

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

August 21, 2020



REPORT ON THE APRIL 28, 2019, OFFICER INVOLVED
SHOOTING OF JOSE DOMINGUEZ

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INTRODUCTION

On April 28, 2019, at approximately 2:00 p.m., Joyce Miles (hereinafter "Miles") and Donna Dominguez (hereinafter "Donna") returned from a women's retreat to Miles' home at 425 Abbay Way. While they were out of town, Miles' 17-year-old granddaughter, I.D. house sat for her. I.D. lived at 414 Abbay Way with her father, Jose Dominguez (hereinafter "Dominguez"), and her step-mother Leora Dominguez (hereinafter "Leora"). When Miles and Donna returned, I.D. told them that she had attended a Reno Aces baseball game with her father and that he was intoxicated.

Miles decided to talk to Dominguez about his struggles with alcoholism who told her that he and Leora had gotten into an argument that resulted in her leaving him. Miles told Dominguez that he needed to stop drinking for his daughter's sake, but Dominguez refused. Dominguez was belligerent and grabbed his car keys to leave in his car to get more alcohol. As he did this, Dominguez mentioned to Miles that he was going to drink himself to death. Miles responded by threatening to remove all the alcohol from the house and Dominguez told her there were easier ways to kill himself and made a veiled threat to do so.

These statements concerned Miles, so she called the police at 5:32 p.m. to report that her son was suicidal. Sparks Police Department Officers Daniel Lawson (hereinafter "Officer Lawson") and Eric Dejesus (hereinafter "Officer Dejesus") along with Sergeant Patrick McNeely (hereinafter "Sergeant McNeely") responded to 414 Abbay Way arriving at approximately 5:40 p.m.

Officer Lawson was the first to arrive and met with Miles. Miles told Officer Lawson that Dominguez was an alcoholic and was intoxicated. While speaking with Miles, Officer Lawson saw Dominguez closing the front door. The garage door then opened and Dominguez exited to speak with him. At that time, both Sergeant McNeely and Officer De Jesus arrived on scene.

Sergeant McNeely continued to speak with Miles, while Officers Lawson and DeJesus spoke with Dominguez. Dominguez was cooperative and admitted to drinking that day. He appeared to be functioning normally; however, he identified himself as an alcoholic and said he was depressed because his wife (Leora) had left him. Dominguez denied being suicidal and explained that his mother was smothering him, and he needed her to return to her

home to give him space. The officers reconvened with Sergeant McNeely and agreed to clear the call and inform Miles to give Dominguez space, to which she agreed. Before leaving, Officer Lawson told Dominguez to call the police if he needed help or felt the urge to harm himself.

At 7:03 p.m., Sparks Police were dispatched back to 414 Abbay Way on a report of a domestic battery. Officer Brian Wisneski (hereinafter "Officer Wisneski") was the first officer to arrive on scene and observed two females sitting on the curb in front of the home. Officer Wisneski spoke with the females who were identified as Donna and I.D.. Donna told Officer Wisneski that she had removed four firearms, including two rifles, a handgun, and an air gun from Dominguez's home because she did not want him to have access to guns. While inside the home, Dominguez had pushed her and slapped her in the face.

While speaking with Donna, other officers began to arrive on scene. During that time, Officer Wisneski learned that Dominguez had locked the doors to his house and was barricading himself inside. Donna mentioned that she was worried that Dominguez had another weapon inside the residence, as she had observed a gun on his bed earlier in the evening. Donna also mentioned that Dominguez was a hunter so he could have additional weapons of which she was unaware.

Officers set up a perimeter around 414 Abbay Way and began informing neighbors to either evacuate or shelter in place away from Dominguez's residence. Sergeant McNeely re-arrived on scene and after several attempts, was able to contact Dominguez on the phone. Dominguez told Sergeant McNeely that he was upset with Donna for taking guns from his house, but that she did not get them all. Dominguez said he was depressed and an alcoholic, that his wife was leaving him, and he wanted to end his life.

Sergeant McNeely maintained communication with Dominguez throughout the entirety of the incident, during which Dominguez stated multiple times that he wanted to end his life and that he had nothing to look forward to. Dominguez also told Sergeant McNeely that he wanted the officers to shoot him. Sergeant McNeely told Dominguez the officers did not want to shoot him, to which Dominguez responded that they would shoot him if he came out of the house shooting his own gun. Sergeant McNeely continued to speak with Dominguez, encouraging him to come

outside unarmed so that officers could help him and take him to the hospital. Dominguez did not comply and repeatedly opened and closed blinds in the home and the garage door.

Officers observed Dominguez pacing throughout the house and at 7:44 p.m. Dominguez suddenly exited the front door waiving a Marlin lever action rifle. Lieutenant Chris Rowe (hereinafter "Lieutenant Rowe") and Officer Joe Mercer (hereinafter "Officer Mercer") approached Dominguez from the east and ordered him to drop the weapon and come outside. Dominguez refused, went back inside the residence, and closed the front door as well as the garage door.

Meanwhile, Officer Ryan Patterson (hereinafter "Officer Patterson") had arrived with an armored vehicle clearly marked with the Sparks Police Department insignia (hereinafter "BearCat"). Officers Patterson, Ryan Bader (hereinafter "Officer Bader"), and Casey Foster (hereinafter "Officer Foster") then set up inside the BearCat with the intention of protecting those officers outside the BearCat in case Dominguez exited the residence with the rifle. Specifically, Lieutenant Rowe, and Officers Mercer and DeJesus, who were set up near the residence to the east of Dominguez with the intention of being the "hands on" team should Dominguez exit the house unarmed. These officers could not see the front of Dominguez's residence from their vantage point and were relying on the officers in the BearCat for protection from Dominguez.

From their position, Officers Foster, Bader, and Patterson could see Dominguez inside the house pacing with the rifle in his hand. At 8:02 p.m. Dominguez could be heard from within the house yelling, "Shoot me!" as he was still talking on the phone with Sergeant McNeely. At 8:05 p.m., Dominguez opened the front door with his arms up and empty and attempted to wave Sergeant McNeely towards the house. Sergeant McNeely explained to Dominguez that it was unsafe for him to come into the house until Dominguez ensured officers he was unarmed and would not reach for the rifle. Dominguez then grabbed the rifle, waived it in the air, and began repeatedly cycling it to show that the rifle was empty.

Dominguez then retreated inside the house and officers lost track of his movements. This concerned the officers, as they could not see Dominguez and were specifically worried he would

load the rifle to come back outside the house. In addition, Sergeant McNeely's conversation with Dominguez was being relayed to all officers by radios and he was increasingly becoming more despondent about his life situation.

At 8:12 p.m. Dominguez exited the residence and looked directly towards Lieutenant Rowe and his officers. Dominguez appeared focused and determined, not erratic, as he had previously looked. Dominguez then raised his rifle towards Lieutenant Rowe and Officer DeJesus. Seeing this, Officers Foster, Bader, and Patterson fired their weapons at Dominguez. Dominguez fell to the ground but was still moving. Officers approached Dominguez, secured the scene and began providing life saving measures. REMSA personnel arrived shortly after at 8:18 p.m. and took over medical care. However, Dominguez was declared dead at the scene.

Consistent with the regionally adopted Officer Involved Shooting (OIS) Protocol, the Washoe County Sheriff's Office (hereinafter "WCSO") led the investigation into the shooting of Dominguez. The Reno Police Department (hereinafter "RPD") provided secondary investigative support, and the Washoe County Crime Laboratory (hereinafter "WCCL") provided forensic services. The investigation included interviewing witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, reviewing body camera footage, and interviewing the involved officers.

All investigation reports along with WCCL forensic reports, photographs, body camera footage, and recorded interviews were then submitted to the Washoe County District Attorney's Office on May 20, 2020 for a determination of whether the shooting was legally justified. No criminal charges were recommended by WCSO. The District Attorney's evaluation included reviewing hundreds of pages of reports and documents, which included interviews of police and civilian witnesses, photographs, diagrams, body camera footage, 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 Jose Luis Dominguez by Sparks Police Department Officers Casey Foster, Scott Bader, and Ryan Patterson was justified and not a criminal act.

I. STATEMENT OF FACTS¹

A. Witness Accounts

1. SPD Officer Casey Foster

Officer Foster was interviewed at the Sparks Police Department on April 29, 2019, at 2:37 a.m., by WCSO Detective Stefanie Brady and RPD Detective Ernie Kazmar. Officer Foster has been employed as a police officer with the Sparks Police Department for four years.

On April 28, 2019, Officer Foster was assigned to patrol and was working a shift from 2:00 p.m. to 12:00 a.m. Officer Foster was dispatched to 414 Abbay Way for a suicidal subject (Dominguez). When he was dispatched, he heard the code "10-19" which indicated to him that officers were returning to the address after already being there. Officer Foster did not initially know what the first call entailed. Dispatch further advised that the subject had armed himself with a knife, possibly had guns, and was barricaded in a room within the house.

Officer Foster arrived and parked near Abbay Way and 4th Street. Officer Wisneski was already on scene and asked Officer Foster to retrieve his 40mm "launcher" that launches hard foam type bullets. While he was retrieving the 40mm, Officer Bryan Yee (hereinafter "Officer Yee") arrived and they decided that Officer Yee would assume responsibility for the 40mm, and Officer Foster would retrieve his Rock River Arms AR15 rifle. They then positioned themselves behind a truck in the driveway of 415 Abbay Way directly across the street from 414 Abbay Way. Officer Wisneski and Sergeant McNeely were positioned behind a travel trailer that was also parked across the street.

Sergeant McNeely was able to contact Dominguez and began trying to negotiate with him to come out of the house peacefully. As he was talking to Dominguez, Officer Foster could see Dominguez beginning to open blinds on the windows located on the front of the house. Dominguez was pacing back and forth past the window and looked irate as he was throwing his arms around and flipping

¹ The Statement of Facts is synopsised from recorded witness interviews, photographs, police reports, and forensic reports.

off the officers through the window. Sergeant McNeely asked Dominguez to come outside but he refused.

Lieutenant Rowe arrived on scene and advised the officers on scene to begin evacuating the neighboring residences. As officers were doing this, Officer Yee advised over the radio that he could see Dominguez was armed with a lever action rifle. Lieutenant Rowe then asked to expedite the BearCat to the scene.

While waiting for the BearCat, Dominguez exited the residence and yelled towards officers. Officer Foster yelled out, "Police" or, "Show me your hands." Dominguez ignored Officer Foster and continued to yell. Dominguez then looked towards the residence east of 414 Abbay Way where Lieutenant Rowe was standing and then went back into his home.

Officer Foster noted that Officer Patterson had arrived with the BearCat, which parked in the street directly in front of 414 Abbay Way facing westbound. Officers Foster, Yee, Wisneski and Sergeant McNeely took up positions of cover within the vehicle where Officer Foster positioned himself in the turret, which is a hatch out of the top of the BearCat.

From his position, Officer Foster could see the entire front of 414 Abbay Way. The garage was closed, but the front door was open and had a closed screen door. The blinds to the front window were opened and closed repeatedly by Dominguez and when the blinds were open, Officer Foster could see Dominguez pacing back and forth with the rifle in his hand. Officer Foster described the rifle as having a brass or wood stock frame.

Dominguez came to the screen door while holding the rifle in his right hand several times where he would stand in the doorway with the screen door open and talk to Sergeant McNeely. However, Dominguez ignored Sergeant McNeely's negotiation attempts and would repeatedly go back inside the house and then return to the front door. Officer Foster could not hear what Dominguez was saying but overheard Sergeant McNeely say something like, "You don't want to do that." Then Dominguez would go back inside the house.

A short time later, Dominguez came back outside holding the rifle. Dominguez put two hands on the rifle and began to cock the lever back and forth repeatedly. Officer Foster knew this

cocking of the rifle would eject rounds from the rifle but did not see any rounds when Dominguez cocked it.

Dominguez then went back inside the residence and put the rifle down just inside the doorway on a chair. Officer Foster could only see a short distance through the screen door. About ten to fifteen minutes passed with Dominguez continuously moving around the residence. Officer Foster would lose track of Dominguez and then he suddenly would reappear at the window or front door. Officer Foster could see Dominguez with the rifle at times and knew he could have loaded it while he was out of view.

Dominguez suddenly approached the screen door and had armed himself with the rifle. Dominguez's demeanor looked different to Officer Foster, as this time he seemed focused and intent on hurting somebody. Before, Dominguez would come to the door or walk outside, look all around not appearing to be focused on anyone or anything in particular. However, when Dominguez came out the door on this occasion, he immediately looked toward the east in the direction of Lieutenant Rowe and several other officers. Within seconds, Dominguez put two hands on the rifle, lifted it, then dipped it, and then lifted it again towards Lieutenant Rowe.

