



***DIRECTOR TONEY ARMSTRONG
POLICE SERVICES***

***Major M. D. Winters
BUREAU COMMANDER***

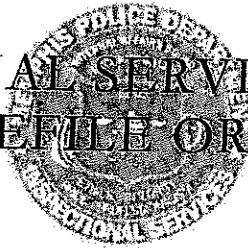
INSPECTIONAL SERVICES BUREAU

CASE #: SH2013-043

VOLUME 1

**SUBMITTED BY:
Sergeant Jerry Chatman**

INSPECTIONAL SERVICES BUREAU CASE FILE ORDER



| | | |
|----|---|---|
| 1 | X | ISB Cover Sheet |
| 2 | X | Case File Order Sheet |
| 3 | X | Investigative Report Sheet [Case Synopsis] |
| 4 | X | Case Summary |
| 5 | X | Sign Off Sheet [Separate] |
| 6 | X | Case Notes |
| 7 | X | Affidavit of Complaint [Administrative or Civilian] |
| 8 | | Complainant's Statement |
| 9 | X | Civilian Witness Statements |
| 10 | X | Principal Officer(s) Statements |
| 11 | X | Witness Officer(s) Statements |
| 12 | X | Offense Report(s) |
| 13 | X | Incident Report(s) |
| 14 | | Arrest Document(s) |
| 15 | X | Response to Resistance Form(s) |
| 16 | | Photo Lineups/Identification Documents |
| 17 | X | Crime Scene Reports and Printed Photos |
| 18 | | Forensic Reports |
| 19 | X | Property and Evidence Receipts/ Releases |
| 20 | X | Consent to Search Forms/Search Warrants |
| 21 | X | Log Sheets |
| 22 | X | Communications Printouts |
| 23 | X | Roll Call Sheets |
| 24 | X | Statement Release Forms/Garrity Advisory Forms |
| 25 | | Medical Release Forms |
| 26 | X | Relief of Duty Notification(s) |
| 27 | X | All Other Related Documents |
| 28 | X | Arrest History |

All Items Contained Within Case File Are Indicated Above By An 'X'

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Case Management

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|-----------------------------|
| Investigative Report |
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Case # SH2013-043

Investigator Name **Sergeant Jerry Chatman**
Incident Date **October 15, 2013**
Current Status ~~Active~~ *closed 6/9/14 JTC*
Case Type **Shoot Case**

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|-------------------|-------------------|--|-----------|
| VIOLATIONS | Braden, Robert | DR 101 Compliance with Regulations to wit: Use of Deadly Force | Justified |
| | Penny, Phillip | DR 101 Compliance with Regulations to wit: Use of Deadly Force | Justified |
| | | DR 101 Compliance with Regulations to wit: Duties of Members: Sworn Members | Sustained |
| | | DR 120 Neglect of Duty | Sustained |
| | Howard, Godfrey | DR 101 Compliance with Regulations to wit: Duties of Members: Sworn Members | Sustained |
| | | DR 120 Neglect of Duty | Sustained |
| | Morris, Charles | DR 101 Compliance with Regulations to wit: Duties of Members: Supervisory Members | Sustained |
| | | DR 120 Neglect of Duty | Sustained |
| | Greenleaf, Ernest | DR 101 Compliance with Regulations to wit: Duties of Members: Supervisory Members | Sustained |
| | | DR 120 Neglect of Duty | Sustained |
| | Prince, Webb | DR 101 Compliance with Regulations to wit: Duties of Members: Supervisory Members | Sustained |
| | | DR 120 Neglect of Duty | Sustained |

| | | |
|-------------------|---|-----------|
| Silvers, Sean | DR 101 Compliance with Regulations to wit: Duties of Members: Sworn Members | Sustained |
| | DR 120 Neglect of Duty | Sustained |
| Butler, James | DR 101 Compliance with Regulations to wit: Inventory Controls | Sustained |
| McKnight, Kenneth | DR 101 Compliance with Regulations to wit: Inventory Controls | Sustained |
| Knudsen, Jeremy | DR 101 Compliance with Regulations to wit: Inventory Controls | Sustained |

LOCATION 1383 Worthington

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I) Principal Officers:

Officer Phillip Penny #1910, TACT Unit, Bravo
Officer Robert Braden #10243, TACT Unit, Bravo
Officer Godfrey Howard #3728, TACT Unit, Bravo
Officer Sean Silvers #10276, TACT Unit, Bravo
Officer Kenneth McKnight #10608, TACT Unit, Bravo
Officer James Butler #1024, TACT Unit, Bravo
Officer Jeremy Knudsen #10430, TACT Unit, Bravo
Major Charles Morris #5557, TACT Unit, Bravo
Lieutenant Ernest Greenleaf #3173, TACT Unit, Bravo
Lieutenant Webb Prince #6596, TACT Unit, Bravo

II) Administrative Regulations:

DR-101 Compliance with Regulations to wit: Use of Deadly Force
DR-101 Compliance with Regulations to wit: Duties of Members: Sworn
Members
DR-101 Compliance with Regulations to wit: Duties of Members: Supervisory
Members
DR-101 Compliance with Regulations to wit: Inventory Controls
DR-120 Neglect of Duty

III) Allegations:

The purpose of this investigation is to determine whether TACT Officer Phillip Penny #1910 and TACT Officer Robert Braden #10243 were in compliance with or in violation of departmental regulations regarding the use of deadly force.

The investigation into this incident revealed several issues related to the TACT Unit's procedures involving the inventory, storage, maintenance, and deployment of chemical ordnance and equipment as well as an apparent lack of supervisory control over the TACT Unit. The discovery of these issues created additional allegations.

Additional investigation was conducted to determine whether TACT Officer Godfrey Howard #3728, TACT Officer Sean Silvers #10276, and TACT Officer Phillip Penny #1910 were in compliance with or in violation of departmental regulations regarding the duties of sworn members.

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Additional investigation was conducted to determine whether TACT Major Charles Morris #5557, TACT Lieutenant Ernest Greenleaf #3173, and TACT Lieutenant Webb Prince #6596 were in compliance with or in violation of departmental regulations regarding the duties of supervisory members.

Further investigation was conducted to determine whether TACT Officer Kenneth McKnight #10608, TACT Officer James Butler #1024, and TACT Officer Jeremy Knudsen #10430 were in compliance with or in violation of departmental regulations regarding inventory controls.

IV) Background:

On Tuesday, October 15, 2013, Memphis Police Department TACT Officers P. Penny #1910, T. Jackson #1160, K. McKnight #10608, C. Allen #1011, and R. Braden #10243 were serving an arrest warrant on Aaron Dumas at 1383 Worthington. Aaron Dumas was wanted for two counts of Attempted Murder. As Officer Penny and Officer Jackson attempted to make entry into the bedroom that Dumas was occupying, Dumas fired shots. Officer Jackson was struck by one of the rounds. Officer Penny returned fire. Dumas remained in the bedroom. A perimeter was set up around the house for containment, and other TACT officers were called to the scene for a barricade situation. Containment was maintained until it was decided to deploy chemical ordnance into the house in an attempt to force Dumas out. Dumas emerged from the bedroom and fired shots toward the front door of the house as he fled down a hallway to the back of the house. TACT Officer P. Hutchison #2684 was in a containment position near the front door and was struck by one of the rounds. TACT Officer R. Braden #10243 returned fire. Shortly thereafter, the house became fully engulfed in flames. Once the fire was extinguished, the body of Aaron Dumas was located inside the house. Aaron Dumas was not shot, nor was his body burned.

V) Evidentiary Findings:

A) Statements:

Civilian Witness: Bridgette Pegues stated the police came to her home looking for "Aaron" at approximately 1:00 p.m. She didn't know "Aaron's" last name, but has known him for about five years. She knew "Aaron" once worked at the BP at Parkway and Lamar, and that he was friends with her children.

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When she saw the police approaching her door, she opened it and signed a consent form for them to check her home. The only people at her home during this time were herself, Laquia and "Aaron." She told the police which room "Aaron" was occupying, and placed her dog in a separate bedroom. She was outside watching the police go into the house when she heard several shots being fired. She did not see "Aaron" come out of the house.

Civilian Witness: LaQuia Cage stated she was inside of 1383 Worthington getting ready to go to the store. Her best friend's mom, Bridgette Pegues, yelled for her to grab the baby and come to the front of the house. She grabbed her baby and went to the front of the house. When she made it to the front, she was met by the police who instructed them to leave the house. She walked to the house next door, along with Bridgette and an officer in a regular uniform. She knew "Aaron" was in the house, but did not know if he was armed or that he was wanted by the police. While outside, she heard four or five shots that sounded as if they came from the house. She heard an officer say that one of the officers was "down." The police officers present were in uniform and occupied police vehicles.

Civilian Witness: Sabrina Johnson stated she dated Aaron Dumas for about eight months. During that time, he threatened to kill her and the police. She filed an offense report in April after he assaulted her and threatened to kill her. She currently has an arson case against Aaron for setting her truck and car on fire.

During the assault in April, Aaron had a .357, two 9mm handguns, and a sawed off shotgun. She stated when the assault occurred in April, Aaron turned off all the lights in her home and told her "call the police if you want to, because I will kill as many as I can, and I'm going to kill you." She stated she did not call the police and Aaron let her go two days later.

Civilian Witness: Detareus Jackson gave a statement to ISB Investigators on October 30, 2013. He advised he was at home at [REDACTED] when he heard several shots being fired. He was looking out of his kids' bedroom window and observed several police officers surrounding the house at 1383 Worthington. He stated the officers were waiting for several hours before entering the house. While the officers were entering the house, one of the officers was shot and fell off the porch. Officers carried the injured officer behind a blue van, and then started throwing tear gas into the house. He does not know how much gas was thrown into the home. However, he did hear several tear gas grenades going off.

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He stated the fire started when the officers fired grenades into the windows, which landed on the curtains to each window. He did see officers walking around the house throwing tear gas in the windows by hand. He stated tear gas was thrown into each window of the home. Mr. Jackson further stated the officers just watched the house burn down and then called the fire department to put the fire out.

Witness Officer: (Homicide Office 10/15/2013) Officer Dedrick Jones #12136 stated he was at 1383 Worthington, along with other Airways Station Task Force and TACT Unit officers. He stated the Airways Station Task Force received a Crime Stoppers tip that an individual wanted for Second Degree Murder was at 1383 Worthington. Once on the scene, he spoke with Ms. Bridgette Pegues on the scene, and she signed a "Consent to Search" form, giving officers permission to enter her home. Ms. Pegues and a young lady with an infant came outside. Officer Jones stated Ms. Pegues informed the officers that the suspect, "Aaron", was located in the first bedroom to the right. As officers entered the house, he began to hear gunshots. He stated he did not observe any officers discharge their weapons, nor did he discharge his weapon.

Witness Officer: (Homicide Office 10/15/2013) Officer Kenneth Dawson #10874 stated he was at 1383 Worthington to locate a Second Degree Murder suspect. This information was received through a Crime Stoppers tip. He was there with other Airways Station Task Force officers and TACT Unit officers. As officers approached the home, an unknown woman opened the door. She advised that the suspect was inside of the home, hiding in the front right bedroom. Officer Dawson stated he positioned himself at the northeast corner of the house. When TACT officers entered the home and opened the door, the suspect fired one shot. Officer Jackson was struck in the leg. Officer Dawson stated that he did not discharge his weapon, and he did not witness any TACT officers discharge their weapons.

Witness Officer: (Homicide Office 10/15/2013) Officer Michael Gaines #11781 stated he was at 1383 Worthington. As officers approached the house, he positioned himself south of the home on top of a roof. He heard a gunshot, and then someone stated that an officer was shot. He did not observe any officers discharge their weapons, nor did he discharge his weapon.

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Witness Officer: (Homicide Office 10/15/2013) Officer Charles Wren #12084 stated he was assisting other cars with the attempt pickup of Aaron Dumas. The Major on the scene already called TACT Unit because of threats made by the suspect. Officer Wren stated he knocked on the front door. The home owner answered and was told to put her dog up. TACT Lieutenant Prince asked her if anyone else was in the house besides her daughter. She informed him that "Aaron" was in the back right bedroom. Officer Wren stated he saw the TACT Unit officers enter the house. Lieutenant Prince told them to announce their presence before they entered. They advised "TACT Unit, Search Warrant" and kicked in the door where the suspect was. Shots were fired and TACT Officer Jackson "hopped" toward the front door. He saw TACT officers return fire. About five shots were heard coming from near the door. Officer Wren stated he assisted Officer Jackson to a squad car and assisted in controlling the bleeding. Officer Jackson was struck in the left leg.

After the ambulance left, Officer Wren returned to secure the perimeter. Other TACT officers began arriving, and the command staff arrived. He was released from his post and met Security Squad at the S. Parkway East Church, where his weapon was checked. When the second officer was shot, he was asked to go back to the scene to move his vehicle from the front of the house. Officer Wren stated he saw gas coming from the house and heard crackling from the house being on fire. The flames were coming from the side of the house. He did not see any TACT officer fire gas into the house while he was on the scene. He did not fire his weapon on the scene.

Witness Officer: (Homicide Office 10/15/2013) Officer Dan Chambers #12105 stated he and his partner, Officer Gaines, went to 1915 South Parkway to look for Aaron Dumas, who was wanted for aggravated assault. He spoke with Dumas' father, who told them that Dumas was "somewhere around the corner." While on the scene with other officers, including TACT, a Crime Stoppers tip came in advising that the suspect was inside a house at 1383 Worthington.

They went to that address. He pulled up first and went to the front with Officer Wren. Chambers said his partner went to the back of the house. Two women came outside with a baby and told the officers that "Aaron" was in the first bedroom. Officer Jones talked with the homeowner, and had her sign a "Consent to Search" form. Officer Chambers saw Officer Wren and Lieutenant Prince at the front door. He also observed three TACT officers "stacked up" at the front door. He heard them announce "POLICE" before they entered and heard a single shot fired. Officer Jackson hopped out of the front door, and he then heard multiple

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shots being fired. Officer Wren helped Officer Jackson to safety, and approximately ten minutes later other TACT officers arrived. Officer Chambers stated he held the perimeter and saw a TACT officer in the front yard fire a tear gas canister toward the front of the house. He saw the canister bounce back into the front yard, and a second round of tear gas was fired at the house. He heard someone yell "Let me see your hands" and heard multiple gunshots. A TACT officer fell, and other TACT officers pulled him to safety. A few minutes later he saw smoke coming from the front window to the right of the door. Lieutenant Prince approached the house with a fire extinguisher.

Witness Officer: (Homicide Office 10/15/2013) Officer Chase Merritt #12248 stated he and members of the Airways Station Task Force, Crump Station Task Force, and TACT Unit arrived at 1383 Worthington. They were there for an attempt pick up of Aaron Dumas, who had warrants for Attempted Murder. A female black came outside and confirmed that Aaron Dumas was in the northeast bedroom. The woman signed a "Consent to Search" form, and then uniformed officers formed a perimeter around the house. Officer Merritt stated he was in the rear of the house when TACT officers made entry. He heard a "pop" from inside the house followed by several more shots from a large caliber weapon. He saw TACT officers helping another TACT officer from the scene. Officer Merritt stated he did not fire his weapon during the incident.

Witness Officer: (Homicide Office 10/15/2013) Officer Keith Moffitt IBM #11880 stated he and the Crump Station Task Force responded to a Crime Stoppers tip at 1383 Worthington Circle in regards to Aaron Dumas. Airways Station Task Force officers and some of the TACT Unit were already there. He stated TACT officers and Officer Wren were at the front door of the house. The TACT officers knocked on the front door and announced "MPD Search Warrant," and one shot was heard. Officer Jackson came out of the house holding his right upper thigh. He then heard an additional four to five shots were fired from inside of the house. These four to five shots sounded as if they were fired from a different weapon. Officer Moffitt stated he went to his vehicle and notified the dispatcher of the shots fired and to request an ambulance. He then retrieved his patrol rifle and held the perimeter. He did not fire any rounds, nor did he witness any shots being fired.

Witness Officer: (Homicide Office 10/15/2013) Officer Jonathan Gross #12227 stated he and the other Crump Station Task Force officers received a Crime Stoppers tip that Aaron Dumas was at 1383 Worthington. Aaron Dumas was wanted for two counts of Criminal Attempt Second Degree Murder. TACT Unit officers and some uniform patrol cars were already on the scene. The Task

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Force was told the suspect was in a bedroom on the right side of the house. He covered the northeast corner of the house and saw TACT officers knock and announce before they entered the house. He heard what sounded like a gunshot, followed by multiple gunshots. He saw Officer Jackson running from the house saying that he had been "hit." Officer Gross assisted Officer Jackson and took cover behind a nearby squad car, and another officer started a tourniquet. He ran to his vehicle to grab his first aid kit and returned to render first aid to Officer Jackson. He then helped carry the injured officer to the ambulance and returned to the perimeter with his patrol rifle. He did not discharge his weapon during the incident.

Witness Officer: (Homicide Office 10/15/2013) Officer Leonard Beauchamp #1926 stated he and the Crump Station Task Force officers received a Crime Stoppers tip on a person who had a warrant for Second Degree Murder. As they were approaching the house, they noticed that a TACT vehicle was already there. TACT officers made an announcement and went inside. He heard a loud bang that sounded like a shot being fired, a slight pause, and then multiple shots being fired. TACT Officer Jackson hobbled out as the shots were fired. Officer Beauchamp ran to the rear of the house and held the perimeter until the remainder of the TACT Unit arrived. After he was relieved by TACT officers, he gathered with members of his task force and was told that an officer had been shot. He stated he was thirty to forty feet away when the shooting occurred and did not see the shots being fired. He did not discharge his weapon during this incident.

Witness Officer: (Homicide Office 10/15/2013) Officer Nathan Burford #10569 stated the Crump Station Task Force received a Crime Stoppers tip on a suspect responsible for a shooting. When they arrived on the scene, other marked ward cars and unmarked SUV's were on the scene. The Task Force approached the scene and saw TACT officers at the front. Officer Burford stated he went to the northwest corner of the house and heard a shot, followed by several other shots. Seconds later a male/white TACT officer limped from the house and was assisted to a squad car, where the injured officer received first aid. Officer Burford assisted in carrying the TACT officer to the ambulance before returning to the house to hold the perimeter. He did not fire any shots on the scene.

Witness Officer: (Homicide Office 10/15/2013) Officer Todd Woodard, IBM #11422 stated he was at 1383 Worthington to locate a wanted party. A Crime Stoppers tip had been received regarding a subject at that location with a warrant for Criminal Attempt Second Degree Murder. As he approached the house, he observed TACT officers and Airways Station officers already on the scene. He

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heard the TACT officers yell out "Police" at least two times. Officer Woodard stated he then heard one shot followed by a burst of at least three to four shots. He saw TACT Officer Jackson hobble out of the house and heard him say he was shot. Officer Woodard ran towards the rear of the house for more cover and held the perimeter until more TACT officers arrived and relieved him. He did not witness any shots being fired. He said he did not fire any shots on the scene.

Witness Officer: (Homicide Office 10/16/2013) Major Vincent Beasley #0772 stated he was on the scene as a negotiator. He was in the BEAR when he heard several shots, and saw Officer Hutchison fall. He did not fire any shots, nor did he see anyone firing. Major Beasley stated he saw several officers firing gas into the house, but he did not know who was firing gas because the officers had on gas masks. He stated there was no contact made with the suspect by negotiators.

Witness Officer: (Homicide Office 10/15/2013) Officer Alvin Davis #3246 stated he was on the scene of the barricade as a negotiator. He arrived on the scene and got into the BEAR at the command post to go to the suspect's location. The suspect was given a phone, but threw the phone back outside. The TACT Unit set up at the front door and Officer Hutchison was struck in the leg by a round fired by the suspect. The TACT Unit backed out and set up a perimeter around the house. The house appeared to have started burning. The suspect never exited the house. The negotiators made no contact with the suspect. Officer Davis stated he saw TACT officers returning fire, but could not tell who fired due to the gear they were wearing. He did see a TACT officer fire gas rounds into the window on the front right side of the house, but they bounced back. The TACT officer then shot gas into the front door of the house. Officer Davis did not discharge his weapon on the scene.

Witness Officer: (Homicide Office 10/15/2013) Officer Josh Stanley #10957 stated there was a barricade situation at 1383 Worthington. He was called to the scene as a negotiator. He met with TACT officers at the command post and got into the armored vehicle. The TACT officer driving stopped at the northeast corner of the house where the suspect was believed to be. TACT officers were speaking with the suspect and he agreed to accept a phone to speak with negotiators. The loud engine of the armored vehicle prohibited him from clearly hearing all that was said. A TACT officer placed a phone in the window, and about a minute later the suspect threw the phone back outside the window. The suspect then placed a mattress against that window. The command for gas was issued and two TACT officers fired what appeared to be several gas rounds into the house. Officer Stanley stated he saw the TACT officers on the porch and a

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small fire starting in the room where gas had been used. Shots were fired and one of the TACT officers fell off the porch. Some officers stayed, while the others pulled the injured officer back behind a minivan. A perimeter was set up around the house. Fire trucks were not allowed to approach because the scene was determined to be unsafe. Two TACT officers did attempt to put out the fire with extinguishers and eventually the fire department was allowed in to fight the fire.

Officer Stanley stated the homeowner explained to him that the only one in the house was Mr. Dumas and a dog. He did not discharge his weapon on the scene.

Witness Officer: (Homicide Office 10/15/2013) Sergeant Robert Wilkie #1836 stated he was called to the scene as a negotiator. The negotiators had attempted to contact the suspect by phone. A cell phone number for Aaron Dumas was provided by Ronald Pegues. Mr. Pegues let "Aaron", the suspect, spend the night. "Aaron" previously told Pegues he wasn't going back to jail. An attempt was made to contact the suspect via this number, but the suspect's phone was turned off. The BEAR was moved to the house so contact could be made. During the remainder of the incident, Sgt. Wilkie was inside the BEAR with the other negotiators, and TACT Officer Howard was driving. Officer Alvin Davis was in the front passenger seat, and he was in the back with Major Beasley and Officer Stanley.

The BEAR was parked on the northeast corner of the house where the suspect was talking to a TACT officer. Eventually, the suspect agreed to speak with negotiators. Major Beasley's phone was given to the suspect by a TACT officer through a window. The phone was then thrown back into the yard by the suspect, who then pulled down the curtains and put a mattress up trying to cover the window.

The signal to use gas was given, and several rounds of gas were fired into the front of the house. Shots were heard from inside the house and Officer Hutchison was struck in the leg. Another TACT officer returned fire. Officer Hutchison was moved to safety. The radio traffic indicated smoke was coming from the window of the bedroom occupied by the suspect. He saw smoke coming from other windows and then flames. The TACT officers attempted to put out the flames with fire extinguishers, and there was radio traffic stating that there was movement in the back of the house. One shot was heard in the house, and the fire began to envelop the house. The BEAR was then moved away from the scene, and the fire department put the fire out. The fire started less than five minutes after the gas was deployed.

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Witness Officer: (Homicide Office 10/15/2013) Sergeant Michael Rosario #1696 stated he initially responded to the scene at 1383 Worthington from the Inspectional Services Bureau to investigate an officer involved shooting. However, because he is also a Hostage Negotiation Team member, Sgt. Rosario's role changed to being a negotiator on the scene during the barricade situation. While on the scene, Sgt. Rosario observed CS and OC gas launched inside the residence. He saw the front of the property located at 1383 Worthington engulfed in flames. He also heard shots being fired on the scene, but he did not fire any shots.

Witness Officer: (Homicide Office 10/15/2013) K9 Officer Gary Deel # 2261 stated he was at 1383 Worthington. He was dispatched to this location after Officer Jackson was shot. He heard approximately eleven to twelve gun shots when he arrived at the scene. He did not observe Officer Hutchison being shot. He said he did not discharge his weapon, and he did not see any other officers discharge weapons. Officer Deel stated he heard flash bangs being deployed. Shortly thereafter, he established his position at the rear of the home with his canine, and observed the house was on fire.

Follow up statement at ISB Office on 11/05/2013

Officer Gary Deel #2261 stated he made the scene on Worthington after Officer T. Jackson was shot. He was assigned to the perimeter containment with his dog. He stated he did not deploy any gas into the home, and he did not see any officer deploy gas into the home, either by hand or by launcher. He did not pick up any evidence or equipment from the scene. He was advised to clear the area once the home was on fire.

Witness Officer: (Homicide Office 10/15/2013) TACT Officer Davin Clemons #1029 stated he arrived on the scene between 1:30 p.m. and 2:15 p.m. He was in a position on the north side of the home watching a window. He heard gunshots on the scene, but did not see who was shooting. When the command to deploy gas was given, he deployed two CS and three powder canisters from the gas gun. After the gas was deployed, a fire started that grew larger and larger. He was ordered to move back because of the fire. He never saw the suspect while on the scene. He did not fire any shots during the incident.

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Follow up statement at ISB Office on 10/29/2013

Officer Davin Clemons #1029 stated he was positioned on the "3-4" (northwest corner) side of the house with a "Z-gun". He was near the west side of the house under the carport of the neighbor's house to the north. He stated the equipment he used was brought to the scene by their Equipment Van. The handheld canisters and "Z-gun" gas rounds are kept in the Equipment Van and the remainder is kept in the cage at the TACT Office. He stated Officer Penny was the team leader that day and ordered the "Signal Blue", giving him permission to deploy gas. The "Z-guns" were brought to the scene by Officer Howard in the BEAR where he and Officer Silvers retrieved them. Officer Clemons stated he fired his canisters and gave the "Z-gun" to Officer Butler, who fired one round into the side of the house. Officer Clemons stated he used a 40mm launcher and fired a total of five rounds. He fired three rounds into the window where the suspect was, and two rounds into the window in the back of the house where the air conditioner was. He stated there is no protocol for the number of rounds fired into a structure. It depends on the size of the structure and the number of possible suspects in the structure. Six casings were picked up afterwards: the five he fired and the one Officer Butler fired. Officer Clemons does not remember if he picked up the "Z-gun" after the incident because he picked up numerous pieces of equipment that night. Officer Clemons did not see Officer Butler throw any handheld canisters into the house.

Officer Clemons was asked to view several photographs of live and expended chemical ordnance. After viewing the photographs, he stated he could not tell the difference between rounds for penetrating a barricade or rounds used for riot control.

Officer Clemons stated he was informed that one of the "Z-guns" had a malfunction and was replaced by a new one. The "Z-guns" remain on the Equipment Van at the TACT Office. The "Z-guns" are taken to the gun range to be cleaned. Officer Clemons stated it is Officer Howard's responsibility to restock the "Z-guns", but Officer Howard asked him to do it the following day. Officer Clemons stated Officer Howard is responsible for the TACT Equipment Van, but the van is often assigned to officers who are lower in seniority to drive to scenes. It is also the responsibility of the team leader to check the equipment in the van after each barricade situation.

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Follow up statement at ISB Office on 11/11/2013

Officer Davin Clemons #1029 stated he did not see the source of the fire, but saw fire coming out of the window in the front of the house. The fire was seen about ten minutes after the gas was put into the house using a "Z-gun."

Witness Officer: (Homicide Office 10/15/2013) TACT Officer James Butler #1024 stated he arrived on the scene after Officer Jackson was shot, and was on the north side of the home when Officer Paul Hutchison was shot. He did not see Officer Hutchison being shot, but did hear the gunshots. He stated he did not fire any shots, nor did he see anyone fire any shots. He said he deployed one handheld canister of "Clear Out" through the front door of the home, and he used the "Z-gun" to launch one OC canister through a rear window of the home. He saw Officer Silvers throw a canister of what Officer Butler believed was OC into the home. Officer Butler stated he did not know how much gas Officer Clemons deployed or how much total gas was deployed into the home. He only saw the suspect briefly at one point, while the suspect was moving curtains in the front of the home.

Follow up statement at ISB Office on 10/29/2013

Officer James Butler #1024 stated he responded to a barricade situation at 1383 Worthington. His role on the scene was to keep containment of the suspect and to launch gas rounds into the residence. He was assigned to the "4" (north) side with TACT Officer Clemons. He stated Lieutenant Greenleaf gave the order to deploy gas via the radio. He stated there was OC and CS gas on the scene. The "Z-gun" was used to launch the gas into the residence. The gas rounds were inside the "Z-gun" case, but not loaded into the "Z-gun" itself until fired. He stated he fired one round and the other five were fired by Officer Clemons. He handed Officer Clemons the first five rounds as Officer Clemons fired into the residence. He remembered the rounds having a black tip and some marked OC (with orange writing) and some CS (with blue writing). He stated he had Officer Clemons fire three of the rounds into the suspect's bedroom window and two more rounds into the bedroom next to the suspect. Officer Butler stated there is no exact formula for how many gas rounds should go into a particular space. Officer Butler said the spent casings are dropped to the ground when another is loaded. The spent rounds are picked up at the end of each barricade situation and placed back on the Equipment Van.

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When the house caught fire, the suspect ran from the front of the house to the back. Officer Butler grabbed the "Z-gun" and ran to the backyard where he fired the sixth round into a back bedroom window. He dropped the "Z-gun" in the backyard and did not clear the spent casing. He did not see the person who picked up the "Z-gun" and took it back to the Equipment Van. He did not advise a supervisor of a malfunction of the weapon because he did not try to extract the spent casing until the following day. The casing had to be pried out of the "Z-gun". It was taken to the Firearms Training Unit and examined by Officer Betz. The weapon was kept at FTU and a new one was issued because of the problem with the casing being stuck inside. Officer Butler stated he did not know who fired the "Z-gun" with the round stuck in it. Officer Butler viewed photos in which he identified "Barricade Penetrators." He advised the photo labeled "C" was a riot control round and should be used outdoors. He could not remember if he or any of the other officers fired a round of this caliber into the residence at 1383 Worthington.

Witness Officer: (Homicide Office 10/15/2013) TACT Officer Curtis Allen #1011 stated Lieutenant Prince advised him to assist uniform patrol with an attempt pickup on Worthington. When he arrived on the scene the suspect was inside the home, so he and the other TACT officers performed a "stack." They entered the home and Officer Jackson was shot by the suspect. Officer Allen stated he backed out of the home and took cover. The suspect did not want to talk to the negotiators, so the command to deploy gas was given. Gas was deployed and the suspect ran to the rear of the home, where additional gas was deployed. Officer Allen did not discharge his weapon during the incident.

Follow up statement at ISB Office on 10/31/2013

Officer Curtis Allen #1011 stated he went to the address on Worthington for an attempt pick up of Aaron Dumas with the Airways Station Task Force. He was entering the home with other TACT Unit officers when he heard shots being fired. He stated he saw Officer Penny fire several shots at the suspect. Officer Allen stated he took up a position to watch the door of the bedroom where the suspect was located. He stayed there until he was relieved by another TACT officer in order for him (Allen) to get dressed out in his turn out gear. He returned to the home and took up position on the front of the house.

Lt. Greenleaf gave the command "Signal Blue" on the radio, and he saw Officer Silvers using the "Z- gun." He was not sure how many rounds Officer Silvers fired. Officer Allen stated he did not deploy any handheld aerosol gas canisters on

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the scene, but did see Officer Underwood deploy more than two "Clear Out" aerosol cans into the house. Officer Allen stated he did remove the "Z-gun" case when the fire started and it was empty. He did not pick up any casings. He did not know of a formula to determine how much gas to use in a location.

Witness Officer: (Homicide Office 10/15/2013) TACT Officer Byron Haynes #8979 stated he was with other members of the TACT Unit assisting with an attempt pick up of a suspect wanted for Criminal Attempt Second Degree Murder. He was off work when he received a text message about Officer Jackson being shot. He made it to the scene and took a position covering a window. He saw TACT officers attempt to give the suspect a phone, but the suspect threw it out of the window. Officer Haynes stated the gas was then deployed through the front and north sides of the house. He heard shots and saw Officer Hutchison fall down on the front lawn. He provided cover while other TACT officers gave medical attention to Officer Hutchison. Officer Haynes stated he later saw smoke coming from the front of the house. He did not deploy any gas into the house.

Follow up statement at ISB Office on 11/11/2013

Officer Byron Haynes #8979 stated when he arrived on Worthington he did not possess any gas. He did have one "flash bang", but it was not deployed. He did not fire a "Z-gun", but he saw Officer Clemons fire five rounds into the suspect's bedroom window on the "4" (north) side of the house. After the incident he picked up Officer Hutchison's vest. Officer Haynes stated the fire started in the front bedroom where the suspect barricaded the window with a mattress.

Witness Officer: (Homicide Office 10/15/2013) TACT Officer Raymond Geronimo #3337 stated he heard that a TACT officer had been shot and went to the scene. He was told to cover the "number three side", which is the rear of the house. He heard the containment team trying to negotiate with the suspect. He was told to put his mask on because they were going to deploy gas. He heard on the radio that the suspect had barricaded the window with a mattress. Officer Geronimo stated he heard on the radio that there was smoke coming from the house and he did later observe smoke coming from a window. He never fired his weapon and did not deploy any gas into the house. Officer Geronimo observed Officer Silvers deploy handheld canisters on the "2-3 side" (southwest) of the house through a rear window.

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Follow up statement at ISB Office on 11/05/2013

Officer Raymond Geronimo #3337 stated he observed Officer Silvers throw one can of aerosol "Clear Out" into a small window on the rear of the house. Officer Geronimo could not tell who the other officers were with Officer Silvers because they all had on gas masks. When the incident was over Officer Geronimo picked up a shield, a helmet, and an AR-15. He did not know who the AR-15 belonged to and just placed it in the rear of the Equipment Van. Officer Geronimo stated he did not see any officer use a "Z-gun" on the scene from his position. He did not see where the fire started. He stated it is the responsibility of the team leader and supervisors to determine the amount of gas to deploy into a structure.

Witness Officer: (Homicide Office 10/15/2013) TACT Officer Brian Davis #2111 stated he was notified by Lieutenant Greenleaf to report to 1383 Worthington because a TACT officer had been shot. He was asked by Officer Penny to scout and diagram the outside of the house. Officer Davis stated he and Officer Underwood rode in the BEAR up the driveway to assist other TACT officers on the porch. He saw Officer Hutchison attempting to talk with the suspect while Officer Braden passed a cell phone through a window. The suspect threw the phone out of the window and then gas was deployed into the room the suspect occupied. The suspect came out of the room and fired two shots toward TACT officers on the front porch. Officer Davis heard Officer Hutchison say he was hit, and then Officer Braden returned fire. Officer Penny and Officer Silvers dragged Officer Hutchison behind a vehicle in the driveway. Later, someone stated there was a fire in the room where the suspect was. Officer Davis stated he took cover and the fire department came to put the fire out. He never discharged his weapon on the scene.

Officer Davis was behind Officer Braden during the second shooting. He did not deploy any gas into the house, but saw Officer Silvers and Officer Clemons deploy gas. Officer Silvers had the "Z-gun" and deployed gas into the room where the suspect was as well as through another window on the front of the house.

Follow up statement at ISB Office on 11/07/2013

Officer Brian Davis #2111 stated he saw Officer Silvers deploy gas on Worthington, but was not sure of how many rounds he fired. Officer Davis stated all he remembered picking up was a shield, and he placed it in the Equipment Van. He was on the porch and did not see the fire start. He remained there until he

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was told to back away. Officer Davis stated he saw no one deploy handheld gas. He did not assist in breaking out any windows.

Witness Officer: (Homicide Office 10/15/2013) TACT Officer Kenneth McKnight # 10608 stated the TACT Unit was called by Airways Station on an attempt pickup of an aggravated assault suspect at 1383 Worthington. TACT officers arrived on the scene with Task Force officers and consent was given to enter the home by the homeowner. He, Officer Braden, Officer Jackson, Officer Penny, and Officer Allen "stacked up" and entered the house. Officer Jackson was the first officer in, and when Jackson entered the room he was shot in the leg. Officer Jackson moved out and officers returned fire. TACT officers backed out and told the suspect to come out of the house with his hands up. They got no response. TACT officers backed out and covered the windows and the door of the room occupied by the suspect. Other TACT officers arrived and covered the rear of the house. Negotiators arrived hours later.

