

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting-2000 South Paradise Road-April 11, 2016

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 Monday April 11th, 2016 at 10:09 PM several witnesses called into 911 to report a dispute between three males in the parking lot of 1961 South Las Vegas Boulevard. One gun shot was heard and all three males were seen running south towards the Carl's Jr. Restaurant at 2001 South Las Vegas Boulevard. Witnesses stated they then heard several more gunshots. As officers arrived at the Carl's Jr. they found a male victim laying in the parking lot with several gunshot wounds. Unbeknownst to officers who arrived on scene and were rendering aid to the victim, the suspect, later identified as Soriano, stayed in the area and was holding his cellular phone as if he were video recording responding officers. The officers warned Soriano to step away from the crime scene several times and he eventually complied. Multiple citizens called in the incident to LVMPD dispatch with information that Soriano was in fact the shooter and was still in the area watching the police response. Once this information was passed to responding units, Soriano fled on foot eastbound on St. Louis Avenue then south on Paradise Road as officers attempted to locate him around the Siegel Suites which is located on the south west corner of Paradise and St. Louis.

Officers Loy and Ferris arrived in the south east corner of the Siegel Suites. Officer Loy, who was just north of Officer Ferris, observed Soriano running south on the sidewalk directly toward them and recognized that he fit the description of the suspected shooter. Soriano was approximately 30-40 yards north of Officers Loy and Ferris. As soon as Officer Loy started to issue verbal commands to Soriano, he immediately saw muzzle flashes coming from Soriano's location. Officer Ferris also saw the muzzle flashes and heard the gunshots as Soriano was firing in the direction of both officers. Both officers immediately returned fire as Soriano continued to rapidly advance upon them. Soriano continued to close distance on both officers while the officers were returning gunfire. Soriano collapsed approximately 5-10 yards to the east of both officers. Soriano was transported to UMC where he was pronounced deceased at 10:44 PM by UMC Doctors. Neither officer was struck by gunfire however Officer Loy suffered what appeared to be an ankle injury from falling over a large boulder during the gunfight.

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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 Loy and Officer Ferris was heard by the Critical Incident Review Process/Use of Force Review Board on October 31, 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 Loy and Officer Ferris's 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

- The Critical Incident Review Team (CIRT) reviewed the audio file from the 9-1-1 calls from multiple callers who reported their accounts for this incident to LVMPD call-takers. CIRT also reviewed audio files of radio traffic between dispatch and the officers and/or supervisors assigned to this incident and compared the radio traffic to the Computer Aided Database (CAD) document.
 - The call-taker's interaction with the Person Reporting (PR) was documented in CAD. On more than one occasion the PR provided vital information to the call-taker regarding Soriano's location, which was potentially life-threatening to the officers on scene. This information was not documented correctly; therefore it did not afford the dispatcher the opportunity to recognize and broadcast Soriano's threat to the officers on scene. CIRT concluded the 9-1-1 call managed and documented in CAD by the call-taker was not within standardized LVMPD Communications training and policy.
 - On April 28, 2016 a communications supervisor reviewed and counseled the call-taker's management of this event.
- CIRT concluded radio traffic for the incident was to an LVMPD standard.

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2) Officers' Approach

- CIRT concluded Officer Ferris' preplanning while en route and up to his arrival at the Siegel Suites was within standardized LVMPD tactics and training.
- CIRT concluded Officer Loy's preplanning while en route up to his arrival at the Siegel Suites was within standardized LVMPD tactics and training.
- CIRT concluded the foot pursuit tactics used by officers on scene were within standardized LVMPD tactics, training and policy.

3) Tactics and Use of Force

As Officer Ferris and Officer Loy arrived at the Siegel Suites, they both parked at the southeast corner of the complex. As they exited their vehicles, Officer Ferris and Loy walked to the southeast corner of the Siegel Suites apartment complex and began to establish containment. An officer then advised he was in a foot pursuit of Soriano. Soriano produced a handgun and rounded the east side of the Siegel Suites and was no longer observed by the pursuing officer.

