



Joseph Lombardo, Sheriff

FORCE INVESTIGATION TEAM

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Sergeant Douglas Ericsson

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Detective Trever Alsup

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Detective Marc Colon

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Detective Jason Leavitt

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Detective Scott Mendoza

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Cell: [REDACTED]
Email: [REDACTED]

Detective Blake Penny

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Cell: [REDACTED]
Email: [REDACTED]

LEST Lara Stein

Office: [REDACTED]
Email: [REDACTED]

**FORCE INVESTIGATION TEAM REPORT
OFFICER-INVOLVED SHOOTING (OIS)
FATAL**

LVMPD Event: 190500067775

Division of Occurrence: Community Policing Division

Date of Incident: May 14, 2019

Time of Call: 1729 hours

Time of OIS: 2001 hours

Location of Incident: 3141 Bel Air Drive
Las Vegas, NV 89109

Detectives: Blake Penny, P# 6042
Jason Leavitt, P# 5814

Subject Officer: Brendan Burbrink, P# 15227

Suspect: Alex Underdown, ID# 1040603

Date of report: September 18, 2019

Submitted by: Detective Blake Penny, P# 6042

Signature: B. Penny 6402

Approved by: Sergeant Doug Ericsson, P# 4897

Signature: [Signature]

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I. PERSONS INVOLVED

Subject Officer

Name: **Brendan Burbrink, P# 15227**
Date of hire: [REDACTED]-15
Area of assignment: Northeast Area Command (NEAC)
Squad: NE33
Call sign: [REDACTED]
Vehicle: SE10623
Shift hours: 1430-0030 hours
Days off: Saturday/Sunday/Monday
Statement given to FIT: No
Weapon: Smith & Wesson
Make: MP-15
Model: .223
Caliber: [REDACTED]
Serial number: [REDACTED]

Victim/Witness Officers

Name: **Jeffrey Firestine, P# 14161**
Date of hire: [REDACTED]-09
Area of assignment: South Central Area Command (SCAC)
Squad: SC34
Call sign: [REDACTED]
Vehicle: 18207
Shift hours: 1430-0030 hours
Days off: Friday/Saturday/Sunday
Statement given to FIT: Yes

Name: **Michael Polion, P# 9800**
Date of hire: [REDACTED]-07
Area of assignment: Traffic Bureau
Squad: TR33
Call sign: [REDACTED]
Vehicle: 18838
Shift hours: 1430-0030 hours
Days off: Saturday/Sunday/Monday
Statement given to FIT: Yes

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Victim

Name: Dorothy Underdown
Also known as (AKA): Goldie Underdown
Date of birth (DOB): [REDACTED]-60
Social Security number (SSN): [REDACTED]
Race: White
Height/Weight: 5'9"/150 pounds
Hair/Eyes: Blonde/Green
Address: 3141 Bel Air Drive
Las Vegas, NV 89109
Phone number: [REDACTED]

Suspect

Name: Alex Underdown
DOB: [REDACTED]-65
SSN: [REDACTED]
ID number: [REDACTED]
Race: White
Height/Weight: 5'9"/200 pounds
Hair/Eyes: Gray/Brown
Address: 3141 Bel Air Drive
Las Vegas, NV 89109
Weapon: Glock
Make: Glock
Model: 43
Caliber: 9mm
Serial number: [REDACTED]

Criminal charges/offenses: Assault with a Deadly Weapon on a Protected Person
(3 counts)
Battery-Domestic Violence

II. PERSONS AT THE SCENE

The majority of LVMPD personnel who arrived on this event were documented on the LVMPD unit log. Refer to the unit log for a complete listing of those individual's names, personnel numbers, and call signs.

The below listed persons responded to the primary and/or secondary incident scene(s) of this event but were not on the LVMPD unit log.

LAW ENFORCEMENT INVESTIGATIONS & SUPPORT GROUP

- 1) Assistant Sheriff Tim Kelly

P# 3807

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LAW ENFORCEMENT OPERATIONS GROUP

COMMUNITY POLICING DIVISION

- 1) Division Commander Christopher Jones

P# 4531

OFFICE OF THE SHERIFF/UNDERSHERIFF

POLICE EMPLOYEE ASSISTANCE PROGRAM (PEAP)

- 1) Director Annette Mullin
- 2) Peer Counselor George Gafford

P# 5485
P# 4009

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

- 1) Assistant District Attorney Robert Daskas
- 2) Chief Deputy District Attorney Kenneth "Nick" Portz

CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER (CCOCME)

- 1) Investigator Cameron Cheal

CCOCME case: 19-2453
Time & date of death: 0300 hours on May 15, 2019
Seal: 0074605

MORTUARY – DAVIS FUNERAL HOME & MEMORIAL PARK

- 1) D. Martens
- 2) G. Vankat

COLLECTIVE BARGAINING ASSOCIATIONS

LAS VEGAS POLICE MANAGERS AND SUPERVISORS ASSOCIATION (LVPMASA)

- 1) Attorney Dan Coe

LAS VEGAS POLICE PROTECTIVE ASSOCIATION (LVPPA)

- 1) Representative John Abel
- 2) Attorney John Aldrich
- 3) Representative Brian Grammas
- 4) Representative Steve Grammas

P# 9835
P# 5085
P# 6090

MEDICAL PERSONNEL

CLARK COUNTY FIRE DEPARTMENT – RESCUE 33

- 1) Jason Ritz

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MEDICWEST 659 AND 576

- 1) Kiefer Bagey (576)
- 2) Alex Corpuz (659)
- 3) Eric Guidion (659)
- 4) Noah Welch (576)

III. INCIDENT DETAILS

On May 14, 2019, at approximately 1729 hours, LVMPD Dispatch received a 9-1-1 telephone call from Dorothy Underdown (Dorothy) reporting a domestic disturbance at 3141 Bel Air Drive. Dorothy stated she was having an argument with her husband, Alex Underdown (Underdown). Dorothy also stated there were firearms in the residence, she said Underdown had been drinking, but no battery had occurred. Dorothy said she and Alex would be standing by at the residence.

At approximately 1817 hours, Underdown called LVMPD Dispatch and also stated he was involved in a domestic dispute with his wife. Underdown stated he would be standing by at a neighbor's residence. Underdown refused to give the address for his neighbor, and ended the call.

At approximately 1903 hours, patrol officers from South Central Area Command (SCAC) were dispatched to 3141 Bel Air Drive. At approximately 1916 hours, Officer Christina Nicholas, P# 14701, arrived and advised over the radio that she could hear a female (Dorothy Underdown) screaming, but Officer Nicholas was unable to get past the courtyard gate due to it being locked. Approximately a minute later, Officer Nicholas was able to make contact with Dorothy. Officer Nicholas stated over the radio that Dorothy had marks on her lips and eye, and requested medical personnel respond to the scene.

During the initial investigation by patrol officers, probable cause was established to arrest Underdown for battery-domestic violence. Officers called Underdown on his cellular phone in an attempt to have him go outside, however, Underdown told officers to get him, and he disconnected the phone call. Due to having knowledge that Underdown had firearms inside of the residence, officers on scene established containment around the house, and additional officers and supervisors responded.

At approximately 1946 hours, Underdown exited his residence and stood by a gate near the front of the residence that led to a courtyard. While speaking with officers, Underdown displayed a firearm and made statements that he wanted to shoot. Officers spoke to Underdown, who was verbally aggressive and was making "suicide by cop" statements, for several minutes before Underdown walked away from the gate. A short time later Underdown returned to the gate, and again yelled at officers before walking away from the area.

At approximately 1956 hours, Alex returned to the gate. The LVMPD Air Unit (AIR2) arrived on scene and observed Underdown holding a firearm in his right hand. Several officers moved into the courtyard area of 3145 Bel Air Drive, one house west of 3141 Bel Air Drive. Officers Burbrink, Firestine and Polion positioned themselves behind the wall that divided the two

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residences, and with visual of Underdown confirmed he was holding a firearm. After several minutes, Underdown told the officers he was going inside, and walked away from the gate.

As Underdown walked toward his front door, he passed by Officers Burbrink, Firestine, and Polion's location. All three officers ducked behind the dividing wall to conceal their location. Underdown walked by Officers Burbrink, Firestine, and Polion, who then looked over the wall and saw Underdown pointing a firearm at them. Officer Burbrink discharged his rifle towards Underdown; Underdown was struck and fell to the ground.

After advising over the radio that shots had been fired and Underdown was down and unresponsive, a team of officers moved into the courtyard area to take Underdown into custody. Upon approaching Underdown, a firearm was observed lying next to him. Underdown was placed in handcuffs and medical personnel, who were staged in the area, approached Underdown, checked his vital signs, and stated he was deceased.

