

ORDINANCE S-_____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO [ENTER INTO/EXECUTE AN AGREEMENT WITH THE CITY OF PHOENIX [[DEPARTMENT]] TO EXPAND THE COMMUNITY ADVOCACY PROGRAM (CAP)]; FURTHER AUTHORIZING THE CITY CONTROLLER TO ACCEPT AND DISBURSE THE NECESSARY FUNDS

WHEREAS, the Mayor and City Council acknowledge the need for more accountability, responsiveness, transparency, and trust from the City’s public safety programs;

WHEREAS, the City of Phoenix has not adequately invested in public health systems that address and improve community health and well-being and instead has come to rely on police officers to respond to calls for people experiencing crises related to mental or behavioral health or substance use, as well as for calls that should not and cannot be adequately addressed by law enforcement, including but not limited to calls about people who are homeless or unhoused, calls about disputes between neighbors, and calls about “suspicious” persons;

WHEREAS, in 2020, the Phoenix Police Department received over 660,000 calls for service, over 60,000 of which were welfare checks, 6,545 involved people with mental illnesses who only needed to be transported to a healthcare facility, and thousands more involved nonviolent, noncriminal calls that other trained crisis responders could have handled instead of police;

WHEREAS, the Mayor and City Council agree that emergencies involving mental and behavioral health, substance abuse, nonviolent domestic and communal disputes, and quality of life incidents related to homelessness or poverty can often be addressed more safely, effectively, and cost-efficiently with trained, non-law enforcement crisis responders, such as mental and behavioral health care specialists, social workers, or counselors, who have a deeper understanding of the issues, trusted relationships with the people and communities involved, and specific knowledge about the resources available in the community that can provide the support a person in crisis needs to stabilize;

WHEREAS, families and community members are reluctant to call for help when a loved one or neighbor is experiencing a crisis related to mental or behavioral health conditions, substance use disorders, homelessness, or some other quality of life issue because the only response available has been law enforcement, whose presence alone — armed, uniformed, and usually accompanied by police vehicles with flashing lights and wailing sirens — can exacerbate feelings of distress and escalate these crises, even when officers have been trained in de-escalation tactics;

WHEREAS, dispatching armed law enforcement officers to calls where their presence is unnecessary is an ineffective use of resources and can lead to fatalities or serious injuries, especially for people of color and people with disabilities;

WHEREAS, a law enforcement response to mental, behavioral health, substance use, or quality of life crises can lead to unnecessary arrests, and incarceration for behaviors that are better managed with treatment, counseling, effective medication, and other therapeutic support options, not jail or prison;

WHEREAS, the City of Phoenix Fire Department's Community Advocacy Program (CAP), specializes in providing crisis response and connection to care for City residents in need of long term case management and counseling services;

WHEREAS, in the 2021-2022 budget, the Phoenix City Council approved \$15 million for the expansion of the Community Advocacy Program to staff mobile units with trained civilian, non-law enforcement professionals responsible for providing crisis response, connection to care, and other social services 24 hours a day, seven days a week to City residents experiencing crises related to mental or behavioral health, substance use, or homelessness;

WHEREAS, the Neighborhood-Organized Crisis Assistance Program has been instrumental in advocating for a non-police response to behavior health calls in the city of Phoenix and is known to many in impacted communities as a trusted champion of safe alternatives to policing;

WHEREAS, the City Council intends to create a Steering Committee composed of community leaders to facilitate community engagement and input in the development and ongoing maintenance of the CAP and to ensure the CAP remains true to its mission and goals, namely to become a transformative alternative to police;

WHEREAS, training of program staff is essential to its effectiveness, and this training should be led by community organizations with qualified expertise in crisis and/or emergency response, mental and behavioral health services, and de-escalation, and should be done in collaboration with individuals most impacted by the City's public safety programs and representative of the communities being served, such as criminal legal system-involved individuals, survivors of state violence, individuals who are or have been unhoused or unsheltered, and domestic violence survivors, among others, to advance the goals of the program;

