



TOWN OF SHIRLEY
POLICE DEPARTMENT
11 Keady Way
Shirley, Massachusetts 01464

DEPARTMENT/OPERATIONS
978-425-2642
FAX: 978-425-2646
RECORDS BUREAU
978-425-2644
FAX: 978-425-2646

Lieutenant
Alfreda Cromwell

March 22, 2022

Andrew Quemere

Mr. Quemere,

On March 9, 2022 we received your request pursuant to the Massachusetts Public Records Law for the following records:

“All internal affairs records for police officer Matthew O'Sullivan”

and

“I request that these records be provided in an electronic format that is searchable and machine readable (M.G.L. c.66, §6A; 950 CMR 32.04). The records should be provided in a manner that preserves their original features — e.g., hyperlinks, color, images, etc. Records should not be printed out then scanned or subjected to other processes that would remove searchable, machine-readable text or other features. Furthermore, electronic documents that originated separately should not be combined into a single file.”

With respect to your request, the department intends to redact the following requested records:

Report 17-23-AR will be redacted.

Correspondence dated April 4, 2017 from Chief Santiago to Sgt. Violette will be redacted.
Correspondence dated April 4, 2017 from Chief Santiago to Officer O'Sullivan will be redacted.
Correspondence dated April 10, 2017 from Chief Santiago to Officer O'Sullivan will be redacted.
Correspondence dated April 11, 2017 from Chief Santiago to Officer O'Sullivan will be redacted.
Correspondence dated April 11, 2017 from Chief Santiago to the BOS will be redacted.
Correspondence from Officer Brown #18 to Sgt. Violette to RE: 17-23-AR will be redacted.
Correspondence from Mark Lafferty will be redacted.

The department intends to redact the above-referenced request records due to the applicability of the following exemptions and the reasons set forth below:

Exemption (a): This exemption applies to records that are "specifically or by necessary implication exempt from disclosure by statute."

CRIMINAL OFFENDER RECORD INFORMATION

In particular, G.L. c. 6, sections 167-178B, and related regulations, requires that criminal justice agencies withhold any records and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, previous hearings conducted pursuant to section 58A of chapter 276 where the defendant was detained prior to trial or released with conditions under subsection (2) of section 58A of chapter 276, sentencing, incarceration, rehabilitation, or release. Such information shall be restricted to that recorded as the result of the initiation of criminal proceedings or any consequent proceedings related thereto. Criminal offender record information shall not include evaluative information, statistical and analytical reports and files in which individuals are not directly or indirectly identifiable, or intelligence information. Criminal offender record information shall be limited to information concerning persons who have attained the age of 18 and shall not include any information concerning criminal offenses or acts of delinquency committed by any person before he attained the age of 18; provided, however, that if a person under the age of 18 is adjudicated as an adult, information relating to such criminal offense shall be criminal offender record information. Criminal offender record information shall not include information concerning any offenses which are not punishable by incarceration.

As a result, such information must be redacted under the law.

Also, please be advised that we do not have the records you requested in electronic format that is searchable and machine readable; however, we were able to copy and scan the documents.

Please be advised that pursuant to 950 CMR 32.00 and G.L. c. 66, section 10A(a) you have the right to appeal this decision to the Supervisor of Public Records within 90 calendar days. Such appeal shall be in writing, and shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. Pursuant to G.L. c. 66, section 10A(c), you also have the right to seek judicial review by commencing a civil action in the superior court.

Please feel free to contact me at 978-425-2612 x105 if I can be of further assistance.

Very truly yours,



Lieutenant Alfreda Cromwell

Records Access Officer



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ACTING CHIEF SAMUEL SANTIAGO

978-425-2642

774-420-8540 Cell Phone

ssantiago@shirley-mapd.org

SAMUEL SANTIAGO

ACTING CHIEF OF POLICE

To: Sgt. Peter Violette

From: Samuel Santiago, Acting Chief of Police

Re: Internal Investigation into Officer Matthew O'Sullivan

Use of Force

Date: April 4, 2017

Sgt. Peter Violette:

I am assigning you to conduct an internal investigation into a use of force incident that occurred in the Shirley Police Department cell room area on March 31, 2017, Arrest 17-23-AR. The incident involves Officer Matthew O'Sullivan and an individual who was arrested for OUI Liquor .. Please forward your internal investigation and findings to me once completed.

Samuel Santiago, Acting Chief of Police



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SAMUEL SANTIAGO

ACTING CHIEF OF POLICE

To: Officer Matthew O'Sullivan

From: Samuel Santiago, Acting Chief of Police

Re: Internal Investigation

Date: April 4, 2017

Officer Matthew O'Sullivan:

The Shirley Police Department is conducting an investigation into your actions as it relates to a use of force incident that occurred in the Shirley Police Department cell room area on March 31, 2017, Arrest 17-23-AR. The incident involves an individual who was arrested for OUI Liquor

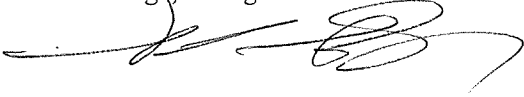
As your precise knowledge and or involvement in these matters are unclear, I require your presence, participation and cooperation in an interview to be conducted at the Shirley Police Department on a date and time to be determined by Sgt. Peter Violette. The interview will not seek a final determination or adjudication but will be investigative in nature.

You have all the rights and privileges guaranteed by the laws of the Commonwealth of Massachusetts and the Constitution of this state and of the United States. I would like to advise you that you will be required to answer narrowly and specifically designed questions that are material and relevant to the performance of your duties that would not tend to incriminate you at the interview. Failure to appear at the interview or answer questions that are material and relevant to the performance of your duties that would not tend to incriminate you may result in disciplinary action by the Shirley Police Department in the form of discharge.

As you are aware as a police officer you are held to a higher standard, ethical conduct and behavior. You are required to answer questions that would not tend to incriminate you directly, truthfully and to the best of your knowledge and recollection. The intentional omission of significant and pertinent facts will be considered untruthfulness. The intentional making of untruthful statements or answers to questions will result in discipline with my recommendation of termination from the Shirley Police Department.

I have attached the Shirley Police Department Policy on Internal Affairs, Policy and Procedure No. 200. Please review the policy regarding to the advisement of your rights and responsibilities as an employee of the Shirley Police Department.

