

# REPORT ON USE OF FORCE



## Legal Analysis Surrounding the Death of Steven Brucker on June 24, 2023

### **INTRODUCTION**

On June 24, 2023, 53-year-old Steven Brucker (“Decedent”) was shot and killed by Henderson Police Department (“HPD”) Officer Tyler Travers following an armed standoff with police. The incident took place at approximately 7:36 a.m. near the intersection of Sunset Road and Boulder Highway in Henderson, Nevada.

### **SYNOPSIS**

On June 24, 2023, at approximately 7:10 a.m., HPD Officer Cesar Contreras was dispatched to a Terrible Herbst convenience store located at 220 West Sunset Road in reference to a petit larceny. The store manager, J.S., reported that a male, later-identified as Decedent, had attempted to take merchandise from the store without paying. The male had left the store carrying a backpack, rolling bag, and shoulder bag, and was walking toward a nearby bus stop. J.S. provided the police with a physical description of Decedent and requested that the police trespass him from the store.

Officer Contreras located Decedent at a nearby bus stop on Boulder Highway just north of Sunset Road. Upon making contact, Decedent falsely identified himself as “Dale Hart,” and claimed to have no form of identification on him. HPD Officer Brandon Delobel arrived to assist Officer Contreras. Shortly thereafter, the officers determined Decedent’s actual identity and learned that he had outstanding felony and misdemeanor warrants.

As the officers reinitiated contact with Decedent, Decedent reached into his backpack. Both officers asked Decedent not to reach into his bag, but Decedent disregarded the officers and continued to rummage through the bag. As Officer Contreras stepped forward to seize Decedent’s

arm, Decedent pulled out a black handgun (later determined to be a UHC airsoft gun) and shouted, “Get back!” at the officers. Decedent then pointed the firearm at his own head as the officers drew their firearms and issued orders for Decedent to drop the gun.

Officers Contreras and Delobel sought cover and reported Decedent’s actions over the radio. The officers attempted to de-escalate the situation with Decedent while additional officers arrived on scene to assist. Decedent continued holding the firearm to his head shouting at the officers to “Shoot me!” and making other similar statements indicative of an intent to commit “suicide-by-cop.” During the ensuing standoff, Decedent began walking away from the bus stop through a neighboring desert lot toward Sunset Road.

Officers continued pleading with Decedent to put the firearm down. As Decedent made his way toward Sunset Road additional officers arrived to clear the area of pedestrians and vehicular traffic and try to contain the scene. Decedent continued on foot, crossing Sunset Road and walking toward the front office and entry/exit way to the Desert Sand RV Park, located at 1940 North Boulder Highway. Officers continued to pursue Decedent asking him to drop the weapon.

At approximately 7:36 a.m., as Decedent neared the front office and entryway of the RV park, Decedent removed the firearm from his head as he was walking and turned toward the officers. Officer Travers discharged his rifle, striking Decedent and causing him to fall to the ground. Officers secured Decedent’s firearm, placed him into handcuffs, and called in paramedics from the Henderson Fire Department (“HFD”), who were already staged in the area. HFD paramedics arrived on scene and began life-saving measures. Decedent was transported to Sunrise Hospital where he was ultimately pronounced deceased.

The Clark County District Attorney’s Office has completed its review of the June 24, 2023, 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 Officer Travers were not criminal in nature. This review is based upon all the evidence currently available.

This report explains why criminal charges will not be forthcoming against Officer Travers. It is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this police encounter. It is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review, which was held on April 23, 2025.

This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the officer was not criminal. This decision, premised upon criminal-law standards, is not meant to limit any administrative action by the HPD or to suggest the existence or non-existence of civil actions by any person, where less stringent laws and burdens of proof apply.

## **SUMMARY OF RELEVANT WITNESS STATEMENTS**

### **Victim Officers**

#### **Officer Cesar Contreras**

Officer Contreras has been employed as a police officer with HPD since July of 2021. At the time of the incident, Officer Contreras was on duty and wearing his standard police uniform and operating a marked HPD patrol vehicle.

At approximately 7:07 a.m., Officer Contreras was dispatched as the primary officer to a call for service at the Terrible Herbst located at Sunset Road and Boulder Highway in reference to a petit larceny or other disturbance. While enroute, Officer Contreras learned that the store manager had reported that a subject, later identified as Decedent, had stolen an item from the store and that the manager was requesting that he be trespassed. Officer Contreras was further provided with a description of the subject as a white male wearing black-on-black clothing with a backpack, shoulder bag, and rolling suitcase.

Upon arrival, Officer Contreras did not observe anyone matching the subject description in the immediate vicinity of the store. As Officer Contreras drove around the store, he observed Decedent seated at a nearby bus stop on Boulder Highway. Officer Contreras noted that Decedent matched the physical description of the suspect, wore black-on-black clothing, and carried with him a rolling suitcase and other bags. Officer Contreras advised HPD Dispatch via radio that he would contact the subject at the bus stop. Officer Contreras then activated his rear patrol lights and approached Decedent.

As he contacted Decedent, Officer Contreras activated his body-worn camera ("BWC"). Officer Contreras identified himself to Decedent and advised him of the reason for the contact. Decedent denied knowing what Officer Contreras was talking about and denied having been in the Terrible Herbst. Officer Contreras informed Decedent that he matched the description of the subject he was looking for and asked Decedent for his identity. Decedent denied having any form of identification, then provided Officer Contreras with a false name, date of birth, and social security number.

As Decedent was providing this information to Officer Contreras, a backup officer, Officer Delobel, arrived in his patrol vehicle. Officer Contreras asked Officer Delobel to conduct a record check on Decedent while Officer Contreras continued to talk to him. Officer Contreras and Decedent engaged in small talk and Officer Contreras believed Decedent was being cooperative with the officers.

While Officer Contreras and Decedent spoke, Officer Delobel conducted a records check on Decedent using his Mobile Data Terminal computer ("MDT"). Upon inputting the false identifiers that Decedent had previously provided to Officer Contreras, Officer Delobel was unable to locate any records for Decedent. Officer Delobel then ran a record check via radio through HPD Dispatch, providing Decedent's basic physical descriptors. Dispatch advised Officer Delobel of a possible

match for a subject with Decedent's physical descriptors. Dispatch provided Officer Delobel with Decedent's true name and noted that he had multiple warrants within the Las Vegas valley. Dispatch sent a photograph to Officer Delobel's email, verifying Decedent's true identity and warrant status.<sup>1</sup>

Officer Delobel returned to Officer Contreras and Decedent and asked Officer Contreras to look at the photograph provided by Dispatch. Officer Delobel remained with Decedent while Officer Contreras went to the patrol vehicle to review the photograph. Officer Contreras recognized the person in the photograph as that of Decedent due to a distinct facial mole, and asked Dispatch to confirm the outstanding warrants.

Officer Contreras then returned to Officer Delobel and Decedent, who was still seated at the bus stop. At this time, a commuter bus pulled up to the bus stop and there were several civilians both inside the bus and waiting at the bus stop. Officer Contreras asked Decedent again if he had any kind of identification with him. Decedent then reached into his backpack, which was on top of his rolling suitcase. Officer Contreras immediately asked Decedent not to go into his backpack, which Decedent ignored. Officer Contreras then repeated his request to Decedent not to reach into his backpack and Officer Delobel attempted to grab Decedent's arm.

As soon as Officer Delobel touched Decedent's arm, Decedent pulled a black firearm out of the backpack and began screaming at the officers to "Get back!" Both officers jumped back, and Decedent then pointed the firearm at his own head. Officer Contreras described the firearm as an unknown caliber black pistol. Officer Contreras also advised that at no time during the entire incident did he believe that the firearm was not real.

Officers Contreras and Delobel took a few additional steps back, drew their service firearms, and sought cover. Officer Contreras advised over the radio that Decedent had a firearm and then attempted to de-escalate the situation by talking to Decedent, asking him to drop the firearm and telling him that they could find another way to "work this out."

Officer Delobel took over radio communications while Officer Contreras continued to communicate with Decedent. As additional officers arrived in the area, Decedent made multiple statements indicating an intent to commit "suicide-by-cop." Officer Contreras continued to ask Decedent to put the firearm down, but Decedent refused to comply.

