

# REPORT ON USE OF FORCE



## Legal Analysis Surrounding the Death of Jose Luis Saenz, Jr. on February 20, 2024

### **INTRODUCTION**

On February 20, 2024, 41-year-old Jose Luis Saenz, Jr. ("Decedent") was shot and killed by Las Vegas Metropolitan Police Department ("LVMPD") Officers Paul Guerrero and Joshua Romanksi as he was assaulting the officers with a deadly weapon. The incident took place at approximately 12:47 a.m. in a commercial center parking lot located in the area of 2550 South Eastern Avenue, Nevada.

### **SYNOPSIS**

On February 20, 2024, at approximately 12:43 a.m., LVMPD Communications Center received a transfer call from the Clark County Fire Department requesting assistance. The details of the call were that a male, armed with a knife, was bleeding and appeared to be cutting his arm. LVMPD patrol officers were dispatched to the area of 2550 South Eastern Avenue. Officer Romanski was the first to arrive on the scene and located the subject, later identified as Decedent, in the south parking lot of a Title Max Title Loans building.

Officer Romanski informed LVMPD Dispatch that Decedent was armed with a sword and requested additional officers. Decedent began walking toward Officer Romanski with the weapon as additional officers arrived on scene. Officer Romanski drew his duty weapon and ordered Decedent to stay back. Officer Romanski then instructed another officer to retrieve a ballistic shield for cover as Decedent continued walking toward the officers with the weapon. The officers on scene instructed Decedent numerous times to stop approaching the officers, however Decedent refused to listen and continued approaching the officers with the weapon in hand.

As Officer Romanski retreated backwards, he realized that the driver's side door of his patrol vehicle was inadvertently left open. Officer Guerrero approached and secured the door as Decedent advanced on the officers, still armed with his weapon. Once the patrol vehicle was secured, another officer on scene, Officer Isaac Clover, utilized a 40-millimeter low-lethality impact tool and fired one round at Decedent, striking him on the left leg. Decedent fell to the ground, but quickly stood up with his weapon raised over his head and ran toward Officers Guerrero and Romanski while yelling, "Fuck you!"

Officers Guerrero and Romanski backpedaled from Decedent as he ran towards them with the weapon raised. Officer Guerrero repeatedly yelled "Stop!" but Decedent ignored the commands and continued charging the officers with the weapon raised. Officers Guerrero and Romanski then fired their duty weapons, striking Decedent multiple times. Decedent fell to the ground and the officers regrouped and assembled an action team to approach Decedent safely and take him into custody.

The team of officers approached Decedent and secured him in handcuffs. Once the scene was rendered safe, officers began life-saving measures and performed chest compressions. A trauma kit was retrieved, and the officers tended to Decedent's injuries. Medical personnel were also requested to the scene. Medical personnel arrived and provided life-saving measures to Decedent prior to transporting him to Sunrise Hospital, where Decedent was ultimately pronounced deceased. The scene was secured with crime scene tape and officers canvassed the area for any witnesses.

Detectives from the LVMPD Force Investigation Team (FIT) were requested and responded to conduct the investigation. During the investigation, a witness was located on the scene who had originally called 911 earlier that night to report Decedent cutting himself. The witness informed the detectives that, prior to police arrival, he had witnessed Decedent acting erratic and saw him cutting his own arm with a large metal object. The witness stated that he called 911 to report the incident and confirmed that, after officers arrived, he observed Decedent repeatedly charge the officers with the metal object before he was shot.

The Clark County District Attorney's Office has completed its review of the February 20, 2024, 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 Officers Guerrero and Romanski 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 Officers Guerrero and Romanski. 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 June 25, 2025.

This report is intended solely for the purpose of explaining why, based upon the facts known at this time, the conduct of the officers was not criminal. This decision, premised upon criminal-law

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

## **SUMMARY OF RELEVANT WITNESS STATEMENTS**

### **Officer Witnesses**

#### **Officer Michael Bollig**

Officer Bollig has been employed as a police officer with LVMPD since September of 2019. At the time of the incident, Officer Bollig was on duty and wearing his standard police uniform and operating a marked LVMPD patrol vehicle. Officer Bollig provided a statement to FIT detectives at approximately 3:39 a.m. on February 20, 2024. A summary of that interview follows.

