

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Jason Dunkel on September 26, 2022

INTRODUCTION

On September 26, 2022, Jason Dunkel (hereinafter “Decedent”) fled on foot from Henderson Police Department (hereinafter “HPD”) Officer Glen Morgon in the intersection of St. Rose Parkway and Eastern Avenue in Henderson, Nevada. Decedent then shot Officer Morgon with a pneumatic gun. HPD Officer Morgon returned fire, striking and killing Decedent.

The District Attorney’s Office has completed its review of the September 26, 2022, 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 HPD Officer G. Morgon were not criminal in nature.

This report explains why criminal charges will not be forthcoming against the officer 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 October 16, 2023. This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the shooting officer was not criminal.

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

SYNOPSIS OF INCIDENT AND INVESTIGATION

On September 26, 2022, at 3:45 a.m., P.D. called 911 and reported that her grandson, Jason Dunkel, hereinafter Decedent, attacked her and her daughter (Decedent's mother), K.R. Decedent left the scene before officers arrived. Officers responded and determined probable cause existed to arrest Decedent for battery domestic violence.

At 6:11 a.m., P.D. called 911 again reporting that Decedent returned to the residence. Decedent once again left the scene before officers arrived.

At 6:54 a.m., patrol officers were dispatched to Born and Raised restaurant located at 10050 South Eastern Avenue regarding a suspicious person. The person reporting said the suspicious person was possibly on narcotics and had walked out of the restaurant. The person reporting described the suspicious person as a white male adult, approximately 40 years of age, with grey hair, wearing an orange shirt, open carrying a firearm in a holster, and carrying a blue backpack.

As officers responded to the scene, dispatch updated over the radio that the suspicious person may be Jason Dunkel, the reported domestic violence suspect from a few hours prior.

HPD Officer G. Morgon, who was working as a uniformed patrol officer, responded to the area and saw Decedent, who matched the description of the reported suspicious person, walking on the southeast corner of the intersection of St. Rose Parkway and Eastern Avenue. Officer Morgon attempted to stop Decedent, who ran into the intersection and continued north in the southbound lanes of Eastern Avenue. Officer Morgon drove closer to Decedent then exited his marked patrol vehicle and pursued Decedent on foot.

Decedent attempted to enter several occupied vehicles stopped in traffic at the intersection as he fled from Officer Morgon. Officer Morgon deployed his taser at Decedent, but Decedent was undeterred. Decedent drew his own gun - - which investigation later revealed to be a pneumatic gun - - pointed the gun at Officer Morgon and fired, striking Officer Morgon in the face. Officer Morgon returned fire at Decedent, striking him multiple times. Decedent fell to the ground. Multiple officers and citizens in the area witnessed the events.

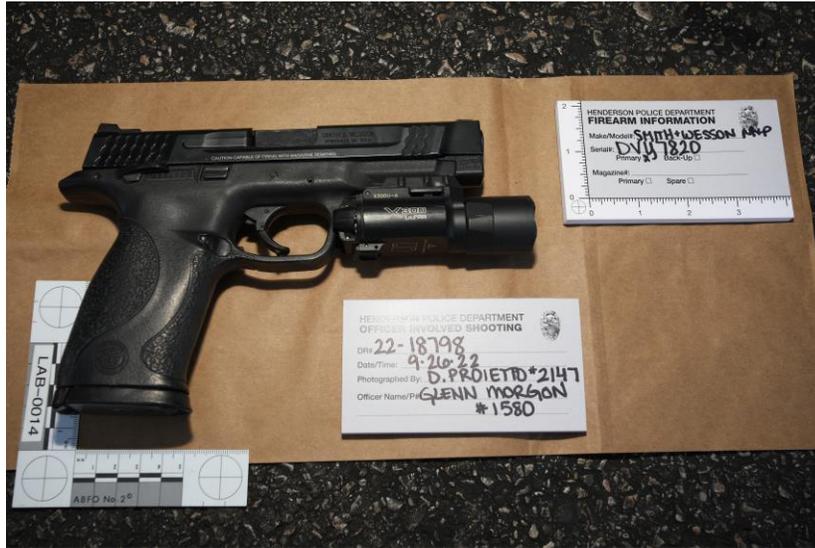
Additional officers assisted Decedent and Officer Morgon. Both were transported to hospitals. Decedent was pronounced dead. Officer Morgon suffered superficial injuries from a pneumatic gunshot wound to the face.

INCIDENT TIMELINE

Time (hours)	Description of Event/Action	Source
03:45:23	Decedent grandmother calls 911 reporting domestic violence incident with Decedent	CAD
06:11:58	Decedent grandmother calls 911 again – Decedent had returned to the residence	CAD
06:54:03	Born and Raised bartender calls 911 regarding suspicious person with a firearm described as a white male adult, 40s, grey hair, wearing orange shirt, grey shorts, carrying blue backpack and a gun on his hip. Caller described suspect as last seen heading towards Smart and Final.	CAD
06:56:24	Dispatch alerts that Born and Raised suspicious person is possibly the suspect from earlier domestic violence calls	CAD
06:58:48	Dispatch identifies possible suspect as Jason Dunkel	CAD
07:00:20	Update reporting Decedent running across Eastern Avenue	CAD
07:00:47	Update reporting Decedent walking on sidewalk next to St. Rose Parkway	CAD
07:01:15	Update reporting Decedent running southbound on St. Rose Parkway	CAD
07:01:44	Update that Decedent is not compliant and is attempting to get into vehicles	CAD
07:02:25	Update reporting shorts fired, police officer hit	CAD
07:02:48	Update reporting officer hit	CAD
07:03:04	Officer Woolman advises over radio that suspect had been shot and was not breathing	CAD
07:03:44	Update reporting Officer Morgon was ok, struck with shrapnel in the mouth	CAD
07:05:17	Advisory to start additional Rescue Unit code 3	CAD
07:06:14	Officers ordered to shut down southbound traffic at St. Rose Parkway and Eastern Avenue	CAD
07:17:12	Update reporting that Decedent is being transported to Sunrise Hospital and Officer Morgon is being transported to UMC	CAD

OFFICER WEAPON COUNTDOWN

Officer Morgon's primary duty weapon was a Smith and Wesson M&P 45 handgun. Following a countdown, detectives determined Officer Morgon discharged his firearm seven (7) times during the incident.

