

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

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REPORT ON THE SEPTEMBER 23, 2018, OFFICER
INVOLVED SHOOTING OF PHILLIP SERRANO

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INTRODUCTION

On the evening of September 23, 2018, multiple Reno Police Department (hereinafter "RPD") Officers responded to 9665 Thornridge Court on three separate occasions. The calls for the police were due to the actions of Phillip Serrano (hereinafter "Serrano") and were all made by his sister, Michelle Mascarenas-Tripp (hereinafter "Mascarenas-Tripp") with whom he lived along with her husband Jason Tripp (hereinafter "Tripp") and their three-year-old daughter. Substantial Body Worn Camera (hereinafter "BWC") footage was collected as part of the investigation and captured the initial responses and the shooting.

The first call for service was at 6:49 p.m. and was due to Serrano being high on methamphetamine and causing a disturbance in the house. The second 911 call, was placed less than an hour after the first, and was due to Tripp and Serrano being involved in a disturbance over Serrano's drug use in the house. RPD Officers responded each time and spoke with Mascarenas-Tripp, Tripp, and Serrano. In these two calls, officers made no arrests. However, they did gather information that Serrano was high on methamphetamine, agitated, and potentially prone to fighting with police. A subsequent toxicology test showed that Serrano had 2,800 nanograms per milliliter of methamphetamine in his blood, 28 times the Driving Under the Influence limit in Nevada.

At 9:46 p.m., Mascarenas-Tripp called 911 for the third time. This time, she advised Serrano was possibly suicidal and overdosing on methamphetamine. It was further reported to RPD officers that Serrano was having trouble breathing and had possibly ingested bleach. Several officers responded to the call. RPD Officer Josh Sanford (hereinafter "Officer Sanford") was the first to arrive at 9:57 p.m., followed by additional RPD officers.

On arrival, Officer Sanford observed Serrano standing near a white Toyota Tacoma truck parked on the street in front of 9665 Thornridge Court (This vehicle was later determined to be Serrano's white Toyota Tacoma). Officer Sanford tried to engage Serrano in conversation until other cover officers arrived and requested the radio channel be restricted to responding units

for safety reasons. For the next approximate 9 minutes, multiple officers arrived while Officer Sanford and others attempted to engage Serrano in conversation and move him away from the truck. Serrano, who was standing within the open door of the vehicle, was asked multiple times to step away from the truck and to talk with officers. Numerous attempts to gain Serrano's compliance were made where officers offered him assistance and stated phrases such as, "Work with me, I'll work with you" and "Let me help you out." Despite these attempts, Serrano refused to step away from the truck and occasionally flailed his arms in the air in an agitated manner.

At 10:06 p.m., Serrano got into the driver's seat of the Toyota Tacoma, started it and revved the engine, which significantly heightened the responding officers' concerns due to the dangerousness of Serrano being behind the wheel of a vehicle. For the next approximate 10 minutes, officers repeatedly plead with Serrano to get out of the truck and talk with them. These pleas were repeated in one form or another approximately 45 times and received no response from Serrano.

During this time, Serrano's vehicle remained on and he intermittently activated the emergency flashers, windshield wipers, and brake lights of the vehicle. Officers separated into two groups and moved to areas offering better protection from the truck in the event Serrano accelerated. The first group, including Officers Vincent Robles (hereinafter "Officer Robles"), Stephen Smith (hereinafter "Officer Smith"), and Brandon Neagle (hereinafter "Officer Neagle"), took a position in the driveway of 9665 Thornridge Court, behind a parked vehicle. Other officers, including Officers Sanford and Officer Shawn Manning (hereinafter "Officer Manning") backed up in the street and moved to the left away from the truck. By that time, patrol vehicles were positioned to block Serrano's exit route from the Thornridge cul-de-sac.

At 10:16 p.m., Serrano put the truck in reverse and revved the engine before putting it back in park, further mounting safety concerns in the minds of the officers. Moments later, Serrano slowly drove forward into the cul-de-sac and completed a u-turn facing the truck toward the exit route and multiple officers and patrol vehicles blocking the cul-de-sac. Serrano then turned on the LED light bar located on the front grill of the truck

illuminating the officers and patrol vehicles in front of him. Officer Sanford then moved to a position in the rock area across the street from 9665 Thornridge Court next to a parked minivan. Serrano then turned off the LED light bar.

Throughout this time, officers continued to yell to Serrano to turn the truck off and exit the vehicle also stating, "C'mon Phillip, talk with us bud!" - "Phillip, you don't want to do this man!" - "C'mon man, turn the car off." - "You're not in trouble buddy" - "Your scaring the neighbors and your family, you don't want to do this." - "All we want to do is talk."

Serrano then revved the engine of the truck causing the back tires to spin, which left skid marks on the ground and served to further heighten the public safety concerns of the officers. Approximately one minute later, Serrano moved the truck forward towards the officers in the driveway of 9665 Thornridge Court. Serrano then turned the truck to the right, heading directly towards Officer Sanford and the parked minivan.

Multiple officers shouted for Serrano to stop. However, Serrano's truck continued forward to within approximately 20 feet of Officer Sanford when he, along with Officers Manning, Robles, Neagle, Smith, and Officer Sean Schwartz (hereinafter "Officer Schwartz"), fired their duty weapons, striking Serrano multiple times. The truck then struck the parked minivan next to Officer Sanford and came to a stop. Several officers approached the still running truck and broke the driver's side front window to get Serrano out to perform life saving measures. REMSA personnel, who had been staging nearby were called in and transported Serrano to Renown Hospital. Serrano was ultimately pronounced dead at 12:06 a.m. at Renown Hospital by emergency medical doctors.

Consistent with the regionally adopted Officer Involved Shooting (hereinafter "OIS") Protocol, the Sparks Police Department (hereinafter "SPD") led the investigation into the shooting of Serrano. The Washoe County Sheriff's Office (hereinafter "WCSO") 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 officers involved in the shooting.

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 July 29, 2020, for a determination of whether the shooting of Phillip Serrano was legally justified. No criminal charges were recommended by SPD.

The District Attorney's evaluation included reviewing over 3,300 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 Phillip Serrano by Reno Police Department Officers was justified under Nevada law and was not a criminal act.

I. STATEMENT OF FACTS¹

A. Witness Accounts²

1. RPD Officer Josh Sanford

Officer Sanford was interviewed at the Reno Police Department on September 24, 2018, at 5:30 p.m., by SPD Detective Eddie Wilson (hereinafter "Detective Wilson") and WCSO Detective Gordon Koski (hereinafter "Detective Koski"). Officer Sanford has been employed as a police officer with the Reno Police Department for thirteen years and normally works Friday through Monday from 2:00 p.m. to 12:00 a.m.

Officer Sanford was dispatched two times to 9665 Thornridge Court on September 23, 2018. The first call was for a domestic disturbance or unwanted subject. Officer Sanford responded with Officer Nick Griebel (hereinafter "Officer Griebel"). They arrived on scene and made contact with a male subject (Tripp) and his wife (Mascarenas-Tripp). They spoke briefly with the two and learned that Mascarenas-Tripp's brother (Serrano) was using methamphetamine and got into a heated argument with Tripp. Mascarenas-Tripp asked the officers to speak with Serrano, who

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

² Witness Accounts are synopsised from the witness' narrative during their interview.

was in a back bedroom. Serrano was staring off into the distance and grinding his teeth, which suggested to Officer Sanford that he was under the influence of a narcotic. Both officers remained outside of Serrano's bedroom as they did not want to get into a physical altercation with Serrano, who appeared agitated. Since Serrano would not engage in conversation, both officers left to respond to an unrelated urgent call for service.

Later in the evening, Officer Sanford was on his lunch break when he heard other officers being dispatched back to 9665 Thornridge Court. Officer Sanford did not hear the exact reason for the third call but heard that Serrano was throwing property around the house. He also heard Officer Robles inform officers on radio that he had been to the house and that Serrano was intoxicated from narcotics and was a "big man."

Officer Sanford was the first officer on scene and initially staged in an area around the corner from the house and waited for cover officers. Officer Sanford got out of his car and slowly approached the area to look or listen for sounds of violence. As Officer Sanford looked down the cul-de-sac, he saw Serrano with no shirt on, standing in front of a truck (Serrano's white Toyota Tacoma). Officer Sanford recognized Serrano from his previous call to the house.

Officer Sanford watched Serrano from about 25-30 yards away. Officer Sanford then saw Mascarenas-Tripp come outside. Mascarenas-Tripp looked at Officer Sanford and pointed at Serrano, which caught Serrano's attention and alerted Serrano to the presence of police on scene. Officer Sanford began approaching Serrano and told Mascarenas-Tripp to go back inside her house.

Officer Sanford then tried talking to Serrano, but Serrano was not conversing back and only gave short answers. Serrano flailed his arms around and walked back and forth from the driver's side door to the gas tank of the truck. Serrano was holding keys in one hand and what looked like a black shirt in his other hand. Officer Sanford determined Serrano's actions showed him to be under the influence of a narcotic. Officer Sanford continued to talk to Serrano, but he would not engage in conversation.

Officer Robles then arrived on scene and drove his marked patrol truck into the cul-de-sac and parked parallel to Officer Sanford

on the street. Officer Robles activated his driver side spotlight on his truck, which illuminated Serrano. Officer Sanford moved to Officer Robles's truck, opened the passenger side door, turned the spotlight on, and attempted further contact with Serrano. Serrano was rummaging inside the truck, reaching with his arms inside. Officer Sanford then requested the primary radio frequency be closed for their call as other officers began to show up.

Officer Sanford yelled at Serrano to get out of the truck. Officer Sanford did not want Serrano getting into the vehicle due to his intoxication as well as not knowing if there were any weapons inside. Officer Sanford, along with other officers arriving on scene, made a plan to detain Serrano before he got into the truck. Officer Sanford also called for a 40mm less-lethal weapon to assist in keeping Serrano out of the truck.

