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June 20, 2012

Sheriff Douglas C. Gillespie
Las Vegas Metropolitan Police Department
400 Martin Luther King Blvd
Las Vegas, NV 89106

Re: Officer Involved Death of Abdul Hamlan, which occurred on April 12, 2011,
and is referenced as event number 110412-1675.

Dear Sheriff Douglas C. Gillespie:

The District Attorney's Office has completed its review of the April 12, 2011 death of Abdul Hamlan which involved Officer Greg Watkins. It was determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the actions of Officer Watkins were not criminal in nature. It appears that the suicidal decedent intentionally aimed a firearm at Officer Watkins to which he responded with reasonable force. It should be noted that this review was made based on all the evidence currently available but without the benefit of an inquest proceeding.

This letter is not intended to recount every detail, answer every question or resolve every factual conflict regarding this police encounter. This letter is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the involved officer was not criminal. This decision, premised upon criminal-law standards, is not meant to limit administrative action by the Las Vegas Metropolitan Police Department or to suggest the existence or non-existence of civil actions by any person where less-stringent laws and burdens of proof apply.

FACTUAL SUMMARY

Synopsis

On April 12, 2011 at approximately 11:39 a.m., Northwest Area Command Patrol Officers Greg Watkins and Roberto Henderson responded to a call of a suicidal male at 3916 Grand Meadow Street. The male, later identified as Abdul Hamlan, was reported to have been abusing Hydrocodone, going through withdrawals, and possessed a handgun. He was last seen by his female roommate lying on the garage floor crying with the gun to his head.

The officers, who were both Crisis Intervention Team (C.I.T.)¹ certified, arrived on the scene and located the decedent lying on his right side, inside the garage. He was visibly upset and crying, with his hands concealed behind his head.

Officer Watkins took up a position of partial cover behind a white Nissan Altima, which was parked in the driveway, and attempted to engage the decedent in conversation. Officer Henderson moved north and attempted to find a tactical position, from which to provide cover for Officer Watkins. Officer Watkins identified himself and the decedent stated, "Just go ahead and shoot me then." After a brief conversation, the decedent removed his hands from behind his head, which revealed a .22 caliber semi-automatic handgun. Officer Watkins issued the decedent numerous verbal commands to drop the gun, which he ignored. The decedent slowly and deliberately pointed the handgun toward Officers Watkins and Henderson, who had moved back into a position behind Officer Watkins.

¹ Crisis Intervention Team (CIT) officers are on-duty, uniformed patrol division officers who perform all normal patrol-related services, including routine response to calls for service. They are dispatched to certain events involving persons who are known to have a diagnosed mental illness or who are in a volatile emotional crisis. CIT officers are not SWAT officers or hostage/crisis negotiators. CIT Officers are trained to:

- Interact with persons who are mentally ill, in an emotional crisis, (including suicidal persons, subjects experiencing signs and symptoms of excited delirium, Alzheimer/dementia victims when violent and the developmentally disabled)
- De-escalate crisis events and move them away from violent outcomes whenever possible
- Fully utilize the resources/services available for the mentally ill in southern Nevada

During the initial patrol response to an event involving a person believed to be mentally ill or who is experiencing a volatile emotional crisis, the senior CIT officer on the scene has the authority to direct police activities during the event unless relieved by a field supervisor. CIT officers are accountable for actions and outcomes relative to such events.

Officer Watkins initially fired two rounds in defense of himself and Officer Henderson, which struck the hood of the Nissan Altima. Officer Watkins assessed the situation and saw the decedent had maintained possession of his handgun and continued to point it in their direction. Officer Watkins fired four more rounds, which struck the decedent several times causing him to drop his handgun. The decedent was immediately transported to Mountain View hospital, where he died from his injuries.