Officer Bollig was handling a call for service when he heard over the radio a broadcast of a male with a knife attempting to cut his arm off. Officer Bollig assigned himself to the call since it was in his area of assignment. The nature of the call caused Officer Bollig to become concerned about the subject's state of mind.

As Officer Bollig arrived, he observed two other officers had already arrived on scene. Officer Bollig observed Decedent who was standing in the parking lot, covered in blood. Decedent was armed with a large object that Officer Bollig described as a sword or large knife, and Officer Bollig believed Decedent had cut himself with the object. Officer Bollig observed that Decedent was swinging the blade as he ran toward the officers. Another officer on scene then shot Decedent with a 40-millimeter launcher, which is a less than lethal option, but it proved ineffective. Decedent stumbled for a second, got back up on his feet, and charged the officers again with the object raised above his head as if he was going to swing it at them.

Officer Bollig moved around a vehicle as Decedent charged the officers. This movement placed a vehicle between Officer Bollig and his fellow officers and Decedent. Officer Bollig estimated that Decedent was approximately ten feet from the officers as he was charging them when the shots were fired.

#### **Officer Isaac Clover**

Officer Clover has been employed as a police officer with LVMPD since November of 2022. At the time of the incident, Officer Clover was on duty and wearing his standard police uniform and operating a marked LVMPD patrol vehicle. Officer Clover provided a statement to FIT detectives at approximately 3:43 a.m. on February 20, 2024. A summary of that interview follows.

Officer Clover heard a tone alert on the radio about a suicidal subject in a parking lot near Eastern Avenue and Sahara Avenue. The details of the call stated the subject was armed with a samurai sword. While Officer Clover was headed to the call, there was an update the subject was trying to cut his arm off. Officer Clover knew that Officer Romanski was the first officer to arrive on scene

and had said that he had a visual on the subject but would not approach him because he had a weapon in his hand.

Officer Clover was the second officer to arrive on scene and parked behind Officer Romanski. Officer Clover saw Officer Romanski standing at the driver's side door of his vehicle. Officer Clover saw Decedent, who was armed with a long metal object, walk toward Officer Romanski. As Officer Clover exited his vehicle, Officer Romanski directed him to deploy the 40-millimeter low lethal impact tool. Officer Clover loaded the 40-millimeter and observed Officer Romanski backing up past his patrol vehicle as Decedent continued approaching. Officer Clover saw Decedent standing in a "boxer stance" with the metal object in his right hand, advancing on the officers.

As Decedent was advancing toward the officers, Officer Clover believed the subject had a clear intent harm Officers Romero and Guerrero, stating "it looked like he was gonna try to maybe kill 'em with his metal weapon." Officer Clover discharged the 40-millimeter low-lethality impact tool, striking Decedent in the left leg. Decedent fell to the ground, but immediately got up and continued to advance toward Officers Guerrero, Romanski and himself. As Decedent continued to advance toward the officers, the officers retreated into Eastern Avenue nearing oncoming traffic. At that point, Officers Romanski and Guerrero discharged their firearms at Decedent. Officer Clover elaborated that the weapon that Decedent was armed with was capable of killing a person.

#### **Officer Heath Dressler**

Officer Dressler has been employed as a police officer with LVMPD since November of 2022. At the time of the incident, Officer Dressler was on duty and wearing his standard police uniform and operating a marked LVMPD patrol vehicle. Officer Dressler provided a statement to FIT detectives at approximately 3:43 a.m. on February 20, 2024. A summary of that interview follows.

Officer Dressler was dispatched and responded to a report of a suicidal subject. The details of the call were that the subject appeared to have a sword and was actively cutting himself with it. Officer Dressler drove northbound on Eastern Avenue until he arrived at the business located on the east side of the street. Officer Dressler observed three patrol vehicles and three officers already on scene. Officer Dressler also observed Decedent with his arms raised, while holding a sword. Officer Dressler stated there was blood on both Decedent's arm and the sword.

Decedent screamed at the officers as he advanced toward them. One of the officers fired a 40-millimeter low-lethal round that struck Decedent on the left leg. The low-lethal round initially appeared to be effective as Decedent stumbled to the ground. However, Decedent quickly got back onto his feet and continued advancing toward the three officers as he held the sword in his right hand. Officer Dressler observed the three officers back up onto the street and retreat past two patrol vehicles. Two officers fired their firearms and struck Decedent who fell to the ground. Officer Dressler joined the officers and formed an action team. The team of officers took Decedent into custody, and then began rendering life-saving measures. Medical personnel arrived and they continued to provide life-saving measures. Medical personnel then transported Decedent to Sunrise Hospital.

