

TUCSON POLICE DEPARTMENT

CRITICAL INCIDENT REVIEW BOARD

4TH AVENUE / 6TH STREET

MARCH 12, 2017

OFFICER INVOLVED USE OF
DEADLY FORCE



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EXECUTIVE SUMMARY

INVESTIGATIVE CASE INFORMATION

CIRB Number: 17-0144
TPD Case Number: 1703-12-0056
Date of Incident: March 12, 2017
Location of Incident: 4th Avenue/6th Street

Methodology

The Tucson Police Department (TPD) Critical Incident Review Board (CIRB) convened to review this incident with a focus on department policy, tactics, supervision, equipment, use of force, decision-making, and training. CIRB evaluation included the following modes of inquiry: document and video review, review of interviews conducted by the Homicide Unit and the Office of Professional Standards (OPS), and CIRB questioning of certain involved members as well as subject matter experts.

The Homicide Unit and OPS investigations, along with testimony taken during CIRB proceedings, established the facts under review. CIRB elected to take testimony only from specified individuals in order to elicit clarifying information or obtain further explanation of details developed in the underlying investigation.

Once CIRB testimony and fact gathering was complete, the group's members deliberated with the goal of reaching consensus in their findings and recommendations. Consensus does not necessarily mean complete agreement among members on every issue but it does mean general agreement. Each member of the CIRB listened thoughtfully to the perspective of other board members, considering differing points of view. Ultimately, this report represents the collective judgment of the board.

Introduction

On March 12, 2017, Officer Schrouder was working as a solo officer in the Downtown District. While on foot patrol in the area of 4th Avenue and 6th Street, Officer Schrouder was flagged down by a member of the public. She was quickly flagged down again by a second person who told her that a person across the street was "mugging" a victim. She then observed what appeared to be two men involved in a fight across the street from where she stood.

Sergeant Allen and Sergeant Baca were riding as a two-person unit and responded to assist Officer Schrouder on her checkout. As Officer Schrouder approached to break up the altercation she

observed that one of the subjects, later identified as Mr. Juan Arriaga, had a firearm in his hand. It was at that time she realized the reported disturbance was an armed robbery in progress. Officer Schrouder and Sergeant Allen immediately acted to prevent Mr. Arriaga from robbing the victim. Mr. Arriaga dropped his weapon and a fight ensued. Mr. Arriaga broke free from Sergeant Allen's grip and attempted to flee the area on foot. Sergeant Allen reengaged him and Mr. Arriaga actively attempted to gain control of Sergeant Allen by wrapping his arms around him in a "bear hug" type action.

Officer Schrouder deployed her Taser® on Mr. Arriaga. During the Taser® deployment she became incapacitated and unable to remain active in the effort to take Mr. Arriaga into custody. Sergeant Allen continued to fight with Mr. Arriaga. Sergeant Baca stood over Mr. Arriaga's handgun and monitored the growing crowd of onlookers.

Mr. Arriaga failed to comply with verbal commands or react to the strikes to his body and head that Sergeant Allen deployed. With no indication that Mr. Arriaga would stop fighting, Sergeant Allen used a closed expandable baton to strike Mr. Arriaga in the head. Because strikes to the head are categorized as lethal force in Tucson Police Department General Orders, a Critical Incident Review Board was convened to review the incident.

Issues Identified and Examined by CIRB

CIRB examined the following issues:

- Proper decision-making and tactics, as well as potential deficiencies in training, policy, and equipment
- Incident command (IC)
- Sergeant Baca's overall decision making during the incident
 - His handling of Mr. Arriaga's firearm
 - His observations and response related to Officer Schrouder after she became incapacitated
 - His level of engagement in the detention of Mr. Arriaga
 - His actions regarding crowd control, incident command, and his direction to responding units
 - His handling of the blood borne pathogen decontamination situation involving Sergeant Allen
- Sergeant Allen's actions and decision making
 - His use of force during the detention of Mr. Arriaga
 - His communication with responding officers
 - His actions regarding incident command

Findings

CIRB determined the following after a review of this incident:

- Officer Schrouder checked out over the radio but failed to update that she was actually flagged down by two different members of the public about a robbery
- There was a lack of timely communication from the officers initially involved in the incident which placed responding officers at a disadvantage in knowing what they were responding to
- Mr. Arriaga was robbing the victim with a handgun when officers contacted him
 - The suspect had his back to the responding officers so they could not see he had a gun in his hand until they were extremely close to him
- Mr. Arriaga failed to follow lawful commands by police personnel and physically resisted the officers' efforts to take him into custody through both defensive resistance and active aggression
- Unlike what happened in this case, district supervisors should deploy in separate vehicles on double squad overlap nights
 - Failure to do this limits supervisors' ability to actively manage multiple incidents
 - On the night of the incident, not doing this caused confusion regarding the roles both sergeants should play in resolving the incident
- Sergeant Baca's Actions:
 - As the incident commander, Sergeant Baca failed to take command and actively manage the incident
 - Sergeant Baca's decisions to maintain lethal cover, stand over the suspect's firearm, stay with the victim, and observe the crowd were poor tactical choices
 - His decisions caused him to inappropriately manage the incident
 - Sergeant Baca failed to adapt to changing circumstances and manage the incident as Sergeant Allen became engaged in a physical struggle with Mr. Arriaga
 - Sergeant Baca failed to appropriately assess the severity of the violent struggle Officer Schrouder and Sergeant Allen were engaged in with Mr. Arriaga
 - Sergeant Baca failed to secure the suspect's firearm (make the weapon safe and store it on his person or lock it in its original condition in his patrol vehicle trunk)
 - Sergeant Baca failed to check on Officer Schrouder's condition or engage in the effort to detain Mr. Arriaga when it was clear the suspect was not going to comply with the officers
 - Sergeant Baca made an erroneous transmission on the radio that Mr. Arriaga was in custody and then failed to broadcast an updated radio transmission with accurate information that conveyed the officers were in an active struggle
 - Sergeant Baca failed to recognize Officer Schrouder had become incapacitated after she deployed her Taser®, fell, and struck her head on the ground

- He made no attempt to check the welfare of Officer Schrouder who was incapacitated on the ground for approximately 15 seconds before additional personnel arrived to provide her assistance
 - Sergeant Baca failed to recognize the potential danger posed by members of the crowd who were within close proximity of the fight
 - Some individuals were within arm's reach of both Officer Schrouder (while she was incapacitated) and Sergeant Allen
 - The investigation found that Sergeant Baca failed to appropriately engage in this incident through a series of bad decisions and risky assumptions related to District staffing
 - Sergeant Baca failed to provide direction and incident updates over the radio to the responding units
- Multiple officers arrived at the scene and joined the effort to detain Mr. Arriaga, however no one person took control of the larger response or communication with others to organize the effort
- Involved members had differing opinions as to who had incident command
- There were critical delays in processing personnel with (blood) evidence on their skin/clothes
- Department members need additional training in firearm identification and manipulation so they are capable of handling any firearm they might have to secure in the field
- The Taser® inventory needs to be updated to improve equipment functionality
- The video playback capabilities of the Tucson Real-Time Analytical Crime Center (TRACC) need to be updated to ensure video playback reliability and reduce buffering¹
- Use of force determinations:
 - Show of force (firearm) by Officer Schrouder: In policy
 - Taser® use by Officer Schrouder: In policy
 - Hard empty hand control (palm heel strike) by Sergeant Allen: In policy
 - Hard empty hand control (palm heel/hammer strikes to the head) by Sergeant Allen: In policy
 - Head strikes (2) with closed expandable baton by Sergeant Allen: In policy
 - Knee strikes (2) by Officer Szelewski: In policy
 - Hard empty hand control (hand strikes) by Officer Szelewski: In policy
 - Closed expandable baton (poke to the back and use as leverage) to gain control of Mr. Arriaga's hands by Officer Szelewski: In policy
 - Hard empty hand control (strikes) by Officer Lushbaugh: In policy
 - Hard empty hand control (knee strike to face) by Officer Bowlby: In policy

¹ Buffering is the preloading of data into a reserved area of memory. In regards to streaming audio or video from the Internet, it refers to the downloading of a certain amount of data before the audio or video will begin to play.

CIRB REPORT

CASE OVERVIEW

On March 12, 2017, at approximately 1:52 a.m., Officer Schrouder was flagged down near 4th Avenue and 6th Street concerning a subject demanding money from a victim. An additional flag down indicated the suspect was mugging another victim. Sergeant Baca and Sergeant Allen, riding as a two-person unit, heard Officer Schrouder's checkout and noted a slight inflection in her voice that prompted them to respond to her location. When they arrived they didn't immediately locate Officer Schrouder by her department vehicle. As they scanned the area they observed two men who appeared to be fighting in the Dairy Queen parking lot. Sergeant Baca drove into the parking lot with his overhead lights on to break up the fight.

Officer Schrouder approached the altercation as the patrol car was pulling into the parking lot. As she drew closer to the men she observed that Mr. Arriaga held a firearm in his hand. She quickly drew her weapon and ordered him to drop the gun. Mr. Arriaga complied and set the gun down on the ground after a brief pause. Sergeant Allen and Officer Schrouder attempted to detain Mr. Arriaga, who began to physically resist and fight their efforts to detain him. After Mr. Arriaga failed to follow repeated verbal commands Sergeant Allen struck him at least once with a palm heel strike, which had no effect. Mr. Arriaga broke free from the officers' attempt to detain him. He attempted to run away, but Sergeant Allen caught him before he could flee from the parking lot.

Mr. Arriaga quickly turned and aggressively wrapped his arms around Sergeant Allen causing them both to fall to the ground. Officer Schrouder deployed her Taser®, striking Mr. Arriaga with at least one probe. Immediately following her Taser® deployment Officer Schrouder fell and struck her head on the ground leaving her incapacitated. While uncorroborated, she may have come into contact with the wires of the Taser® during the confrontation which caused her to fall to the ground and strike her head on the asphalt. Sergeant Allen was also shocked during the Taser® deployment as he worked to detain Mr. Arriaga.

