TUCSON POLICE DEPARTMENT

CRITICAL INCIDENT REVIEW BOARD

SWAN ROAD / HOLMES STREET

JULY 11, 2016

FATAL OFFICER INVOLVED VEHICLE ACCIDENT

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EXECUTIVE SUMMARY

INVESTIGATIVE CASE INFORMATION

CIRB Number: 16-0374
TPD Case Number: 1607-11-0566
Date of Incident: July 11, 2016
Location of Incident: Swan Road/Holmes 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 Traffic Investigations Unit and the Office of Professional Standards (OPS), and the CIRB questioning of certain involved members as well as subject matter experts.

The Traffic Investigations Unit and OPS investigations, along with testimony taken during CIRB proceedings, established the facts under review. The CIRB elected to take testimony from only 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, giving fair consideration to differing points of view. Ultimately, this report represents the collective judgment of the board.

Introduction

On the evening of July 11, 2016, Christopher Hoffman fled on a motorcycle at a high rate of speed from the scene of a disturbance call involving a weapon. Meanwhile, Officer Adam Smith started to make a U-turn on South Swan Road at East Holmes Street to tactically reposition himself into a neighborhood south of the incident in case Mr. Hoffman attempted to get off of the motorcycle and flee on foot. As Officer Smith maneuvered into the intersection to see past median foliage, the front passenger side of his vehicle was struck by Mr. Hoffman's motorcycle with such force that the front tire of the colliding motorcycle lodged in the wheel-well and engine block of Officer Smith's car. As a result of the collision, Mr. Hoffman sustained fatal injuries.

According to Officer Smith, Speedway Boulevard and Swan Road was the last location of the motorcycle that he heard given over the police radio. The totality of multiple factors, including his perceived location of the motorcycle, low lighting, dense bushes in the median blocking visibility, and excessive speed of the motorcycle afforded Officer Smith extremely limited reaction time to perceive an imminent collision or take any evasive action.

Issues Identified and Examined by CIRB

The CIRB examined the following issues:

- Proper decision-making and tactics, as well as potential deficiencies in training, policy, and equipment;
- Incident command (IC);
- Supervision of the incident, both before and after the collision;
- The role of the department's Air Support Unit (ASU) in fleeing vehicle scenarios;
- Radio communications;
- Officer Solarino's actions with regard to the attempted stop and pursuit of Mr. Hoffman;
    - Did Officer Solarino attempt to stop Mr. Hoffman?
    - Did Officer Solarino engage in driving defined as a pursuit under TPD policy?
- Mr. Hoffman's actions upon leaving the scene;
- Did Officer Smith intentionally engage in a roadblock tactic prohibited by TPD policy?
- Why was there a discrepancy between the information Officer Smith provided to Sergeant Da Cruz immediately following the collision and the information he provided to OPS and the CIRB regarding the location of the motorcycle prior to the crash?

Findings

The CIRB determined the following after a review of this incident:

- There were deficiencies in training, policy, and equipment;
- The incident lacked clear IC until Sergeant Da Cruz arrived at the collision scene and declared himself the Incident Commander over the radio;
- The supervision of the incident pre-collision was deficient, lacking proper decision-making and clear direction on the appropriate police response. The supervision post-collision was appropriate;
- The role of the department's ASU in fleeing vehicle scenarios warrants clarification regarding policy, training, and radio use protocols;
- There were numerous radio communications during this incident that were unclear;
- Mr. Hoffman was likely fleeing from the responding police units;
    - Officer Solarino attempted to stop Mr. Hoffman with his emergency equipment activated (lights and siren);
    - Various patrol units had emergency equipment activated as they attempted to catch up to Mr. Hoffman after he refused to stop;

    - Mr. Hoffman passed two additional units with emergency equipment activated who were responding to the incident;
- Officer Solarino engaged in an unauthorized, out of policy pursuit;
- Officer Smith maneuvered his vehicle to perform a U-turn at South Swan Road and East Holmes Street with no intention of creating a roadblock or engaging in any kind of reckless vehicle maneuver.

CIRB REPORT

CASE OVERVIEW

On the evening of July 11, 2016, Operations Division Midtown (ODM) personnel responded to a dispatched call for service at the Dunkin Donuts, located at 4676 East Grant Road. Dunkin Donuts staff called 911 to report two men fighting and yelling at employees. One of the subjects produced a baton during the altercation. Prior to TPD officers arriving, both subjects left the area, one in a truck and the other (Mr. Hoffman) on a black motorcycle.

Officer Solarino, accompanied by Officer Hollander, responded to the call and observed the motorcycle driven by Mr. Hoffman leaving the scene southbound on Swan Road. At the request of an officer on-scene, they attempted to stop Mr. Hoffman by activating their emergency equipment and flashing him with a spot light. Mr. Hoffman "flipped off" the patrol unit and accelerated southbound on Swan Road at a high rate of speed. ASU personnel located the motorcycle and began calling out its direction of travel to the responding units over the radio.

Officer Smith also responded to the call in a non-emergency manner from south of the incident location. He drove north on Swan Road before making a U-turn at Swan Road and Holmes Street. As Officer Smith made the U-turn, Mr. Hoffman collided at a high rate of speed with the passenger side front tire/engine area of the marked patrol vehicle. Mr. Hoffman was thrown from the motorcycle when his motorcycle embedded in the front wheel well of the patrol vehicle. Responding officers provided medical aid to Mr. Hoffman until Tucson Fire Department (TFD) personnel arrived at the scene and assumed his care. TFD then transported him to a local hospital where he succumbed to his injuries. Officer Smith was uninjured.

INVOLVED PARTIES

Field Response

Officer Nicolo Solarino #100962

- Operations Division Midtown patrol
- Role: Driver of primary responding two-person unit
- Tenure: 1 year, 10 months

Officer Jason Hollander #53340

- Operations Division Midtown patrol
- Role: Passenger of primary responding two-person unit
- Tenure: 5 years
- Specialized Training: Crisis Intervention Training (CIT) certified
- Additional certifications: shotgun, patrol rifle

Officer Brett Lemas #44427

- Air Support Unit
- Role: Helicopter pilot
- Tenure: 15 years, 11 months

Officer Richard Morales #49936

- Air Support Unit
- Role: Tactical Flight Officer (TFO)
- Tenure: 10 years
- Training: CIT certified

Officer Adam Smith #50754

- Operations Division Midtown patrol
- Role: Patrol unit involved in collision with Mr. Hoffman
- Tenure: 9 years, 9 months
- Training: CIT certified
- Additional certifications: SWAT Team, patrol rifle, PepperBall, flex baton, shotgun

Sergeant Vinicius Da Cruz #51341

- Operations Division Midtown patrol
- Role: Supervisor
- Tenure: 8 years, 6 months
- 7 months time in rank
- Training: CIT certified
- Spanish speaker

Investigative Response

Sergeant Michael Dietsch #33026

- Traffic Investigations Unit
- Supervisor

Detective Steven Sussen #39301

- Traffic Investigations Unit
- Detective

Lieutenant Justin Lane #44176

- Office of Professional Standards
- Commander

Sergeant Mickey Peterson #37962

- Office of Professional Standards
- Supervisor

Community Member

Mr. Christopher Ray Hoffman 06/06/1992

- Motorcycle operator
- Operated a 1993 Black Harley Davidson motorcycle
- Deceased

Sergeant Vinicius Da Cruz #51341

Sergeant Da Cruz was interviewed by CIRB. The areas addressed with Sergeant Da Cruz were **tactics, decision-making,** and **supervision**.

CIRB's clarifying questions sought to determine:

- Was Mr. Hoffman fled from police?
- Did Sergeant Da Cruz effectively manage the call?
- Who had IC of the call?
- Did Sergeant Da Cruz have knowledge whether police units were in pursuit of the suspect?
- Why did Sergeant Da Cruz's testimony to OPS regarding his conversation with Officer Smith at the scene of the collision differ from Officer Smith's account of events?

Investigative Statement and CIRB Testimony

CIRB asked Sergeant Da Cruz why he failed to take a more active role in managing the call at the outset of the incident. Sergeant Da Cruz stated he wanted to provide responding units with an opportunity to work the call before he intervened.

He testified he met with his squad (with the exception of Officer Solarino who had just been assigned to him after completing the field training program) prior to this event at shift change to provide them with his general supervisory expectations. He stated he gave specific direction to his officers that they needed to advise dispatch if they were driving Code 3 (lights and siren) during a level two call response.

He said he had a tenured squad and that he knew the skillset and experience of the officers involved in the incident. He trusted they would follow policy and make solid decisions.

As officers arrived at Dunkin Donuts, Sergeant Da Cruz heard them request an investigative stop of the motorcycle leaving the scene. He said radio traffic related to the call was heavy after the motorcycle fled and ASU began to follow it. He testified to the CIRB he tried two or three times to transmit, but that his attempts were "covered"[1] by other responding officers and ASU. Sergeant Da Cruz testified to the CIRB, "I think the radio system more or less failed us in this incident."

Sergeant Da Cruz advised he attempted to get on the radio to inquire if a victim of a crime had been located and to gather additional information about why the motorcycle would be fleeing the scene, but found he was unable to transmit because ASU broadcasts were tying up the frequency.

[1] When one radio transmission "covers" another it preempts the covered transmission.

The CIRB asked why he chose not to utilize the emergency override button (which blocks all communications for a 15 second period) to tell officers to stop transmitting or make any other attempts to clear the air. Sergeant Da Cruz stated it was his perspective that using the override button would have made it more difficult to obtain information about the rapidly evolving situation.

Sergeant Da Cruz testified he needed clarification on key issues, including whether a crime had been committed justifying police action. He further testified the reporting party provided limited information and did not specify the type of weapon involved in the incident. Sergeant Da Cruz stated he had to fill in the blanks and make several assumptions during the incident when he was unable to transmit on the radio to seek clarification. He said he based these assumptions on the information available to him at the time as well as on his knowledge of the skillsets of the officers handling the call.

Sergeant Da Cruz conceded that he made supervisory decisions (e.g., letting ASU passively[2] follow the suspect while the officers at the scene attempted to investigate what had been reported to 911) without being able to gather sufficient information or effectively communicate with the officers involved on the call. Sergeant Da Cruz said he believed ASU is an extremely valuable resource. He said he thought ASU personnel were knowledgeable regarding the department pursuit policy and they could provide field supervisors the necessary information to make supervisory decisions in these types of situations (e.g., fleeing vehicles).

When asked by the CIRB about ASU's ability to transmit over all other radios in the field, Sergeant Da Cruz testified that as a patrol supervisor he had IC of the call and ASU was an asset for him to utilize on the incident. He recommended sergeants' and lieutenants' radios be programmed to prevent ASU transmissions from covering supervisors when they are transmitting.

During the OPS investigation, Sergeant Da Cruz told the investigators he knew the motorcycle was potentially involved in the incident. It had failed to stop for officers; it ran a red light; it almost collided with a community members' vehicle; and it was traveling at a high rate of speed. He said he was also aware ASU was passively following the motorcycle, and that ASU personnel's radio transmissions indicated there were no patrol units behind the motorcycle prior to the collision. He stated he did not believe other TPD personnel were in pursuit based upon the radio transmissions of the involved officers and ASU.

The CIRB asked Sergeant Da Cruz if he had knowledge of TPD units being involved in a pursuit of the motorcycle. He testified he did not have knowledge either during or after the incident of any personnel pursuing the motorcycle. Sergeant Da Cruz said the situation did not meet the criteria to authorize a pursuit under department policy. The CIRB asked Sergeant Da Cruz whether he thought Mr. Hoffman was fleeing from the police or just fleeing the scene. He said because Mr.

[2] When ASU passively follows, it does so at a higher altitude and without a visible spotlight in order to be undetected by the subject being observed.

Hoffman saw the officers and flipped them off prior to fleeing the scene, he felt Mr. Hoffman was fleeing from police.

Sergeant Da Cruz testified to the CIRB that when he arrived at the collision scene he immediately observed the position of Officer Smith's patrol car, the embedded motorcycle, and the distance Mr. Hoffman had traveled as a result of the collision. After making sure medical attention was being provided to Mr. Hoffman and Officer Smith, he ensured the scene was secured.

He said he then asked Officer Smith what happened. Sergeant Da Cruz said Officer Smith told him he was attempting to make a U-turn on Swan Road and as he passed the raised median he looked to see if he had time to make the turn. Based on the appearance of oncoming headlights, he thought he could safely make the turn. Sergeant Da Cruz noted Officer Smith told him he thought the involved motorcycle was already south of his position because of its reported speeds. Officer Smith said he was in the process of making the turn when he heard and felt the impact of the collision.

