
Investigation of the Phoenix Police Department

U.S. Department of Justice

Civil Rights Division

June 13, 2024

EXECUTIVE SUMMARY

On August 5, 2021, the Department of Justice opened a pattern or practice investigation of the Phoenix Police Department (PhxPD) and the City of Phoenix (“the City” or “Phoenix”). Our investigation revealed systemic problems within PhxPD that deprive people of their rights under the Constitution and federal law. We found pervasive failings in PhxPD’s policies, training, supervision, and accountability systems that have disguised and perpetuated these violations for years.

FINDINGS

The Department of Justice has reasonable cause to believe that the City of Phoenix and the Phoenix Police Department engage in a pattern or practice of conduct that deprives people of their rights under the Constitution and federal law:

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

Our investigation also raised serious concerns about PhxPD’s treatment of children and the lasting impact aggressive police encounters have on their wellbeing.

In the years leading up to our investigation, PhxPD officers shot and killed people at one of the highest rates in the country. Some city officials blamed a “more violent population” for the number of shootings, rather than police conduct. But we found a significant number of the shootings did not meet constitutional standards.

PhxPD relies on dangerous tactics that lead to force that is unnecessary and unreasonable. PhxPD has taught officers a misguided notion of de-escalation. Rather than teaching that de-escalation strategies are designed to eliminate or reduce the need to use force, PhxPD has misappropriated the concept and teaches officers that all force—even deadly force—is de-escalation. According to one police official, this distorted view of de-escalation is “ingrained in the vernacular of the department.”

The harm caused by unconstitutional policing is not spread evenly across the City’s population. PhxPD targets people experiencing homelessness, retaliates against people who criticize the police, and disproportionately uses force against people with behavioral health disabilities. Officers enforce certain laws, including drug and low-level offenses, more severely against Black, Hispanic, and Native American people than against white people engaged in the same behaviors. And despite these disparate outcomes and longstanding community complaints, the City still claims it is “unaware of any credible evidence of discriminatory policing.”¹

Like many other cities, Phoenix has a significant unhoused population. The problem of homelessness stems from multiple social, economic, and other factors, many of them beyond the control of the City and PhxPD. The Department recognizes that the city leaders have undertaken action to address homelessness, including soliciting grant funding, establishing new hotel shelters, and designating new resource centers, among other actions. This Report does not address the root causes of the homelessness problem faced by the City and PhxPD, but instead focuses specifically on law enforcement encounters and interactions with those experiencing homelessness. While city officials recognize that being homeless is not a crime, officers nevertheless roused people sleeping in public to send them to a small and dangerous part of Phoenix known as the Zone. The practice of stopping, citing, and arresting unhoused people was so widespread that between 2016 and 2022, 37% of

¹ *The Phoenix Police Department: The Road to Reform* at 25, available at https://www.phoenix.gov/policesite/Documents/DOJ/PPD_RoadtoReform_January2024.pdf [<https://perma.cc/S2CA-TXAD>].

all PhxPD arrests were of people experiencing homelessness. Many of these stops, citations, and arrests were unconstitutional. A federal court order has been insufficient to change these entrenched policing practices. In 2022, a court ordered the City to stop enforcing certain laws against unhoused people, seizing their property without notice, and destroying property without an opportunity to collect it. But PhxPD did not train officers how to follow the law nor supervise them to ensure they did. Property collection practices improved in highly visible areas, but elsewhere in the City, seizing and destroying personal property still fails to meet constitutional standards.

Police officials are aware that PhxPD's practices in responding to protests served to erode public trust. We found officers used indiscriminate force against protestors, falsified allegations to arrest protest leaders, retaliated against people critical of the police, and prevented people from lawfully recording police conduct. PhxPD's recent commitment to protecting free speech is important, but it would be premature to claim any new efforts are working.

Stated commitments by city and police officials have also not prevented violations of the Americans with Disabilities Act. The City has invested \$15 million in programs to send non-police responders to appropriate behavioral health calls. But the City and PhxPD have not supported 911 call-takers and dispatchers with the training they need. Too frequently, they dispatch police alone when it would be appropriate to send behavioral health responders. Officers act on the assumption that people with disabilities are dangerous and rarely modify their approach. Officers resort to using force rather than de-escalation tactics that would likely help a person with behavioral health disabilities follow directions. As a result, people with behavioral health disabilities suffer harm such as force, trauma, and criminal consequences, rather than receiving emergency mental health care.

Despite the unlawful practices we describe in this Report, we spoke with dozens of officers and city officials committed to serving the people of Phoenix with thoughtfulness and respect. Ensuring public safety in Phoenix presents unique challenges. Police officers have been asked to take the lead in addressing issues better handled outside the criminal justice system altogether. We acknowledge the considerable efforts they exert to provide vital services.

Some at PhxPD have acknowledged the need for change, and current leaders have committed to important reforms. PhxPD developed a new use-of-force policy and is training all officers on de-escalation and the duty to intervene. A citywide Crime Reduction Plan, unveiled in 2023, is a first step toward understanding the enforcement decisions officers make and whether those actions have an impact on crime. These and other efforts are commendable and can help PhxPD become the "self-assessing, self-correcting" department that Interim Chief Michael Sullivan

envisions. But in the past, PhxPD has announced reforms that failed to curtail unconstitutional practices. And in a 2024 report detailing these and other changes, the department admitted that many of its reforms are still in the planning stage. This leads us to believe that PhxPD will need to be held accountable to implement the reforms we identify at the end of this Report. As one former PhxPD official told us, “How does the public ever trust us if we can’t even police ourselves? Law enforcement will not work if the public doesn’t trust us.”

The Department of Justice expects to work constructively with the City and PhxPD to ensure the reforms necessary to remedy this unlawful conduct are timely and fully implemented.