

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Jose Alexis Cabrera- Hernandez on November 4, 2022

INTRODUCTION

On November 4, 2022, at 1221 hours, a murder occurred at 237 Kipling Street in Las Vegas. The victim in this murder was the new boyfriend of Jose Alexis Cabrera's ex-wife. Las Vegas Metropolitan Police Department (hereinafter "LVMPD") homicide detectives developed Jose Alexis Cabrera (hereinafter "Decedent") as the suspect in this murder. LVMPD learned that Decedent had additionally kidnapped his ex-wife's brother, Y.H-C, after committing murder.

Approximately four-and-a-half hours later, at 1700 hours, the LVMPD Criminal Apprehension Team (hereinafter "CAT") located Decedent's vehicle in an alleyway near 110 Bruce Street in downtown Las Vegas. LVMPD surveilled Decedent and his hostage inside a white Nissan Armada sport utility vehicle. This surveillance continued as Decedent's vehicle became mobile over the course of several hours traveling through the valley.

By 1833 hours, LVMPD homicide detectives determined there was probable cause to arrest Decedent for murder. At approximately 2046 hours, Decedent pulled into a business complex located 6276 Spring Mountain Road. LVMPD Special Weapons and Tactics (hereinafter "SWAT") attempted a vehicle takedown maneuver within the complex. Decedent attempted to flee from the police with his hostage inside the vehicle. SWAT was able to prevent Decedent's flight by colliding into the suspect vehicle. As SWAT approached the suspect vehicle with Decedent and his hostage still inside, Officer Ferrin discharged his weapon once and killed Decedent.

SYNOPSIS

On November 4, 2022, at approximately 1221 hours, a murder occurred at 237 Kipling Street in Bolden Area Command ("BAC") under LVMPD Event# LLV221100013788. The victim of this killing was the current boyfriend of Decedent's ex-wife. Homicide detectives developed Decedent as the primary suspect in this killing. In addition to the murder, homicide detectives learned that Decedent had kidnapped his ex-wife's brother from the address where he committed the murder.

At approximately 1700 hours, CAT responded to the scene to assist homicide detectives in order to locate Decedent and his hostage. CAT detectives soon located a possible suspect vehicle, a Nissan Armada sport utility vehicle, in an alleyway near 110 Bruce Street in downtown Las Vegas.

After CAT detectives located the suspect car, SWAT was notified and briefed on the details of the murder as well as the active kidnapping. SWAT arrived at that location and began formulating a response plan. CAT detectives determined that Decedent and his hostage were inside the suspect vehicle.

While SWAT formulated a plan to take Decedent into custody, at approximately 1945 hours, Decedent began to drive away with his hostage. CAT detectives as well as LVMPD's Air Unit mobilized to surveil Decedent in his vehicle as he drove through the Las Vegas Valley. In response, SWAT formulated a new plan to conduct a vehicle assault and utilize their "heavy trucks" which are Ford F-350 trucks. The heavy trucks were chosen as part of the plan due to their maneuverability and ability to enter places like parking garages, as the traditional larger BearCat doesn't fit in said spaces.

At approximately 2046 hours, Decedent pulled into a business complex at 6276 Spring Mountain, just west of Spring Mountain Road and Jones Boulevard. Detectives observed Decedent and the hostage exit the Nissan and walk west and then both returned to the vehicle after a short time.

SWAT initiated a "Vehicle Assault Takedown" on the Nissan at that location, where the SWAT trucks would be used to block the Nissan in. SWAT vehicles approached from the north, east and west. The suspect vehicle was driven by Decedent. Officers observed the taillights of Decedent's Nissan activate and the vehicle backed out of its parking space. As Decedent attempted to flee the area, the BearCat collided with the passenger side of the suspect vehicle and caused the Nissan to spin 180 degrees clockwise. The Nissan came to a stop perpendicular to the back passenger-side quarter panel of the BearCat. A heavy truck also made contact with the driver's side of the Nissan and stopped.

SWAT officers exited their vehicles and converged on the Nissan. Officer Ferrin took position in front of the Nissan on the driver's side. Officer Dixon took position at the driver's side front quarter panel of the Nissan to the right of Officer Ferrin. Sergeant Clarkson and his team approached the passenger side of the Nissan.

Sergeant Clarkson, who approached the passenger side of the Nissan, told detectives that he focused on Decedent who was facing him. Sergeant Clarkson observed that, although Decedent brought his hands up toward his ears, Sergeant Clarkson did not believe it was a surrender motion, but instead more of a shocked response. As Sergeant Clarkson pointed his firearm at Decedent and yelled, "Hands, hands, hands," Sergeant Clarkson observed that Decedent appeared to look down and toward something. Given that he was aware that Decedent had already killed someone and was armed, Sergeant Clarkson believed it could be a gun. Sergeant Clarkson believed Decedent was about to go for an item when he heard a SWAT distract ("flashbang") and a gunshot.

Officer Dixon, who approached the driver's side front quarter panel of the Nissan, told detectives his view was partially obscured by the driver's side sun visor. Officer Dixon was positioned to the right of Officer Ferrin. Officer Dixon observed that Decedent had his hands up in the direction of the hostage sitting in the front passenger seat. Officer Dixon believed Decedent was trying to grab the hostage, so Officer Dixon yelled, "Hands!" Officer Dixon then heard a SWAT distract followed by a single gunshot. Officer Dixon believed the shot came from his left but did not see who fired. Officer Dixon observed Decedent had been hit by the shot, but remained in his position as the hostage was removed from the Nissan by fellow SWAT officers.

Officer Ferrin declined to give a statement to detectives, but he was captured on the Body Worn Camera (BWC) of Officer Cobb discussing the incident. Officer Ferrin stated, "I saw him, I saw him moving this way (Officer Ferrin moved his body and both hands to his right) and I thought he was fucking attacking the dude and I shot."

The hostage was successfully extracted and remained unharmed. Decedent was also extracted, provided with immediate medical attention, but was ultimately pronounced deceased on scene.

LVMPD Crime Scene Analysts (CSA) processed the scene, photographed, documented, and collected evidence. Two handguns were recovered from inside the Nissan in the driver's side door pocket where Decedent was seated. One of the guns was a Smith & Wesson .380 shield and the other was a Taurus G3 9mm. A forensic comparison through the National Integrated Ballistic Information Network (NIBIN) identified an expended cartridge left behind at the murder scene to the Taurus G3 9mm found within Decedent's Nissan. Additionally an ATF E-Trace was completed for both firearms, and it was determined that the Taurus G3 9mm had been reported stolen.

CSAs also located one expended .223 caliber cartridge casing from Officer Ferrin's rifle as well as one live .223 caliber cartridge from Officer Ferrin's rifle. A single bullet hole was located through the driver's side of the front windshield adjacent to the steering

wheel. A defect was also located in the driver's seat with a bullet and bullet fragment inside the seat.

Force Investigation Team (hereinafter "FIT") detectives responded and assumed responsibility of the investigation. Homicide detectives also responded and provided details regarding their investigation.

This report explains why criminal charges will not be forthcoming against LVMPD SWAT Officer Ferrin. It is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this police encounter. It is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review which was held on March 11, 2024.

This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the officer was not criminal. This decision, premised upon criminal-law standards, is not meant to limit any administrative action by LVMPD or to suggest the existence or non-existence of civil actions by any person, where less stringent laws and burdens of proof apply.

DESCRIPTION OF THE SCENE AND VISIBLE EVIDENCE

The scene of the officer involved shooting ("OIS") was located in a parking lot of a business complex near Spring Mountain Boulevard and Jones Boulevard.

Scene Overview





Air Unit Footage

Below are several frames captures from the Air Unit of the incident.