Analysis

Did Sergeant Da Cruz effectively manage the call?

The CIRB determined Sergeant Da Cruz made no inquiries and provided no direction that would have been helpful to the involved units as the incident rapidly unfolded. The only time he was heard on the radio prior to the collision was when the dispatcher initially asked him to copy the call.

A review of the radio transmissions, Mobile Video Recorder (MVR) video, OPS interviews, and CIRB testimony by Officer Smith established that although the incident evolved quickly, there were pauses on the air that would have allowed Sergeant Da Cruz to interject and provide supervisory direction.

Sergeant Da Cruz testified he understood the magnitude of the incident at the collision scene. He focused on medical care and scene preservation, requesting assistance from an additional sergeant to oversee the lock-down and management of the original incident scene at the Dunkin Donuts.

Who had IC of the call?

During their CIRB interviews, Officer Solarino and Officer Smith testified that Sergeant Da Cruz acknowledged the call, but did not take clear IC. Officer Solarino and Officer Smith told the CIRB they thought Sergeant Da Cruz was the implied IC because he was the highest ranking member on the call, but this was never formally declared.
After the collision, Sergeant Da Cruz declared himself IC at the collision scene and appropriately managed both scenes. After providing a full briefing, he transferred IC to Traffic Investigations Sergeant Dietsch.

Was Mr. Hoffman fleeing from police?

Sergeant Da Cruz told CIRB he thought Mr. Hoffman was fleeing from the police. Sergeant Da Cruz was aware units observed Mr. Hoffman fleeing the Dunkin Donuts scene. He later read in the call text that Officer Solarino attempted to stop Mr. Hoffman and that Mr. Hoffman failed to stop. He said he also drew these conclusions from the reported riding behavior of Mr. Hoffman as articulated by ASU.

Did Sergeant Da Cruz have knowledge police units were in pursuit of the suspect?

Based upon the review of all investigative information and CIRB testimony, Sergeant Da Cruz did not have information that would reasonably lead him to believe any personnel were in pursuit of the motorcycle. He told the CIRB he confirmed that a pursuit had not been initiated by asking all of the officers involved in the incident at the collision scene if they had been in pursuit of the motorcycle. He also called ASU to confirm no units were behind the motorcycle when the collision occurred. He told the CIRB he chose not to review MVR footage at the collision scene due to the impending Traffic and OPS investigative response.

Why did Sergeant Da Cruz's testimony to OPS regarding his conversation with Officer Smith at the scene of the collision differ from Officer Smith's account of events?

Sergeant Da Cruz testified to the CIRB that when he arrived at the collision scene he inquired about the location of Officer Smith's patrol car due to its unusual positioning in the roadway (northern part of the raised median). He asked Officer Smith how he ended up in the roadway where the collision occurred. Officer Smith told him he was making a U-turn on Swan Road. Officer Smith said as he passed the raised median, he observed vehicle headlights and he knew he had time to make the turn.

Sergeant Da Cruz said Officer Smith told him he thought the motorcycle was already south of his position due to the speeds reported by ASU and other units. Sergeant Da Cruz did not ask any clarifying questions at the scene. Sergeant Da Cruz and Officer Smith were the only two people present for this conversation. This statement conflicts with the statement Officer Smith provided to OPS and his subsequent CIRB testimony (that he thought the motorcycle was north of him).

Findings and Recommendations

The CIRB finds Sergeant Da Cruz failed to exercise appropriate supervisory control of the pre-collision situation. He did not employ sound supervisory decision-making and failed to provide direction concerning tactics to the personnel on the call prior to the collision. He failed to involve himself in the incident, break the radio traffic, or gather the pertinent information needed to determine whether it was appropriate to follow the fleeing motorcycle from the scene.

Although the CIRB recognizes this incident unfolded in a very short period of time (approximately 55 seconds from the motorcycle fleeing the Dunkin Donuts until the collision occurred), Sergeant Da Cruz's lack of critical thinking and failure to take control of the situation allowed for operational momentum to take over.

Sergeant Da Cruz should have confirmed whether there was a basis for a criminal investigation. He should also have inquired about vehicle speeds, traffic conditions, proximity of units to the motorcycle, and any potential victims at the scene.

The CIRB finds Sergeant Da Cruz was overly reliant on ASU to manage the incident. While the radio traffic may have contributed to the timing of Sergeant Da Cruz's engagement in this incident, it does not justify his lack of supervisory direction.

Sergeant Da Cruz appropriately determined this incident did not meet the criteria to authorize a pursuit. Sergeant Da Cruz was unaware Officer Solarino was engaged in an unauthorized pursuit.

The CIRB believes Sergeant Da Cruz should receive remedial training on IC from his chain of command that includes both written and practical components. This remedial training should include IC related instruction as well as other relevant topics currently being covered in the department's updated Field Training Sergeant (FTS) program. The completed training shall be memorialized and incorporated into Sergeant Da Cruz's relevant personnel records.

Sustained General Order Violations

The CIRB finds Sergeant Da Cruz violated *General Orders* 1330.2, 1143.6 and 2423.

Officer Nicolo Solarino #100962

Officer Solarino was interviewed by CIRB. The areas addressed with Officer Solarino were **tactics** and **decision-making,** with a specific focus on incident command as well as his driving behavior.

The CIRB's clarifying questions sought to determine:

- What was Officer Solarino's understanding of who had IC of the call?
- Did he feel Mr. Hoffman was fleeing from responding officers?
- Did Officer Solarino engage in a pursuit?

Investigative Statement and CIRB Testimony

Officer Solarino testified to CIRB he knew one of the individuals involved in the incident was possibly fleeing the Dunkin Donuts on a motorcycle as they arrived at the scene. Officer Solarino said he stopped his vehicle in the center lane between north and south-bound Swan Road with his emergency equipment activated. He stated he used the spotlight to attempt to gain the attention of Mr. Hoffman as he was leaving the parking lot on his motorcycle.

Officer Solarino observed Mr. Hoffman slow down, make eye contact (Mr. Hoffman was not wearing a helmet), flip them off ("as a means of communication"), and flee southbound on Swan Road at a high rate of speed. The two-person unit transmitted the interaction over the radio, making it clear to responding units that Mr. Hoffman refused to stop for them. This action was captured on Officer Solarino's MVR.

The CIRB asked Officer Solarino about his intent when Mr. Hoffman did not pull over and he made the U-turn to follow Mr. Hoffman. Officer Solarino told the CIRB he did not intend to pursue Mr. Hoffman, who was only a person of interest at the time he fled from the Dunkin Donuts.

Officer Solarino stated his intent was "to catch up and try to conduct an investigation. There was never a thought of a pursuit. To see if he was maybe going to pull over somewhere and so they could catch back up; that was the original intent." Officer Solarino told OPS by the time he turned around and was traveling the same direction as the motorcycle, his patrol car was several hundred meters behind it. He stated his view of the motorcycle was blocked when a patrol Tahoe made a U-turn in front of him (south of Pima Street).

Officer Solarino explained to the CIRB that he went through a quick fact checking in his head when he lost visual of the motorcycle. He knew, even based upon the limited information available to him, "the distance, the negative charges, the timing; it was shut down Code 3." He testified this was not in an authorized pursuit situation and he did not believe he was pursuing the motorcycle during this incident. Officer Solarino said he believed he deactivated his lights and siren in the area of Pima Street and Swan Road. Officer Solarino's MVR depicts that the patrol vehicle emergency equipment was turned off closer to Speedway Boulevard. Officer Solarino told OPS

that after he had turned his emergency equipment off he heard ASU transmit over the radio that the motorcycle was traveling at a high rate of speed and committing numerous traffic law violations.

The CIRB asked Officer Solarino who he believed had IC of the incident. He stated he thought Sergeant Da Cruz had IC based partially on having heard him on the radio and the fact that Sergeant Da Cruz responded to the collision scene. When asked about his knowledge of the *General Orders* concerning IC, Officer Solarino acknowledged he was not as familiar with those policies as he should be. He said he assumed Sergeant Da Cruz had IC because he was the highest ranking member on the radio.

Officer Solarino testified radio traffic was "all over the place," as people were trying to get incident information out. He also noted the incident was "quick and dynamic," and that there was not a lot of time for clear delineation of IC. To assess appropriate decision-making, the CIRB asked whether his response would have been different had he known there was no victim at the scene. Officer Solarino said that without a victim or someone wanting to report a crime, they would have slowed the response down. There would have been no need for further emergency response and no need to pursue.

Analysis

Who had IC of the call?

The CIRB determined Officer Solarino did not know who had IC of the call, but assumed Sergeant Da Cruz was the IC because he was the highest ranking member on the radio. Officer Solarino demonstrated deficiencies in his understanding of the Incident Command General Order 2423.

Was Mr. Hoffman fleeing from responding officers?

Mr. Hoffman left the Dunkin Donuts as Officer Enos arrived at the incident location. Officer Enos asked responding units to stop Mr. Hoffman. Officer Solarino testified that as Mr. Hoffman was leaving the scene they illuminated him with their spotlight (emergency equipment having already been activated) in an attempt to get him to pull over. Mr. Hoffman significantly slowed down for a moment, made eye contact with Officer Solarino, then flipped officers off "as a means of communication." Officer Solarino's MVR showed Mr. Hoffman fleeing south on Swan Road before Officer Solarino made a U-turn. The chase continued with Officer Solarino behind the motorcycle by multiple blocks for much of the pursuit due to the motorcycle's speed.

Officer Solarino's MVR footage and CIRB testimony support the assertion that there were no patrol units following Mr. Hoffman with emergency equipment activated south of Swan Road and Speedway Boulevard (prior to the collision). Though his state of mind will never be known, Mr. Hoffman's actions were consistent with an individual fleeing police.

Was Officer Nicolo Solarino engaged in a pursuit?

The CIRB determined Officer Solarino pursued Mr. Hoffman in an attempt to stop him. When Mr. Hoffman refused to stop, Officer Solarino followed the motorcycle for approximately 35 seconds at speeds over 70 mph. The Code 3 portion of the pursuit continued from Grant and Swan Roads, to Swan Road and Speedway Boulevard, where Officer Solarino turned his emergency equipment off.

Asked by the CIRB why he turned off his emergency equipment, Officer Solarino said he did so when he lost sight of Mr. Hoffman, knowing the information he had did not justify a pursuit. He told the CIRB, "We shut down Code 3 so we didn't have the appearance as if we were underneath *(sic)* some type of a pursuit since we were not. I wanted to show him that he was not being pursued at the time for any crime that we had not yet clearly established and he was several hundred meters in front of us."

Findings and Recommendations

Mr. Hoffman left the Dunkin Donuts as marked patrol units arrived at the incident location with their emergency equipment activated. As Mr. Hoffman fled southbound on Swan Road, he passed two northbound marked units responding with emergency equipment on, both of which made U-turns as he passed in order to follow him. The CIRB finds that the established facts make it reasonable to infer that Mr. Hoffman was aware of the attempt to stop him and resisted that attempt by fleeing the scene.

The CIRB also finds Officer Solarino fundamentally misunderstood the important distinction between what would be considered an authorized pursuit and what took place in this incident. The CIRB finds this was a *de facto* pursuit falling outside of the express provisions of *General Orders*. Officer Solarino drove with his emergency equipment activated at speeds up to 70 mph for approximately 35 seconds after Mr. Hoffman refused to stop. General Order 2521.2, Special Definitions, highlights Officer Solarino's misunderstanding of the vehicle pursuit policy (emphasis added).

> ***Vehicle Pursuit:*** *An active attempt by a law enforcement officer to apprehend a vehicle in the following manner: While operating a department vehicle, and* ***utilizing emergency lights and siren simultaneously****, to attempt to apprehend one or more occupants of another moving vehicle, if it is* ***reasonably apparent that the driver of that vehicle is aware of that attempt, and is resisting apprehension by disobeying traffic laws or attempting to elude the officer.***

A review of Officer Solarino's MVR showed the emergency equipment was turned off closer to Speedway Boulevard, not Pima Street as he estimated. The CIRB did not find this discrepancy to be deceptive, but rather an understandable perception during a rapidly evolving, high stress incident, which could have been exacerbated by the officer's lack of experience and tenure.

The CIRB recommends Officer Solarino receive remedial training on IC and pursuits from his chain of command that includes both written and practical components. The completed training shall be memorialized and incorporated into Officer Solarino's relevant personnel records.

Sustained General Order Violations

The CIRB finds Officer Solarino violated *General Orders* 1330.2, 1330.3, 2521.2, 2522.6 and 2523.3.

