

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting — CC215 & Hualapai — October 12, 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 October 12, 2016, at 2313 hours, two patrol officers from Downtown Area Command (DTAC) observed a vehicle in the area of Fairfield Avenue and St. Louis Avenue which matched the description of a robbery/stolen vehicle taken out of Henderson's jurisdiction. The vehicle matched the description of one related to the "Rogaine Robbery Series" which was tied to at least sixteen different robberies within Clark County. This suspect was later identified as Rex Wilson. Additional DTAC patrol units attempted to stop the vehicle near Wyoming Avenue and Commerce Street, but it fled. A vehicle pursuit was initiated which led officers through multiple area commands. Wilson's vehicle ran over LVMPD stop sticks, causing the vehicle to eventually slow down. Officers attempted to use a Precision Intervention Technique (PIT) on four separate occasions in order to safely bring the vehicle to a stop while it travelled on the Clark County 215 Beltway. On the fourth attempt, Wilson's vehicle was finally stopped with the use of a successful PIT. Officers blocked Wilson's vehicle to prevent his escape in the area of Clark County 215 Beltway and North Hualapai Way.

Several officers were involved in the pursuit and, at the conclusion, ended up in close proximity to Wilson's vehicle. As Officers Squeo, Gowens, Swartz, and Lindberg exited their respective marked patrol vehicles, Wilson produced a small-frame, black handgun and pointed it out of the driver's window in the direction of Officers Squeo and Gowens. All four officers discharged their firearms toward Wilson who was seated in the driver's seat of the stolen vehicle. A team of officers approached Wilson to render aid, however, it was discovered he was deceased. It was later discovered the item Wilson pointed at officers, which was believed to be a firearm, was a homemade object intended to look like a firearm.

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The Criminal Investigation:

The 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, "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:

The matter involving Officers Squeo, Gowens, Swartz, and Lindberg was heard by the Critical Incident Review Process/Use of Force Review Board on February 16, 2017. The Board's finding was, "Administrative Approval." The Use of Force Review Board determined the officers' actions were within policy. The Sheriff approved the Board's recommendation.

The internal Tactical Review Board concluded the officers' performance, with minor exceptions, was in accordance with Department standardized tactics and training.

Below are the recommendations made after the Use of Force Review and the internal Tactical Review Boards were completed.

1) Communication

The Critical Incident Review Team (CIRT) reviewed the Communications aspect of this event. CIRT found the dispatcher trainee did not appropriately create an event when an officer broadcasted information regarding the possible stolen vehicle from another jurisdiction and did not broadcast the code red over the patrol radio to include advising other area dispatchers. The dispatcher trainee remained on the channel and handled all the updates in Computer Aided Dispatch (CAD) as they worked through their first pursuit and officer involved shooting as a dispatcher.

- CIRT concluded the dispatcher trainee's performance was not within standardized LVMPD training and policy.

CIRT found a dispatch specialist monitored the dispatch trainee from a second console and allowed the dispatch trainee to manage the incident even when minor mistakes were made. The dispatch specialist left the console when the officers located the suspect vehicle after the dispatch trainee failed to broadcast the code red. The dispatch specialist came over to the DTAC console and took

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over the radio traffic while the dispatch trainee handled the updates in CAD. The dispatch specialist monitored a dispatch trainee as updates were made in CAD and gave instructions on the information that should be updated to track the pursuit.

- CIRT concluded the dispatch specialist performed to an LVMPD standard.

In the CIRT review of the DTAC radio traffic conducted during this incident, it was found all responding officers and the air unit kept radio traffic to a minimum and information provided was vital and necessary. Officers provided updated information throughout the incident and this allowed officers in other area commands to provide assistance.

- CIRT concluded all radio traffic was within standardized LVMPD tactics, training and policy.

2) Officers' Approach

As a patrol officer made initial contact with Wilson, the patrol officer remained at a distance to wait for additional units. Wilson fled from the patrol officer and a pursuit was initiated. Officers involved in the pursuit remained at a distance throughout the pursuit. After Wilson ran over the stop sticks and pulled over, the pursuing officers remained at a distance and did not rush the suspect vehicle when they conducted a High Risk Vehicle Stop.

- CIRT concluded officers' approach during this incident was within standardized LVMPD tactics, training and policy.

During this incident, officers from DTAC initiated a vehicle pursuit which involved a felony vehicle and potential suspect from a robbery series. As the Air Unit arrived, officers backed off of the pursuit and bubbled the area. A patrol sergeant advised he was monitoring the pursuit and authorized additional units to be involved due to the severity of the crime series. The patrol sergeant continued to monitor the pursuit and advised units to consider using the PIT to stop the vehicle.

