

Office Of Internal Oversight Review
KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT
Officer-Involved Shooting — 5202 Shreve Avenue — May 6, 2017

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 May 8, 2017, between the hours of 2036 and 2128, LVMPD dispatch received two independent calls through 9-1-1 to report the actions of Steven Price who recently moved into 5202 Shreve Avenue. The first caller reported Price was dancing and yelling outside of his residence and believed Price was smoking marijuana. The call taker created an event and documented the accounts provided by the caller. At approximately 2045 hours, a second caller reported Price was in front of their residence making a lot of noise, appeared drunk and kept going to his car. Each of these callers would recall 9-1-1 to report that Price was continuing to cause a disturbance in the neighborhood.

At approximately 2308 hours, Officers Terry and Hayner were dispatched to 5202 Shreve Avenue with the update that Price was armed with a shovel and threatening security. Officers Terry and Hayner arrived near the front gate of the neighborhood and spoke with the security guard. The security guard stated that Price swung a shovel at him and he pepper sprayed Price. The security guard pointed to the second house inside of the gate and said he believed Price was still outside. Officers Terry and Hayner parked their patrol vehicles in front of the residence east of Price's home. Officer Hayner deployed a low lethality shotgun. Officers Terry and Hayner separated in front of the residence and could hear Price inside of the residence breaking things and screaming. Price appeared in the upper window of 5202 Shreve Avenue and screamed at Officers Terry and Hayner who were waiting for additional officers to respond. Price left the window and exited the residence with pickaxe in one hand and a hatchet in the other. Officers Terry and Hayner gave verbal commands for Price to drop the weapons. Price closed the distance on Officer Hayner who fired two low lethality rounds. Price then threw the pickaxe at Officer Terry and the hatchet at Officer Hayner. Officer Terry fired thirteen (13) rounds from his handgun striking Price several times. Price fell to the ground and was later pronounced deceased at the scene.

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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:

1. The matter involving Officer Terry was heard by the Critical Incident Review Process/Use of Force Review Board on November 9, 2017. 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 the officer's performance, with some exceptions, was in accordance with Department standardized tactics and training.

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

1) Communication

As this incident was created and Officers Terry and Hayner were assigned, there was a "Code Red" over the radio channel for a priority "0" call. Once the Code Red was cleared, Officers Terry and Hayner broadcasted over the radio information related to their event which was acknowledged by the dispatcher.

- CIRT concluded radio traffic for this incident was to an LVMPD standard.

The time from when the call taker first communicated with the security guard, to when the second event was created was approximately two minutes fifty-five seconds. During this time, the security guard had been threatened by Price with a shovel and the security guard had pepper sprayed Price in the face.

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- CIRT concluded the call taker failed to generate the event in a timely manner and was not within standardized LVMPD Communications training and policy.

The LVMPD call taker handled the incident from the first caller who had recalled three times to report Price's actions. The first caller advised the call taker that Price was fighting a security guard while he was armed with a knife and a shovel. A review of the details for the second event did not include information that Price was armed with a knife.

- CIRT concluded the call taker's failure to document that Price was armed with a knife was not within standardized LVMPD Communications training and policy.

With a "Code Red" established over the radio channel for an unrelated event and based on the information provided by the call-takers, a dispatcher assigned Officers Terry and Hayner to the event involving Price. When the event was updated to a STAR Protocol, a dispatcher broke the "Code Red" to advise a patrol sergeant.

- CIRT concluded the dispatcher's management of the radio channel was within standardized LVMPD Communications training and policy.

2) Tactics and Use of Force

As Officers Terry and Hayner arrived in the area of Shreve Avenue, before they made contact with the security guard, they were aware the incident was a STAR Protocol, Price was armed with a shovel and he threatened a security guard and the security guard pepper sprayed Price.

Officer Terry made contact with a security guard at the front entrance. After Officer Terry spoke with the security guard, he did not brief Officer Hayner on what information was provided. Prior to entering the gated community, Officers Terry and Hayner did not discuss what options were available.

- CIRT concluded Officers Terry and Hayner failed to pre-plan prior to contacting Price. Their actions were not within standardized LVMPD tactics, training and policy.

Officers Terry and Hayner drove into the housing community and parked east of Price's residence. They did not stay outside of the community front gate and wait for resources to respond to

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coordinate a response. Officers Terry and Hayner separated from each other which limited their ability to work as an effective team.

- CIRT concluded Officers Terry and Hayner failed to de-escalate. Their actions were not within standardized LVMPD tactics, training and policy.
- The Tactical Review Board concluded that Officers Terry and Hayner never attempted to make contact with Price and were forced to use force when Price approached them.

When Officer Terry drove into the community, he turned west onto Shreve Avenue and stopped his vehicle in front of the residence east of Price's residence. Officer Terry left his emergency lights on. Officer Terry exited his vehicle and walked down the middle of the street to the front of 5202 Shreve Avenue.

Officer Hayner exited his vehicle, announced the deployment of the low lethal shotgun and observed Officer Terry in the middle of Shreve Avenue walking toward the west side of Price's residence. Officer Hayner made no attempt to have Officer Terry move back to his current position to coordinate an organized approach.

- CIRT concluded Officers Terry and Hayner's approach to Price's residence was not within standardized LVMPD tactics and training.
- The Tactical Review Board concluded that Officer Hayner never approached the residence.

Prior to Price exiting his residence, Officer Terry was on the west side of Price's residence, while Officer Hayner was on the east side. They were positioned in an attempt to establish containment around Price's residence while they waited for a patrol sergeant and additional officers. Price exited his residence and was armed with a hatchet in his right hand and a pick-axe in his left hand. Price walked into the roadway between Officers Terry and Hayner causing a potential crossfire situation. Officers Terry and Hayner recognized they were in a crossfire situation, therefore, Officer Terry moved diagonally toward Officer Hayner to prevent any crossfire.

- CIRT concluded the contact and cover used by Officers Terry and Hayner as Price exited his residence and prior to their use of force were within standardized LVMPD tactics and training.

Due to the nature of this incident, Officer Terry should have drawn his firearm once he exited his vehicle due to Price possibly being on foot, in the community and armed with a shovel. By having his

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firearm drawn sooner, Officer Terry would have been in a better position against Price whose actions escalated to the point where deadly force was needed to protect himself and Officer Hayner from an imminent threat of death and/or serious bodily injury.

Officer Terry heard Officer Hayner's radio broadcast on the deployment of the low lethal shotgun and immediately knew he would provide lethal coverage. However, Officer Terry did not draw his firearm immediately following Officer Hayner's radio traffic

- CIRT concluded Officer Terry failed to draw his firearm appropriately and was not within LVMPD tactics, training and policy.

Officer Terry's backdrop was an SUV, directly behind Price as he discharged his weapon in a northeast direction.

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

In review of this incident, CIRT concluded Officer Terry discharged his firearm to stop Price, who was armed with a hatchet and pick-axe. Price was approximately twenty-nine feet away from Officer Terry and was in the process of throwing the hatchet at him.

- CIRT concluded Officer Terry's use of force was reasonable.

3) Supervision (Command and Control)

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

When the patrol sergeant was advised of the event, the patrol sergeant immediately went en-route to the call. Three patrol sergeants arrived at the scene of the Officer Involved Shooting (OIS). Two patrol lieutenants were assigned to the event. All supervisors worked together and managed the scene of the OIS and command post. The patrol sergeant read the Public Safety Statement (PPS) to Officers Terry and Hayner.

- In reviewing supervisory response, CIRT concluded the incident was managed to an LVMPD standard.