

INTEROFFICE MEMORANDUM

DATE: February 10, 2014
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TO: Gary S. Roth
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SUBJECT: OFFICER INVOLVED FATAL INCIDENT

Involved Parties – Detective 1, Deputy 2, Deputy 3, Deputy 4, Detective 5, Detective 6, Deputy 7, Deputy 8, Sergeant 9, Deputy 10, Detective 11, Detective 12, Deputy 13, Detective 14, Sergeant 15, Detective 16, Detective 17, Detective 18, Deputy 19, Detective 20, Sergeant 21, Deputy 22, Sergeant 23, Detective 24, Detective 25, Detective 26, Detective 27, Lieutenant 28, Captain 29, San Bernardino County Sheriff's Department; Sergeant 30, Redlands Police Department; Detective 31, Detective 32, Officer 33, Officer 34, Officer 35, San Bernardino Police Department; Detective 36, Riverside Police Department; Game Warden 37, California Department of Fish and Wildlife.

Suspect – Christopher Jordan Dorner, DOB – 6/4/1979, Resident of La Palma, CA.

Date of Incident – February 12, 2013, 1222 Hours

Location – 40700 Seven Oaks Road, Angelus Oaks, CA.

Case Agent – Detective 38, San Bernardino County Sheriff's Department

Investigating Agency – San Bernardino County Sheriff's Department

DR# 601300119

DA Star # 2013-00-0055941

PREAMBLE

The summary of this incident is drawn from material submitted by the San Bernardino County Sheriff's Department. The case agent is Detective 38 of the San Bernardino County Sheriff's Department Homicide Unit. The submission contains various narrative reports that include interviews of deputies, officers and civilians, dispatch call logs, crime scene description and diagrams, photographs, video recordings, audio recordings, coroner investigation report, autopsy protocol with attached toxicology reports and the deceased subject's criminal history. For further information, see detailed list below of reports provided and reviewed.

The identities of the involved law enforcement officers are not included in this memo as a result of security concerns for the officers and their families.

Reports Reviewed

- San Bernardino Sheriff's Department Officer-Involved Shooting Report (Master Report), DR # 601300119, H # 2013-017 (Detective 38).
 - Supplemental by Detective 39.
 - Supplemental by Deputy 40.
 - Supplemental by Detective 41.
 - Supplemental by Detective 42.
 - Supplemental by Detective 43.
 - Supplemental by Detective 44.
 - Supplemental by Sergeant 45.
 - Supplemental by Deputy 46.
 - Supplemental by Detective 47.
 - Supplemental by Detective 48.
 - Supplemental by Detective 49.
 - Supplemental by Detective 50.
 - Supplemental by Sergeant 51.
 - Supplemental by Evidence Officer 52.
 - Supplemental by Detective 53.
 - Supplemental by Detective 54.
 - Supplemental by Sergeant 55.
 - Supplemental by Deputy 56.
 - Supplemental by Sergeant 57.
 - Supplemental by Sergeant 58.
 - Supplemental by Detective 59.
 - Supplemental by Detective 60.
 - Supplemental by Detective 61.
 - Supplemental by Deputy 62.
 - Supplemental by Detective 63.
 - Supplemental by Detective 64.
 - Supplemental by Detective 65.

- San Bernardino Sheriff's Department Report Re: Sighting of Dornier in Big Bear on 2/7/2013, DR # 161300181 (Corporal 66).
 - Supplemental by Detective 5.
 - Supplemental by Deputy 62

- Partial Riverside Police Department Report Re:PC187, File # 13-018879 (Detective 67).

- San Bernardino County Sheriff's Department Crime Laboratory Report # 13-02666.
 - Crime Scene Specialist 68 (February 22, 2013 – Three Pages).
 - Crime Scene Specialist 68 (February 22, 2013 – Fourteen Pages).
 - Crime Scene Specialist 68 (February 25, 2013 – Nine Pages).
 - Criminalist 69 (February 19, 2013 – Four Pages).
 - Criminalist 69 (March 5, 2013 – Two Pages).
 - Fingerprint Examiner 70 (March 15, 2013 – Two Pages).
 - Crime Scene Specialist 71 (April 17, 2013 – Five Pages).
 - Criminalist 72 (April 24, 2013 – Two Pages).
 - Criminalist 73 (March 6, 2013 – Two Pages).
 - Crime Scene Specialist 74 (February 25, 2013 – Eleven Pages).
 - Crime Scene Specialist 75 (March 13, 2013 – Four Pages).
 - Crime Scene Specialist 75 (March 14, 2013 – Four Pages).
 - Criminalist 76 (February 15, 2013 – One Page).
 - Criminalist 77 (March 4, 2013 – Four Pages).
 - Criminalist 78 (February 19, 2013 – Three Pages).
 - Crime Scene Specialist 79 (March 1, 2013 – Nine Pages).
 - Crime Scene Specialist 79 (March 6, 2013 – Four Pages).
 - Criminalist 80 (January 21, 2013 – Five Pages).
 - Criminalist 81 (February 20, 2013 – Five Pages).

- San Bernardino Sheriff's Department – Coroner Division – Case # 701301320.
 - Autopsy Protocol # A-0237-13 by Coroner 82 (March 21, 2013) (Detective 1).
 - Report of Deputy Coroner 83 (Christopher Dorner).
 - Supplemental Report of Deputy Coroner 84.
 - Supplemental Report of Deputy Coroner 85.
 - Supplemental Report of Deputy Coroner 86.

- Riverside Sheriff's Department – Coroner Division – Case # 2013-01629.
 - Autopsy Protocol # 2013-01629 by Coroner 87 (March 28, 2013) (Christopher Dorner).

- Search Warrant # SBSW 13-1294 and Supporting Affidavit, authored by Detective 50, signed by the Honorable 88 on 2/14/2013 at 2:55 p.m.
- Court Order for Release of Defendant's Medical Records from Kaiser Permanente and Supporting Affidavit authored by Detective 50, signed by the Honorable 89 on 2/13/2013 at 4:20 p.m.
- Court Order for Release of Subscriber Information under SW # 13-0314 and Supporting Affidavit, authored by Detective 38, signed by the Honorable 90 on 3/15/2013.

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FACTUAL SUMMARY

Christopher Dorner enlisted in the Naval Reserves in 2002 and was commissioned as a lieutenant due to his college degree. During his tenure in the Naval Reserves, he received various training including Basic Intelligence Officer training, Anti-Terrorism Officer training and Basic Weapons, and armor and security training for deployment in Iraq. In 2005, Dorner was hired as a recruit for the Los Angeles Police Department (LAPD). He successfully completed academy training and began his field training program.

In 2006, Dorner was called to active military duty and was deployed for 12 months in Bahrain. Dorner returned to LAPD in 2007 and was assigned as a patrol officer. Dorner continued with his field training program that had been started prior to his deployment.

While in field training, Dorner was assigned to Officer 91. On July 28, 2007, Dorner and Officer 91 responded to a call in San Pedro. A scuffle ensued and the subject was arrested. Dorner never filed a report concerning any misconduct regarding this incident. Two weeks later, Dorner was given a work performance evaluation calling for improvement in certain areas of work. Dorner then went to superiors to accuse Officer 91 of using excessive force on the suspect in the July 28th incident. An internal affairs investigation was opened. An internal review board ruled against the accusations made by Dorner. Dorner was represented at this hearing by former LAPD Captain 92. As a result of this, Dorner was terminated by LAPD in 2008. In 2010, a Los Angeles Superior Court Judge affirmed the dismissal. This decision was later affirmed by the Court of Appeals.

On February 1, 2013, Dorner was honorably discharged from the United States Navy.

On February 3, 2013, the Irvine Police Department responded to a parking structure located at 2100 Scholarship Drive. At the location, a male and female were found deceased. The female was determined to be Civilian 1, the daughter of Captain 92. The male was determined to be her fiancé, Civilian 2. Both were shot to death and 14 9mm casings were found at the scene.

During the investigation, Irvine Police Department personnel received information from LAPD concerning a Facebook posting of Dorner. The "Manifesto," described below, specifically mentioned Captain 92. Dorner became the prime suspect in the murders of Civilian 1 and Civilian 2.

Dorner posted a statement on Facebook on February 4, 2013. The statement was eventually labeled "Dorner's Manifesto" by the media and by law enforcement. The "Manifesto" was 13 pages long and described personal, professional and family history. Throughout the "Manifesto", Dorner made numerous threats to law enforcement. Dorner accused LAPD of hiding the truth about what had taken place during his termination and threatened deadly response to the actions against him. Dorner

threatened to kill specific people and stated that the “killing stops...when the department states the truth about my innocence, publicly.”

In his “Manifesto,” Dorner also addressed numerous other people, including the children of the officers that he was going to kill. Dorner also bragged about his expertise in firearms and tactics, and his ability to harm and kill others. Dorner made threats against all law enforcement that might be called in to assist in his apprehension. He stated, “Do not involve yourself in this capture or recovery of me.....Think before you attempt to intervene. You will not survive...” He further stated that the “casualty rate will be high...orphanages will be making a comeback in the 21st century.”

On February 4, 2013, the National City Police Department received information regarding equipment belonging to Dorner found in a dumpster. The items were located and determined to be a tactical magazine, duty belt, baton, note pad, ammunition can and LAPD uniform with Dorner’s name tag on it. Additional items were found in another dumpster in National City on the 4th as well.

On February 6, 2013, Irvine Police Department personnel located Dorner’s “Manifesto” on Facebook and notified the Los Angeles Police Department. A Force Protection Detail was established by LAPD to protect the individuals named in the “Manifesto”. Also that day, Dorner was officially named as a suspect in the shooting of Civilian 1 and Civilian 2. At San Diego Southwest Yacht Club, Dorner attempted to hijack a vessel on the same day.

On February 7, 2013, Dorner was spotted near a house of one of the people named in his “Manifesto” in the City of Corona. LAPD officers attempted to make a traffic stop on the vehicle. When they did so, Dorner exited the vehicle and opened fire on them. One round caused a grazing wound to the head of one of the officers. After this shooting, a dispatch BOLO (Be On the Lookout) was relayed to the Riverside Police Department. This dispatch call was interrupted by a call from Officer 93 of an “officer down.” It was later determined that shortly after the shooting in Corona, Officers 93 and Officer 94 were stopped at an intersection. At this intersection, Dorner pulled up in the opposite lane of traffic and began firing at the officers. Both officers were struck several times by rifle rounds fired by Dorner. Officer 94 died of his wounds at the scene.

Dorner was named as the prime suspect in both the Corona shooting and in the murder of Officer 94. A warrant was issued on February 11, 2013, for his arrest on murder and attempted murder charges.

Also on February 7th, a burning truck was found in the City of Big Bear Lake. The truck was later confirmed to be that of Dorner and was the truck used in the shootings in Corona and Riverside. A manhunt for Dorner was put into effect. Found in the truck were two empty mortar tube containers, two rifle barrels, three firearm suppressors, a survival knife and camping supplies.

On February 7, 2013, a search of the area near Big Bear where the truck was found commenced. The search of this area continued until February 12, 2013.

On February 12, 2013, San Bernardino County Sheriff's dispatch received a call at approximately 12:22 p.m. The caller was Civilian 4, who reported that she and her husband, Civilian 3, had been tied up and held captive by Dorner in their cabin in the City of Big Bear Lake. Civilian 4 also reported that Dorner had taken their car, a maroon Nissan Rogue SUV. Sheriff's dispatch sent out a bulletin concerning the SUV and that which had happened to Civilian 3 and Civilian 4.

Approximately 30 minutes after the initial call, Deputies 3 and 4 were on duty near Highway 38. They noticed a convoy of school buses approaching, and a car resembling the SUV. When they looked at the driver of the SUV, they saw he matched the description of Dorner. The two deputies chased after the convoy and the SUV. During the chase, the deputies found the convoy but not the SUV. The deputies concluded that the SUV could only have turned off the road at a particular location and proceeded to that turnoff.

While driving to the area, Deputy 3 received a call from Civilian 5 informing the deputy that Civilian 5 had just been carjacked by a large black male adult. Deputy 3 believed the subject to be Dorner. Civilian 5 also stated that after the carjacking, he heard gunshots further down the road from where the subject was heading with his car. At this time, Game Warden 37 and Lieutenant 95 of the California Department of Fish and Wildlife were driving on that same road. They were driving behind Game Warden 96. Both vehicles had their emergency lights and sirens on. The wardens were looking for the SUV that had been described in the earlier broadcast. As they were driving, they noticed a pickup truck, later determined to be the vehicle stolen by Dorner from Civilian 5, approaching them at a high rate of speed. The truck was not yielding to the wardens. As they got closer, Warden 37 noticed that the driver fit the description of Dorner. As vehicles neared one another, Dorner began firing at them from inside the truck. Rounds from Dorner hit the wardens' vehicle numerous times. Once stopped, Warden 37 exited his vehicle with his rifle. Warden 37 fired his rifle at Dorner but did not hit him or the truck that Dorner was driving.

At approximately the same time, Deputy 3 and Deputy 4 came across the SUV, which had crashed into some trees on the north side of the road. In the SUV were a rifle and other military-type equipment. Deputy 3 broadcast this information to Sheriff's dispatch. At this location, a Remington 700 sniper rifle with scope, suppressor and bipod; a tactical Kevlar military helmet; a Walther P-22 semi-automatic handgun equipped with a suppressor, and a green tactical bag containing three loaded 9mm handgun magazines, four tactical smoke canisters, two CS gas canisters and two packages of quick clot (used for treating traumatic injuries) were found.

At this time, Detective 6, Detective 1, Detective 5 and Deputy 2 arrived at the location. Deputy 3, Deputy 4, Detective 6, Detective 1, Detective 5 and Deputy 2 then began driving down the road in the direction taken by Dorner in the stolen truck. They

encountered the game wardens, who told them about their violent encounter with Dorner. The Sheriff's deputies continued driving west down the road looking for the stolen truck. As they were driving, Deputy 4 noticed tire impressions in the snow leading to a driveway to a cabin. They stopped at the location.

Deputy 7 and Sergeant 30, of the Redlands Police Department, then arrived at the location. As the law enforcement personnel gathered together, Deputy 4 explained to them the tire impressions that he had seen. Without warning, shots were fired at the law enforcement personnel. Numerous rounds hit one of their vehicles. Deputy 3, Deputy 4, Detective 5 and Detective 6 ran to the west to take cover behind other vehicles. Detective 1, Deputy 7, Sergeant 30 and Deputy 2 ran behind the car in the roadway in front of a cabin while taking gunfire. Deputy 2 was immediately hit. A call went out of an officer down. The law enforcement personnel could not initially tell from where the gunfire was coming. Law enforcement returned fire in an attempt to suppress the gunfire that was focused on them. After the initial volley of fire, Detective 6 fired approximately 20 rounds to the north of their position. As he was doing this, other law enforcement personnel saw rounds striking the car that was positioned in front of a cabin. The gunfire appeared to be coming from that particular cabin. The officers started firing on the cabin.

Detective 1, Deputy 7, Sergeant 30 and Deputy 2 were pinned down behind the car that was out front of the cabin. The gunfire from the cabin was suppressed gunfire which made it difficult for law enforcement personnel to determine the shooter's exact location. The officers behind the car returned fire toward the cabin. Gunfire from the cabin then struck Detective 1 in the neck and he fell over Sergeant 30. Detective 1 was bleeding from the neck and showed no signs of life. It was later determined that Detective 1 had been fatally wounded. Officers then broadcast that a second officer was down.

