# PROFESSIONAL STANDARDS DIVISION

# OFFICE OF PROFESSIONAL STANDARDS

# INVESTIGATIVE SUMMARY

***Critical Incident Review Board #16-0642***
***TPD CASE #1612010083***

---

**To:** Chairperson: Captain Kazmierzak
Member: Deputy Chief Kasmar
Member: Captain Sayre
Member: Lieutenant Mechtel
Member: Lieutenant Mammana
Member: Lieutenant Doggett
Member: Lieutenant Pickrom
Member: Lieutenant Garza
Member: Lieutenant King
Member: Lieutenant Cunningham
Member: Lieutenant Pegnato
Member: Sergeant Wooldridge
Member: Sergeant Perrin
Member: Officer Mc Cusker
City Attorney: Ms. Julianne Hughes
City Attorney: Ms. Rebecca Cassen
Legal Advisor: Ms. Lisa Judge
Independent Police Auditor: Ms. Liana Perez
Independent Police Auditor: Mr. Mitch Kagen
Community Representative: Margo Susco

**From:** Sergeant Campos
Office of Professional Standards
837-7705

The purpose of the Critical Incident Review Board is to assess the circumstances surrounding (incident details). The guidelines concerning the Board's function, objectives, and operating procedures are outlined under Tucson Police General Orders 3200.

***The following summary is provided for the Board as an overview of the circumstances surrounding the incident. The Board is reminded that this is not an all-encompassing fact sheet and that the attached documents should be carefully examined before recommendations are made.***

## Board of Inquiry OPS# 16-0642

## Officer and Weapon Involved:

**Officer Jorge Tequida #53668**
**Officer Douglas Wilfert #52282**
Operations Division South/ Zebra unit

**Glock 22, .40 caliber**
Serial #: [redacted]
Serial #: [redacted]

## Suspect Involved:

**Jose Noe Barron Gomez**
[redacted] (27 yoa)

**Cobra CA-380, .380 caliber**
Serial #: [redacted]

### Synopsis:

Officer George Tequida #53668 and Officer Douglas Wilfert #52282 were attempting to apprehend Mr. Jose N. Barron Gomez on a felony arrest warrant for failure to appear on Aggravated Assault with a Deadly Weapon charge. As they attempted to take the suspect into custody, gunfire was exchanged between the suspect and Officer Tequida. During the incident, the suspect and both officers were struck by gunfire. Additional officers responded to the scene and began providing medical attention to the wounded officers and suspect utilizing their Individual First Aid Kits (IFAK). Tucson Fire responded to the scene to continue medical treatment. Both officers were transported to Banner University Medical Center. The suspect was pronounced deceased on scene.

### Investigative Summary:

Members of the Homicide Unit and The Office of Professional Standards were called to the scene to participate in the investigation. Interviews of the involved parties occurred along with possible witnesses. The scene was processed and evidence was collected. Photographs of the scene and aerial photographs of the location were taken. The police reports, documents, transcripts, electronic media, and photographs were obtained and included in the package for review.

A declination letter from Pima County Attorney *Rick Unklesbay* was authored on *February 8, 2017*. In his declination letter Mr. Unklesbay wrote, "Officer Tequida's actions in returning fire and killing Mr. Gomez were clearly and plainly justified under the law. A.R.S. 13-404, -405 and -410 allow for the use of deadly force where a person is in danger of being harmed by another's use of deadly force. Here, that force had already been used by Mr. Gomez by firing at and hitting Officer Tequida. Fortunately Officer Tequida's ballistic Vest appears to have saved his life even though two bullets fired by Mr. Gomez did seriously injure the officer. Officer Wilfert's actions were justified in an attempt to save the life of Officer Tequida."

Mr. Unklesbay further added, "Both officer's actions were justified under the law and no charges for any of their actions that day are warranted. Therefore I consider this matter closed and decline to pursue any charges in the matter."

On December 3, 2016, Forensic Pathologist, Doctor Gregory L. Hess conducted a postmortem examination (16-3120) on Mr. Jose N. Baron Gomez at the Pima County Office of the Medical Examiner.