Decedent eventually stood up and walked into the empty desert lot that abutted the bus stop. Officers continued to communicate with Decedent and attempted to de-escalate the situation. Decedent walked through the desert lot toward Sunset Road where officers were attempting to close the street to traffic and clear out civilians. Officer Contreras noted that officers had difficulty finding cover due to the open nature of the empty desert lot, but that they continued in their efforts

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<sup>1</sup> Investigators verified that Decedent had warrants for two counts of felony forgery, two counts of felony burglary of a business, one count of felony theft, one count of attempt theft, and one count for misdemeanor battery.

to keep a safe distance while communicating with Decedent to try and de-escalate the situation. Decedent continued ignoring officer requests to put the gun down. Officer Contreras described the situation as dynamic and rapidly evolving.

Decedent then exited the desert lot and crossed Sunset Road, walking toward the entrance of an RV park. Officer Contreras, who was familiar with the RV park, knew that the RV park was a highly populated area with families who lived there and other civilians who liked to hang out in the park. Officer Contreras was concerned that Decedent would be an imminent threat to any person inside the park.

Officers asked Decedent to stop walking toward the RV park and to not go into the living area. Decedent ignored the officers and continued to walk toward the entrance of the park with the firearm pointed at his head. Officer Contreras said there was a brief moment when the male did pull the firearm away from his head. Officer Contreras heard two to three gunshots to his left, but did not know which officer(s) discharged their weapon.

Decedent fell to the ground and Officer Contreras, with two other officers, approached Decedent, handcuffed him and secured the firearm. The officers then rolled Decedent to his side in a recovery position as another officer applied pressure to a wound close to Decedent's face. Decedent was still breathing when HFD medics arrived to treat him.

Officer Contreras advised detectives afterward that at some point during the standoff he had armed himself with a 40mm less-than-lethal weapon from his vehicle. The weapon is designed to launch 40-millimeter less-lethal ammunition to incapacitate subjects. Officer Contreras never used the tool because he was concerned that its use could have escalated the situation causing Decedent to use his firearm. Officer Contreras did not believe a Crisis Negotiation Team ("CNT") would have been a viable option in this situation because Decedent was mobile and closing in on a highly populated area. Officer Contreras stated that he never heard Decedent threaten to use the firearm on officers, and that he did not observe Decedent point the firearm at him or others. Officer Contreras classified Decedent's behavior as unpredictable and uncooperative, and believed that Decedent did pose an imminent threat to himself, other officers and innocent bystanders.

## **Officer Witnesses**

### **Officer Wyatt Hallett**

Officer Hallett has been employed as a police officer with HPD since April of 2020. At the time of the incident, Officer Hallett was on duty wearing his standard police uniform and operating a marked HPD patrol vehicle.

Officer Hallett stated that he was getting gas for his patrol vehicle when he heard Officer Delobel over the radio relaying information about a suspect with a firearm. Officer Hallett noted that Officer Delobel's voice sounded strained when he made the call over the radio. Believing the situation to

be a high priority, Officer Hallett responded to Sunset Road and Boulder Highway with his lights and sirens.

Upon arrival, Officer Hallett observed two patrol vehicles with their rear overhead lights on near a bus stop. Officer Hallett also observed a public transit bus parked in the same area and did not know whether there were still people inside the bus. As he approached Officers Contreras and Delobel, Officer Hallett observed Decedent with a black firearm in his right hand. Decedent was pointing the firearm at his own head. Officer Hallett described the firearm as a full-size black handgun. Officer Hallett believed the firearm to be real and at no time during the interaction with Decedent did he see or hear anything that would lead him to believe the firearm was fake.

Officer Hallett observed that Officer Contreras was trying to de-escalate the situation by talking to Decedent in a calm voice. Officer Hallett recalled Decedent was asking the officers to shoot and/or kill him. Officer Hallett retrieved his radio and advised officers to establish a perimeter and shut down vehicle and pedestrian traffic on Boulder Highway and Sunset, which was still populated by civilians.

Decedent began walking through the desert lot abutting the bus stop, toward Sunset Road. Officers continued in their efforts to de-escalate the situation by talking to him. Officer Hallett was primarily focused on setting up a perimeter to contain Decedent. He noted that as officers followed Decedent through the empty desert lot, it was difficult for them to find cover. As Decedent neared the RV park on Sunset Road and Boulder Highway, Officer Hallett retrieved his rifle from his patrol vehicle. Decedent continued walking toward Sunset Road and the RV park, causing Officer Hallett to instruct other officers to retrieve their vehicles so that they could drive to the area on Sunset Road toward which Decedent was walking. Officer Hallett also believed that the officers could use the vehicles for mobile cover.

Decedent crossed Sunset Road walking toward the Desert Sands RV Park. Officer Hallett was familiar with the RV park and knew it was an enclosed area populated by over one hundred people. Officer Hallett was also concerned over the fact that the RV's inside the park have thin walls. Officer Hallett believed Decedent posed an imminent threat to the people inside the RV park should Decedent discharge his firearm inside the park or otherwise cause an officer involved shooting to occur in that area.

As Decedent neared the entrance of the RV park, Officer Hallett began closing distance between himself and Decedent. As Officer Hallett was crossing Sunset Road, he heard two or three gunshots. Officer Hallett did not know who had discharged the firearm and believed he may have been looking away when the shots were fired.

Officer Hallett observed Decedent lying on the ground with the firearm nearby and still accessible to him. Officers carefully closed in on Decedent. Officer Hallett recalled that the sergeant on scene, Sergeant C. Montano, sent another officer into the Desert Sands RV Park to keep the citizens within the park safe and prevent them from coming into the scene. Officer Hallett grabbed a trauma kit while officers handcuffed Decedent, searched him for weapons, and secured

Decedent's firearm. Officer Hallett intended to render aid to Decedent but observed HFD paramedics arriving to assist him.

Officer Hallett advised that Decedent was never compliant with officers and refused to listen to any officer commands throughout the incident. Officer Hallett did not believe that a less lethal use of force would have been appropriate in this situation as it had the potential to increase the risk of harm to officers and civilians. Officer Hallett never observed Decedent point the firearm at him, other officers or civilians and did not hear Decedent make any threats toward anyone else. Officer Hallett noted that officers were trying to de-escalate the situation throughout the incident by talking to Decedent and giving him space, only closing in on him as he neared the populated RV park. Officer Hallett described Decedent's behavior as unpredictable and believed that Decedent posed an immediate threat to the lives and safety of other officers and innocent bystanders.

### **Officer Talia Gibbs**

Officer Gibbs has been employed as a police officer with HPD since November of 2020. At the time of the incident, Officer Gibbs was on duty wearing her standard police uniform and operating a marked HPD patrol vehicle.

Officer Gibbs recalled that just prior to the incident she was driving her patrol vehicle to meet with Officer Hallett. While enroute, she drove by Officer Delobel and Officer Contreras at the bus stop with Decedent. Officer Gibbs was aware that the manager of the Terrible Herbst had called in an incident at his store and assumed Officers Delobel and Contreras had located the subject to trespass him.

As Officer Gibbs continued driving toward Officer Hallett's location, she heard details over the radio concerning Officer Delobel's and Contreras' stop, to include that the subject stopped had a lot of warrants and was DONS Priority Five. Officer Gibbs explained that DONS stood for "Dangerous Offender Notification System," and that "Priority Five" was the most severe level of notification. She also heard that the subject had felony warrants in the system.

Officer Gibbs continued to monitor the radio. As she arrived at Officer Hallett's location, she heard Officer Delobel yell over the radio that the subject had a gun to his head. Officers Gibbs and Hallett immediately responded to the call for service via lights and sirens. When Officer Gibbs arrived, she observed Officer Delobel pointing a firearm at Decedent who was seated at the bus stop pointing a gun at his own head. Officer Gibbs described the firearm as a black framed handgun and that she believed the firearm to be real and treated it as such.

