



2500 MAJOR INCIDENTS (Revised: September 10, 2020)

2501 Notifications

Major incidents include, but are not limited to, the following:

- Incidents that may be reviewed by the Force Review Board (FRB) or Sentinel Event Review Board (SERB), e.g., officer-involved shooting, in-custody death, protest incident, or fatal collision involving an officer;
- Death of a person during a department action;
- Incidents of an unusual nature involving a member of the department, including serious injury either on or off duty;
- Accidental or unintentional discharge; and
- Other incidents as required by department policies or procedures.

The Incident Commander shall notify a commander in the affected division. The division commander will notify their respective bureau chief and City of Tucson Risk Management.

In the event of widespread disturbance or disaster, procedures for notifying state and federal authorities are in the *City Disaster Response Plan*.

2510 OFFICER-INVOLVED SHOOTING (OIS) INCIDENTS

2511 General

In all circumstances, officer-involved shootings (OIS) are investigated as potential homicides. The criminal investigation concludes when the prosecuting authority makes a determination that the member's(s') actions were justified per Arizona Revised Statutes, Title 13, Chapter 4, or charges the member with a crime.

At the same time, the department conducts an administrative investigation to determine whether policy violations occurred.

In both the criminal and administrative investigations, the department will follow proper investigative protocols while at the same time protecting the constitutional and administrative rights of the member(s), as well as their rights as crime victims, if applicable.

2512 Criminal Investigation

The Central Investigations Division (CID) is responsible for investigating major incidents involving use of force by department personnel. A designated CID commander (Investigative Incident Commander) will head the investigative team. The Investigative Incident Commander will coordinate the investigation with the FSB Incident Commander. Under most circumstances, the unit assigned to handle the investigation will be the Homicide or Aggravated Assault Detail. Other



ISB supervisors and detectives may be assigned to the investigation as necessary. Any reference to the Homicide supervisor in these protocols also refers to his or her designee.

2513 Member Responsibilities in an OIS

Members have distinct roles in any OIS investigation, including Focus, Witness, and Cover officers, as well as the IC. Primary responsibilities for any member, regardless of their respective role in an OIS, are providing aid to injured persons, apprehension of offenders, and preservation of the crime scene and evidence.

2513.1 Incident Commander (IC)

It is the responsibility of the on-scene IC to ensure the following actions take place after an OIS:

A commander from the division where the shooting took place shall respond and assume the role of IC. If the shooting occurs outside city limits, the division commander of the involved member shall respond. In all other cases, a commander from the division of the involved member(s) shall respond.

Crime scene management is required. The scene shall be secured, and all involved parties identified (victims, witnesses, suspects, and officers) and separated. The IC shall ensure that a supervisor inspects the weapons and magazines of all personnel who were present at the time of the shooting but have not indicated they have fired a weapon. Any officer found to have deficient ammunition will be assigned a Cover officer and treated as a Focus officer. The weapons and magazines of Focus officers shall not be inspected.

Upon arrival of CID detectives, an inspection of Focus officers' ammunition magazines shall be completed, including the weapon(s) used in the incident. CID personnel shall facilitate the exchange of any weapons taken for evidentiary purposes. The IC will ensure that any Focus officer is processed as quickly as possible by Crime Scene personnel. Once this has been completed, the officers(s) may be transported to the main police station to await investigative personnel. The IC has discretion to facilitate transport in coordination with the Investigative Incident Commander. The IC shall limit the scene to authorized personnel only. Refer to the *OIS Incident Commander Checklist* on the TPD Wiki.

2513.2 Focus Officer

A Focus officer is a member who discharges a firearm in the course of duty. A Focus officer is the subject of both criminal and administrative investigations. They retain all constitutional protections afforded to any suspect in a criminal investigation. Any actions involving a Focus officer, including securing evidence or an interview from the officer, shall be made at the direction of the Investigative Incident Commander or Field Services Bureau Incident Commander.

2513.3 Witness Officer

A Witness officer is a member who saw and/or heard events leading up to and including the OIS, or has relevant first-hand knowledge (e.g., comments made following the



incident). A Witness officer will be assigned a Cover officer/detective until he or she provides a statement.

2513.4 **Cover Officer/Detective**

Following an OIS, the IC will designate on-duty Cover officers for any Focus and Witness officers. The IC will attempt to separate the involved members in the most practical manner possible. The role of the Cover officer will be to protect the integrity of the investigation, preserve evidence (e.g., ensuring the Focus officer's weapon remains in the holster and is not touched until turned over to investigative personnel), help meet the involved members' personal needs, and document involved officers' statements. Refer to the *Cover/Witness Officer Handout* on the TPD Wiki.

The Investigative IC will make arrangements to replace the assigned Cover officers with Cover detectives. Cover detectives will serve in the same capacity as Cover officers.

2513.5 **Separation of Involved Personnel, Communication with Others, and Cellular Telephones**

To maintain the integrity of the investigation and ensure that officer statements are unaffected by outside influence, officers shall not discuss the incident, view or listen to any recordings depicting the incident, or otherwise engage in any activity that may contaminate or otherwise interfere with recollection of the incident prior to providing a statement. To that end, it is necessary to separate involved Focus and Witness personnel. The FSB IC and Investigative IC will ensure this occurs.

Focus and Witness personnel will be allowed to make reasonable attempts to contact a family member to advise them of their status. All such calls will be made in the presence of Cover officers/detectives. The involved member will then be directed to turn off all mobile phones or other electronic devices in their possession. Any calls made by involved personnel will be made in the presence of their Cover officer/detective. Statements relevant to the criminal investigation will be documented by Cover officers/detectives.

