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NEWS RELEASE

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DA's Office Releases Report on the Death of Thomas McEniry

The Clark County District Attorney's Office has determined that the actions of Las Vegas Metropolitan Police Department (LVMPD) officers, in the death of Thomas McEniry, were legally justified. In a report released today, the circumstances surrounding the incident are described, as well as the explanation for the findings.

On November 24, 2015, an officer was on patrol when he saw a white vehicle near Karen Avenue. He conducted a records check and found that the vehicle was 'cold-plated', which means the plates were not registered to the type of car on which they were displayed. The officer attempted to stop the vehicle, but the driver refused to stop and, in fact, ran a stop sign. Two other officers were on patrol together in the area. They saw the same vehicle run a red light at Desert Inn and Maryland Parkway. As the vehicle turned, one of the officers was able to see the driver, later identified as Mr. McEniry, and noted that he was alone in the vehicle. The officers continued to follow Mr. McEniry and attempted to stop him. He again refused to pull over, and the officers were told not to engage in a high-speed pursuit so they continued to follow at a distance.

As they followed Mr. McEniry, they saw him turn onto Katie Ave. When they turned onto Katie Ave., they noticed the headlights of the vehicle were now off and the car was traveling much slower. They discovered that nobody was in the vehicle. They maneuvered the patrol car in front of the suspect car in order to stop it.

An apartment complex was located just south of the area where the vehicle was abandoned. A security guard on duty at the complex saw Mr. McEniry enter the property near Katie Ave. and reach into a parked vehicle in an attempt to get inside. He approached Mr. McEniry and asked what he was doing. Mr. McEniry initially said the vehicle belonged to his sister, but eventually admitted he was lying. As the security guard escorted Mr. McEniry off the property, the officer involved in the first attempted traffic stop pulled into the complex, got out of his patrol car and began talking to Mr. McEniry, who was uncooperative. The officer told Mr.

McEniry to put his hands on the patrol car, but he refused. The officer called out "Code Red" on the police radio and followed Mr. McEniry, on foot, across the parking lot. As this was occurring, additional officers pulled into the complex, and Mr. McEniry began to run. He ran into a square, gated enclosure in the corner of the complex, and continued to refuse to comply with officers' commands to show his hands. He kept his hands behind his back, at his waist area. One of the officers announced to the others that he was going "low lethal." At that time, he fired his Taser at Mr. McEniry, striking him in the chest. This caused Mr. McEniry to yell and fall forward. As he did this, his hands went forward and a black gun fell from his waist area to the ground behind him. After Mr. McEniry fell forward, he reached back and grabbed the gun. One of the officers called out, "gun, gun, gun!" Mr. McEniry, with the gun in his hand, began to turn his body toward one of the officers. Three officers fired at him, striking him several times. Mr. McEniry fell to the ground and dropped the gun near his body. It was later determined that he had a Stinger P9T 6MM pellet gun.

Emergency personnel responded and transported Mr. McEniry to Sunrise Hospital where he was declared dead.

The toxicology report done at the time of the autopsy determined that Mr. McEniry was intoxicated due to methamphetamine use at the time of his death.

"Mr. McEniry chose not to comply with multiple officers in multiple different situations," said District Attorney Steve Wolfson. "Officers first attempted to use non-lethal force to take Mr. McEniry into custody. When that did not work, and Mr. McEniry chose to point a gun at officers, he forced them to use lethal force to prevent him from harming them or others."

A Police Fatality Public Fact-Finding Review was conducted in this incident on September 19, 2016. Clark County Code mandates such a review when a police-involved death occurs, and the prosecutor preliminarily determines that no criminal prosecution of the officers is appropriate

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

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