

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
2000 South Paradise Road – March 29, 2018

Purpose

The purpose of this report is to publish key findings, conclusions, and/or recommendations 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 Department performance.

Synopsis of Event

On March 29, 2018, at approximately 1201 hours, the Las Vegas Metropolitan Police Department (LVMPD) was involved in a critical incident under LVMPD Event LLV180329001891. The incident occurred near 2000 South Paradise Road Las Vegas, Nevada 89104. This address was located within the LVMPD Downtown Area Command (DTAC); sector beat Charlie 3 (C3).

The incident was an officer-involved shooting (OIS). Officers Rafael Camacho and Kenshin Rose were the involved officers who discharged their firearms at suspect Christopher Gatewood, who was armed with a knife. Gatewood was struck multiple times and later pronounced deceased at the scene.

Prior to the OIS, the person reporting (PR) called 9-1-1 to report she had been beaten up by her boyfriend, Gatewood. Additionally, the PR advised the call-taker that Gatewood was off his psychiatric medications, suicidal, and was in possession of a knife and scissors. The PR also advised Gatewood made statements he would kill himself or officers.

Officers Camacho and Rose were the first officers to arrive and contacted the PR. During their preliminary investigation, they confirmed the crime of Battery Domestic Violence and established probable cause (PC) to arrest Gatewood. They also confirmed through the PR that Gatewood was alone in his apartment and armed with a knife. They learned Gatewood had threatened to kill himself and/or officers upon their arrival.

A sergeant and additional officers arrived, went to the third floor, and were briefed by Officer Camacho. The officers formulated a plan to contact Gatewood. It was decided they would conduct a "knock-n-talk" on Gatewood's apartment. An officer would provide low-lethal coverage with his Electronic Control Device (ECD) while Officers Camacho and Rose would provide lethal coverage with their firearms. Officer Rose was also assigned as the contact officer. Officers approached Gatewood's apartment and knocked on the door while simultaneously announcing themselves as police officers.

Officers knocked and announced their presence for several moments with no response from Gatewood. As the officers were formulating another plan to contact him, Gatewood yelled from behind the closed door, "I'm coming out!" Gatewood cracked open the door holding a large knife. Officers gave Gatewood verbal commands to drop the knife. Seconds later, Gatewood opened the door further, exposing more of his body. While still armed with the knife, Gatewood verbally challenged the officers and sergeant.

Gatewood opened the door completely and aggressively asked the officers "What are you going to do?" while still in possession of the knife. Seconds later, after not complying with officers' verbal commands to drop the knife, Gatewood moved toward Officers Camacho and Rose.

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An officer discharged his ECD as Officers Camacho and Rose simultaneously fired their handguns. Gatewood immediately fell to the ground while holding the knife. Officers broadcast "shots fired" over the radio and requested medical personnel. An officer removed the knife from Gatewood's right hand as Officers Rose and Camacho moved in to clear the apartment. Medical units arrived, checked Gatewood's vitals, and determined he was deceased.

The Criminal Investigation

LVMPD Force Investigation Team (FIT) conducted the criminal investigation of this incident. The investigation was submitted to the District Attorney's Office for review. The District Attorney's Office determined that, "no criminal prosecution of the officer or officers involved in the referenced case is appropriate."

For additional information related to the investigation of this incident, please refer to LVMPD's FIT Report and the Clark County District Attorney's Legal Analysis Report and/or the Clark County District Attorney's Decision document.

LVMPD Administrative Review and Critical Incident Review Process

It is the policy of this Department to provide both the LVMPD and the community with a thorough review of incidents wherein deadly force was used by Department members. The Critical Incident Review Process (CIRP), includes the participation of citizen board members who reside within the LVMPD jurisdiction, who are not personally affiliated with the Department, who are not related to any of its members, and who have not had prior law enforcement experience.

The CIRP is comprised of two (2) related boards whose sole purpose is to conduct comprehensive administrative review of the tactics utilized by involved Department members as well as decision-making, Department policy, training, supervision, and the use of deadly force.

The Use of Force Review Board (UFRB) consists of both commissioned and citizen members. The Critical Incident Review Team (CIRT) presents the facts related to the use of deadly force. The board issues findings regarding the actions of Department members who used, directly ordered, or directly influenced the use of deadly force, whether such force resulted in death or serious injury. The UFRB may choose from one (1) of four (4) findings after hearing the presentation of facts from CIRT. The findings are Administrative Approval, Tactics/Decision-Making, Policy/Training Failure or Administrative Disapproval.

The Tactical Review Board (TRB) reviews CIRT conclusions. The TRB can validate, overturn, or modify the conclusions regarding the actions of Department members.

