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1 Lauren K. Beall (035147)
2 Tara R. DeGeorge (031580)
3 American Civil Liberties Union
4 Foundation of Arizona
5 2712 N. 7th Street
6 Phoenix, Arizona 85006
7 T: (602) 650-1854
8 T: (602) 773-6007
9 E-Mail: lbeall@acluaz.org
10 E-Mail: tdegeorge@acluaz.org

11 Sapana Anand*
12 N.Y. Bar No. 5896972
13 Jenn Rolnick Borchetta*
14 N.Y. Bar No. 4339388
15 American Civil Liberties Union
16 Foundation
17 125 Broad Street
18 New York, NY 10004
19 T: (917) 634-6285
20 T: (914) 462-2363
21 E-Mail: sanand@aclu.org
22 E-Mail: jborchetta@aclu.org

23 *Applications for admission *pro hac vice* forthcoming

24 *Attorneys for Plaintiffs*

ARIZONA SUPERIOR COURT

MARICOPA COUNTY

25 Poder in Action, American Civil Liberties
26 Union of Arizona, and American Civil
27 Liberties Union Foundation,

28 Plaintiffs,

v.

City of Phoenix Police Department,

Defendant.

No. CV2026-023480

**VERIFIED COMPLAINT FOR
STATUTORY SPECIAL ACTION AND
INJUNCTIVE RELIEF**

1 **Introduction**

2 Plaintiffs Poder in Action, the American Civil Liberties Union of Arizona, and the
3 American Civil Liberties Union Foundation (together, “Plaintiffs”) bring this statutory
4 special action against the City of Phoenix Police Department (“Department”) to require
5 compliance with Arizona’s Public Records Law after the Department’s refusal to produce
6 documentation on officer use of force that is kept in the ordinary course of business. The
7 records sought will shed light on the Department’s use of guns, tasers, less-lethal projectiles,
8 police dogs, and neck and leg restraints. These documents are squarely public records under
9 Arizona law and are critical to ensure law enforcement transparency and accountability.

10 **Background**

11 Plaintiffs seek 100 Use of Force reports predating April 30, 2025, which detail
12 officers’ use of strikes, chemical agents, weapons, and deadly force against a person during
13 a police encounter. Officers are required to document such force as a matter of policy and
14 in the ordinary performance of their duties. The Department’s Use of Force Reports reflect
15 the Department’s “official activities” and are public records. *Phoenix L. Enf’t Ass’n v. City*
16 *of Phoenix*, No. 1 CA-CV 10-0862, 2012 WL 461812, at *3 (Ariz. Ct. App. Feb. 14, 2012)
17 (memorandum decision).

18 Despite the mandate of Arizona’s Public Records Law (“APRL”) that public records
19 “shall be open to inspection,” A.R.S. § 39-121, the Department denied Plaintiffs’ requests
20 for officers’ force reports. Specifically, the Department asserts that producing 100 Use of
21 Force Reports is burdensome because it requires coordination with other bureaus within the
22

1 Department, redactions, and employee time. The Department also argues that restrictions
2 on disclosing investigations prevent it from producing the requested documents. Each of
3 the Department’s purported reasons for its denial are unsupported by law and are
4 illegitimate justifications to deny access to public records that provide crucial information
5 to the public about officer conduct.

7
8 The Department’s refusal is even more alarming against the backdrop that animated
9 Plaintiffs’ requests for transparency into the Department’s use of force. Two years ago, the
10 Department of Justice (“DOJ”) found that the Department had a widespread problem with
11 excessive force after an in-depth investigation.¹ Officers used force against people that were
12 already restrained, bound people’s legs and arms together while keeping them face down,
13 shot projectiles without evidence that the person is an immediate threat, used deadly neck
14 restraints, and shot people when there was no longer a threat. The DOJ also found that the
15 lack of sufficient supervisory review reinforced the officers’ unlawful force practices
16 because their review was “perfunctory and boilerplate.”²

19 A few months into the new term of President Donald J. Trump, the DOJ suddenly
20 and without serious explanation retracted its findings of the Department’s violations.³

23 ¹ U.S. Dep’t of Just., Investigation of the City of Phoenix and the Phoenix Police
24 Department, 14 (June 2023), [https://www.justice.gov/d9/2024-
25 06/Phoenix%20Findings%20Report%20Final%20-%20Final%20508.pdf](https://www.justice.gov/d9/2024-06/Phoenix%20Findings%20Report%20Final%20-%20Final%20508.pdf)
26 [<https://perma.cc/6G8F-9V5B>].

26 ² *Id.* at 39.

27 ³ U.S. Dep’t of Just., *Press Release: The U.S. Department of Justice’s Civil Rights Division*
28 *Dismisses Biden-Era Police Investigations and Proposed Police Consent Decrees in*
Louisville and Minneapolis (May 21, 2025), [https://www.justice.gov/opa/pr/us-
department-justices-civil-rights-division-dismisses-biden-era-police-investigations-and](https://www.justice.gov/opa/pr/us-department-justices-civil-rights-division-dismisses-biden-era-police-investigations-and)
[<https://perma.cc/9YQ3-M8U3>].

1 In response to the DOJ’s announcement, Plaintiffs submitted their public records
2 request to the Department for force reports to understand the extent to which abuse of force
3 problems existed at that time. Since then, the Department has been the subject of numerous
4 news articles due to its more recent use of force practices.⁴ Further, the Department came
5 under scrutiny for being involved in six separate shootings in a mere six-week span.⁵

7
8 Despite the urgency for the public to learn about its use of force, the Department
9 refuses to provide records that it electronically maintains in the ordinary course of business
10 related to officer use of force. The Department’s denial of Plaintiffs’ records requests
11 violates the APRL and runs afoul to its “core purpose,” which is “to allow the public access
12 to official records and other government information so that the public may monitor the
13 performance of government officials and their employees.” *Phoenix Newspapers, Inc. v.*
14 *Keegan*, 201 Ariz. 344, 351, 35 P.3d 105, 112 (Ct. App. 2001) (citation modified).

17 **Nature of the Action, Parties, Jurisdiction, and Venue**

18 1. This is a statutory special action to compel the production of public records
19 pursuant to the Arizona Public Records Law (“APRL”). A.R.S. § 39-121. *et seq.*

23 ⁴ See e.g. Ben Bradley and Alex Dominguez, *Man dies after police shooting in south*
24 *Phoenix*, Arizona’s Family (Oct.2, 2025), [https://www.azfamily.com/2025/10/02/suspect-](https://www.azfamily.com/2025/10/02/suspect-wounded-south-phoenix-police-shooting-no-officers-hurt/)
25 [wounded-south-phoenix-police-shooting-no-officers-hurt/](https://www.azfamily.com/2025/10/02/suspect-wounded-south-phoenix-police-shooting-no-officers-hurt/) [<https://perma.cc/TGA7-BZ64>]
(officers responded to man wielding a knife and making suicidal statements by shooting
26 pepper balls, a 40mm less-lethal launcher, and gunfire, leading to the man’s death).

26 ⁵ Haley Williams, *After 6 shootings involving officers in 6 weeks, Phoenix police chief*
27 *says he’s making changes*, 12News (Oct. 2, 2025),
28 [https://www.12news.com/article/news/crime/after-6-shootings-involving-officers-6-](https://www.12news.com/article/news/crime/after-6-shootings-involving-officers-6-weeks-phoenix-arizona-police-chief-says-making-changes/75-d9e242b0-7a94-46b5-9bfa-efd3058caee4)
[weeks-phoenix-arizona-police-chief-says-making-changes/75-d9e242b0-7a94-46b5-9bfa-](https://www.12news.com/article/news/crime/after-6-shootings-involving-officers-6-weeks-phoenix-arizona-police-chief-says-making-changes/75-d9e242b0-7a94-46b5-9bfa-efd3058caee4)
[efd3058caee4](https://www.12news.com/article/news/crime/after-6-shootings-involving-officers-6-weeks-phoenix-arizona-police-chief-says-making-changes/75-d9e242b0-7a94-46b5-9bfa-efd3058caee4) [<https://perma.cc/XD22-WPZT>] (officers were involved in six shootings in
a six-week span and four of those shootings were deadly).

1 submitted on May 21, 2025, via e-mail to PolicePublicRecords@Phoenix.gov. *See* Ex. A.

2 9. Specifically, and as relevant to this special action, the request sought:

3 1. “Use of Force Level 2 Reports for fifty (50) separate incidents that are
4 closest in time to, and pre-date, April 30, 2025. *See* Use of Force –
5 Reporting and Administrative Review (Operations Order 1.5.02).
6

7 2. Use of Force Level 3 Reports for fifty (50) separate incidents that are
8 closest in time to, and pre-date, April 30, 2025.
9

10 3. For each Use of Force Report responsive to request Nos. 1, and 2 above,
11 the corresponding (see Use of Force – Reporting and Administrative
12 Review (Operations Order 1.5.02)):

13 1. Show of Force Report.

14 2. Final Policy Outcome Determination.”
15
16

17 *See id.*

18 10. A Show of Force Report is required when “[a]ny lethal weapon or less-lethal
19 device [is] pointed in the direction of a person.” Operations Order 1.5.01, p. 3 (Rev.
20 09/09/25). *See* Ex. B.
21

22 11. “A Policy Outcome Determination is a decision regarding whether actions of
23 employees involved in a Use of Force are within the guidelines and standards set forth by
24 Department policy.” Operations Order 1.5.02, p. 15 (Rev. 09/09/25). *See* Ex. C.
25

26 12. Use of Force reporting is created and maintained in the Department’s
27
28

1 electronic software named IAPro / BlueTeam. Operations Order 1.5.02, p. 1 (Rev.
2 09/09/2025). *See* Ex. C.

3
4 13. After receiving automatic e-mail notifications that the status of the requests
5 were “Submitted” in the records request portal, *see, e.g.*, Ex. D, but failing to receive a
6 substantive response to the requests, on July 21, 2025, the ACLU e-mailed
7 PolicePublicRecords@Phoenix.gov asking for an update on the status of Plaintiffs’ records
8 request. *See* Ex. E.

9
10 14. On August 19, 2025, the Department, via Police Chief Matthew Giordano and
11 Police Administrator Amy Rundquist, responded (in the portal) with a letter denying
12 production of these records. *See* Ex. F.

13
14 15. The Department provided the following reasoning for its denial of the
15 requested Use of Force Reports:

16 “Numbers one (1) through three (3) seek a multitude of records
17 related to 100 use of force incidents from the previous year. Working on these
18 numbers would require an extensive tracking, gathering and review process to
19 isolate and exclude confidential and other non-public information or records.
20 Producing these records would require a team of employees from various bureaus
21 within the Phoenix Police Department and excessive work hours to process.
22 Additionally, Use of Force investigations can take several months to years to
23 complete and reports from the timeframe requested may not be releasable as
24 premature release could interfere with the investigation. Furthermore, these
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1 numbers extend to any misconduct investigations or disciplinary actions that flow
2 from the 100 use of force incidents and those types of records also come with
3 processing restrictions.[] Thus, we have determined that numbers one (1) through
4 three (3) of the request are unduly burdensome and therefore closed.”
5

6 *See id.*

7
8 16. On three occasions—September 9, 10, and 29, 2025—the ACLU called the
9 number provided in the August 19, 2025, letter ((602) 534-6613) to speak to an individual
10 about the denial. The ACLU was transferred to the “records unit” twice but never made
11 contact with an individual from the unit.
12

13 17. On October 15, 2025, the ACLU e-mailed Tyler Cavanaugh, a Management
14 Assistant in the Public Records and Services Bureau, requesting assistance with the denial
15 of Plaintiffs’ records request. *See Ex. G*, at 8-9.
16

17 18. The ACLU sent a follow-up e-mail on October 29, 2025, *see id.*, at 8, and Mr.
18 Cavanaugh responded, asking what he can do to help, on November 3, 2025. *See id.*, at 7-
19 8.
20

21 19. Over nearly a four-month period, the ACLU communicated with the
22 Department to receive public records about officers’ use of force practices.
23

24 20. At the outset, in suggesting that a response would be burdensome, the
25 Department misrepresented and inflated the number of Use of Force Reports that Plaintiffs
26 sought. *See id.*, at 5-6. Specifically, the Department asserted that each Use of Force Report
27 ranged from 7-10 pages—despite that, regardless of the number of pages, the reports are
28

1 electronically maintained and so the number of pages itself does not suggest a burden. The
2 Department also asserted Plaintiffs requested 438 reports, despite the unambiguous
3 language in the Plaintiffs' request for 100 Use of Force Reports total. Lastly, the
4 Department did not give the ACLU an answer when asked for a number of reports that it
5 does not consider burdensome to produce.
6

7 21. Without citing any statutory justification, the Department further vaguely
8 asserted burdens in coordinating with bureaus within the Department to produce Final
9 Policy Outcome Determinations that identify whether the officer's use of force was within
10 the Department's policy. *See id.*, at 5. Yet it is unclear why such a burden should fairly
11 prevent production of Use of Force Reports that are maintained within the Department.
12

13 22. The Department disclosed that Use of Force Reports contain "initial findings"
14 but do not contain the Final Policy Outcome Determinations. *See id.*, at 6. Regardless of
15 whether the Department might conduct a further inquiry into force, the Use of Force Reports
16 are still public records maintained in the ordinary course of business.
17

18 23. Further, instead of offering any compromise regarding this portion of the
19 Plaintiffs' request and producing Use of Force Reports with initial findings but not the Final
20 Policy Outcome Determination, the Department persisted in denying production of all
21 documents even though Use of Force Reports can be produced without Final Policy
22 Outcome Determinations. *See id.*, at 5-6.
23

24 24. The Department also argued that the Use of Force Reports must be redacted
25 for "protected information" that does not align with what is publicly known about these
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1 records. *See id.*, at 5-6.

2 25. For example, the Department sent a long list of information in Use of Force
3 Reports that require a “team” to redact prior to disclosure. *See id.*, at 4. When the ACLU
4 asked for the statutory reasoning underlying the Department’s need for redactions, the
5 Department broadly cited to Arizona’s public records statute (A.R.S. § 39-123) and a
6 provision within the statute that allows the disclosure of “the name of a witness to a crime
7 in a public record” under specific circumstances. A.R.S. § 39-123.01(C). *See Ex. G*, at 4.
8

9 26. Plaintiffs understand that some time might be necessary to complete
10 redactions, but the Department’s assertions that this process is unduly burdensome does not
11 comport with the limited witness information commonly included in Use of Force Reports.
12

13 27. The Department also vaguely cited to “Titles” within the state’s public
14 records statute without any direction to specific language to justify redactions. *See id.*
15 However, such ambiguity makes it so Plaintiffs cannot know the basis for the Department’s
16 assertion that other information, including officer names and internal notes, require
17 redaction.
18

19 28. After months of communication without any production of public records, on
20 February 10, 2026, the ACLU sent the Department an e-mail explaining why the
21 Department’s refusal to produce the Use of Force Reports violates Arizona’s Public
22 Records Law. The ACLU provided the Department a final opportunity to resolve its request
23 for public records without litigation. *See id.*, at 2-3.
24

25 29. Despite the ACLU’s detailed explanation, the Department reiterated its
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27
28

1 baseless “burdensome” objections and maintained that it will not produce the public records
2 sought by Plaintiffs unless the ACLU narrowed its request. *See id.*, at 1.

3
4 30. Over twelve months after Plaintiffs’ public records request for 100 Use of
5 Force Reports, and as a result of Defendants continued denial, Plaintiffs initiated this suit.

6 **Legal Claim and Request for Order to Show Cause**

7
8 31. Plaintiffs’ requested documents are public records and the Department is
9 required to disclose them. While public bodies may justify withholding documents based
10 on burden and confidentiality, the Department has failed to meet the required standard to
11 make such a showing and its refusal to disclose public records is therefore contrary to state
12 law.

13
14 32. The Department’s refusal to provide public records in response to Plaintiffs’
15 requests as described above gives rise to a civil action under A.R.S. § 39-121.02(A): “Any
16 person who has requested to examine or copy public records pursuant to this article, and
17 who has been denied access to or the right to copy such records, may appeal the denial
18 through a special action in the superior court, pursuant to the rules of procedure for special
19 actions against the officer or public body.” *See also* RPSA 04.

20
21 33. Because this is a statutory special action, Plaintiffs “may file an application
22 for an order to show cause why the requested relief should not be granted.” RPSA 07(c).

23
24 34. Arizona’s Public Records Law (“APRL”) states that “[a]ll officers and public
25 bodies shall maintain all records . . . reasonably necessary or appropriate to maintain an
26 accurate knowledge of their official activities and of any of their activities that are supported
27
28

1 by monies from this state or any political subdivision of this state.” A.R.S. § 39-121.01(B).

2 35. Defendant City of Phoenix Police Department (“Department”) is a “public
3 body” under the APRL. A.R.S. § 39-121.01(A)(2).
4

5 36. The Department has custody, possession, or control over the records that
6 Plaintiffs have requested.

7 37. Public records “shall be open to inspection by any person at all times during
8 office hours.” A.R.S. § 39-121. Arizona law “defines public records broadly and creates a
9 presumption requiring the disclosure of public documents.” *Griffis v. Pinal Cnty.*, 215 Ariz.
10 1, 4, 156 P.3d 418, 421 (2007) (citation modified).
11

12 38. The Department’s Release of Records Policy also acknowledges that its
13 policy is “to support and promote openness in government by releasing information in a
14 timely and responsible manner.” Operations Order 5.5.00, p. 1 (Rev. 09/09/25) (Hereinafter
15 “Policy”). *See* Ex. H.
16
17

18 39. Under the APRL, “when records are subject to disclosure the required
19 response is the prompt and actual production of the documents.” *Phoenix New Times, L.L.C.*
20 *v. Arpaio*, 217 Ariz. 533, 538, 177 P.3d 275, 280 (Ct. App. 2008).
21

22 40. “The public’s right to know any public document is weighty in itself,” and
23 that right is even greater where, as here, “the public documents are of broad and intense
24 interest.” *Keegan*, 201 Ariz. at 351.
25

26 41. After a years-long investigation into the Department, the DOJ found the use
27 of widespread excessive force—including the use of deadly neck restraints—against
28

1 individuals in Phoenix. Information about more recent uses of force continues to be the
2 subject of media coverage and the public's interest.

