

(Revised 1/2/19)

| | |
|---|---|
| Inspection Number: 1384188 Establishment Name: City of Chattanooga – Police Department CSHO ID-Opt Insp No.: U8867; 058 - 2019 Inspection Type: Fatality/Catastrophe | Initial Visit/Open Date: 2/24/2019 Nashville Received Date: Case Closed Date: 8-16-2019 |
| Trade Secret Info: Yes or <u>No</u> Repeat/willful/FTA citations: Yes or <u>No</u> Sampling Sheets included: Yes or <u>No</u> Safety/Health Violations Reviewed (by whom): | Green Card Tracking #s: Citation Received Date: |

Actions/Events related to case

(chronological order, date, action, initials)

[illegible]

| | |
|------------------------------|------------------------------|
| Administrator Review: | Citation Issued Date: |
| Abatement Complete: | Penalty Paid: |



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
Division of Occupational Safety and Health
220 French Landing Dr.
Nashville, TN 37243
615-741-2793

August 20, 2019

Mike Anthony, Director of Safety
City of Chattanooga
101 East 11th Street
Chattanooga, TN 37402

ATTN: James Piercy, Safety Coordinator

RE: Fatality – Police Department – February 24, 2019

Dear Mr. Anthony:

On February 24, 2019, Hank Plain conducted a fatality inspection (#1384188) with the Chattanooga Police Department.

As a result of the investigation, we have determined that there were no violations of the TOSHA Standards.

Thank you for your help of our investigation during this very difficult time for your department.

We express our sympathy to everyone affected by this tragic event.

Sincerely,

Ashley Harris

Ashley Harris, Manager of Public Sector Operations
Division of Occupational Safety & Health
AH/st



**STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
220 French Landing Drive
Nashville, TN 37243-1002**

Mrs. Gretchin Galinger
340 Zachary Trail
Ellabell, GA 31308

RE: Chattanooga - Police Department

Dear Mrs. Galinger:

We are writing to share with you the findings of the recent Tennessee Occupational Safety and Health Administration (TOSHA) investigation into the death of your son, Nicholas.

TOSHA's investigation determined that Officer Galinger and another police officer responded to a call concerning an overflowing manhole cover. They determined that there was not much they could do about the cover and planned to report the incident to the Public Works department. As they walked back to their vehicle, Officer Galinger turned around and walked back to the manhole cover. He bent over alongside the cover and examined it with his flashlight. A vehicle came speeding down the center of the road and struck Officer Galinger. The driver of the vehicle was allegedly impaired.

Given the facts of this case, no violations of the TOSHA standards were citable. Therefore, no violations are proposed, and the file has been closed. Please let us know if you would like to have a copy of the releasable portions of our investigative file.

If you would like to discuss the TOSHA inspection further, please call us at 1-800-249-8510.

We understand and regret the pain that you have suffered. Please accept our sincere condolences.

Sincerely,

Ashley Harris
Public Sector Manager



**STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
220 French Landing Drive
Nashville, TN 37243-1002**

April 3, 2019

Ms. Gretchen Lynn Galinger
340 Zachary Trail
Ellabell, GA 31308

RE: Chattanooga-Police Department

Dear Ms. Galinger:

Please accept our deepest sympathies for the loss your family has suffered in the death of your son Nicolas.

The Tennessee Occupational Safety and Health Administration (TOSHA) will investigate the circumstances surrounding the tragic event and the results will be made available to you. If violations of the TOSHA standards are documented during this investigation, citations may be issued to the employer.

Our office will notify you of our findings and any alleged violations or citations issued. The investigation process may take up to six months.

If you or another family member has questions about our ongoing investigation or information you would like to provide to our investigator, please contact:

Tom Herrod
TDLWD – TOSHA
220 French Landing Drive
Nashville, TN 37243
(615) 532-0193

If you wish to receive a copy of the final inspection report, please contact the TOSHA Manager of Standards and Procedures at 1-800-249-8510.

On behalf of all the TOSHA staff, I extend our condolences to all your family members.

Sincerely,

Steve Hawkins
Administrator, Tennessee OSHA

SH/st

Henry Plain

From: Thomas Herrod
Sent: Monday, April 1, 2019 11:06 AM
To: [REDACTED]
Cc: Henry Plain; Kevin Duke
Subject: Chattanooga Police

[REDACTED]

Would TOSHA be able to get the Next-of-Kin information from HR for the policeman who was killed?

We need to send a letter to his family member stating that we are conducting an investigation.

Thanks,



Tom Herrod | Public Sector Manager
220 French Landing Drive – 3rd Floor
Nashville, TN 37243
Ph: 615-532-0193
Thomas.Herrod@tn.gov
tn.gov/workforce/section/tosha

This response is for information purposes only and does not constitute an official communication of the Tennessee Department of Labor and Workforce Development or TOSHA. For an official response, please write to:

Manager of Standards and Procedures
State Of Tennessee
Department Of Labor And Workforce Development
Division Of Occupational Safety And Health
220 French Landing Drive
Nashville, TN 37243-1002

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Chattanooga Police Department - Policy Manual

OPS-28 – TRAFFIC DIRECTION AND CONTROL

Amends/Supersedes: OPS-28 (06/9/17)

Reviewed: Annually/June

Date of Issue: 06/21/18

CALEA 41.2.1, 61.3.1-61.3.3, 61.3.6 (6th Ed.)

PURPOSE

The purpose of this general order is to establish procedures for the traffic direction and control functions performed by personnel of this department, where necessary, to ensure the safe and efficient movement of vehicles and pedestrians. Sworn and certain uniformed non-sworn personnel shall be utilized for traffic direction and control functions.

I. MANUAL DIRECTION

A. Uniformed personnel shall manually direct traffic at locations and events determined to require other than ordinary traffic control. Such locations and events may include, but are not limited to the following:

1. Accidents; [61.2.2g; 61.3.2a]
2. Gas line/hazardous material leaks;
3. Downed power lines;
4. Critical incidents; and
5. Emergency weather conditions [61.3]

B. When manually directing traffic, uniformed personnel shall:

1. Wear a department issued or authorized traffic vest. [61.3.2ge]
2. Position themselves as conspicuously as possible.
3. Position their vehicles, with emergency lights on, in as highly visible a location as possible. [41.2.1d]
4. Use clear, uniform hand or flashlight signals, supplemented with whistle blasts when necessary. [61.3.2 a,c]
5. Use any traffic control device at their disposal (i.e., flares, cones) to minimize danger to themselves and to aid in the flow of traffic. Uniformed personnel shall be responsible for removal of these control devices upon completion of the manual control. [61.3.2 c,e]

C. The most common instance in which an officer will be required to direct traffic is at the scene of a traffic collision/crash. In cases of traffic collisions/crashes the officer shall use the following procedure:

- [61.3.2a]
1. While enroute to the scene, the officer shall observe all traffic laws, where applicable except in cases where the operation of emergency equipment is required and/or necessary. In cases such as these the officer is to operate the police vehicle in line with procedures set forth in OPS-1 Operation of Motor Vehicles.
 2. The officer shall cooperate with the investigating officer in establishing and maintaining a perimeter around the site as to minimize the disruption of the traffic collision/crash investigation and maximize the traffic flow around the scene.
 3. The officer shall also be wary of spectators that may interfere with the investigation and shall control parking and spectators to minimize interference with the traffic flow and the collision/crash investigator.
 4. Officers shall be mindful of the congestion caused by traffic collisions/crashes and should do everything possible to reduce the amount of congestion where possible and to clear the scene as soon as it is feasible.

D. When directing traffic at the scene of a critical incident (fire, gas line/hazardous material leaks, downed power lines, etc.) uniformed personnel shall do all of the following:

1. Cooperate with fire and/or maintenance officials (e.g. Electric Power Board, Water Company, etc) in establishing and maintaining a perimeter around the incident.
2. Direct the traffic flow so as to prevent vehicles from driving in areas which may place the drivers or those working the incident in danger.
3. Control parking and spectators to minimize their interference with the traffic flow and fire fighting and/or maintenance units.