Permission was given to deploy gas into the house. Several rounds were deployed in the windows. He heard small arms gunfire in the front of the house, opposite of the side he was covering. The suspect was not contained and moved to the back of the house. He heard over the radio that the suspect had barricaded himself in the room by placing a mattress in front of the window. He later heard over the radio that a fire started in the room the suspect occupied. He also heard another officer had been shot.

Officer McKnight saw black smoke coming from the house, and soon the house was engulfed in flames. He did not deploy any gas into the house, and he did not see who did. He did not fire any shots during the incident.

During the shooting, there were about eight rounds fired in the first incident and several in the second incident. All officers were clearly marked as police.

Follow up statement at ISB Office on 11/07/2013

Officer Kenneth McKnight #10608 stated that after the incident, he assisted in collecting cases, "Z-guns", a rifle, and shields. He did not pick up any shell casings. The case for the "Z-gun" and the rifle were both located on the front porch. The equipment was initially taken and grouped behind a tree. It was later taken to the Equipment Van. Officer McKnight stated when he checked the case for the "Z-gun" he found a shell casing stuck inside the gun. He did not extract it and left the action open.

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Witness Officer: (Homicide Office 10/16/2013) TACT Officer Jeremy Knudsen #10430 stated he was on the scene at 1383 Worthington as the primary sniper. He was positioned across the street in a carport. Shelby County SWAT also had a sniper on the scene. There were about five to six shots fired when Officer Hutchison was struck.

Officer Knudsen stated he did not deploy any gas or fire any rounds. He stated he saw a round of gas hit the window of the room occupied by the suspect, but it bounced back into the yard. Several more rounds of gas were fired after that, and he heard rounds were fired into the back of the house. The suspect had barricaded himself in the room by putting up a mattress with blankets draped over the mattress.

When the fire started there was an attempt made to put out the fire with hand held fire extinguishers. The fire department put the fire out after the scene was rendered safe. It was not known how the fire started. All officers were designated as police by their police and MPD insignia.

Follow up statement at ISB Office on 11/07/2013

Officer Jeremy Knudsen #10430 stated he did not assist in picking up any equipment, but he did put it into the bins in the Equipment Van. He stated he received the cases with the "Z-guns". He opened them to check the guns and noticed a shell casing stuck inside of one of them. He did not know who had that particular "Z-gun" and did not remember notifying anyone about the stuck round.

Officer Knudsen stated the fire started in the bedroom on the "1-4" corner of the house (northeast corner) after the mattress and bedding had been placed there.

Witness Officer: (Homicide Office 10/15/2013) TACT Officer Sean Silvers #10276 stated he arrived on the scene at about 1345 hours. Most of the TACT Unit was already there before he arrived and TACT Officer Jackson had already been shot. He took position on one of the front windows of the house and had a direct line of sight to one of the windows of the bedroom the suspect was occupying. TACT officers sat on the scene for nearly three hours and made verbal contact with the suspect through a wall. The suspect was told to crack a window so they could toss in a telephone with which he could speak with negotiators. The phone was tossed in, but the suspect threw it back out onto the ground. At that point, the suspect began to barricade the window with a mattress and other items.

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TACT officers received instruction from the Command Post to introduce chemical agents into the residence. Gas was deployed 10 to 15 minutes later and gunfire was exchanged. Officer Silvers stated he had a 40mm, single-barrel launcher and deployed five canisters (three canisters were CS gas and the others were powder "Barricade Penetrators") from the launcher. He later tossed three handheld canisters through the rear window of the bedroom occupied by the suspect. When he saw TACT Officer Hutchison fall off the porch, he put down the launcher and assisted the injured officer. Officer Silvers stated he heard four to six rounds being fired, and that these rounds sounded consistent with an assault rifle. About five to ten minutes later, he saw flames coming from inside the house.

Officer Silvers did not discharge any firearm on the scene.

Follow up statement at ISB Office on 10/29/2013

Officer Sean Silvers #10276 stated he was not there when Officer Jackson had been shot, but was briefed on that incident by Officer Penny, who was the team leader. He was assigned to take up position to cover the doorway near the "1-2" corner (southeast corner) of the house, and was there during the attempts at negotiation. He stated he did deploy gas during the barricade from the "1-4" corner (northeast corner) of the house. He fired four blue rounds of CS gas with a "Z-gun". He stated he retrieved the launcher from the "1" side near the "2" corner (east side, near the southeast corner of the house), but he did not know who placed the launcher there. The case contained approximately four rounds of gas. He believed them to be CS gas because of blue markings on the canisters.

Officer Silvers viewed a diagram and identified the room in which the suspect was believed to be barricaded in as "northeast bedroom #1, as indicated on the diagram".

Officer Silvers stated he fired one round into the window of the target bedroom at the "1-4" corner on the "1" side, but the first round bounced off the window's brick façade. The suspect was trying to barricade that window with mattresses and other items and it was possible the round bounced off of that. He did not know if the second round he fired into the window was a "good hit" or not. He stated he then moved to the middle of the porch and fired two more rounds through a window toward the door of the same bedroom. He stated he was the only one who fired that particular "Z-gun" and he was fairly certain he only fired four rounds. He added that he was rushing to get the rounds inside because the suspect was barricading the room.

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Officer Silvers stated no particular person makes a determination as to how much gas is deployed. At the time, he was unaware that gas was being deployed from the "4" (north) side of the house. He stated there is a formula or equation that is used to determine the amount of CS gas to be used, but he could not remember it due to its complexity. He further stated the amount of gas deployed is usually dependent on what kind of penetration is made into the target room, and the level of saturation of gas that is achieved.

Officer Silvers did not know how many other rounds were deployed, or where they were deployed. He stated after the gas was deployed Officer Hutchison was shot. Officer Silvers stated he ran to render aid to Officer Hutchison and took him down the street. He returned to the "1" (east) side of the house for approximately 10 minutes and the house appeared to be engulfed in flames. He and Officer Butler ran to the BEAR and retrieved some handheld canisters. He believed the suspect was in the rear of the house, because no gas had been introduced there. He deployed gas into the rear of the house to try to drive the suspect out of the house. He feared the suspect would be caught in the fire if he did not exit the rear of the house. Officer Silvers stated he used two or three handheld canisters of CS gas. He described them as "explosive propulsion grenades" or some similar handheld device, with cardboard sheathes marked as CS gas. He did not remember exactly in which windows he deployed the gas, but knew it was through windows on the northwest area of the house. He stated he did not notify anybody that he had deployed anything other than the gas from the "Z-gun". He stated the fire had created what he believed were extenuating circumstances, and he felt the suspect was in imminent danger of being consumed by the flames. He did not believe that anything that he introduced into the house was an incendiary device. He also said that no one else used the "Z-gun" he used after he deployed it.

Officer Silvers stated all the rounds he extracted were extracted properly. He stated the casings are extracted by tilting the launcher to the side and allowing gravity to drop the casing to the ground. He never picked up any of the casings after they were extracted.

Officer Silvers stated every member of the unit is trained in using the "Z-guns", but there is no certification. The launcher cases are normally loaded with "cold gas", which is non-incendiary gas. Other types of rounds of gas are always kept in the command post well away from the inner perimeter. No agents are typically stored in the BEAR, and he was surprised to see them in there during this incident. He did not think he deployed any "Clear Out" in the house, although he

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may have originally thought he had. Different terms are used for "Clear Out" based on what the particular agent does, but basically "Clear Out" is an aerosol.

Officer Silvers viewed 'Photograph A' and identified the items in the photo as 40mm casings for chemical agents. He stated he has never really examined the casings after they had been fired, but none of them should have been burnt. He identified 'Photograph B' as a live, 40mm "Barricade Penetrator" of the type that is fired from a "Z-gun". He stated 'Photograph C' appeared to be a photograph of some type of 40mm projectile of CS gas, and that it looked like an outdoor round used for crowd control. He stated he did not think he fired this type of round from the "Z-gun" that day, but admitted he was loading and firing quickly. Officer Silvers stated 'Photograph D' looked similar to the handheld canisters he grabbed, except that the canisters he grabbed from the BEAR had blue markings for CS gas. He stated the situation was extremely stressful because they were under fire, and two officers had already been shot. He was wearing a gas mask from just prior to the deployment of gas until the end of the barricade. He acknowledged that exhaustion had begun to set in quite a bit.

Witness Officer: (Homicide Office 10/15/2013) TACT Officer Antonio Underwood #10636 stated he was monitoring the South Main Station radio frequency and heard dispatch say there was a TACT officer down. He assumed it was one of the officers that went on an attempt pick up with uniform patrol officers in the Airways Station Precinct. He received a text from Lieutenant Greenleaf telling TACT officers to respond to the Worthington address. When he arrived, he went to relieve one of the other TACT officers on post so that officer could put on his turn-out gear.

Officer Underwood stated he was covering a window in the front of the house, and someone brought a bag of "Clear Out" canisters. He deployed some "Clear Out" to try and force the suspect to the front of the house. A short time later, someone said the house was on fire. He said he did not fire any shots during the incident.

Follow up statement at ISB Office on 11/01/2013

Officer Antonio Underwood #10636 stated he was called to the scene of a barricade situation at 1383 Worthington. He was positioned in front of the house as a part of a possible entry/takedown team. He was not armed with any gas, but did use four cans of "Clear Out" he got out of a satchel that was provided to him. The "Clear Out" was deployed through windows in the front of the house and on

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the side, possibly the "2" (south) side. Officer Underwood stated he did not use any 40mm guns that day. He saw officers deploy about three to four rounds into the house. He was unable to say who fired gas because of the gas masks, but knew the officer was a white male. He stated the amount of gas used is usually dependent on the size of the structure, and they did not use a mathematical equation. Normally two cans of OC and two cans of CS are deployed.

Officer Underwood stated the handheld canisters of gas were deployed after the second officer was shot, and he believed someone came over the radio with "Signal Blue". They were geared up with gas masks. "Z-guns" were used as well as the handheld canisters.

The officers normally clean up afterwards, taking everything back to the Equipment Van. He stated he helped load shields into the BEAR, but did not get anything off of the BEAR.

Witness Officer: (Homicide Office 10/15/2013) Bomb Unit Sergeant Jeffrey Scoggins #8164 stated he was on the scene when TACT Officer Hutchison was shot, but did not see him get shot. Sergeant Scoggins stated he was on the "number 3" (west) side of the house, which was the rear of the house. He heard approximately six to eight shots being fired, but did not fire any shots. He did not see who fired shots. Scoggins also did not deploy any gas, but heard them being deployed from the "Z-gun". When the "Signal Blue" was given by Lieutenant Greenleaf over the radio, Scoggins heard six to eight canisters of gas pop that had been fired. He thinks the gas rounds were fired from the right hand side of the house and the front of the house.

Follow up statement at ISB Office on 10/30/2013

Sergeant Jeffrey Scoggins #8164 stated he was assigned the task of going to the house on the "number 3" side to relieve uniform patrol. He was accompanied by Officers Geronimo and McKnight. Sergeant Scoggins stated he did not see the "Z-guns" used, but did hear them fired. He stated did not assist in any other task.

Witness Officer: (Homicide Office 10/16/2013) TACT Officer Godfrey Howard #3728 stated Major Morris advised him that Officer Jackson had been shot at South Parkway and Worthington. He was instructed to get the BEAR and drive it to 1383 Worthington. While he was on the scene Major Morris gave the command to gas the house with OC and CS gas. Shortly after, Officer Hutchison was shot. Soon after Officer Hutchison was shot, the house caught on fire.

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Officers attempted to use fire extinguishers to put the fire out without success. He observed Officer Braden discharge his weapon, but he did not discharge his own weapon.

Follow up statement at ISB Office on 10/30/2013

Officer Godfrey Howard #3728 stated he is the assigned equipment officer for the TACT Unit with Officer Butler as an assistant. Officer Howard stated he was contacted by Lieutenant Greenleaf to go by the TACT Office, get the BEAR and Equipment Van, and make the scene on Worthington. He drove the BEAR to the scene.

There was no equipment loaded on the van because it was already stocked. This is done after every call out, and is his responsibility. If there is something missing the team would advise him and it would be restocked. No equipment is stored in the BEAR. It is placed inside in time of need, and then back into the Equipment Van.

Officer Howard stated he helped Officer Penny load the BEAR with the two "Z-guns", the canister of rounds for them, shields, a canister containing handheld "Clear Out", and a backpack. Officer Penny had said there were no rounds in the "Z-gun" and was given the canister with the rounds. He did not see Office Penny load the "Z-guns".

Officer Howard stated all of the rounds for the "Z-guns" are kept in the canister. He did not know how many rounds were in each "Z-gun" case and there was no specific amount to be in each case. Normally, the "Barricade Penetrator" rounds and the outside (riot) rounds are kept separate. Riot rounds are not normally kept inside the "Z-gun" cases, but instead are kept in the bay area of the Equipment Office. However, he did not know what was in the canister he gave Officer Penny. There was a combination of 37mm and 40mm munitions on the Equipment Van.

Officer Howard stated he was told to drive the BEAR down to the house on the "4" (north) side. After a short time, he was called back to the Command Post to get the negotiators. All the equipment that had been placed in the BEAR was taken out and left near the house. The negotiators were taken back to the house where they tried to talk with the suspect. After that did not work, the order for gas was given, and he backed the BEAR up a little so the negotiators would not be

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affected. He did not see who had the "Z-guns", nor did he see who fired the rounds from the "Z-guns". He also did not know who used the handheld canisters.

After the incident was over, the used rounds were either placed in the "Z-gun" cases or a crate. No one reported a weapon malfunction, but there was a round found stuck in one of the "Z-guns" that night. The following day, officers were told to take it to the range to be fixed. This was not reported to a supervisor.

The officers normally pick up the shell casings from the scene and bring them to him, but this varies from operation to operation. There was another barricade incident two weeks prior to this one. It was possible that some rounds were left on the Equipment Van from the previous barricade. At the end of a barricade, the offices would tell him what was used and he replaces them.

Witness Officer: (Homicide Office 10/16/2013) Lieutenant Webb Prince #6596 stated he was the scene supervisor on Worthington. Around noon that day one of the Airways Station Task Force officers came to the TACT Office requesting assistance on an attempt pick-up. They did not have an address and the officer was told to call when they obtained a location. Twenty minutes later Task Force Officer D. Jones called TACT Officer P. Penny and told him of an address in the LaPaloma Apartments. This address was the suspect's father's house.

The Task Force officers went to the location and received no response. While on the scene, dispatch placed a call to ward cars to respond to a Crime Stoppers tip on Worthington. One of the Task Force officers called dispatch and disregarded those cars and took the call. All officers went to the location on Worthington. Lieutenant Prince stated officers set a perimeter around the house and Officer D. Jones was speaking with the homeowner, Bridgette Pegues. She was asked if Aaron Dumas was in the house. Ms. Pegues said he was inside of the house in the first bedroom. Officer Jones had Ms. Pegues sign a "Consent to Search" form. Officer Jones then had Ms. Pegues and a female/black with an infant leave the house.

Lieutenant Prince stated he called TACT officers to conduct the search. The TACT officers assembled in a "five man stack". The "stack" consisted of Officers Penny, Braden, Jackson, Allen and McKnight. As the officers entered the home, they announced, "Police! Police! Police!". Two gunshots were heard and he saw two of his TACT officers carrying Officer Jackson out of the living room. Several more shots were fired. An ambulance was called for, and "TACT 1" (Major Morris) was notified of the barricade situation.

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Lieutenant Prince stated he changed location to the Command Post, where responding TACT units were briefed and sent to relieve the scene officers of their posts. Once containment was attained, contact was attempted by calling Dumas on his cell phone. There was no answer. TACT Officer Howard then drove the BEAR to the house with a cell phone so negotiators could speak with the suspect. The decision was made by the Command Staff to deploy gas and authorization was given. Minutes later shots were heard and a second TACT officer had been shot. Lieutenant Prince was at the Command Post when the second TACT officer was shot. Two officers brought the injured officer to the Command Post. The Command Post was notified that the house was on fire. The fire department was notified and refused to make the scene because the house was not clear. TACT officers responded by utilizing their own fire extinguishers. Lieutenant Prince stated he ran to the equipment truck and grabbed two additional extinguishers. He took them to the house and tried to extinguish the fire, but the heat was too intense to get close. The officers were pulled off of their positions when the house was fully engulfed in flames.

Lt. Prince said he never fired any shots during this incident.

Follow up statement at ISB Office on 10/29/2013

Lieutenant Webb Prince #6596 stated he believed there were about 12-13 TACT officers on the scene. There were no blue prints of the house and it was not known if the officers spoke with the homeowner for a layout of the house. He stated the lieutenants and the major have the responsibility for the decisions on the scene. The decisions are "ran up" the chain of command for approval. On that day, the use of gas was authorized by the Director and the command was given by Major Morris to use the gas. The major handled the communications and a "Signal Blue" was given.

Lieutenant Prince stated there was an equation for the amount of gas to deploy, but it was not done. He stated they usually use three or four depending on the size of the house, and whether or not the suspect is coming out. No one set the limits or a certain amount. He stated he was told ten "Barricade Penetrators" were deployed by "Z-guns", and eight canisters of "Clear Out" were used. Officers Clemons, Butler, and Silvers were the three officers who fired rounds from the "Z-guns" on that incident. He stated all of the rounds should have been 40mm rounds. He was not notified of any weapons malfunctions.

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Lieutenant Prince stated it is not normal practice for one officer to hand off a "Z-gun" to another officer. He also did not know the number of rounds fired by each officer without looking at Lieutenant Greenleaf's report. The guns are issued to the person who would be in a position where the gun would be most effective. After being shown a picture labeled "C", Lieutenant Prince described it as a 570 CS Short Range Projectile. He stated this type of round should not have been fired on the scene that day. He further stated this round would not fit in the "Z-gun" case.

Witness Officer: (Homicide Office 10/17/2013) TACT Officer Timothy Jackson #11601 stated he and other TACT officers went to 1383 Worthington on a Crime Stoppers tip. They were there to assist Airways Station Task Force officers in an attempted pick up of a suspect wanted for attempted Second Degree Murder. When officers arrived, Airways Task Force officers spoke with the homeowner, who advised that the suspect was in the house. The homeowner gave consent allowing the officers to enter the home, and advised officers that the suspect was located in the first bedroom to the right. Officer Jackson stated the TACT officers "stacked up" to enter the bedroom, and yelled "Police" to identify themselves. Officer Penny kicked the door open, and the suspect began firing several gun shots. Officer Jackson stated one of those rounds struck him in the leg. The other officers pulled him out of the room and began rendering aid. Officer Jackson stated he did not discharge his weapon and was taken to The Med for medical treatment.

Witness Officer: (Homicide Office 10/24/2013) Officer Paul Hutchison #2684 stated he received a call on an attempt pick up of a suspect wanted for attempted murder. He received information that TACT Officer Jackson had been shot. Officer Hutchison stated he made the scene and set up containment around the house, maintaining coverage on the door of the bedroom occupied by the suspect. A male's voice from inside was heard, but it was not clear what was being said. An attempt was made to get the suspect a cell phone to speak with negotiators, but the suspect threw the phone back outside the window. Chemical agent was deployed and one of the TACT officers stated the bedroom door was opening. Officer Hutchison stated as he was approaching the front doorway, the suspect came out firing shots. One of the rounds struck him in the leg. He did not return fire, but Officer Braden did. The suspect was seen running down the hall with a gun pointed at the officers.

Officer Hutchison stated he did not deploy any chemical agent. He said all officers were wearing shirts identifying them as police.

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Witness Officer: (ISB Office 10/29/2013) Major Charles Morris #5557 stated he is responsible for TACT officers. He was called to the scene at 1383 Worthington, where TACT Officer Jackson had been shot. He was met on the scene by TACT Lt. Greenleaf, Chief Knight, ATF agents, and numerous other uniform patrol officers. He advised Chief Knight that there were too many officers in the primary zone of the scene. Major Morris stated he spoke with the homeowner in an attempt to gather pertinent information. He showed the homeowner a picture of the wanted party "Dumas" and the homeowner advised that person was inside her home. The son of the homeowner provided a possible phone number for Dumas, but when they called the phone there was no answer.

Major Morris stated he instructed Officer Howard to take negotiators from the Command Post to a point closer to the home. An attempt was made to place a cell phone in the window to start communications between the wanted party and negotiators. The wanted party threw the phone out of the window and began barricading himself in the home.

Major Morris stated communications with the suspect had failed, and he issued a "Signal Blue" which authorizes TACT officers to deploy gas. Officer Penny, who was the Team Leader acknowledged and followed the issued command. TACT officers began using "Clear Out", OC, and CS gas by deploying it into the house with a "Z-gun". As the gas was being deployed, shots were heard and a "Purple Down" was issued. Officer Hutchison had been shot in the leg. Officer Hutchison was taken to the ambulance for medical treatment.

The wanted party moved to another part of the house and smoke could be seen as well as a fire. Major Morris was unable to give the fire department permission to put the fire out because the scene was not safe. An unknown fire chief advised by looking at the condition of the home that "Dumas" could not be alive. Major Morris then allowed the fire department to put the fire out.

Major Morris stated he was not close enough to the scene to observe officers' actions. After the incident was over, he discovered that Officers Silvers, Butler and Clemons used "Z-guns" to deploy gas into the home.

Major Morris said that he did not discharge any weapons during the incident.

Witness Officer: (ISB Office (10/29/2013) Lieutenant Earnest Greenleaf #3173 stated he arrived on the scene at 1383 Worthington after TACT Officer Tim Jackson had been shot. He was assisting Major Morris and Lieutenant Prince

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to coordinate the scene. Lieutenant Greenleaf stated he gave the command to use gas over the radio after he was advised by Major Morris. He did not know which TACT officer had gas in his possession.

Lt. Greenleaf stated all of the TACT officers are trained to use the "Z-gun" and handheld "Clear Out". He stated the gas is normally brought to the scene on the Equipment Van, and then placed near the location where it will be used. No one person is designated to get the equipment or gas, and anyone who is available during the turn out can assist with the equipment.

Only 40mm "Barricade Penetrator" rounds should have been used on the scene. He was aware TACT Officers Silvers, Clemons and Butler fired the "Z-guns", but did not know which officers had aerosol cans of "Clear Out". Lieutenant Greenleaf stated he did not know of a formula to determine the amount of gas to use on a location. He did not know how much gas was used on the house.

He knew that outdoor riot rounds and indoor rounds are kept on the Equipment Van and should have been separated. He stated the person using the individual gas rounds would have to read the can to determine which one to use.

He stated he later heard rumors that one of the "Z-guns" had a shell stuck in it, but doesn't know which officer had the malfunction or where he heard the information.

Witness Officer: (ISB Office 10/30/2013) Bomb Unit Sergeant Fred Acosta #0161 stated he was called to the scene at 1383 Worthington to work the Command Post, and to record the activity log of the TACT Unit. He wrote down what was said over the radio. He stated he helped Officer Davis load the BEAR with a shield and "Clear Out" aerosol cans. Later, Lieutenant Prince was seen getting two fire extinguishers off of the Equipment Van/Command Post. Lieutenant Greenleaf came back at some point to retrieve gas from under one of the benches in the van, but it was not known what he got.

Sergeant Acosta stated he did not deploy any gas. He did not see who fired the gas rounds from the "Z-guns". He was at the Command Post during the entire incident.

Witness Officer: (ISB Office 10/30/2013) Bomb Unit Sergeant Tom Warrick #9552 stated he was dispatched to assist the TACT Unit at 1383 Worthington. He and Sergeant Acosta were assigned the role of administratively backfilling the

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TACT Unit after Officer Jackson was shot. While Sergeant Warrick was on the scene, he was instructed to go and get the Command Post from the TACT Office for the Command Staff. When he returned, he began issuing equipment and ordnance to the TACT officers. He did not recall the type of gas he was issuing. He issued all of it to Officer Howard. Sergeant Warrick did not deploy any gas, nor did he observe any one deploy gas. After the incident was over, he went to the scene location, but did not collect any evidence.

Principal Officer: (ISB Office 10/17/2013) TACT Officer Phillip Penny #1910 stated the TACT Unit was assisting the Airways Station Task Force on an attempt pickup of a suspect at 1383 Worthington. The suspect was wanted for Attempted Second Degree Murder. Airways Task Force conducted a "knock and talk" and received consent to search the house by the homeowner, who vacated the residence. It was learned that the suspect, Aaron Dumas, was in the front bedroom of the house. The decision was made for TACT officers to go in due to the possibility the suspect was armed.

Officer Penny stated he entered the house with the other TACT officers: Officer Braden, Officer Jackson, Officer Allen and Officer McKnight. They went in the house and "stacked up" outside the bedroom door. Officer Penny kicked the bedroom door open and heard one shot fired, which struck Officer Tim Jackson in the leg. Officer Penny stated a second shot was fired and he returned fire with four rounds in the door and three rounds into the wall next to the door. He backed the team out due to a cover situation and stopped outside behind the brick façade of the front of the house.

Officer Penny stated other TACT officers arrived and begin to "switch out" so everyone could get into full gear. He stated as this was happening, he gave out locations for TACT containment by telling officers where they were needed. The houses around them were cleared for public safety.

He stated equipment was transferred from the Equipment Van to the BEAR, including two "Z-guns" and entry tools. The BEAR was driven down to the house. It was learned that Officer Hutchison spoke with the suspect, who stated he didn't want to come out and had no interest in speaking with negotiators. A cell phone was passed to the suspect through a window, but the suspect threw the cell phone out the window. The suspect was barricading the window with a mattress. Officer Penny stated the signal for gas to be deployed was given. Gas was deployed on the "4" (north) side of the house through the window. Officer Silvers attempted to put gas into the barricaded window on the "1" (east) side, but the

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rounds did not enter the room. He stated Officer Silvers then fired one round through the front doorway, which landed in the hallway, and a second round, which lodged in the door. He stated there were three rounds each of OC and CS in one "Z-gun" case. The other case had three rounds of CS and one of OC. He stated the only rounds that have any heat source are for outside/riot control use.

Officer Penny stated he saw that the bedroom door was opening, but the area was very smoky. He did not know why, because they have deployed munitions before without that much smoke. The suspect came out of the room and fired shots and Officer Hutchison was struck in the leg. There was return fire.

There appeared to be fire in the hallway coming from the front room, where the suspect was. Officer Penny stated he told the TACT officers to break out the windows of the house to get angles inside and locate the suspect. After the windows were out, he stated he moved to the back of the house and gave control of the front of the house to Officer Silvers. Three officers deployed "Clear Out" canisters into the back of the house. After a short period of time, black smoke began coming out of the house and officers were told to back away from the house as it became fully engulfed in flames.

Follow up statement at ISB Office on 10-29-2013

TACT Officer Phillip Penny #1910 stated he was the Team Leader for this barricade, but it was not his responsibility to make the decision to deploy gas. He can request to "signal blue", which means deploy gas, but the decision is ultimately made by the Command Staff at the barricade. The gas used was "Barricade Penetrators" of OC or CS gas.

As to the amount of gas deployed in a barricade situation, he stated there is no real determination except for the effect the gas is having. He acknowledged there is an equation that determines how much gas can be introduced in a structure. An "LCT or lethal capacitating dose" could be determined, but Officer Penny stated "there is not enough gas in the city" to reach a lethal dose. He did not know how many rounds of gas were deployed in this barricade, but was told that fourteen rounds appear to have been deployed. He stated he did not feel this would be a lethal or unsafe amount, even if all was introduced into one room. He said the equation is found on the MSDS sheets and is developed by the manufacturer of the particular gas that is used. A lethal dose is determined as well as an incapacitating dose, which determines when the effects of the gas should be felt by a person.

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Officer Penny stated he did not dictate who deployed the gas on this barricade. This was determined based on the position of officers at the scene. On this scene, TACT Officer Silvers, TACT Officer Clemons and TACT Officer Butler deployed gas through "Z-guns". He described a "Z-gun" as a single barrel 40mm launcher. The "Z-guns" were obtained by the officers from the BEAR, which was parked close to the target location. The launchers are kept in "Pelican" cases with the necessary rounds. Officer Penny stated he loaded one "Z-gun" case with additional rounds. One case had three rounds of OC and three rounds of CS gas. The other had one OC and four CS rounds.

Officers Clemons and Butler were deployed on the "4" (north) side of the house and received one of the "Z-guns". Officer Silvers was on the "1" (east or front) side of the house and received the other "Z-gun". Officer Penny stated he spent most of his time on the "1" side during the barricade and never actually got to the "4" side. He stated gas was introduced into the structure by "Z-guns" first. He was not certain how many rounds were deployed by any of the officers except that he knew of one round being fired by Officer Silvers on the "1" side via the living room window.

Officer Penny pointed out the approximate positions of the officers on the barricade via a diagram. TACT Officers Geronimo, Scoggins, and McKnight were on the "2" (south) and "3" (west) sides of the house. TACT Officers Butler and Clemons were on the "4" (north) side and TACT Officers Braden, Davis, Hutchison and Underwood were on the "1" (east) side.

Officer Penny stated he was unaware of any decision being made to introduce any more gas into the structure after it was initially introduced. However, he believed that aerosol cans of "Clear Out" were thrown into the structure from the "1" side after Officer Hutchison was shot. Officer Penny stated he and Officer Silvers pulled Officer Hutchison from the front of the house to render aid after Hutchison was shot. However, he was aware that the aerosol cans were thrown at that point. He did not know about additional "Z-gun" rounds being deployed. After the incident, he was not made aware of any malfunctions with the "Z-guns".

Officer Penny was shown several photographs, labeled "A" through "D". In 'Photograph A' he identified casings from "Barricade Penetrator" rounds, after the round was fired and the casing extracted. He stated after the round is fired, the casing must be manually extracted from the launcher. Officer Penny stated he had never seen a "Barricade Penetrator" casing charred like the one he was shown in the picture. He stated he was aware that the rounds indicate OC or CS gas by the

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colors of the writing on the canisters, either blue or orange. He stated 'Photograph C' was a photograph of a "riot control round". He could not say if one of those rounds had been fired on this particular barricade. He stated the Equipment Van had been deployed for the Klan rally and all of that equipment was there. However, the riot control rounds are supposed to be stored separately from the projectiles used in residences. He stated the riot control rounds are not designed for indoor use because "they get hot." He identified the canister in 'Photograph D' as a canister used for deploying smoke. He stated he was not certain if that particular canister would "get hot" because some do not. He was not aware of this type of canister being used on this barricade, but said they are sometimes used to create smoke and carry the gas to better deliver an incapacitating dose.

Officer Penny stated he is not a "less lethal" or "gas munitions" instructor. He stated TACT Officers McKnight, Davis, and Silvers are certified in those areas.

Officer Penny stated he does not conduct any inventory on the Equipment Van.

Follow up statement at ISB Office on 10/30/2013

TACT Officer Phillip Penny #1910 stated someone is normally assigned to drive the Equipment Van to the scene of any call-out. If that person is unavailable, someone else will be designated to drive the Equipment Van to the scene. On October 15, 2013, Officer Jeremy Knudsen drove the Equipment Van to the scene. Officer Penny stated he did not know who drove the BEAR to the scene on that day.

Officer Penny said no equipment is stored in the BEAR prior to a call out. Equipment is loaded into the BEAR on the scene, if needed. The equipment is left in the Equipment Van and is restocked after any barricade situation. However, the Equipment Van was not restocked after the previous barricade and before the barricade situation at 1383 Worthington Circle. He stated Officer Howard is the person responsible for restocking the Equipment Van after a barricade situation.

He checked the "Z-gun" cases to make certain there was enough munitions in each case for the deployment of gas. One case was loaded with six rounds: three rounds of CS; and three rounds of OC. The second case only had one round of OC in it. He restocked this particular case with three rounds of CS to go with the one round of OC.

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After he restocked the "Z-gun" case, both "Z-gun" cases were then placed in the BEAR with other equipment, and the BEAR was driven to the target location. He did not know who drove the BEAR to the target location. He said that Officer Silvers had one of the "Z-guns" and Officers Clemons and Butler had the other, based on their positions on the perimeter (the "1" side and the "4" side). Officer Penny stated he did not deploy any gas on October 15, 2013, either by "Z-gun" or by handheld aerosol canisters, but did see Officer Silvers firing one "Z-gun" while on the scene. Officer Penny stated he did not see anyone go to the BEAR to get extra munitions or extra equipment. He did not retrieve any of the casings for the canisters fired from the "Z-guns" after the incident, nor did he see anyone else pick any up. This is not normal practice, but the house fire created such a hazard that the casings may not have been retrieved.

Principal Officer: (ISB Office 10/17/2013) Officer Robert Braden #10243 stated TACT Unit officers met up with Airways Task Force officers to do an attempt pickup at 1383 Worthington. He heard the home owner say the suspect they were looking for was in the front right bedroom. TACT Unit officers "stacked up" to make entry, and when they did, he heard one shot fired. Officer Penny then pulled Officer Jackson out of the way because he had been shot. Officer Braden stated he heard another shot after Officer Penny returned fire. Officer Braden stated they pulled back and contained the scene until the other TACT officers made the scene.

Later, he heard contact between the suspect and other TACT officers, and they attempted to pass a cell phone to the suspect. The suspect threw the phone out of the window, and the command to deploy gas was given. Officer Braden stated he heard someone at the front door say "he is coming out", and saw the suspect come out of the bedroom and run to the back of the house. As the suspect ran, he raised his arm and Officer Braden heard a shot. Officer Braden returned fire, between four and six shots, as soon as the first shot was fired by the suspect. After the shooting, the house began filling with gas and a fire was seen. Members of the TACT Unit attempted to put out the flames with fire extinguishers, but had to pull back away from the house because of the heat and flames.

He stated he threw two cans of "Clear Out" through the front door after he returned fire. He saw smoke and flames in the front bedroom where the suspect was right before he came out of the room.

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Follow up statement at ISB Office on 11/05/2013

Officer Robert Braden #10243 stated he took cover behind a brick wall near the front door of the residence. He heard officers from his left and right using "Z-guns" to fire "Barricade Penetrators" into the residence. He could not see if the rounds actually penetrated the windows of the residence.

He stated he believed the fire started in the suspect's bedroom, but he did not see the start of the fire. He saw black smoke coming from the door of the residence. They retreated from the porch because the heat from the fire was becoming too intense.

He did not pick up or return any equipment to the Equipment Van after the barricade.

B) Physical Evidence:

Items collected 10-15-2013 from 1383 Worthington

1. Ruger 9mm handgun, serial #31657044
2. 9mm magazine
3. Ten live rounds 9mm ammunition
4. Spent .223 shell casing
5. Cell phone
6. 9mm magazine with fourteen live rounds 9mm ammunition
7. Bushmaster .223 rifle (Officer Braden's weapon)
8. Colt .223 rifle (Officer Penny's weapon)
9. Approximately one hundred and three live rounds .223 ammunition (Bushmaster)
10. Four .223 magazines (Bushmaster)
11. Approximately one hundred and five live rounds .223 ammunition (Colt)
12. Four .223 magazines (Colt)

Items collected 10-15-2013 from The Regional Medical Center

1. Wound dressing
2. Otter box cellphone cover
3. Black nylon belt
4. Black glove
5. Black pair of pants

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6. Gray socks
7. Gray bandage
8. Three red plastic bin bags
9. One pair Adidas boots

Items collected 10-16-2013 from TACT Equipment Van

1. Ten spent 40mm casings

Items collected 10-16-2013 from 1383 Worthington

1. Spent .45 caliber shell casing
2. Three spent casings (later determined to be 570 CS casings)
3. Pull pin
4. Six aerosol CS spent cans
5. Spent .223 shell casing
6. One spent CTS casing (later determined to be a "Barricade Penetrator" casing)
7. ALS smoke canister
8. "570 CS" canister

C) Forensic Evidence:

None

D) Recorded Evidence:

1. Report 1310009169ME (Officers shot)
2. Report 1310009280ME (Aaron Dumas DOA)
3. Witness Officer Statements
4. Principal Officer Statements
5. Civilian Witness Statements
6. Incident Report
7. Crime Scene Reports
8. Crime Scene Photos (CDs)
9. Response to Resistance Forms
10. Civilian Recorded Cell Phone Video/Pictures
11. TACT Officers Inventory
12. TACT Equipment Cage Inventory
13. TACT Equipment Van Inventory

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14. AG Decision Letter
15. Communications Transmissions (CD)
16. Communications Event Chronology
17. Memphis Fire Department Run Reports
18. MSDS and Spec Sheets on Chemical Ordnance
19. Firearms Training Unit Demonstration of Ordnance Video
20. Photos of Spent 40mm Casings, 37mm Casings, and Spent Projectiles

E) Miscellaneous Evidence:

None

VI) AG Review:

This case file was submitted to ADAG Tom Henderson and ADAG Karen Cook by the Homicide Bureau. The Attorney General's Office declined prosecution.

