



REPORT ON USE OF FORCE

Legal Analysis Surrounding the Death of Jarrett Varnado on November 6, 2017

Introduction

The Clark County District Attorney's Office has completed its review of the November 6, 2017, death of Jarrett Varnado (hereinafter "Decedent"). It has been determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the actions of Officers Hancock and Hoskins were not criminal in nature. This review is based upon all the evidence currently available.

This report explains why criminal charges will not be forthcoming against Officers Hancock and Hoskins. 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 July 10, 2018.

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

Overview

On November 6, 2017, police were called to 7383 Newcrest Circle reference a male lying face down in the front yard and not moving. Officers observed a blood trail leading from the male to the front door of the residence. Blood was coming from the head of the body. Officers entered 7383 Newcrest and located a second apparently deceased male. Medical personnel responded to the scene and confirmed both males were deceased. Patrol units secured the scene and requested Homicide detectives respond to conduct the investigation.

Two neighbors approached the patrol officers at the scene. The neighbors stated a male, identified as Decedent, who lived next door at 7403 Newcrest, recently threatened to kill the owner of 7383 Newcrest and burn down the house. According to the neighbors, the argument occurred approximately one week prior to the discovery of the bodies. Officers attempted to contact Decedent at 7403 Newcrest, but there was no response.

Decedent's mother, sister and brother arrived on scene and were interviewed by Homicide detectives. All three stated Decedent suffered from mental illness and would become very angry and aggressive to the point that Decedent's mother moved out of the 7403 Newcrest residence for her own safety. Investigators also learned that Decedent was in possession of a handgun, which he always carried with him in a shoulder holster. Decedent recently told his mother that the neighbor was the devil and he needed to kill him.

Decedent's family members called several times to speak with him, but Decedent did not answer. At approximately 21:05 hours, Decedent's family requested to enter 7403 Newcrest to check Decedent's welfare. Officers agreed. As they opened the garage door, they observed a silver Chevrolet sedan parked in the garage. The family did not recognize the Chevrolet sedan and immediately reported it to the Homicide detectives.

Homicide detectives determined the vehicle belonged to the owner of 7383 Newcrest. The license plates on the vehicle returned to a black Nissan registered to Jarrett Varnado. The family informed Homicide detectives Decedent no longer owned the Nissan, but still possessed the license plates. Homicide Sergeant Matt Sanford obtained a search warrant for

7403 Newcrest. Due to the severity of the incident, Sergeant Sanford requested LVMPD SWAT serve the warrant.

On November 7, 2017, at approximately 00:20 hours, SWAT arrived at 7403 Newcrest and attempted to make contact with Decedent via the public address (P/A) system. After receiving no response from Decedent, SWAT officers broke out the front facing window, deployed flash bangs in the front and side yards, and utilized a wrench and ram to breach the front door of 7403 Newcrest. After breaching the front door and window, SWAT officers determined the safest way to enter 7403 Newcrest would be through the garage door.

SWAT officers deployed a small robot equipped with a live feed camera into the house by way of the door leading into the house from the garage. SWAT officers, along with an LVMPD K-9 dog, spent approximately one hour clearing the first floor of the house. As the SWAT officers cleared the first floor, they announced their presence several times.

After concluding there were no persons on the first floor of the house, SWAT officers threw the robot up to the second floor. They utilized the robot and K-9 dog to clear the entire second floor with the exception of one room. The door to the room in question was closed. While on the second floor, SWAT officers continued announcing their presence and issuing verbal commands, and again there was no response.

SWAT officers determined they would gain entry into the room by utilizing an explosive breach. Officer Gonzales attached the explosives to the closed door as Officer Hoskins provided cover with a ballistic shield. The SWAT team, to include Officers Hancock and Hoskins, retreated to the master bedroom, which was the room farthest away from the closed door.

After entering the master bedroom, Officer Hancock detonated the explosive breach. The breach was successful and the SWAT officers moved the robot into the room, however, the robot got stuck under a bed. Officers sent a K-9 dog into the room to check for a person; however, the dog did not return. Officers decided to send the team of SWAT officers into the room.

Officer Hoskins was in the first position with the ballistic shield; Officer Hancock was the second officer. Several SWAT officers followed. As the officers approached the opening to the room, they observed Decedent lying on the ground on top of the K-9 dog. Officers Hoskins and Hancock made entry into the room and went hands-on with Decedent.

As Officers Hoskins and Hancock grabbed Decedent, Decedent released the K-9 dog and pointed a firearm at Sergeant Bitsko and Officer Germosen. Upon seeing Decedent pointing a gun at officers, Officer Hoskins fired one round from his handgun into Decedent's head. After Officer Hoskins fired one round, Officer Hancock fired one round from his handgun into Decedent's right leg.

After both officers fired, Decedent's weapon was removed from his right hand. The gun Decedent pointed at Sergeant Bitsko and Officer Germosen was a replica Walther PPK, .177/4.5 mm BB gun.

SWAT officers removed Decedent from the room so he could receive medical treatment. Medical personnel arrived on scene and transported Decedent to UMC Trauma Center where he later died.

Due to the fact two officers intentionally discharged their firearms, Metro's Firearms Investigation Team ("FIT") was notified and responded to the scene. Upon FIT's arrival, investigators determined that Homicide detectives would handle the double murder investigation and FIT detectives would handle the officer-involved shooting investigation.

I. BODY WORN CAMERAS (BWC)

Several officers on the incident activated their respective body worn cameras (BWCs). Officers Hancock and Hoskins' BWCs captured the most detailed footage of Decedent's actions, as well as the officer-involved shooting. Below is a brief description of what was captured by Officers Hancock's and Hoskins' respective BWCs.

Note: All times listed below are approximate and represent how many minutes/seconds into the video the event occurred, not the actual time of day.

Officer Levi Hancock

Officer Hancock's BWC was activated for approximately 2 hours and 8 seconds.

- 00:00:02 Officer Hancock activated his BWC in the parking lot of the briefing.
- 00:01:15 The SWAT team leaves for 7403 Newcrest Circle. Officer Hancock is riding on the outside of a BearCat.
- 00:06:50 Officer Hancock and the SWAT team arrive at 7403 Newcrest.
- 00:10:03 SWAT officers use the P/A system from the BearCat to announce their presence and their intent to serve a search warrant.
- 00:13:13 Flash bangs are deployed at 7403 Newcrest while using the P/A to order Decedent to exit the residence.
- 00:16:40 A second round of flash bangs are deployed and officers continue to use the P/A system to order Decedent to exit the residence.
- 00:20:30 A K-9 dog is sent into the garage to clear it.
- 00:22:19 Officer Hancock enters the garage to assist in clearing the garage.
- 00:36:00 Officer Hancock places an explosive breaching device on the front facing living room window of the residence.
- 00:39:24 Officer Hancock detonates the explosive breach on the front living room window to allow SWAT officers to look inside the residence.
- 00:41:25 Officer Hancock approaches the front window and visually clears some of the first floor of the residence. The robot is thrown through the broken window into the residence.
- 00:48:30 A cable winch is placed on the metal cage attached to the front door.
- 00:50:02 The metal security door is breached with the winch.

- 00:50:42 The front door is breached with a ram.
- 1:02:00 SWAT officers use a ram to open the door between the garage and laundry room.
- 1:04:08 SWAT officers give verbal announcements into the house stating their intent to release the K-9 dog.
- 1:05:50 Officer Hancock and other SWAT officers enter the residence and begin clearing the first floor of the residence.
- 1:29:50 Officer Hancock and the other SWAT officers exit the residence through the garage.
- 1:35:45 Officer Hancock and the other SWAT officers reenter the residence through the front door and move to the second floor of the residence.
- 1:50:30 Officers Hoskins and Gonzalez place explosive breach strips on the closed door leading to Decedent's room.
- 1:54:05 Officer Hancock detonates the explosive breach on Decedent's door.
- 1:55:19 The K-9 dog is deployed into Decedent's bedroom. The dog stays in the room.
- 1:56:22 Officer Hancock arrives at Decedent's room.
- 1:56:55 Officer Hancock enters Decedent's room behind Officer Hoskins. Officer Hancock locates Decedent on the ground and grabs him from behind to take him into custody. Officer Hancock observes Decedent pointing a handgun at the other officers in the room.
- 1:57:06 A gunshot is heard (Officer Hoskins' round). Officer Hancock deploys his handgun.
- 1:57:10 Officer Hancock fires one round from his handgun into Decedent's leg.
- 1:57:21 Officer Hancock orders another SWAT officer to remove Decedent's gun from Decedent's hand.
- 1:58:00 Decedent is in custody.