Samuel Santiago, Acting Chief of Police

A handwritten signature in black ink, appearing to read 'Santiago', with a large, stylized flourish extending to the right.

Matthew O'Sullivan came in on April 10, 2017 to receive his notice of Admin Leave. He turned in his firearm, police ID card and three badges. O'Sullivan was provided with his notice and a copy of the policy and procedure No.200 Internal Investigations.

Town of Shirley

POLICE DEPARTMENT



11 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812

TEL: (978) 425-2642

April 10, 2017

BY Certified Mail

Mr. Matt O'Sullivan

Re: Notice of Administrative Leave

Dear Officer O'Sullivan:

Please accept this correspondence as notification that effective immediately you are being placed on administrative leave pending the outcome of an investigation arising out of your actions as an employee for the Town of Shirley. This action does not constitute a disciplinary action against you.

During the term of this administrative leave, which will extend until further notification, you are relieved of all duties and responsibilities. You are to perform no duties of the office, and you are to have no active or passive role in the operation or management of the Department. You are not to be present at the Police Department for any reason. You are not to use any Town equipment or property.

You are hereby directed to turn over any and all equipment issued to you by the Town including but not limited to any, firearms, paging equipment, radios, cell phones, identification cards, keys or any other equipment of any kind. You are also directed to turn over all computer codes in your possession with regard to Town owned equipment. You are also directed not to have any contact with any Department employee regarding any Department business.

The failure to follow each of these orders may result in the issuance of discipline up to any including termination.

A copy of this letter will be placed in your personnel folder.

Thank you.

Very truly yours,

Samuel Santiago
Acting Police Chief



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SAMUEL SANTIAGO

ACTING CHIEF OF POLICE

To: Officer Matthew O'Sullivan

From: Samuel Santiago, Acting Chief of Police

Re: Administrative Leave

Date: April 11, 2017

Officer Matthew O'Sullivan:

This is your notice that you have been placed on administrative leave pending an internal investigation into a use of force incident that occurred in the Shirley Police Department cell room area on March 31, 2017, Arrest 17-23-AR. The incident involves you and an individual that was arrested for OUI Liquor ([REDACTED]). You will remain on administrative leave until the investigation is concluded and a determination is made to clearly prove or disprove the use of force incident.

Samuel Santiago, Acting Chief of Police



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ssantiago@shirley-mapd.org

SAMUEL SANTIAGO
ACTING CHIEF OF POLICE

To: Shirley Board of Selectmen

From: Samuel Santiago, Acting Chief of Police

Re: Officer Matthew O'Sullivan Administrative Leave

Date: April 11, 2017

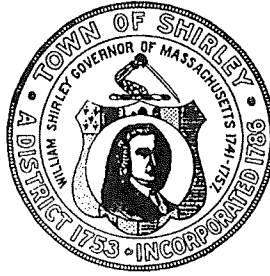
Board of Selectmen:

Reserve Officer Mathew O'Sullivan has been placed on administrative leave pending an internal investigation into a use of force incident that occurred in the Shirley Police Department cell room area on March 31, 2017, Arrest 17-23-AR. The incident involves Officer Matthew O'Sullivan and an individual who was arrested for OUI Liquor. Matthew O'Sullivan will be on administrative leave until the investigation is concluded and a determination is made to clearly prove or disprove the use of force incident.

Samuel Santiago, Acting Chief of Police

Cc: Patrice Garvin

TOWN OF SHIRLEY
DEPARTMENT OF POLICE
11 Keady Way
Shirley, Massachusetts 01464-0445



PETER D. VIOLETTE
Sergeant

Telephone (978) 425-2642
Office (978) 425-2644

To: Acting Chief Samuel Santiago

From: Sergeant Peter Violette

Subject: Internal Investigation Reserve Officer Matthew O'Sullivan

Date: Started April 4th 2017-Ended April 20th 2017

On April 4th 2017 I was assigned to conduct an Internal Investigation on Reserve Officer Matthew O'Sullivan for an alleged excessive use of force incident inside the Shirley Police Departments holding cell #6 on March 31st 2017. The incident involved a subject who had been arrested by Reserve Officer Matthew O'Sullivan for an O.U.I. offense (17-23-AR). Reserve Officer Brown was also working with Reserve Officer Matthew O'Sullivan and was present during the use of force incident in the holding cell #5.

Acting Chief Santiago advised me that Reserve Officer O'Sullivan approached him in the morning of the arrest and advised him that he had struck the arrested subject in the groin in the holding cell. Acting Chief Santiago requested Reserve Officer O'Sullivan to fill out a written use of force report, which Reserve Officer O'Sullivan filled out. **See attached report.**

On April 4th 2017, at approximately 10:15 pm, I spoke to Reserve Officer Brown and advised him that I was assigned to conduct an internal investigation on Reserve Officer O'Sullivan for the use of force incident on March 31st 2017. Through speaking with Reserve Officer Brown, I learned the following. On the night of the arrest, Reserve Officer Brown was surprised that Reserve Officer O'Sullivan had kicked the arrested subject in the groin area and was squaring off in a fighting stance with his fists up with the subject at the holding cells threshold. Reserve Officer Brown had to push Reserve Officer O'Sullivan back away from the holding cell to de-escalate the situation and shut the cell door. Reserve Officer Brown requested to watch the cell block video, which he did. I requested Reserve Officer Brown to write me a written statement. On April 5th 2017, Reserve Officer Brown provided me a detailed and written report as requested. **See attached report:**

On April 12, 2017 at approximately 4:00pm, I had the occasion to speak with Reserve Officer O'Sullivan. I had advised him, which he already knew of that I was assigned to conduct an internal investigation of the alleged incident which occurred in holding cell #5. Through speaking with Reserve Officer O'Sullivan, I learned the following. Reserve Officer O'Sullivan had made an arrest for an O.U.I. offense and had brought the arrested subject into the booking room and was conducting the booking process. As Reserve Officer O'Sullivan conducted the booking process, the subject became more agitated, which Reserve Officer Brown took over the booking process and Reserve Officer O'Sullivan left the booking room, but stood outside of the booking room and would check back at different intervals.