E. If preventable, officers should avoid directing traffic during periods of adverse road and/or weather conditions. However this type of traffic direction and control cannot always be avoided. When directing traffic during periods of adverse road and/or weather conditions the officer shall abide by all the regulations as established in section I, B above. In addition the officer shall: **[61.3.2 b]**

1. In conjunction with the Public Works Department determine whether or not a roadway may be closed and barricaded to keep drivers from the area.
2. Cooperate with fire and/or maintenance officials (e.g. Public Works, Electric Power Board, Water Company, etc) in establishing and maintaining a perimeter around the affected area.
3. Direct the traffic flow so as to prevent vehicles from driving in areas which may place the drivers or those working the incident in danger.
4. Control parking and spectators to minimize their interference with the traffic flow and emergency and/or maintenance units.

F. Upon encountering a malfunctioning traffic light, uniformed personnel shall do all of the following:
[61.3.2 c]

1. Advise the Communications Center of the malfunction to be reported to the City's Engineering Department;
2. Manually direct traffic until a representative from the City's Engineering Department arrives, if the malfunctioning light presents a traffic hazard and if the representative can respond in a reasonable amount of time; or
3. Use the traffic control box to change the malfunctioning light to flashing, whenever it is safe and appropriate to do so.

II. POLICE ESCORTS

A. Police escorts may be provided to oversized vehicles, hazardous or unusual cargo or to other emergency vehicles only upon supervisory approval. Escorts may only be provided to funerals for department employees, retirees, immediate family members of department employees or retirees, and dignitaries upon approval of the Assistant Chief over the Special Operations Command. Any other escort, not listed above, may be provided with the approval of the Assistant Chief over the Special Operations Command. **[61.3.3]**

1. The Traffic Unit Commander shall make assignment of motorcycles or regular patrol units for traffic escorts. A sufficient number of units shall be assigned to block all controlled intersections until the entire escort has passed through the intersection.
2. The escort shall move at a speed that the officer(s) determine to be safe, taking into consideration the nature of the escort, traffic and weather conditions.
3. The escort shall proceed **only** by the route previously chosen, determined by the nature of the escort, traffic, road conditions, as well as weather conditions.

4. Emergency vehicles involved in the escort shall be required to use emergency lights and unit headlights. The siren shall be used only when clearing an intersection or if needed to clear traffic throughout the escort. [41.2.1d]

5. The lead unit shall leave a safe distance between itself and lead car in the procession. When approaching an intersection with traffic control the lead unit shall move ahead into the intersection stopping traffic in all directions. The unit shall move ahead only when **all** vehicles being escorted have passed through the intersection. Units shall continue this procedure until reaching their destination.

6. In cases involving escorts for hazardous materials, the supervisor shall coordinate with the Fire Department and ensure the presence of the Fire Department's HAZMAT team during the escort. Escort officers shall ascertain the presence of the HAZMAT team before beginning the escort. In the event of an accident, the escort officers shall assist the HAZMAT team in the controlling of traffic and in evacuation procedures if they are deemed necessary by the HAZMAT team.

7. The escort shall obey all traffic signs and traffic control systems.

B. Police units shall **NOT** be used to provide escorts for civilian vehicles in a medical emergency. The officer shall request an ambulance to transport the person with the medical emergency. [61.3.3]

III. ANALYSIS OF DIRECTION AND CONTROL

A. The Traffic Unit Commander, in cooperation with the City Traffic Engineering Department, shall annually conduct a survey to determine appropriate locations for point traffic control. The criteria for determining these locations shall include:

1. Traffic volume and speed;
2. Number of pedestrians present;
3. Duration of congestion period;
4. Presence or absence of traffic control devices; and
5. Traffic accident and enforcement data.

B. The Traffic Unit shall be involved with the Chattanooga Department of Transportation in the transportation planning for the City of Chattanooga to ensure that safety and legal concerns are addressed.

C. Reports of complaints or suggestions concerning traffic engineering deficiencies which have contributed or may contribute to accidents shall be noted by the Traffic Unit Commander who shall forward them to the appropriate city agency. Defects or hazards which present an immediate danger to safety shall be reported to the Communications Unit which shall notify the appropriate agency. [61.3.1a]

D. The Traffic Unit shall forward collision/crash and enforcement data to the Chattanooga Department of Transportation to assist in planning and prevention of future traffic problems. This includes transmission of collision/crash and enforcement data that has identified a particular problem area that may be rectified by different traffic engineering devices. [61.3.1b]



David Roddy
Chief of Police/
Chattanooga Police Department

GARRITY RIGHTS: A PUBLIC EMPLOYEE'S RIGHT AGAINST SELF-INCRIMINATION DURING EMPLOYMENT INVESTIGATIONS

by [Hawks Quindel, S.C.](#) | Mar 20, 2015 | [Criminal Defense](#), [Employment Law](#), [Nicholas Fairweather](#)

As union representation of public employees erodes in Wisconsin, it becomes even more imperative that public employees understand their workplace rights. This is especially true for employees who have been accused of conduct that is alleged to be a violation of both a work rule and criminal law. What can be direr than the possibility of losing your job *and* potentially facing the loss of liberty?

Garrity Protects Public Employees from Forced Self-Incrimination

Fortunately, both the United States and Wisconsin Constitutions protect a public employee from being forced to incriminate him or herself during an employment investigation. This protection is frequently referred to as "Garrity," which refers to a 1967 United States Supreme Court case that held a public employer cannot threaten to terminate an employee as a way of compelling the employee to provide information that can be used against them in a criminal prosecution. As stated by the United States Supreme Court: "The option to lose [one's] means of livelihood or to pay the penalty of self-incrimination is the antithesis of free choice to speak out or to remain silent...." At the heart of the protection is the Fifth Amendment to the United States Constitution, which provides that the government cannot compel a person to be a witness against him or herself.

Garrity Precludes Certain Statements from Being Used Against You

What is the remedy for an employee whose employer threatens termination if an employee does not "cooperate" with the employer's investigation into potentially criminal conduct? Suppression of evidence. A statement, as well as any evidence discovered as a result of the statement, is inadmissible if obtained through coercing the employee with threat of termination of their position. However, these cases are very fact-intensive, and in order to suppress such statements, a public employee needs the assistance of skilled lawyers familiar with representing public employees and the practice of criminal law. Protecting these rights starts during the investigatory process, as an attorney can trigger the requirements of the Garrity protection, including confirming a true threat of severe disciplinary action, usually termination, if the employee refuses to provide information. It is important to note that if you refuse to cooperate or provide accurate information when you are informed that severe consequences, up to termination, will result, your employer can use that against you in its disciplinary decision.

A Skilled Attorney Can Protect Your Garrity Rights

The public employer is still the government, and the constitutional rights provided to public employees remain despite the recent attacks on public employees. If you are a public employee being investigated for a potential work rule violation, it is important to obtain legal help to protect and preserve your rights. If you are being investigated for a crime, [contact Hawks Quindel](#) for the zealous, skilled representation every citizen deserves when interacting with a government body that has the ability to take your property, or worse, your liberty.