VII) Analysis:

On Tuesday, October 15, 2013, the Memphis Police Department Tactical Apprehension and Containment Team (TACT Unit) was contacted by members of the Airways Station Task Force for assistance in locating a suspect wanted for two counts of Criminal Attempt Felony to wit Second Degree Murder. The Domestic Violence Bureau conducted an investigation under report number 131004583ME where Aaron Dumas was alleged to have shot two people. Dumas was identified as the shooter as a result of that investigation. TACT Officers P. Penny #1910, T. Jackson #11601, K. McKnight #10608, C. Allen #1011, R. Braden #10243 and Lt. W. Prince #6596 were assigned to assist the Task Force.

The Task Force and TACT officers conducted a "knock and talk" at 1915 South Parkway, which is the address of a family member of Dumas. Dumas was not there. At approximately 1253 hours, the officers received "Crime Stoppers" information that Dumas was inside a house at 1383 Worthington.

The officers changed location to the Worthington address. The Task Force officers approached the house and were met on the front porch by Bridgett Pegues, who is the resident. Pegues told the officers that Dumas was in the front right bedroom of the house. There was also another female, LaQuia Cage, and a small child inside the residence. Pegues, Cage, and the child were asked to step outside of the house. Pegues advised that she also had a Rottweiler dog in the residence. She secured the dog in a back bedroom

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then exited the residence. Pegues then signed a "Consent to Search" form allowing officers inside her house. Other Task Force officers had taken up positions surrounding the house in case Dumas attempted to flee.

The TACT officers prepared to make entry into the bedroom occupied by Dumas. The TACT officers were in a "stack" formation. Officer P. Penny and Officer T. Jackson were the first two in the "stack." The door was locked. Officer Jackson announced "Police", and Officer Penny kicked the door. Officer Jackson entered the room. Dumas fired two shots. One struck Officer Jackson in the left leg. The other shot struck the wall near Officer Penny's head. Officer Jackson retreated from the room, and Officer Penny returned fire as he backed up for cover. Officer Penny advised that he fired seven shots from his M4 duty rifle. The TACT officers maintained cover positions at the front door of the house. Some of the Task Force officers held the perimeter of the house as the others tended to Officer Jackson's injury. At approximately 1322 hours, the dispatcher was notified over the radio that shots were fired and an officer was hit. Memphis Fire Department Ambulance Unit 6 made the scene and transported Officer Jackson to the Regional Medical Center (The Med).

The TACT Commander, Major C. Morris #5557 was notified to make the scene as well as the remainder of the TACT Unit. Additional uniform patrol officers began arriving. As additional officers arrived, outer perimeters were set up. Civilians in the neighboring houses were asked to leave the area or remain in the rear of their homes for safety if they refused to leave. The Command Post was set up at South Parkway just west of Worthington. TACT Officer Hutchison attempted to make verbal contact with Dumas with no success. As it became clear that Dumas was not willing to come out, negotiators were called to the scene. As the remaining TACT officers arrived, they equipped themselves with their full gear then moved into inner perimeter positions to relieve the initial TACT officers. Those officers were holding containment on the house, but they needed to fully equip themselves for the situation. The Task Force and uniform patrol officers that were there were also relieved of their inner perimeter positions by TACT officers. TACT Officer Hutchison continued to attempt contact with Dumas from his position at the front of the house. Officer Hutchison could hear Dumas talking, but was having difficulty discerning exactly what Dumas was saying.

The TACT Command Post/Equipment Van arrived on the scene as well as the Ballistic Engineered Armored Response and Rescue (BEAR) armored vehicle. The equipment and ordnance was loaded into the BEAR from the Equipment Van and taken to the house. The negotiation team, Major V. Beasley #0772, Sgt. M. Rosario #1696, Sgt. R. Wilkie #1836, Officer A. Davis #3246 and Officer J. Stanley #10957, was loaded into the BEAR and driven to the northeast side of the house. TACT Officer Hutchison continued to try to

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communicate with Dumas through the walls of the house. Dumas initially refused to talk to the negotiators. The intermittent talks between Dumas and Officer Hutchison went on until approximately 1551 hours. It was decided to attempt to get a cell phone to Dumas through the front bedroom window, however, the window was not able to be opened. Dumas told Officer Hutchison he did not want to talk to negotiators. At approximately 1613 hours, Dumas finally agreed to have a cell phone passed to him through the window. Dumas was not able to open the window from the inside. TACT officers attempted to slide the cell phone given to them by the negotiation team under the window pane. At approximately 1630 hours, TACT officers were able to get the phone through the window. Dumas immediately threw the phone back out of the window and began to barricade the window with a mattress and other items from the bedroom.

After Dumas' actions, the TACT Commander, Major Morris, gave the order to deploy gas into the house. TACT Officer S. Silvers #10276, whose containment position was on the front (east side) of the house, began deploying gas. TACT Officer D. Clemons #1029, whose containment position was on the north side of the house, also began deploying gas. Officers Silvers and Clemons both utilized a 40mm single shot launcher commonly known to TACT officers as a "Z-gun". Officer Silvers stepped away from his cover position against the house toward the middle of the front yard to get an angle on the front window of the target bedroom. Officer Silvers' first shot struck either the top of the window casing or the mattress that Dumas put against the interior of the window and bounced into the yard. Officer Silvers fired a second shot from that same position, but believed that round also did not penetrate the window. Officer Silvers moved up to the front porch and deployed two or three more rounds from the 40mm launcher through a front window toward the target bedroom door inside the residence. He was not able to determine if those rounds penetrated the door. At the same time, Officer Clemons fired three rounds from his 40mm launcher into the target bedroom window on the north side of the house and two rounds into the window just west of the target bedroom window.

Within five minutes, at approximately 1635 hours, Dumas opened the bedroom door and appeared briefly in the hallway. It was at that time that TACT Officer P. Hutchison #2684, whose containment position was on the front porch of the house, stepped up to TACT Officer R. Braden #10243. Officer Braden's position was at the front door of the house. Officer Hutchison was stepping up to tell Officer Braden that he had "cinch cuffs" ready and would take responsibility of cuffing Dumas once he came out. Dumas then fired at least two shots while running toward the back of the house. Officer Braden returned fire from his duty issued M4 firing four to six rounds. One of the rounds fired by Dumas struck Officer Hutchison in the left leg. Officer Hutchison rolled off of the front porch and into the front yard. Officer Silvers dropped his 40mm launcher and ran to assist Officer Hutchison. Officer Silvers and Officer Penny then dragged Officer Hutchison to a

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cover position behind the civilian van that was parked in the driveway of the house. Memphis Fire Department Ambulance Unit #34 transported Officer Hutchison to the Regional Medical Center (The Med).

During the time that Officer Hutchison's injury was being treated, the TACT officers maintained their containment positions on the house. Movement was heard in the rear of the house. At approximately 1645 hours, smoke and flames were noticed inside the target bedroom near the window. TACT officers attempted to put out the fire utilizing their fire extinguishers. They were not successful. At approximately 1646 hours, the fire department was notified of the fire. There was a Memphis Fire Department pumper already on standby at the scene. Per radio transmissions, at approximately 1647 hours, two possible shots were heard coming from inside the residence. The TACT officers maintaining containment requested more gas. They were advised there was no more gas available. At approximately 1650 hours, another shot was heard coming from inside the house. The fire department was advised to "stand down", as the scene was not secure.

It was during this time that TACT officers were deploying handheld "Clear Out" canisters in an attempt to force Dumas out of the rear of the house. Officer Silvers, who returned to the house after getting Officer Hutchison to safety, grabbed two to three "CS Grenades" from the back of the BEAR. Officer Silvers made his way to the rear of the residence and deployed the two to three "CS Grenades" into windows on the northwest side of the house. In his statement, Officer Silvers said this was done in an attempt to force Dumas out of the rear door of the house so that he would not succumb to the rapidly growing fire. The fire continued to grow making it impossible for the TACT officers to maintain their positions close to the house. The TACT officers eventually had to retreat to a safe distance away from the house.

As the house became fully engulfed in flames, Major Morris was in close contact with an unknown Memphis Fire Department Chief on the scene. Once the Memphis Fire Department Chief said that he did not believe that anyone inside could survive, the fire department pumper was allowed to approach the scene and put the fire out.

Once the fire was extinguished, Aaron Dumas' body was located in a bathtub in a bathroom in the center of the house, toward the rear of the house. Medical Examiner K. Manzell was on the scene with members of the body removal unit. Dumas' body did not appear to be burned, nor was there any immediate indication of gunshot wounds. A cell phone and handgun magazine loaded with fourteen rounds of 9mm ammunition were found on Dumas. CSI Officer D. Smith #1336 recovered a Ruger 9mm handgun in the same bathtub in which Dumas' body was located.

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After the fire was extinguished, and the body of Aaron Dumas had been located, a brief canvass of the scene was conducted by investigators from the Homicide Bureau, Inspectional Services Bureau (ISB), Crime Scene Investigations (CSI), and the Memphis Fire Department. Due to the continuing efforts of the Fire Department to ensure that the fire was fully extinguished, Uniform Patrol officers were posted around the house to secure the scene until a more thorough canvass could be completed the following morning, pursuant to a search warrant obtained by the Homicide Bureau.

As the TACT Unit officers cleared their inner perimeter positions, they were directed to the CSI truck for individual inventory and count of their weapons and ammunition. It was at this point that ISB investigators became aware of one possible issue regarding ammunition. The number of magazines each TACT officer carries and the amount of ammunition loaded in each magazine was not consistent. The TACT officers each carried a different number of magazines, and the magazines were loaded with varying amounts of ammunition.

After the count of the TACT officers' weapons and ammunition, each TACT officer that was present at 1383 Worthington on the inner perimeter, excluding Officers Penny and Braden, who both fired shots, and Officers Jackson and Hutchison, who were both shot, gave a statement to the Homicide and ISB investigators at the Homicide Bureau. The remaining TACT officers and supervisors gave statements at a later date.

During these statements, Officer Clemons advised that he deployed five rounds of gas utilizing a single shot gas launcher from his position on the north side of the house. Officer Butler advised that he deployed one round into a rear window on the northwest side of the house utilizing the same "Z gun" used by Officer Clemons. Officer Silvers advised that he fired five rounds from his position on the front of the house utilizing a 40mm single shot launcher.

Officer Silvers advised that he also deployed three handheld canisters of tear gas (CS) or Oleoresin Capsicum (OC) into the rear of the house.

Officer Butler advised that he also deployed one "Clear Out" canister into the house.

"Clear Out" is the brand name of an aerosol blend of CS and OC chemical irritant.

Officer A. Underwood #10636 advised that he threw "Clear Out" into the house, but he did not give the number of canisters he deployed.

The remaining TACT officers advised that they did not deploy gas into the house.

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According to these statements, the TACT Unit deployed eleven rounds of gas into the house via the 40mm launcher. Several canisters of "Clear Out" were thrown into the house. It was believed at the time that the handheld gas thrown by Officer Silvers was also "Clear Out".

Officer Penny and Officer Braden were escorted to the ISB office by Lt. Mullins and Sgt. Chatman. Both Penny and Braden completed 'Response to Resistance' forms. It was at this time that both Officers Penny and Braden gave a brief verbal "walkthrough" account of the incident. Per policy, both were also drug tested by Scott Chambers of Mid South Drug Testing.

The following morning, October 16, 2013, ISB investigators went to the TACT Unit office to obtain inventory sheets, 'Spec' sheets, and Material Safety Data Sheets (MSDS) on the ordnance deployed. ISB investigators also requested the TACT officers show examples of what was deployed so those items could be recognized during the scene canvass. The ISB investigators were escorted to the TACT Equipment Van. Nine spent 40mm casings were laying on a counter inside the van. ISB investigators were advised that those nine casings were what TACT officers collected on the scene. It is apparently common practice for TACT officers to pick up their spent casings when gas is deployed from the 40mm launchers. Officer Butler also opened one of the 40mm launchers and advised that one round was still stuck inside the chamber of the launcher. Officer Butler forcibly removed the spent casing from the launcher. CSI was contacted to photograph and collect the casings.

It should be noted that the casing extracted from the launcher by Officer Butler appeared to be burned and charred on the inside of the casing. It was significantly different from the other nine casings. The other nine casing were clearly identifiable as 40mm "Barricade Penetrators" from the markings on the outside of the casings. There were no markings on the one casing extracted from the launcher. Officer Butler explained that the casing lodged in the launcher was possibly older ordnance, and that is why there were no markings. The fact that it appeared to be burned and charred was also attributed to the possible age of the round.

Both Officer Butler and Lt. Prince advised that ten rounds were deployed via "Z-guns" the previous night at 1383 Worthington. There were only two 40mm launchers utilized. All ten rounds were deployed via those two launchers by Officers Clemons, Butler, and Silvers. Major Morris advised that he was in the process of getting the inventory sheets as well as the 'Spec' sheets and MSDS sheets.

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After clearing the TACT Unit office, ISB investigators met with Homicide investigators Sergeants M. Quinn #7001 and K. Lundy #4922 on the scene at 1383 Worthington. CSI Officers C. Cathey #1559 and M. Coburn #2463 also met at the scene. While on the scene, several items were photographed and collected by CSI. Three additional casings from a 40mm launcher were located in the front yard close to the southeast corner of the house. A fourth casing from a 40mm launcher was also located on the north side of the house. Several spent canisters of "Clear Out" were located on and near the front porch of the house. CSI advised that there were two additional spent canisters inside the house. One was located near a bedroom door in the center of the house and one was in a rear bathroom accessible only to the bedroom on the northwest corner of the house. These were the only items relative to gas deployment that were located during a canvass of the scene. These items were photographed and collected by CSI.

At this point in the investigation, the TACT Unit had advised that ten rounds had been deployed. They provided ten spent casings that they advised were picked up on the scene. There were four additional casings located on the scene. This indicated that fourteen rounds were deployed with the 40mm launcher.

On Monday, October 21, 2013, Major Morris was contacted regarding the ordnance deployed. He advised that he believed that only ten rounds of "Barricade Penetrators" were deployed as well as an unknown number of "Clear Out" canisters. He did not believe that any of that ordnance could cause a fire. He suggested that Lt. M. Jones #4368 with the Memphis Police Firearms Training Unit (FTU) be contacted for confirmation. He also advised that Lt. Jones may be able to provide the 'Spec' sheets as well as the MSDS on the ordnance.

The MSDS for the "Barricade Penetrators" and "Clear Out" canisters were found online.

On Tuesday, October 22, 2013, ISB investigators met with Lt. Jones of the FTU to discuss the fire potential of the ordnance deployed. It was determined that if the "Barricade Penetrators" and "Clear Out" were the only ordnance deployed, it would be highly unlikely that those munitions could cause a fire.

Lt. Jones was also shown the photograph of the casings that were picked up by the TACT Unit. He advised that nine of those casings were clearly 40mm "Barricade Penetrators". He could not identify, from the picture, the charred and unmarked casing that had been forcibly extracted from the launcher.

On Thursday, October 24, 2013, the CSI photos taken at the scene were obtained from the Photo Lab at 201 Poplar. While reviewing the photos of the canisters located by CSI

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inside the rear of the house, it became clear that what was initially believed to be handheld "Clear Out" canisters was not "Clear Out". The photos, as marked and identified by CSI on the Crime Scene Investigation Report as "Item 21" and "Item 22" were taken to Lt. Jones of the FTU for possible identification. Lt. Jones advised that "Item 22", located in the hallway near a bedroom door, appeared to be a 37mm projectile. The 37mm gas round would normally be used for riot/crowd control, and would not be approved for indoor use. "Item 21", which was located in the rear bathroom of the house, appeared to be a handheld gas or smoke grenade. It could not be positively identified by Lt. Jones from the picture. Lt. Jones advised that the 37mm rounds were something that the FTU has in stock. However, the handheld ordnance did not appear to be something that was a part of FTU inventory.

FTU Gunsmith Officer S. Betz #0782 was also present during the meeting. Officer Betz advised that on Wednesday, October 16, 2013, TACT Officer Clemons brought two 40mm Single Shot Launchers to him. One was dirty and needed cleaning. The other would not close properly. He located a small square piece of metal lodged under the extractor. He dislodged the metal which enabled the launcher to operate properly. The photo of the casings recovered from the TACT Unit office was reviewed again. In the picture, the unmarked casing that had been lodged in the launcher appeared to have a small, square shaped piece of metal missing from the bottom of the casing.

On Friday, October 25, 2013, the evidence collected from the scene and at the TACT office was checked out of Property and Evidence at the 201 Poplar and Harvester locations. The items were taken to the FTU for positive identification.

"Item 22", recovered near a bedroom door in the center-rear of the house, had markings in blue indicating it was a 570 CS Short Range Projectile.

The one unmarked casing recovered from the TACT Unit office was positively identified as a Federal Laboratories, 570 CS Short Range Projectile casing. The casing had "MFG 2000" and "07269" stickers affixed to the bottom, indicating the manufacture date and the lot number. An unused round was pulled from the FTU "gas storage room". The round, marked 570 CS in blue, was compared to the projectile found in the house and to the spent casing from the TACT Unit office. The unused round had the same manufacture date and lot number as the spent casing.

"Item 21", recovered in the rear bathroom of the house, was identified as an ALS "White Smoke" grenade. This grenade is not intended for indoor use.

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This information confirmed that not all of the ordnance deployed into the house from the 40mm launcher was "Barricade Penetrators", and that not all ordnance was approved for indoor use. This also confirms that not all handheld ordnance deployed into the house was "Clear Out", and that not all handheld ordnance was approved for indoor use.

There is a lack accountability regarding the TACT Unit inventory, especially as it relates to chemical ordnance.

It was decided that ISB investigators along with the FTU would conduct a complete inventory of the TACT Unit, especially the inventory of gas munitions.

The inventory of the TACT Unit officers was conducted. It was discovered that there is no uniformity in the amount of magazines or number of rounds of ammunition carried by each individual TACT officer. Some officers had "flash bangs" and some did not. None of the TACT officers had chemical gas munitions on their persons or in their assigned TACT vehicles. These facts indicate accountability issues.

An inventory of the TACT Equipment Van and storage area at the TACT Unit office was also conducted.

An inventory sheet for the TACT Van dated October 1, 2013, was provided. There were discrepancies in the amount of ordnance present on the Equipment Van and what was documented on the inventory sheet.

An inventory sheet for the "Equipment Cage" was provided. It was dated March, 2013. Not only did the amount of ordnance differ from the numbers on the inventory sheet, there were also large amounts of older ordnance, some with manufacture dates as old as 1982.

Over the following days, ISB investigators obtained additional statements from the TACT Unit officers. It was necessary to clarify the discrepancy in what the TACT Unit advised was deployed, and what the evidence recovered indicated was deployed.

Even after these statements were taken, the discrepancy involving the total number of casings recovered versus the number of rounds the TACT Unit advised was deployed persisted.

On November 1, 2013, the evidence was once again checked out of Property and Evidence. After close examination, it was determined that two of the four casings recovered on the scene by CSI were also 37mm 570 CS casings. This shows that three

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rounds deployed by the TACT Unit from the 40mm launcher were not intended for indoor use.

Questions

This investigation has revealed several questions relative to the TACT Unit and their response to this particular situation, as well as issues related to the TACT Unit's inventory of ammunition and ordnance.

It should be noted that due to the fact that the house was almost completely destroyed by the fire and the subsequent efforts of the Memphis Fire Department to extinguish the fire, much of the evidence that could normally be collected on a scene was destroyed or displaced by those fire fighting efforts. The Memphis Fire Department was not able to attack the fire from the inside out, due to the fact that it was not certain that the suspect had become incapacitated to the point that the scene was safe. The initial fire fighting effort by the Memphis Fire Department was solely from the pumper at a safe distance in the middle of the street. Only after it was determined that the suspect could not have survived did the Memphis Fire Department allow its firefighters to approach and enter the house to complete their firefighting efforts. Also, some of the evidence may have been removed during the aftermath (i.e. attempts to remove combustible items, destruction of the at-risk portions of the structure, etc.) or covered, altered or otherwise destroyed by the movements of fire and police personnel.

1. What started the fire?

Per Fire Investigator W. Irons, of the Memphis Fire Department, the findings of the investigation are that the cause of the fire is **UNDETERMINED**.

The principal issue is that no one witnessed who or what started the fire. Because no one saw the fire start or how it started, it cannot be clearly determined if the fire was started by the suspect or by rounds fired into the dwelling by TACT officers. The initial investigation conducted by the fire investigators indicates that the fire started at the east window of the northeast bedroom, which is reinforced by some witness accounts and limited video evidence. This is the room in which the suspect was last seen prior to the start of the fire.

The second issue is the lack of physical evidence that has been recovered. The physical evidence located indicates that TACT officers fired three 37mm 570CS gas rounds at/into the structure. These rounds are for outdoor use because they do "burn" for a short period, which creates a fire risk. For this reason they are used for riot/crowd control. However,

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the lack of physical evidence as to where the rounds landed makes it difficult to determine whether or not any of these rounds contributed to the fire. Only one 37mm round was located, found in a north-south hallway several feet away from the target bedroom. It does not appear this round could have started the fire because of the distance from the start of the fire, and the lack of charring or scorching on the round or on the nearby structural surfaces. Based on the statement of Officer Phillip Penny #1910, it appears that this particular round bounced off the door and down the hallway. Also per Officer Penny's statement, one round (37mm or 40mm) may have lodged in the bedroom door, several feet away from where the fire started. It is not known for certain where any rounds landed except for the one round recovered in the hallway.

2. Deployment of chemical/gas ordnance

- A. Was the amount of gas deployed appropriate for this particular situation?
- B. Who determined the amount of gas to use?
- C. How much gas was actually deployed?

The investigation has revealed that there was no specific order given as to what amount of gas would be deployed. In their statements, several TACT officers stated that the determination is usually made based on the success of the introduction of gas, as well as the success or failure in achieving the desired effect. There does not seem to be a set plan as to who determines the amount of gas to be deployed in a given situation. There is an equation that can be used to determine how much agent to introduce into a structure, based on the dimensions of the structure. Based on officers' statements, this formula is complex and is not often used on the scene. The determination tends to be based on the effectiveness of the gas at the time it is deployed.

Poor TACT Unit inventory and poor crime scene management have contributed to the early belief that fourteen canisters were deployed from the 40mm launchers. Based on the investigation, it appears that either ten or eleven canisters of gas were deployed. Of the ten or eleven canisters deployed, two canisters apparently did not enter the dwelling. Of the nine remaining canisters launched into the dwelling, one canister was fired into the rear of the dwelling after the initial introduction of gas. Based on officers' statements, once the suspect moved to the rear of the house, additional munitions were introduced in an attempt to drive the suspect out via the rear exit. The officers feared the suspect would be consumed by the fire, which had started prior to the last canisters being fired into the dwelling.

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3. How did the 37mm rounds, not intended for indoor use, get deployed into the house?

- A. Who deployed gas utilizing the SL-1 40mm launcher?
- B. Who deployed the 37mm rounds?
- C. Who approved the use of the 37mm rounds?
- D. How were the 37mm rounds available for use in this situation?

The introduction of gas into the dwelling was initially made by munitions fired by three different TACT officers. All munitions were fired from two different SL-1 40mm launchers. Officer Davin Clemons #1029 fired five rounds from one launcher into the northeast bedroom and the northwest bedroom, all from the north side. Officer James Butler #1024 fired one round into the northwest bedroom from the northwest corner, using the same launcher as Officer Clemons. This round was fired several minutes after the initial introduction of gas, and after the fire started. All six of these rounds appear to have been 40mm "Barricade Penetrators" munitions of OC or CS gas (three each). Officer Sean Silvers #10276 fired either four or five rounds (the evidence indicates it to be four) into the structure from the east (front) side of the dwelling.

Based on physical evidence on the scene, it appears Officer Silvers is the team member who fired the three 37mm rounds designed for outdoor use. It appears he fired one or two 40mm "Barricade Penetrators" designed for indoor use, and three 37mm rounds designed for outdoor use. However, it is likely only three rounds actually entered the structure.

The first two rounds fired by Officer Silvers were fired from near the center of the front yard toward the front window of the northeast bedroom. The evidence and officers' statements indicate that at least one, if not both, of these rounds bounced off of the structure or the mattress used by the suspect to barricade the front window. Therefore, these rounds did not penetrate the structure. It appears that at least one of these rounds was a 37mm round.

The remaining two or three rounds were deployed from near the front porch through the front living room window toward the bedroom door of the target bedroom. One 37mm projectile was found inside the house in a north-south hallway that leads south from the northwest corner of the house, west of the target bedroom door. There is no clear evidence to indicate whether the other one or two rounds penetrated the bedroom door.

The TACT Unit officers were not given permission to fire the 37mm rounds. Based on officers' statements, no one knew that the 37mm rounds were even being used. During their statements, all three officers stated they fired "Barricade Penetrators" (40mm) and

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apparently believed this was the case. One launcher case had to be loaded on the scene by TACT Team Leader Officer Penny. Officer Penny said that one case was fully loaded with six rounds, but he loaded additional rounds (three or four) into the other. Officer Penny believed he loaded 40mm "Barricade Penetrators" in this case.

Officer Clemons said this was his first time deploying gas via the launcher. Officer Butler handed him the rounds, and Officer Clemons loaded and fired. Officer Clemons was not able to easily distinguish between 37mm rounds and 40mm rounds in photos during his interview. Officers Butler, Silvers, and Penny easily identified the 37mm rounds and distinguished them from the 40mm rounds when viewing photos during their interviews. They all knew the 37mm rounds are riot/crowd control rounds for outdoor use, as did TACT Unit Equipment Officer Godfrey Howard #3728.

The fact that 37mm rounds were fired was never reported to any supervisor in the TACT Unit. The following day, ISB investigators arrived at the TACT Office and learned that a casing was stuck in one of the launchers. When ISB investigators followed up on the munitions with Lt. Michael Jones of the Firearms Training Unit, it was revealed that the lodged casing was from a 37mm round. Until that time, apparently none of the officers knew or believed that they fired anything except 40mm "Barricade Penetrators."

It appears that 37mm riot/crowd control rounds were used in error. The rounds were loaded into the launcher case at the scene from a canister of munitions given to Officer Penny by Officer Howard, or were possibly left in the case from a previous incident. These rounds were somehow supplied to Officer Penny instead of the "Barricade Penetrators." These munitions should not have been readily available for this indoor situation.

However, the rounds should have been examined more closely, either in loading the case or prior to firing. This may have prevented the usage of these rounds. Officer Penny loaded the case on the scene after containment was established. It should not have been necessary to load the case at this point in a barricade situation. Based on TACT Unit Standard Operating Procedure (SOP), the case should have been fully stocked days before this incident; it should have been restocked immediately after the previous barricade. However, the Equipment Van is not properly maintained and restocked after barricade situations. According to the statements of Officer Howard, he only finds out what needs to be replaced when an officer tells him that ordnance was fired. On the night of October 15, 2013, for example, the Equipment Van was parked at the TACT Office at the conclusion of the incident without any effort to clean up or restock equipment/munitions.

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4. Reporting of malfunction in extracting casing from SL-1 40mm launcher

- A. Who discovered the malfunction and when?
- B. Was the malfunction in extracting the last casing reported?

None of the officers (Sillers, Clemons, or Butler) experienced a malfunction when firing the launchers. Officer Silvers, who appears to be the officer who fired the 37mm rounds, did not try to extract the final round; therefore, he did not know it was lodged in the launcher. Officer Silvers ran to the aid of Officer Hutchison after he was shot, leaving the launcher on the ground, and never touched the launcher after that point. Officer McKnight indicated in his statement that he noticed that the launcher had a casing lodged in the chamber when he collected it and other equipment from the front porch area of the house. It is unknown who retrieved the other launcher from the north side of the house.

According to the statement of Officer Howard, he noticed that a casing was stuck in one of the launchers on the night of October 15, 2013, after returning to the TACT Office. He did not report this to anyone at that time, nor did he notify a supervisor the following day. He told Officers Clemons and Butler to take the launchers to the Firearms Training Unit to be cleaned and examined. He had no answer as to why he did not report this malfunction. Officers Butler and Knudsen had also noticed the stuck casing. The following day ISB investigators went to the TACT Office. While there the investigators learned of the casing that was lodged in the launcher. Officer Butler removed the lodged casing by hand. The casing is normally extracted by tilting the launcher to the side and allowing the casing to fall out with the aid of gravity, or by using the extractor to remove the casing by hand. In this case, the casing had to be forcibly removed. In addition, a small piece of aluminum from the casing became lodged in the launcher under the extractor. It was later learned that the round apparently had not been seated properly prior to being fired.

5. Use of handheld munitions

There were several handheld munitions used during this barricade situation. The investigation has revealed that these munitions were not used until after the fire started, after the introduction of fired munitions, and after Officer Hutchison was shot. Most of the handheld munitions were canisters of "Clear Out" thrown through the living room window and the rear windows. These are approved for indoor use. One canister of white smoke was found in the shower stall of a rear bathroom of the house, accessible via the northwest bedroom. This was most likely thrown by Officer Silvers. He said that he made a quick visual check and did not believe that the smoke canister was an incendiary type of munitions, based on the packaging. This particular canister appears to be slightly

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different than some of the other smoke munitions and does appear to "burn hot." Both Officers Silvers and Penny said that smoke is sometimes used indoors to help transport the chemical agents (OC or CS) within a structure. There was no specific notification that these munitions were being deployed.

It appears that the usage of handheld munitions was not and is not specifically monitored, or at least is not monitored as closely as fired munitions.

Recommendations

This investigation has revealed several issues regarding TACT Unit procedures. Specific recommendations were made to address some of those issues and are as follows:

1. Two officers were shot during this incident

Were there tactical errors attributing to the officers being shot?

There do not appear to be any tactical errors that attributed to the officers being shot. It is understood that each warrant service/attempt pick up will likely present specific dangers associated with those duties. The tactics utilized by the TACT officers did not appear to have contributed to the actual shooting of the officers. However, some changes may be considered to improve the overall outcome of future situations.

The TACT officers arrived at 1383 Worthington for the initial pick-up of the suspect. Verification that the suspect was indeed inside the house was obtained from an eye witness inside the house. The TACT officers were not in full tactical gear. This became an issue when the suspect fired on the officers as they made entry. The officers had to wait for additional TACT officers to arrive to put on their tactical gear. TACT SOP, Section I, Annex N, Warrant Service and Procedures, page 23 states in part:

"The preferred uniform of TACT officers serving high-risk warrants will be BDU's. TACT officers will always wear visible police markings when serving arrest warrants".

When TACT officers are utilized for attempt pick-ups/warrant service, all responding TACT officers should be in full tactical gear. TACT SOP indicates officers will meet "at the TACT Office, the nearest police precinct, or any other location a TACT supervisor deems appropriate". This would indicate that TACT officers should have time to dress out prior to arriving at the target location. TACT SOP, Section 1, Annex B "Response & Request Procedures", Section III, paragraph 4, page 8 states in part:

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"TACT personnel will dress out in their tactical uniforms/gear and await instructions or respond to any immediate threats that require immediate response (i.e. active shooter)."

TACT SOP, Section I, Annex B "Response & Request Procedures", Section II, page 8 lists the situations that apply to this section and states in part:

II. Request Situation(s)

- Barricade incidents
- Hostage incidents
- Sniper attacks
- Directed patrol assignments
- Assistance requests
- Dignitary protection
- Electronic stakeout program requests

NOTE: In the above sections quoted from the TACT SOP, the underlined sections were added by the writer.

This specific part of the TACT SOP, Section I, Annex B, "Response & Request Procedures" may need to be added to Annex N "Warrant Service and Procedures" as well as implemented into "common practice" by the TACT officers.

It is understood that exigent circumstances arise. However, if the TACT Unit is being asked to assist in serving a search or arrest warrant, it should be understood that the situation is much more dangerous than usual. The responding units should then prepare for a potential barricade situation by dressing out as if it is a barricade situation. If a barricade does ensue, these officers are as fully equipped as they can be until the arrival of the Equipment Van.

2. TACT officers' ammunition counts

There is no standard load for TACT officers in terms of ammunition. During the count of rounds, some officers had full magazines for the M4 rifle and others had very few rounds in the magazines. Some had few magazines, others had multiple magazines.

There should be a standard load for the magazines. The ISB recommendation is that the magazines be loaded to the full recommended capacity.

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There should be a minimum number of magazines for pistol and M4 rifle that each officer must have. Setting a maximum may be too restrictive, but a reasonable maximum need not be. For example: Minimum on the officer's person is four, plus one magazine in the rifle; maximum for turn-out on the officer's person is eight.

Individual inventory sheets listing the amount of ammunition carried on the officer's person/tactical gear must be maintained at the TACT Office. A copy might need to be sent to ISB if/when a shooting occurs.

The intent is not to limit or hinder the officers in any way. However, this becomes an accountability issue if/when a shooting occurs. ISB must be able to account for all expended rounds. When it is known how many rounds the officer is supposed to have, stronger accountability is achieved.

3. TACT officers' storage of ammunition

There is a large amount of ammunition in the officers' vehicles (duty ammunition, practice ammunition, etc.). This poses a safety/threat hazard in the event of a break-in or theft of the vehicle.

There should be some type of limit for the amount of ammunition stored in the vehicles during day-to-day operations.

This is strictly a safety concern. No effort to limit response capabilities is intended.

4. TACT Equipment Van

The inventory and controls for the Equipment Van are not acceptable.

The Equipment Van was not restocked immediately after the previous incident, which in this situation, forced officers to reload launcher cases on the scene during the barricade.

Outdoor munitions were not clearly separated from indoor munitions.

Spent casings for gas munitions from a previous barricade were still in the Equipment Van, resulting in cross-contamination with expended casings from 1383 Worthington. This resulted in the mistaken belief that fourteen rounds of gas were fired.

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At this point, there seems to be no inventory of the chemical rounds dispensed during the barricade at 1383 Worthington.

The TACT SOP covers most of these issues. It appears that the controls are in place, but have not been monitored or enforced. Some recommendations are:

- The Equipment Van must be cleaned out, restocked, and secured after each barricade. This includes reloading the gas launcher cases.
- A log should be maintained and must be initialed by the equipment officer and a supervisor after the Equipment Van is cleaned and restocked following each incident. This should be part of the checklist for barricades.
- All outdoor chemical munitions must be stored in a separate location within the Equipment Van and the containers clearly marked as "Outdoor Use Only." Outdoor munitions should be stored in a location in the Equipment Van that requires extra effort to obtain them, such as in an upper compartment.
- Containers of OC should be clearly distinguished from containers of CS.

