

**STATEMENT OF DISTRICT ATTORNEY MARIAN T. RYAN REGARDING RESULTS OF  
THE INVESTIGATION INTO THE POLICE SHOOTING IN WATERTOWN, MA  
ON APRIL 19, 2013**

The Middlesex District Attorney's Office and Massachusetts State Police Detectives assigned to the Middlesex District Attorney's Office have concluded the investigation into the circumstances surrounding the death of Tamerlan Tsarnaev, the injury to MBTA Police Officer Richard Donohue and the possible injury to Dzhokhar Tsarnaev on Laurel Street in Watertown on April 19, 2013. The issues addressed in this investigation were whether the police shooting of Tamerlan Tsarnaev (and likely Dzhokhar Tsarnaev) on Laurel Street and the shooting of Officer Richard Donohue near the corner of Laurel Street and Dexter Avenue amounted to criminal conduct or whether, in the totality of the circumstances, the officers who discharged their weapons were justified in their use of deadly force in the proper exercise of self-defense and/or defense of another.

The District Attorney's Office, by statute, has the duty and authority to direct and control all death investigations within Middlesex County. As such, the primary goal of the investigation was to determine if any person or persons bears/bear criminal responsibility in connection with the death of Tamerlan Tsarnaev. Additionally, the District Attorney's Office investigated the circumstances surrounding the injury to MBTA Officer Richard Donohue and the possible, even likely, injury to Dzhokhar Tsarnaev on Laurel Street in Watertown. The Middlesex District Attorney's Office's Chief of Homicide was assigned to direct the investigation.

This statement summarizes the results of the investigation. After applying the appropriate legal standards related to the use of deadly force in self-defense and/or defense of another, the criminal investigation into this matter is now closed without prosecution.

**Materials Reviewed During the Investigation**<sup>1</sup>

During the course of the investigation into the shooting on Laurel Street in Watertown, information was gathered and reviewed from a wide variety of sources. All police officers who reported that they had fired their weapons were interviewed and those interviews were audio recorded. Three of those officers accompanied State Police investigators assigned to the Middlesex Detectives Unit to the location of Laurel and Dexter Avenue and identified their positions when they fired their weapons. Those three interviews were video-recorded. One of those three officers, MBTA Officer Lucas Kitto, was instrumental in identifying his partner Officer Richard Donohue's locations, activities and movements leading up to his being shot on the morning of April 19, 2013. Additionally, Boston Police officers who were present on scene during the incident but who did not fire their weapons were also interviewed and recorded by the Boston Police and those audio recordings were provided to the Middlesex investigators and were also reviewed.

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<sup>1</sup> These materials include witness statements and exhibits that are expected to be offered at the trial of the case of Commonwealth v. Dzhokhar Tsarnaev, a matter presently pending in Middlesex Superior Court.

In the aftermath of the events on Laurel Street, a canvas of the neighborhood was conducted and those civilian interviews as well as photographs and videos taken by those civilians and provided to investigators were also reviewed.

Police radio communications and dispatch transmissions from the MIT Police, the Cambridge Police, the State Police, the Watertown Police, and the Boston Area Police Emergency Radio Network (BAPER<sup>2</sup>N) were obtained and reviewed.

Police reports and witness statements were gathered and reviewed. Additionally, Massachusetts State Police Forensic Science Group reports concerning Firearms Identification, Fingerprints and Pattern Evidence, Criminalistics and DNA testing and the Explosives Unit response concerning the examination of the scene, the vehicles involved, and evidence collected were reviewed and carefully considered.

Records of the Office of the Chief Medical Examiner concerning the autopsy of Tamerlan Tsarnaev and medical records from the Beth Israel Deaconess Medical Center concerning the diagnosis and treatment of Dzhokhar Tsarnaev were obtained and reviewed in connection with this investigation. Additionally, information concerning the injury to Officer Donohue as the result of the gunshot wound he suffered was reviewed and considered.

### **Factual Summary**

On Monday, April 15, 2013, the Boston Marathon was run. During the Marathon, explosive devices were detonated near the finish line of the race and three people were killed and hundreds more were seriously injured. As a result, the Boston Police, the Massachusetts State Police and the Federal Bureau of Investigation along with other federal agencies engaged in a joint investigation. Boston Police were placed on a special schedule which required all officers to work twelve hour shifts. That schedule was still in effect on April 19, 2013.

On Thursday, April 18, 2013, at or around 5:00 p.m., the Federal Bureau of Investigation released photographs depicting Dzhokhar Tsarnaev, and his brother, Tamerlan Tsarnaev. The FBI sought the public's assistance in identifying the brothers in connection with their suspected role in the bombings in Boston on April 15, 2013. In the early evening of April 18, 2013, the Tsarnaev brothers became aware of the release of their photographs.

On April 18, 2013, at around 10:24 p.m., uniformed MIT Police Officer Sean Collier was shot and killed in Cambridge while seated in his marked police cruiser by two men who attempted to steal Officer Collier's department issued firearm. At 10:30 p.m. Officer Collier was found shot by an MIT Police Sergeant. The Cambridge and Massachusetts State Police were immediately notified and initiated an investigation.

As investigators were on scene at the MIT campus, Cambridge police received a call at 12:19 a.m., from a carjacking victim, Dun Meng. Meng reported that he had been carjacked by

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<sup>2</sup> BAPER<sup>2</sup>N is an interagency radio communications network facilitating communications in the Greater Boston area between local, state, county, campus and federal law enforcement agencies.

two men who still had his black Mercedes Benz SUV. Meng was able to escape when they stopped for gas at the Shell station on Memorial Drive and River Street in Cambridge. From there, Meng ran to a Mobil station directly across the street and called police. A radio transmission was sent to Cambridge Police officers reporting the call and dispatching uniformed officers to respond.

The Mobil station was a short distance from the MIT campus and, thinking this carjacking might have been related to the Collier murder, Cambridge and State Police detectives investigating the murder also responded. Information concerning the carjacked Mercedes was communicated to the Cambridge Police dispatcher who immediately contacted Mercedes and requested activation of the GPS in the vehicle and the resulting vehicle location information. The company complied and the vehicle was first “pinged” in the area of Dexter Avenue in neighboring Watertown.

As a result, a radio transmission was sent out via Cambridge Police, Watertown Police, State Police and Boston Area Police Emergency Radio Network (BAPEREN) dispatchers that the black Mercedes SUV was “pinging” to the Dexter Avenue, Watertown area. Additionally, a Cambridge Police dispatcher called the Watertown Police dispatcher to directly report the “pinged” locations of the carjacked Mercedes SUV to be Dexter Avenue in Watertown.

