



# TUCSON POLICE DEPARTMENT

## Force Review Board

### Incident Information

Case Number(s): <b>1910110096</b>		Use of Force #: <b>2019-F-0845</b>
		Office of Professional Standards #: <b>19-0655</b>
Date of Incident: <b>October 11, 2019</b>		OPS Findings and Recommendation: <b>Justified and Within Policy</b>
Involved Officer: <b>Ofc. J. Demuth #102217</b>		COC Findings and Recommendation: <b>Concur/Closed</b>
Incident Location: <b>28███ N. Oracle</b>		County Attorney Findings: <b>Justified</b>

### Level of Force

Type IV (Firearm):	Officer discharge of firearm, Use of force resulting in death.
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### Investigative Information

Investigating Supervisor: <b>Sgt. D. Hearn #33030</b>
Unit [Team/Squad]: <b>Office of Professional Standards</b>
Date Use of Force Investigation Complete: <b>April 6, 2020</b>
Date Use of Force Investigation Follow-up [if any] Complete: <b>None</b>

### Board Information

Date of Board: <b>August 10, 2020</b>	Board Chair: <b>Lt. Corey Doggett #44794 – Advanced Training</b>
Scribe: <b>Lt. Doug Foster</b>	
Secondary: <b>Lt. Mickey Petersen</b>	Member: <b>Independent Police Auditor, Mitch Kagen</b>
Member: <b>Sgt. Eric Evans</b>	Member: <b>Community participant, Tracy Hockett</b>
Member: <b>Ofc. Ariel Giessuebel</b>	Member: <b>Community participant, Engel Indo</b>
Member: <b>Det. Roberto Martinez</b>	Member: <b>Community participant, Mieko Iventosch</b>
AOT: <b>Sgt. Matt Brady</b>	Member: <b>Community participant, Craig Wilson</b>
Proficiency: <b>Sgt. Jesse Cornia</b>	Member: <b>Community participant, Stephanie Williams</b>
Use of Force Review: <b>Sgt. Jonathan Armand</b>	Member: <b>Community participant, Cedric Smith</b>
	Member: <b>Community Advisory Council, Bennie Baker</b>
Legal Advisor: <b>Rebecca Cassen</b>	TPOA: <b>Sgt. Steve Erdman</b>
Date of Submission: <b>XXXXXXXX, 2021</b>	

### Topics for Review

Tactics/Decision Making	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree
Equipment	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree



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Supervision	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree
Reporting, Investigation, and Review	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree
OPS Findings	<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Agree / Out of Policy <input type="checkbox"/> Disagree

### 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) 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 July 13, 2020:

1. FRB Documents & Reports
2. Personnel Reports & COC (Chain of Command) Documents
3. OPS (Office of Professional Standards) Documents
4. Ofc. Demuth OPS Interview
5. Criminal Case Misc. Documents
6. Police Reports
7. Autopsy Reports & Photos
8. 911 calls & Radio Transmissions
9. Criminal Case Interviews
10. Relevant BWC (Body Worn Camera) Video
11. Scene Photos
12. MHST (Mental Health Support Team) Historical – David Doyle

The above listed materials were collated and made available to all Board members on July 13, 2020. They were reviewed for content and to determine if any pertinent issues were overlooked or remained unaddressed by OPS. The Board convened on August 10, 2020, and submitted its finding on XXXXX, 2020.



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### Event Summary (from Office of Professional Standards report)

On October 11, 2019, at 9:08 AM, officers from the Tucson Police Department (TPD) responded to 57[REDACTED] E. Eastland regarding 911 reports of a neighbor, identified as David Doyle, standing in the street yelling while holding a handgun. Another neighbor reported Doyle yelling as he rode a bicycle in the neighborhood while armed with a handgun. An officer safety alert had recently been issued regarding Doyle's mental instability because he recently told officers he might have to "shoot it out with them" at some point. TPD officers and TPD's Mental Health Support Team (MHST) had responded to Doyle's residence at 57[REDACTED] E. Eastland multiple times over the past four months regarding Doyle's irrational, disorderly and paranoid behavior. MHST had just applied for an involuntary mental health order to commit Doyle the previous day, which Doyle was unaware of.

Due to the known danger of Doyle, the responding officers met a few blocks away to formulate a plan to contact Doyle. Officer Castro called Doyle on the phone and attempted to have him leave his handgun in his residence and come outside. Doyle was irritated and hung up the phone. Sergeant's Holewinski and Schrouder then arrived and Holewinski declared Incident Command (IC). Sergeant Schrouder was being trained by Sergeant Holewinski. They met with the initial responding officers who were Demuth, Castro, Zieminski, Laughlin, Lopez and Thompson. During the incident briefing, Sergeant Schrouder contacted Sergeant Stropka of MI-IST and asked for a response from her squad and to verify they had petitioned for an involuntary mental health order. The officers then deployed to the front and rear alley at a safe distance away from Doyle's residence.

Officer Zieminski, who is CIT certified (Crisis Intervention Trained), then called Doyle and confirmed Doyle was armed with a handgun during their conversation. Doyle also told officers he suspected his roommate, [REDACTED] had taken his wallet. He told officers he was not allowing [REDACTED] to leave the residence until he received his wallet back. Doyle was directed by Officer Zieminski to leave the handgun inside his residence and come outside to speak to him. Doyle became irritated during the call and hung up.