Inspection Report

Wed Jun 05, 2019 09:12:44 AM

| RID | CSHO ID | Supervisor ID | Inspection Number | Optional Report Number | Case Closed Date |
|---------|---------|---------------|-------------------|------------------------|------------------|
| 0454733 | U8867 | I3483 | 1384188 | 058-2019 | |

| | | | | | | | |
|--------------------------|--|---------------------------------|-------------------------|--------------------------|--|--------------|------------|
| Establishment Name | | Chattanooga - Police Department | Doing Business As (DBA) | | | 063 | |
| Establishment Owner Name | Local Government | Type of Business | Unknown | Primary NAICS | | | 922120 |
| Site Address | 2900 Hamill Road HIXSON, TN, 37343 | Site Phone | (423)-643-5000 | Extn | | Site FAX | |
| Business Address | 2900 Hamill Road HIXSON, TN, 37343 | Business Phone | (423)-643-5000 | | | Business FAX | |
| Mailing Address | 3410 Amnicola Highway CHATTANOOGA, TN, 37406 | E-mail | | | | Mobile Phone | |
| Site Activity | Inspection | NAICS Inspected | 922120 | | | Days on Site | 1 |
| Federal EIN | | DUNs | | Temporary or Fixed Site? | | | Fixed Site |
| State Estab Id | | DUNS plus4 | | CAGE Code | | | |
| Construction Type | | | | | | | |

| | | | | | |
|--------------------|-------------|--|---------------------------|-------------|--|
| Entry | 24-FEB-2019 | | First Closing Conference | 24-FEB-2019 | |
| Opening Conference | 24-FEB-2019 | | Second Closing Conference | | |
| Walkaround | 24-FEB-2019 | | Exit | 24-FEB-2019 | |

| | | | | | |
|-------------------------------|----------------------|------|---|----------------------|----------------------|
| Inspection Initiating Type | Fatality/Catastrophe | | | Secondary Type | Unprogrammed Related |
| Other Initiating Type | | | | Inspection Category | Safety |
| Scope of Inspection | Partial | | | Reason No Inspection | |
| Sampling Performed? | N | SVEP | N | Expln. for No Insp. | |
| Federal Strategic Initiatives | | | | | |
| National Emphasis | | | | | |
| State Emphasis | PLANGUIDE | | | | |
| Local Emphasis | | | | | |
| Primary Emphasis | | | | | |

| | | | | | |
|---|------|--------------|---|----------------------|---|
| Employed in Establishment | 500 | Walkaround? | N | Advance Notice? | N |
| Covered By Inspection | 500 | Interviewed? | Y | Flag for Follow-up | N |
| Controlled By Employer | 2700 | Union? | N | Reason for Follow-up | |
| Is this Company a current federal contractor? | N | | | | |

| | | | | | |
|---------------------------|--|--------------|----------------------------|------|--|
| Parent Company Legal Name | | | Parent Comp Trade Name/DBA | | |
| Parent Company Address | | Phone Number | | Extn | |
| TIN / EIN | | | DUNS | | |
| CAGE Code | | | DUNS plus4 | | |

| Related Activity | | | |
|------------------|---------------|-----------|---------------------------------|
| Activity Number | Activity Type | Satisfied | Establishment Name |
| 1435027 | FAT/CAT | | Chattanooga - Police Department |

| Related Inspections | | |
|---------------------|--------------------|-------------------------|
| Inspection Number | Establishment Name | Related Inspection Type |
| | | |

| Additional Codes | | | |
|------------------|----|-------|-------------|
| Type | ID | Value | Description |
| | | | |

| Employer Representatives Contacted | |
|------------------------------------|---|
| Name | Witness Identity/Identifiable Information TCA 50-3-302(d) |
| Address | |
| Home | |
| Email | |

| Employees Contacted | |
|---------------------|---|
| Name | Witness Identity/Identifiable Information TCA 50-3-302(d) |
| Address | |
| Home | |
| Email | |

| | | | |
|----------------|-------------------|------|----------|
| CSHO Signature | <i>Hank Plain</i> | Date | 03/01/19 |
|----------------|-------------------|------|----------|

GARRITY RIGHTS: A PUBLIC EMPLOYEE'S RIGHT AGAINST SELF-INCRIMINATION DURING EMPLOYMENT INVESTIGATIONS

by [Hawks Quindel, S.C.](#) | Mar 20, 2015 | [Criminal Defense](#), [Employment Law](#), [Nicholas Fairweather](#)

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A Skilled Attorney Can Protect Your Garrity Rights

The public employer is still the government, and the constitutional rights provided to public employees remain despite the recent attacks on public employees. If you are a public employee being investigated for a potential work rule violation, it is important to obtain legal help to protect and preserve your rights. If you are being investigated for a crime, [contact Hawks Quindel](#) for the zealous, skilled representation every citizen deserves when interacting with a government body that has the ability to take your property, or worse, your liberty.

From: Witness Identity/Identifiable Information TCA 50-3-302(d)

Sent: Monday, April 1, 2019 12:29 PM

To: Thomas Herrod

Cc: Henry Plain; Kevin Duke

Subject: Re: Chattanooga Police

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

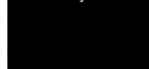
Of course. The next of kin is Gretchen Lynn Galinger (mother). The address is: 340 Zachary Trail, Ellabell, GA 31308

Thanks,

Mike

On Mon, Apr 1, 2019 at 11:06 AM Thomas Herrod <thomas.herrod@tn.gov> wrote:

Witness Identity/Identifiable In



Would TOSHA be able to get the Next-of-Kin information from HR for the policeman who was killed?

We need to send a letter to his family member stating that we are conducting an investigation.

Thanks,



Department of
**Labor & Workforce
Development**

TOSHA

Tom Herrod | Public Sector Manager

220 French Landing Drive – 3rd Floor

Nashville, TN 37243

Ph: 615-532-0193

Thomas.Herrod@tn.gov

tn.gov/workforce/section/tosha

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Manager of Standards and Procedures
State Of Tennessee
Department Of Labor And Workforce Development
Division Of Occupational Safety And Health
220 French Landing Drive
Nashville, TN 37243-1002

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https://twitter.com/Jobs4_TN

Witness Identity/Identifiable Information TCA 50-3-302(d)

City of Chattanooga

Suzanne Troxler

From: Thomas Herrod
Sent: Wednesday, April 3, 2019 8:11 AM
To: Suzanne Troxler
Subject: FW: Chattanooga Police

Please generate a NOK letter for the Chattanooga Police fatality (inspection # 1384188).

Thanks,



Tom Herrod | Public Sector Manager
220 French Landing Drive – 3rd Floor
Nashville, TN 37243
Ph: 615-532-0193
Thomas.Herrod@tn.gov
tn.gov/workforce/section/tosha

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Manager of Standards and Procedures
State Of Tennessee
Department Of Labor And Workforce Development
Division Of Occupational Safety And Health
220 French Landing Drive
Nashville, TN 37243-1002

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https://twitter.com/Jobs4_TN

Inspection Report

Thu Aug 08, 2019 07:56:47 AM

| RID | CSHO ID | Supervisor ID | Inspection Number | Optional Report Number | Case Closed Date |
|---------|---------|---------------|-------------------|------------------------|------------------|
| 0454733 | U8867 | I3483 | 1384188 | 058-2019 | |

| | | | | | | | |
|--------------------------|--|---------------------------------|-------------------------|--------------------------|-----|--------------|------------|
| Establishment Name | | Chattanooga - Police Department | Doing Business As (DBA) | | 063 | | |
| Establishment Owner Name | Local Government | Type of Business | Unknown | Primary NAICS | | | 922120 |
| Site Address | 2900 Hamill Road HIXSON, TN, 37343 | Site Phone | (423)-643-5000 | Extn | | Site FAX | |
| Business Address | 2900 Hamill Road HIXSON, TN, 37343 | Business Phone | (423)-643-5000 | | | Business FAX | |
| Mailing Address | 3410 Amnicola Highway CHATTANOOGA, TN, 37406 | E-mail | | | | Mobile Phone | |
| Site Activity | Inspection | NAICS Inspected | 922120 | | | Days on Site | 1 |
| Federal EIN | | DUNs | | Temporary or Fixed Site? | | | Fixed Site |
| State Estab Id | | DUNS plus4 | | CAGE Code | | | |
| Construction Type | | | | | | | |