In his report Doctor Hess notes four gunshot wounds. The first wound is noted to be located mid chest, it entered in a front to back, right to left and downward trajectory with an exit at the left lateral chest. The second gunshot wound is described as entering via the right upper back with stippling in a back to front and upwards without right to left deviation, that projectile was recovered. The third shotgun wound is described as entering via the dorsal left forearm with a trajectory from back to front, left to right and downwards, exiting via the ventral left wrist. The fourth gunshot wound entered through the lateral left upper arm with chest re-entry. The trajectory was from left to tight without significant front/back or upward/downward deviation. Doctor Hess also makes additional observations and findings; specific to a superficial incised would of the right chest, a minor contusion and abrasion of the extremities and torso, as well as, heroin and methamphetamine intoxication (Conclusion based on Toxicology Report #3110329).

The autopsy report documented the cause of death ascribed to multiple gunshot wounds.

**Interviews:**

A total of thirteen (13) interviews were conducted in this case. The following is a brief summary of the main witnesses and officers involved in this case. Please refer to the transcripts included in the package for details of the statements made by all of the subjects involved.

**Witness Interviews:**

[redacted] is [redacted] of Jose Baron Gomez. [redacted] lives at [redacted] He works as the maintenance person for the apartment complex. Also residing in the apartment are [redacted] Becky Gomes and [redacted] Czarina Gomez. [redacted] Juan Carlos Tolano resides in Mexico; however, he was visiting during this incident. [redacted] Jose Noe Baron Gomez would come and go from the apartment for days at a time. He did have a key to the apartment; the key was given to him by [redacted] Mrs. Becky Gomez.

On the morning of December 1, 2016, [redacted] was outside in the apartment complex's grounds cleaning up the property. He was approached by Officer Tequida and Officer Wilfert. Both officers were wearing a Tucson Police Department patrol police uniform.

[redacted] recognized both of them as they had been the same officers who had previously arrested [redacted] Jose Noe Barron Gomez on the original aggravated assault charge. [redacted] was informed by the officers they were there to arrest [redacted] Jose Noe Barron Gomez for failing to appear in front of the judge on the original charge. He was asked if

[redacted] Barron Gomez, was in his apartment. [redacted] said that he was and further gave permission to the officers to go inside the apartment to arrest [redacted]

[redacted] opened the door of the apartment and Officer Tequida followed, Officer Wilfert remained outside of the apartment to provide containment. [redacted] knocked on a locked bedroom door and told [redacted] that police officers were inside the apartment wanting to speak with him. [redacted] obtained a key to unlock the bedroom door and gave that key to officer Tequida.

Officer Tequida opened the door and eventually gained entry, shortly after he entered several gunshots were heard.

Officer Wilfert entered the apartment and went to the now closed bedroom door. He fired one round through the door.

[redacted] Czarina Gomez emerged from her bedroom caring her dog with her.

Officer Wilfert exited the apartment, a few seconds elapsed and he re-entered the apartment. When Officer Wilfert reentered [redacted] realized he was limping.

Officer Tequida exited the room and indicated that he had been hit. Several Officers arrived and [redacted] and Czarina Gomez were detained by Officers.

[redacted] also said he had seen [redacted] Jose Noe Barron Gomez with a small handgun a week prior to the incident date.

**Ms. Czarina Gomez** was also interviewed; in her interview she relayed the following:

She was asleep in her bedroom and woke up to the sound of [redacted] talking loudly in Spanish, calling out to [redacted] (Jose Noe Barron Gomez) and several gunshots. Czerina opened her bedroom door and saw a white police officer with his firearm pointed towards a closed room which her family utilizes for storage. Czarina said she saw the officer fire two rounds towards the closed room. She closed her door, gathered her dogs and reopened her door. She ran into [redacted] bedroom which is across from hers. Czarina remembers [redacted] telling her to call [redacted] she remembers a dark skin officer along with the white officer telling them to get out. As she and [redacted] were exiting additional officers started to arrive. Czarina also said that while exiting the apartment she saw the dark skinned officer in a seated position inside the room that is used for storage.