Officer Foster believed Dominguez was going to shoot Lieutenant Rowe, other officers, or any innocent bystander standing in the direction of Dominguez's aim. Therefore, he fired his AR15 rifle at Dominguez approximately three to four times.

Officer Foster stated that he has been on many similar calls for suicidal subjects, but they usually end positively with the negotiator able to talk the subjects into putting the weapons down and no one getting hurt. However, in this incident, Dominguez refused to listen to Sergeant McNeely and the situation kept degrading.

2. SPD Officer Scott Bader

Officer Bader was interviewed at the Sparks Police Department on April 29, 2019, at 1:34 a.m., by WCSO Detective Stefanie Brady and RPD Detective Ernie Kazmar. Officer Bader has been employed by SPD for approximately six and a half years.

On April 28, 2019, Officer Bader began his shift at 2:00 p.m. and responded to normal calls for service during his shift and

then assisted with a driving under the influence investigation (DUI). While at the jail for the DUI case, Officer Bader heard officers being dispatched back to 414 Abbay Way for a suicidal subject (Dominguez). Officer Bader was initially unaware of what occurred during the first call to 414 Abbay Way.

Upon leaving the jail, Officer Bader heard over the radio that Dominguez had armed himself with a knife and had barricaded himself inside a room within the house. Officer Bader also heard through dispatch that there may be several people in the residence, and they were trying to have everyone exit. All of the family eventually evacuated leaving only Dominguez inside the house armed and barricaded. Family members had stated that there were multiple guns in the residence that had been removed and put in a nearby vehicle. The family believed they had removed most of the guns but were unsure if all were removed. Based on this information, Officer Bader believed Dominguez was suicidal and had barricaded himself inside his home with a knife and possibly several guns.

When Officer Bader arrived, he parked his patrol vehicle west of 414 Abbay Way on the corner of Abbay Way and Montecito Drive blocking the roadway to prevent traffic from driving in front of the residence. While on scene, Officer Bader learned that Dominguez had armed himself with a rifle and was seen walking around the house. Officer Bader retrieved his rifle, walked to the area of 414 Abbay Way and took up a position of cover on the south side of the street across from 414 Abbay Way. From this view, Officer Bader could only see the western most side of the residence to include a door to the garage and a garage door that was open.

Other officers on scene were evacuating residents in neighboring houses, however Officer Bader heard one elderly couple on oxygen and immobile were sheltering in place. Officer Bader assisted Officer Mercer getting a couple out of their residence directly across from 414 Abbay Way and then took up a position of cover behind an orange trailer while ensuring the couple left safely in their vehicle.

Officer Bader then moved behind a white car across from 414 Abbay Way. Officer Bader could see two cars in the driveway of 414 Abbay Way but could not see the front of the residence.

Officer Foster was giving updates on the radio regarding Dominguez's movements.

At one point, Dominguez came out of the house and was addressed by Lieutenant Rowe and Officer Mercer, who had their guns drawn and pointed at Dominguez. Officer Bader could not hear what was being said but could hear them yelling. Officers then advised that Dominguez had gone back inside the house.

Officer Bader did not like his positioning as he could only see a small area of the front of the house and was worried about being in the potential line of fire across from Lieutenant Rowe and Officer Mercer. Therefore, Officer Bader moved to inside the BearCat that had just arrived on scene.

Officer Bader took a position in a port hole facing 414 Abbay Way. Now Officer Bader could see the entire front of the residence. At this point the daylight was dwindling, so the lights on the BearCat were utilized to light up the front door and front window.

Officer Bader could hear Sergeant McNeely on the phone with Dominguez trying to get him to come out peacefully. Dominguez came to the front door several times and seemed very erratic. At one point, Dominguez came to the front screen door and opened it. Dominguez then swung the rifle vertically a few times and moved back towards the house. Dominguez began to cycle the lever on the rifle back and forth very quickly. Officer Bader did not see any bullets eject from the gun, as he was more focused on the lever and bolt of the gun. Officer Bader felt the gun was possibly unloaded at this point.

Dominguez went back inside the house with the rifle. Sergeant McNeely continued talking to Dominguez while he repeatedly moved to and away from the front door. There were times when Dominguez would show only one hand when he came to the door and could hear Sergeant McNeely telling Dominguez to show his hands. At this point, Officer Bader turned and saw Sergeant McNeely on the phone standing near the BearCat telling Dominguez that if he came out, Sergeant McNeely would shake his hand and get him the help he needs.

Dominguez then appeared at the threshold of the front door. Officer Bader was concerned he would reach for the rifle, as he had his right side of his body concealed behind the door.

Officer Bader felt Sergeant McNeely was not fully behind cover and could get shot by Dominguez if he pulled the rifle out. Officers from the BearCat relayed information over radio about their concerns with Dominguez not fully exposing his entire body and possibly concealing his right arm which could hold the rifle.

Dominguez then went back into the house and was seen going into the garage from the door. The garage door was still open but Dominguez immediately closed it upon entering the garage. Dominguez was then seen at various times in the residence as he would peek out the window and then close the blinds. At one point, Dominguez flipped off the officers. There were other times where no officer had a visual on where Dominguez had gone. Therefore, Officer Bader was concerned that Dominguez could have loaded the weapon during times where officers lost sight of him. After several minutes of not being seen, Dominguez suddenly came out of the residence. Previously, Dominguez would come outside, look around at where the officers were at and then go back inside. This time, Dominguez immediately looked toward the neighboring residence to the east where Lieutenant Rowe and Officer Mercer were located.

Dominguez "seemed puffed up, ready to fight. He came marching out, ready to fight." Dominguez exited the residence with the rifle in his right hand and looked towards Lieutenant Rowe, and Officers Mercer and DeJesus. Within seconds, Dominguez lifted the rifle towards the officers who were no more than fifty yards away. When the rifle was almost level towards the officers, Officer Bader fired his rifle at Dominguez approximately five to six times. Officer Bader felt he had to stop Dominguez before he killed his fellow officers and was also concerned for the neighboring residents to the east, as there were several houses in the direction of Dominguez's aim.

3. SPD Officer Ryan Patterson

Officer Patterson was interviewed at the Sparks Police Department on April 29, 2019, at approximately 3:30 a.m., by WCSO Detective Stefanie Brady and RPD Detective Ernie Kazmar. Officer Patterson has been employed at SPD for approximately five years and is assigned to patrol and the K-9 unit.

On April 28, 2019, Officer Patterson responded to several calls for service during his shift, the last of which was a DUI in the area of John Ascuaga's Nugget which resulted in the arrest of a suspect. Another officer transported the suspect due to the fact that Officer Patterson did not have adequate transport capabilities in his K-9 patrol unit.

While exchanging the suspect with the other officer, Officer Patterson became aware of an active call for service in which Lieutenant Rowe was requesting someone respond with the BearCat. Officer Patterson knew the call involved an armed male (Dominguez) inside a residence and responded to SPD to retrieve the BearCat.

Upon arrival at the scene, Officer Patterson parked the BearCat in the street in front of 414 Abbay Way, which provided an area of cover for the officers near the house and to the east of 414 Abbay Way. When parking, he pre-positioned the side portals of the BearCat along with the top turret to allow a vantage point for officers inside to see the residence from a position of cover. Officer Foster, who was armed with a rifle, assumed a position in the turret while Officer Bader, also armed with a rifle, assumed a position in one of the portals facing 414 Abbay Way. Officer Patterson assumed a position in one of the other portals armed with a .40mm less lethal armament.

Officer Patterson was aware that Sergeant McNeely was near him and attempting to negotiate a non-violent resolution. Other officers were creating a perimeter around the house because Dominguez was armed. Officer Patterson could see the front of the house, as well as Dominguez moving inside and holding a rifle in his right hand.

Officer Patterson's position inside the BearCat provided the best vantage point to observe Dominguez's movements while inside the house, so he, Officer Foster, and Officer Bader gave continual updates as to Dominguez's location. At one point, Dominguez exited the house through the front door and was quickly swinging the rifle up and down several times before going back inside the house.

On several occasions, Dominguez would stand within the threshold of the front door and flip off the officers on scene, as well as yell unintelligibly to them. At one point, he exited the front

door, moved several feet into the front yard and manipulated the rifle, appearing to cycle the lever action several times before going back inside the house. Officer Patterson was aware that cycling the rifle would eject rounds out, but he did not see any rounds being ejected.

After Dominguez returned to the residence, officers lost sight of him for approximately eight to ten minutes, at which time officers were fearful Dominguez had loaded the rifle if it was not already loaded.

Officer Patterson then watched as Dominguez buttoned up the house by closing doors and blinds. Officer Patterson overheard Sergeant McNeely's half of the conversation with Dominguez and it did not appear to be going well. Dominguez again exited the residence and moved to the front yard with the rifle. Officer Patterson noticed Dominguez's demeanor had changed from previous times he exited. Before, Dominguez would come out in a somewhat flippant and lazy manner and then head back inside. The last time he came out he had more purposeful movement than before and headed in an eastern direction towards officers and people in the area. Officer Patterson knew that if Dominguez fired the rifle it would cause serious bodily harm or death.

Dominguez then raised the rifle with the muzzle directed somewhat in line between his position of cover in the BearCat and to the east where he knew other SPD officers were situated. Officer Patterson was not fearful of his own safety due to his position inside the BearCat, but knew that the SPD officers to the east were simply in a position of concealment and not necessarily in a position of cover. Officer Patterson also believed a large crowd of civilian bystanders were gathering east of the residence. Therefore, due to Dominguez's changed behavior, Officer Patterson transitioned from the .40mm less lethal weapon to his handgun. When he saw Dominguez purposely raise his rifle, he fired his handgun twice at Dominguez. Officer Patterson stayed in his position while other officers provided medical aid to Dominguez.

4. SPD Officer Eric DeJesus

Officer Eric DeJesus was interviewed at the Sparks Police Department on April 28, 2019, at 11:10 p.m., by WCSO Detective

Joe Digesti and RPD Detective Dimitri Kassebaum. Officer DeJesus was on duty on April 28, 2019.

Earlier in the evening, Officer DeJesus and Officer Lawson were dispatched to 414 Abbay Way on a report of a suicidal subject (Dominguez). The information on the call came from Dominguez's mother (Miles) who indicated Dominguez's wife (Leora) had recently left him and was the cause of his distress.

Upon arrival, Officers DeJesus and Lawson spoke to Dominguez and determined that although he was intoxicated, he was not portraying suicidal ideations. Dominguez indicated that he sometimes says things he does not mean to get his mother to leave. The officers determined there was no reason at that time to pursue a Legal 2000 hold on Dominguez and cleared the call.

Later in his shift, Officer DeJesus was again dispatched to 414 Abbay Way. At the time the call came in, Officer DeJesus was in the Wingfield Springs area on an unrelated call. As he was heading to 414 Abbay Way, Officer DeJesus was getting updates on his computer as well as listening to the radio for information.

Upon arriving back at 414 Abbay Way, Officer DeJesus met up with Lieutenant Rowe and Officer Mercer. The three had taken a position at the house immediately to the east. While at that location, Officer DeJesus could not see Dominguez inside his home. However, they took up that position because the occupant of the house was an elderly woman who was unable to evacuate. The officers stayed in that position with the intention of putting themselves between Dominguez and the elderly neighbor in case Dominguez came towards them.

While in this position, Officer DeJesus could hear Lieutenant Rowe telling other officers to have Dominguez drop his weapon. Office DeJesus continued to get information over the radio that Dominguez was repeatedly going in and out of his house while holding what appeared to be a firearm. Officer DeJesus also knew that Sergeant McNeely was in phone communication encouraging Dominguez to put the weapon down and allow officers to help him. Dominguez had tried to get Sergeant McNeely to come into the house.

Although Officer DeJesus did not have a direct view of the house, he could hear Dominguez yelling from inside. Officer DeJesus could not make out what was being said. Officer DeJesus

was getting information by radio that Dominguez was moving around inside the house, opening and closing the garage door, and exiting the home with a rifle. Officer DeJesus at one point heard Dominguez cycle the rifle. While doing this, Officer DeJesus overheard another officer remark that Dominguez may be cycling the rifle to show that it was empty. After cycling the rifle, Dominguez returned inside the house.

At one point, Dominguez again stepped out of the house with the rifle. Officer DeJesus remembered everything being still for a moment and then suddenly hearing gunshots. Officer DeJesus immediately became concerned that officers may have been shot so he called out on the radio to see if everyone was alright. All officers responded they were unharmed, so Officer DeJesus's attention moved back to Dominguez. He and several other officers then approached the house and Dominguez. Officer DeJesus observed Dominguez laying on his back, just outside his front door with a level action rifle near him. Life-saving efforts were undertaken by officers.

