

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**IMPAIRED DRIVING REPORT**

Event Number: LLV210100016094

I.D. Number: \_\_\_\_\_

**THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS:**

That I am a Police Officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada being so employed for a period of 11 years. That I learned the following facts and circumstances which led me to believe that the below subject committed (or was committing) the offense of  Felony Driving Under The Influence (DUI)  Misdemeanor Driving Under The Influence (DUI) at the following location: S Airport Connector/ Sunset Rd.

Additional offense(s) that occurred:

These offense(s) occurred at approximately 0442 hours on the 4th day of January, 2021, in the

County of Clark  City of Las Vegas  City of North Las Vegas  City of Henderson  Boulder City  Mesquite

DEFENDANT & VEHICLE			
Last Name <b>Jacobs</b>	First Name <b>Joshua</b>	Middle Name	Suffix (Jr., Sr., II, III, etc.)
Driver's License # <b>PII</b>	State/Country <b>AL</b>	Status of License: <input checked="" type="checkbox"/> Valid <input type="checkbox"/> Suspended <input type="checkbox"/> Expired <input type="checkbox"/> Revoked (Date of Revocation) _____ to _____	<input type="checkbox"/> No License <input type="checkbox"/> ID Card Only
Vehicle Year <b>2019</b>	Vehicle Make <b>Acura</b>	Vehicle Model <b>NSX</b>	Body Style <b>2-door coupe</b>
Vehicle Color <b>Purple</b>	License Plate # <b>IAM28</b>	License State <b>NV</b>	VIN # <b>19UNC1B0XKY000206</b>

GIVE DETAILED INFORMATION AND CIRCUMSTANCES ON WHY THE VEHICLE WAS STOPPED AND/OR THE DRIVER WAS CONTACTED			
<input type="checkbox"/> Traffic Stop	<input checked="" type="checkbox"/> Collision	Time of Call <b>0442</b>	<input type="checkbox"/> 9-1-1 Call
<input type="checkbox"/> DUI Checkpoint	Enroute Time <b>0449</b>	Arrival Time <b>0449</b>	<input type="checkbox"/> Stopped/Parked Vehicle

VOLUNTARY CONSENT TO TESTING FOR EVIDENTIARY SAMPLE(S) / SEARCH WARRANT SECTION	
SUSPECTED IMPAIRMENT	
LEP-O, EV	

VOLUNTARY CONSENT TO TESTING FOR EVIDENTIARY SAMPLE(S) / SEARCH WARRANT SECTION

LEP-O, EV

Prior DUI Convictions: (List date of arrest(s), jurisdiction of arrest, Case Number or Event Number and date of the conviction(s) for DUI)  
"This is for all DUI convictions in the last 7 years and not arrests only." \*\*IF CONVICTED OF FELONY DUI, all future arrests are Felony DUI\*\*

Details:

EVIDENTIARY SAMPLE INFORMATION

Subject submitted to which evidentiary test:

LEP-O, EV

NARRATIVE – EXPLAIN THE 3 PHASES OF DUI DETECTION

**VEHICLE IN MOTION** – Articulate the reasonable suspicion or Probable Cause to pull over the driver. Explain what driving pattern was observed. This includes information from witnesses or other officers. Describe how the driver reacts to the police vehicle and the manner they stopped. Include how you determined the time of physical control and the location the vehicle was stopped or contacted. List contact information for witnesses or use a separate WITNESS LIST form. (COLLISIONS ARE NOT DOCUMENTED IN THIS SECTION).

On 1/4/2021 at 0442 hours, a report of a vehicle collision was reported in the Airport tunnel at McCarren Airport. Initial details indicated a purple vehicle was southbound through the tunnel at at high rate of speed and lost control, striking the wall. Medical attention was requested and the tunnel traffic needed to be shut down. There were also reports of a secondary collision related to the first one. NHP responded to the scene and handled the other incident.

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**PERSONAL CONTACT**- Articulate the reasonable suspicion or Probable Cause to have the driver exit the vehicle. This also includes any interactions at the door, including signs and symptoms of impairment, admissions of drug/medication/alcohol use, trouble with paperwork, and how they exit the vehicle. Document if the vehicle is running or not, location of the keys and the position the driver is seated. This can include your conversations at the hospital or outside the vehicle, prior to administering field sobriety tests. (COLLISION INFORMATION DOCUMENTED IN THIS SECTION). Explain what other details you obtained from your investigation.

Officer J. Nelson P# 14008, working as marked traffic unit T145, responded to the scene and completed the collision report. Officer Nelson said upon his arrival, he observed a male, later identified as Joshua Jacobs with an Alabama license, seated in the drivers seat of the vehicle. The vehicle was turned off and Jacobs legs were outside of the vehicle on the road. Jacobs had a large laceration across his forehead and Officer Nelson observed blood on the airbag which was deployed from the steering wheel. Officer Nelson stated he observed a moderate odor of an unknown alcoholic beverage coming from Jacobs as he spoke. Jacobs told Officer Nelson he was driving at the time of the collision and stated he believes he fell asleep prior to losing control of the vehicle. Jacobs was treated by medical personnel upon their arrival.

