

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting— Rainbow Boulevard on September 9, 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 September 9, 2011, at approximately 0424 hours, a Walmart Loss Prevention officer called LVMPD Communications and advised two people, a male and a female, were in the electronics department filling two carts with high-priced items. The caller advised the call taker that through his experience, he felt the individuals were suspicious. An event was created and Officers Abel and Ramirez were dispatched to Walmart.

Officers Staheli and Williams assigned themselves to the call and arrived prior to Officers Abel and Ramirez. Officer Staheli made contact with the loss prevention officer in the security office, and Officer Williams went to the east entrance of the Walmart to cover the door in the event the suspects attempted to exit the store. Officer Staheli began watching the suspects at the electronics counter via the security cameras.

Officers Abel and Ramirez arrived, went to the security office and along with Officer Staheli, observed the suspects at the counter. A cashier was checking the items. The total came to approximately \$5000.00. When the cashier ran the credit card, the purchase was denied. She called the Loss Prevention officer and advised him the male suspect would not provide any identification to verify the name on the credit card. The Loss Prevention officer passed this information on to the police officers.

Officer Staheli stayed in the security office while Officers Abel and Ramirez went to the electronics department, made contact with the suspects, and identified Marc Hull and his female companion. Officer Abel obtained a Nevada driver's license from Hull and gave it to Officer Ramirez. Officer Ramirez advised the dispatcher he was Code 4 (emergency no longer exists). After hearing Officer Ramirez give the Code 4, Officer Williams and Officer Hopson, who had also arrived, left the west door and walked toward the security office. Officer Hopson stopped to use the restroom.

Officers Ramirez and Abel continued to talk to both Hull and his female companion while waiting for information on them via the police radio. Officers decided they should take Hull and the female

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to the security office to continue the investigation. The officers began walking Hull and the female to the security office which is located at the front of the store. As they were walking, Officer Abel attempted to pat down the front of Hull's waistline in an attempt to locate any weapons. Hull pushed away, pulled a handgun from his waistband, pointed it at Officer Abel, then turned and faced Officer Ramirez. Hull fired his handgun at Officer Ramirez, striking him. Officer Abel and Officer Ramirez drew their handguns and began firing at Hull as he ran toward the front of the store. Hull fell to the floor, turned toward the officers, and continued firing at them. Officers Abel and Ramirez took cover in the store aisles.

Officer Staheli observed Officers Abel and Ramirez walking the suspects toward the security office on the security camera, and saw Hull pull the gun and fire at Officer Ramirez. Officer Staheli exited the security office, drew his handgun, and observed Hull running toward him, with the gun pointed at him. Officer Staheli fired at Hull. Hull continued to run toward Officer Staheli, then turned and ran down the aisle in front of the cash registers. Officer Williams, who had returned to the west end doors as Officer Staheli came out of the security office, began firing at Hull.

While in the rest room, Officer Hopson heard gunshots, exited, and saw Hull running along the registers with the gun in his hand. Officer Hopson began firing at Hull.

Hull fell to the ground near the end of the row of registers. Officers Staheli and Hopson moved up to Hull, moved the gun away from his hand, and placed Hull in handcuffs. Officers got on the radio and requested medical. Officer Wiley arrived and rendered aid to Officer Ramirez. Officer Staheli began first aid on Hull. Hull and Officer Ramirez were transported to UMC Trauma where Hull was declared deceased.

For a detailed narrative of the incident, please see the District Attorney's decision, reference Marc Hull, Event Number 110909-0637, 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 use of deadly force by the officers involved was reasonable and legally justified."

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

1. This matter was heard by the Use of Force Review Board (UoFRB) on December 7, 2011. Officers Abel, Hopson, Ramirez and Staheli's use of deadly force was found to be justified.

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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 in most areas, but did cite several training issues.

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

1) Communication

In review of the communication between the officers throughout the incident, it was found their communication was reasonable and appropriate as they made a plan to make contact the suspects. Officers assembled sufficient resources to control this call.

In review of the radio traffic, it was found initial communication between the officers and the dispatcher to be clear and appropriate. The radio traffic became difficult to understand for both officers and the dispatcher as the incident became dynamic, and several officers attempted to give information at the same time.

Overall, the communication was found to be appropriate.

2) Officers' Approach

In the internal review of this incident, it was found that Officers Ramirez and Abel's approach to the store and their initial approach to the electronics department where the suspects were located, followed tactics taught by the department. However, once they moved into the position where the suspects could see them, the officers were in an open area which lacked good cover and had no concealment.

Additionally, the internal review found the officers failed to control Hull's hands. Further, before moving the suspects to the security office, the officers did not pat them down for weapons.

