



# CHANDLER POLICE DEPARTMENT INCIDENT REVIEW WORKSHEET

IA 2016-0017

<b>ASSIGNED TO:</b>		Sgt. D. Selvidge #S107		<b>DATE ASSIGNED:</b>		4/22/16		<b>DATE DUE:</b>		5/22/16		
<b>COMPLAINT TYPE</b>	<input checked="" type="checkbox"/>	<b>INTERNAL</b>		<input checked="" type="checkbox"/>	<b>COMPLAINT</b>		<b>INFORMATION PAMPHLET SUPPLIED?</b>					
	<input type="checkbox"/>	<b>EXTERNAL</b>		<input type="checkbox"/>	<b>INQUIRY</b>		<b>YES</b>		<input type="checkbox"/>	<b>NO</b>		
<b>EMPLOYEE INVOLVED:</b>		Ofcr J. Logan			<small>BADGE # or CIVILIAN EMPLOYEE #</small>		656		<small>RACE/GENDER</small>		W/M	
<b>COMPLAINANT(S)</b>												
<small>NAME</small>			<small>RACE/GENDER</small>			<small>ADDRESS</small>			<small>ZIP</small>		<small>PHONE</small>	
Use of Force Board												
<b>WITNESS(ES)</b>												
<small>NAME</small>			<small>RACE/GENDER</small>			<small>ADDRESS</small>			<small>ZIP</small>		<small>PHONE</small>	
N/A												
<b>INCIDENT DATE</b>		2/17/16		<b>TIME</b>		1542		<b>DATE REPORTED</b>		4/21/16		
<b>INCIDENT LOCATION</b>		W. Saragosa St / S. California St				<b>DISTRICT</b>		4		<b>BEAT</b>		
<b>METHOD COMPLAINT FILED:</b>		Internal				<b>OR #</b>		2016-018528				
<b>REPORT TAKEN BY:</b>		Sgt. D. Selvidge #S107										
<b>ALLEGATIONS</b>												
	<b>GENERAL ORDER / PERSONNEL RULE NUMBER</b>								<b>CLASS</b>		<b>OFFENSE</b>	
1	City of Chandler Personnel Rule 5, specifically section 5B. #4 – The employee has violated any lawful or official rule, policy or regulation, or order, or failed to obey any lawful and reasonable order given by a supervisor with authority to issue such an order. #16 – Conduct which might bring discredit to city service. #20 – The employee has engaged in any other conduct of equal gravity to the reasons enumerated in this rule.											
2	General Order B-12.100.D.17 Excessive Force								A-B		1st	
3	General Order B-12.100.D.4.f Employee has engaged in unbecoming conduct which might bring discredit to the City of Chandler								A-B		1st	
4												

➤ I understand that I am the subject of an Internal Affairs Investigation. You are hereby directed NOT TO DISCUSS this inquiry with anyone other than the investigator, your employee representative, your attorney, or a professional counselor or physician during professional consultation or treatment.

  
\_\_\_\_\_  
**EMPLOYEE SIGNATURE**

656  
\_\_\_\_\_  
**BADGE # or  
CIVILIAN EMPLOYEE #**

4/22/16  
\_\_\_\_\_  
**DATE**

  
\_\_\_\_\_  
**INVESTIGATOR SIGNATURE**

5107  
\_\_\_\_\_  
**BADGE # or  
CIVILIAN EMPLOYEE #**

4/22/16  
\_\_\_\_\_  
**DATE**



IC  
6871

Allegation Summary:

On February 17, 2016 the listed employee used force during the arrest of a suspect. This incident was subsequently reviewed by the Use of Force review board and forwarded to internal affairs for investigation.

FINDINGS			
<b>SUSTAINED:</b> <b>NOT SUSTAINED:</b> <b>EXONERATED:</b> <b>UNFOUNDED:</b> <b>POLICY FAILURE:</b>		<b>The employee committed all or part of the alleged act.</b> <b>Information is insufficient to prove/disprove allegation.</b> <b>The act occurred but was justified, lawful and proper.</b> <b>The alleged act did not occur.</b> <b>The allegation is true, but the employee's actions were consistent with departmental orders or policies. The complaint will be designated Exonerated/Policy Failure.</b>	
	FINDING	STANDARD SANCTION (See Chart on Page 3)	RECOMMENDED SANCTION
1	N/A	N/A	N/A
2	EXONERATED	LOR	N/A
3	UNFOUNDED (SD)	LOR	N/A
4			

**ADMINISTRATIVE REVIEW  
CHAIN OF COMMAND**

	APPROVE/DISAPPROVE	SIGNATURE	BADGE # OR CIVILIAN EMPLOYEE #	DATE
1	APPROVE		S-105	5-20-16
2	APPROVE		#C-39	05-20-16
3				
4				

<b>COMMENTS:</b>  (Aggravating/ Mitigating Circumstances)	AFTER A THOROUGH REVIEW OF THIS INVESTIGATION
	COMMAND STAFF DETERMINED THAT THE FINDINGS
	ON THE EXCESSIVE USE OF FORCE COMPLAINT (ALLEGATION #2)
	BE CHANGED TO SUSTAINED AND A LETTER OF REPRIMAND BE ISSUED. #C13


## Chandler Police Department's Progressive Discipline Sanction Chart

LEVEL I Counseling Actions												
	First Occurrence			Second Occurrence Inside of a One-Year Period			Third Occurrence Inside of a One-year Period					
	Counseling Statement			Counseling Statement			Level II					
LEVEL II Sanctions												
Class	First Violation			Second Violation			Third Violation			Fourth Violation		
	Mit	Standard	Agg	Mit	Standard	Agg	Mit	Standard	Agg	Mit	Standard	Agg
<b>A</b>	Letter of Admon	Letter of Repr	1 Day	Letter of Repr	1 Day	5 Day	1 Day	6 Day	10 Day	N/A	10 Days to Dismissal	N/A
<b>B</b>	Susp / Demote	Dismissal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

- The City of Chandler personnel rules provide that the department head may demote an employee whose ability to perform required duties falls below the minimum job requirements or for disciplinary purposes.

**GARRITY WARNING**

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I wish to advise you that you are being questioned as part of an official investigation of the Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to Department charges that could result in your dismissal from the Police Department.

If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding, except that if you knowingly and willfully provide false statements or information in your answers, to include perjury, you may be criminally prosecuted for that action. However, these statements may be used against you in relation to subsequent Department charges that could result in disciplinary action, including dismissal.

**YOUR SIGNATURE HERE** signifies that you have read  
and understand this warning.

SIGNATURE: DATE: 5/19/16INVESTIGATING SUPERVISOR: D. J. 5107DATE: 5/19/16LOCATION OF INTERVIEW: ADMIN CONFERENCE ROOMDATE: 5/19/16 / TIME: 1504

**CHANDLER POLICE DEPARTMENT****Warning and Assurance to Employee Required to Provide Information**

This is an official administrative inquiry regarding information pertaining to, or allegations of, misconduct or improper performance of official duties.

This inquiry concerns: **(State the general nature of the matter on the line below)**

- The purpose of this interview is to obtain information that will assist in the determination of whether administrative action is warranted.
- You have certain rights and responsibilities in regard to this investigation. They are enumerated in General Order B-13.
- You are going to be asked a number of specific questions regarding your involvement in or knowledge of the matter under investigation.
- You have a duty to reply to these questions. Disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding. The answers you furnish and any information or evidence resulting therefrom may be used in the course of the Department's disciplinary proceedings that could result in disciplinary action.

**YOU ARE HEREBY ORDERED:**

- **TO TRUTHFULLY** disclose all you know about the matter under investigation.
- **NOT TO DISCUSS** this inquiry with anyone other than the investigator, your attorney, or a professional counselor or physician during professional consultation or treatment.

**ACKNOWLEDGMENT**

- I have read and understand my rights and obligations as set forth above.

EMPLOYEE'S SIGNATURE:



DATE:

5/6/16

SIGNATURE OF

DEPARTMENT OFFICIAL:



DATE:

5/6/16

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**ACKNOWLEDGMENT**

- I have read and understand my rights and obligations as set forth above.

EMPLOYEE'S SIGNATURE:

*[Handwritten Signature]*  
#650

DATE:

*[Handwritten Date]*  
5/19/16

SIGNATURE OF

DEPARTMENT OFFICIAL:

*[Handwritten Signature]*  
D. J. S107

DATE:

*[Handwritten Date]*  
5/19/16

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**Employee(s) Involved:**

Officer Joshua Logan #656

**Investigator:**

Sergeant David Selvidge #S107

**Investigation Synopsis:**

On February 17, 2016 Officer Joshua Logan was conducting a solo bicycle patrol when he arrested Seferino Varelas Jr. near the intersection of South California and West Morelos Streets, within the City of Chandler. Officer Logan observed Varelas operating a bicycle in violation of Arizona Revised Statute 28-815A, which requires bicyclists to ride on the right side of the roadway. Officer Logan attempted to stop Varelas but Varelas remained on his bicycle, refused to stop as directed, and attempted to flee from Officer Logan. Officer Logan determined Varelas' refusal to stop was a violation of Arizona Revised Statute 28-622A, which indicates a person's failure to obey or refusal to comply with a police officer is a misdemeanor offense. Officer Logan gave chase by riding his bicycle alongside of Varelas, and then forced Varelas to the ground to take him into custody. The Chandler Police Use of Force Board reviewed this incident on April 21, 2016 and referred the case to internal affairs for investigation.

**Investigation:**

On April 22, 2016 I was assigned to conduct an investigation into Officer Joshua Logan's reported use of force, which occurred on February 17, 2016. This was an internal complaint referred to internal affairs by the use of force board. I was provided with a packet containing the police report, the use of force report, the case summary, and the voting sheet from the use of force board meeting.

I reviewed the above listed documents and learned that on the date of this incident, Officer Logan was conducting a solo bicycle patrol when he attempted to stop bicyclist Seferino Varelas for a civil traffic violation. Varelas responded to Officer Logan's commands by verbally indicating his intentional refusal to stop for someone he recognized as a police officer. Varelas then fled from Officer Logan and his decision escalated this incident from a civil violation to a non-violent criminal offense. Officer Logan gave chase and eventually forced Varelas to the ground. He accomplished this by essentially jumping from his own bicycle, onto the suspect's bicycle, while they both were in motion. Varelas was subsequently arrested for Failure/Refusal to Comply with a Police Officer (28-622A), and Obstruction of a Public Officer (11-11). The comments provided by the board indicated the board's questions with this case had to do with the availability of other apprehension options, the use of radio and/or backup officers, as well as the question of should Officer Logan have dismounted his own bicycle prior to engaging the suspect physically.

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As part of this investigation and in addition to the above documents, I reviewed Chandler Police General Orders E-01.100 Use of Force, F-03.100 Bicycle Team, as well as the applicable and aforementioned state statutes / city code. I also reviewed the recording of the radio traffic related to this incident, recorded on the day it occurred. As part of my review, I noted the bike team order indicates bicycle officers receive International Police Mountain Bike Association IPMBA – certified training in a number of skills, most notably safely apprehending suspects from a bicycle and the use of the mountain bike as a primary patrol tool. My review of the radio recording revealed to me that Officer Logan's first radio transmission related to this incident was a "906", or immediate backup request. This transmission was not preceded by a regular backup request, nor any other information regarding this contact. With this information in mind, the following interviews were conducted.

