

OFFICE OF PROFESSIONAL STANDARDS

Critical Incident Review Board
Case # 16-0642

CONFIDENTIAL INVESTIGATION
AUTHORIZED PERSONNEL ONLY

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] 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.

Tucson Police Department

Incident Report

Incident Type: Use of Force **Incident #:** 2016-F-0731

Call Type: On-Site Activity **Incident Date:** 12/01/2016 **Time:** 6:57

Origin: Internal **Date Reported:** 12/01/2016 **Time:** 6:57

Report #: 1612010083, 16-0642

Location:

Address: [redacted]

Field Div: **Sector:**

Status: Open **Date Closed:**

Subject(s)

Subject: Barron-Gomez, Jose N

Address: [redacted]

City: Tucson **State:** AZ **Zip:** 85714

Limited English Proficiency: No

Primary Language: English

Photographs Taken: Yes

Subject Injured: Yes

Subject Injuries: Fatal

Notes:

Employee(s)

Employee: Tequida, Jorge G **ID:** 53668 **Badge ID:**

Supervisor: Thomas, Tamra J **ID:** 37909

Notes:

Action Taken

Employee Link Details

Employee Details	Tequida, Jorge G	
	Force Level:	Deadly
	Weapon/Agent:	Pistol
Subject Details	Barron-Gomez, Jose N	
	Subject Action:	Aggravated Active Aggression (deadly force)
	Subject Injured:	Yes
	Subject Injuries:	Fatal
	Photographs Taken:	Yes

Weapon Used by Subject: Firearm

Employee: Wilfert, Douglas J **ID:** 52282 **Badge ID:**

Supervisor: Thomas, Tamra J **ID:** 37909

Notes:

Action Taken

Employee Link Details

Employee Details	Wilfert, Douglas J	
	Force Level:	Deadly
	Weapon/Agent:	Pistol
Subject Details	Barron-Gomez, Jose N	
	Subject Action:	Aggravated Active Aggression (deadly force)
	Subject Injured:	Yes
	Subject Injuries:	Fatal
	Photographs Taken:	Yes
	Weapon Used by Subject:	Firearm

Details

Video: Body Worn Camera (BWC)

Assignments

Group:	Internal Affairs	**Assigned To:**	Campos, Luis A
Role:	Investigator	**Assigned By:**	Campos, Luis A
Assign Date:	12/1/2016	**Due Date:**	
Completion Date:		**Recommendation:**	
Notes:			

Notifications

Exhibits

Type:	Document	**Description:**	PCA Declination Letter
Date:	4/14/2017	**Number:**	
Location:			
Link:	10) 16-0642 Declination Letter.pdf currently in database.		
Notes:			

Type:	Document	**Description:**	Authopsy Report
Date:	4/14/2017	**Number:**	
Location:			
Link:	Jose Baron Gomez's Autopsy Report.pdf currently in database.		
Notes:			

Incident Notes:

The actions of the involved officers are being review under OPS/CIRB #16-0642

Board of Inquiry **OPS Number: 16-0642** **Received: Dec 01, 2016 07:30**

Incident #: 1612010083

Classification/Sub-classification: Operational Actions / 506 - Tactical Operations

Involved citizen:

Jose N Baron- Gomez

Role: Suspect

Linked address(s):
Incident Address: [redacted]

Employees involved:

Officer Jorge G Tequida [53668]

Employee current info:

Bureau: Field Services Bureau
Division: Operations Division South
Section: ODS Squads

Snapshot - Employee information at time of incident:

PR#: 53668
Body worn camera: BWC-No
Bureau: Field Services Bureau
Division: Operations Division South
Section: ODS Squads
Unit/Squad: ODS Squad 2
Rank/title: Officer
Age: 29 Years of employment: 3 Years with unit:
Off duty: No Off duty employed: No

Allegations:

206-Use of Force(Firearm) - None - No Violations
Sep 07, 2018 In Policy
Sep 07, 2018 - No Discipline Days/hrs suspended/assessed:

Detective Douglas J Wilfert [52282]

Employee current info:

Bureau: Investigative Services Bureau
Division: Central Investigations Division
Section: Special Victims Section

Snapshot - Employee information at time of incident:

PR#: 52282
Body worn camera: BWC-No
Bureau: Field Services Bureau
Division: Operations Division South
Section: ODS Squads
Unit/Squad: ODS Squad 2
Rank/title: Officer
Age: 34 Years of employment: 7 Years with unit:
Off duty: No Off duty employed: No

Allegations:

206-Use of Force(Firearm)
Sep 27, 2018 Justified, Policy Vio.
Sep 27, 2018 - No Discipline Days/hrs suspended/assessed:

506-Tactical Operations - Gen Orders - 1330.02 - Obedience to General Orders, Procedures and Policies Required
Sep 27, 2018 Yellow/Sustained
Sep 27, 2018 - No Discipline Days/hrs suspended/assessed:

Witnesses:

[redacted]

Linked address(s):
Citizen Address: [redacted]

Linked phone(s):
Cell: [redacted]

Carolyn Gomez

Linked address(s):
Citizen Address: [redacted]

Linked phone(s):
Home: [redacted]

Ernestina Espuma

Linked address(s):
Citizen Address: [redacted]

Juan Carlos Tolano

Linked address(s):
Citizen Address: [redacted]

Linked phone(s):
Cell: [redacted]

Erica Valdivia

Linked address(s):

Citizen Address: [redacted]

Linked phone(s):
Cell: [redacted]

Danitza Rodriguez

Linked address(s):
Citizen Address: [redacted]

Linked phone(s):
Cell: [redacted]

Naomi Gomez

Linked address(s):
Citizen Address: [redacted]

Becky Gomez

Linked address(s):
Citizen Address: [redacted]

Linked phone(s):
Cell: [redacted]

Summary:

This investigation will review the actions taken by members of the Tucson Police Department during an Officer Involved Shooting at [redacted]

Investigative tasks:

Due dt	Done dt	Type
< N/A >	Apr 4, 2017	Running Sheet Entry

Assigned To: Un-assigned

December 1, 2016 (LC 41934)
The Chief of Police directed that a Board of Inquiry be convened for an officer involved shooting at [redacted] Officer Jorge 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. During their attempt to apprehend Mr. Barron Gomez; the officers fired their duty weapon during an exchange of gunfire whit Mr. Barron-Gomez. Mr. Jose Barron Gomez was struck several times. He succumbed to his injuries as a result of the shooting and was pronounced deceased at the scene. Both officers were also wounded and transported to a medical facility.
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.
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.

When/where:

Date/time occurred: Dec 01 2016 06:57

Incident Address: [redacted]

Linked files:

Audio:

GC1K2688 (wav)
GC5K2761 (WMA)
1-[redacted]Fire Radio-Fire Phs 120116 (wav)
2[redacted] Meds Radio-Tele PM10 120116 (wav)
3-[redacted]Meds Radio-Tele PM14 120116 (wav)

B- OPS Investigative Summary:

16-0642 Investigative Summary (pdf)
16-0642 BOI Summary (pdf)
Use of Force 2016-F-0731 (PDF)

BWC Videos:

AXON_Body_Video_2016-12-01_0711 (mp4)
AXON_Body_Video_2016-12-01_0741 (mp4)
AXON_Body_Video_2016-12-01_0709 (mp4)
AXON_Body_Video_2016-12-01_0739 (mp4)

Investigative Documents:

CASE_1612010083 (pdf)
Crime Scene Log (pdf)
Event chronology E163360131 (pdf)
Event Chronology E163360204 (pdf)
Evidence Property Sheets (pdf)
Evidence_Property Released from Medical Examiner (pdf)
Search Warrant (pdf)
TPD Crime Lab Latent Print Report (pdf)
TPD Crime Lab Report DNA (pdf)
TPD Crime Lab Report-Suspect's Firearm (pdf)
ATF Trace on Ofc Tequida's Firearm (pdf)
ATF Trace on Ofc Wilfert's Firearm (pdf)
Jose Baron Gomez's Autopsy Report (pdf)
TFD Patient Report_ Ofc Tequida (pdf)
TFD Patient Report-Ofc Wilfert (pdf)
1) Officer Involved Shooting - [redacted] (doc)
2) Officer Involved Shooting - [redacted] UPDATE1 (doc)
SD-USB- Card Report (pdf)
SIM's Card Report (pdf)
UFED Report (pdf)
BOI Firearms Qualification Memorandum (pdf)
Copy of ODS_ROSTER_112716 In Effect on 12-01-16 (xls)
Ofc D Wilfert's Weapon Tranfer Form (pdf)
Ofc J Tequida's Weapon Tranfer Form (pdf)
Ofc Tequida's Taser Log (pdf)
Ofc Wilfet's Taser Log (pdf)
9) 16-0642 Apartment Diagram (pdf)
10) 16-0642 Declination Letter (pdf)

L- Discipline Documents:

E-mail from OPS LT CIRB 16-0642 (pdf)
CIRB 16-0642 Closure Memorandum (pdf)
Final_CIRB_16-0642 (pdf)
Ofc Wilfer Sustained (No sanction) Lesser violation (pdf)

M- Miscellaneous Documents:

Ofc Tequida Closure Memorandum 16-0642 (pdf)

Officer Interviews:

Ofc Tequida Criminal Interview (WMA)
1) 16-0642 Ofc J Tequida Admen Notice Service_UMC (MP3)
1) OIA_16-0642_Officer Tequida_Admin_notice (doc)
2) 16-0642 Ofc Tequida OPS interview (WMA)
2) 16-0642_Officer Tequida OPS interview (doc)
3) Ofc Tequida Administrative Notice (pdf)
16-0642 Ofc Wilfert (WMA)
16-0642 Wilfert Admonition (MP3)
Ofc Wilfer Administrative Notice (pdf)
OIA_16-0642_Officer Wilfert (doc)
1612010083_ST_WILFERT_DOUGLAS_EO_1_JA (docx)

1612010083_ST_WILFERT_DOUGLAS_EO_JA (docx)
Ofc Wilfert Criminal Interview I (WMA)
Ofc Wilfert Criminal Interview II (WMA)

Photographs:

GC2K2700 (JPG)
GC2K2701 (JPG)
GC2K2702 (JPG)
GC2K2703 (JPG)
GC2K2704 (JPG)
GC2K2705 (JPG)
GC2K2706 (JPG)
GC2K2707 (JPG)
GC2K2708 (JPG)
GC2K2709 (JPG)
GC2K2710 (JPG)
GC2K2711 (JPG)
GC2K2712 (JPG)
GC2K2713 (JPG)
GC2K2714 (JPG)
GC2K2715 (JPG)
GC107801 (JPG)
GC107822 (JPG)
GC107824 (JPG)
GC309242 (JPG)
GC309243 (JPG)
GC309244 (JPG)
GC309245 (JPG)
GC309246 (JPG)
GC309247 (JPG)
GC309248 (JPG)
GC309249 (JPG)
GC309250 (JPG)
GC309251 (JPG)
GC309252 (JPG)
GC309253 (JPG)
GC309254 (JPG)
GC309255 (JPG)
GC309256 (JPG)
GC309257 (JPG)
GC309258 (JPG)
GC309259 (JPG)
GC309260 (JPG)
GC309261 (JPG)
GC309262 (JPG)
GC309263 (JPG)
GC309264 (JPG)
GC309265 (JPG)
GC309266 (JPG)
GC309267 (JPG)
GC309268 (JPG)
GC309269 (JPG)
GC309270 (JPG)
GC309271 (JPG)
GC309272 (JPG)
GC309273 (JPG)
GC309274 (JPG)
GC309275 (JPG)
GC309276 (JPG)

GC309277 (JPG)
GC309278 (JPG)
GC309279 (JPG)
GC309280 (JPG)
GC309281 (JPG)
GC309282 (JPG)
GC1S1024 (JPG)
GC1S1025 (JPG)
GC1S1026 (JPG)
GC1S1027 (JPG)
GC1S1028 (JPG)
GC1S1029 (JPG)
GC1S1030 (JPG)
GC1S1031 (JPG)
GC1S1032 (JPG)
GC1S1033 (JPG)
GC1S1034 (JPG)
GC1S1035 (JPG)
GC309134 (JPG)
GC309135 (JPG)
GC309136 (JPG)
GC309137 (JPG)
GC309138 (JPG)
GC309139 (JPG)
GC309140 (JPG)
GC309141 (JPG)
GC309142 (JPG)
GC309143 (JPG)
GC309144 (JPG)
GC309145 (JPG)
GC309146 (JPG)
GC309147 (JPG)
GC309148 (JPG)
GC309149 (JPG)
GC309150 (JPG)
GC309151 (JPG)
GC309152 (JPG)
GC309153 (JPG)
GC309154 (JPG)
GC309155 (JPG)
GC309156 (JPG)
GC309157 (JPG)
GC309158 (JPG)
GC309159 (JPG)
GC309160 (JPG)
GC309161 (JPG)
GC309162 (JPG)
GC309163 (JPG)
GC309164 (JPG)
GC309165 (JPG)
GC309166 (JPG)
GC309167 (JPG)
GC309168 (JPG)
GC309169 (JPG)
GC309170 (JPG)
GC309171 (JPG)
GC309172 (JPG)
GC309173 (JPG)
GC309174 (JPG)
GC309175 (JPG)

GC309176 (JPG)
GC309177 (JPG)
GC309178 (JPG)
GC309179 (JPG)
GC309180 (JPG)
GC309181 (JPG)
GC309182 (JPG)
GC309183 (JPG)
GC309184 (JPG)
GC309185 (JPG)
GC309186 (JPG)
GC309187 (JPG)
GC309188 (JPG)
GC309189 (JPG)
GC309190 (JPG)
GC309191 (JPG)
GC309192 (JPG)
GC309193 (JPG)
GC309194 (JPG)
GC309195 (JPG)
GC309196 (JPG)
GC309197 (JPG)
GC309198 (JPG)
GC309199 (JPG)
GC309200 (JPG)
GC309201 (JPG)
GC309202 (JPG)
GC309203 (JPG)
GC309204 (JPG)
GC309205 (JPG)
GC309206 (JPG)
GC309207 (JPG)
GC309208 (JPG)
GC309209 (JPG)
GC309210 (JPG)
GC309211 (JPG)
GC309212 (JPG)
GC309213 (JPG)
GC309214 (JPG)
GC309215 (JPG)
GC309216 (JPG)
GC309217 (JPG)
GC309218 (JPG)
GC309219 (JPG)
GC309220 (JPG)
GC309221 (JPG)
GC309222 (JPG)
GC309223 (JPG)
GC309224 (JPG)
GC309225 (JPG)
GC309226 (JPG)
GC309227 (JPG)
GC309228 (JPG)
GC309229 (JPG)
GC309230 (JPG)
GC309231 (JPG)
GC309232 (JPG)
GC309233 (JPG)
GC309234 (JPG)
GC309235 (JPG)

GC309236 (JPG)
GC309237 (JPG)
GC309238 (JPG)
GC309239 (JPG)
GC309240 (JPG)
GC309241 (JPG)

Witness Interviews:

1612010083 Espuma, Ernestina (WMA)
1612010083_ST_ESPUMA_ERNISTINA_EO_LS (doc)
16-0642 Becky Gomez Interview (mother) (MP3)
1612010083_ST_GOMEZ_BECKY_EO_LS (doc)
1612010083_OIS_ST_GOMEZ_CAROLINA_EO--ET_cm (doc)
Carolina Gomez (MP3)
1612010083_Gomez_Czarina (doc)
1612010083_GOMEZ_CZARINA_FH (WMA)
1612010083_GOMEZ_CZARINA2_FH (WMA)
1612010083_[redacted](WMA)
1612010083_ST_GOMEZ_JOSE_EO_LS (doc)
1612010083_Gomez_Naomi (doc)
16120100083 Naomi Gomez (WMA)
1612010083_ST_RODRIGUEZ_DANIZTA_EO_LS (doc)
Denitza Rodriguez (MP3)
1612010083_Juan Carlos Tolano (WMA)
1612010083_ST_TOLANO_JUAN CARLOS_EO_JR (docx)
1612010083_ST_VALDIVIA_ERICA_EO_LS (doc)
Valdivia Erica (MP3)

Associated Incident #s:

1612010083 TPD Case #

Status/assignment information:

Status: Completed

Opened: 12/02/2016 Assigned: 12/01/2016 Due: Completed: 10/02/2018

Disposition: Closed

Unit assigned: Professional Standards
Handled at field/unit level: No
Investigator assign: Sergeant Luis Campos
Supervisor assign: Lieutenant Justin Lane
Source of information: Internal

Organizational component(s):

Bureau: Field Services Bureau
Division: Operations Division South
Section: ODS Squads
Unit/Squad: ODS Squad 2

Entered by: Administrative Officer Jeanette Romero on Dec 01, 2016 at 11:26

TUCSON POLICE DEPARTMENT

CRITICAL INCIDENT REVIEW BOARD

[redacted]

DECEMBER 1, 2016

FATAL OFFICER INVOLVED SHOOTING

Table of Contents

Executive Summary 3

CIRB Report 6

Captain Bob Wilson 8

Officer Jorge Tequida 10

Officer Douglas Wilfert 14

Doctor Luz Cornell 18

General Recommendations and Findings 20

CIRB Direction and Action Items 23

CIRB Members 24

Appendices 25

General Order Definition 36

EXECUTIVE SUMMARY

INVESTIGATIVE CASE INFORMATION

CIRB Number: 16-0642
TPD Case Number: 1612-01-0093
Date of Incident: December 1, 2016
Location of Incident: [redacted]

Methodology

The Tucson Police Department (TPD) Critical Incident Review Board (CIRB) convened to review this incident with a focus on department policy, tactics, supervision, and equipment, use of force, decision-making, and training. CIRB evaluation included the following modes of inquiry: document and video review, review of interviews conducted by the Homicide Investigations Unit, and the Office of Professional Standards (OPS), as well as CIRB questioning of certain involved members.

