

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

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REPORT ON THE OCTOBER 18, 2022, OFFICER INVOLVED
SHOOTING OF JASON THORPE

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INTRODUCTION

On October 18, 2022, at 2:59am Sparks Police Department (hereinafter "SPD") Sergeant Ed Wilson (hereinafter "Sgt. Wilson") exited the Sparks Police Department located at 1701 East Prater Way from a side-door which led to a secured parking area. Sgt. Wilson heard a noise coming from a landscaped area adjacent to the station causing him to draw his handgun which contained a mounted flashlight. Sgt. Wilson pointed his light in the area where the noise had emanated from and saw a male subject holding a gun. This male subject, later identified as Jason Thorpe (hereinafter "Thorpe")¹, was located on the other side of an iron fence which separated the front parking lot of the station from the secured area accessible only to employees of the Sparks Police Department. Sgt. Wilson immediately took cover behind a tree and alerted dispatch of the situation.

Just prior to Sgt. Wilson exiting the building, SPD Sergeant Nick Pagni (hereinafter Sgt. Pagni) was arriving at work for the beginning of his shift. Upon pulling up to the building Sgt. Pagni heard what he believed to be a gunshot coming from the area near the front parking lot of the station. Sgt. Pagni drove his personal vehicle to that area to investigate the source of the gunshot. Seeing nothing, Sgt. Pagni entered the secured area of the parking lot and began walking toward the station. At that time, Sgt. Pagni observed Sgt. Wilson taking cover behind a tree and communicating with Thorpe.

¹ During the ensuing investigation law enforcement took measures to positively identify Mr. Thorpe. These included examination of his body for any unique physical descriptors such as scars, marks, or tattoos which is standard in any investigation. This revealed a tattoo across the entirety of Mr. Thorpe's buttocks which read "FUCK COPS."

Due to the nature of the situation the SPD Special Weapons and Tactics Team (hereinafter "SWAT") was called in addition to the SPD Hostage Negotiations Team (hereinafter "HNT"). Members of the SWAT team relieved other patrol officers who had initially responded and set up a perimeter on both sides of the iron fence described above. Due to Thorpe being armed with a gun and next to the police station, civilian employees were evacuated for their safety.

From the moment of his initial contact, Sgt. Wilson immediately began to speak with Thorpe and attempt to de-escalate the situation. Specifically, Sgt. Wilson made repeated requests for Thorpe to drop his weapon and move away from it so officers could assist him. These efforts continued for over two hours while members of SWAT maintained a perimeter around the scene.

While efforts to obtain Thorpe's compliance continued, video surveillance cameras mounted on the police station were reviewed. Thorpe was seen discharging a gun into the air just prior to Sgt. Wilson exiting the building and contacting him.² This information was relayed to officers on scene via radio establishing that probable cause existed for Thorpe's arrest on the charges of Resisting, Delaying, or Obstructing a Public Officer With Use of a Deadly Weapon, a felony, and Discharging a Firearm in Public, a misdemeanor.

For over two hours, Sgt. Wilson spoke to Thorpe, making repeated commands and requests for Thorpe to drop his weapon and move away from the gun so that he could be assisted. Throughout most of the encounter, Thorpe maintained possession of the gun and would not comply with Sgt. Wilson's commands. At one point,

² It was determined that this was the noise reported by Sgt. Pagni upon his arrival for his shift.

Thorpe placed his pistol on the ground near his feet but refused to move away from the weapon.

At 5:07am, Thorpe suddenly picked up the gun from the ground, aimed it in the direction of the police station, and fired a round in the direction of the building. Thorpe then ran directly at officers stationed by the front parking lot of the building while still armed with the pistol. Believing that Thorpe posed an imminent threat of death or serious bodily injury to themselves or others, seven officers fired their service weapons, striking Thorpe multiple times and causing him to fall to the ground. The entire event was captured on video surveillance cameras mounted on the side of the police station. Medical aid was rendered by multiple officers following the shooting, but Thorpe was pronounced deceased at the scene.

Consistent with the regionally adopted Officer Involved Shooting (hereinafter "OIS") Protocol, the Reno Police Department (hereinafter "RPD") led the investigation into the shooting of Thorpe. Secondary investigative support was provided by the Washoe County Sheriff's Office (hereinafter "WCSO") and forensic services were provided by the Washoe County Crime Laboratory (hereinafter "WCCL"). The investigation included witness interviews, examination of physical evidence located on scene, review of video surveillance footage from multiple locations in addition to body-worn camera footage, and forensic examination of evidence.

All investigation reports, photographs, documents, video footage, forensic reports, witness statements, and recorded interviews were submitted to the Washoe County District Attorney's Office September 26, 2023, for a determination of whether the shooting of Thorpe was legally justified. No criminal charges were recommended by the RPD for the officers

involved in the shooting. The District Attorney's evaluation included the review of hundreds of pages of police reports and documents which included interviews of police and civilian witnesses. It further included the review of photographs, diagrams, and video footage.

Based on the available evidence and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Jason Thorpe by Sparks Police Department Officers and Detectives Jose Zendejas, Vern Taylor, Nathan Janning, John Parisi, Brandon Doren, Jacob Tavcar, and Robert Canterbury was justified and not a criminal act.

I. STATEMENT OF FACTS³

A. Witness Officer Accounts

1. Sparks Police Department Sergeant Ed Wilson

Sgt. Wilson provided a written report regarding the event and was equipped with a body-camera which also recorded the interaction.

At 2:59am on October 18, 2022, Sgt. Wilson was finishing his shift. He exited the station doors which lead to a secured parking area. At that time, he was still wearing his patrol uniform which contained numerous pieces of insignia conveying his status as a police officer.

As he exited the building Sgt. Wilson heard a noise emanating from his right side. He illuminated the area with the light on his handgun. On the other side of a wrought iron fence which separated the secured parking area from the public area of the police station, Sgt. Wilson observed a White or Hispanic male holding a handgun in his right hand down at his side. Sgt. Wilson took cover behind a tree and began giving the subject verbal commands.

Sgt. Wilson immediately advised dispatch that he was out on an armed subject in the parking lot. He began negotiating with the subject, continuously identifying himself as a police officer. The subject told him his name was "Jason" and Sgt. Wilson referred to him by that name for the remainder of the encounter. Shortly after making initial contact with the subject, Sgt. Wilson was joined by Sgt. Nick Pagni. Sgt. Pagni informed Sgt. Wilson that he had heard a gunshot as he was arriving at the station for the start of his shift. Sgt. Wilson

³ The Statement of Facts is synopsised from recorded witness interviews, photographs, police reports, and forensic reports.

continued to communicate with the subject while Sgt. Pagni handled radio communications.

Sgt. Wilson was only able to ascertain that the subject wanted help and something to drink. Repeatedly, Sgt. Wilson implored Thorpe to relinquish the firearm but that request was refused, with Thorpe indicating that he was scared. After approximately an hour of building rapport, offering support, and reassuring Thorpe that the police could help so long as he distanced himself from his weapon, Thorpe dropped the gun and put his hands up. Sgt. Wilson then tried to get Thorpe to move far enough away from the gun to ensure the safety of all involved. Thorpe refused to move away, however, and the gun remained within his reach.

Sgt. Pagni had activated SWAT and team members were beginning to arrive and get into position. The armored SWAT vehicle - known as the "Bearcat" - was moved up close to Sgt. Wilson's position to provide lighting and cover. Sgt. Wilson indicated that this had an adverse effect on his ability to hear Thorpe and so he elected to remain at the tree behind where he had initially taken cover. This was done for him to more effectively communicate with Thorpe to gain his compliance. Sgt. Wilson again continued to try and get Thorpe to move away from the gun. However, Thorpe still refused.

These efforts continued for an additional forty-five (45) minutes. At that time, Thorpe moved about three yards forward of the gun, however it remained within his immediate reach. Sgt. Wilson was advised that SWAT was unable to get closer due to the landscaping and Thorpe's proximity to the gun. Sgt. Wilson continued to try and get Thorpe to move away from the gun but he refused and would not acknowledge his questions or commands.

Sgt. Wilson then moved to the driver's side of the Bearcat where he could better see Thorpe and utilize the vehicle's PA system to continue to implore Thorpe to move away from the gun. From this position, Sgt. Wilson could only see Thorpe if he stood on the rails of the vehicle due to Thorpe's position. Sgt. Wilson continued in his efforts to communicate with Thorpe but there was no reciprocation or acknowledgment.

Approximately five (5) to (10) minutes after he began using the PA system, Sgt. Wilson saw Thorpe shuffle backwards, deeper into the corner where the wrought iron fence met a concrete wall near the base of the police station. Sgt. Wilson could not see Thorpe; however, he indicated other officers expressed that Thorpe had moved back towards the area where he had previously dropped the handgun.

Moments later, Sgt. Wilson saw Thorpe as he "jumped up, grabbed the gun, fired a shot, and began to run westbound towards the officers in the front parking lot." Sgt. Wilson then heard a volley of gunfire and another officer indicated that the subject was down. Sgt. Wilson was uninjured during the event.

2. Sparks Police Department Sergeant Nick Pagni

On October 18, 2022, at approximately 2:50am, Sgt. Nick Pagni was driving southbound on Lillard Drive to report for his shift. Sgt. Pagni heard what he believed to be a gunshot coming from the area of the Sparks Police Department parking lot. He drove his personal vehicle through the parking lot checking for any obvious signs of the sound. Finding nothing, Sgt. Pagni entered the department through the secured gate on the south side of the building.

