detailed that the officers used "potentially lethal restraints" when they suspected a man was committing a "minor offense," they failed to mention the violent encounter that ensued upon contacting the suspect.

In U21, the DOJ stated that "two officers used excessive force after stopping a bicyclist who ran a red light. The man allowed the officers to search him. As one officer checked the

man's pockets, the man appeared to move something from one hand to the other. The officers grabbed him, told him to put his hands behind his back, and then pulled him to the ground."

Important contextual information necessary to determine the reasonableness of this incident should have included the fact that the subject continued to reach in his pockets—after being told to stop. Officers asked him at least six times to place his arms behind his back and he refused and when officers tried to bring his arms to his back, he tightened his arms and placed his right arm towards the front of his body.

In U16, the DOJ said that "While the officer continued to pelt him with Pepperballs, another officer struck the man with a 40mm impact round. The man turned away, screaming. Then, a third officer advanced and fired a Taser." A review of the video reveals that the suspect, wanted on a violent felony warrant did not turn away but rather continued to not comply and began walking away from officers as they used less lethal force to take the man into custody. After the utilization of Pepperballs and impact rounds, the suspect turned towards the officers in an aggressive stance, which precipitated the use of a Taser.

In U18, the DOJ said that "an officer grabbed a man by his hair and threw him to the ground before he could obey the officer's orders" but video reveals that the suspect had approximately 8 seconds to comply but refused.

### **Using deception or omission to fashion descriptions of use of force**

While we found that the majority of the descriptions by the US DOJ consisted of omissions of facts that would have provided further context to the incidents described, some incidents described contained deceptive techniques that were extremely concerning to our researchers. As an example, in incident U01, the DOJ described the subject as having his "hands to his side" during the encounter but video never revealed that the subject's hands were to his side but were inside both of his pockets during the fifteen-minute encounter with officers. Combined with non-compliance during the entire encounter, this fact certainly played a significant role in the perception of the officers throughout the encounter, and it is difficult to understand why the US DOJ chose to describe the subject in this fashion.

Furthermore, the US DOJ often described officers placing their knee on the necks of subjects when in fact, they were doing so on the upper back or shoulder. In Incident U15, the DOJ report stated that an officer squeezed a man's neck with both hands because the man stood up to get his identification from his back pocket, but the video showed that the suspect stood up without prompting after multiple commands to sit down. Even more troubling is the photograph that the DOJ used in their description of the incident, which encapsulated less than two seconds of a rapidly evolving violent encounter with the suspect.

In Incident U22, the US DOJ stated that "an officer tackled a man without warning for allegedly shoplifting \$38 worth of food from a grocery store" but that was just one incident that officers were responding to on the suspect. The 911 call said that the suspect had almost knocked a victim down in the parking lot and attempted to take her groceries. In addition, it was reported that the suspect had shoplifted from a grocery store and a tool store. With previous convictions of shoplifting, the suspect was arrested for felony shoplifting. Additional items were located on the suspect that were stolen but the business declined to prosecute. While the US DOJ stated that the suspect was not given a "warning," officers were heard at least five times on video advising him to stop walking away.

In U26, the DOJ said that a naked man posed "no threat warranting the use of a Taser" and "less than ten seconds later" he was tased. The man was observed smoking from a pipe commonly used for methamphetamine use, raised his fists, and was standing near a concrete pillar where the officers' view was obstructed. An officer told him, "Hey, sir, if you don't put your pants down, I will tase you. You have four seconds, put your pants down, put your pants down, put your pants down, put your pants down, Taser, Taser, Taser..." Approximately 14 seconds after that initial warning, without compliance, the officers deployed their Taser.



### **Misapplication of unreasonable force determinations**

The routine lack of context and details evidenced in the DOJ report does provision the ability to deem the force used by officers as "unreasonable" but without a proper application of the case law combined with a proper analysis of each incident, the statements by the US DOJ on the reasonableness of use of force is nothing more than an opinion and those opinions are often misguided, misapplied and wrong.

The Supreme Court states that "the test for reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application." The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation (*Graham v. Connor*, 490 U.S. 386, 1989).

In describing a three-pronged approach, the court identified several factors—known as “Graham Factors”—to determine the reasonableness of force. These factors are not a complete list, and all of the factors may not apply in every case, but are nonetheless important. These factors include:

- the severity of the crime;
- the immediacy of the threat;
- active resistance toward arrest
- attempting to evade arrest by flight

The lack of (practical) consideration by the DOJ in their evaluation of use of force becomes apparent when looking at the Graham factors. In the use-of-force cases cited in the US DOJ report, 27 were deemed within policy by the Phoenix Police Department and cleared by the County Attorney; three (3) were found to be out of policy.

In incidents U01 through U03, the DOJ claims that "PhxPD Officers Fire Their Guns at People Who Present No Immediate Threat." However, the immediacy of the threat is just one factor of consideration. In each of these incidents—which the US DOJ claimed to involve “no immediate threat”—the suspects possessed weapons, resisted arrest, and either committed a violent crime, or threatened to do so.

Within incidents U04 through U06, the DOJ claimed that “PhxPD Officers Use Tactics That Place Themselves in Jeopardy and Increase the Risk of Deadly Encounters.” None of Graham factors were evaluated by the DOJ Civil Rights Division in their investigative report. However, U04 was evaluated by the FBI and deemed reasonable.

The DOJ claimed that "PhxPD's use of less-lethal projectiles violates the Fourth Amendment's prohibition against excessive force." However, they failed to provide an example of that phenomenon. In fact, we observed the use of less-lethal projectiles in a manner that was planned, calculated, and prevented the use of additional force.

In U16, the DOJ report states that "a group of officers shot 40mm foam rounds, a Taser, and over 20 Pepperballs at an unarmed man within 20 seconds of announcing their presence," but a review of this incident revealed a sound tactical plan put together because the suspect was wanted on felony warrants. As soon as non-compliance was exhibited, officers began the use of less lethal force and only escalated that force as the non-compliance continued. Considering the suspect continued that non-compliance throughout the encounter, the pre-planning was valuable in that rather than a combative fight and a potentially more dangerous situation, officers were able to take the suspect into custody without officer injury or a foot pursuit that would have placed additional danger amongst all involved including citizens. Being armed is not a prerequisite for less lethal force and as the above factors suggest, this force was reasonable.

In U17, the DOJ stated that “PhxPD officers also shoot projectiles abruptly and without evidence the person is an immediate threat.” Yet once again, the immediacy of the threat is just one factor that officers use in making a decision to use force. The suspect had previously abandoned a stolen car and saturation of Pepperball was used to gain compliance in an open

environment. This less lethal option was not used as a direct impact munition until the suspect did not comply.

In U19, the DOJ said that “Sometimes, PhxPD officers unnecessarily use force before even trying to speak to a person.” This was a volatile situation with multiple people screaming and hostile towards each other. There is not a constitutional requirement to speak to individuals prior to using force as set forth by established case law.

### **Misapplication of the 4th Amendment**

The US DOJ report does not indicate nor seem to follow a sound, practical understanding of objective reasonableness as outlined in case law. The report insists that the use of deadly force was not reasonable in Incident U01 because the subject “never threatened the officers.” However, this statement calls the standards the DOJ used in their analysis of this incident into question. What the subject said or didn’t say can be factors in the decision to use force, but they are not the only factors. While the DOJ repeatedly makes their opinion about reasonable and unreasonable force quite clear throughout the report, even when a non-compliant subject comes within a few feet of a police officer holding a knife in an aggressive manner, case law clearly places a strong emphasis on the “officer at the scene, rather than with 20/20 vision of hindsight” (*Graham v. Connor*, 490 U.S. 386, 1989).

### **20/20 hindsight bias**

Another important aspect the court has defined is that the “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight (*Graham v. Connor*, 490 U.S. 386, 1989). The DOJ often takes a 20/20 hindsight approach to make their determination. As an example, in incidents U01-U03, the report asserts that there was “no immediate threat”—which is not only subjective, but also discards the perspective of the officer at the scene, instead of taking it into consideration.

In incidents U07-U08, the DOJ claims that “PhxPD Delays Medical Aid to Incapacitated Suspects and Uses Unreasonable Force on Wounded People.” While there is no constitutional requirement to immediately render aid to a suspect that attempted to shoot a law enforcement

officer, the DOJ insists they do so—almost irrespectively and without regard for the crime committed or the additional safety threats to law enforcement or citizens.

The US DOJ used “20/20 vision of hindsight” in multiple incidents to come to their faulty conclusions including U10 when they said that the suspect was simply “experiencing a behavioral health crisis” and did not present a risk to officers or others. The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight (*Graham v. Connor*, 490 U.S. 386, 1989). The on-scene perspective of this incident was that a suspect attempted to abduct a woman, refused commands to get out of his car, and then continued to resist arrest when officers removed him from the vehicle.

In Incident U19, officers rushed inside an apartment building after being called on a disturbance as they could hear loud yelling from inside. The DOJ said they “rushed into an apartment without announcing his presence.” A constitutional requirement to make verbal announcements in emergency incidents such as this has not been established.

In U25, the DOJ claimed that less lethal deployment was “unreasonable” because the man “was, at most, a risk only to himself.” The man called 911, said he had a gun, and wanted the police to kill him. He was outside in a residential neighborhood. Officers arrived and deployed less lethal tools, but never gained compliance. A group of officers used their vehicles for cover and got closer to the man. However, they could not ascertain whether he had a weapon. The front of his waistband could be observed, but the back of his waistband was hidden. The man also kept reaching his arms to that area of his body. The risk was great to the officers on the scene, but one officer went behind the man and pushed him to the ground. The man was quickly handcuffed. A suicidal subject, who says he has a gun, outside in a residential neighborhood, is never “a risk only to himself.” Moreover, making such a claim and offering such a dangerous interpretation presumes 20/20 vision of hindsight (*Graham v. Connor*, 490 U.S. 386, 1989). The officers on this scene did not know that man was unarmed.

### **Misapplication of case law**

While many of the claims by the DOJ that force was unreasonable are simply stated, some cite case law to justify their opinion. The US DOJ routinely misapplied case law to justify their opinion on the reasonableness of use of force. In U21, officers gave several commands for the subject to place his hands behind his back and his refusal was combined with his hands going in and out of his pockets. At one point, the officer warned him that if he did not comply, he would take him to the ground and ultimately officers took the subject to the ground and handcuffed him.

In claiming the incident was "excessive force," the DOJ cited *Deorle v. Rutherford*, 272 F.3d 1272, 1281 (9th Cir. 2001), stating that "[a] desire to resolve quickly a potentially dangerous situation" does not justify "force that may cause serious injury." There are numerous issues with using this citation including the details of that particular case. Rather than a rapidly evolving situation where a suspect continued to defy orders and resisting officers, Deorle never posed a safety threat and complied with officer instructions. Rutherford was on the scene for over 30 minutes before he fired a "less lethal" lead-filled "beanbag round" at Deorle. The projectile removed an eye and left lead shot implanted in his skull. Thus, it is shocking that the DOJ would draw a comparison between these cases, but this was just one of many misapplications we observed.

### **Misidentification of deadly force**

The DOJ identifies neck and compression restraints as deadly force and judges incidents U10-U13 in that capacity. Deadly force is that force that is likely to cause bodily injury or death and carotid holds are not deadly force and there is a clear difference between these compression techniques and a choke hold, which could injure the trachea. Carotid holds impact the circulatory system and the airway is unobstructed. Research and practice over the last four decades have proven the safety of these holds and Incident U13 was the only case used that displayed this technique.

The US DOJ report stated that Incidents U10-U12 were examples of "Neck and Compression Restraints that Put People at Risk of Serious Injury or Suffocation." However, the

actions by officers were not a carotid hold or a chokehold, but force on the back of the neck or back of the shoulder while a suspect was resisting officer attempts to handcuff them. None of these actions are deadly force and routinely performed in martial arts across the globe.

### **Lack of tactical consideration**

The tactics recommended by the DOJ or ignored within the overall context of their evaluation is perplexing. Incident U08 was particularly alarming when after officers observed several suspects commit a robbery with a firearm, they conducted an interdiction stop when one suspect fled the vehicle with a gun and turned the weapon towards officers. He was subsequently shot by officers and was on the ground ahead of the suspect vehicle that had the remaining suspects inside. Video clearly depicted the suspect moving on the ground with the gun within a few feet of him.

Officers used less lethal upon movement of the suspect to keep him from grabbing the gun while other officers brought each suspect out of the car before clearing the vehicle of any other threats. One minute later, officers used a K-9 to pull the suspect away from the gun and towards officers where he was taken into custody. While this was a textbook tactical approach to an extremely dangerous situation, the DOJ claimed that the delay was unnecessary and suggested that officers "could have provided lethal cover for other officers to approach and secure the man without further use of force."

Placing officers in front of a suspect vehicle containing multiple robbery suspects that potentially could have possessed multiple weapons is a dangerous suggestion that would have created far more potential for additional deadly force to be implored and for officers to be severely injured or killed. Covering a car with no vision inside the vehicle along with violent suspects inside would not have prevented shots being fired from the vehicle towards officers. There is no standardized training protocol that would suggest this tactic would be sound and the suggestion by the DOJ is dangerous and foolish.

In Incident U16, the US DOJ said that "a group of officers shot 40mm foam rounds, a Taser, and over 20 Pepperballs at an unarmed man within 20 seconds of announcing their presence." but a review of this incident revealed a sound tactical plan put together because the

suspect was wanted on felony warrants. As soon as non-compliance was exhibited, officers began the use of less lethal force and only escalated that force as the non-compliance continued. Considering the suspect continued that non-compliance throughout the encounter, the pre-planning was valuable in that rather than a combative fight and a potentially more dangerous situation, officers were able to take the suspect into custody without officer injury or a foot pursuit that would have placed additional danger amongst all involved including citizens.

### **Unachievable standards**

Missing throughout this investigation by the US DOJ are any suggestions on what they would deem correct actions in these incidents. While the DOJ falsely claims that "lethal restraints" were used in U13, what would they suggest in this prolonged violent struggle? A Taser deployment or impact weapons (fist, etc) are higher levels of force and would have been justified in this incident but what would the US DOJ say if the officers used force options that would have likely brought the incident to a closure more rapidly?

It is certainly odd that the US DOJ would claim "pattern or practice" of civil rights violations within the Phoenix Police Department in detailing just 36 incidents—including ones whereby the Phoenix Police Department subsequently held officers accountable for wrongdoing. To be clear, these incidents show that the Phoenix Police Department was capable of addressing wrongdoing and other significant issues on its own; i.e., without external influence or interference.

An important measurement to determine the health of a law enforcement agency is to examine what the agency did when officer behavior fell outside the policy or the law. Oddly, the DOJ used four incidents where the Phoenix Police Department identified either policy violations or training issues and addressed them in a professional manner. The Critical Incident Review Team found the use of force in U06 to be reasonable. However, this determination was reversed by Interim Chief Sullivan. Consequently, the officer who was involved in U06 was terminated. In Incident U05, the force was found to be outside of policy and the officer was disciplined. In U31, the agency conducted an administrative investigation and disciplined the officer. We are not sure why the US DOJ report cited these and other incidents whereby the Phoenix Police Department

took necessary disciplinary measures—which flatly undermine any need for external monitoring, let alone the necessity of a consent decree.

The United States Supreme Court recognizes that “The test for reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application” and the court has long recognized that law enforcement officers have to make split second decisions during tense, uncertain, and rapidly evolving circumstances. During the time period examined by the DOJ, the Phoenix Police Department responded to over six million calls and more than 296,700 arrests. The fact that the vast majority of their example cases of civil rights investigations were not only deemed proper police protocol but at times even heroic actions by the Phoenix Police Department, should give the community, the city, and the agency a sense of pride along with deep concern with what was portrayed by the DOJ in their findings. With that said, it would be an impossible standard to expect every incident to be a clear and convincing example of sound law enforcement practices.

While our analysis indicated a shockingly high number of misrepresentations by the DOJ, some cases defied determination and firm conclusion. In Incident U19, the officer performed a leg sweep after he alleged that the suspect had kicked him. The officer was cleared of any wrongdoing in a subsequent citizen complaint. However, we were unable to observe or verify that the kick occurred because of limited video footage of that specific time and location. It appears from the documents that the complaint was not fully investigated after investigators reviewed the incident video. Due to the ambiguity, we would suggest a full investigation to determine whether the force used in this incident was in policy—or not.

### **Oversight of commendable law enforcement procedures and actions**

While we saw a troubling pattern within the descriptions and conclusions presented by the US DOJ, a distinct theme emerged in the documents and videos presented by the Phoenix Police Department. In every case, officers were facing a non-complaint subject—and in many of the cases, the subject was actively resisting or fighting the officers. Many of the incidents we reviewed were extreme violent encounters. Despite this, we often observed officers take longer than would be expected to use force in order to control the subjects and, at times, they used less



force than they would have been permitted to from a legal viewpoint. In some incidents, such as U08, the US DOJ made allegations and assumptions that would risk the lives of law enforcement in similar situations and the actions by the Phoenix Police Department was nothing short of a textbook tactical encounter that mitigated the further use of force.

In Incident U25, officers placed themselves at additional risk to safely bring an end to a suicidal subject that not only claimed to have a gun but made furtive movements that indicated he may have had a weapon. In Incident U26, a man was using a concrete pillar for cover and concealment and officers approached him in an open parking lot, placing themselves at greater risk.

In Incident U27, officers spoke to a man for 12 minutes in a professional manner, even though the man continually refused to comply while pacing in and out of a garage area. After they had exhausted efforts to get compliance for a medical evaluation, they gave him 13 commands to place his hands behind his back before they used a low-level force option of pepper spray only for the man to run behind a vehicle. That less lethal option was escalated to a Taser and he was eventually taken into custody without being harmed. In Incident U01, officers had the legal authority to use deadly force but instead chose to reposition themselves and use a Taser. It was only after this option failed and the subject continued aggressing towards the officers, was deadly force used.

While the use of force standard is established within case law, we saw the Phoenix Police Department use a stricter threshold when holding their officers accountable. Incident U06 was just one example of this where we agreed with the Critical Incident Review Board that the use of deadly force was reasonable but Interim Chief Sullivan reversed those findings and terminated the officer.

### **US DOJ descriptions of violating the rights of people experiencing homelessness**

The US DOJ cited 21 incidents to prove a “pattern or practice” of the Phoenix Police Department violating the rights of people experiencing homelessness. Within this section of its investigative report, the US DOJ alleged that:

- The Phoenix Police Department (and the City of Phoenix):Detains, cites, and arrests homeless people in violation of the Fourth Amendment;
- the Phoenix Police Department (and the City of Phoenix) dispose of the property of homeless people in violation of the Fourth and Fourteenth Amendments;
- Unconstitutional detentions and property destruction harm people who are homeless

### **Results and key findings of our analysis**

We examined each of the 21 incidents comparing:

- a) what the US DOJ described; with
- b) the police reports, administrative documents, and associated body camera evidence provided by the Phoenix Police Department.

The allegations made by the US DOJ seem to be primarily based upon the premise that that local ordinances or stops of homeless individuals were unconstitutional. However, courts determine the constitutionality of laws, not the US DOJ. In several cases cited in the report, the US DOJ claimed the stops were unconstitutional—even though officers issued citations based upon applicable local ordinances.

### **Misapplication of case law**

The attempt by the US DOJ to show that “PhxPD and the City Violate the Rights of People Experiencing Homelessness,” lacks both evidence and support from extant case law. Homelessness has been a debated issue within cities across America. Against this socio-political backdrop, law enforcement agencies have taken considerable effort to strike a balance between the quality of life for citizens and businesses and the care and concern for unsheltered

individuals. As with other departments in other cities elsewhere throughout the country, the Phoenix Police Department responded to a substantial number of calls and complaints about unsheltered individuals.

However, the descriptions and overall narrative put forward by the US DOJ seem faulty. For one thing, the US DOJ claimed that Phoenix City Code § 23-9 is unconstitutional. However, the US DOJ report overlooks the *complete* law—and the fact that previous court challenges failed to demonstrate how the code was in any way unconstitutional. Despite the US DOJ claims, the courts determine the constitutionality of a law and it appears that the US DOJ made an attempt to acknowledge that by stating: “Regardless of any future Supreme Court ruling...” On June 28, 2024, the United States Supreme Court (*City of Grants Pass v. Johnson*, 2024) ruled that “the enforcement of generally applicable laws regulating camping on public property does not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment.”

The idea that law enforcement or the US DOJ could simply dismiss a decision by the United States Supreme Court should seem ludicrous. And claiming that a city ordinance is unconstitutional—without a court making that determination—should call the legitimacy of such a claim into question. Multiple incidents cited in the report and therein deemed unconstitutional, actually involved officers either citing individuals based on city ordinances; or detaining them according to city ordinances.

In Incident H03, the US DOJ stated that “PhxPD illegally detained two people for sitting in the shade” and “cited them for lying or sitting on a public right of way.” The detention was not illegal as the citation conformed and applied to Phoenix City Code 23-48.01 and not mentioned in the US DOJ Report was that the suspect was also arrested for a felony warrant and was in possession of methamphetamine. The US DOJ used similar reasoning in Incident H04 when officers responded to a trespassing call of campers that had been in an alley for four days. The subjects were detained and written citations for unlawful camping on city-controlled property.

In Incident H05, the US DOJ continued to claim that city codes were unconstitutional by stating that police woke a pair of individuals up that “were sleeping on the sidewalk under blankets, leaving plenty of room for foot traffic, though there was no one else present other than

the police.” Whether there is “room for foot traffic” or others “present” is not part of the criminal elements required in the city code and the video clearly reveals that the officers were attempting to provide city services, such as shelter suggestions, to individuals they knew from previous calls.

### **Oversight: Police must respond to calls for service**

Often times, such as Incidents H08-H11, officers recognized that a crime was being committed—yet instead of arresting or citing the individuals, they warned them. It what appears to be disdain for the enforcement of laws against unhoused individuals, the US DOJ report evidences contempt for the fact that police officers must respond to calls and concerns made by the public, and that subsequently, officers must conduct an investigation in response to calls for service from the public. Moreover, the US DOJ report lacks awareness that the City of Phoenix appealed (and lost) a court injunction that made them take enforcement action in a business district experiencing criminality often involving homeless persons.

### **The US DOJ report lacks understanding of ‘reasonable suspicion’**

The US DOJ cited stops of individuals as being unconstitutional. But the fact that officers may conduct a brief investigative stop—and even detain an individual—if officers have a “reasonable suspicion” of criminal activity, as determined in *Terry v. Ohio* (1968). Strangely, the US DOJ report mentioned bulletins that reminded “officers that they need to have reasonable suspicion to detain a person for trespassing or require them to provide identification.” In what can only be described as a misunderstanding of reasonable suspicion, the US DOJ reported that “we found many instances where officers stopped and held people without reasonable suspicion and only then tried to determine whether they might be trespassing.” Acting upon reasonable suspicion does not require the absolute knowledge that someone is trespassing, but rather a strong suspicion of a crime, supported by articulable facts, that enables an officer to detain and investigate (U.S. v. Sokolow, 1989; *Terry v. Ohio*, 1968).

The US DOJ report indicates that prioritizing quality of life for residents and business owners is an unnecessary function of the Phoenix Police Department, "Some officers seem to have gotten the message that citing homeless people is a priority." In reviewing reports from individual incidents, it's clear that that priority has merit and is in direct correlation with citizen complaints and other crimes associated with areas.

Incident H13 indicates the scope of the overarching issues facing officers, "The complaints we receive everyday from the businesses in the area are about the transients loitering and using and selling illegal street drugs such as cocaine, heroin, methamphetamine and marijuana. The other crimes in the area are trespassing, loitering, obstruction, defecating/urinating, camping and all the trash and blight left behind on the business property in the area which causes quality of life issues for stakeholders in the area. Officers also provide the transients with community resource sheets with a list of several services available for them that will help them get off the streets."

## **US DOJ descriptions of discriminating against Black, Hispanic, & Native American people**

The US DOJ report put forth race-based claims along with ten (10) incident description alleging that:

- “PhxPD Engages in Racially Disparate Law Enforcement that Harms Black, Hispanic, and Native American People”
- “PhxPD Claims It Is Unaware of Any Evidence of Discriminatory Policing Despite Longstanding Community Concern”

## **Results and key findings of our analysis**

The allegations of a “pattern or practice” that the Phoenix Police Department and the City of Phoenix discriminate against Black, Hispanic, and Native American people when enforcing the law were based upon ten (10) incidents. In four (4) of those incidents, officers were found to be in violation of policy and subsequently involved discipline which included suspensions and terminations. Thus, it seems odd that in attempting to prove a “pattern and practice” by the Phoenix Police Department—that can only be solved by a consent decree—the US DOJ uses cases where the department investigated the allegations and took decisive action in light of policy violations.

