

*A Preliminary Analysis & Executive Summary of the US DOJ Report:  
“Investigation of the City of Phoenix and Phoenix Police Department”*

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## **PRELIMINARY EXECUTIVE SUMMARY**

*"The report published by the Civil Rights Division of the US DOJ does not justify a consent decree, which, as history has proven, often do little more than imperil the public and police officers sworn to protect the public"*

### ***Key Findings***

This executive summary is based upon a preliminary analysis of a report published by the Civil Rights Division of the United States Department of Justice (US DOJ) entitled, *Investigation of the City of Phoenix and the Phoenix Police Department* (2024, June 13).

**This preliminary analysis of the 36 use-of-force cases cited by the US DOJ in their report, indicates several significant inaccuracies within their report. When compared with facts and evidence of the incidents, the US DOJ report fails to substantiate a consent decree—or evidence a "pattern or practice" of civil rights violations within the Phoenix Police Department.**

*Instead, the authors have found significant concerns with findings, methodology, lack of proven strategies and management as put forth in the US DOJ report. Specifically, after preliminary review, the authors have determined that no single incident in the US DOJ report would substantiate the necessity of a consent decree.*

Moreover, the authors find the allegations put forth by the Civil Rights Division of the US DOJ indicate classifications such as “factually inaccurate” and “mostly inaccurate.” According to the allegations—and the evidence available from the Phoenix Police Department—there appears to be no basis for the substantiation of a consent decree given the 36 use-of-force cases put forth in the US DOJ report, which suggest analytical flaws, and in some cases, outright fabrication and falsehoods (see Addenda A for details).

<b># Use-of-Force Cases in US DOJ Report:</b>	<b>36</b>
<b># Cases Substantiating a Consent Decree</b>	<b>0</b>

A more detailed analysis of the 36 use-of-force incidents and the allegations put forth by the US DOJ according to their own standard of proving a "pattern or practice" within the Phoenix Police Department, indicates that:

- 34**      **allegations seem “factually inaccurate”**
- 2**      **allegations seem “mostly inaccurate”**
- 0**      **allegations substantiate a “proven pattern or practice” of violations**

The “factually inaccurate” classification indicates that contrary to the US DOJ report, appropriate action was taken by the Phoenix Police Department, its sworn officers and other staff. The “mostly inaccurate” classification indicates some improper action may have occurred, but the allegations put forth by the Civil Rights Division of the US DOJ in their description of the incident contain significant misrepresentations, omissions, and other biased determinations of alleged “facts.” Notably, in two cases with the US DOJ report, the Phoenix Police Department actually disciplined police officers—however, the US DOJ offered additional claims that lack factual merit or accuracy.

### **Analytical Results & Key Determination**

The allegations of a “pattern or practice” of excessive use of force put forth by the US DOJ do not appear to be substantiated based upon this preliminary report.

Instead, the report reads more like a desperate overreach and fashioning of facts to substantiate government overreach, expensive monitoring, and intensive, time-consuming conformity to oversight that the US DOJ has yet to prove effective by even the most liberal measures of crime and public safety.

**The allegations within the report published by the Civil Rights Division of the US DOJ—according to their own standard of a “pattern or practice”—appear unsubstantiated and misrepresented, and indicate a lack of objective consideration of empirical facts.**

## **PRELIMINARY REPORT**

### **Background: US DOJ "Pattern or Practice of Conduct" Investigations**

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.

Since inception, these investigations have resulted in a variety of conclusions with a consent decree being imposed as a necessary reform for local law enforcement agencies.

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

On August 5, 2021, the Civil Rights Division of the United States Department of Justice (DOJ) launched a "pattern or practice" investigation into the City of Phoenix and the Phoenix Police Department.

On June 13, 2024, the Civil Rights Division published a report based on its 34-month investigation of the City of Phoenix and the Phoenix Police Department.

In alleging a "pattern or practice" of civil rights violations by the Phoenix Police Department, the DOJ described approximately 132 events that they claimed support such allegations—and substantiate a consent decree. The incidents reported by the DOJ were drawn from approximately 179,000 documents and 22,000 body-worn-camera videos provided by the Phoenix Police Department to the DOJ during their investigation. Further, the allegations put forth by the DOJ span six years, almost six million calls for service, and over two million arrests.