**Interview of Officer David Sitz:** ✓

On Friday May 6, 2016 at approximately 1400 I met with Officer David Sitz in the administration conference room at the Chandler Police Department main station. Prior to this interview, I advised Officer Sitz of my desire to interview him regarding the training provided to Chandler Police Bicycle Officers. This interview was digitally recorded and the digital media was placed on a secure server housed within the Chandler Police Department. Officer Sitz was provided with and signed a copy of the Warning and Assurances form. The following is a synopsis of the interview, for specific details please refer to the recording.

Officer Sitz has been a police officer in Chandler for 19 years. For the past 14.5 to 15 of those years he has been assigned to the Bicycle Team. Officer Sitz was originally trained as a bicycle officer using a 40-hour curriculum developed internally at the Chandler Police Department. In 2005, Officer Sitz attended the 40-hour basic bicycle officer school, developed by the International Police Mountain Bike Association and taught by Scottsdale bicycle officers. In that same year, Officer Sitz also became an IPMBA certified instructor, using the 40-hour curriculum developed and taught by IPMBA. In addition to these classes, Officer Sitz has completed a 40-hour IPMBA bicycle mechanic's school, as well as a 24-hour IPMBA Bicycle Response Team (BRT) and BRT instructor school. This class is similar to mobile field force using bicycles. Officer Sitz estimates he has been the lead, or co-instructor for approximately 30 IPMBA Classes and he was Officer Logan's lead instructor in June of 2014.

I asked Officer Sitz if he was familiar at all with the incident being investigated. He said he had a general understanding of the incident, but his understanding lacks specifics. Officer Sitz did not review the police report about this incident prior to this interview. Officer Sitz said by his understanding, Officer Logan attempted to stop a suspect who was riding a bicycle and this occurred while Officer Logan was also riding a bicycle. Officer Logan rode along side of the suspect, tried verbally to convince him to stop, and

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then “somehow tackled him.” Officer Sitz said he also understood the suspect’s eye was detached from the socket, somehow during this event.

I asked Officer Sitz if there are any trained techniques taught in the IPMBA for use when a suspect is fleeing from a bicycle officer, on a bicycle. Officer Sitz said “not specifically somebody on a bicycle.” Next, I asked if the act of jumping from one bicycle onto another is a trained technique and he indicated it is not. Officer Sitz could not recall having ever used this tactic himself. I asked Officer Sitz if this particular situation, meaning the apprehension of a person fleeing on a bicycle, has ever been discussed in any of the IPMBA courses he has taught or attended, and Officer Sitz answered “the topic has never come up that I know of, before this incident.”

Officer Sitz told me IPMBA does not even address the apprehension of suspect’s fleeing on foot; however the curriculum does address this as it relates to proficiency skills. Officer Sitz described a “proficiency skill” wherein the officer is required to successfully dismount the bicycle into a run; however this is where the IPMBA printed material stops. Officer Sitz goes a little further with this topic when he instructs, but this is in relation to safely removing the bicycle from the incident so it does not end up crashing into the running officer.

On Tuesday May 17, 2016, I re-contacted Officer Sitz and specifically asked him questions regarding the bicycle team FTO process. Officer Sitz explained to me the FTO process is informal and would be better described as an orientation. It lasts two weeks and at least 50 percent (estimated) occurs in the field. The other time is spent doing administrative tasks such as acquiring equipment and uniforms. Officer Sitz told me there is a checklist for this process, which is retained by the officer after completion of the two weeks. According to Officer Sitz, this training does not cover the topic in question for the purposes of this investigation. It should be noted I attempted to record this brief interview, however my recorder malfunctioned and the audio was not captured.

**Interview of Sergeant Dan Greene:**

On Tuesday May 17, 2016 at approximately 1550 hours I met with Sergeant Dan Greene in the administration conference room at the Chandler Police Department main station. Prior to this interview, I asked Sergeant Greene to review the police report associated with this internal affairs investigation and evaluate it using his expertise in the area of police defensive tactics. This interview was digitally recorded and the digital media was placed on a secure server housed within the Chandler Police Department. The following is a synopsis of the interview, for specific details please refer to the recording.

Sergeant Greene has been employed with the Chandler Police Department since November of 1996 and has been an Arizona POST defensive tactics instructor since 2000. As part of that instructor experience, Sergeant Greene has had cause to review several hundred uses of force cases. When I asked for his evaluation of this particular use of force incident, Sergeant Greene began by characterizing this incident as one that is

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neither easy, nor clear cut. Sergeant Greene said he evaluated this incident with three main factors in consideration, those being the Supreme Court decision of *Graham v. Connor*, Chandler Police training, and Chandler Police policy.

Sergeant Greene explained that in his opinion, weighing this case against the three prongs of *Graham v. Connor*, the severity of the crime, the threat to the safety of the officer and others, and if the suspect is resisting and/or fleeing, the elements of this use of force satisfy the requirements of this court decision. Sergeant Greene elaborated on this position and discussed each of these prongs, beginning with severity of the crime.

With regard to the severity of the crime, he said the crimes in this incident are “low” misdemeanor offenses, but are crimes never the less and that is sufficient to warrant this type of force. With regard to the second prong of *Graham v. Connor*, Sergeant Greene related this situation to a foot chase in order to apprehend a suspected criminal. Sergeant Greene recognized the difference in that both officer and suspect were on bicycles, but he said the concept and the theory are the same. He said, “It is a chase to apprehend a criminal for violating a crime”. According to Sergeant Greene, there have been a number of court cases over the years which have sided with officers and departments with regard to foot chases, indicating the courts have recognized the level of risk to an officer during a foot chase is “extremely high”. Sergeant Greene added there have been a number of studies conducted which have shown a high percentage officer involved shootings are preceded by foot chases. In this case, Sergeant Greene considered the risk to the officer to be high, because of the suspect’s flight and this led him to the third prong of *Graham v. Connor*.

Speaking to this point, Sergeant Greene said the suspect in this case was clearly in flight and trying to evade arrest. There was no misunderstanding about who the officer was, given he was in full uniform and on a bicycle. The officer gave the suspect lawful orders to stop and the suspect responded to those orders, indicating they were heard and understood by him.

Sergeant Greene said after weighing the facts of this incident against the requirements set forth by *Graham v. Connor*, he turned to Chandler Police training and compared the facts against those resources. Sergeant Greene said he reviewed training to determine if the agency has ever, in any form or fashion, trained any of the officers on what to do in circumstances such as these. Sergeant Greene indicated he certainly understands training cannot cover every aspect of law enforcement. However, with regard to this particular case Sergeant Greene said the police department has never trained officers on how to, or how not to, deal with suspects fleeing on bicycles. Based on this, Sergeant Greene calls training “neutral” because the agency has not provided training either in support of, or against the tactic used by Officer Logan.

The next thing Sergeant Greene considered when he reviewed this case was department policy. Specifically, Sergeant Greene considered policy which could be applied to the use of force on suspects who are riding on a bicycle. What he found was department

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policy makes only one mention of suspects riding a bicycle in concert with force. This mention is with regard to the electronic control device; however that weapon is not applicable to this case.

Lastly, Sergeant Greene also considered policy as it relates to de-escalation and the use of alternative resources. This is where Sergeant Greene felt Officer Logan could have performed better. Sergeant Greene said Officer Logan could have slowed down and radioed for assistance. In Sergeant Greene's opinion, Officer Logan was chasing this suspect to apprehend, when he could have chosen to chase to contain him while coordinating with other units. Sergeant Greene said using this tactic and having more officers (including those in cars with lights and sirens) involved could have worked as a means to demotivate the suspect from continuing his flight. Sergeant Greene was clear to say he was not certain this would have helped, for a number of reasons; he was simply saying it was an alternative.

In summary, Sergeant Greene's evaluation revealed to him that *Graham v. Connor* was satisfied in this case, policy was neutral, and training was also neutral. Sergeant Greene said his opinion is that a reasonable officer in this identical situation, being left to improvise with no policy or training to refer to, would have acted in the exact same way.

**Interview of Officer Joshua Logan:**

On May 19, 2016 at approximately 1500 hours I interviewed Officer Joshua Logan in the Chandler Police Department main station administration conference room. Also present were Officer Logan's association representative, Detective Cassandra Ynclan and Lieutenant Baggs. This interview was digitally recorded and the digital media was placed on a secure server housed within the Chandler Police Department. The following is a synopsis of the interview, for specific details please refer to the recording.

Upon initiating the interview with Officer Logan, he was provided with the Warning and Assurances from along with the Garrity warning form. Officer Logan advised he understood and signed both of the documents.

Officer Logan has been a police officer for six years, the past four with the Chandler Police Department. He received his academy training at the North Dakota Law Enforcement Training Academy. Officer Logan was assigned to the Chandler Police Bike Team in mid-January, 2016, which was approximately one month prior to this incident. He attended the IPMBA basic school in mid-2014 and he was certified by Officer Sitz. With regard to defensive tactics, Officer Logan was trained in the police academy and has attended annual AOT during his tenure with Chandler Police. He has not attended any of the elective defensive tactics classes, he is not a defensive tactics instructor, and he is not a bicycle patrol instructor.

On the date of this incident, Officer Logan was wearing a standard bicycle officer uniform, consisting of a polo shirt with a sewn on badge and shoulder patches, an outer

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vest carrier with an affixed cloth patch, cloth name patch, and the word police affixed in larger font on his back. Officer Logan was wearing bicycle uniform shorts and a bicycle helmet. He was riding a black police mountain bike with the word police affixed to the rear equipment storage bag. He was carrying his firearm, an electronic control device, handcuffs, a hobble-type restraint, and a flashlight. Officer Logan was conducting a solo-officer proactive patrol of an area known to be a high in crime and illicit drug activity.

Officer Logan was asked about the policy and/or practices regarding bicycle officers patrolling on their bicycles without a partner. He told me there is no policy, nor other written directive addressing this. However, the practice allows for officers to ride alone in the daytime hours, but the officers are expected to remain in close proximity to the main police station.

Officer Logan conducted a frequent patrol of a nearby high crime apartment complex (660 South Palm Lane) and had moved into a surrounding neighborhood, in the moments immediately prior to this event. Officer Logan left that complex and rode east on Saragosa Street, from Palm Lane. He turned north on California Street from Saragosa Street and noticed the suspect, Varelas, exiting an alleyway just north of this intersection. Officer Logan did not know Varelas, his history, or any other information about him at all. Varelas appeared to be by himself and he was riding a bicycle southbound along the northbound side of the road, which is in violation of Arizona traffic law. Officer Logan elected to stop Varelas for this observed violation.

Officer Logan rode up to and in front of Varelas', partially dismounted his bicycle, and said words to the effect of "hey bud I need you to stop." As he did this, he put his hand up at Varelas creating a stop hand signal. Officer Logan explained this manner of stopping someone is consistent with his training. He further described his partial dismount from his bicycle as the act of removing his buttocks from the saddle and placing one foot on the ground. Varelas said, "fuck you I'm not stopping I don't have any warrants". Varelas then proceeded to ride around Officer Logan, up onto the sidewalk, and continued southbound.

