

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting—9745 Grand Teton Drive on February 23, 2011

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 February 23, 2011, at approximately 2245 hours, Jaime Padilla attempted to enter several apartments at 9745 Grand Teton Drive, Building 9, by knocking on the doors and turning doorknobs. Officers had information Padilla was armed with a handgun. Officers arrived and located Padilla near the north side of Building 9, and saw he was armed with a handgun. Padilla fled to the south end of the first floor breezeway. Other officers arrived, established a perimeter around the building, and contained Padilla to the east stairwell area. Evacuations were conducted on the surrounding apartments, as officers verbally attempted to get Padilla to put down his weapon and come out.

SWAT was notified and responded to the scene. SWAT officers deployed to the north and south ends of the east stairwell, and relieved the patrol officers on the inner perimeter. Officer Marx, a SWAT officer armed with a rifle, deployed to the south side of the building and was able to locate Padilla in the stairwell. Officer Marx advised Padilla was carrying a handgun, and observed Padilla fire one round from the second floor at SWAT officers who were on the bottom floor. As Padilla moved to the third floor; a team of SWAT officers moved to the third floor to contain Padilla.

On the third floor, Padilla attempted to enter Apartment 3051, and Officer Marx fired one round from his sniper rifle at Padilla. The round struck the metal railing and deflected above Padilla. Padilla then ran northbound down the hallway, toward SWAT officers, while pointing his handgun at them. SWAT officers (Fincher, Gorup, and Reid) fired at Padilla, striking him multiple times. Padilla fell to the ground. Officers immediately called for medical assistance to respond, and Padilla was pronounced deceased.

For a detailed narrative of the incident, please see the District Attorney's decision, reference Jaime Padilla, Event Number 110223-4594, and the LVMPD Force Investigative Team (FIT) Officer's Report under the same event number.

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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.

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 application of Nevada law to the known facts and circumstances, it has been determined that the actions of SWAT Officer Le Aareon [sic] Fincher (P#5038), SWAT Officer Anton Gorup (P#4905), SWAT Officer David Reid (P#3241), and SWAT Officer William Marx (P#5649) were reasonable and legally justified."

LVMPD's Use of Force Review Board:

This matter was heard by the Board on August 31, 2011, and the individual officers who used force were found to be justified in their actions. The Sheriff approved the Board's recommendation.

Below are conclusions made after the Use of Force Review Board and the internal reviews were completed:

1) Tactics and the Use of Force

In evaluating *communication*, the review found that the dispatchers preformed their duties well during this high stress event. The review found the communication from the incident commander to those involved in the perimeter, evacuations, communication with Padilla, and between supervisors at the scene to be appropriate.

In evaluating tactics, the review found the arriving officers immediately began containment of Building 9 and were able to keep Padilla confined to the east stairwell of Building 9. The command post was established quickly, and operations were run from that position by the incident commander and supporting sergeants.

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As SWAT arrived and took over the inner perimeter, they relieved the patrol officers of those duties. SWAT put together two containment teams. After Padilla moved to the second floor, one SWAT team moved to south side of the first floor to contain Padilla to the second floor. SWAT sniper, Officer Marx, moved to the south side of the building, and set up in a position where he could see the stairs. From that position he observed Padilla move from the second floor to the third floor. Officer Marx advised Lt. McCrimon of Padilla's location. When Padilla moved to the third floor, a second SWAT team moved to the north end of the third floor. Padilla was now contained to the third floor breezeway.

The review concluded the officers' approach to the complex and Building 9, the positioning of officers, the positioning of the patrol command post, and the tactical command post, to be appropriate and tactical.

The review noted that at the time Officer Marx fired his sniper rifle, he knew he was using deadly force and was following orders given by Lt. McCrimon to not allow Padilla to enter any apartment and possibly create a hostage situation. Officer Marx's round missed Padilla due to it striking the railing and deflecting away from Padilla.

Officers Fincher, Gorup, and Reid each responded by firing their weapons at Padilla after he pointed his handgun at them as he ran toward them. Their response was reasonable and resulted in stopping the threat.

The review concluded that patrol supervisors appropriately took control of the incident and established a command post and worked the Incident Command System (ICS) from there. Upon the arrival of SWAT, Lt. McCrimon took control of the scene and directed the SWAT officers in an appropriate manner that brought the incident to an end without injury to any other citizens or officers. Patrol officers followed orders given by their supervisors as the incident unfolded, and protected the citizens by evacuating residents and moving them out of harm's way. When shots were ultimately fired, no officers were in a crossfire situation.