

**Office Of Internal Oversight Review**  
**KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT**  
**Officer-Involved Shooting— 1111 North Michael Way on February 1, 2012**

**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 January 31, 2012, at approximately 2345 hours, the LVMPD Homicide Detail requested assistance from the Criminal Apprehension Team (CATS) Squad Taskforce in locating and taking Jason Baires into custody for a murder he had committed within the prior 24 hours. CATS located Baires in a vehicle driven by his girlfriend and attempted to stop the vehicle. Baires exited the backseat, ran southbound on Michael Way, produced a handgun and pointed it at detectives and agents as they pursued him on foot and in vehicles.

When Detective Faller (in an unmarked police vehicle) observed Baires pointing a firearm at detectives, Detective Faller intentionally struck Baires with his vehicle, pinning Baires' left arm under the right front tire. As Detectives Greg Theobald and Dave Rowlett (Henderson Police Department) approached on foot, Baires used his right arm and fired a handgun at Detective Theobald, striking him. Both detectives exchanged gunfire with Baires.

Detective Faller exited his vehicle, ran to the front of it, and observed Baires shooting at detectives. Detective Faller fired at Baires until he was no longer a threat. Detectives and agents administered first aid to Detective Theobald and performed a Downed Officer Rescue. Detective Theobald was transported to UMC in a marked patrol vehicle. Baires was declared deceased.

For a detailed narrative of the incident, please see the District Attorney's decision, reference Jason Baires, Event Number 120201-0077, 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 death of Jason

**Office Of Internal Oversight Review**  
**KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT**  
**Officer-Involved Shooting— 1111 North Michael Way on February 1, 2012**

Baires, it is determined that the actions of Detectives Theobald, Faller and Rowlett 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 involving Detectives Theobald and Faller was heard by the Use of Force Review Board (UOFRB) on September 17, 2012. The Board’s finding was, “Administrative Approval.” 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***

The first radio traffic occurred after shots were fired at 0152 hours. When detectives advised Dispatch shots were fired, it was clear and professional. It took approximately ten seconds to give the dispatcher a location, after which detectives provided enough information to get needed resources to their location. Dispatch broadcasted the shooting over all patrol channels and had adequate resources available to include the Air Unit. Patrol officers arrived at the call quickly and used a patrol vehicle for the Downed Officer Rescue. Patrol units were able, with the assistance of the Air Unit, to communicate their direction of travel and block intersections as they traveled to UMC with the injured detective. Detective Greg Theobald arrived at UMC before a medical unit arrived at the incident location.

The Downed Officer Rescue and transportation to UMC was well coordinated with the Air Unit and other patrol vehicles stopping traffic along the route. The detectives and agents involved in the Downed Officer Rescue performed in an exemplary manner.

In review of communication between the officers throughout the incident, it was found to be reasonable and within LVMPD standardized tactics, training, and policy.

***2) Officers’ Approach***

Once Baires was observed as the passenger in a vehicle that became mobile, detectives followed. Sergeant Stansbury ordered a Vehicle Pinch to be executed on the vehicle occupied by Baires, in order to avoid a potential vehicle pursuit. This was conducted on Carmen Boulevard, just west of Michael Way. Once the vehicle was stopped, Baires exited the passenger side, and ran eastbound

**Office Of Internal Oversight Review**  
**KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT**  
**Officer-Involved Shooting— 1111 North Michael Way on February 1, 2012**

on Carmen Boulevard. Detective Faller attempted to block Baires in with his vehicle on Carmen Boulevard, but Baires was able to run around and past Detective Faller's vehicle. Baires turned southbound on Michael Way. Sergeant Stansbury pulled his police vehicle around and in front of Baires, attempting to slow him down. Baires ran around and past Sergeant Stansbury's vehicle.

When Baires initially began running, Detectives Theobald and Rowlett exited their vehicles and pursued on foot. Detective Greg Theobald issued verbal commands for Baires to stop.