As a result of the internal review and the Use of Force Review Board, the officers attended the following training:

- Training related to the use of contact and cover
- Training related to pat downs
- Training related to elements necessary for a "Terry Stop"

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3) Tactics and the Use of Force

There was video obtained from Walmart and it showed that as the officers and suspects moved toward the security office, Officer Abel was walking behind and to the left of Hull and Officer Ramirez was walking in front of Hull. As Officer Abel was walking behind Hull, he swept his left hand up Hull's back. With his right hand, Officer Abel grasped the bottom of Hull's t-shirt. Hull made a movement with his hands to his waistband. Officer Abel saw this movement, stepped forward, reached with his right hand, and attempted to pat down Hull's front waist area. Hull immediately pulled away in an attempt to run and Officer Abel yelled to Officer Ramirez. Officer Abel pulled on Hull's shirt as Hull turned and faced him, while pulling the handgun from his waistband. Officer Abel saw the handgun, immediately let go of the shirt and created distance by stepping back.

As Officer Ramirez reacted to his name and turned around, he saw Hull pull the handgun, turn, point it at him, and fire at point blank range while running away from them. Both officers drew their handguns and began firing at Hull as he ran down the aisle. Hull fell to the ground approximately 30 feet from the officers. As Hull was getting to his feet, he began firing back at the officers. Both officers moved into the side aisles for cover. Officer Abel did a quick peek from his position of cover and saw Hull run toward the front entrance. Officer Abel moved through another aisle to Officer Ramirez and began attending to Officer Ramirez' injuries.

The internal review found the pat down by Officer Abel, conducted as they were walking, was not to the standard taught by LVMPD. Had the officers stopped, conducted the trained tactic of suspect control and pat down, the officers would have been in a better position to react to a firearm encounter. The Use of Force Review Board recommended each of the officers involved receive additional training (see previously listed training).

The review concluded Officer Staheli's actions of remaining vigilant and watching the suspects on video from the security office after Officer Ramirez gave a Code 4, enabled him to act quickly after Officers Ramirez and Abel were fired upon by Hull.

The review found that once the shooting began Officers Ramirez and Abel's use of cover and concealment was appropriate and shielded them from any further rounds fired by Hull and any subsequent rounds fired by Officer Staheli.

In review of Officers Staheli, Williams, and Hopson's use of cover and concealment, the officers used the registers and were able to avoid any injury from gunfire from the suspect. They acted in a manner consistent with LVMPD training.

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The internal review determined some of the officers involved in the shooting had a mixture of authorized duty ammunition along with practice ammunition in their firearms. (Practice ammunition is FMJ [full metal jacketed] ammunition, as opposed to the hollow point ammunition meant to be carried on-duty. Hollow point bullet expansion reduces bullet speed and energy upon impact, lessening the chance of over-penetration and decreasing the risk of unintended strikes on objects in the backdrop. FMJ ammunition is more prone to over-penetrate).

As a result of this internal review (and others) the use of ammunition was added to the LVMPD Use of Force Policy which now reads:

Firearm Inspection Requirement:

1. Ensure weapon is clean and functional at all times;
2. Ensure weapon is loaded with department duty ammunition and not mixed with practice ammunition;
3. Officer is responsible to know how many rounds are loaded in each magazine.

The internal review found Officer Staheli immediately provided medical assistance to Hull by cutting away his clothing to assess his injuries. An officer brought a trauma kit from a patrol vehicle and began bandaging Hull. Medical personnel responded, began immediate care of Officer Ramirez and Hull, and transported both to UMC Trauma. The medical request and response in this situation was appropriate.

The internal review of this incident found all the involved officers were justified in their use of deadly force, and acted within the scope of Department policy when confronted by an armed subject. The officers performed quickly, under stress, and showed courage in confronting an armed suspect, although an officer had been injured by gunfire.

As a result of this incident, Officers David Williams, Corey Staheli, Beaumont Hopson, John Abel and Michael Ramirez were awarded the LVMPD Medal of Valor and Officer Ramirez also received the Purple Heart award. Additionally, all the officers were recognized nationally in Washington DC as “Top Cops” by the National Association of Police Organizations.

Additional department-wide training:

- As a result of this incident (and others) supplemental training videos were produced and distributed to all commissioned police officers discussing officer safety related information.

4) Supervision (Command and Control)

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

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- The area sergeants responded to the incident location, began scene containment, and established a command post.
- One of the sergeants, with the assistance of officers, established a Downed Officer rescue team for Officer Ramirez, entered Walmart and escorted Officer Ramirez outside for medical attention.
- The sergeants located and separated all officers involved in the shooting.
- One of the sergeants directed the arrival of medical personnel to assist and transport Officer Ramirez and Hull.
- One of the sergeants established an arrest team, led the team into Walmart, and cleared the store of occupants or suspects.