

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-first Legislature – Second Regular Session

**COMMITTEE ON PUBLIC SAFETY, MILITARY  
AND REGULATORY AFFAIRS**

Minutes of Special Meeting  
Wednesday, April 2, 2014  
House Hearing Room 3 -- 9:00 a.m.

Chairman Pierce called the meeting to order at 9:15 a.m. and attendance was noted by the secretary.

**Members Present**

Mr. Borrelli  
Mr. Escamilla

Ms. Peshlakai

Mr. Mitchell, Vice-Chairman  
Mr. Pierce J, Chairman

**Members Absent**

Mr. Cardenas

Mr. Farnsworth E (excused)

Mr. Livingston

**Committee Action**

None

**OPENING REMARKS**

Chairman Pierce said he was approached multiple times by individuals who asked him if he was concerned about the seemingly increased level of officer-involved shootings. Although he is concerned, he is not sure what can be done at the state level, since this is primarily a local issue. As news of shootings continue, he believes the state owes it to officers and their families to provide as safe a workplace as possible. The purpose of this meeting is to discuss whether there are things that can be done at the state level to help the local municipalities.

**DISCUSSION ON INCREASED OFFICER-INVOLVED SHOOTINGS**

Councilman Sal DiCiccio, Phoenix City Council, City of Phoenix, stated that this is a very important issue. In 2013, there were 31 police officer-involved shootings in Phoenix and since the beginning of 2014, there have been 8. Police officers have to deal with a variety of violent individuals on a day-to-day basis. He said he does not know what the state can do since this is a local issue, other than provide more transparency. Two things that local governments can do to address this issue are focus and prioritization. He advised that last year, the City of Phoenix opened up three urban gardens, spent over \$650,000 to study garbage, and instituted a plan for bicycling in the City; however, there is no plan in place to hire more police officers. He said that

Phoenix has over \$46 million more this year than it had last year and has not hired one police officer. Phoenix has about 521 less officers than it had in 2009, so police officers are doing more, yet the City wants to reduce the number of officers and cut their pay. He maintained that there cannot be a reduction in force, expecting officers to do the level of work that they do with the amount of violence occurring against them and, at the same time, cut their pay.

Councilman DiCiccio spoke about the average cost of employees at the City of Phoenix, pension spiking, cashing in on unused vacation and sick leave time at retirement, pay raises built into the budget, and a plan to cut peace officers' pay. He said it does not make sense, and is a lack of prioritization, a lack of focus and a lack of direction. The question is what can the state do: it can demand transparency from local governments, such as comparing city policies to find out where the dollars are going and looking at what is being done across the country. He believes there should be some level of standardization where information can be gathered in order to make decisions on how a municipality spends its money, for projects or for hiring more police officers. He suggested a study committee be formed to address this issue and volunteered to be a part of the study committee.

Chairman Pierce said it seems that there is a tie between a larger police presence, including the community policing function on the streets, and the level of violence. Councilman DiCiccio believes it is an anecdotal relationship. He does know that a shortage of officers on the street to deal with violent criminals has resulted in a greater number of officer-involved shootings: 31 shootings last year which is a 70 percent increase from the previous year. Chairman Pierce said he believes it is a good idea to know where money is being spent on a local and state level, as well as comparing Phoenix to other comparable cities nationally. Councilman DiCiccio maintained that it is logical to demand transparency from the local governments.

Councilman Michael Nowakowski, Phoenix City Council, City of Phoenix, advised that he is the Chair of the Public Safety Subcommittee for the City of Phoenix. One of the things being reported to the Subcommittee is individuals who are repeat offenders and mentioned that many of the shootings involve repeat offenders. Additionally, people no longer have respect for law enforcement officers. One of the key things is to educate youth to respect officers and to try to get them involved. He related that Phoenix Chief of Police Garcia has created a "Coffee with the Cop" in each of the districts, which has started conversations about what is going on in the neighborhoods. The data gathered from these meetings is crucial to finding out the criminal activity in the communities, so officers can investigate and do something about them. Another way to take back neighborhoods is through block watches. He invited Members to participate in a field trip to see first-hand what is going on, because he believes elected officials need to be educated on these activities.

