

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting— 2333 N. Jones on April 21, 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 April 21, 2012, at approximately 0148 hours, a citizen contacted LVMPD Communications Center and reported his red Cadillac stolen. The citizen told officers he believed his girlfriend, later identified as Sharmel [Edwards], took the vehicle without his consent. The citizen advised officers there was a loaded handgun (with an additional loaded magazine) in the center console of the car.

Approximately two hours later, Officer Edwards observed a red Cadillac, matching the description of the victim's vehicle, traveling eastbound on Smoke Ranch Road near Rainbow Boulevard. Officer Edwards conducted a check of the license plate and received confirmation it was the stolen Cadillac. He requested additional officers to assist and continued to follow the Cadillac. Officer Truong Thai, first-arriving, followed as Officer Edwards turned southbound on Jones Boulevard from Smoke Ranch Road.

South of the intersection, the Cadillac slowed and turned eastbound into the south end of the parking lot of 2333 N. Jones Boulevard. At this point, Officer Edwards and Officer Thai conducted a car stop. The officers exited their patrol vehicles and Officer Edwards began giving verbal commands to Sharmel, the driver and sole occupant. Additional officers arrived and established a perimeter around the Cadillac.

Sharmel responded to Officer Edwards' commands to put her hands outside the open window, but pulled them back inside. Officer Thai, using the vehicle's Public Address (PA) system, continued giving commands until Officer Lilienthal, a Crisis Intervention Team (CIT) officer, arrived and took over the communication. Officer Lilienthal was unsuccessful in communicating with Sharmel although he continued to try for the next 30 minutes.

Sergeants Mahoney and Langgin arrived. Officers Grivas and Cook and English arrived. The Air Unit and additional officers arrived. Medical was requested to respond and stand by. Officers were advised again of the loaded handgun in the Cadillac.

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Approximately 30 minutes later, Sharmel opened the driver's door, quickly stepped out holding a silver handgun, and pointed it at the officers. Officers Edwards, English, Thai, Grivas, and Cook fired their weapons. Sharmel fell to the ground. The handgun landed a short distance from her.

Sergeant Langgin assembled an arrest team assembled, moved up, and cleared the vehicle. Medical was called forward. Sharmel was pronounced deceased at the scene.

For a detailed narrative of the incident, please see the District Attorney's decision, reference Sharmel Edwards, Event Number 120421-0390, 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 application of Nevada law to the known facts and circumstances, it has been determined that the actions of the officers were reasonable and legally justified."

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

1. This matter involving Officers Edwards, English, Thai, Grivas, and Cook was heard by the Use of Force Review Board (UoFRB) on January 03, 2013. The Board's finding for each involved officer 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

Officer Edwards gave clear and concise information over the radio and Mobile Data Terminal (MDT). After the Cadillac was located, he gave appropriate radio traffic and called for backup. As officers responded, their radio traffic was quick, concise and did not interfere with Officer Edwards. After the Cadillac stopped, Officers Edwards, Thai, and Lilienthal communicated one at time in an attempt to make contact with Sharmel. This communication alleviated any possible confusion for Sharmel and other officers on the scene.

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When Officer Edwards gave verbal commands to Sharmel, she initially put both hands out of the driver's side window. When Officer Edwards advised her to open the vehicle door, she pulled her hands back into the vehicle and refused all further commands.

To warn officers, Officer Edwards again announced over the radio the presence of a loaded handgun in the Cadillac. Officer Thai utilized the patrol vehicle's PA to give commands until CIT Officer Lilienthal arrived and took over the communication.

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

After Officer Thai requested the Air Unit, he and Officer Edwards made the decision to wait for the Air Unit to arrive before making the stop; however, before the Air Unit arrived, Sharmel turned into a parking lot. Officer Edwards made the decision to conduct the stop. He activated his lights and siren, and Sharmel stopped. Officer Edwards stopped behind the Cadillac, while Officer Thai positioned to the left of Officer Edwards. Officers Edwards and Thai turned on patrol vehicle spotlights and takedown lights.

Officer Cook stopped behind Officer Edwards and moved forward to the passenger side of Officer Edwards' vehicle. Officer Grivas stopped behind Officer Thai and moved forward to passenger side of Officer Thai's vehicle. Officer English arrived and stopped to the left of Officer Thai's vehicle, exited, and stood behind his driver's side door.

Other officers arrived and parked farther behind and on the street, then moved to positions on the perimeter. Sergeants Mahoney and Langgin directed officers to those positions as they arrived.

The officers approached in a manner that blocked escape routes, created a perimeter, and provided cover and concealment for officers on the scene.

The Administrative Review concluded the officers' approach to be within LVMPD tactics and training.

3) Tactics and the Use of Force

The officers that responded and assigned themselves to this incident were responding to a felony crime. The Cadillac had been reported stolen. Details included information of a loaded handgun with an additional loaded magazine inside the center console.

The officers were facing a high-risk incident. The officers deployed with their handguns, prepared

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to respond to a threat. As time elapsed and the momentum slowed, Officers Edwards and Cook holstered their handguns, deployed a rifle and a shotgun respectively, and moved to a different position. Their new positions provided a better backdrop and a better view of Sharmel. The other officers remained in their positions with their handguns drawn.

Approximately 30 minutes later, getting no response from Sharmel, she opened the driver door quickly and stepped out with the handgun. Sharmel pointed the gun toward Officers Thai, Lilienthal, and Grivas. At that point the following officers fired their weapons: Officer Edwards, Officer English, Officer Thai, Officer Grivas and Officer Cook.

The Administrative Review found Officer Edwards, English, Thai, Grivas, and Cook's actions were reasonable and in accordance with LVMPD standardized tactics, training, and policy.

4) Supervision (Command and Control)

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

- The area sergeant began monitoring the incident after Officer Edwards announced he had located the stolen vehicle and went to the scene immediately after the Cadillac had stopped in the parking lot.
- The area sergeant determined the locations and weapon selection by the officers to be appropriate and tactical and made contact with Officer Edwards and discussed the incident.
- At the order of an area lieutenant, the sergeant requested the dispatcher have a CIT officer en route. CIT Officer Lilienthal responded to the scene.
- A second sergeant responded to the scene from Bolden Area Command (BAC) and assisted the area sergeant. On scene, the BAC sergeant talked to the officers and obtained the information on the registered owner of the Cadillac. He called the victim and gave the phone to Officer Lilienthal for further information on Sharmel.
- The BAC sergeant went to each officer on the perimeter, evaluated their position and weapon selection, and determined them to be tactically appropriate.
- The lieutenant arrived and contacted the LVMPD SWAT commander and advised him of the incident; the SWAT commander advised SWAT would be en route. Before SWAT arrived, shots were fired. The SWAT commander canceled SWAT's response.
- The area sergeant obtained a Public Safety Statement from the officers who fired their weapons.

The Administrative Review found the sergeants and lieutenants' command and control of the incident within LVMPD standardized tactics, training, and policy.