Significant emphasis should be given to additional training to the equipment officer and backups. Each equipment officer should know the difference between the outdoor and indoor use munitions. While each and every TACT officer must be cross trained to fulfill needed roles in varying situations, the TACT Equipment Officer must maintain his duties as the Equipment Officer as his primary job function rather than a secondary function.

Additional inventory of the Equipment Van may be needed, such as bi-weekly instead of monthly.

5. TACT Equipment Cage/Storage Room

Storage and inventory controls in the TACT Office store rooms are not acceptable.

All items stored must be in separate, clearly marked containers or designated areas.

If the room does not meet OSHA standards for storage of chemical munitions, consideration should be given to reducing the number of chemical agents stored for significant time periods.

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Consideration should be given to only having enough outdoor munitions in the equipment room to restock the Equipment Van one time, if needed. This will leave munitions on hand for a sudden riot situation. If an organized event, such as a protest or counter-protest is planned, FTU can dispense additional rounds.

Make certain that flash bangs/disruption & distraction devices that are regulated by the Bureau of Alcohol, Tobacco, and Firearms (ATF) are closely scrutinized.

6. Deployment of Gas Munitions

The deployment of gas at 1383 Worthington was not coordinated or monitored. True accountability was not possible.

Protocols should be put in place so that the deployment of gas can be more controlled and more closely monitored and documented. This will improve accountability as well.

Chemical rounds must be signed out at the Equipment Van when issued. Specific details must be recorded.

The equation/formula to determine the amount of gas suitable according to the dimensions/square footage of a structure should be utilized to calculate the amount of gas to be deployed. This should be calculated well in advance of the "Signal Blue" (the command to deploy gas). A supervisor should monitor the amount of gas issued.

Consideration should be given to specifically assigning team members to deploy gas. This can still be dependent on the position of members on containment, location of suspect in structure, etc. The recorder can document who receives a launcher.

Consideration should be given to somehow marking each launcher (i.e. color coding the butt plate, applied launcher number, etc.) so that accountability is improved. The recorder can document who receives which launcher. This can be accomplished in over the air radio transmissions.

Consideration should be given to marking the bottom of each round (i.e. "O" for OC; "C" for CS; "R" for riot; etc.) to prevent using the wrong rounds when loading.

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Once 'Signal Blue' is given, the Team Leader or supervisor should specifically designate who launches, how much is launched, and what type of gas (OC or CS) is to be launched. This should be conducted by over the air radio transmissions for accountability and documentation purposes. This will allow the Team Leader or supervisor to monitor the delivery and effect before additional action is taken. All team members/command staff will know what is occurring. The recorder can document specific gas deployment, and the situation can be more controlled, in terms of TACT Unit response. Any type of malfunction of equipment, including launchers, failure of gas rounds, or failure of handheld munitions must be reported to a supervisor immediately.

7. Deployment of Handheld Ordnance

The deployment of handheld canisters of gas at 1383 Worthington was not coordinated or monitored. True accountability was not possible.

The deployment of handheld ordnance on a barricade situation should be documented in a similar manner to that which is launched. This should be conducted by over the air radio transmissions for accountability and documentation purposes.

There should be regular inspections of the officers to verify the documented tactical gear that they carry.

Any handheld ordnance that is carried by TACT officers on their tactical gear should be well documented. This includes canisters of smoke, "Clear Out", diversionary ordnance, etc. Some officers carry these items, and some do not.

Individual inventory sheets should be inspected and updated monthly.

Separate inventory should be conducted for individual officers after barricades just like the Equipment Van. Any ordnance replaced as a result should be well documented.

Consideration should be given to issuing handheld ordnance as needed on barricade situations prior to relieving Uniform Patrol officers on a perimeter (smoke, "Clear Out", flash bangs, etc. to each officer or every other officer). Any ordnance carried on individual tactical gear should be a determining factor.

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Overall equipment/inventory documentation is critical for accountability. There were concerns that some officers may be purchasing equipment/ordnance out of their own pockets, and carrying this equipment without documentation. This cannot be allowed. All ordnance carried by the TACT Unit officers should be known by the TACT Command Staff for accountability purposes as well as to minimize possible liability.

8. Disposition of Casings Deployed by Launchers

At the conclusion of a barricade where gas is deployed, common practice has been to pick up the spent casings. This occurred on Worthington and severely reduces accountability.

The procedures to follow may vary depending on the outcome of each barricade situation.

Each time gas is deployed, the scene should be treated as a crime scene. The spent casings should be left in place, and CSI should be dispatched to photograph the casings as they were. The casings can then be collected and photographed collectively. If the suspect was taken into custody without further incident, the casings can be collected for proper disposal. If injury occurs to either the suspect or an officer, or if major property damage occurs, the casings should be photographed, collected by CSI, and tagged into evidence.

The disposition of handheld ordnance should be handled in the same manner as gas casings.

This may require a change to Policy and Procedures. This same practice should apply to the use of the SL-6 Launcher by CIT officers.

In addition, a "Response to Resistance" form should be used to document the use of gas, as is done when OC spray or the SL-6 Launcher is used. The original goes to ISB with a copy to file at the TACT Office. Again, a P&P change may be required.

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9. TACT Officer Recognition of "Riot/Crowd Control" Ordnance

There was confusion on the part of some TACT members as to the difference between the riot/crowd control rounds and the "Barricade Penetrators." There seems to be varying levels of expertise within the TACT Unit.

All TACT officers should be completely familiar with all ordnance. This may be standard, but it needs to be reinforced and/or documented. All specialized training (gas, breaching, rappelling, etc.) above the normal training should be well documented and specialized skills utilized by those specific members when possible.

10. Acquisition of Ammunition and Chemical Ordnance

The acquisition of ammunition and chemical ordnance became a concern during ISB inspections. For example, there were questions as to whether or not ordnance acquired by the TACT Unit in the past was tested, documented and approved.

Any ordnance acquired by the TACT Unit should be tested, documented, and approved so the capabilities and liabilities of all ordnance are known.

Any ordnance that the TACT Unit wishes to use can be acquired, with approval from the Director of Police Services or his designee. However, all ordnance purchased/acquired for the TACT Unit should be shipped to the Firearms Training Unit prior to delivery to the TACT Unit. This would allow for at least three inventories of the ordnance: the initial delivery, the pick-up of the ordnance by TACT Unit officers, and an inventory at the TACT Office. This improves overall accountability and thorough documentation.

Statement of Facts

The initial focus of this investigation was centered on the actions of TACT Officer Phillip Penny #1910, and TACT Officer Robert Braden #10243, in regard to their use of deadly force by discharging their duty weapons. The fact that the house in which Aaron Dumas was barricaded was almost completely destroyed by fire, and the body of Aaron Dumas was later located inside the house, added a second dimension to the case. Specifically, the added dimension was determining if the ordnance deployed by the TACT Unit could

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have started the fire. In exploring the TACT Unit's use of chemical ordnance in this incident, several issues regarding the inventory of chemical munitions and how they are deployed became a third dimension.

According to the Medical Examiner's Office, Aaron Dumas was not shot, and his body was not significantly burned. The Medical Examiner's Office has ruled the cause of death to be smoke inhalation. However, the manner of death could not be determined.

This investigation has revealed that some chemical ordnance deployed into the house by the TACT Unit did have fire causing potential. However, the Memphis Fire Department Fire Investigator, W. Irons, has indicated that the cause of the fire is undetermined.

The investigation has determined that TACT Officer Sean Silvers #10276, TACT Officer Davin Clemons #1029, and TACT Officer James Butler #1024 were the only TACT officers to deploy chemical ordnance into the house utilizing the SL-1 40mm launcher. The physical evidence, along with the officers' statements, indicate that either ten or eleven rounds of chemical ordnance were deployed via the SL-1 40mm launcher.

Typically, 40mm powder or liquid "Barricade Penetrators" are utilized during indoor barricade situations. The evidence shows that three of the rounds deployed via the SL-1 40mm launcher were not "Barricade Penetrators", but instead, were 570 CS 37mm rounds designed for crowd/riot control. These rounds are not intended for indoor use.

The evidence indicates that TACT Officer Silvers deployed all three 570 CS rounds from his position on the front (east side) of the house. Those rounds were loaded into the case with the SL-1 40mm launcher by TACT Officer Penny, who then took the case to Officer Silvers' tactical position near the house.

There is also the question of a handheld "smoke grenade" that was found in the rear bathroom of the house. This type of ordnance is also not intended for indoor use due to fire causing potential. The evidence suggests that TACT Officer Silvers deployed this handheld "smoke grenade" after the fire had started, in an attempt to force Aaron Dumas toward the rear door of the house to avoid being consumed by the fire.

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Additionally, the investigation has revealed that TACT Officer Howard, TACT Officer McKnight, TACT Officer Butler, and TACT Officer Knudsen all observed the lodged casing in the SL-1 40mm launcher but did not report the malfunction to their immediate supervisor which is required in the Memphis Police Department's Policy and Procedure Manual.

The issue as to why and how the ordnance that was not intended for indoor use came to be present on the scene, then deployed, led the investigation into the TACT Unit's inventory protocol and procedures.

Based on this investigation, it appears that the inventory of the TACT Unit's Equipment Van has not been thoroughly maintained. This presents accountability issues with the procedures that seem to be "common practice" involving the disposition of the spent casings from the SL-1 40mm launcher rounds, the upkeep and inventory of "indoor approved" and "outdoor use only" ordnance, and how that ordnance is stored and kept separated.

In this particular incident, each TACT officer that deployed rounds with the SL-1 40mm launcher depended on another TACT officer, who handed them the rounds to deploy or gave them the launcher already loaded. Those TACT officers who disseminated rounds or the launchers were dependant on another TACT officer, who may have provided the rounds from the Equipment Van. This mentality of trust and dependence is prevalent in specialized units such as the TACT Unit.

The fact is that "outdoor use only" rounds were somehow mixed with or inadvertently disseminated with the belief that they were "Barricade Penetrators", and suitable for the barricade situation with which the TACT officers were faced at 1383 Worthington. The possibility exists that this is not the first time that "outdoor use only" rounds were deployed in a barricade situation handled by the TACT Unit. Even though ordnance that was not intended for indoor use was deployed, there is no clear evidence to suggest that ordnance started the fire.

A citizen recorded a portion on this incident on a cell phone. The cell phone video of this incident clearly shows a large amount of smoke outside of the house before Officer Hutchison was shot. The smoke is clearly from the ordnance deployed as this was well

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before the fire had started. Demonstrations of the 37mm rounds and the "Barricade Penetrator" were conducted by the FTU. The videos of the demonstrations show that the "Barricade Penetrator" produces very little smoke as the projectile impacts an object, breaks apart, and the powder chemical is dispersed in a small "puff" of smoke. However, the 37mm rounds produce large amounts of smoke as the round continues to disperse the chemical agent over several seconds. The amount of smoke in the video does not appear to have been produced from one or two "Barricade Penetrators." This would indicate that one of the two rounds deployed by Officer Silvers toward the bedroom window was a 37mm round and did not penetrate the structure. Per Officer Penny's statement, one of the projectiles deployed by Officer Silvers from the front porch and toward the bedroom door bounced off of the door and went toward the back of the house. This is most likely the 37mm projectile recovered in the hallway of the house. Officer Penny also indicated in his statement that one of the projectiles deployed by Officer Silvers possibly stuck in the bedroom door, indicating that this round is also a 37mm round. The video demonstration showed that the "Barricade Penetrators" break apart on impact. There were three 37mm casings recovered. The evidence indicates that only two 37mm rounds actually penetrated the structure, but none appear to have entered the bedroom in which the fire started. Since the investigation has determined that the "outdoor only" handheld ordnance was deployed after the fire started, it is highly unlikely that any ordnance deployed by the TACT Unit started the fire.

It is likely that the mixed or inadvertent dissemination of ordnance resulted from less than desirable inventory control and procedures, as they relate to the storage of chemical ordnance in the TACT Equipment Van. While the TACT Unit's SOP (Standard Operating Procedure) manual addresses the responsibility for the "accounting, inspecting and maintaining in operational order the inventory of equipment stored in the Equipment Van" as that of the TACT Unit's designated equipment officer, it does not specifically regulate the separation, storage, or dissemination of chemical ordnance in the Equipment Van. Even though there is no clear evidence to show exactly where or when the ordnance became mixed up, it is clear that the inventory stored in the TACT Equipment Van was not properly maintained. In addition to the issues with the chemical ordnance, several pieces of equipment that were to be utilized by the Negotiation Team during the incident at 1383 Worthington, and are required to be maintained in the TACT Equipment Van per the TACT Unit's SOP, were not readily available.

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There does not appear to be a specific date, time, person, or incident that led to these problems. This appears to be an institutional problem, surrounding the TACT Unit as a whole, whereas the procedures followed involving the inventory, dissemination, and deployment of chemical ordnance is one of "common practice." This does present a problem with accountability. Even though there is no way to say with any degree of certainty that the responsibility for the onset of these issues falls on one or two people, a general lack of supervisory control and ineffective leadership is certainly responsible for the apparent lackadaisical attitude of TACT Unit personnel toward the implementation of Standard Operating Procedures which led to some of these issues.

The preponderance of evidence in this investigation does not indicate that the actions of any officer of the TACT Unit caused the fire that destroyed the house at 1383 Worthington. Nor does the preponderance of evidence indicate that the officers' actions were the cause of the death of Aaron Dumas. Aaron Dumas was given ample opportunity to surrender, but failed to do so.

Although this investigation has revealed certain procedural issues regarding the TACT Unit's storage, dissemination, and deployment of chemical ordnance, those issues have been addressed and recommendations made to improve those issues. It is believed that the TACT Unit's implementation of those recommendations, along with the continued monitoring of TACT Unit procedures, will greatly improve the accountability issues uncovered through this investigation. This will help eliminate the possibility of "outdoor use only" ordnance being deployed in future barricade situations.

As previously stated in this report, the issues discovered in this investigation appear to be an institutional problem, surrounding the TACT Unit as a whole, whereas the procedures followed involving the above listed issues are of "common practice" and not those set forth in the TACT Unit SOP. The commander and supervisors of the TACT Unit have supervisory authority and responsibility over TACT Unit personnel to ensure their compliance with all policy, goals, rules, regulations, orders, training, and directives of the Memphis Police Department. There is a lack of institutional control regarding the inventory of TACT equipment and munitions, as well as the implementation of the Standard Operating Procedures. The responsibility for that institutional control lies squarely on the shoulders of the supervisors of the Memphis Police Department's TACT Unit.

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Had the commander and supervisors of the TACT Unit fulfilled their duties as set forth in the Memphis Police Department's Policy and Procedures Manual, it is likely that the issues surrounding the inventory, maintenance, and storage of chemical ordnance and equipment would have been brought to light, corrected, and implemented prior to this situation.

The investigations conducted by ISB and the Homicide Bureau clearly revealed that both Officer Penny and Officer Braden were confronted with a deadly force situation in which they and their partners were shot or shot at by Aaron Dumas. During the initial TACT Unit entry into the bedroom, Officer Penny fired several shots at Dumas after Dumas shot Officer Jackson, and another round fired by Dumas narrowly missed Officer Penny's head. Officer Braden returned fire when Dumas shot Officer Hutchison as Dumas was exiting the bedroom in which he was barricaded. This was after OC and CS gas was deployed into the room to force Dumas out. The Homicide Bureau submitted the criminal investigation packet to the Shelby County District Attorney General's Office for review. ADAG Tom Henderson and ADAG Karen Cook signed off on the form declining to charge or prosecute either officer in this incident, stating that both shootings appear to be a justifiable use of deadly force in self-defense, as well as to apprehend an immediately dangerous felon.

Regarding the use of deadly force, the preponderance of evidence in this investigation shows that TACT Officer P. Penny #1910 and TACT Officer R. Braden #10243 both acted in self defense in discharging their duty issued rifles at Aaron Dumas. There are no policy violations, and their actions, in regards to the shooting, are justified.

The investigation into the use of deadly force centers upon the actions of Memphis Police Department TACT Officer Phillip Penny #1910 and TACT Officer Robert Braden #1024, and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's Policy and Procedure Manual, Chapter 2, Section 8, Response to Resistance, Paragraphs IV & IX, which state:

IV. Use of Deadly Force Authorized

Officers shall use only the **NECESSARY** amount of force that is consistent with the accomplishment of their duties, and must exhaust every other reasonable

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means of prevention, apprehension, or defense before resorting to the use of deadly force. (1.3.2)

A. Use of Deadly Force in Defense of Self or Others

Officers are authorized to use deadly force:

1. In self-defense where the officer has been attacked with deadly force, is being threatened with the use of deadly force, or where the officer has probable cause and reasonably perceives an immediate threat of deadly force; or
2. In defense of others where a third party has been attacked with deadly force, is being threatened with the use of deadly force, is in danger of serious bodily injury or death; or where the officer has probable cause and reasonably perceives an immediate threat of deadly force to a third party.

Regarding the fact that “outdoor use only” chemical ordnance was deployed during the indoor barricade situation at 1383 Worthington, the preponderance of evidence indicates that TACT Officer Sean Silvers #10276 was the officer that actually fired the 570 CS 37mm projectiles at and into the residence. The preponderance of evidence also indicates that TACT Officer Phillip Penny #1910 was responsible for loading the case with the 570 CS rounds and taking them to Officer Silvers’ tactical position near the house. As sworn officers of the Memphis Police Department, and members of the TACT Unit, they have the responsibility to know and conform to the policies, rules, regulations, orders, procedures, and directives of the Memphis Police Department.

TACT SOP, Section 1: Operations, Appendix A: Objectives and Organization, Part II: Objectives states in part:

The primary objective of the TACT Unit is to resolve high-risk situations utilizing a minimum of force, resulting in a minimum of personal injury and property damage. Typically, high-risk situations would include, but are not limited to:

- Persons barricaded in dwellings, buildings or vehicles to evade arrest (46.1.4)

The preponderance of evidence in this case does not indicate that the use of “outdoor use only” chemical ordnance caused the fire that destroyed the house at 1383 Worthington. However, due to the fire causing potential associated with the deployment of 570 CS chemical munitions into an indoor barricade situation, the 570 CS munitions have been marked “outdoor use only” by their manufacturer and should not have been utilized in this indoor barricade situation. Their failure to recognize the differences between the

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"Barricade Penetrators" and the 570 CS rounds was certainly one of the factors that led to the deployment of the "outdoor use only" ordnance. Therefore, the allegations of DR 120 Neglect of Duty and DR-101 Compliance with Regulations to wit: Duties of Members: Sworn Members are sustained.

The investigation into the deployment of "outdoor use only" ordnance centers upon the actions of Memphis Police Department TACT Officer Sean Silvers #10276 and TACT Officer Phillip Penny #1910, and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's DR 120 Neglect of Duty and The Memphis Police Department's Policy and Procedure Manual, Chapter 1, Section 1, Page 12, Part III; Regulations Establishing the Duties of Members, Subsection C; Sworn Members.

The Memphis Police Department's DR 120 Neglect of Duty states:

- A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.
- B. A member with supervisory responsibility is required to properly supervise their subordinates in compliance with the above, and the failure of any supervisor to do so through deliberateness, carelessness, neglect, or inefficiency shall be a violation.

The Memphis Police Department's Policy and Procedure Manual, Chapter 1, Section 1, Page 12, Part III; Regulations Establishing the Duties of Members, Subsection C; Sworn Members states:

Sworn members will devote themselves fully to the attainment of the letter and spirit of the Departmental policy and goals, and will conduct themselves at all times in such a manner as will reflect credit upon the Department with emphasis on personal integrity and professional devotion to law enforcement.

Sworn Members Will:

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1. Render the highest order of police service to all citizens, whether or not during specifically assigned hours.
2. Obey all laws and promptly execute all lawful orders.
3. Know and conform to the Department's policies, rules, regulations, orders, procedures and directives.
4. Receive, record and service immediately all complaints and requests for service in accordance with Department orders.
5. Provide security and care for all persons and property coming into their custody.
6. Maintain a courteous and respectful attitude toward all persons.

Regarding the issues with the inventory of chemical ordnance and equipment especially as they relate to the TACT Equipment Van, the preponderance of evidence in this investigation shows that TACT Officer Godfrey Howard #3728, as a sworn officer of the Memphis Police Department, and the designated equipment officer of the TACT Unit, has the responsibility to know and conform to the policies, rules, regulations, orders, procedures and directives of the Memphis Police Department. Proper maintenance and accounting of the inventory of the equipment stored in the TACT Equipment Van would have certainly eliminated the possibility of "outdoor use only" ordnance being deployed in an indoor barricade situation. TACT Officer Godfrey Howard #3728 failed to fulfill those duties. Therefore, the allegations of DR 120 Neglect of Duty and DR-101 Compliance with Regulations to wit: Duties of Members: Sworn Members are sustained.

The investigation into the TACT Unit's inventory of chemical ordnance and equipment centers upon the actions of Memphis Police Department TACT Officer Godfrey Howard #3728, and whether his actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's DR 120 Neglect of Duty and The Memphis Police Department's Policy and Procedure Manual, Chapter 1, Section 1, Page 12, Part III; Regulations Establishing the Duties of Members, Subsection C; Sworn Members.

The Memphis Police Department's DR 120 Neglect of Duty states:

- A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this

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Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.

- B. A member with supervisory responsibility is required to properly supervise their subordinates in compliance with the above, and the failure of any supervisor to do so through deliberateness, carelessness, neglect, or inefficiency shall be a violation.

The Memphis Police Department's Policy and Procedure Manual, Chapter 1, Section 1, Page 12, Part III; Regulations Establishing the Duties of Members, Subsection C; Sworn Members states:

Sworn members will devote themselves fully to the attainment of the letter and spirit of the Departmental policy and goals, and will conduct themselves at all times in such a manner as will reflect credit upon the Department with emphasis on personal integrity and professional devotion to law enforcement.

Sworn Members Will:

1. Render the highest order of police service to all citizens, whether or not during specifically assigned hours.
2. Obey all laws and promptly execute all lawful orders.
3. Know and conform to the Department's policies, rules, regulations, orders, procedures and directives.
4. Receive, record and service immediately all complaints and requests for service in accordance with Department orders.
5. Provide security and care for all persons and property coming into their custody.
6. Maintain a courteous and respectful attitude toward all persons.

Regarding the lack of supervisor notification surrounding the malfunction of one of the SL-1 40mm launchers, the preponderance of evidence indicates that TACT Officer Kenneth McKnight #10608, TACT Officer James Butler #1024, and TACT Officer Jeremy Knudsen #10430 failed to notify their immediate supervisor after noticing the casing lodged in the chamber of the SL-1 40mm launcher which is required by policy. Therefore, the allegations of DR-101 Compliance with Regulations to wit: Inventory Controls are sustained.

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This aspect of the investigation centers upon the actions of Memphis Police Department TACT Officer Kenneth McKnight #10608, TACT Officer James Butler #1024, and TACT Officer Jeremy Knudsen #10430 and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's Policy and Procedure Manual, Chapter 13, Section 2; Inventory Control, Page 3, Part II; Issuance Of Assets/Equipment, Subsection E.

The Memphis Police Department's Policy and Procedure Manual, Chapter 13, Section II; Inventory Control, Page 3, Part II; Issuance Of Assets/Equipment, Subsection E states:

Employees shall immediately report to their supervisor any loss of or damage to department property assigned to or used by them. The immediate supervisor shall be notified of any defects or hazardous conditions existing in any department equipment or property.

Regarding the issues with the lack of supervisory control over the TACT Unit, the preponderance of evidence in this investigation shows that TACT Major Charles Morris #5557, TACT Lieutenant Ernest Greenleaf #3173, and TACT Lieutenant Webb Prince #6596 had supervisory authority and responsibility over TACT Unit personnel to ensure their compliance with all policy, goals, rules, regulations, orders, training, and directives of the Memphis Police Department. There is a lack of institutional control regarding the inventory of TACT equipment and munitions, as well as the implementation of the Standard Operating Procedures. There is a lack of accountability and a less than desirable attitude towards the day to day operations of the TACT Unit. This is a direct reflection of leadership. Ineffective leadership produces ineffective performance throughout the entire unit. The supervisors of the TACT Unit have the responsibility for the performance of all subordinates, and while they can delegate authority and functions to subordinates, they cannot delegate responsibility. Therefore, the allegations of DR 120 Neglect of Duty and DR-101 Compliance with Regulations to wit: Duties of Members: Supervisory Members are sustained.

This aspect of the investigation centers upon the actions of Memphis Police Department TACT Major Charles Morris #5557, TACT Lieutenant Ernest Greenleaf #3173, and TACT Lieutenant Webb Prince #6596, and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's DR 120 Neglect of Duty and the Memphis Police Department's Policy and Procedure Manual, Chapter 1, Section 1, Page 12, Part III; Regulations Establishing the Duties of Members, Subsection C; Supervisory Members.

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The Memphis Police Department's DR 120 Neglect of Duty states:

- A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.
- B. A member with supervisory responsibility is required to properly supervise their subordinates in compliance with the above, and the failure of any supervisor to do so through deliberateness, carelessness, neglect, or inefficiency shall be a violation.

The Memphis Police Department's Policy and Procedure Manual, Chapter 1, Section 1, Page 12, Part III; Regulations Establishing the Duties of Members, Subsection B; Supervisory Members states:

Supervisory members will be responsible for adherence to the Department's policies, regulations, orders, and procedures. They are responsible and accountable for the maintenance of discipline and will provide leadership, supervision, training, and ensure the efficiency of unit operations. They have the responsibility to influence subordinate members and to motivate them to perform at a high level of efficiency. They have the responsibility for the performance of all subordinates placed under them and while they can delegate authority and functions to subordinates, they cannot delegate responsibility.

They remain answerable and accountable for failures or inadequacies on the part of their subordinates. Shift assignments for all supervisory and management personnel will be determined by the Director of Police Services. (PM 62-02) (11.3.2)

Supervisory members are members who are at the rank of Lieutenant and above. Pursuant to Article 4, Bargaining Unit, of the Memorandum of Understanding (MOU), the MOU applies to "all commissioned officers below the rank of Lieutenant."

The rank of Lieutenant and higher (management) are not covered by this agreement. As such, members of management will not hold an elected office with the Memphis Police Association. Any member of management that has/ will be elected as an MPA officer will hold the position of Sergeant or patrolman. This complies with the negotiated agreement between the City of Memphis and the Memphis Police Association.

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Supervisory members will:

1. Lead, direct, train, supervise, and evaluate members in their assigned duties.
2. Provide leadership and guidance in developing loyalty and dedication to the police profession.
3. Perform specific duties and functions as assigned by the Director or a superior officer.
4. Uphold a member who is properly performing his duty, deal fairly and equitably with all members and, when necessary, correct a subordinate in a dignified manner.
5. Cooperate with other units of the Department, other City agencies and other police agencies.
6. Recommend remedial or disciplinary action for inefficient, incompetent or unsuitable members.
7. Ensure that all policies, rules, regulations, orders and directives of the Department are enforced and implemented by their subordinates.
8. Remain accountable for the failure, misconduct or omission by their subordinates.

VIII) Conclusion

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Phillip Penny #1910 **IS NOT** in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Use of Deadly Force. The use of deadly force is **JUSTIFIED**.

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Robert Braden #10243 **IS NOT** in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Use of Deadly Force. The use of deadly force is **JUSTIFIED**.

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Phillip Penny #1910 **IS** in violation of the stated allegation, DR-120 Neglect of Duty. The allegation is **Sustained**.

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Phillip Penny #1910 **IS** in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Duties of Members: Sworn Members. The allegation is **Sustained**.

City of Memphis
Police Division, Inspectional Services Bureau
Case Summary SH2013-043

Printed On: 2/11/2014

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Sean Silvers #10276 IS in violation of the stated allegation, DR-120 Neglect of Duty. The allegation is Sustained.

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Sean Silvers #10276 IS in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Duties of Members: Sworn Members. The allegation is Sustained.

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Godfrey Howard #3728 IS in violation of the stated allegation, DR-120 Neglect of Duty. The allegation is Sustained.

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Godfrey Howard #3728 IS in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Duties of Members: Sworn Members. The allegation is Sustained.

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Kenneth McKnight #10608 IS in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Inventory Controls. The allegation is Sustained.

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer James Butler #1024 IS in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Inventory Controls. The allegation is Sustained.

Based on the facts of the case, the preponderance of evidence shows that, TACT Officer Jeremy Knudsen #10430 IS in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Inventory Controls. The allegation is Sustained.

Based on the facts of the case, the preponderance of evidence shows that, TACT Major Charles Morris #5557 IS in violation of the stated allegation, DR-120 Neglect of Duty. The allegation is Sustained.

City of Memphis
Police Division, Inspectional Services Bureau
Case Summary SH2013-043

Printed On: 2/11/2014

Based on the facts of the case, the preponderance of evidence shows that, TACT Major Charles Morris #5557 **IS** in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Duties of Members: Supervisory Members. The allegation is **Sustained**.

Based on the facts of the case, the preponderance of evidence shows that, TACT Lieutenant Ernest Greenleaf #3173 **IS** in violation of the stated allegation, DR-120 Neglect of Duty. The allegation is **Sustained**.

Based on the facts of the case, the preponderance of evidence shows that, TACT Lieutenant Ernest Greenleaf #3173 **IS** in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Duties of Members: Supervisory Members. The allegation is **Sustained**.


Based on the facts of the case, the preponderance of evidence shows that, TACT Lieutenant Webb Prince #6596 **IS** in violation of the stated allegation, DR-120 Neglect of Duty. The allegation is **Sustained**.


Based on the facts of the case, the preponderance of evidence shows that, TACT Lieutenant Webb Prince #6596 **IS** in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Duties of Members: Supervisory Members. The allegation is **Sustained**.

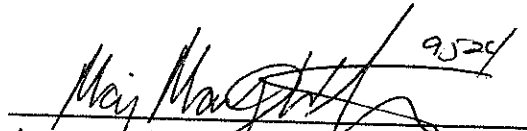
City of Memphis
Police Division, Inspectional Services Bureau
Case Sign Off

Printed On: 11/15/13

The following case number SH2013-043 has been investigated, reviewed, and approved as represented by the signatures below.


Investigated By: Sgt. J. Chatman

 #5592
Reviewed By: Lt. A. Mullins

 9524
Approved By: Major M. D. Winters



City of Memphis
Police Division, Inspectional Services Bureau
Case Notes SH2013-043

Printed On: 11/17/2013

Tuesday, October 15, 2013
Sgt. J. Chatman #0182
SH2013-043

1330 hours I, Sgt. J. Chatman #0182, was advised by Lt. Mullins that an officer involved shooting had occurred in the area of South Parkway and Worthington. There was very little information available at the time. TACT Unit officers were assisting Airways Station and Crump Station Task Force officers on an attempt pick up of a wanted party. The suspect shot one of the TACT Unit officers and shots were fired by another TACT officer.

All available Security Squad Investigators were instructed to make the scene. Sgt. M. Rosario #1696, Sgt. G. Claxton #0183, Sgt. B. Jones #4415, Sgt. R. Robinson #0449, Sgt. P. Neely #1802, Det. J. Jackson #10807 and I made the scene at South Parkway and Worthington. Upon arrival, we were advised that the suspect was still inside a residence on Worthington where the shooting occurred. The scene officers had a perimeter set up around the residence awaiting additional TACT personnel to arrive and handle the barricade situation. It was decided that ISB investigators would meet at the gas station at the intersection of South Parkway and Lamar.

Sgt. Rosario, who is also a member of the negotiation team, was required to remain at South Parkway and Worthington to fulfill his duties as a negotiator for the barricade situation.

Lt. Mullins advised that the command post had been set up on South Parkway just west of Worthington. I was advised that Det. A. Webb #10282, Det. J.B. Cobb #1567 and Det. G. Suggs #9932 were sent to The Med for follow up on the injured officer.

1445 hours I was advised by Lt. Mullins to change locations from the gas station to the command post on South Parkway. The Task Force officers that were holding the inner perimeter were being relieved by TACT Unit officers. As those Task Force officers were relieved, they were directed to the church at 2063 South Parkway East so a count could be conducted of their weapons and ammunition by ISB investigators.

Sgt. Claxton was asked to meet the uniform patrol officers on the church parking lot to speak with the homeowner of the house in which the suspect was

barricaded. Sgt. Claxton was to escort the homeowner and another female that was also in the house to the Homicide Bureau.

1500 hours Sgt. Jones, Sgt. Robinson, Sgt. Neely, and Det. Jackson, and I conducted the counts of the officers weapons and ammunition as they arrived at the church.

I checked and counted the following officers:

Officer N. Burford #10569, car 6412
SIG .40 AHU 08427
3 magazines
37 rounds

Officer J. Moss #12148, car 6416
SIG .40 AM 111785
3 magazines
37 rounds
Pulled up afterward, held perimeter

Officer D. Jones #12136, car 6710
SIG .40 AM 155087
3 magazines
37 rounds

See case file for document containing the counts of all Task Force officers' weapons.

The officers were directed to the Homicide Bureau to give statements after their weapons were checked.

Sgt. Jones and Sgt. Robinson changed locations to 201 Poplar, the Homicide Bureau, to sit in on the statements of the officers.

Sgt. A. Cartwright #0181, Sgt. L. Raburn #7083, Det. N. Trentham #10397, and Det. F. Williams #1227 were sent to the Homicide Bureau to assist with the officer statements.

Det. Webb, Det. Cobb, and Det. Suggs were asked to report to Homicide after clearing The Med.

Sgt. Neely, Det. Jackson, and I remained at the church awaiting the results of the barricade situation.

1525 hours I was advised by Lt. Mullins that five TACT officers were involved. T37, Officer Timothy Jackson #11601 was the officer who was shot. T25, Officer Phillip

Penny #1910 is the officer who fired shots. TACT Officer McKnight, TACT Officer Braden, and TACT Officer Allen were also present. T3, Lt. Webb Prince was on the front porch of the house at the time of the shooting. I was also advised that Airways Station Officer Wren was inside the house at the time of the shooting.

I was also given the report numbers for the incidents. 1310009169ME is the report for Officer Jackson being shot. Report number 1310004583ME is the report under which the warrants had been issued for the suspect. I was also given the name of the suspect, Aaron Dumas.

1635 hours At approximately 1635 hours, information was broadcast over the radio that another TACT officer had been shot. Shortly after, we were advised that the house was on fire.

1730 hours At approximately 1730 hours, Sgt. Neely, Det. Jackson, and I were advised that the scene was secure and to come to the Command Post at South Parkway and Worthington.

I was advised by Lt. Mullins that TACT Officer Paul Hutchison was the second officer who was shot. I was advised that both officers were stable and in non critical condition. I was also advised by Lt. Mullins that TACT officer Robert Braden #10243 returned fire at the time that Officer Hutchison was shot. I was advised that Officer Penny and Officer Braden were the only two officers to fire shots.

Sgt. Neely and Det. Jackson began the count of all the TACT officers' weapons and ammunition. This was done in the Crime Scene Truck which was also parked at South Parkway and Worthington. These counts were conducted with CSI, Sgt. K. Lundy of Homicide, and in the presence of MPA representative Michael Williams.

I was advised by Major Morris that he had received information from Lt. Linda Pride, phone number . that the ex girlfriend of Aaron Dumas had information about statements that Dumas had made in the past regarding the police. Lt. Mullins was advised and arrangements were made to locate the witness and have her taken to Homicide for a statement.

By this time, it was dark and raining very hard. I located Sgt. M. Quinn of Homicide. We were able to approach the house, but the fire department was still out and working on the house to ensure the fire was completely out. We were advised by the fire department that a body had been located in a bathtub, in the bathroom in the rear of the house.

1840 hours Lt. Mullins and I cleared the scene to escort Officer Penny and Officer Braden to the ISB office. MPA Representative Michael Williams also came to the office. Mid South Drug Testing was contacted. Both Officer Penny and Officer Braden completed Response to Resistance Forms. Scott Chambers of Mid South Drug Testing arrived for the urinalysis of both officers.