Officer Sanford said he had his weapon drawn at this time due to Serrano's grimacing facial expressions. Officer Sanford believed Serrano wanted to punch the truck or charge at the officers based on his behavior. Other officers were also attempting to communicate with Serrano, but he was still not responding.

After a few minutes, Serrano got into the driver's seat of the truck. Serrano did not start the truck immediately but instead moved around inside and manipulated the center console and glove box. Officer Sanford was to the rear of Serrano's truck, which was facing the cul-de-sac.

Multiple officers continued to yell towards Serrano without response. Serrano engaged different equipment in the truck including the windshield wipers and hazard lights. Officers Sanford and Robles split up with Officer Sanford moving to the left of the driver's door of Officer Robles's patrol truck, and Officer Robles moving to the right into a driveway. Other officers followed both officers creating two teams behind Serrano's truck. Officer Manning was now on scene and he attempted communication with Serrano.

After a few minutes of no response from Serrano, the truck turned on. Serrano continued to turn on and off various equipment in the truck. At one point, the reverse lights on Serrano's truck came on. Sergeant Juan Lopez (hereinafter

"Sergeant Lopez") repositioned Officer Robles's patrol truck to provide better lighting and positioning.

Serrano then put the truck in drive and drove slowly around the cul-de-sac making a left-hand turn. Serrano positioned the truck in the upper middle area of the cul-de-sac with his truck facing Officer Robles's team of officers in the driveway. Officer Sanford was concerned Serrano would try and ram Officer Robles and his team of officers. Officer Sanford repositioned himself to get a better vantage point since Serrano had moved his truck. Officer Sanford moved to the left of a parked white van, standing in a gravel yard with bushes.

Serrano had his headlights on as well as an LED light bar located on the grill of the truck. The lights blinded Officer Sanford, but he could hear many officers continue to give verbal commands to Serrano. Serrano then turned his headlights off. Serrano continued to operate multiple vehicle functions including the windshield wipers and turn signals.

After a couple minutes, Serrano put his foot on the brake while also pressing the gas, causing the tires to spin and "screech" According to Officer Sandford this act heightened his concerns stating, "I'm thinking to myself there is no doubt in my mind he's gonna take his foot off the brake and go head first right towards my group that I had on my right side. That is the actions that he is displaying, that is the actions that he's already displayed and there's no doubt in my mind that's what's gonna happen next." The truck remained stationary for a short time, but then Serrano began driving towards Officer Robles's team in the driveway.

Serrano turned the vehicle to the right directly at Officer Sanford. Officer Sanford felt Serrano was driving towards him purposefully and that he was going to die. He further stated he believed Serrano's sole purpose was to run him over and thought Serrano had an option to escape before turning towards him.

Officer Sanford felt he could not move to his right because the white van was blocking him. He felt he could not move to his left because he knew other officers were there. With Serrano's truck driving right at him, Officer Sanford did not want to die, let other officers get hurt, or allow Serrano to drive into a residence, so he fired his weapon.

Officer Sanford saw the truck hit the van that he was next to after shots were fired. He then saw the team on his right advance towards the truck. Officer Sanford went around the van to the right side and saw multiple officers providing life-saving efforts to Serrano. Officer Sanford then pulled some of the other officers out of the area to make sure they were not injured.

2. RPD Officer Shawn Manning

Officer Manning was interviewed at the Reno Police Department on September 25, 2018, at 3:45 p.m., by SPD Detective Wilson and WCSO Detective Joe Digesti (hereinafter "Detective Digesti"). Officer Manning has been employed by RPD for approximately one year. On September 23, 2018, Officer Manning was working patrol in his regularly scheduled work hours.

Officer Manning was on an unrelated traffic stop with Officer Adrian Rivera (hereinafter "Officer Rivera") when they heard there were swing shift units responding to 9665 Thornridge Court. Officers Manning and Rivera work the graveyard shift and responded so they could relieve the swing shift units to finish their shift.

While en route to the scene, Officer Robles called Officer Manning to explain the history of the call and that officers had been there twice before earlier in the evening. Officer Robles mentioned that the individual (Serrano) was high on methamphetamine, was uncooperative earlier, and was a very large man who would put up a good fight if the situation were to arise.

Officer Manning then heard Officer Sanford ask for the radio channel be closed for the call. Therefore, Officers Manning and Rivera responded with lights and sirens to get to Officer Sanford more quickly. Upon arrival to the scene, Officer Manning ran towards Officer Robles who was standing by his patrol truck. Serrano was standing near his truck without a shirt on. Officer Manning observed Serrano to be high on methamphetamine, based on his actions of reaching around sporadically and not responding to verbal commands.

Officer Manning called out Serrano's name and tried to get him to respond to him. At one point, Serrano did step away from the truck and Officer Manning tried further verbal communication

with Serrano. Officer Manning stepped away from the Patrol Truck and put his gun down to expose himself to Serrano in the hopes of gaining his trust while attempting negotiations.

As Officer Manning was engaging with Serrano, other officers arrived. Officer Manning repeatedly attempted communication with Serrano for approximately fifteen minutes. Serrano then got into the truck and started the engine. Officer Manning then moved to his left toward some bushes and continued to speak to Serrano, asking him to exit the vehicle. Serrano rolled the window down a couple times during this time period, to which Officer Manning called out, "That's the first step." However, Serrano then rolled the window back up again.

Serrano then put the truck in reverse and all the officers on scene began to communicate to each other and yelled for Serrano to stop. Serrano then put the vehicle in park or drive as the truck moved forward slightly. Serrano then turned on the hazard lights and repeatedly turned the headlights on and off. Serrano then drove forward in the cul-de-sac and turned the truck around to face officers. Serrano also had the LED light bar illuminated on the front of the vehicle. Serrano's truck was then pointing at Officer Robles and his team of officers.

Officers continued to give Serrano verbal commands. Serrano then squealed the tires on the truck which "heightened the situation." Officer Manning was concerned that Serrano was going to use the truck as a weapon, and that Serrano should not even be in a vehicle due to his intoxication. When Serrano was revving the engine, it indicated to Officer Manning that Serrano was unwilling to listen to officers.

The officers planned to have a less lethal "hands on" team to approach Serrano should he exit the vehicle. Serrano's truck was pointed towards Officer Robles's team in the driveway. Serrano's truck began moving forward and then turned directly towards Officer Sanford. Serrano was driving slowly but Officer Manning was concerned the truck was closing distance to Officer Sanford. Had Serrano accelerated the truck, Officer Manning felt Officer Sanford had nowhere to go and would have been run over.

Therefore, Officer Manning and several other officers fired their weapons at Serrano inside the truck. After the shots were fired, the truck came to a stop against a van parked in the cul-de-sac.

3. RPD Officer Vincent Robles

Officer Robles was interviewed at the Reno Police Department on September 25, 2018, at 11:30 a.m., by SPD Detective Wilson and WCSO Detective Digesti. Officer Robles has been employed at RPD for three years and is assigned to patrol and SWAT. Officer Robles normally works Friday through Monday from 2:00 p.m. to 12:00 a.m.

On September 23, 2018, Officer Robles was dispatched to a domestic related issue between Serrano and his sister (Mascarenas-Tripp). Mascarenas-Tripp reported that she called police because Serrano had just ingested methamphetamine and they had an argument about it. Mascarenas-Tripp advised on the call that her brother would likely fight officers or medics who tried to help him.

Officer Robles and Officer Travis Look (hereinafter "Officer Look") responded to the call. They met with Mascarenas-Tripp who told them about Serrano's methamphetamine addiction and how he had just swallowed a bag of it that night. Mascarenas-Tripp let Serrano stay in her home on the contingency that he not use narcotics. Mascarenas-Tripp was worried that when her husband got home from the store that he and Serrano would fight over the methamphetamine use.

Mascarenas-Tripp wanted Serrano removed from the house. Officer Robles explained that because Serrano had established residency with her, and that no crime had been committed by Serrano, that they could not remove him at that moment. Mascarenas-Tripp asked officers to speak with Serrano, who was in a back bedroom.

Officer Robles contacted Serrano in the back bedroom. As a Drug Recognition Expert (DRE), Officer Robles observed Serrano displaying signs and symptoms consistent with a narcotic stimulant. Serrano refused to speak with the officers, only stating that he was fine. Serrano was in an aggressive boxer style stance when talking with the officers. Serrano never raised his fists but stepped back and forth a couple times.

Officer Robles went back to Mascarenas-Tripp and advised her to ignore Serrano. Mascarenas-Tripp was worried that her husband had access to weapons, to which Officer Robles told her to call the police again if there were any further issues or confrontations.

Officer Robles was aware that after he left, there was a second call for service after Tripp got home. Robles did not know the details of that call as he was assigned to a different call. Officer Robles heard the third call that Serrano was actively trying to hurt himself and attempted to drink bleach. Officer Robles responded with lights and sirens.

While en route, Officer Sanford requested the primary frequency channel be closed for the call. That signaled to Officer Robles that things were not right. Officer Robles arrived on scene and drove to where Officer Sanford was located. Officer Robles parked in the middle of Thornridge Court and saw Serrano near the driver's door of his pickup truck. Officer Sanford came to the passenger door of Officer Robles's truck. Both officers attempted to speak with Serrano, who was pacing around his truck, but he did not respond initially. Serrano did tell the officers he was depressed. Officer Robles noticed that Serrano had car keys in his hand. Officer Robles then repositioned his truck to block Serrano in on Thornridge Court and advised responding officers to do the same.

Serrano did not have a shirt on and was waving his arms around erratically. Officer Robles believed Serrano was still under the influence of a narcotic but was acting more erratically now than before. Officer Robles did not want Serrano to get inside his truck based on his condition.

Officers continued to try and negotiate with Serrano. Meanwhile, more officers arrived on scene to assist with negotiations. The officers planned to affect arrest on Serrano and requested a 40mm less-lethal round to assist. Officer Robles initially was assigned to be the Taser option.

As they were requesting the 40mm weapon, Serrano got into the vehicle, which "changed everything" for Officer Robles. Officers on scene began to clear the road as they did not want to be hit by Serrano's truck. The patrol vehicles were left in the road to block Serrano from leaving the area and putting citizens in danger. Officer Robles went to the driveway of 9665 Thornridge Court.

