

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

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REPORT ON THE AUGUST 19, 2016, OFFICER INVOLVED
SHOOTING OF KYLE ZIMBELMAN

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Table of Contents

Introduction.....	1
I. Statement of Facts.....	4
A. Witness Accounts of the Shooting.....	4
1. WCSO Deputy Jason Wood.....	4
2. NHP Trooper Steven Moore.....	7
3. WCSO Detective Matthew Durham.....	9
4. WCSO Deputy Joe Colacurcio.....	11
5. WCSO Deputy Aaron Tracy.....	12
6. WCSO Detective Gordon Koski.....	13
7. WCSO Deputy Francisco Gamboa.....	15
8. WCSO Deputy Danny Arias.....	17
9. WCSO Sergeant Phillip Jones.....	18
10. NHP Trooper Erik Lee.....	19
11. WCSO Deputy Jeff McCaskill.....	21
12. Jeremy Dalpiaz.....	22
13. Kevin Psick.....	24
B. Countdown of Deputy Tracy's, Detective Durham's, Detective Koski's, Deputy Colacurcio's, and Trooper Moore's Firearms	25
C. Area Overview.....	26
II. Physical Evidence.....	28
A. Shooting Scene.....	28
B. U-Haul.....	28
C. Patrol Vehicle Dashcam Video Recordings.....	34
D. Deputy Tracy's Patrol Vehicle.....	43
E. Toxicology Tests.....	44
III. Legal Principles.....	45
A. The Use of Deadly Force in Self-Defense or Defense of Another	45
B. Justifiable Homicide by Public Officer.....	47
C. Use of Deadly Force to Effect Arrest.....	47
IV. Analysis.....	47
V. Conclusion.....	50

INTRODUCTION

On August 19, 2016, Washoe County Sheriff's Deputy Jason Wood (hereinafter "Deputy Wood") observed a U-Haul box truck (hereinafter "the U-Haul") following a semi-truck too closely on Interstate 80 eastbound prior to the Patrick Overlook, in Washoe County, Nevada. The driver of the U-Haul was later identified as Kyle Zimbelman (hereinafter "Zimbelman"). Based on the traffic violation, Deputy Wood attempted to initiate a traffic stop by activating his overhead emergency lights and siren. However, rather than pulling over, Zimbelman chose to exit the freeway, turn around in a dirt lot adjacent to a business, and merge back onto Interstate 80 eastbound. Zimbelman drove until he exited the freeway at USA Parkway, crossed over the freeway, and merged back onto Interstate 80, now heading westbound. Other law enforcement units from the Washoe County Sheriff's Office (hereinafter "WCSO") and the Nevada Highway Patrol (hereinafter "NHP")¹ responded and attempted to stop the U-Haul with spike strips on two separate occasions, but Zimbelman maneuvered the U-Haul around them, at one point driving westbound in the eastbound travel lanes of Interstate 80.

Zimbelman merged onto Interstate 395 northbound, and a third effort to stop the U-Haul with spike strips failed, as Zimbelman maneuvered around them again. Zimbelman exited Interstate 395 at the Golden Valley exit in Stead, and proceeded north on North Virginia Street. As Zimbelman approached Stead Boulevard, where a fourth set of spike strips had been deployed, he turned west on a dirt road. Once Zimbelman slowed down, WCSO Sergeant Phillip Jones (hereinafter "Sergeant Jones") executed a pit maneuver, which spun the U-Haul around 180 degrees. Zimbelman shifted the U-Haul into reverse and began driving backwards.

While backing up, a male sitting in the passenger seat of the U-Haul, who was later identified as Jeremy Dalpiaz (hereinafter "Mr. Dalpiaz"), jumped out of the U-Haul, raised his hands and got down on the ground, at which time he was detained by officers. Zimbelman continued to drive the U-Haul in reverse, until Washoe County Sheriff's Deputy Jeff McCaskill (hereinafter "Deputy McCaskill") used his Sheriff's truck to physically stop

¹The deputies and sergeants of the WCSO and the troopers and sergeants of the NHP who were involved in the instant OIS are collectively referred to in this Report as "officers", unless otherwise described.

the U-Haul by making contact with the rear of the U-Haul. Deputy Wood then used his truck to pin the U-Haul in by making contact with the front of the U-Haul.

Multiple officers approached the U-Haul on foot and surrounded it and ordered Zimbelman out. He ignored their commands and stepped on the gas pedal, thereby physically moving Deputy McCaskill's patrol vehicle and creating separation. At that time, Zimbelman sped forward, striking Washoe County Sheriff's Deputy Francisco Gamboa (hereinafter "Deputy Gamboa") with the U-Haul and nearly striking additional officers, a Sheriff's K9, and Mr. Dalpiaz. In response to this immediate threat, officers shot at Zimbelman as he drove the U-Haul at a high rate of speed. Zimbelman crashed the U-Haul into a parked NHP patrol vehicle and attempted to continue driving, but due to the collision, was unable to do so.

Officers surrounded the U-Haul and again ordered Zimbelman to exit. Zimbelman again ignored their commands, grabbed a Glock .40 caliber handgun, and discharged the firearm multiple times at law enforcement personnel through his windshield. In response, several WCSO deputies returned fire.

Once the gunfire subsided, officers approached the U-Haul with a shield and physically removed Zimbelman. Upon observing injuries to Zimbelman's person, officers immediately began to perform life-saving measures. Zimbelman did not survive the incident, and a subsequent autopsy found the cause of his death to be multiple gunshot wounds.

Consistent with the regionally-adopted Officer Involved Shooting (OIS) Protocol, the Reno Police Department (hereinafter "RPD") led the investigation into the shooting of Zimbelman. The Sparks Police Department (hereinafter "SPD") provided secondary investigative support, WCSO and NHP provided further needed support, and the WCSO - Forensic Science Division (hereinafter "FIS") provided forensic services. The Washoe County District Attorney's Office provided oversight and assistance in obtaining search warrants.

The investigation included interviewing witnesses, canvassing the shooting area for additional witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, obtaining available video evidence,

reviewing the history of Zimbelman, reviewing the Autopsy Protocol of Zimbelman, and interviewing the officers involved in the shooting. The officers who discharged their firearms were identified as: WCSO Deputy Joe Colacurcio (hereinafter "Deputy Colacurcio"), WCSO Detective Matthew Durham (hereinafter "Detective Durham"), WCSO Deputy Aaron Tracy (hereinafter "Deputy Tracy"), WCSO Detective Gordon Koski (hereinafter "Detective Koski"), and NHP Trooper Steven Moore (hereinafter "Trooper Moore").

Upon completion of the entire investigation, all police reports along with FIS forensic reports, collected documentation, photographs, witness statements, recorded audio and video of the incident, dispatch recordings, and recorded interviews were submitted to the Washoe County District Attorney's Office in May of 2017, for a final determination of whether the shooting of Zimbelman was legally justified.² No criminal charges against WCSO Deputy Colacurcio, WCSO Detective Durham, WCSO Deputy Tracy, WCSO Detective Koski, or NHP Trooper Moore were recommended by RPD.

The District Attorney's evaluation included reviewing nearly 900 pages of reports and documents, which included interviews of police and civilian witnesses. It further included the review of all photographs, patrol dashcam video, video and audio recordings, and examination of the scene of the shooting. This report follows.

Based on the available evidence and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Zimbelman by Deputy Colacurcio, Detective Durham, Deputy Tracy, Detective Koski, and Trooper Moore was justified and not a criminal act.

²Additional supplemental reports and photographs were subsequently submitted to the Washoe County District Attorney's Office, as they became available.

I. STATEMENT OF FACTS³

A. Witness Accounts of the Shooting

1. WCSO Deputy Jason Wood

Deputy Wood has been employed by the WCSO for 15 years, and is assigned to the Northern Nevada Interdiction Task Force. Deputy Wood is also a K9 handler. Deputy Wood was interviewed at the Washoe County Sheriff's Department on August 19, 2016 by SPD Detective Shawn Congdon (hereinafter "Detective Congdon") and RPD Detective Scott Johnson (hereinafter "Detective Johnson").

Deputy Wood explained that as a member of the Interdiction Taskforce, he investigates all crimes that may be committed on the highways, focusing on illegal narcotics, weapons, and human trafficking. On August 19, 2016, Deputy Wood was conducting traffic stops on the highway in his Chevrolet Tahoe, which was fully marked as a Sheriff's Department vehicle and equipped with lights and siren, and positioned himself on Interstate 80 eastbound near Vista Boulevard. He saw a pickup truck towing a trailer and began following it, at which time he passed the U-Haul to catch up to the truck. Deputy Wood did not see any indicators of criminal activity, so he pulled off into the gore area on Interstate 80 eastbound near Mustang. Deputy Wood observed the U-Haul exit the freeway at Mustang and went to a Chevron gas station and "gassed up". The driver of the U-Haul was later identified as Zimbelman, and a male sitting in the passenger seat was later identified as Mr. Dalpiaz. When Zimbelman merged the U-Haul back onto the freeway, Deputy Wood re-entered the flow of traffic and caught up to it before the Patrick Overlook. Deputy Wood observed Zimbelman to be traveling approximately one car length behind a semi-truck while traveling at freeway speeds, which was a violation of Nevada's traffic laws. Deputy Wood attempted to initiate a traffic stop by activating his overhead emergency lights and siren, but Zimbelman did not stop and passed several locations that were conducive to pulling over. Zimbelman took the Walthom exit and began to slow down, but then turned onto Walthom Way and

³ The Statement of Facts is synopsised from all of the materials provide to the Washoe County District Attorney's Office at the conclusion of RPD's investigation.

continued driving. Deputy Wood was calling out his location and the U-Haul's failure to stop over his radio.