Once outside she was detained by arriving officers.

**Mr. Juan Carlos Tolano** was interviewed; in his interview he relayed the following:

He was visiting [redacted] during his stay in [redacted] apartments he sleeps on a couch located in the living room. He was asleep when he noticed Jose Noe Barron Gomez entering the

apartment. He believes it was at approximately 5:30 am. He went back to sleep and woke up around 6:30 am. He got up and fixed himself something to eat. He saw [redacted] entered the apartment, a police officer followed in behind [redacted] He described that police officer as a Mexican officer. He also noticed a second police officer who did not entered the apartment. [redacted] told him the officers were there for Jose Noe Barron Gomez and added that it was for the wellbeing of [redacted]

Mr. Juan Carlos Tolano said [redacted] called out to Jose Noe Barron Gomez who was inside a bedroom that is used as a storage room. [redacted] told Jose Noe Barron Gomez that police officers were there for him. Jose Noe Barron Gomez replied to wait. Juan Carlos overheard the Mexican officer tell [redacted] that he was going to break down the door. At the statement of the officer [redacted] replied that he had a key and provided the Mexican officer with a key to open the locked door. The door was unlocked and Juan Carlos Toledo saw the Mexican officer engage in a struggle to open the door. The Mexican officer gained entry to the room and shortly after, several gunshots were heard. Mr. Juan Carlos Toledo exited the apartment. Juan Carlos Toledo later saw the white officer go into the apartment, attempt to open the door, fire one round at the closed storage/bedroom door, exit the apartment limping, break a window and return back into the apartment. Several police officers arrived and took control of the scene. He remained outside with [redacted] and [redacted]

**Mrs. Beky Gomez** was also interviewed; in her interview she relayed the following:

She was exiting her apartment [redacted] to go to work and on her way out she saw [redacted] Jose Noe Barron Gomez, who was arriving and entering the apartment. She believes that this occurred around 05:10 am. She did not know where [redacted] had been or if he owned or had a firearm. She did know that [redacted] had failed to appear in his court case. She also knew that [redacted] was facing eight years in jail as a possible sentence for the court case he failed to appear.

Mrs. Gomez response to her residence was due to a phone call she received at her workplace. As Mrs. Gomez answered the phone call, she heard [redacted] Czarina say, "oh my god," followed by "I will call you later" and hanging up. Mrs. Gomez called [redacted] back but she did not answer. She called [redacted] but he did not answer. She called [redacted] work phone but it too went unanswered fearing that something had occurred; she left her workplace and drove to her residence to find multiple officers and access to her apartment cordoned off.

**Mrs. Ernestina Espuma** was also interviewed; in her interview she relayed the following:
Mrs. Espuma and [redacted] were in her apartment getting ready to walk over to the school bus stop for [redacted] to go to school. Mrs. Espuma said she saw two officers enter the apartment Mr. Gomez resides. Mrs. Espuma said she hear the officers give commands to "get down on the ground" followed by several shots. Mrs. Espuma added both officers were injured by gunfire.

Mrs. Espuma's made several statements that appeared out of sequence in comparison to the eye witness statements. See her actual transcript for further details.

The following individuals were interviewed; however, they were only ear witnesses and

observed the aftermath of the incident:

**Naomi Gomez**
**Carolina Gomez**
**Erica Valdivia**
**Ernestina Espuma**
**Danitza Rodriguez**

**Officers**

**Sergeant Steve Simmers** was interviewed; in his interview he relayed the following:

Sergeant Simmers assumed supervisory responsibilities for ODS Squad 2 on November 28, 2016. He said on the date of the incident there were 6 officers assigned to patrol duties aside from the two Zebra Units who receive direction directly from the Division Commander Captain Wilson.

Sergeant Simmers said in respect to the Zebra units they attend briefing and debriefing. He is not informed of their day to day operations although he acts as their administrative sergeant. Sergeant Simmers did provide his expectations to both officers, Wilfert and Tequida. Those expectations are to advise him if the officers leave the division, if the officers go into Pima County jurisdiction and to apprise him from time to time of their activities.