After the booking process was completed, it was time for the subject to be placed into a holding cell. Reserve Officer O'Sullivan opened holding cell #5. Reserve Officer Brown proceeded to escort the subject with an escorted arm bar technique to holding cell #5. As Reserve Officer Brown was escorting the subject by holding cell#3, which Reserve Officer O'Sullivan was standing in front of. The subject stopped and turned towards Reserve Officer O'Sullivan and Reserve Officer O'Sullivan grabbed onto the other subjects arm. The subject then tried to pull away from both Officers and as he did, the subject struck Reserve Officer O' Sullivan on the side of the face. That's when Reserve Officer Brown and O'Sullivan had to push and escort the subject in the hallway and into holding cell #5.

Reserve Officer O'Sullivan had given the subject (2) knee strikes while attempting to get the subject to comply with getting into the holding cell. As the subject was in the holding cell, Reserve Officer O'Sullivan feared the subject was going to come at him and Reserve Officer O'Sullivan kicked the subject to keep distance between them. Reserve Officer O'Sullivan thought the subject was still assaultive and the reason for the kick, he thought he was going to be assaulted.

I asked Reserve Officer O'Sullivan why did he square off with the arrested subject at the holding cell door. Reserve Officer O'Sullivan stated he thought the subject was coming at him, and he had to defend himself. I asked Reserve Officer O'Sullivan why he didn't give any verbal commands to the subject. Reserve Officer O'Sullivan stated, it just went so fast, and Reserve Officer Brown nudged me back. I asked Reserve Officer O'Sullivan, why you didn't just shut the cell door. Reserve Officer O'Sullivan stated, he feared for his safety and he wanted to create distance and stop the threat. Reserve Officer O'Sullivan feared that the subject was going to come at him and he also feared he was coming towards him. Reserve Officer O'Sullivan thought it was necessary because the subject was assaultive towards him and he proceeded to kick him. Reserve Officer O'Sullivan felt that he was trying to de-escalate the entire incident from the booking process to placing the subject in the cell.

On April 13th 2017, I had the occasion to speak with Dispatcher/Reserve Officer Mark Lafferty. Through speaking with him, I learned the following. On March 30th 2017, Dispatcher Lafferty was working the 11pm-7am shift in dispatch. Dispatcher Lafferty was able to observe and monitor the booking room and cell from dispatch. Dispatcher Lafferty was observing the booking process and observed Reserve Officer O'Sullivan and the arrested subject. The arrested subject was not cooperating with the Reserve Officer O'Sullivan and with the booking process. As the booking process continued, the arrested subject would refuse to answer questions that were being asked by Reserve Officer O'Sullivan. Reserve Officer Brown stepped in and interceded with the booking process, and he was able to finish the booking process.

Once the booking process was completed, Dispatcher Lafferty observed on the camera/monitor Reserve Officer Brown to escort the arrested subject to the holding cell. While being escorted to the holding cell, the arrested subject observed Reserve Officer O'Sullivan and tensed up. It appeared to Dispatcher Lafferty that Reserve Officer O'Sullivan pushed the arrested subject towards the cell area. Dispatcher Lafferty observed a struggle with the arrested subject at the holding cells threshold and then the arrested subject entered the cell. Dispatcher Lafferty observed the arrested subject to be in the holding cell and turn around and stare at Reserve Officer O'Sullivan. Reserve Officer O'Sullivan then kicked the arrested subject in the area below his waist. Reserve Officer Brown then pushed back Reserve Officer O'Sullivan from the holding cells threshold and closed the cells door.

I requested Dispatcher Lafferty to provide me a written statement, which he did. **See statement attached.**

Findings:

I find by the preponderance of the evidence discovered and obtained that Reserve Officer O'Sullivan violated The Shirley Police Departments Policy Conduct Manual Rule 4.1— CONDUCT UNBECOMING OF AN OFFICER which states: Officers May be disciplined for conduct which is not otherwise prohibited by the law or by these rules where that conduct falls into the category of conduct unbecoming of an officer. Such conduct must both: 1) affect the officer's ability to perform their duties or the ability of the rest of the department to perform its function, and 2) be such that a reasonable police officer would perceive it to be wrongful.


Reserve Officer O'Sullivan is an academy full time trained police officer since 2012. For Reserve Officer O'Sullivan to kick the subject in the groin with his police boot while in the holding cell did not fall under the umbrella of using this type of a defensive tactic. The subject was active resistant and assaultive while being escorted in the hallway to the holding cell, but was not active aggressive/assaultive towards either officers when in the holding cell. If the

subject was active aggressive/assaultive while ion the holding cell towards Reserve Officers O'Sullivan and Brown then this action by Reserve Officer O'Sullivan could be justified and substantiated for self-defense. Reserve Officer O'Sullivan then squared off at the holding cells threshold in a fighting stance with his fists up directly facing the subject, while the subject was yelling and challenging him to strike him. Reserve Officer O'Sullivan did not give any verbal commands to the subject to back up and stop his actions while in the holding cell. Reserve Officer O'Sullivan held his position while the subject was yelling and challenging him. Reserve Officer Brown had to push Reserve Officer O'Sullivan back away from the holding cells threshold, which he then closed the holding cell door. These actions by Reserve Officer O'Sullivan don't reflect or are indicative on the training that he had received as a police officer.

As Police Officers, we are trained to de-escalate and alleviate minor to dangerous situations to prevent them from escalating further and to resolve them with a positive conclusion from their training and experience. In this incident, this did not happen, until Reserve Officer Brown decided to intervene and de-escalate the situation by pushing Reserve Officer O'Sullivan back and closing the holding cell door.

- 1) Witnessed by Reserve Officer Ian Brown
- 2) Department booking room video shows event (copy attached)
- 3) Department cell#6 video shows event (copy attached)
- 4) Witnessed by Dispatcher Mark Lafferty

Respectfully Submitted,



Sgt. Peter Violette

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- 1) Shirley Police Department arrest report (17-23-AR)-Redacted
- 2) Written statement from Reserve Officer Ian Brown
- 3) Written statement from Dispatcher Mark Lafferty
- 4) Shirley Police Department booking video
- 5) Shirley Police Department cell#6 video
- 6) Shirley Police Department use of force report form

TO: Sergeant Peter Violette

FROM: Patrolman Ian F. Brown #18

RE: 17-23-AR [REDACTED]

Dear Sgt. Violette,

On March 30th, 2017 I was working my assigned patrol shift from 11 P.M. until 7 A.M. At approximately 1:30 A.M. Officer Matthew O'Sullivan conducted a motor vehicle stop on Little Tpk, which resulted in an OUI arrest. I observed the arrestee [REDACTED] to be slightly agitated with Officer O'Sullivan while doing Standardized Field Sobriety Tests (SFST). I awaited the tow while Officer O'Sullivan transported [REDACTED] back to the station for booking.

