

**OFFICE OF THE WASHOE COUNTY
DISTRICT ATTORNEY**

August 10, 2021



REPORT ON THE AUGUST 8, 2018, OFFICER INVOLVED
SHOOTING OF JOSEPH RICHARDS

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INTRODUCTION

On August 8, 2018, at approximately 3:05 p.m., Joseph Elias Richards (hereinafter "Richards") arrived at the Sparks Police Department (hereinafter "SPD") for a scheduled interview with Detective Andrew Schreiber (hereinafter "Detective Schreiber"). Detective Schreiber had identified Richards as a suspect in a child sex abuse investigation. Prior to the beginning of the interview, Detective Schreiber reached out to the Regional Crime Suppression Unit (hereinafter "RCSU") and advised that he wanted Richards surveilled after the interview should he provide incriminating statements. The RCSU is comprised of plain clothed detectives from the Reno and Sparks Police Departments, who are often called upon to conduct undercover surveillance. Detectives assigned to the unit do not wear Body Worn Cameras and none was available in this case.

At the start of the interview, Richards was advised that he was not in custody and would be allowed to leave at the end of the interview. During the interview, Richards admitted to touching an 11-year-old girl in her vaginal area. After the interview at approximately 4:23 p.m., Richards left SPD.

RCSU Detectives followed Richards after he left the Sparks Police Department. Richards drove to his house at 630 Lester Avenue and went inside. Richards remained in the home for several minutes before placing a duffel bag in his car and driving to the Hi-Point Food and Liquor Store located at 900 Yori Avenue. While inside, Richards purchased snacks and drinks and then returned to his home on Lester Avenue.

At approximately 6:00 p.m., RCSU Detectives made contact at Richards' home in order to arrest him. Reno Police Detective (hereinafter "RPD") Lance Tindell (hereinafter "Detective Tindell") and SPD Detective Zachary May (hereinafter "Detective May") went up a set of steps to the front door and rang the doorbell. Other detectives set up in the front yard, including SPD Detective Chris Bare (hereinafter "Detective Bare"), who was in the grass area to the right of the front door. Richards' roommate, Kurt Rawson (hereinafter "Rawson"), answered the door and exited the house to speak to detectives on the front stoop. After a short conversation, Detectives proceeded up to the door where they saw Richards in the living room area. Richards then

walked towards Detectives Tindell and May through the front door.

Due to lack of space on the front step, Detectives planned to handcuff Richards after guiding him down the stairs. Detectives Tindell and May had a light grip on each arm of Richards. Richards then pulled a large, fixed blade knife from his waist area and raised it in the air. Detectives May and Tindell yelled "Knife!" and released their grip of Richards and backed away. Richards ran down the stairs and immediately turned left towards Detective Bare.

Richards had the knife in front of him and stared at Detective Bare while charging towards him. Detective Bare drew his firearm and yelled for Richards to drop the knife. Richards refused and continued towards Detective Bare, getting within approximately five feet. Detective Bare then fired three times, striking Richards twice in the chest and once in the left shoulder. Richards then fell to the ground and released the knife.

Detectives immediately alerted dispatch of shots fired and began performing life saving measures on Richards. REMSA personnel arrived and transported Richards to Renown Hospital. Medical personnel treated Richards for two days before he was released from the hospital and taken into custody.

On August 10, 2018, Richards was interviewed by RPD Detective Ben Rhodes (hereinafter "Detective Rhodes") and Detective West Urban (hereinafter "Detective Urban") of the Washoe County Sheriff's Office ((hereinafter "WCSO"). During the interview, Richards admitted that the circumstances of his child sex abuse investigation made him want to end his own life. When the detectives arrived to arrest him, Richards made the split-second decision to pull out the knife and force law enforcement to shoot him with the hopes that he would be killed.¹

¹ Richards was arrested in two separate cases: Lewdness with a Minor Under the Age of 14 as well as Assault with a Deadly Weapon. After his arrest, two more minor children came forward with additional molestation allegations against Richards. Richards went to trial in case CR19-0614 in February of 2020. Richards was convicted of seven counts of Lewdness with a Child Under the Age of Fourteen Years and three counts of Sexual Assault Against a Child Under the Age of Fourteen Years. On August 21, 2020, Richards was sentenced

Consistent with the regionally adopted Officer Involved Shooting (hereinafter "OIS") Protocol, RPD led the investigation into the shooting of Richards. The WCSO provided secondary investigative support, and the Washoe County Crime Laboratory (WCCL) provided forensic services. The investigation included interviewing witnesses, collecting physical evidence, photographing the shooting scene, forensically testing collected evidence, and interviewing the officers involved in the shooting.

All investigation reports along with WCCL forensic reports, photographs, and recorded interviews were then submitted to the Washoe County District Attorney's Office for a determination of whether the shooting of Joseph Richards was legally justified. No criminal charges were recommended by RPD. The District Attorney's evaluation included reviewing hundreds of pages of reports and documents, which included interviews of police and civilian witnesses, photographs, diagrams, 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 Joseph Richards by Sparks Police Department Detective Chris Bare was justified and not a criminal act.

I. STATEMENT OF FACTS²

A. Witness Accounts

1. SPD Detective Chris Bare

Detective Bare was interviewed at the Sparks Police Department on August 8, 2018, at 11:21 p.m., by RPD Detective Ben Rhodes and WCSO Detective West Urban. Detective Bare has been assigned to RCSU for two and a half years. His normal work hours are from 1:00 p.m. to 11:00 p.m., Monday through Thursday. Detective Bare wears plain clothes for his assignment to blend in with the general public.

RCSU is a regional task force assigned to work vehicle, commercial, and residential burglaries, as well as grand theft

to an aggregate term of Life in Prison with the Possibility for Parole after 65 years. On May 24, 2021, Richards pled guilty to Assault with a Deadly Weapon in case CR19-0432 and was sentenced to 12-30 months in prison to run concurrently to CR19-0614.