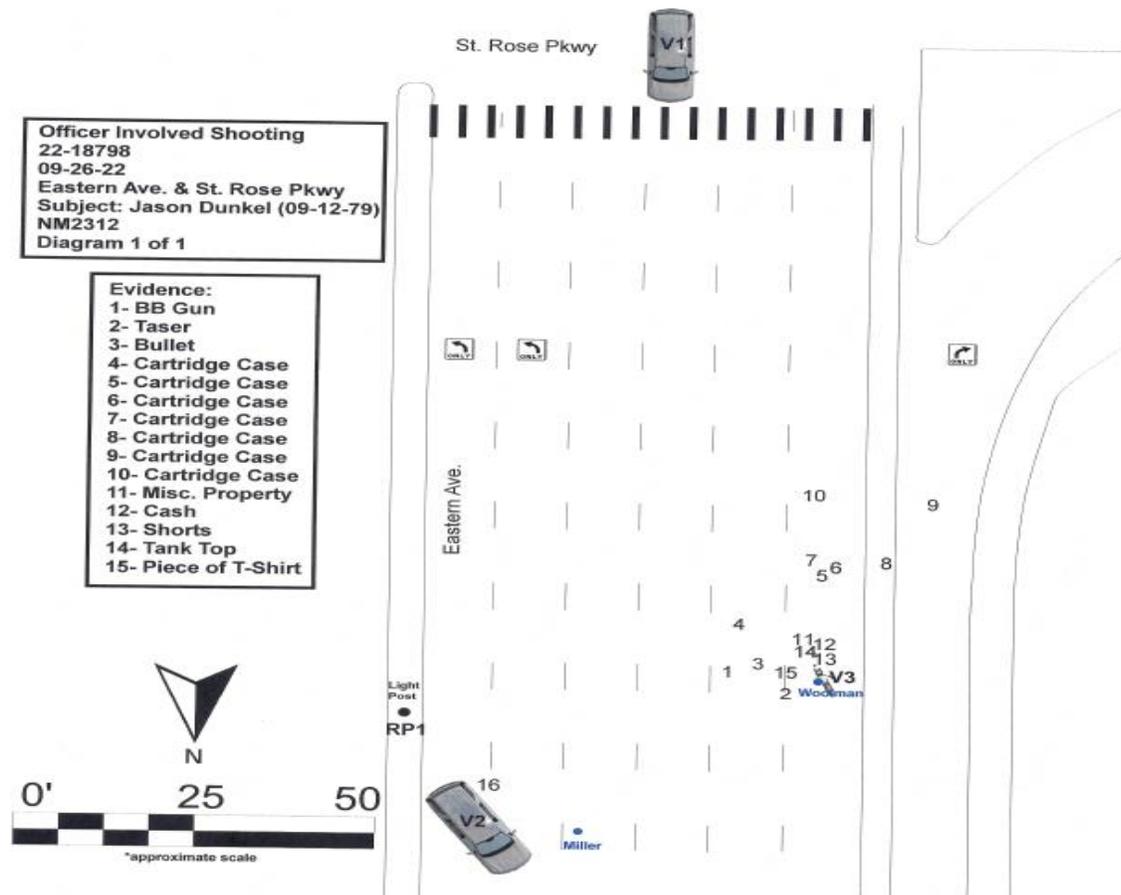


Make	Smith and Wesson
Model	M&P
Caliber	.45 Caliber
Weapon Mounted Light	Yes
Ammunition	Speer 45 Auto
Cartridge in Chamber	Yes
Magazine From Weapon	Capacity: 10 +1 in chamber Countdown: 4
Spare Magazine #1	Capacity: 10 Countdown: 10
Spare Magazine #2	Capacity: 10 Countdown: 10
Spare Magazine #3	Capacity: 10 Countdown: 10

SCENE AND PHYSICAL EVIDENCE

The scene was the roadway in the area of the 9900 block of South Eastern Avenue and included the southbound lanes just north of the intersection with St. Rose Parkway.

Vehicle 1 (HPD Officer Morgon – hereinafter “V1”) was parked facing north in the intersection just south of the #2 travel lane of southbound traffic on Eastern Avenue. Vehicle 2 (HPD Officer Miller – hereinafter “V2”) was parked to the north of the intersection facing northwest across both left turn lanes of the southbound lanes of Eastern Avenue. Vehicle 3 (HPD Motorcycle Officer Woolman – hereinafter “V3”) was parked north of the intersection on Eastern Avenue facing southeast in the #4 travel lane of southbound traffic. Vehicle 4 (HPD – not depicted on below diagram – hereinafter “V4”) was parked in the intersection just north of #3 and #4 traffic lanes of southbound traffic on Eastern Avenue.



Decedent was taken into custody just north of V3. A pneumatic gun, removed from Decedent's possession during the incident, was located on the ground just west of V3. An expended taser cartridge was just west of V3 and seven (7) firearm cartridge cases were scattered northwest to northeast of V3.

Officer Morgon's duty gear, to include his service firearm fired in the instant event, was located on the ground just east of V2. V2 had a penetrating bullet hole to the front driver's side quarter panel.



INVESTIGATION – WITNESS INTERVIEWS

The below summaries describe relevant information from the interviews but are not verbatim recitations of each interview.

Officer Interviews

HPD Officer Glenn Morgon

Officer Morgon described that, prior to the Born and Raised call, he learned there was probable cause to arrest Decedent for a domestic violence event against his mother from the night prior. Officer Morgon was aware of multiple prior incidents with Decedent, and that Decedent was known to carry a firearm and flee from police.

Officer Morgon heard the call for service from Born and Raised to include the description of the suspicious person, which was a white male adult wearing an orange shirt with a backpack and holstered handgun on his hip. Officer Morgon also heard that the suspicious person at Born and Raised was possibly Decedent, the domestic violence suspect from the night prior.

