

FINDINGS OF DISTRICT ATTORNEY MARIAN T. RYAN REGARDING THE OFFICER
INVOLVED NON-FATAL SHOOTING OF CHRISTOPHER SHUTTLE IN PEPPERELL
BY PEPPERELL POLICE OFFICER JUSTIN ZINK ON JUNE 25, 2020

The Middlesex District Attorney's Office, the Massachusetts State Police assigned to the Middlesex District Attorney's Office and the Pepperell Police Department have concluded the investigation into the non-fatal shooting of Christopher Shuttle, 30 of Pepperell, who was shot by a Pepperell Police Officer at his Tarbell Street home in Pepperell on June 25, 2020.

A thorough investigation into the circumstances surrounding the shooting of Mr. Shuttle has revealed that Officer Justin Zink of the Pepperell Police Department discharged his service weapon one time striking Mr. Shuttle after determining that his fellow officer, Sergeant Nicholas Parker, was in imminent danger of death or grievous bodily injury at the hands of Christopher Shuttle. Under the circumstances, Officer Zink acted reasonably and lawfully believing that there were no other means available to protect the life of his fellow officer other than by discharging a single round from his department-issued service weapon. Therefore, no criminal charges are warranted.

The following report is being released in redacted form according to the [Rules of Professional Conduct Rule 3.4](#): Fairness to Opposing Party and Counsel to protect the integrity of an open criminal case currently pending against Mr. Shuttle as well as to protect Mr. Shuttle's right to a fair trial. Witness testimony and the names of the victim and civilian witnesses have been redacted in part. Upon the conclusion of the prosecution, the full unredacted report will be available.

Police reports and other additional documents relating to the pending criminal case against Mr. Shuttle are barred from public disclosure at this stage as these records constitute "investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest." See G.L. c. 4, § 7, cl. 26 (exemption f).

I. INTRODUCTION:

The Middlesex District Attorney's Office, along with the Massachusetts State Police assigned to the Middlesex District Attorney's Office and the Pepperell Police Department, conducted an investigation into the facts and circumstances of the non-fatal shooting of Christopher Shuttle by Officer Justin Zink, while on duty with his department-issued firearm. The limited objective of this investigation was to determine if any person bears criminal responsibility in connection with the shooting of Christopher Shuttle on June 25, 2020.

At the direction of the District Attorney, Assistant District Attorney Joseph Gentile was designated to direct the investigation.

During the course of the investigation, radio communications were gathered and reviewed.

No surveillance camera video was available.

The two police officers who responded to the scene were all interviewed, as was one civilian witness who lived in the house.

An examination of the firearms of officers present was made and the results of those examinations were reviewed.

II. APPLICABLE LAW:

The analysis of whether the actions of the involved police officer constitute a criminal act was guided by applicable case law and legal precedent on the use of force by law enforcement. In order for use of deadly force to be lawful, the actions of the officer must have been objectively reasonable in light of all circumstances confronting the officer at the time.

As stated by the United States Supreme Court, in Graham v. Connor, 490 U.S. 386, 396-397 (1989), "The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation."

The standard for the use of deadly force in Massachusetts is that a person may use deadly force to defend him or herself or another if the person has reasonable ground to believe, and actually believes, that he or she or another person is in imminent danger of death or serious bodily injury, and that no other means would suffice to prevent such harm. In addition, the circumstances, as perceived and understood by the person using deadly force, must be such that a reasonable person would believe that he or she or the other person was about to be attacked and that he or she or the other person was in immediate danger of being killed or seriously injured.

A review of the facts reveals that, in the totality of the circumstances, Officer Zink was justified in the use of deadly force. Officer Zink's use of force was not excessive in the circumstances and, therefore, the non-fatal shooting of Christopher Shuttle was a reasonable exercise of the defense of another, under Massachusetts law.