As he approached the station to enter, Sgt. Pagni saw Sgt. Wilson standing behind a tree near the police department with his gun drawn. As he moved closer toward Sgt. Wilson, Sgt. Pagni saw that he was talking with a subject on the other side of a wrought iron fence. Sgt. Pagni indicated that he could see the subject was armed with a handgun, possessing the weapon in his hand. Sgt. Pagni then informed Sgt. Wilson that he had heard a gunshot as he was arriving for his shift. Sgt. Pagni moved to a position of cover behind a rock as Sgt. Wilson communicated with the subject.

Sgt. Pagni took responsibility for directing the responding units as they arrived on scene. During this time, Sgt. Pagni overheard the subject tell Sgt. Wilson that he had come to the station the previous night "looking for officers."

Sgt. Pagni continued to coordinate the response. He requested REMSA, additional patrol resources, ordered an evacuation of the records sections, and had the Bearcat brought up to their position. At 03:36am, he requested dispatch send a SWAT page to initiate a call-out. Based on the information to that point, Sgt. Pagni determined that probable cause existed to arrest the subject for discharging a firearm in or upon a public street as well as resisting a public officer with a firearm.

Toward the end of the event Sgt. Pagni was working on a plan for the possible deployment of non-lethal gas at the rear of the Bearcat. From this position he heard a single gunshot followed by a series of gunshots. Sgt. Pagni was uninjured in the event.

3. Sparks Police Department Officer Vincent Armlin

Officer Vincent Armlin (hereinafter "Officer Armlin") was assigned to the patrol division and was a member of the SWAT

team on October 18, 2022. Officer Armlin was off duty at the beginning of the event but responded to the station after receiving notification that SWAT was needed.

When Officer Armlin arrived at the station, he was assigned to the arrest team. He then relieved patrol officers who were positioned in the public parking lot of the Sparks Police Department.

Officer Armlin indicated that he heard a single gunshot followed by additional shots shortly thereafter. Officer Armlin was part of a team that contacted Thorpe after the shots ended. Upon his approach, Officer Armlin indicated that he located a handgun lying on the ground approximately one (1) to three (3) feet away from Thorpe.

4. Sparks Police Department Officer Alex Allen

Officer Alex Allen (herein after "Officer Allen") was assigned to the patrol division of the Sparks Police Department and served as a member of the SWAT team at the time of this event. He was off duty when the incident began but responded to the station after receiving notification that SWAT was being mobilized.

Officer Allen indicated that upon his arrival he was assigned to the arrest team and directed to relieve patrol officers who were positioned in the public parking lot.

At approximately 5:07am, Officer Allen indicated that he heard a loud "cracking" sound in front of him. He believed this to be a gunshot. He then observed the subject running toward the arrest team and saw that he had a black object in his right hand near the center of his body by his waistline. Officer Allen then heard other officers engage the subject with gunfire

and saw the subject - later identified as Thorpe - fall to the ground.

5. Sparks Police Department Detective Britt Brown

Detective Britt Brown (hereinafter "Officer Brown") was assigned to the Sparks Police Department Detective Division and was also a member of the SWAT team on the date of this event. He was off duty at the beginning of the event but responded to the station after receiving notice of a SWAT call out.

After arriving, Detective Brown was directed to a position in the secured parking area of the station. Detective Brown was to maintain lethal cover on Thorpe. He utilized the bed of a police truck to hold Thorpe at gunpoint. From this position, he described Thorpe as being to his north, and was close enough to see Thorpe as well as hear Sgt. Wilson's verbal commands.

As Thorpe changed position, Detective Brown would move - taking up another position at the driver's side door of Officer Parisi's vehicle. From here, Detective Brown indicated that he observed Thorpe push himself up off the ground to a standing position with his back away from him. Detective Brown then heard a muffled "pop" and saw Thorpe begin to run westbound towards the arrest team.

Detective Brown observed officers engage Thorpe with gunfire and saw him fall to the ground. Detective Brown could "clearly and vividly" see a handgun in Thorpe's hand as he fell. Detective Brown maintained cover on Thorpe as the arrest team moved up and made contact.

6. Sparks Police Department Officer Dan Haas

Officer Dan Haas (hereinafter "Officer Haas") was assigned to the Sparks Police Department Patrol Division and was on duty at the time of the event. Officer Haas was at the station in

the records department when he heard Sgt. Wilson's announcements over the radio.

Officer Haas went outside of the station and took a position behind cover. Once other officers arrived in backup, Officer Haas moved to a position next to the building. From this vantage point he could see Thorpe. Officer Haas observed that Thorpe had a firearm in his possession. Upon the arrival of SWAT, Officer Haas was directed to fall back to the north side of the parking lot.

7. Sparks Police Department - Hostage Negotiation Team Members Detective Arik Sitton and Sergeant Zach May

Detective Arik Sitton (hereinafter "Detective Sitton") and Sergeant Zach May (hereinafter "Sgt. May") also responded to the call related to Thorpe being armed outside of the Sparks Police Department. At the time of the event Detective Sitton was assigned within the Detective Division and was also a member of the HNT supervised by Sgt. May. Detective Sitton was off duty at the time of the incident and responded after receiving a SWAT call out. When he arrived at the station, he met with Sgt. Pagni at the Bearcat located near Thorpe and Sgt. Wilson. He remained at that location for the entirety of the event. Detective Sitton never conversed with Thorpe but helped Sgt. Wilson when needed.

Sgt. May was present as well during the event. According to Sgt. May, officers were unable to get more information on the armed subject beyond his first name of "Jason." This frustrated their efforts to make more personalized contact with him during the approximate two (2) hours of negotiation. Sgt. May observed Thorpe reach for something on the ground. This prompted Sgt. May to lean into the Bearcat to pass this information along to Sgt. Wilson and Officer Brandon Doren (hereinafter "Officer

Doren") who were positioned at a different location in the vehicle. Sgt. May then heard one single loud pop which he stated was consistent with a firearm being discharged. This was followed by several gunshots in quick succession.

8. K.D.

On October 19, 2022, detectives contacted K.D. and confirmed that her son was Thorpe. During the interview, K.D. was asked if she was aware of anything going on in Thorpe's life which may have contributed to his actions. She stated that she was not, but mentioned that her son had begun using heroin around Christmas of the previous year. K.D. indicated that her son had never been diagnosed with any mental illness. She further indicated that Thorpe had previously mentioned hallucinating when he was under the influence of drugs but did not elaborate further on the topic.

B. Accounts of Involved Shooting Officers

1. Sparks Police Department Detective Nathan Janning

Detective Nathan Janning (hereinafter "Detective Janning") was interviewed on the day of the shooting by detectives with the Reno Police Department and the Washoe County Sheriff's Office. At the time of the event, Detective Janning was assigned to the Regional Narcotics Unit and was also a member of the SWAT team. He was home sleeping when the event began and responded to the station after receiving a SWAT call-out informing him that a man was armed with gun at the Sparks Police Department.

Detective Janning altered his route upon approach to the station due to concerns related to the subject armed with a gun being on premises. This included equipping body armor prior to his arrival and taking an alternate route upon his arrival to the station. After exiting his vehicle, he assumed the role of SWAT Team Leader. He led a group of SWAT team operators to the

front parking lot where they relieved patrol officers who had been stationed at that location.⁴ Detective Janning indicated that he took this position to establish a perimeter to prevent Thorpe from escaping into the community and neighborhood located nearby. From this vantage point, Detective Janning could see the subject amongst the shrubbery behind a large landscaping rock. He also indicated that he could hear negotiators communicating with the subject both with, and without, the loudspeaker which was located on the Bearcat.

While he and his partners were in their positions Detective Janning heard over the police radio that probable cause existed to arrest the subject for having discharged a firearm in a public area.

Over the course of the event, it was determined an effort should be made to deploy a robot that SWAT possessed with an affixed camera that would allow SWAT to better see Thorpe's actions. While preparations were being made to deploy the robot, Detective Janning heard yelling coming from the direction of Thorpe and the Bearcat. He then described seeing Thorpe as he "charged towards us." Detective Janning described distinctly seeing a muzzle flash and thought Thorpe was shooting at him, or other officers, which caused him concerns for his safety, the safety of the other officers with him, the safety of the patrol officers which he had earlier relieved, and the safety of the nearby community. Detective Janning then fired his AR-15 SWAT rifle at the subject several times. During his interview Detective Janning stated that he felt that he had no other option than to fire his weapon. Detective Janning believed he

⁴Detective Janning indicated that the patrol officers relocated to a position to the north to establish an additional perimeter between Thorpe and a neighborhood.

fired his rifle three (3) to six (6) times but was not sure of the exact number.

Once Thorpe was down, Detective Janning maintained cover while a plan was formed to contact the subject. Detective Janning was a part of the contact team that approached Thorpe as he was on the ground, observing a semi-automatic handgun on the ground near Thorpe's body. Thorpe was restrained with handcuffs and the team began to render medical aid by applying tourniquets to Thorpe's legs. Shortly after this Detective Janning was relieved from his assignment and waited for the officer involved shooting investigation to begin.

2. Sparks Police Department Officer John Parisi

Officer John Parisi (hereinafter "Officer Parisi") was interviewed on the day of the shooting by detectives with the Reno Police Department and the Washoe County Sheriff's Office. At the time of the event, Officer Parisi was assigned to the patrol division. He was on duty and on a lunch break at the Sparks Police Department when he overheard Sgt. Wilson's radio traffic advising he was out on an armed subject in front of the station. After initially going to the front of the building, Officer Parisi went back inside and then came out the south doors and positioned himself in the area near Sgt. Wilson and Sgt. Pagni. Officer Parisi indicated that he could see a black handgun in Thorpe's hand while Sgt. Wilson issued commands to drop the weapon and expressed that officers wanted to help.