Officer DeJesus said he felt scared during the incident and knew Dominguez was intoxicated and that there was a domestic violence component to the situation. Officer DeJesus also said he knew that a rifle would be more dangerous than a handgun in the situation.

5. SPD Sergeant Patrick McNeely

Sergeant McNeely was interviewed at the Sparks Police Department on April 29, 2019, at 1:10 a.m., by WCSO Detective Joe Digesti. Sergeant McNeely has been with SPD for sixteen years.

Sergeant McNeely was involved in the first call to 414 Abbay Way. When he arrived, he spoke with Dominguez's mother (Miles) while Officers Lawson and DeJesus spoke with Dominguez. Miles told Sergeant McNeely that Dominguez's wife had left him and she was worried that Dominguez would "drink himself to death."

Sergeant McNeely inquired about other means such as guns Dominguez could use to kill himself. Miles mentioned Dominguez had access to knives but was unaware of any guns. Miles told Sergeant McNeely that Dominguez said if he were to kill himself that he would "make it quicker" than drinking himself to death.

Once it was determined that there was no lawful reason to take Dominguez into custody on a Legal 2000, Sergeant McNeely left to

go back to SPD to work on the shift schedule. While back at the station, Sergeant McNeely heard a second call for service at 414 Abbay Way. This time, the call was for a domestic battery that had just occurred. The information came in that Dominguez had just punched his sister (Donna) and had barricaded himself in the residence, possibly with a knife.

While en route, Sergeant McNeely contacted Donna, who told him that she had gone over to Dominguez's house once officers left to remove guns from the home. While doing this, Dominguez struck her in the face. Donna mentioned that she had removed four guns from the house and placed them in her car. However, she was unsure if there were additional guns in the house because she had seen a gun out of its holster in the bedroom.

Sergeant McNeely then attempted to make phone contact with Dominguez, who did not answer during the first two or three attempts before responding. Sergeant McNeely was behind an RV parked across the street, but could see Dominguez going throughout the house closing windows. He later moved behind the BearCat when it arrived. Sergeant McNeely asked Officer Foster to get his 40mm as well as his AR rifle as he was unaware as of this time whether Dominguez had more guns in the house.

Dominguez told Sergeant McNeely that he was upset with Donna for taking the guns from the house but that, "She didn't get them all." Dominguez said he was depressed and an alcoholic and that his wife was leaving him and he wanted to end his life.

Sergeant McNeely was able to maintain communication with Dominguez for the duration of the incident. Dominguez's mental state went up and down. Sergeant McNeely told him he just wanted to get Dominguez to the hospital. However, Dominguez, continued to state he no longer wanted to live and had nothing to look forward to.

During the conversation, Dominguez stated he wanted officers to shoot him and repeatedly asked Sergeant McNeely to have officers shoot him. Sergeant McNeely told Dominguez officers did not want to shoot him, to which Dominguez replied that if he came out shooting then officers would shoot him. Sergeant McNeely told him not to come out shooting.

Sergeant McNeely continually encouraged Dominguez to come outside unarmed so officers could help him by taking him to a

hospital to get checked out. Sergeant McNeely told Dominguez he had a lot of life to live still. Dominguez replied that he did not believe him and mentioned he had had two hip replacement surgeries and was a plumber by trade. Sergeant McNeely told him it was good he was employed, and that life would go on even without his wife. All of a sudden, the conversation would change, and Dominguez would say he was going to come out with the gun and have officers shoot him.

Dominguez was then seen in a front window with a gun appearing to show the officers he was armed. However, he was not pointing it at anyone at that moment. At one point, Sergeant McNeely convinced Dominguez to come to the front door. Sergeant McNeely tried to get Dominguez to come out unarmed, but Dominguez refused saying there were too many officers out there. Sergeant McNeely replied the officers were just there to make them safe.

Dominguez also told Sergeant McNeely several times that he wanted to physically see Sergeant McNeely. Once Sergeant McNeely could confirm through other officers that Dominguez was not presently holding the rifle, Sergeant McNeely would look from behind the BearCat so Dominguez could see him. Dominguez repeatedly asked Sergeant McNeely to come and speak with him up close, to which Sergeant McNeely stated he would not come to Dominguez until he was sure he was unarmed.

As Sergeant McNeely was getting information from Dominguez, that information was being relayed to officers on scene via radio. In addition to his concerns for officer safety, Sergeant McNeely was concerned with people in the neighborhood as he knew a rifle could penetrate houses and put them in danger.

The last thing Sergeant McNeely told Dominguez was to put the rifle down and come outside. Sergeant McNeely then heard gunshots and learned Dominguez was down on the ground. Sergeant McNeely then got onto the armored vehicle PA system and began giving verbal commands. After officers moved to Dominguez to begin life-saving measures, Sergeant McNeely activated the Officer Involved Shooting Protocol.

6. SPD Officer Brian Wisneski

Officer Wisneski was interviewed at the Sparks Police Department on April 29, 2019, at 12:10 a.m., by WCSO Detective Joe Digesti

and RPD Detective Dimitri Kassebaum. Officer Wisneski has been employed at SPD for three years.

Officer Wisneski was on patrol when he heard a call for service at 414 Abbay Way. The call was for a domestic battery that had just occurred. The information at that time was that a man (Dominguez) had hit his sister (Donna). Additionally, there was information that officers had been to the same house dealing with Dominguez earlier in the shift and that he was intoxicated and suicidal. During the initial call for service, officers were able to determine Dominguez was not suicidal but was intoxicated. Officers also learned that Dominguez was in possession of numerous firearms. After officers cleared the initial call for service, Donna had gone over to the home to remove the weapons for Dominguez's safety. She was able to remove several weapons before Dominguez hit her.

Officer Wisneski was the first to arrive on scene for the second call. Upon arrival, he observed two females sitting on the curb in front of 414 Abbay Way. The females were identified as Donna and her niece I.D.. Donna told Officer Wisneski she had removed four firearms from the house which included two rifles, one air gun, and one handgun. Donna put the weapons in an SUV outside the home. While doing this, Dominguez pushed Donna and slapped her in the face. Donna mentioned she was worried because Dominguez was a hunter and could have more guns she was unaware of. She specifically mentioned a gun that was sitting on Dominguez's bed earlier.

As Officer Wisneski was speaking with Donna, other SPD officers began arriving. Dominguez was inside the house and there was information that he may be attempting to barricade himself. Other officers were securing the area and either evacuating neighbors or having them shelter in place.

During his contact with Donna and I.D., Officer Wisneski reviewed a text message sent from Dominguez to his daughter. Officer Wisneski interpreted the text message as a suicide note as it was wishing his daughter well and encouraging her not to blame herself for what was happening. Officer Wisneski read the text message over the radio so other officers on scene had the information into Dominguez's mindset.

Officer Wisneski then contacted the on-call District Attorney to obtain a search warrant for crimes in relation to the domestic battery. While speaking to the on-call District Attorney, other officers updated Officer Wisneski regarding Dominguez's statements. Officer Wisneski knew Dominguez was armed with a rifle and had come outside of the house on several occasions with the weapon. Dominguez had also closed the curtains, locked the doors, and closed the garage door.

Officer Wisneski could overhear Sergeant's McNeely's conversation with Dominguez trying to get him to come out of the house. At points during the conversation it appeared to be going well between Sergeant McNeely and Dominguez. However, Dominguez would then become agitated and recalled Sergeant McNeely continuously encouraging Dominguez to put the weapon down and come outside so officers could get Dominguez help. On several occasions, Officer Wisneski could see Dominguez armed with a lever action rifle and also saw him rack the rifle several times. Officer Wisneski was concerned when Dominguez would raise the rifle, as it threatened the officers and citizens in the neighborhood.

Once the BearCat arrived on scene, Officer Wisneski stayed inside it to continue working on applying for a search warrant. Officers Foster, Bader, and Patterson were also in the vehicle. Officer Wisneski then saw Dominguez exit the house armed, this time coming out further than he ever had before which immediately concerned Officer Wisneski. Previously, Dominguez would always stay near the doorway of his house when he came out. Officer Wisneski dropped the phone he was using to talk to the on-call judge and moved to the back of the BearCat with his rifle drawn. Officer Wisneski then heard a round of gunfire and saw Dominguez fall to the ground.

Officer Wisneski and the shooting officers held their position until officers safely approached Dominguez. After the shooting, Officer Wisneski and Sergeant McNeely went to go talk with Dominguez's family.

Officer Wisneski expressed concerns for his safety and that of his fellow officers. He was also concerned for the neighboring homes and the safety of those that could not evacuate. Dominguez was armed with a rifle and could have easily began shooting towards houses or officers causing a lot of people to get hurt.

Adding to his concern was the information that Dominguez was a hunter. Despite being in the BearCat, this information caused Officer Wisneski to worry he could be shot.

7. SPD Officer Joe Mercer

Officer Mercer was interviewed on April 29, 2019, at 12:15 a.m., by RPD Detective Allison Jenkins. Officer Mercer has been employed at SPD for four years with an additional five years of local law enforcement experience.

Officer Mercer was on patrol at the Washoe County Jail booking an arrestee for a DUI when he overheard radio traffic reference a call for service at 414 Abbay Way regarding a suicidal male (Dominguez) who was armed with a knife. As he listened to the call, Officer Mercer learned that a relative of Dominguez (Donna) had previously removed firearms from the house, but it was possible Dominguez still had more inside, as he was a hunter. Officer Mercer also heard that Dominguez may have committed a domestic battery but was unsure of the specifics.

After booking his DUI arrestee, Officer Mercer drove to 414 Abbay Way. While en route, Officer Mercer heard over the radio that Dominguez had exited the house with a rifle. Upon hearing this, Officer Mercer activated his lights and sirens to expedite his response.

When he arrived, Officer Mercer met with Lieutenant Rowe who requested he begin evacuating the residents of nearby homes, which Officer Mercer did. After helping with evacuations, Officer Mercer again met with Lieutenant Rowe one house east of 414 Abbay Way (408 Abbay Way) in the front yard on the east side of the garage, which they used as a position of cover so they could view 414 Abbay Way.

Shortly thereafter, Officer Patterson arrived with the BearCat and positioned it in the street in front of 414 Abbay Way. At this time, Dominguez was at the front door of his house. Both Lieutenant Rowe and Officer Mercer left cover and moved forward in front of the garage putting Dominguez at gunpoint. The front door was open and Dominguez was standing just inside the front door with the screen door closed looking at them. The screen door had a solid bottom half, concealing Dominguez's lower half.

Officer Mercer could see the butt stock of a rifle held in Dominguez's right hand. Dominguez was agitated and angry. They gave him verbal commands to exit the house to which Dominguez asked something to the effect of, "What, are you gonna shoot me?" Officer Mercer felt Dominguez's response was more of an angry challenge than a legitimate question.

Dominguez refused to comply with Lieutenant Rowe and Officer Mercer's command to come outside and instead slammed the front door shut, ending their contact. Officer Mercer confirmed with other officers over radio that Dominguez had a rifle in his hand. Both Lieutenant Rowe and Officer Mercer lost sight of Dominguez after he closed the front door and retreated to their position of cover. Other officers updated on the radio that Dominguez was inside waiving the rifle around.

Officer Mercer saw the garage door of the house opening and closing a couple times but never saw Dominguez exit through the garage. Dominguez did come to the front door multiple times to engage officers and yell to or at them, although Officer Mercer could not always distinguish what Dominguez was saying. Officer Mercer did specifically recall Dominguez shouting from his front door, "Just shoot me already!" After making the comment, Dominguez went back inside his house again.

Officer Mercer also heard Dominguez cycle the rifle one time from inside the house. While hearing this, radio traffic confirmed Dominguez was cycling the rifle, but they did not see any rounds being ejected from the weapon.

At some point during the encounter, Officer DeJesus joined him and Lieutenant Rowe at their position. Officer Mercer heard over the radio that Dominguez was again at the front door. This time Dominguez was unarmed and talking to Sergeant McNeely on his cellphone, while also waiving Sergeant McNeely towards him. Officer Mercer could not see this but overheard it on radio traffic.

Lieutenant Rowe then ordered Officer DeJesus to go back to his patrol vehicle to don his SWAT gear, specifically the heavy ballistic vest, in case Dominguez exited the house again with his rifle. When Officer DeJesus returned, Lieutenant Rowe ordered Officer Mercer to do the same and to also return with a rifle blanket, which is a heavy ballistic panel that could be

used as partial cover if they needed to leave from the garage area. Lieutenant Rowe also wanted Officer Mercer to retrieve his patrol vehicle to utilize the spotlights to better illuminate the front of 414 Abbay Way.