On the date of the incident Sergeant Simmers was not advised of the plans for day by either officer from the Zebra Unit. He heard a radio transmission advising of a window and screen being opened. He assumed both officers were out locating wanted individuals. Sergeant Simmers later heard the shots fired transmission. He responded to the incident location and coordinated response of additional units to include medical aid, he and responding officers clear the apartment, detain / identify witness, stabilizes the scene and delegates welfare checks to responding officers. Aid was rendered to suspect and wounded officers.

For further detail please refer to his transcript.

**Officer Jorge Tequida** was interviewed by detectives from the Homicide Unit. He also provided an administrative interview to sergeants from the Office of Professional Standards. The interviews were conducted independent from one another.

Officer Tequida said he and Officer Wilfert are members of the Zebra Unit for Operations Division South (ODS). They receive their direction from the captain of the division, Captain Wilson. Their focus is to locate and apprehend individuals wanted for serious offences along with providing support to investigative units such as ODS's Neighborhood Crimes Section (NCS) and resolving concerns brought forth by ODS Chain of Command.

Officer Tequida and Wilfert are assigned to ODS Squad 2; Sergeant S. Simmers is their immediate supervisor.

Officer Tequida and Wilfert are not bound to regular patrol duties in the aspect of answering calls for service; this allows both officers to perform the duties they are tasked with by the Chain of Command or NCS.

On the date of December 1, 2016, both officers briefed with their assigned squad. They did not discuss with Sergeant Simmers their intent to go looking for wanted subjects. Officer Tequida and Wilfert utilized Pima County's Spillman System to look for wanted individuals with in the geographical area for ODS. They located a felony warrant for Mr. Jose Gomez [redacted] The warrant was for failure to appear on the original charge of aggravated assault. Both officers recognized the name since they had arrested Mr. Gomez [redacted] on the original charge of aggravated assault. In that original arrest Mr. Gomez [redacted] was cooperative and understanding with both officers. That arrest occurred at Mr. Gomez [redacted] located at [redacted] The family was cooperative and accommodating with the officers.

Both officers traveled to the apartment complex and made contact with [redacted] who works as the maintenance person for the apartment complex. [redacted] was outside in the apartment grounds cleaning up debris. The officers ask for Mr. Gomez [redacted] and inform [redacted] of their intent, which is to arrest Gomez [redacted]

[redacted] confirms [redacted] is in fact inside his apartment and allows both officers to go with him to his apartment. [redacted] opens the apartment door and allows the officers entry into the apartment. Officer Tequida signals Officer Wilfert to cover the south end of the apartment and proceeds to enter the apartment alone. [redacted] takes Officer Tequida to a locked door that belongs to the first room located on the hallway. The room is used to store a multitude of items which makes entry into the room difficult.

[redacted] knocks on the door and Mr. Gomez [redacted] answers. [redacted] tells [redacted] someone is there asking for him. Officer Tequida then identifies himself as a Tucson Police Officer wanting to speak with him. Mr. Gomez [redacted] answers for the officer to wait. Officer Tequida waits for some time and engages [redacted] in casual conversation. No one exits the locked room. Officer Tequida is then provided with a key after threatening to force the door in order to enter. Officer Tequida unlocks the door and feels resistance as he opens the door. Eventually Officer Tequida gains entry inside the room and exchanges gunfire with Mr. Gomez [redacted]

In the exchange of gunfire Officer Tequida is wounded twice. Mr. Gomez [redacted] succumbs to his injuries on scene. For further details please refer to Officer Tequida's transcripts.

**Officer Douglas Wilfert** was interviewed by detectives from the Homicide Unit. He also provided an administrative interview to sergeants from the Office of Professional Standards. The interviews were conducted independent from one another.

Officer Wilfert corroborated Officer Tequida's version of events with the clear difference of his perspective and actions. Officer Wilfert said that upon [redacted] and Officer Tequida entering the apartment he walked over to the southwest corner in order to maintain visual of three windows and a sliding door in anticipation of an escape attempt.

