

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
DECLARATION OF ARREST REPORT**

TCR1072257

County Jail     City Jail     Adult     Juvenile    Bureau: EOB

ID# 8438887		EVENT # LLV200200100931		ARRESTEE'S NAME (LAST) SPITLER			(FIRST) DANIEL		(MIDDLE)		SSN# [REDACTED]
RACE W	SEX M	DOB [REDACTED]/1980	HGT 5'08"	WGT 110	HAIR BRO	EYES BLU	POB				
ARRESTEE'S ADDRESS 4650 OAKLEY						CITY LAS VEGAS		STATE NV	ZIP CODE 89102		
OCCURRED DATE: 2/21/2020		ARREST DATE: 2/21/2020		TIME: 15:00		TIME: 19:36		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) 4650 OAKLEY W 1118 LAS VEGAS NEVADA 89102			
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) 1900 DECATUR S LAS VEGAS NEVADA 89102											
CHARGES / OFFENSES PC - JC - 51428 - F - POSS/MFG/DISPOSE EXPL/FIRE DEV											
CONNECTING REPORTS (TYPE OR EVENT NUMBER) PROPERTY, WITNESS LIST, REQUEST FOR PROSECUTION, SEARCH WARRANT, PHOTOS											

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 21 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 1900 DECATUR S LAS VEGAS NEVADA 89102 and that the offense(s) occurred at approximately 15:00 hours on the 21st day of February, 2020.

**Details for Probable Cause:**

Suspect Daniel Spitler is a [REDACTED] PRVCY, [REDACTED] MED who lives with his family at 4650 W.Oakey Bld 30 apt 1118. On 02/20/20, Daniel, [REDACTED] PRVCY, MED became irate with his mother (Pamela Spitler) and threw an open water bottle at her head. After a verbal disagreement with his mother and sister (Patricia Spitler) he began destroying household items and left the residence.

Shortly after Daniel left, his sister began cleaning the mess and located a plastic reusable bag next to where Daniel sleeps on the couch. Located inside the bag were several items described by Patricia as pipe bombs. Patricia stated that the devices were about 6" in length and had green fuses affixed to them. Patricia told her mother to contact police because of the dangers, but Pamela didn't want to call police because she believed that Daniel would get arrested and come back to do physical harm to them.

Pamela continued to clean the residence and believing the bag contained Tupperwear, moved the bag from the residence to a stoarge unit around the corner from them.

Later that day on 02/21/20, Daniel again became irate and began smashing household items and kicking in the wall to the apartment. Because of his destructive behavior, Pamela contacted LVMPD to the apartment to assist. Upon arrival, Officers were informed of the violence and told about the alleged explosive devices.

Officers at this time obtained a written consent from Pamela to search the crate which was in her storage shed located at 1900 S.Decatur, LVN 89102 for the devices. Located in a reusable plastic tote bag were two items of concern. Based on the description of the items, Officers secured the perimeter and conatcted Detectives from LVMPD ARMOR to respond.

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

Arresting Officer: EDWARD ERICSON

P#: 6218

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At approximately 1300hrs, I, Detective Edward Ericson P#6218 along with Detective Patrick Halligan from Nevada Division of Investigations responded to the scene. We were given a short briefing of the prior events and were shown where the UHAUL Crate was located.

The crate which was located in the Southwest portion of the building was open. Located in plain view on top of some household goods was a plastic carry bag containing two visible devices similar to what was described by Patricia earlier.

Device#1: 6" in Length, 1" diameter Black PVC pipe with White endcaps. The endcaps appeared glued on and had a small green fuse protruding from the end.

Device#2: 6" Galvanized pipe, 3/4" diameter with metal endcaps screwed on. The endcap had a small green fuse protruding from the end.

After locating the devices, a Nevada State Explosive K9 was run on the crate and alerted to the presence of explosive material.

Because of the potential for prosecution, a search warrant was authored and telephonically signed by Honorable Judge Eric Goodman. With the warrant signed, the LVFR Bomb Squad utilized a robotic platform and removed the items from the crate. The bag was emptied and the two devices, along with several bullets without casings were located. The devices were remotely cut open to render them safe and what appeared to be explosive powder came from within the body of the devices.

The powder, along with the devices and a credit card in the name of Daniel Spittler were taken from the UHAUL storage scene.

The powder was subsequently tested at Bolden Area Command utilizing FTIR Technology and identified as Nitrocellulose (a highly flammable material made by treating cellulose with concentrated nitric acid, used to make explosives). The powder also contained lead shot for additional fragmentation. Lastly, a flame test showed that the powder was in fact flammable.

All items were subsequently booked accordingly into evidence at Bolden Area Command.

On 02/21/20 at approximately 1900hrs, Daniel Spittler returned to his residence on Oakey Blvd. Officers were contacted by the suspect's family members and he was subsequently taken into custody by LVMPD Patrol Officers.

Daniel was placed under arrest for two counts of Unlawful Possession / Manufacturing of an Explosive or Incendiary Device (NRS 202.260) and transported and booked accordingly at CCDC by Officer Glover.

\*\*\*\*\* **End** \*\*\*\*\*

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

Arresting Officer: EDWARD ERICSON

P#: 6218

# 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.

**MED**

**Medical**

The record(s) you seek are medical records.

In *Clark County Sch. Dist. v. Las Vegas Review-Journal*, --- Nev. ---, 429 P.3d 313, 319-20 (2018), the Nevada Supreme Court cited extensively to *Cameranesi v. U.S. Dep't of Defense*, 856 F.3d 626 (9<sup>th</sup> Cir. 2017), which relies on federal Freedom of Information Act (FOIA) Exemption 6. The Court had previously referred to FOIA exemptions on several occasions when construing the Nevada Public Records Act. See *Donrey v. Bradshaw*, 106 Nev. 630, 798 P.2d 144, fn. 4 (1990) (Exemption 7); *DR Partners v. Board of County Comm'rs*, 116 Nev. 616, 6 P.3d 465 (2000) (Exemption 5).

Exemption 6 is codified at 5 USC § 552(b)(6), which makes confidential “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.”

Here, the record(s) you seek are medical records. Therefore, they are confidential and must be withheld.

# PRVCVY

## Privacy Interests

The record(s) you seek contain information, that if disclosed, would constitute an unwarranted invasion of a person's nontrivial privacy interest.

In *Reno Newspapers v. Sheriff*, 126 Nev. 211,218,234 P.3d 922, 927 (2010), the Nevada Supreme Court recognized that an individual's privacy must be balanced with the public's general right to open government, "especially because private and personal information may be recorded in government files"). Later, in *Clark County Sch. Dist. v. Las Vegas Review-Journal*, -- Nev. --, 429 P.3d 313, 319-20 (2018), the Court adopted a balancing test in which the burden shifts to the requester of a record if the public agency demonstrates a "nontrivial personal privacy interest" including "intrusion[ s] into a person's reasonable expectation of privacy, seclusion, or solitude."

Here, the record(s) you seek contain information, that if disclosed, would constitute an unwarranted invasion of a person's nontrivial privacy interest. Therefore, they are confidential and must be redacted.