Soon after, Doyle came out of the house, armed with a handgun holstered on his waistband. He began to ride a bicycle on the street within the perimeter of the patrol vehicles. Doyle raised his middle finger at the officers as Officer's Demuth and Zieminski gave him direction to stop and talk to them. At one point, Doyle stopped and stood over his bicycle with his hand on the grip of his holstered handgun (cross-body carry on front of belt). Doyle told the officer they would need to shoot him or he was going to start shooting at them. While Doyle was out of the house his roommate, [REDACTED] had run out the back of the house and down the alley to a safe position. A neighbor called 911 for [REDACTED] who was then contacted by an officer.

Doyle continued to act erratically and subsequently walked away from the bicycle, leaving it in the middle of the road. Doyle returned to his back yard and climbed on top of his rear block wall. From this position, Doyle was able to see east and west in the alley as well as the street in front of his residence in between his house and the neighboring houses. Officer Laughlin, who was in the alley to the east, could see (through binoculars) that Doyle was still armed with a handgun in a holster, which he advised over the radio.

Officer Demuth, along with Officer's Zieminski, Castro, Thompson, and Kass along with both sergeants, positioned patrol vehicles in front of Doyle's residence in an area that would allow them to see Doyle standing on the wall behind his residence and while maintaining cover behind the vehicles (distance and shielding). Officer Zieminski continued dialog with Doyle, attempting to calm him down and speak to him. Zieminski also asked Doyle to come back out to the front of his house, unarmed, to talk about what was going on. Officer Demuth was assigned as the rifle operator for the incident. He was therefore tasked with over watch, to protect other officers if Doyle began shooting at them.

The sergeants tasked other officers as a crisis/arrest team; they took cover behind Demuth and Zieminski's vehicle. Sergeant Stropka had just arrived and Sergeant Schrouder was briefing her behind the patrol vehicle where the other officers were also gathered. Officer Demuth then saw Doyle grab his handgun and quickly point it directly toward them. Due to the lethal threat faced, Officer Demuth shot Doyle once in the chest. Doyle dropped out of sight behind some palm fronds that concealed him. A couple seconds later, Doyle



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stood back up, pointed his handgun toward them again and began firing. Officer Demuth fired one more shot, striking Doyle center mass and Doyle again dropped out of sight. Doyle was able to fire three shots during the time it took Officer Demuth to react and shoot Doyle a second time.

After Officer Demuth's second shot, officers in the alley reported Doyle had fallen off the wall into the rear alley. The sergeants directed some of the officers in front of the house to form a cell and move to the rear alley, while others stayed for front containment. The officers who were already in the alley, held containment until the cell of officers arrived. Once the cell of officers made it to the rear, they safely moved toward Doyle behind ballistic shields. Officer Demuth provided coverage with his rifle as they all made their approach. When the officers reached Doyle's location he was not moving and not responding to verbal commands. Officers then safely moved forward and secured Doyle in handcuffs. Doyle was then rolled over and the handgun was located on the ground underneath him.

Doyle was moved to a clear area and first aid measures were taken with IF-AK supplies that Officer Demuth brought with him. Doyle was transported to the hospital, but pronounced deceased during transport. After Doyle was transported, the supervisors directed the scene to be secured also directed a search of the neighborhood for any victims of Doyle's fired rounds. Multiple witnesses were located and statements were subsequently taken.

An autopsy revealed that Doyle had sustained one gunshot wound to his right upper chest area and one gunshot wound to his right upper back area.

### Board Findings

Based upon all provided materials and subsequent review, the Force Review Board concurs that the actions of Officer Demuth were **within department policy**. The Board also agrees with the findings of OPS and recommends that this matter be **closed**.



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### TACTICS / DECISION MAKING

1. 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.

If NO, please explain:

2. Did the officer(s) employ tactics consistent with training?

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.

If NO, please explain:

3. Did the involved officer(s) make reasonable efforts to de-escalate prior to using force?

YES  NO  NOT FEASIBLE

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 need to use force?  YES  NO

If YES, please explain:

Check all that apply for each officer:

None

Refer officer to Chain of Command

Refer officer to Training

Refer officer/case to OPS

Refer officer to other:



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**If NO, please explain:**



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**Comments, Explanations, and/or Recommendations:**

The Board discussed tactics/decision making deployed in this incident, and overall found the officers' actions to be appropriate and justified.

There was some discussion by the board regarding the ability of police officers to adequately deal with individuals in mental health crisis, and potentially avoid situations escalating to this type of call. In particular, community members asked why it took an extended period of time to obtain a mental health committal order after several months of interactions with Mr. Doyle. Explanations regarding the prioritization of MHST-related cases

The Board encourages debriefings of incidents such as this to improve officer awareness as to their range of options in order to improve tactical decision making.

### SUPERVISION

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

11. Did the supervisor(s) provide appropriate tactical guidance and support to the field after the incident?

YES  NO  N/A

Refer supervisor to other:

If NO, please explain:

**Comments, Explanations and/or Recommendations:**

Several members of the Board commented regarding the supervisory proficiency displayed by Sgt. Holewinski in this scenario, describing his supervision as "excellent." It was further recommended that the BWC from this incident be utilized at future Sergeants' Academies or other supervisory training.



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### EQUIPMENT

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: Taser

In vehicles / not deployed: unknown (not indicated in reports)

In the field not at the scene: unknown (not indicated in reports)

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

The Board discussed the option of less-lethal options in this circumstance such as impact munitions or other tools. Community members were educated regarding the use of these tools when officers encounter lethal force from suspects in the form of a firearm. The time, distance and shielding required to safely, adequately and effectively address a firearm are not such as to allow for less-lethal munitions. The effective range for these tools did not apply in this scenario.

Board members identified two pieces of equipment which may have been beneficial in this incident: ballistic shields and binoculars. It is recommended that the department invest in additional shields to deploy more within the patrol divisions. Additionally, while many officers purchase their own binoculars, it was recommended that the department consider making this an issued item to all officers in order to improve the ability to assess situations effectively while still maintaining necessary safe distance and shielding.



