

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting – 4564 Aviation St, December 14, 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 5:48 A.M. on December 14, 2015, LVMPD dispatch received a call from a concerned party in Ohio who claimed to have viewed a video online of a female identified as Brenda Kimberling attempting to commit suicide. The person reporting (PR) advised Kimberling might attempt to commit suicide-by-cop. Northeast Area Command (NEAC) officers attempted to make contact with Kimberling at her residence located at 5464 Aviation Street but there was no answer at the door.

At approximately 10:40 A.M. on the same day, LVMPD dispatch received a call from a mental health facility concerned about Kimberling's welfare and advised of details similar to the first call for service. Officers arrived at 10:51 A.M. and were able to make contact with Kimberling. Officers on scene, learned Kimberling was suicidal and had allegedly taken a large quantity of Percocet (an opioid) and was slurring her words. Kimberling threatened to suicide-by-cop. Officers established containment, conducted evacuations within the neighborhood and organized an immediate action team. At 11:25 A.M. LVMPD SWAT was advised and given the details of the event. Prior to SWAT's arrival, Kimberling exited her residence and pointed a handgun towards officers who were positioned behind cover down the street from her residence. SWAT along with the Crisis Negotiation Team (CNT) was subsequently requested to respond.

SWAT and CNT arrived and SWAT Officer Moser and SWAT Officer Collingwood deployed as snipers. They learned Kimberling had advised dispatch she intended to commit suicide-by-cop. A low-lethal plan was established by SWAT. CNT members were able to establish contact with Kimberling and heard her slurring her words while they tried to negotiate with her. A short time later, they could hear her snoring. After approximately 55 minutes SWAT breached the front door of the residence. Kimberling was seen walking down her stairs with a firearm in her hand and then observed attempting to replace the front door that was knocked down by the SWAT breach. Kimberling was heard mumbling to CNT that she wanted to die. Kimberling pointed what appeared to be a semi-automatic handgun with an extended magazine at SWAT officers.

CNT continued to try and negotiate with Kimberling via the use of a public address system (PA) as she withdrew back into her residence. Several minutes later at 1:39 P.M. contact was reestablished with Kimberling and she threatened to shoot herself in front of officers. At approximately 1:48 P.M.

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Kimberling exited the front door holding a shotgun directly under her own chin. Within seconds, Kimberling pulled the shotgun away from her chin and leveled it, aiming it toward SWAT officers. Observing this, SWAT Snipers Moser and Collingwood immediately and nearly simultaneously fired one round each toward Kimberling. Kimberling collapsed and died on 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."

LVMPD's Critical Incident Review Process and Internal Review:

1. The matter involving Officer Moser and Officer Collingwood was heard by the Critical Incident Review Process/Use of Force Review Board on December 20, 2016. The Board's finding was, "Administrative Approval." The Use of Force Review Board determined the officer's 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 the recommendations made after the Use of Force Review Board and the internal review were completed:

1) Communication and Information Sharing

The Critical Incident Review Team (CIRT) reviewed the audio file from the 9-1-1 calls made numerous times from Kimberling. CIRT also reviewed audio files of radio traffic between dispatch and the officers and/or supervisors assigned to this incident.

Based on the information provided by the call-takers, the NEAC dispatcher broadcasted appropriate information to the officers on the NEAC radio channel. Based on information given by officers and/or supervisors working this incident, the dispatcher documented the information appropriately.

- CIRT concluded the 9-1-1 calls made by Kimberling were managed and documented within standardized LVMPD Communications training and policy.
- CIRT also concluded the management of this event by the NEAC dispatcher was within standardized LVMPD Communications training and policy.

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- During the review of the radio traffic reference this incident, CIRT found the radio traffic was clear and concise and there were no issues.
- CIRT concluded the radio traffic involving all LVMPD personnel for this incident was to an LVMPD standard.

2) Officer's Approach

In the review of this incident, CIRT found the patrol officers who responded to the call initially did not attempt to make contact with Kimberling. Officers positioned themselves several houses away from the target residence and shortly thereafter, created even more distance and utilized patrol vehicles as cover. Officers gained containment by positioning patrol vehicles to block streets and began to evacuate neighboring residences.

- CIRT concluded the officers' approach to the incident was within standardized LVMPD tactics, training, and policy.
- CIRT concluded that SWAT's approach with the armored vehicles and the approach to the target residence was reasonable and within standardized LVMPD tactics and training.

3) Tactics and Use of Force

Officer Moser stated his backdrop was the interior of the home, the backyard and a six to eight foot block wall. Officer Collingwood state his backdrop was Kimberling's house, mainly a wall or closet to the right inside the doorway.

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

Officers Moser and Collingwood observed Kimberling come to the doorway of her residence with the muzzle of a shotgun placed under her chin. Both officers observed Kimberling level the shotgun in the direction of SWAT officers who were on foot behind an armored vehicle. Officers were also aware the residence directly past the armored vehicle had not been evacuated. Officer Moser believed Kimberling fired her shotgun in the direction of SWAT officers.

- In this incident, CIRT concluded Officers Moser and Collingwood's threat assessment was reasonable.

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4) Supervision (Command and Control)

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

- A sergeant was the first supervisor to arrive on scene and ensured officers did not approach the residence.
- A sergeant designated an immediate action team, a rifle/spotter team and assigned a Crisis Intervention Team (CIT) officer to attempt to make contact via cell phone with Kimberling.
- A sergeant arrived to assist and established a command post and staging area.
- Notifications to SWAT, the Watch Commander and ANSEC were made once Kimberling presented herself with a firearm.
- Supervisors worked together to establish containment and conduct evacuations.

In reviewing supervisory response, CIRT concluded patrol supervisors managed the incident to an LVMPD standard.

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

- SWAT supervisors arrived and immediately began to put a plan in place for containment followed by plans and options for safely taking Kimberling into custody.
- SWAT supervisors communicated well with each other as well as with the SWAT operators, assuring all positions were covered and tactical plans and options were relayed.
- The SWAT commander ensured there were contingency plans in place and they were communicated with the team over the SWAT TOC radio channel.
- The SWAT commander was aware of sniper placement and weapon selection.
- A SWAT sergeant obtained the Public Safety Statements from the involved officers after the officer involved shooting took place.

In reviewing supervisory response, CIRT concluded SWAT supervisors managed the incident to an LVMPD standard.