

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
318 South 11th Street – September 21, 2021

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 21, 2021, at approximately 1432 hours, the Las Vegas Metropolitan Police Department (LVMPD) was involved in a critical incident under LVMPD Event LLV210900089316. The incident occurred at 318 South 11th Street, Las Vegas, NV 89101. This address was located within the LVMPD Downtown Area Command (DTAC); sector beat Adam Three (A3).

The incident was an officer-involved shooting (OIS). Special Weapons and Tactics (SWAT) Officer Zachary Adam was the involved officer. Officer Adam discharged one round from his firearm (Rifle) at Trent Leach, who was armed with a handgun. Leach was struck by the officer's gunfire and was pronounced deceased on scene.

Prior to the OIS, Leach was going through a dumpster and was confronted by the resident (victim) of the neighboring property. The victim told Leach to leave the property several times and after a few minutes, Leach began to leave the property. While Leach was walking away, he drew a handgun from his left pocket and pointed it at the victim's head. He then struck the victim in the face with the firearm.

At approximately 0922 hours, while the altercation between Leach and the victim occurred, a witness called LVMPD Communications to report the incident of two males in a fight and one (Leach) pulled a handgun on the other. The LVMPD call-taker initiated a Person with a Gun event and routed the incident to the DTAC dispatcher.

A two-officer unit, driving in an LVMPD marked patrol vehicle, was in the area and were flagged down by the witness who then disconnected with the call-taker. The officers were provided information from the witness that one of the males (Leach) had a gun and the subjects had left the area. The officers began to search for the two males while driving in their patrol vehicle.

The officers located the two males walking in an alley. They activated their emergency lights, parked, and exited their patrol vehicle with their firearms drawn. The officers issued verbal commands to Leach and the victim. Leach did not comply; instead, he backed away and yelled, "shoot me." Leach then turned and ran from the officers, running through the alley.

While the officers followed Leach from a distance, they observed Leach entering the back of an abandoned church located at 318 South 11th Street. The officers immediately communicated with other officers and established containment around the church. At approximately 0936 hours, with the area contained, officers tried to communicate with Leach using a patrol vehicle's public address (PA) system.

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As officers attempted to communicate with Leach, a female approached an LVMPD K9 officer and informed him she knew Leach and he was “suicidal and would shoot an officer.” This information was broadcasted over the radio by the K9 officer. With this learned information and Leach’s refusal to exit the church, the event was deemed a barricade and SWAT was notified at approximately 1109 hours.

At 1221 hours, SWAT arrived, took over the scene, and assumed control of the inner perimeter. SWAT Officer Adam and another SWAT officer positioned themselves as a sniper team on a roof, in an elevated position, adjacent to the abandoned church. At approximately 1231 hours, the Crisis Negotiation Team (CNT) arrived and attempted to communicate with Leach through a PA system in a SWAT tactical armor vehicle (BearCat).

While CNT attempted to communicate with Leach, movement inside the church could be heard by officers. At approximately 1313 hours, officers heard possible gunshots inside the church. Next, at approximately 1318 hours, an unrelated and unknown subject exited the rear of the church and was taken into custody. After being questioned by officers, this subject confirmed there was another person (Leach) inside the church, and he was armed with a firearm.

At approximately 1351 hours, gunshots came from the church and struck the BearCat, which was occupied by CNT and SWAT officers. There were also additional CNT and SWAT personnel positioned outside, to the rear, of the BearCat.

At approximately 1402 hours, a robot and a drone were deployed into the building. Leach was located in an attic crawl space. Video showed Leach firing multiple rounds from his handgun at the drone inside the building. Through the drone, CNT officers instructed Leach to, “stop shooting and put the gun down.” Leach did not comply; instead, more gunfire was heard by officers and observed from the drone video feed.

SWAT deployed chemical irritants into the crawl space of the abandoned church in an attempt to get Leach to comply and exit. Through drone video footage, Leach exited the crawl space, picked up the drone and disabled it. Leach was then observed on video (from the robot) walking downstairs. While he walked down the stairs, Leach pointed his firearm at the robot. CNT officers continued to give verbal commands over the PA system to Leach to exit the building without his gun.

At approximately 1432 hours, from an open door leading to the alley outside, Leach pointed his firearm toward the BearCat, where several SWAT officers and a K9 officer were positioned outside and to the rear of the vehicle. Simultaneously, SWAT Officer Adam discharged one round from his rifle striking Leach, who immediately fell in the doorway. SWAT Officer Adam was approximately 107 feet from Leach.

SWAT officers and medical personnel approached Leach and assessed his injury. Leach was pronounced deceased on scene by the SWAT tactical doctor.