3
4 42. The "burden" to overcome the presumption of disclosure and demonstrating
5 how producing the documents violates privacy rights or confidentiality under the APRL
6 falls "squarely upon" the Department. *Cox Arizona Publications, Inc. v. Collins*, 175 Ariz.
7 11, 14, 852 P.2d 1194, 1198 (1993).

8
9 43. The Department must "specifically demonstrat[e] how release of particular
10 information would adversely affect [its] privacy interest." *Jud. Watch, Inc. v. City of*
11 *Phoenix*, 228 Ariz. 393, 400, 267 P.3d 1185, 1192 (Ct. App. 2011). It "may not rely on
12 'global generalities' of possible harm, but must specifically demonstrate how disclosure of
13 particular information will adversely affect [its] rights." *Johnson Utilities L.L.C. v. Town of*
14 *Queen Creek*, No. 1 CA-CV 18-0201, 2019 WL 949188, at *2 (Ariz. Ct. App. Feb. 26,
15 2019) (memorandum decision).

16
17
18 44. The Department fails to specifically demonstrate a particular harm and
19 instead relies on broad and ambiguous justifications that are not rooted in state law. In its
20 August 19, 2025, response letter, the Department stated that producing the requested records
21 "would require a team of employees . . . and excessive work hours to process" due to the
22 "tracking, gathering and review process to isolate and exclude confidential and other non-
23 public information or records." *See* Ex. F, at 1.

24
25
26 45. The Department later stated that "there are 438 corresponding UOF-related
27 documents" for the requested 100 Use of Force Reports *See* Ex. G, at 4. The content of
28

1 these Use of Force Reports typically includes a summary of the incident and initial findings,
2 and the records are electronically maintained in the ordinary course of business. The Use of
3 Force Reports are readily identifiable and can be easily pulled by the Department. The
4 Department utilizes software to keep and maintain records related to officers' use of force.
5 The sheer number of documents contained in Use of Force Reports therefore does not itself
6 explain why production of them would be burdensome. Further, a total of 438 documents
7 is not so burdensome to justify non-disclosure of public records. *Jud. Watch, Inc.*, 228 Ariz.
8 at 400 (finding that 600 pages of activity logs related to the mayor's police security detail
9 in a two-year span "do not approximate the size and breadth of documents precluded from
10 inspection").
11
12

13
14 46. The Department also asserted that to produce the Use of Force Reports, it
15 would have to coordinate with bureaus within the Department to obtain Final Policy
16 Outcome Determinations. While the Department stated that Use of Force Reports typically
17 contain initial findings, it did not agree to produce reports with such findings. As explained
18 supra, the fact the Department might have additional material relevant to a public record
19 does not transform a public record into a non-public one.
20
21

22 47. With respect to the Department's withholding based on the need for
23 redactions, any personally identifying information of witnesses can likely be "easily
24 redact[ed]" by one or more officers in the Department. *Jud. Watch, Inc.*, 228 Ariz. at 397-
25 98. The Department has not shown that redacting personal identifying information would
26 create a burden that warrants withholding these public records.
27
28

1 48. As to the alleged need to redact information beyond personal identifying
2 information, the Department has vaguely asserted that other information, such as officer
3 names and internal notes, also requires redactions. The Department cites to state law in
4 broad strokes and does not state with any specificity which provisions or language within
5 state statute justifies redacting this information. The APRL favors disclosure and courts
6 have advised that such statutory policy should not be “so easily, and permanently, thwarted
7 by the unilateral and potentially self-serving inclination of government officials to classify
8 files as confidential.” *Church of Scientology v. City of Phoenix Police Dep’t*, 122 Ariz. 338,
9 340, 594 P.2d 1034, 1036 (Ct. App. 1979).

10 49. Even more, the names of officers in a police incident are not categorically
11 protected from disclosure. *Smith v. Town of Marana*, 254 Ariz. 393, 398, 524 P.3d 254, 259
12 (Ct. App. 2022). And the Department’s own Policy instructs that officer names may be
13 released. *See also* Policy, pp. 5-6.

14 50. The Department has not stated with specificity that the harm associated with
15 the release of closed Use of Force Reports is “grounded in confidentiality, privacy, or the
16 best interests of the state.” *Abraham v. Arizona Bd. of Regents*, 259 Ariz. 158, 563 P.3d
17 632, 642 (Ct. App. 2025), *as corrected* (Jan. 8, 2025), *review granted in part* (Sept. 9, 2025).

18 51. The Department’s denial of Plaintiffs’ request for 100 Use of Force Reports is
19 unsupported by state law and therefore gives rise to this civil action.

20 52. If the court issues an order to show cause, Plaintiffs are entitled to an
21 “expedited response date” and a “hearing on the application.” RPSA 7(c). *See also* Ariz. R.
22

1 Civ. P. 7.3(a) (“A court, on application supported by affidavit showing sufficient cause,
2 may issue an order requiring a person to show cause why the party applying for the order
3 should not have the relief it requests in its application. The court must designate a date by
4 which the person must respond, and may set a hearing on the application.”).

5
6 53. Upon prevailing in a lawsuit arising out of its public records requests,
7 Plaintiffs are entitled to an award of attorneys’ fees and costs. *See* A.R.S. §§ 39-121.02(B),
8 12-341, 12-348(A)(4), 12-2030(A), the private attorney general doctrine, and RPSA 7(i).
9

10 **Prayer for Relief**

11 WHEREFORE Plaintiffs respectfully request the Court provide the following relief
12 on an expedited basis:
13

- 14 1. Enter an order compelling Defendants to comply with A.R.S. § 39-121, *et seq.*, and
15 to immediate provide access to (or copies of) the requested records;
- 16 2. Enter an order directing Defendant to pay Plaintiffs’ reasonable attorneys’ fees and
17 costs pursuant to A.R.S. §§ 39-121.02(B), 12-341, 12-348(A)(4), 12-2030(A), the
18 private attorney general doctrine, Rule 7(i) of the Arizona Rules of Procedure for
19 Special Actions, or any other applicable provision of law or equitable principle; and
20
21 3. Grant Plaintiffs such other and further relief as the Court deems just and proper.
22

23 RESPECTFULLY SUBMITTED this 9th of June, 2026.

24
25 *By /s/ Tara R. DeGeorge*
26 Lauren K. Beall
27 Tara R. DeGeorge
28 AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF ARIZONA

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Sapana Anand*
Jenn Rolnick Borchetta*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

*Applications for admission *pro hac vice*
forthcoming

Attorneys for Plaintiffs

EXHIBIT A



May 21, 2025

Via e-mail

Phoenix Police Department
Public Records and Services Unit
PolicePublicRecords@Phoenix.gov
1717 E Grant, Suite 100
Phoenix, AZ 85034

REQUEST FOR PUBLIC RECORDS

Dear Records Custodian:

On behalf of the American Civil Liberties Union Foundation, the American Civil Liberties Union of Arizona (together, “ACLU”), and Poder in Action, this letter serves as a request to examine and copy, or be furnished with copies, of public records pursuant to Arizona’s Public Records Law, A.R.S. §§ 39-121 et seq., that are in possession of the Phoenix Police Department (PPD) or its employees.

We request data constituting, describing, or relating to the following records:

1. Use of Force Level 2 Reports for fifty (50) separate incidents that are closest in time to, and pre-date, April 30, 2025. See Use of Force – Reporting and Administrative Review (Operations Order 1.5.02).
2. Use of Force Level 3 Reports for fifty (50) separate incidents that are closest in time to, and pre-date, April 30, 2025.
3. For each Use of Force Report responsive to request Nos. 1, and 2 above, the corresponding (see Use of Force – Reporting and Administrative Review (Operations Order 1.5.02)):
 - a. Show of Force Report.
 - b. Final Policy Outcome Determination.
4. Documents that identify PPD’s policies, procedures, or rules that are currently in effect related to (a) search and seizure; (b) use of force; and (c) racial discrimination, racial profiling, or biased law enforcement practices.

5. Documents that identify PPD's policies, procedures, or rules that are currently in effect for identifying and addressing possible violations of laws or PPD policies concerning (a) search and seizure; (b) use of force; and (c) racial discrimination, racial profiling, or biased law enforcement practices.
6. Documents that identify PPD's policies, procedures, or rules in effect immediately prior to June 13, 2024 related to (a) search and seizure; (b) use of force; and (c) racial discrimination, racial profiling, or biased law enforcement practices, to the extent different from those currently in effect.
7. Documents that identify the number of Use of Force Level 1, Level 2, and Level 3 incidents for the period May 1, 2024, through April 30, 2025.
8. Arizona Traffic Ticket and Complaint Ticket Books and Field Based Reporting Citation forms for fifty (50) separate incidents that are closest in time to, and pre-date, April 30, 2025, including any corresponding (see Arizona Traffic Ticket and Complaint – Operations Order 6.2)):
 - a. Incident Report.
 - b. Field Interview.
 - c. Officer's notes.

We seek only non-privileged, non-protected, public data in accordance with A.R.S. § 39-121. We are not seeking personal identifying information of witnesses or victims, or other personal information protected from disclosure.

For the data requested above that your office does not produce, please provide an explanation, including the statutory or factual basis, for the determination that the requested material is exempt from disclosure. All divisible portions of otherwise exempt material must be produced. If your department does not keep the requested records, please advise that they do not exist. This request is ongoing, so should any requested materials that were initially considered exempt become non-exempt, please notify us.

Further, please provide the requested records in electronic form if it is feasible and economical to do so. E-mails transmitting less than 10 MB of data may be sent to sanand@aclu.org, or arrangements can be made to supply you with a CD, flash drive, or email address capable of receiving larger quantities of data. If the responsive data is not available in electronic form, please send it by first class mail.

If there are a significant number of documents responsive to this request, we ask that you produce documents on a rolling basis, rather than waiting until all documents are assembled to produce them.

We do not seek records for any commercial purpose. However, we agree to reimburse you for reasonable costs associated with copying and sending the requested records, which are the only costs allowed under A.R.S. § 39-121.01(D)(1). If the costs will exceed \$100, please contact me for approval prior to completing the request.

Please comply with this request on or before June 11, 2025. *See* A.R.S. § 39-121.01(D)(1) and (E) (public records must be furnished “promptly”).

We are available to answer any questions or clarifications you may have about this request, and will readily work with you to establish a process for fulfilling this request in an efficient and economical way. Please contact Sapana Anand to discuss this request.

Thank you for your time and assistance with this request.


Sincerely,

/s/ Sapana Anand
Sapana Anand
Jenn Rolnick Borchetta
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
(917) 634-6285
sanand@aclu.org

Jared G. Keenan
Lauren Beall
AMERICAN CIVIL LIBERTIES UNION OF ARIZONA
(602) 650-1854
jkeenan@acluaz.org
lbeall@acluaz.org


Isabel Garcia
ben Laughlin
PODER IN ACTION

EXHIBIT B

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1. GENERAL POLICY

- A. It is the policy of the Department to use a reasonable amount of force to conduct lawful public safety activities. When deciding to use force, employees conduct will be guided by the Department's core principles, the safety priorities, and applicable case law.
- B. The response options employed will be Objectively Reasonable, Necessary and Proportional, and based on the Totality of the Circumstances.
- (1) Employees involved in a Use of Force incident have the responsibility of providing the facts and circumstances they believe justified the use of force by completing the necessary documentation.
- (2) Circumstances that may govern the reasonableness of using a particular response option include, but are not limited to:
- (a) [Graham v. Connor, 490 U.S. 386 \(1989\)](#)
- As the Supreme Court stated in *Graham*: The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer, or others, and whether (the subject) is actively resisting arrest or attempting to evade arrest by flight.” *Id.* at 396. “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgements-in circumstances that are tense, uncertain, and rapidly evolving-about the amount of force that is necessary in a particular situation.” *Id.* at 396-97. In addition, “(t)he ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Id.* at 397. “(T)he question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them.” *Id.*
- (i) 3 Pillars of *Graham v. Connor*
- The severity of the crime
 - Whether the subject poses an immediate threat to the safety of officers or others
 - Whether the subject is actively resisting arrest or attempting to evade arrest by flight
- (ii) The Supreme Court also recognizes other factors to be taken into consideration including:
- Totality of the circumstances
 - Environment/bystanders
 - Reasonableness
- (b) Safety Priorities
- Hostages
 - Innocents/civilians
 - Officers / law enforcement
 - Suspect/subject
- (c) Conditions to consider in decision making
- Subject – Known violence potential/criminal history/behavior/armed or access to weapons
 - Venue – structure/vehicle/open area
 - Environment – Geography/backdrops/innocent citizens/traffic

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1. B. (3) Employees need to consider the following when responding to resistance:
 - (a) Ability - Does the subject have the apparent physical means to cause harm?
 - Employees must also evaluate his/her ability to handle the threat posed by the subject.
 - (b) Opportunity – The circumstances are such that the subject has the apparent ability to harm the employee/s or others.
 - Distances, barriers, and opportunities for both the subject/s and employee/s should be taken into account.
 - (c) Jeopardy - Is the subject causing an imminent or immediate threat to the employee/s or others?
 - Denotes actions, cues, or indicators demonstrated by the subject.

NOTE: Officer-created Jeopardy – Employees will not recklessly escalate a situation resulting in the need for police use of force, which did not exist prior to the employee's actions.
 - (d) Preclusion - All other alternatives have been reasonably considered and cannot be employed in a safe manner based on the Totality of the Circumstances the employee/s or others are facing.
- C. Duty to Provide Medical Assistance – In keeping with the safety priorities, as soon as practicable after any Use of Force incident, employees are responsible for requesting medical treatment for injured subjects and rendering aid consistent with the employee's training.
 - (1) Any time there is an injury, or an alleged injury, as a result of force used by Department personnel, **employees will:**
 - Examine any person claiming injury and render first aid, if necessary.
 - Request medical personnel to respond to the scene, if appropriate.
 - Immediately notify a supervisor.
- D. As soon as practicable, employees who are directly involved in applying a Level 2 Use of Force or higher on a person will be relieved by another officer, not directly involved in the Use of Force incident, for the care and custody of the person.
- E. The techniques taught by the Department's proficiency skills instructors will be used when practical.

2. **TYPES OF RESISTANCE**


A. Psychological Intimidation	<ul style="list-style-type: none"> • Non-verbal cues indicating subject's unwillingness or threats through attitude or aggressive posturing
B. Verbal Non-Compliance	<ul style="list-style-type: none"> • Verbal responses indicating a subject's unwillingness or inability to comply with commands
C. Passive Resistance	<ul style="list-style-type: none"> • Failure to comply with an employee's commands without attempting to flee • May include, but is not limited to, a person going limp, or standing still and not moving, in response to lawful direction
D. Active Resistance	<ul style="list-style-type: none"> • Physical actions that attempt to prevent an employee's control but do not constitute Active Aggression against the employee or another person • Examples may include but are not limited to pre-attack indicators, attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the employee's grasp <p style="text-align: center;">(continued on next page)</p>

2. **TYPES OF RESISTANCE** (continued)

D. Active Resistance (continued)	<ul style="list-style-type: none"> • A person's reaction to pain caused by an employee, or purely defensive reactions to force, do not constitute Active Resistance * Pre-Attack Indicators which may include, but are not limited to, verbal threats/statements of non-compliance, psychological intimidation, or a combative stance, can be factored into determining the subject's level of resistance * One pre-attack indicator by itself may not be active resistance, but rather multiple indicators compounded with other factors • NOTE: Based on this definition, absent lawful reasonable suspicion to stop or detain a person, solely running from officers does not constitute Active Resistance
E. Active Aggression	<ul style="list-style-type: none"> • Physical Actions of an attack or assault including, but not limited to, taking a fighting stance, strikes, kicks, or attempted strikes or kicks, with hands, fists, the head, elbows, or knees
F. Aggravated Aggression	<ul style="list-style-type: none"> • The actions of a person that present an imminent threat of death or serious physical injury to the employee or another person

3. **FORCE OPTIONS, DE-ESCALATION, AND REPORTING**

A. Response Options	<p><u>The option/s used is determined by the totality of the circumstances.</u></p> <ul style="list-style-type: none"> • Presence – Identification of authority • Verbal Direction – Commands of direction or arrest * Includes the use of a long-range acoustic device (LRAD) • Show of Force (SOF) – Any lethal weapon or less-lethal device pointed in the direction of a person • NOTE: Drawing from the duty belt, a slung weapon, or displaying a weapon at the low ready does not constitute a SOF incident. • Soft Empty Hand Control and Restraining Devices – Techniques that have a minimal chance of injury to include control holds, arm bars, and pressure points, spit sock. * Restraining Devices – Handcuffs, RIPP® restraint, ankle cuffs, shackles • Forcible Takedown/Tripping/Tackling – Physical technique used to take a person to the ground • Irritants - Oleoresin capsicum (OC), 2-Chlorobenzylidene malononitrile (CS), and PavaPowder (PepperBall®) • TASER Energy Weapons (TEW): i.e. TASER® • Intermediate Control Techniques - Techniques that have a possibility of injury * Hard Empty Hand Control * Impact Weapons * Canine (K9) Application * Less-Lethal Launcher/Munitions used as Direct Impact munitions • Deadly Force
B. Decision Making – De-Escalation Strategies	<ul style="list-style-type: none"> • Employees will be trained in de-escalation tactics and techniques designed to gain voluntary compliance from a subject before using force. Such tactics and techniques should be employed if objectively feasible and when they would not increase the danger to the community, employees, or others. Gaining voluntary compliance reduces the need for force, which keeps the community, employees, and subjects safe. • De-Escalation tactics (<i>i.e.</i>, controlling time, distance, and cover) and techniques (<i>i.e.</i>, Crisis Communication) help officers stay focused and calm during crisis situations to bring chaotic moments to as peaceful a resolution as the subject will allow. Employees shall avoid action or language that intentionally escalates an encounter unless necessary to achieve a lawful purpose. <p style="text-align: right;">(continued on next page)</p>