Detective Steve Sussen #39301

Detective Sussen was interviewed by the CIRB as a subject matter expert. The CIRB questions focused on the physical evidence gathered during the investigation and subsequent investigative conclusions.

The CIRB's clarifying questions sought to determine:

- Did the speed of the motorcycle affect Officer Smith's perception of the motorcycle's proximity to his location?
- Did Officer Smith intentionally engage in a roadblock tactic prohibited by TPD policy?

Investigative Statement and CIRB Testimony

The CIRB called Detective Sussen to explain the evidence collected from the event data recorder ("black box") of Officer Smith's vehicle. Prior to conducting the investigation, Detective Sussen was not privy to any administrative statements provided by Officer Smith, but did receive a statement from Sergeant Da Cruz at the initial briefing, which included a synopsis of Officer Smith's account at the scene of the collision.

Detective Sussen described to the CIRB that Officer Smith's car was stopped a short period of time prior to engaging in his turn before the collision. The evidence from the black box indicated the engine was at almost an idle state with some braking and very slight acceleration. This is consistent with Officer Smith's vehicle inching out into an intersection prior to making a turn.

In his OPS interviews and CIRB testimony, Officer Smith explained how he inched out into the roadway in an attempt to see past the obstruction created by median foliage. Detective Sussen verified there was a large amount of thick brush in the median (Nerium "Oleander" bushes approximately 6' to 8' tall). In Detective Sussen's estimation, in order to visually clear the area concealed by the brush, it would be necessary to enter approximately 8' into the median lane in order to see the roadway. He said he determined that Officer Smith was moving at approximately 3 mph while making this turn.

Detective Sussen testified the motorcycle's speed (approximately 84 mph) would have caused it to travel at approximately 124' per second. At this speed, the motorcycle was covering twice the distance one would cover traveling at the 40 mph posted speed limit. From the point where the median foliage was not blocking Officer Smith's visibility to the point of impact was 232'. Mr. Hoffman traveled this distance in 1.8 seconds. Detective Sussen explained it takes the average unimpaired person 1.5 seconds to perceive and react to a stimulus. Detective Sussen testified there was no braking prior to, or at the time of, impact by either party.

Detective Sussen testified the motorcycle struck the patrol car at its heaviest point (the engine) with such force that it moved the patrol car 2.5' from the point of impact. He testified the patrol

vehicle's event data recorder captured an impact of "35 Gs" (G-force) during the collision. He also testified the motorcycle headlight would have been "washed out" by the brighter vehicle headlights traveling in the same direction behind the motorcycle.

Traffic investigators attempted to create a reenactment video of the incident utilizing an experienced and highly trained TPD motorcycle instructor as the motorcycle rider. Investigators were unable to replicate the collision conditions at speeds exceeding 40 mph due to safety concerns.

Detective Sussen determined neither driver would have had time to react to avoid a collision with the motorcycle traveling at 84 mph. He also noted the street lighting at the time of the incident was non-LED lighting, which has since been replaced with LED technology (prior to reenactment testing). The non-LED lighting present at the time of the crash lessened visibility, which likely impacted driver reaction time in a negative manner. Though limited in scope and inconclusive in some respects, the reenactment did make clear the lack of reaction time that resulted from the motorcycle speed, lack of visibility, and relative positioning of both Mr. Hoffman and Officer Smith.

In their OPS interviews, Officer Lemas and Officer Morales from ASU both stated the helicopter was approximately 800' in the air and that it was moving at speeds of 90-100 mph in a circular pattern at the time of the collision. They told OPS they believed Officer Smith's car had been stopped in the southbound lane at the point of impact with the motorcycle. Detective Sussen's explanation to the CIRB of the physical evidence clarified the differing accounts of Officer Smith and the ASU officers. He stated that given the altitude and speed at which the TPD helicopter was flying, distinguishing between a stationary vehicle and a vehicle moving at 3 mph would be difficult, if not impossible.

Analysis

How did the speed of the motorcycle affect Officer Smith's decision to make a U-turn?

Detective Sussen testified that Mr. Hoffman was traveling approximately 124' per second at the estimated speed of 84 mph. He stated at this speed Mr. Hoffman was covering twice the distance he should have been at the posted 40 mph speed limit. This cuts the reaction time for drivers by more than half from what the posted speed limit affords.

The motorcycle speed and median foliage gave Officer Smith approximately 1.8 seconds to identify and react to avoid a collision. Detective Sussen testified it takes the average unimpaired person 1.5 seconds to perceive and react to a stimulus. The CIRB noted the traffic investigation determined there was no braking prior to, or at the time of, impact by either party. The CIRB finds this evidence supports the conclusion neither party had time to react to the impending collision.

Did Officer Smith intentionally engage in a roadblock tactic prohibited by TPD policy?

Detective Sussen concluded the evidence established Officer Smith made a slow U-turn and did not conduct a roadblock type action. Furthermore, he said that Officer Smith's reaction time would have made it nearly impossible to initiate and conduct a timed roadblock. The patrol car's event data recorder supports the conclusion that Officer Smith was moving at the time of the collision.

Findings and Recommendations

The CIRB finds the conclusions reached by Detective Sussen to be sound and supported by multiple facets of the investigation. Detective Sussen concluded the physical evidence was consistent with Officer Smith making a slow U-turn and not conducting a roadblock type action. Furthermore, the CIRB finds that Officer Smith's lack of reaction time would have made it nearly impossible for him to initiate and conduct a roadblock. The CIRB supports Detective Sussen's conclusion that the physical evidence corroborates Officer Smith's account of the collision.

Officer Adam Smith #50754

Officer Smith was interviewed by the CIRB. The areas addressed with Officer Smith were **tactics, decision-making, use of force,** and **policy**.

The CIRB's clarifying questions sought to determine:

- Who had IC of the call?
- Did Officer Smith intentionally engage in a roadblock tactic prohibited by TPD policy?
- Did Officer Smith provide consistent accounts of the incident at the scene and to OPS?

Investigative Statement and CIRB Testimony

Officer Smith told the CIRB he recalled being at 29th Street and Swan Road when he was dispatched as a back-up unit to the Dunkin Donuts call. He recalled dispatch advising there was a fight between two males with a baton involved and that the emergency tone was activated, elevating the call to a level two call for service. He responded at normal speeds and did not activate his lights and siren.

Officer Smith told OPS several other units closer to the call began to respond. He decided he would continue to the call driving at normal speeds, not activating his lights and siren due to his distance from the location, as well as the proximity of other units. Driving northbound on Swan Road from 29th Street, he began looking for the reported truck and motorcycle involved in the incident. Officer Smith advised he did not make any radio transmissions, but he heard ASU and patrol units were behind the motorcycle, so he began looking for the outstanding truck reportedly involved in the incident. As he got closer to the area where ASU was calling out direction of travel for the motorcycle, he also began to watch for it.

Officer Smith said that it has been his experience that ground units often cannot catch up to motorcycles. He said a better option is to wait for the rider to get off their motorcycle and try to detain them while on foot. Officer Smith testified to the CIRB he heard ASU following the motorcycle, and knew units were behind it, but he did not believe officers were in pursuit of the motorcycle. He stated he did not feel the need to get behind the motorcycle, believing it would be a better tactic to drive into the neighborhood, wait to see if the rider would abandon the motorcycle, and continue on foot. At this point Officer Smith said he decided to turn around, go southbound, and turn off into the neighborhood.

Officer Smith told OPS Holmes Street was the first opportunity he saw to turn around so he could drive southbound. He advised he wanted to go further south and not turn into the neighborhood at Holmes Street. He said this was why he decided to make a U-turn instead of a left-hand turn. As he approached the turn bay, he said he stopped briefly because there was a large amount of brush in the median.

He told the CIRB he observed that he only had two lanes within which to turn and did not want to have to make a 3-point turn. He decided he needed to position his car as far right as possible, and go as deep as he could into the turn bay so he could clear his turn in one motion. He thought this technique would provide him the best opportunity to make the turn, knowing Holmes Street would provide extra area for turning room.

Officer Smith testified to the CIRB the last ASU radio transmission he heard was that the motorcycle was at Speedway Boulevard and Swan Road. He recalled seeing several sets of headlights in the area of Speedway Boulevard as he looked north. Officer Smith testified to the CIRB that from the time he turned onto Swan Road off of East 29th Street, he was not passed by a motorcycle or white truck. He was confident the entire time up to the collision these vehicles were both north of him, as he was the most southern responding unit.

Officer Smith told OPS, "So in my head I had plenty of time, he's not even--he's coming through Speedway right now. I can just flip around and shoot on a street and sit and wait." He said he slowly moved into the intersection and inched out so he could see around the thick median brush. Officer Smith said he activated his overhead lights in order to allow for anyone in the area, including ASU, to see him.

He remembered looking north and clearing the area for his turn. Then as he started turning his head to the south, he said he felt a heavy impact to his vehicle. He told OPS he observed the motorcycle rider fly past his vehicle and land on the street south of him. Officer Smith told OPS he did not see or hear the motorcycle before the collision, nor did he believe it was in close proximity to him.

The CIRB read the statement of Sergeant Da Cruz given to OPS specific to the conversation Sergeant Da Cruz had with Officer Smith immediately following the collision. Sergeant Da Cruz advised OPS and the CIRB that Officer Smith told him he believed the motorcycle had already passed his location.

Officer Smith testified to the CIRB he had done a lot of reflecting on the incident over the past 9 to 10 months, and for the most part, the details of the incident were very clear in his mind. However, he testified the moments immediately following the collision were "foggy," including his conversation with Sergeant Da Cruz. He said he believed the discrepancy in his account of the positioning of the motorcycle could have been "a miscommunication . . . me having my streets wrong . . . to Sergeant Da Cruz not understating what I was telling him." He was asked by the CIRB if he remembered telling Sergeant Da Cruz the motorcycle was south of him already, and he testified, "I do not."

Officer Smith told OPS he did not intentionally pull out in front of Mr. Hoffman. He stated with few exceptions would he ever put himself in harm's way by pulling out to block a motorcycle or other fleeing vehicle. He further stated he had never been trained to do this in a patrol capacity. Officer Smith elaborated that, if a road block was conducted as part of a SWAT operation, it would be considered a lethal force action.

Officer Smith was asked who had IC on this call. He advised he heard Sergeant Da Cruz come on the air and acknowledge the call. He also knew Officer Enos was at the scene, and by policy, Officer Enos would have been considered the initial IC. Officer Smith said it is common practice that when a higher ranking member comes on the air, he or she is assumed to be the IC. In this incident, he believed Sergeant Da Cruz was the IC because Sergeant Da Cruz had acknowledged the call. He stated no direction was given by Sergeant Da Cruz prior to the accident.

Officer Smith was also asked about ASU's ability to override radio transmissions in the field. He testified ASU is a valuable resource, but this overriding feature can be frustrating when other units need to get on the air. When questioned by the CIRB about the radio traffic, Officer Smith said he felt he could have transmitted on the air if he had needed to do so.

In closing out his CIRB testimony, Officer Smith commended the Traffic Investigations Unit and OPS for being incredibly professional and thorough. He said he also appreciated the assistance from the Behavioral Sciences Unit (BSU) throughout this process.

Analysis

Who had IC of the call?

Officer Smith stated per policy, Officer Enos had IC, but in practice Sergeant Da Cruz had IC.

Did Officer Smith intentionally engage in a roadblock tactic prohibited by TPD policy?

Officer Smith did not remember hearing ASU broadcast that Mr. Hoffman was through 5th Avenue and Swan Road. However, the high rate of speed at which Mr. Hoffman was traveling and the poor road visibility conditions made Officer Smith's ability to execute a safe turn maneuver difficult, if not impossible.

The traffic reconstruction demonstration showed it would have taken Officer Smith 1.8 seconds to observe the motorcycle once he cleared the median. It takes the average human brain 1.5 seconds to perceive information and react. Vehicle lights can also be brighter and "wash out" dimmer motorcycle headlights to the point of being indiscernible, per Detective Sussen.

Officer Smith testified to the CIRB that, with few exceptions, he would never put himself in harm's way by pulling out to block a motorcycle or other fleeing vehicle. He further stated he had never been trained to do this in a patrol capacity and he understood a road block of a motorcycle could be considered a lethal force action.

Did Officer Smith provide consistent accounts of the incident at the scene and to OPS?

The CIRB asked clarifying questions of both Sergeant Da Cruz and Officer Smith about their conversation following the collision. Sergeant Da Cruz ascertained the preliminary details of what occurred from Officer Smith to facilitate the proper investigative steps. Sergeant Da Cruz did not

ask follow up questions to Officer Smith's preliminary statement. Although Sergeant Da Cruz advised OPS and the CIRB that Officer Smith told him he believed the motorcycle had already passed his location, Officer Smith was adamant in his OPS interviews and CIRB testimony that he never thought the motorcycle was south of him.

