

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

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REPORT ON THE MARCH 20, 2019 OFFICER INVOLVED
SHOOTING OF RONALD GEORGE AKERS

CHRISTOPHER J. HICKS

WASHOE COUNTY DISTRICT ATTORNEY

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INTRODUCTION

On March 20, 2019, Ronald George Akers (hereinafter "Akers") walked into a McDonald's restaurant, located at 735 South Meadows Parkway in Reno, Nevada, having been previously trespassed and told not to return. Akers was verbally and physically aggressive towards the female manager, Almadeli Mena (hereinafter "Ms. Mena"), and consequently she called 911. Reno Police Officer Ryan Gott (hereinafter "Officer Gott") responded and arrived after Akers had already left the restaurant. However, Officer Gott met with Ms. Mena, who reported the details of her encounter with Akers and a description of what he was wearing. Ms. Mena also advised Officer Gott that Akers walked in a northbound direction towards a lake located behind the Latitude 39 Apartments, and this was confirmed by two employees of a neighboring business. Ms. Mena advised Officer Gott that she was willing to sign a citizen's complaint for Trespassing.

Officer Gott returned to his patrol car and drove to the Latitude 39 Apartments, which is located north of McDonald's at 9870 Double R Boulevard. Officer Gott parked his vehicle and walked towards the lake in an attempt to locate Akers. Officer Gott was able to ultimately locate Akers walking south on a walking path, in the direction back towards McDonald's. Officer Gott, activated his body worn camera (hereinafter "BWC"), which recorded his interaction with Akers in both audio and video form. Officer Gott was wearing his readily-identifiable Reno Police Department (hereinafter "RPD") uniform. Upon contact with Akers, he immediately became confrontational and belligerent with Officer Gott. During their contact, Akers repeatedly placed his hands in his pockets, to which Officer Gott asked him to remove his hands for officer safety reasons. Akers continued his belligerent demeanor towards Officer Gott and refused to remove his hands as instructed.

Officer Gott and Akers continued to speak on the walking path, with Akers stepping closer to Officer Gott who had to re-position himself to create distance. After several minutes, Akers chose to walk away from Officer Gott southbound on the walking path. Due to the ongoing investigation and the fact that Akers was now walking back towards McDonald's, Officer Gott grabbed Akers' right arm with both of his hands. Akers

immediately shoved Officer Gott's hands off him and punched him in the face, which caused Officer Gott's BWC to dislodge and fall to the ground. The BWC landed with the camera facing down towards the pavement, thereby obscuring further video; however, the audio recording continued. Officer Gott removed his police-issued wooden baton and repeatedly ordered Akers to get on the ground, which Akers refused. Akers continually approached Officer Gott and tried to grab his baton. Officer Gott struck Akers on his right and then on his left hand as he approached, but this did not stop Akers' aggression. Akers, being larger than Officer Gott, was able to overpower him and the two fell to the ground fighting. They rolled down a grass embankment from the walking path towards the lake, and during the fight, Officer Gott lost control of his baton. Officer Gott ended up on top of Akers, straddling him. Akers, however, was able to grab the baton from the ground and repeatedly struck Officer Gott with it upon his head. Officer Gott lost consciousness, sustained multiple lacerations to his head, and was bleeding profusely.

Officer Gott regained consciousness and was able to separate himself from Akers and push himself up. Officer Gott then retrieved his handgun from his duty belt, and as Akers aggressively charged at him again, Officer Gott fired one round from his firearm, striking Akers in his abdomen. Prior to the physical fight, Officer Gott had requested cover officers respond. Officer Charles Burow (hereinafter "Officer Burow") arrived after the shot had been fired to see Akers on his back and Officer Gott bleeding heavily from his head. Officer Burow handcuffed Akers, with Officer Gott's assistance, before other law enforcement officers arrived and began providing medical care to both Akers and Officer Gott. Akers sustained a gunshot wound to his left abdomen and was transported to Renown Regional Medical Center for treatment of his injuries. Akers survived the shooting. A subsequent toxicology analysis revealed Akers' blood-alcohol level was nearly three times the legal DUI limit in Nevada of 0.08.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Sparks Police Department (hereinafter "SPD") led the investigation into the shooting of Akers. The Washoe County Sheriff's Office (hereinafter "WCSO") provided secondary investigative support, and the Washoe County Sheriff's Office

Forensic Science Division (hereinafter "FIS") provided forensic services. The Washoe County District Attorney's Office provided assistance in obtaining search warrants and seizure orders.

The investigation included interviewing witnesses, canvassing the shooting area for additional witnesses and any video surveillance, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, reviewing medical records of both Akers and Officer Gott, reviewing Body Worn Cameras, and interviewing multiple officers to include Officer Gott.

