

Indian School Corridor - Citywide Coalition

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A Community Perspective on the Berkshire Report

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Background

In the 2010/2011 fiscal year the city was facing a 249 million dollar shortfall. The Mayor and Council's response was to implement a 2% food tax, and draconian budget cuts that would only divide the community by pitting neighbor against neighbor and everyone against Public Safety.

Paul Barnes and Ann Malone, veterans of previous budget hearing battles, refused to participate in this divisive process again. They reviewed the proposed budget and while agreeing with \$50 million of the cuts, they rejected the \$90 million that would put our most vulnerable citizens at risk with no safety net. Having literally rewritten the city's proposed budget to better reflect the interests and priorities of the community, they then went to the Phoenix Law Enforcement Association to see if the Police Union leadership would be willing to partner with the community to not only support the rewritten budget, but to coordinate the other unions to agree to concessions that would make it all work. To prevent the threatened 350 officer lay-offs and massive reductions to citizen's services, the Police Union agreed to back the plan.

The last piece of the puzzle necessary to unite the electorate with this plan was to reach out to the anti-food tax constituency. To bring them on board, it was determined we would have to get the Mayor and Council to agree to, and fund, a Best Practices Audit of every department in the city so that we would never find ourselves in this position again.

With everything in place, they then met with the leaders among the Police and other city unions, Arts and Culture groups, the Disabled, Seniors, Parks Associations, After School Programs (PAC), Block Watches, PNP, Libraries and anti-tax groups, and presented the new budget plan. They all agreed to unite behind this new budget with the Best Practices Audit requirement. Citizens for Phoenix was born and has now grown to over 100,000 households represented in 60 Neighborhood and Civic Associations and churches.

The Council ultimately passed a budget that resembled nearly 75% of the Citizens for Phoenix proposed budget, which retained over 85% of the services that would have been cut, prevented any police layoffs, and also dedicated funds for the audits. The first of which is being reviewed in this paper.

The Scope of the Audit

There is no shortage of respect for the Berkshire advisors experience and all of the time and effort that went into the audit from them, city personnel, and most importantly citizen volunteers who sacrificed many hours and did their best to guide the process. In reviewing the audit, it is clear that while many of the audit recommendations merit some additional review, some can clearly be implemented with minimal fanfare. The concerns we do have will be covered further on in this paper, but for now, we would like to review our perspective on what the scope of the audit was going to be.

The city already routinely audited every department for fiscal management. However, it was disconcerting to us that PPD couldn't seem to work within their budget, especially in light of the fact that this had a direct negative impact on the rest of the city departments and the citizens they serve.

Since it is management that is responsible for the budget of PPD, as well as the implementation of resources, it seemed prudent to us to have an outside entity come in and look at how the administration made decisions. Especially looking at the model of years past that appeared to those of us in the community as considerably more collegial and decentralized vs. the current model that appeared to keep decision making almost exclusively on the 4th Floor (PD Administrative floor) never bringing the community or labor into strategic discussions until it was time for implementation and we were supposed to accept "it" because they were the experts.

Clearly our perception of this current trend of administrative centralization was quite prescient as over the course of the next few months a number of high profile incidents occurred in which community members across the city came forward with allegations of neglect and indifference to their concerns by PPD and an entire task force was convened to find out what the community thought. This would not have been necessary, and we believe much heartache would have been avoided, had a habitually cooperative, inclusive respect for the community's input into practices and decisions been routine rather than feared.

It was not until members of the community were invited to the audit focus group meetings (8 meetings of 8 separate groups given approximately 1 hour of input) well into the process that we discovered that much of what we wanted to cover was not allowed for discussion due to "scope creep." This was very disappointing to many of us in the community that reasonably expected more.

It is because of this history and background that we now believe that we must become proactive in having our voices heard. This report from Berkshire is not the final say, but a point of departure for serious conversation and collaboration between PPD, the community, and labor regarding the future of *Community* Based Policing. And together we should decide, what if anything, we want to implement in our community.