Each member who responds, or has any part in the initial investigation, shall complete a *Supplementary Report* unless directed to do otherwise.

The involved member(s) shall be debriefed by the Behavioral Sciences Unit (BSU) as soon as practical and prior to going off duty. See *General Orders* under Critical Incident Stress Debriefing.

2514 **Notifications**

It shall be the responsibility of the IC to immediately notify and brief the Chief of Staff.

The Chief of Staff or designee shall initiate callouts and contact the following members: The Chief of Police; all other department chiefs; CID commander; OPS commander; legal advisor; BSU; appropriate labor representative; PIO; the Force Review Board (FRB) lieutenant; Independent Police Auditor; and City Risk Management.



The CID commander shall notify the prosecuting agency tasked with reviewing the criminal investigation.

2515 Representation by an Attorney

Attorney representation is only authorized for officer(s) involved in the use of force and shall be coordinated at the request of the involved member(s), typically by a labor representative. Witness officers and civilian employees are not entitled to legal representation simply because they witnessed the incident. The attorney(s) responding shall be directed to the location where the interviews are to be conducted, not to the scene of the incident. The supervisor conducting the criminal investigation will determine the location for the interviews.

2516 Involved Firearms

The Homicide Unit supervisor shall ensure that a replacement weapon is provided for any officer who discharged his or her weapon. The Investigative IC or designee shall be responsible for conducting the weapon exchange. If the weapon involved in the shooting is a specialty weapon (e.g., rifle or personal handgun), replacement of that particular weapon will be coordinated through the member's Chain of Command. In addition, the investigative detail shall be responsible for inspecting the weapons and ammunition of all officer's present at the time of the shooting. Any member receiving a replacement firearm due to their involvement in a shooting incident shall comply with return to duty protocols established by the training academy prior to returning to full duty.

2517 Viewing of Video Evidence

With the prevalence of video recording by community members, surveillance cameras, and departmental BWC, it is likely that police activity will be recorded. In an investigation involving police action, and in particular use of force, it is of paramount importance to consider the involved officer's perception of the incident at the time, in accordance with *Graham v. Connor*.

In a use of force incident where video evidence is available, the guiding criteria shall be *Graham* in evaluating the objective reasonableness of the officer's actions. Video evidence provides only one depiction of police action, and has many limitations, including: camera angle, lighting, frames per second captured, aperture settings, field of view, and other limitations. Additionally, memory has been shown to be highly subject to suggestion and influence. Accordingly, viewing video, like speaking with a witness, is likely to distort or interfere with the officer's memory of the incident, potentially undercutting the principles of *Graham*. The officer's memory of the incident is critical, and is the best evidence of the officer's perceptions at the time of the incident.

With these considerations in mind, officers shall not view any video depictions related to an incident under investigation prior to providing a statement. After providing a statement, members will be permitted to view their individual BWC video and make a supplemental statement with any clarification or explanation of their own video. Prior to viewing any video evidence, members will be provided with the admonition below. Officers will not be permitted to view any other video prior to offering a supplemental statement regarding their own BWC video. After any clarifying statement has been made, officers may then be permitted to view any other video evidence at the discretion of the Chief of Police and investigative personnel.



This admonition shall be given to officers prior to viewing video proffered by the department:

In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict any or all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of video may limit the camera's ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance, or positional orientation as well as the human eye. Remember, your viewing the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what the additional evidence shows. Listening to audio recordings or viewing video recordings may or may not provide additional clarity to what you remember.

The Chief of Police may authorize deviation from this policy.

2518 Administrative Investigation and Review

The administrative investigation may take place concurrently with the criminal investigation but shall in no way interfere with the criminal investigation. Any information obtained as a result of a compelled statement in the course of the administrative investigation shall be kept separate from the criminal investigation and shall not be shared with personnel involved in the criminal investigation.

In most cases, OPS will shadow the criminal investigation, including monitoring interviews of Focus officers, Witness officers and witnesses. OPS will conduct additional investigation, including taking statements, if necessary, for the administrative investigation. The criminal investigative unit charged with investigating the incident shall not have access to the administrative investigation.

2520 IN-CUSTODY DEATHS

2521 General

Whenever force is used, In-custody deaths are investigated as potential homicides. Suicides are generally not considered In-custody deaths. The criminal investigation concludes when the prosecuting authority makes a determination that the member's(s') actions were justified per Arizona Revised Statutes, Title 13, Chapter 4, or charges the member with a crime.

At the same time, the department conducts an administrative investigation to determine whether policy violations occurred.

In both the criminal and administrative investigations, the department will follow proper investigative protocols while at the same time protecting the constitutional and administrative rights of the member(s), as well as their rights as crime victims, if applicable.



2522 Criminal Investigation

The Central Investigations Division (CID) is responsible for investigating major incidents involving use of force by department personnel. A designated CID commander (Investigative Incident Commander) will head the investigative team. The Investigative Incident Commander will coordinate the investigation with the FSB Incident Commander. Under most circumstances, the unit assigned to handle the investigation will be the Homicide or Aggravated Assault Detail. Other ISB supervisors and detectives may be assigned to the investigation as necessary. Any reference to the Homicide supervisor in these protocols also refers to his or her designee.

