

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

February 3, 2016



REPORT ON THE SEPTEMBER 3, 2014,
OFFICER INVOLVED SHOOTING OF JAMES LUKE BOWMAN

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INTRODUCTION

On September 3, 2014, the United States Marshals Service, with the assistance of the Washoe County All Threats All Crime (ATAC) Unit and the Sparks Police Department Crime Suppression Unit (CSU), planned an operation to locate and arrest wanted fugitive James Luke Bowman. The U.S. Marshals had an active felony warrant for Bowman's arrest in reference to a federal probation violation. Additionally, the Sparks Police Department had probable cause to arrest Bowman for a shooting he committed in July 2014 in Sparks, Nevada.

The U.S. Marshals had received information that Bowman was in the Sun Valley area. During surveillance, officers observed two male subjects exit a residence and enter into a red Jeep Cherokee. Bowman sat in the passenger seat. Undercover officers requested the assistance of a marked patrol unit. When the assisting deputies attempted a traffic stop, the Jeep fled from the scene at a high speed. The driver was Jeffery Howard. A high speed pursuit resulted in the officers losing sight of the Jeep on westbound I-80 due to heavy traffic and excessive speeds. Bystanders, after flagging down the officers, advised them that the Jeep exited at Wells Avenue. A subsequent search of the area located the unoccupied Jeep on Spokane Street between East 8th Street and East 9th Street.

Soon thereafter, Washoe County Sheriff's Detective Sean Wallace arrived in the area of East 8th Street and Quincy Street, at which time he saw Bowman walking eastbound on East 8th Street from the area of Spokane Street. He then began walking northbound on Quincy Street and entered the yard of a residence on the east side of the street. Detective Wallace was wearing uniform apparel identifying him as law enforcement. Sparks Police Department Detective Jason Edmondson, who also was wearing apparel identifying him as law enforcement, arrived and parked his unmarked vehicle on west side of Sutro Street, just north of the gravel driveway of 1117 East 8th Street.

When Bowman jumped over a fence onto the gravel driveway of 1117 East 8th Street he was confronted by both Detective Edmonson and Detective Wallace. When Bowman was given verbal commands to

surrender by the officers he made statements to the effect of "Fuck, no" and "Don't make me do this" while pacing and disobeying the commands to stop moving and put his hands on his head. He then began walking toward Detective Edmonson while beginning to remove a handgun from the front of his waistband. Yelling "Gun" Detective Edmonson fired several rounds at Bowman. Detective Wallace also started firing his weapon upon hearing "Gun".

Detective Edmonson and Detective Wallace's shots were effective in incapacitating Bowman. Other law enforcement officers secured Bowman, at which time a .40 caliber Smith & Wesson semiautomatic handgun was found in the area where he fell to the ground. Emergency personnel arrived on scene and transported Bowman to the hospital where he was eventually pronounced dead. Cause of death was determined to be multiple gunshot wounds.

During a subsequent search of the area, Jeffery Howard was located hiding in a crawlspace of a nearby residence. Howard was interviewed by detectives and admitted to being the driver of the red Jeep Cherokee. Howard stated that when officers attempted to stop the vehicle Bowman pulled a gun from his waistband and said "if you don't get me the fuck out of here, I'm going to shoot these mother-fuckers, and then I'm gonna go kill your family". At that point Howard was afraid that Bowman was going to shoot him and did as Bowman ordered him to do.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Reno Police Department (RPD) led the investigation into the shooting of Bowman. Sparks Police Department (SPD) provided secondary investigative support, the Washoe County Sheriff's Office (WCSO) provided further needed support, and the Washoe County Crime Laboratory (WCCL) provided forensic services. The investigation included interviewing witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, obtaining relevant surveillance video and interviewing the officers involved in the shooting.

All investigation reports along with WCCL forensic reports, photographs, surveillance video and recorded interviews were then submitted to the Washoe County District Attorney's Office in late December, 2015, for a determination of whether the shooting of James Luke Bowman was legally justified. No criminal charges were recommended by RPD. The District Attorney's evaluation included reviewing approximately 600 pages of reports and documents which included interviews of police and civilian witnesses. It further included the review of photographs, diagrams, video, recordings of radio transmissions, and examination of the scene of the shooting. This report follows.

