

# COLLABORATIVE REFORM MODEL

## Six-Month Assessment Report of the Las Vegas Metropolitan Police Department

George Fachner ■ Steven Carter



**COPS**  
Community Oriented Policing Services  
U.S. Department of Justice

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ANALYSIS & SOLUTIONS

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# Executive Summary

## Background

In January 2012, under growing community concern and scrutiny of its use of deadly force practices, the Las Vegas Metropolitan Police Department (LVMPD) agreed to take part in an initiative by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), known as the “Collaborative Reform Model.”

As part of this initiative, LVMPD agreed to an in-depth assessment of its use of deadly force policies and practices. In support, the COPS Office and CNA would assist the LVMPD in adopting national standards and best practices as they relate to officer involved shootings, while insuring that LVMPD’s implementation was comprehensive and integrated. CNA conducted the assessment, focusing on four issue areas: 1) policy and procedures; 2) training and tactics; 3) investigation and documentation; and 4) external review. CNA completed the assessment in November 2012, which resulted in a total of 75 reforms and recommendations. These included both new recommendations from the team and reforms that LVMPD initiated prior to and during the assessment process.<sup>1,2</sup> CNA published and distributed the final report, *Collaborative Reform Model: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department* (referred to as the “2012 report” in the remainder of this document), throughout LVMPD and the community.

However, the publication of the 2012 report did not complete the process. The COPS Office, CNA, and LVMPD continue in their collaboration in order to ensure that LVMPD implements the recommended reforms as committed to by the sheriff. It has been 18 months since the beginning of the reform process, and seven months since the reforms have been recommended. Beginning in January 2013, the COPS Office and CNA have been assessing LVMPD’s progress in implementing the remaining 41 recommendations. There are a total of 80 agency reforms: 89% (71) are complete or in progress; 11% (9) are incomplete or have not been assessed because the assessors were unable to make a judgment due to insufficient information available at the time of this report.

This status report is the first of two that CNA will publish on LVMPD’s progress. The purpose of this status report is to inform all stakeholders (i.e., LVMPD, the U.S. Department of Justice, and the Las Vegas community) of LVMPD’s progress to date.

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1. See Appendix A for a summary of all LVMPD reforms.

2. In this status report the number of reforms and recommendations totals 80. This includes 41 new recommendations and 39 reforms the department completed prior to the issuance of the 2012 report. The reason for the difference is that the original report combined several new recommendations. In order to assess the LVMPD completely these recommendations are parsed out in this status report.

In this status report, each recommendation is assigned one of five statuses, defined in Table 1.

**Table 1.** Recommendation status definitions

| Status                            |                    | Definition   |
|-----------------------------------|--------------------|--|
| ✓                                 | Complete           | The recommendation has been sufficiently demonstrated to be complete, based on the assessors' review of submitted materials, observations, and analysis.   |
| p ✓                               | Partially Complete | The agency has submitted materials that they believe demonstrate completion of the recommendation. However, the assessors have deemed that additional effort is needed to complete the recommendation. As per the agency, no further work will be forthcoming on the recommendation. |
| ▲                                 | In progress        | Implementation of the recommendation is currently in progress, based on the assessors' review of submitted materials, observations, and analysis.  |
| ✗                                 | Not complete       | The agency has not sufficiently demonstrated implementation of the recommendation, nor does the agency have future plans to do so.   |
| <b>No assessment at this time</b> |                    | At the present time, not enough information is available to make a determination.  |

## Approach

CNA has undertaken a multifaceted approach in assessing LVMPD's progress, including site visits, direct observation, document reviews, and interviews. The assessment process is a holistic, comprehensive approach to assessing LVMPD's reforms that places an emphasis on the quality of the implementation as well as technical completion. The goal of the assessment is for the assessors to fully understand the steps the department has taken toward implementing the reforms, and to collect as much evidence as necessary that confirms those steps have been completed.

To date, LVMPD has submitted for review over 400 documents and files, comprising over 1,000 pages, including investigative reports, internal bulletins and memoranda, training videos and lesson plans, attendance records, evaluation plans, policies, audio recordings of review board hearings, and section manuals. The assessors have critically reviewed these files for relevance and consistency with the recommendations, as well as for clarity and quality of the documents.

## Progress toward Accountability

The number of officer-involved shootings (OIS) by LVMPD has been gradually declining since a peak of 25 in 2010. Since that time, a number of key events have taken place, which the assessors believe have been contributing factors to the sustained decline in OISs. Those milestones include:

- The establishment of LVMPD's Critical Incident Review Team
- The establishment of LVMPD's Reality-Based Training Program
- The publication of the Las Vegas Review Journal's five-part series on deadly force
- The initiation of the Collaborative Reform Model
- The reform of the Use of Force Review Board
- The publication of the Collaborative Reform Model Report



These milestones represent a cascading series of events that increased scrutiny and oversight of OISs in LVMPD over the past two and a half years. With each of these milestones, the number of OIS incidents has continued to decline.

In addition, LVMPD's internal review process for deadly force incidents continues to evolve. Over the past 18 months, the Use of Force Review Board has issued an unprecedented number of findings against officers. Consequently, the board has recommended significant remedial action and discipline, including one demotion and the termination of two officers.

## Progress toward Report Recommendations

Table 2 shows a total tally of the status of all report recommendations. The department has completed 56 recommendations and has made demonstrable progress on an additional 15. The one recommendation that is not completed is outside the purview of the department itself and is assigned to the police associations. The assessors were unable to make a judgment on eight recommendations due to the lack of sufficient information available at the time of publication. These recommendations will be assessed in the final report.

**Table 2.** Status of all report recommendations

| Status                     |                    | Recommendations/Reforms (N) | Percent (%) |
|----------------------------|--------------------|-----------------------------|-------------|
| ✓                          | Complete           | 56                          | 70%         |
| p ✓                        | Partially complete | 0                           | 0%          |
| ▲                          | In progress        | 15                          | 19%         |
| ✗                          | Not complete       | 1                           | 1%          |
| No assessment at this time |                    | 8                           | 10%         |
| <b>Total</b>               |                    | <b>80</b>                   | <b>100%</b> |

# Chapter 1: Introduction

## Background

In January 2012 the LVMPD agreed to take part in an initiative by the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), called the "Collaborative Reform Model." This involved an in-depth assessment of the department's use of deadly force policy and procedures, training and tactics, the investigation of officer involved shootings, and lastly the external review of these incidents.<sup>3</sup> CNA completed the assessment in November 2012, which resulted in a total of 75 reforms and recommendations, accounting for new recommendations from the team and reforms that LVMPD initiated prior to and during the assessment process<sup>4</sup> At the conclusion of the assessment CNA published and distributed a report, *Collaborative Reform Model: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department* (referred to as the "2012 report" in the remainder of this document), throughout the police department and community.

However, the publication of the 2012 report did not complete the Collaborative Reform Model. The COPS Office, CNA, and LVMPD continue in their collaboration to ensure that LVMPD implements the recommended reforms. It has been 18 months since the beginning of the reform process, and seven months since the reforms have been recommended. Beginning in January 2013, the COPS Office and CNA have been assessing LVMPD's progress in implementing the remaining recommendations.

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3. See Appendix A for a summary of the status of all recommendations.

4. In this status report the number of reforms and recommendations totals 80. This includes 41 new recommendations and 39 reforms implemented prior to the November 2012 report. The reason for the difference is that the original report combined several new recommendations. In order to assess the LVMPD completely these recommendations are parsed out in this status report.

This status report is the first of two that CNA will publish on LVMPD's progress. The purpose of this report is to inform all stakeholders (i.e., LVMPD, the U.S. Department of Justice, and the Las Vegas community) of LVMPD's progress to date. In this status report, each recommendation is assigned one of five statuses, defined in Table 3.

**Table 3.** Recommendation status definitions

| Status                            |                    | Definition   |
|-----------------------------------|--------------------|--|
| ✓                                 | Complete           | The recommendation has been sufficiently demonstrated to be complete, based on the assessors' review of submitted materials, observations, and analysis.   |
| p ✓                               | Partially complete | The agency has submitted materials that they believe demonstrate completion of the recommendation. However, the assessors have deemed that additional effort is needed to complete the recommendation. As per the agency, no further work will be forthcoming on the recommendation. |
| ▲                                 | In progress        | Implementation of the recommendation is currently in progress, based on the assessors' review of submitted materials, observations, and analysis.  |
| ✗                                 | Not complete       | The agency has not sufficiently demonstrated implementation of the recommendation, nor does the agency have plans to do so.  |
| <b>No assessment at this time</b> |                    | At present, not enough information is available to make a determination.   |

There are important caveats to the statuses reported here. First and foremost, every recommendation from the 2012 report is subject to review over the entire course of the assessment process, including recommendations that have reached the status of **Complete**. This is necessary, as many of the recommendations impact ongoing processes in LVMPD that cannot simply be completed once without being revisited to ensure continued compliance or to evaluate future modifications.

For example, if LVMPD has completed all of the necessary steps to implement a recommendation that requires training, but has not trained 100 percent of the required workforce, the assessors may determine the recommendation to be **Complete**, but will continue to monitor the rate at which LVMPD officers are trained. Such recommendations will be revisited in the one-year assessment report; the assessors will make the determination as to whether the agency's continued progress warrants the recommendation's continued designation as complete.

**Partially Complete** recommendations represent the assessment at the time of this status report. In instances where LVMPD has submitted materials for a recommendation and the assessors determined the submission partially fulfills the recommendation, the assessors provided the department with additional consultation on how to fully complete the recommendation. If LVMPD indicates it will continue to work on the recommendation, its assessment status is transitioned to **In Progress**. This status is also used to indicate considerable progress by the department on a recommendation that is yet to be submitted as complete, but has submitted enough materials for the assessors to make the determination that constructive steps have been taken toward completion.

Table 4 shows a total tally of the status of all 2012 report recommendations. The department has completed 56 recommendations and has made demonstrable progress on an additional 15. The one recommendation that is not completed is outside the purview of the department itself, and is assigned to the police associations. The assessors were unable to make a judgment on eight recommendations, due to the lack of sufficient information available at the time of publication. These recommendations will be assessed in the final report.

**Table 4.** Status of all report recommendations

| Status                            |                    | Recommendations/Reforms (N) | Percent (%) |
|-----------------------------------|--------------------|-----------------------------|-------------|
| ✓                                 | Complete           | 56                          | 70%         |
| p ✓                               | Partially complete | 0                           | 0%          |
| ▲                                 | In progress        | 15                          | 19%         |
| ✗                                 | Not complete       | 1                           | 1%          |
| <b>No assessment at this time</b> |                    | 8                           | 10%         |
| <b>Total</b>                      |                    | 80                          | 100%        |

By continuing in the Collaborative Reform Model and implementing reforms from the 2012 report, LVMPD is now proactively identifying problems within their agency and working toward solutions that are consistent with community expectations and professional standards. Many of the policies and procedures currently in development have the potential to serve as national best practices, which other departments can learn from and adapt to their own organizational structures.

## Chapter 2: Approach

The goal of the assessment approach is for the assessors to fully understand the steps the department has taken toward implementing the reforms and to collect as much evidence as necessary that confirms those steps have been completed. To this end, the assessors took a multifaceted approach to assessing LVMPD's progress, including site visits, direct observation, document reviews, and interviews.

To aid the process, the assessors supplied LVMPD with a workbook that provided examples of important steps the department could take in completing the reforms, as well as formal documentation that could be furnished to CNA as evidence that the reforms had been implemented. However, the assessment process is not guided only by a checklist. The process should be viewed as a holistic, comprehensive approach to assessing LVMPD's reforms that places an emphasis on the quality of the implementation, as well as technical completion. The department provided documentation to the assessors as they determined reforms had been fully implemented, at which time assessors would review the materials and make a judgment as to whether more work was needed or more materials needed to be reviewed. In the body of this status report, reviewed materials and the assessors' observations are specifically referenced, as necessary, to document progress.

To date, LVMPD has submitted for review over 400 documents and files, comprising over 1,000 pages, including investigative reports, internal bulletins and memoranda, training videos and lesson plans, attendance records, evaluation plans, policies, audio recordings of review board hearings, and section manuals. The assessors critically reviewed these files for relevance and consistency with the recommendations, as well as for clarity and quality of the documents.

On a biweekly basis, the assessors hold conference calls with LVMPD's Office of Internal Oversight (OIO) staff, during which progress toward each recommendation is discussed in detail. To date, 10 calls have been held. In addition, one status meeting was held in person at LVMPD headquarters.

The assessors have also conducted two site visits thus far. From January 22–24, 2013, the assessors met with several LVMPD divisions to discuss expectations for the duration of the assessment period. This was also an opportunity for LVMPD stakeholders to express any concerns or ask clarifying questions on the recommendations from the 2012 report. During this visit, the assessors also met with the Metro Multicultural Advisory Committee (MMAC) to discuss methods that would be used to conduct the assessment and the reports that would be produced in order to document progress. The team also observed LVMPD Advanced Officer Skills Training (AOST) in real time, as well as the department's beta testing for the latest Reality-Based Training (RBT) module.

The second site visit was conducted on May 14–15, 2013. At this time, the team participated in LVMPD's executive retreat, briefing LVMPD command staff on the progress of the assessment phase. The team also met with the Rebuilding Every City Around Peace (RECAP) executive committee to discuss various community initiatives and LVMPD's involvement. Lastly, the team observed the Critical Incident Review Process (CIRP) for the officer-involved shooting (OIS) of Stanley Gibson in December 2011.

## **Organization of this status report**

This status report is organized optimally for readers of *Collaborative Reform Model: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department* (hereinafter, the “2012 report”).

Chapter 3 of this status report provides a snapshot of key indicators of organizational transformation and cultural change with respect to LVMPD’s use of lethal force. This chapter also measures the prevalence of OIS incidents against key events over the past two and a half years. Finally, this chapter reviews the outcomes of Use of Force Review Boards since key reforms have been implemented.

Chapters 4 through 9 cover the same topic areas as the corresponding chapters in the 2012 report. Each recommendation from each chapter is assessed in the same order they appear in the 2012 report. Evidence supporting the assessments is thoroughly documented in footnotes.

Appendix A provides a table summarizing the status of all reforms. Appendix B provides a list of acronyms used throughout this status report.



## **Chapter 3: By the Numbers: Reducing OISs, Changing the Culture, Improving Accountability, and Enhancing Officer Safety**

The overarching goals of the Collaborative Reform Model in Las Vegas is to reduce officer-involved shootings, reduce the number of persons killed as a result, enhance officer safety, and change the culture of LVMPD as it relates to the use of deadly force. The 2012 report recommendations provided LVMPD with a roadmap toward organizational transformation that can accomplish these goals.

Various reforms are aimed at reducing OISs, including the enhancement of training requirements. Specific training in crisis intervention, de-escalation, and fair and impartial policing will improve officer tactics and decision making. With officers better prepared to handle critical incidents and de-escalate situations, more of these incidents can be resolved without deadly force and, consequently, a fatality occurring. By conducting such training, the department is also helping to protect officers from assaults and injuries. Chapter 6 of this status report further documents the department's progress in implementing various training recommendations.

Taken together, the recommendations in the 2012 report amount to a cultural transformation, in which the department trains officers, crafts policies, and adjudicates OISs in a way that minimizes the need to use deadly force and holds officers accountable when their actions fall short of the department's standards.

This chapter provides data on two key outcomes of interest for the goals of the 2012 report: the prevalence of OISs, and the outcomes of Use of Force Review Boards (UoFRB). These measures suggest that recent reforms have made an impact on the number of officer-involved shootings and the ability of the department to discipline officers through its internal review process.