Uniformed Watertown Police Officer Joseph Reynolds, in a marked police vehicle, located the Mercedes (with the assistance of information provided by the Mercedes representative concerning the location of the carjacked vehicle) on Dexter Avenue in Watertown and began to follow it until back-up could respond to the area and assist in the stop. The Mercedes SUV turned onto Laurel Street and, as the officer began to follow, the Mercedes and the Honda Civic traveling in front of it suddenly stopped. Tamerlan Tsarnaev, the operator, emerged from the Mercedes and began shooting at the officer, who immediately reported over the radio that shots were being fired. He backed his vehicle up the street to create some distance between himself and Tsarnaev. It was subsequently determined that Dzhokhar Tsarnaev was the operator and sole occupant of the Honda Civic.

This information was broadcast over the BAPEREN police radio network along with a request from Watertown Police for general “mutual aid.” Numerous officers from not only Watertown, but also the Boston Police, the Cambridge Police (who were investigating the carjacking), the State Police, the MBTA Police and the Boston University Police, among others, responded.

On Laurel Street in Watertown, a residential area, a gun fight ensued between the occupants of the Mercedes SUV and the Honda Civic and uniformed officers from the Watertown Police, the Cambridge Police, the State Police, the MBTA Police, the Boston University Police and the Boston Police. During the course of the gunfight, Dzhokhar and Tamerlan Tsarnaev also threw several explosive devices at the police officers, some of which detonated and others which did not explode.

Orders directed to the suspects by Watertown Police Sergeant John MacLellan to “give it up” were ignored and the suspects quickly escalated the encounter by the introduction of

explosive devices, three of which exploded, including a pressure cooker device, which caused a huge cloud of smoke and debris to rain down around the officers who were concentrated at the top of Laurel Street near the intersection of Dexter Avenue. See attached map of the area.

Uniformed Watertown Police Sergeant Jeffrey Pugliese arrived at that area within one minute of the original call. He heard gunshots and an explosion. After assessing the situation, he concluded that his officers could not advance to the line of fire so he made a decision to flank<sup>3</sup>. He walked through the backyards of the houses on the odd numbered side of Laurel Street and as he did so he continued to hear gunfire and explosions on Laurel Street. At one point, he saw a homeowner run across the yard and over the fence toward Cypress Street. Sergeant Pugliese continued through the backyards and came out through the side yard of the residence at 53 Laurel Street, adjacent to the driveway and residences at 55/57 Laurel Street. This was closer to the suspect vehicle and the sergeant saw both suspects periodically coming out from behind the SUV and observed shots fired from their location, but didn't know if one suspect or both suspects were shooting. Pugliese kept them in his sight and took a few shots at the suspects. He could see the suspects' ankles and decided to try a ricochet type shot at their ankles, referred to as "skip shots."

Tamerlan Tsarnaev noticed Sergeant Pugliese and started charging at him. Tsarnaev ran up alongside a vehicle in the driveway of 55-57 Laurel Street. He came up about 5 – 7 feet from the sidewalk and was standing about 4 – 5 feet away from Pugliese when they initially exchanged shots. Sergeant Pugliese was out of rounds at that point so he dropped the empty magazine and reloaded. Tamerlan Tsarnaev had a problem with his gun and, seemingly out of frustration, he threw the gun at Pugliese and hit him in his left bicep.

After Tamerlan Tsarnaev threw his firearm, he turned and ran down the sidewalk into the street and ran westbound on Laurel Street toward the other officers. Sergeant Pugliese went out through the open gate and followed Tsarnaev down Laurel Street. Pugliese tackled Tsarnaev and tried to handcuff him, but Tsarnaev was actively resisting. Other officers came over to assist Pugliese.

Meanwhile, Dzhokhar Tsarnaev turned the Mercedes SUV around and Pugliese saw the headlights of the SUV approaching them. Other officers seeing this unfold called out to warn of the approaching SUV. Sergeant Pugliese grabbed Tamerlan Tsarnaev by the back of his belt and tried to pull him to side of road, as other officers dispersed to get away from the quickly approaching SUV. Pugliese moved Tamerlan Tsarnaev a distance of about a foot, but was forced to let go of him and roll back to avoid being struck by the Mercedes SUV being operated by Dzhokhar Tsarnaev. The vehicle missed Sergeant Pugliese by inches.

The rear wheel of the SUV ran over Tamerlan Tsarnaev, who got caught in the rear wheels and was dragged approximately 25 – 30 feet. The vehicle smashed into a marked cruiser, and briefly got hung up on it. The SUV got free and fled across Dexter Avenue and continued down Laurel to School Street. At that time, officers finished handcuffing Tamerlan Tsarnaev and called for an ambulance. Tamerlan Tsarnaev was moaning and trying to roll over. Pugliese

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<sup>3</sup> Flank, as a military term, means an attack on the sides of an opposing force. If this maneuver succeeds, the opposing force would be surrounded from two or more directions.

remained with him until the ambulance arrived. Boston EMS arrived and transported Tamerlan Tsarnaev to the Beth Israel Deaconess Medical Center in Boston.

Meanwhile, after striking the police cruiser, the Mercedes SUV operated by Dzhokhar Tsarnaev continued westbound on Laurel Street through the intersection of Dexter Avenue and Laurel Street. There were police officers on all sides of the intersection of Laurel and Dexter<sup>4</sup> and positioned around all sides of the SUV, firing in the direction of the vehicle and its driver. It was at this time that Officer Richard Donohue of the MBTA Police was struck with a bullet and suffered grievous bodily injury. Officer Donohue was treated at the Mount Auburn Hospital and the bullet remains in his leg to this day. It will only be removed if it becomes medically necessary to do so. The location of the bullet is such that surgery to remove it is potentially life threatening.

### The Shooting of Officer Donohue

Officer Donohue does not have a memory of the events on Laurel Street. As a result, the information provided by Officer Lucas Kitto, his partner that evening, was the primary source used to reconstruct Officer Donohue's movements and actions leading up to the shooting.

After arriving at the corner of Dexter and Laurel, Officers Kitto and Donohue got out of the cruiser and took cover in the area of 43-45 Laurel Street, near a group of trees. There was a lot of gunfire. There was a Watertown cruiser at the top of Laurel Street (near where they were positioned). They waited for a few seconds to push forward toward those officers. As soon as they did, people ahead of them yelled, "Get back," and there was an explosion. It sounded to Kitto like a grenade; there was a flash and an odor of smoke. The explosion was around 15 – 25 yards away and he could feel dirt coming down on them. After the explosion, there were a series of gun shots, then an explosion, then gunfire, coming around and behind them. He and Donohue went behind 43 Laurel to cover it, but saw there was a big picket fence and they realized there was no way the suspects would come over that fence. Kitto heard a series of five explosions. They would move forward, there would be an explosion and then gunfire, which briefly stopped them. They would try to move forward again and it would be repeated. The last explosion was the big one. It was a deafening boom, with more debris falling than from the others. It shook the buildings. Kitto was not injured, but was hit with debris. He was still in the same area as Officer Donohue. Up to this point he could not see the suspects from his vantage point.