Officer Smith testified to the CIRB the moments immediately following the collision were "foggy," including his conversation with Sergeant Da Cruz. Detective Sussen noted the extreme amount of force created during the collision, commenting it was enough force to move the patrol car 2.5' at its heaviest point. The CIRB finds it credible that Officer Smith was shaken up in the moments immediately following the violent collision and that may have contributed to a communication breakdown.

Officer Smith stated he traveled north on Swan Road from 29th Street and knew the motorcycle was never south of him, inferring he would not have intentionally told Sergeant Da Cruz otherwise. Officer Smith stated the discrepancy between the two accounts could have resulted from miscommunication at the hectic collision scene. Based upon the review of all investigative information and the CIRB testimony provided by Sergeant Da Cruz and Officer Smith, the CIRB found no intent by either member to be deceptive. Officer Smith's interviews with OPS and his CIRB testimony were consistent and supported by the physical evidence.

Findings and Recommendations

Officer Smith's testimony supports the CIRB finding that IC was not clearly defined on this incident. To clarify the issue that rank does not automatically dictate IC, the CIRB recommends this report be used by the Training Academy as a resource to improve IC training.

The CIRB finds the interviews and investigation demonstrated Officer Smith did not intentionally engage in a use of force maneuver utilizing his patrol vehicle, nor did he attempt to create a roadblock to stop the motorcycle. The established facts make clear that this incident was quite simply a tragic accident.

The CIRB **"Exonerates"** Officer Smith from the intentional use of force allegation related to this investigation. Though it did not impact the board's determination, it should also be noted that the Pima County Attorney's Office conducted an independent review of the facts and declined prosecution of Officer Smith.

GENERAL RECOMMENDATIONS AND FINDINGS

Policy

During the pendency of this CIRB, Chief Chris Magnus established a Driving Safety Committee led by Captain John Strader to review and revise department policies and practices related to vehicle operation. This has been part of a broader effort by the department to reduce the number of police-involved motor vehicle collisions and improve the traffic safety of our officers and community as a whole. The committee included representatives from Patrol, Training, Traffic Investigations, Air Support, Communications, the Tucson Police Officer's Association (TPOA), Audit and Best Practices, Legal Advisor's Office, OPS, and the Technology Section. The committee also worked with several police driving subject matter experts.

The committee reviewed and consolidated numerous policies addressing "Department Vehicle Equipment and Operations" into one streamlined policy. The larger body of work generated by the committee will be appended to this report, but the CIRB specifically commends and endorses the analysis done by the Driving Safety Committee regarding the issue of *de facto* pursuits.

The CIRB supports the committee's policy revisions, including its emphasis on outlining a clear understanding of "emergency driving," "Code 3 driving," and the associated responsibilities that go with each. The CIRB similarly supports the Driving Safety Committee General Order revisions for ASU related to air pursuits and surveillance. The updated policies and associated training incorporate the following significant changes:

- Introduces a speed ceiling governing emergency vehicle operations (20 mph) for both marked and unmarked vehicles
    - Requires supervisory notification, review, and approval of situations involving speeds in excess of the stated ceiling;
- Enhances delineation of ASU responsibilities and inclusion of clear definitions outlining the difference between "Air Active Pursuit" and "Air Surveillance"
- Updates policy details to ASU operational protocols for air surveillance situations that do not meet pursuit criteria;
- Enhances definition of pursuits removing the former technical provisions that failed to adequately capture the event or prompt supervisory reviews of pursuits;
- Defines personnel designated as potential "Pursuit Supervisors" to improve oversight and accountability;
- Prohibits the attachment of unapproved devices to department vehicles which may obstruct the driver's view;
- Creates a consolidated driving manual for unmarked, plainclothes & undercover vehicles.

The CIRB recommends the Training Academy staff ensure that the revised standards and direction generated by the committee, as well as the lessons from this report, receive agency-wide dissemination, education, and testing.

Equipment

The CIRB endorses the efforts of the Driving Safety Committee that include technological solutions to monitor the operation of City vehicles. After consultation with industry experts, the committee concluded that driving behavior monitoring systems, already used widely by both private and public-sector entities, could enhance safety for department operations.

Such a system would allow supervisors to track driving actions like speed, rolling stops, hard braking, and other similar behaviors in real time or through historical reports. At the time of this report, City of Tucson Risk Management and the TPD Technology Section have identified a qualified service provider and funding source for this technology. The CIRB recommends immediate implementation of this technology.

The CIRB also recommends video recording capability for ASU, which would be mandatory during surveillance of fleeing vehicles and pursuit situations.

Training

One of the areas of concern identified by the CIRB involves ASU's ability to override the radio transmissions of all other members in the field. Though done with good intentions, creating this capability resulted in the unintended consequence of ceding operational control of calls to ASU because ground units find themselves unable to transmit. Sergeant Da Cruz stated he made several attempts to get on the radio during this incident, but was unable to do so because ASU was transmitting.

The CIRB believes this issue should be addressed by first re-training ASU personnel and the sergeants who interface with them. The training should include, but not necessarily be limited to, radio discipline and the use of specific terminology/information when describing the proximity of police personnel to a fleeing vehicle. The CIRB recommends the training be created, implemented, and reviewed prior to discussion of removing the radio override function from ASU. Should the problem continue to impact supervisors' ability to manage calls for service after the training takes place, then consideration should be given to removing this override function.

Use of Force

Use of force was a focal point of this CIRB review. The evidence does not support the assertion that Officer Smith intentionally deployed a road block tactic to stop Mr. Hoffman. The CIRB finds Officer Smith did not intentionally try to block or stop Mr. Hoffman with his patrol car.

Supervision

This issue of whether Sergeant Da Cruz provided adequate supervision during this incident was described at length under the section addressing Sergeant Da Cruz's actions. The CIRB found that this incident was not properly supervised prior to the collision. Sergeant Da Cruz did not employ sound supervisory decision-making and failed to provide direction concerning tactics to personnel on the call. He also failed to gather pertinent information needed to determine whether it was appropriate to follow the fleeing motorcycle from the scene.

Sergeant Da Cruz should have confirmed if there was a basis for a criminal investigation. He should have requested vehicle speeds, traffic condition information, proximity of units to the motorcycle, and clarification regarding any potential victims at the scene. This incident highlights the need for prompt supervisory engagement in situations involving fleeing vehicles and other circumstances that involve initiating pursuits. It should be noted that Sergeant Da Cruz appropriately managed the call from the point of the collision until he was relieved of his supervisory duties.

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.

The CIRB recommends that *General Orders* Chapter 3600 (Vehicle Operations) undergo significant revision to provide clarity and improved understanding of the responsibilities and considerations when undertaking emergency or pursuit driving. Areas for revision include, but are not limited to, emergency driving, pursuit driving, and ASU involvement in fleeing vehicle situations.

- Captain Matt Ronstadt of the Audit and Best Practices Unit is responsible for facilitating the *General Orders* updates.

The CIRB recommends additional training for supervisors and ASU personnel to ensure effective and appropriate radio communications in fleeing vehicle situations.

- Field Services Bureau Assistant Chief Kevin Hall will have oversight of this recommendation.

The CIRB finds Sergeant Da Cruz violated *General Orders* 1330.2, 1143.6 and 2423.

- These violations will be reviewed by Operations Division Midtown Captain Paul Sayre for the appropriate application of the Discipline Guide.

The CIRB finds Officer Solarino violated *General Orders* 1330.2, 1330.3, 2521.2, 2522.6 and 2523.3.

- These violations will be reviewed by Operations Division Midtown Captain Paul Sayre for the appropriate application of the Discipline Guide.

CIRB MEMBERS

Chairperson, Deputy Chief Chad Kasmar

Vice Chair, Captain Eric Kazmierczak

Member, Lieutenant Michelle Pickrom

Member, Lieutenant Jennifer Pegnato

Member, Lieutenant Robert Garza

Scribe, Lieutenant Alisa Cunningham

Peer Officer, Officer Brandon Tatum

City Attorney, Ms. Julianne Hughes

City Attorney, Ms. Rebecca Cassen

Legal Advisor, Ms. Lisa Judge

Independent Police Auditor, Ms. Liana Perez

Community Member, Ms. Margo Susco

<u>Non-Voting Observers</u>

TPOA Grievance Chair, Officer Don Jorgenson

Office of Professional Standards, Sergeant Craig Kerlin

APPENDICES

- Appendix A – Driving Safety Committee Changes Overview memorandum
- Appendix B – Proposed new General Order 3600 (all vehicle operations)
- Appendix C – Technology proposals for increased safety and accountability

APPENDIX A

MEMORANDUM

DATE: March 02, 2017

TO: Chris Magnus
Chief of Police

FROM: Lieutenant J.G. Strader
Executive Officer

SUBJECT: Driving Safety Committee Changes Overview

As a result of the findings from several recent Boards of Inquiry, we established a Driving Safety Committee to review our departmental policies and practices for the purpose of developing plans to help reduce the number of police-involved motor vehicle collisions in order to improve the safety of our officers and the community as a whole. The committee was comprised of representatives from Patrol, Training Staff, Traffic Investigations, Air Support, Communications, Driving Training Instructors and a SME, TPOA, Audit and Best Practices, Legal Advisors, OPS, and the Technology Section. Our work began with reviewing and consolidating the various policies addressing Department Vehicle Equipment and Operations into one streamlined policy in order to make them less cumbersome and to reduce confusion for Department members. The revised policies and associated training plans incorporate the following significant changes:

- Introducing of a speed ceiling both for unmarked driving and for emergency vehicle operations.
- Requiring supervisory notifications if situations require speeds in excess of the stated ceilings.
- Revising Air Unit responsibilities and delineating the difference between active pursuit vs. surveillance participation.
- Redefining pursuits in order to remove the current technical provisions which fail to accurately capture or prompt supervisory reviews of pursuits.
- Redefining which personnel are designated as potential Pursuit Supervisors to improve accountability.
- Prohibiting the attachment of any unapproved devices which may obstruct the driver's view.
- Distinguishing between emergency driving and Code 3 driving.
- Addressing the need to occasionally speed in order to catch up to a vehicle for the purpose of initiating traffic enforcement.
- Exploring potential equipment and technologies to aid in driving safety and accountability.
- Creating a consolidated Driving Manual for Unmarked, Plain Clothes & Undercover vehicles.

The driving committee has worked with our Training Academy staff to ensure that proper standards and direction are in place and that there is a consolidated plan to ensure Department personnel are educated on the changes made to the policy. The proposed changes were discussed with external stakeholders as well, to include the Independent Police Auditor, Mitchell Kagen, the City Risk Manager Allie Matthews, and community leader input from Dr. Richard Nassi of the Pedestrian Safety Task Force. I've attached supplemental material for your review outlined in the appendices.

- Appendix A- Proposed new General Order 3600 (all vehicle operations)
- Appendix B- Proposed new Unmarked, Plain Clothes & Undercover Vehicle Operations Manual
- Appendix C- Proposed new General Orders 2500 & 3700 to reflect removal of vehicle policies
- Appendix D- Technology Proposals for increased safety and accountability

APPENDIX B

Updated and Published December 20, 2017

General Order 3600 DEPARTMENT VEHICLES

3601 GENERAL

Members authorized to drive Department vehicles shall abide by all applicable state and local laws and regulations as well as City Administrative Directives and specific Department procedures. Members shall operate Department vehicles at all times with due regard for safety. All members shall wear seat belts when operating or as a passenger in any City vehicle. All passengers, including prisoners in screened units, shall be appropriately restrained.

3601.1 Driver Licenses Required

Members who operate any City or Department vehicle shall obtain and maintain a valid Arizona Driver License of the appropriate class. Loss of a required license due to suspension or revocation renders the involved member subject to disciplinary action up to and including termination.

Members, who are classified as primary or secondary drivers as defined by City Administrative Directive, who have their license suspended or restricted by the state for a period of less than 180 days may be reassigned by the Chief of Police to a position that does not involve driving as a job requirement. A primary or secondary driver whose license is suspended or restricted by the state for a period exceeding 180 days is subject to termination.

3610 VEHICLE ASSIGNMENT

3610.1 Inspection and Security

Each time a member begins a duty tour and operates a vehicle, they are required to inspect the vehicle for proper mechanical and electrical operation, serviceability, items of property not assigned to the vehicle (e.g. personal property, contraband, etc.), required service or emissions inspection, and unreported damage. The interior of vehicles used for the transportation of prisoners shall be searched before and after each transport, including a thorough search of the prisoner transport area of the vehicle for contraband, dangerous instruments, weapons, etc.

