



REPORT ON USE OF FORCE:

Legal Analysis Surrounding the Death of Isel Torres Santiago on December 28, 2023.

I. INTRODUCTION

The Clark County District Attorney's Office has completed its review of the December 28, 2023, death of Isel Torres Santiago ("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 Las Vegas Metropolitan Police Department ("LVMPD") Officer Joseph Bringham and Officer Richard Rivera 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 Bringham and Rivera. 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 October 20, 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 is 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.

II. INCIDENT DETAIL

On December 28, 2023, at 9:27 p.m., LVMPD's Fusion Watch notified dispatch of a License Plate Reader ("LPR") hit for a stolen vehicle in the area of Charleston Boulevard and Rancho Drive. The vehicle, a white 2013 Ford Transit van, was reported stolen on December 26, 2023. Officers from the Bolden Area Command - specifically Officer Joseph Bringham, Officer Richard Rivera, Officer

Preston Quirt, Officer Juan Arias, Officer Phoenix Ball, and Officer Curtis Boldman - were dispatched to locate the van.

At approximately 9:36 p.m., Officer Bringhurst, driving a marked patrol vehicle, located the van in the drive-thru lane of the Del Taco at 1801 West Charleston Boulevard. He activated his emergency lights while he positioned his vehicle to block the front of the van. Officer Quirt, in another marked patrol vehicle, blocked the van from the rear. Officers Arias and Rivera, in a third patrol vehicle, parked adjacent to Quirt's vehicle, also with emergency lights activated. Officer Quirt issued commands via his PA system for the occupants to show their hands and exit slowly. Decedent, the front passenger, opened the passenger door, fumbled an object, and fled eastbound from the drive-thru, crossing Charleston Boulevard northeast toward Frankie's Tiki Room and the UNLV Shadow Lane Campus Dental School.



Photograph of the stolen van positioned in the Del Taco drive-thru lane surrounded by marked LVMPD patrol vehicles.

Upon seeing Decedent flee, Officers Bringhurst and Rivera exited their vehicles and pursued Decedent on foot. Decedent ran across Charleston Boulevard, past Frankie's Tiki Room, and onto the UNLV Dental School campus. Officer Bringhurst, while chasing Decedent, used his radio to

report the pursuit's direction, first stating "eastbound" and then "back towards Charleston." Officer Rivera also updated dispatch, describing Decedent as a Hispanic male in a gray sweater and black pants, heading toward the UNLV medical center. Officer Brennan Bychinski, a K9 officer, saw the pursuit from his vehicle while on Charleston Boulevard. Officer Bychinski drove his vehicle into the campus's west parking lot, parked west of Building D, and joined the chase on foot behind Officer Bringhurst, running between buildings A and D.



Photo showing where Decedent was initially stopped and showing the Officer Involved Shooting location

Decedent reached a small parking lot on the east edge of the campus, near a curved walkway and central palm tree. As Decedent was running into the parking lot, it appeared as though he tripped and fell. As Officer Bringhurst rounded the corner, he observed Decedent on his knees, holding a black firearm in his right hand, using it for leverage as he lifted his left knee. Officer Bringhurst shouted, "Get on the fucking ground!" and discharged his weapon multiple times at Decedent. Simultaneously, Officer Rivera, positioned south of Officer Bringhurst in the handicap parking area, observed Decedent holding the firearm and fired his weapon. Decedent was struck multiple times by gunfire.



Still shot from Officer Brogden's Body Worn Camera immediately before Officer Brogden discharged his weapon

Officers Bringhurst and Rivera continued issuing verbal commands to Decedent, who was now lying face down on the ground. Officer Bychinski, arriving after the shooting, positioned himself behind Officer Bringhurst and issued additional commands. Officers Curtis Boldman and Phoenix Ball arrived in their marked patrol vehicle from the west parking lot, having driven over the center median of Charleston Boulevard and entered the campus after hearing gunshots. Officer Boldman exited the vehicle, approached Decedent, and secured his arms in handcuffs for officers' safety. Officer Ball assisted in completing the handcuffing. Officer Boldman conducted a pat-down and noted Decedent's black firearm adjacent to a yellow curb, 4-5 feet west of Decedent. Also found next to Decedent was a flashlight, a lighter torch, a garage door opener, and a folded newspaper containing a glass smoking pipe near his feet.