Officer Logan got back on his bicycle and quickly caught up to Varelas, who was not riding particularly fast. Officer Logan estimated Varelas' speed at approximately 7-10 miles per hour. Once he caught up to Varelas, Officer Logan said "Chandler Police stop". Varelas looked back at Officer Logan as said "fuck you I'm not stopping". Officer Logan said to Varelas, "I'm giving you a lawful order you need to stop now" and Varelas did not respond. Because of Varelas' failure to obey his lawful orders, Officer Logan believed probable cause had been established to arrest Varelas for two misdemeanor offenses. With the intent to arrest Varelas in mind, Officer Logan proceeded to ride up closer to Varelas. Once Officer Logan arrived at Varelas' left side, he grabbed Varelas by the shoulders causing the two men, and their bicycles, to fall over to the right. Varelas ended up face down, with Officer Logan on top of him. Varelas was not saying anything at this point and he was not resisting with any type of physical force.

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Once they were on the ground and Varelas was not fighting, Officer Logan used his radio to call for immediate emergency backup, using radio code "906". In doing so, he realized that no one would know where he was, because he did not have an AVL unit on his bicycle. Officer Logan repeated his "906" request but this time added his location information to the transmission. As this was happening, Varelas looked up at Officer Logan and screamed. This was when Officer Logan realized Varelas was injured, as Varelas' eye was out of the socket and hanging by some sort of tissue. Seeing this, Officer Logan immediately requested paramedics to treat Varelas.

Officer Logan said Varelas was lying face down with his hands and feet out and was following instructions. Because of his injury, Officer Logan initially elected to forego handcuffing Varelas. However, once backup arrived the decision was made to handcuff Varelas behind his back, utilizing two sets of handcuffs. Paramedics from the Chandler Fire Department arrived shortly thereafter and provided Varelas with emergency medical care. Varelas was then transported by ambulance to Chandler Regional Medical Center. Officer Logan returned to the police station, retrieved a patrol car, and followed up with Varelas in the emergency room. Photographs were taken to document the injuries Varelas sustained and the bicycle he was riding was seized as evidence. Officer Logan noted he too received some superficial injuries, which he described as bumps, scratches, and bruises.

Officer Logan conducted a post Miranda interview with Varelas at the hospital. During this interview, Varelas admitted knowing Officer Logan was a police officer. Varelas also admitted to hearing Officer Logan's commands to stop and his decision to ignore those commands. When he was asked to explain his decision to ignore these commands, Varelas stated he did not know why.

When I asked, Officer Logan told me he believed Varelas was actively fleeing from his attempted lawful stop. Officer Logan explained his belief that Varelas possibly either lived in the area, or had an idea of where to run to in order to avoid arrest. Officer Logan based this belief on his experiences as a police officer. Officer Logan was unable to recall if Varelas was wearing particularly bulky clothing on this day. Officer Logan indicated he was concerned about losing sight of Varelas because of his lack of cover on a bicycle and his own knowledge of the dangers this type of subject pursuit has created for officers in the past. Officer Logan said he believes the longer a situation like this is allowed to continue, the greater the likelihood of it resulting in injury to both the suspect and the officer. Lastly, Officer Logan told me of his concern that Varelas would ride out onto Pecos Road and possibly be struck by a motor vehicle.

Officer Logan said he considered many things in the moments leading up to his decision to force Varelas off of his bicycle. Officer Logan said Varelas' behavior indicted to him that Varelas was someone who was not a stranger to police interaction. He considered trying to take out Varelas' rear tire with a kick, or by striking it with his bicycle, but he feared this would have caused a violent crash and most certainly caused serious injury. Officer Logan considered riding out in front of Varelas again, but chose not to because

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this would cause Varelas to have a tactical advantage, should he have a weapon. It would have also allowed Varelas another opportunity to simply ride around Officer Logan. Officer Logan did not dismount his bicycle behind Varelas, as this would have most likely provided Varelas with the advantage he needed to successfully escape.

As Officer Logan explained all of the various options he considered, he told me the decision he arrived at was the one he believed to be of least risk to himself and the suspect. Officer Logan said his plan was to slow Varelas down and control their descent to the ground, as opposed to causing a violent crash. Officer Logan said the suspect "had to get off the bike somehow, and he was not going to comply with getting off the bike." Therefore, he believed this method was going to be a more controlled take down, as opposed to the alternatives which quickly came to his mind during this rapid event.

Also when asked, Officer Logan told me he knows this is an area commonly frequented by children and others, but he did not particularly notice any other citizens who were in immediate danger as a result of Varelas' attempt to flee. He said he did not consider using his electronic control device because policy does not allow for the use of this weapon, in these circumstances. He said he was not carrying his baton, so this was not an option. Officer Logan added this would not have been an option even if he was carrying it, because Varelas was not actively aggressive and the use of this weapon likely would have caused a violent bicycle crash.

Officer Logan told me he has never received any training on the best practices for removing fleeing suspects from a bicycle. He said he also has not received any training with regard to apprehending a suspect who is fleeing on foot. When asked about his de-escalation efforts, Officer Logan told me he believed his three commands were attempts at de-escalation. Officer Logan characterized his commands as "very clear, very succinct, and very articulate" and when the suspect chose not to follow them there was no additional room for further de-escalation attempts.

I asked Officer Logan why he did not use his radio to report his initial stop attempt with Varelas. Officer Logan said this contact evolved rather rapidly and he did not have the time to do so. I asked Officer Logan why he did not request assistance, keep Varelas in sight, and wait for backup to assist him in the apprehension, upon realizing Varelas was not going to comply. Again, Officer Logan said this was a rapidly evolving and tense situation. He said to "be realistic about it maybe there was some inexperience aspect involved." Officer Logan characterized himself as an "inexperienced" bicycle officer having only been assigned to this team for one month, and this inexperience may have contributed to his feelings of "exigency".

I asked Officer Logan if he would handle this case differently today, knowing what he now knows and he replied, "Yes, have another officer." Officer Logan went on to explain having another officer with him would have possibly demotivated the suspect and possibly changed the outcome. Lastly, he added "short of being alone, I would not change anything."

**INTERNAL INVESTIGATION  
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Upon being offered the opportunity to add any information he wanted to the interview, Officer Logan indicated he did not wish to add anything. At this point I paused the recording and afforded Officer Logan the opportunity to spend ten minutes consulting with Detective Yncian before offering him a second opportunity to add any information he wanted to this interview. Lieutenant Baggs and I stepped out of the room. We were called back into the room a few moments later and I resumed recording upon re-entry. Officer Logan was offered another opportunity to make any additional statements and he declined this opportunity. This concluded the interview.

**Summary:**

On February 17, 2016 Officer Joshua Logan was conducting a solo bicycle patrol when he arrested Seferino Varelas Jr. near the intersection of South California and West Morelos Streets, within the City of Chandler. Officer Logan observed Varelas operating a bicycle in violation of Arizona Revised Statute 28-815A, which requires bicyclists to ride on the right side of the roadway. Officer Logan attempted to stop Varelas but Varelas remained on his bicycle, refused to stop as directed, and attempted to flee from Officer Logan. Officer Logan determined Varelas' refusal to stop was a violation of Arizona Revised Statute 28-622A, which indicates a person's failure to obey or refusal to comply with a police officer is a misdemeanor offense. Officer Logan gave chase by riding his bicycle alongside of Varelas, and then forced Varelas to the ground to take him into custody. The Chandler Police Use of Force Board reviewed this incident on April 21, 2016 and referred the case to internal affairs for investigation.

Upon reviewing the General Offense report, the use of force report, the recording of the radio transmissions, and conducting interviews with Officer Sitz, Officer Logan, and Sergeant Greene, I find the force used by Officer Logan, in and of itself was not excessive. This complaint will be designated exonerated and designated as a policy and/or training failure.

Based on my review of the incident, as well as the related policies, and the statements of Officer Logan, as well as interviewed experts, Officer Logan was attempting to apprehend a suspect fleeing for misdemeanor crime. His intent was to essentially tackle the suspect off of his bicycle and take the suspect into custody. There is no documentation to indicate the Chandler Police policy and /or training has ever covered the approved best practices for removing a fleeing suspect from a bicycle. Likewise, the International Police Mountain Bike Association does not cover this topic in the curriculum used to train officers worldwide. Without training and / or policy in place, Officer Logan was left to improvise. A reasonable officer in a similar situation involving the circumstances described by Officer Logan would have likely acted in the same way

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**Progressive Discipline: (If the sanction for this investigation will result in progressive discipline as prescribed in the discipline chart please summarize discipline history)**

None

**Aggravating or Mitigating Circumstances: (If the discipline for this investigation is to be aggravated or mitigated explain why)**

For the chain of command

**Findings:**

**Allegation #1** City of Chandler Personnel Rule 5, specifically section 5B. #4 – The employee has violated any lawful or official rule, policy or regulation, or order, or failed to obey any lawful and reasonable order given by a supervisor with authority to issue such an order. #16 – Conduct which might bring discredit to city service. #20 – The employee has engaged in any other conduct of equal gravity to the reasons enumerated in this rule.

N/A

**Allegation #2** B-12.100.D.17. Excessive Force


**Exonerated - policy and/or training failure.**

**Allegation #3** B-12.100.D.4.f Employee has engaged in unbecoming conduct which might bring discredit to the City of Chandler

**Unfounded**

**Attachments:**

See IA Pro

	5107	5/20/10
<b>Investigator</b>	<b>Badge#</b>	<b>Date</b>

# Arizona State Legislature

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28-622. Failure to comply with police officer; classification  
A. A person shall not wilfully fail or refuse to comply with any lawful order or direction of a police officer invested by law with authority to direct, control or regulate traffic.  
B. A person who violates this section is guilty of a class 2 misdemeanor.



Fifty-second Legislature - Second Regular Session

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A. A person riding a bicycle on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

1. If overtaking and passing another bicycle or vehicle proceeding in the same direction.
2. If preparing for a left turn at an intersection or into a private road or driveway.
3. If reasonably necessary to avoid conditions, including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals or surface hazards.
4. If the lane in which the person is operating the bicycle is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

B. Persons riding bicycles on a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. A path or lane that is designated as a bicycle path or lane by state or local authorities is for the exclusive use of bicycles even though other uses are permitted pursuant to subsection D or are otherwise permitted by state or local authorities.


D. A person shall not operate, stop, park or leave standing a vehicle in a path or lane designated as a bicycle path or lane by a state or local authority except in the case of emergency or for crossing the path or lane to gain access to a public or private road or driveway.

E. Subsection D does not prohibit the use of the path or lane by the appropriate local authority.

11-11. - Obstructing public officers.

Every person who willfully resists, delays or obstructs any public officer in the discharge or attempt to discharge any duty of his office or who fails to obey any lawful order of any public officer is guilty of a misdemeanor.