Upon completion of the entire investigation, all police reports along with FIS forensic reports, collected documentation, photographs, witness statements, recorded audio and video of the incident by way of Body Worn Cameras, dispatch recordings, and recorded interviews were submitted to the Washoe County District Attorney's Office on February 21, 2020 for a final determination of whether the shooting of Akers was legally justified.¹ No criminal charges against Officer Gott were recommended by SPD.

The District Attorney's evaluation included reviewing nearly 600 pages of reports and documents, which included interviews of police and civilian witnesses. It further included the review of all photographs, video and audio recordings, 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 Akers by Officer Gott was justified and not a criminal act.

I. STATEMENT OF FACTS²

A. Initial Call for Service at McDonald's

On March 20, 2019 at approximately 8:51 am, Almadeli Mena called the RPD Dispatch Center to report an aggressive subject who was trespassing at the McDonalds located at 735 South Meadows

¹ While the Washoe County District Attorney's Office received the submitted investigation on February 21, 2020, review of the investigation for purposes of this Report did not commence until July 13, 2020, which is the day Akers was sentenced and his criminal case concluded.

² The Statement of Facts is synopsised from all of the materials provided to the Washoe County District Attorney's Office at the conclusion of SPD's investigation.

Parkway in Reno, Nevada. Ms. Mena was the manager, and during her recorded dispatch call, she stated that she had "86'd" a guy just two days prior, he was back, had got in her face and flipped her off right in her face, and was in the bathroom. Ms. Mena stated she thought he was intoxicated, described him as "really aggressive", and said it seemed like he tried to hit her. Ms. Mena provided a physical description of the subject, who was later identified as Akers, and advised that he was wearing a "dirty olive-colored jacket".

Based on the dispatch call, Officer Gott responded and met with Ms. Mena. Officer Gott's BWC was activated and recorded the conversation, in which Ms. Mena reported that Akers was "super aggressive", and she demonstrated how she had to "go back" in response to Akers' aggressive lunge towards her in which he got "right in my face". Ms. Mena said Akers then went into the bathroom, and had since left. Ms. Mena advised Officer Gott of the direction Akers had gone upon leaving, which was consistent with what employees of the Jackson's convenience store had stated as well. Ms. Mena confirmed Akers was "the guy from the other day", and she stated she wanted to sign a complaint for Trespassing. Thereafter, Officer Gott left the McDonald's in an attempt to contact Akers.

B. Witness Accounts of the Shooting

1. RPD Officer Ryan Gott

Officer Gott has been employed by the RPD for more than 11 years and is assigned to the Community Action Program. Officer Gott was interviewed at the Reno Police Department on March 25, 2019 by SPD Detective Scott Valenti (hereinafter "Detective Valenti") and WCSO Detective Gordon Koski (hereinafter "Detective Koski").

Officer Gott explained that as an officer with the Community Action Program, he works with local apartments and businesses on a long-term basis to help eliminate calls for service. Officer Gott had been a member of the Community Action Program for approximately 18 months. On March 20, 2019, Officer Gott was working his regularly-scheduled shift, wearing his standard Reno Police uniform which includes plainly visible Reno Police Department badge and patches. He was also wearing his duty belt, which was equipped with, among other things, his duty firearm,

two extra firearm magazines, baton, and handcuffs. Officer Gott explained that his firearm is a Glock 9mm handgun, and that all three of his magazines - the one inserted into the handgun and his two spare magazines - hold 17 rounds. Officer Gott stated that he loads all three magazines to capacity with 17 rounds, and he adds an additional round in the chamber. Officer Gott was wearing sunglasses, and he was equipped with his duty body-worn camera (hereinafter "BWC").

Officer Gott stated that on March 20, 2019, he responded to a call for service regarding a subject trespassing at the McDonald's on South Meadows Parkway in Reno. Upon arrival, the subject of the call was gone. However, Officer Gott met with the victim, who was later identified as Ms. Mena. Ms. Mena explained to Officer Gott that a male, who was later identified as Akers, had been trespassed from McDonald's previously but had returned and was in the bathroom for approximately 20 minutes. Ms. Mena advised that she asked Akers to leave several times, and he physically swung at her prior to leaving. Ms. Mena advised Officer Gott that Akers had left the McDonald's walking northbound. Ms. Mena told Officer Gott that she was willing to sign a citizen's complaint for Trespassing. Ms. Mena described Akers as a large white male wearing a green jacket.

Officer Gott left McDonald's and walked into Jackson's convenience store, which is attached to the McDonald's. Immediately, two Jackson's employees advised Officer Gott that they knew who Officer Gott was there for, and that he had walked towards the lake. There was a lake within walking distance of the McDonald's and Jackson's, and Officer Gott returned to his RPD patrol vehicle and drove to the Latitude 39 Apartments, which had the closest access to the lake. Officer Gott parked his patrol vehicle, and walked towards a paved walking path which surrounds the lake.

