

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting—2917 Theresa Avenue on May 27, 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 May 27, 2011, at approximately 0733 hours, officers were dispatched to 2917 Theresa Avenue in reference to a domestic disturbance. While officers were en route, the call was updated that the male was stabbing his wife with a screwdriver.

Officers Robert Thompson, Baudelio Gastelum, and James Corbett arrived at the same time. They entered the residence and made their way toward the back bedroom. Officers heard a female screaming in the bedroom. Officer Thompson, armed with a shotgun, kicked the door open to gain entry.

The officers entered the room and observed the suspect, Alberto Castillo, on top of his wife. Castillo was holding a metal object to her throat. Officers attempted to take Castillo into custody by deploying Officer Gastelum's Electronic Control Device (ECD) which was ineffective. A fight ensued; Officer Thompson deployed his ECD, which was ineffective. Castillo continued to fight with officers and took Officer Thompson's ECD from him. Officer Thompson transitioned to his handgun and fired eight rounds, striking Castillo.

Medical was requested, arrived on the scene, and pronounced Castillo deceased.

For a detailed narrative of the incident, please see the District Attorney's decision, reference Alberto Castillo, Event Number 110527-0950, and the LVMPD Force Investigative Team (FIT) Officer's Report under the same event number.

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

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death of Alberto Castillo, it has been determined that the actions of Officer Robert Thompson were reasonable. The shots fired by Officer Thompson were justified to stop the escalation of violence by the decedent and protect the officers and others at the scene.”

LVMPD’s Use of Force Review Board and Internal Review:

1. This matter was heard by the Use of Force Review Board (UOFRB) on September 1, 2011, and Officer Thompson was found to be justified in his actions. However, the board made training recommendations related to the incident. The Sheriff approved the Board’s recommendation.
2. The internal review concluded the officer’s performance was in accordance with department standardized tactics and training.

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

1) Communication

The initial 9-1-1 call to LVMPD Communications was made by a person speaking Spanish. The caller was very upset and trying to report a violent domestic situation at the home of her friend. The call taker identified the language and quickly started the process of getting a Spanish interpreter on the phone. This process took approximately one minute and twenty-eight seconds. Through the interpreter, the caller was able to provide the call taker the details of what was occurring at the residence. The information was then passed to a dispatcher, who broadcast the event over several LVMPD patrol radio channels.

There were no available units to assign to the call when it was received. Due to LVMPD Communications broadcasting the information over multiple patrol radio channels, Officers Thompson, Gastelum, and Corbett heard the call, cleared from their current calls, and responded to 2917 Theresa Avenue.

LVMPD Communications relayed the information to officers in the field with timeliness, clarity, and accuracy. This allowed for a quick response by officers. After shots were fired, all three involved officers relayed the information to LVMPD Communications.

It was determined medical response to the scene was appropriate.

It was found the communication in this incident was to LVMPD Department standards.

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2) Officers' Approach

- Officers responded Code 3 (lights and siren activated) to this event.
- Officers were invited into the residence by other family members, and followed the sound of screams to the back bedroom where Castillo, his wife and two children were located.

The officers' approach was in accordance with policy, Nevada Revised Statute, and training.

3) Tactics and the Use of Force

The review examined the officers' use of tools and tactics. Prior to making entrance into the residence, Officer Gastelum retrieved Officer Thompson's personally owned shotgun from the patrol vehicle and brought it to the front door. Officer Thompson took the shotgun from Officer Gastelum because Officer Gastelum had not trained or qualified with this particular shotgun.

Upon arriving at the bedroom door, Officer Thompson kicked in the door and found Castillo and his wife on the bed, with Castillo on top of his wife, holding a metal tool to her throat. Officer Thompson realized the shotgun, having a wider shot spread than a handgun, would not be the optimal weapon for this incident should deadly force become necessary. Officer Thompson attempted to sling his shotgun, but the single point sling installed on the gun required two hands to accomplish this. Officer Thompson instead placed the shotgun on a second bed in the bedroom, near the door.

It was found in the review that the selection of a shotgun was inappropriate due to the small location and too many people occupying the area.

As a result of this finding:

- Officer Gastelum attended training on proper deployment of the shotgun.
- A review by the LVMPD Firearms Committee is pending on the use of single point shotgun slings for patrol officers.

Officers attempted to communicate with Castillo in English and Spanish. Castillo told officers to "shoot me" in English. Officer Gastelum attempted to establish a rapport with Castillo, to no avail.

The officer's use of verbal commands in this incident appeared to be reasonable and above Department standards.

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Officers attempted to take Castillo into custody by using two ECDs and empty hand tactics. Both of these failed and Castillo was able to take Officer Thompson's ECD away from him. Officer Thompson then either fell or was kicked or pushed backward by Castillo into a modified seated position. Officer Thompson, seeing Castillo pointing his (Thompson's) ECD toward him as he (Castillo) appeared to be getting up, fired eight rounds at Castillo, striking him.

The internal review of this incident found Officer Thompson's action was justified and within the scope of Department policy.

As a result of this incident:

- All officers involved attended refresher instruction regarding use and deployment of the ECD, as well as Reality Based Training (RBT) for officers.

4) Supervision (Command and Control)

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

- The area sergeant appropriately responded to the incident location and took control of the crime scene.
- The sergeant preserved the scene and established a command post quickly
- The sergeant obtained all the necessary information and made all appropriate notifications.
- The supervision and command and control were to Department standards.