## **Civilian Witnesses**

### **Witness J.J.**

FIT detectives interviewed civilian witness J.J. on February 20, 2024, at approximately 3:19 a.m. A summary of that interview follows.

J.J., who was transient, advised that he had been staying in a tent in the parking lot located at 2550 South Eastern Avenue for the last couple of nights. An acquaintance of his, Decedent, who he knew as "Puppet", had arrived back in Las Vegas a couple of days ago. Decedent and his wife stayed in a tent next to J.J.

On the day in question, J.J. stated that Decedent had been acting "a little distant and spacey." That evening, J.J. saw Decedent exit his tent and walk approximately 15 to 20 feet away from him. Decedent turned around and began cutting himself on the arm with what appeared to be a sword or a rod.

J.J. asked Decedent why he was doing that. Decedent replied that he was sad, depressed, and did not want to "go through this" anymore. J.J. stated that Decedent screamed while he cut his own arm. Someone in the parking lot handed J.J. a cell phone and J.J. called 911. J.J. then advised the 911 dispatcher that Decedent was trying to kill himself.

Patrol officers arrived and J.J. observed Decedent running directly toward the officers. The officers yelled for Decedent to stop. J.J. could not believe the officers had not shot Decedent at that point because he was waving a knife while he continued to approach them and he was "well into, like, their space." Decedent continued toward the officers, and he was then shot.

### **Witness M.S.**

LVMPD FIT detectives interviewed M.S. on February 20, 2024, at approximately 2:56 a.m. A summary of that interview follows.

M.S. advised that she and her husband, Decedent, had just returned to Las Vegas approximately five days prior in order to deal with a legal issue involving Child Protective Services (CPS). On the night in question, they set up their tent in the parking lot then went and bought a couple of beers. M.S. explained that Decedent had a friend in the area and that they planned on camping there for no more than a few days. The last thing that M.S. remembered happening that evening was that she had cuddled with Decedent then went to sleep. She was later woken up by police officers in the area and did not see Decedent.

M.S. stated that the officers told her there had been a murder in the area and they needed her to get out of her tent. M.S. realized that Decedent was not with her inside the tent and that he had left behind his baseball hat and wallet. When asked if she had heard anything that night, M.S. initially stated she had not, but then recalled that she had heard screaming at some point but thought it was just a dream.

M.S. stated she did not see Decedent drink any alcohol or use any drugs. She also explained that Decedent is normally pretty calm except for when he gets upset. M.S. then gave verbal and written consent for detectives and crime scene personnel to photograph and forensically process her tent.

### **SCENE DESCRIPTION**

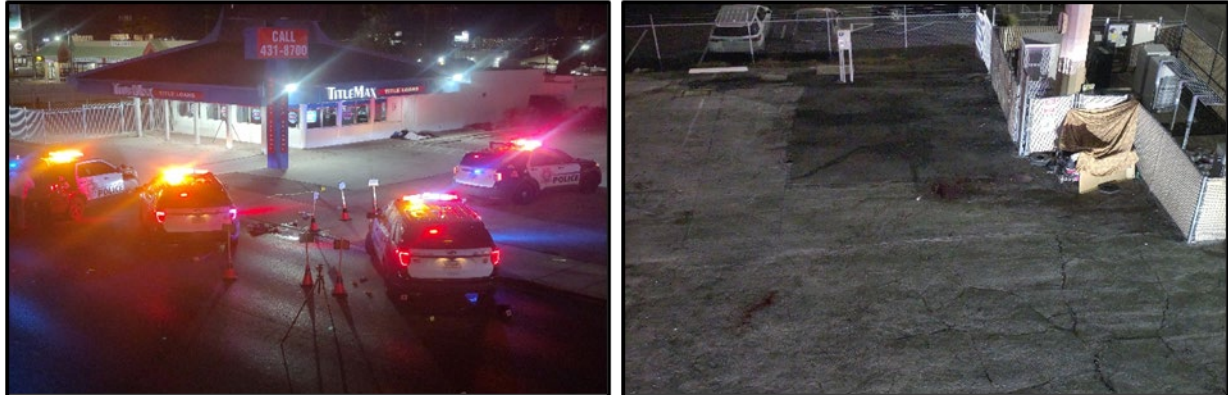
The scene consisted of a commercial center parking lot adjacent to the Title Max Title Loans building, which was located on the east side of Eastern Avenue, just south of Sahara Avenue. There was a parking lot along the south side of the business and there were multiple transient camps along the south wall of the business. The parking lot was fenced along the south and east sides and there was an electrical transformer on the southeast corner that was enclosed in fencing (see Figure 1, below).