Sergeant Baca positioned himself next to Mr. Arriaga's handgun to prevent it from being used again by the suspect or taken from the scene. He radioed for emergency assistance as Sergeant Allen continued to fight with Mr. Arriaga. Sergeant Baca broadcast that Mr. Arriaga was detained on the radio. However according to Sergeant Thomas, who was monitoring the situation from the TRACC remote surveillance cameras, Mr. Arriaga had not yet been detained and was still actively fighting with Sergeant Allen. Sergeant Thomas watched as Sergeant Allen actively fought with Mr. Arriaga and identified Officer Schrouder lying on the ground. Sergeant Thomas broadcast, "Officer needs assistance" on the radio. Until her radio announcement, officers in the division were unaware Sergeant Allen was actively engaged in a fight with Mr. Arriaga.

Additional officers began to arrive and attempted to assist Sergeant Allen in detaining Mr. Arriaga. Mr. Arriaga continued to struggle with officers and resist their efforts to handcuff him. Mr. Arriaga

had his arms underneath his body and continued to reach towards his waist area. Believing Mr. Arriaga might still be armed several officers, including Sergeant Allen, delivered strikes to prevent him from reaching for any additional weapons. To gain Mr. Arriaga's compliance, Sergeant Allen retrieved his closed expandable baton and delivered two head strikes to the back and side of his head.

After several minutes of violent struggle, officers were finally able to successfully handcuff Mr. Arriaga. Mr. Arriaga suffered minor injuries to his face and head. He was transported for medical evaluation. He was later released from the hospital and booked into the Pima County Jail on charges of Armed Robbery, Misconduct Involving Weapons, and Attempted Kidnapping.

Officer Schrouder was transported to the hospital for medical evaluation and treatment.

Sergeant Allen was evaluated at the scene for minor injuries that did not warrant transport.

INVOLVED PARTIES

Field Response

Officer Robert Szelewski #46927

- Tenure: 13 years
- Impaired Driving Unit - Officer
- Had a ride-along with him on the day of the incident

Officer Faith Schrouder #53665

- Tenure: 4 years
- Downtown District – Patrol Officer

Sergeant Albert Baca #51780

- Tenure: 8 years
- Downtown District - Patrol Sergeant
- Promoted to Sergeant in January 2015

Sergeant David Allen #32099

- Tenure: 13 years
- Downtown District – Patrol Sergeant
- Promoted to Sergeant in November 2015

Sergeant Tamra Thomas #37909

- Tenure: 20 years
- TRACC (Tucson Real-Time Analytical Crime Center) Unit - Sergeant
- Promoted to Sergeant in May 2014

Investigative Response

Sergeant Craig Kerlin #41533

- Office of Professional Standards
- Supervisor

Sergeant Marco Borboa #26742

- Homicide Investigations Unit
- Supervisor

Detective Kelly Pike #35801

- Homicide Investigations Unit
- Detective

Community Member

Mr. Juan Arriaga 11/23/1988

- Suffered minor injuries
- Declined to be interviewed by detectives
- Charged with Kidnapping, Attempted Armed Robbery, and Prohibited Possession of a Firearm

Officer Mike Gamez #49543

Officer Gamez was interviewed by CIRB. Officer Gamez works as the Arrest and Control Tactics Coordinator at the Southern Arizona Law Enforcement Training Center (SALETC). **Training, tactics, and decision making** are key components of the curriculum taught by Officer Gamez. The areas discussed with Officer Gamez concerned Taser® utilization and the defensive tactics techniques taught to department members at SALETC.

CIRB's clarifying questions sought to determine:

- How a Taser® works
- The physical effects, if any, that could result from an officer kneeling on the Taser® wires after the probes have been deployed
- What training, if any, is given to department members regarding increasing the level of force they might need to use during prolonged fights with combative subjects

CIRB Testimony

Officer Gamez explained to CIRB that Taser®s issued by the department deliver an electric shock in order to cause neuro-muscular incapacitation (NMI). NMI causes a subject to be immobilized and incapacitated. If NMI is not achieved, a "hot stove" type reaction may occur where the subject experiences significant pain as a result of a temporary shock. This pain compliance can also be effective, but is not typically incapacitating. Incidental contact with deployed Taser® wires (including kneeling on them) can cause either NMI, the temporary pain from a brief shock or both.

When asked about increasing the level of force due to the length of an altercation, Officer Gamez testified to CIRB that once an officer becomes "gassed" (a term used among police officers to describe severe fatigue) he/she may lose finite motor skills and experience a degradation in decision-making. This can also be an indicator to the officer that they need to gain control of their suspect before they lack the strength to do so. He stated when personnel are at or near a point of exhaustion, they may need to use higher levels of force than the suspect they are attempting to detain is using against them.

CIRB asked Officer Gamez about the significance of Mr. Arriaga reaching for his waistband during his struggle to avoid arrest. Officer Gamez explained to CIRB that the waistband area, also known as a "hot spot," is an area where suspects may conceal weapons. The academy lesson plan on this topic includes specific instruction for students to search the waist area first.

Officer Gamez was also asked questions regarding the use of strikes to the head with a closed expandable baton. Officer Gamez explained that the lesson plans covering this tactic make it clear that strikes to the head with a baton are considered lethal force.

Analysis

Officer Gamez stated that kneeling on the wires could have caused Officer Schrouder's incapacitation when she fell and hit her head. He further explained that during an altercation when officers become extremely fatigued they can lose finite motor skills and that exhaustion can impact their decision-making. Officer Gamez stated the while Sergeant Allen's actions were not consistent with academy training regarding baton use, given extenuating circumstances and articulable justification, the force used would qualify as a permissible deviation from policy. CIRB agreed with the assessment made by Officer Gamez regarding Sergeant Allen's use of the baton.

CIRB found Officer Gamez's testimony helpful in creating a framework for the academy training on the physiological effects of being in a physical altercation for a long period of time. His testimony will be applied later in CIRB analysis under Sergeant Allen's use of force review.

Findings and Recommendations

CIRB did not find any deficiencies in department training or the current use of force policy. Officer Gamez did not provide any testimony that contradicted or created the need for policy updating.

Sergeant Tamra Thomas #37909

Sergeant Thomas was interviewed by CIRB regarding **supervision** and **decision making**.

CIRB's clarifying questions sought to determine:

- The point at which Sergeant Thomas began to monitor the incident
- Who Sergeant Thomas believed was the incident commander at the scene
- Sergeant Thomas' observations of Sergeant Baca's actions during the struggle
- If Sergeant Thomas perceived the onlookers who surrounded the officers engaged in the struggle with Mr. Arriaga as an officer safety concern
- Why Sergeant Thomas broadcast "officer down" over the radio

Investigative Statement and CIRB Testimony

Sergeant Thomas testified to CIRB that when she heard the call for service come out on this incident she logged into downtown cameras and attempted to provide TRACC support. Sergeant Thomas was unable to watch the incident in real time due to the streaming video buffering. This forced her to rely on the radio transmissions to monitor what was taking place. She expressed concerns regarding video feeds received in TRACC which often pause while buffering. She also expressed concern over the inability to record video feeds within the unit.

Sergeant Thomas indicated she was unaware of who had incident command. Sergeant Thomas said that when the monitors resumed playing the event she saw multiple officers on top of and struggling with the suspect. She then heard a broadcast stating, "[w]e have one detained." This broadcast alarmed her because the video feed clearly showed officers still engaged in a fight and an officer lying on the ground alone and motionless. She testified she was concerned that no one was addressing the officer who was down officer and she therefore broadcast "officer down" as she believed the officer was in danger.

Sergeant Thomas testified she could see onlookers video recording the fight but did not regard them as hostile to the officers at the incident. She told CIRB that she did not see any bystanders advancing towards the officers. When asked by CIRB if she could provide any insight into the use of force deployed during the incident, Sergeant Thomas was hesitant to speak in detail regarding the tactics utilized due to the inconsistent video feed and limited radio transmissions she heard regarding the incident.

Analysis

Sergeant Thomas attempted to record the incident on TRACC cameras as soon as she heard the distress in Officer Schrouder's voice. This attempt was unsuccessful because the video feed froze due to buffering. Sergeant Thomas testified that there was conflicting and deficient information being broadcast via the radio. After a request for assistance was broadcast, another transmission was broadcast indicating the suspect was in custody. However, once the video resumed playing

Sergeant Thomas could see officers still engaged in a physical altercation with the suspect. She could also see that the suspect was not in custody and that an officer was lying on the ground alone and motionless. CIRB found she appropriately called out “officer down” on the radio which let responding officers know they were responding to a significant incident.

CIRB found Sergeant Thomas had limited ability to provide TRACC assistance on this call due to video buffering and a lack of information relayed by officers engaged in the incident. It is clear by the testimony provided by Sergeant Thomas that the technology infrastructure needs to be updated in TRACC.

Findings and Recommendations

CIRB determined TRACC personnel need improved technology to support them in accomplishing their mission. TRACC’s current work area is temporary and the permanent work location for the unit is being built within the Public Safety Communication Department. The new work area is estimated to be completed in 2019. TRACC’s new work facility will have better technology, software, and a professionally designed work area to support real-time camera access and recording capabilities.

CIRB recommends the TRACC camera viewing and recording capabilities be greatly expanded within the new work area. Implementing this sort of technology in crime centers has been successful across the country. The increased camera access can enhance patrol resources, increase community safety, provide improved situational awareness for TRACC personnel, and prevent crime.

Officer Robert Szelewski #46927

CIRB interviewed Officer Szelewski regarding his **tactics** and **decision-making** as well as his perceptions of incident command at the scene.

