

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
10357 Timber Willow Avenue – September 6, 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 September 6, 2020, at approximately 2108 hours, the LVMPD was involved in a critical incident under LVMPD Event LLV200900027699. The incident occurred near 10357 Timber Willow Avenue, Las Vegas, Nevada 89135. This address was located within the LVMPD Summerlin Area Command (SAC); sector beat Robert 1 (R1).

The incident was an officer-involved shooting (OIS), and Sergeant Douglas King was the involved officer who discharged his firearm at suspect Seth Holliday, who was armed with a knife and actively stabbing his wife. Holliday was struck one time and was later pronounced deceased on-scene by medical personnel.

Prior to the OIS, the original person reporting (PR) contacted LVMPD Communications and advised he had received a call from the wife of one of his clients (Holliday). The wife advised the PR that Holliday was in the process of stabbing himself inside their residence. The PR stated Holliday suffered from a mental illness and had ingested a narcotic. The LVMPD call-taker generated a priority "0" event and assigned two patrol officers and Sergeant King to the incident. The initial responding officer requested the response of medical units and asked if Holliday's wife could step out of the house. While en route, Sergeant King confirmed with the dispatcher that medical was advised and requested the response of the tactical vehicle.

At approximately 2109 hours, Holliday's wife called LVMPD Communications and requested an ambulance right away. During the phone call, she began to scream, asked for help, and advised Holliday was stabbing himself. Due to the details of the call, the incident met the criteria to be classified as a Supervisor Tactic for Armed Subject Response (STAR) Protocol, requiring the response of three officers and a supervisor. However, the call-taker failed to classify the incident as a STAR Protocol, even after placing the information about the knife into the computer aided dispatch (CAD) program. Additionally, with the details provided in CAD, the dispatcher also failed to recognize the incident as a STAR Protocol as well.

While still on the phone with the call-taker, Holliday's wife began screaming he was now stabbing her and trying to kill her. This information was broadcast over the radio.

When the initial responding officer arrived in Holliday's neighborhood, he drove past Holliday's residence, turned his vehicle around, and subsequently parked in front of Holliday's house. The officer exited his vehicle and quickly approached the front door of the residence which was closed and reenforced with a screened metal security door. Holliday's wife was screaming frantically; the officer attempted to open the security door, but it was locked. The officer broadcast this information over the radio and ran toward the back of the house to gain entry through another access point.

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As the officer moved to the rear of the residence, Sergeant King arrived and communicated with him about the front door and how it was secured. Sergeant King then drew his firearm and approached the front door of the residence. Although the security door was closed, the interior door of the residence was now open, and Holliday and his wife were visible through the screened metal security door. Holliday was armed with a knife and had just stabbed his wife. Holliday's wife pleaded for help, and as Sergeant King reached the security door, he told Holliday to "drop it" two times, but Holliday refused. At this time, from approximately six feet away, Sergeant King discharged one round from his firearm through the screened metal security door, striking Holliday.

After being shot, Holliday stopped stabbing his wife. He turned around, while dropping the knife, and moved away from his wife. After moving further into the house, Holliday collapsed. Sergeant King had the wife open the security gate and exit the residence. Additional arriving officers and the initial arriving officer entered the home and took Holliday into custody. When medical personal arrived, they assessed Holliday and determined he was deceased.

The Criminal Investigation

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 no criminal prosecution of the officers involved in the above referenced case is appropriate.

For additional information related to the investigation of this incident, please refer to LVMPD's *Force Investigation Team (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 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.

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The matter was heard by the UFRB and TRB on February 4, 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 Douglas King

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 incident, two calls were made to LVMPD Communications. During the first call, the PR advised the call-taker that Holliday was suffering from a mental illness and had ingested a narcotic. The information was updated by the call-taker; however, the dispatcher failed to broadcast this information.

- The administrative review determined the information related to the mental illness and the ingestion of the narcotic by Holliday was vital information for an officer to have during their response to a critical incident for officer safety. The officer safety information broadcast by the dispatcher was not within standardized LVMPD tactics, training, and policy.

During the incident, a patrol officer arrived and approached the front door of 10357 Timber Willow Avenue. The officer heard yelling coming from inside the residence and found the front door was locked. The officer immediately broadcast the information on the SAC radio channel and the information was copied by the dispatcher. The dispatcher placed a Code Red on the channel and broadcast the address for the Code Red but did not broadcast the call sign of the officer initiating the Code Red.

- The administrative review determined the Code Red was not initiated/broadcast correctly as per policy by the dispatcher; therefore, the dispatcher was not within standardized LVMPD tactics, training, and policy.

During the incident, Holliday's wife called LVMPD Communications and spoke with a call-taker. Holliday's wife stated she needed an ambulance right away. The call-taker conferenced the call with medical and was given information that Holliday was armed with a knife. The call-taker did not acknowledge the armed subject and failed to initiate a STAR Protocol, after placing the information about the knife into CAD. Additionally, the dispatcher saw the updated information in CAD for the armed subject and failed to initiate a STAR Protocol.

- The administrative review determined the call-taker and dispatcher were not within standardized LVMPD tactics, training, and policy.

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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.

While en route to the call, the initial responding officer received information from the dispatcher that Holliday was attempting to harm himself. The initial responding officer requested medical to standby and attempted to have Holliday's wife step outside the residence. Sergeant King assigned himself to the call, confirmed medical was also en route, and requested a tactical vehicle.

- The administrative review determined the initial responding officer and Sergeant King's preplanning was within standardized LVMPD tactics, training, and policy.

As the initial responding officer arrived in Holliday's neighborhood, he passed Holliday's residence, turned his vehicle around, and subsequently parked in front of his residence.

- The administrative review determined the initial responding officer's approach to the call was not within standardized LVMPD tactics, training, and policy.

Sergeant King arrived at Holliday's residence and approached a metal security door. As Sergeant King got closer, he saw the victim get stabbed with a knife by Holliday. Sergeant King began to give Holliday commands to drop the knife as he closed the distance to Holliday.

- The administrative review determined Sergeant King's cover and concealment were 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.

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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.

As Sergeant King approached the front door to Holliday’s residence, he drew his firearm as screaming could be heard coming from within the residence, and it was known that Holliday was armed with a knife.

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

When Sergeant King discharged his firearm, he was approximately six feet away from Holliday and the backdrop was an interior wall.

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

As Sergeant King approached the front metal security door, a female was heard screaming for help. As Sergeant King approached the door, he confronted Holliday who was armed with a knife and stabbing his wife. Sergeant King told Holliday to “drop it” two times, Holliday refused, and Sergeant King fired one shot through the transparent metal security door.

- The administrative review determined Sergeant King’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 an officer’s 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.

In review of the supervisory response for this incident, Sergeant King, another sergeant, and a lieutenant, directed department resources, established a command post, ensured crime scene preservation, notified the appropriate units, established a media staging area, created a secondary radio channel to help with calls for service, and worked together to manage all areas of the critical incident.

- The administrative review determined the supervisors’ response to this incident and their management of the OIS and command post locations were within standardized LVMPD tactics, training, and policy.

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Additional Key Findings, Conclusions, and/or Recommendations

Based on the details of the call, the first officer assigned requested that medical units stand by. Sergeant King confirmed medical was en route to the call, prior to the OIS. Medical was requested again after the OIS to expedite. Officers put Holliday in the recovery position and checked the wife for injuries. Officers made sure there was a path for the medical to enter and exit the area.

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