After the big explosion, the firing stopped for a few seconds and then rapid gunfire commenced again. Officer Kitto heard a car rev up and come up the street toward them. He could not see very far down Laurel Street; he heard the car before he saw it. He and Donohue were both looking at the car; Donohue was standing to his left as the car was traveling up Laurel Street, from their right to their left. They were standing in a grass side yard abutting the driveway for 144 Dexter Avenue and the side of the residence located at 47/45 Laurel Street.

As the car was coming up Laurel, Kitto saw what appeared to be muzzle flashes coming from the driver's side toward them prior to the intersection with Dexter. He thought the muzzle

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<sup>4</sup> Dexter Avenue intersects Laurel Street at an angle. Laurel Street is oriented east to west, while Dexter is oriented north east to south west at an approximate 45° angle.

flashes were coming from the car because the muzzle flashes were moving at the same speed as the car. As the SUV continued down Laurel Street, Kitto had a clear shot at the driver's door and he fired three times. He was conscious that there were officers on the other side of the street potentially in the line of fire and only fired when he had a clear shot of the driver's door.

As the car drove through the intersection, Kitto saw Donohue go down to the ground to his left and he initially thought Donohue was diving for cover. Meanwhile, the SUV crossed Dexter and took off down Laurel Street. Once the SUV passed through the intersection and was in front of 33 Laurel, there was no more firing.<sup>5</sup>

Officer Kitto saw Officer Donohue stand up, take one step, say he was shot and then go down and start crawling away. Kitto turned Donohue over on his back and saw a large pool of blood form. Kitto put his hand on the wound and another officer came over to assist. Kitto took off Officer Donohue's uniform and gear. He could see that there was a wound on the right leg up toward the hip. The last thing Officer Donohue said was, "Oh my God, I've been shot." Kitto could see Donohue "going downhill fast." He stopped breathing and Kitto couldn't get a pulse. With the assistance of other officers, CPR was initiated. As soon as people became aware that Donohue had been shot, the report of "officer down" went out over the radio. A trooper with a medical bag (Dumont) arrived and the bag valve mask was put on Donohue. The ambulance arrived, Donohue was placed in the ambulance and Kitto accompanied Donohue in the ambulance. Donohue did not regain consciousness in the ambulance.

### Scope of the Investigation

It was not until approximately twenty hours after the events on Laurel Street and Dexter Avenue that Dzhokhar Tsarnaev<sup>6</sup> was arrested in a boat in the yard of a house on Franklin Street and was taken into custody by the federal authorities. That scene, by agreement, was under the control of the Federal Bureau of Investigation who collected all the evidence from that location. It was decided that day that the State Police would process the Watertown scene on Laurel Street, up to School Street, which included Dexter Avenue, and the FBI would process "the boat scene". Therefore, this report is limited to the analysis of the justifiability of the police shooting of Tamerlan Tsarnaev (and likely Dzhokhar Tsarnaev) on Laurel Street and the shooting of Officer Richard Donohue near the corner of Laurel and Dexter Avenue.

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<sup>5</sup> Unbeknownst to Officer Kitto, there were officers, including Boston Police officers and a Boston University Police officer, on Laurel between Dexter Avenue and School Street, who fired at the Mercedes SUV as it fled the scene.

<sup>6</sup> In April of 2015, Dzhokhar Tsarnaev was convicted in federal district court in Boston of offenses related to the Boston Marathon bombing, the shooting of Officer Sean Collier, the carjacking of Dun Meng and the commission of offenses in Watertown which resulted in injury to Officer Richard Donohue.

Dzhokhar Tsarnaev is presently under indictment in Middlesex County for the following offenses: murder of MIT Police Officer Sean Collier, attempted armed robbery of Officer Sean Collier, kidnapping of Dun Meng, armed robbery of Dun Meng, four counts of armed assault with intent to murder Watertown Police Officer Joseph Reynolds, Sergeant John MacLellan, Sergeant Jeffrey Pugliese, and Officer Miguel Colon, four counts of assault and battery by means of a dangerous weapon on those same four Watertown officers, possession of a firearm, possession of a firearm with defaced serial number during the commission of a felony, and possession of a large capacity feeding device. He has not yet been arraigned on these charges. Thus this remains an open case in Middlesex Superior Court.

## Evidence Recovered at the Scene

At the Laurel and Dexter Avenue scene, State Police personnel assigned to the Massachusetts State Police Forensic Science Group's Firearms Identification Section recovered discharged cartridge cases totaling two hundred and fifty-one. They examined twenty-one firearms – 1 discharged by the Tsarnaevs, 19 reported to have been discharged by police officers and Officer Donohue's firearm. All discharged cartridge cases were linked to 18<sup>7</sup> of these 21 firearms. All discharged cartridge cases recovered at that location were connected to a specific gun.

Of the two hundred and fifty-one (251) cartridge cases recovered at that Watertown location fifty-six (56) of them were fired by the firearm used by the Tsarnaevs, which Massachusetts State Police Lieutenant David Cahill opined, in his testimony in the trial of United States v. Dzhokhar Tsarnaev, was the firearm used to kill Officer Sean Collier at MIT on the evening of April 18, 2013.

Of the nineteen police officers who self-identified as having fired on Laurel Street through the intersection of Laurel and Dexter Avenue down to School Street, seven were Watertown Police officers, two were State Police troopers, two were Cambridge Police officers, one was a Boston University Police officer, one was an MBTA Police officer and six were Boston Police officers.

As a result of the firefight on Laurel Street through and past the intersection of Dexter Avenue, there were up to three people shot: Tamerlan Tsarnaev, MBTA Police Officer Richard Donohue, and possibly Dzhokhar Tsarnaev.

## Police Radio and Phone Communications

Police radio communications and recorded call lines and logs have been used to construct a timeline leading up to the events on Laurel Street in the early morning of April 19, 2013.

### April 18, 2013

22:24:55	Call from a person at the MIT Koch Institute to MIT Police reporting loud noises outside the building
22:30:21	MIT Sergeant Henniger discovers MIT Officer Sean Collier has been shot; radio transmission reporting same is broadcast
22:31:28	Cambridge Police are notified of the shooting
22:34:49	Cambridge Police notify the State Police of the shooting

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<sup>7</sup> No discharged cartridge cases were recovered that were matched to the firearms submitted by MBTA Officer Lucas Kitto and one of two Cambridge police officers who reported firing their weapons. Officer Donohue did not fire his weapon; no casings linked to his firearm were located.

April 19, 2013

00:19:15 Mobil station manager calls Cambridge police by 911 to report the carjacking for Dun Meng

00:25:15 Mercedes plate number broadcast over the Cambridge Police radio

00:28:41 General radio broadcast to surrounding cities and town by Cambridge Police concerning the Mercedes plate number and descriptions

00:29:55 Mercedes Benz tracking notified

00:41:11 Cambridge dispatcher calls Watertown dispatcher directly on the phone to report the vehicle location information to the Watertown PD dispatcher

00:41:13 Units are advised by radio that tracking shows the Mercedes in Watertown at Dexter Avenue

00:41:47 Vehicle reported in area on 89 Dexter; also reported that there may be a gun in the vehicle

00:43:18 Watertown Officer Reynolds radios he had the vehicle in sight; asks “do you want me to stop it?”

