

	Incident Information		
Case Number: 1906160079	Use of Force #: 19-0383		
Date of Incident: June 16, 2019	OPS Findings and Recommendation: Justified and Within Policy		
Involved Officers: Ofc. Camacho #1009	59 COC Findings and Recommendation: Concur / Closed		
Incident Location: 5601 S 12th #911	County Attorney Findings: Justified		
	Level of Force		
Type IV (Officer Involved Shooting):	Use of deadly force regardless of whether officer's actions resulted in injury or death		
	Investigative Information		
Investigating Supervisor: Sgt. D. Zeis #5	51101		
Unit [Team/Squad]: Office of Profession	nal Standards		
Date Use of Force Investigation Complet	e: April 20, 2020		
Date Use of Force Investigation Follow-u	up [if any] Complete: None		
	Board Information		
Date of Board: June 29, 2020	Board Chair: Lt. Corey Doggett # 44794 - Advanced Training		
Scribe: Lt. Anthony De La Ossa	Legal Advisor: Antonio Zapata		
Member: Lt. Ray Mechtel	Member: Independent Police Auditor, Mitch Kagen		
Member: TPOA Sgt Archibald	Member: Community Advisory Council, Pam Treadwell-Rubin		
Member: Sgt. Lorence Jove	Member: Community participant, Paul Lefkowitz		
Member: Sgt, Paul Sheldon	Member: Community participant, Jimmy Munoz-Cano		
Member: Sgt. Amanda Voss	Member: Community participant, Mark Lennox		
Member: Sgt. Leslie Gallaher			
Member: Det. Jason Southard			
Member: Officer Ray Smith			
Member: Officer Mike Krammes			
Date of Submission: July 13, 2020			
	Topics for Review		
Tactics/Decision Making	☐ Agree ☐ Disagree		
Equipment	Agree Disagree		
Supervision	Agree Disagree		
Reporting, Investigation, and Review OPS Findings	 Agree ☐ Disagree Agree ☐ Agree / Out of Policy ☐ Disagree 		

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ANALYSIS METHODOLOGY

The Tucson Police Department (TPD) Force Review Board (Board) reviewed this incident with a focus on department policy, tactics/decision making, supervision, equipment, reporting, internal investigation, and training. Determining administrative violations and assigning discipline resulting from the incident are the purview of the Office of Professional Standards (OPS) and the involved officers' chain(s) of command. Those recommendations occur independently and prior to this review.

The Board evaluated all documents, video, interviews, and associated materials generated during both the criminal and administrative investigations, in addition to department General Orders 2000 (Use of Force), 2510 (Officer Involved Shooting Protocols), and 3700 (Specialized Equipment). The Board determined that the assembled materials were complete and sufficient for a thorough review of the incident and that no additional evidence collection or interviews were necessary.

The Office of Professional Standards made the following materials available on April 5th, 2020:

- 1. Cover Sheet
- 2. IA Pro and Investigative Summary
- 3. Case Report and Supplements
- 4. Event Chronology
- 5. BWC Footage
- 6. Scene Photos
- 7. Photos of Gun Exchange
- 8. Photos of Involved Officers
- 9. 911 and Radio
- 10. Crime Scene Mapping
- 11. Evidence List (Web Beast)
- 12. Focus Officer Interviews
- 13. Witness Officer Interviews
- 14. Civilian Interviews
- 15. Blue Team Use of Force Reports
- 16. Firearm Qualification Record
- 17. TFD Report
- 18. Media Releases
- 19. PCAO Declination Letter
- 20. Personnel Reports
- 21. Misc. Case Files
- 22. Misc. OPS Files

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These materials were collated and made available to all Board members on April 20, 2020. They were reviewed for content and to determine if any pertinent issues were overlooked or remained unaddressed by OPS. The Board convened on June 29, 2020 and **submitted its finding on July 13th, 2020**. Officer Camacho attended the Board Meeting and gave additional in put into their actions.

Event Summary:

On June 16, 2019 at approximately 12:42 PM, officers responded to I W. Calle Nueva Vida reference a reported burglary in progress. As police were driving to the listed location, the original 911 caller advised that the four suspects were no longer inside and fled the area. The complainant gave suspect descriptions to officers via the telephone as they were responding to the incident location; they were described as juveniles wearing various articles of clothing. Patrol officers circulated the area and located a mobile vehicle with matching suspects inside. The officer attempted a traffic stop on the car however as the car came to the stop, the passengers of the car fled into a nearby apartment complex at 56 S 12th. Eyewitnesses in the complex told officers the suspects ran into apartment The driver of the suspect car remained with the car and additional patrol officers responded to assist in locating those that fled. It was broadcast that 1 W. Calle Nueva Vida was a vacant house, and that any charges would likely be misdemeanors.

Officers made contact at that apartment and were given consent to check the interior. While inside, officers located several individuals hiding in closets and the bathroom. As they were being detained, several struggles began. Suspect Carlos Vale, who was found hiding in the bathroom tub, drew a handgun from his waistband and pointed it at Officer Josh Camacho. A struggle ensued however Officer Camacho was unable to disarm Vale and in turn used his department issued handgun to shoot him. Vale was pronounced deceased at the scene. No officers were injured during the incident.