CIRB's clarifying questions sought to determine:

- How Officer Szelewski responded to the call (speed, safety considerations, etc.)
- Whether Officer Szelewski considered the safety of his ride-along during his response
- Officer Szelewski's target area when he utilized his closed expandable baton during the altercation with Mr. Arriaga

Investigative Statement and CIRB Testimony

On the night of the incident, Officer Szelewski's wife was doing a ride-along with him when he responded to the incident to assist officers already on-scene. He said he heard a police radio transmission that a subject was detained and that there was an officer down so he initiated an emergency response. He did not recall his speed when responding the incident nor did he say the presence of his ride-along had an impact on how he responded.

Though he did not deliberately intend to do so, Officer Szelewski parked in a manner that allowed his mobile vehicle recorder (MVR) equipped patrol car to capture footage of the struggle. While this vehicle positioning proved useful for videoing the incident, it also placed his ride-along in close proximity to the police confrontation with Mr. Arriaga.

When questioned about the danger this may have posed to his ride-along, Officer Szelewski testified that he was comfortable with her remaining in his vehicle while he was on-scene. He explained that his wife had joined him as a ride-along several times previously and understood her role when responding to a variety of incidents. He believed dropping her at an unsecured location away from the incident would have not only delayed his response but also placed her at potential risk in an unfamiliar environment.

Officer Szelewski said he got out of his vehicle and ran to Officer Schrouder intending to provide aid in response to the "officer down" radio broadcast. Instead, Sergeant Allen immediately directed him to engage in the ongoing attempt to detain Mr. Arriaga. Officer Szelewski presumed Sergeant Allen was the incident commander and therefore turned his attention to assisting with the detention of Mr. Arriaga.

Officer Szelewski explained that Mr. Arriaga had his arms positioned underneath him at waist-level in what he has been trained to regard as the "hot spot" and that he heard Sergeant Allen say "[h]e has a gun." Officer Szelewski chose to utilize his closed expandable baton to jab Mr. Arriaga in the back to gain compliance. When this was ineffective he expanded the baton and attempted to utilize it to pry Mr. Arriaga's arm(s) out from underneath his body. When this technique was also ineffective Officer Szelewski said he secured his baton.

Officer Szelewski described a lack of communication at the scene as additional officers began to arrive and take a position to detain Mr. Arriaga. He believed that because of this lack of communication the officers ended up working against one another during the struggle. He also said a large crowd had formed around the parking lot of the Dairy Queen. He noticed several onlookers were recording the incident utilizing cell phones. Officer Szelewski testified the crowd did not appear to be hostile and he did not perceive them as a threat.

Analysis

Officer Szelewski's driving behavior/speed while responding to the call.

CIRB was concerned about Officer Szelewski's apparent speed as he drove to this incident, however the exact speed was unable to be determined. The area Officer Szelewski traveled can have heavy pedestrian traffic and the street lighting is poor. CIRB found that Officer Szelewski initiated an emergency response to what he believed was an officer on-sighting a fight, which then escalated when a gun became involved, followed by the "officer down" call made by TRACC. When asked by CIRB, Officer Szelewski said he believed his response was appropriate given the information he had at the time of his response. He was also aware that Fourth Avenue is a high pedestrian traffic area at this time of the evening.

Officer Szelewski's consideration of the presence of his ride-along during his response.

Officer Szelewski testified to CIRB that the presence of his ride-along did not impact his response. He said he felt comfortable having a ride-along in his vehicle and at no point did he consider dropping her at an alternate location. He said his spouse had been on several ride-alongs and that she understood the expectations he had of her during a situation like this incident. Officer Szelewski stated his response would have been the same with or without a ride-along.

Officer Szelewski's target area when he utilized his closed expandable baton during the altercation.

Officer Szelewski explained to CIRB he initially deployed his closed expandable baton to jab Mr. Arriaga in the back for pain compliance when the force used by other assisting personnel was not effective. When this tactic was ineffective, he expanded the baton and attempted to pry Mr. Arriaga's arm out from underneath his body. This technique also proved to be ineffective.

Findings and Recommendations

CIRB determined Officer Szelewski responded appropriately to the call based on the totality of the circumstances. He clearly articulated his actions and decisions regarding his vehicle speed and approach to the scene. CIRB reminds all personnel to be aware of vehicle positioning when responding to certain types of calls, such as incidents involving firearms, and the positioning of vehicles when ride-alongs are present.

CIRB determined Officer Szelewski's use of force during the altercation was consistent with policy and academy training. He demonstrated good decision-making in adjusting his deployment of force based upon its effectiveness.

Officer Faith Schrouder #53665

CIRB interviewed Officer Schrouder regarding **tactics** and **decision-making**.

CIRB's clarifying questions sought to determine:

- The capacity in which she was deployed on the night of the incident
- Why she broadcast limited information about the flag-down prior to making contact with Mr. Arriaga
- Who she perceived was the Incident Commander of the incident
- How she became incapacitated during the physical altercation with Mr. Arriaga

Investigative Statement and CIRB Testimony

Officer Schrouder testified that on the night of the incident she was working in a solo capacity in the Downtown District. She said she was patrolling the 4th Avenue area after completing her special duty assignment at the downtown "Second Saturday" event. She explained she usually deploys as part of a two-person unit. She told CIRB that because she had started her shift after her squad had already deployed, she deployed as a solo officer. Officer Schrouder stated she was responding to a call for service with several other officers and that she drove down 4th Avenue to maintain a high level of police presence in the area during bar closing time.

Officer Schrouder was traveling on 4th Avenue near 6th Street when a member of the public flagged her down. She told CIRB the male who flagged her down was intoxicated and incoherent. She guided the male out of the street to a safe place to speak with him. She said he then identified a male across the street in a red sweater (later identified as Mr. Arriaga) as the suspect who had demanded money from him. She observed a male in a red sweater walking southbound across the street.

Almost simultaneously, Officer Schrouder said she was flagged down by a female running across the street. The female yelled that her friend was being mugged and pointed towards the suspect (Mr. Arriaga). Officer Schrouder realized both flag downs were related to Mr. Arriaga's actions.

As she began to move toward Mr. Arriaga she observed a patrol vehicle occupied by Sergeants Baca and Allen approaching the scene. Officer Schrouder assumed they would be assisting with the incident so she continued her approach to engage the suspect. She said she observed that Mr. Arriaga was armed with a handgun as she approached him. She drew her firearm and gave commands to him to drop his gun. Mr. Arriaga dropped the weapon as Officer Schrouder and the two sergeants converged on him. Officer Schrouder kicked the gun towards Sergeant Baca to create distance between the gun and Mr. Arriaga.

Officer Schrouder and Sergeant Allen attempted to detain Mr. Arriaga. Mr. Arriaga physically resisted the detention, failed to comply with any of their commands, and attempted to flee.

Despite their continued verbal commands and attempts to detain him, Mr. Arriaga continued to fight aggressively and tried to keep them from taking him into custody. Officer Schrouder observed Sergeant Allen utilize hard empty hand control strikes on Mr. Arriaga with no effect.

Officer Schrouder articulated to OPS investigators that she was going to deploy her Taser® after observing the ineffectiveness of repeated verbal commands, strikes, and Mr. Arriaga's continued resistance as Sergeant Allen fought with him on the ground. Sergeant Allen released the suspect and she deployed her Taser®. She believed the Taser® was working on Mr. Arriaga when she suddenly fell backwards striking her head on the pavement. She stated she could hear sounds of the ongoing struggle and she observed additional units assisting Sergeant Allen but she was physically unable to move.

Officer Schrouder said she did not have memory of hitting her head on the ground, two onlookers checking on her, Officer Szelewski checking her welfare, or her own attempts to reengage with the detention of Mr. Arriaga. She told OPS investigators that after she fell backwards the next recollection she had was yelling out a few times and Officer Sandoval coming up from behind her. She said he pulled her back away from the ongoing struggle to detain Mr. Arriaga.

Neither investigative nor CIRB testimony provided a definitive answer on how Officer Schrouder became exposed to her own Taser® deployment. However, passerby video captured Officer Schrouder fall to the ground and strike her head after she deployed her Taser®. It is possible that as Mr. Arriaga fought through the deployment of the Taser® the charged Taser® wires contacted Officer Schrouder causing her to sustain a shock and fall. While CIRB could not conclusively determine the order of events, it does appear clear Officer Schrouder striking her head on the ground contributed to her incapacitation.

CIRB questioned Officer Schrouder regarding the communication at the scene. Given that the incident was unfolding rapidly, Officer Schrouder indicated she was comfortable with the level of communication between personnel. She felt that the physical altercation and the reported "mugging" required her immediate engagement in the situation. She told CIRB she also knew two sergeants were arriving to provide assistance.

When asked by CIRB who the incident commander of the incident was, she identified herself as the initial incident commander. Once she became incapacitated during the physical confrontation with Mr. Arriaga, she was unsure of who assumed incident command.

CIRB asked Officer Schrouder if she had any information that she wanted to share with the board now that she had time to process and reflect on the incident. She said in hindsight she felt that the tactics and communication between her and the sergeants were "lacking" in some areas on the initial response. She said they could have communicated more during the initial contact with Mr. Arriaga and provided additional information to responding personnel. She gave the example that she could of done a better job of giving additional details about her flag down before making contact with the suspect. She also reflected that she could have verbalized her actions to the sergeants. She gave the example to CIRB that she could have verbalized that the suspect had

dropped the gun, that she kicked it towards Sergeant Baca to secure it, and then made sure the sergeants verbally acknowledged that they heard her.

Officer Schrouder explained that she thought the Taser® was an appropriate tool to use in this incident. However, she clarified that based upon the distance between her and Mr. Arriaga, she would have preferred to deploy the Taser® with the drive stun technique instead of utilizing the projectile deployment.

Analysis

In what capacity was Officer Schrouder deployed on the night of the incident?