Determinations of policy violations aside, our analysis indicates that nine (90%) of the descriptions of these incidents within the US DOJ report were not factually and contextually accurate; only one incident cited in the report appears to have been described accurately. Overall, the US DOJ report ignores a paramount factor: each incident related to alleged discrimination and racial profiling stemmed from either:

- a) evident violation of a law (criminal activity); or
- b) a call for service—to which any assigned officer must respond.

### **US DOJ report lacks (or omits) details & context**

With regard to more than a few incidents, the US DOJ report seems disproportionately weighted toward perceptions and feelings rather than observable evidence. For example, in describing Incident D01, the US DOJ report states that an officer racially profiled a female. This was based on the female’s statements—and the questionable omission of the fact that she actually committed a crime. The female was stopped for running a stop light. She was arrested only after she refused to provide identification. Granted, citizens may feel upset when involved in wrongdoing and they may believe their race played a role in their arrest. However, given the actual facts—and her refusal to provide identification pursuant to a traffic violation—effecting an arrest was the only option available to Phoenix police officers. If identification had been provided to the officers, the officers could have issued a citation instead.

The US DOJ made a similar claim in Incident D04 when a subject was issued a citation for a suspended license plate. The subject stated in a complaint that, “I feel like if I was white and I was driving a Prius, I wouldn’t have even got pulled over.” Despite no other evidence, the Phoenix Police Department attempted to investigate the incident, but the subject refused to cooperate with the investigator. Likewise, the US DOJ identified Incident D05, involving a woman who alleged that a Phoenix officer made a racist comment at the airport. Despite vague details and the unknown identity of the officer, the Phoenix Police Department conducted a thorough investigation that included multiple interviews and a review of airport camera footage. The officer was identified—but the complainant changed her story once investigators contacted her. Ultimately, her complaint could not be proven.

In Incident D06, the US DOJ described an incident that made national news when a reporter for the *Wall Street Journal* was handcuffed outside of a bank. The US DOJ report described the original call for service from the bank manager. However, they failed to mention that when the officer contacted the subject, he refused to provide his identification—and was subsequently handcuffed due to his refusal. A review of the camera footage clearly refutes the allegations of unlawful detention, excessive force, and racism. Nonetheless, the US DOJ still used the incident as an example of a “pattern or practice” of discriminatory police practices.

## **US DOJ descriptions of unlawful restriction of protected speech and expression**

The US DOJ report cited 34 incidents in an effort to prove a “pattern or practice” that the Phoenix Police Department unlawfully restricts protected speech and expression.

### **Results and key findings of our analysis**

The determinations alleged in the US DOJ report were described without adequate context and misinterpretations of criminal behavior as a form of protected speech or expression, along with a misunderstanding of tactical considerations. Granted, protected speech or expression may be encountered during a criminal act; however, criminal activity nonetheless remains criminal. In more than a few cases, it seems the US DOJ report misinterpreted or conflated free speech/expression as a basis for dismissing criminal activities or otherwise rendering them null and void with regard to elements of a crime. Regarding free speech and expression, the US DOJ report included several allegations., specifically:

- “PhxPD Retaliates Against Protestors by Using Indiscriminate Force”
- “PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations”
- “PhxPD Retaliates for Speech Protected by the First Amendment During Daily Encounters”
- “PhxPD Retaliates Against People for Attempting to Record Police Activity”
- “Policies, Training, and Supervision Fail to Protect First Amendment Rights”

The claims in the US DOJ report involve descriptions of singular events as normal protected speech incidents—without a thorough contextual explanation of the totality of circumstances occurring in Phoenix and across the country. For example, part of the description of P05 in the US DOJ report added some of the missing context, but appeared to be some kind of accusatory conflation of “ineffective” policing, “domestic terrorism,” and free speech and peaceful assembly:



*"Several other cities had been overrun by rioting, violence, and millions of dollars in damage to property. The police in these cities were ineffective and the violent criminal was taking over. In some cities they had lost precincts and many people had been shot and some killed during the civil unrest. Many people and officers had been injured. The vandalism and violence was being more directed at police and national guards had been activated in many states."*

*"City Officials were describing the violence as domestic terrorism. An officer had been shot in the head in Las Vegas, several Phoenix officers had been targeted at their private residences including a brick through a window and "BLM" spray painted on the house. A Semi-Truck had run through a crowd on the freeway in Los Angeles and a vehicle had crashed through a skirmish line in Buffalo, running over several officers...here in Phoenix we had seen an escalation from day 1 to day 2 with the use of explosives, IEDS, Fireworks, Incendiary Devices, Smoke Grenades, Widespread destruction of property with graffiti and attempts to set structures and vehicles on fire."*

### **US DOJ report lacks (or omits) details & context**

Over 100 protestors were arrested for felony rioting during the “protests”—as they were described in the US DOJ report. Not only did the US DOJ fail to provide adequate context about the “protests” in Phoenix, but their descriptions of each incident were sanitized and distorted. For example, the report stated that in P05: “One night in 2020, officers surrounded a group of protestors by rushing at them from the side to “box them in” and “cut off their avenue of escape,” as a sergeant put it in his report. The officers then fired into the group of trapped protestors.”

The report did not state, however, that in P05 and other incidents, that crimes being committed—and a “State of Emergency” had been issued by the Governor and a statewide curfew had been declared. Hence, this was no longer a peaceful assembly; especially since protestors were throwing rocks and bottles at officers, vandalizing property, and painting buildings. Officers gave multiple warnings to leave the area prior to less lethal munitions being used.

In P06 and P09, the US DOJ report remarkably failed to mention that protestors breached a police barricade and threw rocks and bottles at officers. Details were also omitted and obscured in the description of P07, wherein a protestor was described as simply “fleeing” when shot by an OC Impact Round. A curfew was in place when officers stopped a truck that contained several individuals in the truck bed. As officers were maintaining their position and effecting arrests on those individuals, another group emerged from an alley and approached officers—only then was force was used.

In P10, the US DOJ report claimed that the dismissal of cases by the prosecutor’s office was evidence that the “PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations.” The review of the video footage along with the associated reports clearly shows arrests being made for crimes committed including disorderly conduct-failure to disperse and curfew violations. Yet, the decision by the prosecutor to not file charges had nothing to do with the probable cause needed for arrest—which evidences yet another accusatory conflation within the US DOJ report. The US DOJ made similar claims in P11 and P12 but failed to describe the extent of the violent behavior of the rioters that included throwing incendiary smoke bomb devices and throwing two gas projectiles at police vehicles. Entire roadways were being blocked off and along with vandalism being conducted.

In P12, P13 and P14, the US DOJ reports stated that “a small group of protestors faced years in prison after PhxPD and county prosecutors falsely claimed they were members of a criminal street gang” and that “the judge handling the case called the claim that the protestors were members of a criminal street gang “false, misleading, and inflammatory.” While A.C.A.B. may not be the name of a traditional gang, the documentation including camera footage does fit the description as put forth by the United States Department of Justice:

*“Gangs are associations of three or more individuals who adopt a group identity in order to create an atmosphere of fear or intimidation. Gangs are typically organized upon racial, ethnic, or political lines and employ common names, slogans, aliases, symbols, tattoos, style of clothing, hairstyles, hand signs or graffiti. The association's primary purpose is to engage in criminal activity and the use of violence or intimidation to further*

*its criminal objectives and enhance or preserve the association's power, reputation, or economic resources.”*

The police report identified every aspect regarding this definition including the identification of the leader of (A.C.A.B.) who had previously been arrested for aggravated assault on a police officer for stabbing a sergeant in the hand. Another member threatened to shoot a police lieutenant in the head. Ultimately, the decision to charge under the criminal street crime statute was not an isolated decision by the Phoenix Police Department. Instead, it was a collaborative decision involving the Maricopa County Attorney’s Office and other law enforcement agencies.

Accusing a law enforcement officer of filing a false report is a serious accusation (and a criminal offense). However, in the US DOJ report, in describing P15, the US DOJ claimed that “to support felony charges, an officer falsely claimed that a protest leader stabbed a sergeant with the sharpened tip of an umbrella. According to the officer, the umbrella had “a 3-inch sharpened metal tip” that the protestor used “to stab him in the hand.” These claims were not true. Body-worn camera videos show that the protestor held the umbrella pointed toward the ground the entire time she was running...” After reviewing related evidence, it became clear that the suspect had already committed a felony prior to contact. Despite the claims by the US DOJ, the assault was not captured on body-worn camera, however, the officer did actually suffer a laceration to his hand.

In some instances, the US DOJ report cited lawful force and “indiscriminate” force. For example, in P17, the US DOJ accurately described the incident. However, the report cited wrongdoing in officers tackling and arresting a protestor who failed to leave—15 minutes after officers declared an unlawful assembly. The failure of the US DOJ to adequately describe the elements of a crime are further displayed in their descriptions of P18 and P19 in claiming that protestors were arrested for obstruction of a thoroughfare even though, again, “there was none.” Video evidence of the incident shows protestors continuing to block a lane of traffic after they had been repeatedly warned that doing so was a crime. Phoenix Code states that it is unlawful “to obstruct any public street... which is an obstruction or interference to the free use of property...”

While the US DOJ report attempted to situate these incidents as an assembly to exercise personal rights, police personnel were dealing with a myriad of potentially dangerous encounters. From multiple public streets being blocked off, barricades being breached, incendiary devices and rocks being used as weapons and death threats, evidence shows that Phoenix officers were going above and beyond to avoid confrontation and arrests. In every arrest we reviewed, officers gave multiple warnings that if the behavior did not cease, the subjects would be arrested.

In relation to the overall protest in P20, one protestor told police “wait til the bullets start flying and they ain’t gonna be yours.” While the US DOJ report claims that officers “made malicious and demeaning statements about protestors... in suppressing speech,” we observed police officers enforcing laws. A lack of necessary context in the report descriptions was further observed in P21: “One officer walked down a street shooting Pepperballs almost constantly over the course of seven minutes, finally stopping when he ran out of ammunition. He urged another officer to join him, saying “Hit ’em, hit ’em, fuck ’em, hit ’em.” That same night, the officer fired 1,000 Pepperballs all on his own.” A review of the video footage shows an extremely chaotic scene where multiple officers were being bombarded with rocks and bottles and protestors were actively damaging property including setting fire. As an officer was deploying PepperBalls on the crowd, he had to stop and reload—it as in that moment that he instructed another officer to continue the deployment.”

The US DOJ continued to omit context so that the accusations appeared worse. In P25, the US DOJ stated that “a police officer fired a Taser probe at a handcuffed man from six inches away, seconds after the man called him a “bitch.” While the use of the Taser appears to be simply a response to words, in reality the suspect attacked several officers before the Taser was used. Once the suspect was handcuffed, the officer continued to use the Taser—however, in demonstrating that the Phoenix Police Department is competent and capable of correcting errors in policing, the officer was disciplined for this action.

This continued in P26 when the US DOJ claimed that a woman criticized officers for being “rough.” She refused to leave the area when officers told her that they “...could trespass you from the bus stop if you’d like, and then you can’t use public transport.” The US DOJ failed

to mention the prolonged struggle the officers were having with the suspect and the immediate area was not safe. Officers asked her in a professional manner to “go sit down there if you would like to talk to us”—and only issued the stated warning after she refused. The US DOJ framed multiple incidents following the idea that “people have the right to verbally criticize law enforcement officers so long as they do not actively interfere with the officers’ lawful duties.” However, video clearly shows that officers were effecting police duties—and the woman’s inquiry was a distraction.

In P27, the US DOJ report stated that “an officer explained that a man “made obscene gestures and cursed at me,” prompting him to arrest the man for jaywalking.” While that speech is protected under the First Amendment, it is difficult to understand how committing a violation, having a warrant, fleeing an officer, and refusing to comply should be ignored by law enforcement because someone was simultaneously exercising their “First Amendment Right To Free Speech.”

The US DOJ report does not demonstrate understanding of officer safety and tactics, which was exemplified in P28. Their description of a police report claimed that a teenager was handcuffed “for refusing to provide his name or hang up his phone.” Whereas evidence shows that officers responded to a fight call when they encountered a subject who was angry and stated, “fuck you!” The officer informed the subject that he was under an investigative detention. Officers placed him in handcuffs until it was determined that no crime had been committed.

In attempting to show that “PhxPD Retaliates Against People for Attempting to Record Police Activity,” the US DOJ report used examples of individuals committing crimes while filming. In describing incidents P31 and P32, the report stated that officers told a man to stop impeding the sidewalk and in P30 the US DOJ said that officers “cited the man’s filming as justifying the arrest.” Yet again, vital context seems to have been omitted from the report. Hours before the arrest, an unlawful assembly was declared after incendiary devices were thrown at law enforcement. Multiple arrests were made as many lingered, even after they were given warnings to leave. Again, in what seems like some kind of exculpatory conflation, the report suggests that since the subject was filming, some kind of privileged immunity to criminal activity exists.

While the US DOJ report may lack or obscure details, or misinterpret them, at least one of the allegations was completely false due to misattribution. In claiming that Phoenix PD “Policies, Training, and Supervision Fail to Protect First Amendment Rights,” the US DOJ listed a complaint made by a citizen in P34. That incident did not involve the Phoenix Police Department; it involved a completely different law enforcement agency. Phoenix Police investigators gave the citizen contact information for that agency.

**US DOJ descriptions of discriminating in response  
to people with behavioral health disabilities**

The US DOJ report put forth the following claims about the Phoenix Police Department (and the City of Phoenix) alleging discrimination in responding to and handling people with behavioral health disabilities:

- “Phoenix’s Emergency Response System Defaults to Sending Police to Behavioral Health Calls, Though Alternative Responses Are Available”
- “PhxPD Violates the ADA by Failing to Make Reasonable Modifications when Officers Interact with People with Behavioral Health Disabilities”

**Results of our analysis**

We examined the US DOJ descriptions with an exhaustive review of police reports, administrative documents, and associated body camera evidence. We found a stark difference between the US DOJ descriptions in each case. These differences indicate what could easily be described as an attempt to negatively alter the perception of how the Phoenix Police Department actually engage people with behavioral health disabilities. The US DOJ report also indicated a lack of understanding of basic law enforcement operations including officer safety protocols and when to use civilian mental health professionals. the US DOJ report continued to apply 20/20 hindsight in their conclusions and made numerous assumptions without supporting documentation with regard to handling people with behavioral health disabilities.

The US DOJ cited 9 incidents in an effort to prove a "pattern or practice." We also discovered misrepresentation within each description provided in the US DOJ report. From 2018 to 2023, the Phoenix Police Department responded to over 64,464 calls involving people with health disabilities (mental illness) and transported 41,259 persons to a health facility.

However, beyond statistics and questionably descriptions, perhaps the most perplexing aspect of the descriptions of incidents in this category concerns the presumption that a civilian responder could have prevented any ensuing violence that occurred. There is certainly a place for civilian health care professionals in provided needed services. However, while the calls involved persons with behavioral health disabilities, there was also at least some involvement of criminal activity or observed or alleged violence. The DOJ report did not specify any provisions for how civilian healthcare professionals could have overcome related violence—or how they could, in fact and deed, resolve matters concerning criminal behavior without the involvement of law enforcement.

### **US DOJ report lacks (or omits) details & context**

The incident descriptions within the US DOJ report demonstrate that the US DOJ does not fully understand the safety considerations necessary for safely deploying civilian health professionals to calls for service. The US DOJ routinely insisted that PHX Police should have *never* been involved in calls for service, even though there was a potential for danger to civilian health professionals.

For example, in describing incident B01, the US DOJ alleged that a call taker “immediately routed the call to patrol officers” rather than sending the call to a mobile crisis team—even though the 911 caller stated that her 15-year-old daughter “was upset and it “takes her awhile to calm down.” The US DOJ report alleged that police “escalated the situation and had the girl on the ground in handcuffs in less than three minutes.”

Video of the incident reveals a vastly different narrative. When the subject began walking away from an approaching officer, he calmly said, “Hey, can you stay here and talk to me for a minute and let me know what’s going on.” The subject continued to walk away, and the officer told her that he did not want to place her in handcuffs. The subject continued to walk away. The officer grabbed her arm to prevent her from fleeing when the subject struck the officer in the mouth with a closed fist. She hit the officer multiple times before she could be placed in custody.

In Incident B03, officers responded to a homeless man throwing items into the roadway. The man also “had an outstanding petition for involuntary mental health treatment.” The US DOJ



report claimed that officers “immediately grabbed and handcuffed him. The man began to try to pull away as they walked him to the police vehicle. In response, they pushed the man to the ground.”

However, the US DOJ report failed to mention that the suspect’s mother told officers that her son had been “more and aggressive and more violent.” This information, along with the criminal activity previously observed, explains why the officers immediately handcuffed him. While the US DOJ report claimed that the officers pushed the suspect to the ground because he tried to walk away, the video clearly shows the suspect pulling away within just a few feet from a heavily congested roadway. Throughout Incident B03, officers displayed compassion to the mother and detained the suspect quickly so that the behavior described would not manifest.

### **Mischaracterization of officer conduct**

As we have seen throughout the US DOJ report, the descriptions do not reflect the actual circumstances and actions that can be seen in video or understood from other evidence. Serving as yet another example of this, the description of Incident B07 asserts that a teenage girl told officers that they “scared her and came off as aggressive.” But video evidence shows the opposite: officers spoke calmly to the girl in an attempt to gain her compliance. However, the girl did not comply. She was ultimately arrested for criminal damage of the residence.

While the US DOJ report also claimed that “PhxPD failed to accommodate this young woman’s disability in any way and defaulted to criminal charges rather than treatment,” they misrepresented the context of the call. The officers did not immediately resort to effecting an arrest based upon criminal charges. If that were their priority, she would have been arrested immediately. Instead, the officers spent a considerable amount of time attempting to speak with her and gain cooperation. The criminal charge was a consequence of her refusals and her actions.

### **Lack of tactical considerations**

As we have seen throughout, the US DOJ report indicates a woefully inadequate understanding of law enforcement tactics and officer safety. For example, in describing Incident B08, the report stated that “officers should have been trained to expect that grabbing at a person in crisis would escalate the encounter and all but guarantee a defensive reaction.” We are not sure of the source or the manner of substantiation of this claim—beyond the statement of an (unqualified) opinion. Moreover, this incident was not simply a call regarding someone in “crisis.” The subject’s mother stated that he had been violent in the past. Officers had been called to serve an involuntary mental health assessment since the subject had schizophrenia and was hearing voices. Officers had spent 13 minutes looking for the subject, who had barricaded himself in a bathroom. When an officer gained access to the bathroom, he located the subject spoke to him in a calm manner, asking “are you doing alright buddy?” When officers attempted to detain the subject per the court order, the subject violently assaulted them.

## **US DOJ descriptions of the failure to modify practices during encounters with children**

The US DOJ report asserted that “PhxPD Fails to Modify Practices During Encounters with Children.” However, the US DOJ report did not specifically articulate additional allegations regarding this claim.

### **Results and key findings of our analysis**

We compared what the US DOJ report stated with an exhaustive review of police reports, administrative documents, and related body-camera evidence. We found a stark difference between the lack of details provided in the US DOJ report in each case. However, the US DOJ report demonstrates misapplication of established case law. From 2018 to 2023, the Phoenix Police Department responded to 80,263 calls regarding juveniles and arrested 13,513 juveniles. The US DOJ cited only three incidents involving juveniles, which apparently, suffices for the determination of a “pattern or practice” of a pervasive failure of the Phoenix Department to modify practices during encounters with children. Furthermore, we found persistent and pervasive errors within each incident as described in the US DOJ report.

### **US DOJ report lacks (or omits) details & context**

The characterization of incidents within the US DOJ report—and the evidence made public by the Phoenix Police Department—appear to be vastly different. In Incident Y01, the US DOJ claimed that “two officers threw a 15-year-old Latino boy against a bus stop pole, held the back of his neck, and handcuffed him after he asked to call his mother.” The US DOJ report failed to mention that prior to the subject refusing to take off his backpack, the officers asked if he had any weapons. According to the report, the officer explained: “I asked— to take off his backpack and he asked why. In my experience, individuals who have just committed crimes and do not follow commands do so because they are stalling while thinking of an advantageous response. I believed ——— had just committed a crime and when he did not comply with this command, I believed he was attempting to think of such a response.”

Despite the US DOJ saying that “the boy listened to the officers and followed all of their orders,” it took three commands for the subject to begin to remove his backpack. When he was

told to “stand up and put your hands on top of your head,” he refused and began to raise his phone. Officers then attempted to handcuff the subject and a brief struggle ensued. While compliance occurred in the beginning of the encounter, that compliance quickly ended, and force had to be used to detain the subject.

In Incident Y02, the US DOJ claimed that the “officer “snapped,” threatened to take an 18-year-old subject to jail, handcuffed him in the middle of the store, and would not release him until after a PhxPD lieutenant came to the scene.” However, the handcuffs were only used *after* the subject refused to sign the citation. Failing to sign a citation is a basis for an arrest. Once a supervisor arrived and once again explained the citation, the subject agreed to sign it, and he was released. The US DOJ also claimed that following an administrative investigation, “a sergeant found no policy violations and did not discipline the officer.” However, the chain of command determined that unprofessional language was used and the officer received “coaching” that was also documented in the officer’s records.

In Incident Y03, the US DOJ report stated that police used handcuffs and a neck restraint on a 13-year-old boy who had walked away from school. Missing from the description is the fact that the boy told officers that he “might refuse” to comply. Officers gave him several commands to stop, but he refused. As officers approached, the subject said, “what the fuck.” The subject refused to be handcuffed and struggled with police officers. The officers told him to stop resisting six times—and each time, he refused. Once handcuffed, he continued to resist and remained verbally abusive to the officers.

While the US DOJ claimed that “the officer then uncuffed the boy and shoved him toward his mother saying, ‘He’s your problem now,’ that was not the actual sequence of events. The subject was resisting throughout the encounter. He continued to resist—even while the officer was attempting to remove the handcuffs. As soon as the handcuffs were removed, it appears that the subject continued to resist, which forced his body away from the handcuffs as soon as they were released. The subject then told the officer, “Bitch, I literally told you my mother was on the way several fucking times. Are you deaf or something.”

### **Misapplication of case law**

In Incident Y01, the US DOJ claimed that officers failed to read Miranda Rights when they were questioning someone that was placed in handcuffs. The application of handcuffs does not automatically and solely establish a custodial interrogation—and general questions asked during an investigation do not automatically qualify an interrogation. The US DOJ report also claimed that police “performed a warrantless—and unlawful—search on his backpack.” However, the report failed to mention that the subject gave permission for the search.

## **SUMMARIES OF OUR COMPARATIVE ANALYSIS**

The following sections consists of summaries of the comparative analyses of the:

- a) US DOJ investigative report descriptions; and
- b) various forms of evidence provided in response by the Phoenix Police Department.

The presentation follows the incidents cited in the US DOJ investigative report. Each incident was compared and analyzed each the of researchers/analysts and, as necessary, at least two use-of-force experts. The findings were then compiled and codified. While provisions to handle discrepancies were in place, no substantial discrepancies arose during this iterative process of comparative analysis. This was likely due to the significant gap between the descriptions in the US DOJ report—and the actual evidence related to each of these incidents.

The incidents have been organized accordingly:

- **Use of Force (U01-U36)**
- **Homelessness (H01-H22)**
- **Discriminatory Policing (D01-D10)**
- **Protected Speech (P01-P34)**
- **Behavioral Health (B01-B09)**
- **Youth (Y01-Y04)**
- **Contributing Causes (C01-C17)**

## **USE OF FORCE (U01-U36)**

### **Incident U01**

#### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

"PhxPD Officers Fire Their Guns at People Who Present No Immediate Threat."

#### **Alleged evidence and scope of substantiation as reported by the US DOJ**

"PhxPD officers fail to properly assess whether to shoot once they see a person holding a weapon, even when the person presents no immediate threat. In one case, an officer shot and killed a suicidal man moments after he pulled a knife from his pocket and told the officers he wanted to die. The manager of a group home called the police because the man threatened to jump out a window. When officers arrived, the man stood at the top of an interior stairwell with his hands to his side.

At first, officers spoke with the man calmly. One officer asked, "Are you trying to fight? Is that what you're trying to do?" "I'm trying to die," the man said, and pulled out a small pocketknife. The officers pointed their weapons and threatened to shoot him if he did not drop the knife. The man took two steps down the stairs. As the first officer said, "If you take one step...", the second officer fired his Taser, which was not effective. The man took another step, and the first officer shot him three times. Because the man was not physically aggressive, told officers he wanted to die, and never threatened the officers, the shooting was unreasonable."

### **Evidence provided by Phoenix Police Department**

The officer was cleared of any wrongdoing by the Maricopa County Attorney Rachel Mitchell and the incident was classified as within policy by Critical Incident Review Board and Interim Chief Michael Sullivan.