| | | | | | |
|--------------------|-------------|--|---------------------------|-------------|--|
| Entry | 24-FEB-2019 | | First Closing Conference | 24-FEB-2019 | |
| Opening Conference | 24-FEB-2019 | | Second Closing Conference | | |
| Walkaround | 24-FEB-2019 | | Exit | 24-FEB-2019 | |

| | | | | | |
|-------------------------------|----------------------|------|----------------------|---------------------|--------|
| Inspection Initiating Type | Fatality/Catastrophe | | Secondary Type | | |
| Other Initiating Type | | | Inspection Category | | Safety |
| Scope of Inspection | Comprehensive | | Reason No Inspection | | |
| Sampling Performed? | N | SVEP | N | Expln. for No Insp. | |
| Federal Strategic Initiatives | | | | | |
| National Emphasis | | | | | |
| State Emphasis | | | | | |
| Local Emphasis | | | | | |
| Primary Emphasis | | | | | |

| | | | | | |
|---|------|--------------|---|----------------------|---|
| Employed in Establishment | 500 | Walkaround? | N | Advance Notice? | N |
| Covered By Inspection | 500 | Interviewed? | Y | Flag for Follow-up | N |
| Controlled By Employer | 2700 | Union? | N | Reason for Follow-up | |
| Is this Company a current federal contractor? | N | | | | |

| | | | | | |
|---------------------------|--|--------------|----------------------------|------|--|
| Parent Company Legal Name | | | Parent Comp Trade Name/DBA | | |
| Parent Company Address | | Phone Number | | Extn | |
| TIN / EIN | | | DUNS | | |
| CAGE Code | | | DUNS plus4 | | |

| Related Activity | | | |
|------------------|---------------|-----------|---------------------------------|
| Activity Number | Activity Type | Satisfied | Establishment Name |
| 1435027 | FAT/CAT | Safety | Chattanooga - Police Department |

| Related Inspections | | |
|---------------------|--------------------|-------------------------|
| Inspection Number | Establishment Name | Related Inspection Type |
| | | |

| Additional Codes | | | |
|------------------|----|-------|-------------|
| Type | ID | Value | Description |
| | | | |

| Employer Representatives Contacted | |
|------------------------------------|---|
| Name | Witness Identity/Identifiable Information TCA 50-3-302(d) |
| Address | |
| Home | |
| Email | |

| Employees Contacted | | | | | | | |
|---------------------|--|-----------|---------------|------------|---|-----|--|
| Name | | Job Title | | Occupation | | | |
| Address | | | Interviewed? | | N | | |
| Home | | Work | | Mobile | | Fax | |
| Email | | | Participation | | | | |

| | | | |
|----------------|-------------------|------|----------|
| CSHO Signature | <i>Hank Plain</i> | Date | 03/01/19 |
|----------------|-------------------|------|----------|

PUBLIC SECTOR INSPECTION NARRATIVE - 2019

| | | | |
|-------------------------|------------------------|-------------------|------------|
| Inspection # | 1384188 | Optional Report # | 058 - 2019 |
| Inspection Type | Fatality / Catastrophe | | |
| Establishment Name | City of Chattanooga | | |
| Work Location | Police Department | | |
| Inspector | Hank Plain | | |
| Opening Conference Date | 2/24/2019 | | |
| Closing Conference Date | 2/24/2019 | | |

| Chief Executive Officer / Designated Safety Official / Employer Representatives Contacted | | |
|---|--------------------------------|---|
| Name | Title | Function (I-Credentials Presented W-Walk around O-Opening C-Closing M-Mgmt. Official) |
| Mike Anthony | Safety Director | OCM |
| James Piercy | Occupational Safety Specialist | OCM |
| Organized Employee Groups / Authorized Employee Representative(s) Contacted | | |
| Name | Union | Function (I-Credentials Presented; W-Walk around; O-Opening C-Closing) |
| | | |
| Police / Coroner / Attorney Contacted | | |
| | | |

OPENING CONFERENCE

- ☒ Credentials Presented
- ☐ Employee Representative / Union Official contacted
- ☒ Explained Purpose, Nature and Scope of Inspection
- ☐ Copy of the Complaint Given (if applicable)
- ☒ Explained Prohibitions against Discrimination

- ☒ Discussed required updates to **Safety & Health Plan**
- ☒ Requested updated Worksite / Locations/ Organizational Charts
- ☒ Requested Email Addresses for Employer and/or Safety Director

- ☒ Requested OSHA 300 / 300A Logs (2016 -2018) / 300-A posted (Feb 1- April 30)
- ☒ Requested OSHA 300 Log (2019)

- ☒ Explained Electronic Submission of Injury / Illness records to OSHA
- ☒ Discussed requirement that all **Fatalities/Catastrophes** be reported to TOSHA within **8 hours** of incident
- ☒ Discussed requirement that all **Hospitalizations, Amputations, and Losses of an Eye** be reported to TOSHA within **24 hours** of incident.

OSHA 300A Logs - DART Rate Calculation

| Year | 2015 | 2016 | 2017 | 2015 - 2017 | 2018 |
|-------------|-----------|-----------|-----------|-------------|------|
| Cases (H+I) | 123 | 114 | 147 | 384 | 29 |
| Man-hours | 4,556,188 | 4,997,969 | 5,308,818 | 14,862,975 | |
| DART Rate | 5.40 | 4.56 | 5.54 | 5.17 | |

Enter **Cases** and **Man-Hours** for Individual Years / Automatically Calculates DART Rates & Totals for 2015 - 2017

WRITTEN PROGRAMS / TRAINING REQUIREMENTS

| | |
|----------------------------------|--|
| PPE | <input checked="" type="checkbox"/> Assessment Done <input checked="" type="checkbox"/> Assessment Certified <input checked="" type="checkbox"/> PPE provided <input checked="" type="checkbox"/> Training Given |
| | <input checked="" type="checkbox"/> Eye / Face <input checked="" type="checkbox"/> Head <input checked="" type="checkbox"/> Foot/ Leg <input checked="" type="checkbox"/> Arm/ Hand <input checked="" type="checkbox"/> Body |
| | <input type="checkbox"/> N/A |
| Comments: | |
| Respirators | <input type="checkbox"/> Written Program <input type="checkbox"/> Medical Evaluations <input type="checkbox"/> Fit Tests <input type="checkbox"/> Training <input type="checkbox"/> Appendix D given |
| | <input checked="" type="checkbox"/> N/A |
| Comments: | |
| Hearing Conservation | <input type="checkbox"/> Written Program <input type="checkbox"/> Required <input type="checkbox"/> Audiograms <input type="checkbox"/> Training <input type="checkbox"/> Type: Single-use |
| | <input type="checkbox"/> Type: Molded / Preformed <input type="checkbox"/> Type: Earmuffs <input checked="" type="checkbox"/> N/A |
| Comments: | |
| HAZCOM / TN Right-to-Know | <input checked="" type="checkbox"/> Written Program <input checked="" type="checkbox"/> SDSs available <input checked="" type="checkbox"/> Chemicals labeled properly <input checked="" type="checkbox"/> Initial Training <input checked="" type="checkbox"/> Annual Refresher Training <input checked="" type="checkbox"/> GHS Training <input checked="" type="checkbox"/> Training Logs <input type="checkbox"/> Non-containerized warnings posted (CO, Welding Fumes, Wood Dust) <input type="checkbox"/> N/A |
| Comments: | |
| LOTO | <input type="checkbox"/> Written Machine-specific Procedures <input type="checkbox"/> Training given <input type="checkbox"/> Locks/tags provided <input type="checkbox"/> Periodic reviews Done |
| | <input checked="" type="checkbox"/> N/A |
| Comments: | |
| 1st Aid/BBP | <input checked="" type="checkbox"/> First Responders on site <input checked="" type="checkbox"/> BBP program <input checked="" type="checkbox"/> BBP – Annual Review/ Update <input checked="" type="checkbox"/> Training given |
| | <input checked="" type="checkbox"/> Universal Precautions Applied |
| | <input type="checkbox"/> N/A |
| Comments: | |
| Forklifts | <input type="checkbox"/> Operators Trained & Evaluated <input type="checkbox"/> Training Certified <input type="checkbox"/> Daily/shift Inspections |
| | <input checked="" type="checkbox"/> N/A |
| Comments: | |
| Fall Protection | <input type="checkbox"/> Fall Protection Program <input type="checkbox"/> Training <input type="checkbox"/> Use of Fall Protection <input type="checkbox"/> Leading Edge Protection |
| | <input checked="" type="checkbox"/> N/A |
| Comments: | |
| Trenching | <input type="checkbox"/> Trench Program <input type="checkbox"/> Training <input type="checkbox"/> Access / Egress <input type="checkbox"/> Protective Systems <input type="checkbox"/> Protective Systems |
| | <input checked="" type="checkbox"/> N/A |
| Comments: | |
| Confined Spaces | <input type="checkbox"/> Confined Spaces <input type="checkbox"/> PRCs <input type="checkbox"/> Training <input type="checkbox"/> Testing Equipment <input type="checkbox"/> Protective Systems |
| | <input checked="" type="checkbox"/> N/A |

