



**REPORT RE DEATH OF IMAM LUQMAN AMEEN ABDULLAH
CIVIL RIGHTS DIVISION
UNITED STATES DEPARTMENT OF JUSTICE
OCTOBER 13, 2010**

U.S. Department of Justice Civil Rights Division Report
Re Death of Imam Luqman Ameen Abdullah
October 13, 2010

On October 28, 2009, after Imam Luqman Ameen Abdullah fired a handgun toward FBI agents who were attempting to arrest him, four agents shot and killed Imam Abdullah. After a thorough and rigorous investigation – to include an FBI Inspection Division inquiry, local investigations by the Dearborn, Michigan, Police Department and Wayne County, Michigan, Medical Examiner, and personal interviews of the FBI agent shooters, the dog handler and other key witnesses, and an independent review of the autopsy information by the Armed Forces Institute of Pathology – the Civil Rights Division has concluded that the evidence does not reveal a violation of the federal criminal civil rights statutes or warrant further federal criminal investigation.

I. Summary

On October 28, 2009, around noon, in Dearborn, Michigan, Imam Abdullah, a Detroit Muslim cleric, and four of his associates were unloading television sets from a trailer in a warehouse. Imam Abdullah and his associates believed that the television sets were stolen property. A large number of FBI special operations agents had assembled in hiding to apprehend the five men pursuant to a federal arrest warrant. According to information learned by FBI confidential sources, Imam Abdullah would very likely be armed with a concealed handgun and had expressed his intention to use it to prevent his arrest if confronted by law enforcement authorities.¹ The sources also passed along that some of his associates were likely to have weapons.

According to the accounts from the law enforcement witnesses, the FBI arrest team deployed rapidly, surrounding the arrestees and commanding them to get down and show their hands. The four associates complied completely with all instructions, were not armed, and were ultimately taken into custody without injury. Imam Abdullah eventually complied with the commands to get down on the floor but not until after he had moved to a trailer that was being unloaded at one of the warehouse's service doorways. But, Imam Abdullah refused to follow commands to show his hands, which he kept concealed underneath his chest while lying in a prone position. He continued to refuse to show his hands even after he was clearly told that a law enforcement canine would be released to force compliance. The canine was trained to grab the arm of a targeted subject and did so when released by its FBI agent handler.

When the canine grabbed Imam Abdullah's left arm, Imam Abdullah turned onto his side, brandished a 9 mm handgun in his right hand near his face, and fired three shots at the

¹ The actual statements made by Imam Abdullah in this regard are a matter of public record. They are referenced in the October 27, 2009 federal criminal complaint charging him with the crimes for which he was being arrested. The substance of the statements was conveyed to the arrest team.

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canine and in the direction of FBI agents. At the time, several agents, including the agent shooters, were standing exposed and in the line of fire in an open area in the warehouse several feet from both the canine and Imam Abdullah. Four agents – the canine handler, the canine team leader, the canine team cover agent, and a Detroit FBI SWAT agent – fired their semi-automatic rifles at Imam Abdullah. The agent shooters, as well as numerous other agents who were in the immediate vicinity, all stated that they feared for their own lives and the lives of other agents when Imam Abdullah brandished and fired his weapon. The four shooter agents were standing from five to fifteen feet from Imam Abdullah when they fired twenty bullets within seconds. All twenty bullets struck Imam Abdullah's torso and lower body. According to the Wayne County Assistant Medical Examiner who conducted the autopsy, Imam Abdullah was dead immediately after the shooting ended.

A video that partially recorded the critical events, forensic evidence, and three independent, civilian ear-witnesses to the shooting corroborate the eyewitness accounts. We are unaware of any witnesses or evidence that contradicts the material facts.

Dearborn Police Department investigators attempted to interview the four associates who were arrested and are currently charged with federal crimes. The attorneys representing those individuals indicated that their clients would invoke their Fifth Amendment rights and would not permit interviews. Regardless, the evidence indicates that none of the associates saw the shooting. Each of them can be seen on the video recording prone on the floor facing away from Imam Abdullah's position.

The FBI's Inspection Division conducted an inquiry documenting its results in a five volume Shooting Inquiry Report. At the same time, the Dearborn Police Department conducted an independent investigation, documenting its findings in its own Report of Investigation. The Civil Rights Division thoroughly reviewed both reports. The reports included the interviews of all law enforcement eye-witnesses to the shooting and law enforcement agents engaged in the arrest operation, all emergency medical personnel who responded to the shooting, local investigating personnel, and the three independent, bystander civilian ear-witnesses. The operational plans and records and all forensic evidence collected, produced and analyzed by the FBI, the Dearborn Police Department and the Wayne County Medical Examiner's Office were also included in the reports. Additionally, a senior attorney from the Criminal Section of the Civil Rights Division met with Dearborn Police Department criminal investigators, consulted with forensic experts from the Armed Forces Institute of Pathology, and interviewed the Wayne County Assistant Medical Examiner, who conducted the autopsy, as well as the subject agents who shot Imam Abdullah, and certain critical witnesses to the incident.

