



# GILBERT POLICE DEPARTMENT

75 E. CIVIC CENTER DRIVE  
GILBERT, ARIZONA 85296  
(480) 503-6500

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## OFFICE OF PROFESSIONAL STANDARDS INTERNAL AFFAIRS INVESTIGATION

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**TO:** CHIEF TIM DORN  
**FROM:** DET. MARK WORDEN  
**SUBJECT:** IA 99-2006  
**DATE:** 6/19/07

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### **Office of Professional Standards – Internal Affairs Review:**

This is a summary of the incident and is designed only to enumerate salient points regarding this categorical Use of Force incident. This summary does not reflect the entirety of the extensive investigation conducted by the Gilbert Police Department. The Chain of Command, in evaluating this incident, should consider the following (including but not limited to):

Reports authored by:

- ❖ Members of the Gilbert Police Department
- ❖ The Scottsdale Police Department
- ❖ The Chandler Police Department
- ❖ The Salt River Police Department
- ❖ The Phoenix Police Department
- ❖ The Phoenix Fire Department

Intelligence gathered by the Gilbert Police Department's criminal investigation section.

Radio and telephone recordings.

Event Chronology.

GILBERT POLICE DEPARTMENT

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Training records.

Applicable Gilbert Police Department policies.

The Gilbert Police Department internal affairs transcripts of interviews and binders.

Interviews were conducted with Gilbert Police Department employees in reference to this investigation. Their interviews were transcribed and are attached to this report. For applicable employee notices, see the investigation binder. The following is a **summary** of the key relevant points from each interview. **For specific content, see the attached transcripts.**

**Primary Involved Officers** **Length of Service** .

Lt. Ken Buckland (Tactical Command)	11 years, 02 months
Lt. Nancy Gardner (Incident Command/Inv. Lt.)	15 years, 03 months
Sgt. Pete Smith (Blue Team Leader)	11 years, 06 months
Sgt. Pete Rangel (Red Team Leader)	13 years, 03 months
Det. Sy Ray (Blue Team Shield/Detective)	07 years, 02 months
Ofc. Garrett Tinsdale (Blue Team Breacher)	08 years, 08 months
Det. Ken Davis (Blue Team LL)	04 years, 00 months

**Secondary Involved Officers** **Length of Service** .

Sgt. Todd Baty (Inv. Sergeant - Persons)	20 years, 06 months
Sgt. Benny Fisher (Red - Point Cover)	11 years, 11 months

GILBERT POLICE DEPARTMENT

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Det. Sharon Castranova (Persons Det.)	03 years, 07 months
Ofc. Dave Bush (Blue Team Shield)	18 years, 00 months
Ofc. Ed Morales (Red Team Breacher)	03 years, 06 months
Ofc. Patrick Portee (Blue - Point Cover)	07 years, 03 months
Ofc. Chad Wright (Gas/LL Cover)	07 years, 03 months

**Tertiary Involved Officers** **Length of Service** .

Sgt. Steve Shippee (Command Support – Sgt. TNT)	17 years, 08 months
Sgt. John Lyle (Sergeant - Sharpshooter)	10 years, 02 months
Det. Brian Blunt (Sharpshooter)	04 years, 09 months
Det. Tony Bueno (TNT – Trailer)	05 years, 01 months
Det. Paul Van Horn (TNT – Trailer)	04 years, 02 months
Det. Joe Gilligan (Command Support/TNT)	14 years, 03 months
Det. Dan Hurd (Outer Perimeter – 7 <sup>th</sup> & Vineyard)	09 years, 02 months
Det. Dave Landgraf (Rear Alley)	12 years, 05 months
Det. Dirk Salmon (Rear Alley)	04 years, 04 months
Det. Debra Hartin (Outer Perimeter - 8 <sup>th</sup> @ 8 o'clock)	05 years, 02 months
Ofc. Bob Martin (TNT – Bull Horn)	09 years, 05 months
Ofc. John Gillis (TNT – A/C Driver)	09 years, 02 months
Ofc. Darrell Krueger (TNT – Trailer)	04 years, 01 months
Ofc. Scott Perron (Sharpshooter)	08 years, 11 months
Ofc. Bill Campbell (Sharpshooter)	14 years, 00 months
Ofc. Tony Roldan (CP Security)	02 years, 00 months
Ofc. Ray Savoie (Outer Perimeter – 8 <sup>th</sup> @ 8 o'clock)	09 years, 06 months
Ofc. Aaron Dunn (Outer Perimeter – Rear Alley)	01 years, 02 months

GILBERT POLICE DEPARTMENT

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Ofc. Todd Johnson (Red Entry Support – K9)	10 years, 05 months
Ofc. Ben Lavis (Rear Alley Support – K9)	10 years, 04 months

The officer’s length of service only lists the service with the Gilbert Police Department and does not denote any prior service for any other agency.