Officer Morgon responded to the area of Born and Raised and heard the suspect was last seen heading towards Smart and Final in the same shopping center. Officer Morgon saw Decedent, matching the suspect description, in the area of Rebel Arco gas station on the southeast corner of St. Rose Parkway and Eastern Avenue.

Decedent crossed Eastern Avenue on the south side of the intersection from east to west. Officer Morgon followed Decedent and drove his car onto a walking path paralleling St. Rose Parkway to the south just west of Eastern Avenue. Officer Morgon activated his lights and sirens and Decedent ran northbound across St. Rose Parkway.

Officer Morgon drove his patrol vehicle into the intersection and parked in front of the vehicles stopped at the intersection in the southbound lanes of Eastern Avenue. Officer Morgon pursued Decedent on foot as he ran north through the vehicles stopped in the southbound lanes of Eastern Avenue.

Officer Morgon saw Decedent trying to open doors on vehicles stopped in traffic. Officer Morgon believed Decedent was trying to steal a car in an attempt to flee and/or hurt another person. Decedent ran behind a box trailer. Officer Morgon followed Decedent and prepared to deploy his taser; however, he could not initially find a good position to fire the taser as Decedent was wearing a backpack which would have blocked the taser from striking him.

Officer Morgon fired his taser attempting to strike Decedent on the left side. Decedent raised his gun, which Officer Morgon believed to be a firearm, and pointed it towards Officer Morgon. Officer Morgon pulled out his own firearm and pointed it at Decedent. Decedent fired his gun and Officer Morgon returned fire. Officer Morgon was struck in the face during the exchange. Decedent fell to the ground.

Additional officers arrived to assist. Officer Morgon saw Decedent was still gripping the gun in his left hand. Officer Morgon kneeled on the suspect and pushed the gun away so other officers could take him into custody. Officer Morgon went over to Officer Miller's patrol car and sat in the back seat. Officer Morgon reported over the radio that he believed his wounds were superficial.

HPD Officer Robyn Miller

Officer Miller heard the call regarding the suspicious person with a firearm at Born and Raised while she was driving in the area of St. Rose Parkway and Eastern Avenue. Officer Miller heard a report over the radio that the suspicious person at Born and Raised may be Decedent, a suspect from an earlier domestic violence event.

Officer Miller explained that, in the morning briefing at the start of her shift, officers discussed Decedent and the domestic violence event. Officer Miller knew of Decedent from prior domestic violence incidents. Officer Miller knew Decedent to carry a firearm and evade officers.

Officer Miller responded to Born and Raised and did not see anyone in the area. Officer Miller heard Officer Morgon report over the radio that he located Decedent and was attempting to contact him at the intersection of St. Rose Parkway and Eastern Avenue. Officer Miller headed north on Eastern Avenue to assist Officer Morgon.

Officer Miller saw Decedent running north on Eastern Avenue across St. Rose Parkway in the southbound lanes of traffic. Officer Miller drove towards Decedent and saw him attempting to enter occupied vehicles stopped in traffic.

Officer Miller stopped her vehicle in traffic and exited with her firearm drawn. Officer Miller believed she heard gunshots. Officer Miller saw Decedent laying on the ground and Officers Morgon and Woolman standing nearby. Officer Miller noticed Decedent was still moving and attempting to reach for his firearm. Officer Morgon walked over and kicked the firearm away from Decedent. Officer Miller noticed Officer Morgon was bleeding from his lip. Officer Miller told Officer Morgon to go to Officer Miller's patrol vehicle.

Officers Miller, Wollman, and Melchert began lifesaving measures on Decedent. Officer Miller noticed a gunshot wound to Decedent's side and put pressure on the wound. Paramedics arrived and transported Decedent.

HPD Officer David Woolman

Officer Woolman heard the Born and Raised call for service and drove towards the area of the call. Officer Woolman was traveling on his patrol motorcycle northbound on Eastern Avenue when he saw Officer Morgon's patrol vehicle stopped at the intersection of Eastern Avenue and St. Rose Parkway. Officer Woolman heard Officer Morgon report over the radio that the suspect was running across St. Rose Parkway, then back towards Eastern Avenue.

Officer Woolman saw Decedent running across the intersection and approaching vehicles stopped in the southbound lanes of Eastern Avenue. Officer Woolman saw Decedent pulling on door handles of multiple vehicles stopped in traffic at the intersection. Officer Woolman reported as much over the radio. Officer Woolman could see the occupants of said vehicles and they appeared to be in fear of Decedent.

Officer Woolman drove towards Decedent. Officer Woolman saw Officer Morgon exit his patrol vehicle and pursue Decedent. Officer Woolman saw Officer Morgon discharge his taser at Decedent, but it was ineffective. Officer Woolman saw Decedent pointing a gun at Officer Morgon and pulling the trigger multiple times. Officer Morgon was ducking his head and returned fire towards Decedent.

Officer Woolman could not unholster his own firearm as he was still operating his motorcycle and was concerned he would lose control of the vehicle. Additionally, there were multiple occupied vehicles in front of him. Officer Woolman continued to drive towards Decedent and saw him fall to the ground. Officer Woolman stopped his motorcycle next to Decedent and noticed Decedent's gun was on the ground near his hand. Officer Morgon approached and kicked the gun away from Decedent. Officer Woolman got off his motorcycle and placed Decedent in handcuffs. Decedent resisted Officer Woolman by attempting to pull his hands away.

Officer Woolman noticed that, as Decedent was rolled to his side, a second gun fell out of his backpack. Officer Woolman also saw a large hunting knife in Decedent's backpack. Officer Woolman instructed the other officers to cut off the backpack as it

should not accompany Decedent in the ambulance. Officer Woolman assisted Officer Morgon while other officers provided medical attention to Decedent.

Lay Witness Interviews

A.N. – Person Reporting, Born and Raised Employee

A.N. was bartending at Born and Raised when a man, later identified as Decedent, came in and sat down. A.N. thought Decedent was potentially homeless. Decedent requested orange juice, which A.N. provided.