## **Allegations Reported by the Civil Rights Division of the US DOJ**

Specifically, the DOJ alleged that the Phoenix Police Department (and the City of Phoenix):

- use excessive force, including unjustified deadly force and other types of force;
- unlawfully detain, cite, and arrest people experiencing homelessness and unlawfully dispose of their belongings;
- discriminate against Black, Hispanic, and Native American people when enforcing the law;
- discriminate against people with behavioral health disabilities when dispatching calls for assistance and responding to people in crisis;
- violate the rights of people engaged in protected speech and expression.

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

While 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." Furthermore, the DOJ states that "a 'pattern or practice' means that the defendant has a policy of discriminating, even if the policy is not always followed.

In so far as establishing a pattern or practice, the US DOJ examined approximately 6,000,000 calls, and over 2,000,000 arrests handled by the Phoenix Police Department spanning a six-year period. Force was used in .09% of the calls and 2% of the arrests. Between 2018-2023, the department had 5,213 use-of-force incidents (or approximately, 1,000 per year).

Remarkably, the US DOJ cited only 36 incidents in its analysis. According to the US DOJ, these 36 incidents—and not the handling of more than 5,000 others—indicate a "pattern or practice" of civil rights violations.

Of these 36 incidents cited in the US DOJ report (to the exclusion of the handling of more than 5,000 other use-of-force incidents), even just preliminary analysis indicates that 34 of these

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

alleged incidents appear to be inaccurate; and two (2) appear to be mostly inaccurate. Hence, all 36 incidents cited by the US DOJ do not appear to warrant a consent decree nor substantiate a "pattern or practice" of civil rights violations—especially considering more than 5,000 other incidents that occurred within the same time period.

Further, in the relatively few use-of-force incidents that appeared to involve questionable tactics or response, the Phoenix Police Department took action, and even terminated an officer.

### **Problems with US DOJ Reports & Consent Decrees; The Albuquerque Police Department**

Entering into a consent decree is a significant decision for the City of Phoenix. Historically, once a city enters into a consent decree with federal oversight, hundreds of millions of dollars and decades will pass before there is any resolution and there is significant debate on whether the recommendations put forth by the DOJ would correct any of the issues they allege.

In 2014, the DOJ alleged that the Albuquerque Police Department "too often use deadly force" and after a decade long consent decree, citing 20 officer involved shootings in the three previous years. A decade later, the Albuquerque Police Department has achieved a 94% compliance with the DOJ Recommendations but officer involved shootings have increased 33% and the overall violent crime rate has increased approximately 80%. The agency has experienced a significant staffing shortage while their budget has increased approximately 37% since the consent decree was implemented.

The City of Albuquerque is not an isolated example and our preliminary research has found similar metrics across the majority of cities that are under a consent decree. Each of those consent decrees began with a DOJ Summary Report and none of those reports were examined for accuracy and clarity prior to entering into a consent decree.

The allegations put forth by the DOJ are severe and any decisions based on those allegations must come from a position of knowing and understanding each of the issues discussed. As in the other DOJ investigative reports, there was a consistent lack of key details. Consequently, many law enforcement leaders have questioned the validity of the methods and finding of past US DOJ reports. In one such case, after signing an agreement with the US DOJ, the city of Springfield (MA) issued a rebuttal after finding "many errors and discrepancies." Likewise, former

Louisville Police Chief Jacquelyn Gwinn-Villaroel explained that that the city did not agree with all of the findings of the DOJ in their summary report.

### **The City of Phoenix Has All of the Evidence to Defy A US DOJ Consent Decree**

The City of Phoenix is in a unique position and one that enables them to fully examine and critique the DOJ report and the allegations contained therein. **Until now, there has never been an exhaustive response to the allegations made by the DOJ against local law enforcement agencies.** The profound effort by the City of Phoenix provides an opportunity to evaluate the analysis and conclusions provided by the DOJ. The Phoenix Police Department and the City of Phoenix, created a public website on August 15, 2024, to provide the community access to evidence and other materials to understand each incident in a clear and specific fashion.

### **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. For example, in Incident 01, the DOJ stated that “the man stood at the top of an interior stairwell with his hands to his side.” However, video evidence never showed the subject’s hands to his side, but in both pockets—all while the subject refused commands from the officers for over 15 minutes. During this time, the subject kept his hands in his pockets. While this may seem like an insignificant detail, it is indeed significant in light of how law enforcement officers are typically trained throughout the country to safely approach and handle such behavior.