**Subjects:**

- Subject X: Erasmo “JJ” Villareal – Suspect in both the Scottsdale and Gilbert cases
- Subject 1: Ronald Vance – Resides at 6802 S 8<sup>th</sup> St. (Grandson of the homeowners)
- Subject 2: Carlota Celaya – Homeowner of 6802 S 8<sup>th</sup> St.
- Subject 3: Salvador Celaya – Homeowner of 6802 S 8<sup>th</sup> St.
- Subject 4: Sonia Celaya – Resides at 6802 S 8<sup>th</sup> St. (Daughter of the homeowners)

**Reason for Police Contact at 6802 South 8<sup>th</sup> Street, Phoenix:**

Officers [The Tactical Operations Unit (TOU) & other police personnel] were serving a search warrant at 6802 S 8<sup>th</sup> St, Phoenix (*target*). The warrant was issued for the purpose of searching for evidence related to a home invasion that occurred in Scottsdale, and it listed the suspect (“JJ”) had an outstanding arrest warrant. The warrant was a joint affidavit between the Gilbert Police Department (*Department*) and Scottsdale Police Department. One of the suspects in the Scottsdale crime was also named as a suspect in an armed robbery/aggravated assault (“carjacking”) in Gilbert. Scottsdale’s SWAT team was unavailable to conduct the service of the warrant, therefore the Gilbert Police

Department's TOU was utilized. The "History" section will detail the probable cause for the search warrant itself.

**History:**

The suspect is Erasmo "JJ" Villareal, who was released from jail on 10/30/06 at approximately 1700 hours. "JJ" stole a vehicle out of Chandler's jurisdiction at 2202 hours. The vehicle was damaged as it was being chased by the owner. "JJ" dumped the vehicle in Gilbert, at Gilbert Mercy Hospital (3555 S Val Vista Dr). "JJ," along with two other males, committed an armed robbery with a weapon and an aggravated assault ("carjacked") on two individuals in a vehicle, while in the parking lot of the hospital just prior to 2221 hours.

Video surveillance footage was obtained from hospital, which showed the driver ("JJ") of the Chandler stolen vehicle, as the only individual to go to the driver's side of a vehicle that was parked next to where he parked the stolen Chandler vehicle. This vehicle was one of four others that the suspects attempted to steal. Chandler Crime Scene Investigators responded and collected fingerprints and DNA. Fingerprint evidence showed that the driver of the Chandler stolen vehicle was the same individual that tried to steal the vehicle he parked next to. This individual was identified by fingerprint evidence as Erasmo "JJ" Villareal. Identification information was given to Gilbert PD on 11/08/06. An arrest module was completed (indicating there was probable cause for "JJ's" arrest), and on 11/22/06 an arrest warrant was requested.

On 11/01/06 at 1928 hours, the vehicle that was stolen "carjacked" from Gilbert Mercy Hospital was recovered at Fawn & Wilson (streets in Gilbert). The vehicle was set on

GILBERT POLICE DEPARTMENT

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fire. While trying to locate “JJ,” detectives made contact with the grandmother of “JJ’s” child and learned “JJ” had left a phone number for the mother of “JJ’s” child to contact him. Subscriber information obtained on the phone number led detectives to the registered owner of the phone at 3311 E Powell (In Gilbert, within one-half mile of Fawn/Wilson). Gilbert Police detectives went to this location and discovered more stolen items (See DR #06-000021078). These items were not related to “JJ.” The detectives assigned to the case started to track the cell phone XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX in order to locate “JJ.” They were able to narrow the location to the area of: Central Avenue to 16<sup>th</sup> Street and Southern Avenue to Baseline Road in Phoenix (roughly two square miles).