He heard Sgt. Pagni advise over the radio that the subject had fired the gun into the air prior to being contacted by Sgt. Wilson, and he believed that this was corroborated by video surveillance. Officer Parisi indicated that he also heard over the radio that probable cause existed for Thorpe's arrest for discharging a firearm and obstruction with a deadly weapon.

During the event Officer Parisi was directed to retrieve an armored SWAT vehicle, the Bearcat, by Sgt. Pagni. Officer Parisi drove the armored vehicle to the northernmost parking spot with the vehicle pointed towards Thorpe. He then turned on the overhead lights and took cover in the door frame.

From this position Officer Parisi could hear Sgt. Wilson talking with the subject, repeatedly telling Thorpe that they wanted to help. He saw the subject "underhand toss" the firearm towards a bush that was a few yards from his position and then put his hands up and sit down in the corner where the wrought iron fence connected to a concrete wall. Officer Parisi went to his patrol vehicle and positioned it to provide better lighting on Thorpe.

Officer Parisi was instructed to get a 40mm which is a less-lethal munition which fires a sponge round. While he was holding the 40mm, the subject moved towards a bush where Officer Parisi knew the gun was discarded and heard rustling like the subject was digging in the bush. He then saw Thorpe stand up and start sprinting followed by hearing a gunshot. Officer Parisi thought the subject shot at him or other officers nearby on the SWAT team. This caused Officer Parisi to discard the 40mm and draw his pistol, firing what he believed to be three (3) to five (5) rounds. He then checked on nearby officers and maintained his position while other officers contacted Thorpe.

When discussing the event Officer Parisi said, "I thought he was shooting at us," and expressed that he was fearful for his life and his partner's lives.

3. Sparks Police Department Detective Jose Zendejas

Detective Jose Zendejas (hereinafter "Detective Zendejas") was interviewed on the day of the shooting by detectives with the Reno Police Department and the Washoe County Sheriff's Office. At the time of the event, Detective Zendejas was

assigned to the Detective Division of the Sparks Police Department and was also a member of the SWAT team. Detective Zendejas was alerted via text message to the presence of a person at the Sparks Police Department with a gun. He responded to the station after receiving a second message requesting that SWAT be called out. As Detective Zendejas was transitioning from light armor to heavy armor, information was provided to him that the subject had discharged a firearm prior to SWAT being called to assist. Detective Zendejas stated that he was concerned for the safety of not only the offices but also the civilian staff inside the building, and the public as the station is located near a residential neighborhood. Detective Zendejas indicated that the Sparks Police Department is constantly staffed, and that he was aware of nearby commercial buildings which are open and/or operating at all hours of the day contributing to what he described as "constant traffic" in that general area.

Upon his arrival, Detective Zendejas initially took up a position on the passenger side of the southernmost patrol vehicle; he then moved to the concrete pillar of a light pole to the south. From this position he could see Thorpe through the sites on his rifle. He could also hear whom he believed was Sgt. Wilson talking to the subject and encouraging him.

After a while, he was directed by his team leader to move to the north side of the northernmost vehicle. From this position he was not able to see the subject as well as he could from the previous position. Suddenly he observed a "fast movement" from Thorpe which he described seeing Thorpe move to the back corner behind a bush. Within a few seconds there was a "distinct like gunshot coming from that area where he's at" and Detective Zendejas held his position where he had last seen the subject. Detective Zendejas then described seeing Thorpe come

through or around the bush "charging" towards him. He described Thorpe's hands as not moving consistently with the normal arm movements of someone sprinting, but that Thorpe was not looking back, and "full on like sprinting towards us." Detective Zendejas indicated that he believed he fired his rifle two (2) to three (3) times and the subject went down to the ground. Detective Zendejas covered Thorpe while a contact team was organized and then watched as they contacted him.

Detective Zendejas was asked if he ever observed a gun in the subject's hand and he said, "No." He was asked, based on the information he received, if he believed that the subject was armed and he said, "Yes." Detective Zendejas mentioned that only a few seconds had elapsed between Thorpe moving to the corner and hearing the gunshot, and that the gunshot came from the area where Thorpe was located. Detective Zendejas indicated that during normal SWAT operations they will be forewarned of an impending loud noise, such as the deployment of a piece of equipment, to prevent a reaction from SWAT operators. In this instance, Detective Zendejas indicated that there was no communication to the team that an operator would be deploying something that would cause a loud noise.

After the gunshot Detective Zendejas stated he heard what sounded like "return fire." He indicated that he knew this fire was from one of SWAT's weapons as they were equipped with suppressors, which provide a different sound from the initial gunshot.

Detective Zendejas said the moment felt like it "lasted forever, but everything happened really quick." He said the subject "bursts" through or around the bush towards them. He said "so at that time, I'm like, he is gonna shoot at us because he's like already, like, we heard the shot, we heard the return fire, now he's hauling ass like towards us and like I said he's

not looking back. He's like full on, like I can't tell you I saw his eyes because I didn't, but he's not looking back. He's like fully bringing it to us. And that's when obviously I fired."

During his interview, Detective Zendejas stated that he thought the subject was going to shoot him or one of his partners as he had just fired a round and was charging at them. Detective Zendejas was also concerned about the safety of patrol officers that were positioned to the north, near the front of the building, as they could not see the movements of the subject. Detective Zendejas stated, "So there's a just a number of, of like situations that coulda came outta this and so at one point, you know, for me it was like well either he shoots us or we shoot him. I knew that he had shot. There's like no question about it that he had just shot and then, you know, return fire. Whoever return fire, obviously that didn't discourage him cause he's still charging at us."

When asked what he thought would have happened if he did not fire his rifle Detective Zendejas said, "One of us would have gotten shot."

4. Sparks Police Department Detective Vern Taylor

Detective Vern Taylor (hereinafter "Detective Taylor") was interviewed on the day of the shooting by detectives with the Reno Police Department and the Washoe County Sheriff's Office. At the time of the event, Detective Taylor was assigned to the Detective Division of the Sparks Police Department and was also a member of the SWAT team. Detective Taylor was at his home sleeping when he was awoken and informed via text message to all sworn SPD personnel that a subject was armed with a gun at the station and to enter via the south entrance. Detective Taylor then received an additional message that SWAT was being

assembled due to an armed subject with a gun at the police station.

Upon arrival at the Sparks Police Department, Detective Taylor was directed to report to the Bearcat for sniper duties. Detective Taylor was later redirected to the west and took up a position in the secured parking lot.

Here, Detective Taylor could hear Sgt. Wilson communicating with the subject who was minimally complying with the verbal commands. Detective Taylor stated that he heard over the radio that probable cause existed to arrest the subject for obstructing with a firearm and discharging a firearm in public. Additionally, Detective Taylor was informed that the subject fired a gun prior to SWAT's arrival.

Detective Taylor indicated that Sgt. Wilson continued to talk with the subject, telling the subject that he was doing a great job, offering medical assistance, and repeating that the officers were going to help him while simultaneously giving praise when Thorpe would comply with a request. He described Thorpe as being seemingly "receptive" to the negotiations, however the subject continued to claim his legs were cramped despite his continuing to make "sudden movements." Detective Taylor recalled Thorpe making eye contact with him while he was sitting and said something like "help me," or "I need help," but the tone of his voice concerned Detective Taylor as it sounded "sarcastic" and "odd," describing the subject's voice as "monotone."

Shortly after that portion of the encounter, Detective Taylor stated that Thorpe stood up and began running towards the arrest team's location. As the subject ran, Detective Taylor saw his arm raise and a muzzle flash. Detective Taylor indicated that this caused him to experience a moment of fear and adrenaline before realizing that he needed to "address

this." Detective Taylor indicated that Thorpe ran approximately ten to fifteen yards. Detective Taylor fired his rifle at the subject approximately three times with the subject falling behind a rock. Detective Taylor expressed feeling relief at not seeing the subject emerge from behind a rock as, in addition to the arrest team being directly in front of where Thorpe was running, patrol officers were located just beyond his position who likely had no idea that he had begun running toward their general direction.

Detective Taylor said that when he saw the muzzle flash and the subject running toward officers, he thought the subject was possibly firing at him, and he felt he had no other option than to resort to the use of his weapon stating, "I had no other choice at that point," and that he believed Thorpe's intentions were "to kill somebody." Repeatedly, Detective Taylor expressed his concern for his fellow officers, indicating that if Thorpe had continued to run beyond the corner of the retaining wall, he would encounter patrol officers located near the front entrance of the building who could not see that he was running and who did not have their weapons drawn.

After the shooting Detective Taylor remained in his position, covering Thorpe until the arrest team made contact.

5. Sparks Police Department Officer Robert Canterbury

Officer Robert Canterbury (hereinafter "Officer Canterbury") was interviewed on the day of the shooting by detectives with the Reno Police Department and the Washoe County Sheriff's Office. At the time of the event, Officer Canterbury was assigned to the Patrol Division of the Sparks Police Department and was also a member of the SWAT team. He was on duty at the time and became aware of the incident when he heard via radio that Sgt. Pagni had a subject at gunpoint who was also armed with a gun and located in the parking lot. Officer

Canterbury responded to the station as fast as he could, stating, "It was especially concerning hearing that they were from what I heard at the police department with a gun or inside our um, from what I believed, inside our parking lot. The only reason I can think of somebody who shows up to the police department with a gun or goes into a police department protected area with a gun is to kill police officers or harm those working at the police department."

