

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs Unit



INTERNAL AFFAIRS CASE 2020-017.1

ACCUSED EMPLOYEE: Deputy Andrew Phillips #7217

COMPLAINANT: S.D.S.D.

INVESTIGATOR: Sergeant John Buckley #4678

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SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs

CASE NUMBER: 2020-017.1

ACCUSED EMPLOYEE: Deputy Andrew Phillips #7217

COMPLAINANT: S.D.S.D

INVESTIGATOR: Sergeant John Buckley #4678

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San Diego County Sheriff's Department
 Post Office Box 939062
 San Diego, California 92193-9062



William D. Gore, Sheriff

2020-017.1

COMPLAINT FORM

PLEASE PRINT OR TYPE

COMPLAINANT'S NAME SDSO		DATE OF BIRTH	HOME PHONE
COMPLAINANT'S ADDRESS		CITY	ZIP CODE
BUSINESS PHONE			
LOCATION OF INCIDENT The Rio Hotel and Casino	CITY Las Vegas	DATE AND TIME OF INCIDENT 1-28-2020	
NAME(S) OF SHERIFF'S PERSONNEL Deputy Andrew Phillips #7217			
BRIEF NARRATIVE OF COMPLAINT Deputy Andrew Phillips was arrested for valdalism by the Las Vegas Metropolitan Police Department.			
			CONTINUED ON ADDITIONAL SHEETS <input type="checkbox"/>
<p>1. DO YOU BELIEVE YOU WERE STOPPED, ARRESTED, SEARCHED, OR DETAINED BY LAW ENFORCEMENT DUE, AT LEAST IN PART, TO RACIAL OR IDENTITY PROFILING (E.G. BECAUSE OF YOUR RACE, COLOR, NATIONALITY, NATIONAL ORIGIN, GENDER, AGE, RELIGION, GENDER EXPRESSION, SEXUAL ORIENTATION, MENTAL OR PHYSICAL DISABILITY)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>2. IF YES, PLEASE EXPLAIN WHAT SPECIFIC PROFILING YOU BELIEVE OCCURRED AND THE BASIS FOR YOUR BELIEF:</p>			
<p>148.6 P.C. ADVISORY STATEMENT: YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIANS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CIVILIANS COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.</p> <p>I have read and understand the above statement.</p>			
SIGNATURE OF COMPLAINANT:		DATE: 1-28-2020	
INTERNAL AFFAIRS USE ONLY			
EMPLOYEE RECEIVING COMPLAINT: Internal Affairs		DATE & TIME:	
RECEIVED IN I.A. BY:		<div style="border: 2px solid green; padding: 5px; text-align: center;"> <p>Received in</p> <p>JAN 28 2020</p> <p>Sheriff's Internal Affairs</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>I.A CASE #</p> <p>2020-017.1</p> </div>	
<input type="checkbox"/> IN PERSON	NATURE OF COMPLAINT: Conf. to Laws		
<input type="checkbox"/> U.S. MAIL	ASSIGN TO: IA - Sergeant Buckley		
<input type="checkbox"/> MESSENGER MAIL	(LESB - Patrol)		
<input checked="" type="checkbox"/> OTHER: call			

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Record # 2020-013

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

January 29, 2020

Notification of Internal Affairs Investigation

IA CASE#: 2020-017.1

TO: Hank Turner, Commander

RE: Deputy Andrew Phillips #7217
Poway Patrol Station (N241)

The attached complaint has been assigned to Sergeant John Buckley of the Internal Affairs Unit for investigation. You will be informed of the results upon completion of the investigation.

Should you wish to be briefed at any time, please feel free to call me at (b)(6)(B)

Thank you,



LT.

Kenneth Jones, Lieutenant
Internal Affairs Unit

KJ:mpa

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FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

Date: **January 29, 2020**
Complainant: **SDSO**
Date of Incident: **January 28, 2020**
Location of Incident: **The Rio Hotel – Las Vegas**
Allegation: **Conformance to Laws**
Case No: **2020-017.1**

TO: **Deputy Andrew Phillips #7217**
Poway Patrol Station (N241)

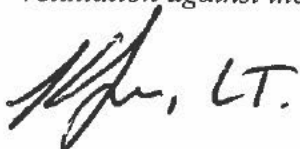
This is to inform you that the Internal Affairs Unit has received a complaint regarding your conduct. The investigation of this complaint will be handled by SERGEANT JOHN BUCKLEY of the INTERNAL AFFAIRS UNIT. The investigator will contact you to arrange an interview.

As a sworn member of this department, you should be aware of your rights contained in Government Code Sections 3300-3311 (Peace Officer's Bill of Rights) or contact an employee representative or attorney for advice.

The Department Policy and Procedure Manual also details your responsibilities during the investigation. Your attention is specifically directed to Sections 2.15 Insubordination; 2.38 Intervention; 2.41 Departmental Reports, and 2.46 Truthfulness.

You are hereby ordered not to disclose anything regarding this investigation with anyone other than your employee representative or legal counsel.

If you have any questions, please feel free to contact the Internal Affairs unit at (b)(6)(B). Do not attempt to contact the complainant regarding the allegations, as this could result in future complaints. *Retaliation is prohibited by Department policy and County policy in addition to State and Federal law. We advise you to refrain from doing anything that may be construed as retaliation against the complainant or any witness involved in this investigation.*



Kenneth Jones, Lieutenant
Internal Affairs Unit

KJ:mpa

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GENERAL INFORMATION

Name: Phillips, Andrew
Title: DEP SHERIFF
SDSD User ID: APHILLSH
PeopleSoft ID: 047159
ARJIS Number: SH7217
Desk Phone: (b)(6)(B)(5)(B)
Cell Phone: (b)(5)(B)
Pager No.:
Home Phone*:
Confidential Phone*:
Other:
Call Sign: 41T5C
Sheriff's Email: (b)(5)(B)
Other Email:
Responsibility: Poway Traffic



* Home Phone number and Confidential phone number are viewable just by you and Comm Center Supervisors

CURRENT WORK LOCATION

Dept. Name:
 Poway Patrol Station
Mail Stop:
 N241
Location:
 Poway Station
Address:
 13100 Bowron Road
 Poway CA 92064-5775
Telephone:
 (858) (b)(6)(B)(5)(B)
Fax:

HR (PeopleSoft) ASSIGNED LOCATION

Dept. Name:
Poway Patrol Station
Mail Stop:
 N241
Location:
 Poway Shrf Stn
Address:
 13100 Bowron Rd
 Poway CA 920645775
Telephone:
 858 (b)(6)(B)(5)(B)

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SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2020-017.1

DATE: September 29, 2020

COMPLAINANT: S.D.S.D.

INVESTIGATOR: Sergeant J. Buckley

SYNOPSIS, ANALYSIS, CONCLUSIONS, AND FINDINGS

SYNOPSIS

On January 28, 2020, Deputy Andrew Phillips was arrested and booked by the Las Vegas Metropolitan Police Department for vandalism to the Rio Hotel & Casino. Deputy Phillips paid restitution directly to the Rio Hotel & Casino and the criminal case was dismissed.

ANALYSIS AND CONCLUSIONS

It is alleged Deputy Andrew Phillips was arrested for vandalism by the Las Vegas Metropolitan Police Department.

On January 28, 2020, Deputy Andrew Phillips and his girlfriend, (b)(5)(B) were staying at the Rio Hotel & Casino in Las Vegas, Nevada. Phillips traveled to Las Vegas with a handgun. There was no safe in the room, so Phillips carried a handgun in a holster inside his waistband. (b)(5)(B) claimed to have no knowledge of the handgun. At some point in the evening, Phillips and (b)(5)(B) ended up at a bar in the Rio and were consuming alcoholic beverages. The amount of alcohol consumed is disputed as Phillips said he had three Vodka tonics while (b)(5)(B) said they both had the same amount to drink, stating she lost count after three "shots." Additionally, (b)(5)(B) stated, "The only fault that I think we had is that we had too much to drink."

Phillips and (b)(5)(B) allegedly met a German national, (b)(5)(B) while at the bar (b)(5)(B) invited them up to his room to consume more alcohol. The number of people in the room is disputed. While there was no mention of German females to the Las Vegas Metropolitan Police Department (hereafter referred to as Metro) officers during the preliminary investigation, Phillips claimed during his Internal Affairs (IA) interview there were two German females and two

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German males in (b)(6)(B) room. (b)(6)(B) believed there were six males from Pomona, California in the room and did not recall any Germans or people with accents. (b)(6)(B) stated it was just himself and his boss, (b)(6)(B) who were in the room. (b)(6)(B) and (b)(6)(B) are the only two people observed on BWC speaking to Metro.

Once in (b)(6)(B) room, Phillips and (b)(6)(B) claimed to receive and consume a mixed drink prepared by one of the Germans. From that point on, both claimed not to remember any events and believed they were drugged. Neither of them were drug tested. (b)(6)(B) stated Phillips became argumentative and was angry. Phillips pulled out a gun and pointed it directly at (b)(6)(B) face, then at his own head. (b)(6)(B) had Phillips disassemble the firearm, took a part of the gun from Phillips, and placed the part in his pocket. Since Phillips stated he was carrying the gun in an inside the waistband holster, and he was wearing an untucked shirt as observed on BWC, it is likely (b)(6)(B) did not know he was armed. (b)(6)(B) was able to get Phillips to leave the room but followed him to a different floor because he was concerned about what Phillips might do to (b)(6)(B). (b)(6)(B) saw Phillips kick a door in the hotel and notified Rio security.

Rio security had received calls from the 15th floor of the hotel about Phillips banging on the door threatening to shoot through it. Phillips was staying on the 25th floor. Rio security contacted Phillips on the 15th floor with a disassembled firearm in his possession and escorted him downstairs. Phillips was given the option to check his gun with security and remain on the property or leave the property with the gun. According to Rio security, Phillips was obviously intoxicated. Phillips was indecisive, argued with security and was on the property with the gun when Metro arrived.

During his IA interview, Phillips claimed if he was guilty of anything, he would have been arrested for it. There were many factors in the criminal investigation which dispute that claim. It is the policy of the Las Vegas Metropolitan Police Department to call out detectives when they respond to a call involving a law enforcement officer. It is reasonable to infer the patrol officers who were conducting the preliminary investigation believed the detectives would handle the investigation, so they did not obtain official statements. When detectives arrived, according to the lead detective, they determined it was going to be a patrol case. Detectives did not conduct a thorough investigation and believed they were there to assist patrol. The detectives did not record any statements, complete any reports and did not speak to Phillips. Additionally, Metro did not provide a German language translator. Many different Metro personnel spoke to (b)(6)(B) and when the body worn camera footage of his statements are reviewed in their entirety, the elements of assault with a deadly weapon and being intoxicated while armed are met (Nevada Revised Statutes § 200.471 and § 202.257 respectively). At the time of the preliminary investigation, the

officers and detectives did not have the benefit of reviewing all the footage to put together the entire story and therefore, did not believe they had probable cause to arrest Phillips for those charges.

The issue of voluntary versus involuntary intoxication is raised as a defense to what occurred after Phillips went to (b)(6)(B) room. According to Louisville Metro Police Department Police Surgeon Doctor (b)(6)(B) after his review of Phillips' statements and behavior on BWC, he opined Phillips impairment and intoxication was due to voluntary consumption of alcohol. Additionally, Doctor (b)(6)(B) noted, "Lapses of memory commonly occur if a quantity of alcohol is consumed voluntarily over a short period of time." (Refer to Doctor (b)(6)(B) report – Item H)

Despite Phillips' belief he was drugged and that (b)(6)(B) version of events were not corroborated, one must evaluate the events and judgement that led up to Phillips being in (b)(6)(B) room in the first place. While Phillips was still living at home with his wife and two children, although claiming to be going through a separation, he went to Las Vegas with his girlfriend. They decided to stay in Las Vegas one more day and switched to the Rio where there were no safes in the room to secure his firearm. Phillips was armed while consuming alcoholic beverages while inside the casino. During his IA interview, Phillips admitted to feeling the effects of alcohol. (b)(6)(B) said both she and Phillips were doing "shots" and had consumed "lots of alcohol." Officer Rybacki stated Phillips was intoxicated to the point that he was unable to care for the safety of anyone else. Officer Rybacki would not have given Phillips the firearm back and let him walk away. While armed and intoxicated, Phillips met a complete stranger, (b)(6)(B) and agreed to go to his room to consume more alcohol. Phillips stated normally he would not go up to someone's room, but the German girls he claimed to have met were cute and he decided to go to the room to "see where is goes." Phillips displayed poor judgement at various stages prior to anything that allegedly occurred after the supposed blackout in (b)(6)(B) room.

The assault with a deadly weapon as alleged by (b)(6)(B) can be corroborated by Phillips statements on BWC. Phillips stated to Officer Rybacki (BWC video 413-23 – Officer Rybacki) the following related to what occurred in (b)(6)(B) room:

- "A heated debate happened in the room and we go from there."
- Phillips repeated that they wanted to "fuck my girl" and then "shit happens."
- "What if two dudes want to fuck your girl in a room here. Something's gonna happen."

Phillips stated on BWC he left (b)(6)(B) room, retrieved the gun from the safe in his room and dismantled it. Based on Phillips' IA interview, there was no safe in his room and he had the gun on his person while in (b)(6)(B) room. When Rio security contacted Phillips, the gun was in pieces and Phillips put the pieces in his pocket where they were later retrieved by Metro. The explanation as to why the gun was in pieces is explained by (b)(6)(B) stating he had Phillips dismantle the gun. (b)(6)(B) kept a piece of it until he left Phillips in the hallway. On BWC (video 413-16 – Officer Fisher), (b)(6)(B) asked the officer if they had hurt anyone and asked if everyone was okay, again providing credibility to (b)(6)(B) assertion that there was an altercation in the room.

During his IA interview, Phillips suggested he and (b)(6)(B) may have been robbed. Phillips claimed he was missing a few hundred dollars and (b)(6)(B) was missing a \$2000 watch. The belief that this was a set up and that Phillips and (b)(6)(B) was targeted in order to take his money and her watch is also in dispute. (b)(6)(B) did not mention her watch during the IA interview. She was also unaccounted for during the period of time when she left (b)(6)(B) room to when she walked out of the casino and was contacted by Metro. Additionally, Phillips maintained control of his firearm and it is unlikely Phillips and (b)(6)(B) could have had their property removed from them while he was armed. This could be the reason for the altercation with (b)(6)(B) in the room but was not provided as an explanation either on BWC or during interviews. On BWC, Phillips was upset about the Germans wanting to have sex with (b)(6)(B) not about an actual or attempted robbery. Phillips and (b)(6)(B) did not claim to be the victim of any sort of theft or robbery on BWC footage.

During his Internal Affairs interview, Phillips claimed to have no memory of committing the vandalism. Phillips committing the vandalism was confirmed by (b)(6)(B) who witnessed it, and by Rio security who contacted Phillips where the damage occurred near the time when they were dispatched to it. There was also a cartridge recovered from the area which matched the cartridges found in the magazine in Phillips' pocket. Those factors are why Metro arrested Phillips for the vandalism. Despite having no memory of the event, the morning he was released from custody he paid the Rio \$1000 for the damage. The criminal case was dismissed, stating in a court docket (Attachment D) "Per Defense, restitution paid in full."

The following Sheriff's Policy and Procedure sections are applicable to the allegation:

2.6 Conformance to Laws, as it relates to:

Employees shall obey all laws of the United States, of this state, and of local jurisdictions. The acts of employees giving rise to an indictment, information or complaint, filed against an employee, or a conviction for violating any law, including a conviction following a plea of nolo contendere, may be cause for disciplinary action, temporary or permanent reassignment (excluding minor traffic).

Nevada Revised Statute § 206.310 states in part:

1. Every person who shall willfully or maliciously destroy or injure any real or personal property of another, for the destruction or injury of which no special punishment is otherwise specially prescribed, shall be guilty of a public offense proportionate to the value of the property affected or the loss resulting from such offense.

Nevada Revised Statute § 202.257 states in part:

1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm, to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

Nevada Revised Statute § 200.471 states in part:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

2. *A person convicted of an assault shall be punished:*
 - (b) *If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.*

2.14 Use of Alcohol/off Duty

Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in unlawful impairment (such as driving under the influence or being unable to care for their own safety or the safety of others), public intoxication, or obnoxious or offensive behavior in public which would tend to discredit them or this Department, or render the employee unfit to report for their next regular tour of duty. (Reviewed 10-19-16)

2.34 Carrying of Firearms states in part:

Employees who are authorized to carry firearms shall carry them in accordance with the law and established Department policy and procedure. Employees who are authorized to carry a firearm, may (optional) carry a firearm, when off duty, except:

1. *When consuming an amount of alcoholic beverages that would tend to adversely affect a reasonable person's senses or judgement, or render the employee unfit to report for their next regular tour of duty.*

2.50 Use of Lethal/less Lethal Weapons

Employees shall not use or handle lethal or less lethal weapons (including chemical agents, saps, batons, taser guns, etc.) in a careless or imprudent manner. Employees shall use these weapons in accordance with law and established Departmental procedures. (Reviewed 1-16-2011)

When Phillips was first contacted by Rio security, he told them he was law enforcement as he was disassembling his handgun and placing the parts into his pockets. When Phillips was first contacted by Metro as captured on BWC, he spontaneously stated, "I'm a Deputy Sheriff – San Diego Sheriff's Department." (video 413-23 – Officer Rybacki) Throughout the contact, as viewed on BWC, Phillips continually asked to speak to a sergeant or tried to get their attention. It

was perceived by the arresting officer, Officer Rybacki, that Phillips was trying to use his position as a law enforcement officer to get the sergeant to assist him. Officer Rybacki also stated Phillips impeded their investigation and made it more difficult for them. Within minutes of the initial contact with Metro, Phillips stated on BWC, "I don't want this to ruin my career, my fucking job, you know? I just want to leave and get out of here and that's it." Phillips also mentioned "blue falcon" to Officer Rybacki, which is a common military term regarding "buddy fucking" or "screwing somebody over." According to Officer Rybacki, Phillips was intoxicated, had a weapon, and knew he was going to get into trouble. At least one time after Phillips said "blue falcon" he asked to be let go.

The following Sheriff's Policy and Procedure sections are applicable to the allegation:

2.18 Abuse of Position states in part:

Use of Official Position or Identification

Employees are prohibited from using their official position, official identification cards or badges; (1) for personal or financial gain, (2) for obtaining privileges not otherwise available to them except in the performance of duty, or (3) for avoiding consequences of illegal acts (such as traffic citations, driving under the influence, etc.). Employees may not lend their identification cards or badges to another person, or permit them to be photographed or reproduced.

2.38 Intervention

Employees shall not use their position, or knowledge gained by employment with this Department, to intervene in, or interfere with any case, or investigation being handled by this Department, or any other agency.

On BWC throughout the contact, Phillips made several comments about Germans and Russians such as:

- "Fuckin Russians"
- "[T]hese freakin' German idiots...Russian, German, whatever the hell they are. They were speaking some other damn language."
- "Russians come to our country, cause shit, I'm the one who gets in trouble."

Officer Rybacki felt the comments were derogatory and were made when Phillips was at a higher level of intoxication. Phillips stated in his IA interview he did not have a problem with Russian or German people.

The following Sheriff's Policy and Procedure section is applicable to the allegation:

2.53 Discrimination

Employees shall not express any prejudice or harassment concerning race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, gender, age, political beliefs, sexual orientation, lifestyle or similar personal characteristics.

Examples of discriminatory acts which will not be tolerated include the use of verbal derogatory comments, slurs, or jokes, derogatory pictures, cartoons or posters and actions which result in a person being treated unequally. (Reviewed 1-27-2011)

The burden of proof for an administrative case is a "preponderance of evidence" which is defined as "such evidence, when weighed with that opposed to it, has more convincing force and greater probability of truth." Upon evaluating the entirety of the body worn camera footage, witness statements and the statement of the accused, it is likely Deputy Phillips had lapses in his memory. These lapses in memory were due to voluntarily intoxication. His behavior and lack of memory does not excuse the Policy and Procedure violations. The criminal investigation conducted by the Las Vegas Metropolitan Police Department was incomplete and the benefit of hindsight and the ability to review all the BWC footage establishes the probable cause necessary to allege additional criminal violations to what Phillips was arrested for. Additionally, Phillips excessive use of profanity and his argumentative attitude toward Metro did not reflect favorably upon himself or this Department.

The following Sheriff's Policy and Procedure section is applicable to the allegation:

2.4 Unbecoming Conduct

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee. (Reviewed 1-11-2011)

Phillips did not notify his immediate supervisor about the arrest. Metro told Phillips the Department had been notified. Metro contacted the Sheriff's Department and Internal Affairs was subsequently notified. On the day Phillips was released from jail, I called and left a voicemail with Phillips to call me as soon as he was released. Based on those facts, it is appropriate to infer

Phillips believed he was relieved of his duty to notify his supervisor as stated in Sheriff's Policy and Procedure section **2.6 Conformance to Laws**, which states in part:

Employees shall immediately inform their immediate supervisor of any and all circumstances where non-conformance to laws has been, or may be, alleged by any law enforcement agency. The supervisor receiving such notification shall immediately notify Internal Affairs. (7-30-03) (Reviewed 1-11-2011)

FINDINGS

This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.6 Conformance to Laws** as it relates to Nevada Revised Statute § 206.310; in that: On January 28, 2020, Deputy Phillips damaged a door and wall to the Rio Hotel & Casino. Deputy Phillips was arrested for the vandalism and subsequently paid \$1000 in restitution to the hotel for the damages. Employees shall obey all laws of the United States, of this state, and of local jurisdictions.

This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.6 Conformance to Laws** as it relates to Nevada Revised Statute § 202.257; in that: On January 28, 2020, while intoxicated in Las Vegas, Nevada, Deputy Phillips was in physical possession of a firearm. Employees shall obey all laws of the United States, of this state, and of local jurisdictions.

This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.6 Conformance to Laws** as it relates to Nevada Revised Statute § 200.471; in that: On January 28, 2020, Deputy Phillips placed **(b)(6)(B)** in reasonable apprehension of immediate bodily harm by pointing a firearm at him. Employees shall obey all laws of the United States, of this state, and of local jurisdictions.

This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.4 Unbecoming Conduct**; in that: On January 28, 2020, Deputy Phillips was arrested by the Las Vegas Metropolitan Police Department for vandalism. While intoxicated, Phillips vandalized private property, recklessly pointed a gun at another individual, used profanity, made derogatory comments about another nationality, impeded with the criminal investigation, and did not conduct himself in a professional manner. Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department.

This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.14 Use of Alcohol/off Duty**; in that: On January 28, 2020, Deputy Phillips consumed alcohol to the point where he was unable recall certain events and was unable to care for anyone else. Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in unlawful impairment (such as driving under the influence or being unable to care for their own safety or the safety of others), public intoxication, or obnoxious or offensive behavior in public which would tend to discredit them or this Department.

This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.34 Carrying of Firearms**; in that: On January 28, 2020, Deputy Phillips was carrying a firearm and consumed alcohol to the point where he was unable recall certain events and was unable to care for anyone else. Employees who are authorized to carry a firearm, may (optional) carry a firearm, when off duty, except when consuming an amount of alcohol that would tend to adversely affect a reasonable person's senses or judgement.

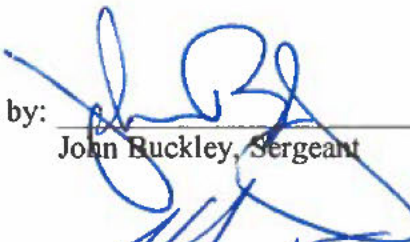
This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.50 Use of Lethal/less Lethal Weapons**; in that: On January 28, 2020, Deputy Phillips was carrying a firearm while off duty. While intoxicated, and for no specified legitimate purpose, Deputy Phillips pointed the firearm at **(b)(6)(B)** Employees shall not use or handle lethal or less lethal weapons (including chemical agents, saps, batons, taser guns, etc.,) in a careless or imprudent manner. Employees shall use these weapons in accordance with law and established Departmental procedures.

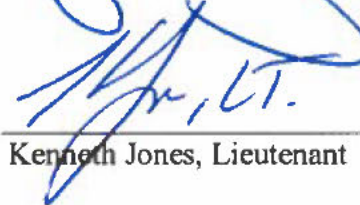
This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.18 Abuse of Position - Use of Official Position or Identification**; in that: On January 28, 2020, when contacted by the Las Vegas Metropolitan Police Department, Deputy Phillips spontaneously identified himself as a Deputy Sheriff with the San Diego Sheriff's Department. While being detained pending a criminal investigation, Deputy Phillips used his position as law enforcement to influence the investigation and to be released. Employees are prohibited from using their official position, official identification cards or badges for avoiding consequences of illegal acts.

This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.38 Intervention**; in that: On January 28, 2020, while being detained pending a criminal investigation, Deputy Phillips used his position as law enforcement to influence the investigation and to be released. Employees shall not use their position, or knowledge gained by employment with this Department, to intervene in, or interfere with any case, or investigation being handled by this Department, or any other agency.

This complaint against Deputy Andrew Phillips is **SUSTAINED** as it relates to Sheriff's Policy and Procedure **2.53 Discrimination**; in that: On January 28, 2020, after an altercation with German nationals, Deputy Phillips was captured on body worn camera making comments to Las Vegas Metropolitan Police Officers such as; "Fuckin Russians." "[T]hese freakin' German idiots...Russian, German, whatever the hell they are. They were speaking some other damn language." "Russians come to our country, cause shit, I'm the one who gets in trouble." Employees shall not express any prejudice or harassment concerning race or national origin. Discriminatory acts which will not be tolerated include the use of verbal derogatory comments.

This complaint against Deputy Andrew Phillips is **EXONORATED** as it relates to Sheriff's Policy and Procedure **2.6 Conformance to Laws**; in that: On January 28, 2020, after he was arrested, Deputy Phillips was told the Sheriff's Department had been notified. The day he was released from custody, Deputy Phillips received a message to call Sheriff's Internal Affairs. While Deputy Phillips did not immediately inform his supervisor, he felt the Department notification and the call from Internal Affairs was sufficient.

