

**Office of Internal Oversight Review**  
**Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal**  
**333 Las Vegas Boulevard South – June 1, 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. A variety of actions 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 June 1, 2020, at approximately 2322 hours, the Las Vegas Metropolitan Police Department (LVMPD) was involved in a critical incident under LVMPD Event LLV200600003702. The incident occurred at 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101 (Lloyd D. George Federal Courthouse). This address is located within the LVMPD Downtown Area Command (DTAC); sector beat Adam-1 (A1).

The incident was an officer-involved shooting (OIS). Firearms Tactics and Training Unit (FTTU) Sergeant Ryan Fryman and FTTU officers Daniel Emerton, Vernon Ferguson, and Andrew Locher were the involved officers who discharged their firearms at suspect, Jorge Gomez, who was armed with a handgun outfitted with a rifle conversion kit. Gomez was struck multiple times and was later pronounced deceased at the hospital.

Prior to the OIS, LVMPD officers were assigned to monitor crowds during protest and civil disorder incidents in Downtown Las Vegas. Additionally, officers were positioned at the Lloyd D. George Federal Courthouse. Officers were stationed at the courthouse due to the destruction of property which had occurred during recent protests.

At approximately 2314 hours, a dispersal order was issued to the crowd directing them to disperse from the area or they would be subject to arrest. Gomez was part of this crowd and did not comply with the dispersal order. After the order, Gomez walked toward the north stairs of the courthouse where officers ordered Gomez to leave the area. Again, he did not adhere to the dispersal order. Due to his refusal, officers approached Gomez to arrest him. As they neared, an officer armed with a low lethal shotgun observed Gomez, who appeared to be wearing a bulletproof vest, in possession of a long object, which the officer believed to be a baseball bat.

As the officers made their way toward Gomez, he moved his hands toward his waist area. The low lethal shotgun officer perceived Gomez was going to use the baseball bat against the approaching officers. The officer used the low lethal shotgun, discharging multiple bean bag rounds at Gomez, striking him in the torso area.

Immediately after being struck, Gomez ran northbound along the sidewalk of Las Vegas Boulevard South, in front of the courthouse, away from the officer who utilized the low lethal shotgun, but toward a group of civilians. As Gomez ran, the low lethal shotgun officer discharged another bean bag round at him. Simultaneously, Gomez fell to the ground and as this happened, he dropped what was perceived to be a firearm. Gomez got back to his feet and the officer discharged one more bean bag round from his low lethal shotgun, as Gomez retrieved the dropped firearm. Gomez then ran toward the group of civilians. At this time, the low lethal shotgun officer realized Gomez was in possession of a rifle (handgun outfitted with a rifle conversion kit), not a baseball bat.

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FTTU Sergeant Fryman and FTTU officers Emerton, Ferguson, and Locher had been dispatched to assist near the Circus Circus Hotel and Casino for an unrelated incident involving a downed officer. As the above events unfolded, the officers had stopped on Las Vegas Boulevard South to don protective gear and retrieve rifles.

As Gomez ran toward the group of civilians, he was across the street and parallel to where the FTTU officers had stopped. All four officers observed Gomez. Gomez turned and pointed his handgun, outfitted with a rifle conversion kit, at the officers. It was at this time they discharged their firearms at Gomez striking him multiple times. Sergeant Fryman and Officer Ferguson discharged their handguns while officers Emerton and Locher discharged their rifles.

After officers discharged their weapons, Gomez fell to the ground. Sergeant Fryman immediately requested medical. With the arrival of additional officers, they approached Gomez to take him into custody. Before medical personnel arrived, officers assessed Gomez's injuries. A tactical medic, who was nearby and attached to the US Marshall Service, joined the arrest team, and provided medical care to Gomez. Once the medical units arrived, Gomez was transported to the University Medical Center (UMC) where he was pronounced deceased.

The investigation revealed Gomez was wearing body armor and was armed with three firearms. One was a handgun outfitted with a rifle conversion kit that Gomez had slung around his body. Two handguns were recovered. One was in Gomez's waistband and the other was in his backpack.

### **The Criminal Investigation**

The 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 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 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 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

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of deadly force, whether such force resulted in death or serious injury. The UFRB may choose from one of four 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 April 8, 2021. 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 Ryan Fryman; Officers Daniel Emerton, Vernon Ferguson, and Andrew Locher**

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 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 entirety of the incident, all officers and supervisors communicated effectively and quickly with each other and with LVMPD Communications. Since two critical incidents were occurring on the same radio channel simultaneously, the radio channels were split to separate the events. This allowed officers and supervisors to maintain effective communication within the events they were assigned.

- The administrative review determined the information sharing for this incident was within standardized LVMPD tactics, training, and policy.

During this incident, important information was relayed reference the downed officer being shot in the head. While officers were clearing a path to UMC Trauma and attempting to locate the unknown suspect, the OIS at the Lloyd D. George Federal Courthouse took place on the same radio channel. Dispatchers handled both incidents on the same channel appropriately.

- The administrative review determined the dispatching and broadcasting techniques by all dispatchers and supervisors utilized during 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.