Officer Gibbs advised over the radio that Decedent was telling officers to "shoot him." Officer Gibbs stated that the officers advised Decedent they did not want to shoot him. Decedent then stated that he wanted a cigarette, and officers told him they would get him a cigarette if he would just put the gun down. Decedent told them "No," and again told officers to "just shoot him." Officers continued to try de-escalating the situation by continually asking him to put the gun down and by telling him that the warrants were not "a big deal."

Officer Gibbs recalled that there were many officers present at the scene by the time Decedent began walking through the desert lot toward Sunset Road and a nearby RV park. Officer Gibbs shouted to officers to make sure they took cover for officer safety because the desert lot was wide open. Officer Gibbs noted that the situation was very dynamic as Decedent was not complying with officers and there were motorists still driving down Sunset Road putting citizens in the officers' backdrop. Officer Gibbs was concerned that Decedent may try to carjack a citizen as he was walking toward Sunset Road. Officer Gibbs was also concerned due to the presence of a commuter bus at the bus stop, which Officer Gibbs believed was occupied. Officer Gibbs was asked about a comment made during the incident to "earn your shot," and she explained that it was a term from training to remind officers to get into a position where they had cover and to make sure nobody was in their backdrop in case they needed to use deadly force.

As Decedent made his way toward Sunset Road, Sergeant Montano ordered a group of officers to get in their patrol vehicles and drive to the area toward which Decedent appeared to be walking on Sunset Road. Officer Gibbs retrieved her patrol vehicle, which was parked on Boulder Highway, and drove toward Sunset Road. As she was driving, she heard two gunshots and someone call out "shots fired." Officer Gibbs did not know who discharged their weapon. Officer Gibbs exited her vehicle, put gloves on her hands, and ran toward a group of officers moving toward Decedent who was now lying on the ground.

Officers secured Decedent's firearm and Officer Gibbs noticed Decedent had an apparent gunshot wound to his face. Officers handcuffed Decedent, who was still breathing. Once Decedent was secured, Officer Gibbs applied pressure to the wound until HFD paramedics arrived.

Officer Gibbs stated that Decedent was never compliant and refused to listen to any officer commands throughout the incident. She noted that officers repeatedly tried to de-escalate the situation and get Decedent to put his gun down. Officer Gibbs did not believe a less lethal use of force would have been appropriate in this situation as Decedent never put down the firearm.

#### **Officer Mike Mota**

Officer Mota has been employed as a police officer with HPD since July of 2021. At the time of the incident, Officer Mota was on duty wearing his standard police uniform and operating a marked HPD patrol vehicle.

Officer Mota stated that prior to the incident, he was aware of the fact that Officers Contreras and Delobel had responded to a call for service in the area of Sunset Road and Boulder Highway. He was also aware that Officers Contreras and Delobel were having a difficult time identifying the person they had stopped, and that the subject may have had multiple pending warrants. Shortly after learning this information, Officer Mota heard the distress signal from Officers Contreras and Delobel and responded to the area with lights and sirens.

While enroute, Officer Mota heard a request over the radio for officers to close down northbound traffic on Boulder Highway. When Officer Mota arrived, he observed multiple officers with

Decedent in a dirt lot behind the bus stop. Officer Mota also observed a commuter bus near the bus stop and occupants of the bus fleeing on foot.

Officer Mota stopped his vehicle on Boulder Highway in an effort to block traffic. Officer Mota then armed himself with his department issued rifle and joined the officers who were speaking with Decedent. Officer Mota noted that the officers were issuing commands to drop the weapon, to stop walking, and pleading with Decedent that it “did not have to be like this.”

Officer Mota attempted to de-escalate the situation by establishing dialogue with Decedent. He called Decedent by name and asked him how he could help him. Decedent was still holding a firearm, which he was pointing at his own head. Officer Mota continued trying to calm Decedent down to avoid officers having to use deadly force. Officer Mota recalled having a minor dialogue with Decedent that involved getting Decedent a cigarette.

Decedent remained noncompliant with officers and began walking through the desert lot toward Sunset Road. Officer Mota noted that westbound traffic on Sunset Road had not yet been blocked off and there were vehicles driving toward the direction Decedent was walking. Officer Mota was concerned that Decedent may try to carjack a citizen on Sunset Road.

As Decedent continued walking through the desert lot, Officer Mota recalled Decedent yelling something along the lines of “fucking kill me,” and “shoot me.” Based on these statements, Officer Mota believed that the subject wanted to die and wanted officers to shoot him. Decedent then crossed Sunset Road and approached the office and main entrance of the Desert Sands RV Park. Officer Mota believed Decedent posed an imminent threat to people inside the RV park.

Officer Mota continued to follow Decedent. When Officer Mota reached Sunset Road, and Decedent was nearing the entrance of the RV park, Officer Mota heard approximately three gunshots. Officer Mota did not know who discharged the firearm but recalled that the shots came from his left-hand side.

The officers approached Decedent who was lying on the ground and continued to issue him commands. Officer Mota observed that Decedent’s firearm was on the ground, near Decedent’s head, and within Decedent’s reach. Officers then placed Decedent in handcuffs and Officer Mota secured Decedent’s firearm. Officer Mota recalled the firearm was black in color and that he believed the firearm to be real.

Officer Mota never observed Decedent pointing the firearm at him, other officers or citizens. Regarding the options of using less than lethal force, Officer Mota recalled Sergeant Montano asking one of the officers to retrieve a 40mm less-than-lethal launcher at some point during the standoff with Decedent. However, Officer Mota stated that based on his training and experience he did not believe there was ever a point during the standoff where such force could be safely used to resolve the situation.

Officer Mota described Decedent's behavior as unpredictable and uncooperative throughout the incident. Officer Mota knew that the Desert Sands RV Park was a highly populated area and believed that Decedent posed an immediate threat to innocent bystanders and officers based upon his training and experience.

### **Officer Philip Duffy**

Officer Duffy has been employed as a police officer with HPD since June of 2017. At the time of the incident, Officer Duffy was on duty wearing his standard police uniform and operating a marked HPD patrol vehicle. Officer Duffy was operating as a Field Training Officer and his trainee was Officer Austin Shields.

On the day in question, Officer Duffy and Officer Shields were at the north substation reviewing Officer Shields' performance from the day before. At some point during their conversation, Officer Duffy heard over the radio an officer, who appeared to be in distress, state that the subject "had a gun." Officers Duffy and Shields retrieved their patrol vehicle and responded to the officer's location at Sunset Road and Boulder Highway using lights and sirens. Officer Duffy stated that, based upon his training and experience, an officer in distress with an armed person is a high priority call.

Upon arrival, Officer Duffy observed officers engaging Decedent, who had a handgun pointed at his own head. The officers were trying to de-escalate the situation by speaking calmly to Decedent and asking him to put down the gun. Decedent was disobeying officer commands and making suicidal statements to the officers. As officers continued talking to Decedent, additional officers arrived on scene.

Decedent began walking into the desert area that abutted the bus stop. Decedent continued to make suicidal statements to the officers. Officer Duffy observed that the officers in dialogue with Decedent were calling him by name. Decedent referenced wanting a cigarette and Officer Duffy attempted to start a dialogue with him regarding the cigarette. Decedent continued to verbalize suicidal statements and appeared to Officer Duffy to become more and more agitated as he proceeded through the desert lot toward Sunset Road. It appeared to Officer Duffy that none of the attempts by officers to de-escalate the situation was working. Officer Duffy requested a 40mm less-than-lethal launcher.

As Decedent became more agitated, Officer Duffy observed that he would bring the gun away from his head from time to time. This heightened Officer Duffy's concern that Decedent could potentially point the firearm at officers or civilians after he moved the gun from his head. Officer Duffy's concern was increased further by the fact that Decedent's agitated behavior appeared to be escalating during this time period. Officer Duffy began immediately ordering Decedent to drop the gun. Decedent did not comply.

Decedent walked through the desert lot toward the Desert Sands RV Park located on Sunset Road. Officers continued to follow Decedent on foot. Officer Duffy got into his vehicle with the intent to use it as cover for officers pursuing Decedent on foot. Officer Duffy drove the patrol vehicle over a

median and proceeded in front of officers who were approaching Desert Sands RV Park. At this point, Officer Duffy heard multiple shots fired and saw Decedent fall to the ground. Officer Duffy did not know who fired the shots at the time.