1920 hours Officer Penny was advised by Lt. Mullins that he was relieved of duty. An Equipment Forfeiture Form was completed and the following equipment was collected from Officer Penny.

SIG P229 .40 caliber handgun, serial number AKU05608

One .40 caliber magazine

Fifteen duty rounds .40 caliber ammunition

Streamlight TLR-1 serial number T17 (Attached to Weapon)

The remainder of his equipment was locked inside his TACT vehicle which was secured at the TACT office.

1922 hours Officer Penny gave a verbal "walkthrough" of the events that occurred.

Officer Penny advised that he was contacted by Airways Station Task Force officers for assistance in locating a male wanted for two counts of Attempted Murder. He, Officer Jackson, Officer Braden, Officer Allen, Officer McKnight, and Lt. Prince assisted the task force. They initially went to a location on South Parkway. The suspect was not there. Information was received that the suspect was on Worthington. They changed location to the address on Worthington. The Airways officers initiated contact. He and the other TACT officers, along with the other Task Force officers set up a perimeter. Lt. Prince went to the front door with the task force. The person in the house advised that the suspect was in the house and in a front bedroom. Penny and the other TACT officers went to the front door. He was told by Lt. Prince that the suspect was in the front bedroom. Officer Jackson was right behind him. The other TACT officers were behind Officer Jackson. The door was locked. Someone yelled, "Police". He kicked the door. As soon as the door opened, a shot was fired from the room. Officer Jackson was hit. Another shot was fired from the room striking the wall near Officer Penny's head. Officer Penny fired four shots into the door and three shots into the wall. He backed out for cover as Officer Jackson got out. They held containment until other TACT officers arrived. They were trying to establish contact with the suspect in the room. Once Officer Hutchison arrived, he was able to communicate with the suspect through the walls. They attempted to get a phone in the room through a window. The suspect threw the phone out. "Signal Blue" was given. "Signal Blue" means deploy gas. Gas was deployed. He had a position on the front porch. He saw the bedroom door open. The suspect came out of the bedroom, fired shots, and ran to the back of the house. One of the TACT officers returned fire. Officer Hutchison was hit. He and Officer Silvers dragged Officer Hutchison to cover. He did not fire shots after Officer Hutchison was hit.

1935 hours Officer Braden was advised that he was relieved of duty. An Equipment Forfeiture Form was completed and the following equipment was collected from Officer Braden.

SIG P226 .40 caliber handgun, serial number U753286
Four .40 caliber magazine
48 duty rounds .40 caliber ammunition
MPD Badge #4275
MPD Handcuffs #075633
MPD Radio #A01448/95
Streamlight TLR-1 serial number T04 (Attached to Weapon)

1938 hours Officer Braden gave a verbal "walkthrough" of the events that occurred.

Officer Braden advised that he was called to the scene after Officer Jackson was shot. He had a position at the front door. They were given permission to deploy gas. The suspect came out of the bedroom. It was very smoky from the gas. All he could see was a silhouette. He heard the shot fired and return fire. He fired four to five shots.

Officer Penny and Officer Braden were advised to contact the Homicide Bureau to arrange to give their statements on Thursday, October 17, 2013.

The equipment collected from Officer Penny and Officer Braden was kept locked in Lt. Mullins' office for safe keeping until the equipment could be taken to the Firearms Training Unit.

For specific information regarding the counts of the officers' weapons, the investigative activities of ISB investigators at The Med and at the Homicide Bureau, see the supplements submitted by the following ISB investigators:

Sgt. B. Jones #4415
Sgt. R. Robinson #0449
Sgt. P. Neely #1802
Det. J. Jackson #10807
Sgt. G. Claxton #0183
Det. G. Suggs #9932
Det. A. Webb #10282
Det. N. Trentham #10397
Sgt. A. Cartwright #0181

Wednesday, October 16, 2013
Sgt. J. Chatman #0182
SH2013-043

0905 hours Sgt. Neely and I went to the TACT Office to meet with Lt. W. Prince. We requested inventory sheets as well as information on and examples of the ordnance that was deployed. We were directed to the TACT Equipment Van which is parked in a bay beside the TACT Office. TACT Officer Butler and TACT Officer Howard showed us examples of "Barricade Penetrators" as well as cans of "Clear Out". The examples were needed to know what to look for during the canvass of the scene. We were advised by Officer Howard that only two "Z-guns" were on the scene. Officer Butler explained that they pick up their casings after each "Z-gun" deployment. On a counter inside the TACT Equipment Van were nine, 40mm powder "Barricade Penetrator" casings. Officer Butler advised these were the ones from the scene. There were four casings with blue writing. The blue writing indicated model 4431, CS. There were five casings with orange writing. The orange writing indicated model 4441, OC. Officer Butler also pulled out one of the 40mm launchers. There was a casing lodged in the chamber of the launcher. Officer Butler was able to forcibly remove the casing from the launcher. That particular casing appeared different than the others. It had no markings on the outside and was charred and burned on the inside. When asked why, Officer Butler did not know but stated that the round may have been an older model "Barricade Penetrator". CSI was contacted and requested to come to the TACT Office to photograph and collect the casings. It was also verified that Officer Clemons, Officer Silvers, and Officer Butler were the only officers to utilize the "Z-guns" on Worthington, and ten rounds were launched from the "Z-guns".

Sgt. Neely took photos of the examples of the "Barricade Penetrators" and "Clear Out" canisters. Sgt. Neely also photographed the ten spent casings from the ordnance deployed by the "Z-guns".

Lt. Prince was advised that he, TACT Officer J. Knudsen, and TACT Officer G. Howard would need to go to the Homicide office for their statements.

1030 hours I spoke with Sgt. Lundy in Homicide. He advised that Major Beasley and Officer A. Davis of the negotiation team were in route to the Homicide office to give statements. I contacted Sgt. Claxton and asked him to go to Homicide to sit in on the statements of the remaining negotiators and TACT officers.

Communications was contacted to request a CD copy of the radio transmissions from the incident. I was advised that the CD had already been requested and was awaiting pick up.

I called Sgt. Claxton back and requested that he also pick up the communications CD while at 201 Poplar.

1100 hours Sgt. Neely and I met with Sgt. Lundy and Sgt. Quinn of Homicide at 1383 Worthington. CSI Officer C. Cathey #1559, car 2317 and CSI Officer M. Coburn #2463, car 2313 also made the scene. Upon arrival the scene was being secured by uniform patrol officers. The house had been almost completely destroyed by the fire and the fire department's efforts to extinguish the fire. We began the canvass by searching the perimeter of the house. The following items were marked, photographed, and collected by CSI:

1. .45 caliber spent shell casing found in back of house near A/C unit.
2. Spent 40mm launcher casing found on north side of house near west corner
3. Metal pull pin found on driveway near front right corner of a parked van
4. Spent aerosol canister (appears to be "Clear Out") found near front steps
5. .223 spent shell casing found near front steps
6. Spent aerosol canister (appears to be "Clear Out") found on front porch
7. Spent aerosol canister (appears to be "Clear Out") found on front porch
8. Spent aerosol canister (appears to be "Clear Out") found in grass near porch
9. Spent aerosol canister (appears to be "Clear Out") found on front porch
10. Spent 40mm launcher casing found on east side of the house near south window
11. Spent 40mm launcher casing found on east side of the house near south window
12. Spent 40mm launcher casing found on east side of the house near south window
13. Spent aerosol canister (appears to be "Clear Out") found in grass near front steps

The canvass of the scene continued to the inside of the house. The northeast bedroom was the room in which the suspect was initially barricaded. There was no roof left over this portion of the house. The interior was completely burned. Possible bullet strikes were noted on the west wall of this room. The possible bullet strikes penetrated the west wall and entered the closet on the east wall of the northwest bedroom. These strikes appear to be from the rounds fired by Officer Penny. The carcass of a Rottweiler dog was found along the west wall of the northwest bedroom. There is a north-south wall at the end of the hallway extending from the front door. There were possible bullet strikes in this wall which is next to the doorway of the northwest bedroom. There are also possible bullet strikes in the door frame to the northwest bedroom. These strikes appear to be from the rounds fired by Officer Braden. There is also a possible bullet strike in the upper part of an east-west wall directly across from the northeast bedroom where the suspect was initially barricaded. This strike appears to be from the second shot fired by the suspect as Officer Penny and Officer Jackson initially made entry. There are also possible bullet strikes in the door frame and southeast

corner wall of the bathroom in the center rear of the house. A lone possible bullet strike was also found in the west wall between the living room and the middle bedroom. CSI advised that two spent canisters of gas were also located in the house. One was at the end of the north-west hallway leading to the middle bedroom by the bedroom door. The other was found in the north bathroom shower. This bathroom is only accessible from the northwest bedroom.

Each possible bullet strike was marked and photographed. CSI also utilized trajectory rods. This was also photographed. The canisters located in the house, marked items 21 and 22 were also marked, photographed, and collected.

Sgt. Lundy did advise that the Medical Examiner did find matches in one of Aaron Dumas' pockets.

Thursday, October 17, 2013
Sgt. J. Chatman #0182
SH2013-043

I was made aware of a cell phone video of the incident that had been obtained by the local news station, Fox 13. The video, which was shown on the television broadcast and on the news station's website, showed the portion of the incident where Officer Hutchison was shot.

Det. J. Jackson #10807 was asked to contact Fox 13 to obtain the video.

1030 hours Officer Penny and Officer Braden arrived at the ISB office.

Officer Penny brought the remainder of his equipment that had been secured in his TACT vehicle since the incident.

1032 hours An Equipment Forfeiture Form was completed. The following items were documented and collected from Officer Penny:

Four duty .40 caliber magazines
Fifty-six .40 caliber live rounds
Memphis Police Department ID Card #1910
Memphis Police Department Radio, serial # 149881/33
Memphis Police Department Baton, serial # ABM 1074

1054 hours A digitally recorded statement was taken from Officer Penny by Sgt. Chatman and Sgt. Neely. MPA representative J. Herbison #3749 sat in on the statement.

1141 hours A digitally recorded statement was taken from Officer Braden by Sgt. Chatman and Sgt. Neely. MPA representative J. Herbison #3749 sat in on the statement.

Sgt. Lundy from Homicide called to advise that Officer Timothy Jackson would be at the Homicide office at 1500 hours to give his statement.

1445 hours I went to the Homicide office to sit in on the statement of Officer Timothy Jackson.

1505 hours Officer Timothy Jackson was interviewed by me and Sgt. J.D. Sewell of Homicide. The statement was typed by Melynda Harriss #10650, the Homicide civilian transcriptionist.

I was advised that Officer Hutchison would be coming in to the Homicide office on Thursday, October 24, 2013, to give his statement.

Friday, October 18, 2013

Sgt. J. Chatman 0182

SH2013-043

All equipment collected from Officer Penny and Officer Braden was taken to the Firearms Training Unit for safe keeping by Lt. Mullins. The equipment was received by FTU Gunsmith S. Betz #0782. A receipt was received.

0900 hours I received copies of the Crimes Scene Reports.

I was given a CD by Det. J. Jackson. The CD contained the video that was aired by Fox 13. Det. Jackson advised that he had contacted Fox 13 for the video. He was advised that the source witness had additional video of the incident. Fox 13 would not reveal the name of the source witness. A copy of the CD is included in the case file.

1158 hours I received the information that the drug test results for both Officer Penny and Officer Braden were negative.

Monday, October 21, 2013

Sgt. J. Chatman #0182

SH2013-043

0800 hours I had received an email from Lt. M. Miller of the Homicide Bureau. The email indicated that the Homicide case packet regarding their criminal investigation had been reviewed by the Shelby County Attorney General's Office, and no criminal charges would be filed. A copy of the letter could be obtained from the case coordinator, Sgt. Lundy.

0820 hours I contacted Sgt. Lundy who was able to send me a copy of the declination letter via email.

1136 hours I received a call from Major Morris of the TACT Unit from 576-4800. Major Morris advised that he did not have the Spec Sheets or MSDS on the "Barricade Penetrators" or "Clear Out". Major Morris did advise that he did not believe that either of these two chemical munitions could have started the fire. He suggested that I contact Lt. M. Jones at the Firearms Training Unit.

1153 hours I called the Firearms Training Unit and left a message for Lt. M. Jones to call me.

1438 hours I received a call back from Lt. Jones. He advised that he would have to agree with Major Morris regarding the fire potential of the "Barricade Penetrator" as well as the "Clear Out". He did not believe that the fire could have started as a result of those types of ordnance being deployed. He was asked about the one casing that had been lodged in the launcher. He had no explanation without looking at the casing. Lt. Jones agreed to meet with me tomorrow, October 22, 2013. He advised that he would try to locate the Spec Sheets and MSDS on the ordnance.

1239 hours After researching "Barricade Penetrators" and "Clear Out" online, I was able to locate and print copies of Spec Sheets as well as MSDS forms. Per the Spec Sheets and MSDS, there is nothing to indicate that either has fire producing potential.

Tuesday, October 22, 2013

Sgt. J. Chatman #0182

SH2013-043

0959 hours I contacted the Memphis Police Department Photo Lab to request a copy of the crime scene photos. I requested all photos related to report 1310009169ME and 131009280ME. The casings retrieved from the TACT office were photographed and tagged under report 131009280ME.

1400 hours I went to the FTU to meet with Lt. Jones. Lt. Jones was shown photos of the casings recovered at the TACT office. Lt. Jones identified the nine casings as CTS, powder "Barricade Penetrators". He was not able to positively identify the one casing that had been lodged in the launcher.

Lt. Jones advised that he would email the MSDS and Spec Sheets on the "Barricade Penetrators" to Major Morris.

Wednesday, October 23, 2013

Sgt. J. Chatman #0182

SH2013-043

0821 hours I contacted Major Morris through email requesting inventory sheets from before and after the incident on Worthington.

1055 hours I was contacted by Lt. Greenleaf of the TACT Unit. He advised that he is trying to get the inventory sheets that I requested.

1225 hours Lt. Greenleaf called back and advised that he would have to have the equipment officer locate the inventory sheets. He advised that the equipment officer was off today but should return to work tomorrow.

Thursday, October 24, 2013

Sgt. J. Chatman #0182

SH2013-043

0830 hours I called Sgt. Lundy in Homicide. He advised that Officer Hutchison was scheduled to be at the Homicide office at 1000 hours.

0950 hours Sgt. S. Roach #7103 and I went to the Homicide Bureau at 201 Poplar. I sat in on the statement of Officer Hutchison. The statement was typed by Sgt. Lundy.

Sgt. Roach went to the Photo Lab at 201 Poplar and picked up the crime scene photos.

Sgt. Lundy advised that he had been in contact with Memphis Fire Department investigator W. Irons. Investigator Irons needed copies of the Spec Sheets of the ordnance deployed by the TACT Unit on Worthington. Sgt. Lundy advised that he would arrange a meeting with Investigator Irons. Sgt. Lundy advised that Investigator Irons' shift begins at 1430 hours.

After returning to the ISB office, I began reviewing the crime scene photos. There were three CDs associated to report 1310009169ME.

CD one of three, dated 10-14-2013, was submitted by CSI Officer Pickering. It should be noted that this CD as well as the Crime Scene Report submitted by CSI Officer Pickering are both dated 10-14-2013. The date is obviously mistyped as the incident occurred on 10-15-2013. These are the photos from the scene on the night of Tuesday, October 15, 2013. There was an issue with this CD. The CD had no content. The Photo Lab will be contacted to make a new CD.

CD two of three, dated 10-16-2013 and CD three of three, dated 10-16-2013, were both submitted by CSI Officer Cathey. These photos are from the scene canvass on Wednesday, October 16, 2013.

There is one CD associated to report number 1310009280ME submitted by CSI Officer Payment. These are photos of the casings recovered at the TACT office on Wednesday, October 16, 2013.

In reviewing the CDs submitted by CSI Officer Cathey, I noticed that the photos of the items that were located inside the house, which were originally believed to be canisters of "Clear Out" were obviously not canisters of "Clear Out". The items are documented in the Crime Scene Report submitted by CSI Officers Cathey and Coburn from 10-16-2013 as item number 21 and item number 22.

Item number 21 appeared to be a handheld, pull pin type of ordnance, and per the Crime Scene Report, was found in the shower of the bathroom of the northwest bedroom of the house.

Item number 22 appeared to be a projectile possibly fired from a launcher. The projectile did not appear to be a "Barricade Penetrator" round. This item had been located in the middle hallway near the door of the middle bedroom of the house.

I immediately notified Lt. Adams of this information. It was decided to contact Lt. Jones at the FTU to see if he could positively identify the items.

I called Sgt. Lundy and advised him that the photos taken from the scene indicated that there may have been ordnance deployed that was not "Barricade Penetrators" or "Clear Out". I advised him that additional time would be required to investigate this new information, and we would need to reschedule the meeting with the fire department.

1407 hours I called Lt. Jones at the FTU. I told him that I needed him to look at some other photos. He advised to come on out to his office.

1435 hours I arrived at the FTU. I spoke with Lt. Jones as well as FTU Gunsmith S. Betz #0782. Lt. Jones advised that item number 22 appeared to be a 37mm "Spede-Heat" CS projectile.

Lt. Jones explained that the CTS "Barricade Penetrator" is housed in a similar casing as the "Spede-Heat" round. The "Barricade Penetrator" is a 40mm round, while the "Spede-Heat" is a 37mm round. The "Barricade Penetrator" projectile is designed to burst on impact allowing the powder or liquid, OC or CS, to then be dispersed. There is no "propellant" causing the powder or liquid to disperse. However, the "Spede-Heat" round contains a solid form of the CS. The solid form of the chemical is burned inside the projectile after it is launched causing the CS to disperse from the projectile. For this reason, the "Spede-Heat" round does have fire causing potential.

Lt. Jones advised that item number 21 appeared to be a "smoke grenade". It is handheld ordnance that requires the operator to pull the pin then throw the "grenade". Per Lt. Jones, this ordnance does get hot and operates in a similar manner as the "Spede-Heat". However, he did not believe that this ordnance produces as much heat/flame as the "Spede-Heat".

Lt. Jones advised that the "Spede-Heat" round is ordnance that is kept in inventory at the FTU. I was escorted to the "Gas Storage Room" at the FTU and shown an un-deployed round of the "Spede Heat". It appeared that the photo of item 22 could be a "Spede-Heat" round.

Lt. Jones advised that he could not positively identify item 21 from the picture. He did advise that the round did not appear to be something that the FTU has in inventory.

During this meeting, Gunsmith S. Betz advised that on Wednesday, October 16, 2013, TACT Officer Clemons #1029 brought in two of the 40mm launchers for inspection. There was an issue reported to Betz by Officer Clemons regarding one of the launchers being jammed. Betz examined the launcher and located a small, square piece of metal lodged under the ejector/extractor of the launcher. After the small, square piece of metal was dislodged by Betz, the launcher operated normally. That launcher was returned to Officer Clemons.

Betz advised that the second launcher brought in by Clemons was functional as reported by Clemons, but was in need of cleaning and further inspection due to rust. That launcher was replaced by Betz.

The replacement launcher and repaired launcher were returned to Officer Clemons.

Gunsmith Betz provided printouts of the 40mm launchers assigned to the TACT Unit.

I explained to Lt. Jones that the TACT officers advised that only two "Z-guns" were utilized on the scene on Worthington and asked if the 37mm round could have been deployed through the 40mm launcher. Lt. Jones explained that the actual "Z-gun" is an older model launcher utilized to deploy 37mm rounds. The actual "Z-gun" is a 37mm launcher and has a wood stock. It is a single shot launcher. Lt. Jones advised that the industry is moving toward utilizing 40mm and getting away from the 37mm equipment. The launchers utilized by the TACT Unit on Worthington are Penn Arms SL-1 single shot tactical launchers. (It should be noted that the TACT Unit's use of the name "Z-guns" refers to the 40mm launcher.)

I was escorted to the "gun room" of the FTU where the launchers are stored. A 37mm round was placed in the chamber of a 40mm launcher. The launcher was not closed for safety reasons. It appeared that the round would seat and be able to be launched.

Per Gunsmith Betz, referencing the fact that the photo of the casing that had been lodged in the launcher had a small, square piece of metal missing from the lip of the bottom of the casing, advised that it appeared that the 37mm round was placed

in the chamber of the launcher. When the launcher was closed, the ejector/extractor caught the lip of the bottom of the round that had seated further into the chamber due to being a 37mm round.

I advised Lt. Jones that I would check the items out of the Property and Evidence room then bring the items to the FTU tomorrow so that closer inspection of the items could be conducted for positive identification.

Friday, October 25, 2013

Sgt. J. Chatman #0182

SH2013-043

1010 hours I completed Property Request Forms which were emailed to the Property and Evidence room.

At approximately 1110 hours, Sgt. Roach and I went to the Property and Evidence Room at 201 Poplar to retrieve the ten casings that had been collected at the TACT office.

1125 hours The evidence containing items 21 and 22 were collected from the Harvester location of Property and Evidence.

These items were taken to the FTU for further examination by Lt. Jones. Lt. Jones was shown Item 22. The item was clearly marked 570 CS in blue. While this round is not the exact round as the "Spede-Heat" earlier mentioned, it is just an older version. The casing that had been lodged in the launcher was also examined. An un-deployed round of the "570 CS" was pulled from the "Gas Storage Room" of the FTU and compared to the casing recovered. The numbers on the bottom of the casing matched the numbers on the un-deployed round. The numbers indicated the manufacture date and lot number. Both were MFG 2000 and indicated lot number 07269. Photos were taken by FTU Officer D. Washington #10281.

Lt. Jones explained that the companies that manufacture and produce ordnance are in constant flux whereas individual companies are taken over by the other companies. The "570 CS" was a round produced by Federal Laboratories. The "Spede-Heat" is manufactured by Defense Technology. It is believed that Federal Laboratories was bought out by Defense Technology. However, the "570 CS" is essentially the same as a "Spede-Heat" and designed for riot/crowd control.

Item 21 was examined by Lt. Jones. It was identified as an ALS Pocket Smoke, white smoke grenade. This ordnance is still produced by ALS. The newest version is kept in inventory by the FTU. This ordnance is designed to just produce smoke.

This new information confirms that ordnance deployed into the house on Worthington does have fire causing potential.

Lt. Adams was contacted and advised, who then notified Major Winters.

At this time it was decided that ISB investigators along with FTU staff should conduct an inventory of the TACT Unit.

ISB investigators met up with FTU staff at the TACT office. Each individual TACT officer's equipment and vehicle was inventoried, especially as it relates to chemical ordnance.

The TACT Equipment Van and TACT "Equipment Cage" was also inventoried.

The spreadsheets and documents related to this inventory are included in the case file.

Monday, October 28, 2013

Sgt. J. Chatman #0182

SH2013-043

I was able to research online and find the Spec Sheets and MSDS Forms for Defense Technology "Spede-Heat" rounds and the ALS "Pocket White Smoke" grenade. I was not able to find any information online about the Federal Laboratories "570 CS".

Tuesday, October 29, 2013

Sgt. J. Chatman #0182

SH2013-043

In light of the new information, it was decided that follow up statements would need to be taken from the TACT Unit officers and supervisors.

- 1320 hours** A digitally recorded statement was taken from Major C. Morris #5557 by Sgt. B. Jones #4415 and Sgt. R. Robinson #0449.
- 1403 hours** A digitally recorded statement was taken from Lt. W. Prince #6596 by Sgt. B. Jones and Sgt. R. Robinson.
- 1434 hours** A digitally recorded statement was taken from Lt. E. Greenleaf #3173 by Sgt. B. Jones and Sgt. R. Robinson.
- 1522 hours** A digitally recorded statement was taken from Officer P. Penny #1910 by Sgt. J. Chatman and Sgt. S. Roach.
- 1552 hours** A digitally recorded statement was taken from Officer S. Silvers #10276 by Sgt. J. Chatman and Sgt. S. Roach.

1635 hours A digitally recorded statement was taken from Officer D. Clemons #1029 by Sgt. B. Jones and Sgt. R. Robinson. After the initial statement was taken, two follow up continuations were taken for clarification of specific questions.

1719 hours A digitally recorded statement was taken from Officer J. Butler #1024 by Sgt. Chatman and Sgt. B. Jones.

Wednesday, October 30, 2013

Sgt. J. Chatman #0182

SH2013-043

After the statements were taken yesterday from the TACT supervisors and the TACT Officers that actually deployed ordnance from the 40mm launchers, there was still no clear explanation as to the number of rounds launched compared to the number of casings recovered.

It was decided to again retrieve the spent casings and spent projectiles from Property and Evidence for further examination.

The proper forms were emailed to Property and Evidence. Sgt. Jones picked up the evidence from the Harvester location of Property and Evidence. Sgt. Robinson picked up the evidence from 201 Poplar Property and Evidence.

The evidence was brought to the ISB office for further examination. Upon further examination of the four casings that were recovered from the scene on Wednesday, October 16, 2013, it was determined that two of those casings were also from 37mm "570 CS" rounds.

TACT Officer Penny was called back to the office for further clarification questions. TACT Officers G. Howard #3728, F. Acosta #0161, T. Warrick #9552, and J. Scoggins #8164 were called in for statements.

1133 hours A digitally recorded follow up statement was taken from Officer P. Penny #1910 by Sgt. B. Jones and Sgt. S. Roach. After the initial statement was taken, a follow up continuation was taken for clarification of specific questions.

1202 hours A digitally recorded statement was taken from Officer G. Howard #3728 by Sgt. S. Roach and Sgt. B. Jones. After the initial statement was taken, two follow up continuations were taken for clarification of specific questions.

1249 hours A digitally recorded statement was taken from Officer F. Acosta #0161 by Sgt. B. Jones and Sgt. S. Roach.

1249 hours A digitally recorded statement was taken from Officer T. Warrick #9552 by Sgt. J. Chatman and Sgt. R. Robinson.

1313 hours A digitally recorded statement was taken from Officer J. Scoggins #8164 by Sgt. B. Jones and Sgt. S. Roach.

Additional photographs were taken of the four casings recovered from the scene documenting the types of casings they were.

It was decided that an additional canvass/search of the scene location, 1383 Worthington, should be conducted to thoroughly dig through the piles of debris that had been formed from the fire departments initial fire fighting efforts in an attempt to locate any other casings or potential evidence.

Sgt. B. Jones and Sgt. R. Robinson went to 1374 Worthington in an attempt to locate the person that had taken cell phone video of the incident as reported on Fox 13 News. Sgt. Jones advised that Detareus Jackson, DOB [REDACTED] phone number; [REDACTED] cated. Mr. Jackson advised that he witnessed the incident. The video was taken by a friend of his who wished to remain anonymous. Mr. Jackson did advise that he would attempt to get the video from his friend.

1625 hours A digitally recorded statement was taken from Detareus Jackson by Sgt. Jones and Sgt. Robinson.

The evidence was returned to the Property and Evidence room at 201 Poplar by Det. L. Gladney #1781.

1730 hours Lt. Mullins, Sgt. Roach, Sgt. Raburn, and I met with CSI Officer J. Rector #7337, car 2326 at 1383 Worthington.

Photos were taken by CSI. There was no additional evidence recovered.

Thursday, October 31, 2013

Sgt. J. Chatman #0182

SH2013-043

0820 hours Sgt. Lundy in Homicide was contacted regarding any report from the medical examiner. He stated he would speak with Sergeant P. Harris and call back.

0830 hours Sgt. S. Roach attempted to contact Investigator Irons with the Memphis Fire Department and was told he would not be in until 1430 hours.

0915 hours Sgt. Roach contacted Officer Butler of the TACT Unit for assistance in running through the inventory sheet compiled from the equipment truck.

1045 hours Sgt. Roach spoke with Lt. Jenkins with the TACT Unit, and requested information or reports on the last time gas was deployed or any call outs prior to

that on Worthington. He advised he would find out that information and call back.

- 1100 hours** Lt. Jenkins called back stating there were reports available through the secretary at the office, and the last deployment was at a barricade situation on Sherry Cove a little more than a week prior to Worthington. The last time riot control rounds were disseminated was at the Ku Klux Klan rally.
- 1333 hours** A digitally recorded statement was taken from Officer C. Allen #1011 by Sgt. B. Jones and Sgt. R. Robinson.
- 1445 hours** Sgt. Roach attempted to contact Investigator Irons with no answer.
- 1500 hours** Sgt. Roach attempted again to contact Investigator Irons with no answer. A voice message was left.
- 1530 hours** A third attempt to contact Investigator Irons was made with no answer. Lt Mullins was advised.
- 1555 hours** Sgt. Roach received a call from Investigator Irons and a meeting at 1500 hours on Friday, November 1, 2013, was arranged.
- 1333 hours** A digitally recorded statement was taken from Officer C. Allen #1011 by Sgt. B. Jones and Sgt. R. Robinson.

Friday, November 1, 2013

Sgt. J. Chatman #0182

SH2013-043

- 1000 hours** Major Winters, Lt. Mullins, and I met with Lt. Jones of the FTU. Lt. Jones provided a demonstration of the "Spede-Heat" and "570 CS" rounds being deployed as well as an ALS "Pocket White Smoke" grenade. A video of the demonstration was made by FTU staff. A copy of the video is included in the case file.
- 1319 hours** A digitally recorded statement was taken from Officer A. Underwood #10636 by Sgt. Jones and Sgt. Robinson.
- 1500 hours** Major Winters and I met with Memphis Fire Investigator W. Irons and Chief Fire Investigator B. Pollard in the ISB Security Squad conference room. Investigator Irons advised that their investigation has revealed that the fire started near the front window of the northeast bedroom of the house. Investigator Irons was given the Spec Sheets and MSDS for all of the ordnance known to have been deployed into the house. He was advised that some of the ordnance does have fire producing potential. Investigator Irons advised that without an eye-witness to say exactly how the fire started, it would be difficult to determine the source of the

fire. Investigator Irons mentioned that follow up questions may need to be asked of the officers on the scene that may have seen exactly what was burning in the initial stages of the fire. At this time, per Investigator Irons, the cause of the fire would remain "Undetermined" unless new information or evidence comes to light.

Investigator Irons specifically mentioned Officer Clemons and Officer Knudsen, referencing their statements given in Homicide, as having mentioned seeing the flames or a "small fire".

Tuesday, November 5, 2013

Sgt. J. Chatman #0182

SH2013-043

1109 hours A digitally recorded statement was taken from Officer R. Geronimo #3337 by Sgt. Robinson and Sgt. Jones.

1120 hours A digitally recorded follow up/continuation statement was taken from Officer R. Braden #10243 by Sgt. R. Robinson and Sgt. B. Jones.

1409 hours A digitally recorded statement was taken from K9 Officer G. Deel #2261 by Sgt. R. Robinson and Sgt. B. Jones.

Sgt. B. Jones met with civilian witness Detareus Jackson to sign his statement. Mr. Jackson advised that he was still attempting to get the video or get the phone on which the video was taken.

Thursday, November 7, 2013

Sgt. J. Chatman #0182

SH2013-043

0902 hours A digitally recorded statement was taken from Officer K. McKnight #10608 by Sgt. R. Robinson and Sgt. B. Jones.

1001 hours A digitally recorded statement was taken from Officer J. Knudsen #10430 by Sgt. R. Robinson and Sgt. B. Jones.

1010 hours A digitally recorded statement was taken from Officer B. Davis #2111 by Sgt. R. Robinson and Sgt. B. Jones.

Sgt. Jones spoke again with Detareus Jackson. Mr. Jackson was still trying to get the video. Mr. Jackson advised that a friend of his, Janelle (Unknown spelling) had the phone containing the video. Mr. Jackson advised that he would have Janelle call Sgt. Jones.

Sgt. Jones received a phone call from Janelle. She requested his email address in order to send him the video from the phone. Sgt. Jones gave her his email address.

Sgt. Jones received six separate emails from ijanayah@yahoo.com. The first five emails contained no information. The sixth email contained five still photos. Those photos are included in the case file.

1139 hours Lt. A. Mullins, Sgt. B. Jones, Sgt. S. Roach, and I met at the TACT office with Major Hines and Lt. Jenkins to discuss the issues uncovered in the investigation and to determine if our recommendations were tactically feasible.

Friday, November 8, 2013

Sgt. J. Chatman #0182

SH2013-043

0930 hours I contacted the Photo Lab to get a new CD made of CSI Officer Pickering's photos. I was also advised that the set of photos by CSI Officer Rector from the scene canvass on Wednesday, October 30, 2013 was also available.

Monday, November 11, 2013

Sgt. J. Chatman #0182

SH2013-043

0949 hours A digitally recorded statement was taken from Officer B. Haynes #8979 by Sgt. B. Jones and Sgt. R. Robinson.

1005 hours A digitally recorded follow up/continuation statement was taken from Officer D. Clemons #1029 by Sgt. Jones and Sgt. Robinson.

Sgt. B. Jones advised that he has not been able to make contact, by phone or email, with Detareus Jackson or "Janelle".

Tuesday, November 12, 2013

Sgt. J. Chatman #0182

SH2013-043

Sgt. P. Neely contacted Major C. Morris, Lt. W. Prince, and Officer G. Deel. He met with them to review and sign their statements. Sgt. Neely was advised that Lt. E. Greenleaf was off today but would be at work tomorrow.

1030 hours Sgt. S. Roach met with the TACT officers at the TACT office to review and sign their statements. The statements of Officer Penny, Officer Acosta, Officer Butler, and Officer Clemons had minor typographical errors. Those statements were brought back to the office for correction. Sgt. Roach was advised that Officer Geronimo was on vacation, but should return to work tomorrow. The TACT Unit was scheduled to be at the FTU Range for training at 1000 hours tomorrow.

Wednesday, November 13, 2013
Sgt. J. Chatman #0182
SH2013-043

0800 hours Lt. M. Jones of the FTU was contacted to schedule a demonstration of the "Barricade Penetrator" 40mm rounds. TACT Lt. C. Davis #2247 was contacted and asked to provide the "Barricade Penetrators" for the test.

1000 hours Lt. Mullins, Sgt. Roach, and I went to the FTU Range. Officer Penny, Officer Acosta, Officer Butler, and Officer Clemons reviewed and signed their corrected statements. Lt. Davis advised that Officer Geronimo would be back at work tomorrow.

Lt. C. Davis provided a CTS Powder CS "Barricade Penetrator" and a CTS Powder OC "Barricade Penetrator" from the TACT Unit inventory. FTU Officer D. Banks #0029 conducted the demonstration of the "Barricade Penetrators" on the outdoor range. Video was taken of the test firing of the two rounds from two separate angles.

The video of the demonstration on November 1, 2013 of the "570 CS", "Spede-Heat", and "ALS White Smoke Grenade", along with the video of today's demonstration, was downloaded on a CD. A copy of the CD is included in the case file.

1430 hours Lt. E. Greenleaf came to the office to review and sign his statement.

1530 hours I called Memphis Fire Department Fire Investigator Irons. I advised him that follow up statements were taken from Officer Clemons and Officer Knudsen. He requested that I contact Chief Pollard tomorrow to give them copies of their statements.

Thursday, November 14, 2013
Sgt. J. Chatman #0182
SH2013-043

0950 hours Officer Geronimo arrived at the ISB Office to review and sign his statement.

1155 hours I called Chief Fire Investigator Pollard. I was advised that he was out of town. A message was left for him to contact me.

1200 hours I called the Homicide Office and spoke with Sgt. Paula Harris. She advised that the Medical Examiner's Office has not yet made a ruling on the case.

Copies of the Search Warrant, the "Consent to Search" Form, and the TACT Critical Incident Report were made from the Homicide Packet and included in the case file.

Friday, November 15, 2013
Sgt. J. Chatman #0182
SH2013-043

I submitted the case packet to Lt. Mullins.



