



2020 Citizens' Panel for Review of Police Complaints and Use of Force Minutes

Regular Meetings

January 7, 2020

July 7, 2020

September 1, 2020

October 6, 2020

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

January 7, 2020

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
Panel member Shadow Asgari
Panel member Jon Beydler
Panel member Alex Gernert
Panel member Aaron Harris Sr.
Panel member Bill Heron
Panel member Betty McGee
Panel member Damian Nichols
Panel member William Wallace
Panel member Sarah Zamora

Members Absent:

Vice Chairman Laurie Fagen
Panel member Holly Mesnard
Panel member Lisa Pennington-Askey
Panel Member Sandra Woods

Staff in Attendance:

Chief Sean Duggan
Cmdr. Phil Graham
Lt. Melissa Deanda
Lt. Mike Prendergast
Cassandra Gutenson, Staff Liaison
Det. George Arias
Det. Nate Moffat
Tom Zaworski, Asst. City Attorney

Guests in Attendance:

2. APPROVAL OF THE MINUTES

- a. Minutes of October 01, 2019

Panel member Gernert moved to approve the minutes of the October 1, 2019 Citizens' Panel for Review of Police Complaints and Use of Force meeting. **Panel member Heron** 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 2019, to include three videos from body worn cameras**

Panel member Harris asked, reference Summary 2, what the unknown problem was. **Detective Arias** advised that someone in the residence called 9-1-1 but would not provide detailed information about what was occurring.

Panel member Wallace asked, regarding Summaries 8, 11, and 22, how Chandler Police Department handles lesser criminal offences and uses of force. **Commander Graham** advised that we respond utilizing use of force based on the behavior of the suspect and within the prevue of Graham vs. Conner in justifying our use of force level.

Panel member Wallace asked why in Summary 4 the suspect was not booked on indecent exposure charges. **Commander Graham** advised that only the officers were exposed to the nudity and the prosecutors regard this as a risk of the job.

Panel member Harris asked if there was a training issue regarding Summary 3. **Commander Graham** advised that there was no training issue in this incident.

Videos reference Summaries 4, 7, and 16 were shown.

Panel member Gernert moved to approve the Use of Force Summary and videos. **Panel member Zamora** seconded the motion.

The motion carried unanimously.

b. **Review and approve the Shooting Incident Summary of October 12, 2018**

Detective Nate Moffat presented the details regarding the Shooting Incident Summary of October 12, 2018 reference OR 2018-126103. Following the presentation the floor was open to questions.

Panel member Beydler asked if they ever found any of the bullets from the suspect's handgun. **Detective Moffat** advised that they were unable to locate the bullet as they do not know in which direction the suspect shot.

Panel member Gernert moved to approve the Shooting Incident Summary of October 12, 2018. **Panel member Harris** seconded the motion.

The vote carried unanimously.

5. BRIEFING ITEMS

None

6. ANNOUNCEMENTS

- a. **Chief Duggan** advised that additional body-worn cameras were purchased for use by lieutenants.

7. CALENDAR/FUTURE AGENDA ITEMS

Next meeting will be Tuesday, April 7, 2020.

8. INFORMATION ITEMS

None

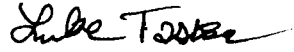
9. ADJOURNMENT

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

The motion carried unanimously.

The meeting adjourned at approximately 7:45 p.m.

Unavailable
Chairman


Staff Liaison

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

July 7, 2020

1. CALL TO ORDER/ROLL CALL

Chairman Slate called the meeting to order at approximately 7:00 p.m. via Webex.

