

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Anthony James Polito on December 6, 2023

INTRODUCTION

On December 6, 2023, at approximately 11:30 am, Anthony James Polito, (“Decedent”) drove to the University of Nevada Las Vegas (“UNLV”) campus and parked outside of Beam Hall. Armed with a firearm, he entered Beam Hall. At approximately 11:44 pm, the University Police received a call from room 406 of Beam Hall, where a woman was screaming while gunshots rang out in the background. At the same time, calls were placed to the Las Vegas Metropolitan Police Department (“LVMPD”) reporting an active shooter inside of Beam Hall. Numerous officers from multiple jurisdictions responded to the call for service. As teams searched Beam Hall, 4 (four) victims – 3 (three) of which were deceased from obvious gunshot wounds – were located throughout the building.

At 11:55 am, officers observed Decedent walking through the downstairs lobby of Beam Hall. As he exited the east side of the building, he was confronted by Detectives Drum and Garcia. Decedent produced a firearm and began firing his weapon at Detectives Drum and Garcia. Both detectives returned fire, thereby stopping the threat and killing Decedent in the process.

The District Attorney’s Office has completed its review of the December 6, 2023, death of Decedent. It was determined that, based on the evidence currently available and subject to the discovery of any new or additional evidence, the actions of Detectives Drum and Garcia were not criminal in nature.

This report explains why criminal charges will not be forthcoming against the officers involved. It is not intended to recount every detail, answer every question or resolve every factual conflict regarding this citizen-law enforcement encounter. The report is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review conducted on September 24, 2025. This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of Detectives Drum and Garcia was not criminal.

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

INCIDENT TIMELINE

Time (hours)	Description of Event/Action	Source
11:30:07	Decedent arrived at the southside parking of Beam Hall.	UNLV Surveillance
11:33:13	Decedent entered the southeast entrance to Beam Hall.	UNLV Surveillance
11:44:39	University Police receive a phone call with screaming and shots fired from Beam Hall room 406.	University Police Phone Logs
11:44:40	LVMPD received a phone call from Justin Klouw, shots could be heard in the background.	LVMPD Communications
11:46:21	First University Police Officer (U735 Officer Cody Schmidt) arrived.	UNLV Surveillance
11:49:23	Detectives Drum and Garcia entered Beam Hall.	UNLV Surveillance
11:55:05	Decedent was observed on Officer Diasparra's BWC walking through the downstairs lobby of Beam Hall.	LVMPD Body Worn Camera (BWC)
11:55:38	Detectives contacted Decedent in front of Beam Hall.	UNLV Surveillance
11:55:47	LVMPD Officer Marano arrived at Beam Hall.	LVMPD BWC
11:55:48	Gunshots heard on Officer Marano's BWC.	LVMPD BWC
11:57:08	Officers approached and took Decedent into custody.	UNLV Surveillance
12:05:40	Medical personnel arrived and evaluated Decedent.	UNLV Surveillance

THE EVENTS AT UNIVERSITY OF NEVADA LAS VEGAS

At approximately 11:44 am on December 6, 2023, a phone call was placed from Beam Hall, room 406, to University Police, where a woman was heard screaming along with what sounded like gunshots. A call was then placed to LVMPD whereby the caller reported an active shooter inside Beam Hall. The following section details the events and actions of officers responding to the address. The Clark County District Attorney's Office ("CCDA") has reviewed all police reports, statements, and Crime Scene Analyst ("CSA") reports submitted by law enforcement. This section highlights the statements of the pertinent officers involved in the use of force resulting in Decedent's death.

INVOLVED OFFICER STATEMENTS

Detective Drum

Public Safety Statement

On December 6, 2023, at approximately 3:44 pm, Detective Valenzuela interviewed Assistant Director Jessica Moore in reference to the Public Safety Statement (PSS) she obtained from Detective Drum. Also present during the interview was Detective Chavez. Below is the transcript of the interview.

GV: *Operator this is Detective G. Valenzuela, P# 8396 with LVMPD's Force Investigation Team conducting a recorded Public Safety Statement Interview with Assistant Director, first name Jessica, last name, Moore, M-O-O-R-E. Her P#'s 701, callsign is Adam-3. She was hired November of 2019, and she works for the UNLV Police out of the Southern Nevada Regional Command. Her days off are Saturday and Sunday, her hours are 0800-1700. Also present is FIT Detective R. Chavez, P#7758. The Public Safety Statement is in reference to an officer-involved shooting that occurred on 12/06/23 at approximately 1145 hours at the UNLV Campus located at 4505 S. Maryland Parkway, Las Vegas, Nevada 89119 reference event number, Metro event number LLV231200018762. Today's date is December 6, 2023, and the current time is uhh 1544 hours.*

This statement is being conducted at the UNLV police headquarter building located at 1280 Dorothy Ave Las Vegas, Nevada 89119. Uhh, Assistant Director is it alright if I call you Jessica?

JM: *Yes.*

GV: *Ok uhh Jessica, uhh you completed the PSS today, can you tell me who the officer was and the time and date you completed this interview?*

JM: *Uhh, Detective Nate Drumm, at uh, approximately 3:20 PM.*

GV: *On today's date December 6th, correct?*

JM: *Correct.*

GV: OK and uhh, if if you can uhh tell me the questions you asked and tell me the answers and what their answers were please?

JM: Uhhh, the first question I asked him was, did you discharge your firearm? And he replied yes. Uhh, I asked him, in what direction? He stated umm northeast corner of the exterior of uhh BEH which is Beam Hall. Northeast entrance, basically the northeast entrance/exit where the steps are.

GV: Hmm, ok.