Above: Decedent (green circle) Beginning to Reverse from Parking Space to Escape Approaching Police



Above: Decedent's Attempt to Flee the Business Complex



Above: SWAT Converging In on Escaping Suspect Vehicle



Above: Initial Vehicle Impact Causing Decedent's Vehicle to Spin 180 Degrees Clockwise



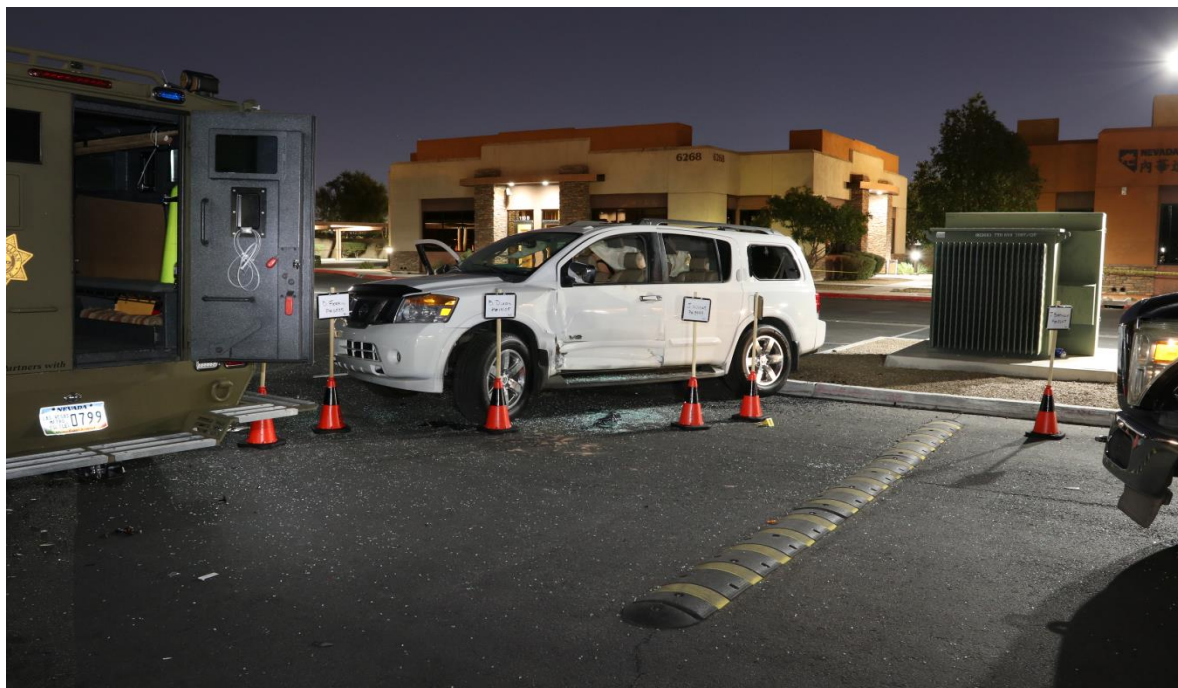


Above: Second Vehicle Impact into Decedent's Vehicle



Above: SWAT Approaching Decedent's Vehicle

Decedent's Vehicle



Above left: Street view of the Nissan Armada driven by Decedent after the impact and OIS



Above right: Defect in the driver's seat of the Nissan Armada where Decedent had been seated.



Above right: Two handguns recovered from the driver's side door pocket of the Nissan Armada.



Above: Bullet recovered at the LVMPD CSA lab from the driver's seat of the Nissan Armada.

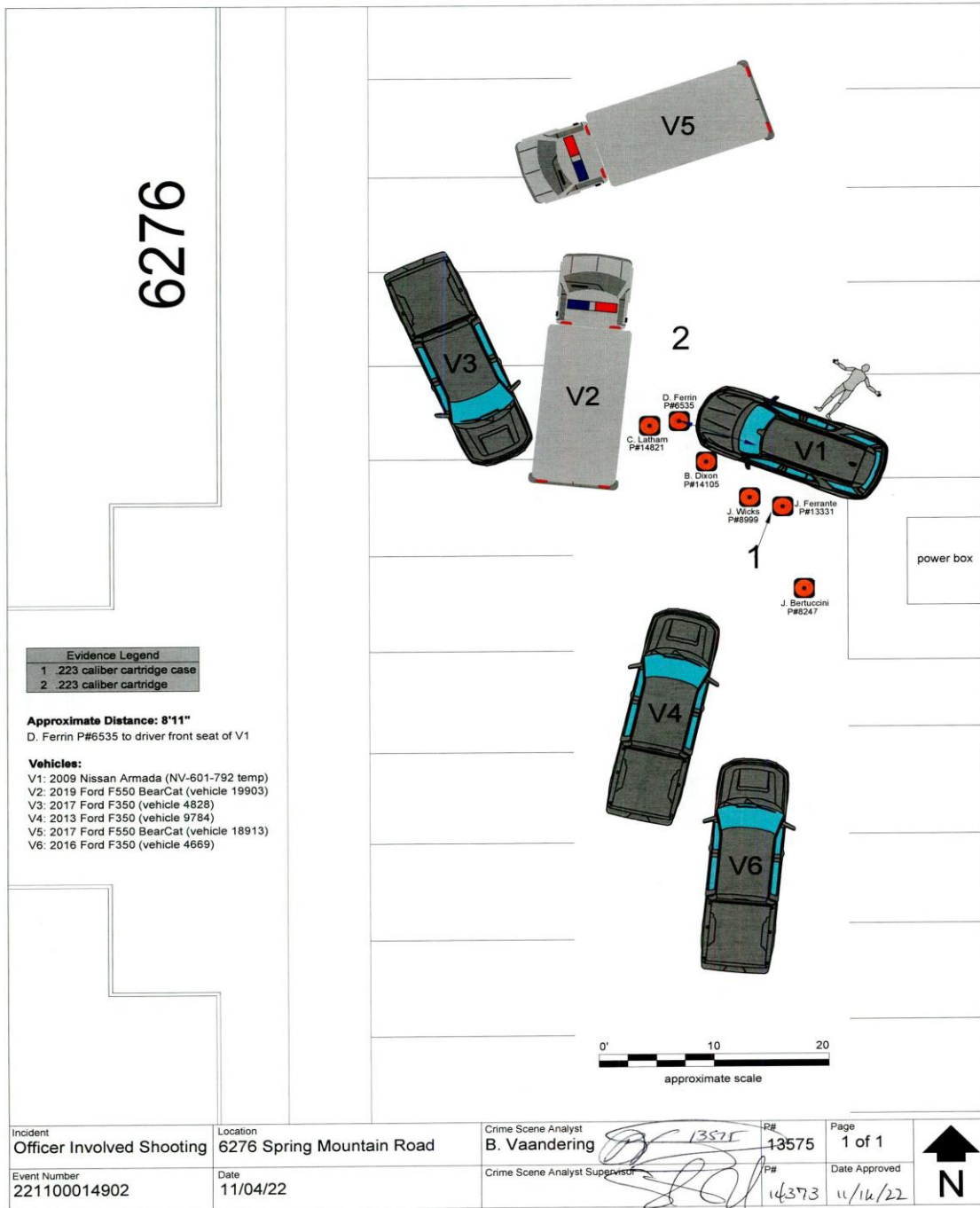


Above: Defect in the driver's side front windshield of the Nissan Armada.



Above: Cartridge case recovered on the scene of the OIS.

Officer Positions



Decedent

Decedent was positioned on his back by the rear passenger door of the Nissan. His head was to the northeast and his feet were positioned towards the southwest. His arms were on the ground fully outstretched away from his torso and his face was angled to his right. He was clad in a black long sleeve shirt (medically cut exposing his abdomen), a pair of blue jeans with an attached brown belt, and a pair of black and white shoes. Inside the front left pocket of the jeans was a cartridge. A rag with apparent blood was over his neck area and had a bullet fragment on top. There was medical intervention around him and on his person.

The decedent had an injury to the left side of his torso below his armpit, to his back right shoulder, and to the left side of his neck and chin. Apparent blood was observed on his face, neck, and to the back of his head. Coroner Investigator J. Fagnant conducted a cursory examination of the body with injuries to the above-mentioned areas.

BODY WORN CAMERA

The following are summaries of BWC footage from the subject and witness officers who were on scene and BWC's captured the OIS timestamped according to Zulu time (GMT).

Officer Ferrin

Officer Ferrin was wearing a BWC at the time of the incident and the camera was activated. Officer Ferrin's BWC abruptly deactivated while Officer Ferrin was inside a vehicle that was involved in a collision during the vehicle takedown.

Officer Dixon

The following is a description of the BWC worn by Officer Dixon during the time period in which the vehicle take down was initiated and Officer Ferrin fired his weapon.

03:52:41Z: The command was given for SWAT to move in and take the vehicle.

03:53:01Z: A white SUV was barely visible through the front windshield of the vehicle Officer Dixon was riding in and a collision could be heard.

03:53:05Z: The F-350 Officer Dixon was riding in struck the driver's side of the white SUV.

03:53:06: Officer Dixon exited the rear driver's side of the SWAT F-350 and moved toward the front of the vehicle.

03:53:07Z: The SWAT F-350, which Officer Dixon rode in, was pushed against the driver's side door of the white SUV as Officer Dixon moved and positioned himself against the driver's side front quarter panel of the white SUV.

