

**OFFICE OF THE WASHOE COUNTY DISTRICT
ATTORNEY**

July 28, 2023



REPORT ON THE FEBRUARY 13, 2020 OFFICER INVOLVED
SHOOTING OF ABEL LOPEZ-LOPEZ

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OVERVIEW

On February 13th, 2020, Abel Lopez-Lopez ("Lopez-Lopez") and his wife S.L. became involved in a day-long argument, precipitated by allegations of inappropriate sexual contact between Lopez-Lopez and one of S.L.'s younger children. S.L.'s 7-year-old daughter had reported the sexual abuse the day before, which S.L. would later tell police she had begun to suspect several months prior. The child victim reported the same abuse to a teacher, who immediately reported the abuse to police.

The Sparks Police Department (SPD) then initiated an investigation into the allegations against Lopez-Lopez and made unsuccessful attempts to reach S.L. throughout the day. Later in the evening, SPD patrol officers and other area law enforcement officers were alerted to a possible hostage situation, after S.L.'s 16-year-old daughter (T.G.) called 911 after receiving text messages from S.L., saying that Lopez-Lopez was threatening to kill S.L. Specifically, T.G. reported that S.L. had relayed to her that Lopez-Lopez was armed with a gun, was holding her against her will, and was going to kill her, himself, or have someone kill her. Responding officers were updated with the information that Lopez-Lopez was believed to be armed with a firearm, as T.G. had reported in her 911 call that Lopez-Lopez had placed a pistol on the dash of the vehicle S.L. and Lopez-Lopez were driving in, and that Lopez-Lopez was reported to always carry a pistol with him.

Initially, SPD officers were dispatched to locate S.L. and Lopez-Lopez at the Sparks Nugget Casino, where S.L. was reportedly staying temporarily after learning about the alleged sexual abuse of her child. However, after a check of the casino failed to locate S.L., SPD officers then conducted an emergency phone ping in an effort to locate S.L.'s phone. The resulting information showed the phone to be in an area north of the Park Vista Apartments. Officers also learned from T.G. that S.L. had messaged her the address of an apartment belonging to the couple, which they rented as a second residence. This information eventually led officers to 565 Sparks Boulevard #197, the Park Vista Apartments.

Based on the phone ping and T.G.'s information, SPD officers were dispatched to the Park Vista Apartments at approximately 1958 hours. Having heard the call of a possible armed hostage situation, Reno Police Department (RPD) Regional Gang Unit officers (RGU) also responded. The first officers on scene were able to confirm that Lopez-Lopez had leased apartment number 197 and began to formulate a response plan.

Once on scene, a group of officers, including SPD officers and RPD officers assigned to RGU took up a position near the apartment door. Supervisors and officers on scene considered the situation an active hostage situation and established an Emergency Action Team (E.A.T.). The

team initially consisted of SPD Officer Dustin Beauford (Officer Beauford), SPD Officer Brett Zolkos (Officer Zolkos), and RPD Officer Chris Rose (Officer Rose). This three-man team were staged at the door of the apartment approximately 10 minutes after arriving on scene. A short time later, SPD Officer Bryan Yee (Officer Yee) and SPD Officer Daniel Jones (Officer Jones) joined the E.A.T. Officers Beauford, Zolkos and Rose were all members of their respective agency's Special Weapons and Tactics (S.W.A.T.) Teams.

While staged at the door, the officers tried to gather intelligence by listening for sounds of violence, and trying to determine how many people were inside the apartment. Officers were concerned that if sounds of violence were heard, or other circumstances presented a threat, they needed to be able to affect a hostage rescue and contact Lopez-Lopez. As they remained at the door, several officers reported hearing sounds in the kitchen, including a male coughing, a female's voice, and people talking aggressively, but no sounds of violence.

At approximately 2055 hours, while the officers were still staged, S.L. abruptly opened the door, then quickly slammed it shut. Officer Beauford responded to this immediately and yelled, "Sparks Police" while also trying to kick the door open. He was not successful, but quickly turned the knob and opened the door. He then entered the apartment, followed by Officers Jones, Rose, Yee, and Zolkos respectively.

Once inside, the officers saw S.L., who raised her hands and moved away from the officers and into the kitchen. Lopez-Lopez was initially directly behind S.L. as the officers cleared the doorway, and Officer Beauford yelled "show us your hands," as other officers moved into the apartment. Lopez-Lopez responded by raising a black Llama brand .45 caliber semi-automatic pistol from within a black bag, and appeared to square his body into a shooting stance in front of Officer Beauford before moving towards S.L.

In a confrontation that lasted approximately five seconds from entry to the final shot, Officers Beauford, Jones, and Rose each discharged their firearms after perceiving threats to themselves, the other officers, and S.L. Officer Beauford fired two rounds from his patrol rifle, and Officer Jones fired one round from his service pistol. These rounds struck Lopez-Lopez in the right shoulder, through his chest, right upper arm, and right hand. Following this, Officer Rose fired one round from his 12-gauge shotgun, striking Lopez-Lopez in the left side of his head.

Immediately after the shots, officers grabbed S.L. and rushed her out of the apartment. She was ultimately transported to Renown Emergency Medical Center for further evaluation and treatment. This was based on her claim

that Lopez-Lopez had poisoned her. Lopez-Lopez was pronounced deceased on scene.

Consistent with the regionally adopted Officer Involved Shooting (OIS) Protocol, the Washoe County Sheriff's Office (WCSO) was assigned as the lead investigative agency, with RPD being assigned as the secondary investigating agency. All investigation reports, Washoe County Sheriff's Office Forensic Science Division (FIS) forensic service reports, photographs, and recorded evidence and interviews were then submitted to the Washoe County District Attorney's Office on February 19, 2021 to determine whether the shooting of Lopez-Lopez was legally justified under Nevada Law. No criminal charges against the involved officers were recommended by the Washoe County Sheriff's Office.

The District Attorney's evaluation included reviewing more than 1000 of pages of reports and documents, interviews of police and civilian witnesses, photographs, body-worn camera footage, and an examination of the scene of the shooting.

Based on the available evidence and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Abel Lopez-Lopez by SPD Officers Dustin Beauford, Daniel Jones, and RPD Officer Chris Rose was not a criminal act.

I. STATEMENT OF FACTS¹

A. Witness Accounts

1. Officer Dustin Beauford

Officer Dustin Beauford was interviewed by RPD Detective Jeff Boyd (Detective Boyd) and WCSO Detective Brian Atkinson (Detective Atkinson) on February 14, 2020. The interview began at approximately 12:30 a.m. and is summarized here.

Officer Justin Beauford explained that he is an Academy Staff Officer at the Northern Nevada Law Enforcement Academy, where he works the day shift. He has been employed by SPD for five years and has eight years of experience in law enforcement. He confirmed that on the day of this incident, he worked his normal academy shift beginning at 7:00 a.m., and then began a patrol overtime shift at 6:00 p.m., where he was assigned as a cover officer.

Officer Beauford described that the original call for service was for a domestic disturbance in which a "mom" (later determined to be S.L.) was at

¹ The Statement of Facts is a synopsis of witness statements, body-worn camera footage, photographs, police reports, and forensic reports.

the 7-Eleven at Sparks Blvd and Prater Way and that she was reporting that she was afraid her husband (later determined to be Lopez-Lopez) was going to kill her. He also recalled that the information was being relayed to dispatch from S.L.'s daughter T.G.. Based on this, several officers drove to 7-Eleven to look for the woman, who was reported to be alone at the time and separated from her boyfriend. When Beauford arrived at the 7-Eleven, SPD Officers Brian Wisneski (Officer Wisneski) and Brandon Doren (Officer Doren) were already on scene and informed Beauford that they could not locate either Lopez-Lopez or S.L.

Officer Beauford then instructed Officer Doren to call S.L.'s phone to get more details from her. However, no one answered and he continued to search for S.L. Officer Beauford also stated he conducted a stop on a red pickup truck near the 7-Eleven, but the driver was not related to the call. He then regrouped with Officer Wisneski and Officer Doren and met with Officer Jones. At this time, Officer Doren relayed to Officer Beauford that according to information he received from T.G., her mother had messaged her, "911. Help. He's going to kill me."