(Ord. No. 3093, § 2, 2-24-00)

 <b>CHANDLER POLICE DEPARTMENT</b> <b>GENERAL ORDERS</b> <i>Serving with Courage, Pride, and Dedication</i>	Order	<b>E-01 USE OF FORCE</b>	
	Subject	<b>100 Overview</b>	Effective <b>04/24/15</b>

**Low Frequency/High Severity**

Rev

**A. DEFINITIONS**

[1.3.2] [1.3.6]

**Figure 1: Use of Force Definitions**

Term	Definition
<b>1. Approved Weapons</b>	Weapons meeting department specifications for which officers receive proficiency and safety training. Prior to the use of any approved weapon option, the officer, when practical, will communicate to other officers and the subject that the use of the option is imminent, and clearly and audibly announce the same to all personnel in the immediate area unless it compromises officer safety.
<b>2. Carotid Restraint Control Hold</b>	Bilateral vascular restraint where pressure is applied to the sides of the neck, resulting in diminished oxygenated blood flow to the brain without compressing or restricting the airway
<b>3. Conducted Electrical Weapon (CEW)</b>	A neuro-muscular incapacitation device that, through the delivery of an electrical current, stimulates the motor neurons to contract disrupting communication from the brain to the muscles thereby causing temporary motor skill dysfunction. <ul style="list-style-type: none"> <li>a. Spark Test – A non-contact demonstration of the CEW’s ability to discharge electricity</li> <li>b. Touch Stun – A secondary function of the CEW intended to administer localized pain to a subject by making direct contact with the body without firing the probes</li> <li>c. Probe Mode – The primary function of the CEW is intended to temporarily incapacitate a subject by firing the CEW and deploying the probes</li> </ul>
<b>4. Cuffing Under Power</b>	A tactic where an officer handcuffs a subject while the conducted electrical weapon (CEW) is cycling and the subject is in neuro-muscular incapacitation (NMI)
<b>5. Deadly Force</b>	The level of force used to stop a threat that, in the manner of its use or intended use, is capable of creating a substantial risk of causing death or serious physical injury
<b>6. Deadly Weapon</b>	Anything designed for lethal use including a firearm. Deadly weapon includes, but is not limited to: <ul style="list-style-type: none"> <li>a. A firearm loaded with lethal ammunition (ammunition by design and application intended to cause serious bodily injury or death)</li> <li>b. Impact weapon when used for intentional strike to the head</li> <li>c. Bladed weapons</li> </ul>
<b>7. Force Transitions</b>	The objectively reasonable escalation/de-escalation, of the application of one force type to another based on the standard set in <i>Graham v Connor</i> , 490 U.S. 386 (1989)
<b>8. Graham Test</b>	The type and amount of force used must be justified based on: 1) the severity of the crime involved, (2) whether the suspect posed an immediate threat to the safety of the officers or others (most important factor), (3) whether the suspect was actively resisting arrest or attempting to evade arrest by flight, and 4) the totality of all other relevant circumstances

Term	Definition
<b>9. Imminent Threat</b>	An impending violent act or resistance that an officer reasonably believes will occur based on the totality of the circumstances
<b>10. Intermediate Force</b>	The level of force necessary to compel compliance by a subject displaying active aggression, which is neither likely nor intended to cause death
<b>11. Levels of Force</b>	Broad categories of influence and/or force in identifiable, escalating stages of intensity. They are identified as low level force, intermediate force, and lethal force.
<b>12. Low Level Force</b>	The level of force necessary to interact with a subject who is compliant or displaying passive or active defensive resistance
<b>13. Officer</b>	For the purposes of use of force policies, references to officer refer to both sworn police officer and detention officer, unless otherwise noted
<b>14. Reasonable Belief</b>	The facts or circumstances one knows, or should know, are such as to cause the ordinary and prudent officer to act or think in a similar way under similar circumstances
<b>15. Reasonable Force</b>	Force which is justified using an objective standard based on the totality of the circumstances presented at the time of the incident, and is viewed from the perspective of a reasonable officer on the scene rather than using 20/20 hindsight. <i>See General Order E-01.200 "Determining Objectively Reasonable Force".</i>
<b>16. Serious Physical Injury</b>	Physical impairment which creates a reasonable risk of death, or which causes serious and permanent disfigurement, or serious impairment of health, or loss or protracted impairment of the function of any bodily organ or limb

**B. POLICY**

[1.3.1][1.3.2]

**DO NOT USE MORE FORCE THAN IS REASONABLY NECESSARY** to accomplish your lawful purpose. In any analysis of a use of force incident, consideration must be made for the fact that officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.

1. **USE OF ANY FORCE IS USUALLY REACTIONARY** (in response to a subject's actions). Progression normally proceeds from verbal persuasion through to the use of lethal force. However, officers may immediately use any authorized option if reasonable.
2. **WHEN FEASIBLE, PRECEDE ANY USE OF DEADLY FORCE BY A VERBAL WARNING** that force will be used if the suspect will not comply. The warning is unnecessary if it will endanger an officer or take away a tactical advantage. The officer employing force need not be the officer giving the warning.
3. **USE DEADLY FORCE ONLY WHEN:**
  - a. You reasonably believe it is necessary to defend yourself or another person from what you reasonably believe to be the use of, or imminent use of, deadly physical force
  - b. To effect the arrest or prevent the escape from custody of a person who you reasonably believe has committed, attempted to commit, is



committing or is attempting to commit a felony involving the use or threatened use of deadly force, and if the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay

### C. ISSUING ORDERS

[1.3.12]

Rev

**ALL EMPLOYEES AUTHORIZED TO USE FORCE** will be issued copies of these orders and all other policies applicable to the weapon or technique and provided training in the use of force prior to being authorized to carry a firearm or use other methods of force

Rev

### D. AUTHORIZED TECHNIQUES OR WEAPONS

[1.3.9]

1. **ONLY DEPARTMENT-AUTHORIZED WEAPONS AND AMMUNITION** may be used in law enforcement responsibilities
2. **ONLY EMPLOYEES TRAINED AND CERTIFIED** (where applicable) by a department-approved instructor or course of instruction on specific weapons or weapons systems, including firearms, will carry, deploy, or use those techniques and/or weapons
3. **EMPLOYEES MAY USE ANY REASONABLE METHOD TO OVERCOME AN ACTUAL OR IMMINENT ATTACK** if:
  - They reasonably believe would produce serious physical injury or death to the employee or another person **and**
  - Approved or authorized weapons, tactics, or techniques are not available or practical
4. **ALWAYS FOLLOW YOUR TRAINING** unless the situation presents a valid reason to deviate from that training

New

### E. FORCE TRANSITION

Transition to differing degrees or types of force, including attempts to de-escalate in use of force incidents. Force situations are dynamic and require:

1. **CONTINUALLY ASSESSING** the suspect's actions to ensure a proportionate response
2. **MODIFYING LEVEL OF CONTROL** in relation to the amount and type of resistance or threat by the subject

New

### F. DE-ESCALATION

Policing requires an officer to exercise control of a violent or resisting subject, whether to make an arrest, or to protect the officer, other officers, or members of the community from risk of imminent harm. Not every potential confrontation can be de-escalated. The decisions and tactics used may impact the direction and outcome of many situations.

1. **GOOD COMMUNICATION SKILLS**, patience, and verbal direction resolve many situations. Voice control often indicates emotional control. A slow, soft, and deliberate voice conveys control and may diffuse the hostile, verbally aggressive subject.
2. **IF RESISTANCE CONTINUES** after using proper verbal and non-verbal skills or resistance escalates, be prepared to further escalate the use of force
3. **GATHER INFORMATION ABOUT THE INCIDENT**, assess the risks, assemble resources, attempt to slow momentum, and communicate and

coordinate a response when reasonable under the totality of circumstances

- a. When practical, use advisements, warnings, verbal persuasion, and other tactics/alternatives to higher levels of force in interactions with subjects
  - b. **EXAMPLE:** Withdraw to a position that is tactically more secure or allows greater distance in order to consider or deploy a greater variety of force options
4. **SUPERVISORS ARE EXPECTED TO RESPOND** to incidents in a timely manner where police use of force is probable
- a. Supervisors involved in the management of an overall response to potential violent encounters by coordinating resources and officers' tactical actions enhance a favorable outcome
  - b. Supervisors should possess a good knowledge of tactics and ensure officers perform to a standard

New

## **G. PHYSICAL RESTRAINT DEVICES**

1. **RESTRAINING SUBJECTS:** Used to prevent a person from:
    - Leaving the scene of a detention or arrest
    - Initiating or escalating violence against the officer, another person and/or themselves
    - Destroying evidence or property
  - a. The fact that a person is physically or mentally impaired does not exempt them from wearing restraining devices when deemed necessary by the transporting officer. The type of device used will depend upon the type and severity of the impairment. Select a device to restrain the prisoner securely without intentionally causing injury.
  - b. Transporting officers - Use discretion determining the type of restraining device to be used. Consider the nature of the offense, the person arrested, level of resistance, and the nature and degree of the impairment or injury involved.
  - c. Escort handcuffed subjects using the approved technique. Refrain from allowing suspects to walk behind without any type of escort hold.
  - d. Place a restrained person in an upright position as soon as practical. The only exception is for transportation by a medical unit.
  - e. Restraint devices: Approved handcuffs, RIPP Restraint™ device, leg chains, and prisoner belly chain
2. **HANDCUFFS** - Issued to officers through the Quartermaster
- a. Only handcuffs authorized by the department and Training Unit may be used to restrain a person
  - b. Restrain a person with their hands behind the back, palms facing out. Check handcuffs for fit and double-locked.
3. **ALTERNATIVE RESTRAINT DEVICE (RIPP RESTRAINT™)** - To prevent injury, the RIPP Restraint™ may be used in conjunction with the handcuffs, to minimize the movements of belligerent or combative prisoners
- a. Used in situations where conventional restraint methods are not suitable

- b. Do not place suspect in a position where the feet are cinched tightly and the restraint is attached to or hooked around the handcuff chain. The reference to "hobble" and "hog-tying" are incorrect terms and should not be utilized to describe the technique.
- c. Use the device in the manner prescribed in training. Only officers who have successfully completed training in their use are authorized to use these devices.
- d. Only devices (RIPP Restraint™) issued by the department shall be used. Alternative restraint devices may be carried in a holder on the duty belt.

4. **LEG CHAINS AND BELLY CHAINS** - Detention Officers will adhere to General Order E-12.100.D (outlines use)

New

#### H. INTERMEDIATE WEAPONS

**IMPACT WEAPONS** - The Training Unit maintains a list of authorized intermediate weapons. Any modifications to these devices shall be approved by the Training Unit Supervisor prior to use.

1. **Straight Baton** - An impact weapon made of a 20 to 26 inch solid polycarbonate or wood baton that is black or tan in color
2. **Side Handle Baton** - Specialized baton of similar configuration to the Monadnok PR-24 baton and may be individually purchased by the officer. Requires training by the Training Unit prior to deployment.
3. **Expandable Baton** - Baton is capable of being expanded from a more compact, retracted status. Specifications on approved expandable batons models are maintained by the Training Unit.
4. **Flashlight** - Primary use of the flashlight is for illumination purposes. The flashlight may be used as an impact device when the use of a baton is not practical or readily available. Transition to the approved baton when it can be done safely.





**CHANDLER POLICE  
DEPARTMENT  
GENERAL ORDERS**

*Serving with Courage, Pride, and Dedication*

Order

**F-03 BICYCLE TEAM**

Subject

**100 Administration /  
Equipment**

Effective

**01/22/16**

**Purpose** [16.2.1]

The Bicycle Team is a special assignment team which provides increased mobility, decreased response time, and greater officer / citizen contact within areas of high-density population.

