



Administrative

Location **4155 S Grand Canyon Dr LV, NV 89147** Sector /Beat **R3**
 Occurred On (Date / Time) **Wednesday 3/15/2023 4:29:00 PM** Or Between (Date / Time)
 Reporting Officer **15725 - Bourque, Branden** Reported On **3/15/2023**
 Entered By **15725 - Bourque, Branden** Entered On **3/15/2023 5:24:57 PM**
 Related Cases Jurisdiction **Clark County**

Traffic Report Place Type Accident Involved

Offenses:

CHI

Completed **Yes** Domestic Violence Hate/Bias **None (No Bias)**
 Entry Premises Entered Type Security Tools
 Weapons Location Type **Parking Lot/Garage**
 Criminal Activities

Victims:

Name:

Victim Type **Society/Public** Written Statement Can ID Suspect
 Victim of **CHI**

DOB Age Weight Sex Race Ethnicity
 Height Hair Color Eye Color
 Employer/School
 Occupation/Grade Work Schedule
 Injury Injury Weapons

Addresses

Phones

Offender Relationships

Notes:

Arrestees:

Name: Decastro, Jose Maria

Alias:
 Scope ID **1669561** DOB **PII 1974** Age **48** Race **White** Ethnicity **Not Hispanic or Latino**
 Sex **Male** Height **5' 8"** Weight **170** Hair Color **Brown** Eye Color **Green**
 Employer/School Occupation/Grade

Addresses

Residence **1022 Tabor Hill Ave Henderson, NV 89074 United States**

Phones

Notes:

CHI

Witnesses:

Other Entities:

Properties: ()

Narrative

On 3/15/2023 I, Officer B. Bourque, P#15725, while operating as marked patrol unit 3R1, had conducted a traffic stop on a vehicle bearing NV license plate **LEP-NA** for being both expired and suspended. After pulling the driver over she pulled into the east side parking lot of the Target located at 4155 S Grand Canyon Dr, LV, NV 89147.

After identifying the driver, I returned to my patrol vehicle to conduct a criminal and DMV records check. While at my patrol vehicle an unrelated white male adult approached the driver side window of the detained driver approximately 10 feet away and began engaging the driver in conversation. This male was later verbally identified as Jose Maria Decastro, DOB **PII 1974**. I exited my patrol vehicle, stood near the detained driver's front driver side window, and gave verbal commands to Decastro to back up. The following exchange occurred between Decastro and me.

[Officer Bourque]: "You can film, but you need to stay away from my driver. Back up."

Decastro continued video recording me with his cell phone and did not move.

[Officer Bourque]: "Back up or I'm going to detain you. Get away from my car stop."

[Decastro]: "I am at least 10 feet away, Officer... I am a constitutional law scholar."

[Officer Bourque]: "She deserves privacy."

[Decastro]: "Mind your own fucking business. Mind your business... I'm a member of the press. Go get in your car and do your job, little doggie!"

The only applicable charges I had against my original detained driver during the traffic stop were driving with expired and suspended registration. The driver had no criminal history and was honest about her violations when initially confronted on my first approach. Decastro was in such proximity of the driver that I would not have been able to safely complete the traffic encounter to either issue a warning or citation for either minor traffic offenses. Based on the totality of the circumstances I chose to release the driver on the original traffic stop and conducted a separate person stop on Decastro whom I had established probable cause to cite or arrest for [REDACTED] CHI [REDACTED]

I approached Decastro and pointed toward my patrol vehicle.

[Officer Bourque]: "You're being detained right now. Come over to my car (2 times)."

I walked behind Decastro to contain him between me and my patrol vehicle. Simultaneously, I directed Decastro toward my patrol vehicle while pointing toward it with my hands.

[Decastro]: "Don't put your hands on me."

[Officer Bourque]: "I am going to put my hands on you."

Because Decastro was being physically uncooperative, argumentative, and disobeying lawful commands while being detained [REDACTED] CHI [REDACTED] my original traffic stop, I requested that additional patrol officers respond to assist.

[Officer Bourque]: "Come over here to my car. Come over here."

Again, I pointed toward my patrol vehicle and signaled with my hands that Decastro should walk toward my patrol vehicle.

[Officer Bourque]: "Come over to the car (2 times). I'm Officer Bourque and you're being detained for [REDACTED] CHI [REDACTED] You need to set the phone down on the hood."

[Decastro]: "No. I'm a constitutional law scholar."

[Officer Bourque]: "Set the phone down on the hood. You are being detained."

I placed my left hand on Decastro's right shoulder to escort him toward my patrol vehicle since he was still not complying with my verbal commands. Decastro swatted my hand away. I do not believe his intent was to harm me, but he neither complied with my verbal commands nor my escort. Decastro was facing me, so I grabbed him by his shirt, turned him around, and swung his momentum toward my patrol vehicle. I ordered Decastro to face my patrol vehicle but he resisted physically and would not turn around willingly.

Officer C. Dingle, P#19359, while operating as marked patrol unit 3R11, arrived at my location and helped me control Decastro who was still physically resisting both officers.