A complete autopsy was subsequently performed on the body of the decedent at the Clark County Coroner's Office. Doctor Telgenhoff determined the decedent died as a result of multiple gunshot wounds, his death was ruled a homicide. Toxicology tests revealed the presence of Ethanol, Diazepam, Dihydrocodeine / Hydrocodol and Hydrocodone in the decedent's blood. In reported over-dosage of Hydrocodone, post-mortem blood levels ranged from 130 to 7000 ng/ml. The decedent's post-mortem blood level of Hydrocodone was 130 ng/ml.

INVESTIGATION

Law Enforcement Witnesses

On April 13, 2011, Las Vegas Metropolitan Police Department Detectives Sanborn and Ivie interviewed Officer Greg Watkins at the Homicide Office. Present during the interview was Sergeant Tom Melton. During the interview and/or contact with detectives, Officer Watkins related the following: On April 12, 2011, Officer Watkins was employed as a uniformed police officer, assigned to work the dayshift at Northwest Area Command. He was working as a two man marked patrol unit with Officer Roberto Henderson as unit 2DP63, when he heard the radio broadcast of a suicidal subject armed with a handgun. The officers were close to the call and both were C.I.T. certified, so they assigned themselves to the call.

At approximately 11:30 a.m., Officers Watkins and Henderson arrived on the scene. Officers Watkins and Henderson met briefly with PC#1 in the street south of the residence, who reiterated to them that the decedent had threatened suicide, had been abusing his pain medication, and was last seen with a handgun near his head. The officers then proceeded on foot to the residence. Officer Watkins located the decedent lying on his right side on the floor of the garage. The decedent was crying with his hands concealed behind his head. Officer Watkins took a position south of a car which was parked in the driveway and identified himself in a low soft voice. The decedent stated, "Just go ahead and shoot me then." Officer Watkins continued to try and reason with the decedent, when the decedent suddenly stopped crying and sobbing. The scene became very quiet and Officer Watkins believed he had gotten through to the decedent.

The decedent then removed his hands from behind his head, which revealed a small caliber handgun in his right hand. Officer Watkins gave the decedent several verbal commands to drop the gun and roll onto his belly. The decedent ignored the verbal commands and slowly and deliberately pointed the gun toward Officer Watkins. Officer Watkins saw the front of the gun and became fearful for himself and Officer Henderson's safety. Officer Watkins fired two rounds at the decedent and then assessed the situation. The gun was still pointed at him, so Officer Watkins fired 2 or 3 more times and assessed again. The decedent still had the gun, so Officer Watkins fired 1 or 2 more rounds, which caused the decedent to drop the gun. Officer Watkins holstered his weapon and advised medical to come up. Medical arrived within 30 seconds and the decedent was transported to the hospital.

A countdown of Officer Watkins' duty weapon revealed a total of 11 cartridges in his weapon; 1 in the chamber with 10 in the magazine. He carried four additional magazines on his duty belt; 3 contained 17 cartridges and 1 contained 16 cartridges. Officer Watkins did not carry a back-up weapon and it was determined he discharged his duty weapon 6 times during the incident.

Officer Roberto Henderson chose not to provide a voluntary statement. However, on April 12, 2011, at approximately 2:15 p.m., Detectives Sanborn and Mogg conducted a countdown of Patrol Officer Roberto Henderson's duty weapon at Northwest Area Command. Present for the countdown was Police Protective Association Attorney John Harper. Officer Henderson carried a Glock, Model 17C, 9mm semi-automatic handgun, equipped with a Surefire® X200 tactical light. Officer Henderson believed he carried his duty weapon loaded with 18 cartridges; 1 in the chamber and 17 in the magazine. A countdown of Officer Henderson's duty weapon revealed 16 cartridges in the weapon, 1 in the chamber and 15 in the magazine. Officer Henderson carried 4 extra magazines on his duty belt. Three of the magazines contained 16 cartridges and one contained 17 cartridges. Officer Henderson did not carry a back-up weapon and it was determined Officer Henderson did not fire his duty weapon during this incident.