03:53:09Z: Officer Dixon had his handgun drawn and the attached light illuminated the cab of the white SUV. A male was in the passenger seat whose hands were covering the sides of his face. The driver was obscured from view by the steering wheel and the sun

visor which was in the downward position. The driver, wearing a dark colored long sleeve shirt, had his left arm across his body and faced toward the passenger seat with his arm raised above his head, covering his face.

03:53:10Z: The driver's left arm moved in front of his face and became visible as his right arm moved near the passenger. The driver's face came into view of the BWC as a flashlight glare could be seen on the front windshield of the passenger side of the white SUV. The driver's eyes looked straight ahead toward the front of the vehicle.

03:53:11Z: The driver appeared to be looking toward the front passenger side of the vehicle. A red dot (from a weapons laser system) appeared on the front, driver's side dash of the white SUV. Numerous commands could be heard as officers yelled, "Hands, hands up."

03:53:12Z: The driver of the vehicle turned his head as he looked at the passenger, who was still seated in the passenger seat with his hands on top of his head. A distraction device went off behind the white SUV which illuminated the area around the vehicle. A bullet impact could be seen on the driver's side front windshield where the red dot had been. The cab of the white SUV became obstructed as what appeared to be smoke, or powder filled the immediate area around the driver and passenger.

03:53:14Z: The driver appeared to slump over toward the passenger with both of his forearms covering his face and his hands on the top of his head. The passenger had his hands in front of his face with his palms forward toward the front windshield.

03:53:16Z: The passenger faced the passenger side window as officers could be heard yelling commands to "get the hostage." Officers were on the passenger side of the vehicle and appeared to pull the passenger through the passenger side window.

03:53:20Z: Officers on the driver's side of the white SUV used tools to break and remove the driver's side windows of the vehicle.

03:53:27Z: An officer reached in the now open window area of the driver's side window and pulled the driver's upper body back toward the seat. Apparent blood was on the driver's face as they sat him up.

03:54:03Z: Officers began giving directions and confirmed the hostage was away from the vehicle and safe.

03:54:13Z: Officers confirmed that a shot had been fired and stated Officer Ferrin fired.

03:54:43Z: The SWAT F-350 pinned against the driver's side door was moved as the officers formulated a plan to remove the driver.

03:55:05Z: During the discussion the decision was made to attempt to remove the driver from the vehicle from the driver's side.

03:55:15Z: A directive was given to have the tactical medic and doctor come up to the vehicle.

03:55:27Z: Officers were unable to open the driver's side door and the driver ended up being removed from the passenger side of the vehicle.

03:55:45Z: Officer Dixon was checked by another officer for any injuries, as Officer Dixon told the officer he was okay.

03:58:58Z: Officer Dixon's BWC was deactivated.

Officer Dixon's BWC (who is positioned just to the right of Officer Ferrin at the front of the vehicle) showing Decedent in driver's seat Immediately before OIS





Sergeant Clarkson

Sergeant Clarkson's camera footage depicted the following:

03:32:43Z: Sergeant Clarkson's BWC was activated and SWAT officers riding in the back of a BearCat could be observed.

03:33:14Z: The audio engaged on Sergeant Clarkson's BWC.

03:34:12Z: Sergeant Clarkson assigned officers their roles and responsibilities.

03:34:36Z: The BWC was deactivated.

03:49:52Z: The BWC was reactivated.

03:50:22Z: The audio engaged on Sergeant Clarkson's BWC.

03:50:56Z: Radio traffic could be heard giving directions and descriptions to officers.

03:52:33Z: The BearCat which Sergeant Clarkson rode in turned into a business complex as the Air Unit broadcast information the suspect and hostage who had been on foot were back in a vehicle.

03:53:04Z: Sergeant Clarkson exited the rear of the BearCat.

03:53:07Z: Sergeant Clarkson approached the passenger side of a white SUV as flashlights illuminated the side of the vehicle.

03:53:10Z: Sergeant Clarkson positioned himself next to the front passenger side quarter panel of the white SUV. Sergeant Clarkson's weapon was drawn, and his weapon mounted light illuminated the front passenger and driver compartment of the white SUV. The view of the passenger was obstructed from the B pillar and the driver of the vehicle could be seen. The driver wore a black long sleeve t-shirt, and his arms were raised with his hands above his head palms faced outward. The driver's head was turned to the right and looked toward the passenger of the vehicle. A red dot (from a weapon-mounted laser) appeared in the middle of the driver's face on his nose. A distraction device went off

behind the white SUV which illuminated the area around the vehicle. Officers could be heard yelling, "Hands, let me see your hands!"

03:53:11Z: Smoke or powder appeared in the front cab of the white SUV which obstructed the view inside the vehicle. The driver's arms appeared to cover up his face, his hands went to the top of his head, and then he appeared to hunch forward and to the right towards the passenger.

03:53:12Z: Sergeant Clarkson backed away from the vehicle and as he did the passenger could be seen with his arms in the air and hands above his head. The driver was leaned forward with his upper body toward the passenger.

03:53:14Z: An officer with a shield stepped in front of Sergeant Clarkson and the view into the front of the white SUV became obstructed from BWC view. Officers could be heard yelling, "get the hostage."

03:53:24Z: Sergeant Clarkson moved to his left around the officer with the shield. The passenger of the vehicle was pulled out of the white SUV and laid on the ground.

03:53:26: Sergeant Clarkson assisted other officers as they grabbed the passenger, picked him up and moved him away from the vehicle.

03:53:49Z: Officers checked the passenger as Sergeant Clarkson spoke with him to get his information. The passenger informed officers that the driver had two guns on him.

03:55:41Z: Sergeant Clarkson passed the passenger off to other officers with instructions to have medical personnel check on him. Sergeant Clarkson then proceeded back toward the in-custody location.

03:56:47Z: The driver had been pulled out of the vehicle and laid on his back on the ground on the passenger side of the white SUV. Officers administered emergency medical attention to him.

04:03:57Z: American Medical Response (AMR) 186 arrived.

04:04:22Z: Clark County Fire Department (CCFD) Engine 22 arrived.

04:12:42Z: Doctor Hafen on scene called time of death at 21:12 hours.

04:13:01Z: BWC deactivated.

Sergeant Clarkson's BWC (who is positioned at the front passenger side door of the vehicle and to the left of Officer Ferrin) showing Decedent in driver's seat immediately before OIS



Officer Loucks

Officer Louck's camera footage depicted the following:

03:30:32Z: Officer Louck's BWC was activated, and it appeared he was riding in the back of a BearCat.

03:31:03Z: The audio engaged on Officer Louck's BWC.

03:51:05Z: Officer Louck exited the top of the BearCat out of the turret hatch, with a view of the roadway as they approached Spring Mountain Road and El Camino Avenue. Ahead of the BearCat in the road were several SWAT heavy trucks.

03:52:22Z: The SWAT heavy truck stopped directly in front of the BearCat, reversed, then made a right turn into the business complex directly to their north.

03:52:28Z: The two additional SWAT heavy trucks in the roadway ahead of the BearCat conducted U-turns in the roadway, as Officer Louck lowered himself back down inside of the BearCat.

03:52:41Z: Radio traffic could be heard that officers were moving in.

03:52:55Z: Voices could be heard telling the group to, "Get ready."

03:53:01Z: A loud crash could be heard and the BWC worn by Officer Louck appeared to shake.

03:53:06Z: Officer Louck exited the top of the BearCat through the turret hatch. Officer Louck appeared to turn toward the right of the BearCat and a white SUV could be seen, which faced the side of the BearCat (perpendicular to their vehicle). A dark colored SWAT heavy truck had collided with the driver's side of the white SUV. The passenger side, front seat of the white SUV appeared to be illuminated.

03:53:08Z: An officer moved to the front driver's side quarter panel of the white SUV. The officer had his handgun drawn and it appeared a tactical light attached to the weapon illuminated the front driver's seat of the white SUV. The driver could not clearly be seen because the sun visor was in a down position and the steering wheel of the vehicle obstructed the view. It appeared the driver was turned to his right with his left arm stretched across his body toward the passenger side compartment.

03:53:09Z: The driver appeared to turn his body forward and raise both arms up.

03:53:11Z: A distraction device went off behind the vehicle, which illuminated the area behind the white SUV. The driver of the vehicle, who faced toward Officer Louck, appeared to have his right arm extended toward the passenger seat of the vehicle.

03:53:12Z: A gunshot could be heard and what appeared to be a bullet hole was observed on the front windshield of the driver's side of the vehicle. Smoke or powder filled the front cab of the SUV, as the driver appeared to lean toward the passenger side with his upper body hunched forward.

03:53:13Z: The passenger of the vehicle had his arms in a raised motion in front of his head with his palms faced outward toward the front windshield.

