



The Commonwealth of Massachusetts  
BERKSHIRE DISTRICT ATTORNEY



ANDREA HARRINGTON  
DISTRICT ATTORNEY

7 North Street  
Pittsfield, MA 01201  
(413) 443-5951 FAX (413) 499-6349

November 4, 2021

Chief Jason LaForest  
Egremont Police Department  
171 Egremont Road  
Great Barrington, MA 01230

Re: Matthew O'Sullivan

Dear Chief LaForest:

I am writing to inform you that during a criminal investigation being conducted by the Massachusetts State Police Detective Unit regarding an excessive use of force claim related to an August 25, 2020 arrest in Egremont, it was determined that portions of Officer O'Sullivan's report regarding the arrest are inconsistent with dash camera video obtained from that incident. This conduct has been determined by the Office of the Berkshire District Attorney Brady Review Board to be potentially exculpatory information requiring disclosure pursuant to our discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963) and section IV(f) of our *Brady* policy. By disclosing this information, the Commonwealth is not agreeing that it is either relevant or admissible in a particular case.

Upon request the Commonwealth can provide any of the material associated with this criminal investigation to be reviewed in the course of an internal affairs investigation.

Sincerely,

Karen J. Bell  
First Assistant District Attorney  
(413)443-5951

## Chief Jason LaForest

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**From:** Amelia Galabova [REDACTED]  
**Sent:** Wednesday, June 22, 2022 2:04 PM  
**To:** Chief Jason LaForest  
**Subject:** Complaint

### To Whom It May Concern:

I would like to file a complaint against Officer Matt O'Sullivan, in response to an event that happened on June 12th, 2022 around 12:30 AM.

I believe he was condescending, and that his actions were unnecessary.

I was driving home from my bartending shift in Great Barrington. Passing the Egremont Post Office, Officer Sullivan pulled out and followed me onto Mount Washington Road. He pulled me over. I had my license and registration ready. He said he didn't want the registration.

He asked if I had been drinking because I "crossed over the lines". (I do not believe I crossed any line at all.)

I said no, on occasion I might test a drink I'm making, but that I was sober.

I also explained that it was my first time driving to my new home in the dark so I was driving cautiously.

He claimed I smelled of "air freshener". And asked if I would do a sobriety test.

I believe he had no justification to want a sobriety test.

But, I agreed, because I assumed I could prove myself sober and continue on my way.

He repeated a pen test over and over, snapping if I moved my head even a little.

His repetitive manner of testing and his tone started to make me feel anxious.

Overwhelmed, tired, and cold, I started shaking and explained to him I needed a minute because I was having a panic attack.

He didn't seem to care, and continued to make me perform more coordination tests. These sort of tests are difficult while panicking. I believe this lasted over forty five minutes.

Again, he did the pen test repeatedly.

Finally, he used the breathalyzer to see that my BAC is indeed 0.0.

Sober, as I had told him I was from the beginning.

The whole incident left me shaken up. I have been a responsible bartender for over a decade. I've never had a shift drink and I always take caution driving at night.

I also believe that if someone is having a panic attack, care should be taken. It also begs the question: what about the officer makes a person feel panicked?

Thank you for your time.

Sincerely,

Amelia Galabova

To: Chief Jason LaForest

From: Officer Matthew A. O'Sullivan

Subject: Motor vehicle stop involving GALABOVA

Date: 06/24/22

Dear Sir,

Please find a detailed summary of events of the requested motor vehicle stop/ interaction below. I am also attaching my standardized field sobriety sheet for this incident. Please don't hesitate to reach out to me if you need anything further.

On Saturday June 11<sup>th</sup> 2022 I Officer Matthew A. O'Sullivan of The Egremont Police Department (EPD) was assigned to the 2300-0700 shift. I was in full uniform and operating marked cruiser 538.

On Sunday June 12<sup>th</sup> at approximately 0000 hours I observed a vehicle traveling on Main Street. I further followed the vehicle as it turned onto Undermountain Road and then Mount Washington Road. After the vehicle turned onto Mount Washington Road I observed the vehicle distinctly cross over its side of the double solid yellow center line. I further observed the vehicle drive on the line for an additional distance. To the best of my recollection The vehicle further appeared to strike the yellow line at least one more time.

I activated my emergency lights and stopped the vehicle on Mount Washington Road in the area of Greenwood Circle for a marked lanes violation. Upon approaching the vehicle I made contact with the operator and requested her license which was provided to me. I identified the operator as Amelia GALABOVA. I informed GALABOVA of the reason of the stop. GALABOVA informed me that she was unfamiliar with the area and indicated that that may have been why she had crossed the center line. While speaking with GALABOVA I detected what I believed to be the slight odor of an alcoholic beverage coming from within the vehicle. I asked GALABOVA where she was coming from. GALABOVA informed me that she was the bartender at Bogies which is known to me to me a local bar/restaurant which in my opinion has a reputation for over serving people alcohol. I asked GALABOVA if she had anything to drink. GALABOVA originally said no but after speaking with her further stated that she had something earlier during her shift. I informed GALABOVA that I thought I smelled something coming from the car and asked her if she had an air freshener or something that could be causing the smell. She indicated that she didn't. I informed GALABOVA that I would like to check her eyes quickly which she agreed to and I completed a quick version of horizontal gaze nystagmus (HGN) in the vehicle. During which time I believed I saw involuntary jerking of the eyes.