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TACTICS / DECISIO	N MAKING
 Did the officer(s) employ tactics consistent with policy? YES - Based on the documentation provided, the tactics employed appear to be consistent with policy and training. NO - Based on the documentation provided, the tactics employed do NOT appear to be consistent with policy training. 	4. Could additional de-escalation tactics have been used in the circumstances? ☐ YES ☒ NO If YES, please explain: 5. Did the officer's(s') action(s) contribute to the
If NO, please explain:	need to use force? □ YES ☒ NO
n vo, piease expiam.	If YES, please explain:
2. Did the officer(s) employ tactics consistent with training?	Check all that apply for each officer: ☑ None
☑ YES - Based on the documentation provided, the tactics employed appear to be consistent with policy and training.	 □ Refer officer to Chain of Command □ Refer officer to Training □ Refer officer/case to OPS
□ NO - Based on the documentation provided, the tactics employed do NOT appear to be consistent with policy training.	□ Refer officer to other:
If NO, please explain:	
3. Did the involved officer(s) make reasonable efforts to de-escalate prior to using force? ☐ YES ☐ NO ☒ NOT FEASIBLE	
If NO, please explain:	
Comments, Explanations, and/or Recommendations:	

Entry into the Apartment:

The board discussed the way the officers made contact at the door of apartment . With the broadcast of misdemeanor charges, hot pursuit would not have been applicable so officers knocked on the door several times to see if anyone would answer. An older Hispanic male came to the door along with two others. Officers asked if any juveniles ran into the apartment and the male said "no." An officer asked, "do you mind if we check" and the male answered, "no, go ahead." Officers also asked if there were any weapons in the house and again the response was "no." Board members commented that the consent obtained to go into the apartment was "mediocre" and could have been improved upon. Although an occupant of the apartment was asked if it

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was OK to enter, the officers should have worked to identify with whom they were speaking prior to entry. It wasn't clearly established who rented the apartment, and who was legally inside prior to making entry.

As the officers made entry and began searching the inside, they did a good job of continuously calling out to the anyone inside by saying "Tucson Police, if there is anyone back there you need to come out now." This was repeated several times as they were walking through the apartment. Officers contacted a juvenile male who was inside a closed bedroom door and had him exit the apartment. The board discussed the importance of taking additional time to debrief that juvenile, to determine if anyone else was inside and if so, their identities. Knowing the additional occupant's identities would quite possibly have changed the officer's tactics.

Officer Camacho discovered Vale hiding in the bathtub. As he was being detained, he began to struggle. This lasted for approximately 30 seconds prior to Officer Camacho shooting. As the struggle ensued, Officer Camacho's BWC fell off so we could hear the struggle but were unable to see it from his camera's vantage point. This is also true of Officer Hernandez's camera. His fell off during the struggle. (See Equipment section for Updates on this issue).

The board agreed that the operational momentum moved quickly based upon the suspicious nature of the males who came outside upon initial contact, size of the apartment and the number of suspects they were attempting to locate. The board agreed that the broadcast of juvenile offenders, coupled with misdemeanor charges, could have caused officers on scene to work faster than they would have normally. This could have been based upon the fact the charges were determined to be misdemeanor and no longer felonies and or the fact the suspects were said to be juveniles and not known adults. There was little communication between officers about how they were to collectively search the apartment. A preferred method would have been to have a formalized cover/contact pairing as they searched rather than searching as sole individuals. Each officer was opening doors, and clearing different areas of the apartment without giving, or taking direction or input from each other.

The board agreed that the tactics in this incident could have been improved upon. Although no violation was discovered, slowing down and better collaboration would have made the search safer for those involved. Of the three officers inside during the deadly force encounter, none of them had a clear understanding who was the Incident Commander.

Officer Camacho stated to the board that he felt comfortable with the actions at the time, because he considered the contact a "knock and talk" and that knock and talks are conducted on a nightly basis. The board agreed that this incident should have been treated like a building clearing or even a high risk stop. A high-risk stop involves dedicated lethal force officer(s), and dedicated arrest officer(s) with the goal to slow things down due to the high risk of danger and or violence.

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The Board discussed the need for someone at the apartment to have taken Incident Command of the scene prior to entry. Although Sgt. Landsdale had overall command of the investigation, there was confusion at the apartment as to whom had Incident Command and who was making the decisions on whether or not to enter the apartment and what tactics should be deployed once inside. The officers worked together as they entered the apartment however during their OPS interviews, some stated they were unsure who's idea it was to go inside. When asked if there was a plan prior to entering the apartment, Officer Camacho stated, "we just tried to just knock it we didn't really talk about what was gonna happen before or if we find anybody, we would just, you know, normally we work, we normally work together a lot so we normally would just work off each other if, depending on how many subjects we see in there..." (See Board Recommendations section for more information related to Incident Command).

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EOUIPMENT

6. Was the equipment used within policy / training guidelines? ☒ YES ☐ NO ☐ N/A

If NO, please explain:

7. What less lethal tools were available to officer(s), and if so, were they feasible in this situation?

On officer(s) person: Conducted Electrical Weapon (CEW): Taser X26 – This Taser is effective at a distance of 9-15 feet. It is reserved for use against someone being actively aggressive while either unarmed, armed with a blunt object or armed with an edged weapon.

In vehicles / not deployed: None

In the field not at the scene: Not Applicable.

8. What additional equipment could have been used during the incident? (e.g., shield, LRAD):

Not Applicable

Equipment - Dog-Bone

The board initially asked the question of why a K-9 was not used to clear the apartment. After that discussion outlining the juvenile offenders, and misdemeanor charges, other alternatives were brought up. The use of the remote control camera, or "dog-bone" used by the K-9 officers could have been useful in clearing he apartment. Dog-bones can be defeated by closed doors or debris on the floors, but they can be useful if a K-9 is applicable.

Equipment - Taser

The board agreed that the use of the Taser would not have been appropriate in a deadly force situation such as this.

BWC Holders: It should be noted that BWC magnetic holders were determined to lack the ability to withstand a struggle and in turn needed to be improved upon. In May of 2019, this issue was being addressed by the department's uniform committee. It was at that time officers were seeking approval for a new External Carrier Vest that could be work outside their work clothes and allowed for a better BWC retention device. This request was approved and purchases began around June of 2019. Since that time, BWC mountings have improved and less are loss in struggles than they were at this time.