The OPS investigation, Homicide Unit investigation, along with testimony taken during CIRB proceedings, established the facts under review. CIRB elected to take testimony from only specified individuals to elicit clarifying information or obtain further explanation of details developed in the underlying investigation.

Once CIRB testimony and fact gathering was complete, the group's members deliberated with the goal of reaching consensus in their findings and recommendations. Consensus does not necessarily mean complete agreement among members on every issue, but it does mean general agreement. All members of CIRB are encouraged to participate in discussion and deliberation, giving fair consideration to differing points of view. This report represents the collective judgment of the board.

Introduction

On the morning of December 1, 2016, Officers Tequida and Wilfert responded to [redacted] to arrest Mr. Jose Barron-Gomez on a felony warrant for failure to appear on an aggravated assault charge. During the attempted apprehension of Mr. Barron-Gomez inside apartment [redacted] gunshots were exchanged between Mr. Barron-Gomez and Officer Tequida. Officer Wilfert entered the apartment and was shot from behind a closed bedroom door. He ultimately returned fire through the closed bedroom door as he believed Mr. Barron-Gomez was behind the door firing at him. During this incident, Mr. Barron-Gomez and both officers sustained gunshot wounds. Mr. Barron-Gomez was pronounced deceased at the scene. Both officers were treated at the scene by responding personnel and subsequently transported to an area hospital.

Issues Identified and Examined by CIRB

CIRB examined the following issues:

- Proper decision-making and tactics; potential training deficiencies; policies, and equipment
- Supervision of the incident, both before and after the shooting
- Expectations of the Zebra Unit[1]
- Supervision of the Zebra Unit
- Training provided to the Zebra Unit
- Behavioral Sciences Unit (BSU) response and services
- Use of force review

Findings

CIRB reached the following findings:

Deficiencies were identified in training, tactics, decision-making and policy.

The Zebra Unit reported to multiple supervisors and command staff resulting in a lack of clear supervisory notification and understanding of the nature of the operation prior to the incident.

Officers Tequida and Wilfert did not develop a tactical plan prior to responding to the apartment.

Based on prior contacts with the suspect, there was no consideration that Mr. Barron-Gomez might be armed. The officers' previous contact with Mr. Barron-Gomez led to complacency during their contact with him during this incident.

De-escalation techniques were not sufficiently utilized when Mr. Barron-Gomez refused to open the bedroom door.

Officer Tequida did not recognize the incident had become a barricaded subject situation.

All department members should receive enhanced training on critical decision-making.

Findings regarding force used in this incident:

Officer Wilfert's decision to fire his handgun through the door was "Justified, Out of Policy." Officer Wilfert justified his decision to use deadly force; however his decision was out of policy as he was unable to clearly identify the target at which he was shooting.

[1] The Zebra Units are assigned to the Field Services Bureau's various patrol divisions and are the tactical arm for the Neighborhood Crimes Section (NCS). They are utilized at the division commander's discretion to handle divisional problems.

Officer Tequida's decision to fire his handgun at Mr. Barron-Gomez was "Justified, Within Policy."

CIRB REPORT

CASE OVERVIEW

On the morning of December 1, 2016, Officer Jorge Tequida #53668 and Officer Douglas Wilfert #52282 went to [redacted] to search for Jose N. Barron-Gomez who had an outstanding felony warrant for an aggravated assault charge. Officers Tequida and Wilfert were familiar with Mr. Barron-Gomez as they were the officers who arrested him for the aggravated assault charge that the warrant was based on.

As they arrived at the apartment complex both officers encountered Mr. Barron-Gomez's [redacted] in the courtyard. [redacted] works as a maintenance person for the apartment complex. [redacted] recognized Officer Tequida and Wilfert as the officers who previously arrested [redacted] Officer Tequida advised [redacted] they were there to arrest [redacted] for an outstanding warrant. [redacted] told the officers [redacted] was inside of apartment [redacted] and gave them verbal consent to enter his apartment.

Officer Tequida entered the apartment with [redacted] Officer Wilfert remained outside to establish containment. Officer Tequida entered a bedroom where Mr. Barron-Gomez was located after obtaining the key from [redacted] Once inside the bedroom, gunfire was exchanged between Mr. Barron-Gomez and Officer Tequida. After hearing the gunshots, Officer Wilfert ran inside the apartment to check on Officer Tequida. He located the bedroom with the door closed and called out to Officer Tequida. Receiving no response, he tried opening the door without success. He then attempted to kick the door open as shots were fired that came through the door. Officer Wilfert responded to this by firing rounds from his duty handgun through the bedroom door. Ultimately, Mr. Barron-Gomez, Officer Tequida, and Officer Wilfert all sustained gunshot wounds. Mr. Barron-Gomez was pronounced deceased at the scene.

INVOLVED PARTIES

Field Response

Officer Jorge Tequida #53668

- Operations Division South Zebra Unit
- Tenure: 3 years, 11+ months

Officer Douglas Wilfert #52282

- Operations Division South Zebra Unit
- Tenure: 7 years 5+ months
- Specialized Training: Field Training Officer

Captain Bob Wilson #27374

- Operations Division South Division Commander
- Tenure: 29 years, 7+ months

Sergeant Steven Simmers #44535

- Operations Division South Patrol Sergeant
- Supervisor of Zebra Unit
- Tenure: 15 years, 3+ months

Investigative Response

Sergeant Marco Borboa #26742

- Homicide Investigations Unit
- Supervisor
- Criminal Case Sergeant

Behavioral Sciences Unit

Dr. Luz Cornell #51963

- Tucson Police Department Police Psychologist
- Tenure: 7 years, 9+ months

Community Member

Mr. Jose N. Barron-Gomez [redacted]

- Resident of [redacted]
- Deceased

Captain Bob Wilson #27374

Captain Wilson was interviewed by CIRB as the Divisional Commander responsible for Operations Division South, including the Zebra Unit. The areas addressed and reviewed with Captain Wilson were **policies, supervision,** and **tactics** as they relate to the Zebra Unit.

CIRB's clarifying questions sought to determine:

- Captain Wilson's expectations for the Zebra Unit;
- Who provides direction and supervision for the Zebra Unit;
- The frequency of Zebra Unit briefings.

Investigative Statement and CIRB Testimony

Captain Wilson testified regarding his expectations for the Zebra Unit. He described this unit as a two-person team with a variety of responsibilities, primarily locating wanted persons within the division. Typically, Zebra Officers are not responsible for responding to calls for service, but can assist when needed because they wear an issued police uniform with identifying badge and departmental patches. Captain Wilson compared the unit to "freelancers," meaning their day-to-day operations and objectives can change at any moment and were frequently self-directed.

Captain Wilson said he seeks members for the Zebra Unit who are high performing officers that function well with limited supervision. Previously Zebra Unit members reported to the Neighborhood Crimes Section (NCS) Sergeant for guidance and objectives. Captain Wilson determined this was inefficient because the NCS Sergeant primarily works in the office and is not always available for assistance in the field. Operations Division South changed Zebra Unit supervision from NCS to a patrol sergeant, providing "tighter supervision" and allowing for immediate supervisory response when required. Captain Wilson encouraged daily communication with the NCS Sergeant for intelligence sharing.

Captain Wilson explained that his division held a weekly crime intelligence meeting comprised of the NCS Sergeant, his command staff, Zebra Unit members, the Community Response Team Sergeant, and the Criminal Intelligence Officer. During these meetings everyone would share intelligence, discuss crime trends, and identify wanted persons. It was common practice for the Zebra Unit to take direction for their daily activities directly from him.

CIRB asked what additional training the Zebra Unit officers received prior to assignment with the unit. Captain Wilson believed both his Zebra Officers had attended the Specialized Patrol Officer Response Training (SPORT). SPORT training is an introduction into plain clothes, undercover police work that includes how to purchase narcotics in an undercover capacity. While not aware of other training they received, Captain Wilson believed Zebra Unit Officers could benefit from more advanced training prior to assignment to the unit.

Captain Wilson discussed with CIRB the importance of having a Zebra Unit within each division. In addition to locating wanted persons they assist with pending calls and reduce future calls. He explained that a small percentage of persons within a division can create significant increases in crime. If the Zebra Unit successfully locates and arrests these high crime producers, they can reduce the number of crime victims within the division, leading to a better quality of life for the residents in the city.

Analysis

What changes, if any, are necessary for the management and training of the Zebra Unit?