Upon his arrival, he parked south of the parking lot and approached on foot armed with a rifle. Officer Canterbury took up a position at the patrol vehicles in the public parking lot. Officer Canterbury recalled hearing over the radio that Sgt. Pagni heard a gunshot as he was arriving at work.

Officer Canterbury stated that the situation had escalated to the point of becoming a SWAT call out. At that moment, he stated that he was relieved from his position and put on his SWAT gear which was in his patrol car. He then returned to his original position in the same public parking lot. From this position he could occasionally see Thorpe moving around a bush. Officer Canterbury had indicated that the Sparks Police Department Dispatch and Records Division was staffed twenty-four-seven and that the Records Division was closest to where Thorpe was located. Officer Canterbury noted those employees were at risk prior to Sgt. Pagni requesting their evacuation.

Officer Canterbury recalled hearing over the radio that probable cause existed to arrest Thorpe for discharging a firearm and obstructing with a firearm which was why an arrest plan was formulated. Based on radio communications, Officer Canterbury understood Thorpe to be either maintaining physical possession of a firearm, or never moving very far away from the weapon.

As tactical plans were being made, Officer Canterbury saw Thorpe move quickly and heard a gunshot from that area. He did not know where the subject was aiming, and Officer Canterbury responded by taking cover in a patrol vehicle. On hearing the gunshot, he stated he was, "In fear for our safety," and thought Thorpe may have been shooting at him or his partners. Officer Canterbury stated that split seconds later, he saw Thorpe "sprinting or running" in his direction and recalled seeing the subject's hand "clenched" and "possibly holding something." Based on his observations to that point, Officer Canterbury believed Thorpe was in possession of a firearm and had fired the weapon, producing the gunshot sound he heard moments before seeing Thorpe running towards him while clenching something in his hands. Fearing for his safety, and the safety of his partners, Officer Canterbury stated that he raised his rifle and fired one round at the subject as he was "charging." He stated that he believed it was a "life or death situation and it was either gonna be me shot, my partner shot or it's gonna be him shot."

In addition to firing one round, Officer Canterbury heard other officers firing their weapons until Thorpe went down. He believed if he didn't fire his weapon when he did, the suspect would have been able to continue to close the distance between them, which would have made the suspect's shots "more accurate." Additionally, Officer Canterbury noted his concern for not only his safety and the safety of nearby officers, but the community as well. "[...] he raised up and since he'd already fired twice um, and it was unknown if he had fired at us on the line or at my partners or in some other direction, but in any way he was shooting and whether it was at us or if he's blindly shooting there's houses to the south, there's people in the buildings, we've got businesses everywhere, he's shooting rounds that could

go into any of those and hurt anybody so as he's approaching he's getting closer, it's um, he could raise it up any time, shoot us, shoot my partners or anybody else."

Officer Canterbury was a part of the team that contacted the subject. While searching Thorpe, he located a sheathed knife on the subject's belt. Officer Canterbury also observed Thorpe bleeding from the leg and applied a tourniquet to stop the bleeding. As he was doing this, Officer Canterbury heard one of the medics indicate that Thorpe was deceased.

6. Sparks Police Department Officer Brandon Doren

Officer Doren was interviewed on the day of the shooting by detectives with the Reno Police Department and the Washoe County Sheriff's Office. At the time of the event, Officer Doren was assigned to the Sparks Police Department Patrol Division and is a member of the SWAT Team. He was at home sleeping when the incident began and responded after receiving a SWAT callout. Officer Doren was informed by dispatch to enter the station through an alternate entrance, as an armed subject was located on the south side of the police station.

Upon his arrival, Officer Doren met with other SWAT Operators at the armored SWAT vehicle. His assignment was to relieve other officers who were not affiliated with the SWAT team. Officer Parisi pointed out Thorpe's location to Officer Doren and explained that a handgun was located on the ground within Thorpe's immediate custody. Officer Doren noted that Thorpe was located by a metal fence on the south side of the building. Officer Doren indicated that he was also advised that Thorpe had discharged a handgun earlier, and that probable cause existed for the offenses of discharging a firearm and obstructing with a deadly weapon.

Officer Doren took a position in the Bearcat and could see Thorpe through his rifle sights. From this location, Officer

Doren could hear Sgt. Wilson communicating with the subject and giving him verbal commands. Officer Doren saw Thorpe put his hands up and did not see a handgun in his possession at that time. Officer Doren stated that he then saw the subject lunge forward towards a bush and could hear Thorpe rustling through the bush, crunching leaves and other items on the ground. Officer Doren then described seeing Thorpe move very quickly in a westbound direction towards other officers. Officer Doren indicated that he heard Thorpe scream something but could not make out what was said. He then described seeing Thorpe move his arm across his body before seeing a muzzle flash from a firearm, and saw that Thorpe had an object in his hand. Officer Doren fired one round and then one to two more when the subject continued to advance. He remained in the turret as other officers announced, "Shots fired." Officer Doren remained in the Bearcat while other SWAT operators contacted Thorpe.

With respect to the muzzle flash, Officer Doren indicated that he thought Thorpe was shooting in the direction of Officer Parisi, Detective Taylor, and Detective Brown. When asked what he was thinking at the time, Officer Doren stated, "So as I'm thinking about this I'm uh, obviously I just saw the muzzle blast of a firearm, he just discharged towards my partners or to the south of 'em, he's running directly towards my partners to the west with a firearm, putting their lives in danger. I'm thinking that if he gets past where we're at, he's putting the public's life in danger. I'm also concerned cause he knows that we're, at any point he try running it's gonna put my own life in danger. So, I was in fearful for all three of our lives or all three of those situations."

7. Sparks Police Department Officer Jacob Tavcar

Officer Jacob Tavcar (hereinafter "Officer Tavcar") was interviewed on the day of the shooting by detectives with the

Reno Police Department and the Washoe County Sheriff's Office. At the time of the event, Officer Tavcar was assigned to the Sparks Police Department Patrol Division and is a member of the SWAT Team. He was at home sleeping when the incident began and responded after receiving a SWAT callout. Officer Tavcar indicated that dispatch had informed him there was a subject with a gun at the Sparks Police Department.

Upon arrival at the Sparks Police Department, Officer Tavcar donned his SWAT equipment and took up position at the Bearcat. As the incident progressed, he assisted another officer in retrieving the SWAT robot in order to obtain a better visual on Thorpe. He then replaced Officer Wisneski in the parking lot in front of the station.

While watching the area he saw the subject move quickly behind the bushes. Suddenly, Officer Tavcar watched as Thorpe "springs up" and began to sprint in their direction. He saw Thorpe "present a handgun" and then swing it up towards the building. Officer Tavcar stated, "As he's sprinting at us, I don't remember exactly in what hand it was, I see him present a handgun and he swings it up towards the building, which is occupied by dispatchers, records staff, other patrol officers who are normally working patrol [...]." Officer Tavcar then saw Thorpe discharge the firearm. Officer Tavcar was unsure how many times it was discharged but it seemed to him to be more than once. Officer Tavcar stated that Thorpe "clearly" fired towards the building but there were also officers on the northernmost side of the parking lot near the front entrance doors of the police department.

He stated that he believed Thorpe was a "clear and present threat to other officers, the public, myself [...]." Officer Tavcar then disengaged the safety on his rifle and fired it at Thorpe. Officer Tavcar could not recall exactly how many times

he fired his rifle but estimated it was more than once but less than ten times. At the time, Officer Tavcar explained that he was in "extreme fear that [Thorpe's] going to shoot and kill another police officer, he's going to shoot and kill any individual that's in the occupied structure, potentially shoot and kill me, escape into the public and shoot and kill a civilian."

After Thorpe fell to the ground, Officer Tavcar continued to cover him with his rifle. He was then assigned to be a part of the contact team as the "hands-on" officer. Once the team moved up, Officer Tavcar placed Thorpe into handcuffs. He recalled that as they approached Thorpe a black handgun was on the ground behind the subject.

C. Countdown of Involved Officer's Weapons

At 7:45am on the day of the event, detectives from the Reno Police Department and the Washoe County Sheriff's Office were assigned to conduct a round count of the weapons used during the shooting. They were assisted by representatives from the Forensic Investigative Division of the Washoe County Sheriff's Office.

1. Detective Janning

Detective Janning was determined to have only fired his rifle and not his handgun. His rifle was loaded with one (1) chambered Speer .223 FMJ with twenty-three (23) Speer .223 FMJ rounds in the magazine (pmag30) totaling (24). The examination of Detective Janning's rifle indicates that six (6) bullets were fired.

2. Officer Parisi

Officer Parisi was determined to have only fired his handgun. His handgun was chambered with one (1) FC 9mm Luger with fourteen (14) FC 9mm Luger rounds in the magazine totaling

(15). The examination of Officer Parisi's firearm indicates that three (3) bullets were fired.

3. Detective Zendejas

Detective Zendejas only fired his rifle and not his handgun. His rifle was loaded with one (1) chambered Speer .223 FMJ with twenty-five (25) Speer .223 FMJ rounds in the magazine (pmag30) totaling (26). The examination of Detective Zendejas' rifle indicates that four (4) bullets were fired.