JM: I asked him how many shots do you think you fired? And he said, I don't know exactly, maybe 4 or 5 shots. I then asked him is anyone injured? Uhh, he stated that he is not injured umm, the person he shot is injured. Umm I asked him where that person was located? He stated on the ground at the incident where I shot him. I asked him if there were any outstanding suspects, uhh he stated he was not sure. I asked him is it possible the suspect fired rounds at you? Uhh he stated, yes he did. I asked him, uhh, what direction were the rounds fired from? He stated he shot at me. I asked him how many shots do you think the suspect fired? And he replied I don't know the exact amount, maybe 7 or 10, I'm not sure. I asked him approx.—approximately where was the suspect located when they fired? Uhh he stated, standing at the bottom of the stairs initially when he first started shooting at me and then when I retreated behind the vehicle, he came around the front of the vehicle and started shooting at me again. I asked him do you know if any other officers discharged their firearms? He stated I didn't see any officers because I could only focus on the suspect. But I know that Officer Garcia who was in the same area as me. Umm, so, I uhh I again uhh, in terms of I asked him who, uhh Officer Garcia, and approximately where was Officer Garcia located when they fired? He stated he was in the same area as me. I asked him if there are any weapons or evidence that needs to be secured or protected? Uhh, he stated uhh during the time, the gun—the gun on his hip is the one he used and then uhh he doesn't know uhh where the suspect's gun is at. I asked him if he was aware of any witnesses? And he stated no, besides Officer Garcia who was uhh in his area.

GV: Ok, umm we're gonna end the interview, same people present, the time is 1547 hours.

Interview

On December 8, 2023, at approximately 11:10 am, Detective Leavitt conducted an audio-recorded interview with Detective Drum at LVMPD Headquarters. Also present for the interview were Detective Ubbens and Sergeant Iacullo of LVMPD's Force Investigation Team ("FIT") along with Nevada Police Union ("NPU") representative Jennifer Johnson and NPU Attorney Pierce Tuller. Below is a summary of the interview.

Detective Drum was a plain clothes detective assigned to University Police Services and was assigned to their Southern Command. Detective Drum was at the University Police headquarters when he heard a radio broadcast of shots fired on the campus. Detective Drum and his partner Detective Garcia immediately exited the station and responded to the area of Beam Hall. Detective Drum stated these calls do not historically come in from the campus and believed it to be a legitimate threat.

Detectives responded to Beam Hall where they observed students frantically running from the area. They entered the building and immediately cleared the classrooms located nearest the door they entered. Once inside, Detective Drum saw groups of officers on the second-floor clearing rooms. He then heard gunshots from upstairs. He did not know if the gunshots were from the suspect or officers and the radio was difficult to hear due to the chaos and loud alarms. Detectives Drum and Garcia decided to post in place and keep eyes on the first floor.

While posted on the first floor, Detective Drum heard via radio broadcast that there were gunshot victims on the upper floor. He was unaware if a suspect description had been broadcast. Detective Drum observed a group of officers enter the building and move up the stairs toward the second floor. At the same time, he observed a nicely dressed male, later identified as Decedent, exit the elevator. Decedent was carrying a bag and appeared to be a faculty member. Decedent walked east into the courtyard. Detective Drum, along with other officers, yelled for him to exit the area. Decedent did not acknowledge officer commands.

Detective Drum felt something was wrong; as such, he and Detective Garcia followed Decedent toward the main doors on the east side of the building. Detective Drum moved carefully across the courtyard scanning for threats. As Detective Drum exited the main doors, he holstered his firearm. Detective Drum thought Decedent could have been a shocked witness, and he did not want to further intimidate or scare him. Detective Drum announced himself as "Police" and told Decedent to stop. Decedent ignored him as he went down the stairs and out of the building. Detective Drum closed the distance and announced himself again. Decedent then turned to his right and looked back toward Detective Drum. Decedent then turned his body as he reached into his bag, pulled out a firearm, and pointed it toward Detective Drum. Detective Drum immediately reached for his firearm and attempted to seek cover.

As Detective Drum moved, he heard gunshots and knew the male was firing at him. Detective Drum fell to the ground, scrambled back to his feet, and took cover behind a police vehicle. There, he drew his firearm. He then checked from behind cover and realized Decedent was no longer at the same location. Detective Drum turned around and saw Decedent had followed him and had his firearm pointed directly at him. Detective Drum immediately fired at Decedent and believed Decedent also fired at him. Decedent went to the ground as Detective Drum moved from his position. Detective Drum observed other officers moving toward him while giving him commands to take cover. Detective Drum followed his fellow officers' directions.

Detective Garcia

Public Safety Statement

On December 6, 2023, at approximately 3:44 pm, Detective Chavez interviewed Assistant Director Jessica Moore in reference to the Public Safety Statement ("PSS") she obtained from Detective Drum. Also present during the interview was Detective Valenzuela. Below is the transcript of the interview.

RC: Operator this is Detective Robert Chavez, P# 7758 with the Force Investigation Team conducting a recorded Public Safety Statement Interview with Assistant Director, Jessica Moore, uhh P# 701, call sign Adam-3. Date of hire, 11/2019. Uhh she works for the UNLV Southern Nevada Regional Command. Uhh her regular days off are Saturday and Sun—Saturday and Sunday, uhh, hours are 0800-1700. Uhh, also present is Detective Gil Valenzuela, P# 8396. This Public Safety Statement is in reference to an officer-involved shooting that occurred on December 6th, 2023, at approximately uhh 1145 hours in the area of the UNLV Campus located at 4505 South Maryland Parkway, Las Vegas, Nevada, 89119. Reference event number LLV231200018762. Today's date is December 6, 2023, and the current time right now is 1549 hours. This statement is being conducted at 1280 Dorothy Avenue, Las Vegas, Nevada, 89119 at the UNLV Police Headquarters building. Uhh Director Moore is it ok if I just call you Jessica?