CIRB determined that the Zebra Units within each division are important components of crime reduction. CIRB believes there needs to be better communication between the Zebra Unit and their supervisor. The supervisor needs to be apprised on daily activities involving the unit, especially when its members are looking for violent offenders or offenders with an extensive criminal history. The supervisor needs to oversee the planning and implementation of targeted criminal apprehensions and other Zebra Unit activities.

CIRB found there needs to be additional training for members assigned to the Zebra Unit, to include a tactical component instructed by members with specific tactical training, such as the Special Weapons and Tactics (SWAT) Team.

Findings and Recommendations

CIRB recommends a tactical training component be developed and taught to Zebra Unit members across the agency. All new personnel assigned to a Zebra Unit shall receive this same instruction for consistency and best practices.

CIRB recommends all Zebra Unit Officers report directly to a field supervisor rather than the Neighborhood Crimes Sergeant. This will provide better communication between the Zebra Unit and their supervisor, and allow for quick supervisory response and oversight.

CIRB recommends that as part of the communication with their supervisor, Zebra Units develop operations plans when they intend to search for violent offenders. The supervisor must approve operations plans prior to implementation.

Officer Jorge Tequida #53668

Officer Tequida was interviewed by CIRB. The areas addressed and reviewed with Officer Tequida concerned **tactics, decision-making, use of force, equipment, training,** and **policy.**

CIRB's clarifying questions sought to determine:

- Why Officer Tequida decided to enter the bedroom alone;
- Why Officer Tequida decided to enter the bedroom without first drawing his department issued handgun;
- What, if any, additional training could have assisted the officers in this situation;
- Whether de-escalation techniques were sufficiently utilized in this incident;
- Whether Officer Tequida's use of deadly force was justified and within department policy.

Investigative Statement and CIRB Testimony

Officer Tequida told the Office of Professional Standards (OPS) he had been assigned to the Zebra Unit for over a year. He described the unit as one that "wears many hats", but specifically focuses on apprehending wanted persons. He testified Zebra Units were a beneficial resource to the division, but pointed out that when the unit was first implemented with four officers they were much more effective and able to carry out duties assigned, rather than the current arrangement of only two officers. He described the former arrangement as being a more effective model as there were more resources available for complicated operations from the start. He talked about how he and Officer Wilfert conducted "workups" on all their targets prior to making contact with them. If information established the target was a violent or high-risk offender, they would notify their supervisor of their intentions.

Officer Tequida stated he worked for Sergeant Simmers at the time of the incident, however, he had only been the supervisor for a couple of weeks leading up to this incident. He stated Sergeant Simmers had not yet had the opportunity to provide him with specific expectations regarding when he should be notified of their activities. During his tenure in the Zebra Unit, Officer Tequida described having worked for four other sergeants and they all operated in the same manner. He stated they would notify their supervisor if they were going to search for a high-risk offender or if they were going to leave the division.

Officer Tequida told OPS that prior to the start of his shift, he and his partner, Officer Wilfert, routinely checked the Spillman database[2] to see if there were any wanted persons within the

[2] The Spillman database is a records management system maintained by the Pima County Sheriff's Department. Access can be obtained by Tucson Police Department employees and is utilized for information sharing.

division. As part of their typical routine he would meet with the NCS sergeant and detectives to obtain intelligence for the day.

On the day of the incident, Officer Tequida stated he and Officer Wilfert recognized a wanted person, Mr. Barron-Gomez, as someone they arrested previously. He remembered the interaction with Mr. Barron-Gomez and described him as cooperative and polite. He said he had no reason to believe this interaction would be any different. He conducted a criminal history check on Mr. Barron-Gomez and found no indication he had previously exhibited a violent demeanor or that he carried any firearms. Officer Tequida made it clear his previous interaction with Mr. Barron-Gomez was the basis for his response at the apartment the day of the shooting.

CIRB asked Officer Tequida some specific questions about his contact with Mr. Barron-Gomez. Officer Tequida described how he conversed with Mr. Barron-Gomez through a locked bedroom door using non-threatening language and tone. After telling Mr. Barron-Gomez that, "a judge wants to speak to you," he offered some time for Mr. Barron-Gomez to get ready.

When Mr. Barron-Gomez failed to respond to directions, Officer Tequida transitioned to a more authoritative approach that included telling Mr. Barron-Gomez he would kick in the door if he did not exit the bedroom. [redacted] who stayed inside the apartment and remained cooperative, produced a key to the bedroom door and unlocked it.

Assuming Mr. Barron-Gomez was just scared and hiding, Officer Tequida entered the bedroom alone and without drawing his duty issued handgun. Due to the time of day, the fact that the window was covered, and no light source in the room, the room was dark. As he pushed open the bedroom door, Officer Tequida noticed it was blocked by a mattress, but he did not think at that time Mr. Barron-Gomez had barricaded himself. Speaking in hindsight, Officer Tequida told CIRB he should have recognized this was a barricaded subject situation, which requires additional resources to contain the residence and call out the wanted person.

Officer Tequida entered the bedroom and was immediately fired upon. Officer Tequida un-holstered his weapon and returned fire at the silhouette later identified as Mr. Barron-Gomez. During the gunfire exchange Officer Tequida and Mr. Barron-Gomez switched positions inside the bedroom placing Officer Tequida in a position facing the door as he fired his weapon.

CIRB asked whether Officer Tequida had sufficient training for his assignment. Officer Tequida explained that Zebra Officers "learn as you go." He acknowledged it would have been beneficial to have had more tactical training, but testified he was adequately trained "that day."

CIRB asked what further suggestions he could provide regarding the Zebra Unit. Officer Tequida mentioned they are more of a tactical unit and sees the benefit of deploying and wearing tactical vests rather than a full police uniform. He also recommended better communication with the immediate supervisor regarding their daily activities.

Analysis

Why did Officer Tequida make entry into the bedroom alone?

Officer Tequida had previous contact with Mr. Barron-Gomez. He described the interaction as cooperative and polite. Officer Tequida based his approach and decision making on that previous encounter. As a result, he did not fully appreciate the potential for danger on the date of this incident.

Officer Tequida acknowledged he did not give any consideration to the possibility Mr. Barron-Gomez could be armed with a weapon. Officer Tequida believed Mr. Barron-Gomez was just scared and hiding inside the bedroom, possibly behind or under a bed.

CIRB determined Officer Tequida's past experience with Mr. Barron-Gomez led to erroneous assumptions about the level of danger he posed. Those assumptions resulted in a loss of situational awareness and less than optimal tactics.

Why did Officer Tequida enter the bedroom without drawing his department issued handgun?

As mentioned previously, Officer Tequida's decisions that day were influenced by his previous encounter with Mr. Barron-Gomez. Officer Tequida had no indication Mr. Barron-Gomez was armed, causing him to decide it was not necessary to have his handgun drawn when he entered the bedroom.

What training could have assisted the officers in this situation?

Officer Tequida advised OPS and CIRB he did not have additional training outside that of a regular patrol officer for his work in the Zebra Unit. Officer Tequida told the CIRB additional tactical training would benefit the Zebra Unit as their duties differ from that of a regular patrol officer. He also recommended additional training on identifying barricaded subjects.

Were de-escalation techniques sufficiently utilized in this incident?

Officer Tequida attempted direct communication with Mr. Barron-Gomez. He described his dialogue as non-threatening and remained intent on not increasing the anxiety for Mr. Barron-Gomez. He avoided using the word "arrest" so he would not scare him. After giving Mr. Barron-Gomez sufficient time to get ready, Officer Tequida's dialogue became more authoritative. CIRB finds that although Officer Tequida initially utilized de-escalation techniques to gain the compliance of Mr. Barron-Gomez, he would have been better served to continue in that approach for a longer period of time. By his own admission, Officer Tequida ultimately made a poor decision by entering the bedroom.

Was Officer Tequida's use of deadly force justified and within department policy?

Officer Tequida was confronted with a volley of gunshots fired by Mr. Barron-Gomez almost immediately after he entered the bedroom. He clearly faced the threat of deadly physical force and returned fire to defend himself and Officer Wilfert. His actions were justified and consistent with department policy.

Findings and Recommendations

Officer Tequida's OPS and CIRB testimony revealed Zebra Units do not typically receive any additional training outside that of a regular patrol officer. CIRB recommends a tactical training curriculum be developed and taught to all Zebra Unit Officers. CIRB recommends this report be used by the Training Academy as a resource to improve tactical training.

CIRB finds Officer Tequida's actions in entering both the apartment and bedroom were not tactically sound. Officer Tequida placed too much reliance on his prior interactions with Mr. Barron-Gomez, resulting in him missing the potential for the situation to devolve into a barricaded subject operation. CIRB recommends the Training Academy develop additional training for all officers regarding identification of, and response to, barricaded subject situations.

It should be noted all officers within the agency have participated in de-escalation training and scenarios since this incident. All officers have received training in the Critical Decision Making Model, which provides officers information to assist in their ability to make clear and safe decisions.

The investigation revealed that Officer Wilfert was struck in the leg when initially standing outside the bedroom door. It was ultimately determined through the forensics investigation the round that struck Officer Wilfert in the leg was fired by Officer Tequida.