Officers requested medical assistance and Las Vegas Fire and Rescue arrived at 9:47 p.m. Decedent was transported to the University Medical Center where he was ultimately pronounced deceased.



Partial photo of Decedent along with firearm, about 1.5 yards away from Decedent

Back at the Del Taco, Officer Quirt continued to conduct a high risk stop on the van from which Decedent fled. The driver, A.L., followed instructions and was detained. Officers Quirt and Arias cleared the van, noting a punched ignition and no additional occupants. Also found in the van were two “FC 223 REM” cartridges and 4.6g of suspected methamphetamine in a clear bag.

III. INVESTIGATION

A. SCENE WALK THROUGH

Officer Joseph Bringhurst

In his scene walk through, Officer Bringhurst stated that he responded to a report of a stolen vehicle call due to an LPR hit. The stolen white van was located at the drive-thru lane of the Del Taco. Officers boxed in the stolen vehicle and Decedent exited the passenger door. Decedent then fled, running eastbound, defying officer’s verbal commands.

Officers engaged in a foot pursuit and passed the Wendy's then the Tiki Bar. Decedent ran through the UNLV campus when Officer Bringhurst encountered Decedent. Decedent had a gun in his hand, and he turned towards Officer Bringhurst. Officer Bringhurst fired his weapon in defense of himself and his partners. Officer Bringhurst believed he and his partners were in imminent threat of harm due to Decedent having a firearm in his hand.

Officer Richard Rivera

In his scene walk through Officer Rivera stated that he responded to an LPR hit regarding a stolen white van located in the Del Taco drive-thru lane. Officer Rivera's trainee helped block the stolen vehicle in the drive-thru lane. Decedent exited the passenger side of the vehicle and refused to comply with officer commands, fleeing eastbound. Officer Rivera ran behind Officer Bringhurst as they pursued Decedent on foot. Decedent ran past the Tiki Bar and then between two UNLV campus buildings. Officer Rivera ran eastbound parallel to the UNLV building south of Decedent. Officer Rivera entered the UNLV campus parking lot, where he observed Decedent on the ground. Decedent had a firearm in his hand. Officer Rivera believed he was going to shoot at officers. Officer Rivera stated he fired his weapon in defense of others, believing that Officer Bringhurst was in imminent threat of harm due to Decedent holding a firearm.

B. PUBLIC SAFETY STATEMENT

Officer Joseph Bringhurst

On December 29, 2023, at approximately 12:27 a.m., Detective Leavitt interviewed Sergeant Pugmire in reference to the Public Safety Statement (PSS) he obtained from Officer Bringhurst. Below is the transcript of the interview. Note: Detective Leavitt is designated by (JL), and Sergeant Pugmire is designated by (CP).

JL: Operator this is Detective J. Leavitt, L-E-A-V-I-T-T, P# 5814 with the LVMPD Force Investigation Team. I'm gonna be conducting one Public Safety Statement under event 231200094573. Uhh, currently located at Charleston and Shadow Lane. Person giving the giving the Public Safety Statement will be Sergeant Clarence Pugmire, P-U-G-M-I-R-E P# 9832. The date is December 29, 2023, the time is currently 0027 hours. Uhh first off uhh Sergeant Pugmire, you understand that this conversation is being recorded.

CP: Yes I do.

JL: And then tonight uhh did you arrive on the scene as a supervisor of an officer involved

shooting?

CP: Yes I did.

JL: And did you take a Public Safety Statement?

CP: Yes I did, I took 2.

JL: Ok, so what we'll do uhh for purposes of this, is we'll do uhh 1, I'll stop the recording afterwards and we'll do a second recording—

CP: Ok—

JL: --for the second Public Safety Statement.

CP: Sounds good man.

JL: Uhh if you wanna go ahead and read the questions as they are on the card and then uhh, give me the response as they gave it to you.