Members in Attendance:

Chairman Frank Slate
Vice Chair Laurie Fagen
Panel member Sam Enoch
Panel member Alex Gernert
Panel member Aaron Harris, Sr.
Panel member Bill Herron
Panel member Betty McGee
Panel member Holly Mesnard
Panel member Damian Nichols
Panel member Lisa Pennington-Askey
Panel member Jen Rooney
Panel member William Wallace
Panel member Sandra Woods
Panel member Sarah Zamora

Members Absent:

Panel member Shadow Asgari

Staff in Attendance:

Chief Sean Duggan
Cmdr. Phil Graham
Cmdr. Chris Pérez
Lt. Melissa Deanda
Lt. Mike Prendergast
Sgt. Dan Greene
Luke Tasker, Staff Liaison
Det. George Arias
Tom Zaworski, Asst. City Attorney

2. APPROVAL OF THE MINUTES

- a. Minutes of January 7, 2020

Vice Chair Fagen moved to approve the minutes of the January 7, 2020 Citizens' Panel for Review of Police Complaints and Use of Force meeting. **Panel member Herron** seconded the motion.

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

3. SCHEDULED/UNSCHEDULED PUBLIC APPEARANCES/CALL TO PUBLIC

New **Panel members Jen Rooney** and **Sam Enoch** introduced themselves and were welcomed by the other members.

4. ACTION AGENDA

- a. **Review and approve the Use of Force Summary of the fourth quarter of 2019**

Chairman Slate asked a question regarding the body worn camera funding obtained for lieutenants; **Commander Graham** advised that the process had been started but would take some time.

Chairman Slate asked about the outcome of a prior Use of Force incident that had been referred to Internal Affairs; **Commander Graham** advised that the allegation was found to be sustained.

Panel member Gernert and **Panel member McGee** asked, in reference to another prior Use of Force incident, what the penalty was for body worn camera not being activated in situations where it should have been. **Commander Graham** advised that the issue is addressed through each officer's chain of command, and that department policy requires activation in any incident that might require police action. **Detective Arias** advised that for the Use of Force incident in question, the recording was found later under a different report number.

Reference Summary 2, **Vice Chair Fagen** asked whether EMTs were requested for the injured subject and whether officers were required to do so by department policy. **Commander Graham** advised that officers are always required to render aid in cases of possible or actual injury. He advised that paramedics did treat the subject in that incident; it was not mentioned in the summary due to the injury not being related to the Use of Force.

Reference Summary 10, **Panel member Wallace** asked if the subject was handcuffed during the Use of Force; **Commander Graham** advised that he was.

Reference Summary 11, **Panel member Woods** asked why the officer pushed the suspect; **Commander Graham** advised that the suspect had retrieved the syringe and action was required to protect the officer and/or suspect from harm.

Reference Summary 13, **Vice Chair Fagen** asked what part of the officer's body was still in the vehicle as the suspect began driving, and whether the officer was injured. **Commander Graham** advised that the officer's upper half was still inside the vehicle, and that he was not injured due to the vehicle being pinned in by patrol cars.

Reference Summary 15, **Vice Chair Fagen** asked if it is common practice for runaways to be returned home. **Commander Graham** advised that juveniles are always turned over to a parent/guardian, unless circumstances dictate otherwise.

Reference Summary 17, **Commander Graham** explained the differences between the carotid control technique and a chokehold, at **Panel member Gernert's** request.

Reference Summary 18, **Panel member Gernert** asked about handcuffing a suspect to their front instead of their back. **Commander Graham** advised that policy requires that a suspect be cuffed to the back, unless circumstances dictate otherwise (e.g. an injury).

Panel member Gernert moved to approve the fourth quarter Use of Force Summary, seconded by **Panel member Mesnard**. The motion carried unanimously.

b. Review and approve the 2019 Use of Force Analysis

Panel member Enoch asked about a discrepancy between the number of incidents and the number of applications of force; **Commander Graham** advised that the difference came from incidents where there was more than one application of force.

Panel member Woods asked, regarding the Less Lethal Sage Baton Launcher deployment, what "out of policy but justified" meant. **Commander Graham** advised that the use of force was appropriate considering the

circumstances, but that policy needed to be adjusted to include similar circumstances in the future.

Panel member Woods asked about how Crisis Intervention Training (CIT) works in the field. **Commander Graham** advised that there are always officers with CIT training available, if an officer feels the need to request their assistance. In response to **Panel member Woods'** follow up question, **Commander Graham** advised that officers already receive training on interacting with autistic individuals.

