

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Jeffrey Hair on June 23, 2023

INTRODUCTION

On June 23, 2023, Jeffrey Hair (hereinafter “Decedent”) was shot and killed by Las Vegas Metropolitan Police Department (“LVMPD”) Special Weapons and Tactics Unit (“SWAT”) Officer Jonathan Collingwood as Decedent pointed a firearm at M.M.

The District Attorney’s Office has completed its review of the June 23, 2023, death of Decedent. It has been determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the actions of LVMPD SWAT Officer Collingwood were not criminal in nature.

This report explains why criminal charges will not be forthcoming against the officer involved. It is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this citizen-law enforcement encounter. The report is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review conducted on August 15, 2024. This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the shooting officer was not criminal.

This decision, premised upon criminal-law standards, is not meant to limit any administrative action or to suggest the existence or non-existence of civil actions by any person where less stringent laws and burdens of proof apply.

SYNOPSIS OF INCIDENT AND INVESTIGATION

On the evening of June 22, 2023, Decedent picked up M.M. and D.L. from D.L.’s apartment. The vehicle Decedent was driving was a white Toyota RAV4. Decedent then drove, with M.M. and D.L. in the car, to the Strat Hotel and Casino to take M.E., who Decedent was dating, insulin. Upon arrival, M.E. got into Decedent’s vehicle and became upset that D.L. and Decedent were both in the vehicle together. D.L. and M.E. had a child in common. M.E. attempted to exit the vehicle but was prevented

from doing so by Decedent. All four occupants stayed inside the vehicle and drove into the early morning hours of June 23, 2023. D.L. was seated in the front passenger seat, M.E. was seated in the rear driver's side seat, and M.M. was seated in the rear passenger side seat.

Shortly after midnight, at 0007 hours, M.E. texted 9-1-1 and advised she was being struck by Decedent, and she was inside of a white Toyota RAV4 being driven down the freeway. She further updated 9-1-1 that the group was southbound on the US95, passing Railroad Pass Casino, traveling towards Searchlight, Nevada.

The Boulder City Police Department ("BCPD") located the vehicle southbound on US95 and attempted to stop the vehicle. Decedent refused to pull over. As a result, an approximately 90-mile pursuit through Boulder City, Henderson, Lake Mead National Park, and Las Vegas ensued. Eventually, LVMPD Sgt. Tannar Schmidt deployed Stop Sticks® at Charleston Boulevard, west of Nellis Boulevard. The Stop Sticks® punctured the front passenger side tire of the RAV4. The pursuit ultimately ended in the vicinity of Charleston Boulevard and Marion Avenue after LVMPD Officer Jose Aguilar conducted a Pursuit Intervention Technique ("PIT") to stop the RAV4.

Once the vehicle came to a stop, Decedent, who was armed with a handgun, prevented his passengers from exiting the vehicle. After about five minutes, M.E. exited the car. A few minutes later, D.L. exited the vehicle. M.M. remained in the back passenger side seat. For more than an hour, Decedent refused to exit the RAV4 and refused to allow M.M. to exit the vehicle. Officers utilized the public address system to instruct Decedent to exit the vehicle. Additionally, LVMPD Officer Benjamin Bowler made several attempts to communicate with Decedent via telephone. Decedent made several suicidal statements to Officer Bowler and confirmed that he was not permitting M.M. to exit the vehicle. Officer Bowler was able to speak to M.M. over the phone. M.M. confirmed that Decedent was pointing a gun at him.

Ultimately LVMPD SWAT and Crisis Negotiators responded to the scene. When LVMPD Crisis Negotiators arrived, they contacted Decedent by phone as well. When Crisis Negotiator Sergeant Michael Amburgey contacted Decedent via a recorded phone call, Decedent confirmed that he had a gun pointed at M.M.'s head, and threatened to shoot M.M.

While Sergeant Amburgey was on the phone with Decedent, SWAT Officer Collingwood took a position in the turret of an armored SWAT vehicle which was positioned in front of the RAV4. Officer Collingwood saw Decedent point a firearm at M.M. Due to what he observed, Officer Collingwood fired one round through the windshield of the RAV4, striking Decedent. The round struck Decedent in the left side of his face and exited out the right side of his skull.

After the round was fired, other SWAT officers approached the vehicle and extracted M.M. Officer Jared Wicks moved the handgun that was near Decedent's hand on the center console to the ground outside the RAV4. Decedent was removed from the RAV4 and placed on the ground so that officers and tactical medics could provide medical aid. Decedent was taken to University Medical Center (UMC) via ambulance. Decedent was admitted to the hospital and remained in critical condition until July 5, 2023, at 1121 hours when he was pronounced deceased.

INCIDENT TIMELINE

The below timeline is a reconstruction of events which transpired on Friday, June 23, 2023, in relation to the fatal officer-involved shooting that occurred at 4455 E. Charleston Boulevard.

Time (hours)	Description of Event/Action	Source
00:07:00-00:11:00	M.E. texted 9-1-1 that she needed help urgently. The text message was received by Henderson Police Department (HPD). M.E. texted she was on the freeway and she was being hit. M.E. provided the vehicle description and that they were passing Railroad Pass headed to Searchlight.	HPD Text to 9-1-1 Transcript
00:17:27	Boulder City Police Department (BCPD) was dispatched to attempt to locate a suspect vehicle possibly involved in a kidnapping.	BCPD Computer Aided Dispatch (CAD)
00:34:21	BCPD Officer A. Salazar located the vehicle near Black Hills Drive.	BCPD CAD
00:38:25	BCPD Officer J. Hunt advised the vehicle was refusing to yield and was driving southbound. (Pursuit continued with the vehicle making several U-turns.)	BCPD CAD
00:53:10	LVMPD Air Unit joined the BCPD radio channel.	BCPD CAD
01:14:11	LVMPD Air Unit had visual of the pursuit and maintained visual while the pursuit traveled through several Henderson surface streets.	BCPD CAD
01:38:54	The air unit needed to disengage from the pursuit due to flight conditions.	LVMPD CAD
01:55:24	Pursuit entered through the gate of Lake Mead National Park and northbound on Northshore Road.	LVMPD CAD
02:03:13	LVMPD Air Unit was en route to re-engage in the pursuit.	LVMPD CAD
02:04:00	Pursuit exited Lake Mead National Park westbound on East Lake Mead Boulevard.	LVMPD CAD
02:05:10	The LVMPD watch commander authorized LVMPD patrol units to pursue when BCPD needed to disengage from the pursuit.	LVMPD CAD
02:27:20	Stop Sticks® were deployed on Charleston Boulevard west of Nellis Boulevard. Sergeant Schmidt reported the Stop Sticks® penetrated the front passenger tire of the Toyota.	LVMPD CAD
02:31:44	PIT was conducted at Charleston Boulevard and Marion Avenue. The suspect vehicle was able to recover from the PIT and continued westbound on Charleston Boulevard.	LVMPD CAD
02:32:15	A second PIT was conducted westbound on Charleston Boulevard on the eastbound lane.	LVMPD CAD

Time (hours)	Description of Event/Action	Source
02:32:47	Patrol units had the Toyota blocked in and officers reported over the radio that the driver (Decedent) had a gun to his head.	LVMPD CAD
02:36:12	M.E. exited the rear driver's side of the Toyota.	LVMPD CAD
02:37:44	The Air Unit reported that Decedent still had a gun pointed to his own head.	LVMPD CAD
02:38:24	D.L. exited the front passenger seat of the Toyota.	LVMPD CAD
02:55:56	The situation was deemed a barricade by Lt. Justin Diebold.	LVMPD CAD
03:33:50	Officer Collingwood took his initial position at an exterior table of the Wienerschnitzel.	Officer Collingwood Body Worn Camera (BWC)
03:48:00	Officer Lionel Vincent arrived in the SWAT armored vehicle and parked in front of the Toyota facing the Toyota's front windshield.	Officer Vincent BWC
03:48:50	Officer Vincent advised other SWAT officers that Decedent had a gun in his hands and was pointing it at the back seat passenger (M.M.).	Officer Vincent BWC
03:50:35	Officer Collingwood moved from the Wienerschnitzel to the SWAT armored vehicle parked in front of the Toyota.	Officer Collingwood BWC
03:51:32	A shot fired by Officer Collingwood.	Officer Vincent BWC
03:51:46	SWAT officers approached the Toyota from the rear.	Officer Wicks BWC
03:52:35	M.M. was freed from the Toyota by SWAT officers.	Officer Wicks BWC
03:53:32	Officer Wicks moved Decedent's gun from Decedent's vicinity and placed it on the ground behind the front driver's side tire.	Officer Wicks BWC
03:53:48	Decedent was removed from the driver's seat and placed on the ground for medical intervention.	Officer Wicks BWC
04:00:00	Decedent was escorted into the ambulance by medical personnel and transported to University Medical Center (UMC) Trauma.	Officer Wicks BWC
July 5, 2023, 11:21:00	Decedent was pronounced deceased at UMC.	Clark County Office of the Coroner/Medical Examiner Report of Investigation

INTERVIEW SUMMARIES

Witness Officers

Officer Jose Aguilar

On June 23, 2023, at approximately 0834 hours, Detective Gil Valenzuela conducted an audio-recorded interview with Officer Jose Aguilar at the 4400 block of E. Charleston Boulevard.

Officer Aguilar was working as a graveyard Patrol Officer assigned to the Northeast Area Command. He was wearing his standard tan LVMPD uniform and was driving a marked patrol unit. On the date of the incident, he was advised via radio that BCPD was in pursuit of a white RAV4, possibly involved in a kidnapping. The information further indicated that assistance from officers in the area was needed as BCPD was running out of fuel. Eventually, the pursuit entered the Northeast Area Command. Officer Aguilar began bubbling¹, looking for the vehicles involved and located the vehicle as it traveled eastbound on Owens Avenue and then south on Nellis Boulevard. Officer Aguilar joined the pursuit and notified dispatch.

As the pursuit continued, Officer Aguilar heard a sergeant on the radio ask for one of the units to disengage and to attempt to locate a good location to set up Stop Sticks®. Officer Aguilar began to bubble the area looking for a location to set up the Stop Sticks®. Officer Aguilar drove to the area of Charleston Boulevard and Marion Drive where he observed the suspect vehicle driving westbound. Officer Aguilar was the second vehicle in the pursuit. He observed the primary vehicle conduct a PIT maneuver on the suspect vehicle west of Marion Drive on Charleston Boulevard. The suspect (Decedent) was able to regain control of the vehicle and continued driving westbound on Charleston Boulevard. Officer Aguilar observed Decedent drive westbound into the oncoming eastbound traffic lanes of Charleston Boulevard.

Officer Aguilar, who was now the primary pursuing unit, followed Decedent westbound on the eastbound side of the street. As Officer Aguilar continued to pursue, Decedent pulled up next to a vehicle that was pulled over on the furthest south lane of eastbound Charleston Boulevard. Officer Aguilar then observed Decedent attempt to open his door. At that point, Officer Aguilar feared that Decedent was possibly going to “take another car.” Consequently, Officer Aguilar conducted a successful PIT maneuver on the RAV4. Officer Aguilar drove past the RAV4. Other officers arrived from the east and addressed the suspect vehicle that was now facing eastbound.

Officer Aguilar then deployed his Stop Sticks® and placed them west of the suspect vehicle, as a preventative measure. Then Officer Aguilar joined an immediate action team which was set up south of the suspect vehicle. He deployed his 40-millimeter shotgun. Officer Aguilar observed the front passenger of the vehicle (D.L.) exit. When D.L. exited the vehicle, D.L. left the door open. Decedent reached over to close the door and Officer Aguilar was able to see that Decedent was holding a firearm. Officer Aguilar was unable to observe any other occupants because the windows of the vehicle were tinted. Officers stood in place for approximately twenty minutes, until SWAT arrived. Once SWAT arrived, SWAT set up on the suspect vehicle. Officer Aguilar heard a single gunshot, but he was unaware who fired the shot. Officer Aguilar then heard two flash-bangs and noticed that SWAT officers removed Decedent from the vehicle.

¹ “Bubbling” is a non-code moving containment of the suspect vehicle at a safe distance to aid in the apprehension of a suspect.

Sergeant Michael Amburgey

On June 23, 2023, at approximately 0811 hours, Detective Valenzuela conducted an audio-recorded interview with LVMPD Sergeant Amburgey at the 4400 block of E. Charleston Boulevard.

During the interview, Sergeant Amburgey relayed that he was notified of the incident due to his position as a crisis negotiator. Specifically, he received a notification reference a hostage rescue situation and responded to the 4400 block of East Charleston Boulevard. Sergeant Amburgey received additional information that the suspect was armed with a firearm and had a hostage inside the vehicle. Upon arrival in the area, Sergeant Amburgey was assigned as the primary crisis negotiator and was given additional information on the suspect and hostage. Sergeant Amburgey learned the suspect's name was, "Jeff" and the hostage was named, M.M. Sergeant Amburgey was informed that he was going to be speaking with the suspect via cellular phone and that he would have a secondary negotiator, Kathy Redmann, assisting him.

As soon as Sergeant Amburgey was set up, the suspect called back, and Sergeant Amburgey was handed the cellular phone. Sergeant Amburgey asked if the person on the line was "Jeff," and the person responded, "No, this is [M.M.]." M.M. informed Sergeant Amburgey that Decedent was requesting that the SWAT vehicles pull back. Sergeant Amburgey deduced that Decedent was listening to the call. To de-escalate the situation, Sergeant Amburgey explained that he was unable to make the SWAT vehicles pull back, and he advised M.M. that they were there to make sure everybody was safe. Sergeant Amburgey began to hear Decedent speak in the background. Decedent stated he had a Ruger firearm. Decedent further described the caliber and the grain of the bullet, and he advised that he had the firearm pointed at the skull of M.M. Sergeant Amburgey again attempted to downplay what SWAT was doing, in the hopes of keeping Decedent calm. Sergeant Amburgey heard a bunch of screaming coming from the phone. He believed the screaming was coming from one person but did not know who it was. Then, Sergeant Amburgey heard someone saying, "Stop, stop," followed by what he believed to be one or two SWAT distract bangs.