JM: Yes, that's fine.

RC: Uhh, Jessica, uhh can you just uhh, I'm just gonna ask you a few questions here. Uhh beginning I just wanna—I just wanna ask you wha—what officer completed the interview and what was the time of the interview?

JM: The officer uhh Damien Garcia, uhh and approximately 3:30 P.M. uhh December 6th.

RC: December 6th? Ok. And can you just uhh, outline the questions that were asked—

JM: Yes.

RC: And what the answers were please.

JM: Yes. I asked uhh Officer Garcia, if he discharged his firearm? He stated, yes I did. I asked him, in what direction? And he stated he believed it to be the northbound direction. Uhh, I asked him where he was located when he fired, he stated the top of the stairs of Beam Hall outside. I asked him how many shots do you think you fired? And he stated, I think 10. I asked if anyone was injured? And he stated I believe the suspect. I asked him if there were any outstanding suspects, and he stated uhh, not that I know. I asked him is it possible the suspect fired rounds at you? Uhh he stated it's possible but I don't remember. I asked him, what direction were the rounds fired from? He said from east to southwest. I asked him how many shots do you think the suspect fired? He stated at least 8. I asked him approximately where was the suspect located when they fired? He stated, at the bottom of the stairs just outside the doors uhh to BEH. I asked him do you know if any other officers discharged their firearms? He stated yes, I asked him who that was, he stated Detective Drum. I asked approximately where was uhh was Detective Drum located

when he fired? He stated when he first got shot at, uhh he was standing umm in the southwest—southwest region and then he went to the ground he got back up and fired back from the front of the K9 car and then he retreated. I asked if there any weapons or evidence that need to be secured or protected? He stated only what was at the scene when they left, and then uhh Metro had secured the scene. And I asked if he was aware of any witnesses? Uhh he stated he was not.

RC: Ok operator, time right now is 1552 hours, we're still at the same location, and same people are still present. We're concluding this interview.

Interview

On December 8, 2023, at approximately 9:44 am, Detective Leavitt conducted an audio-recorded interview with Detective Garcia at LVMPD Headquarters. Also present for the interview were Detective Ubbens and Sergeant Iacullo of FIT along with NPU representative Jennifer Johnson and NPU Attorney Pierce Tuller. Below is a summary of the interview.

On December 6, 2023, Detective Garcia was a part-time University Police Department detective working in a plain clothes capacity. While at headquarters, he heard a radio broadcast of an active shooter at Beam Hall. Upon hearing the broadcast, he and his partner, Detective Drum, both immediately responded to Beam Hall. While driving, Detective Garcia heard a broadcast of shots fired inside the building. Once he and Detective Drum arrived at the southeast corner of the building, he observed a chaotic scene with kids running through the area in obvious distress.

Detectives Garcia and Drum entered the back door of Beam Hall, cleared the classrooms closest to the door, and posted near a pillar. Detective Garcia heard five gunshots coming from the floors above them. A third group of officers entered the building and proceeded up the stairs. At the same time, Detective Garcia saw an older male, later identified as Decedent, exit the elevator. Detective Garcia assumed the man was a professor. He appeared stoic, with salt and pepper hair, a long black coat, grey slacks, and a briefcase. Detective Garcia yelled toward Decedent, who did not acknowledge him while he slowly walked in the courtyard. While he did not appear to be a threat, he did not acknowledge the detective's presence. The officers on the second floor also attempted to communicate with Decedent, however he ignored their commands as well. Instead, Decedent walked toward the main doors on the northeast portion of Beam Hall.

As Decedent exited Beam Hall, Detectives Garcia and Drum followed him out. Detective Drum moved down the stairs toward Decedent, as Detective Garcia remained at the top of the stairs, ensuring nobody came upon them from behind. Decedent then turned, reached into his bag, retrieved a firearm, and pointed the gun directly at Detective Drum. Decedent began firing his gun as Detective Drum dodged out of the way and moved behind a pillar out of Detective Garcia's view.

Detective Garcia immediately engaged the suspect with gunfire as Decedent fired toward Detective Drum. Detective Garcia moved from his position to maintain a line of sight, as he continued to fire toward Decedent. Detective Garcia fired until he emptied his magazine. Detective Garcia then observed Detective Drum toward the back of a police vehicle. Detective Garcia reloaded his weapon and observed Decedent and Detective Drum in a gunfight. As Detective Garcia reached the bottom of the stairs, he saw Decedent was down, and LVMPD officers had moved to Decedent's location.

WITNESS OFFICER STATEMENTS

As part of the investigation, officers interviewed eight witness officers regarding the events of December 6, 2023. Most of these officers did not see Decedent until after he had been shot and did not see any portion of the shooting. The following section details a summary of those witnesses who observed portions of the event relevant to this report.

Officer Blount

On December 6, 2023, at approximately 4:22 pm, Detective B. Ballinger P#15232 and Detective M. Cortez P#15713 conducted an audio recorded interview with Officer D. Blount P#8287 near Maryland Parkway and Harmon Avenue inside LVMPD vehicle 9834. Also present for this interview was LVPPA representative. C. Lyman P# 8262. Below is a summary of the interview.

Officer Blount responded to a shooting call at the UNLV campus. While enroute, the call was upgraded to an active shooter incident. Information relayed over the radio was that the shooting occurred near the campus business center. The suspect was described as an older white male with gray hair, wearing a black or brown jacket.