CLOSING CONFERENCE

- ☒ No violations observed
☐ Review of hazards observed/standards allegedly violated

- ☐ Citations may or may not be issued for some or all apparent violations
- ☐ **Abatement period discussed**
- ☐ Employer may request extensions of abatement due to factors beyond their control
- ☐ Citations must be posted near where the violation occurred until corrected or for 3 working days
- ☐ Employees can object to the terms of the citation to the Commissioner of Labor and Workforce Development
- ☐ Notice of contest must be made in writing within 20 Days following the receipt of the citation and notification of penalty
- ☐ May request an informal conference with the Area Office Supervisor
- ☐ **Notify the Area Office Supervisor in writing when violations are corrected**
- ☐ Employer is responsible to ensure employees comply with the standards
- ☐ May be subject to further inspections for safety and health
- ☐ A follow-up inspection may be conducted for violations not corrected
- ☐ Variance and variance procedures discussed
- ☐ **Encourage compliance and discuss the availability of abatement assistance for cited violations**
- ☐ Closing conference guide provided

Follow up Inspection Recommended: ☐ Y ☒ N **Reason:**

OVERALL RATING OF SAFETY AND HEALTH MANAGEMENT PROGRAM:

| Management Involvement: | Employee Involvement: | Hazard Analysis: | Prevention: | Training: |
|---|---|---|---|---|
| <input type="checkbox"/> Excellent Management demonstrates outstanding leadership. | <input type="checkbox"/> Excellent Totally involved on committees and in EE training. | <input type="checkbox"/> Excellent Frequent Safety Audits by Managers, Supervisors, and EE's. | <input type="checkbox"/> Excellent Hazards Corrected – Engineering Controls – PPE always worn. | <input type="checkbox"/> Excellent Well established/ documented/ effective training – Employees have retained information. |
| <input checked="" type="checkbox"/> Good Proactive on most safety issues. | <input checked="" type="checkbox"/> Good Active safety committees (frequent meetings). Safety training by EE's. | <input checked="" type="checkbox"/> Good Periodic Safety Audits by Management. | <input checked="" type="checkbox"/> Good Most Hazards Corrected / Some Engineering Controls / PPE usually worn | <input checked="" type="checkbox"/> Good On-going classroom training. EE's demonstrate safety and health hazard avoidance. |
| <input type="checkbox"/> Fair Reactionary to safety issues and injuries/ illnesses. | <input type="checkbox"/> Fair Some EE participation on committees and in training. | <input type="checkbox"/> Fair Limited Audits – Not all Hazards are corrected. | <input type="checkbox"/> Fair Obvious Hazards Corrected / Some Engineering Controls / PPE use is minimal | <input type="checkbox"/> Fair Limited classroom/ On-the-job (OTJ) training. EE's have minimal understanding of safety and health hazard issues. |
| <input type="checkbox"/> Poor Not concerned with S&H of EE's. | <input type="checkbox"/> Poor Not Involved | <input type="checkbox"/> Poor No Audits – Hazards rarely identified | <input type="checkbox"/> Poor Hazards NOT corrected / No Engineering Controls / No PPE provided or No PPE required. | <input type="checkbox"/> Poor No classroom/OTJ training. EE's unable to identify or avoid existing safety and health hazard issues. |

ADDITIONAL INFORMATION (if applicable):

CSHO Signature: *Hank Plain*

Date: 6/6/2019

Tennessee Department of Labor and Workforce Development
Tennessee Occupational Safety and Health Administration

Notification Form for Fatality Hospitalization/Amputations/Loss of Eye

| | | | | | | | |
|---------------------------|--|---|--|---------------------------------|------------------------------------|---|------------------|
| Establishment Information | Establishment Name | Chattanooga Police Department | | | Reporting ID | 0454733 | |
| | Site Address | 3410 Amnicola Highway Chattanooga, TN 37406 | | | | | |
| | | Site Phone | (423) 643-5000 | | Site FAX | | |
| | Event Address (If different) | 2900 Hammil Road Hixson, TN 37343 | | | | | |
| Industry & Ownership | Type of Business | Law Enforcement | | | Primary NAICS | 922120 | No. of Employees |
| | Ownership | Public Sector | | | | | |
| Receipt Information | Reported By | Witness Identity/Identifiable Information TCA 50-3-302(d) | | | Date | 02/24/19 | Time |
| | Job Title | [Redacted] | | | Telephone | Witness Identity/Identifiable Information | |
| Employee Representation | Group Name(s): | | | | | | |
| Site Contact | Name: | Witness Identity/Identifiable Information T | | | | | |
| | Job Title: | Witness Identity/Identifiable Information TCA 50-3-302(d) | | | Phone Number: | Witness Identity/Identifiable Informa | |
| | Department | Chattanooga Police Department | | | Email: | Witness Identity/Identifiable Information TCA 50-3-302(d) | |
| Classification | Fatality | Catastrophe | Non-Fatality/Catastrophe Reported by Employer or Media | | | Number Unaccounted For | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | <input type="checkbox"/> | |
| Event Description | Event Date | Event Time | Number of Fatalities | Number of Hospitalized Injuries | Number of NonHospitalized Injuries | Number of Unaccounted for | |
| | 02/23/19 | 11:04 PM | 1 | 0 | 0 | 0 | |
| | Type of Event | Pick One: Fatality | | | | | |
| | | Type of Fatality: Struck by | | | | | |
| | Affected Body Part : Whole body | | | | | | |

| | | | |
|-------------------------|--|------------------------|---------------------------------|
| Preliminary Description | Victim(s): Nicholas Galinger DOB: 06/22/80 Job Title: Police Officer Other employee(s) involved: DOB: Job Title: Description of Current Incident: at approx 11:04 PM 02/23/19 Officer was inspecting a manhole due to flooding. While inspecting, the Officer was struck by an on coming vehicle. Vehicle left the scene. Officer transported to Erlanger Hospital. Officer succumbed to his injuries. Still waiting on after action report. NOK: Gretchen Lynn Galinger (Mother) 340 Zachary Trail Ellabell, GA 31308 (513) 847-1538 Hazard still in the workplace? No What steps taken to eliminate hazard? Called Public Works Has something like this happened before? No If so, when & explanation: Temporary Worker: No Temp Agency Name & Address: | | |
| | | | |
| Action | Inspection Planned? | Investigation Planned? | Received by: |
| | Yes | Yes | CSHO Name: U8867 Date: 02/24/19 |
| Comments | | | |

170 Immigrant Language Questionnaire

(Use TypeOver Mode when answering questions)

Company Name: **Chattanooga Police Department**

OSHA-1 Inspection Number: **1384188**

1. Name of Injured or Deceased: **Nicholas Galinger**

2. a. Did the victim speak a language other than English at the work site?