Officers then secured the crime scene and the area surrounding the residence.

Due to the officer-involved shooting (OIS), the Force Investigation Team (FIT) was requested to respond and conduct the investigation.

Upon arrival of investigators, Detective David Maruyama, P# 10010, conducted a briefing. The following persons were present:

- 1) Assistant Sheriff Tim Kelly, P# 3807
- 2) Division Commander Christopher Jones, P# 4531
- 3) Captain Kelly McMahon, P# 5307
- 4) Captain Nichole Splinter, P# 6990
- 5) Lieutenant Michael Gennaro, P# 5611
- 6) Lieutenant Charles Jenkins, P# 3959
- 7) Lieutenant Peter Kisfalvi, P# 4584
- 8) Lieutenant Erik Lloyd, P# 3955
- 9) Lieutenant Grant Rogers, P# 6466
- 10) Sergeant Abraham Aguirre, P# 9645
- 11) Sergeant Doug Ericsson, P# 4897
- 12) Sergeant Michele Iacullo, P# 7857
- 13) Sergeant Robert Johnson, P# 4395
- 14) Sergeant Shawn Smaka, P# 6098
- 15) Detective Keith Adams, P# 10017
- 16) Detective Trever Alsup, P# 5782
- 17) Detective Marc Colon, P# 7585
- 18) Detective Farrah Edge, P# 8645
- 19) Detective Jason Leavitt, P# 5814
- 20) Detective Denise MacDonald, P# 8076
- 21) Detective Scott Mendoza, P# 6878
- 22) Detective Joseph Patton, P# 8289
- 23) Detective Blake Penny, P# 6042
- 24) Detective Justin Roth, P# 13913

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- 25) Detective Cesar Sedano, P# 5393
- 26) Detective Walter Sharp, P# 7179
- 27) Detective Guy Turner, P# 13518
- 28) Detective Gregory Watkins, P# 5471
- 29) Detective Andrew Ubbens, P# 13119
- 30) Officer Victor Espino, P# 17020
- 31) Officer Robert Frank, P# 17566
- 32) Officer Jason Manasan, P# 17463
- 33) Officer K.L. Moore, P# 978 (Henderson Police Department)
- 34) Officer George Radich, P# 9340
- 35) Crime Scene Investigations (CSI) Director Randal McLaughlin, P# 4170
- 36) Crime Scene Analyst (CSA) Supervisor Jeffrey Smink, P# 6556

Following the briefing Detective Penny was assigned as the lead case agent and tasked with the responsibility of documenting the crime scene with crime scene analysts. Detectives Aisup, Colon, Leavitt, Mendoza, Sedano, Sharp, and Ubbens were assigned to interview available witnesses and conduct weapon countdowns.

IV. BODY WORN CAMERAS

The Axon Flex body worn camera (BWC) time stamps videos in Zulu Time, also known as Greenwich Mean Time (GMT), which is the world time based on a 24-hour clock. The time is based on the Prime Meridian, which is zero degrees longitude and passes through Greenwich, England.

Officers activated their BWCs at different times during the incident. There was a seven hour negative difference between the event time and displayed Zulu Time. Axon BWCs also have a “time drift” where the camera’s internal clock drifts from actual time based on when the cameras are synced when the camera is docked. Each BWC can display a different time based on a time drift.

There were multiple officers and sergeants assigned to the event prior to the OIS. The following BWC footage summaries provide the most accurate description of what occurred from the arrival of Officer Nicholas and her contact with Dorothy Underdown, and threats made by Alex Underdown towards Officer Bybee. The summaries continue through the OIS, which was recorded by BWCs worn by Officers Burbrink, Firestine, and Polion.

Domestic Violence Scene Officers

Officer Christina Nicholas

Officer Nicholas was wearing a BWC at the time of the incident, and the camera was activated. The camera was collected by Sergeant Ericsson and secured. The video footage captured was later viewed by Detective Penny.

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During the event Officer Nicholas activated and deactivated her BWC three times for a total duration of 57 minutes and 36 seconds of footage captured. The following is a summary of all three recordings:

Officer Nicholas' camera footage depicted her arrival at 3141 Bel Air Drive for the domestic disturbance call. As Officer Nicholas was walking towards the residence, a verbal argument could be heard between a male (Alex Underdown) and a female (Dorothy Underdown). When Officer Nicholas reached the closed gate leading to the residence courtyard, Dorothy could be heard yelling, "Don, help me!" (Note: The investigation revealed Dorothy had her neighbor, Don Eller, on speakerphone on her cellular phone). Officer Nicholas could not open the gate due to it being locked. Officer Nicholas knocked on the gate, and heard Dorothy scream and yell several times to call 9-1-1. Officer Nicholas announced, "Police department!" as she continued to knock on the gate. Officer Nicholas was able to open the gate using a knife. Dorothy ran towards her yelling, "Help me, please!" Dorothy was seen bleeding from her mouth, and had a mark around her right eye. Dorothy told Officer Nicholas to "arrest him."

Dorothy was yelling into a cellular phone, stating Underdown "beat" her out of the house, she was pressing charges, and officers were going to arrest him. Officer Nicholas had Dorothy exit the courtyard area after Dorothy stated Underdown had guns. Dorothy told Officer Nicholas several times to arrest Underdown and put him in jail.

Officers Baron Bybee, P# 15080, and Jason Manasan, P# 17463, arrived and attempted to make contact with Underdown. Officer Manasan called Underdown on his (Underdown's) cellular phone. Underdown could be heard yelling from his residence, and said to officers, "Fuck you! Come get me, bitch!" Officer Nicholas moved away from the residence as officers set up containment and waited for additional officers to respond.

Officer Nicholas later contacted Dorothy in the back of an ambulance and asked her questions about her injuries. Dorothy stated Underdown must have slammed the door into her face, but he did not use any weapons against her. Dorothy also said Underdown was responsible for a cut to her right arm. When Officer Nicholas heard radio traffic that Underdown had gone outside, she exited the ambulance and ran back toward the scene. Officer Nicholas stood in the driveway and carport area of 3145 Bel Air Drive with other officers.

Underdown could be heard yelling several obscenities towards officers, but he could not be seen on BWC. Underdown was heard yelling at Officer Bybee, "You ready to die, bitch?" The yelling continued for several minutes as additional officers and ALR2 arrived on scene. At the time of the OIS, Officer Nicholas was in the carport area and only gunshots could be heard.

Officer Nicholas stood with medical personnel outside of the courtyard until the scene was secured. Medical personnel then entered the courtyard, checked on Underdown, and then exited the area. Officer Nicholas briefly spoke to medical personnel, and then turned off her BWC.

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Officer Baron Bybee

Officer Bybee was wearing a BWC at the time of the incident, and the camera was activated. The camera was collected by Sergeant Ericsson and secured. The video footage captured was later viewed by Detective Penny.

During the event Officer Bybee activated and deactivated his BWC seven times for a total duration of 42 minutes and 49 seconds of footage captured. The following is a summary of all seven recordings:

The first activation of Officer Bybee's BWC was when he was assigned to the domestic disturbance call at 3141 Bel Air Drive, and he deactivated it while driving to the location. The second activation was when Officer Bybee was arriving at 3141 Bel Air Drive. He exited his patrol vehicle and stood by the passenger door as his partner, Officer Manasan, approached Officer Nicholas and Dorothy Underdown. Dorothy could be heard yelling, "Arrest him! Put him in jail!" Officer Bybee deactivates his BWC to speak to Officer Nicholas.

The third BWC activation occurred as Officer Bybee was standing near the driveway of the Underdown residence. Officers Manasan and Nicholas were seen standing near the garage door, and Officer Bybee instructed Officer Manasan to call Underdown to speak to him. As Officer Manasan was speaking to Underdown on the phone, Underdown could be heard yelling, "Fuck you!"

Officer Bybee walked away from the residence and advised Dispatch via radio there was probable cause to arrest Underdown for misdemeanor battery, there were cameras on the house, firearms inside the residence, and Underdown had challenged the officers to "come get him." Officer Bybee then deactivated his BWC.

During the fourth activation, Officer Bybee was standing behind a palm tree next to Underdown's driveway. Officer Bybee was having a conversation with Underdown, who was not in camera view. During the conversation Underdown said officers were waiting to shoot him, and Officer Bybee showed Underdown his hands were empty. Underdown then said, "You see this?" Officer Bybee told Underdown to put it down, and then radioed that Underdown had a firearm in his hand. Underdown then yelled, "Shoot me, man! I don't give a fuck!" Underdown threatened Officer Bybee, stating that he (Underdown) had a better shot.