As Officer Mercer was at his vehicle, his attention was drawn to movement at the BearCat. When he turned to look at the BearCat, he saw officers raising their rifles and then heard several shots fired. Officer Mercer dropped the rifle blanket and sprinted back to the scene.

After the shooting, Officer Mercer, along with other SWAT members who had arrived, made a plan to leave their position of cover and move towards Dominguez with a medic to provide Dominguez with medical aid. As they approached Dominguez, Officer Mercer saw him on the ground outside his front door face up and unresponsive. Officer Mercer saw a rifle lying on the ground next to Dominguez and secured it by moving it away, allowing medics to better attempt life-saving measures.

8. SPD Lieutenant Chris Rowe

Lieutenant Rowe was not interviewed as part of the Officer Involved Shooting Investigation. In lieu of an interview, Lieutenant Rowe wrote a detailed supplement report describing his involvement during the events of April 28, 2019. The following is a summary of Lieutenant Rowe's report:

On April 28, 2019, at approximately 6:58 p.m., Lieutenant Rowe heard SPD Dispatch send officers to 414 Abbay Way in response to a domestic battery involving a suicidal subject (Dominguez). Dispatch advised this was a return call from earlier in the evening. Lieutenant Rowe decided to respond to the incident.

Lieutenant Rowe learned from dispatch that the reporting party (Donna) was punched in the face by Dominguez and was threatening suicide. Multiple firearms were removed from the residence but there was another firearm in the bedroom that had not been removed. Dispatch advised that Dominguez was intoxicated and had locked himself in a bedroom. Dominguez's mother (Miles) was trying to get into the bedroom while Donna was attempting to get everyone else (I.D.) out of the house as she was screaming. Dominguez was crying and telling everyone to leave the house. Everyone besides Dominguez left the house and Dominguez barricaded himself inside.

While in route, Lieutenant Rowe asked if an officer was available to bring the BearCat from the station and Officer Patterson was assigned. Sergeant McNeely advised he was on the phone with Dominguez as Dominguez was opening the front blinds, curtains, and garage door.

At 7:31 p.m., Lieutenant Rowe arrived on scene and observed several officers taking cover behind an RV parked across from 414 Abbay Way. There were also several of Dominguez's family members with those officers and Lieutenant Rowe instructed them to move away from the RV and away from danger.

Lieutenant Rowe then moved to a residence on the northeast corner of Abbay Way and 4th Street (408 Abbay Way) where he could see both Sergeant McNeely on the phone with Dominguez and Officer Foster providing long cover with a rifle. At this point Abbay Way was not blocked, so Lieutenant Rowe used his patrol vehicle to block off the east end of the street.

While moving the vehicle, Lieutenant Rowe could hear Officer Foster over the radio stating that Dominguez was in the living room of the residence, but was unarmed at the moment. Officer Wisneski updated the radio that Dominguez had told Sergeant McNeely that he was coming out of the house with a rifle. In response, Lieutenant Rowe requested Officer Patterson expedite the arrival of the BearCat. Due to Dominguez's threat, Lieutenant Rowe also ordered the evacuation of neighboring residents. Lieutenant Rowe then went to the front door of 408 Abbay Way and contacted the occupant who was an elderly female. The female could not evacuate, so Lieutenant Rowe asked her to shelter in place at the east side of the home for her safety.

Lieutenant Rowe took a position near the garage of 408 Abbay Way. It concealed him from Dominguez's house, but he could not see the front door. Lieutenant Rowe was worried for the female occupant in 408 Abbay Way who could not evacuate and wanted to place himself in between Dominguez and her should he begin shooting his firearm.

Lieutenant Rowe then asked for Officer Wisneski to further investigate the domestic battery allegation, to which Officer Wisneski discovered there was an additional witness (I.D.) to the domestic battery and that the weapons removed from the house were inside a white SUV parked directly in front of 414 Abbay

Way. Lieutenant Rowe felt his position allowed him to intervene should Dominguez attempt to access the weapons. Officer Wisneski also updated everyone with a suicidal type text message sent to family members (I.D.).

As Officer Patterson arrived with the BearCat, Officer Foster announced that Dominguez was at the front door. Officer Mercer and Lieutenant Rowe approached Dominguez and saw him just inside of his front door. Dominguez asked, "Are you going to shoot me?" to which Lieutenant Rowe responded, "Step outside where we can see you. Do it now. Step out please, we don't want to hurt you." Dominguez responded, "No, I ain't fucking stepping out." Lieutenant Rowe repeated himself to come outside and that officers did not want to hurt him, but Dominguez again refused, saying, "No." Lieutenant Rowe then asked Dominguez if he had any weapons, to which Dominguez replied by lifting an object that appeared to be a buttstock of a rifle. Lieutenant Rowe and Officer Mercer retreated back to the garage area of 408 Abbay Way while Dominguez slammed his front door shut.

Lieutenant Rowe then moved his patrol vehicle to allow the BearCat access on Abbay Way. After discussions with officers, Lieutenant Rowe announced to all officers that SPD now had probable cause to arrest Dominguez for felony Resisting an Officer with a Deadly Weapon.

At 7:50 p.m., Lieutenant Rowe requested a SWAT call out to assist with Dominguez. Meanwhile, Officer DeJesus joined Lieutenant Rowe and Officer Mercer at their location at 408 Abbay Way. A short time later, Lieutenant Rowe learned from the radio that Dominguez had opened his front door slightly and looked towards his direction and then shut the front door.

Officers continued to update their observations of Dominguez inside the residence. Lieutenant Rowe retrieved a rifle rated ballistic blanket to provide some protection for Officers Mercer and DeJesus. Lieutenant Rowe then directed Officer Lawson to begin coordinating with Sergeant McNeely to make announcements to Dominguez that he was under arrest and to step outside.

Officer Foster stated that Dominguez was at the front door with something in his hand. Lieutenant Rowe could hear Dominguez from inside yelling, to which Officer Mercer confirmed he was yelling, "Shoot me." Officer Lawson then updated officers that

Dominguez told Sergeant McNeely that if he came out of the house, he was coming out with a gun. Lieutenant Rowe advised officers to be ready.

Dominguez went back and forth through the house and later came back without the weapon. Lieutenant Rowe began making plans should Dominguez come out of the house unarmed, determining that his team would be the hands-on team to arrest Dominguez. Dominguez was trying to waive Sergeant McNeely into the house, and shortly thereafter grabbed the rifle again.

Lieutenant Rowe then heard that Dominguez was waving the rifle in the air and cycled it repeatedly to show that the gun was empty. Dominguez then went back into the house and was unseen for some time. Officer Bader updated that Dominguez had been unseen long enough to have loaded the rifle without officers seeing it.

At 8:12 p.m., Officer Foster then updated officers that Dominguez was coming to the front door when he suddenly heard gunfire. Lieutenant Rowe informed dispatch that shots were fired. He then ensured the safety of all officers and learned via radio that Dominguez was on the ground still moving. Officers could only see Dominguez's feet, so Lieutenant Rowe deemed Dominguez still a threat and to hold their positions. Lieutenant Rowe requested the REMSA Tac Medic, who is assigned to the SWAT team, to hurry into position so they could reach Dominguez to provide medical aid.

Lieutenant Rowe then made a plan to reach Dominguez and approached him from the east. Lieutenant Rowe and the REMSA Tac Medic then began performing life saving measures as they could not feel a pulse. Additional REMSA personnel arrived and continued to perform life saving measures but could not resuscitate Dominguez. REMSA personnel pronounced Dominguez deceased at 8:25 p.m. Lieutenant Rowe requested Officer Wisneski and Sergeant Jason Edmonson contact Dominguez's family to update them regarding the shooting and asked Sergeant McNeely to enact the Officer Involved Shooting Protocol.

9. Leora Dominguez

Leora Dominguez was interviewed at her mother's residence on April 29, 2019, at 12:30 a.m., by RPD Detective David Millsap. Leora has been married to Dominguez for eight years and lived

with him at 414 Abbay Way. They do not have children together but Dominguez's daughter, I.D., stayed at their residence every other week.

On April 28, 2019, Leora was at home with Dominguez and I.D.. She woke up in the morning and began cleaning the house and then went to church. When she returned from church, she told Dominguez she was tired and sat down to start watching a movie. At about 12:30 p.m., Dominguez and I.D. left to go to the Reno Aces baseball game. Dominguez had been drinking prior to leaving but he "was not that bad."

When Dominguez and I.D. returned home, she noticed Dominguez was drunk. Dominguez started slamming things around and was "weaving." Dominguez then confronted Leora about not painting the door frames in the hallway. Leora told him she did not paint them because she was tired. Dominguez then became upset and Leora told him that he must think she's lazy. Dominguez responded by saying, "Yeah I do, I think you're lazy."

Leora began yelling at Dominguez saying she was so tired of everything. She then grabbed a suitcase and packed some items so she could leave. Dominguez said, "That's great, go ahead and leave...you can't just talk about it." Leora told Dominguez she would talk with him when he became sober, yelled that she hated Dominguez and then left.

Once she got outside, Leora gave I.D. a hug and drove to her mother's house. While at her mother's, Donna called her, but she did not want to talk so she did not answer. Leora read for a little bit and then went to sleep. She put her cell phone on silent. Leora did not realize anything was wrong until she woke up to use the restroom and saw multiple text messages from Donna.

Dominguez had never made any statements to her about wanting to harm himself. Leora was worried about Dominguez when he was unemployed and going through medical issues, but never thought he would do anything to harm himself.

10. I.D.

I.D. was interviewed at the Sparks Police Department on April 28, 2019, at 10:45 p.m., by WCSO Detective Josh Swanson. I.D. is

seventeen years old and was accompanied by her mother. I.D. is the daughter of Dominguez.

I.D.'s parents have been divorced since she was three years old. As a result, she splits time between her mother and father's residences a week at a time. On April 28, 2019, I.D. was staying with her father.

In the days prior to April 28, 2019, I.D. had been housesitting for her grandmother (Miles) a few houses down from her father's house. On April 28, 2019, I.D. and her friend returned to Dominguez's home between 10:30 a.m. and 11:00 a.m. Dominguez made I.D. and her friend breakfast. I.D. noticed Dominguez was drinking Jack Daniels whiskey, which was not an unusual occurrence as Dominguez was a heavy drinker, including on weekend mornings.

Breakfast finished up and I.D.'s friend left around 12:00 p.m. After her friend left, I.D. returned to her grandmother's house and finished chores. Once she was finished, I.D. and Dominguez went to the Reno Aces baseball game. They were there for about an hour to an hour and a half and then returned home.

Upon returning, Dominguez began drinking beer and prepping for a house painting project. I.D. went outside to wash her car. At about 3:00 p.m. as she was outside, I.D.'s stepmother Leora exited the house with a suitcase and the family dog. She told I.D. to move her car from the driveway as she was leaving and "couldn't take living here anymore," and was going to her mother's house. I.D. did not know what happened between Leora and Dominguez inside the house but deduced that they had gotten into an argument.

After Leora left, I.D. located her father in the garage, crying. I.D. consoled Dominguez and hugged him, however, Dominguez was still crying and upset. Dominguez continued to try and stay busy and keep his mind occupied by working on a house painting project. I.D. told Dominguez to try and relax but Dominguez did not want to. I.D. saw Dominguez open another beer, but he did not appear to be too intoxicated at the time. I.D. described that when Dominguez is heavily intoxicated, he becomes brutally honest in his communication and borderline mean. I.D. did not see this behavior.

I.D. continued to wash her car over the next two hours. During this time, Miles and her aunt (Donna) had returned from their out-of-state retreat. Donna stopped her car and started to talk to Dominguez. Dominguez told Donna what had transpired with Leora, and Donna exited the vehicle to talk to Dominguez further.

Donna asked I.D. to go to Miles' house to ask Miles to come down and speak with Dominguez. I.D. did so and told Miles of the recent developments regarding Dominguez and Leora. I.D. and Miles returned to 414 Abbay Way. Miles, Donna, and Dominguez then sat on the front porch talking while I.D. continued washing her car.

The three spoke for about twenty minutes. Dominguez was upset and crying the entire time. Donna left the conversation and told I.D. she was leaving as she felt if she stayed, she would enable Dominguez's behavior. Donna felt Miles' more tough-love approach is what Dominguez needed at this time.

I.D. overheard Miles and Dominguez continuing to speak, with topics ranging from fence work that required completion, to Dominguez's lack of control with his drinking. The drinking topic led to an argument between the two and Miles wanted Dominguez to go to Alcoholics Anonymous and Dominguez refused. By this time, all three had moved inside the house.