The Criminal Investigation

The LVMPD’s Force Investigation Team (FIT) conducted the criminal investigation of this incident. The investigation was submitted to the District Attorney’s Office for review and determined that, “no criminal prosecution of the officer involved in the referenced case is appropriate.”

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For additional information related to the investigation of this incident, please refer to the 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 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 February 3, 2022. 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: SWAT Officer Zachary Adam

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 administrative review of this incident, it was determined an LVMPD call-taker gathered pertinent information to generate a person with a gun event. The call-taker was able to forward the call to dispatch, and dispatch was able to assign officers.

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

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During the administrative review of this incident, it was determined an LVMPD dispatcher relayed pertinent information to the officers, placed a code red on the channel, and assigned additional units to the call. As the call continued, the dispatcher documented incoming information while requesting additional resources. Dispatchers advised supervisors of the OIS, who in turn made all appropriate notifications to responding LVMPD personnel and investigators. DTAC Radio channel was handled by several other dispatchers who all handled the call appropriately.

- The administrative review determined the dispatchers' performance regarding emergency radio situations and accurately recording radio traffic was within standardized LVMPD tactics, training, and policy.

During the administrative review of this incident, it was determined that DTAC officers radio traffic and communication reference the initial response to the person with a gun event was timely and pertinent.

- The administrative review determined the officers' performance regarding voice radio communications 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.

The initial officers observed the two subjects in the alley matching the description of who they were looking for. The officers activated their lights and siren quickly to identify themselves and parked about 30-40 yards from them, exiting their patrol vehicle. The officers did not broadcast or project their stop and only updated their location after Leach became uncooperative. The officers got back in their patrol vehicle, handguns still drawn, and "cut the pie" around a blind corner while ATL'ing for Leach.

- The administrative review determined officers' approach for this incident was not within standardized LVMPD tactics, training, and policy.

During their initial contact with Leach in the alley, the officers stepped away from their patrol vehicle and closed their doors. The officers advised over the radio they were out with the subject who was possibly armed with a firearm. They also stated the subject was putting his hands in his pockets and yelling "Shoot me!" As the officers gave verbal commands to Leach, they remained next to the patrol vehicle but did not utilize it for cover or concealment.

- The administrative review determined officers' cover and concealment for this incident was not within standardized LVMPD tactics, training, and policy.

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Before their arrival at the church, SWAT officers received information regarding the barricade. Upon their arrival, SWAT Officer Adam and his partner, acting as a sniper team, ensured they had all the necessary gear and supplies and placed themselves in a tactically sound position.

- The administrative review determined SWAT Officer Adam's preplanning for 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.

When SWAT Officer Adam deployed his rifle, the following was known: the original victim was struck with a firearm, Leach was observed holding a firearm through video from the SWAT robot, and gunshots were heard from inside the building and out toward officers.

- The administrative review determined SWAT Officer Adam's drawing his firearm was within standardized LVMPD tactics, training, and policy.

At the time SWAT Officer Adam discharged his rifle, he was at an elevated position. His backdrop consisted of an abandoned building and Leach was standing in an open doorway. The trajectory of Officer Adam's round was in a downward direction with the backdrop being the ground inside the church.

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

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At the time SWAT Officer Adam discharged his rifle, Leach (armed with a firearm) crossed the threshold of the door that led from the church to the outside, where officers were positioned. Leach pointed his firearm toward officers as he looked down the weapon's sights.

- The administrative review determined Officer Adam'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.

Regarding the supervisory response to this incident, the following was accomplished:

A DTAC sergeant ensured containment and a perimeter was established, formed an Immediate Action Team (IAT) and assigned roles and responsibilities, assigned an officer to give announcements over the PA, and established a Command Post.

An additional DTAC sergeant arrived and created a second IAT.

The LVMPD Watch Commander requested officers from other area commands to respond and help DTAC with calls for service, requested evacuations be done, and notified SWAT.

The SWAT sergeant (Team Leader) and SWAT officer (Assistant Team Leader) coordinated the response for the SWAT team. While on scene, the SWAT sergeant read the Public Safety Statement (PSS) to the involved officer and ensured he had a monitor officer.

The CNT lieutenant led and supervised CNT officers as de-escalation tactics were implemented.

All supervisors worked together and managed the scene of the OIS and command post.

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

Additional Key Findings, Conclusions, and/or Recommendations

Throughout the incident, medical personnel were standing by at a safe location in case immediate medical intervention was needed for any officers, citizens, or Leach. After the OIS occurred, SWAT officers formed

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a team and approached Leach with the SWAT tactical doctor to attempt to render aid; however, Leach was found unresponsive and was pronounced deceased on scene.

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