As the conversation continued, Officer Bybee asked what happened that day, and Underdown replied, "I die. I don't give a fuck. What about you, man? You ready to die, bitch?" Underdown continued to threaten Officer Bybee, who spoke calmly to Underdown. As Officer Bybee and Underdown continued talking, Underdown stated he had more than one gun. Underdown walked away from the gate, which was next to his driveway. Officer Bybee updated Dispatch that Underdown was possibly suicide by cop and aggressive.

Several seconds later, Underdown went back to the gate and continued to yell at Officer Bybee, and stated he had a Glock. As additional officers and sergeants arrived on scene, Officer Bybee provided information about the situation. Officer Bybee stated Underdown

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showed him the pistol. Officer Bybee had an additional conversation with sergeants and officers on scene about what has been occurring.

Several minutes later, Underdown returned to the gate and started yelling at officers. Officer Bybee tried to convince Underdown to put down the gun and talk to officers, but he refused. Officer Bybee tried to have Underdown go back inside his house, so they could call him, but he refused. Officer Bybee asked Underdown several times to put the gun down, but Underdown would not comply. A short time later, four gunshots were heard.

Officer Bybee joined a group of officers as they moved towards the courtyard. After making entry into the courtyard, Officer Bybee put on latex gloves and approached Underdown. A handgun was visible on the ground next to Underdown. Officers placed Underdown in handcuffs.

Officer Bybee and additional officers made entry into the residence to clear it. After making sure there was no one else inside of the home, officers checked the exterior storage areas and backyard.

During the fifth, sixth, and seventh BWC activations, Officer Bybee was with Dorothy Underdown. There was no discussion about the OIS.

Subject Officer

Officer Brendan Burbrink

Officer Burbrink was wearing a BWC at the time of the incident, and the camera was activated. The camera was collected by Sergeant Ericsson and secured. The video footage captured was later viewed by Detective Penny.

Officer Burbrink's camera was activated one time for a duration of 16 minutes and 10 seconds. The footage depicted Officer Burbrink responding to the scene. He was the passenger in the patrol vehicle. Upon arrival to the neighborhood and parking, an unknown Clark County Fire Department member directed Officer Burbrink to the scene. Officer Burbrink met up with additional officers who were in a carport area of 3145 Bel Air Drive, one house west of Alex Underdown's residence. Officer Burbrink was told that Underdown had a Glock, .38 special and an AR (assault rifle), and Underdown told officers to come get him.

Officer Burbrink went back to his vehicle to deploy his rifle from the trunk. He put on a tactical vest, and picked up his rifle before returning to the other officers' location. Officer Burbrink walked to the backyard of 3415 Bel Air Drive and looked over the rear fence before returning to the courtyard area. The courtyard area overlooked Underdown's courtyard. Upon looking over the wall, Underdown could be heard yelling in the background. Officer Burbrink aimed his rifle in Underdown's direction.

The BWC view was obstructed by Officer Burbrink's uniform, rifle, and the wall. Underdown was heard yelling, "I'm going back inside!" Officer Burbrink slowly ducked below the wall then

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looked over the wall; Underdown was seen walking by Officer Burbrink's location. As Underdown left the camera view, Officer Burbrink lowered his rifle and looked over the wall.

Officer Burbrink then appeared to get startled as the camera suddenly jerked and he raised his rifle, and aimed it over the wall. Officer Burbrink discharged his rifle four times, but his BWC did not capture his target. After the shots were fired, Officer Burbrink looked farther over the wall and stated that Underdown was down. Officer Burbrink stated, "He pointed that shit right at my face."

Officer Burbrink remained looking over the wall, but Underdown's location was not visible. Officers could be heard stating that Underdown was down, a gun was laying next to him, and he was bleeding. Officer Burbrink held his position until another team of officers entered the courtyard where Underdown was located.

Officer Burbrink then left his location and again stated, "He pointed that thing right in my fucking face, man." After unloading his rifle, Officer Burbrink stated, "Definitely a Glock, that's for sure."

Officer Burbrink started to walk toward a patrol vehicle before deactivating his BWC.

Witness Officers

Officer Jeffrey Firestine

Officer Firestine was wearing a BWC at the time of the incident, and the camera was activated. The camera was collected by Sergeant Ericsson and secured. The video footage captured was later viewed by Detective Penny.

Officer Firestine's camera was activated one time for a duration of 14 minutes and 44 seconds. The footage depicted Officer Firestine driving to 3141 Bel Air Drive for a domestic disturbance call. Officer Firestine arrived at the incident, and while walking toward the scene he made contact with a firefighter. The firefighter advised Officer Firestine the exact location of the target residence. Officer Firestine walked toward the residence and joined additional officers who were set up for containment at 3145 Bel Air Drive, which was next door to the target residence at 3141 Bel Air Drive.

Officer Firestine was directed to the backyard where additional officers were already set up for containment. A male (Alex Underdown) was heard continuously yelling, "I got a gun! Fuck you! Get that fuckin' helicopter out of here! Fuck you!" Officer Firestine was standing next to Officers Polion and Burbrink, who had his rifle deployed. Officer Firestine provided radio traffic that he could see Underdown, and advised he had a firearm in his right hand. Underdown then yelled, "You bitches got guns; I got a gun!"

Several moments later, Officer Firestine discussed with officers about retrieving either the 40mm specialty impact weapon or a low lethality shotgun. An officer standing behind Officer Firestine could be heard saying he had a low lethality shotgun. Officer Firestine provided radio traffic that a low lethality shotgun was deployed.

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Officers Firestine, Burbrink, and Polion were seen looking over a wall towards Underdown. Officer Firestine advised the other officers that Underdown was walking in their direction, and provided radio traffic that Underdown was walking to the rear of the complex. Several moments later, four gunshots were heard. Officer Burbrink yelled to the other officers, "Shots fired! Shots fired!" Officer Firestine provided radio traffic that shots were fired and Underdown was down. Officer Burbrink was heard yelling at Underdown to drop the firearm. Officer Firestine provided radio traffic that Underdown's arms were up toward his head, the firearm was down by his waistline, and that he was bleeding.

Several moments later, Officer Firestine had a discussion with Officer Polion reference Underwood firing a round at officers. Another officer on the other side of the wall advised Officer Firestine to have the paramedics go to Underdown's location after the house was cleared. Officer Firestine told Officer Polion to tell the paramedics to come in (to the courtyard). Officer Firestine then walked to the front of the house to the driveway and turned off his BWC.

Officer Michael Polion

Officer Polion was wearing a BWC at the time of the incident, and the camera was activated. The camera was collected by Sergeant Ericsson and secured. The video footage captured was later viewed by Detective Penny.

Officer Polion's camera was activated one time for a duration of 18 minutes and 17 seconds. The footage depicted him responding to the domestic disturbance at 3141 Bel Air Drive on his traffic motorcycle. Upon arrival, he was directed to the target address by an unknown Clark County Fire Department member. As Officer Polion met with other officers, he moved into the courtyard of 3145 Bel Air Drive, directly west of Alex Underdown's residence. Underdown could be heard yelling in the background.

Officer Polion looked over the wall into Underdown's courtyard, and Underdown was seen standing at the gate looking towards the driveway. Officer Polion moved away from the wall when Officer Burbrink arrived with a rifle. Officer Polion asked another officer to retrieve a 40mm specialty impact weapon or a low lethality shotgun. Officer Polion was handed a low lethality shotgun, and looked over the wall again. Officer Polion ducked below the wall as Underdown walked by, but then appeared to get startled as the camera suddenly moved. Four gunshots were heard, and Officer Polion broadcast over the radio, "Shots fired."

Officer Polion looked over the wall, and Underdown was seen lying on the ground and a handgun by his waist. Officer Polion remained on top of the wall, aiming his handgun at Underdown until other officers entered Underdown's courtyard. As officers made contact with Underdown, Officer Polion moved off the wall.

Officer Polion had a conversation with other officers where it was mentioned that Underdown fired a shot at officers. Officer Polion stated that he came up and Underdown was right there. Officer Polion stated that Underdown pointed the gun right at his face.

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Officer Polion looked around the area where he was standing for any bullet impacts due to officers believing Underdown fired a shot at them. Officer Polion then exited the courtyard he was in and walked into Underdown's courtyard with medical personnel. Medical personnel checked Underdown and pronounced him deceased.