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SUPERVISI	ON
9. Was a supervisor present at the time force was used(s)? ☐ YES ☒ NO	Check all that apply for each supervisor: ☑ None
10. If so, did the on-scene supervisor(s) provide appropriate tactical guidance and support to the field during the incident? □ YES □ NO ☒ N/A	 □ Refer supervisor to Chain of Command □ Refer supervisor to Training □ Refer supervisor/case to OPS □ Refer supervisor to other:
11. Did the supervisor(s) provide appropriate tactical guidance and support to the field after the incident? ☑ YES □ NO □ N/A	
If NO, please explain:	

Comments, Explanations and /or Recommendations:

In this incident, Sergeant Lansdale was investigated for his ability to supervise. He was on the call and initially responded to the scene of the burglary in progress. He then diverted to assist Officer Nicholl on the traffic stop where the suspects fled on foot. Once the suspects fled, small unit tactics were established, utilizing lighted quads. The initial broadcast of possible juveniles involved, and the additional information that the burglary was of a vacant house, made the K-9 units on the call aware that they would have to change their tactics.

When Officer Quiroz broadcast that the suspects were in apartment ______, Sergeant Lansdale collapsed the quads and had the units go to the apartment. The officers on scene took the initiative to make contact at the apartment. When Sergeant Lansdale heard that there was a fight at the apartment, he immediately responded to the scene. He arrived after the shooting. He took Incident Command when he arrived and deployed Officer Involved Shooting (OIS) protocol. Sergeant Lansdale was Incident Commander of the entire call, covering all three scenes, the burglary, the traffic stop, and the apartment. The allegation of Failure to Supervise was Unfounded. The Force Review Board determined that there were no supervisory issues with Sergeant Lansdale.

(See Board Recommendation section for more information on the topic of Incident Command).

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Force Review Board

REPORTING, INVESTIGATION	ON, AND REVIEW
12. Was the review thorough, complete, and supported by the evidence presented?	☑ Yes - The review board finds that the investigation is thorough and complete.
The Board concluded the reporting, investigation and review were complete and thorough. No additional follow-up was needed. For those reasons, we saw no need to conduct additional interviews.	☐ No - The review board finds that the investigation is NOT thorough and complete.
If No, please comment:	☐ Provide feedback to investigator Describe:
Comments, Explanations, and/or Recommendations: The Board found that the reporting, review, and investigation officers were legally in the apartment and were in a physical a resulted in an Officer Involved Shooting. The OIS protocol was notifications. The criminal and administrative investigations will deficiencies or recommendations in this area.	Iltercation with an armed suspect. The encounter as deployed effectively with all proper
FINDINGS	
13. Is the Use of Force investigation properly categorized by type? YES ☒ - Type IV was appropriate. Defined as "use of deadly force injury or death." - See cover sheet for further. NO □	
14. Was the officer's(s') use of force necessary, reasonable, and propo	ortional?
YES ☒ - Based on the documentation provided, the force used was	consistent with department Use of Force policy
NO - Based on the documentation provided, the force used was	NOT consistent with TPD Use of Force policy.
Agree / Out of Policy: - Based on the documentation provided, to force policy. However, the force was objectively necessary circumstances.	

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Comments, Explanations, and/or Recommendations:

The board found that the uses of force in the physical altercation were justified and necessary. The board also found the use of deadly force justified and necessary. The board agrees with the unfounded failure to supervise allegation. The board finds no deficiencies or recommendations in this area.

Additional Information:

Officer Camacho spoke at the Force Review Board. Officer Camacho wanted to say that he felt the utmost support from the agency following the incident. He said the Behavioral Sciences Unit (BSU) helped him tremendously through the days following the incident.

Officer Camacho also wanted to state the he appreciated Lieutenant Monica Prieto calling him personally to explain the declination letter and informing him that the criminal case was closed.

Officer Camacho went on to comment that he felt that the "re-intergration training" the academy provided after the incident was very beneficial. That training involves shooting with, and more importantly talking to TPD members who have been the focus of critical incidents. The members participating in the training talked about their critical incidents, why they took the action that they did, and how they are dealing with those decisions to this day.

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BOARD DECOMMENDATIONS

INDATIONS
REFER TO: ☐ Involved Officer(s) / COC ☐ Legal ☑ Training
☐ Other: Executive Leadership Team
e Review Board, he was asked who he thought er was there and providing direction so he his s on scene, and an operational plan is developed, his was not done, it leads to confusion on the
n apartment, and one of them says, "I'll be lethal t is a verbal operational plan. The officer who
ed that it was very clear the way it was explained
The state of the s

Members of the Force Review Board also appreciated that explanation, due to the I.C. being a focal point in every investigation.

<u>ADDITIONAL TRAINING:</u> The Training Academy has created and will distribute a building clearing and Incident Command refresher training to the department in July 2020. The POWERDMS content will consist of current building clearing considerations, techniques, as well as an enhanced focus on clear leadership and use of incident command protocols.

