



City of Phoenix

General Information Packet

Thursday, October 1, 2020

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Review and Implementation Ad Hoc Committee Recommendations

This report provides the City Council with the final recommendations from the Review and Implementation Ad Hoc Committee, which was created by Mayor Kate Gallego on July 19, 2019.

Summary

Please see the attached memo from Assistant City Manager Milton Dohoney, Jr. (**Attachment A**) and the Ad Hoc's recommendations (**Attachment B**).

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the City Manager's Office.

Attachment A



City of Phoenix

To: Mayor Kate Gallego

Date: September 28, 2020

From: Milton Dohoney, Jr.
Assistant City Manager

Subject: REVIEW AND IMPLEMENTATION AD HOC FINAL REPORT

On behalf of the members of the Review and Implementation Ad Hoc Committee that were appointed by you on August 14, 2019, I am transmitting the final set of recommendations from the group.

Before addressing the attached work products, it is appropriate to commend the group for their commitment and perseverance. The Committee was formed pre COVID-19, and initially were conducting in-person meetings. This allowed them to do work in small group settings which facilitated them getting to know each other a little better. The onset of COVID caused both a temporary suspension of meetings, but when a resumption was able to occur, it was by necessity remote only. This posed some technical challenges the group worked through in addition to the group striving to maintain a sense of momentum with the members' fluctuating ability to participate.

Monthly reports updating you and members of Council on the activities of the Ad Hoc Committee were provided through my office by the facilitator, Patrick Ibarra of the Mejorando Group. As per your directive, the Committee received presentations by Assistant Chief Mike Kurtenbach on the five reports completed on Police operations over the last several years. Each meeting was devoted to review one report along with a question-and-answer session. Those questions which required additional information were provided in a response format at the subsequent meeting. At the conclusion of each report's presentation, the Committee assembled in smaller groups for the purposes of discussing their respective takeaways from the report itself and which items they believed should be included as possible recommendations.

After reports and subsequent small group discussions were completed, the entire group began crafting a series of recommendations. Categories began to emerge (i.e. training, policy, etc.) from those discussions along with particular recommendations for each category.

The extension that you granted was timely and necessary as it allowed the group to solicit input from the public. The draft recommendations were placed online in anticipation of an August 20 community forum. People could provide online feedback,

which 1,100 people chose to do. The forum meeting was conducted virtually and included hearing from nearly 80 people who wanted to offer comments on the recommendations. Beyond that, people could still go online and provide comments through August 25. When all was said and done, over 1,200 people had commented.

The committee held its final meeting on September 1. The purpose of that meeting was to reconcile the impact of the public comments against the recommendations the group had developed.

During the final meeting, through collective wordsmithing, the Committee was able to reach consensus on all but two items. There was very strong support for a substantial investment in mental health issues, crisis response, and related activities. The group felt that these investments need to grow over time and that they be solutions that do not involve the police.

There were two items during the final meeting which ended up going to a vote. In the Staffing and Efficiencies section, the strong majority of the group feels that there does need to be an updated type of Berkshire Report that looks at where police resources are truly needed to serve the community within the spirit of all the recommendations that are being offered. Since Berkshire was done 10 years ago, the Committee seemed to accept that its findings need to be more current in order to be followed. This recommendation passed 12-2.

Item 2 of that same section spurred extensive discussion focusing on whether to suggest increasing the number of Community Action Officers (CAOs). There was sentiment for adding them because they are popular with many neighborhoods and there was sentiment for not doing so because it represents expanding the police force when many want investments made in non-police areas.

Initially the measure passed 9-6 supporting the addition of more CAOs. It was clear however, that the item was percolating among the group even as we attempted to move on to other sections of the report. Subsequently, there was a request to revisit the item, which we did, resulting in a vote of 8-7 to not support it being part of the final recommendations. Therefore, it has been removed from the final version. It is addressed in this transmittal document to capture for historical context that it was the subject of considerable debate before being subsequently dropped.

It is accurate to say that Committee members were independent in their thinking throughout the process. They were however unified in a desire to see things get better for the residents and the police who are supposed to serve them.