The officers behind the car continued to return fire toward the cabin. The officers that had moved to the west also were doing the same. At this time, Deputy 2 was seriously injured, but still alive and in need of medical attention. Sergeant 30 had Deputy 7 drive the car in a western direction as he attempted to drag Deputy 2 to safety, using the car as a shield. The car moved too fast, however, and Deputy 2 remained exposed to gunfire from the cabin.

At this time, Detectives 11 and 12 and Deputy 13 arrived at the scene. The three came to the west side of the cabin and met up with Deputy 3, Deputy 4, Detective 6 and Detective 5. Sergeant 9 arrived at the scene to the east of the cabin and took up a position along with Deputy 10 and Detective 14 who had also just arrived. All of the arriving law enforcement personnel immediately began firing on the cabin from which suppressed gunfire was emanating. Riverside Police Detective 36 and Detective 67 also arrived and took positions to the east of the cabin. Detective 67 took up a position that provided coverage of the north side of the cabin to prevent Dorner from flanking their position.

Officers fired into the cabin to suppress the gunfire from Dorner and attempt to rescue the downed and trapped officers. Numerous additional officers arrived to provide assistance. At this time, Deputy 10 took cover next to a lodge to the east of the cabin occupied by Dorner. Rounds continued to hit the car in front of the cabin. Officers then continued to fire on the cabin as smoke was deployed in an attempt to rescue the downed officers. The first volley of smoke failed and a second deployment of smoke was utilized. Detective 11 and Deputy 13 went to the car in front of the cabin in an attempt to rescue the downed deputies. Deputy 4 assisted Detective 11 in dragging Detective 1 behind nearby vehicles, while Deputy 13 pulled Deputy 2 to safety.

Deputy 2 and Detective 1 were put into the backseat of a truck and were driven to a landing zone. From there they were airlifted to Loma Linda University Medical Center. After the extraction of those deputies, the focus turned on extracting personnel out of the immediate firing area who were pinned down in front of the cabin. At this time it was decided that Specialized Enforcement Division (SED) personnel would take up positions that would allow Non-SED personnel to be extracted from that area. The San Bernardino Police Department's "Bearcat" (an armored personnel carrier) was used for the extraction.

The "Bearcat" was pulled in front of the cabin. Officer 34 saw mattresses and other furniture barricaded against the south facing windows of the cabin. Gunfire was directed to the southeast corner of the cabin. Officers in the back of the "Bearcat" were directed to fire upon the cabin in order to extract personnel from behind the vehicles in front of the cabin. Extraction was completed in two separate trips.

At this time, deputies deployed "cold gas"¹ tear gas rounds from 37mm gas guns into the south side of the cabin. Prior to, and during, deployment, Lieutenant 28 made several P.A. announcements urging Dorner to surrender. Not all of the rounds entered the cabin due to Dorner having blocked the windows with mattresses and other furniture. It became apparent that the tear gas was not effective. It was decided that sending in an entry team would not be safe because Dorner was deploying green

¹ During the course of Dorner's attack on law enforcement, two types of delivery system were used in an attempt to deploy CS gas, commonly known as "tear gas," as part of the effort to effect Dorner's surrender. The first type is often referred to as "cold" gas. This type uses an alcohol suspension for the active chemical agent and is exposed to air upon impact with the target area. The dispersion of gas is dependent upon the evaporation of the alcohol solution to introduce the gas into the air. Alcohol evaporates more quickly in a warm environment, so this type of deployment works better when it's warm outside. Conversely, in a cold environment (such as existed in Big Bear at the time) the alcohol evaporates more slowly and saturation of the area is more difficult to achieve.

The second type of delivery system involves a pyrotechnic canister, and is often referred to as "hot" gas. While the CS chemical agent is the same as that found in "cold" gas delivery systems, the gas is not dependent upon alcohol evaporation as a means of saturating the atmosphere. Instead, a small flammable charge is used to propel the gas into the air, which typically burns for 20 to 30 seconds upon deployment. The small flame produced by pyrotechnic delivery systems does create an incidental risk of fire. The pyrotechnic delivery system is designed to effectively saturate the target area with the CS compound in conditions when a "cold" delivery system is ineffective.

smoke within the cabin, and it became obvious that Dorner would shoot at SWAT personnel if entry was attempted.

At that time, because the “cold” gas was ineffective, and sending law enforcement into the cabin would likely result in more officers being shot and killed, the decision was made to deploy pyrotechnic gas² into the cabin in an attempt to cause Dorner to surrender. Law enforcement knew that this delivery system would be much more effective in saturating the cabin with tear gas and believed it would force Dorner to surrender.

At this time, a tactical tractor from the San Bernardino County Sheriff’s Department was brought in with an order to “port” (create an opening in) the doors and windows on the east side of the cabin. A door to the southeast of the cabin and two windows to the left and right of that door were removed. Green smoke was then seen coming from the interior of the cabin. At this time, the San Bernardino County Sheriff’s Department’s “Bear” (a second armored personnel carrier) was utilized. Lieutenant 28 made numerous commands over a public address system (PA) to Dorner to give up and come out. Lieutenant 28 told Dorner that they would utilize “hot gas” and that it was time to give up. There was no response by Dorner.

It was decided that pyrotechnic gas, or “hot” gas, would be utilized because the other types of gas deployed had no effect. The tactical tractor would normally be used for this type of deployment but, due to the snow, there was difficulty maneuvering it. It was also determined that it would take too long to replenish the gas canisters using the tractor and that course of action would not have allowed sufficient saturation of gas to occur. It was decided that the gas would be deployed by hand.

Shortly after deployment of the “hot” gas, a small fire started on the exterior wall of the southeast corner of the cabin. The fire spread for several minutes. During this time, Dorner had ample time to surrender and exit the cabin but did not do so. Doors and windows on the east, north and west sides of the cabin were unaffected by the fire.

As the fire spread, law enforcement personnel heard a single distinctive gunshot coming from the cabin. The gunshot sounded different than the earlier gunshots. The shot was described as louder than the others. Officers believed that this shot came from a different weapon than the one used by Dorner during the initial exchange of gunfire. Within a few minutes after hearing the shot, large amounts of ammunition could be heard exploding from inside the cabin as the fire spread.

Fire personnel were called to the scene after it was determined to be safe. The fire was extinguished and a search of the cabin commenced. Dorner’s body was found on the floor of the basement located within the northwest portion of the cabin. The remains of two firearms were located within the cabin, as was ammunition. A rifle barrel with a

² Please see footnote 1 on page 13.

suppressor attached (consistent with .223 caliber) and a receiver/frame containing a semi-automatic/automatic selector switch (all consistent with an AR-15 rifle) were found in the basement. Located near Dorner's remains was a Glock 19 9mm barrel with a slide and detached suppressor. Other parts of those two firearms (including the grip/stock) were made of plastic and had melted away. Also located near Dorner's body was a single 9mm fired cartridge casing.

During a later autopsy, it was determined that Dorner died of a self-inflicted gunshot wound to the head. The manner of death was ruled a suicide.

A .223 fired cartridge casing found at the cabin matched .223 fired cartridge casings found at the Corona and Riverside shootings. The 9mm fired cartridge casing found at the cabin matched 9mm cartridge casings found at the Irvine shooting.

INTERVIEWS³

INTERVIEW OF CIVILIAN 3

Civilian 3 and Civilian 4, own a mountain resort that they are in the process of selling. The resort has six buildings. Civilian 3 and Civilian 4 live in one unit and their daughter lives in another.

On February 12, 2013, Civilian 3 was shoveling snow and met Civilian 4 in the laundry room. She asked him for the keys to one of the units and for him to accompany her to that unit. They went to Unit #203. When they went upstairs Christopher Dorner jumped out of a bedroom and yelled, "Be calm!" Civilian 4 turned to run and was chased by Dorner. Dorner was carrying a black, semi-automatic handgun with a 4 to 5 inch silencer attached.

Dorner caught Civilian 4 and brought her back upstairs. While Dorner was doing this, Civilian 3 took out his cell phone and hid it under a couch cushion. Dorner ordered both of them to sit on the couch. He pointed the handgun at both of them and told them to calm down. He further stated that he did not hurt the man on the boat and would not hurt them.

³ Not all supplied interviews of witnesses are included in this summation. Those not included came from officers or deputies on the perimeter of the activity described or those who provided no significant additional information for the purposes of this review. This included interviews with SBSD Narcotics Detective 107, Detective 108, Detective 109, Detective 110, Detective 111, Detective 112 and Detective 113; SBSD SED Detective 103 and Deputy 105; SBSD Big Bear Sergeant 114; SBSD Aviation Sergeant 115, Corporal 116 and Deputy 117, Deputy 118, Deputy 119, Deputy 120, Reserve Deputy 121 and EMT 122; Fire 123; SBSD Court Services Deputy 124; SBSD Intelligence Detective 125; SBPD Detective 126; and Civilian 6 and Civilian 7.

Dorner told them that he wanted their car and asked what kind it was and where it was parked. Civilian 3 removed his keys when Dorner asked and gave them to Dorner.

Dorner then had them stand up, turn around, kneel on the couch and bend forward until their heads touched the wall. He then had them place their hands behind their backs. Dorner then used a tie wrap to secure their hands behind their backs. Dorner then took them to a back bedroom where they were put on the bed face down. Civilian 3 was then ordered onto the floor face down. Dorner bound Civilian 3's ankles. Dorner then had Civilian 4 lay next to him on the floor and bound her ankles as well.

Dorner left the bedroom at this point and returned with towels from the bathroom. Dorner put the towels into their mouths and left the room. He returned with pillowcases and cords. He put a pillowcase over Civilian 4's head, put a cord around her head that secured the towel in her mouth, and put a knot in the cord behind her head. Dorner then put a pillowcase over Civilian's 3 head and put a cord around his head securing the towel in his mouth. Civilian 3 then heard Dorner begin packing a bag.

Dorner searched Civilian 3, and at one time, removed his wallet from his pocket but put it back in. Dorner then left the room for a short time but came back and asked them how to start their car. They then told him the car was keyless and told him how to start it. Dorner left the room and Civilian 3 heard a television go on in the living room.

The couple then got into a position on the floor where Civilian 4 could attempt to remove the pillowcase from Civilian 3's head. She was unable to do so, but moved further down to where Civilian 3 could remove his wife's pillowcase from her head. She was then able to remove the pillowcase from his head. Civilian 3 moved over to the door while his wife was able to use the bed to stand up. His wife noticed a knife on a dresser. His wife loosened the gag in her mouth and put the knife in her mouth, but heard a noise, dropped the knife and kicked it behind a door.

Civilian 4 noticed her cell phone on the coffee table, hopped over to the table and dialed 911. Shortly thereafter, police arrived and cut off their restraints with bolt cutters. The couple then discovered that Dorner had taken their plum colored, Nissan Rogue. Civilian 3 estimated that from the time they encountered Dorner to the time that his wife called 911 was about 30 minutes.

During the course of the incident, Civilian 3 twice believed that Dorner was going to change his mind about not hurting them. Based on Dorner's actions, Civilian 3 had believed Dorner might kill him and his wife.

INTERVIEW OF CIVILIAN 4

Civilian 4 and Civilian 3, own a mountain resort that they are in the process of selling. The resort has six buildings. Civilian 4 and her husband live in one unit and their daughter lives in another.

On February 12, 2013, Civilian 4 asked her husband for the keys to one of the units and for him to accompany her to that unit. They went to Unit #203. They went upstairs and when they did so, Christopher Dorner jumped out of a bedroom. She turned to run and was chased by Dorner. Dorner was carrying a long, black handgun.

Dorner caught her as she was trying to get through the front door and brought her back upstairs. Dorner ordered both of them to sit on the couch. He pointed the handgun at both of them and told them to calm down. He told them that he wanted their car.

Dorner had them stand up, turn around, kneel on the couch and bend forward until their heads touched the wall. He then had them place their hands behind their backs. Dorner used a tie-wrap to secure their hands behind their backs. Civilian 4 was in immediate pain from the tightness of the wrist-tie. Dorner took them to a back bedroom where they were put on the bed face down. Civilian 3 was then ordered onto the floor face down. Dorner then bound Civilian 3's ankles. Dorner then had her lay next to him on the floor and bound her ankles as well.

Dorner left the bedroom at this point and returned with towels from the bathroom. Dorner put the towels into their mouths and left the room. He returned with pillowcases and cords. He put a pillowcase over her head and put a cord around her head that secured the towel in her mouth and put a knot in the cord behind her head. The pillowcase made it difficult for her to breathe. Dorner then put a pillowcase over Civilian 3's head, and then put a cord around his head securing the towel in his mouth. Dorner started packing a bag.

Dorner then left the room for a short time but came back and asked them how to start their car. They told him the car was keyless and told him how to start it. Dorner left the room.

Civilian 3 and Civilian 4 then got into a position on the floor where Civilian 4 could remove the pillowcase from his head. She was unable to, but moved further down to where he could remove her pillowcase from her head. She was then able to remove the pillowcase from Civilian 3's head. Civilian 3 moved over to the door while she was able to use the bed to stand up. She noticed a knife on a dresser. She loosened the gag in her mouth and put the knife in her mouth, but heard a noise, dropped the knife and kicked it behind a door.

She noticed her cell phone on the coffee table, hopped over to the table and dialed 911. Shortly after, police arrived and cut off their restraints. They then discovered that Dorner had taken their maroon colored, Nissan Rogue. Civilian 3 estimated that from

the time they encountered Dorner to the time that his wife called 911 was about 30 to 45 minutes.

INTERVIEW OF CIVILIAN 5

Civilian 5 is the caretaker of a camp in Angelus Oaks. On February 12, 2013, Civilian 5 was checking the perimeter fencing of the camp area. After completing this task, Civilian 5 started down Glass Road toward Highway 38.

While traveling on Glass Road, Civilian 5 encountered a man coming out of the trees who was pointing a gun at him. Civilian 5 was aware of the search for Dorner and recognized the man with the gun as being Christopher Dorner.

Civilian 5 could see a wrecked car behind Dorner. Civilian 5 stopped his car and put his hands up. Dorner told him that he didn't want to hurt him and that Civilian 5 was to take his dog and start walking down the road. Civilian 5 did as Dorner ordered and started walking toward Highway 38. Dorner got into his truck and then turned it around and headed in the opposite direction.

About 10 seconds later, Civilian 5 heard 10 to 20 gunshots coming from the direction that Dorner was heading. When Civilian 5 heard the shots, he took cover behind some trees. While taking cover, Civilian 5 took out his cell phone and called Deputy 3. He knew that Deputy 3 was in the area searching for Dorner. He called Deputy 3 directly rather than calling 911.

Civilian 5 told Deputy 3 that he had been carjacked and that he heard gunshots after being carjacked. Civilian 5 told Deputy 3 that his truck was a 2008 Dodge pickup. After speaking to Deputy 3, Civilian 5 ran to Highway 38 and called a friend to come pick him up.

Civilian 5 described the gun that Dorner was holding as an assault rifle. He could not remember if he saw a handgun with Dorner. Civilian 5 also described Dorner as wearing camouflage-patterned clothing and a vest which appeared to contain ammunition magazines and smoke bombs within its pockets.