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### REPORTING, INVESTIGATION, 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 that the reporting, investigation and review were complete and thorough. No significant 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 recommended that future OPS summaries (or another document) include information regarding training received by officers (e.g. dealing with people in crisis, CIT training), available tools for officers when encountering these threats and the reason for their use or non-use and time markers notated for review of BWC video.

Training and tools were discussed between officers and community members during the meeting to increase understanding, however the documentation of these topics would be helpful for Board members when reviewing the incident prior to the FRB meeting. BWC time markers will allow Board members to more efficiently review the sometimes hours of video required for review.

### FINDINGS

13. Is the Use of Force investigation properly categorized by type?

YES Type IV was appropriate. Defined as "use of deadly force regardless of whether officer's actions resulted in injury or death." – See cover sheet.

NO



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14. Was the officer's(s') use of force necessary, reasonable, and proportional?

**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, the force used was **NOT** consistent with department Use of Force policy. However, the force was objectively necessary, reasonable, and proportional based on the circumstances.

### Comments, Explanations, and/or Recommendations:

The Board found the officers' actions to be necessary, reasonable and proportional to the force encountered from Mr. Doyle. One Board member from the community commented that they were impressed with the "restraint" of Ofc. Demuth to limit his number of rounds fired to just the two necessary to stop the threat.

## BOARD RECOMMENDATIONS

15. Are there any issues or lessons learned from this incident that should be communicated? **REFER TO:**

**YES** See additional comments below

**NO**

**Involved Officer(s) / COC**

**Legal**

**Training**

**Other: Executive Leadership Team**

Training



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### INCIDENT CHRONOLOGY

- 09:08:40 Call dispatched and 4U1 (Sgt. Holewinski) copied call
- 09:09:46 First unit 4B1 (Ofcs. Demuth and Castro) assigned to call
- 09:13 4B1 and 4L1 (LPO Ziemiński) plan to stage at Jefferson/19th
- 09:22-09:45 LPO Ziemiński on phone with David Doyle -**Doyle advises he is armed**
- 09:30 4U1 requests on duty hostage or MHST (Mental Health Support Team)
- 09:35 MHST 10 (Sgt. Stropka) contacts 4U1 via telephone
- 09:42 [REDACTED] calls 911
- 09:48 Units move as cell to Eastland/Brighton SOUTH
- 09:50 Units view David Doyle riding bicycle armed
- 09:52 David Doyle in back yard, roof and wall of home
- 09:58 Units move as cell to final location -Eastland/Brighton NORTH
- 09:59 Don Doyle exits home
- 10:04 MHST 10 arrives onscene at Eastland/Brighton NORTH
- **10:05 SHOTS FIRED**

ELAPSED TIME 56 MINUTES



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### TUCSON POLICE DEPARTMENT PERSONNEL REPORT

TO: CHIEF OF POLICE  
 VIA: Bureau Commander  
 VIA: Lt. Pegnato #41541

NAME OF PERSON ABOUT  
 WHOM REPORT IS WRITTEN  
 Officer Jack Demuth  
 Officer Dalton Summers

PR#: 102217  
 102210

Div/Sq: ODE / Squad 1  
 ODE / Squad 3

Hours: 0600-1600  
 0800-1800

D.O.: TWR  
 MTW

#### EXECUTIVE REVIEW

DIVISION COMMANDER	CHIEF OF POLICE	BUREAU COMMANDER
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Reference: OPS #19-0655

Details:

#### Synopsis:

On October 11, 2019, at 9:08 AM, officers from the Tucson Police Department (TPD) responded to 57 E. Eastland regarding 911 reports of a neighbor, identified as David Doyle, standing in the street yelling while holding a handgun. Another neighbor reported Doyle yelling as he rode a bicycle in the neighborhood while armed with a handgun. An officer safety alert had recently been issued regarding Doyle's mental instability because he recently told officers he might have to "shoot it out with them" at some point. TPD officers and TPD's Mental Health Support Team (MHST) had responded to Doyle's residence at 57 E. Eastland multiple times over the past four months regarding Doyle's irrational, disorderly and paranoid behavior. MHST had just applied for an involuntary mental health order to commit Doyle the previous day, which Doyle was unaware of.

Due to the known danger of Doyle, the responding officers met a few blocks away to formulate a plan to contact Doyle. Officer Castro called Doyle on the phone and attempted to have him leave his handgun in his residence and come outside. Doyle was irritated and hung up the phone. Sergeant's Holewinski and Schrouder then arrived and Holewinski declared Incident Command (IC). Sergeant Schrouder was being trained by Sergeant Holewinski. They met with the initial responding officers who were Demuth, Castro, Zieminski, Laughlin, Lopez and Thompson. During the incident briefing, Sergeant Schrouder contacted Sergeant Stropka of MHST and asked for a response from her squad and to verify they had petitioned for an involuntary mental health order. The officers then deployed to the front and rear alley at a safe distance away from Doyle's residence.

Officer Zieminski, who is CIT certified (Crisis Intervention Trained), then called Doyle and confirmed Doyle was armed with a handgun during their conversation. Doyle also told officers he suspected his roommate, [REDACTED] had taken his wallet. He told officers he was not allowing Foss to leave the residence until he received his wallet back. Doyle was directed by Officer Zieminski to leave the handgun inside his residence and come outside to speak to him. Doyle became irritated during the call and hung up.