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INCIDENT CHRONOLOGY

Case 1906160079 generated 47 pages of event chronology. Below is a synopsis of pertinent times during the incident:

1U7	Sergeant Landsdale #53365
1A76	Officer Jorge Camacho #102211
1X96	Officer Avalos #101679
1A81	Officer Nicholl #101690
1L7	LPO Jones #51085
1A74	Officer Quiroz #51081
1A96	Officer Josh Camacho #100959
S4	Officer Danaher #50462
S8	Officer Winans #52909

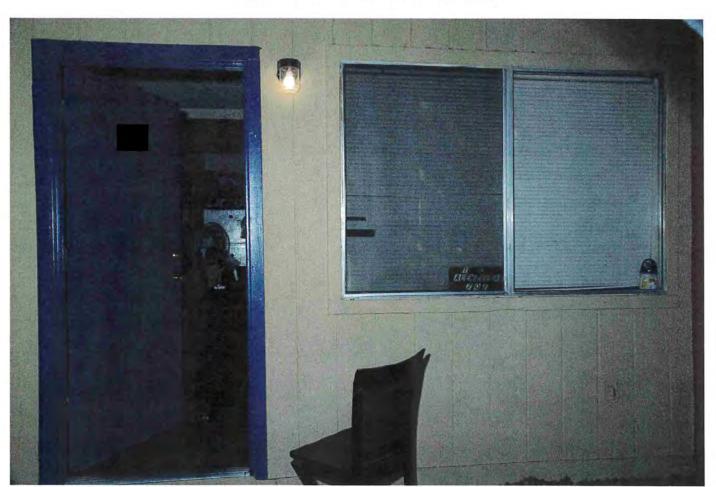
00:42:32	Multiple U	Jnits Respond to 1 Calle Nueva Vida for burglary in progress
00:46:52	1A76	Broadcast of "open door" at 1 Calle Nueva Vida
00:50:19	1X96	Broadcast of suspect description (juveniles)
00:50:33	1A81	Traffic stop @ Liberty/Drexel with matching suspect (CMF8541)
00:51:13	1A81	Subjects run northwest towards apartment complex
00:51:31	1A81	Driver detained at the stop
00:52:10	1L7	Units set up on quads
00:54:31	1A76	House is clear (1 Calle Nueva Vida)
01:03:13	1A74	Flagged down, told suspects went into apartment
01:11:08	1A76	Broadcasts that l Calle Nueva Vida is a vacant house (indicating misdemeanor charges)
01:12:24	S4	Broadcasts "Making contact at apartment" Negative alert tone
01:13:58	S4	Negative contact at the door
01:14:28	S4	Broadcast "Making contact"
01:16:22	S4	Broadcast "One fighting"
01:16:34	S4	Broadcast "10-84 10-18 shots fired"
01:16:55	1A96	Broadcast "Shots fired 10-99"
01:17:54	S8	Broadcast "Officers are Code 4"
01:19:13	1U7	Broadcasts that he is L.C.

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56 S. 12th Ave. - Apartment



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Inside Apartment - Decedent's Handgun

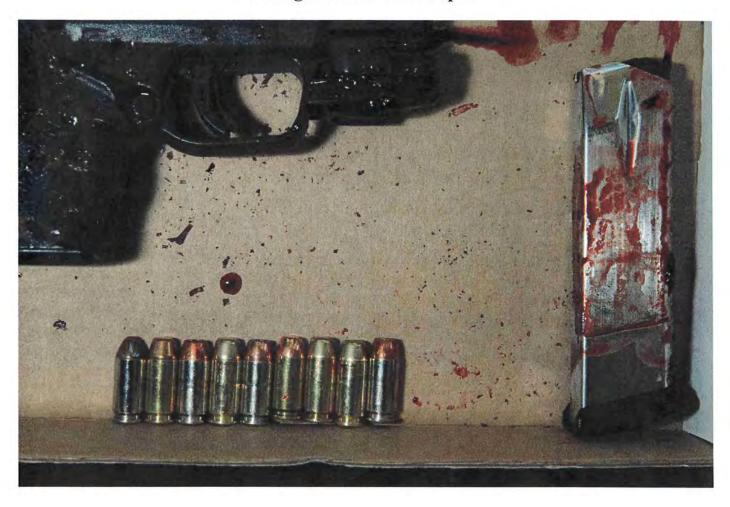


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Handgun XD-40 Subcompact



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TUCSON POLICE DEPARTMENT PERSONNEL REPORT

TO:	CHIEF OF POLICE		NAME OF PERSON ABOUT				
VIA:	Bureau Commander		WHOM REPORT IS WRITTEN				
	Sergeant Troy Lansdale Officer Daniel Hernandez					PR#: 5	3365 00698
VIA:	Lieutenant J. Pegnato Officer Alex Quiroz Officer Erin Winans					5	1081 2909
		Officer	Officer Joshua Camacho			1	00959
			ODS/Squad 7		1800-0400		W, R, F
			ODS/Squad 7		1800-0400		W, R, F
		Div/Sq:	ODS/Squad 7	Hours:	1800-0400	D.O.:	W, R, F
			ODW/SDU		1800-0400		U, M, T
			ODS/Squad 9		2100-0700		T, W, R

EXECUTIVE REVIEW

DIVISION COMMANDED	CHIEF OF BOLLOF	BUREAU COLMANDES
DIVISION COMMANDER	CHIEF OF POLICE	BUREAU COMMANDER

Reference: OIS 19-0383

Details:

Synopsis:

On June 16, 2019, officers responded to 1 W. Calle Nueva Vida in reference to a possible burglary in progress. The complainant was a neighbor who stated they heard something breaking and then observed the front door of the residence open. The suspects were described as three Hispanic males, approximately 18-19 years of age, and one was wearing a white shirt with ripped blue jeans. The males were last seen heading eastbound on Calle Nueva Vida. As officers arrived on scene, they observed a front window was broken and the wrought iron on the front door was open.