Decedent went to the bathroom and A.N. saw what A.N. believed to be a firearm on Decedent's hip. A.N. was slightly suspicious but did not panic as Decedent was not drinking alcohol and Nevada allows open carry. A.N. continued to observe Decedent and noticed he seemed to look "dazed" and repeatedly wandered. A.N., who has prior EMT experience, believed Decedent might be high.

Decedent continued to walk around and told A.N. he was checking things out. Decedent started towards an area of the restaurant that was closed off and A.N. told Decedent he could not enter that area. Decedent sat back down and started going through his backpack. A.N. believed Decedent might be loading a clip or magazine but could not tell what he was doing. Decedent pulled something out and started writing. A.N. asked Decedent if he was ok and Decedent said he was good.

Decedent got up again, looked around, and told A.N. to have a good day. A.N. locked the door behind Decedent. A.N. started talking to some other customers then called police to report Decedent's behavior.

A.N. described Decedent as a white man in his later forties, approximately six (6) feet tall, 270 pounds, with distinctive gray and black hair and a five o'clock shadow. A.N. described Decedent's clothes as an orange t-shirt, grey athletic shorts, and a blue and grey backpack. A.N. described that Decedent seemed like he was worried someone was watching or following him.

C.P. – Witness in Traffic

C.P. was stopped at a red light in the southbound lanes of Eastern Avenue at the intersection of St. Rose Parkway when he saw police activity in the intersection. C.P. saw a white male running towards vehicles stopped in traffic and start trying to open vehicle doors. The male approached C.P.'s vehicle and unsuccessfully tried to open his passenger door. The male continued running northbound. C.P. saw a police officer pursuing the male on foot. The traffic light turned green and C.P. drove through the intersection. C.P. then heard three (3) gunshots.

C.L. – Witness in Traffic

C.L. called police at 7:24 a.m. reporting that he had been present for the police shooting and just discovered a bullet hole in the side of his truck. C.L. described that he saw a man trying to get into vehicles so C.L. locked his doors. C.L. said the man pointed a gun at him then at nearby police. C.L. described that the man shot at police, then the police shot at the man. The dispatcher asked C.L. for his contact information and reported as much to detectives. Detectives contacted C.L. who provided a more extensive recorded interview summarized below.

C.L. was travelling southbound on Eastern Avenue and stopped at a red light at the intersection of St. Rose Parkway. C.L. was driving a truck pulling a box trailer. C.L. saw a man running through the vehicles stopped at the intersection and attempting to open vehicle doors. The man was able to open one driver's door, but the driver pulled it back shut. The man ran towards C.L.'s vehicle and C.L. locked his doors. C.L. saw a police officer chasing the man.

The man ran around the back of C.L.'s trailer to the passenger side of C.L.'s truck. C.L. saw the man point a gun at the police officer. C.L. heard several gunshots but did not see who they came from as he ducked down.

C.L. drove away out of fear and later discovered a bullet hole in the rear passenger side of his truck.

M.S. #1 – Witness in Traffic

At 7:47 a.m., M.S. called police and reported she had been at the intersection of the shooting at the time of the shooting. M.S. said she saw a man running and trying to get into vehicles. M.S. said she saw an officer following the man then a shooting occurred. Detectives subsequently contacted M.S. and conducted a recorded interview as summarized below.

M.S. was driving northbound on Eastern Avenue and stopped at a red light at the intersection of St. Rose Parkway. M.S.'s vehicle was the first vehicle stopped at the light. M.S. saw a police vehicle pull up to the intersection and activate its lights and sirens. M.S. then saw a man run across St. Rose Parkway then toward the vehicles in the southbound lanes of Eastern Avenue. M.S. saw the man attempt to open several doors on vehicles stopped on the southbound travel lanes.

M.S. saw a police officer exit his patrol vehicle and run after the man. M.S. heard several gunshots and saw a male police officer with his firearm drawn and pointed towards the east. The traffic light turned green and M.S. initially hesitated to drive due to the police activity but eventually pulled through the intersection. M.S. saw the man on the ground and police officers placing him in handcuffs.

N.G. – Witness in Traffic

N.G. was driving southbound on Eastern Avenue and stopped at a red light at the intersection of St. Rose Parkway. N.G. believed he stopped approximately two (2) cars back from the intersection. N.G. heard sirens and saw a man running towards N.G.'s vehicle. N.G. saw the man attempt to open a door on the vehicle stopped in front of N.G. The man then ran north past N.G.'s vehicle and a police officer followed him.

The traffic light turned green and traffic started to move forward. N.G. heard what he believed were shots from an airsoft pellet gun, followed by several gunshots. N.G. looked in the rear-view mirror and saw the man on the ground.

N.G. also provided a video recording from a camera mounted on his dashboard. See below for video details.

M.S. #2 – Witness in Traffic

M.S. was driving east on St. Rose Parkway when he saw a man run north across St. Rose Parkway and into the southbound lanes of Eastern Avenue where vehicles were stopped at a red light. M.S. saw a police vehicle pull up in front of the southbound traffic lanes.

M.S. saw the man try to open several doors on vehicles stopped in the southbound lanes of the intersection. A police officer ran after the man and another approach on a motorcycle. M.S. heard the officers yelling "get down" and "put your hands behind your back".

As vehicles in the intersection started to move M.S.'s view was partially obstructed, but he saw an HPD officer fire several gunshots towards the man. M.S. could not see the man as the officer was firing.

M.S. described that it seemed the man was continuing to resist officers. M.S. heard the officers order the man to stay down and put his hands behind his back, but the man kept trying to get up.

M.S. provided a video recording from his cell phone that he started recording after the shooting. See below for video details.

D.C. – Witness in Traffic

D.C. was driving south on Eastern and stopped at a red light at St. Rose Parkway. D.C. saw a man running through traffic towards her vehicle. The man was trying to open doors on vehicles stopped in traffic. The man opened a door on one vehicle and the driver reached over and pulled the door shut.

D.C. tried to drive her car into the far lane to get away when the man ran in front of her car and put his hands on the hood of her car. D.C. saw the man had a holster with a gun on the left side of his body. D.C. was concerned the man was going to threaten her with the gun and take her car.