Yes ☐

No ☒ If No, Skip to Question 3.

b. What was this language? *(Example: Korean, Portugese, Spanish, Vietnamese, French, Italian, etc.)*

c. How well did the victim speak English?

Very well ☐

Well ☐

Not well ☐

Not at all ☐

3. What was the primary language of other workers at the work site? **English**

(Example: English, Korean, Portugese, Spanish, Vietnamese, French, Italian, etc.)

4. What was the primary language of the supervisor(s) at the work site? **English**

(Example: English, Korean, Portugese, Spanish, Vietnamese, French, Italian, etc.)

5. Was the victim Spanish/Hispanic/Latino?

Yes ☐

No ☒

6. a. Where was the victim born?

☒ **United States** *|If U.S. Skip to Question 7*

☐ **Outside the United States** *(print name of foreign country, or Puerto Rico, Guam, etc.)*

b. When did the victim come to live in the U.S.?

Print Year:

7. Was the victim a day laborer? (Please refer to definition of day laborer)

Yes ☐

No ☒

Investigative Summary

Introduction

Victim:

Name: Nicholas Galinger
Age: 39
Occupation: Police Officer
Type of Event: Struck by

Supervisor:

Witness Identity/Identifiable Information TCA 50-3-302(d)

Witnesses/Other employees on site:

There were no other employees on site.

Scope of the Job:

The Chattanooga Police Department received a call concerning an overflowing manhole cover at the 2900 block of Hamill Road Chattanooga, TN.

Investigative Findings:

On February 23, 2019, at approximately 11:04 PM, Officers Galinger and Justice traveled to the 2900 block of Hamill Road to respond to a call concerning an overflowing manhole cover. They only expected to be at the scene for a couple of minutes. When they arrived, they examined the scene and determined there was not much they could do. They planned to report the incident to the city's Public Works department and move on with the rest of their shift, which had just begun. As they walked back to their vehicle, Officer Galinger turned around and walked back to the manhole cover. He bent over alongside the manhole cover and examined it with his flashlight. It is believed he was picking up a sign that had fallen into the roadway. At that moment a car was speeding down the center of the road. Officer Galinger was struck, crashing into the windshield, over the roof and landing approximately 160 feet down the road. [Witness Identity/Identifiable Information] made an emergency call over his radio, moved his vehicle into the roadway and turned on the flashing blue lights to block traffic. He then began administering CPR on Galinger. An ambulance arrived and transported Officer Galinger to the hospital. Officer Galinger had succumbed to his injuries.

Inspection Process:

On February 24, 2019, at approximately 9:30 AM, I received a call from Administrator Steve Hawkins. He asked if I had heard anything about a fatality involving a Police Officer with the Chattanooga Police Department. I informed him that I had not. He informed me to contact [Witness Identity/Identifiable Information TCA 50-3-302(d)] [Witness Identity/Identifiable Information] with the City of Chattanooga and find out the specifics of the fatality. I called [Witness Identity/Identifiable Information] and started a TOSHA 36. [Witness Identity/Identifiable Information] informed me that he did not know very much because it was still early and the officers were just ending their night shifts. [Witness Identity/Identifiable Information] gave me enough information to start the TOSHA 36. I informed him that I would contact him tomorrow morning, Monday February 25, 2019. I called Mr. Hawkins and informed him of what I knew, which wasn't much.

On February 25, 2019, at approximately 7:30 AM, I called [Witness Identity/Identifiable Information] for more information. He stated he didn't have any more information than what he reported yesterday. He gave me the name of the [Witness Identity/Identifiable Information TCA 50-3-302(d)] [Witness Identity/Identifiable Information]. I called her office and left a message. Shortly after she called me back and said she also didn't have much information. She was still waiting on [Witness Identity/Identifiable Information] after action report. I asked her if she would call me back when she had the information. She stated she would. At approximately 2:00 PM, I called her back and left a message. I had earlier sent her an email requesting information for the TOSHA 36 and asked if the officers were wearing their hi-visibility vests. There was still a lot of information I needed to complete the TOSHA 36. I called [Witness Identity/Identifiable Information TCA 50-3-302(d)] [Witness Identity/Identifiable Information] with the city of Chattanooga. [Witness Identity/Identifiable Information] stated that he did not know very much himself because the Chattanooga Police Department wasn't telling him anything. I informed him that I need to complete the TOSHA 36. Shortly after [Witness Identity/Identifiable Information] called me back and informed me that the Chattanooga Police Department was not giving out any information due to the Garrity Law. The Garrity Law protects public employees from forced self-incrimination. I informed [Witness Identity/Identifiable Information] that all I was trying to do was fill out the TOSHA 36 so that I can pass it on to my superiors. [Witness Identity/Identifiable Information] stated that he had no further information. I called my Manager, Tom Herrod, and informed him of my dilemma and explained what I knew about the Garrity Law. Mr. Herrod informed me to pass on what I had for the TOSHA 36. Mr. Herrod and Mr. Hawkins contacted [Witness Identity/Identifiable Information] for more information. [Witness Identity/Identifiable Information] set up a meeting between Mr. Hawkins, Mr. Herrod and [Witness Identity/Identifiable Information TCA 50-3-302(d)] [Witness Identity/Identifiable Information]. Mr. Herrod informed me that he, Mr. Hawkins and [Witness Identity/Identifiable Information] determined that Officer Galinger and [Witness Identity/Identifiable Information] had followed department policy concerning hi-visibility traffic vests, which states officers will wear the traffic vests when controlling traffic. The officers were there to observe and report. Since they were visually inspecting the manhole, they did not plan to be on scene but for a few minutes. Due to Officer Galinger being struck by a vehicle with a driver allegedly impaired, it would have been difficult to foresee the accident. [Witness Identity/Identifiable Information] also requested since this was an active investigation with the Chattanooga Police Department involving a hit and run of one of their officers, the City of Chattanooga would like TOSHA to hold off on any information to the Public until they can complete their investigation.

Conclusions:

Mr. Hawkins and Mr. Herrod determined that Police Officers Galinger and [REDACTED] followed the Chattanooga Police Department's Policy concerning the wearing of hi-visibility traffic vests.

Recommendations:

It was determined since the officers followed department policy and the Chattanooga Police Department was conducting their own criminal investigation, no violations would be recommended.

Investigation Summary

| Reporting ID | Investigation Summary Number | UPA Number | Event Date | Event Time | Construction |
|--------------|------------------------------|------------|------------|------------|--------------|
| 0454733 | 114363 | 1435027 | 02/23/2019 | 11:00 PM | N |

| | | | |
|---------------------|---------------------------------|-------------------------|-----|
| Establishment Name | Chattanooga - Police Department | Doing Business As (DBA) | 063 |
| Related Inspections | | | |

Site Information

| | | | | | |
|-------------------|------------------|-------|----|-----|-------|
| Street Address 1: | 2900 Hamill Road | | | | |
| Street Address 2: | | | | | |
| County: | HAMILTON | | | | |
| City | HIXSON | State | TN | Zip | 37343 |

Event

| Event | | | |
|---------------------|-------------------|------------------|-------------|
| Type of Event | Struck by vehicle | | |
| Number of Employees | | | |
| Fatalities | Hospitalized | Non-Hospitalized | Unaccounted |
| 1 | 0 | 0 | 0 |

Abstract

| | |
|---|---|
| What was employee doing just before incident occurred? | The employee was inspecting a manhole cover that had dislodged from the manhole due to excessive water. |
| What happened? | The employee was struck by an on coming vehicle. |
| What was the injury or illness? | The employee succumbed to the injuries received from being struck. |
| What was the object or substance that directly harmed the employee? | Motor vehicle. |
| Keywords | |

| | | | | | | | |
|--------------------------|----------|-------------------|----|-----------------------|-------|--------------|--|
| Victim 1 | | | | | | | |
| Injured/Deceased Name | | | | Nicholas Galinger | | | |
| Gender | | | | MALE | | | |
| Age | | | | 39 | | | |
| Victim Injury | | | | Fatality-OSHA covered | | | |
| Cause | | | | Struck by | | | |
| Nature of Injury | | | | Other | | | |
| Next of Kin 1 | | | | | | | |
| Next of Kin Name | | | | Gretchin Galinger | | | |
| Relationship to Deceased | | | | Mother | | | |
| Mailing Address | | 340 Zachary Trail | | Phone Number | | 513-847-1538 | |
| Mailing City | ELLABELL | State | GA | Zip Code | 31308 | | |

