



Chandler • Arizona

2019 Citizens' Panel for Review of Police Complaints and Use of Force Minutes

Regular Meetings

January 8, 2019

April 2, 2019

July 2, 2019

October 1, 2019

These minutes are fully searchable within this year by using the "Find Feature".

**CITIZENS' PANEL FOR REVIEW OF POLICE COMPLAINTS AND USE OF FORCE
REGULAR MEETING MINUTES**

January 8, 2019

1. CALL TO ORDER/ROLL CALL

Chairman Slate called the meeting to order at approximately 7:00 p.m. in the Chandler Police Department Community Room, 250 E. Chicago Street, Chandler, AZ.

Members in Attendance:

Chairman Frank Slate
Vice Chairman Larry Webb
Panel member Shadow Asgari
Panel member Jon Beydler
Panel member Alex Gernert
Panel member Aaron Harris Sr.
Panel member Betty McGee
Panel member Holly Mesnard
Panel member Lisa Pennington-Askey
Panel member William Wallace
Panel member Sandra Woods

Members Absent:

Panel member Bill Herron
Panel member Damian Nichols
Panel member Missy Palrang
Panel member Sarah Zamora

Staff in Attendance:

Chief Sean Duggan
Cmdr. Phil Graham
Lt. Melissa Deanda
Sgt. Dan Greene
Sgt. Mike Prendergast
Sgt. Doug Scholz
Susan Moore, Staff Liaison
Det. George Arias
Ofc. Scott Williams
Tom Zaworski, Asst. City Attorney

*approved
Frank Slate 04/02/2019*



Guests in Attendance:

None

2. APPROVAL OF THE MINUTES

- a. Minutes of October 2, 2018

Panel member Beydler moved to approve the minutes of the October 2, 2018 Citizens' Panel for Review of Police Complaints and Use of Force meeting. **Panel member Gernert** seconded the motion.

The minutes were approved by **all Panel members** present.

3. SCHEDULED/UNSCHEDULED PUBLIC APPEARANCES/CALL TO PUBLIC

None

4. ACTION AGENDA

- a. **Review and approve the Use of Force Summary of the third quarter of 2018, to include three videos from body worn cameras**

Panel member Beydler asked in Summary #2 why the lieutenant did not have a body worn camera.

Cmdr. Graham advised watch commanders/lieutenants were not issued body cameras as it was a financial consideration due to the significant cost for the hardware plus the associated cloud-based storage. He said the intention is to outfit all patrol staff with body worn cameras, to include lieutenants, in the future. **Cmdr. Graham** further clarified that a lieutenant is not typically dispatched as the primary officer on calls.

Panel member Beydler asked about the cost for body worn cameras.

Chief Duggan advised it cost between \$1.3 and \$1.4 million dollars to outfit 200 personnel approximately 3 years ago. He said the Department entered into a 5-year agreement with Axon. The cost included the cameras, camera replacement, full warranty, technology support, the interface, and storage. He advised the contract

expires in approximately 18 months. **Chief Duggan** said next fiscal year there will be discussions with City staff to continue and expand the program.

Panel members had questions as to why in Summary #18 the officer turned off his body worn camera prior to the use of force incident.

Det. Arias explained Officer Mullins turned off his camera at what he believed was the conclusion of the incident when the Fire Department was rendering aid to the individual, not anticipating the subject would become aggressive. **Det. Arias** said this issue has been addressed with the officer.

Cmdr. Graham advised officers are encouraged to keep the cameras activated during the entire contact unless there are extenuating circumstances that would corrupt or interfere with the integrity of an investigation.

Lt. Deanda further clarified that at the time of this call there was another simultaneous call taking place which involved a shooting investigation. Officer Mullins turned his camera off to discuss the shooting call with another officer and then turned his camera back on after their conversation, which resulted in the delay.

Det. Arias presented the body worn camera video footage for Summaries #1, #5, and #11.

Clarifying questions were asked by various panel members on the summary review and videos. Answers were provided to each.

Vice Chairman Webb moved to approve the Use of Force Summary and three videos from the third quarter of 2018. **Panel member Gernert** seconded the motion.

The motion carried unanimously.

5. BRIEFING ITEMS

- a. Chandler Police Department Community Policing overview.

Cmdr. Graham provided an overview of numerous community policing programs.

A panel member requested inclusion of demographic information for future reports. Lt. Deanda confirmed this information is able to be captured. She will discuss this request with **Det. Arias**.

b. Less lethal SAGE 40MM Baton Launcher presentation.