[Officer Bourque]: "Put your hands behind your back, you're going in handcuffs. Put your hands behind your back. Face the hood. Turn around. Right now, you are going to get a ticket. If you do not put your hands behind your back you're going to jail. Put your hands behind your back."

[Decastro]: "Is it for officer safety?"

[Officer Bourque]: "Yes. It is for officer safety."

At no point did Decastro fully cooperate with officers, but he reluctantly turned around and put his hands behind his back to allow himself to be handcuffed. Meanwhile, I ordered that Decastro remain facing forward but he did not comply during the remainder of the encounter.

The above information was captured on my body worn camera. However, I noticed that my body worn camera battery pack was switched to the "Off" position after Decastro had been placed in handcuffs. After review of my body worn camera, I saw that it was accidentally turned off when Decastro was face to face with officers prior to handcuffing. It was likely accidentally switched off by either my clothing or Decastro's clothing while he resisted arrest. Officer Dingle had already arrived and should have body worn camera video available from his perspective at the moment mine turned off. I reactivated my body worn camera as soon as I returned to my patrol vehicle and kept it on for the remainder of the encounter, except when calling a patrol Sergeant on the phone and out of earshot of Decastro.

I later learned that Decastro has multiple social media accounts under the name of DeleteLawz. During conversation with Decastro he admitted that he has been arrested 4 times previously for similar crimes in various states. Decastro also admitted that he was an "Executive" who quit his job and took a pay cut to try and "bridge the gap" between police and their community members by filming patrol officers on car stops and posting videos of officers to his social media accounts.

Decastro did after due notice, [REDACTED] CHI [REDACTED] Officer B. Bourque P#15725 with the LVMPD, in the lawful discharge of his duties of investigating a traffic stop by engaging with the detained driver, refusing to give the officer reasonable space to work, and refusing to obey lawful commands after being advised that he was detained.

Decastro did willfully [REDACTED] CHI [REDACTED] Officer B. Bourque P#15725 with the LVMPD, in the lawful discharge of his duties of investigating a traffic stop by swatting my hand away, physically tensing up his body, physically resisting handcuffing by tensing up his arms, and refusing to obey lawful commands after being advised that he was detained.

Because Decastro was physically uncooperative with officers, admitted to being in trouble numerous times in the past for similar reasons, and would not even allow officers to explain to him why he was detained or placed in handcuffs, we determined that he was not a good candidate for a citation and release. Because of Decastro's actions it was clear that his criminal behavior would continue in the area if police did not act.

Based on the above facts and circumstances Decastro was issued a class II citation for [REDACTED] CHI transported to Clark County Detention Center, and was booked accordingly.

CHI

Records of Criminal History

The record(s) you seek contain criminal history information.

NRS 239.001 provides that public records are open to inspection. However, NRS 239.010(1) expressly creates exemptions to the disclosure of records falling under various statutes, including NRS 179A.070. Pursuant to NRS 179A.070, a “record of criminal history” is “information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors..., detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges....” NRS 179A.070(1).

Here, the record(s) you seek contain criminal history information. Therefore, they are confidential and must be withheld.

PII

Personal Identifying Information

The record(s) you seek contain personal identifying information.

NRS 239.001 provides that public records are open to inspection. However, NRS 239.010(1) expressly creates exemptions to the disclosure of records falling under various statutes, including NRS 239B.030. NRS 239B.030 makes “personal information” confidential. NRS 603A.040 defines “personal information” to include social security numbers, driver’s license numbers, account numbers, and the like.

Here, because the record(s) you seek contain confidential personal identifying information, they have been redacted.

LEP-NA

Law Enforcement Privilege Subject Not Arrested

The record(s) you seek are law enforcement records that pertain to a subject accused of criminal activity, however never criminally charged or arrested.

The accused have privacy rights. In *Donrey v. Bradshaw*, 106 Nev. 630, 798 P.2d 144, fn. 4 (1990), the Nevada Supreme Court referred to Exemption 7 of the federal Freedom of Information Act and recognized that law enforcement files are confidential in many circumstances. Exemption 7 is codified at 5 USC § 552(b)(7). Subpart (C) makes law enforcement records confidential if disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” See also 5 USC § 522(b)(6) (FOIA Exemption 6) (making records confidential if disclosure “would constitute a clearly unwarranted invasion of personal privacy”). *Donrey* cites to Att. Gen. Op. 83-3, which consolidates prevailing law governing the disclosure of law enforcement records. It provides, with emphasis added:

The legitimate public policy interests in maintaining confidentiality of criminal investigation records and criminal reports include the protection of the elements of an investigation of a crime from premature disclosures, the avoidance of prejudice to the later trial of the defendant from harmful pretrial publicity, the protection of the privacy of persons who are not arrested from the stigma of being singled out as a criminal suspect, and the protection of the identity of informants. These interests have generally been recognized by the courts to outweigh the general policy of openness in government and reflect the common law view that certain records which pertain to criminal investigations are confidential.

Here, to the extent records accusing the subject of criminal activity exist, there has never been an arrest. As such, a privacy interest arises making any such records confidential.