Chairman Pierce said the purpose of this discussion is to get to the root cause of the increased shootings. He asked whether these shootings are occurring in one particular area or whether they are citywide. Councilman Nowakowski related that they were concentrated in one district in south Phoenix years ago but are now spreading throughout the entire city and throughout all cities in the state. Chairman Pierce commented that he is becoming more convinced that staffing levels are a significant cause.

Councilman Nowakowski provided suggestions on how to start dealing with the problem:

- Tracing and keeping tabs on individuals who are released from jails and prisons and developing a program for some type of workforce training to take those released prisoners out of the environment they are used to and creating a more positive environment for them.
- Making juveniles more accountable for their actions by giving them a greater punishment than they are now receiving by the courts.
- Involve the parents to ensure that the juveniles complete their community service hours.
- Break the cycle of crime for juveniles and educate kids to respect officers.
- Increase the presence of officers on the streets because their presence will lower crime.
- Increase funding for law enforcement officers.

Mr. Borrelli asked whether the municipal courts have the ability to impose community service on juvenile offenders. Councilman Nowakowski replied that the courts in Maricopa County have that ability for anyone over the age of 18 but not for children. He said the Legislature will have more of an influence on changing the courts than the municipalities. If there is a standard throughout the state for handling juveniles, it would send a loud message to them.

Trent Crump, Phoenix Police Department, stated that most of the 2013-2014 shootings have not been adjudicated yet. The officers have not been to review boards and the Maricopa County Attorney has not ruled on many of those shootings, so it is difficult to speak about some of those cases until the investigative process is completed. Chief Garcia has ordered that the Professional Standards Bureau look at every factor involved in an officer-involved shooting: the training, background of the suspects, etc.

Sergeant Crump related that in 2013, 5 of the officer-involved shootings involved suicide threats prior to the perpetrators being shot by police; in 22 of the calls that resulted in shootings, the officers were responding directly to calls for service by members of the community asking for intervention in situations or problems they were having. In looking at the numbers, it appears that between 15 and 20 of the individuals had multiple prior violent felony convictions who were out on release from the prison system. It has been discovered that these shootings also involve desperate individuals who have been released from prison, are committing crimes, are on drugs and believe that if they are caught, they will go back to prison. In addition, how many of the 15-, 16- and 17-year-old violent juvenile offenders are being dealt with when they commit violent felony offenses is a large part of the problem as well.

Chairman Pierce commented that there are multiple factors that contribute to officer-involved shootings, not just staffing levels.

Bill Bonano, Tucson Police Department, advised that Tucson had one officer-involved shooting this year. He said that Tucson averages 10 officer-involved shootings a year. He attributed lower staffing levels to officer response time in 911 calls, a huge factor when dealing with major crimes.

To that point, Chairman Pierce said that raises the question of 911 response times and whether the length of the response time is relative to the more violent events. Officer Bonano said he believes there is a direct correlation because criminals know that it will take a longer time for officers to respond when there is a staffing shortage and noted that the lower the priority of the crime, the longer the response time will be.

Levi Bolton, Executive Director, Arizona Police Association, testified that there is no national database on officer statistics. Before an issue can be resolved, the cause needs to be found. He said that, on a voluntary basis, a statewide consortium could be formed to start collecting data in order to examine the factors contributing to officer-involved shootings. In talking to agencies that he contacted in San Diego, Las Vegas, Dallas, and Florida, he came up with the following factors:

- Staffing levels
- Repeat offenders
- Equipment
- Communications
- Training
- Mental health (many of the suspects go into a situation in order to die)
- Officer confidence (officers start thinking about the consequences of their actions and begin to think instead of whether to act)

Jim Mann, Arizona Fraternal Order of Police, opined that the issue is staffing. Law enforcement budgets across the state have been cut. Staffing and equipment need to be looked at on the state level. The confidence level of officers increases if they know they are going to be taken care of if they are involved in these situations. He stated that if police officers are in the hospital, they should be assured of 100 percent of their pay.

### **CLOSING COMMENTS**

Chairman Pierce stated that bringing these issues to light is a good starting point. The public needs to understand that the Legislature is responsive to this important issue and will do everything it can to provide safe communities for citizens as well as for the officers who are charged with the responsibility for keeping the communities safe.

Without objection, the meeting adjourned at 10:04 a.m.

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Joanne Bell, Committee Secretary  
April 15, 2014

(Original minutes, attachments and audio on file in the Chief Clerk's Office; video archives available at <http://www.azleg.gov>)