2523 Member Responsibilities in an In-custody Death

Members have distinct roles in any In-custody Death investigation, including Focus, Witness, and Cover officers, as well as the IC. Primary responsibilities for any member, regardless of their respective role in an In-custody Death, are providing aid to injured persons, apprehension of offenders, and preservation of the crime scene and evidence.

2523.1 Incident Commander (IC)

It is the responsibility of the on-scene IC to ensure the following actions take place after an In-custody Death:

A commander from the division where the death took place shall respond and assume the role of IC. If the death occurs outside City limits, the division commander(s) of the involved member(s) shall respond. In all other cases, a commander from the division of the involved member(s) shall respond.

Crime scene management is required. The scene shall be secured, and all involved parties identified (victims, witnesses, suspects, and officers) and separated. The IC will ensure that any Focus officer is processed as quickly as possible by Crime Scene personnel. Once this has been completed, the officers(s) may be transported to the main police station to await investigative personnel. The IC has discretion to facilitate transport in coordination with the Investigative Incident Commander. The IC shall limit the scene to authorized personnel only. Refer to the *OIS Incident Commander Checklist* on the TPD Wiki.

2523.2 Focus Officer

A Focus officer is a member who used force, including restraint, on the decedent, or a member who had custody of the decedent, whether or not force was used. A Focus officer may also be a member who failed to intervene on behalf of the decedent or failed to provide appropriate care to the decedent. A Focus officer is the subject of both criminal and administrative investigations. They retain all constitutional protections afforded to any suspect in a criminal investigation. Any actions involving a Focus officer after an In-custody Death, including securing evidence or an interview from the officer, will be at the direction of the Investigative Incident Commander or Field Service Bureau Incident Commander.



2523.3 Witness Officer

A Witness officer is a member who saw and/or heard events leading up to and including the In-custody Death, or has relevant first-hand knowledge (e.g., comments made following the incident). A Witness officer will be assigned a Cover officer/detective until he or she provides a statement.

2523.4 Cover Officer/Detective

Following an In-custody Death, the IC will designate on-duty Cover officers for any Focus and Witness officers. The IC will attempt to separate the involved members in the most practical manner possible. The role of the Cover officer will be to protect the integrity of the investigation, preserve evidence, help meet the involved members' personal needs, and document involved officers' statements. Refer to the *Cover/Witness Officer Handout* on the TPD Wiki.

The Investigative IC or FSB IC will make arrangements to replace the assigned Cover officers with Cover detectives. Cover detectives will serve in the same capacity as Cover officers.

2523.5 Separation of Involved Personnel, Communication With Others, and Cellular Telephones

To maintain the integrity of the investigation and ensure that officers' statements are unaffected by outside influence, officers shall not discuss the incident, view, or listen to any recordings depicting the incident, or otherwise engage in any activity that may contaminate or otherwise interfere with recollection of the incident, prior to providing a statement. To that end, it is necessary to separate involved Focus and Witness personnel. The FSB IC and Investigative IC will ensure this occurs.

Focus and Witness personnel will be allowed to make reasonable attempts to contact a family member to advise them of their status. All such calls will be made in the presence of Cover officers/detectives. The involved member will then be directed to turn off all mobile phones or other electronic devices in their possession. Any calls made by involved personnel will be made in the presence of their Cover officer/detective. Statements relevant to the criminal investigation will be documented by Cover officers/detectives.

Each member who responds, or has any part in the initial investigation, shall complete a *Supplementary Report* unless directed to do otherwise.

The involved member(s) shall be debriefed by the Behavioral Sciences Unit (BSU) as soon as practical and prior to going off duty. See *General Orders* under Critical Incident Stress Debriefing.

2524 Notifications

It shall be the responsibility of the IC to immediately notify and brief the Chief of Staff or designee.



The Chief of Staff or designee shall initiate callouts and contact the following members: The Chief of Police; all other department chiefs; CID commander; OPS commander; legal advisor; BSU; appropriate labor representative; PIO; the Force Review Board (FRB) lieutenant; Independent Police Auditor; and City Risk Management.

The CID Commander shall notify the prosecuting agency tasked with reviewing the criminal investigation.

The Chief of Police, or designee, shall notify the City Manager, Mayor and Council, and City Attorney. Two bureau chiefs and the Chief of Police will view relevant body-worn camera footage as soon as practicable, but no later than 48 hours. Public notification regarding the In-custody Death, including the release of relevant body-worn camera footage, will occur within 72 hours, unless there are legal impediments to doing so.

2525 Representation by an Attorney

Attorney representation is only authorized for Focus officer(s) and shall be coordinated at the request of the involved member(s), typically by a labor representative. Witness officers and civilian employees are not entitled to legal representation simply because they witnessed the incident. The attorney(s) responding shall be directed to the location where the interviews are to be conducted, not to the scene of the incident. The supervisor conducting the criminal investigation will determine the location for the interviews.

2526 Viewing of Video Evidence

With the prevalence of video recording by community members, surveillance cameras, and departmental and BWC, it is likely that police activity will be recorded. In an investigation involving police action, and in particular use of force, it is of paramount importance to consider the involved officer's perception of the incident at the time, in accordance with *Graham v. Connor*.

In a use of force incident where video evidence is available, the guiding criteria shall be *Graham* in evaluating the objective reasonableness of the officer's actions. Video evidence provides only one depiction of police action, and has many limitations, including: camera angle, lighting, frames per second captured, aperture settings, field of view, and other limitations. Additionally, memory has been shown to be highly subject to suggestion and influence. Accordingly, viewing video, like speaking with a witness, is likely to distort or interfere with the officer's memory of the incident, potentially undercutting the principles of *Graham*. The officer's memory of the incident is critical, and is the best evidence of the officer's perceptions at the time of the incident.