Officer Kai Hoskins

Officer Hoskins' camera footage depicted him leaving the SWAT briefing location and arriving at 7403 Newcrest Circle. Officer Hoskins' BWC was activated for approximately 2 hours and 53 seconds.

- 00:00:02 Officer Hoskins activated his BWC in the parking lot of the briefing.
- 00:02:19 The SWAT team leaves for 7403 Newcrest. Officer Hoskins is riding on the outside of a BearCat.
- 00:06:44 Officer Hoskins and the SWAT team arrive at 7403 Newcrest.
- 00:09:50 SWAT officers use the P/A system from the BearCat to announce their presence and their intent to serve a search warrant.
- 00:13:02 Flash bangs are deployed and SWAT officers continue to use the P/A to order Decedent to exit the residence.
- 00:16:23 A second round of flash bangs are deployed, and SWAT officers continue to use the P/A system to order Decedent to exit the residence.
- 00:20:28 A K-9 dog is sent into the garage to clear it.
- 00:22:03 Officer Hoskins enters the garage to clear it with other SWAT officers.
- 1:01:47 Officer Hoskins and his team use a ram to breach the door between the garage and laundry room.
- 1:03:56 SWAT officers give verbal announcements into the first floor of the house stating their intent to release the K-9 dog.
- 1:05:37 Officer Hoskins enters the house from inside the garage holding a ballistic shield.
- 1:31:03 Officer Hoskins and the SWAT officers exit the first floor through the garage.
- 1:36:04 Officer Hoskins, along with other SWAT officers, reenter the first floor of the residence through the front door.

- 1:39:30 Officer Hoskins walks up the stairs to the second floor of the residence and posts at the top of the stairs as the rest of the SWAT officers clear the second floor.
- 1:50:11 Officer Hoskins assists Officer Gonzalez with placing an explosive breach on Decedent's bedroom door.
- 1:53:53 Officer Hancock breaches Decedent's door.
- 1:55:08 SWAT officers send a K-9 dog into Decedent's room.
- 1:56:41 Officer Hoskins enters Decedent's room armed with his shield.
- 1:56:44 Officer Hoskins puts down his shield.
- 1:56:48 Officer Hancock grabs Decedent's back.
- 1:56:53 A SWAT officer yells, "Gun! Gun! Gun!"
- 1:56:55 Officer Hoskins shoots Decedent one time in the head.
- 1:56:59 A second gunshot is heard (Officer Hancock's gunshot).
- 1:57:54 Decedent is taken into custody.

Below are still photographs captured from Officer Hancock's BWC.





II. PUBLIC SAFETY STATEMENTS

Officer Levi Hancock

On November 7, 2017, at approximately 05:01 hours, Detective Blake Penny interviewed Sergeant Pennucci in reference to the Public Safety Statement he obtained from Officer Hancock. Below are the questions and answers provided:

Did you discharge your firearm?

"Yes."

If so, in what direction?

"On top of the suspect, in a sideways direction."

How many shots did you think you fired?

"One shot."

Is anyone injured?

"The suspect."

Are there any outstanding suspects?

"No."

Is it possible the suspect fired rounds at you?

"I heard one other gunshot, thought it was Kai. I don't believe the suspect fired at me."

Do you know if any other officers discharged their firearm?

"Yes."

If so, who are they?

"Kai Hoskins."

Approximately where was, uh, the officer located when they fired?

"All I heard was one shot to my left. It was in close proximity to me."

Are there any weapons or evidence that needs to be secured and/or protected?

"He had a gun in his right hand. It was taken out of his hand and placed on top of some clothing or a speaker box by the door."

Are you aware of any witnesses?

"Yes, uh, Kai Hoskins, Kevin Stephens, and Sergeant Wiggins."

Officer Kai Hoskins

On November 7, 2017, at approximately 05:07 hours, Detective Penny interviewed Sergeant Pennucci in reference to the Public Safety Statement he obtained from Officer Hoskins. Below are the questions and answers provided:

Did you discharge your firearm?

"Yes, sir."

If so, in what direction?

"In a downward angle."

Approximately where were you located when you fired?

"The 1-4 bedroom of the house, near the center of the room, upstairs."

How many shots do you think you fired?

"One."

Is anyone injured?

"Our suspect was injured."

Are there any outstanding suspects?

"No."

Is it possible the suspect fired rounds at you?

"It's possible, but I do not recall him shooting back at us or me."

Do you know if any other officers discharged their firearms?

"I believe Levi discharged his firearm."

Approximately where was the officer(s) located when they fired?

"Levi was over the guy's back. If I could describe it, it would be a bear hug manner from the back."

Are there any weapons or evidence that needs to be secured or protected?

"The suspect had a gun in his right hand."

Where are they located?

"In the room."

Are you aware of any witnesses?

"Yes, sir."

If so, what is their location?

"They are the officers, and they're still on scene."

III. SCENE WALK-THROUGHS

Officer Levi Hancock

Officer Hancock provided a walk-through of the scene. During the walk-through, Officer Hancock relayed the following information:

Officer Hancock was the second officer who entered into the room and immediately jumped over a bed and got on the back of the Decedent. Officer Hancock pulled Decedent up and away from the K-9 dog that was underneath his [Decedent's] body. As Officer Hancock pulled Decedent up, Decedent produced a handgun in his right hand and pointed it at other officers in the room. Officer Hancock was afraid Decedent was going to shoot his partners.

Officer Hancock yelled, "Gun! Gun! Gun!" as he retrieved his handgun. Officer Hancock placed his handgun against Decedent's right side and fired one time.

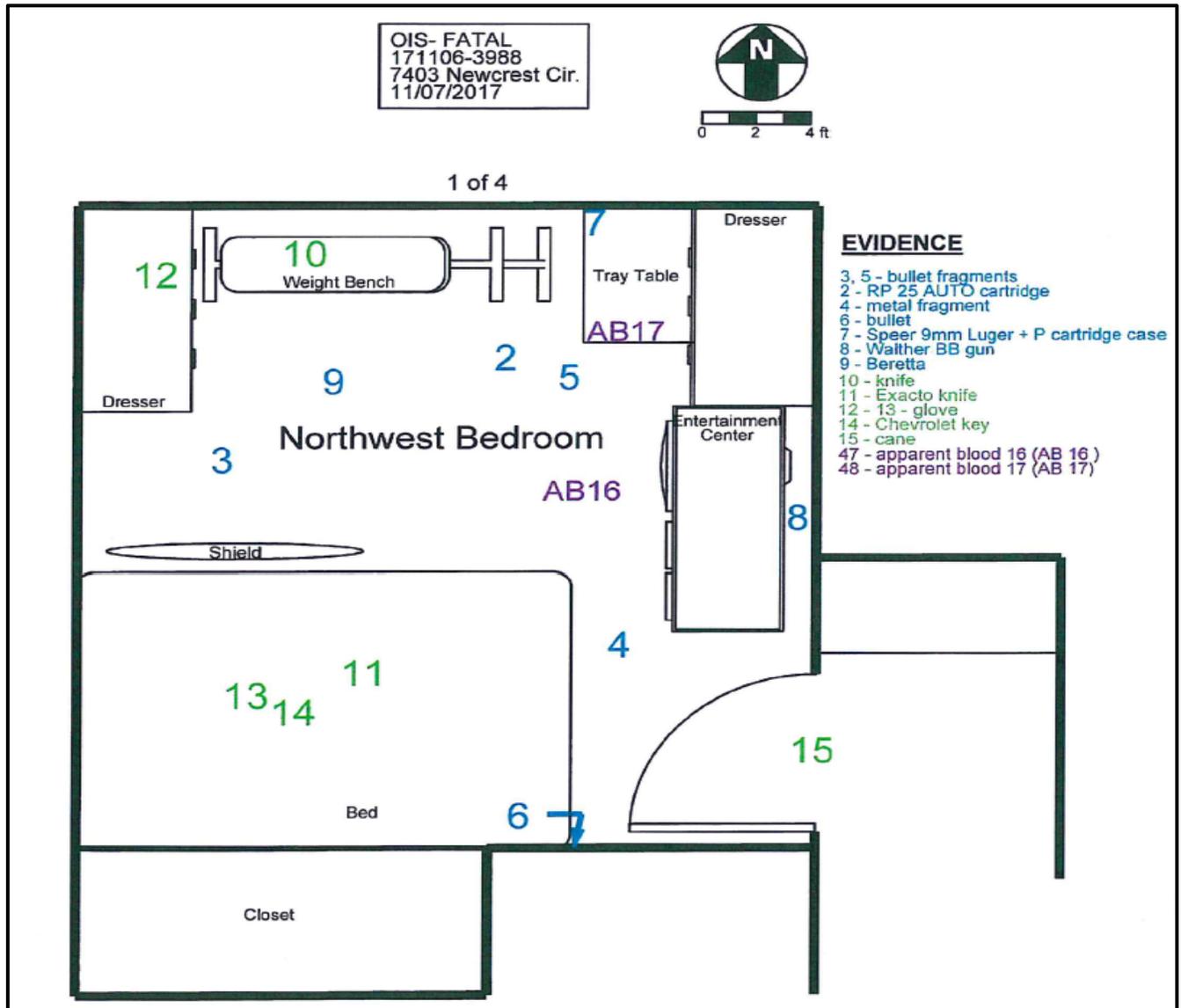
Officer Kai Hoskins

Officer Hoskins provided a walk-through of the scene. During the walk-through, Officer Hoskins relayed the following information:

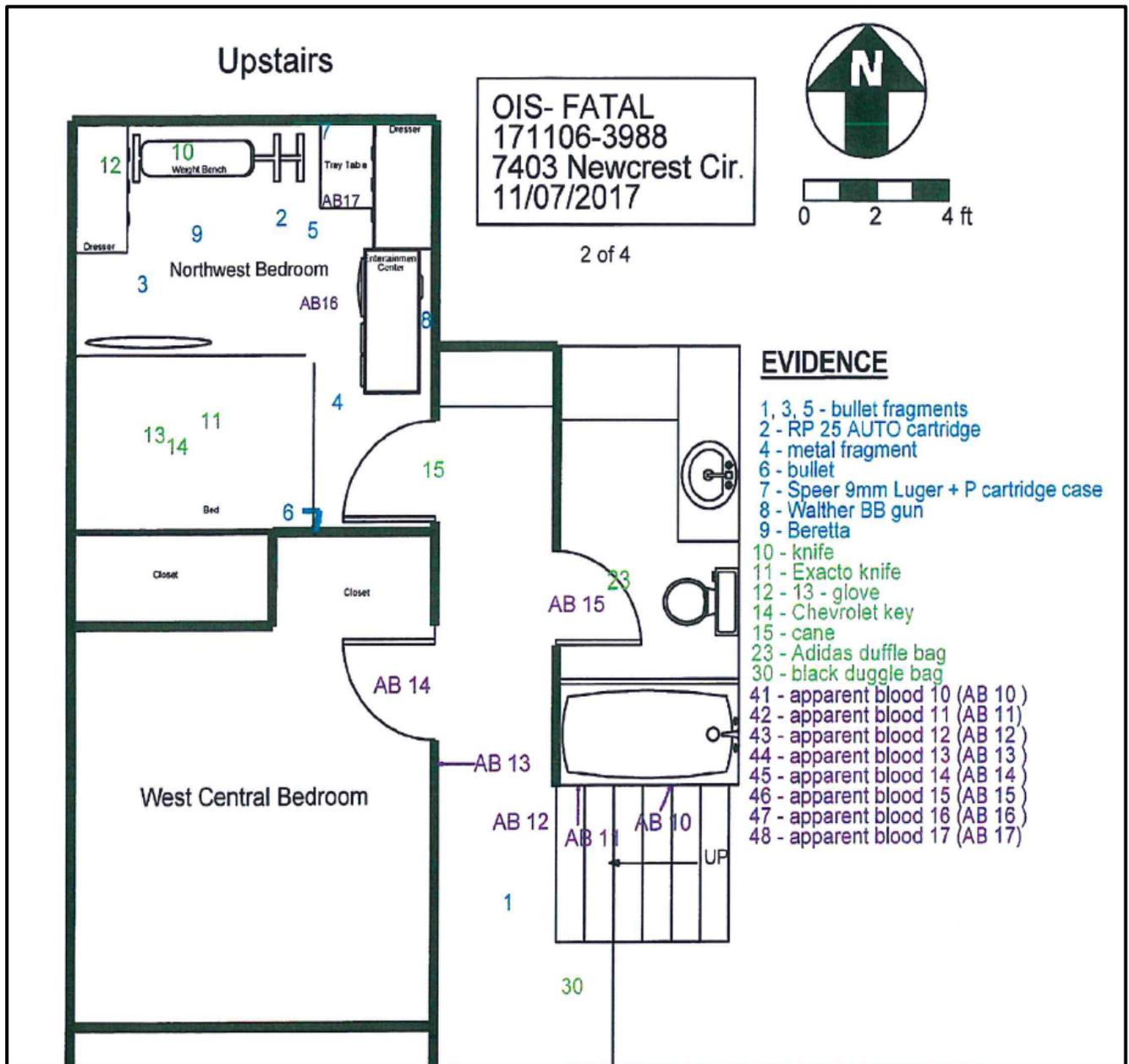
Officer Hoskins was holding the shield and made entry into the bedroom. Officer Hoskins had to step over the bed to get next to the Decedent. When he was in position, Officer Hancock was on Decedent's back. Officer Hoskins observed Decedent with a firearm in his right hand and pointing it at other officers. Officer Hoskins heard who he thought was Officer Hancock yell, "Gun, gun, gun!"

Officer Hoskins felt he and his team members were in danger of being shot. Officer Hoskins leaned over Officer Hancock and placed his handgun close to Decedent's head and fired one round at a downward angle away from his teammates.

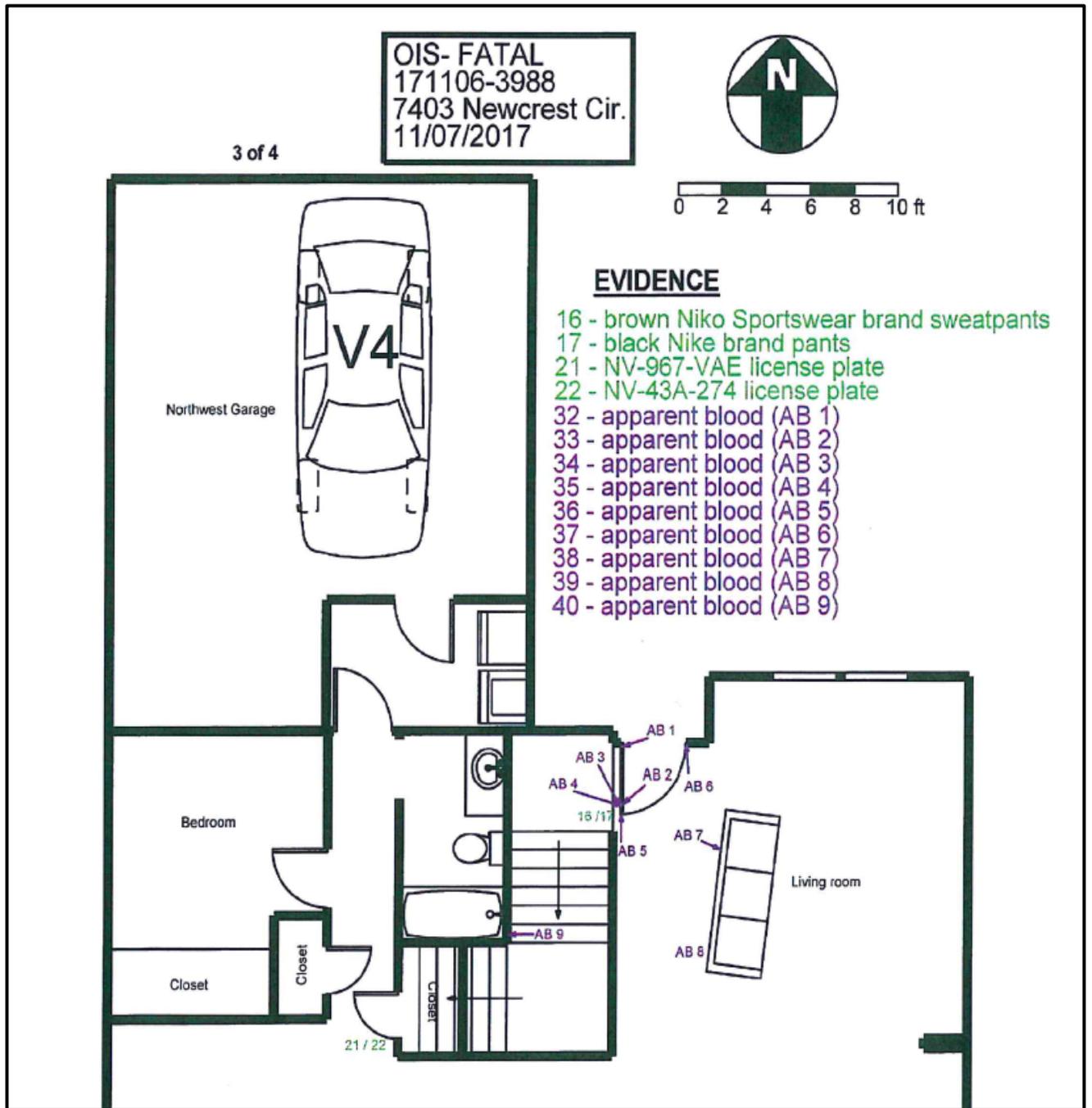
IV. DESCRIPTION OF THE SCENE



Second Floor



First floor and Garage



7403 Newcrest Circle is a two story residence located on the south side of the street in a residential neighborhood. 7383 Newcrest Circle is directly to the east. 7403 Newcrest Circle has a north-south oriented driveway along the west side of the property that leads to the open northwest garage. An L-shaped walkway extends east from the southeast corner of the driveway and led south to the front entry door. The gate at the east end of the property that leads into the backyard was off of the hinges and broken.