**Inspectional Services Bureau
Internal Affairs/Security Squad
Major M. Winters, Commander
Phone (901) 576-4966**

**A. C. Wharton, Mayor
City of Memphis
Toney Armstrong, Director
Division of Police Services**



On October 14, 2013, I responded to a call out for a Tact Officer that was shot. Investigators from the Security Squad office used the church located at 2063 S. Parkway East to check perimeter officer's weapons. I checked Officer M. Gaines, IBM #11781, 6721, P229 S#106416, 37 rounds, Bushmaster AR L487760, MPD #R243, 29 rounds. Officer C. Merritt, IBM #12248, 6715, P229 S# AM111184, 37 rounds. Officer L. Beauchamp, IBM #1926, 6411, P229 S#AM162199, 37 rounds. Officer J. Brown, IBM #12100, 6413, P229 S# AM155330, 37 rounds.

Crime Scene officers were also on the scene of the church. Their names were C. Cathey #1559, 2317, D. Smith #1336, 2322, A. Pickering #1806, 2224, and S. Ford #0341, 2327. After the situation was secure myself and Det. J. Jackson, along with CSI officers and Sgt. Lundy of Homicide, checked the Tact Unit weapons in the CSI command vehicle. Officer G. Deel, IBM #2261, K24, P229 S#AM106905, 27 rounds. B. Haynes, IBM #8979, T27, P229 S#AM111326, 49 rounds, Bushmaster AR, S#BF1579995, MPD #T012, 5 magazines, 145 rounds. T. Warrick, IBM #9552, BT4, P229, S#AM162495, 37 rounds. R. Braden, IBM #10243, T34, P229, S#U753286, 36 rounds (keeps one less round in magazine). Bushmaster AR, S#BF1580611, MPD #T022, 24 rounds in first magazine (including round in the chamber), 28 rounds in second magazine, 25 rounds in third magazine, 26 rounds in the fourth magazine. P. Penny, IBM #1910, T25, P229R, S#AKU05608, 43 rounds (3 14 round magazines), Colt Commando AR, S#A0090911, MPD #593, 21 rounds in first magazine (including one in the chamber), 28 rounds in the second magazine, 28 rounds in third magazine, 28 rounds in fourth magazine.

After the weapons were checked I located Sgt. M. Quinn, of Homicide, at the scene and shadowed him until the body of the suspect was removed from the house. The body of the suspect was located in the bathroom, in the center of the home. Medical examiner, K. Manzel and members of the body removal unit, removed the suspect from the home. The ME located a loaded magazine and a cellphone in the suspect's right rear pocket. The magazine was loaded with 14 rounds of Blazer 9mm ammunition. Crime Scene Officer D. Smith located a black handgun in the bathroom also, belonging to the suspect. Officer D. Smith took the weapon back to the CSI command vehicle and cleared it. Sgt. Quinn and myself were present when this occurred. The weapon was a Ruger 9mm, S#31657044, it was loaded with 10 rounds in the magazine and the chamber was empty. The model of the weapon could not be read due to damage from the fire.



**Inspectional Services Bureau
Internal Affairs/Security Squad
Major M. Winters, Commander
Phone (901) 576-4966**

**A. C. Wharton, Mayor
City of Memphis
Toney Armstrong, Director
Division of Police Services**



TO: Sgt. C. Chatman

FROM: Det. J. Jackson

DATE: October 16, 2013

SUBJECT: 1383 Worthington (SH2013-043)

Here is a count of the officers that were on the perimeter of the crime scene. This count was done in the presence of Crime Scene officer Pickering, MPD Rep Michael Williams, Sgt. Lundy of Homicide.

Officer Wren was in the home at the time Officer Jackson was shot.

These two officers' weapons were counted at 2063 South Parkway

1504 hours, PII C. Wren #12084, Car #6713
37 rounds Sig P229 # AM117037

1512 hours, PII T. Woodard #11422, Car #6414
37 rounds Sig P229 #ADU10569

The following officers were counted at the intersection of Worthington and Parkway in the Crime Scene Call Out van.

1739 hours, Tact PII S. Silvers #10276, T26
43 rounds, Sig P229 #AKU005596
112 rounds, Bushmaster AR-15, MPD #T007, BFI579986

1741 hours, Tact PII J. Butler #1024, T15
43 rounds, Sig P229 #AM116849
112 rounds, Bushmaster AR-15, MPD #T005, BFI579983

1745 hours, Tact PII D. Clemons #1028, T31
57 rounds, Sig P229 #AM116835
140 rounds, Bushmaster, AR-15, MPD #T008, BFI579988

1748 hours, Tact PII B. Davis #2111, T23
85 rounds, Sig P229 #AKU05411
112 rounds, Bushmaster, AR-15, MPD#T19, BFI580045

1752 hours, Tact PII R. Geromino #3337, T35
35 rounds, Sig P229 #ADU11550

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84 rounds, Bushmaster, AR-15, MPD #T002, BFI579920

1756 hours, Tact Sgt. J. Scoggins #8164, BT3

25 rounds, Sig P229 #AM162427

138 rounds, Bushmaster, AR-15, MPD #599, A0119515

1806 hours, Tact PII C. Allen #1011, T38

57 rounds, Sig P229 # AM11782

112 rounds, Bushmaster, AR-15, MPD #T001, BFI579889

1809 hours, Tact PII A. Underwood #10636, T33

57 rounds, Sig P229 #AJU04568

112 rounds, Bushmaster, AR-15, MPDT023, BFI580641

1812 hours, Tact Major C. Morris #5557, T1

57 rounds, Sig P229 #AKU05611

1815 hours, Tact PII K. McKnight #10608, T36

57 rounds, Sig P229 # AM116929

112 rounds, Colt, AR-15, MPD580, A0119499

1823 hours, Tact Lt. E. Greenleaf

15 rounds, Sig P229 #AM15686

112 rounds, Bushmaster, AR-15, MPDT003, BFI579976

*1833 hours, Tact PII Paul Hutchison, T24

12 rounds, Sig P229 # AKU05628

28 rounds, Bushmaster, AR-15, MPD #T009, BFI579991

*1842 hours, Tact PII T. Jackson, T37

15 rounds, Sig P229 #AM106447

28 rounds, Bushmaster, AR-15, MPD #T017, BFI580037

1844 hours, Tact Lt. W. Prince, IBM #6596, T3

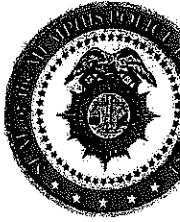
15 rounds, Sig P229 #AKU05606

* These officers were not on the scene at the time that there weapons and rounds were accounted for. They were at the hospital being treated for there injuries.



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**A. C. Wharton, Mayor
City of Memphis
Toney Armstrong, Director
Division of Police Services**



TO: Sgt. J. Chatman

FROM: Sgt. B. Jones

DATE: October 15, 2013

SUBJECT: 1383 Worthington

On October 15, 2013, I made the scene of the shooting at 1383 Worthington where Memphis Police Officers were involved in a shooting. Once on the scene it was determined the scene was still active with the suspect Aaron Dumas inside the home and armed. Investigators from ISB changed location to the outer perimeter until it was determined it was safe.

At 3:00 p.m. myself and Investigators from ISB went to 2063 S. Parkway East to the Church of Christ and checked the weapons of several officers that were on the scene.

3:08 p.m. Officer Keith Moffit, IBM #11880 Car 6411 weapon was checked along with Sgt. B. Webb IBM #9512 Car 1911. Officer Moffitt had 3 magazines containing 12 rounds each and 1 round in the chamber. His Sig Sauer 40 caliber handgun had a serial number of AM 106698.

3:11 p.m. Officer Jonathan Gross, IBM #1227 Car 6418 weapon was checked along with Sgt. B. Webb IBM #9512 Car 1911. Officer Gross had 3 magazines containing 12 rounds each and 1 round in the chamber. His Sig Sauer 40 caliber handgun had a serial number of AGU 03468.

3:25 p.m. Myself along with Sgt. R. Robinson changed locations to 201 Poplar Ave. to observe statements that Homicide Investigators would be taking from witness officers.

3:55 p.m. I observed the statement of Officer Mike Gaines, IBM #11781. Sgt. B. Webb, IBM #9522 took the statement. Officer M. Gaines informed Sgt. Webb he was with his partner Officer D. Chambers when the dispatcher informed them the suspect was at 1383 Worthington. They went to the location along with members of the Tact Unit. He went to the rear of the location while Tact officers went to the front door. He saw two females and a child being escorted away from the home. He heard several gunshots and heard on the radio someone requesting an ambulance. He remained in his position until a Tact officer relieved him. He never saw the suspect.

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7:05 p.m. I observed the statement of Officer Dan Chambers, IBM #12105. Sgt. B. Webb, IBM #9522 took the statement. Officer D. Chambers informed Sgt. Webb he and his partner Officer M. Gaines went to 13Worthington along with Tact officers to locate a wanted party. He went to the front door and his partner went towards the rear of the house. He observed two women leave the house and the Tact Officers announced "Police" and started to enter the house. He heard one shot then he heard several other shots and observed Officer T. Jackson hopping out of the house. He moved back from the house remained there until a Tact officer relieved him. He did see a Tact officer fire a tear gas round into the house and heard someone yell "Let me see your hands" He then heard several more gunshots and a Tact Officer being dragged away by other Tact Officers. He saw Lt. Prince running towards the house with a fire extinguisher. He saw the fire at the house grow bigger and bigger.

7:55 p.m. I observed the statement of Officer Josh Stanley, IBM #10957. Sgt. B. Webb, IBM #9522 took the statement. Officer J. Stanley informed Sgt. Webb he is on the negotiating team and was called to the scene. He along with three other negotiators, Mike Rosario, Alvin Davis and Mike Wilkie met at the command post then were driven to the front of the house by a Tact officer inside of the BEAR vehicle. They gave the suspect a phone, but the suspect threw the phone back and then put a mattress in front of the window. He could not hear what the Tact Officers near the front door were saying to the suspect. He heard on the radio the command to use gas on the suspect. He observed the Tact offices fire gas grenades into home. He saw a small fire coming from the room where the suspect was located. He heard gunfire and saw one of the Tact officers fall off of the front porch. He remained in the BEAR until the fire grew bigger and they moved the vehicle away from the home.

City of Memphis
Police Division, Inspectional Services Bureau
Case Notes S2013-043 Robinson

Printed On: 10/22/2013

Tuesday, October 15, 2013

- 1:30 p.m.** Writer was asked by Lt. Mullins to go to the area of South Parkway and Lamar. There was a Memphis police officer shot near that location.
- 2:15 p.m.** Writer met with ISB personnel at the BP gas station at South Parkway and Lamar.
- 3:06 p.m.** Writer and ISB personnel met with perimeter officers at 2063 S. Parkway East. The perimeter officer's weapons were checked. Writer checked Officer Kenneth Dawson's Bushmaster AR-15, serial number #L486632, and MPD #145. The weapon did not have a round in the chamber but did have 28 live rounds in the magazine. Officer Dawson's duty weapon was also checked. He was carrying a .40 caliber Sig Sauer P229, serial number AM 106877, with one in the chamber. The magazine inside the weapon contained 12 rounds. He had two extra magazines. Magazine two had 12 rounds and magazine 3 had 12 rounds. There were 37 live rounds for the on duty handgun.
- 3:50 p.m.** Writer was advised to go to the Homicide Bureau and assist them with taking statements.
- 4:58 p.m.** Writer and Sgt. J. D. Sewell left the Homicide Bureau and met Fire Department Ambulance Unit #34 at The Med. Unit #34 transported T.A.C.T. Officer Paul Hutchison to The MED in non-critical condition with a gunshot wound to his upper left leg. Sgt. Sewell and writer spoke with Officer Hutchison who advised he was in the doorway of the residence where an officer had been shot. He stated the shooter fired a shot from inside the residence and that round struck him in his upper leg. The attending physician was Dr. George Maish.
- 6:15 p.m.** Writer and Sgt. Sewell went back to the Homicide office and met with officers who gave typewritten statements.

End of Notes



Police Involved Shootings
Inspectional Services Bureau
Case Notes



ISB Casefile/ R&I Number:

SH2013-043/13010009169ME

Sgt. G. Claxton

Tuesday, October 15, 2013

- 1:35 pm Sergeants were notified by Lt. Mullins of an officer involved shooting at 1383 Worthington.
- 1:45 pm Security Squad investigators made the scene.
- 1:50 pm Investigators backed away from the scene and reconvened at the BP Gas Station located at 2134 Lamar.
- 2:45 p.m. Investigators pulled to the Command Post and received a briefing from Lt. Mullins.
- 3:05 p.m. Sgt. Claxton changed location to the church parking lot at Castalia/South Parkway to speak with the officers holding the homeowner of 1383 Worthington.
- 3:15 p.m. Sgt. Claxton called dispatch for an officer to bring a child seat for a week old infant. The mother, LaQuita Cage, was an occupant of the house when suspect arrived. She and the baby left with the homeowner Bridgette Pegues.
- 3:43 p.m. The infant was released to the uncle of the mother, Dave Matthews III, DOB [REDACTED]
- 3:46 p.m. Ms. Pegues and Cage exited the vehicles of Officer. D. Cherry, IBM #6854, car # 6612 and Officer. W. McNally IBM #12658, car# 6613 respectively and was transported to Homicide by Officer Williams, IBM #12843, car #743C of the Airways Station.
- 3:58 p.m. Arrived on the scene at 201 Poplar.
- 4: 23 p.m. Sgt. Claxton and Sgt. M. Brown of the Homicide Bureau took the civilian witness statement of Bridgette Pegues. She informed that the suspect came over to her home around 7 a.m. He came to visit her son. Around 1 p.m. she was about to leave and head to the grocery store when she saw officers outside of her home. The officers asked if the suspect was inside,

she responded yes. She signed a Consent to Search and was told to exit the premises.

7:22 p.m. Sgt. Claxton sat in on the witness officer statement with Detective F. Williams and Sgt. M. Brown. The witness officer, Sean Silvers, IBM #10276 of the TACT Unit informed he was on the Northwest corner of the house. He stated he deployed 3 canisters of CS from the 40mm single canister launcher he had and dropped 2 OC Power Barricade Penetrators through the window of the house. He did not witness the shots being fired by suspect or other officers.

9:25 p.m. Left Homicide.

Wednesday, October 16, 2013

10:50 a.m. Sgt. Claxton, Sgt. Jones and Detective Jackson went to Homicide to obtain statements from remainder of TACT Officers on the scene from yesterday. Statements were taken from Lt. Prince, Officer G. Howard and Officer Knudsen.

2:00 p.m. Left Homicide.



MEMORANDUM

To: Inspectional Services Bureau Commander
Attn: Major M. Winters

CC: Security Squad Supervisor
Attn: Lt. A. Mullins

Sgt. J. Chatman
Security Squad

From: Det. A. Webb
Security Squad

Date: October 15, 2013

Subject: Shooting: 1383 Worthington
R&I: Aggravated Assault: 130009169ME

Suspect: Aaron Dumas (m/b, DOB: [REDACTED] N: [REDACTED])

Principal Officers: Officer Timothy Jackson, IBM #11601, Officer Phillip Penny, IBM #1910, Officer Robert Braden, IBM #10243

At 1:45 p.m., on Tuesday, October 15, 2013, Det. A. Webb, IBM #10282, received a telephone call from Det. J. Jackson, IBM #10807, advising of a police involved shooting at South Parkway and Worthington. At 1:43 p.m., Lt. A. Mullins, IBM #5592, called Det. Webb, and advised her to report to the Regional Medical Center (MED) to meet Officer Timothy Jackson, IBM #11601, who had been shot in the leg by a suspect that was barricaded inside of 1383 Worthington.

At 1:53 p.m., Det. Webb arrived at Jefferson Avenue (MED) and obtained the firefighter/paramedic's information from Unit 6, which transported Officer Jackson. Terry Malone, #668, J. Blum, #25897, Jena Busby, #15632, and Trey Jordan, #15642, from Fire Station 14 were on Unit 6. Det. Webb met Homicide Investigators, Sgt. M. Brown, IBM #6739, and Sgt. A. Hurst, IBM #3709, near the trauma unit. Sgt. Brown explained that Officer Jackson had been shot in his left, upper thigh, and was waiting on an updated condition from the attending physician. MPD TACT Officers were attempting to locate Aaron Dumas regarding warrant #13038637, for two counts of Criminal Attempt Second Degree Murder. Inspectional Services Bureau Investigators, Det. J. Cobb, IBM #1567, and Det. G. Suggs, IBM #9932, also responded to the MED.

At approximately 2:00 p.m., an administrator from the MED asked Memphis Police Personnel to allow room for the medical staff and equipment to pass. Deputy Chief G. Perry instructed investigators, officers, and the Memphis Police Association Representative to wait outside of the trauma unit as he would remain.

At 2:18 p.m., Sgt. Brown and Det. Webb located attending physician, Dr. Zarzaur, who advised that Officer Jackson was in stable condition. Officer Jackson suffered one bullet hole in his left, upper thigh, just below his buttock. Officer Jackson also had one bullet hole in his front, upper thigh. According to Dr. Zarzaur, a preliminary x-ray showed no trace of a bullet remaining in the wound. Lt. Mullins was updated of the preliminary information.

At 2:24 p.m., Major J. Polk advised Sgt. Brown that Officer Jackson was available to speak with investigators. Sgt. Brown and Det. Webb spoke to Officer Jackson in the trauma unit. Officer Jackson advised that he believed that TACT Officers Phillip Penny, Curtis Allen, Kenneth McKnight, and Robert Braden were inside of the residence when the shooting occurred. Officer Jackson stated that he and Officer Penny were standing at either side of the door, preparing to make entry to a room that an unknown female instructed them to check. Officer Jackson took one to two steps into the bedroom to check the corner, when he saw "something." Before Officer Jackson could identify the "something," he felt the gunshot to his leg. Officer Jackson did not return fire, but heard several additional gunshots as he retreated. Officer Jackson was advised that he would be treated and released. Officer Jackson stated that he would be going to his home address [REDACTED] and could be reached at [REDACTED] upon his release.

Officer C. Buchanan, IBM #10003, Car #724B, submitted Aggravated Assault Report #1310009169ME, regarding the shooting of Officer Jackson. Crime Scene Investigator J. Parish, IBM #2832, Car #2311, responded to the MED, and received instruction from Sgt. Brown.

At 3:34 p.m., Det. Webb, Det. Cobb, and Det. Suggs left the MED, in route to 201 Poplar Avenue (Homicide Bureau). At 3:41 p.m., Det. Webb arrived at 201 Poplar Avenue to assist in obtaining statements.

At 4:30 p.m., Det. Webb and Sgt. B. Webb, IBM #9512, obtained a typed statement from Laquia Cage (f/b, DOB: [REDACTED] N [REDACTED] [REDACTED] who resided at [REDACTED]. While obtaining this statement, Det. Webb received a call from Lt. Mullins advising that a second officer had been shot, and was in route to the MED.

At 6:30 p.m., Det. Webb and Sgt. Brown obtained a typed statement from Sabrina Johnson (ex girlfriend of Aaron Dumas).

At 7:24 p.m., Det. Webb and Sgt. K. Lundy, IBM #4922, obtained a typed statement from Witness Officer, Sgt. R. Wilkie, IBM #1836.

At approximately 8:15 p.m., Lt. M. Miller asked Det. Webb to request recorded radio transmissions from all channels used during this incident. Det. Webb reported to the Memphis Police Communications Bureau and requested the information as instructed. The recordings will be available on October 16, 2013.

This incident was issued case file #SH2013-043, and assigned to Sgt. J. Chatman, IBM #0182, for further investigation.

Detective A. Webb
Security Squad

City of Memphis
Police Division, Inspectional Services Bureau
Case Notes SH2013-043

Printed On: 10/18/20

Tuesday, October 15, 2013
Det. G. Suggs
SH2013-043

Tuesday, October 15, 2013
1350 hours

The writer was asked by Lt. Adams to assist Det. Cobb on a police shooting at the Med. MFD Unit 6 transported Officer Jackson #11601 in non-critical condition.

1408hours
The writer arrived at the Med. The writer spoke to Dr. Zarzaur at @ 1418 hours and was advised that Officer Jackson was in stable condition. Officer Jackson suffered from an entry and exit wound to his upper left thigh. Officer Jackson was taken to have x-ray done.

The writer was told that there was no round located.

1422 hours
Major Polk asked that only one from Security Squad (Det. Webb) and One from Homicide (Sgt. Brown) be allowed to see Officer Jackson.

1450 hours
The writer received the report number 1310009169ME from Officer Buchanan, # 10003.

1455 hours
The writer observed the following items collected by Crime Scene Officer Parish #2832 car #2311.
Items collected: White bloody napkins, white and gray phone cover, black nylon belt, 1 black glove, 1 pair black boots size 13 (Adidas), 1 pair of black pants cut in half, bloody gray pair socks and a gray and white wound cover bandage. Crime Scene Officer Parish advised that he will take items to P&E room and to 475 Klicke for drying.

1515 hours
The writer was advised by Officer Fletcher# 10403 that he gave Officer Jackson's weapon to Lt. Prince of the Task force.

1525 hours
The writer was advised by ATF/PRN Paul Kwlatkowski #3744 that he received a text stating that the County is taking over the scene. His text was received at 1510 hours.

1534 hours
The writer and Det. Cobb cleared the Med in route to Homicide.

City of Memphis
Police Division, Inspectional Services Bureau
Case Notes SH2013-043

Printed On: 10/18/20

1543 hours

The writer and Det. Cobb arrived at 201 Poplar on 11th floor, Homicide.

1550 hours

The writer and Det. Cobb witnessed a statement taken from Officer J. Gross, # 12227, Car 6418 Crump Station Task Force by Sgt. Hurst in the Homicide Bureau. Officer Gross stated that he was on the scene when Officer Jackson was shot and ran out of the house. Officer Gross stated he help assist officer Jackson with cover. Officer Gross also stated that he help with Officer Jackson wound until paramedics arrived. No shots were fired from his weapon.

1825 hours

Writer and Det. Cobb witnessed a statement taken from Officer Gary Deel #2261 K-24. Officer Deel stated that he was on the Northwest corner of the perimeter. Officer Deel was on the scene after Officer Hutchison was shot. Officer Deel said he did not fire any shots.

1917 hours

Writer and Det. Cobb witnessed a statement taken from Tact 15 Officer James Butler # 1024. Officer Butler stated that he was on the right side of the house exterior facing the street. He stated that he heard approximately 5 or more shots fired. He was asked did he deploy or launch anything. He stated yes, I deployed gas (CO and Clear out) OC deployed with a launcher and clear out was by hand through the front door. He also stated he only deployed once. The launcher that was used is a Z gun and that Lt. Greenleaf gave the command. Officer Butler stated he never saw suspect.

2009 hours

Writer and Det. Cobb witness a statement taken from Sgt. Jeff Scroggins #8164 Bomb Tech 3. Sgt. Scroggins stated that he was position on the number three side of the house which is the back. He said he heard approximately six or eight shots fired. He said he did not fire any shots.

Ending time 2110hours All statements were signed, the original was left with Homicide and the copies were given to Sgt. B. Jones.

End of Case Notes.



Inspectional Services Bureau
Internal Affairs/Security Squad
Major M. Winters, Commander
Phone (901) 576-4966

A. C. Wharton, Mayor
City of Memphis
Toney Armstrong, Director
Division of Police Services



TO: Sgt. Chatman

FROM: Det. Nancy Trentham

DATE: 10-16-2013

SUBJECT: Statements for SH2013-043

On Tuesday, October 15, 2013 I sat in on three interviews taken in the Homicide Bureau Office by Sgt. J.D. Sewell #8051. The first statement was taken at 18:40 hours from PII Charles Wren, # 12084. Officer Wren stated he and Officer Jones were inside the house, in the front living room as the TACT officers entered the house. He heard a TACT officer announce "MPD TACT Team search warrant". Wren stated a TACT officer tried to open the door of the room the suspect was in but it was locked. They again announced their presence and then kicked the door. When the door was kicked the second time Officer Jackson was shot through the door in his left leg. He heard about five more shots, unsure who fired the shots. He assisted Officer Jackson out of the house to safety. Officer Wren returned to the southeast corner of the neighbor's house with his AR-15. Wren then met with Security Squad who checked his weapon. Wren stated he returned to the scene to move his squad car per his Colonel. He stated he saw smoke coming from the house from the gas that was thrown into the house. He stated that he did not see who deployed the gas. He described the lighting conditions outside the house as daylight and the inside being lit up from the outside sun. Officer Wren stated he did not remember any lights being on inside the house.

The second statement was taken at 19:45 hours from TACT Officer Raymond Geronimo #8051 (TACT 35). Officer Geronimo stated that he was not present during the first shooting. After being notified at approximately 13:40 hours he responded to the scene where he was assigned to cover the rear side of the residence. He heard what sounded like several gunshots. He did not see Officer Hutchison get shot or see any officers return fire. He stated the TACT officers were told to prep their gas masks and gas was deployed into the residence. He heard someone advise the window was barricaded with a mattress. He heard someone advise their was smoke coming from inside. Geronimo stated he was told to move to the front right side of the house. At that location he stated a TACT officer deployed either a tear gas or clear out by hand through a window on the rear of the house. He stated he believes that officer was Silvers. He described the weather and lighting as rainy and cloudy outside. Officer Geronimo stated he couldn't tell about the inside because the windows were covered by plastic and curtains.

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Internal Affairs/Security Squad
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**A. C. Wharton, Mayor
City of Memphis
Toney Armstrong, Director
Division of Police Services**

SH2013-043

The third statement was taken at 20:35 hours from TACT Officer Brian Davis #2111. Davis stated he was not on scene for the first shooting. He arrived on scene and was assigned to be in the BEAR. He was called out of the BEAR to assist other TACT officers on the front porch. Davis stated the suspect raised the window and TACT Officer Braden put a phone in the window which the suspect threw back out. Gas was "initiated" into the room where suspect was. Davis stated after the gas got in the room, the suspect came out and fired two shots toward TACT officers. He heard TACT Officer Hutchison say that he got hit and grabbed his leg and at the same time Braden returned an unknown number of shots. Davis was standing behind and offset to Braden. Davis stated he did not deploy anything into the house. He believes Silvers used the Z gun to deploy gas into two different windows on the 1 side of the house. He thought TACT Officer Clemmons was supposed to deployed gas on the 4 side (but he never saw him). Davis stated it was cloudy outside. He further stated there were no lights on inside and it was dark, but not too dark.



**Inspectional Services Bureau
Internal Affairs/Security Squad
Major M. Winters, Commander
Phone (901) 576-4966**

**A. C. Wharton, Mayor
City of Memphis
Toney Armstrong, Director
Division of Police Services**



TO: Sgt. J. Chatman, IBM #0182

FROM: Sgt. A. Cartwright, IBM #0181

DATE: October 16, 2013

SUBJECT: SH2013-043

On October 16, 2013, at approximately 1540 hours, Inspectional Services Investigators went to the Homicide Bureau to assist in taking statements regarding an officer involved shooting at 1383 Worthington. Once at the Homicide Bureau, investigators obtained statements from several scene officers.

At approximately 1824 hours, Sgt. A. Cartwright, IBM #0181, Car #1112 and Det. F. Frias, IBM #3316, Car #1917 obtained a statement from Officer Deidrick Jones, IBM # 12136. Officer Jones stated he and several other officers responded to a wanted party Crimestoppers tip at 1383 Worthingham. Officer Jones stated the knock and talk procedure was utilized to enter the home. He stated a female black gave consent to check the residence in an effort to locate the wanted party. However, Officer Smith and the other officers were instructed to exit the home and wait for the TACT Unit. Uniform patrol officers complied.

At approximately 1903 hours, Sgt. A. Cartwright, IBM #0181, Car #1112 and Det. F. Frias, IBM #3316, Car #1917 obtained a statement from Sgt. M. Rosario, IBM #1696, Car #1119. Sgt. Rosario initially responded to the scene at 1383 Worthington from the Inspectional Services Bureau to investigate an officer involved shooting. Moments later, Sgt. Rosario role changed to being a negotiator on the scene during a barricade situation. While on the scene, Sgt. Rosario witnessed a series of events. Sgt. Rosario observed CS and OC gas launched inside the residence in addition to the front of the property located at 1383 Worthington engulfed in flames. He also heard shots being fired on the scene.

At approximately 1939 hours, Sgt. A. Cartwright, IBM #0181, Car #1112 and Det. F. Frias, IBM #3316, Car #1917, obtained a statement from TACT Unit Officer K. McKnight, IBM #10608. Officer McKnight along with other officers received a Crime Stoppers tip at 1383 Worthington. Officers announced their presence and entered the front room of the home. Upon entry, a shot rang out and Officer Jackson was shot in the leg. Officer Jackson rolled out the doorway as the other officers held the door. Officer McKnight stated he was approximately five feet behind Officer Jackson. Meanwhile, Officer Penny returned multiple shots. Officer McKnight advised that permission was given to deploy CS and OC gas into the house by using the 40mm launcher from the opposite side of the house.

**Inspectional Services Bureau
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Several rounds of the gas were deployed through the windows. Officer McKnight did not deploy either gas. Officer McKnight observed black thick smoke coming from the house. He heard breakages in the house and what appeared to be the sound of a gunshot. During the second shooting incident, Officer McKnight was approximately twenty five yards from Officer Hutchison. Officer McKnight described the weather conditions during the first shooting to have bright interior lighting and the second shooting incident as having overcast, with heavy rain.

At approximately 2013 hours, Sgt. A. Cartwright, IBM #0181, Car #1112 and Det. F. Frias, IBM #3316, Car #1917 obtained a statement from Officer B. Haynes, IBM # 8979. Officer Haynes arrived on the scene during the second shooting incident and took his position. Officer Haynes observed TACT officers talking to the suspect inside of the house. The officers gave the suspect a phone and the suspect threw the phone back to the officers. Officer Haynes stated CS and OC gases were deployed, but he did not know by who it was deployed. Officer Haynes was standing approximately fifteen to twenty yards away from Officer Hutchinson when at the time Officer Hutchison was shot. Officer Haynes did not fire his duty weapon.

City of Memphis
Inspectional Services Bureau

Affidavit of Complaint

Case File #: SH2013-043

Complainant: Administrative

Nature of Complaint:

DR 101 Compliance With Regulations to wit Use of Deadly Force

Occurrence Date: October 15, 2013 **Occurrence Time:** 13:22 hours

Location of Occurrence: 1383 Worthington Street, Memphis, TN 38114

Officers Involved: POLICE OFFICER / TACT, Phillip Penny, IBM# 1910
POLICE OFFICER / TACT, Robert Braden, IBM# 10243

Investigating Officer: Sergeant Jerry Chatman, IBM# 0182

Narrative:

On Tuesday, October 15, 2013, TACT Unit officers were at 1383 Worthington conducting an attempt pick up of Aaron Dumas, who was wanted for two counts of Criminal Attempt Felony to wit Second Degree Murder. Dumas fired shots at the officers striking TACT Officer T. Jackson. TACT Officer P. Penny returned fire. Dumas barricaded himself inside the residence. Hours later, after communication broke down with Dumas, TACT officers deployed CS and OC gas into the residence. Dumas began firing shots. TACT Officer P. Hutchison was hit. TACT Officer R. Braden returned fire. The residence became fully engulfed in flames. The body of Aaron Dumas was later located in the bathroom of the residence.

Lt. A. M. Ginn #5592

HOMICIDE WITNESS STATEMENT

R & I:1310009169ME

Type of Report: Homicide

Location: 1382 Worthington Circle

Incident Date: October 15, 2013

This is the statement of: Bridgett Pegues

Age: 47

DOB: [REDACTED]

Sex: F

Race: B

SSN: [REDACTED]

Home Address: [REDACTED]

Cell Phone: [REDACTED]

Cell Phone Company: AT&T

Education: Associates

Occupation: Machine Operator 3

Employed by: Riviana Foods

Next of Kin/emergency: James Pegues

Relationship: Father

Address: [REDACTED] Eads, TN

Cell Phone: [REDACTED]

This statement is being taken at the **Robbery Office, 201 Poplar, Room 11-20 Interview Room A** on October 15, 2013 at 4:23pm.

Statement made to: Sgt. M. A. Brown #0739 and Sgt. G. Claxton #0183

Typed by: Melynda Harriss #10650

This statement is relative to the **shooting** which occurred at 1382 Worthington Circle on October 15, 2013 and which is filed under **MPD File # 1310009169ME**.

Q: What is your name?

A: Bridgett Pegues.

Q: What is your address?

A: [REDACTED]

Q: Did the police come to your address today?

A: Yes.

Q: Do you remember the time?

A: Around 1:00 or 1:15pm.

Q: What did they want?

A: They were looking Aaron.

Q: Do you know his last name?

A: No.

Q: Did you know who they were talking about?

A: Yes.

Q: Describe Aaron.

A: About 5'8 or 5'9, light complexion, 190 to 200lbs, low hair cut, mustache.

Q: Do you know Aaron to have any mental issues?

A: Professionally I don't know but I think he does cause he talks to himself constantly.

Q: How long have you personally known Aaron?

A: About 5 years.

Q: How did you come in contact of knowing Aaron?

A: He worked at the BP at Parkway and Lamar.

Q: Does he know anyone else in your house hold?

A: My son, my daughters.

Q: Did you know why the police were looking for Aaron?

A: No.

Q: When did you find out what they were looking for Aaron?

A: When Officer Jones told me.

Q: Was that after they knocked on the door and asked if he was there?

A: Yes, they didn't knock, I saw them and opened the door.

Q: Did you give officers permission to go into your house?

A: Yes I signed a consent form.

Q: At that time was there anyone else in the house other than Aaron?

A: Myself, Laquita, her baby, Aaron and my dog.

Q: Did you sign a piece of paper consenting that officers could go in and check?

A: Yes.

Q: Who left out of the house with you when the officers advised that they were going to check for Aaron?

A: Laquita and the baby.

Q: Did you advise officers which room you thought Aaron was in?

A: Yes, the first bedroom to the right.

Q: Did you know for sure that he was in that room?

A: Yes.

Q: In your own words tell what happen before, during and after this incident.

A: Laquita and I and the baby were getting ready to go the grocery store. I got phone call from a friend and he asked me what I wanted to eat and I told him I would call him back. I heard something outside my bedroom, I looked out and saw the police officers with the guns. I went to the front door and opened the door. Officer Jones asked me if Aaron was here and I responded yes first bedroom to the right. He wanted to know if anyone else was in the house. I told him yes and I called for Laquita and the baby to come on out. He asked me for permission to search my house and I said yes. At that time I closed the door to my bedroom where the dog was. Once I got outside next door he brought the consent to me and I signed it. At that time they started going in. Shots were fired and we moved one house down. They brought someone out, I thought it was Aaron but it was a police officer. That's when they started moving everybody back and telling everyone to stay down. They moved us to the cove and then to the church parking lot on Castada and
Castalia B¹
South Parkway.

Q: How long had Aaron been at your house today?

A: He was there this morning when I got there about 7:30.

Q: What was he doing when you got there?

A: Sitting outside smoking Black and Mild.

Q: What was Aaron's demeanor?

A: He was just sitting down smoking, calm.

Q: Were you aware at that time he wanted by the police?

A: No.

Q: How many officers came to your officer?

A: When I went out the door there were about 4 or 5 on my porch, the house was surrounded and there were police every where.

Q: After you signed the consent form how many officers did you see go inside your house?

A: I couldn't really tell how many went in there cause I was signing the consent and then the shooting and I ducked down.

Q: Prior to coming outside what were the lighting conditions inside your house?

A: The lights were off my light was coming through the blinds. On the front bedroom window the blinds were half way up and the window cover because of a broken pane and the blinds were down on the side window.

Q: What was the weather like outside?

A: It was kinda cool and then it started to rain. It was kinda cloudy.

Q: How many shots did you hear?

A: About 4 or 5, I can't tell you I was trying to get down.

Q: How far away from your house were you when you heard the shots?