Officer Duffy exited his patrol vehicle and joined a group of officers approaching Decedent. The officers secured Decedent in handcuffs then Officer Duffy returned to his trainee, Officer Shields, and had them use their vehicle to block traffic on Sunset Road.

Officer Duffy described the firearm as a black handgun and stated that he believed it to be a real firearm throughout the incident. Based upon his training and experience, Officer Duffy did not believe that a less-than-lethal tool could have been used to resolve this incident safely. Officer Duffy could not recall if Decedent made any statements about wanting to harm officers on scene or any civilians. Officer Duffy believed that Decedent posed a threat to officers and the civilians around him because it was not reasonable for somebody to pull out a firearm while in front of officers and use it as a threat to harm others or themselves. Officer Duffy did not remember if the CNT was ever requested, but he considered the incident a very rapid and dynamic situation.

#### **Officer Austin Shields**

Officer Shields has been employed as a police officer with HPD since November of 2022. At the time of the incident, Officer Shields was on duty wearing his standard police uniform and operating a marked HPD patrol vehicle with his Field Training Officer, Officer Duffy.

Officer Shields' statement regarding the incident was consistent with the statement provided by Officer Duffy. Independently, Officer Shields stated that he believed Decedent's behavior throughout the incident was unpredictable, that he believed Decedent's firearm was a real handgun throughout the duration of the incident, that he did not believe a less-than-lethal tool would have been safe to use during the incident, and that Decedent represented a danger to the people inside the RV park and nearby citizens.

#### **Officer Ricky Stevens**

Officer Stevens has been employed as a police officer with HPD since November of 2022. At the time of the incident, Officer Stevens was on duty wearing his standard police uniform and operating a marked HPD patrol vehicle, with his Field Training Officer, Officer Travers.

On the day in question, Officer Stevens was working with Officer Travers on an unrelated stop when Officer Travers advised Officer Stevens of a call concerning officers needing assistance with an uncooperative subject in possession of a firearm. The officers entered their patrol vehicle and responded to Sunset Road and Boulder Highway to assist.

Upon arrival, they parked their patrol vehicle near the intersection to block vehicular traffic. The officers exited their patrol vehicle and observed Decedent walking through the desert lot toward Sunset Road. Officer Stevens noted that Decedent was armed with a handgun. Officer Stevens stated that throughout his involvement in the incident he believed the handgun to be a real firearm.

He also was aware that Decedent had been uncooperative with officers and was refusing to comply with commands to put the gun down.

Both officers retrieved their service rifles and responded on foot to assist other officers already on scene. As Decedent reached Sunset Road, Officers Stevens and Travers continued to follow him from a distance. At this time, Officer Stevens noted that the officers were not closing distance on Decedent but rather maintaining distance from him as he was moving. Officer Stevens recalled that there were multiple officers asking Decedent to “drop the gun” and trying to “stop the situation from getting any worse.”

Decedent then crossed Sunset Road and walked toward the Desert Sands RV Park. Officer Stevens was behind Officer Travers as Decedent approached the entrance of the RV park. At this point, Officer Stevens recalled numerous officers yelling at Decedent to drop the gun. As Decedent approached the entrance of the Desert Sands RV Park, Officer Stevens heard other officers yelling that there were people inside the RV park. Decedent showed no signs of stopping, was still holding the firearm, and walking into the RV park entrance.

Officer Stevens observed Officer Travers discharge his rifle a couple times and saw Decedent fall. Officer Stevens noted that at that point they knew Decedent had a gun, was uncooperative with officers, and it was unknown what his intentions were as he was heading into the trailer park. Officer Stevens was familiar with the RV park and knew that there was “probably a couple hundred people” who lived there. Officer Stevens believed Decedent posed a risk to the safety of those people.

Once Decedent fell, officers slowly approached Decedent and placed him into handcuffs. After that, Officer Stevens walked over to where Officer Travers was located to check on him. Officer Stevens reiterated that officers repeatedly tried to de-escalate the situation with Decedent, but that he refused to comply at any time, had the firearm in his hand at all times, and was acting erratic and unpredictable. Officer Stevens never believed that a less-than-lethal use of force would have been safe for officers to use under the circumstances.

### **Civilian Witnesses**

#### **Witness J.S. (Terrible Herbst Manager)**

HPD detectives interviewed J.S., who was the manager of the Terrible Herbst store and was the initial person reporting Decedent to 9-1-1. J.S. relayed that he had observed Decedent enter his store earlier that morning wearing a backpack and shoulder bag. Decedent briefly left the store, then returned minutes later and walked to the cooler section whereupon J.S. observed Decedent take two drinks from the cooler and conceal them in his shoulder bag. J.S. confronted Decedent about concealing the drinks and Decedent became argumentative. J.S. asked Decedent not to take the items and Decedent refused and began mocking J.S. As Decedent walked toward the exit, J.S. came around the counter. Before Decedent exited the building, he tossed one of the drinks at J.S.

and exited the store leaving the other can behind as well. J.S. called HPD Dispatch to report the incident and provide Decedent's description and direction of travel.

**Witness M.S. (RTC Bus Driver)**

M.S. was the driver of the RTC bus that pulled up to the bus stop on Boulder Highway and Sunset Road immediately before the incident. M.S. stated that as she pulled up to the bus stop, she observed two officers talking to a white male (Decedent) sitting at the bus stop. M.S. boarded the passengers. As she sat down in the driver's seat, she observed the two officers pulling out their weapons. M.S. then opened the doors to the bus and told the passengers to get off the bus and go across the street. At that point, M.S. saw Decedent holding a firearm to his head. The officers were yelling at Decedent to put the gun down, but Decedent ignored officers and walked toward Sunset Road. At some point after, M.S. heard gunshots.

**REVIEW OF THE 9-1-1 CALL**

Detectives obtained and reviewed the 9-1-1 made by J.S. on the date of the incident. The duration of the call was approximately one minute and forty-six seconds. In the call, J.S. advised Dispatch that Decedent had tried to steal items from the store. J.S. requested that Decedent be trespassed from the property. J.S. provided dispatch with Decedent's description and direction of travel. The dispatcher asked J.S. if he had seen Decedent with any weapons and J.S. responded that he did not.

**REVIEW OF VIDEO SURVEILLANCE**

**Terrible Herbst (220 West Sunset Road)**

HPD detectives obtained and reviewed the video surveillance from Terrible Herbst with the assistance of J.S., the manager of Terrible Herbst. The video was consistent with what had been reported by J.S. Detectives further learned that Decedent had in fact taken additional merchandise of which J.S. was unaware. Below is a summary of the video timeline with selected video stills. The time stamp on the surveillance video was accurate or very close to the correct time.

- 07:02:52 hours – Decedent was walking west on Sunset Road from Boulder Highway with a backpack, rolling bag, and shoulder bag.
- 07:03:35 hours – Decedent entered the Terrible's parking lot from Sunset Road.
- 07:04:12 hours – Decedent entered Terrible's from the East/Boulder Hwy doors while he left his rolling bag outside (*see image below*).



Figure 1 - Decedent entering Terrible Herbst store

- 07:04:29 hours – Decedent walked through Terrible’s, headed directly toward McDonald’s, and entered McDonald’s from the sliding glass door that separated the two businesses.
- 07:05:45 hours – Decedent exited McDonald’s through the sliding glass door and was now back inside of Terrible’s.
- 07:05:48 hours – Decedent exited the Terrible’s East/Boulder Hwy doors and stood just outside the doors.
- 07:07:00 hours – Decedent again entered the Terrible’s East/Boulder Hwy doors.
- 07:07:09 hours – Decedent grabbed and concealed Hostess Bouncers Ding Dong into a black shoulder bag (see images below).



Figure 2 - Decedent concealing merchandise in his shoulder bag

- 07:07:34 hours – Possibly places an unknown item into the shoulder bag while in the back of the store.
- 07:07:40 hours – Decedent grabbed two drink cans and concealed one into the shoulder bag (see images below).



