

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting—2895 East Charleston Boulevard, Apartment 2024, on April 03, 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 April 3, 2011, at approximately 1655 hours, Michael Chevalier entered 2895 E. Charleston Boulevard, Apartment 2024, through an unlocked front door, and took a female, who was not known to him, hostage. The female was on the telephone with a relative at the time Chevalier entered. The relative heard the disturbance and called police.

Patrol officers arrived and knocked on the door. When officers responded and announced, "Police," they heard a struggle and a female screaming for help inside, telling them to come in. Officers made entry into the apartment and saw Chevalier holding the female from behind. Officers gave Chevalier commands to let the female go and show his hands. Chevalier dragged the female backward and drew a handgun, pointing it at the officers. Officers withdrew from the apartment and declared the situation a barricade.

SWAT and crisis negotiators were requested and responded to the scene.

Officer Aaron Perez arrived, deployed his patrol rifle, and positioned himself in the parking lot behind a vehicle to the northeast of the apartment door. While officers were establishing a perimeter and awaiting the arrival of SWAT, Chevalier exited the apartment and fired shots towards Officer Perez. In response, Officer Perez fired two shots at Chevalier, missing him. Chevalier retreated inside the apartment.

On April 4, 2011, at approximately 0420 hours, SWAT officers entered the apartment in an attempt to rescue the female victim. Sergeant Quick and Officer Rivera encountered Chevalier and the female victim in the bedroom. Chevalier was on the floor, with the victim on top of him, using her as a shield. Chevalier pointed a handgun at Sergeant Quick. Sergeant Quick fired one round from his handgun, striking Chevalier in the head. SWAT officers removed the female victim from the scene. Chevalier was pronounced deceased.

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For a detailed narrative of the incident, please see the District Attorney's decision, reference Michael Chevalier, Event Number 110403-2902, 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 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 Officer Aaron Perez and SWAT Sergeant Michael Quick were reasonable and legally justified."

LVMPD's Use of Force Review Board:

This matter was heard by the Board on August 29, 2011. Sergeant Michael Quick and Officer Aaron Perez were found to be justified in their actions. The Sheriff approved the Board's recommendation.

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

1) Communication

Radio traffic between the dispatchers and officers continued throughout the incident. In the internal review, the communication was found to be appropriate, relevant, and clear.

2) Tactics and the Use of Force

The internal review examined the officers' approach to the apartment: The review of the first-responding officers' initial approach to the door found their tactics appropriate.

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After the door opened and they encountered Chevalier with the gun and a hostage, officers retreated down the stairs, took positions of cover and coordinated a perimeter around the building.

On SWAT's approach to the building, several patrol cars had been placed across the entrance, barring the way. SWAT attempted to get keys to move the patrol vehicles so they could gain access. Unable to locate keys, they were forced to break the window on a patrol car in order to move it.

SWAT took control of the scene, successfully planning, coordinating and executing a rescue of the female victim.

It was concluded that Sergeant Quick and Officer Perez acted in self-defense and in the defense of others when confronted by an armed suspect pointing a weapon at them.

In evaluating the supervision, or the command and control, of this incident, the review noted:

- The area sergeant was monitoring and responded to the incident as it unfolded. Upon arrival, she continued the deployment of officers on the perimeter and put together an arrest team.
- As other supervisors arrived, a command post was established.
- SWAT was requested and arrived. A tactical command post was established.
- A review of command and control between SWAT supervisors and operators found their actions to be appropriate and tactically sound.

The review concluded the supervisors appropriately took control of the scene and handled the critical incident effectively.