The matter was heard by the UFRB and TRB on February 7, 2019. Below are the key findings, conclusions, and/or recommendations from the CIRP determined by the UFRB and TRB members and approved by the Sheriff.

Use of Force Review Board

UFRB: Officers Rafael Camacho and Kenshin Rose

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The Board's finding was Administrative Approval. Administrative Approval is defined as, "objectively reasonable force was used under the circumstances based on the information available to the officers at the time. This finding acknowledges that the use of force was justified and within Department policy."

Tactical Review Board

Communication

Communication can be verbal or non-verbal. It includes electronic transmission or in-person. A review of these recordings can provide valuable evidence of the circumstances surrounding a particular event.

When the call-taker communicated with the victim, she documented the information in the computer aided dispatch (CAD) program. This information was then broadcasted over the radio by the DTAC dispatcher. During the 9-1-1 call the call-taker did not document in CAD that Gatewood was in possession of scissors nor did she document Gatewood was suicidal and said he would kill himself or officers upon their arrival.

Although the call-taker did not document all the information provided by the victim, the information was learned by the officers on scene prior to their contact with Gatewood.

The audio file for the 9-1-1 call between the call-taker and the victim showed it was difficult to understand the victim due to possible phone connection complications and/or a language barrier between the call-taker and the victim.

- The administrative review determined the 9-1-1 call managed by the call-taker was within standardized LVMPD tactics, training, and policy.

The audio files of the radio traffic between LVMPD dispatch and the officers and/or supervisors assigned to the incident were compared to the CAD document.

- The administrative review determined the dispatching and broadcasting techniques utilized by the DTAC dispatcher were within standardized LVMPD tactics, training, and policy.
- The administrative review determined the radio traffic for this incident was within standardized LVMPD tactics, training, and policy.

As officers Camacho and Rose were en route to the event, they discussed the details of the call from CAD and the dispatcher. When they arrived, they encountered the victim and confirmed the information they had obtained supporting probable cause to arrest Gatewood. When the sergeant and another officer arrived, they were briefed on the most current information.

- The administrative review determined the information sharing between officers and the sergeant were within standardized LVMPD tactics, training, and policy.

De-escalation

Policing requires that at times an officer must exercise control of a violent or resisting subject to make an arrest or to protect the officer, other officers, or members of the community from risk of harm. Clearly, not every potential violent confrontation can be de-escalated, but officers do have the ability to impact the direction and the outcome of many situations based on their decision-making and the tactics they choose

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to employ. As a strategy to diminish the likelihood and the severity of force, officers will attempt to de-escalate confrontations.

Prior to knocking on Gatewood's door, the sergeant stopped the officers and asked about their plan and assigned roles. Once their roles were assigned, the officers established a plan that an officer would move forward and knock on the door. However, the sergeant did not want the low-lethal officer to be up front and requested an officer providing lethal coverage knock on the door. If communication was made, the officer could still be the verbal contact for Gatewood.

- The administrative review determined the preplanning between officers and the sergeant was within standardized LVMPD tactics, training, and policy.

The sergeant and the officers believed the crime of Battery Domestic Violence had occurred and established probable cause (PC) to arrest Gatewood. They also had information Gatewood was alone in his apartment armed with a knife and had threatened to kill himself and/or officers upon their arrival as well. The sergeant and the officers were on the third-floor landing for several minutes, prior to any attempts to contact Gatewood, as they communicated with the victim and coordinated a plan on how to contact Gatewood.

Actions by the sergeant and the officers were overt. They did not attempt to conceal their location or identifiers showing they were LVMPD police officers. It was unknown if Gatewood would resist, in any capacity, or what his well-being was and if he needed medical assistance.

Due to the totality of information known, it was decided by the sergeant and officers that they would conduct a knock and talk on Gatewood's apartment to determine his level of resistance and/or if there was a life safety concern where officers needed to render immediate aid.

- The administrative review determined the approach made by officers and the sergeant was within standardized LVMPD tactics, training, and policy.
- The administrative review determined the contact and cover by officers and the sergeant was within standardized LVMPD tactics, training, and policy.

Prior to knocking on Gatewood's door, the sergeant and the officers positioned themselves to the best of their ability given the lack of cover/concealment provided by the location. The sergeant and another officer created distance from Gatewood's door but were still able to supervise and provide low-lethal coverage. Officers Camacho and Rose moved as far to the right as possible from Gatewood's door and positioned themselves directly in front of the stairwell that lead to the second floor.

- The administrative review determined the cover and concealment by officers and the sergeant was within standardized LVMPD tactics, training, and policy.