CP: Ok. The, this is for Officer Bringhurst. And the first question is, did you discharge your firearm? He indicated yes he did. Uhh, if so in what direction? Southeast. Approximately where were you located when you fired? He said north, northeast to where the suspect is located. And then how many shots do you think you fired? And he indicated 12 uhh 10-12 rounds. The second question was is anyone injured? And he said—is anyone injured, yes. And then if so, where are they located and he said in front of the UNLV Medical School building over there. Uhh, are there any outstanding suspects? No. Uhh, is it possible that the suspect fired at you? No. Umm do you know if any other-- other officers discharged their firearms? Uhh, no. And then, are there any weapons or evidence that need to be secured or pro—or protected? He said there was a weapon by the suspect, by the body. And he said, are you aware of any witnesses? That was the next question I asked, are you aware of any witnesses? And he said yes, K914, it was Bychinski, and Officer Rivera. And if so, what is their location, and they are both at the CP location. And that's it.

JL: All right, we'll go ahead and end this uhh public safety—safety statement interview,

uhh time is currently 0029 hours.

Officer Joseph Bringhurst

On December 29, 2023, at approximately 12:30 a.m., Detective Leavitt interviewed Sergeant Pugmire in reference to the PSS he obtained from Officer Rivera. Below is the transcript of the interview. Note: Detective Leavitt is designated by (JL) and Sergeant Pugmire is designated by (CP)

JL: Operator this is Detective J. Leavitt, L-E-A-V-I-T-T, P# 5814 with the LVMPD Force Investigation Team. I'll be conducting one Public Safety Statement interview under LVMPD event 231200094573. It's gonna be an officer-involved shooting. Person uhh giving the Public Safety Statement will be Sergeant Clarence Pugmire, P-UG-M-I-R-E P# 9832. First off uhh Sergeant, you understand that this is being recorded.

CP: Yes, I do.

JL: Uhh did you arrive as the uhh Sergeant on scene of an officer-involved shooting tonight?

CP: Yes, I did.

JL: And as the Sergeant, did you take a Public Safety Statement?

CP: Yes, I did.

JL: Umm, prior to getting started, I need to add just the fact that uhh we're currently conducting this interview uhh its December 29, 2023, at 0030 hours. Umm, if you'll go ahead and just read the question as it's uhh written on the card and then give me their response.

CP: Sure. The first question was did you discharge your – this is for Officer Rivera. And the first question was did you discharge your firearm? And he said yes, he did. Uhh, if so what direction? He said he fired north. Uhh, approximately where were you located when you fired and he indicated that he was near the bumper curve of the number one parking stall in the parking lot of the UNLV Medical School

building. How many rounds do you think you fired? He said that he thinks he fired 3-4 rounds. The second question was is anyone injured? He said yes. If so, where are they located? And they're in front of the uhh, UNLV uhh Medical School building. Uhh, third question, are there any outstanding suspects? No there are not. Fourth question is it possible that the suspect fired rounds at you? He said no. Uhh fifth question do you know if any other officers discharged their firearms? He said that Officer Bringhurst, he believed Officer Bringhurst fired his firearm. Uhh, question 6, are there any weapons or evidence that need to be secured or protected? He said the suspect's firearm was near the body in front of the UNLV building. And he said, are you aware of any witnesses? And he indicated K914 who's Officer Bychinski. And that was the end of the uhh PSS that I did.

JL: Perfect, appreciate it. We'll go ahead and end the uhh interview statement, time is now 0032 hours.

C. SUMMARY OF VICTIM/WITNESS OFFICER INTERVIEWS

Officer Curtis Boldman

Officer Boldman, Field Training Officer for Officer Ball, responded to an LPR hit for a stolen white van with missing windows, writing on the side, and a Nevada plate. Officers Boldman and Ball initially cleared to assist on a battery call at Charleston and Rancho but were reassigned after Officer Bringhurst located the van in the Del Taco drive-thru near Shadow and Charleston. As Officers Boldman and Ball drove eastbound on Charleston toward the Del Taco parking lot, they heard a foot pursuit broadcasted by Officers Rivera, Arias, and Quirt, who had blocked the van. Officer Boldman observed Decedent run northbound across Charleston past a REBEL gas station and Frankie's Tiki Room toward the UNLV campus, pursued by Officer Bringhurst and Officer Rivera.