Information was obtained from a confidential informant [(CI) of another agency – Salt River Police Department] indicating “JJ” may have been involved in a home invasion. Requests were made of surrounding agencies to see if there were any home invasions that occurred, and that matched the information obtained about the home invasion. Scottsdale responded and indicated that they received a report of a home invasion that occurred on 12/17/06. Many items were stolen during this crime to include the victim’s vehicle. Evidence XX from the Scottsdale case showed that “JJ” conducted the home invasion with an individual he called “Jack,” “Jag,” or “Jaguar.” At this point, “Jack/Jaguar” is unidentified. The victim also gave a suspect license plate out of Arizona, “BONEZ4U.” The victim was able to obtain this license plate while he was forced to load his property into this truck.

The license plate of “BONEZ4U” returned registered to 6802 S 8th St, Phoenix. The vehicle was registered to, Subject #4, Sonia Celaya – daughter of Salvador and Carlota Celaya. 6802 S 8th St is located between 16th St and Central (East to West), and between Southern and Baseline (North to South). This is the same location GPD

detectives narrowed down to cell phone information for “JJ.” The vehicle stolen during the Scottsdale home invasion was recovered at an apartment complex, 6632 S 11<sup>th</sup> St. in Phoenix, in close proximity to 6802 S 8th St. in Phoenix. With the cell phone records, and the home invasion in Scottsdale (license plate and identification of “JJ”), a search warrant was drafted to search 6802 S 8th St. in Phoenix. The warrant was approved (night time exception applied for, but denied) and the warrant planning began. The warrant planning consisted of a tactical scout, the development of a tactical plan, and a tactical briefing. It is unknown whether or not there was intelligence on a phone number to the *target* house, or intelligence on the homeowners/occupants at the *target* house. The detectives did not specifically recall if they had intelligence on the *target* house prior to the operation, but information on the phone number and occupants of the *target* house was not relayed to TOU.

**Incident:**

On 12/20/06 at approximately 2129 hours, the TOU started the tactical operation to serve a search warrant at 6802 S 8<sup>th</sup> St, Phoenix (*target*). The service of the search warrant was not recorded. The Mesa Police Department helicopter was requested, but was not on scene yet. The teams [Red & Blue, to include Tactical Negotiation Team (TNT)] drove east in an armored car on Vineyard from 7<sup>th</sup> St. (passing the CP – Post Office) to 8<sup>th</sup> St. Just prior to arriving at Vineyard and 8<sup>th</sup> St., the armored car stopped near the alley/backyard on the north side of the *target* house and the Blue Team deployed from the armored car. The Blue Team (along with the trailers) proceeded over small fence around the yard, to the #4 side, and then proceeded to the 1/4 corner. As they did this, the Red Team continued in the armored car and made a right turn on 8<sup>th</sup> to head south. The armored car stopped in front of the *target* house at an angle (front facing S/W) in the

GILBERT POLICE DEPARTMENT

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middle of 8<sup>th</sup> St. The armored car was approximately at the driveway (north and south), and the Red Team deployed to the #1 side near port #1.

Announcements were made by a voice amplification device, with commands for the occupants of the *target* house to come out with their hands up; that the *Department* was there with a search warrant. The announcements were made in English by Ofc. Martin. No response was received and Sgt. Smith gave the order for TOU to breach the windows, port #1, 3, and 4. There was approximately 12 seconds between the command of “Announce” and the command of “Breach.” From the start of the radio transmission to indicate teams were in position/announce until “Breach” was approximately 35 seconds. Ports #1, 3, 4 were breached and the door, port #2, was next. Prior to the door being completely breached, Ofc. Tinsdale deployed a Flash and Sound Diversion Device (FSDD) per an order from Sgt. Smith. The device was deployed into port #3. Between the command of “Breach” and the radio transmission indicating an FSDD was being deployed was approximately 12 seconds. This was approximately 24 seconds from when the command of “Announce” was given until the radio transmission indicating an FSDD was being deployed (approximately 47 seconds from the start of teams in position/announce to the transmission indicating an FSDD deployment).

Ofc. Tinsdale indicated that he visually inspected the room prior to the deployment of the FSDD and no people were seen in the room; nor did the room appear to present any special conditions in which the FSDD should not have been deployed; i.e., there was not a methamphetamine lab, nor any gas canisters in the room. He said he could not visually inspect the entire room, i.e., where the exterior wall met the floor, but he did inspect the room. He said he saw a TV on the left (south) side of the room along with a lamp but did not see a bed; therefore he deployed the device into the center of the room. I told him the fire investigator indicated there was a bed that extended into the center of the room. Ofc.

