

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
900 Doolittle Avenue – August 25, 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 25, 2018, at approximately 0459 hours, the Las Vegas Metropolitan Police Department (LVMPD) was involved in a critical incident under LVMPD Event LLV180825000788. The incident occurred near 900 Doolittle Avenue, Las Vegas, Nevada 89106. This address was located within the LVMPD Bolden Area Command (BAC); sector beat William 5 (W5).

The incident was an officer-involved shooting (OIS). SWAT Officer Johnathan Collingwood was the involved officer who discharged his firearm at suspect Roosevelt Brown, who was armed with a handgun. Brown was struck one time and later pronounced deceased at the hospital.

Prior to the OIS, Brown was involved in a verbal altercation with his stepfather. During the argument, Brown produced a handgun and fired one round toward his mother. Immediately after, Brown exited the apartment and fired off another round towards the apartment. Brown's stepfather contacted LVMPD and reported the incident. The call-taker created a LVMPD event for an Assault/Battery with a gun and classified the incident as a Supervisors Tactic for Armed Subject Response (STAR) Protocol, where three officers and a supervisor are to respond.

When responding officers arrived at the apartment complex, it was learned Brown left the area. A sergeant established a perimeter around the apartment complex and had officers initiate a search for Brown. During the search, a resident of the apartment complex advised officers that Brown was inside a dumpster.

Supervisors and the K9 officer on scene developed a plan to clear the dumpster. As they prepared to issue verbal commands, another citizen called LVMPD reporting a subject, who matched Brown's description, pointed a gun toward them near J Street and Doolittle Avenue.

When the information was broadcast over the radio, the K9 officer responded to the vicinity of J Street and Doolittle Avenue. Simultaneously, a sergeant and two officers cleared the dumpster area. While in the vicinity of J Street and Doolittle Avenue, officers observed Brown with a handgun to his head. Brown taunted officers and made verbal threats to "Pop" officers first. Additionally, he put the gun to his mouth in a suicidal gesture.

Brown began to walk north towards his family, who were against the fence of the apartment complex. A supervisor directed three officers to move in front of Brown to create a barrier between him and his family. Next, the sergeant directed officers to move the family.

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Brown continued to walk around the apartment complex and surrounding streets. During this time, Brown alternated between putting the gun to his head and swinging it around to his side. Brown refused to communicate with officers and continued to taunt them.

Officers attempted to contain, control, and communicate with Brown for approximately two hours and sixteen minutes. During this time, The Watch Commander (WC) established a Command Post (CP) and requested the Special Weapons and Tactics (SWAT) Team and Crisis Negotiator Team (CNT).

Members of the SWAT Team responded and SWAT snipers self-deployed, including SWAT Officer Collingwood to gather intelligence for the SWAT Commander. At approximately 0720 hours, Brown aimed his gun at officers positioned directly south of his location. As this occurred, SWAT Officer Collingwood fired one round from his rifle, striking Brown in the upper chest. Officers approached Brown, took him into custody, and requested medical personnel to the scene.

Prior to the arrival of medical personnel, officers applied direct pressure to the Brown's gunshot wound. When medical personnel arrived, Brown was transported to UMC Trauma where he was pronounced deceased by the doctor.

The Criminal Investigation

LVMPD Force Investigation Team (FIT) conducted the criminal investigation of this incident. Their investigation was submitted to the Clark County 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.

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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 August 25, 2018. Below are the key findings, conclusions, and/or recommendations from the CIRT determined by the UFRB and TRB members and approved by the Sheriff.

Use of Force Review Board

UFRB: Officer Johnathan Collingwood

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.

During the initial call to LVMPD, the call-taker obtained critical information and classified the incident as an assault/battery with a gun. The call-taker established a STAR protocol and forwarded the event to the BAC dispatcher.

- The administrative review determined the call-taker's performance was within standardized LVMPD tactics, training, and policy.

When the call-taker classified the incident as a STAR Protocol and routed the event to the BAC dispatcher, the dispatcher did not broadcast it by voice when she assigned officers.