Officer Blount arrived with two other airport investigation officers and parked near Maryland Parkway and Harmon Avenue, just north of the student union center. They walked west through the campus corridor. Officer Blount was approximately 60-70 yards from the business center, when he observed a UNLV K9 vehicle parked near the business center with its lights on.

Officer Blount heard officers screaming, "[s]how me your hands! Show me your fucking hands!" Officer Blount then heard, "shots erupt." Officer Blount saw gun smoke from where the shots were fired. Officer Blount took cover behind a patrol vehicle. Once the shots stopped, he moved forward again. Officer Blount saw an officer in a green utility uniform, and another officer wearing a maroon pullover with his gun drawn towards the same area. Officer Blount joined the arrest team on the right side of the patrol vehicle. From there, Officer Blount saw an officer take Decedent into custody. Officer Blount described Decedent as an older white male with grey hair, wearing a brown jacket and

maroon shirt underneath. Decedent was lying face down on the ground and when the officers rolled him over, Officer Blount observed what appeared to be a semi-automatic handgun underneath his body.

Officer Diasparra

On December 8, 2023, at approximately 1:04 pm, Detective Ubbens conducted an audio recorded interview with Officer Diasparra at 400 S. Martin Luther King Boulevard. Also present for the interview was LVPPA Representative Yant. Below is the summary of the interview.

Officer Diasparra was at lunch when he heard over the radio that there was a shooting at the UNLV campus. He responded to UNLV, parked near the Student Union, and retrieved his rifle. Officer Diasparra met with Sergeant Marini, and together, they attempted to locate the incident scene. Officer Diasparra heard over the radio that officers should treat the situation as an active shooter.

Based upon information being relayed over the radio, he and Sergeant Marini entered Beam Hall and responded to the upper floors. There, he saw another arrest team across from his team. Officer Diasparra yelled for the officers to come to him so they could have one larger arrest team.

Officer Diasparra exited the stairwell on the third floor. There, he saw a casually dressed male wearing a knit cap and holding a handgun. He also noticed a person with blood on the ground next to the male. Officer Diasparra initially believed the male to be the active shooter. Officer Diasparra raised his rifle and ordered the person to ground. The male seemed panicked and scared. As the male turned, Officer Diasparra saw a badge on the male's waistband and realized he was a police officer.

The officer told Officer Diasparra the shooter was contained to a set of rooms. He said that two females came out of the rooms and were sheltering in place. Officer Diasparra believed the officer in plain clothes would be safer with a group of officers than leaving the building alone with a gun in his hand and had him move with their group.

Officer Diasparra and the officers continued to work to clear the building. On the fourth floor, there was a room with cartridge cases outside the room and blood leading into the room. The officers had difficulty kicking the door to enter the room, so they kicked through the drywall next to the door and cleared the room. Officers continued to clear the building and made their way up to the roof. While on the roof, Officer Diasparra heard over the radio that an officer involved shooting had occurred. He did not hear the shot associated with the shooting.

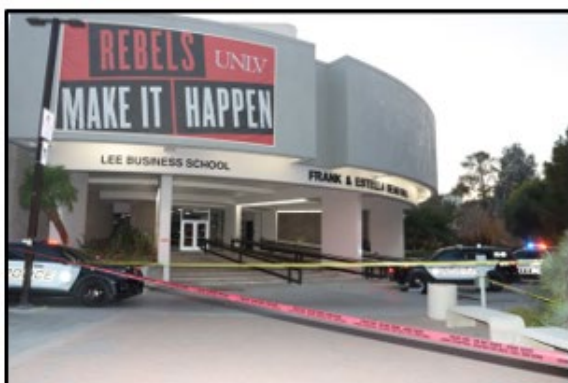
THE INCIDENT SCENE



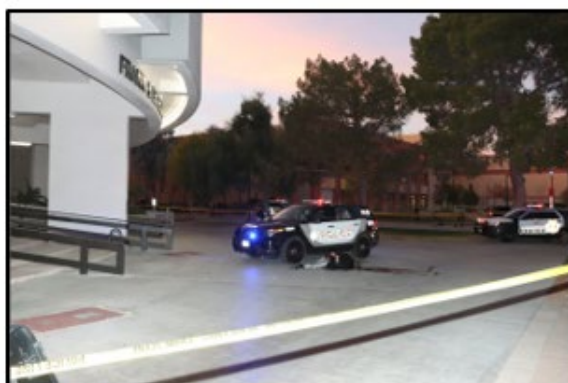
The incident scene was located at 4505 S. Maryland Parkway on the UNLV campus. Crime Scene Analysts were tasked with documenting the scene by way of photographs and for processing the scene for potential evidence.

Decedent was located on the sidewalk outside of Beam Hall. He was found facedown, wearing a black coat with multiple defects, a white and black striped shirt, grey pants, and black socks and shoes. He had apparent gunshot wounds to his head, neck, torso, left arm, and left leg. He wore 6 (six) capacity magazine pouches attached to his belt on both his right and left hip. The right pouch held 5 (five), 18 (eighteen) capacity magazines, all of which were fully loaded. The left pouch held 2 (two), 17 (seventeen) capacity and 2 (two) 18 (eighteen) capacity magazines, all of which were fully loaded.

Decedent was also found with a black satchel holding an am/fm receiver, a pistol loader, and a black Taurus PT92 AF-D 9mm semi-automatic pistol, #ADG459629. The gun safety was off, and the slide and hammer were forward. Multiple cartridge cases and bullets/fragments were found throughout the scene. Additionally, multiple apparent bullet holes and impacts were found throughout the scene.



