



Department of Justice Investigation Update

This report provides information regarding the Department of Justice Investigation.

Summary

The Department of Justice notified the City on Aug. 5, 2021, that they were initiating a civil pattern and practice investigation into five areas:

- Whether the Phoenix Police Department uses excessive force, including deadly force.
- Whether the Phoenix Police Department engages in discriminatory policing practices.
- Whether the Phoenix Police Department retaliates against individuals engaged in protests or demonstrations.
- How the City and Phoenix Police Department deal with behavioral health disabilities and those in crisis.
- Whether the City and Phoenix Police Department violate the rights of those experiencing homelessness by unlawfully seizing and disposing of their belongings.

Update as of June 23, 2022:

Since August 2021, the City of Phoenix has:

- Produced **80,931** documents for the DOJ, consisting of **1,051,848** pages, in response to two requests for documents and several miscellaneous requests.
- Facilitated two on-site visits, one in April 2022 and one in May 2022, with four precincts tours, interviews, and ride alongs with police and other city staff.
- Coordinated approximately 40 interviews (virtual and on-site), including 14 panel interviews with 3-6 employees on each panel.
- Facilitated observations of several academy classes.
- Hired outside counsel, Steptoe LLC, in December 2021.
- Obtained an e-discovery tool, Relativity, to assist with processing documents.
- Established and continue to maintain a website with weekly updates.

Costs/Expenses: Total approximately \$1.9 million

Danny Murphy, consultant services:	\$3,200
Steptoe LLC, outside counsel, legal services:	\$57,258 to date
Training of Relativity e-discovery system:	\$10,500
Relativity first year licenses and documents:	\$111,252.80
Up to nine full time employees compensation costs:	\$1,354,283
Document review contracts for three years*:	\$350,000

*Document review contract costs are pending City Council approval during the July 1, 2022 Formal Meeting.

Attached is a table providing statistics from seven other cities that have undergone a DOJ investigation and resulted in a consent decree. Estimated costs are included, based on available public information.

Responsible Department

This item is submitted by City Manager Jeffrey Barton and Law Department.

ATTACHMENT A

Dates of 'Pattern or Practice Investigation'	Scope of Investigation	Status / Date of Court Order	Costing Research (Actual costs often unknown)
City of Chicago (IL) Dec. 2015 through Jan. 2017 (= 13 months)	Excessive use of force; Discriminatory policing practices	OPEN Jan. 2019 (in 4th year)	Initial costs estimated at \$25.7 million (2020)
City of Baltimore (MD) May 2015 through August 2016 (= 16 months)	Excessive use of force; In-custody subject transfers; Mental health / crisis response; Investigation of sexual assault cases; Community engagement	OPEN April 2017 (in 6th year)	Initial costs estimated at \$10.5 million (2018); BPD's Compliance Bureau is budgeted for \$38.6 million in 2022
City of Newark (NJ) May 2011 through July 2014 (= 38 months)	Excessive use of force; Unconstitutional stops, searches, and arrests; and Discriminatory policing actions.	OPEN May 2016 (in 7th year)	Estimated \$8 million annually
City of Albuquerque (NM) Nov. 2012 through April 2014 (= 18 months)	Excessive use of force; Mental health / crisis response	OPEN June 2015 (in 8th year)	As of May 2022, estimated costs \$25 million
City of Cleveland (OH) March 2013 through Dec. 2014 (= 20 months)	Excessive use of force	OPEN Dec. 2014 (in 8th year)	Initial costs estimated at \$11 million (2015); approximately \$6-\$11 million annually
City of Seattle (WA) Mar. 2011 through Dec. 2011 (= 9 months)	Excessive use of force; Discriminatory policing practices	OPEN July 2012 (entering 11th year)	City of Seattle reported (2020) over \$100 million spent in first 8 years; Monitor cost est. at \$7.9 million (2020)
City of New Orleans (LA) May 2010 through Dec. 2011 (= 10 months)	Excessive use of force; Biased policing; Unconstitutional stops, searches, and arrests; Investigation of sexual assaults and domestic violence	OPEN July 2012 (entering 11th year)	Initial costs estimated at \$7 million (2012); Monitor \$2 million per year

<https://www.cbsnews.com/chicago/news/cpd-consent-decree-cost/#:~:text=What%27s%20the%20cost,of%20Laquan%20McDonald.>

[SPD.pdf \(seattle.gov\)](#)

[12-1282 Memorandum Seattle.pdf \(uscourts.gov\)](#)

The City has invested over \$100 million in SPD to implement the reforms required by and complementary to the Consent Decree, including the purchase and implementation of new technology platforms. Noble Decl. ¶1 in the areas of force, crisis intervention, and Terry stops, alone, demonstrate that this investment was worthwhile. This total includes monitoring costs of approximately one million dollars annually for a total of \$7.9 million over seven and a half years.