Based on the fact that GALABOVA had crossed the center line (A national Highway Traffic Safety indicator of impairment), that she was coming from a bar, the odor of what I believed at the time to be an alcoholic beverage, jerking in her eyes and GALABOVA's admittance to drinking earlier I informed her that I would like to have her do FST. Meaning Standardized field sobriety test (SFST's). GALABOVA

informed me that she would be willing to do the test. Earlier in the stop GALABOVA had also made a statement like "You can test me".

I returned to my cruiser and backed it up to allow for ample testing room, deactivated all front facing emergency lights and illuminated the testing area with the cruiser's scene lights. I approached GALABOVA's vehicle again and informed her that if she was willing to do my test I would like her to step out. GALABOVA again agreed and stepped out of the vehicle and walked to the front of my cruiser. It should be clear that at this point GALABOVA had the freedom to decline SFST.

Additionally; it should be noted that I have had several interactions with individuals that have informed me that they have had less or nothing to drink. Based on my training and experience and asking them to complete SFST's. I have prevented several operators from continuing to drive which were found to be much more impaired than what they seemed on my initial contact. It is my respectful opinion that if I believe that someone has the potential to be impaired that I do everything I can to ensure that they are safe to drive and further that it would be negligent to not ask a individual to complete SFST's If I believed they had the potential to be too impaired to safely operate a motor vehicle.

Once in front of my cruiser I asked GALABOVA on a scale of zero to ten, zero being stone cold sober and ten being the drunkest she had ever felt how she was feeling at the time. GALABOVA informed me that she thought she was a zero.

Prior to starting the HGN test I asked GALABOVA the following questions and received the following indications:

If GALABOVA had any problems with her eyes, she indicated that she didn't.

If GALABOVA wore contacts or glasses, she indicated that she didn't.

If GALABOVA took any medications that would affect her eyes, she indicated that she didn't.

After the conclusion of the test I had observe the following clues:

Distinct and sustained HGN at maximum deviation in both eyes (Two clues).

(Total of two clues)

It is my opinion that GALABOVA may have had natural nystagmus which I am aware can occur in some individuals.

Prior to starting the nine step walk and turn test with GALABOVA I asked her the following questions and received the following indications:

If GALABOVA had any problems with her legs, knees, back or ankles, She indicated that she didn't.

If GALABOVA was comfortable in the shoes that she was wearing, she indicated that she was.

Informed GALABOVA that I was going to place her in the starting position and not to start the test until told to do so. GALABOVA indicated that she understood.

I both explained and demonstrated the test to GALABOVA. I further asked her if she understood the test and she indicated that she did.

After the completion of the test I had observed the following clues:

GALABOVA lost her balance in the starting position three time. -Balance loss during inductions. (One clue)

GALABOVA stopped prior to making her turn. -Stops while walking. (One clue)

GALABOVA stepped off line once on return. – Off line steps. (One clue)

GALABOVA only took eight steps on her return. -Wrong number of steps. (One clue)

GALABOVA missed one heel to toe step on return. -Heel to toe misses (One clue).

(Total of five of eight clues)

I both explained and demonstrated the one leg stand test to GALABOVA. Prior to allowing her to start the test I asked her if she had any questions. She indicated that she didn't. I further asked her if she understood the test, she indicated that she did.

After the conclusion of the test I had observed the following clues:

- Puts foot down two or three times during test. (One clue)

(Total of one clue)

On more than one occasion during the testing GALABOVA informed me that she was nervous and indicated that it may have been a reason for her poor testing. I informed GALABOVA that she had no reason to be nervous and attempted to speak with her to calm her nerves.

Given her performance on SFST's I administered the portable breath test (PBT) to GALABOVA which showed a blood alcohol concentration of (.00).

I thanked GALABOVA for her cooperation. I further indicated to GALABOVA that it was our duty to make sure she was safe to drive. GALABOVA was given a verbal warning for the marked lanes violation and went on her way.

It should be noted that during my interaction with GALABOVA she was calm and cooperative. I was respectful and spoke with GALABOVA in a calm tone through the entire process which was voluntary.

Respectfully Submitted,

Officer Matthew A. O'Sullivan

Jason LaForest  
Chief of Police



171 Egremont Plain Road  
P.O Box 368  
Egremont Mass. 01258

**TOWN OF EGREMONT  
MASSACHUSETTS**

Telephone: (413) 528-2160  
Fax: (413) 528-3308

**POLICE DEPARTMENT**

Zachary Hall 22EGR-51-AR

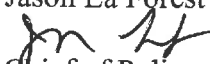
8/12/2022 @ 0730 hours, met with Cara Becker (HR) and Officer O'Sullivan at town hall regarding USE OF FORCE Reporting during this incident. To be clear I do not find any issues with the level of force used.