Soon after, Doyle came out of the house, armed with a handgun holstered on his waistband. He began to ride a bicycle on the street within the perimeter of the patrol vehicles. Doyle raised his middle finger at the officers as Officer's Demuth and Zieminski gave him direction to stop and talk to them. At one point, Doyle stopped and stood over his bicycle with his hand on the grip of his holstered handgun (cross-body carry on front of belt). Doyle told the officer they would need to shoot him or he was going to start shooting at them. While Doyle was out of the house,

#### INSTRUCTIONS:

Maker shall sign and date report immediately after last sentence and then draw a line across page below maker's signature. Subsequent endorsements will be made in inverse rank order with each endorser drawing a line across page immediately below the endorser's signature. Back side of page will be used if more space is needed.

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TPD642(1-87)



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### NARRATIVE (Continued)

his roommate, [REDACTED] had run out the back of the house and down the alley to a safe position. A neighbor called 911 for [REDACTED] who was then contacted by an officer.

Doyle continued to act erratically and subsequently walked away from the bicycle, leaving it in the middle of the road. Doyle returned to his back yard and climbed on top of his rear block wall. From this position, Doyle was able to see east and west in the alley as well as the street in front of his residence in between his house and the neighboring houses. Officer Laughlin, who was in the alley to the east, could see (through binoculars) that Doyle was still armed with a handgun in a holster, which he advised over the radio.

Officer Demuth, along with Officer's Zieminski, Castro, Thompson, and Kass along with both sergeants, positioned patrol vehicles in front of Doyle's residence in an area that would allow them to see Doyle standing on the wall behind his residence and while maintaining cover behind the vehicles (distance and shielding). Officer Zieminski continued dialog with Doyle, attempting to calm him down and speak to him. Zieminski also asked Doyle to come back out to the front of his house, unarmed, to talk about what was going on. Officer Demuth was assigned as the rifle operator for the incident. He was therefore tasked with over watch, to protect other officers if Doyle began shooting at them.

The sergeants tasked other officers as a crisis/arrest team; they took cover behind Demuth and Zieminski's vehicle. Sergeant Stropka had just arrived and Sergeant Schrouder was briefing her behind the patrol vehicle where the other officers were also gathered. Officer Demuth then saw Doyle grab his handgun and quickly point it directly toward them. Due to the lethal threat faced, Officer Demuth shot Doyle once in the chest. Doyle dropped out of sight behind some palm fronds that concealed him. A couple seconds later, Doyle stood back up, pointed his handgun toward them again and began firing. Officer Demuth fired one more shot, striking Doyle center mass and Doyle again dropped out of sight. Doyle was able to fire three shots during the time it took Officer Demuth to react and shoot Doyle a second time.

After Officer Demuth's second shot, officers in the alley reported Doyle had fallen off the wall into the rear alley. The sergeants directed some of the officers in front of the house to form a cell and move to the rear alley, while others stayed for front containment. The officers who were already in the alley, held containment until the cell of officers arrived. Once the cell of officers made it to the rear, they safely moved toward Doyle behind ballistic shields. Officer Demuth provided coverage with his rifle as they all made their approach. When the officers reached Doyle's location he was not moving and not responding to verbal commands. Officers then safely moved forward and secured Doyle in handcuffs. Doyle was then rolled over and the handgun was located on the ground underneath him.

Doyle was moved to a clear area and first aid measures were taken with IFAK supplies that Officer Demuth brought with him. Doyle was transported to the hospital, but pronounced deceased during transport. After Doyle was transported, the supervisors directed the scene to be secured also directed a search of the neighborhood for any victims of Doyle's fired rounds. Multiple witnesses were located and statements were subsequently taken.

An autopsy revealed that Doyle had sustained one gunshot wound to his right upper chest area and one gunshot wound to his right upper back area.

### Methodology:

The investigative methodology in this Office of Professional Standards (OPS) investigation is comprised of the entire criminal investigation, police reports, forensic reports, photos, BWC footage and scene maps/diagrams, which are incorporated herein. In addition, OPS conducted an interview with the following focus member:

#### Officer Jack Demuth

During the interview, Officer Demuth provided a detailed description of what occurred and his assignment during the incident. Officer Demuth was the on-scene rifle operator, so he had been assigned to provide overwatch coverage during the incident. Officer Demuth stated he fired his rifle once at Doyle's chest area, after he saw Doyle draw his handgun from his holster (cross-draw from waist area) and point it toward him and the other officers at the front of the residence. Doyle then dropped down out of his sight behind some palm fronds for a couple seconds. Officer Demuth then explained he saw Doyle stand back up pointing and shooting his handgun toward him and the other

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### NARRATIVE (Continued)

officers and then shot Doyle a second time in the upper torso area. Officer Demuth stopped shooting because Doyle again dropped out of his sight. Officer Demuth knew what his backdrop (elevated over houses) consisted of, and only shot two times, when it was necessary to protect him, other officers and the public. Officer Demuth was confident he struck Doyle both times he fired his rifle.

#### **Use of Force:**

##### Lawful Purpose

The involved officers responded to 911 calls for service regarding David Doyle, who was yelling and walking in the roadway with a handgun in his hand. Doyle had a known history of mental illness that involved delusional paranoia and deadly threats. Due to his mental health condition, Doyle presented a danger to others as he walked in the neighborhood brandishing a handgun and riding a bicycle around the neighborhood armed with a handgun.

Based upon the information available at the time, the involved officers had lawful purpose to contact and detain Doyle for the purposes of a criminal investigation and also serve an involuntary mental health order.