Sergeant Johnson approached Officer Polion and asked who was in the backyard. Officer Polion stated that Underdown aimed the gun, possibly fired a round, and that was when he was shot. Officer Polion then helped clear the garage, and the side and backyards of the neighboring residence to the east.

As Officer Polion walked away from the residence, he turned off his BWC.

V. SCENE WALK-THROUGHS

The purpose of the scene walk-through was to help investigators develop an understanding of the scene, including identifying officer location(s) at the time deadly force was used, identifying potential physical evidence, and re-creating a timeline of the incident.

On June 15, 2019, at approximately 0054 hours, Officer Burbrink provided a walk-through of the scene in the presence of the following persons:

- 1) Lieutenant Lloyd
- 2) Sergeant Ericsson
- 3) Detective Penny
- 4) Detective Sedano
- 5) CSI Director McLaughlin
- 6) CSA Supervisor Erin Wilson, P# 9619
- 7) LVPPA attorney John Aldrich
- 8) LVPPA representative Bryan Yant

Prior to the walk-through Officer Burbrink viewed his BWC. During the walk-through, which was not video or audio recorded, Attorney Aldrich would ask questions and Officer Burbrink would answer, relaying the following information:

Officer Burbrink placed an orange traffic cone to indicate where he was standing at the time of the OIS. Attorney Aldrich asked what direction he (Officer Burbrink) fired. Burbrink replied, "That direction," and pointed in an easterly direction, and stated he shot at a downward angle.

Attorney Aldrich then asked, "Approximately how many shots did you fire?" Officer Burbrink stated he shot approximately three.

When asked why he fired, Officer Burbrink stated he fired because the suspect (Alex Underdown) pointed a gun at him and his partner.

Officer Burbrink was asked if he was in fear for his life, and he stated he was absolutely in fear for his life.

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VI. PUBLIC SAFETY STATEMENT

On May 14, 2019, at approximately 2242 hours, Detective Mendoza interviewed Sergeant Iacullo in reference to the Public Safety Statement (PSS) she obtained from Officer Burbink. Below is the transcript of the interview.

Note: Detective Mendoza is designated by (SM) and Sergeant Iacullo is designated by (MI).

SM: All right. Operator, this is Detec...Detective S. Mendoza, M-E-N-D-O-Z-A, P# 6878, with the Force Investigation Team, conducting a recorded Public Safety Statement interview with Sergeant Michele Iacullo, and that's I-A-C-U-L-L-O, uh, P# 7857, call sign of 773NoraSam. Uh, date of hire is January 2003. Uh, she works out of Southser...South Central Area Command, uh, with the Nora Safe Street squad. Uh, r...uh, RDOs are Saturday, Sunday, Monday and hours of 1700 to 0300. Uh, this Public Safety Statement is in reference to an officer-involved shooting that occurred on May 14, 2019, at approximately 2001 hours, in the area of 3141 Bel Air Drive, Las Vegas, Nevada 89119, uh, reference Event# 190500067775. Uh, today's date is May 14 and the time is 2242 hours. Uh, statement is being conducted at, uh...in front of 3111 Bel Air Drive in LVMPD vehicle...unmarked vehicle 4363. All right. Uh, Sergeant Iacullo, um, you did the Public Sa...Safety Statement with the involved officer...

MI: Yes, I did.

SM: ...is that correct? And, um, can...and what officer was that?

MI: Officer Burbink [sic], P#...

SM: Br...Brendan Burbank...

MI: Correct.

SM: ...P# 15227?

MI: Correct.

SM: Okay. Um, you asked him a series of questions. Can you go through the questions that you asked him, please?

MI: I did. And his answers you want?

SM: Yes.

*MI: Okay. The first question is, "Did you discharge your firearm?" He answered, "Yes."
"If so, in what direction?" His answer was, "East."*

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Uh, "Approximately where were you located when you fired?" He said, "Behind a white SUV," which he pointed to me.

"How many shots do you think you fired?" He said, "Three shots."

Uh, next question: "Is anyone injured?" Uh, he said, "Yes, the suspect."

"If so, where are they located?" and he replied, "The courtyard."

Uh, third question: "Are there any outstanding suspects?" "There are not any outstanding suspects."

So, the other questions did not apply to him; um, A through C did not apply. Did you want me to read those?

SM: No, that's fine.

MI: Okay. Uh, D was, um, "What crimes have they committed?" and his reply was, "He pointed a firearm at me."

"What type of weapon do they have?" He said, "It was a bla...a black handgun." He believes it was a Glock.

The fourth question: "Is it possible the suspect fired rounds at you?" He said, "No."

Um, the next several questions are not applicable because the suspect did not fire any rounds.

Uh, #5: "Do you know if any other officers discharged their firearms?" He didn't know.

Um, again, the other ones are not applicable because he was unsure if any other officers fired their weapons.

#6: "Are there any weapons or evidence that need to be secured or protected?" He said yes, his rifle, and that his rifle was in the back of his patrol car.

Um, "Are you aware of any other witnesses?" He said the officer that was riding with him, but he did not know his name, was a witness to it.

And that's the end of the statement.

SM: Okay. And that concluded your questions that you asked Officer...

MI: Yes.

SM: Burbank?

MI: Correct.

SM: Okay. And, um, also, did you, um, request any LVPMSA representation during this interview?

MI: No, I did not. I waived my rep.

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SM: Okay. Perfect. All right. That'll be end of the interview, same persons present, time of 2244 hours.

VII. OFFICER WEAPON COUNTDOWNS

On May 15, 2019, Officer Burbrink had his duty weapon counted down inside of the LVMPD mobile command vehicle located in the 3100 block of Bel Air Drive. Involved and witness officers were photographed by CSI personnel for appearance purposes, and their weapons were photographed for identification purposes.

The following persons were present during the countdown:

- 1) Detective Penny
- 2) Officer Burbrink
- 3) SCSA Danielle Courtney, P# 12712
- 4) CSA Samantha Bennick, P# 15289
- 5) LVPPA attorney John Aldrich
- 6) LVPPA representative Bryan Yant

Officer Burbrink was dressed in a standard LVMPD long sleeve uniform. He wore LVMPD patches on each shoulder and an LVMPD badge over his left breast. Officer Burbrink wore a black duty belt with attached tools and equipment as part of his position in Patrol. Officer Burbrink's handgun was carried on the right side of his body and secured in a holster. At the time of the OIS, Officer Burbrink was wearing a tan rifle plate carrier with a cloth LVMPD badge over the right breast area. Affixed to the carrier were additional rifle and pistol magazines.

Prior to countdown Officer Burbrink stated he carried 28 cartridges in the magazine loaded in his firearm and no cartridge in the chamber (28+0, 28 total). Officer Burbrink chambered a rifle cartridge prior to the OIS putting the firearm at 27 cartridges in the magazine and one cartridge in the chamber (27+1, 28 total).

After the OIS, Officer Burbrink stated he removed the magazine from the rifle and cleared the cartridge from the chamber. He then reloaded the cartridge from the chamber back into the magazine and inserted the magazine into the rifle prior to securing the rifle in his patrol vehicle.

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Make	Smith and Wesson
Model	M&P-15
Serial Number	██████████
Caliber	.223
Weapon Mounted Light	Yes / Insight
Ammunition	SPEER .223 Remington
Cartridge in Chamber	0
Magazine from Weapon	Capacity: 30 cartridges Countdown: 24 cartridges
Spare Magazine #1	Capacity: 30 cartridges Countdown: 28 cartridges
Spare Magazine #2	Capacity: 30 cartridges Countdown: 28 cartridges
Spare Magazine #3	Capacity: 30 cartridges Countdown: 28 cartridges

At the completion of the countdown, it was determined Officer Burbrink discharged his rifle four times during this incident. When compared to evidence at the scene, detectives concluded Officer Burbrink discharged his rifle four times. Officer Burbrink's rifle, magazine, and cartridges were photographed and impounded by CSA Bennick. The spare magazines were photographed, counted down, and returned to Officer Burbrink.

VIII. SEARCH WARRANTS

A telephonic search warrant was obtained by Sergeant Ericsson from Judge Melissa Saragosa for 3141 Bel Air Drive and 3145 Bel Air Drive. The following personnel served the search warrant and documented the results:

- 1) Sergeant Ericsson
- 2) Detective Penny
- 3) SCSA Louise Renhard, P# 5223
- 4) CSA Debbie Andrews, P# 13766

The following items were photographed and impounded as part of the search warrant:

- 1) Body of Alex Underdown, DOB ██████████-65*
- 2) Black semiautomatic handgun
- 3) Black holster
- 4) Two cellular phones*
- 5) Cartridge casings

CSA Andrews took overall photographs of the scene, and SCSA Renhard recovered the items that were impounded.