Based on this comprehensive inquiry, the evidence does not reveal a violation of any applicable federal criminal civil rights statutes. Accordingly, this matter will be returned to the

FBI to complete its administrative review.

II. Background to Arrest

In October 2009, a warrant was issued by a federal magistrate for the arrest of Imam Abdullah and others for receiving and selling stolen property from interstate shipments and other federal crimes. The FBI planned an operation, involving over sixty law enforcement officers, to arrest Imam Abdullah and his associates. The Dearborn warehouse – selected as the primary arrest location – had been used on several previous occasions for FBI-monitored operations in which Imam Abdullah and others received stolen goods.

FBI sources who had associated themselves with Imam Abdullah's group advised that both Imam Abdullah and his associates were known to use and carry weapons and that Imam Abdullah had made repeated claims that he would use his firearm to resist arrest. Also, Imam Abdullah's criminal history included decade-old convictions for felonious assault and carrying a concealed weapon and an unrelated dismissed charge of resisting arrest and assault on a police officer. Some of his associates were also convicted felons and Imam Abdullah had trained with them in the use of firearms and martial arts.

To limit the risk of flight, the FBI planned to make all of the arrests at the same time. Ultimately, eleven subjects were arrested at different locations on October 28, 2009. Imam Abdullah was the only person to suffer any injury.

The arrest team was composed primarily of FBI special operations agents from the FBI Hostage Rescue Team (HRT) from Quantico, Virginia, and Detroit FBI field office SWAT personnel, who were fully briefed on the prior convictions, charges and other background information discussed above. After considering alternative locations, the FBI selected the isolated Dearborn warehouse, which was leased by the FBI for undercover operations. It was familiar ground, bystander traffic could be controlled, and some of the subjects previously expressed reluctance about traveling while armed into Dearborn.

The operation plan included use of diversionary devices and rapid deployment of the arrest and covering teams, supplemented by a canine arrest team. The plan was rehearsed by all HRT and SWAT participants on several occasions with a final rehearsal on the morning of the arrest. Briefings also included a review of the FBI's deadly force policy and instructions from the canine handler that danger to the canine would not justify the use of deadly force.

None of the agents who fired his weapon had ever been the subject of a civil rights complaint nor had any previously fired his weapon at another person.

III. The Arrest According to Video and Witness Accounts

Near noon on October 28, 2009, Imam Abdullah and the other subjects were moving packaged television sets from one trailer parked at a loading dock inside the warehouse to another trailer parked at a nearby loading dock. Unbeknownst to them as they received the reportedly stolen property, FBI personnel, dressed in tactical uniforms conspicuously marked “FBI,” were hidden throughout other sections of the warehouse. As the unloading progressed, the confidential sources left the warehouse as planned for their own safety. On signal, small explosive devices were detonated as a diversion. The arrest and cover teams immediately moved into the open area of the warehouse. They expected to encounter the five suspects at that location. But, the suspects had moved a piece of equipment faster than anticipated and were back near the loading dock rather than in the middle of the warehouse. The arresting agents then moved to the area near the loading docks to surround and apprehend the five suspects who had moved toward and into the trailers.

One video surveillance camera, the “loading dock” camera, recorded much of the incident.² Unfortunately, Imam Abdullah’s associates had placed a pallet in front of the opening to the trailer that was being unloaded and began to pile the televisions packages on that pallet just before the arrest commenced. As a result, the “loading dock” camera’s view of the floor inside of the trailer was blocked by the partially loaded pallet. Also, the only microphones in the warehouse had been carried by the confidential sources who had already left.

Initially, the video shows Imam Abdullah attempting to escape in the direction of a side door.³ Finding that door locked, he moves quickly into the trailer that was being unloaded. While other suspects come out of the trailer and get on the floor, the video shows Imam Abdullah standing inside the trailer and making a motion consistent with pulling an object the size of a handgun from inside his outer garment. Next, the recording shows him holding this object in his right hand alongside his leg, as he lowers himself out of video view to the trailer floor behind the obstructing pallet. Meanwhile, numerous FBI agents with semi-automatic

² Video surveillance cameras had been installed in the warehouse during earlier receipt of stolen goods operations. They were stationary and aimed at different locations inside and outside the warehouse. Several cameras stopped functioning after the diversionary devices exploded. However, none of those video cameras nor any of the other functioning cameras – except the one designated the “loading dock” camera – were focused on the inside of the trailer into which Imam Abdullah fled.