D.C. saw a law enforcement officer running towards the man with what she believed to be a taser in his hand. D.C. saw the officer “pull” the taser and she heard a “pop pop pop”. D.C. saw another officer run towards them with her gun drawn. The officers were yelling commands at the man and he was resisting. D.C. did not see a gun in the man’s hands.

K.V. – Witness in Traffic

K.V. was driving south on Eastern Avenue and stopped at the intersection of St. Rose Parkway. K.V. noticed a man yelling standing between some other cars stopped at the light. K.V. heard sirens and saw the man start running between the vehicles in front of her and attempt to open some of the vehicles’ doors. K.V. thought the man was trying to get into a vehicle to get away.

K.V. saw several police officers arrive including one chasing the man on foot. K.V. saw the man, who was approximately three (3) – five (5) feet away from the officer, pull out a gun and point it at the officer. K.V. believed she saw two (2) or three (3) officers point their guns at the man. K.V. ducked and heard several gunshots then saw the man on the ground. K.V. said the gunshots were consecutive and sounded the same, but she was unsure who fired the shots. K.V. then drove away when the light turned green.

H.H. – Witness in Traffic

H.H. was a passenger in K.V.’s vehicle at the time of the shooting. H.H. saw a man trying to get into some other vehicles stopped in traffic. H.H. saw a police officer chasing the man and the man continue to run. H.H. noticed the man had a gun and the officer had what she believed was a taser. H.H. saw the man holding his gun pointed towards the direction of the officer. H.H. ducked and told K.V. to try and drive the vehicle behind another vehicle nearby. H.H. heard two (2) or three (3) consecutive gunshots that sounded the same. K.V. told H.H. the man was on the ground but H.H. never looked again before K.V. drove off.

INVESTIGATION – VIDEO SURVEILLANCE

21XX H.M.D.

21XX H.M.D. is a residence nearby Decedent's residence. Video surveillance from 21XX H.M.D. depicts Decedent walking along the residence at 4:22 a.m. with a gun in a holster on his left hip. Decedent walks northeast on H.M.D. out of camera view.

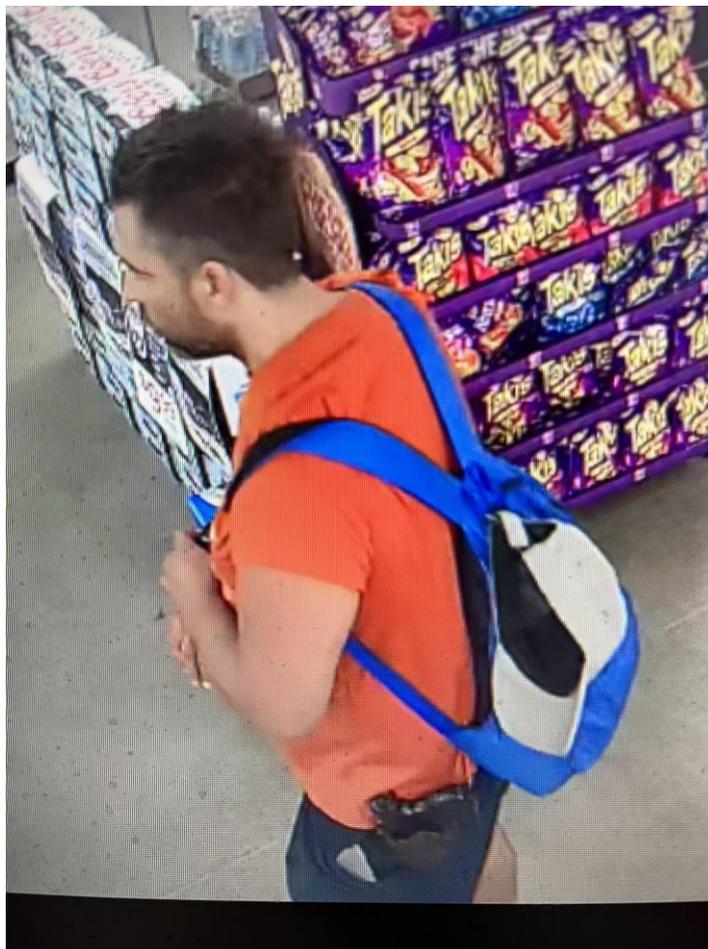


Terrible Herbst Chevron Station – 2200 West Horizon Ridge Parkway

Terrible Herbst is located at 2200 West Horizon Ridge Parkway on the northwest corner of West Horizon Ridge Parkway and Green Valley Parkway. These are the closest major cross streets to Decedent's residence, located approximately 0.4 miles from Decedent's residence.