At that point, Sergeant Jones began responding. Zimbelman drove the U-Haul down Wild Horse Canyon Drive and pulled into a dirt lot near a brothel, turned a couple times, and then exited the dirt lot. Zimbelman returned to Interstate 80, and began driving eastbound again. Deputy Wood was constantly updating dispatch of the U-Haul's speeds and direction of travel. Zimbelman exited the freeway at USA Parkway, and Deputy Wood observed another police vehicle with lights and siren activated on USA Parkway. Zimbelman drove in the opposite direction of the police vehicle, merging back onto Interstate 80 but now driving westbound.

As Deputy Wood continued to pursue Zimbelman, WCSO Deputy Gamboa and other officers set up spike strips on Interstate 80 westbound near the Patrick Overlook. As Zimbelman approached, he slowed down and maneuvered around the spike strips, continuing westbound. A second set of spike strips were deployed on Interstate 80 westbound near Mustang, but Zimbelman maneuvered around those as well by driving through the dirt median and into the eastbound lanes (still driving westbound) for approximately 100 yards before crossing back over into the westbound lanes. Due to Zimbelman's driving pattern, Sergeant Jones terminated the pursuit for public safety reasons, and Deputy Wood shut off his emergency lights and siren. Deputy Wood continued to follow the U-Haul, with speeds not exceeding 75 miles per hour.

Washoe County Sheriff Chuck Allen authorized continued pursuit of the vehicle, and lights and sirens were re-activated. The U-Haul merged onto Interstate 395 northbound, and a third set of spike strips were deployed by NHP near Parr Boulevard, but Zimbelman drove around them again. Zimbelman continued northbound on Interstate 395 until exiting at Golden Valley, and drove on Golden Valley until turning onto North Virginia Street. Deputy Gamboa attempted a pit maneuver⁴ on the U-Haul several times, but Zimbelman avoided the attempts by speeding up. Sergeant Jones moved up in the line of patrol vehicles following

⁴A "pit maneuver" is a law enforcement technique to stop a moving vehicle, in which the officer uses his vehicle to hit the back corner of the target vehicle at a relatively safe speed, thereby spinning the vehicle around and typically immobilizing it.

the U-Haul to attempt a pit maneuver. Zimbelman turned onto a dirt road just before Stead Boulevard, which is when Sergeant Jones caught up to him. Once on the dirt road, Zimbelman significantly slowed down upon getting close to some houses, at which time Sergeant Jones effected the pit maneuver, turning the U-Haul 180 degrees. Zimbelman put the U-Haul into reverse and began driving in reverse.

While Zimbelman was driving in reverse "the passenger bailed out" and put his hands up and got down on the ground. Deputy Wood continued to follow the U-Haul, which was still driving in reverse, and Deputy McCaskill came up and made contact with the rear of the U-Haul. Deputy Wood then pinned Zimbelman in by making contact with the front of the U-Haul. Deputy Wood described it as "a nice, tight pin, there wasn't any gaps in it." Zimbelman also could not drive to his left because there was a semi-trailer parked there. Deputy Wood has received training in pinning vehicles, so that suspects cannot drive away. Deputy Wood stated that WCSO pinned the U-Haul in the instant matter to stop the pursuit so that nobody else could get hurt.

Deputy Wood, dressed in his full Sheriff's Department uniform, exited his patrol vehicle with his K9 and approached the passenger window of the U-Haul. As he got close, Zimbelman reached over and locked the door. Deputy Wood retrieved his flashlight and attempted to break the passenger-side window so that he could deploy his K9 through the window. The window did not break, but Sergeant Jones was able to breach the driver's side window. Deputy Wood moved around to the driver's side of the U-Haul to deploy his K9, but Zimbelman "gunned it" and created enough space so that he could pull forward. Zimbelman struck the front end of Deputy Wood's patrol vehicle and "blew past" Deputy Wood. Deputy Wood stated that at that point, he felt that his "life was threatened" and he would have fired his gun at Zimbelman except that he "was saving my dog from getting run over by this guy" as there was not much room to maneuver. Upon getting his K9 out of the way, Deputy Wood yelled at a NHP trooper, who was out of his vehicle and on foot, to get out of the way as the trooper was standing directly in front of the U-Haul in the only space that Zimbelman could drive in his attempt to escape. Deputy Wood observed the trooper fire a couple of

rounds from his AR-15 at Zimbelman. Deputy Wood then heard a crash and a lot more gunfire. Deputy Wood moved up towards the U-Haul while gunfire continued, and saw the U-Haul had crashed into and "destroyed" a NHP trooper sedan. Once the gunfire subsided, officers approached the U-Haul, and somebody said that Zimbelman had fired a round at him. Officers requested that medical respond. There was still movement in the U-Haul, and upon obtaining a shield, officers approached the door, pulled Zimbelman out of the U-Haul, and immediately began performing medical aid. Ultimately, REMSA arrived on scene and attempted to provide medical aid to Zimbelman.

Deputy Wood began requesting that the crime scene be taped off and a crime scene attendance log be initiated. Deputy Wood also observed that Deputy Gamboa had something broken in his hand, as he had been struck by the U-Haul. Deputy Wood believed that Sergeant Jones also got struck by the U-Haul, and both Deputy Gamboa and Sergeant Jones went to the hospital for treatment. Deputy Wood described Zimbelman as a white male wearing a Raiders jersey, and had suffered several gunshot wounds. During the entire pursuit of Zimbelman, Deputy Wood and other officers had their lights and sirens activated, except for the short period that the pursuit had been terminated. During this incident, it was daytime, sunny, and visibility was clear.

2. NHP Trooper Steven Moore

Trooper Moore has been employed by the NHP since 1992, and is assigned to the patrol division. Trooper Moore was interviewed at the Washoe County Sheriff's Department on August 19, 2016 by RPD Detective Ernie Kazmar (hereinafter "Detective Kazmar") and SPD Detective Andy Schreiber (hereinafter "Detective Schreiber").

Trooper Moore stated that on August 19, 2016, he was working a normally-scheduled shift and was wearing his full NHP uniform. Trooper Moore was at the Reno NHP Office completing some paperwork when NHP dispatch advised that the WCSO needed assistance with a U-Haul box van occupied by two white males which was failing to yield on Interstate 80 eastbound near Mustang. Accordingly, Trooper Moore responded and proceeded eastbound on Interstate 80. Trooper Moore heard that the U-Haul had taken the USA Parkway exit and was traveling westbound on

Interstate 80. Near the Mustang exit, Trooper Moore observed the U-Haul being followed by a WCSO vehicle, so Trooper Moore completed a U-turn and pursued the U-Haul along with several other WCSO vehicles to assist the deputies. The U-Haul got to the spaghetti bowl and turned northbound on Interstate 395. Near the Parr Boulevard on-ramp, other NHP troopers deployed their spike strips, but the U-Haul avoided the spike strips by driving almost directly towards the NHP cruiser and into the dirt, and then re-entered the freeway.

The U-Haul continued northbound on Interstate 395 until exiting at Golden Valley, turned left, and then turned right on North Virginia Street. At Stead Boulevard, another set of spike strips had been deployed by a WCSO unit, but the U-Haul turned left onto a dirt road. There were several WCSO units between the U-Haul and Trooper Moore, and he observed that the U-Haul had stopped near a residence. Trooper Moore parked his patrol vehicle, and after arming himself with his AR-15 rifle, approached the U-Haul that was trapped by WCSO units and surrounded by WCSO deputies.

One deputy was trying to break the U-Haul's window, and another deputy was giving Zimbelman commands to stop and exit the vehicle. Zimbelman put the U-Haul in drive and hit the WCSO patrol vehicle, then backed up, and then started to drive at two WCSO deputies. Trooper Moore, who was standing behind the two deputies, stated, "At that time, I thought he was going to run over one or two of the deputies and then myself, at that time I took my AR off safe, put it on fire, and briefly trying to get out of the way, I took the AR and I remember having it only in my right hand and the U-Haul was coming right at me, and I discharged the AR." Trooper Moore explained he was also worried for the safety of Mr. Dalpiaz who was prone on the road and the many additional officers behind them. Trooper Moore believed that he shot two or three times while he was trying to get out of the way, and held the rifle with only one hand because he did not have the time to get proper positioning with how fast Zimbelman was driving at him.

Trooper Moore stated that he hit the U-Haul's front windshield. After the U-Haul drove around Trooper Moore, he heard a crash followed by another crash. Trooper Moore ran towards the U-Haul,

observed his patrol car was "smashed in", and knew that the deputies were exchanging gunfire, at which time Trooper Moore discharged another two or three rounds at Zimbelman.

3. WCSO Detective Matthew Durham

Detective Durham has been employed by the WCSO for almost 12 years, and is assigned to the detective division. Detective Durham was interviewed at the Washoe County Sheriff's Department on August 19, 2016 by RPD Detective Bryan McQuattie (hereinafter "Detective McQuattie") and SPD Detective Dorothy Peterson (hereinafter "Detective Peterson").

Detective Durham stated that on August 19, 2016, he was working patrol for an overtime shift. Detective Durham was wearing a full WCSO uniform and was driving a marked WCSO Tahoe. Detective Durham heard over dispatch about the beginning pursuit of Zimbelman and proceeded in that direction. Upon hearing that the U-Haul was now driving westbound on Interstate 80, Detective Durham and Deputy Colacurcio exited their patrol vehicles and deployed their spike strips. However, Zimbelman swerved around the spikes and crossed the center median to drive westbound in the eastbound lanes of Interstate 80. Detective Durham observed that the U-Haul was occupied by two white males. Sergeant Jones cancelled the pursuit, and Detective Durham returned to his patrol vehicle and drove westbound until the pursuit was authorized again, at which time he re-activated his lights and siren.

