

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting—5011 E. Craig Road—August 29, 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:

At approximately 3:17 a.m. on August 29, 2015, LVMPD patrol officers were dispatched to the Barcelona Hotel and Casino located at 5011 East Craig Road to investigate a larceny from a person call. While officers were conducting the investigation they were advised the suspect vehicle was an unregistered gold Buick LeSabre and possibly at a nearby business called the Juke Joint.

Officer Young, wearing the standard issue patrol uniform and operating an unmarked LVMPD vehicle, was in the area of the Juke Joint when he observed the suspect vehicle leaving westbound on Craig Road. Officer Young followed the vehicle while waiting for a marked patrol unit to arrive and conduct a traffic stop. The suspect vehicle traveled southbound on I-15 and exited onto Cheyenne Road. Once the suspect vehicle got near the intersection of Cheyenne Avenue and Losee Road a traffic stop was initiated by an officer in a marked LVMPD patrol vehicle.

The suspect vehicle was occupied by three individuals to include the driver, a front-seat passenger and a rear-seat passenger. During the traffic stop the rear-seat passenger, who was later identified as James Brown, immediately exited the vehicle and fled on foot. As Brown fled the vehicle he dropped a handgun, retrieved the handgun and continued to flee. The other two occupants remained inside the vehicle and were taken into custody.

Officer Young immediately gave chase after Brown in his unmarked vehicle. Knowing Brown was armed with a handgun, Officer Young drove his vehicle to the adjacent parking lot in an attempt to block Brown from entering one of the businesses located there and possibly causing a violent situation. Brown continued to run through the parking lot and into an open desert area. Officer Young exited his vehicle and gave chase on foot. During the foot pursuit Officer Young gave verbal commands for Brown to drop the gun; Brown did not comply. At one point during the foot pursuit Officer Young deployed his electronic control device (ECD) and attempted to de-escalate the situation by tasing Brown; however, the ECD was ineffective. When Brown and Officer Young reached the intersection of Losee Road and East Sharp Circle, Brown suddenly stopped running and turned to his left towards Officer Young with a firearm in his right hand. Officer Young fired two rounds from his duty weapon, striking Brown. Brown threw the handgun down and said, "Don't shoot me again," and went to the ground. Brown was taken into custody. Additional officers responded and rendered

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first aid until medical arrived. Brown was transported to UMC Trauma where he was pronounced deceased.

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 Young was heard by the Critical Incident Review Process/Use of Force Review Board on September 8, 2016. 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 Young'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

- The Critical Incident Review Team (CIRT) concluded the radio traffic for this incident prior to Officer Young's foot pursuit and after the OIS was to an LVMPD standard. However, CIRT recommends the use of the emergency button be included in the next cycle of Advanced Officer Skills Training (AOST) and Reality Based Training (RBT).
- CIRT concluded radio traffic for the incident was to an LVMPD standard.

2) Officer's Approach

Officer Young was wearing the standard LVMPD uniform and driving an unmarked vehicle with tinted windows. The unmarked vehicle was not equipped with an LVMPD in-car radio, a mobile display terminal (MDT), lights, siren, police markings or insignias identifying it as an LVMPD vehicle.

When Officer Young observed the suspects' vehicle, he advised he was on the northbound Interstate 15 (I-15) onramp and waiting for a marked patrol unit to arrive so a vehicle stop could be done.

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- CIRT concluded Officer Young's initial observation and surveillance of the suspects' vehicle, along with his request for a marked patrol unit to conduct the vehicle stop, to be tactically sound decision making and reasonable.

3) Tactics and Use of Force

As Brown ran toward the Denny's and Tacos El Gordo restaurants, Officer Young knew Brown was armed with a firearm, the restaurants were open twenty-four hours and that Tacos El Gordo had armed security. Officer Young observed vehicles in the parking lot, along with people entering and exiting the restaurants.

Officer Young was concerned Brown would either carjack someone or run into one of the restaurants, creating a barricaded subject and/or hostage incident. Officer Young made the decision to leave the area of the vehicle stop and drive toward the Denny's and Tacos El Gordo restaurants in an attempt to intercede Brown.

