

**Office Of Internal Oversight Review**  
**KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT**  
**Officer-Involved Shooting— 3950 Mountain Vista- December 7, 2013**

**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 no action is required or determine 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 department 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 December 7, 2013, at approximately 0158 hours, LVMPD dispatch received a call via 911 in which a female voice and two male voices could be heard. One of the male voices was agitated and making threats to shoot people. The female could be overheard trying to calm the agitated male. However, the agitated male continued stating, "Don't move or I will shoot you, motherfucker!" and "I am going to die today!" The phone line disconnected and dispatch attempted to reconnect.

At 0203 hours, LVMPD dispatch received another call from the same telephone. The phone was left off the hook allowing an LVMPD dispatcher to hear the conversation. The female was heard saying "Put it down, it's not worth it." The agitated male repeated his threats and advised the others, "Don't come closer, I love you guys." The dispatcher overheard reference to the male having a rifle and updated the information to the responding officers.

Dispatch subsequently provided the location of the call as 3950 Mountain Vista Street. Southeast Area Patrol Officers Kunz, Marzac, and Giese responded to the complex. While attempting to locate the apartment, Officer Kunz observed a male adult through a window pacing back and forth shouting. The male, later identified as Patrick Heki, was dressed in camouflage, was holding a handgun with two long guns slung over his shoulder.

As Heki exited the apartment, he fired a round into a neighboring apartment but was concealed in the breezeway leading to his apartment. Heki exited the breezeway and continued to fire rounds, the officers quickly sought cover. Officer Kunz ordered Heki to drop his weapons. Heki turned and raised his handgun towards Officer Kunz. Officer Kunz, Officer Marzac, and Officer Giese all fired their weapons. Heki fell to the ground saying "I'm done, I'm done!"

Officers immediately took Heki into custody and rendered medical aid. Heki was transported via ambulance to Sunrise Hospital where he was pronounced deceased.

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**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 Critical Incident Review Process and Internal Review:**

1. The matter involving Officers Giese, Marzac, and Kunz was heard by the Critical Incident Review Process/Use of Force Review Board on December 5, 2014. The Board's finding was, "Administrative Approval." The Use of Force Review Board determined the officer's actions were within policy. The Sheriff approved the Board's recommendation.