Above left: The front (east entrance) to Beam Hall



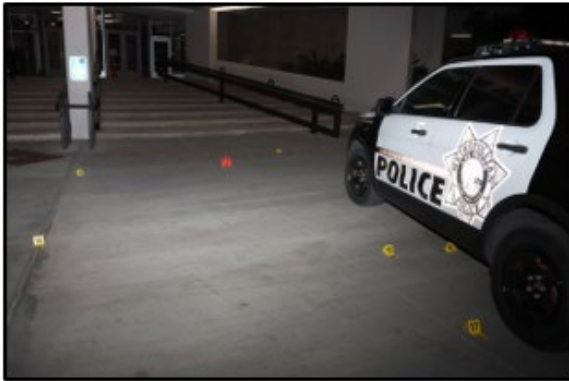
Above right: The front of Beam Hall to include the UNLV patrol vehicle and OIS location.



Above left: The bag and gun removed from under the body of Polito.



Above right: The stairs leading into the east entrance to Beam Hall with evidence markers.



Above left: Evidence markers in front of Beam Hall.
 Above right: A bullet fragment from the front of Beam Hall.



Above left: Magazine carrier on the belt of Polito.
 Above right: Semi-automatic magazines removed from the carrier on Polito's belt.

WEAPONS COUNTDOWN

On December 6, 2023, Officers Garcia and Drum had their duty weapons counted down to determine the number of rounds each officer fired during the incident. Additionally, subject and witness officers and their weapons were photographed for identification purposes.

OFFICER GARCIA'S WEAPON

Officer Garcia discharged a Glock, 9MM handgun. At the conclusion of the investigation, it was determined that Officer Garcia discharged his firearm eleven (11) times during the incident.

OFFICER DRUM'S WEAPON

Officer Drum discharged a Glock, 9MM handgun. At the conclusion of the investigation, it was determined that Officer Drum discharged his weapon six (6) times during the incident.

BODY WORN CAMERAS

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

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

The following officers were wearing activated Body Worn Cameras during the incident: Officer Bachman, Officer Brathor, Officer Diasparra, Officer Marano, and Officer Riedy. Below is a timeline based upon footage from those cameras.

Officer Bachman

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

19:52:18Z – Officer Bachman arrived at the UNLV campus.

19:53:11Z – Officer Bachman retrieved a patrol rifle and proceeded into the UNLV campus.

19:54:16Z – Officer Bachman walked through the open field area in the middle of the UNLV campus.

19:55:45Z – Officer Bachman and additional officers walked between two buildings when apparent gunshots were heard. Officer Bachman and the additional officers turned around and ran back to where they initially came from. Officer Bachman and the additional officers moved towards Beam Hall where patrol vehicles were observed.

19:56:32Z – Officer Bachman arrived at the patrol vehicles and announced, “Hey, I’m coming around the front of the car, coming around the front.” Officer Bachman grouped with officers behind another patrol vehicle.

19:56:51Z – Officer Bachman moved to the front of the patrol vehicle the officers were behind. Due to the position of Officer Bachman’s body worn camera, only apparent blood was observed on the ground when he initially moved around the front of the patrol vehicle.

19:57:39Z – Officer Bachman repositioned himself and Decedent can be observed on the ground. Officers were observed with Decedent who was positioned on his side with his hands behind his back. Apparent blood was observed on Decedent’s face/ head area as well as the ground beneath him.

19:58:34Z – One of the officers with Decedent moved a black bag which was near his body. Upon moving the bag, a black handgun was observed on the ground. An officer holding Decedent asked, “Think we need to roll him onto his other side?” Officer Bachman responded, “No, Mike, I say if you can just roll him a little bit just to check, make sure. He’s four-nineteen bro.”

19:58:34Z through 20:05:23Z – Officer Bachman stayed with Decedent and the additional officers.

20:05:23Z – Citizens exited Beam Hall while being accompanied by officers.

20:19:39Z – Officer Bachman entered Beam Hall where additional officers were staged.

20:19:39Z through 21:04:17Z – Officer Bachman cleared multiple rooms and floors of Beam Hall with additional officers.

21:04:17Z through 21:11:23Z – Officer Bachman remained outside of Beam Hall with other officers.

21:11:23Z – Officer Bachman moved west and then south through the UNLV campus.

21:19:33Z – Officer Bachman arrived at the Dayton Complex building with additional officers.

21:23:00Z – Officer Bachman entered the Dayton Complex with officers.

21:23:00Z through 22:29:42Z – Officer Bachman cleared multiple rooms and floors of the Dayton Complex.

22:29:42Z through 22:45:12Z – Officer Bachman remained outside and there were no significant changes. Officer Bachman went back towards the initial incident location and ultimately deactivated his body worn camera.