*The body of Alex Underdown was transported from the scene to the Clark County Office of the Coroner/Medical Examiner (CCOCME). Detective Penny took possession of both cellular

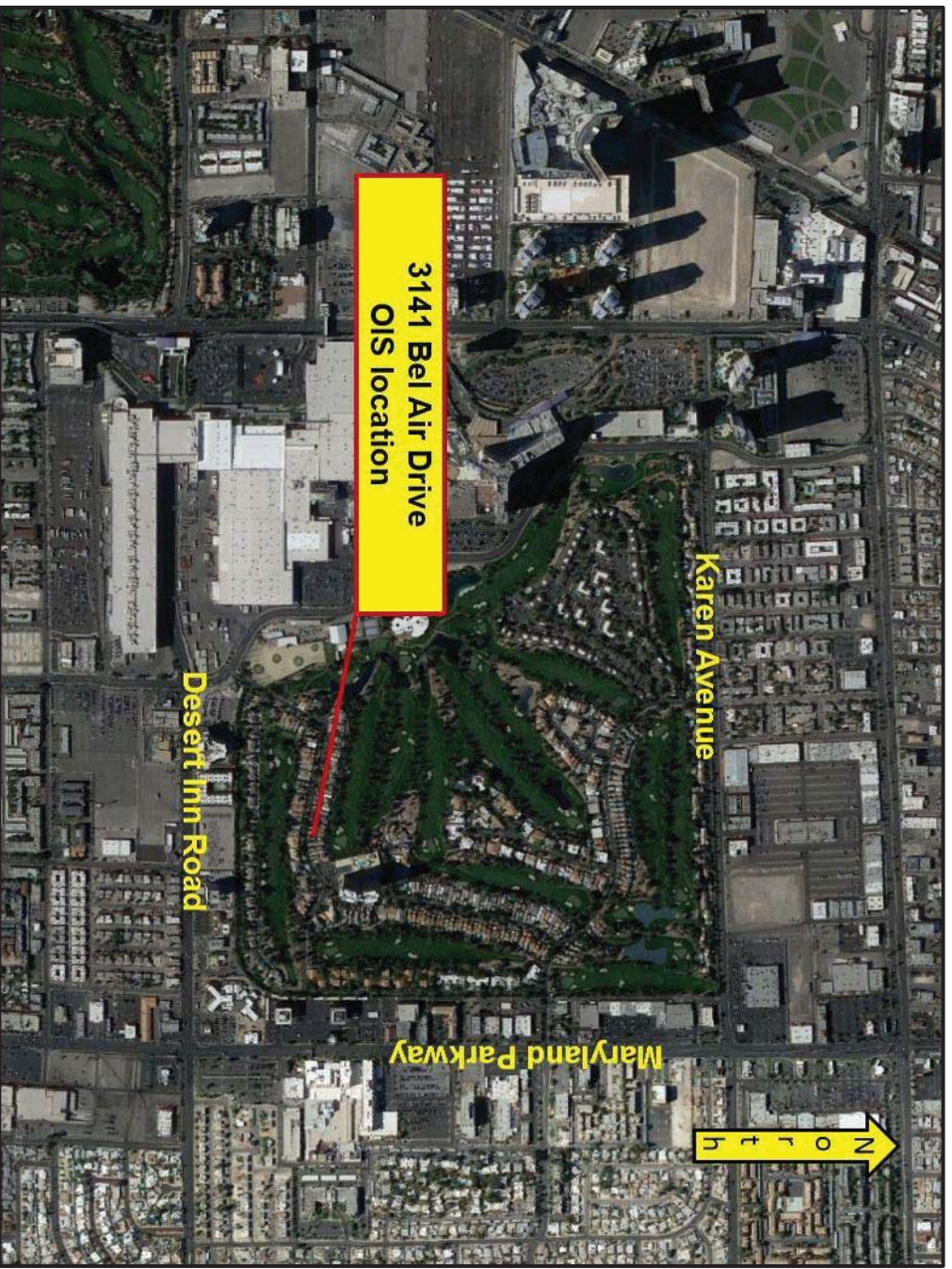
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phones from the residence. Dorothy Underdown identified one cellular phone as her work phone; it was released to her at the scene. The second cellular phone was transported to the LVMPD Digital Forensics Lab for examination.

IX. DESCRIPTION OF THE SCENE AND VISIBLE EVIDENCE

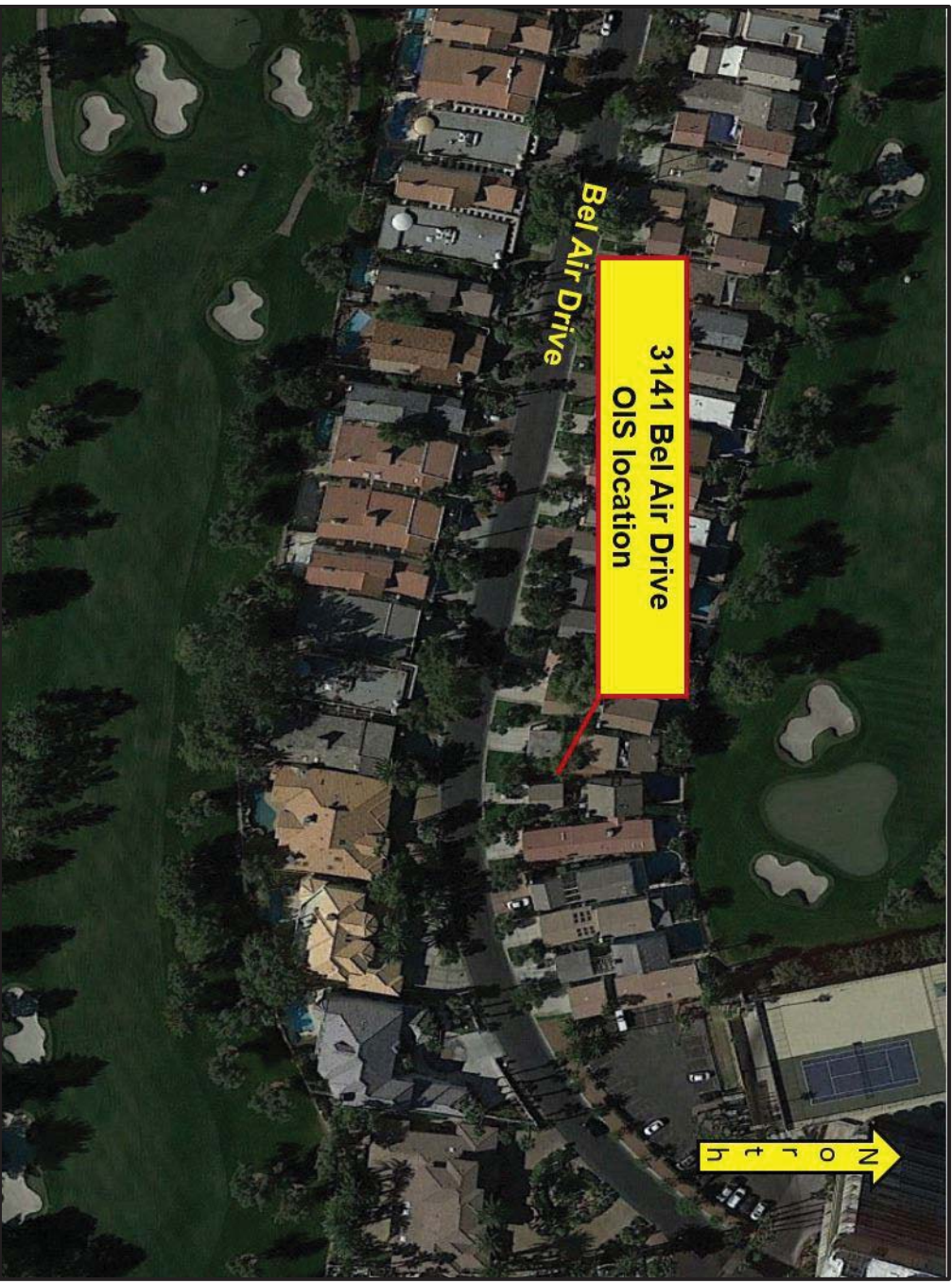
On May 14, 2019, at approximately 2302 hours, SCSA Courtney responded to 3141 Bel Air Drive to photograph and document the scene, and photograph and collect evidence. The following are some of the photographs taken of the overall scene and items impounded as evidence. For additional details, refer to **Appendix A** to view SCSA Courtney's corresponding Crime Scene Investigation Report in its entirety, and **Appendix B** to view SCSA Renhard's corresponding Evidence Impound Report in its entirety.