**Figure 3 - Decedent concealing additional merchandise in his shoulder bag**

- 07:07:56 hours – Decedent approached the register and J.S. confronted Decedent reference the merchandise.
- 07:08:25 hours – Decedent exited the Terrible’s East/Boulder Hwy doors without paying for the Hostess Bouncers, grabbed his rolling bag, and walked toward Sunset Road (see *image below*).



**Figure 4 - Decedent exiting the store with stolen merchandise and confronting J.S.**

- 07:09:00 hours – Decedent exited the parking lot walking onto Sunset Road and proceeded east toward Boulder Highway.
- 07:13:45 hours – A HPD patrol vehicle entered the Terrible Herbst parking lot from Sunset Road.
- 07:14:00 hours – The HPD patrol vehicle exited onto southbound Boulder Highway.

### **Desert Sands RV Park (1940 Noth Boulder Highway)**

HPD detectives also contacted the regional manager of the Desert Sand RV Park who provided them with video surveillance footage of the front entrance area where the officer involved shooting occurred. Below is a summary of the video timeline with selected video stills. The time stamp on the surveillance video was accurate or very close to the correct time.

- 07:35:46 hours – Decedent entered the frame and was on the north side of Sunset Road walking east, toward Burns Road, on the sidewalk or desert close to the sidewalk.
- 07:35:52 hours – Desert Sands RV Park employee, D.L. is observed traveling north in the parking lot from inside the Desert Sands RV Park in a golf cart.
- 07:35:56 hours – Decedent was still on the north side of Sunset Road walking east, toward Burns Road, on the sidewalk or desert close to the sidewalk and exited the view of the camera.
- 07:36:01 hours – Desert Sands RV Park employee, D.L., is observed in the golf cart making a U-turn and driving away from Decedent as he approached the Desert Sands RV Park parking lot toward the interior of the Desert Sands RV Park and left the view of the camera (see images below).



**Figure 5 – Employee D.L. making a U-turn as Decedent approaches the RV park with a gun**

- 07:36:28 hours – A HPD patrol vehicle and HPD Officers, who were in uniform, entered the view of the camera by walking east on Sunset Road in the eastbound travel lanes toward the entrance of the Desert Sands RV Park.
- 07:36:29 hours – Decedent entered the view of the camera on the right side of the screen approaching the entrance of the RV park and the RV park’s front office. Multiple HPD marked patrol vehicles and multiple HPD officers on foot are seen at the top of the frame. As Decedent enters the frame, he is no longer holding the firearm at his head, but has the weapon pointed upwards near his head. Decedent is seen on video turning his head toward the officers and moves the firearm downward away from his head. The firearm is pointed

in the general direction of the officers (see images below) and decedent quickly drops to the ground.



Figure 6 – (L) Decedent lowering firearm shortly after removing it from his head; (R) close up of Decedent showing positioning of firearm

- 07:36:30 hours – Decedent falls forward onto his knees, then to the ground, and rolled onto his back in one motion. During the fall, Decedent dropped the firearm, which landed on the ground just above his head.
- 07:36:33 hours – After the fall, Decedent was on his back with his right arm extended east toward the office and his left arm folded on his chest (see image below)



Figure 7 – Decedent lying on the ground with firearm above his head.

- 07:36:36 hours – Multiple HPD officers enter the view of the camera from the west as they were headed east and were forming a group just west of where Decedent was lying.
- 07:37:17 hours – Five HPD Officers plus Sgt. Montano formed a group southwest of where Decedent was lying and appeared to be planning a safe approach to take Decedent into

custody/render aid. Various other officers were in the general area and appeared to be securing the outer scene.

- 07:07:35 hours – The group of officers approach Decedent (see image below).



**Figure 8 – Officers approached Decedent with firearm above his head.**

- 07:37:44 hours – HPD officers secure the handgun and place it out of reach of Decedent. Additional officers place Decedent into handcuffs and place him into a recovery position.
- 07:38:30 hours – Officers are observed rendering aid to Decedent.
- 07:38:54 hours – HFD personnel arrived and began to render aid.
- 07:40:44 hours – HFD personnel placed Decedent on a backboard.
- 07:41:25 hours – HFD personnel placed Decedent on a gurney.
- 07:41:52 hours – Decedent, who was now on the gurney, was moved north toward Sunset Road and out of view of the camera.

### **BODY WORN CAMERAS**

Several officers activated their body-worn cameras (“BWC”) at different times during this incident. During the investigation, BWC video footage from the following officers was reviewed: Officer C. Contreras, Officer B. Delobel, Officer T. Travers, Officer R. Stevens, Officer W. Hallett, Officer T. Gibbs, Officer M. Mota, Officer A. Gomez, Officer T. Brink, Officer P. Duffy, and Officer A. Shields.

Review of the BWC videos corroborated the officer statements concerning the events that transpired on June 24, 2023. While all officer BWC footage was reviewed in the investigation of this incident, this report will not delve into each and every BWC reviewed. The summaries provided below are neither complete nor exhaustive. Rather, these summaries are designed to provide a general timeline of events and an accurate and relevant description of what occurred from HPD Officers’ initial contact with Decedent on June 24, 2023, through the officer-involved shooting incident. It should be noted that the BWC summary does not necessarily portray what any

particular officer heard or saw, but is instead merely a breakdown of what the footage revealed when reviewed

### Officer Cesar Contreras' BWC Footage

Officer Contreras was wearing a BWC at the time of the incident and the camera was activated. Officer Contreras' BWC footage was consistent with his statement to detectives. The duration of the footage was approximately twenty-five minutes long. The BWC depicted the following relevant events:

- 07:14:57 hours: Officer Contreras' body worn camera was turned on and he was driving at the time.
- 07:15:51 hours: Officer Contreras stopped his patrol vehicle and exited the driver's seat.
- 07:15:56 hours: Officer Contreras' audio/sound came on as he approached Decedent. Decedent was seated at the northbound bus stop on Boulder Hwy, just north of Sunset Road. Decedent had two dark colored bags stacked on top of each other that were placed between his legs. Other pedestrians were present at the bus stop waiting for the bus (see *images below*).

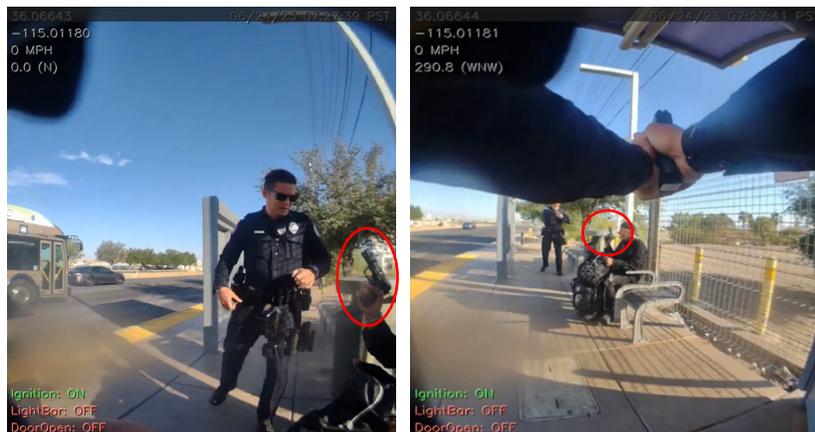


Figure 9 – Officers Contreras' initial contact with Decedent

- 07:16:02 hours: Officer Contreras identified himself as an officer by providing his name and telling Decedent why he was contacting him, to include the request of him being trespassed from the location.
- 07:16:23 hours: Officer Contreras asked Decedent for his name, date of birth, and social security number. Decedent provided false information to the officer, stating that his name was Dale Hart, and providing a false date-of-birth and social security number.
- 07:17:12 hours: Officer Delobel arrives to assist Officer Contreras. Officer Contreras asked Officer Delobel to conduct a record check using the fake name and date-of-birth provided by Decedent.
- 07:17:52 hours: Officer Contreras read Decedent the trespass warning (NRS 207.200) and Decedent advised Officer Contreras that he would not go back to the gas station in question. Officer Contreras then advised Decedent that if he did not have any warrants he

would be free to go on his way. Officer Delobel continued attempting to verify Decedent's identity.