² The Statement of Facts is synopsised from recorded witness interviews, photographs, police reports, and forensic reports.

autos and robberies. Recently, the unit has been assigned to investigate crimes involving firearms.

On August 8, 2018, Detective Bare started his shift at the Sparks Police Department by listening to jail communications on a case he was assigned. As he was listening to the jail communications, Detective Schreiber entered the RCSU office and said he may be asking for assistance later in the day. Detective Schreiber was working on a sexual assault case and was expecting the suspect (Richards) to come in for a voluntary interview. Since the interview was voluntary, Detective Schreiber was planning to allow Richards to leave the station even if he gave incriminating statements. Detective Schreiber wanted RCSU to follow Richards and arrest him after approximately two hours. Detective Schreiber gave RCSU Richards' address and the type of car he would likely be driving. Detective Schreiber then left the office and Detective Bare continued to listen to jail communications.

A short time later, RCSU Sergeant James Adhunko (hereinafter "Sergeant Adhunko") entered the RCSU office and started discussing the potential operation involving Richards. At approximately 4:10 p.m., Detective Bare learned that Richards' interview was concluding. Detective Bare and other detectives walked outside, and each entered an unmarked police vehicle to begin the operation. Detective Bare entered his assigned vehicle, which had his K9 dog "Jamie" (hereinafter "K9 Jamie") in the back.

Detective Bare was in his vehicle approximately 30 minutes when he heard over radio that Richards was leaving. Detective Bare learned that Richards had made incriminating statements and that the plan was to arrest him after a two hour wait.

Detective Bare drove ahead of Richards driving westbound on Interstate 80. Detective Bare drove to the neighborhood of 630 Lester Avenue and familiarized himself with the area. Detective Bare heard over radio that Richards went to his house so Detective Bare positioned himself on a street near Lester Avenue.

Approximately 15 minutes later, another detective advised that Richards exited the residence carrying a duffel bag which he loaded into his Ford Escape. Detectives were concerned that

Richards may try to flee the area. Richards entered his car and drove southbound from the residence. Detective Bare also drove south and followed Richards. Richards stopped at a convenience store (Hi Point) at Yori Avenue and Taylor Street. Detective Bare waited on Yori Avenue north of Hi-Point. Richards entered the store and Detective Michael Mullen (hereinafter "Detective Mullen") followed him inside.

Detective Mullen advised he thought Richards might be taking a road trip based on the items he bought. Richards then drove back to his house.

Detective Bare parked on Kietzke Lane in case Richards tried to leave again. Detective Bare waited approximately 40 minutes until Sergeant Adhunko advised it had been two hours since the interview had finished and that they would approach the residence to do a "knock and talk" to arrest Richards. Detective Bare asked Sergeant Adhunko if Richards had any criminal history. Sergeant Adhunko advised Richards had no criminal history and no known weapons.

Detective Bare changed out the handgun he was carrying, a Glock 43X, which is a small and compact firearm. Detective Bare armed himself with a Glock 34 9mm firearm, put on a ballistic raid vest with police markings on it, and drove to 630 Lester Avenue. Detective Bare parked on the east side of Lester Avenue approximately three to four houses north of Richards' house. Detective Bare saw Detective Lance Tindell walking towards the house so Detective Bare met up with Sergeant Eric Stroshine (hereinafter "Sergeant Stroshine") on the sidewalk just north of the house.

Detective Bare saw Detectives May and Dustin Butler (hereinafter "Detective Butler") walk towards the front door with Detective Tindell. The front door had a few steps leading up. Detective Bare then saw an older male (Rawson) exit the front door and stand at the front doorstep talking to detectives. Rawson's demeanor concerned Detective Bare, so he walked across the front yard to move closer. As he was walking, Rawson stepped back appearing to invite detectives inside the house. Detective Tindell started to walk into the house while Detectives May and Butler moved up the stairs.

Detective Bare stopped at the bottom of the steps and saw that Detective Tindell had stopped and was talking to someone, although he could not tell whom. There was not a lot of room on the stairs so Detective Bare backed up into the front lawn approximately five to ten feet south of the stairs. Detective Bare expected the other detectives to have Richards come to the bottom of the stairs to be handcuffed.

Richards came to the front door with Detective Tindell behind him. Richards had his hands behind his back and Detective Bare saw a large knife behind Richards' back. Detective Bare then saw the knife in Richards' hand. The knife had an approximate twelve-inch curved black blade and looked like a collector's knife. Other detectives appeared to try and grab Richards' hands, but Richards pulled away. Richards lunged forward towards Detective Bare. As he lunged, the knife came round to the front of his body. Richards had an angry face with aggressive, scowling eyes. Detective Bare thought Richards was going to kill him.

Richards gained ground on Detective Bare as he withdrew his firearm and yelled at Richards to drop the knife. Richards got to approximately five feet away from Detective Bare when he fired his gun four to six times.³ Richards continued towards Detective Bare causing Detective Bare to back pedal away. Richards fell face first in the yard.

Detective Bare thought the knife was underneath Richards, so he continued yelling at Richards to show his hands. Other detectives informed Detective Bare that Richards had dropped the knife. The other detectives ran up to Richards and grabbed his hands to secure him. Detective Bare then overheard detectives advising dispatch about shots fired and a request for an ambulance. Detective Bare then holstered his firearm and pulled himself away from the area across the street.

Detective Bare knew other detectives were close to Richards and was concerned he accidentally shot one of them. Detective Bare estimated the entire event took three to five seconds from when he first saw Richards to when he shot. Detective Bare would not have done anything differently and did not believe he had any

³ Further investigation revealed Detective Bare fired three times.

option other than to shoot. Detective Bare was scared and believed Richards was going to kill him.