Officer Boldman instructed Officer Ball to drive into the UNLV parking lot. As they turned in, Officer Boldman saw Decedent emerging from between two buildings. Decedent, apparently after seeing their patrol vehicle suddenly stop, spun back toward Officer Bringhurst, his body went low. Officer Boldman saw Officer Bringhurst fire shots and heard a second firearm, initially believing it was from a K9 officer (later realizing it was Officer Rivera). Decedent went down face-down. Officers Boldman and Ball exited their vehicle. Officer Boldman instructed Officer Bringhurst to step back, identified a black handgun off to Decedent's left against the curb, and

formulated a plan. As another officer covered with a TASER, Officer Boldman holstered his firearm, approached hands-free, and handcuffed Decedent.

Officer Boldman rolled Decedent over for a medical assessment. He found no pulse, no breathing, and significant gunshot wounds to the upper torso with substantial blood. He requested medical aid and continued checking for a pulse multiple times but found none. Fire department units arrived and took over. Officer Boldman did not see Decedent with the firearm but observed it nearby and confirmed no one touched it.

Officer Brennan Bychinski

Officer Bychinski, a K9 officer, heard Bolden officers locate a stolen vehicle at Del Taco near Charleston and Shadow. Officers blocked the van, and Decedent fled northeast across Charleston toward Frankie's Tiki Room and the UNLV Dental School. Officer Bychinski, heading eastbound on Charleston near Shadow, observed Decedent and an officer running northbound toward the UNLV Dental School. He turned into the Dental School parking lot, continued to maintain visual contact, exited his vehicle, and trailed the foot pursuit briefly. As he approached, Officer Bychinski heard gunshots but did not see officers firing.

After hearing the gun shots, Officer Bychinski arrived and saw Decedent on his knees with his hands in his waistband area. A black semi-automatic handgun was 4-5 feet away (west) from Decedent, along with a flashlight. Officers were issuing commands. Officer Bychinski challenged Decedent to show his hands and directed officers to advance. Decedent was handcuffed and offered no further resistance. Officer Bychinski observed a security guard approaching and directed another officer to escort the security officer away.

Officer Phoenix Ball

Officer Phoenix Ball, a trainee with Officer Boldman, responded to a dispatch call regarding an occupied stolen white Ford Transit van. Upon arriving in the area, Officer Ball observed Decedent jump out of the vehicle, prompting officers to initiate a foot pursuit eastbound on Charleston. Driving eastbound, Officer Ball followed the pursuit and pulled into the UNLV School of Dental Medicine parking lot. As Decedent emerged from a walkway, Officer Ball heard gunshots but did not see the shooting. As he exited his vehicle, Officer Ball observed a black handgun on the ground near Decedent.

Officer Preston Quirt

Officer Quirt responded to Charleston and Rancho after receiving information regarding an LPR hit for a stolen white Ford Transit van. Officer Quirt then heard Officer Bringhurst state over the radio that he located the suspect van in the Del Taco drive-thru at Charleston and Shadow. Officer Quirt drove to the Del Taco and positioned his patrol vehicle behind the van to block it. Officer Quirt then issued commands via his PA system for the occupants to show their hands and exit slowly. Decedent exited the passenger side of the van and ran eastbound across Shadow Lane, then northeast across Charleston. Other units pursued Decedent on foot. Officer Quirt remained

with the van and took the driver into custody. He did not witness the shooting or have further involvement with the pursuit.

Officer Juan Arias

Officer Juan Arias, a trainee with Field Training Officer Rivera, responded to a Fusion Watch call regarding a stolen white van near Charleston and Rancho. They attempted to locate the vehicle in the area but were initially unable to do so. Officer Arias then learned via radio that the stolen van was in the Del Taco drive-thru at Charleston and Shadow Lane. Officer Arias drove south on Shadow Lane, past the drive-thru, turned right into the parking lot south of Del Taco, and parked east of Officer Quirt's vehicle, which was positioned behind the van. Upon arrival, Officer Arias saw Decedent exit the passenger side and flee eastbound across Shadow Lane, then northeast on Charleston. Officer Rivera, then exited their patrol vehicle to give chase on foot.