#### *Example: Incident 01*

Additionally, the summary for Incident 01 as presented by the DOJ lacks important context. 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 way that officers repositioned themselves as the subject came downstairs—to delay or de-escalate the need for deadly force—was not mentioned in the DOJ report. Instead, the DOJ insisted that the force was unreasonable because “the man was not physically aggressive, told officers he wanted to die, and never threatened the officers.”

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

*This statement on objective reasonableness questions the standards and evaluative methodology the DOJ uses in this particular incident—and many others, as well.* While the DOJ repeatedly made their opinion known about what they deem to be reasonable and unreasonable force throughout their report, case law offers a much different perspective: 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).

*Example: Incident U08*

There are other concerns about the lack of context, or selective contextual descriptions within the US DOJ report. As another example, the DOJ used Incident U08 to suggest that “PhxPD Delays Medical Aid to Incapacitated Suspects and Uses Unreasonable Force on Wounded People.”

However, once again, it appears that the US DOJ left out key details in their report and description of this incident. The suspects were observed by law enforcement committing a robbery with a firearm. While fleeing, one suspect pointed a gun at Phoenix Police officers. In response to this deadly threat, officers shot the suspect, whose firearm fell approximately eight feet away. Regarding their response to aid, the US DOJ failed to mention that the suspects’ vehicle—still occupied by other robbery suspects—would have been in the way of any officers who approached the suspect who was shot.

Further, the US DOJ claimed that officers should have rendered aid more quickly because allegedly, the suspect “made no significant movement” toward the gun. However, police evidence and video shows the suspect moving throughout the incident, within reach of the gun. The DOJ stated that “over nine minutes passed from when officers shot the man to when they moved in to complete the arrest and render aid.” However, just one minute passed following the clearance of the suspect’s vehicle and taking custody of the suspect who was shot.

*Example: Incident U10*



In Incident U10, 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.” Yet once again, the US DOJ omitted (or overlooked) several details in their description and analysis within their report. For example, the US DOJ failed to mention that the original call for police was made by the victim—and how 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. When the suspect was removed from the vehicle, he placed his hands underneath his body, and refused to be handcuffed. The US DOJ insisted that the suspect was “experiencing a behavioral health crisis” and did not present a risk to officers or others”—which does not follow what available evidence makes clear. It is worth noting that the suspect was not eligible for a mental examination or hospitalization after committing a felony crime and subsequently pled guilty to a felony and a misdemeanor.

Once again, while it is unclear which standards, methods, and sources, the US DOJ may be using, case law clearly indicates 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 incident involved a suspect attempting to abduct a woman, refusing lawful police commands to get out of his car, and resisting arrest when officers removed him from the vehicle.

*Example: Incident U11*

In their description of Incident U11, the US DOJ asserted 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 implies that the actions of the officers were unreasonable and unjustifiable. However, once again the US DOJ omitted the violent nature of the encounter and how the suspect continued to resist even after he was restrained. Video evidence shows the officers being assaulted and injured, yet

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

still showing compassion for a suspect in an agitated state. One officer even said that the suspect could be experiencing excited delirium and called medical personnel. There are several other omissions to be found in comparing the US DOJ description of the incident—and the available evidence, including video recordings.

*Example: Incident U12*

In describing Incident U12, the US DOJ reported 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.” In once again omitting context and key facts, the US DOJ did not report how past calls at the location involved gunshots being fired and how 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. The US DOJ report also failed to mention that the suspect was in fact in possession of a handgun.

*Example: Incident U15*

Regarding Incident U15, the US DOJ described how "an officer squeezed a man’s neck with both hands because the man stood up to get his identification from his back pocket." The US DOJ narrative fails to mention that a large group of trespassers were complying with officers commands—exception for this suspect. Rather than sitting down, the suspect remained upright on one leg, while the knee of his other leg was on the ground. The suspect ignored *multiple commands* to sit down, "take a seat like everyone else." Yet the suspect never complied and continued to argue. Without any prompting, he stood up. After approximately 90 seconds of lawful police commands, officers attempted to handcuff the suspect, but the suspect resisted and a violent encounter ensued. Hence, the police use of force did not occur because the "the man stood up to get his identification from his back pocket"—rather it occurred because the defiant suspect reacted violently when officers tried to lawfully arrest him.