**A. POLICY**

The Bicycle Team will primarily be used for proactive bicycle patrol downtown and high crime areas, special events, problem solving and other special projects according to department needs. All special projects and details outside of the primary function of proactive bicycle patrol and requests for use of the Bike Team must be approved by the lieutenant of the Bike Team.

**B. MISSION**

We are committed to the prevention of crime and the protection of life and property; the preservation of peace, order, and safety; the enforcement of laws and ordinances; and the safeguarding of Constitutional guarantees

With customer services as our foundation, we are driven by goals to investigate problems as well as incidents, seeking solutions and fostering a sense of security in neighborhoods and individuals. It is our goal to develop a partnership with all members of our community.

**C. GOALS**

1. **TARGET STREET-LEVEL CRIMES** including narcotics violations, liquor and curfew enforcement, and heavy saturation patrols of high crime areas identified as having a recurring crime problem
2. **EDUCATE CITIZENS** toward responsibility for crime prevention and participation with police in identifying and solving crime and quality of life issues
3. **TAKE AN ACTIVE ROLE IN CITY-SPONSORED EVENTS**, festivals, or civic gatherings necessitating police presence for enforcement action, public education opportunities, and general public safety including citizens' academies and bicycle safety demonstrations



**D. ORGANIZATIONAL  
STRUCTURE**

1. **COMMANDER: A FIELD OPERATIONS LIEUTENANT** maintains functional supervision and coordination, providing standardization and accountability for the program
2. **THE ASSIGNED SERGEANT** maintains supervision and coordination over the daily activities of the team, including the following:
  - a. Ensuring regular training
  - b. Managing equipment and supplies
  - c. Planning special details and projects
  - d. Proactive bike patrol downtown and in statistically high crime areas
  - e. Policing unusual matters involving protesting groups or planned demonstrations

3. **BICYCLE OFFICERS** may be assigned to work any area of the city. They:
  - a. Will notify Communications of availability
  - b. May respond to all types of calls
  - c. May volunteer for calls in proximity, if available
  - d. Will proactively focus on areas needing attention
  - e. Will use discretion on traffic-related calls
  - f. Will attempt to log as much activity as possible
  - g. Are not the primary unit in a beat, but may assist or volunteer for calls

**E. AUTHORIZATION  
FOR USAGE**

[41.1.3]

1. **BICYCLES ARE ASSIGNED TO BICYCLE TEAM MEMBERS** as their primary mode of transportation
2. **AUTHORIZED USERS** include:
  - a. Bicycle Team members
  - b. Personnel demonstrating proficiency and authorized by the Bicycle Team supervisor
  - c. Employees completing the International Police Mountain Bike Association (IPMBA) bicycle school
3. **SPECIAL PROJECTS:** Must be coordinated through the Bicycle Team commander and sergeant. Activities are planned according to:
  - a. Team availability
  - b. Contribution to team goals and objectives and balance of activity
  - c. Need for directed patrol utilizing the expertise of bicycle officers

**F. SELECTION & TRAINING**

[33.6.1] [41.1.3]

1. **SELECTION** follows special assignment selection criteria (General Order B-03)
2. **INITIAL TRAINING:** All Bicycle Team members must successfully complete the IPMBA-certified training course on basic bicycle handling which will include at least the following:
  - a. Identifying the parts of a bicycle
  - b. Performing a daily inspection
  - c. Performing minor bike maintenance techniques
  - d. Safely operating a bicycle in an off-road condition
  - e. Hopping or jumping over objects or obstacles
  - f. Ascending and descending stairs
  - g. Officer safety
  - h. Safely apprehending suspects from a bicycle
  - i. Using the police mountain bike as a primary patrol tool
3. **FIELD TRAINING:** An officer newly assigned to the Bicycle Team shall satisfactorily complete two weeks of training under field conditions following the guidelines in the Bike Team Field Training Manual



4. **CONTINUING TRAINING:** The Bicycle Team sergeant and/or commander will plan and conduct regular team training for all members, including:
  - a. Five hours minimum of proficiency training monthly
  - b. Team training together when possible
  - c. Additional training for individuals as needed with approval of Bicycle Team commander

**G. EQUIPMENT  
RESPONSIBILITIES**

[41.1.3]



1. **BICYCLE OFFICERS ARE RESPONSIBLE** for the condition of all equipment assigned to them and for making repairs necessary to remain on duty during assigned shift
  - a. **Bicycle Care**
    - 1) Conduct equipment check at beginning of each shift
    - 2) Report and replace all damaged or worn equipment
    - 3) Conduct necessary repairs and /or maintenance
  - b. **May schedule routine maintenance** for on-duty time, or for any time that is convenient for the officer and the shop
  - c. **Major Repairs**
    - 1) **Conducted by CPD** certified bike team mechanic or authorized bicycle repair shop
    - 2) **Report alterations or replacement** equipment through the chain of command
  - d. **Secure bicycle and related equipment** at all times when not in service. Store bikes in the caged bike area of the police department when not used in official capacity. Exceptions required approval of a division commander.
2. **THE TEAM SUPERVISOR WILL:**
  - a. Conduct periodic inspections for maintenance of equipment
  - b. Monitor equipment for use, function, and durability
  - c. Report alterations and/or replacement equipment through the chain of command

**H. MANDATORY  
EQUIPMENT**

[41.1.3]



**INCLUDES:**

1. Helmet
2. Rack and storage bag
3. Rechargeable light system
4. Locking device
5. Camel pack
6. Flashlight
7. Weapon's light and holster
8. Eye protection
9. Portable breath tester (if available)
10. Earpiece
11. iTouch device



IA

# Use of Force Review Board Voting Sheet 1<sup>st</sup> Review

UF#: 2016-0006  
CS#: \_\_\_\_\_  
IA#: 2016-0017

Incident Date:	Review Date:	Report Number:	Personnel Involved:
02/17/16	03/17/16	2016-18528	Officer J.D. Logan #656

### Sgt. Pierce #S105

Board Member	Signature	In Policy	Refer to IA	Out of Policy, Justified
Cmdr. LeVoy	<i>[Signature]</i> #15		X	
Lt. Perez	<i>[Signature]</i>		X	
Sgt. Kieffer	<i>[Signature]</i>		X	
Det. Bromund	<i>[Signature]</i> #631	X		
Ofc. Werther	<i>[Signature]</i> #644	X	<i>[Signature]</i>	

**Training Needs:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Comments:**

USE OTHER OPTIONS - USING RADIO, OTHER OFFICERS,  
GETTING OFF BIKE.

### Graham v. Connor Factors

1. What was the severity of the crime at issue? Civil offense, city misdemeanor
2. Did the suspect pose an immediate threat to the safety of the officer or others? How? No. subject verbally refused to stop. Physically **road** around officer on his ~~leg~~ bicycle
3. Did the suspect actively resist arrest or attempt to evade arrest by fleeing? How? Yes, would not submit to show of authority. Verbally **abuse** & Physically **fled**.
4. What other factors under the "totality of circumstances" were present? Elevated, moving position on bicycles.

## Incident Review Summaries

**Date of Occurrence:** 02/17/2016

**Time of Occurrence:** 1542 hours

**Incident Report:** 2016-18528

**Personnel Involved:** Officer J.D. Logan #656

**Force Used:** Bicycle to bicycle take down

**Subject Actions:** Verbal/physical/non-compliance with commands, and fighting stance/pulling away from officer/attempting to escape.

### Summary:

On 02/17/16 Officer Joshua Logan #656 was conducting routine bicycle patrol in a full Chandler PD uniform. At this time, he was riding northbound on S. California St. just south of W. Saragosa St. when he noticed a male riding a bicycle southbound in northbound lanes besides vehicles parked on the east side of the street.

At this time, Officer Joshua Logan realized that he was riding his bicycle on the wrong side of the roadway on his bicycle. He approached the male and blocked his path with his bicycle by riding in front of him as per his training and experience with the International Police Mountain Bike Association and his tenure with the Chandler Bike Team.

Officer Logan told him to "stop right there," to stop the male and conduct a traffic stop for riding on the right side of the roadway. The male, Seferino Varelas, rode around Officer Logan and stated "fuck no, I don't have any warrants." The male at this time rode from the street to the sidewalk and began riding southbound on the eastern sidewalk of S. California St.

Officer Logan turned around and began riding south on California St. and caught up to him, according to Officer Logan it took him about four to five pedal strokes to catch up to him. Officer Logan then commanded him to stop by saying, "Chandler Police, stop," to which the male did not comply. Seferino told Officer Logan "fuck you, I am not stopping, I don't have any warrants." Officer Logan told him that he was issuing a lawful order to stop, to which the male did not say anything, he did not physically comply, and he did not stop.

Officer Logan got on the left side of Seferino and again told him to stop. At this time, Officer Logan reached for the male with both arms outstretched. He grabbed the male with both of his hands on his shoulders and dismounted his left foot from his pedal retention. According to Officer Logan, he was still straddling his bike and seated on his saddle. Officer Logan estimated that they were traveling between seven to ten miles per hour.

Officer Logan leaned towards the male to use his body weight and his weight to take him to the ground from his bike and apprehend the male on charges of Chandler City Code 11-11 Obstruction of a public officer and 28-622A failure/refusal to comply with a police officer as well as citing him for riding on the right side of a roadway, 28-815A.

Both subjects went to the ground, after going to the ground, Officer Logan called out a 906 since dispatch didn't know his exact location. Officer Logan was on top of Seferino and he wasn't resisting and his arms were outstretched. He advised him that he was under arrest and when Seferino looked at Officer Logan that's when he noticed that the subject's right eye was outside its eye socket.

Officer Logan advised dispatch that he was code four and that he needed the fire department to respond to his location. Once other units arrived on scene, he handcuffed the suspect and the subject was transported over to Chandler Regional Hospital for medical treatment.

While he was on scene, Officer Logan noticed a lot of blood on the sidewalk and street. It appeared that Seferino's right eye was impaled by the left brake lever of his bicycle during the takedown due to the amount of blood on the brake lever.

Photos of Seferino were taken by Officer Olson using his department issued patrol camera while Seferino was getting medical treatment. Crime scene technician I#229 was able to photograph Seferino at the Chandler Regional Hospital.

#### Charges on suspect:

1. Interfering with duties of public official Chandler City Code 11-11-misdemeanor
2. Obedience to a police officer, 28-622A-misdemeanor
3. Riding on the right side of roadway-28-815A-civil

#### Injuries:

Officer Logan sustained minor abrasions and bruises and Seferino Varelas right eye came out of its eye socket. The suspect was treated by the Chandler Fire Department and transported over to the Chandler Regional Hospital.

## CHANDLER POLICE DEPARTMENT USE OF FORCE REPORT

OFFICERS SHALL COMPLETE THIS REPORT UNLESS ANY INJURY IS INVOLVED, IN WHICH CASE SUPERVISORS ARE RESPONSIBLE FOR COMPLETING THE REPORT.

Mark YES or NO with an X.