Officer Arias remained with the van, observing Officer Quirt detain the driver. Officer Arias assisted Officer Quirt in clearing the vehicle, confirming no other occupants were inside, and secured the scene. Officer Arias did not witness any part of the officer-involved shooting.

D. BODY WORN CAMERA

Officer Joseph Bringhurst

Officer Bringhurst's Body Worn Camera ("BWC") showed him driving with lights and sirens and arriving at the Del Taco parking lot. Officer Bringhurst then coordinated with other officers, announcing his intent to block the van in the drive-thru exit lane. Officer Bringhurst drove toward the front of the van in the drive-thru lane and activated his overhead police lights. He then opened his door and exited his vehicle. At the same time, the van's passenger side opened. Officer Bringhurst, holding his firearm with both hands, pointed it toward the van and shouted, "Let me see your fucking hands." Rather than following the lawful order, Decedent fled on foot.

The BWC then shows Officer Bringhurst pursuing Decedent on foot, running eastbound across Shadow Lane. Decedent crossed Charleston and continued eastbound south of Frankie's Tiki Room, then entered the west side of the UNLV campus parking lot. Officer Bringhurst chased Decedent between buildings, stating on his radio, "eastbound," then "back towards Charleston." As Officer Bringhurst ran past building D, he illuminated his firearm's weapon-mounted light. Decedent, running eastbound from the sidewalk to the parking lot, appeared to lose his footing and fell on the street. Officer Bringhurst pointed his firearm at Decedent and yelled, "Get on the fucking ground!"

Decedent, on his knees facing Officer Bringhurst, held a black firearm in his right hand, using it for leverage as he lifted his left knee off the street. Officer Bringhurst issued verbal commands and then fired his firearm multiple times at Decedent. Officer Rivera was observed south of Officer Bringhurst, and a black-and-white patrol vehicle drove into the parking lot from Charleston. Decedent lifted his right arm, and his firearm fell to the yellow curb west of him.

Decedent was then on his hands and knees. Officer Bringhurst, with his firearm pointed at Decedent, yelled for him to “get on the fucking ground, face down!” Officer Rivera was visible in the parking lot just south of Officer Bringhurst. Officers Ball and Boldman exited their patrol vehicle and advanced toward Officer Bringhurst. The Decedent slid forward and lay face down on the street.

Officers coordinated and approached the Decedent, placing him in handcuffs. Officer Bringhurst walked away and was approached by Officer Rivera, who stated he saw the gun. Officer Bringhurst responded that he also saw the firearm. Another officer asked Officer Bringhurst if he had shot, which he confirmed. He was then asked to walk southbound through the parking lot. Officer Bringhurst deactivated his BWC afterward.

Officer Richard Rivera

Officer Rivera activated his BWC while seated in the passenger seat of a patrol vehicle driven by Officer Arias. They were driving eastbound on Charleston searching for a white Ford van. After reaching 4th Street and failing to locate the vehicle, Officer Rivera deactivated his BWC.

Officer Rivera later reactivated his BWC and advised dispatch via radio that they would move to block the van. Officer Arias drove southbound, stopping at a red light at Shadow Lane and Charleston. BWC footage showed the white Ford van in the Del Taco drive-thru lane. When the light turned green, Officer Arias drove south on Shadow Lane past the drive-thru, then turned right into the parking lot south of the Del Taco. He parked east of Officer Quirt’s vehicle, which was positioned behind the white Ford van. Officer Bringhurst had parked his vehicle facing the front of the van in the drive-thru lane. His and Officer Quirt’s patrol vehicle lights were activated.

Officer Rivera exited the passenger side of the patrol vehicle as the van’s front passenger door opened. Officer Bringhurst was heard shouting, “Let me see your fucking hands!” as Officer Rivera pointed his firearm at Decedent. Officer Rivera commanded, “Drop it!” as Decedent began running eastbound.