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3. **FORCE OPTIONS, DE-ESCALATION, AND REPORTING** (Continued)

<p>B. Decision Making – De-Escalation Strategies (continued)</p>	<ul style="list-style-type: none"> • Crisis Communication Techniques include, but are not limited to: <ul style="list-style-type: none"> * Empathy * Emotional labeling * Active listening * Testing for compliance • Employees will assess situations to determine if de-escalation is possible, and if so, employ appropriate de-escalation tactics to reduce the potential need to use force or to reduce the level of force needed. <ul style="list-style-type: none"> * If force is necessary, employees will assess each incident to determine, based on policy, training, and experience, which use of force option will de-escalate the situation, bring the situation under control, and reduce the probability of harm or injury to any involved persons. * When practical, employees will collect information about the incident, assess risks, request resources, and coordinate a response. * Based on the Totality of the Circumstances, it may be acceptable and prudent to use an elevated tone and voice or appropriate gestures as a tactic to enhance the de-escalation process. <p>NOTE: Employees are reminded Operations Order 4.7.00, Rules and Regulations – Professionalism governs employee conduct at all times.</p> <ul style="list-style-type: none"> * When tactically sound, employees will control the use of time, distance and cover (either close distance or create distance) afforded to them by the subject to consider other force response options. * The effectiveness of de-escalation strategies depends upon the subject’s response to these techniques. • The use of de-escalation tactics and techniques must remain in line with the safety priorities.
<p>C. Documenting Necessity of Use of Force Options</p>	<ul style="list-style-type: none"> • When force is used, employees must document the necessity of each force response option. Documentation should include, but is not limited to: <ul style="list-style-type: none"> * The Totality of the Circumstances * Safety Priorities * Subject actions, behavior, and violence potential * De-Escalation strategies * Pre-Attack Indicators * Force options considered * Force options used and their effectiveness * Injuries sustained and any medical aid provided • Decision-making factors influencing force response options may include, but are not limited to, variables such as weapons or perceived weapons, size and strength disparities of subject/officer, environment, etc.

4. **FORCE RESPONSE OPTIONS**

A. General Guidelines

- (1) Utilizing any of the following Force Response Options must be Objectively Reasonable, Necessary, and Proportional, based on the Totality of the Circumstances.
- (2) In accordance with Continuous Assessment, when the circumstances justifying the use of a specific Force Response Option no longer exists, the force option will immediately be discontinued. Employees may be justified in using force at a particular moment but not justified in using force when circumstances change.
- (3) Employees will not use any equipment for which they have not been trained and do not possess a current Department certification.



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4. B. Presence – Presence is established through identification of authority.

NOTE: The presence of a Canine at a scene falls under this parameter.

- C. Long Range Acoustic Device (LRAD) – Refer to the [Downtown Operations Unit \(DOU\) Bureau Manual](#) for further information.

- D. Show of Force (SOF) – A Show of Force is a when a firearm, less-lethal launcher, or TEW is pointed at, or in the direction of, a person by a Department employee. Show of Force also includes:

- (1) Discharge (firing) of PepperBall® munitions near a person for the purpose of Area of Saturation / Area Denial, or discharge of other Department-approved Irritants for Area Denial purposes.
- (2) Display of a “Warning Arc Display” of a TASER® 7 during a police incident in the presence of a person, for the purpose of gaining compliance.
- (3) Discharge (firing) of authorized irritant munitions near a person or into structure as part of a pre-planned tactical event by Tactical Support Bureau (TSB) personnel

NOTE: A Show of Force does NOT include the act of removing a Department-approved weapon system from a holster or case by an employee; does NOT include the display of a Department-approved weapons system by an employee simply holding, wearing, or otherwise possessing the item; and does NOT include the presentation of a Department-approved weapon system at a low-ready position or any other position where the weapon is not pointed at or in the direction of any person.

- E. Soft Empty Hand Techniques and Restraining Devices – These techniques result in temporary pain and have a minimal chance of injury

- (1) Control and restraint techniques include, but are not limited to:

- Wrist locks
- Joint locks
- Pressure points
- Handcuffing (metal, plastic, or soft restraint devices)
- Restraining devices such as RIPP® restraints, ankle cuffs, and shackles (transport use only)
- Use of a shove, an improvised pushing technique, for the purposes of creating distance between persons

NOTE: A shove is NOT an Impact Push or a strike

- Smear technique
- Cheek Weld
- Use of the Department-approved Spit Sock
- Harness control techniques
- Control of and contact with the head
- Use of phlebotomy chair restraints on non-compliant persons

- (2) Many of these tactics may involve placing a person on the ground to assist in better control and to minimize injury to the person as well as the employee.

- (3) Recovery Position – Restrained persons will be placed into a recovery position as soon as practicable (moved onto their side, sitting, kneeling, or standing position) to avoid the potential for positional asphyxiation. If the recovery position is not feasible, employees will monitor the consciousness and breathing of restrained persons and request medical assistance immediately when prudent or necessary.

- (4) Employees **will not** restrain subjects with their legs behind their back (hog-tying).



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4. E. (5) Spit Sock


(a) Due to inherent health risks, officers may deploy a Department-approved 'Spit Sock' when dealing with a subject who is, or is threatening to, spit on officers or others involved in the immediate incident.

(b) Refer to [Operations Order 1.5.03, Less Lethal Tools](#), section 2.

F. Forcible Takedown, Tripping, or Tackling – Techniques not specifically taught through defensive tactics instruction but used to take a person to the ground.

G. Irritants

(1) Handheld Irritants	<p>May be used when reasonable and justified in the following Situations:</p> <ul style="list-style-type: none"> • To prevent the possibility of injury to an officer or another person • To ward off threatening dogs or other animals • In tactical building entries, such as search warrants • To subdue a person who is: <ul style="list-style-type: none"> * Threatening or attempting physical harm to himself or another * Resisting an arrest * Rioting * Interfering with an arrest • When the circumstances justifying the use of a handheld irritant no longer exist, the use of the irritant will immediately be discontinued. • When any irritant has been utilized on or against a person, the deployment will be documented in a Case Report (CR) or Officer Narrative and a Level 2 Use of Force Report will be generated in BlueTeam. (Refer to Operations Order 1.5.02, Use of Force Reporting for further information) <p><u>MK-9 Use</u></p> <ul style="list-style-type: none"> • Supervisors may direct an officer to deploy the MK-9 canister when reasonable to do so.
(2) Pava Powder (PepperBall® II Launcher)	<p><u>PepperBall® used for Area Saturation/Area Denial</u></p> <ul style="list-style-type: none"> • When a PepperBall® has been utilized for Area Saturation/Area Denial, the deployment constitutes a Show of Force and an SOF report in BlueTeam will be completed (refer to Operations Order 1.5.02, Use of Force Reporting). • An involved employee or supervisor will complete the SOF Notification Form in PolicePoint and document the circumstances for the Area Saturation/Area Denial in the justification box on the form. <p>NOTE: If during an Area Saturation/Area Denial deployment, a person is unintentionally struck with a PepperBall® munition, due to actions beyond the control of the operator, a Level 2 Use of Force Report in BlueTeam will be completed by a supervisor.</p> <p>The reporting supervisor will document the circumstances of the unintentional direct impact to the person and the circumstances and justification leading to the use of Area Saturation (i.e. psychological intimidation, verbal non-compliance, passive resistance).</p> <p>PepperBall® may be utilized for Area Saturation/Area Denial in the following manners:</p> <ul style="list-style-type: none"> • When objectively reasonable and justified to subdue a person who is: <ul style="list-style-type: none"> * Displaying psychological intimidation * Verbally non-compliant * Displaying passive resistance <p><u>Pepperball® Used for Direct Impact</u></p> <ul style="list-style-type: none"> • Refer to Direct Impact Munitions, section I.(5) below.

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4. G. Irritants (continued)


(3) Tactical Irritants	<ul style="list-style-type: none"> Detailed training, deployment procedures, and tactical considerations are found in the TSB and DOU manuals.
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H. TASER® Energy Weapon (TEW) – Use is considered a less-lethal tactic.

(1) Guidelines for Use	<ul style="list-style-type: none"> TEWs may be used in situations where distance is necessary to maintain officer safety and the use of TEWs is reasonable. TEWs will not be used for any of the following: <ul style="list-style-type: none"> * Coercion or intimidation <p>EXCEPTION: Use of the Warning Arc Display of a TASER® 7 combined with the proper verbal warning may be used in situations where deployment of a TEW is justified. Powering the TASER® 10 on, combined with proper verbal warning, may be used in situations where deployment of a TEW is justified.</p> * Against a subject who would be in danger of falling from a significant height * When subjects are near flammable liquids and gases If it is determined an extended cycle, or additional probe deployment (TASER® 10), is necessary to control a combative suspect, a detailed explanation will be documented in the CR or Officer Narrative. Only apply the number of cycles reasonably necessary to safely approach and restrain the subject. <p><u>Non-Target Areas</u></p> <ul style="list-style-type: none"> Head, neck, groin, and chest <p><u>Deployment Ranges for Patrol</u></p> <ul style="list-style-type: none"> Maximum range of 25 feet for TASER® 7, or 40 feet for TASER® 10 TASER® 7 - close quarter cartridge preferred range 4-8 feet TASER® 7 - Stand Off cartridge preferred range 11-22 feet
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I. Intermediate Control Techniques – Techniques that may result in injury.

(2) Hard Empty Hand Techniques	<p><u>These include but are not limited to:</u></p> <ul style="list-style-type: none"> Closed fist strikes Hammer fist strikes Palm-heel strikes Impact pushes Kicks Knee strikes Elbow strikes <p><u>Guidelines for Use</u></p> <ul style="list-style-type: none"> Areas to avoid are the throat, spine, sternum, and kidneys. Intentional strikes to the head should be avoided in most circumstances, however, strikes to the head or face may be used to overcome a violent or perceived violent attack against community members or employee/s. Strikes to the head or face are not permitted absent compelling circumstances when a suspect is in a prone position. When feasible, consider more effective techniques to address a subject in this position, to include isolating limbs with joint control techniques, pressure points, and relying on communication and coordination with other officers.
(3) Impact Weapons	<p><u>Expandable Baton and Improvised Impact Weapons (i.e., Flashlights)</u></p> <p>NOTE: Side-handle and straight batons are prohibited for use or carry by employees.</p> <ul style="list-style-type: none"> When the use of the impact weapon is justified, employees will attempt to strike large muscle group areas and nerve motor points where there is minimal chance of permanent injury. Flashlights are not designed as impact weapons; however, a flashlight may be used as an impact weapon if a baton is not readily available.

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4. | Intermediate Control Techniques (continued)

<p>(3) Impact Weapons (continued)</p>	<ul style="list-style-type: none"> Employees will not purposely strike or jab suspects with an impact weapon or fixed object on the head, neck, sternum, spine, lower abdomen, groin, or kidneys unless faced with a deadly force situation. <p>NOTE: Use of a firearm or less-lethal launcher as an Improvised Impact Weapon is prohibited unless Deadly Force is justified or used as an appropriate technique for the purposes of system retention.</p> <p>EXCEPTION: TSB personnel's use of approved techniques as outlined in the TSB Manual</p>
<p>(4) Canines (K9s)</p>	<ul style="list-style-type: none"> Canines may be used to search for or apprehend felony suspects when the public or officer safety is threatened sufficiently to justify this level of force. Canines may be used to search for misdemeanor suspects; however, the animal will remain on lead unless the public or officer safety is threatened. <p><u>Procedures for deploying Canines</u></p> <ul style="list-style-type: none"> When time and circumstances permit, a verbal warning will be given to a subject before releasing the Canine to conduct a search. An announcement identifying police authority and giving directions to the subject should be made in addition to stating the Canine will be released if the subject fails to comply. Canines will not be used for control of crowds or in any circumstances where a strong potential exists for discrediting the Department, unless exceptional justifiable circumstances are present. Detailed procedures for Canine use are found in the TSB manual.
<p>(5) Direct Impact Munitions</p>	<ul style="list-style-type: none"> This policy applies to the following direct impact munition launchers: <ul style="list-style-type: none"> * 40MM Launcher * PepperBall® Launcher (direct impact) * 37MM Launcher (TSB approved only) They are not intended to resolve Phase II Barricades (refer to TM10, Barricade/Hostage Plan for further information), but rather can be used to alter environments (vehicles/structures) to enhance public safety, officer safety, and improve tactical advantage. When practical, prior to direct munitions usage in Phase I Barricade situations, the shift commander will consult with a TSB supervisor. <p><u>Target Areas</u></p> <ul style="list-style-type: none"> Arms Lower abdomen Back, excluding the spine from the base of the skull to the tailbone Buttocks Legs Chest – PepperBall® ONLY <p><u>Non-Target Areas</u></p> <ul style="list-style-type: none"> Head Spine Chest Neck <p>Exception: The chest is an acceptable target area for PepperBall® munitions</p> <p>NOTE: Intentional shots to non-target areas are only authorized when Deadly Force is justified.</p> <p><u>Considerations</u></p> <ul style="list-style-type: none"> Optimal Ranges: <ul style="list-style-type: none"> <u>40MM Launcher</u> - 40MM Standard Velocity (SV) round have no minimum safe distance per the manufacturer. The optimal ranges are from 5 yards up to 35 yards. * High Velocity (HV) round will not be used within 10 yards of the subject unless deadly force is justified. * HV rounds are intended to provide increased time, distance, and cover for subjects outside SV ranges.

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4. I Intermediate Control Techniques (continued)

(5) Direct Impact Munitions (continued)	<p><u>Considerations</u> (continued)</p> <p><u>PepperBall® Launcher</u></p> <ul style="list-style-type: none"> * PepperBall® has no minimum distance, with an effective range of 2 yards to 20 yards. <p><u>Additional Information</u></p> <ul style="list-style-type: none"> • For specific guidelines reference the 40MM Launcher or PepperBall® Launcher, refer to current training lesson plans. • For specific guidelines reference the 37MM direct impact munitions, refer to the TSB manual.
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J. Deadly Force

(1) Guidelines	<p><u>Employees may use deadly force under the following circumstances:</u></p> <ul style="list-style-type: none"> • Deadly Force may only be used in circumstances where a threat of death or serious physical injury to the employee or others is imminent. A danger is imminent when an objectively reasonable employee would believe that each of the following apply: <ul style="list-style-type: none"> * A suspect is acting or threatening to cause death or Serious Physical Injury to the employee or others. * The suspect has the means or instrumentalities to do so. * The suspect has the opportunity and ability to use the means or instrumentalities to cause death or Serious Physical Injury. • Deadly Force may be utilized when other measures are not practical under the existing circumstances. • An employee may use Deadly Force to prevent the escape of a fleeing person if force is justified and no reasonable force alternative exists, provided each of the following apply: <ul style="list-style-type: none"> * There is probable cause to believe that the person has committed or is in the process of committing a felony involving the infliction or threatened infliction of Serious Physical Injury or death. * The escape of the person would pose an Imminent Threat of death or Serious Physical Injury to the employee or another unless the person is apprehended without delay. * If time, safety, and circumstances permit, employees have identified themselves as law enforcement officer, have stated their intention to use Deadly Force, and have given the person a reasonable opportunity to comply voluntarily. • When the use of techniques taught by the Department's proficiency skills instructors is not practical under the circumstances, the employee may resort to any reasonable method to overcome the attack. • The use of chokeholds, carotid control techniques, or any other method of inhibiting air or blood flow to the brain is prohibited unless the situation has risen to the level of a Deadly Force encounter. • When the circumstances justifying the use of Deadly Force no longer exist, Deadly Force will immediately be discontinued through the utilization of De-Escalation Strategies. • Employees still may use reasonable force to maintain control and to protect the community or themselves from danger in situations where Deadly Force is no longer justified.
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4. J. Deadly Force (continued)

(2) Firearms	<ul style="list-style-type: none"> • In addition to the guidelines listed above, employees will only discharge firearms in connection with police activities, and in accordance with the following policies whether On-duty or working in an Off-duty capacity. • Employees will not unnecessarily draw or display any firearm, or carelessly handle a firearm. • Warning shots are prohibited. • Indiscriminately firing into crowds is prohibited. • When the shooting of a subject appears imminent, employees will, if practical, issue a verbal warning. • Firearms will not be used under circumstances in which a substantial and unjustifiable risk of injury or death exists. Employees should consider environmental considerations such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over-penetration, and other risks to life. <p>NOTE: Firearms may be used against an animal posing an immediate danger to the employee or the public when other means of protection are impractical. Use of a firearm against an animal is not considered a Use of Force.</p> <p><u>Shooting from or at Vehicles:</u></p> <ul style="list-style-type: none"> • Employees will not shoot from a moving vehicle unless a failure to address an immediate threat will result in a greater risk to public safety. • Employees will not shoot at a moving vehicle for the sole purpose of disabling it unless a failure to address an immediate threat will result in a greater risk to public safety. • Employees will not shoot at an occupant of a moving vehicle unless a failure to address the immediate threat will result in a greater risk to public safety. <p>NOTE: Employees should not deliberately place themselves in the path of a moving vehicle or one capable of immediate movement, unless executed as part of a tactical plan intended to enhance safety.</p>
(3) Vehicles	<ul style="list-style-type: none"> • The following are prohibited unless the use of Deadly Force is justified, and no reasonable alternatives exist: <ul style="list-style-type: none"> * The intentional use of a police vehicle against a subject on foot or on a bicycle. * The deliberate collision with other vehicles or use of a police vehicle to force any vehicle off the roadway. • <u>Exceptions:</u> <ul style="list-style-type: none"> * Employees trained and authorized in vehicle interdiction techniques are governed by their respective bureau manual. * To prevent an act of terrorism when the vehicle is being used as a weapon of mass destruction. * Employees “pinning” a vehicle as part of a planned tactical event. <p>NOTE: Employees should use caution before reaching or leaning into a running vehicle with the driver’s seat occupied.</p>
(4) Notifications	<ul style="list-style-type: none"> • Employees who discharge a firearm in the course of their duties will make appropriate notification to a supervisor as soon as practical. • The employee’s bureau/precinct commander or the duty commander will be advised of the weapon discharge incident. • Firearms training or firearms practice are exempt from this paragraph.