The issue is the lack of information/detail in the arrest report. For the suspects actions the report only stated he was actively resistant with no further detail. The report does state that the officers gave approximately 10 exit orders before implementing compliance techniques. However, the report offers no detail regarding the "compliance techniques". The report left it difficult if not impossible to interpret/review the incident as I am required to do so per our policy.

While asking O'Sullivan why the detail surrounding the Use of Force and the suspects actions were so vague he stated that because last time he did a Use of Force report that was on video he ended up on the Brady List.

At close of meeting I ordered O'Sullivan to supplement his original report so that it has details not just actively resistant, compliance techniques etc... He has since done so.

It has been made clear to Officer O'Sullivan that his justification for lack of detail are in no means acceptable.

Respectfully,  
Jason La Forest  
  
Chief of Police

Jason LaForest  
Chief of Police



171 Egremont Plain Road  
P.O Box 368  
Egremont Mass. 01258

**TOWN OF EGREMONT  
MASSACHUSETTS**

Telephone: (413) 528-2160  
Fax: (413) 528-3308

**POLICE DEPARTMENT**

Date: 2/8/2021

I, Chief Jason La Forest of the Egremont Police Department am investigating 22EGR-12-AR. This incident took place 2/3/2022. The incident involved EPD officer Matthew O'Sullivan who was assigned to marked EPD cruiser 537.

On 2/4/22 at approximately 0031 hours I received a call from Officer O'Sullivan. He advised me that he had been involved in a "PURSUIT" and that the suspect vehicle had crashed. With further questioning I learned that the incident originated in the proximity of the Baldwin Hill intersection in Egremont MA. The suspect vehicle headed West by taking a right hand turn onto Baldwin Hill west. Officer O'Sullivan followed. The suspect vehicle eventually arrived at Blunt Road and took a right hand turn onto Blunt. While the suspect vehicle was on Blunt Road it struck a tree and then pulled into the driveway of 71 Blunt Road. At the time I was contacted the vehicle had already been towed from the scene and all personnel had cleared the scene. I advised Officer O'Sullivan that we would discuss the matter further when he returned to work at 1600 hours on 2/4/2022.

On 02/04/22 at approximately 1455 hours Officer O'Sullivan arrived at the station and let me know he was there. I arrived a short time later. I asked him to give me a run down of the incident from start to finish. He began by saying that first off he should not have called it a pursuit because technically it wasn't. He provided the direction of travel for himself and the suspect vehicle (see report). I inquired as to whether or not he saw the suspect vehicle hit the tree or if he observed the vehicle pull into the driveway of 71 Blunt Road. He answered that he did not witness either of these events take place. At this time I let him know that I would be investigating the incident. I also ordered him to submit a TO/FROM.

After investigating the incident I noted the following:

-Weather conditions were rain/ice mix with winter weather advisories in place (attached MEMA situational awareness statement).

-O'Sullivan decided to pursue for a minor civil motor vehicle infraction (expired registration).

-O'Sullivan Intentionally changed his direction of travel for the sole purpose of pursuing and initiating a traffic stop on the suspect vehicle.



-O'Sullivan traveled at speeds of 50 plus mph according to statement's he made and via text.

-O' Sullivan's report Recognized the fact that the suspect vehicle was travelling at a high rate of speed estimated to be over 50 mph (posted speed limit is 30 mph).

-O'Sullivan's report states: he Activated the emergency lights and attempted to catch up to the vehicle to initiate a motor vehicle stop.

-O'Sullivan's report states: After turning onto Blunt road he observed tire tracks off of the roadway where a vehicle "APPEARED" (see radio traffic discrepancy below) to have struck a tree on the West side of the roadway.

-O'Sullivan's report states: Fearing that the occupants of the vehicle could be injured or the vehicle could be disabled he continued North on Blunt Road where he observes the vehicle in the driveway of Number 71 (see radio traffic discrepancy below).

-O'Sullivan's report states: Due to the totality of the circumstances, I find it reasonable and probable that MARSHALL had seen my cruisers emergency lights and continued on.

-O'Sullivan's report states: There is very little lighting on these roadways at night and it was pitch black out making my emergency lights easy to see and defined.

-O'Sullivan's report states: It should be noted that I was never directly behind the vehicle until such point that I later pulled into the driveway behind it (see radio traffic discrepancy). During this incident I was attempting to catch up to the vehicle to initiate a motor vehicle stop. At such time I discovered that the vehicle had crashed into a tree.

-The pursuit was approximately 1.1 miles in length which provided multiple opportunities to assess the situation and terminate the pursuit which means turning off all emergency lights and following all applicable MV laws.

#### RADIO RECORDING:

-On 2/4/2022 I reached out by email to Thomas Grady of the Berkshire County Sheriffs Office to acquire the radio recordings for the aforementioned incident. At approximately 1038 hours same were provided (see attached thumb drive).

After reviewing the radio recording I found the following radio transmissions made by Officer O'Sullivan notable:

- Blunt road just north of Baldwin Hill with NY PC JMS4663 (suspect vehicle). This radio traffic implies he is at this location with the vehicle in real time. In his official police report and TO/FROM O'Sullivan notes that he was never directly behind the vehicle until such point that he later pulled into the driveway behind it.