Detective Durham began driving northbound on Interstate 395, and another set of spike strips were deployed but Zimbelman drove around them. Zimbelman exited at Golden Valley, drove under the freeway, and turned north on North Virginia Street. Detective Durham was advised by dispatch that another WCSO unit was at Stead Boulevard preparing spike strips, but just before Stead Boulevard, Zimbelman turned left onto a dirt road. The U-Haul spun around from a pit maneuver, and as Detective Durham pulled up and exited his patrol vehicle, he observed Mr. Dalpiaz exit the U-Haul. Immediately, Sergeant Jones encountered the passenger in a small field just off the dirt lot, and Detective Durham went to assist. Detective Durham detained the passenger, and WCSO Deputy Danny Arias (hereinafter "Deputy Arias") placed the passenger in handcuffs. WCSO Detective Koski came over to

the passenger, at which time Detective Durham proceeded over to U-Haul, which was behind a parked trailer and not visible. While walking towards the U-Haul, it sounded as though a baton was being used in an attempt to break a window.

As soon as Detective Durham came around the edge of the parked trailer, he observed the U-Haul "barreling at" himself and other deputies near the driver's and passenger's sides of the U-Haul. Detective Durham was scared and felt that his and others lives were in danger because the U-Haul was driving right towards him. As such, he shot his pistol through the windshield, at which time Zimbelman began driving away from him and struck the front of a patrol vehicle and ran into a dirt mound. Detective Durham sprinted towards the U-Haul, where he observed Zimbelman, who had blood on the side of him, reach with his left hand towards his right side while looking at Detective Durham. Detective Durham repeatedly gave Zimbelman commands to "Show me your hands, show me your hands", but Zimbelman did not respond to Detective Durham at all. Detective Durham, taking cover behind the engine block of a vehicle, stated that within seconds, Zimbelman "comes up and fires a round." Detective Durham then discharged his weapon two to three times, and moved to take better cover. Detective Durham observed WCSO Deputy Colacurcio behind another patrol vehicle, and that Zimbelman "is still engaging out the windshield, now towards Deputy Colacurcio." Upon seeing Zimbelman "firing out the front windshield to Deputy Colacurcio", Detective Durham continued firing his weapon through the front windshield at Zimbelman. Detective Durham heard shots coming out from the cab of the truck.

Detective Durham and other officers approached the driver's side of the U-Haul with a shield, as Zimbelman's right hand was not visible. Detective Durham reached into the U-Haul through the driver's window, unlocked the door, and opened the door. As Zimbelman was pulled out of the U-Haul, Detective Durham saw that his right hand was empty but that a Glock handgun was sitting upside down right beside him with the slide locked to the rear and a magazine inserted. Immediately upon Zimbelman being removed from the U-Haul, Deputy Colacurcio began rendering aid, soon followed by Detective Durham once he obtained gloves.

4. WCSO Deputy Joe Colacurcio

Deputy Colacurcio has been employed by the WCSO since 2009, and is assigned to the patrol division. Deputy Colacurcio was interviewed at the Washoe County Sheriff's Department on August 19, 2016 by SPD Detective Schreiber and RPD Detective Kazmar.

Deputy Colacurcio reported that he was working on August 19, 2016 and wearing his full WCSO uniform. Upon hearing from dispatch about the pursuit of the U-Haul, Deputy Colacurcio proceeded towards Deputy Wood's location. When the U-Haul approached, it crossed through the dirt median and entered the eastbound lanes still traveling westbound. After putting his spike strips back into his patrol vehicle, Deputy Colacurcio began traveling back into town in the direction of the U-Haul.

Deputy Colacurcio traveled to Stead Boulevard to try and get ahead of the U-Haul, but heard that the U-Haul turned off of North Virginia Street onto a dirt road. Deputy Colacurcio proceeded to the area and parked his patrol vehicle on the side of the dirt road. Before exiting his vehicle, Deputy Colacurcio heard somebody say over the radio "shots fired" and he requested medical response. As he looked up, Deputy Colacurcio observed the U-Haul occupied by one subject traveling on the dirt road hit a dirt embankment and get stuck.

Deputy Colacurcio exited his patrol vehicle and used the right rear side of another patrol vehicle as cover. Deputy Colacurcio pointed his weapon at Zimbelman, yelling at him to "show me your hands" at least four-to-six times. While yelling, Zimbelman was looking to his right down towards the center area of the U-Haul. Suddenly, Zimbelman pulled a gun and "a single round came out of the front of the U-Haul fired from what I believe to be a pistol at that time." When Deputy Colacurcio saw Zimbelman shoot his gun "towards me", he ducked behind the car for cover, and then came back out and "addressed the threat, and I discharged my firearm into the driver's side of the U-Haul." Deputy Colacurcio thought that Zimbelman was trying to kill him, and he became "extremely scared" when seeing Zimbelman shoot at him. When Zimbelman shot at Deputy Colacurcio, they were approximately 20-30 yards apart.

5. WCSO Deputy Aaron Tracy

Deputy Tracy has been employed by the WCSO for almost eight years, and is assigned to the patrol division. Deputy Tracy was interviewed at the Washoe County Sheriff's Department on August 19, 2016 by RPD Detective Johnson and SPD Detective Congdon.

Deputy Tracy reported that on August 19, 2016, he was working in his capacity as a patrol deputy, wearing his full WCSO uniform and driving a fully-marked patrol vehicle. Deputy Tracy heard Deputy Wood on the radio calling out the location of the pursuit of the U-Haul and requesting other deputies to respond to assist in stopping it. Deputy Tracy waited for the U-Haul to approach his position on Interstate 80, at which time he joined the pursuit. Near the Mustang exit, the U-Haul drove around another set of spike strips by crossing the dirt median and driving westbound in the eastbound lanes. The U-Haul thereafter crossed the median again to re-enter the westbound lanes, and Sergeant Jones terminated the pursuit. Accordingly, Deputy Tracy and other officers turned off their lights and sirens, but continued to follow the U-Haul.

Near the Sparks Boulevard exit, the pursuit was authorized again. The U-Haul merged onto Interstate 395 northbound, and near the Parr Boulevard exit, avoided another set of spike strips by slowing down, turning right across the three lanes of traffic and driving towards other officers who were parked on the side of the road. The U-Haul exited the freeway at Golden Valley and turned right on North Virginia Street. While driving, Zimbelman drove past multiple stop signs without stopping. Another patrol unit had set spike strips at the Stead Boulevard intersection, but Zimbelman turned left onto a dirt road. Deputy Tracy exited his vehicle and observed Mr. Dalpiaz, who had jumped out of the U-Haul, being detained by two WCSO deputies.

Deputy Tracy could not initially see the U-Haul, as it was being blocked by a parked semi-trailer. Deputy Tracy rounded the semi-trailer, and observed the U-Haul facing the opposite direction blocked in by two WCSO vehicles. Deputies, who were dressed in their WCSO patrol uniforms, were attempting to break the windows and ordering Zimbelman to stop and exit the U-Haul. Deputy Tracy observed dirt being kicked up from the rear tires of the U-Haul as it was trying to get out of the pin from the two WCSO

vehicles. At some point, the U-Haul began going in reverse, pushing against the WCSO vehicle to its rear, until there was enough clearance to drive around the WCSO vehicle which had been blocking the front of the U-Haul.

Deputy Tracy observed "deputies kind of scattering out of the way of where he was driving, to get out of the way for safety, and at that time I began feeling like he was going to possibly try to run someone over, just from all that had happened throughout the whole pursuit." As Zimbelman turned around the WCSO vehicle that had been blocking him in at the front of the U-Haul, Deputy Tracy saw a NHP trooper in the middle of the road and Zimbelman turned the U-Haul towards the direction of the NHP trooper. The NHP trooper began to "scramble out of the way", and Deputy Tracy stated, "At that point, I was fearful that he was going to run the trooper over, and I went ahead and drew my duty weapon and fired into the vehicle trying to stop him from possibly trying to run over the patrol deputy, the patrol trooper." Deputy Tracy recalled discharging his firearm approximately five times, and the passenger-side window of the U-Haul breaking. Deputy Tracy believed that the "NHP trooper also fired as he was jumping out of the way also from being hit."

The U-Haul headed back in the direction where Mr. Dalpiaz had jumped out and was being detained by two other deputies. Deputy Tracy was worried that Zimbelman would try and hit them too. Deputy Tracy observed the U-Haul heading towards where all the patrol vehicles were parked, saw it come to rest after striking a couple vehicles, and then heard gunshots. Deputy Tracy assisted moving Mr. Dalpiaz further away from the gunshots, and they moved towards the rear of the parked semi-trailer and near some houses. At that time, Deputy Tracy observed occupants exiting their homes, and he told them to get back inside.

6. WCSO Detective Gordon Koski

Detective Koski has been employed by the WCSO for almost 11 years, and is assigned to the detective division. Detective Koski was interviewed at the Washoe County Sheriff's Department on August 19, 2016 by SPD Detective Congdon and RPD Detective Johnson.

Detective Koski stated that on August 19, 2016, he was working on patrol for an overtime shift, wearing his full WCSO uniform and driving a fully-marked patrol vehicle. While on duty, Detective Koski heard on the radio Deputy Wood request additional units due to a vehicle failing to yield. Deputy Wood updated their location, and reported that they were heading westbound on Interstate 80. Detective Koski pulled his vehicle over at the Mustang exit, and once they drove past, he began following the U-Haul. The U-Haul merged northbound onto Interstate 395, and near the Parr Boulevard on-ramp, the U-Haul avoided spike strips by slamming on his brakes, making a hard right turn jumping the median, driving behind a NHP trooper and continuing driving northbound. Detective Koski stated that Zimbelman drove the U-Haul close to the NHP trooper, and he thought he was going to get hit. The U-Haul exited the freeway at Golden Valley, "blew" the stop sign, and then turned north on North Virginia Street, running another stop sign. WCSO deputies set up another set of spike strips at Stead Boulevard, but Zimbelman turned left onto a dirt road. Detective Koski observed several occupied houses or trailers at the end of the dirt road.