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NARRATIVE (Continued)

multiple occupants. One of the males in the back seat appeared to be wearing a white shirt and looked to be the approximate age of the suspects. Officer Nicholl conducted a traffic stop at Liberty and Drexel on the vehicle; three juvenile males ran from the vehicle, the driver remained on scene. Officer Nicholl advised over the radio the three males ran westbound from the traffic stop and appeared to be heading toward the Apartments (56 S. 12 th).
Small unit tactics were used to contain the apartment complex. The TPD helicopter was not in service at the time the males ran from the traffic stop. K9 Officers Danaher #50462 and Winans #52909 responded to the traffic stop to conduct a scout. While on a containment position, Officer Quiroz #51081 was flagged down by several subjects, who advised they saw three males outside of unit which is directly above They stated the subjects were acting strangely and looking in the direction of Officer Nicholl's traffic stop. Once they heard additional sirens responding to the area, all three subjects ran inside unit It should be noted that none of the subjects that approached Officer Quiroz matched the suspects' descriptions. Officer Quiroz relayed the information regarding unit via police radio.
Sergeant Lansdale #53365 was on scene at Officer Nicholl's traffic stop and directed units on the radio to collapse their containment specifically on apartment
Officers Carrillo, Hernandez, and Camacho went into apartment Officer Hernandez announced, "Tucson Police" and advised that anyone still inside needed to come out. Officer Carrillo opened a door that led to the bedroom/bathroom area and saw a juvenile male just inside the doorway. was detained in handcuffs by Officers Hernandez and Camacho, then taken to a patrol vehicle by Officer Corona. Officers Carrillo and Hernandez searched a bedroom, then turned their attention to the hallway closet. Officer Camacho went to search the bathroom and saw a subject standing in the shower (later identified as Carlos Vale). Officer Camacho drew his weapon and said, "Hey, come out with your hands up!" and "Hey, let me see your fucking hands, dude!" Vale initially complied with commands and came out of the shower with his hands up. Officer Camacho told Vale to turn around and put his hands behind his back. Officer Hernandez was assisting in the attempt to detain Vale.
At the same time this was occurring, Officer Hernandez attempted to open the hallway closet door and was met with resistance. The subject inside, later identified as was trying to hold the door closed. Once the door was opened, Officer Carrillo attempted to detain He resisted and impact pushed Officer Carrillo to get away from him. This altercation caused Officer Carrillo's body-worn camera (BWC) to
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Officer Nicholl #101690 responded to the incident and located a vehicle leaving the neighborhood with

fall off and land face-up on the floor. As Officer Carrillo was struggling with the saw Vale struggling with Officers Hernandez and Camacho and saw a handgun in Vale's possession. He then released focus his efforts on assisting Officers Camacho and Hernandez.
then ran outside the apartment and attempted to push past Officer Quiroz, who was outside near the front door. Officer Quiroz grabbed so shirt and upper body area and gave him commands to get down on the ground. Officer Winans assisted Officer Quiroz in detaining however both officers were met with resistance by He continued to struggle with both officers and did not comply with commands. Officer Winans was on his right side and during their struggle, was able to wrap his right arm around her neck, putting her in a headlock. Officer Winans used her right knee to deliver a strike to store. All three subjects then went to the ground after which officers heard a shot from inside the apartment. Officer Quiroz unholstered his duty weapon and ordered and pointed his handgun at shead, ordering him to comply. Was handcuffed shortly after with no additional force used. This was occurring simultaneously with the attempted detention of Vale.
While they were attempting to detain Vale inside the apartment, he became non-compliant in the bathroom/hallway area. This caused Officer Camacho's BWC to fall off but remain powered on, capturing audio. Officer Camacho was on the left side of Vale; Officer Hernandez on the right. Officer Carrillo's BWC captured a brief portion of the altercation between Vale and the officers in the hallway area. In several of the video frames, a handgun can be seen in Vale's right hand. During the altercation, all three officers and Vale were still struggling as they moved into the living room area, being pulled by Vale. Officer Camacho's uniform shirt and lapel mic were grabbed by Vale in the struggle. Officer Hernandez dropped his body weight to stop Vale from trying to flee. All four subjects fell to the ground in the living room. Officer Camacho was on Vale's left side when he saw a handgun in Vale's right hand, pointed at his face. He attempted to separate the gun from Vale's hand, however, Vale was able to maintain possession of the weapon. Officer Hernandez also saw the handgun and attempted to gain control of Vale's right hand so that he was unable to bend his arm any further toward the officers. At that point, Officer Camacho yelled, "Gun!". Officer Camacho saw that Officer Hernandez was on top of Vale, still struggling to gain control of the weapon. Officer Camacho got up to his knees and then fired one shot into the left side of Vale's head from close range.
At that point, Vale stopped struggling and appeared to be deceased. The handgun in his possession was still in his right hand Shortly after the single gunshot, a female ran out of the apartment that had been hiding inside during the incident. Officer Hernandez ran out of the apartment after her and impact pushed her to the ground. The female, later identified as was then detained without further incident. Tucson Fire Department Paramedic 14 responded to the scene and confirmed Vale's death at 0129 hours.
Hours later, during the course of the investigation, clothing matching the initial burglary suspects'

NARRATIVE (Continued)

additional subjects were located.

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descriptions was located near the pool area in the apartment complex. Despite canvassing efforts, no

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Methodology:

The investigative methodology incorporated into this OPS investigation included considerations of the following criteria:

- All interviews conducted to include both criminal and administrative.
- All written documents to include case reports, supplements and event chronologies.
- All radio transmissions associated with this call.
- Crime scene photographs, autopsy photographs, and diagram mapping.
- Body-worn camera systems worn by involved department members.
- Officer-involved shooting protocols.

Use of Force:

This portion covers both uses of force.

Lawful Purpose:

The officers involved were investigating a call that originated as a burglary in progress. Officer Nicholl conducted a traffic stop where possible involved subjects fled the stop into the apartment complex at 56 S. 12th Ave. A short time later, Officer Quiroz was flagged down advising the subjects possibly ran into unit when officers knocked at the apartment, so pened the door. Officers asked who else was inside and if there were any juveniles. Stated there were not and when asked, provided officers with verbal consent to check the apartment. In doing this, a juvenile male was located behind a closed door, in an apparent attempt to hide from police. Three other subjects were located inside, two of which fought with officers and did not comply with their repeated commands.