WHEREAS, while the program will be established in the Fire Department and initially funded from the City's surplus budget, it is the desire and the goal of the Mayor and City Council that after 2 years it will become a permanent city program independent of the Fire and Police Departments, fully integrated with and in control of the budget for the Communications Bureau, including the Crime Stop Call Center, and funded, at least in part, by the cost savings resulting from reducing the City's reliance on law enforcement and reallocated from the Police Department budget.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That the City Manager is authorized to enter into an agreement with the City of Phoenix Fire Department (PFD) to accept funds in the amount of FIFTEEN MILLION DOLLARS (\$15,000,000) to fund the Community Advocacy Program (CAP). The main purpose

of this agreement is to expand the CAP in order to provide additional and alternative resources for responding to crisis response calls for service received by the Fire and Police Departments.

SECTION 2. That the Community Advocacy Program (CAP) will henceforth be known as the Neighborhood-Organized Crisis Assistance Program (NOCAP).

SECTION 3. That the Neighborhood-Organized Crisis Assistance Program shall include the following elements:

- A. The NOCAP shall establish 19 crisis response teams, each with its own vehicle and shall include at least one certified medical professional and one certified social sciences or behavioral or mental health professional;
- B. Teams will be recognized as independent first responder units, comparable to preexisting first responder departments.
- C. Recruitment for NOCAP staff shall prioritize individuals who are representative of the communities being served and individuals most impacted by the City's public safety programs, including but not limited to criminal legal system-involved individuals, survivors of state violence, individuals who are or have been unhoused or unsheltered, and domestic violence survivors;
- D. Current and former law enforcement officers and employees of the Phoenix Police Department or any other law enforcement agency shall be prohibited from serving as a NOCAP staff member. Individuals who share households with those currently or formerly in any law enforcement agency will also be prohibited from serving as a CAP staff member;
- E. NOCAP staff shall wear uniforms distinguishable from the Fire and Police Departments;
- F. NOCAP staff shall never carry weapons, including less-than-lethal weapons such as pepper spray, tasers, or any incapacitating tools and shall be prohibited from using physical de-escalation practices;
- G. NOCAP teams shall be accessible through the City's 9-1-1 dispatch system, 24 hours a day, seven days a week;
- H. NOCAP teams will be dispatched by the Communications Bureau, including the Crime Stop Call Center, through qualifying calls made to 9-1-1;
- I. When a NOCAP team is dispatched, they will serve as the sole responders to the call and will arrive without the presence of law enforcement. If a situation escalates, the NOCAP team shall make a thoughtful assessment regarding the need for law enforcement assistance prior to requesting any non-NOCAP reinforcements. The decision to request additional help or law enforcement assistance will lie within the discretion of the NOCAP staff and/or the person(s) in crisis;
- J. Interactions between NOCAP staff and the community shall be confidential. No NOCAP staff will proactively disclose any information gathered on calls to any state, local, or federal law enforcement agency;
- K. No NOCAP staff will run background checks or proactively report any person for suspected criminal activity, including but not limited to drug use or drug possession. Moreover, no NOCAP staff will report any person they believe to be undocumented to any law enforcement agency, including ICE;

- L. In addition to crisis response, NOCAP staff will offer referrals and connections to existing community resources including, but not limited to, mental or behavioral health services, shelters, food banks, health clinics, and other social services.
- M. Funding will involve providing resources to people in need, including but not limited to food, blankets, medication assistance, and voluntary transportation.
- N. When responders are dispatched, responders who live in the area of the call will be prioritized if available.

SECTION 4. That a Steering Committee shall be created to guide the establishment and implementation of the NOCAP program and will include the following elements:

- A. The Committee will include directly impacted individuals and representatives from local stakeholder organizations such as Feed Phoenix, Sonoran Prevention Works, and the Black Mothers Forum.
- B. The Committee shall ensure ongoing community involvement and input throughout the establishment and implementation processes.
- C. The Committee shall vet and select all potential partnering organizations, with a particular focus on past success in working with disenfranchised and underrepresented communities in Phoenix as well as any prior partnerships with Phoenix Police Department, ICE, and other law enforcement agencies.

SECTION 5. That the City Controller is authorized to accept and disburse the necessary funds on or around **MONTH DAY**, 2021.