Detective Koski observed the U-Haul had turned around facing him. He exited his patrol vehicle and ran towards it. Mr. Dalpiaz jumped out of the U-Haul and put his arms up, and the U-Haul reversed behind a semi-trailer out of Detective Koski's view. Detective Koski saw several officers running after the U-Haul. He stayed with the passenger, who had already been handcuffed by another WCSO deputy. As Detective Koski knelt down and held the passenger, he asked who the driver of the U-Haul is and if there are any weapons therein. The passenger stated that the driver was his "cousin", and he claimed not to know what was in the U-Haul.

Detective Koski heard several gunshots, but could not see the shooting due to his angle. Detective Koski told the passenger to get his head down. Detective Koski drew his weapon, and "from a kneeling point, I see the U-Haul come around the semi-trailer right at us" and the driver motion his hand out towards Deputy Koski and Mr. Dalpiaz, as if he was holding a gun. The U-Haul got close enough to Detective Koski that he noticed Zimbelman to be wearing a white jersey with black lettering and had a shaved head. Detective Koski held the passenger down with his left hand

and with his right hand fired his gun at the U-Haul, which was "moving quick" at Detective Koski and Mr. Dalpiaz. Detective Koski stated that based on Zimbelman's driving pattern and actions, "I'm afraid he's going to hit me, I'm afraid I'm going to get run over, I'm afraid he's going to shoot me at this point."

Detective Koski estimated that the U-Haul got to within five or six feet of him and the passenger. He further stated, "I'm afraid that if I don't fire, he's going to hit me and take [Mr. Dalpiaz] out as well." Detective Koski stated that he fired his weapon because he was in fear of his life and feared for the lives of Mr. Dalpiaz and the other officers Zimbelman was driving towards. The U-Haul crashed into other patrol vehicles, and other officers ran towards the U-Haul. Detective Koski holstered his weapon, made sure that he and Mr. Dalpiaz were not injured, and heard more gunfire. Detective Koski and other deputies picked up Mr. Dalpiaz and moved behind the semi-trailer for cover.

Once Detective Koski heard on the radio that Zimbelman had been removed from the U-Haul, he again asked Mr. Dalpiaz what was in the vehicle, to which he responded he did not know. He repeated that the driver was his cousin, and when Detective Koski asked what he was running from, Mr. Dalpiaz stated, "All [Zimbelman] told me was he wanted to say goodbye to his girlfriend." Mr. Dalpiaz consented to Detective Koski searching him, and he was found to be in possession of two cell phones and other miscellaneous items.

7. WCSO Deputy Francisco Gamboa

Deputy Gamboa has been employed by the WCSO for 16 years, and is assigned to the Northern Nevada Interdiction Task Force. Deputy Gamboa is also a K9 handler. Deputy Gamboa was interviewed at the Washoe County Sheriff's Department on August 24, 2016 by SPD Detective Congdon and RPD Detective Johnson. Deputy Gamboa's interview was delayed because he suffered a hand injury when Zimbelman attempted to flee from officers and struck him, and he had been administered pain medication at the hospital. On the date of Deputy Gamboa's interview, he was wearing a semi-hard cast, and reported that he was still in pain and pending a follow-up medical appointment with an orthopedic surgeon.

Deputy Gamboa explained that during the course of his shift on August 19, 2016, he heard through dispatch that Deputy Wood attempted to stop a U-Haul but it was not stopping. Deputy Gamboa responded to the area. As the U-Haul approached, Zimbelman almost came to a stop on the freeway. Deputy Gamboa pulled his gun and pointed it at Zimbelman, and Zimbelman drove off road into the dirt shoulder and avoided the spike strips. Deputy Gamboa ran back to his patrol vehicle and drove to catch up to the pursuit with other officers. Near the Sparks and Vista exits on Interstate 80, Deputy Gamboa observed Mr. Dalpiaz in the U-Haul "waving for help", and Deputy Gamboa stated that it seemed to him that the passenger was trying to convey "I don't want anything to do with this." Zimbelman, on the other hand, was smoking a cigarette and waiving to and flipping off Deputy Gamboa. Zimbelman drove northbound on Interstate 395 and avoided another set of spike strips near Parr Boulevard by sharply turning and driving on the on-ramp lane. Zimbelman exited the freeway at Golden Valley, and turned on North Virginia Street.

Zimbelman turned left on a dirt road near Stead Boulevard, and Sergeant Jones effected a pit maneuver on the U-Haul, causing it to spin around. Mr. Dalpiaz jumped out of the U-Haul and put his arms up. Zimbelman began to reverse the U-Haul driving backwards. Deputy Gamboa, having exited his patrol vehicle when the U-Haul spun, ran after the U-Haul while another officer handcuffed Mr. Dalpiaz. The U-Haul was then pinned between two WCSO vehicles, and the U-Haul's tires were still spinning as he tried to keep going. Deputy Gamboa had Zimbelman at gunpoint trying to get him to exit, but Zimbelman shook his head no and locked the passenger-side door. Zimbelman looked at Deputy Gamboa and started rummaging for a bag without pulling anything out. Deputy Gamboa holstered his firearm and attempted to break the U-Haul's window with a window punch, but was unsuccessful.

Zimbelman was able to free the U-Haul from the pin, and "took off" while Deputy Gamboa was still trying to break the window. The U-Haul "swiped" Deputy Gamboa's hand in the process. As the U-Haul drove off, Deputy Gamboa heard shots fired as the U-Haul "went super fast forward" towards several other people, including officers and Mr. Dalpiaz. The U-Haul then hit a NHP trooper car and crashed into a dirt hill. Deputy Gamboa ran up to the U-Haul and positioned himself near the rear of it, and

then shots started firing. Once the shooting stopped, officers obtained a shield and approached the U-Haul. Deputy Gamboa was unable to see one of Zimbelman's hands, which was positioned towards the center. Deputy Gamboa ran from the U-Haul and obtained a medical bag, and provided it to somebody who was wearing gloves. Zimbelman was ultimately pulled from the U-Haul, handcuffed, and provided with medical care.

Deputy Gamboa felt pain to his hand as a result of being struck by the U-Haul, and proceeded to one of the ambulances which had responded. He was advised he needed to go to the hospital, and WCSO Deputy Fischer drove him to Renown. Deputy Gamboa sustained ligament damage and was put in a semi-hard cast.

8. WCSO Deputy Danny Arias

Deputy Arias has been employed by the WCSO for almost 20 years, and is assigned to the patrol division. Deputy Arias was interviewed at the Washoe County Sheriff's Department on August 19, 2016 by RPD Detective McQuattie and SPD Detective Peterson.

Deputy Arias stated that on August 19, 2016, he was working as a patrol deputy dressed in his full WCSO uniform driving a fully marked patrol vehicle. Deputy Arias overheard Deputy Wood report that a vehicle was failing to yield eastbound on Interstate 80, and Deputy Arias began responding to the area. Deputy Arias got to about the Patrick Exit where he observed two emergency vehicles in the middle median and the U-Haul driving westbound on Interstate 80. As Deputy Arias pulled into the median, Zimbelman "erratically drove off onto the shoulder on the right side of the roadway avoiding the [spike] sticks." Deputy Arias turned around and proceeded westbound on Interstate 80 behind the U-Haul. The pursuit was terminated, but Deputy Arias and other officers followed the U-Haul without lights and siren, until authorization was given to reinitiate the pursuit near the Vista exit. At that time, the officers' overhead lights and siren were again activated. Zimbelman merged onto Interstate 395 northbound, and near the Parr Boulevard on-ramp, he "veered sharply to the right" and drove towards NHP troopers on the side of the road to avoid another set of spike strips.

The U-Haul exited the freeway at Golden Valley, and then turned northbound on North Virginia Street. The U-Haul turned onto a

dirt road just before Stead Boulevard. Deputy Arias exited his patrol vehicle and ran up towards the U-Haul, where he observed Mr. Dalpiaz, who had exited the U-Haul, running. Mr. Dalpiaz had his hands in the air and went down to the ground. Deputy Arias, with the assistance of another WCSO deputy, handcuffed the subject, who was not resisting, and was saying in an excited manner something to the effect of, "I didn't know he was going to do this, I didn't know this was going to come to this." Zimbelman had driven around a tractor trailer, and while Deputy Arias was busy restraining Mr. Dalpiaz, he heard gunshots. Deputy Arias heard a vehicle coming "very quickly" back towards their direction, and saw the U-Haul "blowing by us". The U-Haul passed Deputy Arias and struck a NHP patrol vehicle. It appeared that it got high-centered because "the engine was screaming like he was trying to get his way out of there." Deputy Arias ran towards the back of the U-Haul, at which time he heard a single shot followed by several shots.

9. WCSO Sergeant Phillip Jones

Sergeant Jones has been employed by the WCSO for almost 23 years, and is assigned to Northern Nevada Interdiction Task Force. Sergeant Jones was interviewed at the Washoe County Sheriff's Department on August 23, 2016 by RPD Detective Johnson and SPD Detective Congdon. Sergeant Jones' interview was delayed because he received treatment at the hospital due to pain to his ribs.

