

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Low Lethality Shotgun / Officer-Involved Shooting—301 Firestone Drive on July 14, 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 July 14, 2011, at approximately 0646 hours, LVMPD Communications received a 9-1-1 call reporting Rafael Olivas was out of control. The call taker could hear yelling and screaming in the background. Olivas could be heard saying he will kill the police and he has a knife.

Officers Houchen, Grivas, and Hager arrived on the call and made contact with Olivas, who was walking in the 300 block of Firestone Drive. Olivas was holding a knife and refused all verbal commands from the officers to drop the knife.

Officer Houchen fired his low lethality shotgun at Olivas, striking him several times. Olivas refused to drop the knife and continued to walk toward the officers. Officers Grivas and Hager fired multiple rounds from their firearms, striking Olivas numerous times and incapacitating him.

Officer Grivas attempted to provide medical care to Olivas by stopping the bleeding and re-positioning him to assist him with his breathing. Medical arrived and transported Olivas to UMC Trauma where he was pronounced deceased.

For a detailed narrative of the incident, please see the District Attorney's decision, reference Rafael Olivas, Event Number 110714-0742, 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, it has been determined that the actions of Officer Grivas, Officer Hager, and Officer Houchen were reasonable and legally justified."

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

1. This matter was heard by the Use of Force Review Board (UOFRB) on October 6, 2011, and Officers Grivas, Hager, and Houchen's use of deadly force was found to be justified. The Use of Force Review Board determined the officers' actions were within policy. The Sheriff approved the Board's recommendation.
2. The internal review concluded the officers' 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

In the review of this incident, it was found the call taker, who was still in training, obtained all the basic information from the person reporting (PR), who was Olivas' mother, and forwarded that information to the appropriate dispatcher. Olivas' mother requested "someone specialized" be sent. The call taker identified that Olivas had not been diagnosed with any mental disabilities but requested a CIT (Crisis Intervention Team) officer be en route. The call taker continued to get updated information from the PR that included Olivas had obtained a knife from the kitchen and left the residence. The call taker kept the PR on the telephone until patrol officers arrived in the area and requested the PR not put herself in any danger with the suspect.

The NWAC dispatcher broadcasted the call and assigned two units. The dispatcher kept responding units updated on information she received from the call taker as the call progressed. The NWAC dispatcher advised the area sergeant of the CIT request and a Officer Houchen (CIT) went en route.

Medical was immediately requested to expedite after the shots were fired.

The internal review found the communication in this incident was to LVMPD standard.

2) Officers' Approach

In the review of this incident, it was found Officer Houchen, the first officer who arrived on the scene was approximately 60 yards away from Olivas when he first observed him. Officer Houchen observed Olivas walking on the sidewalk toward the officers. Officers Grivas and Hager, the second unit to arrive, parked their vehicle to the right and behind Officer Houchen's vehicle.

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All three officers identified Olivas, who matched the description given, and clearly identified a butcher knife in his hand.

The review determined the officers parked in a reasonable location to allow them time to communicate with the Olivas and prevent an immediate attack.

3) Tactics and the Use of Force

The internal review examined the officers' use of tools and tactics. It was found all three officers initiated contact with Olivas as they were exiting their vehicles. Officers gave verbal commands to Olivas to drop the knife as he continued to walk toward the officers from a distance of approximately 60 yards. This contact was made as the officers moved to the front of their vehicles.

Officer Houchen deployed his low lethality shotgun and took a position between Officers Grivas and Hager. As Officer Houchen got into position, Officers Grivas and Hager took a role as lethal cover officers for Officer Houchen and allowed him to be the primary contact with Olivas.

The review concluded contact and cover tactics employed by the officers were appropriate.

The internal review concluded the officers exited their patrol vehicles immediately after they arrived on scene, moving to the front of the vehicles. The officers did not use their vehicles as cover. It was determined the officers decision to leave their vehicles limited their use of cover.

All three officers initially gave verbal commands to Olivas to drop the knife. Officers Grivas and Hager discontinued their verbal commands as Officer Houchen (CIT) got into position and began issuing verbal commands. Officer Houchen verbally engaged Olivas in an attempt to calm him down as he continued to approach the officers.

In this review, the verbal commands given to Olivas appeared to clearly identify what the officers wanted him to do. These verbal commands were given prior to any force being used, and Olivas failed to comply.

Officer Houchen deployed his low lethality shotgun as a low lethal option when he encountered Olivas armed with an edged weapon. As Officer Houchen grabbed the low lethality shotgun, he observed Officers Grivas and Hager had already deployed lethal cover. Officer Houchen took a position between the other two officers.

Officer Houchen communicated his intention to deploy the low lethality shotgun with the other officers. Officer Houchen fired four rounds from the low lethality shotgun, striking Olivas four times. The low lethal shotgun had no effect on Olivas.

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It was determined the officer's use of the low lethality shotgun in this incident was reasonable and within the guidelines of department policy.

The internal review of this incident found Officers Grivas and Hager were justified in their use of deadly force, and acted within the scope of Department policy when confronted with an armed subject.

4) Supervision (Command and Control)

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

- The area sergeant acknowledged the high priority call and advised the dispatcher to have units en route to the call.
- The sergeant, after hearing the shots fired broadcasted over the radio, responded to the scene with his lights and sirens.
- The sergeant preserved the scene and established a command post quickly.
- The sergeant obtained all necessary information and made all appropriate notifications.
- The sergeant made contact with the suspect's mother and coordinated her transportation to the hospital.