Above: Aerial overview of where the OIS occurred

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Above: Aerial overview of where the OIS occurred



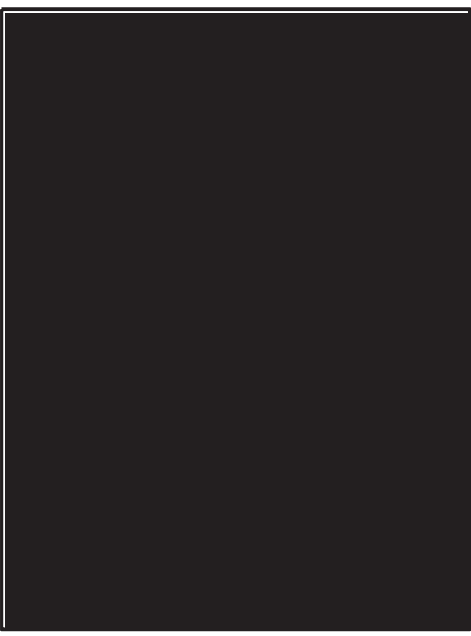
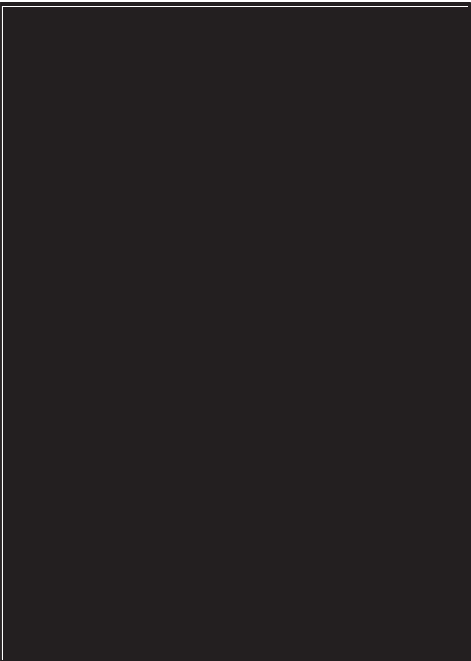
Above left: Aerial (drone) view of the scene



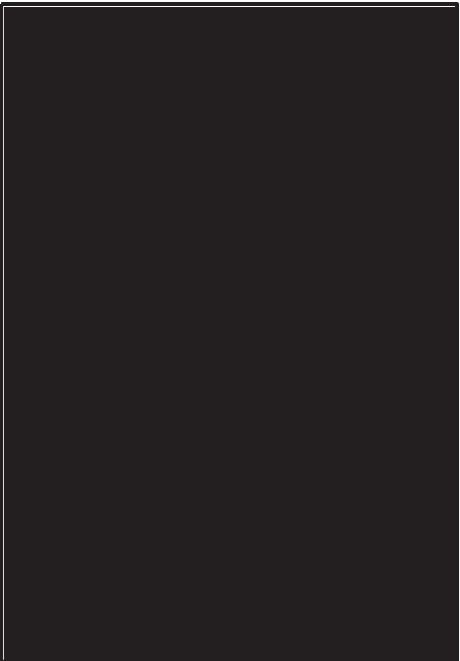
Above right: View from the gate area

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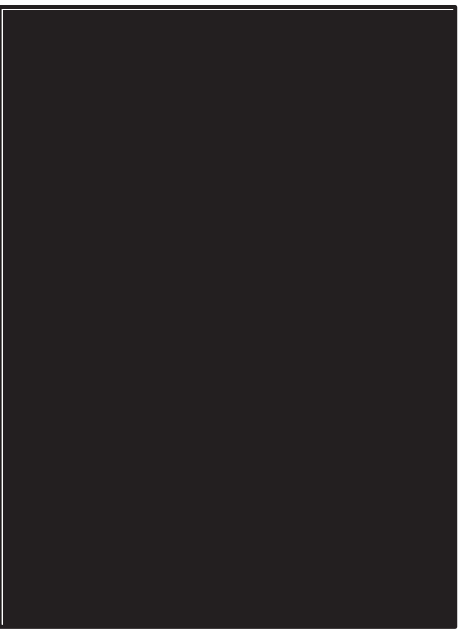
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Above left: View from the front door area
Above right: Bullet strike in a cinder block stack



Above left: Bullet strike in a wheelbarrow
Above right: Officer Burbink's cartridge casings



Above left: Empty holster from the master bedroom nightstand
Above right: Handwritten note located on the kitchen table

X. THIRD PARTY AUDIO/VIDEO EVIDENCE

LVMPD Air Unit Video – AIR2

The LVMPD Air Unit (AIR2) was on scene and recorded 11 minutes and 39 seconds of video while orbiting above 3141 Bel Air Drive. The camera recorded in both forward-looking infrared (FLIR) and color modes during the event.

At the start of the video, Alex Underdown was seen standing at the gate next to his driveway, and appeared to be yelling. As AIR2 continued to circle, Underdown was seen holding a handgun in his right hand next to his thigh. As the video continued, Underdown placed the barrel of the handgun under his chin with his right hand, and moved his left hand behind his back.

Underdown then walked away from the gate. His movements were obstructed by trees as AIR2 orbited. As Underdown went out of view, the FLIR camera captured gunshots. AIR2 advised over the radio it appeared Underdown was shooting. Officers on the ground then radioed, “Shots fired,” and “suspect’s down.”

AIR2 flew closer to the scene and Underdown was seen lying on the walkway. AIR2 officers radioed that Underdown was not moving, but still holding the firearm. AIR2 continued to orbit as officers on the ground moved into the courtyard. The video captured officers taking Underdown into custody. Medical personnel entered the courtyard and checked on Underdown as officers cleared the residence.

After the officers exited the residence, AIR2 stopped recording.

Cellular Phone Voicemail – Alice Underdown

On May 16, 2019, Sergeant Ericsson made telephone contact with Alice Underdown (Alice), Alex Underdown’s mother, who lived out of state at the time of the incident. FIT detectives received information that prior to the OIS Underdown left a voicemail message on Alice’s phone stating an intent to commit suicide. Sergeant Ericsson obtained verbal permission from Alice to record the message.

A male’s voice on recording stated the following:

“Mom, I’m going to kill myself. Goldie’s called the police. I’m surrounded in my house. She’s made accusations that I’ve beaten her. They’re not true. I love you. Goodbye.”

Alice confirmed the voicemail was from her son, Alex Underdown.

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XI. AUTOPSY

On May 16, 2019, at approximately 0655 hours, under CCOCME case 19-2453, an autopsy was performed on the body of Alex Underdown at the CCOCME by Doctor Lisa Gavin.

The following persons were in attendance:

- 1) Forensic Technician Ricky Rosales
- 2) Detective Colon
- 3) Detective Leavitt
- 4) SCSA Jeffrey Scott, P# 9618

The following items of evidence were impounded:

- 1) White sheet with apparent blood wrapped around Underdown's body
- 2) Buccal swab kit from Underdown
- 3) Gray Mangy Moose brand shirt, size XL, with apparent blood
- 4) Green Rogue brand shorts with apparent blood and fecal stains
- 5) Orange Hanes brand underwear, size L, with fecal stains
- 6) Bullet fragment

The following wounds/injuries were noted on Alex Underdown:

- 1) Gunshot wound of head, indeterminate range.

Upon the completion of toxicology testing, the following results were noted:



After a complete autopsy, Doctor Gavin opined Alex Underdown died as a result of gunshot wound of the head. The manner of death was homicide.

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XII. PERSONS CONTACTED

In addition to the people previously identified in Section I of this report, the following persons were contacted in reference to their knowledge of the facts and circumstances related to the incident:

LVMPD Officers

Name: **Baron Bybee P# 15080**
Date of hire: [REDACTED]-14
Area of assignment: SCAC
Squad: SC34
Call sign: [REDACTED]
Vehicle: 18119
Shift hours: 1430-0030 hours
Days off: Friday/Saturday/Sunday
Witness officer; provided an audio recorded interview

Name: **Sergeant Michele Iacullo, P# 7857**
Date of hire: [REDACTED]-03
Area of assignment: SCAC
Squad: SC38B
Call sign: [REDACTED]
Shift hours: 1700-0300 hours
Days off: Saturday/Sunday/Monday
Witness officer; provided an audio recorded interview, conducted the PSS with Officer Burbrink

Name: **Jason Manasan, P# 17463**
Date of hire: [REDACTED]-18
Area of assignment: SCAC
Squad: SC34
Call sign: [REDACTED]
Vehicle: 18119
Shift hours: 1430-0030 hours
Days off: Friday/Saturday/Sunday
Witness officer; provided an audio recorded interview

Civilian

Name: **Stephane Pedaggi**
DOB: [REDACTED]-67
SSN: [REDACTED]
NV OLN: [REDACTED]
Address: 3111 Bel Air Drive, Unit 19H
Las Vegas, NV 89109
Witness; provided an audio recorded interview

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XIII. INVESTIGATION

Subject Officer

Officer Brendan Burbrink

Per LVMPD Policy 6/002.04, Post Use of Force Procedures, a subject officer may provide a recorded statement to FIT investigators. If given, subject officer statements are taken at least 48 hours after the incident unless waived by the subject officer.