2. SPD Detective Zachary May

Detective May was interviewed at the Sparks Police Department on August 8, 2018, at 10:52 p.m., by RPD Detective Chad Crow (hereinafter "Detective Crow") and WCSO Detective Joseph Digesti (hereinafter "Detective Digesti"). Detective May has approximately six and a half years of law enforcement experience. He worked at the Fallon Police Department for two years before transferring to the Sparks Police Department. Detective May has been a member of RCSU for approximately a year and a half.

On August 8, 2018, Detective May started his shift at 2:00 p.m. and spent the first hour in the RCSU office. At 3:00 p.m., Sergeant Adhunko advised he wanted members of RCSU to conduct surveillance on a sexual assault suspect (Richards) who was about to leave SPD. RCSU detectives were to maintain surveillance on Richards until instructed to affect an arrest.

At 4:15 p.m., RCSU detectives followed Richards in undercover police vehicles from SPD to his house at 630 Lester Avenue. Detective May was charged with maintaining continual eye contact on the house. Detective May parked his silver Chevrolet Colorado truck facing northbound on Lester Avenue just south of Richards' house. After about fifteen minutes, Richards exited his house and put a duffel bag in the back of his blue Ford Escape. Richards went back inside the house for a short time before exiting and getting back into the Ford Escape. Richards drove to a convenience store on Taylor Street and Yori Avenue (Hi Point). Richards went inside, bought some items, returned to his car, and drove back to his house.

At approximately 6:15 p.m., Sergeant Adhunko instructed detectives to contact Richards at the house to make the arrest. Detective May approached the front door with Detective Tindell. Other members of RCSU were tactically positioned around the exterior of the residence. All members wore tactical vest carriers with the word "Police" embroidered on them.

Detectives May and Tindell knocked on the door and an older gentleman (Rawson) answered. Detective May thought Rawson was Richards' father and asked if "Joseph Elias" was home. Rawson

appeared evasive with Detective May and said no one by that name lived at the residence. Rawson said there was a "Joseph Richards" that lived at the house. When asked what Richards' middle name was, Rawson said it was "Elias."

Detective Tindell asked if there were any weapons in the house to which Rawson affirmed there were, but that Richards would not bring any out. Rawson then invited the detectives inside to get Richards. Richards was in the front room and walked towards detectives. Detective May grabbed him by the left arm and began escorting him down the stairs. Detective May wanted to handcuff Richards at the door but there was a lack of space due to the number of people congested at the front door area.

As Detective May was escorting Richards down the stairs, he looked back to see where Rawson was. Detective May had a weird feeling about Rawson due to their earlier interaction and could not exclude him as a possible threat. When Detective May turned his attention back to Richards, he noticed a large exotic curved bladed knife in his hand which frightened Detective May.

Detective May yelled, "Knife!" and grabbed Richards on the left side to control him. Richards tensed up, so Detective May pushed Richards away for his own safety to create distance. Detective May looked back again for Rawson and drew his service pistol. As he was drawing his pistol, Detective Bare shot. Richards fell to the ground and dropped the knife.

Detective May retrieved a trauma kit from a police vehicle and performed first aid on Richards. Detective May noticed two gunshot wounds to Richards' chest and applied "Quick Clot" to the wounds and inserted small pieces of gauze into the defects. Detective May then placed a larger piece of gauze over the smaller pieces and maintained pressure to slow the bleeding. Detective May talked to Richards telling him to relax and try to slow his heart rate. After a short time, Detective May rolled Richards over to look for exit wounds but did not see any. Detective May kept pressure on Richards' chest until REMSA arrived.

3. RPD Detective Lance Tindell

Detective Tindell was interviewed at the Sparks Police Department on August 8, 2018, at approximately 10:36 p.m., by RPD Detective Pat Blas (hereinafter "Detective Blas") and WCSO

Detective Stefanie Brady (hereinafter "Detective Brady"). Detective Tindell is assigned as a detective with RCSU. The main objective of RCSU is to investigate crime trends involving a variety of crimes including robberies, burglaries, and gun crimes. RCSU requires detectives to dress in normal clothing to blend in with the community and conduct surveillance operations. When RCSU detectives take enforcement actions such as arrests they wear black raid vests with "Police" lettering.

On August 8, 2018, Detective Tindell arrived at the RCSU office at 2:00 p.m. and began checking email, writing reports, and working on his assigned cases. Detective Schreiber met with RCSU to brief them on a sexual assault case he was working on. RCSU was tasked with conducting surveillance on a suspect (Richards) after he completed his interview with Detective Schreiber and left SPD. RCSU maintained surveillance on Richards for a couple hours when they were notified to arrest Richards at his house.

Detective Tindell converged on 630 Lester Avenue with other RCSU detectives and parked his unmarked police vehicle just to the west of the target house. Detective Tindell exited with his "POLICE" marked raid vest and approached the front door. Detective Tindell walked up a small set of stairs which led to a small porch in front of the front door. He rang the doorbell and an older male subject (Rawson) with longer gray hair answered. Detective Tindell asked if "Joseph" was home to which Rawson initially said that no one lived there by that name. Detective Tindell explained that the house had been under surveillance, and he knew that Richards was inside. Rawson changed his response and admitted Richards was in fact in the house.

Rawson invited Detective Tindell to enter the house and talk to Richards. Rawson opened the door further and Detective Tindell took a step into the house. Detective Tindell saw Richards standing by a couch just inside the front door. Detective Tindell introduced himself to Richards and asked him to come outside and talk. Richards agreed and walked past Detective Tindell and exited the front door. Rawson asked Detective Tindell if he was needed to which Detective Tindell responded he was not. Richards also responded no, and he and Detective Tindell closed the front door behind them.

Detective Tindell was escorting Richards down the stairs when Richards reached towards the front of his shorts with his right hand. Detective Tindell heard someone yell, "Knife!" Detective Tindell maintained a hold of Richards' right hand as they continued down the stairs at which time Richards attempted to break free. Detective Tindell released his grip and took evasive actions to create distance with Richards by pushing him. Detective Tindell feared for his life and thought Richards could easily turn and stab him.

