

FINDINGS OF DISTRICT ATTORNEY MARIAN T. RYAN REGARDING OFFICERS  
INVOLVED IN THE FATAL SHOOTING ON FEBRUARY 17, 2015, IN TEWKSBURY, MA

The Middlesex County District Attorney's Office and the Massachusetts State Police assigned to the Middlesex County District Attorney's Office have concluded the investigation into the fatal shooting of Douglas Sparks, 30, of Medford, MA, who was shot by Tewksbury Police on Forest Avenue on Tuesday, February 17, 2015.

A thorough investigation into the circumstances surrounding the fatal shooting of Mr. Sparks has revealed that Detective McLaughlin and Detective Jackman fired only after Mr. Sparks pointed his gun at Detective Jackman and his partner Detective Donovan, and had already refused the detectives repeated commands to "Drop the gun." Under the circumstances, Detective McLaughlin and Detective Jackman acted reasonably and lawfully. Therefore, no criminal charges are warranted.

## **I. INTRODUCTION**

The District Attorney's Office, by statute, has the duty and authority to direct and control all death investigations within Middlesex County. As such, the primary goal of the investigation was to determine if any person bears criminal responsibility in connection with Mr. Sparks' death. I designated my Chief of Homicide, Adrienne Lynch, to direct the investigation. Assistant District Attorney Lynch responded to the scene that morning upon notification.

During the course of our investigation, numerous civilians were interviewed, including the two stabbing victims, and the medical examiner who performed the autopsy. In addition, Tewksbury and other local and State Police personnel were interviewed, Sparks' cell phone was examined, fingerprint and ballistics tests were conducted, and results of those examinations were reviewed. Police reports and written witness statements, the autopsy report and case notes from the Office of the Chief Medical Examiner, and reports of fingerprint, footwear and ballistics examinations were reviewed along with photographs of the scene and the autopsy. The officers involved in the shooting, as well as those who were on scene at the time of the shooting, were interviewed and those interviews were recorded. Recorded calls to the police station, emergency and non-emergency line, as well as Tewksbury Police Department Dispatch transmissions were also reviewed.

## **II. APPLICABLE LAW**

My office's analysis of whether the actions of the involved police officers 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.”

Our review of the facts reveals that in the totality of the circumstances, Detective McLaughlin was justified in his use of deadly force in defense of others, based on his reasonable belief that his fellow officers were in imminent danger of death or serious bodily injury. Similarly, Detective Jackman was justified in his use of deadly force when Sparks was pointing what appeared to be a gun toward him and his partner at close range. The initial command for Sparks to “get on the ground” was ignored and instead Sparks removed a gun from his waistband and brandished it at Detective McLaughlin. The ensuing repeated commands to drop the gun were also ignored by Sparks. It was only when Sparks began to walk away from Detective McLaughlin and walk towards Detectives Jackman and Donovan, with his arm at his side and his gun pointed at Detectives Jackman and Donovan that McLaughlin and Jackman, each reasonably believing that Sparks was about to shoot, simultaneously fired at him until he dropped the gun and fell to the ground.

### **III. INVESTIGATIVE FINDINGS**

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

#### **a. Incidents at the Salter School**

On Tuesday, February 17, 2015, Douglas Sparks drove to the Salter School at 515 Woburn Street in Tewksbury in a rental car and waited there for the arrival of his former girlfriend, who was an employee at the Salter School, and her male co-worker. Several students and employees of the school reported that as early as 7:15 a.m. they observed the rental car occupied by a man who appeared to some to be trying to hide from view in the vehicle. The car was seen at different locations in the school parking lot from 7:15 a.m. up to 9:00 a.m. when the persons he was waiting for arrived at work.

The male employee drove the female employee’s vehicle into the lot and parked it in a space several rows away from the entrance to the lot. Sparks immediately followed the vehicle and pulled up behind it, blocking the woman’s car into the space. Sparks got out of the rental car and opened her passenger side door and said, “I’m slashing your tires,” as he removed a knife from his sleeve, and then slashed the front and right rear tires. After this the woman got out of the car to confront him. Sparks then punched the woman in the face and spun her around causing her to almost fall to the ground.