Upon my arrival at the booking room, Officer O'Sullivan was reading [REDACTED] the statutory rights consent form for the Breath Test machine (BT). [REDACTED] was agitated with Officer O'Sullivan during this time. I attempted to read the form with [REDACTED] again and after multiple attempts, he complied. While I was attempting to fill out the arrest entry information on the computer system, Officer O'Sullivan was advising [REDACTED] that he was going to start the 15 minute observation period prior to blowing into the BT machine. Officer O'Sullivan told [REDACTED] that he was not to cough, burp, or put his hands near his mouth. [REDACTED] was again agitated with Officer O'Sullivan and began coughing and putting his hands near his mouth excessively as if he were doing it on purpose. It was at this time; Officer O'Sullivan entered [REDACTED] in as a refusal on the BT machine. Once [REDACTED] gained knowledge that he was being entered as a refusal, he again became agitated with Officer O'Sullivan.


At this time, I was fingerprinting Mr. [REDACTED] and both him and Officer O'Sullivan exchanged words on multiple occasions. Again, [REDACTED] was agitated with Officer O'Sullivan. It was at this point, I noticed Officer O'Sullivan to become agitated with Mr. [REDACTED] and leave the booking room. Officer O'Sullivan left the booking room multiple times to avoid confrontation with [REDACTED] but had also returned multiple times to retrieve items or information from myself. Each time Officer O'Sullivan entered the booking room, he and [REDACTED] would continue to exchange words with each other agitating each other. Once [REDACTED] was given the opportunity to make a phone call, Officer O'Sullivan came back into the booking room and stood in the doorway looking at [REDACTED] I observed [REDACTED] to be glaring at him saying nothing until Officer O'Sullivan said something along the lines of "Don't do anything stupid, you're going to regret it". [REDACTED] replied demeaning Officer O'Sullivan and making comments about how he thought Officer O'Sullivan felt tough because he had a badge. Again, Officer O'Sullivan left the room to avoid any more confrontation.

Once the phone calls were made, I told [REDACTED] that it was time to go to the cell. Officer O'Sullivan was in the cell hallway while I prepared [REDACTED] for transport to the cell and Officer O'Sullivan and [REDACTED] started exchanging words in an argumentative manner. I placed [REDACTED] in the prisoner transport position and exited the booking room. While walking towards cell five, I observed Officer O'Sullivan to be standing in front of cell three. As [REDACTED] and I were passing cell three, he stopped and glared over at Officer O'Sullivan and said something along the lines of "you should quit trying to be a cop". During this time, I was pushing [REDACTED] forward in an attempt to escort him up the hallway without any more confrontation. After reviewing the booking video multiple times, I could hear someone say "let's go" and then heard scuffling prior to us struggling to escort [REDACTED] up the hallway.

At this point, I observed Officer O'Sullivan grab [REDACTED] left arm and we began to scuffle up the hallway towards cell five. Once at the doorway to cell five, [REDACTED] braced his left hand against the threshold and resisted going into the cell. Both Officer O'Sullivan and I were pushing and shoving against [REDACTED] in an effort to place him in the cell. During this time, I observed Officer O'Sullivan give two knee strikes making contact to [REDACTED] "right" thigh area in an attempt to get him to comply. After reviewing the booking video, once [REDACTED] was in the cell, he turned around with his hands down by his side and faced Officer O'Sullivan who was in the cell doorway. At this point, I observed Officer O'Sullivan execute a front kick striking [REDACTED] in the groin area and then stand in the doorway in a fighting stance again exchanging multiple words with [REDACTED]. After reviewing the booking video, either [REDACTED] or Officer O'Sullivan said "COME ON MOTHERFUCKER". It was at this time, that I pushed Officer O'Sullivan out of the doorway and yelled at [REDACTED] to sit down on the bed, and then I closed the door to cell five.

At this time, [REDACTED] was bailed and escorted out of the station to the lobby where he was given a ride home by his girlfriend.

Respectfully Submitted,



Patrolman Ian F. Brown #18

Mark Lafferty

04/13/2017

I officer Mark Lafferty was working as a dispatcher for the Town of Shirley on the 2300-0700 shift on the night of 03/30/2017. I was working with Officer Ian Brown and Officer Matthew O'Sullivan when an OUI arrest was made, which I observed all live through the cameras at the station. From the time the prisoner, Mr. [REDACTED], entered the booking area, he was not cooperating well with officer O'Sullivan. Once Officer Brown arrived, [REDACTED] seemed to respect and listen to Officer Brown. Throughout the booking process, every time Officer O'Sullivan engaged in conversation with [REDACTED] he would not cooperate. Eventually it got to the point where [REDACTED] wouldn't even answer or acknowledge Officer O'Sullivan. Officer Brown was able to finish the booking process because [REDACTED] didn't give him a difficult time. There were multiple times when the officers came into the dispatch center to receive paperwork or request information. I spoke with both officers and we all agreed on the fact that [REDACTED] clearly had issues with Officer O'Sullivan. I observed [REDACTED] several times deliberately do what Officer O'Sullivan told him not to do in order to complete the breath machine test. Officer O'Sullivan told [REDACTED] that he was entering it as a refusal, since he would not cooperate. At this point, tensions heightened. Once the booking was completed I observed live on the camera, Officer Brown escorting [REDACTED] to the cell. Once [REDACTED] observed Officer O'Sullivan, I noticed he tensed up. At this point Officer O'Sullivan, from my point of view, looked to push [REDACTED] towards the cell area. I observed a slight struggle momentarily, and then [REDACTED] entered the cell threshold. At this point, I noticed both officers at the door. [REDACTED] turned around and stared at Officer O'Sullivan. Officer O'Sullivan then kicked [REDACTED], which I observed to be in the proximity below the waist area. At this time, Officer Brown pushed Officer O'Sullivan out of the doorway and slammed the cell door shut to end the confrontation. Later in the evening, Officer O'Sullivan asked me if I noticed any redness, or marks on his face from when he was hit by [REDACTED] I observed no apparent marks or redness on his face at the time he showed me.