Sergeant Jones reported that he was working in his capacity as the sergeant for the Task Force on August 19, 2016, wearing his full WCSO uniform driving a fully marked patrol vehicle. Sergeant Jones heard Deputy Wood on the radio that he attempted a traffic stop of a U-Haul but it was failing to yield. Sergeant Jones responded towards Deputy Wood's location, when he observed the U-Haul driving in the opposite direction being followed by Deputy Wood. Due to barriers on the freeway prohibiting him from turning around quickly, Sergeant Jones did not see the U-Haul again until Zimbelman was turning left on Golden Valley towards North Virginia Street. Sergeant Jones was monitoring the pursuit through radio traffic only during that timeframe, and when he heard that the U-Haul crossed the dirt median to avoid spike strips and drove westbound on Interstate 80 in the eastbound

travel lanes, he terminated the pursuit for safety reasons and risk to the motoring public. When it was appropriate, the pursuit was reinitiated.

Sergeant Jones caught up to Zimbelman on North Virginia Street, and he made a quick left turn on a dirt road towards some houses. Having concern that the pursuit was now near residences, Sergeant Jones successfully conducted a pit maneuver and pushed the U-Haul around. Sergeant Jones thought that would end the pursuit and exited his vehicle, but Zimbelman then began driving in reverse. Mr. Dalpiaz exited the U-Haul, ran away with his hands up, and fell down, giving up. Mr. Dalpiaz said, "I was kidnapped, I wanted out of the truck." Sergeant Jones approached Mr. Dalpiaz with another WCSO deputy and he was handcuffed, while the U-Haul continued to back up at a high rate of speed. Sergeant Jones began running towards the U-Haul, and saw that it was now pinned between two WCSO vehicles.

Sergeant Jones approached the U-Haul and attempted to break the window out to extract Zimbelman. Zimbelman was being ordered to shut the vehicle off and step out, but he ignored the commands and was focused on driving away. He drove forward at a high rate of speed, and Deputy Wood had to grab his K9 and pull him out of the way to avoid being struck. Sergeant Jones stated that when Zimbelman was maneuvering out of the pin and driving away, "There was no doubt we were in immediate peril" and "immediate grave danger". As Zimbelman "escaped" and drove away, Sergeant Jones heard gunshots and saw the U-Haul collide into a NHP patrol vehicle and then come to rest. Sergeant Jones ran back to the U-Haul and more shots were fired.

10. NHP Trooper Erik Lee

Trooper Lee has been employed by the NHP for nearly 10 years, and is assigned to the motors division. Trooper Lee was interviewed at the Washoe County Sheriff's Department on August 19, 2016 by RPD Detective Kazmar and SPD Detective Schreiber.

While on patrol on August 19, 2016, Trooper Lee was training NHP Trooper Matt Thompson (hereinafter "Trooper Thompson"); they were both in the same fully-marked NHP patrol vehicle, which Trooper Thompson was driving. Trooper Lee was monitoring the radio, and overheard the ongoing pursuit and that the U-Haul

began traveling northbound on Interstate 395. Troopers Lee and Thompson, who were near Parr Boulevard at the time, responded to the northbound on-ramp of Parr Boulevard, where Trooper Thompson parked in the gore area⁵ so that they could deploy spike strips in an attempt to stop the U-Haul. When parked, the patrol vehicle's overhead emergency lights were activated. Trooper Lee was standing near the right front door of the patrol vehicle, and Trooper Thompson deployed the spike strips as Zimbelman approached in the #1 travel lane (commonly referred to as the "fast lane"). Zimbelman, presumably seeing the spike strips, stopped on the freeway, then "gunned it" through the #2 and #3 travel lanes and crossed over the gore area and "came straight after me." Trooper Lee stated, "At that time, I completely felt my life was in jeopardy, and I was going for my gun." Trooper Lee did not remember whether he actually removed his gun from his holster, as he "had to run out of the way" and "jumped" in front of the patrol vehicle for safety.⁶ Trooper Lee estimated that the U-Haul got "within five feet" of him, and it was close enough that he contemplated shooting Zimbelman if he was unable to get out of the way. Trooper Lee then saw Zimbelman pass the patrol vehicle on the on-ramp, while honking the horn. As the U-Haul passed him, Trooper Lee observed a passenger as well.

Trooper Thompson grabbed the spike strips, which Zimbelman had avoided, and he and Trooper Lee re-entered the patrol vehicle and joined the pursuit. Zimbelman exited the freeway at Golden Valley, and ultimately began driving north on a side street until he came to a dirt road to a house. Trooper Thompson parked the patrol vehicle on the dirt road, and Trooper Lee observed the U-Haul driving backwards beside a tractor trailer, with other deputies around. Trooper Lee ran up with his gun drawn and peeked around the tractor trailer, at which time he saw "the driver was now coming after me again, however, Trooper Steve Moore was directly in this guy's path. Looked like Trooper Steve Moore didn't even have any room, there was a fence line right beside it, I thought Trooper Moore was probably going to get hit. Afterwards, I saw Trooper Moore raise his firearm, that's when I retreated back behind the trailer to get some kind of

⁵Trooper Lee explained that the gore area is the restricted area between the painted lines, resembling a V, that divides the freeway and the on-ramp.

⁶Trooper Lee did not, at any time, discharge his firearm.

cover. That's when the first shots started ringing out. Don't know if it was Steve or other officers. As rounds were going down range, the guy drove right past me." Trooper Lee explained that Trooper Moore was "in a dangerous position" when Zimbelman drove at him.

11. WCSO Deputy Jeff McCaskill

Deputy McCaskill has been employed by the WCSO for 10 years, and is the Public Information Officer. Deputy McCaskill was interviewed at the Washoe County Sheriff's Department on August 19, 2016 by SPD Detective Peterson and RPD Detective McQuattie.

Deputy McCaskill reported that he was advised of the pursuit and responded, driving his fully marked WCSO patrol vehicle. Deputy McCaskill joined the pursuit after it was re-initiated on Interstate 80, was the last vehicle in the pursuit, and was primarily attempting to keep civilian traffic back. Once on northbound Interstate 395, the U-Haul made a "sharp turn to the right toward the, um, the trooper in his vehicle, and bounce through, um, the dirt median part, and then back, make, and make a hard left hand turn back onto the onramp, uh, to avoid the spike strips that were deployed."

Deputy McCaskill observed Zimbelman turn left onto the dirt road near Stead Boulevard, and noticed that there was also a dirt road in front of and to the south of the U-Haul. Deputy McCaskill turned onto the other portion of the dirt road, in case Zimbelman tried to exit that way. Deputy McCaskill observed the U-Haul get turned 180 degrees from a pit maneuver, and then began reversing. Zimbelman kept reversing until Deputy McCaskill used the front of his patrol vehicle to hit the rear of the U-Haul. Even after making contact, Zimbelman attempted to keep reversing, but was unable to due to Deputy McCaskill making contact with the U-Haul with his patrol vehicle. Deputy McCaskill then saw Deputy Wood trap the U-Haul by pushing his front bumper into the front bumper of the U-Haul.

Deputy McCaskill exited his patrol vehicle with his gun drawn, and observed the U-Haul pushing into his patrol vehicle and moving it, as the dirt road made traction worse than a paved road. Deputy McCaskill got back into his vehicle and hit his brake, but the U-Haul moved back-and-forth a couple times until

it was able to turn out around Deputy Wood's patrol vehicle. Zimbelman drove the U-Haul towards several officers, and at that time Deputy McCaskill heard gunshots.

12. Jeremy Dalpiaz

Mr. Dalpiaz was initially interviewed at the Washoe County Sheriff's Department on August 19, 2016 by Sparks Police Detective Nick Pagni (hereinafter "Detective Pagni"). Mr. Dalpiaz was handcuffed when he was first placed in the interview room, but they were removed prior to any questioning. Mr. Dalpiaz was also provided with bottles of water throughout the interview, and advised of his Miranda rights prior to any questioning. Mr. Dalpiaz waived his Miranda rights and agreed to speak with Detective Pagni.

Mr. Dalpiaz stated that on August 19, 2016, he woke up at his apartment in Sparks at approximately 11:00 am or noon. Mr. Dalpiaz needed to go to the DMV in Fallon so that he could register his car and get his computer so he could print a resume for a job application. Mr. Dalpiaz called Zimbelman, who is his cousin, for a ride. Zimbelman picked up Mr. Dalpiaz in a U-Haul. Zimbelman began driving eastbound on Interstate 80, and stopped at the Mustang Gas Station where Mr. Dalpiaz bought some food. As Zimbelman drove past Mustang on Interstate 80, an officer attempted to pull him over, but Zimbelman stated, "I'm not fuckin' stopping" and "I need to make it home so I can say goodbye to my girlfriend." Mr. Dalpiaz recognized that it was a Washoe County Sheriff who tried pulling Zimbelman over, and he had his lights and siren on. Mr. Dalpiaz asked why he was not going to stop and told Zimbelman he needed to let him out. The next thing Mr. Dalpiaz knew, he was "involuntarily in a...police pursuit."

Mr. Dalpiaz stated that Zimbelman exited the freeway, drove towards a brothel, returned to the freeway and began traveling westbound towards Reno. Mr. Dalpiaz observed additional officers following. While driving westbound on Interstate 80, officers "tried spike stripping him and he swerved and went around all that." Zimbelman began driving northbound on Interstate 395, exited at Golden Valley, and turned onto North Virginia Street. Mr. Dalpiaz kept asking Zimbelman why he was not stopping the U-Haul, to which he replied that his kids got taken away from him

and, "I can't stop, I'm going for life. I need to stop and say goodbye to my girlfriend." Zimbelman kept repeating, "I'm going for life, I'm going for life."

Mr. Dalpiaz stated that officers put down spike strips on three separate occasions, and he drove around each of them. Zimbelman avoided the third spike strips at Parr Boulevard by turning right, driving over the curb, around an officer and a police vehicle, and then back onto the freeway. Mr. Dalpiaz said that Zimbelman got within 10 feet of the officer when he drove around the spike strips at Parr Boulevard.