00:44:18 Reynolds radios “he just took a left onto Laurel”; Watertown Sergeant John MacLellan tells him to activate the blue lights because he is right behind

00:43:49 First radio transmission of “shots fired!”

00:44:00 All Watertown units are told to respond

General “mutual aid” request made over Central District (BAPERN) radio to assist Watertown Police

00:45:33- Radio transmission, “Throwing explosives” and “shots being  
00:46:21 fired”

00:47:32 MacLellan can be heard yelling, “Give it up. Give it up” over the radio

00:47:54 Watertown Sergeant Pugliese broadcasts he is in backyards and saw someone run, either a suspect or a resident

00:48:52 Radio transmission that shots are still being fired

00:49:44 Throwing explosives

00:50:14 Radio transmission, “Coming toward us”

00:51:01 Radio transmission request for ambulance (for Tamerlan Tsarnaev)  
MacLellan radios, “suspect took off in the SUV after he ran over his partner”

00:51:55 “There is unexploded ordnance in the middle of the street.” “We need an ambulance in front of 45 Laurel”

00:53:54 “We need an ambulance now. Transit officer down.”

From the Watertown radio transmissions, which are time stamped, the amount of time between Officer Reynolds reporting that the SUV turned onto Laurel at 12:44:18 a.m. and Sergeant MacLellan requesting an ambulance for Tamerlan Tsarnaev at 12:51:01 a.m., totaled 6 minutes and 43 seconds.



## Forensic Examinations

### Explosives

Massachusetts State Police personnel assigned to the Fire Marshal's Office/Bomb Squad responded to Laurel Street and Dexter Avenue in Watertown and conducted post-blast examinations of multiple functioned (i.e., activated) devices which had been deployed during the shootout with law enforcement. At that location two intact devices were removed by Bomb Squad personnel. They were described as two pipe bombs (improvised grenades) that were recovered in Watertown. Additionally, there was one pressure cooker bomb which had been detonated at the scene and the components of that device were located, documented and collected.

Massachusetts State Police Bomb Squad personnel were also called to respond to Spruce and Lincoln Street where the carjacked Mercedes was abandoned. They were asked to determine whether there were any explosive devices which needed to be rendered safe within the carjacked Mercedes in which Dzhokhar Tsarnaev fled the Laurel Street scene. Inside the vehicle they found an improvised explosive device (IED) on the rear driver's side floor. The item was a covered plastic container which held approximately 3 lbs. of flash powder with numerous lengths of hobby fuse on top of the powder. The lid had a small hole in the center of it, with three lengths of hobby fuse<sup>8</sup> protruding from it as a fuse to initiate the IED. In the opinion of a trained bomb technician, this item was a completed IED that if initiated would have caused serious personal injury or death to a person, and further caused substantial property damage.

### Crime Scene Investigation and Examination of Evidence

Criminalists from the Massachusetts State Police Forensic Science Group reported to the scene at Laurel Street and Dexter Avenue on the morning of April 19, 2013, where they documented and collected evidence. In the area where Sergeant Pugliese reported that he fired low "skip shots" at the Tsarnaevs and where he and Tamerlan Tsarnaev faced each other separated by a distance of four to five feet, a criminalist noted a red-brown drip trail extending from between the driveway of 57/55 Laurel Street down Laurel Street to 45 Laurel Street when red-brown drag marks in the road commenced. The red-brown drag marks extended down Laurel Street west to the front of Officer Reynolds' cruiser. A screening test for the presence of blood was positive on these drip and drag stains. This evidence is consistent with Tamerlan Tsarnaev having already been shot and injured, with resultant bleeding, traveling down Laurel Street as described until tackled by Sergeant Pugliese and then dragged, while injured and bleeding, by the Mercedes SUV being driven by his brother.

Tamerlan Tsarnaev's sneakers were recovered at the scene and the right sneaker was found to have red-brown stains and two holes in the toe area, one on the medial (interior) side

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<sup>8</sup> Hobby fuse "burns externally and consumes itself in the burning process. [It] is used ...in improvised devices (homemade bombs) ...to initiate low explosives.... [It] is usually initiated with a common match or similar item." Thurman, James T., Practical Bomb Scene Investigation, Second Edition, (CRC Press 2011)

and the other the lateral (exterior) side. These holes were positive for the presence of lead and copper residues, consistent with a bullet passing through them.

The criminalist also noted three areas of “bomb seats”, i.e., points of origin of a bombing, one in front of 60/62 Laurel Street, one on the sidewalk in front of 57/55 Laurel Street and the third in the middle of the street between 53 and 56 Laurel Street. This is consistent with witness descriptions of five devices being thrown and three actually exploding.

Dzhokhar Tsarnaev’s clothing was subsequently submitted to the Massachusetts Forensic Science Group and examined. There were holes noted to the right and left side of the hood of his hooded sweatshirt, two (2) holes to the right and eight (8) holes to the left and red-brown stains. There were holes noted to right front leg/thigh areas, to the front right leg/shin area, to the left leg/lower thigh area and to the back of the left leg/lower thigh. Red-brown saturation stains were noted to back of the left leg, the lower back of the right leg, and the medial side of the right leg.

#### Criminalistics Examination of the Mercedes SUV

The Mercedes SUV was a brand new vehicle and had no known damage or defects up until the carjacking, per the lessee, Dun Meng. There was extensive damage to the exterior of the Mercedes. The driver side front and rear tires and the passenger side rear tire were all flat. The passenger side front window, the passenger side rear window and the rear windshield<sup>9</sup> of the vehicle were broken and mostly absent, with some remaining pieces of glass around the frame. The passenger side cargo window was also broken, with a portion absent. A total of sixty-five (65) holes/damage to the Mercedes were noted. There were at least twenty-seven (27) such areas of damage to the passenger side of the vehicle, approximately thirteen (13) such areas of damage to the driver’s side; seven (7) areas of such damage to the rear of the vehicle; and twelve (12) areas of such damage to the front of the vehicle. Most, if not all, tested positive for the presence of either lead or copper residues; all appeared consistent in size and shape with defects caused by a gun shot.

The interior of the Mercedes revealed glass-like particles in the trunk, front driver’s seat, front passenger seat and both the rear seat and floor areas. There were many pieces of ballistics evidence observed throughout the interior of the Mercedes. A magazine with 9mm ammunition was observed between the driver side front seat and door. Red-brown stains were observed on the magazine and they tested positive for blood in a screening test. However, due to the limited sample size, further characterization was precluded. Red-brown stains were observed on the driver side front floor, the driver side front interior door panel and window. A screening test for the presence of blood was positive on these stains. In the interior compartment of the vehicle holes were noted to the passenger side front floor, the middle rear seat, the driver side door, the passenger side front door, the steering wheel (with an apparent projectile lodged), the dashboard, the driver side front seat head rest, the passenger side front seat bottom, the passenger side rear seat bottom and the passenger side rear seat headrest. All of these holes tested positive for the presence of lead or copper residues or both.