CIRB finds Officer Tequida's use of deadly force was **Justified and Within Policy** as per *General Order* 2000 on Use of Force. The Pima County Attorney's declination letter stated that "Officer Tequida's actions in returning fire and killing Mr. Barron-Gomez were clearly and plainly justified under the law."

Sustained General Order Violations

CIRB finds no sustained General Order violations regarding Officer Tequida.

Officer Douglas Wilfert #52282

Officer Wilfert was interviewed by CIRB. The areas addressed and reviewed with Officer Wilfert concerned **tactics, decision-making, use of force, equipment, training,** and **policy**.

The CIRB's clarifying questions sought to determine:

- Was Officer Wilfert's decision to fire his handgun a reaction to hearing shots;
- Why Officer Wilfert shot through a closed bedroom door;
- Why Officer Wilfert positioned himself outside of the apartment where he was unable to see his partner.

Investigative Statement and CIRB Testimony

Officer Wilfert told OPS he has been in the Zebra Unit for approximately two years and that the unit was formerly comprised of four members. With regard to supervisor communication, he explained he typically notified his sergeant when there was a high propensity for violence from someone they were looking for. He said he informed his supervisor anytime the Zebra Unit was going to leave the division or city limits. He explained they do not notify their supervisor concerning the majority of the successful arrests they make.

On the day of this incident, Officer Wilfert stated Officer Tequida was the primary officer. This meant Officer Tequida decided on the response and how to proceed. Officer Wilfert explained that because Officer Tequida is a Spanish speaker, and Mr. Barron-Gomez's [redacted] spoke Spanish, it was natural that Officer Tequida took the lead.

Like Officer Tequida, Officer Wilfert described his previous interaction with Mr. Barron-Gomez as cooperative. He also believed this prior experience influenced how they responded that morning. Because Mr. Barron-Gomez was compliant during the first arrest, he expected that he would be compliant again.

Officer Wilfert explained his responsibility that morning was to watch a closed, covered bedroom window in order to prevent any attempted escape. He stated Officer Tequida would normally call him on the radio to let him know what was occurring, specifically if the suspect was detained in handcuffs. After standing outside the window for a short period of time, Officer Wilfert did not hear anything from Officer Tequida and decided to approach the front door leaving the windows unwatched.

As he approached the front door, he observed a male subject drinking water in the kitchen. The apartment was dark inside, making it difficult to identify the male subject. Officer Wilfert believed it could have been Mr. Barron-Gomez getting water before he was arrested. As Officer Wilfert moved closer to the apartment front door, he observed Officer Tequida in a hallway. Officer

Tequida motioned for Officer Wilfert to go back outside to the window. Officer Wilfert started back outside toward the windows and heard one of the windows open. He thought this was strange as it was cold outside, approximately thirty-two degrees.

As he was about to advise Officer Tequida of this new development, Officer Tequida called for him to come back inside the apartment. As he started back inside, Officer Wilfert heard six to ten gun shots. Officer Wilfert explained he did not have a visual of Officer Tequida but assumed he was inside the bedroom near the hallway. Officer Wilfert stated he called out Officer Tequida's name several times and did not get a response. When he did not get a response from the room, he assumed Officer Tequida was either injured or dead.

Officer Wilfert said he began to kick the door in order to enter the room but was not able to get the door open. After several kicks to the door, someone from inside the bedroom started to fire gunshots through the door, toward his location in the hallway. Officer Wilfert felt a sharp pain in his right leg but did not believe he was shot and assumed it was shrapnel from the door splintering. In response to the shots being fired in his direction, Officer Wilfert fired his handgun at a forty-five-degree angle through the door. He did not hear any further gunshots.

Officer Wilfert explained at this point he came to the realization there was no reason for the door to be locked or barricaded. He assumed Officer Tequida was either injured or dead and the suspect had fired through the door to prevent apprehension. Officer Wilfert determined standing in front of the door was no longer a safe tactical position to hold. He decided to run outside and break the window into the bedroom to gain a visual inside the room.

Upon breaking the window and clearing the space, Officer Wilfert observed Officer Tequida standing inside the room but could not see the suspect. Officer Wilfert knew he needed to get inside the room. Because he did not see the suspect, he decided to go back inside the apartment and force open the bedroom door. Officer Wilfert located the suspect on the ground near the door and attempted to place him in handcuffs. As he was struggling with placing handcuffs on Mr. Barron-Gomez, he asked for Officer Tequida's help. Officer Tequida stated he had been shot in the chest and needed to get out of the room. Officer Wilfert attempted to place handcuffs on Mr. Barron-Gomez, however due to the amount of blood, he was only able to secure one handcuff. Additional responding officers arrived, rendered aid to the officers, and took over the responsibility to secure the scene from Officer Wilfert.

Officer Wilfert described his reasoning for shooting through a closed door in his criminal, OPS, and CIRB testimony. He consistently stated his decision was not a reaction to the gunshots coming from inside, rather a decision to stop the threat inside the bedroom. He had no reason to believe Officer Tequida would shoot at someone through the door.

Analysis

Why did Officer Wilfert shoot through a closed bedroom door?

Officer Wilfert's testimony was consistent throughout all interviews. From his perspective, there was no reason Officer Tequida would intentionally fire his gun through the door from the inside. Officer Wilfert believed Officer Tequida was incapacitated or dead and Mr. Barron-Gomez was the person firing through the door to prevent entry. Officer Wilfert believed a threat was inside the bedroom and his intention was to stop that threat.

Was Officer Wilfert's decision to fire his handgun through the door a reaction to hearing gunshots?

Officer Wilfert articulated his reasoning for firing his handgun. He stated his decision was not a response to merely hearing gunshots through the door. He perceived an ongoing threat inside and believed Officer Tequida was injured or dead.

Why did Officer Wilfert position himself outside of the apartment where he was unable to see his partner?

Officer Wilfert testified he was providing containment and preventing the suspect from escaping apprehension. CIRB finds there were communication issues between Officers Tequida and Wilfert. They did not develop a tactical plan prior to contacting Mr. Barron-Gomez nor did they notify their sergeant of their intentions that morning. Officer Wilfert did not recognize the situation as that of a barricaded subject. He did, however, recognize "something seemed off" and started to call for assistance over the police radio.

Findings and Recommendations

CIRB finds Officer Wilfert's decision to fire his handgun through a closed door was understandable given the difficult and dangerous circumstances he faced. The action of shooting through a closed door could have led to potentially disastrous consequences when there was no way of knowing what was on the other side of that door. Officers are trained to have a sight picture when they engage a target in a lethal force encounter. They are also trained to know their backdrop and are accountable for their round placement. Sight picture is the superimposition of the sights from a gun on the target. In this situation, the closed door prevented Officer Wilfert from having both sight picture or a clear understanding of the backdrop where he was firing. His actions were inconsistent with departmental training.

Officer Wilfert's actions were **Out of Policy** based on department firearms training protocols. Since this incident, the department *General Order* for use of force has been updated. *General Order* 2040 now states that officers "exercise reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in jeopardy, or by not following policy or training;" and that they "continually assess the situation and changing circumstances, and adjust the use of force appropriately."

Though his decision to fire without properly identifying a target is not consistent with department policy, CIRB finds Officer Wilfert's belief that he faced a deadly threat inside the room provides an understandable rationale for his actions. His description of the bedroom door being locked or barricaded factored into CIRB's decision. This is supported by the Pima County Attorney's declination letter which states "Officer Wilfert's actions were justified in an attempt to save the life of Officer Tequida."

CIRB recommends the Training Academy develop comprehensive training and accompanying scenarios for all department members to increase their ability to recognize and respond to barricaded subject situations.

Sustained General Order Violations

CIRB finds that although the Pima County Attorney found Officer Wilfert's decision to use lethal force was **Justified**, he was **Out of Policy** when he shot through the door without knowing the positioning of the suspect and Officer Tequida. He was in violation of department training policies and therefore in violation of *General Order* 1330.02 Obedience to General Orders, Procedures and Policies Required.

Dr. Luz Cornell #51963

Doctor Cornell was interviewed by CIRB to address and review Behavior Sciences Unit (BSU) **policy** and **supervision**.

CIRB sought to determine:

- If there were any areas of BSU response that can be improved upon;
- If there are any recommendations or suggestions for using critical incident debriefs.

Investigative Statement and CIRB Testimony

BSU typically responds to all officer involved shootings and major critical incidents to provide support and resources to involved members and their families. The unit is comprised of a police psychologist and two peer support sergeants. Their role includes reaching out to all department members involved in a critical incident, including Communications Department employees, as well as the Crime Scene Technicians involved in processing the scenes.

Dr. Cornell stated the overall BSU response was adequate given the resources they had at the time. She had one available sergeant to assist her in responding to the hospital. There were no members to respond to the incident scene. She felt the response to the hospital was the priority as it was the location of the injured officers and their families.