-Failure to stop is called in

-Vehicle "JUST" struck a tree and TOOK OFF on me. This radio traffic implies O'Sullivan is there in real time and observed the vehicle hit the tree and take off. In his official police report and TO/FROM O'Sullivan reports that after turning onto Blunt road he observed tire tracks off of the roadway where a vehicle "appeared" to have struck a tree on the West side of the roadway.

-I got him stopped now.

After investigating the above incident I find that Officer O'Sullivan violated Egremont Police Departments Vehicular Pursuit Policy 1.04. I also find that Officer O'Sullivan's report and statements made to me are inconsistent with other facts of the case.

-Pursuits for speeding violations and other minor CMVI infractions are strictly prohibited. The reason for this MV stop was for an expired registration which is a minor infraction.


-Pursuits shall apply to only the most serious incidents. The circumstances justifying the decision to pursue must exist at the time of initiation. Expired registration in no means meets this criteria.

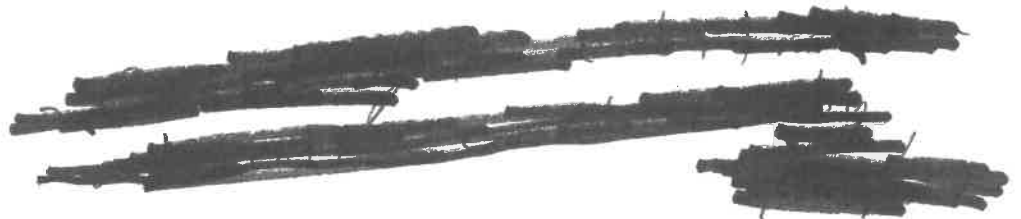
-Environmental Factors: Officer Shall consider the following in deciding whether to initiate or continue a vehicle pursuit: Time of day, Weather conditions, speeds involved. This pursuit took place at night during rain/ice storm with "high rates of speed"

-The chief of police will be notified as soon as possible of all pursuits that take place. In the event that an accident occurs during a pursuit the Chief of Police shall be contacted and will respond to the scene. (I was contacted after the car was removed and all personnel cleared the scene).

-A pursuit shall be terminated if the foreseeable risks to the pursuing officers and to the public arising from continued pursuit are greater than the foreseeable threat to public safety should the pursued vehicle be allowed to escape.

Sincerely,

  
Jason LaForest  
Chief of Police



To: Chief Jason LaForest

From: Officer Matthew A. O'Sullivan

Date: 02/04/22, 2230 hours

Subject: 22-12-AR

Dear Sir,

Below are a detailed summary of the events regarding this report. Please reach out to me if you need anything further.

On Thursday February 3<sup>rd</sup> 2022 I, Officer Matthew A. O'Sullivan of The Egremont Police Department (EPD) was assigned to the 1600-0000 shift. I was in full uniform and assigned to marked cruiser number 537. At the time of the below incident it was raining lightly and the ambient temperature was in the low 30's. To my knowledge the roadways had not began to ice at this time.

At approximately 2318 hours I was traveling Eastbound on Baldwin Hill West Road when I observed a vehicle traveling Northbound on Baldwin Hill South Road. I turned right onto Baldwin Hill South Road and recognized the registration plate (NY PC: JMS4663) as a vehicle who I have had multiple encounters with. I checked the vehicles registration status through my mobile data terminal (MDT) and discovered that the vehicles registration status was expired as it had been the last two times I had an interaction with the registered owner (RO), Nicholas Gudath.

I turned my cruiser around and found that the vehicle was traveling Westbound on Baldwin Hill West Road, was moving at a high rate of speed that I estimate to be greater than 50 MPH and had already traveled a significant distance down the roadway. Baldwin Hill has a posted speed limit of 30 MPH. I activated my emergency lights and began traveling down Baldwin Hill West Road attempting to catch up to the vehicle so that I could initiate a motor vehicle stop. I activated my siren shortly after. As I was approaching the intersection of Baldwin Hill West Road and Blunt Road I observed the vehicles taillights traveling Northbound on Blunt Road. After I came to the intersection a short time later I took a right on Blunt Road and observed tire tracks off of the roadway where a vehicle had appeared to have struck a tree on the West side of the Roadway. Fearing that the occupants of the vehicle could be injured or the vehicle could be disabled I continued North on Blunt Road. I observed the vehicle in the driveway of number 71 Blunt Road and pulled in behind it shortly afterward. I advised Berkshire Regional Dispatch (BRD) of my location. It should be noted that Baldwin Hill West Road, Baldwin Hill South Road and Blunt Road are all public ways in The Town of Egremont and are maintained by The Egremont Highway Department (EHD).