Once Detective Faller struck Baires with his vehicle, Sergeant Stansbury pulled his vehicle to the right side of Detective Faller's. Detectives Theobald and Rowlett were arriving at this second scene on foot, running southbound. Baires fired his handgun and struck Detective Theobald. Detective Theobald returned fire and then was assisted by Detective Rowlett. Detective Faller ran around the front of his police vehicle and engaged Baires with gunfire.

Approximately half the detectives assigned to this incident were not wearing ballistic protection. While this is not a policy violation, the review found this to be a poor choice. The foot pursuit was found to be within LVMPD standardized tactics, training, and policy; however, detectives having ballistic protection on could have minimized some risk, considering the pre-existing knowledge they were chasing a murder suspect.

### ***3) Tactics and the Use of Force***

The internal review examined the officers' use of tools and tactics.

The surveillance of Baires and the use of the Vehicle Pinch were found to be within LVMPD standardized tactics, training, and policy.

Detective Faller, having pre-existing knowledge of Baires' crime, and seeing Baires pointing a handgun in the direction of detectives, used his vehicle to strike and pin Baires. This action constituted deadly force. The review found this to be reasonable.

It was found at the time of the shooting, Detective Theobald was in a standing position, facing Baires, who was pinned under the right front tire of Detective Faller's vehicle. Baires fired at Detective Theobald, who returned fire and was struck by a round from Baires. Detective Theobald fell to the ground and continued to fire at Baires until his firearm was empty. Detective Theobald fired between nine and eleven rounds. Detective Faller fired at Baires until he felt Baires was no longer a threat. Detective Faller fired four rounds. The review found the proportionality of shots fired by detectives to be reasonable.

Detective Rowlett engaged Baires when Baires fired toward him and Detective Theobald. When Detective Theobald was struck by one of Baires' rounds and was lying on the ground, Detective

**Office Of Internal Oversight Review**  
**KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT**  
**Officer-Involved Shooting— 1111 North Michael Way on February 1, 2012**

Rowlett stood over Detective Theobald, shielding him, and fired at Baires until he was no longer a threat. Detective Rowlett fired a total of eight rounds. Detective Rowlett's actions are not under LVMPD's internal review due to him being a member of the Henderson Police Department.

Part of the internal review revealed the trauma kits used by Fugitive/CATS detectives to administer first aid to Detective Theobald, were issued to the task force by the FBI. The FBI also provided training on the use of these kits prior to this incident occurring. The review found the trauma kits issued by LVMPD to patrol units are rarely used and training on the proper use of them was not being provided.

As a result of this incident (and others):

- Reality Based Training (RBT) included trauma kit training as part of their course of instruction.

The Vehicle Pinch used by Fugitive/CATS in this incident is an LVMPD trained technique. The internal review found LVMPD policy did not exist regarding this tactic at the time of this incident.

As a result of this incident (and others) LVMPD Policy now defines this technique:

- Vehicle Pinching as;  
“Pinching is a pre-planned containment tactic that uses low-speed, intentional vehicle contact with a suspect's vehicle. This tactic is limited for use by specialized units with Bureau Commander's approval and training. The purpose is to render a vehicle immobile so that suspects can be taken into custody. Patrol officers may use a blocking technique.”

The Use of Force Review Board found the actions of the involved officers in this incident to be courageous and recommended the detectives receive commendations for their actions.

#### ***4) Supervision (Command and Control)***

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

- The sergeant conducted an appropriate briefing for his team. Intelligence and information on Baires was shared.
- The sergeant coordinated the Vehicle Pinch of the suspect vehicle.
- The sergeant was on site and actively involved in decision-making throughout the event.
- After the OIS, the sergeant coordinated the securing of the scene and arrival of investigative personnel.

**Office Of Internal Oversight Review**  
**KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT**  
**Officer-Involved Shooting— 1111 North Michael Way on February 1, 2012**

- The sergeant's command and control of the incident within department standardized tactics, training and policy.