EXHIBIT C


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1. CORE PRINCIPLES

- A. The Department understands the enormous responsibility inherent with the Constitutional authority to use Force in a police capacity. This includes maintaining thorough and transparent Force reporting and oversight systems to ensure departmental accountability and maintain public trust. Accordingly, all employees will comply with the Force reporting requirements contained within this policy.
- B. Mandatory force-related reporting for Departmental employees is divided into tiers, based on the classification of the qualifying force response option used by an employee during a police incident:
 - Minimal Force (not reportable)
 - Show of Force Report
 - Level 1 Use of Force Report
 - Level 2 Use of Force Report
 - Level 3 Use of Force Report
- C. Employees will notify an on-duty supervisor of incidents involving a qualifying Use of Force (UOF) or Show of Force (SOF) as soon as practicable.
- D. Employees and Supervisors will complete SOF Reports and UOF Reports in IAPro / BlueTeam in accordance with reporting standards and timelines established in this policy.
 - All SOF and UOF reporting will be initiated during the same work shift in which the incident occurred.
- E. The purpose of a UOF Report is to document an applicable Use of Force against a person by a Department employee in the performance of their duties. It is part of an Administrative Review process required by this Policy whenever an employee is involved in a Use of Force as defined in [Operations Order 1.5.00](#).
- F. During the Use of Force reporting process, supervisors will conduct Fact-Finding & Preliminary Questioning in order to document what occurred; if a plausible allegation of a Force-related policy violation is identified, the incident will be referred to the Professional Standards Bureau (PSB) in accordance with this policy.

NOTE: A UOF Report is **NOT** a formal Misconduct Investigation as defined in [Operations Order 2.2.00](#). Therefore, a Notice of Investigation is **NOT** required unless the UOF qualifies as a Critical Incident, **OR** there is a known plausible allegation of a policy violation which requires the initiation of a separate Misconduct Investigation.

- G. The responsibilities for the Investigation and Administrative Review of Level 3 Uses of Force and Special Reporting Circumstances will be conducted by members of PSB and the Critical Incident Response Team (CIRT).
 - (1) PSB will be notified as soon as practicable, by the Duty Commander, Duty Lieutenant, or their designee, under any of the following circumstances:
 - All Uses of Deadly Force, including Officer-Involved Shootings (OIS)
 - Any other Level 3 Uses of Forces as defined in [Operations Order 1.5.00](#)
 - Any In-Custody Death (ICD) – Non-Use of Force Special Reporting Circumstance
 - Any On-duty Firearm Discharge (Animal/Non-human Target, On-duty, police incident Negligent Firearm Discharge, or On-duty, non-police incident Negligent Firearm Discharge) – Non-Use of Force Special Reporting Circumstance
 - After Fact-Finding & Preliminary Questioning is conducted by an on-scene supervisor, any Level 2 Use of Force incident that involves a plausible allegation of a Force-related policy violation or any other Force-related Misconduct

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1. H. The Quality Assurance and Standards Unit (QASU) will inspect closed Show of Force and Use of Force reports to ensure compliance with department policy and standards.

2. **GENERAL FORCE REPORTING PROCEDURES**

- A. All Uses of Force by Phoenix Police employees are reportable.

NOTE: Minimal Force is NOT considered a Use of Force for the purposes of reporting.

- B. One UOF Report will be completed per person that Force was used against, per incident (event). The level of a UOF Report will be determined by the highest level of force during an incident.

EXAMPLE: If an incident involves employees using multiple force response options on one person that rise to both Levels 1 and 2, only a single Level 2 Use of Force Report will be created. The Level 2 report will include the Level 1 elements of force.

- C. If the UOF incident includes a supervisor as an involved employee who applied Force on a person, or if that supervisor issued a Force-related order to an employee resulting in a Force application during the incident, either an uninvolved peer supervisor or a higher-level supervisor will complete the necessary UOF Report, as determined by a Lieutenant or above.

- D. UOF Reports will not be used to document Injuries to persons when the Injuries are **not** related to a police Use of Force. UOF reporting does not include Injuries a person received **prior** to an interaction with police employees and does not include Injuries incurred by a person due to their own actions (self-inflicted) not related to an employee's Use of Force. Such occurrences will be documented in BlueTeam using an Injured Person incident.

NOTE: BlueTeam Injured Person (INJ) incidents and Administrative Inquiry incidents (INQ) will **never** be used to document employee Uses of Force.

- E. All Shows of Force by Phoenix Police employees are reportable. Shows of Force will be reported as specified in this policy.

- F. Minimal Force is **not** a reportable Use of Force and should not be reported as a Use of Force.

- G. UOF Administrative Reviews and their Policy Outcome Determinations are divided between four separate review paths depending on the level of Force used and/or the circumstances of the incident:

- An involved employee's chain of command,
- The Force Evaluation and Review Unit (OIB) chain of command,
- The Professional Standards Bureau (PSB) chain of command, and/or
- The Police Chief, or their designee (as a part of the review of Critical Incidents)

The following links can be used to quickly access sections of this policy:

[Section 3. - Show of Force \(SOF\) Reporting Guidelines](#)

[Section 4. - Level 1 Use of Force \(UOF\) Reporting Guidelines](#)


[Section 5 - Level 2 Use of Force \(UOF\) Reporting Guidelines](#)

[Section 6 - Level 3 Use of Force \(UOF\) Reporting Guidelines](#)

[Section 7 - Policy Outcome Determinations](#)

3. SHOW OF FORCE (SOF) REPORTING GUIDELINES

A. General Reporting Procedures	<ul style="list-style-type: none"> • ALL qualifying Shows of Force require the completion of a SOF Report in IAPro. • Show of Force reporting will be initiated with the completion of a Show of Force Notification Form by an involved employee or a supervisor. • Precinct/Bureau Quality Assurance Sergeants (QAS) will receive all Show of Force Notification Forms and enter SOF Reports into IAPro. • Only one SOF Report is required for any incident involving a Show of Force. Multiple persons and multiple employees may be listed in the same SOF Report in IAPro. NOTE: This differs from Use of Force reporting, which requires one UOF report for each person force was used against. • A SOF Report is required in addition to any UOF Report (Levels 1, 2 or 3) regarding the same incident, because SOF and UOF must be reported separately in IAPro/BlueTeam. • Employees will make sure to select “Yes” for “Show of Force” in the Header section under Secondary Reporting Information of the Case Report (CR). In the “Supervisor Notified” drop-down menu, employees will also identify which supervisor was notified of the SOF as well as when the supervisor was “Notified On”. • A Show of Force does not include the following: <ul style="list-style-type: none"> * The act of removing a Department-approved weapon system from a holster or case by an employee; * The display of a Department-approved weapons system by an employee who is simply holding, wearing, or otherwise possessing the item; * The presentation of a Department-approved weapon system at a low-ready position or any other position when the weapon is not pointed at or in the direction of any person.
B. Employee Responsibilities	<p><u>After a reportable Show of Force occurs:</u></p> <ul style="list-style-type: none"> • Employees will notify a sworn supervisor as soon as practicable. <p><u>Within the same work shift in which a Show of Force occurs:</u></p> <ul style="list-style-type: none"> • At the direction of a supervisor, any employee involved in a Show of Force incident may be responsible for completing the Show of Force Notification Form on behalf of all involved employees. • Only one Show of Force Notification Form will be submitted for any incident involving a Show of Force. NOTE: When a Level 2 or Level 3 Use of Force and a Show of Force occur during the same incident, the designated employee or supervisor will complete and submit a Show of Force Notification Form for the SOF portion of that incident only; Level 2 and 3 UOF Reports will be initiated by a Reporting Supervisor in BlueTeam. • The designated employee completing the Show of Force Notification Form will mark the “Precinct of Occurrence” field to route the form to the correct QA staff for the precinct which the SOF occurred in. EXCEPTION: If a Show of Force occurred outside the City, the employee will select the precinct geographically closest to the location where the SOF occurred on the Show of Force Notification Form (e.g., if the SOF was used in Chandler, AZ, the “Precinct of Occurrence” field will be marked as the South Mountain Precinct). TSB ONLY: If Tactical Support Bureau (TSB) personnel are responsible for submitting a Show of Force Notification Form, they will select “TSB Use Only” as the Precinct of Occurrence. <p style="text-align: right;">(continued on next page)</p>


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3. SHOW OF FORCE (SOF) REPORTING GUIDELINES (Continued)

B. Employee Responsibilities (continued)	<ul style="list-style-type: none"> • If an employee is designated to complete the Show of Force Notification Form, they will be responsible for documenting the details and nature of the SOF in the “SOF Justification” text box. • The Show of Force Notification Form must be completed and submitted by the end of the shift in which the SOF occurred, unless otherwise approved by a Lieutenant, or higher, based on extenuating circumstances. <p>Additional considerations:</p> <ul style="list-style-type: none"> • Employees are not required to mark their body-worn camera (BWC) video for SOF reporting.
C. Supervisor Responsibilities	<p>Within the same work shift in which a Show of Force occurs:</p> <ul style="list-style-type: none"> • Supervisors will ensure a Show of Force Notification Form is completed when applicable and designate an employee to submit the form, or the supervisor will complete the form for the incident. The form will include ALL employees who engaged in the Show of Force during that incident. <p>NOTE: When a Level 2 or Level 3 Use of Force and a Show of Force occur during the same incident, the Responding Supervisor will ensure a Show of Force Notification Form is completed and submitted for the SOF portion of the incident only.</p> <p>On a monthly basis:</p> <ul style="list-style-type: none"> • Supervisors will monitor employee SOF totals in BlueTeam using the Employee Explorer feature and review them as appropriate for training and oversight purposes. <p>Additional considerations:</p> <ul style="list-style-type: none"> • If a supervisor engaged in a qualifying Show of Force during an incident, the supervisor will ensure the employee submitting the Show of Force Notification Form includes the supervisor’s information on the form. • A supervisor is not required to respond to the scene of an incident involving only a Show of Force. • Supervisory BWC review is not required for an incident involving only a Show of Force.
D. Precinct / Bureau QAS Responsibilities	<p>Within 14 days of receiving a Show of Force Notification Form:</p> <ul style="list-style-type: none"> • Precinct/Bureau QA staff will receive Show of Force Notification Forms from the field and enter the required SOF Reports directly into IAPro. • QA staff will refer to related CRs to obtain additional information, as needed. • After entering and reviewing all required information, QA staff will complete and close the SOF Report in IAPro. <p>Additional considerations:</p> <ul style="list-style-type: none"> • Show of Force Reports do not receive Policy Outcome Determinations. • QA staff BWC review is not required for a SOF Report.
E. Quality Assurance and Standards Unit	<ul style="list-style-type: none"> • Personnel from the Quality Assurance and Standards Unit will inspect closed SOF Reports to ensure compliance with Department policy and standards.
F. Show of Force Reporting Assistance	<ul style="list-style-type: none"> • For questions about SOF Reporting or the Show of Force Notification Form, please contact Precinct/Bureau QA staff.


4. LEVEL 1 USE OF FORCE (UOF) REPORTING GUIDELINES

A. General Reporting Procedures	<ul style="list-style-type: none"> • ALL Level 1 Uses of Force require the completion of a Level 1 UOF Report in BlueTeam. • Level 1 UOF reporting will be initiated with the completion of a Level 1 Use of Force Notification Form by an involved employee or a supervisor.
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4. **LEVEL 1 USE OF FORCE (UOF) REPORTING GUIDELINES** (Continued)

<p>A. General Reporting Procedures (continued)</p>	<ul style="list-style-type: none"> Precinct / Bureau Quality Assurance Sergeants (QAS) will receive Level 1 Use of Force Notification Forms from the field and enter Level 1 UOF Reports into BlueTeam. A separate Level 1 UOF Report is required for each person Force was used against per incident (event). <ul style="list-style-type: none"> * Each report requires all employees directly involved in using Force against a person be linked in the Level 1 UOF report in BlueTeam. <p>NOTE: This differs from Show of Force reporting, which can include multiple persons and / or multiple employees within a single SOF Report.</p> Any incident involving Level 2 or Level 3 Uses of Force, in addition to Level 1 Use of Force, will be reported according to the highest level of force used in the incident. <p>EXAMPLE: During an incident, three employees use Level 1 Force and one employee uses qualifying Level 2 Force; the incident will be reported as a Level 2 Use of Force in accordance with the directives of this policy.</p> Employees will make sure to select “Yes” for “Show of Force” in the Header section under Secondary Reporting Information of the Case Report (CR). In the “Supervisor Notified” drop-down menu, employees will also identify which supervisor was notified of the SOF as well as when the supervisor was “Notified On”. All Level 1 Uses of Force must receive a Policy Outcome Determination as part of the Administrative Review process.
<p>B. Special Circumstance Guidelines – Level 1 Use of Force</p>	<ul style="list-style-type: none"> If the employee/s involved in a Level 1 UOF are assigned to a unit without a Precinct / Bureau Quality Assurance Sergeant, the Force Notification Form will be forwarded to the QA staff of the precinct where the incident occurred, or to the precinct closest to where the UOF occurred when the incident was outside the city. In such instances, the Precinct QA staff will create the Level 1 UOF Report in BlueTeam and route it to the original chain of command for a Policy Outcome Determination. When all involved employees are supervised by a non-sworn employee, the Level 1 UOF Report will be forwarded to the next-highest sworn supervisor within the employees’ chain of command for review and a Policy Outcome Determination.
<p>C. Employee Responsibilities</p>	<p><u>After a reportable Level 1 Use of Force occurs:</u></p> <ul style="list-style-type: none"> Employees will notify a sworn supervisor as soon as practicable. <p><u>Within the same work shift in which a Level 1 Use of Force occurs:</u></p> <ul style="list-style-type: none"> At the direction of a field supervisor, any employee involved in a Level 1 UOF incident may be responsible for completing the Level 1 Use of Force Notification Form on behalf of all involved employees. A separate Level 1 Use of Force Notification Form will be submitted for each person that force was used against. <p>NOTE: When a Level 2 or Level 3 Use of Force and a Level 1 Use of Force occur during the same incident, no Force Notification Form will be submitted because the incident will be reported as the highest level of force occurring within the incident. However, if a Show of Force also occurred during that incident, then a Show of Force Notification would be required to report only the Show of Force.</p> <ul style="list-style-type: none"> The designated employee completing the Level 1 Use of Force Notification Form for an incident will mark the “Precinct of Occurrence” field to route the form to the correct QA staff for the precinct in which the Level 1 UOF incident occurred in. (Exception, TSB only - Continued on next page)

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4. LEVEL 1 USE OF FORCE (UOF) REPORTING GUIDELINES (Continued)


<p>C. Employee Responsibilities (continued)</p>	<p>EXCEPTION: If a Level 1 Use of Force occurred outside the City, the employee will select the precinct geographically closest to the location where the UOF occurred on the Level 1 Use of Force Notification Form (e.g. if force was used in Chandler, AZ, the “Precinct of Occurrence” will be marked as the South Mountain Precinct.)</p> <p>TSB ONLY: If TSB personnel are responsible for submitting a Level 1 Use of Force Notification Form, they will select “TSB Use Only” as the “Precinct of Occurrence”.</p> <ul style="list-style-type: none"> • Each employee who applied force during a Level 1 UOF is responsible for documenting their own role and actions in a CR or Officer Narrative. <ul style="list-style-type: none"> * Employees will make sure to select “Yes” for “Show of Force” in the Header section under Secondary Reporting Information of the Case Report (CR). In the “Supervisor Notified” drop-down menu, employees will also identify which supervisor was notified of the SOF as well as when the supervisor was “Notified On”. * The CR must be completed by the end of the shift in which the UOF occurred, unless otherwise approved by a Lieutenant or higher based on extenuating circumstances. • The Level 1 Use of Force Notification Form must be completed and submitted by the end of the shift in which the Level 1 Use of Force occurred, unless otherwise approved by a Lieutenant or higher based on extenuating circumstances. <p>By the end of the next consecutive work shift after a Level 1 Use of Force occurs:</p> <ul style="list-style-type: none"> • All employees who engage in a Use of Force during an incident must review AND mark their BWC footage at all instances where they used force during the incident. <ul style="list-style-type: none"> * While employees may complete this task during the same work shift in which the incident occurs, consideration for added time will be provided due to potential video upload delays. <p>Additional considerations:</p> <ul style="list-style-type: none"> • None.
<p>D. Supervisor Responsibilities</p>	<p>Within the same work shift in which a Level 1 Use of Force occurs:</p> <ul style="list-style-type: none"> • Supervisors will ensure a Level 1 Use of Force Notification Form is completed when applicable and designate an employee to submit the form or the supervisor will complete the form for the incident. The Form will include ALL employees who engaged in the Level 1 UOF during that incident. <ul style="list-style-type: none"> * If a SOF occurred with the Level 1 UOF incident, the designated employee or supervisor will submit a separate Show of Force Notification Form for all employees who engaged in the Show of Force during the incident. <p>NOTE: When a Level 2 or Level 3 Use of Force and a Level 1 Use of Force occur during the same incident, NO Force Notification Form will be submitted by an employee because the incident will be reported as the highest level of Force occurring within the incident; the Reporting Supervisor will include the Level 1 Force in the appropriate UOF report.</p> <p>Additional considerations:</p> <ul style="list-style-type: none"> • If a supervisor was directly involved in the application of force during a Level 1 Use of Force incident, that supervisor must complete a CR, documenting their role and actions during that incident. • The supervisor will ensure the employee or supervisor submitting the Level 1 Use of Force Notification Form includes their information on the Form. • A supervisor is not required to respond to the scene of an incident involving only a Level 1 UOF and/or SOF.