- 07:22:32 hours: Officer Contreras again advised Decedent that they just wanted to make sure he didn't have any warrants and thanked him for his cooperation. Decedent was still seated on the bus stop bench with both bags between his legs to where his backpack was at chest height. During the ensuing minutes, Officers Delobel and Contreras work with Dispatch to attempt to identify Decedent, ultimately learning his true identity. Also, during this time, a number of additional pedestrians came up to the bus stop to wait for the bus.
- 07:26:25 hours: Officer Contreras advised dispatch via radio that Decedent was going to be their subject. Dispatch advised the officers that Decedent had multiple warrants, and he had a Dangerous Offender Notification - Priority Five.
- 07:27:30 hours: Officer Delobel attempted to verify with Decedent that he did not have any type of identification. Decedent reached into his backpack, which was resting on top of another bag right in front of him, with his right hand. Officer Contreras told Decedent not to dig through his backpack multiple times. As Officer Delobel tapped Decedent on his right arm, Decedent pulled out a black firearm with his right hand and shouted, "Get Back!" Both officers jump back, draw their firearms, and order Decedent to drop the gun (see images below).



**Figure 10 – Decedent pulls the firearm from his backpack**

- 07:27:45 hours: Officer Contreras advised dispatch via radio that they had a subject at gunpoint and that the subject had a gun pointed at his head. Officer Contreras stated to Decedent (using the false name Decedent had previously provided), "Dale, listen to me! Dale, listen to me man! ... Listen brother, it is not worth it! Dale, look at me man. Dale, look at me right now!"
- 07:28:42 hours: Sergeant Montano asked dispatch via radio to stage medical; Dispatch acknowledged by stating via radio medical was already being staged.
- 07:28:55 hours: Officer Contreras told Decedent that it "didn't have to be like this," and that they "could work it out." Officer Contreras advised Decedent that he would "get him a cigarette," and again asked him to put the gun down, but Decedent refused to comply.
- 07:29:14 hours: Decedent ordered the officers to "shoot me." Decedent then stood up while continuing to hold the gun to the right side of his head. Officer Contreras continued to

tell Decedent to put the gun down, but he refused to comply. Officer Contreras then backed up even more to create greater distance and cover between him and the subject (see *image below*).



Figure 11 – Decedent standing up and telling officers to shoot him

- 07:29:46 hours: Officer Contreras told Decedent that they did not want to shoot him, and Decedent replied, “you’re gonna have to.” Officer Contreras again advised Decedent that he would get him that cigarette he wanted.
- 07:30:21 hours: As officers repositioned themselves behind patrol vehicles for coverage, Decedent started to walk to the backside of the bus stop into the dirt lot. Officer Delobel told Decedent not to move, and Decedent again tells the officers to “shoot me”. Officer Contreras asked Decedent to remain calm and again told him to put the gun down. Decedent refused to comply as he stated, “today’s the day.”
- 07:30:51 hours: An officer on the radio traffic requested a 40mm Less Lethal. Shortly thereafter, Decedent walked into the dirt lot behind the bus stop. Officer Contreras went to the back of his patrol vehicle. An RTC bus to the south of them was still stopped behind Officer Delobel’s patrol vehicle. Officer Contreras yelled to move the bus several times.
- 07:31:02-07:34:58 hours: Decedent walks through the desert lot toward Sunset Road and the Desert Sands RV Park as officers continue to keep distance with Decedent and plead with him to put the gun down. Decedent continues to ignore the officers (see *image below*).



Figure 12 – Decedent walking toward Sunset Road/Desert Sands RV Park

- 07:35:36-07:36:26 hours: Decedent crosses Sunset Road and walks toward the Desert Sands RV Park. Sergeant Montano continues to advise officers to stand “behind cover” as they engage Decedent. As Decedent leaves Sunset Road and walks toward the entrance of the Desert Sands RV Park, Officer Contreras yells, “Don’t let him go to the RV!” Office Contreras continued moving along Sunset Road toward Decedent’s position and again yelled for officers not to allow Decedent to enter the RV park.
- 07:36:27 hours: As Officer Contreras yells at Decedent to not enter the RV park as a patrol vehicle pulls up on Sunset Road. Three gunshots are heard, and Decedent is seen lying on the ground.
- 07:37:41 hours: Officer Contreras along with other officers approached Decedent. Officer Mota secured Decedent’s firearm that was lying near Decedent’s head while Officers Arrieta, Gibbs, Shields, and Contreras secured Decedent by placing him in handcuffs. Officer Contreras then patted Decedent down for any additional weapons and he was met with negative results.
- 07:38:44 hours: Officers checked on Decedent and advised that he was still breathing as HFD medics arrived. Officer Gibbs applied pressure on Decedent’s wound.
- 07:38:59 hours: HFD medics administered life saving measures while officers step away to allow them to work.

#### **Officer Mike Mota’s BWC Footage**

Officer Mota was wearing a BWC at the time of the incident and the camera was activated. Mota’s BWC footage was consistent with his statement to detectives and the other officers’ BWC footage. The duration of the footage was approximately fifteen minutes long. The BWC depicted the following relevant events:

- 07:28:54 hours: Officer Mota activated his BWC as he was driving his patrol vehicle to the scene.
- 07:29:53-07:35:38 hours: Officer Mota exits his patrol vehicle and approaches officers already in contact with Decedent. Decedent is already in the dirt lot heading towards Sunset Road when Officer Mota reaches his fellow officers. During the ensuing interaction, Decedent is heard repeatedly telling officers to “shoot me,” and telling officers that, “I’m gonna die today.”
- 07:35:57—07:36:26 hours: As Decedent reached Sunset Road, Officer Mota voiced a concern that he was about to take a vehicle that was in the roadway. Officer Mota attempts to establish a dialogue with Decedent to de-escalate the situation. Decedent crosses Sunset Road toward the Desert Sands RV Park entrance. Officer Mota tells Decedent not to go into the RV park, but Decedent continues walking toward the entrance telling the officers to “shoot me.” (*see image below*).



Figure 13 – Decedent walking toward Sunset Road/Desert Sands RV Park telling officers to shoot him

- 07:36:27 hours: Three gunshots are heard on short succession and Decedent is seen lying on the ground. Officer Mota advises officers to slow down in approaching Decedent. Decedent’s firearm is seen lying on the ground next to Decedent’s head.
- 07:37:36 hours: Officers approached the subject who was still lying on the ground. Officer Mota secures Decedent’s firearm while officers secure Decedent and attempt to perform life saving measures until HFD medics arrive.

#### Officer Brandon Delobel’s BWC Footage

Officer Delobel was wearing a BWC at the time of the incident and the camera was activated. The duration of the footage was approximately twenty-four minutes long. The BWC depicted the following relevant events:

- 07:16:57-07:27:39 hours: Officer Delobel activates his BWC as he contacts Officer Contreras and Decedent at the bus stop. The officers attempt to ascertain Decedent’s true identity. As Decedent begins digging through his backpack, Officers Delobel and Contreras ask him to take his hand out of the bag and Decedent disregards. As the officers approach Decedent to stop him from searching his backpack, Decedent pulls out a firearm causing the officers to jump back (see *images below*).

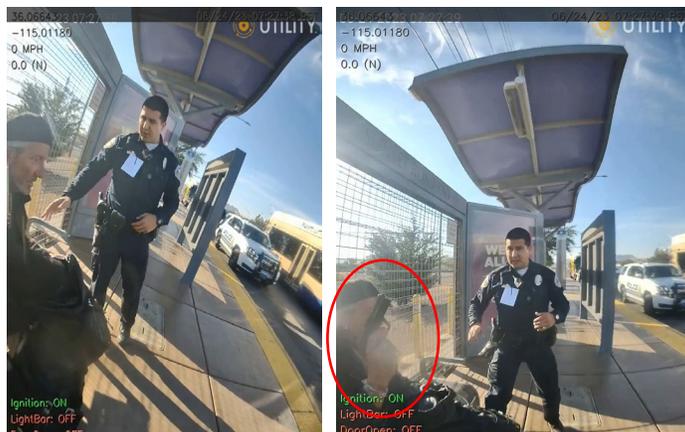


Figure 14 – Officer Delobel’s BWC capturing the moment Decedent removes the firearm from his backpack

- 07:27:39-07:38:44 hours: Officer Delobel was with Officer Contreras throughout the duration of the incident and as such his BWC footage largely mirrors that of Officer Contreras' this time period leading up to the officer-involved-shooting and taking Decedent into custody.
- 07:38:44 hours: After Decedent is detained and officers provide life-saving measures, Officer Mota moves Decedent's firearm away from Decedent to secure it. Officer Delobel walks over to the area where Decedent's firearm is located (see image below).