De-Escalation:

While officers were clearing unit #911, they announced their presence. was hidden in a closet ar
actively tried to hold the door shut from the inside. Once Officer Carrillo attempted to detain him,
resisted his commands and shoved Officer Carrillo. then ran outside of the apartment. Officer Quire
attempted to stop using empty hand control, and he remained non-compliant. Once Officer Winar
went to assist, put her in a headlock, escalating the level of resistance to active aggression. Office
Winans noted feeling pressure on her neck and was not able to freely move away from that position. Base
on the active aggression displayed, there was no opportunity to further assess for de-escalation option
had ample opportunity to comply with officers' commands prior to force being used to detain him

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NARRATIVE (Continued)

Vale

Officer Camacho gave commands to Vale when he was located in the shower. He was initially compliant, but then started to struggle with Officers Camacho and Hernandez. When the officers saw Vale had a gun in his right hand they attempted to disarm him, however, Vale continued to struggle and the weapon was pointed directly at Officer Camacho's face. Because of the immediacy of the threat, it afforded no time to further assess the situation for de-escalation options.

Provocation:

The altercation between and Officer Carrillo was captured on his body-worn camera. There is a brief struggle between the two and Officer Carrillo can be heard saying, "give me your hands!". Once is outside; the use of force involving Officer Winans and Quiroz is captured on body-worn camera. Officer Quiroz tells get on the fucking ground!" twice, but he does not comply until strikes are delivered. None of the officers on scene provoked the incident, other than their presence.

Vale

The use of force incident was captured on the body-worn cameras of Officers Camacho, Carrillo and Hernandez, although all three were knocked off of their persons during the altercation. Several commands to Vale can be heard throughout the video footage in an attempt to gain compliance. Based on the investigation, none of the officers' actions provoked the incident, other than their presence. The mere presence of an officer does not constitute provocation.

Proportionality:

Officer Winans and Quiroz were faced with defensive resistance when an apparent attempt to flee. While trying to detain him, put Officer Winans in a headlock, which constituted active aggression. Both officers delivered knee strikes to subdue which proved successful to effect an arrest.

Vale

During their contact with Vale, officers were immediately faced with active aggression when he grabbed Officer Camacho's uniform shirt and lapel mic. During the altercation, Vale reached into his waistband and produced a handgun, holding it in his right hand, presenting a lethal threat. Officers Camacho and Hernandez attempted to disarm the subject, but were unable to. When this failed the only option left was lethal force, as Vale's weapon was pointed directly at Officer Camacho's face.

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NARRATIVE (Continued)
Use of Force Analysis:
Officer Winans and Quiroz's use of force was appropriate during their encounter with The officers on scene had knowledge at the time that several subjects had run from a traffic stop and possibly entered unit These subjects were potential suspects in a misdemeanor crime that just occurred at a nearby residence. When ran out of the apartment, it was apparent he was attempting to flee the scene and avoid capture.
Officer Alex Quiroz: Allegation 207- Use of Force (other) Within Department Policy Officer Erin Winans: Allegation 207- Use of Force (other) Within Department Policy
<u>Vale</u>
Given the immediacy of action required by the officers based upon Vale's actions, their use of force was appropriate in this encounter. The officers recognized the imminent threat of serious physical injury or death Vale posed to themselves, as well as the other officers and subjects just outside of the apartment. Unknown to the officers at the time, Vale had a federal felony warrant for his arrest and was a prohibited possessor. When officers knocked on the door of unit told Vale to give him his gun, however, Vale refused and stated he was not going back to prison. It was clear through both his previous comments to and his actions toward the officers, that Vale was not going to comply with their commands and was intent on using his weapon against the officers attempting to detain him. It was later determined through a toxicology report that Vale tested positive for amphetamines, benzodiazepines, cannabinoids, and cocaine.
Officer Joshua Camacho: Allegation 206- Use of Force (firearm) Within Department Policy Officer Daniel Hernandez: Allegation 207- Use of Force (other) Within Department Policy
Incident Command/Supervision:
Sergeant Troy Lansdale
Sergeant Lansdale copied and was monitoring the initial burglary in progress call. After Officer Nicholl conducted his traffic step. Sergeant Lansdale responded to his location and directed units to use small units

Sergeant Lansdale copied and was monitoring the initial burglary in progress call. After Officer Nicholl conducted his traffic stop, Sergeant Lansdale responded to his location and directed units to use small unit tactics to contain the subjects who fled. After the information was provided by Officer Quiroz regarding unit he advised officers to collapse their containment specifically to that apartment. There was no additional direction provided regarding the investigation conducted at the apartment. None of the officers at the apartment took incident command of the apartment scene or ensured a plan was developed prior to making contact. BWC of the incident shows Officer Carrillo was wearing LPO stripes on his uniform. During his interview, Officer Carrillo noted he was not yet in an official LPO capacity until shift change the next month

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NARRATIVE (Continued)

(July 2019). He also stated he had not received any formal LPO training outlining the duties and expectations of an officer in that position. Sergeant Lansdale remained on scene with Officer Nicholl, as they were the only two remaining at the traffic stop. Additionally, the driver was not the registered owner of the car and it was unknown at the time if the vehicle was stolen.

When Officer Danaher advised officers were fighting with one of the subjects at the apartment, Sergeant Lansdale left the traffic stop and expedited his response to their location, which was only a few blocks away. He arrived shortly after officers advised "shots fired" over the radio. Sergeant Lansdale immediately took incident command by advising over the radio. He determined Officer Camacho was the focus officer and provided cover officers for him and the other sight/sound witness officers. Sergeant Lansdale also conducted round counts on all officers that were on scene at the apartment during the shooting. A concise and complete briefing was subsequently provided by Sergeant Lansdale and Officer Jorge Camacho once all investigative parties responded to the scene.

