

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting- 3700 W. Flamingo- December 7, 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:

In November of 2014, a series of armed robberies were occurring at multiple Las Vegas casinos. The suspect in the crimes was described and/or depicted on video surveillance as a white male adult, 30-35 years of age, 5'8, 200 lbs., with a muscular build. The suspect would enter a casino and proceed to the high limit slots area or casino sports book carrying a duffel bag over his shoulder. The suspect brandished a firearm or claimed to have explosives during the robberies and demanded money from the businesses. This robbery series was named the "High Roller Series" by the LVMPD Robbery Section. The suspect routinely parked a vehicle off the casino property and would flee the area on foot to avoid video surveillance detection. There was one event from 2009 that detectives also believed may have been the same suspect. During the course of the investigation a potential suspect was identified as Anthony Moore.

Robbery detectives were given information that a person matching the description of the "High Roller Series" suspect was staying at the Rio Hotel located 3700 W. Flamingo. Per management at the Rio, the subject was identified as Anthony Moore and was registered to a room in the hotel. Detectives compared video surveillance and photographs of Moore taken at the Rio, to the video surveillance of the robbery suspect. Moore bore a strong resemblance to the suspect.

A meeting was conducted to discuss the "High Roller Series." During the meeting, the LVMPD Robbery Section potentially identified the suspect as Anthony Moore; however they had not established probable cause to affect an arrest. It was decided during the meeting that the Career Criminal Section would begin immediate surveillance of Moore. One of the goals of having the Career Criminal Section following Moore was to assist the Robbery Section in establishing probable cause. This meant the surveillance was to help prove or disprove Moore was the suspect in the robbery series. Robbery detectives had an opportunity to view still photographs and video of Moore.

During surveillance on December 6, 2014, Moore was followed to the Hooters Casino Hotel parking lot. Utilizing the pedestrian crosswalk, Moore walked across the street and entered the MGM Hotel Casino for approximately 25 minutes before returning to his vehicle. With no robbery committed, the team continued to follow Moore to the Planet Hollywood Resort. At approximately

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2256 hours, Moore returned to the Rio Hotel Casino and went to his room. At 2355 hours, Moore was seen exiting his room wearing different clothing and carrying a gym bag. Moore left the Rio and went to the Wynn Hotel. After failing to get into the Surrender Night Club, Moore once again returned to the Rio, where he drank and gambled for three hours.

At 0423 hours, on December 7, 2014, the team followed Moore to the Hooters Hotel Casino. Unlike the earlier visit, Moore parked his vehicle in an apartment complex near the casino. The team observed Moore changing into clothing consistent with the robbery series suspect's clothing. Moore also removed the vehicle's license plates and replaced them with out-of-state license plates, concealing the true registration.

As Moore was changing his clothing, the surveillance team leader contacted the Robbery Sergeant and informed him of Moore's actions. The team did not want to potentially jeopardize Robbery's case by taking Moore into custody if the Robbery Sergeant did not agree that probable cause had been reached. The Robbery Sergeant was unable to make an immediate decision and the team leader decided to continue the surveillance of Moore.

Moore walked to MGM Hotel Casino and made his way to the high-limit gaming area; however, upon his arrival, found no employees. Moore sat at one of the machines waiting a few minutes then moved to another part of the casino floor. Moore returned to the high-limit area, and again no employees were in sight, Moore proceeded to the casino exit. The surveillance team continued to follow Moore, who drove back toward the Rio Hotel Casino.

At 0500 hours, as the surveillance team members were approaching the Rio, the Robbery Sergeant informed the surveillance team that if they could safely take Moore into custody, they should do so. As Moore turned into the Rio Hotel Casino parking lot, Detective Beck and his partner pulled into valet parking. The rest of the surveillance team got stuck at a traffic light which delayed their arrival to the Rio. Detective Beck and his partner proceeded to the Circle Bar, which is centralized inside the casino. Detective Beck was wearing his identifiable police tactical gear.

