

# CITIZENS FOR PHOENIX.ORG

March 26, 2010

To: Councilpersons Williams, Neely, Gates, Simplot, Mattox, DiCiccio, Nowakowski,  
and Johnson.

Cc: Mayor Gordon, City Manager David Cavazos

This letter and packet of support materials contains follow up information regarding the topics we spoke with you about last week, as well some new items of concern to all of us. They are as follows:

1. Status of the External Best Practices Audit for Public Safety
2. Questions Regarding the Mayor's Proposed Blue Ribbon Committee
3. Status of closing of
  - a.) Career Criminal Squad in the Major Offender Bureau
  - b.) Crime Suppression Unit in the Drug Enforcement Bureau
  - c.) Mounted Patrol
4. Suggestion for Reconciliation of the Community with the South Mountain Precinct.

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## Item 1

Status of the External Best Practices Audit for Public Safety – We are grateful to each of the members of the Public Safety Sub-Committee for their pro-active response to both the City Staff report and the concerns of the public regarding these audits. We are happy to report that much good was accomplished at the March 23<sup>rd</sup> meeting:

As it stands now, the need to include courts (which presumes courts, prosecutors, and public defenders as a whole) as part of, and in conjunction with, the audit of police was established and provided for.

The approval for an RFQ for Fire was authorized and will be activated upon completion of the Police and Courts audit.

Subsequent city departments will follow until the entire city has been evaluated. Each audit will have its own selection and oversight committees.

The Sub-Committee on Public Safety recognized the need for both citizen input from their districts, as well as a dedicated representation from Citizens for Phoenix; and that employee union representation as well as management representation from each area being audited should be on that audit's oversight committee as well for a truly collaborative effort.

The Finance Department will work with the City Manager's office and Citizens for Phoenix to study the required RFQ audit weighting of factors for selection of the firm to audit Public Safety.

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## **Item 2**

Questions Regarding the Mayor's Blue Ribbon Committee - members of Citizens for Phoenix have been meeting with City Manager, David Cavazos, and other top management on the matter of independent external efficiency audits. These meetings are consistent with the understanding we have with the Council, Mayor, and City Manager that our members will be participating on the selection committees that will be recommending contractors to perform the efficiency audits as well as the appropriate oversight committees to review the results that the Council will then implement as they see fit.

We have discussed with his staff that fact that Mayor Gordon has selected 12-members to sit on a blue ribbon committee to help advance solutions to the current fiscal problems of the City. Staff acknowledged that such a list exists and would try to obtain a copy for us.

The make up of this committee and how Citizens for Phoenix might interface with it in a productive way via our membership on the selection and oversight committees has not been made clear to us. Nor how a committee appointed solely by the Mayor, without Council appointees or approval, is representative of what the public was calling for during the budget hearings.

**Concerns** - Our members played a positive role in gaining citizen support for the 2% Food Tax, and in ensuring those attending and testifying at the 15 public budget hearings did so with civility and constructive comments and suggestions, and we appreciate the Council's acknowledgement of that at both the March 2<sup>nd</sup> Council meeting and the Public Safety Sub-Committee hearing on March 23<sup>rd</sup>. However, we all need clarification regarding the "blue ribbon" committee proposed by the mayor and the make-up of any Citizen's Oversight Committees and how we will all interface with the full Council.

**Solution** - We respectfully ask you to please see that such a clarification is forthcoming and can be a discussion item with possible action at City Council meeting on April 7th.

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## **Item 3a**

Status of Closing of the Career Criminal Squad in the Major Offender Bureau – In light of the fact that together, Council and citizens, achieved zero police lay-offs and are beginning the process of an audit of public safety, the citizens asked the Public Safety Sub-Committee on March 23<sup>rd</sup> that this squad not be closed until the full council has the opportunity to hear from the community. Again, we thank the members of the Public Safety Sub-Committee for taking the concerns of the community to heart on this matter by promising to schedule a discussion and possible action regarding the closing of this squad for your April 7<sup>th</sup> Council meeting.