³ An eyewitness agent observed Imam Abdullah rush toward the side door and strike his head against that locked door as he attempted to open it to escape.

weapons and some with handguns and shields surround the four other suspects lying just outside the trailer where Imam Abdullah is on the ground. A canine and its handler accompany the lead group of FBI agent personnel. The agents' backs are to the camera as they train their weapons on the suspects, including Imam Abdullah.

IV. The Shooting According to Video and Witness Accounts

A. Moments Before the Shooting

The shooter agents and the eyewitness agents on the arrest team, as well as all the agents who were in covering positions, have provided materially consistent accounts of the events surrounding the shooting. Most significantly, all those who could see Imam Abdullah observed that he was holding both hands under his chest while lying in a prone position.

Approaching the five suspects, one of the shooter agents, the canine team cover agent, observed that Imam Abdullah appeared to remove something from his clothing and to hold his body so as not to expose his right side – consistent with movements recorded on the video – as he lowered himself to the trailer floor. Thereafter, the canine team cover agent made and tried to hold eye contact with Imam Abdullah as he lay on the floor of the trailer with his hands concealing something under his chest. This agent advised that he feared that Imam Abdullah's conduct at this point suggested that he was a danger to the safety of the agents.

The shooter agents and several other agents warned each other to watch Imam Abdullah's hands and repeatedly, forcefully yelled orders at him to show his hands. Imam Abdullah did not comply. The shooter agents and several other eyewitness agents also noticed that Imam Abdullah was holding up his head and looking at the agents. Some agents claimed that Imam Abdullah appeared to be assessing them and their intentions and, unlike the other suspects, did not appear to be afraid.

The canine team leader moved toward Imam Abdullah. He reported that he yelled emphatically that the canine would be released unless Imam Abdullah complied with the order to show his hands. Other eyewitness agents heard this command, which according to the canine handler was delivered two or three times. Nonetheless, Imam Abdullah continued to resist by concealing both hands beneath his chest. At this point, about a dozen agents were within twenty feet of Imam Abdullah and several were from five to ten feet from him.

The canine team leader advised that he instructed the canine handler to release the canine that was trained to pull a non-compliant subject's arm away from his body. The handler stated that, in response to the command, he moved the canine closer to Imam Abdullah, in front of the other arrestee suspects who were lying on the floor between Imam Abdullah and the arresting

agents. The canine was trained to target the person directly in front of it. The handler then released the canine and it went toward Imam Abdullah as trained.

The “loading dock” video shows the handler move forward into the trailer leading the canine and release the canine. The canine disappears behind the television pallet obstruction toward the spot where Imam Abdullah had previously lain down. Seconds later, the handler flinches. The video shows that immediately thereafter the handler and other agents begin firing their semi-automatic weapons at the spot where the canine and Imam Abdullah are located. The agent shooters are standing from five to ten feet away from Imam Abdullah. The gunshots by Imam Abdullah and the volley of semi-automatic rifle fire lasts only seconds – four seconds according to auditory recordings outside the building (see Forensic Evidence section below).

B. The Shooting

The three canine team shooters, because they were closest to Imam Abdullah, five feet away, provided the most detailed account of the actual shooting. These agent shooters were interviewed separately – as were all witnesses – and gave materially consistent statements. At the time of the shooting, the fourth shooter, a Detroit FBI SWAT team agent, was further back. He was located about ten feet away from Imam Abdullah behind the canine team. The SWAT agent shooter said that he divided his attention between Imam Abdullah and another suspect and did not always have an unobstructed view of Imam Abdullah.

The three canine team shooters recount that the canine, in accordance with his training, grabbed Imam Abdullah’s nearest arm, his left arm. The SWAT agent shooter and several eyewitness agents also saw the canine grab some part of Imam Abdullah’s upper body. Immediately thereafter, the canine team shooters, as well as the SWAT agent shooter and three eyewitness agents, saw Imam Abdullah produce a handgun. He pointed it at the canine and in the direction of the exposed FBI agents (about a half dozen of whom are visible in the video standing directly in front of the trailer without any cover). One of the eyewitness agents who saw the gun yelled “gun!”