GILBERT POLICE DEPARTMENT

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Tinsdale said that if he would have seen a bed in the center of the room he would not have deployed the device into the center of the room, he would have deployed it elsewhere in the room or he may not have deployed it. Ofc. Tinsdale then went to assist with the completion of breaching the front door which was started by Ofc. Morales. Shortly after the device was deployed, a radio transmission from Ofc. Wright indicated there were flames in the room that the FSDD was deployed.

Sgt. Smith indicated the time between the announcements and the order to breach the ports was based on the house itself (1080 square feet based on intelligence). Sgt. Smith said he felt there was an ample amount of time for the occupants inside the house to respond to the announcements. Sgt. Smith also said the order to breach was given in order to make the situation safer for all involved. He said it allows officers to see inside the residence (obtain a visual stronghold) without forcing the occupants to be pinned into a situation where they feel their only option is to fight. Sgt. Smith then ordered the deployment of the FSDD. He said this was based on Ofc. Morales having difficulty breaching the front door and that deploying the device provides another indication that the police are there. Sgt. Smith said, "I'm trying to maintain is what's the maximum amount of advantage that I can give our team without compromising our safety." (SIC) The deployment of the device was two fold: #1 – to distract from the breaching of the front door to make it safer for Ofc. Morales, and #2 – as a part of the standard way of conducting a breach and hold by TOU. During the time that the breaching occurred and the time the FSDD was deployed into the house, announcements were still being made. Sgt. Smith indicated he believes the FSDD deployed inside the house has a greater effect than one deployed outside of the house.

Once the door was breached, Subject #1 (Ronald Vance) exited a door from the house into the carport and was subsequently met and detained by members (Sgt. Fisher/Ofc.

GILBERT POLICE DEPARTMENT

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Gillis) of the Red Team. The Red Team was posted south of port #1 and the Blue Team were stacked in an east/west line in front of port #2. At that point, Subject #3 (Salvador Celaya) was seen by Det. Ray in the living room walking as if to go the front door. Subject #3 raised his right arm (not pointed at anyone) and displayed a pistol in his right hand. Ofc. Bush and Det. Ray repeatedly gave commands to the subject that they were police and ordered him to drop the gun. The subject did not comply with the commands, but instead walked to the north (inside the house) and then out of sight down a hallway. After Subject #3 was out of sight, a single gunshot was heard. Ofc. Morales was in the middle of port #1 and port #2. Due to a large fatal funnel (port #1), crossing back would have been more dangerous than advantageous, therefore Ofc. Morales crossed over and joined the Blue Team. Administratively, a call to the Phoenix Fire Department was made by Gilbert Police Dispatcher Hallstrom, and they were requested to respond and stage until the scene could be made safe. This call was made shortly after Ofc. Wright advised of a fire.

Subject #3 came back into the living room and was further challenged. Commands were given by Det. Ray for Subject #3 to get on the ground, and to show his hands. The challenges are not heeded by Subject #3, and Det. Ray called for Less Lethal (LL – a shotgun used to deploy a less lethal round, the round is lead and is wrapped in a canvas material) to come forward. Det. Davis moved forward and deployed LL at Subject #3; which was at the command of Det. Ray when he said “take the shot.” Subject #3 was struck in the lower abdomen area and bent over almost falling to the ground. Det. Davis advised in his interview that the LL shotgun jammed after his first shot. Det. Ray indicated that he could see the gun in Subject #3’s waistband on the right side, as Subject #3 bent over. Subject #3 got up and moved toward the southwest portion of the house. While this occurred, Sgt. Rangel and Ofc. Bush had moved into a position on the south side of the Bronco in the carport. During this time, Det. Davis, upon an order from Sgt.

GILBERT POLICE DEPARTMENT

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Smith, deployed a triple chamber (flameless) chemical agent into port #4. The chemical agent was deployed to keep the occupants of the house away from that area; in an effort to move them away from the fire and out of the house. Sgt. Rangel saw Subject #3 walking slowly and observed something that appeared to be black, in his left hand. Sgt. Rangel repeatedly gave commands to Subject #3, stating "Police, drop the gun." Sgt. Rangel lost sight of Subject #3, which he believed went into a back area of the house. Sgt. Rangel then heard shots being fired. The Blue Team had moved back to a safer position, near the 1/4 corner of the house.