4. LEVEL 1 USE OF FORCE (UOF) REPORTING GUIDELINES (Continued)

E. Precinct / Bureau QAS Responsibilities	<p><u>Within 14 days of receiving a Force Notification Form:</u></p> <ul style="list-style-type: none"> • Precinct/Bureau Quality Assurance staff will receive Level 1 Use of Force Notification Forms from the field and enter Level 1 UOF Reports into BlueTeam. The Quality Assurance Sergeant is considered the Reporting Supervisor on Level 1 UOF Reports. • Precinct / Bureau Quality Assurance staff will ensure the Level 1 UOF Report for includes: <ul style="list-style-type: none"> * Ensure all involved employees are linked * The report has the correct involved person linked * Verify relevant BWC and digital photographs URLs are attached * Confirm relevant CRs are attached * Confirm the TEW Logs are attached, when applicable * Check the BlueTeam report data elements for accuracy and completeness • QA staff will forward completed Level 1 UOF Reports to a designated Lieutenant for review and Policy Outcome Determination. <p><u>Within 14 days of receiving a Level 1 Use of Force Report in BlueTeam that has been assigned a Policy Outcome Determination:</u></p> <ul style="list-style-type: none"> • QA staff will receive the reviewed incident in BlueTeam and import it into IAPro as soon as practicable, to complete and close the Report. <p><u>Additional considerations:</u></p> <ul style="list-style-type: none"> • QA staff do not render Policy Outcome Determinations for Level 1 UOF incidents. • QA staff are not required to review BWC footage for a Level 1 UOF Report.
F. Precinct / Bureau Lieutenant	<p><u>Within 14 days of receiving a Level 1 Use of Force Report form the Precinct / Bureau QA staff in BlueTeam:</u></p> <ul style="list-style-type: none"> • A designated Lieutenant from the chain of command of any of the employee/s involved in a Level 1 UOF incident will receive the Level 1 UOF Report in BlueTeam. • Within 14 days of receiving the incident in BlueTeam, the Lieutenant will review the incident and render a Policy Outcome Determination in accordance with this policy. • BWC review is required for a Level 1 Use of Force, prior to the rendering of a Policy Outcome Determination by the designated Lieutenant. • If the Reviewing Lieutenant believes that a Force-related policy violation occurred, FERU will be consulted to review the incident with the designated Lieutenant / chain of command. • After rendering a Policy Outcome Determination, the Lieutenant will route the Level 1 UOF Report back to Precinct / Bureau QA staff in BlueTeam, and CC the next-higher level supervisor on the BlueTeam routing. • For questions about Level 1 Force reporting or the Force Notification Form, please contact Precinct/Bureau QA staff.
G. Level 1 Use of Force Reporting Assistance	<ul style="list-style-type: none"> • For questions about Level 1 Force reporting or the Level 1 Use of Force Notification Form, please contact Precinct/Bureau QA staff.
H. QASU	<ul style="list-style-type: none"> • Personnel from the Quality Assurance and Standards Unit will inspect closed Level 1 UOF Reports to ensure compliance with Department policy and standards.


5. LEVEL 2 USE OF FORCE (UOF) REPORTING GUIDELINES

A. General Reporting Procedures	<ul style="list-style-type: none"> • ALL Level 2 UOF reports will be completed in BlueTeam. • Force Notification Forms will not be used to report Level 2 Uses of Force. • A supervisor is required to respond to the scene of ALL Level 2 Uses of Force. <p style="text-align: center;">(Continued on next page)</p>
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5. **LEVEL 2 USE OF FORCE (UOF) REPORTING GUIDELINES** (continued)

<p>A. General Reporting Procedures (continued)</p>	<ul style="list-style-type: none"> • Level 2 UOF reporting will be initiated in BlueTeam by a Responding Supervisor. <ul style="list-style-type: none"> * With Lieutenant approval, the Responding Supervisor may request that QA staff reassign a Level 2 UOF Report to a different supervisor (Reporting Supervisor) after initial entry of the incident. The Reporting Supervisor will complete and submit the Level 2 UOF Report within prescribed time limits. * The Responding Supervisor and Reporting Supervisor may or may not be the same person. • A separate Level 2 UOF Report is required for each person Force was used against per incident (event). <ul style="list-style-type: none"> * Each report requires all employees directly involved in using Force against a person be linked in the Level 2 Use of Force report in BlueTeam. <p>NOTE: This differs from Show of Force reporting, which can feature multiple persons and multiple employees within a single SOF Report.</p> • If a qualifying Show of Force occurs during a Level 2 Use of Force incident, the Responding Supervisor will complete, or direct an employee to complete, a Show of Force Notification Form regarding ONLY the SOF portion of the incident. <ul style="list-style-type: none"> * In IAPro / BlueTeam, Show of Force and Use of Force are reported separately. • Any incident involving Level 1 Uses of Force, in addition to Level 2 Uses of Force, will be reported according to the highest level of force used in the incident (<i>i.e.</i>, Level 2). <p>EXAMPLE: During an incident, two employees use Level 2 Force Response Options and one employee uses qualifying Level 1 Force. The incident will be reported as a Level 2 Use of Force, with the Level 1 Force elements included in the Level 2 UOF Report.</p> • Employees will make sure to select “Yes” for “Show of Force” in the Header section under Secondary Reporting Information of the Case Report (CR). In the “Supervisor Notified” drop-down menu, employees will also identify which supervisor was notified of the SOF as well as when the supervisor was “Notified On” • All Level 2 Uses of Force must receive a Policy Outcome Determination as part of the Administrative Review process; as well as an Evaluation by the Force Evaluation & Review Unit.
<p>B. Special Circumstance Guidelines – Level 2 Use of Force</p>	<ul style="list-style-type: none"> • If the unit of the employees involved in a Level 2 UOF do not have a Quality Assurance Sergeant, the incident will be forwarded to the QA staff of the precinct closest to where the UOF incident occurred. In such instances, the Precinct QA staff will submit the UOF report to the Force Evaluation & Review Unit for Administrative Review. • When all involved employees are supervised by a non-sworn employee, a sworn supervisor from the Precinct where the Level 2 UOF occurred will be notified and designated as the Responding and Reporting Supervisor. The UOF report will be routed to that Precinct’s QA staff who will submit the report to the Force Evaluation & Review Unit for Administrative Review.
<p>C. Employee Responsibilities</p>	<p><u>After a reportable Level 2 Use of Force occurs:</u></p> <ul style="list-style-type: none"> • Employees will notify a sworn supervisor as soon as practicable. <p><u>Within the same work shift in which a Level 2 Use of Force occurs:</u></p> <ul style="list-style-type: none"> • Each employee who applied any level of force during a Level 2 UOF is responsible for documenting their own role and actions in a CR <ul style="list-style-type: none"> * Employees will make sure to select “Yes” for “Show of Force” in the Header section under Secondary Reporting Information of the Case Report (CR). In the “Supervisor Notified” drop-down menu, employees will also identify which supervisor was notified of the SOF as well as when the supervisor was “Notified On” * The CR must be completed by the end of the shift in which the UOF occurred, unless otherwise approved by a Lieutenant or higher based on extenuating circumstances. <p style="text-align: right;">(continued on next page)</p>

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5. **LEVEL 2 USE OF FORCE (UOF) REPORTING GUIDELINES** (continued)

<p>C. Employee Responsibilities (continued)</p>	<ul style="list-style-type: none"> If a qualifying Show of Force occurs during a Level 2 Use of Force incident, a designated employee or supervisor will complete a Show of Force Notification Form ONLY for the SOF portion of the incident; the UOF reporting will be initiated by the Responding Supervisor. <p>NOTE: Level 1 Use of Force Notification Forms will not be used to report Level 2 Uses of Force. Any Level 1 Force occurring during a Level 2 Use of Force incident will be documented in a Level 2 UOF Report.</p> <p><u>By the end of the next consecutive work shift after a Level 2 Use of Force occurs:</u></p> <ul style="list-style-type: none"> All employees who engage in a Use of Force during an incident must review AND mark their BWC footage at all instances where they used force during the incident. <ul style="list-style-type: none"> While employees may complete this task during the same work shift in which the incident occurs, consideration for added time will be provided due to potential video upload delays. <p><u>Additional considerations:</u></p> <ul style="list-style-type: none"> None.
<p>D. Supervisor Responsibilities</p>	<p><u>After a being notified that a Level 2 Use of Force has occurred:</u></p> <ul style="list-style-type: none"> A supervisor will respond to the scene as soon as practicable; this supervisor will be considered the Responding Supervisor. <p><u>Upon arrival at the scene, the Responding Supervisor will:</u></p> <ul style="list-style-type: none"> Conduct Fact-Finding & Preliminary Questioning to include: <ul style="list-style-type: none"> Speak with involved officers regarding details of the incident Identify and interview any witnesses who may have observed the Use of Force Ensure photographs are taken of the involved person, all involved employees, and the scene Visually examine the person on whom force was used to document any Injuries sustained during the UOF incident As soon as practicable, the Responding Supervisor will notify the Duty Lieutenant responsible for the area in which the Level 2 UOF occurred. After initial Fact-Finding & Preliminary Questioning has occurred, the Responding Supervisor will review the FERU Referral Form on PolicePoint – Patrol Resources to determine if any of the criteria listed occurred during the UOF incident. <ul style="list-style-type: none"> When ANY of the criteria are met, the on-scene, Responding Supervisor will contact the standby FERU Lieutenant as soon as practicable <p>NOTE: When there is uncertainty if an incident qualifies as a Level 2 or Level 3 UOF, the Responding Supervisor will contact the Duty Lieutenant for guidance. When appropriate, the Lieutenant will contact the FERU Lieutenant for consultation.</p> If the Responding Supervisor or Duty Lieutenant identifies a plausible allegation of a force-related policy violation, PSB will be contacted immediately for guidance. <ul style="list-style-type: none"> The Reporting Supervisor will document in the Summary narrative section of the Level 2 UOF report that PSB was contacted from the scene of the incident. <p><u>Within the same work shift in which a Level 2 Use of Force occurs:</u></p> <ul style="list-style-type: none"> The Responding Supervisor will initiate the Level 2 UOF Report in BlueTeam by the end of the shift in which the UOF occurred, unless otherwise approved by a Lieutenant or higher based on extenuating circumstances. <p style="text-align: center;">(continued on next page)</p>

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5. **LEVEL 2 USE OF FORCE (UOF) REPORTING GUIDELINES** (continued)

<p>D. Supervisor Responsibilities (continued)</p>	<ul style="list-style-type: none"> • At the time of creation, the Level 2 UOF Report should contain a minimum of the following: <ul style="list-style-type: none"> * Date of occurrence * Time of occurrence * Location, to include the address, the precinct, and the beat of occurrence * Case Report number * Reason for Using Force and Service Being Rendered * Select if the person was arrested * Link the Involved Person (who Force was used against) * Link all Involved Employees • Level 2 UOF Reports may be completed by the Responding Supervisor -OR- administratively reassigned to a different (Reporting) Supervisor for completion with Lieutenant approval. <p>NOTE: When necessary, field generated UOF Reports should be administratively re-assigned in BlueTeam by contacting Precinct / Bureau QA staff.</p> • Generally, the involved employees' direct supervisor will complete and submit a Level 2 UOF Report. <p><u>Within 7 days of a Level 2 Use of Force Report being initiated in BlueTeam:</u></p> <ul style="list-style-type: none"> • All Level 2 Use of Force Reports will include, at minimum, all associated Case Reports (CRs) (PDF files), URL links to incident photographs stored on a Department image server or Axon Capture, URL links to all available BWC footage from the incident, and when applicable, TEW logs (PDF files). • The Reporting Supervisor will review the involved employees' CRs and Officer Narratives and review the marked sections of BWC footage. • Supervisors should strongly consider attaching additional materials when those materials provide important information or additional context regarding why Force was applied by an employee during an incident. <ul style="list-style-type: none"> * Examples of such materials could include, but are not limited to: CAD incident information (PDF files), audio recordings of field or phone interviews with citizen witnesses and/or involved persons, audio recordings of police radio communications and/or 911 calls made during an incident (provided by the Communications Bureau upon request), video surveillance footage from nearby locations capturing the force incident, etc. • While conducting the UOF review, if a plausible allegation of a Force-related policy violation is identified, or if a potential Level 3 Use of Force is discovered, the Reporting Supervisor will contact PSB immediately. <ul style="list-style-type: none"> * If a plausible allegation of a non-Force-related policy violation is identified (e.g., BWC violation, Unprofessional Conduct, etc.) the supervisor will initiate an Investigation in accordance with Operations Order 2.2.00. • All initial Level 2 UOF Reports will be forwarded to Precinct / Bureau QA staff in BlueTeam for review within 7 days of the original incident and the Reporting Supervisor will CC their next-level supervisor. <p><u>If a Level 2 UOF Report is returned for additional information or corrections:</u></p> <ul style="list-style-type: none"> • Upon receiving a report needing corrections, the Reporting Supervisor will have an additional 7 days to make the necessary changes and forward the updated UOF Report back to the Precinct / Bureau QA staff. <p><u>Additional considerations:</u></p> <ul style="list-style-type: none"> • If a supervisor was directly involved in the application of force during a Level 2 Use of Force incident, that supervisor must complete a CR, documenting their role and actions during that incident. • A supervisor directly involved in the application of force will not be the Responding, Reporting, or Reviewing Supervisor for a UOF incident in which they applied force or issued a Force-related order resulting a Force application
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5. LEVEL 2 USE OF FORCE (UOF) REPORTING GUIDELINES (continued)

<p>E. Precinct / Bureau QAS Responsibilities</p>	<p><u>Within 7 days of receiving a Level 2 UOF Report in BlueTeam from a Reporting Supervisor:</u></p> <ul style="list-style-type: none"> • Precinct / Bureau Quality Assurance staff will check the Level 2 UOF Report for completeness including: <ul style="list-style-type: none"> * Ensure all involved employees are linked * The report has the correct involved person linked * Verify relevant BWC and digital photographs URLs are attached * Confirm relevant CRs are attached * Confirm the TEW Logs are attached, when applicable * Check the BlueTeam report data elements for accuracy and completeness • If additional information is needed for the report, QA staff will route it back to the Reporting Supervisor for corrections. • When the report is complete, QA staff will submit the UOF Report for processing to the Force Evaluation & Review Unit. <p><u>Additional considerations:</u></p> <ul style="list-style-type: none"> • QA staff are not required to review BWC for a Level 2 Use of Force Report.
<p>F. FERU Administrative Responsibilities</p>	<p><u>Upon receiving a Level 2 Use of Force Report from a Precinct / Bureau:</u></p> <ul style="list-style-type: none"> • FERU administrative staff will intake and assign the Level 2 UOF Report to the appropriate Force Evaluation Sergeant.
<p>G. FERU Sergeant Responsibilities</p>	<p><u>Within 28 days of receiving a Level 2 Use of Force Report:</u></p> <ul style="list-style-type: none"> • The Force Evaluation Sergeant will conduct a comprehensive Administrative Review and Evaluation of each Level 2 UOF Report assigned to them. • As part of the FERU review, the Force Evaluation Sergeant will do the following: <ul style="list-style-type: none"> * Review all materials linked to and associated with the Level 2 UOF Report * Conduct an Evaluation of the incident, regarding training & tactics * Complete an Administrative Review & Evaluation summary * Offer Proficiency Training Recommendations (PTR), if applicable * Propose a Policy Outcome Recommendation • Upon completion of the Administrative Review and Evaluation, the incident will be routed to the FERU Lieutenant.
<p>H. FERU Lieutenant Responsibilities</p>	<p><u>Within 14 days of receiving a Level 2 Use of Force Report:</u></p> <ul style="list-style-type: none"> • The FERU Lieutenant will review the incident and the Administrative Review & Evaluation summary • For incidents involving a Proficiency Training Recommendation for an involved employee: <ul style="list-style-type: none"> * The FERU Lieutenant will evaluate whether the PTR is best conducted by the FERU or that employee's work unit. * If the FERU Lieutenant determines the work unit is capable of implementing the PTR, a PTR notification will be sent to the involved employee's chain of command; the employee's supervisor will be responsible for conducting the recommended training at the unit level. * If the FERU Lieutenant determines the PTR requires formal training, the PTR will be assigned to the FERU Proficiency Training Coordinator for scheduling and implementation. (continued on next page)

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5. LEVEL 2 USE OF FORCE (UOF) REPORTING GUIDELINES (continued)


H. FERU Lieutenant Responsibilities (continued)	<ul style="list-style-type: none"> Upon completion of the review, the incident will be routed the reviewing commander in BlueTeam, when applicable. <p><u>If designated to render a Policy Outcome Determination:</u></p> <ul style="list-style-type: none"> The designated Lieutenant will review the incident and the Administrative Review & Evaluation summary and render the Policy Outcome Determination Upon completion, the Lieutenant submit the UOF incident for processing
I. Precinct / Bureau Commander	<p><u>Within 14 days of receiving a Level 2 Use of Force Report:</u></p> <ul style="list-style-type: none"> The Organizational Integrity Bureau Commander, or designee, will review the incident and the Administrative Review & Evaluation summary and render the Policy Outcome Determination Upon completion, the Commander will submit the UOF incident for processing.
J. Level 2 Use of Force Reporting Assistance	<ul style="list-style-type: none"> For questions about Level 2 UOF reporting, please contact Precinct / Bureau QA staff and/or the Force Evaluation & Review Unit
K. Quality Assurance and Standards Unit	<ul style="list-style-type: none"> Personnel from the Quality Assurance and Standards Unit will inspect closed Level 2 UOF Reports to ensure compliance with Department policy and standards.