Contact with Private Citizens

On April 12, 2011, at approximately 1:43 p.m., Homicide Detective Hanna conducted an interview with PC#1, who related the following: PC#1 has been a close (platonic) friend and roommate of the decedent for approximately 14 years. For the past 3 years, the decedent had suffered from rheumatoid arthritis and had become addicted to his pain medication (Hydrocodone). PC#1 also recently learned the decedent was using morphine, which he obtained from friends. On the morning of April 12th, the decedent told PC#1 his dependence on drugs was costing him his job, he was tired of living, and needed to do something about his dependency. After speaking with the decedent, PC#1 contacted several drug rehabilitation clinics. She located a facility that would accept the decedent and she anticipated taking him there in the afternoon.

PC#1 then went to the store and upon her return home, she called the rehabilitation facility again. While speaking with the rehab clinic, PC#1 walked out into the garage and found the decedent, lying on the ground, crying near the driveway. The decedent told PC#1 he did not want to live anymore and had a pistol in his right hand, near his head. Fearful the decedent would shoot her, PC#1 exited the garage and called 9-1-1. PC#1 then walked down the street towards a black SUV and waited for officers to arrive. As she waited, a neighbor, PC#2, came out and stayed with her until officers arrived.

When the officers arrived, PC#1 reiterated to them that the decedent had threatened suicide, had been abusing Hydrocodone, and was last seen with a handgun near his head. PC#1 then directed the officers to where she last saw the decedent crying in the garage. As the officers approached the residence, PC#1 and PC#2 began to pray. As they prayed PC#1 thought she heard one of the officers speak the decedent's name then she heard four gunshots.

On April 11, 2011, at approximately 1:08 p.m., Homicide Detective Hanna interviewed PC#2, who related the following: On that day, as PC#2 walked to his black GMC Yukon parked at the corner of Grand Meadow and Mesa Ridge, he saw a woman (PC#1) standing near his vehicle talking on her cellular phone. PC#1 asked PC#2 to stay with her because her roommate had threatened to commit suicide and she had called the police. PC#2 waited with PC#1 until officers arrived. As officers walked towards a residence with an open garage door, PC#2 and PC#1 began to pray. PC#2 then heard four gun shots. PC#2 did not hear anything prior to the gunshots and kept PC#1 with him, until other officers arrived.

On April 12, 2011 at approximately 12:55 p.m., Detective Kisner interviewed PC#3, who related the following: PC#3 has lived next door to the decedent and his roommate, PC#1, for over ten years and was unaware of any medical, drug, or emotional problems with the decedent or any problems between PC#1 and the decedent. PC#3 does not consider the decedent a personal friend, but interacted with him on occasion. On April 12th at approximately 11:35 a.m., PC#3 was inside his home when he heard someone outside speaking loudly. He could not understand what was being said. He then heard (5-6) gunshots, called 9-1-1, and went outside. He saw a uniformed police officer standing in front of the decedent's house, PC#1 was standing south of the residence by an unknown male (PC#2), and the decedent was lying on the garage floor with a handgun lying next to him. After the shooting, PC#3 realized the decedent must have been lonely and depressed, because he never had a relationship.

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On April 12, 2011 at approximately 1:00 p.m., Detective Mogg interviewed PC#4, who related the following: PC#4 knew the decedent, through his in-laws, who live in the neighborhood. The last time PC#4 spoke with the decedent was in July of 2010 during a neighborhood party. The decedent appeared to be depressed and told PC#4, he was having "pain," but did not elaborate. PC#4 did not know a lot about the decedent, but had heard through his in-laws that the decedent had spoken about committing suicide in the past. PC#4's only other contact with the decedent was to occasionally say hello when he was in the neighborhood.

Findings from the Scene

The primary crime scene was located inside the garage and near the driveway of 3916 Grand Meadow Street in Las Vegas. The residence was a single story, single family home with an attached two car garage. The residence faced west. The vehicle access door to the garage was open upon detective's arrival. A concrete driveway extended west from the front of the garage to the curb. A white 4-door Nissan Altima was parked facing east on the south side of the driveway. A white Chevrolet truck was parked facing east on the north side of the driveway.