The attached is the final recommendations from the Ad Hoc Committee. This being the singular work product they were called upon to produce – this group has now sunsetted.

Attached: Review and Implementation Ad Hoc Final Recommendations

Attachment B

City of Phoenix Review and Implementation Ad Hoc Committee Recommendations September 1, 2020

Community Engagement

1. Implement [National Police Foundation](#) (NPF) recommendation 9 dealing with mental health issues, crisis response, and treatment needs in the community. This includes supporting the existing Crisis Intervention (CIT) model with community, healthcare and advocacy partnerships as well as making a \$2.1 million investment by the City separate from the public safety budget with behavioral health partners to connect members of the community to proper crisis services that do not involve the police. This recommendation should be implemented by Mayor and Council in the next budgeting process for the next fiscal year.
2. Implement Participatory Budgeting as a process to empower people to decide together how to spend public money, including the public safety portion of the City's budget. This incorporates aspects of the NPF recommendation 5 for meaningful community engagement, as well as recommendations 6 and 12 of [Community Police Trust Initiative](#) (CPTI) to listen to community and implement formal feedback tools using best practices. Taking steps to ensure the community is more involved in the city budgeting process – particularly for public safety – is the goal of this recommendation. This recommendation should be implemented by the Mayor and City Council in the budgeting process for the next fiscal year.

Policy and Oversight

1. Implement aspects of the “Policy & Oversight” pillar recommendations from the [CPTI](#) and Phoenix Police Department (PD) Officer-Involved Shooting (OIS) Review by updating the Phoenix Police Department's Use of Force Operations Order 1.5 to better reflect the deficiencies in the Use of Force Project analysis banning chokeholds and strangleholds, requiring de-escalation, requiring exhausting all alternatives before shooting, as well as:
 - a. Updating the “Sanctity of Life” clause to reflect a commitment to the preservation of life and use of less-than-lethal force in every instance possible with the wording, “The primary duty of all police officers is to preserve human life. Only the minimal amount of force necessary to protect the life or to effect an arrest should be used by an officer. Excessive force and/or gratuitous use of any force will not be tolerated. Officers should exercise all safe and reasonable means of control and containment, using only the amount of force necessary to overcome resistance.” (language used by the Philadelphia Police Department use of force directive)

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- b. Adding a policy as noted in recommendation 3 in the Phoenix PD OIS Review addressing foot pursuits to establish parameters surrounding decision-making and officer safety such as: factors to consider when deciding to engage in a foot pursuit, officers' safety concerns, transitioning from pursuit to apprehension, and the roles and responsibilities of the officers initiating the pursuit, assisting officers, supervisor, and dispatcher.
 - c. The recommendation should be implemented by the Office of Accountability and Transparency by June 2021 and provide Mayor and City Council recommendations on an annual basis with updates to the Use of Force Policy.
2. Implement [NPF](#) recommendation 4 to further increase transparency of Phoenix PD, and recommendation E1 through E5 from the [Community Engagement and Outreach Task Force](#) to improve processes for accountability and end the practice of purging an officer's disciplinary records, including in contracts negotiated with the police unions. This recommendation will be included in the next contract negotiation process.

Reporting

1. Implement [CPTI](#) recommendations 3 and 7 as well as NPF recommendation 4.1 to increase transparency through the sharing of data and information with the community. This recommendation should be implemented next fiscal year to account for any technological improvements that may be necessary. The following should be housed by the Office of Accountability and Transparency, posted to the Phoenix PD website, updated on an ongoing basis, and reported annually:
- a) Officers need to report the outcome of every traffic stop, including the following: reason for stop, date of interaction, location, race, ethnicity, gender, age, outcome of interaction (including charges filed), housing status of person, indicate if ICE was called, time interaction began and ended.
 - b) Officers need to report the outcome of every arrest, including the following: reason for interaction, date of interaction, location, race, ethnicity, gender, age, outcome of interaction (including charges filed), housing status of person, indicate if ICE was called, time interaction began and ended.

