

Office of Internal Oversight Review

KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT Officer-Involved Shooting—3011 E. Desert Inn on November 15, 2010

Purpose:

The purpose of this report is to publish key conclusions, recommendations and outcomes of the Las Vegas Metropolitan Police Department's internal review of this incident. There are a variety of actions that can be taken administratively in response to the Department's review of a deadly force incident. The review may reveal that no action is required or determine that additional training is appropriate for all officers in the workforce, or only for the involved officer(s). The review may reveal the need for changes in departmental policies, procedures, or rules. Where departmental rules have been violated, formal discipline may be appropriate. The goal of the review is to improve both individual and the agency's performance.

Synopsis of Event:

On November 15, 2010, at approximately 0549 hours, Officer Miller was advised of a possible domestic dispute occurring at the corner of Desert Inn and Pecos-McLeod. Officer Miller drove to the area, located Anthony Brenes and a woman standing on the corner, and initiated a person stop on Brenes, who was carrying a large stick. Brenes refused to drop the stick and walked toward Officer Miller, challenging the officer to shoot him. Officer Miller fired his Electronic Control Device (ECD) at Brenes and then backed away as Brenes advanced toward him.

Additional backup officers arrived. Officers Chamberlin and Snodgrass used low lethality force options—specifically the ECD and the low lethality (beanbag) shotgun. The application of these tools did not stop Brenes as he continued to move toward officers. When Brenes closed the distance on Officer Miller, Officer Miller fired one shot from his handgun, striking Brenes—who then collapsed to the ground. Medical responded to the scene and Brenes was pronounced deceased.

For a detailed narrative of the incident, please see the District Attorney's decision, reference Anthony Brenes, Event Number 101115-0722, and the LVMPD Force Investigative Team (FIT) Officer's Report under the same event number.

Outcomes:

The internal review resulted in the following:

1. The Use of Force Review Board determined the officers' actions were in accordance with Department Policy. No policy violations were found.
2. The internal review concluded the officers' performance was in accordance with Department standardized tactics and training.

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3. LVMPD Training units (both *Advanced Officer Skills Training* and *Reality-Based Training*) have since created scenarios similar to this incident to focus training on de-escalation skills, force transitions, and team responses to critical incidents.
4. A learning objective at the LVMPD Firearms Training and Tactics Unit (the firearms range) was enhanced to address this issue of placing a low lethality shotgun on the ground after deploying it.

The Criminal Investigation:

LVMPD FIT conducted the criminal investigation of this incident. Their investigation was submitted to the District Attorney's Office for review. In their examination of the FIT case submission, the District Attorney's Office determined that, "Based on the review of the available materials and the application of Nevada law to the known facts and circumstances surrounding the officer involved shooting death of Decedent, it has been determined that the actions of Officers Miller, Snodgrass and Chamberlin were reasonable and that the ultimate shot fired by Officer Miller was justified to stop the advancement of Decedent and protect both the officers on the scene and those private citizens who had gathered. There is no evidence that the officers acted unlawfully, or with malice aforethought."

Use of Force Review Board:

This matter was heard by the Board on August 09, 2011, and the individual officers who used force were found to be justified and their actions were within the scope of Department policy. The Sheriff approved the Board's recommendation.

Below are recommendations made after the Use of Force Review Board and internal review were completed:

1) Tactics and the Use of Force

After deploying his ECD and firing it at the suspect, Officer Miller transitioned to his firearm. With the suspect moving toward him, Officer Miller began walking backwards to create distance between them. Brenes' weapon was not discernible as a walking stick and it appeared to be a weapon which could inflict both blunt force trauma and puncture wounds.

Officers Chamberlin and Snodgrass arrived, and Brenes repeatedly and aggressively moved toward the officers with the walking stick, continually making verbal threats to each of the officers. Officers Chamberlin and Snodgrass used the low lethality shotgun (beanbag round) twice and the ECD. Neither of these less lethal applications had an effect on Brenes. The officers then transitioned to their handguns. The internal review concluded that the officers considered and deployed reasonable alternatives to the use of a firearm.

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The internal review noted the entire incident, from the time the first officer arrived to the time shots were fired, was two minutes and sixteen seconds. Officer Miller retreated approximately 126 feet before he fired the round from his handgun.

In its analysis, the internal review found the officers' use of force reasonable and their actions to be within standardized tactics and training, and Department policy.

2) Other Recommendations and Outcomes

Since this incident, the Office of Internal Oversight, formally the Organizational Development Bureau, has worked closely with LVMPD Training units (both *Advanced Officer Skills Training* and *Reality-Based Training*) to create scenarios similar to this incident, and to update lesson plans. This training has focused on de-escalation skills, force transitions, and team responses to critical incidents.

In this incident, the officer who deployed the low lethality shotgun placed the shotgun on the ground after the incident. A best practice is to sling the shotgun and maintain control over the tool until it can be secured. A learning objective at the LVMPD Firearms Training and Tactics Unit (the firearms range) was enhanced to address this issue.