Submitted by:  09/29/20
John Buckley, Sergeant Date

Approved by:  9/29/2020
Kenneth Jones, Lieutenant Date

JB:jb

C

WITNESS LIST

Case # 2020-017.1

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
(b)(6)(B) <i>German Citizen Witness</i>	Germany	Cell: (b)(6)(B) (b)(6)(B)
James Rybacki <i>Officer Witness</i>	LVMPD Convention Center 750 Sierra Vista Drive Las Vegas, NV 89169	Work: (702) 828-6430
William Ghilarducci <i>Detective Witness</i>	LVMPD Convention Center 750 Sierra Vista Drive Las Vegas, NV 89169	Work: (702) 828-6430
Brandon Conk <i>Sergeant Witness</i>	LVMPD Convention Center 750 Sierra Vista Drive Las Vegas, NV 89169	Work: (702) 828-6430
Edgar Fisher <i>Officer Witness</i>	LVMPD Convention Center 750 Sierra Vista Drive Las Vegas, NV 89169	Work: (702) 828-6430
William McLain <i>Officer Witness</i>	LVMPD Convention Center 750 Sierra Vista Drive Las Vegas, NV 89169	Work: (702) 828-6430
Jerry Sulek <i>Detective Witness</i>	LVMPD Convention Center 750 Sierra Vista Drive Las Vegas, NV 89169	Work: (702) 828-6430
Scott Farrington <i>Detective Sergeant Witness</i>	LVMPD Convention Center 750 Sierra Vista Drive Las Vegas, NV 89169	Work: (702) 828-6430
Kyle Kyger <i>Sergeant Witness</i>	LVMPD Convention Center 750 Sierra Vista Drive Las Vegas, NV 89169	Work: (702) 828-6430
(b)(6)(B) <i>Security Witness</i>	Rio Hotel & Casino 3700 W. Flamingo Road Las Vegas, NV 89103	Work: (702) 828-6430

RELEASED FROM
I.A. FILES
TO AP

(b)(6)(B)

Witness

Alexander Arvanitis
*Deputy Sheriff #0155
German Translator*

(b)(6)(B)

(b)(6)(B)

S.D.S.D.
5590 Overland Avenue
San Diego, CA 92123

Cell: (b)(6)(B)

Work: (b)(6)(B)

RELEASED FROM
I.A. FILES
TO AR

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2020-017.1

DATE: September 29, 2020

COMPLAINANT: S.D.S.D.

INVESTIGATOR: Sergeant J. Buckley

INVESTIGATION

On January 29, 2020, Internal Affairs (IA) Lieutenant K. Jones assigned this case to me for investigation. I reviewed the complaint form and accompanying documents (Attachment A). I digitally recorded all interviews in this investigation, with the knowledge of each interviewee. The interviews are attached to this case and will be maintained within the Internal Affairs file. Interviews of the witnesses and the accused employee are synopses unless otherwise indicated by quotations. The record reflects all relevant statements and conversations occurring during the course of the interview but is not a verbatim transcript. For clarity, superfluous words, phrases, and or inaudible tones have been eliminated. For exact and complete details of the interviews, refer to the recordings.

The Internal Affairs complaint was authored by the San Diego County Sheriff's Department. The Complaint Form noted the incident date of January 28, 2020 and stated the following:

Deputy Andrew Phillips was arrested for vandalism by the Las Vegas Metropolitan Police Department.

Upon receipt of this case, it was tolled pending the outcome of the criminal proceedings. On March 2, 2020, Deputy Phillips sent me a Register of Actions, Case Number 20F02122X, in the State of Nevada vs. Phillips, Andrew Richard (Attachment D). There was a comment dated February 27, 2020 stating, "Per Defense, restitution paid in full." Additionally, it stated, "Case Closed – Dismissed." As a result, this investigation began, and I contacted the Las Vegas Metropolitan Police Department (LVMPD) requesting written reports and body worn camera (BWC) footage from incident number LLV200100130945.

RELEASED FROM
I.A. FILES TO AP

On March 4, 2020, I received the following .pdf documents from LVMPD (Attachment E):

- Crime Scene photos
- CSI Report
- DOAR – Declaration of Arrest Report
- Firearm Impound
- ICR – Arrest / Detective Report
- Incident Recall – Communication Center Event Search
- TCR – Temporary Custody Record
- Unit Log – Unit Log by Incident Number
- VOLS x4 – Handwritten Voluntary Statements by (Attachment F):
 - (b)(6)(B) (Rio Security Employee)
 - (b)(6)(B) (Rio Security Employee)
 - (b)(6)(B) (German tourist)
 - (b)(6)(B) (Rio Facilities Employee)

On March 5, 2020, I downloaded twenty-four (24) BWC videos that were provided to me by LVMPD and later copied them to a USB drive and attached them to this case file (Attachment I).

The following is a brief synopsis of each of the BWC videos. The numbered labels of the videos do not reflect the chronology which they occurred and were the default number assigned as I received them. The following synopses are ordered in the chronology based on the timestamp of when each video begins. There is a 30 second delay from the time the video begins to when the audio turns on. I encourage the reader of this report to review the videos as they can provide context for the subsequent interviews with LVMPD personnel, witnesses and the accused. Refer to the actual videos attached to this case file (Attachment I).

413-23 – Officer Rybacki (begins at 2213 hours – video duration 19 minutes 15 seconds)

Primary/Arresting Officer and first on scene. Made initial contact with Phillips and remained with him. Can hear radio dispatch updates as Officer Rybacki is driving to this call. One such update stating, “Male had threatened to shoot down door of a subject’s room.” Upon arrival, Phillips is observed leaning against a pillar with several security guards around him. Phillips consented to a pat down by the officer. As security is briefing the officer, Phillips talks over security and spontaneously stated, “I’m a Deputy Sheriff – San Diego Sheriff’s Department.” Phillips attempted to get the attention of the sergeant and asked him to come over. Phillips asked if he really needed to be handcuffed. The sergeant responded with, “Possession of a firearm while intoxicated is a crime.” Phillips

responded, "This shit was completely taken apart in our room in the safe." Phillips said, "I was just trying to leave...there's no DV, there's no nothing." Additionally, Phillips stated, "I don't want this to ruin my career, my fucking job, you know? I just want to leave and get out of here and that's it."

(9 minutes 55 seconds) Phillips essentially stated he was there with his girlfriend for a picture frame expo. He saw a girl he liked, she saw a male she liked, and they were going to have a good time by inviting the male and female up. "Shit goes good" and they invited two "German dudes" up to their room. "They turned out to be complete fucking assholes." The Germans, "Were pretty much like, 'if we don't get to fuck your girl, there's no deal.'" Phillips told the Germans there was no deal and they got up in his face. Phillips said, "A heated debate happened in the room and we go from there." The next thing Phillips knows is he is downstairs with security around him asking about the weapon. Phillips repeated that they wanted to "fuck my girl" and then "shit happens." Officer Rybacki asked what that meant, and Phillips responded, "Come on man, don't tell me that. What if two dudes want to fuck your girl in a room here. Something's gonna happen."

(13 minutes 15 seconds) Phillips admitted to "probably" kicking the door but said he never pulled a gun. Phillips said he had no drinks the entire night until that time and does not know how the firearm got into his possession, stating "I always have a fuckin' firearm in my possession, 24/7." Phillips went on to explain, "When this whole shit went down, I went to the room and I was like, ok we're arguing, we're having a fuckin' bad time, I went to the safe, I unlocked the fuckin' safe, I took all the parts, put them in my fuckin' pockets and next thing you know, two minutes later, I'm like 'you need to come with us.'" Phillips said to Officer Rybacki and Officer Fisher who was off camera (refer to '413-18 - Officer Fisher' for perspective), "I would never do this to you. I've been put in this situation a fuckin' thousand times." Phillips admitted to having "a few drinks" and would guarantee he would pass a field sobriety test.

Officer Rybacki explained it was illegal to have a firearm in your possession while drinking regardless of [law enforcement] status. Phillips argued, "Even though it was in pieces? There's nothing...I was just trying to get it away from her cause I didn't want her to do anything crazy with it."

(17 minutes 10 seconds) After it was explained to Phillips he might go to "county" he asked to speak to a supervisor. He stated, "I've been put in this situation like a hundred times. I don't ruin someone's career over one fuckin' stupid mistake." He went on to say,

“Whatever the fuck I did was not terrible.” Phillips challenged Officer Rybacki to prove he was under the influence and said, “I’ve had one drink in the last seven hours – I’m not under the influence.” Phillips asked to be unhandcuffed and to let him go back to his room without any paperwork. Officer Rybacki responded that is not how it works, and Phillips stated, “It does. That’s how it works on my Department... we don’t fuckin’ blue falcon each other.” Phillips said, “You guys don’t even have fuckin’ body cams, come on man.” Officer Rybacki pointed out his body camera and Phillips responded, “Well, ok, there’s that.” Phillips said he had one drink in the last ten hours. The sergeant motioned Officer Rybacki to come to him and the BWC was turned off.

413-19 – Sergeant Conk (begins at 2216 hours – video duration 7 minutes 42 seconds)

Video begins with Sergeant Conk responding to scene. At 5 minutes 09 seconds in, he meets up with Officer Rybacki who is searching Phillips. Sergeant Conk is notified Phillips is off-duty from San Diego (refer to video ‘413-23 – Officer Rybacki’ for dialogue). Officer Rybacki removed firearm pieces from Phillips’ pockets and handed them over to Sergeant Conk. Sergeant Conk handed the gun parts and magazine (one round observed in the magazine on video) to Officer McLain and the video ends.

413-22 – Officer McLain (begins at 2218 hours – video duration 12 minutes 26 seconds)

Video begins with Officer McLain arriving at the casino directly behind Officer Rybacki. Casino security is wearing a suit (identified as (b)(6)(B) as described by Security Officer (b)(6)(B) during interview) approached and said Phillips had a broken-down pistol in his pockets. (b)(6)(B) essentially said casino security got a call on the 15th floor that Phillips was banging on the door threatening to shoot his girlfriend. Two separate callers said he was threatening to shoot his girlfriend through the door. Two [security] officers went up and contacted him. Phillips became argumentative with them at the security podium about checking in his gun and Phillips started to reassemble the gun. (b)(6)(B) said Phillips was intoxicated, got into a fight off property earlier and had busted up knuckles. The girlfriend was up in one of the rooms and security still has to verify what room she was in. (b)(6)(B) said Phillips was arguing saying he was San Diego PD and a Marine Corps vet, and he could have the gun if he wanted it. Phillips was over at “Round Bar” assembling and disassembling the gun. According to Losh, Phillips claimed he got into a fight with his girlfriend over “Russian Nazis.” Phillips pulled the gun out while at the security podium, the bar and was walking around dropping pieces of it. (b)(6)(B) said Phillips also had a knife.

After speaking to (b)(6)(B) Officer McLain stood by with Officer Rybacki (refer to video '413-23 – Officer Rybacki' for dialogue). At 7 minutes, Officer McLain went to his vehicle. At 10 minutes 52 seconds, Officer McLain returned. (b)(6)(B) pointed out an individual [German national] and said that person was involved in a different incident. Apparently, there was an incident in his room where Phillips brandished the firearm. It was a completely different than the incident security received the call about. Security received a call from rooms 15001 and 15002 saying Phillips was banging on the door threatening to shoot through it if she did not answer. Security thinks Phillips is staying in room 25001. The reporting parties did not want anything to do with it and they called guest services through the "800 number" so it was transferred to security. Phillips told (b)(6)(B) at the security podium he had "multiple beers" earlier tonight. (b)(6)(B) was able to escort Phillips to the main door and Phillips said he had "punched a Nazi earlier tonight."

413-17 – Officer Fisher (begins at 2219 hours – video duration 4 minutes 57 seconds)

Officer Fisher arrived on scene behind Officer McLain. He is approached by a security officer in a yellow polo (identified as (b)(6)(B)). (b)(6)(B) said when he got up there (referring to the 15th floor), Phillips had the disassembled gun in his hands and was trying to reassemble it. The gun was currently in Phillips' pockets.

Officer Fisher walked over to Officer McClain (refer to video '413-22 – Officer McClain' for dialogue). At 1 minute 55 seconds, Officer Fisher is approached by a German national, (b)(6)(B). (b)(6)(B) spoke broken English but essentially stated he met Phillips and Phillips' girlfriend while drinking in the casino. (b)(6)(B) referenced something about becoming angry, banging and a gun. (b)(6)(B) said he is from Germany and cannot believe something like this has happened to him, that a man put a gun in his face. They were in (b)(6)(B) room and (b)(6)(B) told Phillips "please, don't shoot me." They go up to the 15th floor and (b)(6)(B) said there was a door. (b)(6)(B) makes a kicking motion and said the door will be broken. (b)(6)(B) said he went downstairs to tell security to stop Phillips because he could kill the female. (b)(6)(B) was asked if Phillips pointed the gun at him and he said yes. (b)(6)(B) was then asked if he wanted to "press charges" and (b)(6)(B) responded, "no way." (b)(6)(B) was again asked if he wanted to press charges and he essentially asked what that meant. Officer Fisher said, "You're going to have to come back for court and all that stuff." (b)(6)(B) said he did and will go get his passport. The video ended.

413-20 – Sergeant Conk (begins at 2224 hours – video duration 6 minutes 43 seconds)

Sergeant Conk is speaking to Security Officer (b)(6)(B). (b)(6)(B) said he saw Phillips trying to reassemble the gun. Sergeant Conk pulled (b)(6)(B) aside to speak to him. (b)(6)(B)

spoke broken English and made hand and body gestures as he spoke. (b)(6)(B) essentially said the following. (b)(6)(B) is from Germany and he met Phillips in the Rio. They have a beer and (b)(6)(B) meets the female. They talk about work. They go to (b)(6)(B) room to his friend. Phillips and the female are very angry. Phillips put a gun to (b)(6)(B) face. The gun was together when Phillips put it in his face. (b)(6)(B) is from the German army and asked Phillips not to have it in his room and to take it apart. (b)(6)(B) felt threatened. (b)(6)(B) was frightened as Phillips was waving the gun around being dangerous. (b)(6)(B) friend was in the room as well. Phillips did not say he wanted to kill him. (b)(6)(B) went with Phillips to the 15th floor to see what he did with the girlfriend. Phillips and the girlfriend are very frightening together. Phillips was kicking the door and (b)(6)(B) told him not to. Phillips pointed the gun at (b)(6)(B) and told him to "shut up." (b)(6)(B) left and went to security.

At 4 minutes 37 seconds, Sergeant Conk left (b)(6)(B) walked to his vehicle and made a phone call to Sergeant Kyger asking if he wanted to respond for the experience.

413-18 – Officer Fisher (begins 2226 hours – video duration 5 minutes 4 seconds)

Officer Fisher was at the back of a patrol vehicle retrieving paperwork. He walked over to Officer Rybacki who was talking to Phillips (refer to video '413-23 – Officer Rybacki' for dialogue).

413-15 – Sergeant Conk (begins at 2233 hours – video duration 5 minutes 1 second)

Sergeant Conk is speaking to Phillips. The audio began with Phillips stating, "Drinks in the last eight hours. I got in an argument over my girlfriend and this whole entire frame expo because these fuckin' Russians were all about her and her business and all that. And we go to their room after all this fuckin' time and then they pretty much come out and say, 'well we want to fuck your fucking girl in order to make this deal go. I'm not drunk, I'm not fuckin'... yeah, I was mad, and they attacked me, and shit went down in the room and that was it after that." Phillips went on to say, "I already knew because my fucking girl was mad. So, I went to the room, I grabbed my shit [referring to the gun], I took it all apart and put it in my pockets and I was like, I'm out'a here. And then next thing you know as soon as I come down the fuckin' elevator people are detaining me." Sergeant Conk explained they have protocols and they have to conduct an investigation. Phillips asked if he seemed intoxicated, but Sergeant Conk did not respond.

413-24 – Officer Rybacki (begins at 2234 hours – video duration 21 minutes 9 seconds)

The video begins with Sergeant Conk speaking to Phillips (refer to video '413-15 – Sergeant Conk' for dialogue). At about 2 minutes 35 seconds, Sergeant Conk walked away.

Phillips asked Officer Rybacki if he could be unhandcuffed. Phillips asked for a field sobriety test and what he was being detained for. Phillips asked if the BWC was on or off and said he did not think he is intoxicated, the firearm was "in a million pieces" and he was taking it to his car to put away. Phillips asked if they could prove he is intoxicated and said, "I had one drink 6, 7 hours ago." Phillips said, "Russians come to our country, cause shit, I'm the one who gets in trouble." Officer Rybacki asked what Russians had to do with it and Phillips responded, "These freakin' Russians / Germans are like one of the big key players of the entire frame industry. My girlfriend is a big-time player here in California. So, we all met up together tonight and these big, fat, fucking, disgusting mother-fucking, God-damn motherfuckers pretty much essentially said, 'well, we're not going to do the deal unless we get to fuck your girlfriend.' So yeah, self-incriminate me and all your fuckin' evidence on the body camera. And then I smile back at him – have a good day sir – and I left." Phillips asked if everything was still being recorded and said, "Let this shit known that I stood here and waited for you guys to come to talk to me because I knew it was all B.S. I could have left." Phillips went on to say while shaking his handcuffed hands behind his back, "I would never fucking do this to you guys ever in San Diego, especially hinged handcuffs." Officer Rybacki responded it is all they have per policy and Phillips responded, "Just cause you're recording everything...There's no way you can turn that off at all?" Officer Rybacki explained the worst-case scenario is he goes to jail and the best-case scenario is the handcuffs come off and Phillips can continue his night. Phillips asked, "so how do I make the best-case scenario? Whatever it takes, best case scenario." Phillips said he had a pre-workout and one drink earlier and is "super amped." Phillips asked if Officer Rybacki would put Chapstick on his lips and Officer Rybacki complies, stating only because Phillips is a cop. Phillips said he would do the same and for the last two years he has been "a detective. I'm a traffic investigator."

Phillips asked why he was there handcuffed and not the other two "who caused this." Phillips said they met up with a Russian company upstairs, and "Their number one thing was, we're gonna fuck your girl. And I was like, you're not gonna fuck my girl. And I get attacked by two fucking dudes. And again, I'm gonna stop incriminating myself. So, those guys don't like how the outcome happened and they call you guys or something apparently and here we are. I never did nothing; I never had a weapon on me. I got scared at that point. Went to my room. Grabbed my shit and took it apart. Came down here to put it in my car and boom, was detained." Phillips said it was a good thing his girlfriend was not out there because she is "feisty." They have been dating for six months. He was married for ten years but it went bad. At about 15 minutes, Phillips asked if he could speak to a supervisor. Officer Rybacki said Phillips' command will get notified and he responded, "Which is still

fucking shitty.” He said, “I was trying to do the fuckin’ right thing. Take all this shit and go.” Phillips said he would want Officer Rybacki as his partner. Phillips said he should have just left stating, “I’m the good guy here and here I am.”

Officer Rybacki pointed out (b)(6)(B) who was speaking to his partners and asked if Phillips knew him. Phillips shook his head in the negative and said, “He is one of the Russian guys that was part of the expo earlier.” (b)(6)(B) was one of ten guys they met at the expo earlier in the afternoon. He was not one of the ones involved with his girlfriend. Phillips said, “Those guys were fat as fuck, like, like fucking Jabba the Hutt fat. That’s what pissed me off, I’m like really?”

Phillips and his girlfriend stayed at the Luxor the past two days and staying at the Rio tonight. Phillips needs to leave at 0800 hours so he can be at work.

At about 19 minutes 52 seconds, Phillips said he was concerned about the whereabouts of his girlfriend because if she knew this was happening, there would be chaos there. Phillips was placed in the back of a patrol vehicle and the video ended.

413-4 – Officer Fisher (begins at 2237 hours – video duration 1 minute 55 seconds)

Officer Fisher is speaking to (b)(6)(B) (b)(6)(B) makes a lot of hand gestures and referenced not having the gun together in his room and put two pieces in (b)(6)(B) pants. (b)(6)(B) told Phillips to never put the gun together in his room. (b)(6)(B) said they went outside, made reference to them arguing, and heard banging. Phillips was kicking the door for his girlfriend and (b)(6)(B) told him not to break the door. (b)(6)(B) gestured his hand like a gun pointing and was told to shut up. (b)(6)(B) went to security. (b)(6)(B) was writing his statement on the hood of a car and the video ended.

413-6 – Officer McLain (begins at 2237 hours – video duration 2 minutes 24 seconds)

Officer McLain is standing by with Officer Fisher as he was speaking to (b)(6)(B) The audio begins a few seconds prior to Officer Fisher’s audio (413-4 – Officer Fisher) with (b)(6)(B) saying, “His girlfriend and my friend – to my boss, my boss and she is, ‘Hey, I want to suck you.’ They both together get angry.” (refer to video ‘413-4 – Officer Fisher’ for the rest of the statement).

413-5 – Officer Fisher (begins at 2256 hours – video duration 1 minute 42 seconds)

Officer McLain asked an unidentified German (not (b)(6)(B)) to write down what happened, and he said no. A security officer is writing a statement and Sergeant Conk directed Officer Fisher to get a written statement from another security officer ((b)(6)(B)).

413-12 – Sergeant Conk (begins at 2303 hours – video duration 4 minutes 46 seconds)

Sergeant Conk, Officer Fisher and security search a hotel room (related to 413-11 – Officer Fisher). There was nobody in the room. Sergeant Conk said, “It smells like weed.”

413-11 – Officer Fisher (begins at 2304 hours – video duration 3 minutes 39 seconds)

Officer Fisher, Sergeant Conk and security search a hotel room. There is nobody in the room (related to 413-12 – Sergeant Conk).

413-2 – Sergeant Kyger (begins at 0002 hours – video duration 1 minute 33 seconds)

Sergeant Kyger walked to a patrol vehicle to talk to Phillips who is in the back. Phillips asked where his girlfriend was and Sergeant Kyger inquired about where she would be. Phillips responded, “She was with these fucking Russian assholes or whatever the fuck they are German and then she disappeared.” Phillips said he does not want to talk and wants a lawyer. He complained the cuffs were too tight and Sergeant Kyger said he would have someone check.

413 – Sergeant Kyger (begins at 0004 hours – video duration 0 minutes 41 seconds)

Sergeant Kyger walked with Officer Fisher as he checks on Phillips while he is seated in the back of a patrol vehicle (related to 413-8 – Officer Fisher).

413-8 – Officer Fisher (begins at 0004 hours – video duration 2 minutes 50 seconds)

Officer Fisher checked on Phillips while seated in the back of a patrol vehicle. Complained he cannot feel his arms, and everything is numb. Phillips said, “I’m trying not to make this difficult. Trust me man, come on, this is ridiculous. Over nothing, over hearsay?”

413-7 – Officer Rybacki (begins at 0010 hours – video duration 2 minutes 39 seconds)

Officer Rybacki detained the female (b)(6)(B). She said her boyfriend is “Andrew Phillips.” Officer Rybacki said he was not going to get into it and let the detectives talk to her. She said, “I don’t know what’s going on.” Officer Rybacki placed her in the back of Officer Fisher’s vehicle.

413-16 – Officer Fisher (begins at 0015 hours – video duration 7 minutes 0 seconds)

Officer Fisher is with the female (b)(6)(B) as she is sitting in the back of a patrol vehicle with the door open. She said, "All I remember was us drinking downstairs and then we were about to go upstairs and that was it." She had about five drinks which is not a lot for her. She does not know what happened. She asked if they hurt anyone and wanted to make sure everyone was okay. She asked if she could see Phillips. When asked if she remembered if they argued or were physical, she said, "No, he would never touch me, he's like. I'm the one that's like, fuckin' choke me and blah, blah, blah. And he's like, no I would never. I'm a freak. I'm like, just fuckin' pull my hair, do this and he's like no, I would never. Yeah, I know, I'm a freak. I'm 42 years old, I'm a freak in the bed. He's not at all." She said she gives him more bruises and if anyone should go to jail it should probably be her. She said she would talk to the detectives. Detective Ghilarducci walked over, introduced himself and the video stopped.

413-3 – Sergeant Kyger (begins at 0034 hours – video duration 1 minutes 46 seconds)

Sergeant Kyger spoke to the female (b)(6)(B) while she was seated in the back of the patrol vehicle. She said the guy who arrested her pushed her over on the car. She was being cooperative and does not know why she was being handcuffed. He slammed her over the hood and told her to "shut up." After she was told everything was recorded, she said he "put me over there" and did not say "shut up" but actually said, "be quiet."

413-14 – Officer Rybacki (begins at 0041 hours – video duration 5 minutes 38 seconds)

Officer Rybacki let Phillips out of the back of the patrol vehicle to stretch. He told Phillips security found his girlfriend. Phillips asked if he could stretch his arms and said he has to "pee." Officer Rybacki advised Phillips he was under arrest for destruction of personal property. Phillips responded, "I gotta pee so bad, I can't feel my arms, I've been back here for hours." Phillips asked if it was a "cite and release." Phillips asked if they can take him to the restroom. Phillips said he has never kept criminals in the back of a vehicle that long. Phillips asked what they said he did "Because I swear, they fuckin' took my girlfriend and I was just trying to find her and all of a sudden, I'm here." When asked who took his girlfriend, he responded, "These freakin' German idiots... Russian, German, whatever the hell they are. They were speaking some other damn language." Phillips was placed back into the rear of the patrol vehicle and the video ended.

413-21 – Officer Rybacki (begins at 0055 hours – video duration 7 minutes 54 seconds)

Officer Rybacki and Officer McLain take Phillips inside the casino to the restroom (refer to 413-21 – Officer McClain for his perspective). Phillips said, "The more I'm coming to,

I'm like someone fuckin' roofied me or some shit." Phillips was asked if he remembered how much he had to drink and responded, "I didn't have that much, that's what I'm saying. I went up these fucking idiot's room, that's these German fuckers or whatever and next thing you know I'm being fucking arrested. Five years in the Marines, nine years as a freakin' deputy sheriff. Never had a speeding ticket or anything. Next thing you know, I'm fuckin' sitting in the back of a car. Now I'm starting to come to, like wait, what the fuck happened?" Phillips said the last thing he remembered was going with them to their room and then being in the back of a police car. Phillips again asked what he was being arrested for and asked if it was a cite and release. Phillips asked what he did and Officer Rybacki told him he punched a hole through a wall and damaged a door. Phillips asked whose door it was and was told it was on a different floor than where he was staying but at the correct door. Officer Rybacki told Phillips he was banging on the door thinking his girlfriend locked him out and Phillips said, "I don't remember none of that." He said, "I don't know what the fuck they gave me when I was in their room or what." Phillips was placed back in the patrol vehicle. Officer Rybacki explained why he was going to be booked. Officer Rybacki also said Phillips was going to be taken to the station to do paperwork, the weapon will be impounded, and Phillips' department has been notified. Phillips asked to do it as soon as possible since he was supposed to pick up his kids at 2:00.