Body camera footage reveals the officers arriving at the scene and gathering information from a witness prior to going upstairs. As officers begin going up the stairs, they encounter the subject standing on the second level with his hands in his pockets. The officers do not approach the subject but stay at the bottom of the stairs and begin a dialogue with the subject.

When the officers asked the subject, "what's going on," he relates that he is not going to jail. The officers continue a conversation in a soft tone and non-threatening manner, continuing the request for him to come down the stairs and speak with them further. They continue to assure him that he isn't going to jail. Upon refusing multiple times to come down from the stairs and speak with officers, the officers ask him to "move over" so that they could come up. The subject refused. The officers pivot their conversation to "how can I help you today" with the response being "don't worry about it." The officer repeatedly asks how they can help and engages in a trust building dialogue for several minutes asking how long he has been living there, his hobbies, etc.

The subject never had his "hands to his side" as alleged by the DOJ and they remained in his pockets until 15 minutes and 33 seconds into the conversation when he pulled his right hand out of his pocket followed by his left hand. Within a few seconds of his right hand emerging from his pocket, he raised a knife—and began walking downstairs toward the officers.

The officers backed away from the bottom of the stairs, placing themselves at an angle towards the subject. Four commands to drop the knife were given to the subject without compliance. The subject was told on the fifth command that if he didn't drop the knife, he would be shot. The subject continued to walk towards the officers while he kept raising the knife up and down. He was given a second warning..."if you take one step." The subject took another step and an officer deployed a Taser on the subject.





The Taser did not affect his behavior, and he rapidly increased his distance toward the officers after the Taser deployment upon which deadly force was used. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight (*Graham v. Connor*, 490 U.S. 386, 1989). On June 18, 2024, the officers involved in this incident took 4 hours of instruction from AZ POST Certified Training titled, "Use of Force Decision Making."

## **Incident U02**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Officers Fire Their Guns at People Who Present No Immediate Threat."

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In another incident, an officer shot a man holding a knife to his own throat and saying he wanted to die. Two officers responded to a call of an attempted armed robbery and found the man in an empty area of a commercial parking lot. One officer drove up to the man and got out of her car saying, "Hey! Stop! Let me see both your hands right now. Stay right there. Stop! You come any closer I'll fucking shoot you!" "That's what I want," the man responded as he held the knife to his neck. For two minutes, the man paced back and forth asking the officers to shoot him in the head. The officers told the man they wanted to help him and that they would kill him if he came closer. The man made no threatening statements or gestures. But when he slowly stepped within about 20 feet of one of the officers, still holding the knife to his neck and saying, "Go ahead, ma'am," the officer shot him once in the lower abdomen. The man fell to the ground and began to scream, "Help me!" One officer kicked the knife away and both waited for backup, guns pointed at the man as he writhed on the ground. Officers with ballistic shields arrived and approached the man nearly five minutes later. They searched and handcuffed him, while he continued to yell for help."

### **Evidence provided by Phoenix Police Department**

The officer was cleared of any wrongdoing by the Maricopa County Attorney Allister Adel and the incident was classified as within policy by the Use of Force Review Board and Chief Jeri Williams. Body camera footage reveals the officers locate the robbery suspect in a parking lot and gave multiple commands to drop the knife. The suspect was told to not come closer to the officers or deadly force would be used. The primary officer used her police car as cover and as an obstacle between herself and the suspect as she attempted to engage the suspect in a conversation. While continually asking for the suspect to drop the knife, he took a step toward the primary officer and the primary officer stepped back, maintaining a similar distance. The primary officer continued to ask the suspect to put the knife down while stating, "I do not want to shoot you."

Approximately 50 seconds after the suspect took a step forward and the primary officer was able to maintain the original distance, he began taking multiple steps towards the officer. The officer gave five commands to stop while stepping backwards. As the suspect began to cross the police

car, which eliminated it as a barrier between the suspect and the officer, the officer fired one round and the struck the suspect. The suspect was 18 feet away when deadly force was used.



The suspect fell to the ground and the primary officer stated: "don't reach for the knife" as they waited for additional resources to safely take the suspect into custody. During the investigation of the shooting, the victim of the attempted robbery was interviewed and described the suspect's behavior as "aggressive and out of control." In interviewing the primary officer, she stated that she used her vehicle as a barrier to give the suspect "the opportunity to comply."

The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation (*Graham v. Connor*, 490 U.S. 386, 1989).

## **Incident U03**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Officers Fire Their Guns at People Who Present No Immediate Threat.”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one case, a PhxPD officer unnecessarily fired a second shot at a man who had already fallen to the ground. Two officers responded to a call that a homeless man had threatened someone with a knife. When they found the man, they immediately jumped out of their car and chased him, yelling at him to drop the knife. An officer fired one shot at the man as he ran away from them, causing the man to fall. After pausing for a second, the officer fired a second shot at the man as he lay on the ground. The officer’s decision to shoot again was unreasonable.”

### **Evidence provided by Phoenix Police Department**

The officer was cleared of any wrongdoing by the Maricopa County Attorney Rachel Mitchell and the incident was classified as within policy by Critical Incident Review Board and Interim Chief Michael Sullivan. Officers responded to a priority call of a subject threatening a victim with a knife. The victim was in his vehicle when he heard a bang on the van. When he stepped outside the vehicle, he encountered the suspect pointing a fixed blade knife at him. The victim pointed his firearm at the suspect and drove away. The suspect followed, still holding the knife, while throwing rocks at the victim's vehicle.

Body camera footage reveals that officers located the suspect in a parking lot, who was holding a knife in his right hand. Officers gave verbal commands for the suspect to drop the knife and he fled the scene on foot. The officers followed the suspect, still armed with the knife. The suspect was given multiple commands to drop the knife along with warnings including "do not run that way." On three occasions during the foot pursuit, an officer fired a 40MM less lethal launcher at the suspect with no results. As the suspect ran towards a vehicle stopped in the roadway, deadly force was used.



The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation (*Graham v. Connor*, 490 U.S. 386, 1989).

Following this incident, the Office of Accountability and Transparency made the following recommendations:

1. "Fully Explore the Involved Officer's Use of Deadly Force as it pertains to Law, Policy, and Training" such as asking additional questions during the critical incident review.
2. *"Provide Written Analysis and Conclusions in Support of Investigative Findings"*

Interim Chief Michael Sullivan agreed to each recommendation and provided a compliance date of August 21, 2024.

## **Incident U04**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Officers Use Tactics That Place Themselves in Jeopardy and Increase the Risk of Deadly Encounters."

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In one case, officers shot and killed a man sitting in a parked car after they exposed themselves to an avoidable and dangerous situation. The officers responded to a call about a man with a knife and spotted a man sitting behind the wheel of a parked car. They blocked his car and approached him. They spoke with the man for a few moments, but he refused to get out of the car and instead rolled up his window. An officer then noticed the man held a gun in his hand. The officers had boxed in the car with a patrol SUV, so there was little risk the man could flee. The officers could have backed away, cleared the immediate area of bystanders, and taken cover behind nearby vehicles. Instead, one officer positioned himself inches from the driver's side window and pointed his gun at the man, shouting commands.<sup>14</sup> That officer summoned a second officer to stand next to him, exposing both officers to the armed man. A third officer approached the opposite side of the car and broke the front passenger window. Body-worn camera video showed that the driver flinched as the third officer broke the window, but the video did not capture whether the man did anything with the gun in his hand. Almost immediately, the first two officers fired 16 rounds into the car, killing the man."

### **Evidence provided by Phoenix Police Department**

The officer was cleared of any wrongdoing by the Maricopa County Attorney and the incident was classified as within policy by the Use of Force Review Board and Chief Jeri Williams. On March 8, 2023, following an investigation by the FBI, Assistant United States Attorney Sean Lokey issued a Department of Justice letter stating that there "was no indication in the facts presented of a civil rights violation related to the officers' actions during the incident."

In addition to the internal review process, Chief Williams requested an FBI investigation that culminated in clearing the officers of any civil rights violations.

## **Incident U05**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Officers Use Tactics That Place Themselves in Jeopardy and Increase the Risk of Deadly Encounters.”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In another case, an officer effectively set the stage for a shooting by stepping in front of a moving car and firing into it. While stopped in traffic, officers saw a car that matched the description of a car reported stolen at gunpoint. Despite the risks of confronting a potentially armed suspect in the middle of traffic, the officers got out of their car to make an arrest. One officer placed himself in front of the car. The driver tried to steer slowly around the officer to flee, but the officer twice moved to remain in the path of the car. As the car began to accelerate, the officer backpedaled and then fired at the car as it steered around him and sped away. The officer’s partner also shot at the fleeing car. The teenage driver and teenage passenger were wounded. The officer’s decision to place himself in harm’s way made the use of deadly force more likely and risked the lives of the officers, the teens, and bystanders.”

### **Evidence provided by Phoenix Police Department**

The officer was cleared of any wrongdoing by the Maricopa County Attorney. The Critical Incident Review Board and Chief Jeri Williams ruled the shooting out of policy with a recommendation of additional training. One officer received discipline that included a written reprimand. Lastly, on May 20, 2024 the officers involved in this incident took a 4 hours of instruction from AZ POST Certified Training titled, "Use of Force Decision Making."

## **Incident U06**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Officers Use Tactics That Place Themselves in Jeopardy and Increase the Risk of Deadly Encounters.”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one case, officers noticed a man throwing rocks at their vehicle as they passed him. They stopped down the road and called dispatch to request that an officer come to the scene with less-lethal projectiles—weapons designed to stop, but not kill, a person who presents a threat. But the officers did not wait for a less-lethal weapon to arrive. Instead, they drove back to the man, stopping within throwing distance of him, and got out of their car with guns drawn. The officers shouted at the man to drop the rock he was holding. When he started to throw another rock, officers unreasonably fired four shots and killed him. In 2023, the City of Phoenix agreed to pay the man’s family \$5.5 million to settle a wrongful death claim. On April 10, 2024, PhxPD announced that Interim Chief Sullivan terminated one of the officers and overturned a PhxPD review board’s finding that the shooting was within policy.”

### **Evidence provided by Phoenix Police Department**

The officer was cleared of any wrongdoing by the Maricopa County Attorney and the shooting was found to be within policy by the Critical Incident Review Board. Body camera footage shows an officer approaching a subject with a rock in his hand and he tells him to "put it down now." The subject throws the rock at the officer and begins to throw another rock when deadly force was used.





Interim Chief Sullivan reversed the review board's findings that the shooting was in policy and terminated the officer.

## **Incident U07**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Delays Medical Aid to Incapacitated Suspects and Uses Unreasonable Force on Wounded People”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one incident, officers shot a woman 10 times, then waited more than nine minutes to approach her, even though she lay immobile on the ground. Before the shooting, the woman appeared suicidal, at one point telling an officer, “You’d better call for backup,” and, “If you touch me, I’m going to kill myself.” When the woman pulled out a gun, two officers shot her. A third officer fired two stunbag rounds, projectiles filled with ballistic fiber material that fire at approximately 180 miles per hour. After the woman fell, officers did not try to communicate with her or find out if she was conscious. Instead, they continued pointing their weapons at her and remained behind their patrol vehicles as more officers arrived to assist. About six minutes after the shooting, with at least six officers watching the woman, one officer said that the woman appeared to be still breathing, but not moving. An officer said that they should keep holding weapons on the woman and wait for a police dog, which never arrived. Nine minutes after the shooting, a group of officers finally approached the woman and attempted lifesaving measures. She did not survive her injuries.”

### **Evidence provided by Phoenix Police Department**

The officers were cleared of any wrongdoing by the Maricopa County Attorney and the incident was classified as within policy by the Use of Force Review Board and Chief Jeri Williams. Officers encountered a suspect in the area of shots being fired. When asked if she had any weapons in her possession, the suspect did not answer. The officer asked the suspect to lift her shirt to observe her waistband, she complied on the left side but would not reveal the right side of her waistband, refusing to comply when repeatedly asked. When the officer asked the suspect to place her hands on top of her head, she told the officer that she needed to call for backup. Officers created distance and used their vehicles for cover. They attempted to gain compliance for over 13 minutes until the suspect produced a handgun and pointed it at officers. The suspect was shot by officers.



Several officers were involved in this incident and prior to rendering aid, several considerations have to be considered. The suspect was in an open parking lot and had just pointed a handgun at officers. The officers were utilizing cover and concealment prior to the shooting with a distance between 25 and 51 feet away.

There is no constitutional requirement to immediately render aid to a suspect that attempted to shoot a law enforcement officer. Leaving cover combined with the distance to the suspect without equipment such as shields, etc. to render aid increases the potential risk to the officers, citizens, and the suspect.

## **Incident U08**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Delays Medical Aid to Incapacitated Suspects and Uses Unreasonable Force on Wounded People”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one incident, after shooting a man, officers fired multiple rounds from a less-lethal projectile launcher and sent a police dog to drag the man back to the officers. Video shows the object that had been in the man’s hand landed approximately eight feet away from him and he made no significant movement toward it. Yet over nine minutes passed from when officers shot the man to when they moved in to complete the arrest and render aid. At least a dozen officers were on the scene who could have provided lethal cover for other officers to approach and secure the man without further use of force. Instead, they released a dog that bit the man’s leg and dragged him back to the waiting officers. The man did not survive the shooting.”

### **Evidence provided by Phoenix Police Department**

The officers were cleared of any wrongdoing by the Maricopa County Attorney and the incident was classified as within policy by the Use of Force Review Board and Chief Jeri Williams. The suspect was observed committing a robbery with a firearm prior to the interdiction stop by law enforcement. Upon stopping the car, one suspect fled the vehicle with a gun and turned the weapon towards officers, when he was shot by law enforcement. The armed suspect remained on the ground with the handgun within six feet of him. The suspect vehicle was occupied by multiple robbery suspects and a supervisor on the scene made the decision to clear the vehicle prior to taking the fleeing suspect into custody. Non-lethal rounds were used to break the windows of the suspect vehicle, and three occupants were removed and secured.

Simultaneously, officers covered the fleeing suspect, giving him multiple commands not to move. The suspect moved towards the handgun on two separate occasions and officers used non-lethal weapons to cease his movement towards the handgun. The suspect was commanded to walk back towards officers but did not comply. The movement of the suspect continued as officers had left cover to clear the vehicle and prior to the armored vehicle placed in a position to provide further cover to the officers on the scene.



Approximately one minute following the clearance of the suspect vehicle, a K-9 was deployed to take control of the suspect on the ground. Movement continued from the suspect as the leashed K-9 apprehended the suspect, pulling him further away from the handgun.

## **Incident U09**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Delays Medical Aid to Incapacitated Suspects and Uses Unreasonable Force on Wounded People"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"Officers responded to a call that an unknown man with a gun had entered a home. As the man walked into the backyard, he pointed a handgun at the officers. One officer shot him in the chest with a rifle, and the man fell forward on top of his gun. A supervisor directed – "If you're not seeing any signs of life, we're going to move up with less-lethal and give him a couple pops before we approach." The man remained motionless on the ground for four minutes as numerous officers pointed guns and shouted commands at him. Multiple officers confirmed the man was not trying to get up, retrieve his weapon, or otherwise threaten officers. Over the course of nine minutes, the supervisor ordered the man shot with stunbag rounds from roughly 10 yards away. The pain inflicted from such rounds would be extraordinary, but the first two stunbags elicited no reaction to suggest the man was conscious or presented a threat. Yet the supervisor ordered officers to fire more rounds at the man. After officers fired the sixth stunbag round at the man, one officer said he would need gloves to provide CPR. "No rush, guys, no rush," the supervisor responded. The officers waited, fired two more rounds, then approached the man. Fifteen minutes had passed since officers shot the man with a rifle. By then, his heart had stopped. Paramedics pronounced the man dead at the scene."

### **Evidence provided by Phoenix Police Department**

The officers were cleared of any wrongdoing by the Maricopa County Attorney and the incident was classified as within policy by the Use of Force Review Board and Interim Chief Michael Sullivan. The video review revealed sound supervision with clear guidelines being given to officers.

There is no constitutional requirement to immediately render aid to a suspect nor a set amount of time mandated to approach a suspect who previously committed a felony crime with a rifle. Mitigating the risks to officers and citizens are paramount and time combined with actionable intelligence is the remedy in reducing these risks.

## **Incident U10**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Officers Routinely Use Neck and Compression Restraints that Put People at Risk of Serious Injury or Suffocation”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“PhxPD officers use these dangerous compression restraints against people experiencing a behavioral health crisis who do not present a risk to officers or others. In one incident, officers knelt for several minutes on the neck of a suicidal man who claimed to have stabbed himself with a nail file. Officers found the man sitting alone in his car in a parking lot. As they approached from all sides, the man asked, “What have I done?” and began to cry. One officer grasped the man’s left hand as the man held his mobile phone in the other, saying he wanted to record the encounter. A second officer entered the car and grabbed the man’s right hand but was unable to apply handcuffs. The first officer pulled the man onto the pavement and more officers moved in to restrain the man—four in all. They held him face down on the asphalt for roughly three minutes. One officer knelt on the back of his neck. Another held his hands on the man’s neck. Two other officers grabbed his legs and body. One officer then fired a Taser into the man’s back while another officer still held his neck. Once handcuffed, the man spat on the pavement and told officers they had no right to treat him that way. Officers warned him not to spit at them, and once again pushed down on his head, neck, and back. After a few moments, the man stopped talking, his breathing became shallow, and he lost consciousness.”

### **Evidence provided by Phoenix Police Department**

The use of force was deemed reasonable by the supervisor via the use of force report. The suspect was charged with resisting arrest and unlawful imprisonment – domestic violence. He pled guilty to a lesser charge on resisting arrest and pled guilty to the domestic violence charge. Officers responded after a victim called police after a subject grabbed her and carried her several feet against her will while attempting to place her into a vehicle. This violent act was followed by the suspect telling the victim that he was going to stab himself. When confronted by officers, the suspect refused to get out of his car after several commands and when he was removed from the car, he placed his hands in front of his body, continuing to resist handcuffing attempts by officers.





While the DOJ presented this case as a man alone in his car and crying, they failed to mention that he refused to exit his car after several commands from officers and when removed from the vehicle, he placed his hands underneath his body, refusing to be handcuffed. Context is vital in law enforcement and subsequent investigations and the insinuation that this suspect was simply “experiencing a behavioral health crisis” and did not present a risk to officers or others” is ridiculous. The suspect was not eligible for a mental examination or hospitalization after committing a felony crime and he subsequently pled guilty to a felony and a misdemeanor. Case Law is clear in that despite any information found out after an incident such as whether someone is experiencing a behavioral health crisis, the “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight (*Graham v. Connor*, 490 U.S. 386, 1989). The on-scene perspective of this case was that a suspect attempted to abduct a woman, refused commands to get out of his car, and then continued to resist arrest when officers removed him from the vehicle. The positioning of the suspect’s hands under his body where officers could not visually see them further heightened the potential danger in this incident.

## **Incident U11**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Officers Routinely Use Neck and Compression Restraints that Put People at Risk of Serious Injury or Suffocation”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one instance, PhxPD officers pressed a deaf man’s neck and head down for over 20 minutes after they had handcuffed and restrained him with leg ties. The man was crying and dry heaving, but when he tried to roll to his side, four officers pushed him back onto his stomach. The officers had been informed before arrival the man was deaf, but they repeatedly shouted at him to stop moving. One officer pressed his knee to the man’s neck and upper back for more than four minutes, removing it only after another officer pushed down on the man’s head to put him into a spit hood. The four officers kept their weight on the man’s neck, head, and body, even as his breathing shallowed. The man began to cry, cough, and eventually scream, before an EMT finally arrived.”

### **Evidence provided by Phoenix Police Department**

The use of force was deemed reasonable by the supervisor via the use of force report. The suspect waived his trial and pled guilty to a felony crime of disorderly conduct – weapon/instr and domestic violence assault. Officers responded to a domestic related fight in progress where the suspect had attempted to attack another man with a knife and assaulted his girlfriend by biting, hitting and kicking her. While attempting to take the suspect into custody, he resisted arrest and violently attacked the officers who suffered injuries. Once handcuffed, on a couch, the suspect continued to attempt to get up and the officers pressed him back down. While passive resistance continues to occur, approximately 45 seconds after full resistance stops, the primary officer asked the backing officer to “help me lay him on the floor, on his side if he’s cooperative.” As the officers lay the suspect on the floor and on his side, he immediately begins to resist again including kicking. Officers placed a RIP restraint on his ankles that prevented most of the kicking. Approximately 30 seconds into this resistance, the primary officer stated, “he might have some excited delirium, we have to be careful.” The officers continued observing the suspect closely and requested a sign language interpreter as the struggle began to subside with the suspect. Shortly after that request, the suspect began to struggle with officers again. That struggle continued throughout the remainder of the encounter that included the suspect kicking once inside the patrol vehicle.

## **Incident U12**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Officers Routinely Use Neck and Compression Restraints that Put People at Risk of Serious Injury or Suffocation”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“When a teenager objected to an officer pressing his knee into the boy’s head, the officer responded: “I know I am, purposefully.” The teen was suspected of trespassing in an empty warehouse to attend an illicit party”

### **Evidence provided by Phoenix Police Department**

The use of force was deemed reasonable by the supervisor via the use of force report. Officers were conducting surveillance on a warehouse that had experienced a recent surge in break ins that included increase reports of shots fired calls and property damage. When marked patrol vehicles responded to the area, multiple people began to flee. Officers observed six individuals coming from the area and attempted to stop them. The juvenile suspect in this incident pulled away from the officer and kept walking away. As the officer attempted to grab him, he fled. The combination of the suspect fleeing and the officer grabbing him, pushed their momentum to the ground and the officer landed on top of the suspect. The officer was able to stand back up and with the assistance of another officer, they gained control of the suspect’s arms. A subsequent search of the suspect revealed marijuana and a handgun.

## **Incident U13**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Officers Routinely Use Neck and Compression Restraints that Put People at Risk of Serious Injury or Suffocation"

"PhxPD's Use of Tasers is Unreasonable"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In another incident, when a woman asked if an ambulance was on the way after an officer knelt on a man's neck, the officer said, "I put my knee on his skull to protect his head." The man was suspected of using drugs at a bus stop. Under the Fourth Amendment, such minor offenses do not justify potentially lethal restraints absent a significant risk of serious injury or death to officers or others."

### **Evidence provided by Phoenix Police Department**

The suspect was found guilty of a felony crime, Drug Paraphernalia Possession/Use. Officers approached a bus stop, an area known for drug use. As they approached, one subject fled away from officers directly into traffic. Officers did not pursue and turned their attention to the remaining individuals at the location. One subject stood up, resisted the officers attempt to place handcuffs on him, by pulling his arms away and pulling his arm to his mid-section. The officers gave repeated commands to stop, warned him of additional force and the resistance continued. The officers forced the subject to the ground in an effort to get his hands behind his back and the subject continually attempted to raise up. While on the ground, his hands remained in front of his body and out of sight of officers. Approximately 70 seconds into the altercation, an officer was able to get leverage on the subjects left arm and began to pull it to his back. When this occurred, the subject became more violent, began to roll over and get up, causing the officer to lose control of the subject's arm.



Throughout the encounter, officers gave clear and specific commands while communicating with each other as the force options changed. During the first 80 seconds of the encounter, officers attempted to physically handcuff the suspect but when that failed, they told him several times that “you’re going to get sprayed.” Another subject that was with the man then approached the officers, causing a further distraction and potential additional safety issue with the officers.

Officers continued to demand compliance (“give me your hands”) while simultaneously ordering the second subject to “back up.”



Approximately 140 seconds after the resistance began with the subject, officers were able to get him handcuffed. Once handcuffed, officers removed any pressure from the subject. The officers rolled the subject from the ground and sat him up. He was screaming and out of breath, likely from the prolonged resistance. Officers called medical personnel to the scene.





## **Incident U14**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Officers Routinely Use Neck and Compression Restraints that Put People at Risk of Serious Injury or Suffocation”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“PhxPD officers use neck restraints casually, without regard for the risk of serious harm they can pose. One officer applied a chokehold even as a man gasped for breath, went limp, and tapped his hand on the ground to signal his submission. Another officer urged, “Keep going. He doesn’t get to tap.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a domestic violence call and during the investigation. Upon the arrival by officers, the disturbance was ongoing and at one point, a suspect charged at an officer.





The suspect was tackled by law enforcement and refused to place his hands behind back. A carotid control hold was used by officers to gain control and handcuffing. The suspect remained conscious during the encounter. The hold lasted approximately ten seconds and was immediately released once he was handcuffed. Following a complaint, investigators reviewed the incident and deemed the force to be within policy.