The centrally located north facing front entry door had an open black exterior security door that had damage above the handle. The wooden front door had a central window with damage to the frame and damage to the exterior deadbolt lock. There was apparent blood in multiple locations on the interior and exterior of the front door: exterior side near the hinged edge (**AB1 – Item 32**), exterior side between the lock and the deadbolt (**AB2 – Item 33**), interior side of the upper portion of the door (**AB3 – Item 34**), interior side above the deadbolt (**AB4 – Item 35**), leading edge (**AB5 – Item 36**), and the interior damaged frame piece east of the leading edge (**AB6 – Item 37**).

The living room had two windows along the north wall, with the east window shattered. A black SWAT ballistic shield was on the exterior side of the shattered window between the window and a flower box attached to the outside of the window. The room had couches along the east, south, and west sides of the room, with a central coffee table, and a chair in the northwest corner. A decorative statue was knocked over and on the floor south of the windows. There was apparent blood on the back and top of the west couch (**AB7 – Item 38**), and on the floor south of the front entry door (**AB8 – Item 39**).

The family room had a green couch along the south side of the room with several black bags on top to include a Kensington brand messenger bag with an apple logo. The bag contained a bottle of lighter fluid and a can of scotch guard in the main pocket.

The north-south hallway had an overturned ironing board, bags, bedding, and pillows on the floor at the south end. An open hall closet was along the east wall at the south end of the hallway. A silver and black Air Jordan cinch bag and a black bag were among the bags in the hallway. The silver and black cinch bag contained tools, duct tape, and two license plates (NV – 43A 274 [**Item 22**], NV – 967 VAE [**Item 21**]). The black bag contained medical supplies including black nitrile-like gloves.

The north facing door from the laundry room into the northwest garage had damage to the leading edge, the door frame, the exterior side adjacent to the door locks, and the exterior knob was missing. V4 was parked facing south in the garage. There was dust disturbance on the exterior of the vehicle. License plate NV – 967 VAE was in place on the trunk.

West of the front entry door was a single step landing. A pair of brown Nike Sportswear sweatpants with a defect to the upper right leg and bearing apparent blood (**Item 16**) and a pair of black Nike pants with snaps along the sides bearing apparent blood (**Item 17**) were on the east side of the landing. There were a pair of black nitrile-like gloves (**Item 18**), a cut piece of black fabric (consistent with a t-shirt sleeve) bearing apparent blood (**Item 19**), and \$165 (**Item 20**) in the left side pocket of the brown sweatpants.

The second floor ascended south from the landing step to a middle landing, then west to the second floor. There was apparent blood on the baseboard along the south ascending stairs (**AB9 – Item 40**), on the baseboard along the west ascending stairs (**AB10 – Item 41**), and on the north wall of the west ascending stairs (**AB11 – Item 42**).

The stairs to the second floor of the residence contained: a central north-south oriented hallway, a south bedroom, west bedroom, northwest bedroom, and a northeast bathroom. The stairs from the first floor ascended to the central east side of the hallway. There was apparent blood (**AB12 – Item 43**), and brain matter in the hallway just west of the stairs, and a metal fragment south of the pool of apparent blood (**Item 1**). Apparent blood was located on the west wall of the hallway, just south of the entry to the west bedroom (**AB13 – Item 44**). The attic access was in the ceiling of the hallway between the west bedroom and the east bathroom. The ceiling panel for the attic access was on the floor of the entry to the west bedroom and had apparent blood on the interior side (**AB14 – Item 45**).

A black bag was along the east side of the hallway at the south end. The bag contained a black lamp, a plastic container wrapped in aluminum foil, and a glass chess set (**Item 30**). The bag also contained various computer related equipment that included a Dell computer tower (serial # DSFRC81), Canon scanner (serial # KDGA07363), Memorex DVD player, Microsoft keyboard (serial # 7691405143151), cables, and a mouse (**Item 31**).

The east bathroom had a black and white Adidas bag on the floor of the bathroom just inside of the entry, with a card in a business card holder on the outside of the bag with “Decedent 7403 Newcrest Circle Las Vegas, Nevada 89117” written on it, and contained empty Nescafe containers, hats, books, a flashlight, pair of white sandals, charging cables, hard case, and a cardboard box (**Item 23**). The main pocket of the bag also contained a black nitrile-like glove (**Item 24**), jewelry box containing two metal cufflinks with white stones and the letter “J” in the middle (**Item 25**), two watches (**Item 26**), an iPad (serial # DQTG6EECDKPH) bearing apparent blood (**Items 27 and 52**), HP laptop bearing apparent blood (**Items 28 and 53**), and a Sony Blu-Ray player (serial # 1016522) bearing apparent blood (**Items 29 and 54**). There was apparent blood on the floor below the hinge portion of the door to the bathroom (**AB15 – Item 46**).

The northwest bedroom was located at the north end of the hallway with the entry door on the west side of the hallway. There were broken picture frames, a black cane bearing apparent blood (**Items 15 and 51**), and broken glass at the north end of the hallway, east of the entry door to the bedroom. The door to the bedroom was off of the frame. “HOUSE OF LIES” was written in purple marker on the top, exterior (hallway) side of the door frame. “HOW TO GET AWAY WITH MURDER” was written in purple marker on the top, interior (bedroom) side of the door frame.

The bedroom had a closet along the south wall at the west corner, a bed extending east from the west wall, a dresser along the west wall at the north corner, a weight bench along the north wall below the window, a tray table along the north wall east of the window, a dresser along the east wall at the north corner, and a television on an entertainment center along the east wall north of the entry door. The door to the bedroom was on top of the south side of the bed. A black SWAT ballistic shield was leaning on the north side of the bed, and a black SWAT iRobot (serial # 02274) was under the northeast corner of the bed. A director’s chair was near the southeast corner of the west dresser. A green framed mirror was on the west wall with “MR BROOKS THE THUMBPRINT KILLER” written in purple marker. On the top frame of the north window “THE MAN IN THE HIGH CASTLE” was written in purple marker dated 1-16-17, and on the wall below the window “WATCHMEN” was written in purple/pink marker.

A silver colored Exacto-type knife (**Item 11**), a Chevrolet brand flip key remote bearing apparent blood (**Items 14 and 50**), and one black nitrile-like glove (**Item 12**) were on the middle of the bed. One black nitrile-like glove (**Item 13**) was on top on the dresser in the northwest corner of the room. A green and gold handled folding knife (**Item 10**) was on top of the weight bench. An open break action Beretta 950 BS 25 caliber (serial # BR26538V) (**Item 9**) with a magazine containing four “RP 25 Auto” cartridges (**Items 9a and 9b**) in the magazine well was on the floor between the bed and the weight bench. An “RP 25 Auto” cartridge (**Item 2**) was on the floor east of the Beretta. One “Speer 9mm Luger +P” cartridge case (**Item 7**) was on top of the north end of the tray table. An unloaded Walther PPK/S BB gun (**Item 8**) bearing apparent blood (**Item 49**) with an empty magazine (**Item 8a**) was on the floor between the entertainment center and the east wall.

There was one bullet fragment on the floor adjacent to the director’s chair (**Item 3**), one metal fragment on the floor east of the bed (**Item 4**), and one bullet fragment on the floor south of the tray table (**Item 5**). One bullet (**Item 6**) was located in the pocket of a blue robe hanging on the south wall, at the east end of the bed. There was apparent blood on the floor between the bed and the tray table (**AB16 – Item 47**) and on top of the tray table (**AB17 – Item 48**).