Following this, Officer Beauford and other officers learned that S.L. and Lopez-Lopez were now in an apartment they shared, located at 565 Sparks Blvd #197. Dispatch also relayed that the couple had been in an argument earlier in the day, and that Lopez-Lopez had been driving erratically, had pulled out a gun at some point, and placed it on his dashboard, all of which reportedly caused S.L. to fear for her life. Dispatch further updated that Lopez-Lopez was known to always carry a firearm, either on his person or in his truck.

Believing the situation could evolve into a hostage situation, Officer Beauford and the other officers met at the apartment complex office, where SPD Lieutenant Chris Rowe (Lieutenant Rowe) joined them. Officers Zolkos and Rose, who were part of the multi-agency RGU, also arrived to assist. A hostage negotiator was also requested to initiate contact with the apartment.

After the call was placed for a hostage negotiator, Officer Beauford said that Lt. Rowe assembled an (E.A.T.) that was initially comprised of himself, Officer Zolkos, and Officer Rose.

The E.A.T. was ordered to maneuver to apartment #197 and listen for sounds of violence. Based on the circumstance of the call, Officer Beauford said he armed himself with his S.W.A.T. issued rifle and recalled that Officer Rose was armed with a breaching shotgun.

The team then assembled in a breezeway of the apartment complex just outside the door to apartment #197. Officer Beauford stated he believed

that S.L. was in the apartment because he had heard that a cell phone ping showed S.L.'s phone in the area. During the wait, he also heard what sounded like cabinets closing and other rustling sounds, but no sounds indicating violence. Later, he heard a man cough from inside the apartment and a female voice. After hearing the female voice a second time, he asked Officer Zolkos to relay that information over the radio. Officer Beauford stated that once the presence of both a male and female voice were confirmed, a supervisor sent out a page requesting a S.W.A.T. response for a possible hostage situation.

Also at this time, the E.A.T. discussed plans based on various scenarios, e.g., if sounds of violence were heard then they would breach the door. They also decided that if someone inside opened the door, they would enter the apartment to seize the opportunity to prevent the suspect from harming the female. Officer Beauford recalled that by this time, Officers Jones and Yee had joined the E.A.T. team, and Officer Zolkos had received a dispatch bulletin with known photographs of both S.L. and Lopez-Lopez.

While still staged, Officer Beauford said he heard footsteps at the door and the doorknob turning. As the door opened, Officer Beauford said he stepped into the doorway and yelled, "Sparks Police." He could see the female (S.L.) at the door and the male (Lopez-Lopez) standing directly behind her. He then heard S.L. say something like "oh shit" or "oh crap" and slam the door. Officer Beauford said he did not want the situation to escalate to a barricaded hostage situation, so he tried to kick the door open, but was unsuccessful. He then turned the knob and opened the door, then made entry to the apartment.

Once inside, Officer Beauford saw Lopez-Lopez standing in front of him and remembered yelling "police" or "get down". Lopez-Lopez ignored these commands and reached into a black bag and began drawing a gun from the bag. Seeing this, Officer Beauford stated he believed Lopez-Lopez was preparing to shoot at him and the other officers who were in close proximity. He responded by firing two rounds at Lopez-Lopez and saw the bag and gun drop to the ground, while Lopez-Lopez continued into the kitchen towards S.L. Officer Beauford stated that he continued giving commands, then saw Lopez-Lopez move down to a knee and heard him say something like, "What the hell, man?" Officer Beauford stated he was not sure if Lopez-Lopez had been shot or whether he was reaching for a weapon. He also stated he did not know where his fellow officers were at this time. Officer Beauford also saw that S.L. was now three to four feet on the other side of Lopez-Lopez, which concerned him, so he raised his rifle to acquire his sights in case he needed to fire his weapon again. He then heard another shot on his right side and saw this round strike Lopez-Lopez

in the head. Officer Beauford believed this shot came from the weapon of Officer Rose.

Following the shooting, Officer Beauford stated he heard S.L. screaming and heard someone yell, "Get the girl," so he maneuvered past Lopez-Lopez and grabbed S.L. and escorted her outside the apartment. After handing her to the care of another officer he was directed by command staff to remain outside.

2. Officer Daniel Jones

SPD Officer Daniel Jones was interviewed on February 14, 2020, at approximately 2:30 a.m. by Detective Atkinson and WCSO Detective Joshua Swanson (Detective Swanson). The interview is summarized here.

Officer Jones had been employed with SPD for approximately one year at the time of this incident, assigned to the Patrol Division for the entirety of that time. On the night in question, he had just cleared a separate call for service when he responded to this call.

While enroute to the call, Officer Jones learned that the daughter, T.G., was in contact with dispatch, relaying the information that her mother, S.L. was reporting to her. This included the report that S.L. was being held captive by her husband, and that he was threatening to kill her or shoot her. Officer Jones also learned from Officer Doren that T.G. had reported that S.L. had previously been at the 7-Eleven on Prater Way but was now likely at an associated apartment. He recalled that the apartment was at 565 Sparks Boulevard #197, although initially, he was unsure if the suspect and victim were at this location or still driving around. Additionally, Officer Jones learned that the suspect reportedly armed with a handgun that he either carried on his hip or kept on the dash of his vehicle.

Additional Officers then responded to the area to assist, including officers from the gang unit, due to reports of the victim being held against her will. He recalled that he and other officers were designated as the E.A.T, including Officer Beauford, Officer Zolkos, Officer Yee, Officer Jones, and Office Rose. Officer Yee was equipped with a 40mm less lethal launcher, Officers Zolkos and Beauford were equipped with their department issued rifles, Office Rose had a breaching shotgun, and he was equipped with his handgun. Once formed, the E.A.T. then assembled outside of apartment #197 in the breezeway. As they waited, they listened for sounds of violence coming from within the apartment. At one point, Officer Jones heard Officer Beauford say that he could hear a male cough from within the apartment.

According to Officer Jones, everything from this point happened very fast. He stated he heard Officer Rose say that someone was at the door. Then Officer Jones heard someone moving the door handle and suddenly the door opened. He saw Officer Beauford quick step to the front of the door with Officer Rose. As he moved into position, he saw a figure inside the apartment run away, but was not able to discern if it was a man or a woman. He then heard the door slam shut aggressively before Officer Beauford opened it and saw Officer Beauford move through the door first, followed by himself and Officer Rose.

Once inside, Officer Jones said Lopez-Lopez was standing on the other side of a "half wall", which was approximately four (4) feet tall. He saw Lopez-Lopez reaching to his right hip with his right hand, which he believed was Lopez-Lopez reaching for a firearm. He stated he did not see a weapon at this time, but based on Lopez-Lopez's gun-drawing movements and the report of him carrying a gun on his hip, Officer Jones fired one round. Officer Jones stated that in that moment he feared for his life and the life of his fellow officers.

Officer Jones stated that after he fired his handgun, he heard additional gunfire and Lopez-Lopez went to the ground. As he moved to his left towards Officer Beauford, Officer Jones recalled hearing another single gunshot fired from an officer to his right. He again moved closer to Officer Beauford, attempting to get a view of Lopez-Lopez. As this was happening, Officer Jones also heard multiple officers shouting commands, but he could not recall what those commands were. He also saw S.L. in the back of the kitchen screaming.

Following this, Officer Jones said he quickly cleared the rest of the apartment, then covered Officer Beauford as he moved towards S.L. Officer Jones saw that other officers had now entered the apartment, including command staff. Lieutenant Rowe asked if anyone had fired their weapons, and Officer Jones answered that he had and was taken from the scene.

3. Officer Chris Rose

Reno Police Department Officer Chris Rose was interviewed on February 18, 2020, at approximately 2:00 p.m. by Detective Brian Atkinson and WCSO Detective Joe Digesti. He was interviewed at the Reno Police Department, which is summarized here.

At the time of this incident, Officer Rose had been employed by the Reno Police Department for approximately five (5) years and is assigned to the RGU. He is also a member of the RPD S.W.A.T. Team.

On February 13, 2020, Officer Rose was on-duty and in a plain clothes assignment, wearing a "raid" style vest bearing front and back police insignia and his department issued badge. Due to his plain clothes assignment, Officer Rose was not wearing a Body Worn Camera (BWC).