At this time, Detective Tindell saw the blade of a curved knife. Detective Tindell heard Detective Bare yell "Drop the knife! Drop the knife!" and then heard two gunshots. Richards fell to the ground. Detectives Tindell, May, and Butler began rendering medical aid to Richards.

Detectives continued talking to Richards, telling him he would be alright. Detective May ran to a vehicle and retrieved a medical bag so detectives could treat Richards' gunshot wounds. Richards' eyes began fluttering, and Richards said he was "sorry" approximately three to five times. Detectives continued rendering aid until REMSA arrived and took over.

4. SPD Detective Dustin Butler

Detective Butler was interviewed at the Sparks Police Department on August 8, 2018, at 10:04 p.m., by RPD Detective David Millsap (hereinafter "Detective Millsap") and WCSO Detective Kellie Wright (hereinafter "Detective Wright"). Detective Butler has been employed by SPD for ten years. Prior to working at SPD, Detective Butler spent one year as a detention deputy at WCSO. Detective Butler has been a detective in RCSU for three years and worked in patrol prior to his current assignment. Detective Butler's normal work week is Monday through Thursday from 1:00 p.m. to 11:00 p.m.

On August 8, 2018, Detective Butler was working his normal shift at 2:30 p.m., when he and other RCSU detectives were briefed by Detective Schreiber about an investigation he was working. According to Detective Schreiber he had probable cause to arrest Richards for sexual assault and was currently at SPD for a voluntary interview. Detective Schreiber requested RCSU detectives conduct surveillance on Richards after he left SPD.

At about 4:00 p.m., Richards left SPD and began driving. Several RCSU detectives followed Richards back to his house at 630 Lester Avenue. RCSU detectives set up surveillance at Richards' house. Detective Butler was driving his assigned unmarked police vehicle, a silver Jeep Cherokee. Detective Butler parked his vehicle west of Lester Avenue so he could follow in case Richards left his house.

Richards left his house and got back into his vehicle and drove to a nearby convenience store (Hi Point). While inside, Detective Butler maintained visual contact of the front of the store to notify fellow detectives when Richards would exit. Richards exited and drove back home. Detective Butler re-parked in the same position he had previously parked in.

At approximately 6:15 p.m., RCSU decided to knock on the front door and facilitate the arrest of Richards. Detective Butler drove to the east side of Lester Avenue, facing southbound, near Richards' house. Detective Butler was wearing his tactical vest with "POLICE" in white lettering and an SPD badge on the upper left chest.

By the time Detective Butler approached the front door, other detectives were speaking with an older gentleman with a ponytail (Rawson). Detective Butler could not hear the entirety of the conversation but did hear Rawson invite detectives inside. Detective Butler then made his way to the front stairs and began walking up to the second or third step.

Detective Butler overheard Rawson telling Richards detectives were present for him. Detectives May and Tindell began backing up, leading Detective Butler to believe Richards was coming out. Detective Butler then turned around and walked down the stairs, took a couple steps, and then turned back to the front door. At this time, Detective Butler saw Richards coming out of the house and walking down the stairs.

Detective Butler noted that Richards right hand was behind his back. Detective Butler thought one of the other detectives was holding Richards' wrist. Detective Butler then saw Richards bring his right hand out from behind him holding a large black, curved, fixed bladed knife.

He saw Detective Tindell attempt to grab Richards, who was resisting and throwing his arms around in a punching motion.

Detective Butler drew his firearm at the same time Detective Bare did. Detective Bare yelled, "Drop the knife! Drop the knife!" Detective Butler then heard two to three shots. Detective Butler did not fire as he did not have a clear shot due to fellow detectives being in his crossfire.

Detective Butler located the knife on the ground, relayed that information to Detective Bare and then told Detective Bare to remove himself from the immediate area as he knew it was Detective Bare that had fired his weapon. Knowing that Richards was no longer a threat, Detective Butler holstered his weapon, put on latex gloves, and began rendering aid to Richards who was on the ground.

5. SPD Sergeant James Adhunko

Sergeant Adhunko was interviewed at the Sparks Police Department on August 8, 2018, at 10:42 p.m., by Detective Brady and Detective Blas. Sergeant Adhunko has been with SPD for thirteen years. He has been assigned as the RCSU sergeant for one year. RCSU is tasked with investigating robberies and burglaries as well as assisting general detectives with locating suspects.

RCSU is a plain clothes assignment as detectives utilize undercover techniques and tactics to accomplish their assignments. Members of RCSU drive unmarked police vehicles to blend in with the general public. When RCSU plans to make an arrest, members put on raid vests marked with visible police indicia.

On August 8, 2018, Sergeant Adhunko began his shift at 2:00 p.m. RCSU has an office located within SPD. At approximately 4:00 p.m., Sergeant Adhunko was notified by Detective Schreiber that he needed assistance with a sexual assault case he was working. Detective Schreiber had a suspect (Richards) at SPD for an interview. During the interview, Detective Schreiber developed probable cause to arrest Richards, but he did not want to arrest Richards because Richards came to the police station voluntarily. Detective Schreiber asked RCSU to follow Richards for approximately two hours before arresting him.

Only about half of the RCSU team was in the office. Sergeant Adhunko sent out a photo of Richards along with his name and address. Once Richards left, RCSU detectives followed Richards back to his house at 630 Lester Avenue. At approximately 6:15

p.m., the decision was made to arrest Richards. Sergeant Adhunko learned from Detective Schreiber that Richards had no criminal history and should not have any weapons. Based on that, Sergeant Adhunko decided detectives would just knock on the front door to make contact.

Detectives put on their raid vests to make their appearance more identifiable as police officers. Detectives May, Tindell, and Butler approached the front door. The rest of the RCSU detectives were assigned the perimeter to ensure Richards did not leave out of a window or back door.