As Moore slowly made his way through the casino toward the elevators, Detective Beck and his partner decided to use the elevator bank as the location to take Moore into custody. Detective Beck would be lethal cover, while his partner would be less than lethal cover with his Taser. As the detectives made their way to the hallway, Detective Beck and his partner split up. Detective Beck remained in the hallway, and his partner moved through the gift shop that paralleled the hallway.

As Detective Beck quickly moved through the hallway, he closed the distance between himself and Moore. Detective Beck's partner was moving through the gift shop at the same pace, also catching up to Moore's location. Moore turned his head, looked over his shoulder and saw Detective Beck behind him. Detective Beck immediately drew his firearm and pointed it toward Moore while he gave a verbal command of, "Metro Police. Get on the ground." Moore seemed to quicken his pace as he used his right hand to reach across his waist and push into the bag he carried. As this happened, Detective Beck's partner emerged from a doorway of the gift shop with his right hand

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extended and aimed his Electronic Control Device (ECD) at Moore. Detective Beck issued commands to Moore. He continued to reach into his bag. Detective Beck's partner fired the ECD while only a couple of feet from Moore; the probes from the ECD struck Moore in the back, which caused him to fall toward his right side onto the ground.

As Moore went to the ground Detective Beck's partner realized that the ECD had not incapacitated Moore, so he moved in and attempted to conduct a three-point contact. Detective Beck positioned himself on Moore's upper body, using his own body weight to try and press Moore's upper body toward the ground. Detective Beck believed Moore was attempting to retrieve a firearm from the bag. While Detective Beck attempted to place himself between Moore and his partner, he heard his partner yell, "He's got a gun." Detective Beck placed himself on Moore's back using his left leg to put pressure on his lower back and using his free left hand to push down on Moore's shoulder. As Detective Beck did this, he could see over Moore's body and clearly observed a gun in Moore's hand which he was attempting to retrieve from his bag. Detective Beck yelled at Moore, 'Don't do it' as he pushed down on Moore's body in an attempt to keep him from being able to pull out the gun. Moore continued to pull the gun from the bag and Detective Beck fired one round, killing him.

During the robbery series Moore used the threat of an explosive device, grenade, and also a handgun. Because of the possibility of an explosive device in Moore's bag the LVMPD All-Hazards Regional Multi-Agency Operations and Response (ARMOR) team was called to the scene, as well as the Las Vegas Fire and Rescue (LVFR) Bomb Squad. Both teams were able to ensure there were no explosives in Moore's bag.

It was not until after ARMOR and LVFR Bomb Squad cleared the scene that Crime Scene Analyst and detectives were able to begin their investigation. It was confirmed during the investigation that Detective Beck fired one round. It was also determined that Moore had fired one round from his gun which struck him in his own leg.

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 and Internal Review:

1. The matter involving Officer Beck was heard by the Critical Incident Review Process/Use of Force Review Board on January 5, 2016. The Board's finding was, "Administrative Approval." The Use of Force Review Board determined Officer Beck's actions were within policy. The Sheriff approved the Board's findings.

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

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

1) Communication

Whenever police officers have the opportunity to formulate a plan before taking action, they should do so. In order to plan effectively, officers should gather as much information as possible. The more information officers possess about a scenario, the better their capacity to plan tactics that will fit the scenario and achieve their objective. Communication is a fundamentally important aspect of tactical performance and is a feature of almost all policing scenarios involving the use of force. When confronting threats, it is essential officers communicate effectively—both over the radio and face-to-face. Communication can be verbal or non-verbal.

When the surveillance team broadcast shots fired, they did so on the Convention Center Area Command (CCAC) radio channel. The surveillance team had their radio on the CCAC channel due to the surveillance being in CCAC while at the MGM Hotel Casino. The surveillance team immediately broadcasted shots fired on a patrol radio channel knowing they needed to advise Dispatch and get patrol units to assist them.