413-9 – Officer McLain (begins at 0055 hours – video duration 3 minutes 15 seconds)

Officer McClain and Officer Rybacki took Phillips to the restroom (refer to '413-21 Officer Rybacki' for dialogue).

413-13 – Officer Fesler (begins at 1448 hours – video duration 5 minutes 18 seconds)

Officer Fesler removed Phillips from the back of a patrol vehicle and identified himself as prisoner transport. Officer Fesler said he does not know what happened and that he was just transport. Phillips said he was five years Marine Corps and Officer Fesler said he was in the Navy. Phillips said, "You're our transportation and here we are again." Officer Fesler placed waist chains on Phillips as they were talking. Officer Fesler asked if Phillips was a police officer in San Diego and for how long. Phillips responded, "Nine years. This will be interesting to explain to them, right?" Phillips went on to say, "I'm a detective, so it's gonna be a good one." Officer Fesler placed Phillips in the back of a van.

413-10 – Officer Luoto (begins at 1452 hours – video duration 3 minutes 39 seconds)

Officer Luoto assisted Officer Fesler with removing Phillips' handcuffs (see '413-13 – Officer Fesler' for dialogue).

INVESTIGATION CONTINUED:

On March 25, 2020, I sent an email to the Las Vegas Metropolitan Police Department personnel who were identified as being involved in the investigation of this incident. All of them were assigned to nightshift. The only person who responded to the email was Officer Rybacki and we arranged for a phone interview. Over the next few weeks, I continued to call the other personnel's direct phone line or dispatch during their regular working hours until I was connected with them. I did not contact transportation Officer Fesler and Officer Luoto as they did not respond to the incident and were not involved in the investigation.

On April 16, 2020, at about 0810 hours, I called and spoke to Las Vegas Metropolitan Police Officer J. Rybacki. The following is essentially what he told me.

STATEMENT OF WITNESS: OFFICER RYBACKI

Officer Rybacki is currently employed by the Las Vegas Metropolitan Police Department and has been a police officer assigned to patrol for about six years. Previously, he was a Federal law enforcement officer since February 2000.

Officer Rybacki responded to the incident at the Rio Hotel and Casino. He completed a report regarding that incident and reviewed it prior to this interview. Everything in the report is true and correct. He was also wearing a body worn camera during the incident but did not review the footage prior to this interview. He does have an independent recollection of this call. Calls involving outside agencies tend to stick with him a little more.

The call came out over dispatch reference a person with a gun. No further detail was given at that time. There was no mention of Phillips' status as a peace officer. Security was out with the individual at the Rio Hotel. Officer Rybacki arrived with another officer, either Officer McLain or Officer Fisher, and they contacted Phillips in the valet area of the Rio. Phillips was visibly intoxicated and was staggering around a bit. He was "having a couple choice words with security" but for the most part, he was calm. Officer Rybacki does not recall exactly what was being said but believes Phillips was cursing at security.

Officer Rybacki spoke to Phillips and due to the nature of the call and the mention of the gun, he patted Phillips down and put him in handcuffs. If Phillips' status as a peace officer was mentioned, it would not have mattered as they would have handled it accordingly. Phillips obliged to the pat

down. Officer Rybacki located a pocketknife and handed it to his partner. Phillips made no mention of any weapons on him other than having a pocketknife.

In his left front pocket, Phillips had a disassembled firearm. Phillips stated it was not a weapon, but all the parts to the gun, including the magazine, were in his pocket. Phillips also had ammunition with the weapon. Phillips kept stating it was not a weapon because it was not together. Officer Rybacki is a firearms instructor. If all the gun parts he took off Phillips were reassembled, it would be a functioning firearm. There were also two rounds in the magazine. Officer Rybacki did not Mirandize Phillips or get an official statement. Phillips was slurring his words.

Phillips was in handcuffs and said to Officer Rybacki, "Why you gonna do this to me... I'm one of you guys... I can't believe you're doing this." Officer Rybacki told Phillips he was being detained and if he was a sheriff's deputy like he had stated, then he should know how this goes. Officer Rybacki found Phillip's San Diego Sheriff's credentials and called out his supervisor.

Both Officer Rybacki's sergeant, Sergeant Conk, and another sergeant, Sergeant Kyger, arrived. Sergeant Kyger ended up taking over the supervisor portion of the investigation and he made notifications to their detectives.

After Phillips was detained, Officer Rybacki spoke to Rio security. One of the security officers said Phillips was up in a room causing a disturbance and they brought him down. When Phillips was at the security podium, Phillips attempted to reassemble or disassemble his Glock weapon he had on him. Security said Phillips was on the 15th floor banging on a bunch of doors because he thought he was at his hotel room. Phillips was on the wrong floor but at the correct room. Phillips was out in the hallway yelling for someone to let him in. He became disruptive, damaged a door and put a hole into some drywall. Officer Rybacki did not personally go up and see the damage but photographs were taken of the damage. Officer Rybacki never left the valet area and there were other officers assisting.

Officer Rybacki was the first law enforcement personnel on scene. He recalls Phillips identifying himself as law enforcement when he first made contact. In his experience in dealing with officers from outside agencies, they do that for a multitude of reasons. They feel their word is going to carry more weight than the security officers or they know they did something wrong, but they think their fellow "brother in blue" is going to help them get out of it. Unfortunately, that is Officer Rybacki's experience with outside law enforcement agencies.

The Rio is part of Officer Rybacki's beat but he does not personally know any of the security guards there. What security tells him is generally reliable. They might expand on something that may or may not happen but for the most part they are truthful because there are cameras all over the property.

There were several times, as observed on BWC footage, which Phillips was trying to get the attention of the sergeant on scene. Officer Rybacki thinks he was trying to get his attention because Phillips was not getting any leeway, was in handcuffs and being detained. Officer Rybacki perceived at the time that Phillips might have been trying to use his position [as law enforcement] to get the sergeant to help him out. Officer Rybacki tried to speak to Phillips and they try to treat law enforcement officers with respect whether they are intoxicated or not because they "are another brother in blue." They also have to handle their investigation a little different when they are identified as law enforcement. It is someone with a position of trust in the community and they have their careers to consider. They also know the innerworkings of how situations are handled and there are potentially officer safety considerations. Phillips mentioned he was prior military. Officer Rybacki is also prior military and knows with many veterans, they have the potential of PTSD. For all those reasons, including Phillips' level of intoxication, Officer Rybacki kept Phillips in handcuffs but said he would stay with him, one vet to another.

Phillips could care for himself, but he was belligerent and was unable to care for anyone else. Setting aside any crime that might have been committed, Officer Rybacki would not have been comfortable with giving Phillips his gun parts back and letting him walk away.

Phillips asked Officer Rybacki to let him go multiple times. Officer Rybacki did not let Phillips go because of the call from security regarding a person with a gun who might have pointed it at someone. Additionally, there was a German citizen who made a statement. Officer Rybacki did not interview the German citizen, but briefly spoke to him. There was a language barrier and they tried to get a translator but Officer Rybacki does not think one came out. There was no video evidence located regarding the German's claim that Phillips pointed the weapon at him.

When Officer Rybacki first arrived, Phillips level of intoxication was high. It did seem like there was "something else on board as well." He is not a drug recognition expert but has seen multiple people on different types of drugs. Based on his observations, he thought Phillips might have also been under the influence of cocaine. There were no chemical, breath, or field sobriety tests conducted on Phillips. The only time they do those tests is when someone is in control of a vehicle and Phillips was not in control of a vehicle.

Officer Rybacki does not know what “the deal” was with regards to Phillips’ statement on BWC. Officer Rybacki thinks it had something to do with the trade show. Phillips’ wife or girlfriend had something to do with the trade show. That was the reason why Phillips and the female were there, and it had something to do with her profession. Officer Rybacki recalls the German bringing it up a couple of times but he does not know if the deal was for the trade show, their own personal business, drugs and has no idea what the deal was for.

Phillips stated on BWC that “shit went down” with the Germans. Officer Rybacki does not know what happened in the room. It was Phillips, the German and Phillips’ girlfriend or wife in the room. The only person they could get a statement from was the German. They typically prefer to get someone else to confirm what someone is alleging, and they could only go off of what the German was saying. Due to the language barrier, they could not confirm what happened inside the room. The German said he invited them up to the room to have a couple of drinks. Phillips flipped-out and started arguing. He pulled out his gun in the German’s room. Somehow, Phillips and his girlfriend started arguing and they ended up leaving the room. The girlfriend left the room first and the German was trying to calm Phillips down and was walking with him down the hallway. The German said he was just trying to get Phillips out of his room because of the weapon. The German coaxed Phillips out of the room by offering to buy him a drink at the bar. Phillips tried to get into another room and the German told him it was the wrong room. They got into the elevator and went down to the 15th floor. That is where the destruction of property happened, and the German left from there. Officer Rybacki did not speak to another German citizen. He remembers Phillips making mention of another individual but Officer Rybacki got the impression from the German it was just him.

Officer Rybacki did not speak to the female who was with Phillips. Sergeant Conk went to the room where Phillips was registered to conduct a welfare check on the female since the German said they could have been involved in a “domestic,” but she was not there. Sergeant Conk said the room was disheveled and it appeared some type of fight happened there. Sergeant Conk could not discern whether it was how Phillips and his girlfriend actually lived, or if there was an actual fight, but he said the room was a mess.

After about two hours, the female came out to the valet area on her own. Security pointed her out and said she was Phillips’ girlfriend. She was dumbfounded, asked what was going on and said she was looking for Phillips. Officer Rybacki believed she knew exactly what was going on but acted oblivious because she did not want to get him into trouble. Officer Rybacki did not speak to her but detectives came out to talk to her. The detectives told him she did not want to answer any

of their questions and was completely uncooperative. There is no information from her about anything that happened.

Phillips' statement regarding "blue falcon" is a common military term and is another term for "buddy fucking" or "screwing somebody over." Phillips made mention of "blue falcon" quite a few times to Officer Rybacki. Officer Rybacki knew Phillips was intoxicated and had a weapon on him. At that point in time, Phillips knew he was going to get into some type of trouble. At least one time after Phillips said it, he asked to be let go.

Phillips was arrested for destruction of property. Officer Rybacki believed he had probable cause to arrest him for other crimes. It was not up to Officer Rybacki on whether to arrest for anything other than vandalism. It was discussed with the detectives. When detectives arrive on scene, they are the ones who guide the arrest and make the decision on what was going to happen. The detective sergeant was the one who decided to arrest Phillips for the destruction of property. Officer Rybacki believes he had probable cause to arrest Phillips for intoxication with a firearm [Nevada Revised Statute § 202.257]. Officer Rybacki believes something happened with the girlfriend and it looked like she had a red mark or scratch, but it was about two hours from the time they contacted Phillips and the time the female came down. The German citizen also claimed Phillips and the girlfriend got into a "domestic." There could have been something that happened between Phillips and his girlfriend, but she was completely uncooperative. There could also have been assault and battery with a firearm against the German citizen [Nevada Revised Statute § 200.471]. There are no public intoxication statutes on the Las Vegas strip.

For about the first 45 minutes of Officer Rybacki's interaction with him, Phillips was rude and disrespectful. Officer Rybacki thought it was sad how Phillips was representing the department. He saw Phillips' credentials and thought if he were ever in that situation, he would never dream about putting his career and professionalism on the line by being that rude to another law enforcement officer. Over time, as the severity of the situation sunk in, Phillips realized he was being arrested, and as his level of intoxication came down, he was a little bit more respectful. Officer Rybacki did not take any of it personally. Phillips' demeanor changed at about the same time as when he realized Officer Rybacki had a body worn camera.

Officer Rybacki recalls speaking to Phillips off body worn camera explaining to him what was going to happen. Once he got back to his station to complete paperwork and arrange for the transport vehicle, Phillips asked again what he was being arrested for. It was probably the fifth or sixth time Officer Rybacki explained it to him. Officer Rybacki does not recall any off body worn camera conversations with Phillips regarding any other details about what happened that night.

Phillips asked about his firearm and was told it was going to get impounded. Phillips was also told his chain of command knows about the situation. Phillips was sobering up. He was concerned about his job and did not know what was going to happen. Phillips appeared to be remorseful but could not believe he was being arrested by their department for what Officer Rybacki thinks Phillips believed was a "frivolous crime." Phillips did not take responsibility for anything and had the attitude of "I can't believe this is happening." Towards the end, Phillips apologized for his behavior and said, "I put you in a bad spot and you've been cool."

With regards to Phillips' profanity; if Officer Rybacki was in Phillips' situation, being a law enforcement officer, whether he was intoxicated or not, he probably would have handled himself a little differently.

Officer Rybacki has dealt with other law enforcement officers in similar situations. He would categorize Phillips compared to those other contacts where the law enforcement officer was being arrested in the bottom 20% as being more egregious. It made Officer Rybacki's job more difficult to do, in that; another law enforcement officer knowing what needs to be done according to law, Phillips made it a lot more difficult to get the investigation done. Phillips impeded the investigation. Phillips behavior did not reflect well as a representative of the Sheriff's Department. Officer Rybacki hates saying it and knew this would go to an internal affairs investigation. Unfortunately, he cannot say anything positive about how Phillips acted. He could have acted more professionally due to the situation carrying the weight of public trust. The situation already happened, and he could have handled it like an adult, and as a law enforcement officer and accept the fact it was happening, but he handled it the way he did.

In Phillips identifying himself as law enforcement and trying to get the supervisor involved, Officer Rybacki felt he was using his position to avoid any consequences or prosecution.

Phillips on BWC stated, "fucking Russians" and was referring to the German citizens. The way he was describing them, in Officer Rybacki's opinion, was a derogatory comment against another nationality. At the time it came across as derogatory or demeaning toward another citizen and the comments were made when Phillips was at a higher level of intoxication. In Officer Rybacki's experience with people who are intoxicated, it lowers their guard and brings out really who they are and are a little bit looser with their words. How Phillips was speaking about the German citizen or whom he was claiming as a Russian, it came across as a demeaning or derogatory comment.

I reviewed the list of officers I was told responded to the incident with Officer Rybacki. The following is what he explained each of their roles were. The only other person whom he said responded which was not on my list was the detective sergeant.

- Detective Ghilarducci was the primary detective.
- Officer Arteaga was an additional back-up officer and might have obtained a statement.
- Officer Fisher or Officer McClain stood-by with the female and spoke to the German citizen. Officer Fisher went with the crime scene investigator to take photographs of the damage. Officer McClain impounded Phillips' weapon.
- Sergeant Conk is Officer Rybacki's supervisor.
- Officer Oniate was just another responding officer [there was no BWC footage from him provided].
- Sergeant Kyger was the supervisor on scene and made notifications to their command and called out the detectives.
- Detective Sulek was one of the detectives who responded.
- The detective sergeant [Sergeant Farrington] also responded.

Their policy is anytime they deal with an outside agency law enforcement officer, two detectives and a detective sergeant respond. The interview concluded at about 0910 hours.

INVESTIGATION CONTINUED:

On April 16, 2020, I reached out to Deputy Arvanitis to assist with German language translation. Although Deputy Arvanitis is not a certified Sheriff's Department German language translator, he shared his training and experience which I deemed as sufficient for the purposes of this investigation. Deputy Arvanitis sent me the following regarding his training and experience:

(b) (6) (B)

I assigned Deputy Arvanitis to translate (b)(5)(B) written statement and to contact him for an interview. Deputy Arvanitis sent me the following translation of (b)(5)(B) written statement and told me the handwriting was pretty rough which made it difficult to get a clear meaning for a few

of the sentences. German words and sentences, just like any other language, can have a vastly different meaning if a letter or two are different (Attachment F):

Ich habe (diris?). Dann sind sie auf
I have (unknown). Then they
Im Zimmer mitgenommen und (san nicht?)
Took with in the room and (unknown)
(Gestripen Um mig?) der Waffe (unknown) gefummelt.
(unknown) the weapon (unknown) fiddled (or messed with)
Dann wann sie auf der 15 Floor.
Then when they on the 15th floor
(unknown) waffen mit den füß (unknown)
(unknown) weapon with their feet (Unknown)
Dann hat er den pistole getragen
Then he brought the pistol
Als wir aus unserem Raum (gegangen?)
When we were outside our room (went?)
Hat der bewuldigte 3-4 mal an die
The accused hit the wall 3-4 times.
Wand geschlagen.
Wall beaten.

On April 16, 2020, at about 1055 hours, I called the Rio Hotel & Casino and spoke to Security Dispatcher (b)(5)(B) (b)(5)(B) told me (b)(5)(B) was still employed and was currently working nightshift. Employees (b)(5)(B) and (b)(5)(B) were currently laid-off due to COVID-19. (b)(5)(B) could not provide me with their personal contact information and the Rio could not contact them on my behalf for work related issues due to their laid-off status. (b)(5)(B) also said he could not provide me with any video surveillance, and I would need a subpoena for any video surveillance footage related to the incident. The call was not recorded.

On April 21, 2020, at about 1650 hours, I called and spoke to Las Vegas Metropolitan Police Detective W. Ghilarducci. The following is essentially what he told me.

STATEMENT OF WITNESS: DETECTIVE GHILARDUCCI

Detective Ghilarducci has been employed by the Las Vegas Metropolitan Police Department for 11 years and has been a detective for five years. He is currently assigned to the Convention Center Area Command. They deal mostly with the tourist corridor and tourist crimes. They conduct follow-up investigations for everything except homicides and sexual assaults.

Detective Ghilarducci recalls responding to the Rio regarding event number LLV200100130945. He did not write any reports related to the incident and was not wearing a body worn camera since he is in a plain-clothes unit. He did not review any BWC footage prior to this interview.

Detective Ghilarducci recalled the details of the call was an off-duty deputy from another jurisdiction was in possession of a firearm and was using it in a threatening manner at the Rio. There had also been some property damage. One of their call-out criteria is anytime there is a police officer involved, either from another jurisdiction or their own, they always respond.

Detective Ghilarducci responded with Detective Sulek and Detective Sergeant Farrington. When they arrived, they were briefed by patrol. He was told there had been some sort of domestic dispute between an off-duty Sheriff's deputy from California, a female and an individual from Germany. There was some property damage and the deputy was in possession of a weapon at one point. At security, when the hotel gave the deputy the option to book the weapon as is their policy, the deputy decided not to book the weapon. The deputy was extremely intoxicated and being uncooperative.

Initially, there was not a lot for the detectives to do since they only had the German person present. The female eventually came down and just happened to walk out of the entrance by the valet, so they contacted her.

Based on what patrol said about the deputy being intoxicated and uncooperative, the detectives decided not to talk to him.

They interviewed the German individual who spoke pretty good English. He told them he had been downstairs drinking at the bar with the deputy and the female. They had gone up to the German's room. In the room "one thing led to another" and there was an argument between the deputy and the female for an unknown reason. At one point, the deputy pulled out a firearm and pointed it at his own head. He "leveled the gun" at the German. The female ended up leaving and the German was able to push the deputy outside. The German followed the deputy to the elevator. The deputy went to the wrong floor and knocked on the wrong door. He could not get into the room and at some point, the deputy ended up kicking a wall, breaking a door and caused some extensive damage to the wall.

Detective Ghilarducci did not go up to see the damage. They went to see if there was any video but there was no video in the hallway. There was no video in the hallway, so the detectives could not see Phillips damage any property. It was corroborated by the German and security.

The female was being uncooperative and was briefly taken into custody by patrol. Detective Ghilarducci spoke to her and said she "corroborated the story that the German guy told us." Based upon the details and what she said, they believed there was some sort of dispute between the three of them in the German's room. They were not sure what it was over as she was being very vague

and uncooperative. She was also highly intoxicated. It was difficult to get anything out of her. She did not want to talk about the gun and was vague and uncooperative regarding that detail. They did not have any charges on her, so they released her.

Detective Ghilarducci believes there was something other than alcohol involved with the female. He did not conduct any FSTs on her, but the way she was acting and in looking at her eyes, he thought there was more than alcohol. They did not have any charges on her so there was no reason to test her. He did take a flashlight out and looked at her pupils. He thinks based on the pinpoint pupils; she could possibly have been under the influence of some sort of narcotic analgesic.

At one point, the female said she woke up in her room in bed and had a bruise on her head. She did not say how she got it and would not say whether or not the deputy gave it to her or if she bumped her head.

The decision not to arrest the deputy for the firearm was made basically because they had one person stating he pointed the gun at his own head then pointed it at him [referring to the German]. They did not have any third-party witnesses, no camera footage and nothing to corroborate it. What they did have was the property damage which is what the deputy was booked on.

The biggest concern was there being a firearm involved but the deputy was not booked for the firearm. They considered it at first but without any sort of third-party witness, any camera footage, or a straight answer, it did not seem like a logical thing to do. The on-scene supervisors decided to impound the firearm for safekeeping and book the deputy on the property damage. It was a "patrol PC booking" and the detectives did not book him. Detective Sulek and Sergeant Farrington did not complete any reports since it was a patrol booking.

Detective Ghilarducci did not really get what the "one thing led to another" meant. They had some suspicions about there being some sort of sexual dispute involved. Without a straight answer from everyone, especially in the intoxicated state they were in, it did not matter anyway because there was no allegation of sexual assault.

Detective Ghilarducci did not have any interaction with the deputy. He did not review any of the video surveillance footage. He did not identify another German and the one he did speak to did not say there was another one involved.

The interview concluded at about 1704 hours.

INVESTIGATION CONTINUED:

On April 29, 2020, at about 0350 hours, I called and spoke to Las Vegas Metropolitan Police Sergeant B. Conk. The following is essentially what he told me.

STATEMENT OF WITNESS: SERGEANT CONK

Sergeant Conk has worked for the Las Vegas Metropolitan Police Department for about 20 years. He is currently a patrol sergeant and responded as such to the Rio call involving Phillips. Sergeant Conk did not write any reports related to the incident. He had body worn camera footage from the incident.

Sergeant Conk recalls receiving a phone call about the incident. His officers know if they have an incident involving an officer from another jurisdiction, they are to contact him. Sergeant Conk responded to the Rio and by that time, all the people were in the valet area. He spoke to several people and learned Phillips had been inside the hotel, had a firearm in his possession and there was an incident involving security.

Sergeant Conk spoke to Phillips but does not remember what exactly was said. Sergeant Conk was not in on the ultimate decision-making process regarding what Phillips was going to be arrested for. They called out the patrol detectives and their supervisor came as well. The detectives handled the portion of the investigation determining what charges were to be pressed.

Sergeant Conk thinks at some point during the investigation he left. Sergeant Kyger is a newly promoted sergeant and Sergeant Conk was attempting to allow him to work his way through this type of incident since they get them fairly frequently. Sergeant Kyger arrived and he called the patrol detectives and sergeant.

The overall impression Sergeant Conk had with Phillips' demeanor was "fairly surprised" and "not very impressed." Sergeant Conk would have to review his BWC since they deal with so many people there and he does not want to classify it wrong. By surprised, he means for the officer to have had that sort of behavior regarding what happened with the firearm and security.

Normally when they come across similar situations, the out of jurisdiction officers are usually intoxicated or had been drinking heavily. They are not really themselves so to speak. It is sad because you know they are not acting the way they would if they were not drunk and of their right mind. What made this one different was the room had been vandalized pretty good and the things that happened with the gun. Those are different from what they normally deal with. Usually, officers are not in possession of their firearms which was concerning.

The interview concluded at about 0400 hours.

INVESTIGATION CONTINUED:

On April 29, 2020, at about 0425 hours, I called and spoke to Las Vegas Metropolitan Police Officer E. Fisher. The following is essentially what he told me.

STATEMENT OF WITNESS: OFFICER FISHER

Officer Fisher has been employed with the Las Vegas Metropolitan Police Department for about three years. He was assigned to patrol and responded to this incident. He did not complete any reports regarding the incident. He did not have a chance to review his body worn camera footage prior to this interview and is relying on his memory of the incident.

The call came out as a person with a gun. There was an argument, and someone pointed a gun at the victim. Multiple units arrived and they were able to get Phillips into custody. When Officer Fisher arrived, Phillips was already in custody and the firearm was in pieces in different pockets.

Phillips was very intoxicated, and it could be smelled on his breath. He was somewhat uncooperative with them to the point where they had to place him in handcuffs and put him into a patrol vehicle to ask questions. Officer Fisher did not have any interaction with Phillips from that point.

Officer Fisher was approached by the victim, who was from Germany. There was a language barrier and it was difficult for him to express what was going on. Basically, the German said they had met on the casino floor. They had a few drinks and ended up going to the German's room to have more drinks. The German said he was trying to have a good time with Phillips' wife. Officer Fisher did not really understand what the German was trying to say about it. The German said Phillips pointed the firearm at him but would change the story saying he had the firearm in different rooms. The discrepancy could have been the language barrier while trying to explain everything. For sure, the German said Phillips pointed the firearm at him.

The officers thought it might have been some type of domestic disturbance between Phillips and his girlfriend and after a while, they located the female. She came down to speak to them. She was very upset and intoxicated as well. She stated she was looking for Phillips the entire time and wanted to talk to him. They did not allow her to speak to Phillips and she became belligerent with them. The detectives arrived to speak to her. Officer Fisher stepped aside and does not know what the detectives spoke to her about. Officer Fisher was not there to get an official statement from her, he was just standing by waiting for the detectives. Officer Fisher did not observe her to be under the influence of anything other than alcohol.

Officer Fisher did not have any personal interaction with Phillips and does not think he said anything to him. The only time Officer Fisher was there was when Phillips was being taken into custody. Phillips was uncooperative by being loud and abrasive with them when they first went to

contact him. When they asked if they could talk to him, Phillips did not state he was a sheriff and it was not until after they took him into custody that he stated he was one, but Officer Fisher does not really recall. Officer Fisher could not recall if he arrived prior to Officer McLain.

Officer Fisher recalls Phillips being loud and thinks it was because he was intoxicated. He did not have much contact with Phillips and could not determine if he was under the influence of anything other than alcohol.

Officer Fisher did not review the Rio video surveillance footage. The only people he personally spoke to was the German citizen, the person who was staying in the room with the German and the female.

There was just one other person staying in the German's room. The other German did not want to provide a statement because he did not speak any English. The other German said he did not see anything, so they did not consider him necessary.

Based on what the German was saying, Phillips was more belligerent and abrasive with them and that is when he pulled out the firearm. Since there was a language barrier, the German could not really explain what was going on. Basically, he stated Phillips got mad at him and pulled a gun.