Officers continued verbal commands to Serrano. Another officer, possibly Sergeant Lopez, got in Officer Robles's truck and repositioned it creating an escape lane for Serrano. The escape

lane concerned Officer Robles and he yelled for the lane to be blocked. Eventually, Officer Schwartz came and blocked the escape lane with his K9 vehicle. Serrano was repeatedly turning his headlights on and off at this time.

Serrano then pulled his truck forward and turned around in the cul-de-sac and faced Officer Robles and his team in the driveway. Officer Robles remained in his position thinking that if Serrano drove at them, he would hit the parked cars in the driveway before striking officers.

Serrano revved the engine multiple times and "chirped" the tires once. Officer Robles interpreted Serrano's actions as showing an intent to drive at officers. Officers continued verbal commands. Serrano's truck then started to move forward towards Officer Robles's group but then turned toward his partners.

Officer Robles thought Serrano was going to hit his partners, so he fired several rounds through the driver's window at Serrano. Serrano's driver's side window broke and the truck continued towards his partners. After the shooting, Officer Robles maintained cover while another team approached Serrano and got him out of the truck to perform life-saving measures.

4. RPD Officer Brandon Neagle

Officer Neagle was interviewed at the Reno Police Department on September 25, 2018, at 1:13 p.m., by SPD Detective Nicholas Pagni (hereinafter "Detective Pagni") and WCSO Detective Stefanie Brady (hereinafter "Detective Brady"). Officer Neagle has been employed by RPD for thirteen years and has been a training officer for five years. Officer Neagle normally works a shift from Friday to Monday from 2:00 p.m. to 12:00 a.m.

Officer Neagle was on patrol with his officer trainee Officer Smith, when they were dispatched to 9665 Thornridge Court on a report of a suicidal subject that was under the influence of methamphetamine and possibly drank bleach. The officers responded with lights and sirens because REMSA personnel were already staging in the area at the direction of Sergeant Lopez.

When Officers Neagle and Smith arrived, they parked on Desert Bloom Drive near Thornridge Court. Both officers approached the scene on foot where they saw other officers already speaking with Serrano. The other patrol vehicles on scene had their red

and blue lights flashing. Officer Robles's patrol truck was parked in the middle of Thornridge Court with Officer Manning standing to the left of the truck telling Serrano that officers were there to help him.

Officers Neagle and Smith met up with Officer Look where they made a plan that Officer Smith would be the hands-on team, Officer Robles would be on lethal cover, and Officer Neagle would equip himself with his Taser.

Serrano was acting erratically, making movements with his hands and not responding to officers. Serrano appeared under the influence of narcotics, as he was unpredictable in his movements and could not keep his hands still. Serrano was standing next to a white Toyota Tacoma truck with no shirt on. He then got into the truck.

Inside the truck, Serrano was reaching behind and underneath the seat. The brake lights and windshield wipers came on as Serrano started the truck and drove slowly in reverse. Serrano then drove forward slowly into the cul-de-sac and turned around, now facing the officers. The headlights on the truck then turned on.

Officer Schwartz had also recently arrived and parked his patrol vehicle to the right of Officer Robles's truck, leaving a gap between the two vehicles. The vehicles were positioned to prevent Serrano from driving out of the cul-de-sac.

Officer Neagle heard Serrano's truck tires spin against the pavement. Serrano's actions concerned Officer Neagle and officers decided that should Serrano exit the truck they were going to immediately deploy the 40mm less-lethal launcher and get Serrano into custody to get him help.

At that time, a neighbor came out of his residence and was told by officers to stay back. Officer Neagle was concerned for the neighbor because Serrano was on narcotics and driving the truck.

Serrano then drove the truck and turned towards Officers Sanford and Manning. Officer Neagle feared they would be ran over and seriously injured or killed. Officer Neagle was also worried Serrano could reverse the truck into a nearby residence or run over officers on Desert Bloom Drive and strike other vehicles. As the truck drove towards Officers Sanford and Manning, Officer Neagle fired his handgun to try and stop Serrano.

The truck then crashed into another vehicle and came to a rest near where Officers Sanford and Manning were standing. Officer Neagle then moved towards the truck to render aid to Serrano but was unable to get the driver's door open. Officer Schwartz then broke the driver's window open with his baton and Officer Neagle saw Serrano sitting in the driver's seat with labored breathing. Officer Neagle reached inside the window and unlocked the driver's door. The door opened and Serrano was removed from the truck by Officers Smith and Look.

5. RPD Officer Stephen Smith

Officer Smith was interviewed at the Reno Police Department on September 25, 2018, by WCSO Detective Brady and SPD Detective Pagni. Officer Smith has been employed at RPD for three months and had recently graduated from the police academy and was halfway through his training program.

On September 23, 2018, Officer Smith began his shift at 2:00 p.m., and was assigned to Officer Neagle as his training officer. They responded to a few unrelated calls for service including one with a suicidal subject call where the subject was released to a friend.

At approximately, 9:45 p.m., the officers were dispatched to 9665 Thornridge Court for a suicidal subject (Serrano). While en route to the call, dispatch updated that Serrano was drinking or trying to drink bleach. With that information, Officer Smith was advised by his sergeant to respond with lights and sirens.

Officers Smith and Neagle arrived on scene simultaneously with other officers. They parked on Desert Bloom Drive and walked to Thornridge Court. As they entered the cul-de-sac, Officer Smith saw Officer Robles's patrol truck parked diagonally across the cul-de-sac with the headlights and spotlights illuminated towards Serrano. Serrano was near the driver's door of a white pickup truck parked in front of 9665 Thornridge Court.

Serrano had no shirt on and was drenched in sweat. Serrano's hair was wet, and he kept running his hands through it. Officer Smith learned from Officer Robles that Serrano appeared high on narcotics and kept reaching in and out of his truck. Officer Robles told Officer Smith to plan on going hands-on with Serrano if they could get him away from his truck. Officer Robles

continuously gave Serrano verbal commands to stop reaching in the vehicle and move away. Other officers maintained a position of cover behind police vehicle doors.

Serrano did not comply with commands and continually reached inside of his truck. Officers were concerned they could not see what Serrano was reaching for in his truck. As more officers responded to the scene, Serrano got into the truck and closed the door before officers could grab him.

Officers backed up and continued verbal commands to Serrano to exit the vehicle. Serrano did not comply and started the truck. Officers then moved from cover at the patrol vehicle to the driveway of 9665 Thornridge Court, where two cars were parked. At this time, Officers Neagle and Robles had their handguns drawn and Officer Smith was still the designated hands-on officer.

Officers continued verbal commands as Serrano put the truck in and out of reverse. The officers discussed escape plans as they were concerned about being pinned between the cars in the driveway should Serrano reverse the truck into them.

An unknown officer then moved Officer Robles's truck forward and angled it toward the side of Serrano's truck so officers could see Serrano better. However, Officer Smith realized that there was now a large area open in the street which left an escape route for Serrano. Officer Smith alerted other officers to find keys to a patrol vehicle to block Serrano in. At that time, Officer Schwartz arrived in his K9 unit and used his vehicle to fill the open area.

Serrano then revved his engine multiple times and jerked the car in a reverse motion. Officer Smith interpreted Serrano's actions as contemplating ramming his way out of the area with his truck. Officers became concerned they could be pinched between vehicles should Serrano suddenly reverse his truck.

After a few minutes, Serrano drove his truck forward and turned around in the cul-de-sac and faced officers. Serrano then jerked the truck forward and revved his engine. The truck tires screeched, indicating to Officer Smith that he planned to ram officers. At that time, Officer Smith drew his handgun.

Serrano then let off the brake to the truck and drove towards officers on the opposite side from Officer Smith. Serrano's truck was pointed right at officers, and Officer Smith could hear them scream. Officer Smith knew the officers were afraid and felt he had to stop Serrano. Officer Smith fired his handgun at Serrano's truck.

Serrano's truck came to a stop at another vehicle parked in the cul-de-sac. Officers approached Serrano's truck to get him out. Officers could not get the door open as it was locked. One officer took his baton out and struck the driver's side window. The window shattered and Officer Smith reached in to unlock the door. Officer Smith then assisted with other officers in removing Serrano and performing life-saving measures.

6. RPD Officer Sean Schwartz

Officer Schwartz was interviewed at the Reno Police Department on September 25, 2018, at 8:00 a.m., by SPD Detective Wilson and WCSO Detective Digesti. Officer Schwartz has been employed by RPD for fifteen years. Officer Schwartz is assigned to the K9 unit and normally works Sunday through Tuesday from 6:00 p.m. until 3:00 a.m. and works a day shift on Wednesdays.

On September 23, 2018, Officer Schwartz heard the graveyard sergeant responding with lights and sirens to a call at 9665 Thornridge Court. Officer Schwartz thought it was uncommon for a sergeant to respond with lights and sirens, so he went to his patrol vehicle to look at the call on his computer. The call was for a suicidal subject (Serrano). Since Officer Schwartz is a K9 handler and not responsible for a specific area, he used his discretion to respond to the call to assist if needed.

As Officer Schwartz got close to the scene, he was directed via radio to pull his vehicle into the cul-de-sac of Thornridge Court and park alongside a patrol truck (Officer Robles's) that was already in place. Officer Schwartz parked and left his overhead lights on and got out his K9. Officer Schwartz saw a white truck with his headlights and LED lightbar on, facing him and other officers. The LED lightbar was bright and blinded Officer Schwartz. Officer Schwartz could hear other officers attempting to negotiate with Serrano, who was inside the truck. Serrano revved the engine of the truck, which caused Officer Schwartz to put his K9 away as he did not feel comfortable.

Officer Schwartz then observed Serrano was inside the truck gripping the steering wheel. Serrano revved the engine once or twice and "chirped" the tires causing Officer Schwartz's senses to heighten. Officer Schwartz felt Serrano chirping the tires meant Serrano was ready to harm officers stating, "the hair on the back of your neck stands up, telling you that things are going to go bad... it made me feel like he was ready to commit to either doing harm to me or... one of my officers."

