

**Office of Internal Oversight Review**  
**Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal**  
**3000 South Sandhill Road – May 5, 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 May 5, 2020, at approximately 1114 hours, the Las Vegas Metropolitan Police Department (LVMPD) was involved in a critical incident under LVMPD Event LLV200500021784. The incident occurred near 3000 South Sandhill Road, Las Vegas, Nevada 89121. This address was located within the LVMPD Southeast Area Command (SEAC); sector beat Henry One (H1).

The incident was an officer-involved shooting (OIS) and Officer Vincen Segura was the involved officer who discharged his firearm at suspect Justin Charland, who was armed with a sword. Charland was struck multiple times and later pronounced deceased at the hospital.

Prior to the OIS, LVMPD Communications Center received multiple calls reference a male (Charland) talking to himself and yelling at tenants. Officer Segura and his partner were dispatched and responded to the call. While en-route, Dispatch advised there were previous disturbance calls at Charland's apartment.

Officer Segura's partner arrived at the apartment complex first. Approximately (6) minutes later, Officer Segura arrived. While walking down a courtyard toward Charland's apartment, the officers heard Charland yelling. Officer Segura and his partner did not communicate a plan on their roles and responsibilities before contacting Charland.

Officer Segura and his partner observed Charland standing on the second-floor landing adjacent to his apartment. Charland was armed with a sword and yelling at a person walking through the courtyard. Officer Segura and his partner remained on the ground level, at a distance from the bottom of the stairs. Officer Segura's partner advised, over the radio, Charland was armed with a sword and requested K-9, medical personnel, and for responding units to expedite while Officer Segura attempted to de-escalate the situation by communicating with Charland.

Officer Segura initiated dialogue with Charland and asked him to put the sword down. Charland refused to comply and began to make erratic statements such as: "I would die," "I'm hooked up with the catholic church," "I'm a killer," "garbage disposal," etc. Officer Segura asked Charland why he was so upset, and stated he was trying to understand him and wanted to help. Moments later, Charland raised his sword, challenged the officers to shoot him and began to walk down the stairs toward them.

As Charland moved down the stairs, he stated he was "a ninja" and began yelling and threatening the officers with his sword. Charland continued to advance toward the officers pointing the sword at them, using a two-handed grip. Officer Segura and his partner pointed their firearms at Charland and retreated to maintain their distance from him. Officer Segura's partner was behind him as they retreated. As Charland

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continued to aggressively advance toward the officers with the sword, they retreated and Officer Segura's partner "masked" him with her firearm.

Charland closed the distance and lunged toward Officer Segura. Officer Segura discharged his firearm striking Charland multiple times, and Charland fell to the ground. After being issued verbal commands to get on his stomach, Charland positioned himself on his knees, put his hands up, and continued to make erratic statements. Officer Segura continued verbal commands for Charland to get on his stomach and reiterated he wanted to help.

Approximately (1) minute after the OIS, Charland layed face down on the ground. Officer Segura communicated with his partner, approached Charland and placed him in handcuffs. Life saving measures were initiated on Charland by officers.

Medical personnel responded, treated, and transported Charland to Sunrise Hospital where he was pronounced deceased.

### **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.

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

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The matter was heard by the UFRB and TRB on September 10, 2020. 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: Officer Vincen Segura**

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.

CIRT reviewed audio files from the 9-1-1 disturbance call and radio traffic from the dispatcher and officers. The audio files were compared to the information in the Computer Aided Dispatch (CAD) document.

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

As the incident continued to evolve, Officer Segura's partner advised, over the radio, Charland was armed with a sword while Officer Segura attempted to de-escalate the situation. K-9 Unit, the Air Unit, and medical personnel were requested and responding officers were asked to expedite. After the OIS, shots fired was broadcast and officers continued to provide pertinent radio traffic.

- The administrative review determined the officers' communication and broadcast of information pertinent to the 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.

Officer Segura and his partner reviewed the details of the call documented in CAD prior to approaching Charland's residence. When Officer Segura and his partner approached Charland, they did not communicate a plan or establish roles and responsibilities.

- The administrative review determined Officer Segura and his partner's preplanning was not within standardized LVMPD tactics, training, and policy.

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Officer Segura and his partner arrived and parked west of Charland's residence. When they rounded the corner, Officer Segura and his partner observed Charland on the top of the stairs. Officer Segura contacted Charland while his partner provided radio traffic that Charland was armed, requested medical, a K9 Unit, and additional units.

- The administrative review determined Officer Segura and his partner's approach was within standardized LVMPD tactics, training, and policy.

Officer Segura assumed the role of contact officer and began talking to Charland in an attempt to de-escalate the situation. Officer Segura did not lose sight of Charland while he continued to ask him to put down the sword.

- The administrative review determined Officer Segura's role as the contact officer was within standardized LVMPD tactics, training, and policy.

Officer Segura and his partner entered the apartment complex in response to a call that Charland was causing a disturbance. While officers walked through the open courtyard, there was no adequate cover or concealment available. When officers encountered Charland, they maintained their distance.

- The administrative review determined Officer Segura and his partner's cover and concealment was within standardized LVMPD tactics, training, and policy.

Officer Segura and his partner did not communicate a less lethal plan prior to contact with Charland. During their contact with him, the officers maintained lethal coverage during the incident and Officer Segura assumed the role of the contact officer. However, Officer Segura's partner continuously turned away from Charland (an armed subject) to provide radio traffic.

- The administrative review determined Officer Segura's partner's actions as a cover officer 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.

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

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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.

Officer Segura and his partner drew their firearms after observing Charland on the top of the stairwell armed with a sword. Soon after, Charland moved down the stairwell with the sword in his hand.

- The administrative review determined Officer Segura and his partner's drawing of their firearms was within standardized LVMPD tactics, training, and policy.

When Officer Segura discharged his firearm, his backdrop consisted of a clear walkway.

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

At the time deadly force was used, Charland was armed with a sword and lunged at Officer Segura.

- The administrative review determined Officer Segura's threat assessment was within standardized LVMPD tactics, training, and policy.

Officer Segura and his partner pointed their firearms at Charland and retreated to maintain their distance from him as he advanced on them with his sword. Officer Segura's partner was behind him as they retreated. Charland continued to aggressively advance toward the officers with the sword, and as they retreated, Officer Segura's partner "masked" him with her firearm.

- The administrative review determined Officer Segura's partner's assessment of target isolation and backdrop was not 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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A sergeant assigned himself to the call when hearing the subject was armed with a sword. The sergeant arrived and immediately preserved the crime scene, identified potential witnesses, separated officers, and conducted the Public Safety Statement with Officer Segura. The Watch Commander and the area lieutenant responded to the call and worked together to manage the scene.

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

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

Prior to the OIS, medical personnel were requested to the scene. After the OIS, Officer Segura and his partner applied a tourniquet to Charland's leg and additional arriving officers assisted with life saving measures. Charland was transported to the hospital by medical personnel.

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