**Figure 1: Aerial Overview of Scene Location**

Three LVMPD black-and-white officer patrol vehicles were parked along Eastern Avenue immediately adjacent to the west of the commercial center parking lot. An additional LVMPD black-and-white officer patrol vehicle was parked in the parking lot south of the Title Max Title Loans building.

A transient camp, where Decedent had been staying, was next to the fencing of the electrical transformer. The camp contained miscellaneous household items and a glass pipe. Next to the camp there was a large area of apparent blood, and apparent footprints in the blood from that area of blood leading westward toward Eastern Avenue. This path tracked Decedent's advancing upon the officers from his original location when the officers first arrived (see Figure 2, below).



**Figure 2: (Left) Aerial View of Scene; (Right) Aerial View of Decedent's Tent and Apparent Blood Trail**

Crime scene analysts located and impounded five 9-millimeter cartridge casings in the roadway adjacent to the patrol vehicles. A blue and black sponge projectile from a 40-millimeter low-lethality impact tool was located in the parking lot near the patrol vehicles as well. Beneath the rear of one of the patrol vehicles parked along Eastern Avenue was the 29-inch metal object Decedent had armed himself with, bearing apparent blood (See Figure 3 below). Medical debris was also located in the immediate area.



**Figure 3: (Left) Spent 40-millimeter low-lethality impact tool round; (Right) Decedent's 29-inch metal object covered in apparent blood**

## **SCENE WALK-THROUGH**

### **Officer Paul Guerrero**

On February 20, 2024, at approximately 3:48 a.m., Officer Guerrero provided a walk-through of the scene. Officer Guerrero indicated that he was dispatched to the scene of an attempt suicide call. As he arrived, he located Decedent who was armed with a sword or a long knife. Decedent made aggressive movements toward the officers. Officer Guerrero gave Decedent verbal commands to stop, but Decedent continued to run toward the officers. Officer Guerrero used lethal force because he feared for his life and also the lives of the other officers.

### **Officer Joshua Romanski**

On February 20, 2024, at approximately 3:58 a.m., Officer Romanski provided a walk-through of the scene. Officer Romanski indicated that he was dispatched to an attempted suicide call. As he arrived on the scene, he located Decedent who was wielding a long knife or sword. Officer Romanski gave Decedent verbal commands to stop moving toward the officers. Decedent made an aggressive movement toward the officers and Officer Romanski backed away from Decedent. Officer Romanski stated a less than lethal tool (40-millimeter impact tool) was utilized against Decedent and Decedent was struck. After Decedent was struck with the less than lethal option, Decedent ran toward the officers. Officer Romanski stated he fired his weapon because he feared that his life and the lives of the other officers were in danger.

## **PUBLIC SAFETY STATEMENT**

### **Officer Paul Guerrero**

Officer Guerrero provided a Public Safety Statement to LVMPD Sergeant Corie Rapp. On February 20, 2024, at approximately 3:03 a.m., FIT Detective Gil Valenzuela interviewed Sergeant Rapp in reference to the Public Safety Statement obtained from Officer Guerrero. Below is the transcript of the interview. [Note: Detective Valenzuela is designated by (GV) and Sergeant Rapp is designated by (CR).]

GV: *Operator this is Detective Valenzuela with the Force Investigation Team conducting a recorded Public Safety Statement interview with uhh Sergeant first name Corie, C-O-R-I-E last name Rapp, R-A-P-P. His P#'s 13455, callsign 799. He was hired August 6, 2008. He works out of South-Central Area Command, his squad is SC13. His RDO's are Wednesday, Thursday, Friday, hours of work are 2200 to 0800 hours. Also, present is PMSA representative Troyce Krumme. This Public Safety Statement is in reference to an officer-involved shooting that occurred on 02/20 of 24 at approximately 0047 hours in the area of 2550 South Eastern Las Vegas Nevada 89104. It's reference event number 240200069894. Today's date is 02/20 of 24 and the current time is 0303 hours. This statement is being conducted in the area of Eastern and Sahara in the PMSA uhh truck. Uhh Sergeant Rapp, you understand this interview's being recorded?*

CR: Yes.

