



OFFICE OF ACCOUNTABILITY AND TRANSPARENCY

Quarterly Report

April–June 2023



City of Phoenix

Table of Contents

1	Introduction
3	Updates
3	Memorandum of Understanding
4	Monitoring and Complaints
4	Hiring
5	Table 1: OAT Open Monitoring Cases
7	Figure 1: OAT Monitoring Cases by Incident Location
8	Figure 2: OAT Organizational Chart
9	Community Engagement
10	Mediation
10	Training

INTRODUCTION

During the second quarter of 2023, the Office of Accountability has taken substantial steps toward securing the personnel and the agreements needed to effectively perform its work. We've doubled our staff, onboarding all of our monitoring staff and making offers to several other key positions.

The arrival of new staff, along with the efforts of OAT community engagement coordinators, enabled us to expand our outreach efforts, with more than 25 events attended and new community contacts established during the quarter. In addition, less than four months after the arrival of the OAT Director of Mediation, operational protocols for the mediation program have been presented and approved.

On April 3rd, we signed a Memorandum of Understanding (MOU) with the Phoenix Police Department (Department) to facilitate the sharing of information and tracking of investigations as required by Chapter 20 of the Phoenix City Code. While the agreement itself marks an important milestone for OAT and the Department, only the good faith efforts of both agencies will bring about the fulfillment of responsibilities set forth in this document.

With the signing of the MOU, monitoring staff have begun the process of reviewing investigations and evidence provided in order to make constructive reports and recommendations to the Department on its administrative investigations. To continue preparing ourselves for effective monitoring, OAT staff have attended numerous trainings during the quarter, including those conducted by the National Association for Civilian Oversight of Law Enforcement (NACOLE), the American Bar Association, the City of Phoenix, and the Institute for Law Enforcement Administration.

Much work remains before OAT will hit its full stride and reach the breadth of community input and impact anticipated. But the efforts of the second quarter of 2023 have marched us inexorably toward our central objective – providing the Phoenix community a greater voice and enhanced information on how we are policed.

Roger Smith
OAT Director



Background

The Office of Accountability and Transparency (OAT) was created by the City of Phoenix in 2021 to perform independent civilian oversight of the Phoenix Police Department (Department). OAT monitors Department administrative investigations of critical incidents involving sworn personnel and provides community members a way to freely communicate complaints, commendations, and concerns about officers and the Department without fear of retaliation.

Among other duties, Phoenix City Code (P.C.C.) § 20-1(C) requires OAT to:

- Take community complaints or commendations.
- Establish procedures for receiving anonymous complaints.
- Conduct outreach within the community.
- Support services to community members impacted by the Department.
- Monitor Department investigations.
- Make recommendations to the Police Chief regarding administrative action, including possible discipline for the Department.
- Make recommendations regarding policy issues.
- Assist with mediation to resolve disputes.
- Address other issues of concern to the community.

See P.C.C. §§ 20-4 through 20-13 for additional information about OAT's responsibilities and operations.

About This Report

This report was produced in fulfillment of P.C.C. § 20-8(C), which requires OAT to publish a quarterly status report that includes, "among other things, patterns relating to complaints and recommendations regarding the sufficiency of investigations and determinations as to whether Department rules and policies have been violated."

OAT is monitoring 32 Department investigations of incidents that occurred between September 10, 2022 and June 30, 2023, including 15 incidents with civilian fatalities. The Department had not concluded any of the investigations being monitored by OAT by the conclusion of the quarterly reporting period. OAT is thus unable to make any determinations regarding Department investigations in this report.



Memorandum of Understanding

To ensure that OAT can meet its statutory obligations, P.C.C. §§ 20-10 through 20-12 require the Department to cooperate with OAT in its monitoring of internal investigations and the disciplinary process. The Department must also provide complete access to any records, evidence, databases, or other information that OAT requires to perform its duties. To facilitate timely communication and information-sharing, OAT and the Department entered into an MOU on April 3rd, 2023. The MOU establishes the responsibilities of each agency, as well as a process for resolving disagreements related to the terms of the MOU or the interpretation of applicable law. The MOU also requires OAT and the Department to meet at least once a month.

Since the MOU went into effect on April 3rd, OAT and the Department have had the first of the required monthly meetings. To date, OAT has received approximately 159 pieces of evidence associated with the 32 investigations that OAT is monitoring and expects to receive additional information from the Department pertaining to the monitored investigations. To facilitate information sharing between OAT and the Department, several OAT monitors have obtained access to the Department's evidence management system. Discussions are also underway to enable OAT staff to attend relevant Department trainings.