There were two large LVMPD orange traffic cones south of the Nissan Altima's front passenger side door placed by officers to indicate possible evidence. On top of the walkway southeast of the traffic cones was a 9mm cartridge case, head stamped Speer 9mm Luger. In the northeast corner of the planter, which was east of the walkway, were two additional 9mm cartridge casings, each head stamped Speer 9mm Luger. Two bullet holes were located in the hood of the Nissan Altima, with corresponding exit holes located in the driver side headlamp. Underneath the front right side of the Nissan Altima was a 9mm cartridge case, head stamped Speer 9mm Luger. Another 9mm cartridge case, head stamped Speer 9mm Luger, was located north of the front left tire of the Nissan Altima. An apparent bullet was located on the ground underneath the front right side of the Chevrolet truck.

On the ground in front of the Chevrolet truck was a black wallet, a black semi-automatic handgun, and broken pieces of black sun glasses with apparent blood. The wallet contained a Nevada driver's license, credit cards, and paperwork in the name of the decedent. The handgun was an Iver Johnson .22 caliber with serial #AE75770. A records check revealed the handgun was registered to the decedent.

The Iver Johnson handgun was found with the safety off and the hammer cocked back. A .22 caliber cartridge was located in the firing chamber and three additional cartridges were located in the magazine. All the cartridges were head stamped Super X.

On the ground east of the wallet, partially inside the garage, was a rectangular shaped piece of white Styrofoam, which was oriented in a north south direction. On top of the Styrofoam was a blue and yellow t-shirt. Apparent blood was visible on both the Styrofoam and the t-shirt. An apparent bullet strike was located on the northern end of the Styrofoam. A corresponding bullet strike was located to the concrete floor beneath the Styrofoam. On the garage floor southeast of the Styrofoam board was a broken piece of black sun glasses and a black Samsung cellular phone. Northeast of the Styrofoam was a bullet fragment. On the floor near the southwest corner of the garage was a 9mm cartridge case, head stamped Speer 9mm Luger.

Along the north wall of the garage were several shelves filled with items of personal property. A bullet hole was located through the south and west facing bottom rails of the shelves, located in the northwest corner of the garage. Underneath the shelves were three bullet fragments. A bullet strike was located in the concrete wall behind the shelf, near the bottom of the north garage wall.

LVMPD patrol vehicle NW 1926 was parked southwest of the residence on the west side of Grand Meadow Street, between Mesa Ridge Court and Fox Forest Avenue. The patrol vehicle faced north. A Honda Civic was parked directly in front (north) of the patrol vehicle. A black GMC Yukon was parked north of the Honda Civic on the west side of Grand Meadow Street, just south of Mesa Ridge Court. The Yukon faced south.

Firearms Analysis

On May 11, 2011, LVMPD Forensic Scientist Moses completed the requested examinations of the weapons and evidence recovered during the follow-up investigation.

Officer Watkins' Glock 9mm, semi-automatic handgun was examined and test fired, and found to be in operating condition, with no noted malfunctions. The handgun and one magazine had a maximum capacity of 18 cartridges. The test fired bullets and cartridge cases from Officer Watkins' handgun were microscopically compared to the evidence recovered at the scene and autopsy. Based on these comparative examinations, it was determined the 6 cartridge cases recovered from the scene had been fired from Officer Watkins' handgun. The 5 bullets recovered at the scene and autopsy bore the same rifling characteristics as the test fired bullets from Officer Watkins' Glock; however, the bullets had insufficient microscopic details for a conclusive identification. The bullets could not be identified nor eliminated as being fired from Officer Watkins' handgun.

The decedent's, .22 caliber, semi-automatic handgun was examined and test fired, and found to be in operating condition, with no noted malfunctions. The decedent did not fire his weapon during this incident.

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any killing 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 killing. As this case has been deemed a homicide by the coroner, the actions of Officer Watkins will be analyzed under the State's jurisprudence pertaining to homicides.

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) The shooting of the decedent was justifiable under two theories: the killing of a human being in self-defense of others and justifiable homicide by a public officer. Both of these theories will be discussed.