GV: *Okay and today, you conducted a Public Safety Statement, can you tell me the first officer you conducted it with and the time that it was conducted?*

CR: *Officer Guerrero, G-U-E-R-R-E-R-O umm one, I don't have the time written down.*

GV: *Okay, but it was soon after the uhh OIS?*

CR: *It was soon after the OIS and I said it over the air, it will be documented in CAD.*

GV: *Okay, okay. And uhh are you able to tell me the questions you asked and what the answers were?*

CR: Yes.

GV: Go ahead.

CR: *Okay uhh, number one I asked did you discharge your firearm, his reply was yes. I said if so in what direction? He said east bound. Uhh I said approximately where were you located when you fired? He said next to vehicle 19088. I said how many shots do you think you fired? And he said two. The next question I asked is, anyone injured? He said yes. I said if so, where are they located? He said next to Titlemax. Number three, I asked are there any outstanding suspects? He said no. Number four, I said is it possible the suspect fired rounds at you? He said no. Number 5, I said I asked do you know if any other officers discharged their firearms? He said yes, Officer Romanski. And I said approximately where was the officer located when they fired? And he said to the right of him. I said are there any weapons or evidence that needs to be secured and protected? He said yes, there is a sword over by the Titlemax. he's not sure exactly where. The last one was, are you aware of any witnesses? And he said Officers Clover, and Officer Bollig.*

GV: *Was that the uhh end of the PSS?*

CR: Yes.

GV: *Okay, uhh Krumme you have any questions?*

TK: *Nothing.*

GV: *Okay, we're gonna end interview, same people present. The time is 0306 hours.*

### **Officer Joshua Romanski**

Officer Romanski provided a Public Safety Statement to LVMPD Sergeant Rapp. On February 20, 2024, at approximately 3:07 a.m., FIT Detective Valenzuela interviewed Sergeant Rapp in reference to the Public Safety Statement obtained from Officer Romanski. Below is the transcript of the interview. [Note: Detective Valenzuela is designated by (GV) and Sergeant Rapp is designated by (CR).]

GV: *Operator this is Detective G. Valenzuela with the Force Investigation Team conducting a recorded Public Safety Statement interview with Sergeant Corie Rapp P# 1345, his callsign 799. Date of hire 08/06 of 2008. He works*

out of South-Central Area Command, squad is SC13. RDO's are Wednesday, Thursday, Friday, and his work hours are 2200 to 0800 hours. Also, present is PMSA representative uhh Troyce Krumme. This Public Safety Statement is in reference to an officer-involved shooting that occurred on 02/20 of 24 at approximately 0047 hours in the area of 1250—I'm sorry, 2550 South Eastern Las Vegas Nevada 89104. Reference event number 240200069894. Today's date is 02/20 of 24 and the current time is 0307 hours. This statement is being conducted at uhh, in the area of Eastern and Sahara in the PMSA truck. Uhh Sergeant Corie Rapp, you understand that I'm recording this interview?

CR: Yes.

GV: Okay and you conducted a Public Safety Statement, with uhh Officer—are you able to tell me who the officer was? And uhh I know you documented the time over the air so uhh I know that so just who the officer was?

CR: Officer Romanski, P# 19414.

GV: And are you able to tell me the questions you asked and the answers he provided please?

CR: Yes.

GV: Go ahead.

CR: Uhh, the first question I asked did you discharge your firearm, his said yes. I said if so in what direction? He said to the east. I asked approximately where were you located when you fired? He said approximately 10 feet outside of the gutter, west of. I said how many sh—I asked how many shots do you think you fired? He said two to four. I asked is there anyone injured? He said the victim. If so, where are they located? Uhh, he wasn't sure if they were on the ambulance or at Titlemax. Number three was, are there any outstanding suspects? He said no. I asked is it possible the suspect fired rounds at you? He said no. I asked do you know if any other officers discharged their firearms? He said yes, I said if so, who are they? He said Officer Guerrero. I said approximately where was the officer located when they fired? He said to his left. I said are there any weapons or evidence that needs to be secured and protected? He said the sword somewhere in the area. Umm if so where are they located, the sword. And then seven I said are you aware of any witnesses? Uhh yes. If so, what is their location? He said two homeless uhh individuals and then Officer Clover.

