



REPORT ON USE OF FORCE

Legal Analysis Surrounding the Death of Nicolas Farah on March 31, 2019.

INTRODUCTION

On March 31, 2019, a La Quinta Inn & Suites employee called 9-1-1 for police assistance on behalf of Nicolas Farah ("Farah" or "Decedent"). Farah entered the hotel and reported that he had been robbed. The hotel employee placed Decedent on the telephone with the Las Vegas Metropolitan Police Department ("LVMPD") call taker. Decedent stated that he wished to remain anonymous and the call disconnected. The call taker called back, and Decedent stated he had been drinking and was walking with a stranger who punched him and took his backpack. Multiple times, Decedent indicated that he did not want to press charges and refused to give a description of the alleged perpetrator. He stated he just wanted a ride.

The hotel employee contacted a taxi for Decedent; he refused to get in the vehicle and leave the hotel. Once he refused to leave the property, the employee contacted LVMPD again.

Officers arrived at the La Quinta Inn and contacted the employee. As the employee was speaking to the officers, Decedent approached. Officers spoke with Decedent and asked him to identify himself; Decedent refused. Officers directed Decedent to exit the business and stand in front of the police vehicle. Decedent, instead, turned back to go inside the property. Officers detained Decedent and put handcuffs on him. Again, officers asked Decedent to identify himself and he refused. As officers engaged with Decedent, he became more aggressive and pulled away from them. Officers requested an additional officer report to the scene in order to safely place Decedent into the police vehicle. After a third officer responded, officers placed Decedent into the backseat of a police vehicle and transported him to the Clark County Detention Center.

When they arrived, corrections officers were waiting with a restraint chair. Decedent told the corrections officers he would be cooperative; however, when they took him out of the car, he tensed up his body. Corrections officers placed Decedent into the restraint chair and brought him into the facility. During the interaction, in an effort to remove the handcuffs, Decedent's head was restrained down in between his legs and his handcuffed arms raised upward at the same time. Emergency Medical Technicians noticed that Decedent appeared pale and in distress so they called for a physician. Officers performed CPR on Decedent pending the arrival of medical staff and Las Vegas Fire Department Officers. Officers ultimately transported Decedent to University Medical Center where he was pronounced deceased.

The Clark County District Attorney's Office has completed its review of the March 31, 2019, death of 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 Sergeants Richard Newman and Samuel Mendoza and Officers Aaron Mosely and Jeremy Stewart 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 those individuals. It is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this police encounter. It is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review which was held on March 16, 2020.

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 LVMPD or to suggest the existence or non-existence of civil actions by any person, where less stringent laws and burdens of proof apply.

INCIDENT DETAIL

On March 31, 2019, at approximately 1955 hours, an employee from La Quinta Inn & Suites located at 4975 S. Valley View Boulevard called 9-1-1 to request police assistance for a male who had entered the hotel and stated he had been robbed. The hotel employee placed the male, later identified as Nicholas Farah, on the telephone with the Las Vegas Metropolitan Police Department call taker. Farah informed the call taker that he wished to remain anonymous, then the call suddenly disconnected. The call taker recalled the La Quinta Inn one minute later and spoke with Farah. Farah informed the call taker that he had been

drinking and was walking with a stranger who punched him and stole his backpack. Farah informed the call taker numerous times that he did not want to press charges and refused to give a description of the person who had taken his belongings. Farah stated he just wanted a ride and was told LVMPD could not assist with that.

After the phone call to LVMPD, the hotel employee assisted Farah in calling for a taxi; however, when the taxi arrived, Farah did not get into the vehicle. Farah was not a guest of the hotel and refused to leave. The employee believed Farah was intoxicated and possibly under the influence of some sort of narcotic, so she asked him to leave. When Farah refused, the employee re-contacted LVMPD. On March 31, 2019, at approximately 2013 hours, the employee spoke to LVMPD Dispatch and asked for police assistance in escorting Farah off the property.

Enterprise Area Command ("EAC") Officers Gabriel Villanueva and Daniel Demarinis were the first to arrive at the La Quinta Inn. When they arrived, they parked near the front doors of the business and contacted the employee, who was outside waiting for them. As the employee was explaining the situation to Officers Villanueva and Demarinis, Farah approached the front door of the business. The officers spoke to him in the open doorway.

Officers attempted to explain to Farah why they were there and asked him multiple times to identify himself; Farah refused. After approximately four minutes, Farah was told by the officers to exit the business and stand in front of an LVMPD patrol vehicle. Farah, who was still standing in the doorway, turned his body in the direction of the inside of the La Quinta Inn. The officers then each took Farah by an arm and escorted him to the front of the patrol vehicle and placed him in handcuffs.

As Farah stood at the front of the patrol vehicle, officers again asked Farah for his name, where he was from, and what happened to him, but again he refused to answer. The officers held Farah by the arms during the conversation due to him tightening up his body and attempting to pull away from them. Farah's demeanor and responses to the officers continued for approximately fourteen minutes. Farah became more aggressive and began to actively pull away from Officers Villanueva and Demarinis, so they requested an additional officer to the scene to help them safely place Farah in the back of the patrol vehicle.

Officers Villanueva and Demarinis were joined by Officer Samuelito Quijano, who assisted in controlling Farah. Farah continued to pull away from officers as he was escorted to a patrol vehicle, placed in the backseat, and secured using a seatbelt. Officer Villanueva then transported Farah to the Clark County Detention Center (CCDC). Due to the resistance shown by Farah, Officer Villanueva notified Dispatch of a Code 5, or a combative prisoner, and requested the camera in the jail be activated.

When Officer Villanueva arrived at CCDC, corrections officers were waiting for Farah in the sally port area with a Code 5 restraint chair. The corrections officers spoke with Farah, who stated that he would be cooperative. Officers took Farah out of the car. While officers searched him, he tensed up his body. The corrections officers then placed Farah into the Code 5 restraint chair.

Corrections Sergeants Richard Newman and Samuel Mendoza, along with Corrections Officers Aaron Mosely and Jeremey Stewart, held Farah down in the chair. Farah's head was positioned down in between his legs and his handcuffed arms raised upward at the same time so the cuffs could be removed. The corrections officers secured Farah into the chair and turned to proceed into CCDC. Emergency Medical Technicians Kim Soffe and Collin Petrielius checked on Farah, noticed his coloring was off, and called for Physician Assistant Ray Montenegro.

Officers started cardiopulmonary resuscitation ("CPR") on Farah while medical staff and Las Vegas Fire Department ("LVFD") personnel were requested. The automated external defibrillator ("AED") was also utilized on Farah. Farah was transported to University Medical Center ("UMC") Emergency Room ("ER") where he was pronounced deceased at 2159 hours by Doctor Hughes.

The LVMPD Force Investigation team was assigned the case.

INVESTIGATION

Officer Daniel Demarinis

Officer Demarinis was wearing a body worn camera ("BWC") at the time of the incident, and the camera was activated. Officer Demarinis' camera footage depicted him arriving in the area of the La Quinta Inn at 4975 S. Valley View Boulevard and continue past the location, as he appeared to be waiting for another unit. As another officer (Officer Villanueva) arrived in the area, Officer Demarinis drove around to the front entrance of the La Quinta Inn and parked. While Officer Villanueva talked with the hotel employee, Officer Demarinis saw a male (Nicholas Farah) walking inside the business who matched the description of the subject the employee had reported to police. Farah was wearing a blue baseball style hat, a baggy green hooded sweatshirt, was carrying a cup, and appeared to place something into the front pocket on his sweatshirt.

Farah moved toward the front door of the hotel and Officer Demarinis contacted him in the doorway. Officer Demarinis asked Farah to exit the business because Farah had been asked to leave the property, but Farah did not comply. Farah refused to give the officers his name or any personal information and stated that people were stealing from him and robbed him. When asked about the robbery, Farah refused to give any further information about it. The interaction between Farah and the officers lasted for approximately five minutes before Farah began to walk back into the hotel. Officer Demarinis then took Farah by the right arm, Officer Villanueva took Farah by the left arm, and they escorted Farah toward the front of a patrol vehicle.

Officer Villanueva was directly behind Farah and placed him in handcuffs. Officer Demarinis stood on Farah's right side. Officer Demarinis asked over the police radio for another unit to assist them due to Farah being uncooperative. Officer Villanueva could be heard on camera telling Farah to relax and stop tensing up his body.

Farah did not provide any personal information to the officers, and he continued to tell officers that people had been stealing his clothes and identity. This interaction continued for over ten minutes. The officers told Farah to stop tensing his body and pushing against them. Officer Demarinis placed his left arm on Farah's right shoulder and appeared to use his body weight to push Farah toward the hood of the vehicle. Officer Demarinis asked over the radio

channel how long until the additional unit would arrive to assist. Farah then screamed and appeared to attempt to pull away from the officers as they pushed his upper body down toward the hood of the vehicle.

Officer Demarinis requested over the radio for the additional officer to expedite to the scene. Moments later, Officer Quijano arrived on scene and immediately joined Officers Villanueva and Demarinis. Officer Quijano placed his hand on Farah's head and pulled him toward the vehicle, and Officers Villanueva and Demarinis attempted to control Farah's body. An officer could be heard verbalizing a plan to the group on how they would take Farah to another patrol vehicle. The officers then escorted Farah to the back, passenger side rear quarter panel of one of the patrol vehicles. The officers placed Farah against the vehicle and conducted a search of his person prior to placing him inside the vehicle. Once inside the vehicle, Farah began thrashing his body and screaming that they "shot me up" as the officers worked to secure him with a seatbelt. After Farah was secured in the vehicle, Officer Demarinis made a phone call to his sergeant and explained what happened on the call. He informed his sergeant that Farah would be booked as a John Doe, and that no use of force was used. There was also a conversation among the officers regarding Farah's strength and their belief that it could have been from drug use. The camera was then deactivated.

Officer Samuelito Quijano

Officer Quijano was wearing a body worn camera ("BWC") at the time of the incident, and the camera was activated. Officer Quijano's camera footage depicted him driving toward the La Quinta Inn located at 4975 S. Valley View Boulevard, and as he was preparing to turn onto the property a Code Red (emergency exists, emergency radio traffic only) was requested via radio broadcast.

Officer Quijano exited his vehicle and ran toward the front of an LVMPD patrol vehicle parked near the main entrance doors of the business. Officers Villanueva and Demarinis were at the front of the vehicle and appeared to be restraining a male (Nicholas Farah). Farah was wearing a blue baseball style hat and a baggy green hooded sweatshirt. Farah yelled as Officer Quijano grabbed him by the top of the head and pulled him toward the hood of the vehicle. Officer Villanueva, who was sweating and appeared slightly out of breath, was behind Farah and farthest away from Officer Quijano. Officer Villanueva verbalized a plan to

place Farah inside a patrol vehicle. Farah continued to yell and attempted to pull away from officers.

Officer Quijano stepped away from the other officers as he broadcast over the police radio that it was okay to clear the Code Red from the channel. Once Officer Quijano completed his radio traffic, he joined Officers Villanueva and Demarinis as they escorted Farah to one of the other patrol vehicles. The officers placed Farah against the back, passenger side rear quarter panel of the vehicle and conducted a search of his person prior to placing him inside the vehicle. Officer Quijano then ran around to the driver side of that vehicle, opened the rear door and assisted with pulling Farah into the vehicle; Officers Villanueva and Demarinis assisted from the passenger side. Farah began thrashing his body and screaming as the officers worked to secure him in the backseat with a seatbelt. Once Farah was secured in the backseat, Officer Quijano deactivated his BWC.

Officer Gabriel Villanueva

Officer Villanueva was wearing a BWC at the time of the incident and the camera was activated. Officer Villanueva's camera footage depicted him arriving at 4975 S. Valley View Boulevard and pulling behind another LVMPD patrol vehicle (driven by Officer Demarinis). Both vehicles continued toward the entrance of the La Quinta Inn. The officers exited their vehicles and made contact in front of the business with the hotel employee. The employee informed the officers that a male (Nicholas Farah) went into the hotel about an hour prior and told her he had been robbed. The employee explained she attempted to help Farah by calling him a cab, but he did not get into the vehicle. The employee explained that Farah appeared to have issues and was talking to himself.

While the officers were out in front of the hotel, Farah approached the entrance doors where Officer Demarinis stood. Farah refused to give the officers his name or any personal information, and only stated that people were stealing from him and robbed him. When asked about the robbery, Farah refused to give any further information. This interaction between Farah and the officers lasted approximately five minutes before Farah moved to walk back into the hotel. Officer Demarinis then took Farah by the right arm, Officer Villanueva took Farah by the left arm, and they escorted him toward the front of a patrol vehicle.

Officer Villanueva told Farah, who was wearing a large, green hooded sweatshirt, that he was going to make sure he did not have any weapons on him and placed both of Farah's hands behind his back. Officer Villanueva told Farah to relax his arms as he appeared to pull his upper body away and told the officers they weren't listening to him. Officer Villanueva placed Farah in handcuffs while they continued to try and get Farah's name and other information from him.

Farah did not provide any personal information to the officers. He told officers people had been stealing his clothes and identity. That interaction continued for over ten minutes. The officers told Farah to stop tensing his body and pushing against them. They used their body weight to push Farah's body toward the vehicle. As the officers held Farah against the vehicle, he screamed and appeared to try to pull away from them.

Officer Demarinis requested another officer report to the scene over the police radio. Moments later Officer Quijano arrived on scene and immediately joined Officers Demarinis and Villanueva. Officer Quijano placed both hands on Farah's head and pulled him toward the hood of the vehicle, while Officers Demarinis and Villanueva attempted to control Farah's body. The officers escorted Farah to the back, passenger side rear quarter panel of one of the patrol vehicles. The officers placed Farah against the vehicle and conducted a search of his person prior to placing him inside the vehicle. Once inside the vehicle, Farah began thrashing his body and screaming that they "shot me up" while the officers worked to secure him with a seatbelt. Farah was secured in the vehicle and the camera was deactivated.

THIRD PARTY VIDEO AND PHOTOGRAPHIC EVIDENCE

McCarran International Airport

Detective Penny contacted LVMPD Problem Solving Unit (PSU) officers assigned to McCarran International Airport. Officers obtained surveillance video from the airport and located Farah as he exited his flight and landed in Las Vegas. Farah was observed on camera labeled T1CB1L2-CB1 with an imbedded time and date stamp of 03/31/2019 1:55:10 PM as he exited the jet bridge into McCarran's terminal. Farah was wearing a baseball style hat, green Adidas brand hooded sweatshirt, black pants and had a backpack on. Officers were able to follow Farah on video as he made his way through the airport and ultimately to the taxi cab line.

Farah was observed on camera labeled T1BCSL1-DOOR06W on 03/31/2019 2:56:24 PM when he entered a Yellow Cab. It was learned later this cab was driven by J.G. who was interviewed.

The following are some of the screenshots taken of Farah.



Above: Farah walking through McCarran International Airport and Farah as he entered a Yellow Cab

Town Square Mall

Detectives obtained video from the Town Square Las Vegas shopping, dining, and entertainment center located at 6605 S. Las Vegas Boulevard. The video surveillance for the property had a built-in date and time stamp, as well as documentation for which camera was being viewed.

Farah was observed on video surveillance exiting a yellow cab at the time stamp of 16:24:09 on the 209 – Building D – Market Place camera. Farah was captured on video surveillance wandering around the property until approximately 16:37:09 when he was last seen on the 059 – South P. G. Level 3 southwest camera. Farah walked east on Town Square Parkway,

past Miller's Ale House toward Las Vegas Boulevard, and out of view of the surveillance cameras. Farah was not observed again on any other property surveillance camera.

Rebel Gas Station – 3785 W. Tropicana Avenue

Detectives obtained video from the Rebel Gas Station located at 3785 W. Tropicana Avenue. This gas station was directly across the street from the La Quinta Inn where Farah was contacted by officers. The video was obtained by Digital Forensics Laboratory (DFL) Detective Cody Vigil, P# 14100, from the manager of the gas station. Multiple camera angles were captured from 1500 hours through 2000 hours. The videos were broken down into 1,119 exported videos. Some of the cameras operated only by motion activation. The videos were reviewed, and Farah was not observed during the time frame mentioned.

Clark County Detention Center Surveillance Cameras

Detectives obtained video from CCDC from three separate angles/cameras attached to the in-house surveillance system. The three exterior cameras were titled 1070 Vehicle Sally, 1069 Vehicle Sally, and 1086 Booking Exterior Counter. The two vehicle sally cameras were specific to the air lock door leading into the facility. The below synopsis incorporates footage captured by all three surveillance camera views.

At the time stamp of 9:10:30, a patrol vehicle was seen backing into the sally port area where two corrections sergeants dressed in green LVMPD utility uniforms were waiting. The patrol vehicle backed up as to be positioned adjacent to the air lock doors that led into the CCDC booking area. The two corrections sergeants approached the vehicle, walked around the back to the driver side, and speak with the driver before opening the rear driver side door. While the corrections sergeants were at the open back driver side door of the vehicle, two corrections officers in tan LVMPD uniforms and a nurse exited CCDC. One of the officers appeared to prepare the Code 5 restraint chair as the corrections sergeants and a patrol officer went back around to the passenger side of the vehicle.

The officers opened the rear passenger door of the vehicle and assisted Farah in exiting the vehicle. The two corrections officers placed Farah against the vehicle and appeared to conduct a pat down while the sergeants stood away with the nurse. It appeared the corrections officers had to press Farah forcefully against the vehicle and subsequently were joined by the two corrections sergeants. One of the corrections sergeants moved away from the vehicle and moved the restraint chair toward the group. Once the chair was moved closer

to the vehicle the other corrections officers walked Farah back toward the chair and placed him in it.

A female corrections officer exited CCDC, approached the group, and appeared to be holding a small handheld camera. She was joined by another nurse. The group was huddled around Farah and it appeared they were securing him in the restraint chair. The group began to move away from Farah and it appeared he was in the chair with only two corrections officers working to finish securing him. Once Farah was secured, the chair was turned around and Farah was moved toward the entrance door to CCDC. The first nurse who had exited the facility stopped the officers from continuing inside the facility with Farah. The nurse began looking at Farah when the chair was pulled back into a more open area. Farah was immediately removed from the chair and laid on the ground. More personnel exited CCDC and the medical cart was brought out as it appeared medical attention was being provided to Farah. The patrol officer moved his vehicle out of the sally port, while CCDC staff continued to provide medical attention to Farah until additional medical personnel arrived.

Clark County Detention Center Handheld Camera

Video footage collected via a handheld camera used during interactions with combative individuals was obtained from CCDC. The handheld camera did not mark a time or date stamp on the video. The video began inside the sally port of CCDC as Farah was standing up against the rear passenger side of an LVMPD marked patrol unit. There was a corrections officer at Farah's right side, one to his rear, and a corrections sergeant to Farah's left side. Farah could be heard yelling, "Don't!" and "Quit!" as the corrections officers pressed him against the vehicle in order to control him. Farah was standing with his hands handcuffed behind his back. A voice was then heard announcing the date as March 31, 2019, and time of 2117, which is standard procedure when using the handheld camera.

The officers backed Farah away from the vehicle and placed him in the Code 5 restraint chair, and the person narrating gave a brief synopsis of why the chair was being used. The narrator gave instruction to the corrections officers as to which straps to lock down first in order to remove the handcuffs. As the officers strapped Farah down, his lower head and neck area were held down as the corrections officers positioned Farah's upper body down toward his knees. With Farah's head in between his knees, the officers pulled his arms, which were behind him, upward to remove the handcuffs that had been placed on him. The handcuffs were removed, the corrections officers repositioned Farah's arms, and new handcuffs were placed on him. Once new handcuffs were placed on Farah, they sat him back up and continued to strap him into the restraint chair.

As the officers finished tightening the straps, they gave their names and personnel (P) numbers to the camera operator prior to the camera being deactivated.

HOSPITAL

On March 31, 2019, at approximately 2212 hours, CSA Browning responded UMC ER to photograph and document the body of Nicholas Farah, and photograph and collect evidence.

DESCRIPTION OF THE SCENE AND VISIBLE EVIDENCE

On April 1, 2019, at approximately 0059 hours, CSA Browning responded to CCDC to photograph and document the scene and photograph evidence.



Above: The sally port area of CCDC.



Above: The Code 5 restraint chair used to restrain Farah while at CCDC

On April 1, 2019, at approximately 0303 hours, CSA Browning responded to the La Quinta Inn to photograph and document the scene. The following are some of the photographs taken of the overall scene.



Above: The front entryway of the La Quinta Inn at 4975 S. Valley View Boulevard

AUTOPSY

On April 1, 2019, at approximately 0945 hours, under Clark County Office of the Coroner/Medical Examiner ("CCOCME") case 19-01684, an autopsy was performed on the body of Nicholas A. Farah at the CCOCME by Doctor Lisa Gavin.

The following wounds/injuries/findings were noted:

- 1) Asphyxia during restraining procedures including blunt force injuries
- 2) Methamphetamine intoxication
- 3) Obesity (BMI = 30.7)
- 4) Minimal degenerative changes of mitral valve
- 5) Injuries related to resuscitation

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

Positive Findings:

<u>Compound</u>	<u>Result</u>	<u>Units</u>	<u>Matrix Source</u>
Caffeine	Positive	mcg/mL	001 - Peripheral Blood
Cotinine	Positive	ng/mL	001 - Peripheral Blood
Naloxone	Positive	ng/mL	001 - Peripheral Blood
Nicotine	Positive	ng/mL	001 - Peripheral Blood
Alprazolam	23	ng/mL	001 - Peripheral Blood
Mirtazapine	63	ng/mL	001 - Peripheral Blood
Buprenorphine - Free	0.94	ng/mL	001 - Peripheral Blood
Norbuprenorphine - Free	2.1	ng/mL	001 - Peripheral Blood
Amphetamine	130	ng/mL	001 - Peripheral Blood
Methamphetamine	3500	ng/mL	001 - Peripheral Blood
Creatinine (Vitreous Fluid)	1.8	mg/dL	008 - Vitreous Fluid
Sodium (Vitreous Fluid)	146	mmol/L	008 - Vitreous Fluid
Potassium (Vitreous Fluid)	13	mmol/L	008 - Vitreous Fluid
Chloride (Vitreous Fluid)	128	mmol/L	008 - Vitreous Fluid
Glucose (Vitreous Fluid)	44.0	mg/dL	008 - Vitreous Fluid
Urea Nitrogen (Vitreous Fluid)	29	mg/dL	008 - Vitreous Fluid
Caffeine	Positive	mcg/mL	007 - Urine
Cotinine	Positive	ng/mL	007 - Urine
Naloxone	Positive	ng/mL	007 - Urine
Nicotine	Positive	ng/mL	007 - Urine
Alprazolam	280	ng/mL	007 - Urine
Alpha-Hydroxyalprazolam	>1000	ng/mL	007 - Urine
Delta-9 Carboxy THC - Total	66	ng/mL	007 - Urine
Mirtazapine	1600	ng/mL	007 - Urine
Buprenorphine - Total	100	ng/mL	007 - Urine
Norbuprenorphine - Total	210	ng/mL	007 - Urine
Buspirone	>200	ng/mL	007 - Urine
Phenylpropanolamine	50	ng/mL	007 - Urine
Amphetamine	6900	ng/mL	007 - Urine
Methamphetamine	>10000	ng/mL	007 - Urine

After a complete autopsy, Doctor Gavin opined Nicholas Farah died as a result of asphyxia during restraining procedures. Other significant contributing conditions included methamphetamine intoxication and obesity. The manner of death was homicide.

OFFICER INTERVIEWS

Officer Samuelito Quijano

On April 1, 2019, at approximately 0115 hours, Detective Penny conducted an audio recorded interview with Officer Quijano at 4975 S. Valley View Boulevard. Also present for the interview was LVPPA representative John Abel.

Officer Quijano stated officers were dispatched to a disturbance call in reference to a male (Nicholas Farah) acting erratically inside of a business. Officers Villanueva and Demarinis were dispatched. After arriving on scene, Officer Demarinis advised over the radio Farah was not listening to commands, and he requested a third unit.

Officer Quijano arrived and saw Farah already in handcuffs and standing in front of a patrol car. Farah still was not being compliant and was moving around, so Officer Quijano held his head to prevent Farah from head-butting officers. Farah continued to resist, so officers decided to place Farah in the back of a patrol car. While moving Farah to the backseat of the vehicle, he tried to break the officer's grip and dropped his body weight. Farah was eventually secured in the backseat of Officer Villanueva's patrol car.

Prior to being transported, Officer Quijano checked Farah and stated he was okay. Officer Villanueva transported Farah to CCDC and advised Dispatch that Farah was going to be Code 5 (combative prisoner).

Officer Gabriel Villanueva

On April 1, 2019, at approximately 0118 hours, Detective Leavitt conducted an audio recorded interview with Officer Villanueva at UMC ER. Also present for the interview was LVPPA representative Myron Hamm.

Officer Villanueva was dispatched to a disturbance call at the La Quinta Inn located at 4975 S. Valley View Boulevard. The details stated a male (Nicholas Farah) had refused to take a taxi which had been requested, refused to leave the premises, and was talking in and out of the business. Officers Villanueva and Demarinis arrived and approached the business together. Officer Villanueva spoke with the hotel employee, who explained Farah's demeanor, and that she needed Farah to leave.

The officers spoke with Farah at the front entryway of the business. Farah stated he had been robbed, but refused to give the officers any further information, including his name or other

identifying information. Farah was given multiple chances to leave the premises, but he refused. Farah was led to the front of a patrol vehicle and was placed in handcuffs by Officer Villanueva. Farah continued to be uncooperative and became resistive. Farah tensed his body and attempted to push back on the officers. The officers used their body weight to keep Farah against the vehicle.

A request was made over the radio for an additional officer to assist Officers Villanueva and Demarinis. Officer Quijano arrived and assisted with moving Farah to the rear of a patrol vehicle and getting him secured in the vehicle for transport to CCDC. CCDC personnel were advised of a Code 5 (combative prisoner). Upon arrival at CCDC, Officer Villanueva was met in the sally port by correction officers.

The corrections officers removed Farah from the vehicle and placed him at the rear of the vehicle as they removed his shoes and socks. Farah became uncooperative and refused to remove personal items for the officers. The corrections officers moved Farah and placed him in the restraint chair. Officer Villanueva did not perceive anything abnormal about the way Farah was placed in the restraint chair. Officer Villanueva observed a nurse who stated Farah's coloring did not look right; Farah was then removed from the chair and medical treatment was provided.

Officer Daniel Demarinis

On April 1, 2019, at approximately 0236 hours, Detective Alsup conducted an audio recorded interview with Officer Demarinis at CCDC. Also present for the interview was LVPPA representative John Abel.

Officer Demarinis was dispatched to a disturbance call at the La Quinta Inn located at 4975 S. Valley View Boulevard. Details of the call stated a white male adult wearing a green sweatshirt and black pants was in the lobby and refusing to leave. The person reporting stated the male had requested a cab but refused to get in the cab when it arrived. The male also stated he had been robbed earlier in the day.

Officers Demarinis and Villanueva arrived and approached the male (Nicholas Farah), who was standing in the doorway to the lobby of the motel. Officers talked to Farah for several minutes trying to ascertain his identity. Farah would not provide the officers with any information other than to say someone was trying to steal his identity. Farah attempted to

walk away from officers and into the lobby of the motel, at which time the officers grabbed Farah by the arms to prevent him from entering the business. Farah was not compliant with the officers; he tensed his arms and tried to push away from them.

Officers Demarinis and Villanueva used the minimal amount of force necessary to place Farah in handcuffs and escorted him to the front of a patrol vehicle. The officers asked for another unit to assist with getting Farah in the patrol vehicle. Officer Demarinis, a crisis intervention team trained officer, did not observe any signs of excited delirium, but believed Farah may have been under the influence of a narcotic.

Once the third officer arrived, the officers used the minimal amount of force necessary to place Farah into the patrol vehicle. Even after being placed in the patrol vehicle, Farah still refused to identify himself, and only said items were taken from him. Farah was then transported to CCDC.

Kim Soffe

On April 1, 2019, at approximately 0245 hours, Detective Penny conducted an audio recorded interview with Kim Soffe at CCDC.

Soffe was working in the booking area of CCDC when she and other personnel were advised of a Code 5 subject being transported to the jail. Corrections officers and Soffe responded to the sally port and waited for the prisoner (Nicholas Farah) to arrive.

Upon the patrol car arriving, a corrections sergeant spoke to Farah prior to having him exit the patrol car. Upon Farah being removed from the vehicle, Soffe observed Farah's pupils were dilated and he was sweating. Soffe called the physician assistant (Ray Montenegro) and requested he respond to the sally port due to her observations.

As corrections officers were dealing with Farah, he became combative and was placed in the restraint chair. While in the chair, officers bent Farah forward to remove his handcuffs; he then became quiet. After Farah was sat up, officers turned the chair around and Soffe noticed Farah was a gray-blue color in the face. Soffe performed a sternum rub and did not get a response. Soffe then used an ammonia inhalant, but Farah did not respond. Soffe discovered Farah was not breathing and did not have a pulse.

Soffe requested Farah be removed from the restraint chair and laid on his side. Soffe again checked for a pulse and did not locate one. A Code 99 (medical emergency) was called and Soffe started CPR. After a short time, Soffe's partner (Collin Petrelius) took over CPR.

Soffe tried to start an intravenous (IV) line and discovered Farah had track marks on his arms and was unable to find a usable vein. As additional medical personnel arrived, an AED was applied and the machine advised not to shock (the AED machine monitors the heart and determines if an electrical shock should be applied or not). American Medical Response (AMR) personnel arrived and Farah was transported to the hospital.

Collin Petrelius

On April 1, 2019, at approximately 0303 hours, Detective Penny conducted an audio recorded interview with Collin Petrelius at CCDC. Below is a summary of the interview.

Petrelius was working in the booking area of CCDC when he and other personnel were advised of a Code 5 subject being transported to the jail. Petrelius did not know the prisoner (Nicholas Farah) arrived until he heard screaming from the sally port. As Petrelius walked outside, he saw Farah struggling and resisting as he was placed in the restraint chair.

Corrections officers placed a hobble around Farah's legs, and Petrelius saw Farah was not moving. When the restraint chair was turned around, Petrelius saw Farah was blue in the face. Petrelius' partner (Kim Soffe) performed a sternum rub and used an ammonia inhalant but did not get a response from Farah. Farah did not have a pulse and was removed from the restraint chair.

After being placed on the ground, Farah's pulse was checked again. Farah was not breathing and did not have a pulse. Soffe started CPR and Petrelius eventually relieved Soffe. Several nurses arrived with medical crash carts as medical care continued on Farah. Medical personnel were unable to find a usable vein for IV access; Farah had several track marks on his arms, legs, and feet. An AED was applied to Farah and the machine advised not to shock.