Dr. Cornell raised concerns regarding BSU staffing. She stated she would have preferred another BSU member to be simultaneously present at the incident scene. To address this concern, Dr. Cornell presented her idea of an auxiliary BSU team comprised of commissioned personnel available to respond when needed. These auxiliary members would be trained specifically by BSU to ensure consistency. This idea was proposed to the Chief of Staff, as well as the Field Services Bureau Assistant Chief. Deputy Chief Kasmar indicated he would review the status of this program and potential future implementation.

Dr. Cornell was asked to address the benefit of group critical incident debriefings. She mentioned people involved in a critical incident respond differently in a variety of circumstances. She suggested there cannot be a specific policy that is applicable to everyone. If there are critical group debriefings provided to involved members, she discussed the importance of having legal counsel apprised of the idea prior to the investigation being completed.

Analysis

How could the BSU response be enhanced?

CIRB determined an auxiliary BSU team would be beneficial to the organization. This incident demonstrated that BSU resources may be needed at various locations simultaneously and that an

auxiliary component would allow for additional BSU services beyond the current staff of three to be deployed.

What benefit does a critical incident debriefing create for department personnel?

CIRB recognizes the importance of group critical incident debriefings. The timelines suggested for this type of debriefing will vary upon the specific circumstances of each critical incident, but should be conducted in a timely manner whenever possible.

Findings and Recommendations

The board recommends the establishment of an auxiliary BSU Team per Dr. Cornell's recommendation. CIRB recommends that the department take steps to create this unit.

GENERAL RECOMMENDATIONS AND FINDINGS

Policy

The Tucson Police Department restructured not only the training curriculum, but the overall approach to training in 2017. This included a transition to the use of module-based training. These one-hour blocks of instruction, taught by commanders, provide officers with updated policies, procedures, and new techniques. The goal of module-based training is to provide training in a more intimate setting where officers can engage and easily ask questions. With the module-based training, officers received approximately 40 hours of additional instruction separate from the annual advanced officer training (AOT) required each year. Instruction in 2017 focused on a revision to the department's use of force policy, including the key concepts of de-escalation, provocation, and proportionality.

Additionally, officers were introduced to the Critical Decision-Making (CDM) Model. This block of instruction includes a decision-making model that incorporates department policies into the decision-making process. Teaching the new decision making model involves numerous practical scenarios that allow officers to use the new approach in a variety of situations.

CIRB identified a lack of operating procedures associated with Zebra Unit Officers. In order to provide all officers assigned to Zebra Units with consistent and documented operating procedures, CIRB recommends a Zebra Unit manual be developed with the Zebra Unit Officers providing input.

Equipment

The CIRB found no equipment discrepancies that affected the outcome of this incident. Officers had various forms of lethal and less lethal munitions available to them.

Training

One of the areas of concern discussed during this CIRB was that both involved officers failed to recognize the encounter had become a barricaded subject situation. The Training Academy developed comprehensive training and accompanying scenarios for all department members to increase their ability in recognizing and responding to barricaded subject situations. In the Spring 2018 session of AOT, officers received training where they were confronted with a barricaded subject incident. During this scenario, they had to show effective communication skills as a team and demonstrate the ability to de-escalate and determine the appropriate application of deadly force.

CIRB also recognized the lack of additional training Zebra Unit Officers received prior to their assignment to the unit. CIRB recommends all Zebra Unit Officers receive additional training to include tactical training, CIT (Crisis Intervention Training), barricaded subjects, search and seizure, surveillance, Spillman, and computer training. CIRB also recommends Zebra Unit Officers participate in SPORT training, which provides surveillance and introduction to undercover police work.

Use of Force

Use of force was a focal point of this CIRB review. Both officers encountered a lethal force situation which unfolded quickly when Mr. Barron-Gomez decided to utilize lethal force against Officer Tequida. The lethal force utilized by Officer Tequida was found by CIRB to be Justified. CIRB determined that Officer Wilfert's use of lethal force was understandable given the complex and difficult circumstances, but that this use of lethal force was inconsistent with department policy and training.

Supervision

CIRB determined that Zebra Unit Officers report to many people within a division. They receive direction from the NCS sergeants and detectives, divisional command staff, and field sergeants. CIRB recommends the Zebra Unit be assigned to and report to one field sergeant. Their assigned sergeant can act as liaison with other members of the division wishing to utilize the Zebra Unit and act as the facilitator for their services.

CIRB also identified a lack of critical communication between the Zebra Unit Officers and the field supervisor. The field sergeant was completely unaware of the Zebra Unit Officers' plan to arrest Mr. Barron-Gomez. CIRB recommends all pre-planned Zebra Unit arrest operations be discussed and approved by their sergeant prior to initiating activity. This includes tactics, planning, and expectations. CIRB also recommends operational plans be completed as part of any pre-planned tactical activity.

Tactics

CIRB identified a number of tactical deficiencies. The officers lost situational awareness and displayed some complacency due, in part, to a positive outcome with a previous contact with Mr. Barron-Gomez. The Southern Arizona Law Enforcement Training Center (SALETC) instructs all officers in basic training tactics. Such topics include contact/cover and containment. Officer Tequida realized in hindsight he was dealing with a barricaded subject and that the appropriate response would have been to have everyone exit the apartment, contain the apartment, and attempt to call out Mr. Barron-Gomez.

Wellness/BSU

CIRB recommends that Dr. Cornell's proposal for an auxiliary peer support team be further evaluated and developed for implementation by the Administrative Resources Division chain of command.

CIRB finds merit in the group critical debriefing concept and recommends it be evaluated and developed for implementation by the Administrative Resources Division chain of command.

Officer Wilfert asked for the opportunity to reach out to other department members involved in critical incidents throughout their careers. CIRB recommends BSU reach out to those members who have been involved in a critical incident and who wish to serve as peer support member so such a list can be developed.

CIRB DIRECTION and ACTION ITEMS

The findings and recommendations of CIRB will be forwarded to the affected members' chain(s) of command for review and appropriate action. Recommendations impacting equipment, training, and policy will be forwarded to the appropriate units and the academy for prompt action. Implementation will be monitored and tracked by the Audit and Best Practices Unit.

CIRB recommends additional training for all officers regarding identifying and responding to barricaded subjects.

Administrative Support Bureau Assistant Chief Eric Kazmierczak will have oversight of this recommendation.

Post incident, Field Services Bureau Assistant Chief Kevin Hall provided direction to standardize reporting and management of Zebra Unit resources. CIRB recommends these expectations be memorialized in an appendix to the updated Community Response Team Manual.

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

The BSU recommendations will be reviewed for potential implementation.

Administrative Services Bureau Assistant Chief Eric Kazmierczak will have oversight of the listed recommendations.

The CIRB finds Officer Wilfert violated *General Order* 1330.02.

CIRB MEMBERS

Chairperson, Deputy Chief Chad Kasmar

Vice Chair, Captain Joe Puglia

Scribe, Lieutenant Robert Garza

Member, Lieutenant Michelle Pickrom

Member, Lieutenant Jennifer Pegnato

Member, Lieutenant Alisa Cunningham

Peer Sergeant, Sergeant Robert Brandt

Peer Officer, Officer Jacob Smith

City Attorney, Ms. Julianne Hughes

City Attorney, Ms. Rebecca Cassen

Legal Advisor, Ms. Lisa Judge

Independent Police Auditor, Ms. Liana Perez

Community Member, Ms. Margo Susco

<u>Non-Voting Observers</u>

TPOA Grievance Chair, Officer Don Jorgenson

Office of Professional Standards, Sergeant Luis Campos

APPENDICES

- Appendix A – 2017 Advanced Officer Training CDM
- Appendix B – 2018 Spring Advanced Officer Training Scenarios

Appendix A

Arizona Peace Officer Standards and Training Board

LESSON PLAN COVER SHEET

COURSE TITLE: Critical Decision Making Model (AOT Module 17-03)	**HOURS:** 1.0
DATE FIRST PREPARED: 3/8/2017	**PREPARED BY:** Sgt. Dan Spencer
DATE REVISED / REVIEWED: (Please Circle one)	**BY:**
DATE REVISED / REVIEWED: (Please Circle one)	**BY:**
DATE REVISED / REVIEWED: (Please Circle one)	**BY:**
DATE REVISED / REVIEWED: (Please Circle one)	**BY:**
DATE REVISED / REVIEWED: (Please Circle one)	**BY:**
DATE REVISED / REVIEWED: (Please Circle one)	**BY:**
LIST ANY PREREQUISITES:	
LEAD INSTRUCTOR: AZ POST GI Certified Section Commander	**BACK-UP INSTRUCTOR(s):** Any Other AZ POST GI Certified Commander
APPROVAL NUMBER: 2017-PSA014	
COURSE DESCRIPTION: This course covers the principles, steps and benefits of the Decision Making Model.	
INSTRUCTOR REFERENCES:	**TRAINING AIDS, EQUIPMENT, MATERIALS:** PowerPoint, Identified Videos
METHOD OF INSTRUCTION: Lecture, scenario and Interactive Class Discussion	**PRE-TEST:** Yes No **POST-TEST:** Yes No
SUCCESS CRITERIA:	