Upon approaching the vehicle I ordered the occupants of the vehicle to show me their hands. I observed an individual who I recognized as Salirae MARSHALL (MARSHALL later assisted me with her last name) in the driver seat of the vehicle. MARSHALL is four foot nine and it should be noted that the seat was adjusted to someone of her size. I observed some damage to the front end of the vehicle and heavy damage to the driver side front of the vehicle consistent with how the vehicle would have struck the tree on Blunt Road. I asked all of the occupants of the vehicle if anyone was injured. The passenger sitting in the back seat behind the driver later identified as Cheyenne L. Santos stated that she had previous spinal surgery and broken ribs and that she currently had pain in her ribs. I immediately contacted BRD and requested an ambulance to the scene. I had Santos sit back in the vehicle. I identified the other occupant as Nicholas Gudath who is the RO of the vehicle. Neither Gudath or MARSHALL had reported any injuries when asked. I asked MARSHALL who had been driving and she informed me that she had been. When asked why she was driving so fast MARSHALL stated that she had seen the cruiser and was afraid that the vehicle was going to get towed.

Due to the totality of the circumstances I find it reasonable and probable that MARSHALL had seen my cruisers emergency lights and had continued on. There is very little lighting on these roadways at night and it was pitch black out making my emergency lights easy to see and defined. Additionally MARSHALL had pulled the vehicle into the driveway of a private residence in an attempt to stay hidden rather than stopping on the side of the roadway after crashing. MARSHALL's statements that she had been speeding because she did not want the vehicle towed solidified and the fact that she had pulled into an driveway to try to hide and made me confident that she had been attempting to elude me. I later contacted BRD to see if they had a call from the operator of the vehicle reporting a crash and was informed that the log did not show a call. It should be noted that I was never directly behind the vehicle until such point that I later pulled into the driveway behind it. During this incident I was attempting to catch up to the vehicle to initiate a motor vehicle stop. At such time I discovered that the vehicle had crashed into a tree I had a duty to continue down the roadway as a matter of public safety and community caretaking to make sure that the vehicle was not disabled or the occupants injured. Further EPD policy states:

*"Vehicular pursuits are necessary to effectuate the enforcement of criminal and motor vehicle laws. Many of these pursuits are inherently dangerous and, therefore, create some risk of injury to the pursuing officer(s), the occupant(s) of the pursued vehicle, and the public at large.*

*The primary purpose of this policy is to secure a balance between the need to protect the lives of the public and the occupants of the pursued vehicle, and the obligation of police officers to enforce laws and apprehend violators.*

***This policy also recognizes that vehicular pursuits do not automatically occur when officers activate their emergency warning equipment in an attempt to effectuate a lawful motor vehicle stop or when following and observing a motor vehicle.***

*Motorists occasionally may not immediately see or hear an officer's emergency warning equipment, or may not realize that they are the target of an officer's efforts.*

*Officers may be required to follow a motorist with emergency warning equipment activated for a significant distance before that motorist actually stops the vehicle.*

*Consequently, an officer's lawful attempt to stop a motorist is not considered a vehicular pursuit subject to the requirements and restrictions of this policy unless and until such time as the officer reasonably believes (i.e., has "reasonable suspicion") that the motorist is intentionally ignoring the officer or actively attempting to elude the officer. (Keep in mind that, under the Massachusetts Constitution, a pursuit constitutes a "seizure" and must be justified by reasonable suspicion. This state's courts have ruled that as soon as an officer activates a cruiser's blue lights or siren, the seizure has occurred.) Events subsequent to police pursuit, including efforts to elude or flee from the police, cannot be used to supply the requisite reasonable suspicion to justify a prior investigatory stop."*

It should be noted that I had not developed reasonable suspicion that the vehicle was attempting to elude me until such time that I observed the vehicle had pulled off the roadway in an attempt to hide. This coupled with MARSHALL's statements is what gave rise to my probable cause.

*Please see AR number for full report.*

Respectfully Submitted,

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Officer Matthew A. O'Sullivan

**Chief Jason LaForest**

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**From:** Matthew O'Sullivan  
**Sent:** Sunday, June 6, 2021 7:11 PM  
**To:** Chief Jason LaForest  
**Subject:** RE: TO/FROM  
**Attachments:** To froms 06-6-21.pdf

*Lifer  
complaint over  
the phone No  
Statement  
ORL  
Rude/talked down  
to  
insistent on  
how much he  
to drink*

Good Evening Sir,

Attached are the to/from's that you requested.

Respectfully,

Officer Matthew A. O'Sullivan

**From:** Chief Jason LaForest <chief@egremont-ma.gov>  
**Sent:** Sunday, June 6, 2021 10:31 AM  
**To:** Matthew O'Sullivan <mosullivanpd@egremont-ma.gov>  
**Subject:** TO/FROM

Officer O'Sullivan,

I am ordering you to submit a TO/FROM regarding the email Officer Carlson sent you on 5/22 which requested that you clean 538. Please include any relevant details that led up to the email, steps you took after reading the email and whether or not you cleaned the cruiser as he requested.

I am ordering you to submit a TO/FROM regarding the Bernard Lifer MV stop. Include what led up to the stop, conversation that transpired along with the final outcome. I requested this TO/FROM by text on Thursday. Please include why this was not completed on the 4-12 shift you worked that day (6/3/2021).

The aforementioned are due on June 7th by 0800. You can submit via email if you sign and scan in or place them in the safe in an envelope.

I will reach out to you in the next few days for a follow up.