Officer Schrouder testified that she had just completed a special duty assignment working the Second Saturday event and had transitioned into her primary assignment as a Downtown District walking beat officer. While she normally works as part of a two-person unit she was a solo officer during this incident.

Why Officer Schrouder broadcast limited information prior to making contact?

Officer Schrouder articulated that this incident evolved rapidly which affected communication with on-scene personnel and Communications. She testified that she saw the sergeants' vehicle approaching the scene as she began to cross the street to address the situation. She knew the two sergeants were riding together and expected them to assist as well as broadcast additional information related to the incident as it unfolded. She told CIRB she now believes they should have communicated more prior to contacting the suspect and as the incident unfolded.

Who did Officer Schrouder perceive to be the Incident Commander?

Officer Schrouder identified herself as the incident commander. She was flagged down and she initially gave commands to Mr. Arriaga. After deploying her Taser®, falling to the ground and striking her head, she had minimal recollection of the events that followed and was unable to provide any further clarification.

How did Officer Schrouder become incapacitated during the physical altercation with Mr. Arriaga?

Passerby video captured Officer Schrouder fall to the ground and strike her head after she deployed her Taser®. It is more likely than not that Officer Schrouder became exposed to the Taser® wires after the deployment. This exposure caused her to fall backwards and strike her head on the ground. The fall and impact to her head caused her to become disoriented and incapacitated. Ultimately, both investigative and CIRB testimony did not provide a definitive answer as to what caused Officer Schrouder to fall and become incapacitated.

Findings and Recommendations

CIRB finds the communication during this incident was deficient. Officer Schrouder failed to update her check-out with the additional flag-down information related to a possible suspect actively “mugging” (robbing) people. This information would have affected responding officers’ response to the incident. CIRB found Officer Schrouder and Sergeant Allen had effective communication when they attempted to detain and deploy the Taser® on Mr. Arriaga.

CIRB recommends officers in the Downtown District continue working bar closing deployments deployed as two-person units when possible.

Sergeant Albert Baca #51780

CIRB interviewed Sergeant Baca regarding **tactics, decision-making, and incident command.**

CIRB's clarifying questions sought to determine:

- How did Sergeant Baca's positioning impact his ability to engage in this incident
- What officer safety concerns did Sergeant Baca perceive during the incident
- Did Sergeant Baca prematurely broadcast that Mr. Arriaga was in custody
- Were Sergeant Baca's decisions to not render aid to Officer Schrouder and not engage in the detention of Mr. Arriaga appropriate under the circumstances
- What direction did Sergeant Baca provide to responding officers
- Who had incident command
- Did Sergeant Baca's involvement in previous critical incidents impact his decision-making during this incident

Investigative Statement and CIRB Testimony

Sergeant Baca was originally interviewed on March 12, 2017. OPS conducted a follow up interview on March 22, 2017.

On the night of the incident Sergeant Baca was a supervisor in the Downtown District. He was riding as a two-person unit with Sergeant Allen. Sergeant Baca testified to CIRB that he was paired up with Sergeant Allen because there were not enough supervisor vehicles and computers to allow them to ride separately on double shift squad overlap nights.

While patrolling the 4th Avenue area at bar closing time they heard Officer Schrouder advise over the radio that she was checking out with an individual at 4th Avenue and 6th Street. The tone of her voice caused them concern. They were nearby and responded to assist her.

As they arrived, they observed Officer Schrouder contacting two men who appeared to be in a fight across the street from her patrol car. Sergeant Baca reported the fight over the radio and checked out at the location. Sergeant Baca turned on his overhead patrol car lights as he pulled into the parking lot, a tactic he stated that typically breaks up such fights. This time the emergency lights had no effect on breaking up the altercation.

Sergeant Allen exited the vehicle to assist Officer Schrouder as Sergeant Baca parked. Officer Schrouder and Sergeant Allen made contact with the two men who appeared to be having a physical confrontation. A larger subject wearing a red sweatshirt (Mr. Arriaga) had his back to them and he was pushing a smaller male up against a wall. As Mr. Arriaga turned around to face the officers, Sergeant Baca said he observed what he believed to be a gun in Mr. Arriaga's hand at hip level. Sergeant Baca told OPS that when Mr. Arriaga turned to face the officers he thought the gun was pointed in his direction. Sergeant Baca said he pulled his department firearm out, pointed it at Mr. Arriaga, and advised over the radio that the suspect had a gun.

Sergeant Baca told investigators he was unsure if the suspect dropped the gun or if TPD personnel knocked the gun out of Mr. Arriaga's hand. He stated that within seconds of seeing the gun, the weapon was on the ground and that Officer Schrouder kicked it towards him. Sergeant Baca told OPS he stood over the gun to secure it and pulled the victim aside to keep him out of harm's way.

He stated Sergeant Allen and Officer Schrouder attempted to detain Mr. Arriaga. Mr. Arriaga refused to follow their repeated commands and it quickly turned into a physical altercation. Sergeant Baca said he kept his weapon out at low ready for lethal coverage in the event the suspect possessed additional weapons. Sergeant Baca told investigators that during the struggle, Mr. Arriaga was able to break free before Sergeant Allen regained control of him closer to 4th Avenue.

Sergeant Baca testified to CIRB that when Sergeant Allen and Mr. Arriaga fell to the ground, Officer Schrouder warned she was going to deploy her Taser® and then did so. Sergeant Baca said he heard the "pop" of the Taser® and observed Officer Schrouder fall backwards. He told investigators he assumed Officer Schrouder had been exposed to the Taser® deployment. Sergeant Baca said that he was not positive what had caused her to fall and thought she could have just tripped during the fight with Mr. Arriaga.

OPS investigators asked Sergeant Baca why he failed to take further action at this point based on Officer Schrouder's welfare, her ability to control her handgun, and Sergeant Allen's safety as he continued to fight with Mr. Arriaga. Sergeant Baca told OPS investigators he didn't engage in the struggle at that time because he had the suspect's (potentially) loaded gun under his foot and because he was standing by with the robbery victim. He also said he was monitoring the growing crowd and maintaining control of the radio since Officer Schrouder and Sergeant Allen needed their hands free to detain Mr. Arriaga.

OPS investigators asked Sergeant Baca how long he was going to let the struggle to detain Mr. Arriaga continue before he got involved in the fight. Sergeant Baca stated that he would have acted if additional units weren't nearby to assist. He also said he would have intervened further if the officers in the fight were starting to "lose the battle" in their efforts to detain Mr. Arriaga or the crowd had tried to engulf them. He told the OPS investigators that the incident unfolded much faster in his mind than the video depicted. Sergeant Baca stated, "[d]id I feel helpless like I couldn't engage at that point (referring to Officer Schrouder falling)? Because I couldn't get involved in the incident? Absolutely."

Sergeant Baca stated he saw Officer Schrouder moving around, sitting up, and trying to reengage in the detention of Mr. Arriaga. This led him to believe that she was not incapacitated. Sergeant Baca told CIRB he did not intervene when an onlooker from the crowd approached Officer Schrouder after she went to the ground because he thought the subject was just checking her welfare. He acknowledged that while he was concerned about Officer Schrouder, he did not leave his position to check on her well-being or assess the extent of her injuries. He reiterated that he did not believe she was incapacitated and that she could protect herself if she needed to do so. Sergeant Baca said he would have taken action if the individual checking Officer Schrouder's welfare had shown any aggression towards Officer Schrouder or Sergeant Allen.

Sergeant Baca said he recognized that at one point Sergeant Allen was the only officer who was still engaged in the physical altercation with Mr. Arriaga. Based on his observations, he believed that Sergeant Allen had control of Mr. Arriaga. He then broadcast over the radio that the suspect was in custody.

The investigation revealed that Mr. Arriaga was not in custody when Sergeant Baca made this radio transmission. Sergeant Baca testified to CIRB that he saw Sergeant Allen on top of Mr. Arriaga and thought Sergeant Allen had placed him in handcuffs. Sergeant Baca told OPS he felt Sergeant Allen had control of the suspect. When Mr. Arriaga continued to struggle to get away, he realized he was not in custody. At that point he said he called for an 10-84, 10-18 (Officer needs urgent assistance) over the radio and quickly transmitted "We need units here now!" When questioned by CIRB, Sergeant Baca stated he should have provided clarification on the radio when he realized that Mr. Arriaga was not detained in handcuffs.

Sergeant Baca said he heard TRACC transmit that an officer was down. He told CIRB that he meant to correct TRACC's transmission so responding officers would not think that an officer had been shot, especially since he had earlier transmitted that the subject they were dealing with had a gun. Sergeant Baca said the incident unfolded quickly and he did not have time to get back on the radio to make the update.

Sergeant Baca told investigators he continued to observe the altercation and that he maintained a visual on the crowd after he requested the additional units. He said he perceived the crowd was growing as the event unfolded, however, he said they maintained their distance and therefore he did not perceive them as an immediate threat. Sergeant Baca told CIRB the crowd was a mix of onlookers and others who were yelling profanities. He said he believed he was successfully managing the crowd through his officer presence and verbal commands. When asked by CIRB what he would have done if the crowd had advanced on the ongoing altercation, Sergeant Baca testified that he would have secured the gun he was watching and actively engaged anyone who posed a threat to the officers.

Video of the event shows Sergeant Baca standing west of the physical altercation. It shows arriving personnel responding directly to Sergeant Allen and Officer Schrouder who were adjacent to the street. CIRB asked Sergeant Baca that as the incident commander, why didn't he provide personnel direction as they began to arrive at the scene? Sergeant Baca told CIRB that he assumed Sergeant Allen was providing direction to responding officers who had immediately joined the effort to detain Mr. Arriaga and that he didn't want to risk giving conflicting orders. He also noted that as officers arrived they went directly to Officer Schrouder and Sergeant Allen so they did not need further direction at that time.