Shirley Police Department
Arrest Report

Arrest #: 17-23-AR
Call #: 17-4890

Date/Time Reported: 03/31/2017 @ 0130
Arrest Date/Time: 03/31/2017 @ 0149
Booking Date/Time: 03/31/2017 @ 0239



OBTN: TSHI201700023

Reporting Officer: RESERVE OFFICER MATTHEW O'SULLIVAN
Assisting Officer: Patrol Officer IAN BROWN
Booking Officer: Patrol Officer IAN BROWN

Signature: _____

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED]	M	W	[REDACTED]	[REDACTED]	[REDACTED]

Military Active Duty: N
HEIGHT: 0 WEIGHT: 0 HAIR: BROWN EYES: BLUE
BODY: SLIM COMPLEXION: FAIR
DOB: [REDACTED] PLACE OF BIRTH: , MA
LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) [REDACTED]

[APPEARANCE]

GENERAL APPEARANCE: ORDERLY
SHIRT: UNSPECIFIED COAT/JACKET
PANTS/SKIRT: UNSPECIFIED PANTS/SKIRTS
SHOE: JOGGING SHOES
GLASSES WORN: NO

TATTOOS: TAT R SHLD(SKULLS)

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE
FATHER'S NAME: [REDACTED]
MOTHER'S NAME: [REDACTED]
EMPLOYER/SCHOOL: [REDACTED]
OCCUPATION: CONSTRUCTION

**Shirley Police Department
Arrest Report**

Page: 4
04/12/2017

**Arrest #: 17-23-AR
Call #: 17-4890**

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
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[RIGHTS/BOOKING CHECKS]

RIGHTS ADVISED BY: Patrol Officer IAN F BROWN DATE/TIME: 03/31/2017 @ 0244
 PHONE USED: N
 ARRESTEE SECURED: N

 FINGERPRINTED: N
 PHOTOGRAPHED: N
 SUICIDE CHECK: Performed
 PERSONS: State&Federal
 NCIC VEHICLE CHECK: Not Performed
 INJURY OR ILLNESS: N

#	OFFENSE(S)	ATTEMPTED	TYPE
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LOCATION TYPE: Highway/Road/Alley/Street Zone: SOUTH SECTOR
 PARKER RD
 SHIRLEY MA 01464

- | | | | |
|---|---|---|-------------|
| 1 | HEADLIGHTS, FAIL DIM
540CMR212 540CMR212
OCCURRED: 03/31/2017 0130
REFER TO CITATION#: R7251230
SUSPECTED OF USING: Alcohol
BIAS AGAINST: No Bias | N | Violation |
| 2 | REGISTRATION NOT IN POSSESSION
90/11/B 90 11
OCCURRED: 03/31/2017 0130
REFER TO CITATION#: R7251230
SUSPECTED OF USING: Alcohol
BIAS AGAINST: No Bias | N | Violation |
| 3 | OUI DRUGS, 2ND OFFENSE
90/24/G 90 24
OCCURRED: 03/31/2017 0130
REFER TO CITATION#: R7251230
SUSPECTED OF USING: Alcohol
BIAS AGAINST: No Bias | N | Misdemeanor |
| 4 | A&B ON POLICE OFFICER
265/13D/A 265 13D - SIMPLE
OCCURRED: 03/31/2017 0300
SUSPECTED OF USING: Alcohol
WEAPON/FORCED USED: Personal Weapons (Hands/Feet/Etc)
BIAS AGAINST: No Bias | N | Misdemeanor |

Shirley Police Department
Arrest Report

Arrest #: 17-23-AR
Call #: 17-4890

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	O'SULLIVAN, MATTHEW A 11 KEADY WAY SHIRLEY MA 01464 DOB: [REDACTED] EMPLOYER: SHIRLEY POLICE DEPT INJURIES: None ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Non Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 4 RELATION TO: [REDACTED]	M	W	25	NOT AVAIL	[REDACTED]
					Stranger	

On Thursday March 30th, 2017, I Officer Matthew O'Sullivan of the Shirley Police Department was assigned to the 2300-0700 shift. I was in full uniform and operating marked Cruiser number 23.

On Friday March 31st at approximately 0130 hours (1:30 AM) I was traveling northbound on Parker Road when I observed a vehicle coming towards me (MA PC: 54MA61). I further observed that the vehicle failed to dim its high beams. It should be noted that Parker Road is a public way in the town of Shirley. I activated my emergency lights and attempted to stop the vehicle. Once I had turned my patrol car around I observed the vehicle turn right on to Little Turnpike and then take a left into the parking lot of Norellie Veterinary Clinic. I pulled my patrol car in behind the vehicle with the emergency lights still activated. I observed the vehicle began to move backwards toward me and hit the air horn multiple times before the vehicle stopped its motion approximately 2-5 feet from my patrol car.

Upon making contact with the operator I requested license and registration. The operator provided me with his driver's license and I identified him as [REDACTED]. [REDACTED] informed me the vehicle was his mother's and he did not know where the registration was. I informed [REDACTED] why I stopped him. While speaking with [REDACTED] I discovered the vehicles headlights were off. During my interaction with [REDACTED] he turned the headlights on and I discovered the blue indicator on the dash board was on showing the vehicles high beams were still on. While speaking with [REDACTED] I observed the faint odor of an alcoholic beverage coming from within the vehicle. I also observed that [REDACTED] was heavily slurring his speech. I asked [REDACTED] what he had had to drink. [REDACTED] informed me he had had three beers. I asked [REDACTED] how long ago he drank them he informed me, it was about a half hour ago. When asked how big, he informed me they were 22 once beers. I also asked [REDACTED] over what amount of time he had drank the beers. He informed me he had had the beers over about a 45 minute time period. I asked [REDACTED] if he was willing to take field sobriety test he informed me he would. During my conversation with [REDACTED] Officer Brown arrived on scene and monitored [REDACTED] from the passenger side.

I returned to my cruiser and backed it onto Little Turnpike facing an easterly direction. I also turned off the front facing emergency lights. I returned to [REDACTED] vehicle and asked him to step out. I further advised him to stand in front of my cruiser and I began walking towards Little Turnpike. [REDACTED] stopped walking several times and appeared to be confused. He had to be reminded to come to the front of my cruiser more than one time. Once there, I asked him to turn and face me. While speaking with [REDACTED] I observed the moderate odor of an alcoholic beverage coming from his person.