*Example: Incident U20*

In U20, the US DOJ claimed that “PhxPD Uses Unreasonable Force Immediately, Without Giving People Warning or an Opportunity to Comply.” The report described the incident as “officers grabbed a man and slammed him to the ground seconds after confronting him.” Although the report fails to describe how the officer observed the suspect confronting a citizen in an aggressive manner. As the officer attempted to handcuff the suspect, the suspect pulled away from the officer. When the officer's attempt to regain control of the suspect's hands failed, he tripped the suspect onto the ground. Afterward, it took two officers to handcuff the suspect, who continued to refuse lawful commands and submit to lawful arrest. As with other incidents, there is a substantial difference between what the available evidence shows and what the US DOJ alleges to have occurred.

*Example: Incident U21*

In further suggesting that “PhxPD Uses Unreasonable Force Immediately, Without Giving People Warning or an Opportunity to Comply,” the DOJ reported that officers used excessive force when taking a subject to the ground to arrest 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.” The narrative offered in the US DOJ report fails to mention that officers observed the suspect throwing a “baggie” on the ground, or that that officers asked the suspect at least six times to place his hands behind his back—and how each time the suspect refused. The report also failed to mention how the officers warned the suspect that if he did not comply, officers would take him to the ground to effect this arrest.

*Example: Incident U27*

In their report, the US DOJ claimed that officers arrived “on the scene of a behavioral health crisis.” They somehow determined that that the use of a Taser device was inappropriate and excessive. In what seems to be yet another omission of key details and context, the US DOJ failed to mention that during a prolonged conversation with the man, to get him to seek a mental health evaluation, he aggressively clenched his fists. Officers told the man 13 times to place his hands behind his back because he was under arrest. After more than nearly two minutes, when the man continued to resist, an officer deployed pepper spray. The man retreated further into the

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garage, where officers told him four more times to "get down." It was only after the man again refused that a Taser device was then deployed, which allowed officers to take him into custody.

### **US DOJ Report Lacks (or Omits) Details & Context to Mischaracterize Officer Conduct**

In other incidents within the report, the US DOJ seems to omit factual details and contextual descriptions. Subsequently, while evidence clearly shows a compassionate encounter with violent and resistant suspects, the DOJ (mis)representation alleges that officers used deadly force—when they were actually using restraints).

#### *Example: Incident U13*

For example, Incident U13, involves Phoenix police officers who approached a subject suspected of using drugs at a bus stop. The officers struggled and fought with the combative suspect for over two minutes. The US DOJ failed to mention that this kind of violent encounter even occurred—in what seems like an attempt to ignore the wrong-doing and violent behavior of the suspect. Yet, the longer such violent encounters last, the more dangerous they become, not only for officers but for the public and the suspects, as well. In this case, an unknown person came close to the officers to question and berate them during the struggle. The struggle continued—the suspect continued to resist—which provides legal justification for officers to respond, which may include the use of a Taser device or other means of force. Throughout the incident, officers continually demanded compliance and advised the subject that additional force options would be used, if the suspect did not comply. The US DOJ alleged that the Phoenix police officers used “lethal restraints” during this incident—meanwhile evidence indicates that they used a minimal amount of force and deliberately did not use more severe means of force, despite this very tense situation.

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

Unfortunately, the omission of facts and contextual details in the US DOJ report further complicates matters, particularly in light of the Fourth Amendment of the United States Constitution. Given that the Civil Rights Division of the US DOJ should be well versed in the application of case law related to the Fourth Amendment, the omissions of key details in this regard could seem more like deliberate obfuscation (instead of just sloppy analysis or omission). Inarguably, without key facts and contextual details, any assessment of the Fourth Amendment and the standard of objective reasonableness cannot be accurately determined.

### *Example: Incident U01*

In taking another look at Incident U01, the US DOJ apparently omitted more than 15 minutes of dialogue between Phoenix Police officers and the subject who failed to comply. It appears that rather than discussing key factors and critical details that are necessary to make a sound determination on reasonableness pursuant to the Fourth Amendment, the DOJ determined that the use of force was unreasonable because allegedly, “the man was not physically aggressive, told officers he wanted to die, and never threatened the officers.” What a subject says or doesn’t say are not the only factors that determine the use of force. and the omission of key details and thus significant factors that must be evaluated "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... rather than with the 20/20 vision of hindsight (Graham v. Connor, 490 U.S. 386, 1989).