GV: Okay uhh was that the extent of all the questions you asked?

CR: Yes.

GV: Uhh, Rep Krumme do you have any questions?

TK: Nothing.

GV: Okay, we're gonna end the interview, same people present. The time is 0309 hours.

## **BODY WORN CAMERAS**

Several officers activated their body-worn cameras (“BWC”) at different times during this incident. Review of the BWC videos corroborated the officers statements concerning the events that transpired on February 20, 2024. While all officer BWC footage was reviewed in the investigation of this incident, this report will not delve into each and every BWC reviewed. Some officers arrived after the fact or their BWC did not capture the incident. The BWCs discussed here captured the best recorded footage of the events leading up to the incident

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 officers’ initial contact with Decedent 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

The Axon Flex BWC system employed by LVMPD displays time stamps in Zulu Time, also known as Greenwich Mean Time (GMT), which is the world time based on a 24-hour clock. The time is based on the Prime Meridian, which is zero degrees longitude and passes through Greenwich, England. Officers activated their BWCs at different times during the incident. There is a seven-hour negative difference between the event time and displayed Zulu Time. Axon BWCs also have a “time drift” where the camera’s internal clock drifts from actual time based on when the cameras are synced when the camera is docked. Each BWC can display a different time based on a time drift.

The following are summaries of BWC footage from the subject and witness officers who were on scene at the time of the OIS.

### **Officer Guerrero**

Officer Guerrero was wearing a BWC at the time of the incident and the camera was activated. The video footage captured was later viewed by FIT personnel on February 20, 2024, at 2:09 a.m. Officer Guerrero’s camera footage depicted the following:

- T08:43:42Z     Officer Guerrero’s BWC was active and began with him driving his patrol vehicle to the scene with the emergency lights and siren activated.
- T08:47:00Z     Officer Guerrero arrived at the scene and exited his vehicle. Officers had already arrived and made contact with Decedent. Officer Guerrero deployed his firearm and joined Officer Romanski.
- T08:47:19Z     Officer Guerrero approached Officer Romanski’s patrol vehicle to secure the driver’s door had been left open. Officer Guerrero retreated back with the other officers after the door was secured.

- T08:47:28Z A 40-millimeter low lethal round was fired at Decedent who fell to the ground. Decedent quickly got up from the ground and approached the officers while holding a metal object in his right hand. Decedent began running toward the officers with the metal object over his head.
- T08:47:35Z As officers were heard yelling verbal commands to stop, gunshots were heard, and Decedent fell to the ground.
- T08:47:43Z The officers formed an action team and formulated a plan to take Decedent into custody. The team of officers approached Decedent and secured him in handcuffs. Medical personnel were requested to expedite their arrival for Decedent.
- T08:48:45Z Officer Guerrero responded to his patrol vehicle and retrieved a medical kit for Decedent. Officers began administering chest compressions on Decedent.
- T08:51:10Z Officer Guerrero canvassed for potential witnesses who were in the area.
- T08:53:58Z Officer Guerrero deactivated his BWC.

#### **Officer Romanski**

Officer Romanski was wearing a BWC at the time of the incident and the camera was activated. The video footage captured was later viewed by FIT personnel on February 20, 2024, at 2:04 a.m. Officer Romanski's camera footage depicted the following:

- T08:43:18Z Officer Romanski's BWC footage began with him driving his patrol vehicle to the scene with the emergency lights and siren activated.
- T08:46:34Z Officer Romanski arrived at the scene and located Decedent. Officer Romanski updated the dispatcher that Decedent was armed with a large knife and was standing in the back of the parking lot. Officer Romanski exited his vehicle and yelled at Decedent to stay where he was and produced his firearm.
- T08:46:55Z Another officer arrived on the scene and Officer Romanski instructed him to retrieve a shield. Decedent continued to walk toward the officers while still armed with the weapon.
- T08:47:08Z An additional officer who arrived was instructed to retrieve the 40-millimeter low-lethality impact tool. As officers retreated from Decedent who continued to approach them, Officers had to advance forward to secure Officer Romanski's patrol vehicle driver's side door that was left open.
- T08:47:18Z Officer Guerrero secured the driver's side door as Decedent continued to approach the vehicle. Officers again retreated back from Decedent.

