

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
210 West Baltimore Avenue – August 4, 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 August 4, 2018, at approximately 1314 hours, the Las Vegas Metropolitan Police Department (LVMPD) was involved in a critical incident under LVMPD Event LLV180803003825. The incident occurred near 210 West Baltimore Avenue, Apartment #18, Las Vegas, Nevada 89102. This address was located within the LVMPD Downtown Area Command (DTAC); sector beat Charlie 2 (C2).

The incident was an officer-involved shooting (OIS) involving Special Weapons and Tactics (SWAT) Officers James Ferrante and William Marx. Both SWAT officers discharged their firearms at suspect Danzel Boyd, who was armed with a firearm (handgun). Boyd was struck multiple times. He was pronounced deceased on-scene by medical units.

Prior to the OIS, Boyd was the suspect in multiple violent felony crimes. He was barricaded in an apartment with two hostages and armed with a firearm when officers attempted to take him into custody. While in the apartment, he shot his firearm in the direction of detectives outside the apartment.

When SWAT officers later entered into the apartment to take Boyd into custody, Boyd raised his firearm and pointed it at the SWAT officers. At that point, the SWAT officers discharged their firearms.

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.

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
210 West Baltimore Avenue – August 4, 2018

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 June 20, 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: SWAT Officers James Ferrante and William Marx

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 within the 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.

CIRT reviewed the audio files of the phone calls related to this incident and compared them to the computer aided dispatch (CAD) document.

- The administrative review determined all call-takers performed within standardized LVMPD tactics, training, and policy.

The information given and received between the dispatcher and officers is recorded in CAD. The dispatcher alerts officers by radio of the nature of the call and any other important information as received from the call-taker. The computer records the time a dispatcher takes an action and links it to the incident and the unit records for later review.

CIRT reviewed the audio files of the radio traffic related to this incident and compared them to the CAD document.

- The administrative review determined the performance of all dispatchers and Communications supervisors involved with the incident were within standardized LVMPD tactics, training, and policy.

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
210 West Baltimore Avenue – August 4, 2018

Once Boyd was identified as the suspect of multiple felony crimes, DTAC Patrol Detectives (PD), Sexual Assault Detectives and Patrol Officers coordinated and communicated with each other to confirm there was probable cause to arrest Boyd.

The Criminal Apprehension Team (CAT) detectives were contacted and briefed about Boyd. When CAT detectives attempted to take Boyd into custody, he fired several rounds at the detectives and barricaded himself in an apartment with two hostages.

SWAT and negotiators effectively communicated and coordinated with each other to gather intelligence on Boyd. They attempted to negotiate with Boyd for over the next 10 hours. Boyd refused to surrender.

- The administrative review determined the radio traffic and information sharing by all officers and detectives involved in this incident 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 to employ. As a strategy to diminish the likelihood and the severity of force, officers will attempt to de-escalate confrontations.

After DTAC patrol detectives identified Boyd as a suspect and learned he had a high propensity of violence, CAT detectives were called to help take him into custody. CAT detectives began the steps to obtain a search warrant for Boyd. CAT detectives developed a plan to park in front of the apartment in their unmarked vehicles with their emergency lights activated in order to talk to Boyd and persuade him into coming out of the apartment. CAT detectives also requested additional black and white patrol vehicles and K-9 officers on all sides of the apartment. CAT also ensured all the streets surrounding 210 West Baltimore Avenue were shut down and medical was staged out of view. CAT detectives also implemented a plan to take Boyd into custody once he left the apartment.

- The administrative review determined the CAT detectives' pre-planning to arrest Boyd was within standardized LVMPD tactics, training, and policy.

After approximately 10 hours of negotiations and various tactics that did not result in Boyd surrendering, SWAT Tactical Command made the decision to enter Boyd's apartment to take him into custody. Prior to entering, all SWAT officers had designated roles and responsibilities which were communicated to the SWAT team by the SWAT Assistant Team Leader (ATL).

- The administrative review determined the pre-planning for all SWAT team officers was within standardized LVMPD tactics, training, and policy.

After CAT detectives pre-planned their approach to Boyd's apartment, they parked their vehicles in a manner so they could activate their emergency lights and deliver public announcements (PA) to Boyd's apartment on the second floor. They also utilized additional marked patrol and K-9 vehicles to identify as police.

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
210 West Baltimore Avenue – August 4, 2018

When SWAT responded, they utilized the Bear armored vehicle to provide SWAT officers a safe tactical approach to the building on the south side. They used the Bear armored vehicle to set up directly in front of Boyd's apartment to allow for a direct line of sight to his apartment to give PA announcements and to identify as police.

- The administrative review determined the CAT detectives and SWAT officers' approach to the scene was within standardized LVMPD tactics, training and policy.

When SWAT officers entered Boyd's apartment, a K-9 Officer deployed his dog to find Boyd. The dog signaled that Boyd was in the bathroom.