Officer Brathor

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

- 19:52:25Z** – Officer Brathor arrived at the UNLV Campus.
- 19:53:23Z** – Officer Brathor entered the UNLV Campus with additional officers on foot.
- 19:53:57Z** – Officer Brathor traveled through the grass area of the UNLV Campus and an officer provided the subject description of a male in his forties to fifties, wearing a black jacket with a handgun.
- 19:55:16Z** – Officer Brathor approached two UNLV Campus buildings with additional officers and proceeded to walk on a sidewalk in between the buildings.
- 19:55:46Z** – Apparent gunshots were heard. Officer Brathor and the additional officers turned around and ran to the area they came from.
- 19:56:09Z** – Officer Brathor and the additional officers he was with ran towards the south and stopped near the edge of a building. Multiple police vehicles were observed parked near Beam Hall.
- 19:56:20Z** – Officer Brathor and the additional officers ran towards the police vehicles in front of Beam Hall.
- 19:56:30Z** – Officer Brathor approached a group of officers behind a police vehicle.
- 19:56:49Z** – Decedent is observed on the ground, face down, next to the police vehicle. Apparent blood was observed on the ground near Decedent's head.
- 19:56:56Z** – Officers were observed walking around the front of the police vehicle with the attention towards Decedent.
- 19:57:07Z** – Officers were observed going hands on and placing Decedent in handcuffs.
- 19:57:53Z** – Officer Brathor approached Detective Drum who provided a brief description of the encounter with Decedent to another officer.
- 19:58:37Z** – Officer Brathor checked Detective Drum for injuries.
- 20:00:15Z** – Officer Brathor was approached by another involved officer, Detective Garcia, and was relieved of monitoring Detective Drum by executive staff of UNLV Police.
- 20:00:55Z** – Officer Brathor returned to the police vehicle Decedent was next to. Officers were observed with Decedent, and a black handgun was observed on the ground next to a black bag.
- 20:00:55Z through 20:05:27Z** – Officer Brathor remained behind the police vehicle Decedent was next to.
- 20:05:27Z – 20:27:41Z** – Officer Brathor assisted in escorting students and staff out of Beam Hall then towards the south of the UNLV Campus.
- 20:27:41Z** – Officer Brathor's body-worn camera was deactivated.

Officer Diasparra

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

- 19:52:19Z** – Officer Diasparra arrived at the UNLV Campus.
- 19:52:49Z** – Officer Diasparra ran into the UNLV Campus.
- 19:53:46Z** – Officer Diasparra arrived in the area of Beam Hall with additional officers.
- 19:54:45Z** – Officer Diasparra entered Beam Hall with additional officers.
- 19:55:00Z** – Officer Diasparra moved to the second floor of Beam Hall.
- 19:55:05Z** – Decedent was observed in the atrium of Beam Hall. Officer Diasparra yelled, "Get out, Get out" at Decedent.
- 19:55:10Z** – Decedent walked out of view of Officer Diasparra's body worn camera.
- 19:55:10Z through 21:01:57Z** – Officer Diasparra cleared multiple rooms with officers on the second, third, and fourth floors of Beam Hall with various law enforcement officers from different jurisdictions.
- 21:04:12Z** – Officer Diasparra exited Beam Hall.

Officer Marano

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

- 19:52:14Z** – Officer Marano arrived in the area of the UNLV Campus.
- 19:53:12Z** – Officer Marano contacted a male subject operating a golf cart and received information regarding the location of the incident.
- 19:53:24Z through 19:55:45Z** – Officer Marano drove through the UNLV Campus.
- 19:55:47Z** – Officer Marano arrived at the entrance to Beam Hall and observed the officer involved-shooting (OIS). Officer Marano exited his patrol vehicle where gunshots could be heard.
- 19:55:53Z** – Officer Marano ran towards the direction of the gunshots and additional patrol vehicles.
- 19:55:58Z** – Officer Marano observed a 'plain clothed' officer and stated, "with you, with you, with you." At the same time, Officer Marano moved around the back of a patrol vehicle and observed Decedent on the ground.
- 19:56:04Z** – Officer Marano utilized the rear of the patrol vehicle while he maintained visual contact of Decedent who was faced down. Decedent was observed on the ground near the driver's door of a patrol vehicle with apparent blood around his face and head. Dark broken glass from the patrol vehicle window was observed on the ground near Decedent and the patrol vehicle.
- 19:56:06Z** – Officer Marano advised the "plain-clothed" officer, "Hey get cover, take cover right now." Officer Marano further advised additional officers, "Come to me, come to me."

19:56:14Z – Officer Marano announced, “We got a suspect down. He looks four-nineteen (419).”

19:56:36Z – Officer Marano stated, “We got the shooter, he’s down. Come to me. Stack up on me.” Officer Marano and additional officers then moved towards the front of the patrol vehicle Decedent was next to.

19:57:14Z – Officer Marano and another officer moved from the front of the patrol vehicle and placed Decedent in handcuffs. Officer Marano positioned Decedent on his side which exposed a black bag. Another officer moved the black bag away from Decedent which revealed a black handgun. Officer Marano stated, “let’s try and look to see if we can render some medical aid.”

19:58:01Z – Officer Marano moved the left side of Decedent’s jacket above his waist area which revealed a magazine carrier with additional magazines. Officer Marano continued a search of Decedent’s person for additional firearms. A large amount of apparent blood was observed near the head of Decedent. During the search for additional weapons, Officer Marano positioned Decedent on his back and moved the front of his jacket. Once Officer Marano moved the front of Decedent’s jacket, a larger amount of apparent blood was observed on Decedent’s chest and stomach.

19:58:01Z through 20:02:37Z – Officer Marano stayed with Decedent and held him on his side until the body-worn camera was deactivated.

Officer Riedy

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

19:52:26Z – Officer Riedy arrived at the UNLV Campus.

19:53:23Z – Officer Riedy enters the UNLV Campus with additional officers on foot.

19:53:57Z – Officer Riedy traveled through the grass area of the UNLV Campus and an officer provided the subject description of a male in his forties to fifties, wearing a black jacket with a handgun.

19:55:16Z – Officer Riedy approached two UNLV Campus buildings with additional officers and proceeded to walk on a sidewalk in between the buildings.

19:55:46Z – Apparent gunshots were heard. Officer Riedy and the additional officers turned around and ran to the area they came from.

19:56:06Z – Officer Riedy and additional officers ran towards the south and stopped near the edge of a building. Multiple police vehicles were observed parked near Beam Hall.