Before contacting the female, Officer Fisher and Sergeant Conk went up to the room to look for her. There was nobody in the room, but her stuff was still there. They went back downstairs and when the detectives arrived, she came out and identified herself as Phillips' girlfriend. They put her in the back of the car because she wanted to speak to Phillips. They put her in handcuffs and in the back of a vehicle because she kept trying to go talk to him and was not listening to them.

Officer Fisher went with the crime scene analyst while she was taking pictures of the wall in the hallway, the doorframe and the bullet on the ground. The bullet was consistent with what Phillips had in his pocket.

Officer Fisher did not speak to the detectives about what the female told them.

The interview concluded at about 0442 hours.

INVESTIGATION CONTINUED:

On April 29, 2020, at about 0449 hours, I called and spoke to Las Vegas Metropolitan Police Officer W. McLain. The following is essentially what he told me.

STATEMENT OF WITNESS: OFFICER MCLAIN

Officer McLain has worked for the Las Vegas Metropolitan Police Department for about two and a half years. Officer McLain was assigned to patrol at the Convention Center Area Command and responded to the Rio regarding this incident. He did not complete any reports regarding this incident and did not review his BWC footage prior to this interview.

The call came out as a person with a gun and three units were assigned. They arrived at the Rio and contacted security. Security stated there was some type of confrontation, a gun was involved, was found disassembled and the individual still had it. Security pointed out the individual who identified himself as Deputy Phillips. They took Phillips into custody and interviewed him. An allegation was made that he pointed the firearm at a guest at some point. The conclusion of the investigation was there was just damage to the room, and he was charged with destruction of property at the hotel.

Officer McLain arrived at about the same time as Officer Rybacki. He had contact with the German citizen who made the allegation about he and Phillips having some type of confrontation inside his hotel room and the firearm was pointed at the German citizen. There was a language barrier but that was the basic story. As soon as they discovered Phillips was a deputy, they had detectives respond. Once they knew the detectives were coming, they let the detectives take over and did not try to get too many more details from the German.

Officer McLain does not think he spoke to the female involved and if he had, it would have been very brief.

When they first arrived on scene, Officer McLain could immediately tell Phillips was intoxicated. Phillips was "a little loud" but not aggressive. Nothing out of the ordinary for any call at a Las Vegas casino. They took him into custody and Officer McLain believes Phillips gave consent to hand the gun over. Officer McLain secured the gun with Officer Rybacki which was still disassembled in his pockets as security had said. All the parts were there including ammunition. It was not a full magazine and he cannot remember the round count.

While Phillips behavior was normal for people at a casino, it was not appropriate for being an off-duty officer. When dealing with off-duty officers, they are usually forthcoming with information by stating they are off-duty, armed with a firearm, stating where the firearm is and where their credentials are. Officer McClain does not remember Phillips providing any of that information.

Officer McClain does not remember Phillips being rude or disrespectful. Based on his observations, Phillips did not appear to be under the influence of anything other than alcohol.

Officer McClain did not view any of the Rio video surveillance footage. He does not believe they had any probable cause to arrest Phillips for anything other than destruction of property.

Officer McClain vaguely recalls taking Phillips to the restroom. Based on Officer McClain's experience, he does not believe Phillips had been "roofied" as stated on BWC footage. From Officer McClain's experience at calls he has responded to, someone who has been roofied is more out of it and not up and talking, walking around and able to disassemble a handgun. It has more of a "downer effect" and in Officer McClain's experience, Phillips did not appear to have been roofied.

Officer McClain did not have any interaction with Phillips which was not captured on BWC. Officer McClain has had other interactions with off-duty officers and would rate his interaction with Phillips as compared to those as "pretty poorly." One discussion the officers had was the reason why Phillips disassembled the firearm. They thought he was maybe trying to get out of the charge of being drunk with a firearm. If you are off-duty law enforcement, there is not a reason to disassemble a firearm if you are carrying off-duty. It was an odd interaction overall and one of the first things off-duty law enforcement officers do is identify themselves, where they have their firearm and be more forthcoming with information. Phillips did not represent the San Diego Sheriff's Department well.

The interview concluded at about 0551 hours.

INVESTIGATION CONTINUED:

On April 29, 2020, at about 0624 hours, I briefly spoke to Las Vegas Metropolitan Police Officer Arteaga over the phone. He said he was originally dispatched to the call but was called off prior to arrival which is why there is no body worn camera footage from him. He was not interviewed regarding this investigation and the brief phone conversation was not recorded.

On April 29, 2020, at about 2035 hours, I called and spoke to Las Vegas Metropolitan Police Detective J. Sulek. The following is essentially what he told me.

STATEMENT OF WITNESS: DETECTIVE SULEK

Detective Sulek has been employed by the Las Vegas Metropolitan Police Department for about 12 years. He has been a detective for about five years. He recalls responding to the Rio, event number LLV200100130945. Detective Sulek did not complete any reports and did not have a body worn camera regarding this incident.

Detective Sulek was called out from a patrol sergeant regarding an altercation at the Rio. They were advised it involved an off-duty police officer (hereafter referred to as Phillips). There was possibly a domestic violence incident, he was intoxicated, had a firearm and did some damage to the hotel property. Due to the details and their call-out procedure, they were required to respond. Detective Sulek, Detective Ghilarducci and Sergeant Farrington responded to the call.

Detective Sulek was the secondary detective and there to assist the primary detective (Detective Ghilarducci). He spoke to the German witness who advised he met Phillips and the female at the lobby bar. The German witness said they went up to the room and started talking. An altercation occurred in the room and they ended up leaving the room. Phillips punched a hole in the wall in the room and pulled his firearm out. He did not point it at anyone in the room. When they left the room, Phillips caused some damage to the wall. They went down the elevator and ended up on the wrong floor. Phillips started pounding on a door there. The German told Phillips they were on the wrong floor and Phillips pulled his gun out again and was waving it around. He never pointed it at the German. Security came up due to the noise issue. They went down the security podium and Phillips took out his gun and was taking it apart and putting it back together. Officers took Phillips into custody and the detectives responded. The German citizen spoke broken English, enough for them to get information from him.

Detective Sulek did not speak to or have any interaction with Phillips. Phillips was in the back of a police car when they arrived. Phillips did not appear to be loud or disruptive and appeared to be cooperative. They were there for a while speaking to security and getting an estimate for the damage. The female came out as they were wrapping up. Detective Sulek briefly spoke to the female. She said there was no domestic violence and no physical altercation between her and Phillips. She was intoxicated at the time and was incoherent and incomplete regarding details of the events. Detective Sulek was not aware of any information regarding drugs or abuse. It appeared to be normal alcohol intoxication.

Detective Sulek did not review the video surveillance from the Rio. They said the only video they had was just over the security podium which showed Phillips disassemble the gun. There was no video coverage in the hallways.

Based on what Phillips was arrested for, was why the detectives did not take the case. The detectives would usually handle something with major injuries or a crime series. After detectives received all the information and determined what they had, it was decided to be a patrol call and the detectives assisted to make sure there was nothing else major with it.

Detective Sulek does not believe there was any probable cause to arrest Phillips for anything else. There was no domestic violence and they discussed the intoxicated person with a firearm charge, but he does not know what happened to that charge. Detective Sulek was going back and forth between security, the German male and maintenance. The lead detective and the sergeants discussed the firearm charge.

It is not very common for off-duty officers to be armed and to be a suspect in a crime. They have instances where off-duty officers call in as victims of crimes. They are armed and have been drinking.

The interview concluded at about 2047 hours.

INVESTIGATION CONTINUED:

On April 29, 2020, at about 2101 hours, I called and spoke to Las Vegas Metropolitan Police Detective Sergeant S. Farrington. The following is essentially what he told me.

STATEMENT OF WITNESS: DETECTIVE SERGEANT FARRINGTON

Sergeant Farrington has worked for the Las Vegas Metropolitan Police Department for about 16 years and has been a sergeant for about six years. For this incident at the Rio, he was the Convention Center Area Command Patrol Investigations Sergeant. He completed a synopsis email due to it involving an off-duty sheriff's deputy from a different agency (Attachment G). Prior to this interview, he had an opportunity to review the email. His unit works in plain-clothes, so they do not have body worn cameras.

The call came out as a person with a gun. The details were there was guy on the casino floor threatening people with a gun. Patrol officers arrived and were able to detain the individual. Based on patrol's investigation, Sergeant Kyger requested detectives. Sergeant Farrington and his detectives arrived. They were briefed by patrol and spoke to a couple of different witnesses. At the end, they determined they did not have enough for the original call of an individual threatening people with a gun and only had enough for a malicious destruction of private property. Sergeant Farrington did not have any personal interaction with any of the people involved in this case. He was on scene with his detectives and supervised the investigative side of it. The detectives interviewed the female, security and the German citizen.

Ultimately, the decision to arrest and what to arrest for is up to Sergeant Farrington since he was the senior detective on scene. Based on the information they received from security, uniformed patrol officer and their interviews, that is how they concluded they could not prove the assault with a deadly weapon but could prove the destruction of property.

Phillips status as a law enforcement officer did not have an impact on their decision-making process. Law enforcement officers are held to a higher standard and based on that, they evaluated the totality of what they had and conducted their business just like they would with any other individual. They ensured they did a thorough investigation, not only for the victim, but also for the officer who was being treated as the suspect. From the administrative side, this case is treated differently as far as notifications and what they must do.

The email (Attachment G) was completed after the interviews were done and after Sergeant Farrington was briefed by his detectives on what everyone said. The email is a good synopsis as to what happened, how it started, and how they made their decision at the end of it.

In Las Vegas, they deal with a lot of law enforcement from all over. This is not necessarily a common thing, but they deal with a lot of it. Sometimes alcohol plays a role and people do not act

like they normally would. On a scale of one to ten, Phillips would rate a ten. He was not abusive and did not fight with the officers when they took him into custody. It was more the alcohol that was making him a "no-person." At the same time, Phillips has rights and just because he is an officer, does not mean he has to cooperate with the investigation. He was read Miranda rights and chose to invoke those rights. Sometimes alcohol and people do not mix and that is what this was. When the cops are there and individuals are in handcuffs; some people are completely respectful and other people get upset and mad.

The interview concluded at about 2110 hours.

INVESTIGATION CONTINUED:

On May 1, 2020, at about 0501 hours, I called and spoke to Rio Hotel & Casino Security Officer (b)(5)(B). The following is essentially what he told me.

INTERVIEW OF WITNESS: (b)(5)(B)

(b)(5)(B) duties include conducting security for the property and protecting guests, employees and assets. He is not law enforcement and is private security.

Regarding the incident involving Phillips, they had originally received a complaint of someone kicking on doors and threatening people on one of the hotel floors. (b)(5)(B) was responding to the first call when they received a second call. When (b)(5)(B) arrived, he saw Phillips with a partially assembled weapon outside of another guests' door. Phillips thought it was his room and thought his fiancée was in the room refusing to let him in, so he was attempting to gain entry. The gun was not fully assembled, and Phillips was trying to get the slide on or off.

When (b)(5)(B) first made contact, he wanted to ensure Phillips was not going to finish assembling the gun. When Phillips saw (b)(5)(B) he immediately started to completely disassemble the gun and pocketed all the pieces. Phillips was saying he was trying to get into his room. When asked for identification, he verbally provided his name. They looked him up by name and determined he was on the wrong floor.

They attempted to get Phillips to his room but asked that he first either check the weapon in at the security desk or depart the property with the weapon. Originally, Phillips agreed to go to the security podium with them. When they got to the casino floor, Phillips decided he was not going to go with them but was going to depart the property. Phillips changed his mind and went to the security podium and began the check-in process for the weapon. Phillips decided he did not want to check it in, "cussed-out" the manager and departed out the front door where he met with the Metro officers who were dispatched to respond to the incident.

Phillips would cooperate, then he would start yelling at them, then he would calm down and be cooperative again. Phillips was intoxicated. (b)(5)(B) cannot remember exactly what was said but Phillips was yelling a lot about how they were not going to take his weapon from him before agreeing to check it in. Mostly, Phillips was yelling about the weapon and about them not having fair policies.

When (b)(5)(B) originally responded, Phillips told them he was law enforcement as he was disassembling the weapon. They were at no point attempting to detain Phillips. Phillips did not want to give up the weapon and did not want to go through the hassle of departing the property. He could not really make up his mind and went back and forth repeatedly over the issue.

The policy of the Rio is they do not want any weapons, whether that be guns or knives, on the property. If people do bring weapons, they ask to check them in with security, preferably in a locked gun case. They do not want weapons on the property, especially since the October 1st shootings. Metro arrived at about the same time as Phillips walked outside.

(b)(5)(B) wrote a report regarding this incident. (b)(5)(B) was wearing a yellow polo shirt (as seen on body worn camera footage). The person in the suit, (b)(5)(B) was the supervisor for the night and (b)(5)(B) briefed him on what happened up on the floor. (b)(5)(B) also provided a statement (Attachment F) but has since been laid-off.

Phillips never threatened (b)(5)(B) When (b)(5)(B) went out to speak to Metro, another guest (German citizen) came down and claimed Phillips threatened him with a gun on a different floor. Phillips and his fiancée met the German at the bar, and they went to his room. Supposedly, they went to the German's room for more drinking, but security was unable to confirm any of it. The German said Phillips pointed the weapon at him. They found a bullet in the German's room and another one where they first contacted Phillips.

(b)(5)(B) did not have any interaction with the female involved. Phillips did not get physical with security. Phillips was not disrespectful until the time he decided he was not going to check the weapon, he cussed out the supervisor while he grabbed the pieces off the counter. (b)(5)(B) does not remember anything Phillips specifically said.

There is video surveillance footage from the casino floor. (b)(5)(B) did not review it. Security does not have access to gaming floor coverage.

The interview concluded at about 0515 hours.

INVESTIGATION CONTINUED:

On May 7, 2020, at about 0448 hours, I called and spoke to Las Vegas Metropolitan Police Sergeant K. Kyger. The following is essentially what he told me.

INTERVIEW OF WITNESS: SERGEANT KYGER

Sergeant Kyger has worked for the Las Vegas Metropolitan Police Department for 11 years. He has been a sergeant for about five months. Sergeant Kyger recalls responding to the incident at the Rio. He did not write any reports for this incident. He did not review any reports or body worn camera footage prior to this interview.

The initial call came out as a person with a gun, but it was confusing because the call said he was with security. Officers responded and contacted the suspect who was identified as an off-duty peace officer. Sergeant Kyger and another sergeant responded to the call. Upon arrival, they received a preliminary background on what was occurring. Sergeant Kyger decided to take over the supervisory role in the investigation and the other sergeant (Sergeant Conk) was going to clear and handle calls for service.

Sergeant Kyger spoke to Phillips, security and the female involved. Sergeant Kyger's interactions with Phillips were meant to get him to calm down and to behave himself. Phillips kept referencing professional courtesy and asked along the lines of, "Why is this happening? Why are you doing this to me?" Sergeant Kyger explained to Phillips why he was in handcuffs and in the back of a patrol car. Phillips appeared to be intoxicated and there were multiple times when Sergeant Kyger spoke to him about why he would not be let out of the car and why they would not take the cuffs off. Sergeant Kyger told Phillips he knows better than to be acting like this and making demands. Sergeant Kyger told Phillips to calm down and let them do their job. Sergeant Kyger did not interview Phillips and did not ask any investigative questions.

By professional courtesy, Phillips tried to use his status as a peace officer to influence their decision-making process. The first few times, Sergeant Kyger tried to maintain a friendly demeanor but as Phillips started getting "less than courteous" with some of his officers on scene, Sergeant Kyger had a stern talk explaining what was going to happen and how Phillips had zero influence over it. By less than courteous, Phillips was telling the officers they should not be doing it, they were not doing their job right, he wanted to speak to their supervisor, whom he already spoke to, and it was bullshit. It was not the way Sergeant Kyger would interact with law enforcement if he was in the same situation.

The female kept telling Sergeant Kyger that Phillips was a police officer, this was fucked-up and nothing happened. She tried to tell him one of the officers did something inappropriate by slamming or putting her on the hood of the car. What she was not aware of, because of her level of intoxication, was Sergeant Kyger was standing behind the officer during the entire interaction and heard and saw everything. There was no inappropriate force used against her and she was lying. She continued to say she wanted to leave, she wanted Phillips to leave and they were just going to go. She was berating people, such as security, as they were coming and going.

The information Sergeant Kyger received about what occurred up in the rooms, he received from his officers. There were two different story lines as he understood it. It involved Phillips meeting two men at the downstairs bar. They were having drinks and getting intoxicated. They end up back at his room and the female, who was with them earlier in the night, Phillips believed she was making sexual advancements with the two people they met at the bar. Phillips was going up there to confront her and then to confront them. It was very convoluted. The victim (German citizen) said they somehow ended up back at their room and Phillips showed up at their door with a firearm. That is about all he could recall from memory. He did not really speak to the Germans or to security. Sergeant Kyger is on scene to monitor what is going on, but the officers are speaking to people and are conducting the initial investigation. Sergeant Kyger did not review any of the Rio video surveillance footage.

There was a debate on scene whether there was enough probable cause for a weapon charge. Sergeant Kyger agreed with the detective sergeant they did not have enough for an assault with a deadly weapon charge regarding Phillips pointing the gun at the German citizen. Administratively, there were a lot of factors whether Phillips was going to be arrested, such as the gun being involved and quickly disassembled. Phillips being a law enforcement officer did not have any bearing on their decision-making process regarding the arrest and investigation.

If they could have made an assault with a deadly weapon charge go away, then a malicious destruction of private property charge could have easily gone away too. If they had probable cause for assault with a deadly weapon, Phillips would have been arrested for that as well.

Phillips' behavior as compared to other off-duty law enforcement interactions was not the worst but was "poor." Sergeant Kyger described it as poor drunken decisions and not comprehending what was going on. There was a lot of repetitive statements, questions and instructions. There was obvious impairment and intoxication and Sergeant Kyger believes intoxication was the main factor in this whole thing.

Sergeant Kyger did not recall any conversations about Phillips being under the influence of anything other than alcohol.

Sergeant Kyger worked in Internal Affairs for about one year conducting these types of investigations. He noted the poor decision making compounded repeatedly as the event went on. Additionally, to have the firearm involved, had the potential to end tragically in so many different ways. It is concerning, not only from a law enforcement standpoint, but from the administrative side. They are intoxicated and involved in an argument or confrontation and the weapon comes into play. They did not have probable cause for assault with a deadly weapon, but the fact is there was a confrontation occurring at the Rio and Phillips and a firearm were involved. That is a recipe for disaster, not only for an off-duty officer but for any citizen. Phillips did not represent the Sheriff's Department well and if Phillips were a member of their agency, Sergeant Kyger would say the same thing.

The interview concluded at about 0509 hours.

INVESTIGATION CONTINUED:

On April 30, 2020, Deputy A. Arvanitis sent (b)(6)(B) an email written in the German language. He did not receive a response.

On May 11, 2020, Deputy Arvanitis called the phone number provided by (b)(6)(B) to the Las Vegas Metropolitan Police. Deputy Arvanitis spoke to (b)(6)(B) mother who said he had not lived there for eight years. She said she almost never speaks to him and is not sure why he gave that number. She does not have his number or email and only sees him when he randomly stops by. Deputy Arvanitis sent the email again. The Las Vegas Metropolitan Police Department did not have any contact information for (b)(6)(B) companion.

After several attempts to contact (b)(6)(B) by email, (b)(6)(B) responded with a current phone number. On July 16, 2020 at about 1308 hours, Deputy Arvanitis called (b)(6)(B) to plan a time to discuss the events that happened in Las Vegas, Nevada on January 28, 2020. Deputy Arvanitis intended to just set a time and date to call him back so the phone conversation was not recorded.

Deputy Arvanitis took the following statement from (b)(6)(B). The statement was primarily in German, but they spoke English as well to further clarify a word or phrase.

STATEMENT OF WITNESS: (b)(6)(B)

(b)(6)(B) was on vacation, could not speak for long, and was unsure when he could speak to Deputy Arvanitis again. He wanted to provide his statement since he wasn't sure when he could speak again.

(b)(6)(B) lived in Germany. On January 28, 2020, (b)(6)(B) was visiting Las Vegas, Nevada with his boss (b)(6)(B) (b)(6)(B) was staying at the Rio hotel. (b)(6)(B) and (b)(6)(B) were at a bar within the Rio hotel/casino when they met Phillips and his girlfriend. (b)(6)(B) did not remember either of their names. (b)(6)(B) was drinking alcoholic beverages with Phillips and his girlfriend for only a few minutes. (b)(6)(B) and (b)(6)(B) invited them to their hotel room to continue drinking. (b)(6)(B) remembered they were only drinking beers but did not remember exactly how many. No one was using any form of narcotics.

Inside the room there were four people, (b)(6)(B) (b)(6)(B) Phillips, and his girlfriend. They were in (b)(6)(B) hotel room for around two to three hours hanging out. There were no sexual acts performed and there was never any agreement to perform any sex acts.

For unknown reasons, Phillips became very upset and took a gun out of his waist area. The gun was a black handgun. Phillips pointed the handgun directly at (b)(6)(B) face and told him, "I'm a

police officer." (b)(6)(B) was in fear for his life because Phillips was pointing a gun at his face and thought he was going to shoot him. (b)(6)(B) told Phillips to stop pointing the gun at his face and told him to disassemble the gun. Phillips began disassembling the gun and (b)(6)(B) took a long piece from the gun and put it in his pocket. (b)(6)(B) did not remember what the piece was but he kept it so Phillips could not fire the gun.

(b)(6)(B) did not know why Phillips became upset or why he pointed the gun at his face. (b)(6)(B) knew that Phillips was very intoxicated based off his erratic behavior. They were having a fun time, and everyone was being friendly up until this point. At the time of the incident, (b)(6)(B) did not know if Phillips was a police officer or if he was just saying that for unknown reasons.

After that happened, (b)(6)(B) did not want Phillips in his hotel room any longer and asked him to leave. (b)(6)(B) walked Phillips and his girlfriend down the hotel hallway and to the elevator. Just before Phillips and his girlfriend got onto the hallway, (b)(6)(B) handed Phillips the piece of his handgun that he had kept in his pocket.

Right after Phillips and his girlfriend left on the elevator, (b)(6)(B) began fearing for the safety of Phillips' girlfriend. He feared for her since he had just given Phillips the piece of his handgun and knew that he was angry for unknown reasons as well as being intoxicated. (b)(6)(B) then rode the elevator to hotel floor where Phillips was staying. (b)(6)(B) saw Phillips yelling at a door to a hotel room and kicking and punching it. (b)(6)(B) heard Phillips yelling, "I'll kill you bitch!"

After he saw and heard Phillips acting this way, he found a hotel security guard and told him what was happening. (b)(6)(B) had no more contact with Phillips or his girlfriend.

Phillips never made any remarks to (b)(6)(B) about him being German or any other prejudice remarks.

(b)(6)(B) said he would send (b)(6)(B) information for an interview.

INVESTIGATION CONTINUED:

Deputy Arvanitis attempted to contact (b)(6)(B) several times after this interview to obtain a recorded statement. There was no response from (b)(6)(B) despite several calls and emails from Deputy Arvanitis.

On June 16, 2020, at about 1415 hours, I called and spoke to (b)(6)(B). She essentially gave me the following statement.

STATEMENT OF WITNESS: (b)(6)(B)

(b)(6)(B) is Andrew Phillips' girlfriend. They have known each other for about six to seven months. They met in Puerto Penasco, Mexico and started dating about a month after the trip. Phillips moved in with (b)(6)(B) about three months ago. Phillips was just staying with her and not yet living there when this incident occurred (January 28, 2020). For the rest of the time, she believes Phillips was staying with friends.

(b)(6)(B) and Phillips went to Las Vegas just to get away for the weekend and because she gets free rooms. They were at the Rio where there was a flooring convention occurring. (b)(6)(B) used to be in the flooring business. They were at the bar talking and "these guys" kept buying them drinks. She thinks they were based somewhere near the Pomona [California] area. They started talking about the flooring business. After "so many shots" and drinks they were buying (b)(6)(B) and Phillips, the guys invited them up to their room. (b)(6)(B) was unemployed at the time and Phillips thought it might be a good idea since they might offer her a job. (b)(6)(B) agreed and they went up to the room.

Shortly after they arrived in the room, one of the guys spilled a drink on (b)(6)(B). She left to change because she did not want to sit there with a drink on her. She left Phillips there in the room. According to Phillips, he tried to leave, but the guys were not letting him and were trying to hold him back. Because they drank "lots of alcohol," Phillips could not find his and (b)(6)(B) room. He had the correct room number but was on the wrong floor. Phillips was knocking and banging on the wall thinking it was their room. The cops were called and came and picked him up. The cops came to her room and picked her up. They had her in handcuffs in the police car. They said Phillips was going to be arrested for vandalism. She did not understand what was happening and said, "At this point, everything just seemed like a blur because we had, you know, consumed so much alcohol."

(b)(6)(B) thinks she and Phillips had two drinks each in their room before they went downstairs. When they went downstairs, they purchased a drink. The guys they met kept buying them drinks and shots. She lost count after three shots. She thinks Phillips had about the same amount to drink. The guys made them a drink in the room as well. (b)(6)(B) and Phillips did not watch them make the drinks and she does not know how much alcohol they poured.

(b)(6)(B) thinks she was up in the room for about 30 to 40 minutes, if that. The room was a suite and the guys were saying the room was paid for by their work. The guys were encouraging Phillips and (b)(6)(B) to drink, take shots and have fun. Everyone was drinking, and the guys had been drinking already. One of the guys had difficulty walking and another was slurring his words.

(b)(6)(B) thinks the guys were American and from Pomona. At the bar, she and Phillips were talking to a group of people, both Americans and other people with accents. She does not know where the

people with accents were from. The room they went up to were not the guys with accents. There were about four guys there.

(b)(6)(B) does not know if Phillips was carrying his gun. She did not see him with it.

There were no narcotics or marijuana consumed other than alcohol. She told Phillips she thinks they drugged her. When (b)(6)(B) got back to her room, she blacked out and does not remember anything. She occasionally drinks but has never felt like she did that night and did not think it was right. She did not get herself tested to see if she had been drugged. She had bruises and asked Phillips if the guys did anything to her. Phillips said nothing happened and nobody followed her to her room. She did not feel right and probably should have been tested but did not.

(b)(6)(B) did not know anything about a "deal." The guys were talking about "hookers and stuff." The only sex talk was about the strip club. The guys were talking about getting a girl to come to their room. (b)(6)(B) told them she does not know anything about that [referring to hookers coming to the room]. The guys were not talking about having sex with (b)(6)(B) that she was aware of and hoped they did not talk that way in front of Phillips.