A: Two houses down.

Q: Do you know who fired the shots?

A: No but it was obvious that Aaron fired the shots cause they were bringing the officer out of the house and not him.

Q: Did you physically see anyone fire shots?

A: No.

Q: What happen after they brought the officer out of the house?

A: They moved us back, knocking on doors telling everyone to stay in, and officers going inside the house. They were stopping everybody from coming into the area.

Q: Is there anything else you would like to add to this statement that would assist in this investigation?

A: I know he talked to himself and he mumbled, it's nerve racking. I have never seen him upset or do anything outrageous. He was going to court for an arson case that was dismissed and for child support.

Q: Did you give this statement of your own free will without any threats or promises?

A: Yes.

Q: Can you read and write without the aid of eyeglasses?

A: Yes.

Q: I will now ask you to read you 4 page statement, if you find to be true and correct, I will ask you to initial the first 3 pages and to sign the last page. Do you understand?

A: Yes.

SIGNATURE Budget Peyer DATE/TIME 10-15-13 /

Victim / Witness Statement
Incident # 1310009169me
Location: 1383 Worthington
Date: October 15, 2013

This is the statement of: LaQuia D. Cage

Age: 18

D.O.B: [REDACTED]

Sex: F

Race: B

Home Address: [REDACTED]

Cell Phone: [REDACTED]

Next of Kin/Emergency Contact: Dave Mathews uncle

Address: [REDACTED]

Home Phone: [REDACTED]

This statement is being taken at the Robbery Office, 201 Poplar, Room 11-20 on October 15, 2013 at 4:30pm.

Statement made to: Sgt. B. Webb IBM # 9512 Car 1911
Det. A. Webb # 10282

Typed by: Sgt. B. Webb # 9512

This statement is relative to the police shooting which occurred at 1383 Worthington October 15, 2013, at approximately 1: 20 pm which is filed under MPD R&I # 1310009169ME.

Q: Are you aware the Memphis Police Department is investigating an officer involved shooting?

A: Yes.

Q: Are you the person responsible for the shooting?

A: No.

Q: Were you present when the shooting occurred?

A: Yes.

Q: Tell me in your own words, what happened prior to, during, and after the shooting ?

A: I was in the back room at 1383 Worthington getting ready to go to the store. The house is owned by Bridgette Piques, she is my best friend's mom. Bridgette started hollering for me to grab the baby and come to the front of the house. When I got to the front of the house I saw the police at the door. They told us to leave the

L. C

house and go to a safe place. One officer, a male black, led Bridgette, me and the baby to the house next door.

Q: Who else was in the house at 1383 Worthington?

A: Aaron, I don't know his last name. I think he is a friend of Ron, Bridgette's son.

Q: Did Aaron leave the house?

A: I didn't see him leave.

Q: Do you know if Aaron has a gun?

A: I don't know.

Q: Do you know if Aaron was wanted by police for anything?

A: No.

Q: What happened after you were out of the house?

A: We were outside of the house next door, me, Bridgette, the baby and that officer. I heard about four or five shots that sounded like they came from inside the house. I didn't know officers were inside the house until I saw an officer surrounded by other officers checking on him. I couldn't really see the officer to see any injuries, but I could tell by the other officers something had happened. Then the officer with us said there was an officer down.

Q: What were the officers you saw wearing?

A: All black with police written on the back, and the guy with us had on a regular uniform.

Q: Did you see police cars, if so can you describe them?

A: There were marked cars, and solid black Chargers and solid white Chargers too.

Q: Is there anything else you would like to add to this statement that would aid us with this investigation?

A: No.

Q: Was this statement given freely and voluntarily, without any threats or promises?

A: Yes.

Q: Can you read and write without the aid of eyeglasses?

A: Yes.

L.C

Homicide Bureau
Sgt. B. Webb 9512

Case # 1310009169me

Q: I will now ask you to read this statement and if you find it to be true
and correct, initial the bottom of each page except the last, sign the last page.
Do you understand?

A: Yes

Name: [Signature] Date/Time: 10-15-2013 5:03pm

Witness: _____

Witness: _____

HOMICIDE WITNESS STATEMENT
R & I:1310009169ME

This is the statement of: Sabrina Johnson

Age: 43

DOB: [REDACTED]

Sex: Female

Race: Black

SSN: [REDACTED]

Home Address: [REDACTED] Home Phone: [REDACTED]

Cell Phone: [REDACTED] Cell Phone Company: [REDACTED]

Education: 2 years college Occupation: [REDACTED]

Employed by: St. Jude

Work Address: Danny Thomas Work Phone: [REDACTED]

Next of Kin/emergency: Nicole Ryn

Relationship: Sister

Address: [REDACTED] Home Phone: [REDACTED]

Cell Phone: [REDACTED] Cell Phone Company: [REDACTED]

Work Address: [REDACTED] Work Phone: [REDACTED]

This statement is being taken at the **Homicide Office, 201 Poplar, Room 11-21** on
at 10/15/13 at 6:30pm.

Statement made to: Sgt. M.A. Brown #0739, Det. Amber Webb #10282

Typed by: Sgt. M.A. Brown #0739

This statement is relative to the shooting which occurred at 1382 Worthington Circle
October 15, 2013, at 12:30pm and which is filed under **MPD File # 1310009169ME**.

Q: Do you know Aaron Dumas?

A: Yes.

Q: How do you know him?

A: He was my ex-boyfriend.

Q: How long did you date?

A: 8 months.

Q: Did he make any threats to you while you were dating?

A: Yes, that he was going to kill me and kill the police.

Q: When was the last time he made a threat like this?

A: The last time we went to court last year. It was like January of 2013.

(SJ)

Q: Had he done anything to make you think he would do that?

A: Yes, he jumped on me in April, he made those remarks that he would kill me and the police, I had a report taken saying what he said he was going to do.

Q: Why were you all going to court?

A: For 2 counts of arson, he set my truck and car on fire.

Q: Did anyone see him do it?

A: I saw him do it that's why he was coming after me. I saw him throw a bottle full of gasoline in the back of my truck out of the window of my house.

Q: Did you have any incidents with him where a gun was involved.

A: Yes, in April 2012, he jumped on me and he had a 357, 2 9mm and a sawed off shotgun. He had them under my pillow and he said he would kill me. He cut off all the lights in the house and said you can call the police if you want to I'm going to tell you what is going to happen, I'm going to take as many as police officers as I as can and I'm going to kill as many as I can. They will not be going home to their family. And I'm going to kill you. He said is that what you want, I said no and he let me out 2 days later.

Q: Did you give this statement of your own free will without any threats or promises?

A: Yes.

Q: Can you read and write without the aid of eyeglasses?

A: Yes.

Q: I will ask you to read your 2 page statement and if you find it true and correct I will ask you to initial the first page and sign the second one, do you understand?

A: Yes.

SIGNATURE

DATE

TIME

[Signature]
6:55 pm

10/15/2013

City of Memphis
Police Division, Inspectional Services Bureau

Civilian Witness Statement

| | | | | |
|---|---------------|--|----------------|------------------------|
| Name: Detareus Jackson | Sex: M | Race: B | Age: 34 | DOB: [REDACTED] |
| Residence: [REDACTED] | Memphis TN | Phone: [REDACTED] | | |
| Statement taken at: 1374 Worthington Memphis TN | | Date\Time: 10/30/2013, 4:25 p.m. | | |
| Typed By: Sgt. G. Claxton, IBM #0183 | | Date\Time: 10/31/2013, 10:30 a.m. | | |
| Questioned By: Sgt. B. Jones and Sgt. R. Robinson | | | | |
| Relative to ISB File: SH2013-043 | | | | |

Q: Please state your name and date of birth for the record.

A: Detareus Eric Jackson, [REDACTED]

Q: Are you aware that this statement is being recorded?

A: Yes sir.

Q: Mr. Jackson were you present during the incident that occurred at 1383 Worthington on October 15, 2013?

A: Yes Sir.

Q: Where were you when this incident took place?

A: In my kid's bedroom window?

Q: And where is your kid's bedroom window located in reference to the address in question?

A: The far right side of my house which would be facing directly across the street from the house.

Q: Did you have a clear view sight of 1383 Worthington?

A: Yes sir.

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Q: Can you describe to me what you saw on that day?

A: I saw uh they were sitting around waiting on him to come out and they had stood around probably I'd say about three hours waiting on him to come out and he never came out. So they decided to go in and when they decided to go in that's when he shot one of them and they started shooting tear gas in the house back to back to back and caught the curtains on fire and that's where the fire started at and then they just sat there and let the house burn for about 15 to 20 to 30 minutes before they called in the fire department. Then it was too late to get a hold of the fire and then the house burned down.

Q: There was a second officer shot so you are saying that after this first officer was shot then they shot..

A: This was after second officer was shot.

Q: Did you know that a first officer was shot?

A: I wasn't I wasn't in the window when the first officer got shot. I had made it to the window after that officer was gone. This here on the second officer when they was waiting for him to come out and he never came out. And when the second officer got shot they was going in through the door and the second officer when he got shot, he fell, rolled off the porch and they totted him behind the van, the blue van. That's when they got to shooting tear gas in every window.

Q: Could you see how many officers were shooting tear gas?

A: I just only heard the I only heard the banging and the and the pow, pow, pow. That's all I could all I was hearing from the grenades going through the window, but they were mainly shooting them through the two front two windows by the driveway and by the front of the driveway. Them were the main two bedroom windows that they were shooting them in at first and then the house started smoking and I thought they were going to put it out, but they never did.

Q: Could you tell if he started the fire from inside?

A: The fire came from them shooting through the bedroom window cause he had a lot of stuff up to the window that caught a fire, like curtains. He had stuff up to the window so they couldn't see in there and they kept shooting it in there and what ever up against the window that's what caught fire. Cause the fire came out the both two front windows first in the bedroom. How you going set the windows on fire without setting the floor on fire first. The fire come from them grenades shooting through that window.

Q: Did you have any video recording or any pictures of this incident?

A: Uh I know somebody that got some.

Q: Have you seen those videos or pictures?

A: Of course.

Q: Is it something that you could obtain?

A: In the process I will have it.

DJ

Q: Were there any other witnesses to this incident?

A: Not that I know of.

Q: The person that or the location where you say there are pictures or videos did that individual see it also?

A: Yup, but they don't want to be brought up period.

Q: When you were referring to the officers shooting tear gas into the home could you tell if they were uh what their sex and race was?

A: Not really because by that time it was so much excitement going on I really just didn't see them.

Q: Did you see any officers throwing anything into the house by hand?

A: Yeah I seen them walk around the house with uh one guy had his back and they were throwing bombs in every window.

Q: Do you know..could you tell how many they threw in?

A: They threw one in every window all the way around the house.

Q: Approximately how many windows do you think they have on the house?

A: One, two, three, four, five, six..about eight, eight, eight to ten. Eight to ten windows.

Q: When you said you heard a bang when they were shooting the gas inside the home approximately how many bangs did you hear?

A: Man..back to back I probably heard about eight and then I heard like four more after the second officer got shot. I think they were real upset after that because they just went crazy they were knocking the windows out the house shooting tear gas in every window. They just knocking windows out and shooting tear gas in them they just tearing the house up. Like what's like what's really going on they just tearing the house up and then they just letting it burn they would even let the fire truck come in. When the fire truck came in it took them almost 45 minutes to put it out cause they let it got so far out uh you know out of hand you know and now and now my neighbors' aint got nowhere to live. Cause they house burned down to the ground. I think they could have handled it a better way then how they did it they just stood there and just watched the house burn down.

Q: Is there any thing else you wish to add to this statement that may help us or aid us in this investigation regarding this?

A: No sir.

Show the civilian witness statement ending at 4:30 p.m.

DS

I will ask you to read the preceding pages of this typewritten statement and if you find the same to be true and correct as a statement given by you, I ask you to initial the bottom of the preceding pages and sign your name on the line below.

Datarius Jackson
Signature

11-5-13
Date

PS

File Number SH2013-043



**Memphis Police Department
Inspectional Services**

Audio Recording Verification Form

I Eric Jackson Detareus, have listened to the audio recording of my statement, which was given to Sgt. B. Jones of the Inspectional Services Bureau, on 10-30-2013, as represented by my signature below, and it is an accurate and precise representation of my statement. I have been advised and understand that I may receive a transcribed copy of my statement, at a later date, if requested.

Eric D Jackson
Signature
10-30-13
Date

Sgt. B. JONES
Investigator

City of Memphis
Police Division, Inspectional Services Bureau
Case Management

| |
|--------------------------------------|
| Principal Officer's Statement |
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| | |
|---|---|
| Officer's Name: Penny, Phillip | Rank: PII/TACT |
| DOB: [REDACTED] DOE: 02-15-99 Age: 36 IBM: 1910 | |
| Assignment: TACT Unit | Shift: Bravo |
| Statement taken at: 2714 Union Extd. #700 | Date\Time: 10/17/2013 10:54 a.m. |
| Typed By: Tiffany Brown, 3218 | Date\Time: 10/31/2013 11:23 a.m. |
| Questioned By: Sgt. J. Chatman #0182 and Sgt. P. Neely #1802 | |
| Relative to ISB File: SH2013-043 | |

Q: Please state your name and IBM for the record.

A: Phillip Charles Penny, IBM 1910.

Q: Are you aware that this statement is being recorded?

A: Yes sir.

Q: Have you read and did you understand the Garrity Advisory Form?

A: Yes sir.

Q: Have you dated and signed the form?

A: Yes sir.

Q: Do you understand that a refusal to answer questions in this investigation constitutes a violation of policy and procedures?

A: Yes sir.

Q: Will you now participate in the interview by the Inspectional Services Bureau of this department?

A: Yes sir.

Q: Were you afforded the opportunity to read the sworn allegations prior to this statement being taken?

A: Yes sir.

Q: Do you understand that you are a principal and if facts determine that you are in violation of policy, procedures, or directives then appropriate actions will be taken?

A: Yes sir.

Q: Do you wish to have an observer present?

A: Yes sir.

Q: Observer will you state your name and IBM for the record please?

A: Jeff Herbison, IBM 3749.

Q: Ok Officer Penny, are you aware that the Inspectional Services Bureau of this department is investigating the shooting that occurred on the 15th, October 15, 2013, at 1383 Worthington?

A: Yes sir.

Q: Were you present during that shooting?

A: I was.

Q: Did you fire your weapon during that shooting?

A: Yes sir.

Q: If you would explain in detail what happened before, during and after the shooting incident.

A: We got uhhhhh contacted by Airways Station Task Force, came to the TACT office advised that they were wanting to do an attempt pickup or attempt to locate uh the suspect uh Aaron Dumas who was wanted for attempt, criminal attempt second degree murder D/V and criminal attempt second degree murder. Uh we went to one location, uh prior to the 1383 Worthington address. When we got to the location a Crime Stoppers tip came across the radio and we went to the second address which was which was 1383 Worthington. There was several TACT officers with myself. When we got to the location at 1383 Worthington our, our job at the beginning was just to assist the Airways Station Task Force as they conducted a knock and talk. Uh they had all the appropriate paperwork, uh consent to search forms and things like that that we don't usually carry. So we just held uh containment or perimeter in the back of the target location. Once Airways Station Task Force uh conducted their knock and talk initially they, uh two females and a baby came out. They asked if they if uh they had seen the suspect Aaron Dumas. They advised that they had and he was in the front bedroom in the right of the target location. They asked if they could uh enter the residence with a Consent to Search. She gave permission, um somewhere between there they, they took her off. She signed the consent to search. (Cough) excuse me. Um and Lt. Prince at that time called us, the rest of the TACT guys around to the front of the target location cause he said that he wanted us to enter because the, the suspect was known to be in the front room. Knowing

the potential threat of the suspect is the original reason why the Airways Station Task Force contacted us because he was known to be armed. Once um we entered the targeted location, um we stacked up right outside the door. I was number one, Tim Jackson was number two and I'm not sure the other guys behind us. Um we entered the target location, I, I did a quick check left of a large living room area to make sure that it was clear, got behind Tim as he moved toward the hallway toward that bedroom door on the, the first bedroom door on the right. The way we operate the number one man bumps across or moves across the, the door. The handle was on my side. I attempted to turn the knob on the handle, it was locked. I pushed it open I'm actually I kicked it, breached it open. Um soon as the door came open, one shot, I heard one shot, uh Tim Jackson made a reaction as to he had been shot. Um he ran past me, I still stayed on the door, another shot went off and then I fired 4 rounds in the door and three rounds into the hall, into the wall right next to the door. Um at that time we just held what we had. Um Officer McKnight was to my right with his side exposed to the soft uh sheetrock wall. Um Officer Braden came back inside. He was standing next to me on my left (clears throat) excuse me. Um from that position there I didn't feel like we had very much cover so I backed the guys out of the house but we could still maintain visual on that bedroom door um as well as having some good solid cover from the concrete, um excuse me the brick walls that was that, that the house was a brick veneer. So we stayed and held there and waited for the rest of the TACT Unit to show up. Several minutes went by. Um in that in that time Tim was transported to the Med. Um as officers started to, as TACT officers started to make the scene and were dressed out we relieved guys individually from the porch to go get dressed out in full in what we call full kit as far as the TACT Unit's concerned. I was the last one um because I was the most senior officer on the unit, on the on the scene, that TACT scene for the TACT Unit and I was the team leader. So I waited for everybody else to get dressed then I went to my, my vehicle and I got my full kit on and then made my way back up to the house. (Cough) um. From there several things happened in the process. Uh the guys on the TACT Unit stayed at the front at the uh on the porch area. I was running back and forth with command post establishing um guys on the scene, TACT guys on the scene to get what we considered TACT Containment, where we have TACT Unit officers on all four sides of the target location. I designated those spots and those particular TACT officers at the same time relieved uniformed patrol of their responsibilities at the target location. Uh had those uniformed patrol officers go back to where we had established a command post. Um Organized Crime Unit was on the scene and they were clearing houses uh across the street from the target location of the best they could or they got the, the residents to shut their front doors and go to the back of the target location. The main reason why we didn't want to get those neighbors to come out of the front door is because the target location was visible and there was a window a large window where the suspect was located, that if he were to shoot from that front window somebody could have possibly been hit. So we just had the neighbors stay in the back of their, their houses so they would be as safe as possible. Uh in the in the process of, of all that was going on equipment was trans, transferred from our equipment van into the into our what we call a, a BEAR. Um that equipment is transferred. We put it all on the BEAR. Uh 2 "Z Guns" which, which fire gas munitions, uh a pick, a ram, just basic entry tools that we use for our for our barricades. Um I talked with, with um Major Morris and advised him of what I thought the best plan would be. Um initially um

and, and our, our, our I guess his response to us is, was he was going to wait for higher approval from a higher command staff. When I got back to the scene Officer Hutchinson had made contact with the suspect inside. He was speaking to the suspect inside. Uh I asked Officer Hutchinson what he was saying, the suspect inside advised that he didn't, he didn't want to come out. That he thought that he thought that the guys on the on the Tact Unit were going to were going to, were going to kill him if he came out. Officer Hutchinson continued to tell him or advise him that we didn't want to harm him. We didn't want to do him any harm. What's done is done, and it's over with, if you come out peacefully it will, it will all be over with and you can you know. (Clears throat) From there it, it continued on for I guess from maybe, maybe an hour for so. I'm not real, real clear on how long that they, they spoke back and forward but it was intermittent. You know um he did advise that he didn't he had no interest in talking to negotiators. We had we had brought the BEAR up or moved the BEAR up to the side of the target location or what we call the four side of the location which was close to a side window of the room that he was in. Um they again they tried to negotiate through, through PA or bull horn. The problem with that was is they couldn't hear any response back from him. There was no indication if he had a personal cell phone on him or not. Um and when Paul was trying to contact make contact with him he asked the suspect if he had a cell phone and I don't know if he said he ever had one or not. So we thought well maybe we could get him to raise the window and we'll pass a city cell phone um and that's what we tried to do. Um we advised him that if he's gonna open the window let us know when he's gonna open the window. We'll pass the cell phone through to him so he can talk on the cell phone. Um that went on for about 20-30 minutes and finally he raised the window up. Officer Braden attempted to slide the cell phone underneath the window. And to the best of my knowledge the, he either threw the cell phone out or the phone came back out somehow. Um Officer Knudson and was across the street in a covered sniper position and he advised at that time across the radio that the suspect was attempting to barricade the window. Um there was a blanket that was covering the window. The blanket uh became partially down and so he started putting mattresses and all that other stuff in front of the window. That's I guess to barricade the window. Um at that time we came across the radio and said he'd thrown the cell phone out, he was barricading the window, and we got the command to initiate Signal Blue. And Signal Blue just means to deploy gas into the targeted location. Since we had the suspect contained in that one area we were going to deploy all the gas munitions that we had on the scene at that time, with the "Z guns" into that one room in an effort to push him to come out or to try to get him to come out. Um (long pause) I, Officer Butler, and Officer Clemons were on the four side of the target location. They deployed gas into that small window on the four side. Officer Silvers was on the one side of the target location. He attempted to deploy one gas munition into the window that he was trying to barricade or had barricaded. Um that munition was ineffective. It didn't, it didn't, enter the room. It actually hit the window and, and bounced out and hit the ground. So whatever he had barricading the window caused that munition not to enter. Um Officer Silvers then moved to a front window that had an angle on the door of the room that he was in. He fired one munition. It hit the door and it and it bounced off the door and stayed in the hallway. The gas still came out of the munition. Then Officer Silvers fired another um gas munition and it hit the door um and it stuck in the door and then uh the gas from the munition was going off so um

there was there was a lot of a lot of uh smoke because those gas munitions give off some smoke or whatever. Um so you couldn't, you couldn't you couldn't really see uh very clearly what was going on. Um I guess the gas was in the house for probably I would say 10 minutes. I'm not real, I'm not real sure. It seemed like a lot longer. Um uh we, we thought that the gas should have had more of an effect. Um especially for the time that he was in that room and the amount of gas we deployed in that one in that room.

Q: Do you know how many gas canisters you all fired?

A: I know, I know one, one, one "Z gun" had 3 OC and 3 CS. The other "Z gun" had 3 CS and 1 OC. Um I think I'm pretty sure that's what it was because I, I put the gas in the "Z guns". Um actually one "Z gun" already had gas in it, the other "Z gun" didn't have but one canister in there and that was OC so I put 3 CS in that in that "Z gun".

Q: Did you explain, for the record, how those canisters are launched?

A: Yes. Um...

Q: And what type of propellant it uses?

A: Yeah sure. Um a "Z gun" is a 40 millimeter um it's not it's not a rifle. It's a 40 millimeter launcher. And what it's designed to do is, is to launch projectiles out of there that carry um, um I mean a gas munition of some sort. Um the ones that we that we use are called are called "Barricade Penetrators" and they're designed to penetrate 3 quarter inch plywood. When the "Barricade Penetrator" impacts the plywood or a structure, a substance like sheetrock or a wall or whatever maybe, the nose cone ruptures or breaks and then the gas comes out when, the when the um when the nosecone of the of the propeller of the uh round breaks. Um is that...

Q: Does, do the munitions that you fire through that gun, do they, do they have any heat source to them? Are they are they just propelled with a gas?

A: No they're just propelled were propelled with a gas. The only ones that have a heat source, they're called incendiary rounds and those are only used for riot control. Those are not use for indoor use. They're only outdoor use only. So we don't use any outdoor use on structures or barricades because of potential fire hazards.

Q: The question would be is, is anything that was deployed into the house flammable?

A: It's not supposed to be.

Q: Ok.

A: It's not supposed to be. So um the position that I was, that I was in, I was in a kneeling position on that window right where Officer Silvers had fired those munitions into the door.

Q: Is that on the front porch?

A: That was on the front porch. That is correct. So I was in the kneeling position with an angle on the door that the suspect was in. Um the door came open, I advised with loud verbal commands 'the door's opening, I think the suspect is coming out.' I couldn't see anything. I mean it was, it was smoky. It was, it was you know and we didn't know why it was so smoky cause we didn't, we didn't deploy that, that amount of munitions before

and it never had that much smoke. So when the door came open it was it was really smoky, um and I couldn't see anything but I again I advised that the door's opening and the suspect's possibly coming out. Um at that time the only thing I could see from the suspect was a lower, the lower half, like the lower leg. Um not even the full leg. Just a lower leg and to me it appeared that the suspect came out of the room and I don't even, I'm not sure, because I couldn't see his upper body, if he actually turned towards the front door and started firing shots, but I do know that he did start firing shots. I could hear him. And then, um the officer that was at the front door returned fire. Um and then that was it. We didn't see where the suspect went from there, because it was um from the front, from the window that I was at the, the, the bedroom that the suspect was in there was a hallway that went maybe another 7 or 8 feet and then there was a cut back to the left that I assume went to the kitchen, but we never went that far into the house. Um so I didn't see where the suspect went. I didn't see if he, if he ran. I didn't see if he fell there um I just do know that he, he shot and an officer standing at the front door returned fire.

Q: You know which officer that was?

A: Yes it was Officer Robert Braden that, that returned fire. Um in the process of the suspect coming out and shooting, firing shots, he struck Officer Hutchinson in the leg. Uh I'm not I'm not sure where in the leg, but he did shoot him in the leg. Officer Hutchinson fell, Officer Silvers and I ran and grabbed Officer Hutchinson, pulled him back behind the van that was parked in the driveway, Shaun grabbed my scissors, my medical scissors from my, my, um my personal med kit, he cut his pants leg off and uh I had the tourniquet on my vest. I put a tourniquet on Paul's left leg, cinched it down as best as I could. Um Shaun and I grabbed Paul, picked him up, took him down the street, handed him off to I believe it was Lt. Greenleaf, and then Shaun assisted with the rest of that. I ran back to the target location to get everybody back to where we could, you know if, you know whatever happen for that, you know give more direction cause I was a team leader for the team at the time. Um we stayed on the front porch for quite a while. At that time we did notice there was a fire in the house um and we couldn't determine where the fire came from, um we just did know that there was a fire in the house, cause there's no way that uh that those munitions caused that much smoke and I could see some flames looking like they were coming from the hallway area. Um, I was, I didn't move back to the front door. Um, so I didn't I couldn't see exactly where the fire was. I knew from the side window where I was at that there was there was a fire in the location.

Q: When you said there was before the second officer was shot you said there was a lot of smoke. You could only see the lower part of the guys leg. Was that smoke, could you tell at the time was that from your munitions or could you tell that was a fire?

A: I, I couldn't tell if it was a fire but I know that our munitions do not cause that much smoke. But I don't, I can't say for a hundred percent...

Q: Ok.

A: sure. Um after that Shaun Silvers came back to the, came back to the scene and I told the guys on the scene that as safely as we possibly could we need to break every window out of the house so that we could get some cover from the outside of the house into the inside. Um because we knew that they guy was armed. He had already shot two of our, our TACT officers. There was a lot of smoke in the house and it was it was unknown

where he had moved to. So the best possible thing to do after that was to what we consider port, so to break every window out of the house and port it, um and get angles on the windows. So if he was in a particular area or room we could see him and uh maybe give commands to try to get him to come out. Um at that time I broke the on the one side of the target location I guess the we considered the one-two corner. There was a window there on a room. I broke that window out with a with a hooligan tool and the side window there was a window air-conditioning unit and I kicked it and it fell out. So that gave us a port for both sides of those windows. Um we, we all felt extremely exposed um because it was light enough outside where he could see us but it was so dark inside we couldn't see anything and the smoke was a huge shield and we couldn't see anything either. Um at that time Officer Scoggins came across the radio and he said that um based upon information that we put out on the radio that we thought he ran to the back of the target location he asked for another officer to go to the back to help him out. There was three officers back there already but a, another one helped out. I wasn't doing anything at the front at that time so I helped. I moved around to the back of the target location. I came across the radio and told Officer Silvers that I was in the back of the target location that, for him to handle what was going on up front cause he was the assistant team leader or basically I designated him as assistant team leader. Um so he was handling things that were going on at the front. Um and we and we stayed at the back of the target location to see if maybe the suspect was going to come out the back or, or whatever um and we waited and waited and waited. Um somewhere while we're in the waiting in the back of the target location, I don't know who exactly it was but three TACT officers moved to the back of the target location and they deployed um some gas uh what we call um they were just aerosol cans of uh what they call "Clear Out" but they're just aerosols. So um they broke some windows out, threw some aerosol cans in some windows back there, um and then they backed away from, from the windows and just maintained cover as well. Um at that time we knew the house was definitely on fire. It was black smoke. There was smoke coming out of every window, every attic vent, everything. Uh Lt. Prince came across the radio and said that um and, and told me that when ever I deemed it necessary if I think it's getting too out of hand to go ahead and back the guys away from the location. So I wanted to stay in the back of the target location for as long as I could to make sure that the, that he did not come out uh until I felt like it was unsafe for my guys on the TACT Unit to be there any longer. So I went ahead and made that determination. I advised that it seems that the house is fully engulfed on the inside, that there's smoke coming out of every window and every vent, every vent, and all the all the TACT officers needs to move across the street uh to the number one side of the target location. And then the officers on the rear we moved back into the yard that was behind that target location as well. Um I asked for a Roll Call so that to make sure that all my TACT officers were up and they were away from the threat as far as the smoke and the fire. Um and then Lt. Prince came across the radio and asked dispatch to give that. So Dispatch came across the radio, got a Roll Call for my, all TACT officers, um and then all of us made our way around to the number one side across the street um where we were out of harm. The fire department was moving up and they started to attempt to put the fire out of the house.

Q: Could you see where the fire may have originated from when it first began?

A: To, to if, it came from...

Q: You said you saw flames?

A: yeah it came from that, that front room um and that's where I saw the fire at first cause it came from that front room. When that door was open that's, that's where the general vicinity of where that fire came from um the first, my first sight of fire.

Q: You said your gas munitions, one bounced out back outside, it bounced off whatever he was covering the...

A: Right.

Q: window up?

A: Yeah...

Q: And the other ones stuck in the wall?

A: and then, two, no one hit the door and then one stuck in the door uh and then the other gas munitions from the other side, the four sides of our location they went in that window and I don't know if they came through or if they stayed in that room or not. But they're not designed to, they're not designed to over-penetrate you know two layers of sheetrock and all that other stuff. They're designed to I mean.

Q: Just to make things a little bit simpler for us. If you're standing in front of the house looking at the house,

A: Um-hmm.

Q: the front of the house is the one side?

A: That's correct.

Q: And describe the other side.

A: Ok. The front, the front of the house is the one side moving in a clock-wise position. So the front of the house is a one side. The side of the house looking at the house is the two. The back is a three and the right side of the house is the four. So moving in a clock-wise position so it's one, two, three, four.

Q: Was anything else heard from the suspect while you guys were holding the perimeter when the fire was going on?

A: No sir.

Q: At anytime other than when there was an exchange of gunfire did you hear any shots fired from inside the house?

A: No sir.

Q: On the original call how many TACT officers were there and who was there?

A: It was 4 TACT patrolman and a lieutenant. It was myself, Phillip Penny which is me, uh Officer Robert Braden, Officer Curtis Allen, Officer Tim Jackson, Officer Kenny McKnight and Lt. Prince.

Q: Do you know if anyone other than you on the first incident fired their weapon?

A: No.

Q: Don't know?

A: I know nobody did but me....

Q: Nobody but you?

A: Just me.

Q: Ok.

Q: Prior to forcing entry into the bedroom did you announce yourself as the police? Did you...

A: We...

Q: let him know that you were fixing to come into the bedroom?

A: Yeah uh Airways Station um, when they knocked on the door they, they told us that they had advised that they were they were of course they were in all blue uniforms, so they were the police. When the lady gave us consent um and I don't know who it was but I do remember somebody saying that um, saying police. I don't, I didn't say it so I, I can't say who said it. I don't know who said it but somebody did say police. I did not say it though.

Q: And that would have been when?

A: When we were coming into the house.

Q: Ok when y'all were coming into the house.

A: Right. Yes.

Q: Ok but you did, someone did announce...

A: Yeah.

Q: prior to you kicking in the door.

A: Right.

Q: That, that y'all were the police. Ok.

Q: You said you returned fire. Which weapon are you referring to that you use?

A: My, my rifle. My M4.

Q: And how many rounds did you fire?

A: 7.

Q: What, what type of rounds does the M4 fire?

A: It shoots uh civilian round is 223.

Q: And you didn't fire any rounds the second time?

A: No sir.

Q: Do you know what kind of weapon Officer Braden used when he returned fire?

A: Yes sir. His M4, it's 223.

Q: Ok. And do you remember hearing how many rounds he fired?

A: No sir.

Q: Did you ever see the suspect with the gun in his hand?

A: No sir.

Q: On your first entry, the first time, there was no deployment of any gas or smoke or any concealment or anything like that?

A: No sir.

Q: Just straight walk in?

A: Right.

Q: While on the scene, after the scene was secure and over, did members of Security Squad and Crime Scene check your weapon?

A: Yes.

Q: Is there anything you would like to add to this statement that would aid us in this investigation?

A: No sir.

End of statement at 11:23 hours.

I will ask you to read the preceding pages of this typewritten statement and if you find the same to be true and correct as a statement given by you, I ask you to initial the bottom of the preceding pages and sign your name on the line below.



Signature

* 1910



Date



**Memphis Police Department
Inspectional Services**

Audio Recording Verification Form

I Officer P. Penny, have listened to the audio recording of my statement, which was given to Sgt. Chatman of the Inspectional Services Bureau, on 10/17/2013, as represented by my signature below, and it is an accurate and precise representation of my statement. I have been advised and understand that I may receive a transcribed copy of my statement, at a later date, if requested.

[Signature]
Investigator

[Signature]
Signature
10/17/13
Date

City of Memphis
Police Division, Inspectional Services Bureau
Case Management

Principal Officer's Statement

| | |
|---|---|
| Officer's Name: Phillip Penny | Rank: PII/TACT |
| DO: [REDACTED] DOE: 02/15/1999 | IBM: 1910 |
| Assignment: TACT Unit | Shift: B |
| Statement taken at: 2714 Union Ext. | Date\Time: 10/29/2013 at 3:22 p.m. |
| Typed By: Det. Dionne Rogers #0881 | Date\Time: 10/30/2013 at 5:00 a.m. |
| Questioned By: Sgt. J. Chatman #0182 and Sgt. S. Roach #7103 | |
| Relative to ISB File: SH2013-043 | |

Q. Please state your name and IBM for the record.

A. Phillip Charles Penny IBM 1910.

Q. Are you aware that this statement is being recorded?

A. Yes sir.

Q. Have you read and did you understand the Garrity Advisory Form?

A. Yes sir.

Q. Have you dated and signed the form?

A. Yes sir.

Q. Do you understand that a refusal to answer question in this investigation constitutes a violation of policy and procedures?

A. Yes sir.

Q. Will you now participate in an interview by the Inspectional Services Bureau of this department?

A. Yes sir.

Q. Were you afforded the opportunity to read the sworn allegations prior to this statement being taken?

A. Yes sir.

pcp

Q. Which are the same as the first statement. Do you understand that you are a principle and if the facts determine that you are in violation of policy, procedures, or directives then appropriate action will be taken?

A. Yes sir.

Q. Do you wish to have an observer present?

A. Yes sir.

Q. Observer, can you state your name and IBM for the record please.

A. Essica Littlejohn IBM 1705.

Q. Ok, ah, of course we have already taken one statement from you. And this is just follow-up, verification questions in-in-in rela..., relative to those first questions. Ah, you, what was your role on the scene at 1383 Worthington on the 15th?

A. The team leader for the TACT Unit.

Q. OK. Can you tell me ah, as the team leader, is it your response, whose responsibility is it to give the go for gas?

A. We request permission to Signal Blue, ah but it is not, I do not make the ultimate decision on who grants us permission to Signal Blue.