Overview of Study Findings

This is not meant to be an exhaustive exposé of what we in the community who have reviewed this document think, but rather a sampling of those things we instinctively agree with, as well as those we would more than likely fight if we have to.

Patrol Recommendations

These are quite naturally the recommendations that are the immediate concern of neighborhood activists and we will examine them in three broad sections.

A. Four-Tens vs. Five-Eights

According to the audit (p4) “The use of a four-ten work schedule significantly increases operational costs.” Rationales for this opinion against four-tens are on pages 16 – 25. Without feeling the need for a point by point rebuttal we would like to express a few thoughts on this conclusion and recommend further dialogue with the community:

- The first thing that strikes us about the methodology is that there was no effort to do field observations to either further support or discount some of their recommendations.
- 8 hour shifts are cited as being able to save money and not impact the Department’s ability to do Community Based Policing without adequately supporting this to our satisfaction. For Example: There is no explanation of how patrol squads going back to Five-Eights will find time to do briefings at the beginning of their shifts, do their reports as a result of the activity they respond to on their shifts, log on or off their car computers (which takes longer in summer since the car has to be cooled down before the computer will/can boot up safely allowing an officer to go out on a first call), secure their vehicle, return the keys, do the requisite log sheets, drop off citations, secure any evidence seized during the shift, and so on; and still be able to provide continuity of coverage on the street for the community without the overlap we now have.
- 8 hour shifts are cited as being superior for allowing increased ability to adjust for peak times while in our minds, not adequately supporting this. In fact it is not mentioned that as recently as 1993 PPD used then Squaw Peak Precinct (700) as a test precinct to crunch the numbers which resulted in the realization that to increase efficiency the Department should go to Four-Tens that overlapped *in patrol only*. **

**The ’93 study at 700 took into account calls for service, time they took, and review of when the most priority calls came in, etc. It was shown that the lowest number of priority calls came in at 3pm so the Department changed the 1st shift to 5am-3pm. The seminal incident which changed this was a 906 call (officer needs help) at 56th Street and Osborn Roads that came in almost exactly at 3pm, during shift change. It was reported to me by officers, who were present at the precinct that day that the shifts coming on and off were scrambling to get out to assist the officer under fire

because it takes a minimum of 30 minutes for the incoming and outgoing squads to complete their requisite activities as described in the point above. Because there was no overlap, there was quite literally no one on the street to respond to officer's call for help. Gratefully, the incident ended without an officer being wounded or killed and it was decided then that shifts should overlap to prevent this from ever happening again.

- In light of this previous point, we could find no explanation how during an 8 hour shift these requisite officer responsibilities performed at the beginning and ending of each shift can coexist with the PPD model of Community Based Policing the public has come to expect, if not demand. It is hard to see how they could become anything other than a Re-active police force with only enough time to go from call to call.
- The study would also seem not to be aware that the overlap on double squad days allows for increased coverage during previously identified peak crime periods allowing for community based policing to continue while the demand for calls for service is expected, though can never be predicted, to rise during those days.
- We have also heard rumblings from various corners regarding the Four-Tens that need to be corrected. There is a rumor that the Four-Tens were a labor concession that was not predicated on any other need than to appease them. Clearly the explanation of the particular 906 incident and the study done in 700 referenced above are evidence that this is not true. And we would remind those who are prone to believing this rumor that while true this was a negotiated "perk" that *patrol* was granted, management would not have acquiesced if there wasn't an equally beneficial outcome on their side – in this case, officer and citizen safety. We would, however, agree with Berkshire that Four-Tens do not make sense anywhere but in patrol, with the possible exception of certain detectives as it would allow them to be available to the community for 2 extra hours a day. This is even truer with night detectives whose primary purpose is to reduce call out over time of day shift detectives. However, most other officers and departments should go back to the Five-Eight model as soon as is practical.