Figure 15 – Decedent's firearm after it was moved

### Officer Tyler Travers' BWC Footage

Officer Travers was wearing a BWC at the time of the incident and the camera was activated. The duration of the footage was approximately twenty-one minutes long. The BWC depicted the following relevant events:

- 07:27:28 hours: Officer Travers activated his BWC.
- 07:27:53 hours: A hot tone was heard over the radio as HPD Dispatch advised officers of a subject (Decedent) with a gun and ordered emergency traffic only.
- 07:28:16 hours: Officer Delobel advised via radio that they were northbound on Boulder and that Decedent had a Glock firearm to his head. Officer Delobel further advised that Decedent was uncooperative, and that Officer Delobel was unsure if the firearm was real or not.
- 07:28:31 hours: Officer Travers told the citizen Officer Travers and Officer Stevens were out with that they needed to go because there was an emergency situation.
- 07:29:02 hours: Officer Travers and Officer Stevens entered their patrol vehicle and responded to the call with lights and sirens. While enroute, an officer advised via radio that Decedent was walking toward Sunset.

- 07:33:56 hours: Officer Travers advised over the radio that they were arriving and asked where they were needed. An officer advised over the radio for the shutdown of eastbound Sunset Road. Officer Travers instructed Officer Stevens to shut down Sunset while telling him where to go with their patrol vehicle. At that point, they arrived at the intersection of Boulder Hwy and Sunset Road.
- 07:34:37 hours: Officer Stevens parked the patrol vehicle and both officers deployed their rifles from their patrol vehicle as they exited.
- 07:35:03 hours: Officer Travers told Officer Stevens to lock the vehicle while he proceeded eastbound on foot across Boulder Hwy with his rifle. During that time, additional patrol vehicles were already on scene. While crossing Boulder Hwy on the south side of Sunset Road, Officer Travers told citizens who were in the left turn lane of northbound Boulder Highway, to stay where they were at.
- 07:35:29 hours: Decedent is seen walking through the dirt lot area toward a parked patrol vehicle on Sunset Road that had its overhead lights activated. During that time, a citizen vehicle passed by Decedent down Sunset Road at the same time.
- 07:35:56 hours: Officer Travers and other officers run eastbound on Sunset Road while Decedent begins crossing Sunset Road toward the Office and entrance/exit of the Desert Sands RV Park.
- 07:36:17 hours: Decedent continued walking toward the RV park as Officer Travers and others attempted to close distance with him. Officer Travers yelled for Decedent to “drop that gun,” which Decedent disregards as he continues walking to the RV park.
- 07:36:27 hours: Decedent reached the immediate area of the RV park office and main entrance and continued heading toward the park. Officer Travers discharged one round from his rifle toward Decedent. Another officer is seen to the right of Officer Travers with his rifle pointed at Decedent. Officer Travers then discharges two more rounds from his rifle. Decedent cannot be seen on Officer Travers’ BWC at the time he discharges his firearm as he is to the left of the frame outside of the picture.
- 07:36:33 hours: Officer Travers advised dispatch via radio that there were shots fired, and dispatch acknowledged by repeating shots fired. Decedent appeared to be lying on the ground at that point.
- 07:36:51 hours: Officer Travers along with additional officers stacked up while still addressing Decedent. The officers approach Decedent while Officer Travers stays back and acts as cover. Once Decedent is secured Officer Travers advised dispatch that it was clear for medical to approach.

## **SCENE DESCRIPTION**

HPD Crime Scene Analysts documented the scene at the bus stop and the front of the Desert Sands RV Park.

At the bus stop, the scene consisted of two HPD marked patrol units parked along the curb. Decedent's black roller bag and backpack were documented in place and impounded. Inside both were miscellaneous items of clothing, property, paperwork and personal effects. Both bags were located on the ground in front of the two-seat section at the bus stop.

At the Desert Sands RV Park entry point, the scene consisted of two HPD patrol unit parked facing east along the shoulder of Sunset Road, just west of the driveway to the Desert Sands RV Park. Additionally, there were several HPD marked patrol units parked in various positions in the immediate vicinity. Five blue traffic cones and one orange traffic cone were placed in the eastbound travel lanes of Sunset Road and on the sidewalk west of the driveway to the RV Park, indicating the approximate locations of Officers Mota, Contreras, Travers, Stevens, Duffy, and Hallett.

Two 'SPEER 223 REM' cartridge cases were on the dirt area immediately west of where the sidewalk ends west of the driveway to the Desert Sands RV Park. One 'SPEER 223 REM' cartridge case was on the dirt southeast of the end of the same sidewalk.

Several items of evidence were located in proximity on the ground of the parking lot near the northwest corner of the office building of the Desert Sands RV Park. The items included Decedent's black 'UHC' pellet gun with apparent bloodstains; clothing with apparent bloodstains; and Decedent's black over-the-shoulder bag containing nine ballcaps of varying colors.

A bullet impact was on the front, north facing wall of the office building of the Desert Sands RV Park, below the lower right corner of the second window from the northwest corner of the building. One bullet fragment weighing approximately 2.25 grams was in the westbound travel lanes of Sunset Road, north of the impact.

Photographs were taken to document the scene as described above. Responding CSAs also completed a sketch of the scene and later completed a computer-generated diagram. Aerial photographs were taken of the scene via drone and a scene overview was generated by CSA Megan Bone (*see image below*).

DR #23-12066  
Officer Involved Shooting  
1940 N Boulder Hwy  
(Desert Sands RV Park)  
June 24, 2023  
CSA II M. Bone #1678  
Page 2 of 2

EVIDENCE  
2 - 4: Cartridge Case  
5: BB Gun  
6: Clothing  
7: Hat  
8: Bag  
9: Expended Bullet  
(Not in Diagram)

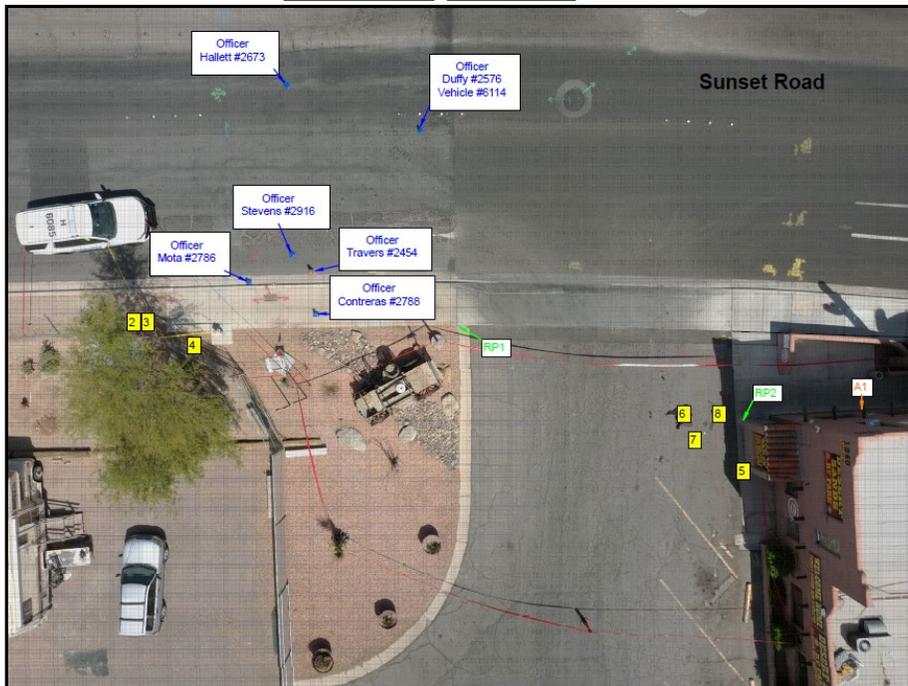
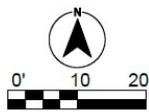


Figure 16 – Aerial view of the scene located near the Desert Sands RV Park entrance

The above-described items were impounded by CSAs, to include Decedent's UHC airsoft gun which was photographed in place and again after it was impounded from the scene (see *image below*).