AMR and fire department personnel arrived and placed Farah on an automatic compression device. AMR personnel transported Farah to UMC hospital.

Corrections Officer Christy Snapp

On April 1, 2019, at approximately 0308 hours, Detective Colon conducted an audio recorded interview with Corrections Officer Snapp at CCDC. Also present during the interview was LVPPA representative Myron Hamm. Below is a summary of the interview.

Officer Snapp was working in the pre-arrest area when she heard yelling and observed two corrections officers and a corrections sergeant placing a male (Nicholas Farah) into the restraint chair. Officer Snapp responded to their location to assist, and was handed a handheld camera by Sergeant Mendoza in order to document the restraint process of Farah. Officer Snapp did not physically assist in restraining Farah.

Farah was moving around in the chair and appeared somewhat resistant. The officers had to remove the original pair of handcuffs from Farah prior to strapping him down into the chair. The restraint chair had been used multiple times a shift, and the restraint process of Farah did not appear abnormal. Prior to Farah being moved into the facility, the nurse observed Farah's coloring looked wrong and began medical checks. A medical emergency was broadcast over the radio, more personnel responded, and Farah was removed from the chair.

Ray Montenegro

On April 1, 2019, at approximately 0324 hours, Detective Penny conducted an audio recorded interview with Ray Montenegro at CCDC. Below is a summary of the interview.

Montenegro was working at CCDC when he received a phone call from Kim Soffe, who stated a prisoner (Nicholas Farah) had arrived and was sweating, and she requested Montenegro respond to the sally port to check him.

Prior to responding to sally port, Montenegro had to respond to another medical event within the jail. While at the other medical location, a Code 99 was called in the sally port. By the time Montenegro arrived, medical personnel were in the sally port and were working on Farah. Montenegro did not have any physical contact with Farah, and only observed medical personnel's interaction with him.

Hotel Employee

On April 4, 2019, at approximately 1550 hours, Detective Leavitt conducted an audio recorded interview with Hotel Employee at 4975 S. Valley View Boulevard.

Hotel Employee worked at the La Quinta Inn and worked at the front desk. During her shift a male (Nicholas Farah) entered the business and stated, "I've been robbed." Farah appeared flustered, so the Hotel Employee offered to get him help, which Farah initially refused. The Hotel Employee contacted 911 and handed the phone to Farah, so he could report the robbery. Hotel Employee then called for two taxis to pick up Farah as he had stated he needed to get to the airport. Farah refused to get into either of the taxis that responded to the hotel.

Hotel Employee allowed Farah to use the restroom and get drinks prior to asking him to leave the property since he was not a guest. After Farah had been on the premises for approximately 40 minutes and had ignored multiple requests by Hotel Employee to leave, Hotel Employee called 911 for assistance. Farah's behavior caused Hotel Employee concern after his refusal to leave. Hotel Employee described Farah as being nervous, paranoid, and had open sores on his hands and face. She smelled alcohol on Farah's breath, and believed he was possibly impaired by a narcotic.

Hotel Employee observed officers arrive, and she met them outside as Farah remained inside the business. She heard the officers ask Farah multiple times to exit the business, but Farah did not comply. The officers physically escorted Farah out of the business, and Hotel Employee returned inside and continued her work duties.

Yellow Cab Driver

On April 15, 2019, at approximately 0925 hours, Detectives Penny and Leavitt conducted a non-recorded interview with Cab Driver at LVMPD headquarters.

Cab Driver was identified as the person who picked up the decedent (Nicholas Farah) from McCarran International Airport. Cab Driver stated he remembered Farah due to him “looking sketchy.” Farah had approached Cab Driver and was slurring his words and seemed “out of it.” Farah got into the front seat of the cab and asked Cab Driver to drive around the outskirts of town. Cab Driver said he could not do that, so Farah asked to be taken to a liquor store.

Cab Driver drove Farah to the Five Star Liquor store by the airport. Farah went inside and bought a six-pack of beer. Farah then asked to be dropped off at a bus station because he wanted to talk to people. Farah then asked to be dropped off at a park to smoke a joint (marijuana cigarette). Farah also made a comment to Cab Driver that he was high on Xanax. Cab Driver drove Farah to Town Square Las Vegas and dropped him off near the Apple store.

TIMELINE

The below timeline based on Computer Aided Dispatch (CAD) for event numbers 190300151714 and 190300151763 provides a reconstruction of events which transpired on Sunday, March 31, 2019, in relation to the in-custody death that occurred at 330 S. Casino Center Boulevard (CCDC).

Event# 190300151714

Time (hours)	Description of Event/Action
1958	LVMPD Dispatch received a call from Nicholas Farah advising he had been battered and his backpack taken from the area of the La Quinta Inn at 4975 S. Valley View Boulevard. Farah’s speech was slurred, and he advised he had been drinking beer.
1959	Farah wanted to remain anonymous. He didn't have a suspect description. He just wanted a ride.
2001	Farah advised Dispatch he didn't want to press charges. He was advised to make a station report if he changed his mind. The call was closed.