Sgt. Scholz provided a demonstration on this new less lethal de-escalation option.

6. ANNOUNCEMENTS

None

7. CALENDAR/FUTURE AGENDA ITEMS

Next meeting will be Tuesday, April 2, 2019.

8. INFORMATION ITEMS

Vice Chairman Webb announced tomorrow is Law Enforcement Appreciation Day and thanked staff for what they do.

Chief Duggan expressed his appreciation of the panel members.

9. ADJOURNMENT

Panel member Harris Sr. made a motion to adjourn the meeting. **Panel member Gernert** seconded the motion.

The motion carried unanimously.

The meeting adjourned at approximately 8:15 p.m.

**CITIZENS' PANEL FOR REVIEW OF POLICE COMPLAINTS AND USE OF FORCE
REGULAR MEETING MINUTES**

April 2, 2019

1. CALL TO ORDER/ROLL CALL

Chairman Slate called the meeting to order at approximately 7:00 p.m. in the Chandler Police Department Community Room, 250 E. Chicago Street, Chandler, AZ.

Members in Attendance:

Chairman Frank Slate
Vice Chairman Larry Webb
Panel member Jon Beydler
Panel member Alex Gernert
Panel member Bill Herron
Panel member Holly Mesnard
Panel member Damian Nichols
Panel member Sandra Woods
Panel member Sarah Zamora

*Frank Slate
7-2-2019*

Members Absent:

Panel member Shadow Asgari
Panel member Aaron Harris Sr.
Panel member Betty McGee
Panel member Lisa Pennington-Askey
Panel member William Wallace

Staff in Attendance:

Cmdr. Phil Graham
Lt. Melissa Deanda
Sgt. Dan Greene
Sgt. Mike Prendergast
Susan Moore, Staff Liaison
Cassandra Gutenson, Staff Liaison
Det. George Arias
Tom Zaworski, Asst. City Attorney

Guests in Attendance:

None

2. APPROVAL OF THE MINUTES

- a. Minutes of January 8, 2019

Panel member Gernert moved to approve the minutes of the January 8, 2019 Citizens' Panel for Review of Police Complaints and Use of Force meeting. **Panel member Webb** seconded the motion.

The minutes were approved by **all Panel members** present.

3. SCHEDULED/UNSCHEDULED PUBLIC APPEARANCES/CALL TO PUBLIC

None

4. ACTION AGENDA

- a. Review and approve the Use of Force Summary of the fourth quarter of 2018, to include three videos from body worn cameras**

Chairman Slate commended staff for the low number of use of force incidents listed in the summary.

Commander Graham advised the use of force incidents equate to approximately one percent of all of the arrests made.

Chairman Gernert questioned the difference between the "time of occurrence" and the time noted in the summary details as they don't match in all instances.

Det. Arias explained reports have both the time of occurrence and the time the report was approved, which may sometimes differ.

Commander Graham and **Det. Arias** agreed for future summaries to include the time reported for consistency.

There were several clarifying questions from panel members pertaining to Summary #16. **Panel member Nichols** asked why the officer deployed the Sage 37mm Baton Launcher while the subject was fleeing from the officers rather than approaching them.

Commander Graham advised as noted in the report under “Policy Violations,” this item is being reviewed as stated by the notation, “...pending future modifications of the use of force policy reference to the deployment and application of the Less Lethal Sage Baton Launcher” because it doesn’t match the current policy, which requires active aggression.

He further explained the use of force was not of concern since the officer is a SWAT member and had received specialized training to deploy this device and he also had knowledge of the subject’s felonious past. However, the policy needs to be reviewed and adjusted to accommodate this new resource.

Panel member Gernert asked if Summary #20 is a training issue where the officer shoved the female subject down.

Commander Graham stated it is not one of the listed training issues, but indicated this case has been sent back to Internal Affairs (IA) for further review.

Det. Arias presented the body worn camera video footage for Summaries #6, #12, and #18.

Clarifying questions were asked by various panel members on the summary review and videos. Answers were provided to each.

Panel member Gernert moved to approve the Use of Force Summary and three videos from the fourth quarter of 2018. **Panel member Nichols** seconded the motion.

The motion carried unanimously.

Vice Chairman Webb requested for the next meeting a review of the role of panel members pertaining to citizen complaints as noted in the City Ordinance for the Citizens’ Panel for Review of Police Complaints and Use of Force.