Fatality/Catastrophe Report

Thu Aug 08, 2019 07:41:48 AM

| RID | Office Name | Activity Number | Activity Type | Receipt Date | Receipt Time | Receipt Type | Received By |
|---------|--|-----------------|---------------|--------------|--------------|--------------|-------------|
| 0454733 | Tennessee OSHA Chattanooga Office - Public Sector | 1435027 | FAT/CAT | 24-FEB-2019 | 06:00 AM | Media | T4375 |

| | | | | | | |
|---------------------|--|-----------------------|-------------------------|---------------------|--------------|--|
| Establishment Name | Chattanooga - Police Department | | Doing Business As (DBA) | | 063 | |
| NAICS Inspected | 922120 | | Primary NAICS | | 922120 | |
| Site Address | 620 East 11th St. CHATTANOOGA, TN, 37403 | Site Phone | | | Site FAX | |
| Business Address | 620 East 11th St. CHATTANOOGA, TN, 37403 | Business Phone | | | Business FAX | |
| Mailing Address | 620 East 11th St. CHATTANOOGA, TN, 37403 | Mgmt. Official | Mike Anthony | Mgmt. Official Phn. | | |
| Type of Business | Local Government | Type of Site Activity | | | | |
| Number of Employees | 200 | Ownership | Local Government | | | |

| | | | | | | | |
|---|-------------|----------------------|-------------|----------------|---|----------------------|----------|
| Event Date | 23-FEB-2019 | Event Time | 11:00 PM | Do Insp? | Y | Reason No Insp | |
| No. Hospitalized | 0 | No. Unaccounted | 0 | No. Fatalities | 1 | No. Non-Hospitalized | 0 |
| Classification | Fatality | Employer Report Date | 24-FEB-2019 | | | Employer Report Time | 10:30 AM |
| Date Office Notified Incident Has Become a Fatality | | | 24-FEB-2019 | | | | |

| | | |
|----------------------------------|-----------------|-------|
| Source Type | Source Name | Phone |
| Employer/Employer Representative | Alicia Benjamin | |

| | |
|---|---|
| Incident Type | Struck by vehicle |
| Preliminary Description (Hazard Description and Location) | At 11:04 PM 02/23/19 Officer was inspecting a manhole due to flooding. While inspecting, the Officer was struck by an on coming vehicle. Vehicle left the scene. Officer transported to Erlanger Hospital. Officer succumbed to his injuries. |
| National Emphasis | |
| Local Emphasis | |
| Federal Strategic Initiatives | |

| Additional Codes | | | |
|------------------|----|-------|-------------|
| Type | ID | Value | Description |
| | | | |

Chattanooga Police Department
Inspection # 1384188
Inspection date: 02/24/19
CSHO: U8867

INDEX

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Henry Plain

From: Henry Plain
Sent: Monday, February 25, 2019 7:53 AM
To: Witness Identity/Identifiable Information TCA 50-3-302(d)
Subject: Fatality

Good Morning Witness Identity/Identifiable Information

I still need some information to complete the TOSHA 36 before I send it to Nashville.

Officer Nicholas Galinger:

*Next of Kin Information

Home Address

Phone Number

*Other Officer involved

What is their condition?

Home Address

Phone Number

Date of Birth

*Were the Officers wearing their Hi Visibility vests during the incident.

*A copy of the After Action Report if available.

I will give you a call around 9:00 AM this morning.

Hank



Hank Plain | Occupational Safety Specialist

Public Sector

Tennessee OSHA

1301 Riverfront Parkway

Suite 202

Chattanooga, TN 37402

(423) 634-6426

henry.plain@tn.gov

tn.gov/workforce/section/tosha

Henry Plain

From: Henry Plain
Sent: Thursday, March 14, 2019 8:39 AM
To: [REDACTED]
Subject: Officer Galinger

[REDACTED]

Can you provide me Officer Galinger home address and next of kin information. I need to complete the TOSHA-36 form for Fatalities and Catastrophies.

Regards,

Hank



Hank Plain | Occupational Safety Specialist
Public Sector
Tennessee OSHA
1301 Riverfront Parkway
Suite 202
Chattanooga, TN 37402
(423) 634-6426
henry.plain@tn.gov
tnosha.gov

Henry Plain

From: Thomas Herrod
Sent: Monday, April 1, 2019 11:06 AM
To: [REDACTED]
Cc: Henry Plain; Kevin Duke
Subject: Chattanooga Police

[REDACTED]

Would TOSHA be able to get the Next-of-Kin information from HR for the policeman who was killed?

We need to send a letter to his family member stating that we are conducting an investigation.

Thanks,



**Labor & Workforce
Development**

TOSHA

Tom Herrod | Public Sector Manager
220 French Landing Drive – 3rd Floor
Nashville, TN 37243
Ph: 615-532-0193
Thomas.Herrod@tn.gov
tn.gov/workforce/section/tosha

This response is for information purposes only and does not constitute an official communication of the Tennessee Department of Labor and Workforce Development or TOSHA. For an official response, please write to:

Manager of Standards and Procedures
State Of Tennessee
Department Of Labor And Workforce Development
Division Of Occupational Safety And Health
220 French Landing Drive
Nashville, TN 37243-1002

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Chattanooga Police Department - Policy Manual

OPS-28 – TRAFFIC DIRECTION AND CONTROL

Amends/Supersedes: OPS-28 (06/9/17)

Reviewed: Annually/June

Date of Issue: 06/21/18

CALEA 41.2.1, 61.3.1-61.3.3, 61.3.6 (6th Ed.)

PURPOSE

The purpose of this general order is to establish procedures for the traffic direction and control functions performed by personnel of this department, where necessary, to ensure the safe and efficient movement of vehicles and pedestrians. Sworn and certain uniformed non-sworn personnel shall be utilized for traffic direction and control functions.

I. MANUAL DIRECTION

A. Uniformed personnel shall manually direct traffic at locations and events determined to require other than ordinary traffic control. Such locations and events may include, but are not limited to the following:

1. Accidents; [61.2.2g; 61.3.2a]
2. Gas line/hazardous material leaks;
3. Downed power lines;
4. Critical incidents; and
5. Emergency weather conditions [61.3]

B. When manually directing traffic, uniformed personnel shall:

1. Wear a department issued or authorized traffic vest. [61.3.2ge]
2. Position themselves as conspicuously as possible.
3. Position their vehicles, with emergency lights on, in as highly visible a location as possible. [41.2.1d]
4. Use clear, uniform hand or flashlight signals, supplemented with whistle blasts when necessary. [61.3.2 a,c]
5. Use any traffic control device at their disposal (i.e., flares, cones) to minimize danger to themselves and to aid in the flow of traffic. Uniformed personnel shall be responsible for removal of these control devices upon completion of the manual control. [61.3.2 c,e]

C. The most common instance in which an officer will be required to direct traffic is at the scene of a traffic collision/crash. In cases of traffic collisions/crashes the officer shall use the following procedure:

- [61.3.2a]
1. While enroute to the scene, the officer shall observe all traffic laws, where applicable except in cases where the operation of emergency equipment is required and/or necessary. In cases such as these the officer is to operate the police vehicle in line with procedures set forth in OPS-1 Operation of Motor Vehicles.
 2. The officer shall cooperate with the investigating officer in establishing and maintaining a perimeter around the site as to minimize the disruption of the traffic collision/crash investigation and maximize the traffic flow around the scene.
 3. The officer shall also be wary of spectators that may interfere with the investigation and shall control parking and spectators to minimize interference with the traffic flow and the collision/crash investigator.
 4. Officers shall be mindful of the congestion caused by traffic collisions/crashes and should do everything possible to reduce the amount of congestion where possible and to clear the scene as soon as it is feasible.