On May 15, 2019, at approximately 0057 hours, Lieutenant Lloyd spoke to Officer Burbrink to see if he would provide a voluntary statement to FIT investigators; Officer Burbrink declined.

Victim Officers

Officer Michael Polion

On May 14, 2019 at approximately 2309 hours, Detective Alsup conducted an audio recorded interview with Officer Polion at the 3100 block of Bel Air Drive. Also present for the interview was Detective Sedano, and LVPPA representative Brian Grammas. Below is a summary of the interview; for complete details refer to the interview transcript.

Officer Polion was finishing a car stop when he heard the radio broadcast of a domestic disturbance. Officer Polion observed other marked patrol vehicles operating Code 3 (lights and siren activated), and followed them to the address of the call (3141 Bel Air Drive). Officer Polion dismounted his marked police motorcycle, and coordinated his approach with other patrol officers.

Officer Polion and the other officers gained entry into a courtyard one residence to the west of 3141 Bel Air. Officer Polion stepped on top of a gas meter, so he could see into the yard of 3141 Bel Air. Officer Polion observed Alex Underdown standing near a gate leading from the courtyard of his residence to the front yard area. Underdown was yelling and cursing at officers, and holding a small frame semiautomatic firearm.

Officer Polion stepped off the gas meter and asked another officer to retrieve a 40mm specialty impact weapon or low lethality shotgun. The officer stated he had a low lethality shotgun and handed it to Officer Polion. Officer Polion again stepped onto the gas meter and looked towards the gate, however, Underdown was no longer standing near the gate. Officer Polion scanned the area from right to left and observed Underdown standing in front of him, still holding the firearm. Underdown raised the firearms and pointed it directly at Officer Polion. Officer Polion feared he was going to be shot, and ducked. Officer Polion heard approximately three gunshots and knew they were fired from the officer on his left who was armed with a rifle (Officer Burbrink). Officer Polion provided cover while other officers took Underdown into custody.

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Officer Jeffrey Firestine

On May 14, 2019, at approximately 2325 hours, Detective Colon conducted an audio recorded interview with Officer Firestine at the 3100 block of Bel Air Drive. Also present for the interview was Detective Sedano, and LVPPA representative John Abel. Below is a summary of the interview; for complete details refer to the interview transcript.

Officer Firestine and his trainee partner, Officer Espino, responded to 3141 Bel Air Drive where other patrol units had requested backup reference a domestic disturbance. Officers broadcasted the male half (Alex Underdown) of the domestic disturbance had a firearm.

Officers Firestine and Espino parked their patrol car so it blocked traffic on Bel Air drive. Officer Firestine observed a group of officers standing at the residence to the west of 3141 Bel Air Drive.

An officer advised Officer Firestine there was a courtyard behind the residence that needed coverage. Officer Firestine took a position in the backyard where he had a clear view of Underdown, and blocked his access to the group of officers standing near the neighboring residence. Officer Firestine was behind a block wall which concealed him from Underdown.

Officer Burbrink deployed his rifle and took Officer Firestine's position, utilizing Officer Firestine as his spotter. Officer Firestine requested an officer to respond to his location with a low lethality shotgun, and Officer Polion deployed a low lethality shotgun at Officer Firestine's position.

Officer Firestine broadcasted they had both lethal and non-lethal coverage, and had a clear view of Underdown's back. Underdown turned around and walked in the direction of Officer Firestine. Officers Firestine, Burbrink, and Polion ducked behind the wall as Underdown approached. The officers believed Underdown had walked away from their area. Officer Firestine peaked over the wall and observed Underdown walking toward them with his gun raised.

Officer Firestine heard a single pop followed by two more pops. Officer Firestine did not know if Underdown had fired. Officer Firestine observed Underdown go down, and an immediate action team was formed to approach Underdown, as well as clear the residence.

Witnesses

Stephane Pedaggi

On May 14, 2019, at approximately 2247 hours, Detective Colon conducted an audio recorded interview with Stephane Pedaggi at 3111 Bel Air Drive, unit 19H. Also present for the interview was Detective Sharp. Below is a summary of the interview; for complete details refer to the interview transcript.

Pedaggi stated he and his wife, Cyndi, were having dinner outside on the balcony of their apartment when he first saw a police vehicle arrive on Bel Air Drive. He did not pay much

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attention to it, but then saw a second police vehicle arrive and noticed the residence where the police vehicles parked. Pedaggi retrieved his pair of Oberwork Binoculars, 20x80 magnification power, and continued to watch the incident unfold. Pedaggi said it was still daylight when the incident began, and with his binoculars, he could see all the movement within the courtyard and on the street.

Through his binoculars, Pedaggi said he noticed an older gentlemen with a long, white ponytail. Pedaggi said he recognized the male as someone he had met before, and stated he believed the male's name was Alex (Alex Underdown). Pedaggi did not see anyone else in the courtyard at that time.

Pedaggi said Underdown then began pacing inside of the courtyard of his residence, and appeared to be attempting to hide from someone. Underdown continued to pace, and at one point Pedaggi said he saw Underdown hold a firearm in his left hand down at his side and walk very carefully toward the front gate. Pedaggi said he began to think maybe Underdown was trying to protect himself or shoot someone. Pedaggi said he didn't understand why Underdown would go outside with a gun knowing there were police in the immediate area.

Pedaggi said he then saw additional officers in formation and with their guns drawn getting closer to Underdown's residence. Pedaggi described the handgun Underdown had as a black semiautomatic handgun. Pedaggi stated he heard officers yell something at Underdown, but could not understand what was said. He was unsure if Underdown yelled anything back towards the officers. According to Pedaggi, he did not see Underdown at any time during the incident put down or drop the firearm. Pedaggi said Underdown turned and walked slowly toward his residence, and approximately ten seconds later heard four gunshots. Pedaggi stated he could not see Underdown's movements and/or actions prior to hearing the gunshots.

Sergeant Michele Iacullo

On May 14, 2019, at approximately 2250 hours, Detective Mendoza conducted an audio recorded interview with Sergeant Iacullo at 3111 Bel Air Drive. Below is a summary of the interview; for complete details, refer to the interview transcript.

Sergeant Iacullo was at South Central Area Command (SCAC) when she heard Officer Bybee broadcast on the radio details about a domestic disturbance call he was assigned. Officer Bybee stated a subject, later identified as Alex Underdown (Underdown), had firearms inside his residence and had refused to exit. Due to the details, Sergeant Iacullo assigned herself to the call and proceeded to the scene. Sergeant Iacullo received information that a female, Dorothy Underdown (Dorothy), was out of the residence and was safe. As officers made contact with Underdown via telephone, he stated officers would have to come inside and get him.

Officer Bybee updated details of the call via the radio, and stated Underdown was coming out of the residence and had a gun. Sergeant Iacullo activated her emergency lights and siren (Code 3) and continued to drive to the scene. Sergeant Iacullo arrived in the area, and saw a security officer for the community. The security officer showed Sergeant Iacullo where the residence was located. Sergeant Iacullo exited her patrol vehicle and met with Officer Bybee

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near the residence. As they decided to back away from the Underdown residence, Underdown exited the house with a firearm. Sergeant Iacullo wanted to form an immediate action team, and requested assisting officers meet her at 3133 Bel Air Drive. Sergeants Johnson Aguirre arrived with Sergeant Iacullo.

Officer Bybee attempted to talk with Underdown, but Underdown was very angry and began cursing at the officers. Sergeant Iacullo formulated a plan with the other officers. As she communicated with the other officers, Sergeant Iacullo heard three gunshots. Sergeant Iacullo and the other officers thought they were being shot at, so everyone ducked down, and another officer broadcast over the radio that shots were fired. It was clarified over the radio that an officer had fired the shots. Most members of the team cleared the residence, and Sergeant Iacullo located the shooting (subject) officer (Officer Burbrink). Sergeant Iacullo then conducted a Public Safety Statement interview with Officer Burbrink.