At that time, the male driver got out of the car and came around the back of the car toward the passenger side, asking Sparks if he was serious and pointing out that he was “hitting a girl.” Sparks then chased him, trying to stab him. On the driver’s side of the vehicle the man sought cover from the car door, but Sparks slashed his hand. Sparks then returned to the woman and attempted to take her handbag, but he was unable to gain control of it. He then grabbed for her cell phone and ripped it out of her hand.

After grabbing the female's cell phone, Sparks ran back to his car and got in. She ran after him to get her cell phone back. As Sparks sat in the car and the woman stood outside they fought for control of the phone. Sparks told her to have her boyfriend buy her a new phone. Sparks was holding onto the woman saying, "Fuck you; you're a fucking bitch; I hate you". Sparks then put the car in drive and "floored it", dragging her, while still holding the knife. At some point they hit something, possibly a snow bank, and he put the car in reverse and dragged her in the opposite direction. During this struggle, Sparks sliced the woman in the right index finger and on the back of the hand with his knife. As she was being carried by the moving car, she was fearful that she would die by being run over by the car Sparks was driving. As she was being dragged, she saw a gun in the center console. Sparks dropped the knife and it appeared that he was grabbing for the gun.

The woman was able to grab the keys in the ignition, the car stopped, and she fell to the ground. She told Sparks, who still had possession of her phone, she was going to call the cops on him. He responded, "I don't care. I will kill the cops too." Sparks then left with the gun and the phone. At that time she ran to the school in order to get medical help for her hand. The man, who was also cut in the hand, had already entered the school and sought help.

Meanwhile, people in the school had been calling 911 to report the assaults in the parking lot. Two 911 calls were received almost simultaneously by Tewksbury Police Dispatch at 9:00:26 a.m. As a result police units were dispatched to the school and uniformed and plainclothes officers responded at that time.

Police dispatchers radioed the suspect's path of flight which was from Woburn Street to Greenwood to Lowell. As a result, officers began to search those side streets in an effort to find him. As this was unfolding, a resident from Greenwood Avenue called saying a man ran up her street and behind a snow bank on Greenwood at Lowell. This call was received at 9:07:28 a.m. Another resident from Elm Street called and reported that she was listening to the scanner and saw the man run from Greenwood to the middle of the intersection with Lowell and look behind him over his shoulder as he ran. She went to pick up her cell phone and lost sight of him, but she didn't think he came up to the Forest Ave intersection with Lowell because she would have seen him. That call was received at 9:08:24 a.m. That information was broadcast to police units at 9:08:46 a.m. After that radio transmission, Detective McLaughlin called out over the radio, that he had the party being sought on the "next street after Greenwood".

At 9:09:47 a.m., Tewksbury police received a radio transmission of shots fired at 55 Forest and requesting an ambulance. Less than ten minutes passed from the original notification of the stabbings and property offenses at the Salter School and the shooting of Sparks on Forest Avenue. Less than one minute passed between when Detective McLaughlin radioed he had a person on the next street after Greenwood, i.e. Forest Avenue, and the call for an ambulance.

## **b. Events on Forest Avenue**

### Detective Michael McLaughlin

As of February 17, 2015, Detective Michael McLaughlin had been a Tewksbury Police Officer for three and one-half years. He was a patrol officer until May of 2014 when he was assigned to the Criminal Bureau. In mid-January of 2015, he was assigned as a narcotics detective.

On February 17, 2015, he was working the 8:00 a.m. to 4:00 p.m. shift. That morning he took the unmarked car he was going to use that day to the town DPW facility to put air in one of the tires. The vehicle was a Honda Accord and was equipped with lights and siren. As he was just finishing up at DPW, a call came over the radio of a stabbing at the Salter School. As a result, Detective McLaughlin then got into the car and made his way with lights and siren on to the Salter School. He recalled that the call was for a possibly Hispanic or black male who had stabbed two people, slashed tires and fled the scene in the direction of Woburn Street into the neighborhood across the street from the school. He was approximately three miles away from the school and it took approximately five minutes for him to get to the area with lights and siren. He was alone at that time.

