

**Office Of Internal Oversight Review**  
**KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT**  
**Officer-Involved Shooting-23600 S. Las Vegas Blvd- March 16, 2014**

**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:**

This incident involves four separate calls for service involving suspect Ronald Tate two days prior to an officer involved shooting occurring. This report will outline each call generated.

On March 14, the employee at Fills Gas Station located on 3810 Blue Diamond called LVMPD Dispatch stating a suspect, later identified as Ronald Tate was overheard talking about killing people, specially stating he would kill, "If Jesus told him to do so." Tate had hand written notes with odd statements on them which he handed out to patrons and employees in front of the business. Officers arrived and logged Tate's license plate on his Recreational Vehicle (RV). Officers determined that Tate did not qualify to be placed on a mental health hold. Tate was trespassed from the business and left when asked to do so.

On March 15, at El Montim Motor Home Sales at 13001 S. Las Vegas Boulevard, an employee called LVMPD Dispatch stating Tate was on property talking about outlaw motorcycle gangs and appeared to be under the influence of drugs or alcohol. Tate was described as jumping around and talking fast. While on property, he was involved in a minor vehicle accident. An officer arrived and determined that Tate did not qualify to be placed under arrest or placed on a mental health hold. The officer trespassed Tate and he left with no further incident.

Later that same day, (March 15) a Camping World employee called LVMPD Dispatch to report Tate was harassing customers, threatening to batter people at the business and appeared to be on methamphetamine. Tate locked himself in a RV on the property near the business. Officers arrived and logged Tate's license plate. The officer who spoke with Tate described that Tate spoke of conspiracy theories, government intrusion, and a lawsuit against Camping World. The officer conducted a records check of Tate and observed that he lawfully owned and was certified to carry firearms. The officer obtained consent to enter Tate's RV. Inside the RV, the officer located a handgun and shotgun. The officer unloaded the firearms and physically separated the ammunition from the firearms for safety purposes while he interacted with Tate. At the conclusion of their interaction, the officer was able to articulate that Tate could not be placed on a mental health hold. Tate left Camping World with no further incident.

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On 03-16-14, at 0915 hours, a sky diving patron and two employees of Vegas Extreme Sky Diving Company placed a 9-1-1 call into LVMPD Dispatch and reported Tate, who was in a white RV, pointed a hand gun at them in a remote desert area. The sky dive employees explained to Dispatch they knocked on the RV door to advise the owner that he was parked in the center of a desert clearing that was a designated landing zone (LZ) for their sky-diving customers. Tate looked through a hole in piece of cardboard that covered a broken window and began to speak with the sky dive crew. The sky dive crew noticed that Tate spoke in a paranoid fashion about helicopters and government intrusion. Tate opened the door and advised the sky dive crew to “clear the gun range” as he waived a black handgun at them. He told the crew that he either had a bomb in his RV or someone had put the bomb inside his RV. The sky dive crew told Dispatch Tate seemed insane or under the influence of alcohol or drugs.

A uniformed patrol officer arrived at the landing zone and parked approximately one hundreds to the west of Tate’s RV. The officer utilized his vehicle’s bullhorn and asked Tate to exit his RV. Tate was uncooperative brandished a long gun. The officer requested more units and perimeter was established. LVMPD SWAT and Crisis Negotiators were notified and began their response.

At 1040 hours, SWAT Officer Charles Moser arrived and began to establish a position to observe the area, the target vehicle, and Tate. As Officer Moser moved to the south of Tate’s RV, he observed windows that appeared to have been shot out. Once in position, Officer Moser watched Tate as he entered and exited his RV numerous times, sometimes carrying items out, as well as throwing items around the desert area. Tate continued to rant and dance around the RV. Tate entered the RV and exited with what appeared to be a high-powered rifle.

Tate appeared to charge (load) the rifle and then aim towards officers and civilians that were traveling in vehicles on Interstate 15. Officer Moser fired one round from a rifle, fatally striking Tate. The SWAT Crisis Entry Team moved to the RV and cleared it, ensuring there were no other persons or explosive devices. Flight for Life helicopter was summoned and Tate was flown to UMC where he was pronounced deceased.

The Force Investigation Team (FIT), the Critical Incident Review Team (CIRT), and Crime Scene Analysts (CSA) responded to the scene. CSAs processed the scene.