Officer Rose said he was teamed up with RPD Officer Alyshia Torres-Gallegos (Officer Torres-Gallegos), and after finishing unrelated business at the Washoe County Detention Facility, the two officers met with Officer Zolkos, who told Rose that he had heard SPD radio traffic about this incident. As Officer Rose recalled, it was reported that a male (Lopez-Lopez) had ordered a female (S.L.) into a vehicle and showed her a gun by putting it on the dashboard of the vehicle. Officer Zolkos suggested that the three officers assist in the call, as it is a county-wide practice for RGU officers to assist partnering agencies with high priority calls. Officer Rose then broadcast on the radio that he and his partner would be responding to assist. On the way to the area, Officer Torres-Gallegos relayed key details of the call to Officer Rose from the dispatch notes. He also recalled a radio update that officers were staging at the Park Vista Apartments near the manager's office.

Once on scene, Officer Torres-Gallegos dropped Officer Rose at the apartment complex and left to complete a separate assignment. Officer Rose then joined Officer Zolkos, who had a radio that operated on the Sparks Police channel and which he could rely on for updates as the incident unfolded. Officer Rose also knew that Officer Zolkos was a S.W.A.T. Team Leader and believed that he likely had additional information. After loading Officer Zolkos' gear into a vehicle, Officer Zolkos told Officer Rose to grab his breaching shotgun. Officer Rose, Officer Zolkos, and Officer Beauford then met with other officers on scene, including Lieutenant Rowe, who he knew was a S.W.A.T. Commander. He was then asked to form part of the E.A.T.

Officer Rose recalled that the E.A.T. approached apartment #197 to listen at the door before forming a plan to respond to sounds of violence coming from the apartment. This included his breaching the door and entering the apartment with the other officers. Officer Rose stated he heard nothing from within the apartment for a long time, then recalled hearing a noise that he described as a cabinet opening and shutting. He relayed this to Officer Zolkos to pass along to other officers. Later he heard Officer Beauford report hearing a man coughing.

After a time, two more officers joined the E.A.T. at the front door, bringing their number to five. Officer Rose stated that he began to realize the seriousness of the situation, as it was becoming clear to him that there was in fact a man inside the apartment, that the male was

likely armed, and "he's got a female in there with him, she's a hostage and she's been kidnapped." Officer Zolkos told him that command staff was summoning a Hostage Rescue Team(H.R.T.). As they waited, Officer Rose was closest to the door with Officer Beauford behind him, followed by Officer Jones, Officer Yee, and Officer Zolkos in order.

Officer Rose then heard talking inside the apartment, which he described as "very aggressive loud talking that sounded like it was right inside the door." He then heard a woman's voice and both voices were getting closer to the door. Hearing this, he told Officer Beauford, "I think they're going to come out." Based on this, he and Officer Beauford quickly planned a response to the door being opened and the need to treat the situation as a hostage rescue.

Seconds later, the door opened and Officer Beauford moved closer to the door, followed by Officer Jones. Officer Rose said he was not able to see much of the interior of the apartment, and heard an officer yell "Sparks Police, let me see your hands" before the door closed on them. Once shut, Officer Rose moved towards the door to breach it, but before he could act, he saw Officer Beauford's hand reaching toward the doorknob, turn it and push the door open.

Officer Rose stated that he then saw Officer Beauford, Officer Jones, and two figures inside as he entered the apartment. He could also see a pony wall to the right as the door opened and swung inward. The interior of the apartment was dark, and Officers Beauford and Jones were backlit, making it difficult to see what was happening. He recalled that the kitchen light was the only light on.

At this time, Officer Rose started to hear gunshots, but he did not know who was shooting. He initially thought that Officer Jones had been shot, stating that he saw Officer Jones move backwards "almost like he had been punched really, really hard in the chest. Officer Rose recalled turning to his right and seeing the suspected hostage standing in the back of the kitchen and Officer Beauford standing to the left of Officer Jones. From his perspective, Rose stated that he feared that Officer Beauford was in a position where he could not see Lopez-Lopez, who was now sitting on the kitchen floor. Officer Rose stated he could not see below the middle of Lopez-Lopez's leg and recalled Lopez-Lopez looking back at him with anger and appearing to reach with his right arm. Officer Rose reported that he believed that this indicated that Lopez-Lopez was not giving up and may have the gun in his hand or be reaching for the gun.

Based on this, Officer Rose stated that he believed if he did not respond to the threat, that the other officers or the hostage could be shot. He fired one round at Lopez-Lopez, striking him in the head, and saw Lopez-

Lopez fall to the side. He then saw S.L. hurry by and heard other officers yelling "shots fired." Officer Rose then turned to his left and was relieved to see that Officer Jones had not been shot. He then worked with other officers to clear the remainder of the apartment before those involved in the shooting were separated from each other.

4. Officer Bryan Yee

Officer Bryan Yee was interviewed by WCSO Detective Victor Gamboa and RPD Detective Chad Crow on February 14, 2020. The interview began at approximately 12:30 a.m. and is summarized below.

At the time of this incident, Officer Yee had been employed as an Officer with SPD since 2008 and is assigned to the patrol division. On the night in question, Officer Yee, who was armed with a 40mm less lethal launcher, stated that he was the fourth officer to enter the apartment. As a result of hearing shots, he said he moved closer to the doorway and heard Officer Zolkos telling him to push through. Officer Yee then walked through the doorway, where he saw Lopez-Lopez falling to the ground. He stated that he did not know who had fired prior to his entry. As he was clearing the residence, he recalled seeing a black handgun on the floor in the kitchen in an area where the kitchen linoleum met the living room carpet. After clearing the residence, he was then ordered out of the apartment.

5. Officer Brett Zolkos

SPD Officer Brett Zolkos was interviewed by Detective Swanson and WCSO Detective Richard Spaulding on February 14, 2020. The interview began at approximately 12:05 a.m. and is summarized below.

Officer Zolkos has been with SPD for approximately five years. At the time of this incident, he had been assigned to the RGU for the last six to eight months. In addition to this, he has also held a position on the SPD S.W.A.T. team for the last four years. On the day of this incident, he was operating in plain clothes.

On February 13, 2020, sometime between 7:00 and 7:30 p.m., Officer Zolkos stated that he learned of a call via radio traffic that involved a person making threats with a gun. Officer Zolkos was with Officer Rose and Officer Torres-Gallegos at the time, and upon hearing the call, the group responded to the area. Enroute, Officer Zolkos heard additional information directing them to meet at 565 Sparks Boulevard, where a command post was being formed near the manager's office. He also learned that the husband (later identified as Lopez-Lopez) had reportedly threatened to kill his wife (S.L.), and that this information was being received via text messages by the reporting party who was receiving them

from the victim. Upon arrival, Officer Zolkos met with Lieutenant Rowe, who directed him and Officer Beauford to go to apartment #197 to surveil and listen for any sights and sounds of violence. Officer Zolkos said that he asked that Officer Rose also join the group, due to Rose being a member of the RPD S.W.A.T. Team and trained as a breacher.

As the team listened outside the apartment, Officer Zolkos stated they initially heard nothing but rustling noises from inside. Over the course of the next forty-five minutes, he and Officers Rose and Beauford did not hear any sounds of violence or see anything of note, until Officers Rose and Beauford reported they heard two coughs come from inside the apartment that they identified as having come from a man. They also stated they heard a woman's voice. At this time, Officer Zolkos stated that he learned through radio updates that a verbal fight had occurred between the suspect and victim in the last few days. He also learned that during the fight, the suspect had placed a gun on a dashboard, as if to frighten or intimidate his wife.

Officer Zolkos stated that based on the totality of that information, he believed there was a hostage situation occurring within the apartment, and that the situation needed to be resolved before potential violence could occur. After approximately forty-five minutes of surveillance, he noted that Officers Jones and Yee were added to supplement the E.A.T and an entry plan established, which included his being armed with a rifle.

Suddenly, the door opened, and Officer Zolkos said that he heard Officer Beauford yell, "Hey!" very loudly. The door then immediately slammed shut. Officer Beauford responded by kicking it before he and Officers Jones and Rose entered the apartment. Officer Zolkos recalled that Officer Yee stopped at the door in front of him before hearing gunfire, which was two shots from Officer Beauford's rifle and one shot from Officer Jones' handgun. Officer Zolkos then saw Officer Rose point his shotgun over a half wall and fire one shot from the shotgun.