INTERVIEW OF GAME WARDEN 96

Game Warden 96 is a Game Warden from the California Department of Fish and Wildlife. On February 12, 2013, Game Warden 96 was assigned to assist with the search for Dorner. During the course of the search, Game Warden 96 was informed by Fish and Wildlife Lieutenant 95 that Dorner had committed a "home-invasion robbery" in the area. Game Warden 96 also learned that Dorner had stolen a Nissan Rogue from the location, and was last known to be on Highway 38 heading toward Game Warden 96.

Game Warden 96, Lieutenant 95 and Game Warden 37 began driving down Highway 38 to look for Dorner. Game Warden 96 was driving a marked unit, and Lieutenant 95 and Game Warden 37 followed in an additional marked unit. Both units had their emergency lights and sirens activated as they traveled down the road.

Game Warden 96 noticed a white pickup truck approaching from the opposite direction, and noticed the vehicle did not yield to them despite the use of the lights and sirens. As the vehicle approached, Game Warden 96 could see that the driver was Dorner. Game Warden 96 attempted to warn Lieutenant 95 and Game Warden 37 but was unable to do so in time. Game Warden 96 turned his vehicle around and saw gunfire strike the Lieutenant 95 and Game Warden 37's vehicle. Dorner's gunshots struck the driver's side door of Lieutenant 95 and Game Warden 37's vehicle.

Game Warden 96 saw that Game Warden 37 was able to return fire at Dorner. Game Warden 37 used a duty rifle, and was able to fire approximately 20 rounds at Dorner as Dorner fled the area. Lieutenant 95 and Game Warden 37 then reported the contact to responding officers.

INTERVIEW OF LIEUTENANT 95

Lieutenant 95 works for the Department of Fish and Wildlife and was assigned on February 12, 2013, to assist in the search for Dorner. Lieutenant 95 was partnered for the day with Game Warden 37 in a K9 unit. Lieutenant 95's German Shepherd, "Reno," was in the back of the unit.

At 11:45 a.m., Lieutenant 95 and Game Warden 37 began searching the area with Game Warden 96. At 12:45 p.m., they were advised to proceed to Highway 38 to search for Dorner. While searching the Glass Road area, they received an update on the type of car that was being used by Dorner. They were told to respond "Code 3," which involved them activating their vehicle's lights and sirens.

Game Warden 96 was in a separate vehicle approximately 100 yards in front of them on Glass Road. As they were negotiating a turn in the road, they noticed a truck traveling the opposite direction. The driver of the truck was the only occupant. As they approached the truck, Lieutenant 95 heard four to five gunshots that shattered their windshield. The driver's side window also shattered, spraying Lieutenant 96 and Game Warden 37 with glass. Lieutenant 95 was in fear for both his life and that of Game Warden 37. Lieutenant 95 believed the driver of the other vehicle was trying to kill them.

Game Warden 37 pulled the car over to the side of the road. They both exited the car and Game Warden 37 began firing his department-issued rifle at the truck. Lieutenant 95 had problems exiting the truck due to Game Warden 37 having parked next to a snow bank. By the time that Lieutenant 95 exited the vehicle, the truck was no longer in sight.

Lieutenant 95 broadcast a “shots fired” call over the radio. Game Warden 96 returned to their location and the three of them held that point in order to start a perimeter by blocking the road from any vehicles entering the area.

INTERVIEW OF GAME WARDEN 37

Game Warden 37 works for the Department of Fish and Wildlife and was assigned on February 12, 2013, to assist in the search for Dorner. Game Warden 37 was partnered for the day with Lieutenant 95. Game Warden 37 had been informed that Dorner was accused of two murders in Irvine, in addition to the murder of a peace officer and the attempted murder of another peace officer. Game Warden 37 was informed that Dorner would likely fire on any law enforcement officer.

At 11:45 a.m., Lieutenant 95 and Game Warden 37 began searching the area with Game Warden 96. At 12:45 p.m., they were advised to proceed to Highway 38 to search for Dorner. Game Warden 37 was driving a Fish and Wildlife K9 unit. While searching the Glass Road area, they received an update on the type of car that was being used by Dorner.

Game Warden 96 was in a separate vehicle approximately 100 yards in front of them on Glass Road. As they were traveling on the road, they noticed a truck driving in the opposite direction. The truck was moving at a high rate of speed and was not yielding to their vehicle, which had its emergency lights activated. The driver of the truck was a large black male adult and Game Warden 37 saw him point what appeared to be a “large-frame, black handgun.” As they approached the truck, Game Warden 37 heard five to six gunshots that shattered their windshield. The driver’s side window also shattered. Glass ended up in Game Warden 37’s mouth. Game Warden 37 believed that he and Lieutenant 95 were going to die.

Game Warden 37 pulled the car over to the side of the road. Game Warden 37 exited with his department-issued rifle. Game Warden 37 feared for the lives of other law enforcement personnel that he knew were in the area. Game Warden 37 fired his rifle at the fleeing truck. He could not tell whether he hit the truck or not. Game Warden 37 fired 20 rounds at the fleeing truck.

Game Warden 37 then ran back to his vehicle to reload his rifle. Game Warden 37 feared that their assailant may return and attempt to re-engage them. Game Warden 96 returned to their location and the three of them held that point in order to start a perimeter by blocking the road from any vehicles entering the area.

Game Warden 37 examined his unit after the exchange of gunfire. He saw that the Fish and Wildlife vehicle appeared to have been hit by bullets in the driver’s side “A-pillar” near his head, the windshield, the light bar, and the driver’s side window.

INTERVIEW OF DEPUTY 3

Deputy 3 was engaged in a search for Dorner on February 12, 2013, with Deputy 4 and personnel from the Department of Fish and Wildlife. They were checking cabins and other areas for Dorner. While conducting their search, they received a radio call regarding the location of Dorner, who had tied up a couple and stolen their car in Big Bear. They proceeded to Highway 38.

Deputy 3 parked his car in a turnout on Highway 38. Deputy 3 was pulling out a spike strip from his unit to utilize in the event the suspect vehicle was located. As Deputy 3 was doing this, he spotted a vehicle that matched the description of the vehicle being used by Dorner. The vehicle was closely following a bus. As the vehicle drove by, Deputy 3 became convinced that this was the car and that the driver was Dorner. The peace officers reentered their vehicle and began to pursue the truck.

At the intersection of Glass Road, they noticed cinder dust in the air but continued on Highway 38. They lost the suspect vehicle. They therefore decided to return to the Glass Road intersection. At this time, Deputy 3 received a call regarding a carjacking on Glass Road. Deputy 3 notified dispatch of the carjacking and the new car being used by Dorner. Deputy 3 then received notification of the shots being fired at the Fish and Wildlife personnel on Glass Road.

At this time Deputy 3 and Deputy 4 were joined by two or three additional Fish & Wildlife units and proceeded down Glass Road looking for Dorner. As they came to a turn in the road, Deputy 3 noticed the SUV that Dorner had taken from the couple in Big Bear off the road. They transmitted the location of the SUV and continued down the road. They continued to search for the new car that Dorner had carjacked.

Deputy 3 noticed car tracks leading off the road. The units stopped, law enforcement personnel got out, and Deputy 3 informed them of the tracks. The group started toward the tracks when gunshots erupted from a then-unknown location. Deputy 3 ran back to his vehicle to radio for assistance. He then heard a deputy call out that a deputy was down. Deputy 3 relayed that information to dispatch as well. Officers began returning fire when another shout went out that another deputy was down. Deputy 3 did not know who had been hit.

Deputy 3 believed that the gunfire was coming from a cabin off the road, but did not know which one. Deputy 3 distributed ammunition to other deputies as the gunfire continued. Deputy 3 continued to watch the west side of the cabin to make sure that Dorner could not flank them.

Additional personnel arrived at the location and smoke was used as concealment in order to get the stricken deputies out of the line of fire. The deputies were loaded onto a truck and driven away. Deputy 3 remained at his vehicle until evacuated out by an armored personnel carrier. By this time Deputy 3 was completely out of ammunition.

INTERVIEW OF DEPUTY 4

Deputy 4 was engaged in a search for Dorner on February 12, 2013, with Deputy 3 and personnel from the Department of Fish and Wildlife. They were checking cabins and other areas for Dorner. While conducting their search, they received a radio call regarding the location of Dorner, who had tied up a couple and stolen their car in Big Bear. They proceeded to Highway 38.

Deputy 3 parked their car in a turnout on Highway 38. Deputy 3 was pulling out a spike strip from the unit to utilize in the event the vehicle was located. As Deputy 3 was doing this, they spotted a vehicle that matched the description of the vehicle being used by Dorner. It was closely following two school buses. As the vehicle drove by, they became convinced that this was the car and that the driver was Dorner. They reentered their vehicle and began to pursue the truck.

At the intersection of Glass Road, they continued on Highway 38. They lost the suspect vehicle. They decided to return to the Glass Road intersection. At this time, Deputy 3 received a call regarding a carjacking on Glass Road. Deputy 3 notified dispatch of the carjacking and the new car being used by Dorner. They then received notification of the shots being fired at the Fish and Wildlife personnel on Glass Road.

At this time Deputy 3 and Deputy 4 were joined by two or three additional Fish & Wildlife units and proceeded down Glass Road looking for Dorner. As they came to a turn in the road, they noticed the SUV that Dorner had taken from the couple in Big Bear off the road. They searched the vehicle and found a silenced sniper rifle, ammunition and miscellaneous other items. They radioed in the location of the SUV and continued down the road. They continued to search for the new car that Dorner had carjacked.

They noticed car tracks leading off the road. The units stopped, the additional law enforcement personnel got out, and Deputy 4 and Deputy 3 informed them of the tracks. The group started toward the tracks when gunshots erupted from an unknown location. Deputy 4 did not know from where the shots were coming.

Deputy 4 took cover behind his vehicle, which was parked in the middle of the road. Deputy 4 heard someone shout that a deputy was down and then heard another shout. Deputy 4 looked over and saw that Detective 1 had been hit. At this time, he also saw that Deputy 2 was hit. He saw that both were lying in the open without cover.

Deputy 4 saw that smoke was being thrown out of a cabin directly in front of the cars in the middle of the road. Shots were being fired through the smoke. Deputy 4 was then able to confirm from where the shots were coming. Deputy 4's view of the cabin was obstructed by the smoke.

Additional personnel arrived at the location. Deputy 4 informed them that any attempt to rescue the fallen deputies would be met with gunfire by Dorner. It appeared to Deputy 4 that Dorner was using the fallen deputies as bait. Smoke was used as concealment in order to get the stricken deputies out of the line of fire. Law enforcement personnel

fired at the cabin while the attempt to remove the deputies was made. Deputy 4 left his covered position to help extract Detective 1, and used Detective 1's rifle while trying to get Detective 1 to safety. He checked Detective 1 and found that he had a gunshot wound to the face and had no pulse. The deputies were loaded onto a truck and driven away. Deputy 4 used his Mini-14 rifle to fire on the cabin. Deputy 4 watched the west side of the cabin to see if Dorner would attempt to exit. Deputy 4 was extracted by SWAT personnel.

INTERVIEW OF DETECTIVE 5

On February 12, 2013, Deputy 2 informed Detective 5 that Dorner had stolen a car from a couple in Big Bear. They left the Big Bear station together in search of Dorner and the car.

They searched the area of Big Bear leading up to Highway 38. While searching that area, they received a radio call of Dorner being in the area of Glass Road and that shots were fired. They went to the location and turned onto Glass Road. After traveling a short distance, they encountered additional deputies in the road way. Detective 5 and Deputy 2 were briefed by the deputies of what had transpired. They then got into the vehicle and proceeded along Glass Road.

As they went along the road, they stopped near some cabins. Everyone exited and the law enforcement personnel conferred. Tracks had been spotted going off the road. As they walked toward the tracks, gunfire erupted, with bullets striking a vehicle next to Detective 5. Detective 5 ran to find cover. He took cover behind one of the vehicles that was stopped in the middle of the road.

Detective 5 could not tell from where the shots were coming. Detective 5 saw additional law enforcement personnel also take cover. While the gunfire was progressing, Detective 5 saw Detective 1 get hit and go down. Detective 5 believed that Detective 1 had been killed at this point.

Detective 5 believed that he and the other deputies were being fired upon by an automatic weapon. He believed that they were going to be killed.

Detective 5 began returning fire. He was firing in the general direction of the cabins where the tracks were located. As he was firing, his weapon malfunctioned. Detective 5 called out for additional ammunition. As he did this, he saw the raid vest of Deputy 2 and a pool of blood at that location. Detective 5 was given additional ammunition by another deputy.

Detective 5 eventually saw Detective 1 and Deputy 2 lying in the road as additional gunfire was on-going. Additional personnel arrived at the scene. The additional personnel were successful in dragging Detective 1 and Deputy 2 out of the line of fire.

Detective 5 saw smoke being deployed in front of the cabin. This smoke had been used as concealment in order to extract the injured deputies. Detective 5 then heard deputies say that Dorner was deploying smoke. Detective 5 felt that Dorner may be attempting to escape from the cabin. Detective 5 fired rounds toward the west of the cabin in an attempt to prevent Dorner from escaping, fearing that Dorner would flank the deputies and ambush them.

Eventually, Detective 5 was extracted from the scene by SWAT personnel.

INTERVIEW OF DEPUTY 2

On February 12, 2013, Deputy 2 informed Detective 5 that Dorner had stolen a car from a couple in Big Bear. Deputy 2 was already aware that Dorner was wanted for multiple murders, and that one of the murdered victims had been a Riverside police officer. Deputy 2 and Detective 5 left the Big Bear station in search of Dorner and the car.

They searched the area of Big Bear leading up to Highway 38. While searching that area, they received a radio call of Dorner being in the area of Glass Road and that shots were fired. They went to the location and turned onto Glass Road. After traveling a short distance, they encountered additional deputies in the road way. Detective 5 and Deputy 2 were briefed by the deputies of what had transpired. They then got into the vehicle and proceeded along Glass Road.

As they went along the road, they stopped near some cabins. Everyone exited and the law enforcement personnel conferred. Tracks had been spotted going off the road. As they walked toward the tracks, Deputy 2 felt as if he had been hit in the face. Deputy 2 knew that he had been shot.

Deputy 2 could not tell from where the shots were coming. Deputy 2 ran to take cover behind a car in the road way. While the gunfire was progressing, Deputy 2 heard gunfire hitting the car behind which he had taken cover.

Deputy 2 heard deputies return fire and heard yelling from law enforcement personnel. Deputy 2 was in excruciating pain at this point and believed he was going to die. He pulled out his cell phone to call his wife. When he pulled out his phone, he saw that there was a bullet lodged in his phone.

Deputy 2 then collapsed on the ground near the shoulder of the road. As he was lying on the ground, he saw Detective 1. Detective 1 was not moving and Deputy 2 believed that Detective 1 was dead. Deputy 2 was lying in the open and believed he would be shot again at any moment. He called out to other deputies for help.

Deputy 2 saw smoke being deployed and then heard additional gunfire. Two deputies then came to him and pulled him by his vest out of the area. He was put into the back seat of a truck. Detective 1 was put on top of him. The truck was then driven to an area

where he was loaded onto a helicopter and flown to Loma Linda University Medical Center.