Officer Wilfert provides an estimate of one to two minutes of waiting until he decides to start to make his way to the front door since he is not hearing anything and thought that was odd. Officer Wilfert went to the front door of the apartment which was open. He saw Officer Tequida standing in the hallway near a door. Officer Tequida signals for Wilfert to go back outside and tells him to watch the windows.

Officer Wilfert starts to go back to his original position however, before he arrives there Officer Tequida calls him back inside. Officer Wilfert notices one of the windows had been slightly open. Officer Wilfert notifies Officer Tequida that the window had been opened via radio as he is turning around to go back inside. As Officer Wilfert approaches the front door he hears an exchange of gunfire. He broadcasted via radio of shots being fired. Officer Wilfert entered the apartment and does not see Officer Tequida. Officer Wilfert goes towards the location he last saw Officer Tequida and attempts to open the door. He called out Officer Tequida's name. No one answers. Officer Wilfert said he feared Officer Tequida was dead inside that locked room.

The door is not opening and Officer Wilfert attempted to kick the door open, he is unable to do so. Officer Wilfert stated that several rounds were fired from within the locked room. Officer Wilfert side steps into a nearby room in an attempt to avoid being struck by the gunfire and fires one to two rounds at the height he sees the rounds exiting through the door.

Officer Wilfert then decides to create a distraction in order to avoid being ambushed and proceeds to go outside the apartment. He goes to the window he previously saw being open and proceeds to break the window. Once the window was broken Officer Wilfert was able to recognize Officer Tequida's silhouette. Officer Wilfert then goes back inside the apartment and this time is able to gain entry into the room where Officer Tequida is. Officer Wilfert handcuffed Mr. Gomez [redacted] who is now on top of items inside the crowded room.

During this incident Officer Wilfert was wounded on his right leg. For further details refer to Officer Wilfert's transcripts.

The BOI is being sent to all Board members, Independent Police Auditor, and the Tucson Police Department's legal advisors.

04/04/17

Sergeant Luis Campos #41934
Office of Professional Standards

04-04-17

Lieutenant Justin Lane #44176
Office of Professional Standards

**December 1, 2016 (LC 41934)**

The Chief of Police directed that a Board of Inquiry (BOI) be convened for an officer involved shooting at [redacted]

The Board was comprised of Captain Joe Puglia, Lieutenant Frank Green, Lieutenant Ron Holubiak, Officer Michael Johnson, Legal Advisor Ms. Lisa Judge and City of Tucson's Independent Police Auditor Mrs. Liana Perez.

The Board was briefed on the information available at that time:

Officer George Tequida #53668 and Officer Douglas Wilfert #52282 were attempting to apprehend Mr. Jose Barron Gomez on a felony arrest warrant for failure to appear on Aggravated Assault charges. As they attempted to take the suspect into custody, gunfire was exchanged between the suspect and officers. During the incident, the suspect and both officers were struck by gunfire. Additional officers responded to the scene and began providing medical attention to the wounded officers and suspect utilizing their Individual First Aid Kits (IFAK). Tucson Fire responded to the scene to continue medical treatment. Both officers were transported to Banner University Medical Center. The suspect was pronounced deceased on scene

**December 2, 2016 (LC 41934)**

Officer Wilfert was interviewed by OPS at his residence. His interview was submitted for transcription.

**December 6, 2016 (LC 41934)**

I forwarded the BOI Qualification Memorandum to TPD's Academy Captain E. Kazmierczak.

**December 20, 2016 (LC 41934)**

Officer Tequida was interviewed by OPS, his interview has been added to the investigative file. His interview was submitted for transcription.

**January 6, 2017 (LC 41934)**

Most of the investigative documents have been provided; however, the autopsy report is still outstanding. BOI Firearms Qualification Memorandum has been returned to OPS and is included in the investigative file.

**January 18, 2017 (LC 41934)**

I received the autopsy report and additional interview transcripts. All of those documents have been added to the case file.

**February 15, 2017 (LC 41934)**

I received a letter of declination from the Pima County Attorney's Office. The latter was dated February 8, 2017, and was authored by Mr. Rick Unklesbay, Chief Trial Counsel.

