

Re: Request for Independent Review of ATF
Actions in the Death of Bryan Malinowski

Timeline – March 19, 2024

Note: Except where indicated in a footnote, time designated events are documented by LRPD Officer Lakey's MVR (dashcam-audio only). Despite mandatory policies at ATF and LRPD, no body worn cameras were utilized. All agent quotes are from post-incident statements given to Arkansas State Police (ASP).

Statements to ASP describe that the Durance Court residence was surveilled throughout the night, first by SA Dillard then LRPD Sgt. Woodall. No movement or activity was observed until the caravan of agents arrived shortly after 6:00 am.

- 6:01:26 – Ten-car caravan of ATF agents, TFOs, and LRPD turns onto Durance Court.¹
- 6:02:12 – Agents (in a stack) move from the cul-de-sac onto the Malinowski walkway towards the front door.
- 6:02:34 – Agents in a “stack” walking up the Malinowski sidewalk, up the front steps and onto the front porch.²
- 6:02:41 – SA Bass places tape over doorbell camera.³

SA Bass: “We had talked about it before [executing the warrant]. We assumed that this house probably had a Ring camera... and we wanted to cover it up just to kind of... So if something did go wrong. So, I did put a piece of tape over that.”

- 6:02:58 – Sirens are bumped for 1.5 seconds.
- 6:02:59 – Yelling “Open the door.”
- 6:03:01 – Banging on door for 3 seconds.
- 6:03:04 – Yelling “Open the door,” and then banging.
- 6:03:07 – Yelling “Open the door,” and then banging.

SA Boles: “There was no movement inside the house....The blinds on the living room were like at a 45. So, I could see in the house. I could see the ceiling. There was a light on in the house... it wasn't a bright light. It was, you know, like lights you would turn on, you know, when you were going to bed....I was watching to see if a light

¹ Neighbor's video doorbell.

² Malinowski Ring Doorbell Camera.

³ Malinowski Ring Doorbell Camera.

would come on in the house. Um, any kind of noise from the house. Um, I didn't hear anything... I've got this clock in my head. It's like we're out here exposed. Um, so I told them, go ahead and breach the door."

- 6:03:26** – SA Cowart uses Halligan tool and strikes the glass storm doors two times, approximately 1 second apart from each other.
- 6:03:31** – Possible third and fourth strikes from the Halligan tool, approximately 1 second apart from each other.
- 6:03:34** – TFO Mike Gibbons strikes open the front, wooden doors with a battering ram.
- 6:03:37** – The battering ram clanks against the front porch as Mike Gibbons tosses it down and out of the way.

SA Bass: "[I] graduated from the [ATF] academy last October... then showed up here in this office late October of [20]23.... I stepped back and to the right to get out of the way... about that time, the doors came open... Agent Sprinkles went in first... And I'm putting down the shield at this time."

SA Sprinkles: "[TFO Mike Gibbons] hit the door one time. The door swung open. Um, I paused for a moment to the door to open, waiting for—as I said, I was the number 2 man, waiting for our number 1 man to come up who had a shield. That never happened... I think we were unprepared for the French doors... but we didn't want to wait. So, I was told to go ahead, enter."

SA Boles: "[TFO Mike] Gibbons came up and rammed the door open... and the door came open. There was a brief hesitation at the opening and which I was surprised because with our package, once the door comes open, you go in. It was a split second like that, and I said, 'go.'... The shield didn't make it in. I didn't—I didn't know that at the time."

- 6:03:43** – Shots fired.
- 6:05:26** – SA Amy Ness asks LRPD, "Can we put her [Maer Malinowski] in one of your vehicles?"
- 6:05:57** – SA Amy Ness tells Maer Malinowski, "Just sit down because you're cold. I'll go get you some clothes." With no information about her husband's condition, Maer Malinowski, wearing minimal bed clothing, is detained for over 3 hours in a LRPD patrol car at the direction of ATF agents.