Officer Gott observed a couple of people walking who did not match the description provided by Ms. Mena. As Officer Gott began to walk back to his patrol vehicle, he observed a subject, later identified as Akers, come onto the walking path that matched the description as provided by Ms. Mena. Officer Gott approached Akers and tried to start a conversation by asking, "Hey morning, how's it going?" Akers was "immediately

confrontational". Officer Gott explained to Akers why he was being contacted, and that he had been trespassed from McDonald's. Officer Gott asked Akers for his identification, to which he replied that he did not have any. Officer Gott asked Akers to verbally identify himself, and while he did so, he was "standoffish" and "aggressive", "sizing [Gott] up", and "stepping closer". As Akers came closer to Officer Gott, the latter backed up, as he was "trying to buy time for another patrol unit to get there". Officer Gott described Akers' stance as bladed, which he described as "a boxing stance or a fighting stance". Officer Gott stated that Akers continued to be confrontational.

While talking, Akers placed his hands into his pockets. Officer Gott asked Akers to remove his hands from his pockets, and he did after initially refusing. As they continued to talk, Akers placed his hands in his pockets again. Officer Gott repeated his request for Akers to remove his hands from his pockets, but Akers refused and became more confrontational. Officer Gott pulled his department-issued wooden baton, and repeatedly asked Akers to remove his hands from his pockets. Officer Gott stepped back to create more distance and holstered his baton, at which time Akers removed his hands from his pockets. At some point, Officer Gott identified himself as an RPD Officer, to which Akers responded, "I don't give a fuck", or words to that effect.

Officer Gott and Akers then continued to speak, and Officer Gott advised him that he had committed the crimes of Trespassing and Obstructing and Resisting a Peace Officer. While speaking about what had happened at McDonald's, Akers referred to the employee as a "fat bitch". Akers began to walk southbound back towards the McDonald's, which was just a "very short distance" from where they were standing on the walking path. Because Akers was going back to where the original confrontation with Ms. Mena occurred, Officer Gott grabbed Akers with both of his hands on his right arm. Akers immediately shoved Officer Gott's hands off and punched Officer Gott in the face, thereby knocking off Officer Gott's sunglasses and BWC.

Officer Gott removed his baton again and ordered Akers to get on the ground. Akers refused to comply with this command, and instead approached Officer Gott reaching for him and his baton.

As Akers tried to grab the baton, Officer Gott struck him in the left hand and wrist area with the baton, causing Akers to pull his hand back. Officer Gott continued to order Akers to lay on the ground, and Akers continued to refuse. Akers again reached for the baton, and Officer Gott struck his right hand with the baton. Akers, who is bigger than Officer Gott, continued to attack Officer Gott and was able to "overpower" him. Akers tried to kick Officer Gott, and Officer Gott was able to grab his leg. The two began to wrestle and fell to the grass which slopes down from the walking path to the lake.

While they were fighting, they were rolling around, and Officer Gott lost his radio and baton. His radio landed several feet away, but his baton landed next to Akers' side. Akers grabbed the wooden baton and immediately struck Officer Gott's head with it. Officer Gott described being repeatedly struck with his own baton by Akers, what he was thinking, and how he ultimately shot Akers:

"[H]e's immediately hitting me over the head with my baton. I feel as he hits me the first time I kind of hear it echo in my head. It sounds like it, it's loud. I mean it's loud inside. I'm sure it was loud outside. The first one I'm able to fend off. He kinda wraps his feet around me so I push one of his feet off to try to get to the side of him to cut off that full swing that he's got going. He's hitting me repeatedly. Um, as I kind of trap his arm, I get one hand under his head and I'm going for his arms so it kind of shortens his stroke. Well he gets that out and cracks me one loud time to where I hear it, but everything goes black. And I realize that I'm, I'm out, knocked out and I'm panicking. Um, I feel like I could understand what was still going on, even though I know I was out. Like I felt like I tried to lift my arms to defend myself and are being weighed a million pounds. I couldn't move. I was completely paralyzed. Well I hear that knock again and

about the same time I feel him with one of his hands reaching for uh, the back of my belt, my pepper spray, like I said is directly behind my firearm. I feel that hard yank. I don't know at the time that he actually rips my pepper spray off of my belt, at the same time he's continuing to hit me. We're fighting on the ground, still I'm trying to gain compliance of him. Uh, he tells me more than once, "I'm gonna fucking kill you." Hits me again. That was one of these ones and I go out again. At that time I'm kind of on him, kinda thinking now I have to do it, he's gonna kill me. He said he was gonna kill me. I'm gonna die right here if I don't do something. He hits me a few more times. I come back to and my vision from before was black and then kind of came back white. The second time I went out it came back, but it was gray, like I couldn't see. Uh, I knew I was bleeding pretty bad. I could feel the warm blood running down my face. He kinda hits me a few more times a little softer. I'm able to jab him in the face, head, neck, chest area, using my left arm. I'm immediately searching for my firearm, which is not where it normally is because he'd actually ripped my belt all the way around. I am able to retrieve my firearm from the back as I'm backing up, falling down he is charging right at me. He's coming, bringing the fight to me again. I come up with the firearm and I say just stop, something stop. And uh, he's still charging me. I fire one round and I come up on target uh, center mass, I fire the one round."