As Miles and Dominguez argued, I.D. went to go hang out in her room. At some point, Miles left the residence, and I.D. came back downstairs. Dominguez told I.D. that Miles was calling the police and he might be going to jail. Dominguez did not explain why he would be going to jail but repeated to I.D. that he loved her and would never hurt her. Dominguez then locked all the doors in the house to keep Miles away.

While Dominguez was locking all the doors, I.D. received a phone call from Miles. Miles told I.D. to go back to her room which she did. I.D. then got a phone call from Donna, who requested I.D. remain on the phone with her as the police were responding to the house and Donna did not want I.D. to hear the interaction.

Donna told I.D. that the police were coming because Dominguez threatened to kill himself. After a while, they ended their phone conversation and Dominguez came upstairs to talk to I.D.

He told I.D. that he had spoken to the police, that they had left, and decided not to take him to jail. At this time however, I.D. noticed a change in Dominguez in that he went from sad to despondent. They hugged and Dominguez repeatedly told I.D. he would never hurt her and loved her more than anything in the world.

Dominguez then returned downstairs, and I.D. received another phone call from Donna. Donna confirmed that the police came and spoke with Dominguez but that he did not make any suicidal statements to them. Still concerned, Donna requested I.D. remove all the firearms from the house, as she believed Dominguez to be suicidal. Donna asked I.D. if she knew where the guns were located but I.D. did not. Donna then asked I.D. to get Dominguez to leave the house. I.D. explained to Donna that she would try but she did not believe she would be able to.

I.D. went downstairs to Dominguez's bedroom and told Dominguez she was hungry and asked him to go pick up food with her. I.D. noticed Dominguez fumbling with something but could not determine what it was due to the dark lighting in the room. Dominguez put the unknown item underneath a sheet or shirt on the bed and walked out of the bedroom.

Dominguez agreed to go get pizza with I.D. but before leaving they hugged and cried for a few minutes. While hugging Dominguez, I.D. noticed Dominguez's handgun missing from its holster which was now placed on the bed. This was unusual to I.D. as the gun normally was in its holster, in the dresser next to his bed. Based on what she observed, I.D. was now concerned that her father was indeed suicidal.

Dominguez and I.D. left the residence and drove to Little Caesars Pizza on Prater Way and McCarran Boulevard. I.D. was aware that Donna had contacted Leora to find the locations of the guns inside Dominguez's home. Donna was on her way to Dominguez's house when Dominguez and I.D. returned. Donna decided not to come over at that time.

Dominguez and I.D. ate pizza and watched television. Normally, I.D. would return upstairs to her room, however she decided to stay with Dominguez because she was worried he was suicidal. Dominguez took notice, saying, "Oh, you're not going upstairs?"

I.D. interpreted the question as more of a directive, however I.D. remained with Dominguez.

After some time, Donna arrived but Dominguez would not let her into the house. I.D. disregarded her dad's refusal and allowed Donna to come inside. Donna and Dominguez argued about retrieving the guns as Dominguez refused to give them up. Donna asked I.D. to help her and both went into Dominguez's bedroom to look for them. Dominguez relented and allowed Donna to take three long guns located in his closet. Donna insisted on taking the handgun to which Dominguez denied there being one. Donna kept looking and eventually found a handgun in the bedside table.

Donna and Dominguez continued to argue but Dominguez allowed Donna to remove the guns and place them in her vehicle. They returned inside, at which time Donna told Dominguez she was going to take I.D. to her house so Dominguez could be alone. This angered Dominguez greatly and led to a bigger argument. I.D. then became extremely upset and started hyperventilating, insisting on staying with Dominguez. Dominguez consoled I.D. and told her she did not have to leave, to which Donna conceded.

Donna and Dominguez continued to argue in front of I.D.. Dominguez violently shoved Donna with all his strength three separate times in the chest and upper shoulder area. Donna almost fell backwards on the front yard grass. After the shoves, Dominguez swung a closed fist at Donna and may have struck her in the face, but I.D. could not see if the punch landed. Donna then told I.D. to go to Miles' house to which I.D. complied.

Donna remained at the house and tried talking to Dominguez, but he went into his bedroom and locked the door. I.D. and Miles returned and attempted to get Dominguez to open the door, but he refused. Miles was able to unlock the door by using a screw to pop the lock on the door handle. Even with the door unlocked, Dominguez refused to allow anyone inside. Miles and Dominguez each pushed on the door causing it to repeatedly open and shut.

I.D. was watching the events unfold and heard her dad yell, "Nobody loves me!" This caused her to become upset and she yelled back to Dominguez that she loved him. Dominguez began crying at which time Donna and Miles insisted I.D. leave the house and wait outside. I.D. complied, went outside, and sat on

the curb. Donna joined her shortly thereafter and told her they were calling the police again. Shortly after that Miles came out and they waited for police to respond.

SPD arrived and spoke with all three to learn what had transpired. They relayed information about the earlier phone call, Dominguez's violent outbursts, and the domestic battery against Donna. While this was occurring, I.D. received a text from Dominguez that read, "I love you more than anything...I haven't been right in a while...I love you and nobody can tell you different." I.D. showed the message to her family and the police and then went inside Miles' house. While inside, I.D. continued to text Dominguez telling him she loved him and not to do anything, but she never received a text back. Shortly thereafter, Donna and Miles came inside, and they remained there.

11. Joyce Miles

Joyce Miles was interviewed at the Sparks Police Department on April 28, 2019, at 10:40 p.m., by RPD Detective Allison Jenkins. Miles has resided at 425 Abbay Way for approximately twenty years, across the street from her son, Dominguez. Miles lives alone and Dominguez lives with his wife, Leora, and daughter I.D.. Dominguez and Leora had been married for approximately ten years, about the same time they have resided at 414 Abbay Way.

On April 26, 2019, Miles and her daughter Donna attended a women's retreat in Citrus Heights, California. While they were out of town, I.D. house-sat for Miles and stayed at her home. Miles and Donna returned on April 28, 2019, at around 2:00 p.m. and saw I.D. in the driveway of 414 Abbay Way washing her car. Donna dropped Miles off at her house and then went across the street to meet with I.D.. A short time later, I.D. came over to get her at Donna's request. I.D. told Miles that when she went home that morning to go to a baseball game with Dominguez, he was already drinking Jack Daniels whiskey. I.D. said Dominguez was loud at the game because of his drinking and was currently at home with Donna who wanted her to come over to talk to Dominguez.

Miles met with Dominguez who was sitting outside his house. Dominguez was drunk and depressed and told Miles that he and Leora had gotten into an argument and had left him. Miles told

Dominguez very directly that while she understood Dominguez was upset, that he needed to sober up for I.D.'s sake. Miles told Dominguez they were going to go in his house and drink some coffee and get something to eat. Dominguez responded that he was going to continue to drink instead. Miles balked at Dominguez's insistence to continue drinking and told him she would stay with him all night and day to ensure he was sober for I.D.'s last night at his house before going back with her biological mother.

Dominguez was belligerent at this point and told her we would do what he wanted and openly pitied himself about Leora leaving him. Miles continued to talk to Dominguez about his problems and encouraged him to sober up, but he refused. After about 45 minutes, Dominguez grabbed his car keys and left in his car saying he was going to get more alcohol. Miles threatened to call the police to report his drunk driving, but Dominguez returned to his house seconds later and asked Miles to leave him alone.

Miles did call the police to report Dominguez was suicidal because Dominguez had mentioned drinking himself to death. When Miles threatened to remove all the alcohol from his house, Dominguez responded that there were easier ways to commit suicide and made a veiled threat to do so in front of her. Of concern to Miles was that one of I.D.'s friends had recently committed suicide and Miles stressed to Dominguez the importance of supporting I.D.. Dominguez became angry with Miles and told her not to put I.D.'s friend's suicide on him. Dominguez told her he could kill himself much faster than drinking himself to death, although he made no specific plan to do so.

SPD officers came and met with her and Dominguez separately. Miles complimented SPD for helping calm the situation. After the officers spoke to Dominguez, they met with her and told her they calmed him down and that he had admitted to drinking too much and to saying things he did not mean. The officers explained that Dominguez told them he loved Miles, but needed space from her at the moment which Miles understood. The officers also said he was talking sensibly and said he was not going to harm himself. They advised Miles to return home and give Dominguez some space, which she agreed to do. They also told her to call them again if things were to change, which Miles agreed to do if necessary.

A short time after returning home, I.D. came over hysterical because Dominguez was so intoxicated. Donna also called Miles and told her they should remove his guns from the house. Miles was unaware that Dominguez had guns, but Donna advised she knew he did and she had been texting with Leora to ascertain where they were located.

Donna suggested they have I.D. get Dominguez out of the house to get food, so that Miles could go in his house and remove the guns. Miles told Donna that because Donna is a hunter and comfortable with guns, Miles would prefer Donna retrieve them from Dominguez's house. Miles stayed home but learned Donna was able to go inside the house and retrieve four guns from Dominguez, which she put in her car.

I.D. came over a second time and was hysterically crying and told her Dominguez had hit Donna, who was still at the house. Miles went back to Dominguez's and found him locked inside his bedroom. Miles unlocked the door with a nail and attempted several times to push it open, however, Dominguez would just push it closed and yelled, "Get the fuck out," to her. Miles told Dominguez she was not leaving and that he needed to talk to her. I.D. was inside the house and sat in the living room crying. Miles continued to plead with Dominguez to come out for I.D.'s sake, but he continued to yell at Miles and Donna to leave the house and take I.D. with them. As this was occurring, Donna was on the phone with police to report the domestic battery.

Donna told Miles the police were coming and that dispatch had advised to leave the house with I.D.. All three walked out of the house and waited for police to arrive. While waiting for the police, Donna told Miles that Dominguez had pushed and hit her but did not provide details.

SPD officers arrived several minutes later and asked them to wait at Miles' house. I.D. was upset and wanted to stay with Dominguez at his house, but she agreed to go. From Miles' house, they watched several SPD officers arrive and run in the street with guns. They could not see the front of Dominguez's house from their vantage point but could see the garage door opening and closing a couple times.

Neither Miles nor Donna had any communication with Dominguez at this point, but I.D. received a text from him stating that he loved her and that none of this was her fault. All three took the text messages as a suicidal note and that this was "the end." I.D. pleaded with Dominguez over text to come outside and stop but she never received a response from him.

About an hour after the text message, Miles heard a loud bang or bangs. Based on what she had seen and could hear of the police activity in the street, Miles sensed that SPD did everything they could to help Dominguez. SPD seemed controlled and calculated and not rushed, which made Miles shocked at the way things ended with her son.

Miles described Dominguez as struggling with low self-esteem which was exacerbated by his struggle with alcoholism. Approximately twenty years prior, Dominguez was left by a girlfriend and he purposely attempted to overdose on drugs.

Miles described Dominguez as having respect for law enforcement and that he was not a violent person. However, Dominguez could become volatile with the excessive use of alcohol.

12. Donna Dominguez

Donna Dominguez was interviewed at the Sparks Police Department on April 28, 2019, at 10:10 p.m., by RPD Detective David Millsap. Donna Dominguez is the sister of Dominguez and the daughter of Joyce Miles.

On April 28, 2019, Donna and her mother were arriving back in town from a retreat in the Sacramento, California area. They arrived back in town around 4:30 p.m. and Donna drove Miles to her home at 425 Abbay Way. After she dropped Miles off, Donna drove by her brother's house. She saw Dominguez outside so she stopped the car to talk to him. While talking, Donna realized that Dominguez was intoxicated. Dominguez told Donna that his wife Leora had left him. Donna's niece I.D. (Dominguez's daughter) was present for the conversation. Donna told I.D. to go get Miles.

Miles then came to Dominguez's house and told Donna to leave because Miles felt Donna "enabled" Dominguez's drinking. Donna left and began driving home to her house in Reno. Upon arriving home, Miles called Donna and said Dominguez had kicked Miles out

of the house. Miles had called the police because Dominguez had alluded to harming himself. Donna then called I.D., who was inside Dominguez's house, to talk about what had transpired. After speaking with I.D., Donna called Miles back. Donna told Miles that she knew Dominguez had guns inside the house. Miles told Donna that the police had come and spoke to Dominguez and calmed him down.

Donna was still uncomfortable with Dominguez having access to guns, so she attempted to get I.D. to get them out. I.D. was uncomfortable doing that so Donna texted Leora. Donna told Leora that Dominguez was suicidal, and Donna wanted to know where his guns were located. Leora texted Donna back and told her where the guns were. Donna then decided to drive back to Dominguez's house to remove the guns herself.