B. Reduction of Patrol Based Upon Calls for Service

According to the audit (page 7 and Exhibit A) a variety of factors went into the consideration of reducing patrol but it seems that none carried more weight than the recent drop in violent crime and subsequent drop in calls for service. Without feeling the need for a point by point rebuttal we would like to express a few thoughts on this conclusion and recommend further dialogue with the community:

- In recommending patrol reductions, Berkshire seems to assume staffing needs back in 2007 were adequate. However the community was specifically calling for more officers in 2007 to the point that they wrote and passed the Prop 1 Initiative, a tax upon themselves, to increase the number of officers at that very time to levels they considered more representative of their needs and officer safety.
- PPD response times were noted in the study as being only slightly over the average as compared to benchmark cities, yet the conclusion was that we need to reduce the

number of patrol officers without providing substantiation that this wouldn't further reduce our standing regarding call times response.

- In determining minimum staffing needs, Berkshire based these levels on averages rather than worst case scenario planning. This approach while fine in an academic setting, can create critical public safety concerns for both the community and police during major incident response that cannot be predicted and arise spontaneously without warning.
- Should a critical incident such as a terrorist attack occur in our city (a bomb at the nuclear power plant or water, attack at the airport, etc.) the recommended reduction in the overall number of patrol supervisors and patrol officers would severely reduce our ability to cover effective deployment when the Incident Command System would automatically be triggered. That said, the recommended review of administrative staff to ensure the most effective deployment of administrative staff, and that they are supervising as many people as possible, should be done.
- Violent crimes are down, but crimes the average citizen and business owner suffers from: graffiti, aggressive panhandlers in our parking lots and freeway entrances, copper theft, etc. the quality of life crimes we could focus on now that we have patrol available, should be addressed before anyone is moved anywhere.

C. Change in Design of Patrol Squads and Policy for Call Response

Based upon a combination of Productivity Analysis and their Linear Staffing Model, a research technique used to optimize a desired result against an identified number of constraints, Berkshire determined what they thought was the goal: a cost effective way to schedule staff which they determined " was based upon the number that needed to be deployed, not employed." However, in a Community Based Policing model that continually strives for excellence, there are a few conclusions we think merit further discussion with the community:

- A commander determining a deployment plan on a daily basis assumes a pre-existing belief in a very volatile call volume, as well as a call volume that can be forecast specifically and accurately day to day.
- A recommendation to limit officer response to calls is a problem for us. The fact is that there is no such thing as a routine call. It is not until an officer rolls up on the scene that it is possible to evaluate just how many officers are needed. We believe that this recommendation fails to recognize the increased effectiveness and safety of a higher level initial response with then unnecessary officers departing as soon as the threat is assessed accurately. In addition, it implies that officers are not professional enough to determine the need to respond based on details of the call

and their own experience. If they are in fact lingering too long, in spite of this, it is a training issue to be addressed and overseen by supervisors.

- The audit recommends patrol officers deploy in different capacities on different days, even to the point of floating shifts with floating supervisors. It would seem that this has the potential to produce inconsistent response to incidents as well as a need for much cross training. It may also have the undesired effect of reduced accountability due to inconsistent supervision (various supervisors). This could be particularly troubling with employees with performance issues.

We would further suggest that it could have the unintended consequence of endangering officers as well. Officers in squads learn to trust one another over time by working with one another. Like a married couple, they begin to know one another's strengths and weaknesses, as well as one another's go to reactions and styles when answering various types of calls. This knowledge and trust, which can only be born from time spent together, has saved many an officer's life when a call goes bad.

- Lastly, but perhaps most importantly to both the community and officers, may be the notion that officers would be just as safely deployed in one man cars as the gold standard than in two man cars. The three studies referenced to support this, one from 1982, and the other two from Winnipeg and South Australia seem impossible to relate to Phoenix in 2011, even with the recent drop in violent crime. Again, the problem is the inability to predict what an officer will roll up on. Certainly Officer Marc Atkinson wasn't safer in a one man car.