When asked by OPS investigators why he allowed a subject who appeared to be video-recording the altercation on his cellphone to get in between him and the officers struggling with Mr. Arriaga (within arm's reach of Sergeant Allen), Sergeant Baca stated that did not recall seeing this happen.

Sergeant Baca said that once Mr. Arriaga was in custody, Sergeant Allen immediately reported his use of force including the use of his baton. Sergeant Baca assigned cover officers, directed the

scene to be locked down, made command notifications, and initiated an investigative call out. Sergeant Baca told CIRB that Sergeant Allen had been exposed to Mr. Arriaga's blood. Sergeant Baca said he awaited chain of command approval to allow the Crime Scene Unit to process Sergeant Allen for evidence. Sergeant Baca said there was an extended delay in getting authorization to process and remove the blood on Sergeant Allen so he authorized Crime Scene to conduct the processing.

CIRB questioned Sergeant Baca about who had incident command during the incident. Sergeant Baca said he believed he was the incident commander since he was not directly involved in the fight. He said he thought he was still incident commander until relieved by Lieutenant Lee McNitt. Sergeant Baca explained that as the incident commander he monitored the crowd during the altercation and provided lethal cover from approximately 10-12 feet away.

CIRB questioned Sergeant Baca about why he chose to remain standing in the parking lot with an unsecured weapon and a victim while Sergeant Allen and Officer Schrouder were actively engaged in an altercation with Mr. Arriaga. Sergeant Baca stated he didn't feel he could make the gun safe and secure it on his person because it was an older model 1911 and he was unsure about how to properly handle it. When asked by CIRB why he didn't secure the gun in his patrol vehicle, he stated he thought his vehicle was running, his windows were down, and that he believed it would take too long to secure the vehicle with the gun inside of it.

He stated he knew additional units would be there quickly. Sergeant Baca said he estimated Officer Szelewski arrived less than 15 seconds after Officer Schrouder fell. Video footage reflects Officer Szelewski arrived within 12 seconds after Officer Schrouder became incapacitated.

Sergeant Baca said Officer Szelewski ran directly to Officer Schrouder and briefly checked her welfare. He stated Officer Szelewski then immediately transitioned to assist Sergeant Allen. As additional officers arrived, they joined in detaining Mr. Arriaga. Sergeant Baca said he was able to secure the firearm he was watching with the assistance of additional units after Mr. Arriaga was detained.

Sergeant Baca told CIRB that he knew there were no other calls holding downtown prior to their checkout and that he believed other additional units would respond to the incident quickly. He told CIRB he had been in a difficult situation and that in hindsight he recognized he could have secured the gun in the trunk of his patrol vehicle without making it safe and then engaged in the detention of Mr. Arriaga.

CIRB asked Sergeant Baca why he didn't secure the firearm as additional units arrived so he could provide more of a "hands-on" approach to managing the scene and directing resources as they arrived. Sergeant Baca told CIRB that after reflecting on his actions he recognized he could have done this in hindsight.

CIRB asked Sergeant Baca whether his actions during this incident were influenced by a previous critical incident downtown which resulted in negative cellphone footage being shown on local

media. Sergeant Baca testified that the crowd recording him during the incident did not impact his actions or decision-making.

Analysis

How did Sergeant Baca's positioning impact his ability to engage in this incident?

Sergeant Baca made decisions early in this incident that affected his ability to manage the scene and properly support the involved personnel. The physical positioning he took near the original location of the victim where Officer Schrouder had kicked the gun to him was where he remained throughout the event. Sergeant Baca said he was aware that the location of the gun had limited investigative value.

Sergeant Baca's positioning was not tactically advantageous for managing the incident. His failure to attempt to make the suspect's gun safe and store it on his person or in the trunk of his patrol vehicle had several negative consequences. His position west of the ongoing physical altercation in the parking lot impeded his ability to effectively keep onlookers who were on the sidewalk a safe distance away from personnel attempting to detain Mr. Arriaga. His position also did not allow him to closely monitor Officer Schrouder's condition or Sergeant Allen's struggle to detain Mr. Arriaga. CIRB determined that these things contributed to Sergeant Baca not providing immediate assistance to Officer Schrouder and Sergeant Allen when his support was desperately needed. CIRB also believed Sergeant Baca's positioning impacted his ability to provide accurate information and timely direction to responding officers.

What officer safety concerns did Sergeant Baca perceive during the incident?

Sergeant Baca was focused on standing over Mr. Arriaga's gun, maintaining lethal coverage in the event Mr. Arriaga had additional weapons, safeguarding the victim, and monitoring the growing crowd during the detention of Mr. Arriaga. He testified to CIRB he perceived the crowd was growing as the event unfolded, however the crowd maintained its distance so he did not perceive it as an immediate threat. Sergeant Baca told CIRB the crowd was a mix of onlookers and others who were yelling profanities. He was unsure who the profanities were being directed towards however he said this wasn't unusual behavior when fights occurred around bar closings time. He noted that crowd dynamics can quickly change, and they must be closely monitored for officer safety purposes.

Sergeant Baca believed he was successful in managing the crowd through his officer presence and verbal commands. He told OPS investigators that he did not have to take any direct action to keep the crowd back. When asked by CIRB what he would have done if the crowd had advanced on the ongoing altercation, Sergeant Baca testified that he would have secured the gun and actively engaged anyone who posed a threat to the officers.

Did Sergeant Baca prematurely broadcast that Mr. Arriaga was in custody?

Sergeant Baca erroneously transmitted Mr. Arriaga was detained before he was taken into custody. At the time he made this radio transmission Sergeant Allen was on top of Mr. Arriaga--a position he

held until additional units arrived. Sergeant Baca later called for a 10-84, 10-18 (Officer needs emergency assistance) after he made the "One detained" transmission. Sergeant Baca then transmitted, "We need units now." From within TRACC, Sergeant Thomas transmitted, "We have an officer down." Sergeant Baca then requested "Start meds" (a request for the Tucson Fire Department EMS to respond) and advised that officers were "still fighting with one."

The conflicting radio transmissions led to confusion within TRACC and among the responding officers as to what was actually unfolding at the incident. The erroneous information provided by Sergeant Baca over the radio and his initial failure to correct his transmission to reflect that Sergeant Allen was still fighting with Mr. Arriaga negatively affected other officers' response to the incident.

Were Sergeant Baca's decisions to not render aid to Officer Schrouder and not engage in the detention of Mr. Arriaga appropriate under the circumstances?

Sergeant Baca testified he saw Officer Schrouder fall and said he initially thought this was due to the Taser® deployment. However, when he saw her sit up and attempt to reengage in the detention of Mr. Arriaga he thought she might have tripped. This led him to believe that she was not incapacitated and she did not need medical aid at that time.

Sergeant Baca did not intervene when onlookers from the crowd approached Officer Schrouder after she fell to the ground. Sergeant Baca told CIRB that he felt the subjects were just checking her welfare. Sergeant Baca acknowledged that while he was concerned about Officer Schrouder he did not leave his position to check on her well-being or to assess the extent of her injuries. He reiterated that he felt that she was not incapacitated and that she could protect herself if she needed to do so.

Sergeant Baca acknowledged that his attention was divided between watching Officer Schrouder after she fell and Sergeant Allen's ongoing efforts to detain Mr. Arriaga. He said he was also monitoring the crowd and therefore did not see everything that the video captured. Sergeant Baca said he would have acted if the onlookers had shown any aggression towards Officer Schrouder or Sergeant Allen. Sergeant Baca stated he thought additional units would be there quickly to help in the detention of Mr. Arriaga. He estimated that within 15 seconds additional officers arrived to help.

Video footage reflected Officer Szelewski arrived at the scene within 12 seconds of Officer Schrouder falling to the ground. Sergeant Baca observed Officer Szelewski check on Officer Schrouder before assisting Sergeant Allen. He noted Officer Schrouder reengaged in the fight after Officer Szelewski checked on her. Sergeant Baca thought Officer Schrouder stayed engaged to help detain Mr. Arriaga until several other members arrived and then she was pulled away.

The investigation and CIRB testimony supported Sergeant Baca's perspective that he had formulated a plan to manage the incident when Officer Schrouder kicked Mr. Arriaga's firearm to him. However, the investigation also showed Sergeant Baca failed to deviate from his original plan as Mr. Arriaga refused commands and actively fought his detention. Sergeant Baca's failure to

immediately try to make the firearm safe and store it on his person or secure the firearm in his patrol vehicle during the early stages of the struggle started a cascade of poor decision making.

Sergeant Baca failed to adjust his plan a second time when Mr. Arriaga broke free and fled from Sergeant Allen and Officer Schrouder. Sergeant Baca also failed to adapt his plan when Officer Schrouder fell backwards and was no longer capable of providing assistance to detain Mr. Arriaga. Finally, Sergeant Baca should have immediately secured the firearm as additional units arrived at the scene.

The investigation supported Sergeant Baca's retrospective view that his decision to secure the suspect's firearm and not to engage in efforts to detain Mr. Arriaga could have been influenced by the fact that there were no calls for service holding in the District and that there were multiple officers nearby.

What direction did Sergeant Baca provide to responding officers?

Sergeant Baca provided little direction to responding officers. His radio transmissions were general in nature and did not direct specific actions at the scene. Sergeant Baca testified he assumed Sergeant Allen was providing responding officers with additional direction regarding the ongoing fight and that he did not want to risk giving conflicting orders.

Sergeant Baca's physical location during the incident did not put him in a tactically sound position to direct officers as they arrived. Although he testified he believed the responding personnel knew what to do when they arrived, the video clearly showed the incident would have been more effectively managed if Sergeant Baca had taken an active role as incident commander prior to Mr. Arriaga's detention.

Once Mr. Arriaga was in custody, Sergeant Baca controlled and appropriately managed the incident until he was relieved of incident command by Lieutenant McNitt.

Who had incident command?