D. When directing traffic at the scene of a critical incident (fire, gas line/hazardous material leaks, downed power lines, etc.) uniformed personnel shall do all of the following:

1. Cooperate with fire and/or maintenance officials (e.g. Electric Power Board, Water Company, etc) in establishing and maintaining a perimeter around the incident.
2. Direct the traffic flow so as to prevent vehicles from driving in areas which may place the drivers or those working the incident in danger.
3. Control parking and spectators to minimize their interference with the traffic flow and fire fighting and/or maintenance units.

E. If preventable, officers should avoid directing traffic during periods of adverse road and/or weather conditions. However this type of traffic direction and control cannot always be avoided. When directing traffic during periods of adverse road and/or weather conditions the officer shall abide by all the regulations as established in section I, B above. In addition the officer shall: **[61.3.2 b]**

1. In conjunction with the Public Works Department determine whether or not a roadway may be closed and barricaded to keep drivers from the area.
2. Cooperate with fire and/or maintenance officials (e.g. Public Works, Electric Power Board, Water Company, etc) in establishing and maintaining a perimeter around the affected area.
3. Direct the traffic flow so as to prevent vehicles from driving in areas which may place the drivers or those working the incident in danger.
4. Control parking and spectators to minimize their interference with the traffic flow and emergency and/or maintenance units.

F. Upon encountering a malfunctioning traffic light, uniformed personnel shall do all of the following:
[61.3.2 c]

1. Advise the Communications Center of the malfunction to be reported to the City's Engineering Department;
2. Manually direct traffic until a representative from the City's Engineering Department arrives, if the malfunctioning light presents a traffic hazard and if the representative can respond in a reasonable amount of time; or
3. Use the traffic control box to change the malfunctioning light to flashing, whenever it is safe and appropriate to do so.

II. POLICE ESCORTS

A. Police escorts may be provided to oversized vehicles, hazardous or unusual cargo or to other emergency vehicles only upon supervisory approval. Escorts may only be provided to funerals for department employees, retirees, immediate family members of department employees or retirees, and dignitaries upon approval of the Assistant Chief over the Special Operations Command. Any other escort, not listed above, may be provided with the approval of the Assistant Chief over the Special Operations Command. **[61.3.3]**

1. The Traffic Unit Commander shall make assignment of motorcycles or regular patrol units for traffic escorts. A sufficient number of units shall be assigned to block all controlled intersections until the entire escort has passed through the intersection.
2. The escort shall move at a speed that the officer(s) determine to be safe, taking into consideration the nature of the escort, traffic and weather conditions.
3. The escort shall proceed **only** by the route previously chosen, determined by the nature of the escort, traffic, road conditions, as well as weather conditions.

4. Emergency vehicles involved in the escort shall be required to use emergency lights and unit headlights. The siren shall be used only when clearing an intersection or if needed to clear traffic throughout the escort. [41.2.1d]

5. The lead unit shall leave a safe distance between itself and lead car in the procession. When approaching an intersection with traffic control the lead unit shall move ahead into the intersection stopping traffic in all directions. The unit shall move ahead only when **all** vehicles being escorted have passed through the intersection. Units shall continue this procedure until reaching their destination.

6. In cases involving escorts for hazardous materials, the supervisor shall coordinate with the Fire Department and ensure the presence of the Fire Department's HAZMAT team during the escort. Escort officers shall ascertain the presence of the HAZMAT team before beginning the escort. In the event of an accident, the escort officers shall assist the HAZMAT team in the controlling of traffic and in evacuation procedures if they are deemed necessary by the HAZMAT team.

7. The escort shall obey all traffic signs and traffic control systems.

B. Police units shall **NOT** be used to provide escorts for civilian vehicles in a medical emergency. The officer shall request an ambulance to transport the person with the medical emergency. [61.3.3]

III. ANALYSIS OF DIRECTION AND CONTROL

A. The Traffic Unit Commander, in cooperation with the City Traffic Engineering Department, shall annually conduct a survey to determine appropriate locations for point traffic control. The criteria for determining these locations shall include:

1. Traffic volume and speed;
2. Number of pedestrians present;
3. Duration of congestion period;
4. Presence or absence of traffic control devices; and
5. Traffic accident and enforcement data.

B. The Traffic Unit shall be involved with the Chattanooga Department of Transportation in the transportation planning for the City of Chattanooga to ensure that safety and legal concerns are addressed.

C. Reports of complaints or suggestions concerning traffic engineering deficiencies which have contributed or may contribute to accidents shall be noted by the Traffic Unit Commander who shall forward them to the appropriate city agency. Defects or hazards which present an immediate danger to safety shall be reported to the Communications Unit which shall notify the appropriate agency. [61.3.1a]

D. The Traffic Unit shall forward collision/crash and enforcement data to the Chattanooga Department of Transportation to assist in planning and prevention of future traffic problems. This includes transmission of collision/crash and enforcement data that has identified a particular problem area that may be rectified by different traffic engineering devices. [61.3.1b]



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GARRITY RIGHTS: A PUBLIC EMPLOYEE'S RIGHT AGAINST SELF-INCRIMINATION DURING EMPLOYMENT INVESTIGATIONS

by [Hawks Quindel, S.C.](#) | Mar 20, 2015 | [Criminal Defense](#), [Employment Law](#), [Nicholas Fairweather](#)

As union representation of public employees erodes in Wisconsin, it becomes even more imperative that public employees understand their workplace rights. This is especially true for employees who have been accused of conduct that is alleged to be a violation of both a work rule and criminal law. What can be direr than the possibility of losing your job *and* potentially facing the loss of liberty?

Garrity Protects Public Employees from Forced Self-Incrimination

Fortunately, both the United States and Wisconsin Constitutions protect a public employee from being forced to incriminate him or herself during an employment investigation. This protection is frequently referred to as "Garrity," which refers to a 1967 United States Supreme Court case that held a public employer cannot threaten to terminate an employee as a way of compelling the employee to provide information that can be used against them in a criminal prosecution. As stated by the United States Supreme Court: "The option to lose [one's] means of livelihood or to pay the penalty of self-incrimination is the antithesis of free choice to speak out or to remain silent...." At the heart of the protection is the Fifth Amendment to the United States Constitution, which provides that the government cannot compel a person to be a witness against him or herself.

Garrity Precludes Certain Statements from Being Used Against You

What is the remedy for an employee whose employer threatens termination if an employee does not "cooperate" with the employer's investigation into potentially criminal conduct? Suppression of evidence. A statement, as well as any evidence discovered as a result of the statement, is inadmissible if obtained through coercing the employee with threat of termination of their position. However, these cases are very fact-intensive, and in order to suppress such statements, a public employee needs the assistance of skilled lawyers familiar with representing public employees and the practice of criminal law. Protecting these rights starts during the investigatory process, as an attorney can trigger the requirements of the Garrity protection, including confirming a true threat of severe disciplinary action, usually termination, if the employee refuses to provide information. It is important to note that if you refuse to cooperate or provide accurate information when you are informed that severe consequences, up to termination, will result, your employer can use that against you in its disciplinary decision.

A Skilled Attorney Can Protect Your Garrity Rights

The public employer is still the government, and the constitutional rights provided to public employees remain despite the recent attacks on public employees. If you are a public employee being investigated for a potential work rule violation, it is important to obtain legal help to protect and preserve your rights. If you are being investigated for a crime, [contact Hawks Quindel](#) for the zealous, skilled representation every citizen deserves when interacting with a government body that has the ability to take your property, or worse, your liberty.

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