03:53:16Z: SWAT officers appeared to pull the passenger from the white SUV through the passenger side window.

03:53:19Z: Officers on the driver's side of the white SUV broke out the windows.

03:53:24Z: Officer Louck's BWC faced up toward the sky as it appeared he lowered himself back down into the BearCat.

03:57:49Z: Officer Louck's BWC deactivated.

Officer Loukes' BWC (who is at an elevated position at the top of a BearCat at the front of the vehicle) showing Decedent in driver's seat Immediately before OIS



SCENE WALKTHROUGH

Officer Ferrin

On November 5, 2022, at approximately 0311 hours, Officer Ferrin relayed the following information:

- SWAT received intel from Homicide on a hostage.
- Plan was formulated for SWAT to apprehend the suspect when a vehicle was located.
- Vehicle was located and the suspect still had the hostage.
- When the vehicle was located, the suspect attempted to back out of the parking spot.
- As the suspect backed out, he was hit by the BearCat.
- Officer Ferrin exited the front passenger seat of his vehicle.
- He moved to the front of the vehicle on the driver's side.
- Looking into the front windshield, the sun visor partially obstructed his view along with the steering column and rear-view mirror.
- The suspect turned toward the hostage who was seated in the passenger seat and made a furtive movement toward him.
- Officer Ferrin fired one round.

PUBLIC SAFETY STATEMENT

Officer Ferrin

On November 4, 2022, at approximately 2350 hours, Detective Colon interviewed Sergeant Findley in reference to the Public Safety Statement (PSS) he obtained from Officer Ferrin. Below is the transcript of the interview. Note: Detective Colon is designated by (MC), and Sergeant Findley is designated by (GF).

MC: Operator, this is Detective Colon, P# 7585, Force Investigation Team conducting one uhh Public Safety Statement under event 221100014902. S—uhh Sergeant taking the Public Safety Statement is Garth Findley P# 8712. Call sign tonight was 552 Zebra. He took the Public Safe—Public Safety Statement at approximately 2100 hours. Ok Sergeant Findley if you can just uhh read the Public Safe- Safety Statement as you took it tonight.

GF: All right, question number 1, did you discharge your firearm? And uhh this was asked of Dewane Ferrin and **he stated yes**. Uhh follow up, if so in what direction? **He said straight towards him east bound**. Follow up, approximately where were you located when you fired? **He stated front driver side**. Follow up, how many shots do you think you fired? **One shot**. Question # 2, is anyone injured? **He stated, suspect**. Uhh follow up question, if so, what was their description? **He said the suspect was described as a WMA**. Number 3, are there any outstanding suspects? **He stated no**. Umm, all the uhh follow up questions **he answered as no and in-applicable**. Uhh, number 4, is it possible the suspect fired rounds at you? **He stated no**. All the uhh follow up questions were non-applicable. Number 5, do you know if any other officer discharged their firearms? **He stated no, not that I know of**. The uhh follow up questions are non-applicable. Number 6, are there any weapons or evidence that need to be secured, uhh protected? **Umm, he stated no**. Uhh follow up questions are non-applicable. And then number 7, are you aware of any witnesses? **He stated uhh unknown**. Follow up if so, what was their location? **Uhh again uhh he was not aware**.


MC: Is that it?

GF: Yup and then I finished at 2105 uhh and his monitor was Officer Ben Cobb was present.

MC: Ok operator that concludes the public safe-- safety statement let me add that this is taking place at the 6200 block of Spring Mountain in my department vehicle and it started at 2350 hours, and today is November 4, 2022.

OFFICER WEAPON COUNTDOWN

Prior to countdown Officer Ferrin stated he carried a 30-round magazine and empty chamber.

Make	Colt	
Model	M4	
Serial Number	LE481768	
Caliber	.223	
Weapon Mounted Light	Yes	
Ammunition	Speer	
Cartridge in Chamber	1	
Magazine from Weapon	Capacity: 30 cartridges	
	Countdown: 25 cartridges	

Evidence at the scene compared to the number of rounds noted during the countdown were conflicting. Detectives asked Officer Ferrin to clarify how many rounds he carried in his magazine when his LVPPA union representative interjected and advised Officer Ferrin not to respond. Officer Ferrin followed the advice of his union council and did not clarify how many rounds he carried in his 30-round magazine. When compared to evidence at the scene, detectives concluded Officer Ferrin discharged his rifle one time. Officer

Ferrin's rifle, magazine used during the OIS, and cartridges were photographed and impounded by CSA Vaandering.

FIREARM EXAMINATION

On November 11, 2022, an LVMPD Forensic Laboratory Request was submitted by Detective Leavitt on Officer Ferrin's firearm for a function test and ballistic comparison evidence. On December 14, 2022, Forensic Scientist Roy Wilcox, P# 15651, submitted the Report of Examination: Firearms. No malfunctions were noted.

On November 7, 2022, an LVMPD Forensic Laboratory Request was submitted by LVMPD Homicide on the Taurus model G3 and Smith & Wesson .380 shield for NIBIN comparison. On November 9, 2022, Forensic Scientist Steven Hough, P# 7814, submitted the Report of Examination: Firearms. It was determined that there was a possible association between the Taurus model G3 and 9mm Luger cartridge case found at the murder scene under event number #221100013788.

INVESTIGATION

Involved Officers

Officer Ferrin

On November 5, 2022, at approximately 0318 hours, Detective Leavitt contacted Officer Ferrin to see if Officer Ferrin would provide a voluntary statement to FIT investigators; Officer Ferrin declined.

Witness Officers

Officer Dixon

On November 5, 2022, at approximately 0037 hours, Detective Colon conducted an audio recorded interview with Officer Dixon at 6276 Spring Mountain Road.

Officer Dixon was assigned to the SWAT section and received an electronic communicator notifying him to report to work. The information he received was a homicide suspect (Decedent) had kidnapped someone and CAT was tracking his location. Decedent was considered armed and dangerous.

Officer Dixon reported to the SWAT office, met with his team, and proceeded to the Downtown Area Command. The CAT team informed them they had confirmed Decedent was driving a white Nissan Armada and there was a hostage in the front passenger seat. SWAT officers received a picture of Decedent to help them better identify him. The CAT team also advised that Decedent might be driving toward an address on El Camino Road.

Officer Dixon and his team responded to the area of the 6200 block of Spring Mountain Road close to El Camino Road. They received information that Decedent parked at 6276 Spring Mountain Road and was walking toward El Camino Road with the hostage. SWAT believed the optimal plan was to apprehend Decedent while he was out of the vehicle. The SWAT team then proceeded to 6276 Spring Mountain.

Decedent started walking toward El Camino Road but turned around and returned to his vehicle which was parked in the northwest corner of 6276 Spring Mountain Road. SWAT decided to perform a vehicle assault and not allow Decedent to exit the parking lot onto a public street where citizens would be in danger.

Two SWAT armored vehicles, commonly referred to as BearCats, led the officers toward Decedent's vehicle followed by several Ford F-350 trucks which are more maneuverable. Officer Dixon was positioned in the rear driver's side passenger seat behind Officer Latham who was driving.

BearCat 1 attempted to strike Decedent's vehicle to disable it. Decedent's vehicle moved, which allowed Officer Latham to strike Decedent's driver's side door. Officer Dixon exited the vehicle and took a position at the front driver's side tire of Decedent's vehicle. Officer Dixon leaned over the hood where he was able to observe Decedent in the driver's seat and the hostage in the front passenger seat.

Decedent had his hands up in the direction of the hostage. Officer Dixon's view was partially obstructed, but he believed Decedent was trying to grab the hostage. Officer Dixon yelled, "Hands!" Officer Dixon then heard a SWAT distract (flashbang) followed by a single gunshot. Officer Dixon did not see who fired but believed it came from his left side. Officer Dixon observed Decedent was hit by the shot, but Officer Dixon remained in his position while SWAT officers removed the hostage from the vehicle.

SWAT officers removed Decedent from the vehicle and was attended to by a SWAT tactical doctor and medic.

Sergeant Clarkson

On November 5, 2022, at approximately 0240 hours, Sergeant Alsup conducted an audio recorded interview with Sergeant Clarkson in the 5600 block Spring Mountain Road.

Sergeant Clarkson was notified of a possible hostage rescue and asked to activate his team. Sergeant Clarkson received updated information as they were getting their resources together. He learned the suspect (Decedent) was armed, had killed his ex-wife's current boyfriend, had taken her brother hostage, and threatened to kill others. The suspect and hostage who had been positively identified by detectives, were parked in a vehicle and a plan was formulated to take them into custody.