Monitoring and Complaints

OAT notified the Department of its intent to monitor the administrative investigation of ten critical incidents involving uniformed personnel between April 1 and June 30, 2023. Four of these incidents resulted in the death of a civilian. OAT's total monitoring caseload is now 32, including 26 officer-involved shootings, two in-custody deaths, one vehicle-pedestrian collision that resulted in the serious physical injury of a child, and one unlawful detention allegation (see Table 1, p. 5 and Figure 1, p. 7). Fifteen of these incidents resulted in civilian fatalities. All 32 monitoring cases are still open, as the Department has yet to conclude any of the administrative investigations into these incidents.

In addition to its monitoring caseload, OAT received 26 citizen complaint contacts this quarter, including 19 calls to the OAT hotline, five walk-ins, and two letters via U.S. mail. Between April 1 and June 30, OAT referred three citizen complaints to the Department for possible investigation.

Hiring

OAT has filled six positions since April 1, 2023, including two monitor supervisors, two senior monitors, and two monitors. Three additional positions are in the process of recruitment. OAT has filled 12 of its 15 budgeted positions, extended offers for two others, and posted the OAT attorney position. See the OAT organizational chart on page 8.

Table 1: OAT Open Monitoring Cases September 2022 – June 2023¹

(Incidents with fatalities highlighted in blue.)

Case No.	Date	Type	Location ²	Civilian Fatality
1	09/10/2022	Shooting	12200 N 39 th Ave	Yes
2	09/22/2022	Shooting	2400 W Greenway Rd	No
3	09/24/2022	Shooting	6600 N 19 th Ave	Yes
4	10/27/2022	Use of Force ³	5900 W Buckeye Rd	No
5	11/02/2022	Shooting	3700 W McDowell Rd	Yes
6	11/06/2022	Shooting	4200 N 21 st Ave	No
7	11/23/2022	Unlawful Detention ³	12000 N 32 nd St	No
8	11/29/2022	Shooting	1800 E Southern Ave	Yes
9	12/03/2022	Shooting	2900 W Thomas Rd	No
10	12/04/2022	Use of Force ³	2701 W Deer Valley Rd	No
11	12/21/2022	Shooting	4100 W Lydia Ln	No
12	01/03/2023	Shooting	4400 S 36 th Dr	Yes
13	01/07/2023	Shooting	4600 S Lakeshore Dr	Yes
14	02/11/2023	In-Custody Death	1400 N 44 th St	Yes
15	02/22/2023	Shooting	2300 W Glendale Ave	Yes
16	02/22/2023	Shooting	100 S 29 th Ave	Yes
17	02/25/2023	Shooting	17600 N 9 th St	Yes
18	03/04/2023	Shooting	6100 S 35 th Ave	No
19	03/05/2023	Shooting	4200 W Encanto Blvd	Yes
20	03/06/2023	Shooting	4100 W Alta Vista Rd	Yes
21	03/08/2023	Shooting	1600 N 27 th Ave	No
22	03/14/2023	Shooting	6700 W Camelback Rd	No

Table continues on next page.

Case No.	Date	Type	Location ²	Civilian Fatality
23	04/01/2023	Shooting	1400 E Bell Rd	Yes
24	04/10/2023	In-Custody Death	6500 W Cocopah St	Yes
25	04/20/2023	Shooting	11800 N 28 th Dr	No
26	04/24/2023	Shooting	3200 W Bell Rd	No
27	05/11/2023	Shooting	9200 W Lower Buckeye Rd	No
28	05/14/2023	Shooting	3900 W Cactus Rd	No
29	05/22/2023	Shooting	16800 N 19 th Ave	No
30	06/07/2023	Vehicle-Child Collision ⁴	1400 S 11 th Ave	No
31	06/19/2023	Shooting	35 th Dr/Holly St	Yes
32	06/28/2023	Shooting	19 th Ave/Yavapai St	Yes

¹ Quarter 2 reporting period (April 1 – June 30, 2023) indicated with red border.

² Approximate location.

³ Falls under OAT discretionary jurisdiction per Phoenix City Code (P.C.C.) Sec. 20-7.

⁴ Duty-related incidents involving or resulting in the death or serious bodily injury of a person (see P.C.C. 20-6(B)(3)).