##### De-escalation

All involved supervisors and officers recognized the potential danger of the incident based on the call text information and Doyle's known history of erratic, delusional and paranoid behaviors. They employed a safe approach and contacted Doyle first by phone. Officer's Castro and Zieminski both spoke to Doyle over the phone, explained who they were, asked Doyle to disarm himself and exit his residence to speak to them. Doyle refused to comply and hung up on both officers. Doyle then came outside, still armed with a handgun in a holster on his belt. Officers spoke to Doyle as he rode a bicycle on the street attempting to provoke a confrontation with the officers. At one point, Doyle got off the bicycle, put his hand on the grip of his handgun which was holstered, and told the officers to shoot him because he was going to shoot them. Verbal commands continued during this time, ordering Doyle not to touch his weapon. Doyle then moved to his back yard and continued his erratic behavior. Verbal commands and dialog continued until Doyle eventually drew his handgun and pointed it towards officers.

Doyle's aggressive deadly force actions left Officer Demuth no other choice but to use lethal force in return against him.

##### Proportionality

The force used was proportional given the situation the officers were confronted with. Officer Demuth met Doyle's deadly force actions with the use of lethal force in order to protect himself, other officers and the public.

##### Use of Force Analysis

The use of deadly/lethal force was captured on several body worn cameras (BWC). The video was analyzed and was consistent with Officer Demuth's and other officers accounts of what occurred. Officer Demuth had only seconds to react once presented with the deadly force situation. Officer Demuth made the correct decision to use lethal force with his patrol rifle. All other officers had handguns; at the distance they were located from Doyle, their accuracy would have been diminished, therefore, no other officers fired their weapons. Both shots Officer Demuth fired struck Doyle and had the desired effect.

#### **Policy/Procedure Violations:**

During the course of this investigation it was discovered Officer Summers #102210 was deficient one round of ammunition. It was quickly verified Officer Summers was not at the scene prior to the shooting and had arrived after all shots had been fired. Officer Summers was deficient one round due to improper counting/loading of magazines after his last qualification shoot. Officer Summers was interviewed by Detective Ahlskog at the time of the incident regarding the General Orders violation.

There were no other departmental policy or procedural violations found during the OPS investigation.

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NARRATIVE (Continued)

### Incident Command/Supervision:

Sergeant's Holewinski and Schrouder monitored the radio appropriately and quickly arrived to the safety briefing adjacent to the incident location. Sergeant Holewinski took charge of the call declaring himself Incident Commander. A plan was discussed and assignments were made prior to moving to the incident location. Sergeant Schrouder communicated with Sergeant Stropka regarding Doyle's mental status and the involuntary mental health order. Sergeant Stropka quickly organized the MHST squad to respond. The decision to move containment closer to the front and rear of the residence was made due to information received regarding someone being held against their will by Doyle inside the residence.

Once Doyle began riding the bicycle, Sergeant Holewinski advised over the radio and began to organize officers to increase the containment area; however, Doyle ended up returning to his home. Both Sergeant's Holewinski and Schrouder continuously monitored the situation and continued adjusting assignments during the entire operation. Once Sergeant Stropka arrived, she assisted by assigning officers and detectives to specific tasks.

After the shooting, there were a number of witness officers and focus officers. As additional resources arrived, the sergeants made assignments to cover all officers involved. Additionally, round counts were completed with all witness officers by on-scene sergeants. Lieutenant Mechtel arrived and conducted round counts on all of the sergeants.

Lieutenant Perrin eventually arrived on scene and assumed Incident Command after he was briefed.

### Conclusion:

Per the Pima County Attorney's Office declination letter, dated January 17, 2020, Officer Demuth's use of deadly physical force was **justified**. Deputy County Attorney Chris Ward wrote, "When Mr. Doyle extended his right arm toward the officers in the street while holding a revolver it was reasonable for Officer Demuth to conclude that he and the officers in close proximity to him were in danger of being shot and killed. Officer Demuth's decision to fire was reasonable and calculated to protect himself and the other officers who were located in very close proximity to him. Those officers included Officer Zieminski, Officer Thompson, and Officer Kass. Officer Demuth's use of force also served to protect those persons who were present in the adjacent homes during the incident."

Based on the totality of the investigation I have determined the lethal force utilized by Officer Demuth was **within department policy**.

During the course of this investigation it was determined Officer Summers was deficient in his rounds. Therefore, the following **Policy/Procedure** allegation against Officer Summers is **Sustained**. The violation falls within the Policy Infraction **Blue/Restorative Supervision** discipline type on the TPD Discipline Guide. My findings will be forwarded to Officer Summers Chain of Command for review and recommendation.

### **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.*

### **1415.1 General**

*In addition to any other authorized equipment necessary for the proper performance of their duties, officers shall carry the following:*

- *Badge [All]*
- *Authorized firearm and ammunition [All]*
- *Body Armor*
- *Department identification card [All]*
- *Arizona driver's license [All]*
- *Notebook and pen [Uniformed Members]*
- *Rights card [Uniformed Members]*
- *Handcuffs and key [Uniformed Members]*
- *O.C. Spray (Uniformed Members)*

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# TUCSON POLICE DEPARTMENT

## Force Review Board

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NARRATIVE (Continued)

- *Impact Weapon (Uniformed Members)*
- *Issue duty belt ("web gear"/"Sam Browne") or equivalent (Uniformed Members)*
- *Department reporting forms and appropriate citations (Uniformed Members)*

Sergeant Dallas Hearn #33030

April 6, 2020

I have reviewed the investigation in its entirety and concur with the findings determined by Sergeant Dallas Hearn. Based on the totality of the circumstances, I have also determined the use of deadly force utilized by Officer Jack Demuth was **within departmental policy**.