INTERVIEW OF DETECTIVE 6

On February 12, 2013, Detective 6 was on patrol conducting a search of the Big Bear area for Christopher Dorner. While engaged in this search, Detective 6 learned that a couple in Big Bear had been kidnapped and that their car had been stolen. Deputies were requested by dispatch to respond to the highways surrounding Big Bear in an attempt to prevent Dorner from escaping. Detective 6 headed toward Highway 38.

While in the area of Highway 38, Detective 6 heard over the radio that the car had been located traveling in his area. Detective 6, along with other law enforcement personnel, headed to the area of the reported sighting.

While en route, Detective 6 heard over the radio of the carjacking on Glass Road. Once he arrived on Glass Road, he met up with other deputies. The deputies then proceeded down Glass Road. As they were traveling, deputies noticed tire tracks in the snow near a cabin area. They stopped and got out of their vehicles. Their vehicles were parked in the road way in front of a cabin.

As they began walking toward the tracks, gunshots rang out. Detective 6 heard numerous gunshots hitting one of the law enforcement vehicles. He believed that they were taking automatic gunfire from Dorner. At this time, it could not be determined from where the shots were coming. Detective 6 took cover behind his vehicle. He then heard that a deputy was down. He looked over and saw a deputy on the ground. Detective 6 then began firing on the cabin. Dorner continued to fire at the deputies. Detective 6 could not see Dorner in the cabin.

At this time, Detective 6 could see Deputy 2 and Detective 1 lying in the road way completely exposed and with no cover. He did not know to where the vehicles had been moved that had been in that area. Detective 1 appeared to be dead at this time to him. He could not tell the condition of Deputy 2 from his position.

Detective 6 could not tell at this point where any other law enforcement personnel were specifically located. The vehicle behind which he took cover was approximately 50 yards from the cabin. Deputy 2 and Detective 1 were approximately 25 yards from the cabin. Detective 6 could not reach them due to the gunfire from Dorner. Detective 6 feared for his life and for the lives of the other deputies. Detective 6 fired approximately 20 rounds at the cabin.

SWAT members arrived and smoke was deployed to aid in rescuing the downed deputies. Detective 6 also saw green smoke being deployed from the cabin. Detective 6 believed that Dorner was using the smoke in order to shield his movements. SWAT members yelled out that the green smoke was not theirs. Detective 6 was worried that,

due to the direction of the green smoke, Dorner could attempt to escape through the rear portion of the cabin. This could lead to Dorner flanking their position.

A perimeter was then set around the cabin. Lieutenant 28 arrived and announced that he wanted patrol personnel to be removed from the scene. An armored vehicle arrived to which he ran and Detective 6 was transported out of the line of fire.

INTERVIEW OF DEPUTY 7

On February 12, 2013, at 12:40 p.m., Deputy 7 was advised that Dorner had been spotted in the Big Bear area. Deputy 7 headed to the Big Bear area to help in the search for Dorner. As he was heading to Big Bear, he heard a broadcast of a carjacking and that units were needed in the area of Highway 38 and Glass Road. Deputy 7 knew from previous briefings that Dorner was wanted for two murders in Irvine, and the murder and attempted murder of two Riverside Police officers.

Deputy 7 arrived at Glass Road and had Redlands Police Sergeant 30 enter into his vehicle. They then proceeded down Glass Road. They drove until they arrived at a location near some cabins where other deputies were stopped. Deputy 7 parked his vehicle approximately 30 feet behind the other vehicles that were parked in the road way.

Deputy 7 exited his vehicle and met up with deputies in the road way. It was mentioned that tire tracks had been spotted in the snow. As they looked toward the tracks, gunfire started. Deputy 7 believed it sounded like fire from an automatic weapon. Deputy 7 dove behind his vehicle. Deputy 7 looked over and saw Deputy 2 run around the back of his vehicle and saw that he had been shot in the face and leg. He told Deputy 2 to get down behind the car.

Deputy 7 heard 100s of rounds being fired. He believed that he and the other deputies would "not make it out of there alive." He retrieved his rifle and began shooting towards the north. He did not know from where exactly the gunfire was coming other than it was coming from the north. He was behind the vehicle for about 10 minutes when Sergeant 30 suggested they try to move the vehicle out of the line of fire. Deputy 7 got into the vehicle and started to move slowly forward. Sergeant 30 attempted to move Deputy 2 but was unable to do so. SED personnel arrived and began firing cover fire toward the cabin. Smoke was deployed in order to rescue the injured deputies. Deputy 7 loaded Deputy 2 and Detective 1 into a truck for transport to a landing zone. Deputy 7 stayed at the location until they were picked up by other deputies.

INTERVIEW OF SERGEANT 30

On February 12, 2013, at 12:00 p.m., Redlands Police Sergeant 30 was advised that Dorner had been spotted in the Big Bear area. Sergeant 30 headed to the Big Bear area to help in the search for Dorner. As he was heading to Big Bear, he heard a broadcast of a carjacking and that units were needed in the area of Highway 38 and Glass Road. Sergeant 30 was aware that Dorner had military and law enforcement training, and he was wanted for three murders and two attempted murders. Sergeant 30 also knew that Dorner was targeting law enforcement.

Sergeant 30 arrived at Glass Road and got into the vehicle of Deputy 7. They then proceeded down Glass Road. They drove until they arrived at a location near some cabins where other deputies were stopped. Deputy 7 parked the vehicle approximately 20 yards behind the other vehicles that were parked in the road way.

They exited the vehicle and met up with deputies in the road way. It was mentioned that tire tracks were spotted in the snow. As they looked toward the tracks, gunfire started and Sergeant 30 saw Deputy 2 shot in the face. Sergeant 30 took cover behind his vehicle. He looked over and saw Deputy 2 at the back of his vehicle and saw that he had been shot in the face and in the lower body. Sergeant 30 was pinned down behind Deputy 7's vehicle and heard bullets striking it.

Sergeant 30 fired his rifle. He then looked and saw Detective 1 firing at the cabin and witnessed Detective 1 get hit in the neck. Detective 1 then fell on top of Sergeant 30. Sergeant 30 believed that Detective 1 was dead at this time. He did not know from where the gunfire was coming, and he believed it was "only a matter of time before he would be shot." He saw SWAT personnel arrive and start returning fire. He was behind the vehicle and then suggested they try to move the vehicle out of the line of fire. Deputy 7 got into the vehicle and started to move slowly forward. Sergeant 30 attempted to move Deputy 2 but was unable to do so. Deputy 2 remained in the open in Dorner's line of fire. Smoke was deployed and officers laid down suppression fire in order to rescue the injured deputies. They loaded Deputy 2 and Detective 1 into a truck for transport to a landing zone.

Sergeant 30 stayed at the location until heading to the command post.

INTERVIEW OF DEPUTY 13

On February 12, 2013, Deputy 13 heard a broadcast of a carjacking and that units were needed in the area of Highway 38 and Glass Road. Deputy 13 headed to the Big Bear area. Deputy 13 knew that Dorner was suspected of two murders in Irvine, and the murder and attempted murder of two police officers in Riverside. Deputy 13 had been briefed that Dorner may be armed with automatic weapons, which may include a .50-caliber rifle. Deputy 13 knew that a .308 and ammunition had been found in Dorner's truck. He knew Dorner had counter-terrorism training.

Deputy 13 arrived at the location and saw deputies gearing up for a search for Dorner. Deputy 13 continued driving on Glass Road when he then heard a dispatch call regarding shooting. Deputy 13 returned to the area and saw deputies firing on a cabin and taking heavy gunfire. He saw two deputies on the ground. Deputy 13 could not tell where Dorner was located. Deputy 13 and other law enforcement personnel then utilized the deployment of smoke to rescue the two downed deputies. Deputy 13 utilized suppressive fire to pin down Dorner while the deputies were being rescued. Deputy 13 successfully pulled Deputy 2 out of the line of fire.

Deputy 2 and Detective 1 were loaded onto a truck. Deputy 13 remained at the scene utilizing vehicles for cover. Gunfire appeared to be coming from the cabin. Non-SWAT personnel were then being taken out of the area using an armored personnel carrier.

Deputy 13 witnessed an armored personnel carrier deploy CS gas into the cabin. A PA system was used to make announcements to Dorner to surrender. The tactical tractor was used to tear down a door to the cabin. Deputy 13 also saw purple smoke coming from the cabin. More gas was deployed in the cabin.

After this deployment of gas, Deputy 13 saw a fire start in the cabin. When the fire had reached half of the cabin, Deputy 13 heard a single distinct gunshot from inside the cabin. As the fire progressed, Deputy 13 heard numerous pops from inside the cabin that he believed was exploding ammunition.

INTERVIEW OF DETECTIVE 11

On February 12, 2013, Detective 11 was advised that Dorner had been spotted in the Big Bear area. Detective 11 headed to the Big Bear area to help in the search for Dorner. As he was heading to Big Bear, he heard a broadcast of a carjacking and that units were needed in the area of Highway 38 and Glass Road. Detective 11 knew that Dorner was accused of killing a couple and a Riverside Police officer, and attempting to kill another officer.

Detective 11 arrived at Glass Road. He then proceeded down Glass Road. He drove down Glass Road and saw the original carjacked vehicle. He then drove until he arrived at a location where other deputies were stopped. Detective 11 then got into a vehicle being driven by Deputy Rosa.

As they continued driving on Glass Road, he heard a dispatch call regarding shooting. They returned to the area and saw deputies firing on a cabin and taking heavy gunfire. He saw two deputies on the ground.

Detective 11 could not tell where Dorner was located. Detective 11 believed that law enforcement was taking fully automatic gunfire. He believed the incoming rounds were close to him and he was afraid for his life and the lives of the other deputies. Detective

11 took cover behind a vehicle and began firing toward the cabin area. Law enforcement personnel then utilized the deployment of smoke to rescue the two downed deputies. Detective 11 used covering fire to pin down Dorner while the deputies were being rescued. Detective 11 pulled Detective 1 out of the line of fire. He knew that Detective 1 was dead at the time.

Deputy 2 and Detective 1 were loaded onto a truck. Detective 11 remained at the scene using vehicles for cover. Gunfire appeared to be coming from the cabin. He saw green smoke being thrown out of the cabin as well.

Detective 11 witnessed an armored personnel carrier deploy CS gas into the cabin. Another tractor was used to tear down a door to the cabin. More gas was deployed in the cabin. After this deployment of gas, Detective 11 saw a fire start in the cabin. The cabin eventually became fully engulfed by fire.

INTERVIEW OF DETECTIVE 12

On February 12, 2013, Detective 12 was advised that Dorner had been spotted in the Big Bear area. Detective 12 headed to the Big Bear area to help in the search for Dorner. As he was heading to Big Bear, he heard a broadcast of a carjacking and that units were needed in the area of Highway 38 and Glass Road.

Detective 12 arrived in the Big Bear area. He then proceeded down a Forest Service Road and realized that he had a flat tire. He continued driving until he saw Deputy 13 waiving to him. Detective 12 got into the vehicle being driven by Deputy 13.

As they were driving on Glass Road, he heard a dispatch call regarding shooting. They returned to the area and saw deputies firing on a cabin and taking heavy gunfire. He saw two deputies on the ground.

Detective 12 could not tell where Dorner was located. Detective 12 indicated he was in great fear for his life. Detective 12 took cover behind a vehicle and began firing toward the cabin area. Law enforcement personnel then utilized the deployment of smoke to rescue the two downed deputies. Detective 12 used covering fire to pin down Dorner while the deputies were being rescued.

Deputy 2 and Detective 1 were loaded onto a truck. Detective 12 remained at the scene using vehicles for cover. SWAT personnel set up a perimeter around the cabin.

Detective 12 witnessed an armored personnel carrier deploy CS gas into the cabin. Another tractor was used to tear down a door to the cabin. This initial deployment of gas appeared to have no effect. Detective 12 then saw green smoke being deployed from inside the cabin. Law enforcement then deployed "hot" gas into the cabin.⁴ After

⁴ Please see footnote 1 on page 13.

this deployment of gas, Detective 12 saw a fire start in the cabin. The cabin eventually became fully engulfed by fire. Detective 12 heard live ammunition going off while the cabin burned.

INTERVIEW OF SERGEANT 9

On February 12, 2013, Sergeant 9 of the San Bernardino Sheriff's Department's Specialized Enforcement Division (SED) was en route to Arrowbear in reference to the discovery of a residence in the name of the mother of Christopher Dorner and the discovery of foot prints leading to that residence. While en route, there was a radio broadcast of a residential robbery in Big Bear. Sergeant 9 continued to the Arrowbear location and, once that residence was determined to be irrelevant to the search for Dorner, proceeded to Big Bear.

Sergeant 9 continued to receive radio reports from Big Bear, including a report of shots being fired. Sergeant 9 proceeded to the location of the shots fired call. When he arrived, he saw deputies behind vehicles returning gunfire that appeared to be coming from a cabin.

Sergeant 9 parked his vehicle and took cover behind a tree. Sergeant 9 saw a deputy lying in the road way. Sergeant 9 fired at the cabin. Other law enforcement personnel arrived and took up positions.

Deputy 10 then took cover behind a building to the east of the cabin while Sergeant 9 laid down suppressing fire. Deputy 10 got to the location and deployed smoke in an attempt to rescue the downed deputies. At one point, Detective 14 told Sergeant 9 he saw a handgun protrude out a window of the cabin. More personnel arrived at the location.

Sergeant 9 went through 5 magazines of ammunition. A perimeter was established around the cabin by law enforcement personnel. CS gas was first deployed in an attempt to get Dorner to surrender. It had no apparent effect on Dorner. A tractor then arrived, which ported the cabin. A PA system was used to make announcements to have Dorner surrender. There was no response from Dorner.

At this time additional gas was deployed into the cabin. A fire started a short time later. After this, green smoke was seen coming from the cabin. As SED personnel do not use green smoke, this smoke was believed to be an attempt by Dorner to gain a tactical advantage in the event that law enforcement personnel had to make entry into the cabin. The fire eventually engulfed the entire cabin.

INTERVIEW OF DEPUTY 10

On February 12, 2013, Deputy 10 was en route to Arrowbear in reference to the discovery of a residence in the name of the mother of Christopher Dorner and the discovery of foot prints leading to that residence. While en route, there was a radio broadcast of a residential robbery in Big Bear. Deputy 10 continued to the Arrowbear location and, once that residence was determined to be irrelevant to the search for Dorner, proceeded to Big Bear. Deputy 10 knew that Dorner was wanted for murdering civilians and a police officer. He had read Dorner's on-line "manifesto" about killing law enforcement officers.

Deputy 10 continued to receive radio reports from Big Bear, including a report of shots being fired. Deputy 10 proceeded to the location of the shots-fired call. When he arrived, he saw deputies behind vehicles returning gunfire that appeared to be coming from a cabin. Gunfire from the cabin seemed to be muffled, as if a suppressor were in use.

Deputy 10 took cover behind a tree. Deputy 10 saw a deputy lying in the road way. Other law enforcement personnel arrived and took up positions. Deputy 10 then took cover behind a building to the east of the cabin while Sergeant 9 laid down suppressing fire. Deputy 10 got to the location and deployed smoke in an attempt to rescue the downed deputies. Deputy 10 fired on the cabin in an attempt to suppress the gunfire from Dorner. More personnel arrived at the location. Deputy 10 was afraid for his safety and for that of the other deputies at the scene.

