



Cochise County Sheriff

Office Report for Incident 24-36817

Nature: ASSIST TMO

Address: 315 E FREMONT ST;
TOMBSTONE CITY
GOVERNMENT
Tombstone AZ 85638

Location: TMO

Offense Codes: M028

Received By: JChapman SEAC

How Received: T

Agency: CCSO

Responding Officers: MGerow CCSO, SMaddux CCSO, LFultz CCSO, TBorquez, JWright CCSO, JSpezzano CCSO, KKessler, JLuna CCSO, EJamka, ALinendoll CCSO

Responsible Officer: MGerow CCSO

Disposition: ACT 11/19/24

When Reported: 05:06:47 11/19/24

Occurred Between: 05:06:42 11/19/24 and 05:06:58 11/19/24

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

Race:

Sex:

City: ,

Offense Codes

Reported: M028 Agency Assist

Observed:

Additional Offense: M028 Agency Assist

Circumstances

PHOTO Attachments in case file

MOR Miscellaneous Offense report

LT11 Government/Public Bldg

FORCE Deadly Force

K9 K9

USDSA Use of force - Destroy Animal

Responding Officers:

Unit :

MGerow CCSO

C135

SMaddux CCSO

C145

LFultz CCSO

C146

TBorquez

C7D11

JWright CCSO

C7D42

JSpezzano CCSO

C7D44

**COCHISE COUNTY
SHERIFF'S OFFICE
OFFICIAL COPY**

KKessler	C76
JLuna CCSO	C7D47
EJamka	C7D46
ALinendoll CCSO	C922

Responsible Officer: MGerow CCSO**Received By:** JChapman SEAC**How Received:** T Telephone**When Reported:** 05:06:47 11/19/24**Judicial Status:** PEN**Misc Entry:** CMPLT**Agency:** CCSO**Last Radio Log:** **:**:** **/**/****Clearance:** RBS Reviewed By Sgt.**Disposition:** ACT **Date:** 11/19/24**Occurred between:** 05:06:42 11/19/24**and:** 05:06:58 11/19/24

Modus Operandi:	Description :	Method :
Day of Week	Preferred Day of Week	Tuesday
Time of Day	Preferred Time of Day	Day
Scene	Type of Crime Scene	Government Property

Involvements

Date	Type	Description	Relationship
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Narrative

Cochise County Sheriff's Office
Narrative Report

Synopsis:

On 11/19/2024 at approximately 05/06 hours, Tombstone Marshall's Office (TMO) Deputy John Coby was attacked by his department working canine partner a Belgian Malinois named "Hawk". Hawk attacked Deputy Coby causing Deputy Coby him to seek the safety of a bathroom while Hawk was still clamped onto Deputy Coby's right ankle. Deputy Coby entered the bathroom with his right leg still outside attempting to get Hawk to release. Hawk refused to release causing Deputy Coby to draw his service weapon and shoot Hawk in the head through the bathroom door killing him. Hawk was still clamped onto Deputy Coby's ankle and its jaw had to be pried open to release its grip. Health Care Innovations (HCI) employees administered first aid to deputy Kobe. Due to his injuries Deputy Kobe was life flighted to banner hospital in Tucson. Photos of the injuries will be downloaded into evidence.com.

Charges:**Evidence:****Photos****Body Camera:****Narrative:**

On 11/19/2024 at approximately 05/06 hours, I was dispatched to Tombstone Marshall's Office (TMO) reference an agency assist. TMO Deputy John Kobe was

attacked by his working canine partner Belgian Malinois named "Hawk. Hawk attacked Deputy Coby causing Deputy Coby him to seek the safety of a bathroom. Hawk was clamped onto Deputy Coby's right ankle and would not release. Deputy Coby entered the bathroom with his right leg still outside attempting to get Hawk to release. Hawk refused to release causing Deputy Coby to draw his service weapon and shoot Hawk in the head through the bathroom door. Hawk was killed but was still clamped onto Deputy Coby's ankle. Hawk's jaw had to be pried open to release its grip. Health Care Innovations (HCI) employees administered first aid to deputy Kobe. Due to his injuries Deputy Kobe was life flighted to banner hospital in Tucson. Photos of the injuries will be downloaded into evidence.com

CCSO Detectives responded at the request of TMO Marshall Adams and began conducting an investigation. I assisted Detectives with scanning the incident scene with the Leica scanner and downloaded the scans onto drive B. See the detectives supplements for details on the incident.

Physical Attachments:
photos

Wed Nov 20 12:52:29 2024
M Gerow

Supplement

CCSO
DR# 24-36817
SUPPLEMENT# 1
Officer Involved Shooting.
J. Wright #1743

DISTRIBUTION:
CCSO Records, Bisbee

DATE OF ORIGINAL REPORT: 11/19/2024.

DATE OF THIS REPORT: 11/21/2024.

NARRATIVE:

On 11/19/2024, At approximately 0600 hours, I was contacted by Major Crimes Sergeant T. Borquez and informed of an Officer-involved shooting in Tombstone. I learned that Deputy Marshall John Coby with the Tombstone Marshall's Office (TMO) had shot and killed his work Canine "Hawk, a two-year-old Belgian Malinois." I learned the incident occurred at 315 E Freemont Street, Tombstone, Arizona.

Upon my arrival, I contacted Sergeant (Sgt) Borquez and Deputy Gerow. I was advised they did not know what transpired as Deputy Coby was flown to Banner Main in Tucson, Arizona, for his wounds. I was advised that Sgt Jeff Garcia with TMO was the first to arrive on the scene.

Interview with Sergeant Jeff Garcia.

Sgt Garcia stated he received a call on his personal cell phone from Deputy Coby at approximately 0507. Deputy Coby said he was about to pass out and said to go to the TMO office. Sgt Garcia left his residence and drove lights and sirens to the office. Once at the office, he stated it was dark, and he proceeded up the stairs to the officer's area of the building. Sgt Garcia yelled out to Coby, who

yelled, "Get the [REDACTED] dog off of me."

Sgt Garcia then went into the bathroom and saw Deputy Coby's right leg coming out from behind the bathroom door, and the canine was lying in a pool of blood. Coby yelled, "The [REDACTED] dog attacked me." Unaware of who the blood belonged to, he grabbed the collar of the dog and attempted to remove it. The dog was still attached to Deputy Coby's leg. The dog was removed from Deputy Coby's leg and thrown to the side. Sgt Garcia stated he heard the air leave the dog's body.

Sgt Garcia saw Deputy Coby's gun down as he (Coby) was lying between the toilet and the toilet paper dispenser. Deputy Coby appeared to be bleeding from his left forearm. Sgt Garcia stated he asked Brent Breacher from Tombstone Fire Department to grab the kennel by the copier in the office. Brett placed Hawk in the kennel and placed him in the hallway. Medics then started to attend to Deputy Coby's wounds. During this time, Sgt Garcia described Deputy Coby as having a defensive wound on his left arm. Deputy Coby was stated as being right-handed. Deputy Coby had a piece of flesh missing from his right leg above the ankle. Deputy Gerow collected pictures of these wounds.

Sgt Garcia stated that Deputy Coby told him the dog had gone crazy. This was the only statement made by Deputy Coby to Sgt Garcia. Deputy Coby was given Hawk by Constance Baker through her company, Knight Watch, on November 9th, 2024. Following Hawk's collection, he went through a forty-hour canine handler course given by Knight Watch. Hawk was a single-purpose dog for narcotics only. Deputy Coby and Hawk were certified on November 18th, 2024.

Deputy Coby had previously gone through a forty-hour canine handler course. Otherwise, Deputy Coby had no additional canine handler experience.

This was reported to be the third dog during his tenure with TMO. The first canine was Dayak, a Belgian Malinois, whom he had for approximately one month. Dayak was reassigned to Sgt Garcia as Deputy Coby was being deployed. The second dog was given to Deputy Coby on November 6th, 2024. The deputy only had the canine for the day as he was bit in the thigh during training, and the canine was taken back. That canine was also a Belgian Malinois. Hawk would be the third Belgian Malinois given to Deputy Coby from Knight Watch.

Hawk was seen behaving normally and socially throughout the day before the event. Sgt Garcia stated he was surprised at the incident. I was referred to Constance Baker regarding any training or documentation regarding the canines utilized with TMO. Sgt Garcia stated there was no body-worn camera footage from Deputy Coby, as his camera was docked as his shift was coming to an end.

I spoke to Sgt Garcia, who informed me he only saw one round that was discharged. Sgt Garcia stated that Breacher with Tombstone Fire handed him the weapon, and he (Garcia) cleared the handgun of ammunition. The handgun was then placed on Sgt Garcia's desk with the live round that he expelled when the weapon was cleared. Regarding the policy for TMO about magazine capacity, it was determined there was no policy. All training after certification is supposed to be documented through Packtrack.

Interview with Constance Baker Knight Watch/ Tombstone Marshall Deputy.

Deputy Baker was informed, as she was the custodian of all documentation regarding the TMO Canine Program. We wished to gain some insight into the canine and handler's training. Baker advised that she gave Deputy Coby a Belgian Malinois, as he had previously been given one. Deputy Coby was given Caine on November 6th, 2024, by Knight Watch. Deputy Coby was said to be confused during

the training about how to handle Caine when he returned home. He was advised not to treat the Canine as a pet. Before he was able to take Caine home, Deputy Coby was bitten during the training. Baker explained that Deputy Coby was heavy-handed with Caine before being bitten. Baker describes his actions as "Yanking and Cranking on the dog." Baker advised that she removed Caine from his possession as she believed Deputy Coby was afraid of Caine.

Baker then gave Deputy Coby the Canine Hawk. Baker describes Hawk as friendly. Hawk had no training as a bite dog and was said to lack interest in performing as such. This caused Hawk to be repurposed as a single-purpose narcotics canine. Hawk received no training as a bite dog. Hawk was said to have been in Knight's Watch possession for approximately four months before being given to Deputy Coby. Baker then goes into a list of issues she had with how Deputy Coby was treating Hawk. Deputy Coby allowed Hawk to sleep in his bed, licked him in the face, and introduced him to the family Dalmatian. Baker said nothing transpired from these actions to her knowledge. Baker states that these actions can cause a working dog to confuse who is in charge and make the canine insecure. This can cause behavioral issues with the canine. Which can lead to being bitten.

I asked Baker if she felt that Deputy Coby's training had many deficiencies, why she would certify him as a handler. Baker stated she was comfortable with Deputy Coby as he could handle a canine. Baker ultimately expressed her faith in Hawk, saying any handler could handle the canine. Baker gave the example of Deputy Defor having positive interactions with Hawk, and he isn't a handler. Baker expressed that she didn't understand why Hawk was off-leash in the office and not in his patrol vehicle in the kennel.

Baker stated she did not have any training records for the Dogs. All training is recorded through Packtrack. Baker advised that she gets all her canines through All Phase Tactical. The point of contact at All Phase Tactical is Alicia Via, who is based in Phoenix, Arizona. Baker is the trainer during the Canine Handler course. Baker certified Deputy Coby as a Handler. Baker said Lee Hersey is her assistant and only helps with placing narcotics for the canines to attempt to locate and another small miscellaneous task.

Baker said the course begins with a PowerPoint advising not to treat working canines as pets. The next action is signing a waiver of liability. The rest of the course is hands-on. The course is supposed to be 80 hours long, but Marshall Jim Adams requested it be reduced to 40 hours. I asked about the policy for Canine Handlers, as Baker was supposed to draft this policy. Baker advised that she completed the policy over six (6) months ago and sent it to Sgt Doreo. Who sent it to Marshall Adams. To Baker's knowledge, she has not seen the policy circulated throughout the department.

Baker stated she gave Deputy Coby canine Hawk on November 9th, 2024. Eli with National Narcotics Detection Dog Association (NNDDA) certified Hawk as a narcotics detection dog on November 18th, 2024. Baker certified Deputy Coby as a Canine Handler on November 18th, 2024 as well. Baker stated she doesn't have any previous training records or veterinary records (except the rabies document) for her Canines. The Memorandum and the PowerPoint were requested from Baker. Baker and TMO do not have a contractual agreement for the Canines or training. All agreements are verbal with TMO and Knight Watch. Baker stated she had provided five (5) canines to TMO, and all training for the handlers was given the 40-hour course except for Deputy Marshall Sharp, who received the full 80-hour course. Deputy Sharp observed the handler's certification course on November 18th, 2024.

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Office Report for Incident 24-36817

Page 6 of 61

Interview with Deputy Marshall Sharp.

Deputy Sharp stated he was present on the day Deputy Coby and Hawk were certified. Coby and Hawk appeared to have a good bond. Hawk was described as a docile dog that lacked the tools to be an apprehension dog. Hawk was not observed to growl or show aggression towards the handler. Coby was described as afraid of canines and often would overcorrect a Canine's actions. Deputy Sharp recalled an incident with Deputy Coby's second canine, Caine. Deputy Coby was found to be rough or would yank on the collar.

During training, Deputy Coby was bit by Caine. Cain was then collected by Knight Watch. Deputy Coby was then given Hawk on November 9th, 2024. Deputy Coby would say he would sleep with his dog, and Deputy Sharp stated he disagreed with these actions. Deputy Sharp reiterated that he believed Hawk never to be aggressive. Deputy Sharp stated he remembered the circulation of a handler policy through TMO but never reviewed it. Deputy Sharp was asked if he would allow his canine to roam in the office freely, and he stated no. If the vehicle has a kennel, he would leave the canine in the vehicle as he saw it as a liability issue to allow the Canine to roam freely.

Nothing further to report.

This concludes my involvement in this case.

STATUS: Active.

ATTACHMENTS: None.

Report generated by:
Detective J. Wright #1743
Date/Time Thu Nov 21 09:49:47 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #2
Detective Luna #2119
Date: 11/21/2024
Date of Incident: 11/19/2024

Narrative:

On 11/19/2024, at approximately 0538 hours, I was advised by Detective Sergeant Borquez to respond to 315 E. Freemont Street, Tombstone, Arizona; Tombstone Marshals Office, reference an officer involved shooting (OIS). It should be noted, I am the Detective assigned to this investigation.

Upon my arrival, I learned the TMO Deputy Marshal involved in the incident was identified as John Coby. John shot and killed his Detection Purpose Canine (K-9) who was named "Hawk".

The call notes indicated on 11/19/2024 at approximately 0506 hours, John Colby notified SEACOM Dispatch via radio transmission, "I'M IN THE STATION AND HAD TO

FIRE MY WEAPON AT MY DRUG DOG/ START FIRE AND RESCUE IMMEDIATELY." A Tombstone Marshals Office call for service was created which is identified as T24-3059. CCSO Deputies responded to assist John Coby.

Additional call notes indicated John Coby had severe lacerations to his ankle and foot. At approximately 0511 hours, John Coby informed SEACOM Dispatch via radio transmission he was, "IN THE TMO UPSTAIRS BATHROOM/ MY FOOT IS WEDGED BETWEEN THE DOOR AND THE K9 IS LOCKED ONTO MY FOOT/ I THINK HE IS DEAD/ I SHOT THROUGH THE DOOR." Shortly after, the call notes indicated John said "I AM GOING TO LOSE CONSCIOUSNESS HERE SHORTLY."

Sergeant Borquez informed me fellow detectives had interviewed TMO Sergeant Garcia and TMO Deputy Marshal Baker. It was learned that John Coby had been assigned Hawk on November 9, 2024, participated in a 40 hour training course hosted by TMO Deputy Marshal Baker, and successfully certified on November 18, 2024. There was mixed information regarding the ownership history and former use of Hawk, which is being further investigated by Detective Spezanno. Please refer to his supplemental report for details.

Furthermore, John was alone at the TMO facility at the time he was attacked by Hawk. He was flown out via Life Line 1 to Tucson, Arizona to receive medical treatment for his injuries. Detective Cleveland responded to Banner University Medical Center to photograph the injuries of John Coby. Please refer to his supplemental report for further information regarding the statement John made.

At the conclusion of the briefing, I met with Crime Scene Technician, Kierstin Kessler, to assist with the collection of evidence. It should be noted, Kessler photographed the evidence items.

CANINE DESCRIPTION:

When Sergeant Garcia responded to the scene, he removed Hawk from Deputy Coby and put him in a kennel. Deputy Gerow and Sergeant Garcia removed the kennel and placed it outside. Once the top of the kennel was removed, Kessler and I inspected Hawk. Hawk had a singular bullet hole on the left side of his forehead just above his left eye. It appeared this hole was the entry point and we did not locate an exit wound. Blood surrounded the hole. Hawk's eyes were partially open and had a wild expression. Hawk was bleeding from his partially open mouth. Aside from the gunshots, there were no other obvious injuries. Hawk was secured and later transported to Tucson, Arizona, for a necropsy.

SCENE DESCRIPTION:

The scene of the incident took place in the TMO break room. Upon entering the doorway, I observed the room was comprised of four walls. Along the west wall was a counter, cabinets, and a sink. Along the north wall, there was a partially opened door which lead into a small restroom. There was a white refrigerator wedged in the corner of the north and east walls. Along the east wall was a wooden bookcase shelf. There was nothing of interest near the south wall. The break room flooring was a dark blue/gray carpet. The bathroom flooring was comprised of a light colored tile.

There were two large puddles of bright red coagulated blood on the carpet. One puddle was located near the center of the room on the carpet. The other larger puddle was on the carpet, directly in front of the refrigerator and near the restroom. On top of the larger puddle, I observed there was a plastic-like material and a few rolls of gauze. There were light smears of blood on the carpet between the puddles. I observed there was light blood splatter on the

south side of the refrigerator and on the base of the wooden bookcase shelf.

Kessler discovered a singular shell casing of a nine millimeter bullet within the break room area, near the restroom. The shell casing was collected and documented as evidence item 2119-1.

On the bottom shelf of the wooden bookcase, there was a brown 5.11 work boot which had obvious puncture marks and blood stains. Upon closer inspection, the puncture marks were around the ankle and foot areas and had completely tore through the layers of the boot. I noted the boot was a Men's size 11. The shoe was collected and documented as evidence item 2119-2.

As I continued observing the scene, I saw a circular hole on the lower right corner of the bathroom door. When looking at the interior side of the door, the hole appeared larger than the hole on the exterior side. Additionally, the hole contained a surrounding ring of black discoloration. It appeared the ring was a burn mark. This was more than likely caused by the close range between the gun and the door at the time it was fired. The burn ring is caused by the hot gases and particles released from the gunpowder explosion. The size of the hole and burn mark indicated the interior side of the door was where the entry point occurred. The hole on the exterior side of the door appeared much smaller compared to the interior hole. This indicated to me the exit point of the bullet. Kessler photographed the door and took measurements of the diameter.

Later on, I returned to the break room to look for John's sock which was removed by EMS personnel. I located the black sock in the trash can. This evidence item was collected and identified as 2119-5.

I observed the bathroom, but did not locate anything of evidentiary value. There were faint blood smears on the tile floor. The overall scene was photographed by Kessler.

After observing the scene, I went into Sergeant Garcia's office to assist Kessler with additional evidence collection. We located John's duty weapon; a black Glock 17 Gen 4 identified by serial number AHAS762. The firearm was collected and documented as evidence item 2119-3. There was one nine millimeter bullet located outside of the firearm. This bullet was in the chamber at the time Sergeant Garcia removed the firearm from John. The bullet is identified as evidence item 2119-3A. Along with the handgun, there was a black magazine identified as evidence item 2119-3B. Additionally, there were fifteen nine millimeter bullets removed from the magazine and identified as evidence item 2119-3C. All the items were photographed and properly packaged.

Sergeant Garcia turned over the second brown 5.11 work boot which belonged to John. Aside from a small blood smear, the boot was in tact. It is documented as evidence item 2119-6.

