

**Office of Internal Oversight Review**  
**Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal**  
**North Las Vegas Boulevard, Mile Marker 59 (APEX) – April 29, 2020**

**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 April 29, 2020, at approximately 2055 hours, the Las Vegas Metropolitan Police Department (LVMPD) was involved in a critical incident under LVMPD Event LLV200400143535. The incident occurred near North Las Vegas Boulevard, Mile Marker 59 (APEX), North Las Vegas, Nevada 89115. This location is within the North Las Vegas Police Department (NLVPD) jurisdiction, Clark County, NV.

The incident was an officer-involved shooting (OIS), and LVMPD Gang Crimes Bureau (GCB) Sergeant Timothy Stovall was the involved officer who discharged his firearm at suspect Jesus Caballero-Herrera, who was armed with a firearm (rifle). Caballero-Herrera was struck multiple times and was later pronounced deceased at the hospital.

Prior to the OIS, Sergeant Stovall was traveling northbound on Interstate 15 (I-15) in his unmarked LVMPD vehicle and was nearly struck by a brown GMC Yukon sport utility vehicle (SUV) traveling at a high rate of speed. Sergeant Stovall advised LVMPD dispatch over the radio of the incident and requested Nevada Highway Patrol (NHP) to assist in conducting a traffic stop. As he followed at a short distance, Sergeant Stovall observed the brown Yukon almost collide into another vehicle, the median, and a semi-truck.

Sergeant Stovall continued to follow and observed the Yukon exit the I-15 at the APEX off-ramp. The Yukon slowed down, which allowed Sergeant Stovall to catch up and observe the license plate. Sergeant Stovall advised dispatch of the preceding events and then initiated a traffic stop.

When the vehicle pulled over, Sergeant Stovall initiated high-risk vehicle stop procedures and issued verbal commands to the driver. Shortly after, Caballero-Herrera put both hands outside of the driver's side window. He then pulled his hands back into the Yukon. Caballero-Herrera then made statements to have Sergeant Stovall shoot him. Sergeant Stovall advised dispatch of the statements and requested responding units to expedite.

Sergeant Stovall continued to issue verbal commands and demanded Caballero-Herrera to drop the vehicle keys out of the window. Caballero-Herrera complied and dropped the keys outside the driver's side of the vehicle. Soon after, Caballero-Herrera opened the driver's side door and advised he was going to retrieve his keys. Sergeant Stovall ordered him not to do so, but Caballero-Herrera exited the vehicle and retrieved his keys.

Outside of his vehicle, Caballero-Herrera said he was having family problems and once again demanded Sergeant Stovall shoot him. Sergeant Stovall ordered Caballero-Herrera to walk back to Sergeant Stovall's vehicle, but Caballero-Herrera did not comply. Instead, Caballero-Herrera walked back toward his vehicle and reentered the driver's seat. Sergeant Stovall advised dispatch of the family problems Caballero-Herrera

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was having. He then continued to try and talk to him.

Caballero-Herrera exited the vehicle again and continued to tell Sergeant Stovall to shoot him. While standing outside his vehicle, Caballero-Herrera turned toward and reached into his vehicle, retrieving a rifle. Caballero-Herrera then raised the rifle toward Sergeant Stovall. Sergeant Stovall discharged his handgun at Caballero-Herrera, striking him multiple times. Immediately after, Caballero-Herrera fell to the ground. However, he maintained control of his rifle which was still pointed toward Sergeant Stovall's direction. When Caballero-Herrera began to sit up, Sergeant Stovall discharged his handgun at him a second time.

Sergeant Stovall broadcast, over the radio, shots were fired and requested back-up units to expedite again. When additional units arrived, Sergeant Stovall formulated a plan and an arrest team to take Caballero into custody. Sergeant Stovall and his team approached Caballero-Herrera, placed him in handcuffs and provided life-saving measures, which consisted of placing tourniquets on him.