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The Chief of Police may authorize deviation from this policy.

2527 Administrative Investigation and Review

The administrative investigation may take place concurrently with the criminal investigation, but shall in no way interfere with the criminal investigation. Any information obtained as a result of a compelled statement in the course of the administrative investigation shall be kept separate from the criminal investigation, and shall not be shared with personnel involved in the criminal investigation.

In most cases OPS will shadow the criminal investigation, including monitoring interviews of Focus officers, Witness officers, and witnesses. OPS will conduct additional investigation, including taking statements, if necessary, for the administrative investigation. The criminal investigative unit charged with investigating the incident shall not have access to the administrative investigation.

2530 OTHER MAJOR INCIDENTS

2531 Sentinel Event Review Board (SERB)

The Sentinel Event Review Board (SERB) is convened as directed by the Chief of Police to review sentinel events, which may include officer-involved shootings, in-custody deaths, other events resulting in death or serious injury, police response to First Amendment activities, matters of community interest or concern, and other matters that point to societal issues that require a coordinated community response to address. SERB seeks to promote trust and legitimacy with our community by including diverse community representation, fostering transparency in department actions, constantly striving to improve police services, and working with entities outside the department in an inter-disciplinary collaboration. Refer to the *Sentinel Event Review Board (SERB) Operations Pamphlet*.



2532 Incidents Requiring an Extraordinary Response

It shall be the responsibility of the IC to notify the division commander of the division where the incident took place. In the event the incident is citywide, the Field Services Bureau (FSB) Chief and Chief of Staff shall be notified.

2533 Accidental and Unintentional Discharge of a Weapon

2533.1 Definitions

Accidental Discharge: An accidental discharge occurs when the member has taken every precaution to ensure safe handling of the weapon, yet a round is discharged. It is impossible to identify every potential situation in which an accidental discharge might occur; however, examples include:

- A mechanical malfunction of the weapon that allows it to fire, such as the weapon firing when dropped;
- Outside forces cause the discharge, such as a holster strap or piece of clothing getting inside the trigger guard when holstering.

Unintentional Discharge: An unintentional discharge occurs when the member violates any of the following four rules of firearms safety and fires the weapon without intending to do so.

- Treat all firearms as if they are loaded.
- Do not point the firearm at anything you don't intend to shoot.
- Keep your finger straight along the frame until you are on target and have decided to fire.
- Be sure of your target and surroundings.

As with an accidental discharge, it is impossible to identify every situation in which an unintentional discharge might occur; however, examples include:

- The member consciously presses the trigger without intending to fire, such as during dry firing, but the weapon is loaded.
- The member pulls the trigger as a result of body tensing when startled, during a balance disruption, or as a result of sympathetic grip.

2533.2 General

This policy addresses all accidental and unintentional discharge of any weapon system including firearms (handgun, rifle, and shotgun), flex baton, PepperBall, ARWEN/40mm, and Taser. As a general matter, unintentional discharges are prohibited. Accidental discharges may also constitute a policy violation in certain circumstances.



2533.3 Investigation

In the event of an accidental or unintentional discharge of a weapon system by a member of the department, the Incident Commander/responding supervisor shall notify their Chain of Command (COC). Following a briefing, the bureau chief for the involved member will consult with the Analysis, Engagement & Oversight (AEO) Bureau chief and Investigative Services Bureau chief to determine the appropriate response (e.g., criminal investigation by the Violent Crimes Section, administrative investigation by the Office of Professional Standards, or administrative investigation by the member's COC).

For any accidental or unintentional discharge of a weapon while a member is engaged in an enforcement action (e.g., action taken to arrest, detain, interview, or search an individual, or to surveil an individual for enforcement purposes while on duty, during secondary employment, or off duty while under the color of authority), the *Officer Involved Shooting Protocol* shall be followed.

For any accidental or unintentional discharge of a weapon that does not occur during an enforcement action, several factors should be considered when determining the appropriate response. These include, but are not limited to, the following:

- Injury or the potential for injury had a discharged projectile struck a person or animal, which may necessitate a criminal investigation;
- Proximity of other people at the time of the incident, which may create significant liability considerations;
- Location of the occurrence (e.g., personal residence, training academy, or in the field);
- Activity engaged in at the time of the discharge; and
- Damage to property.

2534 First Amendment Activity

2534.1 General

All persons have the right to demonstrate, march, or engage in activity protected by the First Amendment to the United States Constitution. Freedom of speech, association, assembly, and the right to petition the government, are only subject to reasonable time, place, and manner restrictions. This includes the right to film, photograph, or otherwise record police activity.

The content of the speech does not provide a basis for imposing limitations on these rights. Courts recognize a distinction between lawful assembly or expression (e.g., a march or demonstration) and an unlawful assembly or riot.



The fundamental role of the police during an event involving First Amendment activity is to protect the rights of all participants to peacefully assemble, demonstrate, or march. Department members shall act to ensure public safety and protect the lives and property of all involved.

2534.2 Definitions

First Amendment Activity: Includes all forms of speech and expression used to convey ideas and/or information, and to express grievances. It includes both verbal and non-verbal expression. Common First Amendment activities include demonstrations, rallies, vigils, distributing literature, street theater, and other means of expression.