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- c) Officers need to report the following information on all use of force incidents, from “pointed gun at person” through “use of lethal force” per the Phoenix Police Department Use of Force Policy: reason for interaction, date of interaction, location, race, ethnicity, gender, age, outcome of interaction (including charges filed), housing status of person, indicate if ICE was called, time interaction began and ended, armed or unarmed, if armed- what was the weapon.
- d) Officers need to report the following information on all instances of in-custody death: reason for interaction, date of interaction, location, race, ethnicity, gender, age, outcome of interaction (including charges filed), housing status of person, indicate if ICE was called, time interaction began and ended.

Training

1. Implement [Community Engagement and Outreach Task Force](#) recommendation D, CPTI recommendation 8, and [NPF](#) recommendation 3 to improve officer training including increased training in:
 - a. Implicit bias, procedural justice, relationship-based policing, community interaction, crisis intervention, mediation, and conflict resolution.
 - b. Appropriate engagement with youth, LGBTQ and gender non-conforming individuals, English language learners, individuals from different religious affiliations and that are differently labeled.
 - c. De-escalation tactics, minimizing the use of force, lowering the temperature of an interaction to reduce the need for physical and/or firearm use, and managing stressful situations.
 - d. Scenario-based formats that are better aligned and balanced with more common scenarios observed in OIS data.
2. Commission the Office of Accountability and Transparency to conduct regular external evaluations of training efficacy.
3. The City should implement these recommendations by next fiscal year.

Staffing and Efficiencies

1. Implement the aspect of [NPF](#) recommendation 7 for a staffing study, similar to the Berkshire Advisor Report, for an independent efficiency study and

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audit/analysis of Phoenix PD staffing that better aligns with community needs and a greater emphasis of non-police interventions, including review of police units like the Special Assignment Unit (SAU – report page 26) and Party Crew (report page 28). The entity conducting this study must be chosen through a community engagement process.

Citywide

1. Implement the aspect of [CPTI](#) recommendation 2 to seek “least harm” for minor infractions and recommendation 4 for building community trust through Mayor and Council actions in:
 - a. A review of all policies regarding Phoenix PD updating those policies that prioritize least harm options of enforcement in all situations, including but not limited to:
 - i. Prioritizing “cite and release” options over “arrest and send to the Maricopa County Sheriff’s Office,”
 - ii. interactions with federal immigration authorities,
 - iii. adding a requirement to report the time in which a stop begins and ends where there is an attempt to contact Immigration & Customs Enforcement (ICE).
 - b. Publishing on the Phoenix PD website such policies regarding interactions with federal immigration authorities as well as contracts the City enters where officers may interact with federal immigration authorities.
 - c. A review of City ordinances that result in minor infractions, imply criminal penalty, and are enforced with penalties (i.e. accessing light rail platforms, manifestation laws).
2. Ensure implementation of these and prior recommendations through a tab on the Phoenix PD website that links to a dashboard of recommendations that will be developed by this committee and from the future Civilian Review Board. List recommendations and where they stand regarding Council review, Phoenix PD review, and implementation.
3. Commission these recommendations to be implemented by the Office of Accountability and Transparency with regular reports provided to the Mayor, Council and Public Safety and Justice Subcommittee.



Report

Date: 10/1/2020, Item No. 2

For Transmittal, Minutes of the Policy Session Meeting on Sept. 22, 2020

Summary

This item transmits the Minutes of the Policy Session on Sept. 22, 2020.

The Minutes are attached for review as **Attachment A**.

Responsible Department

This item is submitted by the City Manager's Office.

ATTACHMENT A



City of Phoenix

Minutes

Meeting Location:
City Council Chambers
200 W. Jefferson St.
Phoenix, Arizona 85003

City Council Policy Session

Tuesday, September 22, 2020

2:30 PM

phoenix.gov

CALL TO ORDER

The Phoenix City Council convened in Policy Session on Tuesday, Sept. 22, 2020 at 2:35 p.m. in the Council Chambers.