Panel member Woods moved to approve the 2019 Analysis, seconded by **Panel member Pennington-Askey**. The motion was carried unanimously.

- c. **Review and discuss the Council memo for the Annual Report: Citizens' Panel for Review of Police Complaints and Use of Force, July 1, 2019 – June 30, 2020**

There were no questions or discussion.

- d. **Discuss holding a special meeting prior to Tuesday, October 6 in order to review and approve:**
 - i. **the Use of Force Summary of the first quarter of 2020, to include three videos from body worn cameras**

After discussion, the panel unanimously agreed upon holding a special meeting on Tuesday, September 1, at 7 p.m.

5. MEMBERS' COMMENTS/ANNOUNCEMENTS

Commander Graham announced that as his two-year term was up, he would be turning the panel over to **Commander Pérez**. **Commander Pérez** briefly introduced himself.

6. ADJOURNMENT

Vice Chair Fagen moved to adjourn, seconded by **Panel member Woods**. The motion carried unanimously, and the meeting adjourned at approximately 7:48 p.m.

Unavailable
Chair


Staff Liaison

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

September 1, 2020

1. CALL TO ORDER/ROLL CALL

Chairman Slate called the meeting to order at approximately 7:00 p.m. via Webex.

Members in Attendance:

Chairman Frank Slate
Vice Chair Laurie Fagen
Panel member Sam Enoch
Panel member Alex Gernert
Panel member Aaron Harris, Sr.
Panel member Bill Herron
Panel member Betty McGee
Panel member Damian Nichols
Panel member Jen Rooney
Panel member William Wallace
Panel member Sandra Woods
Panel member Sarah Zamora
Panel member Shadow Asgari

Members Absent:

Panel member Holly Mesnard
Panel member Lisa Pennington-Askey

Staff in Attendance:

Chief Sean Duggan
Cmdr. Chris Pérez
Lt. Melissa Deanda
Sgt. Dan Greene
Det. George Arias
Rosemary Rosales, Asst. City Attorney
Luke Tasker, Staff Liaison

2. APPROVAL OF THE MINUTES

- a. Minutes of July 7, 2020

Vice Chair Fagen moved to approve the minutes of the July 7, 2020 Citizens' Panel for Review of Police Complaints and Use of Force meeting. **Panel member Herron** 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 2020**

Reference Summary 1, **Panel member Rooney** asked why the officer's body worn camera was not activated. **Detective Arias** advised that the camera had been turned off once the suspect was secured in the vehicle; when it was discovered that the suspect had escaped her cuffs, there was no time to reactivate the camera.

Reference Summary 5, **Vice Chair Fagen** asked where the weapon was found and for clarification about the charges. **Detective Arias** advised that the weapon was located on the front floorboard, and that it was an aggravated assault charge in Tempe.

Reference Summaries 8 and 9, **Vice Chair Fagen** and **Panel member Gernert** asked about SWAT officers having body worn cameras. **Commander Pérez** advised that it depends on the gear issued to each officer, but that use of body worn camera is usually not feasible due to the ballistic armor worn by SWAT operators.

Reference Summary 18, **Panel member Woods** asked if it was normal for a patrol vehicle to collide with the suspect vehicle in order to end a pursuit. **Commander Pérez** advised that it is not typical, but was appropriate in this incident given the circumstances.

Reference Summary 19, **Panel member Asgari** asked for clarification regarding the call for service. **Commander Pérez** advised that the reporting party called to report an armed robbery, but during the course of investigation it was discovered that no crime had occurred.

Reference Summary 20, **Sergeant Greene** gave a description of the hypoglossal nerve cluster and techniques utilizing it, in response to questions from **Panel members Herron** and **McGee** and **Vice Chair Fagen**. **Commander Pérez** advised that the technique was used inappropriately in this incident, and that the officer is no longer employed with the City of Chandler.

In response to a question from **Panel member Gernert** regarding Summary 24, **Sergeant Greene** gave an explanation of high risk stops.