The three canine team shooters and several eyewitness agents claim that Imam Abdullah rolled to his side and rose into a seated position when grabbed by the canine.⁴ The canine handler, the canine team cover agent, and two eyewitness agents saw Imam Abdullah shoot the canine in the chest. The three canine team shooters – who were approximately five feet from

⁴ Since the canine was trained to pull a non-compliant subject’s arm away from his body, Imam Abdullah was either pulled up by the canine or rose in response to the canine attack or both.

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Imam Abdullah and behind the canine – saw Imam Abdullah holding his handgun very near to his own face as he fired the weapon in their direction. Each of the canine team shooters stated that he was afraid that he or another agent would be shot. For example, the canine handler stated that he saw the muzzle of the handgun pointing at him before it was fired into the canine's chest. He explained that, "I shot to protect myself," thinking, "Oh sh*t, a gun." Once Imam Abdullah fired his handgun, the agent advised that he was focused on self-preservation and not his dog's safety.

The SWAT agent shooter said that he saw the canine flash across his field of vision to make contact with Imam Abdullah. The SWAT agent shooter saw the handgun pointed at other agents nearer to Imam Abdullah and feared that they would be shot. He asserted that he fired at Imam Abdullah to protect their lives.

The canine team leader stated that he shot Imam Abdullah at about the same time that Imam Abdullah fired his handgun, which was pointed in the agent's direction. The canine handler and the canine cover team member said that they fired after Imam Abdullah fired and as soon as they comprehended the threat of Imam Abdullah's gunfire in their direction. The three members of the canine team had their weapons off safety in the semi-automatic position and were ready to fire when they approached to make the arrest.

The statements of other eyewitness agents corroborated the reasonableness of the law enforcement use of force. For instance, the senior team leader from Detroit FBI SWAT, who saw Imam Abdullah fire his handgun at the canine and in the agents' direction, immediately moved forward preparing to shoot Imam Abdullah to eliminate a deadly threat. The senior team leader held his fire, however, when another agent moved and blocked his line of sight. Moreover, several eyewitness agents saw some or all of the shooter agents immediately return fire after Imam Abdullah's gunfire. And, many agent eyewitnesses heard the return semi-automatic gun fire immediately after they heard shots from a handgun.⁵

Three non-law enforcement employees of a neighboring business provided corroboration about the order in which the weapons were fired. They were alerted to the presence of the FBI

⁵ The SWAT agent shooter is the only witness who believes that his own gunfire preceded other gunshots. He claimed that he fired immediately upon seeing the handgun and before he "heard" another gunshot. This account is suspect not only because it is inconsistent with other accounts and forensic evidence, but also because the SWAT agent shooter, who was not part of the primary arrest team, carried his weapon on safety. Accordingly, he had to change from the safety position to semi-automatic and aim at Imam Abdullah, after he saw the gun and before he could shoot. Also, he was further from the action and advised that the sound of numerous, nearby agents shouting was an overwhelming noise.

and supporting Dearborn police when one of the women went outside the office momentarily for a break just before the arrest commenced. When interviewed separately by Dearborn detectives, they advised that they were carefully listening in their office to the activity next door. Each woman separately heard distinct gunshots followed by a rapid volley of gunshots. And, each woman reported that the initial gunshots sounded different to her than the shots heard in the volley. Their accounts are consistent with audio forensic evidence – recordings from the Dearborn Police Department radio microphone equipment outside the warehouse (see Forensic Evidence section below).

C. Immediately After the Shooting

Because of the close proximity of their target, the canine team shooters saw their gunshots strike Imam Abdullah. Each saw Imam Abdullah fall toward or onto the trailer floor. The canine cover team agent saw the canine's jaws snapping together near Imam Abdullah's face as he fell from the gunfire. Because the canine cover team agent saw Imam Abdullah's expressionless face and motionless body, he said that he believed that the shots killed Imam Abdullah immediately. The cover team agent then diverted his attention to another suspect who was at his feet and still a potential threat. He helped handcuff that suspect and then searched other areas of the warehouse, paying no further attention to Imam Abdullah.

The canine handler saw Imam Abdullah in a seated position engaged with the dog. The canine handler then saw Imam Abdullah fall backwards and downwards as he was being shot. Several eyewitness agents also described seeing Imam Abdullah fall from an elevated position as or after he was shot. The canine handler also said that he saw Imam Abdullah's expressionless face as he fell. Believing that Imam Abdullah was dead, the canine handler moved forward to remove and attend to his mortally wounded dog. He then had no further involvement with Imam Abdullah. The handler's retrieval of the canine and movement away from the trailer is recorded on video.