Sergeant Amburgey then heard verbal commands shouted by the SWAT team. He stopped speaking to avoid confusing anybody on the phone until the line was disconnected. Sergeant Amburgey estimated he was on the phone for less than a minute and thirty seconds before the screaming began.

Officer Benjamin Bowler

On June 23, 2023, at approximately 0743 hours, Detective Marc Colon conducted an audio-recorded interview with LVMPD Officer Bowler at the 4400 block of E. Charleston Boulevard.

Officer Bowler was working as a patrol officer assigned to the Northeast Area Command. His shift began at 2200 hours on June 22, 2023. He was wearing his standard long-sleeve Metro tan patrol uniform and was driving a marked black and white patrol unit. While working, Officer Bowler heard the Air Unit broadcast that Boulder City Police Department was pursuing a kidnapping suspect (Decedent) and they were approaching the area of Lake Mead Boulevard and Hollywood Boulevard.

At that point, Officer Bowler began to head in that direction. As he did so, he continued to monitor the radio traffic. While monitoring the radio traffic, Officer Bowler heard the watch commander broadcast authorization for LVMPD units to assist Boulder City Police Department with the pursuit. Officer Bowler responded to the area of Lake Mead Boulevard and Pecos Road and Officer Bowler observed a Boulder City Police Department unit behind Decedent's vehicle. Officer Bowler joined behind the Boulder City unit. Shortly thereafter, the Boulder City unit disengaged from the pursuit, leaving Officer Bowler as the primary unit with other LVMPD units behind him.

Officer Bowler pursued Decedent and learned a unit had Stop Sticks® deployed in the area of Charleston Boulevard and Nellis Boulevard. The front passenger side tire of the RAV4 ran over the Stop Sticks®. Decedent's driving became erratic as he travelled west on Charleston Boulevard.

Decedent drove north on Nellis Boulevard in the southbound lanes. Decedent eventually turned around and drove back toward Charleston Boulevard. Officer Bowler believed Decedent was a threat to the public's safety and began to plan to perform a PIT maneuver to stop Decedent's vehicle.

Decedent drove west on Charleston Boulevard from southbound Nellis Boulevard. Officer Bowler initiated the PIT maneuver west of Marion Drive on westbound Charleston Boulevard. Officer Bowler believed the PIT was successful as Decedent's vehicle began to spin. Officer Bowler continued west and observed Decedent regain control of his vehicle and continue west on Charleston Boulevard in the eastbound travel lanes.

Officer Bowler observed another LVMPD unit conduct a second PIT maneuver which appeared to be successful as Decedent's vehicle came to a stop with LVMPD units around him. Officer Bowler exited his vehicle and obtained cover behind a patrol vehicle. Officer Bowler observed Decedent in the driver's seat with a silver-colored handgun in his right hand, holding the gun to his own head. Officer Bowler observed a male in the front passenger seat and possibly additional occupants in the back seat.

Officer Bowler utilized the public address system on his vehicle to order the occupants out of the vehicle. A male exited the passenger side and walked back toward officers. Then, a female exited the vehicle and advised officers there was another passenger in the vehicle, in addition to Decedent. Officers obtained a number to one of the phones inside the vehicle. Officer Bowler called the number and contacted the remaining passenger; M.M. Officer Bowler also spoke with Decedent. M.M. advised Officer Bowler he was afraid of exiting the vehicle for fear of being shot. At one point, M.M. relayed that there was a gun to his heart, the hammer was back, and his seatbelt was tangled. During his telephone contact with Decedent, Decedent lowered his seat back, making it more difficult for officers to observe what was happening.

Then, Decedent advised Officer Bowler that he would let M.M. out after he handled his business. Decedent also advised he wanted to speak with his mother as these were the last moments of his life, and it would depend on the speed of his trigger finger. Officer Bowler interpreted that as meaning Decedent intended to either kill himself or come out of the vehicle shooting at officers. Officer Bowler continued to try and speak with Decedent until SWAT and crisis negotiators responded.

Once SWAT units arrived, the patrol action team moved to the back, around the nearby Burger King. Officer Bowler briefed the crisis negotiators at the Command Post. While at the command post, Decedent called Officer Bowler's phone. Officer Bowler passed the phone off to one of the negotiators. Shortly thereafter, Officer Bowler heard that shots were fired.

Officer Jair Brown

On June 23, 2023, at approximately 0758 hours, Detective Scott Mendoza conducted an audio-recorded interview with LVMPD Officer Brown in the area of 4480 East Charleston Boulevard.

Officer Brown was assigned to SWAT. At approximately 0245 hours, Officer Brown received a text notification reference a hostage rescue call which also involved a vehicle pursuit. Information was also received that the suspect was armed with a firearm and had hostages with him. At some point, information was updated to reflect that two of the hostages were released, but one was still being held against his/her will. Additionally, Officer Brown was informed that Decedent pointed the firearm to his own head.

Upon responding to the area, Officer Brown positioned himself to the southeast of Decedent's vehicle. Officer Brown stated he was approximately 73 yards from Decedent's vehicle. Officer Brown had a front view of the windshield and observed Decedent through a high-powered scope on his sniper rifle. According to Officer Brown, Decedent reclined the driver's seat back so far that the most Officer Brown was ever able to see of Decedent's face was from his upper lip to the top of his head.

When he looked through the front windshield, Officer Brown initially observed Decedent holding a cell phone in his left hand. Decedent's right hand was free. As Officer Brown continued to watch Decedent, he saw another subject in the rear passenger side seat. That subject was later identified as M.M. M.M. was holding onto the front seat headrest. As Officer Brown continued to scan the inside of the vehicle, he observed Decedent point a firearm toward M.M. Decedent's finger was on the trigger of the gun. Based upon these actions, Officer Brown informed his spotter, Officer Jasper Washington, that he would fire a shot if he had an opportunity. Officer Brown feared that Decedent would shoot and kill M.M. Officer Brown stated that Decedent continued to stay low and did not expose himself enough for Officer Brown to fire a clear shot.

Officer Brown heard that another SWAT sniper positioned himself in the turret of a SWAT Bear Armored vehicle that was positioned in front of Decedent's vehicle. The sniper fired a single shot and stopped the threat. Officer Brown saw the round strike the windshield of Decedent's vehicle. Once the shot was fired, the team of SWAT officers deployed several distracts and approached the vehicle. One team of officers rescued M.M. from the rear of the vehicle and another team of SWAT officers removed Decedent from the driver's seat. The SWAT Tac Medic officer began rendering aid to Decedent prior to him being transported to the hospital.

Officer Brady Cook

On June 23, 2023, at approximately 0738 hours, Detective Jason Leavitt conducted an audio-recorded interview with LVMPD Officer Cook at 4530 E. Charleston Boulevard.

Officer Cook was working as a SWAT officer on the date of the incident. At around 0300 hours, Officer Cooke was notified that they were being called out for a hostage rescue. The details he was provided indicated that there was a pursuit stemming from a domestic violence situation involving a kidnapping and a deadly weapon. The pursuit terminated near Charleston and Nellis, which is where he was directed to respond.

Upon arrival, Officer Cook observed a vehicle, which appeared disabled, with police vehicles blocking it. Officer Cook heard over the radio that the driver of the vehicle had a gun pointed at the hostage. Decedent was in the driver's seat. The hostage was in the rear passenger side seat. Officer Cook was assigned to be a member of the immediate action team which would "assault" the vehicle.

While Officer Cook was positioned with his team, he heard a gunshot followed by a radio broadcast of "Shot out, shot out, shot out", which indicated a sniper had taken a shot. Officer Cook and his team approached the vehicle where he observed the hostage in the backseat and the driver who appeared to be shot in the head. Officer Cook heard another officer state the suspect had a gun in his hand, but Officer Cook did not physically see the gun because his view was obstructed.

Officer Sean O'Donnell

On June 23, 2023, at approximately 0759 hours, Detective Leavitt conducted an audio-recorded interview with LVMPD Officer O'Donnell at 4530 E. Charleston Boulevard.

Officer O'Donnell was assigned as a LVMPD SWAT Officer. Officer O'Donnell was notified of a hostage situation that started as a lengthy vehicle pursuit, which ended in the area of Lamb and Charleston. He was further advised that the suspect was armed with a firearm. Officer O'Donnell responded to the area of Charleston Boulevard and Lamb Boulevard. He was assigned as a sniper and responded to the location of Officer Collingwood (another sniper) because he was to be Officer Collingwood's spotter and assist him.

Officer O'Donnell did not believe the initial sniper position taken by Officer Collingwood was ideal, so he looked for a new location to deploy which would give them a better vantage point. The snipers were not able to see the suspect inside of the vehicle. Officer O'Donnell got onto the roof of the Wienerschnitzel and began to set up the sniper equipment prior to calling Officer Collingwood to his location.

As Officer O'Donnell was setting up the equipment, he heard a radio broadcast from Officer Brown that the suspect had a gun pointed at the hostage, but he did not have a clear shot. As Officer O'Donnell went to call Officer Collingwood to come to him, a Bear (armored SWAT vehicle) pulled into the scene and blocked Officer O'Donnell's view. As the Bear pulled in front of Officer O'Donnell, the sergeant called for a sniper to go to the Bear, where there was a good view into the suspect vehicle. Officer Collingwood responded to the Bear.

Officer O'Donnell was gathering his equipment to get off the roof when the shot was fired. Officer O'Donnell did not see the suspect's actions or the shooting.

Officer Armondo Salazar

On June 23, 2023, at approximately 0636 hours, Detective Leavitt conducted an audio-recorded interview with BCPD Officer Salazar at 4245 E. Charleston Boulevard.

Officer Salazar was a uniformed officer with BCPD and was assigned as a K9 handler. Officer Salazar was dispatched to a call for service which came into BCPD. The call was from a female who sent a text message to 9-1-1. In the text she relayed that she had been kidnapped by her ex-boyfriend, who had a long gun in the vehicle. The female stated she was bleeding and was in the area of US 95 and Black Hills Mountain.

Officer Salazar, along with two other BCPD officers, responded to the area of US 95 and Black Hills Mountain (mile marker 51). Officer Salazar requested BCPD dispatch track the cell phone location, which showed the phone moving south from the original dispatch location. Officer Salazar located a vehicle matching the description provided to them, a white Toyota RAV4. Officer Salazar attempted to conduct a vehicle stop. After Officer Salazar activated the lights and siren of his BCPD marked patrol vehicle, the Toyota RAV4 did not stop, and began driving recklessly as it attempted to evade officers.

BCPD officers pursued the Toyota RAV4 for quite some time as it endangered citizens during its attempt to flee. Decedent repeatedly turned off the lights to the RAV4 while traveling at high rates of speed down dark stretches of highway. The officers pursued the Toyota RAV4 back toward the Las Vegas valley where the LVMPD helicopter joined them and assisted with following the Toyota RAV4 from the air, and broadcasting vital information such as location, direction of travel, speeds and traffic conditions to the officers following on the ground.

The pursuit eventually led officers into the Lake Mead National Park, where they drove around the lake and eventually into the area of North Las Vegas. When patrol officers from LVMPD joined the pursuit, Officer Salazar and BCPD officers discontinued their pursuit and relinquished the pursuit to LVMPD. Prior to leaving the area, Officer Salazar observed LVMPD officers conduct PIT maneuvers on the Toyota RAV4. The first PIT maneuver was unsuccessful but the second succeeded in stopping the pursuit.

Officer Salazar exited his vehicle with his K9 and observed the driver (Decedent) of the Toyota RAV4 with a gun to his own head. The vehicle had three other occupants inside the vehicle at that time. The driver refused to comply with commands to exit the vehicle. Eventually, Officer Salazar observed the female, who he believed initiated the 9-1-1 call, exit the vehicle and get to safety along with one other male occupant.

LVMPD SWAT arrived and took control of the scene, relieving Officer Salazar of his position. Officer Salazar remained in the area and witnessed two flashbangs being deployed around the vehicle and heard that an officer involved shooting (OIS) occurred.

Sergeant Tannar Schmidt

On June 23, 2023, at approximately 0645 hours, Detective Colon conducted an audio-recorded interview with LVMPD Sergeant Schmidt in the area of 4400 East Charleston Boulevard.

Sergeant Schmidt, who was assigned to the Southeast Area Command, was advised of a vehicle pursuit involving an armed kidnapping suspect (Decedent) who had the victim in the vehicle with him. The pursuit involved units from Boulder City Police Department and Henderson Police Department. He was made aware that the pursuit was nearing LVMPD' jurisdiction, and that BCPD requested assistance from LVMPD. Sergeant Schmidt and several other Southeast Area Command units were assigned to the call and monitored the area that bordered Henderson's jurisdiction.

Sergeant Schmidt monitored the radio and discovered Decedent was travelling west on Charleston Boulevard toward Nellis Boulevard. Sergeant Schmidt deployed Stop Sticks® at westbound Charleston Boulevard and Sir Arthur Drive. Sergeant Schmidt believed Decedent ran over the Stop Sticks® and continued west on Charleston Boulevard.

Several units pursued Decedent as he traveled west on Charleston Boulevard. Sergeant Schmidt heard units broadcast that a PIT had been conducted on Decedent's vehicle and they had him stopped in the area of Charleston Boulevard and Lamb Boulevard.

Sergeant Schmidt responded to the area and set up an immediate action team and was eventually relieved by SWAT officers.