Lawful Assembly: A gathering of persons, with or without a permit, who have organized to express political or social views. Such assemblies tend to occur in parks, and on sidewalks and streets. These events generally allow for planning and can often be handled using standard crowd management techniques. Although a permit may be appropriate in some circumstances, and is helpful for planning and assuring that adequate resources are in place, an assembly does not require issuance of a permit to be lawful.

Isolated Unlawful Behavior: Unlawful activity by individuals or small groups within a crowd. Isolated unlawful activity or behavior does not automatically form the basis to declare an assembly unlawful. Examples of such activity include isolated incidents of violence or property destruction and/or individual demonstrators sitting down on private property.

Unlawful Assembly: A gathering that poses a threat of collective violence, property destruction, or other unlawful acts. This activity may be dispersed using crowd control techniques and tactics. If a crime is being committed, action may be taken to stop it prior to a "*Dispersal Order*" being given. An unlawful assembly is defined in A.R.S. §13-2902 as two or more persons assembling:

- With the intent to engage in conduct constituting a riot,
- Who are engaged in, or who have the readily apparent intent to engage in, conduct constituting a riot and knowingly remain there and refuse to obey an official order to disperse.

Riot: A.R.S. §13-2903 states that, "A person commits a riot if, with two or more other persons acting together, such person recklessly uses force or violence or threatens to use force or violence, if such threat is accompanied by immediate power of execution, which disturbs the public peace." Examples of this are violent group behavior and/or group acts of significant property damage.

Demonstration: Is used in this policy to include a wide range of First Amendment events and activities which require, or may require, police traffic control, crowd management, or enforcement actions in a crowd situation. Such events and activities may attract a crowd, including protesters, counter-protesters, onlookers, observers, and media.



Crowd Event: Events that generate large crowds, (e.g., sporting events, festivals, concerts, and celebrations, as well as demonstrations).

Crowd Management: Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status. This should be accomplished in part through coordination with event planners and group leaders, permit monitoring, use of the Community Network Team (CNT), and past event critiques. Additionally, planning, pre-event communication, and a defined incident command structure supports effective crowd management strategies.

Crowd Intervention: Includes proactive engagement with event organizers to gain cooperation when isolated unlawful acts occur or there are impacts to public safety. Crowd intervention is intended to allow the event to continue and can include inserting officers between unlawful actors and lawful event participants as well as embedding officers (CNT) in the groups.

Crowd Control: Techniques used to address unlawful assemblies, including the presence of a significant number of police officers, crowd containment and dispersal tactics, and arrest procedures. These techniques are generally used in a Mobile Field Force (MFF) deployment and are not meant to be used by Rapid Response Team (RRT) CNT members.

2534.3 **Crowd Management vs. Crowd Control**

Crowd Management involves the use of tactics to oversee a lawful crowd event. **Crowd Intervention** is the implementation of tactics to address isolated acts of unlawful conduct in an otherwise lawful gathering. Generally, **Crowd Control** is necessary only in response to events that have become an unlawful assembly or riot.

Crowd management is employed during lawful assemblies to protect First Amendment rights, establish contact and communicate with the crowd, facilitate event activities, and provide for the safety of all participants, including facilitating the safe movement of the crowd. Ideally, enforcement action during crowd management is minimal, organized, and well-communicated, involving more than one officer and supervisory oversight.

Crowd Control is used to disperse an unlawful assembly or riot and restore order during a civil disturbance. The role of the Tucson Police Department during an unlawful assembly or riot is to restore conditions to normal as rapidly and efficiently as possible with minimal injury and/or property damage. Should crowd control techniques become necessary, the objectives are (in order of priority): protecting life, restoring order, arresting violators (if necessary and practical), and protecting property.

2534.4 **Community Network Team (CNT)**

CNT personnel will operate with minimal reliance on the use of physical force. CNT personnel will deploy presenting an open and welcoming demeanor that initiates dialog within diverse crowds and welcomes communication with event organizer(s) and participants. CNT officers will maintain neutrality with all members of the public involved in demonstrations. The actions of CNT personnel shall not be influenced by the



viewpoints being expressed, nor by the race, ethnicity, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, appearance, familial or marital status, political opinions, beliefs, or affiliations of anyone exercising their lawful rights. (See *Rapid Response Team Standard Operating Procedures, Section 700* for additional information.)

Communication between CNT members and crowd participants will be continuous. CNT will deploy during the entirety of the event to work among the crowd, allowing for constant visual presence, information gathering, and open communication with participants. CNT will safely facilitate events, always remaining mindful of the constitutional rights of all involved. All CNT members shall deploy with a body-worn camera, which shall be activated at all times while deployed.

When intervention becomes necessary because of isolated unlawful acts, CNT will work to minimize further unlawful acts by openly communicating the safety concerns to all involved. When isolated unlawful acts occur, CNT officers may isolate, arrest, and remove violators, or use division resources to intervene at the direction of the CNT supervisor.

CNT will be contacted by the division where an event is planned if a crowd of more than fifty (50) persons is anticipated, and the event cannot be safely staffed with patrol personnel, or at the discretion of the division captain in consultation with the Field Services Bureau Chief.

2534.5 Incident Command and Event Planning

The deployment of personnel during demonstrations shall follow the Incident Command System (ICS). When the department receives notice of a planned demonstration or crowd event, an Incident Commander (IC) shall be identified. The IC shall have responsibility for developing and writing the event operational plan, and for the event, including monitoring developing crowd situations that may require law enforcement presence and action. He or she shall continuously consider new information and re-evaluate the situation, assess available resources, and balance competing agency demands to best achieve incident objectives. At a minimum, a division commander shall be made aware of a demonstration or crowd event and the corresponding incident operational plan, and will evaluate the need for wider distribution of the event operational plan.