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<sup>9</sup> The back of the Mercedes was the closest portion of either the Mercedes or the Honda to the police during the time when there was return fire from the police positioned up the street.

Red-brown stains consistent with spatter were observed on the driver side front tire rim and a transfer stain was observed on the driver side front tire rim, adjacent to the spatter stains. These tested positive in the screening test for the presence of blood. Red-brown stains consistent with spatter and transfer stains were observed on the undercarriage of the driver side front area near the wheel and other portions of the undercarriage. These stains are consistent with the witness descriptions of the SUV running over and dragging Tamerlan Tsarnaev.

#### Tsarnaev Firearms-Related Evidence

A 9mm Luger caliber Strum Ruger P95 semi-automatic pistol with an obliterated serial number and a large capacity magazine, used by the Tsarnaevs, was recovered from the driveway of 55/57 Laurel Street. When recovered it contained a large capacity magazine with a capacity for eighteen (18) live rounds of ammunition. A live round of 9mm caliber ammunition was recovered from 61 Laurel Street, along with a box of 9mm Luger caliber live cartridges head stamped "FC", another magazine for the Ruger, and a .177 caliber pellet/BB/airsoft gun.

Nine (9) 9mm live cartridges head stamped "FC 9MM Luger" were also recovered between 43 and 45 Laurel Street. As noted above, there was also an additional 9mm magazine containing seven (7) live rounds of ammunition head stamped "WIN 9MM Luger," which was found on the front driver's floor of the carjacked Mercedes.

Copper jacketed lead spent projectiles recovered at 61 Laurel Street, 53 Laurel Street, 55 Laurel Street, in front of 49 Laurel Street, in an exterior wall of 130-132 Dexter Avenue, at 40 Laurel Street, in the engine compartment firewall of Watertown Officer Reynolds' cruiser 465, and in the rear passenger side foot well of Sergeant MacLellan's cruiser 468 were all determined to have been fired by the Tsarnaevs' Luger caliber Ruger.

As stated earlier, Massachusetts State Police Lieutenant Cahill opined that the Tsarnaevs' 9mm Luger Caliber Strum Ruger P95 recovered in Watertown was the weapon the killed MIT Officer Sean Collier, and he testified to this opinion at the trial of United States v. Dzhokhar Tsarnaev.

#### Discharged Cartridge Case Evidence

A total of two hundred fifty-one (251) discharged cartridge cases were recovered from Laurel Street and adjacent portions of Dexter Avenue in Watertown. They were compared to test fires from twenty-one (21) submitted firearms. Those firearms were, as follows:

- One (1) 9mm Luger caliber Ruger Model P95, used by the Tsarnaevs,
- Seven (7) .40 caliber S&W caliber Glock model 23 semi-automatic pistols, used by Watertown Police
- Six (6) .40 S&W caliber Glock model 23 semi-automatic pistols, used by Boston Police Officers
- One (1) .40 S&W caliber Glock model 22 semi-automatic pistol, used by Boston University Police Officer

- Two (2) .40 caliber Sig Sauer model P226 semi-automatic pistols carried by MBTA Police Officers Kitto and Donohue
- Two (2) .45 caliber Smith & Wesson model M&P 45 semi-automatic pistols, used by Massachusetts State Police Troopers
- Two (2) .40 S&W caliber Sig Sauer model P229 semi-automatic pistols, used by Cambridge Police Officers

Thus, fourteen (14) of the twenty (20) law enforcement firearms examined were .40 caliber S&W caliber Glock model 23 and 22 semi-automatic pistols.

As noted above, fifty-six (56) 9MM Luger caliber discharged cartridge casings were all fired by the 9MM Luger caliber Ruger Model P95 used by the Tsarnaevs.

The remaining one hundred ninety-five (195) discharged cartridge cases were microscopically compared to test fires for the twenty (20) police officer firearms submitted; nineteen that were used by officers who self-reported that they fired their weapons and one carried by MBTA Officer Donohue. Those one-hundred ninety-five cartridge cases were identified as having been fired by 17 of the 20 law enforcement firearms. The breakdown of the 195 cartridge cases identified as having been fired by specific firearms is, by department, as follows:

- Seven Watertown Police officers were linked to 126 of the discharged cases
- Six Boston Police officers were linked to 44 of the discharged cases
- Two Massachusetts State Police troopers were linked to 18 of the discharged cartridge cases
- One Cambridge Police officer was linked to 5 of the discharged cartridge cases
- One Boston University Police officer was linked to 2 of the discharged cartridge cases

There were no discharged cartridge cases recovered that matched the firearms of one Cambridge Officer and MBTA Officer Kitto, who each acknowledged that they fired their service weapons. The Cambridge Officer reported that he fired 3 to 4 times and Officer Kitto reported that he fired 3 times. Thus, their self-report of firing would increase the law enforcement tally of shots fired by 6 to 7, i.e. from 195 to 201 or 202.

MBTA Officer Donohue's weapon did not appear to have been fired, i.e., it was fully loaded.

Not surprisingly, by discharged cartridge case count alone, the Watertown Police, as a department, fired the most shots. The first Watertown Officer on scene fired the most shots of any law enforcement officer, 27, but he still fired less than half of the total shots fired by the Tsarnaev weapon, 56, by that same count method, (i.e., discharged cartridge cases).

### Spent Projectiles and Projectile Fragments Recovered

Spent projectiles and projectile fragments were collected and submitted from a variety of locations, including the scene on Laurel Street and Dexter Avenue, a residence on Oak Street, from Watertown and MBTA Police cruisers, vehicles parked on Laurel Street, in the carjacked Mercedes SUV, in the Tsarnaev Honda, from houses on Laurel Street and Dexter Avenue, and from the body of Tamerlan Tsarnaev recovered at autopsy.

Twenty spent projectiles and twelve bullet fragments were recovered from the carjacked Mercedes SUV. Projectiles were recovered from: under the hood at the driver's side headlight; inside the driver's side front door; the driver's side rear door; the driver side rear quarter panel by tail lights; under the carpet of the front passenger floor; the passenger side rear door; the passenger side front fender; the passenger side pillar above the rear door; the inside rear lift gate; the passenger side muffler under the vehicle; under the passenger side front floor mat; the driver side rear B pillar; the steering wheel; the passenger front door in the frame above the glass; the back of the rear seat bottom; between the passenger side front door bottom and front fender; the passenger side rear foot well; two from the passenger side front floor mat; and under the seat belt in the middle rear seat. Fragments were recovered from: two from the driver's side running board; the passenger side middle post; two from the front passenger side fender near the headlight; above the passenger side rear window by the pillar; three from the front passenger side fender; on the driver's seat and on the passenger side front floor mat.