Respectfully,  
Jason La Forest  
Chief Of Police  
Egremont Police Department

~~Handwritten signature~~

To: Chief Jason LaForest

From Officer Matthew A. O'Sullivan

Date: 06/06/21

Subject: Motor vehicle stop of Bernard Leifer

Sir,

The following are a summary of events regarding the traffic stop of Bernard LEIFER to the best of my recollection.

On Friday May 28<sup>th</sup> 2021 I, Officer Matthew A. O'Sullivan of The Egremont Police Department (EPD) was assigned to the 1600-0000 shift. I was in full uniform and assigned to marked cruiser number 538.

At approximately 2100 hours I was conducting a motor vehicle stop in the area of 74 Main Street. My cruiser and the vehicle I had stopped was in the shoulder facing the West. After speaking with the operator of the vehicle I had stopped and prior to getting back in my cruiser I observed a vehicle (NJ PC: G81MSC) traveling Westbound on Main Street coming towards me. The vehicle did not yield to traffic coming the other direction and came within what I estimate to be one foot of striking me. The vehicle was so close that I could have easily reached out and touched it.

I cleared the stop that I was on and pulled out behind the vehicle that had almost struck me. This vehicle pulled onto Undermountain Road and then onto Mount Washington Road. After the vehicle made it's turn onto Mount Washington Road I further observed that it crossed significantly over the double solid yellow center line.

I activated my emergency lights and stopped the vehicle in the area of Mount Washington Road and Greenwood Circle. Upon approaching the vehicle I made contact with the operator and informed him of the reason of the stop. If I recall correctly prior to requesting his drivers license I asked him how he was. Shortly after, I identified the individual as Bernard LEIFER. I asked LEIFER if he knew why I had stopped him and he indicated that he didn't. When I informed him that he almost struck me and asked him if he noticed how close he was; he stated that he did but that he thought he had slowed down and that it was safe. I informed LEIFER that if he did not have a safe amount of room to pass a stopped vehicle that he needed to stop and yield to oncoming traffic.

Based on training and experience I am aware that people operate motor vehicles under the influence often do so negligently and commit such violations as listed above. This knowledge added to my raised suspicion that the individual may be under the influence of intoxicating liquors.

I inquired as to where LEIFER was coming from. He informed me that he was coming from a restaurant. I then asked LEIFER how much he had to drink. LEIFER stated that he had drank a coke. It should be noted that I have learned through my training experience that it is best to ask someone "how much they have had to drink" versus "if they have had anything to drink" as it requires them to answer with a number of drinks. Further if they have not been drinking they can easily say that they haven't. I

found that I have had better results with this question in the past. This is consistent with how I speak and interact with individuals on all of my motor vehicle stops if I suspect alcohol may be present.

I requested LEIFER's drivers license. LEIFER began reaching in his back pocket to retrieve it. It should be noted that there was a steady rain outside at this point. LEIFER made several comments about the stop, each time stopped his attempt to retrieve his license. Each time, I respectfully reminded LEIFER to retrieve his license. Due to COVID-19 precautions I took a photo of LEIFER's license prior to returning to my cruiser.

While checking LEIFER's information through my mobile data terminal I discovered that I had obtained a poor photograph of LEIFER's license. I attempted to run LEIFER's information several different ways to prevent having to ask to see his license again and prolonging the stop but was ultimately unsuccessful.

I returned to LEIFER's vehicle and requested to see his license again. Upon approaching the vehicle LEIFER stated that he was insulted that I had asked him how much he had to drink. LEIFER stated that he worked in some capacity to another police department and that he had eleven PBA cards in his wallet but hadn't pulled one out. While speaking LEIFER he began raising his voice. I informed LEIFER that I was sorry that he felt that way and that asking someone if they had been drinking or how much they had to drink was a typical question that I asked on motor vehicle stops on Friday and Saturday evenings. I requested to see LEIFER's license again and LEIFER continued to raise his voice and make several statements. I reminded LEIFER that it was raining outside and requested that he retrieve his license. LEIFER commented that it was not his problem that it was raining. LEIFER eventually produced his license.

After returning to my cruiser I checked LEIFER's information through my MDT and issued him a written warning for a move over law violation and a marked lanes violation. I further checked LEIFER's driver history to see if he might have a history of such events fearing that he may have been having trouble seeing. I did not see any driver history. I opted to issue LEIFER a written warning in lieu of a citation as I am aware that traffic enforcement is primarily about education and my main concern was to be sure that the stop was documented and that LEIFER understood he needed to be more cautious in the future.

Upon returning to LEIFER's vehicle I spoke with him again briefly. I again apologized to him if he was offended that he had been asked how much he had to drink and informed him again that it was a typical question that I ask on most motor vehicle stops. LEIFER informed me that he didn't have any issue being asked "if he had anything to drink" and that he would expect that question but that he was insulted that he had been asked "How much he had to drink". I informed LEIFER that I thought it was the same question but that I was sorry that he felt insulted by the question. I attempted to make sure that LEIFER felt as though his concerns had been heard and understood. I then issued him a written warning for both violations and explained that it was a written warning only. I also provide LEIFER my business card and informed him that you would be in the office during the week if he wanted to address anything with you.

During my interaction with LEIFER I was completely respectful and kept a level tone of voice at all times. I answered all of his questions and attempted to address his concerns.