4. Detective Taylor

Detective Taylor only fired his rifle and not his handgun. His rifle was loaded with one (1) chambered Speer .223 FMJ with twenty-four (24) Speer .223 FMJ rounds in the magazine (pmag30) totaling (25). The examination of Detective Taylor's rifle indicates that three (3) bullets were fired.

5. Officer Canterbury

Officer Canterbury only fired his rifle and not his handgun. His rifle was loaded with one (1) chambered Speer .223 Full Metal Jacket (FMJ) with twenty-eight (28) Speer .223 FMJ rounds in the magazine (pmag30) totaling (29). The examination of Officer Canterbury's rifle indicates that one (1) bullet was fired.

6. Officer Doren

Officer Doren only fired his rifle and not his handgun. His rifle was loaded with one (1) chambered Speer .223 FMJ with twenty-seven (27) Speer .223 FMJ rounds in the magazine (pmag30) totaling (28). The examination of Officer Doren's rifle indicates that (2) bullets were fired.

7. Officer Tavcar

Officer Tavcar only fired his rifle and not his handgun. His rifle was loaded with one (1) chambered Speer .223 FMJ with twenty-three (23) Speer .223 FMJ rounds in the magazine (pmag30)

totaling (24). The examination of Officer Tavcar rifle indicates six (6) bullets were fired.

II. OTHER EVIDENCE

A. Shooting Scene

The Sparks Police Department is located at 1701 East Prater Way on the corner of East Prater and Lillard Drive. The public parking lot is accessed from Lillard Drive. A secured parking lot for employees and department vehicles is also accessible from Lillard Drive, slightly further south from the entrance to the public lot. This secured lot is enclosed by iron fencing which terminates into the building to the south of the public entrance.



(Public entrance to parking lot on left with secured entrance on right)

Throughout much of the event, Thorpe took a position in the corner where the iron fence connects to a concrete retaining wall. Just beyond this intersection is an employee door which provides access to and from the secured parking lot to the police department. This area is landscaped with multiple trees, bushes, and decorative boulders.



(Police Department on left with view of corner and employee door behind iron fence)

The area was searched by detectives from the Reno Police Department and Washoe County Sheriff's Office. The following items of note were located.

Investigators located a single black handgun close to the concrete wall and an adjacent bush near Thorpe. The firearm was identified to be a Smith & Wesson M&P Shield 9mm caliber semiautomatic handgun. The handgun was observed to have a red colored trigger, magazine release, and extended magazine floor plate. Upon inspection, it was revealed that the gun had malfunctioned after last being fired by Thorpe, suffering a jam which prohibited the gun from being able to continue to fire. Detective Jeff Boyd from the Reno Police Department was asked to render the firearm safe, at which time he released the magazine and utilized a pocket-knife to dislodge the 9mm JAG brand cartridge from the chamber. The magazine was unloaded and determined to have contained six (6) 9mm Hornady cartridges and

five (5) JAG brand cartridges, which equals twelve (12) 9mm cartridges loaded in the firearm at the time of the incident.



(Handgun recovered near Thorpe's final position)



(photograph of jammed round)

In the same area, investigators located belongings attributed to Thorpe, such as a sandal and a key fob belonging to a vehicle which was later associated to Thorpe and parked a quarter mile from the station. Within close proximity to the sandal, investigators found a single 9mm Hornady brand fired cartridge casing. This is the same caliber and brand as the casings found in Thorpe's weapon.



(Single 9mm Hornady brand fired cartridge casing)

Investigators also searched the area with the aid of a metal detector to find a second casing or projectile. After a physical search and usage of a metal detector, investigators were unable to find another fired cartridge casing or projectile.

B. Video Evidence

Throughout the investigation, detectives reviewed body camera footage as well as surveillance footage from the Sparks Police Department and other locations nearby.

1. Body Camera Footage

All available body camera footage was reviewed by detectives from the Reno Police Department and the Washoe County Sheriff's Office. No pertinent discrepancies were noted when compared against written statements and remarks made during

interviews. For the purposes of this report, Sgt. Wilson's body camera footage will be discussed as he was in primary contact with Thorpe for the duration of the event.

Except for a moment at the very beginning of his encounter with Thorpe, this camera captured the entirety of Sgt. Wilson's interactions with the subject. Review of that footage revealed the following.

At the eight (8) second mark the audio begins to activate. Someone is heard saying, "Help me." Sgt. Wilson activates his police radio and says, "He has a pistol in his right hand." After making that announcement Sgt. Wilson says, "I know you're right. We're going to help you. Hey, but we can get you the help. Let us do our job. Sgt. Wilson then says, "We can come out there and help you, but we can't do it while you got a gun in your hand. Okay? You understand, man? What's your name, bud? What is it? Jason? I can't hear you, is it Jason, you said?"

Throughout the recording Thorpe indicates that he is scared. Continuously, Sgt. Wilson reassures Thorpe that he wants to help but he must first relinquish his control of the gun. The following passages are indicative of the exchanges which occurred repeatedly throughout the entire two (2) hour interaction:

At approximately one (1) minute and forty (40) seconds Sgt. Wilson states, "I'd love to help you out. We absolutely want to help you. Okay? You gotta drop it. Go ahead and drop it, okay." Thorpe can be heard saying, "I'm scared, man," to which Sgt. Wilson replies, "I know, I know. We can help you, okay. Why don't you throw that out in front of you and I can get some officers to you to help you. We can't help you with that gun in your hand. You understand me? Jason, we want to help you. It's Jason, right? Jason, just go ahead and drop it and we'll

get you some help. I can get some guys to you real quick. Okay? Can you do that for me, Jason?"

At approximately three (3) minutes and forty (45) seconds Thorpe appears to be visible in the same approximate location as before. Sgt. Wilson states, "We'll get you the help that you need, okay? We got all kinds of resources we can offer you and get the help that you need. You gotta toss that gun out in front of you though, okay?" Sgt. Wilson continues, "We can protect you. I got guys. I got guys all around here. Okay. You understand? I can protect you. All right. Let us do our jobs. Let us help you, man. Let us figure this out together. Okay? I know you don't wanna hurt us. I know you're not here for us, man. We can protect you. You gotta toss that out though. Okay? I can't have my guys approach you. Okay? Yeah. Just throw that out. Good man. I know you right? You can do it. Thorpe says something to the effect of, "...they're still over here, bro," which prompts Sgt. Wilson to reply, "No, that's my guys. I'm coordinating officers." Thorpe then states, "I can see that." Sgt. Wilson says, "Yeah. I'm coordinating officers to, to come help you. Okay. But you gotta toss that gun away from yourself. Okay? You gotta toss it. Okay...hey brother, we gotta, we gotta get through this. Okay. We can help you."

At approximately ten (10) minutes and forty-two (42) seconds Sgt. Wilson continues to offer aid, "Let me help you, okay? Jason, my name's Eddie. I'm a human I'm not just an officer I want to help you out. Do you understand? Can you hear me? Jason, can you hear me? I appreciate it man. Hey, I wanna just talk to you I wanna get it worked out, but I can't have my guys approaching you with a gun in your hand, okay?"

At approximately fourteen (14) minutes and ten (10) seconds Sgt. Wilson says, "Jason, just throw that out man. And let us

come help you. Okay? We'll get you inside. We'll get you comfortable. Get you safe where I know you want to be okay. They're here. Trust me. I'm coordinating with them. These guys are gonna do what I tell 'em to do. You gotta, you gotta let me help you, Jason. Okay? I wanna get you the help. I do. I absolutely do, man. Tell me a little bit about what's going on, Jason man. We can help you. I gotta, you gotta help me understand. Let me, let me come into this situation with you, man. Let me look. Let me come alongside you in your struggle...Jason I'm right here still. Okay. I'm not going anywhere. I want to talk to you. I wanna help you out. Okay, Jason, you gotta let me help though. Okay? Throw that gun out in front of you and let my guys approach and we'll get you the, get you what you need. Okay. I'm talking to him on the radio. Okay. But I'm not gonna have him approach until you throw that gun out. You're at sparks police department. I came out of the building, man. My name is Eddie Wilson. You can do you have a phone? You can call our dispatch center and verify any of that. Okay? Jason, let, let me help you." Thorpe then said, "Walk up. I can't see you." Sgt. Wilson replies, "They're not gonna walk up until I tell 'em to. Okay. I'm not gonna have, 'em do it with the gun in your hand." Thorpe then states, "You don't understand, bro," which prompts Sgt. Wilson to say, "I wanna understand though. I need your help. Help me understand. Okay. We gotta be able to have a good conversation. I'll bring you inside. I'll get you a meal. Get you some water. You're thirsty? Jason, you still thirsty, man? Let me help you. Let me get you some water. Okay. But I can't get close. While you got that gun in your hand, just toss it out in front of you. Toss it away from you. Please. Please."

Also captured on the body camera recording were remarks related to Thorpe firing his weapon prior to being encountered

by Sgt. Wilson. At approximately seven (7) minutes into the BWC footage Sgt. Wilson asks an officer near him, "He shot it. Huh? He, I just came out to move a car." The officer near Sgt. Wilson states, "He fired a round." An officer announces over the radio that they heard a gunshot go off. At approximately fifty (57) minutes an officer announces over the police radio that he heard a gunshot around "3am" when he arrived at the police station.