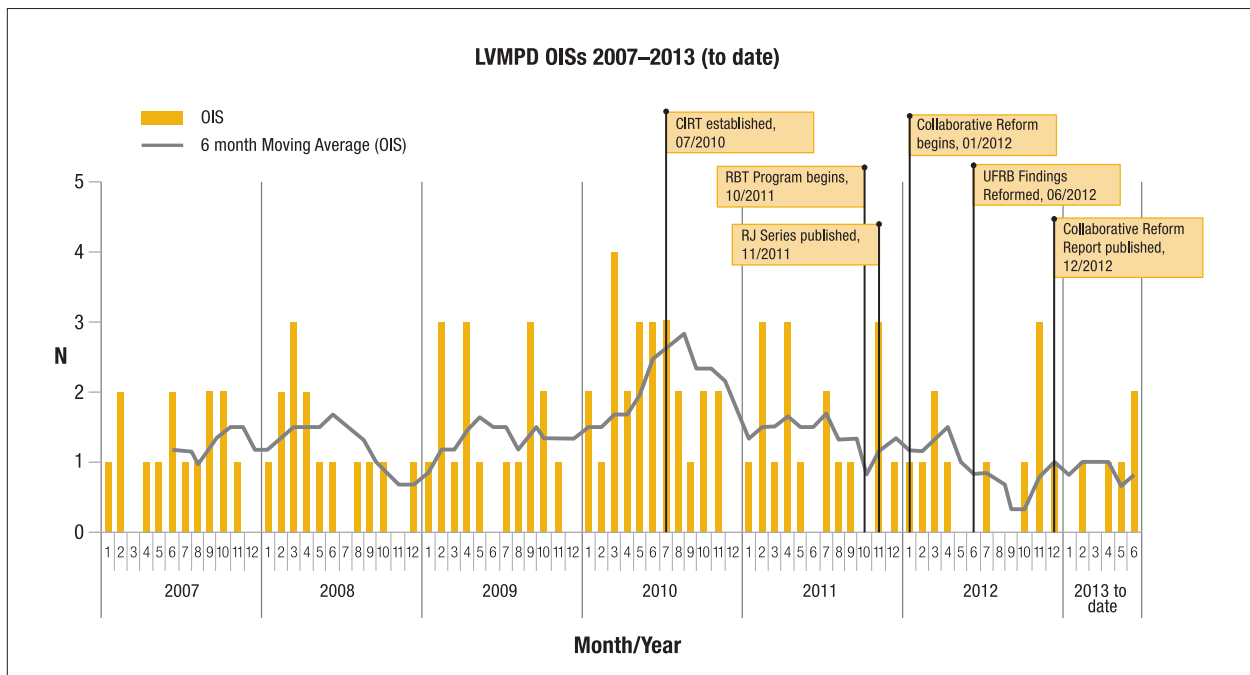
### **Officer-Involved Shootings**

The number of OISs by LVMPD has been gradually declining since a peak of 25 in 2010. Figure 1 on page 12 illustrates the trend from 2007 to present day on a monthly basis. A six-month moving average is displayed in order to illustrate the general trend. Therefore, each point on the trend line represents the previous six months' average. Milestone events are included in the graphic to provide context, but the impact of these events cannot be definitively discerned. However, they are useful benchmarks by which to assess LVMPD's progress. These benchmarks are discussed in greater detail below.

#### ***Milestones***

The establishment of the Critical Incident Review Team (CIRT) in July 2010 was the first major milestone. CIRT conducts administrative reviews of the tactical, policy, and decision-making elements of an OIS. With this new team in place, the department substantially enhanced the level of administrative oversight and investigations into OIS incidents. As such, LVMPD officers were now under unprecedented internal scrutiny.

**Figure 1. LVMPD OIS Trend**



The next major milestones occurred one month apart, in October and November 2011. In October, LVMPD launched a new training program aimed at preparing officers for deadly force situations. The program, called Reality-Based Training (RBT), trains officers individually, as well as in squads, and focuses on decision making and coordination. LVMPD designed the program to address emerging issues, as identified through LVMPD’s reviews of their deadly force incidents, as well as incidents from other agencies.

Then, in November 2011, the *Las Vegas Review Journal* (RJ) published a five-part series on OISs in Clark County. The special report was read widely throughout the community and the department. The RJ reported that there was a lack of consistent and complete investigation into each shooting and a lack of accountability across all Clark County law enforcement agencies when it came to deadly force. Being the largest department in the county, LVMPD was at the core of this concern.

In January 2012, the COPS Office and LVMPD mutually agreed to engage in the Collaborative Reform Model. In doing so, the department opened its entire agency to technical assistance provider CNA and an in-depth investigation of LVMPD’s policies, training, and practices as they related to deadly force began. The investigation spanned all bureaus, commands, and ranks of LVMPD. At the same time, CNA actively worked with the department on several deadly force issues.

Historically, the department’s UoFRB could make a finding of “justified” or “not justified” for each OIS. This dichotomy was entirely too limited for the complexity of most OIS incidents. In June 2012, LVMPD implemented a major reform to its UoFRB by expanding its findings structure to reflect a more nuanced understanding of the officers’ actions during a deadly force incident. This, in effect, also opened up the review process for increased scrutiny of officers, and the use of remedial or disciplinary action when appropriate. June 2012 also marked the six-month mark for the Collaborative Reform Model with LVMPD.

In November 2012, CNA and the COPS Office published the final report on its investigation. The 2012 report detailed 41 new recommendations for LVMPD to implement in order to reduce the number of OISs and increase accountability. The department began working on the recommendations immediately. In January 2013, the assessment phase began, where the COPS Office and CNA began monitoring the implementation of 2012 report recommendations for a 12-month period.

### *Impact of milestones on OISs*

Table 5 compares the average monthly shooting rates before and after each milestone, along with the number of months for each time period. A more sophisticated analytic model may better factor these milestones into the prevalence of OISs, however, the assessors are optimistic that the figures below represent indicators of positive and sustained progress in reducing the number of OISs.

Although there will always be a variance in the number of OISs on a monthly basis, the trend of declining OIS incidents by LVMPD has continued through each milestone. The time period after each milestone is marked with a lower incidence of OISs, compared to the pre-milestone period.

Prior to the establishment of CIRT, LVMPD averaged 1.46 shootings per month. That average has declined since. The average number of shootings per month dropped to one after the department began its RBT Program. Since 2012, when the Collaborative Reform Model began, the number of OISs per month dropped below one, representing a 39 percent reduction compared to previous months. So far this year, the trend in OISs continues downward.

**Table 5. OIS rates and milestone**

| Milestone   | Time period (Months)   | Monthly OIS rate | Difference from all previous months (%) |
|---|------------------------|------------------|---|
| Pre-CIRT  | 01/2007 – 6/2010 (43)  | 1.46             | N/A                                     |
| Post-CIRT   | 07/2010 – Present (35) | 1.10             | - 22 %                                  |
| Post-RBT  | 11/2011 – Present (20) | 1.00             | - 30 %                                  |
| Post-RJ   | 12/2011 – Present (19) | .89              | - 39 %                                  |
| Post-Initiation of the Collaborative Reform Model | 02/2012 – Present (17) | .88              | - 39 %                                  |
| Post-UoFRB Findings Reform                        | 07/2012 – Present (12) | .92              | - 34 %                                  |
| Post-Collaborative Reform Report                  | 12/2012 – Present (7)  | .86              | - 37 %                                  |

These milestones represent a cascading series of events that increased training, scrutiny, and oversight of LVMPD OISs over the past two and a half years. Taken together, it is apparent that they are associated with a sustained decline in OISs. The establishment of CIRT was a critical turning point for the department. Subsequent milestones may have sustained or accelerated the decline of OIS incidents that began in 2010.

## Use of Force Review Board Outcomes

Prior to the newly devised UoFRB findings in June 2012, 99 percent of OISs were found to be justified. Until recently, the department did not track any remedial action (e.g., training or discipline) resulting from the UoFRB. However, the public’s general perception was that officers faced little, if any, consequence if they were involved in an OIS, which often resulted in the loss of someone’s life. According to LVMPD, no officers have ever been terminated as the result of their actions in an OIS.

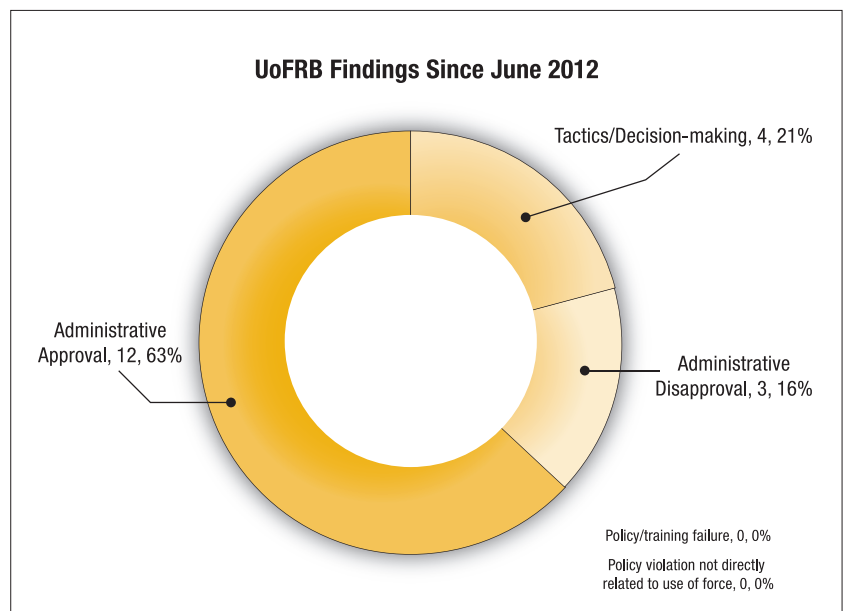
In February 2013, the department made significant changes to its review process. The new process is called the Critical Incident Review Process (CIRP), which is comprised of two boards: the UoFRB and the Tactical Review Board (TRB). The boards are convened sequentially, on the same day, with the UoFRB meeting first. The substantive difference between the two boards can be summarized as follows:

- The UoFRB has four citizen voting members and three commissioned officer members, whereas the TRB has two citizen non-voting, observers.
- The UoFRB reviews the tactics and decision making relative only to the use of deadly force, whereas the TRB reviews all tactics and decision making related to and prior to the use of deadly force.
- The UoFRB’s scope is limited to the officer(s) who either used deadly force or the supervisor who ordered the use of deadly force, whereas the TRB’s scope covers all officers involved in the incident.
- The UoFRB issues findings for the officer(s) involved in the shooting, whereas the TRB makes recommendations for further action (e.g., commendation, remedial training, discipline, termination) for every officer involved in the incident.

Since June 2012, when the new findings structure was put in place, the UoFRB has heard nine cases. Six cases were heard by the UoFRB, as it was designed at the time of the 2012 report. The latter three cases were reviewed as part of the newly designed CIRP.

The UoFRB has issued findings on 19 officers who used deadly force in the nine incidents since June 2012. Figure 2 shows the distribution of these findings. Since June 2012, the UoFRB has found against the officer over a third of the time.

**Figure 2. UoFRB findings**



LVMPD defines each finding as the following:

- **Administrative approval:** No recommendations. Objectively reasonable force was used under the circumstances based on the information available to the officer at the time. This finding acknowledges that the use of force was justified and within LVMPD policy. There are no concerns surrounding the tactics employed, and there are no policy violations, including those not relating to the application of force.
- **Tactics/Decision making:** This finding considers that the tactics and/or decision making employed were less than satisfactory. Specifically designed training will be prescribed to address deficiencies.
- **Policy violation not directly related to use of force:** This finding covers a range of policy violations including, but not limited to, failure to qualify with a firearm, use of unauthorized ammunition, and failure to carry required equipment, etc. A policy violation was identified but was not connected to the use of force.
- **Policy/training failure:** An outcome was undesirable but did not stem from a violation of policy or failure to follow current training protocols. An LVMPD policy and/or specific training protocol is inadequate, ineffective, or deficient; the officer followed existing policy and/or training, or there is no existing policy and/or training protocol that addresses the action taken or performance demonstrated. This finding reflects global policy or training deficiencies.
- **Administrative disapproval:** The UoFRB has concluded through this finding that the force used or action taken was not justified under the circumstances and violated LVMPD policy. This outcome is reserved for the most serious failures in adherence to policy, decision-making, and/or performance.

A significant amount of remedial action and discipline has been meted out as a result of the last nine board hearings. Accounting for the fact that the CIRP has the authority to issue recommendations to officers who were not directly involved in the use of deadly force itself, the actions of 22 officers were subject to review during the last nine Board hearings. In over a third of the cases, officers were recommended for some form of remedial action. Notably, the

most significant actions against officers have taken place during the department's new CIRP hearings.

**Table 6. UoFRB/CIRP disciplinary recommendations since June 2012**

| Recommendation    | N <sup>†</sup> | %   |
|-------------------|----------------|-----|
| None              | 14             | 64% |
| Remedial training | 4              | 18% |
| Termination       | 2              | 9%  |
| Demotion          | 1              | 5%  |
| Suspension        | 1              | 5%  |
| Reprimand         | 1              | 5%  |

<sup>†</sup> Because one officer was recommended for both remedial training and a reprimand, the total adds up to 23. Percentages will not add up to 100.

Although these numbers indicate that the department's reformed review process is amenable to disciplining officers when necessary, it is important to note that all action recommended must be executed by the sheriff. Further, any significant action taken against officers often results in arbitration. This means that the ultimate fate of the officers who were recommended for termination and demotion will be determined outside of the CIRP.

## Chapter 4: Compliance Assessments – Five-Year Detailed Analysis of LVMPD OISs, 2007–2011

Chapter 4 of the 2012 report enumerated six recommendations. The commonality in these recommendations is that each was derived from an analysis of the prevalence and nature of OISs in LVMPD over the previous five years. Their impact ranges from the department's policies to its operational capacity to its training requirements. LVMPD has completed one recommendation out of six, has made considerable progress on four other recommendations, and the remaining one has yet to be assessed. This chapter provides a detailed assessment of LVMPD's progress in implementing each recommendation enumerated in Chapter 4 of the 2012 report.

**Table 7. Status of Chapter 4 recommendations**

| Status                     |                    | Recommendations (N) | Percent (%) |
|----------------------------|--------------------|---------------------|-------------|
| ✓                          | Complete           | 1                   | 17%         |
| p✓                         | Partially complete | 0                   | 0%          |
| ▲                          | In progress        | 4                   | 67%         |
| ✗                          | Not complete       | 0                   | 0%          |
| No assessment at this time |                    | 1                   | 17%         |

### Report Recommendation 4.1:

LVMPD should continue to implement reforms, monitor the progress of these reforms, and evaluate their impact on officer-involved shooting (OIS) incidents.

When the 2012 report was published, OISs in the department had been gradually declining since the third quarter of 2010, which coincided with various reforms LVMPD had taken up on its own initiative, as well as through the Collaborative Reform Model. This first recommendation meant that LVMPD would continue to transform itself and work with the COPS Office, its technical assistance provider (CNA), and the community to monitor its progress and the impact of these reforms on OIS incidents.

### Current Assessment of Compliance

**▲ In Progress.** By continuing its engagement in the Collaborative Reform Model, LVMPD has demonstrated its commitment to this recommendation. Since January, LVMPD has collaborated with the COPS Office and CNA to implement the reforms enumerated in the 2012 report. This has included the consistent monitoring of progress and technical assistance in order to ensure that the recommendations are being implemented.



### Report Recommendation 4.2.1:

LVMPD should be proactive with respect to fair and impartial policing and provide commanders, supervisors, and officers with advanced, specialized training that includes an emphasis on deadly force decision making.

