

**Office Of Internal Oversight Review**  
**KEY CONCLUSIONS, RECOMMENDATIONS AND OUTCOMES OF A CATEGORICAL USE OF FORCE INCIDENT**  
**Officer-Involved Shooting — 1703 Eddingham Court — June 1, 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 June 1, 2017, at approximately 2250 hours, LVMPD Communications received calls of an illegal shooting in the area of 1700 block of Eddingham Court. Officer Herasimtschuk was dispatched to the illegal shooting call and upon his arrival he made contact with persons related to the residence of 1703 Eddingham Court. A witness advised officers, Francisco Suarez had been drinking and became involved in a domestic altercation. Suarez was upset and retrieved his .45 caliber pistol and 7.62 rifle from the residence. Suarez fired rounds from his handgun into the air while standing in the front yard of the residence. Suarez made a suicidal statement and referenced shooting the police when they arrived and left the area in his truck.

Several officers responded to assist with the investigation. Officers observed shell casings from a .45 caliber handgun in the front yard and located an open rifle case inside of the residence with the rifle missing. While officers were on scene, Suarez returned in his truck and pulled up near his residence. Officers drew their weapons and issued verbal commands attempting to de-escalate the situation.

While officers were issuing verbal commands to Suarez, who was still seated in his truck, Suarez fired his handgun toward Officers Herasimtschuk and Puana. Officers Hinckley, Puana, Rycraft and Herasimtschuk returned fire, striking Suarez numerous times inside of the truck. Suarez was pronounced deceased at the scene.

**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

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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's Herasimtschuk, Puana, Rycraft and Hinckley was heard by the Critical Incident Review Process/Use of Force Review Board on March 14, 2018. 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 conclusions and recommendations from the internal review and Use of Force Review/Tactical Review Board.

**1) Radio Traffic/Communication**

CIRT reviewed audio files of the radio traffic between LVMPD Dispatch and the officers and supervisors assigned to the incident. During the review, CIRT learned some of the officers who used deadly force had difficulty broadcasting important information over the radio due to other units utilizing the radio at the same time. CIRT learned some of the information provided by officers on scene regarding the residence's address was inaccurate.

- CIRT concluded the radio traffic for this incident was to an LVMPD standard but recommended the Organizational Development Bureau (ODB) reiterate the importance of radio discipline and broadcasting accurate information through LVMPD training.

Prior to the line disconnecting during the 9-1-1 call between a call-taker and one of the persons reporting, the call-taker was provided an address and information they heard gun shots. Instead of creating an LVMPD event with the information provided, the call-taker recalled the person reporting who had disconnected.

- CIRT concluded the call-taker's decision not to create an LVMPD event prior to recalling the person reporting was not within standardized LVMPD Communications training and policy.

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A dispatcher properly broadcasted information that was documented by LVMPD call-takers. The dispatcher properly broadcasted over the radio and documented information to LVMPD officers throughout the incident.

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

## **2) Officers Approach**

When Officers Herasimtschuk, Puana and Rycraft were en-route to the area of the illegal shooting call, an exact address for the suspect's residence was not available. Upon Officer Herasimtschuk's arrival on the 1700 block of Eddingham Court, he exited his vehicle and spoke with witnesses. Officer Herasimtschuk updated information over the radio. Officer Puana arrived and learned the incident occurred at 1703 Eddingham Court. When Officer Rycraft arrived he was briefed on the exact location of the suspect's residence which caused him to reposition his vehicle closer to the residence.

- CIRT concluded Officers Herasimtschuk, Puana and Rycraft's approach as they arrived in the area of 1703 Eddingham Court, prior to making contact with Suarez, was within standardized LVMPD tactics and training.

After Suarez returned to the residence in his truck, Officer Hinckley and a patrol officer arrived in the area of Eddingham Court. Officer Hinckley and the patrol officer deployed their rifles and moved to a position of cover.