Two spent projectiles and two bullet fragments were recovered from the Tsarnaev Honda. One projectile was recovered from behind the dashboard and the other on the interior console. One bullet fragment was recovered on the hood near the passenger side wiper and the other in the rear trunk passenger side reservoir. It should be noted that the Honda remained stationary with the Mercedes SUV between it and the police vehicles throughout most of the shooting incident.

Examination of those spent projectiles and fragments revealed that they had similar class characteristics to the test fires but there was insufficient correlation of individual markings and, therefore, no one weapon could be tied to this evidence. Most, if not all, were consistent with test fires from weapons with polygonal rifling, i.e., the Glocks.

One spent projectile was recovered from Watertown Police cruiser 471 (Colon cruiser). Two spent projectiles were recovered from Watertown Police cruiser 465 (Reynolds cruiser); one recovered from the driver's side front tire and one from the engine compartment firewall. Three spent projectiles from Watertown Police cruiser 468 (MacLellan cruiser); one from the rear passenger door, one from the rear driver's foot well and the other from the rear passenger side over the wheel well. Only two of these, the one to the engine compartment firewall of the Reynold's cruiser and the one on rear driver's side foot well of Sergeant MacLellan's cruiser could be identified to have been fired from by a specific firearm, i.e., the 9MM Ruger used by the Tsarnaevs.

In addition to those two projectiles that were identified to have been fired from the Tsarnaev 9MM Ruger, 6 additional spent projectiles that were recovered were identified to have

been fired by the Ruger, as follows: one at 61 Laurel Street, one at 55 Laurel Street, one at 53 Laurel Street, one at 49 Laurel Street, one at 40 Laurel Street, and one in the exterior wall of the house at 130-132 Dexter Avenue. Thus a total of eight projectiles recovered were identified as having been fired by the Ruger.

Two state troopers each had .45 caliber Smith and Wesson model M&P 45 semi-automatic pistols. A spent projectile recovered at 40 Laurel Street was fired from one of the trooper's firearm. Two spent projectiles recovered from inside the residence at 39 Oak Street, one at base of stairs to second floor, the other on the dining room floor, were fired by the other trooper's firearm. Another spent projectile recovered at 61 Laurel Street could have been fired by either of the troopers' firearms.

Thirty-one spent projectiles and eight bullet fragments were recovered from areas on Laurel Street from 11 Laurel Street down to 75-77 Laurel Street, including three from inside 75-77 Laurel Street, and from vehicles, including one from the left rear tire of the MBTA cruiser, on Laurel Street and Dexter Avenue. These other projectiles could not be tied to a particular weapon, but were consistent with having been fired by a .40 caliber weapon with polygonal rifling, i.e., a Glock. Watertown Police officers, Boston Police officer and the Boston University Police officer all had department issued the .40 caliber Glocks. Thus any one of those 14 Glock firearms could have fired those projectiles collected and examined by the State Police Firearms Identification Section. In the opinion of Detective Lieutenant Cahill, each of the copper jacketed lead spent projectiles and fragments had similar class characteristics to the Glock test fires, but due to damage to the bearing surfaces of the projectiles/fragments there was insufficient correlation of individual markings. Therefore, they cannot be associated with a specific law enforcement Glock firearm.

During the autopsy of Tamerlan Tsarnaev, bullet fragments were recovered from the right rear calf and the left forearm and spent projectiles were recovered from the left upper back, the left upper arm, the right thigh, and the right pelvic region. These were examined by Detective Lieutenant Cahill who has opined that each of the copper jacketed lead spent projectiles and fragments had similar class characteristics to the Glock test fires, but due to damage to the bearing surfaces of the projectiles/fragments there was insufficient correlation of individual markings. Therefore, they cannot be associated with a specific law enforcement Glock firearm.

No spent projectiles associated with injuries to Dzhokhar Tsarnaev and MBTA Officer Richard Donohue have been recovered.

#### Injuries to Tamerlan Tsarnaev, Dzhokhar Tsarnaev, and Officer Richard Donohue

##### i. Tamerlan Tsarnaev

An autopsy of Tamerlan Tsarnaev was performed by Chief Medical Examiner Henry Nields. The cause of death was ruled "gunshot wounds of torso and extremities and blunt trauma to head and torso" and the manner of death was "homicide (shot by police and then run over and dragged by motor vehicle)." There were two gunshot wounds of the torso and both bullets were recovered. There were seven gunshot wounds of the extremities and two bullets and three fragments were recovered from those injuries.

The gunshot wounds of the extremities consisted of three gunshot wounds to the right thigh, one gunshot wound to left upper arm, one to the left forearm, one to the right upper arm, and one to the right big toe.

ii. Dzhokhar Tsarnaev

The Beth Israel Deaconess records described Dzhokhar Tsarnaev's injuries. Among those injuries were a penetrating injury to the left face/jaw; multiple facial bone fractures; a complex temporal bone fracture; a superficial anterior neck wound; a shattered right scapula; a penetrating wound to the left wrist; penetrating injuries of the right thigh and the right lower extremity; and an open wound of the lower left extremity.

Given the description of the "skip shots" fired by Sergeant Pugliese, the damage to the carjacked Mercedes (much of it attributable to gunshots fired at it as Dzhokhar Tsarnaev drove away when making his escape from the scene), one of the Boston Police officer's description of Tsarnaev wincing as the officer fired toward the car, spent projectiles recovered from the SUV, and the presence of some blood on the driver's inner door, it is entirely possible that some of his injuries may have occurred on Laurel Street. However, because it cannot be determined what injuries, if any, are attributable to his capture on Franklin Street, and because no ballistics evidence related to any of his injuries was submitted for examination by the Massachusetts State Police, any injuries he may have sustained cannot definitively be attributed to weapons fired by law enforcement at Laurel Street and Dexter Avenue.

iii. MBTA Officer Richard Donohue

MBTA Officer Richard Donohue suffered a gunshot wound to the right upper inner thigh in the groin area which severed his femoral artery and caused considerable blood loss. Because the bullet that injured MBTA Officer Donohue remains in his leg, his injury cannot be correlated to a specific weapon fired by anyone at Laurel Street and Dexter Avenue. However, even if it were recovered, its condition may or may not be suitable to enable a match to a particular weapon, although it could possibly identify a type of weapon or type of ammunition that caused the injury which could, in turn, correlate to one of the submitted firearms and ammunition in a comparative analysis.

Nevertheless, it is highly likely that the injury sustained by Officer Donohue was due to friendly fire of officers shooting at the fleeing Mercedes being operated by Dzhokhar Tsarnaev. That conclusion is based on his partner Officer Kitto's description of their whereabouts and activities leading up to the point that the Mercedes was traveling down Laurel Street at a high rate of speed toward the intersection of Dexter Avenue. Officer Kitto was positioned in the grassy area between 43 Laurel Street and 144 Dexter Avenue with Officer Donohue to his left when he fired three shots at the speeding Mercedes as it approached and passed him. At that point, Donohue said, "I've been shot" and stumbled onto the driveway for 144 Dexter Avenue.