When the police contacted her, they said they had Phillips and she needed to come down with them. The police kind of treated her like a criminal. She did not think she needed to be placed in handcuffs because she did not do anything wrong. The police told her the guys were trying to say (b)(6)(B) and Phillips were "doing something" but (b)(6)(B) told the police they had a couple of drinks in the room and she left before Phillips did. She was not being told anything but was with a nice young rookie officer.

(b)(6)(B) does not know where her bruises came from. There has never been any sort of violence between her and Phillips. If they get into an argument, he will go into a different room. He does not like confrontation.

(b)(6)(B) and Phillips spoke about what happened because they were trying to put it all together. When she picked him up from the police station, he said he did not know what happened. He said it seemed like the guys were out to get them. (b)(6)(B) said she and Phillips did not do anything with the guys and only had drinks.

Since they had met earlier and were discussing the flooring business, and she was with Phillips, the guys knew (b)(6)(B) was not a prostitute. (b)(6)(B) does not know what happened in the room. Phillips said he remembers the guys making the drinks. He did not watch them make the drinks. They seemed like really good people but then they started talking about hookers.

The guys were White, ranging from 40-50 years old and she remembers there were three to four of them. When they got up to the room, there were two more guys there. There were six of them and (b)(6)(B) and Phillips in the room. She does not know if the guys with the accents were there.

(b)(6)(B) and Phillips were talking, and a drink was spilled on her. She thinks it might have been on purpose. She later asked Phillips if any of them followed her and he said they did not.

Phillips asked (b)(6)(B) if she thinks she should have gotten tested. She told Phillips she did not know and thought she should. He told her she should have but she did not. He said he also felt weird but did not feel the way she felt.

(b)(6)(B) is aware of body worn cameras. When asked what Phillips meant about seeing people they liked and inviting them up (reference to video 413-23 – Officer Rybacki). She does not know what he meant. There was “so much alcohol consumed” that she does not know if he was just drunk and it was gibberish. There was “no swinging going on here.”

It was just (b)(6)(B) and Phillips who went to Las Vegas, nobody else went with them. (b)(6)(B) concluded by stating, “The only fault that I think we had is that we had too much to drink. And we shouldn’t have done that knowing we’re in somewhere totally unknown, you know, we don’t know anyone, or you know. And it just, like I said, if we can only go back to it and figure out what really happened in that room, you know?”

The interview concluded at about 1439 hours.

INVESTIGATION CONTINUED:

On July 22, 2020, at about 1459 hours, Internal Affairs Sergeant Binsfield and I interviewed Deputy Phillips in a private conference room in Internal Affairs. Attorney Rick Pinckard was present and representing Deputy Phillips. Internal Affairs Sergeant Ceballos was present as an observer only without objection. I recorded the interview utilizing a digital audio recorder and later attached the recording to this case file. The following is a synopsis of the interview, for complete details refer to the recording.

Prior to the interview, I provided Deputy Phillips a copy of the following documents:

- Complaint Form authored by SDSO dated January 28, 2020.
- Arrest / Detective report authored by LVMPD Officer Rybacki, LVMPD Case Number LLV200100130945.
- Declaration of Arrest Report authored by LVMPD Officer Rybacki, LVMPD Case Number LLV200100130945.
- Register of Actions court record Case Number 20F02122X.
- Crime Scene Investigation Report with thumbnail digital photos.

STATEMENT OF ACCUSED: DEPUTY ANDREW PHILLIPS

Phillips was provided with his Miranda rights. He answered “yes” when asked if he understood his rights and “no” when asked if he was willing to speak with us. Phillips was given the Garrity Admonition and ordered to answer our questions. Phillips was provided with the four Rules of Conduct as they pertain to 2.15 Insubordination, 2.38 Intervention, 2.41 Department Reports and 2.46 Truthfulness. He understood his obligation to adhere to them.

Phillips has worked for the Sheriff’s Department for nine years. He does not have any prior law enforcement experience. He was in the Marine Corps for four years as an airport firefighter.

Prior to this incident, Phillips was a traffic investigator in Poway for about one and a half years. After Phillips graduated from the Sheriff’s detentions academy, he was assigned to the George Bailey Detention Facility for about three years, transferred to the Vista Detention Facility for under a year, and went to the 104th law enforcement academy. After the academy, he was assigned to the Vista Patrol Station for about three years and was assigned to PERT. From there, he transferred to Poway traffic.

Phillips could not remember the name of his supervisor at Poway prior to this incident. Phillips did not notify his supervisor about his arrest. The arresting officer told Phillips he had already contacted the Department. Phillips knows now it is his obligation to notify his supervisor. At the time of the incident, he already had a voicemail from me (Sergeant Buckley) to call so he felt the Department had been notified.

Prior to this incident, Phillips was living at (b)(6)(B) with his wife and two children. Phillips went to Las Vegas with (b)(6)(B) who he described as “A girl that I’d been talking to.” Phillips was going through a separation with his wife. He had met (b)(6)(B) while on vacation in Puerto Penasco, Mexico and was seeing her off and on. He would see (b)(6)(B) once every week or two.

The day Phillips was released from jail, he and (b)(6)(B) spoke about the incident and were trying to figure out what happened that night. They both discussed how they did not remember anything. Phillips told (b)(6)(B) the last thing he remembered was having a drink upstairs with people they had met, and from there, it was a blank. (b)(6)(B) told Phillips the same thing. Phillips was missing a “couple hundred dollars” and (b)(6)(B) was missing an expensive watch. He did not know what happened to all their stuff.

(b)(6)(B) told Phillips she had been interviewed regarding this investigation. They did not speak about what (b)(6)(B) and I (Sergeant Buckley) had spoken about.

Prior to this incident, there has never been any violence between Phillips and (b)(6)(B) Phillips does not know where (b)(6)(B) received the bruises [as (b)(6)(B) described during her interview].

Phillips and (b)(6)(B) went to Las Vegas for vacation. (b)(6)(B) had a couple of free nights at the Luxor. They spent the first two nights at the Luxor. As they were checking out of the Luxor, they were not feeling well so they decided to stay one more night. They stayed at the Rio for the third night. They checked-in sometime around 1500 hours, went to the room and took a nap.

Phillips took his "off-duty carry Glock 43" to Las Vegas. He did not take any extra magazines. Phillips carried the gun in an inside the waistband holster in the front of his person. He had the gun with him the whole time while in Las Vegas. Rio did not ask about any weapons when he checked in. Phillips was not aware of any of Rio's policies regarding the checking of weapons.

The Luxor had safes in the room and Phillips left his gun in the safe while they were staying there. The Rio did not have a safe in their room and Phillips did not feel comfortable leaving the gun in the room unattended. Phillips drove his Dodge Challenger to Las Vegas. He does not have a lockbox in the vehicle. The vehicle has a trunk, but he has never secured any weapons in the trunk.

After the nap at the Rio, Phillips and (b)(6)(B) got up and showered. They went downstairs to walk around. Phillips does not like to gamble so he was just looking around the casino. Phillips thinks they ran out of alcohol the previous day, so he was "pretty sure" they did not drink in their room.

Phillips started drinking as soon as they went downstairs, at about 2100 hours. He went to the bar and had a drink. He was drinking vodka tonics. By the time they met the people downstairs [referring to the German citizen], Phillips thinks he had three vodka tonics.

When confronted with the inconsistent statements Phillips provided to officers and hotel security regarding alcohol consumption, as captured on body worn camera, Phillips said, "I don't remember any of that." By "any of that" Phillips does "not remember telling anybody anything."

Phillips and (b)(6)(B) did not consume anything other than alcohol, no narcotics or marijuana. With regards to Las Vegas Metropolitan Police Sergeant Conk's statement about their room smelling like "weed," Phillips explained he and (b)(6)(B) noticed the room smelled like that when they checked in. (b)(6)(B) went downstairs to ask for a different room, but it was the only room available.

(b)(6)(B) is the only person Phillips went to Las Vegas with. While they were at the Rio bar, they met two females and one male. They all had a drink and Phillips and (b)(6)(B) were invited up to their room saying they had more alcohol there.

The two females and the male were all Caucasian with blonde hair. Phillips thinks they were from Germany due to them speaking German and their accents. He does not remember any other details of them. Everyone "was being super flirtatious with each other and all that." Normally, they would not go up to someone's room, but they were cute girls and he was an attractive male and they decided to go upstairs to "see where it goes." (b)(6)(B) had the same impression, but Phillips thinks

it is embarrassing to admit, which is the reason why she did not tell me about it during her interview. Phillips said he has, "Never done anything like that, never have in my life. I mean that's why I said it's just, just I guess, bad night."

Phillips does not know how long he and (b)(6)(B) were downstairs in the bar before they met the Germans. It could have been an hour or two. He thinks he had two vodka tonics before they met and had the third with them while they were hanging out. The German's rationale was why pay \$15 for a drink when there was alcohol up in their room.

Phillips thinks the German females went up to the room first while they were finishing their drinks. Phillips and (b)(6)(B) went up to the room with the German male at about 2200 hours. Phillips does not remember the room number or which floor it was on. When they arrived at the German's room, the two girls and two males were there. The one male was the same as they met at the bar and the other was his boss or co-worker. The other male was also German, and Phillips does not think he spoke any English. At this point, Phillips had his gun in his waistband.

The vibe in the room was good, everyone was laughing, telling jokes and talking in the living room area. The male they met downstairs was in the kitchen area making drinks for everyone. Phillips cannot remember what kind of drinks he was making. They were not doing any shots. Phillips only remembers the one drink he was given, "then everything happens from there."

With regards to the "deal," Phillips explained, the Germans' business was cabinets and flooring. (b)(6)(B) was trying to open her own flooring business. That was another reason why they went to the room – to get information for the business. The conversation started at the bar.

The "heated debate" was in reference to them joking about how each of their countries, Germany and America respectively, are better than the other. Phillips does not think it was an argument but more joking around.

Phillips did not remember saying, (from BWC footage) "What if two dudes want to fuck your girl in a room here. Somethin's gonna happen." About two to three minutes after taking the drink in the room, Phillips does not remember anything except waking up in a police car. He has zero memory, which is what he and (b)(6)(B) talked about the next day. Phillips said he was, "Pretty sure we were drugged."

Looking back at it, Phillips does not know if it was a set up. It seemed too perfect with two girls and a guy inviting them to their room. They have a drink and then do not remember anything from the night. Phillips was missing a couple hundred dollars and (b)(6)(B) was missing a \$2000 watch.

When Phillips woke up in the police car, he remembered asking the arresting officer to call a phlebotomist because he thought he was drugged. Phillips does not remember the officer's response. By the time Phillips got out of jail, "and dealt with all that stuff," getting tested was not

on his mind anymore. He was more worried about Internal Affairs. Looking back, he should have been tested. Phillips agreed the test would have been a good defense both in the criminal case and with Internal Affairs. Phillips asked (b)(6)(B) if she wanted to be tested. They spoke about it that day when they were driving home but started worrying about other stuff.

Phillips thinks he was only in the room for about 10-15 minutes until he completely blacked out. Phillips remembered a drink spilled on (b)(6)(B) and she said she was going back to the room to change. (b)(6)(B) left Phillips in the room. Within a few minutes after (b)(6)(B) left, Phillips does not remember anything. Phillips does not remember (b)(6)(B) flirting with any of the Germans or saying anything about wanting to 'suck the boss' while upstairs in the room.

Phillips did not recall anything between when he had the drink in the room to when it was daylight. He was in the back of a police car and the officer was typing a report. The arresting officer told Phillips he had been drinking, he punched a hole in the wall, and he had his firearm on him. The officer told Phillips he had been arrested for vandalism.

Phillips does not remember any of his interactions with Rio Hotel Security. Phillips did not get into a fight with the Germans in the room but noted, "From the point after the drink, I don't know." The next day, he had a "big knot" on his head. With (b)(6)(B) bruises, Phillips does not know if, "We got robbed, if we got jumped. If...I don't know what happened."

Phillips does not recall identifying himself as a Deputy Sheriff from San Diego when officers arrived. He speculates that since he had a weapon on him while being contacted by law enforcement, he would tell them that he was off duty and had a weapon on him.

(b)(6)(B) picked up Phillips from jail. He realized he had money missing from his bag when she picked him up. He did not file a report with Las Vegas Metro because, "It was minor to me at that point." Phillips thinks (b)(6)(B) called Las Vegas Metro a few days later asking about her watch but he does not think they took a report.

Phillips thinks the Sheriff's policy regarding use of alcohol off duty (P&P 2.14) is that, "You can have some but just not be intoxicated" and "within reason." While carrying a firearm (P&P Section 2.34), "You can have some alcohol, it's not forbidden, but just not to be intoxicated." After the three drinks he consumed, Phillips said he was feeling the effects of alcohol "a little bit" but continued to carry his gun.

Phillips knows, per Sheriff's policy (P&P 2.18), you are not allowed to identify yourself as law enforcement "to try to gain, like, favoritism or something." Phillips did not know any of the other elements of the policy.

Regarding Phillips interaction with Las Vegas Metro, he stated, "What happened, happened. Whatever, you know, it's on body camera. You know, I'm not denying it, I just don't remember any of it."

With regards to Phillips' statements on BWC regarding Russians and Germans, he said he does not have a problem with Russian or German nationals or else he would not be hanging out and drinking with them. He does not have a problem with people who "come to our country."

Phillips thinks now, why he would have requested a sergeant (referenced to BWC footage), was because he knew this was going to be a "sticky situation" of being off-duty law enforcement from another state and wanted a supervisor present to make sure everything goes right.

The criminal case was dismissed. The morning he got out of jail, (b)(6)(B) picked him up and they went back to the room at the Rio. Phillips requested to speak to a supervisor, and they sent the head of security and the manager. The manager said they just wanted Phillips to pay for the damage he caused. Phillips thought it was fair and he paid \$1000 for the damage that morning. One month later, he had court and the judge asked if the Rio wanted to prosecute. The attorney said no, and Phillips had paid for the damage. The judge dismissed the case. Phillips did not see the damage he caused and does not know the name of the manager he spoke to and paid.

Phillips does not feel that vandalism is a frivolous crime. He looks back at it now and said, "Even though I don't remember doing it, I take full ownership of it."

"Blue Falcon" was a term they used in the Marine Corps, "If, you know, you screwed over one of your buddies." Phillips does not remember saying any of that to the officer. The BWC quotes that were being read, "Is shocking to me. I've never read any of this or known any of this that even happened that night. So, it is actually putting the picture together more for me."

Looking back at it, Phillips thought he had been robbed or punched or something happened with the German people and Phillips was the one being handcuffed at that point, "So it's like, why am I in handcuffs and no one else is?" When confronted with how Phillips knew nobody else was in handcuffs, he stated, "Well besides (b)(6)(B) was in handcuffs because she told me. Well, she was in the back of the car in handcuffs." Again, when Phillips was asked about anyone else, he said (b)(6)(B) told him, "When she went down, she's like, they were all talking and I (b)(6)(B) was in the car handcuffed."

When Phillips "came to" it was daylight and he was sitting in the back of a police car in handcuffs. The officer was typing a report and was telling Phillips why he was being arrested and what happened during the night. Phillips was transferred to a transport van that took him to the jail. Phillips was fingerprinted, photographed and spoke to a booking clerk. The clerk said he was going to be released "O.R." A couple of hours later, Phillips was released. While he was in jail, he was

in a cell by himself and did not make any phone calls. When he was released, he contacted (b)(6)(B) who drove there to pick him up.

Phillips and (b)(6)(B) went back to the hotel and he requested to speak to a manager. The head of security came out and told Phillips what he did. Phillips apologized and said he was willing to pay for the damages. Phillips paid \$1000 and the security guard told Phillips his "demeanor and attitude was completely different at that point" and they allowed them to stay until check-out.

Physically, Phillips felt terrible. He had a pounding headache and felt sick. He had never felt that way before from drinking. He has had a hangover before, but this was different from a hangover. It "was way more severe" and sunlight/bright lights were bothering him. Normally, when he has a hangover, he just has a headache. That lasted the entire day, but he does not know if it was related to anxiety since he has never been in this position before. Phillips believes he drove back to San Diego, but it is still a little "foggy." Phillips does not recall the officers taking him to the restroom.

At about 1557 hours, we took a break and stopped the recording. At about 1605 hours, we continued the interview and started the recording. All the aforementioned people were in the room.

Phillips had no recollection of what occurred regarding his firearm and the German. Phillips understands the seriousness of what occurred, "if that even happened." Regarding the issue of guns and alcohol, Phillips said he would "never ever do it again." There were "bad decisions" and he wishes there was a safe in the room. Had there been a safe, it would have "probably negated all kinds of these allegations."

Phillips believes the German drugged them and "211'd us" by taking their watch and money. He believes the German would tell our agency "whatever he has to say to try to get out of it." When Phillips was confronted with the fact that he was the one who was armed, he stated, "Right, well I mean not, ok, so more of like a, you know, stole from us or something." He believes he had \$300 to \$400 and (b)(6)(B) was wearing a \$2000 watch that was missing. When asked why Phillips' gun was not missing, he stated, "That, I don't know." Phillips never got his gun back and Las Vegas Metro still has it. The officer told Phillips there were only two rounds with the gun and it was in pieces. The officer did not say where it was found, and Phillips does not know why it was in pieces. He thinks there were six rounds in it. One of the rounds was still in his pocket when he was booked into jail. He does not know where the other three rounds are. Phillips does not normally carry his gun with a round chambered.

Phillips is not a Drug Recognition Expert (DRE). Through his tenure with the Department, he has never dealt with anything that could have been administered to cause a blackout. He assumes it could have been "some kind of roofie." Phillips believes the signs and symptoms of someone who has been administered "rohypnol" are, "You're gonna blackout and not remember anything and just be taken advantage of." Phillips does not know what they were given and refers to "roofie" because it is the most common term. He knows they were given something because he has never

acted like that in his life and he and (b)(6)(B) both do not remember anything. (b)(6)(B) had bruises on her arms and Phillips had a "knot" on the right side of his head.

Phillips concluded by stating this was, "Literally the worst day of my life and nothing like this has happened. I've never done anything like this ever and, you know, I've learned from it and I won't make the same mistake again. Won't drink and carry a firearm. Will definitely not go to strangers' rooms anymore or trust anybody."

Phillips understood the retaliation and nondisclosure orders. The interview concluded at about 1616 hours.

INVESTIGATION CONTINUED:

On July 31, 2020, I spoke to San Diego County Forensic Nurse Examiner (b)(6)(B) regarding Phillips' assertion that he was drugged. Without any toxicology results, Nurse (b)(6)(B) advised it was beyond her expertise and directed me to her colleague, Louisville Metropolitan Police Department Doctor (b)(6)(B)

On August 1, 2020, I contacted Louisville Metro Police Department Police Surgeon Doctor (b)(6)(B) who explained he has 30 years of experience in forensic toxicology. He agreed to review the body worn camera footage of Phillips and render an opinion regarding Phillips' claim.

On September 4, 2020, I received a written statement from Doctor (b)(6)(B) (Attachment H). According Doctor (b)(6)(B) after his review of Phillips' statements and behavior on BWC, he opined Phillips' impairment and intoxication was due to voluntary consumption of alcohol. Additionally, Doctor (b)(6)(B) noted, "Lapses of memory commonly occur if a quantity of alcohol is consumed voluntarily over a short period of time." Refer to Doctor (b)(6)(B) statement for further details.

Submitted by: _____


John Buckley, Sergeant

09/29/20
Date

Approved by: _____


Kenneth Jones, Lieutenant

9/29/2020
Date

JB:jb

D

REGISTER OF ACTIONS

CASE No. 20F02122X

State of Nevada vs. PHILLIPS, ANDREW RICHARD

§
§
§
§
§Case Type: Gross Misdemeanor
Date Filed: 02/13/2020
Location: JC Department 7

PARTY INFORMATION

Defendant PHILLIPS, ANDREW RICHARD

Lead Attorneys
Public Defender

(b)(6)(B)(v)

State of Nevada State of Nevada

CHARGE INFORMATION

Charges: PHILLIPS, ANDREW RICHARD

Charges	Statute	Level	Date
1. Destroy prop of another, \$250 - \$5K [50905]	206.310	Gross Misdemeanor	01/28/2020

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

02/27/2020 **Disposition** (Judicial Officer: Bennett-Haron, Karen P.)
1. Destroy prop of another, \$250 - \$5K [50905]
Dismissed

OTHER EVENTS AND HEARINGS

01/28/2020 **Standard Bail Set**
Ct1: \$2000 Cash/\$2000 Surety

01/28/2020 **CTRACK Track Assignment JC07**

01/28/2020 **Own Recognizance release NPR**

01/28/2020 **Release Agreement**

01/28/2020 **Financial Affidavit**

01/28/2020 **Nevada Risk Assessment Tool**

01/28/2020 **Probable Cause Review Packet - Initial Appearance Court**

01/28/2020 **CTRACK Case Modified**
Judge/BEN;

01/29/2020 **CANCELED Initial Appearance Justice Court (PC Review) (9:00 AM) (Judicial Officer Bonaventure, Joseph M.)**
Custody Change - O/R Release

02/12/2020 **CTRACK Case Modified**

02/13/2020 **Criminal Complaint**

02/27/2020 **CANCELED Status Check on Filing of Criminal Complaint (8:00 AM) (Judicial Officer Bennett-Haron, Karen P.)**
Vacated - Complaint Filed
02/27/2020 Resel by Court to 02/27/2020

02/27/2020 **Initial Appearance (8:00 AM) (Judicial Officer Bennett-Haron, Karen P.)**
O/R
Result: Matter Heard

02/27/2020 **Initial Appearance Completed**
Defendant Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

02/27/2020 **Financial Affidavit**

02/27/2020 **Defendant Identified as Indigent**
Defendant and the Court discussed the appointment of counsel and defendant requested appointment of counsel.

02/27/2020 **Public Defender Appointed**

02/27/2020 **Law Student Consent Form**
Consent for limited practice of law filed with the Court and brought to the attention of presiding Judicial Officer. Law student makes representations in court.

02/27/2020 **Comment**
Per Defense, restitution paid in full.

02/27/2020 **Case Closed - Dismissed**

02/27/2020 **Judgment Entered**

02/27/2020 **Minute Order - Department 07**

02/28/2020 **Notice of Disposition and Judgment**

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LA FILE # 11
TO AP

E

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST REPORT

TCR1067749

County Jail City Jail Adult Juvenile Bureau: CCAC

ID# 7091725		EVENT # LLV200100130945		ARRESTEE'S NAME (LAST) PHILLIPS			(FIRST) ANDREW	(MIDDLE) RICHARD	SSN# (b)(6)(B)
RACE W	SEX M	DOB (b)(6)(B)	HGT 5'09"	WGT 180	HAIR BRO	EYES HAZ	POB WEST COVINA		
ARRESTEE'S ADDRESS (b)(6)(B)						CITY (b)(6)(B)		STATE CA	ZIP CODE 92545
OCCURRED DATE: 1/28/2020		ARREST DATE: 1/28/2020		TIME: 02:12		TIME: 04:15		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) 3700 FLAMINGO W LAS VEGAS NEVADA 89109	
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) 3700 FLAMINGO W LAS VEGAS NEVADA 89109									
CHARGES / OFFENSES PC - JC - 50905 - G - DESTROY PROP OF ANOTHER, \$250 - \$5K									
CONNECTING REPORTS (TYPE OR EVENT NUMBER)									

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 5 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 3700 FLAMINGO W LAS VEGAS NEVADA 89109 and that the offense(s) occurred at approximately 02:12 hours on the 28th day of January, 2020.

Details for Probable Cause:

On 01-28-20 I, Officer J. Rybacki P# 14907 operating as marked patrol unit 9M5 responded to a report of a person with a gun at the Rio located at 3700 W. Flamingo Rd, LV, NV 89109.

Officers arrived and made contact with hotel security in main valet along with a white male adult, later identified as Andrew Phillips DOB: 09-04-1987 who identified himself as Off-duty San Diego Sheriff. I made contact with (b)(6)(B) (b)(6)(B) DOB: (b)(6)(B) Rio Facilities manager. who stated that damage was done to the outside of room 13010. Damage consisted of a door needing to be resurfacing and repair to the hallway drywall and new wall paper. total estimated total cost of damages is \$1,000.00.

Original call consisted of Phillips causing a disturbance on the 15th floor. Security officer (b)(6)(B) stated on a voluntary statement that he made contact with Phillips on the 15th floor in front of room 15001 and it appeared as if Phillips was banging and kicking on the door to get inside the room. (b)(6)(B) stated that he witnessed Phillips attempting to assemble a black in color pistol outside room 15001. (b)(6)(B) then made contact with Phillips and that is when Phillips disassembled the black in color pistol and put the pieces into his pocket and walked down to the security podium in the main valet.

I made contact with Phillips in main valet who was visbably intoxicated and stated that he was off-duty San Diego Sheriff. I detained Phillips and placed him in handcuffs due to the nature of the call. I patted Phillips waist and pocket area for weapon and located a pocket knife and a disassembled Glock 43 sub-compact handgun with 2 rounds in the magazine.