Deputy 10 believed Dorner was shooting at him and Deputy 10 returned fire. Deputy 10 fell back to another corner of the building to shield himself from the gunfire of Dorner. A perimeter was established around the cabin by law enforcement personnel. Deputy 10 saw smoke being deployed by Dorner from inside the cabin. CS gas was first deployed in an attempt to get Dorner to surrender. It had no apparent effect on Dorner. A tractor then arrived which ported the cabin. A PA system was used to make announcements to have Dorner surrender. There was no response from Dorner.

At this time, additional gas was deployed into the cabin. A fire started a short time later. The fire eventually engulfed the entire cabin.

INTERVIEW OF DETECTIVE 14

On February 12, 2013, Detective 14 was en route to Arrowbear in reference to the discovery of a residence in the name of the mother of Christopher Dorner and the discovery of foot prints leading to that residence. While en route, there was a radio broadcast of a residential robbery in Big Bear. Detective 14 continued to the Arrowbear location and, once that residence was determined to be irrelevant to the search for Dorner, proceeded to Big Bear.

Detective 14 continued to receive radio reports from Big Bear, which included a report of shots being fired. Detective 14 proceeded to the location of the shots-fired call. When he arrived, he saw deputies behind vehicles taking gunfire that appeared to be coming from a cabin.

Detective 14 took cover behind a tree in front of a vehicle. Detective 14 saw a deputy lying in the road way. Other law enforcement personnel arrived and took up positions. Detective 14 saw muzzle flashes coming from the cabin and fired on the cabin. Detective 14 saw law enforcement personnel deploy smoke in an attempt to rescue the downed deputies.

Detective 14 fired over 100 rounds during the exchange. At one point, an armored vehicle arrived and Detective 14 took up a position inside the vehicle. A tactical tractor was used to port the cabin. Detective 14 saw smoke being deployed by Dorner from inside the cabin. A PA system was used to make announcements to have Dorner surrender. There was no response from Dorner.

Gas was deployed into the cabin. A short time later, a fire started. Ammunition went off in the cabin as the fire burned. Detective 14 believed he heard a single round that sounded different from the others. The fire eventually engulfed the entire cabin.

INTERVIEW OF DETECTIVE 36

On February 12, 2013, Riverside Police Detective 36 was notified of a home invasion robbery in Big Bear. Detective 36 had been assigned to work on the investigation of the murder of Riverside Police Officer 94, a case in which the suspect was Christopher Dorner. Detective 36 responded to the Big Bear area and continued to hear radio traffic concerning Dorner. Detective 36 heard that shots had been fired and that a deputy was down.

Detective 36 arrived at the location and exited his vehicle. He saw a deputy lying in the road way. Detective 36 fired on the cabin while taking cover. Additional law enforcement personnel began to arrive. Smoke was deployed to attempt to rescue the downed deputies. Detective 36 fired on the cabin in order to cover the rescuing officers.

Detective 36 saw muzzle flashes coming from the cabin, and movement in one of the cabin's windows. Detective 36 continued to fire in the direction of the muzzle flashes. Detective 36 went back to his vehicle for more ammunition when he realized that he and other officers were running low.

An armored vehicle arrived and also delivered additional ammunition. A perimeter was then set up around the cabin. Detective 36 was asked to move a vehicle and leave the immediate area of fire. Detective 36 was in fear for his life during the entire incident.

Detective 36 did not return to the area until the cabin was fully engulfed by fire.⁵

INTERVIEW OF SERGEANT 15

On February 12, 2013, Sergeant 15 was en route to Arrowbear in reference to the discovery of a residence in the name of the mother of Christopher Dorner and the discovery of foot prints leading to that residence. While en route, there was a radio broadcast of a residential robbery in Big Bear. Sergeant 15 continued to the Arrowbear location and, once that residence was determined to be irrelevant to the search for Dorner, proceeded to Big Bear.

Sergeant 15 continued to receive radio reports from Big Bear, including a report of shots being fired. Sergeant 15 proceeded to the location of the shots fired call. When he arrived, he saw deputies behind vehicles taking gunfire that appeared to be coming from a cabin.

Sergeant 15 took cover behind a vehicle. Sergeant 15 saw two deputies lying in the roadway and saw they were bleeding. Other law enforcement personnel arrived and took up positions. At the direction of Sergeant 9, Sergeant 15 fired on the cabin in order to protect the downed deputies.

Once the downed officers were removed, Sergeant 15 laid cover fire in order to protect deputies that were pinned down in front of the cabin. At one point, a tactical tractor was used to port the cabin. Gas was deployed inside the cabin and Sergeant 15 saw Dorner throw smoke grenades at the vehicle in response. Additional gas was deployed into the cabin and additional smoke was thrown from inside the cabin. A short time later, a fire started. The fire eventually engulfed the entire cabin.

INTERVIEW OF DETECTIVE 24

On February 12, 2013, Detective 24 was en route to Arrowbear in reference to the discovery of a residence in the name of the mother of Christopher Dorner and the discovery of foot prints leading to that residence. While en route, there was a radio broadcast of a residential robbery in Big Bear. Detective 24 continued to the Arrowbear location and, once that residence was determined to be irrelevant to the search for Dorner, proceeded to Big Bear.

⁵ Riverside Police Detective 67 was with Detective 36 during this time frame, but was not interviewed. He did write his own report regarding the incident. His description parallels that of Detective 36, and indicates he believed that the gunfire coming from the cabin was coming from a suppressed automatic weapon. Detective 67 describes the deployment of the "cold" gas, and indicates that he could feel effects from it drifting his way, but noticed no indication that Dorner was impacted from it.

Detective 24 continued to receive radio reports from Big Bear, including a report of shots being fired. Detective 24 proceeded to the location of the shots-fired call. Detective 24 had serious safety concerns because he knew of the murders Dorner had previously committed, and believed Dorner was using a sniper rifle to attack deputies at the scene. When he arrived, he saw deputies behind vehicles taking gunfire that appeared to be coming from a cabin.

Detective 24 took cover behind a vehicle. Other law enforcement personnel arrived and took up positions. Detective 24 fired on the cabin in order to protect the downed deputies. Detective 24 maintained a perimeter around the cabin. Gas was deployed inside the cabin, and a short time later, a fire started. The fire eventually engulfed the entire cabin. Detective 24 heard ammunition exploding from inside the cabin. Detective 24 also heard a single gunshot from inside the cabin as the fire burned.

INTERVIEW OF DETECTIVE 20

On February 12, 2013, Detective 20 was involved in a search of the Big Bear area for Christopher Dorner. While conducting this search, Detective 20 heard radio calls regarding a home invasion robbery in Big Bear.

While heading to the location, Detective 20 heard a call of a carjacking in the area of Highway 38 and Glass Road. Detective 20 also heard a call regarding shots being fired and an officer down.

When Detective 20 arrived at the location, he saw that officers were engaged in a gun battle with Dorner, who appeared to be in a cabin. Detective 20 saw Detective 1 in the road way with blood all around him and saw that Detective 1 appeared to be dead.

Detective 20 noticed that anytime a law enforcement officer at the scene would leave cover, Dorner would fire at that officer. Detective 20 fired at the cabin in an attempt to pin down Dorner so the injured officers could be rescued. Additional personnel arrived at the location.

Detective 20 has fifteen years of SWAT experience, and knows that if there is a great risk of death or injury, SWAT team members will not attempt to make entry into a building. Introduction of CS gas is a method to try to obtain the surrender of a subject and prevent further injury to officers and the subject. Throughout the course of events, Detective 20 believed his safety and the safety of other officers was in great danger.

INTERVIEW OF DETECTIVE 27

On February 12, 2013, Detective 27 was involved in a search of the Big Bear area for Christopher Dorner. While conducting this search, Detective 27 heard radio calls regarding a home invasion robbery in Big Bear.

While heading to the location, Detective 27 heard a call of a carjacking in the area of Highway 38 and Glass Road. Detective 27 also heard a call regarding shots being fired and an officer down.

When Detective 27 arrived at the location, he saw that officers were engaged in a gun battle with Dorner, who appeared to be in a cabin. Detective 27 saw two deputies down in the road way. Detective 27 heard gunfire coming from the cabin that he believed was from an automatic firearm. He also saw numerous rounds hitting law enforcement vehicles, behind which deputies were attempting to take cover.

At Sergeant 9's direction, Detective 27 fired at the cabin in an attempt to pin down Dorner so the injured officers could be rescued. Additional personnel arrived at the location. At some point, Detective 27 ran to a vehicle to retrieve additional ammunition.

An armored vehicle was brought in to remove the pinned-down deputies, and to deploy additional personnel. Detective 27 took up a position in the vehicle and deployed gas into the cabin. Later, pyrotechnic gas was introduced by Detective 25. This had to be done by hand.

INTERVIEW OF DETECTIVE 17

On February 12, 2013, Detective 17 was en route to a residence on Arrowbear Road. While at the location there was a radio broadcast of a residential robbery in Big Bear. Detective 17 and his team responded to the residential robbery call. Detective 17 was aware that Dorner was a suspect in a murder alleged to have been committed in retaliation for discipline from the Los Angeles Police Department. Detective 17 was also aware of Dorner's on-line "manifesto," and his subsequent attack on two Riverside Police officers, one of whom died as a result of the attack.

Detective 17 and his team arrived at the location of the residential robbery call, and subsequently received a report of the vehicle stolen from that location being spotted elsewhere. Detective 17 continued to receive radio reports from Big Bear area, including a report of shots being fired. Detective 17 proceeded to the location of the shots-fired call. When he arrived, he saw deputies behind vehicles taking gunfire that appeared to be coming from a cabin. Detective 17 also saw a body lying in the road way.

Detective 17 took cover behind a vehicle. Other law enforcement personnel arrived and took up positions. Smoke was deployed by law enforcement personnel to attempt to

rescue the fallen deputies. Detective 17 fired on the cabin in order to protect the downed deputies. Detective 17 believed that if this suppressive fire had not been used, other deputies could have been killed or injured in any attempts to rescue the downed deputies.

Detective 17 was told by another detective that muzzle flashes could be seen coming from the cabin. Detective 17 maintained a perimeter around the cabin. During his station there he saw the second carjacked vehicle in a ravine next to snow bank.

INTERVIEW OF DEPUTY 22

On February 12, 2013, Deputy 22 was en route to Arrowbear in reference to the discovery of a residence in the name of the mother of Christopher Dorner and the discovery of foot prints leading to that residence. While en route, there was a radio broadcast of a residential robbery in Big Bear. Deputy 22 continued to the Arrowbear location and, once that residence was determined to be irrelevant to the search for Dorner, proceeded to Big Bear.

Deputy 22 continued to receive radio reports from Big Bear, including a report of shots being fired. Deputy 22 proceeded to the location of the shots-fired call. When he arrived, he saw deputies behind vehicles taking gunfire that appeared to be coming from a cabin.

Deputy 22 took cover behind a vehicle. Other law enforcement personnel arrived and took up positions. Deputy 22 saw injured deputies lying in the road way. Deputy 22 fired on the cabin in order to protect the downed deputies and to allow a rescue of the deputies.

Armored personnel carriers and a tactical tractor came to the location. The tractor was used to port the residence. When this was done, green smoke was coming from inside the cabin. Deputy 22 knew that the green smoke was not from SWAT personnel. A PA system was used to make announcements for Dorner to surrender. There was no response from Dorner. Deputy 22 took a position in one of the carriers. Gas was deployed inside the cabin and, a short time later, a fire started. Deputy 22 believed that had Dorner wanted to exit the cabin, he could clearly have done so. The fire eventually engulfed the entire cabin. Deputy 22 heard a single gunshot from inside the cabin as the fire burned.

INTERVIEW OF DETECTIVE 16

On February 12, 2013, Detective 16 was en route to Arrowbear in reference to the discovery of a residence there. While en route, there was a radio broadcast of a residential robbery in Big Bear. Detective 16 continued to the Arrowbear location and, once that residence was determined to be irrelevant to the search for Dorner, he

proceeded to Big Bear. Detective 16 had previously been briefed on the dangerousness of Dorner, and his involvement in three murders, including the murder of a Riverside Police officer and the attempted murder of that officer's partner. Detective 16 had read Dorner's on-line "manifesto," and was aware of Dorner's anger toward law enforcement.

Detective 16 continued to receive radio reports from Big Bear, including a report of shots being fired. Detective 16 proceeded to the location of the shots fired call. When he arrived, he saw deputies behind vehicles taking gunfire that appeared to be coming from a cabin. Detective 16 also saw two deputies lying in the roadway. During his approach to the scene, Detective 16 heard what he believed to be automatic gunfire. Detective 16 believed he could be killed.

Detective 16 took cover behind a tree. Other law enforcement personnel arrived and took up positions. Detective 16 helped to maintain a perimeter around the cabin.

INTERVIEW OF DEPUTY 8

On February 12, 2013, Deputy 8 heard a radio broadcast of a home invasion robbery in Big Bear. Deputy 8 proceeded to head to that location. While en route, radio traffic came in reference to a carjacking, shots being fired, and a deputy being down. Deputy 8 had been working on the search for Dorner, and was familiar with Dorner's involvement in the murder of two civilians in Irvine and a Riverside Police officer, as well as the attempted murder of another Riverside officer. He had learned that Dorner had fired more than 20 rounds into the Riverside officers' car, and that Dorner had a number of law enforcement, or military-type weapons in his possession.

Deputy 8 headed to the area of Highway 38 and Glass Road. Deputy 8 parked his vehicle and ran to the location of the gunfire. Deputy 8 took cover behind a vehicle parked to the east of a cabin. After hearing calls for covering fire to protect a rescue effort of the downed deputies, Deputy 8 fired at the cabin. Deputy 8 saw muzzle flashes coming from the cabin and concentrated his gunfire on those locations.

A tactical tractor arrived and ported the cabin. At this time, green smoke came from the cabin. Deputy 8 knew this smoke had not been deployed by SED personnel. Gas was then deployed into the cabin without any success in getting Dorner to surrender. Deputy 8 was concerned that Dorner was using his own smoke to conceal his actions and that he was preparing to ambush SED deputies when they attempted to make entry into the residence. Additional gas was then used. When this happened, Deputy 8 saw additional green smoke coming from the cabin. Verbal commands were given for Dorner to surrender. Dorner did not respond. A fire then started in the cabin. During the fire, Deputy 8 heard a single gunshot coming from the cabin.

INTERVIEW OF DETECTIVE 26

On February 12, 2013, Detective 26 received information regarding a carjacking in Big Bear. Detective 26 proceeded to head to that location. While en route, radio traffic came in reference to shots being fired. Detective 26 knew that the search for Dorner had been ongoing, and became aware of the murders of which Dorner was accused.

Detective 26 headed to the area of Highway 38 and Glass Road. Detective 26 parked his vehicle and then took cover behind a vehicle parked on the east of a cabin.

Detective 26 saw a deputy lying in the road way. When Detective 26 learned that Dorner had deployed smoke, he became very concerned because he thought Dorner may use it to exit the cabin and flank the deputies. When the commanders at the scene requested suppressive gunfire to aid in the rescue of the injured deputies, Detective 26 fired at the cabin in an attempt to help.

An armored personnel carrier arrived, as well as a tactical tractor. The tractor was used to port the cabin. At this time, Detective 26 took a position inside the carrier. Dorner deployed green smoke as a response to this action of porting the cabin. This gave Detective 26 greater concern, because he believed Dorner would use the cover to ambush SED members attempting to make entry. A PA system was used to make announcements telling Dorner to surrender. These announcements yielded no success. Gas was then deployed into the cabin, also without any success in getting Dorner to surrender. Additional gas was then used, which had to be introduced by hand into the cabin. When this happened, Detective 26 saw additional green smoke coming from the cabin. A fire then started in the cabin.