An analysis of the characteristics of LVMPD OISs revealed that, while only 30 percent (n=26) of the OIS subjects were black, the proportion of unarmed subjects and those stopped by officer-initiated contact who were black was 70 percent (7/10) and 66 percent (6/9), respectively, when the suspect's race was known.<sup>5</sup> In addition, 90 percent of unarmed suspects were black or Hispanic; and every suspect shot as the result of an officer-initiated stop was found to be black or Hispanic. These proportions are of concern. As a result, it was recommended that the department train all of its officers in Fair and Impartial Policing to develop sound decision-making processes as part of an officer's response to a situation.

### Current Assessment of Compliance

▲ **In Progress.** LVMPD has made some progress in this effort. They have identified multiple training providers and have established a command team to attend training sessions and decide upon a best fit for the department. This past May, the team attended a Fair and Impartial Policing Training course (see <http://fairandimpartialpolicing.com>) held in Wisconsin. The team met with the instructor and discussed options for incorporating the training module into LVMPD's training program. In the month of July, the department is sending the same team to another training course in Chicago, Illinois. The COPS Office has directly supported the department's activities for this recommendation. However, to date, no LVMPD officers have undergone Fair and Impartial Policing Training.

#### *Recent trends in unarmed subject OISs*

It is important for LVMPD to eliminate shootings of unarmed persons who are not threatening the life of the officer or another citizen. Table 8 on page 18 shows the recent history of unarmed suspects and race in LVMPD OISs. Although these are sporadic, relatively rare incidents, the overall trend is of concern nonetheless. Of the unarmed subjects, whose race is identified, 73 percent are black; and over a quarter (9/32) of black OIS subjects were unarmed. In 2012, there were two OISs which involved unarmed parties and in both cases the subject was black; this was also the case in 2011. In 2013, there was one OIS that involved a suspect simulating a firearm with a cell phone which was determined to be a "suicide-by-cop" incident. Although this was apparently an unarmed subject, it is qualitatively different from unarmed subjects that have not intentionally provoked deadly force.

5. In five incidents, the race of the subject is unknown because either the subject was not apprehended (n = 4) or the subject was a juvenile (n = 1).

**Table 8. LVMPD OISs - Race/Unarmed**

| Year         | OISs       | OISs (Race Known) | % Black OIS Subjects (N) | Unarmed OIS Subjects <sup>†</sup> | % Black Unarmed Subjects (N) |
|--------------|------------|-------------------|--------------------------|-----------------------------------|------------------------------|
| 2007         | 14         | 13                | 62% (8)                  | 1                                 | 100 (1)                      |
| 2008         | 14         | 13                | 31% (4)                  | 0                                 | 0 (0)                        |
| 2009         | 17         | 16                | 13% (2)                  | 2                                 | 5 (1)                        |
| 2010         | 25         | 24                | 29% (7)                  | 5                                 | 6 (3)                        |
| 2011         | 17         | 16                | 25% (4)                  | 1 <sup>‡</sup>                    | 100 (1)                      |
| 2012         | 11         | 11                | 64% (7)                  | 2                                 | 100 (2)                      |
| 2013 YTD     | 6          | 6                 | 0% (0)                   | 0                                 | 0 (0)                        |
| <b>Total</b> | <b>104</b> | <b>99</b>         | <b>32% (32)</b>          | <b>11</b>                         | <b>72.7 (8)</b>              |

<sup>†</sup> Excludes subjects with fake firearms and “suicide-by-cop” incidents.

<sup>‡</sup> Total unarmed is two; however, race is unknown for one subject who was a minor at the time.

The proportion of OISs preceded by an officer-initiated stop has declined over the past 18 months. In this timeframe, just two OIS incidents have been preceded by an officer-initiated stop. In one case, the subject was a black male, during which the officer attempted to stop the individual for jaywalking.<sup>6</sup> The individual did not comply and ran into a motel lobby. The officer pursued the subject and, when confronted, the subject pulled a knife and attempted to cut the officer. The officer fired and struck the subject, who survived. The UoFRB unanimously ruled this OIS as “justified.”<sup>7,8</sup> The other incident was a vehicle stop, which occurred this year. LVMPD has not completed its review of this case. However, the preliminary investigation shows that the officer was fired upon over a dozen times by the subject.

*Outcomes of recent reviews of unarmed subject OISs*

Of the four most recent OISs involving unarmed subjects, LVMPD officers received various remedial actions. Two incidents were reviewed by LVMPD’s UoFRB in 2012. Two were reviewed by LVMPD’s new process, CIRP, in 2013—each of which resulted in a recommendation that the shooting officer be terminated. This stands in contrast to LVMPD’s lack of administrative sanctions in previous years concerning the shooting of unarmed persons. Because remedial action is protected personnel data under the LVMPD Officer Bill of Rights, the details of the incidents will not be disclosed here; rather, cases are referred to as **Case 1**, **Case 2**, **Case 3**, and **Case 4**, and they are assigned randomly.

**Case 1:** The shooting officer was subject to remedial training, which covered foot pursuits, dark lighting, and shoot/don’t shoot decision making. The department also invited a member of the District Attorney’s Office to make a presentation on the legal parameters of consensual stops.

6. LVMPD, “CIRT#: 2012-003” *Critical Incident Review Team Administrative Report* (no date).

7. LVMPD, “Subject: Use of Force Review Board Meeting” [Memorandum], June 14, 2012.

8. LVMPD, “Event# 120131-2901” *Use of Force Review Board Disposition Report* (no date).

**Case 2:** The shooting officer was recommended for termination<sup>9,10</sup> One supervisor at the rank of lieutenant was recommended for demotion to the rank of patrol officer.<sup>11</sup> One supervisor at the rank of Sergeant was recommended for the maximum suspension time of 40 hours.<sup>12</sup> Because these types of actions are subject to the grievance process, the ultimate outcome for each of these officers is yet to be realized. The department also substantially revised portions of its Use of Force Policy as a result of this incident.<sup>13</sup>

**Case 3:** The shooting officer was recommended for termination for escalating the incident and not using sound tactics.<sup>14</sup> The shooting was referred to as a “gross, inappropriate use of force.”<sup>15</sup> Because this type of action is subject to the grievance process, the ultimate outcome for this officer has yet to be realized.

**Case 4:** The shooting officer was subject to remedial training.<sup>16</sup> The officer completed several shoot/don’t shoot scenarios in low light situations and was found to be fit for duty by LVMPD training staff.<sup>17</sup>

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### Report Recommendation 4.2.2:

LVMPD should also offer advanced training in procedural justice to officers at all levels of the organization and in the academy.

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While Fair and Impartial Policing training entails strategies to mitigate and reduce unconscious bias, training in procedural justice can educate officers on how their actions influence those of the community they police, including citizens who are involved in one-on-one interactions with them. By approaching and interacting with the public in a fair and transparent way, officers are positively influencing public perceptions and, therefore, enhancing the department’s legitimacy and the public’s cooperation in public safety matters.

### Current Assessment of Compliance

**No assessment at this time.** The department is currently exploring various existing training programs to determine how procedural justice can be best incorporated or developed into a LVMPD training course. The assessors have consulted with LVMPD on the meaning of the concept and how it applies to everyday police work.

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9. LVMPD, “Event 11211-4156” [Adjudication of Complaint]” (no date).

10. LVMPD, “CIRT201--030 [Interoffice Memorandum],” Tactical Review Board Case, 2013.

11. Ibid.

12. Ibid.

13. Policy changes are documented in *Collaborative Reform Model: A Review of Officer-Involved Shootings in the Las Vegas Metropolitan Police Department*.

14. LVMPD, “Event 1121111-3873,” Adjudication of Complaint (no date).

15. LVMPD, “Key CIRT/UOFRB Recommendations Regarding a Categorical Use of Force Incident Officer-Involved Shooting,” *Office of Internal Oversight Review* (no date).

16. LVMPD, “Subject: Use of force summary of findings [Interoffice Memorandum],” July 7, 2012.

17. LVMPD, “Remedial Training Ofc. XXXXXX [Memo],” May 15, 2012.

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### Report Recommendation 4.3:

LVMPD should conduct uniform training on the legal parameters of officer-initiated contacts (e.g., consensual stops and investigative detention) throughout the department, starting with proactive entities such as the Gang Crimes Bureau.

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Beyond basic recruit training, LVMPD does not have a standard for training officers on the legal parameters of officer-initiated contacts. Given that approximately 13 percent of all OISs reviewed in the 2012 report began with an officer-initiated contact, it is apparent that these interactions have the potential to become deadly incidents without notice.

### Current Assessment of Compliance

▲ **In Progress.** LVMPD has developed several new video training modules that address the legal parameters of officer-initiated stops. The videos provide numerous scenarios, including strikes and protests, private events or parties, and pedestrian stops. The videos are distributed through LVMPD's internal network (called "University of Metro Las Vegas," or "UMLV") and officers are directed to watch them. Supervisors were directed to show the latest training video for strikes and protests during roll call. This served two purposes: it meant that there was greater oversight to ensure all officers watched the videos, and it meant that squads and their supervisors would have the opportunity to discuss the video before beginning their shift.

LVMPD has begun electronically monitoring the viewing of these training videos. For the latest video on protests and strikes, the department has implemented a viewer acknowledgment function into its intranet system, which requires officers to acknowledge they viewed the video. However, the system has no way of validating that the video has been viewed beyond the officers' input. The UMLV system can generate a number of acknowledgments and compare this to the number of authorizations to view the video. This is the only way LVMPD can currently monitor these types of training requirements. According to the UMLV system, the total authorizations for the protest and strike video was 2,473. The total number of acknowledgments for viewing the video was 2,049, which equals approximately 82 percent of the authorizations.<sup>18</sup>

The training videos for consensual stops and investigative detentions have been distributed throughout the workforce via UMLV as well. However, these were distributed prior to the LVMPD viewer acknowledgment system was implemented, so viewer participation was not tracked. The department is currently exploring options for capturing training attendance data for the consensual stop videos.

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18. These numbers were generated from LVMPD's UMLV Training System on July 1, 2013.

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## Report Recommendation 4.4:

LVMPD should ensure that supervisors and officers are prepared to handle multiple officer situations in the context of deadly force. It should use reality-based incident command scenarios to train supervisors and officers on the management and direction of multiple officers during a critical incident.

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On average, LVMPD OISs have between four and five officers on the scene at the time of the shooting, including the shooter and witness officers. The 2012 report documented that having five or more officers on the scene was associated with a greater prevalence of tactical errors, including flaws in communications, the officers' approach, firearms tactics, and incident command. Similarly, incidents with multiple officer shooters had a greater frequency of tactical errors, such as crossfire and poor coordination. These errors were prevalent both with and without supervisory presence. As a result, training was recommended that addresses these issues that could impact the outcome of OISs.

## Current Assessment of Compliance

✓ **Complete.** LVMPD's 2013 Reality-Based Training (RBT) program fully addresses this recommendation. The 2013 modules include reality-based training scenarios for supervisors and officers that involve potentially deadly force situations with multiple officers. The assessors directly observed the development of this program, the scenarios, and its beta-testing period in January 2013. Additionally, assessors reviewed the final lesson plans, classroom presentation slides, evaluation forms, and attendance records for the program. RBT is composed of several scenarios and has separate tracks for supervisors and officers, described below.

### *Officer RBT*

Although this recommendation specifically refers to reality-based training, it is important to note that, as with previous modules, LVMPD's RBT program for 2013 includes both classroom training and practical scenarios. The classroom portion provides a refresher on the Supreme Court decision *Graham v. Connor* and additional factors to consider related to LVMPD policy. In addition, the classroom portion of RBT provides a number of case studies and key findings from the 2012 report (specifically, trends in tactical errors during OIS incidents). RBT entails several scenarios, two of which comply with Report Recommendation 4.4.

The first scenario involves an armed, suicidal suspect in a vehicle in a vacant lot. Officers train in squads of three or four, to include their supervisor. The scenario is designed to assess several instructional objectives, which address the issues identified in Report Recommendation 4.4. Specifically, the scenario calls for students to demonstrate:<sup>19</sup>

- “A tactically sound approach”
- “Taking control of the incident and slowing down the momentum”
- “Clear, appropriate radio and/or verbal communication”
- “Appropriate verbal communication with subject”
- “Proper awareness and/or use of cover and concealment”
- “Ability to take an appropriate, legally defensible enforcement action”
- “Developing a sound plan”
- “Proper use of force at an appropriate level”
- “Appropriate use and/or deployment of low-lethal weapons”

The evaluation sheet for officers during this scenario is vastly improved from previous years. It requires that the evaluator(s) assess each officer individually, as opposed to a single squad-based assessment. For each student officer, the evaluation sheet requires their identifying information and specific actions taken during the scenario, including whether they attempted to find cover, requested additional resources, established containment, attempted to establish rapport with the subject, identified the situation as a barricade, attempted to de-escalate the incident, used effective communications, and whether the level of force was necessary given the subject’s actions.<sup>20</sup> The evaluation form also requires evaluators to identify the ultimate outcome of the scenario (e.g., was deadly force used?).

The second scenario is different in that it involves just two officers, without a supervisor present. In teams of two, officers respond to a domestic disturbance call. Upon arrival, two male subjects are sitting on a couch, one of which quickly turns away from the officer(s) with his hand reaching into his waistband. The subject then turns back toward the officers, raising his hands in the air to demonstrate compliance. This is a “mistake of fact” scenario.<sup>21</sup> This scenario trains officers in effective team communication in a dynamic incident.<sup>22</sup> The evaluation sheet captures whether each officer used cover, used lethal force, and used verbal communications.<sup>23</sup>

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19. LVMPD, “Threat Assessment and Mistake of Fact,” *Standardized Lesson Plan* January 23, 2013, p. 33.

20. LVMPD, “Car Stop,” AOST/RBT Officer Performance Assessment Phase III (2013).

21. LVMPD, “Threat Assessment and Mistake of Fact,” *Standardized Lesson Plan* January 23, 2013.

22. LVMPD, “MOF Domestic Battery Scenario,” AOST/RBT Officer Performance Assessment Phase III (2013).

23. Ibid.



### *Supervisor RBT*

Supervisors complete the same suicidal subject scenario described above two times. The first time, supervisors will train with role-playing staff as their squad. The role-playing officers will intentionally put themselves in a dangerous position. The objective of the training scenario is for the supervisor to take control of the incident, slow the momentum, and recognize the situation as a barricade, among various other common tactical objectives, such as making use of cover and using appropriate verbal communications.<sup>24</sup> After completing the scenario with role-players and training staff evaluation, supervisors observe the training of their squad with the benefit of having learned the scenario and the proper responses.

The RBT module began in March 2013, and the department is making adequate progress in training officers and sergeants in these scenarios. To date, approximately 793 out of 1,161 (68 percent) officers who are required to complete this training have done so. Approximately 82 out of 126 (65 percent) sergeants who are required to complete this training module have done so.

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### **Report Recommendation 4.5:**

LVMPD should have a policy that requires supervisors to respond to any call for service that involves an armed person or persons.

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LVMPD policy does not require supervisors to respond to calls for service involving armed persons. Supervisors were on the scene of OISs that originated as armed person calls just 32 percent of the time. Yet, armed person calls were found to be the most likely scenario in which an LVMPD officer would become engaged in an OIS.

### **Current Assessment of Compliance**

▲ **In Progress.** LVMPD is beta testing a policy called “Supervisor Tactics for Armed Subject Response” (STAR) in three area commands: South Central, Bolden, and Northeast Area Commands. The policy has not yet been formalized, and LVMPD is currently compiling results of the testing phase to determine how to best design the policy and training required for it to fit the needs of the department.