The following are the findings from the collision investigation. Surveillance video shows v1 southbound through the tunnel in t2, north of the sunset Rd overpass. V1 appears to lose control and begin to skid. V1 enters and passes through t1 as it slides southbound. V1 continues off the road left and contacts the concrete wall of the tunnel. Tire marks indicate v1 was in a skid for 320 feet before colliding with the wall of the tunnel. After contacting the wall, v1 continued to the south and collided with the Jersey wall on the inside should at the exit of the tunnel. V1 continued to the south and came to rest in t1 and t2 of the southbound travel lanes. V1 came to rest on the wheels facing south. V1 traveled 159 from the point of first contacting the wall to the final rest position.

**PRE ARREST SCREENING** - Articulate the results of the field sobriety tests and other information that assisted in the decision to arrest for DUI and/or additional charges. This would include prior arrests, citations for paraphernalia, evidence located at the stop or on the person, any admission made during the process of taking the person into custody, enroute to the jail, at the hospital, or during the booking process.

I officer J. Rowberry P#13894 operating as marked traffic unit responded to St. Rose Sienna Hospital were Jacobs was transported too. I made contact with Jacobs in Trauma room 3. Jacobs completed an HGN test while laying on the hospital bed. thier were no present clues for HGN. Jacobs did however have a strong odor of alcohol coming from his person. Due to Jacobs driving pattern, being involved in a collision, admitting to drinking and officer Nelson seeing Jacobs behind the wheel at the scene a warrant was obtained and served on Jacobs.

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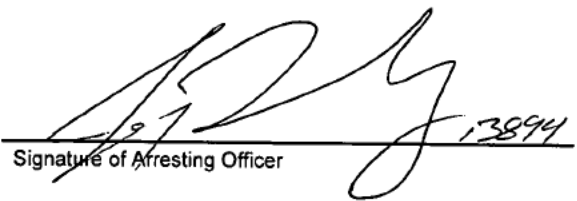
The warrant was approved by Judge E. Graham

Jacobs was placed under arrest and transported to CCDC and booked accordingly.

Wherefore this Declarant prays that the Honorable Magistrate find probable cause exists to hold the above named person for trial on such charge(s).

J. Rowberry P#13894

Print Name and P#



Signature of Arresting Officer

Dated this 4th Day of January, 2021

Signature of Supervisor / P# / Date Approved

EV

## Evidence

Your request is for evidence, not a public record.

A “record” is “[a] documentary account of past events, usually designed to memorialize those events.” BLACK’S LAW DICT., 7<sup>th</sup> ed. ab., at p. 1023 (2000). A “public record” is “[a] record that a governmental unit is required by law to keep, such as land deeds kept at a county courthouse.” *Id.* “A public record, strictly speaking, is one made by a public officer in pursuance of a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public reference.” “Evidence,” on the other hand, is “[s]omething (including testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact.” BLACK’S LAW DICT., 7<sup>th</sup> ed. ab., at p. 457 (2000).

Materials obtained from a third-party during a criminal investigation by legal process such as a warrant, subpoena or even consent are not public records – they are evidence. The government only possesses the evidence for the purpose of the criminal investigation. The evidence was not created by the government nor is it owned by the government. *Piedmont Publishing Co. v. City of Winston-Salem*, 434 S.E.2d 176, 177 (N.C. 1993) (holding that discovery of materials gathered by state for use in criminal prosecution may be obtained by defendant pursuant to rules of discovery, not by newspaper through a public records request).

Moreover, providing evidence obtained through legal process, including consent, would exceed the authority granted either by the court or by the owner. See e.g., *Wilson v. Layne*, 526 U.S. 603, 119 S. Ct. 1692 (1999) (holding

that when balancing a person's Fourth Amendment right to be secure in their persons, houses, papers, and effects, probable cause may justify a *police* entry and seizure but it does not justify the *media's* entry and/or seizure).

Here, you seek evidence, not a public record. Feel free to reformulate your request. If you seek a particular record that is not evidence and is readily available, LVMPD can proceed with researching your request.

# LEP-0

## Law Enforcement Privilege – Open/Active Criminal Investigations

The record(s) you seek are law enforcement records that pertain to an open criminal investigation.

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 when pertaining to a “pending or anticipated criminal proceeding” or if there is a danger of “denying someone a fair trial.” Exemption 7 is codified at 5 USC § 552(b)(7). Subparts (A)-(B) make law enforcement records confidential if disclosure “could reasonably be expected to interfere with enforcement proceedings” or “would deprive a person of a fair trial.”

Nevada law further recognized the importance of ensuring the confidentiality of an open criminal investigation in *Las Vegas Metro. Police Dep’t v. Anderson (In re 12067 Oakland Hills, Las Vegas)*, -- Nev. --, 435 P.3d 672 (2018). See also Att. Gen. Op. 83-3 (recognizing the “legitimate public policy interests in maintaining confidentiality of criminal investigation records and criminal reports”).

Here, the record(s) you seek pertain to an open criminal investigation. LVMPD’s interest in nondisclosure clearly outweighs the public’s interest in access. Thus, they are confidential and must be withheld or redacted.

# 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.