The plan included using SWAT trucks along with BearCats, due to the suspect going into parking garages and other locations which the BearCat would not be able to access. The mobile surveillance was headed to a part of town where detectives knew of a possible address associated with the suspect. The suspect and hostage had exited the vehicle as SWAT was nearby and then went back into the vehicle. Once the suspect was back in the vehicle, SWAT knew they needed to get the suspect stopped, and came up with a plan to conduct a vehicle assault.

The team pulled into a parking lot and Sergeant Clarkson observed the Armada at the end of the parking lot. As they drove toward the suspect's vehicle, he observed the lights of the Armada come on, which made him believe the suspect had seen them. Decedent's vehicle began to move when it was stuck by the other BearCat. This action gave Sergeant Clarkson's team a chance to exit their BearCat and assault the vehicle to get the hostage out. As he approached the passenger side, the windows of the vehicle were broken out and he could see the victim who appeared scared. Sergeant Clarkson believed the hostage's life was in danger, so his team began to remove the victim from the vehicle.

Sergeant Clarkson focused on the suspect whose body was faced toward him on the front passenger side of the vehicle. He brought his hands up toward his ears, but Sergeant Clarkson did not believe it was a surrender motion but more like a shocked response. Sergeant Clarkson pointed his firearm at the suspect and yelled, "Hands, hands, hands." The suspect appeared to look down and toward something, which Sergeant Clarkson believed could be a gun, knowing the suspect was armed and had already killed somebody. Sergeant Clarkson believed the suspect was about to go for an item when he heard a distract which was deployed and a gunshot.

Sergeant Clarkson was unaware who deployed the distract or fired the shot, as it came from the other side of the vehicle where the other action team was deployed. Sergeant Clarkson and his team turned their attention to the hostage, who was pleading for their help.

Officer Ferrante

On November 5, 2022, at approximately 0106 hours, Sergeant Alsup conducted an audio recorded interview with Officer Ferrante in the 5600 block Spring Mountain Road.

Officer Ferrante was assigned to LVMPD SWAT and was the front passenger in one of the heavy trucks. Officer Ferrante responded to a potential hostage situation which the Major Violator team was working on. At around 1900 hours, Major Violators had located Decedent's Nissan, which was a white Nissan Armada SUV. Officer Ferrante was briefed that Decedent had kidnapped the brother of the murder victim and was armed with two handguns. Decedent had also been in contact with a female and he informed the female there were two other people he intended to kill. The Major Violators unit had

verified the suspect was driving the Nissan Armada and the hostage was in the passenger seat of the vehicle.

SWAT briefed the incident as a team and made a decision to conduct a vehicle assault. As they prepared to move to the suspect's location, the suspect went mobile and drove away from the area. SWAT followed the mobile surveillance that was conducted by Major Violators and the Air Unit. They ended up in the area of Spring Mountain and El Camino when they were told the suspect and hostage were out of the vehicle. Officers observed Decedent's Nissan parked in an empty business complex, which was dark with closed businesses. The decision was made to enter the business complex as the suspect and hostage were headed back to their vehicle.

When the suspect appeared to attempt to flee, officers were aware that he was armed with two handguns, had committed a murder earlier in the day, and threatened to commit two additional murders. SWAT vehicles made contact with Decedent's Nissan to conduct a "pinch" maneuver, and the vehicle was immobilized. The vehicle that Officer Ferrante was in was one of the last vehicles into the parking lot. He observed SWAT officers as they moved into position around the suspect vehicle. A distract was deployed, which Officer Ferrante knew would happen and was part of the initial plan. Officer Ferrante moved to the driver's side window of the suspect vehicle. He observed the suspect in the driver's side seat and that officers were removing the hostage from the passenger side seat. As officers broke the window to the driver's door, Officer Ferrante observed that the suspect was shot because he was bleeding from the nose and gasping for air. He grabbed the suspect's left hand, and he saw the suspect's right hand which appeared to be reaching for something from the center console.

They attempted to remove the suspect from the vehicle and could not get him out of the driver's side door, due to the damage which had occurred from the accident. The suspect was eventually removed from the passenger side of the vehicle, where he was given medical attention.

Officer Hancock

On November 5, 2022, at approximately 0109 hours, Detective Colon conducted an audio recorded interview with Officer Hancock at 6276 Spring Mountain Road.

Officer Hancock was assigned to the SWAT section and received an electronic communicator notifying him to report to work. The information he received was a homicide suspect (Decedent) had kidnapped someone and CAT was tracking his location. Decedent was considered armed and dangerous.

Officer Hancock reported to the SWAT office, met with his team, and proceeded to the Downtown Area Command. The CAT team informed them they had confirmed Decedent was driving a white Nissan Armada and there was a hostage in the front passenger seat. SWAT officers received a picture of Decedent to help them identify him.

The CAT team also advised that Decedent might be driving toward an address on El Camino Road.

SWAT responded to the area of Spring Mountain Road and El Camino Road. They utilized two armored vehicles (BearCats) and several heavy trucks (Ford F-350) which are more maneuverable.

Officer Hancock was responsible for the BearCats. BearCat 1 consisted of three SWAT officers, the tactical doctor, and the tactical medic while BearCat 2 contained a full assault team in the event of a vehicle pinch and hostage rescue.

SWAT received information Decedent and the hostage were out of the vehicle walking towards El Camino Road. SWAT staged on Spring Mountain Road, east of El Camino Road so as not to be seen by Decedent. SWAT formulated a plan to apprehend Decedent and rescue the hostage while he was on El Camino Road but they were informed he was headed back to his vehicle.

Decedent's vehicle was parked in the northwest corner of 6276 Spring Mountain Road. BearCat 1 drove north on the western driveway and BearCat 2 drove north on the eastern driveway. Both driveways led to the north side of the parking lot.

The vehicles drove north parallel in their respective driveways followed by the heavy trucks in order to conduct a pinch and assault on Decedent's vehicle to rescue the hostage.

As SWAT drove north, Decedent backed his vehicle out of the parking spot. BearCat 1 conducted a wide sweeping turn while one of the heavy trucks was able to hit the rear bumper of Decedent's vehicle, causing it to spin. The spin caused Decedent's vehicle to present its driver's side to BearCat 1 and out of Officer Hancock's view but he did hear an additional collision.

Officer Hancock visually located the vehicle to his south and exited his vehicle. Officer Hancock approached Decedent's vehicle from its passenger side and observed the hostage and Decedent appeared dazed from the collision.

Officer Hancock positioned himself approximately 10 to 15 feet from Decedent's front passenger quarter panel to avoid any crossfire situation. Officer Hancock heard a distract (flashbang) deployed and then heard one shot fired. Officer Hancock did not know where the shot was fired from but observed an impact to Decedent's face and neck area.

Officer Hancock and other SWAT officers approached the vehicle to rescue the hostage and removed him through the passenger window. Officer Hancock went to the driver's side to help with apprehending Decedent. Officer Hancock observed that Decedent appeared to be grabbing for something with his right hand. Officer Hancock gained control of Decedent's hand as SWAT officer utilized the passenger side of the

vehicle to remove him. SWAT tactical doctors attended to Decedent as SWAT officers cleared his vehicle.

Officer Gonzales

On November 5, 2022, at approximately 0132 hours, Detective Colon conducted an audio recorded interview with Officer Gonzales at 6276 Spring Mountain Road.

Officer Gonzalez had been notified by supervisors of a hostage situation, where the suspect (Decedent) had committed a murder and was currently mobile. Officer Gonzales responded to a staging location where he was given a briefing.

A plan was implemented, and Officer Gonzalez was assigned as the driver of one of the BearCats, which would “pinch” the suspect vehicle. Officer Gonzalez was given information that Decedent’s vehicle was parked on El Camino and the suspect had exited the vehicle and was on foot. One of the SWAT officers observed Decedent’s vehicle in a parking lot and as Officer Gonzalez turned into the parking lot he saw the vehicle parked at the end of the lot.

As Officer Gonzalez drove into the parking lot, he was in the east lane behind a SWAT truck and another BearCat which was in the west lane. As they drove, Officer Gonzalez observed Decedent’s vehicle brake lights activate, and it started to reverse. Officer Gonzalez attempted to turn into Decedent’s vehicle to conduct the pinch, when Decedent’s vehicle drove forward and to the south. The other BearCat then struck the suspect vehicle, which stopped it from moving when another SWAT truck pinched it in.

Officer Gonzalez stopped the BearCat he was driving and held his position as the team in the back of his vehicle exited. Officer Gonzalez heard a distract which was deployed and was unaware that a weapon had been fired. When Officer Gonzalez exited the BearCat, the hostage had been removed from the vehicle window and was on the ground. Officer Gonzalez assisted with helping the hostage from the immediate area.