T08:47:26Z An officer fired the 40-millimeter low lethality tool at Decedent, striking him in the leg. Decedent fell to the ground as officers yelled at him to get on the ground.

T08:47:29Z Decedent stood up from the ground and retrieved his weapon. Decedent ran toward the officers and yelled, "Fuck you!" several times.

T08:47:33Z Multiple gunshots were heard, and Decedent fell to the ground. Officers broadcasted "shots fired" on the patrol radio.

T08:48:00Z The officers formed an arrest team and formulated a plan prior to approaching Decedent.

T08:48:17Z The team of officers approached Decedent and took him into custody.

T08:49:25Z An officer retrieved a medical kit, and officers began life-saving measures on Decedent. Officer Romanski began chest compressions on Decedent.

T08:50:53Z An officer began chest compressions and Officer Romanski began searching for possible witnesses that saw the incident.

T08:53:57Z Officer Romanski deactivated his BWC.

### **Officer Dressler**

Officer Dressler was wearing a BWC at the time of the incident and the camera was activated. The video footage captured was later viewed by FIT personnel on February 20, 2024, at 02:20 a.m. Officer Dressler's camera footage depicted the following:

T08:43:29Z Officer Dressler's BWC footage began with him driving his patrol vehicle with the emergency lights and siren activated.

T08:47:25Z Officer Dressler arrived on the scene and exited his patrol vehicle with a low-lethality shotgun.

T08:47:36Z As Officer Dressler approached the other officers' location, gunshots were heard. Officer Dressler joined the team of officers, and they made a plan to approach Decedent and take him into custody.

T08:48:18Z As the team of officers approached Decedent, Officer Dressler transitioned from his low-lethality shotgun to his taser. Officers secured Decedent in handcuffs.

T08:49:22Z Officer Dressler returned to his patrol vehicle and secured the low-lethality shotgun. He returned to the scene as officers were administering chest compressions on Decedent.

T08:54:43Z Clark County Fire Department and Community Ambulance personnel arrived on the scene for Decedent.

T08:56:37Z Officer Dressler deactivated his BWC.

### **THIRD-PARTY VIDEO EVIDENCE**

#### **Title Max (2550 S. Eastern Avenue)**

Cameras at the business were located inside the business. The camera angles and footage did not capture the officer involved shooting that occurred in the parking lot. The video screen showed the cameras only covered the interior of the business.

#### **United Pre-Owned Outlet (2570 S. Eastern Avenue)**

A camera was located on the northwest corner of the business. The camera faced toward the auto lot in a southwest direction and was not facing toward the Title Max parking lot where the incident took place.

### **AUTOPSY**

On February 20, 2024, Clark County Coroner Medical Examiner Doctor Stacey Simmons conducted an autopsy on Decedent. Dr. Simmons noted the following wounds and injuries on Decedent: Penetrating gunshot wound of right ear; Perforating gunshot wound of chin; Penetrating gunshot wound of right chest; Penetrating gunshot wound of left hip; Perforating gunshot wound of left upper extremity; Sharp force injury of the left forearm; and Blunt force injury

Five bullet fragments were recovered and impounded during the autopsy procedure, along with Decedent's exemplar prints and a buccal swab kit. Dr. Simmons concluded Decedent's cause of death was multiple gunshot wounds.

The toxicology results indicated Decedent had positive findings for Ethanol, 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. The comments also provide that blood levels of 200-600 nanograms/milliliter have been reported in methamphetamine abusers who exhibited violent and irrational behavior. Decedent's positive findings for methamphetamine show a result of 1800 nanograms/milliliter.

## **OFFICER WEAPON COUNTDOWN**

On February 20, 2024, Officers Guerrero and Romanski had their duty weapons counted down on scene to determine the number of rounds each officer fired during the incident. Subject and witness officers were photographed by CSI personnel for appearance purposes and their weapons were photographed for identification purposes.

### **Officer Romanski**

Officer Romanski's countdown occurred at approximately 4:13 a.m. and was witnessed by multiple members of LVMPD and photographed by CSI personnel for documentation and identification purposes. At the completion of the countdown, it was determined Officer Romanski discharged his firearm three times during this incident. This figure was further corroborated by evidence at the scene.