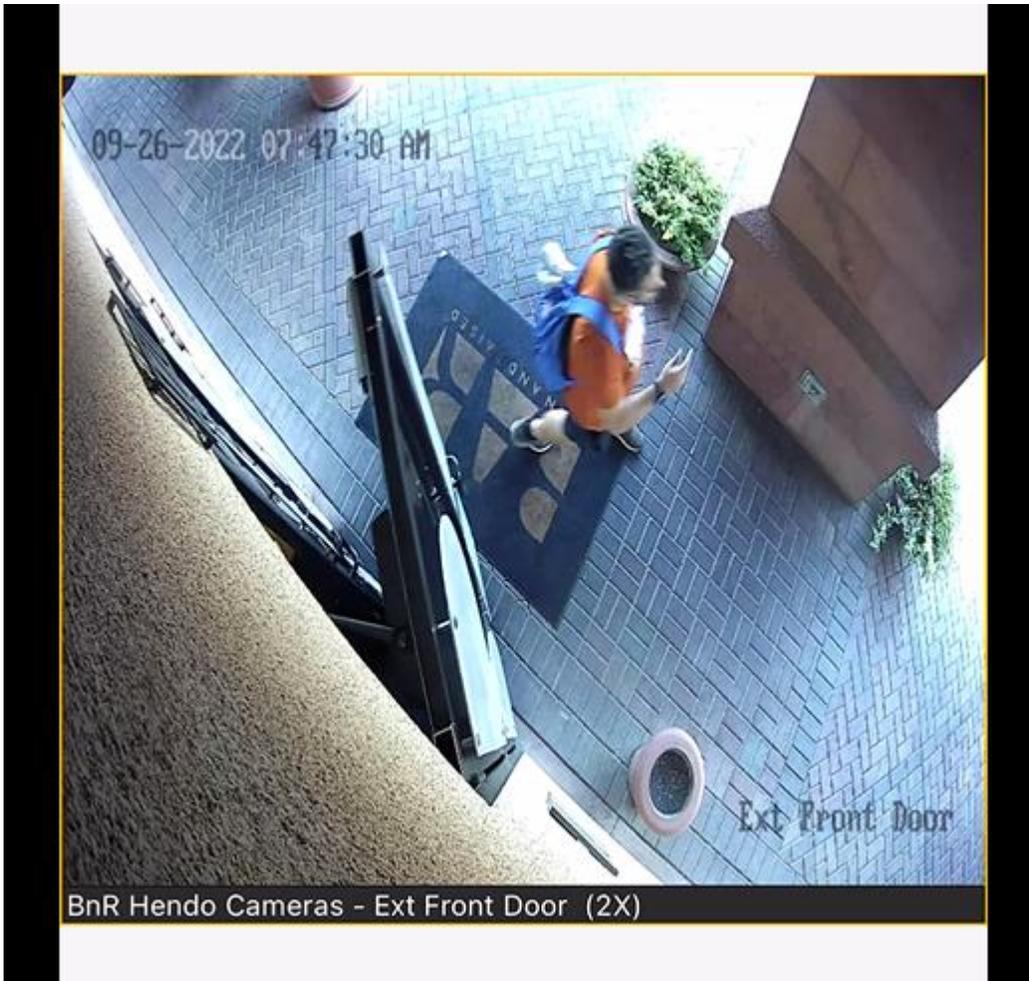
At 5:50 a.m. on September 26, 2022, one (1) hour and four (4) minutes prior to the Born and Raised call, a Terrible Herbst employee called police to report a suspicious person after encountering Decedent at the store. Video surveillance shows Decedent in the same clothes he was later wearing at Born and Raised and during the interaction with police, to include the firearm holstered on his left hip.

Decedent enters the store at 5:23 a.m. and makes a purchase approximately one (1) minute later. Decedent continues to walk around inside the store while looking around and periodically staring out the front doors. Decedent checks his watch multiple times. At 5:41 a.m., Decedent exits the store only to enter again thirty (30) seconds later. After pacing around inside some more, Decedent leaves once again at 5:50 a.m. and the clerk calls police.



Born and Raised Restaurant – 10050 South Eastern Avenue #170

Born and Raised is located in a shopping center located on the southeast corner of the intersection of Eastern Avenue and St. Rose Parkway. The provided surveillance does not capture the entirety of Decedent's time in the restaurant, but it does depict Decedent entering at 6:24 a.m. and leaving at approximately 6:47 a.m. (below time stamp is one hour fast).



Arco Rebel Gas Station – 10000 South Eastern Avenue

Arco Rebel is located on the southeast corner of the intersection of St. Rose Parkway and Eastern Avenue in the same shopping center as Born and Raised. Video surveillance from Arco shows Decedent walking along the west side of the Arco Rebel parking lot at 6:58 a.m. Less than two (2) minutes later, an HPD patrol vehicle is depicted driving in the same area, then circling around and exiting onto northbound Eastern Avenue.



N.G. Dashboard Camera

N.G.'s dash cam captures Decedent on foot in between stopped vehicles in the middle of Eastern Avenue facing south at the intersection of St. Rose Parkway. While N.G. is stopped at the intersection, Decedent approaches the driver's side of the vehicle in front of N.G. and unsuccessfully attempts to enter the vehicle. Decedent runs towards N.G.'s vehicle, then crosses the lane in front of N.G.'s vehicle and exits the frame. Officer Morgon pursues Decedent on foot and Officer Miller's police vehicle weaves between the vehicles stopped in front of N.G.'s vehicle and heads northeast in the southbound lanes on Eastern Avenue. A few seconds later, apparent gunshots are heard. N.G. drives off north through the intersection of St. Rose Parkway.



M.S. Cell Phone

M.S.'s cell phone video footage depicts Decedent lying on the ground in one of the southbound lanes on Eastern Avenue. Two (2) police officers are standing over him and a third officer, on a motorcycle, is just behind the two (2) standing officers. The two (2) standing officers have weapons pointed towards Decedent and are issuing verbal commands. The footage ends with the officers placing handcuffs on Decedent.

INVESTIGATION – DASH CAMERA AND BODY WORN CAMERA

Below is a summary of relevant events depicted on the body worn camera and dashboard camera footage.

HPD Officer Glenn Morgan Body Worn Camera

Officer Morgon's body worn camera footage begins at 7:03 a.m. after the shooting. Officer Morgon is breathing heavily. Officer Morgon is standing near a patrol vehicle away from officers rendering aid to Decedent. Officer Morgon advises over the radio that he believes his injury is superficial. Officer Woolman approaches Officer Morgon and checks him for injuries. Officer Woolman advises that he believes Officer Morgon's injury is from being struck by shrapnel.

HPD Officer Glenn Morgan Dashboard Camera

Officer Morgon's dashboard camera begins at 6:59 a.m. and depicts Officer Morgon driving through the parking lot of the Rebel Arco Gas Station located at the southeast corner of Eastern Avenue and St. Rose Parkway.

Officer Morgon pulls out onto Eastern Avenue, then turns left heading westbound and drives onto a bike path that parallels St. Rose Parkway. Decedent is walking on the bike path just ahead of Officer Morgon's vehicle.



At 07:00:56 a.m., Officer Morgon stops his vehicle and yells out to Decedent, "Jason, front of the car!" Decedent takes off running to the right northbound across St. Rose

Parkway. Officer Morgon advises over the radio that Decedent is running on St. Rose Parkway.