After rounding the corner, Soriano ambushed Officers Ferris and Loy by sprinting toward them while firing his weapon. Both officers recognized the deadly force threat and began to engage by discharging their firearms. After using deadly force against Soriano, Officer Loy moved to the northeast corner of the building closest to him while Officer Ferris positioned himself at the southeast corner of the same building. They maintained cover/concealment and provided lethal coverage on Soriano until additional officers arrived and took him into custody.

- CIRT concluded the dynamics of this incident for Officers Ferris and Loy escalated and changed immediately as they observed Soriano and were immediately placed in a deadly force situation. Their use of contact and cover tactics were within standardized LVMPD tactics, training and policy.

When Officer Ferris drew his firearm he knew the following:

1. Officer Ferris was on an assault with a deadly weapon event where Soriano used a firearm against a victim and left the scene.
2. Officer Loy advised him he observed a shadow north of their location which was suspicious to them.
3. Officer Ferris and Loy moved north, along the east side of Siegel Suites building 5, toward the shadow.

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- CIRT concluded Officer Ferris' drawing of his firearm was within standardized LVMPD tactics, training and policy.

When Officer Loy drew his firearm he knew the following:

1. Officer Loy was on an assault with a deadly weapon event where Soriano used a firearm against a victim and left the scene.
2. Officer Loy knew Soriano fled toward the Siegel Suites.
3. Officer Loy knew other officers were in a foot pursuit with Soriano and were headed toward his location.
4. Officer Loy observed a shadow north of his location which was suspicious to him. He then informed Officer Ferris of his observation.
5. Officer Loy moved north, along the east side of Siegel Suites building 5, toward the shadow.

- CIRT concluded Officer Loy's drawing of his firearm was within standardized LVMPD tactics, training and policy.

Before Officer Ferris fully observed Soriano, Soriano was already sprinting toward and firing his weapon at Officers Ferris and Loy. When Officer Ferris first observed Soriano, he immediately knew he was in a deadly force encounter.

- CIRT concluded Officer Ferris' threat assessment was reasonable.

At the same time Officer Loy observed Soriano, Soriano began to shoot at him and Officer Ferris. Officer Loy immediately knew he was in a deadly force encounter.

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

When Soriano began to engage Officers Ferris and Loy, Officer Ferris stated Officer Loy was directly in front of him by a "couple of steps" and they were both near the wall of building 5 of the Siegel Suites.

Because Officer Loy was directly in front of him, Officer Ferris took approximately three steps to his right, away from the Siegel Suites building, to clear Officer Loy from his backdrop. Having a clear backdrop allowed Officer Ferris to engage Soriano. Officer Ferris described his backdrop as small businesses all very low lit and they appeared closed.

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

At the time he began to discharge his firearm at Soriano, Officer Loy was lying on his back, his legs were straight and his head was elevated enough that he could see Soriano sprinting toward him and

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Officer Ferris. Officer Loy held his weapon with his right hand only and rolled to his right side because he was cognizant of not wanting to shoot himself in the foot.

Officer Loy's backdrop was north on Paradise Road. Officer Loy stated Paradise Road was just "open road" with no cars or people. Further in the distance, north of him, there were some buildings which Officer Loy believed were approximately two hundred yards away from where he discharged his firearm. Officer Loy was also cognizant that Officer Ferris was behind him when he discharged his firearm.

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

Supervision (Command and Control)

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

- Approximately two minutes after this incident was created and broadcasted by LVMPD dispatch, a sergeant assigned himself to the event and immediately began to communicate with assigned officers.
- After the officer involved shooting (OIS), additional sergeants arrived.
- A Watch Commander assigned himself to the event and upon arrival began working with the on scene supervisors.
- All supervisors worked together and managed multiple scenes to include St. Louis Square, the Carl's Jr. area where the initial victim was shot, the area of the OIS at the Siegel Suites and the Command Post (CP).
- A sergeant read the Public Safety Statement (PSS) to Officers Ferris and Loy.

CIRT concluded the supervisors' response to this incident and their management of multiple scenes, while dynamic events were still unfolding, was within standardized LVMPD tactics, training and policy.