Mr. Dalpiaz said that the police "pitted" Zimbelman, the U-Haul turned 180 degrees, and there was a police vehicle right up against Mr. Dalpiaz's door. Zimbelman then "throws it in reverse and you know grinds off." At this time, Mr. Dalpiaz was able to jump from the U-Haul and positioned himself on the ground on his stomach. Several officers jumped on Mr. Dalpiaz, and he saw many other officers with their guns drawn. Mr. Dalpiaz then heard a lot of gunshots, and he was moved to a safer location.

Mr. Dalpiaz stated that Zimbelman had a backpack in the U-Haul, but claimed not to know what was inside. Mr. Dalpiaz said, "I'm assuming that there was some bad shit in there," but denied seeing a gun or drugs. Mr. Dalpiaz further stated that he felt that once the police pitted the U-Haul, Zimbelman "was using his vehicle as a weapon," although he later said that the police assumed that Zimbelman was using the U-Haul as a weapon.

Mr. Dalpiaz stated that the incident was "scary." Mr. Dalpiaz denied having any physical injuries, but stated that he was "in shock." Mr. Dalpiaz also stated that he took a four or five second video on his cellular phone of all the police behind them during the pursuit. At the conclusion of the interview, Mr. Dalpiaz was driven home by officers.

Mr. Dalpiaz later made additional statements to other non-law enforcement individuals. On August 23, 2016, Mr. Dalpiaz spoke with a male family member. During this conversation, Mr. Dalpiaz stated that Zimbelman had "meth" in the U-Haul and had said his last goodbyes, as Zimbelman said he would not go back to prison

for the drugs and wanted "suicide by cop" instead.⁷ Mr. Dalpiaz further said that he saw Zimbelman pull out the Glock handgun as he was driving on the dirt road. After Mr. Dalpiaz had jumped out of the U-Haul and was being detained by officers, he said that he saw Zimbelman fire his handgun into the roof of the U-Haul as he drove towards the deputies. In another conversation on August 23, 2016, Mr. Dalpiaz similarly told a female family member that Zimbelman wanted to commit "suicide by cop" and he had observed Zimbelman fire his handgun into the roof of the U-Haul as he drove towards the deputies.

Mr. Dalpiaz was re-interviewed at his residence on August 30, 2016 by Detective Pagni and Sparks Police Department Detective Eric Curtis (hereinafter "Detective Curtis"). He was out of custody the entire time. Mr. Dalpiaz stated that Zimbelman, in fact, told him that the reason he was not going to stop was because he had drugs, and he kept saying "I'm gonna get life in prison." Mr. Dalpiaz told detectives that Zimbelman said this when he got pulled over by police. Mr. Dalpiaz said he kept telling Zimbelman he had to stop the vehicle, but Zimbelman ignored him and kept driving. Mr. Dalpiaz also stated that he asked Zimbelman to let him out, but he never did. Mr. Dalpiaz further claimed not to see Zimbelman's backpack or gun, and clarified he was "100% positive" that he did not see Zimbelman with a gun. When confronted by detectives about his prior statements that Zimbelman shot his gun through the roof of the U-Haul, he claimed to have told Zimbelman's mother that rather than saying he shot at officers, stating, "I don't know if he shot at you guys or not."

13. Kevin Psick

Kevin Psick (hereinafter "Mr. Psick") is a civilian, and was interviewed on August 19, 2016 by SPD Detective Jennifer Vaught. Mr. Psick lives in a house in the area near the officer involved shooting. Mr. Psick was on a front porch when he saw the U-Haul driving down the dirt road with police officers following. He

⁷A review of Zimbelman's criminal history revealed a felony conviction for Possession of a Stolen Motor Vehicle on June 3, 2014. Zimbelman was placed on probation, but absconded and a Violation Report was issued on March 23, 2016. Zimbelman had an active warrant for his arrest, based on the Violation Report, on the date of this OIS.

observed the U-Haul "somehow...turn itself around." The police at that point were aiming their guns at the vehicle and telling the occupants to "stop", at which point the passenger exited the U-Haul. Police continued to tell Zimbelman to stop, but he did not and instead "started to accelerate his vehicle." Ultimately, police shot at the U-Haul while it was moving, and shot until the U-Haul stopped moving upon hitting a dirt pile. Once the U-Haul came to a stop, the police were able to remove Zimbelman and laid him on the ground. Mr. Psick stated, "I clearly thought that they had the right to open fire, especially after the fact that they chased him all the way up here, stop him and then tell him again to stop and then he persists to still not listen and then still moves."

B. Countdown of Deputy Tracy's, Detective Durham's, Detective Koski's, Deputy Colacurcio's, and Trooper Moore's Firearms

On August 19, 2016, an evidentiary documentation of Deputy Tracy's, Detective Durham's, Detective Koski's, Deputy Colacurcio's, and Trooper Moore's equipment worn and used during the shooting occurred at the Washoe County Sheriff's Office. The countdown was administered by FIS and RPD. At that time, their used duty weapons and available magazines were examined.

Deputy Tracy's firearm was a Glock .357 semi-automatic pistol. The "countdown" of his firearm revealed one "Winchester 357 Sig" unfired cartridge in the chamber, seven "Winchester 357 Sig" unfired cartridges in the 15-round capacity magazine removed from the firearm, and two fully loaded 15-round magazines removed from his duty belt containing the same aforementioned ammunition.

Detective Durham's firearm was a Glock .357 semi-automatic pistol. The "countdown" of his firearm revealed one "Winchester 357 Sig" unfired cartridge in the chamber, 14 "Winchester 357 Sig" unfired cartridges in the 15-round capacity magazine removed from the firearm, and one fully loaded 15-round capacity magazine removed from his duty belt containing the same aforementioned ammunition.

Detective Koski's firearm was a Glock 9mm semi-automatic pistol. The "countdown" of his firearm revealed one "WIN 9mm Luger"

unfired cartridge in the chamber, 13 "WIN 9mm Luger" unfired cartridges in the 17-round capacity magazine removed from the firearm, and three fully loaded 17-round capacity magazines removed from his duty belt containing the same aforementioned ammunition.

Deputy Colacurcio's firearm was a Glock 9mm semi-automatic pistol. The "countdown" of his firearm revealed one "WIN 9mm Luger" unfired cartridge in the chamber, a fully loaded 17-round capacity magazine removed from the firearm containing "WIN 9mm Luger" ammunition, one empty 17-round capacity magazine removed from his duty belt, and two fully loaded 17-round capacity magazines removed from his duty belt containing the same aforementioned ammunition.

Trooper Moore's firearm was a Smith & Wesson Model M&P 15, .223 caliber rifle. The "countdown" of his firearm revealed one "FC 223 REM" unfired cartridge in the chamber and 17 "FC 223 REM" unfired cartridges in the 30-round capacity magazine removed from the rifle.

During the investigation of the shooting scene, forensic investigators located and collected the following:

- 11 "FC 223 REM" spent casings, consistent with the unfired cartridges from Trooper Moore's rifle.
- 21 "Winchester 357 SIG" spent casings, consistent with the unfired cartridges in Deputy Tracy's and Detective Durham's handguns.
- 16 "WIN 9mm Luger" spent casings, consistent with the unfired cartridges in Detective Koski's and Deputy Colacurcio's handguns.
- An empty 15-capacity Glock .357 magazine, consistent with Detective Durham's statement to investigators that he had discharged his firearm until he had run out of bullets, at which time he ejected the empty magazine from his handgun and inserted a new and fully-loaded magazine.

C. Area Overview

The location where Deputy Wood initially attempted to effect a traffic stop of Zimbelman occurred on Interstate 80 near the Patrick Overlook. Zimbelman refused to stop the U-Haul, exited

the freeway, and drove to the end of Wild Horse Canyon Drive before turning around. Zimbelman drove back to Interstate 80 and re-entered the freeway eastbound again, until exiting at USA Parkway. Zimbelman drove over the freeway and re-entered Interstate 80, this time driving westbound. Zimbelman drove on Interstate 80 westbound until he merged onto Interstate 395 northbound, exiting the freeway at Golden Valley and turning left. Zimbelman thereafter turned north on North Virginia Street and then west onto a dirt road. The shooting occurred on the dirt road next to residences located at 9885 North Virginia Street in Stead, just south of Stead Boulevard.

The distance between the end of Wild Horse Canyon Drive to 9885 North Virginia Street is approximately 24.1 miles, spanning two major freeways through Reno and Sparks. Zimbelman drove approximately another 2.6 miles from the Patrick Overlook, where Deputy Wood first attempted to stop him, to the end of Wild Horse Canyon Drive before turning around, and additional mileage when he drove out-and-back to USA Parkway on Interstate 80. According to Deputy Wood's timestamp on his dashcam, he activated his overhead lights to effect a traffic stop of Zimbelman at approximately 12:28:23 pm, and the first shots were not fired until approximately 13:03:22 pm. Accordingly, Zimbelman refused to stop for officers and ignored all commands for approximately 35 minutes spanning approximately 30 miles.



II. PHYSICAL EVIDENCE

A. Shooting Scene

The shooting occurred on a dirt road next to residences located at 9885 North Virginia Street in Stead, Washoe County, Nevada, just south of Stead Boulevard. The scene was secured and taped-off by officers after the shooting.



B. U-Haul

Several items of relevant evidence were photographed in place inside of the cab of the U-Haul and subsequently collected by forensic investigators from FIS:

- One (1) black Glock model 23, .40 caliber semiautomatic pistol, containing an empty 13-round capacity magazine. The Glock's chamber was empty, the magazine was inserted, and the slide was back, consistent with the gun having been shot until no bullets remained. The Glock was partially atop a plaid backpack directly beside the driver's seat. A Criminalist subsequently examined and test-fired Zimbelman's pistol, and determined it to be in normal operating condition with no noted malfunctions.