**Figure 4: Officer Romanski's Firearm**

### **Officer Guerrero**

Officer Guerrero's countdown occurred at approximately 4:32 a.m. and was witnessed by multiple members of LVMPD and photographed by CSI personnel for documentation and identification purposes. At the completion of the countdown, it was determined Officer Guerrero discharged his firearm two times during this incident. This figure was further corroborated by evidence at the scene.



**Figure 5: Officer Guerrero's Firearm**

## **FIREARM EXAMINATION**

On February 28, 2024, an LVMPD Forensic Laboratory Request was submitted on Officer Guerrero and Officer Romanski's firearms for function tests and ballistic comparison evidence. A request was also submitted for a function test on the 40-millimeter impact tool.

On April 9, 2024, Forensic Scientist Stephanie Fletcher submitted the Report of Examination on the firearms. Both firearms were examined, test fired and found to be operational with no noted malfunctions.

On May 16, 2024, Forensic Scientist Fletcher submitted a Report of Examination on the 40-millimeter low-lethal impact tool. The tool was examined, test fired and determined to be operation with no noted malfunctions.

## **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>1</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

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<sup>1</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.

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.

The known facts and circumstances surrounding this incident indicate that Decedent manifestly intended and endeavored to commit a crime of violence against the officers, and that Decedent posed an actual and imminent danger to Officers Guerrero, Romanski and the other officers on scene. Officers initially responded to the scene for a call concerning a male, armed with a large knife or sword, who was bleeding and appeared to be cutting his arm. Upon arrival, officers came into contact with Decedent who was armed with a large, bladed metallic object, covered in blood. Decedent immediately began walking toward the first responding officers, causing them to draw their firearms and issue commands for Decedent to stay back. Decedent refused to comply with the officers' commands and continued advancing on the officers with the weapon. The officers attempted to deploy ballistic shield covers for protection and continued to issue commands for Decedent to stay back, which Decedent ignored. The officers then deployed a 40-millimeter low-lethality impact tool in an effort to stop Decedent who was still advancing on them with the weapon. The officers fired the low-lethality tool at Decedent, striking him in the left leg and causing him to fall to the ground. The officers told Decedent to stay down, but Decedent quickly stood up and ran directly toward officers Guerrero and Romanski with the weapon raised over his head yelling "Fuck you!" The officers repeatedly yelled "Stop!" and continued backing away from Decedent. The officers back pedaled into Eastern Avenue, nearing oncoming traffic, as Decedent continued charging the officers with the weapon raised before the officers finally fired their duty weapons.

Thus, the totality of the evidence, including civilian and officer witness statements, crime scene analysis, and BWC footage, illustrates that Officers Guerrero and Romanski were reasonable in believing that Decedent would cause them and/or their fellow officers great bodily harm or death. Officers Guerrero and Romanski were confronted with actual imminent danger to themselves and their fellow officers and had an honest and reasonable belief and fear that either they themselves and/or their fellow officers were about to be killed or suffer great bodily injury at the hands of Decedent. The evidence further illustrates that the officers acted reasonably in reaction to the danger posed by Decedent, who was at close-range and closing distance with his weapon raised. Officers Guerrero and Romanski 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 detain and arrest Decedent on various grounds. The officers were responding to a call regarding a suicidal individual armed with a knife and attempting to cut off his arm. Upon arrival, officers observed Decedent, who was bleeding from his arm and was armed with a long, sharp metal object that was covered in blood. Decedent clearly presented a substantial risk of serious harm to himself, and had in fact already caused himself such harm, and was therefore subject to being taken into custody for placement on a mental health crisis hold pursuant to NRS 433A.160. Furthermore, Decedent’s subsequent actions constituted an armed resistance of the officers attempt to discharge their legal duty to arrest him or take him into custody. Decedent immediately and repeatedly advanced on the officers with his weapon, disregarding officers’ commands to stay back. After the officers used a low-lethal round on Decedent in an attempt to subdue him, he charged them with the weapon raised shouting “Fuck you!” as the officers repeatedly told him to stop and were forced back into an area of oncoming traffic. Thus, at the time of the officer-involved shooting, the officers also had probable cause to arrest Decedent for resisting lawful arrest with use of a deadly weapon, assault on a protected person with use of a deadly weapon, and obstructing an officer. As already illustrated, the officers had cause to believe at that moment that Decedent posed a threat of serious physical harm to the officers. Accordingly, the use of deadly force by Officers Romanski and Guerrero 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 Officers Guerrero and Romanski 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 Offices Guerrero or Romanski.