Officer Jason Manasan

On May 14, 2019, at approximately 2344 hours, Detective Leavitt conducted an audio recorded interview with Officer Manasan at 3141 Bel Air Drive. Also present for the interview was LVPPA representative Steve Grammas. Below is a summary of the interview; for complete details refer to the interview transcript.

Officer Manasan and his field training officer (FTO), Officer Bybee, responded to 3141 Bel Air Drive in reference to a domestic disturbance. Upon their arrival, Officer Manasan made contact with a female (Dorothy Underdown) in the driveway. She had injuries on her face, and stated to Officer Manasan that her husband, Alex Underdown (Underdown), had hit her with a closed fist, and slammed a door on her. She was upset and told Officer Manasan that he (Underdown) needed to be arrested. She told Officer Manasan that Underdown was a Marine, had a Glock, .38 special, and a large rifle inside of the residence.

Officer Manasan met with other officers in front of the residence and relayed the information about the weapons. Officer Manasan placed a phone call to Underdown, who informed him that Dorothy was "full of shit" and that if they (police) wanted to speak with him they would need to come in and get him. Officer Manasan told Underdown they didn't want to do that, at which point Underdown began "mother fucking" them and disconnected the call.

Officer Manasan did not ever physically see Alex Underdown, nor did he witness the OIS.

Officer Baron Bybee

On May 15, 2019, at approximately 0015 hours, Detective Alsup conducted an audio recorded interview with Officer Bybee at the 3100 Block of Bel Air Drive. Also present for the interview was Detective Sedano, and LVPPA representative John Abel. Below is a summary of the interview; for complete details refer to the interview transcript.

Officer Bybee, a field training officer (FTO), and his trainee, Officer Manasan, were dispatched to a domestic disturbance call at 3141 Bel Air Drive. They drove from the area of Maryland Parkway and Tropicana Avenue towards Bel Air Drive. Officer Manasan drove as Officer

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Bybee read incident details off the MCT (Mobile Computer Terminal). According to the details of the call, LVMPD officers were dispatched to a verbal only domestic dispute. Details provided also stated that the parties involved owned a firearm and that it was stored in the master bedroom.

Upon arrival Officer Bybee observed the primary unit, Officer Nicholas, had arrived and had already made contact with the female half involved in the domestic dispute (Dorothy Underdown) at the driveway of the residence. Dorothy appeared upset and was crying. Officer Nicholas informed Officer Bybee the male half of the dispute (Alex Underdown) was still in the residence. Officer Bybee approached the courtyard area, but could not see inside the residence. Officer Bybee realized the residence had a Ring™ video doorbell system, and placed a latex glove over the camera lens.

Officer Bybee learned from Officer Nicholas that Dorothy had visible injuries to her face and lip area from being hit. Additionally, it was determined Underdown was Dorothy's husband. Officer Bybee stated that during the preliminary investigation sufficient probable cause existed for the crime of misdemeanor domestic battery.

Officers called Underdown via his cellular phone to talk to him about exiting the residence, but Underdown refused to exit, and made verbal threats towards officers and taunted them to enter the residence. Officer Bybee then contacted Sergeant Aguirre to advise him of the incident and to provide him with the details. Sergeant Aguirre advised Officer Bybee that he would respond to the scene. Officer Bybee then called for the Air Unit since the rear of the residence abutted a large golf course. During the interview Officer Bybee stated Underdown stated that he was a Marine and a better shot than him, and that he (Officer Bybee) better take cover.

While Officer Bybee was requesting additional resources, he observed Underdown exit the residence and enter a courtyard area. Officer Bybee immediately established verbal communication with Underdown. Shortly after, Officer Bybee determined Underdown was holding a handgun in his right hand. Officer Bybee took cover and continued to engage Underdown in conversation. Underdown appeared upset and hostile towards Officer Bybee, and walked away out of view into the courtyard. Underdown then returned, and stood out front by the gate of the courtyard and continued to engage Officer Bybee in conversation.

Sergeant Iacullo arrived and instructed Officer Bybee to move back. A plan for an arrest team was discussed as Underdown continued to yell at officers. Underdown walked away from the gate, and shortly after gunshots were heard by Officer Bybee. Officer Bybee believed Underdown was shooting. Shortly after, Officer Bybee heard over the radio the Air Unit advise Underdown was down and bleeding from his head. Officer Bybee and an arrest team used a shield to approach Underdown. Officer Bybee provided cover as Officer Michael Ross, P# 14852, placed Underdown in handcuffs. Officer Bybee observed a Glock handgun on the ground next to Underdown. The arrest team then cleared the interior of the residence.

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XIV. TIMELINE

The below timeline based on computer aided dispatch (CAD) provides a reconstruction of events which transpired on Tuesday, May 14, 2019, in relation to the fatal OIS that occurred at 3141 Bel Air Drive.

Time (hours)	Description of Event/Action
1729	A 9-1-1 call was made by Dorothy Underdown (Dorothy) reporting a domestic disturbance between her and her husband, Alex Underdown (Underdown). Dorothy stated no battery occurred, and they both had been drinking.
1817	Underdown called 9-1-1 to report the domestic disturbance between him and Dorothy. Underdown stated he was standing by at his neighbor's residence, but refused to give the address.
1903	Officers Nicholas, Manasan, and Bybee were dispatched to the call.
1908	Officer Nicholas arrived in the neighborhood.
1916	Officers Manasan and Bybee arrived in the neighborhood.
1917	Officer Nicholas advised over the radio she could not get past the gate, but she could hear a female (Dorothy Underdown) screaming.
1932	Officers advised they had probable cause to arrest Underdown for a misdemeanor. Officers stated there were guns inside of the residence, and when they called Underdown he stated to come get him.
1940	Officers established containment around the residence.
1946	A Code Red (emergency exists, emergency radio traffic only) was requested when Underdown exited out the door.
1947	Officers advised Underdown had a gun in his hand and wanted to shoot.
1949	Officers stated Underdown was very aggressive, sounded like he was going to commit a suicide by cop, and was still armed.
1957	AI/R2 advised Underdown was yelling at officers, and had a firearm in his right hand.
2001	Officers Espino and Firestine stated they had visual of Underdown from a side yard, and he was still standing at the gate holding a firearm.
2003	AI/R2 advised shots fired, Underdown was down, and still holding a firearm in his right hand.
2005	AI/R2 advised officers were making contact with Underdown and requested medical personnel approach.
2009	AI/R2 advised Underdown was in custody.
2009	Lieutenant Steven Summers, P# 4910, advised Underdown was pronounced deceased.

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CONTINUATION

Event: 190500067775

XV. FORENSICS REQUESTS/RESULTS

Firearms Examinations

Function Testing and Ballistic Comparison Evidence

On May 23, 2019, an LVMPD Forensic Laboratory Request was submitted by Detective Penny on Officer Burbink's and Alex Underdown's respective firearms for function tests and ballistic comparison evidence.

On July 10, 2019, Forensic Scientist Roy Wilcox, P# 15651, submitted the Report of Examination: Firearms. Refer to **Appendix C** for results.

National Integrated Ballistic Information Network (NIBIN)

On May 23, 2019, an LVMPD Forensic Laboratory Request was submitted by Detective Penny on the Glock 23, serial number ZSE500, for NIBIN comparison.

On July 10, 2019, Forensic Scientist Roy Wilcox, P# 15651, submitted the Report of Examination: Firearms. Refer to **Appendix C** for results.

XVI. WITNESS CANVASS

On May 15, 2019, at approximately 0600 hours, Detective Penny and Sergeant Ericsson conducted a witness canvass at the residences listed below. Below is a summary of the canvass.

LOCATION

PERSON CONTACTED

INFORMATION OBTAINED

3164 Bel Air Drive

Don Eller

Phone: [REDACTED]

Eller stated he owned the house where the Underdowns lived, and had known them for years.

He received a cellular phone call from Alex Underdown stating he was humiliated and angry. Underdown stated, "If it ends up in smoke and fire, or bullets and fire, that's the way it'll be." Underdown then hung up on Eller.

Eller stated Underdown had a temper, drank every day, and never thought he was wrong, but Eller thought Underdown was a great guy.

Eller did not witness the OIS.

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Event: 190500067775

LOCATION

3168 Bel Air Drive

PERSON CONTACTED

Brad Balaban

INFORMATION OBTAINED

Balaban stated he heard yelling from across the street and saw several officers outside.

Balaban left his house prior to the OIS.

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