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Prior to the OIS, multiple officers were stationed on the front steps of the Lloyd D. George Federal Courthouse and coordinated their roles and responsibilities. It was determined the officer who used his low lethal shotgun on Gomez would provide the low lethal coverage and be the contact officer, if needed. The other officers assigned to the courthouse assumed the roles of lethal cover and hands-on officers, in the event it was needed to take a subject into custody.

- The administrative review determined the preplanning of the officers prior to the OIS was within standardized LVMPD tactics, training, and policy.

After Gomez approached the officers on the Lloyd D. George Federal Courthouse steps, they determined Gomez was not responding to the lawful dispersal order and would be subject to arrest. The low lethal shotgun officer noticed Gomez had a long object in his hand which he initially believed was a baseball bat, and he appeared to be wearing a bulletproof vest. While pointing his low lethal shotgun at Gomez, the officer identified himself as a police officer, told Gomez he was under arrest, and instructed him to put his hands up.

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

While en route to the downed officer location, FTTU Sergeant Fryman and FTTU officers Ferguson, Emerton, and Locher, communicated with each other the need to stop and don protective gear prior to their arrival at the Circus Circus Hotel and Casino. Sergeant Fryman and officers Ferguson, Emerton, and Locher, stopped in front of the courthouse to don protective gear, they did not stop in response to the disturbance at the Lloyd D. George Federal Courthouse. Rather, they were preparing to enter an area of operation where there was a downed officer who was shot in the head by an unknown suspect. They were engaged by Gomez only after they stopped their vehicles and were donning protective gear.

- The administrative review determined Sergeant Fryman, officers Ferguson, Emerton, and Locher's preplanning prior to the arrival to the courthouse and prior to their contact with Gomez was within standardized LVMPD tactics, training, and policy.
- The administrative review determined Sergeant Fryman and officers Ferguson, Emerton, and Locher's approach to the courthouse, prior to contact with Gomez, was within standardized LVMPD tactics, training, and policy.

As Sergeant Fryman, officers Ferguson, Emerton, and Locher readied to don protective gear, the low lethal shotgun was discharged at Gomez, which was near their location. Immediately after, Gomez was observed running by Sergeant Fryman, officers Ferguson, Emerton, and Locher. It was perceived by the officers that Gomez was armed with a rifle. Simultaneously, Gomez raised and pointed his rifle at them, which immediately forced Sergeant Fryman, officers Ferguson, Emerton, and Locher to respond with deadly force.

Sergeant Fryman, officers Ferguson, Emerton, and Locher did not have time to respond utilizing contact and cover due to the fact Gomez was pointing what was perceived to be a rifle at them. Additionally, Sergeant Fryman, officers Ferguson, Emerton and Locher did not have time to retreat to cover or concealment prior to the Gomez raising his weapon toward them.

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- The administrative review determined Sergeant Fryman, officers Ferguson, Emerton, and Locher's use of contact and cover was within standardized LVMPD tactics, training, and policy.
- The administrative review determined Sergeant Fryman, officers Ferguson, Emerton, and Locher's use of cover and concealment was within standardized LVMPD tactics, training, and policy.

#### **Use of 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 law.

Prior to the OIS, Sergeant Fryman, officers Ferguson, Emerton, and Locher were en route to assist on an incident where an officer had been shot in the head by an unknown suspect. Sergeant Fryman, officers Ferguson, Emerton, and Locher stopped their vehicles near the Lloyd D. George Federal Courthouse to don protective gear. While donning on their protective gear, officers Locher and Emerton were able to deploy their rifles.

- The administrative review determined Sergeant Fryman, officers Ferguson, Emerton, and Locher's drawing of their firearm was within standardized LVMPD tactics, training, and policy.

When Sergeant Fryman, officers Ferguson, Emerton, and Locher discharged their firearms, their backdrop was a large block wall approximately 15 feet in height, with no other civilians in their line of fire.

- The administrative review determined Sergeant Fryman, officers Ferguson, Emerton and Locher's target isolation and backdrop were within standardized LVMPD tactics, training, and policy.

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At the time deadly force was used, Gomez was observed by Sergeant Fryman, officers Ferguson, Emerton, and Locher and was perceived to be armed with a rifle. Next, the officers observed Gomez raise his rifle in their direction, causing them to discharge their firearms.

- The administrative review determined Sergeant Fryman, officers Ferguson, Emerton, and Locher'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.

After the OIS, two lieutenants arrived and established a command post and a perimeter around the OIS scene. A captain arrived and became the incident commander. Additionally, notifications were made to the appropriate investigative units for a response. A media staging area was established, and crime scene preservation was maintained throughout the incident.

- The administrative review determined the supervisors' response and incident management were within standardized LVMPD tactics, training, and policy.

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

Medical was requested immediately after the shots were fired by Sergeant Fryman. The courthouse officers began medical treatment on Gomez. A tactical medic attached to the US Marshall Service responded and tended to Gomez until medical units arrived. Once the medical units arrived, Gomez was transported to UMC where he was pronounced deceased from his wounds.

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