When she arrived, Donna went inside and spoke with Dominguez. Dominguez was "pissed" when Donna told him she was there to remove his guns. Donna explained that she wanted everyone to be safe and that she already knew where the guns were. Dominguez was upset and asked Donna who told her about the location of the guns. Donna would not answer the question which upset Dominguez further. Dominguez then accused Donna of thinking he was going to hurt I.D.. Donna responded again that she just wanted to make sure everyone was safe and that she was worried about him.

Dominguez went to his bedroom and retrieved three long guns and put them on his bed. Donna collected them and also found a revolver that Leora had told Donna about. Donna unloaded the revolver and placed the bullets on the bed. She then took all four guns and placed them in her vehicle which was parked in front of the house.

Donna then went back inside the house. Dominguez got physical with Donna pushing her several times to get her out of the house. He then punched her in the face. The attack was witnessed by I.D. and Donna told Dominguez that she was going to call the police to which Dominguez told her to go ahead and do. Donna called the police to report the domestic battery and Dispatch told Donna to get everyone out of the house and away from Dominguez, which she did. They walked across the street and waited for the police to arrive.

B. Countdown of Officer Foster's Firearm

Officer Foster's weapon on April 28, 2019, was a Rock River Arms, model LAR-15, chambered in 5.56mm. Affixed to the rifle was a Burris SpeedDot scope, an angled fore grip, a rear flip up site, a Streamlight TLR1 weapon light, and a Magpul sling. The carrying capacity of the magazine used in the rifle was 30 rounds. Officer Foster carried one additional magazine for his rifle. Officer Foster also carried a Kimber Warrior SOC as his primary weapon. That weapon was not used during the officer involved shooting on April 28, 2019.

On April 29, 2019 at 1:23 a.m., Washoe County Forensic Investigator Toni Leal-Olsen collected Officer Foster's equipment worn and used during the shooting. The collection of Officer Foster's rifle and its contents revealed one SPEER 18 223 REM cartridge in the chamber of Officer Foster's rifle. Two magazines were collected from Foster. One magazine contained thirty (30) SPEER 18 223 REM cartridges and the other contained twenty-four (24) SPEER 18 223 REM cartridges. All items were booked into evidence at the Washoe County Sheriff's Office.

C. Countdown of Officer Bader's Firearm

Officer Bader's weapon on April 28, 2019, was a Bravo Company Manufacturing Rifle, model XM15-E2S, chambered in .223-5.56mm. Affixed to the rifle was a Trijicon Red Dot site, a Streamlight flashlight with pressure plate, a Magpul front and rear sites and vertical foregrip, and an Outdoor Connection Sling. The carrying capacity of the magazine used in the rifle was 30 rounds. Officer Bader also carried a Glock 34 Gen 4 9X19 as his primary weapon. That weapon was not used during the officer involved shooting on April 28, 2019.

On April 29, 2019 at 12:15 a.m., Washoe County Forensic Investigator Toni Leal-Olsen collected Officer Foster's equipment worn and used during the shooting. The collection of Officer Bader's rifle and its contents revealed one SPEER 18 223 REM cartridge in the chamber of Officer Bader's rifle. Two magazines were collected from Officer Bader. One magazine contained twenty-two (22) SPEER 18 223 REM cartridges and the other contained thirty-one (31) SPEER 18 223 REM cartridges. All items were booked into evidence at the Washoe County Sheriff's Office.

D. Countdown of Officer Patterson's Firearm

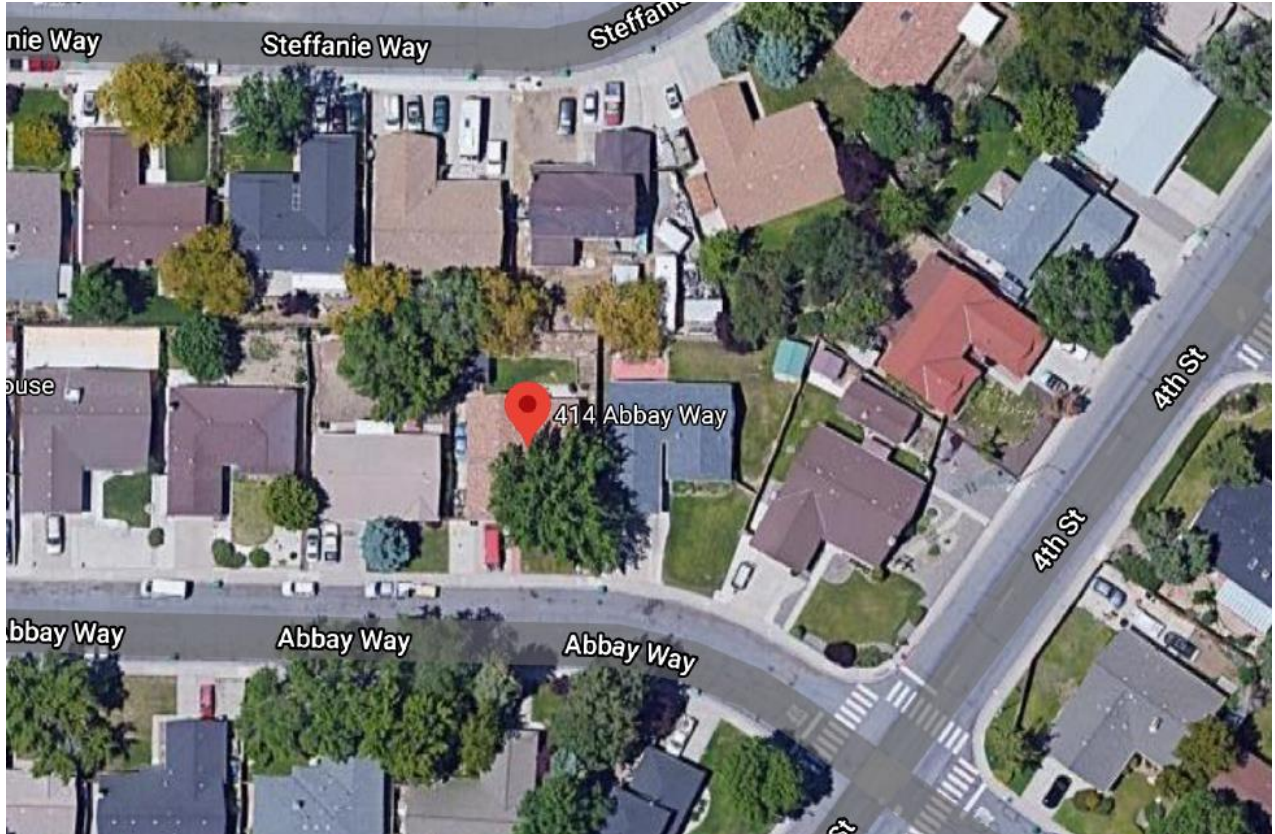
Officer Patterson's primary weapon on April 28, 2019, was a Glock 34 Gen4 9X19 with attachment TLR-1S Streamlight flashlight. The carrying capacity of the magazine used in his firearm was seventeen rounds. Officer Patterson carried two additional magazines for his primary firearm. Officer Patterson told investigators that he loads his magazines to capacity but does not put a bullet in the chamber.

On April 29, 2019 at 2:04 a.m., Washoe County Forensic Investigator Toni Leal-Olsen collected Officer Patterson's equipment worn and used during the shooting. The collection of Officer Patterson's firearm and its contents revealed one F.C. 9mm Luger cartridge from the chamber of his weapon. One magazine with manufacturer capacity of seventeen (17), contained one F.C. 9mm Luger cartridge and fifteen F.C. 9mm + P cartridges. Two additional Glock 9mm magazines with manufacturer capacity of seventeen (17) were collected from Officer Patterson. One magazine contained seventeen (17) F.C. 9mm Luger cartridges and the other contained fifteen (15) F.C. 9mm Luger cartridges. All items were booked into evidence at the Washoe County Sheriff's Office.

II. PHYSICAL EVIDENCE

A. Shooting scene

Abbay Way is an asphalt paved residential roadway surrounded by houses. Abbay Way follows an east to west path connecting Montecito Drive on the west and Dana Way on the east end. The residence of 414 Abbay Way is located three houses east of 4th Street.



(Overview of 414 Abbay Way - Courtesy of Google Maps)

A two-car garage is located on the left side of the home. On the right side is a brick path leading to the front door. To the right of the brick path is a rectangular grass field with a large tree. There is a front door with a two-part screen door with a solid bottom half and see-through top half. To the right of the front door is a large window giving view into the living room of the house.



(Front of 414 Abbay Way)

Two vehicles were parked in the paved portion of the driveway, with the front ends of both vehicles facing the closed garage door. Facing the house, the vehicle on the left was a red van and the vehicle on the right was a maroon Mini Cooper.

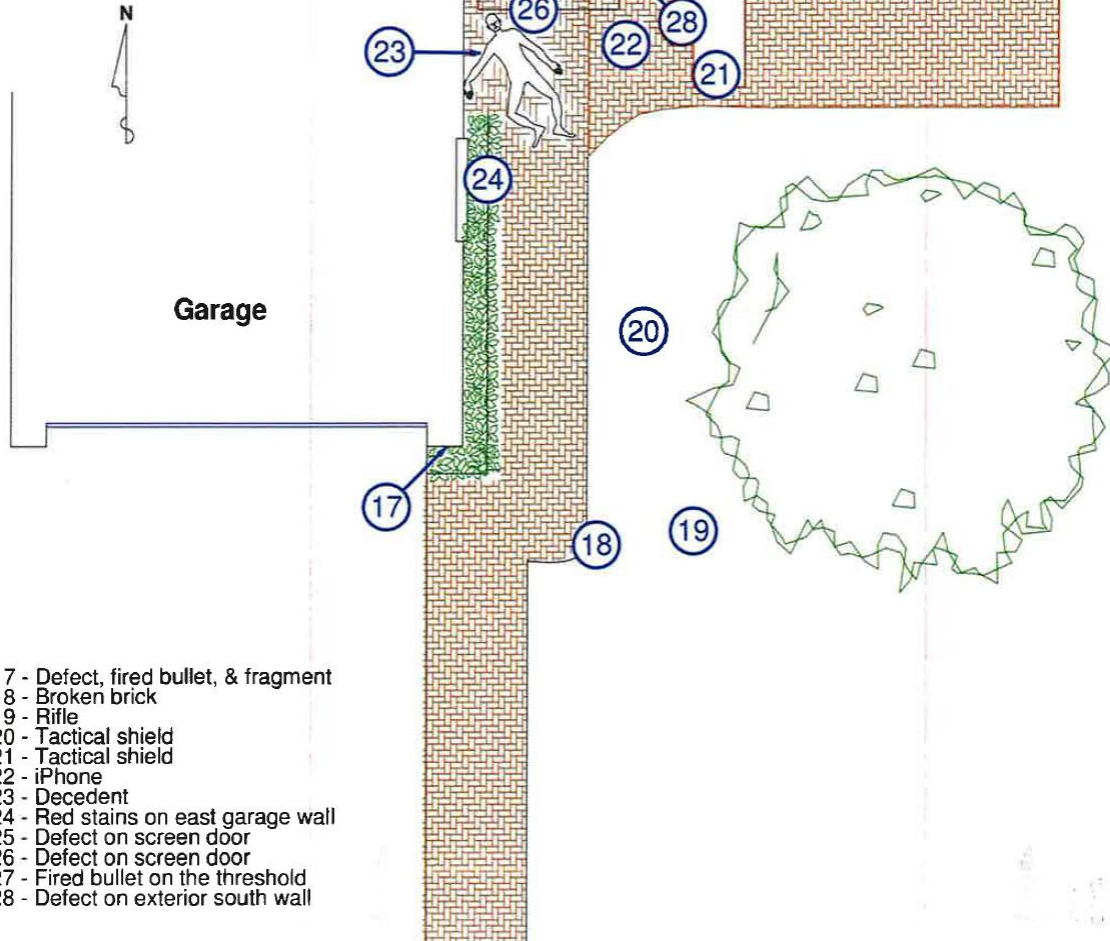
In the street of Abbay Way was the SPD SWAT BearCat parked directly across the street in front of 415 Abbay Way. The BearCat was parked on the eastbound lane, facing westbound. East of the BearCat approximately one house down were two SPD patrol vehicles parked in the eastbound lane, facing westbound.



(SPD SWAT BearCat)

Parked in front of 414 Abbay Way was a white Chevrolet Suburban facing westbound. The registered owner of the vehicle was Donna Dominguez. Inside the Suburban laying in the back of the vehicle were a Smith & Wesson revolver inside a camouflaged holster, a JUKAR black powder rifle, a P. Beretta shotgun, and an air rifle.