As Detective McLaughlin approached the area he saw a marked cruiser in front of him and a detective car behind him. He could observe other police vehicles traveling up and down the side streets looking for the suspect. As this was transpiring, while he was on Lowell Street, a transmission was received about a caller who reported that the suspect was seen behind a snow bank near the corner of Greenwood and Lowell. Detective McLaughlin headed over to Greenwood and Lowell; he observed two marked units on Greenwood past the Lowell intersection.

A woman in a vehicle on Forest Avenue traveling towards Woburn Street, who had followed the suspect from the Salter School, pointed "that's him" to Detective McLaughlin as he turned right from Lowell onto Forest. At that time, McLaughlin saw a male wearing clothing that matched the description, who was covered in snow, in the middle of the road on Forest. That man was later identified to be Douglas Sparks. McLaughlin drove to the area of the driveway of the first house on Forest and stopped his vehicle. Sparks was standing still in the middle of the street near the first house on the other side of the street on Forest Avenue. There was no one else on the street; no other officer and no civilians. He could see Sparks wore a dark coat with snow on it, a sweatshirt underneath and lighter colored pants. Sparks had a very blank stare, which McLaughlin described as "a thousand mile stare."

Detective McLaughlin got out of the car with the blue lights still on and his lanyard and badge displayed around his neck, over his coat. He also called out over the radio that he had the suspect on the street next to Greenwood. McLaughlin ordered the man to get on the ground because he believed he still had a knife and McLaughlin was close to him. McLaughlin in a strict, loud voice yelled, "Get on the ground. Get on the ground." As he did so, McLaughlin did not have his gun drawn.

At that time, Sparks pulled a gun from his waistband and lifted it straight up. When he took it out and brandished it, it looked to McLaughlin like he “meant business; he was serious.” McLaughlin yelled, “drop the gun” and unholstered his own service gun and pointed it at Sparks. From his vantage point, McLaughlin could see what appeared to be a black semiautomatic handgun with a silver ejection port. McLaughlin again told him to “drop the gun.” Sparks did not drop his gun, but instead lowered it to his side and turned his back to walk away from McLaughlin. At around this time, McLaughlin saw Tewksbury Detectives Donovan and Jackman coming from the back end of the street; it appeared that they must have come from Greenwood to Felker to Forest. They pulled up in an unmarked Ford Explorer and stopped in the middle of the street and approached where McLaughlin was located. As the two detectives approached, Sparks had the gun to his side and turned around and walked to the right side of the road, near where a fog line would be. Jackman and Donovan were approaching, getting closer to Sparks, and giving verbal commands to drop the gun. At this time, Sparks lifted the gun which was at his side and pointed it in the direction of Jackman and Donovan. Believing that Sparks – who had not spoken a word and who had not adhered to any of the officers’ commands was about to shoot Jackman and Donovan, McLaughlin fired twice at the suspect, who did not go down immediately, so McLaughlin fired two more times. McLaughlin also heard Jackman start shooting and Sparks fell to the ground. He estimated the time from his initial encounter with the suspect and shots fired to be approximately 30 seconds.

At the time of his encounter with Sparks, Detective McLaughlin did not know Douglas Sparks and had no prior interaction with him, but he did know that he had been reported to have stabbed two people and slashed tires. He did not see Sparks with a knife, but knew he had been armed with one at the Salter School. Thus, at the time when he shot he believed that Sparks was armed not only with the gun that was pointed at him but he might also still have the knife used in the Salter School assaults.

Up to the time of the shooting all the officers were yelling for Sparks to drop the gun. He just stared at them and made no verbal statements at all. At no time did Sparks ever comply with any verbal command made by the officers.