Officer Rivera pursued Decedent eastbound on Charleston, behind Officer Bringhurst. He advised dispatch of the foot pursuit, describing Decedent as a Hispanic male wearing a gray sweater and black pants, heading toward Frankie’s Tiki Bar. Officer Rivera then reported Decedent running northbound toward the UNLV medical center. He continued the chase through the campus, advising dispatch they were moving eastbound.

Officer Rivera ran past building D, then proceeded north, pointing his firearm northbound and shouting, “Drop it, let me see your hands!” He held his firearm in his right hand and used his left to inform dispatch they had one person at gunpoint. As Officer Rivera provided this radio update, Officer Bringhurst began firing his weapon at Decedent, who was on the street. Officer Bychinski was visible several yards behind Officer Bringhurst. Officer Rivera also fired his weapon at Decedent.

Officer Rivera notified dispatch that shots were fired. He approached Officers Bringhurst and Bychinski, pointing his firearm at Decedent, who was lying face down in the parking lot. Officers Boldman and Ball were to the right of Officer Rivera. After coordinating, Officer Boldman

approached Decedent and began handcuffing him, assisted by Officer Ball. Additional patrol vehicles arrived in the parking lot northeast of the officers. Decedent's black firearm was visible adjacent to the yellow curb west of where he was taken into custody.

Officer Rivera approached Officer Bringhurst and confirmed he observed the gun. Officer Pfiffner asked Officer Rivera who had shot. Officer Rivera replied, "We shot". Officer Pfiffner instructed Officer Rivera to take a seat in his police van. Officer Rivera walked to the van and deactivated his BWC.

Officer Curtis Boldman

Officer Boldman activated his BWC while seated in the passenger seat of a patrol vehicle. He instructed Officer Ball to make a U-turn and drive eastbound. On the police radio, the Air Unit advised dispatch they needed to land for refueling. Officer Boldman told Officer Ball to activate his BWC. As Officer Ball drove eastbound on Charleston, Officer Boldman used his radio to request dispatch clear them from their current call and assign them to a separate battery call. Officer Boldman then deactivated his BWC.

Officer Boldman reactivated his BWC and instructed Officer Ball to turn left toward the Del Taco. Radio traffic indicated an officer reported a vehicle was boxed in, followed by another officer announcing a foot pursuit. Officer Ball drove eastbound on Charleston, entered the west side of the Del Taco parking lot, passed the drive-thru, and exited back onto Charleston, activating his lights and siren. As they approached the UNLV campus on the north side, Officer Boldman directed Officer Ball to cross the center median and drive into the westbound lane of Charleston.

Officer Boldman instructed Officer Ball to drive slowly and enter the UNLV parking lot. Upon entering, numerous gunshots were heard. Officer Boldman advised dispatch that shots were fired. He exited the passenger side of the patrol vehicle and walked through the parking lot behind Officer Ball.

Officer Bringhurst was heard commanding Decedent to stay on the ground, face down. Officers Ball and Boldman, with handguns pointed at Decedent, advanced toward Officers Bychinski and Bringhurst. After coordination, Officer Boldman approached Decedent, grabbed both of Decedent's arms, and began placing him in handcuffs. An officer requested Officer Boldman perform a pat-down for firearms. Officer Boldman indicated the firearm was near the yellow curb. Officer Ball assisted in securing Decedent's wrists in handcuffs.

Officer Boldman advised Officer Bychinski that Officers Bringhurst and Rivera had fired their firearms and instructed him to separate them. Officer Boldman requested medical assistance to respond to the location. He put on blue latex gloves and searched the front pocket of Decedent's hooded sweatshirt, then informed his partners that Decedent was deceased. Officer Boldman checked Decedent's pulse on the left side of his neck and reported a gunshot wound in the area of the neck.