6. LEVEL 3 USE OF FORCE (UOF) REPORTING GUIDELINES

A. General Reporting Procedures	<ul style="list-style-type: none"> ALL Level 3 Uses of Force require the initiation and completion of a Level 3 Use of Force Report in IAPro / BlueTeam. A Sergeant and a Lieutenant are required to respond to the scene of ALL Level 3 Uses of Force. The Responding Lieutenant will contact PSB as soon as practicable, once basic Fact-Finding & Preliminary Questioning has been completed at the scene. <p><u>NOTE:</u> When there is uncertainty if an incident qualifies as a Level 2 or Level 3 UOF, the Responding Lieutenant will contact the FERU Lieutenant for consultation prior to contacting PSB.</p> <ul style="list-style-type: none"> PSB will evaluate the incident details and determine whether CIRT will respond to the scene based on the Totality of the Circumstances. <ul style="list-style-type: none"> * CIRT will respond to ALL Critical Incidents to include: Officer-Involved Shootings, any other uses of Deadly Force, UOF incidents resulting in death, and all In-Custody Deaths. * The PSB Commander will retain scene response discretion regarding other Level 3 Uses of Force. If PSB declines to respond to the scene of a Level 3 UOF, a field supervisor will be designated to conduct the on-scene investigation and initiate the Level 3 UOF Report in BlueTeam. A separate UOF Report is required for each person Force was used against per incident (event). <ul style="list-style-type: none"> * Each report requires all employees directly involved in using Force against a person be linked in the BlueTeam report. <p><u>NOTE:</u> This differs from Show of Force reporting, which can include multiple persons and multiple employees within a single SOF Report.</p> Force Notification Forms will not be used to report Level 3 Uses of Force. <p style="text-align: right;">(continued on next page)</p>
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6. LEVEL 3 USE OF FORCE (UOF) REPORTING GUIDELINES (continued)

A. General Guidelines (continued)	<ul style="list-style-type: none"> • If a Show of Force occurs during a Level 3 incident, a supervisor will complete, or may direct an employee to complete, a Show of Force Notification Form regarding ONLY the SOF portion of the incident. <ul style="list-style-type: none"> * In IAPro / BlueTeam, Show of Force and Use of Force are reported separately. • Any Level 3 UOF incident which includes Level 1 or 2 Force will be reported according to the highest level of force used in the incident (<i>i.e.</i>, Level 3). <p>EXAMPLE: During an incident, two employees use Level 2 Force and one employee uses Level 3 force. The incident will be reported as a Level 3 Use of Force, with the Level 2 force elements included in the Level 3 Use of Force Report</p>
B. Employee Responsibilities	<p><u>After a reportable Level 3 Use of Force occurs:</u></p> <ul style="list-style-type: none"> • Employees will notify a sworn supervisor as soon as practicable. • If the Level 3 incident qualifies as a Critical Incident, an involved employee will provide the information as outlined in Operations Order 7.10.00, Critical Incident Response Policy, Public Safety Statement, to an on-scene supervisor. <p><u>Within the same work shift in which a Level 3 Use of Force occurs:</u></p> <ul style="list-style-type: none"> • Unless otherwise directed by an investigative supervisor, each employee involved is responsible for documenting their own role and actions in a CR. • When a Show of Force occurs during a Level 3 UOF incident, if designated by a supervisor, that employee will complete a Show of Force Notification Form regarding ONLY the SOF portion of the incident.
C. Responding Sergeant Responsibilities	<p><u>As soon as practicable after a being notified that a Level 3 Use of Force has occurred:</u></p> <ul style="list-style-type: none"> • A Sergeant will respond to the scene. <p><u>Upon arrival at the scene of a Level 3 Use of Force:</u></p> <ul style="list-style-type: none"> • Conduct Fact-Finding & Preliminary Questioning to include: <ul style="list-style-type: none"> * Speak with involved officers regarding details of the incident * Identify and interview any witnesses who may have observed the UOF * Visually examine the person force was used on to document any Injuries sustained during the UOF incident and ensure medical assistance is provided, if necessary • As soon as practicable, a Responding Sergeant will notify the Duty Lieutenant responsible for the area in which the UOF occurred. <p><u>In circumstances where PSB declines to respond to a Level 3 UOF, and within the same work shift in which the UOF occurred:</u></p> <ul style="list-style-type: none"> • The designated supervisor will ensure photographs are taken of the scene, all involved employees, and involved persons. • If a plausible allegation of a policy violation is identified (<i>e.g.</i>, BWC violation, Unprofessional Conduct, etc.) the supervisor will initiate an Investigation in accordance with Operations Order 2.2.00, Misconduct Investigations. <ul style="list-style-type: none"> * In such cases, the required investigative incident will be initiated in BlueTeam by the designated Reporting Supervisor during the same work shift in which it occurs. <p>NOTE: If the alleged policy violation is Force-related, PSB will be contacted immediately to conduct the investigation.</p> <p style="text-align: center;">(continued on next page)</p>

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6. LEVEL 3 USE OF FORCE (UOF) REPORTING GUIDELINES (continued)

<p>C. Responding Sergeant Responsibilities (continued)</p>	<ul style="list-style-type: none"> • A designated supervisor is required to initiate the Level 3 UOF Report in BlueTeam by the end of the shift in which the UOF occurred, unless otherwise approved by a Lieutenant or higher based on extenuating circumstances. At the time of creation, the Level 3 Use of Force Report should contain a minimum of the following: <ul style="list-style-type: none"> * Date of occurrence * Time of occurrence * Location, to include the address, the precinct, and the beat of occurrence * Case Report number * Reason for Using Force and Service Being Rendered * Select if the person was arrested * Link the Involved Person (who Force was used against) * Link all Involved Employees • In circumstances where a designated supervisor is required to initiate a Level 3 UOF Report in BlueTeam, the Report will be forwarded to the on-call PSB Lieutenant for assignment to a PSB Investigator
<p>D. Responding Lieutenant Responsibilities</p>	<p><u>As soon as practicable after a being notified that a Level 3 Use of Force has occurred:</u></p> <ul style="list-style-type: none"> • A Lieutenant will respond to the scene. <p><u>Upon arrival at the scene of a Level 3 Use of Force or a Critical Incident:</u></p> <ul style="list-style-type: none"> • Confer with the Responding Sergeant regarding basic Fact-Finding & Preliminary Questioning. • As soon as practicable, the Responding Lieutenant will notify the Duty Commander. • The Responding Lieutenant will ensure the on-call PSB Lieutenant is contacted. • If PSB declines to respond to the scene of a Level 3 UOF, the Responding Lieutenant will designate a supervisor to be responsible for gathering requisite information to initiate the UOF report in BlueTeam. • Evaluate the scene to determine if assistance from the Crime Scene Response Unit is needed for processing and documenting the scene. If field personnel are responsible for documenting scene, the Lieutenant will ensure comprehensive photographs and documentation are completed.
<p>E. PSB Responsibilities</p>	<ul style="list-style-type: none"> • PSB will receive calls for all Level 3 UOF and Critical Incidents, evaluate the incident details, and determine whether CIRT will respond to the scene based on the Totality of the Circumstances. <ul style="list-style-type: none"> * PSB will respond to ALL Critical Incidents to include: Officer-Involved Shootings, any other uses of Deadly Force, UOF incidents resulting in death, and all In-Custody Deaths. * The PSB Commander will retain response discretion regarding other Level 3 Uses of Force. • All Level 3 UOF Reports will be assigned a PSB Investigator, regardless if PSB/CIRT responds to the scene. • If PSB responds to the scene, the designated PSB Investigator/s will initiate the Level 3 UOF Report in BlueTeam, as well as the appropriate Critical Incident Investigation report in IAPro (if necessary) prior to the end of the work shift in which the Level 3 UOF and/or Critical Incident occurs. • At the time of creation, the Level 3 UOF Report will contain a minimum of: <ul style="list-style-type: none"> * Date of occurrence * Time of occurrence * Location, to include the address, the precinct, and the beat of occurrence * Case Report number * Reason for Using Force and Service Being Rendered * Select if the person was arrested * Link the Involved Person (who Force was used against) * Link all Involved Employees (continued on next page)

6. LEVEL 3 USE OF FORCE (UOF) REPORTING GUIDELINES (continued)

F. PSB Responsibilities	<ul style="list-style-type: none"> All Level 3 Use of Force Reports will be Administratively Reviewed, and a Policy Outcome Determination will be rendered by the PSB Commander. EXCEPTION: Critical Incidents are reviewed by the Critical Incident Review Board and receive a Policy Outcome Determination by the Police Chief or their designee. PSB will complete and close all Level 3 UOF reports in IAPro following the Policy Outcome Determination. Evaluations of Level 3 Uses of Force for the purposes of developing Proficiency Training Recommendations and/or potential policy revisions will be conducted by the Force Evaluation & Review Unit.
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7. POLICY OUTCOME DETERMINATIONS

A. A Policy Outcome Determination is a decision regarding whether actions of employees involved in a Use of Force are within the guidelines and standards set forth by Department policy.


B. Policy Outcome Determinations **apply to all Levels of Use of Force** (1, 2, and 3).

NOTE: Show of Force Reports do not receive Policy Outcome Determinations.

C. A Policy Outcome Determination must be applied individually to **each employee** involved in a Use of Force incident; a Determination does not automatically extend to all involved employees in an incident.

D. Policy Outcome Determinations regarding Use of Force include the following:

(1) Within Policy	<ul style="list-style-type: none"> The force applied by an employee is determined to be both necessary and proportional, based on the Totality of the Circumstances, and therefore Objectively Reasonable.
(2) Within Policy – with Secondary Policy Shortfall	<ul style="list-style-type: none"> The employee's involvement in the Use of Force was Within Policy, but while reviewing the incident, a separate Allegation of employee Misconduct or a Minor Policy Violation was identified, where the alleged Misconduct or Minor Policy Violation was unrelated to using Force. The use of this Policy Outcome Determination requires the creation of a new, separate internal Investigation incident in IAPro/BlueTeam to document and investigate the alleged Misconduct or Minor Policy Violation. <p>EXAMPLE1: While reviewing a Level 2 Use of Force, it is determined that an employee did not activate their body-worn camera in accordance with Department policy. The Use of Force itself is determined to be Within Policy, however, the failure to properly activate the BWC requires the initiation of a separate Investigation in BlueTeam/IAPro. The involved employee's Use of Force Policy Outcome Determination should be designated <i>Within Policy with Secondary Policy Shortfall</i>.</p> <p>EXAMPLE2: While reviewing a Level 2 Use of Force, it is determined that an employee behaved in manner that may constitute Unprofessional Conduct. The Use of Force itself was determined to be Within Policy, but because a Misconduct Investigation was required for the allegation of Unprofessional Conduct, the Use of Force was designated Within Policy with Secondary Policy Shortfall.</p> <p>NOTE: The required internal investigative incident in IAPro / BlueTeam created to document the Secondary Policy Shortfall will be administratively linked to the UOF Report in IAPro by administrative staff prior to being marked complete. Supervisors should ensure the same Case Folder number is used for both incidents.</p>

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7. D. Policy Outcome Determinations regarding Use of Force include the following: (continued)

(3) Force Not Within Policy	<ul style="list-style-type: none"> • Force used by an employee that is determined to be unnecessary and / or disproportionate, based on the Totality of the Circumstances. • When completing the BlueTeam UOF Report, the person completing the BlueTeam report will select "Not Within Policy – Improper Force". <p>NOTE: When a Force Not Within Policy determination is rendered, the Commander or Lieutenant making the determination will articulate in the UOF Report Summary OR in the Routing instructions the circumstances causing the Force to be unnecessary and / or disproportionate.</p>
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E. Policy Outcome Determinations are used **ONLY** in Administrative Reviews and do not apply to allegations of employee Misconduct.

- Policy Outcome Determinations differ from Findings (*i.e.*, Exonerated, Unfounded, Unresolved, or Sustained); Findings specifically apply to Allegations and are issued at the conclusion of Investigations.

F. The following personnel will be responsible for issuing Policy Outcome Determinations, depending on the Report level and the circumstances of the UOF incident:

(1) **Level 1 Uses of Force:**

- A Designated Reviewing Supervisor (Lieutenant) will render the Policy Outcome Determination

(2) **Level 2 Uses of Force:**

- The Organizational Integrity Bureau Commander, or designee

(3) **Level 3 Uses of Force:**


- The Professional Standards Bureau Commander will render the Policy Outcome Determination for all Administrative Reviews of non-Critical Incident Level 3 Use of Force Reports.
- The Critical Incident Review Board (CIRB) will recommend the Policy Outcome Determination for all Critical Incidents (*i.e.*, all Officer-Involved Shootings, any application of Deadly Force, and/or any Level 3 Use of Force incident designated as a Critical Incident by the Police Chief), the Police Chief or their designee will render the final Policy Outcome Determination.

(4) **Special Reporting Circumstances:**

- The CIRB will render the Findings for all In-Custody Death or On-duty, police incident Negligent Firearm Discharge Critical Incident Investigations.
- The CIRB Chairperson will render the Findings for all Animal/Non-human Target Firearm Discharges and On-duty, non-police incident Negligent Firearm Discharges.

G. Timelines for rendering a Policy Outcome Determination and submittal for processing in IAPro, following receipt of the Use of Force Report, or referral to the Critical Incident Review Board (CIRB):

- (1) **Level 1 Use of Force:** Within 14 days of receipt by the Designated Reviewing Supervisor (Lieutenant).
- (2) **Level 2 Use of Force:** Within 14 days of receipt by the Commander, or designee.
- (3) **Level 3 Use of Force, Non-Critical Incident:** Within 28 days of receipt by the Professional Standards Bureau Commander for all non-Critical Incident Level 3 Uses of Force.

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7. D. (4) **Level 3 Use of Force, Critical Incident Investigations:** Within 28 days following the recommendation from the CIRB for any Critical Incident Level 3 Use of Force Report (all Officer-Involved Shootings, any application of Deadly Force, and/or any Level 3 Use of Force incident designated as a Critical Incident by the Police Chief).
- (5) **Special Reporting Circumstances, Critical Incident Investigations:** Within 28 days following the recommendation from the CIRB for any In-Custody Death (Critical Incident Investigation), any negligent On-duty, police incident Firearm Discharge, or any non-Use of Force incident designated as a Critical Incident by the Police Chief.
- (6) **Special Reporting Circumstances, Non-Critical Incident:** Within 28 days of referral to the CIRB Chairperson for any Animal/Non-human Target Firearm Discharges or On-duty, non-police Negligent Firearm Discharges.

Last Organizational Review:

EXHIBIT D

From: [PPD PhoenixRecords](#)
To: [Sapana Anand](#)
Subject: Service Request Submitted for Other - Sapana Anand PPD:0233138
Date: Wednesday, May 28, 2025 7:36:20 PM

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

*****This email box is not monitored. Please do not reply.*****

Hello Sapana Anand,

Thank you for submitting your request on the City of Phoenix Police Department's online portal. You can monitor the progress of your request through your online account at <https://phxpublicsafety.phoenix.gov/>.

We appreciate your patience and your request will be worked by request type in the order it was received.

You will be contacted via email once your request has been completed. If you have any questions please call **602-534-1127** during regular business hours.

Service Request ID: PPD-PR2025747800

Service Request Type: Other

Status: Submitted

Requestor Name: Sapana Anand

Report #:

Involved Party:

Description: Documents that identify PPD's policies, procedures, or rules that are currently in effect related to (a) search and seizure; (b) use of force; and (c) racial discrimination, racial profiling, or biased law enforcement practices.

Date Submitted: 5/28/2025 11:35 PM

*****This email box is not monitored. Please do not reply.*****

Thank you,

Phoenix Police Department
Public Records and Services Bureau
1717 E Grant St Suite 100
Phoenix, AZ 85034
(602) 534-1127
Monday-Friday 8am to 4pm

EXHIBIT E

From: [Sapana Anand](#)
To: PolicePublicRecords@Phoenix.gov
Subject: Records request inquiry
Date: Monday, July 21, 2025 2:08:00 PM
Attachments: [Public Records Request Phoenix Police Department.pdf](#)
[image001.png](#)

Dear Records Custodian,

I am writing to ask for an update on my records request, submitted on May 21, 2025 (attached). I do not understand the current status of my requests (there are eight in total). Specifically, I would like clarification on whether the Phoenix Police Department is willing to provide the requested material and any corresponding timeframe. If helpful, I am available to discuss any questions about the records request over the phone. Thank you so much for your time and consideration.