Sergeant Baca believed he had incident command during the incident and that he was controlling the crowd with his presence. However, Sergeant Baca's perception of the incident was not consistent with the MVR footage, two additional cell phone videos, or the testimony from other personnel involved in this incident.

Sergeant Baca stated that he was the incident commander, but he provided erroneous information on the radio, failed to correct the transmission, failed to provide direction to responding units, failed to appropriately address the ongoing altercation, and failed to move the onlookers back for officer safety purposes. As incident commander, when the additional 12 officers arrived at the scene, he should have delegated securing the firearm and duties related to the victim much faster than he did. This would have allowed him to take a more active role in managing the scene.

Did Sergeant Baca's involvement in previous critical incidents impact his decision-making during this incident?

Sergeant Baca said that his involvement in a poorly managed critical incident in February of 2017 did not have an impact on his decision-making during this incident. He said that previous high stress incidents provided him with experience in managing downtown crowds which he said he applied during this incident.

Findings and Recommendations

CIRB noted that this incident unfolded quickly although the exact timing of events is unknown. Mr. Arriaga failed to follow commands, broke free from personnel, and then tackled Sergeant Allen – all before a passerby started recording the incident.

Passerby video started to capture the incident approximately five seconds before Officer Schrouder fell. CIRB found that Sergeant Baca had approximately 15 seconds to adapt his strategy and secure the suspect's firearm from the time Officer Schrouder fell to the time additional units began to arrive. Less than 90 seconds passed from the time Officer Schrouder became incapacitated to the time over ten additional units arrived and Mr. Arriaga was detained. The entire incident was approximately three minutes in duration from the time Officer Schrouder was flagged down to the time Mr. Arriaga was detained.

Sergeant Baca explained that as incident commander his goal was to maintain low-ready lethal cover, manage the scene, and control the victim. He also said he felt it was his responsibility to keep the growing crowd back, transmit incident information, and guide responding units while Officer Schrouder and Sergeant Allen were fighting with Mr. Arriaga.

After reviewing the totality of the facts and circumstances, CIRB determined Sergeant Baca's actions in the beginning stages of this incident were appropriate. However, CIRB found Sergeant Baca, as the incident commander, failed to adapt and actively manage the incident as the event evolved. CIRB found he also failed to appropriately engage in the effort to detain Mr. Arriaga as the other officers fought to take him into custody.

In his role as incident commander, CIRB found that Sergeant Baca failed to provide accurate and updated information over the radio. He also provided limited information over the radio after transmitting that the suspect had a gun. Sergeant Baca failed to update responding officers that the suspect had dropped the gun and was fighting with Sergeant Allen and Officer Schrouder. He also did not update responding personnel that a Taser® had been deployed on Mr. Arriaga and that Officer Schrouder had been incapacitated during the Taser® deployment.

CIRB finds that Sergeant Baca committed himself to a poor tactical position by staying in the same location the suspect gun had been kicked to. This position was too far from the physical confrontation that was unfolding in the lot. Because of the distance, Sergeant Baca was unable to conduct a thorough assessment of the ongoing physical confrontation between Sergeant Allen and Mr. Arriaga. He was also unable to evaluate or check on Officer Schrouder's condition after she fell

to the ground. CIRB found Sergeant Baca failed to recognize Officer Schrouder had become incapacitated after she fell and hit her head on the ground.

CIRB found Sergeant Baca's positioning also had a negative impact on his ability to appropriately manage the crowd that continued to grow as the incident evolved. Sergeant Baca allowed an onlooker to get in close proximity behind the backs of officers while they attempted to take Mr. Arriaga into custody. This same onlooker also went up to Officer Schrouder's side after she fell, fortunately just to check her welfare.

CIRB found Sergeant Baca's decision to maintain lethal cover, yet allow an individual within arm's reach of officers attempting to affect an arrest, was a poor tactical decision and reflected that he was not actively managing the incident.

CIRB further found Sergeant Baca would have been unable to deploy lethal support if it had been needed for the personnel engaged with Mr. Arriaga from the position he was in. Although less than 12 seconds elapsed from the time Officer Schrouder became incapacitated to the time Officer Szelewski checked her welfare, CIRB found Sergeant Baca should have changed his original plan and positioning when Officer Schrouder fell and was no longer engaged in the effort to detain Mr. Arriaga.

CIRB found that Sergeant Baca should have secured the suspect's firearm (e.g., made it safe and stored it on his person or locked it in its original condition in his patrol vehicle trunk), checked on Officer Schrouder's condition, and then engaged in the efforts to detain Mr. Arriaga. This would have also put him in a more tactically advantageous position to guide the responding officers' actions.

CIRB further finds that had Sergeant Baca attempted to render the suspect's firearm safe or secured the firearm in the trunk of this vehicle when Mr. Arriaga broke free from personnel in the early stages of their contact, he would have been able to take a more active role in effectively managing the scene and assisting in the detention of Mr. Arriaga.

Sergeant Baca articulated that with no calls holding and several district officers nearby on 4th Avenue responding to Officer Schrouder's location, he thought he could hold his original position and allow the responding officers to support Officer Schrouder and Sergeant Allen. CIRB found that Sergeant Baca's reliance on being able to routinely assemble several district units in a short period of time had a negative impact on how he managed the incident.

In sum, CIRB found that Sergeant Baca failed to appropriately engage in this incident because of a series of bad decisions. He also made several risky assumptions related to District staffing.

Sustained General Order Violations

CIRB finds Sergeant Baca violated *General Orders*:

1330.2 *Obedience to General Orders, Procedures and Policies Required*

1143.6 *Authority of Supervisors*

2421 *Incident Scenes*

Sergeant Dave Allen #32099

Sergeant Allen was interviewed by CIRB regarding **tactics, decision-making, and incident command.**

CIRB's clarifying questions sought to determine:

- Who had incident command
- Whether Sergeant Allen believed Mr. Arriaga was still armed during the struggle
- What information or direction Sergeant Allen relayed to responding officers
- Where Sergeant Allen believed Sergeant Baca was located during the altercation
- Why Sergeant Allen chose to utilize his baton and to what degree he feared for his safety
- What actions Sergeant Allen took once Mr. Arriaga was in custody
- Whether Sergeant Allen believed Sergeant Baca should have engaged in the fight

Investigative Statement and CIRB Testimony

Sergeant Allen was interviewed by OPS on March 12, 2017.

On the night of the incident, Sergeant Allen was a supervisor in the Downtown District. He was working as one of the supervisors in a two-person unit with Sergeant Baca. Sergeant Allen testified to CIRB that he was paired up with Sergeant Allen because there were not enough supervisor vehicles and computers to allow them to ride separately on double shift squad overlap nights.

While patrolling the 4th Avenue area around bar closing time they heard Officer Schrouder advise over the radio that she was checking out with an individual at 4th Avenue and 6th Street. The tone of her voice caused Sergeant Allen concern. He said they were nearby so they responded to assist her. As they arrived, Sergeant Allen saw two men who appeared to be shoving each other or fighting across the street from Officer Schrouder's patrol unit at the north end of the Dairy Queen parking lot.

As Sergeant Baca drove into the parking lot, Sergeant Allen quickly noticed Officer Schrouder running towards Mr. Arriaga with her gun pointed at him. As he got out of the patrol vehicle he could hear her yelling "Drop it! Put it down!" at Mr. Arriaga. Sergeant Allen said he realized Mr. Arriaga had a gun in his hand at the same time Sergeant Baca yelled "Gun!" As Officer Schrouder yelled commands, Sergeant Allen said Mr. Arriaga paused as if he was thinking about what to do next.

Sergeant Allen approached Mr. Arriaga with Officer Schrouder. Sergeant Allen told OPS that Mr. Arriaga set the gun on the ground. Sergeant Allen said he immediately pushed Mr. Arriaga against a wall and away from the gun. Sergeant Allen told OPS that both he and Officer Schrouder gave repeated commands to Mr. Arriaga to put his hands behind his back and to stop resisting as they attempted to detain him. Mr. Arriaga physically resisted this detention. He failed to comply with any of the officers' commands and attempted to flee while Officer Schrouder was holstering her weapon so she could control Mr. Arriaga's free arm.

Despite their continued verbal commands and attempts to physically control Mr. Arriaga, he continued to aggressively try to break free from their grip. Sergeant Allen told OPS Mr. Arriaga kept reaching towards his waistband area while also bending forward. Sergeant Allen said Mr. Arriaga was wearing a baggy sweatshirt. He could not tell for sure if Mr. Arriaga was reaching for his sweatshirt pockets or his waist area. Sergeant Allen said he was concerned Mr. Arriaga possibly had another weapon or that he was trying to pick up the gun he had set down when they first contacted him.

Sergeant Allen told OPS he and Officer Schrouder struggled to control Mr. Arriaga. He said they moved all over the lot while trying to control Mr. Arriaga—who was much larger than either of them in stature. Sergeant Allen stated he was concerned that he had lost track of Mr. Arriaga's gun. Sergeant Allen struck Mr. Arriaga in the head with a palm heel strike which had no effect on him. He told OPS Mr. Arriaga broke free from their grip, pushed off the wall, and fled east through the parking lot.

Sergeant Allen said he grabbed onto Mr. Arriaga's sweatshirt as Mr. Arriaga ran towards the 4th Avenue sidewalk area. He said he pulled backwards on Mr. Arriaga's sweater as he fled to gain control of him. Sergeant Allen told OPS that when he grabbed onto Mr. Arriaga's sweatshirt, Mr. Arriaga turned around and placed him in a "bear hug" type control by wrapping his arms around him. Sergeant Allen said this was a turning point of the incident where Mr. Arriaga was now trying to control Sergeant Allen's actions and possibly hurt him instead of just trying to flee from the police. He said they both ended up on the ground as he broke free from Mr. Arriaga's grasp.