Based on the available evidence and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of James Luke Bowman by Washoe County Sheriff's Detective Sean Wallace and Sparks Police Department Detective Jason Edmonson was justified and not a criminal act.

I. STATEMENT OF FACTS¹

The United States Marshal's Fugitive Task Force is a regional unit that works to locate and apprehend dangerous fugitives and assist in high profile investigations. On September 3, 2014, the regional task force with the assistance of ATAC and CSU planned an operation to attempt to locate and arrest wanted fugitive James Luke Bowman.

A. Decedent James Luke Bowman²

James Bowman, 42 (DOB 9/13/1971), was a wanted fugitive. The United States government had a court-ordered felony warrant for his arrest for a probation violation stemming from a Felon in Possession of a Firearm Conviction.

¹ The Statement of Facts is synopsised from witness interviews, videos, and police reports.

² The criminal history and current criminal conduct of a person shot in an OIS is not relevant in all OIS reviews. However, both involved officers were aware of such in this case prior to their encounter with Bowman. Consequently, his criminal history and then current criminal activity is relevant in this review as it created a heightened danger and officer safety concern.

Additionally, the SPD had probable cause to arrest Bowman for a shooting that occurred in Sparks on July 21, 2014. In that case, Bowman fired two rounds from a stolen handgun into a vehicle after it had backed into his motorcycle.

In addition to the federal fugitive warrant and the outstanding SPD felony investigation, Bowman had a significant criminal history. He was a 4 time convicted felon who had done several stints in prison. Two of his prior felony convictions were for Felon in Possession of a Firearm.

Moreover, as a part of the federal fugitive warrant investigation and the SPD shooting investigation, law enforcement officers had received credible information that Bowman was presently in possession of a black handgun that he carried in his waistband and was actively using and dealing controlled substances including methamphetamine and heroin.

B. Attempt to Apprehend Bowman

At approximately 6:00 a.m. on September 3, 2014, members of the Federal Fugitive Task Force, ATAC, and CSU had a briefing on the planned operation to locate and arrest Bowman pursuant to the court-ordered warrant of arrest. At the briefing, the suspected location of Bowman was discussed as well as his criminal history, his appearance, his active warrant, and the recent crimes committed in Sparks in July. Both Detective Wallace and Detective Edmonson were present for this briefing.

The suspected location of Bowman was a residence in the area of 4th Avenue and Carol Drive in Sun Valley. The planned operation was to use plain-clothed law enforcement officers in unmarked vehicles to conduct surveillance on the residence. The objective was to identify Bowman as he entered or exited the house and then attempt to contact him and arrest him on the pending charges. After the briefing, the respective units responded to the Sun Valley area and began the surveillance.

Shortly after 10:00 a.m., officers observed Bowman and Jeffery Howard exit the residence and enter a red Jeep Cherokee driven by Howard. Washoe County Sheriff's Deputies in marked patrol vehicles were called to assist in a traffic stop.

Sergeant Mike Wright and Deputy Dennis Allen attempted to conduct a traffic stop on the vehicle on North McCarran Boulevard between Clear Acre Lane and the southbound on-ramp to I-580. Deputy Allen activated his emergency lights, at which time the red Jeep Cherokee pulled over to the side of the road.

Upon Deputy Allen's demand, over his loudspeaker, for the driver to shut off his vehicle, the vehicle fled at a high rate of speed onto I-580. Sergeant Wright and Deputy Allen pursued the vehicle.



(Still image taken from Deputy Allen's dash camera depicting the red Jeep Cherokee pulling over on North McCarran Boulevard and then fleeing onto I-580)

Due to high traffic congestion and the excessive speeds of the red Jeep Cherokee, the pursuing officers lost sight of the vehicle as it merged onto westbound I-80. At that time due to civilian safety concerns, Sergeant Wright cancelled the pursuit and exited the freeway onto Wells Avenue suspecting that may be where the vehicle exited. He was then flagged down by civilian bystanders who communicated that the red Jeep Cherokee had in fact exited I-80 at Wells Avenue and headed northbound.

Sergeant Wright relayed this information to all involved law enforcement officers who began to saturate the area in the hopes of locating Bowman. A short time later, the unoccupied red Jeep Cherokee was located on Spokane Street between East 8th Street and East 9th Street. Units began setting up a perimeter in that area in an attempt to contain the two suspects who were now believed to be on foot.