5. BRIEFING ITEMS

None

6. ANNOUNCEMENTS

Susan Moore announced her retirement, June 3, 2019, and introduced Cassandra “Cassie” Gutenson as her replacement as the Panel’s staff liaison.

7. CALENDAR/FUTURE AGENDA ITEMS

Next meeting will be Tuesday, July 2, 2019.

8. INFORMATION ITEMS

None

9. ADJOURNMENT

Panel member Gernert made a motion to adjourn the meeting. **Panel member Woods** seconded the motion.

The motion carried unanimously.

The meeting adjourned at approximately 7:50 p.m.

**CITIZENS' PANEL FOR REVIEW OF POLICE COMPLAINTS AND USE OF FORCE
REGULAR MEETING MINUTES**

July 2, 2019

1. CALL TO ORDER/ROLL CALL

Chairman Slate called the meeting to order at approximately 7:00 p.m. in the Chandler Police Department Community Room, 250 E. Chicago Street, Chandler, AZ.

Members in Attendance:

Chairman Frank Slate
Vice Chairman Larry Webb
Panel member Jon Beydler
Panel member Alex Gernert
Panel member Betty McGee
Panel member Damian Nichols
Panel member Sandra Woods
Panel member Laurie Fagan

*Frank Slate
10-01-2019*

Members Absent:

Panel member Shadow Asgari
Panel member Aaron Harris Sr.
Panel member Bill Herron
Panel member Holly Mesnard
Panel member William Wallace
Panel member Sarah Zamora

Staff in Attendance:

Cmdr. Phil Graham
Lt. Melissa Deanda
Sgt. Dan Greene
Sgt. Mike Prendergast
Cassandra Gutenson, Staff Liaison
Det. George Arias
Rosemary Rosales, Asst. City Attorney

Guests in Attendance:

Lisa Pennington-Askey

2. APPROVAL OF THE MINUTES

- a. Minutes of April 2, 2019

Panel member Gernert moved to approve the minutes of the April 2, 2019 Citizens' Panel for Review of Police Complaints and Use of Force meeting. **Panel member Webb** seconded the motion.

The minutes were approved by **all Panel members** present.

3. SCHEDULED/UNSCHEDULED PUBLIC APPEARANCES/CALL TO PUBLIC

None

4. ACTION AGENDA

- a. **Review and approve the Use of Force Summary of the first quarter of 2019, to include three videos from body worn cameras**

Panel member Fagan asked if the use of force incidents reviewed were the result of citizen complaints as this was her first meeting.

Commander Graham advised the use of force incidents reviewed were due to all recordings of use of force incidents regardless of a direct complaint.

Chairman Slate asked how the Chandler Police Department's numbers compared to the national or local average for use of force incidents by a law enforcement agency.

Commander Graham explained that is a difficult statistic to compare and quantify due to differences in methodology from department to department in recording use of force incidents.

Panel member Woods commented on seeing Officer Rupert Snedigar mentioned in Summary #9 and wanted to take a moment to honor his father, James Snedigar, who died in the line of duty.

Panel member Gernert asked for clarification regarding Summary #1 that mentions the body worn camera not functioning.

Detective Arias advised that the camera had been broken earlier and was waiting for repair.

Panel member Fagen asked if it was a training issue that Officer Janssen's body worn camera was covered by her jacket.

Detective Arias advised that it was not, it was very cold that morning and the officer had thrown her jacket on quickly, not realizing it covered the camera. He also advised that there was audio from her camera captured.

Panel member McGee asked what constitutes passive resistance.

Detective Arias explained that passive resistance is a suspect resisting the actions of a police officer whereas active resistance is fighting the officer with intent to harm.

Panel member Gernert asked if they would be reviewing the video for Summary #8.

Commander Graham answered that they could view any video they wanted but it was not one of the ones pre-selected for review. He also advised that the incident for Summary #8 was one that was sent to Internal Affairs for investigation, the investigation was sustained, and the officer sanctioned.

Panel member Nichols asked why there was no body worn camera for the incident that occurred in Juvenile Holding.

Detective Arias explained that we do not record anything in Juvenile Holding to protect underage identities.

Panel member Nichols noted that three of the use of force incidents involved the same officer and asked if there was a reason for this.

Commander Graham explained that all of the incidents individually were all justified but that they are monitoring the situation through the officer's chain of command to ensure there are no underlying reasons why there are so many use of force incidents for which they are involved.

