

June 13, 2018

Public Safety Subcommittee

Comments re: National Police Foundation shooting study

Concerns with agenda item No. 5 as written

Why is there an **immediate and critical operational need** for a shooting study?

- Immediate and critical operational need are trigger words that create the illusion of catastrophic failure just around the corner if we don't immediately spend \$150K on a shooting study. This is false and misleading. The Phoenix Police department will continue to function regardless of whether or not a shooting study is done.

The second paragraph of the agenda item states in part: "An in-depth analysis of OIS incidents in Phoenix will provide the department with a deeper understanding of these events to gain a full picture of each incident to determine not only what occurred, but how, and why, from the point of initiation to conclusion."

- This statement is astounding. The contents of this paragraph are a slap in the face to all our hard-working Phoenix PD homicide and internal affairs investigators who conduct in-depth internal and criminal investigations on all OIS's to determine what occurred as well as the how and why. So why then, is there a need for all our shooting investigations to be reviewed by an out of state third party entity. Our Homicide investigators are experts on OIS investigations and often teach other investigators from other agencies how to conduct these types of investigations. In addition to internal and criminal investigations, the PPD has a tactical review team that rolls out to shooting scenes to evaluate tactics that were used to determine if there are policy or training failures that need to be addressed. Finally, the County Attorney's office closely reviews the criminal investigations to determine if criminal charges are warranted. By my count, this is four layers of investigative review that specifically delves into the what, how and why of the criteria laid out in the second paragraph.

The procurement paragraph reads in part:

"The National Police Foundation has been developing an extensive, multi-agency, OIS dataset as part of a groundbreaking collaborative with the Major Cities Chiefs Association. The dataset currently contains detailed information on more than 1,200 OIS encounters as reported by more than 50 of the largest law enforcement agencies across the United States and Canada. This will allow regional and national comparisons between OIS incidents in Phoenix to those in other agencies."

- A few of us examined the Police foundation website and could find no evidence of them touting an OIS database of any type.

- We did see them touting what would be one-off studies, for example; the pulse night club shooting in Orlando FL and individual shootings in a few other jurisdictions.
- How is data from shootings that occurred in Orlando FL, Milwaukee WI, or Charleston SC going to translate into useable data that is relatable to Phoenix OIS's?

Emergency Clause:

The high number of officer-involved shootings are a **threat to public safety and expose the City to serious liability.**

- This is an outrageous statement on its face. The average person reading this is given the impression that Phoenix Police officers are out of control, shooting people left and right without provocation or justification and therefore exposing the city to serious liability.
- This emergency clause also does not square with conversations had between Chief Williams and PLEA during a May 25th meeting when she told us the purpose of this study was not to look at our officers. She didn't have a problem with what our officers were doing. She further stated and that all our officers that had used force thus far were facing violent threats involving suspects with guns or knives.
- An emergency clause statement worded in this manner:
 - Automatically biases your study and could easily be interpreted as an expectation of what you expect to find when the study concludes. The document is also a public record.
 - It can be interpreted by the rank and file as PD management and city management lacking confidence in their ability to do police work.
 - It can be viewed as an open invitation for a consent decree from the DOJ.
- There is an overarching reason for using inflammatory phrases such as “critical operational need,” “threat to public safety,” and “exposing the city to serious liability.”

By creating an illusion of emergency circumstances, the normal RFP process can be bypassed allowing for the selection of a whomever the PD wants to pick.

- And, if there really is a threat to public safety and the city is being exposed to serious liability isn't this an issue for city risk management? Shouldn't the City rather than the police department pay for the study? Why is the PD even getting involved in the mix?

If, as the chief told us, she doesn't believe our officers are doing anything wrong, then why the need for a study and what are we studying?

Are we studying the psychology and sociology behind suspect behavior? If so, then what do we hope to gain other than what we already know? Trying to nail down psycho social norms in a given geographic area can be about as effective as trying to put fog in a bottle. Societal and

psychological issues can shift like sands in the desert, what we know today can be drastically different six months from now.

There is no exigency to do a study. What we are seeing is people looking for political cover. When questioned, they can say we're doing a study or we formed a committee. It's a convenient but very expensive way to deflect potential heat.

Our officers don't go out on the street daily looking for the fight. The exigency is that we are dealing with a society where certain segments refuse to submit to lawful authority and are increasingly willing to engage the police in violent acts often for no apparent reason. We don't need a \$150K study to tell us what any street cop can tell you in about five minutes. We get in shootings because: people are depressed, people are suicidal, people are on psych meds, people are off their psych meds, people have anger issues, people hate the police, people are drunk, people are on street drugs, people don't respect authority or their fellow man, people who have been increasingly conditioned to believe they aren't required to follow orders when detained by the police, and some who are just inherently evil and the list goes on.

In Depth Issues with this Study

- Per the language in the agenda item, the police department wants to use its funds to pay for a third-party study to provide what-how-and why all 26 officer involved shootings that have occurred and to make recommendations to improve the chances of reducing the frequency of incidents.
- To provide recommendations like that, the entire environment would need to be studied to include examining external variables that play a part or impact each event, as well. These would include things such as; annual population sizes (city-wide and in the OIS areas) and demographic make-up, societal shifts in law enforcement perceptions, shifts in annual socio-economics of the population, and others-bringing all factors together for a more comprehensive study and diminishing the assumption or bias that only internal PPD variables influence officer involved shootings.

Without that, the full analysis the study is one-sided however, it changes the request and necessitates the need for a more extensive study – which will increase the funding amount. Could there be a change in societal factors outside the department that play a role, need examination, and offer a full-picture and inclusion into insight and recommendation? Yes, there could.

- With each OIS exists a voluminous list of variables that include: type of crimes committed and/or occurring, number of officers involved, back up support or lack of, lighting, time of day/night, type of imminent threat, threat level to community, weapons utilized or available, size or physical limitations of the officer(s) involved vs suspect/s, weather, etc. To compile this data for each case is a massive undertaking which could lead to the research firm requesting an extension of time and funds. Is the city prepared to

pay those, as the project flexibility clause may be built into their contract?

- What research firm has ever compiled the voluminous amounts of data of multiple incidents, let alone 26 cases together, in any city, for the purposes of drawing conclusions or recommendations when no two cases are alike and likely impossible to compare on an apples to apples basis? A cursory look shows the Police Foundation has studied OIS on a case by case review and not in aggregate. What is the methodology to tackle such an enormous undertaking in such a small amount of time? Has there/will there be a predetermined set of criteria the study will focus on and if so, who's decision was that and are the criteria selected a representative portion or complete list, or specific to an agenda?
- Since we have three different investigations on each shooting by the PD where a great deal of data is gathered, followed by review by the MCAO, it would appear we are spending a lot of money duplicating efforts.

What should be done instead

- Maybe the funds would be better spent on implementing logistics and methods that enable the Chief to conduct outreach to Phoenix communities and the population as a whole to impart the message of cooperation, and compliance. She could network with community leaders to leverage their current roles to become more cohesive ambassadors for the city where in their narratives, interactions, and reach, could educate citizens, by working to eradicate divisiveness, and fostering respect for authority.
- PLEA suggests simple PSA's to message the community on how we want to make sure everyone goes home safely after a police contact as well as simple do's and don'ts when interacting with police.