When Sparks fell to the ground, McLaughlin holstered his firearm and, by this time, there were other officers on scene. Then other officers initiated CPR.

At the scene, McLaughlin turned his firearm over to Officer Andre Gonzalez. McLaughlin became aware that Sparks’ gun was a BB gun after the incident.

#### Detective Edward Jackman

As of February 17, 2015, Detective Edward Jackman had been a Tewksbury police officer for three and one-half years. He had been assigned to patrol until May of 2014 when he was assigned to detectives.

On February 17, 2015, Jackman was working the day shift with Detective Michael Donovan. Donovan was driving an unmarked Tewksbury Police Ford Explorer, which was equipped with a siren and emergency lights, and he was in plainclothes. Shortly before 9 a.m.

that day, Jackman and Donovan were responding to a bank alarm call, when they were called off. At that time, they received a call for the stabbing at the Salter School and responded. The information provided was that there were two victims and the suspect was a male, black or Hispanic, who was wearing a gray sweatshirt, slashing tires. The two detectives were a few miles from the school when they received the call and responded with blue lights and siren activated.

En route, they received a transmission that a witness reported that the suspect crossed Woburn Street and ran into the neighborhood. They first started checking side streets. On Whipple Road he noticed Detective McLaughlin's unmarked Honda Accord. There were also marked police vehicles in the area, including one in front of them. They drove from Park to Woburn Street, where they noticed a beige/tan house and looked down that street. While they were canvassing in this way, the detectives received the radio call from dispatch that a resident called and reported seeing a man covered in snow on Greenwood Avenue. They then took Woburn to Greenwood with blue lights still activated. They went down Greenwood to the end, took a left onto Felker and then a left onto Forest. As they were doing so, they heard Detective McLaughlin radio that he thought he had the person on Forest Avenue. As they turned onto Forest Avenue, the lights were on, and they could see the individual, wearing a gray sweatshirt with something on the back in the middle, wearing a hat or a hooded sweatshirt covering his head.

Detective Jackman saw McLaughlin exit his vehicle from behind this individual and draw his weapon. At that point, Jackman drew his own weapon. Jackman sprinted over to McLaughlin and heard McLaughlin yell, "Drop the gun." Sparks then turned toward Jackman and Donovan. He could then see what appeared to be a firearm in Sparks' hand. Until Sparks turned toward Jackman and Donovan, Sparks' arm had been obscured from Jackman's view. Jackman said he took his firearm out when he did because he assumed that there was some sort of threat, based on McLaughlin's words and actions.

Jackman yelled, "Stop. Drop the gun" in an authoritative manner, when he saw the gun in Sparks' right hand. It was black with silver at the part attached to the barrel. He could hear Detective Donovan yell, "Crossfire." Jackman was across the street and the width of the street was the distance between him and Sparks. He and Donovan were just beyond Sparks. Sparks did not say a word, he just stared. Jackman saw the gun and saw Sparks start to raise his hand with the gun pointed toward Jackman. At that moment Jackman believed the man was going to shoot him and Donovan; Sparks had not dropped the gun as commanded. As Sparks pointed the gun at Jackman, Jackman fired his gun. He believed he fired twice but later learned he had expended three rounds. When he fired, Donovan was standing to the rear of Jackman. Sparks then fell to the ground on top of the gun. Jackman pulled Sparks away from and off the gun and then reholstered his own weapon.

At the scene, Detective Jackman turned over his service weapon to Officer Andre Gonzalez. Subsequent to the shooting, Jackman learned that Sparks had a BB gun. Jackman did not recognize Sparks as anyone he had ever seen before.

### Detective Michael Donovan

As of February 17, 2015, Detective Donovan had been a Tewksbury police officer for seven years. That day, he was working as a day detective and was partnered with Detective Edward Jackman. They started their shift at 8:00 a.m. and were in plainclothes. At around 9:00 a.m., they received the radio transmission about the stabbing at the Salter School. At that point all cars started to head in that direction. Donovan was operating their unmarked Ford Explorer equipped with lights and siren. They learned that two people had been stabbed and that tires had been slashed.