As RCSU Detectives made contact at the front door, Sergeants Adhunko and Stroshine stood in the street at the northwest corner of 630 Lester Avenue. An older gentleman (Rawson) answered the door and detectives advised they were there to speak to Richards. Rawson appeared evasive at first but eventually admitted Richards was there and offered to get him.

Rawson left the front door open and went in to get Richards. Detectives remained on the front doorstep/porch area. A short time later, Richards came out the front door. Detectives tried to gain control of Richards, but he pulled away. Sergeant Adhunko then heard Detectives yelling and saw Richards pulling away and coming down the stairs.

Sergeant Adhunko saw Richards holding an eight-inch silver and black curved knife in his right hand down by his side. Sergeant Adhunko then heard Detective Bare giving verbal commands to put the knife down as he had his gun drawn.

Richards advanced on Detective Bare and got about two yards away from Detective Bare, who was actively walking backwards. Sergeant Adhunko moved for fear of getting into Detective Bare's backdrop, should Detective Bare have to shoot. As he moved, Sergeant Adhunko heard two gunshots. Richards went to the ground. Sergeant Adhunko advised dispatch that shots were fired.

Sergeant Adhunko went to his patrol truck with Detective May to retrieve a first aid kit. Detectives then administered first aid on Richards until medical personnel arrived on scene.

6. RPD Sergeant Eric Stroshine

Sergeant Stroshine was interviewed on August 8, 2018, at 8:43 p.m. by Detective Digesti and Detective Millsap. Sergeant Stroshine is a sergeant of RCSU.

On August 8, 2018, at approximately 4:15 p.m., RCSU was conducting surveillance on a suspect (Richards) that Detective Schreiber had probable cause to arrest. The plan was for detectives to follow Richards for two hours before making the arrest.

At the time of the operation, Sergeant Stroshine was informed that Richards had little to no criminal history and nothing involving violence. RCSU detectives followed Richards from SPD back to his house on Lester Avenue. At one point during the surveillance, Richards left his house and went to a mini-mart (Hi Point). RCSU detectives continued surveillance, watching Richards purchase several items, and then return to his house.

During the operation, RCSU detectives operated on a special radio channel assigned to the unit. The channel was not monitored and allowed detectives to speak without dispatch interruption. Detectives were dressed in plain clothes which is standard for the unit.

After two hours, RCSU decided to arrest Richards and put on raid vests with patches indicating they were law enforcement. Sergeant Stroshine drove from his surveillance location and parked on Lester Avenue just north of Richards' house. Detectives took positions around the house. Sergeant Stroshine stayed in the roadway. Detectives Tindell and May approached the front door and knocked. A male (Rawson) came out on the porch and talked with detectives. Sergeant Stroshine could not hear the discussion, but it appeared to be cordial and at one point the detectives went inside to contact Richards and then make their way out of the front door.

At this time, Sergeant Stroshine turned his attention to RPD Detective Byron Cragg (hereinafter "Detective Craigg") who had just pulled up to the scene. Sergeant Stroshine was talking to Detective Cragg when he heard Detective Bare say, "Drop the knife! Drop the knife! Drop the knife!" Sergeant Stroshine turned and saw Richards holding a large knife in his right hand

while coming down the stairs. Richards then moved forward towards Detective Bare.

Sergeant Stroshine immediately became worried for the safety of RCSU detectives due to their close proximity to Richards. Sergeant Stroshine then heard three to four gun shots and saw Richards fall to the ground. Detectives were able to secure Richards and begin lifesaving efforts until medical first responders arrived on scene.

7. RPD Detective Michael Mullen

Detective Mullen was interviewed on August 8, 2018, at 8:42 p.m., by Detective Wright and WCSO Detective Casey Andrews (hereinafter "Detective Andrews"). Detective Mullen has been employed at RPD for 23 years. For the past two years, Detective Mullen has been assigned to RCSU. RCSU specializes in investigating robberies, homicides, grand theft autos, and burglaries. Detective Mullen normally works Monday through Thursday from 1:00 p.m. until 11:00 p.m.

On August 8, 2018, Detective Mullen arrived to work at 1:00 p.m. Detective Mullen attended a briefing and then drove to RPD to drop off paperwork and meet with crime analysis employees. Detective Mullen then left RPD and drove back to SPD where he learned that a suspect (Richards) was currently being interviewed by Detective Schreiber. RCSU was tasked with following Richards from the interview and monitoring his whereabouts.

Once Richards left SPD, Detectives followed him to 630 Lester Avenue. A short while later, Richards left his house and drove to a nearby market (Hi Point). Detective Mullen followed Richards inside and watched as he bought three Monster energy drinks and some chips. Richards then left the market and drove back to 630 Lester Avenue.

Detective Mullen then left the surveillance operation and drove to the Sands Hotel for an unrelated operation. While away, Detective Mullen kept his radio on and was listening for updates regarding Richards. Detective Mullen drove back to 630 Lester Avenue and the decision was made to arrest Richards for the probable cause relating to the Lewdness with a Minor investigation.

Once on scene, all the responding detectives put their tactical ballistic vests on with large lettering saying "POLICE" on them. Detective Mullen approached the north side of 630 Lester Avenue with RPD Detective Mike Stewart (hereinafter "Detective Stewart"). Detective Mullen could see the front door and overheard the conversation between Detectives Tindell and May with the male at the front door (Rawson). Rawson appeared evasive regarding the whereabouts of Richards, however a few seconds later Richards appeared at the door. Detective Tindell asked Richards to exit the house.

Detective Tindell escorted Richards off the top landing and down the stairs. As they reached the bottom stair, Richards produced the largest knife Detective Mullen had ever seen. It was a steel, machete like knife with a curved blade. Detective Mullen heard Detective Bare yell to drop the knife as Detective Bare was walking backwards.