C. Witness Accounts

1. Sparks Police Department, Detective Jason Edmonson

Detective Edmonson has been employed by SPD for 12 years. Prior to being hired by SPD, he had 7 years of law enforcement experience in other jurisdictions. In September of 2014, he was working as a detective in CSU.

Detective Edmonson was interviewed at the Sparks' Police Department by RPD lead detective Dave Millsap and RPD detective Brian McQuattie. Detective Edmonson was familiar with Bowman having received information about the July 2014 shooting in Sparks, information from informants pertaining to his suspected narcotic sales and gun possession, and the information relayed at the morning briefing on September 3, 2014.

On September 3, 2014, Detective Edmonson was a part of the surveillance team attempting to locate Bowman in Sun Valley. Required to be at a meeting at the Sparks' Police Department at 10:00, he was away from Sun Valley when Bowman and Howard were seen departing in the red Jeep Cherokee. However, once the pursuit of the fleeing vehicle began he listened to the police radio updates and made his way to the area of Sutro and East 8th Street when he heard of the discovery of the unoccupied red Jeep Cherokee and that a person matching the description of Bowman was walking in the area.

Upon his arrival, Detective Edmonson parked his vehicle on the west side of Sutro mid-block between East 8th and East 9th streets to assist other law enforcement officers in securing a perimeter. He exited his vehicle wearing his SPD issued black ballistic raid vest embossed with a cloth SPD badge on the upper left chest area and white "POLICE" panels on the front and back. His metal badge attached to his belt was also displayed. He removed his Glock .40 caliber handgun from its holster.

Soon after exiting his vehicle, he heard an unknown officer yell something to the effect of "contact" west of Sutro Street. He ran south on Sutro Street towards the yelling. He then saw Detective Wallace running across the street yelling verbal commands at a subject in a gravel driveway located at 1117 East 8th Street. In turn, Detective Edmonson went to the gravel

driveway and immediately recognized Bowman as the subject Deputy Wallace had engaged. Detective Edmonson repeatedly verbally identified himself as "police" and ordered Bowman to put his hands up.

Detective Edmonson described Bowman as being very animated like "we'd cornered a wild animal". His face was red and flushed and his hands were clenched. Bowman was yelling "don't make me do it... don't make me do it..." at both Detective Edmonson and Detective Wallace. Detective Edmonson then observed Bowman reach underneath his shirt with his right hand toward the front of his waistband. He then saw Bowman make a fist around something in his waistband that was darker than his stomach and begin to move as if he was drawing a gun. Believing that Bowman was going shoot him, Detective Wallace, or innocent citizens, Detective Edmonson fired his weapon 5 times.

2. Washoe County Sheriff's Office,
Detective Sean Wallace

Detective Wallace has been employed by WCSO for 20 years. In September of 2014, he was assigned to ATAC as a detective.

Detective Wallace was interviewed at the Sparks' Police Department by RPD lead detective Dave Millsap and RPD detective Brian McQuattie. Detective Wallace was familiar with Bowman having received information about the July 2014 shooting in Sparks, information from informants pertaining to his suspected narcotic sales and gun possession, and the remaining information relayed at the morning briefing on September 3, 2014.

That morning, he was part of the surveillance team attempting to locate Bowman in Sun Valley. Upon the pursuit of Bowman in the red Jeep Cherokee, Detective Wallace made his way to the area of Wells Avenue and East 9th Street. Once in the area and after spotting the abandoned red Jeep Cherokee on Spokane Street, he parked in the parking lot of the Head Start Learning Center located at the southwest corner of East 8th Street and Sutro Street. Noting that there was a playground at the learning center with children playing in it, Detective Wallace exited his vehicle, located a teacher, and requested that the children be taken inside the building for safety purposes. Soon after he reentered his vehicle, he saw Bowman walking eastbound on East

8th Street then turn northbound on Quincy Street where he entered a yard of a residence after passing several houses.

Detective Wallace then drove to Sutro Street and parked in-line with where he believed he saw Bowman enter the yard on Quincy Street. He exited his vehicle. Detective Wallace was wearing his green colored Washoe County Sheriff's Office issued ballistic tactical vest with "SHERIFF" embossed in bright yellow lettering on the front and back of it. He had his department issued Heckler & Koch 9mm MP5 rifle.