INTERVIEW OF DETECTIVE 97

Detective 97 received briefing information about the crimes for which Dorner was being sought, and was part of a team responding to the report of a residential robbery in the Big Bear area on February 12, 2013. Detective 97 understood that Dorner was believed to have committed the robbery in question. He and other member of his detail began traveling to Big Bear to respond to the call.

As he was traveling, Detective 97 heard a radio broadcast of shots being fired and that a deputy was down. A short time later a second call indicated another deputy was down. He heard gunfire as he arrived at the scene, and saw green smoke emanating from the cabin. Detective 97 heard bullets striking objects around him, forcing him to take cover. From that position, Detective 97 assisted in reloading magazines for the SED personnel at the scene. Detective 97 was then forced to evacuate from his location.

Although he was now more distant from the cabin, Detective 97 knew when some gas was deployed at the cabin because some of it drifted in his direction. He did not see any signs that Dorner was affected by this gas. After the tactical tractor was used to

port the walls of the cabin, additional gas was deployed. Shortly thereafter, Detective 97 could see that a fire had started in the structure.

INTERVIEW OF DEPUTY 19

On February 12, 2013, Deputy 19 received information regarding a carjacking in Big Bear. Dorner was identified as the suspect in the carjacking. Deputy 19 proceeded to head to that location. While en route, radio traffic came in reference to shots being fired. Deputy 19 had already been briefed on the murders and attempted murder of which Dorner was suspected. As he was traveling, Deputy 19 learned through radio transmissions that Dorner had also tied up a couple and stolen their vehicle.

Deputy 19 headed to the area of Highway 38 and Glass Road. Deputy 19 parked his vehicle and then ran to the location of the gunfire. He took cover behind a vehicle parked to the east of a cabin, and saw that deputies at the scene were taking fire from the cabin. Deputy 19 believed that the fire coming from that location originated from an automatic weapon. Deputy 19 saw wounded deputies lying in the road way. Deputy 19 fired at the cabin in an attempt to help rescue the downed deputies in coordination with SED personnel. Based on the placement of shots coming from the cabin, Deputy 19 believed that Dorner's intention was to kill the deputies present.

An armored personnel carrier arrived and removed deputies from the immediate line of fire. At this time, Deputy 19 took a position establishing the perimeter around the location. A tractor arrived at the location and was used to port the cabin. Dorner deployed green smoke as a response to this action of porting the cabin. A PA system was used to make announcements telling Dorner to surrender. This met with no success. Gas was then deployed into the cabin, also without any success in getting Dorner to surrender. Additional gas was then used. When this happened, a fire then started in the cabin. While the cabin was on fire, Deputy 19 heard a single gunshot from inside the cabin. Deputy 19 also heard ammunition exploding inside the cabin. Fire department personnel were unable to make entry because of the danger of exploding rounds.

Throughout the course of events, Deputy 19 saw no attempt by Dorner to exit the cabin or to surrender in any way.

INTERVIEW OF CAPTAIN 29

At the time of incident described here, Captain 29 served as the captain of SED of the San Bernardino County Sheriff's Department. SED performs SWAT duties for the department. Captain 29 was the senior Sheriff's Department officer present on scene the day of Christopher Dorner's attacks on San Bernardino Sheriff's deputies.

On February 12, 2013, Captain 29 went to Arrowbear in reference to a property that was located in that area. While at the location, Captain 29 heard a radio broadcast concerning a home invasion robbery in Big Bear. Dorner was suspected in the incident. Captain 29 left his location and proceeded toward Big Bear, and issued orders for an SED team to also respond. Due to Dorner's recent violent behavior toward law enforcement, Captain 29 believed that SED would be best equipped to deal with any threat.

While en route to Big Bear, Captain 29 heard additional radio traffic concerning a carjacking, shots being fired, and an officer down in the area of Highway 38 and Glass Road. He subsequently heard another call indicating that a second deputy was down. Captain 29 proceeded to the location.

When Captain 29 exited his vehicle, he heard gunfire and saw that a gun battle was ongoing. Captain 29 heard bullets "snapping" over his head and hitting tree branches. Captain 29 saw numerous law enforcement personnel near vehicles east of a cabin. Captain 29 believed that the gunfire originating from the cabin sounded as if it was suppressed.

Captain 29 formulated a plan with SED Lieutenant 28, the tactical commander at the scene, to rescue the downed deputies. After the deputies were recovered, Captain 29 assessed the situation and placed additional personnel in locations around the cabin. Captain 29 realized that patrol and narcotics deputies who had responded to the scene were in peril, and planned for their extraction with the assistance of an armored unit from the San Bernardino Police Department. The plan required San Bernardino Police officers to provide cover fire, as the evacuating deputies would be open and vulnerable during a stage of the extraction.

At this time, Captain 29 had an armored personnel carrier go into the line of fire to extract law enforcement personnel who were pinned down in front of the cabin in the roadway. Two trips were utilized for this purpose. Captain 29 was aware of the intentions of Dorner at this point and was aware of Dorner's apparent knowledge of tactics and law enforcement training.

Captain 29 had recognized that Dorner was able to shoot with significant accuracy, and that he was using a suppressed rifle. Due to the suppressor, it was difficult to pinpoint Dorner's location within the cabin, rendering him more dangerous. Protection of law enforcement personnel was a top priority.

At this time, "cold" gas was deployed into the cabin utilizing the armored carrier. The gas was not successful in getting Dorner to surrender. During this time frame, law enforcement was having difficulty using the radios to communicate, and were forced to use hand signals and voice commands. A PA system was utilized to make announcements to Dorner to get him to surrender but there was no response by Dorner. At this time, Captain 29 determined that it would be extremely dangerous to try to make an attempt to have law enforcement personnel enter the cabin. Dorner had shown no

willingness to surrender and had demonstrated that he was willing to kill law enforcement personnel.

Captain 29 had a tactical tractor come into the area to port the cabin. When this happened, green smoke was deployed by Dorner inside the cabin. This action let Captain 29 know that Dorner was alive and still seeking combat with law enforcement. Captain 29 was very concerned that Dorner would shoot members of any entry team.

At this time, because the cold gas was ineffective, and sending law enforcement into the cabin would result in more officers being shot and killed, Captain 29 made the decision to deploy pyrotechnic gas⁶ into the cabin in one last attempt to safely capture Dorner. Captain 29 knew that this delivery system would be much more effective in saturating the cabin and believed it would likely cause Dorner to surrender. Once the gas was deployed, Captain 29 saw that the gas was saturating effectively. However, Dorner still did not come out of the cabin and continued to refuse to surrender. Three to four minutes after the gas was deployed, a fire started in the cabin. The fire spread very slowly along the south wall of the cabin. Dorner still had the opportunity to come out but did not.

The cabin then began to burn further. As the fire continued, Captain 29 heard a single gunshot coming from inside the cabin. The gunshot sounded different than the earlier shots being fired by Dorner, and sounded to Captain 29 like a pistol. Unlike the earlier shots, this one was not suppressed. The fire eventually engulfed the entire cabin.

A fire crew was staged nearby, but it was initially unsafe to have them approach the burning structure. The heat from the fire was causing ammunition inside to “cook off,” or explode.

Throughout the incident the threat to the lives of law enforcement personnel at the scene was great. Dorner had a tactical advantage initially due to surprise. His use of a suppressed weapon also aided his tactical advantage throughout the incident.

INTERVIEW OF LEIUTENANT 28

Lieutenant 28 served as the lieutenant for the San Bernardino Sheriff's Department's SED at the time of this incident. Prior to the culmination of events, he had learned of Christopher Dorner being sought as a suspect in the murders of two civilians in Irvine, and the murder and attempted murder of two Riverside Police officers. Lieutenant 28 was also aware that Dorner was believed to have opened fire on Corona Police officers. Lieutenant 28 had read Dorner's on-line “manifesto” and that Dorner was specifically targeting law enforcement with violence because of his grievances. Lieutenant 28 had also heard reports that Dorner possessed chemical agents and a gas mask.

⁶ Please see footnote 1 on page 13.

On February 12, 2013, Lieutenant 28 heard a radio broadcast of a carjacking in the area of Highway 38 and Glass Road. The suspect in that carjacking matched Dorner's description. Lieutenant 28 immediately proceeded to that location and assigned his SED team to respond.

When Lieutenant 28 arrived at the location, he heard the sound of gunfire. Lieutenant 28 saw muzzle flashes coming from a cabin at the location, and believed them to be coming from an automatic weapon. Lieutenant 28 decided that the first priority was to extract the downed deputies. The second priority was to extract the law enforcement personnel who were pinned down in front of the cabin by the gunfire of Dorner.

An armored personnel carrier arrived at the location. Lieutenant 28 boarded the carrier that was used to extract the pinned down personnel. Suppressive gunfire was used to help in the extraction of the personnel by protecting them from Dorner's targeted shots.

Lieutenant 28 then directed additional personnel to positions around the cabin. Lieutenant 28 fired approximately 45 to 50 rounds in an attempt to use suppressive gunfire to move personnel around and contain Dorner.

Lieutenant 28 then directed personnel in the carrier to deploy "cold" gas into the cabin. The gas had no effect. A tractor was then used to port the cabin. A PA system was used to make announcements to Dorner to get him to surrender. Lieutenant 28 personally made announcements over the system and addressed Dorner by his full name. Lieutenant 28 identified himself and his unit, and told Dorner that SWAT personnel were on the scene. Lieutenant 28 announced to Dorner that, if Dorner did not surrender, "hot" gas would be deployed into the cabin. Lieutenant 28 directed Dorner to "give up." It was unsuccessful.

At this time "hot" gas⁷ was deployed in order to cause Dorner to surrender and exit the cabin. Dorner still did not surrender. A short time later, a fire started in the cabin. Lieutenant 28 made additional announcements to get Dorner to come out of the cabin, informing Dorner that "hot" gas had been deployed. The announcements met with no success. Green smoke was seen coming from the cabin at this point. Two canisters were thrown by Dorner from the cabin. Detective 99 drove the tactical tractor used to approach the cabin, and reported to Lieutenant 28 that he saw Dorner in one of the cabin's corners. Lieutenant 28 ordered Detective 99 to port that corner of the cabin in an attempt to get Dorner to exit.

As the fire spread, Lieutenant 28 heard a single gunshot from inside the cabin. A body believed to be Dorner was found in the basement of the cabin once the fire was put out.

⁷ Please see footnote 1 on page 13. .

INTERVIEW OF DETECTIVE 18

On February 12, 2013, Detective 18⁸ received a message concerning a home invasion robbery in Big Bear. Dorner was the suspect. Detective 18 proceeded to the area of Highway 38 in the Angelus Oaks area.

While en route, Detective 18 heard additional radio broadcasts concerning a carjacking, shots being fired, and deputies being down. Detective 18 went to the Glass Road area. Detective 18 arrived at the location and parked his vehicle. He saw deputies taking cover behind vehicles to the east of the location. Detective 18 ran to the location and took cover behind a vehicle. He saw two deputies down on the ground.

At the direction of Sergeant 9, smoke was deployed in an effort to rescue the downed officers. When this happened, gunfire erupted from the cabin. Deputies then ran to extract the downed deputies. As the downed deputies were being extracted from the line of fire, Detective 18 fired his weapon at the cabin to protect the extraction process.

After the extraction, more gunfire erupted from the cabin. Detective 18 returned fire. Detective 18 was eventually extracted by an armored personnel carrier.

Detective 18 was taken to the hospital due to his brother being one of the extracted wounded deputies.

INTERVIEW OF SERGEANT 23

On February 12, 2013, Sergeant 23 received information that Dorner had committed a home invasion robbery in Big Bear. Sergeant 23 proceeded to the Big Bear area.

While en route, Sergeant 23 heard additional broadcasts concerning shots being fired and that a deputy was down. When Sergeant 23 arrived at the location, the deputies were still down in the road way. Sergeant 23 was positioned near a building to the east of the cabin that was occupied by Dorner.

Sergeant 23 fired at the cabin while getting into position along with other law enforcement personnel. Sergeant 23 maintained a perimeter of this building. Sergeant 23 saw green smoke coming from the cabin.

Sergeant 23 maintained this position until he was relieved. Throughout the incident Sergeant 23 was concerned for both his safety and the safety of other law enforcement officers at the scene.

⁸ Detective 18 is the older brother of Deputy 2.

INTERVIEW OF SERGEANT 21

On February 12, 2013, Sergeant 21 received information concerning a carjacking involving Christopher Dorner. Sergeant 21 headed to the location of the carjacking in the Big Bear area. Sergeant 21 knew that Dorner was believed to be responsible for the murders of a young woman and her fiancé in Irvine, the murder of a Riverside Police officer, and the attempted murder of another Riverside officer.

Sergeant 21 traveled Highway 38 in order to get to the area. As he traveled, Sergeant 21 heard additional broadcasts concerning an additional carjacking and Dorner shooting at "Fish and Game" officers.

When Sergeant 21 arrived in the area, he began speaking to law enforcement personnel when he then heard a broadcast of an officer being shot. Sergeant 21 continued on Glass Road. He drove past a Nissan Rogue and was now sure that Dorner was in the area. Sergeant 21's fear increased as he neared the scene. He eventually came to a group of vehicles parked in the road way. Sergeant 21 saw personnel taking cover behind those vehicles.

Sergeant 21 saw Detective 1 being extracted from the line of fire and was told that Dorner was in a cabin at the location. Sergeant 21 heard gunfire coming from the cabin. Sergeant 21 was assigned to help establish a perimeter around the cabin. Sergeant 21 proceeded with several other deputies to a building to the east of the cabin occupied by Dorner. One of these, Detective 107, slipped while moving into position. Sergeant 21 initially believed that Detective 107 had been shot and his concern for everyone's safety increased.

Sergeant 21 fired at the cabin while attempting to get to his position. Sergeant 21 arrived at the building safely. Sergeant 21 heard numerous commands being made to Dorner to surrender. There was no success in this effort.

Sergeant 21 saw green smoke, which he believed to have originated from Dorner as SED used white smoke. He heard a broadcast that the cabin was on fire and heard a single gunshot come from inside the cabin.

INTERVIEW OF DETECTIVE 25

On February 12, 2013, Detective 25 heard radio traffic concerning a carjacking and home invasion robbery in the Big Bear area. Dorner was suspected in the crimes. Detective 25 responded to that area. While en route, Detective 25 heard additional dispatch calls regarding a second carjacking. On the way, Detective 25 encountered two buses with approximately 100 children around them. He assisted in ensuring the children were directed to a nearby camp and became very concerned for their safety. He advised nearby CHP officers of the children's presence and asked the officers to

keep an eye out for them. As Detective 25 came to the area, there was a broadcast of an officer down and then another officer down.

Detective 25 went to the area of Highway 38 and Glass Road where he met with other personnel and then responded to the scene. Detective 25 went to the scene with gas canisters of various types.

Detective 25 was ordered to take a position in an armored personnel carrier in order to deploy gas into the cabin. When he arrived, the downed deputies and the pinned down deputies were being extracted from the line of fire.