### *Example: Incident U13*

Incident U13 serves as another example of what appears to be a deliberate lack of context described in the US DOJ report. The report only mentions that Phoenix Police officers used "potentially lethal restraints" when they suspected a man was committing a "minor offense." However, the US DOJ failed to mention the violent encounter that ensued after officers approached the suspect.

*Example: Incident U21*

In U21, the US DOJ reported 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." A more accurate and objective description would have mentioned that the subject continued to reach in his pockets—after being told by Phoenix Police officers to stop. Officers asked him at least six times to place his arms behind his back, but he refused. Subsequently, 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.

*Example: Incident U16*

In describing Incident U16, the US DOJ reported 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." However, video evidence (which was available to the US DOJ) reveals that the suspect, who had an outstanding felony warrant, did not turn away. Instead, he ignored commands and walked away from officers—who used less-lethal force to arrest him.

*Example: Incident U18*

In their description of Incident U18, the US DOJ stated that, "an officer grabbed a man by his hair and threw him to the ground before he could obey the officer's orders." However, video evidence clearly shows that the suspect had approximately 8 seconds to comply but refused. Excluding this key fact from the report obviously skews the application and consideration of Fourth Amendment in this case in a way that disadvantages the officer's reasonableness (and obscures the truth).

*Example: Incident U19*

Officers rushed inside an apartment building after being called to a disturbance. When they arrive, officers could hear loud yelling from inside the apartment. The US DOJ reported that the officers "rushed into an apartment without announcing his presence," which would likewise skew interpretations of the lawfulness of their actions, particularly in light of the Fourth Amendment.

However, there not a constitutional requirement for police officers to make any verbal announcement when entering a private residence during an emergency situation, such as this one.

### **Misapplication of Unreasonable Force**

Further, the Supreme Court has stated 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).

#### *Example: Incident U01-03*

Regarding Incidents U01-U03, the US DOJ reported that “PhxPD Officers Fire Their Guns at People Who Present No Immediate Threat.” However, in each of these incidents, the suspects possessed weapons, resisted arrest, and either threatened or committed a violent crime.

#### *Example: Incident U04*

In Incident U04, the US DOJ claimed that “PhxPD Officers Use Tactics That Place Themselves in Jeopardy and Increase the Risk of Deadly Encounters.” However, and in what seems to be an instance of the Civil Rights Division not communicating with other departments within the US DOJ, **Incident U04 was actually evaluated by the FBI—and was found to be a reasonable use of force by Phoenix Police officers—by the United States Attorney General’s Office.**<sup>1</sup>

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<sup>1</sup>U.S. Department of Justice, United States Attorney District of Arizona. (2023, March 8). *Officer Involved Shooting (OIS): In Re: review of Phoenix Police Officer shooting of James Porter Garcia; FBI Case No. 282A-PX-3288824*. [https://dojrecords.phoenix.gov/Documents/U04\\_DOJ\\_Incident\\_Review.pdf](https://dojrecords.phoenix.gov/Documents/U04_DOJ_Incident_Review.pdf)

*Example: Incident U16*

In this incident, US DOJ reported 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."

However, a more thorough review of this incident revealed a sound tactical plan had been put together because Phoenix Police officers were aware that the suspect had felony warrants. As soon as the suspect refused to comply, officers began the use of less-lethal force. Officers only escalated force because the suspect continued to ignore police commands and continued to resist arrest; hence, the use of force was reasonable.

**Using 20/20 Hindsight**

Another important aspect concerning the "reasonableness" of use of force is that it 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). Despite well-established case law regarding this aspect, the US DOJ often seems to take a 20/20 hindsight approach as evidenced by their descriptions, determinations of several incidents with the US DOJ report (including Incidents U01-U03, U07-U08). Further evidence of this can be found in the more detailed cursory analyses of specific incidents in the Appendix.