When they got to the area of Woburn Street there was a radio dispatch reporting that the man went through a yard. Donovan drove down Greenwood to Felker and back out up Forest. As they turned onto Forest, Donovan could see Detective McLaughlin get out of his car, on Forest, closer to Lowell Street. McLaughlin stopped his car closer to the left side of the street. Donovan could see Sparks who he described as having a medium build, around 6 feet tall and 200 lbs. At that time, Sparks was walking away from McLaughlin, as McLaughlin was saying, "show me your hands."

Donovan and Jackman pulled up and stopped. Donovan saw the suspect with a black gun in his right hand pointed towards Donovan and Jackman. The man's arm was to his side, but the gun was pointed at the officers. Sparks was looking at McLaughlin and then looking at them. They yelled, "Show us your hands" loudly. He and Jackman were further away from Sparks than McLaughlin. Donovan and Jackman both drew their firearms as McLaughlin had. He and Jackman made numerous verbal commands to "show your hands"; when they noticed the weapon, they also stated, "Drop your weapon." Sparks just stared; it "looked like he meant business."

Sparks was in the middle of the road and Donovan was concerned about a crossfire situation. He then heard 3 to 5 shots and saw McLaughlin shoot as Sparks walked towards Jackman and Donovan with the gun pointed at them. Jackman was a few steps in front of Donovan; Donovan didn't even realize that Jackman had fired. Because he was behind Jackman, Donovan didn't shoot for concern for shooting Jackman.

When the shots were fired, the suspect did not go down right away. Once he fell to the ground Donovan approached. He never heard the suspect say anything. Other officers began administering first aid. EMTs were requested and so Donovan started moving cars, because the street was too narrow for an ambulance to get in.

#### **c. Immediate post-shooting events**

Tewksbury Fire emergency medical personnel responded and transported Sparks to Saints Memorial Medical Center where he was pronounced dead.

The State Police Middlesex Detectives Unit attached to the Middlesex District Attorney's Office was notified and responded at that time and initiated this investigation.

Detective McLaughlin and Detective Jackman each turned over their firearms to Tewksbury Officer Andre Gonzalez who subsequently turned them over to troopers assigned to the State Police Firearms Identification Section who responded to the scene.

A canvas of the neighborhood was conducted and witnesses were interviewed. One of those witnesses was the resident of number 47 Forest Avenue, who was home with her four young grandchildren at the time. She saw Sparks in her yard prior to the shooting and noticed he was covered in snow. She thought that he may have been clearing snow on the roof of her neighbor's house. She walked to her bathroom on the left side of her house (as you are facing it from outside in front) and saw Sparks pacing in her neighbor's driveway. She saw him walk to the end of the neighbor's driveway. Her view was somewhat obscured by a fence and snowbank separating her property from the neighbor's property. A photo taken from inside that home is attached.

It appeared to her that the man went to the end of the driveway and raised his right arm as if letting someone know where he was. She next saw a man, one of the police detectives (believed to be Detective McLaughlin) with his right arm stretched out, using his left to steady his elbow, and a gun pointing to the man who was now on Forest Avenue. She then heard four shots and told everyone in her house to get down. She could not observe what if anything was in the man's hands due to him being behind a very large snow bank.

It appeared that the man had entered her yard from Lowell Avenue and may have tried to get into her house by way of the rear door.

The residents of 55 Forest Avenue, Tewksbury, were inside their house and from inside they heard four pops.

A silver Ginzu knife was recovered from a snowbank on Lowell Avenue near Forest Avenue later that same day. A photograph of that knife is attached.

#### **d. Officer training in connection with firearms**

The Tewksbury Police Department officers all received firearms, rifle, and shotgun training in the police academy. They are all trained in the Municipal Police Training Committee (MPTC) standards on the use of force and adhere to those standards during their annual firearms training (both at the range and in the Middlesex Sheriff's Department's Mobile Training Center), annual defensive tactics training, and annual active shooting/critical incident training.