Sincerely,
Sapana

Sapana Anand (she, her)
Staff Attorney
American Civil Liberties Union
125 Broad St., New York, NY 10004
917.634.6285 | sanand@aclu.org



EXHIBIT F



City of Phoenix
POLICE DEPARTMENT
PUBLIC RECORDS AND SERVICES BUREAU

August 19, 2025

Attn: Sapana Anand
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
(917) 634-6285
sanand@aclu.org

RE: REQUEST FOR PUBLIC RECORDS

Dear Sapana:

This letter is in response to your public records request dated May 21, 2025. Our office has reviewed the PRR you submitted and determined that numbers one (1) through three (3) of the request are not manageable and constitute an undue burden on the City of Phoenix to produce, pursuant to cited case law^{1,2}.

Please note, all public records releases are subject to a rigorous process of research, redaction, and review to ensure that established standards of accuracy, completeness, and compliance with applicable laws are met. Numbers one (1) through three (3) seek a multitude of records related to 100 use of force incidents from the previous year. Working on these numbers would require an extensive tracking, gathering and review process to isolate and exclude confidential and other non-public information or records. Producing these records would require a team of employees from various bureaus within the Phoenix Police Department and excessive work hours to process. Additionally, Use of Force investigations can take several months to years to complete and reports from the timeframe requested may not be releasable as premature release could interfere with the investigation. Furthermore, these numbers extend to any misconduct investigations or disciplinary actions that flow from the 100 use of force incidents and those types of records also come with processing restrictions.¹ Thus, we have determined that numbers one (1) through three (3) of the request are unduly burdensome and therefore closed.

We have provided responsive documentation for numbers four (4) through six (6). Additional policy records are available on our public website at <https://public.powerdms.com/PhoenixPD>.

Here is the response to number seven (7). This time frame is for February 18, 2025 to April 20, 2025 (not the original date range from the requestor). The reason for this is because they are asking for Level 1, Level 2 and Level 3 Use of Force counts, but the policy update went into effect on February 18, 2025. Prior to this date, we only had one UOF type (Response to Resistance), so that doesn't align with what the requestor is asking for.

¹ For instance, A.R.S. 38-1109's restrictions on publication of discipline records before all stages of appeal are over.

1. *Arpaio v. Davis*, 221 Ariz. 116, ¶ 10, 210 P.3d 1287 (Ariz. Ct. App. 2009) ("all-inclusive, blanket" request was unreasonably burdensome)

Hodai v. City of Tucson, 239 Ariz. 34, 365 P.3d 959 (Ct. App. 2016) (unreasonable burden includes required resources, volume of request, and disruption of core functions).



City of Phoenix

POLICE DEPARTMENT
PUBLIC RECORDS AND SERVICES BUREAU

In addition, we have a review timeline, and processes in place to identify missing reports. So typically, we do not report out until 90 days has passed, and we usually only report out on Completed incidents (those that have gone through the entire review process). I point this out to explain that some of these numbers may be subject to change depending on the finalization of review processes (for example, it could be determined that a Level 1 was a Level 2, etc.).

With all of that being said, the counts are as follows for the timeframe mentioned above:

Level 1 Use of Force: 328

Level 2 Use of Force: 106

Level 3 Use of Force: 4

Total: 438

Note: this report was run on 6/17/25 and the numbers updated/verified on 6/23/25.

We have provided responsive documentation for number eight (8), where you made a blanket request for 50 traffic citations from April 2025 without further focus on charge, individual cited or any other specific feature. While this appeared to be a blanket, all-inclusive request, we processed this to better gauge the extent of the production burden. This type of request, for bulk processing of random batches of dozens of citations, is unreasonably burdensome and future requests will be declined absent better specificity and narrowing to a reasonable number.

To assist in satisfying your interest in obtaining relevant records, you are invited to contact staff directly at (602) 534-6613 to determine how the scope of your request for one (1) through three (3) may be narrowed satisfactorily to be fulfilled.

Sincerely,

Matthew Giordano
Police Chief,

A handwritten signature in black ink, appearing to read "Amy Rundquist".

Amy Rundquist
Police Administrator
Public Records and Services Bureau

1. *Arpaio v. Davis*, 221 Ariz. 116, ¶ 10, 210 P.3d 1287 (Ariz. Ct. App. 2009) (“all-inclusive, blanket” request was unreasonably burdensome)

Hodai v. City of Tucson, 239 Ariz. 34, 365 P.3d 959 (Ct. App. 2016) (unreasonable burden includes required resources, volume of request, and disruption of core functions).

EXHIBIT G

From: [Tyler S Cavanaugh](#)
To: [Sapana Anand](#); [Stephanie L McDaniels](#)
Cc: [Lauren Beall](#)
Subject: Re: Request for assistance with a public records request
Date: Wednesday, February 25, 2026 5:48:55 PM
Attachments: [image001.png](#)

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Hello Sapana,

After reviewing your correspondence and the original request I want to clarify some information.

As stated in our prior response letter on August 19, 2025, we continue to consider items 1 through 3 overburdensome. These items would require extensive research, involvement over multiple bureaus, and involve hundreds of documents that would require significant review and redaction to comply with statutory requirements. This level of effort would substantially disrupt core operations and exceeds what is considered reasonable.

We have previously provided documents for items 4 through 6 regarding current and prior policies on search and seizure, use of force, and bias-related practices. Additionally, items 7 (use of force counts for the revised timeframe of February 18, 2025, through April 20, 2025) and item 8 (a sample of traffic citations) have also been provided. If you still wish to obtain records for items 1 through 3 I would encourage you to narrow the scope of the request to a more manageable number or specific documents.

The department reaffirms its position as stated in our August 19, 2025 response. The City of Phoenix Open Data site is available to assist you with Officer Use of Force Incidents that can be filtered from January 2018 through February 2025 at phoenixopendata.com/dataset/ouof.

We will be happy to assess subsequent public records requests should you identify specific documents.

Tyler Cavanaugh, Management Assistant II
Public Records and Services Bureau
Phoenix Police Department
Tyler.Cavanaugh@Phoenix.gov

Phone: 602-534-0808 Cell: 602-828-4729

From: Sapana Anand <SAnand@aclu.org>

Sent: Tuesday, February 10, 2026 8:11 AM

To: Tyler S Cavanaugh <tyler.cavanaugh@phoenix.gov>; Stephanie L McDaniels <stephanie.mcdaniels@phoenix.gov>

Cc: Lauren Beall <LBeall@acluaz.org>

Subject: RE: Request for assistance with a public records request

Hi Tyler,

I hope you are doing well.

I looked into the Arizona Public Records Law (“APRL”) and would like to address the Phoenix Police Department’s (“Department”) “burdensome” argument.

As a threshold matter, the APRL provides that “[p]ublic records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.” A.R.S. § 39-121. Arizona law “defines public records broadly and creates a presumption requiring the disclosure of public documents.” *Griffis v. Pinal Cnty.*, 215 Ariz. 1, 4 (2007) (internal quotations omitted). Its “core purpose . . . is to allow the public access to official records and other government information so that the public may monitor the performance of government officials and their employees.” *Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 351 (Ct. App. 2001) (cleaned up).

If a document is a public record, it is still “subject to the official’s discretion to deny or restrict access where recognition of the interests of privacy, confidentiality, or the best interest of the state . . . outweigh the general policy of open access.” *Carlson v. Pima Cnty.*, 141 Ariz. 487, 491 (1984). The “burden” to overcome the presumption of disclosure and demonstrate how the production of documents would violate privacy rights or confidentiality, or be detrimental to the best interest of the state, falls “squarely upon” the Department. *Cox Arizona Publications, Inc. v. Collins*, 175 Ariz. 11, 14 (1993).

The Department has not met its burden to show that producing 100 Use of Force Reports warrants preclusion from the public’s inspection. The existing case law does not support your contention that this number of records is so burdensome that they cannot be produced. For example, in *Judicial Watch Inc. v. City of Phoenix*, the court found that the City failed to demonstrate that redacting security-related information from 600 pages of Worksheets was too “onerous” and, as such, the Worksheets “[did] not approximate the size and breadth of documents precluded from inspection.” 228 Ariz. 393, 398 (Ct. App. 2011). *Compare Hodai v. City of Tucson*, 239 Ariz. 34, 43 (Ct. App. 2016) (finding that the city presented evidence that fulfilling a request for FBI-related communications would be unreasonably burdensome because it required a search of nearly 1,400 email accounts and review and redaction of law

enforcement sensitive information).

The requested Use of Force Reports results in 438 separate documents. This request is far more tailored than the request in *Hodai* and, as held in *Judicial Watch Inc.*, is not too burdensome to respond to with the production of public documents.

Lastly, under the APRL, “[t]he public’s right to know any public document is weighty in itself,” and that right is even greater where “the public documents are of broad and intense interest.” *Keegan*, 201 Ariz. at 351. It is undoubtable that given the Department of Justice findings regarding the Department’s use of excessive force, along with recent news coverage about the same, the public’s interest in the requested documents is strong and access to these records is required.

Please respond to this message at your earliest convenience, but no later than February 25, 2026. We would prefer to resolve this without having to resort to litigation and will interpret a non-response as a refusal to produce the requested records. Thank you for your assistance and consideration.

Sincerely,
Sapana

From: Sapana Anand
Sent: Monday, January 5, 2026 4:42 PM
To: Tyler S Cavanaugh <tyler.cavanaugh@phoenix.gov>
Cc: Stephanie L McDaniels <stephanie.mcdaniels@phoenix.gov>
Subject: RE: Request for assistance with a public records request

Hi Tyler,

I hope you had a great new year, and apologies for my delayed response. Thank you for answering my questions and your continued assistance.

Sincerely,
Sapana

From: Tyler S Cavanaugh <tyler.cavanaugh@phoenix.gov>
Sent: Tuesday, December 16, 2025 1:35 PM
To: Sapana Anand <SAand@aclu.org>
Cc: Stephanie L McDaniels <stephanie.mcdaniels@phoenix.gov>
Subject: Re: Request for assistance with a public records request

Of course, happy to help clarify.

Regarding your follow-up questions, the total of 438 Use of Force (UOF) reports originates from item #3 of the original request, which states:

3. For each Use of Force Report responsive to request Nos. 1 and 2 above, the corresponding (see Use of Force – Reporting and Administrative Review (Operations Order 1.5.02)):

- a. Show of Force Report
- b. Final Policy Outcome Determination

Therefore, for the 100 primary reports initially requested, there are 438 corresponding UOF-related documents.

As for your second question, while there may not be specific sections of the documents that are categorically unavailable to the public, the documents may contain information subject to redaction under applicable statutes. These include A.R.S. § 39-123, A.R.S. § 39-123.01(C), and provisions within A.R.S. Titles 12, 15, 36, 41, and 44. Each document undergoes a thorough review by our team to identify and redact protected information prior to release. Depending on the volume and complexity of the request, this process may result in certain requests being considered overburdensome.

Please let me know if you need any additional clarification or assistance.

Tyler Cavanaugh, Management Assistant II
Public Records and Services Bureau
Phoenix Police Department
Tyler.Cavanaugh@Phoenix.gov
Phone: 602-534-0808 Cell: 602-828-4729

From: Sapana Anand <SANand@aclu.org>
Sent: Tuesday, November 25, 2025 10:14 AM
To: Tyler S Cavanaugh <tyler.cavanaugh@phoenix.gov>
Cc: Stephanie L McDaniels <stephanie.mcdaniels@phoenix.gov>
Subject: RE: Request for assistance with a public records request

Hi Tyler,

Thank you for your very helpful responses. I have a few follow up questions below.

Regarding (1), I wanted to clarify that we are not seeking 438 Use of Force reports. We are seeking 50 Level 2 reports and 50 Level 3 reports, for a total of 100 reports (for separate

incidents closest in time to and predating April 30, 2025). Does this change your assessment of the burden of production?

Regarding (2), in the UoF report, is there a specific section that is non-public? Further, can you please point me to the statutory reasoning for why the fields that you enumerated are non-public information?

Thank you so much for all of your help. If it's easier to discuss any of the above over a call, I can be available next week at your convenience.

Sincerely,
Sapana

From: Tyler S Cavanaugh <tyler.cavanaugh@phoenix.gov>
Sent: Monday, November 24, 2025 11:53 AM
To: Sapana Anand <SAanand@aclu.org>
Cc: Stephanie L McDaniels <stephanie.mcdaniels@phoenix.gov>
Subject: Re: Request for assistance with a public records request

Hi Sapana,

I appreciate your patience. I'll do my best to clarify the concerns you raised regarding the denial and the scope of the request.

1. Burden of Production

Each Use of Force (UOF) report typically ranges from 7 to 10 pages, and for each incident, there may also be an associated Professional Standards Bureau (PSB) investigation. These investigations can be extensive and are maintained separately. To fulfill your request for 438 UOF reports along with corresponding PSB outcomes would require coordination with both the Office of Internal Benchmarking (OIB) and PSB, which is currently experiencing a backlog extending into 2024. This volume of work, combined with the necessary redactions and reviews for protected information, is what makes the request overly burdensome under current resource constraints.

2. Confidential Information Concerns

The fields that may contain personally identifiable or protected information include, but are not limited to:

- Officer names and serial numbers
- Subject names and identifying details

- Witness information
- Narrative descriptions that may inadvertently reveal identities
- Internal notes or findings not intended for public release

These would all require careful redaction prior to release.

3. Content of UOF Reports

The UOF reports themselves do not always contain the full misconduct investigation or disciplinary action. Typically, they include the incident summary and initial findings. The final policy outcome determination—which you referenced (e.g., the EMP_WITHIN_POLICY field on the Phoenix Open Data site)—is often part of the PSB investigation, not the UOF report itself.

Hopefully this clarification is helpful and let me know if there are any further questions.

Tyler Cavanaugh, Management Assistant II
Public Records and Services Bureau
Phoenix Police Department
Tyler.Cavanaugh@Phoenix.gov
Phone: 602-534-0808 Cell: 602-828-4729

From: Sapana Anand <SAanand@aclu.org>
Sent: Tuesday, November 18, 2025 3:39 PM
To: Tyler S Cavanaugh <tyler.cavanaugh@phoenix.gov>
Cc: Stephanie L McDaniels <stephanie.mcdaniels@phoenix.gov>
Subject: RE: Request for assistance with a public records request

Hi Tyler and Stephanie:

I am following up on my message below with questions about the letter I received in response to my public records request. If it's helpful to discuss over a call, please let me know. Otherwise, I look forward to hearing from you soon. Thanks so much for your time and assistance.

Sincerely,
Sapana

From: Sapana Anand

Sent: Tuesday, November 4, 2025 11:46 AM

To: Tyler.Cavanaugh@Phoenix.gov

Cc: stephanie.mcdaniels@phoenix.gov

Subject: RE: Request for assistance with a public records request

Hi Tyler and Stephanie:

Tyler, thank you so much for your message, and I hope that you and your family are feeling much better.

I have a few follow-up questions about the denial that I'm hoping you can help me with.

First, I would appreciate more clarity on where the burden lies here. It would be helpful to understand (1) how many documents/pages are typically in a use of force report; and (2) is there a number of reports that your office can release that would not be considered burdensome?

Second, regarding excluding confidential information, what fields are you concerned will have personal identifying information or otherwise protected information in the use of force report?

Third, we are only seeking closed reports that are most recent in time to and predate April 30, 2025, and within those reports, the final policy outcome determination. In the use of force reports, are the full misconduct investigations and/or disciplinary actions included? Or, is only the final policy outcome determination in the report? (If helpful, I'll note that the Phoenix Police Department has published final policy outcomes on its [website \[phoenixopendata.com\]](http://phoenixopendata.com) (EMP_WITHIN_POLICY field.))

Thank you very much for your time and assistance, and if you have any questions or if I can clarify any of the above, please do not hesitate to contact me.

Sincerely,

Sapana

From: Tyler S Cavanaugh <tyler.cavanaugh@phoenix.gov>

Sent: Monday, November 3, 2025 3:05 PM

To: Sapana Anand <SAAnand@aclu.org>

Cc: Stephanie L McDaniels <stephanie.mcdaniels@phoenix.gov>

Subject: Re: Request for assistance with a public records request

Good afternoon,

I apologize for the delay; I've been out with a sick baby and then got sick myself and I'm still working on digging myself out of a backlog of emails.

I've reviewed the request and denial letter, thank you for providing those. What can I do for you?

I've also included Stephanie on this email, I'm still fairly new in this role and she has valuable information that may help us in resolving your issue.

Tyler Cavanaugh, Management Assistant II
Public Records and Services Bureau
Phoenix Police Department
Tyler.Cavanaugh@Phoenix.gov
Phone: 602-534-0808 Cell: 602-828-4729

From: Sapana Anand <SAnard@aclu.org>
Sent: Wednesday, October 29, 2025 8:35 AM
To: Tyler S Cavanaugh <tyler.cavanaugh@phoenix.gov>
Subject: RE: Request for assistance with a public records request

Dear Tyler:

I hope this message finds you well.

I am writing to check in about my e-mail below regarding my records request. I remain available to discuss over e-mail or a phone call, and if there is another individual in your office that I should reach out to, please feel free to share their contact information.

I sincerely appreciate your help.

Many thanks,
Sapana

From: Sapana Anand
Sent: Wednesday, October 15, 2025 4:35 PM
To: Tyler.Cavanaugh@Phoenix.gov
Subject: Request for assistance with a public records request

Dear Tyler:

I hope this e-mail finds you well.