Officer Lionel Vincent

On June 23, 2023, at approximately 0724 hours, Detective Mendoza conducted an audio-recorded interview with LVMPD Officer Vincent at 4480 E. Charleston Boulevard.

Officer Vincent was assigned to SWAT. He received a notification reference a hostage situation and he was instructed to respond to the area of Charleston Boulevard and Lamb Boulevard. Officer Vincent received information that the suspect had multiple hostages, two were permitted to exit the vehicle, but one was still inside. He also received information that the suspect, later identified as Decedent, was armed with a handgun and stated he was going to kill the remaining hostage, then kill himself.

Officer Vincent responded to the SWAT hangar and retrieved the Bear Armored Vehicle. Officer Vincent drove the Bear to the scene, then positioned the Bear at the front of Decedent's vehicle to block it in. Officer Vincent faced directly toward the windshield of Decedent's vehicle and could see directly into his vehicle. As the SWAT team exited the rear of the Bear, Officer Vincent updated the officers regarding Decedent's movements inside of the vehicle.

Officer Vincent observed Decedent sitting in the front driver's seat while holding a firearm in his right hand. Decedent pointed the firearm toward the hostage, later identified as M.M., who was seated in the right rear passenger seat. Decedent handed M.M. an unknown item, then held the firearm with both hands and appeared to hold it in a shooting platform. Officer Vincent stated the firearm was now pointed at the head of M.M., who held onto the front seat headrest.

Officer Vincent heard a SWAT sniper relay over the radio that he also saw Decedent holding the firearm which was pointed at M.M. The sniper could see someone sitting in the back seat of the vehicle. The sniper stated he did not have a clear shot toward Decedent as he could only see Decedent's hand and the firearm. Officer Vincent was informed that a sniper was repositioning himself into the turret of his Bear Armored Vehicle to obtain a better vantage point of Decedent's vehicle. SWAT Officer Collingwood positioned himself in the turret as Officer Vincent continued to observe Decedent's actions through the windshield. Officer Vincent stated that he observed Decedent continuously point his firearm at M.M.

Officer Vincent heard a gunshot and saw the round hit Decedent's windshield. He then observed Decedent go down. Other assisting SWAT officers approached the rear of Decedent's vehicle and deployed several diversionary flash bangs. The SWAT officers broke the window out and extracted M.M. from the rear of the vehicle. Officers then removed Decedent from the vehicle and medical personnel rendered him aid.

Officer Vincent stated that he felt M.M.'s life was in danger as Decedent continuously pointed the firearm at M.M. from the moment he positioned the Bear in front of Decedent's vehicle to the time the shot was fired. Officer Vincent believed that Decedent was going to shoot M.M.

Officer Jared Wicks

On June 23, 2023, at approximately 0813 hours, Detective Colon conducted an audio-recorded interview with LVMPD Officer Wicks at the 4400 block of E. Charleston Boulevard.

SWAT Officer Wicks was called into work, reference a hostage situation with an armed suspect (Decedent). He was alerted that the situation stemmed from a domestic violence situation involving a weapon. Additionally, Officer Wicks was informed that the suspect was suicidal, there was a kidnapping involved, and there had been a pursuit that lasted about an hour and a half. Officer Wicks responded to the area.

Upon arrival in the area, Officer Wicks and other SWAT officers formed a crisis team. The team relieved patrol officers who were in front of Decedent's vehicle. Additional SWAT officers responded and secured the inner perimeter from patrol officers. Officer Wicks and his team then moved behind the Bear directly behind Decedent's vehicle.

A SWAT sniper broadcasted that Decedent was in the driver's seat and was pointing a gun at the passenger in the rear passenger side seat. Officer Wicks heard a suppressed gunshot followed by a broadcast of, "Shot out" by the sniper unit so Officer Wicks' team prepared to approach the vehicle. Officer Wicks was responsible for clearing out (breaking) the vehicle's windows so officers were able to look inside.

Officer Wicks took out the rear driver's side passenger window followed by the driver's window. Officer Wicks observed Decedent slumped over leaning toward the center console. Officers began indicating that they observed the firearm still in Decedent's hand. At that point, other SWAT officers rescued the hostage from the backseat. Then, the decision was made to remove the firearm from Decedent's hand because he was still moving. Officer McGill opened the driver's side door, at which point Officer Wicks reached in and removed the firearm from Decedent's right hand and placed it on the ground outside of the vehicle behind the front driver's side tire.

Officer Wicks grabbed Decedent's left arm and helped extract Decedent from the vehicle to place him in a supine position for medical personnel to apply life-saving measures. The tactical doctor and medics responded until Decedent was transported by medical personnel to UMC.

Civilian Department Employee Witness

Investigative Specialist Kathryn Redmann

On June 23, 2023, at approximately 0759 hours, Detective Valenzuela conducted an audio-recorded interview with LVMPD Investigative Specialist Kathryn Redmann at the 4400 block of E. Charleston Boulevard.

Investigative Specialist Redmann, who also works as a crisis negotiator, received a phone notification reference a critical incident and responded to the 4400 block of East Charleston Boulevard. Through the phone call, Redmann learned that there had been a pursuit, two people exited the vehicle, and there were still two people inside of the vehicle. Upon arrival, Redmann was further briefed about the incident and she was assigned to be the back-up negotiator to the primary negotiator, Sergeant Amburgey. The additional information Redmann received indicated that the suspect was armed with a firearm and that he had a hostage named “[M.M.]”, inside the vehicle at whom he had pointed the firearm.

Sergeant Amburgey and Redmann entered a crisis negotiator vehicle, away from the location of the barricade in a neighboring parking lot. Sergeant Amburgey was handed a cellular phone and he began speaking with M.M. Sergeant Amburgey had the phone on speaker so Redmann was able to hear the conversation. M.M. informed Sergeant Amburgey that the suspect (Decedent) wanted SWAT vehicles to move back. Then, Sergeant Amburgey informed Decedent that no one was going to hurt him, and he did not need to worry about the vehicles. Decedent advised them that he had a gun pointed at the head of M.M. and he would put a bullet through his skull. At that point, Redmann heard some booms and screaming and negotiations ceased.

Redmann estimated they were on the phone with Decedent and M.M. for approximately two minutes.

Civilian Victims

M.E.

On June 24, 2023, at approximately 1130 hours, Detective Valenzuela conducted an audio-recorded interview with M.E. at Sunrise Hospital. Also present for the interview was Detective Mendoza.

During the interview, M.E. relayed that she was diabetic and took insulin daily after every meal. M.E. had known Decedent for approximately one year. For the three months preceding this incident, the two were in an on again off again relationship. M.E. recently broke up with Decedent and was staying with D.L. for a few days. M.E. had a four-year-old daughter with D.L., and they had been good friends for the last 13 years.

On June 22, 2023, at approximately 0530 hours, Decedent picked up M.E. from a hotel and casino in Laughlin, Nevada. Decedent left M.E. in Laughlin the day prior. M.E. did not have her insulin during the period she was in Laughlin as her medication was in Decedent’s car. When Decedent picked M.E. up on June 22, 2023, he was accompanied by a female that M.E. only knew as “[C]”. Decedent drove them back into the Las Vegas valley, to a residence near Flamingo Road and Decatur Boulevard. M.E. had not taken her insulin for approximately 24 hours at that time. M.E. walked to a nearby Marie Callender’s restaurant as Decedent was meeting with a person named “[G]”. M.E. estimated that she may have been at the Marie Callender’s from 1500 to 1700 hours. Decedent had the insulin in the vehicle. She kept calling him so he could bring her the medication.

Decedent finally answered the phone and informed M.E. that he was at Harrah’s Casino on Las Vegas Boulevard. M.E. contacted D.L. and he paid for an UBER to drive her from Marie Callender’s to Harrah’s Casino. M.E. arrived at Harrah’s shortly after 1700 hours and began looking for the truck that Decedent was driving. M.E. never located the truck and Decedent finally admitted he lied about being at Harrah’s.

M.E. began walking and eventually made it to The Strat Hotel and Casino. M.E. continued to call Decedent. After she informed Decedent that her blood sugar reached a dangerous level, he finally agreed to meet with her at The Strat. Around 2200 or 2230 hours, Decedent picked her up at The Strat. M.E. still had not taken any insulin because Decedent still had it in his possession.

Decedent arrived at The Strat in a white Toyota RAV4 and pulled into the valet area where M.E. met him. As she approached, M.E. noticed that Decedent was driving, D.L. was in the front seat and D.L.'s best friend, M.M., was in the back seat, sitting behind D.L. M.E. entered the vehicle and sat behind Decedent. M.E. began looking for her insulin in the back seat area but was unable to find it. Decedent began driving away on surface streets as M.E. was looking for her medication and she began arguing with him. Decedent and M.E. were arguing and Decedent began to get physical with her.

Due to the argument, M.E. opened the rear door and attempted to exit. Decedent accelerated the vehicle and managed to close her door with his left hand. He reached for her cellular phone, but she purposely dropped it on the floorboard. Decedent came to a stop sign and with his right hand, reached to her face area and pushed her face back. Decedent continued driving on the streets and eventually made it to the highway.

Decedent began driving southbound towards Laughlin. M.E. picked up her cellular phone and began texting her cousin. M.E. was informed by her cousin that she could text 9-1-1 through her cellular phone. M.E. then sent a text of "Help" to 9-1-1. She was asked what was wrong. She remembered texting a brief description of what had occurred. Her text reported that Decedent hit her, she needed her medication, she needed to get out of the car, she was scared, and she needed help. M.E. also texted that they stopped in an unknown dark place. She was advised that units were responding to her.

Decedent pulled over and into an unknown exit on the side of the US95 freeway. He exited the vehicle and walked towards the trunk, removed several bags, including M.E.'s, and placed them on the ground near the trunk. Decedent walked back and entered the driver's seat of the vehicle and told her to get out and to get her medication from the bags that he left outside. M.E. refused to exit the vehicle as she did not know where she was and feared that Decedent would leave her. M.M. exited the vehicle instead and looked at the bags and was going to pick them up but did not. Instead, M.M. returned the vehicle. Decedent backed up toward where he placed the bags, made a small turn, and then asked D.L. what they should do. D.L. got out of the car, got the bags, and then put them in the car with M.M.

Decedent began driving on the US95 freeway towards Searchlight. M.E. began going in and out of consciousness due to her not taking her insulin. M.E. heard a siren and observed police lights shortly after Decedent entered the highway. According to M.E., because she was in and out of consciousness during the pursuit, she did not remember much about it other than she knew they were being followed by officers.

M.E. remembered coming to a stop, she heard officers tell the front passenger to exit the vehicle, and Decedent holding a firearm in his right hand. M.E. observed D.L. open the passenger door and Decedent grabbed him by the arm and told him not to exit. M.E. observed Decedent place the firearm to the side of his own head as police told the occupants to exit the vehicle. M.E. exited the vehicle and went to where the officers were located. M.E. remembered vomiting inside the suspect vehicle and again near the officers. M.E. was then transported to the hospital in an ambulance.

D.L.

On June 23, 2023, at approximately 0630 hours, Detective Valenzuela conducted an audio-recorded interview with D.L. at the 4000 block of E. Charleston Boulevard. Below is a summary of the interview.

D.L. stated that his ex-girlfriend, M.E., moved into his apartment two months ago. D.L. and M.E. have been in an on-again-off again relationship since they were sixteen years of age and had a four-year-old daughter in common. D.L. let M.E. move into his apartment because she broke up with her new boyfriend, Decedent, and he wanted to help her get clean from drugs.

D.L. recently found out that M.E. was still speaking with Decedent, and she had been lying about no longer being with him. On June 19 or 20, 2023, as D.L. and M.E. were sitting in their apartment, Decedent used a key, unlocked the door, and entered the living room. D.L. believed at the time that M.E. had Decedent come to the apartment to rob him. Decedent realized that M.E. was lying about everything, and Decedent luckily did not do anything to him. On June 21, 2023, Decedent went back to D.L.'s apartment and showed him proof that M.E. was lying to him and that she was still in a relationship with Decedent.

M.E. called D.L. on Thursday, June 22, 2023, and coordinated to pick him up so that they could go to Laughlin together to "run checks." D.L. explained that "run checks" means to get cash from casinos using e-checks. When asked to explain further on what this meant, he said he did not really know and he was just accompanying Decedent to make some money.

D.L. and his friend, M.M., were picked up by Decedent from D.L.'s apartment at 2315 hours. Decedent drove to the Strat Hotel to meet with M.E. and drop off her insulin. Decedent arrived at the casino and M.E. got into the vehicle. Once M.E. was inside the vehicle, she got upset that D.L. was inside. Decedent and M.E. got into an argument. She tried to get out of the car by opening the door, so Decedent sped up and prevented her from exiting. Decedent reached back and grabbed M.E. by the arm and told her to close the door, so she did.

On their way to Laughlin, while on the highway, Decedent pulled over and walked to the trunk. He pulled out M.E.'s property and placed it on the side of the road for her to look for her insulin. M.E. refused to exit the vehicle and after a few minutes both D.L. and M.M. exited, picked up her items and placed them inside the vehicle.

Approximately five minutes after getting back into the vehicle, as they drove towards Laughlin, the police began chasing them. D.L. had no idea why the police chased them because there were no conversations happening inside the vehicle as the police followed them. Since D.L. did not know the area, he did not know where they drove during the incident. D.L. observed the police vehicles' lights and heard sirens throughout the pursuit. As they were still on the freeway, Decedent pulled out a firearm from an unknown location and placed it on his lap. Decedent moved the silver and black firearm from his lap to between his legs throughout the pursuit. D.L. added that Decedent was trying to figure out where to go by looking through his phone as he was being pursued. D.L. never observed Decedent point the firearm or heard him make any threats to any of the three occupants at that point.