Sergeant Allen said Officer Schrouder made an advisement that she was going to deploy her Taser®. Sergeant Allen told OPS that he spread his arms open in order to give Officer Schrouder a good location to deploy her Taser®. Mr. Arriaga continued to fight and ignore the warning that a Taser® would be used if he didn't comply with their direction. Sergeant Allen observed the Taser® laser and then Officer Schrouder deployed her Taser®. Sergeant Allen told OPS when the Taser® probes hit Mr. Arriaga's body he felt a strong shock between his hands and quickly pulled his hands back.

Sergeant Allen told OPS he heard Officer Schrouder grunt after she deployed her Taser®. He looked up to see her "lock up" and fall backwards. Sergeant Allen said she when she hit the ground she didn't move and no longer had control of her Taser®. Sergeant Allen said he knew that he had 5 seconds of Taser® reset time to detain Mr. Arriaga. Sergeant Allen told OPS he chose to grab back onto Mr. Arriaga before the Taser® cycle was over. He noted to OPS that he was unable to move Mr. Arriaga's arm during the Taser® cycle.

Sergeant Allen explained to OPS that he initially thought Officer Schrouder would be able to reengage in Mr. Arriaga's detention after the Taser® cycle. When she didn't move, he quickly realized that she was incapacitated and no longer able to engage in efforts to detain Mr. Arriaga. Sergeant Allen told OPS that he thought Sergeant Baca would secure Mr. Arriaga's firearm and then assist with Mr. Arriaga's detention. Sergeant Allen told OPS that he could occasionally see Sergeant Baca in his peripheral vision as he struggled with Mr. Arriaga. Sergeant Allen told OPS, "He just stood still . . . and I kinda was looking for a little help."

Sergeant Allen said he was unable to gain a position of advantage over Mr. Arriaga and attempted to hold him on the ground until additional officers arrived to assist. Sergeant Allen told CIRB Officer Szelewski was the first officer to arrive on-scene and that Officer Szelewski initially attempted to render aid to Officer Schrouder. Sergeant Allen redirected Officer Szelewski so he would assist him in detaining Mr. Arriaga.

As Mr. Arriaga continued to struggle and push up, Sergeant Allen said he delivered a palm heel strike. The strike was ineffective (in fact it caused pain to Sergeant Allen's hand). Sergeant Allen then decided to utilize a combination of hammer strikes and palm heel strikes to Mr. Arriaga's head in an attempt to disorient Mr. Arriaga and take him into custody. The strikes continued to cause Sergeant Allen pain and as a result he realized he could no longer deliver effective hand strikes. Sergeant Allen told OPS that knee and hand strikes were also having no effect on Mr. Arriaga. He said multiple officers joined him in the effort to detain Mr. Arriaga.

Sergeant Allen testified to CIRB he was in fear for his life and due to the length of the fight was becoming extremely fatigued. He said that he had injured his hand during the delivery of previous strikes and could no longer deliver effective hand strikes. He also recognized Officer Schrouder was still down and that he needed to end the altercation immediately especially since Mr. Arriaga continued to keep his hands tucked near his waistband.

Sergeant Allen explained that all these factors made it necessary for him to use his closed collapsible baton. He said he delivered two strikes with the end of the baton to Mr. Arriaga's head (back and side area). Sergeant Allen told CIRB that he did not intend to break Mr. Arriaga's skull but needed the "fight to end." He also told OPS that to minimize the possibility of injuring Mr. Arriaga he did not target his facial area and also chose not to use all of his strength during the baton strikes. Sergeant Allen made it clear that he felt that he was facing a lethal force situation when he used the baton strikes and stated he was in fear for his life.

Sergeant Allen further stated that although he felt lethal force was warranted he was also aware that using his firearm was not a viable option. Sergeant Allen described his backdrop as a small brick wall with a full patio of patrons on the other side. He did not view this as a safe scenario for using his firearm.

With the assistance of several officers Sergeant Allen said he eventually detained Mr. Arriaga in handcuffs. Sergeant Allen directed Officer Dragon to secure the scene. Sergeant Allen then located Sergeant Baca to report the baton strikes he made to Mr. Arriaga's head.

CIRB questioned Sergeant Allen regarding incident command. Sergeant Allen testified he believed Sergeant Baca had incident command. Sergeant Allen understood that his direct involvement in the altercation impacted his ability to provide direction to responding officers.

Sergeant Allen was asked at what point he thought Sergeant Baca should have assisted in the detention of Mr. Arriaga. Sergeant Allen testified to CIRB that he expected Sergeant Baca to engage Mr. Arriaga at the same time he did since they exited the vehicle almost simultaneously. Sergeant Allen told CIRB that if Sergeant Baca had immediately assisted in the effort to take Mr. Arriaga into

custody the situation would have ended much faster. Sergeant Allen acknowledged that he did not ask Sergeant Baca for assistance.

After Mr. Arriaga was taken into custody Sergeant Allen had a conversation with Sergeant Baca. During this conversation Sergeant Allen told Sergeant Baca that Mr. Arriaga had attacked him. Sergeant Allen told CIRB Sergeant Baca apologized to him and said he hadn't witnessed that. Sergeant Allen said Sergeant Baca did not provide further explanation as to why he did not help in the struggle with Mr. Arriaga.

When asked about equipment issues, Sergeant Allen testified to CIRB that many officers put too much faith in using the Taser® and that he believes success rate of Taser® deployments is generally very low. Sergeant Allen also stated he did not have his own department issued Taser® that night since it was being serviced due to a previous malfunction.

Sergeant Allen believes it would be better if the department allowed members involved in an incident examined by CIRB to be able to communicate about what took place prior to the CIRB report being published. Sergeant Allen stated he and Sergeant Baca have continued to work together but have not yet had the opportunity to critically debrief this incident with each other.

Sergeant Allen also expressed a concern regarding crime scene processing. He stated when the incident was over he was not allowed to wash his hands for over two hours even though Mr. Arriaga's blood was on them. Sergeant Allen also expressed frustration that he was not allowed to use the restroom and could not get authorization to be processed for decontamination despite being in the same parking lot as the Crime Scene personnel for an extended period of time.

Analysis

Who had incident command?

Sergeant Allen believed that although it was not communicated, he felt that Sergeant Baca had incident command. This belief was based primarily on the fact that Sergeant Baca was not involved in the detention of Mr. Arriaga. Sergeant Allen reported his use of force to Sergeant Baca at the conclusion of the event.

Did Sergeant Allen believe Mr. Arriaga was still armed during the struggle?

Sergeant Allen testified he was unaware of the exact location of Mr. Arriaga's gun during his physical struggle with him. He did not realize Sergeant Baca had control of the suspect's firearm. He also characterized Mr. Arriaga's reaching for his waistband, moving his hands toward his pockets, and other movements during the fight as indicators that Mr. Arriaga had an additional weapon. CIRB determined the investigation and Sergeant Allen's testimony supported that it was not only reasonable but also prudent for Sergeant Allen to presume Mr. Arriaga could be armed.

What information or direction did Sergeant Allen relay to responding officers?

Sergeant Allen gave Officer Szelewski direction when he arrived at the scene and requested his immediate assistance. CIRB determined Sergeant Allen's fatigue from the prolonged struggle limited his ability to provide direct supervision in the final efforts to detain Mr. Arriaga. CIRB asked Sergeant Allen if he had an opportunity to back away from the effort to detain Mr. Arriaga and let the responding officers work to detain him before using his baton. He did not believe the situation allowed for him to do this. Responding officers articulated the effort to detain Mr. Arriaga could have been improved with increased communication.

Where did Sergeant Allen believe Sergeant Baca was located during the altercation?

Sergeant Allen testified he was unaware of Sergeant Baca's exact location during the altercation but knew he was on-scene because they exited the vehicle at the same time. He said he initially assumed Sergeant Baca would secure the suspect's firearm and then assist in the detention of Mr. Arriaga. Sergeant Allen told OPS that he could see Sergeant Baca in the periphery as he struggled with Mr. Arriaga but that, "He just stood still...and I kinda was looking for a little help."

Why Sergeant Allen chose to utilize his baton and to what degree he feared for his safety?

Sergeant Allen utilized his baton after other lesser means of force had been unsuccessful and Mr. Arriaga elevated the force against him to active aggression. He testified the multiple strikes he delivered to Mr. Arriaga with his hands were ineffective and said he was in fear for his life because he could not gain control of Mr. Arriaga's hands. He told CIRB that he could no longer deliver hand strikes without the possibility of breaking his hand. Sergeant Allen said he needed the fight to end and therefore utilized his closed expandable baton to deliver two strikes to Mr. Arriaga's head. He told OPS investigators and CIRB that while he felt lethal force was authorized, he only deployed the baton strikes with enough force to stun Mr. Arriaga not seriously injure him. He also explained that he only targeted the back and side of Mr. Arriaga's head and avoided soft tissue areas that were more fragile.

What actions did Sergeant Allen take once Mr. Arriaga was in custody?

Once Mr. Arriaga was in custody Sergeant Allen provided supervisory direction to several of the officers who had helped him detain Mr. Arriaga. He then immediately reported his use of deadly force to Sergeant Baca to ensure proper protocols were followed and notifications made.

Did Sergeant Allen believe Sergeant Baca should have engaged in the fight?

Sergeant Allen believed Sergeant Baca should have engaged in the struggle with Mr. Arriaga from the beginning. He said he ultimately utilized his collapsible baton as a means of applying lethal force when he felt that his life was in danger. Not only did he feel overcome by the fatigue of the prolonged fight, he also felt the level of danger he faced was exacerbated by the lack of assistance from Sergeant Baca. Sergeant Allen was also concerned for Officer Schrouder's safety and welfare

as he knew she had been incapacitated and that both her Taser® and firearm were exposed during the protracted struggle.

Findings and Recommendations

CIRB found that the rapid way the incident unfolded made ideal communication between both sergeants and Officer Schrouder during the initial contact with Mr. Arriaga difficult. However, CIRB determined overall communication between the involved supervisors could have been better.