**Lack of Tactical Consideration**

There are more than a few incidents within the US DOJ report that evidence a lack of tactical understanding and consideration. Incident U25 is one that clearly demonstrates a lack of knowledge about law enforcement training and tactics—and the application of 20/20 hindsight. In their report, the US DOJ claimed that less lethal deployment was "unreasonable" because the man "was, at most, a risk only to himself." The man called 911 and said that he had a gun and wanted the police to kill him. He was outside, in a residential neighborhood. Officers arrived and deployed less lethal, but the man never complied. A group of officers used their vehicles for cover and approached the man—however, Phoenix Police officers could not conclusively determine that he was unarmed and did not have a weapon. A suicidal subject, who says he has a gun, outside in a residential neighborhood, is never "a risk only to himself" and it takes the presumption of 20/20 vision of hindsight (Graham v. Connor, 490 U.S. 386, 1989) to make such a conclusive interpretation after the fact. Phoenix Police officers could not have known that the



man was unarmed when they used a less-lethal force to take him into custody due to his resistance.

### **Misidentification of Deadly Force**

In their report, the US DOJ identified neck and compression restraints as deadly force—and judged Incidents U10-U13 in (false) light thereof. Deadly force is force that is likely to cause bodily injury or death—carotid holds are not deadly force. A carotid hold involves the circulatory system but leaves the airway unobstructed. This technique has proven to be safe, based upon research and practice spanning the past four decades. Incident U13 was the only case involving this technique, however, the US DOJ inaccurately claimed that Incidents U10-U12 were also examples of "...Neck and Compression Restraints that Put People at Risk of Serious Injury or Suffocation." However, Phoenix Police officers did not use a carotid hold or a chokehold in these incidents.

### **Inaccurate and Possibly Deceptive Reporting**

The majority of the inaccurate descriptions in the US DOJ report consist of omissions of facts and contextual details. Yet the report also includes descriptions that suggest deceptive manipulation of circumstances and evidence.

#### *Example: Incident U01*

For example, in describing Incident U01, the US DOJ reported that the subject had his "hands to his side" during the encounter. Video evidence, to the contrary, shows that the subject never had his hands to his side—his hands were inside both of his pockets during the fifteen minute encounter with Phoenix Police officers. This is not a matter of opinion; the video evidence shows empirical facts.

*Example: Incident U15*

The US DOJ reported that a Phoenix Police officer squeezed a man's neck with both hands. However, video evidence shows how the suspect stood up after multiple commands to sit down. While this could be dismissed as a matter of (mis)interpretation, it seems the US DOJ based their description and evaluation of this incident not on the video evidence, but a still photograph (screenshot). The moment in question occurred for less than two seconds during a rapidly evolving encounter with a violent suspect. Thus, the description within the US DOJ report appears to be more of a fabrication and a lot less of a factually objective analysis of the interaction and totality of the circumstances.

*Example: Incident U22*

In their evaluation of Incident U22, the US DOJ reported asserted that "an officer tackled a man without warning for allegedly shoplifting \$38 worth of food from a grocery store." However, this was just one of several incidents to which Phoenix Police officers responded involving this suspect. The 911 call advised 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 DOJ stated that he was not given a "warning," officers were heard at least five times on the evidentiary video recording advising him to stop walking away. Clearly, there were several warnings, so one can only speculate why these facts were omitted from the US DOJ report.

*Example: Incident U22*

Further, in their reporting of Incident U26, the DOJ asserted 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. He also raised his fists and was standing near a concrete pillar that obstructed the officers' view of the scene. One Phoenix Police officer told the man, "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 giving the suspect a

lawful order and warnings—and continued resistance from the naked man—officers deployed their Taser. Hence, the description offered by the US DOJ as “unwarranted” does not seem objectively accurate.

### **Action Taken By The Phoenix Police Department**

An important measurement to determine credibility 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 utilized four incidents where the Phoenix Police Department identified either policy violations or training issues and addressed them in a professional manner. While the Critical Incident Review Team of the Phoenix Police Department found the use of force reasonable in Incident U06, that ruling was reversed by Interim Chief Sullivan. Subsequently, the officer was terminated. In Incident U05, the force was found to be outside of policy and the officer was disciplined. Regarding Incident U31, the Phoenix Police Department conducted an administrative investigation and disciplined the officer. Obviously, the Phoenix Police Department is “policing its own” and taking action, which further defies the need for a consent decree.

Additionally, the credibility of a law enforcement organization can be assessed by their willingness to reform and conform to best practices and standards. The Phoenix Police Department has actively pursued such measures. For example, in 2022, Interim Chief Sullivan announced his goal of creating a “self-assessing and self-correcting” organization, skilled at identifying its own weaknesses and determining the appropriate remedies to address those weaknesses.