Officer Brennen Bychinski

Officer Bychinski activated his BWC while driving his K9 vehicle. He was listening to officers involved in a foot pursuit as he drove eastbound on Charleston. Officer Bychinski turned north on Shadow Lane and then east into the UNLV Dental campus parking lot. Continuing through the parking lot, Officer Bychinski's BWC captured Officer Bringhurst running between buildings A and D. Officer Bychinski parked his vehicle west of Building D, exited the driver's side, and began running behind Officer Bringhurst.

As Officer Bychinski was running behind Officer Bringhurst, gunshots were heard on the BWC. Officer Bychinski continued toward Officer Bringhurst. Officer Bringhurst was observed pointing his firearm at the Decedent, who was on his knees with both hands on the ground. A patrol vehicle with its overhead lights on was visible east of the Decedent. Officer Rivera was observed at a distance south of Officer Bychinski. Officer Bychinski issued verbal commands to the Decedent while standing behind Officer Bringhurst. He then coordinated with Officers Boldman and Ball, who approached the Decedent and placed him in handcuffs. The Decedent's firearm was visible adjacent to Decedent.

E. SUMMRARY OF CIVILIAN WITNESS INTERVIEWS

A.N.

A.N., a security supervisor for Allied Universal Security, was conducting rounds in his security vehicle when he saw officers chasing Decedent on Charleston. He heard an officer command, "Stop! Put it down." A.N. drove to the east side of the campus, heard multiple gunshots, and observed officers rendering aid to Decedent until paramedics arrived. He did not see the shooting.

F. OFFICER COUNTDOWN

Officer Joseph Bringhurst

Officer Bringhurst deployed his Glock 17 (9mm, serial BTWS308), firing 11 rounds, as determined by a magazine countdown (6 cartridges remaining in a 17-round magazine, 1 in the chamber).



Officer Richard Rivera

Officer Rivera deployed his Smith & Wesson M&P 2.0 (9mm, serial NBN6296), firing 4 rounds (13 cartridges remaining in a 17-round magazine, 1 in the chamber).



G. EVIDENCE RECOVERD

The following items were recovered from the scene of the Officer Involved Shooting:

- One Sig Sauer P322 .22LR pistol (serial 73A151717) with a magazine, one “SUPER X” cartridge in the chamber, and three “A” cartridge
- Fifteen “SPEER 9mm LUGER+P” cartridge cases
- One “Eagle Torch” lighter
- one black flashlight, one “LiftMaster” garage opener
- one glass smoking pipe in folded newspaper
- One black “New Era” hat
- Two DNA swabs: one from the Sig Sauer pistol, one from its magazine.



Additional evidence recovered from the van at 1801 West Charleston Blvd:

- two “FC 223 REM” cartridges,
- one LVMPD Temporary Custody Record
- 4.6g of suspected methamphetamine in a clear bag.

H. AUTOPSY

On December 29, 2023, Dr. Elizabeth Ortiz performed an autopsy on Decedent at the Clark County Office of the Coroner. The examination revealed eight gunshot wounds. The cause of death was multiple gunshot wounds, and the manner of death was homicide. Toxicological tests were run on Decedent with the following findings:

Analyte	Result	Units	Matrix Source
Cotinine	Presump Pos	ng/mL	001 - Chest Blood
Delta-9 Carboxy THC	5.9	ng/mL	001 - Chest Blood
Delta-9 THC	1.6	ng/mL	001 - Chest Blood
Amphetamine	220	ng/mL	001 - Chest Blood
Methamphetamine	3500	ng/mL	001 - Chest Blood
Sodium (Vitreous Fluid)	149	mmol/L	003 - Vitreous Fluid
Potassium (Vitreous Fluid)	9.62	mmol/L	003 - Vitreous Fluid
Chloride (Vitreous Fluid)	127	mmol/L	003 - Vitreous Fluid
Urea Nitrogen (Vitreous Fluid)	13.6	mg/dL	003 - Vitreous Fluid
Cotinine	Presump Pos	ng/mL	004 - Urine
Nicotine	Presump Pos	ng/mL	004 - Urine
Delta-9 Carboxy THC - Total	54	ng/mL	004 - Urine
Amphetamine	1900	ng/mL	004 - Urine
Methamphetamine	>10000	ng/mL	004 - Urine

IV. LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any use of force which occurred during the course of their duties that may have contributed to the cause of death of a person. Clark County Ordinance §2.14.010. That assessment includes determining whether any criminality on the part of the officers existed at the time of the incident.