Richards kept advancing on Detective Bare and did not drop the knife. Richards got within approximately three to five feet before he was shot by Detective Bare. Detective Mullen hurried over to Detective Bare and escorted him to his car and placed him inside. Detective Mullen turned Detective Bare's radio off and told him to call his wife and tell her he was involved in an incident. Detective Bare asked, "Is the guy dead?" to which Detective Mullen responded he did not know and would not tell him even if he did. Detective Mullen stayed with Detective Bare until he was asked to go to SPD.

8. RPD Detective Jacob Kincaid

RPD Detective Jacob Kincaid (hereinafter "Detective Kincaid") was interviewed on August 8, 2018, at 9:30 p.m., by Detective Blas and Detective Brady. Detective Kincaid is employed as a detective with RPD and is currently assigned to RCSU, which is responsible for investigating and working crime trends, conducting investigative work, and apprehending high risk criminal offenders. RCSU detectives typically wear plain clothes to blend in while working in an undercover capacity.

On August 8, 2018, Detective Kincaid began his shift at 1:00 p.m. He and other RCSU detectives were working on their individual cases at the office when they met with Detective Schreiber regarding a suspect (Richards) in a Sexual Assault on

a Minor case. Detective Schreiber had just concluded an interview with Richards, and it was decided that Detective Schreiber would conduct further investigation while RCSU would conduct surveillance on Richards to make sure he did not flee.

RCSU detectives conducted surveillance on Richards at his house on 630 Lester Avenue. After a couple hours, RCSU detectives were advised to arrest Richards for Sexual Assault. Detectives had information that Richards did not have any significant criminal history, so it was decided to just make contact at the front door and arrest Richards.

RCSU detectives converged on 630 Lester Avenue. Detective Kincaid took up a position to the south side of the house, on the edge of the sidewalk by the lawn. Other detectives walked up to the door and contacted a male subject (Rawson). Rawson initially stated Richards was not home, however, upon further questioning admitted Richards was in fact inside the house.

Richards eventually emerged out of the front door of the residence and was being escorted down the stairs from the front door. Richards casually took a few steps down and then immediately turned and ran south from the stairs, through the front lawn and directly towards Detective Bare. Richards had a large black knife with a fix curved blade in his hand. Detective Bare yelled for Richards to drop the knife.

Detective Kincaid was behind Detective Bare and in line of Richards' attack. Detective Kincaid tried to move out of the way. Richards got to about five feet from Detective Bare, when Detective Bare took an evasive step and then fired two to three times at Richards, who went to the ground.

RCSU detectives immediately started rendering medical aid to Richards. Detective Kincaid took up a position by the large knife, which was on the ground near Richards.

9. Kurt Rawson

Kurt Rawson was interviewed at SPD on August 8, 2018, at 8:09 p.m., by Detective Urban and Detective Rhodes. Rawson resides at 630 Lester Avenue and is married to Kay Conley-Rawson. Rawson's friend of twenty years, Richards, also lives with them at 630 Lester Avenue. Richards has his own bedroom and bathroom in the house.

Rawson and Richards' friendship was centered around playing various games. Richards lost his job recently and had been spending most of his time on his computer. Richards had low self-esteem and would say mean things about himself and sometimes would hit himself when he would become frustrated. Richards also struggles to get along with other people.

On August 8, 2018, Rawson woke up at approximately 10:00 a.m. Rawson first saw Richards at about 1:00 p.m. when Richards went to the bathroom. Rawson went downstairs to the basement and played video games for most of the day. After his wife got home, she asked to use the computer, so at that time, Rawson went upstairs to eat dinner.

At approximately 6:30 p.m., Rawson heard the doorbell ring followed by a loud knock. Upon answering the door, Rawson saw numerous police officers outside. One of the officers asked Rawson if he was "Joseph Elias." Rawson advised the police that his roommate's name was "Joseph Elias Richards."⁴ At that time, officers asked Rawson to get Richards and have him come outside.

Rawson went back inside the house to get Richards. At that time, Rawson saw Richards standing near the couch peeking through the curtain of the front window. Rawson told Richards that, "These guys are here to see you." Richards said, "Okay," and began moving towards the front door. Rawson asked Richards if he wanted Rawson to come with him to which Richards declined. Richards had his right hand behind his back and Rawson assumed he was holding his pants up with his hand. Richards walked through the door and Rawson shut the door behind him.

Within seconds, Rawson heard three gunshots. Rawson opened the door and saw Richards lying down on the grass. Several officers were standing over Richards telling him to hang in there. Another officer was telling Richards to stay with him. A knife with a multi-colored handle was on the grass near Richards' feet.

⁴ In subsequent interviews, Rawson admitted to being initially evasive with officers, stating that nobody by the name of "Joseph Elias" lived at the house despite knowing that Richards' full name was "Joseph Elias Richards."

10. Joseph Richards

Joseph Richards was interviewed at RPD on August 10, 2018, at 12:31 p.m., by Detective Rhodes and Detective Urban.

On August 8, 2018, Richards arrived home from SPD at approximately 4:30 to 5:00 p.m. Shortly after arriving home, Richards went to the corner market (Hi-Point) to get some drinks. After leaving Hi-Point, Richards returned home.

Richards was in his bedroom thinking. Detective Schreiber had made some points which made Richards think a lot.⁵ Richards felt, "almost like a scab of emotion just kinda tore away." Richards was holding a knife and thinking about hurting himself with it. Richards did not want to be a problem anymore and Detective Schreiber had told him there was someone close to Richards who had been hurt and was terrified because of Richards.

The doorbell rang while Richards was thinking in his bedroom. Richards did not know who was at the front door. He put the knife inside the back of his pants. Richards then went out of his bedroom to see who was at the front door. Richards came across Rawson who told him, "These men are here for you." Richards said he then walked towards the men outside. Richards was not thinking about the knife at this point.