- CIRT concluded Officer Hinckley and the patrol officer's approach as they arrived and positioned themselves on the 1600 block of Eddingham Court was within standardized LVMPD tactics and training.

A patrol sergeant arrived and confirmed that Suarez was the only person inside of the truck. A patrol sergeant directed units not to approach the truck and maintain their positions behind cover until additional resources arrived.

- CIRT concluded the patrol sergeant's decision to wait for additional resources prior to approaching Suarez was within LVMPD tactics, training and policy.

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### **3) Tactics and Use of Force**

When Suarez returned in his truck, he parked in the middle of Eddingham Court. Officer Rycraft moved to his vehicle which was north of Suarez's vehicle. Officer Rycraft placed himself between 1703 Eddingham Court and Suarez to act as a barrier for the persons at the residence and utilize the vehicle as cover.

- CIRT concluded Officer Rycraft's decision to utilize cover was within standardized LVMPD tactics and training.

While Suarez and the other officers were discharging their firearms, a patrol officer was unable to properly load his rifle to allow him to use deadly force or provide lethal coverage against Suarez. A patrol officer transitioned to handgun when they were unable to utilize the rifle.

- CIRT concluded a patrol officer's transition to handgun because the rifle was not operational was within LVMPD tactics, training and policy.

After a patrol officer's rifle failed to function, the patrol officer did not advise Officer Hinckley or any other officers on scene that his rifle was not operational. The patrol officer did not notify other officers or supervisors over the radio that the rifle was not operational to allow them to make adjustments for their response.

- CIRT concluded during and after the officer-involved shooting (OIS), the patrol officer's actions were not within standardized LVMPD tactics, training and policy.

When Officers Herasimtschuk, Puana and Rycraft drew their firearms, they knew Suarez was suicidal, possibly in possession of a rifle and had discharged a handgun into the air. When Officer Hinckley responded he also knew Suarez was suicidal, armed with a handgun and possibly armed with a rifle. When Suarez returned to Eddingham Court, Officer Hinckley deployed a rifle.

- CIRT concluded Officers Herasimtschuk, Puana and Rycraft's drawing of their firearms was within standardized LVMPD tactics, training and policy. CIRT concluded Officer Hinckley's rifle deployment was within standardized LVMPD tactics, training and policy.

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Suarez had reached out the driver's side window with his hand holding a firearm and was firing his weapon. Officers Herasimtschuk, Rycraft, Hinckley and Puana discharged their firearms at Suarez while he was sitting in his vehicle.

- CIRT concluded Officers Herasimtschuk, Rycraft, Hinckley and Puana's assessments of backdrop, target identification and isolation were within standardized LVMPD tactics, training and policy.

CIRT reviewed Officers Herasimtschuk, Puana, Rycraft and Hinckley's threat assessment to include the totality of circumstances they knew at the time and the decision to use deadly force.

- CIRT concluded Officers Herasimtschuk, Puana, Rycraft and Hinckley's threat assessment was reasonable.

In a review of this incident, Officers Herasimtschuk, Puana, Rycraft and Hinckley discharged their weapons to stop Suarez who was armed with a handgun and discharging the firearm toward officers.

- CIRT concluded Officers Herasimtschuk, Puana, Rycraft and Hinckley's decision to use deadly force reasonable.

#### **4) Supervisor (Command and Control)**

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

Prior to Suarez's return to the area of 1700 block of Eddingham Court, two patrol sergeants were assigned to the event. After Suarez returned to the area of Eddingham Court, two additional sergeants were assigned to the event. A patrol sergeant established a command post, while another patrol sergeant supervised officers at the scene. A patrol sergeant attempted to communicate with Suarez. A patrol sergeant managed a team to approach Suarez after the OIS. A patrol lieutenant took over the command post responsibilities. All supervisors worked together and managed the scene of the OIS effectively and efficiently.

- CIRT concluded the supervisors' response and management to this incident prior, during and after the OIS were within standardized LVMPD tactics, training and policy. CIRT recommended this incident be implemented as LVMPD supervisor training.