Officer Bertuccini

On November 5, 2022, at approximately 0133 hours, Sergeant Alsup conducted an audio recorded interview with Officer Bertuccini at 6276 Spring Mountain Road.

Officer Bertuccini was advised by a supervisor that SWAT was being requested to help with a hostage situation. He was advised that a homicide had occurred, and the suspect (Decedent) had kidnapped the murder victims’ brother and was now looking for his ex-girlfriend’s boyfriend. Officer Bertuccini and other members of SWAT staged as they were given additional information to formulate a plan.

Officers were given information to include photographs of both the suspect and the hostage. The suspect and hostage were in a white Nissan Armada SUV with dark tinted

windows. While SWAT was staged, Decedent's vehicle went mobile. There was discussion of a vehicle assault with crisis team officers assigned, as well as a plan to have SWAT trucks deployed with both lethal and less lethal officers in case they responded to a location the BearCats could not access due to their size. The additional SWAT vehicles were faster and more maneuverable to conduct a vehicle pinch if needed.

The decision was made to have SWAT go mobile and follow the vehicle surveillance which was being conducted. They had been given information the suspect had parked his vehicle near El Camino and both the suspect and hostage had exited the vehicle. Officer Bertuccini and the rest of the officers stopped on Spring Mountain Road near Jones, short of El Camino, when one of the SWAT officers observed Decedent's vehicle in a parking lot directly north of them. Decedent and Y.H-C. were in the vehicle as SWAT moved into the parking lot.

The decision was made for the trucks to pinch in the vehicle unless it was stationary. The BearCats entered the parking lot with one on the east side and the other on the west and the trucks followed. Decedent's vehicle attempted to flee, and it appeared to Officer Bertuccini that one of the BearCats had made contact with Decedent's vehicle as another vehicle then pinched it in. Officer Bertuccini was toward the back of the stack of vehicles and did not have a clear view.

Officer Bertuccini's team moved forward along with the other teams who had pre-determined assignments. Officer Bertuccini deployed a distract as the rest of the team removed the windows from the suspect vehicle. Officer Bertuccini heard a gunshot and believed Decedent fired, as he heard officers yell to "watch for crossfire." The hostage, Y.H-C, was removed from the vehicle and evacuated to safety. Officer Bertuccini observed Decedent who had blood near his nose and mouth area and an officer grabbed one of Decedent's arms. Officers Bertuccini and Hancock opened the passenger side door and were able to pull Decedent out of the vehicle through this door.

The tactical doctor and tactical medic who were present, were then called up to the scene to render aid.

Officer Wicks

On November 5, 2022, at approximately 0148 hours, Detective Colon conducted an audio recorded interview with Officer Wicks at 6276 Spring Mountain Road.

Officer Wicks was notified that he needed to respond to a hostage situation. Officer Wicks was briefed that the suspect (Decedent) had committed a murder and had kidnapped a person who he was now holding as a hostage. Officers had located and positively identified both the suspect and the hostage who were in a vehicle.

A plan had been formulated for SWAT to conduct a vehicle assault, when Decedent and the hostage went mobile, and a rolling surveillance commenced. SWAT

decided to utilize their heavy trucks (F-350) which is more agile than the BearCat to follow the surveillance.

The surveillance was headed toward an address near Spring Mountain Road and Jones Boulevard that they believed Decedent may go to. SWAT followed the surveillance in anticipation of conducting a vehicle assault.

A SWAT officer observed Decedent's vehicle in a vacant parking lot. Surveillance units broadcast Decedent's vehicle had become occupied. SWAT units moved into the parking lot where Decedent's vehicle was located. As SWAT vehicles moved in the parking lot, Decedent's vehicle taillights activated, and the vehicle began to reverse. The SWAT vehicles moved toward Decedent's vehicle to keep it in the parking lot and not allow Decedent with the hostage to become mobile.

Officer Wicks had been given the assignment to approach the driver's side window of Decedent's vehicle with a shield. Due to his assignment, he was located in the back seat of the F-350 and did not have a clear view of the Nissan Armada as they drove into the parking lot. Officer Wicks did not see what occurred, but he observed a BearCat on the side of the Armada and one behind the Armada, as the Armada rolled backward. The F-350 in front of Officer Wicks' vehicle drove toward and made contact with the driver's side of the Armada.

When Officer Wicks' vehicle came to a stop, he exited and immediately moved toward the Armada with the shield. Officer Wicks heard a distract deployed as he moved to the driver's side of Decedent's vehicle and other officers broke the windows. Officer Wicks observed the hostage safely removed from the passenger side of the vehicle. He was able to observe the suspect in the front seat who was not making any movements. Upon further inspection, Officer Wicks was able to see blood on Decedent.

Decedent was eventually removed from the vehicle from the passenger side of the vehicle.

Officer Latham

On November 5, 2022, at approximately 0157 hours, Sergeant Alsup conducted an audio recorded interview with Officer Latham at 6276 Spring Mountain Road.

Officer Latham was briefed by his supervisor of a homicide which had occurred, that resulted in a kidnapping hostage situation. The suspect (Decedent) was mobile, armed with firearms and had a hostage. Officer Latham responded to the SWAT hangar where he picked up a BearCat and responded to the downtown area to meet with the rest of the SWAT officers.

SWAT made a determination to use their SWAT trucks to follow the mobile surveillance, rather than the BearCats and Officer Latham drove a F-350. As they were in the area of Spring Mountain Road and Jones Boulevard, Decedent's vehicle was

parked in a parking lot. Decedent and hostage Y.H-C. were in the vehicle and the SWAT trucks rolled into the parking lot, knowing that the suspect had already killed somebody, had a hostage and was threatening to kill other people.

One of the BearCats attempted to pinch the suspect vehicle, which caused it to spin around. Officer Latham was driving one of the SWAT F-350's. He used his vehicle to pinch the driver's door of Decedent's vehicle, in anticipation of the BearCats pinching the front and back of Decedent's vehicle for a linear assault to save the hostage and get Decedent.

Officer Latham and the officers in his vehicle immediately exited the truck. Officer Latham was hands free and observed Officers Dixon and Ferrin at the front of the truck when he heard a distract followed by a gunshot. Officer Latham did not know who fired and was unsure if the suspect, who he knew was armed, or a SWAT officer fired.

SWAT officers moved to the passenger side of the vehicle and removed the hostage from the vehicle.

Detective Jackson

On November 6, 2022, at approximately 1302 hours, Detective Valenzuela conducted an audio recorded interview with Officer Jackson at Eastern Avenue and St. Rose Parkway, Las Vegas 89183.

Detective Jackson worked out of the Major Violators Section and was called in to work to conduct follow-up on a homicide investigation. Detective Jackson responded to Downtown Area Command where he was briefed with details of the homicide. Detective Jackson and some of his partners then responded to the area of 110 S. Bruce Street to conduct surveillance. Detective Jackson learned that the suspect, Decedent, had also kidnapped a hostage and later learned that there might be a white Nissan Armada involved. Jackson also learned that the suspect had made threats to his ex-wife and that he was armed with two unknown type handguns.

Detective Jackson and his team located an unregistered white Nissan Armada in an alley behind the 7-Eleven located near 110 S. Bruce Street. Detective Jackson observed an unknown male exit the driver's seat of the Nissan Armada. The male walked to the rear of the vehicle and opened and closed the rear passenger door. The male then walked back and got into the driver's seat where one of Detective Jackson's partners was able to identify him as the homicide suspect. Detectives also observed a second male sitting in the front passenger seat of the Nissan Armada.

At approximately 1945 hours the Nissan Armada began driving southbound on Bruce. Detective Jackson and his partners began rolling surveillance where they followed the Nissan Armada. Detective Jackson was able to see the front passenger and confirmed it was the

kidnapped victim. LVMPD's Air Unit arrived in the area and took over the surveillance of the Nissan Armada.

Detective Jackson learned that the suspect drove the Nissan Armada to the area of 6276 Spring Mountain Road. SWAT vehicles arrived in the parking lot where the Nissan Armada was located. The officer involved shooting took place in the parking lot, but Detective Jackson was not on property when it occurred and never observed any portion of the OIS.

Civilian Victim

Y.H-C

On November 4, 2022, at approximately 0015 hours, Detective Mogg conducted an audio recorded interview with Y.H-C. at LVMPD Headquarters, Homicide Office. Also present for the interview was Detective Gilbert and Spanish Interpreter Officer Alvarado, P# 17644.