As soon as the SWAT agent shooter fired, other agents moved in front of him into his line of fire and he no longer had a view of Imam Abdullah. The SWAT agent turned his attention to the handcuffing of the suspect nearest to him--the suspect who he said he had been observing as he simultaneously watched Imam Abdullah prior to the shooting.

The canine team leader stated that he fired until he could see that Imam Abdullah was no further threat. After the shooting, he moved into the trailer. Based upon his considerable law enforcement experience in viewing deceased persons, the canine team leader saw no signs of life. Imam Abdullah was motionless and his bladder had emptied. Next, the canine team leader kicked the handgun away from near Imam Abdullah and called for a Detroit SWAT agent to come into the trailer to secure him.

V. Post-Shooting Conduct According to Video and Witness Accounts

The “loading dock” video records the handler moving forward and helping his wounded canine limp away from the area. Thereafter, agents nearest the shooting scene began to take the other suspects into custody. Within a minute, the canine team leader and, soon thereafter, a second and a third agent entered the trailer. Again, because of the obstruction, their interaction with Imam Abdullah cannot be seen on the video. Significantly, none of these agents act as if Imam Abdullah poses any threat. The agents’ conduct, as recorded on video, supports a conclusion that Imam Abdullah must have appeared dead immediately after the shooting.⁶

A Detroit FBI SWAT agent, who had emergency medical technician training, reported that he responded to the summons of the canine team leader and entered the trailer. This SWAT medic agent, as well as all the other agent witnesses who saw Imam Abdullah on the trailer floor immediately after the shooting, observed Imam Abdullah to be on his back. The SWAT medic agent claims that he grabbed one of Imam Abdullah’s arms and rolled him over onto his stomach in order to handcuff his hands behind his back. It is standard operating procedure for the FBI, as well as other law enforcement agencies, to handcuff an arrestee who has been shot until an official determination of status is completed.

The canine team leader saw the SWAT medic agent roll Imam Abdullah over for handcuffing. The SWAT agent shooter, who became involved with handcuffing another suspect, glanced back into the trailer momentarily. He related that he observed an agent flip Imam Abdullah over onto his stomach to handcuff him.

The SWAT medic agent advised that in addition to handcuffing Imam Abdullah, he then performed a “high-risk” search of him by rolling him onto his side to search for weapons. On both occasions when he handled him, the SWAT medic agent saw no evidence that Imam Abdullah was breathing or moving. He saw that Imam Abdullah’s pupils were fixed and dilated. Additionally, the SWAT medic agent picked up the 9mm handgun from the floor of the trailer.

The canine team leader left the trailer and a second SWAT agent noticed the SWAT medic agent was alone with Imam Abdullah. This SWAT back-up agent entered the trailer and found Imam Abdullah on his stomach with his hands handcuffed behind him. He was uncertain

⁶ The agents outside the trailer appear to ignore Imam Abdullah as they search and handcuff other suspects. As discussed below, the agents who enter the trailer – two of whom searched Imam Abdullah – reported observing nothing to suggest that he was alive. Also as further discussed below, the medical examiner opined that Imam Abdullah died immediately after the shooting ended.

whether Imam Abdullah had been searched. Thus, the SWAT back-up agent rolled Imam Abdullah onto his side and searched his belt area and pockets for weapons. While searching Imam Abdullah, the SWAT back-up agent felt him to be limp and heard no audible sounds and detected no movement. It felt to the SWAT back-up agent as if he was moving “dead weight” and Imam Abdullah appeared dead. Additionally, while in the trailer, this agent observed a partial denture bridge near Imam Abdullah on the floor in a pool of blood (see Forensic Evidence section).

The SWAT medic and back-up agents stayed in the trailer until the Huron Valley Ambulance personnel arrived about 25 minutes after the shooting to pronounce Imam Abdullah dead.⁷ During that time, other agents, including the other canine handler and his canine, entered the trailer. Witnesses both inside and outside the trailer deny that they observed any additional contact with Imam Abdullah’s body before the Huron Valley Ambulance EMTs arrived. Thereafter, personnel from Huron Valley Ambulance, the Medical Examiner’s office and Dearborn PD crime scene officers handled the body.

No witness who observed Imam Abdullah after the shooting claimed to see anyone touch or handle Imam Abdullah in an unreasonable or disrespectful manner. Moreover, the “loading dock” video recorded the reactions by those agents inside the trailer, when they are visible above the obstruction, and those agents watching from outside the trailer. No one reacted in a manner that suggested that anything unusual was occurring inside the trailer.