As soon as the shooting ended, Officer Zolkos said he entered the apartment and went into the kitchen, where he saw Lopez-Lopez either sitting or slumped against cabinetry. Lopez-Lopez was not moving and there was a significant amount of blood on the floor. There was also a black zipper-type bag or fanny pack, with a black handgun half sticking out near his feet. Officer Zolkos also saw a woman backed into the corner of the kitchen, so he yelled at other officers to get the woman out of the apartment. Officer Zolkos then escorted the woman outside with Officer Beauford and handed her to another officer before going back inside to check on the team. He noted that none of the team were injured and the apartment had been cleared.

6. Interview with S.L.

S.L. was interviewed on February 13th at approximately 11:00 at Renown Hospital by WCSO Detective Kim Frankel. Her interview is summarized as follows.

S.L. explained that she and Abel Lopez-Lopez have five children, ranging from five to sixteen years old. The family has a main residence in Sparks, but they also rent an apartment at 565 Sparks Blvd, apartment #197. She explained that the apartment is used as a "get away" and for S.L. to run her web camera modeling business.

S.L. and Lopez-Lopez have been married for approximately three years and she described everything between the couple as going good, "perfect", and being in love. S.L. said she did not notice anything wrong between them until the last month or two, when she noticed "red flag signs" between Lopez-Lopez and one of her daughters. S.L. described this as seeing her 7-year-old daughter make a sexual gesture with her tongue towards Lopez-Lopez, and Lopez-Lopez returning the same gesture back to the daughter. S.L. described that the tongue gesture to her simulated oral sex.

S.L. further described seeing Lopez-Lopez and the same daughter whispering to each other suspiciously on several occasions, and said she felt that Lopez-Lopez was known for doing a lot of stuff behind her back. S.L. also described an incident when she and Lopez-Lopez were sitting on their couch. She stated that when the daughter came into the room, Lopez-Lopez's eyes "lit up" and he addressed the daughter in a way that S.L. felt was sexual. S.L. said Lopez-Lopez became aroused at this time.

S.L. recalled another incident sometime around Christmas, where she saw Lopez-Lopez and the same daughter sitting next to each other at the table. Lopez-Lopez's hand was under the table touching the daughter inappropriately. S.L. ultimately decided to talk to the daughter about these events, so she picked her up from school on February 12th at about 2:00 p.m. and took her for ice cream to talk about the possible sexual abuse. During this conversation, the daughter disclosed to S.L. that Lopez-Lopez had been touching her in a sexual manner. S.L. stated she used her cell phone to record this conversation.

As a result of the conversation, S.L. sent all her daughters to her mother's house. S.L. then confronted Lopez-Lopez about the accusations, which he denied. Since that confrontation, S.L. said Lopez-Lopez had been staying at the apartment.

S.L. said that on the morning of February 13th, she met Lopez-Lopez at a house they were cleaning as hired housekeepers. Afterwards they went to

the apartment until Lopez-Lopez left for another cleaning job at about 2:30 p.m. He returned around 4:00 p.m. and they drank wine together and discussed how they would separate their property for a divorce. S.L. described that the wine tasted weird, in that it had a salty taste. She suspected that Lopez-Lopez had put something in the wine and asked him about it. She said Lopez-Lopez denied it, saying that it was just how the wine tasted, so she kept drinking it, ultimately having two glasses. S.L. then said she started getting scared of Lopez-Lopez because she was getting a weird feeling about him, like he was going to "kill me or something."

Later, when Lopez-Lopez was cooking, S.L. reported that she thought she saw Lopez-Lopez put something like rat poison in the food. She again confronted him about it and he denied trying to poison her. S.L. then said she went to the bathroom and texted her daughter T.G. that she was with Lopez-Lopez, and did not feel safe. She asked her daughter to call 911. S.L. said she was trying to remain calm and text quickly because she did not want Lopez-Lopez to know what she was doing.

At this point, S.L. reported that she had a "heavy vibe" that someone was going to kill her. She said that when she came out of the bathroom, she saw Lopez-Lopez quickly put a bag with white powder into his pocket. In her mind, she said she thought this was some kind of poison and began thinking that Lopez-Lopez's brother was hiding in the apartment. S.L. then said she and Lopez-Lopez went to a 7-Eleven and when they returned she saw a Hispanic man in the parking lot who she also thought was going to kill her. S.L. said she confronted Lopez-Lopez about being "set up," which he denied. S.L. described how she saw the Hispanic man go to a dark car, which she thought was him getting a gun. S.L. said she did not want to get out of the car for fear of the man and made a call to 911. However, Lopez-Lopez hung the phone up before she could talk to the operator, so S.L. said she ran into the apartment.

During the interview, S.L. claimed that she called the police a few times throughout the incident when she thought Lopez-Lopez could not see her². She confirmed that Lopez-Lopez carried a gun and almost always had it with him. On the night of the OIS, she said she asked him where it (the gun) was, and he told her that it was in the closet. She said she responded by directing him to get it out and told him to make sure it was ready in case someone came into the apartment. Lopez-Lopez responded by getting the gun and keeping it either in a black bag he carried on his hip or in the pouch of his hooded sweatshirt.

² Call records obtained from the cell phone of S.L. log one call to 911 at 7:43:36 p.m. This call does not connect and was therefore not recorded by 911 Dispatch.

Following this, S.L. stated that she heard something by the front door and looked into the peep hole. She said that this was blocked and when she opened the door to investigate, she saw officers with their guns. According to S.L., Lopez-Lopez was in front of her and pushed her back into the apartment before closing the door. Officers then came into the apartment, and she recalled that they were yelling "get down, get down, get down." S.L. said she ended up in the kitchen and recalled officers shooting Lopez-Lopez three times. She stated that everything happened very quickly and she did not know why the police shot Lopez-Lopez. She remembered that after the shooting, officers grabbed her by her arm and took her outside, where she said she waited in a patrol car until she asked to be taken to the hospital because she felt that she had been poisoned.

Detectives noted that immediately after the shooting S.L. was taken to a patrol car for safekeeping. While there, SPD Officer Jennifer Bader reported that S.L. stated, "If you guys came a couple minutes later, I would have been dead." Similar statements were heard by SPD Officer Rachel Arulanantham, including S.L. repeatedly stating that she thought Lopez-Lopez was going to kill her. Additionally, an examination of S.L.'s phone showed that she sent a message shortly after the incident to an uninvolved contact that read, "I'm going to the hospital My evil husband was trying to kill me... he got shot by the police" [sic].

7. T.G.

T.G. was interviewed by WCSO Detective Kelli Wright on February 13, 2020. The interview is summarized below.

T.G. stated that she is the 16-year-old daughter of S.L. and she lives with her mom (S.L) her stepfather (Lopez-Lopez) and her two younger sisters. Lopez-Lopez is also stepfather to her two other siblings and they have been living together for approximately 3 years. She stated that Lopez-Lopez and S.L. own a cleaning company and rent an apartment at 565 Sparks Boulevard #197 where they keep all the business' cleaning supplies. Lopez-Lopez also keeps his red work truck at the apartment. T.G. stated that Lopez-Lopez and her mom and have been arguing for the past two to three days, but she did not know why.

On the date in question, she knew that S.L. went to meet Lopez-Lopez early in the day. Because her mom did not return right away, T.G. assumed they had stopped arguing. However, later in the evening, T.G. received a text from her mother that said Lopez-Lopez was "acting weird." Later in the evening, her mom messaged her to call the police. T.G. stated that S.L. messaged her that she was at a 7-Eleven and thought that Lopez-Lopez might be taking her to the apartment. T.G. said she responded to this by

calling 911 and relayed the message that her mom was sending to her. T.G. said she believed that Lopez-Lopez must have been close to S.L., who she thought could only send messages when Lopez-Lopez was either not close or not paying attention. T.G. reported that the dispatch operator kept calling her trying to get more information. She stated that the last text message she received from her mom was the address to the apartment, which she immediately forwarded to dispatch.