Figure 2 - Decedent's black UHC airsoft gun

## **OFFICER WEAPON COUNTDOWN**

On June 24, 2023, Officer Travers had his duty weapon counted down inside of the HPD North Substation. The countdown was witnessed by multiple members of HPD and photographed by CSI personnel for documentation and identification purposes.

Officer Travers' department issued handgun was identified as a Glock 17 9mm (Serial # BERK948) and he carried three spare magazines on his duty belt. Officer Travers' department issued Colt M4 rifle (Serial #LE287134) was on his person at the time of the incident.

In Officer Travers' handgun, he advised he carried seventeen cartridges in the magazine and one cartridge in the chamber. Officer Travers further advised that he carried seventeen cartridges in each of his three spare magazines. Officer Travers' handgun was counted down and it contained eighteen cartridges. A countdown of his three spare handgun magazines showed them containing 17 cartridges in each. The investigation revealed that zero cartridges had been discharged from his handgun.

In Officer Travers' rifle, he advised that he carried twenty-eight cartridges in the magazine and zero cartridges in the chamber. Officer Travers' rifle was counted down and it contained twenty-four cartridges in the magazine and one cartridge in the chamber. The investigation revealed that three cartridges had been discharged from his rifle.



**Figure 18 – Officer Travers' Colt M4 rifle**

## **FIREARMS EXAMINATION**

On June 27, 2023, a Forensic Laboratory Request was submitted to the Las Vegas Metropolitan Police Department (LVMPD) on Officer Travers' rifle for function testing and ballistic comparisons to the evidence cartridge cases.

On January 16, 2024, LVMPD Forensic Scientist Stephanie Fletcher submitted the report of Examinations: Firearms. Officer Travers' Colt M4 rifle was examined, test fired and found to be operational with no noted malfunction.

The evidence cartridge cases and bullets were examined and compared to test fired cartridge cases and bullets from the rifle. The three cartridge cases and two recovered bullets were identified as having been fired in the Colt rifle.

### **AUTOPSY**

On June 25, 2023, Medical Examiner Doctor Stacey Simmons conducted an autopsy on Decedent. Dr. Simmons noted a perforating gunshot wound to the neck and head of Decedent and a penetrating exit/re-entry gunshot wound of Decedent's right arm and chest. Projectile fragments were recovered from Decedent and impounded during the autopsy procedure. Dr. Simmons concluded Decedent's cause of death was multiple gunshot wounds.

The toxicology results indicated Decedent had positive findings for Amphetamine and Methamphetamine. The toxicology report reference comments indicate that Amphetamine is a central nervous system stimulant and a metabolite of methamphetamine. The comments further provide that the presence of Amphetamine can cause changes in attitude, judgment and impulsivity. The toxicology report reference comments indicate that Methamphetamine is a DEA Schedule II stimulant drug capable of causing hallucinations, aggressive behavior and irrational reactions.

### **LEGAL ANALYSIS**

The District Attorney's Office is tasked with assessing the conduct of officers involved in any lethal use of force that occurred during the course of their duties. This 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 Decedent 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 or defense of others; and (2) justifiable homicide by a public officer. Both 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. "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 ...” against the person or other person.<sup>2</sup> 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 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:

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<sup>2</sup> 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.

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.

The known facts and circumstances surrounding this incident indicate that Decedent posed an actual or apparent imminent danger to the officers on scene and numerous civilians in the immediate area, including people residing in the Desert Sands RV Park. Officers initially made contact with Decedent in reference to a petit larceny that he had committed nearby. Upon making contact, Decedent provided the officers with false information concealing his true identity. When the officers finally ascertained his true identity, they learned that he had multiple warrants for his arrest and was classified as a priority level five within the Dangerous Offender Notification System (DONS).<sup>3</sup> When the officers next spoke to Decedent he reached into his backpack, disregarding officer requests not to do so, and pulled out a handgun (later determined to be a UHC airsoft gun, which bore no markings that would indicate it was not a real firearm). This action caused the officers to remove their own service firearms and seek cover, calling for additional officers to respond for backup. All responding officers who subsequently arrived on scene were advised via HPD Dispatch that Decedent was uncooperative and armed with a firearm. Furthermore, all the responding officers on scene also sought cover from Decedent and repeatedly attempted to de-escalate the situation by speaking calmly to Decedent. The officers closed down all surrounding pedestrian and vehicular traffic for public safety, further underscoring their belief that the firearm in Decedent's hand was in fact real.

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<sup>3</sup> DONS was created by the Nevada Legislature in 1997 as a result of the murder of Sparks Police Officer Larry "Don" Johnson by a wanted parolee-at-large. DONS is intended to help protect law enforcement officers on the street by providing real time information on the risk posed by offenders.

Despite officer attempts to speak calmly to Decedent and deescalate the situation, Decedent continued to display his firearm and repeatedly ignored officer requests to put the gun down. Decedent also made a number of statements to officers that evinced his intent to commit “suicide-by-cop,” wherein a suicidal individual provokes an officer into killing him by putting the officer in a situation in which the officer is forced to shoot. As Decedent walked toward the populated RV park, he ignored officer instructions not to go into the park, and repeatedly told the officers that they would “have to kill” him. Notably, the responding officers were familiar with the park, knew it to be an enclosed space populated by hundreds of individuals who lived inside RVs with thin walls.

As Decedent approached the RV park office and entrance with multiple armed officers standing nearby, video surveillance shows that he removed the firearm from his head and pointed it upward. Decedent is seen on video turning his head toward the officers as he moves the firearm downward away from his head. The firearm is pointed in the general direction of the officers at the same time Decedent quickly drops to the ground.

Thus, the totality of the evidence, including civilian and officer witness statements, BWC footage, and video surveillance, illustrates that Officer Travers was reasonable in believing that Decedent would cause him and/or his fellow officers and/or persons inside the RV park great bodily harm or death. Officer Travers was confronted with the appearance of imminent danger to himself and his fellow officers and the people inside the RV park and had an honest and reasonable belief and fear that either he himself and/or his fellow officers and/or members of the public were about to be killed or suffer great bodily injury at the hands of Decedent. The evidence further illustrates that Officer Travers acted reasonably in reaction to the apparent danger posed by Decedent, who was at close-range with his firearm raised. Here, Officer Travers reasonably acted in defense of self and others. Consequently, the shooting of Decedent is justifiable under this legal theory.

## **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 known evidence illustrates that officers on scene had probable cause to arrest Decedent for multiple pending warrants. From the beginning of the incident, Decedent resisted the discharge of the officers’ legal duty to arrest him, and he did so with use of an apparent deadly weapon. Decedent told officers that they would have to “kill him” and made repeated references to his intent to commit suicide-by-cop. Moreover, at the time of the officer-involved shooting, officers had additional probable cause to arrest Decedent for resisting lawful arrest with use of a deadly weapon, assault on a protected person, and obstructing an officer. As part of the effort to contain Decedent until he peaceably turned himself in, officers kept a safe distance from Decedent and were clearly armed in response to the threat he posed. As Decedent made clear that he was

suicidal and armed, it was unknown what actions he would take to provoke the officers into a shooting as he approached the populated and enclosed RV park. When Decedent removed the pistol from his head and turned toward the officers, as they were at their most vulnerable and in an exposed position due to the lack of physical barriers to provide cover, Decedent was shot. As already illustrated, the officers had probable cause to believe at that moment that Decedent posed a threat of serious physical harm to both the officers and those people inside the RV park. Accordingly, the use of deadly force by Officer Travers was legally justified and appropriate under NRS 200.140(2).

### **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 Travers were reasonable and/or legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable and 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 Officer Travers.