As officers continued to talk to Serrano, the truck started moving forward. Serrano's truck then turned towards the officers to the left of Officer Schwartz, including Officer Sanford.

When Serrano got to the point where Officer Schwartz thought he was going to accelerate or drive through officers, he fired his weapon. Officer Schwartz feared for the safety of the officers because of how close Serrano was getting to them.

Officer Schwartz then moved towards Serrano's truck as it came to rest against another vehicle parked in the cul-de-sac. Officer Schwartz broke out the driver's door window to unlock the truck so life-saving efforts could take place.

7. RPD Officer Travis Look

Officer Look was interviewed at the Reno Police Department on September 25, 2018, by WCSO Detective Digesti and SPD Detective Wilson. Officer Look has been employed at RPD for thirteen years. He is assigned to the patrol division and works a shift from 2:00 p.m. to 12:00 a.m.

On September 23, 2018, Officer Look responded to 9665 Thornridge Court on a call for service for a domestic disturbance. Dispatch advised that the subject (Serrano) was high on methamphetamine and acting erratically. Upon arrival, Officer Look met with Serrano who was very standoffish. It was clear to Officer Look that Serrano did not want to engage with officers. Officer Look advised the homeowner (Mascarenas-Tripp) her options to remove Serrano from the house, and then left.

Later in the evening, Officer Look responded back to the house after hearing of another disturbance. Upon arrival, two other officers were already on scene (Officers Sanford and Robles). Serrano was standing near the front driver's door of his white truck. The truck was pointing towards the cul-de-sac and Officer

Look took a position in the driveway of 9665 Thornridge Court. Officer Robles's patrol truck had its lights on.

As more officers responded to the scene, officers broke into two groups on either side of Serrano's truck. Officer Look was designated as one of the hands-on officers. Serrano then got inside the truck.

Sergeant Lopez then arrived on scene with the 40mm less-lethal weapon. Officer Look asked Sergeant Lopez to take a position on the driver's side of Officer Robles's patrol truck. Officer Look then saw Serrano's reverse lights on indicating Serrano was backing the truck up. The truck instead moved forward and turned around, now facing towards the officers.

Officer Look then changed his position to the other side of the street near Officer Sanford. Officer Look asked another officer to move over in case Serrano's truck came toward them. Officer Look wanted himself and Officer Sanford to have an exit to get out of the way. At this time Officer Look did not have his weapon out as he wanted to have both hands available to grab Officer Sanford if needed.

Serrano then drove the truck towards the direction of Officers Look and Sanford. Officer Look then heard shots fired and drew his handgun but did not shoot. Serrano's truck then came to a stop. Officer Look then ran over to the driver's side door of the truck and helped remove Serrano. Officer Look then helped apply several tourniquets to injuries suffered by Serrano.

8. RPD Officer Adrian Rivera

Officer Rivera was interviewed at the Reno Police Department on September 24, 2018, at 3:25 a.m., by SPD Detective Shawn Congdon (hereinafter "Detective Congdon") and WCSO Detective West Urban (hereinafter "Detective Urban"). Officer Rivera has been employed at RPD for one year.

On September 23, 2018, Officer Rivera was on patrol when he heard a call on Thornridge Court. While en route, Officer Rivera learned that officers had been to the same location two times earlier in the evening and that the subject (Serrano) was possibly using narcotics.

When Officer Rivera arrived, he parked his patrol vehicle directly behind Serrano's truck. Serrano was standing next to

his vehicle in the street. Officer Rivera took cover behind a van that was parked nearby. Officers were giving Serrano verbal commands to step away from his truck, but he was not responding or complying.

Serrano was agitated and reaching for items inside his truck. Serrano then got in and started the truck. Serrano continued reaching around in the truck and turned on the hazard lights. Serrano then revved the engine and put the truck in reverse.

Officers requested over police radio to bring the 40mm less-lethal launcher. Sergeant Lopez arrived with the 40mm and gave it to Officer Rivera. Sergeant Lopez instructed Officer Rivera to shoot Serrano with the 40mm launcher should he exit the truck.

Serrano started slowly driving forward in the truck and turned around in the cul-de-sac. Officers continued to give verbal commands to Serrano to turn the truck off. Serrano turned on the lights of the truck.

Serrano then started driving at officers with his truck. Officer Rivera was afraid for his life and other officers. Several officers then fired their weapons at the truck.

After the shooting, officers approached Serrano's truck and broke out the driver's side window. Officers reached in and turned the truck off and pulled Serrano out. Officer Rivera gave his tourniquet to another officer as officers performed life-saving measures on Serrano. REMSA arrived on scene and transported Serrano to the hospital.

9. RPD Officer Michael Lawton

Officer Michael Lawton (hereinafter "Officer Lawton") was interviewed at the Reno Police Department on September 24, 2018, by SPD Detective Wilson and WCSO Detective Blake Lux (hereinafter "Detective Lux"). Officer Lawton has been employed at RPD for one year. He normally works Friday through Tuesday from 9:00 p.m. until 7:00 a.m.

On September 23, 2018, Officer Lawton was in the downtown area close to the Reno Police Station when dispatch advised of a suicidal subject (Serrano) who was on drugs and drinking bleach at 9665 Thornridge Court. Officer Lawton responded along with multiple other officers.

Officer Lawton arrived after other officers were on scene in the cul-de-sac of Thornridge Court. There was a white Toyota Tacoma with the brake lights and engine on in front of 9665 Thornridge Court. A male (Serrano) was in the driver's seat of the truck. A group of officers were on the north side of the truck close to the house and another group on the south side of the truck.

Officer Lawton went to the officers on the south side of the truck. Officer Lawton was designated part of the hands-on team. Both Officer Lawton and Officer Manning were trying to build rapport with Serrano, telling him to come out of the truck to talk, that he was not in trouble, and that medical personnel were down the street to help.

Serrano then put the truck in reverse and turned on the headlights. All officers backed up and took cover. Serrano rolled down the driver's window about three inches. Officer Lawton continued to give Serrano verbal commands.

Serrano then revved the engine of the truck and drove forward in the cul-de-sac now facing officers. Officers continued to give Serrano verbal commands to get out of the truck for several minutes, but Serrano did not comply.

Serrano then drove the truck at officers as officers yelled for him to stop the truck. Serrano continued to drive, and officers shot at Serrano. Officer Lawton went to the driver's door of Serrano's truck.

Officers broke the window and Officer Lawton helped remove Serrano. Officers put Serrano in handcuffs and searched him for weapons. Officer Lawton observed gunshot wounds to Serrano's left arm and both legs. Another officer put a tourniquet on Serrano's left arm, and Officer Lawton attempted to also place tourniquets on Serrano to stop the bleeding. REMSA personnel then arrived. Officer Lawton assisted in securing the crime scene and then checked surrounding residences for bullet strikes.

10. Sergeant Juan Lopez

Sergeant Lopez was interviewed at the Reno Police Department on September 25, 2018, at 9:05 a.m., by SPD Detective Pagni and WCSO Detective Brady. Sergeant Lopez has been a sergeant for a year and a half and has previous experience as a patrol officer,

in the gang unit, and on the community action team. Sergeant Lopez normally works 8:30 p.m. to 6:30 a.m. from Saturday to Tuesday.

On September 23, 2018, Sergeant Lopez was in the sergeant's office when the initial call came out and he heard officers responding with lights and sirens to 9665 Thornridge Drive. The officers requested sergeant approval to respond with lights and sirens to which Sergeant Lopez approved. Sergeant Lopez looked the call up on the computer and saw that officers were responding for an individual (Serrano) that officers had previously dealt with. The current call stated that Serrano was attempting to drink bleach.

Sergeant Lopez then responded with lights and sirens to the call. Sergeant Lopez heard on the radio that Serrano had been breaking items within the home. Officers requested Sergeant Lopez bring the 40mm less-lethal launcher. Due to the request for the 40mm less-lethal launcher, Sergeant Lopez believed Serrano to be intoxicated, uncooperative and violent, requiring officers to need a less lethal option when making contact. Sergeant Lopez was trying to log onto his computer as he responded and did not talk to officers prior to arrival.

When Sergeant Lopez arrived on scene, he parked on Desert Bloom Drive near Thornridge Court. Sergeant Lopez turned his lights and sirens off on his vehicle and approached the scene. Other officer's vehicles had their lights on to illuminate the area. The police vehicles were parked on the street of Thornridge Court and Serrano's truck was parked in front of 9665 Thornridge Court. Sergeant Lopez saw two groups of officers and both sides of the street.

Sergeant Lopez gave the 40mm less-lethal launcher and grenadier vest to Officer Rivera and a ballistic blanket to another officer. He was advised of the plan to approach the vehicle with a hands-on team and less-lethal team. Sergeant Lopez told officers that if Serrano exited the vehicle to move up on him.

Sergeant Lopez saw the reverse lights of Serrano's truck come on. Sergeant Lopez got into a patrol vehicle and moved it forward towards Serrano's truck and parked it about a car's length away. Sergeant Lopez wanted to put a buffer between Serrano's truck and the officers on scene. He then exited the

vehicle and walked back to the group of officers on the east side. Sergeant Lopez saw Serrano reaching behind the truck seat, so he asked Officer Sanford if Serrano was armed with a weapon. Officer Sanford did not know, but added that Serrano was highly agitated, intoxicated, and uncooperative. Sergeant Lopez told Officer Sanford to equip himself with his Taser because other officers did not have one. Officer Sanford then handed his Taser to Officer Lawton. Officers Sanford and Manning had their firearms drawn and were deemed lethal cover. Officers continued verbal commands and developed a plan to grab Serrano if he exited the truck.

Serrano then drove the truck forward and executed a U-turn in the cul-de-sac with the truck now facing officers on the east side of the street. Serrano's truck lights were blinding the officers. Officer Schwartz then arrived, and Officer Look told him to park his patrol vehicle on the right side of the patrol vehicle Sergeant Lopez had moved earlier.