During the incident, T.G. said she could see that the messages she sent to her mother were being read, but S.L. was not responding. This caused T.G. to think that Lopez-Lopez might have taken S.L.'s phone. An examination of T.G.'s cell phone shows that at 6:46 p.m., S.L. messages T.G. "Come quick", then "police." The phone then shows that for the next forty minutes, T.G. makes eleven phone calls to her mother, but each only connects for between one and three seconds. At 7:32:23 p.m., T.G.'s phone shows that she then calls 911 and receives a message from S.L. that reads, "Address is 565 Sparks Blvd building As apt 197" [sic], then "Or 711."

The following table depicts messages sent by S.L. to T.G. from 7:31 p.m. to 7:32 p.m. on the night of the incident:

2/13/2020 7:31:27 PM(UTC-8)	From: +1 [REDACTED] Mom	At 711 now
2/13/2020 7:31:34 PM(UTC-8)	From: +1 [REDACTED] Mom	Abel is with me
2/13/2020 7:31:47 PM(UTC-8)	From: + [REDACTED] Mom	And I think he's trying to kill me
2/13/2020 7:31:52 PM(UTC-8)	From: +1 [REDACTED] Mom	Tell the police
2/13/2020 7:31:59 PM(UTC-8)	From: + [REDACTED] Mom	I'm at 711
2/13/2020 7:32:04 PM(UTC-8)	From: + [REDACTED] Mom	By the apt
2/13/2020 7:32:06 PM(UTC-8)	From: + [REDACTED] Mom Participants: +**redacted** (owner), + [REDACTED] Mom	Hurry
2/13/2020 7:32:11 PM(UTC-8)	From: +1 [REDACTED] Mom	Call cops please

8. 911 call

The following is a summary of significant information provided to 911 Emergency Dispatch by T.G:

At 7:32 p.m. on February 13, 2020, T.G. calls 911. In the call, T.G. is frantic and crying. She reports that her mother is messaging that her stepdad "is trying to kill her". She explains that there was "an argument, the police were called, I think they just talked to them so now he's going crazy". T.G. further reports that her mom "just said cops were there earlier and now I don't know what's happening, she just told me to call the cops right away."

When asked about the presence of weapons in the house, T.G. reports that Lopez-Lopez "has a gun."

At one point in this call the dispatcher asks for more detail, including if her mother is being chased. T.G. answers,

"I'm not sure they have the argument (sic) for the past two days they just left, and they've been talking and trying to figure it out and now she just told me to call the police right away because ...she thinks he's trying to kill her I don't know what's going on."

At 8:07 p.m. T.G. calls dispatch again to give them Lopez-Lopez's phone number, hoping that police can "track him with his phone."

II. PHYSICAL EVIDENCE

WCCL Criminalist Elvira Koeder (WCCL Criminalist Koeder), Supervising Criminalist Lisa Smyth-Roam, and Supervising Criminalist Renee Armstrong processed the crime scene with the assistance of WCSO Detective Jessica Troup and RPD Detective Mike Barnes. The following summarizes evidence collected and examined.

A. Shooting Scene

The shooting scene is contained within the interior of Park Vista Apartments #197, which is located at 565 Sparks Blvd. The apartment is located on the ground floor level. The front door to #197 is at the west end of an alcove and faces generally north. An enclosed patio faces east.

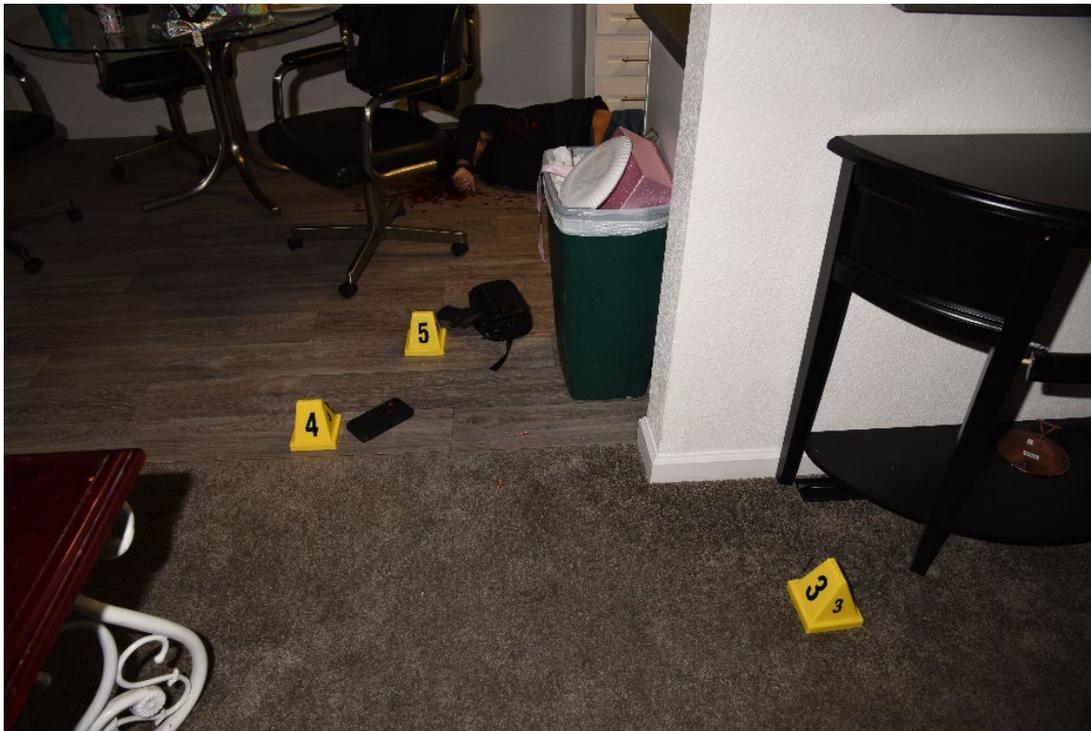


(Passage leading to front door of apartment 197, at left)

The events related to the shooting occurred in and around the front door, a small living room area, and a small kitchen/dining area.



(Apartment Entry)

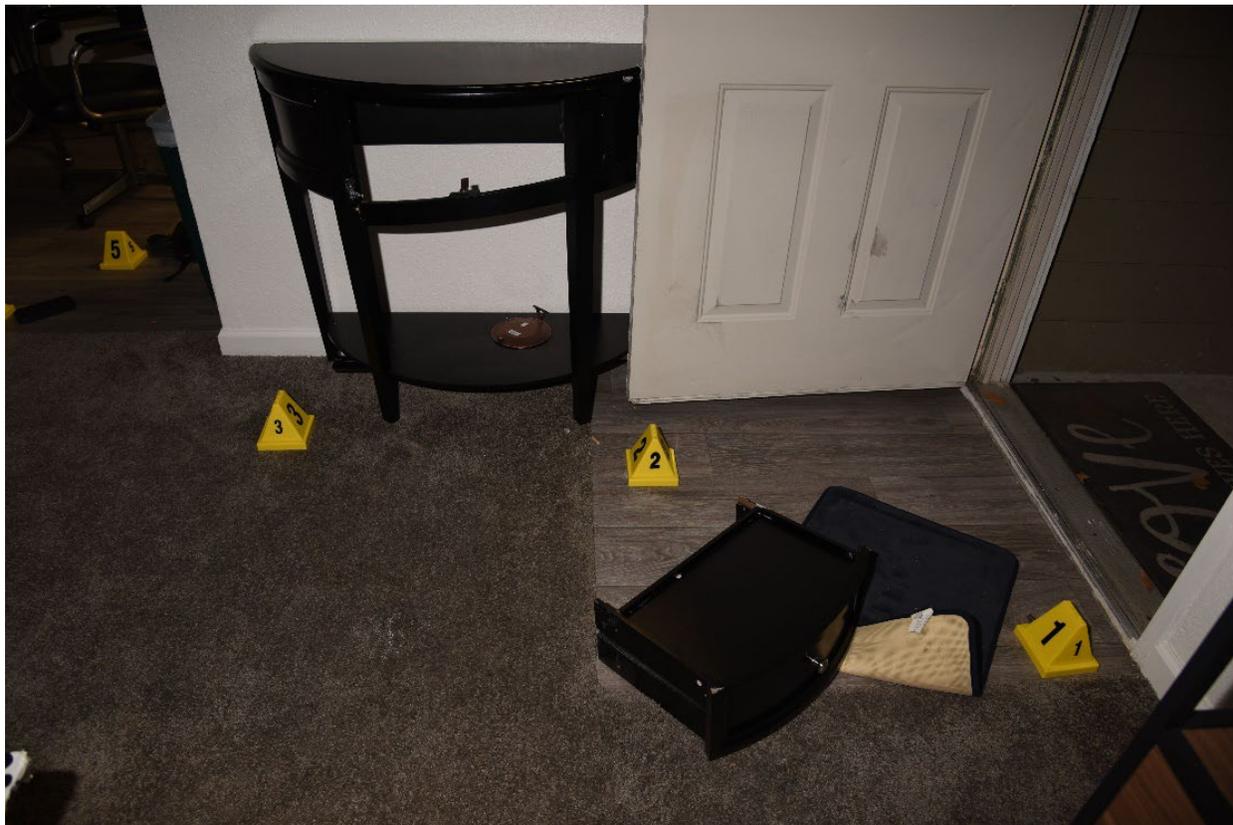


(Placard 3 - fired .223 casing, placard 4 - red iPhone with red stained black case, and placard 5 - .45 ACP firearm kit).