As the pursuit continued into other area commands, additional units were requested to assist and attempt to set up stop sticks. The patrol sergeant provided updates to units to remain cool and watch their brakes due to speeds exceeding 100 mph. The patrol sergeant advised units setting up stop sticks to utilize their vehicles for cover and for officers to consider the elevation changes if the opportunity was available to use the PIT.

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- CIRT concluded the patrol sergeant's decision to allow the pursuit to continue and his monitoring/supervision of the pursuit was within standardized LVMPD tactics, training and policy.

CIRT found as Officer Gowens exited his vehicle to conduct a High Risk Vehicle Stop when Wilson stopped on the freeway, he shut his door and stood in the road addressing the suspect vehicle. Officer Gowens had information Wilson was possibly armed due to the prior crimes he had committed and did not utilize his door for cover. Officer Gowens failed to follow proper procedures for a High Risk Vehicle Stop.

- CIRT concluded Officer Gowens cover and concealment was not within standardized LVMPD tactics and training.

CIRT found after reviewing this incident, which included body worn camera (BWC) footage, photographs, crime scene diagrams, lesson plans and interviews, there was a potential for crossfire during this incident. The officers involved in this dynamic incident were attempting to stop a violent fleeing felon who had been involved in a high speed pursuit and failed to stop after the PIT was conducted on four separate occasions. LVMPD has provided training for high speed pursuits and the actual use of the PIT but has not provided training to officers on follow up tactics to the PIT in a pursuit involving multiple units.

- CIRT concluded the lack of training by LVMPD at the conclusion of a PIT led to the potential for a crossfire situation.

CIRT made the following recommendation to the Organizational Development Bureau on December 28, 2016:

CIRT recommends that the Emergency Vehicle Operations Course (EVO) institute tactical scenario based training instead of solely focusing on driving skills once officers show they are proficient in operating department vehicles. This training should focus on the aftermath of vehicle pursuits, PIT and blocking to include the consideration of crossfire and de-escalation techniques once suspect vehicles are stopped.

3) Tactics and Use of Force

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CIRT found officers were involved in a pursuit which involved a suspect who committed multiple robberies with a weapon and a carjacking. The pursuit went through several area commands and reached speeds over 100 mph.

Officer Squeo initially drew his firearm when the suspect stopped the vehicle on the CC215 as he set up for a High Risk Vehicle Stop. The suspect fled and Officer Squeo attempted a PIT on the CC215 but the suspect drove out of it. Officer Squeo utilized his vehicle to block the suspect vehicle in on the west side. As Officer Squeo exited his vehicle, he drew his firearm as he confronted the suspect.

Officer Gowens was the passenger in Officer Squeo's vehicle. As they set up for a High Risk Vehicle Stop, Officer Gowens drew his firearm as he exited his vehicle. The suspect fled and they attempted a PIT which was unsuccessful. Officer Squeo utilized his vehicle to block in the suspect vehicle. Officer Gowens exited his vehicle and drew his firearm as he confronted the suspect on the vehicle's driver's side.

Officer Swartz took a position on the passenger side of Wilson's vehicle and drew his firearm as he exited his vehicle. Officer Swartz decided to retrieve his shotgun and as he was doing so, the suspect vehicle fled again. Officer Swartz got back in his vehicle and was in position to conduct a PIT maneuver with the suspect vehicle. After the final PIT, Officer Swartz stayed on the passenger side of the vehicle, utilizing his vehicle to block the suspect vehicle. Officer Swartz exited his vehicle and drew his firearm a second time confronting the suspect on the passenger side of the suspect vehicle.

Officer Lindberg made contact with the front of the suspect vehicle after it came to rest the final time in the westbound travel lanes. Officer Lindberg exited his vehicle and drew his firearm as he confronted the suspect directly in front of him.

- CIRT concluded Officers Squeo, Gowens, Swartz and Lindberg's exhibiting of their firearms was within standardized LVMPD tactics, training and policy.

Officer Squeo was aware his backdrop was the passenger side of the suspect vehicle and nothing beyond the vehicle. Officer Squeo was aware Officer Lindberg was directly in front of the suspect vehicle and saw Officer Swartz at a diagonal to him on the passenger side adjacent to the front tire.

Officer Gowens was aware his backdrop was the suspect vehicle and dust beyond the vehicle. Officer Gowens also saw red and blue lights in the distance. Officer Gowens did not know Officer Swartz was on the passenger side. Officer Gowens knew where Officers Lindberg and Squeo were located.