III. SUMMARY OF THE FACTS:

On Thursday, June 25, 2020, at 11:13 a.m., the Pepperell Police Department received, by fax from the Ayer District Court, a Warrant of Apprehension pursuant to M.G.L. Ch. 123, sec. 12 for Christopher Shuttle (██████/89) of 13 Tarbell St., Pepperell, MA. Sergeant Nicholas Parker came in to the station from his duties on the road as a

patrol shift supervisor in order to serve the warrant. Officer Justin Zink was working in the station at the time and was assigned to join Sergeant Parker in serving the warrant. Sergeant Parker and Officer Zink traveled in separate cruisers to 13 Tarbell Street at approximately 11:40 a.m. to locate and apprehend Shuttle and transport him to the Ayer District Court.

The two officers approached the door used to enter and exit the home located on the side porch abutting the driveway of the single-family residence at 13 Tarbell St.¹ Sergeant Parker was first at the door and upon approaching, could hear Mr. Shuttle, with whom he was familiar, from behind the door stating, "Mom, don't open the door. Don't open the door." repeatedly to a female, determined to be Christopher Shuttle's mother, [REDACTED]. The officers heard the female responding to Mr. Shuttle, saying, "It will be fine Chris, its fine. It's not a big deal." [REDACTED] opened the door for the officers and was saying, "It's fine Chris. Don't worry about it." She indicated to them that they could come in, in a nonchalant manner while welcoming them into the home. Sergeant Parker entered the threshold first and [REDACTED] moved back toward the kitchen, to the right of the doorway entrance if looking at the door from the driveway. As Sergeant Parker began to look past the doorway to the left (from the porch, the door opened into the home and to the left), Christopher Shuttle immediately came charging at him from the area of the living room and dining room (areas to the left of the doorway if looking at the door from the driveway) while holding a knife raised above his head in his left hand and coming down in a downward strike towards Sergeant Parker. Shuttle [REDACTED]

[REDACTED] Sergeant Parker was pinned between the door and the wall to the side of a stairway that is immediately across from the entry point coming into the home through the door. He defended himself against the repeated downward thrusts of the knife by grabbing the hand/forearm area of the arm in which Mr. Shuttle was holding the knife. [REDACTED]

[REDACTED] Sergeant Parker pushed Shuttle up against a wall and was attempting to hold his left arm away from him; as they struggled in the dining room area, they at some point crashed into a small dining tray table. Shuttle continued to swing his arm to try to

¹ The residence at 13 Tarbell Street is a white, two-story, wood-framed single-family residence. The portion of the residence facing Tarbell Street has five windows and there is a yard between the roadway and the residence. The residence is accessed from an open porch running perpendicular to Tarbell Street, along the driveway to the right side of the residence. There are two red exterior doors along this porch, the second of which is further back and away from Tarbell St. and is used to enter and exit the residence.

bring the knife down to strike Sergeant Parker. Eventually, the two went down to the ground in the dining room area while continuing to struggle. At some point, Sergeant Parker heard a pop and it was only after hearing this pop that Shuttle stopped struggling with Sergeant Parker. Shuttle was still holding the knife up until that point. Only after hearing the pop, was Sergeant Parker able to knock the knife out of his hand and swipe it away from him.

Officer Zink observed Shuttle attempting to stab Sergeant Parker from his position at the doorway just outside the threshold. He heard Sergeant Parker cry out and believed that Sergeant Parker had been stabbed by Shuttle as Sergeant Parker was pinned between the door and the wall. Officer Zink pulled the door toward the closed position to release Sergeant Parker, reopened it in order to enter the threshold, and then closed the door again to move around it into the dining room area where Sergeant Parker was struggling with Shuttle. Officer Zink was in the process of unholstering his firearm as he made his way around the door, believing that Sergeant Parker had already been stabbed. As Officer Zink came around the door into the dining room, Shuttle and Sergeant Parker were continuing to struggle and in the process of falling to the floor. Officer Zink believed that Sergeant Parker had been stabbed and that Shuttle was continuing to attempt to stab Sergeant Parker with the knife. This all occurred rapidly and continuously and there was no point at which Officer Zink did not believe that Sergeant Parker was in the process of being stabbed by Shuttle. Officer Zink discharged his firearm one time and shot Mr. Shuttle in the right side of the torso/abdomen area.

