Exhibit E

IN THE UNITED STATES DISTRICT COURT

FOR THE STATE OF ARIZONA

Stephen Aiken and Deborah Aiken, Plaintiffs, v. Town of Sahuarita, et al., Defendants.	Case No. 4:24-CV-00199-RCC **AFFIDAVIT OF LIEUTENANT ERIC HEATH**

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

I, Lieutenant Eric Heath, being first duly sworn upon oath, depose and state as follows:

1. I am employed as a Police Officer with the Sahuarita Police Department, badge number SP320.

2. I am a certified peace officer in the State of Arizona, having completed the Arizona Peace Officer Standards and Training (AZ POST) certification process.

3. I have been employed in law enforcement for over 25 years, and I am familiar with our departmental policies.

4. I have personal knowledge of the facts contained in this affidavit based upon my own observations, as well as the review of the supplemental narrative I prepared in this

matter, and my department-issued body-worn camera (BWC) footage taken on April 19, 2023 (Axon Body 3 X6030386B).

5. At the time of this incident, I was employed as a Sergeant with the Sahuarita Police Department. I have been so employed thereafter as a Sergeant and then Lieutenant since then.

6. On April 19, 2023, at approximately 9:18 p.m., while on duty in full uniform and operating a marked patrol vehicle, I was partnered with Lieutenant Zamora, with myself as a sergeant-in-training. We responded together to 1124 W. Golden Meadow Path, Sahuarita, Arizona following a complaint that neighbors were arguing for approximately twenty minutes and that the situation had escalated.

7. Upon arrival at approximately 9:35 p.m., I observed Sergeant Fruge speaking to a male individual, later identified as Steve Aiken, through the glass panel-style window near the front door. Officer Woodrow, who was also on-scene, advised me that the male was a retired police sergeant from Philadelphia and was refusing to open the door or present his wife, who was the suspected victim of the domestic violence call, for a welfare check. Mr. Aiken repeatedly closed the window's inside shutters and positioned himself to block visibility into the home.

8. I instructed Officer Dixon, also on-scene, to re-contact the original reporting party for further details. Officer Dixon advised me of the reporting party's additional information and description of what she heard at the subject residence while walking her dog. That information also included a description of the subject residence having a medical "oxygen" sign on the front; which no other residence in the area appeared to have. This confirmed to me that we were at the correct location.

9. Sergeant Fruge continued to communicate with Mr. Aiken, requesting that he take action allowing us to confirm what was happening, and whether his wife was "okay." As the communication evolved, additional facts developed causing me concern over Mrs. Aiken's welfare and safety, including Mr. Aiken's demeanor and resistance to providing meaningful information about who all was in the residence, his refusal to allow us to confirm

the welfare of his wife who we knew to be in the residence, his verbal and physical actions in preventing police on-scene from properly verifying the safety of all occupants inside the residence, the totality of the reporting party's description of the domestic violence incident, and the concern over Mrs. Aiken and other persons possibly requiring emergency aid. This activity and exchange is contained on my body worn camera footage at video time 13:34 to 15:26 (located at the bottom of the video), and clock time of 21:57:36 to 21:59:28 (at the upper left of the video). The totality of information led me to conclude that the wife, Mrs. Aiken, had likely been the victim of domestic violence or might likely continue to be the victim of domestic violence, and that it was now necessary to discuss her welfare and safety face-to-face with her, and in a setting where she felt free to share with us what had happened, or was happening, outside the presence of Mr. Aiken.

10. Based on my training and experience, it is common for victims of domestic violence to initially deny they have been assaulted, especially when the suspected abuser remains present or in close proximity, which was the case here. It is also common for a potential victim in Deborah Aiken's situation to fear that complaining to police might expose her to likely future harm at the hands of a hostile aggressor, in this case, Mr. Aiken, who would be in a position to retaliate for the domestic violence report once police left the scene.

11. For all of these reasons, Lieutenant Zamora and I determined there were exigent circumstances justifying entry. Under these circumstances, I felt a warrantless entry was reasonable based on exigent circumstances, and a need to provide emergency aid to Mrs. Aiken and any other persons on premises.

12. I advised officers on scene that we were waiting for a breaching tool. The purpose of the breaching tool is to help prevent injury to any officer, including myself, attempting to breach without a tool. I have observed incidents—both during training sessions and in actual calls for service—where officers have sustained injuries while attempting to breach doors without the proper tools. Given this, I advised the officers on scene that we would wait for the arrival of a breaching tool before making entry. The use

of a breaching tool is designed to reduce the risk of injury to all personnel, including myself, and to ensure that the breach is conducted safely and effectively.