Officer Gott stated that after he shot one round, he pulled the trigger a few more times as he was falling backwards, but the gun did not fire. While Akers was on the ground shot, Officer

Gott quickly tried to figure out why his gun hadn't shot after the first round. Then, Officer Gott saw the magazine that had been inserted into his handgun on the ground, and realized that when they had started fighting, Akers had tried to rip Officer Gott's gun off of his duty belt and had ejected the magazine. Akers had ripped the pepper spray off of Officer Gott's duty belt, and then had begun yanking on his gun. Officer Gott reloaded his firearm with one of his extra magazines, and held Akers at gunpoint until cover officers arrive. Officer Gott observed his radio on the ground, and grabbed it and announced "shots fired", that he needs two ambulances, and that he needed officers to help him. RPD Officer Charles Burow (hereinafter "Officer Burow") was the first officer to arrive and assist. Upon Officer Burow's arrival, Officers Gott and Burow were able to handcuff Akers, and Officer Gott walked approximately 10 feet away and sat down on the grass. Officer Gott confirmed that no other officers were on-scene during the fight, and Officer Burow was the first to arrive after the shot had already been fired.

Multiple law enforcement officers arrived thereafter, along with REMSA personnel. Officer Gott was bleeding heavily and he was transported to the hospital for treatment by REMSA. At the hospital, Officer Gott received 15 staples to close multiple lacerations to his head, and he was diagnosed with a concussion. Officer Gott experienced severe headaches. Officer Gott estimated that Akers had struck him with the baton approximately 20 times, six or seven of which were significant strikes. In addition to his head injuries, Officer Gott also suffered temporary vision issues as well as injuries to his left elbow and right leg.³

Officer Gott stated that as a result of the fight with Akers, several items of property had been strewn about, to include the magazine which was initially inserted into his gun, his sunglasses, the pepper spray, his radio, his shoulder microphone, his ear piece, and his baton. Officer Gott stated that he was convinced he was going to die during the physical

³ Officer Gott lost all sensation to the back of his head. Officer Gott testified at Akers' sentencing hearing on July 13, 2020, and stated that he still had no sensation to the back of his head. Medical professionals opined that Officer Gott's loss of sensation is permanent.

confrontation. Officer Gott further stated that he had never seen Akers before that day.

2. RPD Officer Charles Burow

Officer Burow has been employed by the RPD for approximately six years, and is assigned to the Community Action Program. Officer Burow was interviewed at the Reno Police Department on March 20, 2019 by SPD Detective Valenti and WCSO Detective Koski.

Officer Burow stated that he heard Officer Gott responding to an unwanted subject at McDonald's, and began paying attention when dispatch provided an update that the subject had become confrontational. Officer Burow began responding to the area to provide cover for Officer Gott, and then expedited his response with use of lights and siren when he heard Officer Gott ask to "step up" cover to the rear of the apartment complex. While Officer Burow was driving to Officer Gott's location, he heard Officer Gott announce "shots fired".

Officer Burow pulled his patrol vehicle into the apartment complex and parked next to Officer Gott's patrol vehicle. Officer Burow exited his vehicle and ran towards the lake behind the apartment complex. Officer Burow made his way to the walking path and observed Officer Gott and another subject, who was later identified as Akers, laying on the ground near each other. Officer Burow ran to them and saw that Akers was laying on his back and Officer Gott was bleeding profusely from his head. Based on the amount of blood, Officer Burow was initially concerned that Officer Gott had been shot in the head.

Officer Burow handcuffed Akers, with Officer Gott's assistance. Officer Burow saw that Officer Gott was trying to help, but that it appeared he was "maybe on the verge of going unconscious". Officer Burow requested that REMSA expedite their response, and he tried to keep Officer Gott still pending their arrival. Officer Gott briefly told Officer Burow what had happened: that Akers and he had fought, they had rolled down the grass towards the lake, and that Akers had gained possession of Officer Gott's baton and struck him in the head with it.

Officer Burow observed Akers with an injury to the left side of his abdomen. Akers did not say anything to Officer Burow, and

instead was only "grunting" and "moaning". Akers was provided medical care by responding officers, until REMSA personnel took over.