Thorpe's possession of the weapon was also captured on body camera primarily in the form of real-time observations noted by Sgt. Wilson. At approximately thirty (30) minutes Thorpe appears to have remained in the same location by the concrete wall and has not surrendered his firearm, as Sgt. Wilson explains to Thorpe that he can see him holding the gun in his right hand, "[K]ind of wiggling it around." At approximately forty (40) minutes and twenty (20) seconds Sgt. Wilson informs the officer(s) near him that Thorpe has "his hand on the butt on his grip." At approximately forty-four (44) minutes and fifteen (15) seconds Sgt. Wilson informs the officer(s) near him that Thorpe still has a gun in his right hand and additionally mentions how he appears to be "stroking it a little bit." At approximately sixty (60) minutes into the footage Thorpe appears to have remained in the same location by the concrete wall and has not surrendered his firearm.

After roughly an hour, Thorpe relinquished control of the firearm as commemorated by Sgt. Wilson's praise captured on his body camera. However, despite being praised repeatedly for this by Sgt. Wilson,⁵ Thorpe failed to move a safe distance away from

⁵For instance, "I know you don't have it. I know you don't. We wanna separate you from that. Okay. You did a great job dropping. That was, that was great, man. Super proud of you. Why don't you uh, just stand up and walk towards those officers. Okay."

the weapon. At approximately sixty-four (64) minutes and fifty (50) seconds Thorpe appears to raise both of his hands in the air and stands to his feet, at which time Sgt. Wilson says, "Good. Good, good man. Very good. I'm proud of you right now. Jason. Proud of you. No, we don't have okay. Walk towards the officers. Good job. Just walk towards them. Okay. What'd you say? Just walk towards the officers. Okay. Nice and easy." Sgt. Wilson then activates his police radio and informs the officer(s) that Thorpe dropped his gun, that his hands are up, and indicates that he was trying to get Thorpe to walk towards the officers. At approximately seventy-one (71) minutes and thirty (30) seconds Sgt. Wilson states to a nearby officer that he sees the gun directly in front of Thorpe, stating, "The gun's right in front of him." At approximately eighty-four (84) minutes and ten (10) seconds Sgt. Wilson activates his police radio and says, "For everybody that can't see, he's a little bit closer to the gun. Now, it's just to his left and slightly in front of him."

After seeing Thorpe peeking over the retaining wall, Sgt. Wilson confirmed with other officers that no one was positioned by that wall. Sgt. Wilson then told Thorpe, "Jason, there's nobody over that wall. Okay. You can, you can stand up. You just keep your hands up where you can see 'em. If you walk towards the officer cars, do you see them? Where the red and blue lights are walk towards those. And that's where the help is that you need." Then, an officer near Sgt. Wilson is heard saying that Thorpe is "scooting" and "grabbing for something." Sgt. Wilson then confirms that Thorpe is back in the same corner where the event began and that he cannot see him.

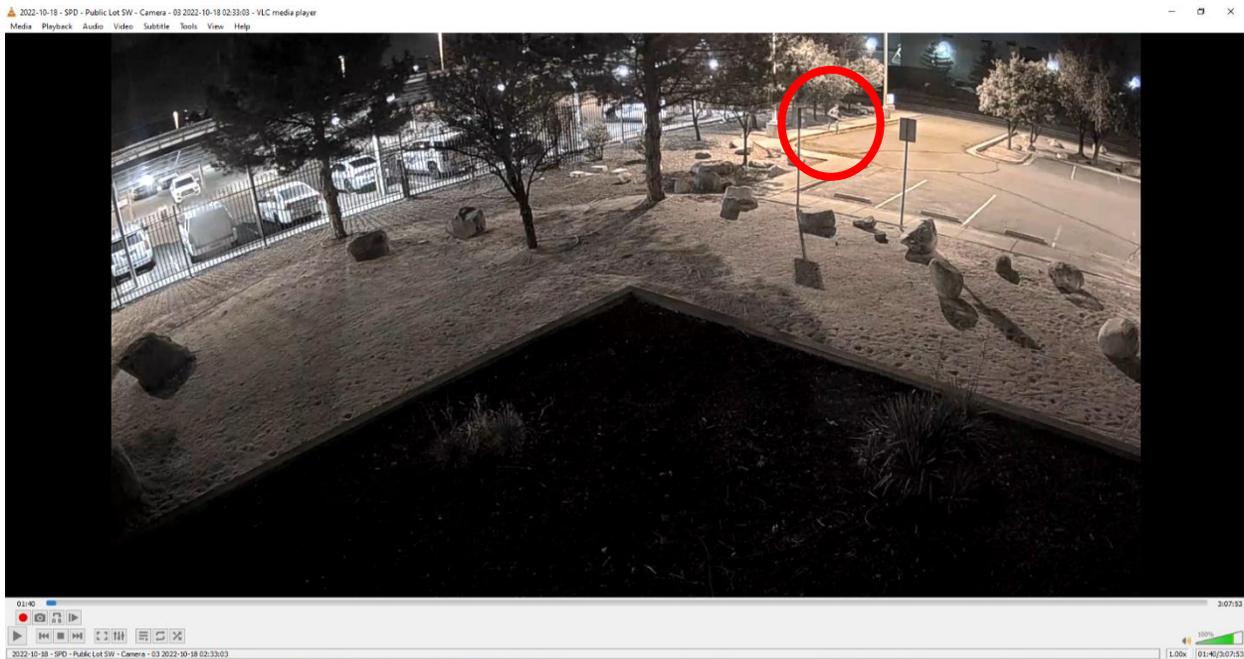
At one hundred and twenty-six (126) minutes and four (4) seconds a single gunshot is heard. Multiple shots are heard

shortly thereafter. Once the gunfire stops, an officer can be heard exclaiming, "One down, one down!"

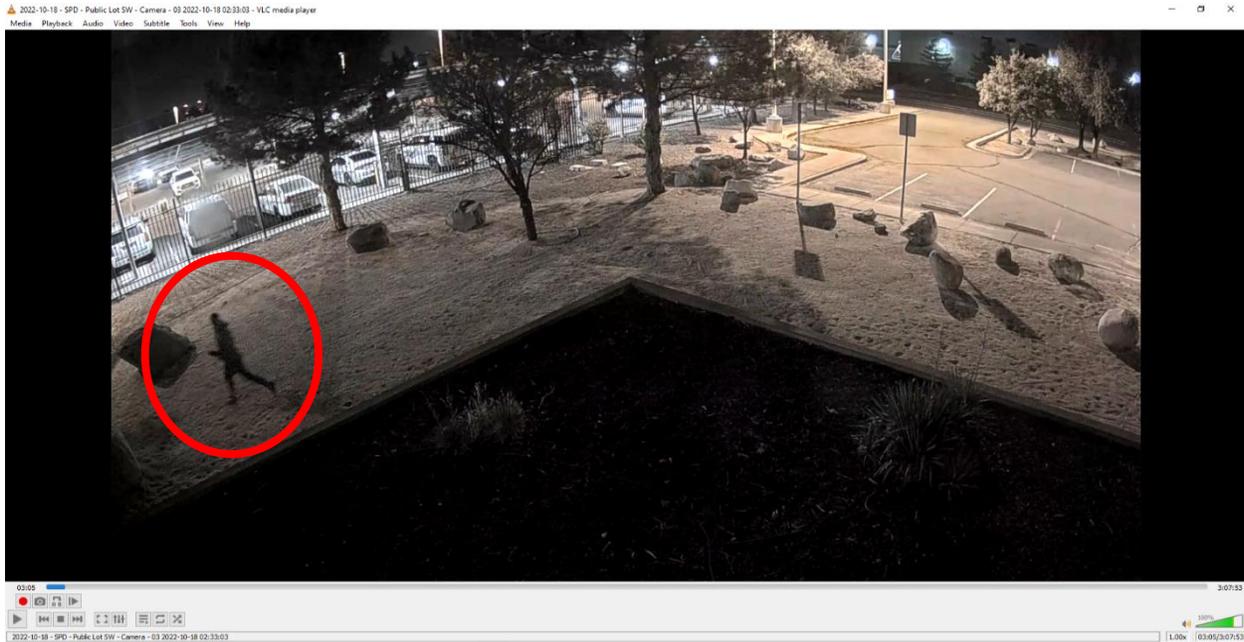
2. Surveillance Camera Footage

The Sparks Police Department is equipped with video surveillance cameras which capture different views of the property. Those cameras were downloaded as part of the investigation in this case and reviewed by RPD Robbery Homicide Detective Michael Salerno. The following observations were noted.

02:34 - Thorpe is seen jogging onto the property from the south on Lillard Dr. His right hand is placed in the front pocket of his sweatshirt. He walks towards the front of the station and looks around before proceeding to the dirt area and the intersection of the iron fence and retaining wall on the south side of the building.