Officer Swartz was aware his backdrop was the floorboard and seat area due to the downward angle from his location to the suspect vehicle. Officer Swartz knew an officer was on the driver's side of the suspect vehicle.

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Officer Lindberg was aware his backdrop was the vehicle and nothing but the street and rocks behind the vehicle. Officer Lindberg was aware Officer Swartz was on his left side and Officers Squeo and Gowens were on the right side.

- CIRT concluded Officers Squeo, Gowens, Swartz and Lindberg's assessment of backdrop, target identification and isolation was within standardized LVMPD tactics, training and policy.

In this incident, Officers Squeo, Gowens, Swartz and Lindberg observed Wilson with a firearm in his right hand. Officer Squeo observed Wilson point a firearm at him and feared he was going to get shot. Officer Squeo also observed Wilson turn his body and point the firearm in the direction of Officer Lindberg. Officer Gowens feared Wilson was going to shoot either Officer Squeo or Lindberg when Wilson came up with a firearm in his hand. Officer Swartz feared Wilson may shoot another officer when he pointed the firearm out of the driver's side window of the stolen vehicle. Officer Lindberg observed Wilson, holding a weapon, turn his body towards Officers Squeo and Gowens and feared Wilson was going to shoot them.

- CIRT concluded Officers Squeo, Gowens, Lindberg and Swartz' threat assessment was reasonable.

Officer Squeo's Use of Force

Officer Squeo observed Wilson point a firearm in his direction and he returned fire, addressing the deadly threat toward him. As he was firing his weapon at Wilson, Officer Squeo observed Wilson then point the firearm in the direction of Officer Lindberg so he continued to fire until he observed the threat was gone.

Officer Gowens' Use of Force

Officer Gowens observed Wilson point a firearm in the direction of himself and Officers Squeo. Officer Gowens fired his weapon at Wilson to stop the threat presented to himself and his partner.

Officer Lindberg's Use of Force

Officer Lindberg observed Wilson point a firearm in the direction of Officers Squeo and Gowens. Officer Lindberg fired his weapon at Wilson to stop the threat presented toward other officers.

Officer Swartz' Use of Force

Officer Swartz observed Wilson point a firearm out of the driver's side window of the stolen vehicle. Officer Swartz knew there were officers standing where Wilson was pointing his firearm so he fired his weapon at Wilson to stop the threat toward other officers on scene.

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In review of this incident, CIRT concluded Officers Squeo, Gowens, Lindberg and Swartz discharged their firearms to stop the threat presented by Wilson towards Officers Squeo and Gowens. This is in accordance with LVMPD Policy, which states the Parameters for Use of Deadly Force:

An officer may use deadly force upon another person only when it is objectively reasonable to:

1. Protect himself or others from what is reasonably believed to be an imminent threat of death or serious bodily injury;
 2. Prevent the escape of a fleeing felon who the officer has probable cause to believe has committed a violent felony crime and is an imminent threat to human life if escape should occur. (See NRS 171.1455.) Officers will give some warning, if feasible, prior to the use of deadly force. Example: *"Police! Stop or I will shoot!"*
- CIRT found Officers Squeo, Gowens, Lindberg and Swartz' use of force reasonable and in accordance with standardized LVMPD tactics, training and policy.

4) Supervision (Command and Control)

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

Several sergeants and lieutenants from different area commands were involved in this incident and worked together throughout the event. The following are specifics from the supervision involved:

DTAC Supervision

1. A patrol sergeant advised they were en route to the area when the initial patrol officer requested additional units.
2. A patrol sergeant advised they were monitoring the pursuit and gave additional direction throughout such as utilization of the PIT, approval for patrol units to be involved in the pursuit after the air unit arrived, approval for more than two patrol units be involved and provided guidance towards the end of the pursuit.
3. A patrol sergeant advised patrol units to remember to take into consideration the elevation changes when using the PIT.
4. Two patrol sergeants obtained the Public Safety Statements from the involved officers after the officer involved shooting took place.

Northwest Area Command (NWAC) Supervision

1. A patrol sergeant assisted with stop sticks at two locations and had a successful deployment with the suspect vehicle.
2. Two patrol sergeants arrived at the termination point after shots were fired and coordinated an arrest team and control of the scene.

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3. A patrol sergeant identified the officers who fired their weapons and separated them with witness monitors.
 4. Two lieutenants responded to the termination point and coordinated establishment of the command post and staging areas.
 5. A lieutenant was identified as the Incident Commander and managed the incident.
- In reviewing supervisory response, CIRT concluded incident management was to an LVMPD standard.