3. Deputy US Marshall Quinn Pardo

Deputy Marshall Quinn Pardo (hereinafter "Deputy Marshall Pardo") has been employed by the US Marshall's Office, and is the Team Leader for the Fugitive Task Force. Deputy Marshall Pardo was interviewed at the Reno Police Department on March 20, 2019 by SPD Detective Kevin Dach (hereinafter "Detective Dach") and WCSO Detective David Edmunds (hereinafter "Detective Edmunds").

Deputy Marshall Pardo stated that on March 20, 2019, he was working his regularly-scheduled shift and was in his office when he heard on the radio an officer's call for assistance. Deputy Marshall Pardo also learned that officers were responding with lights and sirens activated, so he quickly responded as well since his office was "not that far" from the location of the call. While driving, Deputy Marshall Pardo heard over the radio that shots had been fired, that a subject was down, and the officer had requested REMSA response.

Upon arrival to the apartments, Deputy Marshall Pardo ran around the back of the complex towards a lake. Deputy Marshall Pardo observed several law enforcement officers already on scene and a subject, who was later identified as Akers, laying on the ground receiving medical care to his stomach by a RPD officer. Deputy Marshall Pardo also saw another RPD officer, who he later learned was Officer Gott, with multiple lacerations to his head and blood coming down his face. Deputy Marshall Pardo described Officer Gott as in "shock" and "was kinda out of it". Deputy Marshall Pardo also observed several items of equipment from Officer Gott's duty belt "scattered" on the ground, including a firearm magazine, OC spray, BWC, and a wooden baton with blood on it.

Officer Gott made some statements to Deputy Marshall Pardo, including that Akers had struck him with his baton approximately 20 times in the head, he was kind of out of it after the first strike, he fired his weapon once, and his gun did not work after

that. Deputy Marshall Pardo did not hear Akers say anything other than "it hurts" and some moaning.

4. REMSA Paramedic Jonathon Petersen

Jonathon Petersen is a Paramedic employed by REMSA, and wrote a witness statement regarding his initial assessment of Officer Gott. Paramedic Peterson stated that upon his arrival at a local apartment complex, he observed a male subject, later identified as Officer Gott, sitting in the grass and bleeding from the head. Officer Gott sustained multiple lacerations to his head, which were immediately bandaged. Officer Gott stated he was struck in the head which caused brief loss of consciousness. Officer Gott was transported to the Renown Regional Medical Center Emergency Room for further treatment.

5. REMSA Advanced EMT Blake Miller

Blake Miller is an Advanced EMT employed by REMSA, and wrote a witness statement regarding his initial assessment of Akers. Advanced EMT Miller stated that he arrived on scene and observed an officer, who was later identified as Officer Gott, seated upright and another subject, who was later identified as Akers, laying on his back. Both Officer Gott and Akers were next to a lake, and two other officers were providing medical care to Akers. Advanced EMT Miller placed Akers on a cardiac monitor and assessed him, noting a gunshot wound to his left abdomen without an exit wound. Akers was then transferred to a REMSA supervisor for further care.⁴

C. Countdown of Officer Ryan Gott's Firearm

On March 20, 2019, an evidentiary documentation of Officer Gott's equipment worn and used during the shooting occurred. The countdown was administered by FIS, along with SPD Detective Dach. At that time, Officer Gott's used duty weapon and available magazines were examined.

Officer Gott's firearm was a black Glock 17 Gen 4 9mm pistol, which held a 17 round-capacity magazine. The "countdown" of his handgun, removed from its holster attached to his duty belt,

⁴ Same as Officer Gott, Akers was transported by REMSA to Renown Regional Medical Center for further treatment.

revealed one 9mm unfired cartridge case in the chamber and 16 unfired cartridge cases in the magazine. An additional 17 round-capacity magazine that was removed from the magazine holder of Officer Gott's duty belt contained 17 unfired cartridge cases.⁵

A FIS Supervising Criminalist subsequently examined and test-fired Officer Gott's firearm, and determined it to be in normal operating condition with no noted malfunctions. A microscopic examination of the fired cartridge case collected on scene identified it as having been fired from Officer Gott's firearm.

⁵ An additional magazine was located on scene, and collected by a FIS investigator. The countdown of that magazine is documented later in this Report.

D. Area Overview

The location where the shooting took place was on a grass embankment between a walking path and lake, to the east of Latitude 39 Apartments. The Latitude 39 Apartments is located at 9870 Double R Boulevard in Reno, Nevada. The McDonald's where Akers initially encountered Ms. Mena is located at 735 South Meadows Parkway, which is just 0.2 miles from where the shooting occurred.



E. Statement of Ronald George Akers While On Scene

Immediately following the shooting, and until Akers was transported to Renown Regional Medical Center by REMSA, he hardly spoke. However, as Officer Burow was handcuffing him, Akers stated, "I'm sorry, I'm sorry", as heard on Officer Burow's BWC which was recording.