Thereafter, Dearborn PD crime scene officers and detectives arrived inside the warehouse. They obtained the 9 mm handgun from the FBI and observed and photographed Imam Abdullah’s body, as well as his glasses⁸ and a denture plate that fit into the roof of his mouth with two false teeth. Both objects were on the floor of the trailer near the body in separate pools of blood.

VI. Forensic Evidence

⁷ Huron Valley Ambulance EMTs were deployed in an ambulance outside the warehouse to attend and to evacuate wounded subjects. Because of radio communications problems and misunderstandings by the local police controlling the warehouse perimeter, these EMTs were not dispatched immediately and were held up at the security perimeter, not arriving in the warehouse until about 25 minutes after the shooting. But, based on the medical examiner’s opinion, immediate medical care would not have saved Imam Abdullah.

⁸ Imam Abdullah is wearing his glasses when he is last seen in the video.

In addition to the video record of events, the forensic evidence corroborates the accounts of the law enforcement eyewitnesses.

A. Ballistics Evidence

Four FBI agents fatally shot Imam Abdullah. Ballistics examination can account for all twenty bullets they fired. The twenty .223 caliber bullets recovered from Imam Abdullah's body were all fired by the four semi-automatic rifles carried and shot by the four FBI shooter agents. The canine team leader fired eight rounds from his rifle and, based on barrel comparison, eight .223 bullets were recovered from Imam Abdullah's body that were fired through that barrel. The canine handler fired three rounds from his rifle and, based on barrel comparison, three .223 bullets were recovered from Imam Abdullah's body that were fired through that barrel. The canine team cover agent fired seven rounds from his rifle and, based on barrel comparison, six .223 bullets were recovered from Imam Abdullah's body that were fired through that barrel. It is believed that the seventh round fragmented and those fragments were recovered from Imam Abdullah's body. The SWAT agent fired two rounds from his rifle and, based on barrel comparison, two .223 bullets were recovered from Imam Abdullah's body that were fired through that barrel.

The ballistics evidence indicates that Imam Abdullah fatally shot the canine. The canine had three bullet wounds to the chest. A Glock 9mm handgun was found next to Imam Abdullah after the shooting and it had been fired. That handgun had been previously reported stolen after a home invasion of an unrelated third party in Canton, Michigan, in 2005. The three 9mm casings found near Imam Abdullah were identified as having been ejected by that Glock 9mm handgun. The remains of a 9mm bullet recovered from the canine had similar characteristics to the other ammunition found in the 9mm handgun. Additionally, the market brands of 9mm ammunition found with the handgun were the same brands of 9mm ammunition later recovered during a search of Imam Abdullah's home. Most significantly, the damaged bullet was not a .223 caliber bullet, the bullets fired by the agents' rifles. No usable fingerprints were found on the handgun.⁹

Other than the rounds detailed above, no other rounds were fired by the shooter agents or any other agents. Significantly, because every round that was fired by the shooter agents has been accounted for and no other rounds were fired by other agents, this is additional evidence that the bullets that struck the canine were fired by Imam Abdullah, not an agent.

⁹ Unfortunately, the medical examiner did not conduct testing to determine whether Imam Abdullah had gun powder residue on his hands.

B. Dearborn Police Audio Recordings

Audio evidence corroborates that Imam Abdullah fired his handgun before the FBI agents fired their weapons. Four uniformed Dearborn police officers, who were staged outside the warehouse, were wearing microphones as part of their normal field equipment. The recordings made by each of those microphones captured approximately four seconds of gunfire sound that is consistent with the time on the “Loading Dock” video when the agents can be seen firing their weapons. Significantly, there is one distinct shot recorded. After an instant, there is a volley of gunfire. Experienced Dearborn police detectives opined that the first shot has a different sound than the subsequent volley of shots, which overlap each other. In their opinion, the first shot sounds like a handgun, while the volley of fire sounds like semi-automatic rifle fire. This assessment is consistent with the FBI agent witnesses inside the warehouse who first heard a handgun fire, then rifle fire. It is also consistent with the civilian eye-witnesses who reported hearing gunshots distinct from the subsequent volley. Moreover, the recordings establish that there was no other gunshot sound at any time subsequent to the relevant four second period.

C. Medical Examiner’s Opinion

Imam Abdullah died immediately from multiple gunshot wounds to his torso and lower body that inflicted massive, irreversible injury to his internal organs and arteries. An Assistant Wayne County Medical Examiner (ME) performed an autopsy that revealed twenty-one entry wounds – one bullet exited and re-entered Imam Abdullah’s body. The injuries sustained to his vital organs, his heart, liver and major arteries were massive. When interviewed, the ME described his liver as “pulpified.” There were approximately three pints of blood in his chest cavity from bleeding out. In the ME’s opinion, Imam Abdullah died immediately after the shooting ended.