Prior to explaining the horizontal gaze nystagmus test I asked [REDACTED] if he wore contacts or glasses, He informed me he had both but was only wearing glasses tonight. I explained the test to him. Prior to begging I asked [REDACTED] to remove his glasses, he complied. After the completion of the test I had observed the following:

- Lack of smooth pursuit (2)
- Distinct and sustained HGN at maximum deviation (2)
- Onset of HGN prior to 45 degrees. (2)

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A total of six clues (6). While conducting this test, I further observed that [REDACTED] eyes were bloodshot and glossy.

Prior to explaining the nine step walk and turn test I pointed to an area in front of my cruiser and asked [REDACTED] if he agreed that it was flat and free of debris. [REDACTED] agreed that it was. I also asked [REDACTED] if he had any problems with his legs or knees. He informed me he had a problem with his left leg. He further informed me he was not sure if it would affect him while taking the test or not. Also before explaining the test I placed [REDACTED] in the starting position and advised him not to start until told to do so. I then demonstrated the test to [REDACTED] while explaining it. [REDACTED] asked a question about the turn in the middle of the test which was answered. During the course of the instruction [REDACTED] stepped off line and attempted to start the test two times without being told. Each time he was redirected to the starting position. While walking the first half of the test [REDACTED] walked eleven steps before turning. After the test I had observed the following:

Loss of balance during instructions (1)

Wrong number of steps (1)

Total of two clues (2).

Prior to starting the one leg stand test I placed [REDACTED] in the starting position with his feet together and his hands down by his side. I both demonstrated and explained the test before allowing him to start. During the course of the test [REDACTED] swayed almost the entire time and put his foot down multiple times. [REDACTED] had to be reminded more than once to continue the test after he had put his foot down. After the test I had observed the following clues:

-Puts foot down to soon

-Sways while balancing.

I asked the subject to count backward from 70 to 66. [REDACTED] stated: 70, 79 and then stopped and counted correctly.

Based on my observations of the following I believed [REDACTED] to be impaired:

[REDACTED] driving

[REDACTED] appearance

[REDACTED] actions

The completion of the standardized field sobriety test

Due to the totality of the circumstances I placed [REDACTED] under arrest for operating under the influence of intoxicating liquors.

I handcuffed [REDACTED] behind his back, the handcuffs were double locked. I conducted a pat frisk for weapons. None were found, I led him to the rear passenger side of car 23 to be transported to the Shirley Police Department. While walking with [REDACTED] he had to be directed and stopped walking on more than one occasion. I transported [REDACTED] to the Shirley Police Department. Starting and ending mileage of the transport were given to dispatch.

Once at The Shirley Police Department I escorted [REDACTED] into the booking room. While taking [REDACTED] out of the car I observed the moderate odor of an alcoholic beverage coming from his person. Once in the booking room I advised [REDACTED] that the room was audio and video recorded. I then conducted a second search of [REDACTED] person.

I removed [REDACTED] handcuffs and handcuffed one hand to the rail of the booking room. The cuff that was on [REDACTED] wrist was double locked. At this point I read [REDACTED] the statutory rights and consent form. [REDACTED] asked several questions and became argumentative. I answered [REDACTED] questions and after speaking to him for some time allowed him to read the form for himself. [REDACTED] still did not appear to understand the form and I read it to him again. Despite my trying to be helpful to [REDACTED] and answer questions [REDACTED] continued to argue. [REDACTED] was yelling and repeating himself multiple times. Based on my training and experience this was not behavior that was common of a normal person. Shortly after Officer Brown arrived and read the form to [REDACTED] again. During this time [REDACTED] continued to argue with Officers and raise his voice. Once Officer Brown had read the form [REDACTED] agreed to take the breath test. It was some time before [REDACTED] signed the form agreeing to take the test. During this time [REDACTED] was asking the same questions over and over again. It should be noted that I observed an odor of an alcoholic beverage while in the booking room. The odor appeared to get stronger the longer that we were in the room.

Once the form was ready I explained the fifteen minute observation period to [REDACTED] and informed him that we were going to begin. Immediately after starting the observation period [REDACTED] coughed and I informed him we had to start over. Prior to starting the second time I informed [REDACTED] that he could not cough. [REDACTED] coughed immediately after. I started the observation period for a third time and advised [REDACTED] if he coughed again I was going to enter him into the machine as a refusal. [REDACTED] began to argue however I started the observation period. Once started I informed [REDACTED] he had to keep his hands away from his mouth. [REDACTED] immediately rubbed his hands over his mouth. At this point I entered [REDACTED] into the machine as a refusal. [REDACTED] continued to argue stating he had not refused. After the refusal was entered [REDACTED] continued yelling and repeating himself. [REDACTED] was making several unnecessary comments such as "He scared to look me in the eyes" while indicating towards me. Officer Brown allowed [REDACTED] to use the restroom in cell five at one point. Prior to putting [REDACTED] in the cell dispatch was advised to start recording. While doing so [REDACTED] stepped towards me after being told to step back. I viewed this as assaultive and pushed [REDACTED] back. After this incident [REDACTED] became cooperative for the time being.

Officer Brown contacted the bail commissioner who set a \$40.00 bail on [REDACTED]. Officer Brown allowed [REDACTED] to use the phone where he secured the bail from his mother. When [REDACTED] was informed he had to take his sweat shirt and necklace off before he was placed in the cell he began to yell and argue again. Eventually [REDACTED] complied.

Officer Brown began walking [REDACTED] to cell five. I observed Officer Brown was holding [REDACTED] in the escort position by [REDACTED] right arm. While in the area of cell three [REDACTED] stopped and attempted to turn his body so he was facing me. I took [REDACTED] left arm and placed him in the escort position. It was at this point that [REDACTED] became assaultive

when I felt him flex his muscles and he pulled his left arm free striking me in the left side of the face. It is unclear to me what part of [REDACTED] arm struck me. Officer Brown and I struggled to get [REDACTED] to cell five. Once in the doorway [REDACTED] braced himself against the door frame of the cell and continued to resist officers. I deployed 2-3 knee strikes to [REDACTED] thigh area while Officer Brown assisted with pushing him into the cell. Once in the Cell [REDACTED] turned and came toward me. Fearing for my safety I deployed a front kick striking [REDACTED] in the groin area. This allowed Officers enough time to close the door.