At the conclusion of their tour of duty, vehicle operators shall again inspect the vehicle for damage or any property not assigned to the vehicle. A supervisor shall be notified of any discrepancy. The vehicle will be left with not less than one-half tank of fuel. Operators shall remove all trash from the interior and keep the vehicle as clean as reasonably possible. The vehicle keys shall be returned to the appropriate location.

3611 Marked Units

The Department marked fleet is the primary vehicle for first responders. Markings and emergency equipment on each marked unit shall be consistent in design and shall not be altered except by direction of the Chief of Police.

3611.1 **Standard Vehicle Equipment**

In addition to the required emergency lights, safety equipment, and communications equipment each marked unit shall have the following equipment immediately available:

- stocked first aid kit and blanket
- fire extinguisher
- road flares
- traffic cones
- serviceable spare tire and related tools

Division Fleet Technicians shall maintain replenishment supplies at each substation and at Headquarters. Drivers shall ensure that each vehicle they drive contains these items.

No equipment may be affixed inside the vehicle in a manner which could obstruct the driver's view without prior approval.

3612 Unmarked Units

The Department unmarked fleet is primarily for follow-up responders, undercover operations, and administrative use. Division Commanders shall be responsible for the assignment of these vehicles in accordance with Bureau policies. Assigned drivers shall be responsible for the operation, maintenance, and security of their vehicles.

An assigned vehicle will remain with the Department member unless they are assigned to a detail that utilizes leased vehicles. Detectives leaving the detective assignment shall relinquish control of the vehicle to the Administrative Resources Division (ARD). Vehicles shall not be reassigned from one member to another without the approval of the ARD.

Unmarked units shall be subject to additional specific policies outlined in the Unmarked, Plainclothes, and Undercover Driving Manual.

3613 24-Hour Vehicles

When approved for an assignment, a 24-hour take-home vehicle is provided for use at the option of the employee, and its use by the employee is strictly voluntary. Members shall not take a City-owned vehicle home unless they have 24-hour take home status granted through their chain of command including the Chief of Police or previously documented approval from their

supervisor. Members authorized a 24-hour vehicle shall complete a "Request for Assignment of 24-hour City Vehicle" form in accordance with City Administrative Directives and submit it to the ARD before receipt of a vehicle. The forms shall be maintained by the ARD.

Members with approved 24-hour take-home status shall comply with City Administrative Directives and the requirement that employees shall live within 20 miles of their permanent work site, except with approval from the City Manager.

3614 Specialty Vehicles

The Department fleet includes various specialty vehicles. These vehicles may have unique operating characteristics that require specific training for safe operations. Members shall be trained and qualified before operating specialty vehicles.

3614.1 Off-Road Vehicles

The Department fleet includes four-wheel-drive and off-road vehicles (e.g. side-by-side utility task vehicles).

3614.2 Vans and Trucks

The Department uses vans and trucks for a variety of purposes including Identification, Evidence and Forensics, Prisoner Transport, Mobile Field Force transport, Commercial Vehicle Enforcement, and transportation of oversized items.

3614.3 Mobile Command Center

The Mobile Command Center is available 24 hours-a-day for critical incident response and by appointment for community demonstrations. The Mobile Command Center shall be the responsibility of the Special Operations Section. Operators are responsible for maintaining and updating the inventory of all related equipment when used.

3614.4 SWAT Vehicles

The SWAT team is assigned a number of specialty vehicles including raid vehicles, equipment transports, and armored vehicles. SWAT shall be responsible for the training and qualification of its members in the safe operation of each specialty vehicle. The use of any of these vehicles shall be governed by tactical need, within the scope of training and the capability of the vehicle.

3614.5 Police Motorcycles

Police motorcycles shall be assigned through the responsible FSB commander. Motorcycles will be deployed primarily for traffic-related purposes, but may be used for specialized functions such as

parades or crowd-control. Their operation and maintenance is outlined in the Solo Motors Manual.

3614.6 Other Specialty Vehicles

The Department maintains other vehicles, including tractor and tank trailers and High Mobility Multipurpose Wheeled Vehicles (HMMWV), commonly called "Humvee," for use in special circumstances. These vehicles are assigned to specific units and their use is governed by operational need.

3620 VEHICLE SERVICE AND DEADLINING

When a vehicle is not in serviceable condition or the condition is such that repair cannot immediately be completed, the vehicle shall be deadlined according to procedure. To maintain vehicle availability, marked police vehicles shall not be deadlined for minor problems that do not constitute a hazard to the operation of the vehicle. If the operator discovers a flat tire during the initial inspection, it shall be the operator's responsibility to change the tire unless a Fleet Technician is available to assist. The vehicle operator shall change flat tires occurring in the field.

When a member deadlines a vehicle for service or repairs, the member shall:

- park the marked unit in the designated area of one of the field divisions;
- complete the Vehicle Discrepancy Report and note the location of the vehicle on the report;
- place a traffic cone on the hood of the vehicle; and
- place the keys in the appropriate location for the Fleet Technician.

Vehicles not assigned to one of the field divisions shall be the responsibility of the operator. If they are deadlined, the operator shall complete the discrepancy report and ensure the vehicle is taken to Fleet Services at Park and Ajo. If the vehicle requires routine maintenance (including the annual emissions testing for vehicles three years or more in age), it is the operator's responsibility to schedule an appointment with Fleet Services. If the vehicle is deadlined for an extended period, the operator may contact the Logistics Section for temporary assignment of a pool vehicle. The member shall collect any personal or Department property not assigned to the vehicle prior to deadlining it.

When a City vehicle breaks down in the field, the member shall notify Police Communications of the vehicle number, the vehicle location, and the general nature of the problem. Communications will notify City Fleet Control and a mechanic or City contract tow truck (not necessarily the Police contract tower) will be dispatched to the vehicle location. It is the operator's responsibility to ensure the vehicle is repaired or towed to Fleet Services.

3630 DEPARTMENT VEHICLE OPERATION

All members shall operate Department vehicles with due regard for the safety of all persons, including while utilizing a mobile tactical computer (MTC) during normal vehicle operations. The Department recognizes that it may be necessary at times to operate department vehicles in violation of Arizona Revised Statutes (ARS) Title 28 and Tucson City Code; however, members shall be able to justify their driving behavior in consideration of the associated risks against the need to do so for the benefit of the community.

3631 Emergency Driving

Emergency Driving is defined as anytime a vehicle is operated in violation of state or local law for a legitimate law enforcement purpose. Under normal circumstances the operator shall not exceed 20 miles per hour beyond the posted speed limit. Any time emergency driving exceeds 20 miles per hour beyond the posted speed limit, the operator will immediately notify a supervisor via radio of his/her speed and the legitimate law enforcement purpose which makes it necessary. When engaging in emergency driving, members shall do so with due regard for the safety of all persons.

If feasible and appropriate, members engaging in emergency driving will use their Code-3 equipment. Members driving a vehicle shall not utilize their MTC while engaged in emergency or Code-3 operation, and shall use the police radio for critical communications including call updates. Supervisors are responsible for monitoring the operation of units engaging in emergency or Code-3 operation, as well as the number of units operating in either capacity. Supervisors shall terminate emergency or Code-3 operation as appropriate.

3632 Code-3

A Code-3 response is the operation of a properly marked and equipped police vehicle while continuously employing the siren and all available emergency lights to expedite response to an emergency. Only those vehicles equipped with approved fixed mount or portable red, or red and blue, emergency lights and siren may operate Code-3. Driving Code-3 does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.

3632.1 Operational Considerations

When members are responding Code-3 to an emergency call for service, or are in vehicular pursuit of a suspect (see *General Order 3640*), the following shall be adhered to:

- The member shall have the siren and all emergency lights in operation, as well as the headlights on an unmarked unit. Members will take necessary steps (e.g., rolling up windows, etc.), to better enable them to hear radio transmissions and to ensure that the dispatcher understands their transmissions.

- A member responding Code-3 to any call for service will notify the dispatcher that he/she is responding Code-3.

- When a member operating Code-3 approaches an intersection, the intersection shall be traversed with due regard for the safety of other vehicle traffic and pedestrians at all times. When traversing an intersection with a red light or stop sign for the direction the member is traveling, the member shall come to a complete stop before entering the intersection and traverse the intersection only when it can be done safely. Each lane of travel shall be cleared individually before proceeding through the intersection.

- If equipment failure involving the vehicle's emergency lights, siren, radio, brakes, steering or other essential equipment occurs, the member shall discontinue any emergency driving.

3632.2 Level-1 Calls

A Level-1 call for service is an emergency incident posing an immediate threat to life. Only units dispatched to the call or who have advised that they are responding may operate Code-3.

3632.3 Level-2 Calls

A Level-2 call for service is a critical incident involving imminent danger to life or a high potential for a threat to life to develop or escalate. A member responding to a Level-2 call may operate Code-3 only when it reasonably appears that an on-going emergency requires such response, or when traffic or other conditions make such response necessary. Only those units dispatched to the call or who have advised that they are responding may operate Code-3.

3633 Traffic/Suspect Stops and Traffic Hazards

Emergency driving is often necessary in order to initiate a traffic stop. The emergency lights alone may be used as a means of stopping traffic violators or suspects, or for minimizing possible traffic hazards (e.g., at a collision scene). The siren will be activated only when it is apparent that the emergency lights alone have not attracted the attention of the violator. If the violator fails to stop after an attempt utilizing both emergency lights and siren, and pursuit criteria is not met, notification shall be made over the radio and further attempts to stop or follow the vehicle shall cease.

3634 Escorts/Processions

3634.1 Emergency Escorts/Processions

Members engaging in an escort for emergency purposes shall utilize lights and sirens. Members are prohibited from serving as an escort for any vehicle, except for the preservation of

life, escorting the movement of special Department vehicles (e.g., SWAT armored vehicles), or when expediting movements of supplies and personnel of the Armed Forces. In all such cases it is incumbent on the escorting member to adhere to the purpose of an escort, which is to safely expedite passage of the escorted vehicle through traffic without resorting to excessive speed or subjecting citizens to unnecessary risk. In medical emergencies, the patient should be transported by ambulance.

3634.2 Non-emergency Escorts/Processions:

All other escorts or processions (e.g., political dignitaries, foreign officials, etc.) require the approval of the Chief of Police, or designee, or shall occur as part of an approved operation plan. Under certain circumstances, continuous use of the emergency lights without the siren may be appropriate while convoying or escorting. The siren may be intermittently employed to clear traffic.

3640 VEHICLE PURSUIT

3641 General

A pursuit is the active attempt by law enforcement to apprehend one or more occupants of another moving vehicle when it is reasonably apparent that the driver of that vehicle is aware of that attempt and is resisting apprehension by disobeying traffic laws or attempting to elude the member.

A pursuit is authorized when a member can articulate a reason to believe that the occupant(s) of the fleeing vehicle have been involved in a violent felony offense against persons (for example, homicide, sexual assault, aggravated assault or robbery). A pursuit is not justified merely because the driver is committing the offense of felony fleeing. A pursuit for a traffic offense, property crime (i.e., burglar or auto theft), or suspicious activity is prohibited. In choosing whether to initiate a pursuit or to allow its continuation, members shall consider the degree of risk to themselves and others.

Members and supervisors shall constantly evaluate the circumstances surrounding a pursuit, and shall immediately terminate the pursuit when the danger to members and/or the public outweighs the need to continue pursuing the fleeing vehicle. The continual assessment of the circumstances and conditions of the pursuit shall include the likelihood of apprehension, whether or not the identity of the offender is known, vehicle speeds, traffic volume and conditions, environmental factors such as weather and light conditions, location, and types of streets involved. Members engaged in a pursuit shall be responsible for the safe and prudent operation of their vehicles at all times and shall exercise due regard for the safety of all persons. All members involved in a vehicle pursuit shall be prepared to justify their actions and shall be able to justify any deviation from department policy or procedures.

3641.1 Definitions

The following definitions shall be used within the context of the vehicle pursuit policy.

Air Active Pursuit: Defined as situations when the Air Unit is assisting in the active attempt to apprehend one or more occupants of a moving vehicle when it is reasonably apparent that the driver of the vehicle is aware of that attempt and is resisting apprehension by disobeying traffic laws or attempting to elude the member.

Air Surveillance: Defined as situations when the Air Unit is assisting with following a suspect vehicle, but under conditions where it is reasonably apparent that the driver of the vehicle is not aware of law enforcement's attempt to follow their vehicle, and the driver is not resisting that attempt by disobeying traffic laws or attempting to elude law enforcement.