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24. LVMPD, “Car Stop,” AOST/RBT Officer Performance Assessment Phase III (2013).

## Chapter 5: Use of Force Policy and Procedures Compliance Assessments

Chapter 5 of the 2012 report enumerated two recommendations on LVMPD's Use of Force Policy. LVMPD has completed one recommendation. The other recommendation has not been assessed.

**Table 9.** Status of Chapter 5 recommendations

| Status                     |                    | Recommendations (N) | Percent (%) |
|----------------------------|--------------------|---------------------|-------------|
| ✓                          | Complete           | 1                   | 50%         |
| p ✓                        | Partially complete | 0                   | 0%          |
| ▲                          | In progress        | 0                   | 0%          |
| ✗                          | Not complete       | 0                   | 0%          |
| No assessment at this time |                    | 1                   | 50%         |

### Report Recommendation 5.1:

LVMPD should review and update its Use of Force Policy at least annually and as needed to incorporate recent court decisions, analysis of use of force data, and lessons learned from incidents in Las Vegas and other jurisdictions.

LVMPD substantially reformed its Use of Force Policy in 2012. The newly revised policy provided officers with appropriate guidance and complied with constitutional standards. However, the department did not have a routine process for reviewing the policy to ensure it was up-to-date and reflected recent court decisions and lessons learned from within LVMPD, as well as elsewhere.

### Current Assessment of Compliance

✓ **Complete.** LVMPD has assigned OIO the responsibility of reviewing the Use of Force Policy. The new section manual for OIO states the office will facilitate the review of the department's Use of Force Policy and that the review will be conducted "at least annually."<sup>25</sup> Furthermore, the review is to cover use of force assessments from CIRT, annual assessments of use of force, and major court rulings. The Office of the General Counsel for LVMPD will be responsible for keeping abreast of current laws and the continual monitoring of Supreme Court, Ninth Circuit Court, and local rulings to ensure the policy is up-to-date.<sup>26</sup>

25. LVMPD, *Office of Internal Oversight Section Manual* June 17, 2013.

26. LVMPD, General Order. Directive No. GO-009-13. March 28, 2013.

### **Report Recommendation 5.2:**

LVMPD should separate its Use of Force Policy into several smaller, specific policies. This should include a core policy that serves as the foundation for the other related policies.

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LVMPD's Use of Force Policy was found to be overly cumbersome and could be improved by separating it into smaller policies. For instance, the department should develop standalone policies for specific uses of force such as Electronic Control Devices (ECD), less-lethal shotguns, and rifle deployments. Policies on using these tools should not be combined into a single, general use of force policy.

### **Current Assessment of Compliance**

**No assessment at this time.** LVMPD has established a working group that has met several times so far this year. The mission of the group is to perform the annual policy assessment and to update (as recommended in 5.1) and parse the policy into smaller components. The final draft of the new policy(s) is expected at the end of August 2013. Since the assessors have not reviewed any documentation related to this working group, compliance for this recommendation cannot be determined at this time.

## Chapter 6: Use of Force Training and Tactics Compliance Assessments

Chapter 6 of the 2012 report enumerated 12 recommendations for the department to improve its training programs as they relate to deadly force. In all, LVMPD has made substantial progress in these reforms. To date, 33 percent have been completed, one-half are in progress, and two have not been assessed.

**Table 10.** Status of Chapter 6 recommendations

| Status                     |                    | Recommendations (N) | Percent (%) |
|----------------------------|--------------------|---------------------|-------------|
| ✓                          | Complete           | 4                   | 33%         |
| p ✓                        | Partially complete | 0                   | 0%          |
| ▲                          | In progress        | 6                   | 50%         |
| ✗                          | Not complete       | 0                   | 0%          |
| No assessment at this time |                    | 2                   | 17%         |

### Report Recommendation 6.1:

LVMPD should exercise the necessary oversight and control to ensure consistency through a policy of instructor audits.

Defensive tactics training in LVMPD were found to lack consistency in quality and quantity. Furthermore, 15 percent of officers failed to meet their annual defensive tactics training requirement without cause. Without a system of audits for the department's vast training program, problems like these are bound to persist, not only for defensive tactics, but also for other training throughout the department.

### Current Assessment of Compliance

**▲ In Progress.** The department assigned an officer to perform a series of audits of various training courses in LVMPD, including AOST and RBT. The officer has completed the audits and is in the process of completing a written report on the findings. The department indicates that it plans to use this pilot audit as a building block for a systematic auditing program that includes objective criteria and no-notice audits of all training conducted throughout the department. The Office of Quality Assurance (QA) has moved under the purview of the OIO and will undertake the effort of training a cadre of auditors. When the pilot audit is complete and reviewed, LVMPD has said that QA will begin to develop a long-term plan for auditing. It should be noted that, although this is a good start, the pilot audit alone does not fulfill this recommendation.

### Report Recommendation 6.2.1:

LVMPD should follow existing policy and audit the Bureau Training Coordinator program to ensure that it is accurately monitoring and tracking completion of training requirements.

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In 2010, LVMPD developed a Bureau Training Coordinator program to assist in the monitoring and completion of Nevada Police Officer Standards and Training (POST) and department-mandated training requirements. The deficiency rate for defensive tactics indicated that the Bureau Training Coordinator program might not be functioning effectively. As per policy, QA was to audit the program. However, at the time of the 2012 report, the program had not been audited.

### Current Assessment of Compliance

▲ **In Progress.** The department has begun to assess the program. A survey was developed and distributed to all Bureau Training Coordinators and captains. The survey gauged the respondents' perceptions on the utility of the program, frequency at which training requirements are monitored by coordinators, and prompted suggestions for improving the program. The department is also in the process of drafting a standard deficiency report, which coordinators will use to monitor and report on training requirements to bureau commanders.

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### Report Recommendation 6.2.2:

LVMPD should update its training database to accurately reflect officer rank and update its archiving process to include this information for all future years.

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The UMLV training database archives training hours for each officer in the department. However, it does not archive ranks of officers for each respective year. Because many requirements differ according to rank, this makes identifying training deficiencies and trends over time unnecessarily onerous.

### Current Assessment of Compliance

✓ **Complete.** LVMPD's UMLV system has been merged with its Human Resources system so that officer rank is accurately reflected for each year. When an officer is promoted or demoted, the system will now be updated so that current and historical training requirements can be reviewed accurately.

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### Report Recommendation 6.3:

LVMPD should update its training policies to reflect the Crisis Intervention Team (CIT) recertification requirement and increase its number of hours and frequency.

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At the time of the 2012 report, LVMPD's recertification process for CIT officers was only in the development stage. This meant that many officers had gone as long as nine years without being recertified. The department had planned to recertify officers every three years through a four-hour course. It was recommended that the department increase the frequency and duration of recertification training.

## Current Assessment of Compliance

✓ **Complete.** The department updated its recertification requirement and increased the duration and frequency to a six-hour course every two years.<sup>27</sup> The assessors evaluated the training curriculum and determined it to be well-designed as a recertification program. Training includes a tabletop exercise composed of two scenarios. Each scenario requires the students to discuss the situation they are facing, their objectives, and the proper tactics to employ. The scenarios highlight two major instructional points: slowing down the momentum of the situation and using tactics that lessen the risk of forcing a confrontation and potential deadly force situation. Recertification training also includes lessons on:

- Nevada state laws regarding the mentally ill
- Department policy regarding the mentally ill
- Depression, suicide, and suicide by cop
- Active listening skills and de-escalation

The department is making sufficient progress in recertifying officers. The course is on pace to be offered approximately 10 times this year, with an average of about 40 officers being recertified each time.

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## Report Recommendation 6.4:

LVMPD should update its policy manual to reflect the actual Advanced Officer Skills Training (AOST) program.

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Requirements set forth in LVMPD's AOST policy did not reflect the reality of AOST. Two requirements included in the policy were no longer part of the program: one hour of firearms qualification and two hours of ECD recertification. These training requirements were still in place; however, they were not being satisfied in AOST. Rather, they were satisfied independent of AOST.

## Current Assessment of Compliance

✓ **Complete.** The AOST policy was updated to reflect the actual requirements satisfied by the program: use of force, defensive tactics, and reality-based use of force decision-making scenarios.<sup>28</sup> The policy no longer identifies ECD and firearms qualifications as part of the program.

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27. LVMPD, "Handling Persons with Special Needs and/or Considerations..." Procedural Order, PO-014-13. May 17, 2013.

28. LVMPD, "Advanced Officer Skills Training..." Procedural Order, PO-009-13. March 28, 2013.



### Report Recommendation 6.5.1:

LVMPD should establish an annual requirement for officers at the rank of sergeant and below to undergo a minimum number of hours of de-escalation training and formalize assessments of de-escalation tactics in AOST and RBT.

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An analysis of trends in LVMPD OISs showed that failing to de-escalate and slow the momentum of the incident was among the most common tactical errors made by LVMPD officers. Although the department had begun to recognize this issue, it had not yet formalized de-escalation into a training requirement. Furthermore, the evaluation of de-escalation in training modules was found to be insufficient.

### Current Assessment of Compliance

**No assessment at this time.** The department has nominally determined that officers will receive a total of four hours minimum of de-escalation training per year. At present, LVMPD intends to identify examples of de-escalation in existing training modules such as AOST and RBT and use those programs to meet the requirement. The assessors have consulted with the department on the concept of de-escalation and options for establishing an annual training requirement for the tactic. The assessors are withholding any assessment until LVMPD has the opportunity to identify those components, demonstrate that they provide training on de-escalation tactics, and explain their method for allotting and counting hours to such training.

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### Report Recommendation 6.5.2:

LVMPD should also devote one quarter of its defensive tactics training to de-escalation.

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LVMPD previously devoted one quarter of its defensive tactics training to the use of the ECD. However, that requirement was overridden by a new, specialized ECD recertification course. The 2012 report recommended that LVMPD fill that quarter with training on de-escalation tactics, to include communication skills and recognition of when/how to “slow down the action.”

### Current Assessment of Compliance

**No assessment at this time.** See 6.5.1.

## Report Recommendation 6.6:

LVMPD should proceed with the current schedule of RBT and conduct a manpower study in order to ensure that it can accommodate the completion of twice yearly RBT training.

The department established its RBT program in 2010, as a result of the increasing number of OISs that year. The program trains officers in deadly force decision making, both as individuals and squads. It includes scenarios that have been designed for officers, squads, and supervisors. The program essentially doubles the amount of scenario training that LVMPD officers receive in a year. However, the program was found to be resource intensive and not sustainable as a semi-annual requirement (i.e., twice per year).

### Current Assessment of Compliance

**▲ In Progress.** LVMPD is actively seeking outside assistance to complete this recommendation. Nevertheless, the department has continued to mature its RBT program without the benefit of a formal manpower study. The number of scenarios included in RBT has increased, and the program now includes two team scenarios, as well as several individual decision-making scenarios. The department has also decided to expand RBT to other bureaus. The Gang Crimes Bureau is currently scheduled to have all of its detectives complete RBT on a voluntary basis. The department’s Saturation Team (SAT) has also scheduled squads to complete RBT. Although these changes make the prospect of RBT being a semi-annual requirement less likely, the assessors believe this is a worthwhile tradeoff.

Table 11 shows the department’s progress to date in completing RBT. As of June 25, 2013, approximately 68 percent of the officers and sergeants required to complete RBT had done so. Considering that the latest program began in March, the department is on pace to complete one module of RBT in seven months. In the future, the department estimates that RBT will be completed in eight-month cycles, due to the increased number of students from other bureaus and greater number of scenarios in the training module.

**Table 11.** RBT completion rate

| Month (2013)             | Officers Completed | Sergeants Completed | Total (Officers and Sergeants) |
|--------------------------|--------------------|---------------------|--------------------------------|
| March                    | 163                | 20                  | 183                            |
| April                    | 224                | 23                  | 247                            |
| May                      | 218                | 19                  | 237                            |
| June                     | 188                | 20                  | 208                            |
| <b>Total</b>             | <b>793</b>         | <b>82</b>           | <b>875</b>                     |
| <b>Total Required</b>    | <b>1,161</b>       | <b>126</b>          | <b>1,287</b>                   |
| <b>Percent Completed</b> | <b>68.3</b>        | <b>65.1</b>         | <b>68.0</b>                    |

### Report Recommendation 6.7:

LVMPD should develop a greater data collection and evaluation capacity for all training conducted throughout the department and should use that data to identify and proactively address any deficiencies.

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LVMPD's Training Bureau conducts performance evaluations on a daily basis. Yet, the 2012 report identified that these evaluations were not being used to their greatest potential. Performance trends can feed into the department's early intervention system and various reports that supervisors can use to initiate remedial training, identify officers with exceptional skills, and proactively address any noted deficiencies. The deficiencies could be with individual officers or widespread patterns of unacceptable performance.

### Current Assessment of Compliance

▲ **In Progress.** LVMPD is actively seeking outside assistance in revamping its training data collection and analysis function. However, the department has made significant progress on this recommendation using its current capacity. For example, an analyst has been assigned to collect training evaluations and enter them into a centralized database. Additionally, analytic support is now provided during the development of evaluation forms, to ensure that data is being collected consistently. The evaluation forms for AOST and RBT have been greatly improved. Finally, the department has procured a statistical software package for conducting analyses of training data.

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### Report Recommendation 6.8:

LVMPD instructors should express support for new policies. When illustrating policy violations, they should take the opportunity to explain that they are not only potentially illegal, but that they do not represent the best in policing or reflect the values of the police department. This should be ensured through instructor training and audits of instruction conducted throughout the department.

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Through direct observation, it was learned that LVMPD instructors did not consistently express support for portions of the newly revised Use of Force Policy. It is important that all LVMPD instructors be ambassadors of the policies, procedures, and tactics they are teaching. Instructors throughout the department must be made aware of this role. In addition, the department must ensure instructors are fulfilling this role through an auditing system that covers classroom, scenario-based, and video-based training.

## Current Assessment of Compliance

▲ **In Progress.** Although LVMPD has completed a pilot audit of RBT and AOST, it is not known whether that audit included a measure of instructor proficiency and competency in any way. It should be noted that, although this is a good start, the pilot audit alone does not fulfill this recommendation.

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### Report Recommendation 6.9:

In all scenario-based training, trainees should be using actual LVMPD radios to enhance the experience and make it as realistic as possible.

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Radio communications was the single most prevalent tactical error that occurred during LVMPD OIS incidents. Forty percent of LVMPD OIS incidents from 2007 to 2011 involved some sort of breakdown of radio communications. Based on observations of scenario-based training, it was found that actual radios were only used a quarter of the time that they could have been. Lack of radio discipline makes it difficult for incident commanders and patrol officers to coordinate tactics and assign tasks. All scenario-based training modules provide an opportunity to practice radio discipline and effective communication techniques. Given the prevalence of poor radio communications during critical incidents, it is essential that LVMPD use these training opportunities to improve radio use during actual incidents. Doing so will improve radio discipline and make the response to a critical incident safer for the public and officers.

## Current Assessment of Compliance

▲ **In Progress.** In April 2013, LVMPD issued a notice to all employees that live radios are required for AOST, ECD, and RBT.<sup>29</sup> This was the department's first step in institutionalizing this practice.

LVMPD has also updated its AOST Lesson Plan to include new emphasis on proper radio communications. One of the instructional objectives for each practical scenario in the four-hour block of training is that students will "Effectively communicate utilizing a department-issued radio during all scenarios."<sup>30</sup> The lesson plan also lists the department-issued radio in the required "items and materials" section. Lastly, for each scenario, the department-issued radio is among the items listed for students to use.