(Thorpe arriving at the public parking lot of the Sparks Police Department)



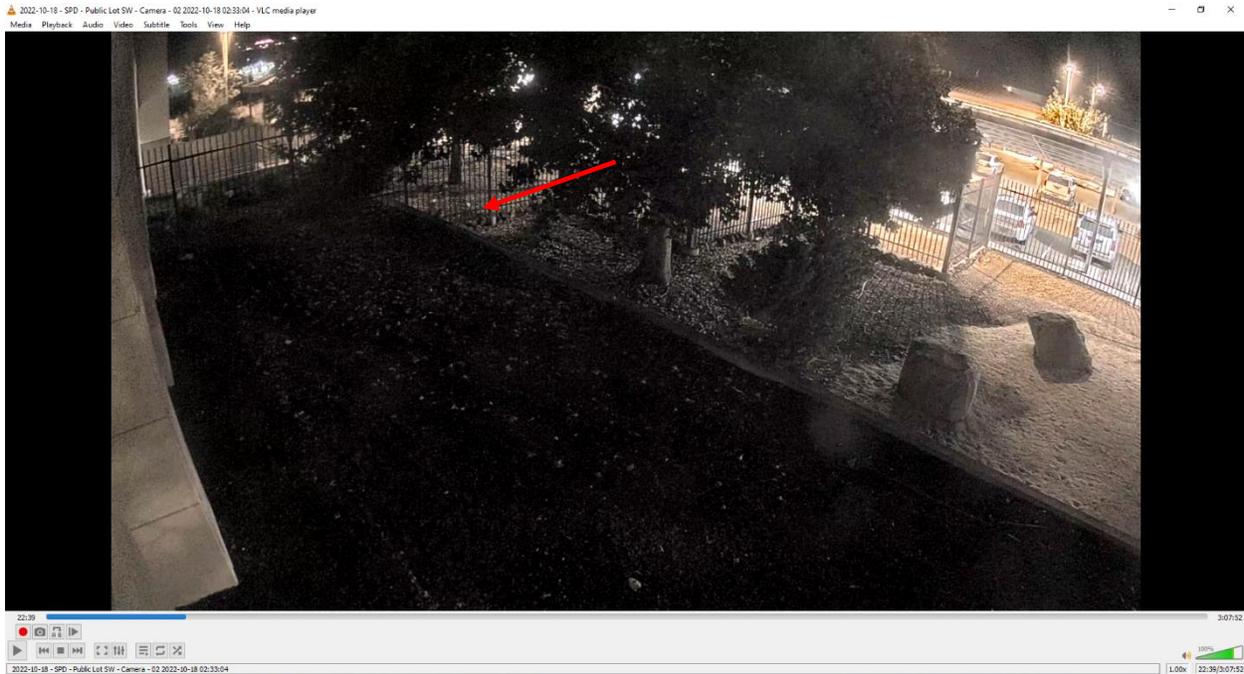
(Thorpe jogging toward corner of fence and retaining wall)

02:36 - Thorpe is seen moving towards a dark area near some trees and shrubs close to the corner of a concrete wall and wrought iron fence that separates the exterior lot from the secured parking area. This position is about ten (10) yards away from the door which Sgt. Wilson exits from.

02:37 - Thorpe crouches down, concealing himself behind the retaining wall and landscaping.

02:40 - Thorpe stands up and points what appears to be a firearm towards the building. At various points Thorpe is seen standing up and extending both arms in front of him towards the police station, the east door entrance / exit, and the secured parking area. It appears the firearm is in his right hand. This is captured on Sparks Police Department surveillance cameras at 02:42, 02:47, 02:50, 02:51, 02:53, 02:54, and 02:55.

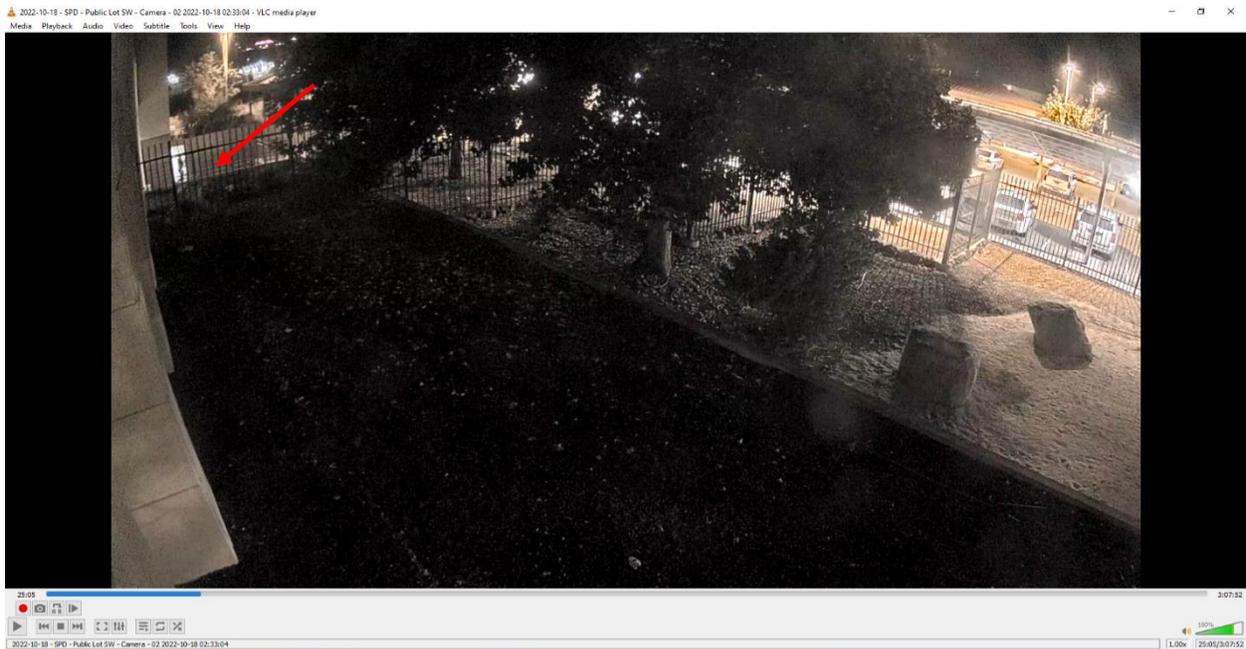
02:55 - Thorpe fires a single shot into the air while crouched behind the concrete retaining wall. The muzzle flash from the firearm is captured on camera.



(Muzzle flash from Thorpe's gun)

02:58 - Vehicle lights can be seen briefly illuminating the area where Thorpe is crouched. This corresponds with Sgt. Pagni's arrival at work and his driving through the public parking lot to investigate what he believed to be the sound of a gunshot.

02:59 - Sgt. Wilson exits the building to go to his vehicle and illuminates the area where Thorpe is located.



(Sgt. Wilson exiting the police station into the secured parking lot)



(Sgt. Wilson illuminating Thorpe with his flashlight)

03:03 - The first patrol vehicle arrives in the parking lot. Its spotlight is seen illuminating the area where Thorpe is located. Additional units arrive and similarly illuminate the area.

04:23 - Thorpe can be seen putting his hands up and appears to be kneeling or crouching.

04:44 - Thorpe can be seen moving on his knees or in a crouched position slightly to the west; he kneels with his hands in the air.

04:46 - Thorpe is seen kneeling down and putting his hands on his head.

04:54 - Thorpe puts the hood from his sweatshirt on his head.

05:05 - Thorpe appears to move slowly towards the concrete wall while still on his knees with his hands up.

05:06 - Thorpe moves closer to the concrete wall. He appears to be reaching down before going out of view.

05:07 - Thorpe stands up quickly from his knees, extends his right arm outward from his body and fires one shot towards the police station. The muzzle flash from the shot is captured on video surveillance. A cloud of dust is seen where the round impacts the ground. Thorpe then runs west towards the officers stationed in the public parking lot. A gun is visible in Thorpe's right hand. Thorpe runs between the concrete retaining wall and a bush towards the officers while armed with the handgun. Dust is seen coming up from the officer's rounds. Thorpe then drops to the ground between a large rock and the bush.

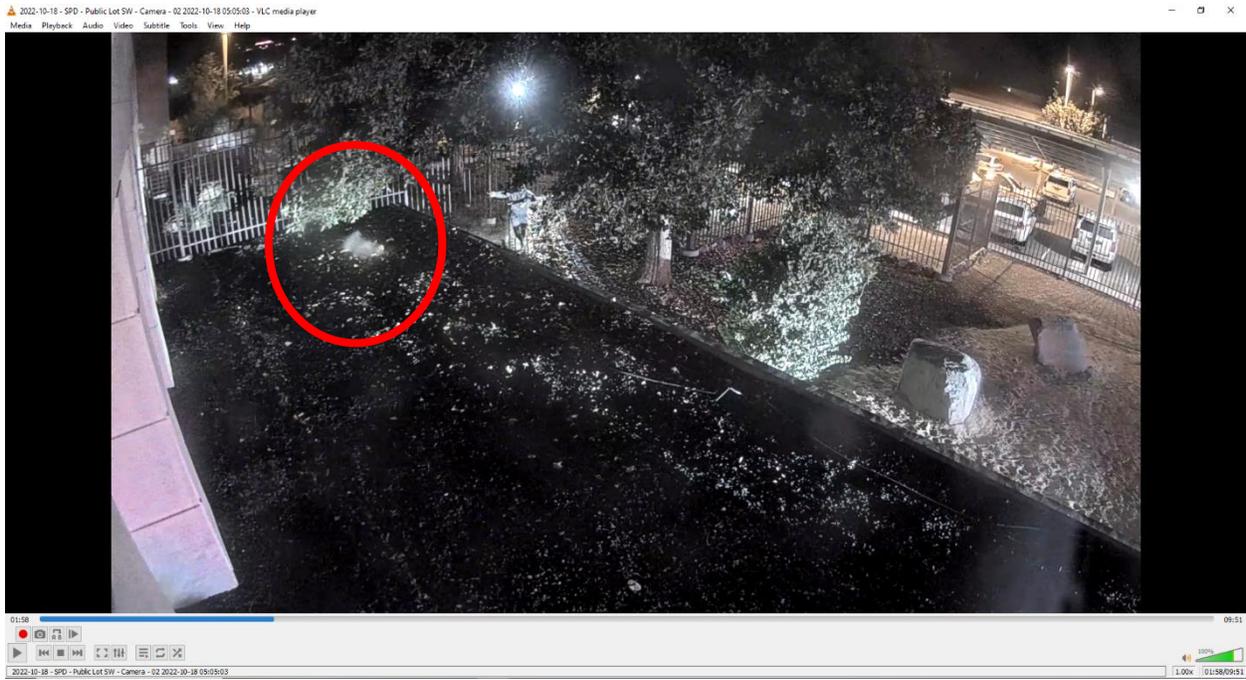
05:13 - Officers are observed moving up and making contact with Thorpe. He is placed in handcuffs and medical aid is rendered.