On May 21, 2025, I submitted a public records request to the Phoenix Police Department for, among other documents, Level 2 and 3 Use of Force Reports for 50 separate incidents (each). If helpful, please find my request attached.

In mid-August, I received a letter (also attached) informing me that my request for these reports had been denied. Since then, I have tried contacting the records office but have not been successful in reaching someone who could assist with my request. If possible, I would greatly appreciate discussing my request with you and hopefully reach a resolution. I am more than happy to discuss over a call at your convenience.

Thank you so much for your time, and hope to talk soon.

Sincerely,
Sapana

Sapana Anand (she, her)
Staff Attorney
American Civil Liberties Union
125 Broad St., New York, NY 10004
917.634.6285 | sanand@aclu.org



EXHIBIT H

	RELEASE OF RECORDS	Operations Order 5.5.00
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1. **GENERAL INFORMATION**

- A. It is the policy of the Department to support and promote openness in government by releasing information in a timely and responsible manner.
- However, it is the obligation of the Department to protect the lives and property of the residents of Phoenix and to ensure those who stand accused of violating the law receive a fair trial.
- B. Against these competing interests, Case Reports (CRs) and other records or matters will be released upon written request, subject to the guidelines of this order.
- Persons requesting information or records will be referred to Public Records.
 - Identifying information of a victim will be redacted from any public records request.
 - * Identifying information includes the victim's phone numbers, addresses, work information, and anything else that could identify the victim, such as photographs and/or videos.
 - Per [Arizona Revised Statute \(ARS\) 13-4434.C](#), a victim's name should be released **UNLESS** the victim may be re-victimized, is involved in a violent crime (sexual assault, robbery, burglary, domestic violence, and assault), is a child, or there are privacy concerns. If there is any doubt about what information should be redacted, contact the Legal Unit.
 - Employees who obtain information about criminal or death investigations through the course of their employment with the Department will not use the information for personal use or to exploit a victim.
 - Crime scene or death investigations photographs and/or video must be redacted to protect the victim's identifying information.
 - * Photographs and videos may be used for training purposes if the training course and content is approved by an assistant chief.
- C. This order relates to requests for documents pursuant to Arizona's Public Records Law, ARS [39-121](#) and [28-667](#), as well as the general release of criminal information.
- (1) This order applies to adult as well as juvenile records.
 - (2) This order applies only to records already in existence.
 - Employees will not generate, create, or compile records not in existence.
 - (3) This order **does not** apply to the release of information pursuant to a lawfully issued subpoena, court order, or other lawful legal process.
- D. This order applies to records distributed in the normal course of business for the release of records by Public Records.
- (1) All requests for inspection or copying will be directed to the commander/administrator of Public Records or designee.
 - (2) This includes traffic accident reports, Impaired Driver Reports (IDRs), CRs, Officer Reports, Officer Narratives, and criminal history record information.
 - (3) Public Records will direct requests for other types of information, such as payroll records or personnel information, to the bureau responsible for maintaining those records.
 - (4) Public Records will be the central repository and log site for all public records requests, including those received by other bureaus.

1. D. (4) (a) Upon receiving the request, Public Records will log the request and route it to the affected bureau for editing in addition to the Incident Review Unit in accordance with Public Records criteria.
 - (b) When editing is complete, bureau personnel will send the completed request packet to Public Records for dissemination.
- (5) Each bureau will maintain a policy detailing the route of public records requests through Public Records [this does not apply to the Fiscal Management Bureau (FMB)].
 - Any bureau/precinct receiving a **media request** for information will immediately notify the Public Affairs Bureau (PAB) (the request will still be routed to and released through Public Records).
- (6) The final decision relating to the release of information shall be made by the Police Chief or designee.

2. **GENERAL ADMINISTRATIVE GUIDELINES**

- A. All public records requests should be in writing, except as specifically provided in this order.
 - (1) Public Records may supply forms for this purpose.
 - (2) All requests must describe the record requested in enough detail to allow the record to be located with a reasonable amount of diligence.
 - (3) The request must be for a specific report.
- B. The cost of providing public records shall be established by the City Auditor's Office.
 - (1) Payment must be made or provided for prior to the release of the documents.
 - (2) Public Records will collect applicable fees.
- C. Purpose for Release of Public Records

(1) Commercial	<ul style="list-style-type: none"> • Sale or resale of records • Producing a document containing all or part of the record for sale • Obtaining the names and addresses for soliciting purposes • Sale of names and addresses to another for the purpose of solicitation • Anticipation of monetary gain or profit from the direct or indirect use of the public record <p>NOTE: Requests must be written, certified, and state the exact purpose for use.</p>
(2) Non-Commercial	<ul style="list-style-type: none"> • Requests made by attorneys, investigators, insurance companies, and others in connection with possible litigation or administrative proceedings • Requests made by members of the news media when such requests are made in connection with news gathering activities

- D. The authorizing authority of Public Records will review requests for public records to determine if the release is appropriate without editing (editing guidelines will follow in this order).
 - (1) If the request is deemed appropriate without editing, Public Records will release the information.
 - (2) If the request is deemed inappropriate, Public Records will postpone the release and forward the request and all correspondence to the Legal Unit for review.



2. D. (2) (a) If the legal advisor believes the request is a misuse or abuse of the records, the legal advisor will cause the Office of Administration to notify the Governor’s Office to request an executive order to prohibit releasing the records.
- (b) If the legal advisor determines the public records request is not an abuse or misuse of the records, or if the Governor’s Office refuses to or fails to prohibit the furnishing of the records, the request will be released in accordance with this order.
- (3) Any record released for a commercial purpose is subject to editing pursuant to this order.
- (4) Media requests for public records and other requests for public records not meeting the criteria for general availability release will be routed to the affected bureau for approval prior to release of information.

3. **EDITING GUIDELINES**

- A. Editing is redacting, withholding, or blocking out information.
- B. Information generally available for release without editing includes:
- Description of the crime
 - Type of crime
 - Date and time of occurrence, if known
 - General description of property involved
- C. Information Subject to Editing

CATEGORY	DESCRIPTION/EXAMPLES
(1) Confidential Information	<ul style="list-style-type: none"> • Information contained in search warrants and court orders for identification before these documents are returned to the court • Information from search warrants and court orders for identification that are sealed by the court • Identification of confidential information sources • Identification of undercover officers and investigative techniques • Disclosure of information that would tend to identify these persons or operations • Addresses and other identification of police officers when the officer is a victim or witness • <u>Legal Reasons:</u> <ul style="list-style-type: none"> * Information that cannot be released due to statutory prohibitions, such as wiretap investigations, grand jury testimony, or consumer fraud * Information that a court has ordered sealed, purged, or otherwise restricted <p>NOTE: These will not be released under any circumstances.</p>
(2) Information NOT in the Best Interest of the Government to Release	<ul style="list-style-type: none"> • Legitimate need on the part of government not to release certain information • Information known only by suspect/s • Specific details as to how the crime was committed • Information that would tend to hinder, jeopardize, or delay an investigation • Identities of suspect’s friends, habits, or other information that, if known, would tend to hinder the gathering of evidence or information • Names of witnesses and information that would tend to identify them, if it can be shown that harm may come to them or if the release would keep others from coming forward <p>NOTE: If witnesses have testified or have otherwise made public the fact they are witnesses, there may be no legitimate basis for withholding the information.</p>

3. C. Information Subject to Editing: (Continued)

CATEGORY	DESCRIPTION/EXAMPLES
(2) (Continued)	<ul style="list-style-type: none"> Investigator's opinions and/or speculation (prior to a determination of guilt or innocence by a court) Erroneous information that would result in specific, material harm to an investigation
(3) Release of Information that Invades an Area of Privacy	<ul style="list-style-type: none"> Information that by its very nature is so gross, demeaning, biased, or sensitive that it would do irreparable harm to innocent persons or their character if released The Legal Unit will be contacted to determine the legality of such a release.

D. Public Records will route the public records request and a copy of the report/s to the affected bureau for editing.

(1) Those assigned to edit documents must remember that while information itself may remain the same, the need to keep the information from the public domain may not remain the same.

EXAMPLE: Prior to an arrest, there may be a legitimate need to keep the suspect's identity from the general public for fear the suspect may flee or be informed of the impending arrest. After the arrest, there is, in most cases, no justification for not releasing that information.

- Information that is subject to editing should be reviewed by those who are sufficiently familiar with the information and the type of crime involved.
- (2) The officer assigned to edit a document must be able to cite specific reasons in detail for withholding the information.
- Each case will be reviewed on its own merit.
- (3) The affected bureau commander will ensure the editing requirements of the order are met.
- (4) When the editing process is complete, the records request packet will be routed back to Public Records.

4. **TRAFFIC RECORDS**

A. Public Records will release un-redacted copies of Arizona Crash Reports (ACRs) and any associated IDRs to any person involved, provided the request is **not** for commercial solicitation purposes as defined in [ARS 28-667](#).

- (1) A commercial request is one made by someone who has no relationship to the principal parties involved in the accident and has no reason to request a copy of the accident report other than for purposes of soliciting business.
- (2) If the request is for commercial solicitation purposes, the ACR will not be released.

B. Copies of traffic accident photographs may be released upon request under the following provisions:

- (1) The required fee must be paid before releasing the photographs.
- (2) Before releasing explicit photographs or photographs so offensive they would shock the sensibilities of a reasonable person, the requester will be advised of the nature of the photographs.

5. Requests for investigative reports generated by other government agencies will be returned to the requester, along with information detailing why the request was denied.

6. **RELEASE PROCEDURES**

A. Refer to the following chart for types of information available for release through Public Records:

INFORMATION TYPE	DESCRIPTIONS/SPECIAL INSTRUCTIONS
(1) Case Reports, Officer Reports, and Officer Narratives	<ul style="list-style-type: none"> The Public Records commander/administrator may decline to provide any information as provided in this section when it reasonably appears the release would violate guidelines listed in this order.
(2) Crime Analysis and Statistical Information	<ul style="list-style-type: none"> All crime analysis and statistical information will be reviewed by a supervisor before release. Grid maps are available at Public Records counter for public assistance. Crime analysis and statistical information will be distributed to units within the Department from the Crime Analysis Research Unit (CARU). This information may be shared among Department units. CARU will prepare the information upon approval of the Police Chief or designee, and forward to Public Records for release.
(3) Audio Recordings	<ul style="list-style-type: none"> 9-1-1 and dispatch recordings are available from the Communications Bureau. Communications will make a copy of the recording and forward to Public Records for release. Recordings are only available for 180 days. No request will be taken for older dates.
(4) Arrest Records	<ul style="list-style-type: none"> Booking slips for the previous 24 hours are available for review by the media or anyone. The request must include the name, date of birth, date and time of arrest, or booking number.
(5) Traffic Records	<ul style="list-style-type: none"> The request must be specific enough to allow the report to be found with a reasonable amount of diligence.

B. All of the previously listed topics require the following procedure:

- (1) All requests for public records will be administered through Public Records.
- (2) Citizens will be directed to obtain and complete the specific form for the type of information they desire.
- (3) Fees and/or provisions for payment will be made prior to releasing the information.
- (4) Public Records will route the request to the affected bureau.
- (5) The affected bureau will compile the information, comply with editing requirements if needed, and return the completed packet to Public Records within 28 days.
- (6) Upon satisfying guidelines in this order, Public Records will release the requested information to the requester.

7. **RELEASE OF INFORMATION PRIOR TO ARREST OR UPON ISSUANCE OF A WARRANT**

NOTE: Requests do not necessarily need to be in writing. These are guidelines for answers to oral questions, usually asked by the media.

A. MAY Be Released	<ul style="list-style-type: none"> Description of the exact offense, including a brief summary or events Location and time of offense Injuries sustained or damages resulting from the action Whether or not there are suspects
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7. **RELEASE OF INFORMATION PRIOR TO ARREST OR UPON ISSUANCE OF A WARRANT**
(Continued)

A. MAY Be Released (Continued)	<ul style="list-style-type: none"> Information about unidentified suspects, such as physical description or vehicle description Identification of fugitive or other facts when the public should be alerted to danger Method of complaint (officer observed, citizen, warrant, indictment, etc.) Length of investigation and name of officer in charge of the investigation
B. Will NOT Be Released	<ul style="list-style-type: none"> Any information that would jeopardize the security of the investigation Identity of the victim including their address Identity of suspects who are interviewed but not charged Suspect's name, address, age, residence, employment, marital status, and similar background Identity of witnesses when disclosure would probably result in <u>specific, material harm</u> to an investigation, the privacy or confidentiality of a witness or victim, or the best interests of the state Exact identifying information about the weapon or other physical evidence Any information that only the guilty party would know Information about valuable items not stolen Conjecture about suspects or fugitives Misleading or false information

8. **RELEASE OF INFORMATION AFTER AN ARREST**

NOTE: Requests do not necessarily need to be in writing. These are guidelines for answers to oral questions, usually asked by the media.

A. MAY Be Released	<ul style="list-style-type: none"> Time and place of arrest Charge and circumstances of the arrest Facts and circumstances relating to the arrest Description of items seized as evidence Information as to the purpose of a search warrant Names of investigating and arresting officers, witnesses, addresses, and witness testimony Indication as to whether the suspect has made a statement Acknowledgment that a driving under the influence (DUI) test was offered or not, in compliance of the law Fact that scientific analysis will or will not be performed on evidence Results of any examinations or tests Results of any scientific analysis of physical evidence <p><u>NOTE:</u> The safety and welfare of all those listed will be considered prior to release of this information.</p>
B. Will NOT Be Released	<ul style="list-style-type: none"> Comments about the character or reputation of a suspect or a witness Reenactment of the crime unless presented by the Silent Witness Program Comments about the credibility or testimony of a suspect or witness Whether or not the information involves the use of a confidential information source

9. **PRIVACY AND SECURITY OF CRIMINAL HISTORY RECORD INFORMATION**

A. Federal, state, and local laws, rules, regulations, and policies all affect the limited use and dissemination of the information obtained through the records management system (RMS) and Arizona Criminal Justice Information System (ACJIS), Arizona Crime Information Center (ACIC)/National Crime Information Center (NCIC), and Arizona Motor Vehicle Division (MVD) information obtained through the Centrally Linked Information for Public Safety (CLIPS) application.

- (1) These regulations establish guidelines used by the Department regarding the privacy and security of criminal history record information.



RELEASE OF RECORDS

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9. A. (2) These sources also provide penalties for persons/agencies guilty of misuse of the information.
- (3) The information is to be used only for the administration of criminal justice purposes by criminal justice agencies.
- (a) Employees will release criminal history record information **only** to a bona fide criminal justice agency or authorized non-criminal justice agency.
- (b) Intentional release of criminal history record information to unauthorized persons is a violation of the users' agreement between this Department and the Department of Public Safety (DPS).
- (c) Violators of this rule may be fined \$10,000.
- (4) Employees will not obtain or review RMS, CLIPS, Computer Aided Dispatch (CAD), Mobile Data Computer (MDC), or criminal history record information for personal use or for a second party.
- (a) All information obtained through RMS and/or CLIPS on any Department computer/laptop is protected by this policy.
- (b) Violators of this policy are subject to disciplinary action.
- B. Criminal history record information includes information collected by criminal justice agencies including:
- Arrests
 - Detentions
 - Indictments
 - Other formal criminal charges
 - Dispositions arising from formal charges
- C. Suspect data consists of any information connecting any person with criminal activity before the person is arrested, detained, cited, referred, or indicted, or having a criminal complaint filed against them.
- D. The Information Services Unit (ISU) has the responsibility for routine release of criminal history record information to other authorized law enforcement agencies and criminal justice agencies.
- (1) Any precinct/bureau whose personnel release specific criminal history information to an authorized criminal justice agency will maintain a log documenting such dissemination.
- (a) The log will contain the following information:
- Date and time information was released
 - Name, rank, and serial number of the person, and the agency name, to whom information was released
 - Exact information released
 - Reason information needed
 - Name, serial number, precinct/bureau of employee releasing information
- (b) The log will be retained for 12 months and then destroyed.
- NOTE:** Dissemination of criminal history record information or suspect data does not include the exchange of general information between criminal justice agencies in the course of an official investigation.

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9. D. (2) Officers who attach a copy of a suspect criminal history record (Master People Record) to the Booking forms will note this action in the Narrative of the CR or by adding a Case Folder note in the RMS Case Management module.
 - Detectives who disseminate information to prosecuting agencies will document this release by adding a Case Folder note in the RMS Case Management module.
- E. All employees who obtain confidential or sensitive information in hard copy will ensure it is shredded/destroyed after use.

10. **MISUSE OF SYSTEMS THAT HOUSE CRIMINAL HISTORY INFORMATION**

- A. Supervisors investigating complaints of suspected misuse of RMS, CLIPS, CAD, or the MDC will have the following responsibilities:
 - (1) Contact the ISU commander/administrator to request a DPS Log Search.
 - (2) Attach a copy of the Log Search request memorandum and results of the log search to the investigation packet.
 - (3) Forward the investigation packet to the Professional Standards Bureau (PSB).
 - (4) Forward a memorandum to the ISU commander/administrator including the results of the investigation and any disciplinary action taken.
- B. The systems security officer (SSO) or the PSB assistant chief (when PSB conducts the search) will ensure DPS is notified of the results of the investigation.
 - (1) The SSO will prepare a letter to DPS indicating the conclusions of the investigation and applicable disciplinary action/s recommended.
 - (2) Upon forwarding the results letter to DPS, the SSO will forward a copy of the letter to PSB.

Last Organizational Review: