

# REPORT ON USE OF FORCE



## Legal Analysis Surrounding the Death of Ryan Yamasaki on September 13, 2018

### INTRODUCTION

On September 13, 2018, at 4:15 am, Henderson Police Department (“HPD”) Dispatch received an open line 911 call. No one was speaking on the phone, but Dispatch could hear a female voice screaming off and on in the background. Dispatch tried numerous times to make contact with the caller but received no response. After several minutes, the phone call disconnected. Dispatch was able to determine the latitude and longitude coordinates of the call which came back to the address of 1546 Point Vista Avenue.

HPD Officer Bridgette Ward was notified of the 415 “Unknown Trouble” call and proceeded to make her way to 1546 Point Vista Avenue. Officer Ward made her way to the front door of the residence. As she walked up to the residence, she did not hear anything so she decided to wait for additional units to arrive. As she was waiting, Ward received notification from Dispatch that they received another call from the same female who was screaming and saying “my ex is in the house.” Within seconds of the second call, the phone disconnected again. Ward walked up to the door again and heard faint screaming from inside the residence. Ward radioed that she needed additional units because she was going to make forced entry into the house.

Officers Matthew Brown and Zachary Winningham arrived at the residence shortly behind Officer Ward. Upon hearing Ward’s broadcast about screaming in the residence, Brown and Winningham began running to the front of the residence. Ward, Brown and Winningham met at the front door and Ward made forced entry into the residence. Due to the circumstances, Brown deployed his Taser while Ward and Winningham had their department issued handguns drawn.

Within moments of Ward, Winningham and Brown making entry, Officers Evanson Park and Haven Tillmon also arrived and made entry into the residence. Once inside, officers could still hear screaming but could not tell exactly where the screaming was coming from.

As officers began to search the home, they heard screaming towards a bedroom. Officer Ward ran towards the screaming and discovered the bedroom door was locked. She kicked the door open and followed the screaming, now being heard in the attached bathroom. Ward entered the bathroom followed by Brown, Winningham, Park and Tillmon.

Inside the bathroom, officers observed a light on inside the bathroom closet. An Asian male, later identified as Decedent Ryan Yamasaki (hereinafter "Decedent"), was in the doorway of the closet. Decedent had blood on his chest and a box cutter in his hand which was held up to his neck. Officers Ward and Winningham immediately gave Decedent commands to drop the knife. Within seconds, Decedent brought the box cutter down with the sharp edge towards officers, dropped his body weight, looked at officers and began to charge in their direction. Officers Ward, Tillmon, Brown and Winningham discharged their firearms at Decedent who fell onto the bathroom floor. During this exchange, Officer Ward was struck by gunfire in her foot and fell into the bathtub. Officer Brown kicked the box cutter away from Decedent and entered the closet. Inside the closet he discovered a female in the corner, later identified as Witness #1, crying hysterically with a laceration to her right hand. Officers removed Witness #1 and Officer Ward from the residence while other members of the Henderson Police Department began to arrive.

The District Attorney's Office has completed its review of the September 13, 2018, 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 Officers Ward, Winningham, Brown and Tillmon 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 6, 2019. This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of Officers Ward, Winningham, Brown and Tillmon were 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.

## **OVERVIEW OF INCIDENT**

### **INFORMATION RECEIVED FROM SURVEILLANCE VIDEO**

#### **1549 Point Vista Avenue:**

Surveillance video was recovered from a home across the street located at 1549 Point Vista. Video shows a dark subject walking up the steps to 1546 Point Vista Avenue. The subject then walks back down the steps, onto the sidewalk and proceeds up the driveway. The subject walks back down the driveway and away from the house. It appears that the subject walks down the sidewalk to a white car, retrieves something and starts walking back up the sidewalk towards the target residence. The subject goes around to the right side of the 1546 where he

or she temporarily remains. A short time later, the subject emerges from the right side of the house and again walks up the front stairs of the house. It is unclear whether the subject in the video is an officer or someone else.

## **INFORMATION RECEIVED FROM HENDERSON POLICE DEPARTMENT OFFICERS**

### **Officer Matthew Brown P#1351**

On September 15, 2018, Officer Matthew Brown gave a recorded statement to detectives. Present during the statement was Detective Dennis Ozawa, several other Henderson Police Department (“HPD”) Detectives and two members from the Nevada Association of Public Safety Officers “hereinafter “NAPSO”). During the statement, Officer Brown relayed the following information:

Officer Brown has been with the Henderson Police Department for 12 years. At the time of the incident, he was assigned to Graves A North Squad and worked Monday-Friday 10 p.m. to 8 a.m. Brown was a Field Training Officer and was training Officer Winningham on September 13, 2018.

During the early morning hours of September 13, 2018, Brown heard a dispatch call over the radio for an “unknown trouble” call. Details of the call indicated that a female called dispatch saying her boyfriend broke into her house. Brown and Winningham arrived on Point Vista Street and parked their vehicle behind Officer Ward’s vehicle. They exited their vehicle and began walking up Point Vista. As they were walking up the street, Officer Ward broadcast that she could hear screaming coming from inside the house and was going to make forced entry. Brown and Winningham began running towards the location of 1546 Point Vista and met Officer Ward at the front door of the residence. Brown recalls taking his Taser out while Ward and Winningham took out their handguns.

Upon entering the house, Brown could hear a female screaming but could not tell from where inside the house the screaming was coming. Brown, Ward and Winningham began searching the house for the female. Ward indicated that she heard screaming from the bedroom so all three officers ran towards the bedroom. The door to the bedroom was locked so Officer Ward kicked in the door. Brown did not see anyone in the bedroom so he continued into the attached bathroom. Brown indicated during his statement that once he was inside the bathroom, the screaming stopped.



Inside the bathroom, Brown saw a closet door open with a light on. Brown observed a male in the doorway of the closet with a box cutter knife in his hand. The male immediately put the knife to his neck upon seeing officers. Brown observed blood on the male's chest and believed the male had just killed the female. At this point, Brown was fearful and took out his gun. Ward and Winningham began giving the male commands to drop the knife. Before Brown could even re-holster his Taser, the male in the doorway ran at officers with the box cutter in his hand. Brown discharged his weapon and fell back. Brown observed the male fall and stopped shooting. After he stopped shooting, Brown heard Officer Tillmon's voice for the first time and realized he was also present.<sup>1</sup>

Brown soon stood up and kicked the box cutter away from the male. He then went in the closet to check on the female. Inside the closet, he observed a female with a laceration to her hand in the corner shaking. Brown picked up the female and carried her outside to receive medical treatment.

### **Officer Evanson Park**

On September 15, 2018, Officer Evanson Park gave a recorded statement to detectives. Present during the statement was Detective Dennis Ozawa, several other HPD Detectives and two members from NAPSO. During the statement, Officer Park relayed the following information:

Officer Park graduated from the Henderson Police Department Academy on June 13, 2018. His first day of Field Training was July 31, 2018. On the day of the incident, he was working on Graves A North Squad, Monday- Friday 10 p.m. to 8 a.m. and being trained by Officer Tillmon.

On September 13, 2018, Officer Park and Tillmon heard dispatch broadcast an "unknown trouble" call over the radio. As Park and Tillmon proceeded to the area of the call, updates from Officer Ward were being broadcast on the radio. When they arrived on Point Vista Street, they parked next to Officer Brown and Winningham's vehicle. Upon parking, Park and Tillmon received an update from Officer Ward that Ward had made forced entry into the residence at 1546 Point Vista. Officer Park ran towards the residence and drew his firearm.

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<sup>1</sup> OFFICER BROWN'S BATHROOM PERSPECTIVE

Upon entering the residence, Park assisted in checking the residence. Officer Tillmon told Park to deploy his Taser. Park could hear screaming in the residence but could not tell where the screaming was coming from. Park observed other officers going towards a bedroom and followed them. Once inside the bedroom, Park followed other officers into the attached bathroom and moved to the corner of the bathroom. Park heard other officers giving commands to someone. He could not see anyone in the doorway of the closet but soon heard several gunshots. He then observed a male subject on the ground with his right arm out and an orange box cutter next to his arm. Park's firearm and Taser were not deployed. Following the shooting, Officer Park and Tillmon cleared the rest of the residence for any further people.

### **Officer Haven Tillmon**

On September 15, 2018, Officer Haven Tillmon gave a recorded statement to detectives. Present during the statement was Detective Dennis Ozawa, several other HPD Detectives and two members from NAPSO. During the statement Officer Tillmon relayed the following information:

Tillmon has been employed with the Henderson Police Department for 14 years. At the time of the incident, he was working on Graves A North Squad, Monday-Friday from 10 p.m. to 8 a.m. and was a Field Training Officer. The night of September 13, 2018, Tillmon was training Officer Park and had been for approximately two weeks.

On the morning of September 13, 2018, Tillmon heard a dispatch call regarding an "Unknown Trouble" call. Call details from dispatch indicated that a female called stating she needed help. Tillmon and Park began to proceed to the area of the call. As they were getting closer, additional information was broadcast that the same female called back and was screaming for help. Based on the information, Tillmon believed he needed to get to the area quickly.

As he and Park continued to drive, an update was received from Officer Ward that she could hear screaming coming from inside the residence. As Park and Tillmon were parking, Ward broadcast that she was making forced entry into the house. Tillmon observed Officers Winningham and Brown running up the street and he and Park followed behind. Once Tillmon got to the front of the residence, he could hear screaming. Tillmon entered the house and heard the alarm going off but could no longer hear any screaming. Tillmon began to check the residence and then observed other officers headed towards a bedroom door. One of the officers made forced entry into the bedroom because the bedroom door was locked. Upon entering the bedroom, Tillmon observed that no one was in the bedroom. He and other officers immediately turned left and entered the attached bathroom.

In the bathroom, Tillmon observed an Asian male standing in the doorway of the bathroom closet. The male had an edged weapon with a blade placed against his neck. Tillmon became concerned for his field training officers. The male was approximately 8-10 feet away from officers in the bathroom. Tillmon could no longer hear screaming and was not sure what condition the female was in. Other officers began to give the male commands to drop the knife but the male did not comply.

Shortly thereafter, the male dropped his body weight and pushed back with one of his feet. In his training and experience, Tillmon believed this was a pre-attack indicator and that because the male had an edged weapon, he could seriously injure or kill officers in the bathroom. The Asian male then looked at officers, lowered the knife from his neck, placed it out towards officers and began advancing. Officer Tillmon discharged his weapon because the male was

not following commands and was now advancing towards officers with an edged weapon. Tillmon discharged his weapon until the male stopped advancing. He believes he discharged his weapon 5 to 8 times. Tillmon assisted Officer Ward out of the bathroom and directed Officer Brown to check on the female because she might be dead. Officer Tillmon and Park then checked the rest of the residence for anyone else inside.

### **Officer Bridgette Ward**

On September 15, 2018, Officer Bridgette Ward gave a recorded statement to Detectives. Present during the statement was Detective Dennis Ozawa, several other HPD Detectives and two members from NAPSO. During the statement, Officer Ward relayed the following information:

Ward has been employed with the Henderson Police Department for ten years. At the time of the incident, she was assigned to Graves A North Squad and working Monday-Friday 10 p.m. to 8 a.m. On the morning of September 13, 2018, Ward received notification of an unknown trouble call in the area of Point Vista Avenue. Call details from dispatch indicated that a female called police and was screaming that her ex-boyfriend was there. Ward arrived on Point Vista Avenue and exited her patrol vehicle.

Ward walked up to the residence at 1546 Point Vista Avenue but did not hear anything. She then walked back to her patrol vehicle to check the call details and shortly thereafter returned to 1546. Ward decided to wait for additional units to arrive before making contact with the front door. While waiting, dispatch broadcast that the female recalled 911 and was still screaming in the background. Ward walked to the front door and heard what she believed to be faint screaming coming from the rear of the residence. Ward broadcast that she could hear screaming coming from the residence and was going to make forced entry.

Soon thereafter, Ward kicked open the front door, went inside the residence and announced that police were there. While inside, Ward heard more screaming so she began running towards the screams. The screams could be heard coming from behind a bedroom door that was locked. Ward kicked open the bedroom door and could still hear screaming. The screaming led her to the attached bathroom area. Ward entered the bathroom area and moved to the right to make room for other officers. The screaming sounded like a blood curdling scream for help.

Ward had her firearm out and up when she observed a male inside the closet with blood on his forehead. Ward was unsure if the blood was from the male or the female screaming in the background. The male was holding a box cutter which Ward initially believed was a knife. Ward yelled out to the male to drop the knife a couple times. The male brought the knife up, gave out a scream and started towards officers. Ward believed she needed to stop the male because he was going to kill or attack officers. Ward believed she discharged her weapon 3-4 times. She stopped firing when the male started to fall to the ground.

After she stopped firing, Ward felt a burning sensation in her foot and rolled into the bathtub. She realized she had been hit but told other officers she was okay so they could check on the female. Officer Park and Winningham assisted her out of the bathtub and out of the residence.

## OFFICER WARD'S PERSPECTIVE



### Officer Zachary Winningham

On September 15, 2018, Officer Zachary Winningham gave a recorded statement to Detectives. Present during the statement was Detective Dennis Ozawa, several other HPD Detectives and two members from NAPS0. During the statement Officer Winningham relayed the following information:

Winningham graduated from the Henderson Police Department on June 13, 2018. His first day of Field Training was July 31, 2018. At the time of the incident, he was assigned to Graves A North Squad and working Monday-Friday 10 p.m. to 8 a.m. Officer Brown was his Field Training Officer. On the morning of September 13, 2018, Winningham and Brown received information from dispatch that a female called screaming on the phone and then the phone hung up. Winningham cleared a prior call and proceeded quickly to the area of the call due to his concern for a female screaming. Winningham arrived on Point Vista Avenue and parked his vehicle behind Officer Ward's.

As Winningham and Brown exited their vehicle, they heard Ward yell out that she was going to make forced entry into the house. Winningham and Brown began running towards 1546

Point Vista Avenue. They joined Officer Ward at the front door and Ward forced entry into the residence.

Once inside, Winningham un-holstered his firearm and used tactical lights to see inside the residence because no lights were on. He heard screaming coming from the residence but could not tell from where within the residence they were coming. Winningham began searching the residence for the female. Soon thereafter, Officer Ward yelled that she believed the screaming was coming from a door near the living room. All three Officers met at the door and Ward kicked it open. Winningham went through the door and into a bathroom with a bathtub on his right side.

Inside the bathroom, Winningham observed an open closet door with the light on. Inside the doorway of the closet was a suspect with what was believed to be a knife in his hand. The suspect looked agitated. Officer Ward yelled out for the suspect to put down the weapon. Winningham believed he also yelled at the suspect to put down the weapon. Within moments, the suspect refused to comply with commands, was holding the knife out and charged towards officers. Winningham discharge his weapon and continued to fire until the suspect stopped charging at officers. Winningham stopped firing when he heard Ward say she was hit in the foot and saw her fall into the bathtub. Winningham then went to check the rest of the residence and soon thereafter helped Officer Ward out of the residence.

#### **OFFICER WINNINGHAM'S PERSPECTIVE**



## **INFORMATION FROM WITNESS #1 AND HER PENDING TEMPORARY PROTECTIVE ORDER**

Witness #1, 27, was interviewed by Henderson Police Department Detectives on September 13, 2018 at 7:00. Witness #1 provided a summary of her relationship with Decedent leading up to his death as well as the night of his death. Witness #1 and Decedent met in March of 2018 on a social media dating site called "Bumble." Shortly after meeting, Decedent asked Witness #1 if he could stay at her home for three to five nights because he had been living at his parents' home but was recently asked to leave by the homeowner's association of the 55+ neighborhood. Decedent informed Witness #1 that his parents had killed themselves in January 2017 at the Silverton Hotel.<sup>2</sup> Witness #1 indicated that she agreed to let Decedent stay at her home for a few days but he never moved out. Witness #1 asked Decedent to move out multiple times but Decedent began to manipulate and "guilt-trip" her. Decedent would tell Witness #1 that he had no money because his parents' assets were frozen. He also became aggressive and threatened to kill himself if Witness #1 kicked him out or broke up with him. Because she felt sorry for him, throughout the relationship, Witness #1 helped Decedent financially. Witness #1 indicated that, although Decedent told her he had financial issues, he also told her he owned a stem cell research company and worked in cancer research at St. Rose Hospital. Witness #1 indicated to Detectives that she later learned much of what Decedent told her was untrue.

In the summer of 2018, Witness #1 went on three international trips. Her first trip was a business trip to China from July 5, 2018 to July 26, 2018. While she was in China, she believed that Decedent was living off and on in her backyard but she is unsure. When she returned from China, she immediately left for Vancouver, Canada from July 27, 2018 to July 29, 2018. During her stay in Vancouver, she allowed Decedent to stay in her home. However, when she returned from Vancouver, Witness #1 learned that Decedent had stolen two purses, a laptop, and an X-box from her home. When she demanded her items back, Decedent told her he would not return her items unless she paid for a new apartment for him for two months in the amount of \$1800. Witness #1 informed detectives that she did not contact police because she wanted her items back. She eventually did write Decedent a check for \$1800.

On August 17, 2018, Witness #1 left for her second business trip to China. Witness #1 was unaware of where Decedent was staying while she was in China but believed he may have been subletting a friend's apartment at the Palms. While in China, Witness #1 tried to break up with Decedent; however, he began threatening her and her family. Specifically, Decedent sent her an email that purported to be from a lawyer telling Witness #1 that the lawyers were looking into her parents' finances and that she was required to let him live with her. Witness #1 indicated that Decedent never threatened her parents with physical harm because they lived in another country, but he would continuously threaten to kill

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<sup>2</sup> It should be noted that per information on Decedent's SCOPE record, an entry was made on October 1, 2017 with the comment "Trespassed from residence on behalf of owner Dundie Investments LLC- Ryan had been staying at the house since his parents passed away a few months ago until he could find another residence. Property had been sold at auction to Dundie Investments on 8/23/17 and he had no legal right to be on the property due to the sale of the residence." It is unknown where Decedent was living between the time he was trespassed and the time he began dating Witness #1.

himself. On September 1, 2018, while in China, Decedent called Witness #1 screaming and yelling at her. Witness #1 decided to block Decedent from her phone and disconnect Decedent's cell phone, for which she was paying.

Witness #1 returned home from China on Saturday, September 8, 2018. She had not seen Decedent since she left for China and, to her knowledge, he did not have a key to her home. Witness #1 had also previously changed all her alarm codes. The day she returned from China, Witness #1 contacted the Henderson Police Department. She met with Officer Vega because she was concerned about her safety given the threatening email and calls she received from Decedent while in China. According to Witness #1, Officer Vega told her to file a temporary protective order against Decedent. On Monday, September 10, 2018, Witness #1 went to court and filed the TPO. However, she did not know where Decedent was living at the time so she was unaware of whether or not he was served with the TPO.

On Tuesday, September 11, 2018, Witness #1 left work at approximately 12:00 because she was not feeling well. She returned to her home and set the alarm. She decided to call in sick to work on Wednesday September 12, 2018, and remained in her home. During the early morning hours of September 13, 2018, Witness #1 believed she was alone in her bedroom sleeping. While sleeping, she awoke to get a glass of water. As soon as Witness #1 exited her bedroom, she was attacked by Decedent who immediately put duct tape on her face. Witness #1 informed detectives that she had no idea how Decedent got into her home because she never heard the alarm go off.

Immediately after duct taping her face, Decedent told Witness #1 not to scream and began dragging her further into the bedroom towards the bathroom. Witness #1 managed to grab her phone from the nightstand as Decedent was pulling her back and make an emergency call to 911.<sup>3</sup> Decedent became upset that Witness #1 called 911 and told her to tell 911 that everything was ok. Witness #1 refused to do so. Decedent drug Witness #1 through the bathroom and into the bathroom closet all while Witness #1 continuously tried to fight him.

Once inside the closet, Decedent told Witness #1 to sit in the corner. He informed her that he was not trying to hurt her and he just wanted to talk. However, he also told Witness #1 that if she called the police, he would kill her. Witness #1 decided to call police anyway.<sup>4</sup> While in the closet, Decedent put a knife to Witness #1's temple and told her, "I can kill you right here." Witness #1 realized the knife was actually an orange box cutter that she had in her closet because she was unpacking boxes. Throughout this incident, Decedent put the knife to Witness #1's neck and attempted to slice her ear. Witness #1 attempted to bite him and scratch him. At some point during the struggle, Witness #1 believes her hand was sliced with the knife.<sup>5</sup> Multiple times Decedent threatened to kill Witness #1 for calling the police.

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<sup>3</sup> In Witness #1's first call to 911, no information is given but a female voice can be heard screaming in the background off and on. Henderson Police Dispatch were able to calculate to latitude and longitude of the call and trace it back to her residence.

<sup>4</sup> In her second call to 911, Witness #1 can be heard screaming hysterically "My ex is in the house". A few seconds later, the call disconnects.

<sup>5</sup> Following this incident, Witness #1 was transported to Sunrise Hospital and received stitches for a laceration to her right hand.



At some point, Witness #1 heard her doorbell ring and believed it to be police so she began screaming louder. Witness #1 heard officers enter her home and she began screaming even louder so they could find her. As police were entering her home, Decedent put the knife to his neck and told Witness #1 to look at him. Witness #1 believed that Decedent knew officers were coming. When police entered the bathroom, Witness #1 observed Decedent hold the knife over his head and run out of the closet. Due to her position in the corner of the closet, she could not see officers but soon heard gunshots after Decedent ran from the closet. The next thing Witness #1 heard was someone say, "I'm shot" and another person calling out to her asking if she was ok. Witness #1 was soon removed from the closet by Officers and taken outside her residence. Witness #1 informed Detectives that she was afraid of Decedent because of the threats he made while she was out of town.

### **BODY WORN CAMERAS:**

All officers involved, Brown, Park, Tillmon, Ward and Winningham, were wearing Body Worn Cameras at the time of the incident and their cameras were activated. Each of the Officers' Body Worn Cameras were collected and secured. The Body Worn Camera video footage that was captured during the incident was later reviewed.

The following is a summary of what was observed from the Body Worn Camera Footage:

Officer Ward was the first to arrive on scene at 1546 Point Vista Avenue. She parked her marked patrol vehicle a couple houses east of 1546 Point Vista Avenue and walked up to the residence. Officer Ward advised over the radio that she would wait for the next patrol unit before she made contact at the residence. While waiting for the next patrol unit, Henderson Dispatch advised over the radio that the female who called earlier recalled 9-1-1 and stated that her ex-boyfriend is in her house. Officer Ward walked up to the front door and knocked. Officer Ward then advised, over the radio, that she could hear banging

and screaming coming from inside the residence and she was going to force entry into the residence.

At this time, Officers Brown and Winningham arrived in the area and parked their marked patrol vehicle behind Officer Ward's vehicle. Officer Brown and Officer Winningham exited their vehicle and began to run to Officer Ward's location at the front door of 1546 Point Vista Avenue. Officer Ward kicked the front door open and yelled out, "Henderson Police Department, come to the door." After Officer Ward identified herself, a faint screaming could be heard from a female in the distance. Officer Ward, Officer Brown and Officer Winningham then entered the residence and began to search for the female. A few moments later, Officer Tillmon and Park arrived in the area and parked their marked patrol vehicle next to the other marked patrol vehicles and began to run to the residence. They entered the residence as Officer Ward, Officer Brown and Officer Winningham were searching the main living area.

While searching the residence, Officer Ward stated that she could hear screaming from a bedroom and she approached the master bedroom door that was locked. Officer Ward forced entry into the bedroom and when she entered the bedroom, immediately a female could be heard screaming. Officer Brown, Officer Winningham, Officer Tillmon and Officer Park followed behind Officer Ward to a bathroom area. At this time, the positioning of the officers in the bathroom area from left to right is Officer Brown, Officer Tillmon, Officer Park, Officer Winningham and Officer Ward. Officer Ward is positioned furthest in the front of all the officers and slightly to the right of everyone. Officer Brown is positioned off to the left of all the Officers, with Officer Tillmon slightly behind and to the right of Officer Brown. Next to Officer Tillmon is Officer Winningham who is to the right of Officer Tillmon and to the left of Officer Ward and slightly behind Officer Ward. Officer Park is the final Officer to enter the bathroom area and is positioned behind Officer Tillmon and Officer Winningham.

When the officers entered the bathroom area, an open closet door was observed with the light on inside the closet. An Asian male was observed standing in the doorway holding an object in his right hand and pressing the object against his neck. Officers yelled to Decedent to drop the knife multiple times, but Decedent did not listen to commands. Officers Tillmon, Ward and Winningham had their firearms out and pointed at Decedent. Officers Brown and Park have their Tasers out. Decedent then quickly pulled the object away from his neck, stuck the object out in front of him and began to lunge towards officers. At this time Officer Brown transitioned to his firearm and multiple gun shots are heard.

Decedent fell to the ground in front of Officer Ward as Officer Ward fell backward into the bathtub. She yelled out to other officers that she was hit in the foot but she was okay and to check Decedent's vitals. Officer Ward was helped out of the bathtub and exited out of the master bedroom and into the living room. While Officer Ward is being helped out of the bathtub, Officer Winningham exited the bathroom area and began to check other areas in the residence. When Officer Ward exited from the bathroom area, she met with Officer Winningham in the living room area and Officer Winningham helped her out of the residence.

While Officer Ward and Officer Winningham exited out of the residence, Officers Tillmon, Brown and Park are still in the master bathroom. Officer Brown stood up off the floor because at the time of the shooting, Officer Brown took a step back and fell to the ground.

Decedent was on the ground not moving, not breathing and was deceased. Officer Brown entered the closet and checked on the female who was in the closet. Witness #1 had a laceration on her hand and was observed crying. Officer Brown made contact with Witness #1 and put a towel that was in Witness #1's lap on her hand to cover the laceration. Officer Brown spoke with Witness #1 for several moments to calm her down and then helped her out of the closet. While Officer Brown was helping Witness #1, Officer Park and Officer Tillmon began to check the entire residence.

Officers Park and Tillmon finished checking the residence and Officer Brown took Witness #1 out of the master bedroom. Officer Park grabbed a piece of clothing out of the laundry room for Witness #1 to cover herself. Officer Brown then exited the residence with Witness #1 and Officers Park and Tillmon followed behind. Additional officers and Henderson Fire personnel began to arrive and started to assist.

## **WEAPONS COUNTDOWN**

On September 13, 2018, Officers Tillmon, Brown, Park, Winningham and Ward had their duty handguns counted down at the Henderson Police Department North Substation. All five officers' weapons were photographed for identification purposes.

Officer Tillmon's duty weapon was a Glock 21, serial number KKW084. The ammunition was Speer 45 Auto. The magazine for the weapon had a 13-cartridge capacity. The countdown showed one (1) cartridge in the chamber and six (6) remaining in the magazine. The countdown revealed Officer Tillmon discharged his weapon six (6) times during the event.

Officer Brown's duty weapon was a Glock 17, Gen 4, serial number TX810. The ammunition was Speer 9mm Luger. The magazine for the weapon had a 17-cartridge capacity. The countdown showed one (1) cartridge in the chamber and eight (8) remaining in the magazine. Brown carried two (2) spare magazines each with a 17-cartridge capacity. One of the spare magazines had 16 rounds remaining. The other had 17. The countdown showed Officer Brown discharged his weapon nine (9) times during the event.<sup>6</sup>

Officer Winningham's duty weapon was a Glock 17, Gen 4 serial number BERC237. The ammunition was Speer 9mm Luger. The magazine for the weapon had a 17-cartridge capacity, the countdown showed one (1) cartridge in the chamber and nine (9) remaining in the magazine. The countdown showed Officer Winningham discharged his weapon eight (8) times during the event.

Officer Park's duty weapon was a Glock 17, Gen 4 serial number BERK949. The ammunition was Speer 9mm Luger. The magazine for the weapon had a 17-cartridge capacity. The countdown showed one (1) cartridge in the chamber and 17 remaining in the magazine. The countdown revealed Officer Park did not discharge his weapon during the event.

Officer Ward's duty weapon was a Springfield XD-45ACP, serial number US778688. The ammunition was Speer 45 Auto. The magazine for the weapon had a 13-cartridge capacity,

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<sup>6</sup> It should be noted that even though the spare magazine only had 16 of the 17 capacity, this was due to a miscalculation in the officer loading ammunition into the spare magazine, not an indication of a reload and fire.

the countdown showed one (1) cartridge in the chamber and nine (9) remaining in the magazine. The countdown showed Officer Ward discharged her weapon four (4) times during the event.

## **DESCRIPTION OF THE SCENE AND VISIBLE EVIDENCE**

The scene was predominantly located inside the single-story, south-facing residence located at 1546 Point Vista Avenue inside the Avondale neighborhood. Three patrol vehicles were located on the street, facing west, just west of the intersection of Point Vista Avenue and Silverbell Ridge Street. The only additional area involved outside the scene residence was located across the street at 1547 Point Vista Avenue, where an expended bullet was recovered from the driveway.

**Rear Yard:** The rear yard of the residence was contained with block walls on all sides and access was restricted by a locked gate along the west wall. Crime Scene Analyst ("CSAs") observed a blue milk crate on the ground along the exterior side of the south block wall on the east structure wall. Underneath the crate, CSAs further observed a green straw in a sealed, clear wrapper. Inside the rear yard along the east structure wall of the residence, CSAs observed a disturbed sliding-glass window with apparent blood and linear marks on the sliding portion. Just north of this window, on the ground and on the pavestone base along the south side of an air conditioning compressor, CSAs observed a tan/brown floral blanket as well as a plastic green/yellow/white Subway cup with a green straw. Inside the cup, CSAs observed a small amount of clear liquid and two (2) fresh lemon slices. An additional disturbed sliding-glass window along the north structure wall near the west corner, leading into the master bedroom was also located. Moreover, CSAs observed five (5) concrete blocks on the ground just north of the gate on the west side of the residence.

Latent print processing was conducted in the rear yard, with 3 developed lifts recovered from the disturbed, sliding glass windows described above. Additionally, two swabs of apparent blood were recovered from window.

### **Master Bedroom Suite:**

#### **Bedroom:**

The master bedroom suite was accessed by a small hallway/entryway off the west wall of the great room. A doorway on the north side of the entryway opened into the bedroom. The master suite contained a north bedroom, a central bathroom, and a south walk-in closet. The sliding-glass window along the north wall (described above, under the rear yard heading) was closed, but unlocked, and no window screen was present over the window. On the floor of the bedroom, between the entryway and the bed, CSAs observed a broken eyeglass lens. On the floor near the south nightstand, CSAs observed a roll of duct tape which was impounded. In addition, CSAs observed two (2) cartridge cases bearing head stamp SPEER 45 AUTO on the floor located on either side of the entryway from the bedroom to the bathroom. Finally, an additional cartridge case bearing the same head stamp was located on the floor underneath the bed. All were impounded as evidence.

### Bedroom Evidence Recovery:

- One (1) expended cartridge case bearing the head stamp SPEER 45 AUTO below the west doorframe between the bedroom and the bathroom.

### Bathroom:

No door was present between the bedroom and bathroom. A doorway leading into the closet was located between the south cabinet and the toilet room.

A Taser was located on the floor just inside the bathroom along the east wall and a Pelican flashlight was located inside the tub, near the drain. An orange and gray box cutter with the razor exposed, bearing apparent blood and hair was on the floor near the south edge of the shower. It was impounded as evidence. Various cartridge cases were observed on the floor of the bathroom, including: fourteen (14) on the floor and the north ledge of the bathtub; six (6) inside the bathtub and associated drain; and four (4) in the area of the decedent in the southwest corner of the bathroom. Numerous bullets, bullet fragments, and unknown debris were observed in the bathroom.



### The following cartridge cases from the bathroom were impounded as evidence:

- Two (2) expended cartridge cases (one (1) bearing the head stamp SPEER 45 AUTO and one (1) bearing the head stamp SPEER 9MM LUGER) [Item 1951-005-007, marker #7] on the floor below the west doorframe.

- One (1) expended cartridge case bearing the head stamp SPEER 9MM LUGER [**Item 1951-005-008, marker #8**] on the floor just east of the north bath mat.
- One (1) expended cartridge case bearing the head stamp SPEER 9MM LUGER [**Item 1951-005-009, marker #9**] on the floor just north bath mat.
- Six (6) expended cartridge cases (one (1) bearing the head stamp SPEER 45 AUTO and five (5) bearing the head stamp SPEER 9MM LUGER) [**Item 1951-005-010, marker #10**] on the north bath mat.
- Two (2) expended cartridge cases, both bearing the head stamp SPEER 9MM LUGER [**Item 1951-005-011, marker #11**]. On the floor just south of the north bath mat.
- One (1) expended cartridge case bearing the head stamp SPEER 45 AUTO [**Item 1951-005-012, marker #12**] on the floor near the northeast corner of the tub.
- One (1) expended cartridge case bearing the head stamp SPEER 45 AUTO [**Item 1951-005-013, marker #13**] on the north ledge of the tub.
- Six (6) expended cartridge cases (one (1) bearing the head stamp SPEER 45 AUTO and five (5) bearing the head stamp SPEER 9MM LUGER) [**Item 1951-005-014, marker #14**] inside the tub and tub drain.
- One (1) expended cartridge case bearing the head stamp SPEER 9MM LUGER [**Item 1951-005-015, marker #15**] on the floor just north of the tub bath mat.
- One (1) expended cartridge case bearing the head stamp SPEER 45 AUTO [**Item 1951-005-016, marker #16**] on the floor alongside the tub and roughly in line with the south edge of the shower.
- One (1) expended cartridge case bearing the head stamp SPEER 45 AUTO [**Item 1951-005-017, marker #17**] on the floor in the southwest corner of the bathroom.
- One (1) expended cartridge case bearing the head stamp SPEER 9MM LUGER [**Item 1951-005-018, marker #18**] on the floor between the shower and tub bath mats, near the decedent's head.

**Closet:**

CSAs observed a clump of hair and drip bloodstains on the floor at the threshold. A pair of black eye glasses bearing apparent damage (void lens) with attached black duct tape and hair was on the floor near the storage container. An additional clump of hair as well as an altered bloodstain (possible swipe) were located on the floor near the built-in shelf.

**LOCATION AND DESCRIPTION OF THE BODY**

The Decedent was observed lying face down and on his left side on the floor of the bathroom between the tub and the shower. His right arm was extended with the right hand near the box cutter. CSA Peters conducted a physical examination of the Decedent. Peters removed a cellular telephone in a black protective case from the right front pocket of the shorts.

### Items located on Decedent:

During the processing of the scene, items were removed from Decedent's pockets. Decedent had a black wallet, a California ID bearing his name, two pieces of white paper with writing on them, a pen, and fifteen dollars of US Currency.

On the back of one of the white pieces of paper the following was handwritten:

- BF: Came over, watched Netflix, passed out @ 1130. Woke up @1am to eat chips and smoke, 310 get water, use bathroom left at 630 am. He's going to Texas
- Just got out of jail because I took responsibility for your mom's insurance fraud. It happened b/c you didn't want to call me so my investor group reported it. However, I took full responsibility. I was in hospital all weekend, got out, got taken by police to court just get released & brought here.
- Got in through roof & air vent but only works when home and sensor is off. Stay mode.
- Options:
  - 1) They want 11.25 mil and we will be done forever. In return, your parents will receive \$10K every month for 36 month starting, month 7 in a business deal. This will re-unreadable, phase 1 of business deal b/c I'm quitting Next payment comes after probate closes.
  - 2) \$100,000 for legal fees + \$25,000 for next 5 months to fight charges. We have to date and look happy. Go out a lot and take pics. Have sex and tape it. You have to be dominant. Break up w/ your new guy. We go to Hawaii and possibly get married there. Must look happy b/c we will show I did this out of love. You did not know what I was doing. If I think you're not on board 100%and you are going to cops, then option 3 is...
  - 3) Need access to phone and security. If this happens, they go after everyone we care about in my family and (unreadable) and friends. Whoever you spoke to about this, they know and they will. Who did you tell. Obviously you told a few people.

I have stopped drinking and will work to pay rent & bills. Will only drink up to 4 drinks. -If I quit all together, I just want to get cured and smoke w/you.

- Who "bf"
- found (unreadable) on past dates, including one on 9/10 (Sunday)
- "The ratio of forehead to face and eyes ridic!"(Posts close up picture of you
- I think she's a rich one"
- "Is she a dude? Her hairline is falling back like crazy. If only her tits were as big as her forehead, she'd be a "D" cup.
- "This chink gets stupid when she smokes"
- Fat lips for such a bony somalian Gonna look good around the D"
- "PTTO b4 I could get it in Next time"

- "fuck. Spilled berry water after this hit. Hope it dries."
- "This bitch keeps coughing all night. Prolly got her sick LOL"

On the back of the second white paper the following was handwritten on it:

-4 Chicks"  
 -"LOL what a dumb bitch"  
 (Posts screen shots of conversation w/ you"  
 -@3am she's laughing so much & her door is unlocked. Should I go in and put my dick in her Mouth  
 -OVERALL: 40 different women posted about last 3 years. At least 4 women are looking for Revenge which he mocks. We knew you sleep w/do open/unlocked b/c of this  
  
 -I have form of PTSD  
 -New job publishing research  
 -drinking limits  
 "Hope the chink doesn't have Asian Bird flu"  
 "Her morning breathe was the worst I ever smelled"

After reading the handwritten letters, it appeared that Decedent had written the letters from inside the residence and that Decedent was able to secretly enter Witness #1's residence without Witness #1 knowing. The handwritten note made reference to another male inside the residence, which shows correlation between what was written and the photo that was taken of a white male inside the residence from Decedent's cell phone.

In reference to the written statement "Got in through roof & air vent but only works when home and sensor is off. Stay mode," Detectives checked the roof and did not find any roof tiles out of place or any air vents with damage to them. Detectives also went into the attic space inside the residence and did not locate any signs of damage that would show he entered the residence through the attic.

It is believed that Decedent gained entry into Witness #1's residence through a window due to the fact that latent prints located on the southernmost east window resulted in a match with Decedent.