The evidence items were turned over to Kiersten Kessler for processing and securing.

INVESTIGATION CONTINUED

On 11/19/2024, I made contact with TMO Marshal Jim Adams to request a copy of their Canine (K-9) Unit policy. He provided me with the policy on 11/20/2024.

On 11/20/2024, I made contact with John Coby to schedule an interview. The interview will be documented in a supplemental report. Further interviews will be conducted and documented in supplemental reports.

Report generated by:
Detective J. Luna #2119
Wed Nov 27 10:33:35 -07:00 2024

Sgt. Borquez #0622 Mon Dec 02 06:27:55 -07:00 2024

Supplement

On 11/19/2024 I was advised of this incident. I was later called to the scene to pick up the deceased dogs body to be prepped for necropsy and rabies testing.

I arrived at the Tombstone Marshall's Office and picked up the deceased male tan in color Belgian Malinois. I transported the deceased dog to the Sierra Vista Sheriff's Office substation where the dog was placed in the ACO evidence freezer. I then assisted in completing rabies and necropsy submission forms and emailed them to the University Of Arizona Necropsy department, Arizona Veterinary Diagnostic Laboratory. I then packaged the dog in 4 black contractor trash bags, placed into a rubber made trash can with ice for transport. Detective J. Spezzano then transported the dog to the U of A located at 2831 N Freeway in Tucson Arizona 85705, for rabies testing a necropsy.

NFI

Fri Nov 22 16:10:54 2024 ACO A. Linendoll #2014

Supplement

CCSO
DR# 24-36817
SUPPLEMENT# 4
OFFICER INVOLVED SHOOTING
T. BORQUEZ #0622

DISTRIBUTION:
CCSO Records, Bisbee

DATE OF ORIGINAL REPORT: 11-19-24

DATE OF THIS REPORT: 11-25-24

NARRATIVE:

On 11-19-24, at approximately 0533 hrs, I was contacted by Sgt. Haymore and briefed about this incident. I was told Tombstone Marshal's Office (TMO) was requesting the Sheriff's Office to conduct an investigation into this incident. I was also told Deputy Coby was airlifted to Banner Medical Center in Tucson for treatment.

I contacted Det. Luna, Det. Wright, Det. Spezzano, Det. Jamka, Det. Cleveland, and Crime Scene Tech (CST) Kessler for this investigation. I sent Det. Cleveland to Banner Medical Center to collect any clothing and to see about getting pictures.

I stopped by the Detective's Evidence room and picked up the Leica 360. I then responded to TMO and Deputy Gerow was on scene. Deputy Gerow gave me a briefing on what he knew.

I looked down the upstairs hall and saw a dog kennel with a deceased dog in it. I walked up to the kennel and looked into the bathroom area. I didn't walk up to the bathroom because of the blood on the floor. I was told the office in

front of the bathroom was Deputy Coby's Office. I walked into Deputy Coby's office to see if there was anything that might have occurred in the office. I was not able to see anything that stood out.

I then walked down the hall into the last office. I noticed Deputy Coby's vest and duty belt on the chair in the office. I then noticed a duty weapon that was locked open with a magazine next to it, on the desk in this office.

Det. Wright arrived and I spoke to him about this investigation. Sgt. Garcia from TMO arrived and some basic questions about where items were located were asked.

When Det. Spezzano arrived, I had Det. Wright and Det. Spezzano start interviews.

CST Kessler arrived and started with the Leica 360. When Det. Luna arrived she assisted CST Kessler with the scene.

ACO Linendoll was contacted and assisted with the necropsy location and paperwork.

I stayed at the scene until we were finished.

On 11-21-24, at approximately 0812 hrs, I received a phone call from Marshal Adams. I was told that TMO had a recording (audio) of the incident with Deputy Coby and K-9 Hawk. I was also told that TMO had received a letter from a citizen who expressed some concerns about how a K-9 was being treated. Marshal Adams said he was not available this morning and would contact me when he was available so we could retrieve these items.

At approximately 1639 hrs, Marshal Adams reached out to me saying he was available till 1730 hrs, or the items could be obtained the next day after 1000. I told him we would be there tomorrow (11-22-24) at 1000 hrs.

On 11-22-24, at approximately 0731 hrs, I contacted Det. Spezzano and asked him to stop by TMO to pick up the items Marshal Adams had.

At approximately 1305 hrs, I assisted Det. Luna with the interview of Deputy Coby at his house in Marana, AZ. For details about the interview please see Det. Luna's supplement.

On 11-25-24, at approximately 1022 hrs, I contacted Marshal Adams via cell phone to see if TMO still had the recording of Deputy Coby being bit in their parking lot on 11-06-24. Marshal Adams said he was currently in training but as soon as it was done, he would look for the recording.

If I have any further involvement in this case, a supplement will be completed.

STATUS:
Active

ATTACHMENTS:
None

Report generated by:
Sgt. Todd Borquez #0622
Date/Time Mon Nov 25 10:39:31 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report#: 24-36817

Supplemental Report #: 5

Detective Ricardo Cleveland

Date:
11/21/24

Narrative:

On November 19, 2024, at about 0555 hours, I received a phone call from Sgt. T. Borquez. Sgt. T. Borquez told me Deputy Marshal Coby of the Tombstone Marshal's Office had been attacked by his canine partner. The attack eventually led to Deputy Coby shooting and killing the canine. Sgt. T. Borquez told me Deputy Coby had sustained injuries to his right leg and left arm and was flown to Tucson for treatment.

Upon arrival at Banner Hospital, Hospital staff told me Deputy Coby was in the emergency room trauma bay. I walked to the room to make contact with Deputy Coby.

I met Deputy Coby, his wife, and Tombstone Marshal Jim Adams in room six. Deputy Coby was lying on the bed and appeared to have received some pain reliever, as he seemed to be slightly intoxicated.

I initially talked to all three. Marshal Adams told me he had responded to the hospital after learning about the dog attack. Deputy Coby's wife told me she had responded to the hospital from their home in Marana, Arizona after learning her husband had been injured.

I asked for permission to take pictures of Coby's injuries, which were to the lower portion of his right leg and his left arm. The most significant injury was to the right leg. The outside of Coby's leg was missing about two inches of flesh, and it appeared to be the type of injury that a person sustains when a dog bites a person. On the inside portion of the leg, in the area where the piece of flesh was missing, were two linear injuries that appeared to have been caused by the dog's canine teeth.

Coby's injury to his left arm, which was on his forearm close to the wrist, was also consistent with a dog bite. Coby's injuries had been covered with a transparent plastic film with white tape on the side by medical staff before my arrival, and I couldn't get pictures showing the extent of the injuries.

Marshal Adams took pictures of the injuries and shared them with me. I will upload the photos provided by Marshal Adams to evidence.com.

While I was taking the pictures, Coby told me he had been attacked twice by his two-and-a-half-year-old canine partner, Hawk. Coby explained Hawk was assigned to him on November 9, 2024, and he had been certified as his handler on November 18, 2024. Coby told me he was in the Tombstone Marshal's Office when Hawk attacked him.

He said Hawk had been in his kennel in the office. He had gone to the kennel to

put him on the lead/leash, and Hawk had wandered off to the bathroom when he opened the kennel door. Coby said he heard Hawk drinking water from the toilet, so he went to the bathroom and put him on the leash. Coby said that as soon as he approached Hawk, he lunged at him, bit him on the arm, and knocked him to the floor. Coby said he was able to get Hawk off of him, and he was able to shut the door on him in the bathroom.

Coby said he left Hawk in the bathroom for a few minutes and opened the door. Coby said that when he opened the door, Hawk seemed okay, but as soon as he attempted to approach him, he attacked him again. Coby said Hawk had latched on his leg this time and wouldn't let go. Coby said he gave Hawk the German command of "Aus," but Hawk didn't respond. Coby said he went into the bathroom and attempted to shut the door, but Hawk still had his leg. Coby said that it was at this time that he decided to shoot Hawk through the door. Coby said he wasn't sure if Hawk was dead as he still had a hold of his leg.

Coby told me that after shooting Hawk, he had relayed to dispatch that he had fired a shot, shot Hawk, and asked for help as he believed he was losing consciousness.

Coby told me help had arrived, and he was transported to the hospital for treatment. Noteworthy, because Coby was under the influence of pain medication, I did not ask him questions. My report summarizes Coby's statements while I was in his room at the hospital.

While at that hospital, I collected Coby's pants. The ambulance personnel had possibly cut them off, and the pants were blood-soaked. I did not collect Coby's shirts, as they were not damaged when Hawk attacked him. I took pictures of the shirts Coby was still wearing. The shirt was a black uniform polo shirt with a Tombstone Marshal's Office embroidered badge on the left side of the chest. The second undershirt was a long-sleeved black thermal.

While I was at the hospital, medical staff stitched Coby's injury of the leg. Medical staff also said Coby would be treated and released. I obtained a medical record release form from Coby. The hospital staff emailed the medical records to me. I will place a DVD containing Coby's medical records in evidence.

Attachments:

None

Report generated by:

Detective Ricardo Cleveland

Reviewed by:

Sgt. Borquez #0622 Mon Nov 25 15:43:59 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Supplemental Report #:

Detective Eric Jamka

Date: 11/25/24

Narrative:

On 11/19/24, I was contacted by Sgt. Borquez around 0600 hours and advised of an officer involved shooting in the Tombstone area. He further explained that a Tombstone Marshal's Office (TMO) K-9 deputy was attacked by his service dog and had to shoot it to defend himself. Sgt. Borquez requested I respond to the TMO office to assist.

Upon arrival at TMO, I was briefed on the situation and shown the scene. CST Kessler was already completing a 360 scan of the scene. Det. Spezzano and Det. Wright were conducting interviews with personnel. Sgt. Borquez requested I coordinate with ACO A. Linendoll to schedule a necropsy to be performed on the deceased canine and complete the requisite paperwork.

I returned to the CCSO Sierra Vista office in the Border Operations Center. I received a copy of the required paperwork via email. I completed the paperwork as best I could and contacted ACO Linendoll, who stated she would look it over and make any additions/corrections as necessary, and then send it to the lab.

I took no further action in this matter.

Attachments: None

Report generated by: Det. E. Jamka #0424 Mon Nov 25 15:14:14 -07:00 2024

Reviewed by: Sgt. Borquez #0622 Tue Nov 26 09:28:34 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817

Supplemental Report #7

Detective Luna #2119

Date: 11/27/2024

Date of Interview: 11/22/2024

Narrative:

On 11/22/2024, at approximately 1300 hours, I met with John Coby II at his residence in Marana, Arizona. When John greeted us, I observed he required the use of crutches in order to walk. It should be noted, John Coby II is a Deputy Marshal with the Tombstone Marshals Office. He was a former Trooper for the Maryland State Police. He began employment with the Tombstone Marshals Office as an intelligence analyst and later became an AZPOST certified peace officer to serve as a Deputy Marshal.

The reason for the delay in interviewing John is because a 48 hour time lapse (two sleep cycles) is recommended when interviewing someone who experienced a traumatic or critical incident. It should be noted, Detective Sergeant Borquez was also present.

I began my interview by advising John the purpose of my visit and informed him I wanted to talk about the shooting that happened at the Tombstone Marshal's Office. I also informed him I would be utilizing memory recall techniques throughout the interview to gather as much information as possible.

OFFICER INVOLVED SHOOTING INCIDENT:

John began with the start of his twelve hour patrol shift. On 11/18/2024 at 1800 hours, John attended a meeting at the Tombstone High School to go over certification testing and subsequently certify. John clarified his twelve hour shift would be from 11/18/2024 1800 hours to 11/19/2024 0600 hours. John stated he and Hawk went through the K9 Handlers course, certify, and noted this was a change of routine from day shift to night shift from both him and Hawk. John stated during his shift he deployed Hawk to sniff a vehicle, otherwise it seemed Hawk had slept in the patrol vehicle during the night.

At approximately 0300 hours on 11/19/2024, John returned to the TMO Station. He noted Hawk was sleepy and spent a majority of the night asleep in his patrol vehicle. He allowed Hawk to walk around and urinate before entering the station. John stated there was nothing abnormal about Hawk. Once inside the station, John stated he was working on the computer while Hawk was inside his kennel. John stated around 0500 hours, he put on his patrol gear and was preparing to leave the station. John went to retrieve Hawk.

John took a moment to describe his usual kennel routine with Hawk. John stated when removing Hawk from the kennel, he takes a moment to let Hawk bury his head into his (John) chest, rubs the back of his ears, puts the leash on, and then reminds Hawk to grab his toy from his kennel.

This time when John opened the kennel door, Hawk walked out of the kennel and walked past his water bowl while completely ignoring John. According to John, this was unusual because Hawk usually waits. John remembered talking aloud to Hawk and asking if he was okay/what are you doing. John stated Hawk began to wander around the station and made his way into the bathroom in the break room. It was then that Hawk started drinking water out of the toilet.

John neared the bathroom door and turned the light on at which point Hawk looked up and continued to drink the water. John stated he got halfway down to put Hawk's leash on at which point Hawk snarled, jumped at him and bit him on the left forearm near his wrist. John later showed me the injury which appeared to be two scabs and a scratch on his outer forearm. John shut the bathroom door and left the dog inside the bathroom for 1-2 minutes. John was surprised because Hawk had never behaved in such a manner.

After a few minutes, John cracked the door open and peeked in and asked Hawk, "Are you all right buddy?" John noted Hawk was facing the door, away from the toilet, licking his lips and looking up at him with, "Puppy dog eyes", almost as if he was sorry. He noted Hawk wasn't barking or anything. John stated when he opened up the door, Hawk jumped out and at him, bit him on his calf, and remained latched on. John flung Hawk around and he backed into the bathroom while repeatedly shouting "Ouse." It should be noted, "Ouse" is a canine command for out/release. Despite the repeated command, Hawk would not release.

Now that John was in the bathroom, he shut the door on his leg to position his foot and ankle outside of the door. He continued to repeat the release command, but Hawk was not releasing. John recalled seeing the top of Hawk's head and shutting the door to try and squeeze Hawk.

John informed me he thought about utilizing OC spray, in hopes the dog would release. However, he reconsidered because he was worried the OC spray would affect himself, he was concerned it would agitate Hawk, and he was concerned about the dog running around the office with Dee Jackson possibly entering the office around 5:15. This indicated to me John was concerned about the safety of other people. Instead of using the OC spray, John grabbed a near by air

freshener spray bottle and sprayed Hawk's nose/face. Hawk momentarily released but reconditioned and latched onto John's foot. He was yelling the release command but Hawk continued to bite and was now pulling on his foot in a tug-of-war fashion. John decided to stop resisting and relaxed his foot in hopes Hawk would lose interest. It did not work because Hawk began shaking his head while biting John's foot. John commented that was the moment he really began to feel the pain and felt like Hawk was trying to rip his boot off.

John became emotional as he described this next portion. John informed me he decided to close the door and positioned his foot off to the left side. He described using his leg as a guide and imagine where Hawk's head would be on the other side of the door. He stated he shot through the door once. He felt Hawk stopped biting, but could still feel pulses of the bite. John radioed SEACOM and advised them of the situation. He recalled subsequently calling Marshal and then Sgt. Garcia.

John noted he felt his lips became intensely chapped, his peripheral vision was turning gray, and he watched the blood pooling from underneath the door. He appeared defeated when he quietly stated "I killed my dog." John was visibly upset and in tears.

John continued reporting the events that followed. He said Sgt. Garcia arrived at the office and removed Hawk from his foot by opening his jaws. John specifically recalled Hawk's teeth "Popped" off of his shoe and heard the dog gurgle. He recalled Hawk was removed to the kennel. He remembered being upset when the medic who poured saline into his wound, refusing fentanyl, and being in pain when they were pulling his boot off. After being administered a shot, he did not remember anything else until he woke up at the hospital with his wife and TMO Marshal. John stated he didn't have Hawk for long, but he felt they bonded instantly.

Due to John's emotional state, I did not want to push him further and decided to take a break from the emotional topic of conversation with the plan to ask follow up questions about the incident later. I began by asking him to talk with me about his initial meeting with Hawk.

HAWK'S BACKGROUND

John stated he was initially supposed to receive his original canine, Dayak, which was reassigned to another employee who refused to give it back. Then, he was supposed to receive another dog named Kada which was renamed Cupcake. John said he ultimately did not receive Cupcake because it bit Constance Baker. Then, he was supposed to receive another dog named "Caine." He showed me a photo of the dog with a bite sleeve in its mouth noting they were not supposed to have dual-purpose dogs. On 11/06/2024, John stated Marshall Sharp insisted on John meeting Caine. John elaborated on having an issue with Constance Baker insisting he would meet Caine on the first day of the K9 Handler Course. John said Marshall was able to convince her otherwise and he met Caine on 11/06/2024.

John said he immediately observed Caine did not want to be on a leash, repeatedly tried to slip its collar, and at one point successfully slipped his collar and ran around. John stated Constance commented that John was intimidated by Caine, to which he said he was not intimidated and pointed out that Caine had no obedience. John said Constance demonstrated Caine could get in the truck at which point he decided to give the dog a chance. John said he personally had difficulties with Caine not listening to commands and noted it seemed he was not answering to his name. John decided to return the dog to Constance but after

speaking with her, he agreed to work with Caine at the TMO department training that same day. During the training, John continued to have difficulties controlling Caine and noted Caine was not trained on traditional commands. Furthermore he stated Caine did not have obedience training and was told by Constance that Caine did not need obedience training. Additionally, John stated Caine acted aggressive towards Marshall Sharp and tried to charge at him. While pulling back on Caine's leash, the canine redirected and nipped John on his thighs. He requested for the incident to be documented. As a result, he received a rabies document for the canine and learned the canine's name was Boris. John expressed he was uncertain of the true identity of the canine he was paired with because of the contradicting names and appearances. John informed me of this information because this is what led him to be paired with Hawk.

Upon meeting Hawk, John described acclimating well to one another. John described Hawk as an amazing dog who listened to commands. At one point, he became teary-eyed and stated he did not want to kill Hawk. He continued to explain Hawk performed well during the training. He stated Hawk was toy driven, didn't like treats, and overall non-aggressive.

John further informed me Hawk certified in all four rooms: Heroin, methamphetamine, cocaine, and fentanyl. He stated Hawk did well aside from being distracted by balls and stuffed animals which were in the rooms. During the fentanyl testing, he said Hawk had difficulties locating the fentanyl because of conflicting odors. The fentanyl test was relocated to a different room. Hawk located the fentanyl training aid, put his mouth on it, let it go, and was subsequently rewarded with a toy. John noted this was one of Hawk's issues that he needed to keep an eye on.

John believed Hawk may have been exposed to fentanyl during the certification testing. John stated the fentanyl was packaged in a glass container with holes on the lid. I understood John received information from Bear which led him to believe Constance may have altered the packaging of the fentanyl pills to make the odor stronger. John stated he believed Hawk's behavior was abnormal and attributed possible fentanyl exposure as the reason for the attack.

Furthermore, John made some comments about not having access to Hawk's previous training records and background information. I asked John to tell me what he knew about Hawk's background. John said he was told Hawk was rejected by United States Border Patrol because their certification standards were stricter. Hawk had an issue with clawing at and attempting to destroy narcotic finds with his mouth. John confirmed he witnessed this as one of Hawk's issues. Later on, John said he received word that Hawk came from someone in Phoenix. John expressed frustration in not knowing Hawk's background information and not receiving training records. When asked, John did not know how long Constance had Hawk. He noted Constance does not have any records for any of the canines and expressed not having any confidence in the K9 program.