#### **IV. OFFICE OF THE CHIEF MEDICAL EXAMINER**

An autopsy was performed by Dr. Henry Nields, who determined the cause of death to be gunshot wounds to the torso and the manner of death to be homicide. Sparks was shot a total of four times. There were three shots to the torso and one shot to the knee.

One bullet entered the right clavicle, front and top of the region, with a wound path that traveled downward and backward, perforating the right second rib, the lobes of the right lung,



and perforating the right fourth intercostal space and fifth rib, where it became lodged in the soft tissue of the right side of the back. The bullet was recovered.

Another bullet entered the left side of the chest under the armpit, with a wound path going left to right, upwards and forward, perforating through the left lung, the heart, the right lung, and into the soft tissue of the right upper arm where it lodged. This was the second bullet recovered.

Another bullet entered the right side of the back, with a wound path that traveled forward, rightwards and upward, through the lobe of the right lung, the diaphragm, the liver, and exited the chest.

These three wounds resulted in significant internal bleeding.

The fourth bullet entered the front of the right knee through the knee and out through the back of the right leg. The direction of the bullet was front to back, downward and slightly right.

The last two wounds described were through and through wounds. The other two bullets, as stated above, were recovered.

Toxicology testing results were positive for ethanol (alcohol) with results of 0.03 g % and 0.05 g%.

## V. BALLISTICS

Massachusetts State Police Lieutenant David Cahill responded to the scene of the shooting and also conducted all test firings and comparative analysis of firearms related evidence.

From the scene police recovered a .177/4.5 mm caliber Colt model Defender by UMAREX BB gun, with a CO2 cartridge, with 12 .177 copper colored BBs. This BB gun had no orange tip and nothing to identify it as a BB gun to an observer in the position of the police officers here when they first saw it in Sparks' hand. The BB gun was charged and was loaded with 12 BB pellets when recovered. A photograph of the Colt Defender is attached hereto.

Lieutenant Cahill also took custody of the two .40 Smith & Wesson caliber Glock model 22 semi-automatic pistols that Detectives Jackman and McLaughlin discharged during the course of the incident. Serial number SBF356 was Detective McLaughlin's firearm and SBF343 was Detective Jackman's firearm. Each firearm had one round in the chamber when received. The magazine from Detective McLaughlin's gun contained 11 rounds of live ammunition. The magazine from Detective Jackman's gun contained 12 rounds of live ammunition. Each magazine had a fifteen round capacity, which would enable a total of 16 rounds of live ammunition if one round were in the chamber with a fully loaded magazine.

Four spent projectiles were recovered; two were recovered from Sparks during autopsy, the other two were recovered at the scene on Forest Avenue. All were consistent with being

fired by a .40 Smith & Wesson caliber Glock model 22 semiautomatic pistol, based on class characteristics. Due to the absence of sufficient individual characteristics, Lt. Cahill was unable to identify or eliminate them as having been fired by either of the two submitted pistols.

On February 17, 2015, five discharged cartridge casings were recovered from Forest Avenue. On March 17, 2015, as the snow cover in the area was beginning to melt, two additional discharged cartridge cases were recovered. Those items were submitted to the State Police Firearms Identification Section for examination. Based on his education, training and experience, Lieutenant Cahill formed the opinion that four of those casings were discharged from Detective McLaughlin's firearm, and the other three casings were discharged from Detective Jackman's firearm.

## **VI. FINGERPRINTS AND FOOTWEAR EVIDENCE**

The scene and certain evidence items were documented by troopers assigned to the Massachusetts State Police Crime Scene Services Section.

Footwear impressions in the snow of the driveway at 55 Forest Avenue in Tewksbury corresponded to footwear worn by Douglas Sparks in class characteristics.