Q. So that comes down from?

A. From the command staff.

Q. Ok. Ah, Signal Blue would be?

A. Signal Blue would be, just means to deploy gas.

Q. Does that mean a specific type of gas?

A. Yes.

Q. Ok, what specific type of gas would that been?

A. Our "Barricade Penetrators", which is OC or CS gas.

Q. Ok. So Signal Blue in this particular instance on the barricade situation meant to go with "Barricade Penetrators"?

A. That is correct.

Q. Ok. Um is there a different kind of gas that would be used in a different situation?

A. Yes.

Q. Ok.

A. Depending upon what situation you are looking for.

Q. Ok, Um how is that gas brought to the scene?

A. The "Barricade penetrators"? Is that what you're asking?

Q. Or any kind of gas in any kind of situation?

A. Ah, it strictly depends on what situation. If it's a residence barricade hostage situation ah, anytime there is a building we use "Barricade Penetrators" which is just OC and CS. That's what we use.

Q. Ok. Um whose responsibility is it to determine how much gas is introduced into the home? Or into a situation?

A. There's really no determination upon how much gas is deployed into the residence. The determination is dependent upon an effect of the gas itself.

Q. Ok. Is there an equation or specific factor when introducing gas into a residence as to about how much?

A. There is an equation, but that equation...there is not enough gas in the city to what they consider ah, LCT, which is lethal capacitating dose ah, which could potentially kill someone. There is not enough gas in the city that would potentially kill somebody. Because of the way the gas, the the grams are measured in the containers that would be used.

Q. Ok. Um, so through our investigation we determined at least fourteen rounds were deployed.

A. I'm not ah, I don't know how many rounds.

Q. Ok, would that be, that would not be enough to be an unsafe level?

A. No sir.

Q. Even if it was all introduced into one part of the house, that would still not be considered a lethal dose?

A. No sir it would not be.

Q. Ok. And and in that equation is is documented where?

A. It's in I believe it's in an MSDS Form and then the, the manufacturer of the gas produces that equation. Ah, basically if I could describe that equation or how the gas is or how they come up with that that number for LCT or ICT. LCT is lethal capacitating dose. ICT is just incapacitating dose. And the difference between the two is ICT, incapacitating dose, is just when you simply feel the effect of the gas.

Q. Ah, was it your responsibility to determine who would deploy the gas?

A. No sir.

Q. How was that determined?

A. By positioning of the officers on the perimeter of the location of the house at 1383 Worthington.

Q. Ok. Um, who, do you know who received the, how how is the gas deployed? By what mechanism?

A. Through a 40 mm "Z-gun".

Q. Do you know who received the "Z-guns"?

A. Yes.

Q. Ok. Who was that?

A. Ah, Officer Silvers had a "Z-gun" and Officers Butler and Clemons had a "Z-gun".

Q. Each or?

A. No Silvers had one and Butler and Clemons those two just had one.

Q. Ok. How did they get the "Z-guns"?

A. I believe they pulled them from the BEAR that was parked next to the target location.

Q. When the "Z-gun" is brought to the scene, is it...Describe the "Z-gun". Is it ah, multi round capacity?

A. It's a single, it's a single ah round 40 mm launcher.

Q. Does it come in a soft case or a hard case?

A. It comes in a hard case, Pelican case.

Q. Are the rounds designed to be shot from the "Z-gun", included in the case?

A. Yes.

Q. Ok. Is there typically... would you have more rounds stored in the equipment truck?

A. Yes sir.

Q. Ok. Um...

Q. Is it usually the same rounds same type of rounds or the same ah, I wanna say caliber, same description of rounds in each case?

A. Yes we usually load the cases with an even number of OC and CS.

Q. In your first statement you said that you had loaded the guns ah, and I understand you probably meant you had.

A. No I, I loaded the cases.

Q. The case.

A. Or a case.

Q. Right and that's one of the clarifying questions. It's-it's to say so you knew approximately how many rounds were in each case?

A. That's correct.

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Q. Ah, do you remember, if not I know you told us in that previous statement.

A. One case had...without a hundred percent guarantee, I believe one case had three OC and one case had ah, excuse me, one case had three OC and three CS. And the other case had one OC and ahh, four CS.

Q. Ok. Um, what position were Clemons and Butler in on the house?

A. Their positions from where I put them, they were on the four side which would be the north side of the target location.

Q. Ok. On, on this.

A. Ok.

Q. So north would be this way right?

A. That's correct.

Q. So due to their position, that's why they received one of the "Z-guns".

A. That's correct.

Q. Ok, and what was Officer Silvers position?

A. He was on the one side of the target location or the east side.

Q. What was your position on the house during the barricade portion?

A. I was on the one side of the target location, the east side.

Q. But you didn't stay there the whole time right?

A. Not the entire barricade, for the majority of the barricade I was there.

Q. Were you ever on the four side of the house or the north side of the house?

A. No sir.

Q. So you then made your way from the one to the rear?

A. Yes sir.

Q. And then back around?

A. Yes sir.

Q. Ok. When the signal blue was given, were the hand-held canisters initiated first or was, were the "Z-guns" deployed first?

A. The "Z-guns" were deployed first.

Q. And you would have been on the one side with Silvers. Do you know how many rounds he fired? And in, where they were fired into the home?

A. I do not know how many rounds he fired, but I do know that he fired one round from my position which was on the one side in through a living room window toward the bedroom.

Q. Do you know if Officer Silvers ever experienced any malfunctions with loading or clearing his "Z-gun"?

A. No sir.

Q. Would you be, would you have any knowledge of how many rounds that Officer Butler and Officer Clemons fired?

A. No sir.

Q. From the "Z-gun".

A. No sir.

Q. Where you ever made aware of any malfunctions of in loading or clearing their "Z-gun"?

A. No sir.

Q. Um, do you know who was stationed on the south side of the residence?

A. Yes sir.

Q. Can you tell me which officers were stationed on that side?

A. Officers Geronimo, Scoggins, and McKnight.

Q. Can you, do you know their initials?

A. Yes.

Q. Can you just mark on this sheet of paper here and show their relative positions?

A. I think Geronimo was over there too. Scoggins, Geronimo, and McKnight were on the two/three corner of the target location which would have been the south west side of the target location. Ah, so with this diagram it's kind of difficult to position them as well as when the...when we deployed gas ah there was a couple of doors and windows over here. And Scoggins positioned himself more on the four side or the west side of the target location.

Q. Was he the?

A. No.

Q. Only officer on the four side?

A. No. Scoggins...Scoggins was inside a like a shed that was in the back of the four side of the location. Geronimo was, there was another, ah add-on or extension to the residence. Geronimo had eyes on that door that was there and McKnight stayed on the two side to have visual on these windows that were on the two side of the target location.

Q. Um, were Butler and Clemons the only officers on the four side?

A. At the time of Signal Blue, yes.

Q. And who all was on the one side? If you can just kind of give me a relative picture.
A. Yeah it would have been Braden, Brian Davis, Paul Hutchison, Underwood...I'm not, I don't remember where Allen was, but Allen was on the one side. So I just kinda put him over here.

Q. Ok, that's fine.

A. And I was here, Penny was here.

Q. Once the initial Signal Blue was given and gas was deployed, you had said that there was, there was a what seemed like a significant amount of time. An unusual amount of time before there was any movement in the house.

A. That's correct.

Q. Um, at what point was the decision made to deploy more gas?

A. I'm not real positive on that um there were some canisters of aerosol "Clear Out" on the porch area, and I'm not real positive when that, when that was deployed into the house but I, to the best of my knowledge I think that that gas was deployed after ah, Dumas had come out of the room and fired two shots: One which hit Paul Hutchison, ah and then the other gas was deployed through the aerosol canisters down the hallway.

Q. So after Officer Hutchison was injured and shot, um, were there anymore rounds deployed from the "Z-gun" that you know of?

A. I have no idea. Ah, along with Officer Silvers ah, we noticed that Paul had gotten shot. So we immediately ah, grabbed him and pulled him behind the vehicle to render aid.

Q. Um....At any time after the incident and the days following, were you made aware of there being any jams or issues with any of the "Z-guns"?

A. No sir.

Q. So, you hadn't heard anything. Um....Were you made aware at any point and time that a.... Are you aware of any non-"Barricade Penetrators"...

A. No sir.

Q. that were used?

A. No sir.

Q. I'm going to show you a couple of pictures.

A. Sure.

Q. Do you recognize what that is? That's labeled A.

A. Ok, yes sir.

Q. Do you know what those are?

A. Those ah, on the, ah casings there, written "Barricade Penetrators".

Q. Ok so that would be the shell casing that's left over after the projectile is launched from the gun?

A. That's correct.

Q. In a "Z-gun" operation, is, once the "Barricade Penetrator" is loaded in the "Z-gun" and it is fired, when the Z-gun is opened does the shell casing pop out? Does it have to be extracted? Is it does it fall to the ground?

A. It has to be extracted.

Q. So it has to be physically pulled out with your hand?

A. That's correct.

Q. OK. Next picture... Let's stay with this one first. Ah do you notice the one that is charred?

A. Yes sir.

Q. Is that ever... Have you ever seen anything like that prior to this incident?

A. I've never seen one charred like that. I don't know why one of those "Barricade Penetrators" would have been charred.

Q. Is this the first time you've been on a situation where the barricade penetrators were deployed?

A. No sir.

Q. So you've seen numerous "Barricade Penetrators" deployed? Have you ever seen one where the shell casing came out looking similar to that, charred and burned?

A. Not "Barricade Penetrators", no sir.

Q. Picture B. Is that, do you recognize what that is?

A. It's a "Barricade Penetrator".

Q. Ok. So that would be prior to it being fired from the "Z-gun", correct?

A. That's correct.

Q. Does that look like the rounds either, the words I-I think if they are blue that it indicates one type of gas. If they are orange it indicates a different kind of gas.

A. Right. Yes sir that's correct.

Q. Do you know which one is which, off the top of your head?

A. No sir I just know one is OC and one is CS.

Q. Ok, that's fine. Picture C. Do you recognize that particular piece of ordnance?

A. Yes sir.

Q. Can you describe what that is?

A. That looks like a, um, looks like a riot control round.

Q. Is there any way that a round exactly like that could have been deployed in this situation?

A. Sir, I am not a hundred percent positive with that. Ah, we had just had the Klan rally. Our equipment van was at the Klan rally and we had all that stuff and equipment, um...that type of projectile is supposed to be or usually kept separate from the projectiles we use in residences.

Q. So that is not designed for barricade situations or indoor use?

A. It's, no sir, it's not designed for that.

Q. Is there a reason why it is not designed for that or what do you know, what the potential risks are in using that type of round for that situation?

A. Because they get hot. They get hot.

Q. Alright. Are you aware of a round like that being used in this situation?

A. I am not aware of that.

Q. Picture D. Do you recognize that piece of ordnance?

A. It looks, it looks familiar, something we have um, it looks like...it looks like a...um a canister of what we use for smoke. Um, that's what it looks like to me, a small canister of smoke.

Q. Ok, is that designed for barricade or indoor use?

A. I don't think that they are technically designed, um but looking at the canister I'm not positive if that canister does in fact get hot. Because they do from what I understand, is they do make canisters that deploy smoke that don't get hot because there's an outer layer a protective layer that keeps it from getting hot.

Q. Were both pictures C and D have written on...If they are not intended for a barricade indoor use, would it have written on there um, for outdoor use only or something like that?

A. It, then again sir, it depends upon how old that round is or how old that projectile is. The newer projectiles to the best of my knowledge, the new projectiles I think they say outdoor use only. The old ones say not intended for.

Q. Are you aware of this on picture D, this type of round being deployed by any Tact Unit Officers?

A. I'm not aware. I didn't. I'm not aware that one was used.

Q. Is there any reason why they ah, handheld I guess device like that would be used inside a house?

A. If in fact we, or if in fact one was used inside a house um it would be used because it creates smoke and that smoke carries the chemical agent ah in and affects that what we want to have the incapacitating dose.

Q. But you are not aware of either types of those rounds being used?

A. That's correct. To the best of my knowledge I didn't know either one of them was used.

Q. Is it possible that picture C, a round like this could have been mixed in the box with the extra "Barricade Penetrators", or been grabbed inadvertently?

A. I-I-I really don't want to say yes or no, because I'm not a "Less Lethal Instructor" or a "Gas Munitions Instructor". Ah, and I don't do any inventory on the equipment vehicle, so I don't... But, typically sir we don't put those kind of things in with our "Barricade Penetrators".

Q. Is there any one on your team that is certified in that area?

A. I believe there are a few. I'm not... I think um, Officer McKnight is and ah... Officer Silvers and I think Officer Brian Davis.

Q. Do you know when the initial signal blue was given and the gas was deployed from the "Z-guns", who fired the last rounds from each of the "Z-guns"?

A. No sir, I don't know who fired last. I just know that the rounds were fired from both sides of that bedroom.

Q. Do you know if Officer Clemons or Officer Butler shot first or, between the two of them do you know....

A. No sir.

Q. who had primary responsibility and who had secondary?

A. No sir I don't.

Q. Is there anything you would like to add to this statement that would aid us in this investigation?

A. No Sir.

Show this statement ending at 3:46 p.m.

I will ask you to read the preceding pages of this typewritten statement and if you find the same to be true and correct as a statement given by you, I ask you to initial the bottom of the preceding pages and sign your name on the line below.

 #1910

Signature

11/12/13

Date

2



P. Pennv

File Number

SH2V3-013



**Memphis Police Department
Inspectorial Services**

Audio Recording Verification Form

I Phillip Penny, have listened to the audio recording of my statement, which was given to Det. J. CHAMBERLAIN #0122 of the Inspectorial Services Bureau, on 10/29/13, as represented by my signature below, and it is an accurate and precise representation of my statement. I have been advised and understand that I may receive a transcribed copy of my statement, at a later date, if requested.

Philip C. Penny #1910
Signature

10/29/13
Date

[Signature] #0182
Investigator

City of Memphis
Police Division, Inspectional Services Bureau
Case Management

Principal Officer's Statement

| | |
|---|---|
| Officer's Name: Phillip C. Penny | Rank: PII/TACT |
| DOB: [REDACTED] DOE: 02/10/2001 | IBM: 1910 |
| Assignment: TACT Unit | Shift: B |
| Statement taken at: 2714 Union Ext. | Date\Time: 10/30/13 @ 11:33 a.m. |
| Typed By: Lt. A. Mullins #5592 | Date\Time: 10/31/13 @ 3:30 p.m. |
| Questioned By: Sgt. Brian Jones #4415 and Sgt. Stephen Roach #7103 | |
| Relative to ISB File: SH2013-043 | |

Q: Please state your name and IBM for the record.

A: Phillip Charles Penny, IBM 1910.

Q: Are you aware that this statement is being recorded?

A: Yes.

Q: Have you read and do you understand the Garrity Advisory Form?

A: Yes sir.

Q: Have you dated and signed that form?

A: Yes sir.

Q: Do you understand that a refusal to answer questions in this investigation constitutes a violation of policy and procedures?

A: Yes sir.

Q: Will you now participate in the interview of the Inspectional Services Bureau of this department?

A: Yes sir.

Q: Do you understand that you are a witness officer, and if the facts determine you are in violation of policy, procedures or directives then appropriate action will be taken?

A: Yes sir.

Q: Do you wish to have an observer present?

A: Yes sir.

Q: Observer, please state your name and IBM for the record.

A: Jeff Herbison, IBM 3749.

Q: Officer Penny, we're gonna ask you some follow-up questions from the statement you gave here yesterday concerning the incident at 1383 Worthington on October...

A: 15th.

Jones: ...15th, 2013 of this year.

Q: When it comes to....well, we'll just...uh...focus on this incident. Do you remember whose responsibility it was to drive the equipment van to the location?

A: No, I do not.

Q: Is that an assignment that fluctuates from scene to scene?

A: We usually have a person that's designated to drive the equipment van, but if they're absent somebody else usually picks it up.

Q: And who is normally designated to drive that van?

A: It's changed so I'm not...I'm not 100 percent positive on who that is.

Q: Do you know whose responsibility it is to stock the equipment van, and keep the equipment inside the equipment van?

A: Yes sir.

Q: And who would that be?

A: That would be Officer Godfrey Howard.

Q: Do you know who drove the equipment van that day?

A: Yes sir.

Q: Who was that?

A: Officer Jeremy Knudsen.

Q: He drove it from the TACT Offices...Office to Worthington?

A: Yes sir.

Q: Do you know who drove the BEAR that day?

A: No sir.

Q: Is it normal procedure to keep equipment inside the BEAR?

A: Prior to a call-out...

Jones: Correct.

Penny:...or afterwards?

Jones: Correct. Prior.

Penny: No sir. We don't keep equipment in the BEAR before a call-out.

Q: So once on the scene, the BEAR would be loaded from equipment out of the equipment van?

A: That's correct.

Q: Do you know who loaded equipment into the BEAR on that day?

A: No sir.

Q: During the incident, did you fire any "Z guns"?

A: No sir.

Q: During the incident, did you deploy any aerosols into the house?

A: No sir.

Q: During the incident did you observe any officer firing a "Z gun"?

A: Yes sir.

Q: Who did you observe firing a "Z gun"?

A: Officer Silvers.

Q: How close were you to Officer Silvers when he fired a "Z gun"?

A: W-e-l-l...uh, I think the couple....one or two...like, the last ones that he fired...he was right over my, over my left shoulder.

Q: When you observed him firing that "Z gun", did you observe him to have any malfunction with that "Z gun"?

A: No sir.

Q: Do you know what type of rounds he fired from that "Z gun"?

A: 40mm 'Barricade Penetrators'...best of my knowledge.

Q: Who normally loads the cases with the "Z gun"? The, the ammunition or the....

A: It usually gets...it usually gets restocked after a barricade.

Q: And whose responsibility is that?

A: Usually the equipment officer.

Q: Do you know who restocked it, or if it had been restocked on this incident? Before this incident?

A: No, it hadn't been restocked.

Q: And, who loaded it this time...who, who put all the munitions in there this time?

A: There was one case with, um...munitions in it, and there was another case that only had a couple...um, so I...I grabbed some other munitions and put 'em in there.

Q: And do you recall what you put in there?

A: 'Barricade Penetrators'.

Q: And, where did you take that ammunition from, to load it into the case?

A: That was given to me...um...from a, a, ...I guess, a container, and I just put them in the case.

Q: Who gave you the container?

A: Howard.

Q: Do you know where he got it from?

A: The equipment van.

Q: So you loaded...loaded the "Z gun" case on the scene?

A: In the...it was in the BEAR.

Q: It was in the BEAR. And, before you took it out of the BEAR you noticed that it was low on ammunition?

A: No, what happened is, is...um...The equipment was loaded into the BEAR. We wanted to deploy gas at some point in time. So, we checked the cases to see if they were loaded with munitions, um...

Jones: Now, I'm gonna stop you for a minute. I want you to explain your story, but I want you tell me the names of...when you're referring to "we did this"...tell me the names of who did this.

Penny: I can't tell you all the names because hectic...the scene was very hectic. I do know that Howard and I loaded some equipment into the BEAR.

Q: You took it from the equipment van into the BEAR? You and Officer Howard?

A: I didn't take anything from the equipment van. I was standing at the BEAR and I was just putting stuff into...excuse me. I was standing...yeah, I was standing at the BEAR while the other guys were getting stuff out of the equipment van, and I was just putting it into the BEAR.

Jones: OK. Continue.

Penny: So the stuff...there were guys....um, not... don't remember exactly who it was that took the equipment off of the equipment van. We loaded it into the BEAR. I was checking the cases for the "Z guns" to see if there was enough gas in there. One was loaded and the other one was not loaded to what we, what we usually deploy, um, so I loaded some more in there.

Q: Do you know how many extras...?

A: Three.

Q: What's the max, in a "Z gun" case?

A: There is no max.

Q: You stated it wasn't up to capacity, what you normally deploy. What do you normally would have in there?

A: Typically, typically we like to have three or four OC and three or four CS. So, a total of eight rounds in each case.

Q: And you stated one case was...?

A: One case had 3 OC and 3 CS, and the other case only had....one OC.

Q: And you added extra...?

A: I loaded three CS in there.

Q: To make it have four in that case?

A: That's correct.

Q: Do you know who received those "Z guns"?

A: They were left in the BEAR and then guys that were designated on the "4 side" of the target location and the "1 side" of the target location grabbed those "Z guns", and they deployed them from their locations.

Q: Do you know who those guys were?

A: Yes.

Q: Who was that?

A: Officer Silvers had a "Z gun" and Officers Butler and Clemons had another "Z gun".

Q: Do you know which officers had, uh, which "Z gun"?

A: No sir.

Q: As far as ammunition?

A: No sir.

Q: Who drove the BEAR from the equipment van up to the location?

A: I don't know. I don't remember.

Q: Did they get them from the BEAR? Or did somebody else get them from the BEAR and then place them behind them, or....

A: Sir, I don't, I don't know that either. At the time, again, it was a fairly hectic scene and as a team leader, I was trying to make sure that all our guys were in position on the perimeter in containment. As well as at that time, I was.... swapping locations with one of the cover guys on the window. Uh, to basically give him a break. Cause we were

taking turns about 5 to 15...excuse me, about 10 to 15 minute intervals, uh, at each location

Q: After the incident was over, did you retrieve any empty casings?

A: No sir.

Q: Did you see anyone pick up any casings?

A: No sir.

Q: Is that a normal procedure?

A: No sir. But the reason why nobody picked up any casings is because the house was on fire

Q: OK.

A: And it wasn't safe.

Q: So, normally on a scene if you deployed gas and the casing was there, you would not retrieve that casing and bring it back?

A: No, we would pick it up.

Q: Ok.

A: Yeah.

Q: At any time, did you see anyone go back to the BEAR? Or, anyone get equipment from anywhere, as far as extra ammunition that they may have run out? Or grab anything else?

A: No sir. Again, at that time, um....Officer Jackson had already been shot...the scene was pretty hectic, and....Um....No, I didn't see anyone go back and get anything.

Q: And, again, this was all done under....

A: Under gas masks and everything else.

Q: Is there anything else you would like to add to your statement that might aid us in this investigation?

A: No sir.

Show the witness officer statement ending at 11:44 a.m.

ADDED QUESTIONS:

(Sergeant Jones)

Q: When you loaded the ah, case that was low on ammunition, did you leave any extra ammunition inside the BEAR?

A: Not that I know of. I don't know what that, what they did with that canister after I loaded that 'Z gun'. I don't know if they left that canister in the BEAR or if they took it

out because after I got out of the BEAR and the canisters or excuse me the uh the cases were loaded I never got back in the BEAR after that.

Q: So when you noticed the case was low on am, ammunition you relayed this information to Howard and he handed you a box of extra rounds. You took those extra rounds, that box into the BEAR with you to load up the case?

A: I didn't take the box in the BEAR. I was already in the BEAR.

Q: Ok, he handed the box to you while you were in the BEAR?

A: Right.

Q: And you loaded...

A: A 'Z gun' case.

Q: A Z gun ok. An, and you stated you left that box in the BEAR?

A: I didn't mess with that box. I don't know if it stayed in the BEAR or if it was taken out.

Q: Ok, the the box was placed down in the BEAR while you were loading?

A: That's correct.

Q: And then you exited the BEAR and went to your post?

A: That's correct.

(Sergeant Roach)

Q: After you were through loading was there still initial rounds in that case? After you loaded the 'Z gun', or loaded the case of the 'Z gun'?

A: Were there additional rounds in the BEAR or...

Q: In the case. The, the or the uh the canister or the whatever the box was you had that you got the rounds from and put into the 'Z gun' case were there still rounds....

A: Oh yes, yes.

(Sergeant Jones)

Q: Do you know how many?

A: No.

Q: And uh, in that box everything that you were loading was the 40mm...

A: 'Barricade Penetrators'.

All right.

I will ask you to read the preceding pages of this typewritten statement and if you find the same to be true and correct as a statement given by you, I ask you to initial the bottom of the preceding pages and sign your name on the line below.

 #1910

Signature

11/12/13

Date

File Number SH2013-043



**Memphis Police Department
Inspectorial Services**

Audio Recording Verification Form

I PHILLIP C. PENNY #1910, have listened to the audio recording of my statement, which was given to Sgt. S. ROACH of the Inspectorial Services Bureau, on 10-30-13, as represented by my signature below, and it is an accurate and precise representation of my statement. I have been advised and understand that I may receive a transcribed copy of my statement, at a later date, if requested.

 #1910
Signature

10/30/13
Date

Investigator

City of Memphis**Police Division, Inspectional Services Bureau
Case Management**

Principal Officer's Statement

| | | |
|---|----------------------|---|
| Officer's Name: Braden, Robert | | Rank: PII/TACT |
| DOB: [REDACTED] | DOE: 05-05-03 | Age: 37 |
| | | IBM: 10243 |
| Assignment: TACT Unit | | Shift: Bravo |
| Statement taken at: 2714 Union Extd. #700 | | Date\Time: 10/17/2013 11:41 a.m. |
| Typed By: Tiffany Brown, 3218 | | Date\Time: 10/24/2013 2:49 p.m. |
| Questioned By: Sgt. J. Chatman #0182 and Sgt. P. Neely #1802 | | |
| Relative to ISB File: SH2013-043 | | |

Q: Please state your name and IBM for the record.

A: Uh Robert T. Braden, IBM 10243.

Q: Are you aware this statement is being recorded?

A: Yes.

Q: Have you read and did you understand the Garrity Advisory Form?

A: Yes.

Q: Have you dated and signed the form?

A: Yes.

Q: Do you understand that a refusal to answer questions in this investigation constitutes a violation of policy and procedures?

A: Yes.

Q: Will you now participate in the interview by the Inspectional Service Bureau of this department?

A: Yes.

Q: Were you afforded the opportunity to read the sworn allegations prior to this statement being taken?

A: Yes

Q: Do you understand that you are a principal and if the facts determine that you are in violation of policy, procedures, or directives then appropriate action will be taken?

A: Yes.

Q: Do you wish to have an observer present?

A: Yes.

Q: Observer state your name and IBM please.

A: Jeff Herbison, IBM 3749.

Q: Ok. You are aware that the Inspectional Service Bureau of this department is investigating a shooting incident that occurred at 1383 Worthington on October 15, 2013?

A: Yes.

Q: Were you present during this shooting incident?

A: Yes.

Q: Did you fire your weapon during this shooting incident?

A: Yes.

Q: If you would explain in detail what happened before, during and after this incident.

A: Um alright. We got uh our lieutenant uh got some guys together to go on an attempt pickup to assist the uh Airways Task Force. Um we went to the location uh where the suspect supposedly was to do a knock and talk uh to assist those guys and um dispatch came over the radio and said you was at a different location which was 1383 Worthington. So we changed locations to go over there. Uh as we were attempting to go around to secure the, the house uh for the attempt pickup uh someone said that he was hiding in one of the rooms. So we went up to the front of the room or the front of house, um I guess I don't know if it was the home owner of the house or whoever lived there said he was in the bedroom to the right of the entry way. Um we went in, we stacked up um to go in the room, um one of the officers that were in the stack with us uh identified his self, "Police Department" Um soon as the door was breached uh I think Officer Tim Jackson um started to make entry in the room and we heard, all we heard was shots. We heard a shot, uh realized Tim was hit, um didn't know where. Um Officer Penny was in front of me. I grabbed Tim, pulled him out and then uh at some point and time there was a second shot. I don't know when, where, how, or how close they were together. Um at that time Officer Penny uh we were the guy was shooting Officer Penny returned fire um so that we could get Tim out of there and then we stopped, held it, held the room, backed out and um to the front of the door where we can you know still have eyes on the door, the bedroom door. Um then we waited for the rest of our team to get there and gear up and uh get the proper equipment that we needed to uh to hold that scene. And then uh after we got all our guys there and then we, we got more equipment there and obviously I guess our supervisors and everybody got there we set up a perimeter, uh had containment

on the house. Um we uh we tried to get the suspect to come out. Uh there was actually we had contact with the officer, uh with the suspect and uh he was advising he may come out. We, we thought we may be able to get him out. Um didn't really make any progress with that. Uh then I guess the negotiators gave us a phone to try to uh get to him. Well we tried to get it in, he, he lifted up the window, we tried to get it in the window. Uh it, it appeared to me that he pushed the phone back out. Um at that point I guess we got the go to put gas in the house. Um we put gas in the house. Um we're sitting there waiting on him to give, give up hopefully is what we're wanting. And um at that time I heard uh I'm not sure exactly what officer it was but one of the officers that had an angle on the door that was watching at the front of the room um said the door is opening, he's coming out. Um at that time I was at the front of the entrance way um behind the behind the door frame which is brick uh for, for cover. And as soon as um right after they said he's coming out, I saw the suspect come out, um it looked like he was trying to run to the back of the house but at the same time I, I could see his arm raised and then I heard a shot. And then, um, I just immediately after, after I heard the first shot I returned fire. Um I'm not I don't know if he shot again. Um I heard that he had shot twice but I just um returned fire um and then he disappeared around the hallway and I didn't see him anymore.

Q: How many shots did you fire?

A: I'm not sure. I would say anywhere between four to six. Uh I'm not exactly sure how many I fired.

Q: What weapon did you utilize?

A: Um my M4, my city issued assault rifle.

Q: Ok and then what happened after that?

A: Um there was a lot of gas in the room and the house was filling up with gas. Uh it was pretty, pretty smoky. And then um some how I don't, we don't know if he started it or not but um a fire broke out in the in the house somewhere and uh the house started getting uh I guess more smoke and it was starting to spread. And uh know they some of our guys came up from the side of the house with uh I think uh fire extinguishers trying to put uh some of the flames out but they weren't able to and uh we just we eventually had to come back off the house cause it was getting dangerous. Uh there was so much smoke and, and uh heat fire coming out of the house. But we were trying to keep a safe enough perimeter incase he did push out that we could subdue him.

Q: Did you, yourself deploy any of the gas into the house?

A: I did. Uh I put two cans, two cans of clear out in the front entrance after he made after he came out of a room and shots were exchanged. Um I called for a uh cause I had the, the best angle on that hallway. I called for uh a can of Clear Out and then I threw one in there and then I called for another one and I threw two in there.

Q: In what, what area of the house did you throw the cans in?

A: I threw it in the uh immediate hallway from where the door was, that front door was

um because that's where I saw him run to the back of the hallway. Um I tried to get it as close in there as I could.

Q: Both cans?

A: Yes.

Q: Ok.

Q: When he fired the second time, when you fired your weapon did, and he fired, did he strike anybody?

A: Yes he struck uh at the time I didn't know anyone was shot. Um but um he shot he had shot Officer Hutchinson in the uh I think the left leg. Um and after the fire the shots were exchanged and he went behind the, the hallway where I couldn't see him anymore um then that's when I, I could hear the guys in the back that we had an officer down.

Q: Could you tell what kind of weapon he was using?

A: I could not. I just um I saw I saw his silhouette and I saw I could tell a hand was coming up and um I just I wasn't sure at the time I didn't know I don't know if I saw a muzzle blast or not uh because it happened so fast. I just I heard the shots and I knew you know he was shooting at us so I just returned fire.

Q: What is the first point you noticed any smoke or anything that could have been from the fire and not the gas that was deployed?

A: Uh right before probably right before he came out um before he came out of the bedroom. Um I could tell that um there, there was a small fire that was in the room and it looked like there was some a little bit of black smoke that was coming out.

Q: Which room is that?

A: Uh it was on the 1 four corner of the house. It was the, the bedroom uh just to the right of the entrance way to the house.

Q: Did you ever make any verbal contact with the suspect at all?

A: I did not.

Q: Was the suspect, while the negotiations were trying to take place did you overhear him saying anything?

A: I couldn't hear really what was going on cause it was it was uh he was in that room and uh and I was kind of uh a little I was kind of behind the brick so I couldn't hear what he was saying. Um I know I know I, I did hear someone say that he had said that he did not want to speak to negotiators at one point. Now I don't know if that changed or not but uh you know.

Q: Who was he communicating with?

A: Uh Paul Hutchinson.

Q: Was your, you said you used your M4, did you carry any other weapons with you?

A: Yes I have uh my pistol with me too.

Q: And did you, did you fire your, your pistol?

A: I did not.

Q: Did the members of Homicide and Inspectional Services check your weapon after the incident?

A: They did.

Q: And you never deployed any gas with the "Z-gun"?

A: No.

Q: Just, just the canisters?

A: Just the held hand uh Clear Out.

Q: And what type of canister is that? Is it an aerosol or is it a...?

A: It's just a, it's, it's not it doesn't any pyrotechnics or anything on it. It's uh strictly just aerosol. Uh it's just gas. It doesn't flame or anything like that. It uh it's actually it's got a little button on the top. Just press it and you know when it presses all the way down it locks so all the gas can get out.

Q: Is there anything you would like to add to this statement that would aid in this investigation?

A: No not that I know of.

End of statement at 11:52

CONTINUATION November 5, 2013

Q: Officer Braden this is a follow up from October 17, 2013, where you gave a statement in reference to a shooting on, and barricade situation on October 15, 2013. From the position that you were standing, where did the "Z-Gun" rounds fire into the house?

A: Um, I didn't physically see them. Um, but from where I could, where I knew everybody was placed, um I believe it was coming from the left side of me and the right side of me. I'm not real clear.

Q: Where, where, where were you?

A: I was standing right in front of the front door and um behind the brick wall, behind cover.

Q: And there were rounds from your left and your right?

A: I believe so.

Q: Do you know where those rounds penetrated?

A: I have no idea. Um, I, I'm assuming they went into the room, but I mean I didn't actually see where they went or what, you know. What they did.

Q: Did you pick up any casings after the event was over?

A: No. I did not.

Q: Did you pick up any equipment and um take it back? Any policing of any equipment that?

A: I did not. Cause we, the fire was getting kind of hot, so we pulled back and um I, I had no equipment.

Q: Did you see where the fire started?

A: It appeared to start from the bedroom. Um, that, that, that's just my opinion. I don't know for sure but that's just where it appeared, where it started.

Q: What did you see on fire first?

A: Um, I just saw some, I felt, I kind of could see the black smoke coming out of the front door a little bit and then I could see a little bit of the flames coming out of the window.

Q: Did anyone say what started the fire or did you see what started the fire?

A: I have no clue. I was focused on the hallway, where the suspect was. Um, where his, his, where the room where he was in. That's what I was focused on.

Q: Do you have anything else you wish to add to this statement that may help us or aid us in this investigation?

A: I have not.

End of Statement at 11:23 a.m.

I will ask you to read the preceding pages of this typewritten statement and if you find the same to be true and correct as a statement given by you, I ask you to initial the bottom of the preceding pages and sign your name on the line below.


Signature

11-12-13
Date



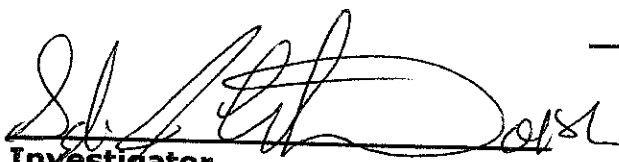
**Memphis Police Department
Inspectional Services**

Audio Recording Verification Form

I Officer R. Braden #10243, have listened to the audio recording of my statement, which was given to Sgt. Chatman of the Inspectional Services Bureau, on 10/17/2013, as represented by my signature below, and it is an accurate and precise representation of my statement. I have been advised and understand that I may receive a transcribed copy of my statement, at a later date, if requested.


Signature

10-17-13
Date


Investigator

File Number

SH2003-043



**Memphis Police Department
Inspectorial Services**

Audio Recording Verification Form

I Robert Braden, have listened to the audio recording of my statement, which was given to Sgt. Robinson of the Inspectorial Services Bureau, on 11/05/2013, as represented by my signature below, and it is an accurate and precise representation of my statement. I have been advised and understand that I may receive a transcribed copy of my statement, at a later date, if requested.

11-5-13

R. Braden
Signature

11-5-13

Date

Sgt. R. Robinson #0049
Investigator