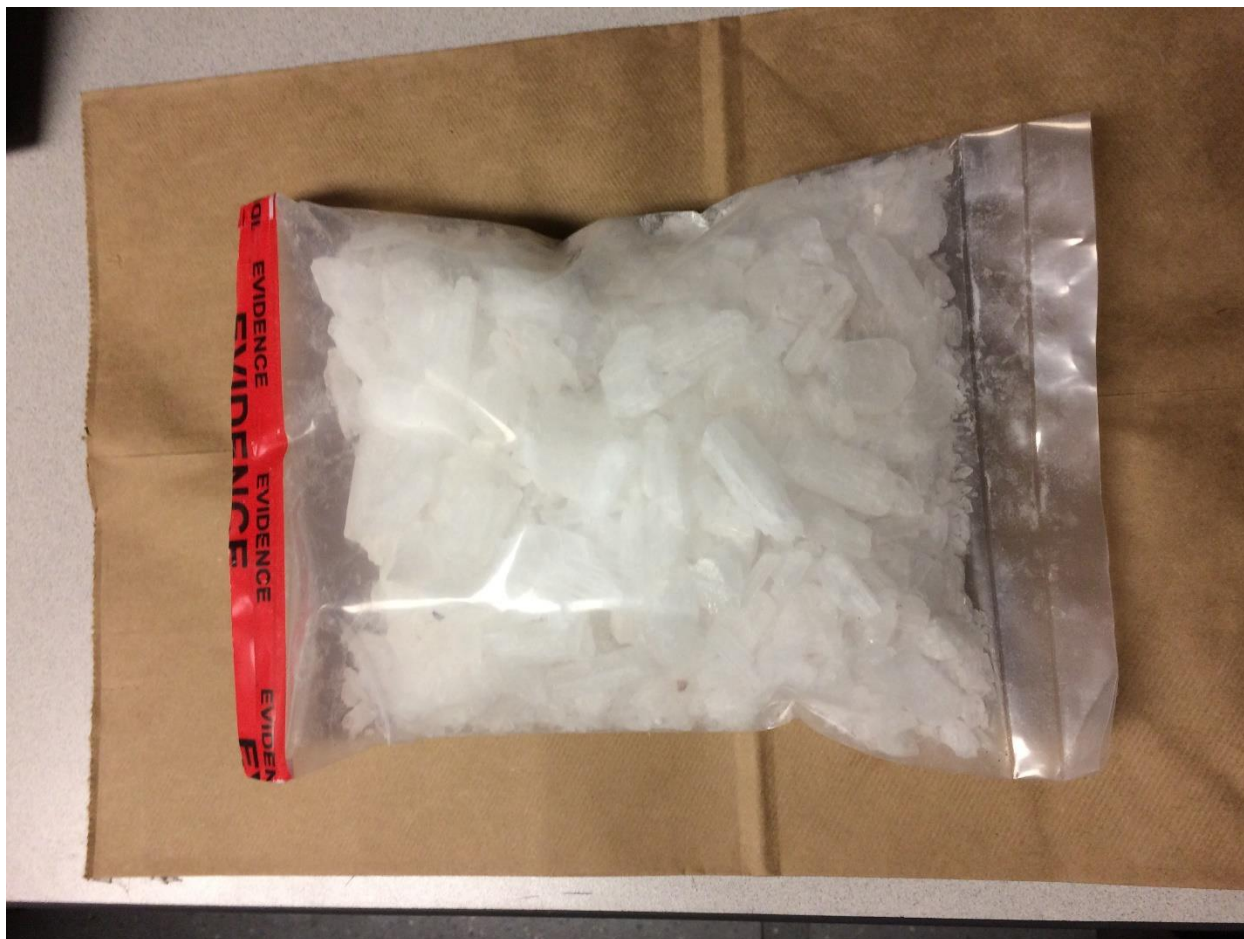


- Seven (7) yellow metal fired cartridge casings bearing "WIN 40 S&W" head stamp, throughout the cab of the U-Haul. A Criminalist subsequently determined, through microscopic examination, that all seven fired cartridge casings had been fired in the .40 caliber Glock pistol located in the U-Haul. Of all the fired casings collected at the shooting scene, the only .40 caliber casings were the seven located in the cab of the U-Haul.



- One (1) plaid backpack, which was leaning against the driver's side of the center console with the Glock pistol partially on top. The backpack contained the following:
 - A white crystalline substance, a scale, and clear plastic baggies. A forensic investigator subsequently analyzed and weighed the crystalline substance and concluded that it was approximately 886.5 net grams (1.95 pounds) of methamphetamine.⁸

⁸While RPD Detective Reed Thomas made every effort to collect all of the methamphetamine located within the backpack for subsequent analysis,



- Two (2) extra Glock handgun magazines, one a 13-round capacity magazine containing 10 "S&B 40 S&W" .40 caliber ball ammunition rounds, and the other a extended length 31-round capacity magazine containing 32 "WIN 40S&W" .40 caliber ball ammunition rounds and one "Hornady S&W 40" .40 caliber rounds.

approximately three (3) tablespoons was left in the backpack due to the presence of blood therein. Under Nevada law, the possession of 28 grams or more of methamphetamine constitutes the crime of Trafficking in a Controlled Substance, punishable by up to life in prison with parole eligibility only after 10 years has been served.



C. Patrol Vehicle Dashcam Video Recordings

The patrol vehicles which were driven by WCSO Sergeant Jones, WCSO Detective Durham, WCSO Detective Koski, WCSO Deputy Wood, WCSO Deputy Colacurcio, WCSO Deputy Gamboa, WCSO Deputy Arias, WCSO Deputy McCaskill, NHP Trooper Moore, and NHP Trooper Thompson were equipped with dashcams, which had audio/video recording capabilities. All of these video recordings were copied and provided to the Reno Police Department as part of the investigation.

The dashcam recordings from the instant case capture the entire incident, beginning when Deputy Wood pursued Zimbelman and initiated his lights and siren in an attempt to effect a traffic stop, through the shooting, and ending once investigating detectives and forensic investigators arrived on scene.

Deputy Wood attempted to effect a traffic stop of Zimbelman, while he drove the U-Haul, on August 19, 2016 at approximately 12:28:23 pm.



Officers attempted to immobilize the U-Haul by deploying spike strips on four separate occasions. The first attempt was on Interstate 80 near Mustang. Zimbelman avoided these spike strips by driving onto the dirt shoulder of the freeway. Deputy Gamboa pointed his firearm at Zimbelman while he drove on the dirt shoulder, but did not discharge it.



Officers deployed a second set of spike strips on Interstate 80 by the Mustang exit. Zimbelman avoided these spike strips by crossing the dirt median of the freeway and entering the eastbound travel lanes while still driving westbound. Zimbelman eventually re-crossed the dirt median and again drove westbound in the westbound travel lanes.

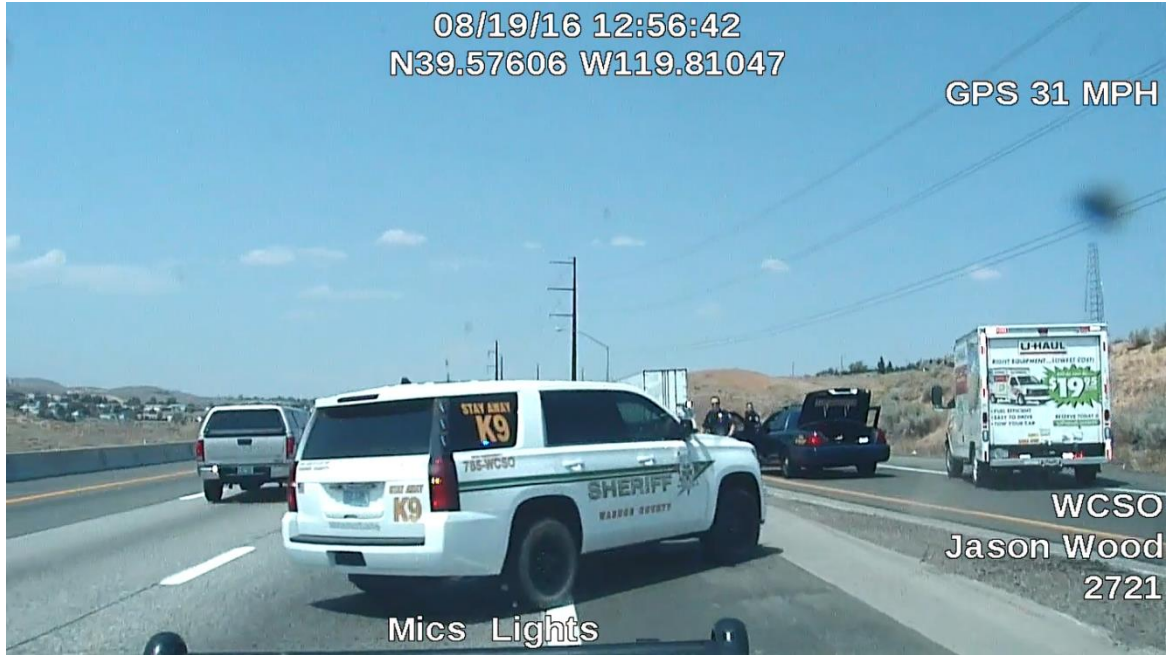




Officers attempted to immobilize the U-Haul by setting a third set of spike strips on Interstate 395 near Parr Boulevard. Zimbelman avoided these spike strips by making a hard right turn from the #1 travel lane (commonly referred to as the "fast lane"), traveling through the #2 and #3 travel lanes, through the gore area over a raised curb, through the on-ramp, and onto the shoulder. When maneuvering around these spike strips, Zimbelman came close to striking a civilian's vehicle, a NHP patrol vehicle, and two NHP troopers.