## **Incident U15**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Officers Routinely Use Neck and Compression Restraints that Put People at Risk of Serious Injury or Suffocation”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In 2021, an officer squeezed a man’s neck with both hands because the man stood up to get his identification from his back pocket. Officers stopped a group of people in a parking lot for trespassing, ordered them to sit on the curb, and asked each person for identification to check for outstanding warrants. An officer approached one man who stood up to get to his wallet, and told another officer, “He’s not listening, let’s just hook him.” The man told the officers that he was trying to follow directions, but both officers grabbed him, twisted his wrists, and slammed him down on the sidewalk. The man protested, “You’re breaking the law, I didn’t do anything!” One officer can be heard on body-worn camera saying, “It’s not breaking no law, bro!” as he wrapped his hands around the man’s neck. In his report, the officer wrote he did not “apply pressure to the male’s throat or squeeze his throat in any way.” PhxPD’s Professional Standards Bureau found the officer’s conduct departed from PhxPD training but stated PhxPD policy did not prohibit control holds to the neck.”

### **Evidence provided by Phoenix Police Department**

Officers observed approximately 10 subjects on the private property of a business with multiple no trespassing signs displayed on the property, and an active Authority to Arrest on file. Officers contacted the individuals on the property and detained them for trespassing, telling them to sit down on the sidewalk next to the main structure on the property. While gathering information from each of the individuals detained and sitting down on the sidewalk, officers instructed the suspect, who was still standing, to sit on the ground. Officers gave the suspect several commands to sit on the ground, however the suspect refused those commands, choosing to squat or kneel instead, keeping his feet underneath him. As officers continued to speak to the suspect, he stood back up, prompting the officers to again instruct the suspect to sit back down. The suspect eventually sat on the ground, however continued to refuse commands to place his feet in front of him and cross his legs at the ankles.





After the suspect's refusal to comply, officers attempted to detain the suspect by using physical force. When Officer Armstrong grabbed the suspect's right hand, placed him in a wrist lock and attempted to place the suspect's arm behind his back, the suspect responded by stating, "Dude, wait a second", and displayed Active Resistance by tensing and pulling his arm close to his body, keeping his hand in front of him. Officer Armstrong maintained a wrist lock with his right hand while appearing to attempt a smear the suspect's face with his left hand. The suspect continued to pull his arm and body away from Officer Armstrong, successfully breaking away from Officer Armstrong's grip to his right hand. The suspect then clinches his right hand into a fist and pulls his arm to the rear in a striking pose as he continues to struggle with the officers. According to Officer Armstrong's Incident Report, he observed the suspect clinch his right hand into a fist and feared being struck. Because the suspect displayed Active Aggression by having a clinched right fist, Officer Armstrong pushed the suspect from his seated position down to the ground by placing his hands around the suspect's throat.

The chain of command reviewed the use of force with the following comments:

*Lieutenant:* "Some of the response to resistance is outside the scope of policy and training, however, the situation was fluid and officer Armstrong was facing active aggression from the

suspect. I agree with the review by the Tactical Training Detail and Professional Standards Bureau and recommend this be a training issue as the response was not egregious."

"Commander, for your review and approval. Some of the response to resistance is outside the scope of policy and training, however, the situation was fluid and officer Armstrong was facing active aggression from the suspect. I agree with the review by the Tactical Training Detail and Professional Standards Bureau and recommend this be a training issue as the response was not egregious given the circumstances."

*Commander:* "Officer Armstrong inadvertently placed his hands around the neck of the arrested during a struggle and adjusted his position as soon as possible. The BWC was reviewed by both PSB and TTD. RTR is within policy."

The agency conducted an administrative investigation on the incident. As part of that investigation, the Training Bureau conducted a review and determined that "Although Officer Armstrong's decision to place his hands around the suspect's throat was effective in stopping a perceived violent attack from the suspect, grabbing the suspect's throat in this manner is outside the scope of our training and lesson plan." The officer received additional training following the investigative results.

## **Incident U16**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Uses Unreasonable Less-Lethal Force”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one incident, a group of officers shot 40mm foam rounds, a Taser, and over 20 Pepperballs at an unarmed man within 20 seconds of announcing their presence. The officers planned to take the man into custody for two open felony warrants related to probation violations. They surrounded a storage facility where he stood outside a unit repairing a bicycle. One officer yelled, “Hands!” seconds before firing Pepperballs and yelling, “Get on the ground!” While the officer continued to pelt him with Pepperballs, another officer struck the man with a 40mm impact round. The man turned away, screaming. Then, a third officer advanced and fired a Taser, incapacitating the man. As he fell—nearly hitting his head on the wall of the storage unit—an officer fired another 40mm round.”

### **Evidence provided by Phoenix Police Department**

Officers responded to assist the Fugitive Apprehension Unit with assistance with the arrest of a wanted fugitive. The suspect had felony warrants for aggravated assault and possession of drug paraphernalia. The suspect was located in and around an open storage unit. An arrest team was set up that included lethal and less lethal options. Upon making contact with the suspect, he refused commands to show his hands and remained facing away from officers. Officers saturated the area with Pepperball but the suspect remained non-compliant. 40mm less lethal was then used and the suspect remained non-complaint and continued to walk away from officers. At one point, the suspect fell to the ground but quickly got back up to walk away. A Taser was then used, which allowed officers to take the suspect into custody. Just prior to the Taser being used, the suspect had turned towards the officers in a wide stance.



## **Incident U17**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Uses Unreasonable Less-Lethal Force”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“PhxPD officers also shoot projectiles abruptly and without evidence the person is an U17 immediate threat. For example, officers shot dozens of Pepperballs at a man suspected of taking his mother’s car without permission. The man was leaving a laundromat when an officer immediately fired Pepperballs at him, and continued to fire after the man was on his knees and had curled his body onto the sidewalk. Officers reported the reason they fired projectiles on first contact was the man’s prior charges of aggravated assault on a police officer and resisting arrest. A person’s criminal history cannot be the sole basis for officers to use force.<sup>24</sup> Using force without assessing whether the man posed an immediate threat was unreasonable.”

### **Evidence provided by Phoenix Police Department**

Officers were conducting surveillance on a stolen vehicle when he parked the car and left on foot, entering a laundry mat. Officers put a plan in place plan for an open area apprehension once the suspect exited the laundry mat with Pepperball area saturation. The suspect exited and Pepperball was used to saturate the area. The suspect initially complied however, as officers moved in to affect the arrest, he quickly reached inside his waistband at which point Pepperball was used as a direct impact munition. The suspect then complied and was taken into custody without further incident. The use of force was found to be within policy.



## **Incident U18**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Uses Unreasonable Less-Lethal Force"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In one incident, an officer grabbed a man by his hair and threw him to the ground before he could obey the officer's orders. Officers approached the man in a parking lot after he was seen in a stolen car. The man had his hands up, but less than two seconds after yelling at him to lie down, an officer grabbed him by his hair with one hand, while pointing a gun at him with his other hand. The officer threw the man to the ground and wrapped his arm around the man's neck while three other officers pulled the man's legs and hands in different directions. "Put your arm behind your back!" one commanded. The man responded, "I'm trying!"

### **Evidence provided by Phoenix Police Department**

The use of force was found to be within policy and the suspect was found guilty of felony offenses, drug possession and auto theft. Officers identified a suspect from a stolen vehicle and upon approaching him, he began walking away. Video reveals that the suspect had identified the officer's presence and requests for approximately 8 seconds prior to force being used.



The suspect went from walking away and then turned towards officers but continued to walk backwards away from officers. As officers gained ground on him, he then turned away and officers attempted to place him on the ground. As officers attempted to force him on the ground, he resisted by keeping his arms locked and body away from going completely to the ground. He continued this resistance, refusing to be handcuffed and clinched his fists throughout the encounter. It took multiple officers approximately 50 seconds to get the suspect handcuffed.

## **Incident U19**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Uses Unreasonable Force Immediately, Without Giving People Warning or an Opportunity to Comply"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"Sometimes, PhxPD officers unnecessarily use force before even trying to speak to a person. In one incident, officers arrived at an apartment complex to the sounds of yelling and screaming. An officer rushed into an apartment without announcing his presence, lifted a woman from behind, and pulled her outside. The officer then kicked her legs out from under her and slammed her face-first into the sidewalk, splitting her chin on the concrete. The woman was bleeding on the ground less than 40 seconds after the officers got out of their car. From review of the body-worn camera footage, it is unclear the woman even knew it was a police officer who grabbed her."

### **Evidence provided by Phoenix Police Department**

This is also U14. Upon the arrival by officers, the disturbance was ongoing and multiple officers were on the scene. The officer encountered a female inside the residence that was being "belligerent and yelling at the other female." The officer placed the subject's hands behind her back and walked her out of the apartment, away from the other female. As the officer was walking the suspect outside, he alleged that she kicked him in the shin and the officer performed a leg sweep. The female suspect fell to the ground. This suspect did file a complaint on the use of force and the incident was cleared by the agency. The video did show the uncooperative subject, and the leg sweep was performed just as the officer cleared the door. The alleged kick by the suspect would have happened just inside the room and that footage was not viewable.



## **Incident U20**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Uses Unreasonable Force Immediately, Without Giving People Warning or an Opportunity to Comply"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"For example, officers grabbed a man and slammed him to the ground seconds after confronting him. A gas station attendant called police about a shirtless man trespassing and fist-fighting outside. When an officer arrived, he approached a man fitting the description and told the man to put his hands behind his back while grabbing his arms at the same time. In response, the man said, "For what?" and looked over his shoulder. The officer immediately swept the man's legs from under him, slamming his body to the pavement. "I'm not fucking playing with you, dude," he said. The man suffered a head laceration that required stitches."

### **Evidence provided by Phoenix Police Department**

Officers responded to a fight and possible trespassing call at a gas station. Upon arrival, the officer observed the suspect confronting a citizen in a confrontational and aggressive fashion.



As the officer grabs the wrist of the suspect for handcuffing, the suspect pulls forward and breaks the grips of the officer. The officer attempted to regain control of the officer's wrists but was unsuccessful. The officer then tripped the suspect to the ground. The suspect continued to passively resist and it took two officers to get him handcuffed.

## **Incident U21**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Uses Unreasonable Force Immediately, Without Giving People Warning or an Opportunity to Comply"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In one example, two officers used excessive force after stopping a bicyclist who ran a red light. The man allowed the officers to search him. As one officer checked the man's pockets, the man appeared to move something from one hand to the other. The officers grabbed him, told him to put his hands behind his back, and then pulled him to the ground. The man asked, "What am I under arrest for?" An officer said, "For not obeying a police officer." The officers appeared to recognize they lacked a lawful basis for arresting the man, and one said, "We need to develop PC [probable cause]." Both officers then muted their body-worn cameras. PhxPD arrested him for resisting arrest and possession of marijuana. County and city prosecutors declined to pursue the charges."

### **Evidence provided by Phoenix Police Department**

Officers stopped a subject on a bicycle after he ran a red light. The subject consented to a search of his pockets and while the officer was conducting that search, the subject kept reaching into his pockets. He did not follow commands to stop reaching into his pockets and at one point, he grabbed an item from his right pocket. Other officers saw him drop a plastic bag filled with a dark substance. When officers attempted to place him under arrest, he tightened his arms and placed his right arm towards the front of his body. Officers asked the subject on at least six occasions to place his hands behind his back and he refused. They also gave him a warning, "put your hands behind your back or I'm going to put you on the floor." Officers took the subject to the ground and the subject grabbed the bag and put it in his mouth. The subject was arrested for resisting arrest and the charges were eventually dropped by the city prosecutor's office because there was not a "reasonable likelihood for conviction."

## **Incident U22**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Uses Unreasonable Force Immediately, Without Giving People Warning or an Opportunity to Comply"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In another incident, an officer tackled a man without warning for allegedly shoplifting \$38 worth of food from a grocery store. A grocery store customer called police, and officers soon located a man fitting the description walking on a sidewalk near two other people. As the officers pulled up, one yelled "Stop!" out the window. The man continued to walk, seemingly unaware that the officer was yelling at him. Seconds later, both officers jumped out of the car, ran at the man, and pushed him to the ground. Later, one officer bragged to the other, "You like that impact push, though? Sick." His partner agreed, "That was good, yeah."

### **Evidence provided by Phoenix Police Department**

The 911 call stated that the suspect had attempted to steal groceries from a citizen in the parking lot and two businesses reported separate shoplifting events with the suspect. Officers located the suspect walking down the street and ordered him five times to stop and he continued walking away. Officers tackled the suspect to the ground who initially resisted their efforts to get his hands behind his back. He was eventually taken into custody and arrested for felony shoplifting due to previous convictions.



## **Incident U23**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD’s Misuse of Leg Restraints Results in Unreasonable Force”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one example, an intoxicated man lost consciousness after officers held him face down with his hands and feet restrained. Officers responded to a call about a person passed out in a car. They arrived to find the driver unconscious behind the wheel with the engine running. Officers saw a bag of pills and woke the driver, who became upset and resistant. After a struggle, the officers held the man face down and connected leg restraints to his handcuffs behind his back. Officers left him face down, with one officer kneeling on his upper back. Though the man’s breathing became louder and more labored, officers held him lying on his chest for nearly a minute. Only after he did not respond to questions did they roll him to his side and see that he was unconscious. Six other officers also did not act when the man’s breathing became labored.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a subject passed out in a vehicle. After speaking with a passenger, an officer observed two bags of pills in the lap of the driver. Officers approached the subject who remained in the vehicle with the door closed. Officers opened the door and told him to get out of the car. The suspect got out of the car and when officers attempted to place handcuffs on him, he began to resist and fought the officers. During the arrest, he struck three officers with a closed fist. Once he was handcuffed, he continued to show non-compliance, so the officers placed a RIPP restraint on him. The Phoenix Police Department had already been called when the subject became unresponsive for a short time. He was awakened by an officer as the fire department arrived. The suspect plead guilty of aggravated assault to a police officer and possession of drug paraphernalia. The use of force was found to be within policy.

## **Incident U24**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD's Misuse of Leg Restraints Results in Unreasonable Force"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"PhxPD officers arrested a man at a group home for allegedly assaulting a staff member. After being handcuffed, the man began to struggle. Officers bound his hands and feet behind him, and then tightened the cord to bring them together. They left the man face down on the floor, hogtied in the manner explicitly prohibited by policy. Within one minute, the man began to complain he could not breathe. Officers called for medical assistance as the man began to vomit. The Fire Department arrived and cleared the man for transport. Officers carried the man to a patrol car and laid him in the back seat, still hogtied. "You're going to be okay, child. Stop complaining," they told him. During transport, officers realized the man was throwing up again. They stopped and opened the car door to find the man face down in vomit. For a second time, officers called for medical aid. They removed the hogtie restraint and permitted the man, still handcuffed, to sit up. Covered in his own vomit, the man lurched out of the police car and collapsed face down on the ground. "I can't breathe, I need some water," he begged. "Stop being a baby," one officer said. The Fire Department arrived and cleared the man again. When it was time to go, the man pleaded, "Don't hogtie me, please, please." The officers again bound his hands and legs together and placed him face down in the grass."

### **Evidence provided by Phoenix Police Department**

Officers responded to a call about a fight at a group home. Upon their arrival, they were told about an assault suspect. Officers pointed their Tasers at the man involved. He complied with the officer's commands and was handcuffed. Upon being handcuffed, he began to kick officers and they applied a RIPP restraint to his legs. The Phoenix Fire Department was called to the scene after the subject complained about having trouble breathing. During transport, the subject began to vomit in the back seat. The officer stopped his vehicle, and the fire department evaluated the subject for a second time. The subject was cleared and transported to jail.

## **Incident U25**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD’s Use of Tasers is Unreasonable”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“For example, officers fired a Taser to subdue a suicidal man who asked a 911 operator to “have the cops kill me.” When officers arrived at the man’s apartment, he stepped out into the middle of the street and waved. With a cigarette in one hand, he touched his head with his other hand in a finger-gun gesture and called to the officers, “Shoot me here.” Officers noted that he was unarmed as he ambled around ignoring their commands. With little warning, one officer called “Taser!” and immediately pressed the trigger, causing one of the metal darts to embed itself in the man’s forehead. (Paramedics were later required to pull out the dart.) A second officer then fired four stunbag rounds, striking the man in the back and chest. Firing a Taser at someone in the head, inches away from his eye, carries a heightened risk of serious injury or death. PhxPD found the Taser and stunbag deployment within policy, even though both were unreasonable and used against a man who was, at most, a risk only to himself.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a suicidal subject. The call details included that the man said he had a gun, and he wanted to be shot by law enforcement. Officers located the subject who would not comply while keeping his hands behind him. When less lethal options did not bring compliance, officers used cover and concealment with their vehicles and moved closer to the subject. As the officers positioned themselves to deploy additional less lethal, the man continued to not comply and walked towards officers while moving his hands behind him and to the side. As he walked towards officers, an officer approached behind, pushed the man to the ground where he was taken into custody.



Officers took the subject into custody, he was evaluated by medical personnel and then transported to a mental health facility for evaluation. The use of force was found to be within policy.

## **Incident U26**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD's Use of Tasers is Unreasonable"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"At times, officers fire Tasers simply because someone does not follow commands. For example, moments after providing a warning, an officer fired two Taser probes at a naked unhoused man holding only a pair of sweatpants. The man was standing outside a strip mall explaining that it was "his home" and that he works for God. Four officers surrounded him, and one warned, "Hey, sir, if you don't put your pants down, I will tase you." At the same time, another officer commanded, "Put your pants on." Less than ten seconds later, the first officer tased the man. The man presented no threat warranting the use of a Taser."

### **Evidence provided by Phoenix Police Department**

Officers responded to several calls of a naked man walking in a parking lot. Once located, the male appeared to use a pipe commonly used for smoking methamphetamine. He continued to change directions and speaking in an incoherent tone while saying he worked for God and raising his fists. He was standing on the backside of a concrete pillar and officers could not determine what was on the other side or see his hands during portions of the encounter. An officer told him, "Hey, sir, if you don't put your pants down, I will tase you. You have four seconds, put your pants down, put your pants down, put your pants down, put your pants down, Taser, Taser, Taser..." The man did not comply, and an officer used his Taser. The subject was arrested. The use of force was found to be within policy.

## **Incident U27**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD’s Use of Tasers is Unreasonable”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one instance, within minutes of arriving on the scene of a behavioral health crisis, a PhxPD sergeant sprayed a man in the face with pepper spray for seven seconds and then fired a Taser at him. The man’s mother had called 911 because he stopped taking his medication and slapped her in the arm. Officers who arrived spoke calmly with the man and decided to seek emergency mental health treatment and wait. Things changed when a sergeant arrived. He told officers to arrest the man, “get a Taser ready,” and then sprayed the man in the face with pepper spray. As the man recoiled, two other officers grabbed him and, at the sergeant’s direction, one fired Taser darts in his leg. When the man fell to the ground, the sergeant took the Taser from the officer and tased the man again. Rather than obtaining mental health treatment, officers arrested him for assault, disorderly conduct, and resisting arrest. Prosecutors declined to pursue charges.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a call where a mother said her son was off of his medication and had assaulted her. Officers located the suspect outside the residence and engaged in a conversation for over 12 minutes. During this initial conversation, the subject displayed aggression including clenching his fists with the responding officers and walking away to the garage and back. Over the course of approximately 111 seconds, officers gave the subject 13 commands to place his hands behind his back and he refused. The officers approached and deployed pepper spray and the man retreated further into the garage area. Officers told him to “get down” at least four times and he refused. A Taser was deployed, and the man was taken into custody.



## **Incident U28**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Fails to Exercise Control Over Police Dogs”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“For example, a PhxPD dog bit the arm of an unarmed and compliant homeless man for 47 seconds, including about 30 seconds after officers handcuffed him. PhxPD had received a report of a man with a suitcase entering a partially constructed apartment complex. Around midnight, a canine unit responded. Ten seconds after announcing their presence and warning that the police dog “will bite you,” the canine handler released the dog into the building. Immediately, the man called out, “Sir, I’m in the room right here.” Rather than recall the dog, the handler commanded it to bite and said, “ Good boy! Get ‘em, buddy!” On body-worn camera video, the man can be heard screaming when the dog reached him. The dog thrashed the man’s arm from side-to-side and continued to bite while officers handcuffed him. The canine handler never commanded the dog to release the man; the dog released its bite only after the handler struggled to pulled it away. At the hospital, the man told one officer that he had been sleeping, heard the warning, and called out his location so “they wouldn’t release the dog, but he did anyway.” In an incident report, the same officer wrote: “He said he never heard us giving out commands because he was sleeping.” Officers sought to charge the man with burglary of a residence; the county attorney declined prosecution.”



## **Incident U29**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Fails to Exercise Control Over Police Dogs”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In another example, PhxPD officers allowed a police dog to continue biting two burglary suspects after they had been located and apprehended. A car tow lot owner reported that his surveillance video showed two people jump the fence to his property and break into vehicles. Officers arrived and saw two people in the lot, who then ran and hid. Officers surrounded the lot and called for a canine unit. Once there, the canine officer gave one warning: “Phoenix Police Department. Police dog to search. Anybody inside the fence lot make yourself known or you may get bit by a police dog.” The officer released the dog 10 seconds later. Within 40 seconds, officers heard cries of pain as the dog dragged a man out by his arm from underneath a vehicle. The canine handler allowed the dog to keep biting the man’s arm as other officers ordered the man onto his stomach for handcuffing. Finally, 35 seconds after the man started complying with commands, the handler pulled the dog off him. The canine handler repeated the warning, and the dog pulled a second man out by the arm from under a different vehicle. As the second man pleaded, “Please!”, the canine handler instructed another officer to drag the man by his feet into an open area. The dog, still attached to the man’s arm, was pulled with him. The dog continued to bite the man even as officers handcuffed him. Both men had to be hospitalized for their injuries. Neither man was armed.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a burglary call at a business. The call stated that two suspects were observed climbing over a fence onto the property via video surveillance. Officers arrived and set up a perimeter. When the k-9 handler arrived, the property was searched. The handler gave verbal warnings that a dog was going to be searching the premises; A suspect was located hiding under a vehicle and was bit by the k-9 dog. A second suspect was also hiding and bit. Both suspects were arrested and taken to a local hospital. An administrative investigation determined that the use of force was within policy.

## **Incident U30**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Uses Unreasonable Force Against Handcuffed People"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"For example, PhxPD officers painfully restrained a man because he kicked an officer during an arrest. When officers spotted the man, he was shirtless and crawling in gravel beside the street. One officer grabbed the man from behind without identifying himself and commanded: "Hands behind your back." The man reacted by kicking the officer two or three times. After officers handcuffed the man, they repeatedly contorted his arms behind his back, pulled up on them, and thrust them into the air as he cried out, "You're hurting me. Stop it." While continuing to pull his arms, the first officer retorted, "You know what else hurts? Getting kicked."

### **Evidence provided by Phoenix Police Department**

Officers responded to where the business owner identified the suspect upon their arrival. The suspect failed to comply and resisted attempts by officers to take him into custody. Medical personnel arrived on the scene and cleared the subject. He was taken to the hospital for pre-existing medical issues unrelated to the use of force and eventually arrested for aggravated assault on an officer, trespassing, and resisting arrest. The use of force was found to be within department policy.

## **Incident U31**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Uses Unreasonable Force Against Handcuffed People”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“At times, officers repeatedly use force to punish a handcuffed person. In one incident, two officers pressed on a man’s head, neck, and body because the man mocked the weight of a female officer. The man had threatened to assault someone, and officers tackled and handcuffed him after he refused their commands to stop walking away. While handcuffed on his stomach, the man complained of the weight a female officer put on his legs and called her a “fat bitch.” She laughed, said “Okay, I can do this,” and pressed harder on his legs. Another officer then shoved his body weight onto the man’s neck and shoulders and asked: “Want me to take you out of these handcuffs and we’ll do it all over?” Later, while officers searched him, the man complained about the officers’ actions, and spittle flew from his mouth onto an officer’s face. The man immediately apologized, but the officer grabbed him by the hair and slammed his head into the patrol vehicle. Officers then threw the man onto the ground and applied the hobble restraint, connecting his leg restraints to his handcuffs behind his back. All the while, the man did not resist.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a suspicious person call. The suspect was alleged to be threatening citizens in the area. When he saw officers, the man ran. The officers gave multiple orders for the man to stop. Believing the man had a knife, they also ordered him to put the knife down several times. Officers took the man to the ground, handcuffed him and located the knife. While searching the suspect, he spit towards one officer. The officer turned the suspect’s head and pushed it into the side of the police vehicle. The man was then taken to the ground, and a leg restraint was placed on him. The suspect was not injured, and he was booked into jail for warrants. Supervisors were not aware of the incident but when the agency found out, an administrative investigation was conducted, and the primary officer received counseling for unprofessional conduct. The force was deemed not in policy.