## **AUTOPSY**

On 09-14-2018, an autopsy was completed on the body of Ryan Yamasaki by Dr. Lisa Gavin.

Injuries Noted: Multiple Gunshot Wounds, stab wounds, incised wounds, and blunt force trauma wounds.

After the completion of the autopsy, Dr. Lisa Gavin opined the cause of death was due to multiple gunshot wounds and the manner of death was homicide.

## **INFORMATION REGARDING DECEDENT RYAN YAMASAKI**

Decedent Ryan Yamasaki was a 36 year-old male at the time of his death. There is not much known about Decedent due to his lack of family history. It appears that Decedent only had one next of kin which was his sister, Witness #2. She was the only person who could be contacted regarding any information on Decedent other than Witness #1.

According to Witness #2, in September of 2018, she was living in California and had not spoken to Decedent for approximately a year and a half. The last time she spoke to him was when their parents both died in January of 2017. According to police and media reports, Decedent's parents, Emi and Glen Yamasaki, died as the result of suicide when they jumped off the fifth-floor parking deck of the Silverton Casino. Witness #2 indicated that she knew Decedent drank in abundance but was unaware of any narcotics use. Witness #2 was also unaware of where Decedent was living or working at the time of his death.

According to records from the Las Vegas Metropolitan Police Department and Las Vegas Justice Court, Decedent had several interactions with law enforcement prior to his death. On July 27, 2013, Officers M. Belanger and K. Frett were dispatched to the Aria Hotel in reference to a domestic disturbance. While there, officers met with Witness #3 who indicated that she and Decedent were in a dating relationship and had been having multiple arguments recently over their relationship. Decedent and Witness #3 were arguing at dinner and the argument continued into the hotel. Witness #3 wanted to leave but Decedent took her phone and threatened to break it if she left. Witness #3 decided to leave, grabbed her bag and walked towards the door. Decedent blocked the doorway and grabbed her bag off her shoulder. When Witness #3 tried to run and call for help, Decedent tackled her to the ground and threw her on the bed causing Witness #3 to hit her head on a chair. Decedent then put Witness #3 in a headlock and applied pressure until she began to cry. Decedent released Witness #3, grabbed a pair of ice tongs and threatened to kill himself. Officers observed scratches, abrasions and reddening to Witness #3's body. Officers also observed defensive scratch wounds on Decedent. Decedent was arrested for Battery Constituting Domestic Violence and Coercion. The District Attorney's Office denied the charges on July 31, 2013.

On August 7, 2016, Decedent went to Daylight Beach Club inside the Mandalay Bay Casino. Decedent ordered bottle service for twenty people with a minimum spending requirement of \$12,500. At the end of the day, Decedent's bill came to a total of \$14,451.39. Decedent attempted to pay with several credit cards but they were all declined. Decedent made multiple promises to Daylight Beach Club Management to pay but failed to do so. Detectives eventually came in contact with Decedent at his parent's residence in Henderson on October 6, 2016. During a subsequent interview, Decedent admitted that he had no intent on paying the bill and he takes advantage of club bottle service believing that eventually the bill will be "comped" or reduced in half. Detectives arrested Decedent for Burglary and felony Theft. Charges were filed under case number 16F16795X. Decedent entered into a negotiation on December 5, 2016, whereby the State agreed to stay the bindover in order for Decedent to pay \$6,361.09 in restitution. If successful, the State would reduce the charge to a misdemeanor. Decedent failed to pay the restitution and a bench warrant was issued for him on May 16, 2018. The warrant was still active at the time of his death.

## LEGAL ANALYSIS

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

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

### **A. The Use of Deadly Force in Defense of Another**

The authority to kill another in defense of others is contained in NRS §§200.120 and 200.160. "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... person, against one who manifestly intends or endeavors, 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 like danger.

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

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

*Id.* at 1051-52.

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

In this case, Decedent posed an imminent danger to Witness #1 as well as Officers Brown, Park, Tillmon, Ward and Winningham. The facts illustrate that officers were faced with a suspect with a knife in his hand charging at officers. The facts also illustrate that Witness #1 was in serious danger at the Decedent's hand. Officers were faced with the possibility that the suspect had either just killed or seriously injured Witness #1 or was about to kill or seriously injure her and then officers. Additionally, Decedent was told multiple times to "drop the weapon" and comply with commands, yet he refused to do so. Almost immediately after being given commands, he began charging at officers. Evidence collected at the scene, as well as statements given by multiple witnesses, confirmed that Decedent did in fact have an orange box cutter knife in his hands when he charged at officers and while in the closet with Witness #1. Thus, Decedent posed an objectively reasonable imminent danger to all officers and Witness #1 inside the bathroom. Therefore, the discharging officers acted in reasonable fear of a threat to their life and the lives of others at the time they fired.

## **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, the facts illustrate that Officers Brown, Tillmon, Ward and Winningham were reasonable in their beliefs that Decedent posed a serious threat to their safety, as well as the safety of Witness #1. As aforementioned, Decedent was not complying with commands and was attempting to attack officers with the box cutter. These circumstances created probable cause in their minds that Decedent posed a threat of serious physical harm to them and Witness #1. Officers overcame that threat by firing their weapons at Decedent.

In light of all the evidence reviewed to date, Officers Brown, Tillmon, Ward and Winningham's actions were justified and appropriate "in the discharge of a legal duty."

## **CONCLUSION**

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, the State concludes that the actions of the officers were reasonable and/or legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable. (NRS §200.190). A homicide which is determined to be justifiable shall be "fully acquitted and discharged." (NRS §200.190).

As there is no factual or legal basis upon which to charge 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.