Officers deployed spike strips a fourth time on North Virginia Street near Stead Boulevard, but Zimbelman avoided them by turning left onto a dirt road. Upon turning onto the dirt road, Sergeant Jones effected a pit maneuver, rotating the U-Haul 180 degrees. This did not stop Zimbelman, however, and he began driving the U-Haul in reverse. Just as Zimbelman began reversing the U-Haul, his passenger, Mr. Dalpiaz, opened the passenger door and jumped from the U-Haul. Mr. Dalpiaz was immediately detained by officers.





The U-Haul was blocked in by two patrol vehicles, one from the front and one to the rear. Zimbelman locked the passenger door and ignored repeated commands from multiple officers to exit the vehicle. Zimbelman was able to navigate out of the block, and drove at a fast rate towards responding officers. At 1:03:22 pm, officers discharged their firearms at Zimbelman for the first time, which was approximately 35 minutes after Deputy Wood first attempted to effect a traffic stop of the U-Haul. Zimbelman drove past officers and Mr. Dalpiaz and struck a parked NHP patrol vehicle, one that Trooper Moore had exited less than one minute earlier. Other patrol vehicles were also struck after Zimbelman drove the U-Haul into Trooper Moore's NHP vehicle, although damage to the other vehicles was relatively minor.



08/19/16 13:03:17
N39.61248 W119.88144

WCSO
Jason Wood
2721

Mics Lights



08/19/16 13:03:27
N39.61297 W119.88191

WCSO
2702

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While officers had the U-Haul surrounded, they were shouting verbal commands for Zimbelman to show his hands. Officers were pointing their handguns towards Zimbelman but were not discharging them. At approximately 1:04:05 pm, Zimbelman shot at

officers multiple times through the U-Haul windshield. Deputy Colacurcio was forced to quickly take cover behind a parked patrol vehicle in order to shield himself from Zimbelman's gunfire. Officers then returned fire.



Once gunshots subsided, officers approached the U-Haul with the protection of a shield, and removed Zimbelman. Officers immediately administered first aid to Zimbelman until REMSA personnel arrived and were able to safely enter the scene.

D. Deputy Tracy's Patrol Vehicle

Forensic investigators examined Deputy Tracy's marked patrol vehicle, which was a Chevrolet Tahoe. Deputy Tracy's vehicle was the Tahoe parked in front of the U-Haul once it had crashed into NHP Trooper Moore's patrol vehicle and come to rest. Deputy Tracy's patrol vehicle also was the vehicle in which Deputy Colacurcio took cover behind when Zimbelman discharged his firearm towards him. Investigators observed two defects to Deputy Tracy's vehicle: a defect to the windshield and a separate defect to the overhead emergency light bar. A Supervising Criminalist conducted trajectory analysis of Deputy Tracy's vehicle, and concluded that the two defects were consistent with being caused by fired bullets coming from the front-exterior and towards the vehicle.





E. Toxicology Tests

Consistent with the routine practices of the Washoe County Medical Examiner's Office during the course of an autopsy, postmortem blood was collected from Zimbelman and submitted for forensic testing. A Toxicology Report, issued by NMS Labs on September 1, 2016, revealed that Zimbelman's amphetamine, methamphetamine, marijuana, and marijuana metabolite levels were all above the per se threshold levels for DUI cases in Nevada. Specifically, Zimbelman's methamphetamine level was eighteen (18) times the legal limit, his amphetamine level was more than double the legal limit, his marijuana metabolite level was double the legal limit, and his marijuana level was above the legal limit.⁹

⁹ The report revealed the following positive findings: 220 ng/mL of amphetamine, 1800 ng/mL of methamphetamine, 10 ng/mL of Delta-9 Carboxy THC (marijuana metabolite), and 2.4 ng/mL of Delta-9 THC (marijuana).

III. LEGAL PRINCIPLES

Homicide is the killing of another human being, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of justifiable or excusable homicide which are lawful. The Washoe County Medical Examiner's Office has deemed the death of Zimbelman to be a homicide. Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officers involved and determining whether any criminality on their part existed at the time of the shooting.

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

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

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

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

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

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

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

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

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

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

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

not act in self-defense, you must find the defendant not guilty.

Id. 1051-52.

B. Justifiable Homicide by Public Officer

NRS 200.140 provides in relevant part that "Homicide is justifiable when committed by a public officer...when necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty" and "[w]hen necessary...in attempting, by lawful ways or means, to apprehend or arrest a person" and/or "in protecting against an imminent threat to the life of a person".¹⁰

C. Use of Deadly Force to Effect Arrest

NRS 171.1455 provides in relevant part "If necessary to prevent escape, an officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person...poses a threat of serious bodily harm to the officer or to others.

IV. ANALYSIS

In the middle of the day on August 19, 2016, Zimbelman refused to stop for Deputy Wood when he attempted to initiate a traffic stop and, in turn, created a public safety nightmare. The thorough investigation revealed why Zimbelman made such a foolish decision: he was in possession of nearly two pounds of methamphetamine, was heavily under the influence methamphetamine, and had an active warrant for his arrest for violating his felony probation. The significant amount of drugs, coupled with the scale, baggies, and handgun, evidenced his intent to sell said methamphetamine. Zimbelman's possession of that amount of methamphetamine also gave context to his statements of, "I can't stop, I'm going for life" - he knew that

¹⁰ A 1985 Nevada Attorney General Opinion limited the interpretation of NRS 200.140 to situations where the officer has probable cause to believe that the suspect poses a threat of serious physical harm either to the officer or to others.

a conviction for Trafficking in a Controlled Substance subjected him to a life sentence in prison. As Zimbelman told Mr. Dalpiaz, he would not go back to prison for the drugs and wanted "suicide by cop."

Instead of stopping the U-Haul, Zimbelman chose to flee from officers and subject countless people to grave danger - all pursuing officers, Mr. Dalpiaz, the general motoring public, and even himself. Initially, this was most apparent when Zimbelman dangerously drove westbound in the eastbound Interstate 80 travel lanes, but also when he traveled faster than the posted speed limit, drove through multiple stop signs without stopping, and avoided multiple sets of spike strips by driving erratically. Zimbelman showed no regard for anybody else's safety and well-being while trying to elude officers. NHP Troopers Lee and Thompson were put directly in harm's way when Zimbelman avoided the third set of spike strips and drove within five-to-ten feet of them.

Even after Sergeant Jones pitted Zimbelman and spun the U-Haul around 180 degrees, Zimbelman still did not stop and began reversing in an attempt to get away. Fortunately for Mr. Dalpiaz, he was able to jump from the U-Haul before the shooting began. Even after Zimbelman's U-Haul was pinned between two WCSO patrol vehicles, he persisted and physically pushed Deputy McCaskill's vehicle enough to drive away at a fast pace. Zimbelman struck Deputy Gamboa with the U-Haul before driving directly at Trooper Moore and towards other officers and Mr. Dalpiaz. It was at this time, 35 minutes after the pursuit began, that officers first discharged their firearms, and they did so based on a legally-justified reason. Facing the immediate risk of being killed by Zimbelman's actions, officers shot at Zimbelman in legitimate defense of themselves and others.

Zimbelman then crashed the U-Haul into a parked, and fortunately unoccupied, NHP patrol vehicle. But this, yet again, did not stop him. He attempted to continue driving away, unable to do so only because the U-Haul was finally immobilized from the collision and the dirt landscape. Officers, who had ceased shooting, repeatedly ordered Zimbelman to exit the U-Haul, but Zimbelman continued to only think of himself and the prospect of "going for life." Zimbelman consciously chose to grab his Glock

.40 caliber handgun, raise it towards officers, and shoot. Seven fired .40 caliber casings were located within the cab of the U-Haul, and the gun, as found, evidenced that Zimbelman shot until he was out of bullets. Furthermore, Zimbelman shot directly at Officer Colacurcio, as the WCSO vehicle he was standing behind for cover was struck twice by bullets shot from Zimbelman. Officers returned fire in legitimate defense of themselves and others.

All evidence in this officer-involved shooting conclusively establishes that Zimbelman - with exceptionally high levels of methamphetamine in his system, in possession of nearly two pounds of methamphetamine and a firearm, and on the run from an active felony arrest warrant - eluded officers for approximately 35 minutes, spanning approximately 30 miles, and in doing so he put countless other people's safety in jeopardy. He continually risked the safety and lives of officers and civilians throughout the entire incident, culminating in striking Deputy Gamboa with the U-Haul, driving directly at Trooper Moore and others, and shooting his handgun directly towards Deputy Colacurcio and towards other responding officers.

Detectives Durham and Koski, Deputies Tracy and Colacurcio, and Trooper Moore had no choice but to fire their weapons in order to defend themselves and others. Zimbelman's actions presented a clear, imminent, and legitimate threat to the safety of multiple individuals. This threat absolutely justified the officers' response in self-defense by employing deadly force and shooting Zimbelman. The five officers who discharged their firearms, when interviewed, stated that they were in fear for their lives and were in fear for the lives of others. The patrol dashcam audio/video recordings undeniably corroborate their statements, as do the statements of other witnesses to the incident.

Accordingly, Detectives Durham and Koski, Deputies Tracy and Colacurcio, and Trooper Moore had the right under Nevada law to use deadly force against Zimbelman, both in defense of themselves and others as well as in the discharge of a legal duty.

V. CONCLUSION

Based on the review of the entire investigation presented and the application of Nevada law to the known facts and circumstances surrounding the August 19, 2016 officer involved shooting of Zimbelman, the actions of WCSO Deputy Joe Colacurcio, WCSO Detective Matthew Durham, WCSO Deputy Aaron Tracy, WCSO Detective Gordon Koski, and NHP Trooper Steven Moore are warranted under Nevada law. Unless new circumstances come to light which contradict the factual foundation upon which this decision is made, the District Attorney's review of this case is officially closed.