## **Incident U32**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Training Encourages Officers to Use Unjustified Force”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“For example, in a training for all supervisors at a station, PhxPD showed a video of an incident in which an officer shot a man carrying a knife with a 40mm round. Although the man was on a deserted street in downtown Phoenix at 2:45 a.m., trainers said the force was reasonable because there “was an element of jeopardy.” The jail was across the street and people “could be” released at any time.”



### **Evidence provided by Phoenix Police Department**

Officers responded to a man armed with a knife. As officers approached, he began to leave the property but stood by the public roadway, yelling and pointing his knife at law enforcement. With a calm demeanor, officers kept their distance and continually attempted dialogue with the man. After multiple commands to drop the knife, they deployed less lethal munition and took him into custody for a mental health evaluation. The use of force was deemed in policy

### **Incident U33**

#### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

“PhxPD Training Encourages Officers to Use Unjustified Force”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“PhxPD trainers have featured unreasonable force as good de-escalation in training settings. In one PhxPD video used to train 40mm operators, a PhxPD officer shot a 40mm impact round at a man standing directly in front of a toddler in a crib. When someone in the training expressed concern that the toddler could have been struck had the officer missed the target, the trainer responded that the deployment was “one of the best executions of the safety priorities” and the only room for improvement was to fire the projectile sooner.”

#### **Evidence provided by Phoenix Police Department**

Officers responded to an aggravated assault and domestic violence incident. Upon their arrival, the victim told them that her husband was armed with a knife and barricaded in a room with their baby. Officers observed the man in the room with a young child. After the subject would not come out, an officer used less lethal munitions to take the subject into custody. The officers gave the subject 17 commands over 103 seconds, and he did not comply. One officer identified the child “in the crib” prior to deployment. The use of force was deemed within policy.

*An Analysis of the US DOJ Report: "Investigation of the City of Phoenix and Phoenix Police Department"*



## **Incident U34**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Training Encourages Officers to Use Unjustified Force”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“PhxPD released a department-wide video that featured video of the incident described on page 97 below, in which PhxPD officers fired Pepperballs at a man in a behavioral health crisis less than two minutes after arriving on scene. The man had not hurt or touched anyone and was not armed, and officers had been advised before their arrival that he was beginning to calm down.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a call at a behavioral health clinic where callers described a subject that was agitated and destroying property at the location. The subject was located in the parking lot and refused multiple commands while walking back towards the clinic entrance. An officer used Pepper Ball to saturate the area near the subject. The subject was not struck by the munition and immediately complied, and he was detained and taken to a mental health facility for treatment.





## **Incident U35**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Officers Fail to Report Significant Force"

### **Alleged evidence and scope of substantiation reported by US DOJ**

*"In one case, officers failed to report force that was so aggressive that bystanders objected. Two officers responded to a call from a hotel that a former employee was breaking items in the breakfast area. An employee pointed the man out, who was by then talking on his cell phone while patrons ate their breakfast. When he saw the officers walk toward him, he put his hands up and said he would leave, saying, "Please don't touch me." One officer responded, "No, you're gonna get touched." They grabbed the man around the neck and forced him to the ground. They held him on the ground and handcuffed him as he screamed and as hotel staff and guests questioned the officers' actions. Consistent with PhxPD policy, the officers did not report the force."*

### **Evidence provided by Phoenix Police Department**

Officers responded to a suspect damaging items inside a hotel. Once located , the suspect resisted arrest. He was eventually taken to the ground and handcuffed. He was charged with criminal damage, disorderly conduct, and resisting arrest. The force used was not required to be reported at the time of the incident.



## **Incident U36**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Officers Fail to Report Significant Force"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"For example, supervisors never reviewed an incident where an officer held a teenager by the neck while handcuffing him. The teen's mom had called the police complaining that her son, who was having a manic episode, had stolen her phone. As the teen swore at the officers and told them he was recording with his phone, officers grabbed him, took away his phone, and said, "You are making stupid decisions." The teen remained seated but kept talking, so one officer grabbed him by the neck and applied pressure for approximately 15 seconds (as shown in the image below) as they handcuffed him. The officers did not report the force. (image) The officer held the teenager by the neck for approximately 15 seconds but completed no use-of-force report."

### **Evidence provided by Phoenix Police Department**

Officers responded to a domestic violence call. A mother alleged that her 18-year-old son had stolen her phone and pushed her. Upon arrival, the officers located a BB gun and drug paraphernalia and attempted to detain him. The subject resisted the officers' attempts and a struggle ensued. During the struggle, the officers restrained the man's head while another placed handcuffs on him. The force used was not considered reportable force at the time of this incident. After he was handcuffed, the suspect spit on an officer's face. He was arrested for aggravated assault on a police officer.

*An Analysis of the US DOJ Report: “Investigation of the City of Phoenix and Phoenix Police Department*



## **HOMELESSNESS**

### **Incident H01**

#### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“One unhoused man came into contact with PhxPD 97 times between 2016 and 2022 and was arrested or cited at least 20 times between 2019 and 2022.”

#### **Evidence provided by Phoenix Police Department**

Without additional information from the US DOJ, this incident could not be identified.

## **Incident H02**

### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one incident, an officer stopped his squad car when he saw a man who appeared to be homeless balancing his belongings while riding a bicycle in an alley. Although the officer had no basis to suspect criminal activity, he stopped the man to check for warrants anyway.”

### **Evidence provided by Phoenix Police Department**

Without additional information from the US DOJ, this incident could not be identified.

## **Incident H03**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD and the City Violate the Rights of People Experiencing Homelessness"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In a 2023 incident, PhxPD illegally detained two people for sitting in the shade, well off to the side of an alley. Neither person was impeding traffic; they were sitting on large chunks of concrete too heavy to move. Still, the officers cited them for "lying or sitting on a public right of way." One officer explained: "Try not to be hanging out in alleys. Otherwise, you're gonna see PD quite a bit."

### **Evidence provided by Phoenix Police Department**

While on patrol, officers contacted two subjects sitting in an alley. A subsequent record check revealed that the man had an outstanding felony arrest warrant. Officers located a substance consistent with methamphetamine near the man. The subject was arrested for the felony warrant and possession of dangerous drugs. He was cited for prohibited use of a public right-of-way. An officer told the other subject, "Try not to be hanging out in alleys. Otherwise, you're gonna see PD quite a bit." She was released without any enforcement taken.





## **Incident H04**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD and the City Violate the Rights of People Experiencing Homelessness"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In a 2023 incident, after the injunction, officers woke a group of people and told them, "You're being detained because we don't know who you are and you're camping." One woman said she thought they were okay to be in the area because their tent was not blocking the alley. An officer told her, "The alley is made for city use. It's not even supposed to be walked through. As a person. You're not supposed to walk through an alley."

### **Evidence provided by Phoenix Police Department**

Officers responded to a trespassing call in an alley and located three people camping. An officer told one of them, "You're being detained because we don't know who you are, and you're camping." The officer further explained his actions, "The alley is made for city use. It's not even supposed to be walked through. As a person, you're not supposed to walk through an alley." One subject was arrested for a felony warrant. Two others were given a citation for camping on property controlled by the City.





## **Incident H05**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD and the City Violate the Rights of People Experiencing Homelessness"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In another incident, from 2020, officers woke a 55-year-old man and 51-year-old woman at 4:55 a.m. They were sleeping on the sidewalk under blankets, leaving plenty of room for foot traffic, though there was no one else present other than the police. One officer told the man: "Sir, you understand that you can't be sleeping on the sidewalk in the City of Phoenix?" PhxPD ran warrant checks, commanded them to leave the area, and told the woman "I need you to get up and get moving though, dear."

### **Evidence provided by Phoenix Police Department**

Officers contacted two subjects who were sleeping on the sidewalk. The officers ran a warrant check on both subjects and, discussed other options where they could sleep. The subjects were told to leave. One officer told the male subject, "Sir, you understand that you can't be sleeping on the sidewalk in the City of Phoenix?" The female subject was told, "I need you to get up and get moving though, dear." No enforcement action was taken.



## **Incident H06**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“For example, one 69-year-old man has accumulated multiple citations and arrests for sitting or sleeping on public property. In 2017, officers arrested him for “loitering in a closed park.” He had been sleeping under a blanket, using his backpack for a pillow. In 2021, officers again found the man wrapped up in a blanket, sleeping upright in a canal. The officers instructed him to move through a rocky area in the dark, and he tripped and fell. While officers ran his name through a warrant check, the man asked, “Is there no end to the harassment of the homeless?” An officer responded, “Is there no end to the trespassing or the obstructing?” The other officers laughed. The man said, “I quietly leave in the morning.” PhxPD cited him for third-degree trespassing, then told him to go back to get his blanket and backpack.”

#### **Evidence provided by Phoenix Police Department**

Officers contacted a man who was trespassing on property owned by the Maricopa County Flood Control District. The property had numerous signs posted that prohibited trespassing. The man was issued a citation and released.

## **Incident H07**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“PhxPD officers tried to detain a man for trespassing in 2020, and when he questioned their authority to stop him, they grabbed him, knelt on his neck, and fired a Taser at him. The officers stopped the man outside a convenience store where he was talking to two women. Though no one had called the police, they demanded his identification and told him that he might be trespassing. The man explained that no one had asked him to leave the store, and when an officer threatened to arrest him, the man backed away, complained the officers were “out of order,” and again said that he had not committed a crime. Officers followed him, grabbed him, and forced him to the ground. One officer placed his knee, and later his forearm, on the man’s neck. Another officer tased him. The officers arrested the man for resisting arrest and trespassing, though one acknowledged these charges were “a little bit iffy.” Prosecutors declined to prosecute the charges.”

### **Evidence provided by Phoenix Police Department**

Officers contacted a man outside a convenience store and questioned him about trespassing. When one officer entered the store to ascertain whether the man was trespassing, the subject began to walk away. Officers attempted to detain him, and he resisted. Officers used a Taser to gain compliance, and the suspect was arrested for resisting arrest and trespassing. The Professional Standards Bureau conducted an administrative investigation, and one officer was found out of policy for false arrest. He received a 24-hour suspension.





## **Incident H08**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“One officer told a group of unhoused people, “You guys need to find somewhere that’s sustainable. Like, not alleys, not parks, nothing like that because we’re cracking down on that stuff.”

### **Evidence provided by Phoenix Police Department**

In February 2023, officers responded to a neighborhood complaint of a man and a woman who set up a camp and were allegedly selling drugs near a church. The same officers had addressed a similar complaint at the same location three months earlier. The officers located the same man and woman at the location and arrested them for possession of narcotic drugs and drug paraphernalia. The woman also had a felony warrant. Other individuals located in the alley were given a warning and told not to loiter.

## **Incident H09**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“We heard an officer on the bike squad—a squad dedicated to waking and moving homeless people—say on body-worn camera that he needed to write a trespassing citation because, “I gotta get my tickets up this month.”

### **Evidence provided by Phoenix Police Department**

Bicycle officers contacted two people who appeared to be trespassing on state-owned land. A valid Authority To Arrest Trespassers form was on file from the Arizona Department of Transportation (ADOT) for all properties owned and/or maintained by ADOT. The subjects were issued citations.

## **Incident H10**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD and the City Violate the Rights of People Experiencing Homelessness"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In another incident, a different bike squad officer said he "need[ed]" to write a trespassing citation because, "[t]his puts me at 30."

### **Evidence provided by Phoenix Police Department**

Officers received multiple complaints about encampments and trash on city property and contacted three individuals trespassing in the area. While discussing the citation, an officer told another officer "I need it. This puts me at 30." The individuals were cited for criminal trespassing.

## **Incident H11**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD and the City Violate the Rights of People Experiencing Homelessness"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In another incident, an officer warned a woman that she needed to leave the alley and not come back. "And then if I find you in the alley again, I gotta arrest you. Which I hate to do that. That's stupid right? Just for being in the alley? But I have to."

### **Evidence provided by Phoenix Police Department**

An officer observed a woman standing near a small encampment in an alley. The officer told the subject that she could not be in the alley and said, "And then if I find you in the alley again, I gotta arrest you. Which I hate to do that. That's stupid, right? Just for being in the alley. But I have to." The woman left the alley.

## **Incident H12**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one early morning incident, officers issued unlawful trespassing citations to a man and a woman sleeping in the dirt under a tarp. Officers claimed in their report that the “property belongs to ADOT (Arizona Department of Transportation),” which had an “authority to arrest” on file with PhxPD. But the officers were unsure who owned the location where the people were sleeping, even after several minutes of riding their bikes around the property and consulting their maps. Having come to no consensus, one officer said, “who knows,” and wrote the citation.”

#### **Evidence provided by Phoenix Police Department**

Bicycle officers contacted two people who appeared to be trespassing on state-owned land. A valid Authority To Arrest Trespassers form was on file from the Arizona Department of Transportation (ADOT) for all properties owned and/or maintained by ADOT. The subjects were issued citations.

## **Incident H13**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one predawn example, officers roused a woman sleeping in the dirt on public property between a fence and the street. The dirt was approximately three feet wide, next to a business, with no paved sidewalk separating it from the street. Only after holding the woman by the side of the road for about six minutes did officers determine no “authority to arrest” existed. Instead, they cited her for “obstructing public areas”— although she was not preventing anyone from using the area—and told her to pack up her belongings and move.”

### **Evidence provided by Phoenix Police Department**

Officers observed a woman sleeping in a small encampment set up in the dirt area outside of a business. Officers woke the woman up and cited her for obstructing streets, sidewalks, or other public grounds. They advised the woman the various resources available for people experiencing homelessness.



## **Incident H14**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“Starting at 5:00 a.m., PhxPD officers would drive block by block, using patrol sirens and loudspeakers to warn residents that they had to move and that “anything left behind will be considered abandoned property. If you’re looking to downsize, now’s a good time to do it.”

### **Evidence provided by Phoenix Police Department**

An officer used a speaker to make public announcements regarding a City cleanup detail planned in downtown Phoenix. The announcements were designed to make sure that sidewalks in the area were not blocked and fully accessible to cleanup crews.

## **Incident H15**

### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“During one clean-up we observed, an officer asked people moving their property if they were familiar with the concept of “minimalism.”

### **Evidence provided by Phoenix Police Department**

Without additional information from the US DOJ, this incident could not be identified.



## **Incident H16**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one example, an officer told a man who had been slow to move his things that unless he moved away and allowed city workers to destroy his property, the officer would cite him for obstructing the clean-up.”

### **Evidence provided by Phoenix Police Department**

Officers were assisting with a city cleanup project in the downtown area. They observed a man near a homeless shelter with bicycle parts that were blocking the sidewalk and interfering with the workers conducting the cleanup. An officer advised the man that he could either walk away and leave the property, or he would be arrested for obstructing. The subject said that he did not want to be arrested or lose his property. The officer advised him that if he claimed the property, he would be arrested and the bicycle parts impounded. The subject left without the property, and a citizen assisted in removing the property on behalf of the man. No enforcement action was taken, and the citizen moved the property away from the sidewalk.



## **Incident H17**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In another example, a 56-year-old man was late moving his property and told officers “he was trying to move as fast as he could.” This man, too, failed to move his belongings quickly enough. The officers cited him for failure to obey an order and shoplifting because among his possessions, the man had two milkcrates bearing the name of a local dairy.”

### **Evidence provided by Phoenix Police Department**

During a weekly cleanup by the city, in an area around Central Arizona Shelter Services campus known as "The Zone", officers contacted a man who had failed to move his camp prior to the start of the cleanup. Multiple warnings had been given throughout the morning, and the man's camp was the only one remaining on the closed street. Rather than arresting the man for failure to obey and theft, the subject was issued a citation. The man was in possession of two milk crates belonging to a nearby dairy.

## **Incident H18**

### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“For example, during a ride-along in April 2022, a Justice Department investigator saw city workers throw away a tent, ice cooler, bedding, and shoes without providing notice. Someone had complained that an unhoused person was living in a tent in a dirt alleyway. In coordination with PhxPD officers, the City’s Streets Department staff scooped up everything with a bulldozer and destroyed all the property.”

### **Evidence provided by Phoenix Police Department**

Without additional information from the US DOJ, this incident could not be identified.

## **Incident H19**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD and the City Violate the Rights of People Experiencing Homelessness"

#### **Alleged evidence and scope of substantiation reported by US DOJ**

"For example, officers abandoned the property of seven people whom they illegally arrested for trespassing when they were sitting and sleeping along the edge of a wide public sidewalk. An officer roused the group by yelling: "This right here is trespassing. You cannot be here. Period." The officers took all seven people into custody and tossed their personal property onto the sidewalk rather than impounding it. One woman pleaded, "Please. All my stuff is here. Everything. Please." An officer looked at the blankets and clothes and told the sergeant: "This is all junk. There's nothing." The sergeant agreed, and the officers left the property on the sidewalk."

#### **Evidence provided by Phoenix Police Department**

Bicycle officers observed seven people trespassing on a freeway overpass. Police had a valid Authority To Arrest Trespassers form on file from the Arizona Department of Transportation (ADOT) for all properties owned or maintained by ADOT. After contacting the group, all seven individuals had outstanding arrest warrants. They were each arrested for trespassing and warrants.

## **Incident H20**

### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“One man we spoke to said officers threw out his belongings while saying, “You guys are trash, and this is trash.”

### **Evidence provided by Phoenix Police Department**

Without additional information from the US DOJ, this incident could not be identified.

## **Incident H21**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD and the City Violate the Rights of People Experiencing Homelessness”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“One officer said, “You cannot sit. You can’t lie. You can’t sleep ... Go somewhere else.” When asked where they should go, the officer said, “There’s a lot of resources. So, I don’t buy that it’s cold, it’s rainy. You have a place to go. It’s called a shelter.”

### **Evidence provided by Phoenix Police Department**

In February 2023, officers responded to a neighborhood complaint of a man and a woman who set up a camp and were allegedly selling drugs near a church. The same officers had addressed a similar complaint at the same location three months earlier. The officers located the same man and woman at the location and arrested them for possession of narcotic drugs and drug paraphernalia. The woman also had a felony warrant. Other individuals located in the alley were given a warning and told not to loiter.

## **Incident H22**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD and the City Violate the Rights of People Experiencing Homelessness"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"One man woken outside a soup kitchen in the early morning told officers he would leave. In response, an officer said: "You're not free to go. You're under arrest, and if you try to leave, you're going to jail."

### **Evidence provided by Phoenix Police Department**

Officers observed a man sleeping on the sidewalk outside of a business. The business had a valid Authority To Arrest Trespassers form on file. When the subject told an officer he was leaving, the officer said, "You're not free to go. You're under arrest. If you try to leave, then you're gonna go to jail." The subject was issued a citation.

## **DISCRIMINATORY POLICING**

### **Incident D01**

#### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

“PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“And a Black woman who complained to PhxPD that an officer racially profiled her when he stopped her for speeding and arrested her for allegedly refusing to provide her ID, shared the view that the police have misallocated their resources. “There’s people out there committing crimes and you’re pulling me and harassing me and detaining me in the jail,” she explained. According to PhxPD records of the encounter, the woman tried multiple times to complain about profiling, including to a PhxPD supervisor she spoke to while being booked. As the supervisor explained in his report, the woman told him that the officer “looked at her and in her opinion he saw a [B]lack face, a [B]lack woman and he used, exerted his badge... that is what she felt like.” The supervisor did not open a formal investigation, explaining: “I am not seeing any violation of policy.”

#### **Evidence provided by Phoenix Police Department**

A sergeant observed a female driver fail to stop at a red light. When he located the vehicle, the car was parked, and the female was walking away. The driver was arrested for failing to provide identification during the stop. During the booking process, the female made a complaint to an on-duty lieutenant, alleging that the stop was not appropriate. According to the report, the subject struggled with officers and refused to take her hands out of her jacket. The incident was investigated, and no policy violation was found.



## **Incident D02**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In May 2019, after an alleged shoplifting incident, PhxPD officers made a traffic stop of a young Black family and quickly escalated the encounter. Officers held the family at gunpoint, shouted profanities at them, and tried to pull the couple’s one-year-old from the pregnant mother’s arms before arresting her and the father in front of their two children. It was ultimately revealed that the couple’s four-year-old child had taken a doll from a store; the store manager declined to press charges. The incident made national news and brought intense scrutiny on PhxPD. After video of the incident went viral, then-Police Chief Jeri Williams and Mayor Kate Gallego issued public apologies to the couple and held a town hall for the community to respond to the incident. Over 2,000 people attended the town hall and spoke for more than two hours, criticizing the officers’ actions and sharing broader concerns about systemic racism within PhxPD. PhxPD fired one of the officers involved in the incident, and the City settled a civil rights lawsuit brought by the family for \$475,000. & As the man whose family was held at gunpoint for alleged shoplifting said to us, “I know from living in Phoenix pretty much all my life. It’s been a thing of them treating people of color a little bit different PhxPD has a way of treating people of color pretty bad ”

### **Evidence provided by Phoenix Police Department**

Officers responded to a shoplifting call where a vehicle fled the scene. Once located, the officers conducted a traffic stop. During the stop, two officers used inappropriate language and one used excessive force while searching the driver of the suspect vehicle. Following an administrative investigation, the officer accused of excessive force was terminated. The other officer received a written reprimand for unprofessional conduct.

## **Incident D03**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“in June 2019, the news organization Injustice Watch released the “Plain View Project,” a database of Facebook posts attributed to officers from eight police departments across the country, including PhxPD. Researchers used publicly available police department rosters to identify profiles of law enforcement officers and flagged posts that researchers determined had the potential to “erode civilian trust and confidence in police.” The researchers attributed 281 posts to PhxPD employees. Investigators in PhxPD’s Professional Standards Bureau (PSB) reviewed the posts and determined they were made by 96 employees, including some PhxPD supervisors. At the time, investigators deemed some of the posts not “inappropriate,” even when PhxPD officers made racist statements based on innuendo and racial stereotypes, including posts calling Kwanzaa a “fake holiday” and celebrating armed self-defense against “thugs” in “saggy pants.”

### **Evidence provided by Phoenix Police Department**

In June 2019, Injustice Watch published a website called “The Plain View Project,” that documented social media postings on Facebook by law enforcement officers across the country. The project identified postings that were considered inappropriate or offensive. 74 active Phoenix Officers and 22 former Phoenix Officers were included in the report. The Professional Standards Bureau immediately began a review of all postings featured by the project, assessing whether the posts violated agency policy. One employee was terminated, ten were suspended and 52 At the conclusion of the investigation, one employee was terminated, 10 were suspended, and 52 officers were given supervisory coaching.

## **Incident D04**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“A Black driver in 2018 called PSB to complain that an officer conducted a traffic stop without a lawful basis and chose to investigate him for minor offenses, such as the tint on his windows, because of his race. “I feel like if I was white and I was driving a Prius, I wouldn’t have even got pulled over,” the man told the investigator. The man unambiguously alleged that the officer had engaged in racial profiling: “They assumed that I’m a Black man and I have a nice car, that it wasn’t mine and it was stolen, and that is not right,” he said.”

### **Evidence provided by Phoenix Police Department**

Officers conducted a traffic stop on a vehicle with a suspended license plate. The driver was issued a citation. The driver made a complaint to the Professional Standards Bureau, saying that he felt racially profiled during the traffic stop and that the officers were rude. The field supervisor attempted to contact with the complainant several times, but calls were disconnected. After interviewing the involved officers, it was determined that no evidence existed to support the complaint.

## **Incident D05**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In 2019, a woman alleged that a PhxPD officer working at the airport made "racist" remarks to her about "Africans," when the officer saw another traveler cut in front of the woman in line. According to the woman, the officer admonished the woman not "to acquiesce to people like that," and warned her that "Africans" would cut in front of her in line if she let them."

### **Evidence provided by Phoenix Police Department**

A woman complained that a female, described as "dark-skinned," cut her in line. She alleged that a Phoenix Police sergeant observed this, and "harshly" told the "dark-skinned" female to get out of line since she had cut. The officer allegedly told the woman not "to acquiesce to people like that," further saying, "Africans would cut me in line and push me around if I let them." The incident was investigated, but the allegations could not be confirmed. The original complainant altered the story upon contact and there were no other witnesses to the incident.

## **Incident D06**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“PhxPD did not open a misconduct investigation into a November 2022 complaint of discriminatory policing against a Black Wall Street Journal reporter until the incident became a national news story in early 2023. A PhxPD officer responded to an emergency call from a bank, and the manager told the officer that a man outside had been bothering customers. The officer told the manager that he would talk to the man and see whether he would leave. The man, who was a reporter working on a story, was standing outside the bank on what appeared to be a public sidewalk. After the officer explained that the sidewalk was private property, the reporter twice offered to leave. But the officer refused to let him go, instead handcuffing him, illegally seizing his wallet, and forcing him to sit in a patrol car.