Additionally, during the course of the investigation it was determined Officer Dalton Summers was deficient on the rounds in his duty weapon. I concur with Sergeant Hearn and have also determined the allegation of **Policy/Procedure** against Officer Summers to be **Sustained**. This violation falls into the **Blue/Restorative Supervision** category.

Lt. Jennifer Pegnato #41541

April 7, 2020

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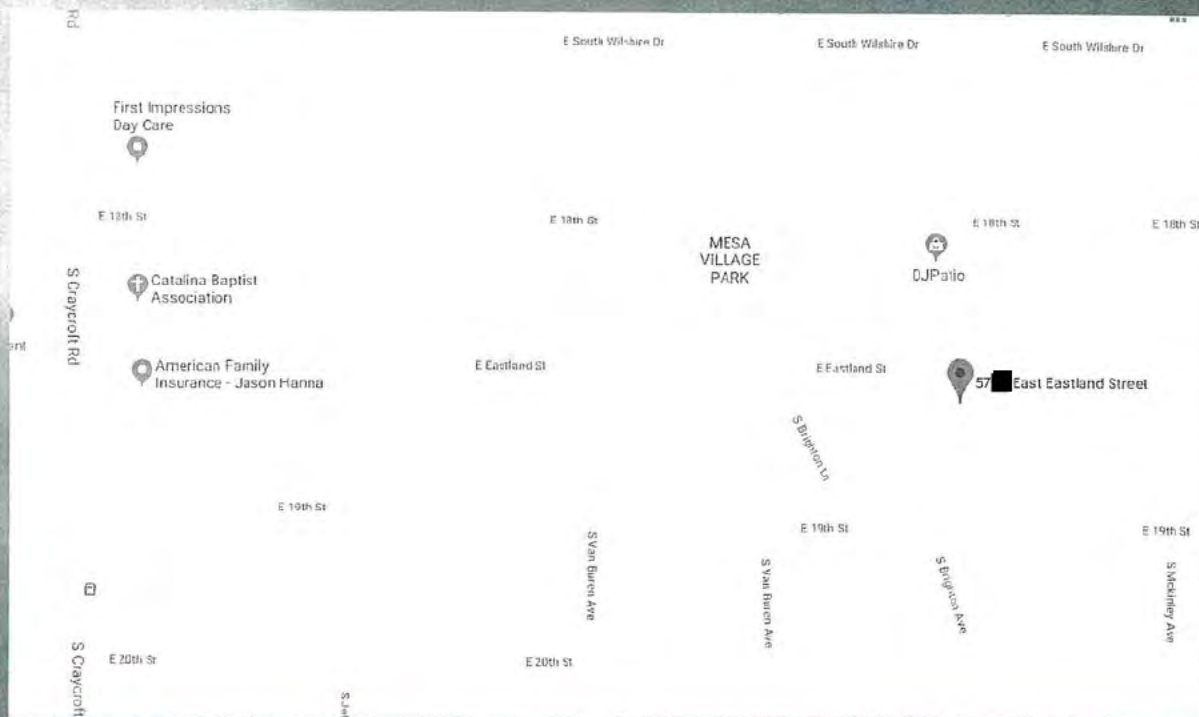
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# TUCSON POLICE DEPARTMENT