Detective Wallace then heard yelling from other officers at who he believed was Bowman. He saw Detective Edmonson running south on Sutro Street and began jogging across the street himself. As Detective Edmonson passed him, Detective Wallace saw Bowman climb over a wooden fence which leads to a gravel driveway located at 1117 East 8th Street. Detective Wallace pointed his gun at Bowman, identified himself as "police", and repeatedly ordered him to "get on the ground". He also heard Detective Edmonson giving similar commands. Bowman did not comply with the orders and began pacing back and forth while he was yelling "fuck no, fuck no, fuck no".

Detective Wallace moved to the north of the gravel driveway so that he and Detective Edmonson could triangulate on Bowman. While he could primarily see Bowman's left side, Detective Wallace saw Bowman's right hand go down towards his right hip. He then heard Detective Edmonson yell "drop the gun". Fearing that he or Detective Edmonson may be shot and for the safety of the citizens in the area, he fired his weapon 6 times.

3. Washoe County Sheriff's Office,
Sergeant Mike Wright

Upon hearing over his police radio that the red Jeep Cherokee was located on Spokane Avenue and that the possible suspect was sighted and heading towards Sutro Street, Sergeant Wright drove to Sutro Street from East 9th Street. Upon his arrival, he saw Washoe County Sheriff's Deputy Brandon Zirkle and instructed him to assist in setting up a perimeter. He also saw Detective Wallace exiting his vehicle further south on Sutro Street.

After directing other law enforcement personnel to the east of Sutro Street to further the perimeter, Sergeant Wright saw Detective Wallace engaging someone in the driveway of the house located at 1117 East 8th Street. He then angled his vehicle towards the property where he could see Bowman as the person in the driveway. Bowman was described by Sergeant Wright as being in "flight or fight mode" with an obvious look of desperation looking for a way to escape. Sergeant Wright then saw Bowman make a "furtive type movement" and observed an object in his hand. He then saw Bowman turn towards the officers and heard shots.

Sergeant Wright assisted in securing Bowman after he was incapacitated by the shots fired. After he was secured, emergency medical personnel were immediately requested. Sergeant Wright then saw Bowman's gun partially located under a bush within approximately 10 feet of Bowman.

4. Washoe County Sheriff's Office,
Deputy Brandon Zirkle

Washoe County Deputy Brandon Zirkle, a K-9 handler, was at the Sheriff's Office when he heard over the radio about the pursuit of the red Jeep Cherokee. Consequently, he left to assist. Due to overheard radio traffic about the pursuit, the location of Bowman and the red Jeep Cherokee, he went to East 9th Street and Sutro Street. He parked his car at that location to assist in setting up a perimeter.

He then observed Bowman emerge from 1117 East 8th Street. Deputy Zirkle then returned to his vehicle and started driving towards Bowman and other law enforcement personnel including Detective Edmonson and Detective Wallace. As he was driving, he saw Bowman running back and forth in the driveway of the property. He pulled up next to Detective Edmonson's vehicle and then heard gunfire. Deputy Zirkle assisted in securing Bowman after he was incapacitated by the shots fired. He looked to the south of Bowman and saw Bowman's gun partially under a bush.

5. Washoe County Sheriff's Office,
Deputy Francisco Gamboa

Based on the radio traffic pertaining to the pursuit of the red Jeep Cherokee and its exiting on Wells Avenue, Deputy Gamboa drove to the Wells off-ramp area. Once there, he overheard on the radio that Bowman was seen jumping into a backyard in the area of Quincy Street. He drove to the area of East 8th Street, parked his vehicle, and traveled by foot north on Quincy.

Deputy Gamboa saw Bowman in the backyard of a residence. He began yelling to Bowman to show his hands and not move. Bowman did not comply and began running through the yard towards Sutro Street. Deputy Gamboa opted to exit the yard and run around the residences to Sutro Street to cut Bowman off. As he started running North on Sutro Street, he saw Detective Wallace and Detective Edmonson in front of him and then heard the shots. Deputy Gamboa assisted in securing Bowman after he was incapacitated by the shots fired. He also saw Bowman's gun partially under a bush in the vicinity of Bowman.