Due to the above stated facts that Phillips was on the 15th floor banging and kicking on a door causing a disturbance and security surveillance was able to back track Phillips getting off on the 13th floor and causing damage to a door, wall and wall paper total repair amount of \$1,000.00. Phillips was arrested for Destroy property of another \$250- \$5K, transported to CCDC and booked accordingly.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: J. RYBACKI

P#: 14907

LVMPD 602 (Rev 02/18) Word 2013

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Dissemination is restricted to
San Diego Sheriff Dept., Internal Affairs ONLY.
Secondary dissemination is PROHIBITED.
Released to: Sergeant John Buckley
Date: 03/04/2020
Las Vegas Metropolitan Police Department
By: 07528P
INTERNAL AFFAIRS BUREAU

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

SCOPE ID: EVENT #: LLV200100130945
Page 2 of 2

***** End *****

RELEASED FROM
I.A. FILES
TO AP

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: J. RYBACKI

PR: 14907

LVMPD 602 (Rev 02/18) Word 2013

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Released to: Sergeant John Buckley
Date: 03/04/2020
Las Vegas Metropolitan Police Department
By: D7528F
INTERNAL AFFAIRS BUREAU





Arrest / Detective Report

Administrative

Location **3700 W FLAMINGO RD LAS VEGAS, NV 89103** Sector /Beat **M5**
 Occurred On (Date / Time) **Tuesday 01/28/2020 2:12:00 AM** Or Between (Date / Time)
 Reporting Officer **J14907R - Rybackl, James** Reported On **01/28/2020**
 Entered By **J14907R - Rybackl, James** Entered On **01/28/2020 6:18:20 AM**
 Supervisor **06820 - Conk, Brandon** Follow Up **Pro Squad CC 14 Bike** Follow Up
 Jurisdiction **Clark County** Report Type **Disposition Arrest**
 Route To: **Related Cases**
 Connecting Reports **Body Camera Video**
Photo Attached
Voluntary Statement
Witness List
Request for Prosecution

Assisting Officers:
W16833M - McLain, William Officer
16466 - Fischer, Edgar Officer
13430 - Kyger, Kyle Supervisor
13749 - Sulek, Jerry Detective
13797 - Ghilarducci, William Detective
O13177M - (b)(6)(B) Crime Scene Analyst

Offenses

Destroy Prop Of Another, \$250 - \$5K(G)-NRS 206.31
 Completed **Yes** Hate/Bias **None (No Bias)** Domestic Violence
 Entry Premises Entered **Type Security** Tools
 Weapons **Location Type Hotel/Motel/Etc.**
 Criminal Activities

Victims

Name: **Rio Hotel**

Victim Type **Business** Written Statement **Can ID Suspect**
 Victim of **50905 - Destroy Prop Of Another, \$250 - \$5K(G)-NRS 206.31** Domestic Battery
 SSN **DOB** **Age** **Sex** **Race** **Ethnicity**
 Height **Weight** **Hair Color** **Eye Color**
 Employer/School **Occupation/Grade** **Work Schedule**
 DLN **DL State** **DL Country**
 Resident **Tourist Departure Date**
 Injury **Injury Weapons**

Addresses **Business** **3700 W Flamingo Rd LV, NV 89103 Clark United States**

Phones **Business/Work** **(b)(6)(B)**

Email

Offender Relationships
 Domestic Violence Information
 Relationship to Suspect **Primary Aggressor Determined**
 Intimate Relationship **Drug/Alcohol Involvement**
 Voluntary Statement **DV Information Provided**
 Injury Severity **Medical Attention**
 Photos Taken

Notes:

Suspects

Arrestees

RECEIVED
 ILS
 TRO
 AG

Arrestee Name: Phillips, Andrew

Written Stmt. No Alerts Non-English Language

Scope ID 0000 DOB (b)(6)(B) Age 32 SSN

Race White Ethnicity Not Hispanic or Latino Build Handedness

Sex Male Height 5' 9" Weight 180 Hair Color Brown Eye Color Hazel

Employer/School San Diego County Sheriff's Office Occupation/Grade Sheriff's Deputy

Hair Length Hair Style Eyes

Complexion Facial hair Teeth

Appearance Injury/Condition

Speech manner Speech Characteristics

DLN (b)(6)(B) DL State California DL Country

Resident Nonresident Tourist Departure 2020-01-28T14:00:00 Place of Birth

Habitual Offender Status MO Factors

Primary Means of Attack/Weapon Weapon Features

Employer/School San Diego County Sheriff's Office Occupation/Grade Sheriff's Deputy

Scars, Marks and Tattoos

Addresses Residence (b)(6)(B)

Phones

Domestic Violence Information

TPO in Effect

Injury Severity Drug/Alcohol Involvement

Photos Taken Medical Attention

Arrestee Demeanor

Voluntary Statement DV Info provided

Notes:

Witnesses

Witness Name: (b)(6)(B)

Written Statement Yes Can ID Suspect Yes Testify

SSN DOB Age Race White Ethnicity Not Hispanic or Latino

Sex Male Height Weight Hair Color Eye Color

Addresses Business 3700 W Flamingo Rd LV, NV 89103 clark United States

Phones Business/Work (b)(6)(B)

Notes:

Witness Name: (b)(6)(B)

Written Statement Yes Can ID Suspect Yes Testify

SSN DOB (b)(6)(B) Age 31 Race White Ethnicity Not Hispanic or Latino

Sex Male Height 5' 11" Weight 230 Hair Color Brown Eye Color Green

Addresses Business 3700 W Flamingo Rd LV, NV 89103 Clark United States

Phones Business/Work (b)(6)(B)

Notes:

Other Entities

Name: Contact (b)(6)(B)

Written Statement Yes Can ID Suspect No

SSN DOB (b)(6)(B) Age 41 Race White

Sex Male Height Weight Hair Color

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By: Sgt. Bargeant John Buckley

Date: 03/08/2020

Las Vegas Metropolitan Police Department

By: 07528F

INTERNAL AFFAIRS Page 2 of 5

Employer/School Rio Hotel
Tourist
DLN

DL State

Occupation/Grade Facilities manager
Departure Date
DL Country

Addresses

Business

3700 W Flamingo Rd LV, NV 89103 Clark United States

Phones

Business/Work

(b)(6)(B)

Missing Person / Runaway

Physical Appearance

Skin Complexion

Hair Length

Speech Characteristics

Injury or Condition

Medical Info

Headwear Color

Disappearance Type

Responsible Adult

Last seen by

Last seen wearing

Footprints Available

Photo Attached

Physical Build

Eye Description

Hair Style

Speech Manner

Distinctive Jewelry

Headwear Color

Teeth Description

Facial Hair

Dominate Hand

Blood Type

Probable Destination

How long at present address

POB

Last seen Date/Time

Fingerprints Available

Dental Available

Circumcised

Missing Before

Relationship to MP

Last seen where

X-rays Available

Corrected Vision

Scars, Marks, Tattoos:

Dead Body Report Information

Coroner/Physician

Coroner Case #

Case of Death

Public Administrator

Facility Name

Photos Taken

Synopsis

Coroner/Physician Name

Coroner Seal #

Date/Time Pronounced

Hospital/Mortuary

Attendant Name

Investigation

Scene

Body

Evidence at Scene

Notes:

Properties

Type: Household Items and Appliances

Status	Destroyed/Damaged/Vandalized	Quantity	1	Value	600.00	Color
Description	Hotel room Door					
Manufacturer		Model		Serial No.	WIN	
Vehicle Year		Body Type				
Lic Plate #		Lic Plate State		Lic Plate Exp		
Insurance Company						
Owner	V - Rio Hotel					
Notes:						

Detailed Property Information

Length	Width	Height
Horse Power	Propulsion Serial #	
Caliber	Barrel Length	
Features		

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

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Type: Household Items and Appliances

Status	Destroyed/Damaged/Vandalized	Quantity	1	Value	500.00	Color
Description	Drywall and wall paper					
Manufacturer		Model		Serial No.	WIN	
Vehicle Year		Body Type		Lic Plate	Exp	
Lic Plate #		Lic Plate State				
Insurance Company						
Owner	V - Rio Hotel					
Notes:						

Detailed Property Information

Length	Width	Height
Horse Power	Propulsion Serial #	
Caliber	Barrel Length	
Features		

Recovered Property Information

Recovered Date	Recovered Value
Recovered Location	Recovered Reason
Recovered By	Recovered Stock #
Owner Type	Released To
Insurance Rep.	Tow Company

Solvability

Modus Operandi

MO General	Occupied?	Yes	Surrounding Area	Corner
General Premise	Hotel/Motel		Specific Premise	Room
MO Against Property				
Entry Point	Exit Point		Ate/Drank on Premises	Entry Location
Entry/Attempt Method	Entry Tool		Malicious Damage	Vehicle Entry
Safe Entry	Suspect Actions		Yes	Additional Factors
Victim Location	Electronic Locks			Video Surveillance
Maid	Inspectress			Yes
MO Against People			Pre-Incident Contact	
Victim-Suspect Relationship			Suspect Solicited/Offered	
Victim Condition			Suspect Actions	
Suspect Pretended to Be			Vehicle Involvement	
Sexual Acts				

Narrative

On 01-28-20 1, Officer J. Rybacki P# 14907 operating as marked patrol unit 9M5 responded to a report of a person with a gun at the Rio located at 3700 W. Flamingo Rd, LV, NV 89109.

Officers arrived and made contact with hotel security in main valet along with a white male adult, later identified as Andrew Phillips DOB: (b)(6)(B) who identified himself as an Off-duty San Diego Sheriff.

Original call consisted of Phillips causing a disturbance on the 15th floor of the Rio Hotel. Security officer (b)(6)(B) stated on a voluntary statement that he made contact with Phillips on the 15th floor in front of room 15001 and it appeared as if Phillips was banging and kicking on the door to get inside the room. (b)(6)(B) stated that he witnessed Phillips attempting to assemble a black in color pistol outside room 15001. (b)(6)(B) then made contact with Phillips and that is when Phillips disassembled the black in color pistol and put the pieces into his pocket and walked down to the security podium in the main valet.

I made contact with (b)(6)(B) DOB: (b)(6)(B) Rio Facilities manager, who stated that damage was done to the outside of room 13010. Damage consisted of a door needing to be resurfacing and repair to the hallway drywall and new wall paper. total estimated total cost of damages is \$1,000.00.

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I made contact with Phillips in main valet who was visibly intoxicated and stated that he was off-duty San Diego Sheriff. Phillips admitted unsolicited that he had been drinking. I detained Phillips and placed him in handcuffs due to the nature of the call. I patted Phillips waist and pocket area for weapons and located a pocket knife and a disassembled Glock 43 sub-compact handgun with 2 rounds in the magazine.

Sgt Kyger P# 13430 operating as patrol supervisor 842 responded along with Detective J. Sulek P# 13749 and Detective W. Ghilarducci P# 13797 and were briefed on the involved off-duty officer.

Due to the above stated facts that Phillips was on the 15th floor banging and kicking on a door causing a disturbance and security surveillance was able to back track Phillips getting off on the 13th floor and causing damage to a door, drywall and wall paper total repair amount of \$1,000.00. Phillips was arrested for Destroy property of another \$250- \$5K, transported to CCDC and booked accordingly.

Patrol Follow-Up

Crime Scene Analyst O. Minello P# 13177 CS11 responded and took digital photos of the damage.

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**LVMPD - COMMUNICATION CENTER
EVENT SEARCH**

EVT	LLV200100130945	TYPE	413	PRI	1
LOC	RIO HOTEL/CASINO	BLDG		APT	
ADDR	3700 W FLAMINGO RD	XST	3600 HOTEL RIO DR	CITY / SD	LAS VEGAS / CC
CADD	3700 W FLAMINGO RD	CNAM	(b)(6)(B)	CPHONE	(b)(6)(B)
MAP	2823-12	S/B	M5	SRA	K402
P/U	9M6	OFF1	W16833M	OFF2	
DATE	2020-01-28	INIT	02:12:36	AREA	CC
911	Y	CLSE	17:31:45	DISP	A

02:12:36	INC CREATE		Initiated By C07216	C038	C07216
02:12:36	PER INFO			C038	C07216
02:12:36	CM		@ SEC PODIUM 408 WMA OR HMA WAS ARMED W/413-413 NOW ON TOP OF THE PODIUM-SUBJ IS NOT IN CUSTODY	C038	7216
02:13:20	CM		SUBJ WAS CAUGHT WANDERING ARND ON THE WRONG FLOOR KNOCKING ON THE WRONG DOOR THREATENING SUBJS W/THE 413	C038	7216
02:13:27	AS	1M41	3700 W FLAMINGO RD	C023	14768
02:13:27	PRIM UNIT		Primary: From: To: LV/1M41 (Vehicle:10891)	C023	C14768
02:13:27	DPTCH		LV/1M41 (Officers: LV/Arteaga Jr. Jose)	C023	C14768
02:13:27	INC STAT		IncStatName From: Pending To: Active	C023	C14768
02:13:32	ER	1M41	3700 W FLAMINGO RD	M0645	J14998A
02:13:46	AS	9M5	3700 W FLAMINGO RD	C023	14768
02:13:46	DPTCH		LV/9M5 (Officers: LV/Rybacki James)	C023	C14768
02:13:50	AS	555	3700 W FLAMINGO RD	C023	14768
02:13:50	DPTCH		LV/555 (Officers: LV/Conk Brandon)	C023	C14768
02:13:53	ER	9M5	3700 W FLAMINGO RD	M0637	J14907R
02:14:04	ER	555	3700 W FLAMINGO RD	M0633	B6820C
02:14:57	AS	9M6	3700 W FLAMINGO RD	C023	14768
02:14:57	DPTCH		LV/9M6 (Officers: LV/McLain William)	C023	C14768
02:15:04	ER	9M6	3700 W FLAMINGO RD	M0647	W16833M
02:15:18	PRIM UNIT		Primary: From: LV/1M41 To: LV/9M6 (Vehicle:10472)	M0647	W16833M
02:15:18	PRIM UNIT		Primary: From: LV/1M41 To: LV/9M6 (Vehicle:10472)	M0647	W16833M
02:15:23	ER	9M7	3700 W FLAMINGO RD	M0646	E16456F
02:15:23	DPTCH		LV/9M7 (Officers: LV/Fischer Edgar)	M0646	16456
02:16:46	CM		** CORRECTION ** MALE THREATENED TO SHOOT DOWN THE DOOR-SUBJS IN THE RM DON'T WANT TO BE INVLVD	C038	7216
02:17:07	CM		SUBJ W/SEC @ THE FRNT DOOR NOW	C038	7216
02:18:03	AR	9M6	3700 W FLAMINGO RD	M0647	W16833M
02:18:05	CL	1M41		C023	14768
02:18:05	INC UPDT		Dispo: From: To: N	C023	C14768
02:18:05	INC UPDT		DispoFields From: To: N	C023	C14768
02:18:05	INC UPDT		UnitIDFields From: To: LV/1M41	C023	C14768
02:18:22	AR	9M5	3700 W FLAMINGO RD	M0637	J14907R
02:18:53	AR	9M7	3700 W FLAMINGO RD	M0646	E16456F
02:19:23	ER	1M28	3700 W FLAMINGO RD	M0957	S173520
02:19:23	DPTCH		LV/1M28 (Officers: LV/Oniate Benjamin Shean)	M0957	S173520
02:19:48	AR	555	3700 W FLAMINGO RD	M0633	B6820C
02:22:56	CL	1M28		M0957	S173520
02:22:56	INC UPDT		Dispo: From: To: N	M0957	S173520

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EVENT SEARCH**

02:22:56	INC UPDT		DispoFields From: To: N	M0957	S173520
02:22:56	INC UPDT		UnitIDFields From: To: LV/1M28	M0957	S173520
02:35:15	ER	842	3700 W FLAMINGO RD	M0627	K13430K
02:35:15	DPTCH		LV/842 (Officers: LV/Kyger Kyle)	M0627	13430
02:36:15	CM		9M7 C4	C023	14768
02:37:46	AR	842	3700 W FLAMINGO RD	M0627	K13430K
02:42:36	CM		842 REQ PD TO RESPOND	C023	14768
03:02:28	CM		KNOCK AND TALK AT #25001	C023	14768
03:02:30	CM		KNOCK AND TALK AT #25001 (LV/555)	C023	14768
03:08:21	CM		555—WELF CHK ON ROOM CONDUCTED AND ITS EMPTY	C023	14768
03:19:51	CL	555		M0633	B6820C
03:19:51	INC UPDT		Dispo: From: To: N	M0633	06820
03:19:51	INC UPDT		DispoFields From: To: N	M0633	06820
03:19:51	INC UPDT		UnitIDFields From: To: LV/555	M0633	06820
03:45:29	ER	PD55	3700 W FLAMINGO RD	C023	14768
03:45:29	ER	PD53	3700 W FLAMINGO RD	C023	14768
03:45:29	DPTCH		LV/PD55 (Officers: LV/Ghilarducci William)	C023	C14768
03:45:29	DPTCH		LV/PD53 (Officers: LV/Sulek Jerry)	C023	C14768
03:53:39	AR	PD55	3700 W FLAMINGO RD	C023	14768
03:53:40	AR	PD53	3700 W FLAMINGO RD	C023	14768
04:34:49	CM		842 REQ ID	C023	15966
04:35:26	CM		ID ADVD	C023	15966
04:39:37	CM		CS11 COPIED ID REQ	C012	15964
04:50:03	AS	C19	3700 W FLAMINGO RD	C012	15964
04:50:03	DPTCH		LV/C19 (Officers: LV/Alexander Lara)	C012	C15964
04:52:13	TO	PD55	CCAC	C023	14768
04:53:51	ER	C19	3700 W FLAMINGO RD	M1159	L15376A
05:00:53	AO	PD55	CCAC	C023	14768
05:02:19	CL	842		M0627	K13430K
05:02:19	INC UPDT		Dispo: From: To: N	M0627	13430
05:02:19	INC UPDT		DispoFields From: To: N	M0627	13430
05:02:19	INC UPDT		UnitIDFields From: To: LV/842	M0627	13430
05:03:13	AR	C19	3700 W FLAMINGO RD	M1159	L15376A
05:05:47	TO	9M5	ccac	M0637	J14907R
05:11:31	TO	9M6	CCAC	M0647	W16833M
05:19:07	AR	9M6	CCAC	M0647	W16833M
05:20:51	CL	PD53		C023	14768
05:20:51	INC UPDT		Dispo: From: To: N	C023	C14768
05:20:51	INC UPDT		DispoFields From: To: N	C023	C14768
05:20:51	INC UPDT		UnitIDFields From: To: LV/PD53	C023	C14768
05:26:26	TO	9M7	ccac	M0646	E16456F
05:29:37	CL	C19		C012	15964
05:29:37	INC UPDT		Dispo: From: To: N	C012	C15964
05:29:37	INC UPDT		DispoFields From: To: N	C012	C15964
05:29:37	INC UPDT		UnitIDFields From: To: LV/C19	C012	C15964
05:37:26	AR	9M7	ccac	M0646	E16456F
05:45:14	AR	9M5	ccac	C023	14768

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05:58:50	TO	9M6	PARADISE / COOPERATE	M0647	W16833M
06:00:06	TO	9M7	paradise/corprate	M0646	E16456F
06:03:13	CM		9M5 REQ PT TO STATION F/1 MALE	C023	14768
06:11:09	AR	9M7	paradise/corprate	M0646	E16456F
06:22:39	AR	9M6	PARADISE / COOPERATE	M0647	W16833M
06:31:41	ER	1M49	3700 W FLAMINGO RD	M0643	S15015P
06:31:41	DPTCH		LV/1M49 (Officers: LV/Popovich Shiloh, LV/Whearty Patrick)	M0643	15015
06:37:35	AS	2PT80	3700 W FLAMINGO RD	C023	14768
06:37:35	DPTCH		LV/2PT80 (Officers: LV/Fesler Gregory Ryan, LV/Luoto Duane Jason)	C023	C14768
06:37:41	AO	2PT80	CCAC	C023	14768
06:40:31	ER	2PT80	CCAC	M1004	R17317F
06:48:46	AO	2PT80	CCAC	C023	14768
06:51:27	CL	9M7		M0646	E16456F
06:51:27	INC UPDT		Dispo: From: To: N	M0646	16456
06:51:27	INC UPDT		DispoFields From: To: N	M0646	16456
06:51:27	INC UPDT		UnitIDFields From: To: LV/9M7	M0646	16456
06:55:56	AO	2PT80	CCAC	C023	14768
06:59:12	CL	9M6		M0647	W16833M
06:59:12	INC UPDT		Dispo: From: To: K	M0647	W16833M
06:59:12	INC UPDT		DispoFields From: To: K	M0647	W16833M
06:59:12	INC UPDT		UnitIDFields From: To: LV/9M6	M0647	W16833M
06:59:12	CM		DISPO K:413 IMPOUND	M0647	W16833M
06:59:56	AO	1M49	CCAC	C023	17419
07:00:13	CL	1M49		M0643	S15015P
07:00:13	INC UPDT		Dispo: From: To: N	M0643	15015
07:00:13	INC UPDT		DispoFields From: To: N	M0643	15015
07:00:13	INC UPDT		UnitIDFields From: To: LV/1M49	M0643	15015
07:22:08	CL	9M5		M0637	J14907R
07:22:08	INC UPDT		Dispo: From: To: A	M0637	J14907R
07:22:08	INC UPDT		DispoFields From: To: A	M0637	J14907R
07:22:08	INC UPDT		UnitIDFields From: To: LV/9M5	M0637	J14907R
07:22:08	CM		DISPO A:ANDREW PHILLIPS WAS ARRESTED FOR DESTROY PROPERTY OF ANOTHER \$250-\$5K	M0637	J14907R
17:31:45	CL	PD55		C023	5951
17:31:45	INC STAT		IncStatName From: Active To: Closed	C023	C05951
17:31:45	INC UPDT		Dispo: From: To: K	C023	C05951
17:31:45	INC UPDT		DispoFields From: To: K	C023	C05951
17:31:45	INC UPDT		UnitIDFields From: To: LV/PD55	C023	C05951

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*PAGE 1 OF 1 UOF BODY CAM
 *NO/CS# 7091725 NEW ID
 JUVENILE DNA SAMPLE TAKEN DNA NOT REQ'D
 CO. SGT APPROVAL
 REBOOK ABSENTIA FORM B NDOC EXT TO LAS VEGAS LVC HND NLV COURTESY HOLD DETAINEE

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
TEMPORARY CUSTODY RECORD
 (* DENOTES OFFICER REQUIRED FIELD)

P3206911116952
 *ARREST DATE: 1/28/2020 *ARREST TIME: 0415
 *EVENT #: 200100130945
 *CO-DEF: N

*INTAKE NAME (AKA, ALIAS, ETC.)		LAST PHILLIPS		FIRST ANDREW		MIDDLE RICHARD		TRUE NAME LAST PHILLIPS		FIRST ANDREW		MIDDLE RICHARD		
*HOME ADDRESS (STREET # AND STREET NAME) (b)(6)(B)				BLDG./APT.#		*CITY HEMET		*STATE CA		*ZIP 92545		*PLACE OF BIRTH WEST COVINA, CALIFORNIA		
*DATE OF BIRTH (b)(6)(B)		*RACE W	*HISP ETHN NH	*SEX M	*HEIGHT 5'09"	*WEIGHT 180	*HAIR BRO	*EYES HAZ	*SOCIAL SECURITY # (b)(6)(B)		*CITIZENSHIP USA		*ALIEN REGISTRATION #	
*LOCATION OF CRIME (STREET ADDRESS, CITY, STATE, ZIP) <input checked="" type="checkbox"/> CC <input type="checkbox"/> LV 3700 W FLAMINGO LAS VEGAS, NV 89109				*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP) 3700 W FLAMINGO LAS VEGAS, NV 89109								<input type="checkbox"/> US VETERAN <input type="checkbox"/> ACTIVE MILITARY <input type="checkbox"/> CITIZEN'S ARREST <input type="checkbox"/> SPEAKS ENGLISH		
*ARR TYPE PC	*COURT JURIS JC	*WARRANT # / CASE #		*# CHGB 1	*NOC CODE 60805	M GM F <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		*CHARGE LITERAL DESTROY PROP OF ANOTHER, \$250 - \$5K				*ORD / HRS 206.310	*BAIL 2000	*EVENT# / NIC# 200100130945
*OTHER JURISDICTION:													**ARREST TYPES: PC - PROBABLE CAUSE BS - BONDSMAN SURRENDER BW - BENCH WARRANT AW - ARREST WARRANT RM - REMAND GJI - GRAND JURY INDICTMENT	

TIME STAMP AT BOOKING 1/28/2020 8:02 AM		*ARRESTING OFFICER SIGNATURE JAMES D RYBACKI		14907		MPD		M5		FIRST APP DATE:		TIME STAMP AT RELEASING	
		*PRINTED NAME		*PB		*AGENCY		*SECTOR/BEAT OF ARREST		TIME:			
		*TRANSPORTING OFFICER SIGNATURE JASON DUANE LUOTO		17324		MPD		CCAC		COURT: <input type="checkbox"/> JUSTICE <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUVENILE			
		*PRINTED NAME		*PB		*AGENCY		AREA CHD		<input type="checkbox"/> STD BAIL <input type="checkbox"/> O.R. REL			
		*EMERGENCY CONTACT		NOTGIVEN NOTGIVEN		CUSTODY RELEASED TO				<input type="checkbox"/> PC <input type="checkbox"/> I.A.D.			
		*RELATIONSHIP		NOT PROVIDED		NAME				JUDGE:		P#	
		*PHONE NUMBER				POSITION							
		*EMAIL ADDRESS				AGENCY							
P# N178910												REL REV P#	
DOC DIST P#													
PID: 1:1		RT LT		RI LI SCORE: NOHIT		1:N RT LT		RI LI SCORE:					
		<input type="checkbox"/> POLICE RECORDS COPY		<input type="checkbox"/> COURTS COPY		<input checked="" type="checkbox"/> DSD RECORDS COPY		<input type="checkbox"/> PROCESSING COPY					

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Sheet Number: LVPE20012110
Case Number: LLV200100130945



LAS VEGAS METROPOLITAN
POLICE DEPARTMENT

Property Sheet Summary

Sheet Number	LVPE20012110	Responsible Officer	W16833M - McLain, William
Case Number	LLV200100130945	Rank	PO II
Subject		Badge Number	
Evidence Type		Supervisor	06820 - Conk, Brandon
CAD Number		Rank	PO SGT
Submitting Officer	W16833M - McLain, William	Badge Number	
Rank	PO II		
Badge Number			

Assisting Officers

Assisting Officer

Submitting Date/Time 01/28/2020 5:25:09 AM

Initial Transaction Info

Initial Holding Location	CCAC	Received Date/Time	
Locker Number		Recovery Location	3700 W. Flamingo Rd.
Transported By		Recovered Date/Time	01/28/2019 5:30:00 AM
From		Received By	
To		Badge Number	
BIN Month		Receipt	
BIN #		NCIC Entry	
		Agency Entered	

Notes

Officers responded for an assist citizen call at Rio Hotel, reference the above subject drunk with a handgun. CCAC PD responded as well and there was not enough PC to arrest on any gun charges or assault with deadly weapon. Subject was arrested on Malicious Destruction of Private Property, over \$650, due to damage that occurred during the incident to the hotel walls. Subject's firearm impounded.