Upon being shot, Mr. Shuttle stopped struggling with Sergeant Parker, and the sergeant was able to knock the knife out of the hand of Shuttle and push it a safe distance away from Shuttle. Officer Zink immediately began to render medical attention to Shuttle and called over the radio that shots had been fired and for medical assistance. Sergeant Parker joined in rendering medical aid to Shuttle until EMTs arrived and took over attending to Mr. Shuttle.

Shuttle was quickly removed from the home by paramedics and taken by ambulance to Lowell General Hospital and subsequently to Brigham and Women's Hospital in Boston. Officers attempted to speak to Shuttle after giving him Miranda warnings, but Shuttle declined to speak to the police. Shuttle was stabilized at Brigham and Women's and released within days. He is charged in the Ayer District Court with the offenses of Assault and Battery by means of a Dangerous Weapon and Assault and Battery on a Police Officer; the case is currently pending.

Sergeant Parker and Officer Zink were transported to Nashoba Valley Medical Center by ambulance, where they were evaluated, treated and released the same day. Sergeant Parker initially had elevated blood pressure and suffered a contusion to the shoulder area and a slight strain in the area between the ring and pinkie fingers of the left hand. Officer Zink suffered no physical injuries.

IV. Investigative Findings:

What follows is a summary of the findings in the investigation and is not exhaustive of all information reviewed:

a. Warrant of apprehension

The warrant of apprehension for Christopher Shuttle was issued by the Ayer District Court upon the petition of probation officer Jeff Phelps. Probation officer Phelps was supervising Shuttle on conditions of release out of Ayer District Court for an [REDACTED] offense stemming from an incident at Pepperell Family Pharmacy in February 2020. The paperwork in support of the warrant was included as part of the fax sent to the Pepperell Police Department on June 25, 2020. In the petition, probation officer Phelps wrote, in part:

[REDACTED]

Both Sergeant Parker and Officer Zink indicated in their interviews that they read this paperwork while at the station prior to traveling to Tarbell Street on the morning of June 25, 2020.

b. Radio Transmission

Pepperell Police radio communications were obtained and reviewed as part of this investigation.

The transmission can be heard here: <https://youtu.be/KL-L7rZbqhc>

c. Prior Knowledge of Christopher Shuttle

Both Sergeant Parker and Officer Zink were familiar with Christopher Shuttle and his history of mental health problems and criminal offenses. Both Sergeant Parker and Officer Zink reported that they had interacted with Shuttle at 13 Tarbell Street approximately a month prior to June 25, 2020, when they had been asked to check on Shuttle by the Massachusetts Probation Service because Shuttle had not checked in with Probation as required. The officers went to 13 Tarbell Street and, while Shuttle was described as slightly agitated during their interaction with him, they were able to talk to him and, per their request, he called his probation officer in their presence as requested. The officers cleared without incident.

Both officers were also familiar with the February 2020 robbery at Pepperell Family Pharmacy for which Mr. Shuttle was charged with [REDACTED]. However neither officer was involved in the response/arrest. Both also indicated that they were familiar with (they again had not directly responded to) an incident in April, 2020 when officers responded to the Cumberland Farms in Pepperell and Mr. Shuttle was banging on the doors while the business was closed and was wielding a large butcher knife. In that incident, Mr. Shuttle was making several statements [REDACTED] and he was brought to Nashoba Valley Medical Center pursuant to Section 12 paperwork.

Sergeant Parker reported that he was familiar with Mr. Shuttle through his work as a police officer and had dealt with Mr. Shuttle intermittently for approximately the past 15 years since Shuttle was a teenager. Officer Zink reported that he was familiar with Mr. Shuttle from his time working as a dispatcher, during which Mr. Shuttle would often call the police station [REDACTED].

d. Training and Experience of Officers

Sergeant Parker joined the Pepperell Police Department in July 1998 and was a sworn officer for 22 years as of June 2020. He became a sergeant in January 2012 and has served in that role since.