The MILO<sup>31</sup> portion of AOST also lists "officer's handheld radio" as a required item.<sup>32</sup> However, it is unclear whether the radio must be used in order to pass the training module. At the present time, the evaluation form does not include any metrics on radio communications.

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29. LVMPD, "AOST, ECD, and RBT Mandatory Training... [LVMPD News]," April 3, 2013.

30. LVMPD, "AOST Scenarios" Standardized Lesson Plan (May 2013, p. 2, 7, 10, 13).

31. MILO is a video-based electronic system that measures officer response to "shoot" or "don't shoot" scenarios.

32. LVMPD, "2013 MILO Scenarios" Standardized Lesson Plan (2013).

The ECD recertification training includes two practical scenarios. The lesson plan states that students will “demonstrate clear, appropriate radio communication with dispatch” as an instructional objective. The plan also lists “department-issued radio” as a requirement in the “items and materials” section.<sup>33</sup> The department has updated the ECD performance assessment forms to include a metric for officer radio use. However, as it stands today, the form needs to be further refined.

The 2013 RBT Lesson Plans clearly state that officers and sergeants will need their portable radio to complete the training.<sup>34,35</sup> The officer and supervisor performance evaluation forms for the team scenarios include up to three metrics directly related to radio communications:<sup>36,37</sup>

- Did officers request additional resources?
- Did officers broadcast pertinent radio traffic?
- Did officers request medical?

Notably, the RBT classroom lecture also emphasizes the importance of clear and appropriate radio communications in critical incident responses, noting that it is the most common tactical error in OIS incidents over the past five years. LVMPD has begun involving real dispatchers in RBT to make the experience more realistic. This will also further emphasize the importance of radio communications. The department plans to continue this practice.

The 2012 report reviewed OISs from 2007 through 2011 and found that approximately 40 percent of incidents were marked with flawed radio communications. The trend of flawed radio communications during critical incidents has continued since the 2012 report was published. From 2012 forward, the department has conducted administrative reviews of 13 OIS incidents (the latest incident that has been reviewed occurred in January 2013). The trend from these latest investigations shows that radio communications were problematic 38 percent of the time (excluding technical radio malfunctions). In order to reduce these tactical errors, LVMPD must continue to institutionalize this recommendation throughout its training programs.

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### **Report Recommendation 6.10:**

LVMPD should take the appropriate steps to understand whether the failed test questions were problematic due to the clarity of the question or to officers’ lack of comprehension.

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33. LVMPD, “ECD Scenarios” Standardized Lesson Plan (May 2013).

34. LVMPD, “Car Stop,” AOST/RBT Supervisor Performance Assessment Phase III (2013).

35. LVMPD, “Car Stop,” AOST/RBT Officer Performance Assessment Phase III (2013).

36. LVMPD, “Car Stop,” AOST/RBT Supervisor Performance Assessment Phase III (2013).

37. LVMPD, “Car Stop,” AOST/RBT Officer Performance Assessment Phase III (2013).

After the department's 2012 revision to the Use of Force Policy training, 2,404 officers were asked 13 questions to gauge their understanding of the policy. For 11 out of the 13 questions, approximately 99 percent of officers answered correctly. However, the two questions that presented scenarios to the officers yielded a much lower rate of accurate responses. Approximately 20 percent of officers were unable to accurately describe a subject's level of resistance and the appropriate level of control to use. Approximately 12 percent of officers were unable to accurately identify the basis for an authorized use of ECD on a fleeing suspect.

## Current Assessment of Compliance

✓ **Complete.** LVMPD's OIO authored an *Awareness Report* in order to educate the entire workforce on the correct answers from the Use of Force Policy exam. LVMPD distributed this awareness report in February 2013.<sup>38</sup> It sufficiently describes the correct answers to all questions on the policy exam. In addition to the awareness report, the department re-emphasized the new Use of Force Policy in mandatory roll call training and in the development of new scenario-based training modules. The concepts covered include the elements of deadly force decision making, levels of suspect resistance, and levels of control.<sup>39</sup> OIO has issued a total of five roll call training briefs between November 2012 and March 2013. The briefs have covered the following topics: excited delirium, de-escalation, barricaded subjects, fleeing subjects, and deadly force decision making.<sup>40</sup> Roll call training in March 2013 instructed supervisors to review three use of force scenarios and discuss with the officers' their decision-making process for each.

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38. LVMPD, Office of Internal Oversight Awareness Report. "Use of Force Test Exam Overview." January 2013.

39. The LVMPD issued five training briefs—one each month from November 2012 to March 2013—titled "Use of Force Roll Call Training," through the Office of Internal Oversight Use of Force Training Scenario.

40. Ibid.

## Chapter 7: Use of Force Investigation and Documentation Compliance Assessments

This chapter documents LVMPD's progress in implementing reforms to its internal accountability system for investigating the use of deadly force. This system includes both the criminal and administrative investigations of deadly force. The department has completed 4 of 13 recommendations and is making substantial progress on 5 more. The significant changes to the department's UoFRB have necessitated the development of a new section manual, on which the assessors have worked closely with the agency. The one recommendation that is not completed is not within the purview of the LVMPD, but with the police associations in Las Vegas. The last recommendation has not been assessed at this time.

**Note: Recent events in Las Vegas have involved the Use of Force Review Board** (see page 52 of this report). The assessors are monitoring this situation and will continue to work with LVMPD on related reforms.

**Table 12.** Status of Chapter 7 recommendations

| Status                     |                    | Recommendations (N) | Percent (%) |
|----------------------------|--------------------|---------------------|-------------|
| ✓                          | Complete           | 4                   | 31%         |
| p ✓                        | Partially complete | 0                   | 0%          |
| ▲                          | In progress        | 5                   | 38%         |
| ✗                          | Not complete       | 1                   | 8%          |
| No assessment at this time |                    | 3                   | 23%         |

### Report Recommendation 7.1:

LVMPD should re-establish a specialized group of investigators designated to conduct comprehensive deadly force investigations, in conjunction with the District Attorney's Office, that are legal in nature. These investigators should undergo specialized training.

OISs possess unique characteristics that make the investigation of such incidents different from other criminal investigations. As a result, interview questions and techniques, crime scene analysis, and approaches to canvassing for OIS incidents may differ from other criminal investigations. LVMPD recognized this need in 2010 when the department developed a Force Investigation Team (FIT), which had the sole responsibility of investigating OISs. However, that model was found to be unsustainable from a manpower perspective. In 2012, the department returned to its traditional model for investigating OISs, in which homicide detectives would take on these cases on a rotating basis. However, in order to ensure that OIS investigations are accurate, thorough, and fair, LVMPD officers need specialized training and expertise. At the time of the 2012 report, homicide detectives conducting OIS investigations had no such training requirement.



## Current Assessment of Compliance

**No assessment at this time.** LVMPD is undecided on its course of action for this recommendation. At the department's Executive Retreat in May 2013, this recommendation was discussed in great detail during a workshop that solicited the benefits and challenges of implementing the recommendation. It was noted that LVMPD has the capability to develop specialized training on the topic. LVMPD executives also readily recognized that specialized units develop expertise that enables consistent standards for investigatory practices. However, manpower concerns were raised. A specialized unit could be overwhelmed or underwhelmed, as the number of OIS incidents can vary widely in any given month. The assessors stressed that the specialized team did not have to solely conduct OIS investigations and that the goal of the recommendation is to conduct specialized training for select investigators in the Robbery and Homicide Bureau (RHB).

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### Report Recommendation 7.2:

As part of their investigatory and interview procedures in an OIS, homicide investigators should video and digitally record all interviews with the involved officers and, when appropriate, witnesses.

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At the time of the 2012 report, LVMPD had already audio recorded any interview with involved officers in cases where interviews were given. Therefore, the essence of this recommendation is that involved officers and, when appropriate, witnesses should be video recorded when interviewed as part of an OIS investigation. By doing so, LVMPD can increase public confidence and demonstrate fairness and impartiality in its investigation of officers involved in shootings. From an investigatory perspective, doing so can provide investigators with an added perspective that photos cannot provide.

## Current Assessment of Compliance

**No assessment at this time.** LVMPD is undecided on its course of action for this recommendation. This topic was also discussed in detail at the workshop conducted at the LVMPD Executive Retreat. LVMPD executives discussed the appearance of impropriety by not video recording interviews with officers involved in shootings. It was also noted that video recorded interviews can sometimes benefit the officer, as it allows the officer to demonstrate body positions and reenact the incident to make a point more clearly. However, there were concerns about the potential for public release of the videos and the detrimental impact they could have on officers and their families. This may alienate officers from the investigation and reduce the likelihood of obtaining interviews from involved officers, who are protected from self-incrimination by the Fifth Amendment of the U.S. Constitution. It is important to note that 50 percent of the shooters involved in an OIS during this reporting period refused to give interviews. Some executives also questioned the practical usefulness of the video recorded interview, as body language and tone of voice could be misinterpreted or misleading. Additionally, they noted that the practical ability of the department to transport witnesses for video recorded interviewing would pose a logistical challenge in some cases.

### Report Recommendation 7.3:

In order to ensure complete and thorough investigations and engender community trust, the police associations should encourage their officers who are involved in shootings (i.e., shooters, witness officers, and supervisors) to fully cooperate with the OIS investigations.

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**Note: This recommendation is not within the direct purview of LVMPD.** This matter concerns the Police Protective Association (PPA) and Police Managers and Supervisors Association (PMSA) of LVMPD. At the time that the 2012 report was published, officers who were the actual shooters in an OIS incident were routinely refusing interviews during the RHB criminal investigation, asserting their Fifth Amendment rights. The PPA and the PMSA had advised members to refuse interviews with LVMPD criminal investigators due to changes made to the now-disbanded Coroner's Inquest. However, this lack of cooperation contributes to the public's negative perception of officers, and the system of accountability for officers involved in deadly force incidents.

### Current Assessment of Compliance

**X Not Complete.** Since the publication of the 2012 report in November of that year, there have been eight OISs (as of June 2013). All witness officers have been interviewed by RHB. However, only four involved officers have voluntarily participated in interviews with RHB investigators. The PPA and PMSA continue to advise officers to refuse interviews.

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### Report Recommendation 7.4:

LVMPD should analyze use of force reporting and data on a regular basis in order to identify trends and quickly remedy any issues through remedial training or discipline if needed.

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Although the department monitors officers' activities through an early warning system, routine analyses of use of force are not conducted. Such analyses can identify department-wide trends that are not part of the early warning system. These trends can be very useful in the development of training modules.

### Current Assessment of Compliance

**No assessment at this time.** LVMPD has begun reviewing its use of force data and is in the early planning stages for capturing and analyzing this data on a routine basis.

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### Report Recommendation 7.5:

As part of its standard use of force investigations, the LVMPD should conduct a comprehensive review of an officer's training record, to include historical data on training requirements and remedial training.

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The review of training records as part of an administrative investigation of an OIS was found to be insufficient. The inquiry was limited to the officers' most recent training requirements and simply listed the date of their last completion.

### Current Assessment of Compliance

✓ **Complete.** The department's newly revised OIO Section Manual clearly states the lead CIRT case detective will "conduct a comprehensive review of all training completed by any involved member."<sup>41</sup> In addition, CIRT will conduct an analysis of the training received by the involved officer as it pertains to the specifics of the incident under review.

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### Report Recommendation 7.6:

LVMPD should formalize the production and dissemination of an annual report of OIS statistics.

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In 2012, LVMPD published a statistical report on deadly force incidents, covering two years of incidents. This was a positive move toward increased transparency and the dissemination of information to the public. Therefore, the 2012 report recommended that the CIRT Section Manual should be formally updated to include the timely production of an annual report on OIS statistics for public dissemination. The department published the first such report in 2012.

### Current Assessment of Compliance

✓ **Complete.** LVMPD's newly revised OIO Section Manual states that a "Deadly Force Statistical Analysis" report will be prepared annually, to include an assessment of OISs for the most recent five year period.<sup>42</sup> At present, LVMPD's 2013 statistical report on deadly force is in the internal review process and is scheduled to be published later this year.

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41. LVMPD, *Office of Internal Oversight Section Manual* June 17, 2013, p. 30.

42. *Ibid.*

### **Report Recommendation 7.7:**

LVMPD should formalize a peer review of its administrative use of force investigation reports. Prior to the presentation to the Use of Force Review Board, the report should be validated for accuracy and completeness by the Internal Affairs Bureau, the Training Bureau, Quality Assurance, and legal counsel.

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LVMPD's process for producing administrative investigative reports on OISs was lacking a peer review component, despite the fact that many of the issues addressed in the reports were related to other LVMPD bureaus and divisions, such as the Organizational Development Bureau (ODB) and Quality Assurance (QA). Peer reviewers from outside of the OIO could provide input on substantive issues surrounding the incident, as well as recommendations.

### **Current Assessment of Compliance**

▲ **In Progress.** LVMPD has developed a peer review process for all CIRT Administrative Reports. ODB supervisors, trainers, CIRT supervisors, detectives, the OIO commander, and the OIO sergeant review each report.<sup>43</sup> This process has been used for all OIS incidents that have been reviewed as of March 2013. CIRT investigators have found the process to be insightful and beneficial to the investigation and presentation of facts before the board. However, the process has not incorporated QA, Internal Affairs, or the Office of General Counsel at this time. The department is in the process of rewriting its OIO Section Manual and will include QA, Internal Affairs, and the Office of General Counsel in the peer review process.

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### **Report Recommendation 7.8.1:**

LVMPD should develop a stand-alone manual for its UoFRB containing standard operating procedures, the roles and responsibilities of involved parties, and the purpose of the board.

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At the time of the 2012 report, LVMPD's overarching policy manual described the UoFRB. However, the roles and responsibilities of the board and its members were not clearly delineated. Given the complexity of the board, a stand-alone manual was warranted.

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43. Ibid.

## Current Assessment of Compliance

▲ **In Progress.** The department has significantly altered its review process. The new process is called the Critical Incident Review Process (CIRP) and is composed of two boards—the UoFRB and the TRB. These boards are convened sequentially, on the same day, with the UoFRB meeting first. The substantive difference between the two boards can be summed up as follows:

- The UoFRB has four citizen voting members, whereas the TRB has two citizen non-voting, observers.
- The UoFRB reviews only the use of deadly force, whereas the TRB reviews all tactics and decision making related to the incident.
- The UoFRB's scope is limited to the officer(s) who either used deadly force or the supervisor who ordered the use of deadly force, whereas the TRB's scope covers all officers involved in the incident.
- The UoFRB issues findings, whereas the TRB makes recommendations for further action (e.g., commendation, remedial training, discipline, or termination).

LVMPD is in the process of finalizing a new CIRP Section Manual. The assessors have worked directly with LVMPD to ensure that the manual makes the roles and responsibilities of the various components and actors involved in the process clear and logical, as well as fair. The assessors found a number of procedural conflicts and noted them, along with options for addressing them, in a memo to the department in June 2013. LVMPD is in the process of addressing those concerns.

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### Report Recommendation 7.8.2:

LVMPD should reassess how citizen board members are selected to participate in the Use of Force Review Board process.

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LVMPD's process for selecting citizen participation in the UoFRB was insufficient. The department relied largely on a newspaper advertisement. Without active recruitment, the department's civilian board members suffered from a self-selection bias. Many of the board members were former law enforcement or military and were believed to be sympathetic and partial to the involved officers.

## Current Assessment of Compliance

▲ **In Progress.** LVMPD held a focus group to discuss citizen recruitment for the CIRP with various community stakeholders, including the National Action Network, Latino Democratic Caucus of Southern Nevada, Ministers Alliance of Southern Nevada, and National Coalition of 100 Black Women, among others.<sup>44</sup> LVMPD has also established two citizen co-chairs on the UoFRB, who will help recruit and retain citizen board members. On May 22, the two co-chairs and the CIRP chair interviewed and selected 12 new board members. The total number of citizen members stands at 27, including the two chairs. The selection process and criteria is yet to be formally established in LVMPD policy. The department is currently revamping two major section manuals that will incorporate this process.