GO #: 16-18528		DATE: 02/17/16	TIME: 1542
LOCATION: S. California St/W. Saragosa St			BEAT: 10
TYPE OF CALL: Bicycle Stop			
ARREST: 1542		CHARGES: CCC 11-11 (Obstruction of a Government Officer), 28-622A Failure/Refusal to Comply with Police Officer	
CONTACT:	PATROL: <input checked="" type="checkbox"/>	FELONY STOP: <input type="checkbox"/>	WARRANT: <input type="checkbox"/> SAU: <input type="checkbox"/>
<b>OFFICER(S) UTILIZING FORCE</b>	NAME: J.D. Logan	BADGE: 656	
	NAME:	BADGE:	
	NAME:	BADGE:	
	NAME:	BADGE:	
SUPERVISOR: P. Pierce #S105			
<input type="checkbox"/> VIDEO OF FORCE USED <input type="checkbox"/> BODY WORN CAMERA <input type="checkbox"/> OTHER			
<b>SUBJECT</b>			
SUBJECTS NAME: Seferino Varelas			
DOB: 06/11/1976		SEX: Male	RACE: White
DRUGS: UNKNOWN		ALCOHOL:	EDP:
<b>TYPE OF FORCE USED BY OFFICER (check all that apply)</b>			
<input type="checkbox"/>	CEW: DRIVE STUN MODE <input type="checkbox"/> PROBES DEPLOYED <input type="checkbox"/> BOTH <input type="checkbox"/>		
<input type="checkbox"/>	CHEMICAL AGENTS (O.C. SPRAY, C.S. GAS)		
<input type="checkbox"/>	HARD EMPTY HANDS (PUNCHES, KNEES, KICKS, PALM STRIKE, ETC.)		
<input type="checkbox"/>	IMPACT DEVICE (ASP, PR-24, FLASHLIGHT)		
<input type="checkbox"/>	LESS LETHAL (BATON ROUND, BEANBAG, X-REP, PEPPER BALL)		
<input type="checkbox"/>	POLICE K9 UTILIZATION		
<input type="checkbox"/>	CAROTID CONTROL TECHNIQUE		
<input type="checkbox"/>	LETHAL FORCE (DISCHARGE OF FIREARM) HANDGUN: <input type="checkbox"/> LONGGUN: <input type="checkbox"/>		
<input checked="" type="checkbox"/>	OTHER (WITH INJURIES): <i>Bicycle to Service TAKEDOWN</i>		
<input checked="" type="checkbox"/>	WAS A VERBAL WARNING GIVEN: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
	IF NO, WHY NOT?		
<b>SUBJECTS ACTIONS</b>			
<input checked="" type="checkbox"/>	VERBAL OR PHYSICAL NON-COMPLIANCE WITH COMMANDS		
<input checked="" type="checkbox"/>	FIGHTING STANCE, PULLING AWAY FROM OFFICER, ATTEMPTING TO ESCAPE		
<input type="checkbox"/>	PHYSICAL ASSAULT ON OFFICER (PUNCH, KICK, BITE, TACKLE, SPIT)		
<input type="checkbox"/>	SUICIDAL OR ATTEMPTING TO INJURE THEMSELVES		
<input type="checkbox"/>	THREATENING OR USING ANY KIND OF WEAPON TOWARDS OFFICER OR CITIZEN		
<input type="checkbox"/>	DEADLY FORCE		
INJURIES: Logan: Minor Abrasions/Bruises Varelas: eye out of eye socket		OFFICER: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	SUBJECT: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
MEDICAL REQUIRED:		OFFICER: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	SUBJECT: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
RESTRAINTS USED: HANDCUFFS: <input checked="" type="checkbox"/> FLEXCUFFS <input type="checkbox"/> RIPP RESTRAINTS: <input type="checkbox"/>			
DESCRIBE INJURIES TO OFFICER(S) AND SUSPECT(S): Logan: Minor abrasions and bruises. Varelas: Eye out of eye socket			

*[Signature]*  
\_\_\_\_\_  
OFFICER SIGNATURE

*[Signature]*  
\_\_\_\_\_  
SERGEANT SIGNATURE

*[Signature]*  
\_\_\_\_\_  
LIEUTENANT SIGNATURE

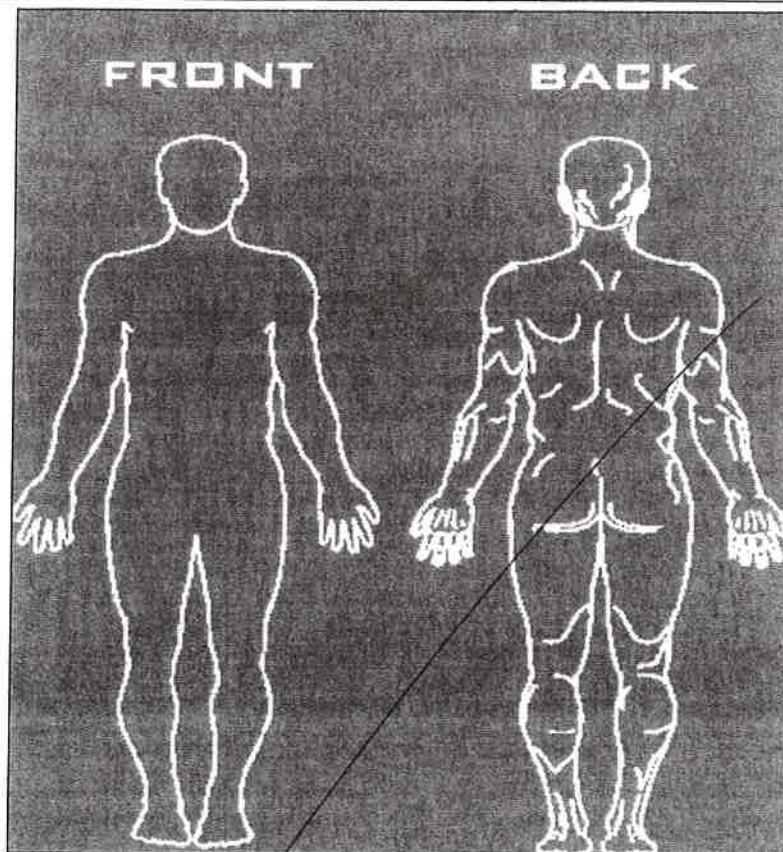
<i>656</i> _____ BADGE#	<i>2/17/16</i> _____ DATE
<i>S-105</i> _____ BADGE#	<i>2-19-16</i> _____ DATE
<i>L-39</i> _____ BADGE#	<i>02-17-16</i> _____ DATE

*[Signature]*  
COMMANDER SIGNATURE

*[Badge #]*  
BADGE#

*[Date]*  
DATE

**FORCE APPLICATION AREAS-POINTS OF CONTACT**  
(Put an X on approximate area that force was used and label it)



**CONDUCTED ELECTRICAL WEAPON USAGE REPORT**

SERIAL # OF DEVICE:	SERIAL # OF CARTRIDGE:
OFFICER ASSIGNED DEVICE:	
PROBE CONTACT MADE: YES <input type="checkbox"/> NO <input type="checkbox"/>	DRIVE STUN CONTACT MADE: YES <input type="checkbox"/> NO <input type="checkbox"/>
NUMBER OF DRIVE STUNS APPLIED:	
NUMBER OF PROBE CONTACTS APPLIED:	
NUMBER OF ACTIVATIONS AFTER PROBE CONTACT:	
WERE PHOTOS TAKEN? YES <input type="checkbox"/> NO <input type="checkbox"/>	
WAS CEW USED ON AN ANIMAL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(TYPE OF ANIMAL)	
APPROXIMATE TARGET DISTANCE AT TIME OF DEPLOYMENT:	
DID PROBES PENETRATE SUBJECTS SKIN: YES <input type="checkbox"/> NO <input type="checkbox"/>	
SUBJECTS Demeanor AFTER CEW WAS USED:	
WAS MEDICAL TREATMENT REQUIRED DUE TO CEW USAGE? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESCRIBE INJURIES IF ANY:	
CEW/DOWNLOAD COMPLETED: YES <input type="checkbox"/> NO <input type="checkbox"/>	
COMPLETED BY:	
DATE DOWNLOADED:	

FORWARD TO PROFESSIONAL STANDARDS WITHIN FIVE (5) WORKING  
DAYS OF INCIDENT. ATTACH COPIES OF GO#, CAD, AND CEW  
DOWNLOAD.

F:\Police\Police\PSS Forms\Use of Force

07/09/15



**Chandler · Arizona**  
Where Values Make The Difference



**MEMORANDUM**

**Police Department - Memo No. 2016-055**

**DATE:** May 25<sup>th</sup>, 2016

**TO:** OFFICER JOSHUA LOGAN, #656

**FROM:** SEAN E. DUGGAN, CHIEF OF POLICE

**SUBJECT:** DISPOSITION OF IA #20<sup>16</sup>~~15~~-0017 <sup>915</sup> **SUSTAINED/UNFOUNDED**

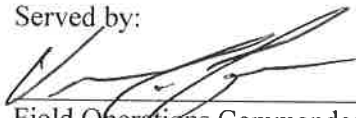
You are alleged to have violated G.O. B12.100.D.17 Excessive use of force and B12.100.D.4.f Employee engaged in unbecoming conduct which might bring discredit to the City of Chandler.


<b>B-12.100.D.17</b>	Excessive use of force- <b>Sustained</b>	<b>CLASS A-B</b>
<b>B-12.100.D.4.f</b>	Employee has engaged in unbecoming conduct which might bring discredit to the City of Chandler.- <b>Unfounded</b>	<b>CLASS A-B</b>

**You are assigned a Letter of Reprimand for the SUSTAINED violation.**

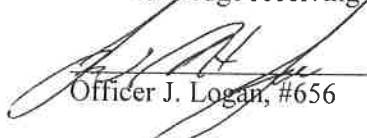
If you believe that the circumstances of this investigation or its disposition are unfair and adversely affect your working conditions, you may file a grievance following the procedures outlined in City Personnel Rule 18.

Served by:

  
Field Operations Commander 052516  
Date

 L-33 05/25/16  
Professional Standards Section Date

I acknowledge receiving a copy of this letter.

  
Officer J. Logan, #656 5/20/16  
Date

Attachment: Rule 18

CC: Human Resources, Personnel File

**Chandler Police Department  
Field Training Program  
Bike Team  
FTO Checklist**

**Responsibilities of Bike Team Members:**

Chandler Police Bike Team members rely solely on their ability to generate on-view activity while riding a Police issued mountain bike. Officers must be aggressive and motivated to contact multiple subjects on a daily basis. During these contacts Officers must be highly inquisitive whether they are confronted with a simple field interview, a consent search or a search incident arrest. Bike Team members must remember to utilize their tools, consisting of but not limited to traffic enforcement, field interviews, consent searches, frequent patrols and surveillance from their bikes. The Chandler Bike Team is currently the Departments **only** specialty position which functions solely as a pro-active unit which specializes in the detection of narcotics, gang activity, alcohol violations and warrant services along with any and all other observed criminal activity.