Officer Zink attended the Reading Police Academy in June 2018 and joined the Pepperell Police Department upon completing the academy. Officer Zink worked as a dispatcher for the police department beginning in 2006. He later became the assistant director of the dispatch department. Officer Zink was a member of the Pepperell Fire Department and an EMT beginning in 2008; he rose to the rank of lieutenant. He left the fire department in 2018 to attend the police academy and join the police department.

Sergeant Parker filed 20 Use of Force incident reports for the period of 2013 through June of 2020; there were three incidents of "Firearm Display", one incident of "Hand Controls and Restraint Chair" and the remaining incidents were for "Hand Controls". Pepperell Lieutenant Blain reviewed the Use of Force Incident File and confirmed that there were no disciplinary records for Sergeant Parker.

Officer Zink filed one Use of Force incident report for the period of 2018 thru June of 2020 for "Hand Controls". Lieutenant Blain reviewed the Use of Force Incident File and confirmed that there were no disciplinary records for Officer Zink.

Officer Zink and Sergeant Parker both carried a Taser with them as part of their equipment; neither officer deployed their Taser. There was no opportunity for Officer Zink to attempt any alternative prior to using deadly force against Mr. Shuttle given the immediate attack on Sergeant Parker and the continuous, ongoing nature of the attack

once it began. Officer Zink believed that Sergeant Parker had already been stabbed and that the attempts to stab him were continuing and ongoing.

e. Officer Interview: Officer Zink

Officer Zink was interviewed on June 29, 2020, by members of the Massachusetts State Police Middlesex Detectives Unit with his attorney present. When describing his observations and his state of mind during the course of the incident, Officer Zink described seeing Sergeant Parker after he entered through the doorway as he attempted to get around the opened door to move toward the left in the direction of the dining and living rooms. He described that Sergeant Parker became pinned by the opened door up against the wall, which is to the side of the staircase, which is directly across from the doorway opening. He described seeing Mr. Shuttle's arm and hand holding a knife thrusting down repeatedly toward Sergeant Parker. He described the knife as a black-handled, steak knife-like appearance with a slim blade that was serrated and approximately 5-6 inches and silver/chrome in color. He saw this knife after Mr. Shuttle was removed from the home by EMTs in the area of the threshold between the dining room and the living room and recognized it as the same knife that had been in Mr. Shuttle's hand thrusting downward at Sergeant Parker.

Officer Zink reported that he heard Sergeant Parker make a noise that sounded like pain and that he "screamed out" when Shuttle was thrusting the knife at him while pinned by the door. He believed that Sergeant Parker had been stabbed. When Officer Zink made his way around the door after Sergeant Parker and Shuttle had moved past the door toward the dining room while still struggling over the knife in Shuttle's hand, he believed that Sergeant Parker had already been stabbed and was concerned that Sergeant Parker was then currently being stabbed again. He told the interviewers that as he tried to get around the door to get to Sergeant Parker, he was thinking that "if I don't get in there fast enough, I thought Sergeant Parker was going to die; or be seriously hurt."

f. Officer Interview: Sergeant Parker

Sergeant Parker was interviewed on June 29, 2020, by members of the Massachusetts State Police Middlesex Detectives Unit with his attorney present. Sergeant Parker described that he was charged at and attacked by Shuttle as soon as he crossed the threshold of the doorway into the apartment and looked to his left around the left-opening door. He described that Shuttle was [REDACTED]

He explained [REDACTED]

[REDACTED] Sergeant Parker noted that despite his multiple prior interactions with Shuttle, it was the first time that he had ever had to be physical with Shuttle in that manner. He had never experienced any behavior like this with Mr. Shuttle before.