A bystander called PhxPD later that day to file a complaint and said, “It felt like the handcuffing was completely unnecessary, and dehumanizing and criminalizing, and ... it felt like there was racial bias at play.” The reporter also filed a complaint, alleging that the officer had bruised and cut him and threatened him with bodily harm. A sergeant called both the bystander and reporter and told them he had found no misconduct and the matter would be closed. A month later, after the Wall Street Journal’s editor-in-chief sent a letter to PhxPD and the incident became public, PhxPD opened a misconduct investigation. The agency ultimately found that, except for his unlawful seizure of the reporter’s wallet, the officer’s actions did not violate any policy. Months later, Phoenix’s Office of Accountability and Transparency, charged with monitoring PhxPD internal investigations, found that the investigation into the allegation of racial bias “was not thorough and complete.” Indeed, the PSB investigator never asked the involved officer any questions regarding the allegation of racial bias.”

### **Evidence provided by Phoenix Police Department**

An officer responded to a call for service regarding a report of trespassing at a bank. The call stated the bank's manager wanted a man to leave the bank property, because he was allegedly approaching customers outside and saying he was a reporter. The officer located the man based on a description provided by the bank manager - a Black or Native American male wearing a white shirt and blue shorts. The officer told the man the bank manager wanted him "trespassed" from the property and asked the man for identification. The subject refused to provide his identification. The officer handcuffed the subject and detained him. The officer conducted an improper

search by removing his wallet from his pocket. A community member filed a complaint with the department. After investigating the incident, the officer was found to have violated policy in regard to the search. Other allegations including unlawful detention, excessive force, and biased based policing were unfounded in the investigation. The officer was required to attend training regarding Laws of Arrest and Search and Seizure.

## **Incident D07**

### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“For instance, a PSB sergeant told us that he deemed one driver’s claim of being racially profiled unfounded because he reviewed the body-worn camera video and observed that the officer “never said, ‘I am stopping you because you are Black.’”

### **Evidence provided by Phoenix Police Department**

Without additional information from the US DOJ, the details of this allegation could not be identified.

## **Incident D08**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“Similarly, a PhxPD sergeant found a Black light rail rider’s discrimination complaint unwarranted because the PhxPD employee did not comment on the man’s race or admit to racial profiling.”

### **Evidence provided by Phoenix Police Department**

Officers from the Transit Bureau were conducting fare inspections at a light rail platform when they contacted a subject who refused to provide identification that matched his transit pass. The transit pass was confiscated and the subject contacted a sergeant to file a complaint. He alleged that he was profiled based on his race and that the transit pass was illegally confiscated. The investigation into the allegation was unfounded and the incident was found to be within policy.



## **Incident D09**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"And when a Black man called PhxPD to complain that a police officer arrested him for obstruction of a thoroughfare, rather than giving him a warning, the PhxPD investigator dismissed the possibility that the officer could have been motivated by racial animus: "But sir, if you break the law, then there's no racial profiling," the investigator told the man. The investigator's erroneous reasoning ignores that the Constitution prohibits selective enforcement of the law based on race."

### **Evidence provided by Phoenix Police Department**

A sergeant assigned to the Transit Bureau observed a subject crossing a street and interrupting traffic. The subject was stopped for obstructing a thoroughfare. The sergeant also believed the man could be an unidentified suspect depicted in a Transit Bulletin regarding an unsolved assault case. The subject was arrested for obstructing a thoroughfare. No further action was taken regarding the Transit Bulletin. Months after the incident, the subject contacted the Professional Standards Bureau to make a complaint. The complaint included racial profiling, false arrest and more. The investigation found that the actions of the sergeant were within policy. The subject contacted PSB again and spoke to a different investigator about racial profiling. The investigator told him, "But sir, if you break the law, then there's no racial profiling."

## **Incident D10**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does reflect the facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Discriminates Against Black, Hispanic, and Native American People When Enforcing the Law”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In 2021, a former assistant chief who oversaw PSB referred to a recently promoted Black commander as “Blackie.” The executive assistant chief at the time—the number two position in the agency and the assistant chief’s supervisor—heard the comment but did not report it. Eventually, after an investigation by the City’s Equal Opportunity Department and a settlement, the executive assistant chief was permitted to retire honorably. The former assistant chief remains a commander at the agency.”

### **Evidence provided by Phoenix Police Department**

Multiple employees reported to the Professional Standards Bureau that an assistant chief used a racial epithet while referring to a Black police commander. Further allegations were that an executive assistant chief overheard the comment but failed to report it. The PSB and the City's Equal Opportunity Department investigated the allegations, and they were initially substantiated. The findings were changed to unsubstantiated after the executive assistant chief signed a settlement agreement with the city and retired.

## **PROTECTED SPEECH**

### **Incident P01**

#### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report could not be confirmed with the information provided.

#### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against Protestors by Using Indiscriminate Force”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“At one summer 2020 protest we reviewed, an officer shot Pepperballs at a man’s back even as he bicycled away in the direction officers had ordered him to go.”

#### **Evidence provided by Phoenix Police Department**

The US DOJ did not provide sufficient evidence to identify this incident.

## **Incident P02**

### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report could not be confirmed with the information provided.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against Protestors by Using Indiscriminate Force”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“Another officer shot Pepperballs towards cars as they drove away from a gas station, one of many instances we observed of officers shooting less-lethal projectiles in the direction of cars and people without warning.”

### **Evidence provided by Phoenix Police Department**

The US DOJ did not provide sufficient evidence to identify this incident.

### **Incident P03**

#### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report could not be confirmed with the information provided.

#### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against Protestors by Using Indiscriminate Force”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“One protestor told us that he was on his way home when police fired at his car, shattering the windows. He described the shooting as coming out of nowhere, without advance warning. “I really, truly believe that there was no order out there,” he said. “They were allowed to do whatever they wanted to do.”

#### **Evidence provided by Phoenix Police Department**

The US DOJ did not provide sufficient evidence to identify this incident.

## **Incident P04**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

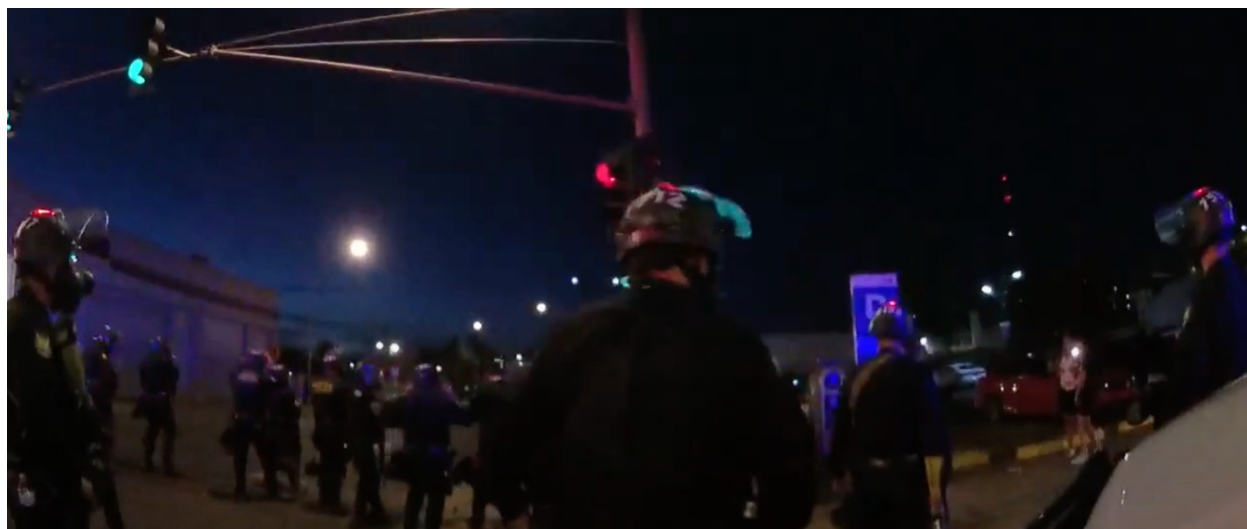
“PhxPD Retaliates Against Protestors by Using Indiscriminate Force”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“In another encounter in 2020, a small group of protestors trying to leave a protest approached a group of PhxPD officers blocking a street. A sergeant yelled at them to “Find another way,” and the protestors asked which way to go. The sergeant responded by firing a “bore thunder” muzzle bang, a weapon that produces a deafening blast with a blinding flash. The explosive sound caused the protestors to scream, “What way do we go?” None of the approximately 20 officers with the sergeant answered the question. Officers also unloaded projectiles on protestors after deliberately trapping them in a confined space. “Kettling” peaceful protestors by surrounding them on all sides and then using force against them can constitute retaliation.”

#### **Evidence provided by Phoenix Police Department**

During a protest, officers were blocking off a roadway when a group of protestors wanted to walk within the roadway. A sergeant told the protestors multiple times to, "Find a different way." When the protestors failed to leave, the sergeant fired a Bore Thunder muzzle bang. The protestors left the area.



## **Incident P05**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against Protestors by Using Indiscriminate Force"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"One night in 2020, officers surrounded a group of protestors by rushing at them from the side to "box them in" and "cut off their avenue of escape," as a sergeant put it in his report. The officers then fired into the group of trapped protestors. "We just lit 'em up," the sergeant bragged. "It was the perfect pitch 'cause they can't go anywhere," he laughed."

### **Evidence provided by Phoenix Police Department**

During a protest in 2020, an unlawful assembly was declared, and officers gave multiple verbal warnings to leave the area. Despite the warnings, protestors remained in the area. Some of the protestors were throwing rocks and bottles at officers, vandalizing property, and painting buildings. In response to these crimes, officers used lethal munitions. More than 100 protestors were arrested for rioting.

A police report described the incident: "As the grenadiers from behind the line pushed the crowd west we would move in and cut off their avenue of escape. Patrol cars would come from the west and box them in."

## **Incident P06**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against Protestors by Using Indiscriminate Force"

### **Alleged evidence and scope of substantiation reported by US DOJ**

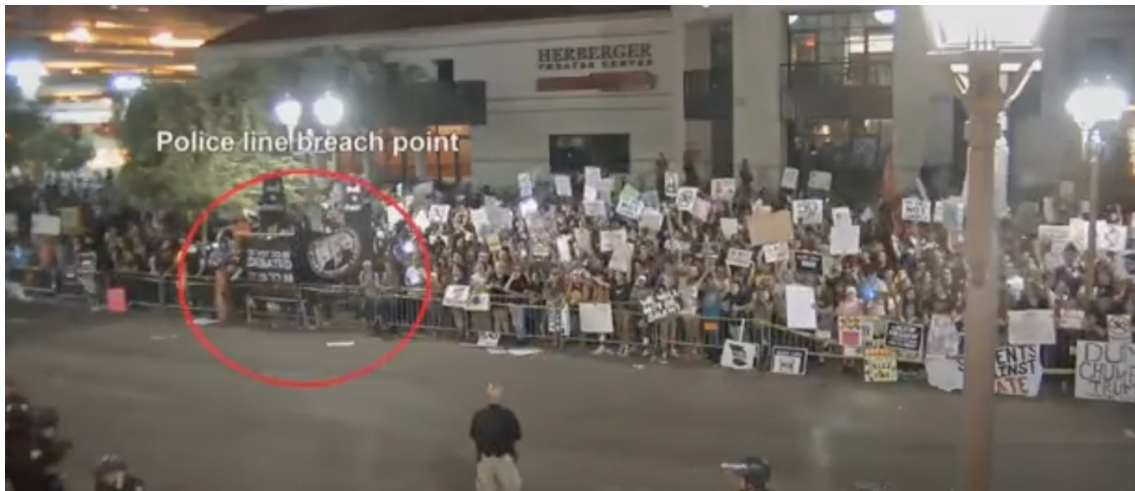
"Similarly, in 2017, PhxPD intentionally drove protestors toward a group of officers who were waiting to fire less-lethal projectiles at them. PhxPD radio recorded the supervisor's commands: "We're pushing a group of about 40 people at ya." He followed up with a direction to use force: "We're driving 'em to ya. Address the threat."

### **Evidence provided by Phoenix Police Department**

During a protest on August 22, 2017 during a visit by President Trump, protestors became violent towards law enforcement, including throwing bottles and rocks at officers. Over the radio, a supervisor said "We're pushing a group of about 40 people at ya...Grenadiers, we're driving them to ya. Address the threat."

An After-Action Report was completed following the event discussing what was done correctly along with what could be improved. Chief Williams summarized her findings, "As we reviewed the operation, we worked to identify areas of improvement to better serve our community during future events. We will build upon what worked well and adjust those areas that need improvement. We will continue to reinforce dialogue and trust between all members of the community and our police officers who proudly serve this City."





## **Incident P07**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against Protestors by Using Indiscriminate Force”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“On another night of the 2020 protests, officers shot less-lethal projectiles at one fleeing protestor, splitting his forearm open and breaking it. A PhxPD helicopter alerted officers on the ground that a group of protestors was running through an alley in their direction. Two officers moved into position to confront the protestors as they came out. One officer pointed his Pepperball launcher at the protestors and ordered them to stop. Four seconds later, the officer fired Pepperballs at the protestors’ feet and lower legs. A second officer then shot an OC impact round at one of the protestors, splitting open his forearm. The protestor sustained a broken bone that required corrective surgery. Hours later, PhxPD officers dropped him off at a hospital, where they released him without any charges. “It was like we were being corralled and trapped,” the protestor told Justice Department investigators. He said he “felt like a rat in a trap.”

### **Evidence provided by Phoenix Police Department**

As protestors ran through an alley in their direction. An officer fired a less-lethal munition at one of the protestors, and an OC Impact Round hit a protestor in the arm. That protestor was transported to a local hospital and treated. The use of force was classified as in policy.

The group was arrested for disorderly conduct – refuse to disperse, and the violation of curfew as mandated by the “State of Emergency.”

## **Incident P08**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against Protestors by Using Indiscriminate Force”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“One night in 2020, a sergeant urged, “Let’s jack ’em up dude, fuck it,” as officers drove up to a group of protestors. He then gave a celebratory yell, exclaiming, “Yeah!” before he approached the protestors with his weapon drawn. Several people were standing in the intersection. They appeared unarmed and did not threaten the officers. The officers nonetheless pushed each of them onto the ground before handcuffing and arresting them.”

#### **Evidence provided by Phoenix Police Department**

Protestors were observed throwing objects at a police vehicle. A sergeant then said "let's jack 'em up dude, fuck it." as he and other officers approached the group of protestors, placed them on the ground and arrested them.

## **Incident P09**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against Protestors by Using Indiscriminate Force"

#### **Alleged evidence and scope of substantiation reported by US DOJ**

"PhxPD has long been on notice of concerns about excessive force against protestors and the chilling effect on speech that results. In 2017, officers gassed a large crowd of protestors because of the disruptive conduct of a small number of people. Outside the convention center in downtown Phoenix, approximately 6,000 protestors were demonstrating peacefully when a group of no more than 20 people began to shake a temporary police barricade. PhxPD officers shot Pepperballs at the ground in front of the disruptive group, which then dispersed into the surrounding crowd. Three minutes later, as some members of the group continued to be disruptive, officers threw tear gas canisters toward the crowd. While the disruptive conduct had been confined to a small area, the tear gas was not. Within minutes, the gas engulfed a "vast area" of downtown, as a television reporter described it during a live broadcast. PhxPD issued no warnings to the crowd until 16 minutes after releasing the gas. Protestors more than a block away soon experienced trouble breathing and burning in their eyes and sinuses. Fire department responders treated journalists for exposure. The tear gas even permeated the grounds of a nearby basilica, affecting the Franciscan friars who lived there. Predictably, scores of peaceful demonstrators were forced to end their protest and leave the area."

#### **Evidence provided by Phoenix Police Department**

During a protest on August 22, 2017 during a visit by President Trump, protestors became violent towards law enforcement, including throwing bottles and rocks at officers. Over the radio, a supervisor said "We're pushing a group of about 40 people at ya... Grenadiers, we're driving them to ya. Address the threat."

An After-Action Report was completed following the event discussing what was done correctly along with what could be improved. Chief Williams summarized her findings, "As we reviewed the operation, we worked to identify areas of improvement to better serve our community during future events. We will build upon what worked well and adjust those areas that need improvement. We will continue to reinforce dialogue and trust between all members of the community and our police officers who proudly serve this City."

## **Incident P10**

### **Findings: Factually Accurate**

The evaluation/description within the US DOJ report does accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"On a night after a state-wide curfew went into effect, a commander ordered officers to achieve "maximum arrest." He directed sergeants, "[J]ust systematically start sweeping this entire neighborhood. See if we can pick up anybody who's walking around."

That night, the police arrested more than 200 people, according to an agency tally. Though some protestors entered guilty pleas when they appeared in court the next day, city prosecutors eventually dismissed almost 150 remaining cases."

### **Evidence provided by Phoenix Police Department**

Following a "State of Emergency," implementing a curfew, a lieutenant stated over the radio to strive for "maximum arrest and to "systematically start sweeping this neighborhood. See if we can pick up anybody who's walking around."

Phoenix police arrested over 200 protestors.

## **Incident P11**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“For example, PhxPD arrested more than 120 people for the crime of felony rioting during a protest in May 2020, using the same verbatim probable cause statement to justify each arrest. People arrested included a community activist who said she had come downtown to hand out water and Gatorade to protestors, a family who told Justice Department investigators that they drove downtown to show support for the police, and a man whom police arrested while he was filming them—all of them had to spend the night in jail. PhxPD’s overreach quickly became apparent. At court hearings a day later, a judge determined that the identical statements were insufficient to support felony rioting charges and ordered those protestors to be released. Prosecutors later found the evidence did not support even minor charges and immediately abandoned more than 100 of the cases.”

### **Evidence provided by Phoenix Police Department**

Officers arrested more than 120 protestors for felony rioting on May 30, 2020. The officers used a template for the multiple reports with many probable cause statements utilizing similar or identical verbiage. Many of the cases were dismissed by prosecutors. A complaint was filed by one of the arrestees. When investigators reviewed the body camera footage, they found the officer to be “polite and professional” by the arresting officer. The complaint incident occurred while in custody at the jail and it was not captured on body camera.

## **Incident P12**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In October 2020, a small group of protestors faced years in prison after PhxPD and county prosecutors falsely claimed they were members of a criminal street gang and had conspired to commit aggravated assault against PhxPD officers. On the evening of October 17, a group of 17 people, all wearing black clothing, marched to protest prosecutors' decision not to charge a state trooper for the fatal shooting of a Black man in Phoenix earlier that year. As they walked down several streets, members of the group pulled construction barriers behind them, temporarily blocking the police cars trailing them. One or two of the protestors threw two smoke grenades on the ground in front of the police. After about half an hour, officers arrested the entire group, including a man whom officers incorrectly identified as a legal observer. In fact, he was an amateur photographer who happened to come across the protestors and began taking pictures of them."

### **Evidence provided by Phoenix Police Department**

After warning protestors that the protest had become an unlawful assembly, protestors knocked over construction barriers and deployed incendiary smoke bomb devices towards officers. When the group refused to leave, they were arrested for felony offenses. The group was referred as "ACAB" (All Cops Are Bastards) in the police report that stated the group was "'mimicking the behavior of a criminal street gang."

## **Incident P13**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"Alleged evidence and scope of substantiation reported by US DOJ PhxPD supported these serious charges with false statements. A sergeant testified to a county grand jury that the protestors, including the photographer, belonged to a criminal street gang known as "ACAB," after a phrase the group chanted: "All Cops Are Bastards." The sergeant analogized "ACAB" to violent street gangs, such as the Bloods and the Crips, and testified that the protestors identified themselves as members of "ACAB" by wearing black clothing and chanting "All Cops Are Bastards." The judge handling the case called the claim that the protestors were members of a criminal street gang "false, misleading, and inflammatory." In June 2021, the court dismissed two charges against the protestors—assisting a criminal street gang and conspiracy to commit aggravated assault—with prejudice, meaning that prosecutors could not refile these charges. The court found that this highly unusual remedy was warranted due to the "egregious misconduct" of the prosecutor and the sergeant."

### **Evidence provided by Phoenix Police Department**

Following the arrest of a group of protestors for felony charges, a sergeant testified to the grand jury that the protestors were part of a criminal street gang known as "ACAB" which stands for "All Cops Are Bastards." The media accused the sergeant of committing perjury. A subsequent investigation found that there was "no indication or evidence to support Sergeant McBride provided a statement knowing it to be false."



## **Incident P14**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

#### **“PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations” Alleged evidence and scope of substantiation reported by US DOJ**

“The Maricopa County Attorney’s Office (MCAO) and PhxPD have blamed each other for the failures that led to the gang charges. MCAO’s degree of involvement in the constitutional violations we have identified is beyond the scope of our review. However, the Arizona bar ruled in December 2023, after a multi-day evidentiary hearing, that the MCAO prosecutor responsible for the gang charge prosecution should be suspended from the practice of law for two years for, among other things, her role in bringing these charges. This prosecutor worked closely with PhxPD during the 2020 protests and gave trainings to PhxPD officers on topics including bringing charges against protestors. Email communications show that the idea for charging protestors as members of a street gang likely originated with PhxPD’s anti- terrorism task force. By June 2020, PhxPD had formed a protest “strike team” and in July, the squad’s sergeant sent a reminder to officers assigned to protests to notify him of any “protest related arrests” of “anyone believed to be affiliated with Antifa.” In August 2020, a sergeant who served as a supervisor during protests explained in an email that a detective in the protest strike team was going “to start identifying the hierarchy in these BLM [Black Lives Matter] type organizations.” And in September 2020, the Sergeant for the protest strike team contacted the county attorney’s office, saying he wanted to talk about “building conspiracy and syndicate type cases as it relates protest/demonstration activities,” according to an MCAO report.”

### **Evidence provided by Phoenix Police Department**

The decision to charge the Protesters under the criminal street gang statute was made collaboratively among officials of the Phoenix Police Department ("PPD") and Maricopa County Attorney's Office and included consultation with other law enforcement agencies.

## **Incident P15**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

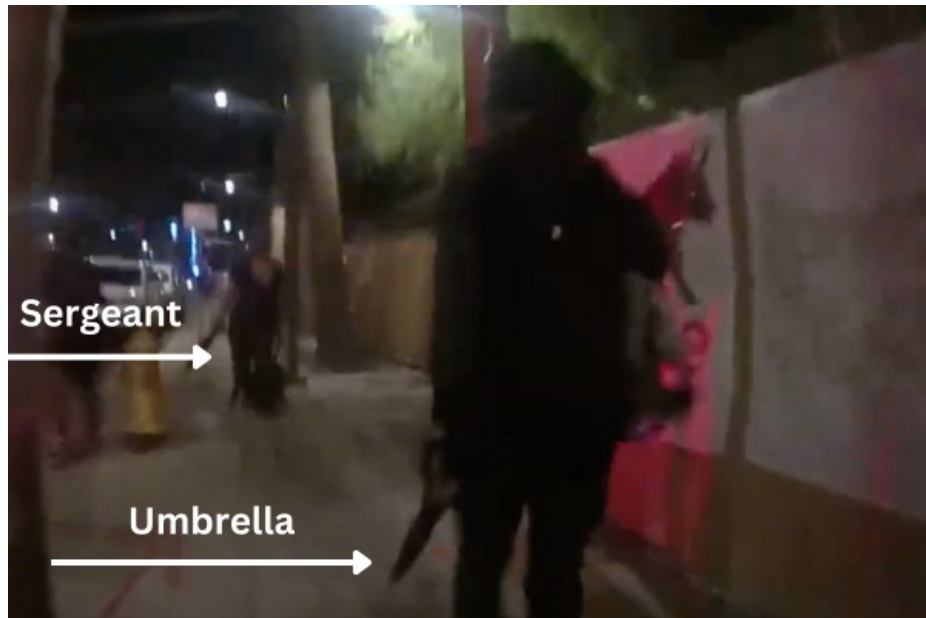
“PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“To support felony charges, an officer falsely claimed that a protest leader stabbed a sergeant with the sharpened tip of an umbrella. According to the officer, the umbrella had “a 3-inch sharpened metal tip” that the protestor used “to stab him in the hand.” These claims were not true. Body-worn camera videos show that the protestor held the umbrella pointed toward the ground the entire time she was running. And a photograph of the umbrella tip shows that it had not been sharpened.”

#### **Evidence provided by Phoenix Police Department**

During a protest response in 2020, a woman threw a water bottle at a police vehicle. When an officer approached the woman to place her under arrest, she began running away. She was confronted a short distance away by a police sergeant, who placed her under arrest. During the arrest, the sergeant received a laceration to his hand, allegedly from an umbrella carried by the woman as she ran towards the sergeant.