Mr. Unklesbay wrote, "The unfortunate death of Mr. Gomez seems to have been a result of his drug intoxication and unwillingness to be taken into custody by the officers…Regrettably, Mr. Gomez had other intentions and began firing at Officer Tequida as soon as the officer entered the room where Mr. Gomez had been located."

Mr. Unklesbay further wrote, "Officer Tequida's actions in returning fire and killing Mr. Gomez were clearly and plainly justified under the law… Officer Wilfert's actions were justified in an attempt to save the life of Officer Tequida."

"Both officers' actions were justified under the law and no charges for any of their actions that day are warranted. Therefore I consider this matter closed and decline to purse any charges in the matter."

**March 5, 2017 (LC 41934)**

The BOI write up has been completed and is being submitted for review.

**April 4, 2017 (LC 41934)**

The BOI summary has been approved and is incorporated to the investigative file.

**February 15, 2018 (LC 41934)**

I received the following e-mails :

>>> Justin Lane 2/15/2018 5:09 PM >>>
Extension request for the Tequida/Wilfert CIRB write-up.

>>> Chad Kasmar 2/16/2018 4:08 PM >>>
Approved

*Chad Kasmar*
*Tucson Police Department*
*Deputy Chief of Police*
*Chad.Kasmar@tucsonaz.gov*
*520-837-7720, Office*
*520-589-8983, Cell*

**February 22, 2018 (LC 41934)**

>>> Luis Campos 2/21/2018 9:39 AM >>>
Good morning Sir,

the Tequita / Wilfer CIRB # is 16-0642, can you please tell me the length of time this approved request will encompass? Thank you.

>>> Chad Kasmar 2/22/2018 3:27 PM >>>
Responded to Justin, We are in final draft review now, Lets shoot for 04/01

*Chad Kasmar*
*Tucson Police Department*
*Deputy Chief of Police*
*Chad.Kasmar@tucsonaz.gov*
*520-837-7720, Office*
*520-589-8983, Cell*

## April 3, 2018 (LC 41934):

The following e-mail was sent to OPS commander Chris Dennison:

>>> Luis Campos 4/3/2018 3:03 PM >>>
Good afternoon, CIRB 16-0642 (Tequida / Wilfert) is overdue, the last approved extension was April 1st 2018. Can you please inquire with the DC to learn the status of the CIRB write up for subsequent close up of the investigation.

Thank you

Sgt. Luis Campos #41934
Tucson Police Department
Office of Professional Standards

## September 3, 2018 (LC 41934)

OPS LT. Dennison sent the following an e-mail to Detective Wilfert:

**From:** Christopher Dennison

**To:** Wilfert, Douglas

**CC:** Campos, Luis; Steven Simmers

**Date:** 9/5/2018 5:14 PM

**Subject:** CIRB 16-0642

Detective Wilfert,

The findings regarding in incident you were involved in on December 1, 2016 have been finalized by the Chief of Police. Your OPS history will reflect a sustained violation of misconduct/lesser violation; however no sanction shall be imposed due to the length of time it took to complete the investigation.

Per the Discipline Guide, this may be considered a aggravating factor in future discipline for one year from the date of occurrence (December 1, 2016/you are beyond that time frame). You will be contacted

within the next week by OPS to be provided your notice of closure. Should you have any questions please do not hesitate to call or email me.

Chris

Lieutenant Christopher Dennison
Tucson Police Department
Office of Professional Standards
270 S Stone Ave
Tucson, AZ 85701
Office 520-837-7702
Cell 520-603-4948

**September 18, 2018 (LC 41934)**

The 7 day notice intent to discipline form was served on Detective Wilfert.

**September 27, 2018 (LC 41934)**

The Sustained "No Sanction Finding of Misconduct Lesser Violation" was served on Detective Wilfert per the finding of CIRB 16-0642.

**October 2, 2018 (LC 41934)**

The Closure memorandum was e-mailed to Officer Tequida. This CIRB is now officially closed.