B. Evidence Collected from the Shooting Scene

1. Fired Cartridge Cases

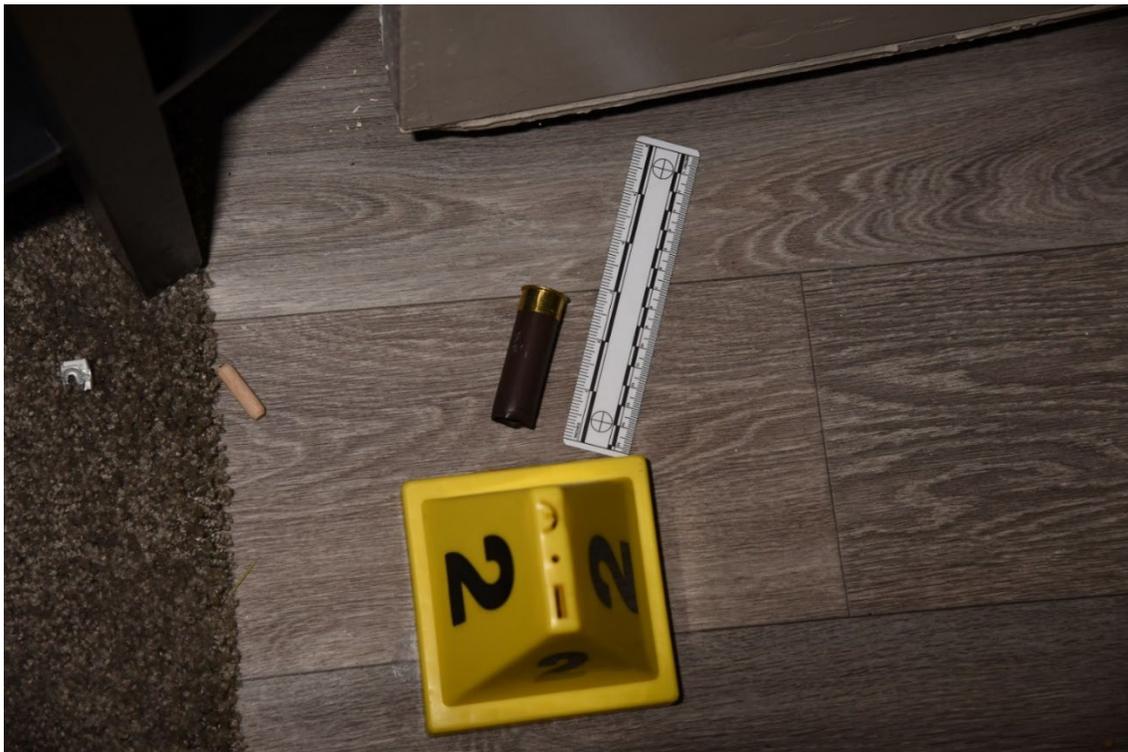
Within the apartment, investigators recovered one fired 9mm cartridge case located just inside the front door (placard 1), corresponding to Officer Jones' 9 mm pistol, and a single fired 12-gauge shotgun shell located near the front entryway (placard 2), corresponding to Officer Rose's shotgun. Two .223 fired cartridges were also located within the apartment, one on the living room carpet (placard 3) and one on the kitchen floor (placard 7), each corresponding to Officer Beauford's rifle.



(Entry way showing placard 1 - fired 9 mm casing, placard 2 - fired 12-gauge shell, and placard 3 - fired .223 casing).



(Placard 1 - one Speer 9mm Luger fired cartridge case at entryway floor. Officer Jones fired his 9mm duty pistol).



(Placard 2 - one 12 gauge fired shotgun shell located on the entryway floor. Officer Rose fired his 12-gauge shotgun).



(Placard 3 - one "Speer 14 223 REM" fired cartridge case located on the living room south side carpet flooring. Officer Beauford fired two rounds from his .223 service rifle).



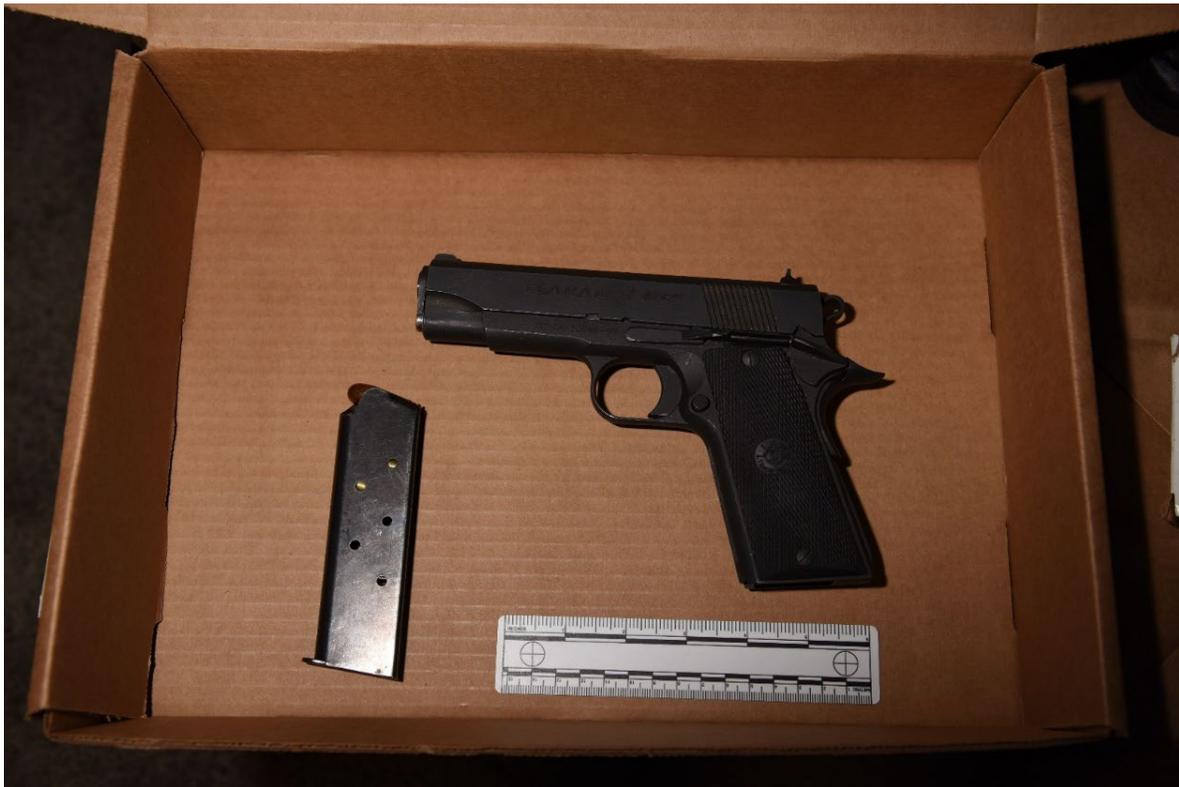
(Placard 7 - "Speer 14 223 REM" fired cartridge case in kitchen near body of decedent).