Serrano's truck then spun its wheels and officers yelled out for Serrano to stop. Sergeant Lopez interpreted the spinning tires as Serrano showing the intent to either drive at officers or try to escape. Serrano did not respond to commands and had a blank stare on his face.

Serrano's truck then started moving forward towards Sergeant Lopez and officers. As the truck moved towards him, Sergeant Lopez moved out the way. He heard shots fired by other officers.

The truck then came to rest after crashing into a minivan that was parked on the street. Officers from the other side of the street then moved in to clear the truck. Officers broke the driver's side window, unlocked the door, and removed Serrano from the truck. Officers applied tourniquets to Serrano's injuries and called in REMSA to continue life-saving efforts.

11. Lance McKinney

Lance McKinney (hereinafter "McKinney") was interviewed at the Reno Police Department on September 24, 2018, at 1:34 a.m. by SPD Detective Congdon and WCSO Detective Urban. McKinney lives on Thornridge Court.

On September 23, 2018, McKinney was home in his living room when he noticed police lights flashing outside. McKinney went into

his garage and looked out his garage windows and saw his neighbor's brother (Serrano) standing next to a white Toyota pickup truck. Serrano was reaching into the truck and taking items out and throwing them around. Serrano was not complying with officers' commands on scene. Officers were telling Serrano to step away from the truck, to calm down, and that they just wanted to talk and get him help.

Serrano then got into the truck, started it, and revved the engine up. The officers yelled at him not to do that and to exit the truck and turn it off. Serrano then backed the truck up. Officers had Serrano at gun point and had the cul-de-sac blocked off so Serrano could not exit. Serrano had his emergency flashers on at the time and turned them off and reached under the driver's seat.

Serrano was still not complying with officers' verbal commands and drove the truck forward and turned around in the cul-de-sac. Serrano turned the high beam lights and off-road lights on the truck while facing officers. McKinney felt the situation was going to go bad quickly.

Officers continued to give verbal commands by telling Serrano to turn the truck off and that they wanted to talk to him. Officers were there to help Serrano and were doing everything in their power to talk Serrano out the truck, but Serrano was not complying.

McKinney had been recording the interaction on his cell phone. Serrano turned off the off-road lights briefly, before the truck started to roll forward. At that point, McKinney stopped recording because he felt things were going "south." Serrano's truck continued to roll towards officers. McKinney thought Serrano then bumped the gas on the truck and at that point officers began firing their weapons to "neutralize the threat."

After the shooting, Officers approached the truck and got Serrano out. Serrano was placed on a gurney and transported away from the scene by REMSA.

12. Martin Rodriguez

Martin Rodriguez (hereinafter "Rodriguez") was interviewed at the Reno Police Department on September 24, 2018, at 3:01 a.m.,

by WCSO Detective Urban and SPD Detective Congdon. Rodriguez lives on Thornridge Court.

On September 23, 2018, Rodriguez was at home asleep when he awoke to flashing lights in front of his house. Rodriguez saw an individual (Serrano) repeatedly getting in and out of a white truck. Police officers were on scene and several patrol vehicles were present with their lights flashing. Rodriguez heard officers on scene trying to get Serrano to comply and get the situation under control.

At one point, Serrano took off his t-shirt and waived it in the air. Rodriguez thought Serrano was intoxicated. Serrano then got back into the truck and began turning the headlights on and off. The officers asked Serrano to turn the truck off and get out. The officers said they were there to help, but Serrano did not listen. Serrano then turned the truck around in the cul-de-sac and was now facing officers. It appeared to Rodriguez that Serrano wanted to leave the area.

Rodriguez then heard a bunch of yelling and at that point feared something bad was going to happen. Rodriguez grabbed his sister, and both went into the backyard and laid on the ground. Approximately four minutes later, Rodriguez heard gunshots. Rodriguez went back inside his house and a short time later officers knocked on his door to check everyone's safety in the home.

13. Siomele Silifaiva

Siomele Silifaiva (hereinafter "Silifaiva") was interviewed at the Reno Police Department on September 26, 2018, at 11:45 a.m. by SPD Detective Pagni. Silifaiva lives on Thornridge Court.

On September 23, 2018, Silifaiva put his children to bed and went outside to see police telling a subject (Serrano) to get out of his white truck. Silifaiva thought the officer was going to "Tase" Serrano. Silifaiva got out his cellphone and began recording the interaction.³ The officers walked towards Serrano and Serrano got inside the truck, which was parked in front of his house.

³ Detective Pagni requested Silifaiva provide investigators the cellphone video he recorded. Silifaiva agreed to send it to investigators at a later time, but investigators never received it.

When Serrano got into his truck, police were yelling, "Don't do that, let's work this out." Serrano then reversed the truck slightly and then pulled forward and made a U-turn in the cul-de-sac and faced officers. Several officers were present with some standing by Serrano's house and others by Silifaiva's house. Officers had the street blocked preventing Serrano from leaving.

Serrano stopped the truck and stuck his head out the window and pointed to the side of the street. Silifaiva interpreted Serrano's gesture as indicating his direction of travel. The tires on the truck then turned in that direction as officers yelled at Serrano to stop. Serrano did not exit the truck but instead revved the engine one time. Silifaiva believed Serrano knew he was in the wrong and smoked the tires out of frustration.

Serrano then moved the truck forward and Silifaiva saw gunfire. Silifaiva thought the officers should have shot the engine to stop the car and that officers chose to shoot Serrano. Silifaiva interpreted Serrano was just trying to park his truck on the street.

Silifaiva heard officers telling Serrano to exit the vehicle and talk. Silifaiva explained that if he had been Serrano, "I'm surrounded, o.k. I'm going to reverse it and go speed through them. If they shot me, I'm dead, at least whatever I get, I get." Silifaiva clarified that he would have rammed his vehicle into officers.

14. Hosea Naolavao

Hosea Naolavao (hereinafter "Naolavao") was interviewed twice, the first interview taking place outside his house on September 23, 2018, by WCSO Detective Koski. The second interview was at the Sparks Police Department on September 26, 2018, also by WCSO Detective Koski. Naolavao lives on Thornridge Court.

On September 23, 2018, Naolavao was in his bedroom in the front of his house, which faces the cul-de-sac of Thornridge Court. Naolavao heard yelling and looked out his window to see several police cars in the cul-de-sac. Naolavao saw a subject (Serrano) in the driver's seat of a truck facing the back of the cul-de-sac. Officers were yelling at Serrano to exit his truck. Serrano

was inside messing with the lights of the truck and was not exiting.

Serrano started the truck and Naolavao heard police yelling to shut the truck off and get out. The police told Serrano they wanted to help. Naolavao saw the truck's reverse lights illuminate and the truck jerked backwards towards the officers. The officers backed up and continued to tell Serrano to shut the truck off and exit.

The truck then moved forward into the cul-de-sac and circled around to face the officers. Officers yelled again for Serrano to stop the truck and exit. Naolavao thought Serrano was about to run everyone in the street over. Officers drew their weapons and appeared fearful of getting run over and were just doing their job. Serrano then drove forward and signaled to officers that he was going to park the truck on the curb.⁴ Naolavao then heard several shots fired. Naolavao was concerned that he and other occupants of his house would be hit by gunfire.

After shots were fired, Naolavao saw officers get together to make sure no one else was hurt. They then moved to the driver's side of Serrano's truck and he heard a window smash but could not see what happened after that.

15. Jasin Richards

Jasin Richards (hereinafter "Richards") was interviewed at the Washoe County Sheriff's Office on September 26, 2018, at 3:45 p.m. by WCSO Detective Trisha Kirkham-Alt (hereinafter Detective "Kirkham-Alt"). Richards lives on Thornridge Court.

On September 23, 2018, Richards was at home when he was awoken by his wife at approximately 10:05 p.m. stating that there was a bunch of police lights and yelling outside. Richards and his wife looked out a second story window and could hear officers talking to someone (Serrano) outside. Richards walked downstairs and looked out his front window. Richards saw a white Toyota Tacoma with both its headlights and hazard lights on. The truck was facing the cul-de-sac on Thornridge Court. Several patrol

⁴ Naolavao did not mention this fact in his first interview at his house on September 23, 2018. When confronted with the discrepancy, Naolavao stated that Serrano did rev the engine and thought he was going to drive through officers and cars, "But when I saw it, like when I really saw it like it was, it looked like he was trying to like get over like, oh, I'm gonna park here."

vehicles were in the street with their red and blue lights flashing.

Richards heard an officer say, "Watch out for crossfire," so he and his wife ran back upstairs. Richards looked out the window again and saw that the white truck was now in the middle of the cul-de-sac. Richards could hear officers yelling Serrano's name and telling him to step out of the car. The officers said Serrano was not in trouble and they just wanted to talk to him. Serrano did not comply and continued to sit in the driver's seat.

Serrano revved the engine. Richards interpreted the engine revving as a threat towards the officers. Richards was concerned that Serrano could take off in the truck and drive straight at the officers on the street, with the truck acting as a deadly weapon. About a minute later, Serrano drove the truck towards the officers. Serrano then turned the truck to the right and Richards heard the officers saying, "Don't do it, stop, stop, stop," and then Richards saw gunfire. Richards estimated he heard twenty to twenty-five shots.

16. Michelle Mascarenas-Tripp

Mascarenas-Tripp was interviewed at the Reno Police Department on September 24, 2018, at 1:45 a.m., by WCSO Detective Digesti and SPD Detective Wilson. Mascarenas-Tripp is the sister of Serrano and lives at 9665 Thornridge Court with Serrano, her husband Jason Tripp, and their three-year-old daughter.

Serrano has lived in the home at 9665 Thornridge Court for several years. During that time there have been instances of tension between Serrano and the family caused by Serrano's continued drug use. Mascarenas-Tripp and her husband have a no-drug policy for their home. They do not want drugs in the house or near their young daughter. Recently, Serrano had been in a specialty drug court and graduated the program around July 27, 2018. Serrano suffered from depression and is prescribed Wellbutrin. Mascarenas-Tripp was concerned that the high dose of medication combined with illicit drug use was harmful for Serrano.