If the event is to be handled by RRT, the RRT Coordinator or designated RRT supervisor will serve as IC. The IC, RRT Coordinator, or designated RRT Supervisor shall make every effort to contact and communicate with the event organizers. The failure or refusal of organizers to respond to communication attempts prior to an event shall not excuse the IC from attempting to establish positive communication with the group as early as possible at the scene of the event. The IC shall also attempt to establish positive communication with event participants.

2534.6 Documentation of Force

Ordinary uses of force during crowd management (e.g., isolated arrests) shall be documented using standard use of force procedures in Blue Team unless otherwise



directed by the IC. Any use of force during crowd management requires notification to the IC as soon as practicable, but not later than the conclusion of the event.

Force used by a member during crowd control to address a riotous or unlawful assembly shall be documented in accordance with the direction of the IC or OPS commander. Such incidents may be subject to SERB review and may require a use of force investigation.

Any person claiming injury or having evidence of injury shall be provided the opportunity to be seen by medical personnel at the scene when it is safe to do so. All injuries shall be photographed and documented. If a person with an injury refuses medical treatment, documentation shall be completed to capture the circumstances of the injury.

2534.7 **Crowd Management Issues**

Tactical Considerations: Members and supervisors shall constantly evaluate the circumstances surrounding a demonstration or crowd event, including, but not limited to the following:

- Threats to public safety
- Movement of vehicular traffic
- Number of participants
- Unlawful behavior of participants
- Duration and location of the event
- Damage to public or private property
- Level of communication and cooperation of event organizers and participants
- Environmental factors such as weather and light conditions, location, and types of streets involved
- Tactical repositioning
- Availability of police resources

In considering these and other circumstances, members and supervisors may use discretion in the immediate enforcement of Title 28 provisions, including the decision not to enforce, or to delay enforcing, various Title 28 provisions. Crowd management tactics should be used to facilitate the safe movement of the crowd, even when the group is in a roadway. When the IC is deciding whether to clear a roadway, he or she shall weigh the costs and benefits associated with officer and community safety, proportionality, and community perceptions and expectations.



2534.8 Crowd Control Issues

Declaration of Unlawful Assembly and Order to Disperse

The devolution of a lawful gathering into an unlawful assembly gives police authority to disperse the crowd. Dispersal requires a "declaration of unlawful assembly" followed by an order to disperse. Once an assembly has been declared "unlawful" and an order to disperse has been issued, the crowd should be given guidance and direction regarding how to disperse, and given reasonable time to leave the area. Participants should be provided with continuous updates indicating the time they have remaining to leave the area.

A dispersal order must be given before a person can be arrested for remaining at a place of riot or unlawful assembly, unless officers are responding to an emergency when time is of the essence.

When the IC declares an unlawful assembly and gives the order to disperse, he or she will direct an officer make the following statement to be the crowd:

"The Tucson Police Department has declared this an unlawful assembly. You are ordered to disperse immediately, or you may be arrested. El Departamento de Policía de Tucson ha declarado que esta asamblea es ilegal. Se le ordena que se disperse inmediatamente o puede ser arrestado."

This statement will be repeated at least two times, using an amplified sound system if available. One or more officers will be positioned so that they can testify to the audibility of the announcement to the crowd. A reasonable time shall be allowed for compliance. Orders for arrest may then be given. These actions shall be documented.

When using a public address system from a police vehicle, special consideration shall be given to the location of the vehicle. Members shall avoid placing department vehicles in a potentially hazardous location.

Considerations when giving an order to disperse:

- Unlawful assembly activity has been determined
- Time and delivery of declaration has been documented
- Order not given until control forces are in position to accommodate crowd movement
- Video is recorded to provide additional documentation
- Order given in English and Spanish
- Signage provided if possible
- Amplified sound system used
- Order repeated multiple times



- Order recorded for additional documentation
- A reasonable amount of time is given to disperse, as well as direction for crowd movement

2534.9 Reporting by Community Members

Members of the public have a constitutional right, **provided they are not interfering with police operations**, to report on newsworthy events. To the extent reasonably possible, the department will accommodate reporting on events by providing a “viewing area” (outside the area of the dispersal order). Community members can be denied access to crime scenes or areas that have been secured to preserve evidence. After declaring an unlawful assembly, the department will designate a dispersal route for all persons, including those engaged in reporting, to use when evacuating.

2534.10 Supplementary Information

Presence of a K9 service dog at a crowd event shall require the approval of a bureau chief.

The division commander of the area where a civil disturbance (unlawful assembly or riot) is occurring shall be notified of the disturbance by the IC and shall then be responsible for deciding whether to initiate the procedure dealing with “Major Incidents” requiring notification/callout. The affected division commander shall notify the Specialized Response Division (SRD) commander.

In the event the National Guard is needed, the Chief of Police or designee will notify both the Mayor and the City Manager, who may in turn call the Governor for approval. In the absence of the Mayor and the City Manager, the Chief of Police or designee will be delegated the responsibility to call the Governor for approval.