13. After Sergeant Oviedo retrieved the breaching RAM from the station, we were able to speak with Deborah Aiken by phone. This activity and exchange with Mrs. Aiken is contained on my body worn camera footage at video time 15:41 to 16:39 (located at the bottom of the video), and clock time of 21:59:44 to 22:00:42 (at the upper left of the video).

14. She later appeared at the door with Mr. Aiken behind her but refused to open the door and speak with us separately despite several requests. This activity and exchange is contained on my body worn camera footage at video time 18:26 to 19:08 (located at the bottom of the video), and clock time of 22:02:28 to 22:03:11 (at the upper left of the video).

15. Both Mr. and Mrs. Aiken were advised that we would force the door if they continued to refuse entry to verify that no one else was in the house, and that no one was injured. They still refused to open the door. This activity and exchange is contained on my body worn camera footage at video time 20:25 to 20:35 (located at the bottom of the video), and clock time of 22:04:27 to 22:04:37 (at the upper left of the video).

16. After displaying the RAM to the Aikens, and at approximately 10:06 p.m., under Lieutenant Zamora's authorization, I used the RAM to breach the door. The door opened inward, accidentally making contact with Mrs. Aiken, who appeared to be out of the way of the door at the time of entry. I entered first, placing myself between Mr. and Mrs. Aiken. This activity and exchange is contained on my body worn camera footage at video time 21:17 to 22:52 (located at the bottom of the video), and clock time of 22:05:19 to 22:06:54 (at the upper left of the video).

17. Officer Woodrow detained Mr. Aiken. Plaintiff Stephen Aiken was temporarily detained for the safety of officers and Plaintiff Deborah Aiken, and to ensure the absence of interference during the ensuing domestic violence investigation, welfare check, and the rendering of any necessary emergency aid.

18. I, along with Sergeant Oviedo and Officer Dixon, looked for others in the residence, and cleared it with no other persons found. During that process, I observed:

a. Broken glass all over the floors, including the main bedroom;

b. Displaced furniture and a rug;

c. A broom and dustpan in the living area;

d. Several firearms and knives throughout the residence; and

e. A red mark resembling dried blood on the main bedroom door.

Officer Dixon photographed the residence. This activity and exchange is contained on my body worn camera footage at video time 22:52 to 29:41 (located at the bottom of the video), and clock time of 22:06:54 to 22:13:43 (at the upper left of the video).

19. Green Valley Fire Department personnel responded to assess Mrs. Aiken, who refused evaluation. Upon an interview conducted separate from Mr. Aiken, Mrs. Aiken stated that their grandson was in the hospital due to a COVID vaccine issue, which had upset Mr. Aiken. As for the glass shards through the house, she explained that Mr. Aiken often breaks glassware due to hand problems. She denied being injured or making any of the statements the reporting party communicated to police that she had heard. She stated that the blood was from Mr. Aiken, but did not know why he was bleeding. Mrs. Aiken pulled up the sleeves of her robe to show us that she was not injured on her arms. I explained to her the concerns that caused us to enter the residence in order to conduct her interview. This activity and exchange is contained on my body worn camera footage at video time 35:10 to 37:44 (located at the bottom of the video), and clock time of 22:19:12 to 22:21:47 (at the upper left of the video).

20. After confirming no one was being held against their will and obtaining the statement from Mrs. Aiken, I provided her with my business card, the case number, and the contact information for Sahuarita Risk Management.

21. Because Mrs. Aiken confirmed, in an interview conducted outside the presence of Mr. Aiken, that she had not been a victim of domestic violence or assault, Plaintiff Stephen Aiken was not arrested or charged, and neither of them were removed from the residence.

/ / /

FURTHER AFFIANT SAYETH NAUGHT.

Executed this 21 day of August, 2025.

Lieutenant Eric Heath
Badge No. SP320
Town of Sahuarita Police Department

SUBSCRIBED AND SOWRN TO before me this 21 day of August, 2025, by Lieutenant Eric Heath.

Notary Public

My Commission Expires
8/10/2026

JENNIFER ELIAS
Notary Public - Arizona
Pima County
Commission # 635186
My Comm. Exp. August 10, 2026