Figure 1: OAT Monitoring Cases by Incident Location
September 2022 – June 2023

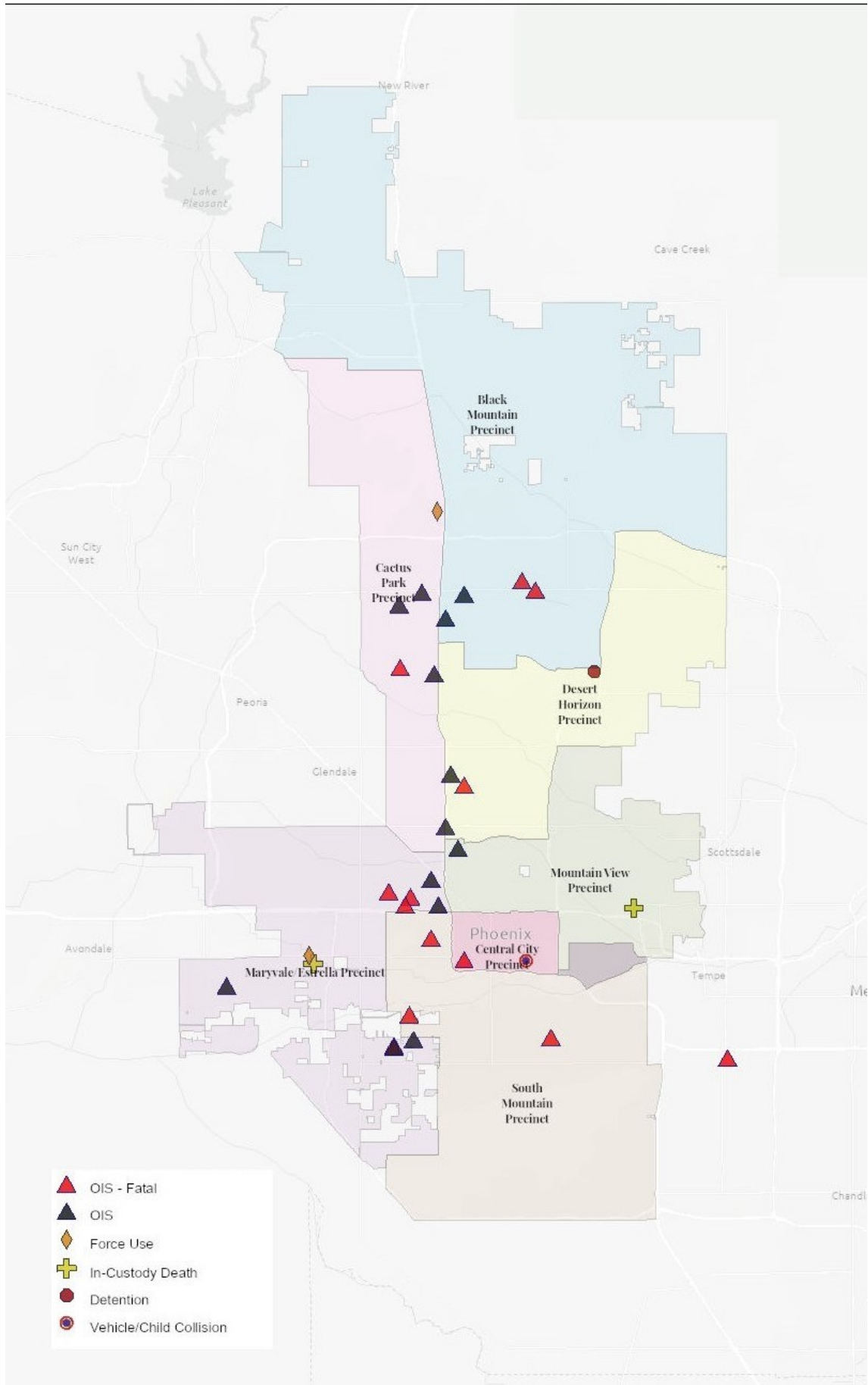
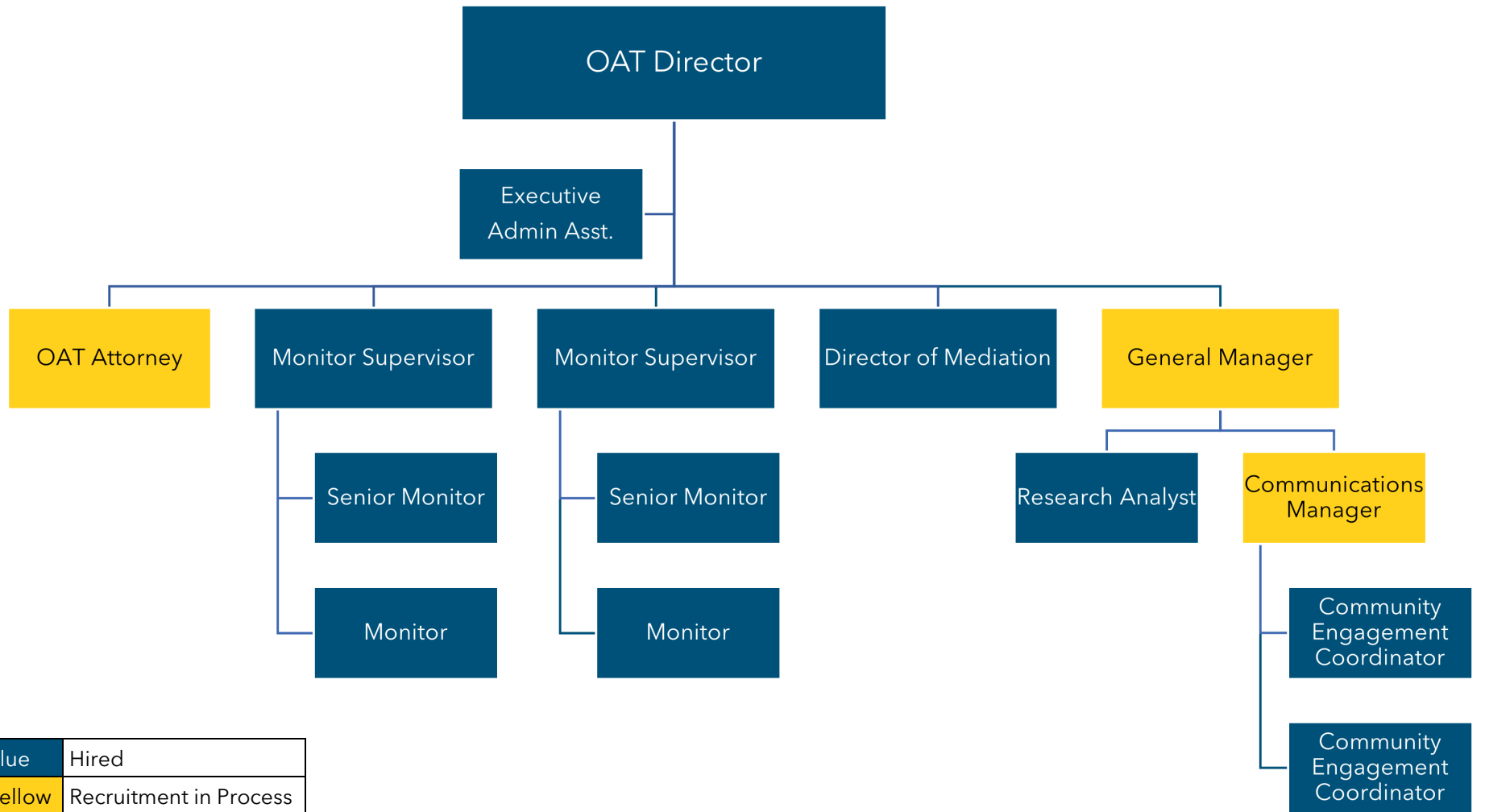


