

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
5350 East Tropicana Avenue – August 8, 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 8, 2018, at approximately 2115 hours, the Las Vegas Metropolitan Police Department (LVMPD) was involved in a critical incident under LVMPD Event LLV180808004138. The incident occurred near 5350 East Tropicana Avenue, Las Vegas, Nevada 89122. This address was located within the LVMPD Southeast Area Command (SEAC); sector beat John 4 (J4).

The incident was an officer-involved shooting (OIS). Sergeant Daniella Cino was the involved officer who discharged her firearm at suspect William Fuller, who was armed with a knife. Fuller was struck multiple times and later pronounced deceased at the hospital.

Prior to the OIS, several citizens called 9-1-1 to report a black male adult (BMA), later identified as Fuller, actively stabbing a female inside an apartment. At approximately 2113 hours, the call was updated with information that the female was fleeing from Fuller, who was still armed with a knife. Additional updates were provided advising Fuller had the female on the ground and was continuously stabbing her. This incident was classified as a Supervisor Tactical Armed Response (STAR) event where three officers and a sergeant are to respond.

Sergeant Cino arrived at the apartment complex and located Fuller and the female on the north end of the complex. Upon Sergeant Cino's arrival, Fuller was stabbing the female. Sergeant Cino approached and issued verbal commands to Fuller to get off the female. Fuller stood up with the knife in his hand, covered in blood, and walked towards Sergeant Cino.

Sergeant Cino backed away from Fuller and issued multiple verbal commands to him to drop the knife. Fuller did not comply and continued to walk toward Sergeant Cino. Moments later, Fuller charged toward Sergeant Cino with the knife in his hand. Sergeant Cino discharged her firearm, striking Fuller, and he fell to the ground. Shortly after, as additional officers arrived, Fuller was taken into custody.

Medical personnel transported Fuller to the hospital where he was pronounced deceased.

The female victim was also transported to the hospital and treated for her injuries. She had multiple stab wounds to include the left side of her neck and abdominal area.

The Criminal Investigation

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

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submission, 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 March 14, 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: Sergeant Daniella Cino

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 officer 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.

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The dispatcher updated the call advising officers the suspect was armed with a knife. The dispatchers received the information and properly broadcast a STAR Protocol and immediately put officers assigned in route with lights and siren.

- The administrative review determined all LVMPD Communication Bureau personnel worked together as a team to handle the incident and were within standardized LVMPD tactics, training, and policy.

Regarding the SEAC radio traffic conducted during the incident, all responding units kept radio traffic to a minimum and the information provided was vital and necessary.

- The administrative review determined all radio traffic was 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.

Prior to the arrival of Sergeant Cino, it was known Fuller was actively stabbing a female and the call was a STAR Protocol. Sergeant Cino, while in route to the call, asked how many units were assigned to the call.

- The administrative review determined Sergeant Cino's preplanning was within standardized LVMPD tactics, training, and policy.

Sergeant Cino arrived on call and parked near building 7. She exited her patrol vehicle and approached Fuller who was armed with a knife and stabbing the female. Sergeant Cino drew her firearm and gave Fuller appropriate verbal commands.

- The administrative review determined Sergeant Cino's approach was within standardized LVMPD tactics, training, and policy.

Sergeant Cino arrived and contacted Fuller who was in front of his apartment. There was no cover or concealment provided in the area.

- The administrative review determined Sergeant Cino's cover and concealment were within standardized LVMPD tactics, training, and policy.

Sergeant Cino arrived on scene by herself and had to be the contact and cover officer during the incident.

- The administrative review determined Sergeant Cino's use of contact and cover were within standardized LVMPD tactics, training, and policy.

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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.

As Sergeant Cino arrived and approached Fuller, he was bent over the female, on his knees, still holding the knife. Sergeant Cino drew her firearm and pointed it at him.

- The administrative review determined Sergeant Cino's drawing of her firearm was within standardized LVMPD tactics, training, and policy.

At the time she discharged her firearm, Sergeant Cino's backdrop was an open parking lot.

- The administrative review determined Sergeant Cino's assessment of her backdrop, target identification, and isolation were within standardized LVMPD tactics, training, and policy.

When Sergeant Cino arrived, Fuller was armed with a knife and had stabbed the female victim. Fuller began to advance toward Sergeant Cino with the knife in his hand and closed the distance.

- The administrative review determined Sergeant Cino'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.

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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.

Sergeant Cino assigned herself to the STAR Protocol event and continued to manage the incident until another supervisor arrived. The second supervisor arrived and took over incident command.

- The administrative review determined the sergeants' performances were within standardized LVMPD tactics, training, and policy.

Additional Key Findings, Conclusions and/or Recommendations

Medical was requested prior to the OIS and in route to the call. Officers provided medical care to the female and Fuller, until medical arrived on scene. As medical personnel arrived, Fuller was transported to the hospital where he was pronounced deceased.

The female victim was also transported to the hospital and treated for her injuries. She had multiple stab wounds to include the left side of her neck and abdominal area.

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