## Force Review Board

57 [REDACTED] E Eastland





# TUCSON POLICE DEPARTMENT

## Force Review Board

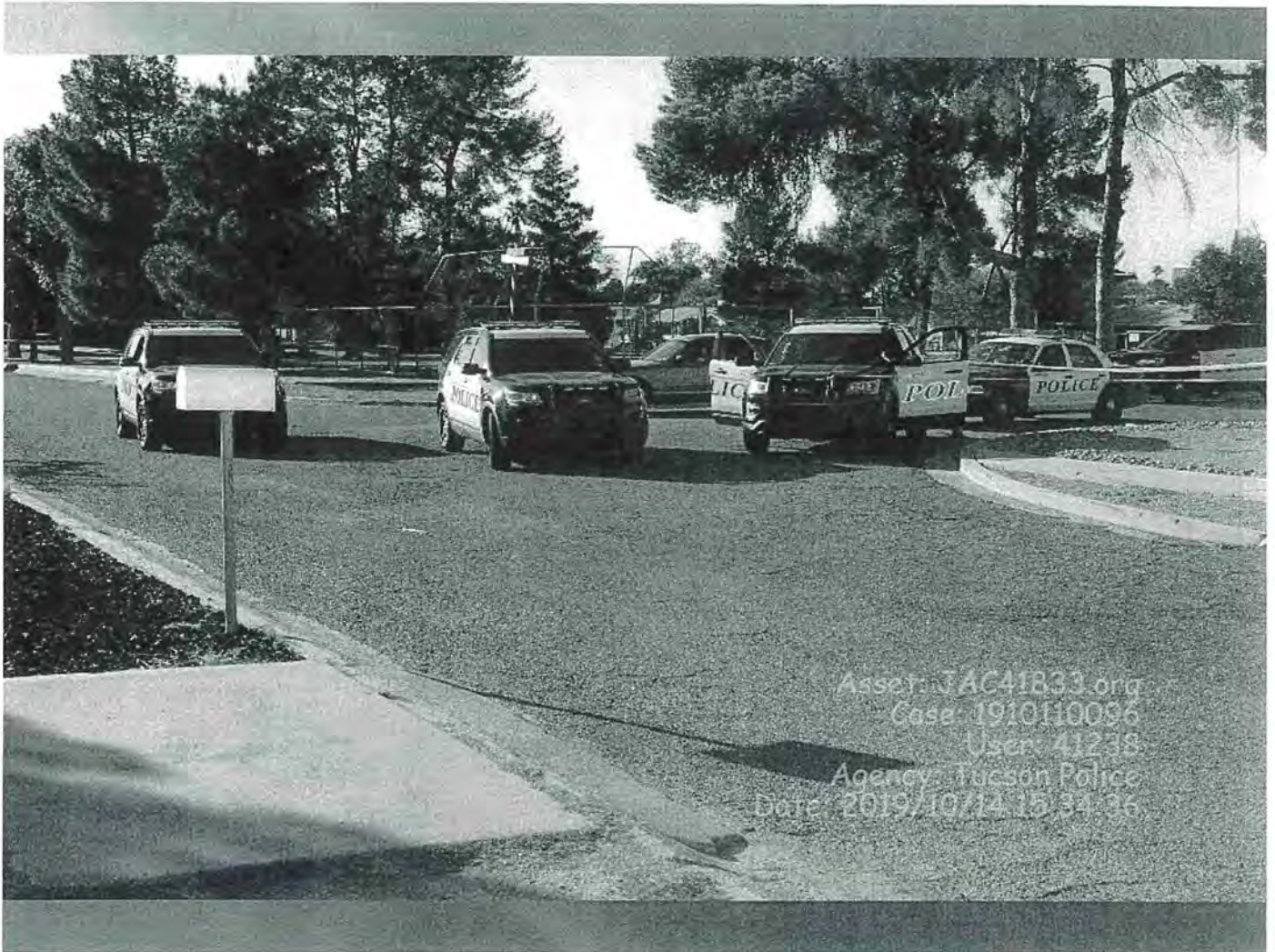
### Officers Position Eastland/Brighton





# TUCSON POLICE DEPARTMENT

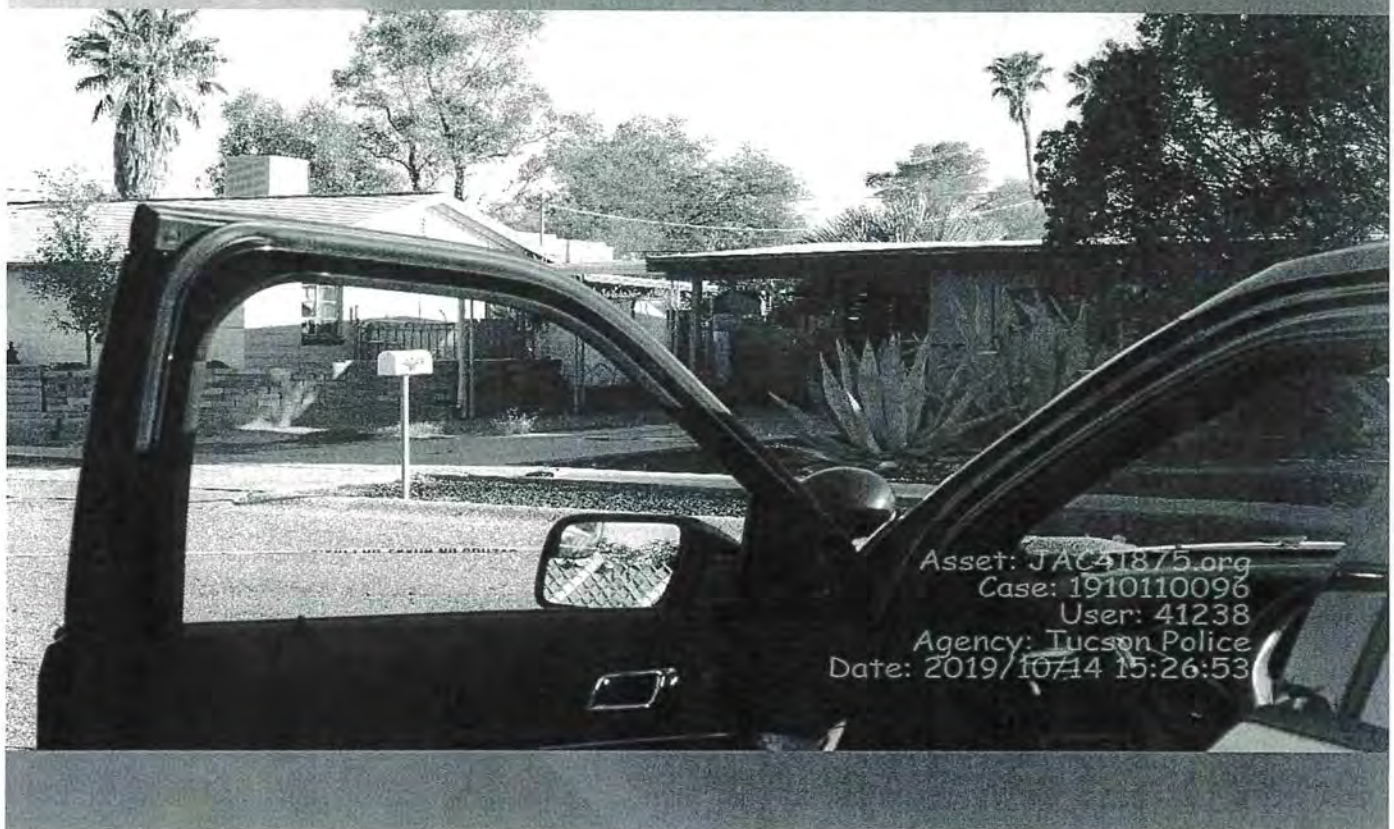
## Force Review Board





**TUCSON POLICE DEPARTMENT**  
**Force Review Board**

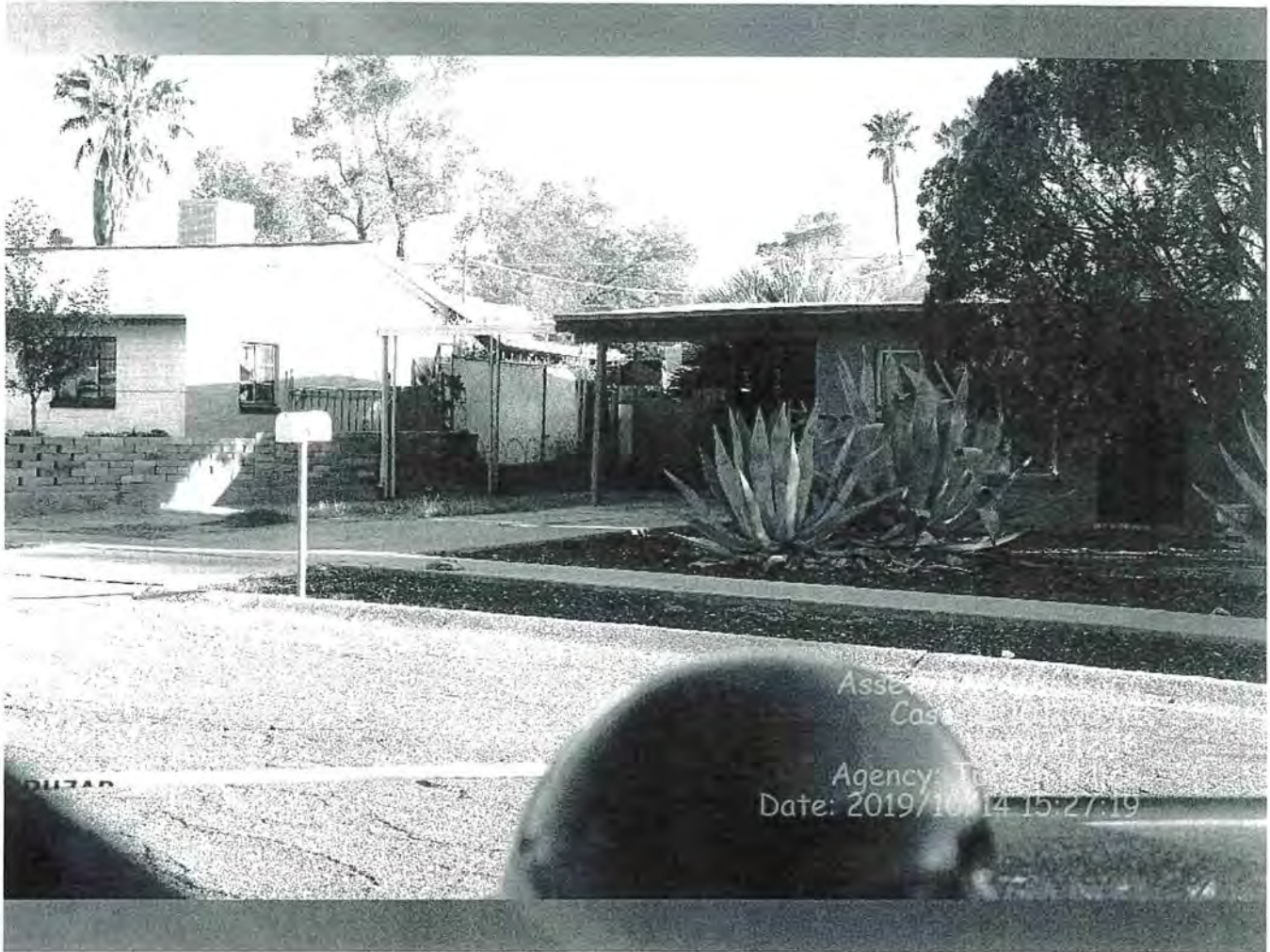
Officer Demuth View





# TUCSON POLICE DEPARTMENT

## Force Review Board





# TUCSON POLICE DEPARTMENT

## Force Review Board

### Doyle's View of Officers





# TUCSON POLICE DEPARTMENT

## Force Review Board

ADVANCED TRAINING SECTION COMMANDER AND  
DEPUTY CHIEF SIGNATURE

Lieutenant:

T. K. [Signature]

Signature

Date: 07/14/23

I agree with the Force Review Board's Findings

I disagree with the Force Review Board's Findings

Comments / Additional Recommendations:

Deputy Chief:

[Signature] 3/26/23  
K. H. [Signature] For DC. PUGETO

Signature

Date: 7.14.2023





**TUCSON POLICE DEPARTMENT**  
**Force Review Board**

I agree with the Force Review Board's Findings

I disagree with the Force Review Board's Findings

Comments / Additional Recommendations:

**FOR INTERNAL USE ONLY**

**Specific Recommendations and Assignments for Follow-Up**



# TUCSON POLICE DEPARTMENT

## Force Review Board

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



**TUCSON POLICE DEPARTMENT**

**Force Review Board**

- 6. Equipment recommendations**
  - 1. What unit will address follow-up:**
  - 2. What follow-up is requested:**
  - 3. When a response is due:**



**TUCSON POLICE DEPARTMENT**

**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			



**TUCSON POLICE DEPARTMENT**  
**Force Review Board**

Rec. #	Recommendation	Action Plan / Assignments	Target Date
B	Notes:		
C	Notes:		
D	Notes:		



**TUCSON POLICE DEPARTMENT**  
**Force Review Board**

Rec. #	Recommendation	Action Plan / Assignments	Target Date
	Notes:		
E	Notes:		
F	Notes:		
G			



**TUCSON POLICE DEPARTMENT**

**Force Review Board**

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