2534.11 Intelligence Information

Any gathering of information regarding a crowd event must be for a reasonable law enforcement purpose and shall respect the Constitutional rights of all involved. A reasonable law enforcement purpose means that the information being collected is intended to:

- Assist the agency in facilitating event activities
- Assist the agency in providing a public safety response
- Address unlawful conduct – past, present, or anticipated
- Not relate to the exercise of rights guaranteed by the First Amendment, but rather to ensure the safety of participants

Intelligence information pertaining to criminal activity, possible riot, or civil disturbance shall be forwarded to the JTTF detectives and/or the RRT sergeant.



2535 Missing Persons

The Major Incident Response Plan for Missing Persons is a component of the Incident Command System. *Operations Pamphlet 1 (TPD form #3250)* documents the plan. All field personnel will carry this packet as essential paperwork. The Incident Commander shall follow the guidelines outlined in the Major Incident Response: Missing Persons package. All forms shall be filled out and kept up-to-date. This information allows for the smooth transition of incident command and assists with follow-up investigation.

From the time of arrival on scene, the Incident Commander will be mindful that:

- the call location is a possible crime scene; and,
- time is of the essence – especially in cases involving the possible abduction of a child.

Department personnel will aggressively search the area with an eye toward anything unusual or suspicious. The member's experience and good judgment will help determine whether the person is lost, missing, or purposefully concealed (e.g., a 14-year-old with a history of runaway, custodial interference, estranged spouse, etc.).

If evidence indicates foul play, the appropriate detective sergeant shall be notified as follows.

- For juvenile missing persons or adults less than 65 years: SORT
- For adults 65 and over: Elder Abuse
- For drug-related kidnappings: Home Invasion
- For diminished mental capacity or in crisis: MHST

2535.1 Logistics

The Incident Commander shall assign a logistics person, or shall take responsibility for logistics coordination. Logistics coordination consists of obtaining the physical resources necessary for the command post. The command post must be set up in a position that will not contaminate the scene.

Logistics duties shall include maintaining a log of personnel assigned to the incident and the functions to which they are assigned.

2535.2 Search Coordination

Search coordination begins with targeting the geographic area to be searched and specifying the sequence of the search. The next step is to assign personnel to specific areas of responsibility. Third, search coordination means ensuring that searches are properly documented; information about the date, time, location, and persons assigned to the search is essential. The Rapid Response Team can be utilized if patrol resources are not sufficient.



2535.3 Investigative Coordination

A supervisor from the Investigative Services Bureau will be in charge of the investigative coordination, as assigned by the Incident Commander or designee.

2535.4 Public Information Coordination

Usually, the Public Information Officer (PIO) performs this function, reporting directly to the Incident Commander. The PIO's responsibility shall include dissemination of a photograph and all appropriate information to the media. The PIO may also assist the Incident Commander by briefing police officials and other officials who require periodic updates.

2540 HIGH RISK WARRANTS

2541 General

Before a tactical operation can be considered, there must be a sound basis for believing that service of a warrant is necessary. Warrant service carries an increased degree of risk and requires considerably more than routine police response.

2542 Preparation

A supervisor shall participate in every police action covered by these guidelines. It shall be the supervisor's responsibility to ensure that this chapter, as well as guidelines in *General Orders* under National Intranet Narcotic Joint Agency System (NINJAS notification) are followed.

It will be the responsibility of the supervisor to assign a specific Project Officer to each operation. This officer will coordinate and report all available information that contributes to the establishment of probable cause, including information derived from informants, witnesses, and surveillance activities. Such information will be complete and will delineate the grounds for believing that a warrant service operation is necessary.

Under no circumstances shall a search of premises for evidence or contraband be made without a search warrant, unless one of the exceptions to the warrant requirement is present.

Although the nature of many search warrant operations prohibits the use of the Special Weapons and Tactics Team (SWAT), commanders and/or supervisors will consider the use of SWAT in any high-risk operation in which the suspects are known to be armed, or armed resistance is likely. Nothing prevents supervisors from consulting with SWAT commanders or supervisors in planning a warrant service, and such consultation is, in fact, encouraged.

Prior to the operation, the supervisor shall be responsible for the following:

- Confirming the location by visual inspection to personally verify the information regarding the address, type, and description of house or apartment, and, if at all possible, the number of persons and weapons involved, and the type of material to be seized or who is to be arrested. This shall include whether children or vulnerable adults are present.
- Threat analysis based on criminal history, potential hazmat, dogs, or other known factors.



- Making a detailed plan of the proposed operation, including the number of police personnel required and the equipment to be used (including any special weapons), a detailed timetable, and an outline of exactly where the personnel are to be assigned and exactly what they are to do.
- Conducting a thorough briefing attended by all personnel participating in the operation. Personnel participating in the operation who cannot attend the briefing due to other duties will not be utilized during the operation until the premises is secure.
- Assigning personnel to the specific tasks outlined in the plan. The supervisor is to make sure the following areas are covered:
 - Personnel will be assigned in teams with a minimum of two officers per team.
 - When possible, a more experienced officer will be assigned with a less experienced officer.
 - Uniformed personnel shall be used to cover all major avenues of approach and escape so that there will be a recognizable police presence in these areas for observation by suspects or the general public. This requires a minimum of two uniformed officers (front and rear). Additionally, uniformed personnel will be assigned to accompany the entry team.
 - Officers in plainclothes assigned to the operation shall wear department approved tactical vests and badges or other devices clearly identifying them as police officers. This shall be required from the time the warrant service begins (entrance to the premises) to the time the scene is secured and cleared.
 - In all such operations, at the appropriate time, police authority and intent shall be clearly announced. The responsibility for assuring that this is done is to be specifically assigned. Based on case information this can or should include announcements in Spanish.
 - Support or backup personnel covering other points of entry or exit (doors and windows) shall hold their position until signaled to enter by the team leader already inside, unless it is determined that an emergency exists, and their presence is needed.
 - The entry point shall be specifically designated. The supervisor shall ensure that necessary special equipment is readily available to include entry tools and shields.
 - If outside agency members are participating in the tactical operation, communications equipment will be supplied to them or they will be assigned with an officer having communications equipment. Personnel not having access to the radio frequency being used shall not be assigned to critical areas such as entry or immediate perimeter security.