- The administrative review determined the OIS incident management and documentation when the dispatcher failed to broadcast STAR Protocol was not within standardize LVMPD tactics, training, and policy.

As the search for Brown developed, several updates were given reference Brown's location and actions. The dispatcher received the information from call-takers and officers and updated computer aided dispatch (CAD). Additionally, she relayed the critical information over the BAC channel for officers and supervisors.

- The administrative review determined the initial information regarding Brown and his location, broadcast by the dispatcher was within standardize LVMPD tactics, training, and policy.

During the incident, officers broadcasted critical information which consisted of Brown's physical descriptors, clothing description, and his direction of travel. They advised Brown was armed with a handgun and had discharged it into the interior and exterior of an apartment. Officers continuously provided updates on Brown's location and actions.

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- The administrative review determined the radio traffic information sharing given by officers and supervisors for this incident 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.

During the incident, officers had information that Brown was possibly inside a dumpster at 900 Doolittle Avenue. Supervisors on scene assembled a team, which incorporated a canine unit. The team worked together, assigned roles, and developed contingency plans.

- The administrative review determined the supervisors' and the K9 officer's preplanning was within standardized LVMPD tactics, training, and policy.

When officers contacted Brown, he walked out from between two buildings on the south side of Doolittle Avenue. Brown was holding a gun to his head and started to walk north to the area where his family was located. Officers utilized a ballistic shield as cover and ordered Brown to drop the gun. Brown ignored the commands and continued to walk north. The officers maneuvered in front of Brown to maintain a barrier between Brown and his family; however, they did not position themselves behind the ballistic shield.

- The administrative review determined the use of cover and concealment by three officers was not within standardized LVMPD tactics, training, and policy.

During the initial contact with Brown, officers on scene recognized the importance of having only one officer provide verbal commands. After an hour of verbal commands, officers communicated with each other and decided to switch the contact role when it was deemed necessary.

- The administrative review determined the contact and cover tactics by officers were within standardized LVMPD tactics, training, and policy.

During the incident, Brown challenged an officer to put away his gun and fight him. The officer believed the challenge was an opportunity to deescalate the situation. The officer agreed and placed his shotgun on the ground with the hope that Brown would put the gun down. However, Brown retained his handgun.

- The administrative review determined the officer's contact and cover tactics were not 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.

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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.

SWAT Officer Collingwood responded to the call and deployed his rifle due to Brown possessing a gun, which he had used to fire into a structure.

- The administrative review determined SWAT Officer Collingwood's deployment of his rifle was within standardized LVMPD tactics, training, and policy.

SWAT Officer Collingwood's backdrop consisted of a stucco wall of an apartment building.

- The administrative review determined SWAT Officer Collingwood's assessment of his backdrop, target identification, and isolation were within standardized LVMPD tactics, training, and policy.

As deadly force was used, Brown was in possession of a handgun that he raised toward officers. Prior to this, it was known Brown had used the firearm to shoot into an occupied structure.

- The administrative review determined SWAT Officer Collingwood'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.

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During this incident, multiple supervisors were on scene and communicated with each other. The supervisors coordinated multiple resources such as K9, Immediate Action Teams (IAT), and acted as a barrier between Brown and his family. The WC established a CP and requested SWAT and CNT. Supervisors and officers attempted to contain, control, and communicate with Brown for approximately two hours and sixteen minutes.

- The administrative review determined the supervisors' management of the incident was within LVMPD tactics, training, and policy.

Additional Key Findings, Conclusions, and/or Recommendations

After the OIS, a sergeant had a team take Brown into custody. The sergeant immediately requested medical personnel and applied direct pressure to Brown's wound.

- The administrative review determined the medical response and intervention by a sergeant was within standardized LVMPD tactics, training, and policy.

During the administrative investigation, it was learned SWAT Officer Collingwood did not activate his body worn camera (BWC).

- The administrative review determined SWAT Officer Collingwood not activating his BWC was not within standardized LVMPD tactics, training, and policy.