Then in a split moment, Richards felt like he wanted to be gone and not feel anymore. Richards wanted to die because of where his life was and because of the SPD investigation into his sexual abuse. Richards pulled out the knife, but it was not his intention to hurt law enforcement. There was a detective behind Richards who was holding onto him. Based on the large curve of the knife, Richards turned his body as he removed it. As he pulled the knife out, the officers saw it and said, "Knife."

⁵ In Richards' interview with Detective Schreiber, he admitted to rubbing the vagina area of an eleven-year-old female victim (K.F.). Richards claimed K.F. woke him up in the middle of the night and grabbed his hand and placed it on her vagina. Detective Schreiber confronted Richards about his claim, as he had previously interviewed K.F. who stated that it was Richards that had woke her up in the night by rubbing her stomach and eventually moving his hand down to her vagina. Detective Schreiber told Richards that his story was not credible and that he should think about what he had claimed after he left SPD.

Richards did not remember if he stumbled or fell down as we went down the stairs. He then moved to the left at the bottom of the stairs while holding the knife in his right hand. Once at the bottom of the steps, he moved towards one (Detective Bare) and possibly two detectives. Richards expressed that Detective Bare "had no choice" but to shoot him. Richards had seen similar situations on television and figured if he moved towards law enforcement with a knife in his hand, law enforcement (Detective Bare) would have to defend himself. Richards stated he felt sorry for Detective Bare, who had to shoot him.

B. Countdown of Detective Chris Bare's Firearm

Detective Bare's primary weapon on August 8, 2018, was a Glock 34Gen4 9x19 firearm. The carrying capacity of the magazine used in his firearm was seventeen rounds. Detective Bare carried two additional magazines for his primary firearm. Detective Bare told investigators that he loads his firearm with one bullet in the chamber and seventeen (17) bullets in the magazine.

On August 8, 2018, Washoe County Forensic Investigator Elvira Koeder collected Detective Bare's equipment worn and used during the shooting. The collection of Detective Bare's firearm and its contents revealed two magazines each containing seventeen (17) FC 9mm +P cartridges. Detective Bare also had a 34Gen4 9x19 handgun with TLR-1s Streamlight attachment, which contained one (1) FC 9mm +P cartridge in the chamber and fourteen (14) in the magazine. All items were booked into evidence at the Washoe County Sheriff's Office.

II. PHYSICAL EVIDENCE

A. Shooting Scene

Lester Avenue is an asphalt paved residential roadway surrounded by houses. Lester Avenue follows a north to south path connecting Roberts Street and Albion Way. The residence of 630 Lester Avenue is located three houses south of Roberts Street on the east side.



(Overview of 630 Lester Avenue - Courtesy of Google Maps)

A two-car garage is located on the left side of the home. Two vehicles were parked in the paved portion of the driveway. Richards' blue Ford Escape was parked in the left stall facing the garage. To the right was a white Honda SUV facing the street.

A concrete paver leads to four stone steps that head up to the landing area in front of the front door. The front door has a metal screen door attached. To the right is a rectangular grass area. Large stone rocks line the grass area to the sidewalk. To the right of the front door is a living room window. Further right, is a bedroom window. Plants and shrubbery line the house on the right side.



(Front of 630 Lester Avenue)



(View from front door of 630 Lester Avenue into living room)



(View of front steps of 630 Lester Avenue)

B. Evidence Collected from Shooting Scene

The following relevant evidence was collected and photographed at 630 Lester Avenue:

- One (1) "China 440 Stainless" knife with an approximately 8-inch curved blade - from the lawn southwest of the front door



(“China 440 Stainless” knife used by Richards)

- One (1) black damaged t-shirt with a skull design and with red stains - from the lawn southwest of the front door
- One (1) fired bullet - from the driveway under the white Honda
- Three (3) “FC 9mm + P” fired cartridge cases - from the lawn southwest of the front door

C. Evidence Collected from Detective Chris Bare

- One (1) black “Glock 34Gen4 9X19” firearm with “TLR-1s Streamlight” attachment - from Detective Chris Bare

On September 17, 2019, Firearms Examiner Steve Shinmei reported the results of an examination of the above firearm. Shinmei determined that the “Glock 34Gen4 9X19” firearm was in normal operating condition with no noted malfunctions. The three (3) “FC 9mm + P” fired cartridges collected were identified as having been fired in the “Glock 34Gen4 9X19” firearm.

D. Joseph Richards’ Injuries

Joseph Richards was transported to Renown Hospital on August 8, 2018, for three gunshot wounds. Two gunshot wounds were identified in Richards’ chest with a third wound identified in Richards’ left shoulder. A CT scan revealed two bullets in

Richards' chest cavity that did not enter the thoracic or abdominal cavities. Medical personnel did not perform surgery and instead left the bullet fragments in Richards' chest cavity. The gunshot wound to the shoulder was a through and through injury, with the fired bullet recovered at the scene. Richards was discharged from the hospital on August 10, 2018.

III. CASE DISPOSITION

On August 13, 2018, Joseph Richards was charged by way of Criminal Complaint with one count of Assault, With Use of a Deadly Weapon, a category B felony. On March 11, 2019, an Amended Criminal Complaint was filed, charging an additional count of Resisting a Public Officer with a Dangerous Weapon, a category D felony. A preliminary hearing was held on March 11, 2019, in which Joseph Richards was bound over to the Second Judicial District Court on both charged counts.

On March 14, 2019, Joseph Richards was charged by way of Information with both counts from the Amended Criminal Complaint. A jury trial was originally set on October 21, 2019. At the Motion to Confirm Trial hearing on October 7, 2019, the State announced it was ready for trial but did not oppose Richards' request for a continuance to coincide with Richards' companion child sex abuse trial that was scheduled for February of 2020.