Present: 9 - Councilman Sal DiCiccio, Councilmember Carlos Garcia, Councilman Michael Nowakowski, Councilwoman Laura Pastor, Councilwoman Debra Stark, Councilman Jim Waring, Councilwoman Thelda Williams, Vice Mayor Betty Guardado and Mayor Kate Gallego

Councilman DiCiccio joined the meeting at 2:37 p.m.

Councilman Nowakowski joined the meeting at 3:15 p.m.

COUNCIL INFORMATION AND FOLLOW-UP REQUESTS

Vice Mayor Guardado announced free COVID-19 testing opportunities taking place this month in her district, including community drive-thru testing at Los Olivos Park on Sept. 21 and at Christown Spectrum Mall on Sept. 26. She also announced a visit from the COVID-19 mobile testing van at Fry's Food and Drug Stores on Sept. 28. She stated she received a call from the President of the local Stage Employees Union and recognized the financial relief grant opportunities provided to local artists by the Office of Arts and Culture.

Councilwoman Pastor expressed appreciation for her high school youth interns who have created an online mentorship program, which matches high school students with college students from a similar background to learn about the application process and transition into college. She also highlighted their social media presence representing high school and college students in her district on Instagram. She shared information on her partnership with Lt. Sara Field from the Sex Crimes Division in providing community education and outreach to

victims of sexual assault, with their first brainstorming session with the LGBTQ community. She also shared she is working with Agave Farms to test organic farming for firefighters, starting with Fire Station 9. Lastly, she announced a COVID-19 testing event at Lynwood Apartments, where they will attempt to test a record number of people in one day and provide flu shots.

Mayor Gallego recognized the first day of Fall, which coincides with the beginning of Rosh Hashanah and the Jewish New Year. She recognized the contributions of the Hispanic community in Phoenix and the celebration of Hispanic Heritage Month in September. She congratulated Phoenix College on their 100-year Anniversary. She also recognized National Voter Registration Day on Sept. 22 and encouraged the community to ensure their voter registration is current as the deadline is Oct. 5. She added those who turn 18-years-old up until the Election Day are eligible to vote and can register. Lastly, she congratulated Water Services Director Kathryn Sorensen on her retirement and recognized her contributions to making a more sustainable and drought resilient City.

Councilwoman Williams commended Ms. Sorensen on her leadership and expertise in the City and wished her the best in her retirement. She also recognized Deputy Aviation Director Deborah Ostreicher who led the efforts to obtain international flights at Sky Harbor International Airport, and Aviation Director Jim Bennett as one of the foremost airport leaders in the world who will also be retiring.

CONSENT ACTION

There was no Consent Agenda for this meeting.

CALL FOR AN EXECUTIVE SESSION

There was no vote to call an Executive Session.

REPORTS AND BUDGET UPDATES BY THE CITY MANAGER

There was no report given by the City Manager.

DISCUSSION AND POSSIBLE ACTION (ITEMS 1-2)

1 City Update on the Coronavirus Relief Fund Strategic Plan

This report provides City Council with an update on the Community Services programs that were approved under the Coronavirus Relief Fund (CRF) Strategic Plan.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.

City Manager Ed Zuercher introduced Deputy City Manager Jeff Barton to provide an update on the Coronavirus Relief Fund allocations for public programs and commended the City Council for their early adoption of a strategic allocation plan. Mr. Zuercher shared staff is examining how these allocations may need to be adjusted to ensure the funds are spent before the spending deadline imposed by the federal government of Dec. 30.

Mr. Barton began by providing an overview of the plan that had been approved by the Council, which allocated \$293 million across three primary areas of community investment, city operations, and public safety salary offset. He stated the goal of the presentation would be to provide an update on what has been delivered and accomplished since the program was adopted, and shared that Phoenix has accomplished more with the Coronavirus Relief Fund than most other cities in the country.