V. THIRD PARTY PHOTOGRAPHIC EVIDENCE

Jarrett Varnado’s Samsung Digital Camera

On November 9, 2017, Detective Jessica Flink, who is assigned to the LVMPD Computer Forensics Lab, conducted a forensic examination of the Samsung digital camera recovered from Decedent’s holster. The SIM card located inside of the camera contained a couple hundred photographs. The last three photos on the SIM card were of the two homicide victims from 7383 Newcrest Circle.

The date and time stamps on the photos were determined to be 1 hour and 18 minutes faster than real time.

V. INTERVIEWS

Officer Kai Hoskins

On November 9, 2017, at approximately 09:45 hours, Detective Joseph Patton conducted an audio recorded interview with Officer Hoskins at LVMPD headquarters.

On November 6, 2017, Officer Kai Hoskins was completing his regular shift when he was informed by his sergeant there was a chance his team would be responding to the area of Newcrest Circle to serve a search warrant for the LVMPD Homicide unit. Officer Hoskins was on his way home when he was told to respond to assist in the warrant service. Officer Hoskins responded to the area of New Forrest Drive and Spring Valley Parkway for the tactical briefing.

Prior to serving the search warrant, Homicide detectives conducted an informational briefing with SWAT. Officer Hoskins learned a double murder occurred at 7383 Newcrest Circle and a possible suspect [Decedent] was potentially inside the house located next door at 7403 Newcrest. SWAT officers were advised Decedent was known to be armed, and also suffered from mental health issues.

After the briefing, SWAT officers geared up and responded to 7403 Newcrest. SWAT utilized two armored vehicles for the front and side of 7403 Newcrest and surrounded the residence by placing SWAT officers in the back of the residence. SWAT officers used a P/A system located on one of the armored vehicles to announce their presence and their intent on serving a search warrant for the residence. SWAT officers ordered Decedent to exit the residence numerous times. SWAT officers utilized a 25mm and a 40mm flash bang to induce a response from Decedent, but did not receive any type of response from him. SWAT officers eventually entered 7403 Newcrest and conducted a slow and methodical sweep of the house utilizing a robot with a live feed camera, and a K-9 dog.

Officer Hoskins was assigned to utilize a ballistic shield and cover SWAT officers as they moved through the house. SWAT officers cleared the entire house with the exception of one upstairs bedroom located in the front/right corner of the house. SWAT officers challenged the room verbally for several minutes, but received no response. Officer Hoskins used the ballistic shield to provide cover for Officer Gonzalez as he placed an explosive charge on the bedroom door.

After the explosive charge was placed on the door, Officers Hoskins and Gonzalez moved to the master bedroom where the rest of the SWAT officers inside the house were staged. At that time SWAT officers had been inside the house for approximately two hours. After the explosive breach, SWAT officers deployed the robot into the room.

The robot became lodged under some debris in the doorway and they were not able to see if the room was occupied. A decision was made to send the K-9 dog into the room. The dog was deployed and SWAT officers again verbally challenged the room, receiving no response from Decedent. After approximately one minute, the K-9 dog did not return. Sergeant Bitsko believed Decedent was possibly deceased, therefore, the decision was made to approach the room.

Officer Hoskins was in the front of the stack with his shield and moved to the entrance of the room. The broken bedroom door and a bed inside the room blocked the entrance to the room. Officer Hoskins stepped onto the bed to maneuver into the room. Decedent was lying on the floor inside the room, and Officer Hoskins only saw Decedent's foot as he entered the room. The K-9 dog was not visible nor heard as Officer Hoskins entered the room.

Officer Hoskins observed Officer Hancock jump onto Decedent's back to take him into custody. Officer Hoskins discarded his shield and assisted Officer Hancock. Officer Hoskins heard other members of his team shout "gun" several times. Officer Hoskins looked over and observed a black semi-automatic handgun in Decedent's right hand. The gun was pointed at Sergeant Bitsko and Officer Germosen. Decedent's finger was inside of the trigger well of the gun.

Officer Hoskins placed his firearm against the back of Decedent's head and discharged one round. Officer Hoskins heard Decedent groan, saw his eyes roll back in his head and blood come from the wound. Officer Hoskins announced, "Suspect down. Suspect down."

After Officer Hoskins fired, Officer Germosen and Sergeant Bitsko removed the handgun from Decedent's possession. Officer Hoskins was then ordered out of the room by Officer Stephens and removed from the residence.

Officer Hoskins stated he used deadly force because Decedent was resisting arrest with a firearm and pointing the firearm at other officers. Decedent was given multiple opportunities to peacefully surrender and exit the residence to which he did not comply. Officer Hoskins stated he shot Decedent in the head because it was the only option available to successfully stop Decedent's actions due to Officer Hancock's location. Officer Hoskins felt Decedent's actions lead to the deadly encounter, not the actions of SWAT. SWAT's primary objective was to take Decedent into custody.

Officer Levi Hancock

On November 9, 2017, at approximately 11:23 hours, Detective Patton conducted an audio recorded interview with Officer Hancock at LVMPD headquarters.

On November 6, 2017, SWAT Officer Hancock received a text message from his Sergeant [Jessie Wiggins] to respond to The Church of Jesus Christ of Latter-day Saints chapel located on New Forest Drive and Spring Valley Parkway. The SWAT team was to meet there and brief for a search warrant service reference an ongoing homicide investigation. Upon his arrival, Officer Hancock and his team were informed a possible suspect [Decedent] was potentially inside of his residence located at 7403 Newcrest Circle. Decedent was believed to be armed with a handgun, and suffered from mental health issues.

After the briefing, Officer Hancock geared up and prepared to serve the search warrant. The plan was for SWAT officers to take up containment positions on the sides and rear of 7403 Newcrest as the rest of the team, including Officer Hancock, arrived in two armored BearCat vehicles. The BearCats would park in front of the residence and attempt to contact Decedent via the P/A system. Once the vehicles were in place, SWAT officers used the P/A system to announce themselves, their intent to serve the search warrant, and make contact with Decedent to order him to exit the residence.

After numerous attempts to contact Decedent, a decision was made to deploy distract devices (flash bangs) to induce a response from Decedent. Officer Hancock was wearing night vision goggles and watched the window of the room officers believed belonged to Decedent. Officer Hancock did not observe any movement.

After the deployment of the flash bangs and no response from Decedent, SWAT cleared the open garage. Once the garage was cleared SWAT officers moved to a large downstairs window located on the front of the house. SWAT officers utilized an explosive breach and a rake tool to gain access to the window, and used the open window to place a robot inside the house. The robot was equipped with a live feed camera. SWAT also used a winch and cable to pull open the steel cage door that was locked and attached to the front door. SWAT officers were able to see inside the house from the window. It was decided to enter from the garage since

the upstairs had an open hallway that overlooked the front living room area which would place the SWAT officers at a disadvantage.

Officer Hancock, along with other SWAT officers, relocated to the back of the armored vehicle in front of the garage, and asked the K-9 sergeant [Sergeant Bitsko] to join them with his dog. The K-9 dog checked the garage one more time before SWAT made entry into the house. SWAT officers utilized a ballistic shield manned by Officer Hoskins at the front of the stack. SWAT officers slowly and methodically cleared the downstairs of the house using a combination of SWAT officers, a K-9 dog, and a robot. During this process the officers were constantly announcing themselves and requesting Decedent exit.

Once officers were confident the first floor was clear and Decedent was not on the first floor, Officer Hancock threw the robot onto the second story hallway. Officer Gonzalez operated the robot and cleared the master bedroom. SWAT officers made several more verbal announcements before they decided to go upstairs. Once SWAT officers made it upstairs, they cleared the hallway, a middle bedroom, and a small bathroom. As they finished clearing the second floor, SWAT officers encountered a closed bedroom door at the end of the hall which was believed to be Decedent's bedroom. The officers continued to order Decedent to come out of the bedroom.

SWAT officers placed an explosive breach on the closed bedroom door. After the explosive breach was placed on the door, Sergeant Bitsko announced he would send his dog into the room if Decedent did not exit; Decedent did not exit. Officer Hancock detonated the explosive charge and blew the bedroom door.

Officer Gonzalez drove the robot into the room and it became stuck on debris. Sergeant Bitsko released his dog and ordered him into Decedent's room. Officer Hancock did not hear any sound come from the room as the K-9 dog entered. After approximately one minute, the K-9 dog had not returned. SWAT officers decided to move down the hallway and into the room. Officer Hoskins, armed with the ballistic shield, was the first officer to enter the room. Officer Hancock followed behind Officer Hoskins into the room.