D.L. believed the vehicle they were driving possibly got "stop sticked" shortly before coming to a stop. Decedent continued driving the vehicle, but they were rammed by officers approximately three

times and the vehicle came to a stop. As soon as the vehicle came to a stop, Decedent lifted the firearm and placed it to the side of his head. Decedent used his right hand and grabbed D.L. by his left upper arm and told M.E., D.L., and M.M. that if they exited, he would kill himself.

D.L. could hear officers outside of their vehicle as they gave them instructions to keep their hands up and to exit the vehicle. M.E. exited the rear passenger seat behind the driver. Decedent was still holding D.L. by the arm and told him, "Trust me, you'll be fine, don't get out the car." Decedent stated that D.L. held his arm for a few minutes. D.L. felt panicked as he feared being shot by either Decedent or the police. A few minutes later, when the fear and panic subsided, he stated, "Bro, I'm getting out of here." D.L. freed his arm from Decedent's grasp and exited the vehicle and walked towards the police.

D.L. was placed in a police vehicle, and he later spoke with officers away from Decedent's vehicle. D.L. later heard what he believed were two gunshots but was unable to see who fired. D.L. added that he felt uncomfortable and uneasy throughout the incident, but he never felt like his life was in danger.

M.M.

On June 23, 2023, at approximately 0736 hours, Detectives Ryan Balint and Todd Fasulo conducted an audio-recorded interview with M.M. at University Medical Center (UMC), located at 1800 W. Charleston Boulevard.

M.M. explained that at approximately 2330 hours, he and his cousin, D.L., were picked up at their apartment complex by a subject he only knew as Jeff (Decedent). M.M. only met Decedent twice and did not know him well. After being picked up by Decedent, they immediately drove to The Strat to pick up M.E., who he described as D.L.'s "baby mama." M.M. explained they were picking up M.E. so they could give her insulin. M.M. did not know the relationship between Decedent and M.E. As they picked up M.E., Decedent began to argue with her about where her insulin was. While they were still within the area of The Strat, the argument continued and M.M. stated M.E. tried to jump out of the vehicle. After she tried to jump out of the car, Decedent briefly stopped the vehicle and began to yell at M.E. M.M. explained that Decedent continued to drive as he argued with M.E. M.M. stated while they were near a freeway, he fell asleep.

M.M. explained when he woke up, they were traveling on the freeway toward Nelson/Searchlight, Nevada. M.M. explained he did not know why they traveled to the desert area towards Nelson. When M.M. woke up, Decedent was "trippin'" on M.E. When asked to clarify what Decedent was "trippin'" on M.E. about, he explained Decedent was yelling at her about the insulin. While they were driving, three police vehicles began to follow them. Shortly after getting behind their vehicle, the police activated their lights and Decedent refused to stop. M.M. estimated Decedent was driving between 80 and 100 miles per hour.

Decedent continued to flee from officers, traveling into Boulder City and into Henderson. While Decedent drove, he did not say anything to any specific person in the car. Decedent was a quiet person and mumbled to himself. M.M. remembered driving through Henderson, around Basic High School, and into the desert area where it was dark. M.M. believed that while Decedent was fleeing from officers, things were not going to end well. M.M. was afraid Decedent was going to crash the vehicle due to the speeds he was driving. M.M. also stated while they were driving through the

desert, he was afraid of crashing and concerned that he would have to be airlifted. The entire time, nobody spoke to Decedent and M.E. was “in and out of it.”

Once they were within the city limits of Las Vegas, M.M. stated he believed the car was “spiked” and shortly after a patrol vehicle sideswiped them causing the vehicle to spin out. Decedent was able to drive away and continued into oncoming traffic where a second patrol vehicle forced them to spin out. When the vehicle came to a stop, officers began to issue commands. As officers approached, Decedent produced a black and silver handgun with his right hand and pointed the firearm at his (Decedent’s) head. When Decedent produced the firearm, he told to everyone in the vehicle not to get out of the car. Officers continued to issue commands for the occupants of the white RAV4 to exit the vehicle. M.E. exited the vehicle on her own. Decedent wrapped his right arm around D.L.’s left arm and held D.L. in the vehicle as the commands to exit were being issued by officers. M.M. told Decedent to let D.L. go and he (M.M.) would stay in the car with him. Decedent ultimately let D.L. exit the vehicle while M.M. remained in the car.

After reclining the driver’s seat, Decedent pointed the firearm at M.M. When asked to describe the firearm, M.M. stated it was a silver and black Ruger. When asked how he knew the firearm was a Ruger, M.M. explained he read the word “Ruger” on the side of the gun while it was pointed at him. M.M. stated while he and Decedent were the only ones in the vehicle, Decedent began making phone calls to say his “goodbyes” to his loved ones. Decedent told people, “I love you guys, I’m not going to be here anymore.” When asked who Decedent was calling, M.M. stated he did not know but he knew Decedent was trying to talk to his mom.

When an officer called Decedent’s phone, Decedent handed the phone to him and had him hold the phone. M.M. stated Decedent had the firearm pointed at the left part of his rib cage and Decedent would transition from a single hand grip to a double hand grip. Decedent told the officer to get back and he would let M.M. go when he was done. Shortly after the phone call was made, Decedent made him hang up the phone. Three more phone calls occurred. During each one, Decedent advised officers to get back. During one of the phone calls, M.M. explained Decedent stated, “Just give us space and time. You don’t want another body on your hands.” When asked if he perceived that statement as a threat, M.M. explained he advised the officer, “Please don’t do nothing, he’s got a gun pointed at me, I don’t want to get shot.” While M.M. and Decedent were in the vehicle, Decedent continuously had the firearm pointed at the left side of his chest, left shoulder and the left side of his face. M.M. explained on the fourth and final phone call, SWAT officers had already arrived. Decedent advised him to tell the SWAT trucks to leave and not approach. M.M. stated he was advised SWAT could not leave, nobody was approaching the car, and everything was okay. M.M. stated immediately after, a “flashbang” was used, and a bullet came through the window. Shortly after, SWAT officers broke the windows of the vehicle and removed him from the vehicle. Once M.M. was outside of the vehicle, SWAT officers summoned medical personnel.

Civilian Witness

J. L.-M.

On June 23, 2023, at approximately 0719 hours, Detective Valenzuela conducted an audio-recorded interview with J. L.-M. at the 4400 block of East Charleston Boulevard.

J. L.-M. was driving his vehicle eastbound on Charleston Boulevard approaching Lamb Boulevard when he observed police vehicles with their overhead lights on driving westbound from Nellis

Boulevard. As J. L.-M. passed Lamb Boulevard, he realized that officers were approaching him in the westbound lanes against the flow of traffic. J. L.-M. pulled over on the right lane of eastbound Charleston in front of the Burger King located at 4455 E. Charleston Boulevard.

The vehicle that officers were following crossed over into the eastbound Charleston lanes and was driving westbound in the wrong direction directly towards J. L.-M.'s vehicle. The suspect vehicle struck J. L.-M.'s vehicle and came to a complete stop next to his driver's side door. The driver of the vehicle (Decedent) placed a black firearm to the side of his own head. J. L.-M. observed another occupant inside Decedent's vehicle, but he could not see into the back seats due to the back windows being tinted.

J. L.-M. heard uniformed officers yelling at Decedent to put the firearm down. J. L.-M. managed to exit through his passenger side door and eventually ran southbound behind the Burger King. Another witness (E.V.) joined him to the rear of the Burger King near the trash can area. J. L.-M. also heard officers giving instructions to the occupants of the suspect vehicle. J. L.-M. observed only one of the passengers exit the suspect vehicle. J. L.-M. also observed the SWAT team arrive and then observed a flash bang and heard three bangs. J. L.-M. then heard and observed the ambulance arrive but did not observe anything further

E.V.

On June 23, 2023, at about 0708 hours, Detective Valenzuela conducted an audio-recorded interview with E.V. at the 4400 block of East Charleston Boulevard.

E.V. was driving home from work in his white Ford F150 on June 23, 2023, after his shift ended at 0200 hours. While driving home, he traveled down East Charleston, headed E.B. and ended up behind the white RAV4 being driven by Decedent. He observed several police vehicles in the area and stopped his vehicle in front of one of the nearby restaurants. E.V. observed a police vehicle hit the white RAV4, causing it to spin and come to a stop. When Decedent was eventually stopped by law enforcement, E.V.'s vehicle became trapped. Once he saw Decedent trying to conceal himself from law enforcement, he realized that things were more dangerous than he initially realized. Out of fear of shots being fired, E.V. exited his vehicle and ran to the back of the Burger King where J. L.-M. was located.

E.V. reported he never heard officers shouting, nor did he hear gunshots.

SCENE WALK-THROUGH WITH OFFICER COLLINGWOOD

The purpose of the scene walk-through was to help investigators develop an understanding of the scene, including identifying officer location(s) at the time deadly force was used, identifying potential physical evidence, and re-creating a timeline of the incident.

Officer Collingwood

On June 23, 2023, at approximately 0839 hours, Officer Collingwood provided a walk-through of the scene. During the walk-through, which was not video or audio-recorded, Officer Collingwood relayed the following information:

At approximately 0300 hours, Officer Collingwood was called into work where he was assigned as a SWAT sniper. His initial position during the hostage barricade was at a table inside of the Wienerschnitzel. Officer Collingwood received information the suspect was armed with a firearm holding a hostage. Officer Collingwood could see the suspect was reclined back in the driver's seat of the suspect vehicle. Information was broadcasted over the SWAT radio that the suspect was armed with a gun, but the other sniper did not have a clear shot. As a result, Officer Collingwood re-positioned himself to the Bear (armored vehicle) turret.

Officer Collingwood saw the suspect pointing a gun at the victim (M.M.) who was in the back seat. Officer Collingwood fired through the windshield of the suspect vehicle. Other officers moved up to the suspect vehicle to rescue the hostage. Officer Collingwood fired the shot to protect the hostage and other officers.

INVESTIGATION – PUBLIC SAFETY STATEMENT

On June 23, 2023, at approximately 0655 hours, Detective Mendoza interviewed Sergeant Garth Findley in reference to the Public Safety Statement (PSS) he obtained from Officer Collingwood. Below is the transcript of the interview. (Note: Detective Mendoza is designated by (SM) and Sergeant Findley is designated by (GF).)

SM: Operator this is Detective S. Mendoza M-E-N-D-O-Z-A P# 6878 with the Force Investigation Team conducting a recorded Public Safety Statement interview with Sergeant Garth Findley that's G-A-R-T-H-, Findley is F-I-N-D-L-E-Y. Uhh Sgt. Findley's P# is 8712 call sign of 546Z. Date of hire, June 27th, 2005, uhh works out of SWAT squad of Zebra-32. Days off are Thursday, Friday, Saturday and work hours of 1400-midnight. Also present for the interview is LVPMSA representative Lieutenant William Matchko that's M-A-T-C-H-K-O. This Public Safety Statement is in reference to an officer-involved shooting that occurred on June 23rd, 2023, at approximately 0351 hours in the area of 4455 E. Charleston Boulevard Las Vegas NV 89104. Reference LVMPD Event number 230600104898, today's date is June 23rd, 2023, time is 0655 hours. This statement is being conducted uhh, in the parking lot of 4480 E. Charleston Boulevard in LVMPD vehicle 20449. Okay Sgt. Findley, can you please tell me who you conducted the PSS with, uhh the time it was conducted, and the details please.

GF: I did the Public Safety Statement with John Collingwood, P# of 9033 and occurred June 23rd at 0405 hours.

SM: Okay can you read the uhh questions and answers that you received from uhh Officer Collingwood?

GF: Yes, question number one, did you discharge your firearm? Uhh, John stated yes. Next is, if so, in what direction? He stated front seat of the vehicle, and it was a west direction. And B is approximately where were you located when you fired? He stated, the turret of the Bear. Uhh C is how many shots did you think you fired? He stated one round. Question number two, is anyone injured? He stated, suspect. Uhh, A, if so, what is their description? He stated white male with hat on. Uhh number three, are there any outstanding suspects? He stated, not that I'm aware of. And then A through E does not apply. Question number four, is it possible the suspect fired rounds at you? He stated, no. And uhh, following questions A through C did not apply. Question number five, do you know of any other officers discharged their firearms? He stated not that I'm aware of. So questions A through B did not apply.

Number six, are there any weapons or evidence that need to be sec—uhh protected, secured? Uhh, he stated, my rifle which is located on top of the Bear. Also, uhh, shell casing that he ejected, one of them which is on top of the Bear. So that's the uhh follow up question, was, if so, where are they located? Uhh number seven, are you aware of any witnesses? He stated, no. Umm and A does not apply. I finished at 0411 hours.

SM: *And that concluded all the questions and answers received during this PSS?*

GF: *Correct.*

SM: *Ok, all right that will be the end of the interview, same persons present, time of 0658 hours.*

SCENE AND PHYSICAL EVIDENCE

Scene Overview



Above: Aerial overview of the 4400 block of East Charleston Boulevard.



Above: Close-up aerial view of 4455 E. Charleston Boulevard.

