

Office of Internal Oversight Review
Key Findings, Conclusions, and/or Recommendations of an Officer-Involved Shooting: Fatal
3300 North Tenaya Way – November 17, 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 November 17, 2021, at approximately 1142 hours, the Las Vegas Metropolitan Police Department (LVMPD) was involved in a critical incident under LVMPD event LLV211100070187. The incident occurred near 3300 North Tenaya Way, Las Vegas, NV 89129. This address was located within the LVMPD Northwest Area Command (NWAC); sector beat X-Ray One (X1).

The incident was an officer-involved shooting (OIS). NWAC Officer Amelia Lukac and NWAC Sergeant Donald Graham were the involved officers who discharged their firearms at suspect Steven Thomas, who was armed with a Springfield XD-E 9mm handgun. Thomas was struck multiple times and was later pronounced deceased at the hospital.

Prior to the OIS, on November 17, 2021, at approximately 1125 hours, under LVMPD event LLV211100070142, Thomas committed a robbery with a firearm at the Wells Fargo ATM, located at 1775 North Decatur Boulevard, Las Vegas, NV 89108, within the Bolden Area Command (BAC). During the robbery, Thomas took the victim's vehicle (gold colored Kia Sorento).

At approximately 1127 hours, under LVMPD event LLV211100070152, Thomas entered the Circle K gas station, located at 5400 Vegas Drive, Las Vegas, NV 89108, also within BAC, and attempted to commit another robbery while armed with a firearm. Thomas demanded money from the safe, but the clerk could not open it. Thomas walked out of the business and left in the stolen Kia Sorento.

At approximately 1134 hours, under LVMPD event LLV211100070187, NWAC officers responded to a bank robbery at the Mountain America Credit Union, located at 7280 West Lake Mead Boulevard Las Vegas, NV 89128. The suspect, later identified as Thomas, pointed a firearm at employees and demanded money, which was provided. Thomas exited the bank and left the area in a Kia Sorento.

Through investigative means, it was learned Thomas was travelling northbound on Tenaya Way. This was broadcast over the radio by the LVMPD dispatcher. Officers, to include Officer Lukac and Sergeant Graham, approached Tenaya Way. Thomas' vehicle was observed by Officer Lukac travelling northbound on Tenaya Way toward Cheyenne Avenue, behind Sergeant Graham's marked patrol vehicle.

As Thomas' vehicle entered the intersection of Tenaya Way and Cheyenne Avenue, it continued northbound on Tenaya Way, passing Sergeant Graham's vehicle. Moments later, Sergeant Graham positioned his patrol vehicle behind Thomas and attempted a vehicle stop. Thomas suddenly stopped his vehicle, jumped out, and approached Sergeant Graham's marked patrol vehicle. As he closed the distance on Sergeant Graham, Thomas reached into his waistband and grabbed a firearm. Immediately, Sergeant

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Graham accelerated his vehicle toward Thomas, striking him. Thomas landed on the pavement but got up and moved in the direction of Officer Lukac, still in possession of his firearm.

Officer Lukac had just exited her patrol vehicle and immediately issued multiple verbal commands to Thomas to get on the ground, and to show his hands. Thomas did not comply; instead, he continued toward Officer Lukac's direction. He then looked toward Sergeant Graham and pointed his firearm at him. At this time, with her handgun drawn, Officer Lukac discharged her firearm at Thomas, striking him.

Thomas fell to the ground but was still armed with his firearm. While Officer Lukac gave verbal commands for Thomas to stay down, he continued to crawl toward her. Officer Lukac discharged her firearm additional times and as this occurred, several times she yelled Thomas "was going for the gun," for Thomas to "let go of the gun," and that Thomas' firearm was underneath him. As she yelled out "He's going for a gun!" Officer Lukac reloaded her firearm.

Simultaneously, Sergeant Graham exited his vehicle and moved to the rear of it, as Officer Lukac discharged her firearm at Thomas. While Officer Lukac was reloading her firearm, Sergeant Graham observed Thomas reaching for his gun. At this time, Sergeant Graham discharged his firearm at Thomas. Officer Lukac finished reloading her firearm and Thomas was still moving, attempting to aim his firearm at her. Officer Lukac discharged her firearm a second time at Thomas, who stopped moving.

With the arrival of additional officers, an immediate action team (IAT) was created, approached Thomas, and took him into custody. Once Thomas and the surrounding area were made safe, officers provided life-saving measures on Thomas. With the arrival of medical personnel, Thomas was assessed and transported to the hospital where he was pronounced deceased.

The Criminal Investigation

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. The District Attorney's Office determined that, "no criminal prosecution of the 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.

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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 April 21, 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: Sergeant Donald Graham

The Board's finding was Administrative Approval for Sergeant Graham's vehicle strike and the discharge of his firearm during his OIS. 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."

UFRB: Officer Amelia Lukac

The Board's finding was Administrative Approval for both volleys of fire during Officer Lukac's OIS. 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.

Timely and pertinent information was documented by the LVMPD call-takers involved in this incident. Additionally, Dispatchers involved in this critical incident broadcast and documented crucial information.