As the surveillance team was giving an update on the CCAC radio channel, a K9 Officer was also on Enterprise Area Command (EAC) channel updating that shots had been fired.

The detectives assigned to the surveillance team operate all over the Las Vegas Valley, and change radio channels multiple times a night. When the robbery did not occur and the surveillance team rushed to go back to covert surveillance mode, the surveillance team failed to change the radio over to EAC as they crossed the border from CCAC.

Although the Rio Hotel Casino is located within EAC, the broadcast on the CCAC radio channel worked out to their advantage. CCAC officers arrived first on scene and assisted the surveillance squad due to the close proximity of the Rio Hotel to CCAC. It also was beneficial as the dispatcher to EAC unknowingly de-selected the channel from being able to broadcast after shots fired was announced.

- The Critical Incident Review Team (CIRT) concluded the broadcast of the shots fired on the CCAC radio channel rather than the EAC radio channel by Detectives was reasonable.

2) Officers' Approach

Detective Beck and his partner entered the Rio Hotel through the front doors at valet. Detective Beck was wearing readily identifiable tactical gear, while his partner was in plain clothes. Detectives

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formulated a plan when they observed Moore headed toward the elevators and moved in to take him into custody. Detective Beck would take lethal cover while his partner would be less than lethal cover due to the concerns of being readily identifiable and having body armor or ballistic protection. Detectives attempted to close the distance to Moore when they were observed by him.

- CIRT concluded the approach to take Moore into custody at the time and location chosen was reasonable; however, a safer approach would have been to wait for additional resources from the rest of the team who was en route and formulate a plan that would have allowed for additional contingencies if needed.

The Board voted to modify this conclusion, citing the below;

- The Tactical Review Board (TRB) concluded the decision to take Moore into custody at the time and location chosen would have been reasonable if proper resources and supervision were present at the time. If proper supervision were present, the advantages and disadvantages of apprehending the suspect could have been weighed to include delaying the arrest.

3) Tactics and Use of Force

As Detective Beck and his partner made their approach, Detective Beck moved behind Moore in the hallway while his partner paralleled Moore through the gift shop.

- CIRT concluded the approach utilized by Detective Beck and his partner was within standardized LVMPD tactics and training.

As Detective Beck attempted to close the distance between Moore and himself, he believed Moore was the suspect in the robbery series, likely armed with a firearm and possibly in possession of an explosive device. Detective Beck drew his firearm when Moore turned and observed him coming up behind him. Detective Beck initially had a two-handed grip as he issued commands to Moore.

- CIRT concluded Detective Beck's weapon was drawn in accordance with LVMPD policy, tactics, and training.

During the confrontation, Moore went to the ground after Detective Beck's partner attempted a less than lethal option with the ECD. Detective Beck attempted to use the weight of his body by pressing his leg on the small of Moore's back and his left hand on Moore's left shoulder. While Detective Beck attempted to control Moore he held his firearm in one hand and placed it on the back of Moore's head. Detective Beck placed his firearm in this position to control the backdrop of his weapon, while he believed he could gain physical control over Moore.

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- CIRT concluded Detective Beck was aware of his backdrop and placed his body and weapon in a way to control his backdrop.

Detective Beck could see Moore as he attempted to remove a firearm from the bag. Detective Beck gave Moore commands; however, Moore continued to remove the firearm from the bag.

- CIRT found Detective Beck's use of force reasonable and in accordance with LVMPD tactics, training, and policy.
- CIRT concluded Detective Beck discharged his firearm to stop Moore from being able to fire at officers or citizens

4) Supervision (Command and Control)

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

During a critical time of the surveillance, the Robbery Sergeant was called upon by the surveillance team leader to make a decision. As a Robbery Section Sergeant, the decision to direct the investigation for the surveillance team should have been made. The inability to give an immediate response when it was required, delayed the apprehension of Moore.

- CIRT concluded that the Robbery Sergeant did not direct the investigation to an LVMPD standard.