In addition, another unintended consequence could end up being an increase in use of force incidents. Regardless of the studies, real life officers will tell you that if they are alone in a potentially dangerous situation they will have to respond more quickly with elevated levels of force, then if they are with a partner and the two of them can more confidently control the situation. This is made eminently clear in Domestic Violent calls.

- The elimination of Duty Commanders is supported in the audit by the infrequency of critical incidents that require a commander response. It is therefore concluded that lieutenants can supervise as well as a commander and if a situation escalates a commander can be called in from their home. This is one of the suggestions that disturb the community the most. Frankly, we sleep better knowing there are Duty Commanders on North and South Patrol and we are not willing to risk success in a critical situation by cutting costs here. Commanders supervise personnel so as to manage liability, (physical and legal) so as to ensure adequate preparation for critical incident response. In a city this size with as many as 300+ officers working at night, this level of command officer is warranted to properly mitigate liability and ease the minds of the Community that our officers have a Commander at night just as they would in a precinct during the day.

Recommendations That Affect the Entire Department (and therefore the Community)

It is not our intention to go into great detail here but rather select for or five of the audit recommendations in this area to illustrate the importance of reconnecting with the community to see what we think is important.

A. Eliminating the Only Fulltime Employee for the Explorer Program

The Berkshire group recommended that, "Given the relatively small number of participants in the program (55) and the fact that most of the benchmark departments use volunteer staff to support it, the department's assignment of a fulltime employee to support the Explorer program should be reassessed." It is precisely because we have no dedicated budget and only one officer dedicated to the program who is responsible for coming up with the funding thorough donations that he is not even allowed to solicit that we have "only" 55 recruits. In addition, this recommendation ignores the value of such a positive outreach to the community that can attract morally solid, hardworking, dedicated, individuals, the majority of whom come from minority communities. Approximately 80% of Explorers that complete the program find a position in Law Enforcement. Given the ethnic challenges that have arisen for PPD in the past year, it would seem that this is exactly the program that should be assisted and exploited for good, especially considering their excellent results at the 2011 National Competition. It also ignores the value of the literally thousands of hours they contribute to the Department and the community each year including but not limited to:

- Outreach program to the inner city youth interested in Law Enforcement as a career
- The Explorer Post provides a pool of qualified applicants for police recruit positions
- The Explorers have an honor guard team that presents our nations colors for department, city, and community events.
- Explorers represent the Police Department during community events many times in the absence of CAO's.
- City and community event set up and take down
- Crowd control for various community events and parades
- Traffic control for special city events including police funerals
- Grounds keeping at the Police Academy including weed pulling, painting etc.

The Phoenix Explorers won several categories at Nationals this year and were able to apply for a grant from the Block Watch Advisory Committee for the upcoming fiscal year because of their strong partnership with the community. In addition, the officer in charge of the Explorers has reached out to the surrounding cities and will have 40 recruits from these other cities who will pay \$100 each to attend our two week Academy this summer, and whose staff will also be present to work side by side with ours. Imagine what this one officer could accomplish if he and his five volunteers who run the program actually had the full support of the city behind them.

B. Rotation of Commanders and Lieutenants

We would agree almost completely with the assessment made by Berkshire on pages 14-15 regarding this topic. However, we think that 4 years is the correct time that would respect both the community's need for continuity and the Commander's need for career development. In addition, Berkshire says on page 14, "The department should ensure that when a new commander is rotated to a new assignment his or her subordinate lieutenants have an understanding of unit operations." If this is not the case, we would believe the commander had failed in his assignment. In addition, the idea that each precinct is run like a small fiefdom taking on the personality of the commander must be changed. We need a uniform policing and prosecution policy that while having minor differences in implementation details based upon area, are consistent enough that every citizen knows their neighborhood is just as important as every other one no matter what the geographic area, color, or economic demographic. In this way, police personnel can come and go with the least disruption to the community and the policy of Community Based Policing they enforce.