Panel member Woods moved to approve the Use of Force Summary for the first quarter of 2020, seconded by **Panel member McGee**. The motion was approved by **all panel members** present.

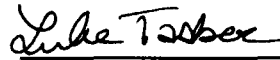
5. MEMBERS' COMMENTS/ANNOUNCEMENTS

Chairman Slate reminded members that the next election of officers would occur at the October 6 meeting.

6. ADJOURNMENT

Vice Chair Fagen moved to adjourn, seconded by **Panel member Woods**. The motion carried unanimously, and the meeting adjourned at approximately 7:41 p.m.

(Unavailable)
Chairman


Staff Liaison

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

October 6, 2020

1. CALL TO ORDER/ROLL CALL

Chairman Slate called the meeting to order at approximately 7:00 p.m. via Webex.

Members in Attendance:

Chairman Frank Slate
Vice Chair Laurie Fagen
Panel member Sam Enoch
Panel member Alex Gernert
Panel member Bill Herron
Panel member Betty McGee
Panel member Damian Nichols
Panel member Jen Rooney
Panel member Sarah Zamora
Panel member Shadow Asgari
Panel member Holly Mesnard
Panel member Lisa Pennington-Askey

Members Absent:

Panel member William Wallace
Panel member Sandra Woods
Panel member Aaron Harris, Sr.

Staff in Attendance:

Chief Sean Duggan
Cmdr. Chris Pérez
Sgt. Sara Rozema
Sgt. Dan Greene
Det. George Arias
Ofc. Scott Williams
Tom Zaworski, Assistant City Attorney
Luke Tasker, Staff Liaison

2. APPROVAL OF THE MINUTES

- a. Minutes of September 1, 2020

Vice Chair Fagen moved to approve the minutes of the July 7, 2020 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

- a. Senol Pekin to address the Panel, regarding a complaint related to Ticket #2019-41529Z

Mr. Pekin did not appear.

4. ACTION AGENDA

- a. **Review, discuss, and approve the officer involved shooting investigation on December 20, 2018 related to Phoenix report #2018-2236751**

There were no questions or discussion. **Panel member Gernert** moved to approve the review, seconded by **Panel member Askey**. The findings of the investigation were approved by **all Panel members** present.

- b. **Review and approve the Use of Force Summary of the second quarter of 2020**

Reference Summary 2, **Vice Chair Fagen** asked if there were any drugs or alcohol involved; **Cmdr. Pérez** advised there was no toxicology to indicate that specifically.

Reference Summary 3, **Panel member Gernert** asked why the officer's failure to activate his body worn camera was not found to be a training issue. **Cmdr. Pérez** advised that given the circumstances in this incident, there was no time to activate the camera prior to intervening in the assault.

Reference Summary 6, **Panel member Pennington-Askey** asked why the suspect was released to her parents. **Cmdr. Pérez** advised that due to how intoxicated the juvenile was, medical care was the priority at that time.

Reference Summary 7, **Panel member Nichols** asked why a crime scene technician did not photograph the puncture wounds from the ECW. **Cmdr. Pérez** advised that there is nothing to show specifically why, but it may be that the injury had already been treated at the scene.

Panel member Askey moved to approve the Use of Force summary, seconded by **Vice Chair Fagen**. The motion carried unanimously.

c. Election of Officers: Chair and Vice Chair

Chair Slate nominated **Panel member Nichols** to serve as the new Chair, seconded by **Vice Chair Fagen**. The vote carried unanimously.

Panel member Askey nominated **Vice Chair Fagen** for another term, seconded by **Chair Slate**. The vote carried unanimously.

5. BRIEFING ITEMS

None

6. ANNOUNCEMENTS

None

7. CALENDAR/FUTURE AGENDA ITEMS

Next meeting will be Tuesday, January 5, 2021.

8. INFORMATION ITEMS


None

9. ADJOURNMENT

Panel member Rooney moved to adjourn, seconded by **Panel member McGee**. The motion was approved by **all Panel members present**, and the meeting adjourned at approximately 7:37 p.m.

(Unavailable)

Chair



Staff Liaison