Primary Unit: The police vehicle that initiates a pursuit, or any unit that subsequently assumes the lead vehicle position immediately behind the fleeing driver.

Secondary Unit: The police vehicle that serves as the backup to the primary unit and which follows the primary unit at a safe distance.

Tertiary Unit: A third unit necessary to assist in a stop of the vehicle when performing Close Quarter or High-Risk Felony stop techniques.

Pursuit Supervisor: A member holding the rank of sergeant (or LPO designated as an acting sergeant), or above, who assumes control of a vehicle pursuit. In the absence of the above listed personnel, a communications supervisor will have the authority to monitor and terminate a pursuit. The Pursuit Supervisor shall not be engaged in the pursuit as a primary or secondary unit.

Specialty Vehicle: A police motorcycle, low-profile marked unit with emergency lights and siren but not an overhead light bar, marked four-wheel drive police vehicles, or marked police vans which are equipped with overhead lights and siren.

Terminate: All units discontinue emergency vehicle operation, cease pursuit of the fleeing vehicle, and either pull to the side of the road or resume normal operations in the opposite direction of travel.

3642 General Vehicle Pursuit Procedures

Except as specified in 3643.6, only marked police vehicles equipped with both emergency lights and sirens shall engage in a vehicle pursuit. While in a pursuit, the emergency lights and siren shall be in constant operation.

A unit involved in a vehicle pursuit shall immediately cease involvement if their police vehicle experiences a failure of any vital safety system, including engine, brakes, emergency lights or siren.

3642.1 Prohibited Conduct in Vehicle Pursuits

A police unit involved in a vehicle pursuit shall not attempt to overtake, pull alongside or pass the fleeing vehicle without specific authorization from the Pursuit Supervisor. Members shall not pass other units involved in a pursuit unless the passing member receives specific permission from the unit being passed.

No more than three police vehicles (primary, secondary and tertiary unit) will be involved in a vehicle pursuit unless specifically authorized by the Pursuit Supervisor. Other units in the area of a vehicle pursuit will monitor the pursuit and position themselves to be of assistance, but shall not join in the pursuit unless authorized by the Pursuit Supervisor. Units positioning themselves to possibly assist are not authorized to parallel a vehicle pursuit or otherwise engage in unauthorized vehicle operations.

3642.2 Passengers in Police Vehicles

Except in extraordinary circumstances, members shall not participate in pursuits when any person who is not a peace officer occupies their vehicle, to include prisoners, suspects, complainants, witnesses, or civilian observers. If a police unit with a non-peace officer occupant is involved in a pursuit, the member shall, as soon as practical, terminate involvement in the pursuit and either pull to the side of the road or resume normal operations in an alternate direction of travel.

3642.3 Use of Deadly Force in Vehicle Pursuits

The use of a vehicle as deadly force against the fleeing vehicle and its occupants shall only be considered as a last resort and only in those circumstances where the use of deadly force meets the guidelines set forth in *General Order Chapter 2000*. The use of deadly force in these circumstances shall require permission from the Pursuit Supervisor if feasible.

3643 Pursuit Unit Responsibilities

3643.1 Primary Unit Responsibilities

The first unit to become involved in a vehicle pursuit will be designated as the primary unit. The primary unit shall be considered the Incident Commander for the pursuit until a Pursuit Supervisor is identified. Immediately upon initiation of a pursuit, the primary unit shall broadcast the following information:

- Primary unit identifier;

- Nature of the offense for which the suspect is being pursued;
- Location, direction of travel, and speed of the vehicle;
- Description of the vehicle being pursued;
- Description and number of the occupants in the vehicle being pursued; and
- Special information, e.g., hazards to members, traffic conditions, etc.

The primary unit may advise and request additional units from the Pursuit Supervisor if conditions, such as multiple suspects in the fleeing vehicle, warrant the need for additional units.

3643.2 Secondary Unit Responsibilities

The second unit joining the pursuit shall advise Communications that they are the secondary unit. The secondary unit shall follow the primary unit at a safe distance. When a secondary unit joins a pursuit they will relieve the primary unit of the responsibility for broadcasting the following information:

- Location, direction of travel, and speed of the suspect vehicle;
- Description of the suspect vehicle;
- Description and number of occupants in the suspect vehicle; and
- Other relevant information, e. g., hazards to members, traffic conditions, etc.

The secondary unit will not pass or overtake the primary unit unless requested to do so by the primary unit, or if directed to do so by the Pursuit Supervisor. If this is accomplished the secondary unit will assume the responsibilities of the primary unit.

3643.3 Tertiary Unit Responsibilities

A third unit joining the pursuit shall activate their emergency lights and siren and advise Communications that they are the tertiary unit. It will be the responsibility of the tertiary unit to back up the primary and secondary units and be prepared to position themselves as one of the units conducting a Close Quarter Stop should the Pursuit Intervention Technique (PIT) be utilized. The tertiary unit shall follow the secondary unit at a safe distance.

The tertiary unit shall not pass or overtake the secondary unit unless requested to do so by the secondary unit or if directed to do so by the Pursuit Supervisor. If this is accomplished, the tertiary unit will assume responsibilities of the secondary unit.

3643.4 Supervisor Responsibilities

Upon notification of, or awareness that, a vehicle pursuit has been initiated, a Pursuit Supervisor shall be designated and assume responsibility for the pursuit. The supervisor responsible for the pursuit shall be, in order:

- The immediate supervisor of the primary unit;
- A supervisor from the Division in which the pursuit originates; or

- If neither of the above are available, a supervisor designated by the dispatcher or Communications supervisor.

The Pursuit Supervisor shall be the Incident Commander, and is responsible for:

- Monitoring and continually assessing the appropriateness of the pursuit;
- Delegating unit assignments and tactical decision-making; and
- Advising the Air Unit whether Air Active Pursuit or Air Surveillance will be employed for following and observing the fleeing vehicle or if the Air Unit will terminate involvement.

The Pursuit Supervisor shall order the termination of a pursuit if, in their judgment, the level of danger involved in allowing the pursuit to continue outweighs the necessity of apprehension.

At the conclusion of the pursuit, the supervisor shall respond to the stop location. The Pursuit Supervisor shall not change for the duration of the pursuit regardless of whether the pursuit involves multiple divisions or personnel.

The Pursuit Supervisor shall conduct a debriefing of all involved members as soon as practical, and complete the BlueTeam Pursuit report in accordance with these procedures. The supervisor authorizing TPD participation in a pursuit initiated by another jurisdiction (See *General Orders* 3646) shall complete the BlueTeam Pursuit report; justification for TPD participation shall be articulated.

3643.5 Terminating Pursuits

All units involved in a vehicle pursuit are responsible for continually monitoring appropriate radio frequencies for commands regarding the conduct or termination of a pursuit. The order to terminate a pursuit shall be the phrase, "*Terminate the pursuit*." No other verbiage is authorized to order termination of a pursuit. All units shall adhere to the termination order, whether given by any unit involved in the pursuit or the Pursuit Supervisor. Failure to comply with a pursuit termination order shall be a basis for disciplinary action against the non-complying member.

Pursuits shall be immediately terminated when any of the following occur:

- The danger created by the pursuit outweighs the necessity for immediate apprehension;
- Visual contact with the fleeing vehicle is lost for a period of time (approximately fifteen seconds or more); or
- A pursuit termination order has been given.

3643.6 Specialty Vehicles

Police motorcycle units, low-profile marked and unmarked units with emergency lights and siren but without an overhead light bar, four-wheel drive police vehicles and police vans which are fully marked and equipped with overhead emergency lights and sirens may become involved in a pursuit only when they are the primary unit and only when they have initiated the pursuit and it is authorized. Unmarked units shall be subject to additional specific policies outlined in the *Unmarked, Plainclothes, and Undercover Driving Manual*.

While functioning as a primary unit, these vehicles shall activate their emergency lights and siren. These units will, as soon as possible, turn the pursuit over to a fully marked police unit and terminate their involvement, ceasing emergency vehicle operation and resuming operation at the legal speed limit. A fully marked unit is defined as one that is marked and equipped with emergency lights to include an overhead light bar.

3643.7 Additional Duties of Initiating Specialty Unit

Once the fleeing vehicle has been stopped, the initiating specialty unit that was replaced from the pursuit shall respond to the capture scene to assist in report preparation. If the fleeing vehicle escapes, the initiating special unit shall be responsible for coordinating report preparation with the Pursuit Supervisor.

If the primary unit is a specialty vehicle, or is otherwise precluded from being in a pursuit by these procedures or conditions, the primary unit shall clearly direct the secondary unit to assume primary pursuit responsibilities.

3643.8 Air Support Unit Responsibilities

The purpose of conducting air surveillance is to maintain visual contact with a vehicle that has refused to stop for ground units, or that is being monitored while ground units are directed to the vehicle location to attempt a stop. The ASU flight crew shall advise the incident commander of any abnormal driving behavior and the approximate distance of any police units to the offender, e.g. officers are Code-3, one block back. If the offense for which the vehicle is to be stopped does not meet department pursuit criteria, then the following shall occur:

- If the vehicle fails to stop for ground units, but returns to normal driving after ground units have disengaged, then air surveillance may be appropriate.
- If the vehicle continues to operate in an unsafe manner, the ASU crew members will assume that the presence of the Air Unit is a contributing factor and will terminate visual contact with the vehicle immediately.
- While conducting air surveillance of a vehicle that has fled from an attempted stop and for which no pursuit has been authorized, no additional attempts will be made by ground units to contact the vehicle until it can be reasonably assured that such contact will not cause the vehicle to flee again in an unsafe manner.

The Air Unit spot light shall not be used during air surveillance operations. Night Vision Goggles (NVGs) and Forward Looking Infrared (FLIR) cameras may be used. Air surveillance will continue until advised by the Incident Commander to stop/terminate visual contact, at which point the aircrew will advise via radio "we copy termination" and will change direction of flight in a safe manner at the earliest opportunity.

When the Air Support Unit (ASU) responds to a pursuit, the Air Unit Tactical Flight Officer (TFO) shall notify the dispatcher as soon as the TFO has visual contact with the fleeing vehicle, and will, if feasible and unless otherwise instructed, give information over the radio regarding the direction of the pursuit.

The Pursuit Supervisor shall advise the ASU whether active pursuit or surveillance will be employed for following and observing the fleeing vehicle, or if the ASU will terminate participation. Flight safety parameters remain under the control of the pilot in command.

If the Air Unit is directed to assist with an Active Pursuit, the TFO will advise of the approximate speeds of the suspect vehicle, the direction of travel, the driving behavior, and any potential dangers for the field units.

Once the ASU has made visual contact with the fleeing vehicle, the Pursuit Supervisor is responsible for deciding and announcing whether or not the pursuing ground units will maintain active pursuit of the suspect vehicle. The Pursuit Supervisor may direct that units continue pursuing the fleeing vehicle or discontinue emergency vehicle operation and resume normal vehicle operations. If the Pursuit Supervisor orders ground units to discontinue emergency vehicle operation, but directs the ASU to maintain visual contact with the fleeing vehicle, the ASU will provide direction information and coordinate the response of ground units to apprehend the fleeing vehicle in a safe manner.

The Pursuit Supervisor may order the ASU to terminate its visual contact with the fleeing vehicle at any time. If a Pursuit Supervisor issues a termination order, he/she shall specify to the ASU whether or not further air surveillance is to occur.

3644 Special Pursuit Tactics

3644.1 Use of Road Spikes

The use of road spike systems shall only be undertaken after specific authorization of the Pursuit Supervisor, and only by members who have been trained in their use. Spike systems may also be deployed in non-pursuit situations with supervisory approval by trained personnel to prevent a vehicle from fleeing.

Each Division is assigned road spikes. The spikes are accessible through an on-duty supervisor (or a trained LPO) 24 hours-a-day. Other specialty units (e.g., SWAT and Service Dog Units) carry and have the ability to deploy road spikes.

3644.2 Roadblocks/Ramming Fleeing Vehicles

Roadblocks shall not be used to terminate a pursuit. Pursuing units shall only use a police vehicle to intentionally ram the suspect vehicle to disable it and prevent further flight in circumstances that warrant the use of deadly force, and which are authorized by the Pursuit Supervisor.

3644.3 Special Pursuit Tactics (PIT)

The Pursuit Intervention Technique (PIT) is an interdiction technique that involves direct vehicle- to-vehicle contact between a law enforcement vehicle and a fleeing vehicle. The PIT is intended to cause the fleeing vehicle to spin out and stall, thereby bringing the pursuit to an end. When the PIT is used, the member employing the technique shall ensure that all of the requirements are met and shall announce the intention to employ the PIT over the radio so that other members are aware that the PIT is being employed. The Pursuit Supervisor shall continually monitor the situation to ensure that resources are in place to safely detain the occupants of the fleeing vehicle after the PIT has been used.