Further, the Phoenix Police Department Road To Reform Document serves as an example of a detailed and comprehensive vision and strategy (and ranks among some of the best we have reviewed throughout the nation). Also worth of mention: the Phoenix Police Department Use of Force Policy has been strengthened beyond Constitutional standards (and requires 20 hours of mandatory training for every officer in regard to the new policy). Toward setting a national model, the department tasked outside consultants to analyze prior use of force incidents. The department’s review process was also deemed “consistent with best practices.”

### *Some Remaining Concerns*

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

This preliminary executive summary and analysis has revealed a shockingly high number of misrepresentations within the US DOJ report. Yet, nonetheless, we did find some incidents in the report that defy any conclusive determination. For example, Incident U19, involved an officer who performed a leg sweep after a suspect reportedly kicked him. The officer was cleared of any wrongdoing in a subsequent citizen complaint. However, the researchers/authors were unable to observe the kick by the suspect because of limited video footage of that specific time and location. Further, it appears from available police department documents that the citizen's complaint was not fully investigated; it seems that investigators initially reviewed the incident video, but did not conduct a more thorough investigation. We recommend that a more complete and thorough investigation should be conducted regarding U19, particularly with regard to the department's use-of-force policy that was effective at the time of this incident.

### **Methodology**

This preliminary analysis is based on the report titled, *Investigation of the City of Phoenix and Phoenix Police Department*, published on June 13, 2024, by the United States Department of Justice, Civil Rights Division.

As part of a more comprehensive analysis of all of the incidents cited in the US DOJ report, this preliminary analysis of the use-of-force cases involved a review of the allegations made by the Civil Rights Division and the evidence available provided to the US DOJ by the Phoenix Police Department. This analysis is based upon much of the same evidence used by the Civil Rights Division of the US DOJ—and key allegations and findings from the US DOJ report have been excerpted and appended to this executive summary.

Alarmingly, even though the same evidence was used, the determinations and allegations made by the Civil Rights Division do not appear to follow empirical facts. Paradoxically, a pattern of misrepresentation, omission, or other oversight quickly emerged during the comprehensive analytical review of the US DOJ report.

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The patterns that emerged during the analysis of the US DOJ report—in other words, the ways in which the Civil Rights Division of the US DOJ *inaccurately* described the incidents—have been codified accordingly:

- a) Description of the Incident Lacked Context
- b) Misapplication of the 4th Amendment
- c) Misapplication of Unreasonable Force Standards and Case Law
- d) Use of 20/20 Hindsight (Analysis after the fact)
- e) Misrepresentation of Extant Case Law
- f) Lack of Tactical Considerations
- g) Misrepresentation of Deadly Force
- h) Misleading Description(s) of Incident
- i) Combinatorial (Two or more kinds of inaccuracies/misrepresentations)
- j) Remedies/Action Already Taken by The Phoenix Police Department
- k) Further Investigation of Report Allegations Are Necessary
- l) Limitations and Other Inapplicable Factors

The findings of this preliminary executive summary were limited in scope by time and by the information cited within the US DOJ report that has been made publicly available by the Phoenix Police Department. Some materials are missing within some incidents due to ongoing litigation or disciplinary processes. However, despite these limitations, the amount of information available is substantial, if not massive and encompasses a wide range of reports, videos and administrative documentation. While this preliminary executive summary concerns the 36 incidents involving use of force cited by the US DOJ, the overall analysis—and final, comprehensive report is in progress.

### **Lack of Transparency: US DOJ Failed to Identify Researchers Involved in The 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 that were published in the report. Subsequently, the credibility of the US DOJ report should seem questionable. Further, given that the allegations involve law enforcement operations, practices, tactics, and techniques, it is impossible to determine whether those involved in the analysis or production of the US DOJ report had any tacit knowledge or first-hand experience in law enforcement. Such knowledge and experience is necessary to formulate even a pedestrian opinion of law enforcement practices, and absolutely necessary for any analysis of use-of-force incidents, which typically occur in chaotic, dangerous, and rapidly evolving situations.

With regard to use of force pursuant to the Fourth Amendment, the Supreme Court has recognized that the test for reasonableness "is not capable of precise definition or mechanical application" and various factors must be explored to determine the appropriateness of a particular use of force. Without any identification of the US DOJ researchers and analysts, it is difficult, if not impossible to troubleshoot or determine the validity and credibility of many of the key findings of the US DOJ report published by the Civil Rights Division.