On September 23, 2018, at around 5:00 p.m., Mascarenas-Tripp noticed Serrano had a baggie of what she believed was methamphetamine. When Mascarenas-Tripp asked Serrano what was in

the baggie, he quickly swallowed the contents. Mascarenas-Tripp tried to remove the baggie from Serrano's mouth, but Serrano bit her hand.

Serrano then returned to his room and Mascarenas-Tripp called her husband and advised him to stay away from the house because Serrano was using drugs. Mascarenas-Tripp believed that if Tripp returned home and knew Serrano was taking drugs that they would fight.

Mascarenas-Tripp then called police because she was concerned for Serrano and wanted police to remove him from the house. When police arrived, they spoke with Serrano and then informed Mascarenas-Tripp that they could not remove Serrano from the house because he had established residency. Officers advised Mascarenas-Tripp that she would either need to go through the eviction process or get a temporary protection order against Serrano if she wanted him removed. The officers then left the scene.

Tripp then returned home with their daughter. Tripp and Serrano got into an argument and pushed each other. The fight scared Mascarenas-Tripp so she called police again.

Approximately an hour later after officers left the second time, Serrano started to vomit in the hallway of the house. Serrano was sweating and had difficulty breathing. Mascarenas-Tripp offered to take Serrano to the hospital, but he kept saying he was alright. However, Serrano started shaking and telling Mascarenas-Tripp he could not breathe. Mascarenas-Tripp then called 911 as she believed Serrano had overdosed on the drugs he took earlier in the night.

While waiting for medics to arrive, Serrano was hallucinating, sweating, and repeatedly throwing up. Serrano believed something was on his face. Mascarenas-Tripp had a bottle of bleach in her hand and Serrano grabbed it from her and sprayed his face.

Mascarenas-Tripp went outside to get her shoes. She noticed officers coming up the street. The officer told her to go back inside the house. At that time, Serrano was outside the house and standing near his truck. Mascarenas-Tripp went back in the house and stood by the window watching. At one point, she shouted out the window that Serrano was unarmed and to not shoot him. An officer called Mascarenas-Tripp on the phone and she

told the officer that Serrano was not armed and had no weapons in the truck. She said that Serrano had overdosed and needed help.

Mascarenas-Tripp later received a second phone call from police advising she needed to take her child and husband to the back of the house. At that time, Serrano was inside his truck parked in front of her house. Mascarenas-Tripp heard Serrano revving the engine, but the truck did not move.

While at the back of the house, Mascarenas-Tripp could hear police telling Serrano to come out and that he "didn't need to do that." They also told Serrano that the police were not there to hurt him and that they just wanted to make sure he was ok. Mascarenas-Tripp said Serrano replied that he was ok but that he could not come to them. Mascarenas-Tripp also said she could not hear or see Serrano answering questions or interacting with officers. This was not surprising to Mascarenas-Tripp as Serrano did not answer or interact with her when he was in the house, as he was "out of it."

Mascarenas-Tripp heard the officers say, "No, no, don't," before hearing gunfire. Mascarenas-Tripp ran outside and saw officers putting Serrano on a stretcher. One officer was speaking with Serrano and Mascarenas-Tripp recalls the officer being very sympathetic. Mascarenas-Tripp then went to the hospital.

17. Jason Tripp

Tripp was interviewed at the Sparks Police Department on September 26, 2018, at 10:00 a.m., by SPD Detective Wilson and WCSO Detective Digesti. Tripp is the brother-in-law of Serrano and lives with him at 9665 Thornridge Court along with Tripp's wife and their three-year-old daughter. Serrano has lived in their house for five to six years. Tripp disliked Serrano because of Serrano's drug use and immaturity. Tripp tried to ignore Serrano as much as possible.

Serrano had been sober for most of the year prior; however, on September 23, 2018, Tripp believed that Serrano was using drugs again. On that day, Tripp was at the store with his daughter when his wife called to tell him not to come home because Serrano was under the influence. Tripp then took his daughter to the park to kill time and cool off because he was upset at

Serrano's behavior. Tripp was at the park for about an hour and then decided to come home.

When Tripp came home, he saw Serrano standing in the kitchen. Tripp believed Serrano was highly intoxicated. Mascarenas-Tripp told Tripp that Serrano had drugs in his hand earlier and that when she tried to take it from him, Serrano ate the entire bag. When Mascarenas-Tripp tried to take the bag from Serrano's mouth, he bit her. After hearing this, Tripp looked at Serrano and said, "Way to go methtard." Serrano stared blankly back at Tripp and then walked by him.

As he walked by, Serrano pressed his chest against Tripp telling him to "step." Serrano continued to press his chest on Tripp and Tripp tried to push him off. Tripp wanted to punch Serrano, but restrained himself and told Serrano to "fuck off," instead. The altercation caused Mascarenas-Tripp to call 911 again.

Serrano then went to his bedroom. When officers arrived, they spoke with Mascarenas-Tripp and Tripp. Tripp assured officers that there would be no more physical altercations so long as Serrano did not do anything stupid. The officers told Serrano to stay in his bedroom and then left the house.

After the officers left, Serrano started to overdose on the drugs he took. Serrano was sweating profusely and hallucinating. Serrano pulled his shirt off and was swinging his arms wildly while manipulating a flashlight on and off repeatedly. Mascarenas-Tripp was trying to get Serrano into her car to take him to the hospital, but Serrano refused. Serrano repeatedly vomited on the floor and could not hold himself still. Mascarenas-Tripp then called 911 again.

Serrano was fanning himself with a closet door and mumbling under his breath, "air." Tripp told Serrano to go outside and get some air. Serrano went outside and Tripp believes that is when officers showed back up. Mascarenas-Tripp went in and out of the house a few times. Tripp stayed inside and watched television on the couch. Tripp occasionally looked out the window but for the most part only listened to the interaction between Serrano and police.

Tripp heard officers saying, "Come on Phillip, you don't want to do this, we're here for you, man." Tripp described the officer's commands as encouraging. Other officers stressed to

Serrano that they were there to help him, but Serrano was not responsive. Tripp thought officers gave commands for about thirty minutes.

Tripp heard officers yelling, "Reverse lights!" Tripp knew that his neighbor's car was parked in front of Serrano's truck and that Serrano would have to back up before driving forward in the cul-de-sac. Tripp then heard tires squealing and then gunshots. Tripp knew what was coming, "Once you are unresponsive, you start driving at police officers, you have a deadly weapon, you are probably going to die at that point." Mascarenas-Tripp was in the house and yelling out for Serrano to get out of the truck when shots were fired.

Tripp got up and saw officers breaking the window of Serrano's truck and removing him. Mascarenas-Tripp was yelling and asking if Serrano was still alive. Tripp could hear his neighbor across the street yelling at officers as well. Tripp did not go outside himself.

Mascarenas-Tripp was in and out of the house and talking to her mother on the phone. Police officers contacted them and asked them to come to the police station for interviews. Tripp stayed at home with their daughter while Mascarenas-Tripp left.

B. Officers Firearms

1. Countdown of Officer Sanford's Firearm

Officer Sanford's service weapon on September 23, 2018, was a Glock 22 .40 caliber. Affixed to the weapon was a Surefire X300 Ultra-light. The carrying capacity of the magazine used was fifteen (15) rounds. Officer Sanford loaded his weapon magazine to capacity but did not top off the weapon with one round in the chamber. Officer Sanford carried two additional magazines for his weapon for a total carrying capacity of forty-five (45) rounds. Officer Sanford advised that he had reloaded his weapon with a second magazine at the scene.

On September 24, 2018, at 2:15 a.m., Washoe County Forensic Investigator Renee Armstrong (hereinafter "FIS Investigator Armstrong") collected Officer Sanford's equipment worn and used during the shooting. The collection of Officer Sanford's weapon and its contents revealed a magazine in the weapon with fifteen (15) Winchester .40 caliber Smith & Wesson cartridges. Officer Sanford's spare magazine also had fifteen (15) Winchester .40

caliber Smith & Wesson cartridges. At the scene, Officer Sanford's third magazine was located and was empty. All items were booked into evidence at the Washoe County Sheriff's Office.

2. Countdown of Officer Manning's Firearm

Officer Manning's service weapon on September 23, 2018, was a Sig Sauer P320. Affixed to the weapon was a Streamlight TRL-1 light. The carrying capacity of the magazine used was seventeen (17) rounds. Officer Manning loaded his weapon magazines to capacity and topped off the weapon with one round in the chamber. Officer Manning carried two additional magazines for his weapon for a total carrying capacity of fifty-two (52) rounds.

On September 24, 2018, at 2:35 a.m., FIS Investigator Armstrong collected Officer Manning's equipment worn and used during the shooting. The collection of Officer Manning's weapon and its contents revealed a magazine in the weapon with fifteen (15) 9mm Luger cartridges in the magazine and one (1) 9mm Luger cartridge in the chamber. Officer Manning's two spare magazine had seventeen (17) 9mm Luger cartridges in each. All items were booked into evidence at the Washoe County Sheriff's Office.

3. Countdown of Officer Robles's Firearm

Officer Robles's weapon on September 23, 2018, was a DPMS Panther Arms A-15. Affixed to the weapon was a Surefire light, and an Aimpoint Optic, serial number K3289633. The carrying capacity of the magazine used was thirty (30) rounds. Officer Robles loaded his weapon magazine to capacity. Officer Robles did not carry any additional magazines for his weapon, and therefore had a total carrying capacity of thirty (30) rounds.⁵

On September 24, 2018, at 1:40 a.m., FIS Investigator Armstrong collected Officer Robles's equipment worn and used during the shooting. The collection of Officer Robles's weapon and its contents revealed a magazine in the weapon with nineteen (19) FC 17 cartridges. On September 25, 2018, Washoe County Forensic Investigator Ellie Koeder located an additional one (1) FC 17

⁵ Officer Robles's primary weapon was a Glock 17 Gen 4 with serial number UVK9I9. The ammunition for the weapon was Winchester 9mm Luger. Officer Robles did not fire this weapon on September 23, 2018.

cartridge in the rifle box. All items were booked into evidence at the Washoe County Sheriff's Office.