F. Interviews of Ronald George Akers

On March 22, 2019, SPD Detectives Shawn Congdon (hereinafter "Detective Congdon") and Dach met with Akers at Renown Regional Medical Center, where he was receiving treatment for his injuries.⁶ Prior to speaking with Akers, Detective Congdon confirmed with Akers' nurse that he had not recently taken any pain medication. Detective Congdon also observed Akers to be alert and sitting up in his hospital bed watching television. Detectives Congdon and Dach introduced themselves to Akers, identified themselves as detectives with the Sparks Police Department, and shook hands. Detective Congdon advised Akers of his Miranda rights, and Akers acknowledged his understanding of the same.

Akers stated that he was homeless and had gone to the McDonald's to stay warm, but the female manager had kicked him out. Later, he had returned to the McDonald's and "started crap with her" and flipped her off. Upon leaving, he went to the "pond area". Akers claimed that he "can't remember anything really except for that cop coming at me with a nightstick". Akers said that the officer had walked up to him, said, "You come here," and began hitting him with the nightstick. Akers stated he had "no idea" why the officer hit him, as the officer did not say anything to him and he was just walking on the grass.

Akers stated that the officer hit him with the nightstick twice, and he and the officer had a "little scuffle" before they both went to the ground. At one point, Akers stated he tackled the officer, but later said the officer tackled him. While on the ground, Akers stated the officer would not stop hitting him, and so to defend himself, he grabbed the nightstick and hit the officer in the head with it three times.

Akers stated, "I wasn't trying to hurt him, I just wanted to knock him out" in order to get away. Akers described that the officer was on top of him and straddling him, but the officer laid down when he was hit in the head the first time. After the

⁶ As a result of the shooting, Akers suffered a single gunshot wound to his left abdomen.

officer laid down, Akers said he struck him two more times in the head with the nightstick. The officer was able to get up, and then shot Akers once in the stomach.

On March 26, 2019, Detectives Congdon and Dach returned to Renown Regional Medical Center and spoke with Akers a second time. Detective Congdon again advised Akers of his Miranda rights, and Akers acknowledged his understanding of the same. Akers repeated some of the things he had said during his first interview. However, he added that his interaction with the officer began when the officer came at him "fierce" and without slowing down, did not try talking with Akers other than telling him to get on the ground, and then began striking Akers with the nightstick. Akers admitted that he "probably resisted", as he is not the type of guy to lay down if police try pushing him around over something stupid. Akers estimated that the officer struck him with the nightstick five-to-six times, at which time Akers grabbed the officer and took him down.

G. Ronald George Akers' Nolo Contendere Plea and Sentence

As a result of his conduct, Akers was arrested by the Sparks Police Department for multiple charges, including the felony offense of Attempted Murder. Akers was formally charged, by way of an Amended Information in Washoe County District Court, with Attempted Murder, and on February 11, 2020, Akers pled No Contest to this offense. By pleading No Contest, and as articulated in the Nolo Contendere Plea Memorandum which was filed with the District Court and signed by Akers, he did not expressly admit guilt, but admitted that there was sufficient evidence against him which would result in his conviction for the offense of Attempted Murder. On July 13, 2020, Akers was adjudged guilty by the District Court, and was sentenced to 20 years in the Nevada Department of Corrections, with eligibility for parole after 8 years have been served.

II. PHYSICAL EVIDENCE

A. Shooting Scene

The shooting occurred on a grass embankment between a walking path and lake, to the east of Latitude 39 Apartments. Officer Gott initially contacted Akers on the walking path, which is

where Akers first struck Officer Gott. As the two fought, they rolled down the embankment towards the lake. There is a swimming pool on the eastern part of the Latitude 39 Apartments property, and the initial fight occurred to the southeast of the pool area. The shooting occurred further southeast of the initial confrontation.



The items located on the walking path - Officer Gott's sunglasses, Officer Gott's BWC, and the hood of Akers' jacket - show the location of the initial physical confrontation in relation to the Latitude 39 Apartments' pool area, which is seen in the upper left portion of this photograph.



The items located on the walking path show the location of the initial physical confrontation in relation to the area where the shooting occurred, which has multiple items scattered about in the grass area just to the east of the walking path, as seen near the top of this photograph.

B. Evidentiary Items Collected From the Shooting Scene

Several items of relevant evidence were photographed in place on and around the walking path and grass to the east of the Latitude 39 Apartments, and subsequently collected by FIS investigators:

- Officer Gott's sunglasses, Officer Gott's BWC, and the hood of Akers' jacket, located on the walking path to the southeast of the Latitude 39 Apartments' pool area. Officer Gott's BWC continued to record after being knocked off his uniform, and was not turned off until it was collected by FIS investigators long after the shooting. After being knocked off, the audio was able to continue being heard, but the camera was directed down towards the pavement, so nothing further was seen.