2. Firearm

A black case containing a partially extracted .45 caliber pistol was located on the kitchen floor near the body of Lopez-Lopez. This was collected as evidence and labeled as placard 5. Later examination determined this firearm kit to contain the following: one Gabilondo Y CIA Vitoria LLAMA MAX-1 45 C/F" .45 ACP caliber handgun bearing serial number 7-04-10848-97. The firearm itself contained one black "Colt" magazine loaded with four "Winchester 45 Auto" cartridges. Also, inside the bag was a "45 ACP Kim Pro Tac-Mag" magazine loaded with six "Winchester 45 Auto" cartridges and one white "Winchester" ammunition box containing thirty-three "Winchester 45 Auto" cartridges.



(Placard 5 -firearm kit, placard 6 - baseball cap, and body of Abel Lopez-Lopez).



(Lopez-Lopez' .45 caliber "LLAMA MAX" pistol with loaded magazine).



(Six rounds of ammunition from magazine removed from 45 caliber "LLAMA MAX" pistol).



(32 rounds of .45 caliber ammunition from firearm kit).

C. Evidence Collected from Officers

On February 13, 2020, at 2158 hours WCCL Criminalist Koeder, WCSO Detective Bradley Sage, and Detective Boyd collected evidence from Officers Beauford, Jones, Zolkos, and Yee by taking photographs and collecting their duty weapons.

On February 14 at 0022 hours, WCCL Criminalist Toni Leal-Olsen, WCSO Detective Robert Markin, and SPD Detective Shawn Congdon collected evidence from Officer Rose, including taking photographs and collecting his duty weapons.

1. Weapons Countdown & Examination

At the time of the shooting, Officer Beauford carried a PWS .223 Model MK1 rifle and a Glock pistol. An Aimpoint optic and a Surefire weapon light were attached. The 30-round capacity Magpul magazine contained 25 rounds, plus one round in the chamber. It was determined that two rounds were fired from the rifle. Officer Beauford's Glock 17 pistol and two spare magazines were at full capacity and determined not to have been fired.

Officer Jones carried a Glock 17 9mm pistol with a Streamlight weapon light. The pistol's 17 round capacity magazine contained 16 rounds, with one round was in the chamber. All rounds were Speer brand 9mm. Officer

Jones' two spare 17 round magazines each contained 17 rounds. It was determined that one round was fired from Officer Jones' pistol.

Officer Rose carried a Remington 870 Police Magnum 12-gauge shotgun loaded with "12GA FC 08 M1030" breaching rounds. Three live rounds were in the magazine tube and one in the chamber. It was determined that one round was fired from Officer Rose's shotgun. Officer's Rose's Glock 17 9mm pistol with Streamlight weapon light and two spare magazines were each at full capacity and determined not to have been fired.

In summary: two rifle rounds were fired by Officer Beauford, one pistol round was fired by Officer Jones, and one shotgun round was fired by Officer Rose.

WCCL Criminalist Kulvir Sarai conducted a forensic analysis of all firearms in this case. The Officers' firearms were all found to be in normal operating condition with no noted malfunctions.

Sarai reported that the "LLAMA MAX" .45 pistol recovered from the apartment was "not operable as received," in that the hammer could not be cocked and the firearm could not be fired. Upon inspection, the combination leaf spring located in the backstrap of the firearm was out of position. After disassembly and correct positioning of the leaf spring, the firearm fired properly without malfunction. It is not known whether the spring malfunction existed prior to this incident.

2. Body Worn Cameras

The body worn cameras ("BWCs") of Officers Beauford, Jones, and Yee all contained footage of this incident. Officer Rose and Officer Zolkos did not wear BWCs during this incident due to their plainclothes assignment. The timestamp of the BWCs is set to Universal Coordinated Time (UCT). For purposes of this report, all times are converted and discussed in local time, or UTC-8. The entire shooting incident - from entry into the apartment until the final shot - takes approximately 5 seconds.

The BWC footage supports the statements of the officers relating to their actions during the shooting. Times of significant events are approximated below and begin with the staging outside apartment #197. The earliest footage shows Officers Beauford, Yee, Zolkos, and Rose staging at the door beginning at 8:20 p.m. Officer Jones is seen staging outside the apartment at around 8:43 p.m.

At 8:55:17 S.L. is seen opening the front door to the apartment. Officer Beauford is heard yelling "Sparks Police" as S.L. is seen slamming the door shut.

At 8:55:19 Officer Beauford is seen kicking the door, then immediately opening the door and entering the apartment. Officer Beauford is heard screaming "show us your hands" as he moves towards Lopez-Lopez.

At 8:55:20 Beauford encounters Lopez-Lopez backing into the kitchen and towards the direction of S.L. Lopez-Lopez can be seen raising what has been identified as the black bag containing the firearm at Officer Beauford.

At 8:55:2³ Officer Beauford fires two rounds at Lopez-Lopez, who continues to move into the kitchen and towards S.L. The upper portion of Lopez-Lopez's body only is visible in the kitchen through a passthrough near the entryway (Officer Jones' BWC).

At 8:55:22 p.m. Lopez-Lopez moves further into the kitchen. Officer Jones is seen firing at Lopez-Lopez, who goes down to a crouching position clutching his right chest.

At 8:55:23 Officer Beauford steps towards Lopez-Lopez and screams "get on the ground." Officer Rose has entered the apartment and takes a position near the door looking through the passthrough window. His shotgun is seen pointing through the passthrough at Lopez-Lopez, who is crouched on the kitchen floor.

At 8:55:24 Officer Rose fires at Lopez-Lopez.

At 8:55:28 Officers can be heard saying "Find the girl" as Officer Beauford is moving towards S.L.

At 8:55:30 S.L is heard saying "I'm right here, I did nothing" as she is ushered out and other officers are heard clearing the apartment.

At 8:55:34 Officer Zolkos notifies dispatch of "Shots fired; shots fired; one down."

³ For consistency, shot times all refer to Officer Beauford's BWC.



(Officer Beauford's BWC shows Lopez-Lopez raising the pistol towards Officer Beauford).



(Officer Jones' BWC shortly before he fires at Lopez-Lopez).



(Officer Jones BWC showing Lopez-Lopez crouched in the kitchen shortly before Officer Rose fires).



(Officer Beauford's BWC showing Lopez-Lopez shortly before Officer Rose fires.

D. Autopsy

On February 14, 2020, Dr. Julie Schrader performed an autopsy on the body of Lopez-Lopez at the Washoe County Medical Examiner's Office.

Dr. Schrader determined that the cause of Lopez-Lopez's death was multiple gunshot wounds. Schrader found evidence of four gunshot wounds: a shotgun wound to the head, a gunshot wound to the right shoulder, a gunshot wound of the upper right arm, and a gunshot wound to the right hand. Outside of the shotgun wound to the head, it was not determined what rounds caused what injuries. The round that struck Lopez-Lopez in the right shoulder traveled through the shoulder tissue to the right lung, pericardium, base of the heart, left lung, and did not exit. The round that struck the right upper arm caused extensive damage to the tissue, muscles, and bones of the arm. The round that struck the right hand damaged the soft tissue and bones of the hand.

Toxicology results from the autopsy showed neither the presence of alcohol nor controlled substances.

III. LEGAL PRINCIPLES

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 Lopez-Lopez 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 e.g., 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 e.g., NRS 200.180 and NRS 171.1455). Moreover, there is case law authority interpreting justifiable self-defense and defense of others. All of the aforementioned authority is intertwined and requires further in-depth explanation:

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

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

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

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

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

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

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

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

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

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

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

Id. 1051-52.

B. Justifiable Homicide by Public Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a public officer... when necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty" and "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"⁴.

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 February 13th, 2020, Lopez-Lopez and his wife S.L. became involved in a day-long argument, precipitated by allegations of inappropriate sexual contact between Lopez-Lopez and one of S.L.'s younger children. S.L.'s 7-year-old daughter had reported the sexual abuse to her mother the day before, which S.L. would later tell police she had begun to suspect several months prior. The child victim reported the same abuse to a teacher, who immediately reported the abuse to police. SPD then initiated an investigation into the allegations against Lopez-Lopez and made unsuccessful attempts to reach S.L. throughout the day.