Event# 190300151763

Time (hours)	Description of Event/Action
2014	LVMPD Dispatch received a call from an employee at the La Quinta Inn at 4975 S. Valley View Boulevard. Hotel Employee stated a male (Nicholas Farah) was entering and exiting the lobby area. Farah was described as being under the influence of alcohol and/or narcotics.
2016	Hotel Employee described Farah as acting very paranoid and walking back and forth. She called for two cabs, but Farah refused to leave with them.
2022	Officer Daniel Demarinis arrived.
2028	Officer Gabriel Villanueva arrived.
2037	Officers reported Farah was being uncooperative and he was detained.
2049	Farah was not complying, so Officer Demarinis requested a Code Red and units to expedite.
2050	Farah was handcuffed, but still remained uncompliant.
2053	Farah was placed on the rear passenger seat of the patrol vehicle.
2056	Officer Villanueva told Dispatch to disregard any medical.
2101	Officer Villanueva proceeded to CCDC with a Code 5.
2125	Officer Villanueva and Farah arrived at CCDC.
2159	Farah was pronounced deceased at UMC ER.

FORENSICS REQUESTS/RESULTS**Video Examination**

On April 4, 2019, an LVMPD Digital Investigations Bureau Request was submitted by Detective Leavitt for surveillance video from the La Quinta Inn located at 4975 S. Valley View Boulevard. Detective Jessica Flink, P# 6272, responded to the La Quinta Inn to process and copy the surveillance system hard drive. Detective Flink discovered that the surveillance system was not functioning and had not been recording since the end of February 2019.

On April 17, 2019, an LVMPD Digital Investigations Bureau Request was submitted by Detective Leavitt for surveillance video from the Rebel Gas station located at 3785 W. Tropicana Avenue. Detective Vigil responded to the Rebel Gas station and contacted the manager, who gave consent to recover surveillance video from March 31, 2019.

Eight hundred twenty-seven gigabytes were recovered from March 31, 2019, and 1,119 videos were exported in AVI format and provided to Detective Leavitt. None of the video showed Farah.

Search Warrant

On April 10, 2019, Sergeant Ericsson obtained a Search Warrant and Order for Pen Register/Trap and Trace with Real-Time Precision Location. The warrant was signed by District Court Judge David Jones and was for cell phone number 920-224-3980. This number had been assigned to the cell phone which belonged to Farah but was not in his possession at the time LVMPD was in contact with him. It was believed the phone had possibly been taken during the robbery which Farah mentioned to the officers.

The order for Verizon Phone Company #19-117 was activated on April 10, 2019 and scheduled to stay active until June 09, 2019. The phone immediately showed active in Wisconsin where it was discovered that Farah's girlfriend had transferred the phone number to her. Due to the phone number being transferred to a different phone, detectives were unable to track the phone number that that would have been associated to the phone that could have been in Farah's possession when he arrived in Las Vegas.

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.

NRS Chapter 200 defines crimes against the person. NRS 200.010 defines murder as the unlawful killing of a human being with malice aforethought, either express or implied.

NRS 200.020 defines malice as the deliberate intention to take away the life of another, as in the case of express malice, or when the circumstances of the killing show an abandoned and malignant heart, as in the case of implied malice.

In the instant case, there is no evidence of any intent to kill on the part of any officer. With regard to implied malice, the Nevada Supreme Court has suggested the theory requires that the defendant knew the victim was in serious or mortal danger. See Labastida v. State, 115 Nev. 298, 307-8, 986 P.2d 443, 449 (1999) ("[t]here is insufficient evidence that she ever knew that her child was in serious or mortal danger prior to the time she telephoned for an ambulance" and thus "there is insufficient evidence to support a reasonable inference that Labastida had the criminal intent required for a conviction of murder"). Applying that knowledge standard to the instant case, there is similarly no evidence that the corrections officers knew Farah was in danger while they attempted to remove his handcuffs; once the officers observed he was pale and potentially in distress, they called for a physician.

NRS 200.040 defines manslaughter as the unlawful killing of a human being without malice, either express or implied, and without any deliberation. In Nevada, manslaughter is a willful killing. What reduces the killing from murder to manslaughter is explained in NRS 200.050, which explains that - - for manslaughter - - there must be a serious and highly provoking injury inflicted upon the person killing "sufficient to excite an irresistible passion in a reasonable person, or an attempt by the person killed to commit a serious personal injury on the person killing." The factual situation in the instant case clearly does not fit the crime of voluntary manslaughter.

NRS 200.070 defines involuntary manslaughter as the killing of a human being without any intent to do so in the commission of an unlawful act or "a lawful act which probably might produce such a consequence in an unlawful manner."

In the case of Farah, the corrections officers were not committing an unlawful act as they attempted to remove his handcuffs. Moreover, they were following policy as it existed at the time of the events. Their conduct was lawful and adhered to policy at the time.

There have been many lawsuits filed regarding the use of restraint chairs and few criminal prosecutions. In the case of prosecutions, generally there was conduct *beyond* the use of the restraint chair. In Ohio, for example, an officer pepper sprayed an inmate after the inmate had been placed in the chair. In Tennessee, similarly, an officer used a taser on an inmate who had been restrained to a chair. None of this type of behavior occurred in Farah's case. Instead, the officers simply were attempting to remove handcuffs from Decedent while he was in the restraint chair.

Because the conduct was both legal and within policy at the time, the conduct of the officers does not fall within the state criminal statutes.