Intelligence was being gathered from Subject #1 by Ofc. Gillis and Ofc. Savoie. Subject #1 indicated there were two people left in the house, his grandfather (Subject #3) and his grandmother (Subject #2 – Carlota Celaya). Discussion began as to whether Subject #3 was being held against her will by Subject #3, or was possibly unable to escape under her own power. The discussion surrounded Subject #2 and whether Subject #3 was placing her life in danger. Based on the lack of information regarding the exact conditions, and believing Subject #2's life may be in danger, Lt. Buckland gave the command/authorization for Target of Opportunity. This command was given on Subject #3, so that a rescue of Subject #2 could be performed if possible. The Blue Team then moved up to assess whether a rescue was possible. The Phoenix Fire Department staged and awaited clearance to enter, to fight the fire. Further intelligence from Subject #1 indicated that neither of his grandparents spoke English. Lt. Buckland then ordered for commands/announcements to commence in Spanish. After a brief period of time, announcements were made in Spanish by Det. Bueno.

The Blue Team pulled back again and a radio transmission indicated that there were subject(s) in the backyard. The Blue Team began to head around side #4 (north side) of the house and saw the subject in the backyard. Ofc. Morales saw a subject in the

backyard, and was giving commands in Spanish. Ofc. Morales said he could not see a gun; nor could he identify the subject as the Target of Opportunity, but gave commands to the subject, such as: (Spanish) “drop the gun,” and “put your hands up.” Ofc. Morales said he let Sgt. Smith know there were subjects in the backyard, at which time the helicopter announced there were subjects in the backyard as well. The Blue Team made it to the alley (west side of backyard) and to a large gate on the west side. Commands were given for the subjects to step back because the gate was locked and needed to be breached. Det. Bueno was giving commands in Spanish from a patrol vehicle (K-9) over the public address system. Ofc. Tinsdale used his AVON gun to breach the lock. He fired two shots, but only “racked” his gun once.

The gate was then breached and commands were still given in Spanish, to come out of the backyard. Subject #2 complied and was physically detained by Ofc. Krueger. Subject #3 did not comply with orders. Ofc. Tinsdale went into the yard and physically took custody of Subject #3. Subject #3 was searched and a handgun was located in his waistband. Subject #3 was turned over to Det. Landgraf along with the handgun. The backyard was cleared, all personnel (police and occupants of the house) were accounted for and the Phoenix Fire Department was sent in to extinguish the fire.

**Post Incident:**

**(Fire Investigation – Report #06-341409)**

The fire investigation was conducted by Cpt. Ray Wilson of the Phoenix Fire Department. For specific details refer to the Phoenix Fire Investigation Report, #06341409. Cpt. Wilson indicated the FSDD that was deployed into the center bedroom on the east side of the house; consistent with where Ofc. Tinsdale indicated he deployed

the device. Cpt. Wilson stated the device was not initially found; they had to lift the four corners of the mattress for debris to fall through and then the FSDD was located (Pg. 51-52 of 82). The head of the bed was located against the north wall of the bedroom, in the center of the room. The bed extended south from the north wall approximately six feet (Pg. 51 of 82). He further wrote that the FSDD was found in the springs of the burnt mattress. He indicated there was a mattress and box springs, but does not indicate whether it was on a bed stand or on the floor (Pg. 50-52 of 82). “The mattress and box springs, which had almost totally burned away due to the fire, leaving only the blackened steel springs of the mattress with scraps of fabric ash resting on a steel frame” (Pg. 50 of 82). It does not indicate if this is the steel frame of the mattress or of a bed stand. I made telephonic contact with Cpt. Wilson in June, and he told me that based on the way he wrote the report he believes the bed was on a bed stand, but there was not a headboard or a footboard.

Cpt. Wilson also indicated the deployment of the FSDD was done in a manner not consistent with the printed manufacturer’s warning against deploying it on or near furniture (Pg. 80 of 82). Cpt. Wilson said the height of the window sill prevented the officer from making a visual inspection of the floor area prior to deploying the device (Pg. 80 of 82). Cpt. Wilson observed the window sill height to be approximately “**5 feet**” above grade level (Pg. 28 of 82). Ofc. Tinsdale (**5’ 11” tall**) told me that he did conduct a visual inspection of the room, but was not able to see 100% of the room (i.e., where the outside wall meets the floor). He said he saw a TV and a lamp on the south side of the room, but did not see a bed. Ofc. Tinsdale said had he seen a bed in the center of the room, he would not have deployed the FSDD into the center of the room. He said he would have deployed it somewhere else or he may not have deployed it.