Trooper William Eiserman of the Massachusetts State Police Forensic Services Group, Crime Scene Services Section, examined the .177 caliber Colt model Defender BB gun, for the presence of friction ridge evidence. Trooper Eiserman, based on his education, training and experience, located a print on the BB gun on the interior frame of the handle, which he compared to the known fingerprints of Douglas Sparks. That print was matched to the right index finger of Douglas Sparks. The CO2 cartridge and twelve BB's found in the gun were examined for prints but no further prints of sufficient quantity or quality were located.

## **VII. EXAMINATION OF SPARKS' CELL PHONE**

Police recovered Douglas Sparks' phone which was examined in connection with this investigation. In the days leading up to his fatal encounter with the police, his phone and text activity with the female victim was prolific, threatening, and indicative of his obsession with her and her new boyfriend.

In addition to his constant barrage of text messages, Sparks repeatedly called the female victim's cell phone during the same time period. His last outgoing call on the 17<sup>th</sup> was at 8:54 a.m. to her. There were 23 other calls from his phone to her phone from midnight up to that point. On February 16, 2015, Sparks' cell called her cell phone approximately 60 times.

## **VIII. SPARKS' ACTIVITIES IN THE DAYS LEADING UP TO FEBRUARY 17, 2015**

The Wilmington police had an encounter with a highly intoxicated Sparks at 12:18 a.m. on February 14, 2015. A resident called the police to report a suspicious man on Webber Street.

On the morning Saturday, February 14, 2014, a retired Tewksbury police sergeant was walking near the Salter School, on the bridge directly across from the school, when he observed foot tracks in the snow and a man, believed to be Douglas Sparks, lying in three feet of snow. Fearing the man was deceased, the sergeant flagged down a passing motorist and asked him to call the police. Once the man in the snow heard this, he jumped up and said he was fine. He went on to say that he was there to surprise his girlfriend, who worked at the Salter School, for Valentine's Day. That day, Sparks left a Valentine's Day present on the female victim's car in the Salter School parking lot. When she walked over to see what was on the car, Sparks came out of nowhere and the two spoke briefly before she returned to work.

As set forth above, on Monday, February 16, 2015, Sparks called the female victim's cell phone approximately 60 times leading her to block his calls. That evening sometime after 5:00 p.m. Sparks went to the female victim's home and left flowers and a card on the doorstep where they were intercepted by her mother.

## **IX. DOUGLAS SPARKS' CRIMINAL RECORD**

Investigation revealed that the deceased had a record of violent crimes and had previously done state prison time for two separate incidents, one in Somerville, involving an assault with a gun and a stabbing with a knife and the other in Arlington, involving an armed robbery with a BB gun. He received a house of correction sentence in 2005 for an offense involving an assault and battery with a BB gun. In 2013, Sparks was placed on probation by the Somerville District Court for a drug offense. At the time of his death, the Somerville Police had identified Sparks as a suspect in connection with a serious but non-fatal stabbing in Somerville on January 17, 2015.

## **IX. CONCLUSION**

The totality of evidence from a wide variety of sources showed that in the days leading up to February 17, 2015, Sparks was preoccupied with his former girlfriend and was becoming increasingly jealous that she was spending time with someone else. He went to the Salter School with the intent to confront her there and while there engaged in criminal conduct in broad daylight that was viewed by a number of people who reported same to the police, who responded to the area and searched for Sparks who by that time had fled.

Rather than submit to lawful authority when police located him, Sparks brandished a weapon and ignored the detectives' commands to drop the weapon and then pointed it at officers. Detective Michael McLaughlin acted reasonably and lawfully in defense of his fellow police officers, Jackman and Donovan, firing only when Sparks pointed the gun at Jackman and Donovan. Detective Edward Jackman acted reasonably and lawfully in self-defense when Sparks pointed the gun at him and refused to drop the gun. Their belief that Sparks was about to fire that gun and that death or serious bodily injury to them was imminent was reasonable in the totality of the circumstances.

This matter is now referred to the Tewksbury Police Department for whatever internal review may be deemed appropriate.