Allegation 213- Failure to Supervise Unfounded

Tactics:

Officers Carrillo, Corona, Camacho, Hernandez, Quiroz, Winans, Danaher and his K9 partner Bosco were on scene at the apartment complex to attempt contact at unit. When Officers Danaher and Winans were walking up to the unit, it was advised over the radio that there would potentially be charges for trespassing at the Calle Nueva Vida address, but not for burglary. The two officers discussed how this new information would change their deployment of a K-9 should a subject run from the apartment since there were now only misdemeanor charges. There was no discussion regarding using a K-9 to search the apartment, since contact at the unit was an effort to identify the occupants and not necessarily an attempt to clear a vacant building.

Officers Carrillo, Hernandez and Camacho entered the apartment and announced their presence. Officer Carrillo walked through the apartment with his flashlight in his right hand, using it to illuminate the dimly-lit apartment. Officer Carrillo is a right-handed shooter. He encountered just behind the closed door and transferred him back to Officers Hernandez and Camacho to detain. Officer Carrillo continued to search the apartment with his flashlight in his right hand.

Once was detained, Officer Hernandez continued to walk through the apartment. He primarily had his flashlight in his left hand, but transitioned between hands while searching the rooms. Officer Hernandez is a right-handed shooter. He assisted Officer Carrillo in the bedroom by looking under the mattress with his flashlight. Officer Hernandez did not unholster his duty weapon at any point while in the apartment.

When Officer Camacho located Vale in the bathroom, he unholstered his duty weapon and addressed the subject at gunpoint. Officer Camacho is a right-handed shooter. He then re-holstered and grabbed Vale's left hand with his right hand. Officer Camacho still had his flashlight in his left hand while trying to detain Vale. He then started to resist and struggle; Officers Carrillo and Hernandez assisted with attempting to gain control over Vale. Officer Carrillo observed a handgun in Vale's hand during the altercation. Once all three

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NARRATIVE (Continued)

officers were on the ground with Vale, Officer Carrillo unholstered his handgun. Officer Carrillo noted he did not feel comfortable taking a shot since the officers were moving around on the ground with Vale, so he reholstered. None of the officers could gain control of Vale's arm with the handgun. Officer Camacho then got up to his knees and fired one round into the left side of Vale's head.

Conclusion:

On December 19, 2019, OPS received a copy of the declination letter from the Pima County Attorney's Office. Deputy Attorney Baird Greene stated in his findings, "It is clear that Officer Camacho was justified in using deadly physical force to stop Vale from harming police or anyone else in or near the apartment. Vale emerged from hiding holding a firearm and tried to raise the gun into a firing position against three uniformed TPD officers. Vale's violent, threatening and aggressive action towards officers is evidence enough to justify Officer Camacho's use of deadly force. For these reasons, the Pima County Attorney's Office declines to pursue any criminal charges against him in connection with this incident."

In furtherance, Mr. Greene stated, "*It is worthy to note, that while the officers were unaware at the time, a close family friend revealed that Vale was 'on the run' and vowed not to return to prison. Vale had an outstanding felony warrant and was a prohibited possessor who had spent time in prison. This may explain his behavior."

Based upon this investigation, the use of force used by Officer Joshua Camacho was found to be <u>within</u> <u>departmental policy</u>.

The force used by Officers Hernandez, Quiroz and Winans was also found to be within departmental policy.

Based upon the investigation, it was determined Sergeant Lansdale took appropriate actions related to supervision and incident command. Therefore, the allegation of failure to supervise regarding Sergeant Lansdale was <u>unfounded</u>.

Sgt. D. Zeis #51101	April 1, 2020



I have reviewed the investigation and I concur with Sergeant Deanne Zeis. Given the immediacy of the lethal threat presented I find the use of deadly force utilized by Officer Joshua Camacho was **Within Departmental Policy**. Additionally, the force utilized by Officer Daniel Hernandez was also **Within Departmental Policy**.

After ran from the apartment he encountered Officers Alex Quiroz and Erin Winans. They attempted to detain him, however, he resisted their efforts and subsequently placed Officer Winans in a headlock. Based on the investigation, I concur with Sergeant Zeis and also find the force utilized by both Officer Quiroz and Winans to be Within Departmental Policy.

Lastly, as it relates to Sergeant Troy Lansdale, I also concur with Sergeant Zeis and find the allegation of failure to supervise to be **Unfounded**. It was determined Sergeants Lansdale's actions related to supervision and incident command were appropriate.

Lt. Jennifer Pegnato

April 1, 2020





Pima County Attorney's Office

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Tucson, Arizona 85701-1412

Phone (520) 724-5600 Fax (520) 724-5585 www.pcao.pima.gov

December 11, 2019

Barbara LaWall Pima County Attorney

Chief Chris Magnus Tucson Police Department 270 S. Stone Avenue Tucson AZ 85701

Re: Officer Joshua A. Camacho, and Tucson Police Department No. 1906160079

Dear Chief Magnus:

Introduction

On June 16, 2019, Officer Joshua Camacho and other Tucson Police Department (TPD) officers responded to a follow up regarding suspects fleeing from a burglary in progress. As officers cleared an apartment, they found Carlos Vale hiding in a shower. Vale emerged with a gun, and as officers struggled to disarm him, Vale physically resisted and repeatedly attempted to point the gun in their direction. Officer Camacho shot his firearm once at Vale and struck him in the head. Vale died as a result. TPD investigated the shooting. I have reviewed the investigation to determine whether Officer Camacho's actions were justified under Arizona law or whether criminal charges should be pursued.