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### Report Recommendation 7.9:

LVMPD should formalize the new functions of the Use of Force Review Board (UoFRB) in its policy manual and monitor their continued implementation and impact.

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In an effort to increase police accountability and improve the department by better understanding and grasping the lessons learned from OISs, LVMPD altered the findings structure of the UoFRB in June 2012. The new findings allowed voting members to find officers compliant or non-compliant on policy, supervision, training, decision making, and tactics. This allowed members to broaden the scope of their findings past the point of the shooting and examine the officer's actions prior to the use of deadly force. This change enabled the board to examine not only administrative compliance, but also tactical compliance in greater detail and examine the precursors to OIS incidents. The new findings were:

- **Administrative Approval:** No recommendations. Objectively reasonable force was used under the circumstances based on the information available to the officer at the time. This finding acknowledges that the use of force was justified and within LVMPD policy. There are no concerns surrounding the tactics employed, and there are no policy violations, including those not relating to the application of force.
- **Tactics/Decision making:** This finding considers that the tactics and/or decision making employed were less than satisfactory. Specifically designed training will be prescribed to address deficiencies.
- **Policy violation not directly related to use of force:** This finding covers a range of policy violations including, but not limited to, failure to qualify with a firearm, use of unauthorized ammunition, and failure to carry required equipment, etc. A policy violation was identified but was not connected to the use of force.

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44. LVMPD, Use of Force Focus Group Leaders Meeting, April 4, 2013.

- **Policy/training failure:** An outcome was undesirable but did not stem from a violation of policy or failure to follow current training protocols. An LVMPD policy and/or specific training protocol is inadequate, ineffective, or deficient; the officer followed existing policy and/or training, or there is no existing policy and/or training protocol that addresses the action taken or performance demonstrated. This finding reflects global policy or training deficiencies.
- **Administrative disapproval:** The UoFRB has concluded through this finding that the force used or action taken was not justified under the circumstances and violated LVMPD policy. This outcome is reserved for the most serious failures in adherence to policy, decision-making, and/or performance.

## Current Assessment of Compliance

▲ **In Progress.** The newly configured CIRP significantly alters the role of the UoFRB, as well as the findings structure for the UoFRB. The UoFRB is no longer part of the review process for the precursor events leading up to the incidence of deadly force. Therefore, the finding, “policy violation not directly related to the use of force” is no longer applicable. The department has worked with the assessors to refine the UoFRB findings structure, in addition to formalizing the link between UoFRB findings and TRB recommendations. As it stands today, the TRB informally takes UoFRB findings into account when developing recommendations. The assessors have recommended the input of the UoFRB be formalized into the TRB’s recommendation, to ensure that UoFRB findings, which have the direct input from citizens, have a defined impact on accountability for deadly force incidents. LVMPD is in the process of addressing this concern.

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### Report Recommendation 7.10.1:

LVMPD should streamline the exchange of information between OIO and bureau commanders who are in charge of ensuring that UoFRB recommendations are implemented.

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Prior to the Collaborative Reform Model, LVMPD did not have a system of tracking the implementation of recommendations that came from the UoFRB. The department developed an informal process in June 2012. However, the process was unrefined.



## Current Assessment of Compliance

✓ **Complete.** LVMPD's OIO Section Manual clearly describes the process by which the deputy chief of patrol, as part of their CIRP duties, and in conjunction with OIO and CIRT, issues CIRP recommendations to the bureau commander of involved officers. Bureau commanders are then responsible for ensuring the officer(s) adhere to the board's recommendations and reports back to the deputy chief, including dates and descriptions of training completed, comments, and discipline given, if appropriate.<sup>45</sup> To aid this process, the department has also developed a standard memo that details UoFRB recommendations and actions taken by bureau commanders to fulfill those recommendations.<sup>46</sup> This memo has been in use since March 2013.

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### Report Recommendation 7.10.2:

LVMPD should update its policy manual to include the ITAP and formalize the process.

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The department's "Informal Training Accountability Protocol" was in need of institutional backing. It did not exist in any formal policy or section manual.

## Current Assessment of Compliance

✓ **Complete.** LVMPD has updated its OIO Section Manual to include a subsection on the protocol for tracking recommendations from the CIRP. The process describes the roles and responsibilities of involved parties, formal documentation of activities, and timelines for completion.<sup>47</sup>

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### Report Recommendation 7.11:

LVMPD should mitigate the potential for bias and leading questions, and emphasize the UoFRB's objectivity by providing members of the board and presenters with training on how to present information and/or ask questions in a non-biased or neutral fashion.

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Leading questions and case presentations that were viewed as partial toward the officer(s) had been features of past UoFRBs. This was, in part, due to a lack of clear roles and responsibilities of board members and participants. There was also no training on board proceedings for commissioned officers.

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45. LVMPD, *Office of Internal Oversight Section Manual* June 17, 2013.

46. LVMPD, "Key CIRT UoFRB Recommendations Regarding a Categorical Use of Force Incident." Office of Internal Oversight (no date).

47. LVMPD, *Office of Internal Oversight Section Manual* June 17, 2013.

## Current Assessment of Compliance

▲ **In Progress.** LVMPD is in the process of updating its CIRP Section Manual, which includes the process for the board, as well as required training. The previous draft of the manual stated that the CIRP chairman would instruct all board members to avoid asking leading or biased questions to the involved members. The assessors recommended that a formal training or briefing be conducted annually for all commissioned board members to include their responsibility to ask unbiased questions.

## Chapter 8: Use of Force Incident Review Compliance Assessments

The 2012 report enumerated three recommendations for agencies external to LVMPD but integral to the external accountability system for OISs in Las Vegas. The Coroner's Inquest and the District Attorney's (DA) Office are independent, county functions. With the exception of any federal review or intervention, they make up the totality of external oversight for OISs in Las Vegas. To date, two of the three recommendations have been completed.

**Table 13.** Status of Chapter 8 recommendations

| Status                     |                    | Recommendations (N) | Percent (%) |
|----------------------------|--------------------|---------------------|-------------|
| ✓                          | Complete           | 2                   | 67%         |
| p ✓                        | Partially complete | 0                   | 0%          |
| ▲                          | In progress        | 0                   | 0%          |
| ✗                          | Not complete       | 0                   | 0%          |
| No assessment at this time |                    | 1                   | 33%         |

### Report Recommendation 8.1:

The Clark County Commission should review the necessity and purpose of the Coroner's Inquest since it is now being met by the public release of the DA's Memorandum of Decision and the LVMPD OIS review.

**Note: This recommendation is not within the direct purview of LVMPD.** This matter concerns the Clark County Commission. Given the more proactive role of the Clark County District Attorney's (DA) Office, the role of the Coroner's Inquest was no longer clear. The DA began releasing Memoranda of Decisions on fatal OIS incidents, in addition to LVMPD releasing incident summary reports, all of which are posted on LVMPD's website.

## Current Assessment of Compliance

✓ **Complete.** The Clark County Commission disbanded the Coroner's Inquest and established a new process, known as the Police Fatality Public Fact-finding Review Board, on January 7, 2013.<sup>48</sup> In this new process, the DA's Office presents the facts of the case and may call witnesses to testify. An ombudsman representing the public and the family of the decedent may also ask questions. The public may submit questions, which the presiding officer of the board may ask, revise, or decline to ask if they are deemed redundant or inappropriate in any way. The review is similar to the Coroner's Inquest in that it is an "airing of the facts." Unlike the Inquest, however, the new board does not render a judgment. The review board heard its first case on February 28, 2013.

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### Report Recommendation 8.2:

The Clark County District Attorney's Office should continue to review all fatal use of force cases and should also review significant uses of force that did not result in death.

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**Note: This recommendation is not within the direct purview of LVMPD.** This matter concerns the Clark County District Attorney's Office. At the time of the 2012 report, OIS reviews by the DA's Office were limited to those instances resulting in death of the suspect. Other OISs and serious uses of force are not reviewed. Thus, there was no independent assessment of non-fatal OISs.

## Current Assessment of Compliance

✓ **Complete.** The DA's Office has continued to review all fatal OISs. Additionally, the DA's Office has recently begun reviewing all injurious OISs. The DA's Office now responds to the scene of all incidents where an officer fires their weapon and strikes the suspect.<sup>49</sup> As with fatal cases, the DA's Office will issue a letter reviewing the facts of the case from a criminal standpoint. At present, the DA's Office does not plan to respond to OIS incidents in which the subject was not struck or injured. Although the recommendation has been completed, the assessors urge the DA's Office to respond to all instances in which an officer makes the decision to use deadly force, regardless of the outcome (death or injury of someone or a missed shot). The intent of any officer firing their weapon is to hit their target. Therefore, it is only a matter of chance that the subject was not struck when the officer fired.

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48. See [www.clarkcountynv.gov/depts/countymanager/Pages/PoliceFatalityPublicFact.aspx](http://www.clarkcountynv.gov/depts/countymanager/Pages/PoliceFatalityPublicFact.aspx).

49. Clark County Office of the District Attorney, "Notification of District Attorney After Police Use of Force" (no date).

### **Report Recommendation 8.3:**

The Clark County DA's Office should acquire additional expertise and dedicate resources to investigate OISs more comprehensively.

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**Note: This recommendation is not within the direct purview of LVMPD.** This matter concerns the Clark County District Attorney's Office. In the past, the DA's Office did not have a cadre of lawyers or specialized investigators to handle police deadly force cases. However, the DA's Office has taken a more proactive approach over the past 18 months. In order to sustain these efforts, the 2012 report recommended that the DA's Office acquire additional expertise and resources.

### **Current Assessment of Compliance**

**No assessment at this time.** There have been ongoing discussions between the LVMPD and the DA's Office on what type of training may be appropriate and whether the DA's Office and RHB investigators should attend the training together. At this time no decision has been reached.

## Chapter 9: Community Perspectives and Outreach Compliance Assessments

The 2012 report enumerated five recommendations for LVMPD to enhance its partnerships with the community. LVMPD has demonstrated impressive commitment to these recommendations, having completed all five. It is essential that LVMPD maintains this level of commitment and continues to improve its relationship with all members of the Las Vegas community.

**Table 14.** Status of Chapter 9 recommendations

| Status                     |                    | Recommendations (N) | Percent (%) |
|----------------------------|--------------------|---------------------|-------------|
| ✓                          | Complete           | 5                   | 100%        |
| p ✓                        | Partially complete | 0                   | 0%          |
| ▲                          | In progress        | 0                   | 0%          |
| ✗                          | Not complete       | 0                   | 0%          |
| No assessment at this time |                    | 0                   | 0%          |

### Report Recommendation 9.1:

LVMPD should work with community leaders and other stakeholders to establish mutual expectations and a process for the release of information to the public following an OIS.

During the Collaborative Reform Model, LVMPD began releasing information on OIS incidents to the public on a routine basis. However, the department still needed to engage community stakeholders to establish expectations for the release of OIS information.

### Current Assessment of Compliance

✓ **Complete.** The department has been keeping the community apprised of changes in departmental policy, procedure, and training as it relates to deadly force. The Metro Multi-cultural Advisory Committee (MMAC) was briefed on the department’s new media policy and members were asked to provide input.<sup>50</sup> Other stakeholders from whom the department sought feedback included the citizen members of the CIRP, the American Civil Liberties Union of Nevada, and the Las Vegas Chapter of the National Association for the Advancement of Colored People. The department also briefed various community stakeholders on the assessment process and the steps LVMPD was taking to implement the recommended reforms.<sup>51</sup> The department has also formalized the process of updating the MMAC on progress toward meeting 2012 report recommendations into their OIO Section Manual.<sup>52</sup>

50. LVMPD, *MMAC Agenda*, March 26, 2013.

51. *Ibid.*

52. LVMPD, *Office of Internal Oversight Section Manual*, June 17, 2013.

### Report Recommendation 9.2:

LVMPD should create a policy to institutionalize the process that is now providing greater transparency of its police operations and internal reviews relating to use of deadly force.

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The department's recently established practice of releasing summary reports of OIS investigations had no formal basis. Furthermore, the level and mode of engagement and communication between the department and the community with respect to deadly force needs to be institutionalized and formalized into LVMPD policy.

### Current Assessment of Compliance

✓ **Complete.** LVMPD's OIO Section Manual specifies that OIO will upload a case summary, to include the District Attorney's Decision Letter, Homicide Investigation Report, and an OIO Summary Report to LVMPD's website.<sup>53</sup> Additionally, the summary report will be submitted to the public information officer (PIO) who will distribute it as a press release. This process and the role of the PIO have been formalized into policy.<sup>54</sup> To date, the department has a total of 15 case summaries on its website.

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### Report Recommendation 9.3:

LVMPD should develop a formal communications/media strategy for OISs.

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At the time of the 2012 report, LVMPD did not have a formal media strategy for OIS incidents. Communications for these incidents can be complex and challenging as the public has a need to know the facts as soon as possible while an active investigation is underway. The level, type, and timing for the release of information need to be codified into a policy to ensure information is released consistently and to a standard in the wake of these incidents.

### Current Assessment of Compliance

✓ **Complete.** LVMPD has issued a formal communications strategy for OISs. The OIS communications protocol clearly describes the roles and responsibilities of the PIO and the sheriff's office, including on-scene response and the release of information related to the incident. It states that within 72 hours of the incident, the sheriff will give a press conference to summarize all of the information available on the case.<sup>55</sup> Notably, the policy is for all OIS incidents—not only fatal, injurious, or otherwise controversial shootings.

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53. LVMPD, *Office of Internal Oversight Section Manual* June 17, 2013.

54. LVMPD, "News Media and Public Information" Procedural Order, PO-006-13. March 7, 2013.

55. *Ibid.*

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### Report Recommendation 9.4:

Wearable camera technology is relatively new, and further research is still needed regarding its efficacy. LVMPD has invested in this innovative technology and should collect operational data and evaluate its effectiveness in the field. Lessons learned from this pilot will not only benefit LVMPD and its community, but should also be shared with departments across the country to help inform their decisions to invest in this technology.

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The 2012 report recommended that LVMPD test and consider the use of body-worn cameras as a way to enhance transparency in its operations and to provide video documentation of any use of force incidents that may occur while the technology was deployed.

### Current Assessment of Compliance

✓ **Complete.** LVMPD had begun piloting wearable cameras in January 2012. Six different body camera systems within two area commands, as well as their Saturation Team, were tested. A total of 20 officers participated in the pilot, comparing in-vehicle cameras with wearable cameras. LVMPD completed the pilot in December 2012. Much of LVMPD's review of the wearable camera technology had to do with legal parameters and costs. An internal LVMPD committee concluded that body-worn cameras were the best option for the department to purchase.<sup>56</sup> The internal committee's next step is to meet with other department stakeholders to develop a plan for implementing wearable camera technology.

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### Report Recommendation 9.5:

LVMPD should develop community policing strategies similar to those used in Sherman Gardens and apply them to other high crime neighborhoods in an effort to enhance police-community partnerships across the city.

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Community members involved in the Sherman Gardens initiative expressed much satisfaction with the level of cooperation between the community and LVMPD. The initiative employs a community policing approach in the Sherman Gardens neighborhood of the Bolden Area Command. The 2012 report recommended that the department employ similar strategies in other high-crime neighborhoods in Las Vegas.