4. Countdown of Officer Neagle's Firearm

Officer Neagle's service weapon on September 23, 2018, was a Glock 17 Gen 4. Affixed to the weapon was a Streamlight TRL-1 light. The carrying capacity of the magazine used was seventeen (17) rounds. Officer Neagle loaded his weapon magazines to capacity and topped off the weapon with one (1) round in the chamber. Officer Neagle carried two additional magazines for his weapon for a total carrying capacity of fifty-two (52) rounds.

On September 24, 2018, at 3:00 a.m., FIS Investigator Armstrong collected Officer Neagle's equipment worn and used during the shooting. The collection of Officer Neagle's weapon and its contents revealed a magazine in the weapon with twelve (12) 9mm Luger cartridges in the magazine and one (1) 9mm Luger cartridge in the chamber. Officer Neagle's two spare magazine had seventeen (17) 9mm Luger cartridges in each. All items were booked into evidence at the Washoe County Sheriff's Office.

5. Countdown of Officer Smith's Firearm

Officer Smith's service weapon on September 23, 2018, was a Sig Sauer P320. Affixed to the weapon was a Streamlight TRL-1 light. The carrying capacity of the magazine used was seventeen (17) rounds. Officer Smith loaded his weapon magazines to capacity and topped off the weapon with one (1) round in the chamber. Officer Smith carried two additional magazines for his weapon for a total carrying capacity of fifty-two (52) rounds.

On September 24, 2018, at 1:40 a.m., FIS Investigator Armstrong collected Officer Smith's equipment worn and used during the shooting. The collection of Officer Smith's weapon and its contents revealed a magazine in the weapon with twelve (12) 9mm Winchester cartridges in the magazine and one (1) 9mm Winchester cartridge in the chamber. Officer Smith's two spare magazine had seventeen (17) 9mm Winchester cartridges in each. All items were booked into evidence at the Washoe County Sheriff's Office.

6. Countdown of Officer Schwartz's Firearm

Officer Schwartz's service weapon on September 23, 2018, was a Sig Sauer P226. Affixed to the weapon was a Streamlight TRL-17 light. The carrying capacity of the magazine used was eighteen

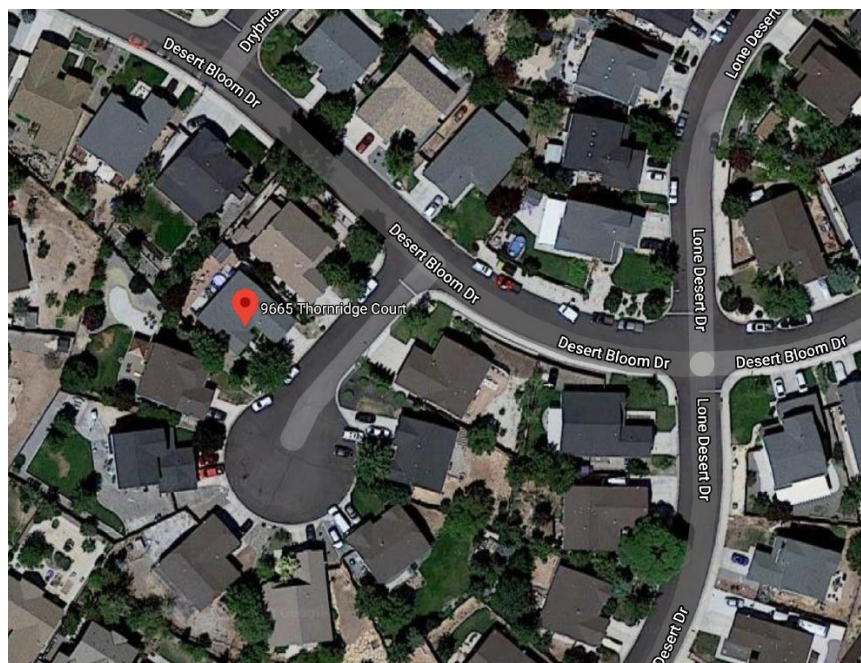
(18) rounds. Officer Schwartz loaded his weapon magazines to capacity and topped off the weapon with one (1) round in the chamber. Officer Schwartz carried two additional magazines for his weapon for a total carrying capacity of fifty-five (55) rounds.

On September 24, 2018, at 2:36 a.m., FIS Investigator Armstrong collected Officer Schwartz's equipment worn and used during the shooting. The collection of Officer Schwartz's weapon and its contents revealed a magazine in the weapon with eight (8) FC 9mm Luger cartridges, one of which was in the chamber, and one (1) Winchester 9mm Luger cartridge. One of Officer Schwartz's spare magazines had eighteen (18) FC 9mm Luger cartridges. The other magazine had five (5) Winchester 9mm Luger cartridges and thirteen (13) FC 9mm Luger cartridges. All items were booked into evidence at the Washoe County Sheriff's Office.

II. PHYSICAL EVIDENCE

A. Shooting Scene

Thornridge Court is an asphalt paved residential roadway surrounded by houses. Thornridge Court follows a northeast to southwest path. To the north of Thornridge Court is Desert Bloom Drive. There are nine houses in the cul-de-sac of Thornridge Court. 9665 Thornridge Court is the second house in on the north side.



(Overview of 9665 Thornridge Court - Courtesy of Google Maps)

Located in the area of Thornridge Court were five Reno Police Department patrol vehicles:

- 1) Vehicle license number 725, driven by Officer Sanford, parked at the southeast corner of the intersection of Desert Bloom Drive and Thornridge Court.
- 2) Vehicle license number 730, driven by Sergeant Lopez, parked on the north side of the street in front of 9690 Thornridge Court.
- 3) Vehicle license number 718, driven by K-9 Officer Schwartz, parked on the south side of the street in front of 9665 Thornridge Court.
- 4) Vehicle license number 614, driven by Officer Rivera, parked on the north side of the street, in between 9690 and 9660 Thornridge Court.
- 5) Vehicle license number 203, driven by Officer Robles, parked in the middle of the street, between vehicle 718 and a white Dodge minivan with Nevada license plate 095E74.



(View of patrol vehicles parked on Thornridge Court facing cul-de-sac)

A white Toyota Tacoma truck, with Nevada license 531XYD, struck the rear bumper of the white Dodge van parked in front of 9660 Thornridge Court. The truck was stationary, but still in drive and running.



(View of white Toyota Tacoma from 9665 Thornridge Court)

To the right of the parked Dodge Minivan is gravel landscape with several shrubs and bushes.



(Area to right of parked Dodge Minivan)

Located in the middle of the cul-de-sac of Thornridge Court was a pair of skid marks in the pavement.



(Skid marks marked by WCSO FIS personnel on the pavement of Thornridge Court)



(Overhead view of Thornridge Court courtesy of Nevada Highway Patrol MAIT)

B. EVIDENCE COLLECTED

The following relevant evidence was collected and photographed on Thornridge Court:

- Sixteen (16) white metal "Winchester 40 S&W" fired cartridge cases
- Twelve (12) white metal "WIN 9mm Luger" fired cartridge cases
- Ten (10) yellow metal "FC 17" fired cartridge cases
- Ten (10) white metal "FC 9mm Luger" fired cartridge cases

C. BODY WORN CAMERA FOOTAGE

All officers involved in the response to 9665 Thornridge Court were wearing their department issued body cameras on and in operating condition. The BWC footage largely corroborates the witness accounts and provides varying angles of the incident. It further records audio of verbal exchanges. According to the BWC footage, approximately 21 minutes elapse from the time Officer Sanford arrives after Mascarenas-Tripp's third emergency phone call until shots are fired. During that approximate 21-minute timeframe, responding officers repeatedly verbally communicate with Serrano.

In the first 6 minutes Serrano is outside of the vehicle. Officers ask him to step away from the truck approximately 10 times. In attempts to deescalate the situation, help is offered to Serrano.

The next approximate 12 minutes capture the time Serrano is in his truck while it is stationary. During that time, officers continue to verbally engage Serrano. Approximately 45 times, officers ask Serrano to talk to them, turn off the truck and get out. The officers' overall tone during the verbal engagement is calming while attempting to persuade Serrano to cooperate. Amongst other similar statements, the following phrases from officers are recorded, "Let's talk through this." - "We don't want to hurt you or have you hurt yourself." - "We are worried about you and want you to be ok." - "Tell me what you need me to do." - "There are medics down the road, who can check you out." Serrano is repeatedly addressed by his first name, Phillip.

