



News Release

Steven B. Wolfson, District Attorney

Christopher Lalli, Assistant District Attorney
Robert Daskas, Assistant District Attorney
Mary-Ann Miller, County Counsel
Teresa Lowry, Assistant District Attorney

District Attorney's Office • (702) 671-2700 • FAX (702) 868-2415 • www.ClarkCountyNV.gov

Contact: Audrie Locke
Clark County District Attorney's Office

Phone: (702) 671-0976
Fax: (702) 868-2415
E-mail: Audrie.Locke@ClarkCountyDA.com

For Immediate Release

April 9, 2015

DA's Office Releases Report on D'Andre Berghardt death

The Clark County District Attorney's Office has determined that the actions of Bureau of Land Management (BLM) officers on February 14, 2014, were reasonable and legally justified.

According to the report released today, BLM officers made contact with D'Andre Berghardt on State Route 159 after it was reported that he was harassing bicyclists in the area. From the initial contact, Mr. Berghardt was uncooperative and became combative as BLM officers talked to him. He refused to identify himself and attempted to leave the area after being approached by officers. The officers informed Mr. Berghardt he was not free to leave because they were investigating a possible crime. He then pulled a flathead screwdriver from his pocket and resisted officers' attempts to detain him.

The BLM officers first deployed a Taser in an attempt to take Mr. Berghardt into custody. This method failed and the officers then used pepper spray, which also was ineffective in getting Mr. Berghardt to comply with their commands. Mr. Berghardt then attempted to get in to two different vehicles occupied by private citizens. At that point, one of the BLM officers began striking Mr. Berghardt with a baton in a further attempt to restrain him and prevent any further possible danger to citizens in the area.

During the struggle, a Nevada Highway Patrol (NHP) trooper arrived to assist the BLM officers. The trooper also attempted to tase Mr. Berghardt, but that did not appear to have an effect on him. At this point Mr. Berghardt ran to the NHP Trooper's vehicle, which was still running. He entered from the driver's side door and attempted to remove an AR-15 rifle that was in the vehicle.

The BLM officers shot him to prevent him from running over one of the officers positioned in front of the vehicle, or further endangering the citizens in the area. Medical assistance was requested and Mr. Berghardt was declared dead at the scene. The toxicology analysis performed as a part of the autopsy showed Mr. Berghardt had Delta-9 THC in his system. This is a schedule I hallucinogen which has depressant and reality distorting effects.

Berghardt (cont.)

Throughout the incident, several witnesses, the BLM officers and NHP Trooper, heard a variety of alarming statements from Mr. Berghardt, including; "You better be ready to end this here today, just shoot me in the head," "I'm going to get your gun and shoot you," and "Are you ready to end it? You're going to have to end it today."

"The BLM officers in this case used multiple, non-lethal methods, to attempt to get Mr. Berghardt to cooperate," said District Attorney Steve Wolfson. "Only after Mr. Berghardt attempted to take control of a Nevada Highway Patrol vehicle, and a secured AR-15 rifle in that vehicle, did officers resort to using deadly force. It is fortunate that no other citizens were harmed in this incident."

A Police Fatality Public Fact-Finding Review was conducted in this incident on March 2, 2015. Clark County Code mandates such a review when a police-involved death occurs, and the prosecutor preliminarily determines that no criminal prosecution of the officer is appropriate.

The determination that the officers acted lawfully in this situation is based upon the evidence available at this time. The case could be reexamined if new information comes to light.

The full report is available on the District Attorney's [Web page](#).