Y.H-C. had been in the United States for approximately 15 days and, during that time, he was living with his wife, D.R., his sister, Y.H., his niece (Y.H.'s daughter), Yx.H., and Y.H.'s boyfriend, J.G., in Yx.H.'s house at 3423 El Camino Road in Las Vegas. Y.H-C. knew Decedent for several years, and the last time he saw Decedent prior to November 04, 2022, was 8 to 10 years ago in Cuba. Y.H-C. described Decedent as a manipulator and someone who always had to have it his way. Y.H-C. stated Decedent even tried to control his life while he was living and studying in Cuba. While in Cuba, Y.H-C. was contacted by Decedent who told him his wife (Y.H.) was cheating on him with other men, but Y.H-C. knew that was not true. When Y.H-C. moved to Las Vegas, he was told by his sister, Y.H., that she divorced Decedent because he was so controlling and even tried to control the life and actions of his adult daughter, Yx.H., who also lived in Las Vegas.

Y.H-C. was aware Y.H. had a protective order against Decedent, and that he was not allowed to come near Y.H.'s house because of a burglary that happened prior to his arrival in the United States. Y.H-C. told detectives that Decedent had property at Y.H.'s house on El Camino Road and in an RV parked at the house, but he was not allowed to come over without the police.

Y.H-C. stated Y.H. owned a house on Kipling Street but was in the process of selling the house after getting divorced from Decedent and moving in with her daughter, Yx.H., on El Camino Road.

Y.H-C. said Decedent wanted to get back together with Y.H., but she didn't want to, and that's why she moved in with her daughter. Y.H-C. said Decedent threatened, followed, and stalked Y.H., which is part of the reason Y.H. had a protective order. Y.H-C. told detectives Y.H. used to live in Miami with Decedent, but they had relationship problems, so Y.H. broke up with him and moved to Las Vegas to get away from him, but he ended up following her to Las Vegas.

On November 3, 2022, Y.H-C. received a "What's App" message from Decedent in which Decedent wrote, "...I wasn't a bad person...thank you". Y.H-C. didn't read the entire message, and Decedent deleted it shortly after Y.H-C. received it. Y.H-C. also believed Decedent put something in the "What's App" message about his sister and niece not calling him to pick up his belongings. After receiving the message, Y.H-C. told Y.H., who then told him, the police had contacted her to say Decedent was out of jail. Y.H-C. stated, except for the "What's App" message, he did not have any contact with Decedent between arriving in the United States and November 4, 2022, when J.G. was killed at the house on Kipling Street.

Y.H-C. told detectives that smoke detectors, alarms, and some other minor repairs needed to be done to Y.H.'s house on Kipling Street before it could be sold, so he and J.G. were going to do the work on November 4, 2022.

On November 4, 2022, at approximately 1000 hours, Y.H. drove Y.H-C. and J.G. to a nail salon on Jones Boulevard near Charleston Boulevard in her white Lexus SUV. After arriving at the nail salon, Y.H-C. and J.G. dropped Y.H. off to work, then the two of them drove to Y.H.'s house at 237 Kipling Street to complete the repairs on the house.

Y.H-C. was aware Y.H. had a gun, but he did not know there was one in the Lexus. They drove to Kipling Street, and he did not see J.G. with a gun.

After arriving at the house on Kipling Street, Y.H-C. and J.G. installed smoke detectors in the house and alarms on the doors leading into the backyard. Y.H-C. stated no one else was at the house when they arrived or while they were working. After installing the smoke detectors and alarms, they realized a latch on one of the sliding glass doors was broken so they drove to Home Depot and picked up the part to repair the door.

Y.H-C. stated they were working on the sliding glass door in the patio on the west side of the house when his attention was drawn to the side yard on the south side of the house. Y.H-C. saw Decedent approaching the sliding glass door on the south side of the house holding a pistol in his right hand near his torso. After seeing Decedent, Y.H-C. ran into the bathroom, closed the doors, and called Y.H. Y.H-C. wanted to go into the garage and out to the street, but he wasn't familiar with the house and ended up in the bathroom. While Y.H-C. was on the phone with Y.H., he heard several gunshots and told Y.H. about the shots. Y.H-C. immediately put his phone into his pocket because he didn't want Decedent to hear him. While in the bathroom, Y.H-C. heard Decedent calling out, "Yo, where are you?" after which Decedent opened the bathroom door, put his pistol to the side of Y.H-C.'s head, punched Y.H-C. in the chest, and took his cell phone away from him.

Decedent told Y.H-C. that he "killed the other guy and he was dead", then he told Y.H-C. to follow him to the car or he would kill him. As Y.H-C. walked to Decedent's white Nissan Armada he asked Decedent, "Why did you do this, why?" Y.H-C. said he asked Decedent that because he never saw J.G. again. Y.H-C. said he looked around for any neighbors that might be outside so they would see what was going on, but no one was

outside. Y.H-C. described Decedent as being armed with a gun all the time. While walking to the Nissan, Decedent told Y.H-C. he believed "Oni" was trying to get Y.H. to sell the house on Kipling Street so "Oni" could make the commission on the sale. Decedent also told Y.H-C. that he wanted to take J.G. to "Oni's" house because "Oni" was the one who introduced Y.H. to J.G., and he wanted to cut J.G.'s penis off and make Y.H. eat it.

When they reached the Nissan, Decedent used a white zip tie to tie Y.H-C.'s hands behind his back after which he put Y.H-C. in the front passenger seat. Y.H-C. said he got into the Nissan because Decedent had a gun, and he was afraid of what would happen if he didn't. Y.H-C. described the zip tie as being very long to the point that Decedent had to cut it.

After placing Y.H-C. in the front passenger seat, Decedent got into the driver's seat of the Nissan and used a hammer to smash Y.H-C.'s cell phone. Y.H-C. said Decedent threw the broken cell phone out of the passenger window after they drove away from Kipling Street.

Y.H-C. stated Decedent began talking "crazy", repeating things, and saying J.G. was with Y.H. and having sex with her, that he's been in jail suffering, and that Y.H. and Yx.H. were the guilty ones, and he was hurt. Y.H-C. said Decedent began driving around in circles not really knowing where he was going. Y.H-C. described Decedent as driving with his right hand on the steering wheel and his left hand on the pistol which he was holding between the driver's seat and the driver's door. During their drive, Decedent showed Y.H-C. an envelope containing documents related to Decedent's criminal charges.

Decedent drove to a market where he bought some chicken, apples, and water. Y.H-C. didn't remember where the market was, however, he said Decedent left him in the Nissan with his hands still zip-tied behind his back. When Decedent returned to the Nissan, he offered Y.H-C. food, but Y.H-C. only wanted an apple. Y.H-C. stated Decedent was going to remove the zip tie from his hands so he could eat, and as Decedent reached down to cut the zip tie he saw the zip-tie was loose and thanked Y.H-C. for not attacking him while they were driving.

Y.H-C. told detectives he saw an opportunity to escape the truck, but he didn't know how to unlock and open the door without attracting Decedent's attention and thought if he opened the door Decedent could reach him before he got out. Y.H-C. said he was afraid to do anything because Decedent told him he would kill him, and because Decedent always kept one hand on the side of the driver's seat where his gun was located.

After getting food, Y.H-C. stated they then drove around some more before going to a store to buy some cellphone SIM cards. Y.H-C. said he went into the store with Decedent. Y.H-C. stated Decedent drove to another store and then exchanged the SIM card in his phone with one that he bought. Decedent told Y.H-C. that he switched his SIM card because the police could try to find him.

After leaving the store, Y.H-C. stated they drove to a parking lot where Decedent called Y.H. During the first call between Decedent and Y.H., Y.H-C. overheard Decedent say, "I had to kill that faggot" and "did they take the body out yet?" Y.H-C. also heard Decedent talking to Y.H. about a lot of blood. While sitting in the parking lot, Y.H-C. tried to signal a person who was walking near the truck by placing his hand against his ear as if holding a phone and blinking at the person. Y.H-C. thought about trying to get out of the truck, but the door was locked, and he was afraid if he tried to open the door Decedent would do something to him.

After people walked past the truck in the parking lot, Decedent moved to a different location in the parking lot and called another person. Y.H-C. said Decedent asked the other person for money because he wanted to go to Mexico and then Cuba. Y.H-C. was told by Decedent that he didn't want to hurt him because he was his passport and he wanted Y.H. to go to Mexico with him so they could be a couple again. Y.H-C. said it appeared Decedent was trying to negotiate with Y.H. in exchange for him.

Y.H-C. said he didn't ask Decedent to let him go because Decedent kept telling him he was his passport, and he didn't know what would happen if Decedent didn't get what he wanted.