We ask that you read the enclosed support materials of relevant statistics and background information on this squad but would like to draw your attention to the following information now:

**Pertinent Facts:**

The Major Offender Bureau (MOB) consists of several different units including: Fugitive Apprehension, Street Crimes (burglary and property crimes), Repeat Offender Program Surveillance (commonly called rope), Interdiction, Hotel/Motel, and the Career Criminal Squad.

The Career Criminal Squad (CCS) consists of only four detectives and one temporary personnel. It is the only squad in the Major Offender Bureau that is being closed completely in spite of the fact that a pre-requisite for being investigated by this squad is that you be an established, violent, career criminal who is, more often than not, part of an organized group of career criminals. (See enclosed support materials for a narrative of how this squad works, why their work cannot be duplicated by another squad or handled in the precinct, as well as some informal statistics of their work.)

They are the only squad that targets hate crimes of a violent nature against individuals of all protected classes.

**Concerns** – An official Phoenix Police spokesman was quoted on Ch 5 news at 10pm on March 24<sup>th</sup> saying the Police Administration considers closing this squad and moving them back to patrol a budget issue. He went on to say that “the bosses” say we need more officers on patrol. Yet at the March 2 Council meeting Chief Harris clearly assured the Council that we have never been so full on patrol.

The PD spokesman also said that the closing of this squad will not impact the community because the crimes investigated by these detectives will be taken over by other existing squads presumably also for budget reasons that will “force” these CCS officers back to patrol.

Upon reading the support materials provided today, these are just some of the questions that we believe should be asked, and we think the citizens and the council should have the answers before anyone considers closing this squad:

1. Exactly which squad(s) will be taking over these investigations when the majority of the CCS cases actually originated from these other investigative squads?
2. Currently, the city of Phoenix is responsible for paying the salaries of these four officers and will continue to do so even if they are moved to patrol or elsewhere. However, the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) *not only pays for their overtime*, (hours that are necessary to have successful investigations), the ATF has also offered them free of charge permanent office space, vehicles, and ongoing training because they consider this squad such a valuable partner in the fight against violent career criminals.

3. Who will pay the overtime necessary for these other squads, who are not affiliated with ATF, to complete these investigations successfully? How can we afford to work these around the clock investigations without overtime?

4. How will the other squad(s) have the time to do the intricate, time consuming nature of these investigations that also require existing relationships with outside agencies when all other investigative squads are running with staff shortages averaging 40%?

5. At this volatile time in our city's management of race relations, why would the police department close down the only squad that targets violent criminals who commit crimes against citizens of all protected classes at the very same time the Mayor is calling for a Task Force to discuss Race Relations within the community?

**Solution** - We request that the Council study this issue, schedule discussion and possible action at your next council meeting April 7<sup>th</sup> regarding direction for Phoenix PD on whether or not to close this squad.

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### **Item 3b**

Status of the Crime Suppression Unit in the Drug Enforcement Bureau – Again, in light of the fact that together we achieved zero police lay-offs and that we are beginning the process of an audit of public safety, the citizens asked the Public Safety Sub-Committee that this squad not be closed until the full council has the opportunity to hear from the community. Again, we thank the members of the Public Safety Sub-Committee for taking the concerns of the community to heart and scheduling a discussion and possible action regarding the closing of this squad for your April 7<sup>th</sup> Council meeting.

**Pertinent Facts:** The Drug Enforcement Bureau consists of several different units including: Vice, Liquor, Street Enforcement, NIBINS, Technical/Electronic Surveillance, H.I.K.E. (Home Invasion, Kidnapping, and Extortion), and the Violent Criminal Syndicate Crime Suppression Unit. It is one of the few revenue generating units within the Department.

The Violent Criminal Syndicate Crime Suppression Unit – (CSU) is an intelligence driven investigative squad that targets violent criminal organizations, not “just” individual crimes. Their success rate has been phenomenal in the areas of crime suppression as well as in recovery of drugs, money, weapons, stolen vehicles, and human smuggling. We have previously given you documents that detail their activities in these areas.