### Current Assessment of Compliance

✓ **Complete.** LVMPD's deputy chief of patrol directed area captains to model the Sherman Gardens project in their commands, working within the parameters of their demographics, quality of life issues, and other crime issues specific to those areas. As a result, LVMPD has launched initiatives similar to Sherman Gardens in all area commands. In each initiative, LVMPD is partnering with community groups, including faith-based organizations, other non-profit organizations, and local businesses.

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56. LVMPD, "Las Vegas Metropolitan Police Department Camera Project Recommendations..." December 14, 2012.



## **Chapter 10: Next Steps**

For the remainder of the year the assessors will:

- Monitor the recommendations categorized as “Complete” to either ensure continued compliance or, as in the case of on-going training, update the department’s progress
- Work with the department on those recommendations categorized as “In Progress” or “Not Assessed” such that they may be fully implemented
- Evaluate the “Not Complete” recommendations that are within the purview of the department to determine if their response meets the “spirit” of the recommendation or document why the decision not to comply was made
- Assess, as best as possible, the community’s response to the reforms

In February 2014 the assessors will provide a final report on the implementation of the Collaborative Reform Model in the Las Vegas Metropolitan Police Department.

## **Recent Events Regarding LVMPD’s Critical Incident Review Process**

This status report covers the period of January 1 through June 30, 2013. The assessments presented here reflect the department’s progress and activities during that time period. However, recent events, outside the period of assessment, compel us to make note in this status report. These events included:

- The reversal of a recommendation of termination resulting from an officer-involved shooting
- The sudden retirement of the assistant sheriff, who was chairman of the Use of Force and Tactical Review Boards, and recommended termination of the officer
- The resignation of six civilian board members who were in disagreement with the sheriff’s decision
- The announcement by Sheriff Doug Gillespie on August 26, 2013, that he would not seek re-election for a third term
- The announcement by former Assistant Sheriff Ted Moody on September 4, 2013, that he will run for Clark County Sheriff

### **Overview of the case in question**

In November 2012, an officer responded to a domestic violence call. When he arrived on scene a man and woman were in a parked vehicle. The officer removed the woman from the vehicle and left the man inside. The officer then approached the vehicle and was speaking to the man when the man reached under his seat and retrieved a hat. Mistaking the hat for a firearm, the officer shot the man in the leg. The man sustained a non-fatal gunshot wound.<sup>57</sup>

### **LVMPD Review outcomes**

Although the Use of Force and Tactical Review Boards determined that the officer violated multiple department policies, he refused to take responsibility for his actions during the Critical Incident Review Process (CIRP) hearings.<sup>58</sup> The board unanimously recommended that the officer be terminated from employment for “gross inappropriate use of force” based on a series of poor decisions and tactics employed during the incident.<sup>59</sup>

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57. This incident and the resulting recommendation for termination are featured in this status update.

58. LVMPD, “Event# 121111-3873” [Adjudication of Complaint] (no date).

59. Ibid.

As per LVMPD's long-standing disciplinary policy, any recommendation for termination must be first adjudicated via the pre-termination hearing process. The pre-termination board is composed of three LVMPD employees designated by the sheriff. Two members are commissioned and one is a civilian.<sup>60</sup> The board deliberates on the merits of the case and makes a recommendation to the sheriff who is responsible for the final decision. In the case of this officer, the pre-termination board voted unanimously to overturn the recommendation for termination.<sup>61</sup> Instead, the pre-termination board recommended the maximum discipline (short of termination) allowed by policy of 40 hours suspension without pay. Additionally, it was recommended that the officer undergo remedial training. It was noted by both the pre-termination board and the sheriff that the officer expressed remorse for his actions and behavior during the pre-termination hearing.<sup>62</sup>

## **The sheriff's decision**

Ultimately, by contractual agreements and LVMPD policy, it is the sheriff's decision whether or not to terminate an employee. Faced with two divergent recommendations, Sheriff Doug Gillespie announced on July 22 that he would not terminate this officer. The sheriff concurred with the board's findings that the shooting was improper. However, the sheriff adjusted the level of discipline from termination to the maximum suspension allowed. Therefore, the officer will keep his job but will be required to participate in remedial training that is designed to address the deficiencies noted during the CIRP boards. The officer is also to be suspended for 40 hours without pay, which is the maximum penalty allowed by contract.

## **Reaction**

Within days after the sheriff's decision, the assistant sheriff abruptly retired, citing his disagreement with the sheriff and concern over the integrity of the review process. Six civilian board members, including one co-chair, resigned in the wake of the sheriff's decision as well. Resigning board members disagreed with the sheriff's decision. They acknowledged that while they fully understood that the sheriff alone had the final decision-making authority; they felt the process in which they participated was undermined by the decision.

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60. LVMPD, "5/101.29 Pre-Termination Hearing" [Policy Manual] (no date).

61. LVMPD, "Pre Termination Hearing Police Officer Jacquar Roston" [Memorandum] June 19, 2013.

62. Ibid.

## Looking forward

The sheriff has assigned another assistant sheriff as the board chairman. The department plans to recruit new civilian members to replace those who have resigned.

The department's CIRP is continually evolving. Since the beginning of the Collaborative Reform, the LVMPD has made great strides in improving the process. The process is more transparent and more amenable to disciplining officers. This is most notable in that citizens are now a part of the decision-making process and are not just observers. Currently, LVMPD has 15 active members in the pool of citizen volunteers for the Use of Force Review board, with more waiting to be interviewed. Reforms that the department is currently implementing will continue to strengthen the process. We will continue to document this progress and monitor LVMPD's compliance.

The recent events surrounding the CIRP are undoubtedly a setback. However, it is important to note here that the process unfolded according to LVMPD policy and procedures. All officers who are recommended to be terminated from their duties must, as a matter of contract, be afforded a pre-termination hearing. After that hearing, the agency's chief executive, the sheriff, makes a decision accounting for all the facts and circumstances of the case and the recommendations of the two boards.

At the present time, we consider LVMPD's internal review process to be among the most progressive and transparent in the nation. The fact that the most recent board outcome was transparent as well as the subject of public debate, is an improvement over past practices. However, it is clear that more work needs to be done to restore trust between the community and the department. We will continue to work with LVMPD on their review process, the involvement of civilian members, and the adjudication process.

## Appendix A: LVMPD Status Summary Table

Table 15. Recommendation status definitions

| Status                     |                    | Definition   |
|----------------------------|--------------------|--|
| ✓                          | Complete           | The recommendation has been sufficiently demonstrated to be complete, based on the assessors' review of submitted materials, observations, and analysis.   |
| p ✓                        | Partially Complete | The agency has submitted materials that they believe demonstrate completion of the recommendation. However, the assessors have deemed that additional effort is needed to complete the recommendation. As per the agency, no further work will be forthcoming on the recommendation. |
| ▲                          | In progress        | Implementation of the recommendation is currently in progress, based on the assessors' review of submitted materials, observations, and analysis.  |
| ✗                          | Not complete       | The agency has not sufficiently demonstrated implementation of the recommendation, nor does the agency have future plans to do so.   |
| No assessment at this time |                    | At the present time, not enough information is available to make a determination.  |

**Table 16. Status of current reforms**

| <b>Las Vegas Metropolitan Police Department Current Reforms</b> |  |   |               |
|---|--|---|---------------|
| <b>#</b>  | <b>Finding/Issue</b>   | <b>Recommendation</b>   | <b>Status</b> |
| <b>Organizational Reforms</b>                                   |  |   |               |
| 1   | The LVMPD did not have a command official responsible for managing use of force reforms.   | LVMPD should designate a single command official responsible for managing use of force reforms. This command official should be the primary liaison to the community, Department of Justice, and other stakeholders. This individual should report directly to the sheriff. | ✓             |
| 2   | The LVMPD did not have an organizational structure to facilitate use of force reforms.   | LVMPD should create a formal organizational structure to facilitate use of force reform and enhance accountability.   | ✓             |
| 3   | The LVMPD needed to revise and reform its deadly force review processes (both administrative and legal in nature).   | LVMPD should develop the capacity to conduct comprehensive deadly force reviews (both administrative and legal in nature).  | ✓             |
| 4   | To identify deadly force and OIS gaps, the LVMPD needed to consolidate units that deal with training and administrative investigations and ensure that lessons learned from OIS incident reviews were incorporated back into training.   | LVMPD should consolidate units that deal with training and administrative investigations to ensure consistent and better communication about lessons learned from deadly force incidents.   | ✓             |
| 5   | The LVMPD needed to raise the level of executive involvement in the management of the Use of Force Review Board.   | LVMPD should raise the level of executive involvement in the management of the Use of Force Review Board.   | ✓             |
| <b>Five-year Detailed Analysis of LVMPD OISs, 2007 – 2011</b>   |  |   |               |
| 6   | Finding 4.1: The number of OISs has gradually declined since the third quarter of 2010.  | Recommendation 4.1: LVMPD should continue to implement reforms, monitor the progress of these reforms, and evaluate their impact on OIS incidents.  | ▲             |
| 7a  | Finding 4.2: LVMPD does not conduct department-wide fair and impartial policing training that includes a focus on use of deadly force. In addition to the community perception of biased interactions in incidents of deadly force, our review of agency data found that in 7 out of 10 (70 percent) incidents where unarmed suspects were shot by LVMPD, the suspect was black. | Recommendation 4.2.1: LVMPD should be proactive with respect to fair and impartial policing and provide its commanders, supervisors, and officers with advanced, specialized training in fair and impartial policing.   | ▲             |
| 7b  | Furthermore, 6 of 9 (66 percent) OISs that began as officer-initiated stops involved black suspects.   | Recommendation 4.2.2: LVMPD should offer advanced training in procedural justice to officers at all levels of the organization and in the academy.  | Not assessed  |

| Las Vegas Metropolitan Police Department Current Reforms |  |  |              |
|--|--|--|--------------|
| #  | Finding/Issue  | Recommendation   | Status       |
| 8  | Finding 4.3: Officer-initiated stops are more likely to result in a shooting of an unarmed suspect than any other type of contact.   | Recommendation 4.3: LVMPD should conduct uniform training on the legal parameters of officer-initiated contacts (e.g., consensual stops and investigative detention) throughout the department, starting with proactive entities such as the Gang Crimes Bureau. LVMPD has created training videos on constitutional policing issues and the department should continue to incorporate additional training on this topic into scenario-based and role-play training modules. | ▲            |
| 9  | Finding 4.4: LVMPD needs to better manage multiple officer situations. Tactical errors and fatalities were more prevalent when more officers are on the scene.   | Recommendation 4.4: LVMPD should ensure that supervisors and officers are prepared to handle multiple officer situations in the context of deadly force. It should use reality-based incident command scenarios to train officers on the management and direction of multiple officers during a critical incident.   | ✓            |
| 10   | Finding 4.5: LVMPD policy does not require that supervisors respond to calls for service that involve an armed person(s).  | Recommendation 4.5: LVMPD should have policy that requires that supervisors respond to any call for service that involve an armed person or persons.   | ▲            |
| Use of Force Policy and Procedures                       |  |  |              |
| 11   | The LVMPD Use of Force Policy was deficient and a comprehensive revision was required.   | LVMPD should develop and implement a new Use of Force Policy.  | ✓            |
| 12   | Finding 5.1: LVMPD's current Use of Force Policy complies with constitutional standards and model guidelines.  | Recommendation 5.1: LVMPD should review and update its Use of Force Policy at least annually and as needed to incorporate recent court decisions, analysis of use of force data, and lessons learned from incidents in Las Vegas and other jurisdictions.  | ✓            |
| 13   | Finding 5.2: The new Use of Force Policy is comprehensive. However, the format is cumbersome and not structured in a clear and concise manner that allows officers to quickly apply guidance in the field. | Recommendation 5.2: LVMPD should separate its Use of Force Policy into several smaller policies. This should include a core policy that serves as the foundation for the other related policies. Examples of stand-alone policies include rifles, shotguns, and other firearms; ECDs; less-lethal shotguns; batons; OC spray; and other less-lethal weapons.   | Not assessed |
| 14   | The LVMPD did not have a "sanctity of human life" statement in its Use of Force Policy.  | LVMPD should implement a "sanctity of human life" statement.   | ✓            |

| <b>Las Vegas Metropolitan Police Department Current Reforms</b> |  |   |               |
|---|--|---|---------------|
| <b>#</b>  | <b>Finding/Issue</b>   | <b>Recommendation</b>   | <b>Status</b> |
| 15  | The “objectively reasonable” standard in the LVMPD Use of Force Policy was not clear.  | LVMPD should clarify the “objectively reasonable” factors in the Use of Force Policy. In the past, guidance on “objectively reasonable” was something that was cited by making reference to U.S. Supreme Court Case Graham v. Connor and other applicable case law. | ✓             |
| 16  | The LVMPD needed to create an “Intermediate Force” level.  | LVMPD should develop an Intermediate level of force.  | ✓             |
| 17  | The LVMPD needed to revise its use of force model.   | LVMPD should develop a new use of force model.  | ✓             |
| 18  | The LVMPD needed to revise its less lethal shotgun policy to better manage its deployment.   | LVMPD should revise the less-lethal shotgun policy.   | ✓             |
| 19  | The LVMPD determined that it needed to emphasize de-escalation in its Use of Force Policy.   | LVMPD should emphasize de-escalation in the Use of Force Policy.  | ✓             |
| 20  | The LVMPD needed to require its officers to intervene when observing excessive force.  | LVMPD policy should require a duty to intervene when witnessing excessive force.  | ✓             |
| 21  | The LVMPD needed more stringent parameters for the use of Electronic Control Devices (e.g., Tasers).   | LVMPD should implement more stringent parameters for the use of Electronic Control Devices (ECD).   | ✓             |
| 22  | The LVMPD needed to further restrict when officers may shoot at a moving vehicle.  | LVMPD should implement restrictions on when officers may shoot at moving vehicles.  | ✓             |
| 23  | The LVMPD needed to develop a policy governing foot pursuits.  | LVMPD should develop a foot pursuit policy to establish parameters surrounding decision making and officer safety.  | ✓             |
| 24  | The LVMPD needed to establish more stringent parameters regarding police rifle deployment.   | LVMPD should institute more stringent parameters on police rifle deployment.  | ✓             |
| 25  | The LVMPD had no policy governing weapon-mounted flashlights.  | LVMPD should implement a weapons mounted flashlight policy.   | ✓             |
| <b>Use of Force Training and Tactics</b>                        |  |   |               |
| 26  | The LVMPD needed to train every police and corrections officer on the new Use of Force Policy.   | LVMPD should implement a program that trains all police and corrections officers on the reformed Use of Force Policy.   | ✓             |
| 27  | The LVMPD needed to revise its use of force training based on analysis of the department’s trends.   | LVMPD should implement a training program that is based on the analysis of the department’s trends.   | ✓             |
| 28  | The LVMPD needed to create more realistic use of force training to better prepare officers to handle dynamic situations and to successfully bring them to the best conclusion. | LVMPD should implement a Reality-Based Training (RBT) program.  | ✓             |