As medical personnel arrived, they began providing life-saving measures to Caballero-Herrera. Next, medical personnel transported Caballero-Herrera to the hospital where he was pronounced deceased.

### **The Criminal Investigation**

LVMPD Force Investigation Team (FIT) conducted the criminal investigation of this incident. The investigation was submitted to the Clark District Attorney's Office for review. The District Attorney's Office determined "no criminal prosecution of the officer involved in the above-referenced event number 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 13, 2020. 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: Sergeant Timothy Stovall**

The Board's finding was Administrative Approval for both volleys. 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.

Sergeant Stovall observed a vehicle driving reckless northbound on I-15 and provided the dispatcher with the information. Sergeant Stovall conducted a vehicle stop on the reckless driver and updated the dispatcher with a plate and location of the vehicle stop. Sergeant Stovall updated the dispatcher that Caballero-Herrera had a firearm and he wanted Sergeant Stovall to shoot him.

- The administrative review determined Sergeant Stovall's information sharing and radio traffic for this incident was within standardized LVMPD tactics, training, and policy.

The dispatcher assigned LVMPD Resident (Overton) officers to assist Sergeant Stovall and advised other dispatchers to assign the Air Unit and other resources to the call. The dispatcher documented information provided by Sergeant Stovall and immediately requested medical after Sergeant Stovall broadcast shots were fired.

- The administrative review determined the dispatcher's performance 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.

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Sergeant Stovall requested NHP to respond and conduct a vehicle stop on the reckless driver. Sergeant Stovall followed the vehicle and when it exited the I-15 at Mile Marker 58, he advised dispatch he was going to conduct a vehicle stop.

- The administrative review determined Sergeant Stovall's preplanning for this incident was within standardized LVMPD tactics, training, and policy.

Sergeant Stovall followed the reckless driver and conducted a high-risk vehicle stop. Sergeant Stovall stayed behind his opened driver side door, issued verbal commands to Caballero-Herrera, and did not approach the vehicle.

- The administrative review determined Sergeant Stovall's approach reference this incident 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.

During the vehicle stop, Sergeant Stovall advised dispatch he had Caballero-Herrera at gunpoint and that he wanted Sergeant Stovall to shoot him. Caballero-Herrera told Sergeant Stovall he had a firearm in the vehicle and Sergeant Stovall advised the dispatcher of the information.

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

At the time Sergeant Stovall discharged his firearm at Caballero-Herrera, his backdrop was the open door of Caballero-Herrera's vehicle. Beyond the open door were large rocks and an uphill empty road.

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

While Sergeant Stovall was communicating with Caballero-Herrera, he retrieved a rifle from his vehicle and pointed it at Sergeant Stovall.

- The administrative review determined Sergeant Stovall's threat assessment for the first volley of fire was within LVMPD tactics and training.

After the first volley of fire, while lying on the road, Caballero-Herrera continued to point his rifle in the direction of Sergeant Stovall.

- The administrative review determined Sergeant Stovall's threat assessment for the second volley of fire 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, another sergeant arrived on the scene and directed arriving officers to shutdown traffic in the area near the OIS. A lieutenant arrived on the scene and ensured the sergeant had the resources needed and completed the Public Service Statement (PSS). The watch commander arrived and had officers respond to Caballero-Herrera's residence to conduct a welfare check on his family.

- The administrative review determined all supervisors managed this incident within standardized LVMPD tactics, training, and policy.

#### **Additional Key Findings, Conclusions, and/or Recommendations**

The dispatcher immediately requested medical to expedite to the scene after the OIS. With the arrival of additional officers, Sergeant Stovall assembled an arrest team to take Caballero-Herrera into custody and render aid. Responding officers retrieved trauma kits from their vehicles and placed tourniquets on Caballero-Herrera's right arm and leg.

- The administrative review determined the medical response and intervention for this incident was within LVMPD policy and training.