To: Chief Jason LaForest

From: Officer Matthew A. O'Sullivan

Date: 06/06/21

Subject: Cruiser cleaning email sent on 05/22/21


Sir,

On Sunday May 23<sup>rd</sup> 2021 at what I estimate to be after 0600 hours I received the email that Officer Carlson sent asking me to clean cruiser 538. To the best of my knowledge cruiser 538 had been washed the prior day. I had removed all of my trash from the interior of the vehicle and believed it to be in suitable condition. The email had been sent by Officer Carlson at 2105 hours on the 23<sup>rd</sup> so I had not yet received it when I checked my email at the beginning of my shift.

I had come into the station at what I estimate to be approximately 0600 hours as I do most days to do paperwork including citations and review the weekly log so that I can create our weekly activity report prior to the end of my shift and spend the remainder of my shift doing the same.

I have received your email regarding cruiser maintenance and will be sure to do a better job of maintaining it in the future.

Respectfully Submitted,



Officer Matthew A. O'Sullivan

Insubordination inquiry regarding  
Senior officer Carlson asking O'Sullivan  
to clean out the cruiser

ORC

I received your text message on Thursday May 3<sup>rd</sup> regarding submitting a to/From about the incident. I came into the Police Department with the hope of speaking to you about the complaint so that I could more accurately address LEIFER's concerns. You were understandably busy and on the phone and I had to leave for another appointment. I touched base with you quickly and requested that you give me a call later in the day. After coming in for my shift I attempted to call you on the business line but did not get ahold of you. I sent you an email on Thursday May 3<sup>rd</sup> asking if I could speak with you before completing the to/from. My intention was not to at any point ignore your order to submit this document but to rather obtain all the information I could on the complaint before writing this. If I had not heard back from you before the end of the weekend I was going to complete this before leaving my last shift of the weekend.

I hope that this provides all of the information that you requested and gives an accurate picture of events. If I can be of any assistance in answering further questions please don't hesitate to reach out.

Respectfully Submitted,

  
Officer Matthew A. O'Sullivan

Inquiring as to why my requests/orders  
were not met

JRC

Jason LaForest  
*Chief of Police*



171 Egremont Plain Road  
P.O Box 368  
Egremont Mass. 01258

**TOWN OF EGREMONT  
MASSACHUSETTS**

Telephone: (413) 528-2160  
Fax: (413) 528-3308

**POLICE DEPARTMENT**

**Notable Call regarding Marked Lanes**

On 06/27/2020 I received a call from Paul Montgomery regarding Officer O'Sullivan. Mr. Montgomery advised me that he was just pulled over by Officer O'Sullivan for a "marked lanes violation. Mr. Montgomery informed me that he was 100% certain he did not cross the line or weave in between and said something is up with this guy, referring to O'Sullivan. Paul was a police officer in the town of Great Barrington for nearly 40 years.

A handwritten signature in cursive script, appearing to read "Jn La", is located below the text of the report.

Jason LaForest  
Chief of Police



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**POLICE DEPARTMENT**

Officer O'Sullivan Citizen Complaints:

**Proano-Unda, Bela, Andres Felipe**  
08/02/19 @ 0115 hrs

-According to Felipe he was ordered out of the vehicle as a passenger during a traffic stop. Glove box attempted to be searched by O'Sullivan. Felipe takes out his phone and begins recording. O'Sullivan immediately ceases searching the car according to RP.

-I am still waiting for the written complaint and possibly a video that shows some of the incident which Felipe states he has recorded.

-No formal complaint was ever received. The reporting party has failed to provide me with the phone recording and failed to return my follow up calls.

-No further action taken due to lack of information from complainant.

**Lila Berle/Steve Gonzalez**

-Lila contacted me on 8/25/19 to express some concern regarding an incident involving Steve Gonzalez who resides at [REDACTED] Egremont MA. Lila reports that on 08/24/19 there was an accident at Gonzalez's residence. According to Lila, Gonzalez states that he came outside to help assist with the accident. Lila states that Gonzalez told her he felt immediately treated as though he had done something wrong and felt that he was being profiled due to his race. Lila expressed the fact that Gonzalez did not want her to call the PD. Lila states she felt the need to call because over the years she had never heard Gonzalez bring up any issues relating to race. Lila also stated she did not want to see O'Sullivan get into trouble but felt he could be a bit more open and show people of all races dignity.

-I spoke with Officer O'Sullivan and he denied all allegations. We discussed approaching people with tact and respect along with being open minded and empathetic to everyone and their situations.

-No further action was taken.

Respectfully,  
Chief Jason La Forest

## Chief Jason LaForest

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**From:** Tina Emlaw [REDACTED]  
**Sent:** Monday, December 09, 2019 12:23 PM  
**To:** Chief Jason LaForest  
**Subject:** Per our conversation

Chief LaForest,

On 11/24 Around 8:15 PM I left the Old Mill leaving from the Salisbury Bank Parking lot driving toward Great Barrington. One of the Egremont Police Car were directly across with it's fog lights on. I was told by a couple of people the officer was already moving once I left the parking lot. It was wet and just snowed so I was driving within the speed limit. As I turned past the Egremont Inn where the speed increased to 45 miles per hour I was going 32 miles per hour since the speed limit increased. I didn't see the blue lights until the officer was directly behind me. I also never saw headlights he was so close to me. Once the officer ran my plates he pulled up along side of me. I rolled down my window and he said "Ladies you need to slow down through town. I told him I'm going 32 and he replied he had to go 50 to catch up with me. Officer O'Sullivan also told me 32 wasn't 25. I don't believe this was a lawful stop. I wasn't speeding and my wife agreed with me. I felt I was pulled over because I was leaving a restaurant that serves alcohols. It felt like it was a hunting expedition.