Y.H-C. described driving around Las Vegas while Decedent was on the phone with Y.H. and, as they drove around, he looked up at the traffic cameras so the police could see his face if they were looking for him. Y.H-C. also said every time Decedent talked to Y.H. he became more agitated. Y.H-C. said during one of the last calls between him and Y.H., either Decedent or Y.H. talked about meeting at the house on El Camino Road because it would be safer to meet there.

After the last call, Y.H-C. said Decedent drove past Y.H.'s house on El Camino Road and then turned into some buildings (6256 Spring Mountain Road) where he could see the house on El Camino Road. When they parked, Decedent told Y.H-C. that he had been sitting in the parking lot at 6256 Spring Mountain Road watching Y.H.'s house for three days. Decedent told Y.H. that he saw Y.H-C., Yx.H., and Yx.H.'s boyfriend go into the house on 11/03/2022. While in the parking lot, Y.H-C. told Decedent that he had to use the bathroom so the two of them got out of the truck. Y.H-C. said he saw a camera by the front door of one of the buildings and, as he looked up at the camera, Decedent told him that he saw a drone and they needed to go back to the truck.

Once inside the truck, Y.H-C. saw several vehicles approaching the parking lot as Decedent began to accelerate. Y.H-C. stated as Decedent drove away, there was an impact on the passenger side where he was seated, then a second impact on the driver's side of the truck. When the impacts occurred, Y.H-C. reached for Decedent's hands to keep him from reaching for the pistols in the driver's door. Y.H-C. thought he could take the gun from Decedent because he didn't know what Decedent would do to him.

Immediately after the impacts, Y.H-C. heard gunshots as police officers pulled him out of the passenger door window. Y.H-C. was aware Decedent had been shot, and when he was asked if he thought the police could have done anything else he replied, "I don't think so". Y.H-C. was asked, "What do you think would have happened if the police wouldn't have stopped him in that parking lot?" and he replied, "probably kill me". Y.H-C. also stated he was here because of what the police did; they saved his life.

AUTOPSY

On November 5, 2022, at approximately 1015 hours, under CCOCME case 22-6606, an autopsy was performed on the body of Decedent at the CCOCME by Doctor Greg Hess.

The following wounds/injuries were noted on Decedent:

- 1) Gunshot wound and/or shrapnel defect of the left cheek
- 2) Gunshot wound and/or shrapnel defect of the left chin
- 3) Gunshot wound of the left neck
- 4) Shrapnel defect of the left chest
- 5) Blunt force injuries, head

Upon the completion of toxicology testing, the following results were noted:

Examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance.

On January 4, 2023, the CCOCME provided FIT with completed reports reference their investigation of the death of Decedent. After a thorough review of facts and circumstances and a complete autopsy, Doctor Hess opined Decedent's cause of death was multiple gunshot wounds. 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, the use of deadly force is permitted to effect an arrest. NRS 171.1455. Moreover, 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 Decedent could be justifiable under all three theories: (1) the use of deadly force to effect arrest; (2) the killing of a human being in defense of others; and (3) justifiable homicide by a public officer. All three theories will be discussed below.

A. The Use of Deadly Force to Effect Arrest

Nevada Revised Statute 171.1455(2) states: A peace officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person: (a) Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or (b) Poses an imminent threat of serious bodily harm or death to the peace officer or to others.

Here, LVMPD attempted to surround Decedent's vehicle to keep the scene static and safe as possible. Decedent attempted to flee the scene while armed and with a hostage, causing LVMPD to resort to colliding into his vehicle to prevent Decedent from escaping with a hostage and evade arrest for murder. LVMPD SWAT officers, including Officer Ferrin, had been previously briefed on the fact that Decedent had just committed a murder hours ago, had taken a hostage and was armed with a firearm.

BWC footage captured Officer Ferrin stating that he saw Decedent moving towards the hostage and believed that Decedent was attacking the hostage and that he shot Decedent in defense of others. Officer Ferrin's walkthrough also provided a similar explanation in that, although his view was partially obscured due to the sun visor in the vehicle, he saw a furtive movement made by Decedent which prompted him to fire his weapon. Other officers similarly shared Officer Ferrin's concern that Decedent's movement within the vehicle could result in harm to the hostage.

For instance, Sergeant Clarkson stated that, as he approached Decedent's vehicle, he observed Decedent raise his hands as a "shocked response," then saw Decedent immediately look down as if searching for something. Based upon Sergeant Clarkson's training and experience, and upon the information he knew of Decedent from the SWAT briefing, he believed Decedent to be looking for a gun. Despite being positioned at a different vantage point, Sergeant Clarkson also believed Decedent was about to go for an item when the SWAT distract deployed and the gunshot was fired.

Additionally, Officer Dixon, who approached the driver's side front quarter panel of the Nissan and was closest to Officer Ferrin also believed Decedent posed a danger to the hostage. Like Officer Ferrin, Officer Dixon also noted that stated his view was partially obscured by the sun visor. Officer Dixon stated that he thought as they approached that Decedent was trying to grab the hostage, which prompted Officer Dixon to yell, "Hands!" Immediately thereafter, Officer Dixon then heard a SWAT distract followed by a single gunshot.

Given that Decedent had recently committed murder, was armed with a firearm, had kidnapped a hostage, and was in the process of evading arrest by fleeing the business complex, Officer Ferrin was permitted to fire his weapon in this dynamic situation because he had probable cause to believe that Decedent had "committed a felony which involve[d] the infliction or threat of serious bodily harm or the use of deadly force," specifically murder, and "pose[d] an imminent threat of serious bodily harm or death to

another..." specifically his hostage. NRS 171.1455. Accordingly, Officer Ferrin use of force to effect arrest under NRS 171.1455 was permissible.

B. 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. "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 ..." against the person or other person.¹ 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 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 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.

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 Officer Ferrin 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.

The known facts and circumstances surrounding this incident indicate that Decedent posed an imminent danger to the hostage in the car with him. Officers were drawn to the scene initially to respond to an active kidnapping situation where the hostage taker had already committed a homicide earlier in the day. LVMPD knew that Decedent was armed and dangerous. Decedent had attempted to flee the oncoming SWAT vehicles which then required SWAT to initiate a vehicle take down. According to Sergeant Clarkson, Decedent appeared to look down and toward something, which Sergeant Clarkson believed could be a gun, knowing the suspect was armed and had already killed somebody. Sergeant Clarkson believed the suspect was about to go for an item when he heard a distract which was deployed and a gunshot. Officer Dixon stated that Decedent had his hands up in the direction of the hostage and he believed Decedent was trying to grab the Hostage.

Given the fact that Decedent had committed a homicide hours before the OIS, actively had a hostage in the car with him, and was armed and dangerous, Officer Ferrin reasonably believed that Decedent posed a threat to the safety to the hostage. Several other officers indicated that they believed Decedent was attempting to harm the hostage as well. Accordingly, Officer Ferrin fired his weapon in an effort to stop the threat posed by Decedent and to ensure the safety of the hostage and/or fellow officers.

Thus, the totality of the evidence illustrates that Officer Ferrin was reasonable in believing that Decedent would cause great bodily harm or death to the hostage inside the car. In light of Decedent's commission of murder just hours before, the kidnapping of a hostage for several hours as well as Decedent's efforts to evade arrest by driving away from SWAT vehicles, Officer Ferrin and his fellow officers were confronted with the appearance of imminent danger and Officer Ferrin had an honest belief and fear that either the hostage or the officers present were about to be killed or suffer great bodily injury at the hands of Decedent. The evidence further illustrates that Officer Ferrin acted reasonably in reaction to

the apparent and actual danger posed by the situation and Decedent. Officer Ferrin reasonably acted in the defense of others. Consequently, the shooting of Decedent was the justifiable defense of a third person.

C. 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).

In this case, the known evidence illustrates that Officer Ferrin had probable cause to believe that Decedent posed a serious threat of serious physical harm to the hostage, himself and/or his fellow officers. Prior to firing his weapon, Officer Ferrin was aware that Decedent had committed a homicide hours before, Decedent had committed a kidnapping and actively had the hostage in the car with him, and Decedent intended on trading the hostage for another hostage, Decedent’s ex-wife. Furthermore, Decedent’s attempt to flee police demonstrated that he was unwilling to comply with law enforcement even when faced with potentially deadly force. Given these facts, Officer Ferrin had reasonable belief that Decedent could cause serious physical harm to the hostage and/or the officers at the scene. Thus, the use of deadly force by Officer Ferrin was legally justified and appropriate under NRS 200.140(2).

CONCLUSION

Based on the review of the available material and application of Nevada Law to the known facts and circumstances, we conclude that the actions of Officer Ferrin 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 charge will be forthcoming against Officer Ferrin.