A. The Use of Deadly Force in Defense of Another

The authority to kill another in defense of others is contained in NRS 200.120 and NRS 200.160. "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony ..." against the other person. NRS 200.120(1). Homicide is also lawful when committed:

[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 instructions as articulated in *Runion* and modified for defense of others are as follows:

The killing of [a] person in [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 [the other person] or cause [the other person] great bodily injury; and

2. That it is absolutely necessary under the circumstances for him to use in [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 [the person 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 [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 [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 [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 [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 [that a killing was in defense of another exists], the State must prove beyond a reasonable doubt that the defendant did not act in [defense of another].

From the evidence available, it appears the officers were lawfully at the residence based upon the request of an occupant and engaging in lawful conduct in attempting to intervene in the actions of the suicidal decedent. During the course of the discharge of their lawful duties, the decedent purposefully pointed a firearm at Officer Watkins. In reasonable apprehension of imminent bodily injury to himself and Officer Henderson, Officer Watkins initially discharged his duty weapon which did not end the risk. Once determining that he was still in imminent danger, he discharged his weapon until the decedent dropped his gun. At that point, the threat to the officers was neutralized, and no further use of force occurred. Immediately upon the threat dissipating, medical units were called to attend to the decedent. Based upon these facts, all the force utilized by Officer Watkins was necessary to protect himself and his fellow officer from imminent serious bodily injury. As such, the actions of Officer Watkins were in necessary self-defense.

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).

Upon learning that the decedent was armed and suicidal in the garage, Officers Watkins and Henderson took up defensive positions in an effort to bring the situation to a peaceful end. While attempting to have the decedent voluntarily surrender his weapon, the decedent intentionally pointed the firearm at Officer Watkins. Upon the decedent failing to obey the lawful commands and pointing the weapon at Officer Watkins, he fired his weapon in self defense/defense of others. Thus, the actions of Officer Watkins were necessary in the discharge of his duties.

In light of all the evidence reviewed to date, the State would be unable to prove that the actions of Officer Watkins were in fact unjustified “in the discharge of a legal duty.”

CONCLUSION

Based on the review of the available materials and the application of Nevada law to the known facts and circumstances surrounding the officer involved death of Abdul Hamlan, it has been determined that the actions of Officer Greg Watkins were reasonable and that the shots fired by Officer Watkins were justified to prevent the decedent from shooting his firearm and to protect the officers on the scene. There is no evidence that Officer Watkins acted unlawfully, or with malice aforethought.

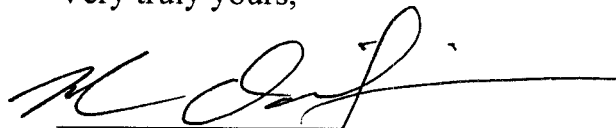
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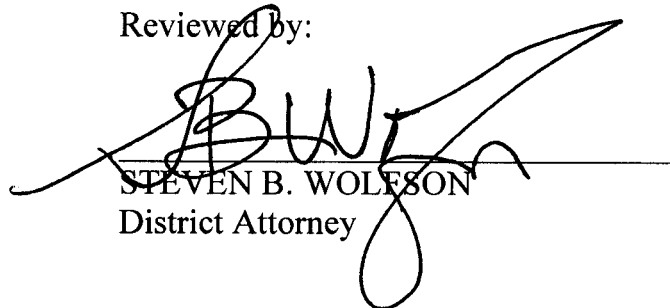
The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable. (NRS 200.190) "The homicide appearing to be justifiable or excusable, the person indicted shall, upon trial, be fully acquitted and discharged." (NRS 200.190) As there is no factual or legal basis upon which to charge Officer Watkins based on the totality of the circumstances, and unless new facts come to light which contradict these findings, no charges will be forthcoming.

Very truly yours,



MARC DIGIACOMO
Chief Deputy District Attorney

Reviewed by:



STEVEN B. WOLFSON
District Attorney