Description of the Scene and Visible Evidence

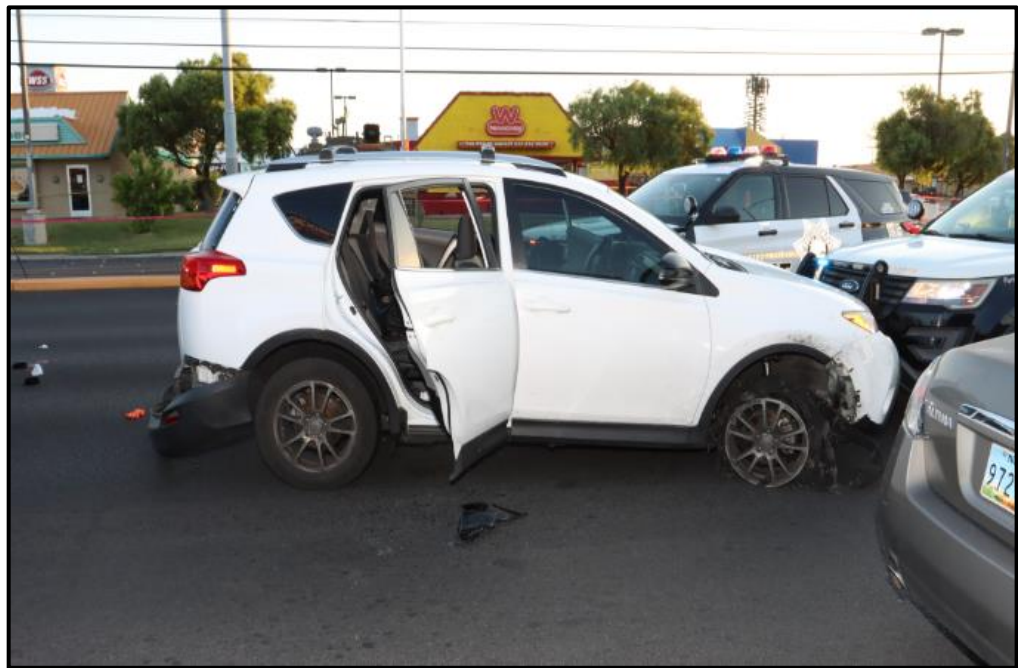
On June 23, 2023, SCSA Brenda Vaandering responded to 4455 East Charleston Boulevard to photograph the scene and evidence, document the scene, and collect evidence. The following are some of the photographs taken of the overall scene and items impounded as evidence.



Aerial drone photo of the scene with the Bear from which Officer Collingwood fired and the white RAV4 circled



Drone photo depicting the Bear Armored Vehicle location in relation to the RAV4



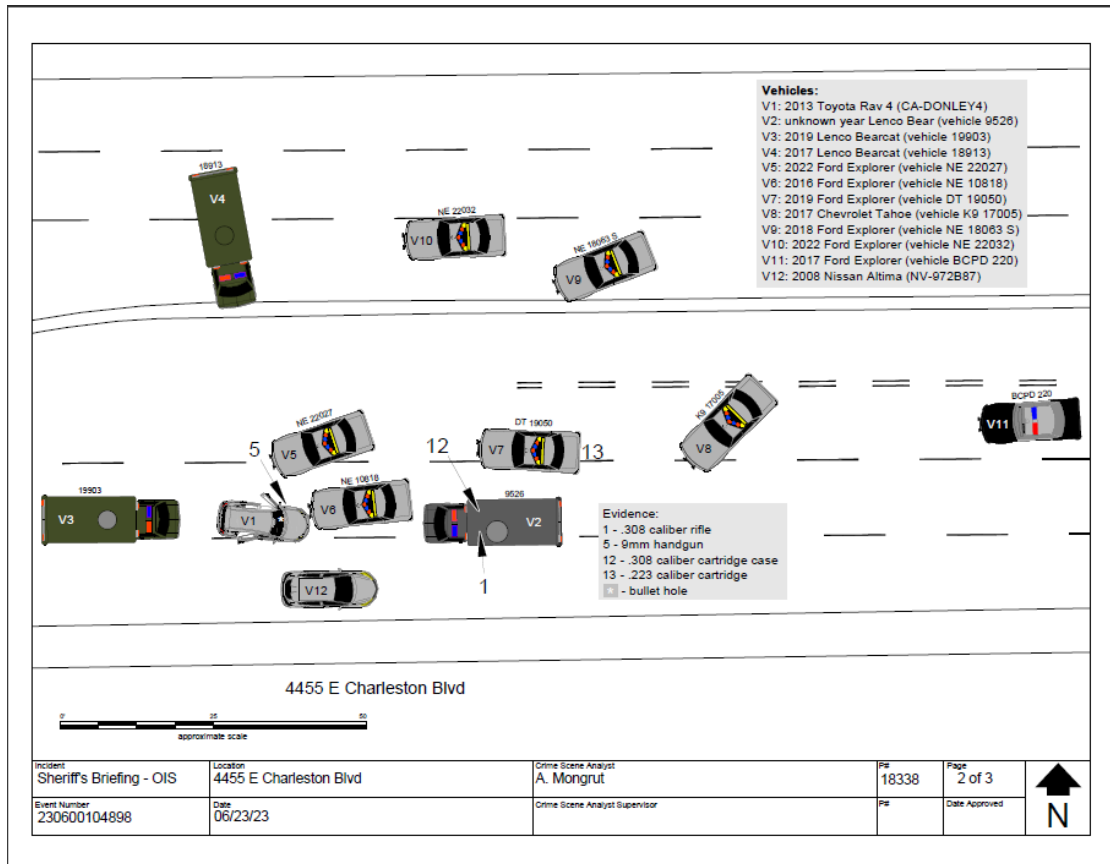
Toyota RAV4 on scene



Impact to windshield of the RAV4 (circled).



Decedent's firearm (circled) as recovered on scene, located behind the front driver's side tire



Crime Scene Diagram showing location of involved vehicles and evidence

OFFICER COLLINGWOOD WEAPON COUNTDOWN

On June 23, 2023, at approximately 0853 hours, Officer Collingwood had his duty weapon counted down at 4400 block of E. Charleston Boulevard to determine the number of rounds he fired during the incident. Officer Collingwood and witness officers were photographed by CSI personnel for appearance purposes and their weapons were photographed for identification purposes.

Officer Collingwood was dressed in a standard LVMPD SWAT green tactical uniform. He wore LVMPD patches on each shoulder. Officer Collingwood wore a green tactical duty belt with attached tools and equipment as part of his position in SWAT. Officer Collingwood's handgun was carried on the right side of his body and secured in a holster.

Prior to countdown Officer Collingwood stated he/ carried 10 cartridges in the magazine loaded in his firearm and no cartridges in 10+0, 10 total).

Make	Accuracy
Model	AX
Serial Number	23163
Caliber	.308
Weapon Mounted Light	No

Ammunition	Spear .308 win, bonded, (top two loaded) and FC308 win, match (remaining in magazine)
Cartridge in Chamber	1
Magazine from Weapon	Capacity: 10 cartridges
	8 cartridges

At the completion of the countdown, it was determined Officer Collingwood discharged his rifle one time during this incident. When compared to evidence at the scene, detectives concluded Officer Collingwood discharged his rifle one time. Officer Collingwood's rifle, magazines used during the OIS, and cartridges were photographed and impounded by CSA Ashlea Mongrut.

FORENSIC LABORATORY TESTING

Biology/DNA Examination

On July 31, 2023, Forensic Scientist Kimberly Dannenberger, P# 13772, submitted the Report of Examination: Biology/DNA Forensic Casework.

According to her report, there was only one contributor in the DNA profiles developed from the swabbing taken from Decedent's Sturm Ruger firearm, as well as the swabbing taken from the magazine associated with that firearm. Decedent was "individually included" as to both.

Firearm Examinations

On August 2, 2023, Forensic Scientist Roy Wilcox, P# 15651, submitted the Report of Examination: Firearms.

Decedent's Ruger pistol was determined to be operational with no noted malfunctions following an examination and test firing.

Officer Collingwood's Accuracy International Rifle was also examined and test fired. It was also determined to be operational with no noted malfunctions.

The cartridge case associated with the round fired by Officer Collingwood was examined and microscopically compared to the test fired rounds from the rifle. It was identified as having been fired from Officer Collingwood's Accuracy International Rifle.

VIDEO EVIDENCE

BODY-WORN CAMERA FOOTAGE FROM LVMPD

The Axon Flex body-worn camera (BWC) time stamps videos in Zulu Time, also known as Greenwich Mean Time (GMT), which is the world time based on a 24-hour clock. The time is based on the Prime Meridian, which is zero degrees longitude and passes through Greenwich, England.

Officers activated their BWCs at different times during the incident. There is a seven-hour negative difference between the event time and displayed Zulu Time. Axon BWCs also have a "time drift" where the camera's internal clock drifts from actual time based on when the cameras are synced when the camera is docked. Each BWC can display a different time based on a time drift.

The following are summaries of BWC footage from the subject and witness officers who were on scene at the time of the Officer Involved Shooting.

Officer Aguilar

Officer Aguilar was wearing a BWC at the time of the incident and the camera was activated. The camera was collected by Sergeant Michell Iacullo and secured. His camera footage depicted the following:

Officer Aguilar's body worn camera footage began as he was driving. His emergency lights and sirens were activated. While he drove, radio communications could be heard providing updates. Officer Aguilar drove behind several other patrol vehicles which also had lights and sirens activated. Additional radio communication could be heard discussing the number of units authorized in the pursuit, utilizing a "bubbling tactic, and deploying Stop Sticks® to stop the vehicle.

Then, Officer Aguilar deactivated his sirens and disengaged from the pursuit by making a left turn at an intersection. Other units continued straight through the intersection. As Officer Aguilar approached an intersection, the RAV4 could be seen driving through the intersection followed by three patrol vehicles with lights and sirens activated. Officer Aguilar made a right turn to drive in the direction of the pursuit. An officer announced over the radio that Stop Sticks® were deployed at Charleston Boulevard and Nellis Boulevard. A radio broadcast updated that the RAV4 drove northbound on Nellis Boulevard into oncoming traffic. The pursuing officers could be seen ahead of Officer Aguilar making a U-turn in the street. The RAV4 drove in the direction of Officer Aguilar as Officer Aguilar turned his vehicle around and re-joined the pursuit as the secondary pursuit vehicle.

The RAV4 continued westbound on Charleston Boulevard from Nellis Boulevard. While westbound on Charleston Boulevard, the officers were reminded over the radio to consider using a PIT maneuver. While at Charleston Boulevard and Marion Drive, the primary pursuing officer conducted a PIT on the RAV4. The RAV4 briefly turned and faced the center median as a result of the PIT maneuver. It then continued westbound on Charleston Boulevard. The primary officer continued past the RAV4 after conducting the PIT maneuver, making Officer Aguilar the primary pursuing unit. The RAV4 crossed into the eastbound side of Charleston Boulevard but continued to drive westbound, towards oncoming traffic.

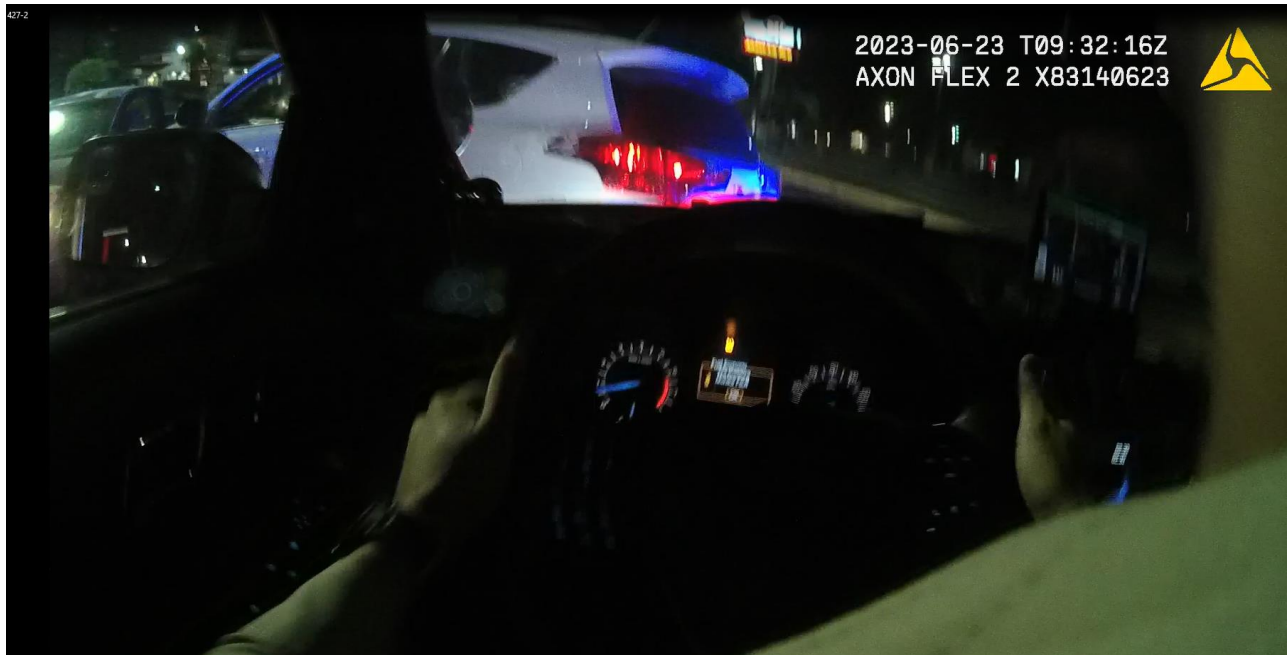


Still Image from Officer Aguilar's BWC showing the first PIT maneuver



Still image from Officer Aguilar's BWC showing the RAV4 entering oncoming traffic on Charleston

As Officer Aguilar drove closer to the RAV4, the driver's door of the RAV4 briefly opened. Officer Aguilar conducted a PIT maneuver, resulting in the RAV4 turning to face eastbound. Officer Aguilar continued to drive past the RAV4, stopping his vehicle west of the RAV4. As he positioned his vehicle west of the RAV4, an officer announced over the radio the suspect had a gun to his head. Officer Aguilar retrieved Stop Sticks® from the patrol vehicle and deployed them across Charleston Boulevard, west of the RAV4. An officer could be heard on a public address system instructing vehicle occupants to exit the vehicle.