I inquired if there were any disclosures about Hawk biting any prior handlers. John denied and said all he was told was that Hawk was really laid back and cool.

Later on in the interview, John informed me he was also working on Hawk's outs. He stated Hawk wouldn't drop his toy unless you dropped another toy. He also said unless he was pulling on his toy, Hawk would lose interest in it, which is why Hawk needed reminders to grab his toy.

K9 HANDLER TRAINING AND EXPERIENCE

COCHISE COUNTY
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Office Report for Incident 24-36817

Page 17 of 61

I asked John about his training and experience as a K9 handler. The following information was gathered.

In June/July of 2023, John attended a K9 Handler course provided by KnightWatch K9 and certified with his former canine, "Dayak". The second K9 Handler course he attended was also provided by KnightWatch K9 and took place November 9 through 17, 2024. When asked, John stated he did not have any issues when he went through the first and second K9 Handler courses. He commented the second time, he had fun because he had a good dog (Hawk). John did not understand why he needed to attend the K9 Handler course a second time since he was already certified to handle canines. John stated when this question was raised, Constance stated the purpose of attending the training was for team building.

Furthermore, John explained the K9 Handler course is a one time certification, meanwhile the NNDDA certification requires re-certification for the canine. John certified with canine, "Hawk", on November 18, 2024.

Additionally, John informed me he had a two and a half month bonding period with his first dog, Dayak, before certifying with him. After certification, he had Dayak for approximately one and a half month before deploying overseas.

This was interesting to me because John was not given a bonding period with Hawk. In fact, he met Hawk the day the K9 Handler training started. I asked John how he felt about the lack of a bonding period with Hawk. John stated he did not like it at all initially, but regardless he felt he was able to immediately bond with Hawk. When asked, John said he was not aware of any recommended best practices or policies in place which describe a recommended bonding period.

AT HOME INTERACTION WITH HAWK

I asked John to talk to me about how Hawk behaved at home. John stated Hawk was amazing around his children and his wife. He described Hawk as very laid back. John stated he gave Hawk a bath the first time he brought Hawk to his home in Marana. John showed me photos of Hawk in which they were positioned in close proximity to one another. One of the photos was a selfie documenting Hawk's first bath. I noticed the canine was in the bathtub which appeared to be a relatively enclosed space with John and John's wife near him. This was interesting to me because it led me to believe the dog was calm enough to be comfortable in an environment that would normally make other canines nervous, fearful, or uncomfortable.

K9 HANDLER TRAINING

I asked John if he was taught how to handle an aggressive canine or canine bites during the course of the K9 Handler training. John stated, "No, other than you're going to get bit." Upon request to elaborate, John stated the K9 Handler from Maricopa Police Department kept getting bit by his canine. The canine kept redirecting back onto the canine handler. John said the instructors responded by saying it was the nature of the job and expect to get tagged every so often.

When asked, John stated there were no instructions in the K9 Handler PowerPoint presentation on handling aggressive canines or canine bites. John also mentioned he did not learn about redirects until it happened to him. Furthermore, even in the former handler course he attended, John did not learn about aggressive canines or canine bites. I inquired if he learned anything about correcting canines. He stated he only learned to not reward bad behavior.

SELECTION PROCESS OF CANINES AND HANDLERS

According to John, there is no selection process aside from Constance Baker selecting and assigning a canine. When John expressed concerns about receiving Cupcake, he said Marshal Adams said he trusted Constance as a trainer and he trusted John's ability as a handler.

Additionally, I inquired if John was presented with the K9 handler assignment or if he requested to become one. John said the assignment was presented to him and he accepted because it aligned with his passion for interdiction.

Throughout the interview, John expressed concerns with Constance Baker's priorities. He had concerns about the financial side of things because he understood Constance would receive payment on the condition that the canines certify.

INJURIES

John informed me he sustained lacerations, bite marks, and punctures to his right leg. The diagnosis was incomplete because he needed an MRI. John had three stitches to the right side of his leg. He noted there was nothing to stitch on the other side of the leg because the portion of skin left behind was dying. He showed me a photo of his puncture wound which he stated was about half an inch deep.

ALLEGATIONS OF MISTREATMENT

Prior to meeting with John, there were allegations of heavy handedness and mistreatment between John and his canines. I inquired if he had ever been accused of being rough with the canines. He denied. Additionally, I asked if he ever received disciplinary actions regarding his treatment of the canines. He denied. John stated he did not understand where these accusations were coming from. John brought up the citizen complaint, stating he did not understand why someone would say they saw him mistreat Hawk if he hadn't done so. He noted Hawk never gave him any reason to be mean. John encouraged me to talk to the Maricopa Police Department K9 Handler who attended the course alongside him. He said they spent the entire training together and the MPD Officer would be able to talk about John's behavior toward Hawk.

Furthermore, John felt like Marshall Sharp, Constance Baker and Anthony Dorio had split the canine unit by forming their clique. John commented on integrity issues and the back stabbing nature of their clique.

FOLLOW UP QUESTIONS

Circling back to the incident, I began asking John follow up questions in order to elicit more details and clarify the order of events. I asked John what he was feeling during the incident. He described feeling heartbroken, crying, and trying to keep his composure. After the shooting, he felt extremely cotton-mouthed and believed he was going to lose consciousness.

I recounted events as I understood them and allowed him to correct me. He noted when he opened up the door after the first bite, he asked Hawk, "Are you good buddy?" He remembered he stepped forward toward Hawk while holding the leash in his right hand. When Hawk came out, he snarled and barked a bark that sounded mean.

I asked John if Hawk was used to him standing in front of him and towering over him. John confirmed and told me he stood in front of Hawk all the time and

allowed Hawk to bury his head into his chest while he scratched his ears.

John recalled dropping the leash. He also recalled slamming the door on his own leg and using the door to try and squeeze Hawk's nose. He recalled the entirety of his foot, from heel to toe, inside of Hawk's mouth. He recalled yelling "Ouse" and pulling his foot back. He remembered feeling his boot being pulled, his foot being pulled, and the feeling on his skin being pulled. He remembered hearing Hawk snarl and grunt as he pulled backwards. When asked, John estimated the event went on for about one minute. He recalled initially standing while he was bitten and eventually lowering himself.

I asked John to talk to me about what he thought would happen to him. John cried and stated he did not know. He stated he remembered feeling the pain in his foot. I asked him if he felt Hawk would stop at any point; he denied and stated Hawk was not going to stop. From what I understood, John reverted to his experience with Hawk's responses to toys. He tried to make his foot unappealing by relaxing it, but it did not work. I asked John what caused him to make his decision, he told me it was because nothing else was working. This indicated to me, John exhausted all options. I asked John if he felt like his life was in danger, he stated he didn't know and began crying harder and stated he did not want to shoot Hawk.

Lastly, he confirmed the scratches on the watch were caused from the incident. This concluded my interview with John Coby II.

CONCLUSION

After interviewing John, I did not observed any indicators of deception. John appeared to have cared for Hawk and enjoyed working with him during the time he had him. I noticed John did not shift any blame on Hawk throughout the entirety of the interview. John's emotions were also indicative that he cared about Hawk. John praised Hawk for being an amazing canine and recounted encounters with Hawk in confined spaces, confrontational positions, and close proximity without Hawk ever reacting toward him with aggression. John described a canine who was behaving out of character which he attributed to possible fentanyl exposure. John described not receiving training on what to do when handling an aggressive canine or a canine bite.

Furthermore, prior to making the decision to shoot Hawk, John Coby expressed the consideration and implementation of alternative measures to avoid shooting the canine. He issued release commands which did not yield results. He threw down Hawk's toy which not yield a reaction. He sprayed Hawk with an air freshener which caused the canine to release but recondition his bite. He also let his foot go limp in an attempt to disinterest the canine. He tried using the door to hit and squeeze Hawk off of him. Furthermore, John expressed concern not only for himself but the potentially hazardous situation that could have been created if additional employees would have entered the facility not knowing the situation at hand. It should be noted, after reviewing the audio recording of the incident the attack occurred for longer than three minutes. Taking into consideration the injuries and uncertainty of what the canine would do, John made the decision to shoot the canine after exhausting all other means of force.

Report generated by:
Detective Luna #2119
Mon Dec 09 16:25:39 -07:00 2024

Sgt. Borquez #0622 Wed Dec 11 06:35:06 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #8
Detective Luna #2119
Date: 11/27/2024
Date of Interview: 11/26/2024

Narrative:

On 11/26/2024, I made telephonic contact with National Narcotic Detector Dog Association (NNDDA) Certifying Official, Eliseo Rivera. Eliseo was the NNDDA certifier who conducted the NNDDA certification test on 11/18/2024. This is the same certification testing that John Coby II and Hawk attended. I advised Eliseo my reason for contacting him and he agreed to answer a few questions.

It is important to note, Eliseo is a Border Patrol Agent. He has been a K9 Instructor since 2013 and a K9 Handler since 2009. He has been an NNDDA certifying official for approximately one year.

I began by asking Eliseo if he recalled interacting with John and Hawk. Eliseo did not recall at first, but later after our discussion continued, he began to remember more information about the pair. He recalled Hawk was a junior dog who liked toys, specifically balls. He remembered this because when Hawk tested, they needed to remove the exercise balls from the room because it was a distraction for Hawk. Additionally, he recalled Hawk was the first dog to go through the fentanyl test. Hawk had difficulties locating the fentanyl training aid which was attributed to residual odor from another training aid which was previously in the testing room. Eliseo recalled John let Hawk search the rooms off the leash. He noted the dog was not aggressive at all. Additionally, he recalled Hawk used two toys; If Hawk had a toy in his mouth, he would release his bite at the presentation of a second toy.

Eliseo informed me there were four tests done; Cocaine, heroin, methamphetamine, and fentanyl. Eliseo stated on behalf of the NNDDA, he supplied the training aids for the cocaine, heroin, and methamphetamine. Constance Baker provided the training aid for the fentanyl. When asked, Eliseo informed me the fentanyl was seized fentanyl provided by the Tombstone Marshal's Office. Eliseo informed me he examined the training aid but could not quite recall what it specifically looked like. He briefly described it was a jar containing fentanyl, within a jar, that he believed had adjustable ventilation. He did not have concerns with the training device, and mentioned as long as the canines could not access the testing drug, it is considered a sufficient training aid.

Eliseo informed me he placed the fentanyl training aid in the first room, but did not see or touch the fentanyl training aid afterwards. He said Constance Baker handled the fentanyl training aid for the rest of the testing.

Overall, Eliseo said there were no bad handlers and nothing unusual with the canines. Eliseo informed me he did not notice any aggressive behavior from any of the dogs during testing. When asked, Eliseo stated he had been a certifier for about one year and this was the third or fourth time he had been in the Cochise County area to certify canines. He did not mention previous issues with any of the certification testings, and could not comment on the KnightWatch K9

training because he was not in attendance.

I asked Elisio if there was additional information that would be pertinent to the investigation. Elisio informed me to speak with Maricopa Police Department Officer/K9 Handler, Rene Ordonez. Elisio explained that Rene attended the K9 Handler training presented by KnightWatch K9. Additionally, he stated Rene's canine was sourced from KnightWatch K9. Elisio informed me Rene's canine kept coming back at him and biting. On 11/19/2024 or 11/20/2024, Elisio met with Rene at a K9 training in Casa Grande. Elisio had some concerns about the canine's low energy and malnourished appearance. Elisio remembered this canine because he had the same concerns at the NNDDA testing in Tombstone. When Elisio pointed out the weight of the dog to Constance Baker, she said the dog would gain weight later on.

Elisio informed me it wasn't normal for a canine to bite his/her handler as much as Rene's canine had. He said sometimes bites can happen out of frustration. Elisio also informed me Rene informed him the canine had been biting Rene during the training as well. Elisio did not know if Maricopa Police Department planned to return the canine or if they would continue to work with the dog. He provided me with Rene's contact information.

Before closing out my interview with Elisio, I asked him to provide me with the NNDDA testing documentation and performance evaluation sheets for John Coby and Hawk. In conclusion, Eliseo's statements indicated to me that he witnessed John Coby II and Hawk did not have handler issues or behavioral issues.

Report generated by:

Detective J. Luna #2119

Fri Nov 29 13:05:52 -07:00 2024

Sgt. Borquez #0622 Mon Dec 02 07:29:45 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817

Supplemental Report #9

Detective Luna #2119

Date: 11/27/2024

Date of Interview: 11/26/2024

Narrative:

On 11/26/2024, I made telephonic contact with Rene Ordonez. Rene is a Police Officer and K9 Handler with the Maricopa Police Department. I advised him the reason for the phone call; He understood and was willing to speak with me. I asked Rene if he was aware of the incident that occurred between John Coby II and Hawk. He confirmed and informed me he was made aware of it after seeing the information on a news article.

Rene attended the 40-hour K9 Handler course which was presented by Constance Baker and an individual referred to as "Lee." When asked about what he was trained on, he informed me the training wasn't necessarily focused on training a new handler and described it as very basic and focused on getting the canines to go through scenarios to detect drugs. Furthermore, he informed me there was no training on how to handle aggressive canines or dog bites. Rene informed me he

knew of basic concepts such as choking a canine off of a bite which he gathered from working with other K9 Handlers at his agency. It should be noted, the only time canine bites were address in the K9 Handler training was when Rene began to experience bites from his assigned canine, Mahai. When asked, Rene informed me he was bit approximately 4 times by Mahai during the training. Rene sustained scratches and bruises from the incidents. Rene informed me he was told Mahai was biting him because she was a young dog, was possibly frustrated, and it would get better with time.

When asked, Rene informed me he had a moderate level of interaction with Hawk and John Coby. He did not see issues between the pair. Rene described John as a positive person throughout the training and firm with Hawk. I asked Rene if he heard anyone complain about John for heavy handedness. Rene informed me the only complaint he recalled hearing about John was that he hovered around Hawk too much. Rene informed me Hawk was a high energy canine and John needed to be quick and effective when handling Hawk which is why he was firm. Rene informed me John was not abusive or cruel toward Hawk. Furthermore, Rene informed me the complaint about John's hovering was attributed to a divide of opinions in the canine community. Additionally, he described Hawk as active and alert.

I asked Rene if John ever complained about Hawk. He denied and stated there were no complaints. Rene was aware that John had two prior canines which did not work out. Rene stated John and Hawk were a great pair and acclimated well to one another. Furthermore, Rene had not witnessed or heard of Hawk ever biting John during the training. I asked Rene whether or not he felt John Coby should have been a K9 Handler; he stated yes and said he was a good handler. I asked Rene whether or not he felt Hawk should have been a working dog; he agreed he should have.

Additionally, Rene informed me he certified with Mahai through the NNDDA. Rene informed me Mahai completed the methamphetamine, heroin, cocaine, and fentanyl tests. I inquired if Mahai experienced any behavioral changes after the tests. Rene denied and stated there was no difference.

Furthermore, I asked Rene what background information and training records he was provided reference Mahai. Rene informed me he was not provided with much. He knew Mahai was raised and trained at KnightWatch K9. His agency received Mahai's passport and vaccination records. He was not provided with any training records. Rene informed me he was essentially assigned Mahai and did not have a bonding period with her. Rene commented he was struggling to bond with Mahai. Rene informed me he met Mahai at a meet and greet in October. The meeting with Mahai lasted a few hours and was shown a demonstration of Mahai's bite work. It should be noted, Mahai was supposed to be dual-purpose but was currently a single-purpose canine.

Lastly, Rene informed me he continued to have biting and redirecting issues with Mahai. Rene informed me the KnightWatch K9 Handler course was inadequate for a new handler training.

This concludes my interview with Rene.

Report generated by:
Detective Luna #2119
Wed Dec 04 14:00:24 -07:00 2024

Sgt. Broquez #0622 Thu Dec 05 07:06:55 -07:00 2024

Supplement

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Report# 24-36817
Supplemental Report #10
Detective Luna #2119
Date: 11/27/2024
Date of Interview: 11/26/2024

On 11/27/2024, I made telephonic contact with Miriam Bear. Miriam is a Deputy Marshal/K9 Handler with the Tombstone Marshal's Office. I informed Miriam my reason for contacting her. The information collected from Miriam has been condensed to the details relevant to the case. For further information; refer to the audio/video recording uploaded to Evidence.com.

Miriam informed me she had experienced working and training with John Coby and Hawk. Miriam noted John formerly handled a canine named Dayak and informed me John did well with both canines when he handled them. Miriam informed me she was the one who recommended Marshal Adams to hire John as a Deputy Marshal/K9 Handler because she observed his competence. When asked, Miriam denied observing John be heavy handed with any of the canines he worked with. Miriam did not have concerns with how John treated any of the canines.

It is important to note, Miriam has been through several of KnightWatch K9 Handler training courses. I asked Miriam if she was ever trained on how to handle aggressive canines or canines that turn on their handler. Miriam informed me she was not trained on this topic. Miriam stated in retrospect, she realizes there were a lot of topics that she should have been trained on in the K9 Handler course.

Additionally, Miriam stated John and Hawk got along well. Miriam did not notice any issues with Hawk and provided me an example of Hawk's behavior. Miriam noted her female canine attracts male canines because of curiosity reasons. While Hawk was sniffing Miriam's canine, the canine snapped at Hawk. Miriam stated Hawk did not have an aggressive response and behaved.

It is important to note the reason for asking Miriam about the following topic of conversation. After talking to John Coby, he expressed concern with Hawk possibly being exposed to fentanyl during the certification testing. John had mentioned Miriam assisting with the fentanyl training aid. When asked about the fentanyl training aid, Miriam clarified her involvement.

Miriam informed me on or around 11/16/2024, Constance Baker informed her she did not have enough fentanyl for the NNDDA certification testing. Miriam informed me a ten and upward of ten were needed for the testing. Miriam informed me she coordinated the release of the fentanyl, counted the pill amounts, weighed ten grams and approximately 18 grams, and repackaged the fentanyl into evidence bags for the certification testing. Miriam informed me she turned over the fentanyl to Constance Baker. Miriam reported she did not have further contact with the fentanyl after turning it over.

Miriam informed me on 11/18/2024, Constance told her there was a problem with the fentanyl odor being faint and having to be removed from the bag and put into some other container. Miriam recalled seeing blue pills on the shelf which indicated to her that they were no longer in the bag. Miriam was not aware of what the training aid looked like and whether or not manipulation had occurred.

Furthermore Miriam expressed concerns about not being informed on how to write canine reports, not being kept up to date on canine related case law, having to fund her own trainings through online purchases, and being ignored by Constance Baker when canine handler issues were addressed.

This concludes my interview with Miriam Bear.

Report generated by:

Detective Luna #2119

Wed Dec 04 15:26:02 -07:00 2024

Sgt. Borquez #0622 Thu Dec 05 07:07:34 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

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Report# 24-36817

Supplemental Report #11

Detective Luna #2119

Date: 11/27/2024

Date of Interview: 11/27/2024

Narrative:

On 11/27/2024, at approximately 0825 hours, I met with Bisbee Police Officer/K9 Handler Jesus Villa at the Bisbee Police Department. It is important to note he partially attended the K9 Handler course which was put on by KnightWatch K9; the training took place on November 9-17, 2024. Jesus also attended the NNDDA certification testing which took place on November 18, 2024. The purpose of meeting Jesus was to collect information on his interaction with John Coby II and Hawk while they were in the training environment.

Jesus informed me the K9 Handler course was instructed by TMO Deputy Marshal Constance Baker and the head trainer for KnightWatch K9 who he referred to as "Lee". Jesus stated this was the second time he was going through the K9 Handler course. He previously attended the same course in March of 2024 in Willcox, AZ, which he successfully passed and certified through NNDDA. Jesus was partially attending the November training in order to catch up on training hours.