6. Washoe County Sheriff's Office,
Deputy Dennis Allen

Deputy Allen, a K-9 officer, parked his vehicle at East 8th Street and Quincy Street. He saw Deputy Gamboa on Quincy Street. As he approached him, he saw Bowman running through the backyard of a residence. Deputy Allen ran to Sutro Street where he headed northbound. He then saw Detective Edmonson and Detective Wallace walking towards Bowman giving him verbal commands to get on the ground. He then heard someone yell "gun" and saw both detectives fire their weapons.

7. Jeffery Scott Howard

Howard was the driver of the red Jeep Cherokee. He admitted to picking Bowman up in Sun Valley on the morning of September 3, 2014. Howard explained that when he pulled his vehicle over at the direction of law enforcement on North McCarran Boulevard between Clear Acre Lane and the southbound on-ramp to I-580, Bowman "freaked out" and pulled a black handgun with silver trim from the front of his waistband. He then pointed it at Howard and stated "if you don't get me the fuck out of here, I'm going

to shoot these mother-fuckers, and then I'm gonna go kill your family". Howard complied and entered southbound I-580.

Howard stated that Bowman directed him to take the I-80 westbound on-ramp and exit at Wells Avenue. They continued north on Wells Avenue, took a right on East 9th Street, and then another right on Spokane where they stopped the car. Bowman ordered Howard to run or he would shoot him. They ran to a residence on Spokane Street where they hid in an underground crawlspace to a shed.

Bowman did not like that Howard followed him into the crawlspace stating "what the fuck are you doing" and hit him on the head with the handgun causing an injury to his head. Bowman then fled the hiding spot. Howard remained in that location until found hours later by law enforcement.

8. Various residents in the area

Numerous residents and individuals who worked in the area were interviewed by law enforcement during a canvass. None of the interviewed witnesses saw the shooting. Several reported hearing commands given to Bowman from law enforcement and the gunshots. Some also reported seeing Bowman run from the vehicle and throughout the neighborhood.

On September 8, 2014, Detective Millsap interviewed a citizen who was driving south on Sutro Street when the shooting occurred. This citizen left the area immediately after the shooting. However, the citizen's license plate was captured in an officer's dashboard camera as the vehicle passed the shooting. After determining who the owner of the car was, the citizen was interviewed and relayed that he saw several police officers in the area and heard them yell "police". He saw the two detectives shoot and he then left the area.