- Multiple items of property in the grass area between the walking path and lake, to include Officer Gott's radio, identified by Placard 6; Officer Gott's baton, identified by Placard 7; a single fired cartridge case, identified by Placard 8; a Glock magazine which was ejected from Officer Gott's firearm, containing 17 unfired cartridge cases, identified by Placard 10; Officer Gott's keys, identified by Placard 11; and Officer Gott's OC spray still contained in its holder, identified by Placard 12. Also among the above-referenced property, many of which were stained with blood, were several additional areas of blood, identified by Placards 5, 9, 13, 14, 15, 16, and 17.









C. Body Worn Cameras

Officers Gott and Burrow were both two of the many law enforcement officials who were equipped with their department-issued BWCs on March 20, 2019, which were in proper operating condition. Officer Gott's BWC supports his statements made during his interview. Specifically, it shows his initial contact with Akers, with Officer Gott beginning the conversation by stating, "Morning, how you doing my man?" Within 20 seconds, Akers placed his hands in his pockets for the first time, and immediately became confrontational and belligerent.



Officer Gott attempted to de-escalate the situation while speaking with Akers, including talking about their respective connections to the state of Missouri. However, Akers continued to be confrontational and approach Officer Gott, thereby causing Officer Gott to move and create distance. Akers admitted to being at the McDonald's and, while pointing back in its direction, stated, "I did flip that fat bitch off." Akers also admitted that Ms. Mena had tried to kick him out of the McDonald's the previous day.



Officer Gott repeatedly asked Akers to take his hands out of his pockets. This command was made approximately seven (7) times, and most of the times Akers refused to comply. At one point while Akers was refusing to remove his hands from his pockets, Officer Gott stated, "You understand I'm the Reno Police", to which Akers responded, "I don't give a fuck who you are." Still refusing to remove his hands, Officer Gott removed his baton from his duty belt and tried to convince Akers to remove his hands, saying, "Ronald, come on man." Akers and Officer Gott continued to speak and agreed that Officer Gott would return his baton to his duty belt if Akers removed his hands, which they both did.

Officer Gott continued to speak calmly to Akers, calling him "my man" and saying he was just doing his job, which Akers acknowledged. Officer Gott also explained to him the investigation from McDonald's, that he had been trespassing and causing a disturbance, and also that he was obstructing by not removing his hands when asked to do so.

Just over 5 minutes into their conversation, Akers began to walk away towards the McDonald's, stating, "Okay, I'll see you later." At that time, Officer Gott grabbed Akers' right arm with both of his hands. Akers turned back around, grabbed Officer Gott's right wrist, which is when Officer Gott's BWC gets knocked off, landing face down on the walking path.





When Officer Gott's BWC is knocked off, the audio continued to capture the ensuing confrontation. Akers could be heard immediately stating, "Get your fucking hands off of me, don't you ever fucking touch me again, don't fuck with me." Officer Gott can be heard repeatedly giving commands to "stop", "lay on the ground", and "lay down". Akers repeatedly responded in the negative, and Officer Gott in turn stated, "I don't want to hurt you my man", "stop resisting", and "you're going to jail now". Two distinct strikes are heard, consistent with Officer Gott's statement during his interview that he struck each of Akers' hands or wrist areas. Officer Gott again said "stop", followed immediately by the sounds of a struggle. Not much is heard for close to 15 seconds, at which time Officer Gott stated, "Stop, Ronald I'm going to shoot you". As Officer Gott finished saying that, the distinct sound of a baton striking Officer Gott is heard approximately 12 times, spanning approximately 10 seconds. Thereafter, a single gunshot is heard, followed by Akers moaning and Officer Gott stating, "Stop, show me your hands". Officer Gott is then heard announcing "shots fired, one down" and requesting REMSA. More than two minutes after Officer Gott shot Akers, he is heard reloading his firearm, and shortly thereafter Officer Burow is heard arriving to provide assistance.

Officer Burow's BWC supports his statements made during his interview. Specifically, it shows Officer Burow running up to

the shooting scene and observing Officer Gott kneeling down and Akers laying on the ground. Akers is heard saying, "I'm sorry, I'm sorry" as Officer Burow handcuffs him. Officer Gott, while assisting Officer Burow in handcuffing Akers, is profusely bleeding from his head. After Akers was handcuffed, Officer Gott stood up and began to walk away, but was extremely unsteady on his feet and had to be assisted to the ground by Officer Burow. While waiting for REMSA and additional law enforcement officials to respond, Officer Gott spontaneously stated, "he ejected my mag, I only had one round...I can't see, I was blacked out...he got my stick when we got to the ground". He also stated that Akers struck him in the head 20 times.