Officer Morgon drives his vehicle through the landscaping towards St. Rose Parkway, momentarily heads eastbound on St. Rose Parkway, then turns left to head north on Eastern. Officer Morgon stops his vehicle in front of the vehicles stopped at the intersection heading south on Eastern. Officer Woolman arrives almost simultaneously on his motorcycle and starts driving northbound through the stopped southbound vehicles.



Decedent is attempting to gain entry into vehicles stopped in traffic at the light. Officer Morgon exits his vehicle and pursues Decedent on foot through traffic. Officer Miller drives east in a patrol vehicle across the lanes of southbound traffic and stops in the far left turn lane.

At 07:01:54 a.m., shots are heard on the recording but vehicles stopped in traffic obstruct the view of Decedent and Officer Morgon. As traffic moves forward, Officer Morgon is on the west side of the road standing over Decedent, who is on the ground, with his gun drawn. Officer Woolman is next to them on his motorcycle.

Officer Morgon alerts dispatch, "Shots fired." Henderson Police Dispatch acknowledges and Morgon says, "I've been hit."

Officers Morgon, Miller, and Woolman surround Decedent and place him in handcuffs. Officer Melchert joins them. Officers render medical aid to Decedent.

HPD Officer Robyn Miller Body Worn Camera

Officer Miller's body worn camera activates 07:00:57 a.m. while she is still in her vehicle as she arrives at the scene of the shooting. The camera view initially just depicts the interior of the vehicle. At 07:01:54 a.m. Officer Miller exits her vehicle with her firearm drawn. Officer Miller approaches Decedent, who has already been shot, lying in the street. Officers Morgon and Woolman are standing over Decedent with their guns drawn.

Decedent is still moving with his firearm in his left hand. All three (3) officers are yelling for Decedent to drop the gun. Officer Morgon pushes the gun out of Decedent's hand. Officers place Decedent in handcuffs and render medical assistance until paramedics arrive.

Officer Miller starts walking towards her patrol vehicle where paramedics are tending to Officer Morgon. Officer Miller asks Officer Woolman what hit Officer Morgon in the mouth. Officer Woolman responds that Officer Morgon was shot and said that when he (Officer Woolman) first arrived that he (Decedent) was shooting at Officer Morgon.

HPD Officer Robyn Miller Dashboard Camera

Officer Miller's dashboard camera activates at 07:00:10 a.m. and depicts her driving through the parking lot in the shopping center, where Born and Raised is located on the southeast corner of the intersection of Eastern Avenue and St. Rose Parkway. Officer Miller pulls out onto Eastern Avenue and heads north towards St. Rose Parkway. Officer Miller turns left onto St. Rose Parkway as Decedent is running north across St. Rose Parkway headed towards Eastern Avenue.

Officer Miller turns back and drives her patrol vehicle east across the southbound travel lanes of Eastern Avenue through vehicles stopped at the traffic light. Decedent runs north through southbound traffic and attempts to enter vehicles stopped at the traffic light. Officer Morgon runs north in front of Officer Miller's patrol vehicle through traffic following Decedent. Officer Woolman drives his motorcycle north through traffic in front of Officer Miller's patrol vehicle.

Officer Miller parks in the left turn lanes facing east perpendicular with the flow of traffic. Several shots are heard but Decedent and the officers are out of view of the camera. "Shots fired, shots fired" is called out over the radio and Officer Morgon advises, "I've been hit, I've been hit." The camera remains pointing away from Decedent and the officers for the remainder of the recording.

HPD Officer David Woolman Body Worn Camera

Officer Woolman's body worn camera footage begins at 07:04:37 a.m. after the shooting. Officer Woolman is standing in front of Officer Morgon, who is seated in

Officer Miller's patrol vehicle. Officer Morgon has blood on his chin and hands. Officer Woolman checks Officer Morgon for additional injuries.

INVESTIGATION – DECEDENT

Background Check

A records check revealed Decedent had one (1) prior arrest in Henderson for trespass. Decedent had multiple prior arrests dating back to 1998 in California for battery, violation of temporary protective order, hit and run, disobeying a court order, and obstructing or resisting an officer.

Between 2018 and 2022, HPD received twenty-six (26) calls for service to Decedent's residence involving Decedent. HPD documented some of the calls as follows: eight (8) family disputes, five (5) domestic battery related, and four (4) mentally ill person related calls. Several of the calls involved Decedent's family members reporting that Decedent was not taking his medication to address mental illness, specifically bipolar disorder and schizophrenia. In said calls, the persons reporting described that Decedent was verbally abusive, physically violent, and in possession of firearms, but it was unknown if the firearms were real.

K.R. – Decedent's Mother Interview

K.R., Decedent's mother, provided the following information about Decedent.

Doctors diagnosed Decedent as schizophrenic approximately twenty (20) years ago. Decedent was prescribed medication for his mental illness, but he had not been taking the medication for approximately six (6) to seven (7) months. K.R. believed the last time Decedent saw a doctor was in approximately January of 2022.

Decedent, K.R., and Decedent's grandmother, P.D., lived together in Henderson. K.R. and P.D. lived in the primary residence while Decedent lived in a separate casita on the property. Decedent assaulted K.R. over ten (10) times in the past year. K.R. reported to police multiple times that Decedent had guns and wore guns on his person. Within the past few days, K.R. overheard Decedent talking to himself alone in his bedroom saying, "I am going to kill you; I am going to kill all of you." Decedent had expressed that he hated the police and "cusses them out" while talking to himself. K.R. recently had been afraid Decedent would kill her.

Two (2) days prior to the shooting, there was a domestic violence incident between Decedent and K.R. K.R. reported the incident to police and police told her Decedent would not be allowed back in the house.

At approximately 4:00 a.m. on the morning of the shooting, K.R. found Decedent sitting in her residence. K.R. told Decedent that he needed to leave. Decedent called K.R. a demon and said she had horns. Decedent began making statements K.R. could not

understand. K.R. attempted to retreat into a bathroom but Decedent followed her, put her in a choke hold, pushed her head into the bathtub, and covered her mouth. K.R. described that she believed he was going to kill her during this attack. Decedent took K.R.'s phone and smashed it against the bathtub. Once the phone was broken, Decedent dropped the phone and released K.R. Decedent then left the residence out the back door into a golf course area.