## **Incident P16**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“Multiple officers falsely claimed that protestors “bull-rushed” a police line, when in fact it was the police officers who pushed into the protestors. As protestors faced a line of officers outside police headquarters in August 2020, one of the protest leaders called for calm, repeatedly telling the protestors to “relax.” The protestors stood still, but the officers stepped forward, pushing into them. In their incident reports, three officers falsely claimed that the leader and another protestor had “locked arms and aggressively charged” the officers, in a “lineman type rush,” “charging or bull rushing” the officers.”

#### **Evidence provided by Phoenix Police Department**

In August 2020, officers were in front of Police Headquarters with shields and barriers when protestors pushed forward during a demonstration. Supervisors declared an unlawful assembly and officers deployed less-lethal munitions. The protestors left the property.

## **Incident P17**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“At a protest in July 2019, a PhxPD lieutenant directed officers to arrest a 62-year-old protestor while he was in the middle of giving an interview to a reporter. PhxPD had last ordered protestors to disperse 15 minutes earlier, and most of the crowd had moved out of the street. But the 62-year-old protestor, who carried a Soviet flag and a sign that called police “child killers,” stayed behind to speak to a reporter. Video from the interview captured the encounter. As the man began to answer the reporter’s question about the flag’s symbolism, officers ran up behind the man and, without warning, grabbed him by the neck and tackled him to the ground.”

#### **Evidence provided by Phoenix Police Department**

After an unlawful assembly was declared at a protest outside a federal building, officers gave multiple announcements that if protestors did not leave the area, they would be arrested. 16 were arrested and one protestor was arrested while giving an interview to a reporter. The Use of Force was investigated and found to be within policy.

## **Incident P18**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

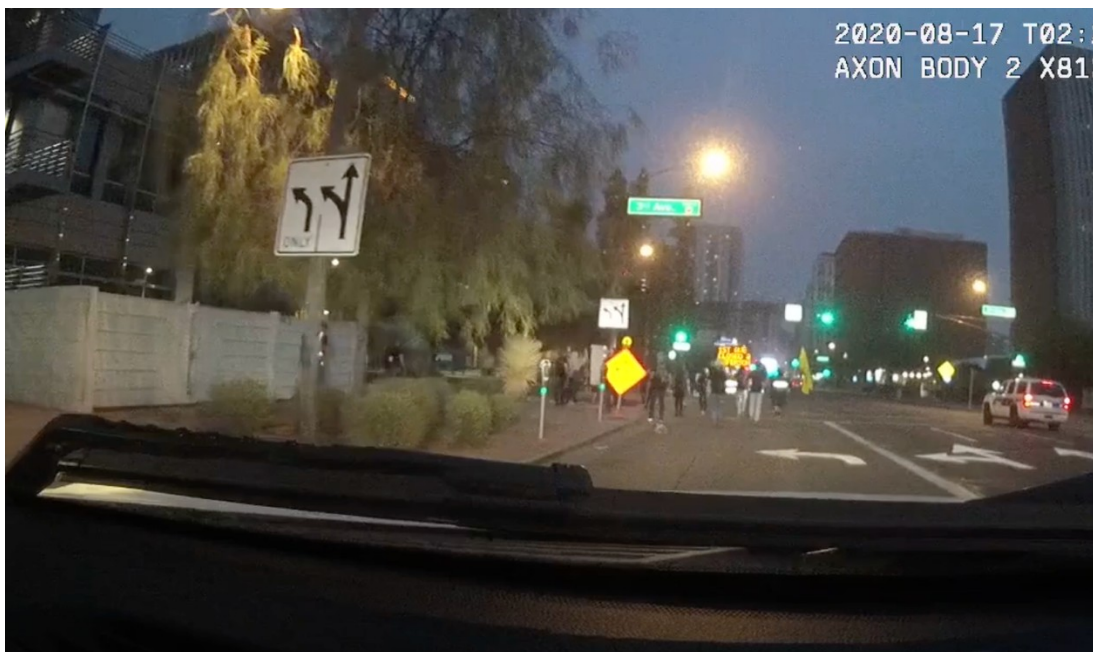
“PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“At another protest, police arrested protestors for obstruction of a thoroughfare even though, again, there was none—the few protestors who stepped in the street stayed close to the sidewalk and did not interfere with any traffic. Video we reviewed shows that cars were able to pass the group in multiple lanes that remained open. The obstruction of a thoroughfare charges were eventually dismissed. PhxPD arrested protestors for obstruction of a thoroughfare when they did not interfere with traffic.”

### **Evidence provided by Phoenix Police Department**

During one protest in 2020, several protestors entered a roadway after being told that doing so could result in arrest. This crime was captured on video.



## **Incident P19**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

**"PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations"**

#### **Alleged evidence and scope of substantiation reported by US DOJ**

"Late in the summer, PhxPD seemed to recognize the legal flaw in arresting protestors for violations when they had no culpability. At one protest, the lieutenant in charge reminded officers not to block any traffic for the protestors: "Just a reminder, we are not going to pre-block anything and hopefully they make the right decision to stay on the sidewalk." He explained over the radio that this change was "so they can't say we blocked a lane for them." The PhxPD lieutenant in charge ordered officers to arrest protest leaders for marching in the street without a permit, even though in other demonstrations we reviewed—demonstrations that were not about policing—PhxPD allowed protestors without permits to march without interference. Cities can impose reasonable restrictions—like permits—but officials cannot use "unbridled discretion" to deny permits and shut down protected speech. Phoenix has no process for groups to obtain a permit if they wish to protest or demonstrate on city streets. Therefore, any protestors who march in the street risk arrest if the police department chooses to enforce the obstruction of a thoroughfare statute against them. PhxPD's lack of standards and "completely uncontrolled discretion" violated the First Amendment because the risk of random, arbitrary arrest is enough to dissuade reasonable people from engaging in protected political speech."

#### **Evidence provided by Phoenix Police Department**

In the protest mentioned in P18, officers did not block roadways for protestors to march. Officers were instructed via the radio, "Just a reminder, we are not going to pre-block anything and hopefully they make the right decision to stay on the sidewalk...Let's move up and park somewhere, so they can't say we blocked a lane for them." Throughout the protest, officers continually reminded citizens via speaker to stay on the sidewalk. Despite this, protestors entered the roadway, blocking a lane of traffic and two were later arrested.

## **Incident P20**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"An officer implied to a protestor in 2020 that further protest activity would jeopardize her employment. The officer said: "You're still participating? Should we be calling your work? You work in the medical field, don't you?"

### **Evidence provided by Phoenix Police Department**

In responding to a protest, officers conducted a traffic stop on a vehicle occupied by a known protestor that was wanted for previous crimes. The driver was asked "You're still participating? Should we be calling your work? You work in the medical field, don't you?" The protestor was arrested for multiple crimes that included felony rioting.



## **Incident P21**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against Protestors with Unlawful Arrests Based on Unsupported Allegations”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“One officer walked down a street shooting Pepperballs almost constantly over the course of seven minutes, finally stopping when he ran out of ammunition. He urged another officer to join him, saying “Hit ‘em, hit ‘em, fuck ‘em, hit ‘em.” That same night, the officer fired 1,000 Pepperballs all on his own.”

### **Evidence provided by Phoenix Police Department**

On May 30, 2020, an unlawful assembly had been declared after protests turned violent. Protestors had set fire, threw rocks and bottles and damaged property. In response to the ongoing attacks against officers, an officer wrote that he fired approximately 1000 PepperBalls during the response. While reloading PepperBalls, the officer told another officer nearby to "Hit 'em, hit 'em, fuck 'em, hit 'em, hit 'em, keep hitting 'em'",



## **Incident P22**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against Protestors by Using Indiscriminate Force"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"A sergeant celebrated in 2020 that PhxPD had 200 protestors in custody: "Holy crap, we've got peeps. Nice job, boys," he said. "This is what we need to do. This is how we cut the head off the snake."

### **Evidence provided by Phoenix Police Department**

Over 200 protestors were arrested following a protest that turned violent. Following those arrests, a sergeant was driving in his vehicle and said "Holy crap, we've got peeps. Nice job, boys." At a different time, the same sergeant told another supervisor, "This is what we need to do. This is how we cut the head off the snake."

## **Incident P23**

### **Findings: Factually Accurate**

The evaluation/description within the US DOJ report does accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against Protestors by Using Indiscriminate Force"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"When deciding whether to take a teenager to jail or cite and release him for violating curfew, one officer said to another: "But I guess you're trying to prove a point, trying to make these kids not do it again and come down here tomorrow." (Immediately after making this comment, the officer muted his body-worn camera video."

### **Evidence provided by Phoenix Police Department**

During one protest, officers arrested a teenager. In a conversation with an officer and a supervisor about what type of enforcement to take on the juvenile, the supervisor said, "But I guess you're trying to prove a point, trying to make these kids not do it again and come down here tomorrow."

## **Incident P24**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates for Speech Protected by the First Amendment During Daily Encounters"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"For instance, while this investigation was ongoing, in 2022, PhxPD officers slammed a man into a police cruiser and began to arrest him seconds after he insulted an officer. The man confronted the officer to point out that police were not helping unhoused people across the street. As the man complained, the officer told him that, by arguing, he was "obstructing police operations." The man laughed and called the officer a "dumbass." Immediately, the officer grabbed the man's arm and slammed him into the police cruiser in order to arrest him. When we spoke to the man, he told us that he had multiple cuts and bruises from the encounter and continues to experience nerve damage from his injuries over a year later. He explained that he sometimes changes his route to avoid passing a police station. "I'm moving around the city much differently," he said."

### **Evidence provided by Phoenix Police Department**

A subject on a bicycle approached a police officer in the parking lot of the police association and insulted him. The officer told the subject that he was on private property and needed to leave. Another officer arrived and the man was again told to leave. As the officers were leaving, the subject reappeared and struck the passenger window of the police vehicle. The officer exited his police vehicle and the man said "I wasn't in your way until you stopped, dumbass."

The officer arrested the subject for trespassing, obstructing governmental operations, and aggravated assault on a police officer. A subsequent investigation by the Professional Standards Bureau; sustained policy violations on the officers and they were disciplined. The violations were from using force obtaining fingerprints and were not related to the allegations by the US DOJ.

## **Incident P25**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates for Speech Protected by the First Amendment During Daily Encounters”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In another incident, a police officer fired a Taser probe at a handcuffed man from six inches away, seconds after the man called him a “bitch.” The officer activated the Taser’s electrical cycles seven more times after the man was cuffed and lying face down on the asphalt. When the man asked him to stop, the officer responded, “I’ve got a long battery life in this, man.” This time, he attempted to justify the force by stating that the man was aggressive but he admitted in an internal affairs investigation that the “act of aggression” was merely the man yelling at the officer while the man was cuffed, seated on the pavement, and surrounded by three officers.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a domestic violence disturbance. Upon arrival, officers encountered the suspect who attacked several officers. During the attack, one officer deployed a Taser, and the suspect was taken into custody. Once in custody, the officer continued the use of the Taser. The officer was investigated by the Professional Standards Bureau for excessive force and received a 40-hour suspension.



## **Incident P26**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates for Speech Protected by the First Amendment During Daily Encounters"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"For example, PhxPD officers ordered a woman to leave a bus stop in March 2022 because she criticized them for their treatment of a man whom they suspected of using drugs. The woman watched officers pull the man from a bus stop bench by his hair and then kneel on his neck. As the man complained he could not breathe, the woman repeatedly asked why the officers were being so rough. In response, an officer told her to leave the area and issued an ultimatum: "I could trespass you from the bus stop if you'd like, and then you can't use public transport."

### **Evidence provided by Phoenix Police Department**

After arresting a suspect for drugs, a bystander criticized the treatment of the suspect. The officer told her to leave the area if she wanted to continue. After she refused, the officer said "I could trespass you from the bus stop if you'd like, and then you cannot use public transport."

## **Incident P27**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates for Speech Protected by the First Amendment During Daily Encounters”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one report, an officer explained that a man “made obscene gestures and cursed at me,” prompting him to arrest the man for jaywalking.”

### **Evidence provided by Phoenix Police Department**

An officer observed a subject jaywalking and when he attempted to stop him for the violation, the subject ran inside a local business. The subject failed to comply but was eventually arrested. He had an outstanding warrant and was cited for several violations including obstruction and resisting.



## **Incident P28**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates for Speech Protected by the First Amendment During Daily Encounters"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In another report, an officer admitted that he handcuffed a teenager for refusing to provide his name or hang up his phone. Though the teenager had committed no crime, the officer explained in his report: 'I informed him that he was under investigative detention, he replied with 'Fuck you,' so I placed him in hand cuffs. [He] was very angry, anti-PD, and uncooperative.'"

### **Evidence provided by Phoenix Police Department**

Officers responded to a fight call. In the police report, an officer wrote "I informed him that he was under investigative detention, he replied with 'Fuck you' so I placed him in hand cuffs. [He] was very angry, anti-PD, and uncooperative." The investigation revealed that a crime had not been committed and no arrest was made.

## **Incident P29**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against People for Attempting to Record Police Activity”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“In 2017, officers shot Pepperballs at a man who was filming the police at a protest from several yards away, even though he stood behind a police barricade in an area reserved for protestors and posed no threat to officers. After most of the crowd had left, a few people remained and faced the police line. The man began filming the police with his cell phone. The man presented no visible threat: He was shirtless and held the camera aloft with his right hand, while his left hand was visible at his side, distanced from his body. A PhxPD officer targeted him with multiple rounds of Pepperballs, and continued to hit him even after he backed up and fell to the ground. The man stopped filming and left the area.”

### **Evidence provided by Phoenix Police Department**

The US DOJ did not provide sufficient evidence to identify this incident.

## **Incident P30**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“PhxPD Retaliates Against People for Attempting to Record Police Activity”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In another incident, a man filmed officers while he leaned out of his car window. Officers surrounded the car, pointed a gun at the man’s head from less than a foot away, and then booked him for felony rioting. The arresting officer cited the man’s filming as justifying the arrest. When officers asked the man if he knew why he was arrested, the man responded, “No, I was just recording and I know I have the right to record.” County prosecutors rejected the charges.”

### **Evidence provided by Phoenix Police Department**

Hours after an unlawful assembly had been declared in downtown Phoenix, officers arrested individuals out of a vehicle that had been filming in the area. Multiple warnings were given that staying in the area was a criminal offense prior to the arrests.

## **Incident P31**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against People for Attempting to Record Police Activity"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In another encounter, officers impeded a man from recording an arrest though he was standing at least 20 feet away. Officers approached the man, blocked his view of the arrest, and told him to "get off the sidewalk because you're not allowed to obstruct the sidewalk." When the man asked for the officers' sergeant, one of the officers replied, "Don't worry about it," and walked away."

### **Evidence provided by Phoenix Police Department**

A male was standing on a public sidewalk recording officers as they arrested someone for Aggravated Assault. As an officer walked past the male, he told him, "How about you get off the sidewalk because you're not allowed to obstruct the sidewalk." The male asked the officer who the sergeant was, and the officer responded, "Don't worry about it" and kept walking.



## **Incident P32**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Retaliates Against People for Attempting to Record Police Activity"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"Police handcuffed and cited a man for "obstructing a sidewalk" because he filmed police as they arrested a homeless man in the Zone. A sergeant ordered the man to step out of the street while he filmed the arrest. The man followed directions, and continued filming from a nearby sidewalk. The officer then told him to "get off the sidewalk" and "get going." The man reminded the officer that he had the right to stand on a public sidewalk. "If you want to play games, we'll play games," the officer responded. The officer then handcuffed the man and cited him, though two other people were near the man on the same sidewalk, standing just as he was, and were not arrested. The man told us that the incident has stayed with him. "I don't film openly anymore because I know they're going to come after me," he said."

### **Evidence provided by Phoenix Police Department**

A subject was recording officers while they were making an arrest. He was told by a sergeant to get out of the roadway. Upon moving to the sidewalk, the man was told six times that he could not "stand on a public sidewalk." The subject refused to leave and the sergeant encountered the subject saying, The subject was eventually handcuffed and issued a citation.

The incident was investigated, and the sergeant was provided counseling for being distracted from his primary duty. The counseling letter stated, "Although detention for traffic violations is a legitimate police function, the traffic stop distracted from your primary duty of supervising scene security..."



## **Incident P33**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“Policies, Training, and Supervision Fail to Protect First Amendment Rights”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“During the summer 2020 protests, one caller explained that police severely damaged his car by firing less-lethal projectiles at it, even as he followed other officers’ instructions about where to drive. A sergeant accused the caller of knowing about the protest and intentionally driving into it.”

### **Evidence provided by Phoenix Police Department**

A complaint was filed with the Professional Standards Bureau accusing officers of striking his vehicle with less-lethal projectiles during a protest in downtown Phoenix. The man was provided with information to the Finance so he could initiate a claim to the city.

## **Incident P34**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“Policies, Training, and Supervision Fail to Protect First Amendment Rights”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“Another protestor complained that police had injured her in May 2020 by firing multiple less-lethal projectiles at her when she was attempting to leave a protest, consistent with a dispersal order. Before PhxPD had conducted any investigation, a lieutenant concluded: “I feel like this woman was clearly in the wrong.” A sergeant told a PSB investigator that the protestor should be considered a suspect: “If someone comes forward who has marks they are at least guilty of being in an unlawful assembly at worst they could be one of our outstanding [aggravated assault] on an officer” suspects, he wrote. The investigator followed the sergeant’s instructions and gave the protestor’s information to criminal investigators.”

### **Evidence provided by Phoenix Police Department**

A woman complained to the Professional Standards Bureau regarding injuries she sustained in a protest. After reviewing video, investigators determined that “the force was justified” but the Phoenix Police Department does not use the type of less-lethal munition she was struck with. The woman was advised to contact another agency for her complaint.



## **BEHAVIORAL HEALTH**

### **Incident B01**

#### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

“The PhxPD 911 call Center Does Not Accurately Identify Behavioral Health-Related Calls for Service”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“For instance, a call from a mother about her 15-year-old daughter, who was upset and would not get into the mother’s car, could have been handled by Solari and would have been appropriate to send to a mobile crisis team. The girl’s mother told call-takers that her daughter had “behavioral issues” and it “takes her awhile to calm down.” Nevertheless, the call-taker immediately routed the call to patrol officers, who escalated the situation and had the girl on the ground in handcuffs in less than three minutes. Officers ultimately arrested the girl for aggravated assault on an officer and criminal damage and booked her into the juvenile correction center. Her mother protested, “That’s not going to help her mental health.” Civilian responders could have supported the mother and worked with the girl to address her concerns rather than demanding immediate compliance, as officers did.”

#### **Evidence provided by Phoenix Police Department**

Officers responded to a call for service regarding a 15-year-old female experiencing a behavioral health crisis. Upon locating the juvenile, she resisted and assaulted a police officer. She was arrested for aggravated assault on a police officer and criminal damage. An investigation determined that the use of force was within policy.

## **Incident B02**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"The PhxPD 911 call Center Does Not Accurately Identify Behavioral Health-Related Calls for Service"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"For instance, a motel desk clerk called 911 about a man with "some mental issues" who was "not a threat or anything," but "roaming around the property," "crawling on the ground," and saying, "I'm looking for my mom." The caller even said, "I'm sorry, I meant to call the non-emergency line," and "I don't know if I need the crisis unit or something." However, the call-taker coded the call as "Trespassing" and sent officers to respond. In the call notes, the call-taker wrote "subj said he was looking for his mom" and "subj poss having cit situation," but gave officers no further information about the man's behavior or the caller's concern. The first officer to arrive said, "Let's go, man, you don't belong here." The man said, "Go where?" and another officer responded, "Not here." Police walked behind the man until he left the motel property. This police response did not provide the help this man needed. If the call-taker had treated this as a behavioral health call, it would have been appropriate for a behavioral health response."

### **Evidence provided by Phoenix Police Department**

Officers responded to a trespassing call at a motel. The call stated that a man was trespassing on the property. The call also indicated that the man may have been experiencing a behavioral health crisis. Officers located the subject and told him to leave the property multiple times. Once the subject left the property, officers left as well.

### **Incident B03**

#### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

“The PhxPD 911 call Center Does Not Accurately Identify Behavioral Health-Related Calls for Service”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“For instance, a call-taker sent only officers when a mother called 911 about her adult son who was homeless and throwing things from the median of a major roadway. The woman also stated that her son had an outstanding petition for involuntary mental health treatment. Still, the call-taker sent officers to respond alone. When officers arrived, the woman told them that her son had a serious mental illness and was living on the streets, becoming aggressive, and “emaciated” and “basically starving to death.” The woman also told officers about the petition for involuntary mental health treatment. When officers found the man, they walked up, asked his name, and immediately grabbed and handcuffed him. The man began to try to pull away as they walked him to the police vehicle. In response, they pushed the man to the ground”

#### **Evidence provided by Phoenix Police Department**

Officers responded to a check the well-being call where a woman reported that her son had an outstanding petition for mental health treatment. Officers located the subject on a sidewalk when he attempted to run away. Officers took the subject to the ground to regain control. The subject calmed down and continued walking with officers to their patrol vehicle where he was taken to a mental health facility.



## **Incident B04**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“The PhxPD 911 call Center Does Not Accurately Identify Behavioral Health-Related Calls for Service”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one incident, a call-taker immediately recognized the need for specialized behavioral health assistance. A woman called 911 to report that her husband, who had advanced stage dementia, had thrown knives the night before and torn up their house earlier in the day. The call-taker sent officers but also connected the woman with Solari and requested a mobile crisis team. A responding officer advised the woman that she could either wait for the mobile crisis team or petition her husband for an involuntary evaluation at a crisis center and have the police transport him. She chose to wait for the mobile crisis team, which assisted the woman with transporting her husband to the emergency room.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a domestic violence call. A woman called to report her husband was damaging their home and throwing knives. She told the police that her husband had possible memory care concerns. Officers checked the well-being of both subjects and detailed the available resources to the wife. She decided to wait for the Crisis Response Network to arrive for her husband to receive treatment.

## **Incident B05**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"The PhxPD 911 call Center Does Not Accurately Identify Behavioral Health-Related Calls for Service"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"I'm going to hang up. You won't cooperate at all. I don't understand why you keep calling."  
Call-taker to a man in crisis who repeatedly called 911"

### **Evidence provided by Phoenix Police Department**

A man experiencing homelessness and a behavioral health crisis called 911 more than 75 times in a single day. Operators spent long periods of time attempting to convince the man to let officers locate and assist him. While the subject continually told operators he needed help, he refused to meet the officers who were attempting to locate him. The subject was eventually located by officers inside a vacant building and arrested for trespassing and using an electronic communication device to harass.

## **Incident B06**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

“The PhxPD 911 call Center Does Not Accurately Identify Behavioral Health-Related Calls for Service”

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In 2021, a homeless man in Phoenix called 911 at least 75 times in one day and more than 300 times over several days. Call recordings and call-taker notes demonstrate the man was experiencing a behavioral health crisis. But the man did not get the help he needed. Instead, call-takers answered his calls with increasing levels of frustration, and when they traced the man’s location to an abandoned commercial building, they sent only officers to respond. The officers eventually found the man lying on the floor in an empty office. They booked him for criminal trespass and “using electronic communication to harass,” because he called 911 too many times. This man is not alone. We identified other people whose repeated calls to 911 demonstrated their need for behavioral health services, not police”

### **Evidence provided by Phoenix Police Department**

A man experiencing homelessness and a behavioral health crisis called 911 more than 75 times in a single day. Operators spent long periods of time attempting to convince the man to let officers locate and assist him. While the subject continually told operators he needed help, he refused to meet the officers who were attempting to locate him. The subject was eventually located by officers inside a vacant building and arrested for trespassing and using an electronic communication device to harass.

## **Incident B07**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

PhxPD Officers Default to Using Unnecessary Force and Fail to Call for Specialized Assistance when Appropriate

### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one incident, a teenage girl left home after threatening to kill herself, but both the 911 call-taker and officers failed to request a behavioral health response. Instead, within five minutes of finding the girl, who was calmly answering their questions, PhxPD officers grabbed and handcuffed her, saying she “ha[d] to behave” and go home to her mother. The girl told the officers they scared her and came off as aggressive, to which one officer responded, “quite frankly we could have been a lot more aggressive already.” Officers ultimately arrested the girl for breaking a picture frame at home earlier in the day. PhxPD failed to accommodate this young woman’s disability in any way and defaulted to criminal charges rather than treatment.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a check the well-being call. The mother of a teenage girl called 911, saying that her daughter had run away and was threatening to kill herself. Officers located the daughter at a friend’s house and detained her. Upon investigating the incident arrested the teenager for criminal damage.