**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.”

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**LVMPD's Critical Incident Review Process and Internal Review:**

1. The matter involving Officer Moser was heard by the Critical Incident Review Process/Use of Force Review Board on July 22, 2015. 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.
2. The internal Tactical Review Board concluded Officer Moser's performance was in accordance with Department standardized tactics and training with a few exceptions.

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

**1) Communication**

During a review of this incident, CIRT found during the third event, in which Tate's license plate was logged, the dispatcher unintentionally logged the plate wrong. This error prevented the previous disturbance events from being connected. The day of the encounter with police at Camping World, the officer had no way of knowing it was the third encounter with Tate in less than 24 hours.

During the fourth event in the landing zone with the sky dive crew, the first arriving officer was experiencing problems contacting Dispatch over the radio and ultimately contacted Dispatch using his cellphone. CIRT concluded radio problems encountered during this event were consistent with problems associated with the old radio system.

**2) Officers Approach**

The first patrol officer contacted the person reporting prior to approaching the Land Zone. The officer confirmed Tate was armed and agitated and effectively used distance and his patrol vehicle as a barrier between himself and Tate. The Officer parked 100 yards from the RV, did not walk up to the open trailer door, and did not approach Tate when Tate put his head out the door. As the Officer contacted Tate via bullhorn, he was provided lethal coverage by NHP troopers. As Tate's agitation increased, Officer created more distance.

CIRT concluded that the officer's preplanned decision to remain distant from the trailer and use his vehicle as cover was within standardized tactics, training and LVMPD Policy.

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The SWAT officers used teamwork consistent with their training. Officer Moser and two other SWAT officers moved undetected towards their positions in the desert area, as Moser described Tate's activities via police radio.

CIRT concluded the SWAT officers approach tactics were within standardized LVMPD tactics, training and policy.

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

As the patrol officer contacted Tate he drew his firearm and was also covered by NHP troopers, who used their rifles. Tate aimed a handgun at civilians earlier in the day, brandished a long gun when the patrol officer tried to reach a peaceful resolve, and eventually aimed the long gun at officers and an occupied interstate highway.

CIRT concluded that the patrol officer drew his firearm based on the details of the event and his observations and his decision to do so was within standardized LVMPD tactics training and policy.

Officer Moser observed Tate manipulate and sight along his weapon to the west, where numerous officers were staged at a distance of 269 yards. Not far past the area where the officers were staged was I-15, which was full of weekend traffic. The Interstate was 351 Yards west of Tate. Officer Moser was fearful the officers and the public on the freeway were well within the range of Tate's long gun.

CIRT concluded Officer Moser's use of force was reasonable and in accordance with LVMPD tactics, training and policy.

When Vegas Extreme Skydiving crew encountered Tate, they asked him to move his RV. Tate told them he had an explosive device, or that someone had placed a bomb inside his RV. CIRT found the SWAT officers bypassed the possibility of an explosive device out of perceived necessity. Once Officer Moser fired his weapon, striking Tate, it could not be determined by officers if Tate was deceased. The officers chose to move forward to provide medical treatment for Tate and could not do so until the RV had been checked for further suspects or Tate was extracted.

CIRT found the Crisis Entry Team's desire and attempt to preserve Tate's life despite the alleged explosive device was commendable; however, a "best practice" would have been to:

- Organize a downed person rescue using SWAT armored vehicles therefore removing the injured person from the area of danger as designated in the LVMPD Bomb Threat Policy.

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CIRT concluded the SWAT Crisis Entry Team's subsequent declaration of "No Device" was not reasonable and not within LVMPD Policy. The designated unit should have responded and processed the RV allowing the experts to declare it safe or unsafe from any type of explosive device.

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

In evaluating the supervision (command and control), of this incident, CIRT noted:

- The first responding officer was able to establish a perimeter and lock down vehicle traffic from entering the LZ with just himself and two NHP Troopers
- The sergeant responded on his regular scheduled day off (RDO) and established himself as the Incident Commander
- The SWAT lieutenant responded and established his role as the SWAT commander
- No clear notations exist as to when and if I-15 was shut down or an attempt was made to shut it down

In reviewing supervisory response, CIRT concluded best practices would have been to:

- Shut down the busy I-15 freeway that was within line of sight from the barricaded individual with a long gun
- Notate in Computer Aided Dispatch system which persons made particular command decisions by using recorded common radio channels