One officer's role was to provide low-lethal coverage for the sergeant and officers. When Gatewood opened the door, he was verbally aggressive toward the sergeant and the officers. The officer observed a knife in Gatewood's hand and based on the information known to officers, the environment the officers were in and his observation of Gatewood, the officer believed Gatewood showed aggravated aggressive resistance.

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After multiple verbal commands to drop the knife, Gatewood did not comply and instead stepped toward Officers Camacho and Rose. This caused the officer to discharge his ECD at Gatewood.

- The administrative review determined an officer's use of the ECD was within standardized LVMPD tactics, training, and policy.

Use of Deadly Force

It is the policy of this Department that officers hold the highest regard for the dignity and liberty of all persons and place minimal reliance upon the use of force. The Department respects the sanctity of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances where lesser means of force have failed or could not be reasonably considered.

The Department seeks to manage use of force beyond the *Graham v. Connor* (1989) standard and its minimum requirements by establishing further parameters for the application of force and to offer explicit direction to officers. Sound judgment, the appropriate exercise of discretion, and the adherence to Department policy will always be the foundation of officer decision-making in the broad range of possible use of force situations.

Officers will only use a level of force that is objectively reasonable to bring an incident or persons under control and to safely accomplish a lawful purpose. An officer's use of force must balance against the level of resistance exhibited by the subject. The level of force administered by an officer must be carefully controlled and should not be more than objectively reasonable to overcome the physical harm threatened.

In a confrontation, an officer will continuously reassess their response and adjust any use of force accordingly based upon the level of resistance encountered. Failure to reassess each application of force can lead to a violation of law and/or policy. The use of force by an officer must be within Department Policy which may be more restrictive than the U.S. Constitution.

When Officers Camacho and Rose drew their firearms, it was known the incident was domestic violence related and there was probable cause to arrest Gatewood, who was armed with a knife. Additionally, Gatewood was suicidal and made threats to kill himself and/or officers when they arrived.

- The administrative review determined Officers Camacho and Rose's drawing of their firearms was within standardized LVMPD tactics, training, and policy.

Officer Camacho's backdrop was a stucco wall. In addition, the PR provided information that no one else was inside the apartment. Officer Rose's backdrop was Gatewood's door and a wall.

- The administrative review determined Officers Camacho and Rose's assessment of backdrop, target identification, and isolation were within standardized LVMPD tactics, training, and policy.

Officers knew Gatewood was involved in a domestic violence incident, had made threats to kill himself and/or officers, and was armed with a knife. During the encounter, Gatewood moved towards officers with the knife.

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- The administrative review determined Officers Camacho and Rose’s threat assessment was within standardized LVMPD tactics, training, and policy.

Incident Management

Supervisors will possess a thorough knowledge of tactics and ensure that officers under their supervision perform to a standard (in accordance with LVMPD policy and training). The prospect of a favorable outcome is often enhanced when supervisors become involved in the management of the overall response to a potentially violent encounter by coordinating officers’ tactical actions.

Supervisors will acknowledge and respond to incidents in a timely manner when officer use of reportable force is probable. Supervisors will also manage the deployment of resources and equipment. In dynamic and highly-charged incidents, supervisors will provide clear direction and communication to officers regarding their positioning and roles. Upon observing substandard officer approaches or flaws in tactical decisions, the supervisor will promptly act to correct any deficiencies.

After the OIS, the sergeant ensured the scene was secured and confirmed what officers used deadly force. Monitor officers were assigned to Officers Camacho and Rose. Another sergeant, lieutenant and the watch commander responded to the scene. They worked together to manage the scene and established the command post. A sergeant obtained a public safety statement.

- The administrative review determined the supervisors’ response and management to this incident were within standardized LVMPD tactics, training, and policy.

Additional Key Findings, Conclusions and/or Recommendations

Immediately after the OIS, the dispatcher advised she would have medical respond. Approximately eight minutes later, medical arrived, checked Gatewood and determined he was deceased.

- The administrative review determined the medical response in this incident was within standardized LVMPD tactics, training, and policy.

When responding to the incident, the sergeant believed he activated his BWC; however, it was later determined the BWC was not activated.

- The administrative review determined the sergeant not confirming his BWC had been activated was not within standardized LVMPD tactics, training, and policy.

When an officer was assigned to the event, he activated his BWC; however, he turned off the BWC to have a conversation with another officer about Code 3 driving. When he arrived at the incident, he believed he reactivated his BWC.

- The administrative review determined an officer not confirming his BWC had been activated for this incident was not within standardized LVMPD tactics, training, and policy.