I inquired if he was ever taught how to handle an aggressive K9 or a K9 that turns on its handler. He stated he did not remember. He stated overtime, he learned that he needed to be careful with new K9s because building trust was important.

I inquired if he knew who John Coby II was; He confirmed he did. When asked, Jesus informed me he did not notice John exhibit any issues or aggression toward Hawk. Jesus commented John was mindful of Hawk and respectful toward the canine. Later one, he commented John seemed happy to be there. I asked Jesus if he heard any instructors or handlers talk about John being heavy-handed against Hawk. Jesus denied and said he never heard anyone say anything about John being heavy-handed, not even gossip. When asked, he informed me he had not heard Coby express any concerns or issues during the training.

I inquired if he knew who Hawk was; He confirmed he did. When asked, Jesus described Hawk as very excitable, high-drive, and played with toys. Jesus

commented that Hawk was the kind of dog that required a patient handler. Furthermore, he informed me he did not witness Hawk be aggressive toward John, other handlers, or canines.

Jesus estimated to have spent about a cumulative time of about 1.5 - 2 days interacting with John and Hawk.

Furthermore, I asked Jesus some general information about his canine, Kora. He informed me he received the dog from KnightWatch K9 and was informed it was born and raised by the company. It was a German Shepherd and was overall independent. The only issue he recalled having with Kora was her initial lack of obedience, specifically her recall difficulties.

He stated Kora was able to certify on November 18, 2024 after successful completion of the NNDDA certification testing. He stated Kora passed the Methamphetamine, Cocaine, Heroin, and Fentanyl tests. When asked, he denied observing any abnormal behavioral changes or health changes after Kora completed the testing.

When asked, Jesus did not have any issues with the training he has received. This completed my interview with Jesus Villa. The body camera recording will be uploaded to evidence.com.

Report generated by:
Detective J. Luna #2119
Wed Nov 27 17:20:46 -07:00 2024

Sgt. Borquez #0622 Mon Dec 02 07:27:32 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #12
Detective Luna #2119
Date: 12/04/2024
Date of Interview: 12/03/2024

Narrative:

On 12/03/2024, at approximately 1500 hours, I met with Jim Adams, the Marshal for the Tombstone Marshal's Office. I was accompanied by Sierra Vista Police Department Detective Thomas Ransford. I met with Jim to retrieve video footage related to John Coby's attempt to return Caine. After reviewing the video footage, I planned to ask him questions regarding John Coby, Hawk, and the TMO Canine Program.

Jim Adams expressed interest in having a behavioral test done on Hawk to test the genetic proclivity toward aggression. I informed Jim the Arizona Veterinary Diagnostic Laboratory Staff I spoke with said they did not do that specific testing. Jim went on to explain Constance Baker does temperament testing with the canines and in the future, he would like to have an additional third-party temperament test done. He briefly spoke about changes he would like to make to the K9 Program in respect to liability safe guards.

I began the interview by asking Jim if he heard of any issues with John Coby's

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Office Report for Incident 24-36817

Page 26 of 61

performance as a canine handler prior to the incident. Jim informed me he heard John and Caine (canine) did not work well as a pair. It should be noted, Caine was the canine John was introduced to prior to receiving Hawk. The incompatibility was attributed to Caine being a handful. Being that John was a newer canine handler, Caine wasn't a good fit for him. Other than that, Jim said he personally did not see any issues with his performance as a canine handler.

Jim stated he met Hawk the day of certification, noting Hawk was great and he was able to pet him while face to face without an aggressive response. He said John was happy and everything he heard about the pair was nothing but positive.

When asked about John and his former canine, Dayak, Jim said he did not remember any positive or negative reports about the pair. Jim said John had Dayak for a short time before he was deployed. He described Dayak as a high energy and friendly canine. He recalled when John handled Dayak, everything was fine and John seemed to be a good handler. Jim said he did not personally see anything that would cause concern.

Jim mentioned there was video of John and Hawk entering the office prior to the shooting. I was aware of the video footage he referred to because I reviewed it prior to our meeting. He noted John and Hawk seemed comfortable with one another as he described John leading Hawk on a slack leash and there was an absence of any negative interaction between the pair.

Detective Ransford inquired if the TMO canine handlers used video to record their training. Jim had not heard of their canine training being recorded and stated there were enough canine handlers in attendance to monitor and provide critiques to one another.

Furthermore, Jim was asked if he knew any information regarding Hawk's history. Jim did not know Hawk's history nor did he know the history of the other canines. Jim continued to elaborate on this topic by explaining his expectations for the TMO K9 Program. The canine program was started on or around May 25, 2023. Jim stated he made it clear to Constance Baker that TMO initially would not handle bite canines and specifically requested single-use narcotic detection canines. Jim stated scent tracking was allowed, but it was made clear that the dogs would not be used for anything bite related. Jim emphasized he made it clear to Constance his parameters and expectations for the canines he was purchasing. Jim explained Constance sourced the canines from various facilities or bred them in house at her kennels (Knight Watch K9.)

Additionally, Jim stated when Constance was hired by the Tombstone Marshal's Office as a Deputy Marshal, he worked with her to build the TMO K9 Unit. Jim said Constance had the Knight Watch K9 business, experience in training canines, and certifiable canines. With the exception of Stinger (canine), all of the Tombstone Marshal's Office canines were obtained from Knight Watch K9. There were no written contracts in place for the vendor agreement between Constance Baker/Knight Watch K9 and the Tombstone Marshal's Office. From what I understood, the agreements were verbal and built on trust.

Furthermore, I learned the TMO K9 Program and canines were paid for by funds generated from donations, fundraisers, and private grants. Jim stated they were able to establish a line item in the City of Tombstone's budget, however they preserve the funds for emergency use. Jim confirmed governmental grants have not been obtained or used to fund the TMO K9 Program. Jim stated he wanted to use the DEMA funds but ultimately could not. He noted the dog food was provided by the VCA, they received discounted veterinary costs, and the canine handlers

sometimes paid out of pocket costs for maintenance items such as collars.

Once again, Jim was asked about his knowledge of where the canines came from and whether or not they had work history. Jim did not know for certain. He believed Dayak possibly came from United States Border Patrol but did not know the intricacies of why Dayak was no longer with USBP. When asked, he stated he did not know the background of Hawk and Kiyoe.

Jim was asked about the length of the K9 Handler training. He reported it was forty hours long but planned on increasing it to an eighty hour training. Later on in the interview, I asked why the K9 Handler course was forty hours long. Jim explained it was because majority of the trainers had prior canine handling experience and previously attended a forty hour Knight Watch K9 - K9 Handler course. Although John was still considered a new handler, there was prior comfort with John's ability as a handler. I further inquired if he knew why Constance wanted the K9 Handler course to be an eighty hour course. He informed me the eighty hour course was the normal time length for her course.

Detective Ransford asked Jim if anyone ever told him a forty hour course was not enough to train. Jim explained he was ignorant when it came to bonding periods and acceptable training time lengths. He stated he was not aware of the industry standard and this was information he just did not know.

I asked Jim to explain the selection process for John to be a canine handler. Jim explained when he hires a new Deputy Marshal he asks them about their goals and their reasons for wanting to be a law enforcement officer. He does this with the intention of fostering their goals and aspirations. John expressed interest in being a canine handler, so Jim said he would see about making him a canine handler. Jim stated he puts in a lot of trust into Deputy Baker because of her experience. He stated he trusts her to vet a canine handler, vet a canine, and vet their compatibility together. Furthermore, he stated if it is feasible and someone is a good fit for a program, then he will make it happen. Jim went on to explain John Coby was a former Maryland Trooper who was mature, smart, and squared away. He informed me John worked for the National Guard as an intelligence analyst for Tombstone Marshal's Office and he was very impressed with John and wished to keep him at TMO. He liked his work ethic, character, and experience.

Additionally, Jim stated the audio recording of the canine attack was consistent with John's statement of events. He noted there have never been integrity issues with John. When asked, Jim stated John wanted to work with Hawk. He heard the pair bonded and Hawk was successfully detecting odors according to Constance. Jim said he had no reason to think it wasn't a good fit and that they wouldn't be productive together. He continued to explain the K9 Program was an important deterrent against the cartel (human smuggling) and it was important to have the right people in the program.

Detective Ransford asked Jim if it would surprise him to know if the canine bit people in past. Jim stated prior to incident, it would have surprised him. After the incident, he explained he would feel reassured to know if the dog had prior bites because it would provide an explanation that maybe there was an issue before and it wasn't John's fault.

I inquired if Jim fielded any complaints from any of the TMO canine handlers about the TMO K9 Program. Aside from schedule complaints, Jim stated there were no issues about Constance training canines incorrectly. When asked, Jim explained Constance was not solely in charge of training; The TMO handlers each

took a turn running weekly training.

I inquired if he had any training documents for Hawk; He denied and stated he was waiting for the conclusion of the investigation to receive whatever documents I have received.

Before concluding the interview, Jim stated the TMO K9 Program was currently suspended pending the results of the investigation and alterations to the program. This concludes my interview with Marshal Jim Adams.

Report generated by:
Detective Luna #2119
Wed Dec 11 15:07:45 -07:00 2024

Sgt. Borquez #0622 Thu Dec 12 06:25:33 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #13
Detective Luna #2119
Date: 12/05/2024
Date of Interview: 12/05/2024

Narrative:

On 12/05/2024, I made telephonic contact with Rebecca Larsen McKeown. Rebecca is a Public Works employee with the City of Tombstone. Rebecca authored a letter in which she expressed concerns regarding a TMO Deputy Marshal aggressively handle a canine. I advised Rebecca the reason for contacting her and she agreed to speak with me.

Rebecca began by informing me there are two RVs parked at the public works facility. The RVs belong to two of the Tombstone Marshal's Office employees. One of which she identified as belonging to John Coby. Furthermore, Rebecca informed me she also observed groups of K9 handlers training at the public works property which she thought was an odd location to train at. Rebecca's reason for mentioning this information was to inform me that she had frequently seen John Coby and his canine interacting with one another.

Rebecca recounted approximately two weeks leading up to the shooting, she observed John Coby mistreat his canine on a few occasions. Rebecca stated she saw John jerking the canine around. I asked her to elaborate on what that meant. Rebecca stated John aggressively yanked at the neck of the canine causing it to be lifted off the ground. When asked, Rebecca stated she watched this happen in passing. When asked about how the canine was behaving, she said she never saw the canine acting out. She also mentioned she had seen other K9 handlers interact with their canines and felt that comparatively, John Coby handled his canine aggressively.

I asked Rebecca to tell me what prompted her to write the letter. Rebecca informed me she felt the need to write the letter after finding out the canine was deceased. When asked, Rebecca stated she heard about the incident from gossip at work. She also clarified it was a City of Tombstone employee and not a TMO employee. Rebecca informed me she did not like what she had seen and felt

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Office Report for Incident 24-36817

Page 29 of 61

bad for not saying something sooner.

This concludes my interview with Rebecca. The video recording was uploaded to Evidence.com. The letter was attached.

Report generated by:
Detective Luna #2119
Thu Dec 05 15:02:12 -07:00 2024

Sgt. Borquez #0622 Mon Dec 09 05:54:12 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT
DR#: 24-36817

Supplemental Report #14
Detective Joe Spezzano
Date: 11/19/24

NARRATIVE:

On 11/19/24 at 5:54 a.m., Detective Sergeant Todd Borquez called me on my department-issued cellphone, requesting that I respond to the Tombstone Marshal's Office (TMO) to assist with an officer-involved shooting. Our agency would be doing the critical incident investigation related to the shooting of a Deputy Marshal's K9 Service Dog after it bit the handler, causing him to shoot and kill the dog.

I arrived at the Marshal's Office at 6:58 a.m. and went upstairs to the second floor, where the Deputy Marshals have their offices and administrative areas. Upon reaching the top of the stairs, I saw a dog kennel in the hallway. As I passed it, I looked inside to see what I recognized in my training and experience as a Belgian Malinois breed of dog inside, lying motionless. As I walked in the hallway toward the rear cubicle office area, I looked to my right into an open office doorway to see blood on the carpeted floor. There was a large circular pool of dark, thick blood. This office was located directly across from the top of the stairs leading to the second floor. I met with Detective Jasen Wright and learned that a Deputy Marshal had been alone inside the office areas with his K9 partner. At some point, the K9 named Hawk bit the Deputy Marshal on the leg, which resulted in that officer firing his weapon through the bathroom door where he had taken refuge from the dog.

The Sheriff's Office Crime Scene Technician, Kierstin Kessler, arrived at the Marshal's office to document the scene and collect evidence. Sergeant Borquez tasked Detective Wright and I with interviewing witnesses to the incident or other Tombstone Marshal's Office employees with relevant information to our investigation.

INTERVIEW with TMO Sergeant Jeff Garcia:

Detective Wright and I began speaking with the first responding Deputy Marshal at the scene, Tombstone Sergeant Jeff Garcia. I utilized my department-issued body-worn camera to video record our conversation. The following is a summary of information I learned from the interview with Sergeant Garcia. For a more detailed account of what was said, refer to the video recording uploaded to Evidence.com.

Deputy Marshal John Coby called him on his work cellphone at 5:07 a.m. and said something about Hawk. He could not understand everything Coby initially told him because he had been awakened from a sleep. Coby stated, "Get to the office. I am about to pass out!" He got dressed and immediately went to the Marshal's Office. He thought at first Coby might have had a fentanyl exposure. He realized the evidence room light was off, so no one was there. He walked upstairs toward Coby's office and yelled his name. He heard Coby tell him, "Get the [REDACTED] dog off me!" Sergeant Garcia was unsure what had happened. He entered the bathroom area and saw the door closed against Coby's right leg. The right leg is out, and the dog is right there, and there is a pile of blood. Sergeant Garcia was unsure whose blood it was. Coby tells him something along the lines of, "The dog attacked me, the dog attacked me." He does not at first see any injury to Coby's leg, but the dog is in the way. He was unsure if the dog was alive or dead. So, he grabs the dog, motioning his right hand as if grabbing onto a collar. Sergeant Garcia said he attempted to move the dog, but it was latched on the leg. He grabs the dog, rips it off Coby's leg, and throws it to the side. The second pile of blood is where the dog landed, and he heard all the air rush out of the dog's lungs. Sergeant Garcia opens the bathroom door to see Coby and his gun lying down. Coby is lying down on the floor in a curve between the toilet and the toilet paper dispenser. Sergeant Garcia could see Coby's handgun down by his side or on the floor, and he could see blood on Coby's left forearm. Brett Breacher, an EMT/Firefighter from Tombstone Fire, was behind him, and while holding onto the dog's collar, he asked Breacher to grab the dog kennel nearby in the office cubicle area. The crate or kennel is brought over, and the dog is put inside to secure him. Breacher then begins to "work" on Coby. The other two firefighters came up to assist, and Coby tells Sergeant Garcia, "The dog went crazy and began to attack him," that was the basis of what he told him. Sergeant Garcia said the dog was super social from what he had seen and was surprised that was what it was. After the dog was away and fire began to attend to Coby, he began to see a piece missing from Coby's "high ankle, low calf on the outer edge." It also looked to Sergeant Garcia that Coby had defensive bites or markings on his left arm, which is what he thought because Coby is right-handed. Coby was upset and did not say much more to anyone.

The dog was named Hawk, and Coby has had him since the morning of 11/09/24. He picked it up from Constance Baker through her company, KnightWatch. Coby and K9 Hawk went through a 40-hour handler course and were certified last night, 11/18/24. This is the second time Coby has been through a 40-hour course. The Tombstone Marshal's Office hired Coby in August 2023, and he was there until mid to late September 2023, when he deployed with the National Guard. He previously spent 12 to 16 years to his knowledge with the Maryland State Patrol but had no K9 handler experience there. Coby's only K9 handler experience has been taking the 40-hour K9 handler course by KnightWatch, where he received his dog on 11/09/24 and was certified as a drug detection dog handler on 11/18/24. Coby had a dog previously named Dayak, with whom he certified for the first time after the 40-hour course and worked the road briefly until he left. Sergeant Garcia co-handled the dog with him, and there were no issues. Coby returned to the department in September 2024. During his time with Dayak, according to Sergeant Garcia's recollection, Coby had time to bond with the dog and then went through the 40-hour handler's course, working with him for about a month until he left for military duty. Dayak was also a Belgian Malinois and was obtained through KnightWatch. Sergeant Garcia said, "She is the vendor we go through." Their department does have a K9 policy. Sergeant Garcia had asked Constance Baker for a copy of it. Constance Baker is an active part-time deputy marshal at the Tombstone Marshal's Office. Baker is the point of contact for the Marshal's Office for everything K9. The rabies thing recently came up with the department

wanting to get all the dog's rabies refreshed and check their records. She should have all the paperwork for the dogs and any training logs. The individual handlers have all the training records logged through Packtrack.

The dog, Hawk, was wearing a flat, agitation-type collar. I asked whether the handlers use e-collars, which are electronic training collars that can provide multiple modes of communication through a wireless remote. Sergeant Garcia said that Baker is not big on e-collar work. Even though the department has them, they are not used to his knowledge. They use prong collars as well. Hawk is a single-purpose drug detection dog, and according to Sergeant Garcia, speaking with Baker before, he understands that Hawk has been exposed to bite work but did not do well with bite work, but Baker can tell us more about that.

Coby did not have his body-worn camera on at the time of the incident. Since it was at the end of his shift, it was docked to upload videos and charge the battery. Coby works the patrol shift from 1800 to 0600 hours.

Sergeant Garcia agreed to send me a copy of the rabies certification for K9 Hawk. He would ask Baker for a copy if needed.

On 11/19/24 at 7:40 a.m., Sergeant Garcia texted me a copy of K9 Hawk's rabies vaccination certificate. I quickly scanned the record and noted that the dog's name was Mizo. A microchip number was provided. The species was a canine male, 2 years and 1 month old, 70.4-pound Belgian Malinois that is yellow in color. A 3-year vaccination was administered on 10 June 2024 by an Arizona-licensed Veterinarian named Carrie J. Malone. The Owner's Name, address, and the veterinarian clinic address were illegible. It appeared these areas had been "whited out" not to be read. Sergeant Garcia sent me a second picture of a call log screenshot from his cellphone showing when Deputy Marshal Coby called him asking for help at 5:07 a.m. These two items were uploaded to Evidence.com for this case.

INTERVIEW with TMO Deputy Marshal/K9 Trainer Constance Baker:

Detective Wright and I then spoke with Constance Baker, a Deputy Marshal for Tombstone and the owner of Knightwatch K-9, LLC, in an office at the Tombstone Marshal's Office. She was in civilian attire and presumably had come to the office to assist with the critical incident investigation. The interview with Baker was recorded using my department-issued body-worn camera. The following is a summary of what I learned from our conversation. For a more detailed account of what was said, refer to the video recording uploaded to Evidence.com.

I asked if she could give us some background since she had supplied the dog to the department. Baker started by saying she had given a dog to John (Deputy Marshal John Coby) a week and a half ago. The dog was "a lot of dog" because before, he had a (Belgian) "Malinois," so she thought he could handle it. She observed him being "very heavy-handed" with the dog at training. She gave an example of taking the dog out of the kennel to introduce the dog to him. She said Coby would pull and put the dog back in the kennel, then stand there staring. Baker asked him if he was okay, and Coby replied, "What do I do when I get home with the dog." Baker then explains how he wanted to take the dog home from Wednesday to Saturday, which he had just met to "bond" with it. When he proceeded with K9 training with the dog, he started "cranking on the dog." She had to correct him, telling Coby, "Not to do that, not to do this." He pissed the dog off from his cranking, and it eventually came around and gave him a "stress bite." Baker asked him if he was good, and he told her that he was good after checking himself. According to Baker, Coby stated that he got his badge as

a K9 handler by getting a nip. Detective Wright clarifies with Baker that Cane is the dog she is talking about. It was given to Coby just before he received K9 Hawk. He had that dog for one day. She later gets a call from the Sergeant telling her that Coby went to the hospital for an antibiotic shot due to the dog bite. She explains that if you "yank and crank" on a dog, it can prompt them to react by biting from the stress. The Sergeant sends her a picture of Coby's injury. It was small, like a dot, and it had to be circled to show it to her. Baker told us this to indicate that Coby was afraid of the dog, so she decided he would not handle that dog.