19:56:20Z – Officer Riedy and the additional officers ran towards the police vehicles in front of Beam Hall.

19:56:31Z – Officer Riedy approached a group of officers behind a police vehicle and Decedent can be observed on the ground, face down. Decedent was observed wearing a black jacket with red undershirt and light-colored pants. Apparent blood was observed on the ground near Decedent’s head.

19:56:55Z – Officers were observed walking around the front of the police vehicle with their attention on Decedent.

19:57:06Z – Two officers were observed placing Decedent in handcuffs followed by a pat down of his person.

19:57:39Z – An officer was observed moving a bag from beneath Decedent which exposed a black handgun.

19:56:35Z – Officer Riedy made entry into Beam Hall.

19:56:35Z through 20:18:42Z – Officer Riedy remained inside of Beam Hall, cleared various rooms with additional officers and assisted with escorting students and staff out of the building.

20:18:42Z – Officer Riedy's body worn-camera was deactivated.

20:56:55Z – Officer Riedy's body worn camera was reactivated. Multiple officers and medical personnel were observed within Beam Hall. Officers were observed escorting students out of the building.

21:09:36Z – Officer Riedy's body worn camera was deactivated.

UNLV Surveillance Footage Summary (Drum and Garcia)

Surveillance footage from fourteen surveillance cameras was provided to LVMPD Force Investigation Team detectives by University Police. Of the fourteen cameras, footage from six cameras was summarized, specifically focusing on the arrival of Detective Drum and Detective Garcia, their actions and the subsequent officer involved shooting.

Camera "PKG3-641-04"

Camera PKG3-641-04 was pointed toward the southwest and was elevated. The camera is in a fixed position and had an overview of Dorothy Avenue and Maryland Parkway as well as various businesses. This camera was located to the east of Maryland Parkway, across from the UNLV campus.

11:47:44 – Detectives Drum and Garcia were observed in an unmarked white sedan, traveled west on Dorothy Avenue toward Maryland Parkway.

11:47:50 – Detectives Drum and Garcia made a northbound turn onto Maryland Parkway, out of camera view.

Camera "TON-08-PTZ"

Camera TON-08-PTZ was pointed toward the east and was elevated. The camera was in a fixed position and has an overview of University Road, a portion of Maryland Parkway as well as UNLV campus buildings. The camera was located within the UNLV campus.

11:48:01 – Detectives Drum and Garcia were observed on Maryland Parkway in the unmarked white sedan.

11:48:23 – Detectives Drum and Garcia entered the UNLV campus with emergency lights activated.

11:48:30 – Detectives Drum and Garcia continued west on University Road through the UNLV campus out of camera view.

Camera “EMP-UTC-NW-02”

Camera EMP-UTC-NW-02 was pointed toward the northeast and was slightly elevated. The camera is in a fixed position and captured part of University Road, and unmarked driveway as well as UNLV campus buildings.

11:48:23 – Detectives Drum and Garcia were observed traveling west through the UNLV Campus on University Road.

11:48:36 – Detectives Drum and Garcia make a northbound turn onto an unmarked driveway within the UNLV campus.

11:48:40 – Detectives Drum and Garcia continued northbound through the campus, out of camera view.

Camera “EMP-BKS-N-01”

Camera EMP-BKS-N-01 was pointed west and was slightly elevated. The camera was in a fixed position and captured a sidewalk leading to a driveway and parking lot G. Parking lot G is located on the south side of Beam Hall. The camera also captured a small portion of landscape southeast of Beam Hall.

11:48:48 – Detectives Drum and Garcia arrived at the south side of Beam Hall in the unmarked white sedan.

11:49:02 – Detectives Drum and Garcia parked their vehicle; Detective Drum exited the driver seat and Detective Garcia exited the passenger seat.

11:49:13 – Detectives Drum and Garcia ran towards Beam Hall.

Camera “EMP-TON-NW-04”

Camera EMP-TON-NW-01 was pointed in a north-northeast direction. The camera was in a fixed position that was slightly elevated and has an overview of parking lot G, the south side of Beam Hall and a road along the west wall of Beam Hall. The camera captured three southern entrances into Beam Hall.

11:49:09 through 11:49:17 – Detective Drum ran towards a south entrance of Beam Hall and entered the building through the southeast doors.

11:49:23 – Detective Garcia ran towards the same south entrance and followed Detective Drum into Beam Hall through the southeast doors.

Camera “EMP-WRI-SE-04”

Camera EMP-WRI-SE-04 was pointed in a south-southeast direction. The camera was in a fixed position and elevated. The camera captured a courtyard area and the front of Beam Hall. The camera specifically covered the steps leading to the northeast entrance of Beam Hall as well as another UNLV campus building to the east of Beam Hall.

11:47:38 – A marked police vehicle was observed traveling west on the sidewalk, along the east wall of Beam Hall. Numerous students were observed running away from the northeast entrance of Beam Hall.

11:47:50 – The marked police vehicle parked, and a uniformed officer was observed running into Beam Hall.

11:49:36 through 11:51:05 – Multiple marked police vehicles from different agencies were observed driving toward the northeast entrance of Beam Hall. Multiple officers were observed exiting the police vehicles, retrieving equipment, and running towards the northeast entrance of Beam Hall.

11:51:05 – An apparent injured male emerges from the east side of Beam Hall and walks north toward the police vehicles. The male was observed wearing a green long sleeve shirt and khaki pants. Apparent blood was observed on the left side of his shirt and on his pants. The male appeared to be holding his left hand the entire time until he walked out of camera view.

11:55:40 – Decedent was observed in front of the northeast entrance of Beam Hall.