PERFORMANCE OBJECTIVES:

At the conclusion of this block of instruction the student, with the use of their notes, will be able to:

1. List CDM four core principles
2. List the five key steps of the CDM
3. List the two benefits of CDM.

AGENCY APPROVAL	**Name (Type or Print)**	**Signature**	**Date**
	Title (Type or Print)	**Agency Name (Type or Print)**	

Lesson Plan Title	Notes:
I. Introduction A. Instructor Background B. Administrative Issues C. Purpose and Motivator: D. Performance Objectives At the end of this class, using their notes, the student will be able to: 1. List CDM four core principles 2. List the five key steps of the CDM 3. List the two benefits of CDM.	**PPT 1-2**
II. Integrating Communication, Assessment and Tactics (ICAT) A. Reference and connect CDM to OODA Loop B. CDM is more conducive and modern towards police work C. This model provides a structure and a process for supporting and fine tuning our decision making	**PPT 3**
III. OODA Loop A. Observe – collect current information from as many sources as practically possible. B. Orient – analyze this information, and use it to update your current reality. C. Decide – determine a course of action. D. Act – follow through on your decision. E. You continue to cycle through the OODA Loop by observing the results of your actions, seeing whether you've achieved the results you intended, reviewing and revising your initial decision, and moving to your next action. 1. The phrase **OODA loop** refers to the decision cycle of *observe*, *orient*, *decide*, *and act*, developed by military strategist and United States Air Force Colonel John Boyd. Boyd applied the concept to the combat operations process, often at the strategic level in military operations. 2. It is now also often applied to understand commercial operations and learning processes. The approach favors agility over raw power in dealing with human opponents in any endeavor 3. The OODA loop has become an important concept in law enforcement. According to Boyd, decision-making occurs in a recurring cycle of observe-orient-decide-act. 4. An individual that can process this cycle quickly, observing and reacting to unfolding events more rapidly than an opponent can thereby "get inside" the opponent's decision cycle and gain the advantage. 5. Example: OODA Loop is what a fighter pilot would use in dog fight.	**PPT 4-5** **PO #1** **-Very simple and easy model to follow** **-Aggressively looking for advantage of the adversary** **PPT 6**
IV. ICAT A. Mission Statement Patrol officers will learn to safely and professionally resolve critical incidents involving subjects who may pose a danger to themselves or	

Lesson Plan Title	Notes:
others but who are not armed with firearms. Reducing the need to use deadly force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional, and legal harm are the cornerstones of ICAT. B. Training Goals 1. Reinforce with patrol officers the core ideal of sanctity of human life—the need to protect themselves, members of the public and, whenever possible, criminal suspects and subjects in crisis from danger and harm. 2. Promote public safety and officer safety by learning and integrating skills and strategies related to decision-making, crisis recognition, tactical communications, and safety tactics. 3. Provide patrol officers with the skills, knowledge, and confidence they need to assess and manage threats, influence behavioral change, and gain voluntary compliance whenever possible in dynamic and dangerous situations. 4. Provide patrol officers with a decision-making model that is intuitive, practical, and effective for safely resolving non-firearms critical incidents and for documenting and explaining actions after the fact. 5. Provide patrol officers with basic skills needed to recognize individuals in crisis and to approach and attempt to engage them in a safe and effective manner. 6. Provide patrol officers with key communications skills needed to safely engage with, de-escalate, and gain compliance from subjects who are in crisis and/or non-compliant. 7. Reinforce with patrol officers effective tactical approaches and teamwork skills needed to safely resolve incidents. 8. Provide patrol officers with realistic and challenging scenario-based training which focuses on recognition of persons in crisis, tactical communication, and safe tactics as part of an overall, 9. Integrated de-escalation strategy. V. Four Core Principles of CDM Model A. Police and personal ethics 1. Sworn duty and oath 2. Personal morals and ethics B. Agency values and mission 1. TPD Values a. Leadership b. Service Orientation c. Integrity d. Excellence e. Fairness f. Teamwork g. Personal Responsibility 2. TPD Mission - serve the public in partnership with our community, to protect life and property, prevent crime, and resolve problems. C. Proportionality 1. To be proportional, the level of force applied must reflect the totality of circumstances, including the nature and immediacy of any threats posed to officers and others. 2. In applying force, officers shall, when feasible, balance the severity of the offense committed and the level of resistance based on the totality of the circumstances known to or perceived by the officer at the time. 3. Proportional force does not require officers to use the same type or	**PPT 7** **-At the center of the CDM is an ethical core that provides grounding and guidance for the entire process of using the CDM. In PERF's CDM, there are four elements that guide decision-making (listed in the lesson plan outline)** **- However, officials should feel free to adjust the core of the CDM to best match the philosophy and values of their agency. The Nassau County, NY Police Department did that in creating its own decision-making model. While the Nassau County model is quite similar to PERF's CDM, the elements of the core are unique to Nassau County.**

Lesson Plan Title	Notes:
amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it. It is particularly important that officers apply proportionality and critical decision making when encountering a subject who is armed with a weapon other than a firearm. D. Sanctity of human life - Treat human life as a divine gift and something for which humans are responsible. It is thus to be valued and respected VI. Five Key Steps to CDM Model A. Step 1 - Collect Information 1. Ongoing process. 2. From time of the start of the call to the report writing phase. 3. Trying to turn educated assumptions into facts. 4. What information is known, what can be gathered & what is own experience. 5. Validating bits of intelligence & information. 6. This step is the starting point, but collecting information and intelligence is an ongoing process, from the time an officer receives a call all the way through completing the call, report-writing, and debriefing to identify any lessons that can be applied to future situations. 7. Gathering information includes: **a. Asking yourself key questions**, such as: "What do I know about this situation so far? What additional information do I need? What is the best way to get that information? What do my training and experience tell me about this type of incident? **b. Seeking information from others**, including dispatchers, supervisors, other officers, and agency computer networks. This process often begins as the officer travels to the scene. Questions include: Who called the police, and what prompted the call? Who is on the scene? What do we know about the subject? What is the physical environment? Are there weapons at the scene? Are there issues of mental illness or substance abuse involved? c. Officers also should ask about **previous incidents** involving the location or the person(s) who are the subject of the call, such as past arrests, past assaults on officers, and uses of force. B. Step 2 - Assess Situation 1. Assess subjects threat level for (these factors may change as the situation develops): a. Means b. Ability c. Opportunity d. Intent 2. Your own abilities & capabilities a. Training & proficiency skills b. Tenure & time on c. Special assignments & level of skills 3. Threat is high or unknown risk a. Warning signs- (discussed more in depth later in another module) b. Danger signs -(discussed more in depth later in another	**PPT 8-10** **PO #2** **The CDM has 5 steps. <u>It is a circular process, not a linear one</u>. It is important to note that Step 5 is "Act, review, and re-assess." In other words, if the officer takes action but finds that the action does not resolve the situation, the officer restarts the process.** **-Furthermore, officers may move to any step as needed, as the situation changes. This is sometimes called "spinning the wheel."** **-Intelligence and information are extremely valuable tools** **-What information can we get from call text** **-What information can we get from dispatcher** **-What info from the responding officers calling the comp** **-Run the location and person through Coplink (time permitting)** **-Compare known info with incoming info to validate** **PPT 11** **Assess situation, threats, and risks - In this step, the officer begins to evaluate the information he or she has gathered, particularly with respect to any threats or risks to the public and/or the officer:** **A key question is: "Do I need to take immediate action?" Nothing in the CDM prevents an officer from taking immediate action if circumstances dictate.** **Officers should look beyond the presence of a weapon and consider what the subject is doing with the weapon, which can speak to the subject's intent. The subject's intent may be to do harm to someone else, to do harm to himself, or to protect himself. Mental illness may cause a person to perceive threats that do not exist.** **Another factor in threat assessment is "transfer of malice." For example, a person may initially be upset with his boss or his spouse. Is he showing signs of transferring those emotions to the police or others? Offices should avoid saying or doing things that could cause the subject to transfer malice to others.**