C. Property Crimes

According to the Berkshire Report, a very large percentage of the crimes taking place in Phoenix involve property. These are the types of crimes that plague Phoenix residents on a daily basis. Homes and businesses are burglarized leaving owners feeling violated. Tools are stolen from construction sites, bringing work to a standstill and profit margins sinking. Worse, home invasions may turn violent, traumatically ending in sexual assault and murder. The city of Phoenix cannot simply ignore thousands of these cases. In fact it is more than likely that the auditors were not made aware of the fact that the community was a catalyst for the Council, City Manager's Office, and PPD to form a new game plan at the exact time the audit was being done.

Because stolen property comes into play in numerous other crimes, having the infrastructure in place and tools necessary to focus on property crimes is vital. It is clear from the Berkshire report that PPD has very little resources to investigate cases without leads. Therefore providing tools to assist investigators can increase clearance rates dramatically. To this end, the community has advocated for a tracking system known as LeadsOnline used by other jurisdictions (including Tucson, New York, Chicago, and Dallas to name a few) and facilitated a meeting in March with the Council, City Manager's Office, and Detectives who are assigned to these crimes and it was generally agreed that Phoenix should accept the offer of several months of this service free, as we work toward a long term subscription that could easily pay for itself.

LeadsOnline is a tool to assist investigators in recovering stolen property. It allows departments to save time and man-hours allowing detectives to work cases from their desk and expand their coverage and reach. Criminals know they can cross jurisdictional lines to more easily hide from law enforcement. With their timely reports that track property from one jurisdiction to another, PPD staff will instantly receive a force multiplier. Crimes with little or few leads can now be solved. Departments utilizing this system are now really able

to do more with less. Berkshire acknowledges that one of PPD's strengths is their consistent emphasis on identifying individuals who are most likely to commit crime. This tool will allow PPD to continue to foster this attitude therefore taking the serial burglars off the streets.

While the city of Phoenix looks to reallocate positions and merge units, LeadsOnline would be the perfect addition to help maintain the level of service to Phoenix citizens. This simple yet effective change will create enormous value while saving tax payer dollars. Investigators moral will instantly be boosted from the city providing another tool to improve clearance rates. A small percentage change of improvement among PPD staff will exponentially provide value to the city of Phoenix and its residents.

The Berkshire Report calls for reallocation and additional staff to combat property crimes within the PPD jurisdiction. Facing a similar situation in January 2009, Indianapolis PD enlisted LeadsOnline and within the first year, Indianapolis decreased data entry by 82 percent, and then leveraged those alleviated resources to increase the number of cases assigned by 90 percent. That one change equated to an 86 percent increase in recovered items for a 186 percent increase in the value of recoveries. Similar results are possible at PPD.

In 2008, when PPD experienced staff reductions, several measures were taken to help redistribute the workload evenly. However, the Berkshire Report determined that additional personnel are still needed in the property crimes division. LeadsOnline eliminates the need for data entry of pawn shops tickets, a tedious and time consuming task, and allows those officers to actively work investigations.

Since the 2008 staff reduction, the solvability factor of property crimes cases has been left to the individual investigators to determine the reasonable probability of the case being solved; sighting that often times, excessive time is spent on unsolvable cases. With LeadsOnline, investigators determine solvability within a matter of seconds. LeadsOnline will also continue searching for stolen property while investigators move on to other cases. This level of efficiency and precision for accomplishing positive results not only boosts morale within the department, but also raises the community's support and appreciation for the department as they are able to see how quickly crimes are solved.

In Conclusion

It is our hope that by highlighting these few points of the over 40 that were raised by the Berkshire Report, it will be obvious that the community can be the best resource the Phoenix Police Department has when determining what is really important in their application of *Community* Based Policing. We are never stronger than when we work together, each looking out for the interests of the other.

We fully expect to have a seat at the table, right next to Labor, Budget and Research, and the Administration when all of the points raised are reviewed by the Steering Committee and Sub-Committees that are currently being formed.