Panel member Beydler questioned why there was a hand put against the juvenile's neck to restrain him in Summary #4.

Commander Graham explained that the hand against the neck was use to restrain the juvenile, not to choke, but that it was referred to chain of command to address.

Panel member Beydler questioned if the use of the SAGE impact baton was appropriate in reference to Summary #14.

Commander Graham explained that, due to the belief that the suspect was armed and hands hidden, the use of this less-lethal device was appropriate.

Panel member Beydler asked if the use of force on a female suspect reference Summary #18 was necessary.

Commander Graham advised the suspect was actively resisting and kicking the officers and therefore the use of force was justified. An investigation was conducted by Internal Affairs which found the use of force was within policy.

Panel member Fagen asked about why Lieutenants, because they do not have issued body worn cameras, if there is a policy in place to have them get one when they are on their way to an incident.

Commander Graham explained that there currently is not funding for extra cameras and that it would not be feasible for them to stop to get one while enroute to a call, but the department is working on acquiring funding to get additional cameras.

Videos for Summary #3, Summary #12, and Summary #17 were reviewed.

Clarifying questions were asked by various panel members on the summary review and videos. Answers were provided to each.

Chairman Slate moved to approve the Use of Force Summary and three videos from the first quarter of 2019. **Panel member Beydler** seconded the motion.

The motion carried unanimously.

b. Review and approve the 2018 Annual Use of Force Analysis.

There were no questions or discussion.

Panel member Pennington-Askey moved to approve the 2018 Annual Use of Force Analysis. **Panel member Fagan** seconded the motion.

The motion carried unanimously.

c. Review and approve the Council Memo for the Annual Report: Citizens' Panel for Review of Police Complaints and Use of Force, July 1, 2018 – June 30, 2019.

There were no questions or discussion.

Panel member Pennington-Askey moved to approve the Council Memo for the Annual Report: Citizens' Panel for Review of Police Complaints and Use of Force, July 1, 2018 – June 30, 2019. **Panel member McGee** seconded the motion.

The motion carried unanimously.

c. Review and discuss Ordinance #3135: Citizens' Panel for Review of Police Complaints and Use of Force pertaining to the review of citizen complaints.

Commander Graham read the portion of the ordinance pertaining to how complaints, other than use of force incidents, can be brought forth to the panel.

Clarifying questions were asked by various panel members and answers were provided to each.

Detective Arias advised that he spoke with **Sergeant Greene** who would like to offer a short presentation at the next meeting regarding general use of force procedures and *Graham v. Connor*. The board agreed that they would like that presentation.

5. BRIEFING ITEMS

None

6. ANNOUNCEMENTS

None

7. CALENDAR/FUTURE AGENDA ITEMS

Next meeting will be Tuesday, October 1, 2019.

Sergeant Greene to give presentation reference use of force procedures, and *Graham v. Connor*.

8. INFORMATION ITEMS

None

9. ADJOURNMENT

Panel member Gernert made a motion to adjourn the meeting. **Panel member Woods** seconded the motion.

The motion carried unanimously.

The meeting adjourned at approximately 8: 20 p.m.

**CITIZENS' PANEL FOR REVIEW OF POLICE COMPLAINTS AND USE OF FORCE
REGULAR MEETING MINUTES**

October 1, 2019

1. CALL TO ORDER/ROLL CALL

Chairman Slate called the meeting to order at approximately 7:00 p.m. in the Chandler Police Department Community Room, 250 E. Chicago Street, Chandler, AZ.

Members in Attendance:

Chairman Frank Slate
Vice Chairman Larry Webb
Panel member Jon Beydler
Panel member Alex Gernert
Panel member Bill Heron
Panel member Betty McGee
Panel member Damian Nichols
Panel member Lisa Pennington-Askey
Panel member William Wallace
Panel member Sandra Woods
Panel member Sarah Zamora
Panel member Laurie Fagan

Francis H. Slate
01-07-2020

Members Absent:

Panel member Shadow Asgari
Panel member Aaron Harris Sr.
Panel member Holly Mesnard

Staff in Attendance:

Chief Sean Duggan
Cmdr. Phil Graham
Cmdr. Heikes
Lt. Melissa Deanda
Lt. Mike Prendergast
Sgt. Daniel Greene
Sgt. Jason McClimans
Cassandra Gutenson, Staff Liaison
Det. George Arias
Tom Zaworski, Asst. City Attorney

Guests in Attendance:

2. APPROVAL OF THE MINUTES

- a. Minutes of July 2, 2019

Panel member Beydler moved to approve the minutes of the July 2, 2019 Citizens' Panel for Review of Police Complaints and Use of Force meeting. **Panel member McGee** seconded the motion.