The PIT is a tactic available to members under very limited circumstances. All of the following requirements apply before a member is authorized to employ the PIT technique:

- The pursuit is authorized pursuant to *General Order 3640,* or the moving vehicle poses an imminent threat to public safety;
- If reasonable to do so, use of the tactic is authorized by the Pursuit Supervisor;
- The speed of the fleeing vehicle does not exceed 35 MPH;
- The member employing the technique is trained in PIT;
- The member is operating his/her vehicle pursuant to ARS 28-624 which requires the use of emergency lights and siren;
- The environmental, traffic, and roadway conditions are suitable for use of the PIT; and
- The types of vehicles involved in the pursuit are appropriate for use of the PIT.

3645 Responsibilities of Police Communications

3645.1 Dispatcher Actions upon Pursuit Initiation

When a pursuit is initiated, the involved dispatcher will activate the emergency traffic tone and dispatch the closest unit to assist as the secondary unit. If the primary unit's supervisor or a supervisor from that Division is unavailable, the dispatcher shall immediately ensure that a Pursuit Supervisor is designated from another Division and that the designee acknowledges responsibility for the pursuit. No additional units will be dispatched to join in the pursuit without the express request of the primary unit and the approval of the Pursuit Supervisor.

When a pursuit moves from one patrol Division to another, the dispatcher from the adjoining Division will notify units in adjoining Divisions/frequencies of the pursuit. The pursuit will remain on the original pursuit frequency and the Pursuit Supervisor will be identified to the other relevant

Divisions/frequencies. The other frequencies will not be combined, unless a tactical scenario requires frequencies to combine. Personnel assisting in the pursuit shall switch to the original pursuit frequency.

3645.2 Notification of Air Support Unit

Upon the initiation of a pursuit, the dispatcher shall request the Air Support Unit respond to the location of the pursuit. If the Air Unit is unavailable, notification will be made to the ground units. Upon notification by the Air Unit that visual contact with the suspect has been established, the dispatcher will broadcast that information to the ground units.

3645.3 Dispatcher Actions upon Pursuit Termination

When a Pursuit Supervisor or an involved unit orders the pursuit terminated, the dispatcher will immediately advise all units to terminate the pursuit and the emergency traffic tone will be cleared.

Upon pursuit termination, Communications personnel shall immediately broadcast the following, citywide:

- the vehicle description and information;
- that the pursuit was terminated; and
- the designator of the Pursuit Supervisor ordering the termination.

3645.4 Dispatcher Record Keeping

Throughout the pursuit, the dispatcher will keep notes on the direction of travel and description of the suspect and the suspect's vehicle. This information will be relayed only when it is obvious that some of the field units have not been able to copy the information previously. The dispatcher will note the time that the pursuit is initiated and the time that the pursuit is ended.

3646 Pursuits Involving Other Jurisdictions

3646.1 TPD Pursuits Outside of the City Limits, Communications

Pursuits beyond the City limits require the approval of a Department supervisor and shall be conducted according to Department policy. The Pursuit Supervisor may request assistance from other jurisdictions as necessary for a vehicle pursuit leaving the City limits.

Once a pursuit has left (or is obviously leaving) City jurisdiction Police Communications will activate the interoperability function. This will allow the Pursuit Supervisor to communicate with other agency supervisors.

3646.2 Pursuits in the City Limits by Other Police Agencies

TPD units will only become directly involved in another agency vehicle pursuit within the City limits if requested to assist by that agency.

When other law enforcement agencies enter the City in pursuit of a vehicle, a TPD member may become involved in the pursuit with approval from a supervisor, provided the pursuit is consistent with, and conducted in compliance with Department policy.

In the event another agency's pursuit is occurring in (or will soon enter) the City of Tucson, the following shall occur:

- Police Communications shall activate the "LE Interop system";
- A patrol supervisor shall coordinate Department resources and response with the pursuing agency, and shall monitor and supervise the conduct of Department members for the duration of the assistance; and
- The pursuit policy shall be adhered to during the duration of the other agency's pursuit (to include completion of a BlueTeam entry).

A supervisor may authorize other non-pursuit assistance.

3646.3 Use of TPD Air Support Unit for Other Agency Vehicle Pursuits

The use of the Air Unit for a vehicle pursuit by another agency, whether or not it is within the City limits, may be authorized by a supervisor. The Air Unit will adhere to Department pursuit policy.

3647 Reporting Procedures

3647.1 Vehicle Pursuit Summary

The Pursuit Supervisor shall be responsible for completing a BlueTeam Pursuit Report at the end of a vehicle pursuit regardless of its duration or outcome, including the issuance of a termination order. This responsibility shall not be delegated and shall be completed by the end of the Pursuit Supervisor's shift. The Pursuit Supervisor shall be responsible for documenting the actions of all participants in a vehicle pursuit.

When a pursuit involves any injury or property damage, the Pursuit Supervisor shall forward a copy of the pursuit report to the Legal Advisor and Risk Management.

3647.2 Debriefing Required

Except in situations involving a CIRB, he Pursuit Supervisor shall conduct a debriefing of the involved personnel upon conclusion of a vehicle pursuit. This debriefing will include all involved members, as practical, and shall occur as soon after termination as possible.

3647.3 Documentation of Out-of-Policy Pursuit Actions

If the Pursuit Supervisor or her/his Chain of Command determines that a pursuit or any actions involving a pursuit were not consistent with Department policy, the circumstances shall be documented on Personnel Reports for review and possible disciplinary action. The Office of Professional Standards (OPS) shall be responsible for tracking disciplinary actions arising from pursuits to ensure uniform application throughout the agency.

3647.4 Report Tracking and Summaries

Once the chain of command and OPS have reviewed the *BlueTeam* entry, it shall be forwarded to the Training Division for tracking and evaluation for training purposes. The Training Division shall be responsible for tracking pursuit records and for the preparation of quarterly and annual statistical analysis summaries for presentation to the chain of command and for training purposes.

3647.5 Charging Requirements

Violators apprehended after a vehicle pursuit shall be charged appropriately, including a felony violation of *Unlawful Flight from a Pursuing Law Enforcement Vehicle,* as well as the underlying offense for which the pursuit was initiated.

3650 COLLISIONS

3651 Collisions Involving City Vehicles

A City vehicle collision is any collision occurring between a City owned or leased vehicle (or private car when the employee is on official City business and has been formally authorized mileage) and another vehicle, pedestrian, animal or fixed object. The Department shall investigate any collision involving a City vehicle, whether on a public roadway or private property. If the collision occurs on a public roadway, the investigator shall complete an *Arizona Collision Report*. If the collision occurs on private property, the investigator shall complete an incident report and a *Supplemental Diagram*. If the collision occurs outside of the jurisdiction of the Department, the law enforcement agency having jurisdiction shall be summoned for a report.

3652 Collisions Involving Department Vehicles

When a Department vehicle is involved in a collision, the operator or investigating member shall immediately request that a supervisor respond to the scene. Documentation of vehicle collisions shall be made in accordance with the guidelines established on the current version of the *City of Tucson Property Damage/Personal Injury Report (City Form 103)*. Documentation is still required for incidents where no damage to either vehicle is apparent and no injury is alleged.

3652.1 Enforcement Action

If the supervisor can determine responsibility for the collision the supervisor shall direct the investigator to take appropriate enforcement action, to include the issuance of traffic citations.

If the supervisor cannot determine responsibility for the collision, the supervisor may request the response of a representative from Traffic Investigations. If they are not available, the package may be referred to them for subsequent follow-up.

An exception to this policy occurs when the collision will be referred to the Critical Incident Review Board (CIRB). In CIRB cases, any enforcement action shall be coordinated through Traffic Investigations.

Enforcement action is independent of any corrective or disciplinary action that may be administered against an employee.

3652.2 Civil Compromises

A civil compromise involves a plaintiff or victim signing an agreement not to prosecute or assist in prosecution in exchange for some compensation or who declares that they are satisfied with the settlement.

Members shall not enter into any civil compromises involving City vehicles or on-duty personnel. Members shall refer any person who is attempting to reach such a civil compromise to the City Risk Management Office.

3652.3 Deadlining Department Vehicles

Department vehicles that have been damaged as the result of a collision shall be deadlined for damage estimates even when they are serviceable.

3652.4 Documentation

When a Department vehicle sustains collision damage the following documentation is required:

- *Incident Report;*
- *Personnel Report; and*
- *City of Tucson Property Damage/Personal Injury Report (City Form 103).*

Any collisions involving Department vehicles shall be reviewed by the member's chain of command.

3660 NON-COLLISION DAMAGE TO POLICE VEHICLES

If the on-scene supervisor determines that negligence is a factor in damage to a police vehicle, they shall document who was negligent and make recommendations on disciplinary action.

3661 Documentation

Incidents where Department vehicles sustain substantial non-collision damage, i.e., broken window, bent doorframe, serious acts of vandalism, etc. require the following documentation:

- *Incident Report;*
- *Personnel Report; and*
- *City of Tucson Property Damage/Personal Injury Report (City Form 103).*

The supervisor shall include the unit number on all reports when describing the damaged Department vehicle.

Photographs shall be taken of any damage to Department property. *Supplementary Reports* shall be completed when applicable.

3662 Other Property Damage

When non-City property is damaged as a result of action by a Department member appropriate documentation shall be forwarded through the chain of command with copies routed to the Legal Advisor. Reports completed by the member will include:

- *Incident Report;*
- *Personnel Reports, if applicable; and*
- *City of Tucson Property Damage/Personal Injury Report (City Form 103).*

When City property is damaged by someone other than a Department member, appropriate enforcement action shall be taken.

APPENDIX C

MEMORANDUM

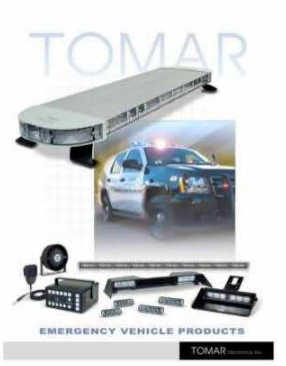
DATE: March 6, 2017

TO: Tucson Police Department
Executive Leadership Team
Driving Safety Committee Members

FROM: Lieutenant Tim Gilder
Technology Section

SUBJECT: Driving Safety Committee Technology Recommendations

In December 2016 the Technology Section was invited to participate in a newly formed Driver Safety Committee. The specific purpose of our participation was to provide technology input to the committee for later presentation to Executive Leadership Team. The purpose of this memo is to detail technology input and recommendations in three areas concerning driving safety of our employees. The areas, highlighted below, include: Emergency vehicle preemption, hands-free alternatives for electronic communication devices, and devices that monitor driving behavior.



Technology Proposal for Emergency Vehicle Preemption (EVP)

When the City announced a funding source that allowed for the purchase of 23 new marked patrol vehicles to begin replacing our aging fleet, a committee was formed to design and layout the interiors of the new vehicles. During several of the meetings the topic of traffic signal preemption was brought forward for discussion. The Tucson Police Department has never had the authorization to equip its marked fleet with this type of technology. The primary reason

was the Tucson Fire Department was resistant to TPD adopting the technology. TFD command staff felt that allowing police vehicles to be equipped with this equipment might create a situation where a police vehicle is given priority over the fire vehicle.

The Department currently has one vehicle equipped with this technology, authorized in 2004 for one marked police vehicle that is used only for motorcade processions, Secret Service and other dignitary escorts.

The first step in exploring the technology was to determine capability of our patrol light bar systems being able to function with the system the City currently utilizes. As it turns out, there are devices that can be purchased for new and existing fleet vehicles to equip our marked police vehicles with the preemption ability. Determining price was the second step in the process. Up-fit pricing has been determined for existing vehicles and new vehicle purchases. The equipment needed to connect TPD vehicles to the systems is a fairly simplistic strobe light that flashes at a particular frequency to activate the system. Both new and existing cars can be equipped with these devices. Pricing is broken down near the end of this document.

The City Transportation Director is concerned that equipping police vehicles with this technology would cause serious disruptions to the traffic light cycles. There are a number of feasibility studies that have been conducted by law enforcement agencies across the country which rule out such a claim. In addition, many large agencies in Arizona and across the country use similar preemption systems with no apparent problems related to the disruption of light cycles. Arizona agencies which utilize the system include Phoenix PD, Tempe PD, Scottsdale PD, Glendale PD, Surprise, Avondale, Tolleson, Mesa, Maricopa, Goodyear and many others. Locally, department using the technology include the Pima County Sheriff's Department, Sahuarita PD, Oro Valley PD, and Marana PD. Lieutenant Jim McShea, the Department Fleet Manager, is leading a renewed effort to adopt this technology for the TPD. The plan is to enter into talks with the various stakeholders (Tucson DOT, City Communications Repair, and Tucson Fire) to make the argument for the need for this system.