Involved People

Type/Involvement Name	Owner Phillips, Andrew R.
-----------------------	------------------------------

Addresses

Address Type	Address	CSZ	County	Country
Residence	(b)(6)(B)	(b)(6)(B)		United States

Phone Numbers

Phone Type	Phone Number

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E-Mail

Email Address

Sex
Race
Height
Weight
POB
SSN

Control Number
Convicted Felon
DOB
Age
Juvenile

(b)(6)(B)

32
No

Notes

Property Detail

Photo Date:

Property Tag Number	1	Quantity	1
Lab Processing Required		Units	
Lab Number		Manufacturer	Glock
Property Type	Handgun - Semi Automatic	Model	43
Property Category	Weapons	Importer	
Description	Handgun - Glock 43 9mm	Serial Number	(b)(6)(B)
Seized Pending Forfeiture		Owner Applied Number	
Recovered for Other		Identifying Marks	
Jurisdiction		Color	
Other Agency Identifier		Finish	
Current Disposition		Condition	
Property Status	Impounded	License Number	
Storage Location		Stolen	
Expected Return Date		ORI Notified By	
Scheduled Purge Date		Bicycle Make	
Next Review Date		Bicycle Model	
Disposal Method		Bicycle Speed	
Biohazard		Bicycle Wheel Size	
Value			

Firearm Information
Firearms Priority

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Firearm Caliber	9 mm	Safety
Firearm Type	Pistol	Cocked
Barrel Length	3	Live Cartridges in Cylinder
Firearm Color	Stainless	Live Cartridges in Chamber
Firearm Action	Semi-Automatic	Live Cartridges in Magazine
Magazine or Cylinder Capacity		Live Cartridges at Scene
Other Markings		Discharged Cartridges in Cylinder
Firearm Query By		Discharged Cartridges at Scene
Badge Number		

Vehicle Information	Boat Type
Type	HIN
Year	Hull Shape
	Propulsion
	Boat Length
License Exp. Date	
License State	
License Country	
Odometer Reading	
Boat Name	

Vehicle Color	Color Type	Color

Currency Information	
Denomination	Fifties
Coins	Hundreds
Ones	Other
Fives	Total
Tens	Securities Type
Twenties	Securities Issuer
	Securities Issue Date

Narcotics Information
Drug Type
Drug Quantity
Drug Measure
Reason for Variance

Recovery Information
Recovered By
Recovered Date 01/28/2019
Recovered From

Offense Information
Offense
NCIC Crime Code
Explain

Owner/Misc. Number

CIS Officer
Badge Number
CIS Supervisor
Checked By

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Assigned To

Related Person

Related Person	Related Type
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Chain Of Custody

Transaction	Client Date/Time	Server Date/Time	Details	User	Notes
-------------	------------------	------------------	---------	------	-------

Juvenile Involved
 Domestic Violence

Notes
 GLOCK INC, SMYRNA, GA

Property Detail

Photo Date:

Property Tag Number	2	Quantity	1
Lab Processing Required		Units	
Lab Number		Manufacturer	Glock
Property Type	Firearm Accessories	Model	
Property Category	Miscellaneous	Importer	
Description	Glock magazine	Serial Number	
Seized Pending Forfeiture		Owner Applied Number	
Recovered for Other		Identifying Marks	
Jurisdiction		Color	Black
Other Agency Identifier		Finish	
Current Disposition		Condition	
Property Status	Impounded	License Number	
Storage Location		Stolen	
Expected Return Date		ORI Notified By	
Scheduled Purge Date		Bicycle Make	
Next Review Date		Bicycle Model	
Disposal Method		Bicycle Speed	
Biohazard		Bicycle Wheel Size	
Value			

Firearm Information
 Firearms Priority
 Firearm Caliber

Loaded
 Safety

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Firearm Type	Cocked
Barrel Length	Live Cartridges in Cylinder
Firearm Color	Live Cartridges in Chamber
Firearm Action	Live Cartridges in Magazine
Magazine or Cylinder Capacity	Live Cartridges at Scene
Other Markings	Discharged Cartridges in Cylinder
Firearm Query By	Discharged Cartridges at Scene

Badge Number

Vehicle Information	Boat Type
Type	HIN
Year	Hull Shape
License Exp. Date	Propulsion
License State	Boat Length
License Country	
Odometer Reading	
Boat Name	

Vehicle Color

Color Type	Color
------------	-------

Currency Information	
Denomination	Fifties
Coins	Hundreds
Ones	Other
Fives	Total
Tens	Securities Type
Twenties	Securities Issuer
	Securities Issue Date

Narcotics Information

Drug Type
Drug Quantity
Drug Measure
Reason for Variance

Recovery Information

Recovered By
Recovered Date 01/28/2019
Recovered From

Owner/Misc. Number

Offense Information

Offense
NCIC Crime Code
Explain

CIS Officer
Badge Number
CIS Supervisor
Checked By
Assigned To

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Las Vegas Metropolitan Police Department
By: 02528F
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Related Person

Related Person	Related Type
----------------	--------------

Chain Of Custody

Transaction	Client Date/Time	Server Date/Time	Details	User	Notes
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Juvenile Involved
 Domestic Violence

Notes

Property Detail

Photo Date:

Property Tag Number	3	Quantity	3
Lab Processing Required		Units	
Lab Number		Manufacturer	Luger
Property Type	Ammunition / Cartridge Case	Model	
Property Category	Ammunition	Importer	
Description	9mm rounds	Serial Number	
Seized Pending Forfeiture		Owner Applied Number	
Recovered for Other		Identifying Marks	
Jurisdiction		Color	
Other Agency Identifier		Finish	
Current Disposition		Condition	
Property Status	Impounded	License Number	
Storage Location		Stolen	
Expected Return Date		ORI Notified By	
Scheduled Purge Date		Bicycle Make	
Next Review Date		Bicycle Model	
Disposal Method		Bicycle Speed	
Biohazard		Bicycle Wheel Size	
Value			
Firearm Information		Loaded	
Firearms Priority		Safety	
Firearm Caliber	9 mm	Cocked	
Firearm Type			

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Barrel Length

Firearm Color

Firearm Action

Magazine or Cylinder

Capacity

Other Markings

Firearm Query By

Badge Number

Vehicle Information

Type

Year

License Exp. Date

License State

License Country

Odometer Reading

Boat Name

Vehicle Color

Color Type	Color
------------	-------

Currency Information

Denomination

Coins

Ones

Fives

Tens

Twenties

Narcotics Information

Drug Type

Drug Quantity

Drug Measure

Reason for Variance

Recovery Information

Recovered By

Recovered Date

Recovered From

Offense Information

Offense

NCIC Crime Code

Explain

Live Cartridges in
Cylinder

Live Cartridges in
Chamber

Live Cartridges in
Magazine

Live Cartridges at
Scene

Discharged Cartridges
in Cylinder

Discharged Cartridges
at Scene

Boat Type

HIN

Hull Shape

Propulsion

Boat Length

Fifties

Hundreds

Other

Total

Securities Type

Securities Issuer

Securities Issue Date

Owner/Misc. Number

CIS Officer

Badge Number

CIS Supervisor

Checked By

Assigned To

01/28/2019

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Related Person

Related Person	Related Type
----------------	--------------

Chain Of Custody

Transaction	Client Date/Time	Server Date/Time	Details	User	Notes
-------------	---------------------	---------------------	---------	------	-------

Juvenile Involved
Domestic Violence

Notes

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CRIME SCENE INVESTIGATION REPORT

Incident Malicious Destruction of Property		Sector/Beat M5	Event Number 200100130945
Requesting Officer J. Sulek 13749	Division TSD	Date 1/28/2020	Time 0502
Victim(s) Rio Hotel and Casino		Location(s) Rio Hotel and Casino – 3700 W. Flamingo Rd.	

Connecting Reports and Related Event Numbers

Evidence Impound Report
 Firearms Report
 Officer's Report

 Related Event Number(s): _____

DOCUMENTATION

- Crime Scene Photography Comparative Photography
 Aerial Photography Diagram(s)

LATENT PRINT EVIDENCE

- Processing Conducted
 Lift(s) / Cast(s)
 Photograph(s)
 Eliminations
 Negative Results

FIREARMS EVIDENCE

- Bullet(s) / Fragment(s)
 Cartridge Case(s)
 Cartridge(s)
 Weapon(s)

FOOTWEAR AND TIRE EVIDENCE

- Footwear Tire
 Lift(s) / Cast(s) Original Surface(s)
 Photograph(s) Exemplar(s)

BIOLOGICAL EVIDENCE

- Apparent Blood Apparent Semen
 Possible DNA Unknown Substance(s)
 Swab(s) Original Surface(s)
 Buccal Swabs _____

TOOL MARK EVIDENCE

- Cast(s) Original Surface(s)
 Photograph(s) Tool(s)

OTHER

VEHICLE(S):

GENERAL INFORMATION:

Scenes

The scenes were located on two hotel floors of the Masquerade Tower of the Rio Hotel and Casino. The 13th floor had candy and a Coke bottle on the floor outside of room 13009. There was damage to the north wall of the hallway just east of room 13009. The 15th floor had a cartridge (impounded by E. Fischer #16456) on the floor outside of room 15001. There were scuff marks on the exterior of the door to room 15001 and damage to the lower portion of the door frame.

Photography

Digital images were recorded showing the above described scene for location and overall condition.

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Crime Scene Analyst Supervisor (b)(6)(B)	P# 14372	Date Approved 2/9/20	Crime Scene A# (b)(6)(B)	(b)(6)(B)	P# (b)(6)(B)
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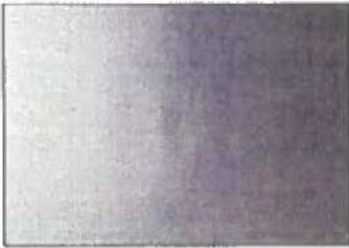
Qualtrax Number: LVMPD CSI 3815
 Document Number: IS06
 Issued By: CSI DIR
 Revision Date: 05/01/2018
 Page 1 of 1

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Thumbnail Options

EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV20



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV20



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV20



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV20



EV - Digital Evidence for Event # LLV200100130945...

EV - Digital Evidence for Event # LLV200100130945...

EV - Digital Evidence for Event # LLV20

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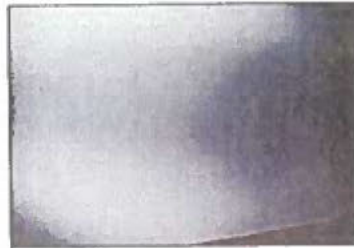
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EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV20



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV200100130945...



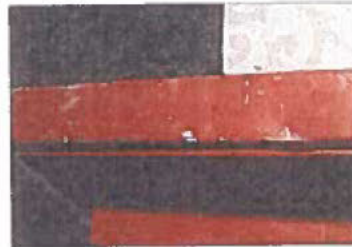
EV - Digital Evidence for Event # LLV20



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV20



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV200100130945...



EV - Digital Evidence for Event # LLV20



EV - Digital Evidence for Event # LLV200100130945...

EV - Digital Evidence for Event # LLV200100130945...

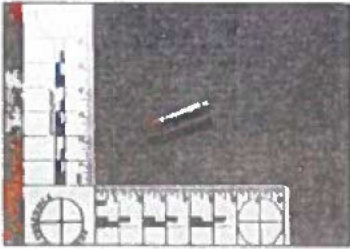
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By: D7528E 03/03/2020
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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

UNIT LOG BY INCIDENT NUMBER

For Incident Number: LLV200100130945

AP

Unit	Event Number	PUnit	Date Time	Type	Code	Type	Officer 1 ID and Name	Officer 2 ID and Name	Disp	Pri	Comment
1M41	LLV200100130945	9M6	01/28/2020 02:13:27	DPTCH	CL	413	J14998A Artega Jr., Jose		A	1	3700 W FLAMINGO RD
1M41	LLV200100130945	9M6	01/28/2020 02:13:27	PRIM UNIT	CL	413	J14998A Artega Jr., Jose		A	1	Primary: LV/1M41
1M41	LLV200100130945	9M6	01/28/2020 02:13:27	UNIT STAT	AS	413	J14998A Artega Jr., Jose		A	1	3700 W FLAMINGO RD
1M41	LLV200100130945	9M6	01/28/2020 02:13:27	UNIT MGMT	AS	413	J14998A Artega Jr., Jose		A	1	City: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: CC, Zip Code: 89103
1M41	LLV200100130945	9M6	01/28/2020 02:13:32	UNIT STAT	ER	413	J14998A Artega Jr., Jose		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 02:13:46	DPTCH	CL	413	J14907R Rybacki, James		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 02:13:46	UNIT STAT	AS	413	J14907R Rybacki, James		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 02:13:46	UNIT MGMT	AS	413	J14907R Rybacki, James		A	1	City: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: CC, Zip Code: 89103
555	LLV200100130945	9M6	01/28/2020 02:13:50	DPTCH	CL	413	B6820C Conk, Brandon		A	1	3700 W FLAMINGO RD
555	LLV200100130945	9M6	01/28/2020 02:13:50	UNIT STAT	AS	413	B6820C Conk, Brandon		A	1	3700 W FLAMINGO RD
555	LLV200100130945	9M6	01/28/2020 02:13:50	UNIT MGMT	AS	413	B6820C Conk, Brandon		A	1	City: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: CC, Zip Code: 89103
9M5	LLV200100130945	9M6	01/28/2020 02:13:53	UNIT STAT	ER	413	J14907R Rybacki, James		A	1	3700 W FLAMINGO RD
555	LLV200100130945	9M6	01/28/2020 02:14:04	UNIT STAT	ER	413	B6820C Conk, Brandon		A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 02:14:57	DPTCH	AS	413	W16833 McLain, William		A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 02:14:57	UNIT STAT	AS	413	W16833 McLain, William		A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 02:15:04	UNIT STAT	ER	413	W16833 McLain, William		A	1	3700 W FLAMINGO RD
1M41	LLV200100130945	9M6	01/28/2020 02:15:18	PRIM UNIT	ER	413	J14998A Artega Jr., Jose		A	1	Primary: LV/9M6 (LV/1M41)

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 By: 025287
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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

UNIT LOG BY INCIDENT NUMBER

For Incident Number: LLV200100130945

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Unit	Event Number	Punit	Date Time	Transaction Type	Code	Type	Officer 1 ID and Name	Officer 2 ID and Name	Disp	Pri	Comment
9M6	LLV200100130945	9M6	01/28/2020 02:15:18	PRIM UNIT	ER	413	M W16833 McLain, William		A	1	Primary: LV/9M6 (LV/1M41)
9M7	LLV200100130945	9M6	01/28/2020 02:15:23	DPTCH	CL	413	E16456F Fischer, Edgar		A	1	3700 W FLAMINGO RD
9M7	LLV200100130945	9M6	01/28/2020 02:15:23	UNIT STAT	ER	413	E16456F Fischer, Edgar		A	1	3700 W FLAMINGO RD
9M7	LLV200100130945	9M6	01/28/2020 02:15:23	UNIT MGMT	ER	413	E16456F Fischer, Edgar		A	1	City: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: CC, Zip Code: 89103
9M6	LLV200100130945	9M6	01/28/2020 02:18:03	UNIT STAT	AR	413	W16833 M McLain, William		A	1	3700 W FLAMINGO RD
1M41	LLV200100130945	9M6	01/28/2020 02:18:05	FREE UNIT	ER	413	J14998A Artega Jr., Jose		A	1	3700 W FLAMINGO RD
1M41	LLV200100130945	9M6	01/28/2020 02:18:05	UNIT STAT	CL	413	J14998A Artega Jr., Jose		A	1	3700 W FLAMINGO RD
1M41	LLV200100130945	9M6	01/28/2020 02:18:05	INC UPDT	ER	413	J14998A Artega Jr., Jose		A	1	Dispo: N
9M5	LLV200100130945	9M6	01/28/2020 02:18:22	UNIT STAT	AR	413	J14907R Rybacki, James		A	1	3700 W FLAMINGO RD
9M7	LLV200100130945	9M6	01/28/2020 02:18:53	UNIT STAT	AR	413	E16456F Fischer, Edgar		A	1	3700 W FLAMINGO RD
1M28	LLV200100130945	9M6	01/28/2020 02:19:23	DPTCH	CL	413	S17352O Oniate, Shean B		A	1	3700 W FLAMINGO RD
1M28	LLV200100130945	9M6	01/28/2020 02:19:23	UNIT STAT	ER	413	S17352O Oniate, Shean B		A	1	3700 W FLAMINGO RD
1M28	LLV200100130945	9M6	01/28/2020 02:19:23	UNIT MGMT	ER	413	S17352O Oniate, Shean B		A	1	City: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: CC, Zip Code: 89103
555	LLV200100130945	9M6	01/28/2020 02:19:48	UNIT STAT	AR	413	B6820C Conk, Brandon		A	1	3700 W FLAMINGO RD
1M28	LLV200100130945	9M6	01/28/2020 02:22:56	INC UPDT	ER	413	S17352O Oniate, Shean B		A	1	Dispo: N
1M28	LLV200100130945	9M6	01/28/2020 02:22:56	FREE UNIT	ER	413	S17352O Oniate, Shean B		A	1	3700 W FLAMINGO RD
1M28	LLV200100130945	9M6	01/28/2020 02:22:56	UNIT STAT	CL	413	S17352O Oniate, Shean B		A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 02:27:09	QUERY	AR	413	W16833 M McLain, William		A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 02:28:38	QUERY	AR	413	W16833 M McLain, William		A	1	3700 W FLAMINGO RD
842	LLV200100130945	9M6	01/28/2020 02:35:15	DPTCH	CL	413	K13430K Kyger, Kyle		A	1	3700 W FLAMINGO RD

Disposition is Retire
 San Diego Sheriff Dept
 Secondary Assignment
 Released to Sergeant
 Date: 03/06/2020
 Las Vegas Metropolitan
 By: 107528F

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT

UNIT LOG BY INCIDENT NUMBER

For Incident Number: LLV200100130945

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Unit	Event Number	PUnit	Date Time	Type	Code	Type	Officer 1 ID and Name	Officer 2 ID and Name	Disp	Pri	Comment
842	LLV200100130945	9M6	01/28/2020 02:35:15	UNIT STAT	ER	413	K13430K Kyger, Kyle		A	1	3700 W FLAMINGO RD
842	LLV200100130945	9M6	01/28/2020 02:35:15	UNIT MGMT	ER	413	K13430K Kyger, Kyle		A	1	CITY: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: 89103 Code: 89103
842	LLV200100130945	9M6	01/28/2020 02:37:46	UNIT STAT	AR	413	K13430K Kyger, Kyle		A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 02:48:03	TIMEOUT	AR	413	W16833 McLain, William		A	1	
9M5	LLV200100130945	9M6	01/28/2020 02:48:23	TIMEOUT	AR	413	J14907R Rybacki, James		A	1	
9M7	LLV200100130945	9M6	01/28/2020 02:48:53	TIMEOUT	AR	413	E16456F Fischer, Edgar		A	1	
555	LLV200100130945	9M6	01/28/2020 02:49:48	TIMEOUT	AR	413	B6820C Conk, Brandon		A	1	
555	LLV200100130945	9M6	01/28/2020 03:02:30	CMNTS	AR	413	B6820C Conk, Brandon		A	1	KNOCK AND TALK AT #25001
842	LLV200100130945	9M6	01/28/2020 03:07:46	TIMEOUT	AR	413	K13430K Kyger, Kyle		A	1	
555	LLV200100130945	9M6	01/28/2020 03:19:51	UNIT STAT	CL	413	B6820C Conk, Brandon		A	1	3700 W FLAMINGO RD
555	LLV200100130945	9M6	01/28/2020 03:19:51	INC UPDT	AR	413	B6820C Conk, Brandon		A	1	Dispo: N
555	LLV200100130945	9M6	01/28/2020 03:19:51	FREE UNIT	AR	413	B6820C Conk, Brandon		A	1	3700 W FLAMINGO RD
PD53	LLV200100130945	9M6	01/28/2020 03:45:29	UNIT STAT	ER	413	J13749S Sulek, Jerry		A	1	3700 W FLAMINGO RD
PD53	LLV200100130945	9M6	01/28/2020 03:45:29	UNIT MGMT	ER	413	J13749S Sulek, Jerry		A	1	CITY: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: CC, Zip Code: 89103
PD53	LLV200100130945	9M6	01/28/2020 03:45:29	DPTCH	CL	413	J13749S Sulek, Jerry		A	1	3700 W FLAMINGO RD
PD55	LLV200100130945	9M6	01/28/2020 03:45:29	DPTCH	CL	413	W13797G Ghilarducci, William		A	1	3700 W FLAMINGO RD
PD55	LLV200100130945	9M6	01/28/2020 03:45:29	UNIT STAT	ER	413	W13797G Ghilarducci, William		A	1	3700 W FLAMINGO RD
PD55	LLV200100130945	9M6	01/28/2020 03:45:29	UNIT MGMT	ER	413	W13797G Ghilarducci, William		A	1	CITY: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: CC, Zip Code: 89103
PD53	LLV200100130945	9M6	01/28/2020 03:53:40	UNIT STAT	AR	413	W13797G Ghilarducci, William		A	1	3700 W FLAMINGO RD



LAS VEGAS METROPOLITAN POLICE DEPARTMENT UNIT LOG BY INCIDENT NUMBER

For Incident Number: LLV200100130945

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Unit	Event Number	Punit	Date Time	Transaction Type	Code	Type	Officer 1 ID and Name	Officer 2 ID and Name	Disp	Pri	Comment
PD55	LLV200100130945	9M6	01/28/2020 04:23:39	TIMEOUT	AR	413	W13797G Ghilarducci, William		A	1	
PD53	LLV200100130945	9M6	01/28/2020 04:23:40	TIMEOUT	AR	413	J13749S Sulek, Jerry		A	1	
842	LLV200100130945	9M6	01/28/2020 04:35:52	TIMEOUT	AR	413	K13430K Kyger, Kyle		A	1	Timeout Value: 300
C19	LLV200100130945	9M6	01/28/2020 04:50:03	DPTCH	81	413			A	1	3700 W FLAMINGO RD
C19	LLV200100130945	9M6	01/28/2020 04:50:03	UNIT STAT	AS	413			A	1	3700 W FLAMINGO RD
C19	LLV200100130945	9M6	01/28/2020 04:50:03	UNIT MGMT	AS	413	(b)(6)(B)		A	1	City: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD (csi), Subdivision: CC, Zip Code: 89103
PD55	LLV200100130945	9M6	01/28/2020 04:52:13	UNIT STAT	TO	413	W13797G Ghilarducci, William		A	1	3700 W FLAMINGO RD
PD55	LLV200100130945	9M6	01/28/2020 04:52:13	UNIT MGMT	TO	413	W13797G Ghilarducci, William		A	1	City: NULL (LAS VEGAS), Loc Name: NULL (RIO HOTEL/CASINO), Location: CCAC (3700 W FLAMINGO RD), Subdivision: NULL (CC), Zip Code: NULL (89103)
C19	LLV200100130945	9M6	01/28/2020 04:53:51	UNIT STAT	ER	413	(b)(6)(B)		A	1	3700 W FLAMINGO RD
PD55	LLV200100130945	9M6	01/28/2020 05:00:53	UNIT STAT	AO	413	W13797G Ghilarducci, William		A	1	3700 W FLAMINGO RD
842	LLV200100130945	9M6	01/28/2020 05:02:19	UNIT STAT	CL	413	K13430K Kyger, Kyle		A	1	3700 W FLAMINGO RD
842	LLV200100130945	9M6	01/28/2020 05:02:19	INC UPDT	AR	413	K13430K Kyger, Kyle		A	1	Dispo: N
842	LLV200100130945	9M6	01/28/2020 05:02:19	FREE UNIT	AR	413	K13430K Kyger, Kyle		A	1	3700 W FLAMINGO RD
C19	LLV200100130945	9M6	01/28/2020 05:03:13	UNIT STAT	AR	413	(b)(6)(B)		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 05:05:47	UNIT STAT	TO	413	J14907R Rybacki, James		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 05:05:47	UNIT MGMT	TO	413	J14907R Rybacki, James		A	1	City: NULL (LAS VEGAS), Loc Name: NULL (RIO HOTEL/CASINO), Location: CCAC (3700 W FLAMINGO RD), Subdivision: NULL (CC), Zip Code: NULL (89103)
9M6	LLV200100130945	9M6	01/28/2020 05:11:31	UNIT STAT	TO	413	W16833 M McLain, William		A	1	3700 W FLAMINGO RD

Dissemination is restricted to the Las Vegas Metropolitan Police Department only. Any secondary dissemination is prohibited. Released to: [Name] Date: 03/04/2020 By: D7528F INTERNAL AFFAIRS BUREAU



LAS VEGAS METROPOLITAN POLICE DEPARTMENT UNIT LOG BY INCIDENT NUMBER

For Incident Number: LLV200100130945

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ONLY
DATE
BY

Unit	Event Number	Punit	Date Time	Transaction Type	Code	Type	Officer 1 ID and Name	Officer 2 ID and Name	Disp	Pri	Comment
9M6	LLV200100130945	9M6	01/28/2020 05:11:31	UNIT MGMT	TO	413	W16833 M McLain, William		A	1	City: NULL (LAS VEGAS), Loc Name: NULL (RIO HOTEL/CASINO), CCAC (3700 W FLAMINGO RD), Subdivision: NULL (CC, Zip Code: NULL (89103))
9M6	LLV200100130945	9M6	01/28/2020 05:19:07	UNIT STAT	AR	413	W16833 M McLain, William		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 05:19:22	QUERY	TO	413	J14907R Rybacki, James		A	1	3700 W FLAMINGO RD
PDS3	LLV200100130945	9M6	01/28/2020 05:20:51	UNIT STAT	CL	413	J13749S Sulek, Jerry		A	1	3700 W FLAMINGO RD
PDS3	LLV200100130945	9M6	01/28/2020 05:20:51	INC UPDT	AR	413	J13749S Sulek, Jerry		A	1	Dispor: N
PDS3	LLV200100130945	9M6	01/28/2020 05:20:51	FREE UNIT	AR	413	J13749S Sulek, Jerry		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 05:25:47	TIMEOUT	TO	413	J14907R Rybacki, James		A	1	
9M7	LLV200100130945	9M6	01/28/2020 05:26:26	UNIT MGMT	TO	413	E16456F Fischer, Edgar		A	1	City: NULL (LAS VEGAS), Loc Name: NULL (RIO HOTEL/CASINO), Location: ccac (3700 W FLAMINGO RD), Subdivision: NULL (CC, Zip Code: NULL (89103))
9M7	LLV200100130945	9M6	01/28/2020 05:26:26	UNIT STAT	TO	413	E16456F Fischer, Edgar		A	1	3700 W FLAMINGO RD
C19	LLV200100130945	9M6	01/28/2020 05:29:37	INC UPDT	AR	413	(b)(6)(B)		A	1	Dispor: N
C19	LLV200100130945	9M6	01/28/2020 05:29:37	FREE UNIT	AR	413	(b)(6)(B)		A	1	3700 W FLAMINGO RD
C19	LLV200100130945	9M6	01/28/2020 05:29:37	UNIT STAT	CL	413	(b)(6)(B)		A	1	3700 W FLAMINGO RD
PDS5	LLV200100130945	9M6	01/28/2020 05:30:53	TIMEOUT	AO	413	W13797G Ghianducci, William		A	1	
9M7	LLV200100130945	9M6	01/28/2020 05:37:26	UNIT STAT	AR	413	E16456F Fischer, Edgar		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 05:45:14	UNIT STAT	AR	413	J14907R Rybacki, James		A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 05:49:07	TIMEOUT	AR	413	W16833 M McLain, William		A	1	
9M6	LLV200100130945	9M6	01/28/2020 05:58:50	UNIT STAT	TO	413	W16833 M McLain, William		A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 05:58:50	UNIT MGMT	TO	413	W16833 M McLain, William		A	1	Location: PARADISE / COOPERATE (CCAC)
9M7	LLV200100130945	9M6	01/28/2020 06:00:06	UNIT STAT	TO	413	E16456F Fischer, Edgar		A	1	3700 W FLAMINGO RD