K.R. described that, when Decedent left her residence on the day of the shooting, he was "so mad" that she was sure he would hurt the first person who got in his way. K.R. said Decedent consistently wore a firearm on his waist. Decedent had numerous additional weapons, including several more firearms, in his room.

K.R. was not surprised to learn Decedent had been involved in a shooting with the police and said, "This has been coming."

Search of Decedent's Bedroom

K.R. reported that Decedent had additional weapons, to include guns and knives, in his bedroom. K.R. provided consent for police to search Decedent's bedroom.

In Decedent's bedroom, police discovered various air soft, pellet, and pneumatic guns, as well as numerous knives. Police found writings wherein the writer refers to himself as a Jedi, a General in Heaven's Army by the name of "General Jason Jesus Christ Angelic Angels." Some of the writings referenced that demons were taking over police officers and hiding in unknown places.

One writing read, "That's what I was doing" [] "Let him play with his gun", "The evil person or thing that said this will be shot in the neck in ten years and will survive furthermore."



Items in Decedent's Bedroom

AUTOPSY

On September 27, 2022, Forensic Pathologist Dr. S. Yagi conducted an autopsy on Decedent at the Clark County Medical Examiner's Office. Dr. Yagi noted four gunshot wounds – one to the right chest, one to the right lateral torso, one to the left lateral torso, and one to the posterior right arm. Dr. Yagi concluded the cause of death was multiple gunshot wounds and the manner of death was homicide.

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any lethal 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 (See NRS §200.120 – Justifiable homicide defined; NRS §200.140 – Justifiable homicide by a public officer; NRS §200.160 – Additional cases of justifiable homicide; NRS 171.1455 – Deadly force to effect arrest).

The shooting of Decedent could be justifiable under several theories related to the concept of self-defense: (1) the killing of a human being in self-defense or defense of others; (2) justifiable homicide by a public officer; and/or (3) use of deadly force to effect arrest. All theories will be discussed below.

A. The Use of Deadly Force in Defense of Self or Defense of Another

The authority to kill another in self-defense or defense of others is contained in NRS 200.120 and 200.160. Pursuant to NRS 200.120 –

“Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... another person, against one who manifestly intends or endeavors to commit a crime of violence or against any person who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the occupied habitation or occupied motor vehicle, of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein ...” against the person or other person.¹ NRS 200.120(1). Homicide is also lawful when committed:

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

¹ NRS 200.120(3)(a) defines a crime of violence:

“Crime of violence” means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

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 self-defense [or 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 himself [or the other person] or cause himself [or the other person] great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in [self-defense or 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 [himself or the person(s) 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 self-defense [or 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 self-defense [or 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 he [or 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 himself [or 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 exists that a killing was in defense of self [or defense of another], the State must prove beyond a reasonable doubt that Decedent did not act in self-defense [or defense of another]. Id. at 1051-52.

Therefore, under Nevada law, if there is evidence that the killing was committed in self-defense or defense of another, the State at trial must prove beyond a reasonable doubt that the slayer was not acting in self-defense or defense of another.

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).

C. Use of Deadly Force to Effect Arrest

Pursuant to NRS 171.1455 – a peace officer may, after giving a warning, if feasible, use deadly force to effect arrest of a person only if there is probable cause to believe that the person: has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or poses an imminent threat of serious bodily harm or death to the peace officer or to others.

D. Officer Morgon’s Actions Were Legally Proper Under Each of the Above Justifications

The known facts and circumstances surrounding this incident indicate Decedent posed an imminent danger to officers and/or citizens, and a reasonable person in a similar situation would believe himself or another person to be in danger. Such renders the killing justifiable under NRS 200.120 and NRS 200.160. Further, there was probable cause to believe Decedent posed a threat of serious bodily harm to Officer Morgon and/or civilians rendering the killing justifiable under NRS 200.140 and/or NRS 171.1455.

Here, the information and observations Officer Morgon had at the time of the shooting include the following: Decedent had recently engaged in violence against his mother, which was an ongoing problem; Decedent was known to carry firearms and flee from police; Decedent was acting suspiciously in a nearby business; Decedent was ignoring commands and fleeing from multiple officers across a busy intersection; Decedent was frantically trying to gain entry into uninvolved civilians’ occupied vehicles stopped in traffic; and Decedent pointed and fired what Officer Morgon reasonably believed to be a firearm at Officer Morgon. Such information and observations render Officer Morgon’s belief that Decedent posed imminent danger to himself and civilians reasonable.

Additional evidence, beyond the scope of what Officer Morgon knew at the time of the shooting, corroborates Officer Morgon’s observations and/or supports the conclusion that Decedent actually posed an imminent danger to Officer Morgon and/or civilians. Such evidence includes: multiple law enforcement and civilian witnesses observed Decedent fleeing from officers and attempting to enter occupied civilian vehicles; video footage from multiple sources shows Decedent fleeing from officers and attempting to enter occupied civilian vehicles; civilians K.V., C.L., and H.H. saw Decedent pointing an apparent firearm at Officer Morgon; and Officer Woolman saw Decedent pointing and shooting what he believed to be a firearm at Officer Morgon.

Decedent's background and mental health history support the conclusion that Decedent actually posed an imminent danger to Officer Morgon and/or civilians. In the years leading up to the shooting, HPD received twenty-six (26) calls for service involving Decedent. Decedent's mother reported that Decedent assaulted her over ten (10) times in the past year. She also reported that Decedent, within the past few days, had been talking to himself saying, "I'm going to kill all of you," and she explained that Decedent hated the police. K.R. said that, when Decedent left home on the morning in question, Decedent was "so mad" that she was sure he would hurt the first person who got in his way. K.R. detailed an extensive history of Decedent's mental health problems and said "this has been coming" in regard to the shooting. Police also found writings in Decedent's bedroom referring to police as "demons."

CONCLUSION

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

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