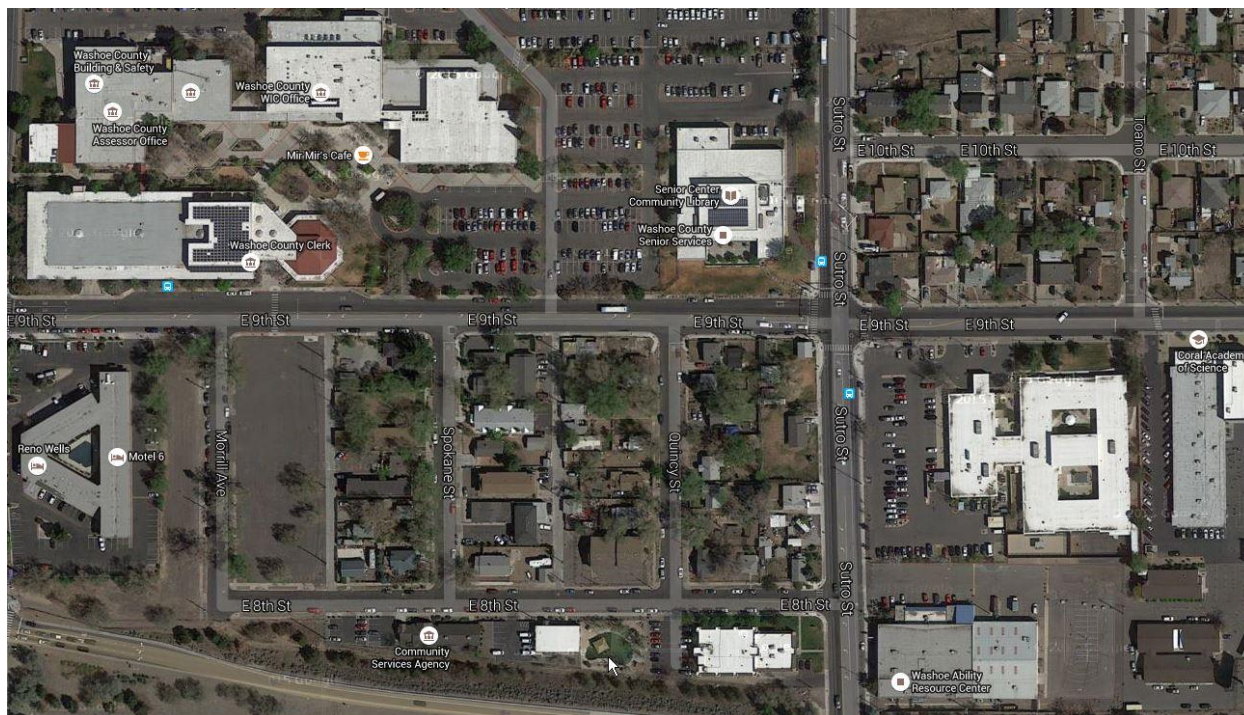
9. Larissa Faddis

Larissa Faddis was an associate of Bowmans in the summer of 2014 and was present during the shooting in Sparks on July 21, 2014. She was interviewed at the Washoe County Jail on September 8, 2014, where she confirmed Bowman was the individual who fired two rounds from a handgun into a vehicle.

She stated that she knew something like this (*the shooting of Bowman*) was going to happen because on several occasions Bowman said that he was not going to go back to prison. Aware of Bowman's distribution of methamphetamine in the area, she recalled a conversation where she told Bowman that if he did not want to go back to prison he needed to be careful and get out of town to which he replied "Oh, I'm not going back to prison".

Faddis explained that when she was with Bowman she never saw him with a gun because he was good about keeping them away or hidden but that he always had a holster on his hip leading her to believe he had access to firearms.

D. Area Overview



The area where the red Jeep Cherokee was abandoned and where Bowman fled, and was ultimately shot, is a densely populated neighborhood including schools, businesses and residences.

The Washoe County Complex which houses the majority of Washoe County government departments encompasses the entire length of East 9th Street from Wells Avenue to Sutro Street. At any given time on a weekday there are approximately 500 employees at that facility and an abundance of citizens visiting the location for its services including child immunizations and senior services.

On September 3, 2014, the facility was locked down due to the incident with Bowman.

On East 8th Street there is the Community Services Agency a private nonprofit Community Action Agency and the Head Start Learning Center a federally funded preschool program for children 3-5 years old.

On the east side of Sutro Street between East 8th Street and East 9th Street is the campus for the Coral Academy of Science, a charter school that serves grades 1-12, and West Hills Hospital which treats patients age 4 and older, both inpatient and outpatient, with issues that relate to depression, bi-polar disorder, schizophrenia, adjustment disorders, personality disorders, and psychosis.

Lastly, beyond the businesses and schools in the area there are numerous residences including apartment buildings located within the two square blocks from where the red Jeep Cherokee was abandoned and where Bowman was shot.

II. PHYSICAL EVIDENCE

A. Shooting Scene

The shooting occurred in the gravel driveway located at 1117 East 8th Street. The scene was taped-off by officers after the shooting occurred. The following relevant evidence was collected and photographed at that location.

- Five (5) "Federal 40 S&W" spent casings. Fired from Detective Edmonson's firearm.
- Six (6) "WIN 9mm Luger" spent casings. Fired from Detective Wallace's firearm.
- One (1) backpack possessed by Bowman containing personal effects, ziplock baggies, a latex tourniquet strap, a 2.75 ounce can of butane fuel, a digital scale, nine syringes, 3.442 grams of psilocin mushrooms, 4 plastic zip-lock bags containing 79.919 grams gross weight of a crystalline substance of which 55.980 grams net weight taken from one of the plastic bags was identified as Methamphetamine, and two

plastic zip-lock bags containing 4.555 grams gross weight of a untested brown substance.³

- 4 metal fragments believed to be fired bullets lacking microscopic marks to identify them to a specific firearm but consistent with "Federal 40 S&W" cartridges and "Winchester 9mm Luger" cartridges.
- One (1) pair of handcuffs used to secure Bowman.
- One (1) grey/metal and black/metal "Smith & Wesson" handgun with 14 cartridges in the magazine possessed by Bowman and located partially under a nearby bush.
 - **This gun was reported stolen in 2012 under RPD case 12-17676.**

B. Autopsy

The following relevant evidence was collected and photographed at the Washoe County Medical Examiner's Office during the autopsy of Bowman performed on September 4, 2014.