After SWAT officers entered the bathroom, the K-9 Officer sent in his dog. The K-9 immediately located Boyd in the bathtub. This allowed SWAT officers time to slowly enter the bathroom in an attempt to take Boyd into custody.

- The administrative review determined the K-9 officer's approach and use of a K-9 was within LVMPD standardized LVMPD tactics, training, and policy.

Once CAT detectives arrived on scene, a CAT detective took the contact role and made PA announcements to Boyd's apartment while other CAT detectives and officers provided cover.

After SWAT officers took over the inner perimeter and set up in front of Boyd's apartment to provide cover, negotiators inside the Bear armored vehicle became the new contact officers. The negotiators attempted to negotiate with Boyd for over 10 hours.

- The administrative review determined all CAT detectives, SWAT officers and negotiators use of contact and cover was within standardized LVMPD tactics, training, and policy.

CAT detectives parked their vehicles in front of Boyd's apartment in a manner to provide themselves cover and concealment as they gave PA announcements to Boyd. When they did not get any response from Boyd, a CAT detective went up to the second floor with a ballistic shield to provide cover as CAT detectives knocked on Boyd's apartment door. When Boyd fired shots in their direction, the CAT detectives utilized the ballistic shield to get out of the line of fire so they could move to another building for cover.

- The administrative review determined the use of cover and concealment by the CAT detectives was within standardized LVMPD tactics, training, and policy.

SWAT officers utilized multiple Bear and Bearcat armored vehicles to surround Boyd's apartment to allow officers cover and concealment. As the SWAT officers began evacuating the second floor of the building, Officer Ferrante provided cover and concealment to the team with the ballistic shield as they moved closer towards Boyd's apartment. After negotiations were unsuccessful, Officer Ferrante utilized his shield to lead a team of SWAT officers into Boyd's apartment.

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

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
210 West Baltimore Avenue – August 4, 2018

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 Ferrante and Marx drew their firearms to approach and enter Boyd's apartment, there was probable cause to arrest Boyd for several felony crimes including Sexual Assault, Robbery with a Deadly Weapon, Kidnapping and multiple counts of Battery with a Deadly Weapon on a Police Officer. He was also a possible suspect in a Sexual Assault and Homicide in another state. He had already fired multiple rounds at detectives while barricaded in an apartment with two hostages. He also made several statements to negotiators that he would not go back to prison and wanted to die.

- The administrative review determined Officers Ferrante and Marx's drawing of their firearms in an attempt to effect an arrest on Boyd was within standardized LVMPD tactics, training, and policy.

Officer Ferrante's backdrop was a brick wall and the corner of the bathtub directly behind Boyd.

Officer Marx's backdrop was the back wall of the bathroom.

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

At the time SWAT Officers Ferrante and Marx discharged their firearms, Boyd raised his firearm and pointed it at SWAT officers who had entered the apartment to take him into custody.

- The administrative review determined Officers Ferrante and Marx's threat assessment was within standardized LVMPD tactics, training, and policy.

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
210 West Baltimore Avenue – August 4, 2018

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.

SWAT Assistance Team Leader (ATL) coordinated the appropriate number of SWAT team members to respond to the scene and throughout the incident. He also developed tactical plans which were approved by a SWAT sergeant and SWAT lieutenant.

- The administrative review determined the ATL's response to this incident and his management of tactics for all SWAT team members was within standardized LVMPD tactics, training, and policy.

SWAT lieutenant gathered information reference Boyd and coordinated the response of all SWAT team members and negotiators to the incident. He also approved all tactical plans executed by SWAT team members throughout the incident.

- The administrative review determined the SWAT lieutenant's response to this incident and management of tactics for all SWAT team members as the Tactical Commander was within standardized LVMPD tactics, training, and policy.

Supervisors in DTAC PD, Sexual Assault, and Flex worked together to identify Boyd as the suspect in three related crimes as well as where he was currently residing. The CAT sergeant responded with his detectives to arrest Boyd. K-9 officers and their supervisors responded to assist in capturing and arresting Boyd. Several DTAC patrol sergeants responded and assisted in managing officers who contained the scene.

- The administrative review determined the other supervisors' response to this incident and their management of the Command Post and OIS locations were within standardized LVMPD tactics, training, and policy.

Additional Key Findings, Conclusions, and/or Recommendations

After Boyd barricaded himself in the apartment, medical was requested and staged in a safe location as negotiations continued. Immediately after the OIS at 1315 hours, medical was called to respond to the apartment to render medical care to Boyd. Medical pronounced Boyd deceased at the scene.

- The administrative review determined the medical response and intervention for Boyd and the SWAT officers was within standardized LVMPD tactics, training, and policy.

K-9 officers' gas masks were standard issue gas masks which did not have a voice amplifier.

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
210 West Baltimore Avenue – August 4, 2018

- The administrative review recommendation that K-9 officers be issued gas masks similar to SWAT officers.