The Marshal tells her that Coby needs a dog, so Baker offers to replace the dog with a social Malinois (K9 Hawk) that won't do bite work, and this is how Coby ends up with him. If the dog was a dual-purpose dog, she could get 20k for it, but when you give him the equipment, the dog won't do it. Detective Wright asked Baker how much training he had as a bite dog, and she replied 'none.' Baker explained that she used equipment to test the dog's willingness to do bite work, and the dog was not interested in it, so she would not waste her time on that type of training. She did not give the dog any formal bite work-type training. She also knows her vendor did not give the dog formal bite work training either. To her knowledge, this dog has never had any bite work training. Baker explains that during her handler training, she emphasized not treating your working dog like a pet. She explains to the handlers that the dogs should not be allowed around your personal pets, sleeping in their bed, or getting on the furniture. They come out of the kennel to work. Malinois needs time to adjust when they go home. They are not on the same level as your personal dog. She spoke to Coby about letting the dog lick him in the face. Baker told Coby not to do this because if the dog gets overstimulated, it can turn into a "nip." It's a Malinois, and that is what they do. According to Baker, she told him that, and he did not listen. Next, she hears from Coby that he allowed this "intact male, alpha dog Malinois" to run around in his backyard with his Dalmatian after she told him not to do this. She finds out the dog is sleeping in the bed with him and is allowed on the couch to watch TV with him, too. Coby was doing everything she specifically cautioned him not to do with the dog. This made her mad, and she complained about it all week. Nothing happened, according to Coby, with his dog at home. Baker feels that Coby just got lucky that nothing occurred by doing this.

Baker said she does not know what happened with K9 Hawk at the Marshal's Office, but she can speculate. The Marshal told her one story, and Sergeant Garcia told her another about what might have occurred. The Marshal told her Coby and K9 Hawk were upstairs, and the dog chased him into the bathroom. Sergeant Garcia told her that Coby was trying to get the dog into the kennel, and the dog nipped him, and it then turned into more than that. What Baker "imagined happened," based on her experience as a dog trainer, is that Coby got bored working nightshift and was roughhousing with his dog, getting him "way up here." Baker gestures with her hand up over her head. She knows Coby and believes internally he is "scared of dogs." So, she guesses that with the "whole play drive movement," the dog began to respond by playing rougher with him. What she heard was that the dog latched onto his leg and motions with the leg moving, which prompted the dog to act with an "opposition reflex." Baker states that the dog is not aggressive, and they did not see any aggression in this dog.

Baker explains she does not have issues with dogs biting her or the handlers. For these two dogs, K9 Cane and Hawk, to bite Coby, she believes it is because he is "giving off I am afraid" of the dog and not handling it well. She watched, as did the other handlers. Coby, during the K9 training, put pressure on this dog. Baker tells us to speak with TMO Deputy Marshall Sharp, who also saw what

she had seen with Coby's handling of K9 Hawk.

Detective Wright asked Baker if she was uncomfortable with him at training and why she would allow him to get certified. She replied, "I felt like he was doing a good job," and "Because the dog was social, the dog was fine." She gave an example of a soccer ball being taken out of the dog's mouth and Coby needing to learn how to "out" his dog. Baker emphasizes how she trusted the dog and that you could do anything to him. The dog "didn't give a shit."

Detective Wright asked Baker if she trusted Coby with the dog, and she stated yes, she did because "they meshed really well," and he "really likes the fucking dog." She felt Coby was capable of having the dog and that any normal handler would be able to handle this dog. She acknowledged Coby did stuff she did not want him to do with the dog. He did not listen, but she spoke to him about it. She felt that Coby could reach the point she felt he needed to be by working with and educating him.

Baker then states that another Deputy Marshal, Tim DeFoor, who hasn't even "owned a dog," had called her on the drive to the Marshal's Office. He told her there was no way the dog had bitten Coby because DeFoor had played with the dog and petted the dog. DeFoor expressed to Baker that Coby must have "[REDACTED]" up somehow."

Baker acknowledges Detective Wright when asked if she was the custodian of all the K9 records by saying, "Uh huh," and motioning her head up and down. When asked if she had training records for all the dogs, Baker said, "No." They do not keep records of training until the dogs are certified. It was unclear to me if Baker was answering the question from the perspective of an employee of the Marshal's Office being responsible as the K9 trainer or the business owner of the vendor that trained and supplied the dog to the Marshal's Office. Baker said, it is up to the individual handler to keep track of their certification and training records using the PackTrack's program the Marshal's Office utilizes. She is unaware that Coby has yet to begin utilizing the PackTrack application.

Baker obtained K9 Hawk from Alicia Via, one of her vendors. She has several vendors from which she gets dogs right now because importing a dog from overseas is expensive, costing about \$3000.00 in shipping costs. Baker does not know if K9 Hawk originally came from overseas because she never received a "passport or anything for him." Baker received K9 Hawk's rabies certification from Alicia. She had not had to take him to a veterinarian because he was up to date with everything. Alicia Via's company name is All Phase Tactical in Phoenix, and she later gave us Alicia's phone number.

Detective Wright asked Baker if Alicia would have "all the medical records." Baker said, "All she has is what she gave me." Wright followed up with, "Just the rabies vaccine?" Baker responded, "Yeah," and Wright asked, "There is nothing else?" Baker began to say, "I can't," but then stopped and uttered, "I, I don't."

Detective Wright asks Baker if she keeps a training file for when she has the dogs she trains, and Baker answers, "No" because she doesn't have "like 50 dogs at a time". She does quality and does not have a lot of dogs at once. She certifies them. She said, "We don't have any need for that. I know where the dogs are at because I am the one training it."

Detective Wright asked Baker about the training of K9 Hawk. Baker states he was introduced to "tracking" but would finish that with the class. Baker confirmed

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Office Report for Incident 24-36817

Page 34 of 61

in her mind that K9 Hawk had no "bite training" because he would have "been on the suit" and "on the sleeve," but he didn't want to do shit. All he wanted was his Kong. She will not invest time into a dog that is two. She wants them out the door. A puppy, she can build on it and work that kind of stuff.

When Detective Wright asks Baker about the training she teaches, she begins by saying, "He had some imprinting before I got him." Wright clarifies that he meant the handler training. They begin to speak about that. She does the handler training and has a PowerPoint.

Baker talks about her belief in separating working dogs from family dogs and the household. She has another trainer, Lee Hersey, who helps or assists her. Baker was the primary handler of K9 Hawk.

I asked Baker if K9 Hawk was a "recycled dog" to her knowledge, and she responded that her trainer and the one up in Phoenix had him doing stuff with them. Alicia was going to keep the dog, but Baker liked him. She is unsure who of Alicia's staff might have handled him. Baker is unsure how long Alicia had the dog before her. Baker was unsure of the exact length of time she had had K9 Hawk, stating it was 4 to 6 months ago that she had gotten him.

I asked Baker if she had a record of when she received K9 Hawk. She did not and apologized for not remembering when it was.

Baker begins discussing what she teaches during her handler course and the handlers' interactions with their dogs off-duty. On Tuesday, when the dogs went home, she asked them how they felt and how they did with it. She discussed with them how a day off can increase the dog's drive and how keeping them busy at home is important, even when off duty. These are some of her discussions with the handlers, including Coby.

Baker comments that she doesn't think this would have happened if the dog hadn't been loose. Wright follows up by asking Baker if she feels it was a handler issue. She states, "A thousand percent, I believe it is a handler issue." She believes Coby [REDACTED] up and did something." She speculates on why the dog was brought upstairs. It was not hot outside. There was no reason, in her opinion, to bring the dog inside unless he got bored and brought the dog upstairs to [REDACTED] off."

Baker said they did have a K9 policy, which was sent to the Marshal. She is unsure if the Marshal signed off on it or not. Coby signed the liability waiver on the first day of receiving his dog. She makes all the handlers sign the same type of waiver. The K9 policy she wrote was sent first to TMO K9 Sergeant Doreo, who forwarded it to the Marshal six months ago. It was sent back to her for some revisions, and then it was sent back with the changes. Baker has been providing dogs to the Marshal's Office for two years. Baker was unsure if the official policy endorsed by the Marshal had gotten its final approval and whether it was circulated to the deputies. She does remember information about the K9 program being disseminated, but most of what the handlers learn for now is from her. Eight dogs were certified last night at the high school. They were all standing in the same room with their handlers, including the Marshal. All the dogs were lined up and videoed. There was not an issue. There was no activity from K9 Hawk and no reaction from him with the other dogs. For safety reasons, she teaches the handlers not to take the dog off-leash while at work, but if they searched a room, this is a more controlled environment and would be acceptable. Coby went through the same handler class with his previous K9 dog, Dayak. So, Baker said he knows what is expected of him. He knows, and all the handlers know not to

treat their dogs like pets.

Coby was first introduced to K9 Hawk last Saturday, 11/09/24. Their bonding period is during the handler's training class, which is supervised, so she sees him and the dog together. All the handlers sign a form explaining their attendance at the training class, the cost of the dog their agency is responsible for, and their responsibility for the dog's care when not in the class. Baker agreed to provide a copy of the form that Coby signed. They started the morning of 11/09/24 at 9:00 a.m. with a PowerPoint presentation, and then the dogs were given to the handlers. This would mean Coby had K9 Hawk for 10 days.

I asked, and Baker confirmed she had no record of when she received the dog and no record of testing or training, she had done with the dog before it was given to the handler. She stated that she doesn't document all that stuff. She was not given any prior training records for the dog except the vaccine stuff from the vendor from which she got the dog. She doesn't get any ownership records of a dog from a vendor per se unless it was imported, and then she gets the dog's passport. To her knowledge, Baker said Coby had not begun to record any of his training in the PackTrack application.

The 40-hour handler course Coby attended is a condensed version of Baker's original 80-hour designed course. The Marshal told Baker he could not afford to lose the manpower for patrol longer than 40 hours. Baker agreed to tailor the course down to the 40 hours requested. Ultimately, according to Baker, Coby and K9 Hawk performed well together, gaining the drug dog detection certification. When she explained the days and hours of training for the handler course Coby attended, it was 8 to 9-hour long days. Baker did not see any aggression with K9 Hawk, calling him "Scooby Doo" all week.

The first discussion with the Marshal was whether the handlers could take the trained dogs and immediately certify with them. She was uncomfortable knowing that the handler and the dogs needed more time to get to know one another. After some discussion, they settled on the tailored version of the course for 40 hours, and she was comfortable with this because of how the dogs and the handlers ended up performing together.

Detective Wright asked if she believed Coby was fine handling a dog even though she said the dog was fine. She knows Coby, and she believes he understood the training well. Baker stated that what a handler decides to do on their own time with the dog is on them.

Detective Wright asked Baker whether she had any concerns about Coby being aggressive or treating the dog like a pet with the first dog, Dayak, he certified. Baker explained she had to get onto Coby a lot about treating the dogs, even the first dog, like a pet. She had to "get onto his ass a lot." She then explains why this is a concern. When you have a working dog, and you treat them like a pet, you are putting them more of an equal with you, and if they are a confident dog like Malinois tend to be, they will begin to take charge. When you get a confident working dog because they know you are the "alpha," you are in control, but if you treat them like a pet, the dog gets confused, thinking if you are not in charge, then they must be in control. With a Malinois, you keep them where you want them to be. If you over-stimulate his drive, then his drive goes up. If you kick in his play drive, the dog thinks everything is a game. This is why Baker thinks if Coby was upstairs wrestling with his dog, kicking him into play drive, the dog might have thought he was playing with him. Maybe he was letting the dog bite on him like a kid does. She didn't know what they

were doing, but Baker continued by saying that you must treat the dog fairly and respectfully, and you got to treat them like a working dog. This is what the dog wants. This is what these dogs are bred to do.

Detective Wright clarifies with Baker that if you don't treat the dog like a working dog, they get confused about who is in charge, which makes the dog insecure. Baker states, any working dog, a Malinois, a shepherd. You can get bit, and the dog can develop behavior problems and bad habits if handled incorrectly.

I asked Baker if her company had a verbal agreement or was in a written contract to provide the dogs and training. How did that work between the two roles for the liability when it came to changing training hours in the courses provided by her company? The Marshal had a meeting with her and was not happy about it being an 80-hour course. Baker stated that Sergeant Garcia was unhappy with her about the 80-hour course for manpower reasons. She had text messages about this. Baker verified there was only a verbal agreement about providing the dogs and the training.

Baker stated she had been doing this for a long time and training dogs her whole life. She has never had anything like this occur with a dog before. She has provided five dogs to the Marshal's Office, including the handler training. All the K9 handlers have gotten a minimum of 40 hours of training.

The night before, the certifier, Eli, came down from Phoenix, and the dogs got their certification from the National Narcotic Detector Dog Association. Baker has some certificates from being a handler but is not a certifier. Her experience as a K9 trainer and handler is from her many years of handling, training, and gaining dog certifications.

The Marshal or his wife recorded the eight dogs walking around and being in the same room together on the certification night. The video should show no issues.

Baker stated she was "shocked, really shocked" about this. Several times in the interview, she seemed in disbelief, trying to understand or theorize how she believed it could have occurred. She ultimately decided that it had to be Coby's fault that he somehow caused the dog's behavior by his actions, which resulted in the bite to him.

INTERVIEW with TMO Deputy Marshal/K9 Handler Marshall Sharp:

The interview with Sharp was recorded using my department-issued body-worn camera. The following is a summary of what I learned from our conversation. For a more detailed account of what was said, refer to the video recording uploaded to Evidence.com.

Detective Wright verified that Sharp had been present during the K9 handler certification the previous night, which he acknowledged he had been, and asked what he had observed. Sharp began by stating that he has been a K9 handler off and on for over ten years. Sharp had only met the dog (K9 Hawk) 6 to 7 days prior and had never heard a growl from the dog toward the handler, and they seemed to have a good bond with one another. He said Coby is a "fairly new handler," and they were trying to explain to him you cannot be, certain dogs you can't be, especially during the bonding phase, be rough with them, yank on their lead, you can't yell at the dog, because it can put them into fight or flight mode. Sharp explained an incident with a German shepherd that happened a few weeks before when Coby had another dog. Sharp stated, "Coby is a bit afraid of dogs." It was the first night he had gotten the dog, and he had been handling

the shepherd running him around a vehicle, but the dog was "target locked" on Baker because she was the trainer. According to Sharp, Coby kept "yanking on the collar" and yelling at the shepherd, "Seat, seat, seat." The dog turned around and "nipped him." Baker decided at that time to give Coby another dog since he seemed afraid of that dog. Coby immediately bonded with his new dog, Hawk, and thought everything seemed fine. Coby even said the dog even came in and slept with him. Sharp said he would never allow that. Sharp explains that the working dogs he handles are always put into a kennel at home, and they do not socialize with his personal animals, and the K9 is not a pet but a tool. Sharp noticed Coby would give the dog a lot of strong commands. In his opinion, the dog did not seem aggressive in nature. He believes something had to "set the dog off." He speculated if it might have been "overcorrecting" in obedience or something else.

Baker trained Sharps TMO K9 for him, and he earned the money himself to get the dog. At the time, the dog was a six-week-old English Cocker Spaniel named Stinger. That dog's sibling went to the Willcox Police Department.

Sharp believes there was a TMO K9 policy everyone looked at that the Marshal had with him about six to seven months ago. He remembers the handlers all had to sign a "liability waiver." He remembers getting the policy but does not specifically review it himself since, in his opinion, all K9 policies are "pretty much the same."

Detective Wright asked Sharp, as a handler, if he would ever let his K9 roam off-leash, and Sharp responded, "No." Sharp said that he had been trained, like when he was a K9 handler for CCSO, you would never let their dogs run around off-leash because of the liability. They have vehicle kennels. He did not even bring his dog up there today, even though it's a smaller dog, an English Cocker Spaniel. He would not want the dog to get hurt or anything else to happen with the dog. According to Sharp, there are so many things that could go wrong.

Sharp does not remember seeing anything abnormal with Coby and his dog during the certification process.

This concluded our interview.

Cochise County Animal Control Officer (ACO) Amber Linendoll had arrived at the Tombstone Marshal's Office to take possession of the K9 Hawk. It had been arranged to have a necropsy completed at the Arizona Veterinary Diagnostic Laboratory in Tucson. I agreed to transport the dog to the facility.

On 11/19/24 at 12:30 p.m., I transferred custody of K9 Hawk's body to Veterinary Technician Breanna Salt. She said Doctor Nathan Wienandt would perform the necropsy later that day or tomorrow. ACO Linendoll had completed the necessary paperwork and emailed it to the facility.

I will author an additional supplement report when more information is gathered.

ATTACHMENTS:

Evidence.com	BWC video, interview with Jeff Garcia
Evidence.com	BWC video, interview with Constance Baker
Evidence.com	BWC video, interview with Marshall Sharp.
Evidence.com/Spillman	Picture of the Rabies Certification.
Evidence.com/Spillman	Screenshot of Jeff Garcia's phone call log.

Report generated by: JS 1836
Reviewed by: Sgt. Borquez #0622 Mon Dec 09 05:56:38 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #15
Detective Luna #2119
Date: 12/09/2024
Date of Receipt: 11/26/2024

Narrative:

On 11/26/2024, I received an e-mail from Arizona Veterinary Diagnostic Laboratory containing the Final Results Report for the Necropsy conducted on Hawk. On 12/09/2024, the documents were printed and packaged into an envelope and submitted to evidence.

The necropsy findings indicated there was nothing abnormal about the canine aside from the injury caused by the bullet. Rabies were not detected and there were no histological evidence of ectoparasites, endoparasites, infectious disease, pathogenic microorganisms or neoplasia. The liver was submitted for toxicology testing to Michigan State University.

This concludes the review of the necropsy findings. An additional supplemental report will be documented upon receipt of the toxicology results of the liver.

Report generated by:
Detective Luna #2119
Mon Dec 09 09:31:44 -07:00 2024

Sgt. Borquez #0622 Tue Dec 10 05:44:02 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #16
Detective Luna #2119
Date: 12/10/2024
Date of Activity: 12/10/2024

Narrative:

On 12/10/2024, I travelled to the Arizona Veterinary Diagnostic Laboratory located at 2831 N. Freeway, Tucson, Arizona, 85705, where Hawk's necropsy was completed. I met with staff member Breanna Salt and Nathan A. Wienandt (DVM, DACVP), the diagnostician who performed the necropsy. Nathan briefly informed me the same information contained in the necropsy report.

I provided Nathan with a microchip reader which was loaned to me by CCSO Animal Control Officer Linendoll. Using the microchip reader, Nathan and Breanna located Hawk's microchip and retrieved it from his body. After the removal, Hawk was packaged in a biohazard bag which contained his identification tag. Breanna

provided me with the following evidentiary items: One flat collar, one 9mm projectile packaged in a biohazard container, and a small microchip identified by the numerics Breanna completed a specimen chain of custody form and requested my signature. I received a copy of the form and attached it to the report. The items will be entered into evidence.

