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CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF ARIZONA

10 CR-24-00355-PHX-SPL (ASB)

INDICTMENT

11 United States of America,  
12 Plaintiff,

Violation:

13 vs.

18 U.S.C. §§ 1112 and 1114(a)(2)  
(Involuntary Manslaughter of an  
Officer of the United States)  
Count 1

14 Larry Edward Brown, Jr.,

15 Defendant.  
16

SEALED

17  
18 **THE GRAND JURY CHARGES:**

19 **I. Introductory Allegations:**

20 At all times material to this Indictment:

21 1. On August 17, 2023, Special Agents of the Internal Revenue Service  
22 Criminal Investigation (“IRS-CI”) were using firearm range #3 at the Federal Correctional  
23 Institution Phoenix (“FCI Phoenix”) for standard pistol qualifications and classroom  
24 training. The FCI Phoenix range consists of a total of five firing ranges with lanes for  
25 target shooting with live rounds; a small structure located on Range 3 known as the  
26 “Tower,” where a firearms instructor can observe and command live fire trainings; two  
27 classrooms; and small parking area that separates the classroom building and the Tower.  
28 On August 17, twelve IRS-CI agents and four IRS-CI Use of Force instructors, a total of

1 16 Special Agents, participated in the pistol qualification and classroom training exercises.  
2 Special Agents with IRS-CI are sworn federal law enforcement officers who investigate  
3 federal tax and money laundering crimes, as well as violations of other federal laws.

4 2. The IRS-CI Use of Force Instructor program is comprised of three areas:  
5 Firearms, Defensive Tactics and Team Tactics. All Use of Force Instructors are certified  
6 to instruct in all three areas after completing additional training above and beyond the  
7 required IRS-CI Criminal Investigator training.

8 3. Special Agent Patrick Bauer was a 15-year veteran Criminal Investigator for  
9 IRS CI, and a trained Use of Force Instructor. Special Agent Bauer was the firearms  
10 instructor leading the live-fire pistol qualifications at the range on August 17. Special  
11 Agent Bauer was IRS-CI's Regional Use of Force Coordinator, covering Arizona, New  
12 Mexico, Colorado, and Utah.

13 4. Larry Edward Brown, Jr. ("Brown") has been employed as a Special Agent  
14 with IRS-CI since August 2011. Brown is a trained Use of Force Instructor for IRS-CI.  
15 Brown's role at the FCI Phoenix range on August 17, 2023, was to lead a defensive tactics  
16 session held in the classroom in the building adjacent to the range. Brown did not instruct  
17 nor participate in any "live fire" exercises on August 17.

18 5. During the defensive tactics session, the only weapons allowed in the  
19 classroom were training guns, also known as "red guns,": fully-functional Glock pistols  
20 with firing pins removed, painted bright red to easily distinguish them from other weapons  
21 that can fire bullets. No "live fire" weapons were allowed in the classroom, and everyone  
22 was patted down before they entered to confirm they were not carrying a live weapon.  
23 Standard practice for agents participating in defensive tactics was to secure their service  
24 weapon in their car during training and to retrieve their service weapon after returning the  
25 red gun used during training. Red guns were carefully counted before and after each  
26 defensive tactics session.

27 6. Before the defensive tactics classroom training and pistol qualifications  
28 started that morning, all IRS-CI agents present, including Brown, participated in the