Still Image from Officer Aguilar's BWC of his PIT maneuver

Officer Aguilar moved on foot and positioned himself outside of Burger King with at least two other officers. The RAV4 could be seen in the street with the front passenger door open. A sergeant instructed Officer Aguilar to act as a spotter for a rifle officer. Officer Aguilar advised the rifle officer that the suspect had a gun in his hand and was looking at the officers. A patrol vehicle drove up to the officers and the officers used the vehicle as a position of cover and concealment. Officer Aguilar advised the rifle officer that there was supposed to be one additional person in the back of the RAV4. Officer Aguilar got relieved by another officer as the rifle officer's spotter and he moved back behind the sergeant. The sergeant instructed Officer Aguilar to retrieve a 40 mm low-lethal and a shield from the nearby tactical vehicle. Officer Aguilar grabbed the 40 mm, while another officer took the shield. The sergeant instructed the officers to use the low-lethal shotgun and 40 mm if the suspect exited the vehicle.

LVMPD SWAT officers arrived and gave Officer Aguilar and the other patrol officers instructions on assisting the SWAT officers with low-lethal coverage. While Officer Aguilar was staged with the SWAT officers, an apparent gunshot could be heard. Shortly after, SWAT distracts could be heard. After the SWAT officers cleared from behind the patrol vehicle, Officer Aguilar deactivated his body worn camera.

Officer Bowler

Officer Bowler was wearing a BWC at the time of the incident and the camera was activated. The camera was collected by Sergeant Iacullo and secured. It depicted the following:

Officer Bowler was driving without the emergency lights or sirens activated. Radio communication could be heard giving pursuit updates. As Officer Bowler approached an intersection, he briefly activated then de-activated his lights and sirens. A Boulder City patrol vehicle could be seen in front of Officer Bowler without its lights and sirens activated. Officer Bowler advised dispatch of the location and direction of travel. The Boulder City patrol vehicle activated its lights and sirens followed

by Officer Bowler. Officer Bowler passed the Boulder City vehicle and took over as the primary pursuing officer. Officer Bowler used the public address system and advised the driver of the RAV4 to "pull over." Officer Bowler continued to pursue the RAV4 with lights and sirens activated.

Officer Bowler continued to pursue the RAV4 as the primary officer, following the RAV4 as it made several turns at intersections, not stopping for red lights or stop signs. While northbound on Nellis Boulevard, the RAV4 drove northbound on the southbound side of the roadway against the flow of traffic. Officer Bowler continued the pursuit with his lights and sirens activated. While driving on the wrong side of the road, the RAV4 drove close to vehicles that were facing southbound and nearly struck them head on. The RAV4 led Officer Bowler through a U-Haul parking lot then southbound on Nellis Boulevard. The RAV4 turned westbound on Charleston Boulevard. While driving westbound, Officer Bowler advised dispatch he was going to attempt a PIT maneuver. Officer Bowler attempted the PIT, causing the RAV4 to change directions and briefly spin. Officer Bowler continued westbound, passed the Toyota, and slowed down. The Rav4 passed Officer Bowler as it turned to drive westbound on the eastbound side of Charleston Boulevard, and then the RAV4 came to a stop.

Officer Bowler exited his patrol vehicle as several other patrol vehicles drove up to the RAV4. Officer Bowler approached the other responding officers and instructed them to back up and take cover behind a patrol vehicle. As the officers took cover behind the patrol vehicles, an officer could be heard yelling, "He's got a gun to his head!"

The officers repositioned themselves to create more distance between themselves and the RAV4. Officer Bowler entered a patrol vehicle and used the public address system to instruct the occupants of the RAV4 to exit. Officer Bowler gave instructions to the passengers to exit the vehicle and instructed the driver to put the gun down and exit. A female (M.E.) could be seen walking towards Officer Bowler with her hands raised. A group of officers next to Officer Bowler brought her behind the patrol vehicle. A male (D.L.) approached Officer Bowler with his hands raised and was taken into custody by officers near Officer Bowler. Officer Bowler continued to give instructions to the rear passenger to exit the vehicle. In total, Officer Bowler issued commands for a little over 20 minutes.

Then, a sergeant gave Officer Bowler a phone number and instructed him to call Decedent. The sergeant advised Officer Bowler to tell Decedent that no one had been hurt and the officers wanted to end the situation peacefully. Officer Bowler called the phone number and left a voicemail with instructions to put the gun down and exit the vehicle. Officer Bowler then resumed giving verbal instructions to the vehicle occupants through a patrol vehicle public address speaker. Officer Bowler stated over the public address system that he was going to call his phone number and asked him to answer. Officer Bowler called the number, but Decedent did not answer.

Officer Bowler received a phone call from the number provided by the sergeant earlier. Officer Bowler asked who he was speaking to and confirmed the person on the phone was M.M. M.M. reported having a gun pointed at him. Officer Bowler asked if it was a police officer's gun or Decedent's gun. Officer Bowler explained that the officers were professional and wanted everyone to be safe. Officer Bowler confirmed the identity of the person on the phone, said there was a misunderstanding and continued to ask the person on the phone to put the gun down and exit the vehicle. Officer Bowler confirmed with the person on the phone that they said they would release M.M. when it was time, then the person on the phone disconnected the line.

Officer Bowler updated the sergeant that Decedent said he would release the hostage when he wanted to, and further stated that it was up to the officers whether they wanted to end the situation

with a shooting. Officer Bowler also told the sergeant that Decedent stated, "It depends how fast my index finger is."

Officer Bowler called the number back and spoke with M.M. He asked M.M. what prevented him from exiting the vehicle. Officer Bowler confirmed M.M. said the seat belt was stuck and the hammer on Decedent's handgun was pulled back. Officer Bowler confirmed that M.M. was afraid if he reached for his seatbelt, he would get shot. Officer Bowler advised the person on the phone that the officers were not approaching the vehicle and were just in the area. Officer Bowler confirmed that the person on the phone said he did not want to hurt anyone but wanted the officers to respect his right to spend his time his way. He also confirmed the person said he wanted to talk to his mother because they were his last moments. As Officer Bowler continued to explain to the people on the phone that officers wanted to end the situation peacefully, the line was disconnected. Officer Bowler explained to the sergeant that Decedent was suicidal and upset that officers were wasting his phone battery because he wanted to call his mother.

Officer Bowler recalled the number and spoke to M.M. He advised M.M. the best way for officers to help him was for him to step out of the vehicle. After M.M. hung up, Officer Bowler advised the sergeant that M.M. stated there was a gun next to his heart. The sergeant gave Officer Bowler instructions to inform M.M. and Decedent that officers wanted to ensure their safety and the officers did not want to hurt anyone.

Officer Bowler recalled again and spoke to M.M. and Decedent. Officer Bowler acknowledged they were concerned they would get hurt. Officer Bowler asked Decedent if M.M. was able to exit the vehicle. Officer Bowler continued to advise the person on the phone that no one had been hurt, and the situation could be resolved. Then, they discussed the battery life on the phone in the RAV4. Officer Bowler also asked the person on the phone what his/her goal was. When Officer Bowler got off the phone, he advised the sergeant that Decedent's goal was to not be detained, arrested, charged, or sentenced. Officer Bowler also told the sergeant that Decedent stated M.M. was not going to leave the car that time. Officer Bowler further advised the sergeant that Decedent stated, "He needs to sit with me."

While Officer Bowler was with the sergeant, he received a phone call from Decedent. While Officer Bowler was on the phone, the sergeant instructed him to end the call so negotiators could contact Decedent and M.M. Officer Bowler received a phone call from another officer on the scene. While Officer Bowler was giving updates over the phone, his camera was deactivated. The shooting was not captured on Officer Bowler's BWC.

Officer Brown

Officer Brown was wearing a BWC at the time of the incident and the camera was activated. The camera was collected by Sergeant Iacullo and secured. Officer Brown's camera footage depicted the following:

Officer Brown's camera was activated while he put on his equipment. Officer Brown ran through a parking lot and positioned himself near the Burger King driveway. Officer Brown communicated over the radio that his position was not a good position. Officer Brown advised the command post of his location and distance from the RAV4. Officer Brown advised he could see a person in the rear of the vehicle and another in the driver's seat. Officer Brown confirmed the vehicle description, direction it was parked, and other vehicles in the area. Officer Brown updated that the driver was in the driver's

seat with the seat reclined. Another officer joined Officer Brown and they discussed finding a better position which would be an elevated position. Officer Brown expressed that he could not see the hostage, so he was not comfortable with taking a shot.

As Officer Brown was looking through his scope, he advised the officer with him that the driver was reclined back and his right hand was clear and had a cell phone in the other hand. Officer Brown advised there was a bag moving around inside the vehicle, and the driver was putting something up in the window blocking the view. Officer Brown said the driver was leaning over into the passenger seat. He also informed his partner there was not a clear view due to the obstruction placed on the window. Officer Brown stated he could not identify the occupants and was only able to see movement. Officer Brown updated the obstruction in the window was cleared. Officer Brown described the driver as wearing a hat and indicated that he was leaning back in the driver's seat.

As the driver leaned forward, Officer Brown was still unable to see the hostage. Officer Brown advised the driver was pointing a gun to the rear of the vehicle, and the hostage was seated in the rear of the vehicle. Officer Brown verbalized the gun was pointed at the hostage, but Officer Brown did not have a clear shot. Officer Brown's partner told him someone was moving to the turret and would have a clear shot. Officer Brown updated the suspect had a gun in his hand, but Officer Brown could not see the suspect's head. An apparent gunshot could be heard followed by two audible distracts.

Officer Brown's camera showed him as he retrieved his rifle and re-grouped with several other SWAT officers in the area. Officer Brown placed his helmet and camera with his equipment on the ground and the camera was deactivated.

Officer Cook

Officer Cook was wearing a BWC at the time of the incident and the camera was activated. The camera was collected by Sergeant Iacullo and secured. Officer Cook's camera footage depicted the following:

Officer Cook retrieved equipment from a white pick-up truck then joined a group of SWAT officers and staged on the sidewalk east of the immediate scene. Another SWAT officer assigned roles to each officer. The group of SWAT officers walked westbound on the south sidewalk and staged behind a civilian white pick-up truck. As the SWAT officers were behind the truck, they discussed tactics and assignments to approach the RAV4. An armored SWAT vehicle arrived, and the officers walked behind the armored vehicle as the vehicle approached the rear of the RAV4.

While the officers were to the rear of the armored vehicle, an apparent gunshot could be heard and an announcement of "Shot out!" Following the gunshot, two audible distracts could be heard as the officers approached the rear of the RAV4. Officer Cook and several other officers approached the driver's side of the RAV4.

SWAT officers breached the windows of the RAV4 and gave instructions for the occupants to show their hands. A male could be seen reclined in the driver's seat while lying on the center console. A male exited the rear passenger side seat. Officers announced they could see a gun in the car. The male in the driver's seat (Decedent) was extracted and placed on his back on the ground. The tactical medic began providing medical aid to Decedent. Clark County Fire Department personnel

arrived and Decedent was placed on a gurney and moved to an ambulance. After Decedent was placed inside the ambulance, Officer Cook's camera was deactivated.

Officer Collingwood

Officer Collingwood was wearing a BWC at the time of the incident and the camera was activated. The camera was collected by Sergeant Iacullo and secured. Officer Collingwood's camera footage depicted the following:

Officer Collingwood's camera was being moved when recording began, until it was placed in position on a table outside of the Weinerschnitzel. The camera showed the side profile of patrol vehicles with emergency lights activated parked in front of the RAV4. Officer Collingwood could be heard telling his partner they were going to have to move because an armored vehicle was going to be arriving.

An armored SWAT vehicle drove eastbound past the RAV4 and patrol cars and out of camera view. Then, the armored SWAT vehicle returned to camera view from the west. It parked facing the RAV4. Shortly after, a second armored vehicle arrived at the rear of the RAV4. Officer Collingwood ran and moved positions.

Then, Officer Collingwood's camera became obstructed and only audio was captured. Officer Vincent could be heard saying, "He's looking back" just before an apparent gunshot could be heard. A "Shot out" announcement was made followed by two audible distracts. A dog could be heard barking. Movement could be heard and the camera was placed on the roof of the armored vehicle.

The camera was repositioned and multiple SWAT officers could be seen at the driver's side of the RAV4. Officer Collingwood could be heard telling another officer his camera was not up because he threw it in his pocket when he ran to his position. Shortly after, the camera was moved and deactivated.

Officer O'Donnell

Officer O'Donnell was wearing a BWC at the time of the incident. The camera was collected by Sergeant Iacullo and secured. The camera was not activated until after the OIS, therefore there is no video on Officer O'Donnell's camera relevant to the OIS.

Sergeant Schmidt

Sergeant Schmidt was wearing a BWC at the time of the incident and the camera was activated. The camera was collected by Sergeant Iacullo and secured. Sergeant Schmidt's camera footage depicted the following:

Sergeant Schmidt pulled over his patrol vehicle and retrieved Stop Sticks® from the back seat while sirens could be heard in the background. Sergeant Schmidt put the Stop Sticks® back in the patrol vehicle and drove northbound on Nellis Boulevard. Radio traffic of pursuit updates could be heard over the patrol radio. Sergeant Schmidt announced over the radio he was going to be setting up Stop Sticks® at Nellis Boulevard and Stewart Avenue. Sergeant Schmidt staged at the northwest corner of Nellis Boulevard and Stewart Avenue then drove southbound on Nellis Boulevard.

Sergeant Schmidt positioned himself on the north side of Charleston Boulevard, east of Nellis Boulevard and advised dispatch of his location. Sergeant Schmidt deployed the Stop Sticks® in the westbound lane of Charleston Boulevard. A white RAV4 drove over the Stop Sticks® and Sergeant Schmidt broadcasted over the radio that he believed the suspect's passenger side drove over the Stop Sticks®. Sergeant Schmidt placed the Stop Sticks® in the back seat of the patrol vehicle and drove in the direction of the pursuit. Radio traffic could be heard that the suspect vehicle was driving on the wrong side of the road against the flow of traffic.