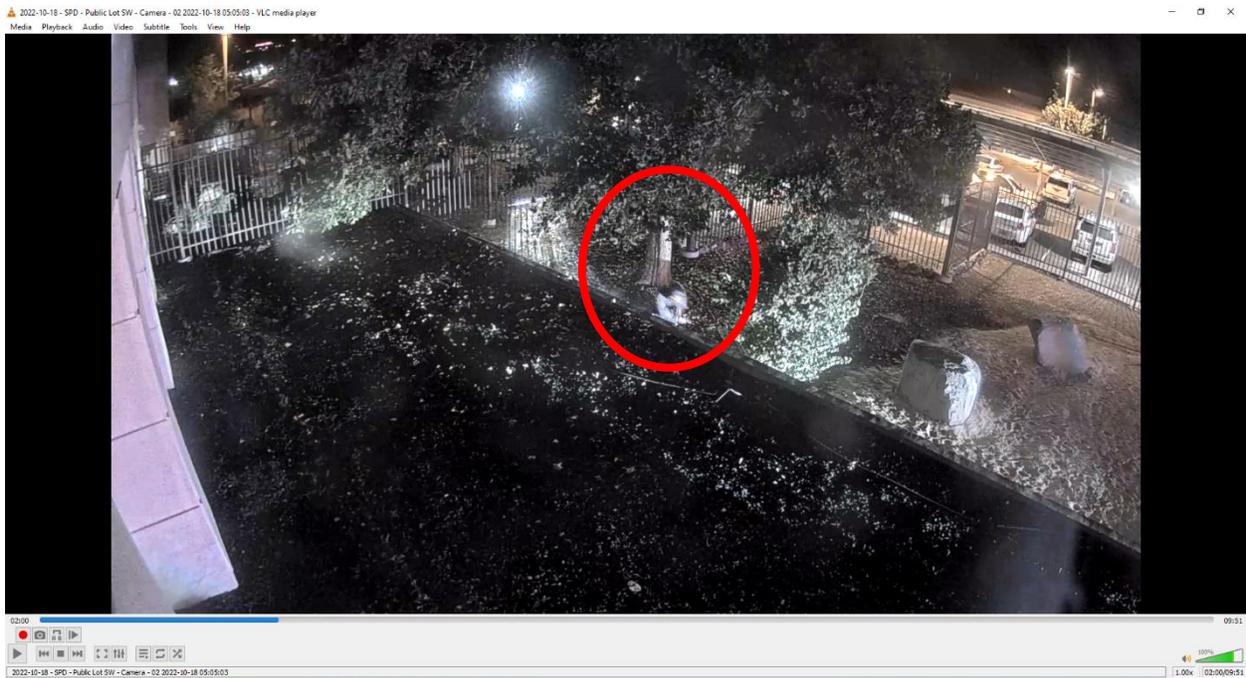
(Thorpe firing at the police station with muzzle flash seen from his gun)



(Enhanced view of Thorpe firing at the police station)



(The impact of Thorpe's shot is seen in the dirt above the retaining wall)



(Thorpe running towards officers while armed and after firing at the station)

Detectives with RPD obtained additional video surveillance from surrounding locations. This included nearby businesses as well as the Sparks Justice Court which is located directly across Lillard Street from the Sparks Police Department. This video footage was examined and corroborated Thorpe's arrival to the Sparks Police Department as well as the arrival of Sgt. Pagni as detailed above. The video from the Sparks Justice Court captured the events described herein, but from a more distant vantage point.

C. Autopsy

The autopsy of Thorpe was performed by Washoe County Chief Medical Examiner Dr. Laura Knight (hereinafter "Dr. Knight") on October 19, 2022. The final report was dated September 12, 2023. Dr. Knight determined that the cause of Thorpe's death was due to multiple gunshot wounds. Toxicology results from Thorpe's blood sample revealed 130 ng/mL of Amphetamine and 930 ng/mL of Methamphetamine. Within the toxicology findings it is noted that Methamphetamine is a "stimulant drug capable of causing hallucinations, aggressive behavior and irrational reactions," and that "Blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior."

On October 25, 2022, RPD Criminalist Amanda Jarding (hereinafter "Criminalist Jarding") went to the Washoe County Regional Medical Examiner's Office and collected all post-mortem evidentiary items from Thorpe. Mrs. Jarding collected one (1) syringe and cap containing a mixture of what appeared to be blood and an unknown substance, and one (1) envelope containing 5.0 grams gross weight of an unknown crystalline substance. These items were collected from the left front t-shirt pocket of Thorpe. RPD Detective Salerno examined the unknown crystalline

substance. Based on his training and experience, Detective Salerno believed the substance to be a narcotic.

III. LEGAL PRINCIPLES

A homicide is the killing of another human being and can be either lawful or unlawful. 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 Jason Thorpe to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officers involved and determining whether any criminality on their part existed at the time of the shooting.

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

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

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

great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished.”

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

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

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

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

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

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

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

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

Id. 1051-52.

B. Justifiable Homicide by Public Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a peace 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(2) provides that a peace officer may use deadly force to effect the arrest of a person following a warning, if feasible, but only if there is probable cause to believe that the person has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or, the person poses an imminent threat of serious bodily harm or death to the peace officer or others.

IV. ANALYSIS

In the early morning hours of October 18, 2022, Jason Thorpe parked his vehicle approximately a quarter mile from the Sparks Police Department and approached the station on foot with his right hand concealed in the pocket of his sweatshirt. He was armed with a loaded and operational semi-automatic 9mm handgun. Thorpe, who bore a large tattoo that stated, "FUCK COPS," had methamphetamine in his system at levels capable of causing hallucinations, aggressiveness, irrational reactions, and violent behavior. Upon his arrival, he took a position in a corner concealed behind a retaining wall and landscaping, between the station building and a secured lot accessible only to members of the Sparks Police Department. With gun in hand, Thorpe extended his arms towards the station, the secured lot, and a doorway multiple times before firing a round into the air. This round was heard by Sgt. Pagni and captured on video surveillance.

Sgt. Wilson, who was initially unaware of the same shot, discovered Thorpe after exiting a door within close proximity to Thorpe's location. Sgt. Wilson immediately observed Thorpe to be armed. The initial shot and Thorpe's possession of a weapon were communicated to responding officers on scene, including

members of SWAT, thereby alerting those present that Thorpe was armed and had discharged a round earlier.

Sgt. Wilson communicated with Thorpe for approximately two (2) hours. The entire time, Sgt. Wilson made repeated requests for Thorpe to drop the weapon and to comply with commands. Sgt. Wilson offered sympathy, aid, water, food, and praise whenever Thorpe complied with commands. While Thorpe did eventually drop the gun, he never complied with commands to move far enough away from the weapon to make the situation safe.

Suddenly, Thorpe retook physical possession of the gun, and discharged a round in the direction of the police department. Still armed with the gun, Thorpe then charged at police. Subsequent examination of Thorpe's weapon revealed that the gun had malfunctioned, suffering a jam which prohibited the gun from being able to continue to fire. Faced with an armed subject who had failed to comply with numerous commands over the course of a two (2) hour standoff, who was charging at their position after having discharged two rounds, one in view of many officers and in the direction of the police department, officers returned fire.

Homicide is justifiable when committed by a peace officer to protect against an imminent threat to the life of a person. Prior to the shooting, Thorpe was observed on video concealing himself behind a retaining wall and landscaping near a secured portion of the Sparks Police Department. At numerous points, he brandished a weapon toward the station and fired once into the air. Upon being discovered, Sgt. Wilson pleaded with Thorpe to dispossess the weapon and engaged in de-escalation techniques such as identification of themselves as law enforcement officers, offering comfort and aid to Thorpe, expressing sympathy, empathy, and praise, all over the course of

approximately two (2) hours. These efforts were all unsuccessful. Without warning or provocation, Thorpe retook possession of the weapon and fired a second round, this time aimed at the Sparks Police Department. This occurred in clear view of responding officers. While armed with this weapon, Thorpe then charged towards the same officers who had just seen him fire at the station. Every officer involved in the shooting expressed their belief that Thorpe posed an imminent threat to their safety and/or the safety of others. This belief was objectively reasonable. Simply, Thorpe was an imminent threat to the life and safety of every person on scene.

In that moment, the involved detectives and officers reasonably believed that their lives were in jeopardy as well as those of their fellow officers and the community at large. It was absolutely necessary for them to use deadly force in that situation. In short, all involved detectives and officers had the right under Nevada law to use deadly force against Thorpe.

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 October 18, 2022, officer involved shooting death of Thorpe, the actions of Sparks Police Department Officers and Detectives Jose Zendejas, Vern Taylor, Nathan Janning, John Parisi, Brandon Doren, Jacob Tavcar, and Robert Canterbury were justified and not a criminal act. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, this case is officially closed.