11:55:43 – Detective Drum was observed walking down the steps of Beam Hall toward Decedent.

11:55:45 – Decedent stepped out of camera view. Detective Drum was observed making a quick movement to his right while placing his right hand on his hip. Detective Drum then ran around a parked police vehicle he was next to.

11:55:47 – Decedent entered camera view with his left hand raised and pointed in Detective Drum's direction. Detective Drum fell to the ground as he ran toward another police vehicle. Citizens within the immediate vicinity of Detective Drum and Decedent took cover behind the parked police vehicles.

11:55:49 through 11:55:54 – Decedent was observed running toward Detective Drum's position. Detective Drum moved to the rear of a marked police vehicle while Decedent went around the front of the police vehicle.

11:55:54 – While Decedent and Detective Drum were on the driver side of a marked police vehicle, Decedent was observed falling to the ground near the driver door. Detective Drum retreated to the rear of the marked police vehicle.

11:56:01 through 11:56:03 – An additional officer was observed running toward Detective Drum and Decedent. Detective Garcia was observed walking down the steps of Beam Hall.

11:56:03 through 11:57:09 – Multiple officers arrived at the location of Detective Drum, Detective Garcia and Decedent. Detective Drum moved east of the incident location.

11:57:09 – Officers were observed approaching Decedent and taking him into custody.

11:58:36 – Multiple officers were observed entering Beam Hall while additional officers stayed with Detective Drum, Detective Garcia and Decedent.

12:06:40 – Medical personnel arrived at Beam Hall and assessed Decedent.

12:06:40 through 12:30:00 – Multiple officers were observed arriving at the incident location, entering Beam Hall and neighboring buildings. Numerous students and staff members were observed exiting Beam Hall and moving toward the south.

12:30:00 – Surveillance footage ends.

AUTOPSY OF DECEDENT

On December 7, 2023, at approximately 9:30 am, Clark County Medical Examiner Dr. Shaller performed an autopsy on the body of Decedent. During the examination, Dr. Shaller noted Decedent had nine gunshot wounds.

At completion of the autopsy, Dr. Shaller determined Decedent's cause of death was multiple gunshot wounds and the manner of death was homicide. A postmortem toxicological analysis was completed with the following unremarkable results:

<u>Analyte</u>	<u>Result</u>	<u>Units</u>	<u>Matrix Source</u>
Cotinine	Presump Pos	ng/mL	001 - Peripheral Blood
Oxycodone - Free	15	ng/mL	001 - Peripheral Blood
Tadalafil	84	ng/mL	001 - Peripheral Blood
Creatinine (Vitreous Fluid)	0.838	mg/dL	003 - Vitreous Fluid
Sodium (Vitreous Fluid)	145	mmol/L	003 - Vitreous Fluid
Potassium (Vitreous Fluid)	9.32	mmol/L	003 - Vitreous Fluid
Chloride (Vitreous Fluid)	124	mmol/L	003 - Vitreous Fluid
Urea Nitrogen (Vitreous Fluid)	16.6	mg/dL	003 - Vitreous Fluid
Cotinine	Presump Pos	ng/mL	004 - Urine
Nicotine	Presump Pos	ng/mL	004 - Urine

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any killing which occurred during the course of their duties. That assessment includes determining whether any criminality on the part of the officers existed at the time of the killing. As this case has been deemed a homicide by the coroner, the actions of these officers will be analyzed under the State's jurisprudence pertaining to homicides.

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

theories will be discussed below.

A. The Use of Deadly Force in Self-Defense of 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 ... another person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony ...” against the other person. NRS §200.120(1). Homicide is also lawful when committed:

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

NRS §200.160(1).

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

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

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

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

....

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

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

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

If evidence [that a killing was in defense of another exists], the State must prove beyond a reasonable doubt that the defendant did not act in [defense of another].

Id. at 1051-52.

The known facts and circumstances surrounding this incident indicate that Decedent posed an imminent danger to numerous civilians and officers. He arrived at UNLV campus armed with a loaded 9mm handgun. He entered Beam Hall and began shooting multiple civilians. As officers were attempting to locate him, he happened upon Detectives Drum and Garcia. He pointed his firearm directly at Detectives Drum and began firing his weapon. Detective Drum dodged out of the way and returned fire. Detective Garcia observed Decedent firing at Detective Drum and based upon the threat, also began firing at Decedent. Both Detective Drum and Detective Garcia were confronted by an actual imminent danger of being killed or suffering great bodily harm, which created in their minds an honest belief and fear that they, their fellow officers, or innocent civilians were about to be killed or suffer great bodily injury. Based upon those appearances, fears and actual beliefs, Detectives Drum and Garcia shot Decedent, ending the threat; as such, Detectives Drum and Garcia's actions were justified.

B. Justifiable Homicide by a Public Officer

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

In this case, Detectives Drum and Garcia had probable cause to believe Decedent posed a threat of serious physical harm to themselves and to other people. Decedent drove on to a university campus, armed himself with a firearm, and killed numerous innocent civilians. While officers were attempting to contact Decedent, he pointed his firearm directly at the officers. Decedent refused to comply with orders to drop the weapon and instead aimed and fired his weapon at those officers. These circumstances created probable cause to believe in the officers’ mind that Decedent posed a threat of serious physical harm to themselves, fellow officers, and innocent civilians. Considering all the evidence reviewed to date, the State would be unable to prove that the actions of the officers were in fact unjustified, “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, it has been determined that the actions of law enforcement in response to being fired upon by the Decedent were reasonable and 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 the officers, and unless new circumstances come to light which contradict the factual foundation upon which this decision is made, no charges will be forthcoming.