Mr. Barton shared the amounts allocated and expended within the Community Investment portion of the plan, including business assistance, utility assistance, distance learning and Wi-Fi access, mitigation and care for vulnerable populations, food delivery, better health outcomes, community testing, and the unallocated funds. He provided information on the status of the \$15.7 million allocated to business assistance programs including the Small Business Relief Fund, Micro Business Resiliency Grant, Restaurant Restart Program, Arts and Culture Grant Assistance Program, Small Business Concessionaire Grant, and Small Business Expertise and Guidance. He explained Community and Economic Development (CED) staff are working with vendors to secure a platform, like a digital library, to help small businesses before the end of the calendar year.

Mr. Barton outlined the status of the \$30 million allocated to utility, rent,

and mortgage assistance programs, including Residential Utility and Rent/Mortgage Assistance and Commercial City Services Assistance Program. He explained the Commercial City Services Assistance Program is an area that City Council could choose to repurpose or reprioritize because staff found that many commercial businesses do not have city services bills because those who are tenants typically have their utility costs included in their monthly rent.

Mr. Barton provided an overview of the status of the \$3.3 million allocated to distance learning and Wi-Fi access programs, including Wi-Fi in Public Facilities, Tablets for Housing Residents, and Bridging the Digital Divide. He explained the \$2.05 million allocation for the Digital Divide project, through which staff is enhancing free Wi-Fi access for residents and students, is in progress and on track to be spent by the end of the calendar year.

Mr. Barton summarized the current status of the \$10 million allocated to programs focused on mitigation and care for vulnerable populations including Refugee and Asylum Seekers Utility and Rent/Mortgage Assistance, Refugee Relief Grants, Refugee Microenterprise Grants, Domestic Violence, Human Trafficking, Landlord and Tenant Assistance, Heat Relief, and Senior Assistance. He explained contracts will be executed in September for the Refugee Relief Grants, but this area may need to be revisited to see if the allocation can be fully spent by the end of the calendar year. He also shared information about improvements to senior centers including new plexiglass and enhanced technology.

Mr. Barton provided an overview of the status of the \$5 million allocated to Food Delivery programs including Non-Profit Partnerships, City of Phoenix Food Delivery, and Other Community Needs through the Feed Phoenix, Funds to Feed Phoenix, and Funds for Schools programs. He explained the non-profit partnerships with Arizona Food Bank, St. Vincent de Paul, St. Mary's Food Bank, and the Salvation Army would each distribute food to targeted areas in the community.

Mr. Barton shared the status of the \$5 million allocated to the better health and outcomes programs including Masks for Public, Community Testing Events, Personal Protective Equipment (PPE) for Schools, Health

Connectors, and Employee Hope Fund. He stated a Request for Qualifications evaluation is underway for the Health Connectors program, which will help connect individuals to healthcare, and additional information can be presented to the City Council in October.

Mr. Barton stated \$6 million remains unallocated and the City Council will decide how it will be used. He provided an overall summary of the amounts allocated and spent, as well as the remaining balance of \$37.8 million that must be spent before the end of the calendar year.

Mr. Barton provided information about the compliance and transparency initiatives in place for the Coronavirus Relief Fund. He stated the Finance Department is following quarterly reporting requirements required by the Office of the Treasury and highlighted the COVID Relief website available to the public which shows the allocations, programs, and resources in place through the Coronavirus Relief Fund. He mentioned a dashboard is being created to show further details about Coronavirus Relief Fund spending.

Mr. Barton presented information on next steps and stated he would like to return to Council next month to discuss their ideas for reallocating funds that may not be expended by the deadline.

Councilwoman Stark stated she would like to find a way to provide utility assistance to families and seniors who live in low-income housing, but did not meet the existing qualification of living in a low and moderate census tract.

Councilwoman Pastor shared information about the Digital Divide program and explained there will be a beta test around the City, specifically in the Alhambra and Cartwright Elementary School Districts for this expanded technology and plans to move into neighborhoods in North Phoenix. She stated she can provide additional updates during the Oct. 27 City Council Policy Meeting.

Councilmember Garcia expressed support for the Digital Divide project and would like to see the program grow. He shared his recommendation to use the Coronavirus Relief Fund to support youth programs and create

jobs to support those who are currently unemployed.