What bothers me about the stop I'm not the first person to feel that they were just pulled over for no reason. Many people have stated to me that they have been pulled over by Officer O'Sullivan and said I didn't do anything. If you need more details I can elaborate.

I'm also concerned about the safety due to the excessive speed witnessed by me and others through our town. Several times in the early am when customer or deliveries are coming and going out of the parking lots . It seems to me and others that the officers speed is dangerous, to himself and others. Everyone worries about the speed through town. I believe that goes for everyone. It's about safety for everyone.

Regards,  
Tina Emlaw

Jason LaForest  
Chief of Police



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**POLICE DEPARTMENT**

I, Chief Jason La Forest of the Egremont Police Department am investigating 19-21-AR. This incident took place on 6/25/19.

This event took place prior to my employment with the Town of Egremont. Once I began my employment on 7/1/2019 Mary Brazie (town Administrator) advised me that there was a possible Excessive Use of Force incident that took place involving Officer O'Sullivan of the Egremont Police Department and LOCKRIDGE.

I, Spoke with LOCKRIDGE'S mother, Nona Lockridge on 7/30/19 at 1400 hrs by phone. Nona advised me that she was very upset and concerned with how her son was treated. She states that she has many family members in law enforcement and could not believe what her son had told her (mother was not present during the incident). Nona made mention of her son being disrespected and treated in a condescending manner. Nona also reported that her son was handled aggressively.

I explained to Nona that I would be looking into the matter and addressing it. I advised Nona that her son has the option to file a formal written complaint. I also expressed my willingness to discuss this matter with LOCKRIDGE as well and that he could reach me by phone, email or we could set up a meeting. Nona expressed that her son just wanted to go to court and deal with the license issues and move on. I never heard from LOCKRIDGE once regarding this matter despite my requests to speak with him.

I have not received any formal complaints or follow up from LOCKRIDGE.

I reached out to Chief Eric Munson of the Sheffield Police Department and requested Officer Nourse (responding officer/witness) provide me with a To/From documenting what he witnessed while assisting with the LOCKRIDGE incident.

Officer Nourse states in his To/From that "O'Sullivan instructed the operator to place his hands behind his back so he could be handcuffed. The operator asked why he needed to be placed in handcuffs, at which time O'Sullivan told him to stop resisting and proceeded to strike the operator in the back of his right thigh with O'Sullivan's right knee. I observed O'Sullivan strike the operator approximately three times before stopping. I did not observe the operator trying to resist in any way". (Nourse's statement is attached).

I spoke with Officer O'Sullivan regarding this matter. O'Sullivan stated that his report is very clear and detailed regarding what took place and that he has nothing to add, alter or redact from the report.

I also spoke with Officer Kolb regarding this matter. Officer Kolb reports that his supplemental narrative (attached) describes the incident thoroughly.

#### CASE REVIEW

- Nourse states O'Sullivan delivered a knee strike to the back of LOCKRIDGE's right thigh approximately three times.
- Kolb and O'Sullivan report that one distraction technique was delivered to the left leg of Lockridge while he was actively resistant.
- Distraction techniques fall within the guidelines for an actively resistant individual.
- Although the term knee strike was used, I find that this was a distraction technique and not a strike after having Officer O'Sullivan demonstrate the actions he took.
- Due to the totality of the circumstances I find that O'Sullivan did not exhibit excessive force in this matter.
- No further action was taken and this IA was closed on 8/1/2019.

Respectfully,  
Chief Jason La Forest



Egremont Police Department

Jason LaForest  
Chief of Police



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O'Sullivan Pat Frisks Internal Investigation:

-After reviewing multiple reports completed by Officer Matthew O'Sullivan I noted an abnormally high number of pat frisks being conducted. The reports in question are 19-36-AR, 19-37-AR, 19-38-AR 19-39-AR and 19-40-AR.

-On 08/26/2019 at 0800 hours I met with O'Sullivan and asked why he was conducting so many "pat frisks for weapons". O'Sullivan stated that he was just ensuring scene safety. I advised O'Sullivan that he cannot just pat frisk individuals for scene safety without more information and that police need reasonable suspicion based on specific articulable facts, that the suspect is armed and dangerous.

-Officer O'Sullivan was provided the opportunity to ask questions. He stated that he now had a much better understanding of the requirements surrounding pat frisks.

-Officer O'Sullivan was retrained in Pat Frisk requirements. No further action was taken.

Respectfully,  
Chief Jason La Forest

A handwritten signature in black ink, appearing to read "Jason La Forest".

Egremont Police Department