WCSO #19-2254
Location: 414 Abbay Way
Sparks, Nevada
Date: 04-29-2019
Drawn By: T. Leal-Olsen #161
NOT TO SCALE



- Legend:
Placard #17 - Defect, fired bullet, & fragment
Placard #18 - Broken brick
Placard #19 - Rifle
Placard #20 - Tactical shield
Placard #21 - Tactical shield
Placard #22 - iPhone
Placard #23 - Decedent
Placard #24 - Red stains on east garage wall
Placard #25 - Defect on screen door
Placard #26 - Defect on screen door
Placard #27 - Fired bullet on the threshold
Placard #28 - Defect on exterior south wall

(Shooting scene diagram)

B. BODY CAM FOOTAGE

All officers involved in the response to 414 Abbay Way were wearing their department issued body worn cameras (BWC) on and in operating condition. The following is a summary of what was depicted on the body cameras of law enforcement officers on scene²:

² Due to officers placing themselves in positions of cover and the placement of the body cameras on the officer's bodies, much of the visual depictions on the body cameras are obscured.

Start time	Officer	Description
7:12:55	Wisneski	Officer Wisneski arrives on scene and meets with Donna, I.D. and Miles. They explain to Officer Wisneski the events leading up to his arrival.
7:15:25	McNeely	Sergeant McNeely arrives
7:17:02	McNeely	Sergeant McNeely advised he just tried to call Dominguez, but he hung up on him.
7:18:30	McNeely	Sergeant McNeely attempts to call Dominguez again.
7:24:48	Yee	Officer Yee advised on radio that Dominguez just peeked through living room window.
7:24:58	McNeely	Sergeant McNeely gets ahold of Dominguez by phone. He identifies himself and explains that he was there earlier. He explains that they had to come back because of "everything that went down."
7:26:05	McNeely	Sergeant McNeely offers to give Dominguez a ride to the hospital if he comes outside.
7:26:23	Yee	Officer Yee tells Officer Foster that Dominguez opened the far-right window. Officer Yee is standing next to Officer Foster behind a large gray truck across the street from 414 Abbay Way.
7:26:33	Foster	Officer Foster announces that Dominguez is peeking his head through the front of the house.
7:27:01	McNeely	Sergeant McNeely tells Dominguez he is across the street behind the RV and offers to have an officer drive Dominguez to hospital.
7:27:45	McNeely	Sergeant McNeely asks Dominguez why he thinks Dominguez would go to jail. He tells Dominguez the plan is to take him to the hospital and explains what would happen at the hospital and that he would get help. He tells Dominguez that his family does not want to lose him.
7:28:38	Foster	Officer Foster announces on radio that Dominguez is "pretty animated" and that he can see him opening the front blinds.
7:28:43	McNeely	Sergeant McNeely asks Dominguez, "What does that mean?" Then he tells Dominguez, "I don't want you to do anything."
7:29:26	Yee	Officer Yee announces on radio that Dominguez opened all the curtains on the front window.
7:30:08	Yee	Officer Yee advises on radio that Dominguez is in the living room and the garage door just opened up.

7:30:35	McNeely	Sergeant McNeely tells Dominguez "I don't want us to have to take you out. Do you know how bad that is? That destroys us too you know?" Seconds later, Sergeant McNeely tells Dominguez, "Well don't do that."
7:32:13	McNeely	Sergeant McNeely confirms with Dominguez that he still has one more gun. Sergeant McNeely tells Dominguez the police are not going to threaten him. Then Sergeant McNeely says, "You do not want that. You know that would be the worst thing in the world for your daughter. Do not do that."
7:33:30	Foster	Officer Foster announces Dominguez is still in the living room.
7:34:09	McNeely	Sergeant McNeely tells Dominguez, "Do not come out with a rifle. Do not do that. Do not do that, ok? Because I can't imagine what your daughter would feel." Later he says, "Do not do that. That would destroy your daughter for the rest of her life."
7:34:13	Foster	Officer Foster announces he can see Dominguez with a phone in his hand but no weapon.
7:35:49	McNeely	Sergeant McNeely tells Dominguez, "If you would come out with your hands up, we would take you to the hospital."
7:36:24	Foster	Officer Foster announces he can see Dominguez completely pass by the living room towards the garage.
7:36:45	Rowe	Lieutenant Rowe makes contact with an elderly neighbor a 408 Abbay Way. The neighbor advises she cannot leave because she has to work early in the morning. Lieutenant Rowe advises her to shelter in place on the other side of house.
7:38:07	Foster	Officer Foster announces he cannot see Dominguez and moves towards a bush.
7:38:24	Mercer	Officer Mercer evacuates the occupants at 415 Abbay Way.
7:38:48	McNeely	Sergeant McNeely tells Dominguez, "We do not want to shoot you. We're not going to shoot you. So please don't do that....Only if you're aiming at people and we don't want you to do that. I don't want you to do anything like that. I need you to come outside and just let us take you to the hospital."
7:39:37	Foster	Officer Foster announces Dominguez is on the phone in the living room without a weapon.
7:40:10	Yee	Office Yee advises that Dominguez is still in front of living room window. Dominguez then goes back into a back room and comes back into the living room. His arms are crossed with no weapon in his hands.
7:42:33	Wisneski	Wisneski reads over radio the text message Dominguez sent to I.D. from approximately 30 minutes prior, "I love

		you baby, none of this is your fault. I'm not right, haven't been for a while. Love you so much, please don't let anyone tell you different." Wisneski advises this is last communication Dominguez has had with family.
7:43:46	McNeely	Sergeant McNeely tells Dominguez to come out with hands up. He further explains that police need to take Dominguez to hospital. Sergeant McNeely explains officers have to make sure he's not carrying any weapons and tells Dominguez to set the lever action rifle down.
7:43:47	Rowe	Dominguez comes out of the front door. Lieutenant Rowe and Officer Mercer emerge from concealment at 408 Abbay Way. Dominguez yells, "Are you going to shoot me?" Lieutenant Rowe tells Dominguez to step outside but Dominguez refuses saying he won't. Lieutenant Rowe says they don't want to hurt Dominguez. He repeatedly asks Dominguez if he has any weapons. Dominguez is holding the rifle in his hand and slams the front door closed.
7:43:49	Foster	Officer Foster yells on radio "Contact front door! Contact door!" When Dominguez yells, "Are you going to shoot me?" Officer Foster responds, "No."
7:44:34	Yee	Office Yee announces he has a .44 lever action rifle in his hand.
7:44:47	Wisneski	BearCat is seen arriving on Abbay Way.
7:45:01	McNeely	Sergeant McNeely tells Dominguez, "We don't want to get hurt either...I do not want to shoot you. We do not want to shoot you. You have no idea what that does to people."
7:45:26	Foster	Officer Foster moves to the BearCat. He's still watching Dominguez and announces that Dominguez is in the living room.
7:45:44	Yee	Officer Yee announces Dominguez just closed the garage.
7:46:24	Rowe	Lieutenant Rowe announces on radio that there is now probable cause to arrest Dominguez for felony Resisting an Officer with a Deadly Weapon.
7:46:26	Foster	Officer Foster announces that Dominguez still has the weapon and he is waving it around.
7:46:32	McNeely	Sergeant McNeely tells Dominguez, "Put the rifle down, you're scaring us."
7:47:03	McNeely	Sergeant McNeely tells Dominguez, "We do not want to shoot you. You do not want suicide by cop."
7:49:07	Foster	Officer Foster announces Dominguez is heading towards the back-northeast side of the house.

7:50:05	Foster	Officer Foster announces Dominguez is going back to the front door. Officer Foster cannot see anything in his hands but notes that it is really dark. He then asks to put a spotlight on the front of the house.
7:50:14	Rowe	Lieutenant Rowe learns over radio that Dominguez has exited the front door. He tells officers Mercer and DeJesus to stay back and that the officers in the BearCat are the primary officers.
7:51:48	Foster	Officer Foster announces Dominguez has a rifle in his right hand. He then says Dominguez is at the front door.
7:52:30	Yee	Officer Yee announces the garage door just opened and closed.
7:53:03	Patterson	Officer Patterson announces Dominguez just flipped off officers, closed the drapes, and turned off the TV.
7:53:20	McNeely	Sergeant McNeely tells Dominguez, "Well, we're not going to come in until we know that you're not going to hurt us or yourself."
7:53:30	Bader	Officer Bader is west of 414 Abbay Way behind bushes. He announces on radio that he does not like the "crossfire" situation and moves to the BearCat.
7:53:49	Foster	Officer Foster announces that Dominguez is at the front window again.
7:54:21	McNeely	Sergeant McNeely tells Dominguez, "We are not going to shoot you down. We do not want to shoot you down. Do not do that. Jose, do not do that. We do not want to do that. That's why we have an armored vehicle so we don't have to do that."
7:54:28	Foster	Officer Foster puts on radio the description of the rifle as having a wood stock lever action with a gold frame.
7:55:31	McNeely	Sergeant McNeely tells Dominguez, "She (I.D.) is worried about you. She doesn't want you to hurt yourself. She doesn't want suicide-by-cop for sure."
7:55:38	Yee	Officer Yee announces Dominguez is in the garage unarmed. Dominguez closed the garage and had opened the refrigerator.
7:56:13	Yee	Officer Yee announces Dominguez is back in the living room with a beer in hand.
7:56:21	Foster	Officer Foster announces Dominguez is amping up.
7:58:35	Bader	Officer Bader announces Dominguez keeps intermittently peeking out and moving the drapes.
7:59:29	Foster	Officer Foster announces that Dominguez came to the front window and flipped off officers again.
7:59:59	McNeely	Sergeant McNeely tells Dominguez, "No we are not going to shoot you. That will not help you out. We are not going to shoot you. Just..no. Do not do that. Just

		come out with..no do not do that, do not get a gun and come outside.”
8:00:03	Foster	Officer Foster announces Dominguez is at the front door, directly in the threshold but is not armed.
8:01:15	Foster	Officer Foster announces Dominguez walked away from the door again and can hear Sergeant McNeely saying “Don’t grab a gun.” Seconds later, Officer Foster announces Dominguez has the rifle again and he is back at the doorway but then cannot see his right hand.
8:02:35	Foster	Officers in the BearCat discuss whether they can see if Dominguez has the rifle in his hand. They determine he has something long that looks like the rifle.
8:02:47	Patterson	Officer Patterson discusses with officers in BearCat that Dominguez’s hand his empty but that the rifle might be behind the door.
8:02:52	Mercer	Dominguez is heard yelling, “Shoot me!”
8:02:59	Rowe	Lieutenant Rowe and Officer Mercer can hear Dominguez yelling. Lieutenant Rowe confirms with Officer Mercer that Dominguez is yelling, “Shoot me.” Lieutenant Rowe announces on radio that Dominguez is yelling, “Shoot me.”
8:03:04	McNeely	Sergeant McNeely tells other officers that Dominguez told him that if he comes out, he is coming out with a gun. He then tells Dominguez, “We don’t want to do that.”
8:03:12	Lawson	Officer Lawson updates officers in the BearCat that Dominguez told Sergeant McNeely that if he comes out of the house, he is coming out with a gun.
8:03:39	Foster	Officer Foster announces Dominguez has the rifle in his hand and he is at the front door, back about five to ten feet.
8:04:12	Bader	Officer Bader announces Dominguez is still standing at the front door.
8:05:04	McNeely	Sergeant McNeely tells Dominguez where he is. He explains to Dominguez that he won’t go over to him until he knows it is safe. Sergeant McNeely repeatedly says, “Don’t do that.”
8:05:05	Lawson	Officer Lawson announces that negotiations are at a standstill and they are talking about Dominguez’s family.
8:05:18	Patterson	Officer Patterson announces Dominguez opened the door and his hands are empty. Seconds later he updates on radio that Dominguez’s hands are empty, but he is next to the door. Immediately thereafter, Dominguez has the rifle in his hands again.