While Sergeant Schmidt was stopped at a red light facing westbound on Charleston Boulevard and Nellis Boulevard, the pursuit drove through the intersection from southbound Nellis Boulevard to westbound Charleston Boulevard. While Sergeant Schmidt drove, a radio broadcast could be heard of a PIT attempt at Charleston Boulevard and Marion Avenue followed by second PIT attempt. After the second PIT, an officer announced over the radio that the driver of the RAV4 had a gun to his head.

Sergeant Schmidt drove with his lights and sirens activated to the pursuit termination point. Sergeant Schmidt joined another officer on the north side of Charleston Boulevard, west of the pursuit termination point. An officer can be heard giving directions to the occupants of the RAV4, via a public address system, to exit the vehicle. Sergeant Schmidt had an ambulance stage to the west of his area and standby. He also had available officers shut down the nearby parking lot to pedestrian and vehicle traffic. Sergeant Schmidt continued to work with other officers to secure the intersection of Charleston Boulevard and Lamb Boulevard until his camera was deactivated.

Officer Vincent

Officer Vincent was wearing a BWC at the time of the incident and the camera was activated. The camera was collected by Sergeant Iacullo and secured. Officer Vincent's camera footage depicted the following:

Officer Vincent drove an armored SWAT vehicle to the scene with the emergency lights and sirens activated. When he arrived at the scene, he parked the vehicle westbound on Charleston Boulevard facing the front of the RAV4 with a patrol vehicle in between the armored vehicle and suspect vehicle. Once the vehicle was parked, Officer Vincent remained in the driver's seat and updated other officers that the suspect had a gun in his hands which was pointed at the rear passenger. A silhouette could be seen in the video which is consistent in appearance with extended arms reaching from the driver's seat to the passenger side of the vehicle.

As an apparent gunshot could be heard, and an impact could be seen through the windshield of the RAV4 in front of the driver's seat. Officer Vincent and several other officers announced, "Shot out." Two audible distract could be heard and several SWAT officers approached the RAV4 from behind. Multiple SWAT officers assisted a person in exiting the passenger side rear door of the RAV4 while other officers stayed near the driver's door. SWAT officers could be seen moving from near the RAV4's driver's door to slightly away from the RAV4. Officer Vincent remained in the driver's seat of the armored vehicle until his camera was deactivated.



Screenshot of Officer Vincent's BWC looking into the RAV4.
Decedent's arm (circled) is extended towards the rear passenger seat.

Officer Wicks

Officer Wicks was wearing a BWC at the time of the incident and the camera was activated. The camera was collected by Sergeant Iacullo and secured. Officer Wicks' camera footage depicted the following:

Officer Wicks and other SWAT officers carried equipment on foot and staged behind a patrol vehicle which faced the front of the RAV4. After a few minutes, Officer Wicks and other SWAT officers moved on foot around a building and joined another team of SWAT officers behind a civilian Ford pick-up truck which was to the rear of the RAV4. After several minutes, an armored SWAT vehicle arrived and the officers positioned themselves behind the armored vehicle and walked behind it as they positioned themselves behind the RAV4. An additional armored vehicle arrived facing the driver's side of the RAV4.

While the officers were behind the armored vehicle, an apparent gunshot could be heard followed by an announcement of "Shot out." Officer Wicks approached the driver's side of the RAV4 with other SWAT officers. Officer Wicks used a tool to breach the rear and front driver's side windows of the vehicle. After Officer Wicks breached the windows, he stepped back as the remaining SWAT officers approached the vehicle. The SWAT officers could be heard as they discussed that the male in the driver's seat had a gun.

After the driver's door was opened, Officer Wicks reached in, grabbed a gun from on top of the center console, and placed it behind the front driver's side tire. Officer Wicks and other officers removed Decedent from the driver's seat and placed him on the ground. While on the ground, medical aid was provided by tactical medics. Clark County Fire Department arrived and Decedent was placed on a medical gurney. After Decedent was placed inside an ambulance, Officer Wicks' camera was deactivated.



Screenshot from Officer Wicks' BWC depicting the firearm (circled) on the center console

LVMPD AIR UNIT VIDEO

The LVMPD Air Unit has a camera system, which is operated and controlled by the Tactical Flight Observer. The Air Unit camera system has information displayed on the video screen to include the direction the camera is looking, altitude, what mode the camera system is in as well as longitude and latitude.

Air Unit camera footage depicted the following:

The air unit footage started with the RAV4 being followed by several other vehicles. Radio traffic indicated the RAV4 was northbound on Boulder Highway at speeds more than 100 mph. As the pursuit continued, the Air Unit updated speeds varying from 70 – 90 mph. The air unit reported the RAV4 went through a red light at Warm Springs Road and Gibson Road. The RAV4 conducted several U-turns and cut through parking lots as the pursuit continued throughout Henderson. The Air Unit had to disengage from the pursuit due to turbulence.

The Air Unit video resumed coverage of the pursuit while within Northeast Area Command at Walnut Road and Lake Mead Boulevard. The pursuit continued westbound on Lake Mead Boulevard into North Las Vegas. While in North Las Vegas, the RAV4 drove through parking lots and several residential streets. While the pursuit went through North Las Vegas, the air unit pilots discussed that the BCPD officer was the sole pursuing officer at that time and confirmed over the radio that LVMPD officers were enroute to assist.

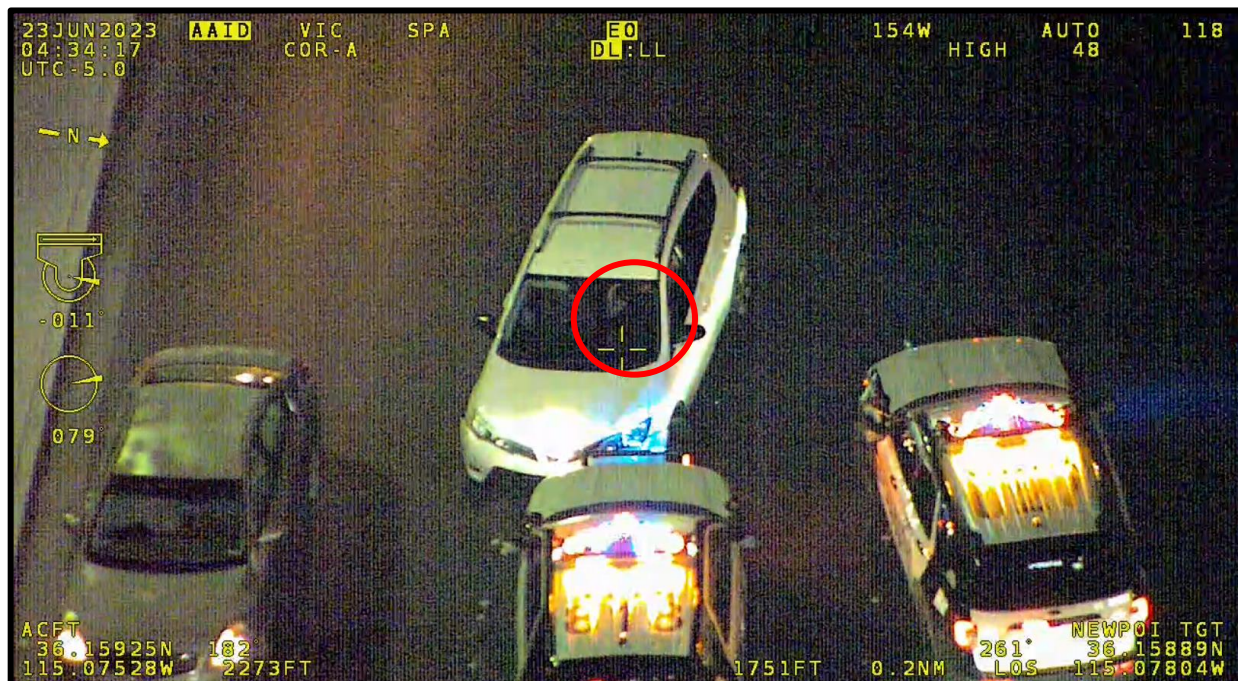
While the pursuit approached to re-enter LVMPD jurisdiction at Pecos Road and Lake Mead Boulevard, an LVMPD unit joined the pursuit as the secondary pursuing unit. While eastbound on Owens Avenue, LVMPD took over in the primary pursuit position due to BCPD needing to refuel.

While westbound on Charleston Boulevard, Stop Sticks® were deployed on Charleston Boulevard east of Nellis Boulevard. The RAV4 drove over the strips and turned northbound on Nellis Boulevard. The RAV4 then drove northbound in the southbound lane. The RAV4 continued northbound through Stewart Avenue in the southbound lane. The RAV4 turned into a parking lot, drove over a landscape curb, then continued southbound on Nellis Boulevard. The Air Unit advised dispatch that sparks could be seen coming from the front right tire of the RAV4.

The pursuit continued westbound on Charleston Boulevard from Nellis Boulevard. The primary pursuing officer conducted a PIT Maneuver on Charleston Boulevard just west of Marion Drive. The Toyota recovered from the PIT and continued westbound on Charleston Boulevard. The RAV4 drove against traffic westbound in the eastbound lane. A second PIT was conducted westbound in the eastbound lane of Charleston Boulevard resulting in the Toyota being positioned facing eastbound.

Two patrol vehicles parked in front of the RAV4 facing the front of it. A third patrol vehicle positioned behind them. The officers exited the vehicles and moved behind the patrol vehicles. An officer broadcasted over the radio that the driver had a gun to his head. As the air unit rotated over the scene, the front passenger door of the RAV4 opened with the front passenger's hands in the air. The rear driver's side door opened and a female exited the vehicle with her hands in the air. The female walked eastbound on Charleston Boulevard towards the patrol officers. The Air Unit advised dispatch the passenger still had his hands up and the driver had a gun to his head.

As the Air Unit rotated by the driver's side of the RAV4, the rear driver's door closed. The front passenger exited the RAV4, walked to the rear of the car, then walked towards the patrol officers with his hands in the air. The air unit broadcasted that the driver was laying back in the driver's seat. Additional radio traffic could be heard broadcasting the driver had a silver handgun in his right hand. As the air unit continued to rotate over the scene, radio traffic could be heard advising SWAT of which direction to approach the scene from then the camera was deactivated.



Above: Decedent in the driver's seat of the Toyota with a gun to his head (circled) shortly after second PIT.

LVMPD UNMANNED AERIAL VEHICLE VIDEO

When LVMPD SWAT and Crisis Negotiators arrived on scene an Unmanned Aerial Vehicle (“UAV”), commonly referred to as a “drone”, was deployed over the scene and captured video of the OIS. The footage is video only and does not include audio.

The UAV camera footage depicted the following: The UAV rose from the ground and flew eastbound over Charleston Boulevard. When the UAV arrived over the immediate scene, a group of SWAT officers could be seen standing to the rear of a patrol vehicle facing the RAV4. The UAV was positioned over the area and moved so the officers were out of camera view. One patrol vehicle was immediately in front of the RAV4 with another patrol vehicle offset to the front driver’s side of the RAV4.

Moments later, an armored vehicle arrived at the west (rear) of the RAV4 and another arrived and parked in front of the RAV4, followed by an armored vehicle facing the driver’s side of the RAV4. Multiple SWAT officers were staged behind the armored vehicle to the rear of the RAV4. As the UAV moved, additional SWAT officers could be seen behind the armored vehicle positioned in front of the RAV4.

An impact to the driver’s side of the RAV4’s windshield appeared. As the officers behind the rear armored vehicle approached the RAV4, smoke appeared on the sidewalk to the passenger side of the RAV4. The officers approached the RAV4 from the rear on both the driver and passenger sides. A person exited the rear passenger side of the RAV4 and was escorted behind the armored vehicle. A group of SWAT officers remained outside the driver’s door of the RAV4 and removed Decedent from the driver’s seat. Decedent was placed on the ground as officers provided him medical care. A medical gurney was brought to the area and Decedent was placed on the gurney and moved to an ambulance.

The UAV flew away from the immediate scene and landed.

BODY-WORN CAMERA FOOTAGE FROM BOULDER CITY POLICE DEPARTMENT (BCPD)

BCPD provided LVMPD with copies of their BWC. Summaries of the relevant videos follow:

Officer Armondo Salazar’s BWC

Officer Salazar was wearing a BWC at the time of the incident and the camera was activated. Officer Salazar’s camera footage depicted the following:

The pursuit, which spanned approximately two hours, is not depicted on Officer Salazar’s BWC due to the location at which his BWC was mounted. At approximately 0231 hours, Officer Salazar announced over the radio that the suspect vehicle had just been “pitted”. At 0232 hours, his BWC video depicts Officer Salazar’s vehicle coming to a stop. He then removed his K9 from the vehicle.

The two then joined additional marked units and officers in front of the Burger King at the scene of the stop. An officer could be heard announcing, "He's got a gun to his head."

At 0234 hours, an officer can be heard addressing the occupants of the RAV4 over a public address (PA) system. The officer repeatedly commands the occupants to exit the vehicle. At about 0235 hours, Officer Salazar announced "I have movement in the back! The back door!" The rear driver's side door then opens and M.E. can be seen exiting the vehicle. Officers give her directions as to where to go and how to approach them.

The Officer on the public address system then continued to issue commands to the remainder of the occupants of the RAV4. At approximately 0238 hours, D.L. exits from the passenger side of the vehicle and walks around the rear of the RAV4 in the direction of law enforcement officers as directed by the officer on the PA system. Officer Salazar then positions himself and his K9 behind an LVMPD marked unit, near the suspect vehicle. The officer on the PA system continues to address the occupants of the RAV4. Officer Salazar remarked that he could see another passenger in the rear seat.