GILBERT POLICE DEPARTMENT

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Officers that are trained to use a FSDD are apprised of the possibility that the device may cause a fire to ignite. The officers are not specifically trained to fight the fire, but are made aware of the flammability. For this reason, TOU has a fire extinguisher readily available to combat any fires that may occur. The fire extinguisher is either with a person “on the ground,” or is located on the armored car. During this operation, it was located on the armored car.

Cpt. Wilson was able to identify several witnesses, and the following are two that were able to give pertinent information. The first witness to give pertinent information was listed as: Witness #3 (Pg. 36 & 37 of 82) Wayne Korolsky who was at 6807 S. 8th St (across the street to the east of the *target* house). Korolsky reported to Cpt. Wilson, that he saw bright lights through his window (northwest corner bedroom) and when he looked out he saw a Gilbert PD SWAT vehicle. Korolsky said the Gilbert PD SWAT vehicle was making loudspeaker announcements about conducting a search and he could hear and see the police breaking out the front window of 6802 S 8<sup>th</sup> St. The second witness to give pertinent information was listed as: Witness #4, (Pg. 38-40, of 82) Hubaldo Gonzales, who lives at 6814 S. 8th St. This house is located two houses south of 6802 S. 8th St. Gonzales reported to Cpt. Wilson he was standing in his front, east driveway, and saw the police armored car arrive on the street in front of 6802 S. 8th St. He said that officers made loudspeaker announcements. Gonzales said the announcement consisted of them saying they were the Gilbert Police and that the “Occupants of 6802 should come out with their hands up.” Gonzales also said he heard the officers yelling “Drop the gun” and then heard what he believed to be three or four gunshots.

Cpt. Wilson indicates in his report that the Phoenix Police Department and Phoenix Fire Department did not receive prior notification of the search warrant (Pg. 2, 16, and 26 of 82). Our records, a recorded telephonic notification to Phoenix Police Dispatch,

indicated a notification was made at 2050 hours on the night of the search warrant. Cpt. Wilson used the Phoenix Fire Department incident history report to calculate that the fire department was staged for 15 minutes and 28 seconds before they could begin to fight the fire.

Salvador Celaya made contact with Cpt. Wilson (Pg. 45-46 of 82). Cpt. Wilson stated in his report that Salvador was speaking English to him in the fire department's mobile office. The brief conversation consisted of Cpt. Wilson obtaining Salvador's identification, who was in the house, insurance information, etc. Salvador's daughter, Sonia, joined them in the office where they had a brief conversation in Spanish and then Salvador seemed to have difficulty to switch back to speaking English.