Some benefits the system would provide are:

- Reduced response times
- Officer Safety at intersections
- Public safety at intersections
- Reduced collisions
- Savings on law suits
- Savings on collision repairs
- Reduced officer injuries
- Prevention of possible loss of life

- Reduction of discipline issues for officers
- Can be utilized to open gated community entryways
- TFD medical must wait until a scene is safe prior to proceeding – reduced response time will enable medical personnel to begin victim treatment faster

Adoption of this technology by TPD will require policy development and incorporation into General Orders by the Audit and Best Practices Section.

TRAFFIC STUDIES: Three significant traffic signal preemption studies can be referenced by clicking the provided links.

https://www.azmag.gov/Documents/ITS_2015-02-04_Emergency-Vehicle-Preemption-(EVP)-Best-Practices-Study-Presentation.pdf

https://f5bb4f002579f69f86fb-01aa31141b2c16f5a8ae475fd906a8b8.ssl.cf5.rackcdn.com/CIPStudiesUS1/Countywide%20Emergency%20Vehicle%20Preemption%20Study%20REPORT%20(8-10-09).pdf

http://ntl.bts.gov/lib/jpodocs/repts_te/14097_files/14097.pdf

EQUIPMENT COSTS:

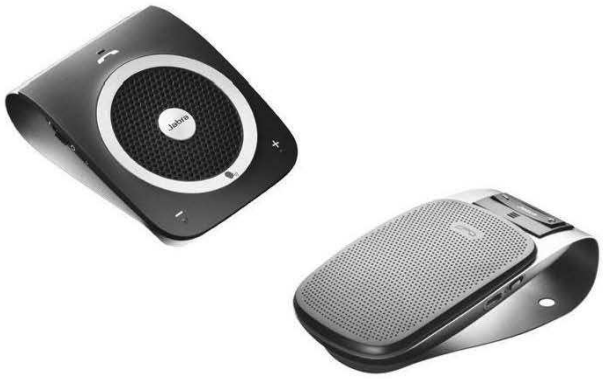
Cost		
	Unit Cost w/labor	Total
Existing TPD Vehicles (about 469 marked cars)	$826.43	$387,595
Up-Fit to new vehicle purchases (per vehicle cost)	$720.98	$720.98

There are is one possible cheaper alternative recommended by the vendor (Creative Communications). The device is a "microdash" strobe that would be installed on the dashboard inside the vehicle. The vendor indicates that testing for system compatibility would be required prior to equipping any TPD vehicle with this device.

The Technology Section has three recommendations for EVP's:

1. Fleet Manager should work with stakeholders to authorize the use of these devices on marked police vehicles only. Upper management should be included in the meetings. Traffic studies should be shared with stakeholders

2. Upon authorization, up-fit five of our newest vehicles to test for 30 days. Then share the results with the stakeholders and the Executive Leadership Team.
3. In the interest of cost-effectiveness, retro-fitting is not recommended of existing fleet. The recommendation is to incorporate this into the up-fit cost of new vehicles. Through regular purchase cycles, which should be normalized within the next two years, the fleet will eventually be totally equipped with this technology.



Technology Proposal for Hands-Free Devices

A recent Mayor and Council study session examined and concluded a need for an ordinance that essentially calls for the use of a hands-free communication format while using electronic communication devices and operating motor vehicles. The ordinance has not been fully developed or implemented. This newly proposed ordinance presented the agency with some political challenges. Officers using their issued phone outside the restrictions of the ordinance might present a negative perception to the public.

Hands-free technology in vehicles can basically occur in one of four formats: small portable speaker devices that can be maintained in the vehicle, ear bud style devices, phone holders, and an in-car system that connects through a vehicle entertainment system. All of these systems utilize wireless Bluetooth technology.

The latter is the most efficient, but not cost effective. The in-car system can only be ordered as part of a packaged entertainment system. These options can range anywhere from $800 to $1,100 dollars.

We examined available system types. There are many variations of each. Ear bud style devices are not recommended because they have the potential to interfere with multi-tasking that occurs during vehicle operation. Equipping new vehicles with an in-car system is cost prohibitive. This makes the portable speaker systems the most viable option. The speaker system is typically mounted within the vehicle via a visor clip or other attachment hardware. Clarity and ease of use are two attributes the speaker systems possess. The two Jabra devices we tested have 20 hours of talk time, are some of the most affordable, and the ability to connect two devices simultaneously. This is ideal for members who could connect a work and a personal device, keeping them hands-free on all devices.

Both Jabra devices were field tested by ISU and Field Services Bureau personnel. The feedback was positive on both devices. Some of the comments received are quoted below.

Tour:

"More reliably connects to the phone getting back in the car. Seems to turn itself off after a time when the phone and I are still in the car. Connects back when a phone call is received if disconnected, but also seems to automatically accept the call when do that. It does say when it disconnects, so you can just push the button to make it connect again. Announces the caller (if they are in the phone book) or number when receiving a call (Drive does not). It can activate Siri"

Drive:

"Sometimes requires manual intervention to connect again when getting back in the car. It can actually activate Siri, it just doesn't have a dedicated button like the Tour. The voice quality is not quite as good as the Tour. The smaller size of the Drive is nicer if this going to have to go into the gear bag or be carried around. That being said, Tour's size isn't a hindrance. As of now, I am leaning towards the Tour because of the extra features and voice quality."

Providing a Bluetooth device to each person issued a Department smartphone phone is the recommended direction. If we choose to buy these devices to equip vehicles rather than phone users, users would have to go through the pairing process every time they utilized a vehicle, and damaged and missing units would be difficult to track. Purchase of 900 units would provide one device for every Department member currently assigned a smart phone and 5 spares.

Features and total cost of 900 units of either of the two Jabra devices are compared below:

Device	Equip Cost	Total Cost 900 Units/with tax
Jabra Drive	$30.88	$30,043.15
Jabra Tour	$42.01	$40,871.53

It should be noted that normal contracted vendor prices have been reduced significantly for bulk purchase. The original pricing is $80 (Tour) and $60 (Drive).

Features	Jabra Drive	Jabra Tour
Talk time	20 hours	20 hours
Stand-by time	30 days	30 days
Bluetooth	Version 3.0	Version 3.0
HD Voice	Yes	Yes
Voice Guidance	Yes	Yes
Voice Control	No	Yes
Auto on/off motion sensor	No	Yes
Jabra Assist App	Yes	Yes

Other devices such as phone holders were also examined. However, the cost for a quality phone holder is nearly identical to the cost of the Bluetooth devices and is simply a holder with no technology included.

If the Executive Leadership Team decides to adopt this technology, the Technology Section recommends either of these Jabra devices for purchase. From a cost savings perspective, the Drive is about $12 dollars cheaper that the Tour, which translates to more than $10,000 in savings for 900 units. Both devices are functional and serve the purpose of providing our staff a hands-free option while operating vehicles. In addition, creation of a policy to incorporate into General Orders should be developed by Audit and Best Practices.

Technology Proposal for Devices that Monitor Driver Behavior

The technology currently available to monitor employee driving behavior has been available on the market for a number of years. This technology is utilized by both public and private sector organizations to monitor how their employees are operating their vehicles, but also from a diagnostic perspective as well. Supervisors and managers are able to track particular driving behavior in real time or historically through reports. Employers are turning to this technology

as a preventative measure to combat bad driving behavior of their employees. In addition, it helps to prevent potential liabilities that may occur through bad driving.

Most of the companies offering this technology are similar in capability and design. Typically, it's a small device (commonly referred to as a black box) installed inside the vehicle. It collects data and transmits it wirelessly to a company's storage depository (typically cloud based storage). Users can access the web based software system that gives them access to all the information. Most systems have the capability to send real time alerts that may indicate bad driving behavior. Listed below are some typical capabilities that many of these systems include.

- Speed monitoring in varying degrees
- Idle time
- Rolling stops vs complete stops
- GPS location tracking on map (real time tracking is available)
- Electronic fencing (geo fencing)
- Aggressive driving (hard braking)
- Vehicle diagnostics
- Driving history reports
- Mobile Apps

The reality of adopting this type of technology is that it comes with a price. There are essentially three options to choose from. Option #1 is to piggyback on the City of Tucson's system (Zonar). It does essentially the same thing as most of the systems reviewed, however it is more expensive and its web based form is in need of update. Option #2 is to use Verizon's fleet management system and work off the NASPO contract (formally WSCA). Their system has cheaper up-front costs, and updated software. The monthly subscription fee is the same for both systems, except the Verizon system offers a vehicle diagnostics option (monitors failing mechanical parts of the motor) available for an additional two dollars per month. Option #3 is to purchase a phone app. This service per phone would range between $3 to $7 dollars a month. The catch to this system is we would have to change our current policy mandating that officers turn on their location service on their phones. This was a controversial issue when we were developing the policy. In addition, officers would require a mandate to turn on their phones and the phone must be present within the car while driving. Another downside, this system does not track real-time driving behavior, but several companies indicated the technology is currently under development.

The immediate deployment should be to our marked fleet, which are approximately 489 vehicles (includes motors). The system could be added to the unmarked fleet at any time in the future. A cost comparison to the systems is listed below.

Cost Comparison					
Device	Monthly Subscript	Equip Cost	Install	Total Up-Front	Monthly Recurring
Zonar	$17	$285	$65	$179,463	$8,313
Verizon	$17	$95	$65	$86,533	$8,313
Verizon w/diagno	$19	$95	$65	$87,531	$9,291
Phone App	$7	$0	$0	$0	$3,423

If the decision to adopt this technology is made, the Technology Section recommendation is to proceed with the Verizon basic option. It provides all the data the agency would require and is configurable to the needs of the agency. The annual cost for this program is approximately $99,756. The cost of a law suit from inappropriate driving behavior by a TPD officer resulting in death or serious injury would far exceed the cost of the annual cost of this program.

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.

1330.3 Required Knowledge

All officers shall have a working knowledge of all criminal, constitutional, and motor vehicle laws, and ordinances in force in the City of Tucson, as well as City Administrative Directives, Department General Orders, and policies and procedures of their respective divisions and bureaus, as may be appropriate to their assignment or classification. Non-sworn employees shall have a working knowledge of all laws, City Administrative Directives, Department General Orders, and policies and procedures of their respective divisions and bureaus as may be appropriate to their assignment or classification. All members are responsible for seeking and obtaining any additional information or clarification necessary in order to comply with laws, ordinances, City Administrative Directives, Department General Orders, Department policies and procedures or any other subject area with which they must be familiar.

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.

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*

2521.2 Special Definitions

The following definitions are to be used within the context of the vehicle pursuit policy.

Vehicle Pursuit: An active attempt by a law enforcement officer to apprehend a vehicle in the following manner:

- *While operating a department vehicle;*
- *utilizing emergency lights and siren simultaneously;*
- *to attempt to apprehend one or more occupants of another moving vehicle;*
- *if it is reasonably apparent that the driver of that vehicle is aware of that attempt, and is resisting apprehension by disobeying traffic laws or attempting to elude the officer.*

2522.6 Failure to Comply with Policy

The failure of any member to abide by the provisions of any part of the procedures on vehicle pursuits shall be documented by the pursuit supervisor and/or chain of command, and shall be a basis for disciplinary action.

2523.3 Primary Unit Responsibilities

The first unit to become involved in a vehicular pursuit will be designated the primary unit. If the primary unit is a specialty vehicle, or is otherwise precluded from being in a pursuit by these procedures or conditions, the primary unit shall clearly direct the secondary unit to assume primary pursuit responsibilities. The primary unit shall be considered the Incident Commander for the pursuit until a pursuit supervisor has been identified. Immediately upon initiation of a pursuit, the primary unit shall broadcast the following information:

- *The primary unit identifier;*
- *the nature of the offense for which the suspect is being pursued;*
- *the location, direction of travel, and speed of the vehicle;*
- *the description of the vehicle being pursued;*
- *the description and number of the occupants in the vehicle being pursued;*
- *special information, i.e., hazards to officers, traffic conditions, etc.*

In all cases, if, in the opinion of the primary unit, continuation of the pursuit would result in an unacceptable hazard, the primary unit shall terminate the pursuit, regardless of whether a supervisor is involved. The primary unit may advise and request additional units from the pursuit supervisor if conditions, such as multiple suspects in the fleeing vehicle, appear to exist.