

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting – 416 Lakehurst Road, August 23, 2015

Purpose:

The purpose of this report is to publish key conclusions, recommendations and outcomes of the Las Vegas Metropolitan Police Department's (LVMPD) 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 August 23, 2015, at approximately 0731 hours, a male heard a loud bang in the area of Lakehurst Road and Lakehurst Court. The male believed the noise was either a gunshot or a firecracker. He stepped outside to see what occurred and smelled something similar to that of a firecracker in the air. At that time, the male saw his neighbor, William Snider, standing outside of his residence. Snider said to the male, "This is your destiny, this is your destiny; you're no longer welcome in my home anymore." The male did not see a firearm at that time and returned back into his home and called 9-1-1.

At 0732 hours, Northwest Area Command (NWAC) officers were assigned to 416 Lakehurst Road. A NWAC patrol sergeant established an inner perimeter and gathered intelligence on the target residence. An officer on scene provided Dispatch with a Nevada license plate from one of the vehicles in the driveway. Officers were informed the vehicle was registered to William Snider, a resident at 416 Lakehurst Road.

SWAT snipers, Officers Walters and Moser, arrived on scene and took up tactical positions of cover on rooftops of houses across the street from Snider's home. Officer Moser covered the front door area of Snider's residence as Officer Walters covered the front window of the home. Officer Moser could clearly see into Snider's residence. Officer Moser gave radio updates to SWAT, to include the subject inside was carrying a "long gun" back and forth and appeared as though he was looking for someone outside.

SWAT command established a low lethal plan as the Crisis Negotiators Team (CNT) arrived on scene. An armored SWAT vehicle as part of an arrest team moved toward Snider's residence. Officer Moser advised he could see Snider and he was sitting on the couch in the living room with a rifle in his hands. As the armored SWAT vehicle moved into position, Officer Moser advised Snider had moved to the front door area.

As CNT prepared to begin dialogue with Snider, Snider exited his residence holding a rifle. A CNT sergeant gave Snider verbal commands to put the weapon down. The CNT sergeant calmly repeated these orders. Approximately 30 seconds later, Snider walked down the driveway towards

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the SWAT armored vehicle. Snider stopped just to the rear of a vehicle parked in his driveway, raised his rifle to his shoulder and pointed it in the direction of the SWAT armored vehicle and SWAT officers who were outside the vehicle. Officer Moser and Officer Walters observed this from their tactical positions and each fired one round from their rifles simultaneously. Both rounds struck Snider in the chest area. Snider was pronounced deceased at the scene.

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 Officers Walters and Moser was heard by the Critical Incident Review Process/Use of Force Review Board on July 28, 2016. The Board's finding was, "Administrative Approval." The Use of Force Review Board determined the officers' actions were within policy.
2. The internal Tactical Review Board concluded the officers' performance was in accordance with Department standardized tactics and training.

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

1) Communication and Information Sharing

During review of radio traffic, the Critical Incident Review Team (CIRT) found there was a breakdown in communication between SWAT and the area command dispatcher regarding the notification that an Officer Involved Shooting (OIS) had occurred. When SWAT Officer Moser fired at the suspect he announced over the SWAT channel (that is closed to public access) that shots were fired. There was a delay in relaying that information to the patrol dispatcher, because there was not a procedure in place that outlined the protocol for notifying Communications of "shots fired" related to a SWAT OIS.

- CIRT concluded that Standard Operating Procedure should be implemented in SWAT: If a SWAT operator discharges a firearm in the performance of their duty, whether intentionally or unintentionally, in the case of an accidental or negligent discharge, the operator will state on the SWAT channel that shots were fired. The SWAT commander or ranking SWAT personnel (lieutenant, sergeant,) will ensure Patrol and

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Communications are aware as soon as possible. If it is a tactical operation (barricade/hostage) the CNT scribe will also record the use of force in the CNT report.

2) Officer's Approach

CIRT found a patrol sergeant had a Crisis Intervention Team (CIT) officer place his marked patrol vehicle within a tactically safe distance to the suspect's house in anticipation to use the vehicle's public address system. The CIT officer turned his vehicle's police radio to "Car to Car," exited the vehicle, moved to a safe location and addressed the suspect via the PA system, giving him commands to safely surrender. This was determined to be a sound attempt at de-escalating the event in the beginning stages of the incident.

Officers Moser and Walters arrived, assessed the scene and determined they needed to reach a "hasty" position near the suspect's residence. Officers Moser and Walters "leap frogged" their way to their final locations prior to the OIS.

- CIRT concluded the officers' approach to the incident was within LVMPD policy, tactics and training (LVMPD Policy 5/213.11 Barricaded Subject Plan).

3) Tactics and Use of Force

CIRT found Officers Moser and Walters were in a position using their sniper rifle optics to observe the suspect's action from a position of tactical advantage; both in distance and in cover, as the suspect did not know their location. Officers Moser and Walters observed, almost simultaneously, the suspect exit his residence, shoulder his rifle and aim it in the direction of SWAT officers as well as occupied homes in the area.

- CIRT concluded Officers Moser and Walters' displaying and drawing of their firearms was within LVMPD standards.

CIRT found Officers Moser and Walters were aware of their backdrop from their positions on the rooftops directly across the street from 416 Lakehurst Road.

- CIRT concluded Officers Moser and Walters' assessment of their backdrop, target identification and isolation was within standardized LVMPD tactics, training and policy. (Policy 6/002.02 Authorized Force Tools Description, Requirements, Uses/Considerations Use of Force with a Firearm.)

In this incident Officers Moser and Walters observed Snider raise his rifle and point it in the direction of the armored vehicle, SWAT officers and occupied homes on the street.

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- CIRT concluded Officers Moser and Walters' threat assessment was reasonable.

4) Supervision (Command and Control)

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

- Patrol sergeant heard the call broadcast and immediately advised Dispatch he would be en route.
- Patrol sergeant arrived on scene, immediately took charge, ensuring the inner perimeter was locked down and established rifle teams and an arrest team.
- Patrol sergeant assigned CIT officer to move his patrol vehicle in front of the target residence and utilize the PA system in an attempt to de-escalate the situation.
- Patrol sergeant responded and initially set up the command post until patrol lieutenant arrived and took over Incident Command.
- Patrol sergeant obtained information regarding the suspect and briefed SWAT commander as he arrived in order to establish tactical operations.
- Patrol lieutenant established Incident Command and ensured additional resources were requested as needed.
- SWAT commander worked with SWAT sergeant to establish a tactical plan to contain Snider and attempt to negotiate to resolve the incident.
 - In reviewing supervisory response, CIRT concluded the patrol sergeants, SWAT sergeant, patrol lieutenant and SWAT commander managed the incident to an LVMPD standard.