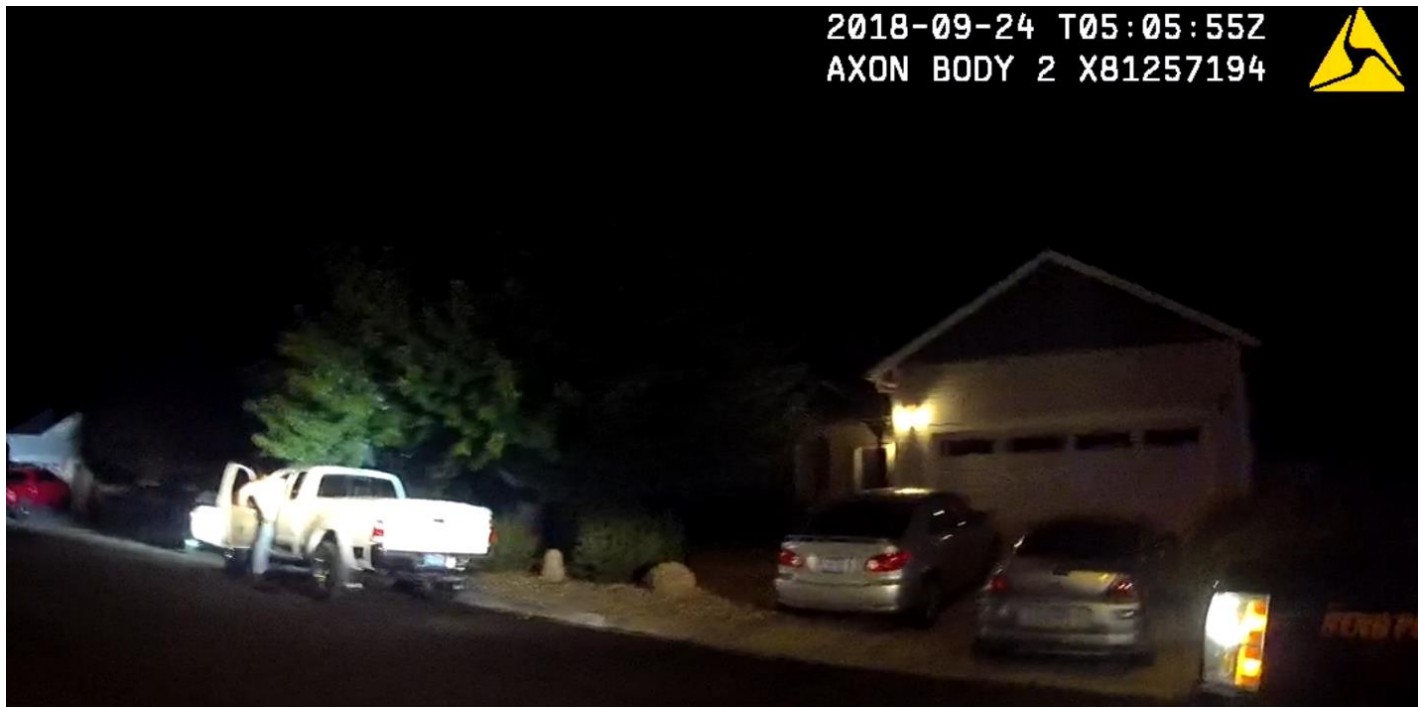
The last approximate 3 minutes capture the time Serrano has moved the truck to a position facing the officers. Officers continue to plead with Serrano. Approximately 15 more times,

officers tell him to stop and get out of the car. They continue to ask him to talk with them. Amongst other similar statements, the following phrases shouted from officers are recorded prior to shots being fired, "C'mon Phillip, talk with us bud!" - "Phillip, you don't want to do this man!" - "C'mon, man turn the car off." - "You're not in trouble buddy" - "Your scaring the neighbors and your family, you don't want to do this." - "All we want to do is talk." As Serrano begins to drive towards officers, "stop!" is shouted multiple times before the shots are fired.

The following photographs are taken from the BWC footage and depict still images as the situation unfolds during the approximate 21 minute timeframe.



(Officer Sanford's initial contact with Serrano during the third call to 9665 Thornridge Court - Officer Sanford's BWC)



2018-09-24 T05:05:55Z
AXON BODY 2 X81257194



(Serrano as he is entering his white Toyota Tacoma truck - Officer Manning's BWC)



2018-09-24 T05:
AXON BODY 2 X81

hford, Ofc

(Serrano facing officers and Patrol Vehicles with LED lights on - Officer Sanford's BWC)



(Serrano driving the white Toyota Tacoma truck at Officer Sanford moments before shots are fired - Officer Manning's BWC)



(Serrano driving the white Toyota Tacoma at Officer Sanford right before Officer Sanford shoots - Officer Sanford's BWC)

D. Autopsy

The autopsy of Phillip Serrano was performed by Washoe County Medical Examiner Katherine Callahan who determined that the cause of Serrano's death was due to multiple gunshot wounds. The autopsy revealed that Serrano was shot twenty-two (22) times.

Toxicology results from Serrano's peripheral blood revealed he had 59 ng/mL of amphetamine and 2,800 ng/mL of methamphetamine.⁶

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 Phillip Serrano to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officers involved and determining whether any criminality on their part existed at the time of the shooting.

In Nevada, there are a variety of statutes that define justifiable homicide. (See NRS 200.120, 200.140, and 200.160) There is also a statute that defines excusable homicide and one that provides for the use of deadly force to effect arrest. (See NRS 200.180 and NRS 171.1455) Moreover, 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

⁶ In Nevada, it is unlawful for a person to drive or be in actual physical control of a vehicle with an amount of Methamphetamine or Amphetamine equal or greater to 100 nanograms per milliliter of blood.

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

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

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

On the evening of September 23, 2018, RPD Officers were summoned to 9665 Thornridge Court three times due to the erratic and drug-induced behavior of Serrano. The first emergency call was at 6:49 p.m. because Serrano was high on methamphetamine and was causing a disturbance in the house. The second 911 call, less than an hour after the first, was because of a disturbance in

the home over Serrano's drug use and conflict with his brother-in-law. On the third 911 call, RPD officers were advised Serrano was now possibly suicidal and overdosing on methamphetamine. It was further reported to RPD officers that Serrano had possibly ingested bleach and was acting erratically while throwing things within the home. Officers also had information that Serrano would fight officers or paramedics trying to help him.

It is with this information that responding officers encountered Serrano, who was grossly under the influence of methamphetamine, standing in the residential neighborhood of Thornridge Court at the open driver's side door with keys to his white Toyota Tacoma truck.

Officer Sanford was the first officer to arrive at 9:57 p.m. and immediately tried to verbally engage Serrano. Of concern to Officer Sanford, and other officers as they arrived, was Serrano's obvious intoxication and access to his truck. Combined, these two circumstances created significant dangers to the public. Officers did not immediately approach Serrano expressing concern that they did not know if Serrano had any weapons inside the truck.

Instead, responding officers repeatedly tried to coax Serrano away from the truck by attempting to engage him in conversation. They offered help and asked him to step away from the vehicle. Serrano, who was agitated and acting erratically, continually ignored the officers and did not comply with any of their commands.

Once Serrano got into the truck, officers, who had created a perimeter behind the vehicle, expressed heightened concern for their own safety and the safety of the community. Serrano increased their concern by immediately revving the truck's engine. Officers then spread out on Thornridge Court, with some in the driveway of 9665 Thornridge Court and others moving to the other side of the street.

Notably, officers made repeated efforts to communicate with Serrano for the next several minutes. Approximately 45 times, officers ask Serrano to talk to them, turn off the truck and get out. The officers' overall tone during the verbal engagement was calming while trying to persuade Serrano to cooperate. The following phrases from officers were recorded by body worn

cameras; "Let's talk through this." - "We don't want to hurt you or have you hurt yourself." - "We are worried about you and want you to be ok." - "Tell me what you need me to do." - "There are medics down the road, who can check you out." Serrano is repeatedly addressed by his first name, Phillip.

Despite these efforts, Serrano elevated the dangerousness of the situation by placing the truck in reverse, alarming the multiple officers staged behind him. He then put the truck in drive and completed a u-turn in the cul-de-sac. Serrano was now behind the wheel of the truck facing the officers and patrol vehicles that were positioned on Thornridge Court to block his path. The LED lights on the front of the truck were illuminated showing the scene in front of him.

This act further heightened the officer's safety concerns. Particularly considering the de-escalation attempts made by the officers up to that point. It is reasonable to conclude that Serrano moved his truck to either drive at officers or drive recklessly to escape past parked patrol cars into the neighborhood. Nevertheless, officers continued to plead with Serrano. Approximately 15 more times, officers told him to stop and get out of the car. They continued to try and talk with him, shouting, "C'mon Phillip, talk with us bud!" - "Phillip, you don't want to do this man!" - "C'mon man, turn the car off." - "You're not in trouble buddy" - "Your scaring the neighbors and your family, you don't want to do this." - "All we want to do is talk."

After approximately two minutes of facing the officers, Serrano spun the tires on the truck, leaving skid marks on the roadway. To accomplish the spinning of the tires, Serrano necessarily had to apply pressure to the accelerator while holding his foot on the brake. Despite the overt dangerousness of this act, it showed a clear and intentional maneuver by Serrano to threaten the officers. When interviewed, every officer expressed fear and a belief that this showed Serrano was now planning to accelerate towards officers. Additionally, some residents in the neighborhood who witnessed the incident also felt Serrano was about to hit the officers with his truck.

One minute after spinning the tires, Serrano began driving forward slowly towards the officers in the driveway at 9665 Thornridge Court. As he moved forward, Serrano then angled the

truck directly at Officer Sanford, who was now to the left of the parked Dodge Minivan. In consideration of all the evidence, it is reasonable to conclude that in that moment the officers held an actual belief Serrano was targeting Officer Sanford specifically and that the threat of death or serious bodily harm to him was imminent.⁷ Officers screamed in fear for Serrano to stop but Serrano continued closing the distance to Officer Sanford. Officers Look, Manning, Rivera, and Sergeant Lopez were also all in the vicinity and potentially at risk.

Officer Sanford shot at Serrano in self-defense. He actually and reasonably believed that Serrano's actions put his life in danger. Officers Manning, Robles, Neagle, Smith, and Schwartz all shot at Serrano's truck in defense of Officer Sanford. They actually and reasonably believed that Serrano's actions put Officer Sanford's life in danger.

Serrano posed an imminent danger that he would kill or cause great bodily injury to Officer Sanford. As such, it was necessary under the circumstances, and justified under Nevada law, for the shooting officers to use the force they used that ultimately caused the death of Serrano for the purpose of avoiding death or great bodily injury to Officer Sanford. The totality of the circumstances known to the officers were sufficient to excite the fears of a reasonable person placed in a similar situation.

V. CONCLUSION

Based on the review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the September 23, 2018 officer involved shooting death of Phillip Serrano, the actions of Officers Joshua Sanford, Shawn Manning, Vincent Robles, Brandon Neagle, Stephen Smith, and Sean Schwartz were justified under Nevada law and not a criminal act. Unless new circumstances come

⁷ The body worn camera footage does not show Serrano giving any indication that he was planning to simply park his truck. The camera footage as well as all other witness accounts is in direct contrast to the statements given by two witnesses that lived in the neighborhood that Serrano put his head and arm out to indicate he was parking.

to light that contradict the factual foundation upon which this decision is made, this case is officially closed.