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**Addendum**

*Cursory Evaluations of Incidents  
As Reported by the Civil Rights Division of US DOJ*

## **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



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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 utilized. 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 utilized 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 struck the suspect. The suspect was 18 feet away when deadly force was utilized.



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 utilized 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

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the suspect with no results. As the suspect ran towards a vehicle stopped in the roadway, deadly force was utilized.



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).

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

**Remedies/measures (already) taken by the Phoenix Police Department**

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*

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

*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."

### **Remedies/measures (already) taken by the Phoenix Police Department**

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 utilized.

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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.



*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

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 utilized to break the

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

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 utilized 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*

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

*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 US DOJ Report, "Investigation of the City of Phoenix and 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

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“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



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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.

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

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.

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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.

*The US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*



## **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.



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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.”

### **Remedies/measures (already) taken by the Phoenix Police Department**

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 utilized 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

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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.



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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,

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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.

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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

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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

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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 utilized 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

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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,

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Taser, Taser, Taser..." The man did not comply, and an officer utilized 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 US DOJ Report, "Investigation of the City of Phoenix and Phoenix Police Department"*

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."*

## **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

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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.

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## **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.

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## **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"

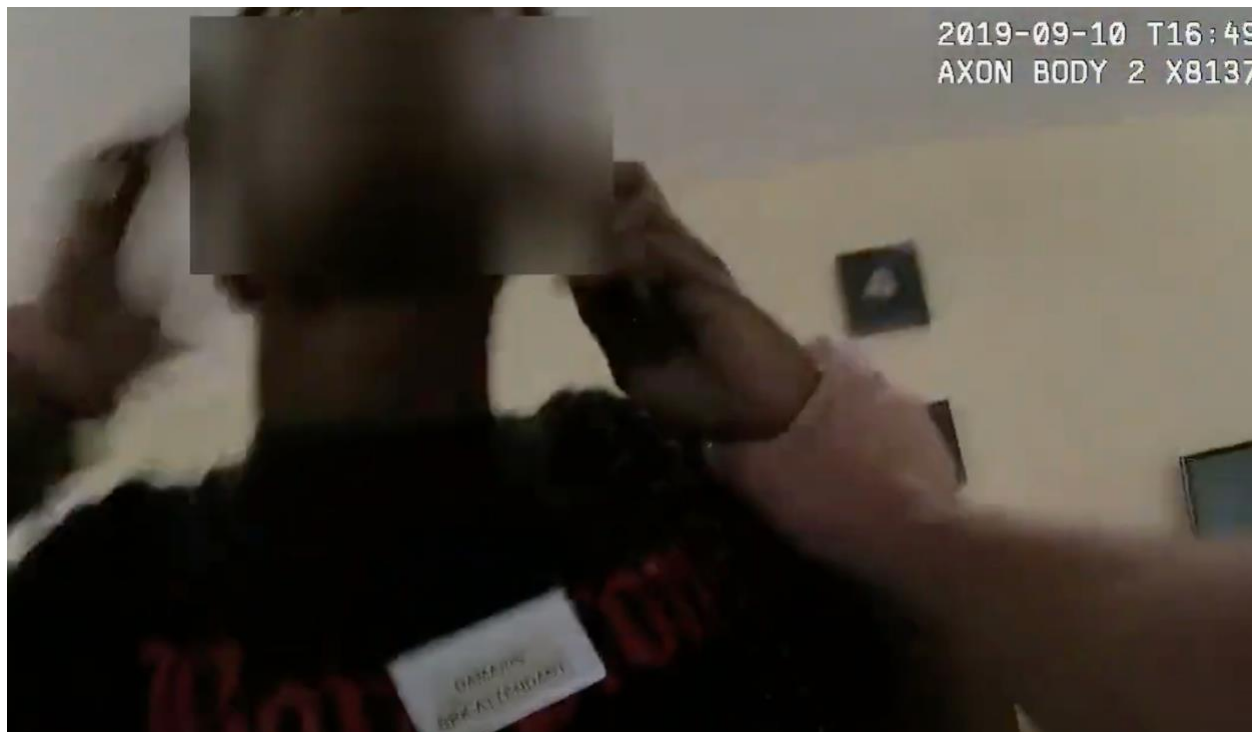
### **Alleged evidence and scope of substantiation reported by US DOJ**

*"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.

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## **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.



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