In Nevada, there are a variety of statutes that define the various types of justifiable homicide (NRS §200.120 – Justifiable homicide defined; NRS §200.140 – Justifiable homicide by a public officer; NRS §200.160 – Additional cases of justifiable homicide). The shooting of 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/defense of others; and (2) justifiable homicide by a public officer. Both of these theories will be discussed below.

A. THE USE OF DEADLY FORCE IN DEFENSE OF SELF OR ANOTHER

The authority to kill another in defense of others is contained in NRS 200.120 and 200.160. "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... person, against one who manifestly intends or endeavors to commit a crime of violence ..." against the other person.¹ NRS 200.120(1). Homicide is also lawful when committed:

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

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

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

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 in *Runion v. State*, 116 Nev. 1041 (2000). The relevant jury instructions as articulated in *Runion* are as follows:

The killing of [a] person 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 or cause great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury.

A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in 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. 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 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 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 of self-defense exists, the State must prove beyond a reasonable doubt that Decedent did not act in self-defense. *Id.* at 1051-52.

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

The known facts and circumstances of this incident demonstrate that Decedent posed an imminent threat to Officers Bringhurst and Rivera. During a high-risk stop of a stolen vehicle, Decedent fled from the front passenger seat, initiating a foot pursuit into the UNLV Shadow Lane Campus parking lot. As Officer Bringhurst pursued, Decedent, armed with a handgun, turned toward the pursuing officers. Rounding a corner, Officer Bringhurst observed Decedent kneeling with the firearm in his right hand, using it for leverage. Throughout the incident, Officer

Bringhurst issued clear verbal commands to stop and ultimately to drop the weapon, which Decedent ignored, going so far as to appear to be readying the firearm.

Concurrently, Officer Rivera, positioned south of Officer Bringhurst near a handicap parking stall bumper, observed Decedent on the ground with the firearm and believed he was preparing to shoot at Officer Bringhurst. Despite repeated lawful commands, Decedent failed to comply, prompting Officers Bringhurst and Rivera to discharge their weapons in response to the perceived immediate threat. The use of deadly force by Officers Bringhurst and Rivera was justified under self-defense and defense-of-others doctrines, as Decedent's actions with the firearm posed an imminent danger to both officers.

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, at the time Officer Bringhurst and Officer Rivera fired their weapons, the facts demonstrated they had probable cause to believe that Decedent posed a threat of serious physical harm to Officers Bringhurst and Rivera. Officers Bringhurst and Rivera were aware that Decedent had fled from a stolen vehicle during a high-risk traffic stop, as they observed him exiting the van and running across busy streets while evading capture. During the foot pursuit, Decedent produced a loaded firearm and turned toward Officer Bringhurst while on his knees in the UNLV Dental campus parking lot. Rather than complying with repeated lawful commands to stop and drop the weapon, Officer Bringhurst and Rivera saw Decedent hold the firearm in a manner that appeared ready to fire, posing an immediate danger to the officers mere feet away.

Thus, when Officer Bringhurst and Officer Rivera fired their weapons, the facts demonstrate they had probable cause to believe that Decedent posed a threat of serious physical harm to Officer Bringhurst and Officer Rivera themselves. The circumstances indicate that Officer Bringhurst and Officer Rivera had a reasonable belief that Decedent was an immediate threat, particularly since Decedent had armed himself with a firearm during an active evasion. Accordingly, the deadly force used by Officer Bringhurst and Officer Rivera was legally justified and appropriate "in the discharge of a legal duty."

V. CONCLUSION

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, the State concludes that the actions of Las Vegas Metropolitan Police Department Officer Bringhurst and Officer Rivera were reasonable and/or legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable.

(NRS 200.190). A homicide which is determined to be justifiable shall be “fully acquitted and discharged.” (NRS 200.190).

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