Officer Hancock saw a small portion of Decedent's back and the K-9 dog struggling underneath Decedent. Officers Hoskins and Hancock stepped onto the bed because of the clutter and limited room to maneuver. Officer Hancock let his rifle hang from its sling, freeing his hands, and jumped on Decedent's back to take him into custody. Decedent resisted and wrestled with Officer Hancock. Decedent let go of the K-9 dog and brought his right hand up, pointing a handgun at Sergeant Bitsko and Officer Germosen. Officer Hancock attempted to gain control of Decedent's arm as Decedent squeezed the trigger of the gun.

Officer Hancock heard SWAT officers yell "gun" as he struggled with Decedent. Officer Hancock heard a gunshot and believed Decedent fired a round. Officer Hancock grabbed his handgun, pressed it against Decedent's right thigh and discharged one round into Decedent's leg. After he fired his round, Officer Hancock let go of Decedent. Officer Hancock observed Decedent had a head wound, and was still holding the handgun in his right hand with a finger on the trigger.

Officer Hancock stated he used deadly force because he was in fear that Decedent was going to shoot the other officers in the room. Officer Hancock felt Decedent's actions lead to the deadly encounter not the actions of SWAT officers. SWAT's primary objective was to take Decedent into custody.

WITNESSES

Sister of Decedent

Sister said she was familiar with the address of 7403 Newcrest Circle in Las Vegas, Nevada because it was her family home and she had grown up there. Sister no longer lived there but her mother, a nephew, and her brother, Decedent, did still live there until recently. Nephew was 24 years old and was at work. Mother had just arrived on scene.

Sister said her 35 year old brother, Decedent, had not worked for years because of mental issues. Several years ago he had been diagnosed as a paranoid schizophrenic. Decedent used to work in the Hollywood acting and screen writing industry and after coming back the family noticed symptoms of progressive mental illness. He spoke of conspiracy theories that took him to a totally different level. He believed himself to be the king of Hollywood and that he was rich and had no need to work when in reality he had no money.

Decedent completely relied on family members for a place to stay and his support. He had been in jail for an arrest warrant and got out in 2016. He was released to the Rawson Neal Psychiatric Hospital in Las Vegas where he stayed for about a week. He was then sent to his father's apartment and stayed with him until June 1, 2016, when his father passed away. He stayed with Sister for two months and then went to live with his mother on Newcrest in September of 2016. He had been living there ever since that time.

According to Sister, Decedent's issues were very strange. Most of the time he was anti-social and would stay inside and never really associate with anyone outside the family. At times, he was able to act normally and leave the house and socialize with people. Sister explained that for no apparent reason Decedent's demeanor would change and he would begin cursing, screaming and threatening people.

Sister said she did not know that Decedent had any real issues with anyone in particular but would manifest issues usually with those he was around like family, friends or neighbors because he felt betrayed by them. He would say people took money to betray him. Sister had heard him mention a brother and their neighbor before. Neighbor lived in the house located to the east of 7403 Newcrest Circle. Neighbor's house was the second from the corner and the Decedent's house was the third from the corner. Neighbor had tenants that would stay with him also. Neighbor also has had issues with a drunk driving accident and a car that caught on fire in front of the house. Sister could not recall specific threats against Neighbor but remembered that Decedent had mentioned him before.

Sister also said Decedent's conspiracy theories included the government. She stated that previously Decedent had sent out tweets regarding Barack Obama and Secret Service Agents who allegedly responded to the house and said that if they did not stop there would be big problems. Sister was frustrated with the lack of mental health programs available to help people like her brother.

Sister said once she had turned off the lights in the house and Decedent told her that if she did it again he would kill her. Sister left the house and had been back, allowing time for

Decedent to calm down. She said she never knew Decedent to ever follow through with any of the numerous threats he had made.

Sister said her father had a gun and after he passed away they looked for the gun but could not find it. They later found out that Decedent had found it. Decedent always wore the gun in a shoulder holster so no one had ever been able to get it away from him. Sister said she felt that Decedent began to take on roles of people in some of the movie scripts he was involved with and the weapons gave him that sense of power. She mentioned that for a time he had carried around a sledge hammer and that she had seen him fashion homemade weapons by using duct tape to strap of a knife to the end of a stick. He always seemed to hold a weapon to make him feel a sense of power, like a king.

Sister said she had seen the gun once or twice years ago. She described it as a medium sized black 9mm semi-automatic handgun. When Decedent was wearing the gun, she only could see the grip. Sister said she never saw Decedent threaten anyone with the weapons nor had she ever known Decedent to be violent toward anyone else. She did note he had put holes in the walls in the house and had ripped out her mother's alarm system in the house. He felt people were coming to get him and the government was spying on him through the alarm equipment.

Sister said recently her mother had been staying at her house and the Rio Hotel so she could get away from Decedent. Mother never went home and bought new clothing to avoid having to go home and have contact with Decedent. Mother had been living away from home for approximately a week and a half. Decedent self-medicated with marijuana. He had been on medication before but it had caused him to gain a lot of weight and he said it dumbed him down and he did not like how he felt, so he stopped taking it. Sister is not sure what medication Decedent had been taking.

Sister's nephew had also been staying with her since around the same time as Mother left the house, so Decedent was staying in the house alone. Sister said the family dog, "Rocky" was also in the house with Decedent. A few days ago Decedent had called his mother and told her someone needed to bring food for the dog and weed for him. Nephew took food over for the dog and grabbed a few things then left.

Decedent called Sister on November 2, 2017, at 19:28 hours and asked for Nephew and said he needed weed. Sister said she didn't know where Nephew was and told Decedent he needed help. Decedent said she was stupid and that God was there and that she didn't even know who her brother was. He talked about destiny, the new world order, and that people were out dying, and she didn't know what was going on. He threatened to burn the house down if he didn't get some weed. She told him that he wouldn't have a place to live if he burned the house down. Sister told him he needed help and he hung up the phone.

Sister said Decedent usually dressed in all black, wore a hoodie over his head, kept the house dark and walked around by himself. She described a time she had arrived at home and the house was completely dark and that Decedent lurked around in the dark.

Sister said she thought Decedent mentioned Neighbor because Neighbor and his tenants spent time outside and Decedent could see them from the window. She felt that was why he had mentioned them and no other neighbors. Decedent did not obsess over Neighbor but had mentioned him. Decedent's room was the one above the garage.

Sister said she did not know if Decedent was capable of hurting anyone but admitted she was afraid of him sometimes. Sister said the house number was 702-***-**** and that Decedent did not have a cell phone. He did not have a vehicle and rarely left the house. Sister was pretty sure he was in the house. The house is where Decedent felt safe. He had stayed in the back yard but since his mother had the yard cleaned and trimmed up he did not go out there anymore.

Sister related a time her mother saw Decedent holding a gun to his head and screaming. Her nephew had mentioned a time Decedent said a woman was controlling his mind. There was a time her children were with Mother and Decedent and Decedent told his mother to get the kids out of there because they didn't want to see the bad spirit, implying that he was possessed.

Other than marijuana the family was not aware of any other illegal drug use. They suspect he may have used something else while in California but were not sure. He tried to buy marijuana locally but had no valid ID and could not purchase it.

Mother of Decedent

On November 6, 2017, at approximately 16:08 hours, Detectives Buddy Embrey and Robert Wilson obtained a recorded statement from Decedent's mother.

Mother told Detectives that she lived at 7403 Newcrest Circle since 1989. She knew her neighbor that lived on the east side of her but only his first name. She described Neighbor as a white male, tall, thin build, with gray hair and possibly a mustache. Mother said it was common for Neighbor to have several tenants who rented his bedrooms but she didn't know any of their names. Mother never had any issues with Neighbor and said he was a good neighbor.

Mother said her grandson, Decedent's Nephew, lived with her at 7403 Newcrest Circle as well as her son, Decedent.

Mother said today she received a call from her daughter who told her that she had received a call from a neighbor. Mother looked at her phone and saw that the neighbor had tried calling her too. Her daughter told her that she needed to get to the house because something had happened. Mother said when she arrived on scene, she heard about the deaths.

Mother explained that her son was working in California in 2013 and was an entertainment producer. According to Mother, Decedent got tied up in the Illuminati and she felt these thoughts damaged how Decedent processed information.