Shortly after, I asked [REDACTED] if he wanted medical attention. He informed me that he did and I requested the ambulance. I also requested an Officer from the Ayer Police Department to assist Officer Brown with [REDACTED] as I had to go to another call.

Officer Brown informed me later that [REDACTED] declined medical attention when the ambulance arrived.

At approximately 0505 hours [REDACTED] was bailed. [REDACTED] was met by his mother in the lobby of the police station.

After the conclusion of the investigation I find probable cause to charge [REDACTED] with the following:

- Failure to dim headlights
- No registration in possession
- OUI liquor (2nd offence)
- Assault and battery on a police officer.

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On March 31, 2017 I Officer Ian F. Brown was working uniformed patrol shift from 2300 hrs (11 P.M.) on March 30, 2017 until 0700 hrs (7 A.M.) on March 31, 2017 assigned to cruiser #24 and the North sector of town. The following is a summary of events that occurred at approximately 0130 hrs when Officer O'Sullivan requested I back him up on a motor vehicle stop:

I heard Officer O'Sullivan call out a motor vehicle stop to dispatch in the area of the Norellie's Vet Service on Little Tpke and then request that I back him up. Once I arrived, Officer O'Sullivan was at the driver's side window of the vehicle speaking to the driver and I went around to the passenger side of the car. Officer O'Sullivan walked back towards his cruiser where I met him and stated to me that the operator appeared to be under the influence of an alcoholic beverage and that he was going to move his cruiser back onto the road so that he could administer a Standardized Field Sobriety Test (SFST).

At this point, Officer O'Sullivan ordered the operator [REDACTED] out of the vehicle for SFST's. I witnessed Officer O'Sullivan execute a pat-frisk for weapons prior to starting the tests. [REDACTED] was very vocal and had many questions about the test. I observed [REDACTED] to have glassy eyes and stopped walking multiple times while being escorted to the test site in front of Officer O'Sullivan's cruiser on Little Tpke. While Officer O'Sullivan was in his cruiser preparing for the test, [REDACTED] was asking me general questions about my day and my job as a police officer. During this conversation I noticed him to have a slowed/slurred speech. I asked [REDACTED] how much he had to drink prior to our contact with him and he told me he had 3 22oz beers.

Officer O'Sullivan exited his cruiser, addressed [REDACTED], and started to explain the first test (Horizontal Gaze Nystagmus). Officer O'Sullivan asked [REDACTED] if he wore contacts and [REDACTED] stated that he didn't and only wore glasses which he did not wear during the time of the test. I noticed the following clues during the test:

1. Lack of Smooth Pursuit in both eyes

Note that I was standing approximately 5-7 ft away from [REDACTED] during this test, therefore I could not see close enough to notice any nystagmus but Officer O'Sullivan advised me there was nystagmus in both eyes.

Officer O'Sullivan then began to explain the second test (Walk and Turn). Throughout the explanation of the test, [REDACTED] had many questions. While Officer O'Sullivan was demonstrating the test, [REDACTED] asked him if it was ok to shake like him while he walked. Officer O'Sullivan replied saying that he was shivering due to the cold weather. I observed Officer O'Sullivan demonstrate the test with ease. I noticed the following clues during the test:

1. [REDACTED] had trouble keeping balance while standing in the heel-toe position
2. [REDACTED] missed one heel-toe step
3. [REDACTED] used his arms to balance during the test

Officer O'Sullivan explained the next test (One Leg Stand) to [REDACTED]. After Officer O'Sullivan demonstrated the test once, in a demeaning tone, [REDACTED] asked him "if he could demonstrate again to see if he could do it himself". I noticed the following clues during the test:

1. [REDACTED] swayed from left to right during all 30 seconds of the test
2. [REDACTED] raised his arms above 6" multiple times throughout the test
3. [REDACTED] placed his foot down multiple times during the test

For the last test, Officer O'Sullivan asked [REDACTED] to count backwards from 70 to 66. [REDACTED] complied with this request and was told he could start. I noticed the following during the test:

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1. [REDACTED] started at 70 and counted the following "70,79" when he realized his mistake and started over.

At this point, Officer O'Sullivan advised [REDACTED] to wait in front of his cruiser and then met with me privately. Officer O'Sullivan and I compared clues and he came to the decision to place [REDACTED] under arrest for MGL CH. 90 S. 24 Operating Under the Influence of Intoxicating Liquors. Officer O'Sullivan returned to [REDACTED] and placed him in handcuffs behind the back and then placed him in the rear passenger side seat of his cruiser.

I stayed on scene with [REDACTED] vehicle while Officer O'Sullivan transported him back to the station for booking. Prior to tow arrival, I conducted an inventory search of the vehicle and recovered the following:

1. Wallet and cell phone (seized and taken back to station for [REDACTED] property)
2. Miscellaneous CD's
3. Miscellaneous clothes/blankets
4. 2 pairs of glasses and one set of sunglasses in a soft case

Mohawk Motors responded and took the vehicle back to their impound lot for holding. I advised the tow operator of the 12 hour hold rule regarding OUI arrests and he advised he understood. The motor vehicle inventory slip was signed by the tow operator.

I responded back to the station to assist with booking where at the time of my entrance, Officer O'Sullivan was attempting to read [REDACTED] the Breath Test Statutory Rights/consent form. [REDACTED] was giving Officer O'Sullivan a hard time during this, so I took over and attempted to read the form again to him. Once the entire form was read, and [REDACTED] questions were answered, [REDACTED] signed the form saying that he agreed to take a breath test. While Officer O'Sullivan prepared the Stationary Breath Test (BT) machine, I attempted to fill out all booking information on the computer to include personal data information, photo's, charges, and fingerprints. Officer O'Sullivan explained to [REDACTED] that he was going to start a 15 minute observation period prior to blowing into the BT machine. He continued to explain to [REDACTED] that he cannot cough, burp, or put anything into his mouth. Immediately, [REDACTED] started coughing which appeared to me that it was intentional. Again Officer O'Sullivan explained to him not to cough, burp, or put anything in or near his mouth and immediately [REDACTED] put his fingers around his mouth. At this time, Officer O'Sullivan put [REDACTED] into the BT machine as a refusal.