- One (1) pair of jeans removed from Bowman with an empty black holster attached to the belt. The "Smith & Wesson" handgun located in the vicinity of Bowman was found to fit securely in the holster.
- 5.505 grams net weight of methamphetamine and .602 grams net weight of heroin removed from the right front pocket of Bowman's jeans.⁴

The autopsy of Bowman was performed by Dr. Piotr Kubiczek who determined that the cause of Bowman's death was due to multiple gunshot wounds. The autopsy revealed that Bowman was shot seven times. Toxicology results from Bowman's liver tissue revealed 2300 ng/g of Amphetamine and 13000 ng/g of Methamphetamine.⁵

³ In Nevada, possession of methamphetamine in excess of 28 grams is a category A felony punishable by life in prison with parole eligibility after 10 years.

⁴ In Nevada, possession of heroin in excess of 4 grams but less than 14 grams is a category B felony punishable by up to 6 years in prison.

⁵ Amphetamine is a schedule II phenethylamine CNS-stimulant. It is used therapeutically in the treatment of narcolepsy and obesity and also in the treatment of hyperactivity in children. It has a high potential for abuse and is also a metabolite of methamphetamine.

Methamphetamine is a DEA schedule II stimulant drug capable of causing hallucinations, aggressive behavior and irrational reactions. It is an abused substance because of its stimulatory effects and is also addictive.

C. Police Vehicle Recording Systems

Portions of the incident were captured on three Washoe County Sheriff Patrol vehicles. Deputy Allen's and Sergeant Wright's dashboard mounted audio and video recording systems captured the initial attempted traffic stop of the red Jeep Cherokee as well as the subsequent pursuit. Additionally, Sergeant Wright's and Deputy Zirkle's dashboard cameras captured a limited portion of the shooting.

A review of the video footage corroborates a large portion of statements given by Detective Edmonson, Detective Wallace, and other involved officers. The footage gives a limited view of Bowman advancing on Detective Edmonson while reaching into his waistband. Further, after the detectives begin shooting it shows Bowman turning around to his right in the direction towards the bush where the firearm he removed from his waistband was located.



(This aerial view depicts the neighborhood where the red Jeep Cherokee was abandoned and where the shooting occurred.)



(Jeep Cherokee abandoned on Spokane Street)



(Still image taken from Sergeant Wright's dash camera video as he was driving south on Sutro Street depicting Bowman in red in the driveway of 1117 East 8th Street, Detective Wallace crossing Sutro Street, and Detective Edmonson's gold Ford truck)



(Still image from same continued dash camera video)



(Still image from same continued dash camera video)



(Still image from same continued dash camera video after Sergeant Wright had passed Detective Edmonson's parked gold Ford truck now also depicting Detective Edmonson on the right)



(Still image from same continued dash camera video after Sergeant Wright had passed Detective Edmonson's parked gold Ford truck now also depicting Bowman yelling at officers, and Deputy Allen and his K-9 heading northbound on Sutro Street from East 8th Street)



(Still image from same continued dash camera video depicting Bowman beginning to remove the stolen handgun from the holster in his waistband)



(Close up of Bowman beginning to remove the stolen handgun from the holster in his waistband just prior to shots being fired)



(Location of Bowman's handgun after the shooting)



(Bowman's handgun after collection from the shooting scene with loaded magazine removed)



(Controlled substances collected from Bowman's backpack)



(Jeans removed from Bowman with an empty black holster attached to the belt)

III. LEGAL PRINCIPLES

A homicide is the killing of another human being, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of justifiable or excusable homicide which are lawful. The Washoe County Medical Examiner's Office has deemed the death of James Luke Bowman to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officers involved and determining whether any criminality on their part existed at the time of the shooting.