Sergeant Parker also explained that after hearing a pop which resulted in Shuttle stopping with his theretofore ongoing, continuing struggle with Sergeant Parker, it was at that point that Shuttle rolled onto his stomach, still holding the knife. As that happened, Sergeant Parker knocked the knife out of Shuttle's hand and swiped at it, pushing it away from him. Sergeant Parker described the knife as looking like a steak knife, but a "decorative steak knife". He said it had more of a shine than a typical steak knife because it had a shiny blade. He said it had a serrated edge and was not a butcher knife.

Sergeant Parker had not immediately registered that a shot had been fired. He then noticed blood at Shuttle's mouth, and as he got to his knees, he turned and looked and realized that Officer Zink had come into the dining room behind him. In the course of the struggle, he had forgotten that Officer Zink had been behind him. In this immediate aftermath of the struggle to defend himself from the knife, as Sergeant Parker first saw Officer Zink, he told interviewers that Officer Zink stated, "I thought he was killing you. I thought he was going to kill you."

g. Interview of [REDACTED]

[REDACTED] spoke to investigators outside her 13 Tarbell Street residence on June 25, 2020. Ms. [REDACTED] indicated that her son Christopher Shuttle had been battling mental health issues for a very long time, that he had been [REDACTED]

She explained that in the early morning of June 25, 2020, she had provided Christopher his [REDACTED]. She had been working on her computer upstairs when she noticed that a police cruiser had arrived outside her home; she explained that she assumed it was the case that police were responding due to Christopher having called the police as he had a history of doing.

Ms. Shuttle indicated that she went downstairs, and she confirmed that while Christopher was stating not to open the door, she opened the door to two police officers. Ms. Shuttle indicated that the officers were very calm and were not aggressive in any way, either outside or upon initially beginning to make their way into the house. She indicated that upon opening the door to the officers, Christopher moved quickly toward the living room and she made her way towards the back porch through the kitchen. She stated that the last thing she saw as she was moving to exit the house via the short distance through the kitchen to the back porch was officers just about to move into the dining room area and Christopher coming toward the officers from the living room area. She did not notice if Christopher had any weapons and did not see any officer with a gun drawn at that point in time. As she made her way to the back door, she immediately heard things banging around and loud thuds and she assumed that Christopher was trying to fight the police. Ms. Shuttle told the investigators that she

never heard a gunshot. She was unaware that Christopher Shuttle had been shot until after an ambulance arrived and other responding officers informed her.

h. Ballistics Evidence and Scene Documentation

Massachusetts State Police – Middlesex Detectives Unit responded to the scene at 13 Tarbell Street. In addition, troopers from the Crime Scene Services Unit and Firearms Identification Section and forensic scientists from the Mass State Police Crime Lab also responded and processed the scene pursuant to a search warrant. Among other things, recovered at the scene were a steak type knife (consistent with that described by Sergeant Parker and Officer Zink), swabs of red brown stains from the dining room floor, and a single .45 caliber shell casing (consistent with the service-issued Glock model 21 .45 caliber handgun carried by Officer Zink). Ballistics review of Officer Zink and Sergeant Parker's department-issued firearms, retrieved from them at the scene by another Pepperell officer, determined that only a single round from Officer Zink's firearm was not present in that firearm. The .45 caliber shell casing was examined and the physical and microscopic examination determined to a reasonable degree of ballistic certainty that it was fired from Officer Zink's Glock model 21 .45 caliber handgun.

Crime scene photographs were reviewed and appear to be consistent with the location and condition of items, substances (e.g. blood) and damage as described by both Sergeant Parker and Officer Zink in their description of events. Responding investigators also made personal observations of the scene inside 13 Tarbell Street on June 25, 2020, after an initial processing of the scene was conducted.