We also consulted military medical examiners with the Armed Forces Institute of Pathology, who reviewed the autopsy report and photographs from the autopsy and shooting scene. They found the record of the injuries to be consistent with a very quick death, no longer than a couple minutes. Also, an independent forensic pathologist provided a report to the Council on American-Islamic Relations based upon his review of some of the autopsy report and photographs. He opined that Imam Abdullah was “unconscious within less than a minute” and “there was absolutely no chance of recovery.”

Seventeen bullets entered the front of Imam Abdullah’s torso and lower body. One bullet entered the left side of the middle part of his back, while two bullets entered the side of his lower body. The ME advised that it was not possible to sequence the order of the gunshot wounds. There is nothing, however, to suggest that the entry wound in the back did not occur during the approximately four second volley of rifle fire, documented by the Dearborn PD audio

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recordings.¹⁰

Imam Abdullah also suffered injuries to his face, head, arms and hands; the cause of which cannot be scientifically determined. At the same time, the evidence does not establish that those injuries were inflicted by unreasonable force by any law enforcement officer.

At the time of the autopsy, the ME listed over a dozen separate injuries to Imam Abdullah's head, face, arms and hands. They are all documented by photographs. None were fatal wounds nor were they gunshot wounds and; thus, the ME did not report any information about their possible cause in the autopsy report. When we interviewed the ME, he was not able to associate any of these injuries with a specific cause, with one exception.¹¹ He considered whether the wounds could be consistent with dog bites, dog scratches, a fall, blows, or collision with a door. He opined that he could neither confirm nor eliminate any of those possible causes of the injuries with scientific certainty. Medical examiners from the Armed Forces Institute of Pathology, based upon the autopsy and photographs they reviewed, as well as the facts they were provided about the events surrounding the shooting, were also unable to provide an opinion about the cause of the head injuries with scientific certainty. The independent forensic pathologist consulted by the Council on American-Islamic Relations, who reviewed the autopsy report and photographs but was not present for the autopsy nor privy to witness accounts, advanced his opinion that dog bites and dog scratches were the only "plausible etiological explanation for all these non-gunshot related injuries."

The weight of evidence indicates that Imam Abdullah engaged in a violent struggle with a canine that he fatally wounded and that his head fell – when he was dead or, at best, unconscious – onto a hard floor from perhaps the distance of one to two feet. Specifically, while none of the canine team shooters actually saw the canine bite or scratch Imam Abdullah, they did see that his face was very close to the canine as he shot the canine. The handler advised the canine was strong and lightening fast and the canine team cover agent saw the canine's jaws snapping together near Imam Abdullah's head as he fell. Additionally, the three canine team shooters saw Imam Abdullah's handgun near to his own face as he fired it. The Glock 9mm handgun has a slide with an edge that recoils with substantial energy to eject the cartridges. It

¹⁰ The independent forensic pathologist consulted by the Council on American-Islamic Relations further opined that Imam Abdullah "would have been shot from the rear, or [emphasis added] he could have been turning and twisting after being struck by other shots, causing him to be turned around with his back to the shooters."

¹¹ The ME did express an opinion with confidence about one set of discoloration marks on Imam Abdullah's forehead. He advised that they were impressions created while the dead body laid face-down against a hard surface.

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was fired near or next to Imam Abdullah's face three times. Also, several agent eyewitnesses saw Imam Abdullah rise up to a seated position with the dog and fall back to the floor. Dead or unconscious, he would have struck the floor with his glasses on and with a denture device in the roof of his mouth – unless the dog tore them off or out as they struggled or the slide to the handgun struck the glasses or the false teeth. Based on the evidence, Imam Abdullah's non-gunshot related injuries are consistent with these events and these objects.

FBI agents entered the trailer after the shooting and handcuffed and searched Imam Abdullah who was by that time likely dead. Those agents, as well as the agents who witnessed their conduct, described that Imam Abdullah was rolled or possibly flipped onto his stomach in order to handcuff him. While it is possible that some injury occurred to Imam Abdullah while he was being moved from his back onto his stomach to be handcuffed and searched, no one describes the handling of him as unreasonable or undignified. Additionally, there is no forensic evidence to support such a finding. Moreover, nothing on the video record suggests that any witness reacts to seeing anything unusual at the time Imam Abdullah is being handcuffed and searched.