**(Locating "JJ"/ties to 6802 S 8<sup>th</sup> St.)**

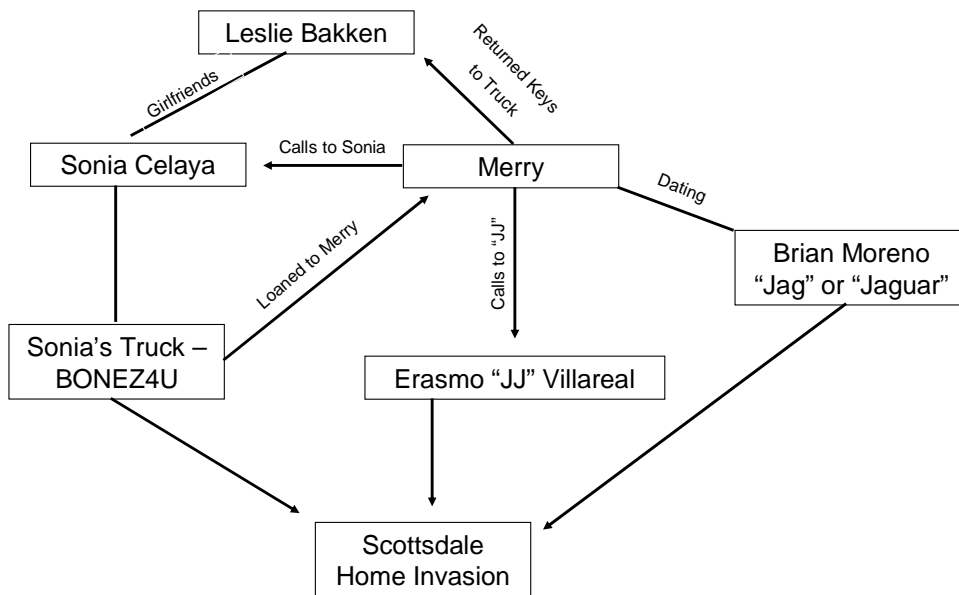
In mid-January, detectives received information from Salt River Police Department that there was a hotel near Shea Blvd and the Loop 101 that "JJ" stayed at. Detectives XXXXXXXXXXXXXXXXXXXX and found a hit in that same area. They contacted the hotel and learned that Rose Garza (nighttime manager) knew "JJ" and would comp him rooms. Garza told detectives she knew "JJ" through her daughter, Melissa Llamas. Llamas lives at 6811 S. 10th St., Phoenix. During this time a second telephone was identified to be associated with "JJ." Melissa said she knows "JJ" and he came to her house with the stolen vehicle (she described the vehicle – it matched the one from Scottsdale's crime) that was stolen during the Scottsdale home invasion. "JJ" exchanged the rims from the stolen vehicle with another set of rims that Melissa had. The dumped vehicle (from the Scottsdale home invasion) was recovered at 6632 S 11<sup>th</sup> St, around the corner from Melissa. Shortly after this, "JJ" was arrested for the warrant in reference to his crimes in Gilbert. The investigation lead to a house on the Salt River Indian Reservation, where

“JJ” was taken into custody on 1/13/07. His arrest sheds no light on any ties to 6802 S. 8<sup>th</sup> St.

Detectives searched the phone records for the phones associated with “JJ” around the time of the home invasion and the house fire. One number kept showing up, so the detectives subpoenaed those phone records. Those phone records (Phone #3) have both calls to “JJ” and to Sonia Celaya (daughter of Salvador and Carlota Celaya – all reside at 6802 S. 8th St). Phone #3 is identified as belonging to a female named “Reyana.” Detectives contacted “Reyana” and she provided them with no information except to say she gives phones out to people all the time. As the investigation progressed, detectives interviewed Sonia Celaya. Sonia told the detectives that she felt she caused the house fire but wouldn’t elaborate. Sonia has a girlfriend named Leslie Bakken. Detectives conducted another interview with Sonia and Leslie was present. During the interview, Sonia was shown the phone records showing “Phone #3” was calling her and calling “JJ.” Sonia hesitated but finally said that she thinks the phone number belongs to a female named “Merry.” “Merry” was renting a house from Sonia Celaya’s brother. “Merry” borrowed the truck (BONEZ4U) from Sonia so that she could move furniture. Sonia believed this was on a Friday night (the Friday before the home invasion in Scottsdale). Detectives stopped talking with Sonia and began talking with Leslie. Detectives spoke with Leslie, who believed the phone number belongs to “Merry” as well. Leslie also stated she did remember Sonia lending her truck to “Merry” but it was on Saturday [Saturday (12/16/06), the day before the home invasion (12/17/06)]. Leslie said she remembered this because she was involved in an argument with Sonia that night. “Merry” brought the truck back at 0500 hours on the morning of 12/17/06 (the morning of the home invasion) and gave the keys to Leslie. Leslie said she distinctly remembers this because her (Leslie’s) daughter had a church play that morning. The home invasion was listed to have occurred on Sunday (12/17/06) between 0200 hours and 0500 hours.

Scottsdale detectives continued their investigation and arrested Brian “Jaguar” Moreno based on tips from a confidential informant XXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXX. Scottsdale detectives were also investigating “Merry” for her involvement in the crimes that occurred in their jurisdiction.

### Developed Relationship Diagram



### (Media)

Due to the incident at 6802 S. 8<sup>th</sup> St, there were several media stories regarding the incident. Sgt. Duncan provided Dianna Nanez with a report of what occurred at 6802 S. 8th St. Sgt. Duncan advised her of the following information: The Gilbert Police Department went to this house to serve a search warrant, shots were fired, a FSDD was deployed, and the house caught on fire. Sgt. Duncan told me he did not advise her this was a chronological order events, but a list of facts. Lt. Ruet later spoke to Dianna Nanez regarding the incident and provided her with a chronological order of facts that occurred.