- The administrative review determined all call-takers and dispatchers involved in this incident performed within standardized LVMPD tactics, training, and policy.

A review of the radio traffic was compared to the information documented in the computer aided dispatch (CAD) document, which was properly broadcast and documented.

- The administrative review determined the radio traffic for this incident was 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.

During the administrative review of the incident, it was determined Sergeant Graham drove past the location of the bank robbery to attempt to locate (ATL) for the suspect. Sergeant Graham did not communicate for officers go to the bank and interview witnesses, or to secure the crime scene. Sergeant Graham did not gather information about the incident, assess the risks, assemble resources, or attempt to slow the momentum by communicating and coordinating a response.

- The administrative review determined Sergeant Graham’s pre-planning was not within standardized LVMPD tactics, training, and policy.

Officer Lukac gathered information about this incident, assessed the risks, and assembled resources. She attempted to slow momentum and communicated and coordinated a response. Officer Lukac ensured she was working on the correct radio channel and was prepared for a high-risk vehicle stop or vehicle pursuit.

- The administrative review determined Officer Lukac’s pre-planning was within standardized LVMPD tactics, training, and policy.

After striking Thomas with his patrol vehicle, Sergeant Graham pulled into the entrance of the apartment complex. Officer Lukac parked her patrol vehicle at the corner of the entrance, creating a “Tactical L.” Officer Lukac exited her patrol vehicle and issued numerous verbal commands to Thomas, “Get down, show me your hands, hands out!” Simultaneously, Sergeant Graham moved to the rear of his patrol vehicle and became the cover officer.

- The administrative review determined the officers’ principles of contact and cover were within standardized LVMPD tactics, training, and policy.

Sergeant Graham quickly exited his patrol vehicle and took position behind the engine block of his patrol vehicle to issue verbal commands to Thomas. Officer Lukac exited her patrol vehicle, immediately drew her firearm, and took a position of cover behind the “A” frame of her driver’s door and engine block, maintaining a barrier between her and Thomas.

- The administrative review determined the officers’ principles of cover and concealment were 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.

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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.

At the time Sergeant Graham struck Thomas with his marked patrol vehicle, Thomas was moving toward Sergeant Graham pulling out a firearm from his waistband.

- The administrative review determined Sergeant Graham's threat assessment for the vehicle strike was within standardized LVMPD tactics, training, and policy.

When Sergeant Graham and Officer Lukac drew their firearms, the following was known: Thomas was the suspect in a takeover style robbery to a Credit Union; Thomas was armed with a firearm he used in the robbery; Thomas exited a stolen vehicle and advanced toward Sergeant Graham, while reaching for and drawing a firearm.

- The administrative review determined the officers' drawing their firearms were within standardized LVMPD tactics, training, and policy.

When Sergeant Graham discharged his firearm, his weapon was angled downward and his backdrop consisted of desert landscaping.

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

At the time Sergeant Graham discharged his firearm, Thomas was reaching for his firearm as he moved toward Officer Lukac.

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

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During her first volley of fire, Officer Lukac's backdrop was clear with no crossfire concerns. As Thomas went to the ground, Officer Lukac's backdrop adjusted to a downward angle and consisted of desert landscaping. During her second volley of fire, Officer Lukac's backdrop continued to be in a downward angle and consisted of the desert landscaping.

- The administrative review determined Officer Lukac's assessment of target isolation and backdrop, for both volleys of fire, were within standardized LVMPD tactics, training, and policy.

During Officer Lukac's first volley of fire, Thomas was armed with a firearm moving toward her. During Officer Lukac's second volley of fire, Thomas was on the ground, crawling toward her armed with the firearm. Additionally, during both volleys of fire, Officer Lukac issued verbal commands to Thomas, which he ignored.

- The administrative review determined Officer Lukac's threat assessment for both volleys of fire were 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.

In evaluating the supervision (command and control) of this event for Officer Lukac, she exhibited a good knowledge of tactics and ensured officers and supervisors performed to a high tactical standard. She gave clear direction, slowed the momentum, and become involved in the overall management of this incident.

- The administrative review determined Officer Lukac's incident management was within standardized LVMPD tactics, training, and policy.

In evaluating the supervision (command and control) of this event for Sergeant Graham, the following was presented during the TRB, Sergeant Graham: requested an arrest team on the NWAC radio channel while responding units were on the WANTS radio; did not communicate with Officer Lukac to provide lethal cover, as he donned latex gloves; did not request the use of the ballistic shield which was on scene; instructed officers in the IAT to cross over an open area while Thomas was moving and armed with a firearm; provided poor direction to the IAT prior their approach to Thomas; did not take a position to the back of the IAT where he could correct any flaws in the tactical decisions made by the IAT; did not ensure Thomas' vehicle was cleared, ensuring the scene was safe.

- The administrative review determined that Sergeant Graham's incident management for this incident was not within standardized LVMPD tactics, training, and policy.

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Additional Key Findings, Conclusions, and/or Recommendations

After the OIS, medical was immediately summoned to the scene where Thomas was taken into custody. Aid was rendered and Thomas was transported to the hospital where he was pronounced deceased.

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