At the time when the Mercedes was traveling down Laurel Street toward Dexter Avenue, the Ruger used by the Tsarnaevs on Laurel Street and at MIT was on the ground in the driveway

of 55/57 Laurel Street so that weapon could not have caused the injury. No other firearms tied to the Tsarnaevs were recovered. Although a partially loaded magazine for a 9mm semi-automatic handgun was found on the front driver's floor of the Mercedes, it was consistent with a magazine that would be used with the Ruger. At the time Officer Donohue was shot, law enforcement officers were firing at the Mercedes from at least three, if not all four, sides, as Dzhokhar Tsarnaev operated the Mercedes, running over Tamerlan Tsarnaev and dragging him, hitting the front quarter panel of the Reynolds cruiser, and then speeding down Laurel across Dexter Avenue toward School Street.

### Summary of Findings

The investigation could not identify conclusively which police officer or officers fired the shots that struck Tamerlan Tsarnaev, although the ballistics evidence has limited the universe of officers who could have done so to the fourteen officers, from the Watertown police, the Boston police and the Boston University police who all used Glock .40 caliber firearms. Witness interviews as well as the evidence of a blood trail leading from the area of the driveway of 55/57 Laurel, where Sergeant Pugliese fired numerous rounds at Tamerlan Tsarnaev from the side yard of 53 Laurel Street, a distance of four to five feet away, to the area where Sergeant Pugliese tackled him to the ground in an effort to arrest him, as well as Sergeant Pugliese's description of firing low to the ground, targeting the suspect's lower extremities, and the corresponding injuries to Tamerlan Tsarnaev noted at autopsy, all point to Sergeant Pugliese as the person who most likely fired those rounds. In any event, because Sergeant Pugliese was acting in self-defense and defense of others, i.e. police officers and civilians, when he fired shots at Tamerlan Tsarnaev, it is our determination that his conduct was not criminal. See pp. 17-18.

The investigation could not determine conclusively that Dzhokhar Tsarnaev was shot on Laurel Street in the early morning of April 19, 2013, due to the absence of ballistics evidence associated with his injuries, particularly given the shooting events on Franklin Street leading up to his arrest hiding in the boat. However, there are indications that some of the injuries he sustained (which were documented in the Beth Israel Deaconess Medical Center records) could have occurred as he fled the area of Laurel Street in the carjacked Mercedes, based on witness statements, the condition of the Mercedes, the presence of some small blood stains on the interior of the driver's door, and the number of bullets which penetrated the interior of the Mercedes. The officers who fired their weapons at Tamerlan and Dzhokhar Tsarnaev, after the Tsarnaevs initiated the use of deadly force in the form of gunshots being fired at the first Watertown police on scene, (as well as those officers who arrived to assist them in defending against them), and explosives being hurled at the officers, had a reasonable belief that they were in imminent danger of death or serious bodily injury and that no other means other than the use of deadly force in the discharge of their department issued firearms would suffice - to protect and save their lives, the lives of their fellow officers and the lives of the residents of that thickly settled residential neighborhood. Accordingly, it is our determination that his conduct was not criminal.

The investigation could not identify which gun fired the bullet which struck MBTA Officer Richard Donohue, given that the bullet still remains in his leg. However, based on (1) witness accounts of where Officer Donohue was located when he was shot, (2) witness accounts of where other officers were positioned, at all four sides of the vehicle, when they fired at



Dzhokhar Tsarnaev as he drove the carjacked Mercedes down Laurel Street through the intersection of Dexter Avenue, (3) the fact that the Tsarnaev firearm, used by them during the firefight which preceded Officer Donohue's shooting, had already been discarded on Laurel Street in the vicinity of 55/57 Laurel Street and could not have been the weapon that fired that shot, (4) the absence of any evidence that Dzhokhar Tsarnaev had a firearm aimed to his left when he crossed the intersection of Laurel Street and Dexter Avenue, which was the precise time when Officer Donohue was shot, it seems highly likely that the shot which struck Officer Donohue was not fired by Tsarnaev, and more likely that Donohue was injured by one of the shots fired by the law enforcement officers who were firing in self-defense and defense of others as Dzhokhar Tsarnaev made his escape from the Laurel Street scene. If Officer Donohue was, in fact, struck by a bullet fired by one of these officers who were all acting justifiably in defense of themselves and of others, when they intentionally fired that shot aimed at Dzhokhar Tsarnaev, that officer was, nevertheless, entitled to use deadly force in the circumstances. Accordingly, it is our determination that the conduct of the officer would not have been criminal.

### Legal Analysis

A review of the summarized facts, which is not exhaustive of all facts considered and relied upon, reveals that in the totality of the circumstances, the officers who responded to Laurel Street in the early morning hours were each justified in their use of deadly force in defense of themselves and others, based on each officer's reasonable belief, in the face of a constant barrage of gunfire and detonation of explosive devices which shook the ground, caused debris to rain on the officers and the area, and the rapidly evolving circumstances, that he, his fellow officers, and the residents of that thickly settled residential neighborhood were in imminent danger of death or serious bodily injury.

Watertown Officer Reynolds had probable cause to conduct a felony stop of the black Mercedes SUV operated by Tamerlan Tsarnaev, based on the very recent report of the carjacking minutes earlier. Rather than submit to lawful authority, Tamerlan Tsarnaev immediately exited the Mercedes and began to assault Officer Reynolds with a barrage of gunfire. Back-up in the form of a sergeant and then another officer arrived on scene and they were similarly assaulted with shots also fired at them. All three of the first officers on scene were met with gunfire with bullets striking their marked cruisers as they arrived on Laurel Street. Sergeant MacLellan ordered the Tsarnaevs to surrender and give it up and those commands were ignored. In short order, the Tsarnaevs introduced explosive devices into their attack on the police which raised the stakes even higher for the police and the residents of the area. Given the limited number of sworn officers on duty and available to respond at that hour in Watertown and the magnitude of the threat presented by the gunfire and detonation of explosives, a request for mutual aid was made by the Watertown Police Department to other departments and radio transmissions were broadcast seeking aid, which resulted in the quick response of additional law enforcement personnel from other departments in addition to response by uniformed off-duty Watertown police personnel. Those officers responded to the area, putting themselves in imminent danger of death or serious bodily injury, in order to defend both the Watertown officers, who were in the thick of the situation from the outset, and the residents of that neighborhood.

This was a sudden emergency entirely orchestrated and executed by the Tsarnaevs and the officers were reacting in very challenging circumstances to defend themselves, their fellow officers and the community against an attack which included the use of explosive devices, including a pressure cooker IED. The fact that Dzhokhar Tsarnaev may not have had a firearm as he fled in the Mercedes SUV was not known to the officers. Even without a firearm he continued to assault them by aiming the Mercedes SUV at them. The officers, in particular Sergeant Pugliese, narrowly avoided being hit by the SUV operated by Dzhokhar Tsarnaev. Importantly, Dzhokhar Tsarnaev had other items at his disposal, specifically an IED, at that time when he fled in the SUV which he could have used to cause death or serious bodily injuries to the officers and the residents, if he was not stopped immediately. The officers were justified in their use of deadly force to stop Dzhokhar Tsarnaev, who had, by his actions, demonstrated an utter disregard for the lives and safety of the police and residents. In fact, the conduct of the Tsarnaevs starting with the alleged murder of Officer Sean Collier, the armed carjacking of Dun Meng, through and including the assault on police with gunfire and explosives indicates their escalating desperation and escalating threat to the community if not stopped.