**Bike Team Equipment - Self Sustained Officers on the road:**

*Helmet-Proper use of straps*

*Plastic evidence bags*

*Tools*

*Glasses*

*Hydration before shift/during shift*

*Paperwork including cites, trespass forms, tow sheets*

*Rubber gloves*

*Instructed / Ofc. Performed*

<i>LT</i>	<i>1</i>	<i>100</i>
<i>LT</i>	<i>1</i>	<i>100</i>
<i>LT</i>	<i>1</i>	<i>100</i>
<i>LT</i>	<i>1</i>	<i>100</i>
<i>LT</i>	<i>1</i>	<i>100</i>
<i>LT</i>	<i>1</i>	<i>100</i>
<i>LT</i>	<i>1</i>	<i>100</i>

**General Safe Bike Riding:**

*Dismounts in safe position - traffic, suspect, etc.*

*Crosses roadways with due regard*

*Uses bike lights when applicable*

*Comfortable/confident bike riding which allows officer to be aware of surroundings/O.V.*

<i>LT</i>	<i>1</i>	<i>100</i>
<i>LT</i>	<i>1</i>	<i>100</i>
<i>LT</i>	<i>1</i>	<i>100</i>
<i>LT</i>	<i>1</i>	<i>100</i>

## Officer Safety:

Instructed / Ofc. Performed

Uses radio when patrolling high-crime areas – Lets other officers know where you're at and what you're doing.

BR / BR

Uses radio when going out with suspect(s)

JA / AD

Positions bike in a defensive position when contacting subject(s)

BR / BR

Keeps safe distance from suspect(s)

BR / BR

Proper use of partners – Contact/Cover

JA / BR

## Proactive Enforcement/Patrol Tactics:

Frequents current hot spots without direction by others

BR / BR

Locates and shares new intel regarding high-crime areas via Patrol Officers, CIS, other Bike Team members.

BR / BR

Identify gang members and complete GIMC cards

JA / AD

Take the initiative to perform field interviews, consent searches for drugs, weapons etc.

JA / AD

Shows strong desire to generate own activity

BR / BR

Frequent patrol of parking lots, viewing interior contents of vehicles

BR / BR

Clear understanding of the differences between consent, detention, probable cause and reasonable suspicion

BR / BR

Inter-Agency Operations, Working with Tempe & Scottsdale

BR / BR

## Equipment and Systems Used by Bike Team:

Stats and documentation of Bike Team activities

BR / BR

Garmin

iTouch

Axion Camera

BaseCamp

Excalibur

3SI

JA / BR

BR / BR

JA / JA

BR / BR

KJ / KT

**Individual Issued/Assigned Equipment:**

	<i>Initials / Date Issued</i>
<i>Inner Shorts</i>	____/____
<i>Uniform pants/shorts/shirt</i>	____/____
<i>Bike Helmet</i>	____/____
<i>Weapons Light and holster</i>	____/____
<i>Magazine pouches</i>	____/____
<i>Shoes</i>	____/____
<i>External Vest</i>	____/____
<i>Glasses</i>	____/____
<i>Gloves</i>	____/____
<i>Garmin</i>	____/____
<i>iTouch</i>	____/____

**Precursor Violations Commonly used by the Bike Team:**

- Left wheels to curb*
- Bicycle light at night*
- Jay-walking, pedestrian in roadway*
- Riding against traffic*
- In park after hours*
- Curfew*
- Liquor violations*
- City Code Obstructing Police, 11-11*
- All Traffic codes*
- City Code 12-6.2 - standing in median*



**General Offense Information**

**CLOSED - CRIMINAL CITATION**

Reported on: **Feb-17-2016 (Wed.) 1542**

Occurred on: **Feb-17-2016 (Wed.) 1542**

Approved on: **Feb-19-2016 (Fri.)** by: **4679 - PRESTON PIERCE #S105**

Report submitted by: **8437 - JOSHUA LOGAN #656**

Org unit: **Bicycle Team**

Address: **S CALIFORNIA ST / W MORELOS ST**

Municipality: **CHANDLER**

District: **4** Beat: **10** Grid: **I-15**

Family violence: **No**

**Offenses (Completed/Attempted)**

Offense: # **1 5399-0 PUBLIC PEACE - COMPLETED**

Location: **Highway/Road/Alley/Street/Sidewalk**

Bias: **None (No Bias)**

Offense: # **2 4813-0 FAILURE TO OBEY POLICE - COMPLETED**

Location: **Highway/Road/Alley/Street/Sidewalk**

Bias: **None (No Bias)**

**Related Event(s)**

<b>CP</b>	<b>18528</b>
<b>Arrest Booking</b>	<b>1221</b>

**Related Person(s)**

**1. Arrestee # 1 - VARELAS, SEFERINO JR**

Sex: **Male**

Race: **White**

Year of birth: **1976**

Address: **Apartment: [REDACTED]**

Municipality: **CHANDLER, Arizona 85225-**

District: **4** Beat: **10** Grid: **I-16**

**Phone Numbers**

Home:

**Particulars**

Occupation: **UNEMPLOYED**

Marital status: **Single**

Ethnicity: **Hispanic/Latino/Mexican**

Language(s) spoken: **English**

Height: **5'10** Weight: **170 lbs.**

Disability: **Multiple Issues**

Build: **Thin/Skinny** Complexion: **MEDIUM BROWN**

Eye color: **BROWN**



Hair color: **BLACK**



**Alias(es)/AKA**

Name:

**SEF**

Address:

**CHANDLER , AZ**

Sex:

YOB:

**Charge Summary**

**Charge # 1**

Offense date: **Feb-19-2016 (Fri.) 1505**

Offense: **Interfering with duties of public official**

Charge statute: **MC 11-11**

Charge severity: **Misdemeanor**

Domestic Violence: **No**

**Charge # 2**

Offense date: **Feb-19-2016 (Fri.) 1505**

Offense: **OBEDIENCE TO POLICE OFFICER**

Charge statute: **TR 28-622A**

Charge severity: **Misdemeanor**

Domestic Violence: **No**

**Linkage factors**

Armed with : **Unarmed**

Offense: **4813- 0 FAILURE TO OBEY POLICE - COMPLETED**

Arrest date: **Feb-19-2016 (Fri.)**

Arrest type: **Cite & Release (No Booking)**

**Related Text Page(s)**Document: **Narrative**Author: **8437 - JOSHUA LOGAN #656**Related date/time: **Feb-19-2016 (Fri.) 1509****Synopsis:**

On 02/17/16, at approximately 1542 hours, Seferino Varelas committed the violations of Failure/Refusal to Comply with a Police Officer (28-622A), Obstruction of a Public Officer (11-11), and Riding on Right Side of Roadway - Bicycle (28-815A) at S. California St. and W. Saragosa St. in Chandler. Case Closed Criminal Citation.

**Narrative:**

On 02/17/16, at approximately 1542 hours, I was conducting routine bicycle patrol on a Specialized 21 speed mountain bike in full Chandler PD uniform (black polo shirt with Chandler PD shoulder patches, black outer carrier vest with Chandler PD badge on left breast of vest, nametag on right breast of vest, black bicycle helmet, black full duty belt, and black issued Chandler PD Bike Team shorts.)

At this time, I was riding northbound on S. California St, just south of W. Saragosa St., when I noticed a male riding a bicycle southbound in the northbound lanes beside vehicles parked on the east side of the street. He was just north of W. Saragosa St., when I noticed him. At this time, I established the male was riding on the wrong side of the roadway on his bicycle. I then approached the male and blocked his path with my bicycle by riding in front of him as per my training and experience with IPMBA (International Police Mountain Bike Association) and my tenure with the Chandler Police Department Bike Team. I told him "Stop right there", to stop the male and conduct a traffic stop for Riding on Right Side of Roadway - Bicycle (28-815A), to which the male rode around me and stated "Fuck no, I don't have any warrants". The male at this time rode from the street to the sidewalk and began riding southbound on the eastern sidewalk of S. California St.

I turned around and began riding south on S. California St. behind him and caught up to him. It took approximately 4-5 pedal strokes to catch up to him. At this point, the male suspect and I were just south of W. Saragosa St. and north of W. Morelos St. I was still behind him and again, commanded him to stop by saying "Chandler Police! Stop!", to which the male did not comply. The male stated "Fuck you! I'm not stopping! I don't have any warrants!". I then told him that I was issuing a lawful order to stop, to which the male did not say anything, he did not physically comply, and he did not stop.

I was now riding on his left side and again, told him to stop. I reached for the male with both arms outstretched. I then grabbed the male with both of my hands on his shoulders and dismounted my left foot from my pedal retention. I was still straddling my bike and seated on my saddle. The male and I were traveling approximately 7-10 MPH at this time.

At that time, I leaned towards the male to use my body weight and his to take him to the ground from my bike to apprehend the male on the charges of Chandler City Code 11-11 Obstruction of a Public Officer and 28-622A



Failure/Refusal to Comply with a Police Officer as well as a cite him for Riding on Right Side of Roadway - Bicycle (28-815A).

The male and I went to the ground. This whole incident lasted less than 15-20 seconds from the time that I saw him and noticed the violation to the end of the apprehension to the ground and noticing his injury. This incident was rapidly evolving, tense, and required split second decisions to not only affect the arrest, but to keep the suspect's and my safety in mind.

After going to the ground, both bicycles were on their sides and the male suspect and I were between W. Saragosa St. and W. Morelos St., closer to W. Morelos. I then radioed for a "906", or urgent back up. I then realized in this moment that dispatch did not know where I was, I then radioed, "Zebra 8 (my call sign), 906, California and Morelos". At that time, dispatched restricted the channel of unrelated radio traffic. At this time, I was on top of the male suspect with my knees on his left shoulder/scapula and my hands on the male suspect's middle of his back. The male suspect did not appear or feel that he was resisting any of my efforts to take him into custody. I commanded him to stop moving and I did not feel any resistance. His arms were outstretched to his sides and he was face down. I then advised him that he was under arrest. At that time, the male suspect looked up at me and I noticed the male's right eye was outside its eye socket, bleeding profusely, and hanging along his right cheek by body tissue.

I then radioed that I was code 4 (okay) and that I needed fire department to respond to my location. Shortly thereafter, Officer Kelley #368 and another officer in training arrived on scene. I handcuffed the male suspect with two sets of handcuffs behind his back, checked for tightness, and double locked. The scene was secured and no items were moved to include the bicycles.

After this, fire department personnel arrived on scene and began treating the male. The male was later identified by Fire Department personnel as Seferino Varelas and his identity confirmed with his MVD photo. He was unhandcuffed per fire department personnel request. Seferino was transported to Chandler Regional Hospital.

While on scene, I noticed there was a lot of blood on the sidewalk and street. It appeared that Seferino's right eye was impaled by the left brake lever of his bicycle during the takedown due to the amount of blood on the brake lever.

Photos were taken of Seferino's injury prior to fire department arrival by Officer Olsen per Sgt Lockwood's request. After Seferino's transport to the hospital, ID Tech Wilkins arrived on scene and took photos of my injuries, overall photos of the scene, the bicycles and the equipment strewn around the scene. Seferino's bicycle was impounded as evidence.