Figure 2: OAT Organizational Chart



Blue	Hired
Yellow	Recruitment in Process



UPDATES

Community Engagement

OAT attended the following events and/or gave informational presentations to the following groups between April 1 and June 30, 2023:

- Arizona State University Center for the Study of Race and Democracy (CSRD): Delivering Democracy 2023 Community Resource Fair
- Jobs for Arizona's Graduates (JAG) Career Development Center Expo
- Profirio Gonzalez Elementary School Job/Resource Fair
- Valleywise Health Family Resource Centers
- Arizona Desert Elementary School parent workshop
- People United Fight Back (PUFB) Block Watch
- Spectrum Healthcare

Additionally, OAT made more than 30 new community engagement contacts this quarter via phone, email, and in-person meetings.



OAT Community Engagement Coordinators at the JAG Career Development Center Expo (above) and the ASU CSRD Delivering Democracy 2023 Community Resource Fair (right).



Mediation

This quarter, OAT continued developing protocols for its mediation program. To facilitate this process, the OAT Director of Mediation met with civilian oversight mediation program administrators from programs in Denver, Seattle, Portland, San Francisco, Chicago, Pasadena (CA), and Rochester (NY). In addition to assisting with the development of OAT’s mediation protocols, these conversations have laid the groundwork for a new, informal communication network of civilian oversight mediation professionals around the country.

Training

Between March and April 2023, OAT staff attended the virtual People’s Academy hosted by the Civilian Office of Police Accountability (COPA), the civilian oversight agency of the Chicago Police Department. Weekly sessions covered such topics as the history of civilian oversight of policing, investigative and legal concepts in misconduct investigations, and COPA’s operations.

In addition to the COPA People’s Academy, OAT staff attended the following external trainings during the second quarter of 2023:

- Dan Simon, *Self-Determination Through Transformative Mediation*
- NACOLE, *Bias in Interpretation of Evidence*
- American Bar Association, *State of Emergency: Law Enforcement Accountability in an Age of Civil Unrest*
- American Bar Association, *How to Watch the Watchmen: Understanding Police Oversight*
- [The Art of Lie Detection: How Experts Spot Deception](#)
- Police Executive Research Forum, *Integrating Communications, Assessment and Tactics*, Modules 1-7

OAT also continued its regular internal trainings on various matters related to agency practice.