Later in the evening, S.L. began texting her 16-year-old daughter T.G. S.L. told T.G. to call 911 emergency due to the actions of Lopez-Lopez. The texts stated that Lopez-Lopez was "trying to kill" S.L. and to "Tell the police." Subsequent texts said to "Hurry" and "Call cops please." The daughter, T.G., was aware that Lopez-Lopez and S.L. had been arguing for several days. During the times S.L. was texting T.G., T.G. attempted 11 phone calls to her mother without success. Moreover, T.G. could tell

⁴A 1985 Nevada Attorney General Opinion limited the interpretation of NRS 200.140 to situations where the officer has probable cause to believe that the suspect poses a threat of serious physical harm either to the officer or to others.

that her reply texts to S.L were being read but there was no response which further heightened her concerns. Additionally, T.G. was aware that Lopez-Lopez had a gun.

In turn, a frantic and crying T.G. called 911. T.G. explained to the 911 dispatcher that Lopez-Lopez was trying to kill her mother and had a gun. She further relayed the substance of the text messages she had received from S.L. Accordingly, local officers were emergency dispatched to locate S.L. and Lopez-Lopez. The information received through 911 from T.G. was relayed to responding officers.

Upon arrival at the apartment occupied by Lopez-Lopez and S.L., responding officers positioned themselves near the front door to the apartment. Based on the information received, the officers considered the surrounding circumstances supportive of an active hostage situation response. As such, they established an Emergency Action Team (E.A.T.). The E.A.T. was ordered to listen for sounds of violence. The team's plan was to wait by the door for the Special Weapons and Tactics Team (S.W.A.T.) and a hostage negotiator. However, they decided that if they heard sounds of violence inside the dwelling or someone opened the front door, they would enter the apartment based on safety concerns for the hostage and the officers.

While E.A.T. was waiting for the hostage negotiator and S.W.A.T. to arrive, S.L. opened the door to the apartment. As the door opened, Officer Beauford stepped into the doorway and yelled, "Sparks Police." He could see S.L. at the door and Lopez-Lopez standing directly behind her. He heard S.L. say something like "oh shit" or "oh crap" and slam the door.

Considering the totality of the circumstances, the officers reasonably believed that S.L and the officers were now in a dangerous situation. Fearing for S.L.'s safety, the officers entered the apartment. In addition to the previously delivered "Sparks Police!" announcement, an order was given to Lopez-Lopez and S.L. to show their hands as the officers began to enter the apartment in single-file position.

Lopez-Lopez responded by taking a shooting position and raising a loaded pistol at Officer Beauford, who was the first officer to enter the apartment. Officer Beauford recognized that Lopez-Lopez was raising a pistol at him and immediately fired twice, striking Lopez-Lopez. In that instant, Officer Beauford reasonably believed that the deadly threat posed by Lopez-Lopez was imminent and it was absolutely necessary to use deadly force in defense of himself, the other officers, and S.L. The actions of Officer Beauford were legally justified.

After being shot by Officer Beauford, Lopez-Lopez moved into the kitchen, towards S.L. Officer Jones, the second officer to enter the apartment,

could only partially see Lopez-Lopez due to the "half wall" separating the kitchen from the entry area of the apartment. He saw Lopez-Lopez reach towards his hip in a drawing motion. Fearing for his own life and those of his fellow officers, Officer Jones fired once at Lopez-Lopez. Lopez-Lopez was hit by Officer Jones' shot and then assumed a crouched position in the kitchen. When he shot, Officer Jones reasonably believed that the deadly threat posed by Lopez-Lopez was imminent and it was absolutely necessary to use deadly force in defense of himself and the other officers.

Officer Jones' reasonable belief that the deadly threat posed by Lopez-Lopez was imminent and required deadly self-defense is supported by the collective facts of the investigation. Prior to entering the apartment, he had received information that officers were encountering an active hostage situation, where it was reported that the assailant was attempting to kill the hostage and was armed with a gun. Moreover, as officers were staged at the front door, it was opened and then slammed shut, forcing officers to enter. Upon entry, two shots were immediately fired by Officer Beauford. Less than a second later Officer Jones witnessed Lopez-Lopez with his hand at his right hip, actively disobeying a command to "show us your hands." The actions of Officer Jones were legally justified.

Seconds after Officer Beauford and Jones fired their weapons at Lopez-Lopez, Officer Rose, who had taken a position near the "half wall" separating the kitchen from the entryway of the apartment, fired his gun. Leading up to the discharge of his firearm, Officer Rose entered the apartment behind Officer Beauford and Jones. As he entered the apartment, he also understood that the officers were encountering an active hostage situation where it was reported that the assailant was attempting to kill the hostage and was armed with a gun. Additionally, he witnessed the front door being opened and then slammed shut when the officers' presence was announced. He was also present when the order of "show us your hands" was given as officers began their entry into the apartment. Due to the layout of the apartment and the single-filed manner of entry, Officer Rose's view of Lopez-Lopez was initially obstructed. Officer Rose heard gunshots as he was entering the apartment but was uncertain as to who was shooting. Based off his perception of the movements of Officer Jones, he believed Officer Jones may have been shot.

Upon entering the apartment, Officer Rose turned right and looked over the "half wall," where he saw the hostage against the back wall of the kitchen with her hands up. He also saw Lopez-Lopez crouched in the kitchen facing Officer Rose with his right hand down by the lower part of his right leg. Officers Beauford and Jones were to the right of Lopez-Lopez. From his

perspective, Officer Rose feared that Officer Beauford was unable to see Lopez-Lopez and was in danger. Although he could not see below the middle of Lopez-Lopez's leg due to the "half-wall," he could see Lopez-Lopez's right hand reaching down by the lower part of his right leg. Lopez-Lopez was screaming. In that moment, Officer Rose believed that Lopez-Lopez was drawing or reaching for his gun. Fearing for the safety of the hostage and Officers Beauford and Jones, Officer Rose fired his firearm. In considering the totality of the circumstances, Officer Rose actually and reasonably believed that Lopez-Lopez presented as an imminent deadly threat and that it was absolutely necessary to use deadly force to protect the hostage and other officers. The actions of Officer Rose were legally justified.

The subsequent investigation of this incident showed that Officers Jones and Rose were mistaken about Lopez-Lopez's immediate ability to use deadly force because the pistol possessed by Lopez-Lopez was dropped after he was shot by Officer Beauford. Due to the layout of the apartment, neither Officer Jones nor Rose were able to see that the gun had been dropped by Lopez-Lopez. As stated in Runion, supra, actual danger is not necessary to justify a killing in self-defense, and a person has a right to defend from apparent danger to the same extent as he would from actual danger if: (1) the person killing is confronted by danger which arouses in his mind an honest belief and fear that he is about to be killed or suffer great bodily injury; (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. Thus, a killing may be "justified even if it develops afterward that the person killing was mistaken about the extent of the danger." These principals equally apply to the defense of others.

Prior to discharging their firearms, both Officer Jones and Rose were unaware that Lopez-Lopez had dropped his firearm upon being shot by Officer Beauford. Scene photographs and BWC Footage supports this assertion. As described in detail above, both officers possessed adequate information and observations to harbor an honest belief and fear that Lopez-Lopez presented as a deadly threat. A reasonable person in a similar situation would believe themselves to be in like danger. As such, Officers Jones and Rose had a legal right of self-defense from the apparent danger presented by Lopez-Lopez.

In summation, the shooting officers in this case reasonably believed Lopez-Lopez posed an imminent danger that he would kill or cause great bodily injury to Officers Beauford, Jones, Rose, and S.L. The Officers actually and reasonably feared for their own lives and the lives of others, as they had reports that S.L. was being held hostage and that

Lopez-Lopez was armed with a firearm. When they opened the door, Lopez-Lopez was, in fact, armed with a firearm and he drew it on Officer Beauford. Officers Beauford, Jones, and Rose actually and reasonably believed that Lopez-Lopez posed an imminent threat to their lives, as well as S.L.'s, and that it was absolutely necessary to use deadly force. The totality of the circumstances known to the officers was sufficient to excite the fears of a reasonable person placed in a similar situation. Under Nevada law, the actions of Officer Beauford, Officer Jones, and Officer Rose were justified.

V. CONCLUSION

Based upon a review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding February 13, 2020, the officer involved shooting of Abel Lopez-Lopez, the actions of Officer Beauford, Officer Jones, and Officer Rose are warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundations upon which this decision is made, the District Attorney's review of this case is officially closed.