D. Toxicology Tests

Personnel from Renown Regional Medical Center collected a sample of Akers' blood on March 20, 2019 upon his admission to the hospital. Subsequent analysis revealed that Akers had a blood-alcohol content of 0.23 g/100 mL.⁷

⁷ Akers' blood-alcohol level was nearly three times the legal DUI limit in Nevada of 0.08.

III. LEGAL PRINCIPLES

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. Although Akers survived this officer involved shooting, in order to conduct the appropriate assessment, the District Attorney's review is controlled by the relevant legal authority pertaining to justifiable homicides. This is because the analysis rests upon the decision to use deadly force, not the result.

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 or officer, or in the discharge of a legal duty" and "[w]hen 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".⁸

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 March 20, 2019, Officer Gott responded to the McDonald's in the normal course of his duties, regarding Akers' belligerent and disruptive behavior in the local business. When Ms. Mena advised she was willing to sign a citizen's complaint for Trespassing, Officer Gott responded to the lake behind the Latitude 39 Apartments, where Akers had reportedly gone. When Officer Gott observed Akers, he activated his BWC and contacted Akers in a pleasant, non-aggressive manner. Akers, on the other hand, was immediately confrontational, continually approached Officer Gott, and refused lawful commands to remove his hands from his pockets.

⁸ 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.

The BWC supports Officer Gott's version of their interaction, and directly rebuts the version offered by Akers, who was intoxicated by alcohol during the encounter. Contrary to what Akers reported, Officer Gott did not immediately approach him and strike him with the police-issued baton. Instead, Officer Gott asked Akers multiple questions, explained why he was being contacted, and repeatedly tried to de-escalate the situation. After approximately five (5) minutes of speaking with one another, Akers chose to walk away from Officer Gott during the course of his active investigation and towards the McDonald's where he had previously caused problems. When Officer Gott grabbed onto Akers' arm to prevent him from leaving, Akers responded by pushing Officer Gott's hands off of him and punching him in the face. The violent force of the punch caused Officer Gott's sunglasses to fall from his face and his BWC to fall to the ground. While the BWC, from that point forward, did not capture video of the ensuing fight, the audio portion was recorded. This audio similarly corroborated Officer Gott's description of the fight and rebutted that version as described by Akers.

Officer Gott repeatedly ordered Akers to get on the ground. Not only did Akers refuse this lawful command, he continued to aggressively approach Officer Gott. After Officer Gott struck Akers on each hand one time, Akers was able to overtake Officer Gott, they went to the ground, and rolled down the grass towards the lake. Officer Gott lost his baton in the course of their fight, and Akers was able to gain possession of it and repeatedly strike Officer Gott in the head with such force that Officer Gott lost consciousness and suffered multiple lacerations to his head.

Akers reported that he struck Officer Gott in the head with the baton only three times; Officer Gott estimated he was struck approximately 20 times. The audio from the BWC supports Officer Gott's version, as the distinct and sickening sound of Akers striking Officer Gott is heard at least 12 times. The number of times that Akers struck Officer Gott in the head with a wooden baton, coupled with the force used which ultimately caused permanent loss of sensation to the back of Officer Gott's head, clearly evidenced an intent to kill Officer Gott rather than simply to try and get away, as Akers initially claimed. This

intent to kill was confirmed by Akers' subsequent Nolo Contendere plea to the charge of Attempted Murder.

Facing the legitimate and immediate fear of death, Officer Gott shot Akers one time in self-defense. His attempt to shoot Akers more times was unsuccessful as Akers had been able to eject his magazine from his firearm; however, Officer Gott's intent to shoot more times further evidences his subjective, and objective, fear of being killed by Akers.

All evidence in this officer-involved shooting conclusively establishes that Akers - with a high blood-alcohol content, repeatedly refusing Officer Gott's lawful commands for nearly five minutes, and then fighting with Officer Gott resulting in violently striking Officer Gott in the head with a baton multiple times - placed Officer Gott in imminent danger. Even after Akers knocked Officer Gott unconscious, he continued to strike him upon the head. As such, Akers was trying to kill Officer Gott and not simply get away - otherwise, Akers would have begun to leave after Officer Gott was unconscious. Ultimately, Officer Gott had no choice but to fire his weapon in order to defend himself. Akers' actions presented a clear, imminent, and legitimate threat to the safety of Officer Gott. This threat absolutely justified Officer Gott's response in self-defense by employing deadly force and shooting Akers. The evidence in this case undeniably corroborates Officer Gott's statements that he thought he was going to be killed.

Accordingly, Officer Gott had the right under Nevada law to use deadly force against Akers, both in defense of himself as well as 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 March 20, 2019 officer involved shooting of Akers, the actions of RPD Officer Ryan Gott are warranted and justified under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, the District Attorney's review of this case is officially closed.