The Officer on the PA continues to give commands. Then, around 0309 hours, Officer Salazar relays to the LVMPD Officer near him, that he is receiving updates over the Northeast Area Command radio channel. He advised the officer that "he" was calling into 9-1-1 but disconnected the call. Additionally, he relayed to the officer that the back passenger reported that "he" (Decedent) was making suicidal comments. Around 0313 hours, Officer Salazar noted that SWAT arrived.

At 0333 hours, Officer Salazar walked up to an LVMPD Sargeant and advised that a white Toyota Corolla was behind the RAV4 and in the line of fire. Officer Salazar then returned to where he was previously standing, behind the LVMPD patrol vehicle.

Around 0335 hours, Officer Salazar walked to a grassy area near the parking lot of the Weinerschnitzel and stood at a light pole. Then at 0339 hours, he began to cross Charleston to the other side of the street. He then walks around the parking lot area in the vicinity of the rear of Burger King where other officers and the civilians were posted. Officer Salazar then made his way over to the officers and civilians positioned to the rear of the Burger King. A gunshot was heard at 0351 hours. Thereafter, two flashbangs are heard.

Officer Salazar then approached LVMPD Officers and inquired as to what transpired and received confirmation that the suspect was shot by SWAT. At that point, Officer Salazar relayed the information over his radio. Shortly thereafter, his camera was deactivated.

Officer X. Gideon's BWC

Officer Gideon was wearing a BWC at the time of the incident and the camera was activated and deactivated several times between 0037 hours and approximately 0354 hours. Officer Gideon's camera footage depicted the following:

Officer Gideon activated his BWC at approximately 0037 hours while he was engaged in the pursuit. When the camera is activated, due to the location of the camera, only the area near the steering wheel of his patrol vehicle and portions of the windshield were visible. At approximately 0142 hours, Officer Gideon stopped to refuel. After refueling, he made his way to the scene of the stop. At approximately 0239 hours, Officer Gideon arrived at the parking lot near the Wienerschnitzel where

LVMPD Officers were located. Officer Gideon contacted an LVMPD Officer who updated him as to the status of the event. The Officer advised that two occupants exited the vehicle, and the suspect had a gun to his head.

As he was standing with the LVMPD Officers, an LVMPD Sargeant enlisted his assistance with preventing citizens from entering the area near the barricade. Then, at approximately 0300 hours, a female LVMPD Officer approached Officer Gideon and asked him to respond to the LMVPD Command Post. Officer Gideon returned to his vehicle and began to respond to the Command Post. He deactivated his camera at that point. His BWC was briefly reactivated at approximately 0354 hours when he contacted D.L. at a BCPD patrol vehicle.

Officer J. Hunt's BWC

Officer Hunt was wearing a BWC at the time of the incident and the camera was activated and deactivated multiple times from approximately 0026 hours to 0315 hours. Officer Hunt's camera footage depicted the following:

At approximately 0026 hours, his camera was activated. Due to the location of the camera, only the steering wheel area and portions of the windshield were visible. It appeared that he was driving and either engaged in the pursuit or responding to assist. At approximately 0038 hours, sirens were heard, and flashing lights were observed. Due to the angle of his camera, it is unknown whether the lights and sirens belonged to Officer Hunt or other BCPD officers. Officer Hunt continued the pursuit until approximately 0123 hours when Officer Hunt stopped to refuel. At 0126 hours, upon refueling, he rejoined the pursuit. Then, around 0149 hours, Officer Hunt stopped his car and spoke to another officer, through the window. The Officer advised Hunt that he and his colleagues were told to discontinue the pursuit. Officer Hunt then relayed over the radio that Henderson Police Department had discontinued and advised that he would continue because the victim was still in the suspect vehicle. At about 0215 hours, Officer Hunt radioed that he was running extremely low on gas and asked other units to take over. Officer Hunt then stopped again to add fuel. Around 0220 hours, he began driving again. He continued to drive until 0232 hours when he arrived at the scene of the stop.

Officer Hunt exited his patrol vehicle and approached the suspect vehicle, along with other officers. His BWC captured the white RAV4 surrounded by law enforcement vehicles and officers. Through the windshield of the RAV4 and the driver's side window, the driver and front passenger were visible. Officers were heard announcing, "He has a gun to his head". Someone directed the officers to move back. Officers repositioned themselves behind an LVMPD Patrol vehicle. An officer is then heard issuing commands to the occupants of the RAV4 over a PA system.



Still image from Officer Hunt's BWC depicting the front seat occupants of the RAV4

M.E. exited the RAV4 at 0236 hours and was directed to walk in the direction of the Officers with whom Officer Hunt was standing. Officer Hunt contacted M.E. and inquired as to how many guns were in the vehicle. M.E. advised that Decedent had one out near his face. A female officer asked how many people were in the vehicle at which point, M.E. indicated that D.L., M.M., and Decedent were inside of the vehicle. Office Hunt walked over and relayed that information to the other LVMPD officers with whom he'd originally been standing and returned to where M.E. was speaking to the female officer.

M.E. relayed that Decedent never pointed the firearm at her. Additionally, she indicated that she tried to get out of the vehicle but Decedent would not allow her to exit. According to M.E. she tried to exit the vehicle on the 95, around Boulder City.

At that point, D.L. approached Officer Hunt and Officer Hunt took control of him. Officer Hunt asked D.L. if Decedent was alright. D.L. indicated that he did not know Decedent that well and he had only met him recently. D.L. confirmed that after he and M.E. exited the vehicle, the only remaining occupants were decedent and M.M. D.L. advised that he got into the car with Decedent a few hours prior. Officer Hunt then placed D.L. inside of his patrol vehicle. As he did so, he asked D.L. whether Decedent made any comments about wanting to hurt himself, to which D.L. responded in the affirmative. Once D.L. was inside of Officer Hunt's vehicle, Officer Hunt returned to assist the officers. He then began to try and clear the parking lot of the strip mall where the Weinerschnitzel was located of citizens who were present and direct them to a safe exit. While continuing to assist at the scene, Officer Hunt contacted M.E., again. M.E. had become sick and indicated that her blood sugar was over 800 hours.

At around 0310 hours, Officer Hunt made his way to the Command Post. His camera was deactivated.

Officer Parker Steel's BWC

Officer Steel was wearing a BWC at the time of the incident and the camera was activated. Officer Steel's camera footage depicted the following:

Officer Steel's BWC was activated at approximately 0048 hours and was deactivated at around 0111 hours. At that time, he appeared to be driving and involved in the pursuit. Due to the location of his camera, only the area near his steering wheel, computer, and portions of the windshield were visible. Shortly after activating his camera, he announced over the radio, "I saw that he just blacked out" (indicating that the suspect vehicle turned off its lights). No other relevant information was captured by his camera.

BOULDER CITY POLICE DEPARTMENT DASHCAM VIDEOS

Several BCPD vehicles were equipped with dashcams. The various videos that were collected show clips of some of the various stages of the pursuit.

BURGER KING (4455 E. Charleston Boulevard)

Digital Investigations Bureau Detective Adam Stankiewicz obtained surveillance video from the drive through lane of Burger King, located at 4455 E. Charleston Boulevard. The drive through lane was located on the south side of Charleston Boulevard and ran parallel to the roadway. A majority of the coverage from the camera recorded the drive through lane and parking area, however a small section on the top left corner of the camera coverage area recorded the eastbound lane of Charleston Boulevard. The video obtained by Detective Stankiewicz began with a date/time stamp showing 06/23/2023 at 02:04:46 hours.

Per the video timestamp, at approximately 0231 hours, a grey sedan drove eastbound on Charleston Boulevard in the furthest lane on the south side of the street. The sedan briefly stopped then drove in reverse as headlights illuminated the eastbound side of Charleston Boulevard. A white SUV drove westbound on the eastbound side of Charleston followed by a patrol vehicle. The front of the patrol vehicle contacted the rear driver's side of the white SUV. The patrol vehicle pushed the white SUV causing the white SUV to change directions facing eastbound directly next to the grey sedan. The white SUV was moved out of the camera coverage area and additional patrol vehicles arrived with emergency lights activated.

At approximately 0232 hours, per the timestamp, the occupant of the grey sedan exited the front passenger door and knelt beside the car before running southbound across the drive through lane. Meanwhile, several patrol officers took positions behind the patrol vehicles that faced westbound. The officers moved further back stepping out of camera view. Several patrol vehicles remained parked facing westbound on the eastbound side of the street with their emergency lights activated.

At approximately 0347 hours, per the timestamp, a SWAT armored vehicle arrived westbound and parked behind a patrol vehicle. No significant activity could be seen until approximately 0358 hours when SWAT officers could be observed walking near the armored vehicle. The video recording ceased at 0400 hours (timestamp).

AUTOPSY

On July 6, 2023, Doctor Nathan Shaller of the Clark County Office of the Coroner/Medical Examiner conducted an autopsy on Decedent.

After a thorough review of facts and circumstances and a complete autopsy, Doctor Nathan Shaller opined Decedent died as a result of a gunshot wound of the arm/head. The manner of death was homicide.

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any lethal use of force which occurred during the course of their duties. That assessment includes determining whether any criminality on the part of the officers existed at the time of the incident.

In Nevada, there are a variety of statutes that define the various types of justifiable homicide (NRS §200.120 – Justifiable homicide defined; NRS §200.140 – Justifiable homicide by a public officer; NRS §200.160 – Additional cases of justifiable homicide; NRS 171.1455 – Deadly force to effect arrest).

The shooting of Decedent could be justifiable under several theories related to the concept of self-defense: (1) the killing of a human being in self-defense or defense of others; (2) justifiable homicide by a public officer; and/or (3) use of deadly force to effect arrest. All theories will be discussed below.

A. The Use of Deadly Force in Defense of Self or Defense of Another

The authority to kill another in self-defense or defense of others is contained in NRS 200.120 and 200.160. Pursuant to NRS 200.120 –

“Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... another person, against one who manifestly intends or endeavors to commit a crime of violence or against any person who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the occupied habitation or occupied motor vehicle, of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein ...” against the person or other person.² NRS 200.120(1). Homicide is also lawful when committed:

² NRS 200.120(3)(a) defines a crime of violence:

“Crime of violence” means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

[i]n the lawful defense of the slayer, ... or of any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished

NRS 200.160(1).

The Nevada Supreme Court has refined the analysis of self-defense and, by implication, defense of others, in Runion v. State, 116 Nev. 1041 (2000). The relevant jury instructions as articulated in Runion and modified for defense of others are as follows:

The killing of [a] person in self-defense [or defense of another] is justified and not unlawful when the person who does the killing actually and reasonably believes:

1. That there is imminent danger that the assailant will either kill himself [or the other person] or cause himself [or the other person] great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in [self-defense or defense of another] force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury to [himself or the person(s) being defended].

A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in self-defense [or defense of another], the circumstances must be sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence of those fears alone and not in revenge.

Actual danger is not necessary to justify a killing in self-defense [or defense of another]. A person has a right to defend from apparent danger to the same extent as he would from actual danger. The person killing is justified if:

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he [or the other person] is about to be killed or suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and,
3. A reasonable person in a similar situation would believe himself [or the other person] to be in like danger.

The killing is justified even if it develops afterward that the person killing was mistaken about the extent of the danger.

If evidence exists that a killing was in defense of self [or defense of another], the State must prove beyond a reasonable doubt that Decedent did not act in self-defense [or defense of another]. Id. at 1051-52.

Therefore, under Nevada law, if there is evidence that the killing was committed in self-defense or defense of another, the State at trial must prove beyond a reasonable doubt that the slayer was not acting in self-defense or defense of another.

B. Justifiable Homicide by a Public Officer

“Homicide is justifiable when committed by a public officer ... [w]hen necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.” NRS 200.140(2). This statutory provision has been interpreted as limiting a police officer’s use of deadly force to situations when the officer has probable cause to believe that the suspect poses a threat of serious physical harm to either the officer or another. See 1985 Nev. Op. Att’y Gen. 47 (1985).

C. Use of Deadly Force to Effect Arrest

Pursuant to NRS 171.1455 – a peace officer may, after giving a warning, if feasible, use deadly force to effect arrest of a person only if there is probable cause to believe that the person: has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or poses an imminent threat of serious bodily harm or death to the peace officer or to others.

D. Officer Collingwood’s Actions Were Legally Proper Under Any of the Above Justifications

The known facts and circumstances surrounding this incident indicate Decedent posed an imminent danger to law enforcement officers on scene, M.M. and/or nearby citizens, and a reasonable person in a similar situation would believe the various law enforcement officers present in the immediate vicinity, as well as M.M. and any other nearby citizens to be in danger. These circumstances render the killing justifiable under NRS 200.120 and NRS 200.160. Further, there was probable cause to believe Decedent posed a threat of serious bodily harm to law enforcement and M.M., and/or other civilians nearby, rendering the killing justifiable under NRS 200.140 and/or NRS 171.1455. As it relates to NRS 171.1455, based upon Officer Collingwood’s observation of Decedent pointing a firearm at M.M., he had probable cause to believe that Decedent committed Assault with Use of a Deadly Weapon. Additionally, he observed that M.M. was being held against his will at gunpoint. Thus, he also possessed probable cause to believe Decedent committed the crime of Kidnapping with Use of a Deadly Weapon. Both of those crimes involved the threat of serious bodily harm or death to M.M.

CONCLUSION

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, the District Attorney’s office concludes that the actions of Officer Collingwood were reasonable and/or legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable. (NRS 200.190). A homicide which is determined to be justifiable shall be “fully acquitted and discharged.” See NRS 200.190.

As there is no factual or legal basis upon which to charge, unless new circumstances come to light which contradict the factual foundation upon which this decision is made, no charges will be forthcoming against the shooting officers.