There is no video that captured the events at or inside the private residence of 13 Tarbell St. on June 25, 2020.

i. Photographs



Photo from Tarbell Street



Photo from driveway showing porch and doors



Photo from door area across dining room into living room



Photo from dining area looking back toward door area then kitchen



Photo of knife recovered at scene

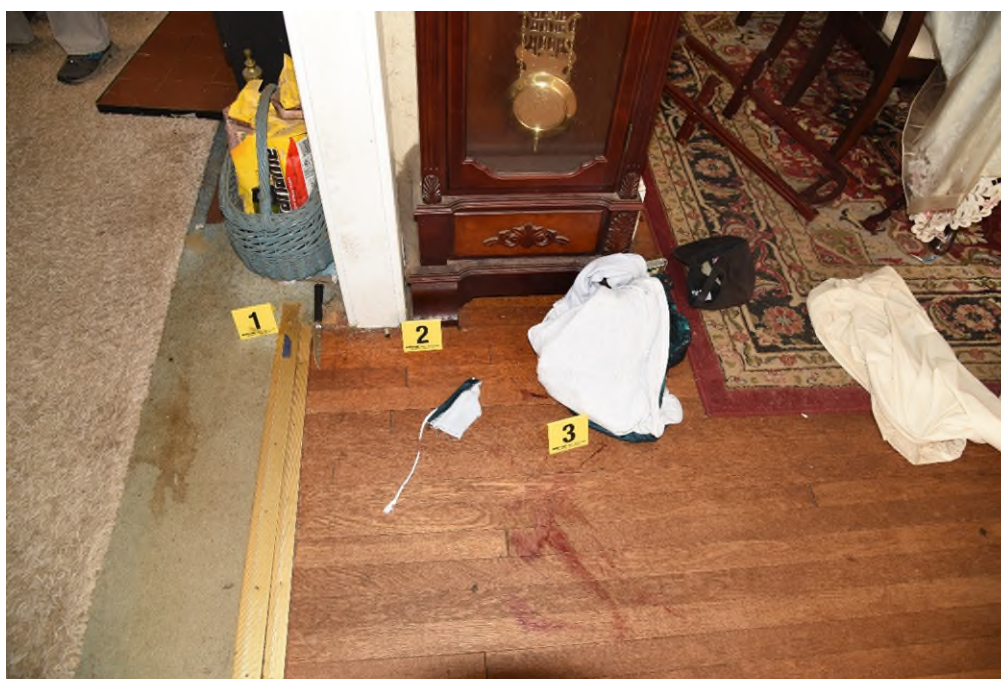


Photo of dining room into living room

j. Conclusion

In Massachusetts, a person may use deadly force to defend another if that person has reasonable ground to believe and actually believes that the other person is in imminent danger of death or serious bodily injury and that no other means would suffice to prevent such harm. The person must actually believe that the other person is

in imminent danger of death or serious bodily harm. In addition, the circumstances as perceived and understood by the person using deadly force must be such that a reasonable person would believe that the other person was about to be attacked and that the other person was in immediate danger of being killed or seriously injured.

In the totality of the circumstances that existed on June 25, 2020, Sergeant Nicholas Parker was in imminent danger and apprehension of being stabbed and killed by Christopher Shuttle at the time that Officer Justin Zink shot Christopher Shuttle. Shuttle immediately, unprovoked, and without warning, offensively charged at Sergeant Parker inside 13 Tarbell Street and continuously assaulted him with the knife he brandished, coming dangerously close to actually stabbing him. Officer Zink's use of force was reasonable, justified and not excessive in the circumstances and therefore, the shooting of Christopher Shuttle was a justified use of deadly force in the reasonable exercise of the defense of another under Massachusetts law. No criminal charges against Officer Justin Zink for his actions on June 25, 2020, in Pepperell are warranted.

The Pepperell Police Department should consider conducting an after-incident assessment. Such an assessment would serve to evaluate whether any additional or alternative techniques or resources may be utilized in future situations involving police interaction with individuals suffering from mental illness where there is reason to believe that such individuals may react violently to the police. The Pepperell Police Department may also want to consider creating a specialized Crisis Intervention Team, either within its police department or working in cooperation with neighboring police departments, to provide a multi-disciplinary approach to these situations.