

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting—201 N. Nellis June 8, 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 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 June 8, 2014, at 1120 hours, Officers Alyn Beck and Igor Soldo were fatally shot and killed by Jared and Amanda Miller while they were eating lunch at CiCi's Pizza. Before exiting the business, Jared removed one of the officers' firearms and took both magazines from the officers off their duty belts. The Millers retrieved a large military style bag along with a backpack and walked south towards a Walmart located at 201 N. Nellis.

At 1125 hours, Jared and Amanda entered the Walmart and Jared began to yell about a revolution telling customers to leave the store. Jared fired a round into the ceiling as he walked through Walmart. Amanda placed her backpack in a shopping cart and followed Jared. One customer, Joseph Wilcox, who was a carrying concealed weapon (CCW) holder, decided to bravely intervene. Wilcox followed Jared, not realizing that Amanda was with him. As Wilcox approached Jared and drew his firearm, Amanda who had observed Wilcox fired one round from her weapon, fatally striking Wilcox before he had a chance to fire.

Jared and Amanda walked over to the gun and ammunition counter located in the Sporting Goods section. Jared broke the glass to the gun case. Both he and Amanda filled their bags with ammunition and continued to walk west through the Walmart.

Three officers, including Officer Brosnahan, arrived at CiCi's Pizza. Several citizens pointed in the direction of Walmart, stating Jared and Amanda left on foot. Officer Brosnahan made the decision to run in the direction where the suspects were last seen walking. As Officer Brosnahan approached the rear of Walmart, he observed people running from the store. Several customers approached him stating, "someone is inside shooting." At the same time, LVMPD dispatch advised of an "Active Shooter" inside the Walmart.

An employee guided Officer Brosnahan through the rear employee entrance and pointed in the direction of where Jared and Amanda were last seen. As Officer Brosnahan moved through the store, he observed Jared pick up a green military style bag and move into an aisle. Officer Brosnahan moved in the direction of Jared in hopes of intercepting him. As he moved, he observed

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Amanda with a gun in her hand. Amanda began to raise the firearm at him. The two then exchanged gunfire and Officer Brosnahan struck Amanda in the shoulder. Officer Brosnahan observed Jared moving towards their direction and made the decision to tactically retreat as he was outmanned and outgunned.

Several teams of officers were formed and made entry into Walmart. One team made entry through the rear of Walmart. During their movement, the team encountered gunfire in the northwest corner of the store. Officers Beal and Gross, armed with rifles, intermittently exchanged gunfire with Jared for approximately 15 minutes.

Another team made entry through the front of the store and immediately made their way to the surveillance room to confirm Jared and Amanda's position in the store. Once in the surveillance room, the officers gave continuous updates about the movements and actions of Jared and Amanda.

During the exchange of gunfire with Officers Beal and Gross, Jared was struck and fell to the floor. Jared and Amanda positioned themselves to face each other and appeared to have some dialogue. Amanda then placed the handgun she was holding to her head and fired one round.

A third entry team evacuated several citizens simultaneously while officers were engaged in the firefight with Jared. Members from Special Weapons and Tactics (SWAT) arrived and took Jared and Amanda into custody.

Jared was pronounced deceased at the scene and Amanda was transported to UMC, where she later died.

The Criminal Investigation:

LVMPD Force Investigation Team (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:

1. The matter involving Officers Brosnahan, Beal, and Gross was heard by the Use of Force Board that convened on August 17, 2015. The Board's finding was "Administrative Approval." The Use of Force Board determined the officers' actions were within policy. The Sheriff approved the Board's recommendation.

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2. The internal Tactical Review Board concluded the officer's performance was in accordance with Department standardized tactics and training.

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

1) Communication

As Officer Brosnahan prepared to enter Walmart, he attempted to broadcast radio traffic; however, due to the high demand for the use of the radio by officers inside CiCi's Pizza, he was unable to transmit.

During the incident there were several instances of inaudible radio transmission or times of officers' transmissions being cut off. These appear to be overall issues with the Desert Sky radio system. The Critical Incident Review Team (CIRT) concluded the problems with the radio were directly related to the Desert Sky system.

Once entry teams entered Walmart, vital information was being updated over the radio. A Sergeant demanded the use of the radio while his team was engaged in a gunfight with Jared, however, other units were still putting out information on the exterior perimeter. Several SWAT operators while en-route to the event got on the channel and began asking for updates. CIRT concluded better practice would have been:

- During an active shooter, the radio channel should be split immediately. This practice would allow officers actively engaged in an unfolding dynamic scene to access the radio and communicate with one another. It would allow a separate channel for all exterior and perimeter communication to still appropriately contain a scene without interfering with officers engaged with a suspect. This recommendation has been reviewed by the Organizational Development Bureau.

2) Officers' Approach

Officer Brosnahan made the decision to enter Walmart alone. His decision was not within active shooter training protocol; however, Officer Brosnahan's effort allowed citizens to escape. CIRT

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concluded Officer Brosnahan's analysis of threat, and knowledge that once inside he could possibly prevent further carnage by engaging the suspect as early as possible, was well thought out and valorous.

CIRT also concluded the Rear Entry Team's (which included Officers Beal and Gross) approach and response to this incident was heroic and within standardized LVMPD tactics, training, and policy.

3) Tactics and Use of Force

Officer Brosnahan had probable cause to believe that he was chasing a suspect who had just shot two officers inside CiCi's Pizza and was now inside Walmart shooting citizens. Officer Brosnahan was well aware the suspect was armed. As he entered the store, Amanda raised her firearm toward Officer Brosnahan. Officer Brosnahan responded by firing his gun, striking her.

Officers Beal and Gross arrived on scene knowing that they would be making entry into a dynamic active shooter situation. Upon entering Walmart, Beal and Gross became engaged in a gunfight with both Jared and Amanda. Although officers were unable to isolate Jared's location, the officers had no choice but to return fire to keep Jared pinned down to one location.

In review of this incident, CIRT found Officers' Brosnahan, Beal, and Gross discharged their weapons to stop Amanda and Jared as they used lethal force against them. This was found to be in accordance with LVMPD Policy.

4) Supervision (Command and Control)

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

- Officers and supervisors who initially responded to the scene did not properly establish ICS (Incident Command System) to manage the scene.
- SWAT was not given an updated briefing that Jared and Amanda were no longer active shooters, but instead barricaded subjects. This information may have changed SWAT's deployment into the business.

As a result, the Tactical Review Board recommended that ODB review the policies of splitting the radio channel. As well as for SWAT to review and ensure that current policies outline proper protocols regarding receiving updates related to events while en route to events.

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