Detective 25 and Detective 27 deployed gas into the cabin in order to cover additional personnel being moved, and in an attempt to get Dorner to surrender. Detective 25 deployed 16 rounds of gas into the cabin. In response to this, Dorner deployed a smoke canister in an attempt to distract them and provide a smoke screen. Dorner then deployed a second smoke canister. Detective 25 was afraid Dorner would use the smoke screen to escape or attack law enforcement at the scene.

At this time, a PA announcement was made by Lieutenant 28 to Dorner for Dorner to surrender. There was no response. After 10 minutes, Detective 25 was ordered to deploy pyrotechnic gas⁹ into the cabin. The prior use of "cold" gas had proved completely ineffective in getting Dorner to surrender. A tractor was brought in to port the cabin to create openings in order to deploy the gas and to ventilate the cabin for maximum saturation.

Detective 25 deployed six gas rounds into the cabin. Detective 25 was exposed and vulnerable during this deployment, and feared for his safety and the safety of his partners. His vulnerability was magnified during the deployment of the "hot" gas, as the gas had to be delivered by hand.

Detective 25 saw a fire start on the outside wall of the cabin. The carrier retreated at this point and sometime later the cabin became fully engulfed in flames.

INTERVIEW OF DEPUTY 98

On February 12, 2013, Reserve Deputy 98, who holds a position with SED, received a page concerning a SWAT callout in the Big Bear area in response to a sighting of Dorner. Deputy 98 went to the area of Highway 330 in order to obtain an armored personnel carrier. Deputy 98 received the carrier and drove it to the area of Highway 38 and Glass Road.

⁹ Please see footnote 1 on page 13.

Deputy 98 drove the carrier to the location directly in front of the cabin. Numerous announcements were made to Dorner for him to come out and surrender. These announcements were made with a PA system on board the carrier.

Deputy 98 saw the deployment and use of a tactical tractor to port a door on the cabin in which Dorner was located. Deputy 98 was requested to take the carrier to the ported door of the cabin. Deputy 98 informed the SWAT officers inside the carrier of the planned action and carried out his instructions. When the carrier arrived at the cabin door, eight canisters of gas were deployed from the top mounted turret of the carrier. The carrier then retreated back to the road way.

More PA announcements were made to Dorner with no success. Deputy 98 continued to watch the cabin and saw a fire in the southeast portion of the cabin. PA announcements continued as the fire progressed. Deputy 98 at this point saw green-colored smoke come from inside the cabin. Deputy 98 heard ammunition exploding inside the cabin and a single distinct gunshot from inside the cabin.

After 25 to 30 minutes, the entire cabin was engulfed in flames.

INTERVIEW OF DETECTIVE 99

Detective 99 held an assignment with San Bernardino Sheriff's SED at the time of this incident. On February 12, 2013, Detective 99 received a message that Dorner was believed to be in a cabin in the Big Bear area and that deputies had been shot. At the direction of Sergeant 45, Detective 99 retrieved a tactical tractor and responded to the scene.

Upon his arrival in the area, Detective 99 deployed the tractor from its trailer and drove it to the area near the cabin. He saw a number of law enforcement vehicles on site, including a department armored personnel carrier. Lieutenant 28 ordered Detective 99 to "port" the doors and windows on the east side of the cabin. "Porting" is a process where windows, drapes and doors are removed for a structure to provide law enforcement with better visibility into a structure.

Detective 99 had some difficulty maneuvering the tractor due to snow and ice around the cabin. Detective 99 was able to approach the cabin's east side, and remove a door and windows in the door's immediate vicinity. When he removed the door, two green smoke grenades were deployed from inside the cabin. Detective 99 saw what he initially believed to be blood on one wall of the cabin's interior, then realized it was spatter from "cold" gas units that had been deployed. Detective 99 heard radio traffic that pyrotechnic gas was to be deployed. He could not hear the PA announcements that were being made, as Detective 99 was wearing a headset inside the fully enclosed tractor.

Detective 99 saw the armored personnel carrier approach the cabin, and personnel deploy pyrotechnic gas from it. Gas filled the cabin, and then Detective 99 heard a broadcast that the cabin had caught fire. Detective 99 backed the tractor away from the cabin due to radiant heat, and saw that eventually the cabin was completely consumed by fire.

INTERVIEW OF OFFICER 35

On February 12, 2013, Officer 35 of the San Bernardino Police Department received information regarding a home invasion robbery in the Big Bear area. Officer 35 then heard additional radio information regarding a car pursuit and a carjacking. Christopher Dorner was suspected in both cases. Officer 35 was assigned to respond to the location to assist. Officer 35 had already been informed that Dorner had previously shot two Riverside Police officers, one of whom died from his injuries. Officer 35 had read Dorner's on-line "manifesto" and knew of his intent to target law enforcement officers.

Officer 35 proceeded to Angelus Oaks in the area of Highway 38 and Glass Road. Officer 35 entered into an armored personnel carrier and proceeded to the scene. As he arrived, he saw numerous items scattered on the ground and vehicles directly in front of a cabin. Officer 35 saw deputies attempting to take cover behind the vehicles and two deputies lying on the ground. The deputies were exposed in their position and Officer 35 believed they were in danger of being shot. The carrier came within 20 to 35 feet of the cabin. Officer 35 saw mattresses and furniture placed against the windows inside of the cabin.

Officers inside the carrier were ordered to conduct suppressive fire in order to help in the extraction of the deputies. The carrier in which he was located was used to effect that extraction. Officer 35 fired upon the cabin in an attempt to help in this extraction.

INTERVIEW OF OFFICER 34

On February 12, 2013, Officer 34 of the San Bernardino Police Department received information regarding a home invasion robbery in the Big Bear area in which Dorner was suspected. Officer 34 was ordered to a number of different areas until finally being told to respond to the area of Highway 38 and Glass road. Officer 34 was assigned to respond to the location to assist in the arrest of Dorner. Officer 34 had been briefed regarding the killing of two civilians in Irvine, one police officer in Riverside, and the attempted murder of a second Riverside officer, by Dorner. Officer 34 had read Dorner's on-line "manifesto" and knew of his intent to target law enforcement.

Officer 34 proceeded to Angelus Oaks in the area of Highway 38 and Glass Road. Officer 34 entered an armored personnel carrier and proceeded to the scene, a location in which he was told that a fire had been occurring where two deputies had been

shot. Officer 34 was also informed that one of the deputies was deceased. Officer 34 was afraid that other deputies would be in mortal peril if his team did not respond quickly. As he arrived, he saw numerous items scattered on the ground and vehicles directly in front of a cabin. Officer 34 saw numerous deputies taking cover behind the vehicles. The carrier came within 25 to 35 feet of the cabin. Officer 34 saw a mattress and furniture against the cabin's windows.

Officers inside the carrier were ordered to conduct suppressive fire in order to help in the extraction of the deputies. Officer 34 fired upon the cabin in an attempt to help in this extraction. An order to cease firing was given and Officer 34 looked over and saw deputies next to the drivers' side of the carrier.

Officer 34 then went to the command post and watched the armored carrier proceed to the cabin a second time to deploy gas canisters inside the cabin. Officer 34 was then ordered to a north ridgeline to form a perimeter around the cabin. While on the ridgeline, Officer 34 noticed green smoke coming from the cabin. Officer 34 then saw that the cabin caught fire.

INTERVIEW OF DETECTIVE 100

On February 12, 2013, Detective 100 of the San Bernardino Police Department received information concerning shots being fired and deputies down in the Big Bear area. Dorner was believed to be involved in the incident. All SWAT officers were ordered to a briefing. Detective 100 was ordered to take an armored personnel carrier to the area of Highway 38 and Glass Road.

Detective 100 took the carrier to the location. The carrier was then loaded with SWAT officers and proceeded down Glass Road to the location of the shooting. As he arrived, he saw numerous items scattered on the ground and vehicles directly in front of a cabin. Detective 100 saw numerous deputies taking cover behind the vehicles. Detective 100 was told to take the carrier to the front of the cabin to extract the pinned-down deputies. It took two trips to extract all the deputies.

The SWAT officers inside the carrier were ordered to conduct suppressive fire on the cabin to facilitate the extraction. Detective 100 then drove the carrier into the location a third time in order to deploy gas canisters into the cabin. A tactical tractor arrived and Detective 100 moved the carrier to a location in front of the cabin. Detective 100 then left the driver's seat and went to the front turret with a rifle to cover the cabin.

The tractor removed the door to the cabin. Detective 100 then saw green smoke coming from the cabin. The Sheriff's Department used another armored carrier to deploy additional gas canisters into the cabin. Approximately one to two minutes after deploying these canisters, Detective 100 saw a fire start on the east side of the cabin. One to two minutes later, he heard a single gunshot come from inside the cabin. Less

than ¼ of the cabin had burned at the time of the gunshot. Detective 100 heard rounds exploding from the heat after the single shot.

PA announcements were used continuously during all these events to get Dorner to come out and surrender, without any success.

INTERVIEW OF OFFICER 33

On February 12, 2013, Officer 33 of the San Bernardino Police Department received information that San Bernardino Sheriff's deputies were believed to be pursuing Dorner. Officer 33 was assigned to respond to the location to assist. At some point Officer 33 learned that a "shots fired" call had been made. Officer 33 was already aware of Dorner's suspected involvement in the murder of one Riverside Police officer and the attempted murder of another.

Officer 33 proceeded to Angelus Oaks in the area of Highway 38 and Glass Road. Officer 33 entered an armored personnel carrier and proceeded to the scene. As he arrived, he saw numerous items scattered on the ground and vehicles directly in front of a cabin.

Officers inside the carrier were ordered to conduct suppressive fire in order to help in the extraction of the deputies. Officer 33 fired upon the cabin in an attempt to help in this extraction. Officer 33 believed the use of deadly force was the only way to ensure the safety of law enforcement on the scene.

Officer 33 was then ordered to a north ridgeline to form a perimeter around the cabin. While on the ridgeline, Officer 33 saw that the cabin caught on fire. Officer 33 heard ammunition exploding inside the cabin while it was on fire.

INTERVIEW OF DETECTIVE 31

On February 12, 2013, Detective 31 of the San Bernardino Police Department received information concerning Dorner in the Big Bear area. Detective 31 then heard additional information regarding a car pursuit. Detective 31 was eventually assigned to respond to the location to assist and learned en route that deputies were down.

Detective 31 proceeded to Angelus Oaks in the area of Highway 38 and Glass Road. Detective 31 entered an armored personnel carrier and proceeded to the scene. As he arrived, he saw numerous items scattered on the ground and vehicles directly in front of a cabin. Detective 31 saw numerous deputies taking cover behind the vehicles. Detective 31 learned that two deputies had been shot, and that one had life-threatening injuries. Detective 31 feared for his safety and that of other law enforcement officers on

the scene, as he believed Dorner had a sniper rifle, and possibly a .50-caliber rifle. A .50-caliber round could potentially penetrate the armor on the carrier.

The carrier came to the front of the cabin. Detective 31 saw a mattress against one window of the cabin. Detective 31 believed Dorner was using this to conceal himself from officers as he fired on them.

Officers inside the carrier were ordered to conduct suppressive fire in order to help in the extraction of the deputies. Detective 31 fired upon the cabin in an attempt to help in this extraction. Deputies then came onto the side running boards of the carrier. Detective 31 furnished ammunition to deputies at the scene.

INTERVIEW OF DETECTIVE 32

On February 12, 2013, Detective 32 of the San Bernardino Police Department received information regarding Dorner being in the Big Bear area. Detective 32 was aware that Dorner was suspected in several recent shootings, one of which included a police officer. Detective 32 knew that Dorner had a high-powered rifle equipped with a scope. Detective 32 was assigned to respond to the location to assist.

Detective 32 proceeded to Angelus Oaks in the area of Highway 38 and Glass Road. Detective 32 entered into an armored personnel carrier and proceeded to the scene. He then heard a broadcast that deputies were down. The carrier came to the front of the cabin.

Officers inside the carrier were ordered to conduct suppressive fire in order to help in the extraction of the deputies. Detective 32 fired upon the cabin in an attempt to assist in this extraction. He was concerned for his safety as the top of his head was exposed through the carrier's turret. The carrier was successfully used to extract the deputies from harm's way.

INTERVIEW OF SERGEANT 101

On February 12, 2013, Sergeant 101 supervised a team from the San Bernardino Sheriff's Department's SED. Under his command at the time were Detective 26, and Deputies 19, 102 and 8.

Sergeant 101 was first notified that Dorner was believed to be in the Big Bear area on February 7, 2013, following the discovery of Dorner's abandoned and burned Nissan truck. Sergeant 101 had his team obtain background information on Dorner and Sergeant 101 arrived in Big Bear around noon of that day.

Sergeant 101's team responded to the location of Dorner's abandoned vehicle. Once the vehicle was removed from the area, the team was assigned to follow tracks that

were believed to be Dorner's leading away from the vehicle. Sergeant 101 became concerned that Dorner may be attempting to set up an ambush because the team discovered the tracks doubled back on themselves.

Sergeant 101 was notified of the robbery of Civilian 3 and Civilian 4 on February 12, 2013, by Detective 26. He also learned Dorner had taken the victims' Nissan Rogue. While responding the area, Sergeant 101 heard a broadcast by Deputy 3 that Dorner had crashed the Rogue and carjacked another vehicle. As he was arriving in the area, Sergeant 101 heard a broadcast that shots had been fired and that an officer was down. Sergeant 101 passed a "Fish and Game" vehicle and saw it bore bullet holes.

At the scene of the cabin, Sergeant 101 saw wounded deputies west of the cabin. He heard gunfire in the area of the cabin that he described as inconsistent with the sound of weapons used by SED personnel, and believed it either to be originating from a 9mm or a suppressed .223 weapon. Sergeant 101 formed a team to perform an extraction of the wounded deputies. The team consisted of Detectives 103, 24 and 104, and Deputies 105 and 106.

Sergeant 101's team positioned themselves at the rear of the cabin. He saw green smoke begin to emit from the cabin and was informed that SED had not deployed any green smoke. As a result, Sergeant 101 concluded Dorner was active in the cabin. Sergeant 101 observed "cold" tear gas being deployed into the cabin and heard accompanying PA announcements

SED's tactical tractor attempted to put a camera into the cabin, but vision was prevented due to Dorner deploying additional smoke. Sergeant 101 believed Dorner was attempting to use the smoke to ambush SED personnel trying to make entry into the cabin. As the "cold" tear gas appeared ineffective, "hot" tear gas was used in conjunction with further PA announcements. Sergeant 101 observed as the cabin caught fire, and believed Dorner could have exited from a door or window.

Due to Dorner's actions leading up to the deployment of the "hot" tear gas, Sergeant 101 believed no lesser degree of force could have successfully been used in the situation. Sergeant 101 believed Dorner was attempting to kill as many law enforcement personnel as possible. Following orders from Captain 29 and Lieutenant 28, Sergeant 101 had all SED personnel who had discharged weapons report to Sheriff's Headquarters for interviews.

BELT RECORDING

There is a belt recording from Detective 5 that is one hour and 44 minutes in length. The recording starts prior to the incident at the cabin. Some of the recording is difficult to hear. The items on the recording that are audible confirm the accounts given by the witnesses in law enforcement who gave statements to the San Bernardino County Sheriff's Department

VIDEO RECORDINGS

There are numerous video recordings that have been provided by law enforcement from law enforcement and media sources.