My Review

I met with Det. Josh Cheek and we discussed the case. I watched officer body worn camera video of the shooting. I also reviewed officer reports, arrest logs, detective reports, crime scene specialist reports, the search warrant, event chronology, reports related to the burglary that began the investigation, and transcripts of interviews of Officers Brian Carrillo, Alex Quiroz, Marco Corona, Erin Winans, and Ryan Danaher. I also read statements of witnesses

and and Finally I reviewed photographs, property sheets and the autopsy report, as well as criminal history information.

The Facts

Uniformed officers were looking for three juveniles involved in the burglary in progress and went to the apartment complex at 56 s. 12th Avenue. Concerned citizens directed officers to apartment seed. Officers attempted to establish contact with the occupants and had to repeatedly knock and announce themselves as police. After several minutes three adult occupants emerged.

1



They gave permission for officers to look inside. Officers entered and encountered a juvenile who was detained and removed from the apartment.

As police cleared the rest of the residence, they found a man hiding in a closet. He became aggressive and fought with Officer Carrillo. Meanwhile, Officer Camacho found Vale hiding in the shower and ordered him out. As Vale emerged officers saw he had a gun in his hand. Vale tried to point the gun at police, and Officer Camacho attempted to disarm him. Officer Carrillo let the other man go (this individual ran outside and was detained by officers there), announced "Gun! Gun!" and went to assist Officer Camacho, as did Officer Hernandez. Vale persisted trying to raise the gun in the direction of officers. They all got down on the floor. There, Officer Carrillo drew his weapon to shoot Vale but re-holstered when it was clear he did not have a safe shot; there was a scrum of officers and Vale struggling on the floor. None of the three officers struggling with Vale (Officers Camacho, Hernandez, and Carrillo) could gain control of Vale's arm with the handgun. As he and the other officers struggled unsuccessfully to disarm Vale, Officer Camacho drew his weapon and shot one time, striking Vale in the head, killing him.

Legal Standards

Arizona Revised Statutes §§ 13-404 and -405 allow a person to use deadly physical force against another when he believes deadly physical force is immediately necessary to protect himself from another's use of deadly physical force. A.R.S. §§ 13-404 and -406 allow a person to use deadly physical force against another when he believes deadly physical force is immediately necessary to protect a third person from another's use of deadly physical force. Additionally, A.R.S. §§ 13-409 and -410 permit the use of deadly physical force in law enforcement when 1) an officer believes such force is necessary to defend himself or others against another's imminent use of deadly force, 2) an officer is effecting an arrest of a person the officer reasonably believes is attempting to commit a felony involving the use of a deadly weapon, and 3) an officer, through past or present conduct the person, knows that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay.

Findings

Officer Camacho did not give a statement to homicide detectives about what happened, but there is ample evidence from the body worn cameras, the reports and statements of witness officers, and evidence at the scene. It is clear that Officer Camacho was justified in using deadly physical force to stop Vale from harming police or anyone else in or near the apartment. Vale emerged from hiding holding a firearm and tried to raise the gun into a firing position against three uniformed TPD officers. Vale's violent, threatening and aggressive action towards officers is evidence enough to justify Officer Camacho's use of deadly force. For these reasons, the Pima County Attorney's Office declines to pursue any criminal charges against him in connection with this incident.*

If I may be of further assistance in the matter please contact me at your earliest convenience.

Sincerely

Baird S. Greene

Deputy Pima County Attorney



ADVANCED TRAINING SECTION COMMANDER AND DEPUTY CHIEF SIGNATURE

Lieutenant:		
m 182	-	
Signature		
Date: 17142	>	
A I agree with t	he Force Review Board's I	Findings
☐ I disagree wit	h the Force Review Board'	l's Findings
Comments / Add	itional Recommendations:	¢.
Deputy Chief:	Warry Lune Good	on V.C. PWKETO
Signature	Ada A. Con	m v.c. jugao
Date: 7.14.	2023	
I agree with	he Force Review Board's I	Findings
☐ I disagree wit	h the Force Review Board'	l's Findings
Comments / Add	itional Recommendations:	s:



Force Review Board

FOR INTERNAL USE ONLY

Specific Recommendations and Assignments for Follow-Up

- 1. OPS Referrals
 - a. Officer name and PR:
 - b. General reason for referral (for each officer):
 - c. FRB to initiate referral by direct entry into IA Pro:
- 2. Individual officer training recommendations / Individual referrals
 - a. What unit will address follow-up:
 - b. What follow-up is requested:
 - c. When a response is due:
- 3. Department training recommendations
 - a. What unit will address follow-up:
 - b. What follow-up is requested:
 - c. When a response is due:
- 4. Policy change or clarification recommendations
 - a. What unit will address follow-up:
 - b. What follow-up is requested:
 - c. When a response is due:
- 5. Procedure change or clarification recommendations
 - a. What unit will address follow-up:
 - b. What follow-up is requested:
 - c. When a response is due:
- 6. Equipment recommendations
 - a. What unit will address follow-up:
 - b. What follow-up is requested:
 - c. When a response is due:



Force Review Board

Tucson Police Department Department / Function Responses to FRB Recommendations

Department / Function: Tucson Police Department

Department / Function Head: Police Chief Chris Magnus

CIRB Liaison: Advanced Training Section Commander - Lieutenant Doggett

FRB Case #:

Incident #:

Rec. #	Recommendation	Action Plan / Assignments	Target Date
A			
	Notes:		
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	Notes:		

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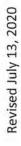
Revised July 13, 2020





Force Review Board TUCSON POLICE DEPARTMENT

Rec. #	Recommendation	Action Plan / Assignments	Target Date
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Force Review Board TUCSON POLICE DEPARTMENT

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