Mother explained that when Decedent came home, he would grab his head and tell her that he was hearing voices. Decedent would carry a sledge hammer around the house. Mother described an incident that had occurred during which she got into a verbal argument with Decedent and he called 911. When the police officers arrived they grabbed his sledge hammer

and removed it from his area. Decedent ended up getting into a physical confrontation with the police officers and was arrested. Mother believed that this occurred in February 2013.

According to Mother, Decedent stayed in jail for approximately 6 months before he was transported to Ross and Neal Mental Health Hospital. Decedent was placed on medication and eventually he stopped taking the medication because it made him gain weight. Decedent had been diagnosed with schizophrenia. Mother did not know what type of medication he was prescribed.

Over the next few years, Decedent would move in and out of her house. Mother explained that in June of 2016, Decedent's father passed away and prior to that time, Decedent was living with him. Following that, Decedent lived with his sister for a short period of time.

On August 31, 2016, Decedent moved back into Mother's residence. Mother said Decedent was telling her that he was hearing voices and that everyone was trying to kill him. Decedent would have periods of time when he was fine and then he would tell her that he was hearing voices but they were different kind of voices.

In August 2017, Decedent was starting to threaten her and she called 911. According to Mother, the police responded but said they couldn't do anything because he wasn't a danger to himself or others. Mother said the police asked her what usually calmed him down. Mother told the officer that marijuana calmed him down so the police officer suggested she let him use it now since it was legal.

According to Mother, Decedent started using marijuana. She said it helped but in the last two weeks, Decedent started acting irrational again and was changing.

Mother said that on October 27th, she returned home with her grandchildren and saw that Decedent had knocked holes in the door and removed the smoke detectors. According to Mother, Decedent looked at her and told her "you all better get out of here with these spirits". Mother said he looked like he was possessed by a demon. Decedent told her that the Rothchilds were trying to kill him. She explained when Decedent was talking about the

Rothchilds being next door, she assumed Decedent was talking about Neighbor. Mother said she never heard Decedent threaten Neighbor directly. Mother said she grabbed some items and left with her grandchildren and that was the last time she was home. Mother said she left because she was afraid of Decedent.

The last time she spoke to Decedent on the phone was on Saturday, November 4th. Decedent told her to bring him marijuana or he would burn the house down.

Mother said Decedent had his father's handgun. Mother never did see the entire gun but Decedent kept it in a holster on his person. Mother was unsure what type of handgun it was. Mother said Decedent did not leave the house and she was adamant he would be home in his bedroom.

Sergeant Josh Bitsko

On November 7, 2017, at approximately 05:15 hours, Detective Crais Jex conducted an audio recorded interview with Sergeant Bitsko.

Sergeant Bitsko responded to serve a search warrant along with his canine partner, Loki. Sergeant Bitsko arrived at 7403 Newcrest Circle and was positioned on the side of 7403 Newcrest near the garage. Once the garage was opened, Loki cleared the garage two times before SWAT officers entered and cleared the garage.

Once the garage was cleared, the front security door was pulled off by the winch from a BearCat. The front door to the residence was rammed by a SWAT officer. Sergeant Bitsko had Loki go inside the ground floor and clear the rooms; no one was located.

After the first floor was cleared, the SWAT team moved upstairs. Sergeant Bitsko had Loki clear the rooms that were accessible; again no one was located. SWAT officers moved upstairs and found a closed door into a bedroom at the end of the hallway. Officer Hancock placed an explosive breach on the door and the door was breached. Sergeant Bitsko announced into the room he was going to release his dog into the room. There was no response from inside of the room.

Sergeant Bitsko sent Loki into the room. When Loki did not immediately return, and did not make any sounds, Sergeant Bitsko believed the dog was possibly biting someone. The SWAT

team and Sergeant Bitsko moved forward to the room. Sergeant Bitsko called for Loki to return, but the dog did not exit the room.

As the team moved forward, Sergeant Bitsko looked into the doorway and observed the suspect [Decedent] lying on top of Loki. As SWAT officers moved into the room, Officer Hancock grabbed Decedent and pulled him up off the dog. Officer Hancock's actions separated Decedent from the K-9 dog. Officer Germosen grabbed Loki by the collar and handed him to Sergeant Bitsko. Decedent resisted the SWAT officers.

As Sergeant Bitsko backed away, he observed a handgun in Decedent's hand. Decedent moved the handgun and pointed it at Sergeant Bitsko's face. Sergeant Bitsko immediately yelled out, "Gun! Gun! Gun!" to inform the other SWAT officers. Sergeant Bitsko put his hand out to deflect the handgun as he pulled back so Loki would not reengage Decedent.

Sergeant Bitsko heard two gunshots but did not know who fired. He waited for SWAT officers to exit the room before he exited. Sergeant Bitsko exited the residence and secured Loki inside his patrol vehicle. Sergeant Bitsko checked Loki for injuries and found none; however; Loki had blood inside his mouth, which Sergeant Bitsko believed came from Loki biting Decedent.

Officer Wil Germosen

On November 7, 2017, at approximately 05:24 hours, Detective Marc Colon conducted an audio recorded interview with Officer Germosen.

Officer Germosen, an LVMPD SWAT officer, responded to the area of 7403 Newcrest Circle to serve a search warrant reference homicide suspect Decedent. A tactical plan was in place for Officer Germosen's team to make entry into the residence.

SWAT officers arrived and eventually breached a window to 7403 Newcrest. SWAT officers removed the front door security gate from the residence by attaching a winch from the SWAT BearCat to the gate. The gate was removed and it was decided entry through the garage would be a safer option. SWAT officers deployed a Recon Scout, a remote controlled camera enabled robot, to search the residence, along with a K-9 dog. SWAT officers then cleared the first floor of the residence.

After the first floor was secured, SWAT officers made their way upstairs. Utilizing ballistic shields, the robot and K-9 dog, SWAT officers cleared the second floor. Officers found a locked door at the end of the hallway and deployed an explosive charge on it to make entry.

Officer Germosen placed the robot in front of the door and after the breach the robot made entry into the room. The robot's camera broadcast was not clear due to the darkness of the room and the debris from the explosive breach. The K-9 dog was deployed into the room. Officers believed the K-9 dog possibly located a suspect, however, the dog nor Decedent made any noise.

The officers approached the room and observed Decedent on the ground. Upon making entry into the room, Decedent pointed a gun at Officer Germosen's chest. As Officer Germosen moved, he lost sight of the gun but heard an officer yell, "He's got a gun!" Officer Germosen then heard two gunshots followed by "suspect down!"

Officer Germosen stated he was fearful Decedent was going to shoot him or one of the other SWAT officers. Officer Germosen had previously holstered his gun to remove the K-9 dog from Decedent; therefore, was unable to engage Decedent with his firearm.

Officer Kevin Stephens

On November 7, 2017, at approximately 05:30 hours, Detective Penny conducted an audio recorded interview with Officer Stephens.

Officer Stephens was at the SWAT hangar when he received a text from Sergeant Wiggins reference serving a search warrant. The suspect [Decedent] was wanted for homicide and was possibly inside the residence located at 7403 Newcrest Circle. Officer Stephens did a workup for the residence and requested additional resources to assist. Officer Stephens responded to a briefing location and made the tactical plan. It was relayed to SWAT officers that Decedent was possibly armed; therefore, the plan was to conduct a surround and callout service.

Upon arriving at the residence, containment was set up on all sides of the house. It was unknown if Decedent was inside due to there not being any response from Decedent after several hours of attempted contact by patrol officers using a P/A system. The lights were not on inside the residence and there was no movement. After several minutes of addressing the house with a P/A system, and the deployment of flash bangs with no response from anyone inside, the decision was made to make entry into the residence.

The front window of the residence was breached and a robot was deployed inside to clear the first floor of the house. A K-9 dog was also deployed inside to clear the first floor. After the dog cleared the first floor, the SWAT entry team entered and cleared the first floor.

The robot was moved to the second floor and cleared the upstairs of the residence until it got stuck in a bathroom. The K-9 dog was deployed to the second floor. The second floor was mostly cleared except for one bedroom where the door was closed. Officer Stephens had information the bedroom with the closed door was Decedent's room.

As the SWAT team moved upstairs, they cleared the bedrooms and a bathroom. An explosive breach was placed on Decedent's bedroom door and the team moved to the master bedroom. After the bedroom door was breached, the robot attempted to enter the bedroom but was unsuccessful due to debris from the breach and trash inside the room. The K-9 dog was deployed and entered the bedroom, but did not return. Officer Stephens heard movement from inside of the bedroom, so the team approached the bedroom door.