There is a video from 40-King, which is the San Bernardino County Sheriff's Department's helicopter.

There is a video from a government surveillance plane.

There is a video from KABC – Channel 7.

There are three videos from KCBS – Channel 2.

There are four videos from KCAL – Channel 9.

Not all of these videos show the same footage or the same thing. All, however, corroborate the events detailed in the police reports from the law enforcement personnel at the scene.

The videos depict the gun battle as well as footage of the cabin in question. The footage of the cabin also depicts the fire that started in the cabin and eventually fully engulfed it.

Christopher Dorner is never actually seen in any of the live video footage.

DISPATCH AND 911 CALLS

There is a dispatch recording that lasts 4 hours, one minute and 46 seconds. The information on the recording matches the description of events as described by the law enforcement personnel at the scene.

There is also a recording of radio traffic that lasts one hour, 43 minutes and 16 seconds. The information on the recording matches the description of events as described by the law enforcement personnel at the scene.

There is one 911 call that was made to the San Bernardino County Sheriff's Department from Civilian 4. The call lasted 21 minutes and 15 seconds. The information on the recording matches the description of events as described by the witness in her interview and by her husband in his interview.

AUTOPSY PROTOCOL OF CHRISTOPHER DORNER

The autopsy of Christopher Dorner was conducted by Coroner 87 of the Riverside County Coroner's Office on February 14, 2013, at 9:45 a.m.

Coroner 87 identified four injuries to Christopher Dorner.

The first was a perforating gunshot wound of the head, which appeared to be a contact gunshot wound. It traversed across the temporal and parietal aspects of the hemispheres of the brain bilaterally. Jacketing material was recovered from the brain parenchyma proper in the left hemisphere. Internal beveling on the right side of the skull with external beveling on the left side of the skull is consistent with a right to left direction of travel for the projectile. Given the amount of residual brain parenchyma, the gunshot wound is consistent with a wound created by a handgun and not a rifle.

The second set of injuries consisted of thermal injuries of the majority of the anterior aspects of the body, with associated heat fracture and amputation of the upper and lower extremities. Part of the right arm, part of the left arm and part of the lower right leg suffered heat amputation. There are islands of relative sparing noted to the majority of the posterior body surfaces. Examination of the islands of relative sparing reveals no definitive vital reaction. No definitive vital reaction was identified at the autopsy. Minimal froth and soot-like material was noted to the proximal two inches of trachea with no further distal extension.

The third was an injury to the right posterior mid-thigh area which was caused by an unfired copper colored bullet that had exploded.

The fourth was an injury to the left mid-back region extending into the soft tissues for a distance of 1 ½ inches, with no vital reaction identified, which was caused by a moderately deformed grey metal bullet. This was found to be consistent with a postmortem artifactual injury indicating exploding ordinance.

Coroner 87 listed the cause of death as a perforating gunshot wound of the head.¹⁰ Dorner's blood and urine were sent to Bio-tox Laboratories for analysis. Test results indicated that no alcohol or controlled substances were detected. Analysis revealed that 43 mcg/mL of Carbon Monoxide was detected in Dorner's system, which is not a lethal amount.

¹⁰ Based upon the findings of Coroner 87 from his autopsy of Christopher Dorner and the toxicology examination of Dorner's blood, Dorner died as a result of the single gunshot wound to the head. Coroner 87's observation of a lack of any vital reaction to thermal injuries demonstrates that any burning of Dorner's body occurred *after* his death from the gunshot wound. This conclusion is supported by the low-level presence of carbon monoxide in Dorner's blood stream and minimal soot in his airway. Similarly, Coroner 87's observations regarding the gunshot wounds to Dorner's leg and back indicate that these injuries were also post-mortem, and as a result of ammunition exploding from fire in the cabin. The autopsy findings in this case correspond with Dorner's death as a result of suicide from a single shot to the head.

CHRISTOPHER DORNER'S CRIMINAL HISTORY

On February 11, 2013, the Riverside County District Attorney's Office filed charges of murder and attempted murder against Christopher Dorner and issued a warrant for his arrest under case number RIF1300248. The warrant was issued for the murder of Riverside Police Officer 94 and the attempted murder of Riverside Police Officer 93. Pursuant to a motion by the prosecution, the case was dismissed on September 30, 2013. Riverside District Attorney spokesperson John Hall informed the media that the dismissal was requested due to Dorner's death.

No other criminal history was located.

STATEMENTS OF APPLICABLE LAW

The legal doctrine of self-defense is codified in Penal Code sections 196 through 199. Those sections state, in pertinent part: where the nature of an attack on a person, as a reasonable person, is justified in believing that his assailant intends to commit a felony upon him, he has a right in defense of his person to use all force necessary to repel the assault. He is not bound to retreat but may stand his ground and he has the right in defense of his person to repel the assault upon him even to take the life of his adversary. (*People v. Collins* (1961) 189 Cal.App.2d 575.)

Justification does not depend on the existence of actual danger but rather depends on appearances. It is sufficient that the circumstances be such that a reasonable person would be placed in fear for his safety and the defendant act out of that fear. (*People v. Clark* (1982) 130 Cal.App.3d 371.)

Any person may use sufficient force to defend another upon whom injury is about to be illegally applied. Penal Code §§ 692 – 694. The person using the force must believe subjectively that the use of such force is necessary to prevent the death or great bodily injury. (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1082.)

CALCRIM 507 states that a killing by a police officer is justified if the following are established:

1. A person was a police officer
2. The killing was committed while the officer was performing a legal duty
3. The killing was necessary to accomplish a lawful purpose
4. The officer had probable cause to believe that the other person posed a threat of serious physical harm either to the officer or to another person.

CALCRIM 3470 states that a person acts in lawful self-defense if the following are established:

1. The person reasonably believed that he or someone else was in imminent danger of suffering bodily injury
2. The person reasonably believed that the immediate use of force was necessary to defend against that danger
3. The person used no more force than was reasonably necessary to defend against that danger.

Any police officer who has reasonable cause to believe that a person to be arrested has committed a public offense may use reasonable force to affect the arrest. A police officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance of the person being arrested nor shall the officer lose his right to self-defense by the use of reasonable force to effect the arrest. Penal Code section 835a.

A peace officer may also use lethal force in apprehending a person who has committed a felony in order to keep the peace, Penal Code section 197(4), where the person in question “threatens death or great bodily harm.” (*People v. Piorkowski* (1974) 41 Cal.App.3d 324, 328 – 329.)

Where an officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others, it is not constitutionally unreasonable to use deadly force to prevent escape. If a suspect threatens an officer with a weapon, deadly force may be used if necessary. (*Tennessee v. Garner* (1985) 471 U.S. 1.)

The reasonableness of the particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with 20/20 vision of hindsight. Police officers are often forced to make quick decisions in circumstances that are tense, uncertain and rapidly evolving. Certain factors are to be considered. Such as: severity of the crime, whether the suspect poses an immediate threat to safety, and whether he is actively resisting. (*Graham v. Connor* (1989) 490 U.S. 386.)

An officer is authorized to arrest without a warrant for any felony whether committed in the officer’s presence or not. (Penal Code section 836(a).)

An arrest is reasonable under the Fourth Amendment when an officer has probable cause to believe the person arrested has committed a criminal offense. The probable cause standard applies to all offenses. (*Atwater v. City of Lago Vista* (2001) 532 U.S. 318 and *People v. Kraft* (2000) 23 Cal.4th 978.)

Probable cause to arrest exists when the facts and circumstances within the officer’s knowledge would lead an officer of ordinary care and prudence to entertain an honest and strong suspicion that the person arrested is guilty of a crime. (*Beck v. Ohio* (1964) 379 U.S. 89.)

An officer attempting to enforce a detention or arrest may use an amount of force that is reasonably necessary. (*People v. Brown* (1985) 169 Cal.App.3d 159.) Even if unjustified, every person has a duty to submit to the orders of a police officer and may not resist unless excessive force is used. (*Evans v. City of Bakersfield* (1994) 22 Cal.App.4th 321.)

A police officer may legally arrest someone if he has probable cause to make the arrest. Any other arrest is unlawful. Probable cause exists when the facts known to the arresting officer at the time of the arrest would persuade someone of reasonable caution that the person to be arrested has committed a crime. In deciding the lawfulness of the arrest, you can consider the officer's training, experience and all the circumstances known by the officer. A police officer may use reasonable force to arrest someone or in self-defense. (CALCRIM 2670)

An officer attempting to enforce a detention or an arrest may use an amount of force that is reasonably necessary. (*People v. Brown* (1985) 169 Cal.App.3d 159.) The right to detain or arrest is meaningless unless an officer may, when necessary, forcibly do so. (*People v. Johnson* (1991) 231 Cal.App.3d 1.) Officers are authorized to take such steps as are reasonably necessary to protect their personal safety and to maintain the status quo during the course of an arrest or detention. (*United States v. Hensley* (1985) 469 U.S. 221 and *People v. Soun* (1995) 34 Cal.App.4th 1499.)

ANALYSIS

In the present case, law enforcement personnel were conducting a lawful search for Christopher Dorner. Christopher Dorner had published a "manifesto" outlining his intentions of harming and killing law enforcement personnel. In addition to this, his actions upon the publishing of that "manifesto" showed that his descriptions in that "manifesto" were his true intentions. His actions included the murders of two unarmed civilians in Irvine, shooting at law enforcement personnel in Corona and the murder and attempted murder of police officers in Riverside.

All of these actions occurred prior to any involvement or altercation with law enforcement personnel from the County of San Bernardino. Moreover, a warrant for Dorner's arrest had been issued from Riverside County as a result of the murder of Officer 94 and the attempted murder of Officer 93.

Dorner did not stop there. He kidnapped a couple in Big Bear, terrorized, bound, and threatened them with a firearm, and stole their car. When he crashed that car, Dorner carjacked another car from an innocent citizen. Following the carjacking, Dorner encountered members of the Department of Fish and Wildlife. These individuals were not making any attempt at that time to apprehend Dorner; they were merely driving by him on the road. Dorner's response to this was to open fire on them as they drove by, nearly killing two members of that department. Dorner then attempted to evade capture after this incident. He hid in a cabin near his attack on the Fish and Wildlife officers.

Members of law enforcement arrived in the area, but did not know Dorner's location. Dorner could have stayed hidden. Dorner could have elected to escape. Dorner could have surrendered. None of these options was in the mind of Christopher Dorner. Dorner was intent on maximizing the lethal carnage that he had promised in his "manifesto".

Without warning, Dorner commenced firing on the law enforcement officers. In this gunfire, two members of the San Bernardino County Sheriff's Department were hit. One was seriously wounded. The other was mortally wounded. The officers had no idea from where the shots had been fired. Dorner again had options. He could have escaped, he could have surrendered, or he could have hidden himself. Instead, he continued a vicious assault on law enforcement personnel, including the continued firing of numerous rounds at the fallen deputies as evidenced by wounds on Detective 1. As he lay wounded and vulnerable, and because of the continuous gunfire that rained down around him, Deputy 2 believed that at any moment Dorner would shoot him yet again.

Dorner was determined to maximize law enforcement losses. Dorner unleashed a barrage of gunfire on the pinned-down members of law enforcement who were as close as 50 feet from where Dorner lurked in a position of concealment. The officers were running out of ammunition and could not reach their fallen comrades. Dorner demonstrated no evidence of empathy, or even humanity, regarding the downed officers. Dorner continued to escalate the situation into an all-out war zone.

As additional law enforcement personnel arrived, Dorner watched from his position of ambush. Dorner could have escaped at this point. Dorner could have surrendered. Dorner could have allowed the surviving law enforcement personnel to withdraw. Instead, Dorner continued the assault.

The law enforcement personnel at the scene and those arriving had no choice but to engage Dorner in a heated gun battle. This was not their choice, it was his. The members of law enforcement had to fight for their own safety and for the safety of civilians (including busloads of children) in the area who would be at the mercy of Christopher Dorner should he be allowed to escape and continue his rampage.

Even with the addition of more law enforcement personnel, Dorner had options that went beyond escalating the situation. He chose not to do that. Law enforcement made its intentions clear that they wanted to remove their personnel. Dorner prevented this with a hail of gunfire. Once the extraction of personnel was accomplished, Dorner again could have escaped or surrendered. Instead, he continued firing at the personnel forming a perimeter at the location.

Law enforcement attempted to de-escalate the situation after the initial fire fight by making announcements to Dorner to surrender. Dorner's response was to deploy smoke that was used to obscure the vision of law enforcement and to prevent them from entering the cabin to arrest him.

Law enforcement then attempted to end the situation peacefully by deploying “cold” gas into the cabin in order to get Dorner to surrender. Instead of seeing this as an opportunity to end the carnage, Dorner continued to deploy smoke to keep law enforcement at bay and prevent them from entering the cabin to arrest him.

Christopher Dorner could have exited the cabin at any time but did not. He chose to continue to attack. Rather than attempt to storm the cabin, which would almost certainly result in more officers being shot or killed, law enforcement decided to deploy pyrotechnic gas into the cabin in a reasonable attempt to saturate the cabin with tear gas and force Dorner to surrender. This was done after further announcements requesting Dorner’s surrender. Dorner still refused to surrender. Even when a fire started in the cabin, Dorner had an opportunity to escape and surrender. The fire did not reach his area of the cabin for several minutes. There were avenues of escape that were not subject to the fire. He chose not to escape, nor did he choose to surrender. Instead, Dorner chose to end his life with a single gunshot wound to the head.

Law enforcement officers in this incident were confronted with a trained individual who was willing, and able, to inflict maximum damage on law enforcement personnel. Law enforcement faced a lethal barrage that took the life of one deputy and almost took the life of another.

The members of law enforcement who were exposed to this barrage had the legal right to defend themselves and each other, and respond to that barrage with lethal force of their own. Once that barrage subsided to an extent, law enforcement tried to de-escalate the situation. Law enforcement then used a series of progressive actions (including the use of “cold” tear gas, then subsequently, “hot” tear gas¹¹) designed to promote the surrender and arrest of Christopher Dorner. Dorner’s response to these progressions was to escalate the situation further.

Law enforcement was legally entitled to utilize the progressions used. Dorner had shown himself to be an extremely lethal danger to law enforcement personnel and to the public at large. All of the actions of law enforcement were legally justified based on the choices made by Christopher Dorner.

It should also be pointed out that Dorner was not killed by law enforcement or by the fire in the cabin.¹² Dorner had the opportunity to surrender or escape throughout this incident, up to and including the point at which the fire started. He had windows and doors that were available to him even several minutes after the fire started at the cabin. He chose to kill himself rather than surrender to law enforcement and face trial for his crimes. His death is not the result of the actions of the law enforcement personnel at the scene, but the result of his own actions and choice.

¹¹ Please see footnote 1 on page 13.

¹² Please see footnote 10 on page 53.

CONCLUSION

Under the facts, circumstances and law applicable to this case, the use of deadly force and non-deadly force by law enforcement personnel was in response to an immediate threat of death and serious bodily injury to themselves and to members of the public posed by Christopher Dorner's actions, and was therefore legally justified under the laws of self-defense, defense of others, and laws of arrest.

Michael P. Dowd
Supervising Deputy District Attorney

Date

Robert P. Brown
Supervising Deputy District Attorney

Date

Mary F. Ashley
Chief Deputy District Attorney

Date

Gary S. Roth
Assistant District Attorney

Date