Lesson Plan Title	Notes:
module) 4. What could go wrong with possible choices of decisions a. What can I use to my advantage b. What will work against me as a disadvantage 5. Don't assume is low risk due to unknown or because it seems low in risk 6. Does this situation require a supervisor or commander 7. Does this situation require additional resources from outside the agency (Ex. Mental Health professional) 8. Complacency consideration a. Transfer of malice b. Suspects emotional state c. Suspects drug & or alcohol use d. Measure the signs of aggression 9. Identify options & consider best course of action a. Consider factors (priorities of life) a. Minimize risk to victim b. Minimize risk to public c. Minimize risk to officer d. Minimize risk to suspect e. Make a safe & effective arrest f. Recover & preserve evidence 10. In Step 2, officers also consider the need for additional resources by asking questions such as: "Should I summon my supervisor to this scene? Would specialized resources be helpful, such as a Crisis Intervention Team? Are there other government or private agencies that could offer assistance in understanding or managing the subject?"	**PPT 12** **This is a relatively simple, but critically important, step in the process.** **Officers should ask themselves:** **1.Under what legal authority am I responding here? Is this a matter for the police?** **2.What legal powers do I have to take action, under federal laws, state laws, and local ordinances?** **3.What agency policies control my response, particularly use-of-force policies and de-escalation policies?** **4.Are there other issues to consider, such as jurisdictional issues or mutual aid agreements with other law enforcement agencies?**
VII. Step 3 - Consider Police Powers and Agency Policy A. Time to take action B. When taking action consider these factors: 1. Legal authority to enforce the law a. Federal b. Sate c. Local 2. Agency policies a. General Orders b. Unit manuals and SOPs 3. Training and Practice methods a. Use of force b. Less lethal options c. Use of tools d. Use of resources	**PPT 13** **In some circumstances, waiting and collecting more information may be the best option. "Slowing the situation down" is a key strategy for handling incidents involving persons who do not have a firearm but who are behaving erratically because of mental illness or other conditions.** **Communicating with the subject is almost always an option and a key part of the response.** **Tactical repositioning (e.g., moving to keep a safe distance from any threat posed by the subject or to obtain a better vantage point for responding) and containment are options in many cases.**
VIII. Step 4 - Identify options and consider best course of action A. In this step, officers narrow their options and select the most appropriate one: 1. What is our goal on this incident - officers should ask themselves: "**What exactly am I trying to achieve**? 2. What are your priorities with this incident 3. Is there any time sensitivity - Should I act now or wait? 4. What are our contingencies - What are my options? What are the contingencies for each option? 5. Is there risk to someone & whom 6. Do we act now or wait - Taking **decisive action** may be required. Nothing in the CDM prevents officers from taking swift and forceful action, if circumstances warrant it. But if time is on your side, the CDM helps officers to use time to everyone's	**PPT 14**

Lesson Plan Title	Notes:
advantage. 7. Do we have all the info we can reasonably get now 8. Will our actions be proportional - After considering options, the officer selects the best course of action. The goal of **proportionality** is important in this step. 9. Are our actions rational & without emotion 10. Consider the sanctity of human life 11. Is this within agency mission & values 12. Is this within your own morals & values	
IX. Step 5 - Act, Review and Re-assess A. In this step, the officer takes an action and then assesses whether the action had the desired effect. 1. If the action did have the desired effect, the officer should ask, "Is there anything more I need to do or consider? What lessons did I learn that will help me the next time I face a similar situation?" 2. If the situation is not resolved, the officer "spins the model" and goes back to an earlier step of gathering additional information; re-assessing the situation, threats, and risks; or considering other options. a. You took action b. Is the situation resolved? c. Is the situation safe? d. Ask did we achieve our goal e. Were our actions appropriate? f. Is there new information coming in that is changing the outcome? g. What can we learn from the incident? h. If the situation is not resolved than the CDM begins again	**PPT 15** **PO #3** **Officers sometimes say, "I didn't have time to think" in a critical situation, but in many situations, that is not the case. Rather, the problem was that the officers had not received guidance on the key questions to ask themselves in a critical situation.**
X. Two Benefits of Using CDM Model A. Offers a sound structure for decision making 1. Work through a series of steps 2. Logical thought process for managing challenging situations B. Builds a framework for explaining actions after the fact 1. Interviews or reports 2. Use of Force- Blue Team 3. Testify in court 4. BOI/CIRB C. By providing a structure for critical thinking, the CDM helps officers to organize their decision-making process and reach better decisions. D. The CDM not only helps officers to make better decisions; it also helps officers to explain their actions after the fact. 1. An officer who is accustomed to using the CDM will be able to recall and explain his thought processes: "First, I collected the following information about the situation.....Next; I assessed the following threats and risks, and developed a working strategy.... Then, I considered the applicable laws and my agency's policies, and then, I decided that the best option was the following...." 2. This type of structured, rational explanation increases the officer's credibility with supervisors, investigators, and attorneys, judges, and juries in court.	**PPT 16**
XI. Conclusion	

Lesson Plan Title	Notes:
A. Review Objectives 1. List CDM four core principles 2. List the five key steps of the CDM 3. List the two benefits of CDM. B. Questions?	

Appendix B

Spring 2018 AOT Scenarios

Bar Scenario 1
Off Duty Officer

Required Props: (2 SIRT Pistols, 2 black painted handguns and officer badge)
The students will be dispatched to an Unknown Trouble inside the Bar (which for this scenario will be a Circle K during regular business hours). A caller said he saw what looked like a fight breaking out in the store. He did not want to get involved directly as it looked pretty heated so he continued to walk by and called 911. No contact with the store via phone at this time.

Role Player Instructions
(2 role players: 1 Officer role player for the Off Duty role, 1 other role player for proned out subject.)

Role players will be staged inside the bar to the west side behind a mat wall as to not be seen right away on entry by the students. A role player will be face down on the ground with his/her arm facing the front of the bar tucked under them. A gun will be placed on the ground out of reach but in front of that role player. As students approach inside of the bar near the counter, the Officer role player will have his/her gun pointed at the role player on the ground and will be giving commands ("show me your hands", "don't reach for the gun", etc.). Proned out role player will keep the hand tucked until they see the students then will begin complying with the other role player's commands. Officer role player will continue giving commands until the students address them and then will comply with whatever orders they are given. As the Officer role player starts to comply with the students' commands he/she will raise their badge and repeatedly state, "Off Duty", "Law Enforcement". At this point both role players will continue to be compliant with all student commands until instructor ends scenario.
Scenario ends when students have directed the Officer role player in to a position of disadvantage (proned out, on their knees, hand cuffed) or at least showed they were comfortable with the measures that role player took to identify themselves as law enforcement, and the students hand cuff the proned out role player.

Critical Points
Articulation for the students is must. Why did you do or not do something?

1. As the students approached, did they see the Officer role player's gun and come on target while seeking cover?

2. Did the students hear the Officer role player's verbal commands and view their actions (information gathering) in order to recognize the role player was likely some type of law enforcement agent?

3. Talk through the students' actions regarding controlling the Officer role player. If students did not detain the role player, why not? Until the student can verify the person is who they say they are the student needs to control that potential unknown.

4. Cover Contact when handcuffing subjects.

Bar Scenario 2
Domestic Violence/Operational Momentum

The students will be dispatched to a Domestic Violence call at the Bar. They will be instructed that for this scenario the bar is a residential home. Students will approach the residence at the back door (north door). Neighbors have called 911 reporting a male and female yelling/arguing inside. The caller also stated it sounded like furniture or other items were being thrown around inside.

Role Player Instructions
5-6 role players: 1 male and 1 female for the DV subjects. 3-4 other role players as family members attending a family party.

DV role players will be positioned at the open end of the bar top and will be yelling/arguing as students approach the back door. Male DV role player will state "I'm going to kill you", "I'll slit your throat."

As students enter the residence, male DV role player will grab female DV role player from behind and put a knife to her neck. He will pull her around the corner to the front of the bar and in to the bathroom, closing the door behind them. Other role players will be positioned in the officers' pathway in an attempt to slightly delay the officers' movement toward the DV role players. The suspect will be yelling about the knife and the male taking the female in to the other room. This will ensure the students are aware of the situation in case they did not get a clear view of what happened.

Once behind the closed door, both DV role players will immediately move to the West wall of the bathroom farthest away from the door and remain silent until officers make an attempt to talk to them. Male will be agitated and yell his responses to the officers, female will remain silent the entire time. After a couple seconds male will state, "I'm done with this, she's going to die", "I'm going to slit her throat". Scenario will end when the students attempt to open the door, or if the students do not open the door after the male repeats his threats from behind the closed door.

Critical Points

Articulation is a must. Ask them why did or did not do something? What would have changed their decisions?

1. If the students did not immediately try to breach the door, did they realize they now had a barricaded subject? and try to de-escalate the situation by remaining calm and not yelling back at the subjects or other role players?

2. Did students control their Operational Momentum enough to realize opening the door would have escalated the situation?

3. Did students slow down and communicate clearly (use of Tactical Communication)?

4. If students initially held off at the door and tried to talk to the male DV role player, did they cue off his additional threats from behind the door (verbal stimulus) and attempt to open the door at that time?

5. Are the students able to effectively articulate why they did, or did not, breach the door?

GENERAL ORDER DEFINITION

1330.2 Obedience to General Orders, Procedures and Policies Required

All members shall observe and obey all laws, City Administrative Directives, Department General Orders, Department procedures and policies, as well as any procedures and policies established by their Commanders.