Officer Hoskins, who was holding a shield, was first on the stack to enter the room; Officer Hancock was second; and Officer Stephens was third. Officer Stephens looked into the room and observed Decedent lying on the floor holding down the K-9 dog. The team entered the room and Officer Stephens climbed onto the bed to clear the closet, as well as provide cover as the rest of the team went to Decedent. Officer Hoskins went to the left of Decedent, and Officer Hancock went hands-on with Decedent. Officer Stephens view was blocked due to other officers being in front of him. Officer Stephens heard someone yell, "Gun!" then he heard two gunshots. He did not see who fired.

After the shooting, Sergeant Wiggins asked who fired and Officers Hancock and Hoskins both said they fired. After Decedent was secured, Officers Hancock and Hoskins exited the room and medical attention was requested for Decedent. As Decedent was moved, Officer Stephens saw a small frame semi-automatic handgun on the floor under Decedent's body. Officer Stephens saw a second handgun on the floor near Decedent's body. Decedent was removed from the bedroom using a bed sheet. Officer Stephens assisted in carrying Decedent downstairs before Decedent was subsequently transported to UMC Trauma Center.

Sergeant John “Jessie” Wiggins

On November 7, 2017, at approximately 05:43 hours, Detective Trevor Alsup conducted an audio recorded interview with Sergeant Wiggins.

In the evening hours of November 6, 2017, Sergeant Wiggins was notified to contact Detective Clifford Mogg from the LVMPD Homicide Section reference serving a search warrant for a possible homicide suspect [Decedent]. After speaking with Detective Mogg, Sergeant Wiggins notified his SWAT team reference serving the search warrant, and responded to a designated staging area. After briefing his team, Sergeant Wiggins responded to the target residence [7403 Newcrest Circle] and set up containment.

A P/A system was used several times in an attempt to have any occupants of the residence exit peacefully. SWAT officers utilized distract devices when the P/A was unsuccessful in eliciting a response from anyone inside the residence. The P/A system and distract devices were used several times without any response.

Sergeant Wiggins and his team cleared the open garage. A robot was deployed inside the ground floor of the residence to clear it. SWAT operators and a K-9 dog entered the residence and rechecked the ground floor to make sure anyone who may have been hiding from officers was not missed.

After the ground floor was deemed clear, Sergeant Wiggins and the other officers deployed the robot to the second floor of the residence. The robot cleared the second floor except for one room at the end of the hallway with a closed door. SWAT officers and the K-9 dog cleared all the rooms the robot cleared to check for anyone who may have been hiding.

Sergeant Wiggins received authorization from the SWAT commander [Lieutenant Huddler] to use an explosive breach for the closed door. After breaching the door, officers attempted to deploy the robot into the room. The robot was unable to fully enter the room due to debris and trash in the room. Sergeant Bitsko, the K-9 handler, deployed his dog into the room. When the K-9 dog did not return, Sergeant Bitsko advised the dog may be actively engaged with a suspect.

Officers entered the room and encountered the K-9 dog engaged with Decedent, who was lying on the ground. Sergeant Wiggins heard an officer yell, “Gun! Gun! Gun!” as he entered the room. Sergeant Wiggins saw Decedent on the ground with a small frame firearm in his left hand. Officer Hancock was attempting to gain control of Decedent’s firearm. Sergeant Wiggins heard a single gunshot, then a couple of seconds later he heard a second gunshot.

Sergeant Wiggins immediately recognized this was an officer-involved shooting and secured the crime scene.

Sergeant Wiggins stated Decedent was taken into custody after the shooting. Decedent was moved from his room to the first floor where medical care was provided.

On November 6 and 7, 2017, Homicide and FIT detectives conducted a witness canvass at the residences listed below. No one in the neighborhood witnessed the murders or the officer-involved shooting. Below is a summary of the canvass.

<u>LOCATION</u>	<u>PERSON CONTACTED</u>	<u>INFORMATION OBTAINED</u>
7423 Newcrest Circle	Neighbor	Provided an audio recorded interview to Homicide detectives.
7433 Newcrest Circle	Neighbor	Provided a written statement to Homicide detectives.
7443 Newcrest Circle	Neighbor	No statement provided.

VI. FORENSICS REQUESTS/RESULTS:

The evidence and test fired bullets and cartridge cases were examined and microscopically inter-compared. Based on these examinations, the following was determined:

- The bullet shares similar general rifling characteristics with the test fired bullets from both Glock pistols, however, it could not be identified or eliminated as having been fired from either pistol.
- One cartridge case (Lab Item 1) was identified as having been fired in one of the Glock pistols (Lab Item 5—Officer Hoskins) and the other cartridge case (Lab Item 4) was identified as having been fired in the other Glock pistol (Lab Item 2—Officer Hancock).

VII. OFFICER WEAPON COUNTDOWNS

Evidence from the countdown, scene, and BWC showed Officer Hancock discharged his firearm one time during this incident.

At the completion of the countdown, it was determined Officer Hoskins discharged his firearm one time during this incident.

VIII. AUTOPSY

After a complete autopsy, Doctor Roquero opined Decedent died as a result of multiple gunshot wounds

Toxicology analysis indicated the presence of marijuana in Decedent's blood.

IX. TIMELINE

The below timeline is a reconstruction of events which transpired on Monday, November 6, 2017 and Tuesday, November 7, 2017, in relation to the fatal officer-involved shooting that occurred at 7403 Newcrest Circle.

Time (hours)	Description of Event/Action	Source
Monday, 11/06/2017		
13:53	A call was generated at 7383 Newcrest Circle. The details stated a male was down in the front yard and not breathing.	Computer Aided Dispatch (CAD)
14:04 - 14:10	Patrol officers arrived and confirmed two males were deceased. One male was deceased outside in the yard and one male was deceased inside the residence.	CAD

Time (hours)	Description of Event/Action	Source
14:47	LVMPD Homicide detectives arrived on scene and began the investigation.	CAD
20:15	The garage door to 7403 Newcrest was opened and one of the homicide victim's vehicle was located inside the garage.	Homicide investigation
22:30	A search warrant was obtained for 7403 Newcrest and the LVMPD SWAT team was notified.	Homicide investigation
Tuesday, 11/07/2017		
00:24	SWAT officers arrived at 7403 Newcrest.	CAD
00:32	SWAT officers deployed flash bangs.	CAD
01:00	SWAT officers deployed a second round of flash bangs.	CAD
01:22	SWAT officers entered the first floor of 7403 Newcrest through the garage.	
02:18	Shots fired was announced and medical personnel were requested to the scene.	CAD

LEGAL ANALYSIS

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

In Nevada, there are a variety of statutes that define the various types of justifiable homicide (NRS §200.120 – Justifiable homicide defined; NRS §200.140 – Justifiable homicide by a public officer; NRS §200.160 – Additional cases of justifiable homicide). The shooting of Decedent could be justifiable under one or both of two theories related to the concept of self-defense: (1) the killing of a human being in self-defense/defense of others; and (2) justifiable homicide by a public officer. Both of these theories will be discussed below.

I. 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 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 to commit a crime of violence ..." against the 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:

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.

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 Decedent did not act in [defense of another]. *Id.* at 1051-52.

Therefore, in Nevada, the law is that if there is evidence of self-defense, in order to prosecute, the State must prove beyond a reasonable doubt that an individual did not act in self-defense.

In this case, Decedent posed an imminent danger to all officers inside and outside the residence and civilians in the area. Decedent was behaving erratically and had a gun. Evidence indicated that he had committed a double homicide and remained armed

when officers encountered him. He never surrendered nor did he drop his gun. Just prior to the shooting, Decedent pointed his gun at Sergeant Bitsko and Officer Germosen.

Thus, Officers Hancock and Hoskins were confronted by the appearance of imminent danger which created in their minds an honest belief and fear that they, or others, were about to be killed or suffer great bodily injury. Accordingly, Officers Hancock and Hoskins were justified in acting upon those appearances, fears and actual beliefs.

II. 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 facts demonstrate that Officers Hancock and Hoskins had probable cause to believe that Decedent posed a threat of serious physical harm to himself and all the people in the area. This probable cause was based on the fact that Decedent had already committed a double homicide and refused to surrender to officers. Instead, he pointed his gun at two officers.

The circumstances indicate that Officers Hancock and Hoskins had a reasonable belief that Decedent was a threat to their safety as well as the other people in the area. In light of this evidence, the actions of the officers was legally justified and appropriate “in the discharge of a legal duty.”

CONCLUSION

Based upon the review of the available materials and application of Nevada law to the known facts and circumstances, the State concludes that the actions of Las Vegas Metropolitan Police Department Officers Hancock and Hoskins 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” (NRS 200.190).

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