### **Information gathered thru interviews of the detectives who *are* the “Boots on the Ground”**

We have now been told of another case which would not have been solvable by traditional methods because of the intricacies of this type of work, the operation against a Criminal Syndicate who were involved in the *organized business* of aggravated assaults, armed robberies, and kidnappings in the form of a network of home invasions. The following is from these combined interviews:

Home invasion robbery is big business and is happening more and more frequently in the valley even as we hear nothing about it on the news. Most police agencies and the FBI will statistically record the crime as a residential burglary or robbery.

Home invasion robbers work more often at night and on weekends when homes are more likely to be occupied. The home invader will sometimes target the resident as well as the dwelling. The selection process may include a woman living alone, human smugglers or in most cases a known drug dealer. It is not unheard of for a robber to follow you home based on the value of the car you are driving or the jewelry you are wearing. Some home invaders might have been in your home before as a delivery person, installer or repair vendor. Home invasion robbers rarely work alone and rely on an overwhelming physical confrontation to gain initial control and instill fear in you. The greatest violence usually occurs during the initial sixty seconds of the confrontation and the home invaders often come prepared with handcuffs, zip ties, rope, duct tape, firearms, and clothing to hide their faces, and or tattoo's.

It has been the experience of CSU, and of other law enforcement officers, that a secret, incredibly organized effort coordinated by many criminals is needed to carry out a home invasion robbery, and more often than not, victims as well as many witnesses are reluctant to report or testify when suspects are arrested. Also many robbers wear clothing or masks which makes it near impossible for their victims to identify them. These home invaders are also difficult to identify because many of their victims are criminals too who would not report the loss of their profits from their illegal activity to the police and therefore would never identify the invaders either. These are just a few of the reasons why traditional investigative units would not be as effective as CSU in solving these crimes.

The purpose of a CSU investigation is not only to identify members of the organization involved in these violent home invasions, but also to identify the leader(s) responsible for identifying, directing and profiting from home invasions in the City of Phoenix. It is clear to see why the use of traditional investigative techniques alone would not fully achieve the goals of an investigation of this type, and that knowledge of *how* to work such an investigation would be imperative. In addition, wiretaps are almost always necessary because normal investigative techniques have already been tried and failed to fully achieve the objectives of this type of investigation or appear reasonably unlikely to succeed, if tried; or are too dangerous to be tried, otherwise a wiretap would be unnecessary.

**Concerns** – An official police spokesman was quoted on Ch 5 news at 10pm on March 24<sup>th</sup> that the Police Administration considers closing this squad and moving them back to patrol a budget issue. He went on to say that “the bosses” say we need more officers on patrol. Yet, again, at the March 2 Council meeting Chief Harris clearly assured the Council that we have never been so full on patrol.

The official PD spokesman also said that the closing of this squad will not impact the community because the crimes investigated by these detectives will be taken over by other squads presumably also for budget reasons that will “force” these officers back to patrol.

After reading the interview with detectives who solve these crimes, these are just some of the questions that we believe should be asked and we think the citizens and the council should have the answers before anyone considers closing this squad:

1. Exactly which squad(s) will be taking over the investigations of the following cases currently being worked by the CSU: Three home invasion groups, one that is reaching out to a police informant asking him to purchase police clothing for them to use during these home invasions; two other groups who are very sophisticated in their techniques, one of whom is doing weekly kidnappings; subjects believed to be selling AK 47's, and hand grenades; and (2) murder for hire cases where they want to kill two victims in one case, and one in another?
2. How will the takeover squad(s) have the time to do the intricate, time consuming, non-traditional methods needed to do these investigations that also requires existing relationships with outside agencies, when all other investigative squads are running with staff shortages averaging 40%?
3. Who will train the takeover squad(s) to write the kinds of extensive detailed affidavits necessary to acquire court ordered wiretaps and then oversee this part of the investigation as per the courts?
4. The current CSU squad members have all received top secret clearance (literally) from the FBI to have access to the Counter Terrorism Information Center where the tools for these types of investigations are housed. This clearance cost the city over \$30,000 per officer. How will that clearance, and knowledge of the technical equipment used on these types of investigations, be duplicated cost effectively with other officers in other existing squads if it is possible at all?