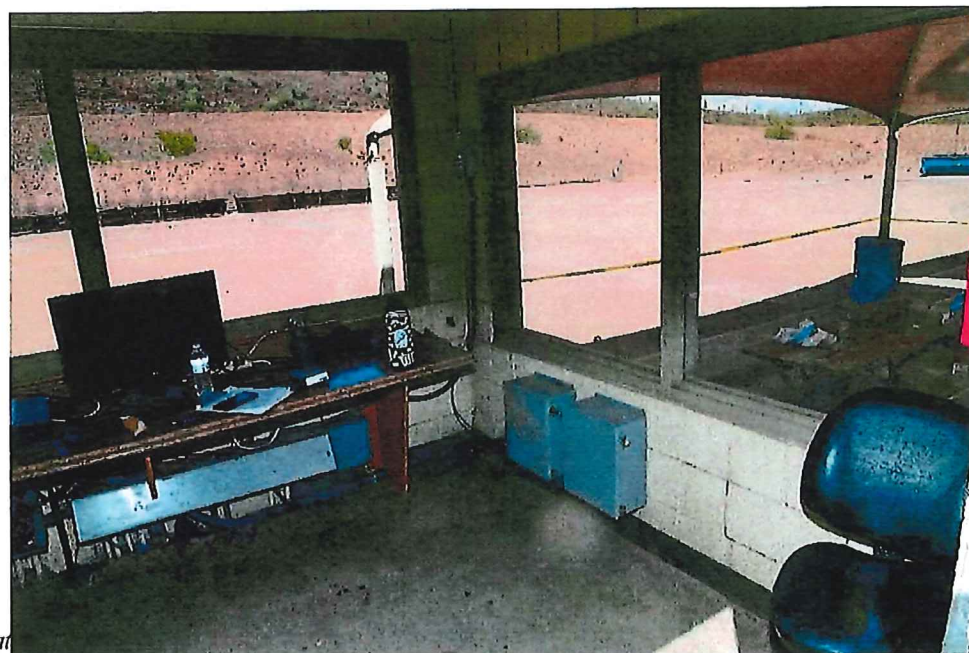
1 Integrated Use of Force Training Safety Briefing. This standard practice, which was  
2 followed on August 17, 2023, is to pass around a written, laminated list of safety protocols,  
3 and for each agent present to take turns reading an item off the list out loud to the group.

4 The listed safety protocols include the following:

- 5 • Treat all firearms as if they are loaded.
- 6 • Keep the muzzle pointed in a safe direction at all times.
- 7 • Keep your finger off the trigger until you are ready to shoot – the finger  
8 remains off the trigger and outside the trigger guard until the weapon is on  
9 target and the decision to use deadly force is made.
- 10 • Know the target area and what is beyond it.
- 11 • Conduct a proper safety inspection of the weapon before and after a training  
12 session.
- 13 • Never give a firearm to, or take a firearm from anyone, unless the slide is  
14 locked, the rear or the cylinder is open, and the source of ammunition is  
15 removed.
- 16 • Always follow the range instructor's commands.
- 17 • Load and fire only upon command of the firearms instructor.
- 18 • Never remove a weapon from a holster unless directed by a firearms  
19 instructor.
- 20 • Only dry fire when directed by the firearms instructor.
- 21 • During firearms training or qualifications, no eating, drinking, or smoking  
22 on the firing line.
- 23 • Cell phones are not authorized to be used while on the firing line or while  
24 participating in use of force training.
- 25 • Never leave your firing point unless you are instructed to do so.

26 7. Special Agent Bauer ran pistol qualifications from the Tower and  
27 commanded the range through a speaker system heard by shooters on Range #3. The  
28 Tower is a stand-alone building of slump-block/cement construction. The Tower is a small,

1 one-room structure, with an interior measuring approximately eight feet by nine feet. A  
2 three-step staircase leads to the only door on the structure. The door is in the middle of the  
3 south wall of the structure. The structure has large windows located on its west, north and  
4 east sides. The windows on the north side of the structure afford a view of Range #3. An  
5 in-wall air conditioning unit is located on the south wall of the structure, just west of the  
6 door. Training exercises are not conducted inside the Tower.





1 unlawful manner which might produce death. Such act was committed in a grossly  
2 negligent manner, with actual knowledge that his conduct was a threat to lives of others or  
3 with actual knowledge that would reasonably enable him to foresee the peril to which his  
4 act might subject another, to wit: handling a firearm without due caution and  
5 circumspection and with wanton and reckless disregard for human life, that act being the  
6 proximate cause of the unlawful killing of Agent Bauer.

7  
8 All in violation of Title 18, United States Code, Sections 1112, and 1114(a)(2).

9 A TRUE BILL

10  
11 /s/  
12 FOREPERSON OF THE GRAND JURY  
13 Dated: February 28, 2024

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15  
16 GARY M. RESTAINO  
17 United States Attorney  
18 District of Arizona

19 /s/  
20 MONICA E. RYAN  
21 NATHANIEL J. WALTERS  
22 Assistant U.S. Attorneys  
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