Based on prior arrangements with Tombstone Marshal Jim Adams, I transported Hawk to Serenity Pet Cremation at 832 S. AZ-92, Sierra Vista, Arizona, 85635. Hawk was turned over to Marshal Adams. This concludes my involvement.

Report generated by:
Detective Luna #2119
Tue Dec 10 13:04:13 -07:00 2024

Sgt. Borquez #0622 Wed Dec 11 06:37:19 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT
DR#: 24-36817

Supplemental Report #17
Detective Joe Spezzano
Date: 12/06/24

NARRATIVE:

After I had completed my participation in the investigation at the Marshall's Office, I did an internet search for the K9 vendor, where Constance Baker mentioned she obtained a K9 Hawk. I found a listing for All Phase K9 Tactical. The "website" link went to another business in another state for a working dog rescue. This led me to believe that although there had been a business with this name, their internet profile and web presence were no longer maintained.

I then began to examine the Rabies Vaccination Certificate forwarded to me by TMO Sergeant Garcia. I looked at the top of the page, read the "Privacy Act Statement," and immediately drew some conclusions. That section stated, in part, the Department of the Army, Secretary of the Navy, DoD Veterinary Services Program, etc. This was a government document, meaning the dog had likely been owned by a government agency or a military family who used the veterinary clinic on a military base.

I completed an internet search for the Veterinarian's name on the form, Carrie Jo Malone, and found that she was affiliated with D-M Vet Clinic on the Davis-Monthan Air Force Base in Tucson, Arizona. On 11/20/24 at about 2:38 p.m., I called the clinic and spoke with Carrie Malone, a Doctor of Veterinarian Medicine. The following is a summary of what she told me.

She asked what dog I was calling about, and I mentioned the dog's name, Mizo. She immediately replied, "Yes, Mizo, the Border Patrol dog." Doctor Malone explained that the dog was born on May 1, 2022, and was imported from Hungary by HSI (Homeland Security Investigations). The agency eventually "let go" the dog for liability reasons related to a severe bite to his handler. Doctor Malone explained that she first saw Mizo in October 2023 when the Border Patrol transferred it to Tucson from El Paso, Texas. She saw the dog again in December 2023, then in June 2024, when the dog received the rabies vaccination. To her knowledge, it was sometime between the December 2023 visit with Mizo and June

COCHISE COUNTY
SHERIFF'S OFFICE
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Office Report for Incident 24-36817

Page 40 of 61

2024 that the dog bit the handler, causing a severe injury to the arm. She referred the dog to a neurologist in Tucson, Doctor Alcott, to ensure there was not a medical issue causing the aggressive behavior, such as a tumor or other illness to the brain. She understood there was no medical reason to exclude the behavior, and recently, after reviewing her medical files with Border Patrol, she was told the dog was no longer in service with their agency. Doctor Malone referred me to the K9 Coordinator with the Border Patrol Tucson Sector for details on why the dog was no longer with their agency.

On 11/21/24 at 10:03 a.m., I left a voicemail message for Border Patrol Special Operations Supervisor Karl Tyler. He is the K9 Coordinator for the BP Tucson Sectors K9 program.

On 11/21/24 at 10:08 a.m., I called Tucson Veterinary Specialists and left a message with the staff for Doctor Cody Alcott, DVM, to return my call about his treatment of the BP K9 Mizo.

On 11/21/24 at 10:14 a.m., I received a phone call from BP Agent Karl Tyler on my office phone. The conversation was audio recorded using my department-issued cellphone while my office landline phone was on speaker. The following is a summary of what I learned. Refer to the recording for more details of the conversation.

I gave Tyler a brief background of why I was calling and inquiring about K9 Mizo. He said their nationwide K9 academy is in El Paso, Texas. The new handlers go to El Paso for seven weeks to train. The K9 program has contracts with specific vendors, and they purchase dogs that pass their selection test. The dogs are trained for seven weeks and sent to the assigned sectors. The Tucson sector sent a handler from Nogales to El Paso to get trained, and then they brought the dog back, working in the field with him. According to Tyler, the Nogales handler did not have the dog that long after the incident when the handler corrected K9 Mizo, and it bit him on the leg. It was nothing serious. A second incident occurred when K9 Mizo was at home outside in the kennel. The handler was cleaning up the kennel and grabbed a bowl with some kibble food in it with no issue. When the handler went to shut the gate, K9 Mizo latched onto his elbow. This was completely "out of the blue," and no correction was involved with the dog then. There was no indication it was going to happen. It was a "pretty bad bite," Tyler said.

They (Border Patrol K9) decided they could no longer care for the dog. So, they have two options: either adopt the dog to someone willing to take care of it or put it down. Tyler had heard about All Phase Tactical in Phoenix and spoke with Alicia Via about adopting K9 Mizo. She told him that she specialized in dogs that have issues. Tyler said they adopted K9 Mizo to Alicia Via (All Phase Tactical) on July 11, 2024. When she signed the paperwork, Tyler read the reasons for elimination on their part on the letter Via had signed. It stated, "Mizo has been assigned to Border Patrol Agent (BPA) Hurt since September 2023. Mizo's demeanor has changed in the last few months and has become aggressive toward BPA Hurt. It is in the best interest of the service to retire Mizo to another agency that can work with him. Ms. Via will take ownership of Mizo effective 07/11/24."

I asked if Via would have been aware of the dog's bite history, and Tyler responded that he had told Via everything involved with that dog and what she would be getting into. Tyler stated they did not know if the handler did something to antagonize the dog. "We did not know," he stated. According to what the handler said, if it did happen out of the blue, with no indication of

whether it would happen, we could not maintain that liability. Tyler said he told Via all of this. He said maybe it would never happen again. They did not know. He spoke with Via a couple of months after adopting the dog, and she said the dog was doing great and was a sweetheart. Tyler said that was awesome, but maybe it was the handler. They didn't know. Tyler said they are forthright about everything going out. He did not want that on his conscience. They will not try to cover anything up. Via was well aware of the dog's history going into it. He spoke to her several times by phone. He thought the dog was going to a good place where they would do some training with it. They had adopted another dog to her before. That dog was found to be deaf.

I asked Tyler if he would send me a copy of the letter Via had signed when adopting Mizo. Tyler said he would have to check with their lawyers first since it was a government document and determine their liability in this situation. He would then get back to me.

On 11/21/24 at 10:34 a.m., I called and spoke with Alicia Via by phone. The conversation was audio recorded using my department-issued cellphone while my office landline phone was on speaker. The following is a summary of what I learned. Refer to the recording for more details of the conversation.

Via admitted knowing who Constance Baker was and adopting a Malinois to her. When I mentioned the dog had bit a handler at the Tombstone Marshal's Officer where Baker works, she replied, "That sounds really far-fetched for me." She stated, "That dog would not bite anyone. I couldn't get that dog to bite anyone." She could not get that dog to engage in any tactical at all. This is why she got rid of the dog. She could not remember in detail but agreed she received the dog from the Border Patrol in July 2024.

Via then explained how she needed to ensure the dog would not bite her or her staff. She explained the process she went through to test it. She did 30 minutes of pushing and pulling on the dog with a leash in and out of a kennel. She grabbed the dog on the rear thigh skin to determine how it might react. She cannot remember all she did, but she needed to ensure the dog would not come at her in any way. After this, she spent time with the dog, decompressing and bonding with him. She began to play ball with him. She wanted to do bitework with the dog, but he was not interested in the bite pillow. Ultimately, he would not do what she wanted, so she placed the dog with someone else. She felt the only thing the dog would be good to do would be drug detection or a "cuddle bug." He would not engage even when you pressure him by speaking to him firmly, like "Knock it off, no." He would sit back in the kennel. He might come forward and bark when a dog walks by his kennel. She decided the dog was not what she needed.

I asked Via if she remembered when she adopted the dog to KnightWatch. She did not remember. She recently had a stroke, and her memory is foggy. If she had to say, it has been over a month ago. Her daughter Connie would have more details of when things occurred. Via said she knew it had been over a month since the dog went to Baker. Via had the dog a few months before it was adopted from her.

I asked Via if she would have passed information about the dog's bite history to the person adopting it. She paused, then replied, "No, probably not." She explained that if she thought the dog was a danger or needed to be redirection in that type of work. I would have to do it. No, otherwise not. She could not see any reason to pass along that information if she could not get him to engage. I mentioned to Via that Border Patrol had two incidents of a bite with the dog, and she stated she was unaware of that. She was not aware of two. She

COCHISE COUNTY
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Office Report for Incident 24-36817

Page 42 of 61

knew about a bowl and a toy scenario, but not two bites. When she gets the dogs, she does not ask many questions. She gets more of a feel of the dog herself. She knows a lot about the history of the way certain agencies train. She mentions putting pressure on the dog, back-tying a dog, choking a dog out, and certain things they do. She knew what she wanted this particular dog to be. She knew about one bite incident but not more. Sometimes, when she receives a dog, she might not ask anything about the dog and will rely on her assessment of that dog. See what she can get the dog to do and go from there.

Via had been handling and training service dogs for 20 years. Her father was a K9 Officer, and her grandfather was a K9 Officer in Denmark before coming to the States. She grew up training dogs and became attached to them. All Phase K9 Tactical is still out there, but she has not done anything with the business under that name since COVID-19. They are not a company anymore, even though the name is still licensed. Since her health issues, she has not done as much. She relies on word of mouth for business now. She has dealt with Baker in the past with dogs and her previous half for several years before her. Via agreed to be available if there were any further questions.

On 11/21/24 at 12:10 p.m., Doctor Cody Alcott, DVM, called me on my department-issued cellphone. The following is a summary of our conversation.

The Border Patrol K9 Mizo had been referred to him for a medical evaluation. He understood the dog had bitten its handler and caused a severe injury. They wanted to determine if there was a medical reason for this aggressive behavior. He completed a physical exam of the dog to decide if "pain" due to injury was the cause. When dogs are in chronic pain, it can trigger this behavior. He examined the neck for nerve pain, a common area for injury due to the pulling or yanking on the collar. There were no issues found. The dog's physical exam was normal. He then wanted to determine if a brain issue caused the behavior. An MRI was completed, and it was determined to be normal. With no physical or neurological problems found from his evaluation, he concluded it was likely an acquired behavior disorder. He explained that he is not an expert in canine behavior, but Belgian Malinois, like other types of service dogs, is designed or bred to be aggressive by nature, which is why they can be good at what they do. With that said, sometimes he has learned the dog's behavior can be triggered or redirected toward something else, causing unwanted aggression. This can be triggered by the handler or a genetic disposition of the dog toward aggression under certain conditions.

On 11/21/24, I drafted subpoena requests for business records related to K9 Mizo/Hawk that were sent to the County Attorney's Office for approval pertaining to D-M Vet Clinic, Tucson Veterinary Specialists, All Phase K9 Tactical, and KnightWatch K9.

On 11/22/24 at 10:19 a.m., I met with Tombstone Marshal Jim Adams about obtaining a copy of a surveillance video that captured audio of the incident between Deputy Coby and K9 Hawk. Since Marshal Adams and I were unfamiliar with finding and copying the audio-visual computer file for the surveillance camera, I used my department-issued body-worn camera to record the footage. The surveillance camera was from the lobby by the main entrance to the Marshal's Office at the staircase leading to the second floor. The video footage did not capture anything visual of the incident with K9 Hawk and Deputy Coby, but it did record the audio of their confrontation. I listened to the audio and could hear Deputy Coby shout or say his release command "out" to the dog numerous times. The dog could be heard seemingly being aggressive, giving the impression of tugging on something. You can hear the gunshot. Marshal Adams had noted times on

COCHISE COUNTY
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Office Report for Incident 24-36817

Page 43 of 61

the video when things were heard. I took a photo of the note. Marshal Adams also gave me Deputy Coby's shirts, which he had worn the night of the incident.

The BWC recording and photo were later uploaded to Evidence.com for this case report number. I took pictures of the shirts and submitted them to evidence at our Sierra Vista substation.

On 11/22/24, I had a brief conversation with BP Supervisory Agent Karl Tyler, and he directed me to send him an email requesting the records related to K9 Mizo. He had spoken to their lawyers, who asked for the email to prepare the documents for release.

On 11/22/24 at 4:02 p.m., I received an email from Constance Baker with several attachments related to the handler course and the letter signed by Deputy Coby. The email stated the following, quoted:

"Here are the documents you requested. The certificate of completion of the course is with Coby. The NNDDA Certification booklet is with Coby. These last two items you would have to get from him. We were so busy, I had asked him to hang out so I could sign his cert. I do not remember if I was able to sign it, or if he took off. He was on duty that night. I later saw him at the circle k gas station, when I went to get fuel and head off duty. I forgot at that time to ask if I had signed it. It was a very busy night. We had 4 new dogs certify, and 4 dogs re certify. We then did a little ceremony where the Marshal walked up to each handler and their K9 and presented their certificates, and they took videos and photos of the K9s. We had all 8 K9s in the same room with the handlers doing videos/photos. Again, it was a very busy night and the two documents are with him."

The documents this email forwarded to me from Baker were attached to the Spillman case file.

On 12/03/24 at 11:25 a.m., I received an email from BP Agent Tyler which stated the following, quoted:

"Apologies for the delay. I have attached K9 Mizo's original rabies certificate, the Serious Incident Report (SIR) pertaining to K9 Mizo's bite of his handler, and the receipt agreement that was sent to Alicia Via when she adopted K9 Mizo. Handlers here go through a 7-week course to become certified in narcotics detection handling. The canine has already gone through a 5-week course where they are trained on the detection of the odors of narcotics. Basically, the dog has been through a 12-week narcotics detection course by the time they are certified in El Paso and sent off to the field across the country."

The received documents were attached to the Spillman case file.
This concludes my involvement with the investigation of this case.

ATTACHMENTS:

Evidence.com	Screenshot of K9 vendor, All phase k9 tactical.
Evidence.com	Audio recording of a phone call with BP SOS Karl Tyler.
Evidence.com	Audio recording of a phone call with Alicia Via.
Evidence.com	TMO list of timestamps for surveillance footage.
Evidence.com	TMO surveillance footage of lobby camera recording.
Evidence.com	(17) photos of TMO Coby's uniform shirts.
Spillman case file	TMO citizen letter.
Spillman case file	ACC business search printout, KnightWatch K9,

01/29/25

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Office Report for Incident 24-36817

Page 44 of 61

LLC
Spillman case file Email from Constance Baker with documents attached.
Spillman case file K9 Contract signed by Coby.
Spillman case file Screenshot handler course text messages, 1 through 4.
Spillman case file K9 course slide presentation.
Spillman case file K9 handler course training locations.
Spillman case file GJ2024-0397 Tucson Veterinary Specialists Subpoena.
Spillman case file GJ2024-0398 D-M Vet Clinic Subpoena.
Spillman case file GJ2024-0401 Knighwatch K9 Subpoena.
Spillman case file GJ2024-0402 All Phase K9 Tactical Subpoena
Spillman case file Mizo Rabies Certificate
Spillman case file BP K9 Mizo incident report
Spillman case file K9 Mizo receipt agreement

Report generated by: JS 1836

Reviewed by: Sgt. Borquez #0622 Thu Dec 12 08:31:18 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #18
Detective Luna #2119
Date: 12/11/2024
Date of Interview: 12/06/2024

Narrative:

On 12/06/2024 at approximately 1330 hours, I met with Constance Baker at the Tombstone Marshal's Office for a follow up interview. Sierra Vista Police Department Detective Thomas Ransford was also present for the interview. Constance is a part-time Deputy Marshal/K9 Handler for the Tombstone Marshal's Office. She is also the owner of Knight Watch K9; The vendor providing the canines to the Tombstone Marshal's Office K9 Program.

I began by informing Constance the purpose for re-interviewing her was due to new information that required follow up questions. I also advised her I would initiate a video recording using my Axon body worn camera. Constance understood and was willing to speak with me. I began by asking if Constance possessed any documentation/records for Hawk. Constance explained on 07/23/2024 she began communicating with Alicia Via about Hawk (canine). She stated she was sent two videos of Hawk and observed he appeared to be a good looking dog. She estimated to have obtained ownership of Hawk some time during August.

Constance explained she asks several questions about canine prospects to ensure it is a good fit for her program. Constance informed me one of her requirements before accepting a canine into the Knight Watch K9 kennels include sociableness. Constance explained she was familiar with Alicia Via and obtained approximately seven dogs from her in the past year to include both service and working dogs. Constance explained Hawk was a single purpose canine and was imprinted on heroin. Regardless of a canine's background, Constance explained she starts training all dogs from "Zero" and works her way up.

Constance informed me she was initially under the impression that Hawk was a former United States Border Patrol-owned canine that was unsuccessful at completing their training program. She explained it was common for some canines to fail in the program. When confirming she knew Hawk was a USBP kickback, Constance stated that was her initial impression, but it wasn't until after the incident (Hawk's death) that the information was confirmed.

I inquired if Alicia provided Constance with any of Hawk's training records. She denied and commented Alicia was usually good about providing vaccination records. Constance explained she did not receive any documentation related to Hawk until after the incident (Hawk's death). After the incident is when Alicia provided Constance with the rabies vaccination record. Constance attributed the delayed receipt to their busy schedules. Constance followed up by explaining when she receives a new canine, she conducts her own assessments.

Furthermore, she informed me when she obtains a new canine there isn't a sophisticated transfer of ownership. Dependent on the canine, she often time will only receive a vaccination record, pedigree, passport, or combination of the three.

When asked, Constance stated she does not maintain training records for the canines she trained. When asked specifically about Hawk's training records, she stated she did not maintain training records for him either. She informed me she relies on her memory to recall what training the canines have received and will pick up where she left off.

Detective Ransford asked Constance if daily training records existed for John Coby documenting what he was trained on, his proficiency, and improvements needed throughout the canine handler course. Constance began her answer by explaining the TMO Marshal and Sgt. Garcia inquired if John needed to attend the canine handler course. Constance said she informed them she wanted John to participate in an eighty hour course. She said TMO Marshal and Sgt. Garcia kept asking if John could only certify since he previously attended a canine handler course before his deployment. Constance resisted and stated John needed to attend a minimum of forty hours of the canine handler course. Constance stated this issue stemmed from staffing/patrol coverage concerns. Constance then began to talk about the first day of the canine handler course.

At this point, I noted Constance was not directly answering questions and would spend time elaborating on background information before providing her response. I did not perceive this as an attempt to avoid answering questions but more so as a need to provide background information she felt was important for me to understand before providing a response.

I continued to let Constance elaborate until she paused and asked if I wanted to hear about the canine handler course. I confirmed and asked Constance to tell me what the canine handler course entailed, how John performed, and how Hawk performed.

Constance began by explaining John originally handled a canine named Dayak. The following information will be summarized as it is not entirely relevant to the investigation. For details, refer to the video recording. John's original canine was a high drive dog which was assigned to a different handler after John deployed overseas. Upon his return, John resumed his position as a Deputy Marshal and Canine Handler. Constance wanted to give John a dog that was similar to Dayak which was why she assigned him Caine. When Constance introduced John to

COCHISE COUNTY
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Office Report for Incident 24-36817

Page 46 of 61

Caine (canine), she noticed John did not seem comfortable with Caine. John attempted to return Caine, but Constance invited him to attend canine training in order to establish comfort with Caine. At the training, Constance stated John was yanking and cranking of Caine's leash as well as shouting commands at Caine. She believed his behavior toward Caine resulted in a redirect. Essentially, Caine turned around and nipped John once on either thigh. Caine was subsequently removed from John's possession. Constance stated maybe she overestimated John's ability as a handler which is when she decided to assign Hawk as John's canine.