8:05:39	Foster	Officer Foster announces that Dominguez is trying to waive Sergeant McNeely towards him. At the time his hands are empty, but Officer Foster announces he grabs the rifle seconds later.
8:06:45	Foster	Officer Foster asks Lieutenant Rowe if he can see Dominguez from his vantage point. Officer Foster then sees Dominguez put both hands on the rifle but then he puts it down and closes the door. Officers inside the BearCat discuss Dominguez appearing to lift it and aim it.
8:06:46	McNeely	Sergeant McNeely explains to Dominguez that other people can hear their conversation and that Dominguez is saying things that scare people. He then asks why he's cycling the rifle. Sergeant McNeely then updates to officers that Dominguez is cycling the rifle to show that it is empty.
8:06:48	Rowe	Lieutenant Rowe announces on radio that he and the officers behind cover at 408 Abbay Way have no view of Dominguez or the front of the house. They are relying on the primary officers in the BearCat for their safety.
8:07:38	Bader	Officer Bader announces Dominguez keeps repeatedly cycling the rifle, but no rounds are coming out. Approximately 30 seconds later, Officer Bader states to himself, "I should have shot."
8:07:53	Edmonson	Sergeant Edmonson is set up behind 414 Abbay in a neighbor's yard and can see the back of the house. He announces Dominguez just closed the blinds to the back-northwest window.
8:08:18	DeJesus	Officer DeJesus remarks to Lieutenant Rowe that they are going to be the close ones in case something happens. Lieutenant Rowe tells Officer DeJesus not to hang out of cover because Dominguez can see him.
8:09:45	Foster	Officer Foster announces Dominguez is at the front door.
8:10:48	Edmonson	Sergeant Edmonson announces Dominguez is still pacing back and forth between the kitchen and den.
8:11:01	Patterson	Officer Patterson discusses with officers in the BearCat that if Dominguez steps out with the rifle that they do not know if he loaded it or not. The other officers agree.
8:11:16	Bader	Officer Bader announces on radio, "Be advised that the time that has gone by where we have not seen him, he could have easily loaded that rifle."
8:11:13	McNeely	Sergeant McNeely explains to Dominguez that the news is not going to take a picture of Dominguez. Also, explains that the news will not figure out who he is. Sergeant McNeely then explains it is not safe to meet Dominguez out front, and that he will not be bum rushed by officers if he comes out.

8:11:31	Foster	Officer Foster announces Dominguez is at the front door.
8:12:00	Foster	Officer Foster announces Dominguez has the rifle and is coming out the front door. Seconds later several shots are heard.
8:12:14	Rowe	Lieutenant Rowe announces, "Shots fired," over the radio.



(Officer Foster covering officers while Sergeant McNeely is talking to Dominguez on the phone - Officer Foster's BWC 7:39:54 p.m.)



(Lieutenant Rowe and Officer Mercer come out of cover from 408 Abbay way to confront Dominguez as he appears at the front door - Lieutenant Rowe's BWC 7:43:44 p.m.)



(Sergeant McNeely peeking out around the BearCat as Dominguez is trying to waive him towards the house - Sergeant McNeely's BWC 8:05:45 p.m.)

C. EVIDENCE COLLECTED

The following relevant evidence was collected and photographed at 414 Abbay Way:

- One (1) empty "Marlin Model 1894SS Cal. 44 REM: rifle (serial number 91201128) from the front yard lawn



(Marlin rifle in front yard. The rifle had been removed from Dominguez's immediate area and moved to this spot to facilitate medical aid.)

- Nine (9) "W-W Super 44 REM MAG" cartridges from atop the dresser of 1st floor west bedroom



(Ammunition found in Dominguez's bedroom)

- One (1) "W-W Super 44 REM MAG" cartridge from atop bed of 1st floor west bedroom



(Ammunition found on floor of Dominguez's room)

On February 11, 2020, Firearms Examiner Ron Freels reported the results of an examination of the above firearm. Freels determined that the "Marlin Model 1894SS Cal. 44 REM: rifle (serial number 91201128) was in normal operating condition with no noted malfunctions.

- Two (2) "FC 9mm Luger" fired cartridge casings collected from the adjacent exterior and interior of the BearCat
- Eleven (11) "Speer 13.223 REM" fired cartridge casings collected from the adjacent exterior and interior of the BearCat

On January 11, 2020, Firearms Examiner Ron Freels reported the results of an examination of the Rock River Arms rifle (Foster), the Bushmaster rifle (Bader), and the Glock pistol (Patterson). All three firearms were in normal operating condition with no noted malfunctions. The two (2) "FC 9mm Luger" fired cartridges were identified as being fired from Officer Patterson's Glock pistol. Five (5) fired cartridges were identified as being fired

from Officer Foster's Rock River Arms rifle. Six (6) fired cartridges were identified as being fired from Officer Bader's Bushmaster rifle.

D. Autopsy

The autopsy of Jose Dominguez was performed by Washoe County Medical Examiner Katherine Callahan who determined that the cause of Dominguez's death was due to multiple gunshot wounds. Toxicology results from Dominguez's peripheral blood revealed his blood alcohol concentrate (BAC) was .223.

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 Jose Dominguez to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officer involved and determining whether any criminality on his 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, case law authority interprets justifiable self-defense and defense of others. All of the aforementioned authorities are intertwined and require 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 guidelines in 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 "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."

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

To fully explain the actions of Dominguez on April 28, 2019, it is important to understand the events leading up to the shooting.

It is clear from the evidence in this case that Dominguez was suffering from an increasing dependence on alcohol. During the morning of April 28, 2019, Dominguez started drinking Jack Daniels whiskey and his drinking was non-stop throughout the day. It was his drinking that finally caused his wife, Leora, to leave him. Her decision devastated Dominguez as his mental state moved from disappointment to despair.

Much of the observations of his mental decline were noted by his daughter I.D., who was with Dominguez for much of the day. After

returning from the Reno Aces Baseball game, Dominguez and Leora had an argument about her perceived laziness but appears to really be about Dominguez's drinking. Once Leora left, I.D. noted a change in Dominguez that ultimately resulted in his actions leading to his death.

When Dominguez's sister and mother returned home, Dominguez was already in a drunken devastated state. His mother, Miles, was already concerned for his well-being as it appears that despite his sadness over Leora leaving, he had no plans to discontinue drinking. Dominguez's vague references to killing himself concerned Miles so much that she called police to report that he was suicidal.

When Officers DeJesus and Lawson arrived, it appears Dominguez gathered himself as both officers described him as cordial, friendly, and cooperative. Dominguez admitted to drinking and identified himself as an alcoholic. Dominguez also admitted he was depressed because his wife had left for the day. Dominguez denied being suicidal, but said he felt like his mother was smothering him and he needed her to return home and give him some space.

SPD Officers then cleared the call because Dominguez did not exhibit any suicidal ideations to them. However, shortly after leaving it is apparent that Dominguez's appearance was just that- an appearance. Dominguez continued drinking and as I.D. noted, was becoming desperate. Donna's concern for her brother did not cease and she made plans to remove firearms from his home. Her fears were founded, as I.D. described seeing her father in his bedroom with what appeared to be a firearm in his hand. Donna, I.D. and Miles did what any loving family members would do and tried to help Dominguez. After Donna removed the firearms, Dominguez channeled his depression into anger and pushed/struck Donna multiple times. This caused the family to once again call the police, now for a committed act of domestic violence. Dominguez then barricaded himself in a bedroom in the house and would not come out despite his own mother trying to forcefully open the door.

When SPD officers arrived the second time, circumstances had changed dramatically and it appeared that, at some point while barricaded, Dominguez made the decision to end his life. This is supported by the conversation he had with Sergeant McNeely.

During the conversation with Sergeant McNeely, Dominguez repeatedly threatens to come out with a gun to force officers into shooting him.

In a thorough review of Sergeant McNeely's body camera footage, it is clear Dominguez was inquisitive as to what it would take for officers to shoot him. At 7:38:48 p.m., Sergeant McNeely tells Dominguez, "We do not want to shoot you. We're not going to shoot you. So please don't do that... Only if you're aiming at people and we don't want you to do that. I don't want you to do anything like that. I need you to come outside and just let us take you to the hospital." Based on this conversation it becomes clear that Dominguez knows the only way officers will shoot him is if he comes out and aims a firearm at them. Ultimately, this is exactly what Dominguez does

While Sergeant McNeely is talking to Dominguez, multiple SPD officers are setting up a perimeter to protect the surrounding neighborhood. Lieutenant Rowe instructs officers to evacuate all neighbors for their protection. Officers do so, but many neighbors are elderly and cannot evacuate for several reasons, including Dominguez's direct neighbor to the east at 408 Abbay Way. Lieutenant Rowe was concerned for her being in harm's way and sheltered on the east side of her residence. Therefore, he set up in a position of concealment near her garage.

Officers DeJesus and Mercer join him in his position, which is a position that puts the officers at risk as they cannot see the front door of 414 Abbay Way and are in danger of being fired at. The officers set up there to act as a barrier between Dominguez and neighbors to the east.

Dominguez clearly knew the officers were set up there because at 7:43:47 p.m. he comes to the front door and Lieutenant Rowe and Officer Mercer emerge to put him at gun point. Of particular note in their interaction, Dominguez immediately asked, "Are you going to shoot me?" Based on body camera footage, it is clear this question is more of a challenge to officers than it is a question of fear. At his side, Dominguez had the Marlin lever action rifle. Lieutenant Rowe then announces to all officers on the radio that he has established probable cause to arrest Dominguez for the felony crime of Resisting an Officer with a Deadly Weapon.

Just after Dominguez comes to the front door, Officer Patterson arrives with the BearCat and parks it directly across the street from 414 Abbay Way. Officers Foster and Bader joined Officer Patterson inside the BearCat taking the primary position of lethal force should Dominguez exit the house with the rifle and put officers and citizens in danger.

Dominguez spent much of the next thirty minutes pacing back and forth within his own home exhibiting bizarre behavior as he is observed repeatedly opening and closing the blinds as well as his garage. At one point, Dominguez was seen accessing his refrigerator in his garage and having a beer in his hand.

At 8:02:52 p.m., Dominguez yelled to officers, "Shoot me." He then told Sergeant McNeely that he is going to come out of the house with the gun. This conversation indicates that Dominguez had made the choice to end his life and was trying to figure out how much of a threat he needed to assert to force officers to accomplish his goal.

At 8:06:46 p.m., Lieutenant Rowe announced over the radio that he and his officers at 408 Abbay Way could not see the front door of 414 Abbay Way and were relying on those in the BearCat for protection. Seconds later, Dominguez was seen with the lever action rifle repeatedly cycling it. No officers shot, as they did not see it as a necessary threat at that moment as well as not seeing any live rounds ejecting from the rifle indicating it was empty.

In the ensuing minutes, officers in the BearCat lost sight of Dominguez intermittently. At 8:11:00 p.m., there was a discussion by the officers that Dominguez may very well have had time to load the rifle during these periods. Meanwhile, Dominguez was concerned about the media learning of his situation, as heard in his conversation with Sergeant McNeely.

At 8:12:00, Dominguez had the rifle again and headed towards the front door. All three shooting officers describe Dominguez acting completely different than all previous times he had come to the front door. This time, Dominguez appeared to have purpose, whereas in previous interactions Dominguez was casual with the rifle. When Dominguez exited with the rifle, he stepped towards 408 Abbay Way and lifted the rifle purposefully, aiming it directly towards Lieutenant Rowe and his officers. Dominguez

must have known the consequence of aimed the rifle would be to force officers to shoot him. Of note, the occupant of 408 Abbay Way was also still inside her home and the officers had previously expressed concern for this danger in that same moment.

All three officers then shot to protect the officers as well as any citizens that were to the east of 414 Abbay Way. The officers clearly felt they had a duty to protect these people from the imminent danger Dominguez posed by raising the rifle. Additionally, it was absolutely necessary for the officers to use deadly force in this moment as the capabilities of a rifle to cause death or bodily harm is great.

The investigation revealed the Marlin lever action rifle was empty. However, under Nevada law, the appearance of imminent danger is sufficient to act in self-defense. As stated earlier, officers had the discussion just prior to Dominguez's last exit regarding their concern that Dominguez had an opportunity to load the rifle. For the officers to rely on Dominguez's earlier cycling would have been irresponsible and dangerous. The officers acted reasonably on the belief that the rifle could be loaded at that point.

It is apparent from all the evidence in this case that Jose Luis Dominguez wanted to end his life on April 29, 2019, and he wanted law enforcement to end it for him. Dominguez spent the evening barricaded in his home incrementally increasing the threat to officers and citizens in an attempt to force officers to shoot him.

Therefore, it was absolutely necessary for Officers Foster, Bader, and Patterson to use deadly force against Dominguez in order to save the lives of their fellow officers, and the lives of citizens in the area. In short, these officers had the right under Nevada law to use deadly force against Dominguez in defense of others in the discharge of a legal duty.

V. CONCLUSION

Based on a review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the April 28, 2019, officer involved shooting death of Jose Dominguez, the actions of Officer Casey Foster, Officer Scott Bader, and Officer Ryan Patterson were warranted under Nevada law. Unless new circumstances come to light that contradict the factual foundation upon which this decision is made, this case is officially closed.