In February of 2020, Richards was convicted at trial of seven counts of Lewdness with a Minor Under the age of Fourteen and three counts of Sexual Assault on a Child Under the Age of Fourteen. He was sentenced to an aggregate term of Life in Prison with the Possibility of Parole after 65 years.

After the companion case concluded, Richards' trial was set for June 1, 2020. Due to the Covid-19 Pandemic, the trial was reset multiple times until eventually being set on June 1, 2021. On May 24, 2021, pursuant to negotiations, Richards pled guilty to Assault with the Use of a Deadly Weapon. Defendant was sentenced to 12-30 months in prison to run concurrently to his companion sexual assault case.

IV. LEGAL PRINCIPLES

A homicide is the killing of another human being, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of justifiable or excusable homicide, which are lawful. Although Richards was not killed, "death does not have to be the result for self-defense to be applicable." Davis v. State, 130 Nev. 136, 141, 321 P.3d 867, 871 (2014); see also, NRS 200.275 ("In addition to any other circumstances recognized as justification at common law, the infliction or threat of bodily injury is justifiable, and does not constitute mayhem, battery, or assault, if done under circumstances which would justify homicide.") Consequently, the Washoe County District Attorney's Office is tasked with assessing the conduct of the officer involved and determining whether any criminality on his part existed at the time of the shooting.

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

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

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

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

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

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

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

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

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

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

If evidence of self-defense is present, the State must prove beyond a reasonable doubt that the defendant did not act in self-defense. If you find that the State has failed to prove beyond a reasonable doubt that the defendant did not act in self-defense, you must find the defendant not guilty. Id. 1051-52.

B. Justifiable Homicide by Public Officer

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

C. Use of Deadly Force to Effect Arrest

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

V. ANALYSIS

The officer involved shooting of Joseph Richards on the evening of August 8, 2018, was the result of Richards' attempting to end his own life by forcing law enforcement to shoot him. To fully understand Richards' intent on August 8, 2018, a review of the events leading up to the shooting is required.

On August 8, 2018, Joseph Richards was a suspect in a child sex abuse investigation involving an eleven-year-old girl. SPD Detective Schreiber was assigned to investigate the case and had already interviewed the victim, who identified Joseph Richards as the perpetrator. On the date in question, Detective Schreiber wanted to conduct a consensual interview with Richards at SPD. Richards drove his blue Ford Escape to SPD at approximately 3:00 p.m.

Due to wanting to keep the interview consensual in nature, Detective Schreiber planned to allow Richards to leave the interview even if he had developed probable cause to arrest him

on the child sex abuse allegations. Therefore, Detective Schreiber enlisted the help of RCSU to surveil Richards after he left SPD for approximately two hours before making an arrest.

During the interview, Richards admitted to engaging in sexual contact with the young victim. However, Richards blamed the young child for initiating the sexual conduct. Detective Schreiber confronted Richards about his claim and advised Richards to think about his statements after he left SPD. Unbeknownst to Detective Schreiber at the time, two other young female victims were also victims of Richards' molestation, which eventually resulted in additional charges in Richards' companion case.

At approximately 4:15 p.m., Richards left SPD with RCSU surveilling him. Richards went back to his house at 630 Lester Avenue. He quickly turned around and made a trip to the Hi Point convenience store to purchase energy drinks and snacks. Richards returned home and reportedly sat in his bedroom thinking about his life and specifically the interview with Detective Schreiber.

According to Richards, he was thinking of hurting himself over the guilt of his interaction with the female victim. It is reasonable to conclude that Richards' molestation of two other young girls, who had yet to come forward, was also weighing heavily on Richards as he sat holding a large curved fixed bladed knife in his hand.

At that time, RCSU had been surveilling Richards. According to all RCSU enforcement personnel, they believed Richards to be unarmed and with little to no criminal history. Therefore, RCSU decided to make a lowkey approach to arresting Richards by knocking on the door. Richards' roommate Rawson answered and after a brief interaction, detectives were allowed into the threshold of the house to locate Richards. According to Rawson, Richards had moved to the living room and was peeking out the window where several RCSU detectives were positioned. It is reasonable to conclude that Richards knew they were there to arrest him for his sexual molestation of the young victim.

Richards then moved from inside the living room and walked calmly towards detectives. Richards had the large knife in the back of his pants at this time. Due to lack of spacing and

Richards' apparent lack of threat, Detectives decided to guide Richards down the steps and then formulate the arrest. While heading down the stairs, Richards, in his own words, wanted law enforcement to end his life.

Richards retrieved the knife from his pants. Upon seeing the knife, Detectives May and Tindell immediately broke free from Richards for their own safety. Richards then headed down the final steps and made an intentional left turn directly towards Detective Bare, who was on the lawn.

Richards clearly intended to force Detective Bare into a lethal situation. Richards ran directly at Detective Bare, with the knife in his hand. Detective Bare's only option was to draw his weapon and yell at Richards to drop the knife. When Richards refused and continued advancing, Detective Bare had no choice but to fire his weapon at Richards to protect himself.

Of significance is that Richards admitted to his exact intent when charging at Detective Bare. In Richards' interview he made it clear he wanted to force Detective Bare into shooting and killing him. That intent is reflected in Richards' conviction of the crime of Assault with Use of a Deadly Weapon.

In order to prove Assault with Use of a Deadly Weapon, the State must show that Richards intentionally placed Detective Bare in reasonable apprehension of immediate bodily harm with the large fixed bladed knife. Richards demonstrated that intent with his words and his guilty plea. Examining the case from Detective Bare's point of view, it is obvious he had to use self-defense to protect himself from the deadly immediate threat Richards presented.

Therefore, it was absolutely necessary for Detective Bare to use deadly force against Richards in order to save his life. In short, Detective Chris Bare had the right under Nevada law to use deadly force against Richards in self-defense.

VI. 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 8, 2018, officer involved shooting of Joseph Richards, the actions of Detective Chris Bare were warranted under Nevada law. Unless new circumstances come

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