## **Incident B08**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

PhxPD Officers Default to Using Unnecessary Force and Fail to Call for Specialized Assistance when Appropriate

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In one example, officers used excessive force and arrested a man with a serious mental illness while responding to transport him for an involuntary mental health assessment. The transport order said the man had schizophrenia, was hearing voices, and that his mother was frightened. After finding the man in the bathroom, neither officer explained why they were there or made a serious attempt to talk to the man. Instead, they grabbed him less than ten seconds after opening the bathroom door. Officers should have been trained to expect that grabbing at a person in crisis would escalate the encounter and all but guarantee a defensive reaction. But when the man pulled back, the officers tackled him, put a knee on his neck for over a minute, and placed him in leg restraints. Officers arrested the man and charged him with aggravated assault on an officer, claiming he kicked them, scratched them, and grabbed at an officer's Taser. Body-worn camera video shows the man appeared scared and confused by the officers' actions."

### **Evidence provided by Phoenix Police Department**

Officers responded to a call regarding an involuntary mental health pickup order. After contacting the mother, officers located the subject of the order in a locked bathroom. As the officers attempted to detain the subject, he resisted, and the officers removed the subject from the house and placed him in a restraint. The Phoenix Fire Department responded to the scene, but the man refused treatment. The subject was arrested for aggravated assault on a police officer.





## **Incident B09**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

PhxPD Officers Default to Using Unnecessary Force and Fail to Call for Specialized Assistance when Appropriate

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“For instance, when a woman called 911 because her boyfriend had attempted suicide, PhxPD officers responded, escalated the situation, and used force. The caller described the suicide attempt, which did not involve the use of weapons. Neither the call-taker nor the officers requested that a mobile crisis team respond, though the man was not at home when officers arrived, and they had 30 minutes to do so. When the man returned, an officer immediately grabbed at his arms. The man pulled away and backed into his apartment. The officer followed. Inside, the officer advanced and cornered the man, who then shut and locked the front door to prevent another officer from entering. The officer inside tackled the man and tried to open the door. Here, too, the presence of a CIT officer failed to de-escalate the encounter. Instead, the CIT officer entered through another door and helped tackle the man and forcibly restrain him. Then, multiple officers surrounded the man and spoke to him while the CIT officer berated him.

After paramedics took arrested him in his home the man to the hospital, officers booked him into jail for assaulting an officer and criminal damage for throwing his own cont. phone and breaking it. Because the suicidal man refused to open the door and grabbed at an officer who followed him inside, PhxPD was justified in using some force to ensure their safety. But the officers’ actions leading up to that moment—squandering 30 minutes at the scene waiting for the man, approaching the man without waiting for a CIT-trained officer, grabbing at the man, cornering him, failing to de-escalate, and not clearing bystanders from the apartment—led to the avoidable use of force. These kinds of failures to provide a modified response violate the ADA and can lead to unnecessary uses of force.”

#### **Evidence provided by Phoenix Police Department**

Officers responded to a call for service involving a suicide attempt. Information received by the officers indicated that the caller's boyfriend was trying to hang himself. Upon arrival, officers could not locate the suicidal subject. The subject came back to the apartment and resisted officers’ attempts to detain him. The subject locked the front door to the apartment, trapping one officer in the apartment and preventing other officers from entering to assist. The subject fought with the officer until other officers were able to enter and assist in the altercation. The subject received medical treatment at the hospital and was arrested for aggravated assault on a police

officer and criminal damage. An administrative investigation determined that the use of force was within policy.



## **YOUTH**

### **Incident Y01**

#### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

“PhxPD Fails to Modify Practices During Encounters with Children”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“In one such incident, two officers threw a 15-year-old Latino boy against a bus stop pole, held the back of his neck, and handcuffed him after he asked to call his mother. While on patrol, the officers saw the boy briefly look inside a truck in a car dealership’s parking lot during business hours, then leave to catch the bus. The officers followed the boy onto the bus and ordered him off. The boy listened to the officers and followed all of their orders. But when one officer demanded that the boy take off his backpack, the boy looked up at him and asked, “Why?” The officer’s response was aggressive and demeaning: “Because I fucking told you to.” The officer then ordered the boy to stand up, turn around, and place his hands on his head. The boy started to do as he was told, but then looked down at the phone in his hand and asked whether he could call his mother. The officer immediately grabbed him, held his neck, and slammed him into the pole of a bus stop. The boy’s hands remained above his head until officers roughly cuffed him. The officers also questioned the boy while he was handcuffed, without informing him of his Miranda rights, and performed a warrantless—and unlawful—search on his backpack. They later released the boy but lectured him that the entire encounter was his own fault.”

#### **Evidence provided by Phoenix Police Department**

Officers observed a teenager opening doors to a vehicle on the lot of a car dealership. After the boy got on a bus, officers contacted the subject based on suspicion of possible burglary activity. Force was used to detain him after he refused commands. The investigation determined that the subject lied to officers when he told them that a salesman gave him permission to look into the cars but further investigation revealed that the subject had not committed a crime. Officers drove the boy home and requested an evaluation from the fire department for a possible injury. A subsequent investigation determined that the force was within policy. One officer was given coaching due to the use of profanity.



## **Incident Y02**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Fails to Modify Practices During Encounters with Children"

### **Alleged evidence and scope of substantiation reported by US DOJ**

" In another example, an officer handcuffed a teenager after confronting him at his workplace about a traffic citation. Three months earlier, the officer cited the teenager for speeding. According to the teen, the officer told him to "shut the fuck up" after he asked to call his mother during the stop. When the officer learned that PhxPD did not process the citation due to a technical error, he re- issued the ticket and went to the grocery store where the boy worked to get him to sign it again. The teenager was confused. He had been to court for the ticket and did not understand why he was being asked to sign something. According to the teen, the officer "snapped," threatened to take him to jail, handcuffed him in the middle of the store, and would not release him until after a PhxPD lieutenant came to the scene. The next day, the boy's mom helped him file a complaint about the way the officer had treated him. When asked by a supervisor, the officer admitted that he may have told the teenager to "shut the fuck up," but it was because the teenager was "argumentative and verbally combative." A sergeant found no policy violations and did not discipline the officer."

### **Evidence provided by Phoenix Police Department**

A motorcycle officer made a traffic stop on a teenager and wrote him a criminal traffic citation for racing/exhibition of speed on October 28, 2018. Due to an administrative error, the citation had to be reissued and signed by the subject. On January 3, 2019, the officer went to the subject's workplace to serve the citation. The subject was now 18 years-old and refused to sign the citation and was handcuffed by the officer. A supervisor arrived on the scene and after further explaining the situation, the subject signed the citation and was released. A complaint was filed by the subject and his mother. The investigation determined that the allegations were not substantive enough to a full investigation and referred the investigation to a field supervisor. During the field investigation, the officer's chain of command determined that the officer used profanity, and he received coaching for the incident.

## **Incident Y03**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

"PhxPD Fails to Modify Practices During Encounters with Children"

### **Alleged evidence and scope of substantiation reported by US DOJ**

"In 2022, officers handcuffed and used neck restraints on a 13-year-old boy with autism who had walked out of school without permission. An officer spotted the boy walking alongside a road near the school and told him to stop. The boy kept walking, and the officer ran after him, grabbing his arms from behind, tackling him, and holding him down. With the officer's knee in his back and hand on his neck, the boy pleaded to be let go: "My mom's right there. I can't breathe. I'm just trying to get home." Over the boy's phone, his mother could be heard screaming, "I'm coming!" When she arrived, she told the officer her son had lung problems; despite this information, the officer held the boy by his sweatshirt hood as he forced the boy to his feet. The officer then uncuffed the boy and shoved him toward his mother, saying, "He's your problem now." "What's your issue?" the boy asked. "Why don't you shut the fuck up," the officer replied. The tackle and neck restraint left abrasions on the boy's arms and neck, but we saw no evidence that PhxPD recorded the incident as a use of force. When the mother complained to PhxPD about the way officers had treated her son, a supervisor defended the officers' conduct, saying they used "reasonable and necessary force" to detain the boy for leaving school without permission. A PhxPD officer grabbed the 13-year-old boy by the neck of his sweatshirt to force him to his feet, while the boy's mother arrived on the scene."

### **Evidence provided by Phoenix Police Department**

Officers responded to a call of a welfare check at a school. The call stated that a student left the school and "might refuse" if officers tried to stop him. The responding officers located the subject walking away from the school, and their verbal commands were ignored. When they detained the subject, he was on the phone with his mother, and she was heard saying "I'm coming." The mother arrived and took custody of her son. She later called a supervisor and alleged that the officers used excessive force and were rude. The investigation revealed that one of the officers made an unprofessional remark during the incident and the officer received coaching. The supervisor also determined that the officers were unprofessional with school staff members and both officers received coaching for that finding. Based on department policy at the time, the force used was not reportable and the supervisor found the force to be "reasonable and necessary."

### **Incident Y04**

#### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report could not be confirmed with the information provided.

#### **Claims asserted by the Civil Rights Division**

“PhxPD Fails to Modify Practices During Encounters with Children”

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“One teenager reported that an officer performing a pat down said: “If I was your dad, I would have beat the fuck out of you.”

#### **Evidence provided by Phoenix Police Department**

The US DOJ did not provide sufficient evidence to identify this incident.



## **CONTRIBUTING CAUSES**

### **Incident C01**

#### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report could not be confirmed with the information provided.

#### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“One person we spoke to worried that he risked going to jail if there were any inconsistencies in his complaint. He explained, “It felt like I needed to be very careful with my words ... It felt like an intimidation tactic ... Felt like it was designed to make me not want to talk to them.” The complainant also said that he had to call PhxPD at least three times to get through to PSB only to be told, 11 days later, that no misconduct had occurred.”

#### **Evidence provided by Phoenix Police Department**

The US DOJ did not provide sufficient evidence to identify this incident.

## **Incident C02**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

"In one case, a person called PSB to complain about her treatment during a traffic stop. According to the phone log, the woman alleged that officers pointed their guns at her and illegally held her in the back of a patrol car for 45 minutes. "I think it was racial profiling," she said. Investigators documented the case closure in a phone log that same day, noting that "nothing she said indicated there was a policy violation during this incident."

#### **Evidence provided by Phoenix Police Department**

Officers responded to a call regarding a fight at an auto shop. The caller stated that a customer had threatened him with a knife. Officers located the vehicle and made a high-risk traffic stop. The passengers were detained and the passenger identified as the suspect was arrested for aggravated assault. The driver of the vehicle filed a complaint and alleged that officers were "racial profiling." The investigation determined that there were not any policy violations.

## **Incident C03**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

### **Alleged evidence and scope of substantiation reported by US DOJ**

“A person called PhxPD to complain that he was questioned after invoking his right to counsel and then mocked for doing so. The officers’ body-worn camera video confirmed what the complainant told officers: “I’m going to call a lawyer. I don’t want to talk to you anymore.” An officer began questioning the man—who was still on the phone with his attorney. The man repeated, “I don’t want to talk to you no more.” A second officer said, “I think he’s talking to his lawyer because we’re abusing his rights.” Despite the clear invocation of his constitutional rights, officers asked the man three more rounds of questions.”

### **Evidence provided by Phoenix Police Department**

Officers responded to a domestic violence call and made contact a male suspect. The suspect advised officers that was going to call an attorney and would not speak with officers. The officers had probable cause for an arrest regarding assault, burglary, and criminal damage. The suspect filed a complaint alleging that the officers were unprofessional. The complaint was investigated twice and were unfounded.



## **Incident C04**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

"In another case, a man complained to a sergeant that an officer had exceeded the speed limit and behaved unprofessionally during a traffic stop, telling the man, "I am not afraid to scuffle ... I will follow the fucking law and you can back the fuck out of my face ... You may have just stepped into a world of shit." When the sergeant spoke with the man at the scene, he defended the officer's conduct, saying "I don't blame him" for cursing at the man. Later that day, the man contacted PSB to file a formal complaint about the incident. PSB then sent it to the same sergeant for investigation. Unsurprisingly, the sergeant found "nothing unprofessional during the contact."

#### **Evidence provided by Phoenix Police Department**

A citizen in a vehicle followed a motorcycle officer for an extended period of time. Concerned about the intent of the citizen, the officer made a traffic stop. The citizen told the officer that he was following him because he was speeding. The officer asked a supervisor to respond to the scene because the citizen wanted to file a complaint. A motorcycle sergeant arrived at the scene to take the complaint. The citizen left a voicemail with the Professional Standards Bureau and made the same allegation about the officer speeding. An investigator contacted the citizen and advised him that the complaint would be sent to a field supervisor. The investigation concluded that no policy violations occurred.

## **Incident C05**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

"One PSB investigator relied on his prior experience supervising an officer, without any tie to the underlying incident, to dispense with a complaint. In that case, a rideshare driver called PSB to complain that the officer was aggressive and rude, allegedly telling him, "Do you know I can ruin your whole day right now by giving you a citation? ... I can ruin your whole entire career today by giving you this ticket." In closing the complaint, the investigator assured the complainant, "I have not seen him act unprofessional during my time supervising him," and, "if you say his attitude was unprofessional or rude, that's, like, very subjective ... But as far as a full-blown investigation, there is no investigation because there is no misconduct."

#### **Evidence provided by Phoenix Police Department**

An officer working an off-duty job for a private business contacted a ride-share driver who was allegedly blocking the business entrance. The driver later called the Professional Standards Bureau and alleged that the officer was rude. The investigation could not substantiate the complaint.

## **Incident C06**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

### **Alleged evidence and scope of substantiation reported by US DOJ**

"A woman complained that five PhxPD officers retaliated against her for refusing to sign a citation. The woman said officers arrested her and held her in an overheated patrol car without air conditioning in the middle of the summer. The investigator looked into the conduct of only one of the five officers involved, did not speak to the complainant or civilian witnesses, relied on another officer's summary of the body-worn camera video, made no finding about whether the complainant was held in an unreasonably hot patrol vehicle, and otherwise found no violations."

### **Evidence provided by Phoenix Police Department**

Officers responded to a call alleging criminal damage. Upon investigating the incident, probable cause was developed and one of the subjects was issued a citation instead of taken to jail. The suspect filed a complaint with the Professional Standards Bureau and alleged that she was falsely arrested and that the arrest was racially motivated. An investigator could not determine wrongdoing and sent the complaint to a field supervisor. The officers' chain of command did not find any wrongdoing by the officer.

## **Incident C07**

### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report could not be confirmed with the information provided.

### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“A person complained that an officer arrested him in retaliation for attempting to record the officer while the officer was searching and arresting someone else and then lied on the arrest report. The investigator sought to collect video evidence from the complainant but failed to reconnect with him after a few attempts. The investigator closed the file even though he had sufficient information to proceed, including the accused officer’s name and badge number and the date of the incident. Had the investigator pulled the incident report, he would have identified at least two other witnesses to the incident.”

#### **Evidence provided by Phoenix Police Department**

The US DOJ did not provide sufficient evidence to identify this incident.

## **Incident C08**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

"In one case, store surveillance video showed an officer slapping a handcuffed shoplifting suspect hard enough to knock him from his seat; the man suffered an orbital bone fracture and swelling to his face, neck, and back. PhxPD had previously suspended the officer for striking a suspect in handcuffs and had received complaints from two different people complaining of similar misconduct in the four years before this complaint."

#### **Evidence provided by Phoenix Police Department**

An officer was working an off-duty job when he arrested a man for shoplifting. The suspect resisted arrest and assaulted the officer prior to being taken into custody. Once handcuffed, the officer slapped the suspect in the face. Thursday suspect later complained to a supervisor and the investigation revealed that the officer lied about the incident. The officer was terminated and pled guilty to disorderly conduct.



## **Incident C09**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

"For example, PSB sustained an allegation that an officer lied to investigators about receiving and refusing to sign a criminal traffic citation, a finding which likely would have resulted in his addition to the Brady list if not also increased his likelihood of termination. After the IRP and a subsequent hearing with the Chief, PSB changed the finding from sustained to "unresolved," and the officer accepted a 240-hour suspension without appeal in lieu of termination"

#### **Evidence provided by Phoenix Police Department**

An off-duty officer in his personal vehicle was allegedly driving at high speeds and several 911 calls reported the behavior. At a later time, a State Trooper located the vehicle and conducted a traffic stop. The officer was unprofessional and refused to sign the citation. An internal investigation revealed that the officer not telling the truth, and he received a 240 hour suspension.

## **Incident C10**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“One officer avoided termination by persuading PhxPD to convert his discipline to a suspension. The officer was arrested for driving with a blood alcohol level of 0.154 (which qualifies as an “extreme DUI” in Arizona), while carrying a firearm for which he was not certified—violations that the officer admitted to. At the time of the DUI, the officer had been with PhxPD for two-and-a-half-years and had been found to have violated minor policies in three prior investigations. The officer had a disciplinary hearing scheduled with former Chief Williams and, for reasons not apparent in the file, PhxPD cancelled that meeting. Instead, the officer struck an agreement to take a 120-hour suspension and a written reprimand. Less than one year after serving this discipline, PSB investigated the same officer for starting a sexual relationship with the victim of a crime he was assigned to investigate. PSB sustained the allegation, and the Disciplinary Review Board recommended termination. The former Chief, again, rejected termination and imposed a 240-hour suspension with a “last chance agreement.” The officer remains employed at PhxPD.”

#### **Evidence provided by Phoenix Police Department**

An officer was arrested in another jurisdiction for DUI, while carrying a firearm not authorized by the Phoenix Police Department. A hearing was scheduled to consider terminating the officer, but it was cancelled after the officer agreed to a 120-hour suspension. The following year, the officer was investigated for a personal relationship with a police contact. The Discipline Review Board recommended termination for the officer. Chief Williams disagreed and gave the officer a 240-hour suspension.

## **Incident C11**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“In 2021, PhxPD terminated an officer who shot and killed a man only seconds after he answered his apartment door. The Civil Service Board reinstated the officer five months later and he remains employed by PhxPD. The City of Phoenix agreed to pay the man’s family \$3 million to settle their claim.”

#### **Evidence provided by Phoenix Police Department**

Officers responded to a domestic violence call and announced their presence at the door. A subject opened the door carrying a firearm and an officer shot and killed the subject.

The Use of Force Review Board ruled that the shooting was in policy, but the police chief reversed that ruling and terminated the officer. The officer appealed the termination to the Civil Service Board, and he was reinstated and given a 240-hour suspension.

## **Incident C12**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Lacks Effective Systems to Hold Officers Accountable for Misconduct

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“In another example, PhxPD tried to terminate an officer three times before it finally stuck. PhxPD tried to fire the officer in 2019 for making knowingly false statements on a search warrant affidavit and then lying to PSB investigators in the subsequent investigation. The Civil Service Board reinstated the officer, even though this was the second time the agency tried to terminate his employment—the first time being in 2009 for failing a drug test—and even though he had served multi-day suspensions in 2018 for interfering in a felony criminal investigation on behalf of a friend and in 2019 for failing to complete supplemental reports in 34 ongoing robbery investigations. In 2021, in its third attempt, PhxPD successfully terminated the officer when he was criminally charged with fraud.”

#### **Evidence provided by Phoenix Police Department**

An officer was terminated in 2009 after failing a drug test for anabolic steroids. The Civil Service Board later reinstated the officer. Between 2017 and 2019, the officer was investigated three additional times and was terminated again in 2019. The Civil Service Board later reinstated the officer and gave him a 240-hour suspension. In September 2020, the department launched another investigation on the officer which resulted on felony charges. The officer was sentenced to nine months in jail and 18 months of supervised probation. The officer was terminated and is no longer an employee.

### **Incident C13**

#### **Findings: Could Not Be Determined**

The evaluation/description within the US DOJ report could not be confirmed with the information provided.

#### **Claims asserted by the Civil Rights Division**

PhxPD Does Not Adequately Supervise Officers

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“The current system, which started in 2021, had resulted in only one formal intervention one year later to address an officer’s attendance and punctuality.”

#### **Evidence provided by Phoenix Police Department**

The US DOJ did not provide sufficient evidence to identify this incident.

## **Incident C14**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Does Not Adequately Supervise Officers

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“Meanwhile, we found no intervention for an officer who, from April 2021 to April 2022, reported using force eleven times, including an officer-involved shooting (his second in eight months) and an incident that resulted in a death in custody. In the same time span, this officer also pointed his gun at someone on at least eight occasions; had an out-of-policy, high-speed vehicle pursuit that resulted in significant property damage and civilian injuries; an out-of-policy minor traffic accident; and at least two other allegations of potential misconduct. This officer generated 13 alerts, none of which compelled a supervisor to intervene.”

#### **Evidence provided by Phoenix Police Department**

The Early Identification and Intervention Program generated 12 alerts for an employee between April 2021 and April 2022. The EIIP System is a tool for supervisors as an early intervention and not for open or formal complaint investigations. Several of the alerts were based on official department investigations.

## **Incident C15**

### **Findings: Factually Accurate**

The evaluation/description within the US DOJ report does accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Does Not Adequately Supervise Officers

#### **Alleged evidence and scope of substantiation reported by US DOJ**

"In one example, after deploying chemical munitions against summer 2020 protestors, one officer told another: "I'm up there assaulting those guys. Next thing I know, I see your guys launch gas at em. I'm like, oh yeah, thank God, this is great." About 10 seconds later, the other officer looked down at his colleague's camera, noticed it was recording, and told him to mute it, which he did."

#### **Evidence provided by Phoenix Police Department**

During a protest, one officer stated, "I'm up there assaulting those guys. Next thing I know, I see your guys launch gas at 'em. I'm like, oh yeah, thank God, this is great." An officer told another officer to mute his body-worn camera.

## **Incident C16**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Tolerates Disrespect Toward the People It Serves

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“For example, following a 2017 protest at which officers unloaded canisters of tear gas on peaceful protestors, PhxPD officers circulated a “challenge coin”—a memento normally used to commemorate moments of valor and pride during service. This challenge coin instead depicted a protestor whom an officer shot in the groin with a 40mm impact round. The coin showed an image of the protestor with a star over his groin and the words, “Good night, left nut” encircling him. On the back, the coin read, “Making America Great Again – One Nut at a Time.” When supervisors learned that a box full of the coins and related memorabilia had been found at a PhxPD precinct, they decided to throw away all evidence of the coin and created no record of what had happened. And although they prohibited officers from having the coins at work, they did not refer the matter to PSB to investigate how this box of inappropriate collectables mocking a protestor ended up in a PhxPD precinct. More than three years later, local news reported on the coin, connecting the coin’s “Good Night Left” slogan and imagery to hate speech. Immediately, PhxPD issued a public statement denying that the department sanctioned the coin and claiming that a “review at the time by a Commander with the Department was unable to substantiate any claims of misconduct related to a challenge.” When asked to clarify the scope of PhxPD’s claimed “review” of the challenge coin, two Phoenix commanders declined to speak with Justice Department investigators about the topic.”

#### **Evidence provided by Phoenix Police Department**

During a protest in August 2017, a protestor kicked a smoke canister in the direction of officers. In response, an officer fired a less-lethal 40mm impact round at the protestor, striking him in the lower abdomen. Footage of the event went viral online. Some employees began distributing a challenge coin of the event with the words, “Good night, left nut” and “Making America Great Again - One Nut at a Time.” The Professional Standards Bureau investigated the distribution of memorabilia and the coin. An additional investigation occurred that involved an outside law firm hired by the city. It was never determined who made the coin but two sergeants received an eight hour suspension and a detective received a written reprimand for their involvement in distributing the materials.



## **Incident C17**

### **Findings: Factually Inaccurate**

The evaluation/description within the US DOJ report does not accurately reflect facts/evidence.

#### **Claims asserted by the Civil Rights Division**

PhxPD Tolerates Disrespect Toward the People It Serves

#### **Alleged evidence and scope of substantiation reported by US DOJ**

“PhxPD took a similarly casual approach when, in June 2019, the news organization Injustice Watch found social media posts by PhxPD employees—including supervisors—celebrating violence against protestors. In one posting, the message “Mace in yo face” appeared with an image of a police officer spraying pepper spray into a man’s face as another officer looked on. Other posts endorsed explicit violence. Former Chief Williams admitted that “[t]he posts and the comments... clearly promoted and created hate,” and she directed PSB to investigate. But PSB chose to classify many posts pertaining to protestors as administrative inquiries, requiring no formal investigation. And beyond the PSB referral, PhxPD did not address why officers across ranks displayed open contempt for people exercising their rights, or the impact this may have on officers’ conduct on the field, the community’s trust, and people’s willingness to exercise their First Amendment rights in the future.”

#### **Evidence provided by Phoenix Police Department**

In June 2019, Injustice Watch published a website called “The Plain View Project,” that documented social media postings on Facebook by law enforcement officers across the country. The project identified postings that were considered inappropriate or offensive. Overall, 74 active Phoenix Officers and 22 former officers were included in the report. The Professional Standards Bureau immediately began a review of all postings featured by the project, assessing whether the posts violated agency policy. At the conclusion of the investigation, one employee was terminated, 10 were suspended, and 52 officers were given supervisory coaching.