D. FBI Command Log

The Log of the FBI radio traffic provides some corroborative value. It shows that the arrest team reported shots fired at 12:06 p.m., which is consistent with the times on the video counter and the Dearborn PD audio tapes. At 12:09 p.m., it was reported that Suspect # 1 (Imam Abdullah) was down. At 12:11 p.m., there is a request for medivac (medical evacuation). Two minutes later, at 12:13 p.m., it is reported that the dog was injured and that one of the five suspects was injured. Another two minutes later, at 12:15 p.m. it was reported that S-1 (Imam Abdullah) was dead. The Huron Valley Ambulance was sent to the warehouse at 12:17 p.m.¹² It arrived at the warehouse about twenty-five minutes after the shooting. Additionally, the mortally wounded canine was evacuated by FBI helicopter, but died.¹³

¹² A radio problem prevented the Huron Valley Ambulance EMT's from hearing any radio traffic. They were dispatched by voice command by the FBI command center when it was learned that the ambulance crew was not responding even though there had been a shooting and a radio report of injury to and then the death of a subject. Their arrival at the warehouse was further delayed, as previously indicated, because the Dearborn PD security perimeter stopped the ambulance.

¹³ There has been criticism of the evacuation by helicopter of the mortally wounded canine, while Imam Abdullah's apparently dead body was not so evacuated. Since the weight of the evidence establishes that Imam Abdullah was dead before the canine was removed from the scene by helicopter, the issue has no bearing on whether this shooting involved a violation of the

VII. Legal Analysis

In order to prove a violation of the applicable statute, 18 U.S.C. § 242, the government must prove beyond a reasonable doubt that a subject used excessive force when he shot or otherwise injured a victim, and that the subject did so willfully. Whether a subject used excessive force, is determined under the Fourth Amendment “objective reasonableness” standard. Graham v. Connor, 490 U.S. 386, 388 (1989). “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” Id. at 396. Thus, “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation.” Id. at 396-97.

Additionally, even if a subject's use of force could be shown to have been objectively unreasonable under the circumstances, the government must further prove that he acted willfully. An act was done willfully if the act was “committed voluntarily and purposely with the specific intent to do something the law forbids. That is to say, with a bad purpose either to disobey or to disregard the law.” Screws v. United States, 325 U.S. 91, 103-04 (1945).

The evidence does not reveal that the shooting was unreasonable and a violation of Section 242. Rather, the evidence indicates that each of the FBI agents who fired his weapon had a legitimate reason to believe that deadly force was necessary and reasonable in order to prevent Imam Abdullah from shooting agents with a handgun that he brandished and fired. The evidence also does not reveal that the release of a canine to confront the non-compliant Imam Abdullah, who resisted by refusing to show his hands, was unreasonable. Finally, the evidence does not reveal that agents who handcuffed and searched Imam Abdullah caused him injury or used unreasonable force.¹⁴ Finally, based upon all the evidence gathered so far, there is nothing to suggest that any further inquiry would change this decision.

applicable federal criminal civil rights statute.

¹⁴ Even if there were such evidence, the government could not prove beyond a reasonable doubt that Imam Abdullah was alive after the shooting. Rather, the weight of the evidence indicates that he was fatally wounded by the twenty gunshots. He appeared dead to all witnesses who observed him after the shooting ended and the ME opined that he died immediately after the shooting ended.

Under federal common law, death occurs upon the “(1) irreversible cessation of circulatory and respiratory functions, or (2) irreversible cessation of all functions of the entire

VIII. Conclusion

The evidence indicates that neither the FBI agent shooters, nor any other agents, willfully intended to use more force than necessary to accomplish a legitimate law enforcement purpose. The materially consistent witness accounts, as well as the forensic evidence, corroborate the reports of the agent shooters that they fired only after Imam Abdullah brandished a concealed handgun and shot toward them and that they legitimately feared that Imam Abdullah was in a position to cause death or significant injury to another. Further, the evidence does not reveal that any other federally prosecutable violation might have occurred before or after the shooting. Accordingly, there is no federally prosecutable civil rights violation associated with this incident. At this time, this matter is closed and is being returned to the FBI to complete its administrative inquiry.

brain, including the brain stem.” See UNIF. DETERMINATION OF DEATH ACT § 1 (1981). While Congress has passed no federal law defining “death” for federal criminal purposes, at least one court interpreting a federal criminal statute has adopted the above stated definition of death as the modern federal common law standard. See United States v. Gomez, 15 M.J. 954 (A.C.M.R. 1983). Our inability to prove that the victim survived the shooting would preclude, as a matter of law, that there was a Fourth Amendment seizure of a “person.”