**Solution** - We request that the Council study this issue, schedule discussion and possible action at your next council meeting April 7<sup>th</sup> regarding direction for Phoenix PD on the closing of this squad.

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### **Item 3c**

Status of Closing of the Mounted Patrol – It is our understanding that the Mounted Patrol (MP) is going to be closed. We would offer the following points for your consideration:

Currently the MP is considered by many to be nothing more than a public relations tool because that has been how they have been consistently deployed. However, it is important to realize that they are a fully capable first responding patrol unit and can also be deployed to answer calls for active service and function in a more typical patrol fashion, while keeping the MP intact and available for any large crowd issues or demonstrations that will inevitably occur.

**Pertinent Facts:**

The Mounted Patrol can respond rapidly and provide officer support to any critical incident that can occur during small or large events, demonstrations, or marches. They provide high visibility crime prevention and are ambassadors to the community. They also provide a force multiplier effect in terms of crowd coverage and control have a control ratio equivalent of 10 officers for every one Mounted officer. What other single officer can be deployed to monitor 500-1000 people or more and have each person know that they are being watched and protected?

One police vehicle costs more than one year's entire MP budget of \$32,000 which is far below other cities' MP averages. Unlike many other cities, Phoenix's MP (other than salaries that will need to be paid wherever the officers are deployed) are essentially cost free due to the generosity of the greater community including two acres of housing at Turf Paradise that may not be available if the patrol is closed now and re-instated later as Turf Paradise will have to lease out that area if it is not used by the MP. Phoenix will be the only major city in the country without a Mounted Patrol. (Please see support materials enclosed.)

**Solution** – Consider a serious cost analysis with these and other factors provided in your support materials before accepting the closure of this unit.

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**Item 4**

Concerns and Suggestions for Reconciliation of the Community with the South Mountain Precinct – Due to a series of unfortunate events during a fire in south Phoenix last Friday, the entire city is embroiled in a very real, very serious, and collective emotional crisis. This crisis is bringing out latent fears, feelings of mistrust, and general uneasiness about authority in the government and the police by her citizens. The officers of the involved precinct are shocked to find out that their duty and loyalty to the community they serve is not only being questioned, but that such resentments exist on such a broad scale.

While it would be inappropriate to discuss the particulars of the two sides of the original incident until the appropriate investigations are completed; it is entirely appropriate for city leadership to respond to the frontline officers as well as the community's reaction to the incident without casting judgment on either.

What we are hearing is that the community wants to be really listened to, and they want to have proof that their concerns of a police department that cares about them, no matter who they are, are acted upon.

The officers of the precinct need validation that they are working hard, and are in fact, devoted to the entire community they serve in the South Mountain Precinct. In their minds, they prove it every day just by showing up to work and being willing to put their lives on the line for the community they serve.

**Solution** - So how to meet the needs of both groups? It is our recommendation that immediate action be taken to demonstrate that the city's leaders honor the concerns of the community and dispel any doubts about perceived service differential due to racial inequalities by transferring Commander Tim Hampton of Maryvale precinct to the South Mountain Precinct. Commander Hampton is a seasoned commander of a precinct who has a three year track record of positive race relations in one of the most racially diverse and criminally challenged precincts in the city.

This should in no way be perceived as a lack of confidence in the current Commander of South Mountain precinct, but rather as a personnel decision that not only honors the desire of the community for a visible statement of support from leadership; but would also respect the needs of the officers as well. It would give both groups the opportunity for a fresh start with new dynamics and would begin the healing process for the entire city.

Citizens for Phoenix respectfully submit this and our other solutions outlined above for your consideration.

We are very grateful for what we have all accomplished together, and look forward to working collaboratively with each of you on all of the issues we have raised.

On behalf of Citizens for Phoenix,

Paul Barnes and Ann Malone