- CIRT concluded Officer Young's decision to leave the area of the vehicle stop and follow Brown was reasonable.

When Officer Young exited his unmarked vehicle, he identified himself as an LVMPD officer and issued verbal commands for Brown to drop his weapon and get on the ground. Brown did not comply with Officer Young's commands. He continued to flee northbound, still in possession of his firearm, into an open desert lot.

Approximately one hundred and fifty yards north of Officer Young's location were multiple businesses. Since the area was in North Las Vegas' jurisdiction, and not a part of North East Area Command, Officer Young did not know if any of the businesses were open twenty-four hours. Based on the possibility of civilians in the area, and Brown running toward them with his firearm, Officer Young made the decision to initiate a foot pursuit into the open desert area.

- CIRT concluded a better practice would have been for Officer Young not to have initiated the foot pursuit through the open desert area. Officer Young could have stayed at his vehicle, using it as cover/concealment and provided radio traffic for arriving officers to establish a perimeter in an attempt to contain and control Brown.

As the two ran through the desert area Brown's back was to Officer Young, his firearm was in his right hand, facing down. Based on Officer Young's observation, Brown appeared visibly tired. Sensing this, Officer Young believed he had an opportunity to de-escalate the situation and not use deadly force by deploying his electronic control device (ECD).

As Officer Young pulled his ECD from his holster with his left hand, he lowered and pointed the firearm in his right hand toward the ground. He was cognizant of a potential "sympathetic response"

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discharge of his firearm as he deployed his ECD. Officer Young did not want to re-holster his firearm as he deployed his ECD should the need of a lethal option be immediately required.

When Officer Young deployed his ECD it was ineffective. Brown turned slightly to his right and looked back at Officer Young who was still giving verbal commands to drop the weapon. Brown continued to run westbound away from him. At this time Officer Young believed his opportunity to use his ECD was no longer an option since Brown was looking back at him.

- CIRT concluded Officer Young's deployment of his ECD while alone and with no lethal coverage is not a violation of LVMPD policy however, it is also not a tactic trained by LVMPD. LVMPD policy allows the action taken by Officer Young. CIRT concluded, based on Officer Young's articulation of the incident and the totality of the circumstances, his decision was reasonable.

When Officer Young drew his firearm he knew the following:

1. Brown was involved in a Larceny from Person crime.
 2. Brown fled on foot from a marked patrol unit's vehicle stop.
 3. Brown was armed with a firearm.
- CIRT concluded Officer Young's drawing of his firearm was within standardized LVMPD tactics, training and policy.

At the time Officer Young discharged his weapon, he was running toward Brown. He was approximately seven feet from Brown holding his firearm in his right hand with his left hand moving up toward his weapon. As Officer Young discharged his second round, he was holding his firearm with both hands pointing his weapon directly at Brown's center mass (chest).

Although the area where the OIS occurred was well lit with a street light almost directly over Officer Young and Brown, Officer Young's backdrop was an industrial area that was "very dark;" however, Officer Young believed the area did not appear to be occupied.

- CIRT concluded Officer Young's assessment of backdrop, target identification and isolation was within standardized LVMPD tactics, training and policy.

4) Supervision (Command and Control)

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

1. Prior to the vehicle stop, the sergeant was monitoring and en route to this event.
2. With Officer Young's announcement of the OIS, and knowing he was in the area of the city of North Las Vegas, the sergeant requested Dispatch to contact NLVPD and request assistance for Officer Young.

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3. Once the scene was determined to be safe the sergeant provided first aid to Brown prior to the arrival of medical assistance.
 4. Officers established a Command Post.
 5. The Watch Commander lieutenant, K-9 sergeant and the area sergeants arrived at the command post and worked together to manage possible witnesses and secure multiple scenes. They documented the incident and prepared for arriving investigative units.
 6. The sergeant read the Public Safety Statement (PSS) to Officer Young.
- CIRT concluded the sergeants' response, leadership, and management to this incident was within standardized LVMPD tactics, training and policy.