Vice Mayor Guardado stated she is looking forward to meeting with staff to discuss ideas to continue to support the community, vulnerable populations, seniors, workers, and the unemployed.

Councilman DiCiccio inquired about the current budget and the impacts of recent revenue reports.

Mr. Barton stated staff will return to Council on Oct. 13 with an update on year-end reporting. He explained the two-month revenue report showed General Fund collections were up, largely driven by an audit adjustment. He shared it is too early to say where the City is financially, but that the City is outperforming the worst-case scenario projected at the beginning of the pandemic.

Councilman DiCiccio expressed his appreciation for a cautious approach to the budget and shared his belief that the City will see growth. He went on to say pension growth will have a larger impact than the pandemic and recommended putting together a plan to pay down pension debt to create future stability. He added he would like to see reopening plans.

Mr. Barton responded staff plans to have robust conversations in the near future about pension with the City Council.

Mayor Gallego pointed out the propositions on the November ballot that could present an additional funding source for public safety. She shared her ideas to use the Coronavirus Relief Fund toward addressing homelessness and stated she looked forward to additional dialogue about how the City Council can make further investments in youth and older adults.

Wendy Johnson, speaking on behalf of the Justa Center, thanked Council for the support provided for the heat relief shelter and seniors experiencing homelessness. She thanked the Feed Phoenix program for the meals provided and stated she is grateful that the City keeps the homeless and seniors as a priority.

This item was discussed.

2 Latino Cultural Center Ad Hoc Committee Report

This report provides the City Council with updated information and recommends approval of the Latino Cultural Center Ad Hoc Committee Report.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.

City Manager Ed Zuercher introduced Deputy City Manager Karen Peters, Arts and Culture Director Mitch Menchaca, and Latino Cultural Center Ad Hoc Committee Member Donna Valdes to present a report of the completed work from the Latino Cultural Center Ad Hoc Committee.

Ms. Peters provided an overview of the history of the establishment of the ad hoc committee, including members of City Council who have participated in its establishment and appointment of members. She expressed her appreciation to all participants in the process of developing the Latino Cultural Center.

Mr. Menchaca shared the history and path that the Latino Cultural Center has taken, including the creation of the ad hoc committee in 2019 and its sunset date of June 2020. He provided an overview of how the ad hoc committee operated and explained it was charged with developing a strategic plan for the Latino Cultural Center and considering options for siting the center. Ms. Valdes introduced the Capital Needs Assessment and Feasibility Study and described the extensive community input that was provided. She shared the findings in the study which included the needs of the center's programming, administration and site.

Mr. Menchaca shared the research done in other cities, highlighting the centers in Albuquerque and Dallas because both were government funded and managed. He stated the Planning and Development Department and Community and Economic Development (CED) Department provided the ad hoc committee with City-operated properties in and out of downtown boundaries to review. He stated the four sites that were selected for further research were the Herberger Theater grounds, the North Building at Margaret T. Hance Park, the Phoenix Public Market parking lot, and the Regency Garage.

Ms. Valdes explained there is currently less than \$1 million in bond funds available to kick off the project. Mr. Mechaca outlined the recommendations that had already been approved by Council and provided an update on the new recommendations put forth by the ad hoc committee. He explained the recommendations included: the Latino Cultural Center should be operated by the City of Phoenix for its first five years of operations with a nonprofit or collective eventually taking over the administration of the center, the Phoenix Office of the Arts should coordinate pop-up programs at libraries, community centers, cultural events, and virtually to promote the Latino Cultural Center before it opens, and set up a Friends of Latino Cultural Center nonprofit and recruit inaugural board members.

Mr. Mechaca shared staff requests City Council approve the report and additional recommendations based on the information presented and on behalf of the Latino Cultural Center Ad Hoc Committee.

Councilman Nowakowski expressed his appreciation for those who participated in the review process and thanked the ad hoc committee and staff.

A motion was made by Councilman Nowakowski, seconded by Vice Mayor Guardado, that this item be approved. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 0

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 3:53 p.m.

For further information, please call the Management Intern, City Manager's Office, at 602-262-4449.