The minutes were approved by **all Panel members** present.

3. SCHEDULED/UNSCHEDULED PUBLIC APPEARANCES/CALL TO PUBLIC

None

4. ACTION AGENDA

- a. **Address from Mayor Hartke to panel members**

- b. **Review and approve the Use of Force Summary of the second quarter of 2019, to include three videos from body worn cameras**

Panel member Woods asked what caused the incident concerning Summary 4 to be presented to Internal Affairs for further review. **Commander Graham** explained that due to the type of force used the Use of Force Board wanted Internal Affairs to ensure that the application of force was within policy.

Panel member Nichols asked about the deploying of SAGE round regarding Summary 15. **Lieutenant Prendergast** explained policy and best practices behind SAGE use.

Panel member Woods asked for clarification reference Summary 12 between aggravated assault and regular assault. **Commander Graham** and **Assistant City Attorney Zaworski** gave explanation.

Panel member McGee asked what was meant by bilateral neck restraint in Summary 14. **Sergeant Greene** and **Detective Arias** demonstrated what the restraint looks like and how it is used.

Panel member Nichols asked if lack of activation of the body worn camera reference Summary 18 was referred to as a training issue. **Commander Graham** advised that it was and was referred to the officer's chain of command for counseling.

Panel member Fagan asked for clarification reference Summary 18 regarding restricted head movement. **Commander Graham** explained that by controlling the suspect's head the officer was able to gain compliance by exerting the least amount of force necessary.

Panel member Zamora asked for clarification as to why in some instances Evidence Technicians are called out to take photographs of suspects and not called out in other situations. **Detective Arias** explained that Evidence Technicians are generally only called out in instances where there are visible injuries that need to be photographically documented.

Panel member Heron asked about lack of body worn camera footage reference Summary 19. **Detective Arias** explained that the officer in question was shadowing the Gang Unit during the incident and that, because of the nature of their duties and potential undercover work, members of this unit do not wear body worn cameras.

Panel member Beydler asked for further clarification on which units in the department are issued cameras. **Commander Graham** explained that all patrol officers and sergeants are issued cameras. **Panel member Beydler** asked if there were plans to purchase further cameras for Lieutenants. **Chief Duggan** advised that funds are being requested in the next fiscal packet for additional cameras.

Clarifying questions were asked by various panel members on the summary review and videos. Answers were provided to each.

Video was shown reference Summary 6 and Summary 14. Due to technical difficulties, videos for Summary 15 and Summary 21 were unable to be shown.

Panel member Webb moved to approve the Use of Force Summary and videos from the second quarter of 2019. **Panel member Penn** seconded the motion.

The motion carried unanimously.

c. Election of officers: Chairman and Vice Chairman

Chairman Slate called for any nominations for position of Chairman or Vice Chairman.

Panel member Gernert nominated **Chairman Slate** to continue serving as Chairman for the next year. **Panel member Pennington-Askey** seconded the motion.

The vote carried unanimously.

Chairman Slate nominated **Vice Chairman Webb** to continue serving as Vice Chairman for the next year. **Vice Chairman Webb** declined the nomination due to personal reasons.

Panel member Pennington-Askey nominated **Panel member Fagan** to serve as Vice Chairman for the next year. **Panel member McGee** seconded the motion.

The vote carried unanimously.

5. BRIEFING ITEMS

a. Presentation regarding Chandler Police Department use of force procedures and Graham v. Connor

Sergeant Greene gave a short talk regarding Graham v. Connor and how Chandler Police Department's policies and training practices align with this court decision.

6. ANNOUNCEMENTS

None

7. CALENDAR/FUTURE AGENDA ITEMS

Next meeting will be Tuesday, January 7, 2020.

Chairman Slate proposed a change of venue/field trip for one of the 2020 meetings at the Public Safety Training Center so the panel could learn more about the training given to officers in regard to use of force.

8. INFORMATION ITEMS

None

9. ADJOURNMENT

Panel member Webb made a motion to adjourn the meeting. **Panel member Gernert** seconded the motion.

The motion carried unanimously.

The meeting adjourned at approximately 8: 30 p.m.