Every officer who responded to that situation did so recognizing that they were putting themselves in harm's way, placing themselves in danger of death or serious bodily injury to come to the aid and defense of their fellow officers and the citizens they are sworn to serve and protect. These officers responded to this encounter in a courageous fashion which was testament to their commitment and training. It is notable that the officers engaged the Tsarnaev brothers in such a manner that they minimized the potential for injury to any of the residents of Laurel Street and the surrounding area and no residents were injured.

Because the officers were each privileged to use deadly force in the face of the extreme threat posed by the Tsarnaevs, i.e., that they each reasonably believed that there was an imminent danger of death or serious bodily to them personally and to the other officers and residents of the neighborhood and that there were no other means available to prevent the danger, their conduct was not criminal.

There is insufficient evidence to conclusively identify which officer or officers fired the bullets that actually struck and/or caused the death of Tamerlan Tsarnaev. However, to the extent that the non-ballistics witness accounts identify that officer to be Sergeant Pugliese, his use of deadly force was justified.

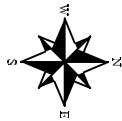
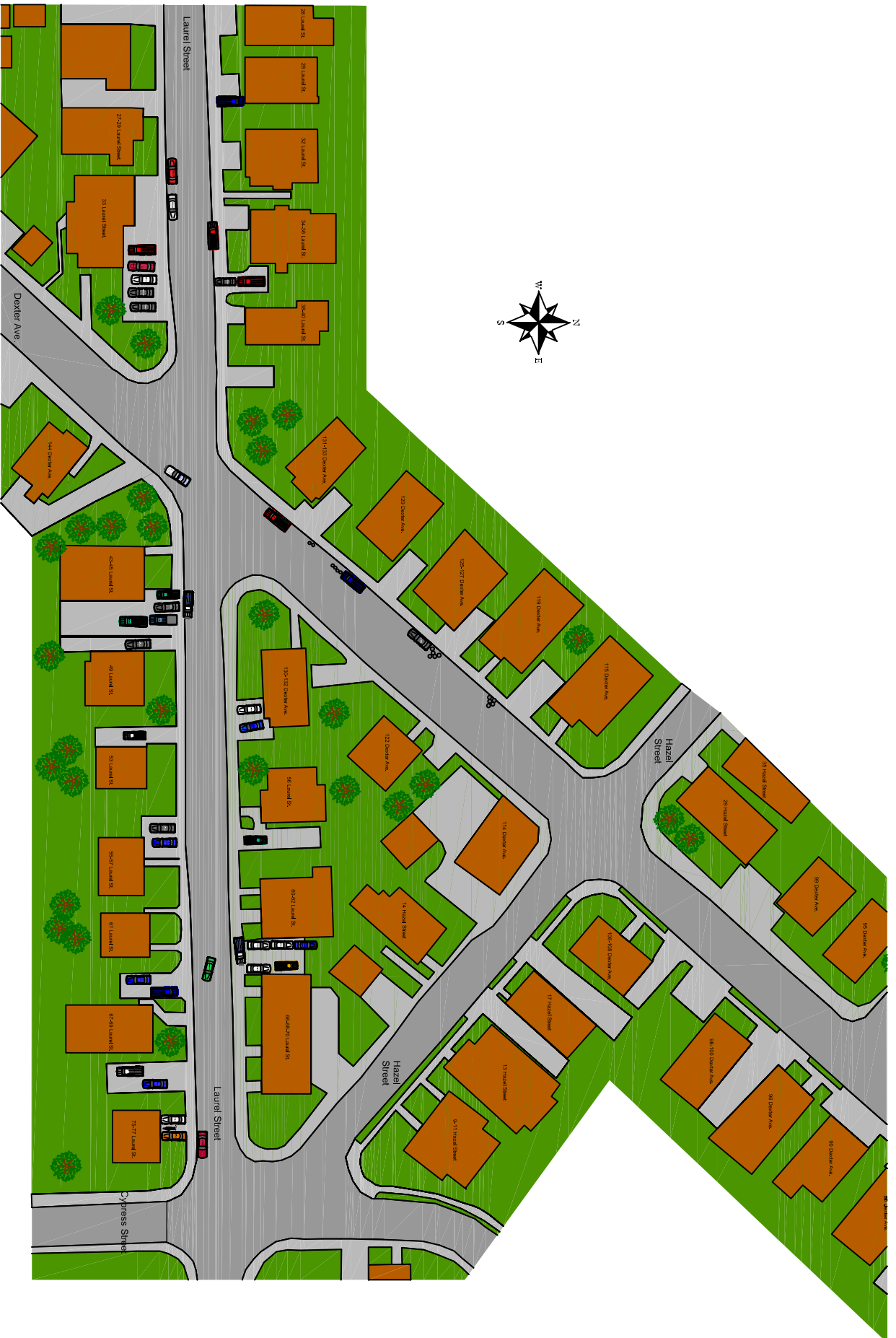
There is similarly insufficient evidence available to determine which officer, if any, injured Dzhokhar Tsarnaev. Nevertheless, to the extent that he was injured on Laurel Street, that conduct was not criminal.

There is insufficient evidence available to determine who fired the shot which injured Officer Richard Donohue. Nevertheless, to the extent that Officer Donohue was injured by an officer acting in self-defense and/or defense of another person against Dzhokhar Tsarnaev, in those circumstances, that conduct was not criminal. Although it is not possible to identify the person who fired the bullet that struck Officer Donohue, it cannot be disputed that all officers who fired their guns were not intentionally shooting Officer Donohue, but were aiming for Dzhokhar Tsarnaev, who was clearly on a deadly rampage and needed to be stopped. Because

the officers were justified in using deadly force toward Dzhokhar Tsarnaev and may have unintentionally struck Officer Donohue, they were, nevertheless, acting in self-defense/defense of others.

After applying the appropriate legal standards related to the use of deadly force in self-defense and/or defense of another, the criminal investigation into this matter is closed without prosecution. The matter is being referred back to the police departments of the officers who fired their firearms on Laurel Street on April 19, 2013, for whatever further action, if any, they deem appropriate.

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**DRAWING LOCUS**

Watertown, Massachusetts

Watertown, Massachusetts

DATE: 4/19/2013 SCALE: 1" = 90'



Massachusetts State Police  
Collision Analysis &  
Reconstruction Section  
200 Hanscom Drive, Suite 210  
Bedford, MA 01730

DRAWING NO.: 2013-CAR-0105 Watertown

DRAWING BY: Sgt. Timothy E. Dowd #2514