- Advise the on-duty Communications Supervisor. The Communications Supervisor will then ensure that on-duty Communications personnel (dispatchers and call takers) are made aware of the situation. The on-duty officers in the area where the warrant service is to take place will be advised by Communications of the pending operation, either over mobile tactical computers, or just as the operation begins, to protect the security of the operation.
 - If at any point prior to or during the operation, the supervisor determines conditions of acceptable risk cannot be maintained, the operation shall be discontinued, postponed, or canceled in a manner that ensures the safety of all personnel. This is of primary importance: the basic rule for the supervisor shall be one of caution. If police personnel cannot maintain sufficient control, potentially causing risk to personnel and resources, the supervisor loses authority to proceed further.
 - All team members are advised and verbally acknowledge understanding of egress or abort procedures and secondary positions of containment.
- In the event the operation is conducted outside the City of Tucson, the appropriate law enforcement agency shall be notified. If possible, communications coordination will be arranged with that agency.
 - The participating supervisor shall make a *Supplementary Report* describing all assignments made prior to and during the operation. This report will describe the general condition of the premises before and after the operation. Damage to the premises will be documented and handled as indicated in these procedures.

2543 Execution

Officers in plainclothes shall wear a department-approved tactical vest when involved in tactical operations. All members shall wear body armor. When appropriate, uniform units will be requested to respond and assist in securing the scene.

Conversation among officers at the scene, and between officers and suspects, will be limited to that which is necessary to conduct the operation. Commands and directions shall be given clearly and concisely and in Spanish if appropriate. Officers shall refrain from using profanity and obscenities, and shall avoid unnecessary display of weapons or force. Once identified as police officers, all personnel involved shall conduct themselves in the same manner as would be expected of a uniformed officer dealing with the public at large.

All entries, with or without a search warrant, are to be preceded by a knocking and announcing of the police authority and presence. Members of the public shall be allowed reasonable time to answer the knock. "No-knock" warrants are not authorized.

2544 Participation With and By Other Agencies

Occasionally, officers will be requested by other agencies to participate in operations conducted by them. The requesting agency shall be advised of, and agree to, the conditions of our participation at the time the request is made. Officers shall not participate in such operations



unless authorization has first been obtained from a commander. Note: Personnel from the Counter Narcotics Alliance (CNA) are considered part of the department's Investigative Services Bureau.

If authorized, a supervisor from this department shall accompany department personnel, and shall participate with them in the operation. Operationally, the officer in charge from the requesting agency will be in command, but the supervisor from the Tucson Police Department shall retain responsibility for the actions of TPD personnel.

Department personnel shall not participate in the initial entry of the site unless specific authorization has been obtained from the TPD Commander authorizing the operation. After officers of the other agency have made entry, department personnel may enter and participate as needed. A full report of the operation, and our participation in it, shall be made to the authorizing commander as soon as practicable. Police personnel shall submit reports of their participation as required by department *General Orders*.

Personnel on official loan status to other agencies are exempt from the requirements listed above, provided that their participation does not violate any existing department *General Orders*.

2545 Damage Liability

If property damage results from any police action, the owner or occupants shall be advised to make contact with the department Legal Advisor or City Risk Manager. The owners or occupants shall be furnished with information as to how they may accomplish this.

No officer shall obligate the department or make any statement regarding liability or who will be responsible for damages incurred during a tactical operation. The owner or occupant shall be advised that only the City Risk Manager makes decisions regarding liability.

All damage occurring during a tactical operation shall be documented in detail in the participating supervisor's *Supplementary Report*, a copy of which shall be forwarded to the Legal Advisor and City Risk Manager as soon as possible. This report will include a rough estimate of the amount of damage and specific details of what items were damaged or destroyed. The participating supervisor will call for a Crime Scene Specialist or take field photographs of damaged items and the adjacent area.

2546 Reporting

All participating personnel shall submit the necessary reports relating to their individual actions. It shall be the responsibility of the supervisor to see that all reports have been completed prior to ending the operation. Any unusual occurrences will be verbally reported to the on-scene supervisor, and shall subsequently be reduced to writing and included in the supervisor's package.

As soon as possible after the operation has been completed, a debriefing shall occur which will include a review/critique of the operation.



2547 Media Access

Access to any crime scene or situation by community members reporting on the incident will be controlled by the on-scene commander through the Public Information Office. This will be accomplished only after police technicians have completed their portion of the investigation and the area would not be altered by the presence of reporting community members. The Incident Commander may elect to bar from the scene of an incident any reporting community member who is disruptive to the police purpose. If a long-term investigation is involved, the on-scene commanding officer may consider arranging a guided tour by police personnel.

No person other than a police officer and necessary non-sworn personnel shall be allowed access to any crime scene or situation on private property absent explicit permission from the owner of the property.

For the safety of reporting community members, they shall be alerted to any potential hazards at the scene of an incident.