She described Hawk as a social canine and determined he was a good canine after her evaluation. Constance said after she evaluated Hawk for bite work, she determined he had not been trained on bite work. Her reason was because Hawk did not seem to recognize or engage with the bite sleeve or bite pillows when she presented them. She noted Hawk was toy driven.

Detective Ransford inquired about the approximate amount of time it takes to train a canine for bite work. She estimated six months. He asked about the approximated amount of time it takes to train a canine for scent work (narcotics). Depending on the canine, she estimated six weeks to three months. When asked, she confirmed the training lasted for a couple of hours every day.

Detective Ransford then asked how long it takes to train a canine handler for bite work. Constance explained one would need to take into consideration the training itself. Constance said an eight week canine handler training course will typically include imprinting the canine (onto a scent) or teaching the canine bite work. Constance explained she trains a canine to the point it is ready to certify and then assigns it to a handler. Constance stated she is able to accommodate a forty hour course because the canines are already prepared for certification. The canine handler becomes responsible for understanding the way the assigned canine detects, alerts, behaves, etc. She stated her canine handler courses focus on specific training topics. She stated there was an eighty hour narcotics course, eighty hour tracking course, and a four week patrol course (bite work). Detective Ransford summarized his understanding that Constance trained Hawk from August through October in detection work and was ready to be assigned to a handler; Constance agreed.

Constance detailed the days John attended the K9 Handler Course. Starting with Saturday morning (11/09/2024), Constance stated she presented the PowerPoint slide show and emphasized treating the dogs as working dogs and not pets. While they were at the Tombstone High School field, she individually introduced each canine to their respective handler. She went over toy preference, equal value toys, leash work, types of leashes, equipment, importance of having a routine with the canine, exercising canines, and designated potty areas. She stated each handler had an opportunity to interact with their canine on the field. She recalled the canine handlers ran the canines on odor using sniff boxes and practiced a couple of room searches. She commented the canines knew what to do and the practice was intended for the canine handler to feel comfortable with their canine. Constance stated Hawk was social around everyone. She noted John would "Out" the dog, pull him back, and remove toys from Hawk without a negative response. She said John did really well with Hawk and he liked him. She remembered John told her compared to the previous canine handler course, he was actually having fun this time and enjoyed Hawk.

On Sunday morning (11/10/2024) Constance stated she asked each handler how their canine did during the night. John reported Hawk did good, they watched television together, and he took Hawk for a walk. Constance informed me she did not like that John took Hawk for a walk because it gives the canine

COCHISE COUNTY
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Office Report for Incident 24-36817

Page 47 of 61

opportunities to self-satisfy which is something she tries to limit as it can eventually affect training. She stated on Sunday they practiced room searches to build comfort and outing/rewarding canines properly.

On Monday morning (11/11/2024) Constance stated she asked each handler how their canine did during the night. Constance stated John inquired about bathing Hawk. Constance informed me the canine did not need a bath because it is a working canine.

On Tuesday (11/12/2024) Constance gave the canines and canine handlers a break in order to simulate a day off. The purpose of the break was to give the handlers an understanding of how the canine behaves on a day off and teach the importance of maintaining a routine with the canine to exhaust its energy.

On Wednesday (11/13/2024) Constance stated she asked each handler how their canine did during the simulated day off. John told Constance Hawk did awesome and stated he and his wife bathed Hawk. Constance became irritated and told me this bothered her because placing a canine in a confined space and introducing a new person was not a good idea as it posed a safety risk. Constance said John said Hawk was cool and chill. Constance felt this was very inappropriate to do. Furthermore, she learned Hawk slept in John's bed. Constance stated this also upset her because Hawk wasn't a pet. I asked Constance if she addressed her concerns with John; She confirmed and stated John knew she was upset. Furthermore, Constance explained alpha dogs may take the opportunity to assert dominance in those situations. When asked, Constance stated she advised during the PowerPoint to not treat the canine like a pet. Constance continued to say although she trusted Hawk, it still wasn't something John should do.

Furthermore, Constance stated while at the Tombstone City Yard, John had a white cloth applied to his arm. Constance said John told her when Hawk went to grab his toy he snagged John's arm instead. Constance told John to tell Sergeant Garcia. She recalled John declined because he did not want Hawk to be taken away. During their training day they searched vehicles and practiced a mock certification. Constance recalled Hawk practiced off leash while two or three people were in the room. Constance recalled Hawk found a soccer ball and bit on the ball. Constance told John to out his dog but the dog would not do it. Constance then showed John how to manually release the bite. She inserted her finger in Hawk's mouth to press down on what she referred to as a "Button" in the back of Hawk's jaw. She stated she kept pressing but Hawk would not release his bite. She stated she eventually used a handcuff key instead of her finger to successfully release the bite. She stated she had no issues with Hawk's reaction and informed us that was the first time John had learned about manual outing. There were no issues the remainder of the night.

On Thursday (11/14/2024) Constance stated she asked each handler how their canine did during the night. John said Hawk did great. Constance stated they practiced vehicle and area searches at the Cochise County Fleet Yard in Bisbee. Aside from John playing a game on his phone in between canine runs, John and Hawk did great.

On Friday (11/15/2024) and Saturday (11/16/2024) Constance said John did not attend training due to military drills. On Sunday (11/17/2024) Constance stated she asked each handler how their canine did during the night. Constance said John told her Hawk did amazing. John informed her his mother-in-law took care of Hawk. Furthermore, John informed Constance he introduced Hawk to his pet dog. Constance informed me this upset her because Hawk was an in-tact male canine who may try to assert dominance against another dog. Constance recalled being upset

COCHISE COUNTY
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Office Report for Incident 24-36817

Page 48 of 61

and asking John what was his plan if the two canines would have engaged in a fight. She stated John said the canines were fine and stated they napped together.

Monday (11/18/2024) was NNDDA certification day. Constance stated National Narcotic Detector Dog Association out of Phoenix, Arizona, sent a certifying official to conduct the certification testing. Constance could not remember the certifying official's name but recalled he was a United States Border Patrol agent. Detective Ransford asked Constance if the certifying agent was paid. She denied and stated there is a membership fee but the certifying agent does not get paid for by Tombstone Marshal's Office.

Constance explained the NNDDA certification testing consisted of four detection tests for heroin, methamphetamine, cocaine, and fentanyl. Regarding John and Hawk's fentanyl test, Constance indicated there was a problem with the fentanyl test because of a previous odor in the room. They allowed John to retest because it was unfair. The fentanyl test was conducted in a new room. Detective Ransford inquired if there was a checklist. Constance stated the canine handler is provided with an NNDDA booklet which the certifying official uses to record the time, date, and odors tested on. Constance does not have custody these records and stated John should have his own records.

Additionally, Constance clarified John obtained fifty out of the eighty hours during the days he attended canine handler training. She estimated each day was consisted of about eight to nine hours of training.

When asked, Constance stated the November canine handler course did not contain obedience training. She also denied teaching obedience training during the first canine handler course John attended. Constance explained the canine knows to sit and listen. Since the canine course is focused on scent detection of narcotics, Constance stated a handler just needs to be able to control his or her canine. She informed me the obedience training is taught during follow up training courses and weekly four hour maintenance training. Furthermore, Constance stated if Hawk had obedience issues, she would have pulled John and Hawk aside to work on obedience.

I asked Constance if she taught the handlers how to handle an aggressive canine or a canine bite. Constance responded she taught the handlers to carry a toy for redirects and to freeze if bitten. She believed Deputy Marshal Sharp may have told John to stand still and follow up with a command after John was nipped twice by Caine. Constance remembered talking about it in front of the handlers because a canine assigned to the Maricopa Police Department canine handler experienced redirects from his canine, Mahai. It should be noted, a redirect refers to a canine redirecting his/her energy, frustration, or response in the form of a nip toward the canine handler. Constance attributed the redirects to Mahai being young, high drive, dual purpose, and frustrated. Constance noted she did one on one obedience training with Mahai and the MPD canine handler. I asked Constance to confirm my understanding that the topic of how to handle a bite was addressed to John when Caine nipped him and when Mahai was redirecting. Constance agreed and said she recalled the conversation occurred.

Furthermore, I told Constance I understood NNDDA provided three of the training aid devices for the certification testing (heroin, methamphetamine, and cocaine). Constance confirmed and informed me she provided the fentanyl training aid device. She noted the training aid device is comprised of a jar with a secure top and the safest tool to use for training. Even if submerged

underwater, the water would not penetrate into the jar. Constance obtained the fentanyl pills from evidence after receipt of the Department of Public Safety lab report. In accordance with NNDDA standards, two TADs were used during the certification; One contained 10 pills and the other contained 20-28 pills. As it was previously mentioned, John and Hawk were allowed to retest for the fentanyl test because there was a stronger odor present in the testing room from a previous test. To resolve the issue, Constance reset the fentanyl test in a different room. Having this in mind, I inquired if any alterations were made to the fentanyl TAD after the change was made. Constance denied and stated no alterations were made to the TAD or the amount of fentanyl contained in the TAD. Constance explained to me there was no way to manipulate the TAD lid to make the odor stronger. At the conclusion of the interview, Constance showed me the TAD which contained fentanyl pills. I photographed the TAD and uploaded the photos to Evidence.com. I observed the TAD appeared to be a secure device with no way to access the contents inside unless you unscrewed the lid or shattered the container.

I asked Constance if she ever saw John treating Hawk in a negative manner. She denied ever seeing him mistreat Hawk and stated Hawk was a good dog. Constance commented Hawk would lick John on the face and John would pet and hug Hawk. Constance stated she did not like these habits because if a canine became comfortable with a behavior during a calm state, the canine might overreact during a high drive state. For example licking a face during a calm state could turn into a bite on the face during a high drive state. Nonetheless, Constance stated they seemed to have a good connections, they were a good pair, and she wasn't going to take away Hawk because she knew Hawk was a safe canine. She never saw any concern in the dog and commented it was hard for her to believe Hawk bit John. When asked, Constance stated Hawk did not require a lot of discipline and did not require a training collar.

I then asked Constance after witnessing John go through two forty hour canine handler courses and observing him handle Dayak, Caine, and Hawk, did she feel comfortable with him as a handler. Constance confirmed she was comfortable with him because she felt he connected well with Hawk.

Additionally, Constance stated Hawk alerted passively but would get excited and paw/nose at the find. When asked, Constance confirmed the way John handled Hawk at home was not ideal but it did not warrant removal of the canine. She noted it was not detrimental to the training and would not necessarily cause a bite. Constance was frustrated with trying to get the canine handlers to understand that a canine is not a pet, it is a working canine and a tool.

I inquired if Constance knew whether there were significant behavioral changes in canines who experience a change in their sleep schedule and work schedule. Constance stated she was unsure and recommended I ask a veterinarian. During her training and experience, she reported she never noticed a change in shift work affect the behavior of her canine.

I inquired if there was a possibility that Hawk had any direct exposure to any drugs during training and certification testing. Constance stated she did not witness anything as a trainer that would cause concern. She informed me the training aids were put in areas the canines could not access.

When directly asked if she trained canine handlers on what to do if they were attacked by their canine, she denied. She stated she does not train for how to handle an attack because she does not expect the canines to attack the handlers.

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Office Report for Incident 24-36817

Page 50 of 61

Constance informed me after the incident she called Alicia Via to find out more information about Hawk. She learned from Alicia that Hawk previously tagged someone over a toy. It should be noted, Constance refers to a nip or minor bite as being tagged. Additionally, she wanted to know more information after Detective Spezzanno said the rabies vaccination document was an Army document. She said this left her wondering if the canine was an Army canine.

Detective Ransford asked Constance how much she paid for the canine. Constance stated she would not pay Alicia for the canine until she herself was paid. Constance said there was not a set price but she hoped to pay \$2,500.00.

During the call with Alicia, she learned Alicia signed a non-disclosure form with United States Border Patrol. I asked Constance if she ever questioned why Alicia did not tell her about the "Tag" before giving her the canine. Constance said learning about the tag was not a big deal to her because it is not the same as an attack. Constance also said if she was told about it before receiving the canine, she must not have processed it.

Furthermore, I asked Constance who redacted the ownership information listed on the rabies vaccination form. Constance stated Alicia redacted the information. Constance stated she respected the privacy and Alicia's decision to leave out that information. She explained she believed Alicia withheld the information because she did not want Constance to get future canines directly from her source. Constance also reasoned she felt comfortable accepting Hawk because if he was kicked out of the Border Patrol program for an attack, Hawk would have been euthanized. Constance commented she trusted her vendors and further stated she did not know where Hawk was sourced from before it was obtained by United States Border Patrol.

Lastly I asked Constance why were there no physical contracts in place. Constance explained TMO Marshal approached her and asked her to assist him with building a canine program. She said she wanted to help the department in good faith but also realized she needed to be stricter with her agreements because she has not been paid for some of the canines.

Before concluding the interview, Constance informed me the only document/record she had for Hawk was the rabies vaccination form which has already been received and attached to this report. Constance stated she would look for three videos of Hawk and provide them to me as soon as she located them.

Prior to departing, she suggested I speak with TMO Deputy Marshal Tim Defoor who said he saw John punch Caine on the head. This information was not deemed pertinent to this investigation because the scope of my investigation surrounds the interactions between John Coby and Hawk.

The Axon body worn camera video recording capturing the interview was uploaded to Evidence.com. The photos of the fentanyl training aid device used for testing were uploaded to Evidence.com.

Report generated by:
Detective Luna #2119
Wed Dec 18 14:57:30 -07:00 2024

Sgt. Borquez #0622 Wed Dec 18 16:49:56 -07:00 2024

Supplement

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SPECIAL OPERATIONS DIVISION

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Office Report for Incident 24-36817

Page 51 of 61

MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #19
Detective Luna #2119
Date of Report: 12/18/2024

Narrative:

On 12/17/2024, Detective Spezzano forwarded me two e-mails containing the information which was subpoenaed from D-M Veterinary Clinic and Got Your Six K9 Rescue. It should be noted, Hawk's former name was Mizo.

D-M Veterinary Clinic provided three documents: Three pages of Laboratory Results for Mizo (Hawk), one page of Immunization Records for Mizo (Hawk), and eight pages of Medical Notes for Mizo (Hawk).

I noticed the documents contained the correct microchip identifier which confirmed the records belonged to Hawk. After reviewing the documents, there was nothing of concern. The documents received were attached to the report.

Got Your Six K9 Rescue provided twelve screenshots of text conversations and photos. Two of the screenshots were photos of Hawk. Three of the screenshots documented a text message conversation between a contact named "Robert BP" and Alicia Via. The conversations took place on 07/11/2024 and 07/25/2024. Alicia text "Robert BP" that Mizo was a great dog, requested his vaccination records, and requested additional canines. Seven of the screenshots documented a text message conversation between a contact named "Kari BP" and Alicia Via. The conversations took place on 07/11/2024, 07/25/2024, and 11/09/2024. Throughout the conversation, Alicia requested medical records for Mizo, inquired about valley fever, and held a brief discussion about Mizo being a good dog. One text message that peaked my interest was a message from Alicia which read, "Thank you so far he is a good boy let's hope he stays that way." This indicated to me there was a conversation about a prior issue with Mizo which may have been referenced in the message. The issue was not documented in the text message exchange. Additionally, there was another message from Alicia which read, "We had a lot of work with mizo and he just went to a department today let me see if I can send you a video he is a great dog." The still frame of the video was seen in the text message conversation and it appeared John Coby was with Hawk/Mizo at a field. I uploaded all screenshot photos to Evidence.com.

Along with the photos, Alicia Via authored an e-mail response. The response has been copied and pasted into this report. The grammatical and punctuation errors have not been corrected because this was how the statement was received. The e-mail will be attached to the report.

"This is in regards to K9 Officer Hawk my name is Alicia via and I am affiliated with got your six K9 Rescue we received the K9 in question approximately July 11th , when I was asked to take the dog , I was told he had bit the Handler at home as Handler went into the dogs kennel picking up water bowls and Kong turning around walking away dog grab Handler by Elbow (after evaluating the dog I believe the dog was trying to go for his toy at that time and a mistake was made). I asked questions as this seemed like a questionable action to me, he said it was enough to send him to the hospital . Some people think any bite is enough for someone to go to the hospital so I said I would take the dog and I did I received the dog and when the dog arrived I did a few tests I walked to the dog I taking the dog into the office by his leash I took the leash off the dog told the dog to go in a crate he did not want to crate I pulled him into the

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Office Report for Incident 24-36817

Page 52 of 61

crate no problems at all then I pulled him out of the crate no problems at all then I asked him to go back into the crate he did not comply so this particular crate is on wheels and this was in my office area of the kennel I pushed the crate into his chest backing him into a corner giving him no choice other than to go into the crate all with the Handler that transported him stood by and watched as I asked him to I needed to test the dog to make sure he was safe as I have volunteers at this rescue that handled dogs. Following day I spent the day playing with the dog no pressure no training actually took four or five days the first week we just played took walks the second week I really like the dog wanted to see if I could make him a dual purpose k9 this type of training was not something that he seemed to have drive to do he was not interested in biting the pillow or chasing the tug he actually would back down turning his head from a forward approach with the bite pillow and was a very calm dog I was looking for something different from him and thought I would try him out as I came to the conclusion that he was not going to be what I wanted I reached out to KnightWatch-K9 offered them the opportunity to provide him a job cuz I believed him to be a very good dog he was okay with everyone touching him putting him in his crate taking him out of his crate putting food in his crate or kennel taking his bowls away from him even people that came in the front gate that he had never seen he would greet them by jumping on them he had a flat collar and chain on neck never had a problem with him at all never had him come back on a leash at anyone I just did not see any thing that alerted me that this dog had any aggression in him whatsoever with that being said, I do believe the training methods sometimes used by CBP should be structured differently also I'm going to state that the fact of the Handler was paired to a different dog before Hawk that also has never bit anyone and did bite that Officer, i also do not think this Officer should be given a nother k9 he took Hawk home and slept with a working dog in his bed let his children give the dog a bath .This all done before established any kind of structure all bad sign he does not know right from wrong the K9 is not a pet it is a working dog that needs boundaries , structure to be established and I believe were not . I was told that some testing was done at the vet for this dog as they saw something on his neck they tested him for Valley fever and it came back negative , that there was no medicine given. I just have to say I truly like this dog he was just to soft for me i can not believe there is not more to the story I have been told , as I belive happening alot with dogs in programs like the one he came from I think the program and training facilities should be structured differently and more training and time given I see where new handlers think the dog should know things they have never been shown we do not teach detection dog Obedience and that Handler in a video i saw the Handler kept telling the dog to sit , sit ,sit , number one never tell a dog more then once to do something, I believe he was moving to fast with this dog and we will never know the truth of what went on in the room to make Hawk feel the need to do if he did do it in the way it was said to be done .I am saddened by the fear he must have felt in the moments before being shot to death instead of tased .I would like to add he was a good boy in am very upset over this and can not believe this happened, still in disbelief. So with this email being sent i do not need to show up ?"

Additionally, I received an e-mail response from Jeff Rumsley on 12/16/2024. He provided me with two memorandums, one of which answered four questions I asked him and one which documented his training and experience as a canine handler and trainer. The e-mail will be attached to the report along with both memorandums.

For context, Jeff Rumsley is a canine handler and trainer for the Tucson Police Department. He has a plethora of canine handler training as well as experience instructing canine handlers and selecting and training canines for different disciplines. He was selected as an outside expert resource in the event I needed

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Office Report for Incident 24-36817

Page 53 of 61

to ask a canine handler/trainer questions regarding canines and canine handlers. It should be noted before I interviewed John Coby, Jeff also assisted me with formulating questions pertinent to John's training with Hawk.