I then arrived at the hospital some time later. I met with Seferino and advised him of his Miranda Rights to which he stated he understood by saying "Yes". This post-Miranda interview was tape recorded. I then asked him if the police officer told him to stop, why didn't he comply with the police officer, to which he stated "There was no reason why". I then asked if the police officer told him to stop, to which he stated "He might have, yeah". He also stated that he hadn't stopped. I then asked him if the police officer was in full uniform, to which Seferino stated "Yes, I recognized him". I then asked him if he was on a bike, to which he stated "Yes" quietly. I then asked him why he didn't stop after the police officer told him to stop, to which he stated "I had no reason why, I didn't have



# CHANDLER POLICE DEPARTMENT

## General Offense Report

GO# CH 2016-18528

PUBLIC PEACE

no warrants, or anything". I then asked him again, why he ran, to which he stated "I don't know myself, I stuttered on him or something". I then advised him of what he said to the effect "Fuck you, I'm not stopping, I don't have any warrants" I then asked him if he agreed or disagreed with that statement, to which he stated "Then that's what I said, I must have". I then asked him "That must have what you said?" to which he stated "Yea", quietly.

I then asked him if he remembered what happened, to which he stated he was coming up the alley (the east/west alley that is on the south side of 65 W. Fairview St between S. Palm Ln and S. California St.) and as he came out of the alley, he noticed the officer, and that's it. I then asked him "What did he say to you?", to which Seferino stated that "He might have turned around, we were going the opposite way." I then again asked him what the officer said to him, to which Seferino stated "He might have said 'stop'".

I asked him if he had anything else to add, to which he stated "No Sir" and I then stopped my interview of Seferino and issued him a citation for Failure/Refusal to Comply with a Police Officer (28-622A), Obstruction of a Public Officer (11-11), and Riding on Right Side of Roadway - Bicycle (28-815A). I explained the court date to Seferino and he signed the citation with his court date and stated that he understood the charges. Seferino was released to the care of Chandler Regional Hospital due to his injuries and further care needed.

Case Closed Criminal Citation



## Follow Up Report # CH 1

### Assignment Information

Assigned to: 4923 - ROBERT OLSON #S117 Rank:  
Capacity: Supplemental Org unit: Patrol Team 9  
Assigned on: Feb-18-2016 (Thu.) 1853 by: 4923 - ROBERT OLSON #S117  
Report due on: Feb-18-2016 (Thu.)

### Submission Information

Submitted on: Feb-18-2016 (Thu.) 249  
Approved on: Feb-18-2016 (Thu.) by: 4087 - BRETT LOCKWOOD #S93

### Follow Up Conclusion

Follow Up concluded: Yes

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### Narrative Text Report # 1

Document: Narrative  
Author: 4923 - ROBERT OLSON #S117  
Related date/time: Feb-18-2016 (Thu.) 233

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#### SUPPLEMENTAL REPORT:

On 02-18-16 at 1620 hours, I arrived at the call location to assist after the initial Officer called for back-up.

Upon arrival, I was asked by Supervisors at the scene to document the immediate scene prior to medics arriving, as an ID Tech would not arrive prior to the injured subject being transported to the hospital.

I used my Department Issued Patrol Camera and took photos of the scene, as well as, photos of the subject. All photos were uploaded into the Digital Crime Scene database.

I provided scene security until the ID Tech arrived.

The case officer, J.Logan #656, requested assistance with impounding the bicycle and along with Ofc Rimbach #711, we transported, then impounded the bicycle into the Chandler Police Property Building.

This ends my involvement in this case.



# CHANDLER POLICE DEPARTMENT

## General Offense Report

GO# CH 2016-18528

PUBLIC PEACE

Follow Up Report # CH 2

### Follow Up Report # CH 2

#### Assignment Information

Assigned to: 9723 - NATHANIEL MULLINS #719 Rank:  
Capacity: Supplemental Org unit: Patrol Team 9  
Assigned on: Feb-20-2016 (Sat.) 2112 by: 9723 - NATHANIEL MULLINS #719  
Report due on: Feb-24-2016 (Wed.)

#### Submission Information

Submitted on: Feb-24-2016 (Wed.) 1716  
Approved on: Feb-24-2016 (Wed.) by: 3876 - DANIEL GREENE #S70

#### Follow Up Conclusion

Follow Up concluded: Yes

---

#### Narrative Text Report # 1

Document: Narrative  
Author: 9723 - NATHANIEL MULLINS #719  
Related date/time: Feb-20-2016 (Sat.) 1504

#### Narrative:

On 02/17/16 at approximately 1542 hours while on patrol with my field training Officer Sergeant Deanda, I heard Officer Logan #656 request urgent backup in the area of South California St. and West Morelos St. in Chandler, Arizona. A short time later I heard someone request medical assistance to that location as well.

Upon arrival I observed officers had already handcuffed the subject and were setting him up in the seated recovery position. I overheard an Officer tell the subject to relax and to stay still until the Fire Department arrived. I noticed later that the male had a severe eye injury. I overheard the subject state something to the effect of I think I hit the handle bars or something. A short time later the Fire Department arrived and transported the subject.

I stood by as scene security for the remainder of my time on scene.

Supplement Closed.

**Follow Up Report # CH 3****Assignment Information**

Assigned to: **9718 - BRADLEY KOPP #718** Rank:  
Capacity: **Supplemental** Org unit: **Patrol Team 9**  
Assigned on: **Feb-19-2016 (Fri.) 2142** by: **9718 - BRADLEY KOPP #718**  
Report due on: **Feb-25-2016 (Thu.)**

**Submission Information**

Submitted on: **Feb-20-2016 (Sat.) 1434**  
Approved on: **Feb-25-2016 (Thu.)** by: **3721 - JESUS DEANDA #S95**

**Follow Up Conclusion**

Follow Up concluded: **Yes**

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**Narrative Text Report # 1**

Document: **Narrative**  
Author: **9718 - BRADLEY KOPP #718**  
Subject: **SUPPLEMENT**  
Related date/time: **Feb-19-2016 (Fri.) 1544**

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On 2/17/2016, at approximately 1543 hours, I arrived at California Street and Morelos Street in reference to Officer LOGAN requesting assistance.

I arrived on scene and saw a male subject laying on the ground on his stomach. Officer LOGAN was over the male subject holding his left arm behind his back. The male's right arm was out to his side. I grabbed the male's right hand and placed it behind his back and assisted Officer LOGAN in placing handcuffs on the male. The male subject was then placed in a seated position.

Chandler Fire Department was requested due to injuries to the male. I stayed on scene and assisted with scene security until the male subject was transported.

No further action.

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**Clearance Information**

Agency: **Chandler PD**

Cleared status: **Cleared By Arrest Or Criminal Citation - Not Applicable**

Cleared on: **Mar-17-2016 (Thu.)**

Complainant/Victim notified: **No**



**Related Property Report(s)**

**Report Information**

**Property Report #: 67408**

Property case status: **SEIZED/EVIDENCE**

Submitted on: **Feb-17-2016 (Wed.)** by: **RICHARD RIMBACH #711**

**Related:**

Offense: **GO CH 2016- 18528**

Related items: **1**

**Bicycle - Evidence**

Status: **SEIZED/EVIDENCE**

Tag #: **CH67408- 1**

Make: **RALIEGH**

Serial #: **AC8L08488**

Value: **\$0.00**

Description: **RALIEGH MOUNTAIN BIKE**

Recovered date: **-**

Flags: **\*e**

Current Location: **PE CGE/8/BKE3/D**

Type: **Mountain**

Model #: **SC200**

OAN: **077051**

Color: **Green**

Recovered value: **\$0.00**

Flags = d (disposed) x (x-reference) n (entered on NCIC) \*e (evidence)

**Related Property Report(s)****Report Information****Property Report #: 67531**Property case status: **SEIZED/EVIDENCE**Submitted on: **Feb-19-2016 (Fri.)** by: **JOSHUA LOGAN #656****Related:**Offense: **GO CH 2016- 18528**Related items: **1****Articles - Evidence**Status: **SEIZED/EVIDENCE**Tag #: **CH67531- 1**Article: **RCDISC- Radio, TV, and Sound Entertainment Devices**Serial # 1: **UNKNOWN**

OAN:

Value: **\$0.00**

Color:

Description: **DISPATCH RECORDING OF EVENT**

Recovered date: -

Recovered value: **\$0.00**Flags: **\*e**Current Location: **PE A**

Flags = d (disposed) x (x-reference) n (entered on NCIC) \*e (evidence)



Related Attachment - Citation/Warning

Attachment Description:
Reference Number:

City of Chandler, Maricopa County, State of Arizona
Arizona Traffic Ticket and Complaint
Complaint 429546
Driver's License Number
DEFENDANT SEFERINO VAREAS
Residential Address 908 E. KESHER LN #E CHANDLER AZ 85225
VEHICLE
The undersigned certifies that:
ON 3/7/16 7:54 AM SPEED
AT S. CALIFORNIA ST/W. SARAGOSA ST
1 11-11 OBSTRUCTION OF A PUBLIC OFFICER
2 28-622A FAILURE TO COMPLY WITH POLICE OFFICER
3 28-845 RIDING ON RIGHT SIDE OF ROADWAY - BICYCLE
You must appear at:
at the date and time indicated
Month MAR Day 9 Year 16 Time 11:00 AM
I certify upon reasonable grounds, I believe the person named above committed the acts described and I have served a copy of this complaint upon the defendant.
Complainant J.P. Logan Badge No. 656
DATE ISSUED ONLY IF DIFFERENT THAN VIOLATION DATE
Prints Taken?: Yes No
Right Index Finger



**Related Attachment - Lab Results CPD**

Attachment Description: 0001

Reference Number:



Sean Duggan  
Chief of Police

**CHANDLER POLICE DEPARTMENT**

250 East Chicago Street, Chandler AZ 85225  
480-782-4500



CALEA  
Accredited

**FORENSIC EXAMINATION REPORT**

<b>LIMS Number</b>	<b>Request #</b>	<b>Report Requested</b>	
2016-018528	0001	Crime Scene Analysis	
<b>Report Number</b>	2016-018528	<b>Report Date</b>	02/18/2016
<b>Incident Type</b>	OTHER MISDEMEANOR	<b>Page</b>	Page 1 of 1
<b>Department</b>	Chandler Police Department 250 E. Chicago Street, Chandler AZ 85225	<b>Approved By</b>	I234
<b>Requester</b>	OFFICER JOSHUA LOGAN, #656		

**EVIDENCE ITEMS COLLECTED:**

001 (72) Scene Photos

**RESULTS / INTERPRETATIONS**

On February 17, 2016, I was dispatched to California and Morelos, regarding an other misdemeanor report. Upon my arrival at 1607 hours, I met with Officer Logan, #656, who requested photographs of the scene.

There were two bicycles laying on the east side sidewalk near 571 South California. One bicycle was a Chandler Police bicycle and the other was a civilian bicycle. The green Raleigh bike had red stains on the frame and handles. There were more red stains, consistent with blood, on the ground near the bicycles.

Photographs were also taken of Officer Logan's injuries. Officer Logan had scratches on both legs and his right arm.

Seventy-two (72) digital photographs were taken.

This call was cleared at approximately 1619 hours.

End of supplement.

*Stephanie Booker*

Stephanie Booker, I219  
Crime Scene Technician II

Laboratory Accredited by ASCLD/LAB - International (ISO)

Any notes, photographs, charts, or graphs generated during the examination are retained in the laboratory.



**CHANDLER POLICE DEPARTMENT**  
**General Offense Report**

GO# CH 2016-18528

**PUBLIC PEACE**

**\*\*\* END OF HARDCOPY \*\*\***