At this time, I spoke with Bail Commissioner Matt Day via phone set a cash bail at \$40.00. I then placed [REDACTED] into the prisoner escort position by grabbing his right arm and wrist and escorted him out of the booking room and down the hallway to be placed into cell #5. While walking down the hallway, [REDACTED] stopped and attempted to face Officer O'Sullivan who was standing in the area of Cell 3. While attempting to push [REDACTED] forward towards cell 5, Officer O'Sullivan grabbed his left arm and assisted me with getting him to the cell. This is when [REDACTED] became actively resistant and was resisting by pushing back-away from the cell area and flexing his muscles. Once we reached the door to cell 5, [REDACTED] put his hand against the doorway threshold and continued to resist and push away from the cell. While we pushed [REDACTED] into the cell, I witnessed Officer O'Sullivan execute 2-3 knee strikes to [REDACTED] thigh region as he was still actively resisting. It was at this time that I stepped to the side as Officer O'Sullivan had taken up the doorway. [REDACTED] turned around and faced Officer O'Sullivan in the cell and this is when I noticed Officer O'Sullivan to take one kick at [REDACTED] lower waist region and then stand in a fighting stance. It was at this time I stepped in between [REDACTED] and Officer O'Sullivan and separated them and closed the cell door. The ambulance was requested by Officer O'Sullivan for injury complaints by [REDACTED] stating that he had pain in his groin and head. I was present when the Ayer Fire Department EMT's evaluated him. The EMT's stated they noticed no physical injuries to [REDACTED] and asked him if he wanted to go the hospital. [REDACTED] was not sure if he wanted to go or not. It was at this time that I advised him his bail money was here and [REDACTED] decided he wanted to be bailed out rather than go to the hospital. I advised him the seriousness of his decision and that if he felt he needed to go the hospital that he should go, and he still denied care.

[REDACTED] was bailed out and returned his seized property and escorted out of the station. Also, while reviewing the booking

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videos, at approximately 03:35 A.M. I witnessed [REDACTED] punching himself on the right side of his head 8 times. Shortly after, I went and checked on [REDACTED] as I remembered hearing a pounding sound coming from the cell.

Respectfully Submitted,

Patrolman Ian F. Brown #18



Chief Thomas J. Goulden II
USE OF FORCE REPORT FORM
Appendix A

Officer's Name: Matthew C'Sullivan Date: 03/31/17

Supervisor: _____ Date of Incident: 03/31/17

Time of incident: 0300 Status: On duty / Off duty /

Indoors: Outdoors: Lighting: Natural: Artificial:

Weather Conditions: N/A

Location of Incident: Call Room

Information received prior to initial contact: Male Subject armed with 1911 revolver.

Type of Force Used

Verbal Commands Used Y N Asked: Advised: Ordered:

Baton: for: control & restraint impact displayed

Body: for: control & restraint impact displayed

O.C. Spray: K-9: Ankle Cuffs: Vehicle Leg Restraints: Hand Cuffs:

Taser X26: serial #..... displayed for compliance discharged for compliance

If discharged for compliance: probe deployment drive stun contact

Number of cycles?..... Approximate target distance at time of the probe deployment?.....(ft)

Firearm: for: displayed for compliance discharged for compliance

Who fired first?Officer: Suspect: Other:

Number of shots?.....Officer: Suspect: Other:

Reason for discharge? Protect self: Citizen: Prisoner: Unintentional:

Wounds received by: Officer Suspect Other Party Damage by Stray Rounds

Other: _____

Reason for Use of Force (Explain in Narrative)

Necessary to effect an arrest: Necessary for Investigative Detention: Necessary to defend self:

Necessary for Protective Custody: Necessary to defend another:

Necessary to restrain for subject's own safety: Necessary to prevent violent forcible felony:

Other: _____

Results of Force Used

Was suspect injured? Yes No Medical Attention? Yes No Age ____ Sex ____

Was Officer Injured? Yes No Medical Attention? Yes No

Was a Third Party Injured? Yes No Medical Attention? Yes No Age ____ Sex ____

Subject complied after force was enacted. Yes No

Subject resisted during the entire encounter. Yes No



TOWN OF SHIRLEY POLICE DEPARTMENT

11 Keady Way
Shirley, Massachusetts 01464

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SAMUEL SANTIAGO

ACTING CHIEF OF POLICE

To: Shirley Board of Selectmen

From: Samuel Santiago, Acting Chief of Police

Re: Officer Matthew O'Sullivan Internal Investigation

Date: April 21, 2017

Board of Selectmen:

Sgt. Peter Violette completed the internal investigation into the incident involving Reserve Officer Matthew O'Sullivan. Sgt. Violette concluded in his findings that there is evidence that Reserve Officer Matthew O'Sullivan violated Shirley Police Department Policy; Rule 4.1 **CONDUCT UNBECOMING OF AN OFFICER** which states officers may be disciplined for conduct which is not otherwise prohibited by law or by these rules where that conduct falls into the category of conduct unbecoming an officer. Such conduct must both 1) affect the officer's ability to perform his duties or the ability of the rest of the department to perform its function and 2) be such that a reasonable police officer would perceive it to be wrongful.

The investigation revealed that Reserve Officer Matthew O'Sullivan actions were not justified and by his actions has placed the Town of Shirley in vicarious liability and possible lawsuit for violation of department policy, state law and violation of an individual's civil rights under Title 42 U.S. Code 1983. I believe there is cause for termination on Matthew O'Sullivan's actions. I am forwarding this to the board of selectmen for final determination and action. Thank you in advance.

Samuel Santiago, Acting Chief of Police

Cc: Patrice Garvin

To: Acting Chief Santiago
Shirley Police Department
11 Keady Way
Shirley MA, 01464

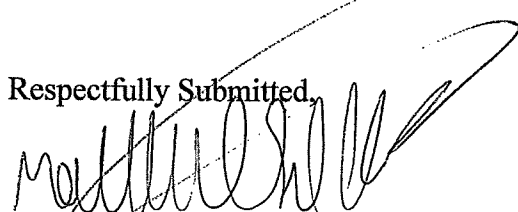
April 26 2017,

Dear Sir:

The purpose of this letter is to respectfully resign from my position of reserve officer with the town of Shirley.

Since beginning with The Shirley Police Department, I have had the opportunity to make excellent personal and professional relationships both with the members of the police department as well as members of our community. I've also gained a vast amount of experience in law enforcement and am grateful for the opportunity's that were given to me.

Respectfully Submitted,



Matthew O'Sullivan