The four questions I asked Jeff Rumsley are as follows:

1. In your opinion, does the PowerPoint presentation contain sufficient learning material for a new K9 Handler?
2. Does the PowerPoint contain information about handling an aggressive K9, bites from a K9, or a K9 turning on its Handler?
3. It is my understanding that this K9 Handler course was supposed to be 80 hours but was condensed to 40 hours. What is your opinion on the appropriate number of hours for a K9 Handler course?
4. Lastly, given your training and experience, what information is supposed to be provided during a K9 Handler's course for beginner handlers?

To summarize his response, Jeff stated the Powerpoint alone was inadequate information for a new or even somewhat experienced K9 handler. He noted it lacked information regarding bonding with the K9, dealing with behavior issues and case law applicable to skills they were learning. He did not observe any information on how to deal with aggressive canines, unwarranted bites or bite removal. Additionally, he informed me a week of training is inadequate because the canine and handler have just started to bond, the handler has not had time to learn the dog's strengths/weaknesses, and it is not long enough to train desirable behavior and fix/mitigate issues in the dog's behavior (aggression, environmental, and reward retrieval issues).

Report generated by:
Detective Luna #2119

Sgt. Borquez #0622 Mon Dec 23 04:57:08 -07:00 2024
Thu Dec 19 09:54:00 -07:00 2024

Supplement

CCSO
DR# 24-36817
Assist TMO
Supplement #20
CST K Kessler # 1525
INVESTIGATIONS DIVISION

DISTRIBUTION:
CCSO Records, Bisbee

DATE OF ORIGINAL REPORT: 11/19/2024

DATE OF THIS REPORT: 12/19/2024

EVIDENCE:

2119-1 (1) 9 mm shell casing
2119-2 (1) Brown 5.11 boot size 11 men's containing bite marks and blood
2119-3 (1) Black Glock 17 GEN4 SN# AHAS762
2119-3a Live round from chamber
2119-3b Black 9 mm Glock magazine

01/29/25

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Office Report for Incident 24-36817

Page 54 of 61

2119-3c (15) live rounds

2119-4 (1) Black and grey North Edge Apache wristwatch with possible bite marks on glass

2119-5 (1) Black "AND 1" sock torn

2119-6 (1) Brown 5.11 boot size 11 men's containing blood smear

PERSON MENTIONED:

Detective Sgt. Borquez

Deputy Gerow

Detective Luna

NARRATIVE:

On 11/19/2024, I was contacted by Detective Sgt. Borquez at approximately 0545 hours and asked to respond to an officer involved shooting at Tombstone Marshal's Office where the officer shot his K9 partner due to being attacked.

I arrived on scene at approximately 0720 hours and was walked through the scene by Detective Sgt. Borquez. Before entry photographs, I assisted Deputy Gerow with the Leica 360 scans. Once all scans were completed, I took entry photographs.

The K9 was then carried in it's kennel to the parking lot to take better photographs. Once outside the top was removed and photographs were taken of the K9 and the entry wound to the top of the K9's head. The K9 was bagged and transported for Necropsy.

Evidence was then marked with a number placard, photographed, inventoried, packaged, and transported to detective's evidence room.

Photographs of the bullet hole in the door was taken without and with a ruler along with the gun powder/stippling. Blood spatter on the fridge and desk in the break room were photographed.

Items 2119-1, 2119-2, and 2119-5 were all located in the break room. Items 2119-3 through 2119-4 were located in the Sgt. Garcia's office. Item 2119-6 was located in Sgt. Garcia's vehicle. It should be noted Detective Luna and I both looked over the deputy's vest and work belt for any signs of dog bites or blood with negative results. We did take the watch as it appeared to have bite marks on the face of the watch.

Exit photographs were taken.

I cleared the scene at approximately 0935 hours. All evidence was placed into the evidence room at approximately 1215 hours.

At approximately 1305 hours items 2119-1, 2119-3, 2119-3B, and 2119-3C were transported to Bisbee Main evidence room so they could be transported to the lab. A Non-DPS Agency Request for Scientific Examination form so the evidence could be taken up to Tucson lab.

All photographs were downloaded into evidence.com. All evidence was entered into Spillman.

STATUS: ACT

ATTACHMENTS:

1. Non-DPS Agency Request for Scientific Examination

Video: No

IMAGES: 178

AUDIO: No

Report generated by:

CSI K Kessler #1525

CCSO Investigations Division

Date/Time Thu Dec 19 14:15:00 -07:00 2024

Reviewed by:

Sgt. Borquez #0622 Mon Dec 23 04:58:06 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE

SPECIAL OPERATIONS DIVISION

MAJOR CRIMES UNIT

Report# 24-36817

Supplemental Report #21

Detective Luna #2119

Date of Report: 12/26/2024

Narrative:

On 12/26/2024 at approximately 1129 hours, Constance Baker sent me an e-mail containing the following statement. The e-mail will be attached to the report.

"Hi,

I wanted to let you know that there are actually two separate audio recordings down stairs. There is another one from under the stairwell at the front of the building (not the side entrance). The first recording is muffled, and the second recording has better audio. The first recording is near dispatch and the second directly under the stairs facing Freemont st.

I would recommend having your K9 expert listen to the video. In it you hear Hawk barking in prey, you hear a door shut, and more barking. There is a huge difference in a prey bark versus forward aggression. It may help in understanding a little more of step by step what may have taken place. I am also finishing up writing up all the information that I have on K9 Hawk from the day I received him to present.

I think it is important just like a domestic violence case, how he treated his previous K9s. It shows a pattern. Dep. Defoor stated he told him that he had punched K9 Kaine in the head. Deputy Doreo stated he was heavy handed and showed a lot of frustration with his first K9 Dayak. I do not think it is a full investigation without this information and interviews. K9 Hawk was a very soft dog and did not even need a training collar. He was handled by three of my kennel techs who had to go into his kennel, scoop his poop, feed him and take his bowl away daily. This dog showed zero aggression at my facility.

It should be noted that John, as I stated in the interview Hawk's mouth came into contact with John's left forearm arm during the handler course, while Hawk was playing with John with his toy. It left a puncture mark. I was told this is the same arm he stated he was bit on during the incident. My question is, are there two marks since they happened so close together?

Constance Baker"

Although I understand Constance's point, the canine's bark is not relevant to investigating the justification of the use of force. The sound of the canine's bark while biting John Coby does not defeat the fact that the canine bit without a sign of release. Additionally, if the bark was indicative of a certain response, it poses the question of whether John Coby was properly trained to recognize what the different barks meant.

The allegations of John Coby being heavy-handed and aggressive toward canines were never documented nor were the allegations addressed prior to the shooting. After speaking with Constance Baker and confirming she trained John Coby, she stated she did not see issues with him handling Hawk. Furthermore, the issues Constance witnessed between John and Kaine did not prompt her to stop him from being a canine handler. It does not make sense for John Coby to have been allowed to handle three separate canines, let alone certify with two of them if these glaring issues were observed prior to the incident.

Lastly, it is important to note I am not investigating the administrative issues. I am investigating the justification of the use of force John Coby utilized against his canine, Hawk. Due to the lack of documentation and the increasing amount of conflicting information on whether or not John Coby should have handled a canine, I have determined the accusations have no bearing on the investigation and should be addressed administratively.

Report generated by:
Detective Luna #2119
Thu Dec 26 12:08:44 -07:00 2024

Sgt. Borquez #0622 Thu Dec 26 15:33:10 -07:00 2024

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #22
Detective Luna #2119
Date of Report: 12/31/2024

Narrative:

On 12/31/2024, I received the Arizona Department of Public Safety Firearm Examination report. The test results indicated the Glock model 17Gen4 pistol, caliber 9 mm Luger, serial number [REDACTED] was test fired using the submitted magazine and fired normally. They also determined the fired cartridge case which was collected from the scene and submitted for testing was identified as being fired in the submitted pistol. Identification is the strongest level of possible association.

The report was attached to the report.

Report generated by:
Detective Luna #2119
Tue Dec 31 07:49:21 -07:00 2024

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SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

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Office Report for Incident 24-36817

Page 57 of 61

Report# 24-36817
Supplemental Report #23
Detective Luna #2119
Date of Report: 01/03/2025

Narrative:

On 01/03/2025, I received an e-mail containing the laboratory examination report of the general toxicology that was performed on the liver of Hawk. The test yielded a negative result for the presence of drugs, pesticides, or industrial compound residues. The results have been attached to this report. NFI.

Report generated by:
Detective Luna #2119
Fri Jan 03 14:12:43 -07:00 2025

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #24
Detective Luna #2119
Date of Report: 01/07/2025

Narrative:

On 12/31/2024 I received the subpoenaed medical records for Mizo (Hawk) from Tucson Veterinary Specialists. The 13 page document has been attached to the report. After reading the document, I learned Mizo was referred to Tucson Veterinary Specialists by Davis Monthan Air Force Base Veterinary Treatment Facility. It is important to note the following quotes are directly from the Tucson Veterinary Specialists documents. The spelling and grammatical errors were not corrected as I do not want to alter anything documented by the veterinarians.

On 06/12/2024 it was noted Mizo's (Hawk's) reason for the visit was because he recently started attacking the handler. The following was noted: "Did bite him twice in the arm. Both incidents were at handlers home. Handler does have a retired other dog at home. No warnings were given. Did notice does not like neck touches and will not jump up. Can not put color between base of skull and neck. Growls when urinating or defecating." The presenting problem was classified as intermittent aggression episodes.

An MRI exam was conducted on Mizo (Hawk) which initially revealed possible focal osteomyelitis along the right ventral lateral occipital petrosal bone junction. However on 06/20/2024 after a second review, it was determined the MRI scan suggested artifact (machine error) rather than disease. On 06/20/2024 the medical notes indicated, "Discussed NSAID trial while being worked to see if this improves neck sensitivity. A more aggressive approach would be a prednisone trial. If anti-inflammatory medication does not successfully alter his behavior then an acquired behavior disorder/aggression has to be considered."

Furthermore, the additional notes read, "Mizo presented for a history of sudden onset progression attacking his hand later. He has a history of sensitivity with a chill call around his high neck region. His neurologic examination showed

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Office Report for Incident 24-36817

Page 58 of 61

normal function. We discussed several possible causes for symptoms and performed an MRI on his head and neck. The results of his MRI showed a focal area of abnormality at his right petrosal-occipital bone junction. The study was submitted for radiologist review who suggested the above abnormality was an artifact. The current plan is to give Mizo a Carprofen medication trial when he returns to work to see if this alters his neck sensitivity. More aggressive medication trial with prednisone could also be considered. An assumed acquired behavior disorder diagnosis will be given for Mizo if he does not respond to the medications above."

Mizo (Hawk) was prescribed Carprofen and the owner's were instructed to give Mizo (Hawk) 75mg orally once daily when returning to work.

Additionally, the MRI conclusion indicated Mizo (Hawk) had a normal brain and cervical spine. A structural cause for the Mizo's (Hawk's) aggression was not identified. An idiopathic, metabolic, physiologic, or behavioral etiology was assumed.

After receiving this information I made telephonic contact with John Coby on 01/03/2025 to inquire follow up questions. I recorded our conversation using my Axon body worn camera. I asked John Coby if he knew of Hawk to have taken any medication during his time of ownership; he denied. I asked John Coby if he was aware of any medical issues Hawk was diagnosed with; he denied. I asked John Coby if he himself observed Hawk display any concerning health behaviors. He informed me he did not observe any, aside from the first day when he observed Hawk was unable to hold down water and appeared malnourished. I asked John if had Hawk on any diet restrictions; he denied. Furthermore, I asked John if he ever had any issues with putting a collar or leashes on Hawk, he denied and said he hadn't. He stated his experience putting on Hawk's collar or leash was very loving. He said Hawk would put his head against his chest and let John pet him.

Additionally, I asked John if he verbally or physically disciplined Hawk when he observed him drinking water from the toilet; he denied. I asked John if he had a collar in his hand at the time of approaching Hawk in the restroom. John stated Hawk was already wearing a collar however, he had Hawk's leash in his right hand when he approached him. John stated he also had Hawk's orange and white Kong toy in his pocket. This concluded my follow up interview with John Coby. It is my understanding that John Coby was unaware of Hawk's prior veterinary visits, medical issues, and pain reliever prescription.

The video recording was uploaded to Evidence.com.

Report generated by:
Detective Luna #2119
Tue Jan 07 09:12:04 -07:00 2025

Sgt. Borquez 30622 Wed Jan 08 15:18:33 -07:00 2025

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #25
Detective Luna #2119
Date of Report: 01/03/2025

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Office Report for Incident 24-36817

Page 59 of 61

Conclusion of Facts:

On 11/19/2024 at approximately 0500 hours, Tombstone Deputy Marshal John Coby II was attacked by his single purpose detection canine (Hawk) while alone on-duty at the Tombstone Marshal's Office. According to John, the attack from Hawk was unprovoked and out of character. Despite John directing verbal commands at Hawk to release his bite, attempting to redirect Hawk's attention by deploying a toy and creating disinterest in his foot by going limp, Hawk did not release his bite. Additionally, John sprayed a can of air freshener at Hawk's face and used the bathroom door in attempt to squeeze Hawk off of him. These tactics did not cause Hawk to release his bite. After taking into consideration his injuries, unpredictability of the canine, and the potentially hazardous situation that could have been created if additional employees would have entered the facility, John's decision to utilize his department issued firearm to shoot and kill Hawk was justified. His decision was formulated after exhausting all other means of force. John Coby II was justified in using deadly physical force against Hawk as it was immediately necessary to protect himself against Hawk's attack.

The audio recording captured the entirety of the attack and was consistent with what John reported. The initial two seconds of the audio recording capture the sound of three loud barks and two thuds followed by silence for approximately two minutes. Prior to the previous mentioned sound, nothing else was heard. I did not hear John verbally discipline the canine prior to the sound of barking or after the barking. Following the silence, approximately two minutes and fifteen seconds of John verbally commanding Hawk to release his bite can be heard before the sound of a single gunshot is captured. The canine can be heard barking, growling, and grunting non-stop throughout the two minutes and fifteen seconds; This is indicative the canine was engaged in aggressive behavior. Following the gunshot, John Coby gives an additional command for Hawk to release his bite. This indicated even after the fatal shot, Hawk still did not release his bite.

The necropsy of Hawk and the toxicology examination of his liver indicated there were no abnormalities, no parasites, no disease, and no presence of any drugs which would have caused the unusual behavior. The cause of Hawk's attack on John Coby II remains unknown however, there were discoveries that indicate this was not the first time Hawk displayed aggressive behavior toward a handler. Through record requests and subpoenas, records were collected from United States Border Patrol, Tucson Veterinary Specialists, Davis-Monthan Veterinary Clinic, All Phase K9 Tactical/Got Your Six K9 Rescue, and Knight Watch K9. The report from United States Border Patrol indicated Hawk, formerly known as Mizo, attacked his handler on 06/04/2024. The attack resulted in a 6-inch laceration which required hospitalization and surgery. This attack occurred when the handler attempted to remove Hawk's food bowl from his kennel. On 06/12/2024, Hawk was examined at Tucson Veterinary Specialists by Dr. Alcott. On 06/20/2024 Hawk was prescribed a daily dose of 75 mg of Carprofen (anti-inflammatory drug) upon returning to work. The medical notes revealed Hawk was brought in for aggressive behavior and possible neck pain. The handler was unable to put the collar between the base of the skull and neck and had suffered two bites from Hawk. The examinations performed revealed no structural abnormalities, the brain was normal, and the cause for Hawk's aggression was not identified. Although the cause for his aggressive behavior was not quite determined, there were still steps being put in place to try and resolve the issues with possible neck pain.

Despite these medical records existing, it is unclear where the breakdown occurred in relaying this pertinent information during change of ownership. On or around 07/11/2024, it appears Alicia Via from All Phase Tactical/Got Your Six

01/29/25

K9 Rescue obtained custody of Hawk from United States Border Patrol. She signed a USBP receipt agreement which acknowledged Hawk was rejected due to a temperament or medical deficiency. The bottom portion of the agreement indicated Hawk's demeanor had changed in the last few months and had become aggressive toward his handler. Additionally, USBP Agent Tyler informed Detective Spezzano they fully disclosed to Alicia Via the incidents regarding Hawk. Furthermore, the text messages she provided indicated she was aware of Hawk's behavioral issues, but it is not specifically mentioned what exactly she knew. During Detective Spezzano's interview with Alicia Via she attributed possible omissions of Hawk's history to her memory issues caused by a stroke. When asked, Alicia said she probably did not disclose Hawk's bite history to Constance Baker (Knight Watch K9). Her reasoning was because the aggression testing she performed with Hawk did not indicate the canine was a danger. Additionally, she said she was aware of one of Hawk's bites but not both. When I interviewed Constance Baker, she knew about one of Hawk's bites but did not see it as a significant issue because she understood it as a non serious bite or nip. Furthermore, Constance Baker did not collect any medical records, vaccination records, or historical records for Hawk before assigning Hawk to John Coby II. After interviewing John Coby II, it became evident that he was not aware of Hawk's background information, bite history or medical history. It is reasonable to say John Coby II was not adequately provided with the pertinent medical history, behavioral history, or any of Hawk's records to truly understand the canine he would be handling.

It should be noted, John Coby II was certified to handle canines after attending two separate 40-hour canine handler courses. The first one was during the year 2023 and the second course was in November of 2024. Additionally, Hawk was a certified single purpose detection canine. There is nothing that would indicate to me either the handler or canine were not certified.

Additionally, John and Hawk were reported to have good chemistry with one another and there were no issues observed between the pair when it came to how John handled Hawk. John had no ill feelings toward Hawk and reported Hawk was an amazing and friendly canine during training and at home. The citizen complaint about John's treatment of Hawk during training did not indicate animal cruelty or abuse. The accusations of heavy handedness against John's former canines during training were not documented by Tombstone Marshal's Office or brought to the attention of John Coby II prior to the shooting. This indicates to me the heavy handedness was not animal cruelty or abuse, otherwise John would not have been allowed to handle canines. As stated by various canine handlers throughout this investigation, some canines require handlers to assert stronger control over younger and energetic canines. There is nothing in this investigation that indicates to me John was abusive toward Hawk or premeditated his death. There is nothing that indicates John intentionally provoked Hawk to attack him.

This investigation will be submitted to Sierra Vista Police Department Detective Thomas Ransford for review. Subsequently, it will be submitted to the Cochise County Attorney's Office for review and determination if criminal charges are applicable.

Report generated by:
Detective Luna #2119
Tue Jan 07 11:00:10 -07:00 2025

Sgt. Borquez #0622 Wed Jan 08 15:17:30 -07:00 2025

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Office Report for Incident 24-36817

Page 61 of 61

1/8/2025 CST Kessler Officer Involved Shooting

On 1/8/2025 at approximately 0848 hours items# 179004 and 179006 were released back to Tombstone Marshal's Office per Detective Luna's request. Evidence Custodian Lecia Wilkins signed Release of Evidence Property form.

Attachments:

1. Email from Detective Luna
2. Release of Evidence Property form

Supplement

COCHISE COUNTY SHERIFF'S OFFICE
SPECIAL OPERATIONS DIVISION
MAJOR CRIMES UNIT

Report# 24-36817
Supplemental Report #27
Detective Luna #2119
Date of Report: 01/22/2025

On 01/21/2025, I received a memorandum from Sierra Vista Police Department Detective Thomas Ransford. His memorandum concluded the investigation was reviewed and appeared complete and thorough. The memorandum has been attached to the report. I will submit a completed felony packet and submit the case to the Cochise County Attorney's Office for review. NFI.

Report generated:
Detective Luna #2119
Wed Jan 22 10:54:10 -07:00 2025