CIRB found that the two sergeants deploying as a two-person unit further complicated the roles each would play during the incident. It was clear to Sergeant Baca as the incident unfolded that he would be the incident commander while Sergeant Allen and Officer Schrouder would detain Mr. Arriaga. This was not clear to Sergeant Allen, who thought that Sergeant Baca would secure the suspect's firearm and then engage in the detention of Mr. Arriaga.

While CIRB found that Sergeant Baca should have engaged in the detention of Mr. Arriaga, CIRB recognized that Sergeant Allen failed to yell or motion to Sergeant Baca for assistance.

CIRB also found that Sergeant Allen's use of his closed expandable baton to administer head strikes was appropriate given the circumstances he faced and that this use of force was **Within Department Policy**.

GENERAL RECOMMENDATIONS AND FINDINGS

Policy

CIRB has no recommended policy changes.

Equipment

Officer Schrouder's Taser® was discharged during the altercation with Mr. Arriaga. It was determined the Taser® functioned properly when the historical use data was downloaded post incident. Contact through touching the wires, kneeling on the wires, or the wires crossing can cause neuro muscular interruption – none of which is considered a Taser® malfunction.

Sergeant Allen testified he did not have his department issued Taser® on the night of the altercation as it was being serviced. Since this incident, the City of Tucson passed a sales tax, Proposition 101 (Tucson Delivers) which is providing the newest version of the Taser® to members of the Field Services Bureau (FSB). To date 92% of the necessary FSB personnel have been issued new Taser® units.

CIRB recommends improving the quality of equipment utilized by TRACC to address the issue of buffering and to assure streaming video can be recorded from multiple cameras. CIRB noted that many TRACC technology updates will occur during the 2019 Public Safety Communications Division build-out.

CIRB determined that two sergeants riding together may have hampered the supervisors' ability to provide adequate supervision. Since this incident, "Tucson Delivers" has allowed the department to purchase additional vehicles and computers for FSB that has reduced and/or eliminated this problem.

Training

Sergeant Baca was not familiar with the model of the handgun Mr. Arriaga dropped on the ground and was therefore uncomfortable with making the gun safe under stress. This influenced his decision to stand by the weapon and not assist Sergeant Allen in the altercation. To address this, CIRB identified an opportunity within the department's Training Unit to develop weapons familiarization training.

CIRB determined the delay in processing the blood on Sergeant Allen's hands for biological evidence following the altercation was unacceptable. Since this incident, the Investigative Services Bureau (ISB) developed training to address this deficiency. The training was distributed to all department members via PowerDMS in May of 2018. The purpose of the training was to provide all supervisors

and commanders with a process that allows for the expedient collection of biological evidence from officers in a critical incident.

Use of Force

CIRB finds the following as it relates to use of force throughout the course of this incident.

Use of Force Applications:

- Show of force (gun) – Officer Schrouder: In Policy
- Taser® use – Officer Schrouder: In Policy
- Knee strike (2) – Officer Szelewski: In Policy
- Hand strikes – Officer Szelewski: In Policy
- Closed ASP (poke to back)/Expanded ASP Baton for leverage to gain compliance of Mr. Arriaga’s hands – Officer Szelewski: In Policy
- Hard Empty Hand Control (Palm heel strike) – Sergeant Allen: In Policy
- Head strike w/palm heel – Sergeant Allen: In Policy
- Head strike with closed ASP (2) – Sergeant Allen: In Policy
- Hard empty hand control (strikes) – Officer Lushbaugh: In Policy
- Knee strike to face – Officer Bowlby: In Policy

Supervision

Sergeant Baca identified himself as the incident commander. However, CIRB determined he failed to provide relevant information and direction to responding officers. Additionally, Sergeant Baca failed to appropriately respond to Officer Schrouder when it was evident she became incapacitated. Sergeant Baca also made a poor decision not to assist Sergeant Allen in the altercation with Mr. Arriaga.

Once Mr. Arriaga was in custody Sergeant Baca made the proper notification and remained incident commander until relieved by Lieutenant McNitt. While on-scene, Sergeant Baca remained with Sergeant Allen who still had Mr. Arriaga’s blood on his hands. Sergeant Baca, recognizing Sergeant Allen was still contaminated, authorized the processing and decontamination as he was unable to obtain chain of command approval to allow Crime Scene to process him. This issue is addressed further under the Training section.

During the altercation with Mr. Arriaga, Sergeant Allen provided limited direction to the responding officers. While he was actively engaged in an altercation with Mr. Arriaga, who was continuing to resist, CIRB finds Sergeant Allen could have provided clearer direction to better coordinate the detention effort. CIRB believes effective communication is imperative, especially in high stress encounters.

CIRB determined there were deficiencies in incident command during this incident. Involved members had differing opinions as to who had incident command. Additionally, there was no direction given via the radio for responding units. Broadcast information was inaccurate and

responding units received no supervision or direction from the incident commander during the altercation.

CIRB DIRECTION and ACTION ITEMS

The findings and recommendations of the CIRB will be forwarded to the affected members' Chain(s) of Command for review and appropriate action. Recommendations impacting equipment, training, and policy will be forwarded to the appropriate units and the academy for prompt action. Implementation will be monitored and tracked by the Audit and Best Practices Unit.

CIRB recommends additional training be provided to supervisors and commanders regarding the processing of blood or other DNA evidence on the person of members involved in a critical incident.

- Prior to the publishing of this report, this training was created by ISB personnel and has been distributed

CIRB recommends additional training be provided regarding the identification and handling of various firearms to all department personnel.

- Prior to the publishing of this report, the above listed training has been added to the Basic Training curriculum
- CIRB recommends the training also be incorporated into future Advanced Officer Training
- Administrative Services Bureau Assistant Chief Kazmierczak will have oversight of this recommendation

CIRB recommends technology utilized within TRACC be reviewed and updated.

- Deputy Chief Kasmar will have oversight of this recommendation

CIRB MEMBERS

Chairperson, Deputy Chief Chad Kasmar

Vice Chair, Captain Joe Puglia

Scribe, Lieutenant Ray Mechtel

Member, Lieutenant Michelle Pickrom

Member, Lieutenant Jennifer Pegnato

Member, Lieutenant Colin King

Member, Lieutenant Robert Garza

Member, Lieutenant Alisa Cunningham

Peer Sergeant, Sergeant Rick Radinsky

City Attorney, Ms. Julianne Hughes

City Attorney, Ms. Rebecca Cassen

Legal Advisor, Ms. Lisa Judge

Independent Police Auditor, Ms. Liana Perez

Independent Police Auditor, Mitch Keegan

Community Member, Ms. Margo Susco

Non-Voting Observers

TPOA Grievance Chair, Sergeant Steve Simmers

Office of Professional Standards, Sergeant Craig Kerlin

Officer of Professional Standards, Lieutenant Justin Lane

GENERAL ORDER DEFINITIONS

1330.2 Obedience to General Orders, Procedures and Policies Required

All members shall observe and obey all laws, City Administrative Directives, Department General Orders, Department procedures and policies, as well as any procedures and policies established by their Commanders.

1143.6 Authority of Supervisors

Supervisors shall constantly direct their efforts toward the intelligent and efficient performance of the functions of the Department and possessing the authority to do so, shall require their subordinates to do the same. They shall not regularly perform the duties assigned to a subordinate when the subordinate is available. Supervisors shall be responsible for their own conduct and performance and for the conduct and performance of their subordinates. They shall investigate any misconduct or non-performance of duty that comes to their attention. When it is appropriate, supervisors will notify their superior or their supervisor of matters of concern.

Non-sworn employees shall not have tactical authority over sworn employees in the exercise of police power.

Supervisors may issue orders that deviate from existing orders in an emergency for the duration of the emergency. Supervisors shall immediately report to their superior any deviation from existing orders.

Supervisors shall ensure that subordinates complete all required duties and functions required of their positions. Supervisors shall be responsible for the evaluation, training and development of their subordinates. When a supervisor is absent, the supervisor shall designate a member of the next lower rank to act in that capacity. The member so designated shall have all the authority necessary to perform that assignment.

2420 INCIDENT COMMAND

2421 Incident Scenes

The responsibilities of members assigned to respond to incidents include, but are not limited to the safe response to the incident and the deployment of additional units as necessary. Members arriving on the scene of a crime or other police incident are responsible for:

- *Identification, security and protection of the scene;*
- *Prevention of further injury or loss of life, to include the application of first-aid/CPR as appropriate;*
- *Apprehension of suspects;*
- *Completion of a thorough investigation;*

- *Location and interview complainant and witnesses;*
- *Collection of evidence; and*
- *Completion of all required reports.*

2423 Incident Command

The person managing the police scene is the Incident Commander. Normally, this will be the member assigned the call. Designation of an Incident Commander is intended to provide coordination among members assigned to the incident. It is the responsibility of the Incident Commander to become acquainted with the facts and ensure appropriate action is being taken.

Usually the first officer to arrive on-scene will become the Incident Commander. An Incident Commander will remain so until formally relieved. This does not preclude a supervisor or Commander from making recommendations or providing guidance on an incident, even when Incident Command has not been assumed. Members on scene have the responsibility of notifying the Incident Commander if an incident is being improperly handled and notifying a supervisor if necessary.

A field supervisor shall immediately advise dispatch that they are enroute to major incidents or to any scene requiring a supervisor. In cases where a supervisor has not indicated he or she is enroute, the dispatcher shall ensure that one is dispatched. The supervisor will assume Incident Command when appropriate. Supervisors and commanders arriving on-scene shall use the following guidelines for conduct:

- *Contact the Incident Commander for a briefing*
- *Assess the nature of the situation and the police response*
- *Assume or decline Incident Command*
- *If not Assuming Incident Command:*
- *Advise the Incident Commander*
- *Make suggestions and act as a resource*
- *Advise the Incident Commander if leaving the scene*