

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting- 3869 King Palm – 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:

On December 14, 2015 at 8:20 PM a victim called LVMPD dispatch to report he had been the victim of a robbery. He stated he entered a 2006 Lexus to purchase Lortab pills from the occupants, a deal the victim allegedly set up through a female acquaintance. He stated once in the car, an occupant pointed a firearm at him and robbed him of his personal property to include a watch and cellular phone and then pistol-whipped him. The victim attempted to flee but was forced to remain in the car as it was being driven away from the immediate area of Stewart Avenue and Nellis Boulevard. The victim was able to exit the vehicle, record the license plate, flee to a nearby Chuck E Cheese and call 911. Officer McGill and his partner, who were operating as a two-officer unit, were in the area and attempted to locate the suspect vehicle. Officers made a decision to check the registered owners address to investigate a possible nexus to the robbery.

Upon their arrival in the 3800 block of King Palm Avenue, Officer McGill's partner observed a Lexus matching the description of the robbery suspect's vehicle provided by the victim, as it was backing into the drive way at 3869 King Palm Avenue. As the officers approached, they observed three subjects standing outside of the Lexus and walking toward the front door of 3869 King Palm Avenue. Both officers issued verbal commands instructing all three subjects to lie prone on the front porch area in anticipation of taking them into custody. All three subjects were reluctant to follow the officer's commands. As the officers were attempting to manage multiple suspects, Roberto Sanchez, who was later identified to be the home owner and father of one of the robbery suspects, exited the front door of the residence with a firearm in his hand and began yelling at the subjects laying on the porch. Officer McGill issued multiple commands for Roberto Sanchez to drop the weapon. This was corroborated by a neighbor/witness. After being given multiple verbal commands to drop the weapon, Roberto Sanchez raised the firearm in the direction of the officers. At 8:53 PM, Officer McGill fired upon Roberto Sanchez with his firearm, striking Roberto Sanchez several times. Roberto Sanchez retreated into the residence where he subsequently succumbed to his injuries. One of Roberto Sanchez' minor sons, called 911 from within the residence and generated an "Unknown

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Trouble” call reporting his dad had been shot. A patrol sergeant along with other officers on scene called out the remaining occupants of the residence and entered to render aid to Roberto Sanchez, who was subsequently transported to UMC and 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 McGill was heard by the Critical Incident Review Process/Use of Force Review Board on November 14, 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 Solon McGill’s performance was in accordance with Department standardized tactics and training with few exceptions.

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

1) Communication

- As Officer McGill announced a “code red” over the radio, the LVMPD dispatcher became overwhelmed in keeping up with the radio traffic. A communications training officer was able to help assist the LVMPD dispatcher manage the call.
 - The Critical Incident Review Team (CIRT) concluded the dispatcher worked the call to the best of her ability with the training she had at the time. The Communications training officer’s decision to take over the radio and management of the information for the incident was to an LVMPD standard.

2) Officers’ Approach

- CIRT concluded the decision to quickly park the patrol vehicle in front of the residence was reasonable in light of all the circumstances.

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3) Tactics and Use of Force

Officer McGill and his partner parked in front of the residence. Officer McGill's partner recognized that Officer McGill had no cover and was too close to the suspects. Officer McGill's partner moved east away from the patrol vehicle to divide the suspect's attention if they were to attempt to engage officers with gunfire.

- CIRT concluded the officer's decision to move away from cover to create a tactical advantage for the officers was reasonable and within standardized LVMPD tactics, training and policy.

As Roberto Sanchez raised the firearm in the officers' direction, Officer McGill engaged Roberto Sanchez. Although Officer McGill's partner observed the firearm and perceived the same threat, he knew Officer McGill would maintain his attention towards Roberto Sanchez while he concentrated on the three suspects on the ground, who were possibly armed.

- CIRT concluded the officer's cover and concealment was within standardized LVMPD tactics and training.

Officer McGill and his partner confronted three suspects, (which they believed had just committed an armed robbery). Both officers drew their firearms and gave the suspects verbal commands to surrender.

- CIRT concluded Officer McGill and his partner's drawing of their firearms was within standardized LVMPD tactics, training and policy.

When Roberto Sanchez exited the residence, the front door was partially open. Officer McGill drew his firearm and pointed it at Roberto Sanchez. Behind Roberto Sanchez, Officer McGill could see the front door of the residence, the doorframe and an open wall in the partially opened door.

After Officer McGill discharged his weapon the first time, Roberto Sanchez stood in the doorway of the residence, behind the doorframe. When Officer McGill fired two more rounds at Roberto Sanchez's chest, the door and doorframe were his backdrop.

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

Roberto Sanchez exited the residence with a firearm in his hand. Both Officers McGill and his partner gave Roberto Sanchez multiple verbal commands to drop the weapon. Roberto Sanchez took a standing position and raised the firearm in the direction of Officer McGill.

- CIRT concluded Officer McGill's threat assessment was reasonable.

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4) Supervision (Command and Control)

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

In reviewing the patrol sergeant's response, the patrol sergeant immediately controlled the call via the radio before his actual arrival. The sergeant reminded officers to slow the momentum. Upon arrival the patrol sergeant took charge of the scene and ensured several things were done:

1. The sergeant directed an acting sergeant to take control of the outer perimeter.
 2. The sergeant took control of the inner perimeter, slowed the momentum and reminded officers to hold their positions of cover when taking suspects into custody.
 3. The sergeant spoke via landline with persons in the suspect residence to obtain vital information and have juveniles exit the residence.
 4. The sergeant created an action team and made entry to render aid to Roberto Sanchez, while communicating with other sergeants and officers on scene.
 5. A second patrol sergeant became Incident Commander and established a Command Post (CP).
- CIRT concluded the patrol sergeant's response, leadership and management to this incident was within standardized LVMPD training, tactics and policy.