In Nevada, there are a variety of statutes that define justifiable homicide. (see NRS 200.120, 200.140, and 200.160) There is also a statute that defines excusable homicide and one that provides for the use of deadly force to effect arrest. (see NRS 200.180 and NRS 171.1455) Moreover, there is case law authority interpreting justifiable self-defense and defense of others. All of the aforementioned authority is intertwined and requires further in depth explanation:

A. The Use of Deadly Force in Self-Defense or Defense of Another

NRS 200.120 provides in relevant part that "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of... person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony..." against the other person. NRS 200.160 further provides in relevant part that "Homicide is also justifiable when committed... in the lawful defense of the slayer... or any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished".

The Nevada Supreme Court has refined the analysis of self-defense and, by implication defense of others, in Runion v. State, 116 Nev. 1041 (2000). In Runion, the Court set forth sample legal instructions for consideration in reviewing self-defense cases as follows:

The killing of another person in self-defense is justified and not unlawful when the person who does the killing actually and reasonably believes:

1. That there is imminent danger that the assailant will either kill him or cause him great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in self-defense force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury to himself.

A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in self-defense, the circumstances must be sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence of those fears alone and not in revenge.

Actual danger is not necessary to justify a killing in self-defense. A person has a right to defend from apparent danger to the same extent as he would from actual danger. The person killing is justified if:

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he is about to be killed or suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and
3. A reasonable person in a similar situation would believe himself to be in like danger.

The killing is justified even if it develops afterward that the person killing was mistaken about the extent of the danger.

If evidence of self-defense is present, the State must prove beyond a reasonable doubt that the defendant did not act in self-defense. If you find that the State has failed to prove beyond a reasonable

doubt that the defendant did not act in self-defense, you must find the defendant not guilty.

Id. 1051-52.

B. Justifiable Homicide by Public Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a public officer... when necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court of officer, or in the discharge of a legal duty" and "When necessary... in attempting, by lawful ways or means, to apprehend or arrest a person" and/or "in protecting against an imminent threat to the life of a person".⁶

C. Use of Deadly Force to Effect Arrest

NRS 171.1455 provides in relevant part "If necessary to prevent escape, an officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person... Poses a threat of serious bodily harm to the officer or to others.

IV. ANALYSIS

On the morning of September 3, 2014, Detective Wallace and Detective Edmonson were briefed on Federal Fugitive Task Force target James Luke Bowman including his criminal history involving illegal possession of firearms, his recent involvement in a shooting in Sparks, and the court-ordered warrant for his arrest for violating federal probation. Additionally, they received credible information that he was likely armed. Simply put, they were on notice that Bowman presented as a dangerous individual.

These dangerous tendencies were further evidenced when after law enforcement attempted to apprehend Bowman later that morning he

⁶ A 1985 Nevada Attorney General Opinion limited the interpretation of NRS 200.140 to situations where the officer has probable cause to believe that the suspect poses a threat of serious physical harm either to the officer or to others.

caused a high speed vehicle pursuit to occur on several heavily traveled roadways. Furthermore, after abandoning his getaway vehicle, Bowman, armed with a stolen handgun, fled throughout a heavily populated area where innocent citizens, including children, work, live and go to school.

Bowman was in possession of a quantity of methamphetamine that is punishable by life in prison. Moreover, he was facing going back to prison for a federal probation violation and an arrest for the shooting in Sparks in July. Furthermore, he had methamphetamine in his system which can cause aggressive behavior and irrational reactions. In light of these facts and his recent statements to Faddis that he was "not going back to prison", it is entirely reasonable to accept that he was acting all of the "cornered wild animal" as described and the dashcam video depicts. Significantly, it also corroborates his intent to utilize his firearm.

Detective Wallace and Detective Edmonson, armed with firearms, observed Bowman refuse their commands to surrender, yell "fuck no, fuck no" and "don't make me do it" and then begin to remove a firearm from his waistband. In that moment, they reasonably believed that they, and the citizens in the area, were in imminent danger of death or great bodily injury. It was absolutely necessary for them to use deadly force. These acts by Bowman posed an immediate threat to all officers involved and the nearby public at large.

In short, both detectives had the right under Nevada law to use deadly force against Bowman both in defense of themselves and others and in the discharge of a legal duty.

V. CONCLUSION

Based on the review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the September 3, 2014, officer involved shooting death of Bowman, the actions of Detective Edmonson and Detective Wallace were warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, this case is officially closed.