| Las Vegas Metropolitan Police Department Current Reforms |   |  |        |
|--|---|--|--------|
| #  | Finding/Issue   | Recommendation   | Status |
| 29   | The LVMPD needed to focus on reality based supervisory responsibility in its use of force training.   | LVMPD should focus on reality-based supervisory responsibility in use of force training.   | ✓      |
| 30   | The LVMPD needed to focus on de-escalation in its use of force training.  | LVMPD should focus on de-escalation in use of force training.  | ✓      |
| 31   | The LVMPD needed to focus on constitutional policing in its use of force training.  | LVMPD should focus on constitutional policing in its use of force training.  | ✓      |
| 32   | The LVMPD needed to recertify its Crisis Intervention Team officers who interact with persons suffering from mental illness.  | LVMPD should develop and implement a Crisis Intervention Team (CIT) Recertification Program.   | ✓      |
| 33   | The LVMPD needed to implement an individualized training program for officers involved in deadly force situations who committed policy, procedural, or tactical errors. | LVMPD should implement an individualized training program for officers involved in deadly force situations when there were errors.     | ✓      |
| 34   | The LVMPD needed to enhance officer safety through lessons learned in previous incidents.   | LVMPD should develop a method to enhance officer safety through lessons learned from previous incidents.                               | ✓      |
| 35   | The LVMPD video based interactive decision-making training program (MILO) needed to be expanded to include in-service training.   | LVMPD should implement video-based decision-making training for veteran as well as newly hired officers.                               | ✓      |
| 36   | The LVMPD needed to ensure that its supervisors were trained on the new Use of Force Policy.  | LVMPD should train all supervisors on the new Use of Force Policy prior to the training of their officers.                             | ✓      |
| 37   | The LVMPD needed to expand mandatory Electronic Control Device (ECD) training (e.g., Tasers).   | LVMPD should expand Mandatory ECD Training beyond 2 hours.   | ✓      |
| 38   | The LVMPD did not have an Electronic Control Device (ECD) inspection process.   | LVMPD should implement a mandatory ECD inspection program.   | ✓      |
| 39   | LVMPD needed to enhance officer safety when police encounter other officers in plainclothes.  | LVMPD should implement Police-on-Police Training.  | ✓      |
| 40   | LVMPD needed unit-specific training that addresses OIS incidents.   | LVMPD should develop specialized training for units in response to OISs handled improperly.  | ✓      |
| 41   | The LVMPD needed a training module that focused on weapons and flashlights.   | LVMPD should implement a training module that focuses on weapons and flashlights.  | ✓      |
| 42   | Finding 6.1: Defensive tactics training in LVMPD lacks consistency in terms of quality and quantity throughout the department.  | Recommendation 6.1: LVMPD should exercise necessary oversight and control to ensure consistency through a policy of instructor audits. | ▲      |

| <b>Las Vegas Metropolitan Police Department Current Reforms</b> |   |  |               |
|---|---|--|---------------|
| <b>#</b>  | <b>Finding/Issue</b>  | <b>Recommendation</b>  | <b>Status</b> |
| 43a   | Finding 6.2: LVMPD is unable to determine whether officer training requirements are being properly monitored by the Bureau Training Coordinator program.  | Recommendation 6.2.1: LVMPD should follow existing policy and audit the Bureau Training Coordinator program to ensure that it is accurately monitoring and tracking completion of training requirements.   | ▲             |
| 43b   |   | Recommendation 6.2.2: LVMPD should update its training database to accurately reflect officer rank for each year. Additionally, LVMPD should update its archiving process to include this information for all future years.                          | ✓             |
| 44  | Finding 6.3: LVMPD's Crisis Intervention Team recertification program does not contain sufficient frequency or number of hours.   | Recommendation 6.3: LVMPD should update its training policies to reflect the CIT recertification requirement and increase its number of hours and frequency.   | ✓             |
| 45  | Finding 6.4: The LVMPD policy manual has not been updated to reflect current AOST requirements.   | Recommendation 6.4: LVMPD should update its policy to reflect its actual Advanced Officer Skills Training (AOST) program.  | ✓             |
| 46a   | Finding 6.5: LVMPD de-escalation training is not a requirement and does not include an evaluation component.  | Recommendation 6.5.1: LVMPD should establish an annual requirement for officers at the rank of sergeant and below to undergo a minimum number of hours of de-escalation training and formalize assessments of de-escalation tactics in AOST and RBT. | Not assessed  |
| 46b   |   | Recommendation 6.5.2: LVMPD should devote one quarter of its defensive tactics training to de-escalation.  | Not assessed  |
| 47  | Finding 6.6: LVMPD's new Reality-Based Training program is essential to the department's efforts to continue to improve officers' tactics and prepare them for various real-life encounters. However, scheduling conflicts have hampered the program's full implementation. | Recommendation 6.6: LVMPD should proceed with the current schedule of RBT and conduct a manpower study in order to ensure that it can accommodate the completion of twice yearly RBT.  | ▲             |
| 48  | Finding 6.7: The evaluation components of LVMPD's training programs are inadequate. They do not focus on department-wide trends, which could highlight problem areas that need to be addressed more thoroughly.   | Recommendation 6.7: LVMPD should develop a greater data collection and evaluation capacity for all training conducted throughout the department and should use that data to proactively address any deficiencies.                                    | ▲             |

| Las Vegas Metropolitan Police Department Current Reforms |   |   |              |
|--|---|---|--------------|
| #  | Finding/Issue   | Recommendation  | Status       |
| 49   | Finding 6.8: Some LVMPD instructors did not express support for portions of the Use of Force Policy reforms during training.  | Recommendation 6.8: Instructors should express support for new policies. When illustrating policy violations, they should take the opportunity to explain that they are not only potentially illegal, but that they do not represent the best in policing or reflect the values of the police department. This should be ensured through instructor training and audits of instruction conducted throughout the department. | ▲            |
| 50   | Finding 6.9: Actual LVMPD radios are seldom used in LVMPD scenario-based training. However, in our review of OIS incidents, the most frequent tactical error involved radio communications.   | Recommendation 6.9: In all scenario-based training, trainees should be using actual LVMPD radios to enhance the experience and make it as realistic as possible.  | ▲            |
| 51   | Finding 6.10: LVMPD's evaluation of the most recent Use of Force Policy training suggests that officers have the most trouble comprehending policy in the context of a written scenario.      | Recommendation 6.10: LVMPD should take the appropriate steps to understand whether the failed test questions were problematic due to the clarity of the question or to officers' lack of comprehension.   | ✓            |
| Use of Force Investigation and Documentation             |   |   |              |
| 52   | The LVMPD needed to establish the capacity to conduct comprehensive deadly force reviews that are administrative in nature.   | LVMPD should conduct comprehensive administrative deadly force investigations.  | ✓            |
| 53   | The LVMPD needed to develop more specific use of force finding categories in order to provide greater accountability.   | LVMPD should develop more specific use of force finding categories in order to provide greater accountability.  | ✓            |
| 54   | The LVMPD needed to create a mechanism to provide its workforce with timely information following a deadly force incident.  | LVMPD should provide personnel with timely awareness of issues that arise following a deadly force incident.  | ✓            |
| 55   | LVMPD needed to compile and maintain detailed deadly force statistics that can be used to identify trends and increase transparency.  | LVMPD should compile and maintain detailed deadly force statistics that can be used to identify trends and increase transparency.   | ✓            |
| 56   | Finding 7.1: LVMPD stopped the FIT model of one squad handling all officer-involved shootings, returning to a process of all homicide squads handling the investigations on a rotation basis. | Recommendation 7.1: LVMPD should re-establish a specialized group of investigators designated to conduct comprehensive OIS investigations, in conjunction with the District Attorney's Office, that are legal in nature. These investigators should undergo specialized training.   | Not assessed |
| 57   | Finding 7.2: LVMPD homicide investigators do not consistently video-record all interviews for OISs.   | Recommendation 7.2: As part of their investigatory and interview procedures in an OIS, homicide investigators should video and digitally record all interviews.   | Not assessed |

| <b>Las Vegas Metropolitan Police Department Current Reforms</b> |   |  |               |
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| <b>#</b>  | <b>Finding/Issue</b>  | <b>Recommendation</b>  | <b>Status</b> |
| 58  | Finding 7.3: The Police Protective Association and Police Managers and Supervisors Association have directed their members to not cooperate with deadly force investigations if involved in an OIS. | Recommendation 7.3: In order to ensure complete and thorough investigations and engender community trust, the police associations should encourage their officers who are involved in shootings (shooters, witnesses, and supervisors) to cooperate with the OIS investigation.  | ✘             |
| 59  | Finding 7.4: LVMPD does not analyze use of force reporting and data on a routine basis in order to identify department-wide trends and quickly remedy any issues.                                   | Recommendation 7.4: LVMPD should analyze use of force reporting and data on a regular basis in order to identify trends and quickly remedy any issues through remedial training or discipline, if needed.  | Not assessed  |
| 60  | Finding 7.5: LVMPD does not conduct a comprehensive review of an officer's training record as part of its administrative use of force investigations.   | Recommendation 7.5: As part of its standard use of force investigations, LVMPD should conduct a comprehensive review of an officer's training record, to include historical data on training requirements and remedial training.   | ✓             |
| 61  | Finding 7.6: LVMPD has produced an annual review of OIS statistics and plans to disseminate the report to the public.   | Recommendation 7.6: LVMPD should formalize the production and dissemination of an annual report of OIS statistics.   | ✓             |
| 62  | Finding 7.7: LVMPD's administrative use of force reporting process does not include review and input from key administrative components.  | Recommendation 7.7: LVMPD should formalize a peer review of its administrative use of force investigation reports. Prior to the presentation to the Use of Force Review Board, the report should be validated for accuracy and completeness by the Internal Affairs Bureau, the Training Bureau, Quality Assurance, and legal counsel. | ▲             |
| 63a   | Finding 7.8: LVMPD standard operating procedures for the Use of Force Review Board are outdated and insufficient.   | Recommendation 7.8.1: LVMPD should develop a stand-alone manual for its Use of Force Review Board containing standard operating procedures, the roles and responsibilities of involved parties, and the purpose of the board.  | ▲             |
| 63b   |   | Recommendation 7.8.2: LVMPD should reassess how citizen board members are selected to participate in the Use of Force Review Board process. Note: Recent events in Las Vegas have involved the Use of Force Review Board. The assessors are monitoring this situation and will continue to work with LVMPD on related reforms.         | ▲             |

| <b>Las Vegas Metropolitan Police Department Current Reforms</b> |  |  |               |
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| <b>#</b>  | <b>Finding/Issue</b>   | <b>Recommendation</b>  | <b>Status</b> |
| 64  | Finding 7.9: In the past, the Use of Force Review Board has rarely issued disciplinary or corrective action, due to both structural constraints and a lack of institutional oversight. LVMPD has recently altered the findings structure to allow for recommendations on administrative actions based on policy, supervision, training, and sound tactics. | Recommendation 7.9: The department should formalize the new functions of the Use of Force Review Board in its policy manual and monitor their continued implementation and impacts.  | ▲             |
| 65a   | Finding 7.10: LVMPD's process for tracking the implementation of UoFRB recommendations is informal and unrefined.  | Recommendation 7.10.1: LVMPD should streamline the exchange of information between OIO and bureau commanders who are in charge of ensuring that UoFRB recommendations are implemented.   | ✓             |
| 65b   |  | Recommendation 7.10.2: LVMPD should update its policy manual to include the ITAP and formalize the process.  | ✓             |
| 66  | Finding 7.11: Presentations by LVMPD personnel to the UoFRB, as well as questions by members of the UoFRB, are not perceived as objective.   | Recommendation 7.11: LVMPD should mitigate the potential for bias and leading questions, and emphasize the Use of Force Review Board's objectivity by providing members of the board and presenters with training on how to present information and/or ask questions in a non-biased or neutral fashion. | ▲             |
| <b>Use of Force Incident Review</b>                             |  |  |               |
| 67  | Finding 8.1: The Coroner's Inquest process related to review of deadly force incidents is ineffective.   | Recommendation 8.1: Clark County Commission should review the necessity and purpose of the Coroner's Inquest since it is now being met by the public release of the DA's Memorandum of Decision and the LVMPD OIS review.  | ✓             |
| 68  | Finding 8.2: The Clark County District Attorney has begun to review OISs that result in death and to issue decision letters regarding criminal findings. However, decision letters are not issued for serious, non-fatal use of force incidents.   | Recommendation 8.2: The Clark County DA's Office should continue to review all fatal use of force cases and consider also reviewing significant uses of force that did not result in death.  | ✓             |
| 69  | Finding 8.3: The Clark County DA's Office needs more training and expertise related to investigating deadly force incidents.   | Recommendation 8.3: The Clark County District Attorney's Office should acquire additional expertise and dedicated resources to investigate OISs more comprehensively.  | Not assessed  |

| <b>Las Vegas Metropolitan Police Department Current Reforms</b> |  |  |               |
|---|--|--|---------------|
| <b>#</b>  | <b>Finding/Issue</b>   | <b>Recommendation</b>  | <b>Status</b> |
| <b>Community Perspectives and Outreach</b>                      |  |  |               |
| 70  | LVMPD needed to increase transparency related to deadly force incidents.   | LVMPD should implement a protocol to release documents related to deadly force incidents.  | ✓             |
| 71  | Finding 9.1: The information LVMPD provides to the public on the circumstances of OISs is not meeting community expectations and is contributing to the public's negative perception of LVMPD. | Recommendation 9.1: LVMPD should work with community leaders and other stakeholders to establish mutual expectations and a process for the release of information to the public following an OIS.  | ✓             |
| 72  | Finding: 9.2: LVMPD is now releasing deadly force investigation summary reports in response to community concerns about the perceived lack of accountability for officers involved in OISs.    | Recommendation 9.2: LVMPD should create a policy to institutionalize the process that is now providing greater transparency of its police operations and internal reviews relating to use of deadly force.   | ✓             |
| 73  | Finding 9.3: LVMPD currently lacks standards and procedures for releasing information on OISs to the media and the public.   | Recommendation 9.3: LVMPD should develop a formal communications/media strategy for OISs.  | ✓             |
| 74  | Finding 9.4: LVMPD has publically expressed its commitment to providing officers with wearable cameras.  | Recommendation 9.4: Wearable camera technology is relatively new, and further research is still needed regarding its efficacy. LVMPD has invested in this innovative technology and should collect operational data and evaluate its effectiveness in the field. Lessons learned from this pilot will not only benefit LVMPD and its community, but should also be shared with departments across the country to help inform their decisions to invest in this technology. | ✓             |
| 75  | Finding 9.5: LVMPD's Sherman Gardens community policing model has proven to be effective at enhancing police-community partnerships within that neighborhood.                                  | Recommendation 9.5: LVMPD should develop community policing strategies similar to those used in Sherman Gardens and apply them to high crime neighborhoods in an effort to enhance police-community partnerships across the city.  | ✓             |

## Appendix B: Acronym List

| Acronym | Term  |
|---------|---|
| AOST    | Advanced Officer Skills Training            |
| CIRP    | Critical Incident Review Process            |
| CIRT    | Critical Incident Review Team               |
| CIT     | Crisis Intervention Team                    |
| COPS    | Community Oriented Policing Services        |
| DA      | District Attorney                           |
| ECD     | Electronic Control Device                   |
| GO      | General Order                               |
| LVMPD   | Las Vegas Metropolitan Police Department    |
| MMAC    | Metro Multi-cultural Advisory Committee     |
| MOF     | "Mistake of Fact"                           |
| ODB     | Organizational Development Bureau           |
| OIO     | Office of Internal Oversight                |
| OIS     | Officer-Involved Shooting                   |
| PIO     | Public Information Officer                  |
| PMSA    | Police Managers and Supervisors Association |
| PO      | Procedural Order                            |
| PPA     | Police Protective Association               |
| QA      | Office of Quality Assurance                 |
| RBT     | Reality-Based Training                      |
| RHB     | Robbery and Homicide Bureau                 |
| RJ      | Las Vegas Review Journal                    |
| TRB     | Tactical Review Board                       |
| UMLV    | University of Metro Las Vegas               |
| UoFRB   | Use of Force Review Board                   |









**COPS**  
*Community Oriented Policing Services*  
**U.S. Department of Justice**

U.S. Department of Justice  
Office of Community Oriented Policing Services  
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