Dianna Nanez published the story titled: Police Change Account of Raid, dated 12/28/06.

**(Phoenix Police Department Report # 2006-62441371)**

The Phoenix Police Department Homicide Unit conducted the criminal investigation in regards to the acts committed by Salvador Celaya. As of this date, it is unknown whether Phoenix PD has submitted charges against Salvador. The detective assigned to the case, Det. Polk, indicated the Gilbert Police Department would be notified of the case status when it was submitted to the Maricopa County Attorney's Office. Upon review of the initial report received by the Gilbert Police Department, some discrepancies were noted in the report. Sgt. Rangel and Ofc. Bush were interviewed by Det. Polk, but there were no recordings of their interviews. In supplement #11 – property impound report (Det. Jewell) indicated the handgun was removed from IL1's (Investigative Lead #1) waistband. The initial (original) report lists IL1 as Carlota Celaya. The initial report also indicated that Carlota was a male, not a female. Supplement #12 – supplemental report by Det. Jewell indicates the handgun was removed from IL1's Salvador's waistband. Salvador is listed in the initial (original) report as S1 (Suspect #1). The Phoenix Police Department was notified of these errors, but has not responded as to whether they were corrected or not. Officers involved in the incident that night were not photographed in the gear they were wearing during the operation, and their weapons were not inspected by the Phoenix Police Department.

According to transcripts from the Phoenix Police Department interviews, Ronald stated he was asleep and he heard "them" yell on the "intercom." Ronald said he heard them say something to the effect of, "6802 S 8th St, come- or every people living in there come out and put your hands up." He was asked if he knew it was the police and at first he stated 'No,' but then he did say after "they" said come out with your hands up they also

said, "This is the police." Ronald said he met his grandmother (Carlota Celaya) halfway through the house and he told her it was the police. Ronald said his grandmother went and hid in the bathroom and he went outside (Pg. 3 & 4 of the transcripts of the Phoenix interviews with Ronald).

When asked if his grandparents have any health problems, Ronald answers that his grandfather (Salvador Celaya) has early stages of Alzheimer's (Pg. 7 of the transcripts of the Phoenix interviews with Ronald).

The interviews by the Phoenix Police Department with Salvador and Carlota were in Spanish. Carlota was not interviewed about the incident, but Salvador was. Salvador stated, "I was asleep when I heard that my wife was banging on the door, well she saw the police that were (unintelligible) there." Salvador continues, "I didn't know they were the police. I thought they were there because they wanted to go in and rob or something like that." (Pg. 4 of the transcripts of the Phoenix interviews with Salvador - translated). Salvador was asked many questions in his interviews, and most times his responses did not correlate with the question asked.

**(Legal Representation)**

The law firm of Rouch McCracken Guerrero Miller & Ortega stated they are representing Salvador and Carlota Celaya. On 5/16/07 at approximately 1900 hours, I left a message with the law firm for them to contact me in regards to their clients. I left this message because they requested a status on the Internal Affairs case. On 5/17/07 at 1101 hours, I received a phone message from the law firm letting me know they received the message and asked me to call back. On 5/17/07 at 1259 hours, I returned the phone call to the law

GILBERT POLICE DEPARTMENT

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firm requesting an interview with Salvador and Carlota Celaya, and requesting permission to go to the property at 6802 S. 8th St. On 5/24/07, I authored a letter requesting an interview with Salvador and Carlota, and requesting permission to go to the property at 6802 S. 8th St. A written response was requested. The letter was sent certified and a return receipt was requested. I received the return receipt that indicated the letter was delivered and signed for on 5/29/07. As of this date, there has not been a response from the law firm indicating whether interviews would be granted or not, and nothing indicating they would grant the *Department* permission to go to 6802 S. 8th St.

**Recommendation:**

GILBERT POLICE DEPARTMENT

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None.

This report is being forwarded to the appropriate supervisory personnel for review and recommendations. Please note this is an administrative internal investigation that utilizes the Gilbert Police Department policies and procedures as guidelines.

The mentioned employee(s) administrative files have not been reviewed for any prior investigative / disciplinary actions.

Respectfully Submitted 6/19/07

/S/ Mark Worden

Detective Mark Worden

Office of Professional Standards

Internal Affairs Division