Dissemination:
 Sec 1: []
 Sec 2: []
 Sec 3: []
 Sec 4: []
 Date: 03/01/2020
 By: 07528F
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LAS VEGAS METROPOLITAN POLICE DEPARTMENT UNIT LOG BY INCIDENT NUMBER

For Incident Number: LLV200100130945

COPIES FROM
SERIES 101
DATE: 05/04/2020
Las Vegas Metropolitan Police Department

Unit	Event Number	Punit	Date Time	Transaction Type	Code	Type	Officer 1 ID and Name	Officer 2 ID and Name	Disp	Pri	Comment
9M7	LLV200100130945	9M6	01/28/2020 06:00:06	UNIT MGMT	TO	413	E16456F Fischer, Edgar		A	1	Location: paradise/corprate
9M7	LLV200100130945	9M6	01/28/2020 06:11:09	UNIT STAT	AR	413	E16456F Fischer, Edgar		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 06:15:15	TIMEOUT	AR	413	J14907R Rybacki, James		A	1	
9M6	LLV200100130945	9M6	01/28/2020 06:18:50	TIMEOUT	TO	413	W16833 McClain, William		A	1	
9M6	LLV200100130945	9M6	01/28/2020 06:22:39	UNIT STAT	AR	413	W16833 McClain, William		A	1	3700 W FLAMINGO RD
1M49	LLV200100130945	9M6	01/28/2020 06:31:41	DPTCH	CL	413	S15015P Popovich, Shiloh	P17747W Whearty, Patrick	A	1	3700 W FLAMINGO RD
1M49	LLV200100130945	9M6	01/28/2020 06:31:41	UNIT STAT	ER	413	S15015P Popovich, Shiloh	P17747W Whearty, Patrick	A	1	3700 W FLAMINGO RD
1M49	LLV200100130945	9M6	01/28/2020 06:31:41	UNIT MGMT	ER	413	S15015P Popovich, Shiloh	P17747W Whearty, Patrick	A	1	City: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: CC, Zip Code: 89103
2PT80	LLV200100130945	9M6	01/28/2020 06:37:35	DPTCH	CL	413	R17317F Fester, Ryan G	J17324L Luoto, Jason D	A	1	3700 W FLAMINGO RD
2PT80	LLV200100130945	9M6	01/28/2020 06:37:35	UNIT STAT	AS	413	R17317F Fester, Ryan G	J17324L Luoto, Jason D	A	1	3700 W FLAMINGO RD
2PT80	LLV200100130945	9M6	01/28/2020 06:37:35	UNIT MGMT	AS	413	R17317F Fester, Ryan G	J17324L Luoto, Jason D	A	1	City: LAS VEGAS, Loc Name: RIO HOTEL/CASINO, Location: 3700 W FLAMINGO RD, Subdivision: CC, Zip Code: 89103
2PT80	LLV200100130945	9M6	01/28/2020 06:37:41	UNIT STAT	AO	413	R17317F Fester, Ryan G	J17324L Luoto, Jason D	A	1	3700 W FLAMINGO RD
2PT80	LLV200100130945	9M6	01/28/2020 06:37:41	UNIT MGMT	AO	413	R17317F Fester, Ryan G	J17324L Luoto, Jason D	A	1	City: NULL (LAS VEGAS), Loc Name: NULL (RIO HOTEL/CASINO), Location: CCAC (3700 W FLAMINGO RD), Subdivision: NULL (CC), Zip Code: NULL (89103)
2PT80	LLV200100130945	9M6	01/28/2020 06:41:10	TIMEOUT	AR	413	E16456F Fischer, Edgar		A	1	
2PT80	LLV200100130945	9M6	01/28/2020 06:48:46	UNIT STAT	AO	413	R17317F Fester, Ryan G	J17324L Luoto, Jason D	A	1	3700 W FLAMINGO RD
9M7	LLV200100130945	9M6	01/28/2020 06:51:27	INC UPDT	AR	413	E16456F Fischer, Edgar		A	1	Dispo: N
9M7	LLV200100130945	9M6	01/28/2020 06:51:27	FREE UNIT	AR	413	E16456F Fischer, Edgar		A	1	3700 W FLAMINGO RD
9M7	LLV200100130945	9M6	01/28/2020 06:51:27	UNIT STAT	CL	413	E16456F Fischer, Edgar		A	1	3700 W FLAMINGO RD

Dissemination by: [redacted]
 Syn. Prio. Sherif: [redacted]
 Secondary disseminat: [redacted]
 Release to: [redacted]
 Date: 05/04/2020
 Las Vegas Metropolitan Police Department
 By: D752BF
 INTERNAL AFFAIRS BUREAU



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

UNIT LOG BY INCIDENT NUMBER

For Incident Number: LLV200100130945

NOT RELEASED FROM FILES

Unit	Event Number	Punit	Date Time	Transaction Type	Code	Type	Officer 1 ID and Name	Officer 2 ID and Name	Disp	Pri	Comment
1M49	LLV200100130945	9M6	01/28/2020 06:51:42	TIMEOUT	ER	413	S15015P Popovich, Shiloh	P17747W Whearty, Patrick	A	1	
9M6	LLV200100130945	9M6	01/28/2020 06:52:40	TIMEOUT	AR	413	W16833 McClain, William		A	1	
2PT80	LLV200100130945	9M6	01/28/2020 06:55:56	FREE UNIT	AO	413	R17317F Fester, Ryan G	J17324L Luoto, Jason D	A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 06:59:12	INC UPDT	AR	413	W16833 McClain, William		A	1	Dispo: K
9M6	LLV200100130945	9M6	01/28/2020 06:59:12	CMNNTS	AR	413	W16833 McClain, William		A	1	413 IMPOUND, Dispo: K
9M6	LLV200100130945	9M6	01/28/2020 06:59:12	FREE UNIT	AR	413	W16833 McClain, William		A	1	3700 W FLAMINGO RD
9M6	LLV200100130945	9M6	01/28/2020 06:59:12	UNIT STAT	CL	413	W16833 McClain, William		A	1	3700 W FLAMINGO RD
1M49	LLV200100130945	9M6	01/28/2020 06:59:56	UNIT STAT	AO	413	S15015P Popovich, Shiloh	P17747W Whearty, Patrick	A	1	3700 W FLAMINGO RD
1M49	LLV200100130945	9M6	01/28/2020 06:59:56	UNIT MGMT	AO	413	S15015P Popovich, Shiloh	P17747W Whearty, Patrick	A	1	City: NULL (LAS VEGAS), Loc Name: NULL (RIO HOTEL/CASINO), Location: CCAC (3700 W FLAMINGO RD), Subdivision: NULL (CC), Zip Code: NULL (89103)
1M49	LLV200100130945	9M6	01/28/2020 07:00:13	FREE UNIT	AO	413	S15015P Popovich, Shiloh	P17747W Whearty, Patrick	A	1	3700 W FLAMINGO RD
1M49	LLV200100130945	9M6	01/28/2020 07:00:13	UNIT STAT	CL	413	S15015P Popovich, Shiloh	P17747W Whearty, Patrick	A	1	3700 W FLAMINGO RD
1M49	LLV200100130945	9M6	01/28/2020 07:00:13	INC UPDT	AO	413	S15015P Popovich, Shiloh	P17747W Whearty, Patrick	A	1	Dispo: N
9M5	LLV200100130945	9M6	01/28/2020 07:19:12	TIMEOUT	AR	413	J14907R Rybacki, James		A	1	Timeout Value: Disabled
9M5	LLV200100130945	9M6	01/28/2020 07:22:08	FREE UNIT	AR	413	J14907R Rybacki, James		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 07:22:08	UNIT STAT	CL	413	J14907R Rybacki, James		A	1	3700 W FLAMINGO RD
9M5	LLV200100130945	9M6	01/28/2020 07:22:08	INC UPDT	AR	413	J14907R Rybacki, James		A	1	Dispo: A
9M5	LLV200100130945	9M6	01/28/2020 07:22:08	CMNNTS	AR	413	J14907R Rybacki, James		A	1	ANDREW PHILLIPS WAS ARRESTED FOR DESTROY PROPERTY OF ANOTHER \$250-\$5K Dispo: A
PDSS	LLV200100130945	9M6	01/28/2020 07:36:40	TIMEOUT	AO	413	W13797G Ghilarducci, William		A	1	Timeout Value: Disabled
PDSS	LLV200100130945	9M6	01/28/2020 17:31:45	INC UPDT	AO	413	W13797G Ghilarducci, William		A	1	Dispo: K

Dissemination & retention
 San Diego Sheriff's Dept
 Secondary dissemination
 Released to: Sergeant
 Date: 03/04/2020
 Las Vegas Metropolitan Police Department
 By: 07528F
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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
UNIT LOG BY INCIDENT NUMBER

For Incident Number: LLV200100130945

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Unit	Event Number	PUnit	Date Time	Transaction Type	Code	Type	Officer 1 ID and Name	Officer 2 ID and Name	Disp	Pri	Comment
PD55	LLV200100130945	9M6	01/28/2020 17:31:45	UNIT STAT	CL	413	W13797G Ghilarducci, William		A	1	3700 W FLAMMINGO RD
PD55	LLV200100130945	9M6	01/28/2020 17:31:45	FREE UNIT	AO	413	W13797G Ghilarducci, William		A	1	3700 W FLAMMINGO RD

End of Unit Log for Incident Number: LLV200100130945

Parameters Submitted in Report

Unit log requested for incident number(s): LLV200100130945

Dissemination request
 San Diego Sheriff Dep
 secondary disamina
 Released to: Sergea
 Date: 03/04/2020
 Las Vegas Metropolitan
 By: _D7528F
 INTERNAL AFFAIRS BUREAU

F

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event # LLV
200100136945

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime ASSAULT W/ DEADLY WEAPON	Date Occurred 1-28-20	Time Occurred 0315
Location of Occurrence R502 - 3700 W- FLAMENGO RD, LV, NV 89109	Sector/Beat MS	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

(b)(6)(B)		Date of Birth	Social Security #
Race	Sex	Height	Weight
		Hair	Eyes
Work Schdl. (Hours)	(Days Off)	Business / School The Rio	
Residence Address: (Number & Street)		Bldg./Apt.#	City
		State	Zip Code
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#	City
3700 W FLAMENGO		LV	
		State	Zip Code
		NV	89103
Best place to contact you during the day		Best time to contact you during the day	
		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

DETAILS On 1/28/20 at approximately 0200 hours I responded to the area of room 15001 for a report of someone banging on doors and making threats. Upon arrival I spotted a white male attempting to assemble a pistol outside room 15001. After notifying dispatch I made contact with the male who immediately began to disassemble the pistol and place it in his pocket. The male claimed he was staying in room 25001 and that his girlfriend wouldn't let him in because they just had a fight. The male appeared to be intoxicated and when I asked he stated that he had two drinks. The male was advised that he was at the wrong room and that he would need to either depart property with his weapon or check his weapon in with Security. The male initially refused but eventually went to the Security Podium. The male changed his mind while checking in the weapon and proceeded to the main entrance and attempted to assemble the weapon again. Metro arrived shortly after and took control of the scene.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) The Rio ON THE 28th DAY OF January AT 0305 (AM/PM), 2020.

Witness/Officer: (b)(6)(B)
Witness/Officer: J. KYBACKE P# 14907
LVMPD 88 (REV. 8-08) (PRINTED)

(b)(6)(B)
Affairs ONLY.
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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event # LV200100130945

THIS PORTION TO BE COMPLETED BY OFFICER		
Specific Crime <u>MDPP</u>	Date Occurred <u>01-28-20</u>	Time Occurred <u>0212</u>
Location of Occurrence <u>3700 W. FLAMINGO RD LV, NV 89103</u>	Sector/Beat <u>M9</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

(b)(6)(B)		(b)(6)(B)		Social Security #
Race	Sex	Height	Weight	Hair
				Eyes
Work Schedl. (Hours)		(Days Off)		Business / School
Residence Address: (Number & Street)		Bldg./Apt.#	City	State
				Zip Code
Res. Phone		(b)(6)(B)		
Bus. Phone		(b)(6)(B)		
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#	City	State
<u>Rid 3700 West Flamingo</u>			<u>Las Vegas</u>	<u>NV</u>
				Zip Code
				<u>89103</u>
Best place to contact you during the day		Best time to contact you during the day		Can You Identify <input type="checkbox"/> Yes
<u>work for Rio Facilities Graveyard</u>				the Suspect? <input type="checkbox"/> No

DETAILS was called to room by security on damaged to room 13010
Found no damage inside of room but in hallway next to room
and door to 13010 damaged. Door into room will need to
be resurfaced and in the hallway. Drywall repair made by someone
with new wall paper. Cost is \$1000

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) Rid ON THE 28 DAY OF JAN AT 0315 (AM/PM), 2020.

Witness/Officer: **(b)(6)(B)**
 Witness/Officer: J. RYBACKI P# 14807
 Signature of Person Giving Statement: **(b)(6)(B)** #10
INTERNAL AFFAIRS ONLY. SIGNATURE IS PROHIBITED.

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Date: 03/06/2020
 Las Vegas Metropolitan Police Department
 By: 07528F
 INTERNAL AFFAIRS BUREAU



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event # LLU
200100130945

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime <u>ASSAULT W/ DEADLY WEAPON</u>	Date Occurred <u>1-28-20</u>	Time Occurred <u>0215</u>
Location of Occurrence <u>REC- 3700 W. FLAMINGO RD. LV, NV 89109</u>	Sector/Beat <u>M5</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name <u>(b)(6)(B)</u>		<u>(b)(6)(B)</u>		<u>(b)(6)(B)</u>		Social Security #
Race <u>W</u>	Sex <u>M</u>	Height <u>5'11</u>	Weight <u>230</u>	Hair <u>Brown</u>	Eyes <u>GRN</u>	Work Sched. (Hours) (Days Off) <u>Gravyard</u>
Residence Address: (Number & Street)		Bldg./Apt.#	City	State	Zip Code	Res. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#	City	State	Zip Code	Bus. Phone:
<u>3700 West Flamingo</u>			<u>Las Vegas</u>	<u>NV</u>	<u>89102</u>	Occupation
Best place to contact you during the day		Best time to contact you during the day		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

DETAILS I was dispatched to area of casino floor after multiple calls of a white male threatening to shoot through a room door in the area of 15001 & 15002. Upon contact the male was holding the bottom half of a glock pistol. We walked him to the podium and a argument started with myself and the unknown male. He pulled out an entire firearm and was partially rebuilding and breaking it down repeatedly. He started cursing and yelling at staff and began walking away rebuilding the firearm by the main door. LVMPD arrived as I was still arguing and repeatedly telling him not to finish building it. A unknown male walked up and said he pointed the gun at him also in the hallway.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) R10

ON THE 28 DAY OF January AT 0300

Witness/Officer: (b)(6)(B)
Witness/Officer: W. McLAEN PH# 16833
LVMPD 88 (REV. 6-08) (PRINTED)

(b)(6)(B)

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Las Vegas Metropolitan Police Department
By: D7528E
INTERNAL AFFAIRS BUREAU

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event #
11w 200100130945

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime <u>MOPP</u>	Date Occurred <u>1/28/20</u>	Time Occurred <u>0212</u>
Location of Occurrence <u>3700 W. FLAMINGO RD. LV, NV 89109</u>	Sector/Beat <u>M5</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

X Yo (b)(6)(B) Social Security # (b)(6)(B)

Race <u>WW</u>	Sex <u>M</u>	Height <u>6 FT</u>	Weight <u>170 LB</u>	Hair <u>B</u>	Eyes <u>B</u>	Work Sched. (Hours)	(Days Off)	<u>(b)(6)(B)</u>	
<u>(b)(6)(B)</u>	<u>(b)(6)(B)</u>	Bldg./Appt. #	City	State	Zip Code	Res. Phone:	Bus. Phone:	Occupation	Depart Date (if visitor)
Best place to find suspect <u>(b)(6)(B)</u>	during the day	Can You Identify the Suspect?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						

DETAILS

sch. habe edaki. Dann sind sie auf dem Zimmer mitgekommen und haben sich gebildet um mich der Waffe zu entnehmen. Dann waren sie auf dem 15. floor. Sauber wolkend. Ich fuhr zu der Tür her zu. Pünktlich hat er die Pistole gezogen. Als ich mir aus meinem Rummelger. Hat der beschuldigte 2-4 mal an die Wand geschlagen.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 3700 W. FLAMINGO RD. LV NV 89109 ON THE 28 DAY OF Jan AT 2020 (AM / PM), 0212.

Witness/Officer: (b)(6)(B) (b)(6)(B)
 Witness/Officer: E. FISHER # 11656
 LVMPD 85 (REV. 6-08) (PRINTED)

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TO AP

Signature of Person Making Statement
 Las Vegas Metropolitan Police Department
 By: DJ528F
 INTERNAL AFFAIRS BUREAU

Ich habe (diris?). Dann sind sie auf

I have (unknown). Then they

Im Zimmer mitgenommen und (san nicht?)

Took with in the room and (unknown)

(Gestripen Um mig?) der Waffe (unknown) gefummelt.

(unknown) the weapon (unknown) fiddled (or messed with)

Dann wann sie auf der 15 Floor.

Then when they on the 15th floor

(unknown) waffen mit den füß (unknown)

(unknown) weapon with their feet (Unknown)

Dann hat er den pistole getragen

Then he brought the pistol

Als wir aus unserem Raum (gegangen?)

When we were outside our room (went?)

Hat der bewuldigte 3-4 mal an die

The accused hit the wall 3-4 times.

Wand geschlagen.

RELEASED FROM
LA
TO AP

G

Buckley, John

From: Jones, Kenneth
Sent: Tuesday, January 28, 2020 8:29 AM
To: Buckley, John
Subject: FW: Confidential 413

From: Scott Farrington <S8244F@LVMPD.COM>
Sent: Tuesday, January 28, 2020 6:31 AM
To: (b)(6)(B) <D9007K@LVMPD.COM>
Cc: Joshua Bitsko <J6928B@LVMPD.COM>; Kyle Kyger <K13430K@LVMPD.COM>; David Gordon <D3965G@LVMPD.COM>; Jones, Kenneth <Kenneth.Jones@sdsheriff.org>; edward.greenwald@sdsheriff.org
Subject: Confidential 413

LVMPD E# 200100130945

Location- Rio Hotel/Casino 3700 W. Flamingo LV, NV 89103 (M5)

TOC- 0212

Persons involved- Andre Phillips San Diego County Sheriff's Office (SDSO)

(b)(6)(B) girlfriend of Phillips

(b)(6)(B)

Synopsis- On 1/28/20 at 0212 hours, LVMPD Officers were dispatched to a call for service at the Rio Resort/Casino in reference to a man with a gun. After stabilizing the situation, Officers conducted a preliminary investigation and learned that Andrew Phillips DOB (b)(6)(B) was an off duty San Diego County Sheriff's Officer, and possibly a suspect in an Assault W/ A Deadly Weapon. CCAC Patrol Investigations were contacted and responded to scene. Upon our arrival we learned Phillips, (b)(6)(B) and (b)(6)(B) were drinking at a bar at the Rio. They decided to go to (b)(6)(B) room and have more drinks. (b)(6)(B) claimed (b)(6)(B) and Phillips began to argue loudly. He asked them to leave which made them more angry. All parties eventually left the room and proceeded to another floor where all 3 exited the elevator. Phillips and (b)(6)(B) continued to argue and (b)(6)(B) asked them again to keep it down. (b)(6)(B) was near the elevator and (b)(6)(B) and Phillips were down the hallway. (b)(6)(B) claims he saw Phillips pull a blk in color firearm from his waist and point it at (b)(6)(B). (b)(6)(B) was also intoxicated and didn't remember any of the incident. Phillips invoked his right to an attorney and no questions were asked of him. Security didn't have video of the AWDW, but did have video of Phillips kicking and punching walls causing \$1000 worth of damage. There were no independent witnesses to the AWDW and no PC exists for an arrest at this time. Phillips was arrested for Malicious Destruction of Private Property, gross misdemeanor, for the damage caused to the Rio. WC Gorgon was notified as well as Lt. Greenwald (CC'd) of SDSO due to Phillips working for SDSO. Case is on going and an update will be sent out if there is ant new information.

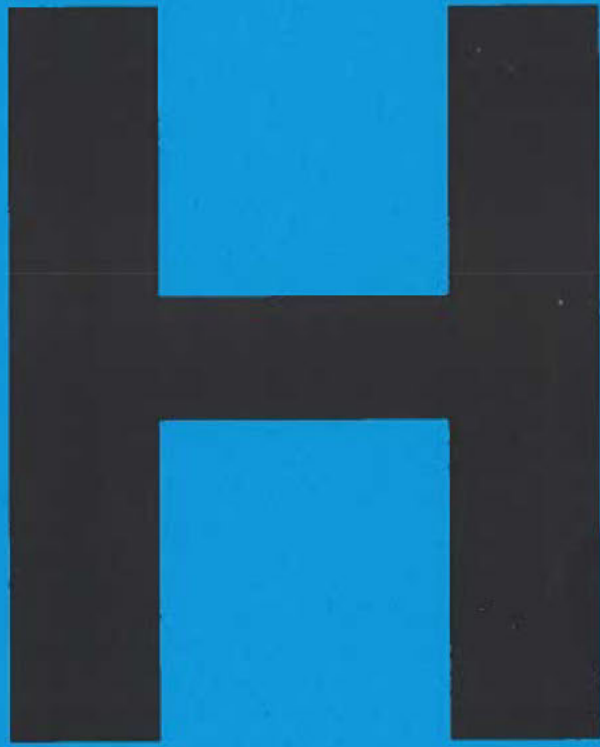
Respectfully submitted,

Sgt. Scott Farrington

Convention Center Area Command/CC19

(b)(6)(B)

RELEASED FROM
I.A. FILES
TO AP





**LOUISVILLE METRO POLICE DEPARTMENT
POLICE SURGEON**

GREG FISCHER
MAYOR

STEVE CONRAD
CHIEF OF POLICE

September 4, 2020

(b)(6)(B)

MD, F.A.C.E.P.

POLICE SURGEON

Sergeant John Buckley
Internal Affairs Unit
San Diego County Sheriff's Department

Re: Deputy Andrew Phillips: 2020-017-1

Dear Sergeant Buckley:

At your request I have reviewed five body worn camera videos from officers associated with the Las Vegas Metropolitan Police Department. The purpose of my review was to determine if there was objective evidence that Deputy Phillips was under the influence of an intoxicant on 1/28/20. I have reviewed the following BWC videos:

- 413-23
- 413-24
- 413-14
- 614-21
- 614-13

Based upon my review of the videos I am of the opinion that Deputy Phillips was under the influence upon the arrival of LVMPD Officer Rybacki at the Rio Hotel. The observations, interactions and statements of Officer Rybacki and Deputy Phillips indicated the following:

- Phillips: "I'm not that fucking impaired", Rybacki: "Well you are impaired"
- Phillips: "I've had a few drinks"
- Rybacki: "Your speech, your blood shot eyes, your swaying,"
- Rybacki: "Intoxication with a firearm"
- Phillips: "Am I swaying", Rybacki nods yes

Deputy Phillips provides inconsistent statements regarding how much alcohol and the time frame in which the alcohol was consumed. Deputy Phillips is noted in the videos to report lapses of memory. Lapses of memory commonly occur if a quantity of alcohol is consumed voluntarily over a short period of time. I understand that there was no toxicology testing performed to determine Deputy Phillips blood ethanol level or if other intoxicants were present

in his system. Deputy Phillips did exhibit periods of lip smacking and complained of dry lips. It is unknown if this behavior is new or old. This type of mouth movement can be seen with long-term use of certain anti-psychotic medications. Deputy Phillips was originally going to be charged with "being under the influence while in possession of a firearm". He was later charged with "miscellaneous damage to personal property". Based upon the videos, Officer Rybacki clearly indicates Deputy Phillips is impaired and under the influence.

Sergeant Buckley, I am an emergency medicine and forensic fellowship trained physician with more than 30-years of experience in forensic toxicology. My training, experience and position as a Police Surgeon, Instructor at the Louisville Metro Police Academy, a Professor of Emergency Medicine, Medical Advisor to the FBI and an Assistant Medical Examiner includes forensic toxicology as applied to this evaluation. I have been previously accepted in the United States in both federal and state courts as an expert in forensic medicine, emergency medicine and toxicology. Based upon my education, experience, including my experience as a consultant to local, state and federal law enforcement agencies, my training and my review of the above-referenced material I can render the following opinions within a reasonable degree of medical and scientific probability or certainty:

1. Deputy Phillips was impaired and under the influence of an intoxicant on 1/28/20.
2. There is no evidence Deputy Phillips' impairment and intoxication was due to anything other than the voluntary consumption of alcohol.
3. There is no evidence Deputy Phillips' lack of memory was due to anything other than the voluntary consumption of alcohol.
4. Deputy Phillips admitted to the voluntary consumption of ethanol: "I've had a few drinks".

Sergeant Buckley if additional material is made available during the discovery process of this case, I reserve the opportunity to supplement or amend my opinions. Additional opinions may be generated upon review of any supplemental materials. Any additional opinions will be forwarded to you. Please contact me if you have any questions or if I can be of additional assistance to you.

(b)(6)(B)

(b)(6)(B) M.S., M.D.